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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

SENATE—*Wednesday, May 9, 1984*

(Legislative day of Monday, April 30, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable BOB KASTEN, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Not by might, nor by power, but by my spirit, saith the Lord of hosts.—Zechariah 4: 6.

Great God of love, whose purpose is to unite all things in Messiah, the words of prophet Zechariah remind us of human inadequacy and dependence upon Thee. As the national election dominates our thinking, we pray for unity in the Nation and in the Senate. We have everything to lose by division and everything to gain by unity.

Thank Thee Lord, for our two-party political system, for the dedicated men and women who conceived it and for the Biblical truth which inspired and motivated it. Thank Thee for the diversity in our Republic—the essence of its greatness—and for the thousands of agendas implicit in that pluralism. With all our party loyalty and competition, save us Lord from alienation and polarization. May the common welfare transcend secondary issues. When the election is over, dear God, let it not be a case of "the operation was successful but the patient died." May we take seriously what it means to be the United States of America.

In the name of Him whose love is all inclusive. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 9, 1984.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB KASTEN, a Senator from the State of Wisconsin, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. KASTEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. HATFIELD. Mr. President, I inquire of the acting minority leader if he would have any use of the leader's time on this side of 10 minutes that has been allocated by a previous order of business.

Mr. PROXMIRE. Mr. President, I thank the acting majority leader for his very gracious offer. I believe I have a 15-minute special order, and that would be adequate.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HATFIELD. Mr. President, I yield back the majority leader's time.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting Democratic leader is recognized.

OPTIONS OPEN TO THE CONGRESS ON CHINA NUCLEAR AGREEMENT

Mr. PROXMIRE. Mr. President, rarely has this Senator seen greater confusion in the press over an important national or international problem than over the agreement recently reached between President Reagan and officials of the People's Republic of China with respect to the transfer of nuclear power technology from this country to China. Was the agreement a treaty? The New York Times reported it as a treaty. It was not. They were wrong. Can the Congress reject the agreement? The Associated Press reported that the Congress could reject the so-called treaty, which I am convinced it was not. The Supreme Court decided in the famous Chadha decision that the Congress could not veto agreements similar to this.

Many Members of the Congress assumed that the Chadha decision annulled Congress veto power with respect to the 1954 Atomic Energy Act. For that reason, the Senate passed the Proxmire amendment on February 29 of this year to the Export Administration Act by a 74-to-16 vote. That amendment provided that any agreement made by the President for the transfer of nuclear technology would require an affirmative vote in both the House and Senate.

The Export Administration Act is still in a House-Senate conference. No discussion or action has been taken on the Proxmire amendment. If the conference drops the amendment or if the Export Administration Act fails to become law before the time (60 days) expires on the nuclear agreement with China, it appears likely that that agreement will go into effect regardless of any action the Congress may take.

Some may ask well, why not? Mr. President, it just happens that nuclear proliferation—the spread of nuclear weapons—constitutes far and away the most serious threat of a nuclear war. Two years ago our intelligence agencies predicted that unless we sharply reform international nuclear proliferation policies by the year 2000—16 years from now—31 nations will have nuclear arsenals. These nations would include such countries as Iran and Libya. In that grim event, nuclear war

somewhere, sometime would become certain.

But how could the agreement with China increase the proliferation risk? Is China not already a nuclear armed power? It is indeed. But the nuclear reactors we sell to the Chinese under the Reagan agreement would produce weapons grade plutonium as a byproduct. This could be diverted to military uses by the Chinese. It also could be sold to other countries intent on building a nuclear arsenal.

And, of course, the Chinese could, in a few years with this technology, build and sell nuclear plants to other countries. But would they? Did not Premier Zhao Ziyang in January of this year at the White House say, and I quote, that "China does not engage in nuclear proliferation and does not help other countries develop nuclear weapons." Did not the Chinese Premier say this? He did indeed. And that on the basis of what we know about this agreement today is the sole basis for any assurance that China will not sell nuclear technology we made available to other nations.

But does not China permit international inspection by the International Atomic Energy Agency to determine if it has diverted nuclear materials to military purposes? Yes—with a big and very dominant "but." It is this: China has criticized and denounced the IAEA. Sure, China has agreed to inspection to determine if it has diverted materials from peaceful uses—that is, production of electricity. And why not? China has never in the past and does not now have any nuclear power reactors. It never has and has not now anything to divert. It will not have for several years. That is until its U.S.-supplied plants have gone into operation. At that point, of course, China, if it wills, can change its mind.

But why should China do this? What does the record show on Chinese proliferation? After all, do we not have the word of the Chinese Premier that China does not proliferate? We have the word, but we also have the reported Chinese record.

The Chinese have been reported by the London Times, the New York Times, the Washington Post, three of the most reliable papers in the world, to have provided nuclear technology to Pakistan. They have been reported to have supplied refined weapons grade uranium to South Africa. China has been reported to have exported heavy water, critical for nuclear weapons production to Argentina. But has not China denied that it has made these nuclear exports? It has, indeed. But, frankly, if this Senator has to choose between the credibility of the Chinese Government, on the one hand, and the New York Times, London Times, and Washington Post, on the other—the choice is easy.

So where does that leave the options for the Congress on this particular, critical nuclear proliferation situation? What can we and should we do about it? From what we have been told to date, the agreement with the Chinese contains not a single provision for verification of any transfer by China of any nuclear weapons byproduct of the nuclear technology we sell them.

This country's sole safeguard against Chinese proliferation is that ambiguous toast by the Chinese Premier last January. The toast itself said China does not proliferate nuclear military technology. Note the present tense—"does not," not "did not," not "will not," not even a hint about whether it did proliferate—in the past—and not the suggestion of a clue about whether it will proliferate nuclear arms technology in the future.

One other point, Mr. President, this Senator cannot imagine a more tragic and serious precedent for any antiproliferation policy this country may try to follow in the future. Here we have made an agreement with the biggest Communist country in the world to provide with nuclear technology relying solely on an oral toast at a White House dinner. Do we have one word in writing? Do we have even a fragment of a verification agreement or a provision for auditing or inspecting the Chinese nuclear facilities. If so, let us see it. Mr. President, having made this kind of wide-open agreement with China, how can we even expect to tell any other country that we will only agree to sell them our nuclear technology if they make an effective, binding, audited, inspected agreement not to sell the product of what we sell them to other nations.

What then, Mr. President, are the options open to this country? First, we can debate the Chinese agreement, and pass a nonbinding resolution for or against the agreement. Right now this is our most likely course. What effect will this have? Absolutely none. It will have the same force as a butterfly's hiccough.

Second, we can pass a resolution of disapproval—as if prior to the Chadha decision. We can make the assertion that Chadha does not apply to the 1954 Atomic Energy Act.

We can then go to court, fight it out and take our chances. Will that work? Believe me, it is well worth the try. But it will be an uphill fight.

We can pass a free standing bill, denying the licensing of any nuclear exports to China. What is wrong with that course? Answer: The President could, and certainly would, veto our action. We would have no chance of passing the bill over the President's veto.

Fourth, we could pass a bill denying funds for processing any bill licensing the sale of nuclear technology to China. Why not? Because, again the President would veto the bill, and almost certainly kill it.

Finally, it is possible—though unlikely—that we could get timely action on the Export Administration Act. That may include the Senate amendment that requires that both Houses of the Congress give positive approval to the China agreement. This kind of conference action, and especially timing, would be fortuitous but unlikely.

Mr. President, the United States should insist on an ironclad written nonproliferation pledge from the People's Republic of China before entering any nuclear cooperation agreement with them—not ambiguous, flimsy statements of intention or dinner toast language. In their haste to reach an agreement with the People's Republic of China, the administration has turned a blind eye toward the long record of Chinese disregard for nuclear nonproliferation.

What we have is an agreement by wink and nod. Congress will have to read the tea leaves to find out what both parties have agreed to.

This is the worst kind of agreement—one given orally, subject to translation problems, and not even clear as to tense or timing.

Concern over proliferation is a bipartisan issue—affecting not only the security of the United States but the rest of the world. Not only must the Congress have a clear idea of what is in the agreement but we must have the means to verify that the Chinese live up to the agreement. That means the People's Republic of China must accept IAEA safeguards on its civilian nuclear facilities.

THE ARMENIAN REVIEW—A VOLUME ON GENOCIDE

Mr. PROXMIRE. Mr. President, the Armenian Review has recently released an edition devoted entirely to the subject of the 1915 genocide of the Armenians by the Ottoman Turkish Government.

Entitled "Genocide, Crime Against Humanity," the volume memorializes the victims of the forgotten genocide of the 20th century. Unlike the Nazi killings of the Jews during World War II, the Armenian genocide is seldom recognized.

The New York Times and the Armenian Review report shocking massacres. In one case, the plains of northern Turkey were completely covered with the bodies of over 100,000 men, women, and children. In another instance, the Turks assembled thousands of women and children, shot them, and threw their bodies into the Tigris River. The historic Euphrates River, the birthplace of civilization, was strewn with the corpses of exiles, and those who survived the massacre

were condemned to a slow and painful death in the desert without food, water, or shelter.

In all, the Armenian Review estimates the death of 1½ million Armenians in 1915. Another 500,000 were exiled from their homes.

The documentation of the Armenian genocide is irrefutable and it is necessary for us to condemn this tragedy as genocide.

The Genocide Convention is a visible instrument for condemning the heinous crime of genocide. The treaty language lashes out at the premeditated destruction of an entire people—a terror the Armenians suffered in 1915.

The United States, a self-proclaimed pillar of human rights, has yet to ratify this treaty that defends the sanctity of human life.

Let us act now in the memory of the slain Armenians. I urge my colleagues to ratify the Genocide Convention.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed beyond the hour 12 noon for statements therein limited to 5 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REAGAN ADMINISTRATION'S FARM ACHIEVEMENTS

Mr. HELMS. Mr. President, a little quiz: What was the very first industry group which President Reagan hosted at the White House during 1984? If your answer is "Agriculture," you are exactly right.

By placing agriculture first, this action demonstrates in a symbolic way that American agriculture is a priority of the Reagan administration. The President met with a group of farm leaders at the White House on January 5, 1984. President Reagan's commitment to agriculture is one of strong support and specific action.

President Reagan and Secretary of Agriculture John Block have taken a host of actions to strengthen the farm economy. I strongly commend the President and the Secretary for the actions they are taking—and all Americans can be pleased that these actions are bearing fruit.

As President Reagan stated on April 10, 1984:

> In recent years, farmers have gone through some hard times because of weak demand in export markets and unusually large harvests of certain crops that resulted in weak prices. In addition, farmers went through a particularly wrenching transition from the very high inflation and interest rates of the late 1970's to today's more restrained inflation. Now that the cost of fuel, fertilizer, equipment, and the other items that farmers depend on has stopped rising at double-digit rates, I believe that we're poised for a more stable and secure recovery in the farm economy.

He is exactly right. Crop surpluses are down, due to the success of the PIK program and the vagaries of the weather.

Farm prices are up. Between mid-February and late March, cash prices for corn, soybeans, and wheat climbed about 36, 75, and 23 cents a bushel, respectively, while cotton prices increased around 7 cents a pound.

Cash flow and credit assistance is reaching farmers, as a result of the legislation signed by President Reagan on April 10, 1984. That legislation will provide paid diversion programs with advance payments to farmers if crop surpluses are high, and will improve our farm credit programs.

Agricultural exports are being emphasized. All-time, record-high amounts of export credit for agriculture have been offered by this administration. President Reagan lifted the Carter-Mondale grain embargo and has reached a new, long-term agreement which increases by 50 percent the minimum amount of U.S. grain which the Soviet Union is committed to buy.

Beyond that, farmer's costs have been brought under control. The Carter-Mondale legacy of double-digit inflation and 21-percent interest rates has been cut, giving farmers an opportunity to make a profit in the marketplace.

All these actions and more have contributed to the basic strengthening of our farm economy for which President Reagan should be commended.

American agriculture is moving into recovery, after 3 years of depressed prices, high costs of production, and low farm income. Along with other sectors of the U.S. economy, there are real prospects for sound economic growth in agriculture during 1984.

Even so, the economic problems in agriculture which President Reagan inherited were severe. Many family farmers have been in distress. For the record, I shall explain some of the causes for the problems in the farm economy, and then describe in more depth what the Reagan administration is doing about them.

CAUSES OF THE FARM ECONOMY'S PROBLEMS

The downward slide in farm income began in January 1980. The first body blow to agriculture fell when contracts for the sale of our farm products to the Soviet Union were blocked by President Carter's embargo. The impact was as immediate and severe as it has been lasting, and farmers have yet to recover—even though President Reagan has long since lifted the embargo.

When the Carter-Mondale grain embargo was imposed, farmers felt the shock as prices plummeted. That was not the worst of it, however. Since then, the Soviet Union has diversified its sources of grain supplies. The U.S.S.R. is buying more grain from a variety of countries and has signed a series of bilateral grain agreements with other nations to assure themselves of continuing supplies from countries outside the United States. This continued loss of the Soviet market is one of the costly, long-term consequences of the Carter-Mondale embargo.

But even then, the embargo was imposed when farmers could least afford it. Farmers had been hit hard by the policies of the late 1970's which led to soaring inflation and the highest interest rates of the century. Inflation went from 4.8 percent in 1976 to 12.4 percent in 1980, and during that period interest rates shot all the way up from 6.5 percent to 21.5 percent.

Inflation, more than any other economic calamity, robs farmers of their ability to earn profits. Prices paid by farmers at the end of 1980 were running four times ahead of the increase in prices they received.

Due to the structure of our production and marketing system, farmers are less able than any in the economy to pass costs through to the end user—and are less able to recover constantly increasing costs. Profits under conditions of spiraling inflation are virtually impossible.

And there is no question that the inflation farmers had to endure was the result of the policies of ever-increasing spending and taxation imposed on the American people by bipartisan fiscal folly in Congress.

And, dare we forget the burdens placed on farmers by those who pursued excessive and unnecessary regulation of the food industry? Have we forgotten the intensity with which such earnest Federal bureaucrats as Carol Tucker Foreman pursued policies which impacted directly and adversely on farmers? Remember the struggle we had to prevent a ban of nitrites in the curing and preserving of meat products? Remember Carol Tucker Foreman's "Dietary Guidelines" which spent taxpayers' money to tell the public to eat less red meat? Remember the tilt the Carter administration expressed in favor of dangerous and costly predators as "endangered species"?

All of this is to say that there are a host of problems farmers have had to endure in recent years which were the direct consequence of policies initiated and pursued in Washington.

So, what is being done about it?

PRESIDENT REAGAN'S INITIATIVES

President Reagan came into office with a commitment to strengthen our economy through market forces. President Reagan's plan consists of stable monetary policy, relief from burdensome taxes and Government regulation, and substantial reductions in the growth of Government spending. Congress has acted on many of the President's initiatives in an effort to spur economic recovery.

During the first years of the Reagan administration, the new leadership cut nearly in half the growth in Federal spending, reducing the Federal demand on available resources.

The inflation which was making farm profits impossible has been brought under control, with the current national rate running at about 4.7 percent. The increase in farm costs has been cut dramatically. In fact, farm production expenses for the major grains and cotton actually declined by 3 percent in 1983, mainly due to PIK. In 1984, production expenses could increase 6 to 8 percent, compared with the 16-percent increase in 1979.

It cannot be emphasized strongly enough that under the previous conditions, farm profitability was virtually impossible. USDA estimates that a 1-percentage point increase in inflation will generate about a $1.5 billion rise in farm production expenses.

Now, with inflation coming under control, other conditions such as a strong dollar and weak foreign demand have not yet allowed adequate improvements in market prices. But as they do, profits will now be possible for farmers. We just cannot go back to the "business as usual" policies which will touch off another round of inflation, if we are able to cure the "disease" of inadequate farm income.

Prime interest rates were 21½ percent at the end of 1980. They are now down to 12 percent. That is still much too high, but if Congress does what needs to be done on spending, we will bring those interest rates down.

The growth in regulations which stifled economic growth has been cut by a third.

REDUCING THE TAX BURDEN

Personal and business taxes have been reduced to stimulate savings, investment, work effort, and productivity. The provision for accelerated depreciation will benefit many enterprises in agriculture.

The 25 percent 3-year personal rate reduction helps the small firms that pay their taxes by personal rates, not corporate rates, and this is another reason why it was so important to protect that personal tax cut from the big spenders in Congress.

One of the features of the tax program for which we fought the hardest addresses a special problem for farmers and family-owned business. It is not right that widows and children must lose, just to pay Uncle Sam, what generations of love and toil created. So, because of Republican leadership, the estate tax exemption will increase to $600,000 by 1987; and of even greater help, there will be no estate tax for a surviving spouse—the widow or the widower.

However, Mr. President, this hard-won reform has come under attack from the Democratic leadership in the House of Representatives. Sometime ago, the House Ways and Means Committee Chairman proposed to put a stop to all tax reductions scheduled to take effect after 1983, which would include the estate tax reforms.

The budget resolution passed by the House of Representatives in 1983 would have required a tax increase of $30 billion in 1984 and $120 billion over the 3 fiscal years, which could very possibly involve increased estate taxes. I believe that we should retain the 1981 tax reforms, and oppose the Democrat proposal to increase taxes on farm families.

PROMOTING AMERICAN AGRICULTURE

President Reagan selected a genuine, "hands-on" farmer to be his Secretary of Agriculture. John R. Block has taken a host of actions to benefit the farm economy.

USDA leaders have actively sought to educate and inform the public about agriculture. Through a program called Agriculture in the Classroom, educational groups, farm organizations, USDA and others have cooperated to provide students across the country with better information about modern agriculture and how it affects their lives.

Nearly 40 States have formed Ag in the classroom action groups. All living Secretaries of Agriculture and 46 Governors have signed a Declaration of Principle formally endorsing the product.

Soil and water conservation is a personal priority of Secretary Block, and it is vital to the future productivity of our food and fiber supply. Recently the Secretary participated in a round-table discussion on soil conservation at the farm of Peter Myers, head of the Soil Conservation Service.

USDA has targeted its conservation resources to the areas of most critical need. USDA has encouraged conservation through the PIK program—which saved over 120 million tons of soil—and has supported legislation to deny Government benefits to those who attempt to use Government money to make cropland out of highly erodible soil.

Secretary Block has stated new guidelines for the use of commodity marketing orders. These guidelines will reform and improve the marketing orders, and preserve them for their continued use.

Under this administration, USDA has recommended changes in food safety laws and continued to modernize inspection procedures. USDA strengthened controls over imported meat, and improved systems for controlling residues in food products.

Funds for farm operating credit from the Farmers Home Administration have doubled in the last 3 years under this administration. Secretary Block has instructed FmHA to "go the extra mile" to help farm borrowers with the chance to make repayments.

Over 500 million pounds of surplus dairy and other farm commodities are being donated to the needy through the programs announced by President Reagan. The special dairy distribution program has provided over 480 million pounds of cheese and 140 million pounds of butter at a value of over $1 billion to the needy. These programs will provide on average 11 pounds of cheese to participants, more than double the average annual per capita consumption.

During the current time of necessary budget restraints, the Department has nevertheless placed agricultural research as a funding priority. Our land-grant university system of research, extension, and teaching has helped build up our technological achievements. Our State experiment stations and cooperative extension services have helped make American agriculture the progressive and productive marvel that it is and have helped American farmers to become, as President Reagan has described them, "the real miracle workers of the modern world."

PAYMENT-IN-KIND

On January 11, 1983, President Reagan announced the payment-in-kind (PIK) land diversion program as a temporary measure to cut production, reduce surpluses, and trim Government costs. PIK has proven so successful that an all-time record of nearly 80 million acres were taken out of production and put into some soil-conserving practice.

PIK has been very beneficial to farmers. The value of the PIK commodities (valued at original loan rates) which farmers are receiving in 1983 and 1984 is estimated at $5 to $7 billion. Farmers who receive these commodities may sell them for an even higher value. Shortly after the implementation of PIK, farm prices of corn increased nearly 30 percent, cotton 30 percent, and rice 3 percent. PIK significantly reduced farmers' credit needs and added $2 to $3 billion to net farm income.

The cost of PIK is a matter of debate, depending on how it is measured. After all, there is no such thing as a free lunch. If the original loan rate value of the PIK commodities given to farmers is calculated as a loss to USDA, then PIK costs $7 billion. However, USDA might never have sold those commodities at prices that would have recovered their cost—in fact, doing so would have severely disrupted existing markets. Therefore, in reality, costs are minimal because the effective value of the commodities to USDA was minimal.

However, because of PIK, other Government spending on farm programs will be reduced by $9 billion through fiscal year 1986. In the process, we are putting a stop to the buildup of costly, price-depressing surpluses.

While PIK is not free, it is far cheaper than other alternatives before us. If it had not been for PIK, the buildup of surpluses would have been much more costly and burdensome. In the process, we have produced a rural economy which is more vibrant and strong as a result.

In order to make the PIK program more effective, USDA announced that storage would be paid for PIK commodities even after the title on them passes to the producer for up to 5 months, and up to 7 months in the case of farmer-owned reserve grain. The Department provided higher yield guarantees under the Federal Crop Insurance program to producers who participate in PIK, and supported legislation which was enacted clarifying the tax status of PIK commodities so as to encourage farmers to participate.

A number of farmers have called the PIK program a "lifesaver." In fact, one rural banker has been quoted as saying: "The PIK program has got to go down in history as the best 1-year farm program ever initiated."

IMPLEMENTING FARM PROGRAMS EFFECTIVELY

There are a host of other actions which the Secretary has taken to reduce production, encourage farmers to participate in commodity programs, and provide for storage of surplus products. The bipartisan 1981 farm bill is now in place and is providing record amounts of assistance to farmers.

The USDA provided advance deficiency payments on the 1983 wheat crop as a new incentive to participate in the wheat acreage reduction program. These advance payments helped improve the cash flow situation for many economically stressed farmers and provided an added incentive to cut surpluses. Such payments do not create new costs to the taxpayer, but in a case where the Government is going to make payments anyway, this allows farmers to put the capital to more productive use.

Secretary Block has made a good effort to announce each year's commodity programs well in advance of the statutory deadlines, so that farmers and their suppliers can plan most efficiently. The 1982 crop programs were announced in the month following the signing of the 1981 farm bill. Secretary Block announced the 1983 crop wheat and feed grain programs more than 1 month before the statutory deadlines. The National Association of Wheat Growers described it as "likely the earliest wheat program announcement in history."

President Reagan signed legislation in 1983 to require an earlier announcement of the wheat and feed grain programs. Beyond that, the legislation signed by the President in 1984 already specifies what the 1985 crop wheat program will be, which is helpful.

In fact, Secretary Block's record on timely program announcements is far superior to that of his predecessor under President Jimmy Carter. Of course, it is not possible or wise to have early announcements every year. However, Secretary Block has done a good job of announcing programs as soon as adequate data is available for sound decisionmaking. Such timely announcements help farmers prepare their fields and purchase their production inputs most efficiently.

On the 1983 corn crop, USDA provided a paid land diversion that was double the amount required by law.

In order to deal with the large crop surpluses and limited storage space, the administration provided $100 million in funding for the on-farm storage facility program.

President Reagan has signed into law the No-Net-Cost Tobacco Program Act and other legislation to make the dairy and tobacco programs more efficient and effective. These reforms will cut dairy surpluses, reduce the cost of the dairy program, and move these programs in the direction of a market-oriented economy.

RESPONDING TO THE 1983 DROUGHT

In 1983, U.S. farmers were hit by the effects of a searing drought—the worst in 50 years.

The Reagan administration responded strongly, both with new initiatives and with the timely use of programs already in place.

The Federal Crop Insurance program paid out an estimated $450 million in indemnities to farmers—an all-time high. The Farmers Home Administration provided emergency disaster loans at a 5-percent interest rate to qualifying farmers who suffered losses.

The PIK program itself provided great assistance in drought-stricken areas by giving participating farmers 80 to 95 percent of their normal production of crops. In the 28 drought-affected States, an average of 81 percent of the eligible acreage bases were enrolled in PIK.

The value of PIK entitlements, based on national average prices during the drought, being provided to farmers for 1983 crops in the 28 States is $8.7 billion. In total, USDA disbursed the equivalent of nearly $23 billion in farm program loans and payments in the 28 States, most of which was in the form of PIK or direct cash payments.

In addition, producers in 1,135 counties in 31 States are being allowed to graze and hay for their own livestock the conservation use acres removed from production under the 1983 programs.

Beyond that, the legislation signed by President Reagan on November 29, 1983, includes on emergency livestock feed program for drought-stricken farmers. The bill allows qualifying farmers who have suffered losses to acquire reduced-price grain out of Government storage to use as feed for livestock and poultry.

On top of that, the legislation which the President signed this spring provides additional Farmers Home Administration assistance. Among other provisions, the bill extends the time period for filing applications for disaster loans and provides disaster loans to eligible producers in counties contiguous to those counties already eligible for disaster assistance.

Even before this legislation was enacted, President Reagan directed that the interest rate on the first $100,000 disaster loans be reduced from 8 to 5 percent. The administration also implemented a plan for a nationwide computer network to expedite processing of disaster loans.

1984 FARM PROGRAM IMPROVEMENTS

On April 10, 1984, I and others joined President Reagan in the Rose Garden for the signing of legislation to reduce the long-term costs of Government farm programs and provide cash flow, credit, and export assistance to farmers.

According to official estimates, the legislation will save from $2.7 to $3.2 billion over 3 fiscal years. It does so by holding the target prices at levels more in line with the reduced inflation of the last 2 years.

At the same time, it will control production of grain and cotton more effectively by implementing paid diversion programs with advance payments to farmers if surpluses are high.

The bill makes a number of changes in Farmers Home Administration programs to assist troubled farm borrowers. For example, the bill requires that at least $310 million be made available for direct emergency loans, doubles the loan limit on operating loans, extends the repayment period on rescheduled loans from 7 to 15 years,

and requires that the lowest rate of interest apply to rescheduled loans.

The bill signed by President Reagan calls for increases in export credits and credit guarantees of $500 million in 1984 and $1.2 billion in 1985. It also calls for an increase of $325 million in funding for the Public Law 480 food for peace program. That program provides market development and humanitarian assistance overseas, under a law signed 30 years ago by President Eisenhower.

In sum, the legislation will reduce the Federal deficit. At the same time, it marks the administration's most recent effort to operate farm programs cost-effectively and beneficially.

AGRICULTURAL EXPORTS

The administration places a high priority on using market forces to strengthen the farm economy. That means an aggressive effort to improve U.S. farm exports.

It also means standing up for our farmers in the face of unfair, predatory export subsidies by other countries. Early in his administration, the President stated a three-part policy referred to as the "Reagan Doctrine" on agricultural trade.

First, the President promised that no restrictions will be imposed on the exportation of farm products because of rising domestic prices. This commitment by the President to America's farmers—and to our customers worldwide—marks an end to the artificial "cheap food policies" of earlier days. It is a commitment that farmers will not be restricted from earning profits when farm prices do go up in the future.

Second, the President pledged that restrictions on commercial agricultural exports would not be imposed for foreign policy purposes except in the most extreme situations, and even then agriculture will not be singled out.

Third, the President made clear that trade barriers and unfair practices of our trading partners must not be continued if farmers are to receive the prices they deserve in the marketplace.

The President—and his entire team—have spoken out forcefully and repeatedly against these unfair foreign trade practices. The administration is using the GATT to challenge the unfair practices of Japan and the European Economic Community, for example.

On October 20, 1982, Secretary Block announced a "blended credit" program for financing U.S. agricultural exports. The original funding for this program came from the $175 million which I provided for agricultural exports in my amendment to the Budget Reconciliation Act of 1982.

The first blended credit program used $100 million interest-free direct credits, which were then blended with $400 million of CCC credit guarantees of private lender financing at market interest rates. The total package provided interest rates at levels competitive with subsidizing countries, so as to encourage potential purchasers to buy U.S. products.

The blended credit programs has proven highly successful. By the end of 1982, all the funds had been allocated to eight countries to finance the purchase of 2.5 million tons of U.S. corn, wheat, soybean meal, vegetable oil, and cotton.

On January 11, 1983, President Reagan announced the use of an additional $250 million in interest-free direct credits to be blended with credit guarantees to finance at least $1.25 billion in blended credit export sales. In total, the blended credit program has provided financing for more than 7 million tons of 15 different U.S. commodities.

For fiscal year 1983, USDA's authorization to guarantee export credits from the private sector increased from the previous year's $2.8 billion to a record high $4.8 billion.

The Reagan administration has allocated more funds to credit guarantees under the GSM-102 program in the past 2 years than at any time in the history of market development—a total of almost $9 billion, which is two-fifths of total USDA funding for market development since 1954.

Guarantees under this program were allocated to provide for the financing of about 23 million tons of U.S. agricultural exports last fiscal year, and guarantees have been made available as of early 1984 to finance shipments totaling about 19 million tons.

In addition, on January 17, 1983, Egypt signed an agreement with the United States to buy 1 million metric tons of U.S. wheat flour over the next 12 to 14 months. The Department of Agriculture provided enough CCC-owned wheat to enable U.S. suppliers to sell and deliver wheat flour at the agreed-upon price of $155 per metric ton. Credit guarantees were also used. This action utilized surplus U.S. wheat to meet the competition from subsidized French wheat flour sales to Egypt.

Apart from these targeted actions, the United States has continually sought to end unfair foreign trade practices through the prescribed procedures of international law, and specifically through the processes provided for under the General Agreement on Tariffs and Trade.

On January 11, 1983, the President signed legislation from the Agriculture Committee which provided "contract sanctity" for agricultural exports. Such legislative assurances will let foreign customers know that the United States will be a reliable supplier of farm products.

In response to increased food needs overseas as well as the surplus supply situation in the United States for dairy products, the administration announced a program to donate these government-owned surpluses to the needy through international agreements or charitable, private sector organizations. In 1983 and 1984, 216,000 tons of dairy products have been made available so far to 19 countries for distribution to needy people in orphanages, hospitals, and so forth.

The administration has emphasized the importance of processed, value-added exports. Such exports generate additional dollars in sales and creates private sector jobs in this country. USDA has also sought to emphasize the role of the States and the private sector in this effort.

For example, USDA and the National Association of State Departments of Agriculture jointly sponsored a highly successful, first-ever exhibit of U.S. value-added products for foreign buyers in May 1983. At the exhibit, 410 U.S. firms displayed their products to nearly 1,000 foreign buyers from 68 countries during the 3-day show. This exposure of U.S. products to foreign purchasers should result in an additional $100 million of exports.

USDA's Foreign Agricultural Service is expanding the Trade Opportunity Referral Service (TORS) so as to help U.S. suppliers know the potential market needs of overseas buyers. In March 1982, USDA initiated the electronic transmission of trade leads to U.S. exporters on a daily basis, so as to keep us informed of market opportunities.

The foreign data base of potential importers has been increased by 25 percent. Total trade leads received and published have increased 12 percent over the previous year.

USDA has sent trade teams to every continent of the world in search of new markets for our farm commodities.

After much effort, the Reagan administration has successfully negotiated an agreement on beef and citrus with Japan. That agreement will nearly double the amount of beef allowed into that country. The total trade value of the agreement to American producers is valued at more than $300 million. In addition, the U.S. Trade Representative has gained significant concessions from the Japanese that will result in increased sales of manufactured tobacco and numerous other agricultural products in Japan.

President Reagan lifted the Carter-Mondale embargo. He did not impose any further embargoes, despite the fact that there were pressures to do so, and he has agreed to a new long-term agreement with the Soviet Union which will increase by 50 percent the

minimum amount of U.S. grain which the Soviets will buy.

FUTURE FARM POLICY

With current farm programs expiring next year, the 1985 farm bill will be a turning point for American agriculture. President Reagan and the Congress have taken several initiatives both to implement current programs effectively and to develop improved policy for the future.

First and foremost, our goal is to strive for real profits for farmers by effectively reducing production costs, and by seeking higher prices for crops in the marketplace.

Let us review the steps we have taken:

First: Cut the spiraling increases in production costs by over 90 percent.

Second: Eased the tax burden on farmers in particular, and on other citizens to provide for long-term economic growth for all sectors of the economy.

Third: Reduced regulations that affect farmers and ranchers, and have removed those in Government who were adversary to the farm economy.

Fourth: Strengthened USDA as an unabashed advocate for farmers.

Fifth: Emphasized the private sector and voluntarism in implementing programs such as crop insurance, storage facility financing, and surplus commodity distribution.

Sixth: Increased farm operating credit for FmHA borrowers.

Seventh: Emphasized agricultural research.

Eighth: Targeted soil conservation programs to areas of greatest need.

Ninth: Ended the Carter embargo and acted aggressively to pursue markets for U.S. farm products.

Mr. President, the record shows that President Reagan and Secretary Block have consistently and vigorously acted to benefit American farmers, while seeking to reduce program costs and get us back on track toward a profitable, market-oriented agriculture.

AN EYE ON FEDERAL SPENDING

Mr. HELMS. Mr. President, the Greater Raleigh Chamber of Commerce keeps an ever-watchful eye on the action of Congress.

The chamber's Federal Government committee has sent copies of two resolutions adopted by the committee which I feel are especially relevant to our consideration of the budget this week.

The first resolution endorses the remarkable work of the President's private sector survey on cost control—more familiarly known as the Grace Commission. After months of study, at no cost to the taxpayers, the Grace panel presented 2,478 recommendations to cut nearly $425 billion in Federal spending.

Not surprisingly, the major news media of this country have all but ignored the work. The ones who paid even scant attention to the recommendations dismissed them with criticism and ridicule.

Despite the absence of media coverage, Mr. President, the word is getting out. Men and women in the business community who know the meaning of efficiency and cost savings are hearing about the Grace Commission and its report on wasteful Government spending. They are starting to speak out in support of the recommendations.

Mr. President, the second resolution provides a set of sensible guidelines to follow in reducing Federal deficits, including passage of a balanced budget amendment, reduction of all nondefense spending, and reform of entitlements and defense programs to achieve greater efficiency at less cost to the taxpayers.

Mr. President, Mark Twain once remarked that everybody talks about the weather, but nobody ever does anything about it. I fear the same may be true of deficit spending unless Congress exercises a far greater degree of fiscal responsibility than has been the case for the past 20 years.

I ask unanimous consent that the texts of the resolutions be printed in the RECORD at the conclusion of my remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

GRACE COMMISSION RESOLUTION

FEDERAL GOVERNMENT COMMITTEE—GREATER RALEIGH CHAMBER OF COMMERCE

Whereas, the President's Private Sector Survey on Cost Control, also known as the Grace Commission, consisting of a distinguished panel of American business executives has made an extensive study of federal government expenditures and administrative controls and have made 2,478 recommendations to cut costs through more efficient, common sense management practices, and these can reduce the federal budget by $424 billion over a span of three years.

Now, therefore be it resolved, that the Federal Government Committee of the Greater Raleigh Chamber of Commerce supports these efforts to reduce governmental expenditures as outlined by this Commission.

FEDERAL DEFICIT RESOLUTION—GREATER RALEIGH CHAMBER OF COMMERCE

Be it resolved, that the Federal Government Committee of the Greater Raleigh Chamber of Commerce supports efforts to reduce the Federal Deficit:

1. Through passage of a Constitutional amendment requiring a balanced budget by fiscal year 1989;

2. Through reduced expenditures in areas other than national defense;

3. Through reduced expenditures in defense that are obtained through increased efficiency and cost effectiveness in procurement rather than diminished preparedness;

4. Through increases in revenue which are obtained through the elimination of special deductions, credits and allowances which are fair to all taxpayers; *provided*, that such increases in revenue are used directly to reduce the existing deficit and are matched by equal or greater reductions in current Federal spending;

5. Through de-indexing or reduced levels of indexing of entitlement programs such as social security, civil and military retirement;

6. Through a conscientious overhauling of the social security program to put it on a sound actuarial basis; and

7. Through sincere bipartisan cooperation to achieve these goals.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TELEVISION AND RADIO COVERAGE IN THE SENATE

Mr. DIXON. Mr. President, today I would like to bring up a matter that has been on the back burner of the Senate for some time now. I believe it is time for us to address this subject directly.

I am speaking about Senate Resolution 66, which provides for television and radio coverage of the Senate's floor proceedings.

The Senate has been studying this idea, in one form or another, since CLAUDE PEPPER first introduced a joint resolution providing for radio coverage of the Senate and the House in the mid-1940's.

Mr. President, I realize that change in this place does not come without a good deal of consideration, and while I respect our reputation as the world's greatest deliberative body, I submit to my colleagues that four decades is enough debate on any subject.

As he usually is, my wise and good friend from Florida, Representative PEPPER, was ahead of his time on this matter. Now that he serves ably and well in the House of Representatives, however, he can see the benefits of his foresight and leadership. American citizens can watch part of their National Legislature at work. Unfortunately, only one half of CLAUDE PEPPER's dream has come to fruition. The half that is missing is, sad to say, the U.S. Senate.

All of us in this body are well aware of the arguments regarding this legislation. In fact, I would wager that everyone in this place has been asked, and had something to say, about letting the cameras and microphones come in here.

As many of my colleagues may know, when the House wrestled with this question, opponents predicted that allowing electronic media cover-

age of the floor would encourage grandstanding and paralyze the legislative process during the campaign season.

Thus far, the effects in the House have been minimal. There may have been some grandstanding, but it has mainly occurred during the traditional open forum at the beginning and end of each legislative day.

The standard argument used by many is that, while the House televises its floor proceedings, we are different, our rules are different. And so they are. We provide for unlimited debate, and pride ourselves on the right of any one of us to hold this floor for as long as he or she likes.

The paramount question before us, however, is the public's right to know what we do here. That is the single most important principle guiding a democracy.

In the Illinois legislature, I was an original sponsor of the "right-to-know" law, and was the co-owner of 12 Illinois newspapers. I know, firsthand, that the more people know, the more responsive their representatives can be.

And, Mr. President, is that not our first responsibility—to be responsive to those who entrusted us with this great office?

The Washington Post recently published an article which recounts the interest and enthusiasm of many Americans who watch the House proceedings. It is obvious that this has become an indispensible tool in the political education of millions, and is certainly a shot in the arm to the democratic process. I ask unanimous consent that the Post article appear in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DIXON. Mr. President, one of my regrets about this matter is that it has bordered on becoming a partisan issue. The public's right to know is not, and should never be considered, a partisan issue. We would all benefit from a more enlightened electorate, regardless of party.

Senator MATHIAS and Senator BAKER have seen to it that Senate Resolution 66 has been meticulously crafted and that it addresses many of the concerns that some of us have.

Passage of this resolution would not lock us into permanently accepting the cameras. It would initially mean that we simply allow electronic coverage on a trial basis.

I should think with the potential benefits of this action, that provision alone should convince wavering Senators.

In addition, the resolution provides that tapes of the proceedings cannot be used for political purposes, which addresses some of the problems our colleagues in the House are now facing.

With all due respect to the distinguished chairman of the Rules Committee and to our distinguished majority leader (Mr. BAKER), the only provision I would like to see added would be similar to what I introduced during the last Congress, which would jointly authorize the majority and minority leaders to determine those occasions when coverage shall occur. Allowing radio and television coverage of the U.S. Senate is so vitally important, however, that I am willing to support Senate Resolution 66 even without the provision I would like to see included.

But that is a subject best discussed during the course of direct consideration of the resolution, and I should hope that we might begin that debate in the very near future.

EXHIBIT 1

CONGRESS: BEST LITTLE SOAP OPERA ON CABLE

(By T. R. Reid)

Night has descended over the land of the free, and in homes from coast to coast the American people are starting their nocturnal tour of the dial.

"And now, heeeeeeere's. . . "

Click.

". . . presents John Wayne, Lillian Gish, and Rin-Tin-Tin starring in . . . ."

Click.

". . . the Smasher downed the Maulers 121-97, and the Savages upset. . . ."

Click.

". . . presents Diana Lynn, Ronald Reagan, and Bonzo starring in. . . ."

Click.

". . . to address the House for one minute and to revise and extend. . . ."

Click.

No—wait a minute. What was that last show? Who's that big guy with the white hair and a gavel in his hand? This is Congress? On TV! And hey—this stuff is pretty interesting.

The preceding was, as they say in television, a dramatization, but it reflects a real and politically potent phenomenon: More and more people every day are tuning in to the country's most unusual—and in many ways most daring—broadcasting venture, the Cable-Satellite Public Affairs Network, or "C-SPAN."

There were all sorts of dire predictions (few of which came true) five years ago when the House of Representatives first authorized C-SPAN to televise its sessions. The development nobody predicted, though, has been the emergence of a devout national cult of Congress-watchers who have simply become transfixed with the daily look at their government in action.

The cable network's regular gavel-to-gavel coverage has spawned a whole nation of "C-SPAN junkies"—ordinary Americans who spend hours every day watching their congressmen at work, either live or by late-night taped replay. Watching Congress, these viewers say, educates and elucidates. But most of all, it captivates.

"It's the most fascinating thing that's ever been on TV," says Jackie Rosenfeld, a housewife in Southfield, Mich., who found C-SPAN "by accident" one day "when we were just flipping the old dial, you know, and all of a sudden there was Tip O'Neill with his gavel."

Since then, Congress has replaced the soaps and sitcoms in her household, Rosenfeld says: "We just keep it on all day. The guys [in Congress] have just become like members of the family. Even that guy whose dentures don't fit right."

Rosenfeld can't recall the name of the denture-wearer, but no matter. "We like him anyway," she says.

"It's about half a generation ahead of everything else in the media," says Marty Stiegenthaler, a devotee in Weathersfield, Conn., who moved his computer business to his home in part so that he could watch the House while at work. "It shows you what technology can do for democracy because it brings you in direct communication with the government."

Among the 17 million homes wired for this technology is the big white one at 1600 Pennsylvania Ave.—a fact that offers at least a partial answer to the political types who have wondered aloud what President Reagan does all day.

The president evidently spends part of some days watching Congress on C-SPAN, which comes in over Channel 10 on the White House TV sets. "He's an avid viewer," says Rep. Robert S. Walker (R-Pa.), himself an avid defender of Reagan's policies in Congress. "A lot of times he's said to me, 'Bob, I saw your speech on Channel 10.' "

Viewer Reagan has queued up a few times with other C-SPAN fans to telephone the studio during the network's regular call-in shows, when listeners can have live exchanges with a guest speaker. With a mixture of pride and chagrin, the network's managers recall a day last year when the president couldn't get through because too many other callers were lined up ahead of him.

While daily House coverage remains C-SPAN's main course, the network offers a number of appetizing side dishes that draw equally rapturous reviews from the audience.

C-SPAN's total budget for election coverage this year is less than CBS News will pay a single anchor man, yet the cable network has produced the most compelling and original hour of political television so far this year.

On caucus night in Iowa, C-SPAN went to one Des Moines caucus, pinned small microphones on every participant and broadcast live democracy at work—no reporter, no back-to-Dan-in-New-York, just real Americans electing their government. It was fascinating. It was inspiring. If it had been broadcast in Russia, it might have sparked a revolution. That one show conveyed the actuality of politics, and the wonder of government by the people, better than any anchor or analyst can ever hope to.

The principle C-SPAN followed that night—"let the story tell itself"—is at the core of all its coverage, and it's this that sets the network apart from the rest of TV news. The big commercial networks jump frenetically from news item to news item in constant fear that viewers will tune out by the millions if things slow down for the briefest moment, C-SPAN trusts the viewer to stay with the story; as the trade journal On Cable put it, C-SPAN "dares to be boring."

The network news shows, for example, might spend 3-4 minutes on a profile of an important congressman. PBS might give it an hour. When C-SPAN broadcast "A Day in the Life of Rep. Robert H. Michel (R-Ill.)," it gave the show a full 8½-hour day. "One interesting thing I learned was how much time he has to spend walking over

from his office to vote," recalls Frances Flynn, a regular viewer in San Juan, P.R.

When Congress is not in session, C-SPAN does things like run the cameras all day in a big-city newsroom as the paper is put together or broadcast the White House News Photographers annual dinner. A few times C-SPAN has provided live coverage of the daily meeting where the C-SPAN brass decides what to televise the next day.

The non-profit public-affairs network was set up by the cable industry five years ago last month, when the House first agreed to live TV coverage of its daily sessions.

At that time, opponents predicted that TV would turn the floor debates into an irresistible stage for political showboats and gasbags. These arguments are still made in the Senate when anybody suggests that it, too, should let the American people look in on floor sessions.

So far, the effects in the House seem to have been mainly tangential. There are showboats and gasbags, but they mainly take advantage of the traditional open forums for speech-making at the beginning and end of each legislative day. Debates on actual legislation have not changed noticeably since pre-TV days.

Some House members say that they cast more informed votes now because they can follow the floor debate on TV while working in the office.

The people who have really become better informed, though, are the C-SPAN regulars all over the country who tune in to watch Congress every day.

I recently appeared on a C-SPAN call-in show and asked the regular audience about their viewing habits. They responded with a blizzard of phone calls and letters; the general message was crystallized by Shirley Baas, a retiree in Wallingford, Iowa, who wrote "it has been an ever snowballing passion in my life."

I heard from the "Watchdogs of Congress," a group of women in Sioux City, Iowa, who gather daily to watch the House do its work, and from a club called the "Older Citizens of Moore" in Moore, Okla., whose meetings center on C-SPAN. I learned of a viewer in Lubbock, Tex., who was so upset when her cable service dropped C-SPAN that she bought a $2,000 earth-station antenna to pull in the network without cable. (Other C-SPAN fans in Lubbock eventually raised such a stink that the city council ordered the cable firm to put Congress back on the schedule.)

The people at C-SPAN can't say how many such "junkies" there are. "We intentionally don't deal in numbers," says Brian Lamb, C-SPAN's president, a friendly, dapper, gray-haired sort who could easily pass for a big-network anchor man. "We're trying to narrowcast; we're not looking for the most popular programming."

The C-SPAN people will say that the audience is growing steadily. And the growth is almost certain to continue, if for no other reason because more and more communities are getting cable television.

Rep. Newt Gingrich (R-Ga.), who was one of the first congressmen to discover that the House had a loyal TV following, says estimates based on Arbitron surveys indicate that about a quarter-million people watch C-SPAN every day, with millions more tuning in off and on.

In television terms, this is small potatoes. Even the lowest-rated major network shows regularly attract about 6.5 million viewers. But in politics, a few million intense and devoted people distributed in hundreds of congressional districts from Key West to Kodiac are not something to be ignored. "Most House members will travel pretty far to talk to 200 people," Gingrich says. "When I stand up on the floor, the audience might be 1,000 times that."

Accordingly, some House members have made a conscious and successful effort to appeal to the C-SPAN audience. The result has been that some congressmen who rarely penetrate the consciousness of political Washington are developing a loyal national following.

Several representatives give credit to Rep. Bill Alexander (D-Ark.), a comer in the Democratic leadership ranks for blazing this trail. About a year ago Alexander began scheduling "special orders"—long speeches that come at the end of the legislative day, when the House floor is all but empty—and alerting TV viewers ahead of time that a major speech was coming.

Alexander, though, was mainly a one-man band. This year, a group of conservative Republicans turned the Alexander solo performance into a highly orchestrated symphony. They have put together a detailed schedule of "special order" speeches on designated subjects—one of their chief topics is how Speaker O'Neill mistreats the minority Republicans—and taken their case, day after day, to the people.

The talkative Republican insurgents include Gingrich of Georgia, Walker of Pennsylvania, Daniel E. Lungren (Calif.), Connie Mack (Fla.) and Barbara Vucanovich (Nev.). The C-SPAN viewers I talked to were familiar with the whole group.

"That Walker—I could listen to him all day," said Jackie Rosenfeld, the Southfield, Mich., housewife. "I have to turn the set down when Walker and those guys get up," counters Shirley Rossi, a self-described "C-SPAN junkie" in Pueblo, Colo. To the politicians, of course, the important thing is not whether a particular viewer likes or dislikes Walker; it is that this junior Republican congressman from Lancaster, Pa., is instantly recognized in Southfield and Pueblo.

O'Neill himself made the point one day last month when he was presiding over the House. He pointed his gavel around the floor, recognizing "the gentleman from Kansas" and "the gentlelady from New York" for speeches. But when he came to Walker, O'Neill said "the chair recognizes the media star from Pennsylvania."

Some Democrats are so disturbed by the emergence of Republican "media stars" that they are talking about terminating each day's TV coverage of the House when the legislative business is finished. That would mean the "special order" speeches would no longer be televised.

O'Neill, though, wouldn't even propose such a thing. "Television is here to stay permanently now," the speaker said last month. "I think there'd be a hue and cry if you were to shut it off . . . among the senior citizens, those who are not addicted to those soap operas. They watch the Congress and they love it. It's unbelievable."

Unbelievable, perhaps, in metropolitan Washington, D.C., where only a small fraction of the population has a cable connection to bring in C-SPAN. But the daily House sessions are no longer a novelty to the C-SPAN devotees across the nation. For a growing number of people, watching Congress in session is an essential element of the daily routine.

And to these loyal viewers, C-SPAN has become an essential part of the interchange between the people of this vast democracy and their government in Washington.

"That term 'legislative junkies' is funny, but I think it underestimates the audience of C-SPAN," says Aileen Weber, a regular viewer in Colonial Heights, Va. "The people who are watching are people who have discovered how interesting and how important it is to keep track of our representatives when they make our laws. I think more people are going to learn about this, and that is going to make a big difference in our democracy. I think we'll find out that C-SPAN is the most important thing that's happened to democracy since the invention of moveable type."

THE KING'S NEW CLOTHES

Mr. CHILES. Mr. President, the economy is back on page 1, and the news is not good. The interest rate jumped a half percentage point yesterday, and the international trade deficit reached an all-time high. Now we have a report that Mr. Martin Feldstein has announced that he is leaving the administration.

I am reminded of a story about the king who started off wearing clothes made out of whole cloth. Then his advisers started telling him that he should wear clothes that looked better than that, so he started going to beautifully colored clothes, clothes that were made out of finely woven silks. Then they started using silver threads and golden threads. They just had to keep going.

Finally, they came up with a magical thread. The advisers all told the king how lovely he looked in the magic cloth he had on. All of his subjects around him said the same thing.

The king was out strolling 1 day and finally, there was a little boy who had not been brought in on the story. The little boy said, "The king does not have any clothes on."

Well, Mr. President, the little boy in this administration, the one person who has been willing to say that the President does not have an economic policy, is now going to leave. Some might say it is Jimmy Carter's fault; it is the legacy of the Democrats; it is the fault of the recession; it is the fault of inflation, it is the fault of someone else. But there was one person, and that was Martin Feldstein, who said, "We do not have a policy."

Back in December, Mr. Feldstein was in the doghouse. Come July, I guess he is going to be in the outhouse. I think that is a tragedy, because I think he was one voice that tried to speak out in the administration.

I recall a speech the President made in December 1983, when he said, after the Lebanon situation, "If there is to be blame, it properly rests with this office and with this President. I accept responsibility for the bad as well as the good." Those words should be the operating guideline for any President when dealing with matters for which his administration is responsible. That

principle should apply in a uniform way to the economy.

Yesterday, the White House press spokesman, Larry Speakes, took one look at the prime interest rate, up to 12.5 percent, and blamed the Federal Reserve. He said it was their monetary policy driving up the interest rates. We see in this morning's paper that White House officials said the criticism of the Fed grew out of discussions yesterday morning that involved Mr. Regan, the Treasury Secretary, the White House Chief of Staff, James Baker, and the President.

So when the prime interest rate went up, who is to blame? The Fed. Treasury Secretary Regan joined in the criticism of the central bank. "We are disappointed," he said in an interview. "We asked the Fed to supply enough money to keep the recovery going."

Three days ago, Mr. Regan was asked on the Brinkley show about the policy of the Fed, and he said:

> So far, the Fed has been providing enough funds. I see no evidence of overtightening, and I do not agree with those who think that they will overtighten.

So the Fed sure did something in 3 days.

But I do not think, Mr. President, the Fed actually did anything in 3 days. What happened was that the prime rate went up during that time. The banks decided that the economy was going so fast that private borrowing was beginning to clash with the tremendous borrowing of the Treasury to finance the deficit of this Government. And interest rates went up. Everything we read now is that they are going to go up some more. So we have to find somebody to blame, and it is going to be the Fed. When inflation is down, the administration is quick to claim the credit. That is not to the Fed's credit; that is the administration's credit, even though it is the tight money policy at the Fed that holds the inflation down. But when the interest rate goes up, then it is the Fed's fault.

Well, it seems to me that it is not the problem with the Fed's policy. It is a policy of finding somebody to blame. The White House takes the credit for economic growth. It is trying to take as much credit as possible for fighting deficits, while most analysts say it is a shadow boxing match. But if the administration's foreign policy does not work, it blames the Congress. If interest rates rise, they blame the Federal Reserve. If they are condemned for having too many appointees suspected of official misconduct, they blame the press.

It seems that we ought to demand the kind of leadership consistent with the President's pledge of last December: "I accept the responsibility for the bad as well as the good." I ask you where the responsibility lies when the VA raises its loan rate to 13.5 percent? Where is the responsibility when, since October 1982, the 90-day T-bill has risen from 7.35 percent to 10.04 percent? Who takes the responsibility when the 30-year T-bond rate in November 1982 stood at 10.33 percent but yesterday it was at 13.11 percent? I think you have to trace it back to where it belongs—an economic policy that is willing to live with a $180 billion deficit and to actually see it climb to $204 billion by 1987. That is the Rose Garden plan. But all the time, they insist they have a deficit reduction plan.

Mr. President, when Secretary Regan testified before the Senate Budget Committee earlier this year, I challenged him on some points in the Economic Report of the President. His response was to say that the document was not really the President's economic report. That bothered me a great deal last February. The President's signature was on that report; it was a public document, but the Secretary of the Treasury was willing to disown it. In fact, he said we could throw it in the trash can. The fact that the President's name was on it did not seem to mean much to his thinking.

Interest rates are high and they are going higher now. More and more economists are talking about a slowdown in the economic recovery. We have a record trade deficit that threatens to put the United States in hock to the rest of the world by the middle of next year. But I do not hear the White House accepting responsibility for these things. What I hear is blame upon the Congress for big spending, blame upon the Federal Reserve System, and even though the President got his $350 billion worth of spending cuts from the Congress when the economy stalled early in this administration, the President blamed Congress for not giving him everything he wanted. He imputed some blame on the markets for not giving him enough time. I think it is time the President accepted some responsibility for the bad as well as the good. I think it is time that he joins hands with Congress in a reasonable way to cut the deficits, to do that now and to do that in an amount sufficient to stop the tremendous interest rise we now see.

IN MEMORY OF C. BRAXTON VALENTINE, JR.

Mr. HEFLIN. Mr. President, it was with great sadness that we noted the recent passing of a former Senate staff director, C. Braxton Valentine, Jr.

Brack, as we all knew him, had served, except for its first few months of existence, as the only staff director in the history of the Select Committee on Ethics. In this thankless position, he oversaw the always difficult, often painful, investigations of the Koreagate scandal, and of former Senators Ed Brooke, Herman Talmadge, and Harrison Williams. Through it all, Brack served with dignity and discretion.

I was fortunate, when I became chairman of the select committee in late 1980 until his retirement for reasons of failing health last November, to work closely with Brack Valentine. During that period, and especially during the Abscam-related investigation of former Senator Williams, it was a relief to be able to depend on Brack for his sound judgment and careful attention to these matters of public propriety.

We all knew Brack not only by his trademark bow tie, but also by his quiet leadership and his polite, refined style, befiting the country gentleman which he was.

Brack was a good lawyer, a fine man, one heck of a good duck hunter, and a devoted public servant willing to do the Nation's business without an ounce of personal recognition. I valued his wise counsel, and we will all miss him.

Our prayers are with his family, and many friends, during this time of great sadness.

SENATOR RANDOLPH URGES RELIEF FOR FERROALLOY INDUSTRY

Mr. RANDOLPH. Mr. President, our domestic ferroalloy industry is critical to our national defense. Ferroalloys are essential components of steel, and have no substitutes in the production of many military items from jet engines to missile systems.

Foreign competition from potentially unstable countries is threatening to destroy this domestic industry. Accordingly, the industry applied for import relief under section 232 of the Trade Expansion Act of 1962 in July of 1981. The administration has yet to make a final determination in this case, and in the meantime, this segment of our economy continues to suffer heavy losses. In 1979, the market share of imports was 45 percent. Today it is 64 percent. In 1979 ferroalloy operations were running at 84 percent—power consumption—capacity. Today they are running at only 36-percent capacity. Seven of twenty-two ferroalloy plants in the United States are closed and the remainder are operating at reduced levels. In 1980, all U.S. ferroalloy plants were operational.

Ferroalloy operations are located in Alabama, Iowa, Oregon, Washington, Ohio, Tennessee, South Carolina, Kentucky, New York, New Jersey, Mississippi, and West Virginia.

Mr. President, in my judgment, the use of ferroalloys in steel and in the

manufacture of military equipment clearly makes these products vital to our national defense and security. Yet, imports are being allowed to take over our domestic market, causing a significant deterioration in our U.S. industry. If the current trend continues, we will not be in a position to fill our country's ferroalloy requirements.

I strongly urge the administration to make a rapid, favorable determination on behalf of the critical defense base ferroalloys industry.

CALL FOR A MIDEAST SUMMIT

Mr. SPECTER. Mr. President, the Camp David accords constitute the most important development of modern times to promote peace in the Mideast. That is why I am urging a new initiative to advance the Camp David process: a Mideast summit.

Peace in the Middle East is essential to the development of all nations in the region and to world peace.

How tragic, then, that the bright hope for peace has dwindled, as the Camp David accords have been undermined or ignored. We should all be working to strengthen and broaden the Israeli-Egyptian Peace Treaty, and to address the wide range of issues central to achieving comprehensive peace in the Mideast region.

I believe the time has come to implement the objectives of the Camp David accords by convening a Mideast Summit to negotiate these critical issues. If the peace process is to replace the waging of war, then the parties of the Camp David accords—the United States, Israel, and Egypt—must regain the initiative by leading the nations of the region to the conference table for a Mideast summit meeting.

With this in mind, I have written President Mubarak urging him to take the next step in the peace process; to open new channels of communication and exchange, by calling for a Mideast summit to include heads of state throughout the region, without whom lasting peace is illusory. Such a summit would be a natural extension of the efforts President Mubarak has already been making to broaden the scope of negotiations.

Last June, I visited Cairo and had an opportunity to discuss these issues at length with President Mubarak. I began that discussion by expressing the appreciation of the United States for Egypt's support of the Camp David accords and for his repeated statements that he would support in all ways the principles embodied therein. I then raised the question of further negotiations between Israel and Egypt in pursuance of the principles of the Camp David accords which had not yet reached full fruition.

President Mubarak expressed his interest in having such discussions but said that he did not believe the time was right. I inquired as to how President Mubarak thought that King Hussein of Jordan might be involved in those discussions. President Mubarak responded that he believed there would have to be a link established between Palestinian leaders and King Hussein before that involvement would occur.

Speaking for myself, I conveyed my view that Yasser Arafat and the PLO were inappropriate representatives of the Palestinians, but that we certainly needed to pursue discussions on the Palestinian issue. President Mubarak said that wherever he has gone, he has explained the principles of the Camp David accords to leaders of other Arab nations and that, privately, leaders of other Arab nations agree that Egypt had done the right thing in entering into this peace treaty with Israel brokered by the United States.

President Mubarak observed that the Arab nations have a propensity to reject opportunities when they are presented and accept them only when it is too late. But notwithstanding that, President Mubarak was optimistic that the opportunity would be present for others among the Arab nations to join in the Camp David peace process and the extension of it.

It is precisely this kind of local initiative that holds the greatest promise for resolution of the complex issues involved. The leadership role of the United States is valuable and undeniable, but only the nations of the Middle East can establish the framework for negotiation that must replace the armed conflict that has so far dominated the region.

The impact of the face-to-face meeting of Prime Minister Begin and President Sadat cannot be denied. Similarly, a broader summit is a prerequisite to meaningful negotiations aimed at easing tensions throughout the region and resolving the issues that create those tensions.

This first meeting need not be in Washington; Egypt may well be a more logical site. The venue for subsequent negotiations could then rotate among the participating nations. The United States could contribute as an observer or mediator, but the impetus and ideas must originate in the Middle East. Again, my own belief is that the PLO would be an inappropriate representative of the Palestinians, but the Palestinian people must be a part of the discussions.

The critical aspect of these talks is that they will expand the scope of negotiations to embrace not only the concerns addressed in the Egypt-Israeli Peace Treaty, but also deal with the situation in Lebanon, the threat posed by the Iran-Iraq conflict, and other issues of vital importance to the region. The importance of involving other states lies primarily in the prospect of a second Arab state following Egypt's example and recognizing Israel and its right of existence.

Israel has struggled bravely for 36 years to retain its independence and insure its survival. But military strength and readiness are costly and ultimately uncertain guarantees of the lasting security that is necessary to foster an environment in which Israel can flourish. There are those who contend that times have never looked less promising for a major breakthrough such as a summit meeting. Yet, it is precisely at such times that our vision is often clearest, the need for action most compelling, and the value of bold initiatives the most self-evident.

After all, when a state must spend 50 percent of its budget on defense, suffers 200 percent annual inflation and spends several billion dollars to drive PLO fighters from neighboring Lebanon, the undertow to economic growth is almost overwhelming. The alternative is to achieve security through a better balance of strength and diplomacy, relieving the economy of part of this heavy burden.

The stake of the United States in all this is tremendous. Soviet and American forces are in a face-off in the Mideast where the outbreak of another border war could ignite worldwide conflict, even a nuclear war.

This is the moment to begin the process that can bring peace to this strife-filled region.

SMALL BUSINESS LEADERS DESERVE COMMENDATION

Mr. PERCY. Mr. President, from May 7 to 11, the Nation will be celebrating Small Business Week to recognize the efforts and achievements of our 16 million small business enterprises.

As a former businessman, it is a special pleasure for me to salute the many contributions of this hardworking group, and especially two citizens of my State who have been selected for national honors: "The Accountant Advocate of the Year for 1984: William Barth, and the Illinois Small Businessman of the Year, David Ransburg."

OUTSTANDING BUSINESS OWNERS RECOGNIZED BY WHITE HOUSE AND CONGRESS

The State awards will be made by President Reagan in a ceremony in the Rose Garden on May 9 and the advocate awards will be made at a congressional lunch on May 10.

The Illinois statewide award was won by David P. Ransburg. He is president of the L. R. Nelson Corp., of Peoria, a firm that he built into one of the country's leading manufacturers of lawn and garden machinery.

Mr. Ransburg has introduced innovation into this field—including electronic irrigation devices—to the extent that three-quarters of Nelson Co. sales

are attributable to products developed in the past decade. The corporation entered the export market in 1977, and employs over 300 people in a flexible work force.

This record typifies the contributions of small business leaders throughout the country in providing improved goods, services, jobs, innovation, economic opportunity, and a better standard of living for our citizens.

ACCOUNTANT ADVOCATE OF 1984 FROM ILLINOIS

The accountant advocate is one of six special awards made to persons who have significantly increased awareness of small business concerns or created opportunities for small business to succeed nationally.

The career of the 1984 accountant advocate, Bill Barth, of St. Charles, Ill., is an example of what small business leadership can contribute to business, to our economy, and our country.

A DEDICATION TO PROFESSIONAL SERVICE

Mr. Barth joined the small business division of Arthur Andersen & Co. as a young accountant in 1948, only 4 years after a separate small business division was established within the firm. This was well before there was an Independent Business Association of Illinois—founded in 1980.

Bill Barth became a pioneer in many ways. He was the director of small business practice at Arthur Andersen from 1973 to 1982 and the guiding spirit as it grew into an instrument of outstanding service to small business. Unique among the large accounting firms for many years, its personnel were encouraged to focus their professional efforts solely upon small business firms, and were kept available within their communities to respond to their periodic needs and emergencies.

A DEVOTION TO FREE ENTERPRISE

However, Bill Barth looked beyond professional matters, to examine the financial, tax, and management laws, regulations, and conditions under which small firms were operating. He tried to improve this climate for businesses of all sizes, particularly new and small enterprises that are the heart of the free enterprise system.

From 1978 to 1983 he entered upon a subsequent career as director of legislative liaison for small business of his firm, and came to Washington often: as a member of the Small Business Committee of the American Institute of Certified Public Accountants—AICPA, as a member of the Small Business Administration National Advisory Council, and as chairman of the task force on Capital Formation for the White House Conference on Small Business.

The blend of his knowledge of small business operations, his technical expertise, and his acquired knowledge of policy matters, enabled him to make a series of innovative recommendations aimed at solving some of the most critical small business financial problems.

For example:

He designed and proposed the small business participating debenture as a capital-raising device tailored to closely held and small firms, in 1978;

He captained the small business campaign resulting in the withdrawal of the complex and onerous debt-equity regulations in 1982;

He was the coauthor of the application for a class exemption for small pension loans in 1983;

He was a member of the Task Force on Secondary Markets of the SBA National Advisory Council, which resulted in legislation pending before this Congress;

He was a founding member of the AICPA Small Business Committee and the originator of the idea for Small Business Unity Conference that will take place in Washington, D.C. during June 1984; and

He was also a frequent witness before the tax writing and Small Business Committees on the vital tax and capital formation legislation of the last 5 years.

These efforts blazed new trails for the accounting profession, for the cause of small business, tax policy and the economy.

A COMMITMENT TO PEOPLE

Beyond this, however, Bill Barth will be remembered not only among his family, but among his business colleagues, his neighbors and the small business community nationally for his qualities of strength, decency and humanity. This spirit will continue to illuminate the causes for which he worked. It is a great legacy which I hope will find an appropriate monument.

Therefore, my congratulations on these honors go to David Ransburg, his family and his company; and to William Barth's wife, Mary Barth; to his children, Douglas Barth and Karen Copeland, and to the three Barth grandchildren. The awards are richly deserved and merit the recognition of the U.S. Senate on this occasion.

THE PEACE CORPS

Mr. PERCY. Mr. President, recently, the Chicago Tribune ran a series of articles on an important Government agency that has, in my opinion, done an excellent job in terms of offering genuine help to developing nations and fostering a better understanding of ourselves and those nations in light of today's interdependent world community.

That Government agency is, of course, the Peace Corps which is now 23 years old.

During this National Volunteer Week, we would do well to recognize the continued commitment of our Peace Corps volunteers and to applaud their efforts.

I am proud that Illinois is well represented in the Peace Corps. Currently, over 265 men and women from my State serve as Peace Corps volunteers. And over the years, more than 5,300 Illinoisans—young and old—have served the cause of peace in that capacity.

This is more than just mere numbers. It is a commentary on the commitment of Americans to the pursuit of understanding and harmony that begins in the unique person-to-person way that is the hallmark of the Peace Corps.

I believe that the fine articles by John Gorman, himself a former Peace Corps volunteer, that appeared in the Chicago Tribune, April 22-24, 1984 provide us with an accurate and thought-provoking picture of the meaningful work done by the Peace Corps in the developing world. I ask unanimous consent that these articles be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AMERICANS STILL ROAM GLOBE TO SOW PEACE

(By John Gorman)

KATHMANDU, NEPAL.—Two years ago, David Lipinski walked away from a $28,000-a-year job offer back home in Massachusetts to take a $2,100-a-year job with the Peace Corps.

Lipinski now spends much of his time walking through the rolling amber foothills of the Himalayas, plotting how to persuade Nepalese farmers to try new and improved agricultural methods.

A 27-year-old native of Adams, Mass., Lipinski is one of about 5,400 Americans who are working to meet the challenge President John Kennedy laid down 23 years ago when he created the Peace Corps as a place for Americans to answer the question: What can I do for my country?

Much about the Peace Corps has changed since those days of Camelot. Yet much has remained the same.

For Lipinski, like the 100,000 Peace Corps volunteers before him, there is little change in how he goes about trying to improve the lives of the people he was sent to help.

He must be part salesman, part con artist, part ambassador, part agronomist. He will try persuasion, but he may have to revert to flattery if logic fails. Or he may sit around all night in a mud hut at 7,000 feet, drinking rice whiskey, shooting the breeze in Nepali, but always looking to make his point, to gain his objective.

For nearly two years, Lipinski has been traveling out of the Kathmandu valley, attempting to persuade farmers to use fertilizers and improved varieties of seed for wheat, rice, corn or finger millet.

"I'm gone for three weeks at a time," Lipinski said. "After talking to the farmers about their crops, checking on how they're going, we sit around at night and B.S. about everything. Older government officials and other expatriate agencies don't have the energy to go out in the field to see how the

programs are coming—that's where the Peace Corps comes in."

The Corps functions best with people who are idealistic enough to accept the sacrifices but practical enough to do the job. Lipinski received a degree in resource economics from the University of Massachusetts and could have begun his career immediately. Instead, he joined the Peace Corps.

"I'm ambitious, but not for money," he said. "I just like to do a lot of work, so it seemed like the Peace Corps was for me."

The financial rewards are meager. While overseas, the volunteer receives a "living allowance" that roughly equals the salary of those with whom he lives and works. In Nepal, that's about $75 a month, but it varies from country to country and site to site. For three months of training and 24 months of service, $175 a month is set aside to be paid as a $4,725 "readjustment allowance" upon leaving the Peace Corps.

By contrast, a U.S. Army volunteer with fewer than four months of service receives $573 a month and an intern with the Agency for International Development [AID], which funnels funds and other aid to needy nations, gets about $1,500 a month.

The American ambassador to Kenya, William C. Harrop, assessed the corps in a telegram last year to the State Department:

"There is no—repeat, no—U.S. overseas program that yields as much return for the taxpayer's dollar as the Peace Corps." The Peace Corps budget is $115 million for fiscal 1984.

Another volunteer in Nepal who chose the Peace Corps over money is Rick Kunkel, 25, of New Brunswick, N.J., who has a bachelor's degree in plant science from Rutgers University.

"I suppose, when I joined, it was a little idealism, plus I felt I had a skill that I thought could help people," he said. "Then there's the travel and adventure too."

Kunkel has had both. To reach his site in the hills stretching east toward, Tibet, Kunkel must make a one-day bus trip from Kathmandu and then an eight-hour trek. For more than a year, he worked in a program trying to improve the quality of seeds.

"When I first arrived, I went to the village leader," Kunkel said. "He liked what I presented in my broken Nepali.

"I guess I came over to save the world, but that wasn't realistic. At first, it was Murphy's law—whatever could go wrong would go wrong. We were promised a batch of seeds, and it never showed up. When it did show up, it was half eaten by insects."

The plan was to have farmers sell their seeds to the government, which would keep the good seeds and return the inferior ones to the farmer to use to grow food.

Along with a government junior technician [JT], Kunkel eventually persuaded about 30 farmers to take over the seed-production operation themselves.

"We (volunteers) know more technically than the JTs, but they know the Nepali way to do it. We supply a bit of a catalyst for the JTs."

As Kunkel spoke he sipped Tibetan tumba, a mildly alcoholic beverage made of fermented millet, in a Kathmandu tea stall.

"I left that village in September because I felt they knew all I could teach them," he said. "It was like taking away a kid's training wheels on a bike. I returned in November, and the farmers were running everything just fine."

Sharing the table with Kunkel was Larry Prinzbach, 32, from Milford, Ohio. Prinzbach explained his ambivalence about the seed program in which he had worked with Kunkel.

"Mine was an AID-funded project to build a warehouse with a seed cleaner, seed treater and moisture tester," said Prinzbach, who has a bachelor's degree in plant protection from Colorado State University. "I worked with my Nepalese counterpart to help the farmers produce the seed and train the people to use the equipment."

Prinzbach worked for 16 months with a junior technician until the warehouse was functioning smoothly, and then he left.

"Now I hear he [the junior technician] has been transferred at a crucial time, planting season," he said. "I don't know how it's working without him. I'm a little afraid of going back for fear of what has happened."

Snafus and bureaucratic bunglings have plagued volunteers since the first group left the United States 23 years ago for Ghana.

"If the Nepalese system worked well, we wouldn't be here, said Lane Smith, Nepal Peace Corps country director, who toiled as a volunteer in the landlocked Himalayan kingdom 12 years ago.

"The volunteer must depend on the government's working well and it's not working real well," Smith said. The volunteer is there to stimulate. So if the volunteer complains about a lack of materials to a regional officer it's hardly as effective if he comes with his counterpart [coworker].

"The volunteer wants to get things done and the easy way to get things done is to go around the system. But his Nepalese counterpart can never repeat that [after the volunteer leaves]. The focus should be human resource development with them as your tools. Effective work is helping people to do the work."

Nirmardan Bashnyat, education director of the central region, agreed with Smith's goal of self-sufficiency, but he said volunteers are still needed as teachers.

In Thailand, 1,500 miles southeast of Kathmandu, 40 percent of the volunteers teach English, but nearly half of them also work in crossover, or secondary, projects. Worldwide, about 29 percent of the volunteers are involved in education programs.

Robert Charles is the Peace Corps country director in Thailand, where he was an assistant director in the late 1960s and early 1970s.

"The Peace Corps relationship now with the Thai government is that they are the horse and we're the cart," said Charles, a Connecticut native. "It used to be the other way around. In the early days, we called the shots and now they do.

"Thais want English teachers because they need English for graduate school abroad, but volunteers also cross over into agriculture extension work."

Three hours north of Bangkok, Kevin Loso, a 24-year-old from Rutland, Vt., with three years of farm experience, fits the mold of the increasingly qualified volunteer. He teaches English to 8th and 9th graders at the Khao Sai School in the morning; in the afternoon he instructs students at the school's farm.

"At first, it helped to be in the classroom to have something to do, but now I'd rather be working on the farm," said Loso, who at 6 feet, 6 inches towers over his students and fellow teachers. "Sixty percent of these kids will have no use for English when they leave school; so it's hard to sell it to them. I look at English as a vehicle to get them thinking, to open their minds.

"Culturally, the kids are discouraged from having their own ideas. Suddenly at 40, they're expected to have these great ideas, but they've had no practice."

At the farm, Loso uses his experience on a Vermont farm to teach the children about agriculture.

"Ninety-nine percent of these kids are from farms," said Loso, who extended his two-year commitment for six months to complete the school term. "I try to teach the kids to use insecticides safely. A lot of the farmers don't really know how much money they're putting in and getting out. I show the kids how to keep accounts to determine how much they've made in projects like raising chickens."

Extensions of service are common, according to director Charles. Nearly 15 percent of the approximately 170 volunteers in Thialand seek extensions at the end of their service. Worldwide, the extension rate is about 14 percent, but about one in four volunteers leaves before the two years are up, according to the agency's figures. The reasons for quitting include health problems, family emergencies, unsuccessful programs or simply an inability to adjust to living in another country.

At Thailand's Uttaradit Teachers College, Keith Fahrney, who has a degree in tropical agriculture from the University of Hawaii, teaches students how to teach agriculture.

But Fahrney, 29, has not confined himself to the classroom.

"I try to find innovative things useful to Thailand," Fahrney said. "We build a biogas project to provide fuel for the poorer kids at the school to cook with. Half the funds came from the school, and the other half came from a combination of the Peace Corps, U.S. AID and the Thai government."

While a student in Hawaii, Fahrney became friends with a beekeeper and learned to raise bees. At Uttaradit he found an outlet for that expertise.

"Honey is expensive here and there's a real demand. It's not difficult to raise bees. We imported Italian honeybees with financial help from the Peace Corps and AID. We're getting to the point that I can begin getting farmers started, but I only set up the kids [sons of farmers] who have worked with the bees."

Although interagency cooperation was scarce in the Peace Corps' early years, it has blossomed recently. Last year AID committed $460,000 to help Peace Corps volunteers through the Small Project Assistance program. The program allows Peace Corps country directors to use up to $10,000 for each project involving food production, energy conservation, small-business development and other income-generating activities.

In the charming hill town of Chiang Mai, Thailand, Ruth Barry, of Marquette, Mich., felt "pretty useless" during her first year teaching English to blind children.

"My Thai wasn't good enough, and these kids depend so much on language," said Barry, a graduate of Western Michigan University with a degree in special education of visually impaired children. "I had to describe things to them, tell them where to go. Then when I got better, it was kind of rewarding to know, 'Yeah, you can talk Thai.'

"Blind people are kind of looked down on here, but if they can speak English, they stand out as someone who is educated."

While showing a visitor around the Chiang Mai School for the Blind, Barry paused while a 14-year-old boy read aloud several paragraphs in English from a book in Braille.

In the last year, Barry has begun to teach some of the school's 70 children how to make bricks, using a simple wooden frame to form the bricks and a small oven to bake them. As she stood by the oven explaining the process, a half dozen small boys gathered around her, reaching out to touch their teacher, then clinging.

"It's really too early to see if it's working," said Barry, 24. "It's been very hit and miss. We've just begun trying to sell the bricks. They're not very pretty. They'd have to be used on the inside of a stucco house."

Later, in the school's open-air cafeteria, she reflected on her nearly two years at the school.

"Sometimes I've felt lost, but you can't expect miracles. My immediate rewards are my friends here."

Trained volunteers such as Barry, Fahreney and Loso are just what the Thai government is looking for. In the 1960s, the "generalist [volunteers] tried very hard, but sometimes failed without skills," according to Poorsri Thongkaimook, director of external cooperation for the Thai government.

The Peace Corps entered Thailand in 1962. It is still there today, teaching, building dams, training technicians in malaria control and training physical therapists, among other programs.

WHAT WE DID THERE WAS GOOD—A VOLUNTEER BROUGHT FOUR DECADES OF EXPERIENCE

In 1917, the year John F. Kennedy was born, Emma Brodbeck left the United States to be a missionary in China.

In 1962, at age 69, she abandoned retirement to join Kennedy's Peace Corps. Still sprightly at 91 and in her second retirement in Alhambra, Calif., Miss Brodbeck believes she may be the oldest former volunteer.

"I took the test for the Peace Corps with all those young people." Miss Brodbeck recalled. "They wondered what that woman with the white hair was doing there."

In contrast to her younger colleagues in an education program bound for the Philippines, Miss Brodbeck had had four decades of experience in Asia: 35 years in China and later 5 years in Philippines.

"In training, it was run, run, run," Miss Brodbeck said. "Kennedy was a physical fitness fan, and he had all those young people to practice on. The young women were all wearing shorts. Well, my goodness, I'd never worn shorts before in my life. In China, they didn't want to see too much meat."

A native of Marseilles, Ill., Miss Brodbeck graduated from the University of Chicago with a degree in science at age 21. In 1917, she set off for China as a Baptist missionary and was twice jailed by the communists during her 35 years there.

"The first time they jailed me after they found some old bullets in the attic that someone had given me as keepsakes. The newspapers said they'd found an arsenal. The second time, they said I had beaten a child, but all I did was pick up the child after she had fallen. Finally, I was forced to leave in 1952.

She returned to the Far East in 1954 and for five years headed a mission school in the Philippines.

"After I signed up for the Peace Corps, they sent me to the town of Lazi on this lovely little island called Siquijor, only 50 miles in circumference. It was a natural for them to send me to the Philippines. I was two days by boat from Manila, two hours by air.

"I was in a teacher's aide program and was just supposed to help, not teach. It sounded easy, but it was fairly difficult.

"The younger volunteers—our average age was 22—had trouble with that and asked me what I did all day. I'd tell them that every day I went around to the classes and smiled."

Actually, she admitted, she did more than smile. She introduced building blocks marked off in centimeters to teach the children the metric system. Later, she started a class for the younger children and read stories to them from books donated by friends back home.

"I know how to scrounge," she said. "Most of the hardcover books [were sent by] my friends from back here, so I started a small library. I doubt it's still there. We'd also take the children down to the shore at low tide and catch mussels for dinner. The people were poor, but they didn't know they were poor."

To pique the children's interest in books, Miss Brodbeck introduced the students to classic comic books, synopsized classics such as "The Three Musketeers," "The Swiss Family Robinson" or "Silas Marner."

"I was against those comics back in the high school at the mission. I knew the kids were using them for book reports. But in Siquijor, anything that introduced them to a book like 'Silas Marner' was OK by me," she said.

At the end of her two-year stint, the mayor and villagers from the outlying areas of Siquijor proclaimed "Brodbeck Day."

The celebration began with the "Star Spangled Banner" and the Philippines' national anthem, and included folk dances and songs and food prepared by the girls from her school's home economics class.

"What we did there was good. The Peace Corps is still worthwhile, and it opens up more opportunities for you when you get out. I still recommend it to young people. It helped the young people in my program learn about the world, and in the end we felt that we had imparted something constructive."

[From the Chicago Tribune, Apr. 23, 1984]

LEANER PEACE CORPS IS THRIVING

(By John Gorman)

"Ask not what your country can do for you, ask what you can do for your country."—John F. Kennedy at his inauguration on Jan. 20, 1961.

Spawned in the early days of the Kennedy administration, the Peace Corps lured tens of thousands of young Americans to answer that call from their youthful president.

Those were the halcyon days of Camelot, when youthful knights ventured forth to carry the American banner overseas and improve the lives of thousands in developing countries.

The first volunteers struggled through rigorous training patterned after that of the Green Berets. They climbed mountains, braved jungle survival tests and struggled with strange languages.

Twenty-three years after the first volunteers stepped off a plane in Ghana, the corps continues to chug down the tracks like the little engine that could.

It started out with a high profile in those early, heady days when crewcut youths and young women in saddle shoes ventured forth to quash the image of the Ugly American.

But much has changed. Peace Corps administrators now struggle to render unnecessary a frequent question: "The Peace Corps? Does that still exist?" It does, but it flourishes as a leaner, streamlined version of the early roll-up-the-sleeves crowd.

Now heading the Peace Corps is an energetic Michigan woman, Loret Miller Ruppe, who wants to bolster the image of the 5,400 men and women who serve in 59 countries.

"Why should anything that is so highly prized overseas—and our ambassadors are our biggest boosters—decline for the last 15 years?" Ruppe asked during a recent telephone interview in her Washington office.

"We are hardly an agency which has mushroomed. We've tried to convince people in the administration [of the worth of the Peace Corps]. Our budget is less today than it was in the late '60s, just the straight dollar amount. Actually, we've gone up under President Reagan.

"I've tried to show a link between Kennedy and Reagan: Both asked not what your country can do for you," Ruppe said.

In accepting the Republican nomination in 1980 in Detroit, Reagan called for a restoration "of the American spirit of voluntary service, of cooperation, of private and community initiative."

In the years between Kennedy and Reagan, the Peace Corps had to ride the waves of domestic and international criticism. It was assailed by politicians in Africa, Asia and Latin America—expelled one year under one government, welcomed back the next under another, and repeatedly sniped at as an adjunct of the Central Intelligence Agency. Accusations of spying never have been proven against any volunteer, corps officials said.

The issue of spying recently became an issue that led to the Peace Corps' restoration to the autonomous agency it had been before President Richard Nixon's administration.

In 1970, under Nixon, the Peace Corps became part of ACTION, an umbrella agency for volunteers. It remained there until 1981. During those years, the Peace Corps floundered under a steady stream of directors and diminished funding.

Many present and former volunteers chafed under the diadem of ACTION. Former volunteer Tom Scanlon, once singled out by Kennedy for his work in Chile, was prominent among those who fought for the return of an autonomous Peace Corps.

"But this wasn't a big issue, not one that congressional Democrats wanted to throw down the gauntlet on [to the Nixon administration]. It was hard to get the Congress to focus on it," said Scanlon, now a Washington consultant to corporations on Third World projects.

Shortly after becoming President, Reagan nominated Thomas Pauken to head ACTION. The nomination of Pauken, who had worked in military intelligence in Vietnam, ran into immediate political flak.

Because the Peace Corps always had gone to great lengths to separate itself from any hint of spying, the prospect of Pauken as head of ACTION galvanized opposition to his nomination.

In a political compromise, Pauken was confirmed as head of ACTION, and the Peace Corps once again became a separate agency in December, 1981.

Through the years, volunteers continued to teach English in Africa, to introduce new farming methods in Nepal, to work on tuberculosis control in Malaysia and to set up a cooperative in Chile.

"The real Peace Corps is not in Washington, it's out in the field," said Ken Bastian

Jr., former director of special programs. "And though there may be a few political appointees, it's still able to maintain its apolitical nature. They go out as idealistic kids, and the spirit and the intention of the volunteers transcend politics."

Shortly after Nixon was sworn in, he named as director Joseph Blatchford, who announced he would reduce the emphasis on liberal arts graduates and instead try to lure blue-collar workers and professionals.

V.S. Pamar, a liaison between the Peace Corps and the Indian government from 1961 to 1971, watched the growing disillusionment of Indian officials with the generalist volunteers on the subcontinent, where in 1967 about 1,133 toiled.

"The Peace Corps reputation was good at first," Pamar said. "But the expansion during the mid '60s was harmful. We were sent a group of [generalist] volunteers to work with tube wells [water wells], but they were not knowledgeable. The superintendent asked, 'why do you send us a man who knows so little about tube wells?' "

David Downes, now assistant to the director of management with the Peace Corps office in Washington, recalled the criticisms.

"Back in 1966, at the Peace Corps' peak, there were accusations that the Peace Corps was parachuting volunteers into the countries without adequate programming and training," Downes said. "While that was not my experience in Fiji [as a volunteer in 1967] . . . there was a sense that we had expanded too rapidly."

As a legacy of those years, and because of shrinking budgets, the Peace Corps has become leaner, with fewer but better-trained volunteers.

"Training began improving in 1971, when it moved all in-country [in the host country]," said Tika Karki, Nepal training and program officer, in an interview in his Kathmandu office. "Language was better because the teachers were from the area to which the volunteers were to be assigned. It became more cost effective to do it here, and the cross-cultural training was no longer artificial—the volunteers went into the bazaar every day."

The typical volunteer still may be eager, but he or she is trained better, works occasionally with volunteers from other countries and cooperates with what many volunteers once considered the enemy: the Agency for International Development [AID].

In the 1960s, volunteers looked upon AID people as insensitive to the local culture and the personification of the Ugly American; the AID people viewed volunteers as untrained amateurs.

Heading AID now is Peter McPherson, a Peace Corps volunteer in Lima, Peru, in the mid-1960s who worked in nutrition programs and organized credit unions. He also worked with AID's Private Enterprise program there. One in seven of McPherson's employees is a former volunteer.

Last year, McPherson and Ruppe announced a Small Projects Assistance program with the Peace Corps that set aside $40,000 for each of the 41 countries in which the Peace Corps and AID worked, with up to $10,000 available for each project in energy conservation, food production, small business development or other income-generating activity.

"We shall rely on the Peace Corps volunteers to make sure they work themselves out of a job," McPherson said.

Such interagency cooperation helped Tom Eggert in a development program in the Philippines. The 26-year-old Thiensville, Wis., native had spent his first five months in the tiny village of Santo Tomás "looking for something to do."

"It was a three-hour walk from our town to the closest school. The government said it was just too far out to get a teacher to stay for even a week. I started teaching in my house—12 kids in a 20-by-20 room," recalled Eggert, who left the Philippines in September after his two-year stint.

Eggert chipped in $100, persuaded another volunteer to do the same, scrounged up another $100 and had enough for the 40 families of Santo Tomás to build a school.

"It was a cement floor, cut wood walls and a grass roof," Eggert said. "We got $2,500 from AID for books. We had the best books on the island. They were for grades 1st through 6th and on five subjects. When I left, I recommended that I not be replaced [with another volunteer] because a Filipino could come in and do my job [teaching]."

[From the Chicago Tribune, Apr. 23, 1984]

A COMMITMENT BEARING FRUIT: COUPLE PLANTING GOOD WILL IN NEPAL COUNTRYSIDE

PANCHKHAL, Nepal.—Outside, the sun is disappearing behind the amber foothills rimming this Himalayan valley, but its warmth still lingers in the fields in the waning days of December.

Inside his mud-walled home, Lee Altier can see his breath as he fires up his kerosene pressure stove. His wife, Karen, begins cutting up cauliflower to dress up their evening meal of rice and lentil. It's a no-frills meal in a bare-bones kitchen that flatters their mud floors and complements the lack of electricity, heat, bathroom or running water.

For 18 months, the Altiers have worked as Peace Corps volunteers in the village of Panchkhal, about a two-hour bus ride from Kathmandu, the capital of Nepal. By looks and temperament, the Altiers could have served at any time in the 23-year parade of young American volunteers to Third World countries.

As he pumped up the pressure on the stove, Lee, a 30-year-old Seattle native with a degree in horticulture, explained how their role was designed and how it expanded.

"The Nepal government wants more fruit production from the farmers. We are supposed to encourage them to use more of their land for fruit. That would mean more cash for the farmer, more fruit for Kathmandu and less dependence on India for fruit," Lee explained during an interview recently in the couple's home.

To that end, Lee has trekked into the mountains for as long as eight hours a day, encouraging farmers to plant mango trees, use fertilizer and spray if necessary to control weevils. But he's reluctant to encourage the spraying.

"Some farmers will use their spray in the house [to control insects], and that's dangerous. And some just don't realize how much better their fruit crop will be if they use fertilizer. I argue that we need food to grow, and so do the trees," Lee said.

Lee came in as an expert augmented by training here, but Karen, with a degree in therapeutic recreation, had to be trained to work in the government's seedling farm in Panchkhal.

Like many married volunteers, they had to figure out how to establish their credibility independently. Lee does most of the extension work, but Karen has established herself in overseeing the raising of young Leucena trees and working at the local orphanage.

"The Leucena tree fixes nitrogen in the soil, and the roots grow deep so it can survive in the dry season. They will provide shade for pineapples," Karen explained.

After a Canadian church provided money for an indoor latrine for the orphanage, the Altiers set about finding funds to build a bio-gas plant that would provide gas from human waste. The United Nations International Children's Emergency Fund provided the necessary $1,000.

"The orphanage annually spends about 63,000 rupees [about $420] in fuel for cooking," Karen explained. "We figure that this will cut that by 20 percent."

When the Altiers visit the orphanage, children who only months ago were begging in the streets of Calcutta or Kathmandu gather around them. Strolling through the village, they attract crowds of youngsters and adults. They chat in Nepali, share a joke, listen to a concern.

As they passed the village well, Karen stopped to explain the couple's plans to build up the area around the well to prevent soapy bath and laundry water from returning to the well.

"The water will never be great, but it will be a little cleaner, and that will help some. Some American women in Kathmandu raised the 350 rupees [$23] that will go for concrete and the labor," said Karen, whose family lives in Belleville, Ill.

In less than two years in Panchkhal, the Altiers have accomplished much by any standard.

But they are not ready to go home just yet.

"Next year we hope to extend and go to a village near Mt. Everest. I would work in an income-generating cottage industry with women," Karen said, "and Lee would work in an extension program with apples in that area."

Said Lee, "We hope our interaction here will help dispel the image of rich Americans who go by in the tourist cars."

[From the Chicago Tribune, Apr. 24, 1984]

PEACE CORPS IN MALAYSIA WORKS ITS WAY OUT OF JOB

(By John Gorman)

"It got to the point where the Peace Corps was no longer needed there. And that's supposed to be what happens. One of the unspoken aims of the Peace Corps had always been to work its way out of a job."—Gary Brenneman, last director of the Peace Corps in Malaysia.

Kuala Lumpur, Malaysia, and the Peace Corps grew up together, reached adulthood, and went their separate ways.

Malaya was among the first developing countries to welcome volunteers when the first wave arrived here in 1962. That first group to Malaya—later Malaysia—was composed of nurses, medical laboratory technicians, architects, teachers and surveyors.

These were the Camelot days of the Kennedy administration when both the Peace Corps and the countries it served were in their infancies.

In the succeeding two decades, more than 3,500 volunteers worked in Malaysia—in education, public health, road construction and other development projects. In 1967, the group of 558 volunteers in Malaysia was the largest Peace Corps contingent in the world.

Last November, the final volunteer left Malaysia, ending a 21-year association.

In the last several years, the Peace Corps could only fill 40 percent of the requests from the Malaysian government, which increasingly had asked for more highly skilled volunteers, according to Gary Brenneman, Peace Corps country director at the end.

"It wasn't bad at the end," Brenneman said in a telephone interview from his California home. "But increasingly, we could see the volunteers were unhappy. We wanted the lasting impression of the Peace Corps to be good.

The experience of the Peace Corps in Malaysia in many ways paralleled the agency's experience in other developing countries. Many Third World countries in the early '60s had just shed the yoke of colonialism and welcomed any American help.

But as the '60s progressed, many countries found that they no longer needed the enthusiastic, but often unskilled, recent liberal arts graduate that made up the backbone of the Peace Corps.

"The decision was made in early 1982 to phase out. We knew that other countries could use the Peace Corps more. It was time to end what was a long and successful program," Brenneman said.

Peace Corps Director Loret Miller Ruppe agreed.

"Our resources are so limited that we really thought that we had to target them in the countries that needed us the most. In Malaysia, it just seemed it was the proper time to leave," Ruppe said by telephone from her Washington Office.

While the Peace Corps' role and very existence have been questioned, few have maintained it should be scrapped because it costs too much.

In fiscal 1983, the Peace Corps cost $110 million out of a total foreign aid expenditure of $7.7 billion. By contrast, the Defense Department spent $210.5 billion.

The Peace Corps in 1966 had 15,556 volunteers overseas supported by a budget of $115 million. It dropped to a low of 5,280 volunteers in 1982 with a budget of $105 million, which with inflation represents less than one-third of the 1966 budget.

By contrast, the United States Agency for International Development [AID], which funnels funds and other aid to needy nations; had a budget of $2.7 billion in 1966 and $4.9 billion last year.

Another comparison is the $100,000 annual cost of an American in the foreign service against only $20,000 for a Peace Corps volunteer, corps officials say.

Ruppe hopes the corps' budget will get a boost if Congress accepts the recent recommendations of the Kissinger bipartisan commission on Latin America that $30 million be allocated to the Peace Corps over a five-year period.

Since its inception, the Peace Corps has matured, but shrunk. It has been ballyhooed and buried, cut loose, then courted. Presidents have praised it; congressmen have questioned the need for it.

But there are those who believe that the Peace Corps will always be needed. Prominent among them is the first director of the Peace Corps, Sargent Shriver.

"In Malaysia, officials said they worked themselves up to the point where they don't need us. I don't believe that," said Shriver in a recent interview in his Washington law office.

The nature of the Peace Corps has changed in the 18 years since Shriver left. Many countries, including Malaysia, began requesting volunteers with higher and higher degrees of technical training.

Such requests for more qualified volunteers has altered the focus of the Peace Corps. In Malaysia, the Peace Corps ended its stay after it could fulfill only 40 percent of the request from the Malaysian government.

Defenders of the old "roll up the sleeves" squad of generalist volunteers with a liberal arts degree, three months of training and a basketful of good intentions decry the move to "technicians."

"I was an English major and I don't think it hurt. I worked in community development, in family planning, with youth groups, in people to people programs. The Peace Corps should bring human contact. My concern is that it not become a technical institution," said Sen. Christopher Dodd [D., Conn.], a volunteer in the Dominican Republic in the mid-1960s.

A colleague of Dodd and another former volunteer, Sen. Paul Tsongas [D., Mass.], has been a staunch defender of the Peace Corps and resists any efforts to change the nature of the agency.

"If it ain't broke, don't fix it," said Tsongas, a volunteer in Ethiopia in the early 1960s. "I would be reluctant to argue for serious change. The United States benefits from the volunteers coming back. It produces a steady stream of people who understand the Third World."

Indeed, the third and last goal of the Peace Corps defined by Congress in 1961 was: To help promote a better understanding of other peoples on the part of Americans.

In a questionnaire sent out by The Tribune to more than 400 former volunteers, one recurring theme stressed by the respondents was how much they had benefited from the experience. More than 98 percent said they recommended the corps to others and would join again if they had it to do over again.

One former volunteer who has bridged the gap between his Peace Corps experience and the business community is Frank C. Schell, a 37-year-old vice president in the trade-finance division of the First National Bank of Chicago.

In an interview, he reflected on the benefits he gained from three years in India in irrigation and education projects.

"From a foreign value system relating to work, family, religion, privacy, life and death, [a volunteer] gains a unique perspective on the quality of life and challenges in the United States."

Shriver feels the Impact of former volunteers is growing in the United States.

"When the revolution occurred in Iran, the only guy there who could speak the language was a former volunteer," he said.

"In another 20 years, these former volunteers are going to penetrate into this society in a hundred different ways. In education, journalism, Congress, television, the executive branch. And they are going to change the way we conduct our foreign policy."

That unique perspective the volunteer brings back to this country may also be the key element to sustain the Peace Corps in the years ahead. Director Ruppe spoke of the long-term future of the Peace Corps.

"Will there be a day when the Peace Corps is no longer needed? I guess, if the best of all possible worlds happened; but I still think that you'd need some short exchange. What is development? Does it ever cease for any country? I see that the Peace Corps is almost needed more now than in the '60s."

As she looks to the future, Ruppe points to the role of women as a key to development in the Third World.

"It's just imperative that women be brought into planning and implementation projects because of their numbers, and because they raise the next generation, and thirdly, because they do so much of the agricultural work it's just necessary they be included if you're going to have development in a nation.

"Peace Corps has been very sensitive to that. That is a key to the 80s."

One country stressing the involvement of its women in recent years has been Nepal. In that Himalayan kingdom, Mrs. Chandni Joshi, chief of the Women Development Section in the Ministry of Panchayat [village level government] and Local Development, oversees women volunteers at 11 scattered sites.

"The Nepalese woman has never just been a wife. She works 11 hours a day, but she is not considered part of the labor force, just unpaid help. We are trying to change her concept.

"We want to get women to work as small entrepreneurs. She can turn her earnings around and sink that back into raising the standard of living for the whole family," said Joshi.

"But there are certain taboos and stigmas for the women. The Peace Corps volunteers are very free and can work as facilitators. But the Peace Corps women had to convince the men first, so we don't get mutinies at home," Joshi said in an interview in her Kathmandu office.

Women volunteers are working in carpet-weaving projects, goat-raising and marketing and helping to secure small government loans for ginger-farming, Joshi said. She recalled a recent visit to a volunteer at an outlying government office.

"The volunteer was nine hours away. She was visiting the district headquarters and had arrived with her rucksack. She was sharing the room with others and was sleeping on the floor.

"I thought, 'She had come all the way from a sophisticated country just to help the women of Nepal.' I was really touched. We hope in the future to continue working with such Peace Corps people."

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MISCELLANEOUS TARIFF, TRADE, AND CUSTOMS MATTERS

The PRESIDING OFFICER. Under the previous order, the Senate will

now resume consideration of H.R. 2163, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Baker Amendment No. 3027, to further reduce deficits by including reconciliations and appropriations caps for defense and non-defense discretionary spending for fiscal years 1985, 1986, and 1987.

(2) Gorton Amendment No. 3049 (to Baker Amendment No. 3027), of a perfecting nature.

(3) Byrd (for Kennedy and Cranston) Amendment No. 3050, to delete sections 901 and 916, which raises costs for Medicare beneficiaries by increasing the Part B premium and indexing the Part B deductible.

Mr. DOMENICI. Mr. President, I understand that under the unanimous-consent agreement, the question now is the Kennedy amendment, No. 3050, relating to medicare. Is that the amendment that was laid down last night?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I yield the floor.

AMENDMENT NO. 3050

(Purpose: To delete sections 901, 916, which raise costs for median beneficiaries by increasing the Part B premium, and indexing the Part B deductible)

Strike increase in part B premium (sec. 901): On page 1199, beginning with line 4, strike all through line 17 on page 1201.

Strike indexing in part B deductible (sec. 916): On page 1226, beginning with line 21, strike all through line 4 on page 1228.

In the section of the Baker amendment dealing with budget authority for Defense, delete "to exceed $299,000,000 in fiscal year 1985, $333,700,000 in fiscal year 1986, or $372,000,000,000 in fiscal year 1987" and "substitute" to exceed $298,965,000,000 in fiscal year 1985, $333,226,000,000 in fiscal year 1986 and $370,507,000,000 in fiscal year 1987."

Mr. KENNEDY. Mr. President, I ask for a division of the amendment. Division 1 would be on lines 1 through 6, dealing with the medicare premium. Division 2 would be lines 7 to the end, dealing with the offsetting changes in the caps on defense.

The PRESIDING OFFICER. The Senator has that right. The amendment is divided.

Mr. KENNEDY. Mr. President, I indicated to the manager of the bill that I intend to proceed now and then engage in whatever debate is warranted, but I am prepared to agree to a time limitation as we move through this debate, so that we can give Members the best estimation as to when there will be a vote on this matter.

The medicare portion of the pending budget package is an unfair attempt to make every elderly American the scapegoat for the administration's enormous budget deficits. The Finance Committee package, now part of the pending bill, simply rubber stamps the most objectionable proposals of the Reagan administration on medicare. If this package is enacted, it will impose $9.9 billion in additional health costs on elderly and disabled beneficiaries over the next 5 years, and that is $9.9 billion more than Congress should permit.

I support medicare reform and deficit reduction, but reform must be genuine and reduction must be fair. I do not believe that our hard-pressed senior citizens should have to pay this excessive price for the administration's failed fiscal and health care policies. We must not steal from medicare in order to pay for Ronald Reagan's excessive tax cuts for the wealthy and his wasteful military spending.

Two years ago, when a similar scheme to victimize the elderly was floated, Congress flatly rejected President Reagan's proposal to balance the budget by slashing social security benefits. Instead, we dealt with social security on its own terms, and in 1983 we enacted a landmark bipartisan reform that resolved the crisis fairly.

We face a similar crisis now over medicare, with bankruptcy looming for the trust fund by the end of this decade if reform is not achieved. I hope that Congress will have the wisdom to pursue the same approach on medicare that we followed on social security. Instead of bashing medicare now as part of the present deficit reduction effort, we should deal separately with medicare on its own terms and enact a self-contained package of medicare reforms as an urgent priority at the beginning of the next Congress. That is the right way to save medicare, by enabling Congress to deal fairly with the interests of both beneficiaries and providers.

The House bill has no provisions remotely comparable to the harsh beneficiary cuts in the Senate Republican package. Too much is at stake here for the Senate to permit itself to be stampeded into a misguided $10 billion assault on medicare in the name of deficit reduction.

The amendments I am offering will eliminate the four worst features of the bill and protect the elderly and the disabled from all but $500 million of the $9.9 billion Republican assault:

Block the increase in the part B premium, which would amount to $5.0 billion between fiscal year 1985 and 1989;

Block the increase in the part B deductible which would be $4 million over the same period;

Block the delay in the age of eligibility for medicare at $1.3 billion; and

Block the passthrough in the physician fee freeze which is $2.7.

The total savings for beneficiaries added together is $9.4 billion.

In my view, there is no justification for the provisions of the bill that increase the part B premium and deductible, that delay the age of eligibility, and that permit physicians to evade the committee's fee freeze by passing on the burden to beneficiaries.

The Reagan budget cuts enacted in medicare in 1981 and 1982 will slash benefits by $6.8 billion over the next 5 years. The pending bill will cut them by another $9.9 billion.

Medicare beneficiaries have already made their contribution to deficit reduction, and Congress should not ask them now to sacrifice a penny more. Our senior citizens cannot afford the higher premiums, higher deductibles, higher physician fees, and delayed eligibility which this bill will impose. The administration may think medicare benefits are too generous, but 30 million senior citizens and disabled beneficiaries know they are not generous enough.

Medicare currently covers less than half the health costs of the elderly. Beneficiaries pay an average of $1,500 a year out of their own pockets for medical care and supplementary health insurance coverage. Senior citizens are already spending one out of every seven dollars of their limited incomes to pay for medical care that medicare does not cover. Under present law, out-of-pocket costs to the elderly will rise to over $2,000 by 1989 and to almost $3,000 by 1993. By the year 2000, the elderly could be spending 20 percent of their income for the costs of medical care that medicare does not cover.

The rapid increase in the cost of medicare is a budget problem. But it is a problem caused by the failure of Congress to deal effectively with the soaring inflation in the cost of hospital and physician care. Inflation hurts the elderly more than any other segment of our society. It is wrong for Congress to rub salt in the wound by loading even more of the burden of rising health costs onto the elderly.

The fundamental question in this debate is whether Congress intends to keep—or break—the promise of medicare. Do we have the courage to deal firmly with the hospital and doctor's lobby, or will we continue to look the other way, while they continue to charge whatever the traffic will bear? It is irresponsible to make the elderly pay more for medicare so that hospitals and physicians can continue to charge more. We refused to embrace this one-sided approach to social security last year, and we should refuse to accept it for medicare this year.

The medicare provisions of this bill ask too large a sacrifice from senior citizens, and I urge the Senate to reject them.

Mr. President, my first amendments deal with part B of medicare and the age of eligibility.

The Finance Committee amendment adopted April 13 contains three provi-

sions that cut medicare benefits for the elderly and disabled by $2.2 billion for fiscal year 1985–87 and $6.8 billion for fiscal year 1985–89.

[Fiscal years]

	1985–87	1985–89
Increase in part B premium.	$1.3 billion	$5.0 billion.
Increase in part B deductible.	$225 million	$455 million.
Delay in age of eligibility.	$675 million	$1.3 billion.
Total	$2.2 billion	$6.8 billion.

Mr. President, those three areas are the part B premium, the part B deductible, and the age of eligibility.

Those represent $6.8 billion increases that the senior citizens will have to pay out of their pockets if this amendment is not adopted.

There are no comparable provisions in the House bill.

In addition, separate provisions in the Finance Committee amendment ask another $3.1 billion in beneficiary cuts, principally because of the loophole in the physician fee freeze, which permits doctors to charge elderly patients more, even though medicare payments to doctors are frozen.

The Reagan budget cuts already enacted in medicare in 1981 and 1982 will slash benefits by $6.8 billion over the next 5 years. The pending bill will cut them by another $9.9 billion, for a total reduction of $16.7 billion. The Kennedy amendments will reduce this latest round of beneficiary cuts by approximately two-thirds—from $9.9 billion to $3.1 billion.

AMENDMENT NO. 1. ELIMINATE INCREASES IN PART B PREMIUM AND DEDUCTIBLE

Premium increase. When medicare was first enacted in 1965, the part B premium for physician fees was intended to pay 50 percent of the cost of the program. In 1976, Congress voted to cap the premium increase because medical costs were increasing much faster than social security benefits. By 1982, as a result of the cap, the share of program costs paid by the part B premium had fallen to 24.8 percent.

In TEFRA, enacted in 1982, Congress removed the cap and set the part B premium for 1984–85 at 25 percent of the program costs. Beginning in 1986, the annual increase would again be capped at the COLA level for social security benefits.

The Finance Committee provisions permanently repeals the cap; annual premiums will continue to rise by whatever amount is needed to pay 25 percent of program costs. At the present rate of health cost inflation, it is estimated that the part B premium will double again by 1990. In 1985 alone, medicare part B costs are projected to increase 16.4 percent, or over three times the rate of overall inflation.

The Kennedy amendment will restore current law under TEFRA by reinstating the cap on increases in the part B premium. TEFRA is already a heavy penalty on the elderly; it is unfair to penalize them even further for the failure of Congress to deal effectively with excessive inflation in health costs. In effect, the Finance Committee simply loads more of the inflation burden on the elderly and disabled, instead of dealing with the fundamental problem, which is the anything goes system of reimbursement for health care.

Deductible increase. Present law fixes the part B deductible for medicare at $75, which is the amount beneficiaries must pay from their own funds before medicare part B benefits are available. The Finance Committee provision indexes the part B deductible for the 3-year period 1985–87, based on the medicare economic index. As a result of this provision, the deductible will increase from its present level of $75, according to the following schedule:

1984	$75
1985	78
1986	82
1987 on	86

Congress raised the deductible by 25 percent in 1981 to its present amount, $75. There is even less justification for a further increase in the deductible than there is for the increase in the premium. The elderly who are sick already pay too much for medical care and it is unfair to add to their burden. Increasing the deductible will discourage the elderly who are ill from seeking health care when they need help the most and when immediate medical attention can do the most good.

AMENDMENT NO. 2. ELIMINATE THE DELAY IN THE AGE OF ELIGIBILITY FOR MEDICARE

Since 1965, beneficiaries have been eligible for medicare from the first day of the month in which they turn 65. The Finance Committee provisions would delay benefits for 1 month by changing the eligibility date to the first day of the month after turning 65. The pennies a gallon philosophy behind this increase is belied by the heavy price tag exacted from the elderly—$675 million for fiscal year 1985–87.

This change will leave many elderly persons exposed to the devastating costs of illness at the very time when they are sick and need help the most. Congress fought this battle on social security last year and categorically rejected the administration's attempt to raise the age of eligibility. We should not now reopen this question by raising the age of eligibility for medicare.

The Finance Committee report expresses concern that some people could find themselves with gaps in protection as a result of the provision. The report then offers the suggestion that private insurance plans can be amended or adjusted to assure continuity of coverage until medicare begins. The committee also directs the Secretary of HHS to the extent feasible, to make sure that these people do not suffer undue hardships as a result of the deferral of medicare eligibility. The committee's suggested remedies are impractical—the gaps in coverage are real, and undue hardships are inevitable.

The provision is especially objectionable because the delay applies to both part A—hospital costs—and part B—physician costs—of medicare. Elderly Americans turning 65 have contributed to part A through payroll tax deductions during their working years, and Congress should not break the promise that medicare would be available in the month they turn 65.

The Kennedy amendment will preserve eligibility for medicare beginning on the first day of the month a beneficiary turns 65. This aspect of medicare has been unchanged since 1965, and it should remain unchanged.

The combined effect of these two amendments is to delete the three provisions in the committee bill that penalize beneficiaries directly; a separate committee provision—the so-called physician fee freeze—would not be affected by these amendments. The freeze is estimated to save $2.8 billion over 3 years in lower medicare payments to physicians, but the physicians will recoup an estimated $1.4 billion through higher private charges to their elderly patients. I intend to offer a separate amendment to insulate medicare beneficiaries against higher costs from such a pass-through by physicians.

Mr. President, I ask unanimous consent that two tables on my amendments be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—MEDICARE BENEFICIARY CUTS

[In millions of dollars]

	Fiscal year					
	1985	1986	1987	1988	1989	1985–89
Omnibus Budget Reconciliation Act of 1981	860	930	1,000	1,170	1,140	5,000
Tax Equity and Fiscal Responsibility Act 1982	385	400	360	355	340	1,840
Total (1981–82)	1,245	1,330	1,360	1,425	1,480	6,840
Senate Finance Committee 1984	633	1,240	1,868	2,621	3,506	9,910
Offset under Kennedy Amendments:						
Pt. B premium		−384	−884	−1,507	−2,249	−5,024
Pt. B deductible	−35	−90	−100	−110	−120	−455
Delay in eligibility	−160	−240	−275	−303	−340	−1,318
Total	−195	−714	−1,259	−1,920	−2,709	−6,797

TABLE II.—MEDICARE PART B PREMIUM AND DEDUCTIBLE

Year	Pt. B premium			Pt. B deductible
	Annual premium	Percent increase	Percent of program cost	
1967	$36.00		NA	$50
1968	36.00	0	50.0	50
1969	48.00	33.0	50.0	50
1970	48.00	0	50.0	50
1971	63.60	32.5	50.0	50
1972	67.20	5.7	50.0	50
1973	69.60	3.6	50.0	50
1974	75.60	8.6	50.0	60
1975	80.40	6.3	50.0	60
1976	80.40	0	44.7	60
1977	86.40	7.5	33.6	60
1978	92.40	6.9	31.3	60
1979	98.40	6.5	30.6	60
1980	104.40	5.7	32.5	60
1981	115.20	10.3	29.5	60
1982	132.00	14.6	24.3	75
1983	146.40	10.9	24.8	75
1984	175.20	19.7	25.0	75
1985 (SFC)	202.80	15.8	25.0	78
1985 (Kennedy)	202.80	15.8	25.0	75
1986 (SFC)	229.20	13.0	25.0	82
1986 (Kennedy)	212.40	4.7	23.4	75
1987 (SFC)	254.40	11.0	25.0	86
1987 (Kennedy)	223.20	5.1	21.8	75
1988 (SFC)	286.80	12.7	25.0	86
1988 (Kennedy)	234.00	4.8	20.4	75
1989 (SFC)	320.40	11.7	25.0	86
1989 (Kennedy)	244.80	4.6	19.0	75

Mr. KENNEDY. Mr. President, let me turn now to my amendment to modify the physician fee freeze.

The Finance Committee amendment freezes medicare reimbursements to physicians as of July 1, 1984 for 1 year. For physicians who refuse to accept assignment, the freeze is continued for a second year. Medicare savings are estimated at $2.8 billion over the next 3 years, and $5.4 billion over the next 5 years.

There is no comparable provision in the House bill.

The Finance Committee physician fee freeze is actually only a half-freeze. True, it freezes the amount medicare will pay physicians. But it does nothing to freeze any additional amount that physicians can collect on top of medicare from their patients.

This is the heart of the assignment issue—to what extent should physicians be encouraged or required by the Government to accept medicare's reimbursement as payment in full? This issue is also the 1984 version of the 50-year-old controversy over the proper role of Government, if any, in the fee-for-service practice of medicine.

The fundamental compromise that permitted the passage of medicare in 1965—in some ways as historic as some of the compromises at the Constitutional Convention in 1787—was the bargain—some say "sweetheart bargain"—by which the American Medical Association permitted the Federal Government to pay a large share of the medical costs of the elderly, in return for which physicians would still be able to pursue additional private charges from their patients, free of Government restraint.

Two decades later, with medicare now in crisis, the question before the Senate is: How much more sacrifice must the elderly be required to make in order to save both medicare and the 1960's bargain with the AMA?

Under current law, medicare pays 80 percent of so-called reasonable charges by physicians. Reasonable charges are specified in a fee schedule that is maintained by medicare and that varies from region to region.

If a physician agrees that the medicare reimbursement is high enough, he sends his bill directly to the program—that is, he accepts assignment of the bill to medicare. The medicare program pays 80 percent of the bill to the physician, who then charges the beneficiary for the remaining 20 percent—called coinsurance.

If a physician thinks the medicare level is not enough, he refuses assignment from the patient and bills the patient directly for the full amount. The patient can then recover 80 percent of the reasonable fee from medicare, but he continues to be obligated to the physician for the balance.

The issues surrounding assignment are illustrated by the following example: assume that a reasonable fee in 1984 for a particular medical procedure is $300.

If the doctor accepts assignment, he bills medicare directly, and medicare pays the doctor $240—80 percent of $300; the doctor bills the patient for the balance of $60, which the patient pays out of his pocket.

If the doctor refuses to accept assignment because he feels the proper fee for his service should be $400, he bills the patient directly for the full amount. The patient pays the doctor $400, and obtains reimbursement from medicare of $240. As a result, the patient has paid $160 out of his own pocket.

Under current law, the reasonable fees paid by medicare will go up on July 1, 1984, in accord with the increase in the Medicare Economic Index (MEI). The MEI is projected to rise about 4.1 percent in 1985, slightly below the CPI.

The total burden of health cost inflation on medicare is not due solely to indexing of fees under the MEI. Two additional factors must be taken into account: First, the increasing medicare population, which is currently growing at 1.5 to 2 percent a year; and second, the increasing use by doctors of more procedures, more technology-intensive procedures, and more detailed accounting and billing procedures for their services, which together add another 8.5 percent to inflation. Thus, the total annual increase in medicare costs is 16 percent, reached as follows:

The Medicare Economic Index (MEI), 4.1 percent; medicare population increase, 2.0 percent; medical and accounting practices, 10.3 percent; for a total of 16.4 percent.

Under the proposed Finance Committee freeze, the reasonable fee in this example will remain at $300 for another year, until July 1, 1985, for doctors who accept assignment. It will remain at $300 until July 1, 1986, for doctors who refuse to accept assignment.

Under the committee freeze, savings of $2.8 billion will be achieved in medicare in fiscal years 1985–87 and $5.4 billion in fiscal years 1985–89. But doctors will still be free to charge patients more in order to make up for any losses because of what medicare does not pay them under the freeze. It is estimated that doctors will actually recoup a full 50 percent of their reduced reimbursements under medicare by charging more from their patients.

The bottom line of the committee freeze, therefore, is to ask an additional $1.4 billion sacrifice by medicare beneficiaries for fiscal years 1985–87 and $2.7 billion for fiscal years 1985–89. These additional costs will fall most heavily on the elderly who are the sickest and who have the highest medical bills.

My amendment is a compromise on the issue of assignment. The committee freeze applies to both inhospital and outpatient charges by physicians. The Kennedy freeze will freeze reasonable physician fees for inhospital services, since these fees are generally recognized to be excessive relative to fees for outpatient services.

In addition, under the Kennedy freeze, inhospital fees will be frozen for a longer period of time—about 3 years—in order to achieve savings identical to those in the committee freeze.

During the Kennedy freeze, inhospital fees will be monitored by the Department of HHS. If physicians substantially evade the freeze by passing on more costs to beneficiaries, assignment will then be required for all inpatient services under medicare.

The Kennedy amendment does not itself require assignment. Assignment will be triggered only if physicians evade the freeze by asking higher fees from beneficiaries.

The AMA has already called on physicians to observe a voluntary freeze on their fees. The Kennedy amendment is consistent with the spirit of the AMA action and assures that the intent of Congress—to reduce physician payments rather than increase beneficiary costs—is achieved.

The Kennedy amendment is a wash in terms of its effect on the Federal budget. It will not reduce the savings in the Finance Committee package. Instead, it will assure that all the savings sought from physicians are actually achieved from physicians and not from patients.

Mr. President, I would like to review very briefly in concluding the approach which I have stated and refer to these charts that reflect the crisis we are facing in the medicare trust

funds. These numbers are actually derived from the official estimates of the medicare trustees that are provided to the Congress.

This first chart demonstrates that, by the year 2005, if no significant steps are taken, the trust fund will be over $1 trillion in deficit. This is a dramatic deficit in the trust fund that we are facing, and far more excessive than the type of deficits we were facing during the social security debate.

This chart demonstrates what the average elderly person pays for health care. The average elderly person is now paying $1,550 in 1984, and will be paying $4,637 by the year 2000. This final chart, Mr. President, is important because it shows the difference between the CPI and the actual health care costs. This demonstrates, Mr. President, the dramatic increase in health care costs per capita, which is far in excess of the CPI.

These charts taken together show that the medicare trust fund is in a deep crisis, and the Finance Committee proposal is just to nick away at the elderly's benefit rather than addressing the underlying problem. This issue ought to be the No. 1 issue for the Congress of the United States when we return next January.

We should address this issue in a comprehensive way, and in a bipartisan way to deal with the problems of health care inflation. The fact of the matter is that the Congress has refused to do so. We refused to deal with it several years ago when we had the issue of hospital cost controls before us. That particular proposal was defeated on the floor of the U.S. Senate because it was said, well, let us have a voluntary system with the hospitals and with the medical profession. Through volunteerism we will insure the stability of the medicare trust fund.

We can see that that has not worked. I have made proposals with Congressman GEPHARDT about a combination of volunteerism and effective controls to deal with this particular issue. Hopefully it would be considered by any bipartisan group or any Presidential task force that were to make recommendations to the Congress to insure to the elderly people of this country, and to the young people as well, that we will have a medicare system that will be truly worthy of its name in the latter years of this century. But clearly we are not addressing this problem effectively today.

Mr. President, the fact is that the Congress over a period of years has refused to deal with the basic kinds of systems change which are so essential if we are going to bring health care costs under control. What is proposed by the Finance Committee is to burden the elderly people of this Nation to simply pile more costs on our senior citizens because of the failure of the Senate to deal effectively with the real problem is unfair, unjust, and is bad health care policy.

That is really the issue that is before this body this afternoon.

Are we going to say to the elderly people of this country, well, because of the judgments which have been made in the Congress, in the Senate that have invented this massive deficit that we are going to take it out on the backs of the elderly people of this Nation?

It is not the elderly's fault, Mr. President, that the deficit is out of control and that health costs are out of control. The elderly are not making the decisions about the wasteful excessive expenditures and practices that permeate our entire health care system. These decisions are not made by the consumers. They are decisions that are made by the medical profession. Seniors do not, by and large choose the treatments and whether they will have or whether they will not have to go to the hospital these decisions are made by the medical profession. Yet, if we accept the Finance Committee package we will say today that even though they are not the cause of this problem, and even though we have not had the will as an institution to deal with the explosion of costs in our health care system in a responsible way, we are going to penalize the elderly people some $7 billion over the next 5 years by the action taken in 1981 and 1982 about $10 billion more with this particular proposal, for a total of some $16 or $17 billion.

Mr. President, I think that is unwise, unfair, and unjust.

In the amendments which I offer, we eliminate the provisions of the Senate finance bill increasing part B of the premiums and the deductibles. We also delete the 1 month delay in eligibility.

Make no mistake about it, Mr. President. If we accept slipping that time 1 month this year on this proposal, we will be right back here next year with a proposal to slip it 3 months. Why not slip it 6 months, why not slip it 1 year, 2 years, 3 years. We will be taking the apparently easy way out for the Members of this body rather than dealing with the fundamental issue of the rise in health care costs.

VICTIMS

Mr. President, I held hearings on the impact of health care costs on our Nation's elderly in March 1983. Let me review the testimony of some of our Nation's senior citizens and ask my fellow Senators whether they really think it is appropriate to increase the burden of health care costs for medicare recipients.

MRS. GERRY SHERLINE

Mrs. Sherline is a 34-year-old widow paralyzed from the neck down. She lives in Maryland. Despite her severe handicap, Mrs. Sherline manages to care for her two children at home with the help of social security—which provides her entire income—and medicare—which provides her entire health insurance coverage.

Mrs. Sherline has been barely able to get by on her existing income and coverage. Last year, she had to pay the deductible of $264 for each two hospitalizations as well as extensive doctor bills not fully covered by medicare. If Mrs. Sherline has to go to the hospital this year, she will have to pay a deductible of $350. The doctor's bills that medicare does not fully cover are going up 18–20 percent a year.

The continued escalation of health care costs threatens to rob Mrs. Sherline of the ability to stay in her home and care for her children—an ability she has fought so heroically to maintain.

MR. LOU MINAFRA

Mr. Lou Minafra is a married 66-year-old who operates a retail carpet store in Pittsfield, Mass., and is a former Republican county chairman. His 55-year-old wife is in ill health. Mr. Minafra himself has been hospitalized three times in the last 6 years. His income is about $7,500 per year. His supplemental health insurance costs $300 per month. Mr. Minafra has been able to manage the cost of his hospitalization and his wife's ill health because of the supplemental coverage he has purchased. Paying that insurance at $300 month stretches Mr. Minafra's resources to the limit. Mr. Minafra testified that hospital bills have become such a burden that he would rather stay home and die than subject his family to meeting debt from hospital costs.

MRS. RAY WEISMAN

Mrs. Weisman is an 82-year-old widow who lives in Long Island, N.Y.

She has medicare A and B and a Blue Cross/Blue Shield senior care supplement.

She was in the hospital in 1976 for 6 weeks for cancer surgery, in 1981 for 3 weeks for a hernia operation, and again in 1982 for 1 month for cancer surgery.

Although she had medicare and supplemental Blue Cross coverage, it did not cover all her expenses. She said the anesthetist bill is always bigger than the allowed payment, and some other tests were not covered. She had to pay $600 to cover her last hospitalization and similar amounts for the other hospitalizations. She pays $57 a month for her supplemental insurance. These premiums have continued to increase. The cost of her doctor visits have also continued to increase. Each visit used to be $25 and they are now $45.

She receives $444 a month from social security which is her only

source of income. She is not on medicaid. She lives in a two-room apartment where she pays rent and utilities.

MRS. LODA HAWKINS

Mrs. Hawkins is a 78-year-old widow who lives here in Washington. Her husband, who was a laborer and a member of the laborer's union, died 11 years ago.

She has medicare A and B. She does not have medicaid or supplemental insurance. She receives $389 a month in social security which is her only income. She pays $82 a month rent which includes utilities. She takes five different drugs for high blood pressure, a heart condition, and nerves. They cost her between $50 and $60 a month.

She has been in the hospital twice in the past 3 years for her heart condition. The first time she was confined for 10 days and more recently for 2 days. Each time she paid about $200. That would be at least $350 today. She goes to the doctor once a month which costs her $20 a visit.

Mrs. Hawkins pays 20 percent of her income every month just for routine doctor's visits and necessary drugs. Do the Members of this body really think she should pay more for her medicare coverage?

Finally, Mr. President, I would point out in the charts which we made available for the Members the increase in the part B premium under the Senate Finance bill will be close to 800 percent since inception of the program and over 100 percent between now and 1990. No one can argue in this body that rates of inflation have gone up to that extent. We have already asked the seniors to pay for whatever coverage they receive. Unless we accept these amendments, they are going to be penalized further in an unwise and unjust manner.

Mr. President, I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, if I may reply to the amendment of the distinguished Senator from Massachusetts, I will start, as I always do under these circumstances, with my compliments to the Senator for his sensitivity to the issues involved and for his long and distinguished record and commitment.

I agree with a lot of the things he said. I come to different conclusions, however, which I rise now to strongly present my opposition to his amendment.

Clearly, the first thing I agree with is the statement he made after he explained his charts to us. That is the whole issue that we are dealing with today in the middle of reconciliation looks to America like a budgetary issue of balancing the deficit on the backs of elderly Americans. In reality, it is a much larger issue that we desperately need to deal with, and we ought to make it the No. 1 issue before this Congress when we return in January.

Let me start out with one minor clarification. Before I came to the floor, I was informed that the Senator had additional remarks and made reference to the Finance Committee package as the Republican package. If I am correct in that information, I certainly want the record to show that on passage of this package of medicare amendments, the vote in the Finance Committee was 20 to 0, a unanimous bipartisan agreement.

With regard to the premium provisions which are part of the Senator's amendment, the vote was 17 in favor and 3 opposed. Among the three opposed, one was Republican and the other two Democrats.

Mr. President, let me make a couple of general remarks, again by way of clarification.

The medicare program is composed of two separate programs. Part A of medicare covers inpatient hospital services and is a statutory earned-right benefit. Part B, on the other hand, is an optional supplemental insurance program that covers physician and limited outpatient services.

Senator KENNEDY's amendments deal only with part B of medicare, the premium-related issues and his other amendment that deals with physician fee freezes. I want to emphasize that what we are talking about here is part B, the doctor portion of medicare. And I think most of our colleagues understand that there is some difference between these two programs besides the kinds of services they cover and their respective costs.

Part A, the hospital insurance program, is often referred to as an entitlement program. Part A is funded entirely out of the medicare trust fund, which is, as we all know, paid for by a payroll tax on all employed persons in this country.

When we talk about the problems that medicare is facing, when we talk about the big red cliff we are starting to slip off of on the Senator's chart, we are talking about part A of medicare—the hospital expense portion of the program. And this is the program that is costing you and me 1.3 percent of our payroll today.

These amendments, however, do not address the financial instability of the hospital insurance trust fund. They only pertain to part B, which was designed to be an elective health insurance program for the elderly. It was originally designed to provide out-patient doctor and medical services at less expense than could be provided in the private insurance market. In that respect, I think we ought to look at it as an insurance program.

Part B is financed entirely from general tax revenues. It is not payroll specific. We do not have an alcohol tax, a cigarette tax, or some other kind of dedicated tax going into this fund. It is the general revenue fund which pays a significant portion of its cost.

From the beginning of this program, to keep it in the context of traditional insurance, the decision was made that half of part B program costs would be borne by the Government and half of the program costs would be borne by the person buying the insurance.

But things have changed since 1965. What has changed about this particular insurance program is that we have largely done nothing about controlling the percentage that you and I, were we 65 or older, contribute to the total of these program costs.

That particular percentage has been slipping back and back to where it got back to the point, in the last few years, where it totaled something slightly less than 25 percent of those program costs. The Government's share, on the other hand, the part that comes out of our general tax dollar, is the proportion of these costs that has been getting larger and larger. So, when you look at the Senator's charts, you see inflation rising and hospital costs rising. And the Government's share of part B program costs is picking up a large share of these inflation cost increases. The beneficiary's contribution to program costs has been staying pretty level, while the general taxpayers have been bearing the burden of health care inflation.

That is a point that I shall try to deal with in more specific terms, but let me go back and make a general comment that fits into the general context of who is bearing this cost burden. The hard defense for medicare is that unless we have elderly parents, as the Senator and I and many of the people in this room have, there is a presumption that when we talk about the elderly, we are talking about an impoverished part of our population. So when the Senator says we are loading more and more of the burden of inflation on the elderly, you have the picture of the bag lady on the streets of New York sinking under the weight of medicare. But I guess that just "ain't necessarily so," Mr. President. My mother and father are not sinking under that load. Yes, it is a load, but they manage to provide the capacity to deal with it. CLAUDE PEPPER, I am sure, has the capacity to deal with it on the kind of income he takes in.

But there are a lot of people who cannot afford to carry this load, and yet we charge millionaires and the poor the same amount to purchase coverage under part B of medicare. This is not, however, the place to

debate that issue. But that is why I have introduced legislation that reduces part B premiums for the poor and requires those that can afford it, to contribute a greater share of their income to the costs of the part B program. Hopefully, next year, we will be ready to debate this issue.

The Senator also indicated that all of these people are not the cause of the problem and therefore, why should we penalize them? I think it is a fair statement to say that we cannot blame my mother for the facts on those charts. But she has contributed. And so have all the rest of our moms, and so have you and I, Mr. President. We have all, in one way or another, contributed to the growth of our Nation's health care costs.

As employers, we have given people something called health insurance and it is not health insurance anymore; it is a free ride on the health care system. It is a ride that says it does not cost you anything to get sick in this country. Medicare agreed to pay Barney Clark $200,000 to experiment with an artificial heart. He had the opportunity to experiment because he smoked 2½ or 3 packages of cigarettes every day for 25 years. But there are no penalties for unhealthy lifestyles. Only rewards: If you smoke, we shall take care of you.

There was a recent Tax Court decision where a man had emphysema. It was so bad, his doctor told him he had to get exercise to help his breathing. The doctor suggested swimming so he built a swimming pool next to his house and the Tax Court let him take $25,000 off his taxes for that pool.

Now he got the emphysema because he smoked three or four packs of cigarettes a day. We call contribute to the rise in health care costs. I can tell you about my visits to the orthopedist because I had this pain in my back and if I had taken better care of myself, would I have run up that bill? We can all tell stories about how, in one way or another, we all contribute to this problem.

I think what the Senator from Massachusetts has been at for a number of years and what I have been at for a lesser number of years is recognizing that fact and trying to deal with it. Today I feel we are not in agreement as to how to deal with it.

I believe in making people face up to the financial consequences of their actions. We are contributing in part to this recognition through copayments and deductibles. Particularly when we get to the part here on the part B deductible. Although it costs you an extra 3 or 4 percent each year, to go into the hospital, it also is an incentive to find out from your doctor if maybe he could do it at the clinic rather than send to the hospital. So does it hurt to have a $75 bill that goes up to a $79 bill and then an $83 bill just to say, "Hey, Doc, do I really have to go into the hospital?"

So, in part, what the Finance Committee is proposing, even though it may look as though we are, in the words of the Senator, loading more of the burden of inflation on the elderly, is that whether you are young, old, middle-aged or whatever, it is appropriate for all of us to be part of the solution to the problem of increasing health care costs. It is incumbent upon us here not to load the whole financial burden for solving this problem on any one section of the population.

What has the Finance Committee done over the last 4 years or proposed that we do here in the Senate? The so-called medicare savings, the savings from the growth in medicare—where has that burden fallen? Without the provisions in the Finance Committee proposals, 56 percent of the so-called savings, the cuts in medicare, would be on hospitals; 22 percent would be on beneficiaries, 8 percent on physicians, and the balance on all other providers. So, in other words, 22 percent would be on beneficiaries and 78 percent would be on the providers out there—the hospitals, the doctors, the nursing homes, and so forth.

If you adopt the committee provisions, the Senator is correct that, to a degree, a part of that burden is somewhat larger for the beneficiaries. It goes from 22 percent to 28 percent. But still, Mr. President, 72 percent in the last 4 years, or over a 4-year period of time, is being pressed on the provider. So on an equity basis, if you will, I support this small increase. Regardless, three-fourths of the cuts in medicare have been loaded on what has been up until recently a basically cost-insensitive provider system—the hospitals, the doctors, the nursing homes, and so forth.

To look at the per capita, from the standpoint of the individual, per capita out-of-pocket costs in 1984 for health care will equal 15 percent of an older person's average income. That is the same as in 1966 before medicare was fully implemented. So, as a percentage of my mom's income, what she has to pay out in health care out-of-pocket expenses today is the same as it was in 1966. But assuming she was a recipient in 1966, what does she have today that she did not have then? I shall just name a few things and this is not all inclusive: kidney dialysis, artificial hips, coronary by-pass surgery, CAT scans, and a variety of other things out there that prolong her life, enriching her life, providing opportunities for her that were not there for the same percentage of her income almost 20 years ago.

According to some experts who recently testified at a conference the House Ways and Means Committee held on the future of medicare, about 30 to 50 percent of hospital cost increases today can be attributed to improvements in treatment and technology.

Now, there is no doubt about the fact that elderly in this country are getting more under medicare today than they were in 1966. One sure way to contain costs is to limit available treatments to what they were in 1966, but I am not going to ask that of my mother and I do not think that is fair to ask of anybody in this country. All we are asking is that the elderly bear a share of the cost of these extraordinary medical advances, most of which benefit people 65 and older.

If we fail, Mr. President, to contain medicare costs, it hurts everybody, including the beneficiaries. The depletion of the medicare trust fund imperils the benefits that senior citizens depend on, and a deficit fueled by growing medicare costs drives interest rates higher and higher for everybody.

Without the medicare changes contained in the committee amendment, the cost of the program will increase by approximately 12.2 percent between 1985 and 1986. Even with the modest changes, we suggest the rate of growth will still be 10.8 percent.

The easiest answer for containing medicare costs is for Government to simply pay hospitals and physicians less. That was, I think, the reference of the Senator from Massachusetts to the old hospital cost containment legislation that we had on this floor back in 1979 and 1980. The theory is just to regulate away health care cost increases, but, unfortunately, Mr. President, it just is not that simple. If hospitals do not get enough money, what do they do? They ration services. It is inevitable. That has happened in Great Britain, and I could probably haul out a lot of examples of it.

The best way to contain costs is through a balanced approach such as that we believe is contained in the Finance Committee bill, an approach that encourages efficiency and discourages unnecessary utilization. Beneficiary cost sharing is a very important element of an efficient medicare program as it is a necessary element of any health insurance program.

The idea of cost-sharing, as I indicated earlier, is to deter unnecessary utilization and thereby to dampen the spiraling health care costs as we have demonstrated by studies time and time again. The most comprehensive study to date found that higher copayments do deter unnecessary utilization. While that study did not include the elderly, it demonstrates what we all know, and that is that free care leads to increased use of medical services.

Under the medicare program, for example, between 1971 and 1980, the average number of home health visits per 1,000 enrollees, which requires no cost-sharing, increased by 297 percent.

So it is not unreasonable to ask our senior citizens to share to a degree in the cost of medical care. Their share is manageable. The majority of people, 57 percent of the noninstitutionalized elderly in 1980, had out-of-pocket expenditures of less than $200. Ninety-four percent had out-of-pocket expenditures of less than $1,000. The median of all out-of-pocket expenditures was a mere $156.

Reform of beneficiary cost-sharing is needed but not in the form that these amendments take. What is needed is catastrophic expense protection, protection medicare beneficiaries do not now have. A medicare patient in the hospital for 150 days could under present law incur $13,000 in out-of-pocket expenses. That, Mr. President, is unreasonable, and it is for that reason I have introduced legislation to provide beneficiaries with catastrophic expense protection.

Just a couple of comments, Mr. President, specifically about the part B premium. The President, just before we came back to this effort this year, had specifically requested that we make every effort not to place an unreasonable burden on beneficiaries. As a result the original Finance Committee proposal, which was to increase the part B premium to 35 percent of program costs, passed by a majority vote and a bipartisan vote, was thereafter modified. The final proposal now holds the premium at 25 percent of program costs.

As I indicated earlier, part B premiums were originally designed to cover 50 percent of program costs but has now slipped below 25 percent. The committee is merely proposing that we, as an insurance program, hold it to 25 percent of program costs. If permitted to revert to current law, the premium would represent only 18 percent of program costs for the elderly by the year 1989.

Over the last 10 years, beneficiary part B premiums have increased 94 percent while the Government contribution to the costs of part B, as we illustrated earlier, have increased by over 275 percent. When compared to other cost indices for the same time period, part B premium increases have fared well.

The part B premium has gone up 94 percent. The cost of transportation has gone up 142 percent, the cost of housing has gone up 135 percent, and the elderly average cash benefit from social security has been increased 155 percent. So the income from social security has gone up 155 percent, and the cost of other things that the elderly depend on like housing and transportation has gone up more than has the percentage of income the elderly contribute to the part B premium.

I would remind you again, Mr. President, that only one-third of the cost of the medicare program is in part B. The other two-thirds, $44 billion in fiscal 1984, is in part A, the hospital part, where there are no contributions other than the deductible for the first day in the hospital and some other deductibles later on in the stay.

Insurance premiums increase as the cost of care increases. Availability of more and better services has contributed to the rising cost of health care. If part B only covered the services it covered when the program was enacted, we could easily keep the premium costs to a minimum. So when we say that Government's part B expenses have increased 275 percent over 10 years, we are really saying that the taxpayers' expenses have gone up. Are we now going to tell working Americans that they not only have to shoulder the burden of their own health insurance premium increases, they not only have to share the burden of increased expenses for part A but also an increasing share of an insurance program for elderly Americans that has in it no test for means?

Mr. President, I conclude with some remarks about the Senator's proposal to index the part B deductible. I think he said, if I heard him correctly, that the reason for the amendment is to overcome the Finance Committee proposal which has the effect of preventing people who are most in need of doctor care from receiving such care.

Well, let me give you some numbers for the record. First, the Finance Committee proposal is for 3 years only. Second, the 1981 Reconciliation Act increased the part B deductible by 25 percent from $60 to $75. Prior to this amendment, the deductible had remained at $60 since 1972. And you can go over and look at the Senator's chart if you want to know what happened to the cost of services under part B since 1972, but the deductible stayed at $60 until we moved it to $75.

Since 1981, benefit payments have increased by an additional 80 percent. Between 1972 and 1981, benefit payments per enrollee increased by 250 percent. Since 1981, per enrollee payments have increased by an additional 56 percent, and they are expected to continue to increase by 13 percent a year for fiscal year 1988, at which time the average benefit payment per enrollee could exceed $1,130.

The deductible was intended to reflect a portion of program costs, and it failed to do so because it has been fixed too long too low. The real value of the deductible will continue to erode if no increase is put in place. Will this prevent people from going to see a doctor?

In 1985, the deductible was increased by $3 a year, or less than 4 percent, while part B costs are expected to increase by 16 percent. In 1986, it would go up to $82; that is a $4 increase. In 1987, it would go up to $86; that is a $4 increase, or a 4-percent increase.

Mr. President, I know there are others who want to speak to the issue, particularly the chairman of the Finance Committee. I will conclude, perhaps, where I started, with my compliments to the Senator from Massachusetts for these annual or semiannual visits we pay to the floor on this subject and the growing frustration on the part of each of us that, this body—and I suppose that means this country—cannot raise the burden of the cost of health care to the level where it might be the No. 1 issue when we return here in January.

The Senator from Massachusetts and I have somewhat differing views on how to solve that problem, but they seem to be getting closer and closer all the time. In 1979, when he was fighting for hospital cost containment, DICK GEPHARDT and I were talking about choice and competition. Now, GEPHARDT is talking to me and the Senator from Massachusetts, which I assume means that, somehow or other, I must be leaning from my direction toward the middle and the Senator from Massachusetts may be leaning from his direction toward the middle.

I hope that the help that he and others on both sides of the aisle have given on prospective payments on expanding that in the future, on competitive medical plans, on providing realistic State waivers such as he has in Massachusetts for peer review, for taking a look at catastrophic and the problems of long-term care, which helps to raise that issue, for dealing with the poor, dealing with the issues of high tech, issues of medical education, issues of capital, on which there is very little difference among us—I hope that we can continue that part of the process, even though we disagree here today about the impact that small additional cost-sharing for the beneficiaries of this system may have on their access to the system.

The reality is that the things I have just talked about—the move to prospective payment, changing the way we think and the way providers think about the way they deliver health care—are very significant. Moving to vouchers is very significant.

A lot of the reform we have engaged in sort of behind the scenes, without this elaborate debate, has changed the system, and it is starting to work. The estimate that the actuaries for the medicare trust fund have today as to how much that trust fund is going to pull in for the next year is actually $6.5 billion less than they had anticipated last year. That is not because we cut money out of the fund. It is because there is that kind of reform taking place in the delivery system.

I suggest, Mr. President, that in part, that is due to the fact that each of us, as purchasers of health care, is

more sensitive to our role in that purchase decision. Also, we are more sensitive to the role that our health itself plays in those figures. For that reason, I will urge my colleagues to oppose the Senator's amendment.

I think each of the proposals we have made has been sensitive. It has had a purpose to it that is different from just balancing the budget on the backs of beneficiaries. I do not think it is overly burdensome toward any one group of people or any one institution who all contribute in one way or another to the problem.

The Finance Committee says it should be 25 percent to the beneficiary, 75 percent to the provider. It seems to me that that is a pretty equitable distribution of the burden of reform in this process.

Mr. President, I yield the floor.

Mr. DECONCINI. Mr. President, I strongly support the amendment offered by Senator KENNEDY to eliminate the provisions in the Finance Committee bill which would increase the part B premium and part B deductible for medicare beneficiaries.

Mr. President, I share all of my colleagues concerns over the long-term solvency of the medicare system, but I do not believe the complexities of the problem can be resolved in a piecemeal fashion, nor do I believe that those least able to afford it—medicare beneficiaries—should be asked to shoulder a disproportionate share of the burden.

Under the Finance Committee bill, the part B premium will be increased to an amount necessary to cover 25 percent of program costs. This will cause the current premium rate of $175.20 annually to almost double by 1990. If Senator KENNEDY's amendment is adopted, the premium will increase by no more than the increase in the social security COLA, thereby insuring that medicare beneficiaries will not have to expend an increasing proportion of their limited incomes on health care.

It is important to note that the elderly already spend an average of $1,500 per person, or $1 in every $7 of their incomes, on medical care each year. Much to the amazement of many Americans, medicare only covers approximately 40 percent of the elderly's medical care expenses. The burden on medicare beneficiaries would clearly be exacerbated if the Finance Committee bill is adopted.

Senator KENNEDY's amendment would also eliminate the provision of the Finance Committee bill which would increase the medicare part B deductible from the current level of $75 a year to $82 a year by 1990. White this increase is not large, it is symbolic in the eyes of medicare beneficiaries, many of whom fear that health care, even with medicare, may soon be beyond their reach. I cannot in good conscience support any action which would make their fear a reality.

Mr. President, the Finance Committee bill contains provisions which amount to $9 billion in medicare cuts. Of this amount, beneficiaries will be required to contribute $3.7 billion while physicians will contribute only $1.5 billion and hospitals $1.4 billion. This, in my view, is neither a balanced approach to medicare reform, nor is it an equitable solution. All components of the health care delivery system should share proportionately in solving medicare financial woes. Beneficiaries should not, once again, be asked to contribute the largest portion of the reductions incorporated in the Finance Committee package.

The bottom line, it seems to me, is whether health care in this country is a right or a privilege. If it is a right, as I believe it is, then we should not participate in any action which may put that care out of the reach of the millions of our senior citizens. We should not place our senior citizens in a situation where they are going to have to choose among adequate food, shelter or health care. I, therefore, intend to vote for the Kennedy amendment and urge my colleagues to support it.

MEDICARE BENEFICIARY COST INCREASES ARE TOO HIGH

Mr. BYRD. Mr. President, the legislation before us today contains provisions that will result in direct increases in costs that must be paid by elderly and disabled medicare participants totaling $2.242 billion between now and the end of 1987, and many billions more in subsequent years. Further, $750 million to $1.5 billion in indirect cost increases will be added to this burden before the end of 1987.

Many elderly or disabled persons just cannot afford the kind of out-of-pocket cost increases that will result from these provisions. Already, they are hard pressed to afford needed medical care. A few statistics on this subject are revealing: According to testimony presented to the Joint Economic Committee, medicare currently pays only 45 percent of the total medical care bill for the elderly. On average, an elderly person currently pays over 15 percent of his or her annual income out-of-pocket for medical care—toward the average of $1,700 in per capita medical expenses not covered by medicare.

The sad truth is that health care costs—despite the presence of medicare—are consuming a larger and larger portion of the incomes of the elderly every year. The cost-of-living adjustments provided by social security are not enough to compensate for these increases, much less for the other increases in the cost of living that the elderly encounter every day. Most private pensions do not provide any periodic adjustments at all—or, if they do, those adjustments also are inadequate to cover the growth of medical care costs facing the elderly.

Health care costs are skyrocketing out of control, and consequently medicare costs are increasing. The legislation before us shunts off more of those costs on the elderly and disabled.

The fact is that this only increases the terrible financial pressures on the elderly.

The fact is that this does absolutely nothing either to control the continued wild escalation of medical care costs or to assure the solvency of the medicare hospital trust fund.

The fact is that this is not a solution to the problem, it is a compounding of the problem.

I want my colleagues to understand that if one accepts this approach to constraining medicare costs, one is signing on for an absolutely hopeless voyage destined for a shipwreck. Until and unless we take steps to effectively control the pressures that have kept health care costs growing more than twice as fast as all other inflation in our economy, this Congress will be faced every single year in the foreseeable future with further beneficiary cost increases and benefit cuts. It will not take long for the medicare program to become nothing but a shadow of its former self—and for huge numbers of our elderly and disabled citizens to be faced with a choice between absolute destitution or tragic health problems, suffering, and even early death brought about because they cannot afford needed health care.

Mr. President, I am pleased to support the amendment of the distinguished senior Senator from Massachusetts. It deletes an increase in the amount the elderly and disabled must pay out of their pockets each year before medicare will cover any of their doctors' bills. And it deletes a substantial increase in the part B medicare premium that the bill before us institutes as a permanent change.

The amendment of the Senator from Massachusetts removes two of what arguably are the most unfair provisions of the Finance Committee package. I urge my colleagues to vote against the motion to table the first division of the amendment, and thereby confirm how vital medicare's protection for the elderly and disabled is to this body. Those who depend on these programs for necessary medical care have a right to expect this from their elected representatives.

Mr. MOYNIHAN. Mr. President, I rise to support both of Senator KENNEDY's amendments to restore medicare benefits to the Nation's elderly citizens.

These two amendments will restore a total of $2.1 billion in benefits cut under the Senate Finance Committee's deficit reduction plan. On March

13, 1984, the Finance Committee approved a plan to reduce medicare benefits and increase premiums by $9.8 billion over the next 5 years. These savings are targeted at the citizens least able to pay for them: the Nation's elderly.

Health care costs currently consume $1 out of every $7 from a senior citizen's income. The average elderly American pays over $1,500 per year in health care costs. And medicare pays but 40 percent of the elderly's medical costs. It is clearly unjust to balance the Federal budget at the expense of those citizens least able to pay for it.

These two amendments would reduce the burden on the elderly—without increasing the size of the budget deficit. The first amendment would strike the Finance Committee's proposal to increase, over the next 3 years, medicare premiums by $1.27 billion and medicare deductibles by $225 million. Beneficiaries would save nearly $1.5 billion, and the burgeoning defense budget would be reduced by an equivalent amount to prevent a rise in the Federal deficit.

The second amendment reverses the Finance Committee's decision to delay initial medicare eligibility to the month after that month in which a citizen turns 65. This delay would save approximately $630 million over the next 3 years, but it also would leave tens of thousands of Americans without health coverage for several weeks. Once again, the savings to beneficiaries under this amendment would not increase the Federal deficit, because an equivalent amount would be subtracted from the defense budget.

These amendments are simple matters of equity for millions of Americans who are the most vulnerable to cutbacks in Federal health programs. Most of our elderly citizens are on fixed and highly restrictive incomes, and they cannot afford to bear a disproportionate share of our budget-cutting efforts. I urge all of my colleagues to support these amendments.

Mr. DOLE. Mr. President, I think this issue has been covered very well. I know both the Senator from Massachusetts and the Senator from Minnesota have some concerns. Maybe in some areas they agree, and I hope the same is true with the Senator from Kansas.

It seems to me that we have a responsibility. We have had all kinds of magic formulas presented on this floor to make rather significant changes in social security, tax indexing, and other things that have been defeated—largely, I hope, because there is some confidence in the Senate Finance Committee. We passed our package by a vote of 76 to 5, which included the spending cuts and other revenue changes, and I believe there is a recognition on both sides of the aisle that we were very careful in what we did.

Obviously, there are those who want no change at all so far as beneficiaries are concerned. But it would boggle my mind for somebody to stand here—and they have done so on both sides—suggesting that we should reduce spending or defer tax indexing, increase taxes on working men and women who are paying for medicare benefits for others, and are paying social security benefits for others, but that we should not at all look at medicare.

We have been very careful, as was pointed out by the Senator from Minnesota, the chairman of the Health Subcommittee, in the changes we made. We were so careful that on the final vote in our committee, where we have 20 members, the vote was 20 to 0. We did not go in with a meat ax, and slice up medicare, and shift costs to beneficiaries.

I hope that the Senate as a whole—I have no quarrel with anybody who offers amendments—will uphold the judgment, the unanimous judgment, of the Senate Finance Committee, 9 Democrats and 11 Republicans.

The problem is that this has gone on so long on the Senate floor that it is hard to remember what we did 1 week ago, or 2 weeks ago, or 3 weeks ago, or 1 month ago in our various committees. This may suddenly loom as a new idea or new issue, but it seems to me that we have been over this ground frequently.

I think if we had some magic way by which beneficiaries would never pay any of the cost, that would have a lot of political appeal and it would be easy to sell, but it probably would lead some to think that we are not serious about reducing the deficit. I am not certain that we are serious about reducing the deficit. Everyone wants to talk about it, but nobody wants to vote to reduce it, unless they can reduce by shifting the burden to some other group.

What we attempted in the Finance Committee, in the $48 billion in revenue and the $18 to $20 billion in spending restraint, was to make certain that we move very slowly in areas that affect medicare, medicaid, and other matters where we have jurisdiction on the spending side. Obviously, we were aware that on the House side there would be little, if any, spending reduction. If those who do not want any reduction at all in any of these programs are successful, we will have nothing with which to go to conference.

Let us face it. The House talks about deficit reduction but when it comes to voting for deficit reduction their view of deficit reduction is to raise your taxes and cut defense spending and do nothing as far as nondefense spending is concerned. So it is a serious issue.

Mr. President, spending reductions are an essential element of our efforts to reduce the deficit. Those reductions include cost-savings proposals for the medicare program because the Finance Committee found it difficult to overlook the rapid growth we have seen, and will continue to see, in the cost of that program.

Medicare cost savings without beneficiary participation is a grand idea, but it leads people into thinking that in our efforts to contain budget deficits they will not be hurt. But that is a mistaken notion. They will be hurt, as the deficit grows, inflation grows, and the ability of the Federal Government to finance needed health care shrinks. Beneficiaries and taxpayers are concerned. And we should be concerned enough to realize that including beneficiaries in our cost-saving proposals is essential.

It has been argued that we should forgo any increase in cost sharing for medicare beneficiaries because the elderly now pay for a substantial portion of their health care out of their own pockets. While it is estimated that the elderly will have to spend the same percent of their income on health care in 1984 as they had to spend before medicare was fully operational, we should keep in mind the tremendous range and intensity of services made available by the program to the elderly today as compared to 18 years ago. Without being required to spend any greater portion of their income, the elderly now avail themselves of kidney dialysis, artificial joints, cardiac pacemakers, coronary bypasses, and numerous other medical procedures and technologies which restore functional capability and extend life. As a result, the elderly are healthier today and receive better care than they did in 1966, at no greater cost burden to themselves.

To me that is rather significant. I doubt we can look at the other segments of our population or any other area of the economy where the costs have not gone up, whether it is housing, food, or clothing, but in this particular case, with all the new services added and all the new technologies, they are still spending about the same amount as a percentage of their income.

I should also mention, because we throw figures around this place as though they were irrefutable, that while per capita out-of-pocket costs equal 15 percent of an older person's average income, these figures are misleading. But those who cite the figures fail to state that they include the costs of those elderly individuals who are institutionalized in nursing homes. For the noninstitutionalized elderly, out-of-pocket expenditures per capita equal on the average about 6 percent of their income.

So I think if we have the facts, and obviously it is pretty hard to give the facts for 100 Senators when only 4 are

in the Chamber, but if the facts are available to everyone who must vote on these amendments, then I believe—5 Senators in the Chamber, excuse me.

Mr. LEAHY. I thank the Senator from Kansas for noting my presence.

Mr. DOLE. I forgot the Presiding Officer.

There are five Senators in the Chamber.

So it is difficult and I think we are sort of talking here without anyone really paying much attention.

We should also keep in mind the relative improvement in the economic circumstances of the elderly. In the early 1960's, one out of every five elderly Americans lived with income below the poverty level. That is no longer the case today. Since 1959 the number of elderly living in poverty has dropped from 35.2 percent of the population aged 65 and older to less than half that rate, 14.6 percent, in 1982. The overall economic status and living standard of the elderly have improved.

Medicare, private health insurance, and other third party payers continue to help to alleviate the burden of paying for medical care. The majority of the noninstitutionalized elderly in 1980, 57 percent, had out-of-pocket expenditures of under $200, and 94 percent had out-of-pocket expenditures of under $1,000. The median out-of-pocket expenditure was $156.

The cost-sharing provisions adopted in the committee amendment are reasonable and certainly justifiable. The part B deductible and premium provisions are intended to bring the financial stake of part B enrollees in line with the cost of the benefits provided.

PART B PREMIUM

The premium provision will simply continue to hold the proportion of program costs paid by beneficiaries at 25 percent. As we all know, the premium for part B of medicare was originally designed to cover 50 percent of program costs. However, due to a premium freeze and 1972 legislation limiting the annual premium increase to the same percentage as the annual increase in social security cash benefits, the share of program costs for the aged covered by the premium fell rapidly. By 1981, it had reached a low point of 24 percent. With respect to the disabled, the premium represented only 14.5 percent of their costs in 1981. As a result, the Finance Committee agreed to permanently set the premium at 25 percent of program costs in 1982. This was then modified on the floor, to hold the premium at 25 percent of program costs only until July 1, 1985. Soon after, Public Law 98-21, the Social Security Amendments of 1983, made three changes in the medicare part B premium. It delayed the implementation of the 1982 change; froze the part B premium at the then-current level of $12.20 per month between July 1, 1983, and December 31, 1983; and set the part B premium at 25 percent of program costs for aged beneficiaries for calendar years 1984 and 1985. Thereafter, the premium could increase by a percentage no greater than the previous year's social security COLA.

The premium provision adopted as part of the committee amendment is identical to the one first agreed to by the committee in 1982, making the premium change permanent. Without this provision, the premium will decline to where it will represent only 18 percent of the program costs for the aged by 1989. Mr. President, the arguments used in 1982 and 1983 are the same ones we are using today. Insurance premiums increase as the costs of care increase. Each of us is aware of our own health insurance costs rising. The same is true of medicare.

The premium provision was designed to accomplish one major objective: To provide for a more equitable balance between general revenue and premium financing of medicare part B. Part B premiums have increased by less than 270 percent since 1970 while there has been an increase of 1,720 percent in the Government's share of program costs and an increase in overall program costs which exceed 960 percent.

The provision produces a substantial savings at relatively little expense to some 29 million individual enrollees who participate in part B and would have to pay the new premiums. For these individuals, premiums are a plannable event—something they can anticipate. For that 13 to 15 percent of the medicare population that is eligible for medicaid as well as medicare, the States, not the individuals, would pick up the increase in premiums.

As a spending reduction proposal, the impact of setting the part B premium at 25 percent is spread across the broadest possible population, not just those who use services. As a result, it is the most equitable method of sharing a reduction in spending. In addition, the part B premium proposal contains a hold-harmless provision so that an individual's social security check will not be reduced as a result of a premium increase.

INDEX PART B DEDUCTIBLE

Like the part B premium, the part B deductible was originally intended to reflect a portion of program costs. Because the deductible has been fixed, however, it has failed to do so. The real value of the deductible will continue to erode if this amendment is adopted and no increase is allowed.

The 1981 Reconciliation Act increased the part B deductible by 25 percent from $60 to $75. Prior to that, the deductible had remained at $60 since 1972 despite a more than 430 percent increase in total program benefit payments between 1972 and 1981. During that same period, benefit payments per enrollee increased by 250 percent. Since 1981, benefit payments have increased by an additional 80 percent while benefit payments per enrollee have increased by an additional 56 percent, and are expected to continue to increase by about 13 percent per year, only 3 percentage points less than the expected 16 percent annual increase in total costs. The deductible on the other hand is only expected to increase by about 4 percent per year.

Although the provision is only for 3 years, indexing the part B deductible makes it more consistent with the part A deductible. Both would then change on an annual basis and reflect the increasing costs of the program. As I have indicated, the incremental increase in the deductible is small on an individual-by-individual basis, but results in significant cost savings to the program as a whole. Of an estimated 29.1 million enrollees in 1984, about 70 percent, about 21 million, would be affected by this provision. The remaining 9 million will not have incurred more than $75 worth of part B services.

Again, as with the premium, those poor elderly who are also eligible for medicaid would not have to bear the cost of an increase in the deductible directly.

CONCLUSION

Mr. President, while the cost of care provided under the medicare program has increased dramatically, user sensitivity to the price of the services demanded has declined.

Medicare beneficiaries, along with other patients, should be made sensitive to the high cost of care. Price sensitivity makes sense where the beneficiary's decision to seek medical care is his or hers to make and it does not cause needless delay in seeking needed care. Cost sharing can be useful and is appropriately applied in the proposals adopted as part of the committee amendment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. KENNEDY. Mr. President, will the Senator withhold the tabling motion for 5 or 6 minutes for a response to a couple of points?

Mr. DOLE. Yes, I withhold the tabling motion.

The PRESIDING OFFICER. The Senator is withholding the tabling motion.

Mr. KENNEDY. I thank the Senator.

Mr. President, I have listened with great interest to the chairman of the Health Subcommittee, Senator DURENBERGER, with whom I have worked on a number of health issues, and to the chairman of the Finance Committee, with whom I have discussed these matters as well as other matters.

In conclusion, I wish just to point out a very few but relevant fact.

The medicare trust fund is in serious, serious difficulty. It is in real crisis.

The social security challenge which we faced just a few years ago pales against this problem. Nothing that was done by the Finance Committee changes that facts.

The members of the Finance Committee cannot say that we are making a downpayment in trying to alter this trend which is going to result in over $1 trillion in deficits by the year 2000. They have done nothing to deal with this problem. All we have done is transferred payments from the Federal Government on to the backs of the elderly people.

Now, we hear it said well why should not the elderly people bear their fair share of this problem?

The fact of the matter, Mr. President, is that the elderly people over 65 years of age pay three or four times as much every year for health care as the average citizen. That is because they need it more. That is obvious. We do not need a lot more studies to prove that.

And the second fact is that the majority or close to the majority of the American people over 65 are dependent upon social security for their income and are dependent upon the COLA's, the increase in the cost of living to deal with their needs.

So what those who are resisting our amendment are saying is we will let the elderly people pay even more for the health care than they are now, even though they are already paying three or four times as much. The elderly are caught in a situation where their increases in income in most instances is dependent on COLA's, and health-care costs are going three or four times higher than the COLA's and the Finance Committee says: "Let them eat cake."

How in the world are the elderly going to deal with this excessive inflation they did not cause and cannot cure?

People below 65 are dealing with it the best they can. The great bulk have employer-financed health insurance and are effectively insulated from cost increases. The elderly depend on medicare.

But, Mr. President, the Finance Committee says: "Well, look, we cannot really deal with this problem now." I say if we are not going to deal with the underlying problem now, let us wait. That is what I say. Let us wait until we come back here, and not further victimize the elderly today for our failure to act.

Finally, I would say that there are 11 States that have some kind of cost control, effective cost controls in which their increase in terms of health-care costs average 4 percent less than the States that do not have this program. My State happens to be one of them, and I yield to no one in terms of the quality of health care that is being provided by some of our very best medical institutions. But they do it through effective combination of regulation and competition worked out through the hospitals, and the local communities, and the State, not through forcing helpless consumers to pay more.

So, Mr. President, what we are basically saying is we have a problem. The health-care costs are going absolutely out of control, but we are washing our hands of the problem and handing it to the elderly people of this country. We have not the courage, the will, to deal with this in an effective way and we are just bucking this issue right over off the budget and to the backs of the elderly people. And, Mr. President, they cannot afford it because they are already caught in the trap of inadequate coverage and excessive inflation.

Finally, Mr. President, I wish to include at this point in the RECORD a series of incidents affecting just four or five of what we would call average citizens whose lives would be absolutely decimated with the kind of increases proposed here. They are individuals who appeared before a forum I held on the increasing cost adequate health care for medicare beneficiaries.

The chairman of the committee has been good enough to permit me this time to respond, and I will not take the time of the Senate to read this material, but I ask unanimous consent that they be printed in the RECORD. I also ask that letters from senior citizens organization and other organizations supporting my amendments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
Washington, D.C., April 19, 1984.

Re Medicare provisions of Deficit Reduction Act.

From James Roosevelt, Chairman, National Committee To Preserve Social Security and Medicare.

Amendments may be considered by the Senate on Tuesday, April 24, to remove from a Finance Committee bill provisions that reduce Medicare benefits and make Senior citizens pay nearly $4 billion more for Medicare over the next four years than they now are scheduled to pay. The Deficit Reduction Act of 1984, as presently proposed by the Finance Committee, would (1) increase Medicare premiums to the elderly; (2) increase the deductable paid by the sick, injured, and disabled; and (3) delay eligibility for up to a month.

On behalf of the 550,000 members of the National Committee to Preserve Social Security and Medicare, I urge you to support amendments that would eliminate these provisions. Senator Edward Kennedy and Max Baucus have announced they intend to offer such amendments after the Senate returns from its Easter recess on Tuesday.

Let me give you two figures that put our plight into perspective. We seniors now pay, on the average, 15 percent of our income for health care. This is roughly the same proportion seniors paid before Medicare was created in 1966. Second, Medicare now covers, on the average, only about 40 percent of our health care costs, not the larger figures many believe. We have been running hard in the last twenty years only to be back about where we started.

Under present law, by 1989 Medicare Part B premiums would increase by about $70—from $175.10 a year today to $244.80 a year, according to the Congressional Budget Office (CBO). Regretfully, the Finance Committee bill would increase the annual premium by about $145, to $320.40 in 1989. In other words, the Finance Committee provision would more than double the increase already expected to occur under current law.

Furthermore, the Part B deductible also would be raised over the next two years by the Finance Committee bill. According to CBO estimates, this increase would be from the present $75 to $82. Seven dollars may not sound like much, but it means two or three meals to some of our members. Keep in mind that the deductible, by definition, is paid only by the elderly and disabled who already are sick or injured.

Concurrent with these increased charges, the rules governing eligibility would be changed by the Finance Committee bill so that seniors would not be covered by Medicare until the first of the month after the month in which they reach 65. Under present law they become eligible the first of the month in which their birthday occurs.

You also should be aware that the additional costs and benefit reductions in the Finance Committee bill are exacerbated by another provision which would save several billion dollars over the next four years purportedly at the expense of physicians who treat Medicare patients. In fact, most of the savings attributable to the so-called "physician fee freeze" will come at the expense of the elderly. This bill does not freeze physicians' fees. Instead it freezes only what Medicare reimburses toward doctors' fees. The only physicians this "freeze" will affect are those who accept Medicare's fee levels as payment in full for their services (called "accepting assignment").

In over half the cases of treatment of Medicare patients, doctors do not accept assignment. Instead, they bill patients for more than Medicare will pay, and the elderly and disabled must make up the difference. In those cases, the full impact of the "freeze" will be borne by the Medicare patient whose reimbursement will be frozen. A doctor who refuses to accept assignment will not be penalized by this bill; perversely, only those doctors who cooperate with the system and accept assignment will be penalized!

Even worse, the Finance Committee bill would freeze, for a second year, reimbursements to the patients of doctors who refuse to accept assignment. Physicians who refuse to limit those fees to the reasonable amounts set by Medicare would be free to continue raising fees during the second year, forcing their patients to pay the widening difference. Those who argue that the "invisible hand" of the marketplace would drive patients away from non-cooperating doctors ignore the nearly blind trust which the elderly hold for their physicians and

their resistance to change a doctor-patient relationship after it has been established for years.

This hidden additional burden on the elderly should not be imposed by Congress. We urge you to support amendments that will prohibit physicians from increasing their charges to Medicare patients instead of the reimbursement freeze provisions contained in the Finance Committee bill.

On behalf of the members of the National Committee to Preserve Social Security and Medicare, I urge you to support amendments which will eliminate increases in Medicare Part B premiums and deductibles, which will eliminate the delay on eligibility, and which will require physicians to accept the Medicare reimbursement as full payment for their services. Such action is necessary to protect the millions of our nation's senior citizens who have worked all their lives to qualify for, and who now are depending upon, our critical Medicare program.

NATIONAL COUNCIL OF SENIOR CITIZENS,
Washington, D.C., Apr. 20, 1984.

DEAR SENATOR: This week the Senate is due to take up amendments to the Deficit Reduction Act of 1984. Included among the amendments to be considered will be two offered by Senator Edward M. Kennedy to restore some of the cost-shifting cuts made in the Medicare program.

As we understand it, the Kennedy amendments would eliminate the delay in eligibility for Medicare benefits, eliminate the increase in the Part B premium and deductible, and prevent doctors from passing along increasing costs to Medicare beneficiaries due to the fee freeze. These changes would still save the Medicare program $2.5 billion over the next three years.

The National Council of Senior Citizens is deeply concerned about the looming deficit in the Medicare program. However, over the past three years, Medicare has been reduced by over $25 billion through FY 1986 with much of the savings coming out of the pockets of elderly people. Since July, 1980, the Part B premium has increased 34 percent and the Part B deductible has gone up 20 percent.

There is a better and more equitable solution. Medicare is not alone in experiencing higher costs; since 1960, health care costs per capita have risen more than 1,000 percent—four times as fast as the consumer price index. We need to enact a system-wide cost-containment program that puts reasonable limits on hospital revenue increases and expands the prospective reimbursement system to cover all payors, public and private. Such a program has been proposed and is contained in the Medicare Solvency and Health Care Cost Control Act of 1984, S. 2424.

Finally, NCSC adamantly opposes a physician freeze without protections to assure that beneficiaries do not absorb the costs instead of the doctors. We urge you to support the amendments that Senator Kennedy will introduce on Tuesday; they may be the most important vote on a senior citizen issue you cast between now and election day.

Sincerely,

WILLIAM R. HUTTON,
Executive Director.

[Mailgram, April 11, 1984]

DEAR SENATOR: The American Association of Retired Persons is deeply committed to substantial reductions in the looming federal budget deficit this year. AARP believes that a budget package reducing the deficits between $150 and $200 billion over the next three years is absolutely essential to maintain the recovery and head off the prospect of renewed double digit inflation.

As we noted in our mailgram to you of March 27, the deficit reduction package must be both fair and effective. To be fair, the package should recognize the sacrifices made in previous budget reductions by various groups including the elderly. To be effective, it must address the two primary forces now driving up the deficit: the huge drop in tax revenues and the rapid increase in defense spending.

AARP is particularly concerned about the budget proposals that shift more health care costs to Medicare and Medicaid beneficiaries while doing little to slow the forces driving health care costs. In its effort to reduce Medicare spending by $8.1 billion over a three-year period, the pending Finance Committee bill asks the elderly to bear the majority of those spending reductions. Similarly, the proposal to permanently reduce the federal Medicaid contributions by 3% is a retreat from the federal government's seventeen-year commitment to help pay the health care costs of the Nation's poor—mostly children and aged nursing home patients.

Among the proposals in the Finance Committee bill is the freeze on Medicare's physician fees for two years unless physicians agree to become "participating" physicians in Medicare (i.e.—agree to accept assignment in all cases). This proposal is not a provider cut, but in reality another shift of Medicare's costs to beneficiaries. It is the Medicare beneficiary who will suffer as physicians decline to accept assignment and shift their increasing fees to patients already burdened by high out-of-pocket costs. Further, even if assignment rates are unchanged, what is being frozen is the reimbursement level to the beneficiary for non-assigned claims.

Currently, only 20% of physicians accept assignment in all cases. Thirty percent (30%) never accept assignment. Only 53% of all claims submitted to Medicare are submitted by physicians as "assignment" claims (i.e.—the physician is willing to accept Medicare's approved charge as payment in full). In those cases Medicare pays 80% and the beneficiary 20%. The other 47% of claims are non-assigned and result in additional out-of-pocket costs to beneficiaries in the form of "charge reductions." In the last five years these excess charges passed on to the beneficiaries have risen 200%.

The proposal to delay initial eligibility for Medicare entitlement to the first day of the month following the month of the individual's 65th birthday would create a gap in health insurance coverage for those who are age 65 but are not yet into the next month following their 65th birthday. Filling this new gap in coverage will increase beneficiaries' out-of-pocket costs for supplemental insurance or risk financial ruin for those subject to acute care but lacking insurance.

The proposed annual increase in the Part B deductible according to the Medical Economic Index would again merely shift costs, increasing beneficiaries' already high out-of-pocket costs for physician services.

The elderly are spending more and more of their income for health care. They are now spending as much out-of-pocket for health care (15% of income) as they were when Medicare began. Additional cuts in benefits that result in increases in out-of-pocket costs only add to this trend and hasten the day when health care services for many of the elderly will be unaffordable.

As we indicated in our earlier mailgram to you, shifting costs to Medicare beneficiaries will not solve Medicare's financial problems. Medicare's cost escalation—which is aggravating the overall federal budget deficit situation—is primarily the result of the 12-14% annual average rate of increase in hospital costs which are passed on to Medicare and private third party payers.

Sincerely,

PETER W. HUGHES,
Legislative Counsel.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., April 24, 1984.

DEAR SENATOR: The AFL-CIO strongly supports amendments which are expected to be offered to the Finance Committee's spending reduction bill this week by Senator Edward Kennedy. Senator Kennedy's amendments will reduce substantially the increased financial burden the Committee's package would place on Medicare recipients.

Senior citizens and disabled Medicare beneficiaries currently spend an average of 20 percent of their limited incomes on medical care. The Finance Committee's bill would heighten the financial burden of Medicare by increasing the Part B premium and by raising the deductible. The Committee's bill would fix beneficiary premiums at 25 percent of program costs. If medical care costs continue to rise at the present pace, which is greater than the inflation rate in the rest of the economy, monthly premiums also would increase at rates which far exceed annual COLAs. It is estimated that if the Finance Committee's bill passes, premium increases by 1990 would consume 30 percent of Social Security beneficiaries' annual cost of living increase. Senator Kennedy will move to strike the increase in the Part B premium and in the deductible.

The Finance Committee bill also proposes a delay in Medicare eligibility until the first full month after an individual retires. This would increase the risk of a beneficiary experiencing an uninsured illness and unfairly shift additional costs to the retired person. Senator Kennedy's second amendment would delete the provisions in the Committee's bill which delay eligibility to receive Medicare benefits.

The AFL-CIO urges your support for these amendments. Increasing the burden on the elderly for hospital costs without dealing substantially with health-care cost containment will only serve to make the plight of the elderly more unbearable. Our retired and elderly Americans can ill afford to pay additional out-of-pocket costs for medical care.

Sincerely,

RAY DENISON,
Director,
Department of Legislation.

HEALTH SECURITY ACTION COUNCIL,
Washington, D.C., April 26, 1984.

DEAR SENATOR: The members of the Health Security Action Council have been following with interest and concern the deliberations in the Senate on the Budget Resolution. Since our focus is upon health care, we are deeply troubled at proposals which would save public expenditures at the cost of increased payments by Medicare beneficiaries.

We believe that you recognize that this continued cost shifting of the escalating cost of health care onto the backs of patients is poor public policy. It does not deal with the providers whose incomes continue to increase, nor with other causes of health care inflation. Instead, it aggravates a situation in which today the Medicare beneficiary is paying well over half the costs of his or her medical bills.

We are writing to urge your support for three amendments to the Budget Resolution which we understand Senator Edward Kennedy will be offering during the course of the Senate debate. These would: a) eliminate the proposed increase in Medicare premium and deductible; b) eliminate the suggested delay in Medicare eligibility; c) provide that the proposed freeze on physician fees be restricted to in-hospital services only, and stipulate mandatory assignment of these fees should experience demonstrate physicians are passing increases on to their Medicare patients.

The Health Security Action Council is a national consumer-oriented health policy organization of 100 national leaders and a network of labor, business, youth, senior citizen, education, farm and related civic groups. As such, we are deeply concerned that the actions of the Congress be fair and equitable to the beneficiaries of public programs as well as to those who provide services and are paid for them. Your support of the three amendments referred to in this letter would be on important and useful contribution toward achieving this objective.

Sincerely,

MELVIN A. GLASSER, *Director.*

Mr. KENNEDY. Mr. President, I have nothing further to say. I know Senator RIEGLE is on his way over here and asked to be heard.

I will not delay the consideration of the vote.

Mr. DOLE. Mr. President, I do not wish to shut anyone off, but I know there is an effort to delay everything by 3 or 4 hours. We still have pending, as I understand, 30 or 40 amendments. I just hope we make decisions on some of these.

I cannot believe we are still on this matter, and I think there is a great deal of concern across the country that Congress cannot deal with deficit reduction. We can deal with talking about deficit reduction but when it comes to making any little change we are not courageous enough to do it. We do not have the will. The institutional will is lacking.

I would guess that everyone who walks over to vote for this amendment has made a speech on deficit reduction. It is easy to stand up and isolate one little area. When you take an area like medicare, as I have indicated, and you look at the statement made by the Senator from Minnesota on the percentage increases that we have had over the years, I think that a minor change is fair and it should be made.

So it is not that we are singling out the senior citizens. Medicare is in some danger.

Over the next 3 years we are going to spend around $250 billion on medicare. Can we not even find savings of $1 or $2 or $3 billion in a program that costs $250 billion, part A and part B?

That seems to me to be totally unrealistic. If we cannot make that much of a minor adjustment in some of these programs—we are spending $250 billion and we are trying to shave off $2 and $3 or $4 billion over a 3-year period—it would seem to me then that we are not going to have much success in any other areas except raising taxes, perhaps by defering indexing. And such a plan would affect the working people, the same people who are paying much of the medicare costs and much of the social security costs.

Mr. KENNEDY. Will the Senator yield?

Mr. DOLE. Yes.

Mr. KENNEDY. I am not sure whether the Senator from Kansas is aware that this amendment is divided into two divisions. The second division would offset the reductions in terms of the deficit by moving the increase of 7 percent real growth to 6.8 percent real growth in defense. So, therefore, we are offsetting in this particular amendment. So if the Senator joined us in part one, he would be able to meet his objections in part two.

Mr. DOLE. I understand that. But we have a problem. Everyone says, "Well, take it out of defense. Do not cut any other spending, just keep whittling away at defense."

That argument can be made. But again I remind my colleagues, every member of the Finance Committee voted against the Kennedy amendment in the committee. We voted for a deficit reduction package. I hope that my colleagues who are on the Finance Committee, Democrats and Republicans alike, will support the Finance Committee now.

We had a solid vote, 20 to 0 in the Finance Committee for the very minor spending reductions that we made in medicare and medicaid. I hope we can preserve that part of our package.

Just to expedite this, I move that we table.

The PRESIDING OFFICER (Mr. ARMSTRONG). The pending question is on division one of the amendment of the Senator from Massachusetts.

Mr. DOLE. I move, on my behalf and the Senator from Minnesota, to table division one and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the quorum call be rescinded so that I might engage in a colloquy with the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator may not attach conditions to his request.

Is there objection to the request that we dispense with the quorum call?

Mr. KENNEDY. Mr. President, I object briefly.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I think we have reached some informal agreement.

The PRESIDING OFFICER. The Senator is informed that the motion to table is pending, and is not debatable. The yeas and nays have been ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the vote on the motion to table occur at 3:15 p.m.

The PRESIDING OFFICER. Is there objection to the Senator's request that the vote occur at 3:15 p.m.?

Without objection, the vote will be held at 3:15 p.m.

Mr. DOLE. Mr. President, I think we could agree on Senator RIEGLE saying a few words first on the amendment, and then perhaps move to another amendment by the Senator from massachusetts, with the vote on the tabling motion to occur at 3:15 p.m. as indicated by the Chair.

Mr. KENNEDY. That is satisfactory.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. I thank the Chair.

Mr. President, I rise in support of the amendment before the Senate offered by my colleague from Massachusetts, Senator KENNEDY, which would strike the provisions from the bill that reduce spending for the medicare program and would, in turn, reach more deeply into the pockets of our senior citizens. Like everyone else here, I am a strong supporter of efforts to reduce the rapidly rising cost of health care in our country and I am also deeply concerned about the future of the medicare trust fund. We must develop a plan to assure the financial integrity of the trust funds and the integrity of the benefit system of the medicare program, which is so vital in providing basic health care needs now for 36 million elderly and disabled Americans.

What we should not do is slowly chip away at the benefits we now provide and do it in the name of deficit reduction.

Like social security, a significant portion of the medicare program is financed by a separate trust fund, financed through a payroll deduction. So our concern with medicare should be like social security; namely, to insure its integrity, both its financial integrity and the integrity of its benefits schedule, and not simply to come at this from the point of view of figuring out how we can work down the costs by somehow chiseling away the benefit side of the structure.

In fact, we included as part of the social security amendments of 1983 a provision that would remove the social security and medicare trust funds from the unified budget starting in fiscal year 1993.

Many of us wanted to do that immediately, but the decision was finally reached on a compromise that these funds would be taken out of the unified budget beginning in fiscal year 1993 for the very purpose of preventing the kinds of ad hoc damage to the benefit system that we are now seeing proposed in this measure which is before the Senate, which the amendment of the Senator for Massachusetts is designed to correct.

So if that provision, which has already been agreed to, were to kick in now rather than a decade into the future, we would not even be here today on this issue, because we would not be handling it in this fashion.

Mr. President, we need to develop a comprehensive solution to the problems facing the medicare program. Simply asking senior citizens to pay more in premiums and more in deductibles is not the way to approach this difficult problem and to solve it.

I would like to urge all of my colleagues to support the two amendments that they will have the chance to consider shortly.

The American people do not want us to reduce the deficit on the back of social security recipients. For that reason, I have supported comprehensive approaches that assure the integrity of the medicare program, not a piecemeal approach such as we have seen presented here proposed by others.

To simply strike out at the medicare system in one way or another while only looking at the bottom line of the Federal deficit and not being concerned about either the trust fund aspect or being concerned about the needs of meeting the health care of our seniors, would only cause us to end up short-changing the millions of Americans who depend upon medicare, who have been paying into the system now for years, who have assumed in their worklife and in the management of their private affairs that they can count on that medicare coverage. Now, after the fact, after that has been the understanding and, in a sense, the bond between those of us in Government and citizens, we would come along and start stripping away those benefits at a time when people have to rely on them.

That is not what we should be doing. It breaks faith with the people. It is something that I think we have to not only consider carefully but we have to move in such a way that this does not happen.

Mr. KENNEDY. Will the Senator yield?

Mr. RIEGLE. Yes.

Mr. KENNEDY. The Senator understands that in this particular proposal there is a second item to the amendment which would offset the amount of this particular amendment against the reduction in defense, which is set at 7 percent. The House, as I understand now, has about 3.5 percent. We are talking about the reduction down to 6.8 percent real growth. What we are basically saying, as the Senator from Michigan has pointed out, is that this is an issue which is a crisis, that it ought to take the best efforts of the Members of this body and the expertise that we are able to bring to this issue from the private sector, the public sector, from workers and from industry in the next session of the Congress. Rather than deal with this issue in an unsatisfactory and inequitable way, of just transferring the payments from the medicare systems to the beneficiaries, we ought not do that. If this amendment is accepted we are supporting a proposal that will offset any expenditures or any changes in the deficit by reducing to the 6.8 percent, some 0.2 of 1 percent, in the defense function.

Given where the House is at 3.5 percent, and where the Senate is at 7 percent, it does not seem to me to be asking our conferees an unreasonable amount, to say that we have saved medicare for our beneficiaries and will give them still an enormous bargaining room to confer with the House on the defense issue as well as other domestic issues.

I am just wondering whether the Senator agrees with that particular approach to this issue.

Mr. RIEGLE. I thank the Senator. I think the point he makes is critical in terms of the way this amendment is drawn, because it is revenue neutral. It does not increase the deficit because the funding to maintain the medicare benefits is provided, as has been pointed out here, by reducing the real growth in the defense budget from 7 to 6.8 percent.

Just on that point, on every other program area of the budget we are not making increases like that over and above inflation such as we are doing in the defense area. That 3.5 percent in the House side and the 7 percent in the Senate bill is real growth. That is over and above the inflation figures. So already the Defense Department has been receiving more favorable treatment in terms of the way the numbers have been put together here than would be true for any of the other programs in the budget, and particularly medicare.

To chip off this 0.2 of 1 percent of this very substantial defense increase of 7 percent in real growth in order to have that money available to hold harmless the senior citizens who have these medical problems, who have to pay these medical bills, would be much better off as a country and much stronger by taking that small amount of money and meeting the health needs of our senior citizens.

Bear in mind, and I say this to all my colleagues in the Senate, the only way this money gets used is if somebody gets sick. The benefits are only there when there is an illness. It is not as if somebody is collecting a benefit from medicare in the absence of a sickness that has arisen where they have actually had to go and be treated and incur bills to try to deal with that sickness.

It is not as if, because we would refuse to provide the money, the people somehow are going to be able to avoid the sickness. They are still going to be troubled with sickness. They are still going to have to go out for treatment.

They are still going to have to face those bills, but they are going to have to try to pay for them out of what meager resources are available to some of the millions of senior citizens in this country.

It is not as if, somehow or other, people have a choice here. In fact, I think it is fair to say that, in every case, the senior citizens, if they could avoid the illness, avoid the medical problem, and not have to spend the money, they would much prefer to have that be the case. But it is not the case. They get sick and seek medical care, and it is expensive. That is why we have the medicare program, why it has been provided over a period of time, why people contribute into this program, to provide this kind of protection.

Mr. KENNEDY. Mr. President, may I ask the Senator on one other issue?

Mr. RIEGLE. Yes, Mr. President.

Mr. KENNEDY. The Senator was here in 1976, when the Senate Committee on Finance recognized the explosion in terms of health care costs, recognized that the great numbers of elderly people were dependent upon the COLA's, the cost-of-living increases, to augment social security, and the Senate and the Congress went on record at that time to say that the increased payments by the elderly

people to participate in the medicare program would not be in excess of their COLA. That was done, I think, for a very sound reason. It was done for a responsible reason, recognizing that the elderly people were caught, most of them with limited incomes—social security supplemented by the COLA increases, in the past, the increases granted by Congress, which rarely, if ever, kept up with the cost-of-living increase.

It was the judgment of Congress at that time to say we are not going to permit the increases in those premiums to exceed the increase in the COLA.

Now we see a change in attitude by the Congress in 1981, where we say we shall change that concept.

We say, well, let us get a percentage of the total amount of payment for the program cut, let us say that is 25 percent and let us raise that just as fast as the increase in health care costs. The fact of the matter is that 25 percent of a 900-percent increase, as the chairman of the Committee on Finance has pointed out in his "Dear Colleague" letter, is a great deal more than those seniors are ever going to be compensated for in terms of the cost of living. Now what the Finance Committee is saying is that, in 1981, we set a 25-percent limit and all we are really doing is continuing current law. Well, current law has only been in the last 3 years. Really, the current law was passed in 1976.

The amendment which the Senator from Michigan supports with the Senator from Massachusetts says, let us go back to the reasoning and the rationale of the Senate Finance Committee of 1976, which says, "Look, we realize the limitations that our seniors are under, that they pay as a group three or four times more for health than any other group in our society. They are basically limited on what their income is and we find that the health care costs are exploding, because of the failure of the Congress and the administration to deal effectively with the problem and to pass measures which have been proposed which would be effective, and which would rely both on regulation and competition to save them from this health care dilemma."

I am just wondering whether the Senator would not agree with me that the logic of the rationale that was reached by the Finance Committee in 1976 is certainly more responsible and certainly more humane and realistic than that reached by the committee in 1981?

Mr. RIEGLE. Let me just respond to the Senator by saying I agree very much with the point he makes. I think that change, the more recent change, is a change that is hurting the seniors. But let me pose a question myself to the Senator from Massachusetts.

I think by linking the restoration of medicare benefits by taking this small amount off the defense increase in order to provide the amount of money that is in the budget so we can maintain the benefits as they presently are—if we fail to do this, if the Senator's amendment were not agreed to, what, in effect, the Senate is doing is literally raiding social security in the form of medicare and cutting it back in order to pay for the defense budget buildup. That is what is happening here.

There will be some who will say, "Wait a minute, these are separate accounts." They are separate accounts, but they are not treated as separate accounts when they are put in this unified budget. That is exactly the point. There is not the money to pay for the big defense buildup without going in and raiding the medicare program by reducing these benefits in order to come up with these so-called savings, in order to have those savings to be able to take over here to apply against this enormous defense buildup. These things are related.

That is why here, in this instance, when we propose scaling back by two-tenths of 1 percent this enormous buildup in the defense increase in order to maintain the benefit schedule under medicare for senior citizens, what we are doing is, in effect, putting back the money. We are saying no, we do not want the money stolen out of medicare in this form and chiseled out of the benefit structure and sent on over to the Pentagon, or, for that matter, to any other program in the Government. It is the Pentagon budget that is the one that is most bloated, that thas the 7-percent real increase over and above inflation, I think far beyond what is needed.

I think, in fact, even the Senate as a whole, in terms of the majority, has great skepticism about the 7-percent figure. We have seen that reflected already in votes on other packages in the last several days.

But let us not misunderstand the fact here that what is happening is that this raid on medicare is being used to come up with the budget money to provide for these other things in the budget that are being increased. So by moving now to scale back some of the increase in the defense area and, in turn, make whole the medicare benefit structure, it seems to me we are, in a sense, saying something about our priorities and saying something about what is equitable and what is fair.

Mr. DURENBERGER. Will the Senator yield for a question?

Mr. RIEGLE. I shall in just a minute, Mr. President.

Caspar Weinberger, who in his previous term of service for the Nixon administration came to town and was adverstised as having the reputation of "Cap, the Knife," because he was such a tough budget cutter and so on—all of that has disappeared since he got into the Pentagon. He cannot find a way to save 5 cents over at the Pentagon. We are paying a thousand dollars for a wrench here, buying airplanes that do not fly over there. We are using all this massive buildup on weapons systems because we cannot sit down at a table and talk with the Russians. We cannot save a penny anywhere at the Pentagon these days. I object to that, because I think we can make savings there.

But let us not pay for that excess, that bloated budget request, by taking it out of the hides of the senior citizens, particularly the elderly who are sick. The ones who are old and the ones who are sick and need the benefits are the ones we ought least to be asking to bear this additional burden. If we need to come up with additional money here, let us find it in other areas. Let us not go out and target the senior citizens and target the medicare program and target the benefit structure, which I think people have a right to count on and depend upon. It has been in the law, something they have paid for, something they have come to depend upon.

I do not think that is the way we ought to try to make up for budget deficiencies or for massive waste in other areas of the Government, particularly in the defense budget. To come down from 7 percent real growth to 6.8 percent real growth in order to hold harmless the medicare program here in terms of the cuts that have been recommended and the additional burdens that will go out to the sick and senior citizens, I think, is an entirely appropriate response for us to be making. I say that in response to the Senator from Massachusetts.

Mr. DURENBERGER. Will the Senator yield to me for a question on the comment of the Senator from Michigan. The amendment is to change the part B premium and the part B deductible. I would like the Senator to respond to the notion that these provisions represent theft, stealing or whatever it is. As I understand the part B premium, it used to be 50 percent of program cost. Now it has slid down below 24 percent of program cost, being fixed at 25 percent of program cost. All we are trying to do is ask beneficiaries to pay half as much of the program cost as they used to. Does that deserve the characterization of theft?

Mr. RIEGLE. Let me understand the Senator. Are they asked to pay more or less?

Mr. DURENBERGER. That is not my question.

Mr. RIEGLE. That is the question I am posing to the Senator from Minnesota. Are they paying more or less?

Mr. DURENBERGER. They are being asked to pay half as much as they paid in 1966.

Mr. RIEGLE. Are they writing a bigger check or a smaller check? They are going to be writing a bigger check, are they not?

Mr. DURENBERGER. There are some approximations of benefit increases of 155-percent more in social security than 10 years ago.

Mr. RIEGLE. That is exactly the point.

Mr. DURENBERGER. And the increase in the deductible, for example, is only 94 percent. So they are getting more with which to pay for a smaller portion of the cost. Where is the theft?

Mr. RIEGLE. I am asking the Senator the question, are they writing a bigger check or a smaller check?

Mr. DURENBERGER. The Senator has not responded to my question yet. Where is the theft?

Mr. RIEGLE. I am asking the Senator if they are writing a bigger check or a smaller check? Correct me if I am wrong. My understanding is that if a person gets sick, under the changes that are being made they are going to be writing a bigger check for the medical services that they get. Is that not right? Are they not going to be writing a bigger check?

Mr. DURENBERGER. They will be paying $3 more toward the part B deductible in 1985.

Mr. RIEGLE. So they are writing a bigger check. They are writing a bigger check than they otherwise would, right?

Mr. DURENBERGER. The percentage that utilize doctors will be paying $3 more than the year before and they will be paying about $75 less than they would have if we stuck with the original insurance plan, so where is the theft?

Mr. KENNEDY. Will the Senator from Michigan yield?

Mr. RIEGLE. Yes.

Mr. KENNEDY. It may be $1, $2, $3, but it is $10 billion for 30 million Americans. That is what we are talking about.

I remember when we were talking about 1 cent on a gallon of gasoline, and we found out who ended up paying for it. It was the middle-income families and working families and working poor. Just a penny on a dollar's worth of gasoline. And it is the same on this issue. The Senator from Minnesota knows that we have had an explosion in health care costs. The elderly people cannot possibly afford to pay it.

Mr. DOLE. Will the Senator yield at that point?

Mr. KENNEDY. Yes.

Mr. DOLE. I just cannot stand the tears coming from that side. There are a lot of people concerned about paying 12.5 percent interest rates. A lot of people would like to buy a house or sell a house or buy a car or sell a car. But the high deficits are prohibiting this. We are all making these great speeches about deficit reduction, but all I hear coming from that side is "Cut defense. Do not worry about the country, cut defense."

But that does not face up to reality. We are spending $250 billion over that same 3-year period——

Mr. KENNEDY. Mr. President, I offered the amendment to have a corporate minimum tax of 15 percent, to say to the corporations of this country "Pay 15 percent. You used to pay 22 percent back in 1960. We will recover $10 billion." And the Senator from Kansas said no to that.

Now, I think before we start making speeches about deficit reductions and how other Senators are trying to increase the deficit, we ought to recognize that some of us did offer a way. I think it is more fair to ask the large corporations of this country to pay their fair share rather than do what the Finance Committee did in this instance and say, "No, we are going to ask the elderly people, the sick elderly people, to pay $10 billion."

Mr. DOLE. The Senator misses the point. There are 20 members on the Finance Committee, 11 Republicans and 9 Democrats, liberals and conservatives. Everyone voted for this package in the Finance Committee. It was not 11 to 9. It was not a party line vote. It was no conservatives ganging up on the liberals. It was 20 to 0; 20 to 0 is a pretty good vote when you only have 20 committee members.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the hour of 3:15 having arrived, the question recurs on the motion to table division 1 of the Kennedy amendment. The yeas and nays have been ordered.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order be postponed for 30 seconds so that a matter of fact can be established.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RIEGLE, I want to make it clearly understood that we are not proposing to cut the defense budget. What we are proposing to do is increase it by 6.8 percent real growth rather that 7 percent, so we are proposing a rather substantial increase, but pay for the restoration of the medicare benefits. So we are not proposing any kind of absolute cut.

I thank the Chair.

Mr. DOLE. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Is there objection? The chair hears none, and it is so ordered.

Mr. DOLE. We can play this game forever. If we are going to reduce the deficit, we are going to have to cut defense spending and nondefense spending. We cannot have it all on defense. And we are also going to have to make some revenue changes. We have done that—$48 billion in revenue changes. We have cut spending in our committee. The vote on the committee package was 76 to 5 in this Chamber at 5 o'clock in the morning. I think some Senators who voted for this package now want to vote against it, so I hope we can table this amendment and get on with it.

The PRESIDING OFFICER. The question is on the motion to table division 1 of the Kennedy amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. TOWER. I announce that the the Senator from Tennessee (Mr. BAKER), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS) and the Senator from Ohio (Mr. GLENN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—58

Abdnor	Gorton	Packwood
Andrews	Grassley	Percy
Armstrong	Hatch	Proxmire
Baucus	Hatfield	Quayle
Bentsen	Hecht	Roth
Boren	Heinz	Rudman
Boschwitz	Helms	Simpson
Chafee	Humphrey	Stafford
Cochran	Jepsen	Stennis
D'Amato	Johnston	Symms
Danforth	Kassebaum	Thurmond
Denton	Kasten	Tower
Dole	Laxalt	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
East	Mattingly	Weicker
Evans	McClure	Wilson
Exon	Murkowski	Zorinsky
Garn	Nickles	
Goldwater	Nunn	

NAYS—36

Biden	Ford	Metzenbaum
Bingaman	Hart	Mitchell
Bradley	Heflin	Moynihan
Burdick	Hollings	Pell
Byrd	Huddleston	Pressler
Chiles	Inouye	Pryor
Cohen	Kennedy	Randolph
Cranston	Lautenberg	Riegle
DeConcini	Leahy	Sarbanes
Dixon	Levin	Sasser
Dodd	Matsunaga	Specter
Eagleton	Melcher	Tsongas

NOT VOTING—6

Baker	Glenn	Mathias
Bumpers	Hawkins	Stevens

So the motion to table division 1 of Mr. KENNEDY's amendment (No. 3050) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask that the second division of the amendment be withdrawn.

The PRESIDING OFFICER. The second division is withdrawn.

AMENDMENT NO. 3052

(Purpose: To delete section 902, which raises costs for medicare beneficiaries by delaying the age of qualification for medicare by one month)

Mr. KENNEDY. Mr. President, I call up the amendment on the age eligibility and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. CRANSTON, proposes an amendment numbered 3052.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1201, beginning with line 18, strike all through line 25 on page 1202.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I would indicate to the membership that I do not intend to take a long time on this amendment. The principle is a rather simple one. It is an issue which we debated during the consideration of the social security reform bill of 1983. I hope that we could get to an early resolution of this issue.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator's point of order is well taken. The Senate will please be in order.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, under the existing medicare law, if one's birthday falls during the days of a month, one is eligible for the medicare benefit starting the first day of the month. The Senate Finance Committee has transferred the date of eligibility to the first day of the following month. Now that may seem to many in this body to be a rather simple change, but the fact remains that there will be about 160,000 beneficiaries each year that might get ill or sick during that period of time and that are not covered by any private insurance plans or other plans and will spend during the period of these next 3 years close to $700 million. It may be just a few days, but we are talking about $700 million over a period of 3 years.

Mr. President, we debated the whole issue of sliding the age of eligibility for social security during the reform bill of 1983. One of the judgments that we made during that period of time was that we would not do so during this century. We did provide for some adjustment after the year 2000, but we would not do so during this century. And that was after a thorough and complete review of the whole social security issue and the social security crisis.

I have outlined in the previous debate the fact that the medicare system is in a serious crisis and that the first duty I believe of the next Congress is to deal with that particular issue in a comprehensive, meaningful way. They can deal with the problems of health care inflation and also deal with the very serious health care needs of our senior citizens and the limited financial resources which are available to them and even some of the gaps which exist under the health care system at the present time under medicare.

I do not believe that it is wise for the Senate to go on record at this particular time to slip the eligibility time for receiving medicare. Individuals have been paying into the medicare system over a number of years with the recognition that they would be eligible by the time they reach 65. I think we have a fundamental commitment to those individuals to meet that responsibility. I think there are going to be several hundred thousand that are going to be adversely affected unless we adjust this particular measure. I think it is unwise in principle. The principle was rejected effectively by the social security task force when it came to the issue of income. I do not think the case has really been made by the Senate Finance Committee that we should distinguish income from receiving health care benefits.

Mr. President, the Finance Committee report expresses concern that some people could find themselves with a gap in protection as a result of the provision. The report then offers a suggestion that the private insurance plans could be amended or adjusted to assure continuity of coverage until medicare begins. The committee also directs the Secretary of HHS, to the extent feasible, to make sure that those people do not suffer undue hardship as a result of deferral of medicare eligibility.

The committee suggested remedies are impractical. The gaps in coverage are real. Undue hardships are inevitable.

I hope that this body will accept this amendment which could make such a difference in the quality of lives of millions of elderly people.

Mr. President, that is briefly the case in support of the amendment.

Mr. DURENBERGER. I will speak briefly in response to the Senator's amendment. I will indicate to my colleagues that in part some of these issues were covered earlier, and I will not try to cover them again. I will deal just with the issue of medicare eligibility.

First, the Senator indicated in his opening remarks that approximately 160,000 persons become newly eligible for medicare each year. And in that he is correct. He is not correct in the statement that this particular provision of the Finance Committee bill will deprive 160,000 people of adequate health care coverage. Neither of us has the precise answer to that question.

But the reality, Mr. President, is this: 160,000 become 65 years of age or otherwise entitled during the course of a normal year. Also in a normal year of 12 months, 25 percent of the people who become eligible for and actually do sign up for the program, 25 percent of them make some use of the program during their first year in the program.

Now, we are not talking about delaying eligibility for this program for a whole year. We are only talking about a change that may move it as little as a day or as much as 30 days but hardly are we talking about a whole year. So the percentages of people, if they had no other coverage, who are likely, by past experience, to be deprived in some way is infinitesimal.

In addition to that, the reality is that nearly 92 percent of all people turning 65 in this country today have some form of health expense protection. Private health insurance sources have confirmed for us that in most cases persons with private plans will not suffer a lapse of protection. Many health plans are written to continue full coverage until the individual becomes eligible for medicare coverage. Some health plans remain in effect until the next policy renewal date following the individual's 65th birthday or until medicare coverage begins, whichever is first.

Many employee-based health plans continue benefits for 30 days after the employees leave the jobs. Persons leaving group health plans are generally allowed to convert to individual policies. Therefore, individuals can protect themselves through private individual policies until medicare coverage begins.

The administration estimates, Mr. President, that perhaps 8 percent of those who will turn 65 in 1985 will have public coverage through either medicaid, medicare, or CHAMPUS. In most States, persons eligible for supplemental security income, the SSI program, are medicaid-eligible for the entire month in which they turn 65. However, in no case is medicaid eligi-

bility delayed beyond the 65th birthday.

In 1985, approximately 1.9 million individuals will become newly entitled and of those much less than 160,000 would be potentially without coverage.

So for those reasons, Mr. President, those of us on the Finance Committee who, in a bipartisan vote, recommended this coverage—and I believe the vote was 20 to nothing on the final adoption of this package—will recommend that the Senator's amendment, although well-intentional, be defeated.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I would respond briefly to the Senator from Minnesota. The fact is, Mr. President, the American people are promised under the social security system that they are going to be eligible for social security at the age of 65, and they have the same understanding with regard to health care benefits. We are now for the first time shifting the time of eligibility. We can shift it a month this year, 3 months next year, and a year the following. But that principle was rejected by this body, and rejected by the bipartisan Social Security Commission until after the year 2000 so there would be adequate notification to those who would be paying into social security when their benefits would be cut.

What possibly is the justification for treating health benefits different from income benefits? We treat income benefits one way. Why treat health benefits in a different way? It seems to me that issue ought to be deferred until the time when we are going to address the overall issue of health care inflation in our society.

Mr. President, the 160,000 refers to the figure included in the Senate Finance Committee report. It said 160,000 each year will fall within the cracks, and a possibility of seeing lifetime saving completely eliminated because, if they get ill or sick during that period of time, they will in 2, 3, 4, or 5 days in the hospital with any reasonble kinds of surgery see thousand of dollars that have been carefully put aside virtually disappear, and the real possibility of mortgaging their future, their children's future, or their grandchildren's future. That is what we are doing if we pass this Finance Committee proposal.

We are, as a result of that, raising $675 million. You cannot really have it both ways. You cannot say, look, it is only a few days. Not many people are going to be affected. There is a lot of insurance coverage, although we do not hear how extensive that insurance coverage is. But on the other hand, we are going to raise $700 million. The reason you are going to raise $700 million is because thousands of those 160,000 are going to fall in the cracks, and they are going to get ill, they will get sick and find a lifetime of savings wiped out.

That happens to be the fact, Mr. President. It is for those reasons and the earlier reasons that I hope the amendment will be passed. I think the membership understands the issue, and I am ready to vote at any time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, first, I stand corrected. The Senator accurately states the figure of 160,000. But if I recall the beginning of my statement correctly, these are the people who become newly eligible each year. The reality is that those people without coverage the day before their 65th birthday, may be without coverage the day after. So the essence of the argument is whether or not this 1 day to 30 days for this 160,000 persons, many whom have coverage, is an inappropriate change in the date of qualification. We are not, with regard to these 160,000 people, taking away something which they did not have the day before they reached age 65.

It just delays for 1, 2, 3 days, whatever the case may be, for those people newly eligible. But in exchange for that, there are nearly 1.8 million individuals who will have during that course of time an opportunity to continue the same coverage they had before, and the net result of all of that will be a savings in the growth of the trust fund of a relatively small amount, but yet a significant amount of money which delays for some period of time its bankruptcy.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DURENBERGER. Mr. President, I am not sure whether or not the chairman of the Finance Committee wanted to be heard on this issue.

I might just suggest the absence of a quorum until we can determine——

Mr. KENNEDY. Will the Senator withhold for a minute?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. What we are basically talking about is the loss of 30 days for all of the individuals who turn 65. That is important because, if you are born on the last day of the month under the existing law, you qualify the first day. So you lose all of those days in the month. If you are born on the second day of the month, you lose all the days of the month and you will be eligible on the first of the following month. So the membership ought to understand that it is effectively 30 days for every senior citizen in this country. You may say only some get sick during that period of time. But I daresay the message we are sending is, if we reject this amendment, that when you turn 65 and you are not covered, every night you go to sleep, you had better hope that you are going to wake up well because unless you accept this amendment you may very well lose a lifetime of savings.

Mr. DURENBERGER. Mr. President, unless there is someone else who wants to speak on the amendment, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, a parliamentary inquiry. I understand at 4:30 we will revert to the so-called Gorton amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, I regret I was not here to hear the debate on both sides. But, again, I would make the same general argument. It is very difficult to really reduce the deficit if we cannot reduce it anywhere. It is like my distinguished friend from Michigan saying medicare is for the sick. That does not come as any news to me, but it must have been to some. How will we reduce the deficit if everything is off limits? If we cannot touch medicaid or medicare, or agriculture.

Again, we have tried to be very responsible in the Senate Finance Committee. This provision was adopted by a vote of 20 to 0. There are only 20 of us on the committee. So it is not something we ramrodded through the Finance Committee. It was done after careful deliberations and a lot of thought by, I think, very thoughtful people on both sides of the aisle.

Now we are being asked to undo what we did in the Finance Committee. I just hope members of the Finance Committee recall the vote and remember that some wanted to do more. In fact, I was beseiged by Members on both sides of the aisle to make deeper cuts in some of the entitlement programs, and we did. By a vote of 17 to 3 in our committee, 1 Republican and 2 Democrats, as I recall, voting no, we increased the part B premium to 35 percent over a period of time, by 1990. After some discussion and knowing this was causing some anguish to Democrats and Republicans in the Senate, on my own motion we came back to 25 percent, where it is now.

I do not know what the answer is, but I would hope that those who want us to go to conference and protect all the little revenue things in that bill are also going to help us protect the spending things in that bill. I do not know how we are going to pay for these items if we lose all the spending.

We will have to do something on the revenue side.

Mr. President, the provision which the Senator from Massachusetts is attempting to strike is one that the Finance Committee has considered more than once, and one that has been discussed at length.

The direct impact of a change in medicare entitlement depends largely upon the nature and scope of an individual's private health insurance coverage, his or her personal financial means, and his or her eligibility for medicaid.

The provision included in the Finance Committee provisions will not alter the eligibility of the 26.8 million elderly individuals currently entitled to benefits, nor will it alter the eligibility in any way of the 2.8 million disabled individuals currently entitled to benefits or that will become entitled to benefits in the future.

Nearly 92 percent of all persons turning 65 or 9 out of every 10 individuals, have some form of public or private health expense protection. We believe, and private insurance sources confirm, that in most cases persons with private health plans will not suffer a lapse in protection if entitlement to medicare coverage is delayed 1 month. While plans can vary from contract to contract, the information available to us suggests that people currently covered under private health insurance plans are protected in the following ways:

Many health plans—particularly group coverage—are written to continue full coverage until the individual becomes eligible for medicare coverage, after which the plan simply reduces its benefits.

Some health plans remain in effect until the next policy renewal date following the individual's 65th birthday, or until medicare coverage begins, whichever comes first.

Many employment-based health plans continue benefits for 30 days after the employee leaves the job.

Persons leaving group health plans are generally allowed to convert to individual policies. Therefore, individuals can protect themselves through private individual policies until medicare coverage begins.

In addition, those not covered under group plans, and unable to afford private individual coverage, may be entitled to medicaid. The administration estimates that 8 percent of those who will turn 65 in 1985 will have public coverage through either medicaid, medicare, or CHAMPUS.

In most States, persons eligible for supplemental security income (SSI) are medicaid eligible for a portion of the month in which they turn 65. In no case is medicaid eligibility delayed beyond the 65th birthday, if an application is filed.

In 1985 approximately 1.9 million individuals will become newly entitled to medicare at age 65. Of these, less than 160,000 will be potentially without coverage.

Again, Mr. President, this proposal represents an attempt to reduce expenditures in ways that provide the least amount of disruption for the large majority of individuals. It is a small change, but one that represents large savings to the program. This amendment would result in a loss of savings of $630 million. Something we can ill-afford at this time.

If I felt that we had gone overboard and had been unfair to any group—senior citizens, whatever—I would have a different view. But I am going to move to table the amendment and ask for the yeas and nays. I hope the committee will be sustained. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SPECTER). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Massachusetts. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS) and the Senator from Ohio (Mr. GLENN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 36, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—59

Abdnor	Gorton	Nunn
Andrews	Grassley	Percy
Armstrong	Hatch	Pressler
Baker	Hecht	Proxmire
Baucus	Heinz	Quayle
Bentsen	Helms	Roth
Boren	Humphrey	Rudman
Boschwitz	Jepsen	Simpson
Cochran	Johnston	Specter
D'Amato	Kassebaum	Stafford
Danforth	Kasten	Stennis
Denton	Laxalt	Symms
Dixon	Long	Thurmond
Dole	Lugar	Tower
Domenici	Mattingly	Trible
Durenberger	McClure	Wallop
East	Melcher	Warner
Evans	Moynihan	Weicker
Garn	Murkowski	Wilson
Goldwater	Nickles	

NAYS—36

Biden	Chafee	Dodd
Bingaman	Chiles	Eagleton
Bradley	Cohen	Exon
Burdick	Cranston	Ford
Byrd	DeConcini	Hart
Hatfield	Leahy	Pryor
Heflin	Levin	Randolph
Hollings	Matsunaga	Riegle
Huddleston	Metzenbaum	Sarbanes
Inouye	Mitchell	Sasser
Kennedy	Packwood	Tsongas
Lautenberg	Pell	Zorinsky

NOT VOTING—5

Bumpers	Hawkins	Stevens
Glenn	Mathias	

So the motion to lay on the table amendment No. 3052 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, the order provides that we will go to the Gorton amendment at 4:30 p.m. It is 4:25 p.m. I ask unanimous consent that the order be amended so that we now go to the Gorton amendment and that the time between now and 5 p.m. be equally divided as previously provided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, if the Senator will yield to me for 15 seconds, it is the hope of the leadership that we can have one more amendment disposed of and one more vote after the Gorton amendment. My guess is then that the Senate will be in session until 6:30 or 7 p.m. or thereabouts.

Mr. GORTON. Will the majority leader yield?

Mr. BAKER. I yield the floor, Mr. President.

Mr. GORTON. Will the majority leader answer a question as to whether the time between now and 5 o'clock will be equally divided under the previous order?

Mr. BAKER. Yes. That was included in the request.

Mr. GORTON. I thank the majority leader.

AMENDMENT NO. 3049

(The text of the amendment is printed in the RECORD of yesterday, May 8, 1984, at page 11238.)

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I thank the Chair.

Mr. President, we are now in the last 35 minutes before a vote on what this Senator believes to be the last full alternative to the so-called leadership plan. There are literally dozens of other amendments, some not germane to the proposal before the Senate at all, which must be disposed of before we have a final vote. To the best of my knowledge, this plan is the last complete proposal which will come before the Senate.

I spoke on its behalf yesterday, as did a number of my colleagues. I remember particularly the statements of the Senator from Missouri, the junior Senator from Oklahoma, and my own colleague from the State of Washington for their particular eloquence. At this point, however, I must direct my remarks first at the nature of the proposal for those Members of the body who do not fully understand it, and, second, at the position of my distinguished friend, the senior Senator from New Mexico, who as chairman of the Budget Committee essentially asked us to wait, not to take such drastic action with respect to budget deficits this year.

I should like to start by comparing this proposal favorably with that of the leadership. First, what I have set out before the Members of the Senate in this proposal is fair. It is fair in the most fundamental respect in that the burden of deficit reduction is spread virtually across the entire population with the exception of those who are poverty stricken.

This is the ultimate definition of fairness as we approach a serious and difficult fiscal challenge to this country. Not only is it fair, but I am inclined to believe that it will be popular as well. I think the American people are now so supportive of the idea that we must do something about budget deficits in order to strengthen our economy they are willing to shoulder an evenhanded share of the load. To a greater extent, in my opinion, Mr. President, than any of the other proposals before us, this one shares the load in exactly that fashion. Even with respect to the most sensitive of proposals contained within this amendment, that of a COLA reduction for 3 years for social security recipients to a point where it is 3 percentage points less than the Consumer Price Index, every dollar saved thereby does not simply go into the OASI trust fund. It does not simply go for some other program. It does, in fact, go to the hospital insurance medicare trust fund, a trust fund which is in serious financial straits at the present time.

Second, and equally important, this amendment represents responsible budgeting to a significantly greater extent that can be advertised for the leadership plan. Defense spending is kept on an even and predictable keel, following precisely the policies which this body and the entire Congress of the United States set forth during the first budget resolution of 1984, last year.

It avoids both the unwise and expensive rapid increases in the defense budget which marked the first 2 years of this administration and the opposite vice of a complete waste, a complete change in direction, which might well end up being more expensive as well as less saving than an evenhanded, wise, long-term approach to the problem of our national defense and our national security.

Third, and perhaps even more vital, to an infinitely greater degree than does the leadership proposal, this amendment makes a major effort to control the growth of entitlement spending, which, I cannot emphasize too greatly, is the heart of the problem of budget deficits, the heart of the problem of spending which has been out of control in this Nation for the last 10 or 20 years. Entitlement spending represents the largest share of our national budget. It represents the most rapidly growing share of our national budget. Unless and until we are willing to show the courage and the political will to deal with it incisively, we simply cannot mount a realistic and effective attack on budget deficits.

Fourth, this program, in fact, contains a higher proportion of spending cuts to tax increases than does the alternative leadership proposal, though it precisely balances off the reductions in cost-of-living adjustments with identical reductions of tax indexing for the same 3-year period.

Next, this amendment achieves significant deficit reduction. The figure based on the same assumptions says that the leadership proposal is for some $229 billion over the course of 3 years, $85 billion more than is provided by the leadership plan. Even more significant is the fact that some $43 billion of this figure will be saved before the end of 1985, considering that it comes closer, far closer, than does the leadership proposal to what Chairman Volcker has indicated was essential if we were to have lower interest rates by the end of this year in the amount of approximately 2 percent, rather than the higher interest rates with which we are threatened and which have already begun to take place.

Next, the deficits in this proposal actually show a downward trend in each of the 3 years covered by the amendment. Deficit reduction, of course, is a goal which is shared by all of us. If you are unhappy with the relatively small amount of deficit reduction contained in the leadership plan, this may very well be your last change to vote systematically for a coherent plan which provides far more. Without exception, the Members of this body know we will have to deal with something at least this drastic and probably considerably more drastic next year.

My question to my colleagues is, "Why not now?" That question is particularly important when one examines the history of the last 3 or 4 years. In 1981, at the height of the honeymoon of the new administration, the Senate Budget Committee failed, by reason of the negative votes of three of our members, led by the distinguished Senator from Colorado (Mr. ARMSTRONG), who was perhaps even wiser than he knew at the time, to report a budget resolution because it contained a $40 billion deficit 3 years out from 1981.

I note the presence on the floor of the distinguished Senator from Idaho (Mr. SYMMS). He was one of the three members of the Senate Budget Committee in 1981 who were wise enough to see even then the difficulties created by the budget resolution and to react negatively to a $40 billion deficit 3 years in the future.

We failed to deal with that $40 billion projected deficit in 1981; and, as a consequence, in 1982 it was closer to $80 billion. We failed to deal with it adequately in 1982, and by last year we were looking at a deficit of $130 billion.

We did pass a budget resolution in 1983 which would have dealt decisively with budget deficits, but we failed to enforce it thereafter. The inevitable consequence is that this year we are faced with budget deficits between $180 and $200 billion.

Does anyone seriously think or seriously propose that we should ignore our responsibility to deal successfully with those budget deficits this year, that by some form of magic they will have disappeared by next year or become smaller by next year? I submit that we know that is not the case.

My question is a very simple one, addressed to the chairman of the Budget Committee and to the leadership of my own party. The question is: If not now, when? If not in this fashion, how?

Yesterday afternoon, the distinguished chairman of the Budget Committee not only stated that we should wait until 1985 to deal with a serious and systematic attack on budget deficits. For the first time, I believe he criticized the method of dealing with entitlements by reducing cost-of-living adjustments across the board. He stated that there must be a better way. Interestingly enough, Mr. President, he did not share with us what that better way was.

When it comes right down to it, there are only two ways in which we can deal with the growth of entitlement spending. We can either deal in an evenhanded and across-the-board fashion with the increase in the amount of benefits to which each beneficiary is entitled, or we can cut back on the number of beneficiaries of those programs.

I submit that with respect to these major retirement programs it is infinitely more fair to deal with it by treating all recipients in an equal fashion than it is to do so by cutting some recipients literally off at the pockets. If we have learned any lesson from the present dispute over disability insurance, it is how sensitive that proposi-

tion is, the proposition of cutting people off entirely from benefits to which they have become accustomed. It creates great social and political difficulties.

I can simply answer my own question in this fashion: Now is the time, Mr. President. This way is the way. It is fair. It is effective. It is responsible. It will give us an opportunity to show the people of the United States that even during a Presidential election year, we can operate decisively and responsibly to lower the budget deficits which threaten us all.

I do not wish to deprecate too much the leadership package which is on the floor. On the assumption that it is the final thing on which we vote, the final proposal on which we vote, I certainly intend to support it—$140 billion over a 3-year period is much better than nothing, but it is much worse than $230 billion.

I wish I could share the optimism and the enthusiasm of its sponsors who feel that it will be enough, who feel that growth in our economy during the course of the last 6 months to 1¼ years is something which is with us for good, which is with us permanently.

I do not believe that the tiger of inflation, the tiger of high interest rates, the tiger of unemployment, the tiger of huge budget deficits can be so easily tamed as is proposed by the leadership amendment before us at the present time. I advise the leadership with all the care that I possibly can that it is best not to hunt tigers unarmed, and I submit that their proposal comes very, very close to doing precisely that.

I suggest to the leadership and to Members on my side of the aisle and the other side of the aisle that this is the last best opportunity to put our own money where our mouth is and to do something decisive to reduce budget deficits.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I yield such time as he may desire to the distinguished senior Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my colleague from the State of Washington, and I am very proud to join with him in cosponsoring this deficit reduction package.

I commend him for putting this proposal before the Senate. It would, as we all know, reduce the deficit by $229 billion over the next 3 years, more that $80 billion more than the consensus proposal that has been placed before us.

I think it is extremely important that we take this action now. If any Member of the Senate had any doubt as to whether or not we could afford to wait until after the election to deal in a serious way with the problems of the growing deficits, that doubt should have been resolved by the headlines in the morning paper indicating that the prime lending rate has once again gone up by another one-half of a percentage point.

Nothing will stop any hope of economic recovery faster than an increase in interest rates, and none of us has any excuse for failing to start to deal with the situation now. None of us can claim to be surprised when interest rates go back up, when we know that the Government of the United States under the current budget trend line under which we are now operating will be having to take almost two-thirds of all of the available credit in the United States just to finance the deficits that are projected over the next 4 years.

If our Government takes two-thirds of all the available credit in the United States, leaving only one-third for the private sector of the economy, for the young couples who want to buy a home, for the small business people who want to expand and create additional jobs and put people to work, for the farmers who have to be dependent upon credit to plant their crops, none of us will have any reason to say that we did not know what was going to happen. We do know. The facts speak for themselves.

The question before us is, Will we have the political courage to do what we know is right? We understand the economics. Do we have the will now to call upon the American people to each sacrifice in proportion with their ability to sacrifice to bring these deficits down?

Mr. President, I firmly believe that to pass a budget deficit reduction package smaller then that proposed in the Gorton amendment is to underestimate the commonsense and economic understanding of the American people and most importantly it is to underestimate the basic patriotism of the American people and their willingness to do their share of the sacrifices as long as that sacrifice is apportioned on a fair basis.

This package calls on all Americans to make some proportional sacrifice across the board. It calls on all Americans to get into the same boat together.

It has as one of its central core provisions a proposal made by Senator DANFORTH and myself in a bill that we introduced well over a year ago which calls upon us to hold the line on indexing on the revenue side and indexing on the spending side and benefit programs until we get these deficits back within manageable proportions.

It is the kind of approach under which all Americans would share in the sacrifice, in which all could feel that they had helped do their part to bring about improvements and long-lasting fundamental improvements in the economy of this country.

We do not have another day to wait. I urge my colleagues to join in supporting the Gorton amendment.

Mr. CHILES. Mr. President, I listened with interest to the remarks of the Senator from Oklahoma. He has certainly been in the forefront of attempting to reduce the deficit as has the Senator from Michigan, and because of that I hesitate to speak at all about a plan that does reduce the deficit.

My understanding, though, is that, and I just wanted to have this clear, I heard that this plan was sort of advertised as a 5-percent figure in defense.

My understanding is that CBO calculates this as 6.4 percent real growth for defense rather than 5 percent.

This would be a 6.4 percent real growth in 1985. The outlay savings in defense would reduce the deficit less than $1 billion over 3 years.

I am concerned that, once again, we talk about a three-legged stool and we find that basically there are only two legs there. It seems to me that in a plan that is going to make reduction of COLA's, is going to make reductions in indexing, which, of course, will provide for some revenues and therefore is reducing the deficits in a major way off of those proposals, that we should not be only providing defense taking up only $1 billion of that and having 6.4 percent real growth for defense in 1985.

Mr. GORTON. Will the distinguished Senator yield?

Mr. CHILES. Yes, I am happy to yield.

Mr. GORTON. I thank my friend from Florida and I state to him that the rationale for the numbers for national defense which are included in this proposal were very simple. They were taken from the budget resolution for fiscal year 1984 and succeeding years which was passed by this body and by the entire Congress in 1983. The Senator from Florida will remember that he was strongly in support of that budget resolution and ultimately of that number. It is certainly true that the appropriations process, their effort later in 1984, came in with a figure which was slightly less than the budget resolution itself was.

But it seemed to me the most important thing to do in this respect was to have a consistent course of action and therefore to follow a decision which

we made last year. In point of fact, in budget authority, this proposal differs from that of the Senator from Florida, which was voted on yesterday, by 1.7 percent in 1985, 0.3 percent in 1986, and 1.3 percent in 1987.

It is also only realistic to expect, given the nature of the proposal which passed the House of Representatives, that the ultimate compromise would be somewhat lower, and I suspect very, very close to what the Senator from Louisiana asked for in his proposal yesterday.

Mr. CHILES. Mr. President, the Senator is certainly correct when he says this is taking the 5-percent figure that we had last year. I think what is also correct of course is that through the work of the Appropriations Committee, we ended up actually appropriating 3.5 percent of that. So we under appropriated as we did in the domestic accounts. Of course, in the domestic accounts we are working from where we were last year, and in other accounts. So we treat defense separately.

And because I took such issue with the Rose Garden plan, I think it is only fair to point out that this is only $2 billion below the Rose Garden number in defense and it would be some $6 billion above the number of the Chiles amendment in 1985.

So, I think the body should realize that we are talking about a Defense number that is merely $2 billion less than the Rose Garden number. At the same time, we are talking about a considerable restraint on the domestic side. To me, that just simply does not balance off.

Mr. President, I ask unanimous consent that a letter from Rudy Penner, the Director of the Congressional Budget Office, showing that the Defense number in the Gorton plan would produce a real growth rate of 6.4 percent in fiscal year 1985, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., May 9, 1984.

Hon. LAWTON CHILES,
Committee on the Budget, U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request, the Congressional Budget Office has computed real growth rates associated with the defense budget authority and outlays for 1984–1987 specified in your letter. Assuming the Administration proposals for federal pay raises and CBO assumptions for defense purchases inflation, the real growth averages 5.1 percent for budget authority and 5.4 percent for outlays. The attached table provides estimates for each year.

Should you so desire, we would be pleased to provide further information on the estimate.

Sincerely,

ERIC HANUSHEK,
(For Rudolph G. Penner).

Enclosure.

NOMINAL AND REAL GROWTH IN DEFENSE BUDGET AUTHORITY AND OUTLAYS (BY FISCAL YEAR)

Item	1985	1986	1987	Average growth 1985–87
National defense totals (billions of dollars):				
Budget authority	297.1	328.6	366.8	NA
Outlays	263.2	294.3	328.6	NA
Nominal growth (percent change):				
Budget authority	12.6	10.6	11.6	11.6
Outlays	12.4	11.8	11.7	12.0
Real growth (percent change):				
Budget authority	6.4	4.1	5.0	5.1
Outlays	6.1	5.0	5.1	5.4

Note: 1985 growth is measured from a base of $263.8 billion for budget authority and $234.2 for outlays, the amounts consistent with the CBO baseline adjusted for savings contained in H.R. 4169. Real growth calculations assume Administration proposals for federal pay raises.

Mr. LEVIN. Mr. President, I want to support a program which reduces the deficit substantially more than the budget plan put forth by the Republican leadership. It is for that reason that I supported the Hollings plan and the Chiles plan. It is also for this reason that I would consider the plan now put forth by the Senator from Washington.

However, there is a significant difference. If senior citizens are going to be asked to have their retirement income reduced by 3 percent after taking into account inflation, and if taxpayers are going to be asked to give up a portion of the inflation protection provided by income tax indexing, then we have to restrain defense spending more than is provided for by the Gorton plan. If we are to have a program of shared sacrifice which asks retirees to have their benefits reduced, then we also have to make sure that there is a provision for a strengthened minimum tax so that the wealthiest members of our society are also asked to share in the burden of deficit reduction.

The Gorton plan would reduce the deficit, and that is good. But it does not go far enough in making sure that the deficit reduction is spread fairly. It asks senior citizens to give too much while so many profitable foundations and individuals earning significant amounts of money who pay nothing in taxes are allowed to continue paying nothing, and when defense spending would continue its huge growth.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

Did the Chair recognize the Senator from Colorado?

The PRESIDING OFFICER. I thought the Senator from Colorado sought recognition.

Mr. DOMENICI. I am sorry. I thought the Chair mistook me for being from Colorado.

The PRESIDING OFFICER. The Chair is aware of who is from Colorado and who is from New Mexico but mistook the voice.

Mr. DOMENICI. I thought the Chair was perhaps tired, as I am, at this hour.

If the Senator from Colorado desires to speak, and we only have 5 minutes—is the time under the control of the Senator from New Mexico in opposition to this amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I would yield whatever time the Senator desires.

Mr. ARMSTRONG. Mr. President, I thank the Senator, but I do not seek recognition.

Mr. DOMENICI. I do not even know that I need 5 minutes. I did about as well as I could on this amendment last night. I am just going to speak for a minute here and then the distinguished Senator from Washington may desire some additional time.

The Senator suggests this is a fair amendment. I really do not know whether I could agree. Frankly, I said last night that I am not sure, if we were going to cut social security $30 billion over 3 years, and benefits to elderly retired couples so that they would get about $1,700 less, I am not sure that, if I was prepared to do that, it would be fair to do it across the board as suggested here with what is equivalent of a COLA freeze for 3 years.

Likewise, I am not sure that it is fair to do that for disabled workers when we have just gone through all the trauma to modify that law just last year. I know there is a valid argument: "If you will not do it here, where will you do it?" I know my good friend has already said that.

But I really sincerely question, in addition to the fact that it is obvious to the Senator from New Mexico that we are not going to reform social security and disability and civil service retirement this year, that we ought to be voting for this just to prove some kind of a point.

But, likewise, I am not so sure it is fair, if we were, to take 3 years and just say to all the poor and middle income, that in all of these programs you are all going to get the same; for the next 3 years you are basically frozen, I do not know if that is fair. I have some serious question as to whether it is.

Likewise, I was not a staunch advocate of the indexation on the tax side. The Senator from Washington knows that. My recollection is he was not either when it first started and he grew in respect for the indexation of the Tax Code.

Mr. GORTON. If the Senator would yield, that is incorrect. It was the centerpiece of my campaign.

Mr. DOMENICI. I would say from my standpoint I was not even sure that, from the beginning discussions

of the tax indexation, that it was right, but I have grown more and more to think it was a fair law.

So I am not sure, speaking of fairness, that it is fair, at this point of history, when inflation since 1975 has left the poverty threshold about 17 percent higher than the point at which people begin to pay tax, I am not sure it is fair to get rid of the indexation at this time in history.

I say all of that, especially when I am obligated, at least in behalf of many of those who support the plan that Senator BAKER and others have proposed, I am obligated to suggest that I cannot see this becoming law as a package. And because I do not think that it will, It does seem to me that everyone should know what it really does. It is for those reasons that I continue to isolate these issues.

I would say the plan that I referred to as the Baker plan is more appropriately referred to as the Rose Garden plan. Maybe it is the leadership plan. Frankly, since I have something to do with it, it is all right if you choose to call it the Domenici plan. So wherever that has appeared, I surely would like to correct it. If it turns out good, I will be here really making noise. And if it does not, it will probably be Senator BAKER's plan, the distinguished Senator from Tennessee.

Mr. BAKER. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. BAKER. I thank the Senator.

He puts me in mind of a remark made yesterday by Margaret Truman when she said that perhaps her father was looking down upon the ceremonies in the House Chamber and that if he was he might be saying, "You're going too far, but not much."

Then Margaret Truman said, "My father was modest, but not fanatically so."

So it is with my friend from New Mexico, who is indeed modest. But I observe that he is not fanatically so.

Mr. President, the hour of 5 p.m. having arrived, I am prepared to vote.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington (Mr. GORTON). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland (Mr. MATHIAS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS) and the Senator from Ohio (Mr. GLENN) are necessarily absent.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 23, nays 72, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—23

Andrews	Exon	Proxmire
Boren	Gorton	Quayle
Danforth	Johnston	Rudman
DeConcini	Long	Simpson
Dixon	McClure	Symms
Dodd	Nickles	Weicker
Eagleton	Nunn	Zorinsky
Evans	Pressler	

NAYS—72

Abdnor	Goldwater	Melcher
Armstrong	Grassley	Metzenbaum
Baker	Hart	Mitchell
Baucus	Hatch	Moynihan
Bentsen	Hatfield	Murkowski
Biden	Hecht	Packwood
Bingaman	Heflin	Pell
Boschwitz	Heinz	Percy
Bradley	Helms	Pryor
Burdick	Hollings	Randolph
Byrd	Huddleston	Riegle
Chafee	Humphrey	Roth
Chiles	Inouye	Sarbanes
Cochran	Jepsen	Sasser
Cohen	Kassebaum	Specter
Cranston	Kasten	Stafford
D'Amato	Kennedy	Stennis
Denton	Lautenberg	Thurmond
Dole	Laxalt	Tower
Domenici	Leahy	Trible
Durenberger	Levin	Tsongas
East	Lugar	Wallop
Ford	Matsunaga	Warner
Garn	Mattingly	Wilson

NOT VOTING—5

Bumpers	Hawkins	Stevens
Glenn	Mathias	

So Mr. GORTON's amendment (No. 3049) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

Mr. BAKER. Mr. President, I announced earlier that it was the leadership's hope that we would have one more vote tonight but, as with many recent leadership hopes, that has been dashed. There will be no more votes tonight. I regret to say that, but there are compelling reasons why that must be the case.

If it is possible to lay down an amendment tonight and have it pending when we come back tomorrow, we shall do that, but I rather suspect that the better part of discretion would be to get our bearings in the morning and see where we are going then. So, unless the manager or some Member wishes to offer an amendment at this time, I am prepared to put us in morning business.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until not later than 6 p.m., in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE JOINT RESOLUTION 548 HELD AT THE DESK

Mr. BAKER. Mr. President, the request I am about to put, I believe, has been cleared on both sides. I will state the request for the consideration of the minority leader and other Senators.

I ask unanimous consent that once the Senate receives from the House Joint Resolution 548, authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and production of information, and for other purposes, it be held at the desk until Thursday, May 10, 1984.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MARY WOODARD LASKER CENTER FOR HEALTH RESEARCH AND EDUCATION

Mr. BAKER. Mr. President, there is a matter that has reached us from the House of Representatives, H.R. 5576, which has not yet reached the calendar. However, it is a matter that I know is of interest to a great number of Members on the House side. It does not involve a substantive legislative matter but, rather, has to do with naming a facility. It is a matter that I support.

I say for the record, Mr. President, that we have not been able to complete our clearance process on this, but I am willing to take the responsibility for it. I now ask that the Senate proceed to the consideration of H.R. 5576.

Mr. BYRD. Mr. President, reserving the right to object—I do not object—I am in much the same position as the

distinguished majority leader. I have not had an opportunity to run the lines on this bill, but I would say from the nature of the content of this measure that I would support the majority leader in proceeding with it.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 5576) to designate certain land and improvements of the National Institutes of Health as the "Mary Woodard Lasker Center for Health Research and Education."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the bill (S. 268) to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes, with amendments, in which a requests the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2079) to amend the charter of AMVETS by extending eligibility for membership to individuals who qualify on or after May 8, 1975, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1129) to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3635) to amend chapter 110 (relating to sexual exploitation of children) to title 18 of the United States Code, and for other purposes.

The message further announced that the House had passed the following bill without amendment:

S. 1188. An act to relieve the General Accounting Office of duplicative audit requirements with respect to the Disabled American Veterans.

The message also announced that the House had passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2464. An act to recognize the Army and Navy Union of the United States of America;

H.R. 3131. An act for the relief of Marina Kunyavsky;

H.R. 5278. An act to amend the Federal Reserve Act to increase the number of class C directors of the Federal Reserve banks;

H.R. 5515. An act to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery;

H.R. 5576. An act to designate certain land and improvements of the National Institutes of Health as the "Mary Woodard Lasker Center for Health Research and Education"; and

H.J. Res. 548. Joint resolution authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 296. Concurrent resolution authorizing the use of the Capitol to honor the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery.

ENROLLED BILLS AND RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 64. An act to establish the Irish Wilderness in Mark Twain National Forest, Mo.;

S. 597. An act to convey certain lands to Show Low, Ariz.;

S. 1212. An act for the relief of sixteen employees of the Charleston Naval Shipyard;

H.R. 4176. An act to confirm the boundaries of the Southern Ute Indian Reservation in the State of Colorado and to define jurisdiction within such reservation;

S.J. Res. 220. Joint resolution to designate the week of May 20, 1984, through May 26, 1984, as "National Arts With the Handicapped Week";

S.J. Res. 244. Joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week"; and

H.J. Res. 537. Joint resolution designating the Brigantine and Barnegat Units of the National Wildlife Refuge System as the Edwin B. Forsythe National Wildlife Refuge.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 3:14 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 422. An act to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 663. An act to make persons who produce agricultural commodities on highly erodible land ineligible for certain agricultural-related programs, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3788. An act to designate various areas as components of the National Wilderness Preservation System in the national forests in the State of Texas; and

H.R. 5121. An act to designate certain national forest system lands in the State of Virginia as wilderness, and for other purposes.

MEASURES REFERRED

The following House measures were read the first and second times by unanimous consent and referred as indicated:

H.R. 2464. An act to recognize the Army and Navy Union of the United States of America; to the Committee on the Judiciary.

H.R. 3131. An act for the relief of Marina Kunyavsky; to the Committee on the Judiciary.

H.R. 3788. An act to designate various areas as components of the National Wilderness Preservation System in the national forests in the State of Texas; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5121. An act to designate certain national forest system lands in the State of Virginia as wilderness, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5278. An act to amend the Federal Reserve Act to increase the number of class C directors of the Federal Reserve banks; to the Committee on Banking, Housing, and Urban Affairs.

MEASURE HELD AT THE DESK

The following joint resolution was ordered held at the desk until the

close of business on May 10, 1984, by unanimous consent:

H.J. Res. 548. Joint resolution authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following measure was read, and placed on the calendar by unanimous consent:

H. Con. Res. 296. Concurrent resolution authorizing the use of the Capitol to honor the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetary.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, May 9, 1984, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 64. An act to estabish the Irish Wilderness in Mark Twain National Forest, Missouri;

S. 597. An act to convey certain lands to Show Low, Arizona;

S. 1212. An act for the relief of sixteen employees of the Charleston Naval Shipyard;

S.J. Res. 220. Joint resolution to designate the week of May 20, 1984, through May 26, 1984, as "National Arts With the Handicapped Week"; and

S.J. Res. 244. Joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3175. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on a violation of the Anti Deficiency Act; to the Committee on Appropriations.

EC-3176. A communication from the Principal Deputy Assistant Secretary of Defense (Comptrolleer), transmitting, pursuant to law, a supplemental listing of contract award dates for the period May 1, 1984 to June 30, 1984; to the Committee on Armed Services.

EC-3177. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Canada for defense articles estimated to cost in excess of $50 million; to the Committee of Armed Services.

EC-3178. A communication from the Acting Administrator of the General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of certain strategic and critical materials from the National Defense Stockpile; to the Committee on Armed Services.

EC-3179. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the U.S. Travel and Tourism Administration, Department of Commerce, for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-3180. A communication from the Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on refunds of offshore lease revenues where a refund is appropriate; to the Committee on Energy and Natural Resources.

EC-3181. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the final report of the Council regarding the proposed construction of Interstate 210, a highway connecting Interstate 65 in Pritchard, Ala., to Interstate 10 in Mobile, Ala.; to the Committee on Energy and Natural Resources.

EC-3182. A communication from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to make uniform the penalties for violation of regulations applicable to the National Park system, and for other purposes; to the Committee on Energy and Natural Resources.

EC-3183. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a notice of meetings related to the international energy program; to the Committee on Energy and Natural Resources.

EC-3184. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Progress in the Prevention and Control of Air Pollution in 1982"; to the Committee on Environment and Public Works.

EC-3185. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to increase the authority of the Secretary of Commerce to take necessary actions to collect on loans extended under the Public Works and Economic Development Act and section 254 of the Trade Act of 1974; to the Committee on Environment and Public Works.

EC-3186. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on State compliance with section 1903(g) of the Social Security Act medicaid utilization control requirements; to the Committee on Finance.

EC-3187. A communication from the Deputy U.S. Trade Representative, transmitting, pursuant to law, the biannual report on the operation and effect of the International Sugar Agreement; to the Committee on Finance.

EC-3188. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, OMB's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-3189. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's interagency coordination activities for July 1982-September 1983; to the Committee on Labor and Human Resources.

EC-3190. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to extend various health research authorities; to the Committee on Labor and Human Resources.

EC-3191. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the third annual report of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases; to the Committee on Labor and Human Resources.

EC-3192. A communication from the Administrator of the Veterans Administration transmitting a draft of proposed legislation to increase rates of compensation, indemnity compensation, and dependency compensation for service-disabled veterans; to the Committee on Veterans Affairs.

EC-3193. A communication from the president of the National Railroad Passenger Corp., transmitting, pursuant to law, the corporation's annual route system review; to the Committee on Commerce, Science, and Transportation.

EC-3194. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Maternal and Child Health Block Grant: Program Changes Emerging Under State Administration"; to the Committee on Finance.

EC-3195. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the 60 days previous to May 2, 1984; to the Committee on Foreign Relations.

EC-3196. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the Board's annual Government in the Sunshine report; to the Committee on Governmental Affairs.

EC-3197. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the Commission's annual Freedom of Information report; to the Committee on the Judiciary.

EC-3198. A communication from the Chairman of the Board of the Student Loan Marketing Association, transmitting, pursuant to law, reports reviewing the Association's 1983 operations and activities; to the Committee on Labor and Human Resources.

EC-3199. A communication from the Acting General Counsel of the Department of Defense transmitting a draft of proposed legislation to provide funds for payments of certain benefits to surviving spouses and children of certain members of the armed forces; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance, without amendment:

S. 2651: An original bill to increase the permanent public debt limit, and for other purposes (Rept. No. 98-434).

By Mr. DOMENICI, from the Committee on the Budget, without recommendation without amendment:

S. Res. 370: A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1027 (Rept. No. 98-435).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 371: A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2582.

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 563: A bill to reform the laws relating to former Presidents.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Harold Peter Goldfield, of New York, to be an Assistant Secretary of Commerce.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KASTEN:

S. 2650. A bill to enable the Consumer Product Safety Commission to protect the public by ordering notice and repair, replacement or refund of certain toys or articles intended for use by children if such toys or articles create a substantial risk of injury to children; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (from the Committee on Finance):

S. 2651. An original bill to increase the permanent public debt limit, and for other purposes; placed on the calendar.

By Mr. GORTON:

S. 2652. A bill to provide Federal assistance for the continued development and commercialization of food irradiation through the establishment of a Joint Operating Commission for Food Irradiation Treatment in the Department of Agriculture and through other means; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 2653. A bill to settle Indian land claims in the town of Gay Head, Massachusetts, and for other purposes; to the Select Committee on Indian Affairs.

By Mrs. HAWKINS:

S. 2654. A bill to authorize the Coast Guard to purchase 6 ship tethered aerostats for use by the Coast Guard for drug detection purposes in the Caribbean Sea; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mr. ABDNOR, Mr. ANDREWS, Mr. BAUCUS, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. COCHRAN, Mr. DIXON, Mr. DOLE, Mr. EXON, Mr. FORD, Mr. HATCH, Mrs. HAWKINS, Mr. HEFLIN, Mr. HEINZ, Mr. JEPSEN, Mrs. KASSEBAUM, Mr. LEAHY, Mr. MELCHER, Mr. MCCLURE, Mr. MOYNIHAN, Mr. NUNN, Mr. PRYOR, Mr. QUAYLE, Mr. SYMMS, Mr. THURMOND, and Mr. ZORINSKY):

S.J. Res. 292. A joint resolution to designate the week of May 27 through June 2, 1984, as "National Animal Health Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KASTEN:

S. 2650. A bill to enable the Consumer Product Safety Commission to protect the public by ordering notice and repair, replacement or refund of certain toys or articles intended for use by children if such toys or articles create a substantial risk of injury to children; to the Committee on Commerce, Science, and Transportation.

TOY SAFETY ACT OF 1984

Mr. KASTEN. Mr. President, the legislation I am introducing today will expedite the recall from the market of unsafe toys and other articles intended for use by children. Under current law, the Consumer Product Safety Commission (CPSC) may order the recall of these products only after engaging in long and cumbersome procedures that can take years to complete.

Because of a legislative quirk, it is often easier for the CPSC to recall products intended for adult use that present substantial risks of injury than it is for the agency to recall hazardous toys and childrens' articles. The bill will allow the CPSC to use the same procedures to recall hazardous toys and childrens' articles that it now uses to recall other consumer products.

The procedures that apply to the recall of most consumer products are relatively simple. Under authority in the Consumer Product Safety Act (section 15), the CPSC may, after opportunity for a hearing, require the recall of consumer products that: Fail to comply with a consumer product safety rule or contain a defect which creates a substantial risk of injury to the public.

However, these procedures do not apply to toys and other articles intended for use by children, which—by historical accident—are subject to regulation only under the Federal Hazardous Substances Act (FHSA). Under that act, the CPSC may not even begin a recall proceeding until it has finalized a rule banning the toy or article. In other words, the CPSC must go through the entire rulemaking process and issue a final rule—a process which often takes 2-3 years—before it may even initiate a recall proceeding. During the time it takes to complete these proceedings, the hazardous toy or childrens' article can remain on the market.

Under present law, the only other way that the CPSC can recall an unsafe toy or childrens' article is by undergoing another cumbersome procedure through which the agency transfers its regulatory function from the Federal Hazardous Substances Act (FHSA) to the Consumer Product Safety Act (CPSA). To do this, the CPSC must issue a final rule, following notice and public comment, finding that it is in the public interest to regulate the risk of injury (that is, the hazardous toy or article) under the CPSA rather than the FHSA. The CPSC must issue this under the Consumer Product Safety Act. The "transfer" rulemaking proceeding may take anywhere from 4 to 14 months to complete. During this period of time, a hazardous toy or childrens' article can remain on the market. The CPSC does not have to go through this rulemaking process before seeking a recall of most products intended for adult use.

There is absolutely no reason that it should take longer, to recall toys and childrens' articles than it does to recall other consumer products. In fact, these are the products that probably should be removed from the marketplace first. Since children are particularly vulnerable and are often unable to protect themselves, toys and childrens' articles that present a substantial risk of injury should be removed from the market as quickly as possible.

The Toy Safety Act will amend the Federal Hazardous Substances Act to allow the CPSC to recall toys and other articles intended for use by children that present a substantial risk of injury. The CPSC will no longer be required to issue a final rule banning a hazardous toy or article before it may begin a recall proceeding. Nor will the CPSC be required to complete a rulemaking proceeding to transfer its regulatory functions from one act to another. These procedures are lengthy, unduly cumbersome, and serve only to delay unnecessarily the removal of unsafe toys and other childrens' articles from the market.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Toy Safety Act of 1984".

SEC. 2. (a) Section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) is amended—

(1) by redesignating subsections (c), (d) and (e) as subsections (d), (e) and (f), respectively; and

(2) by inserting immediately after subsection (b) the following:

"(c)(1) If any toy or other article intended for use by children that is not a banned hazardous substance creates a substantial risk of injury to children (because of the pattern of risk, the number of toys or such articles presenting a risk, the severity of the risk, or

otherwise) and the Commission determines (after affording interested persons, including consumers and consumer organizations, an opportunity for a hearing) that notification is required to adequately protect the public from such toy or article, the Commission may order the manufacturer or any distributor or dealer of the toy or article to take any one or more of the following actions:

"(A) To give public notice that the toy or article creates a substantial risk of injury to children.

"(B) To mail such notice to each person who is a manufacturer, distributor or dealer of such toy or article.

"(C) To mail such notice to every person to whom the person giving notice knows such toy or article was delivered or sold.

An order under this paragraph shall specify the form and content of any notice required to be given under the order.

"(2) If any toy or other article intended for use by children that is not a banned hazardous substance creates a substantial risk of injury to children (because of the pattern of risk, the number of toys or such articles presenting a risk, the severity of the risk, or otherwise) and the Commission determines (after affording interested person, including consumers and consumer organizations, an opportunity for a hearing) that action under this paragraph is in the public interest, the Commission may order the manufacturer, distributor or dealer to take whichever of the following actions the person to whom the order is directed elects:

"(A) If repairs to or changes in the toy or article can be made so that it will not create a substantial risk of injury to children, to make such repairs or changes.

"(B) To replace such toy or article with a like or equivalent toy or article which does not create a substantial risk of injury to children.

"(C) To refund the purchase price of the toy or article (less a reasonable allowance for use, if the toy or article has been in the possession of the consumer for one year or more—

"(i) at the time of public notice under paragraph (1)(A), or

"(ii) at the time the consumer receives actual notice that the toy or article creates a substantial risk of injury to children, (whichever first occurs).

An order under this paragraph may also require the person to whom it applies to submit a plan, satisfactory to the Commission, for taking the action which such person has elected to take. The Commission shall specify in the order the person to whom refunds must be made if the person to whom the order is directed elects to take the action described in subparagraph (C). If an order under this paragraph is directed to more than one person, the Commission shall specify which person has the election under this paragraph. An order under this paragraph may prohibit the person to whom it applies from manufacturing for sale, offering for sale, distributing in commerce, or importing into the customs territory of the United States (as defined in general headnote 2 to the Tariff Schedules of the United States), or from doing any combination of such actions, with respect to the toy or article with respect to which the order was issued.".

(b) Section 15(d)(1) of the Federal Hazardous Substances Act, as so redesignated by subsection (a) of this section, is amended by striking "subsection (b)" and inserting in lieu thereof "subsection (b) or (c)".

(c) Section 15(d)(2) of such Act, as so redesignated by subsection (a) of this section, is amended by inserting "toy," immediately before "article" wherever it appears.

(d) Section 15(d)(2) and (e) of such Act, as so redesignated by subsection (a) of this section, is amended by striking "subsection (a) or (b)" and inserting in lieu thereof "subsection (a), (b) or (c)".

By Mr. GORTON:

S. 2652. A bill to provide Federal assistance for the continued development and commercialization of food irradiation through the establishment of a Joint Operating Commission for Food Irradiation Treatment in the Department of Agriculture and through other means; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL FOOD IRRADIATION DEVELOPMENT AND CONTROL ACT OF 1984

● Mr. GORTON. Mr. President, today I am introducing legislation to promote the use of ionizing radiation as a post-harvest treatment for food commodities. This bill, the Federal Food Irradiation Development and Control Act of 1984, builds upon legislation Representative SID MORRISON and I introduced earlier in this Congress (S. 2254, H.R. 4544) and a proposed Food and Drug Administration regulation (49 FR 5714) which was promulgated in February. Representative MORRISON introduced legislation identical to mine Monday in the House of Representatives.

My earlier bill, which was cosponsored by Senators ZORINSKY and EXON, sought to change the regulatory interpretation of food irradiation from being a food additive to being a food process. That legislation has been largely rendered moot by FDA's proposed rule, which permits limited application of food irradiation primarily for fresh fruits and vegetables up to a dose of 100 kilorads, a dose which is one-tenth of the standard now accepted by most international authorities. The public comment period, extended once, will expire on May 16. I commend FDA and Secretary of Health and Human Services Margaret Heckler for this important first step in promoting this promising new technology.

My current bill retains the provision defining food irradiation as a food process rather than as a food additive. It changes that earlier provision, however, by permitting FDA to retain regulatory authority over food irradiation, rather than transferring it to the Environmental Protection Agency.

In addition, this legislation provides for ongoing research and development of food irradiation, national uniformity of food irradiation regulations, and authority for the leasing of federally owned irradiation source materials to the private sector with appropriate safety standards.

The centerpiece of the bill is the establishment of a joint operating commission to facilitate acceptance of food irradiation. The commission, operating within the Department of Agriculture, would coordinate and manage currently fragmented research and information exchange effort. It would also act as a liaison to promote consumer acceptance of food irradiation and private development of the technology.

Consumer acceptance is one of the greatest obstacles to the development of food irradiation. I hope that this bill, and particularly the joint operation commission, will help assuage public concerns about the safety and practicality of this technology.

I believe that the use of ionizing energy as a postharvest treatment could have a revolutionary impact on food processing. It can fumigate crops without leaving chemical residues, as ethylene dibromide (EDB) does. It can eliminate trichinosis in pork, the Medfly in citrus fruits, the codling moth in apples, and botulinum and salmonella in red meats, poultry, and fish.

Foor irradiation is merely ionizing energy which penetrates through food killing micro-organisms. The ionizing energy used is similar to microwaves. It leaves no residue in the food, which absorbs only the energy of the radioactive source, not the source's radioactivity.

I hope this new bill and the FDA regulation will contribute to the advancement of food irradiation as a safe and effective food preservation technology.

Mr. President, I ask unanimous consent that the text of this bill and a section-by-section summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Food Irradiation Development and Control Act of 1984".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) irradiation of food at regulated doses has been recognized by international authorities and the Department of Health and Human Services as safe and wholesome;

(2) irradiation of food inhibits or destroys the bacteria and other micro-organisms which cause food to spoil and eliminates trichinosis in pork, insect pests in fruits and vegetables, salmonella in red meats and poultry and fish, and botulinum in red meats and poultry;

(3) irradiation of food is one of the substitutes for many of the postharvest fumigants including ethylene dibromide;

(4) irradiation treatment at levels below 10 MeV (million electron volts) cannot induce radioactivity in food;

(5) irradiation of food is a process, much like cooking in a microwave oven, boiling, or freezing;

(6) additional research and development is needed to determine the optimum dose level for irradiation on foods and the appropriate marketing factors in order to apply the benefits of irradiation to a variety of products with assurance of public safety;

(7) there needs to be national uniformity in the regulation of irradiation treatment of food;

(8) public understanding of ionizing radiation is essential to eliminate fear and develop widespread commercial opportunities and to promote consumer acceptance of food irradiation;

(9) there are a variety of current or potential uses for irradiation beyond processing of food, including medical applications and pasteurization and sterilization of sewage sludge;

(10) the Federal Government owns vast quantities of byproduct materials as part of our defense nuclear waste program;

(11) a significant return on investment can come back to the United States Treasury through the lease of irradiation source materials to private and public agencies;

(12) there needs to be coordination with international organizations on applications and standards for irradiation and among the many Federal agencies involved, including the Department of Agriculture, the Department of Energy, the Food and Drug Administration, the Department of Health and Human Services, the Environmental Protection Agency, the Nuclear Regulatory Commission, and others; and

(13) there needs to be coordination with the private sector for the purpose of encouraging private enterprise development and utilization of irradiation treatment.

(b) The purposes of this Act are to—

(1) change the definition of food irradiation so that it is defined as a food process, subject to existing regulatory authority of the Food and Drug Administration;

(2) expand research and development of ionizing radiation in order to facilitate commercialization of a variety of beneficial use technologies;

(3) provide for education regarding food irradiation by ionizing radiation in order to promote public understanding and acceptance;

(4) provide for national uniformity in the regulation of irradiation treatment of food;

(5) provide for the safe leasing of nuclear byproduct material for use in commercial applications of food irradiation; and

(6) provide for the creation of a Joint Operating Commission for Food Irradiation Treatment within the Department of Agriculture to serve as an intermediary with private enterprise, Federal and State government agencies, international organizations, and the public.

DEFINITIONAL AND REGULATORY CHANGES

SEC. 3. (a) Section 201(s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s)) is amended by—

(1) striking out "; and including any source of radiation intended for any such use" in the first parenthetical material; and

(2) striking out "or" at the end of paragraph (4), and by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or"; and

(3) adding the following new paragraph at the end thereof:

"(6) food irradiation treatment.".

(b) Section 201 of such act (21 U.S.C. 321) is amended by adding the following new subsection at the end thereof:

"(bb) The term 'food irradiation treatment' means a food process in which ionizing energy is applied to raw agricultural commodities, processed foods, or other foods to preserve the food from infestation, to inhibit or destroy bacteria and other micro-organisms which cause food to spoil, for sprout inhibition, and to retard the postharvest ripening of foods.".

(c)(1) Section 409 of such Act (21 U.S.C. 348) is amended—

(A) in subsection (a) by—

(i) inserting "or food irradiation treatment" after "food additive" each place it appears;

(ii) inserting "or treatment" after "such additives" and after "such additive";

(iii) inserting "or clause (7)" after "clause (2)(C)"; and

(iv) inserting "or having been treated by such a treatment" after "such an additive";

(B) in subsection (b) by—

(i) inserting "or food irradiation treatment" after "food additive" each place it appears other than in paragraph (4);

(ii) inserting "or treatment" after "such additive" each place such term appears other than in paragraph (2)(D) and the first and second places it appears in paragraph (3);

(iii) inserting "in the case of a food additive," after "(or," in paragraph (3); and

(iv) inserting ", or in the case of food irradiation treatment, such items as the Secretary requests" before the period at the end of paragraph (4);

(C) in subsection (c) by—

(i) inserting "or food irradiation treatment" after "food additive" and "food additives" each place such terms appear;

(ii) inserting "or treatment" after "such additive" the first place it appears in paragraph (1)(A) and each place it occurs in clause (i) of the proviso of paragraph (3)(A) and in paragraph (4)(A);

(iii) inserting "or treatment" after "no additive" in paragraph (3)(A), after "the additive" in paragraph (3)(B), and after "an additive" in paragraph (4); and

(D) in subsection (d) by—

(i) inserting "or food irradiation treatment" after "food additive"; and

(ii) inserting "or treatment" after "such additive"; and

(E) in subsection (i) by—

(i) inserting "or food irradiation treatment" after "food additive"; and

(ii) inserting "or treated by such treatment" after "such additive".

(2) The heading of section 409 of such Act (21 U.S.C. 348) is amended by inserting "AND FOOD IRRADIATION TREATMENT" after "ADDITIVES".

(3) The heading of section 409(a) of such Act (21 U.S.C. 348(a)) is amended by inserting "and Food Irradiation Treatment" after "Additives".

NATIONAL UNIFORMITY

SEC. 4. (a) It is declared to be the express intent of Congress to require national uniformity in the regulation of irradiation treatment of food in order to permit national marketing of all irradiated food without jurisdictional barriers.

(b) No State or political subdivision thereof may establish or continue in effect any requirement relating to the irradiation treatment of food, or to the labeling or marketing of irradiated food, which is in addition to or different from the requirements of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, and the regulations and interpretations issued thereunder.

(c) Any State or political subdivision thereof may exercise concurrent jurisdiction with the Secretary of Health and Human Services over the irradiation treatment of food, and the labeling and marketing of irradiated food, for the purpose of enforcing requirements identical with those established in the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations and interpretations issued thereunder.

(d) Any State or political subdivision thereof may petition the Secretary of Health and Human Services to adopt by regulation as a Federal requirement any requirement relating to the irradiation treatment of food or to the labeling or marketing of irradiated food.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 5. There are authorized to be appropriated such sums as may be necessary in any fiscal year to carry out the byproducts beneficial uses portion of the defense nuclear waste management program carried out by the Department of Energy, including research, development, and demonstration activities to promote commercial applications of byproducts beneficial uses, such as treatment of sewage sludge, tritium remote lighting, and defense terrestrial reactors, but not including food irradiation treatment.

LEASING OF NUCLEAR BYPRODUCT MATERIAL FOR FOOD IRRADIATION

SEC. 6. (a) The third sentence of section 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2111) is amended—

(1) by inserting "at rates that reflect fair market value" before the comma at the end of clause (a);

(2) in clause (b), by inserting "commercial or other" before "use";

(3) by striking out "and" at the end of clause (b); and

(4) by inserting before the period at the end thereof the following: ", and (d) will encourage commercial applications of byproduct material as defined in section 11e(1), particularly as a source for food irradiation treatment".

(b) The fourth sentence of section 81 of such Act (42 U.S.C. 2111) is amended—

(1) by striking out "either"; and

(2) by inserting ", in commercial applications of food irradiation treatment," after "development".

ESTABLISHMENT OF JOINT OPERATING COMMISSION FOR FOOD IRRADIATION TREATMENT

SEC. 7. (a) There hereby is established within the Department of Agriculture a commission to be known as the Joint Operating Commission for Food Irradiation Treatment (hereafter in this section referred to as the "Commission"). The Commission shall carry out the functions specified in subsection (c), subject to the supervision of the Secretary of Agriculture.

(b)(1) The Commission shall consist of either members as follows:

(A) one individual, appointed by the President, who is representative of the interests of the general public and who is not an officer or employee of the Federal Government;

(B) one individual appointed by the Secretary of Agriculture from among the officers and employees of the Department of Agriculture;

(C) one individual appointed by the Secretary of Health and Human Services from among the officers and employees of the Department of Health and Human Services;

(D) one individual appointed by the Secretary of Energy from among the officers and employees of the Department of Energy;

(E) one individual appointed by the Administrator of the Environmental Protection Agency from among the officers and employees of the Environmental Protection Agency;

(F) one individual appointed by the Nuclear Regulatory Commission from among the officers and employees of the Nuclear Regulatory Commission;

(G) one individual appointed by the Secretary of Commerce from among the officers and employees of the Department of Commerce; and

(H) one individual appointed by the Administrator of the Agency for International Development from among the officers and employees of the Agency for International Development.

(2) The appointments of the initial members of the Commission shall be made before the expiration of the 90-day period following the date of the enactment of this Act.

(3) Each member of the Commission shall serve for such period of time as the authority appointing such member considers appropriate.

(4) A vacancy in the Commission shall be filled before the expiration of the 60-day period following the date on which such vacancy occurs, and in the same manner in which the original appointment was made.

(5)(A) Any member of the Commission who is a full-time officer or employee of the Federal Government shall receive no additional pay, allowances, or benefits by reason of the service of such member on the Commission.

(B) Each member of the Commission not described in subparagraph (A) shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for grade GS-15 of the General Schedule for each day, including travel time, during which such member is engaged in the actual performance of duties vested in the Commission. Each such member shall be reimbursed for actual expenses, including travel expenses, incurred in the course of performing such duties.

(c) It shall be the function of the Commission—

(1) to coordinate and manage all research, development, and demonstration activities of the Federal Government relating to food irradiation treatment, including the food irradiation treatment activities of the Department of Energy, except that any additional research determined by the Commission to be required for the commercialization of food irradiation treatment shall, to the maximum extent practicable, be conducted at existing laboratories of the Agricultural Research Service of the Department of Agriculture and at land-grant institutions of higher education;

(2) to collect and consolidate the data produced by all Federal agencies as a result of research, development, and demonstration activities relating to food irradiation treatment;

(3) to coordinate informational exchange and educational activities with respect to food irradiation treatment with appropriate Federal agencies, commodity groups, export trading groups, other interested private organizations, and the general public;

(4) to encourage interest and investment by private enterprises in the development and application of food irradiation treatment;

(5) to encourage a better understanding by the general public with respect to food irradiation treatment;

(6) if determined by the Commission to be appropriate, to petition the Food and Drug Administration under section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) to expand the scope of regulation allowing for commercial application of food irradiation treatment; and

(7) to submit annually to the Congress a report setting forth the progress made by the Commission in carrying out the functions described in paragraphs (1) through (6).

(d) The Secretary of Agriculture shall provide the Commission with such staff and office facilities as the Secretary, following consultation with the Commission, considers necessary to permit the Commission to carry out its functions under this section.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisons of this section.

SECTION-BY-SECTION SUMMARY OF FOOD IRRADIATION BILL

Section I: Short Title.

The bill is called the "Federal Food Irradiation Development and Control Act of 1984".

Section II: Findings and Purposes.

The bill declares that food irradiation at regulated doses is safe and wholesome, is effective as a food preservative technique, and is one of the substitutes for many of the postharvest fumigants including ethylene dibromide (EDB). The bill further finds that irradiation is a process and cannot induce radioactivity in food. Finally, Congress finds that a coordinated effort to advance food irradiation is needed.

Section III: Definitional and Regulatory Changes.

Section 201(s) of the Federal Food, Drug, and Cosmetic Act is amended by deleting "sources of radiation" from the definition of food additive and further exempting "food irradiation treatment" from being defined as an additive. A definition is added to the Act which defines "food irradiation treatment" as a food process.

Section 409 of FDA enabling Act is further amended to make conforming changes. These changes would generally insert "or food irradiation treatment" every time "food additive" is used. Thus, the regulatory provision of Section 409 will apply to "food additives or food irradiation treatment".

Section IV: National Uniformity.

The section declares that it is the intent of Congress to require national uniformity in the regulation of food irradiation treatment. Under this section, no state or political subdivision could establish any food irradiation requirement which is "in addition to or different from" the FDA requirements. This section essentially restates the acknowledged common law that federal law usually preempts conflicting and duplicative state law.

Section V: Authorization for Appropriations.

This section provides a permanent authorization to carry out the byproducts beneficial uses portion of the Department of Energy defense nuclear waste management program. The authorization would include research, development, and demonstration activities to promote all commercial application of byproducts beneficial uses except for food irradiation.

Section VI: Leasing of Byproducts Material for Food Irradiation

Section 81 of the Atomic Energy Act is amended to clarify the Department of Energy's existing authority to lease nuclear byproduct material to the private sector. The amendments would clarify current leasing guidelines so that byproducts are leased at fair market value (with profits going to the Treasury) and should be leased to encourage commercial applications of food irradiation treatment.

Section VII: Establishment of Joint Operating Commission.

This section of the bill establishes within the Department of Agriculture a Joint Operating Commission for Food Irradiation (JOCFI). JOCFI shall be under the supervision of the Secretary of Agriculture and the Secretary shall provide necessary staff and office facilities. There is also a general authorization to carry out the activities of the Commission.

JOCFI shall consist of eight members including one individual, appointed by the President, who will represent the interests of the general public. The other seven members will be one representative each from the Departments of Agriculture, Health and Human Services, Energy, and Commerce, and the Environmental Protection Agency, the Nuclear Regulatory Commission, and the Agency for International Development. The appointments of the initial eight members shall be made within 90 days following the enactment of the Act and all vacancies shall be filled within 60 days. The seven members of JOCFI who are already employees of the Federal Government shall receive no additional pay and the one representative of the public shall receive a salary equivalent to grade GS-15 for each day of service.

The functions of the JOCFI Commission include: (1) to coordinate and manage all federal on-going and future food irradiation research and development activities. Additional research shall be conducted at Agricultural Research Service stations or at land-grant colleges; (2) to collect and consolidate all research data already gathered by various federal agencies; (3) to coordinate information exchange activities on food irradiation treatment with various federal agencies, interested private organizations, and the general public; (4) to encourage investment by private sources in food irradiation treatment; (5) to encourage better understanding by the general public of food irradiation treatment; and (6) to petition FDA, if deemed appropriate, under section 409 of the FDA enabling Act to expand the scope of regulations allowing for commercial food irradiation.●

By Mr. KENNEDY:

S. 2653. A bill to settle Indian land claims in the town of Gay Head, Mass., and for other purposes; to the Select Committee on Indian Affairs.

INDIAN LAND CLAIMS SETTLEMENT

● Mr. KENNEDY. Mr. President, today I am introducing legislation that would implement the proposed settlement concerning the title to disputed lands agreed to by the Wampanoag Tribal Council of Gay Head, Inc., and the town of Gay Head, Mass. The Wampanoag Tribal Council of Gay Head, Inc., and the town of Gay Head, Mass., are the principal parties in the settlement of litigation which is embodied by this legislation.●

By Mrs. HAWKINS:

S. 2654. A bill to authorize the Coast Guard to purchase six ship tethered aerostats for use by the Coast Guard for drug detection purposes in the Caribbean Sea; to the Committee on Commerce, Science and Transportation.

AUTHORIZATION OF COAST GUARD PURCHASES

● Mrs. HAWKINS. Mr. President, the U.S. Coast Guard must be commended for their courageous and highly effective drug interdiction efforts. Although they have often been outmanned, outspent, and outgunned by drug traffickers they have made record seizures of drugs and arrests of narcotics traffickers. The American people owe a debt of thanks to each member of the U.S. Coast Guard for their unselfish devotion to our Nation's security and safety.

In an effort to stop drugs before they reach our shores, I am introducing legislation which authorizes $18 million for the U.S. Coast Guard to purchase six ship tethered aerostats, these radar balloons have proven themselves to be the leading force in America's drug detection and interdiction efforts.

The nature and profile of the drug threat are well known. Drugs are grown and manufactured in several South American countries and are transported by means of small- to medium-size aircraft or ships over established routes to the shores of the United States. For geographical and other reasons the traffic is forced to pass through choke points. Two of these are the Yucatan Channel between Mexico's Yucatan Peninsula and Cuba and the Windward Passage between Cuba and Haiti. There are, at present, no effective surveillance systems in operation in these channels. The Coast Guard and Customs patrol these areas without the benefit of long range surveillance, visual acquisition. That is: a seaman, standing on deck with, maybe, a pair of binoculars. Not exactly high-tech surveillance.

From time to time, aircraft-borne radar systems owned by the U.S. military, such as the U.S. Air Force AWACS and the U.S. Navy Hawkeye have been employed in long-range target acquisition and vectoring of intercept aircraft. While this technology is more along the lines of what we would expect to be using to catch smugglers, these missions are very expensive and are not available on a full-time basis; these planes, after all, are needed for military purposes. The operational cost of an AWACS platform is in excess of $10,000 per hour. The Hawkeye costs more than $3,000 per hour to operate.

In an effort to more effectively fight traffickers, I am proposing that we wed human aviation's oldest technology to the latest in sophisticated surveillance by using a helium-filled balloon equipped with a state-of-the-art surveillance radar. The entire system would be tethered to an oil platform supply ship, the kind now used by the offshore oil industry for supplying drilling and production rigs. This aerostat, as it is called, flies at an altitude of approximately 2,500 feet and from there has a target acquisition range of 70 miles. This range effectively covers the two channels previously mentioned. The ship steams in the area of concern and the airborne radar sees targets, in this case smuggling ships, as they enter the detection range. The radar data are transmitted to the ship and from there may be sent to other units operating in the same area.

The advantage of this arrangement is that Coast Guard intercept vessels and Customs intercept aircraft would now be able to lock in on suspicious targets until they can be visually identified. This removes aimless patrolling and the element of chance from the hunt. The balloons remain airborne for 10 days to 2 weeks and can be winched down to the ships for inspection, repair and maintenance.

The main attraction of the aerostats are on the order of $300 to $400 per hour. The aerostat also has a larger coverage area; it can see farther, than much more expensive airborne platforms. The balloon technology is well-developed and has been proven in many U.S. Government and commercial applications. There is also no research and development aspect to these systems. They are readily available off the shelf at reasonable prices. They can be manned and maintained by technicians and mechanics. One of these systems is now in operation. But another five should be acquired in order to enhance the effectiveness of our Coast Guard and Customs units on patrol in the war on drugs in the Caribbean.

I urge my colleagues to join me in supporting funding for this much needed initiative. For too long, the U.S. Coast Guard has had to operate without much needed resources.●

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mr. ABDNOR, Mr. ANDREWS, Mr. BAUCUS, Mr. BOREN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. COCHRAN, Mr. DIXON, Mr. DOLE, Mr. EXON, Mr. FORD, Mr. HATCH, Mrs. HAWKINS, Mr. HEFLIN, Mr. HEINZ, Mr. JEPSEN, Mrs. KASSEBAUM, Mr. LEAHY, Mr. MELCHER, Mr. MCCLURE, Mr. MOYNIHAN, Mr. NUNN, Mr. PRYOR, Mr. QUAYLE, Mr. SYMMS, Mr. THURMOND, and Mr. ZORINSKY):

S.J. Res. 292. Joint resolution to designate the week of May 27 through June 2, 1984, as "National Animal Health Week"; to the Committee on the Judiciary.

NATIONAL ANIMAL HEALTH WEEK

● Mr. HELMS. Mr. President, I bring to the attention of the Senate the 100th anniversary of a national commitment to promote animal health.

On May 29, 1884, Congress created the Bureau of Animal Industry within the U.S. Department of Agriculture to "prevent the exportation of diseased cattle, and to provide the means for the suppression and eradication of pleuropneumonia and other contagious diseases among domestic animals." Since Congress took this first step toward the promotion of animal health, a cooperative effort between the Department of Agriculture and livestock and poultry producers has resulted in improved animal health, including the eradication of 12 separate animal diseases. Through continued disease control efforts and research, U.S. livestock and poultry production has become the most efficient in the world, enabling American farmers to provide both domestic and international markets with high quality and economical meat and poultry products.

In recognition of the past 100 years of accomplishments in animal health, I am joined by 28 cosponsors in introducing a resolution designating the week of May 27 through June 2, 1984, as "National Animal Health Week."

I ask unanimous consent that a fact-sheet provided by the Department of Agriculture which outlines the achievements in the area of animal health be printed in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACTS

The 100th anniversary of the first nationally organized efforts to control and stamp out dangerous animal diseases will occur in 1984.

On May 29, 1884, Congress created the Bureau of Animal Industry (BAI) within the U.S. Department of Agriculture to "prevent the exportation of diseased cattle, and to provide the means for the suppression and eradication of pleuropneumonia and other contagious diseases among domestic animals."

Celebration of this anniversary will be more than a bureaucratic milestone. Proper nourishment of millions of people depends on the vital animal protein supplied by healthy livestock and poultry.

Today's huge and complex livestock industry owes its remarkable growth and productivity, in part, to the cooperative efforts of various government agencies working with producers to identify, control and wipe out costly and dangerous animal diseases. Diseases eradicated from the United States include foot-and-mouth disease, fowl plague, dourine and glanders in horses, cattle tick fever, vesicular exanthema of swine, VEE (the horse sleeping sickness), sheep scabies, exotic Newcastle disease in poultry and—most recently—hog cholera, a "native" American disease. Also there are no longer any cases of screwworms, a serious pest of livestock.

There have been significant spinoffs from the work of the Bureau and its successors.

In the late 1800's three BAI scientists proved that ticks spread Texas fever in cattle. This discovery in the field of animal health led to control of yellow fever in humans and enabled U.S. workers to complete the Panama Canal where two attempts by the French had failed. Today, the genesplicing techniques of the 1980's point the way toward development of new vaccines that are safer, more effective and more economical to produce.

In 1905, novelist Upton Sinclair published "The Jungle," a scathing expose of filthy conditions in packing plants. Public opinion soon mobilized legislation: The Meat Inspection Act of 1906. Today's consumers buy with confidence, secure in the knowledge that when USDA's inspection stamp goes on a meat or poultry product, it is safe, wholesome and accurately labeled.

BAI researchers brought the scientific method to agriculture—testing, measuring, contrasting experimental models against careful controls in a myriad of experiments. The results, over the decades, have made America a world leader in scientific agricultural information and—more importantly—have enabled farmers to take these advances and put them to work, producing animals ever more efficiently and economically for the American consumer. Two examples: today's leaner meat-type hogs and the Beltsville turkey—a smaller bird with a high percentage of breast meat.

During 1984, the Department has asked agricultural groups throughout the United States to join in commemorating "100 years of animal health." Over 90 organizations have been invited to take part in the centennial activities. The high point will come on May 29, 1984, with special commemorative ceremonies in Washington, D.C.●

● Mr. HUDDLESTON. Mr. President, I am pleased to join a number of my colleagues in introducing a joint resolution to designate the week of May 27 through June 2, 1984, as "National Animal Health Week." The designation of that week will commenorate the 100 years of work by the Bureau of Animal Industry and its successor agencies to improve animal health and recognize the advances made in improved animal health as a result of this commitment.

On May 29, 1884, the Bureau of Animal Industry was created by Congress. Its job, as part of the U.S. Department of Agriculture, was to eliminate animal diseases and pests and make livestock more productive. During the 1950's, the areas of responsibility of the Bureau were divided into several separate groups within USDA. Today, employees in the Animal and Plant Health Inspection Service continue the effort to improve the health of livestock and increase production of meat, milk, and eggs. Due to the work of researchers in the Bureau and its successor agencies, the United States has the healthiest livestock and most abundant supply of food in the world.

Over the years, the Government has worked closely with producers to identify, control, and wipe out costly and dangerous animal diseases. The numerous successes in this effort are proof of the dedication and the quality of the work of the men and women employed by the Bureau and its successor agencies. Diseases eradicated in the United States include foot-and-mouth disease, fowl plague, cattle tick fever, VEE—the horse sleeping sickness—sheep scabies, exotic Newcastle disease in poultry, and—most recently—hog cholera, a native American disease. Also, there are no longer any cases of screwworm, a serious livestock pest.

Mr. President, I urge my colleagues to join me in supporting this well-deserved designation of the week of May 27 through June 2, 1984, as "National Animal Health Week."●

● Mr. DOLE. Mr. President, 1984 marks the centennial of efforts by the Department of Agriculture and the livestock industry to control and eliminate dangerous animal diseases at the national level. I commend Senator HELMS and Senator HUDDLESTON for introducing a joint resolution designating the week cf May 27 through June 2, 1984, as "National Animal Health Week" and have asked that my name be added as a cosponsor.

It is appropriate that we honor the progress which our scientists, both men and women, have made in controlling or eliminating animal diseases. The efforts of farmers, researchers, Government officials, and many others have improved the standard of living for all Americans. Today we have efficient livestock and poultry industries that provide consumers with a nutritious and wholesome supply of food at a reasonable cost.

RED-BLOODED HERO

Mr. President, I would also like to point out an article which appeared in the January 1984 issue of the Reader's Digest entitled "Are We Getting a Bum Steer About Beef?" Many in the livestock industry feel that their products have received undue, unfair, and harmful publicity in recent years relating to the dietary benefits of their products. As this article points out, the red-meat industry and a number of respected scientists maintain there is no convincing evidence that eating less red meat will reduce cancer risks or heart disease. Indeed, the article suggests that meat products such as beef may actually be America's "red-blooded heroes."

I ask unanimous consent that the Reader's Digest article be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE WE GETTING A BUM STEER ABOUT BEEF?

(By Jack Denton Scott)

In A Tramp Abroad, Mark Twain wrote of a homesick American traveler in Europe: "Imagine an angel suddenly swooping down and setting before him a mighty porterhouse steak an inch-and-a-half thick, hot and sputtering from the griddle; dusted with fragrant pepper; enriched with melting bits of butter; the precious juices of the meat trickling out and joining the gravy."

Few of us require such a description to whet our appetites for "the most royal of meats." Beef has long been king on millions of our outdoor grills, its tantalizing sizzle over rosy charcoals sending an unforgettable scent into the summer air. And can anyone come up with a more "noble" sight than a standing rib carved at the table, its pink slices falling succulently upon the platter?

Not surprisingly, Americans consume 77.2 pounds of beef per capita each year—some 18 billion pounds in all.[1] Every day a single famous fast-food chain grills ten million hamburgers, America's favorite sandwich.

Despite this popularity, a number of respected nutritionists have placed beef on their hit list, claiming that Americans consume too much animal fat, which may be a cause of cancer and heart disease. Perhaps the best-known of these critics is Tufts University president Jean Mayer, member of numerous national and world committees on nutrition. He points out that many cuts of beef are high in fat—predominantly saturated fat. Mayer also notes that fat is high in calories and that both saturated fat and dietary cholesterol tend to raise the level of blood cholesterol. A number of prominent scientists agree.

But Rodney L. Preston, a nutrition professor at Texas Tech University, raises an important point. Because a high blood-cholesterol level is a risk factor in the development of coronary vascular disease, he says, some have concluded that foods containing cholesterol should be avoided. This conclusion ignores the fact that the normal human body needs cholesterol—about 1000 milligrams each day—and that the difference between the amount required and the amount consumed will be produced by the body itself. In any event, a three-ounce serving of beef contains just 75 mgs. of cholesterol. In fact, the average daily U.S. diet, including eggs, milk and meat, contains only 300 to 550 mgs. of cholesterol.

George M. Briggs, professor of nutrition at the University of California at Berkeley, former president of the American Institute of Nutrition and a member of the research team that discovered vitamin B-12, points out that three ounces of lean beef have no more cholesterol than three ounces of chicken. In a normal 2400-calorie diet for an adult male, he says, those three ounces of lean beef supply only 8 percent of calorie needs, but 45 percent of the recommended daily allowance of protein, 79 percent of vitamin B-12, 38 percent of zinc, 26 percent of iron, 19 percent of niacin.

What fueled the animal-fat controversy anyway? In 1977, concerned over the high level of heart and other killer diseases, the Senate Select Committee on Nutrition and Human Needs recommended that our daily calorie intake should comprise 12 percent protein, 30 percent fat (it was then about 40 percent) and 58 percent carbohydrates. The committee's report also warned that eating too many fats, especially saturated fats—from meats, eggs yolks, butter and lard—could cause cancer, heart disease, high blood pressure and other serious illnesses. A 1980 government publication, in more gener-

[1] For contrast: Japan's per-capita consumption of beef is only 8 pounds a year, while in Argentina, the per-capita figure is 146 pounds—almost double the U.S. consumption.

al terms, encouraged moderate consumption of foods high in fat and cholesterol. In 1982 a 13-member scientific committee, sponsored by the National Academy of Sciences' National Research Council, released its own report, "Diet, Nutrition and Cancer." It suggested that Americans might reduce the risk of breast and colon cancers by lowering their daily intake of fat from 40 to 30 percent of the total calories in the diet.

But another group of scientists, reviewing the 1982 report for the Council for Agricultural Science and Technology, felt that there was not enough evidence to infer that the American diet was unsafe with respect to cancer risks. They noted that "a nutritionally adequate diet must include as much fresh meat relative to other foods as Americans are consuming now."

One of those critical scientists, Dr. Joseph J. Vitale, professor of pathology and director of Nutrition Education Programs at Boston University School of Medicine, stated simply: "There is no evidence to suggest that lowering one's fat intake from 40 to 30 percent of the total calories will have any effect on cancer rates."

As for heart disease, Alfred Harper, former chairman of the National Academy of Sciences' Food and Nutrition Board, writing in the April 1983 issue of the American Journal of Clinical Nutrition, maintained that those people who are susceptible to coronary heart disease should be identified for comprehensive treatment instead of changing the diet of the general population. And after questioning more than a million Americans, the American Cancer Society stated, "A preliminary study of dietary factors showed no higher rates of coronary heart disease and stroke in people who ate a high-fat diet than in those who did not."

Actually, only 36 percent of the fat in the U.S. food supply comes from beef, pork, poultry and fish, while 42 percent comes from vegetable sources, such as oils, shortening and margarine. There is reason to believe that by substituting vegetable fats and oils for beef fat in our diets, we could be doing ourselves more harm than good. Recent research on animals suggests that high amounts of polyunsaturates may suppress the body's natural immune responses, possibly increasing the risk of cancer.

Dr. Richard J. Jones, secretary of the American Medical Association's Council on Scientific Affairs, commenting on vegetable oils in our diets, says, "They have been shown in some studies on experimental animals to be more potent promoters of known carcinogens than are animal fats."

Where modern lean beef itself is concerned, these nutritional facts alone should be heeded:

Fact: Beef is highly nutritious and digestible—more so even than vegetables. Beef's healthful ingredients are 96 percent digested, and its many nutrients almost completely used by the body.

Fact: Three ounces of lean beef contain less fat than is assumed—about nine grams. And only about 48 percent of the fat is saturated.

Fact: Red meat is a leading source of iron; one three-ounce serving of beef supplies 26 percent of the recommended daily allowance for an adult male. And this is "heme iron," a type that is three to five times more easily absorbed by the body. Heme iron also has a booster effect on iron in other foods eaten with the meat. (Much of the iron in spinach, for instance, is not available unless eaten in combination with other food.)

Fact: Three ounces of lean roast beef contain 169 calories; the same amount of lean chicken without skin has 174 (dark) and 147 (light); broiled salmon steak has 167.

How much beef should we eat? Nutritionists generally advise that a daily diet should include two three-ounce servings from the meat-poultry-fish-beans group, which includes beef, veal lamb, pork, poultry, fish, shellfish, dry beans, eggs, seeds, nuts and peanut butter. Although you don't need to eat beef to get a full complement of protein, vitamins and minerals, red meat unquestionably offers important, high-quality nutrients in a relatively low-calorie package that is tasty and satisfying. Variety, of course, is also important in diet, since each food in the four food groups—including also the fruit-vegetable, bread-cereal and milk-cheese groups—offers its own unique pattern of essential nutrients.

By showing us how to use this variety in a common-sense manner, Julia Child has become America's leading lady of food. Between takes of her new TV show "Dinner at Julia's" the star was asked what her favorite entrée was. "Beef!" she exclaimed. "I'm a redmeat eater. I feel I need red meat to keep my blood circulating, my color good and my energy up."

Most Americans would agree.●

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. MELCHER, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 74, a bill entitled the "Reye's Syndrome Act of 1983."

S. 652

At the request of Mr. MATSUNAGA, the name of the Senator from Washington (Mr. EVANS) was added as a cosponsor of S. 652, a bill to establish a hydrogen research and development program.

S. 815

At the request of Mr. HATFIELD, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 815, a bill to provide that it shall be unlawful to discriminate against any meetings of students in public secondary schools and to provide the district courts with jurisdiction.

S. 1128

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1128, a bill entitled the "Agricultural Productivity Act of 1983."

S. 1300

At the request of Mr. HUDDLESTON, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes.

S. 1651

At the request of Mr. CRANSTON, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1651, a bill to amend title 38, United States Code, to provide for presumption of service connection to be established by the Administrator of Veterans' Affairs for certain diseases of certain veterans exposed to dioxin or radiation during service in the Armed Forces; to require the Administrator to develop, through process of public participation and subject to judicial review, regulations specifying standards for the presumption applicable to the resolution of claims for disability compensation based on such exposures; to require that such regulations address certain specified diseases; and to require that all claimants for Veterans' Administration benefits be given the benefit of every reasonable doubt in claims adjudications and for other purposes.

S. 1992

At the request of Mr. BENTSEN, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2527

At the request of Mr. SYMMS, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2527, a bill to approve the interstate and intrastate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes.

S. 2544

At the request of Mr. DECONCINI, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2544, a bill to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes.

S. 2607

At the request of Mr. HUDDLESTON, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2607, a bill to provide for improvements in the school lunch and other child nutrition programs and the food stamp program, and for other purposes.

SENATE JOINT RESOLUTION 143

At the request of Mr. MELCHER, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full account-

ing of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 254

At the request of Mr. LUGAR, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of Senate Joint Resolution 254, a joint resolution to designate the month of October 1984 as "National Down's Syndrome Month."

SENATE JOINT RESOLUTION 287

At the request of Mr. D'AMATO, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Joint Resolution 287, a joint resolution to authorize and request the President to designate January 27, 1985, as "National Jerome Kern Day."

SENATE CONCURRENT RESOLUTION 86

At the request of Mr. HEINZ, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of Senate Concurrent Resolution 86, a concurrent resolution expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran.

SENATE CONCURRENT RESOLUTION 110

At the request of Mr. DOLE, the names of the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. CRANSTON), the Senator from Wisconsin (Mr. KASTEN), the Senator from Illinois (Mr. DIXON), and the Senator from Tennessee (Mr. BAKER) were added as cosponsors of Senate Concurrent Resolution 110, a concurrent resolution in commemoration of the 30th anniversary of the unanimous decision of the Supreme Court of the United States in Brown against Board of Education.

SENATE RESOLUTION 294

At the request of Mr. RIEGLE, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Resolution 294, a resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the names of the Senator from Florida (Mr. CHILES), the Senator from Kentucky (Mr. FORD), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

AMENDMENT NO. 3040

At the request of Mr. HUDDLESTON, the names of the Senator from Arkansas (Mr. BUMPERS), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of amendment No. 3040 intended to be proposed to S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

AMENDMENTS SUBMITTED

FEDERAL BOAT SAFETY ACT AMENDMENTS

KENNEDY (AND CRANSTON) AMENDMENT NO. 3052

Mr. KENNEDY (for himself and Mr. CRANSTON) proposed an amendment to amendment No. 2902 proposed by Mr. DOLE (and Mr. LONG) to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes; as follows:

On page 1201, beginning with line 18, strike all through line 25 on page 1202.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 9, at 1:30 p.m., to hold a hearing on S. 2619, a bill to extend programs under the Indian Education Act through fiscal year 1985, and S. 2614, a bill to amend the Indian Financing Act of 1974; to be followed by a business meeting to mark up S. 1999, a bill to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs, eliminate the position of Commissioner of Indian Affairs, make conforming amendments, repeal unnecessary provision of law referring to the Commissioner of Indian Affairs, S. 1735, a bill entitled the "Shoalwater by Indian Tribe-Dexter-by-the-Sea Claim Settlement Act," S. 2166, a bill to reauthorize the Indian Health Care Improvement Act, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 9, at 2:30 p.m., to hold a hearing to consider the nomination of Leslie Lenkowsky to be Deputy Director of the USIA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation and Government Processes, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, May 9, at 10 a.m., to hold a hearing to consider the enforcement of Federal regulations and penalties for shipments of hazardous and radioactive materials.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 9, 1984, in order to receive testimony concerning Senate Joint Resolution 233, Organized Crime Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 9, 1984, in order to receive testimony concerning the following nomination:

Carol E. Dinkins, of Texas, to be Deputy Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 9, to hold a hearing to consider disability and other committee items.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WHAT KIND OF NICARAGUA CAN THE U.S. TOLERATE?

● Mr. KENNEDY. Mr. President, the Reagan administration is supporting armed insurgents in Nicaragua who claim that their objective is the overthrow of the Sandinista government.

But last month the President stated in a letter to the majority leader that the United States does not seek to overthrow the Government of Nicaragua. This assurance, in light of what the Contras say, and when viewed against the background of earlier Presidential statements, does not put the issue to rest. Only a year ago, for example, the President stated at a news conference it would be "extremely difficult" to bring stability to the region

as long as the Sandinista government remained in power.

Dr. Robert E. Hunter, a senior fellow at the Center for Strategic and International Studies, has published a cogent analysis of this issue in the Los Angeles Times. Dr. Hunter points out that "the nation has not yet faced or resolved the critical conundrum in Central America: What kinds of regimes are we prepared to tolerate, even if they act only within their own countries?" If we are not prepared to tolerate leftist revolutionaries, then "there seems to be no alternative to military action," Hunter concludes. If, on the other hand, we set more limited objectives, then our tactics would change. Dr. Hunter sets forth the ingredients of a more limited "security oriented" approach that would offer Nicaragua incentives and penalties to confine its revolution to one country.

I request that the full text of this analysis be printed in the RECORD.

The analysis follows:

[From the Los Angeles Times, Apr. 18, 1984]

U.S. MUST DECIDE WHAT KIND OF NICARAGUA IT CAN TOLERATE

(By Robert E. Hunter)

Try as we might, we can't make Central America go away. This latest episode is the stuff of spy novels: small boats manned by CIA-backed soldiers-of-fortune dropping mines to the bottom of Nicaraguan harbors to cripple foreign shipping.

To some Americans this is simply just desserts for the Sandinista regime that supports revolution in neighboring El Salvador. To others it's reminiscent of the worst days of Vietnam and Central Intelligence Agency abuses. But to Congress last week it was an outrage, even though the so-called Contras had made no secret of their minelaying tactic.

The vehemence of congressional reaction to the CIA-sponsored events was partly the product of the way in which Washington does its business. Only shortly before, President Reagan had taken Congress to task for damaging U.S. policy in Lebanon while wrapping his sermon in the bromide of bipartisanship. For once, at least, Congress could rightly plead "not guilty" and take collective umbrage at the President's finger-wagging. So the revelation of CIA misdeeds in Nicaragua was catnip to bruised institutional egos, and votes cascaded in condemnation.

However, there was more, and it was captured by a series of expletives from Sen. Barry Goldwater (R-Ariz.), chairman of the Senate Intelligence Committee: "For the life of me," he summarized, "I don't see how we are going to explain it."

The dilemma lies in those attempts at explanation: As a nation we have not yet made up our collective mind about what we want from Nicaragua and what we are prepared to pay to get it.

The Sandinista regime is the first to survive in Central America with attitudes that are essentially hostile to the United States. It also is the first to accept significant doses of Cuban and East Bloc military aid. This much seems clear—and there is little debate in the United States that the extension of Soviet and Cuban influence from Nicaragua throughout the isthmus (or into Mexico) would in some fashion be harmful to our interests. Should Soviet bases spring up, or Cuban advisers begin proliferating, there is unlikely to be strong opposition here to the concerns expressed and acted on by this or any other Administration. This would be true regardless of whether there are any simple solutions.

Less clear is what role the Sandinistas are playing in El Salvador's guerrilla war, and the extent to which that conflict would continue if the commandantes in Managua took a hands-off attitude. The U.S. military role in Honduras is debatable, but it gains its strongest support when couched in terms of helping that country intercept supplies being shipped to El Salvador. Also, the Contras (while always a focus of debate) draw less political fire when their role is explained in those terms.

Yet the nub of the problem goes even deeper: Are there circumstances in which we are prepared to live with the Sandinista regime? Or is it inherently obnoxious to us, either because its ideology requires it to export revolution or because we are not prepared to tolerate any government in our neighborhood that is organized internally in ways that we do not like?

We have tended to debate the finer details at the expense of these larger questions—that is, whether the Sandinistas are hard-core Marxist-Leninists or only leftists still developing a political center of gravity. Indeed, most Americans' attitudes on this point are conditioned on what they are prepared to do about their conclusions.

Yet the logic of the larger questions is compelling. If as a society we are not prepared to stomach leftist revolutionaries in Central America, then there seems no alternative to military action. Assuming that the contras can't do the job—and competent military wisdom holds out little prospect of their overthrowing the regime in Managua—then direct U.S. military intervention would be needed to fulfill our ambitions for Nicaragua's internal development.

Before dismissing this viewpoint and its logic out of hand, we must recall how deeply preoccupied we have been with Cuba for a quarter-century, and how no U.S. Administration has been able to grapple with the implications of simply accepting President Fidel Castro, even without his revolutionary works within the region and beyond.

By contrast, however, if the American people are prepared to see the nature of Nicaragua's political and social organization as a secondary question, then the scope of the problem changes. American goals become more modest: to end direct Sandinista support of revolution in neighboring countries, to reduce the size of its military and to gain its abstention from military involvement with the Soviets, the Cubans and their East Bloc friends.

In accepting these more limited objectives our tactics also would change. In particular, the role of the contras would be reduced to gaining the attention of the Sandinistas—a goal that, arguably, has long since been achieved. Indeed, in this regard contra activities were dwarfed by the signal sent by the U.S. invasion of Grenada. Our efforts could then be focused on promoting the development of a security framework for the region that would offer Nicaragua incentives (economic aid) and penalties (economic isolation and uncertainties about our military behavior) to confine its revolution to one country.

This security-oriented approach could prove to be illusory. The Sandinistas might be incapable of restraint. The complexities of any security framework could confound the best efforts of the Central American states or outsiders like Mexico, Panama, Venezuela and Colombia (the Contadora states). Or the Cubans could find ways of defeating regional efforts through the back door.

However, the fact is that we have yet to try this more limited and more feasible alternative. If there was a time for us to offer security negotiations to the Sandinistas, and with a fair chance of dominating the agenda, it was immediately after Grenada. Furthermore, as demonstrated by the continually shifting explanations offered for our support of the contras, the Reagan Administration has not sorted out its own goals for Nicaragua. Security and political goals are at war with one another in the Reagan camp, along with an almost wistful hope that somehow the Sandinistas might disappear without the loss of American life.

There is much to fault in the Administration's policy toward Nicaragua, including CIA-sponsored minelaying that is too little to achieve any realistic goal and too much for congressional opinion and America's good name abroad.

At the same time, however, the nation has not yet faced or resolved the critical conundrum in Central America: What kinds of regimes are we prepared to tolerate, even if they act only within their own countries? Until the American people and their leaders face up to that question, we will be plagued with more of the recent silliness—or worse.●

THE DEFENSE BUDGET DEBATE

● Mr. GARN. Mr. President, Tidal W. McCoy, Assistant Secretary of the Air Force for Manpower, Reserve Affairs and Installations, recently wrote a letter to the editor of the Baltimore Sun concerning the issue of U.S. defense spending. In light of our deliberations on this subject in the course of our consideration of the first concurrent budget resolution, as well as the high respect with which I hold Ty's views, I want to call the attention of my colleagues to the observations he makes.

I, therefore, ask that Ty's letter be printed in the RECORD.

The letter follows:

DEFENSE SPENDING NOW

Editor: In your article entitled "Military Incurring 'Heavy Mortgage'" by Vernon Guidry on April 18, it was reported that a respected defense authority, Professor William Kaufmann, claims that the Pentagon is "buying more than the country can afford to own and operate." Dr. Kaufmann states that we "will have to sustain high defense budgets simply to operate, support and modernize these costly capital goods." Dr. Kaufmann also writes that "the services, freed from central direction and discipline, have . . . tried to contract for as much procurement as possible . . ." Dr. Kaufmann makes these statements in a new Brookings Institution report.

As a consultant, drafting portions of the annual Secretary of Defense Report to the Congress, Professor Kaufmann was a strong advocate for more defense spending of the sort which is now being accomplished. Since I worked closely with him for four years on this project as a full-time staff assistant in the immediate office of the Secretary of De-

fense, I am very familiar with his views at that time. His views reflected the knowledge he had of the current intelligence picture. Professor Kaufmann appears to have forgotten some history, and his earlier knowledge of the growing threat has obviously not been updated, since he is no longer called upon to consult at the Pentagon.

In one section of the FY 78 Secretary of Defense Report, which Professor Kaufmann authored, the report said, "The principal cause of international instability lies . . . in the Soviet Union with its combination of beliefs and military power—and there is no pretending to the contrary." That same report said, "Self-restraint in the expectation that we will follow their example has not been a part of their doctrine or their pattern. Neither has reciprocity on their part for restraint in ours. Western weaknesses and irresolution are not examples the Soviets are likely to emulate but an opportunity to seize." That report also clearly supported both the MX and the "acute" need for the B-1A. Now, according to the Brookings report, the improved B-1B is obsolete.

Dr. Kaufmann also implies the nation cannot afford the current buildup. In 1960, Air Force spending was twice as great as what Americans spent on alcohol. By 1976, annual spending on alcohol exceeded Air Force spending. Americans spent more on soft drinks in 1981 than the Air Force spent on missiles and aircraft. Since 1962, per capita defense spending, in constant dollars, increased about 1.3 percent while transfer payments (income security, health care, education, training, social services, etc.) have increased about 215 percent.

Americans spent 9 to 11 percent of the GNP on defense during the 1950s and 1960s. The apex of the Reagan plan will only account for a bit over 7 percent of the GNP. By any measure, the Reagan program is achievable, affordable and vital to the security of this great nation during the perilous 1980s. To argue otherwise is to rationalize imprudent risk.

Thus Dr. Kaufmann, while writing for Republican Secretaries of Defense, was most supportive of a strong defense posture. While drafting annual reports for Democratic Secretary of Defense, Harold Brown, he was much less supportive of a strong defense; and now that he has moved to the Brookings Institution, he believes only in maintaining the current force at the ready, but not in modernizing the force. He would apparantly leave a future president with a so-called ready, but obsolescent, military capability. Yes, it would appear that Dr. Kaufmann is an authority on defense issues and, without question, a fine advocate for the particular client which he has chosen to serve at a particular point in time. As for being an objective analyst, look elsewhere.—Tidal W. McCoy.●

ADVOCACY IN THE 80'S

● Mr LEVIN. Mr. President, I am taking this opportunity to submit for the RECORD a well written article written by Charles D. Goldman entitled "Advocacy in the 80's," which appeared in Disabled USA, a publication of the President's Committee on Employment of the Handicapped. Mr. Goldman served his tour of duty as a legislative fellow in my office last year.

Based on his past experience in the public sector and his current activities as a lawyer specializing in disability law, Mr. Goldman observed that the political environment has changed during the 1980's. There is a greater emphasis on cost-benefit analysis. "Advocacy in the 80's" focuses on the need for unity among groups advocating civil rights for the handicapped in order to preserve the hard fought gains of the 1960's and 1970's and to make further advances during the 1980's.

The article follows:

ADVOCACY IN THE 80'S

When I left the federal government last year, a good friend asked me if, in my newly minted law practice, I would still try and do work affecting handicapped persons. After almost eight years as General Council of the Architectural and Transportation Barriers Compliance Board, followed by a tour of duty on Capitol Hill, I found the question a bit strange. Seeing my perplexed expression, my perceptive friend observed, "Well, what's happened? We just don't hear that much about those issues any more. Where's everyone gone?"

The observation rang true. The American Coalition of Citizens with Disabilities no longer leads candlelight vigils across from the White House. The wheelchairs are gone from Joe Califano's residence. Hale Zukas sat not as a demonstrator but as a member of the Compliance Board from January 1980 to December 1983.

No, we don't hear that much. However, that does not mean that the problems or the advocates have gone away. To the contrary, the fights are getting harder.

Advocacy in the 1980's is different. The game has changed with the times. New dimensions and new issues have arisen.

The 1960's and 1970's witnessed a national recognition of civil rights. Disabled persons and their advocates were spurred on by the tenor of the times, as well as by the influx of newly disabled veterans from Vietnam and other handicapped people kept alive due to improved medical technologies. Consequently a veritable explosion of significant federal legislation affecting disabled people occurred, forming the basic expectations for the disabled community today.

IMPLEMENTING AND PRESERVING WHAT HAD BEEN WON

Yet when advocates sought effective implementation of these federal statutes, they were confronted by political and bureaucratic inaction.

Item: The accessibility mandates of the Barriers Act (1968) were so ignored by federal agencies, Congress in 1978 had to create a Compliance Board to enforce the law.

Item: It took almost four years, from 1973 to 1977, for regulations implementing Section 504, the cornerstone of disabled persons' rights to equal employment, opportunity, access, and services, to be issued. This was accomplished only after disabled persons held vigils and sit-ins at federal offices all across the country.

Item: The requirements for accessible buses went through a series of changes and reinterpretations as administrators and judges reconsidered the specifications for "accessible bus" as well as what efforts by transauthorities were sufficiently "special to meet the statutory requirements." The issues are not settled, even today.

Item: The Department of Justice had not brought a single action affecting handicapped persons under the Civil Rights of Institutionalized Persons Act choosing to negotiate even while alleged violations persisted. The office with responsibility for this statute had experienced a 100 percent turnover in the early 1980's. That turnover included Timothy Cook, a career attorney and a disabled person, whose resignation highlighted publicly the frustration of government advocates.

The first part of the 1980's witnessed another kind of effort to limit significantly the rights of handicapped persons: change the way programs that assist disabled persons operate. Thus, to the existing problems with implementing laws were added a new previously won.

Two classic examples involve programs commonly claimed to be part of the "safety net" for people in need.

First, the Department of Education proposed new regulations that would limit parents' and their advocates' rights under the Education of All Handicapped Children Act. Their announced plan produced an unprecedented avalanche of letters favoring the rules already in effect, and the proposed changes were shelved.

Second, the Social Security Administration preemptorily began terminating recipients from the Disability Insurance program, even before hearings on the cases were held. After Congress heard horror stories about how lives had been suddenly ruined, it enacted legislation to prohibit the sudden terminations.

In a less visible but higher significant controversy, the Administration considered revising the regulations that implement Section 504. The Disability Rights Education and Defense Fund led other advocates in fighting to maintain the civil rights protections of the existing regulations.

Literally thousands of dollars and hours of time were devoted to these efforts—to simply preserve existing benefits and rights. And although advocates achieved success in some areas, this was not always the outcome.

The budget cuts affected many social welfare programs. (Rehabilitation-related programs, for the most part, avoided losses inherent in being grouped in "block grants.") Among the losers were the Community Services Administration (completely out of business) and the Legal Services Corporation, where budget cuts resulted in the permanent closing of the National Center for Law and the Handicapped, and a temporary closing of the Western Center for Law and the Handicapped.

WORKING IN A NEW POLITICAL ENVIRONMENT

In the regulatory and budget battles, the disabled community faced one of the major new themes of the 1980's: economic justification of a regulation, or a program. This issue will likely be around for a while, regardless of the outcome of this year's elections, and it is a marked contrast to the "because it is right" attitude that permeated the 1960's and 1970's.

"You can't just say to a Senator that it's for the handicapped and expect him to vote 'aye'," observes Sue Walbridge, a member of the staff of the Senate Committee on Labor and Human Resources. Walbridge is a disabled person and has been on Capitol Hill for more than six years, and she has seen the change.

"The situation is no longer 'Let's do something for the downtrodden, poor handi-

capped.' Those days are over. You have to have your facts and figures. The groups have to come in and they had best come in together."

Another theme for advocacy in the 1980's: coalitions and unity of purpose, forged in part by the need to preserve basic rights. While the different disability groups still advocate their particular legislative agendas, they also are coalescing on the major issues.

Pat Wright of the Defense Fund has worked with coalitions of disabled persons and believes that aggregate numbers count in politics. "When the White House or a federal agency gets 30,000 letters, they notice," she claims, "and they only get those letters if everyone pulls together. We can't be splintered."

At the national level, bridges are even being built to other civil rights groups. Disabled persons, for instance, participated in the 20th anniversary of the March on Washington. Representatives from disability advocacy groups, furthermore, were active in last year's Leadership Conference on Civil Rights. Civil rights advocates, in turn, are recognizing disabled people as another group deserving legal protections.

Another new element for advocacy in the 1980's involves independent living centers. At a center, a disabled person can get a wheelchair repaired, obtain community information, and get advice on his or her civil rights. Much like the community action centers for blacks and Hispanics in the 1960's and 1970's, independent living programs help foster a dialog within the disabled community that is the prerequisite to effective advocacy.

The executive director, Max Starkloff, of a center in Saint Louis also leads the recently organized National Council of Independent Living Programs. (See Disabled USA, 1983/2, pages 28-30 for more about the Council.) Starkloff is keenly aware of the independent living movement's impact in many areas, particularly employment. "The centers," he says, "help maintain individuals in their own community and help individuals learn what they need. Centers help get people ready for employment; they guide and direct. At the same time, centers help employers understand what accommodations are necessary."

Besides bridging gaps to employers in a community, independent living centers also build unity among disabled persons. Employed at a center in Virginia, Sharon Mistler believes that from independent living programs "disabled people are beginning to learn that what happens to their fellow disabled persons affects them—even if they have a different disability. They bleed for each other when they get the bigger picture."

THE PICTURE FOR THE REST OF THE 80'S

Because of the specter of huge government deficits, disability-related programs in the next few years will continue to face budget cuts at the federal level. Accompanying this will be more efforts to limit advocacy by disabled persons through federal regulations.

The 1980's will be a time when more qualified disabled persons will assert their rights to participate in society, particularly in regard to employment and housing. They will be testing rights supposedly guaranteed in both federal and state laws.

Health issues will loom larger than before, increasing advocacy efforts relating to attendant care and to deinstitutionalization will focus concern on Medicare, Medicaid, and proposals for national health insurance. Similarly, the controversy over the medical treatment for handicapped infants like "Baby Doe" will focus more attention on the broad question of the quality of life for disabled persons in light of life-extending medical technologies and treatments.

Along with new challenges in advocacy for the 1980's comes a new resource: legal reporting services. The disabled movement has always had a plethora of newsletters with which to disseminate basic information about laws and regulations. Nowadays there are professional publications devoted exclusively to detailed analysis of legal issues pertaining to disabled people.

The Mental and Physical Disability Law Reporter (a bimonthly magazine) Handicapped Requirements Handbook (a two-volume, three-ring binder for which there are monthly updates), and Education of the Handicapped Law Report are a few of the recent additions to the field of disability advocacy. An excellent treatise of the subject is Robert Burghof's "The Legal Rights of Handicapped Persons." These publications are complemented by law review articles and symposia, such as the one published by Western New England Law School in the fall of 1983. Even continuing education program for lawyers now cover disability topics in the curriculum.

Within the legal community, these reporting services and publications are the traditional tools of interested practitioners. The existence of these written resources attests that disability law has come of age. Because government laws and regulations have created expectations of rights and opportunities for disabled Americans, the private legal community is involved in disability law.

In my new law practice my work does not spark dramatic encounters but it focuses on issues—employment, education, accessibility, housing, and transportation—which greatly affect the daily lives of disabled persons while not making headlines, my work—like that of other advocates today—helps to translate national mandates into human realities and to make disabled people part of the fabric of America. It helps make the movement everywhere.

SOME OF THE LEGISLATIVE HIGHLIGHTS OF THE 1960'S AND 1970'S INCLUDE—

Architectural Barriers Act (1968), required access to federally owned and leased buildings when the government designs, constructs and alters them.

Urban Mass Transportation Act (amended in 1970), required special efforts in the planning and design of mass transportation facilities and services so that they can be used by elderly and handicapped persons.

Rehabilitation Act (1973), mandated (in Section 504) that qualified handicapped persons shall not be excluded from, nor denied participation in programs and activities receiving federal financial assistance; and (in Section 503) that government contractors must take affirmative action in hiring and promoting handicapped workers.

Development Disabilities Assistance and Bill of Rights (1975), created a system of advocacy units in the States to pursue legal, administrative and other remedies for many problems facing citizens with mental retardation, epilepsy, autism, and cerebral palsy.

Education of All Handicapped Children Act (1975), required individual educational programs and the necessary related services in order to mainstream disabled children in school.

Comprehensive Rehabilitation and Developmental Disabilities Assistance Amendments (1978), expanded the nondiscrimination mandate of Section 504 to activities of the federal government; and extended the definition of persons qualifying for services under the Development Disabilities Act.

Civil Rights of Institutionalized Persons Act (1980), authorized civil actions to redress deprivations of rights of persons residing in state institutions.●

MILES LABORATORIES, INC.

● Mr. LUGAR. Mr. President, tonight in South Bend, Ind., approximately 900 business, health, education, civic, and government leaders will gather in the Century Center for an important historical event. Miles Laboratories Inc. will be celebrating its 100th anniversary. Relatively few businesses live to celebrate their 100th anniversary. Miles has proved that you can grow to a billion dollar company without moving your corporate offices to a metropolitan area.

It is a privilege for me to extend my hearty congratulations and best wishes to the 3,000 Miles employees in the Elkhart and Michiana areas in Indiana, as well as to the other 9,000 who serve in 9 other States and 25 different countries.

Those of us from Indiana are especially proud that the Hoosier State was the birthplace of this important company that has meant so much to improving the quality of health care for all of us. Its continued commitment to research and development certainly will bring new and innovative products in the future that will help make life even better.

On this 100th birthday, one must look back on the roots of this company which was founded by Dr. Franklin L. Miles, a country doctor, who decided in 1884 to give wider distribution to some of his home remedies. He established the Miles Medical Co. The company's first product was Dr. Miles' Restorative Nervine.

The majority of firms with similar origins in the 19th century faded into obscurity because they did not progress beyond being peddlers of patent medicines. Miles was able to develop new technologies, beginning with the technology of effervesence, which in 1931 led to Alka Seltzer. With the addition of Dr. Walter Compton to its staff in 1938, as director of research and medical affairs, Miles was on its way to becoming a research-oriented corporation.

Miles today has five product groups: Consumer, professional, pharmaceutical, hospital, and biotechnology.

Today, as a part of Bayer AG of Leverkusen, West Germany, it stands as a world leader in health care. On this centennial anniversary, we look back at the roots of this company, which still makes its headquarters in Elkhart, Ind., population 42,000, and take

special pride in the bridge of caring and understanding which has been built to all parts of the world.

Congratulations and Godspeed to all those at Miles not only for what has been, but for what will be in the years ahead.●

TED STARRETT: MAINE'S SMALL BUSINESS PERSON OF THE YEAR

● Mr. MITCHELL. Mr. President, this is Small Business Week and the U.S. Small Business Administration is marking the event by hosting, here in Washington, outstanding small business leaders from the 50 States.

Maine's representative is Frederic D. Starrett, president of Penobscot Frozen Foods of Belfast. I rise at this time to congratulate Ted and his wife, Anita, upon Ted's selection as Maine's Small Business Person of the Year.

The honor is well deserved. Following distinguished World War II service in the Battle of the Bulge as a chief aide to the Commander of the 101st Airborne Division, Ted returned to his native Waldo County determined to start a business of his own. He succeeded when, in 1947, he founded a frozen food locker at the foot of Belfast's Main Street, facing Penobscot Bay. The locker plant, as it is known in Belfast, is one of Maine's great business success stories.

In the late 1940's and early 1950's, Ted's locker plant served local families and businesses by providing ready-to-cook foods, such as beef patties and chicken parts. The facility also served local hunters, many of whom depended on the locker plant to dress their deer. The company was also one of the first to eviscerate and freeze poultry for sale in the retail market.

In 1955, Ted embarked on an ambitious and risky undertaking: To introduce and successfully market frozen baked stuffed potatoes. The gamble he took paid off. By the 1960's he had developed a national market for his highly successful product, which, I am pleased to point out, can be easily obtained in Washington area food stores.

The market demand of Penobscot baked stuffed potatoes has brought increased job opportunities to Waldo County, an area of chronically high unemployment. This was undoubtedly a great satisfaction to Ted, who subsequently served for 4 years on the Belfast City Council, chairing the Industrial Park Committee, and participated actively in the Eastern Maine Development Corp., a nonprofit development planning organization.

Ted built on the success of his baked stuffed potatoes. When that product's market became saturated in the late 1970's, he introduced what his family and friends had been enjoying at home for 20 years—potato skins. The result was rapid growth in employment at Penobscot Frozen Foods, the work force of which grew from 70 in 1980 to 270 in 1983. It is significant that over 50 percent of Penobscot's employees are female, for whom job opportunities in a rural area such as Waldo County are scarce.

Sold in frozen form and marketed in large part to restaurants for use as hors d'oeuvres, Ted's potato skins have resulted in a tremendous increase in sales—from $2.6 million in 1980 to $8.9 million in 1983. Potato skins now account for 75 percent of Penobscot's business.

Ted's married sons, Bruce and Rick, are important members of Penobscot's management team. With their able assistance, and with the support of their young families and his wife, Anita, Ted expects to continue his firm's expansion by including in its product line more potato byproducts and other vegetables, such as broccoli, squash, zucchini, and cauliflower.

Mr. President, I began this statement by noting Ted's recognition by the U.S. Small Business Administration as Maine's Small Business Person of the Year. I will end my remarks by thanking him for what he has done for Belfast, for Waldo County, and for Maine. I wish Ted, his family, his firm, and his employees every success in the future.●

REMEDIES FOR JUDICIAL EXCESSES

● Mr. HELMS. Mr. President, I am not certain that there is a broad understanding that there are several ways under our Constitution for Congress to provide a check on the excesses and usurpations of the Federal judiciary. Proposing constitutional amendments to the States for their ratification is one of them—but only one. And, in certain respect, this method has significant drawbacks.

The January-February 1984 issue of Benchmark, a publication of the Center for Judicial Studies, Post Office Box 15449, Washington, D.C. 20003, contains an editorial that analyzes some of the problems with constitutional amendments as a check on the Federal courts. Written by the editor of Benchmark, Dr. James McClellan, it is entitled "Kicking the Amendment Habit."

Mr. President, I call this article to the attention of my colleagues and the public, and I ask that it be printed in the RECORD at the conclusion of my remarks.

The article follows:

EDITOR'S BRIEF: KICKING THE AMENDMENT HABIT

The ignominious defeat of the recent conservative effort to adopt a Prayer Amendment demonstrates once again the utter futility of the amendment strategy as a practical means of dealing with Supreme Court abuses.

With head counts prior to debate indicating that they were at least ten votes shy of the necessary two-thirds needed for passage, Senate strategists nevertheless plunged headlong into the awaiting abyss, seemingly oblivious to political reality. Condemned to repeat the mistakes of the past, conservatives apparently learned nothing from the drubbing they took in the last session of Congress, when the Abortion Amendment was trampled by the liberal herd.

What, pray tell, is to be gained from these fruitless amendment exercises? If it is campaign issues to be used against liberal Democrats, then the conservatives are not only playing politics with religion and life, but are also deceiving themselves and their supporters. In the Senate, where the parties are almost evenly divided, it is the Republican liberals who exercise a disproportionate share of power and necessarily hold sway. The political powerbrokers of the upper chamber are the Doles, the Domenicis, the Danforths, and the Hatfields of this world, not the conservatives. Predictably, it was liberal Republicans—this time Senators Robert Packwood and Lowell Weicker—who led the victorious assault against these amendment proposals, not the Democrats.

Political considerations aside, the great Prayer Amendment Crusade represents a fundamental misunderstanding of the Constitution and the Amendment Clause. All of the proposed Prayer Amendments, including the Administration's, are inherently defective. In the first place, they are too narrowly drawn, and fail to address countless problems that have arisen as a result of the Supreme Court's misreading of the Establishment Clause. They are silent, for example, about the question of Bible reading in the schools; about the many issues that plague our State and local school officials concerning such diverse activities as Christmas plays, the use of public property for religious purposes, the teaching of creationism, and the posting of the Ten Commandments; and about the maze of confusion that has followed in the wake of the Supreme Court's decisions involving State aid to church-related schools in the form of tax exemptions, economic assistance, transportation and educational materials. Untouched by these amendments, for example, are the arbitrary distinctions made by the Supreme Court holding that the Establishment Clause permits a State to transport parochial school children to and from school, but not on field trips; to provide textbooks but not maps. There are today virtually hundreds of cases being litigated under the Establishment Clause in the Federal courts, most of which would be unaffected by these amendments. Even the few manifestations of aid to religion that the Court has accepted but could be rejected by future courts—e.g., legislative prayers and the public display of nativity scenes—are left unprotected. This is not to mention the upsurge of cases under the Free Exercise Clause involving IRS interference in the internal operations of religious organizations and church-affiliated schools.

In the second place, the Prayer Amendments are vulnerable to the charge that they constitute an abuse of the amending process. An amendment to the Constitution, like the Constitution itself, should deal with broad considerations of power, not with single manifestations of the exercise of that power. It should focus on changing the way a power is exercised, not on the particular results of its exercise. Amending the Constitution in piecemeal fashion for a single-

issue purpose weakens the Constitution, and undermines its integrity, threatening to reduce it to the condition of an unwieldy code. If we are to amend the Constitution to restore prayer, why not an additional twenty or more amendments to take care of Bible reading, parochial schools, and the teaching of religion, as well as busing, the death penalty, ad infinitum?

As Gary McDowell has astutely observed, "The issue of greatest importance is not overruling *Engel v. Vitale* (1962) . . . but moving to restructure the exercise of judicial power in such a way that it remain truer to constitutional text and intention." As he further notes, "what lies at the heart of the problem is the deterioration of the principle of federalism as a source of restraint on the exercise of power." In other words, the source of our difficulty is the Supreme Court's incorporation theory, which has brought about wholesale usurpations of State power and subverted the original purpose of not merely the Establishment Clause, but the entire First Amendment and most provisions of the Bill of Rights. "It is striking," observes McDowell, "that what was intended to limit the power of the national government over the domestic affairs of the states, the Bill of Rights, has been turned on its head as to be one of the major avenues whereby national power runs roughshod over the States."

To be sure, there is something fundamentally wrong with our system if we are driven to amend the Constitution so as to restore its original meaning. There is no inherent defect in the Establishment Clause, and it seems reasonable to suggest that we should resist efforts to add amendments to our fundamental law to correct misinterpretations rendered by the Supreme Court. At the very least, such amendments tend to wink at judicial supremacy, and color the Court's usurpations with the tint of legitimacy. If there must be an amendment, let it be a principled Federalism Amendment that deals with the problem at the level of cause rather than effect, and restricts the power that is responsible for the present state of affairs.

In the final analysis, this Congress would be well advised to forget amendments altogether, and adopt a new, more practical approach to the problems created by the Supreme Court. One possibility is the untapped reservoir of legislative power contained in the Enforcement Clause of the Fourteenth Amendment, which authorizes Congress to enforce the Amendment, by appropriate legislation. Another is Article III of the Constitution, which gives Congress plenary power to regulate the original jurisdiction of lower Federal courts and the appellate jurisdiction of the Supreme Court. By a simple piece of legislation, for example, Congress could restore the original purpose of the Establishment Clause by transferring jurisdiction over establishment cases from Federal courts to the States—which is precisely where it rested from 1791–1947.

Such is the course of action that Senator Jesse Helms has steadfastly recommended since he was elected to the Senate. But Helms is about the only Senator who has a constitutional grasp of the situation. His Prayer Bill withdrawing jurisdiction was, in fact, sabotaged by the Administration in 1982, when Attorney-General William French Smith sent a widely publicized letter to Senator Strom Thurmond, Chairman of the Senate Committee on the Judiciary, suggesting that the Helms proposal was unconstitutional. Smith based his opinion on an arcane, widely discredited theory that jurisdiction-limiting bills constitute an improper intrusion upon the "core functions" of the Supreme Court.

The implicit assumption in the Attorney-General's letter was that Congress' only means of restoring prayer was the amendment process. S.J. Res. 73, the Administration's Prayer Amendment that just went down to an early grave, was the by-product of this strategically important decision to disavow "court-stripping" and to fight the war on the liberals' terms. Thus it is Reagan who must shoulder much of the responsibility for the Prayer Amendment disaster. Conservatives have no one to blame but themselves.

Meanwhile, the Alabama Prayer Case languishes on the Supreme Court's docket, awaiting oral argument. This is the case in which a Federal judge held that the Supreme Court has been misinterpreting the Establishment Clause since 1947. Judge Brevard Hand's scholarly opinion, which invites a reexamination by the Court of its historically inaccurate reading of the First Amendment and challenges the legitimacy of the doctrine of incorporation, presents a rare opportunity for the advocates of school prayer. Curiously, they have taken little interest in the case and have submitted no amicus curiae briefs in support of Judge Hand's decision. Surely an investment of their time and resources in this case would have produced better results than the abortive amendment effort.●

NATO AND CIVIL EMERGENCY PLANS

● Mr. GARN. Mr. President, the Director of the Federal Emergency Management Agency (FEMA), Mr. Louis "Jeff" Giuffrida, has written an interesting article concerning cooperation within NATO on civil emergency plans. This review of civil preparedness and its contribution to our overall policy of deterrence is done from the often overlooked perspective of the Atlantic Alliance. Mr. Giuffrida does an excellent job in explaining the role of NATO's Senior Civil Emergency Planning Committee in coordinating and integrating civil emergency planning with military capabilities. In fact, the United States, through the work of Mr. Giuffrida and his agency, has taken a leadership position in forging this kind of coordination within the alliance.

Mr. President, I recommend this article to my colleagues, and ask that it be printed in the RECORD.

The article follows:

EFFECTING COOPERATION WITHIN NATO ON CIVIL EMERGENCY PLANS

(By Louis O. Giuffrida)

Charged with preparing for and responding to national emergencies and war, the Federal Emergency Management Agency brings life to the adage that a day of preparation is worth a month of reparation. Domestically, the agency's civil preparedness mission is twofold. First, it must ensure that the U.S. civil sector can respond rapidly and effectively to war and other national or major peacetime emergencies. Secondly, it must develop plans and programs to protect the citizenry in such eventualities.

But FEMA's efforts are not confined within the nation's borders. In fact, the agency works very closely with civil preparedness elements in other NATO countries. For just as the U.S. Defense and State Departments have their counterparts in NATO, so too does FEMA.

The NATO Senior Civil Emergency Planning Committee is the alliance's civil preparedness arm. As the U.S. representative to that committee, the director of the Federal Emergency Management Agency consults and coordinates with officials of various agencies and executive departments in order to formulate the U.S. role and coordinate our nation's contribution to civil emergency planning within NATO.

The emergency planning committee monitors the work of eight subordinate planning boards and committees and more than 40 other planning elements and work groups. FEMA ensures U.S. representation on each of these bodies, which address specific functional areas ranging from civil aviation to food and agriculture. In addition, FEMA assigns a senior staff officer to our NATO Mission in Brussels; that individual advises the U.S. ambassador on civil emergency planning.

NATO nations generally agree that the allies need to draw up a coordinated civil preparedness blueprint, one that focuses on civil-sector support of military operations and protection of civil-sector capabilities. For the most part, the aims of the collective NATO effort parallel those of this nation's domestic program. These aims include maintaining the social and economic order of member nations, protecting and ensuring the survival of the citizenries, sustaining critical government operations, using available resources prudently, and rapidly mobilizing the civil sector in support of military requirements.

Most European NATO countries regard the U.S. approach to civil-military coordination as a good model for integrating peacetime crisis management with war emergency planning. They are particularly drawn to the pragmatism of treating preparation for natural and man-made disasters as a single management problem. But because of their geographical proximity to one another, European NATO nations face a particularly challenging coordination task. The difficulties derive not so much from the number of countries or working groups involved, but from the number and diversity of functional areas.

Unlike the United States, European countries must contend with such eventualities as the accelerated use of multinational inland waterways, roads, and railroads. They must also be prepared to handle stepped-up border crossings and the need for a sensible relaxation of traditional international protocol. In addition, developing a comprehensive plan raises many perplexing questions concerning the allocation, storage, and stockpiling of materials such as food, petroleum, and medical supplies.

Although these and other issues tend to impede rapid formulation of a program, the alliance is doing much to effectively integrate civil planning with military capabilities. In transportation, for example, the Planning Board for European Inland Surface Transport is assessing the potential impact of recent European rail system realignments on emergency operations. The Civil Aviation Planning Committee is devising a plan for transport of ammunition by civil aircraft and for reception and storage of ammunition at civil airfields. This com-

mittee is also pursuing commitments from member nations to provide cargo-capable aircraft in support of rapid reinforcement, and it is identifying and minimizing the possible impact of problems likely to arise from heavy reinforcement traffic. Concerned about the continuing attrition of general cargo ships, the Planning Board for Ocean Shipping is encouraging each European NATO member to establish its own reserve fleet of cargo ships, similar to the U.S. National Defense Reserve Fleet.

Other critical areas are receiving attention as well. The Industrial Planning Committee, for instance, is determining both the maximum production rate at existing ammunition manufacturing facilities and the amount of time needed to achieve this rate during mobilization. And the Civil Communications Planning Committee is seeking an alliance-wide agreement on a recently drafted document outlining the use and control of international communications in crisis or war.

Though ongoing planning efforts largely concern the European theater, U.S. interest in and contributions to the program are significant. Thus FEMA has rejuvenated the U.S. Civil Emergency Planning Coordinating Committee in an effort to ensure complete domestic coordination on all NATO civil-preparedness issues. This multidisciplinary group convenes prior to each plenary meeting of the NATO Planning Board and Committee formulates a U.S. position on each agenda item, and identifies areas requiring particular international attention.

FEMA's efforts to establish a closer link between the civil and military sides of NATO are starting to yield results. For the first time ever, the NATO international military staff and the NATO international civil staff recently collaborated on an after-action report of a NATO exercise. In the wake of this combined effort, the conference of senior NATO logisticians and the Senior Civil Emergency Planning Committee agreed to work together to resolve lingering problems of coordination, procedure, and organization. FEMA has also submitted a recommendation to the Senior Civil Emergency Planning Committee calling for the NATO Defense College to adequately emphasize civil emergency planning and crisis management throughout its curriculum. Such emphasis would give military members a broader appreciation of civil crisis management within the alliance.

To improve civilian preparedness planning in 1984, the Federal Emergency Management Agency established goals for U.S. planning elements. The State Department published these objectives last December, marking the first time in recent years that the U.S. community has had formal groundwork on which to base its efforts. Major goals include:

Regular coordination among U.S. departments and agencies in formulating policy positions.

Improved coordination between various U.S. government agencies and their counterparts in NATO countries.

Promulgation of more authoritative and definitive guidance from NATO's Senior Civil Emergency Planning Committee to the NATO planning boards.

Development of a well-defined mission statement on the wartime role of that committee and its NATO headquarters staff.

Expanded civil participation in NATO exercises.

Commitment from NATO members to provide sufficient cargo and civil aircraft to satisfy reinforcement requirements in Europe.

These NATO-related efforts are only one facet of FEMA's national civil preparedness program. To promote fast and effective civil-sector response in time of war or national emergency, for instance, FEMA managers work closely with DoD in maintaining a system of resource stockpiles and in establishing production priorities. Also, the agency oversees and revises various programs designed to enable key federal agencies to operate during such crises.

Complementing the agency's work to sustain domestic industrial production and government operations are its efforts to protect and minister to the civilian population. In particular, FEMA officials are helping state and local governments design programs to shelter or evacuate residents in the event of war or peacetime disaster. The cornerstone of these programs is an extensive, modern, and redundant communications, data-processing, warning-issuance, and command center complex known as the FEMA National Emergency Management System. System personnel monitor potentially dangerous situations, identify those requiring attention, obtain information needed to develop a course of action, and direct state, local, and FEMA offices to respond.

The system consists of an emergency coordination center, located in Washington, D.C., an alternate headquarters center, and 10 regional command centers currently being modernized. Its sophisticated communications network links these centers with the White House, appropriate federal activities, and state emergency operations centers. In time of crisis, the complex permits continuous interaction with key federal and state authorities.

FEMA also supports state and local efforts to ensure that warning and protection measures extend to as many U.S. residents as possible. One way it does this is through direct financial assistance. The agency pays half the salaries of local emergency planning personnel and half the cost of necessary communications equipment. It also picks up the entire tab incurred by states and localities in developing geographically specific plans for various emergencies.

In addition, FEMA maintains the National Warning System, which alerts residents to forthcoming enemy attack, natural disasters, and manmade catastrophes. Concurrently, the agency seeks to ensure the continued operation of selected radio stations as components of the U.S. Emergency Broadcast System during such emergencies, principally by spearheading efforts both to provide them with radioactive fallout protection and emergency-power systems and to retrofit them so that they can withstand electromagnetic pulse commonly associated with nuclear detonation.

As the above discussion makes clear, FEMA's mission is to design a comprehensive framework that effectively integrates civil-sector mobilization relief operations, recovery assistance, and hazard mitigation. The task is a difficult and complex one. It demands not only a proper blend of foresight and diligence, but a degree of coordination that now extends across the Atlantic.

(Louis O. Giuffrida is the director of the Federal Emergency Management Agency. He is the former director of the California Specialized Training Institute, which offers instruction in emergency response to earthquakes, floods, civil disorders, terrorism, and accidental release of toxic materials. While in this position, he served as emergency-planning advisor to the state's governor. Mr. Giuffrida holds a master's degree in international relations from Boston University.)●

S. 684, WATER RESOURCES RESEARCH ACT

● Mr. ABDNOR. Mr. President, by overriding the President's veto of S. 684, the Water Resources Research Act this March, the Senate and House showed strong support for Federal leadership in water resources research. As the debate leading to the override vote in the Senate made clear, the program of water resources research continued and reformed under S. 684 is a wise investment in our Nation's future. The results of the research and the important training and experience received by those who participate in the program, go a long way toward helping address the water resources problems of today and tomorrow.

But Mr. President, if we do not appropriate money to fund this vital program, we have made a hollow gesture by voting only to override the President's veto. We must take the next step and fund this important program.

To this end, 16 of my colleagues and I have written to Senators MCCLURE and BYRD in their capacity as chairman and ranking minority member, respectively, of the appropriations Subcommittee on Interior and Related Agencies. Our letter requests that $20 million be appropriated in fiscal year 1985 to begin the revitalization of this sorely neglected program. It is my hope that members of the subcommittee recognize that the small price we pay for this program today will yield great rewards in the future.

Mr. President, I request that the letter be reprinted at this point in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C., March 30, 1984.

Hon. JAMES A. MCCLURE,
Chairman,
Hon. ROBERT C. BYRD,
Ranking Minority Member, Subcommittee on Interior and Related Agencies, Committee on Appropriations, Washington, D.C.

GENTLEMEN: Recently, the Congress overrode the President's veto of S. 684, the Water Resources Research bill. As you supported the override, we know that you share our belief in the importance of a Federal water research program. The Senate's vote demonstrates clearly our commitment to this work.

Because of the significance of water research to the economic vitality of our nation, we urge the Committee on Appropriations to provide funds to the Department of the Interior for a variety of authorized water resources research activities during fiscal year 1985. Specifically, we urge that the following appropriations be made during fiscal year 1985 to initiate the revival of this important program:

Section 104—water research institutes, $8,000,000;

Section 105—matching research grants, $10,000,000; and

Section 106—technology development, $2,000,000.

We stand ready to work with you on this proposal.

Sincerely,

Senators James Abdnor, Robert T. Stafford, Daniel Patrick Moynihan, Jennings Randolph, Roger W. Jepsen, Rudy Boschwitz, Orrin G. Hatch, George J. Mitchell, Daniel K. Inouye, Slade Gorton, Alan K. Simpson, Charles H. Percy, Paul S. Sarbanes, Charles McC. Mathias, Jr., John H. Chafee, Dave Durenberger, Lloyd Bentsen.●

CHEMICAL WEAPONS

● Mr. HATFIELD. Mr. President, last November I delivered a speech on the Senate floor detailing my opposition to the appropriation of funds for the production of binary chemical weapons. "Chemical weapons are militarily, diplomatically, and morally unjustifiable," I said. I am more convinced now than ever before of the validity of that assertion.

Though we were successful in denying the administration request for a downpayment on a new generation of nerve-gas weapons in the fiscal year 1984 budget, the issue has not died. Indeed, Congress will soon be asked again to authorize the beginning of this new phase of the arms race and, in doing so, break the 15-year moratorium on the production of chemical weapons. And once again, I will use every tool at my disposal to block the misguided effort.

Thanks to the chairman of the House Foreign Affairs Committee DANTE FASCELL and the Congressional Research Service, the opponents of the request have new ammunition for the perennial fight.

In the recently released "Binary Weapons: Implications of the U.S. Stockpile Modernization Program for Chemical Weapons Proliferation," the utility of chemical weapons generally and the proposed binary weapons specifically is thrown into further question. The contention that the new weapons would eliminate the inherent problems of chemical weapons, including their indiscriminate nature, the variability of weather conditions, and defensive capabilities, is proven false. In addition, the study carefully and thoroughly examines implications of U.S. chemical-weapons policy alternatives.

This question is not a simple one; the issues involved are varied and complex. But if we are to fairly address the question of whether or not the United States should begin production of binary chemical weapons, we must have complete and current information on every pertinent issue. The Congressional Research Service study is a valuable addition to the discussion.

The study follows:

"BINARY WEAPONS: IMPLICATIONS OF THE PROPOSED U.S. CHEMICAL WEAPONS STOCKPILE MODERNIZATION PROGRAM FOR CHEMICAL WEAPONS PROLIFERATION" (APRIL 1984)

BINARY TECHNOLOGY IS NOT AS SAFE OR HARMLESS AS PROPONENTS HAVE ARGUED

On the issue of alleged safety of binary technology, the CRS study refutes the argument of binary proponents that chemicals used to produce binary chemical weapons are "harmless."

The study points out that one of the chemical precursors, DF, "has a chemical structure similar to that of many phosphorous-based insecticides * * * is toxic * * * and lethal in relatively large amounts, and those working with it would need to take safety precautions."

BINARY ARE NOT MORE MILITARILY EFFICIENT THAN UNITARY AS PROPONENTS HAVE ARGUED

The study shows that "in fact binaries are inefficient in ways unitary are not. For example, the reaction within the binary system cannot be relied upon to go to completion if sub-optional reaction conditions are present during its flight toward the target" which is one of the difficulties the DOD has found in its unsuccessful testing of the Bigeye.

In addition, "a binary system has to carry a higher volume of chemicals than its unitary counterpart to deliver the same amount of nerve gas."

Finally, "binaries share the same inefficiencies of all chemical weapons, the primary one being that their effects on the battlefield are difficult to predict insofar as they may be carried by winds or dissipated rapidly by the elements * * * their use may endanger friendly forces as well as those of the enemy."

BINARIES ARE NOT EASIER TO USE ON THE BATTLEFIELD AS PROPONENTS HAVE ARGUED

Significant limits on the military utility of chemical weapons which have existed since the first use of such weapons in World War I remain unchanged by the so-called "modern" binary weapons. These significant constraints include the indiscriminate nature of chemical weapons, the defensive capability of the potential victims, the requirement for the user to possess a significant defensive capability, and uncontrollable weather conditions. In short, binary technology does not make any less difficult predict battlefield use—binary use endanger friendly forces as well as those of the enemy. In addition, the imprecision of chemical weapons is contrary to the general trend in modern weaponry, which is towards ever more "smart" weapons with high single-round effectiveness, low collateral damage, and precision targeting.

Finally, the link between diminishing logistical constraints and actual battlefield is often overstated by binary proponents. Binary weapons are not in fact easier to use on the battlefield than unitary weapons, since they require a preliminary assembly just before use when the components that have been stored independently of the munition are inserted into it.●

SYNTHETIC FUEL CORPORATION OUT OF CONTROL

● Mr. BAUCUS. Mr. President, there are serious administrative and programmatic problems afflicting the Synthetic Fuels Corporation (SFC). The Federal synthetic fuels effort needs to be reevaluated. These problems go beyond personnel and rest with the fundamental nature of the program—the lack of accountability, the objectives of the program, and the funding involved. If not corrected, they will result in the waste of billions of Federal dollars and will be counterproductive to the development of a sound synthetic fuels industry.

It would be irresponsible for Congress to allow a Synthetic Fuels Corporation, whose program has lost all sense of direction, to continue making decisions committing billions of Federal dollars without exercising its oversight responsibility. The corporation has already awarded $740 million and has taken the preliminary steps to commit an additional $6.7 billion.

I cannot support any additional committment of Synthetic Fuels Corporation's funds until Congress has had the opportunity to review and reform the program. Therefore, I am constrained to oppose the confirmation of any new SFC board members at this time.●

TWO STORIES OF DRUG ABUSE

● Mrs. HAWKINS. Mr. President, we too often see examples of what happens when young people fall victim to the horrors of drug abuse.

But no matter how many times we see and hear similar stories of our youth succumbing to drug abuse, we are equally affected each time. I am attaching two columns which recently appeared in USA Today that demonstrate in different ways how devastating, in one case to an individual and in the other to an entire community, the problem of drug abuse can be.

One column, entitled "I Blew Away Ten Years of My Life," states this with poignancy. In attempting to deal with the problems of early adolescence and peer pressure, a 12-year-old girl started using drugs, and fell into the downward spiral of drug abuse. Fortunately this story, unlike too many others, ends with the author's rehabilitation.

The other column, entitled "They Talk of Cows—And Cocaine," presents aspects of the problems of youth drug abuse by providing some hard-hitting statistical information. National statistics are cited indicating the 90 percent of all high school students drink alcohol regularly or have tried it; 50 percent use marihuana; 30 percent use caffeine-hyped speed tablets; and 10 percent use cocaine.

Articles such as these, Mr. President, demonstrate vividly that we must not relax in our efforts to curb drug abuse in our Nation.

I ask that the articles, published in USA Today, issue dated May 2, 1984, be printed in the RECORD.

The articles follow:

I BLEW AWAY 10 YEARS OF MY LIFE

(By Andrea Ryan)

NEW YORK CITY.—It's real easy to blow away five or 10 years of your life on drugs. And the simplest part is getting started.

I started when I was 12. My family had just moved and I was afraid of never having any friends again. I remember walking around my new school and feeling so alone. If only someone would talk to me.

Then, one day, a group of kids did talk to me. They asked if I smoked marijuana. I lied. I said yes. And that was the first time I got high.

I was scared, but that didn't seem to matter as much as being accepted. I remember it all so clearly, almost as though it happened yesterday. But it wasn't yesterday. Because now I'm 22 and just beginning to turn my life around, after nearly 10 years of drug abuse.

I thought that first time was so harmless. It was all fun and friendship. But the first time led to other times, and then to other drugs. By age 18 I had barely made it through high school, and my parents were hurt and angry with me.

I thought if I left home and went away to college, if I left my old friends behind, then I would be OK. But I wasn't. It was the same story all over again. Only at college it was more serious, because I was using a lot of cocaine.

When I flunked out of college, I knew it was time to do something drastic. I was out of control. I thought if I could go back home and stay away from everyone, then I'd be OK.

The only problem was I couldn't stay away from myself. I was 21 and miserable. I had no direction. I was going nowhere except down. I thought I would be a drug abuser for the rest of my life.

Maybe I would have been, if my father hadn't persuaded me to enter treatment at Phoenix House. I didn't really believe it would work, but I was willing to try anything.

I've been in treatment seven months now, and it looks as though my story might have a happy ending after all. It's not easy. How can it be easy to start growing up when you're 22? But I'm learning about myself and what real friends are.

I can never get back the years wasted on drugs. But I have goals now, and I have the rest of my life to reach them.

I'm lucky because I got a second chance. There are thousands of kids who didn't. And there are probably millions of kids who are growing up the way I did. Not all of them are going to blow away five or 10 years on drugs. But plenty will.

THEY TALK OF COWS—AND COCAINE

(By Jon Walker)

SIOUX FALLS, S. DAK.—This is a sunny, tree-lined city of 85,000 people on the east end of a windy prairie. The assets are fresh air and cattle. The people talk about God, rain, children, and school.

It's also a city with a drug problem in high places. This year a cocaine trial involved the county prosecutor—he was acquitted of perjury. Several other lawyers were defendants or witnesses.

Our drug problem extends to teen-agers, too.

"Adults have their coffee. We have our drugs," one 17-year-old girl says. "Over half in high school drink and smoke pot. People in school always have it. You have the right connections, and you get it."

A 19-year-old dropout tells of drinking beer in the fifth grade and smoking dope in the sixth: "One day, one of my buddy's sister lit up a joint. We all tried it. It was nothing serious."

Compared to larger cities, the problem is small in Sioux Falls. The dropout rate here is less than 5 percent; standardized test scores are high. This is no drug ghetto.

Still, the problem can't be ignored.

National statistics show that 90 percent of all high school students drink alcohol regularly or at least have tried it. They also show that 50 percent use marijuana, 30 percent use caffeine-hyped speed tablets, 10 percent use cocaine.

Dan Deal, director of a counseling center, estimates that 30 percent of all Sioux Falls teenagers are regular drug users. His agency gets 150 referrals a year from the schools.

Bob Carr, the director of a city center where students pay $200 for a seven-week out-patient program, says, "We're a permissive society. Society gets what society accepts."

Dr. Donald Frost, a Sioux Falls physician, calls alcohol the nation's No. 1 drug and health problem.

"I'm not a WCTU-er," Frost says in reference to the Women's Christian Temperance Union, which helped get Prohibition enacted. "I happen to be a non-drinker. But a parent has a very difficult time saying to a kid, 'Don't you dare use pot,' when he's got booze in the refrigerator."

Frost's logic is precise. And it is painful. A nation that glamorizes booze is now passing along a drug problem to its children in a way than no one ever expected.●

PUBLIC FINANCIAL DISCLOSURE REPORTS—MAY 15, 1984

Mr. BAKER. Mr. President, I would like to take this opportunity to remind all Senators that public financial disclosure reports required by Senate Rule 34 and the Ethics in Government Act of 1978, as amended, must be filed no later than the close of business on May 15, 1984. These reports should be delivered to the Senate Office of Public Records, Suite 232, Hart Building, Washington, D.C. 20510. Office hours on Monday, May 14 and Tuesday, May 15, will be from 9 a.m. until 6 p.m. Written acknowledgements will be automatically provided for Senator's reports. Staff acknowledgements will be provided upon request. Written requests for extensions should be directed to the Select Committee on Ethics, Suite 220, Hart Building (telephone: 202-224-2981).

The Public Records Office will simultaneously release all Senator's reports on Friday, May 18. Advance requests for copies of these reports are now being accepted by that Office. Members of the press should be directed to the Public Records Office for further information in this regard. Questions should be directed to the Select Committee on Ethics (224-2981) or the Office of Public Records (224-0322).

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. BAKER. I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION TOMORROW OF SENATORS PROXMIRE, EAGLETON, AND PRYOR AND FOR PERIOD FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, on tomorrow, I ask unanimous consent that, after the recognition of the two leaders under the standing order, three Senators be recognized on special order for not to exceed 15 minutes in the following order—PROXMIRE, EAGLETON, and PRYOR—and that, after the execution of the special orders, there then be a period for the transaction of routine morning business until the hour of 12 noon in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Now, Mr. President, that is all I have which we need to do today. If no other Senator is seeking recognition, and I see no takers, I move, in accordance with the order previously entered, the Senate now stand in recess until 11 a.m. tomorrow.

The motion was agreed to and the Senate, at 5:33 p.m., recessed until Thursday, May 10, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate May 9, 1984:

DEPARTMENT OF STATE

Richard Schifter, of Maryland, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of ambassador.

Clint Arlen Lauderdale, of California, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Cooperative Republic of Guyana.

Peter Sebastian, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Mae Neal Peden, of Virginia, to be an Assistant Administrator of the Agency for International Development, Vice Elise R. W. du Pont, resigned.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

June Q. Koch, of Maryland, to be an Assistant Secretary of Housing and Urban Development, vice Emanuel S. Savas.

SECURITIES AND EXCHANGE COMMISSION

Charles L. Marinaccio, of Maryland, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1985, vice Barbara S. Thomas, resigned.

COPYRIGHT ROYALTY TRIBUNAL

Marinanne Mele, of New Jersey, to be a Commissioner of the Copyright Royalty Tribunal for the unexpired term of 7 years from September 27, 1982, vice Katherine D. Ortega, resigned.

GOVERNMENT PRINTING OFFICE

Ralph E. Kennickell, Jr., of Virginia, to be Public Printer, vice Danford L. Sawyer, Jr., resigned.

DEPARTMENT OF DEFENSE

Charles G. Untermeyer, of Texas, to be an Assistant Secretary of the Navy, vice Chapman Beecher Cox.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Edward S. Briggs, [redacted]/1110, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Eugene A. Grinstead, Jr., Supply Corp., [redacted]/3100, U.S. Navy.

IN THE MARINE CORPS

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be lieutenant general

Lt. Gen. William H. Fitch, [redacted], U.S. Marine Corps.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be lieutenant general

Lt. Gen. Harold A. Hatch, [redacted], U.S. Marine Corps.

The following named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be lieutenant general

Lt. Gen. John H. Miller, [redacted], U.S. Marine Corps.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. George B. Crist, [redacted], U.S. Marine Corps.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Alfred M. Gray, Jr., [redacted], U.S. Marine Corps.

The following-name officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Keith A. Smith, [redacted], U.S. Marine Corps.

HOUSE OF REPRESENTATIVES—*Wednesday, May 9, 1984*

The House met at 12 o'clock noon.

Rev. James Lane, St. Brendan Church, Dorchester, Mass., offered the following prayer:

Lord, in this moment of reflection and prayer, we turn to You seeking Your divine assistance and guidance. All of our earthly wisdom, our natural talents, our admirable achievements, count as nothing without Your enduring support and Your loving care.

We commend to You, Father, our Nation, its leaders, its legislators, as they meet to insure the liberties and address the needs of all its people. Give to them the time and the talent to accomplish the works You have called them to administer. Bless them with a faith and courage which no person or thing can eclipse or extinguish.

May the blessings invoked centuries ago by Your faithful witness Patrick be ours in abundance this day and every day:

That we may have God's power to guide us.

That we may have God's might to uphold us.

That we may have God's wisdom to teach us.

That we may have God's eyes to watch over us.

That we may have God's ear to hear us.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 23, answered "present" 4, not voting 45, as follows:

[Roll No. 133]

YEAS—361

Ackerman	Donnelly	Kramer
Addabbo	Dorgan	LaFalce
Akaka	Dowdy	Lagomarsino
Albosta	Dreier	Lantos
Anderson	Duncan	Latta
Andrews (TX)	Dwyer	Leach
Annunzio	Early	Leath
Anthony	Eckart	Lehman (CA)
Archer	Edgar	Lehman (FL)
Aspin	Edwards (CA)	Leland
AuCoin	Edwards (OK)	Lent
Badham	English	Levin
Barnard	Erdreich	Levine
Barnes	Evans (IL)	Levitas
Bartlett	Fazio	Lewis (CA)
Bates	Feighan	Lewis (FL)
Bedell	Fiedler	Lipinski
Beilenson	Fish	Livingston
Bennett	Flippo	Lloyd
Bereuter	Florio	Loeffler
Berman	Foglietta	Long (LA)
Bevill	Foley	Long (MD)
Biaggi	Ford (TN)	Lott
Bilirakis	Fowler	Lowery (CA)
Bliley	Frank	Lujan
Boehlert	Franklin	Luken
Boland	Frenzel	Lundine
Boner	Frost	Lungren
Bonker	Fuqua	Mack
Borski	Garcia	MacKay
Bosco	Gaydos	Madigan
Boucher	Gekas	Markey
Boxer	Gephardt	Marlenee
Breaux	Gibbons	Marriott
Britt	Gilman	Martin (IL)
Brooks	Gingrich	Martin (NY)
Broomfield	Glickman	Martinez
Brown (CA)	Gonzalez	Matsui
Brown (CO)	Gore	Mavroules
Broyhill	Gradison	Mazzoli
Bryant	Gray	McCain
Burton (CA)	Green	McCandless
Burton (IN)	Gregg	McCloskey
Byron	Guarini	McCollum
Campbell	Gunderson	McCurdy
Carney	Hall (OH)	McDade
Carper	Hall, Ralph	McEwen
Carr	Hall, Sam	McGrath
Chandler	Hamilton	McHugh
Chappell	Hammerschmidt	McKernan
Chappie	Hartnett	McKinney
Cheney	Hatcher	McNulty
Clarke	Hayes	Mica
Clinger	Hefner	Michel
Coats	Hertel	Mikulski
Coelho	Hightower	Miller (CA)
Coleman (MO)	Hiler	Mineta
Coleman (TX)	Hillis	Minish
Collins	Holt	Molinari
Conable	Hopkins	Mollohan
Conte	Horton	Montgomery
Conyers	Howard	Moody
Cooper	Hoyer	Moore
Corcoran	Hubbard	Moorhead
Coughlin	Huckaby	Morrison (CT)
Courter	Hughes	Mrazek
Coyne	Hutto	Murphy
Craig	Hyde	Murtha
Crane, Daniel	Jeffords	Myers
D'Amours	Jenkins	Natcher
Dannemeyer	Johnson	Nelson
Darden	Jones (OK)	Nichols
Daschle	Jones (TN)	Nielson
Daub	Kasich	Nowak
Davis	Kastenmeier	O'Brien
de la Garza	Kennelly	Oakar
Dellums	Kildee	Obey
Derrick	Kindness	Olin
DeWine	Kleczka	Ortiz
Dicks	Kogovsek	Oxley
Dingell	Kolter	Packard
Dixon	Kostmayer	Panetta
Parris	Schneider	Tauke
Pashayan	Schulze	Tauzin
Patman	Schumer	Thomas (CA)
Patterson	Seiberling	Thomas (GA)
Paul	Sensenbrenner	Torres
Pease	Shannon	Torricelli
Pepper	Sharp	Towns
Perkins	Shaw	Vandergriff
Petri	Shelby	Vento
Pickle	Shumway	Volkmer
Porter	Shuster	Vucanovich
Price	Siljander	Walgren
Pritchard	Simon	Watkins
Pursell	Sisisky	Waxman
Quillen	Skeen	Weaver
Rahall	Skelton	Weber
Rangel	Slattery	Weiss
Ratchford	Smith (FL)	Wheat
Ray	Smith (IA)	Whitehurst
Regula	Smith (NE)	Whitley
Reid	Smith (NJ)	Whittaker
Richardson	Smith, Denny	Whitten
Ridge	Smith, Robert	Williams (OH)
Rinaldo	Snowe	Wilson
Ritter	Snyder	Winn
Robinson	Solarz	Wirth
Rodino	Spratt	Wise
Roe	Staggers	Wolf
Rogers	Stangeland	Wolpe
Rose	Stark	Wortley
Rostenkowski	Stenholm	Wright
Roth	Stokes	Wyden
Roukema	Stratton	Wylie
Rowland	Studds	Yates
Rudd	Stump	Yatron
Russo	Sundquist	Young (MO)
Sawyer	Swift	Zschau
Schaefer	Synar	
Scheuer	Tallon	

NAYS—23

Clay	Harkin	Roemer
Crane, Philip	Hawkins	Sabo
Dickinson	Jacobs	Schroeder
Durbin	Lowry (WA)	Sikorski
Emerson	Miller (OH)	Solomon
Evans (IA)	Mitchell	Walker
Gejdenson	Penny	Young (AK)
Goodling	Roberts	

ANSWERED "PRESENT"—4

Dymally	Ottinger
Oberstar	St Germain

NOT VOTING—45

Alexander	Fields	Martin (NC)
Andrews (NC)	Ford (MI)	Moakley
Applegate	Gramm	Morrison (WA)
Bateman	Hall (IN)	Neal
Bethune	Hance	Owens
Boggs	Hansen (ID)	Roybal
Bonior	Hansen (UT)	Savage
Crockett	Harrison	Spence
Daniel	Heftel	Taylor
Downey	Hunter	Traxler
Dyson	Ireland	Udall
Edwards (AL)	Jones (NC)	Valentine
Erlenborn	Kaptur	Vander Jagt
Fascell	Kazen	Williams (MT)
Ferraro	Kemp	Young (FL)

□ 1210

Mr. GEJDENSON changed his vote from "yea" to "nay."

Mr. THOMAS of Georgia changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3240. An act to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins.

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 2100. An act to authorize the Secretary of the Army to sell ammunition for use for avalanche-control purposes;

S.J. Res. 258. Joint resolution to designate the week of June 24 through June 30, 1984, as "National Safety in the Workplace Week";

S.J. Res. 260. Joint resolution designating the week beginning on November 11, 1984, as "National Blood Pressure Awareness Week";

S.J. Res. 273. Joint resolution to designate the week of August 5, 1984, through August 11, 1984, as "Smokey Bear Week";

S.J. Res. 274. Joint resolution to authorize and request the President to designate May 6, 1984, as "National Nurse Recognition Day";

S.J. Res. 279. Joint resolution to designate the week of November 11, 1984, through November 17, 1984, as "Women in Agriculture Week"; and

S.J. Res. 283. Joint resolution to authorize and request the President to designate the week of May 7, 1984, as "National Arson Awareness Week."

FATHER JAMES H. LANE

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, today we welcome to the House, Father James H. Lane, who offered the prayer a moment ago.

Father Lane is the pastor of St. Brendan's Church in the Dorchester neighborhood of Boston.

This marks the eighth year that Father Lane has brought the graduating class of St. Brendan's Elementary School to Washington.

This annual visit to the Nation's Capital is just one example of the extra measure of effort and enthusiasm Father Lane has brought to his work on behalf of the youth, the poor, the troubled, and all segments of his parish and of our community.

He has served at St. Brendan's since 1969. Two years ago, an unprecedented outpouring of sentiment from the members of his parish led the late Cardinal Medieros to name him pastor.

Father Lane also served for 10 years as the chaplain of the Boston Police Department.

On behalf of the Massachusetts delegation, it is a pleasure to welcome him today as our guest chaplain.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TODAY DURING 5-MINUTE RULE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be allowed to sit this afternoon during the 5-minute rule on foreign aid for the markup of H.R. 5336 and H.R. 5371, this having been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON WEDNESDAY, MAY 9, AND THURSDAY, MAY 10, 1984, DURING 5-MINUTE RULE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule in the House on Wednesday, May 9, and Thursday, May 10, 1984.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on my special order yesterday concerning the late President Harry Truman.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 498) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 498

Resolved, That Representative THOMAS J. BLILEY, JR., of Virginia, be and is hereby elected to the Committee on Standards of Official Conduct.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT OF THE NEW IRELAND FORUM

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, as a member of the Friends of Ireland in the Congress, I am encouraged by the report of the New Ireland Forum and we strongly urge the British Government as well as all political leaders in Northern Ireland to review its findings and recommendations with an open mind and an open heart.

We regard the report as the first real breakthrough on the complex issue of Northern Ireland since the collapse of the Sunningdale Agreement in 1974. For the first time since the present troubles began, the leaders of the diverse nationalist political parties in both parts of Ireland have spoken together in their condemnation of the violence, in their willingness to put aside past passions and divisions, and in their support for a new Ireland achieved by consent.

Above all, the report is a historic—and hopeful—document because of the unprecedented commitment made by nationalist leaders in Ireland, north and south, to provide full and fair protection for the rights and aspirations of the Unionist community in the north. By extending this olive branch and developing a specific agenda for peace, the forum has embraced an indispensable dimension in the process of reconcilation; we urge leaders on all sides to encourage this process by working together to create a framework for future progress.

As Friends of Ireland in the Congress, we believe that the United States has a constructive role to play in achieving lasting peace and stability in Northern Ireland. We renew our call to all Americans to reject the path of violence and those who advocate it.

Mr. MICHEL. Mr. Speaker, will the distinguished majority whip yield?

Mr. FOLEY. I yield to the distinguished Republican leader, the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman's yielding.

Mr. Speaker, I want to join with my good friend the majority whip in bringing to your attention—and the attention of our colleagues—the publication of the report of the New Ireland Forum.

Two years ago I met in my office with a delegation of All-Party Parliamentarians from the Irish Republic. I listened to their informed and concerned presentation of the need for peace and justice throughout Ireland. I was impressed by their deep commitment to a process of reconciliation between the two great Irish traditions.

We in the United States have a legitimate interest in the Northern Ireland issue. There are serious questions of human rights. And there is a threat to European security we cannot ignore.

The New Ireland Forum presents a new agenda for discussion. I hope it

gets the attention it deserves. I commend the gentleman for bringing it to the attention of the Members of the House.

Mr. FOLEY. I thank the gentleman.

MARTIN FELDSTEIN'S DEPARTURE WILL LEAVE GAP AT THE WHITE HOUSE

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I certainly hope that groupthink has not set in at the White House. With the resignation of economic adviser Martin Feldstein, the administration has lost a lone voice sounding the call for reduction of the deficit, the one person who was willing to tell it like it is. He refused to ignore one of the Nation's most pressing problems—the ballooning Federal debt and the devastating impact it can have on interest rates and the economy.

Mr. Speaker, I just hope that honesty and integrity are not the reasons for Mr. Feldstein's departure. He attempted to bring balance and realism into the budget debate at the White House, and in doing so, fulfilled the mandate of the Council of Economic Advisers. If the Chairman of the Council is unable to speak freely, then frankly the Council might just as well be abolished, for it will no longer serve any real purpose.

Mr. Speaker, Martin Feldstein will be missed in Washington, but I am sure that we will be hearing from him again.

□ 1230

Mr. COLEMAN of Texas. Mr. Speaker, will the gentleman yield?

Mr. RATCHFORD. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Speaker, I thank the gentleman from Connecticut for yielding.

Mr. Speaker, when Martin Feldstein urged Latin American countries to devalue their currencies yesterday, he made no mention of the scheduled devaluation that Mexico is undergoing already. He also skirted the obvious underside to this economically bitter pill by ignoring the tremendous suffering and dislocation that devaluation causes.

In the case of Mexico, this dislocation is not contained within its borders. It extends to the United States and can be felt in every border community from California to Texas. Mexico like many other Latin American countries, has made great efforts to come to terms with its debt, and is pragmatically undergoing devaluation and cuts in vital social services in order to meet its obligations to the international financial community.

Before we pronounce sentence on the reality of Latin American economics we should consider the human element, not just within those countries but inside our own. There are hundreds and thousands of people along the border of the United States that depend on a healthy commercial relationship with Mexico. When we make pronouncements about other countries economic problems in defiance of our own deficit and trade problems, we are ignoring the fundamental truth that our economy is the driving force behind those in Central and Latin American and that in some senses we are responsible for their difficulties. The administration would do well to take a closer look within its own borders for solutions to the problem of international debt.

INTRODUCTION OF THE AMERICAN PASSBOOK SAVINGS BILL

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, the prime interest rate rose another half point yesterday. High interest rates threaten our homes, our businesses, our farms, for all are heavily financed today. If home buyers cannot afford mortgage rates, homes are not built and countless thousands of Americans go unemployed. If small businesses cannot afford commercial loans, then small business, the largest provider of jobs in America, is handicapped in that great effort. If farmers cannot afford to finance their equipment, seed, feed, and stocks as well as the very land which produces America's bounty, then farmers are faced with financial ruin. We, all of us, need lower interest rates.

The American passbook savings bill, which I will offer next week, will provide a source of low cost money for America's savings and lending institutions. By allowing Americans to earn substantial tax free interest in passbook accounts, we can again permit American lenders to provide lower cost mortgages to our Nation's homeowners, farmers, and small businesses. America cannot afford high interest rates. Getting interest rates down ought to be one of our Nation's highest priorities.

THE SOVIET OLYMPIC NONSURPRISE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, it is somewhat amazing to me that everyone seems so surprised with yesterday's announcement by the Soviets that they will not be sending a team to the Los Angeles Olympics. It is a purely political move in retaliation for our decision not to go to the Moscow Olympics and a recognition of the sad state of United States-Soviet relations. In sum, it should have been the biggest nonsurprise of the week.

As far as a U.S. reaction, the best thing we can do is give them a nonresponse. We need to assume a position that makes their nonparticipation their loss, not ours. We need to let them know that the games will go on and we can only assume the real reason they are not coming is because they fear defeat or defections.

We also need to show we are big enough to recognize we made a mistake in 1980 by letting politics enter into the Olympics and we are serious about ignoring politics in the conduct of the games this summer.

The Olympics is not the real issue, however. The U.S.S.R. and the United States are locked in a dangerous, nonsensical cycle of hate and fear. This is yet another example of how much work is needed to break that cycle; until we do, it will continue to feed on itself.

THE RUSSIANS AREN'T COMING, THE RUSSIANS AREN'T COMING

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I fail to understand why there is so much concern about the Soviet Union's decision not to participate in this year's Olympic games. I feel badly only for the other athletes of the world who will not have the opportunity to face Russian athletes. I do not feel that anything else is lost by the Russians staying home.

What concerns me the most are statements by some Olympic officials and others who indicate that they will try to get the Soviets to change their minds. That is exactly what the Soviets want this country to do—kiss their hammer and sickle.

It has only been in recent years that the Soviet have even competed in the Olympic games. And the games in Los Angeles will still be a great event if the Communist athletes stay home.

Instead of begging the Russians to take part in the games, we should make certain that their wishes are respected and immediately move to deny visas to any Russian Olympic athlete. Such a move would prevent those who would seek to place the good of a 2-week sporting event above the interests of our country from playing into the hands of the Russians.

REPORT OF THE NEW IRELAND FORUM

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, as chairman of the 104-member Bipartisan Ad Hoc Congressional Committee for Irish Affairs, I wish to express my support for the report issued last week by the New Ireland Forum, most especially its main recommendation, the call for a unitary state for Ireland.

While I do believe the report provides an important framework for a future political solution—I was and am troubled over the fact that the forum's composition was not fully reflective of all segments of political thought in either Northern Ireland or the Republic. This flaw must be remedied in any and all future steps which may be taken to implement the recommendations of the report.

I wish to salute the participants in the forum for their contribution to the final report. I wish to pay a special tribute to the Honorable Charles J. Haughey, T.D., the former Prime Minister of Ireland whose singular leadership insured that the call for a united Ireland emerged as the main recommendation of the report.

I also wish to strongly criticize the Reverend Ian Paisley for comments attributed to him yesterday in an article in the New York Times. In response to a question about the New Ireland Forum report, Paisley pledged "fierce resistance" to a united Ireland. When asked if he meant violence he was quoted as saying "it could come to that." This type of inflammatory rhetoric makes a mockery of the process now underway to move toward a political rather than a military solution. Reverend Paisley seems content to be forever part of the problem in Northern Ireland rather than the solution.

AN INVESTMENT IN DEMOCRACY

(Mr. ROEMER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, dodge a bullet to vote? Stand in long lines to vote? Walk 6 miles to vote?

We would not do those things in the United States, but it happened Sunday in El Salvador. I know, I was there.

A Sunday on the road to democracy. Not perfect, but as impressive a political demonstration as I have ever seen.

What should we do now to help El Salvador? Napoleon Duarte, the left-of-center President-elect, asks in a letter you received yesterday for adequate economic and military assistance from the American Government. He writes as follows:

I have pledged to establish peace and justice in El Salvador through dialogue with all citizens who wish to lay down their arms and their system of violence and particiapate in our new domocratic process.

Please help the people of El Salvador and contribute simultaneously to the security and stability of our hemisphere.

Mr. Speaker, I ask my colleagues, do not turn your back on El Salvador. Support a reasonable balance of econmic and military aid with conditions for human rights. It is an investment important to every American. It is simply an investment in democracy.

PROPOSED LEGISLATION TO PROHIBIT INTRODUCTION OF AMERICAN COMBAT FORCES INTO CENTRAL AMERICA

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, for the past 3 years, the Reagan administration has substituted force for diplomacy and negotiations in Central America. Senior administration officials acknowledge that contingency plans are being made for sending American combat troops to the region. U.S. aircraft provide combat support in El Salvador, and U.S. trainers have been shot at in recent months.

How long will it be before American young men are directly involved in combat? How long before the tragedy of the Vietnam war is repeated?

The majority of the American people oppose sending American combat troops into Central America. It is time that the Congress join the American people in telling the President that the conflict in Central America cannot become an American war.

Mr. Speaker, the gentleman from California, (Mr. LEVINE) and I are introducing legislation today to accomplish that goal by prohibiting the introduction of American forces into Central America for combat purposes, as well as prohibiting the funding of covert military or paramilitary operations. We invite and urge our colleagues to join us in sponsoring this measure.

□ 1240

DR. FELDSTEIN HAS FINALLY HAD ENOUGH

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, it seems Dr. Feldstein has finally had enough. The Reagan deficits and the refusal of this administration to deal with them has been too much even for his conservative conscience to carry. The timing of Dr. Feldstein's announcement is exquisite. He has announced his resignation on the day the prime rate rose half a percent, but before the inevitable and crippling further rises have occurred.

Dr. Feldstein put out his palm, felt a few drops and because the administration's policy refused to afford him an umbrella, he is getting out before the storm arrives.

I AM NOT THE PRESIDENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, you would think President Ronald Reagan and his vast White House entourage have been roosting on the back bench these past 3 years.

Yesterday, the prime rate jumped to 12.5 from 12 percent. The howls from the White House were directed at Federal Reserve Board Chairman Paul Volcker, as if Mr. Volcker were the President and Mr. Reagan were the leader of the opposition party.

During the Lebanon crisis, Speaker O'NEILL was the President. On the deficit, Congress is the President. Now Mr. Volcker is the President.

It is only fitting that Mr. Reagan's reelection slogan should be, "I am not the President."

If Mr. Reagan does not want to be President, he certainly is not required to run again.

MUST JEWS CHOOSE BETWEEN THEIR FAITH AND THEIR COUNTRY?

(Mr. SOLARZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLARZ. Mr. Speaker, yesterday, the U.S. Court of Appeals upheld the right of the Air Force to prohibit an orthodox Jewish officer from wearing a yarmulke while on duty. This decision is offensive to the basic constitutional rights guaranteeing the freedom of religion.

In the Capitol Rotunda, not too long ago, the Congress joined in marking the "Days of Rememberance," an annual ceremony commemorating the Holocaust. Many of the participants were survivors of the Holocaust who came to America because our land was then, and is now, recognized as a promised land of freedom.

Jews, as much as any ethnic group in the United States, cherish the freedom offered by America, and they are as eager as any group to fulfill the responsibilities demanded of us to protect that freedom.

Capt. S. Simcha Goldman, an orthodox rabbi who also happens to be a clinical psychologist in the Air Force,

is doing his duty by serving as a career officer. Until yesterday, I am sure that Captain Goldman never believed that serving his country was inconsistent with observing the traditional rites of his faith.

It should not be.

I will be introducing shortly a House concurrent resolution urging that the religious rights of individual servicemen be protected by the rules and regulations of the Armed Forces.

I encourage my colleagues to support it. I do not notice that wearing yarmulkas has hurt the Israelis when they have gone into battle.

Neither Jews nor the members of any religious faith should have to choose between their faith and their country.

FORTUNE IS WRONG ON PAY EQUITY

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, Fortune magazine featured an article in its May 14, 1984, edition entitled, "'Pay Equity' Is a Bad Idea." The author, Daniel Seligman, not only claims that the concept of pay equity—or to put it in his terminology, CW for comparable worth—is "revolutionary and loony," but that it will eventually "collapse of its own deadweight dumbness."

Tell that to women who are paid 62 cents for every dollar a man is paid. Tell that to the poorest person in the country who is a female over 65 whose pension is based on wages when younger.

Mr. Seligman questions the validity of equal pay for work of comparable worth and asks whether the doctrine makes economic, moral, or any kind of sense. And, rather than examining the persistent gaps that exist between the wages earned by men and women, and its impact on the Nation's businesses and the economy as a whole, he concludes that the issue is purely a political fabrication, an attempt to woo more women to the left.

Mr. Speaker, the Fortune magazine article's sarcastic and pessimistic tone is reflective of many opponents' attitude about pay equity: Why tamper with a perfect market in which all workers are paid the equivalent of their value?

I daresay that a free market, steered by supply and demand, is leading most female workers down a one-way street to the poor house. Our free market is clearly imperfect. The fact that, on the average, women earn 63 percent of what men earn—and have been earning about the same since the 1950's when their labor participation rates were half of what they are today—only scratches the surface of the problem.

First and foremost, the more an occupation is dominated by women, the less it pays. Teaching, nursing, clerical, and administrative occupations illustrate this important point. Despite the fact that women perform duties which are valued highly in our society, their wages are depressed by virtue of the fact that they are female workers.

Second, while it is true that career opportunities for women in traditionally male-dominated jobs are expanding further with each generation, female positions are still grossly underpaid. The traditional jobs that women perform are essential to our society. By opening up career options for women, the business community cannot believe that it is ridding society of sex-based wage discrimination in traditionally female occupations. Equal access and equitable pay need to go hand in hand.

Third, the move to eliminate sex-based wage discrimination is not just another "women's issue." It is a family issue. Ninety percent of all single parents are women. Thirty-five percent of these women fall below the poverty level. Women maintaining families average $10,000 a year. Wives working full-time average $13,070 compared with their husbands who earn an average of $23,800 a year.

Fourth, the business community as well as the Government needs to take responsibility for eliminating this economic inequity. Mr. Speaker, to date, more than a dozen State governments are involved in pay studies or reevaluations of their civilian pay structures.

To date, the Federal Government has taken a much less aggressive approach. The Reagan administration is contemplating an appeal of a major pay equity decision in the State of Washington. Administration witnesses also denied, during congressional hearings, that the issue of sex-based wage discrimination is truly an issue it can pursue, and publicly stated that the concept is dangerous to the economy.

I firmly believe that the Federal Government needs to take a serious look and make a serious commitment to achieving pay equity. My legislation, H.R. 4599, the Federal Employees Pay Equity Act of 1984, and H.R. 5092, the Pay Equity Act of 1984, mandates the Government to enforce the laws that are on the books. As legislators, our first responsibility should be to insure that the Government is doing its job.

Finally, Mr. Speaker, if we were to look in our history books, we would find that during the struggle to abolish slavery and later to implement child care laws, opponents painted pictures of gloom and economic doom. Similarly, pay equity opponents are denouncing the notion. Eliminating slavery and implementing child labor laws did not break the bank. Eliminating sex-based wage discrimination will not, either. Let us move on this issue with determination and dedication.

LOUISVILLE HOUSING BARGAINS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it is my honor to represent the Third District of Kentucky which is essentially the Louisville area, so as a representative from Louisville I have good news and bad news. The good news is yesterday's newspapers carried the word that you get in Louisville more housing for your dollar than anywhere else in the country. Half of all the housing units which were resold in Louisville last year went for under $47,900.

By contrast, a similar home in Santa Anna, Anaheim, Calif., went for $133,900.

So I would congratulate the Kentucky homebuilders, the Kentucky realtors and all the people who have accounted for this good situation.

The bad news, Mr. Speaker, is that yesterday's newspaper also carried the news that the prime rate has gone up another half a percent to 12½ percent. The bad news is that is going to translate into mortgage interest rates of 14 to 15 percent perhaps by the end of the year.

I would only say and I hope that somehow the Federal Reserve will expand the money supply within its range, but expand it nonetheless, so that interest rates do not go up, because maybe next year I will have to stand in the well and say that instead of Louisville giving you more housing for the dollar, we may give you the least housing for the dollar.

HOUR OF MEETING ON TOMORROW

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to reconvene at 10 o'clock a.m. tomorrow.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Florida?

There was no objection.

THE EVIDENCE ON EL SALVADOR

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, tonight the President of the United States will address the Nation and ask the Congress to approve more military assistance for El Salvador. I hope that before we make any decisions we pay due notice to facts that are coming to light, and allegations that are being made.

We are told time and time again that El Salvador is a nascent democracy that needs to be brought along, when all the evidence points in the other direction. Those whom we are asking to reform the military have been implicated in many of the killings and death squad activities. What has happened to the perpetrators of the murderers of the four Maryknolls?

What has happened to the officers who launched the massacre against the Indians of Las Hojas?

What happened in the case of Commander Schaufelberger?

There is no human rights progress being made in El Salvador.

The President and the American people have to face up to that fact. President Reagan's policy in Central America is an exercise in self-delusion. We cannot let it go on. We have to stop it.

Tomorrow on the floor of the House of Representatives I hope that we will pass the Studds amendment and stop this dangerous and un-American policy that we are pursuing in Central America.

AN ARMED BUREAUCRACY

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, it has come to my attention that on Monday, May 7, the Assistant Attorney General for the Justice Department's Land Natural Resources Division has granted enforcement powers for a period of 90 days to employees of the Environmental Protection Agency; this means that during this time EPA agents will enjoy Special Deputy U.S. Marshal status and, by virtue of that status, enjoy the right to carry guns.

I think we can agree that this represents a breathtaking assumption of power on the part of the EPA and on the part of the Justice Department for giving into the EPA's demand for such privileges. After all, though the House last October voted, wrongly, I think to grant the EPA this power, the Senate has yet to take such a step, so the will of the people as expressed in the Congress has yet to be voiced.

Even if the Senate should consent, it will still represent a dangerous development. Allowing Federal bureaucrats to carry six-shooters constitutes a form of intimidation and harassment completely out of keeping with the traditions of a free society. Unfortunately, the precedents have already been set. Agents of the Internal Revenue Service, the Veterans' Administration, the General Services Administration, and even the food stamp program are already empowered to carry guns and make arrests and the administration is now conducting a government-wide review of this status for employees of various other Government agencies. It sounds to me like we are building a powerful national police force.

Frankly, I am kind of amazed at this mad passion of our Federal file clerks to stalk our streets, revolvers at the hip, and—for all we know—shooting it out at high noon with evildoers. I really do not understand this at all, except as yet another manifestation of the lust for power on the part of an armed bureaucracy.

Now given what the EPA insists are the extraordinary dangers inherent in its work, we may well conclude that extra police protection might be ordered for these public servants. But it is another thing altogether to turn these bureaucrats into Elliott Ness and the Untouchables, even if that is what in their dreams they would become.

Given the approval of this House and the apparent support of the administration, maybe such a thing is inevitable. Maybe, in time, even the good folks who run the elevators in the Capitol will be equipped with James Bond pistols and a license to kill. But at least you would think that the Justice Department would wait until the Senate took action on this matter, before issuing the ammunition and starting target practice.

□ 1250

HUMAN RIGHTS IN CENTRAL AMERICA

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, the people of the United States and my colleagues in this body have clear evidence to determine which nation in Central America supports human rights and which does not.

The people of El Salvador showed their strong desire for democracy in last Sunday's presidential election. The Communist guerrillas who shot at a helicopter carrying American election observers also made a rather straightforward statement about their view of democracy.

Contrasting sharply with El Salvador is the Government of Nicaragua. While everyone from President Reagan to the bishops of El Salvador say that El Salvador is improving its observance of human rights, we see just the opposite happening in Nicaragua.

The oppressed people of Nicaragua are now saddled with supporting the largest military machine ever seen in Central America. Not only is the people's property confiscated to pay for an army of 250,000 troops, but the draft and its implementation by squads of kidnapers is stealing the children of the peasants and turning them away from the Sandinistas in growing numbers. The Miskito Indians are trying valiantly to escape from the guarded concentration camps that they have been forced to move into. The press and the Catholic Church are suppressed and vilified by the Communist overlords for speaking the truth and advocating freedom. I ask my colleagues to read the Easter pastoral letter of the bishops of Nicaragua to see the real views of the church rather than listen to half truths and propaganda. Just think back to how the Sandinistas and their controlled mobs treated the Pope and you will clearly see which country in Central America is really trying to improve human rights.

Long live freedom and liberty, and may America always support those who want to throw off the burden to totalitarian oppressors.

QUIET ON THE SET, LIGHTS, CAMERA, ACTION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I read in the paper this morning the latest plans for politicizing the House.

As I understand it, we are now going to be practicing our profession in prime time—because some on your side of the aisle feel they are ready to compete with "Dynasty" and "Hill Street Blues" for the public's attention.

Frankly, Mr. Speaker, I guess I can understand why some on your side would want to be thinking about a career in entertainment.

What little has been done by the majority this year has certainly not been very productive but in all candor, it has been worth a laugh or two.

I know a former entertainer who made a successful transition to politics; possibly the gentleman from Arkansas and others would like to do the same only in reverse.

If its your intention to make a soap opera of this august body, why not go all the way and have Hollywood nominate you all for an Emmy next year.

They could even create a new category.

Best performance in a tragic comedy.

MONETARY POLICY

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, yesterday, the prime rate was raised by the major banks to 12½ percent, the highest level since October 1982. The Federal Reserve Board has, through its restrictive money policies, prompted these

higher rates. In pursuing the goal of noninflationary growth, the Federal Reserve has recently overemphasized inflation pressures to the exclusion of economic growth.

I believe that the Federal Reserve Board's policy is not only unbalanced, and disruptive, it is also political.

The economic warning signs do not, at this time, justify the tight money policies of the Fed.

This administration has a proven record in fighting inflation. Recent figures show the inflation level still under control. There is no reason to assume that this administration will relax its stand against higher inflation. Nor do signs of recent or future growth justify restrictive policies. Economic indicators show the economy growing at sustainable levels. Despite this, the money supply is not accommodating real economic growth. Instead of responding to the low levels of inflation, the money supply growth is at the absolute bottom of the target range. Three increases in the prime rate in recent weeks are the result of these restrictive Federal Reserve policies.

We are not asking for inflation nor are we asking for deflation. We want the optimum level of noninflationary growth. As the economy is growing at sustainable levels and indicators of inflation show no major pressures, we think the Federal Reserve Board should and would be justified in doing more to maintain future growth by easing up on its tight money policies. Eventually, Congress may have to create a more reliable index to which the Federal Reserve Board can base its policies. Until that time, the Fed should pursue a more balanced approach to achieve strong, noninflationary growth.

TRUE CONGRESSIONAL CONFESSIONS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, it is time for true confessions.

On May 1, 1984, the House Democratic majority leader, JIM WRIGHT, confessed that—

> Some of these Members don't seem interested, . . . they act like their sole purpose for coming to the Congress was to make sure they remain in Congress.

And then there is the confession of Senator PAUL TSONGAS, as reported in the Washington Post article by William Rasberry, entitled "Democrats' Weakness." Senator TSONGAS, a former Member of the House, confesses, why, as a Member of the House, he once voted against a bill to reduce the capital gains tax. Why? He said:

> Because I was a Democrat. I considered the ethic in the House among my fellow colleagues that this was pro business and therefore we are against it. That bill, which I did not support, did more for the economy of my State than anything I did as a Congressman."

He went on to say that "If the Democratic Party were ever to show real concern, not rhetorical concern," as I parenthetically say that we have in 1 minute from the other side, "about the deficit, and did something about it, then I think we would do very well. . . ."

Yes, Mr. Speaker, the junior Senator from your own State, as well as your party's distinguished majority leader, have both revealed their hearts to the American public and may soon be facing a front-page story, complete with banner headlines in "True Congressional Confessions."

AN OLYMPIC-SIZE MISTAKE

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, there are many disappointed people across the United States right now, but I doubt that many are really surprised. It is ironic that the excuse the Soviet Union is giving for pulling out of the Olympics this summer is that we cannot provide adequate security. This, coming from a nation that shoots down stray passenger liners; where religious minorities and intellectuals disappear in the dark of the night.

The sad truth is that, in a way, they are right. There is no way a free society can guarantee security in the same calculated way a police state can. It is the price we have to pay for an open country. It is interesting, however, that the groups security officials in Los Angeles were most worried about—the PLO and the Libyans—are all supported by the Soviet Union. If they cannot control their own clients, I guess it is naive for us to assume we can.

Maybe it is another kind of terrorism the Soviets are worried about. I have read reports that several groups were planning on putting up billboards announcing where defectors could go for assistance. Now there is a true act of terrorism—striking fear in the hearts of all Communist officials.

Mr. Speaker, in behalf of athletes throughout the world, I sincerely hope that the Soviet Union changes its mind and comes to Los Angeles. Politics aside, this has always been a forum where the people of the world could gather for the competition of sport. As much as we may disagree with Soviet politics, they are an important part of the Olympic and international sporting community. I hope they reconsider. We genuinely want them to come.

BUDGET DEFICIT

(Mr. MORRISON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Connecticut. Mr. Speaker, Martin Feldstein will be sorely missed. His willingness to tell the people of America the truth about the Federal deficit made him a unique member of this administration. He understood that the source of our mounting annual deficits were the 1981 decisions to cut taxes for the wealthy and to dramatically increase military spending. He made that point repeatedly in statements to Congress and to the media.

His retirement as Chairman of the President's Council of Economic Advisers should not obscure that truth of his statements, despite the objections from the administration.

As we see the interest rates rising month after month, let us remember that the budget deficits are the problem and that the source of that problem were the decisions made in 1981. We will have to reverse these decisions if we are to do something about the budget deficits.

MX DEPLOYMENT

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. The MX vote is coming up again in the next several weeks. One argument in favor of MX deployment has been its use as a bargaining chip.

There are a couple of answers to this argument.

First, it has not worked. That is, the bargaining chip theory has not worked at all.

Second, it disregards the fact that we already have major systems that deeply concern the Soviets and the Warsaw Pact. The recent Pershing and cruise missile deployment has dramatically demonstrated U.S. and NATO resolve to match force with force with the Soviet Union. It is of tantamount concern to the Soviet's Eastern European allies. This has been made quite clear in many ways, including in discussions with officials in Warsaw Pact countries that some of us in the House visited last winter.

Mr. Speaker, I urge my colleagues to support the Bennett-Mavroules amendment to delete the funds for the MX missiles.

WHAT MX CAN DO

(Mr. AUCOIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, the purpose of the MX missile, we were told, was to bring somebody to the arms control bargaining table. But who was it supposed to bring? The Russians or the Reagan administration?

Last year, different Members of the House were given one story or the other or both at the same time as seemed expedient. This year, however, we know the answer. The MX does neither. We have the MX, but nobody is left at the bargaining table.

For the first time in a generation, we and the Soviet Union are no longer even talking about the control of strategic arms. We can argue about which side is more responsible for that, but the fact is the arms control part of the Scowcroft package is dead—stone cold dead.

And excuses are no substitute for results.

Here is another MX marvel: This thing was supposed to have deterred nuclear war by survival and retaliation. Now it cannot survive, it cannot retaliate, it cannot deter. It is a missile without a mission, but we are told we should go ahead and build it anyway. The MX may be a failure at arms control and a failure at deterrence, but it is a flaming success at one other thing, and that is running up the national debt and a new wave of high interest rates, fueled by this huge, bloated Federal deficit.

THERE IS PROGRESS UNDER THE REAGAN ADMINISTRATION

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, moments ago, we heard our colleague from Colorado explain to us that it was the Reagan administration's fault that interest rates went up a point recently. Well, the natural corollary of that is if it is not Volcker's fault and you cannot blame it on the Congress and the deficits and it is all Ronald Reagan's fault, then the corollary is, Ronald Reagan is responsible for bringing it from 22½ percent down to 12.

I know, it must be very, very frustrating to be a welfare state liberal nowadays. You find out inflation is at 17-year lows; investment at a 22-year high, savings increased 150 percent under this administration; employment is the highest it has ever been in history.

In fact, we created more new jobs in America in the last 36 months than have been created in Europe in the last decade. More Americans found new jobs in the last 18 months, that that same number would equal one-third of the entire work force of Canada.

So what do we hear? Those poor folks are looking for a little tick in the interest rates as the only peg upon which to hang their rhetoric. They understand what is happening in America: We are going back to growth, opportunity, and hope for the future, and they are very, very frustrated.

WHAT PRICE FREEDOM?

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. What price freedom, Mr. Speaker? What price for freedom, are we as civilians in the United States willing to pay for our own freedom in terms of social and economic threat that Central America poses to us in the United States?

What price freedom for those who fight for freedoms that we take for granted? Freedom of religion, freedom of speech and press, freedom to organize labor unions and, yes, even the freedom to vote.

What price freedom for the Western Hemisphere? As there are 8,000 Cubans, 2,000 Soviet and Soviet-bloc advisers, PLO, Libyans, and Bulgarians in Nicaragua. What threat does that pose to our Western Hemisphere?

Today we deal with freedoms such as these. It is a matter of what price are we willing to pay, yes, in terms of dollars, in terms of politics, and in terms of moral convictions to the freedoms of all the peoples of all the Americas.

REAGANOMICS POLITICAL BOMBAST

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker what is happening with Reaganomics? Yesterday the prime rate jumped to 12½ percent, its third jump in 2 months and the Reagan administration spokesman blames the Federal Reserve Board. That is to say the least very curious, because the Federal Reserve Board interest rate policy, that had been adhered to with a vengeance by Mr. Volcker is exactly what President Reagan has demanded.

Why this obvious contradiction and political bombast—clearly it is election year politics, trying to shrug off bad economic policy.

Apparently, it is too much for Mr. Martin Feldstein, the Chairman of the President's own Council of Economic Advisors. Today he has resigned. Mr. Feldstein follows the former Chairman, Mr. Weidenbaum, who resigned less than 2 years ago.

Mr. Weidenbaum stated the reason clearly at that time, the major economic problems with Reaganomics; excessive unearned tax reductions, and excessive unsupported military spending.

President Reagan received the public policies that he asked for, much to the regret of this Member and many in Congress.

Now the results are coming home to roost, $200 billion megadeficits year in and year out, the highest real interest rates in history, and a soft consumer recovery, a $120 billion current year trade deficit, and the deepest recession since the 1930's.

President Reagan cannot run away from these facts so the Reagan political trick is to transfer the blame, the responsibility, to the Federal Reserve Board and/or Congress.

The contrast between a great President like Truman and the present White House occupant is all too obvious. President Truman whose 100th birthday we celebrate this week, had a plaque on his desk stating "The Buck Stop's Here." Is not it about time that President Reagan came to grips with the reality, not just the illusion, of Reaganomics, and accept the responsibility that President Truman so adroitly recognized and epitomized.

THREE IMPORTANT ISSUES NEED CONSIDERATION

(Mr. HUNTER asked and was given permission to addresss the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Thank you, Mr. Speaker.

I might start off by answering the gentleman who just left who then asked when this country would take on some fiscal sanity? I would suggest that it may be when the Democratic leadership of this House allows us to bring up the line-item veto, the balanced budget.

And I would also remind the gentleman that these Reaganomics that he talks about have ceated some 4½ million new jobs in America in the last year, which is probably a reason why most of the Democratic candidates for President do not use the word Reaganomics anymore.

Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of amendments to permit voluntary school prayer, balanced budget, and line-item veto.

The Chair has ruled that in order to make these requests I must have the clearance of the majority and minority leaderships.

This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the

American people who stands in the way of these three important issues—the democratic leadership in this House.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is the day of Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

REQUEST TO MAKE IN ORDER AMENDMENT TO TITLE X OF H.R. 5119, INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1984

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk an amendment to title X of the bill, H.R. 5119.

Mr. FASCELL. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The Chair would rule that that is not a proper request at this time.

The gentleman will suspend, please.

Is the gentleman from Virginia asking that an amendment which he would offer should be in order in the Committee of the Whole?

Mr. WOLF. Mr. Speaker, notwithstanding the rule, I was asking permission that my amendment be in order.

The SPEAKER pro tempore. In the Committee of the Whole?

Mr. WOLF. In the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. FASCELL. Mr. Speaker, reserving the right to object, I want to object whether it is in the House or the Committee of the Whole.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I appreciate this opportunity to be recognized at this point in the proceedings to explain my amendment and realize this is an unusual request under the rule for the consideration of the foreign aid authorization legislation before us. But I sincerely believe that the subject matter of this amendment is so important that it demands extraordinary consideration.

This amendment would authorize $1 million to be used by the Agency for International Development to provide education in human rights in the country of El Salvador. This human rights education program would be provided for the military, security and police forces and the general public.

I offer this amendment because of my strong and firm conviction that an intensive human rights education program in El Salvador, a program that reaches all the people, can be an important step in bringing about a greater respect for humanitarian law in this nation.

Mr. Speaker, I offer this amendment at this point because I believe it transcends party lines and political beliefs and recognizes that even though there may be disagreement on how certain economic, social, or military reforms should be accomplished in this Central American country, that respect for human rights is the first and basic step which must be taken if progress toward individual freedoms and a democratic way of life is ever to be realized there.

I do not profess to be an expert on this country, but I do know from my visit to El Salvador last year, from speaking with the soldiers, the Government leaders, and with the people in the countryside, that the people there could certainly benefit from increased exposure to the importance of respect for the rights of their fellow man. That observations has been confirmed in my contracts since that trip with Government officials from both the United States and El Salvador, and with leaders from human rights organizations working now in Central America.

This amendment could signal to the Central American region that the United States believes so deeply in the importance of human rights that it is willing to provide funds to educate the people in countries where the need is greatest, such as El Salvador, that a basic understanding of respect for human rights is the crucial foundation upon which to build a nation.

I urge my colleagues to join me in support of this effort to establish a human rights education program in El Salvador.

Mr. FASCELL. Mr. Speaker, I am very sympathetic to the gentleman's amendment. Obviously, I cannot agree to opening up the bill in this fashion contrary to the rule after we let everybody know what the limitations are, and so forth. But I can assure the gentleman that, as far as that human rights training is concerned, either with respect to the language and the money that is now in the bill or if the gentleman is successful in getting the matter added in the other body, that I, for one, will be very happy to accept both the amount and the theory and the purpose of the amendment.

□ 1310

Mr. WOLF. Mr. Speaker, I thank the chairman very much. I will take it as a charge to go to the Senate side and get this language put in.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman for yielding.

I want to also join the chairman, and I assure the gentleman from Virginia I also will join with the chairman in support of this.

I think the suggestion offered by the gentleman from Florida (Mr. FASCELL) is the proper course, and we will work toward that end.

Mr. WOLF. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) withdraws his unanimous-consent request.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 497, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5119.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5119) to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1985, and for other purposes, with Mr. AUCOIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, May 8, 1984, all time for general debate had expired.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 5421 is considered by titles as an original bill for the purpose of amendment under the 5-minute rule, and each title is considered as having been read. The Chair may determine when title X of the substitute shall be considered for amendment. No amendments to the substitute are in order which change, include, or affect the subject matter of title X, funding and policies specifically relating to Central America or the countries of which it consists (Panama, Belize, Guatemala, Nicaragua, Honduras, Costa Rica, and El Salvador), except the following amendments to title X, which shall not be subject to amendment, shall be considered as having been read, and shall be considered only in the following order: First, the amendment printed in the CONGRESSIONAL RECORD of May 3, 1984, by, and if offered by, Representative STUDDS which shall not be subject to a demand for a division of the question but shall be debatable for not to exceed 3 hours, to be equally divided and controlled by Representatives STUDDS and a Member opposed thereto; and second, the amendment printed in the CONGRESSIONAL RECORD of May 3, 1984, by, and if offered by,

Representative BROOMFIELD, which shall be debatable for not to exceed 3 hours, to be equally divided and controlled by Representative BROOMFIELD and a Member opposed thereto.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security and Development Cooperation Act of 1984".

The CHAIRMAN. Are there amendments to section 1? If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—MILITARY SALES AND RELATED PROGRAMS

AUTHORIZATION FOR FOREIGN MILITARY SALES FINANCING

SEC. 101. (a) Section 31(a) of the Arms Export Control Act is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to the President to carry out section 23 of this Act $2,933,500,000 for the fiscal year 1985.".

(b) Sections 31 (b) and (c) of such Act are amended to read as follows:

"(b)(1) The total amount of credits (or participations in credits) extended under section 23 of this Act shall not exceed $2,933,500,000 for fiscal year 1985.

"(2) Of the aggregate total of credits (or participations in credits) extended under section 23 of this Act, not less than $1,400,000,000 for the fiscal year 1985 shall be available only for Israel, and Israel shall be released from its contractual liability to repay the United States Government with respect to such credits (and participations in credits). Of this amount, up to $150,000,000 shall be for research and development in the United States for the Lavi program and not less than $250,000,000 shall be for the procurement in Israel of defense articles and defense services, including research and development, for the Lavi program.

"(3) Of the aggregate total of credits (or participations in credits) extended under section 23 of this Act, not less than $1,175,000,000 for the fiscal year 1985 shall be available only for Egypt, and Egypt shall be released from its contractual liability to repay the United States Government with respect to such credits (and participations in credits).

"(c)(1) The principal amount of loans guaranteed under section 24(a) of this Act shall not exceed $2,043,500,000 for the fiscal year 1985.

"(2) For the fiscal year 1985, the principal amount of loans guaranteed under section 24(a) of this Act with respect to Greece, Korea, Portugal, Somalia, Spain (so long as Spain is a member of the North Atlantic Treaty Organization), Sudan, and Turkey, shall (if and to the extent each country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.

"(3) Financing may not be provided under this Act for the Philippines for the fiscal year 1985.

"(4) The aggregate total of credits (or participations in credits) extended and of the principal amount of loans guaranteed under this Act for Tunisia shall not exceed $43,000,000 for the fiscal year 1985.

"(5) Financing may not be provided under this Act for Zaire for the fiscal year 1985.".

(c)(1) The principal amount of loans guaranteed under section 24(a) of the Arms Export Control Act for the fiscal year 1984 with respect to Korea shall (if and to the extent that country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.

(2) Paragraph (1) shall take effect on the date of enactment of this Act.

GRANT MILITARY ASSISTANCE

SEC. 102. (a) Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $587,250,000 for the fiscal year 1985.".

(b) For the fiscal year 1985, the value of assistance provided under chapter 2 of part II of such Act—

(1) may not exceed $4,000,000 for Zaire; and

(2) shall be $15,000,000 for Tunisia.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 103. Section 542 of the Foreign Assistance Act of 1961 is amended by amending the text following the section caption to read as follows: "There are authorized to be appropriated to the President to carry out the purposes of this chapter $51,309,000 for the fiscal year 1985.".

PEACEKEEPING OPERATIONS

SEC. 104. Section 552(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $49,000,000 for the fiscal year 1985.".

TERMS OF FOREIGN MILITARY SALES CREDITS

SEC. 105. Section 23 of the Arms Export Control Act is amended to read as follows:

"SEC. 23. SALES CREDITS.—The President is authorized to finance the procurement of defense articles, defense services, and design and construction services by friendly foreign countries and international organizations, on such terms and conditions as he may determine. The President shall charge interest at such rate as he may determine and shall require repayment in United States dollars within a period not to exceed twelve years after the loan agreement with the country or international organization is signed on behalf of the United States Government, unless a longer period is specifically authorized by statute for that country or international organization.".

GUARANTY RESERVE FUND

SEC. 106. (a) Chapter 3 of the Arms Export Control Act is amended by adding the following new section immediately after section 31:

"SEC. 31A. AUTHORIZATION FOR THE GUARANTY RESERVE FUND.—There are authorized to be appropriated to the President for the fiscal year 1985 $114,000,000 to maintain adequate reserves in the Guaranty Reserve Fund against defaults and rescheduling of outstanding loans guarantied pursuant to the provisions of section 24(a) of this Act.".

(b) Section 24(c) of such Act is amended by striking out the second sentence and inserting in lieu thereof "Funds made available pursuant to section 31A of this Act shall be credited to such reserve, shall be merged with the funds in such reserve, and shall be available for any purpose for which funds in such reserve are available.".

ADMINISTRATIVE SURCHARGE

SEC. 107. Subparagraph (A) of section 21(e)(1) of the Arms Export Control Act is amended by inserting "(excluding a pro rata share of fixed base operation costs)" immediately after "full estimated costs".

CATALOG DATA AND SERVICES

SEC. 108. Section 21(h) of the Arms Export Control Act is amended—

(1) by inserting "(1)" immediately after "(h)";

(2) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(3) by adding at the end thereof the following:

"(2) In carrying out the objectives of this section, the President is authorized to provide cataloging data and cataloging services, without charge, to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government provides such data and services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government.".

REPORT ON INTERNATIONAL VOLUME OF ARMS TRAFFIC

SEC. 109. Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a) by striking out "No later than February 1" and inserting in lieu thereof "Except as provided in subsection (d) of this section, no later than February 1"; and

(2) by adding at the end thereof the following new subsection:

"(d) The information required by subsection (a)(4) of this section shall be transmitted to the Congress no later than April 1 of each year.".

SECURITY ASSISTANCE SURVEYS

SEC. 110. (a) Section 26 of the Arms Export Control Act is amended—

(1) in the section caption, by striking out "DEFENSE REQUIREMENT" and inserting in lieu thereof "SECURITY ASSISTANCE";

(2) by striking out "defense requirement" each place it appears in the section and inserting in lieu thereof "security assistance"; and

(3) by adding at the end of the section the following new subsection:

"(d) As used in this section, the term 'security assistance surveys' means any survey or study conducted in a foreign country by United States Government personnel for the purpose of assessing the needs of that country for security assistance, and includes defense requirement surveys, site surveys, general surveys or studies, and engineering assessment surveys.".

(b) Section 26(c) of such Act is amended by striking out "grant that committee access to" and inserting in lieu thereof "submit to that committee copies of".

QUARTERLY REPORTS ON UNITED STATES MILITARY ADVISORS ABROAD

SEC. 111. Section 36(a)(7) of the Arms Export Control Act is amended to read as follows:

"(7) an estimate of—

"(A) the number of United States military personnel, the number of United States Government civilian personnel, and the number of United States civilian contract personnel, who were in each foreign country at the end of that quarter, and

"(B) the number of members of each such category of personnel who were in each for-

eign country at any time during that quarter,

in implementation of sales and commercial exports under this Act or of assistance under chapter 2, 5, 6, or 8 of part II of the Foreign Assistance Act of 1961, including both personnel assigned to the country and personnel temporarily in the country by detail or otherwise;".

INCREASE IN CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS OF THE ARMS EXPORT CONTROL ACT

SEC. 112. (a) Section 38(c) of the Arms Export Control Act is amended by striking out "not more than $100,000 or imprisoned not more than two years, or both" and inserting in lieu thereof "for each violation not more than $1,000,000 or imprisoned not more than ten years, or both".

(b) Section 38(e) of such Act is amended by adding at the end thereof the following: "Notwithstanding section 11(c) of the Export Administration Act of 1979, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services under this section may not exceed $500,000.".

(c) This section shall take effect upon the date of enactment of this Act or October 1, 1984, whichever date is later. The amendments made by this section apply with respect to violations occurring after the effective date of this section.

OFFICIAL RECEPTION AND REPRESENTATION EXPENSES

SEC. 113. Section 43 of the Arms Export Control Act is amended—

(1) in subsection (b) by inserting "and official reception and representation expenses" immediately after "administrative expenses"; and

(2) by adding at the end thereof the following new subsection:

"(c) Not more than $72,500 of the funds derived from charges for administrative services pursuant to section 21(e)(1)(A) of this Act may be used each fiscal year for official reception and representation expenses.".

LIMITATION ON USE OF THE SPECIAL DEFENSE ACQUISITION FUND

SEC. 114. (a) Section 52 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(d) The Fund may not be used for research and development activities, including such activities as re-engineering the engines of F4 aircraft.".

(b) The amendment made by this section shall take effect on the date of enactment of this Act.

WAIVER OF NET PROCEEDS FOR SALE OF MAP ITEMS

SEC. 115. Section 505(f) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "In the case of items which were delivered prior to 1975, the President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 116. (a) Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $125,000,000 for the fiscal year 1984 and $248,000,000 for the fiscal year 1985.".

(b) The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SECURITY ASSISTANCE ORGANIZATIONS

SEC. 117. Section 515(c)(1) of the Foreign Assistance Act of 1961 is amended in the last sentence by striking out "For the fiscal year 1982 and the fiscal year 1983" and inserting in lieu thereof "Pakistan, Tunisia, Yemen, Lebanon, Venezuela".

EXCHANGE TRAINING

SEC. 118. Chapter 5 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 544. EXCHANGE TRAINING.—In carrying out this chapter, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than Service academies) without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.".

TRAINING IN MARITIME SKILLS

SEC. 119. (a) Chapter 5 of part II of the Foreign Assistance Act of 1961, as amended by section 118 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 545. TRAINING IN MARITIME SKILLS.—The President is encouraged to allocate a portion of the funds made available each fiscal year to carry out this chapter for use in providing education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills.".

(b) Section 660(b) of such Act is amended—

(1) by striking out "or" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by adding the following new clause after clause (2):

"(3) with respect to assistance, including training, in maritime law enforcement.".

SPECIAL WAIVER AUTHORITY

SEC. 120. Section 614(a)(4) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(4)(A) The authority of this subsection may not be used in any fiscal year to authorize—

"(i) more than $750,000,000 in sales to be made under the Arms Export Control Act;

"(ii) the use of more than $250,000,000 of funds made available for use under this Act or the Arms Export Control Act; and

"(iii) the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law.

"(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this Act with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph (A)(ii) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A)(i).

"(C) Not more than $50,000,000 of the $250,000,000 limitation provided in subparagraph (A)(ii) may be allocated to any one country in any fiscal year unless that country is a victim of active Communist or Communist-supported aggression, and not more than $500,000,000 of the aggregate limitation of $1,000,000,000 provided in subparagraphs (A)(i) and (A)(ii) may be allocated to any one country in any fiscal year.".

WESTERN SAHARA

SEC. 121. (a) The policy of the United States shall be to support a negotiated political solution to the conflict in the Western Sahara taking into account the principle of self-determination as outlined in the 1981 Nairobi Resolution, to encourage a peaceful internationally recognized settlement, and to maintain direct contacts with all the parties to the conflict. As part of this policy, the United States should carefully consider each type of military assistance it furnishes to any of the parties to the conflict and should seek to insure that the furnishing of such military assistance is consistent with United States policy which seeks a negotiated settlement.

(b) Members of the United States Armed Forces may not perform defense services under the Foreign Assistance Act of 1961 or the Arms Export Control Act or conduct international military education and training activities under chapter 5 of part II of the Foreign Assistance Act of 1961 in the Western Sahara so long as the military conflict between Morocco and the Polisario Front continues in the Western Sahara.

FOREIGN MILITARY SALES FOR JORDAN

SEC. 122. (a) The foreign military sales financing authorized by this Act for Jordan is provided in the hope that Jordan will enter into direct negotiations with Israel, based on United Nations Security Council Resolutions 242 and 338 and the Camp David Accords, in order to resolve the state of war between those two countries.

(b) No foreign military sales financing authorized by this Act may be used to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, and no certification may be made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, unless the President has certified to the Congress that Jordan is publicly committed to the recognition of Israel and to prompt entry into direct peace negotiations with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338 and the Camp David Accords.

CONVENTIONAL ARMS TRANSFERS

SEC. 123. The President shall submit to the Congress a report which examines and analyzes United States policies concerning the export of conventional arms, especially sophisticated weapons, and possible approaches to developing multilateral limitations on conventional arms sales. This report shall examine and analyze—

(1) the lessons of earlier efforts to negotiate restraints on the export of conventional arms;

(2) the evolution of recipient country attitudes regarding conventional arms transfers;

(3) the prospects for engaging the Soviet Union in serious discussions concerning

arms transfers, both globally and as they relate to regional security problems;

(4) possible measures by the United States and Western European suppliers to control levels of sophisticated weapons sales, both regionally and globally;

(5) the relationship between arms exports by Western European countries and the needs of those countries to support their domestic military procurement programs; and

(6) the timing and phasing of international conventional arms control negotiations.

This report should be unclassified to the extent possible, with classified addenda if necessary.

CEILING ON MILITARY ASSISTANCE AND FINANCING FOR TURKEY

SEC. 124. The aggregate total of—

(1) the funds obligated for assistance under chapter 2 of part II of the Foreign Assistance Act of 1961,

(2) the amount of credits (or participations in credits) extended under section 23 of the Arms Export Control Act, and

(3) the principal amount of loans guaranteed under section 24 of the Arms Export Control Act,

with respect to Turkey may not exceed $716,000,000 for the fiscal year 1985.

CONDITIONS ON MILITARY ASSISTANCE FOR TURKEY AND GREECE

SEC. 125. (a) The Congress reaffirms the statements concerning United States policy toward the eastern Mediterranean which are contained in section 620C of the Foreign Assistance Act of 1961, in particular its concerns over the lack of progress toward a just and equitable settlement of the Cyprus dispute and a withdrawal of all foreign troops from the Republic of Cyprus except those permitted by treaty or agreement. The Congress further reaffirms that it shall be the policy of the United States to take full account of the observance by all parties directly involved in the Cyprus dispute of their applicable obligations under international law and treaties and that such observance shall be a factor in determining appropriate levels of military assistance for Greece and Turkey.

(b) For the fiscal year 1985, military assistance may be provided for Turkey or Greece only if the President submits to the Congress a certification with respect to that country stating that—

(1) such assistance for that country is necessary to enable it to fulfill its obligations as a member of the North Atlantic Treaty Organization and will not upset the current balance of military strength among the countries of the eastern Mediterranean region; and

(2) that country is taking steps, including good faith support for the intercommunal talks conducted under United Nations auspices, to achieve a settlement of the conflict on Cyprus and is publicly committed to the prompt withdrawal of all foreign troops from the Republic of Cyprus as part of a settlement, except for those permitted by treaty or mutual agreement; and

(3) in the case of Turkey, that country is continuing to return to democratic rule and to improve its observance of internationally recognized human rights.

(c) As used in this section, the term "military assistance" means assistance under chapter 2 of part II of the Foreign Assistance Act of 1961, credits under section 23 of the Arms Export Control Act, and loan guaranties under section 24(a) of the Arms Export Control Act.

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOMFIELD: Page 3, line 24, strike out the quotation marks and the last period;

Page 3, after line 24, insert the following:

"(6)(A) Of the aggregate amount of financing provided for Greece for the fiscal year 1985 in the form of credits (or participations in credits) extended under section 23 of this Act and loans guaranteed under section 24 of this Act and loans guaranteed under section 24 of this Act, that portion of the financing which is providing in the form of credits (or participation in credits) shall not be less than that amount which bears the same ratio to the aggregate amount of financing provided under sections 23 and 24 for Greece as the amount of credits (or participations in credits) extended for Turkey bears to the aggregate amount of financing provided under sections 23 and 24 for Turkey for the fiscal year 1985. Credits (or participants in credits) extended under section 23 of this Act for Greece for the fiscal year 1985 shall be at a rate of interest equal to the rate of interest charged on such credits extended for Turkey for the fiscal year 1985.

"(B) In addition to amounts otherwise available to carry out section 23 of the Arms Export Control Act for the fiscal year 1985, there are authorized to be appropriated such sums as may be necessary to provide the credits (or participations in credits) for Greece required under subparagraph (A) of this paragraph, and the aggregate ceiling on credits (or participations in credits) extended under section 23 for the fiscal year 1985 is hereby increased by such amount as may be necessary to permit the provision of credits (or participations in credits) for Greece required under subparagraph (A) of this paragraph.".

Mr. BROOMFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROOMFIELD. Mr. Chairman, I am offering an amendment which would allow Greece to receive the same ratio of direct concessional credits—at 5 percent—to its overall amount of FMS financing in fiscal year 1985 as Turkey does.

In short, if Turkey receives 50 percent of its FMS financing as concessional credits, my amendment would allow Greece to also receive 50 percent of its overall FMS financing as concessional credits.

Moreover, my amendment would provide Greece with the same concessional interest rate financing as Turkey receives in fiscal year 1985.

I believe that my proposal will provide a more balanced approach to eastern Mediterranean matters, and I urge my colleagues to support it.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Indiana, the chairman of the subcommittee.

Mr. HAMILTON. I thank the gentleman for yielding.

Mr. Chairman, we have had the opportunity to examine the amendment on this side. We have also discussed it with the gentleman from Michigan. We have no objection to the amendment and support it.

Mr. BROOMFIELD. I thank the gentleman.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, it seems to me that this is a step in the right direction as the gentleman from Michigan has stated. That it is the beginning, if not the culmination, of an evenhanded policy toward those two vital links in the NATO chain.

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the ranking member of the subcommittee, the gentleman from Kansas (Mr. WINN).

Mr. WINN. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from Michigan (Mr. BROOMFIELD) for offering this amendment to H.R. 5421 and for the thoughtfulness and many hours that he spent on this. As one of those who has been deeply involved in the discussions on aid to eastern Mediterranean countries the last couple of weeks, I want to commend the gentleman and say that those on this side of the aisle are in agreement and we accept this.

Mr. BROOMFIELD. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. BROOMFIELD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FEIGHAN

Mr. FEIGHAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FEIGHAN: Page 2, line 8, strike out "$2,933,500,000" and insert in lieu thereof "$2,923,000,000"; and line 14, strike out "$2,933,500,000" and insert in lieu thereof "$2,923,000,000".

Page 3, line 8, strike out "$2,043,500,000" and insert in lieu thereof "$2,008,000,000".

Page 17, strike out lines 12 through 23 and insert in lieu thereof the following:

CEILING ON MILITARY ASSISTANCE FOR TURKEY

SEC. 124. For the fiscal year 1985, the aggregate total of assistance provided for Turkey under chapter 2 of part II of the Foreign Assistance Act of 1961 and under sections 23 and 24 of the Arms Export Control Act may not exceed $670,000,000. Of this amount, not to exceed $217,000,000 may be assistance provided under chapter 2 of part II of the Foreign Assistance Act of 1961, not to exceed $226,500,000 may be

credits extended under section 23 of the Arms Export Control Act, and not to exceed $226,500,000 may be loan principal guaranteed under section 24 of the Arms Export Control Act.

Page 19, after line 15, insert the following:

ADDITIONAL ASSISTANCE FOR CYPRUS

SEC. 126. (a) There is authorized to be appropriated $250,000,000 to provide additional assistance for Cyprus if the President certifies to the Congress that an agreement has been concluded by the Greek and Turkish Cypriots which is supported by Greece and Turkey and which achieves substantial progress toward settlement of the Cyprus dispute. Such an agreement should include an agreement on Varosha/Famagusta, foreign troop levels in the Republic of Cyprus, the disposition of the international airport on Cyprus, or other significant steps which are evidence of substantial progress toward an overall settlement of the Cyprus dispute.

(b) Assistance under this section shall be provided under chapter 4 of part II of the Foreign Assistance Act of 1961, is in addition to amounts otherwise authorized, and is authorized to remain available until expended.

Mr. FEIGHAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

(By unanimous consent, Mr. FEIGHAN was allowed to proceed for 3 additional minutes.)

The CHAIRMAN. The gentleman from Ohio (Mr. FEIGHAN) is recognized for 8 minutes.

Mr. FEIGHAN. Mr. Chairman, the proposal on assistance to Greece, Turkey, and Cyprus that I am offering along with the gentleman from Kansas (Mr. WINN), is consistent with past action by Congress and it also provides an incentive for all parties to the Cyprus dispute to break the diplomatic deadlock on Cyprus.

Specifically, this amendment—which is a bipartisan compromise worked out in negotiations led by the able chairman of the Subcommittee on Europe and the Middle East, Mr. HAMILTON—does two things:

First, it sets a ceiling of $670 million on foreign military sales and credits to Turkey. This is $89 million below the administration's request, and almost $50 million below the amounts approved by the Foreign Affairs Committee in March.

Second, it establishes a special fund of $250 million that will be available to Cyprus if the parties on Cyprus—with the concurrence of Greece and Turkey—conclude an agreement which achieves real progress toward a settlement on Cyprus.

The amendment does not reduce Turkish aid as much as many of us would like. Others believe it goes too far. But all of us can agree with the basic thrust of the proposal, which is a new, creative and—I believe—necessary approach to solving the conflict on Cyprus.

First, by capping military assistance to Turkey at $670 million as I said, an $89 million cut from the administration's request—we are telling Turkey in no uncertain terms that we expect them to help resolve the conflict on Cyprus.

It has been nearly 10 years since 40,000 Turkish troops invaded and divided that tiny island; 10 years since 200,000 Greek-Cypriots were driven from their homes; 10 years since thousands more were killed and captured by Turkish soldiers who were using American weapons in a manner prohibited by American law.

Today, Cyprus remains divided. Over 20,000 Turkish troops continue to occupy Cyprus, and they have been joined by 50,000 Turkish colonists who were lured from the mainland by the promise of land that had belonged to Greek-Cypriots. The Turkish lire is now the official currency of Cyprus, and the Turkish Government in Ankara subsidizes over half of the Turkish Cypriot budget.

These unhelpful actions have been taken despite an increasingly generous program of U.S. foreign aid to Turkey. Since our aid embargo was lifted in 1978, we have sent close to $3.5 billion to Turkey. And administration officials have estimated that future assistance could top $1 billion a year for the next 10 years. All of this aid has been—and will be—provided under the clearly expressed condition that Turkey would cooperate fully in efforts to bring about a solution on Cyprus.

Today, we have to ask if our taxpayers' dollars have been well spent. I submit that they have not. Turkey is working hard to partition Cyprus permanently and consolidate its control over the northern third of that island.

To get a clear picture of this process, we can look back to last November 15 when the Turkish-Cypriots unilaterally declared their part of the island an independent republic. This act—done with the full advice and consent of the Turkish Government—occurred only hours after President Reagan signed a foreign aid bill granting nearly $1 billion to Turkey. Since then Rauf Denktash—the Turkish Cypriot leader—has consistently rejected U.N. efforts to salvage a settlement with a number of provocative actions. In February, he unfurled a new flag; last month, he called for a constitutional referendum and elections; and a short time later, his so-called republic exchanged ambassadors with the Turkish Government in Ankara. Today, Turkey stands alone in its recognition of the Turkish Republic of Northern Cyprus.

This Congress, President Reagan and the international community have all condemned these moves by Denktash and his patrons in Ankara. But this administration's actions have failed to match its tough words. The State Department proposed to increase military aid to Turkey this year, rejecting the legislative mandate linking aid to Turkey to progress on Cyprus.

We in the Congress cannot accept such an increase in the face of continued Turkish intransigence. When the Foreign Affairs Committee considered this bill, we did not reduce Turkish aid below last year's levels because it was hoped that there was a good chance of progress in Cyprus negotiations being conducted under the auspices of the United Nations. We know now that this was not the case. The situation has deteriorated sharply, and the Republic of Cyprus has been compelled to take its case to the U.N. Security Council. The cap on military assistance, which has been agreed to by Members on both sides of the aisle, is a clear expression of congressional frustration over the deadlock on Cyprus.

But expressions of frustration and cuts in assistance, while necessary and useful, are not the only way to achieve progress. We also must focus constructive energy on ways of encouraging the parties on Cyprus itself to work out their differences.

That is why this amendment also authorizes the establishment of a special peace and reconstruction fund for Cyprus. It authorizes $250 million that will be available to Cyprus if the divided parties on that island conclude an agreement which achieves substantial progress toward settlement of the Cyprus dispute. We do not want to dictate the terms of such an agreement, but we envision that it should include agreement on the abandoned city of Varosha, an agreement regarding foreign troop levels in the Republic of Cyprus, and an agreement regarding the disposition of the international airport in Nicosia.

Let me also emphasize that this money will not be provided to Cyprus until both the Greek-Cypriots and the Turkish-Cypriots—with the approval of both Greece and Cyprus—have signed a settlement. Vague demonstrations of progress in negotiations are simply not enough. No money will be provided unless there is a tangible agreement among all parties to the dispute.

Before I conclude I would also like to emphasize the bipartisan nature of this amendment. It has been worked out in the spirit of constructive compromise during negotiations led by the chairman of the Subcommittee on Europe and the Middle East, Mr. HAMILTON, and the ranking minority member of that subcommittee and cosponsor of the amendment, Mr. WINN. The gentleman from Pennsylvania (Mr. YATRON) and the gentleman from

New York (Mr. SOLARZ) also devoted substantial time and energy to hammering out an agreement. And of course, without the consistent leadership of our chairman, Mr. FASCELL, this compromise would have been unlikely.

I urge all of my colleagues to support the amendment.

□ 1320

Mr. WINN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first, I want to commend the gentleman from Ohio (Mr. FEIGHAN) for his very substantial and clarifying remarks dealing with the Feighan-Winn amendment.

This amendment is a hard fought compromise among Foreign Affairs Committee Republicans and Democrats, liberals and conservatives and Members on both sides of this difficult, sensitive issue.

The fact that both Mr. FEIGHAN and I are offering this amendment today signals that all forces are joining together. This amendment is supported by and was drafted with the help of Chairman FASCELL and ranking Republican BILL BROOMFIELD, LEE HAMILTON, GUS YATRON, STEVE SOLARZ, and ROBERT TORRICELLI. Without the help of those gentleman in the many, many meetings we have had, we would probably not be able to put together this agreement and compromise.

Our primary objectives in this amendment are to assure the U.S. national security interests and to stimulate a settlement of the Cyprus dispute.

In trying to achieve these objectives, we had to reconcile in the committee differing approaches to those ends.

I personally believe and agree with the administration that deep cuts in United States aid to Turkey will not stimulate a Cyprus settlement. To the contrary, deep cuts such as that voted by the Senate Foreign Relations Committee will only antagonize Turkey and the Turkish-Cypriots and drive them away from the peace process. But I also share the feelings of those who express great disappointment, frustration, and anger over the November 15 unilateral declaration of independence by the Turkish-Cypriots and ensuing events. Congress has an obligation to express its concern that the UDI was not helpful to the peace process.

In approving aid levels for this region, we must also, of course, consider U.S. national security interests and NATO concerns.

We are also trying a novel approach in this amendment by authorizing a $250 million fund to promote a Cyprus settlement. The President would use moneys provided in this fund for Cyprus in the event that an agreement has been concluded which achieves substantial progress toward a settlement of the Cyprus dispute. Such an agreement could include—but as Mr. FEIGHAN said, we did not specify—and we would hope that it would include an agreement on Varosha, or a reduction of the foreign troop levels or an agreement on the international airport. All of these are important issues which could lead to a comprehensive settlement of the Cyprus dispute.

This fund parallels the $250 million fund proposed yesterday by President Reagan.

At this time I enter into the RECORD the statement of the President:

STATEMENT BY THE PRESIDENT

At the end of this month I will meet with the Foreign ministers of all the NATO countries to mark the thirty-fifth anniversary of NATO's founding. The alliance is sound. But continuing disagreements between two vital members of the Alliance, Greece and Turkey, are of great concern. Because our friendship with each country is so important, and because their need for one another is so great, special efforts must be made to reduce disagreements and promote harmony—particularly on the island of Cyprus, which has become a focal point of tension.

Successive administrations have tried unsuccessfully to solve the painful dispute which has divided Cyprus into separate Greek and Turkish communities. Over the last several years the Secretary General of the United Nations has worked painstakingly to keep the parties talking to one another. In November, after the Turkish Cypriot declaration of independence, the U.S. condemned the action and called for its reversal, while also working to encourage the parties to move forward in making real progress. On January 2, the Turkish Cypriots responded by proposing a series of good will measures, offering among other things to turn over part of the coastal city of Varosha to the U.S. for eventual Greek settlement. A few days later the Government of Cyprus proposed new guidelines for a comprehensive settlement. Turkey itself announced the removal of 1,500 troops from Northern Cyprus. And the Secretary General of the United Nations was preparing to meet with the parties to discuss his own plan. We welcomed these developments as positive steps. Movement was at last occurring.

At this point, less than two months ago, Secretary Shultz wrote leaders of the Congress to caution that cuts in the Turkish assistance program could risk endangering this progress. Unfortunately, important NATO-related funding for Turkey was nonetheless cut in Committee, no doubt in the mistaken hope that this would somehow stimulate progress on Cyprus. As a result, diplomatic efforts quickly ground to a halt.

We are now working to get diplomacy back on track. We have assured U.N. Secretary General Perez de Cuellar of our continuing support for his efforts to bridge the gaps between the Greek and Turkish comminuties of Cyprus.

I understand the frustration in the Congress and elsewhere about the need for progress. Indeed, I believe the time has come to try a new and more positive approach. Rather than punishing Turkey, let us focus constructive energy on ways of encouraging the parties on Cyprus itself—for it is here, ultimately, that differences must be resolved. The Administration and the Congress need to work together to recreate conditions conducive to successful diplomacy. We ask the Congress to work with us by supporting my request for security assistance for our Greek and Turkish allies, and by removing punitive conditions on that assistance. In return, I am prepared to work with the Congress in committing now to a special Cyprus Peace and Reconstruction fund of up to $250 million. Specific authorizations would be requested at such time as a fair and equitable solution acceptable to both parties on Cyprus is reached, or substantial progress is made toward that end. I intend this commitment to be a symbol of the shared concern of the Administration and the Congress for promoting genuine results on Cyprus.

Peace cannot be bought. But peacemakers should know that the U.S. is prepared to go to great lengths to ensure that their labors are transformed into an enduring achievement. A reunified, stable and secure Cyprus would be such an achievement.

We need to recognize, however, that our security assistance to Greece and Turkey is not given as a favor, but rather to deter aggression upon NATO. U.S. national interests are at stake. Greek security needs deserve to be fully met. And Turkey—working to strengthen democracy, curb terrorism, and defend NATO along its vast common border with the Soviet Union—also deserves every penny we have requested.

The path ahead will not be easy. But bringing harmony to NATO's southern flank and to the troubled island of Cyprus is a goal worthy of our most special efforts.

This initiative is receiving strong positive action. I would like to read, for example, the reaction of the British Government to the proposed fund and the initiative:

Her Majesty's government welcomes the initiative announced yesterday by President Reagan to establish a Special Cyprus Peace and Reconstruction Fund of up to dollars 250 million. We understand that this can be drawn on when an equitable solution acceptable to both parties on Cyprus is reached or substantive progress made towards the end. We continue to hope for a peaceful, just and lasting settlement to the Cyprus question and fully support the Secretary General of the U.N. in his efforts to this end. We are in close contact with him in New York as the Security Council debate proceeds. We believe that President Reagan's proposal should give further encouragement to the parties most directly concerned to find a solution to the problems which so tragically divide the island.

□ 1330

Here we are trying a positive incentive approach to the Cyprus conflict. This amendment, in brief, offers a carrot and a stick. I believe that this approach carries with it a greater promise of stimulating significant progress toward a Cyprus settlement than any approach that we have tried to date, and any other that might be considered here today.

So I urge my colleagues' support for the Feighan-Winn amendment.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to address several inquiries to the gentle-

man from Ohio (Mr. FEIGHAN) who has offered us this amendment, if he is agreeable.

Mr. FEIGHAN. Certainly.

Mr. BROWN of Colorado. Thank you.

If I understand the gentleman's amendment correctly, it will involve a potential increase in foreign assistance of $160 million? Would that be correct?

I yield to the gentleman from Ohio for his response.

Mr. FEIGHAN. That is correct in terms of the overall impact, but it is in fact a potential, because the special fund, the peace and reconstruction fund that we are creating under this amendment, if progress is made toward a solution to the conflict that exists in Cyprus, would be a fund that we are appropriating up to $250 million.

So it would be within the administration's discretion to determine how much of that $250 million would actually flow. If we find that we have a partial peace process that is underway in northern Cyprus or on Cyprus the determination may be made in the administration that $25 million should flow for specific purposes.

We may find, for example, that there is an agreement reached on the resettlement on the city of Varosha Famagusta, and in order to allow for the resettlement of that community, the administration may release another portion of the money. So it does have the potential impact that you identify, but it is within the exclusive judgment finally, of the administration.

Mr. BROWN of Colorado. I thank the gentleman from Ohio.

Mr. Chairman, I like to make three points with regard to this amendment. I know the Members involved in offering this amendment and I have the highest respect for them. They have labored to bring a proposal of merit to this committee.

I am going to oppose this amendment for three reasons: First of all, in the CONGRESSIONAL RECORD of April 2, 1984, the voting record within the United Nations was listed for a number of countries around the world. The record of Cyprus is a very clear, distinct record. Cyprus voted against the U.S. position 82 percent of the time. It would be difficult to imagine how they could have voted against us more. What we are doing is providing a massive potential amount of foreign aid to a country that has opposed the position of the United States consistently.

It says to those in the United Nations that intense opposition to the position of this country may well result in an enormous reward in terms of foreign assistance.

Second, I am going to oppose this amendment because it does involve a potential increase in foreign assistance of $160 million.

Third, I am going to oppose this because I believe the money can be far better spent in terms of reducing our deficit; in terms of lowering interest rates in this country. If we are really sincere abut straightening out the economic problems of this country and countries around the world, we cannot overlook the impact this amendment will have in increasing our deficit even more; increasing interest rates even more.

I would hope that we as a body would begin to set priorities. If indeed, this objective is a good one, I would hope they would fit it into the massive amount of foreign assistance that is already in this bill.

This bill includes an enormous increase in foreign aid. Surely we do not need to increase it beyond that. If we are really serious about the value of this pot of money put forth for Cyprus, I believe that money should come out of existing funds that are in the bill already, not in an additional amount to be levied on the taxpayers of this country.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding to me.

I was interested in the report that the gentleman rendered as to the voting record of Cyprus in the United Nations. I wonder if the gentleman has researched the voting record of Turkey?

Mr. BROWN of Colorado. I have here the report out of the CONGRESSIONAL RECORD of April 2, 1984, and I will be happy to find Turkey for you.

Turkey's record, I am told, is 40.5 percent in agreement with us, whereas Cyprus voted with us 18 percent of the time.

Mr. GEKAS. So Turkey voted 60 percent against the United States in the United Nations, is that correct?

Mr. BROWN of Colorado. Yes.

Mr. YATRON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from Ohio's enduring commitment to bring about a just and lasting solution to the Cyprus dispute. I salute the chairman of the Europe and Middle East Subcommittee, Congressman HAMILTON, and the ranking minority member, Congressman WINN, for the leadership they have shown in crafting this amendment. I also commend Chairman FASCELL and other members for their support of this initiative.

Mr. Speaker, I would have preferred deeper cuts in the administration's military assistance request for Turkey. However, in the interest of forging a bipartisan consensus on what has been one of the most contentious issues in the international community, I felt it prudent to support a $50 million reduction in the Foreign Affairs Committee recommendation which is an overall $85 million cut in the administration's request.

Mr. Speaker, 10 long years have passed since the Turkish invasion of Cyprus and still there is no settlement. The Greek Cypriots, unwavering in their commitment to a just and peaceful resolution to a conflict which has divided their country, are continually frustrated by Turkish intransigence and the occupation of northern Cyprus by thousands of Turkish troops. Mr. Denktash, the leader of a Turkish Cypriot community which comprises approximately 18 percent of the Cypriot population, continues to control 40-percent Cypriot territory. His demands are extraordinary: He wants 50 percent of the government and 50 percent of all the land in Cyprus. These ludicrous demands make the proposals by the guerrillas in El Salvador seem reasonable in comparison. But as long as he enjoys the support of Ankara and thousands of Turkish troops, it is doubtful Mr. Denktash will negotiate a settlement. Moreover, given the steps the Turkish Cypriot community has taken to consolidate its control over northern Cyprus, I can only conclude that Turkey is closer to achieving its ultimate goal: the annexation of northern Cyprus.

To those who argue that our security interests in Turkey override events in Cyprus, let me simply say that it is because of U.S. security interests that we must press for a solution and the withdrawal of Turkish forces. Should the conflict in Cyprus prevail, we risk a military exchange between two NATO allies: Turkey and Greece. At a time when Soviet aggression throughout the world is on the rise, can we afford to have escalating tensions in NATO's southern flank? Must there be new bloodshed in Cyprus before the United States seeks to effectively address this 10-year tragedy? And to those who would contend that this conflict is not a concern of the United States, let me simply remind our colleagues that it was the Congress which appropriated the military assistance for Turkey which was used in an illegal act of aggression against Cyprus. As the leader of freedom and democracy, the United States must stand square behind a Cyprus settlement and the withdrawal of all Turkish forces.

This amendment recognizes that, yes, we have important security interests in Turkey but it also sends a clear message to Ankara that the American people will not passively comply with Turkey's aggression in Cyprus.

□ 1340

Ms. SNOWE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment, and I would like to commend my colleagues, the gentleman from Ohio, the gentleman from Kansas, the gentleman from Indiana, the committee chairman, and the ranking member of the committee, for reaching this compromise on what is a very difficult issue.

Frankly, I do not think it goes far enough, and I am not optimistic that this compromise will resolve the situation that has existed for more than a decade and has only gotten worse.

Mr. Chairman, in considering the proper U.S. position on this issue, I believe we should begin by asking ourselves two simple questions:

Does the present impasse on Cyprus endanger U.S. interests in the eastern Mediterranean? If so, do we have a duty to provide incentives for positive action on Cyprus?

I believe the answer to both questions must be "Yes."

I recognize that there are two schools of thought on this issue. Some people still cling to the belief that the United States can best encourage settlement on Cyprus by separating that issue from broader U.S. interests in the region. But now, after 10 years of discussion, I can no longer believe that Turkey will show a genuine interest in ending its illegal occupation of Cyprus unless it is given a reason to do so.

This issue is not whether it is constructive to offer incentives for Turkey to seek progress on Cyprus. The two are already linked. Since 1978 we have provided Turkey with aid totaling $3.5 billion, aid conditioned upon Turkey's full cooperation in the effort to achieve a solution on Cyprus. Each year Congress hears promises. We are told that the prospects are good for substantial progress in some ongoing negotiation. But, if there is always some imminent breakthrough in negotiations during foreign aid season in Congress, I am puzzled why—year after year—the situation only gets worse.

As each year goes by, Mr. Denktash, the Turkish-Cypriot leader, takes new steps to entrench Turkish occupation of northern Cyprus. Last fall, just 3 days after Congress approved the foreign aid appropriation which provided more than $1 billion for Turkey, Mr. Denktash declared unilateral declaration of independence for his enclave on Cyprus. This action was followed by a number of curiously timed actions. In March the Foreign Affairs Committee accepted only minor cuts in military aid for Turkey, deferred final action, out of concern that we not upset seemingly promising negotiations. We were told that Mr. Denktash was willing to freeze implementation of his unilateral declaration of independence. We were told that he was willing to return the vacant town of Varosha/Famagusta to its Greek-Cypriot inhabitants, as requested by the Secretary-General of the United Nations. After the action of the committee, however, an independent flag was raised over northern Cyprus; northern Cyprus and Turkey exchanged ambassadors; and Mr. Denktash denied any intention of returning Varosha even as a goodwill gesture.

Now, as we consider this bill, not surprisingly, Mr. Denktash is responding once again—after a delay of several months—to the diplomatic efforts of the Secretary-General of the United Nations. Hints are coming out of Turkey and northern Cyprus that Mr. Denktash has offered the return of Varosha in secret proposals recently made at the United Nations.

I want to feel optimistic about the negotiations which, once again, have become suddenly active just as Congress considers foreign aid legislation. But given the history of the last 10 years, I am wary of rewarding, in advance, recycled promises.

This amendment offers a new approach. I believe the modest cuts in military aid to Turkey are more than justified, and will send the message that Congress will no longer accept inaction on Cyprus. The positive incentive of a $250 million development fund, however, will outweigh this punitive measure if Turkey is willing to seek a settlement on Cyprus—as we are so often told.

My greatest fear, Mr. Chairman, is that if we do not act, Cyprus will become permanently partitioned. This would be a tragedy for the people of Cyprus, who have already suffered so much. But we should be concerned for more reasons than our belief in the worth of international law and the sovereign rights of nations. Permanent partition would mean de facto annexation of northern Cyprus by Turkey. The entity on northern Cyprus exists today only through the presence of Turkish troops. Even now, the budget of northern Cyprus comes mostly from Ankara, and residents of northern Cyprus use Turkish currency, Turkish passports, and Turkish mail service. Given the realities of Cyprus, Turkey's claim to have no influence with Mr. Denktash rings hollow.

The CHAIRMAN. The time of the gentlewoman from Maine (Ms. SNOWE) has expired.

(By unanimous consent, Ms. SNOWE was allowed to proceed for 2 additional minutes.)

Ms. SNOWE. Mr. Chairman, the situation in the eastern Mediterranean may seem bad now, with Greece questioning the worth of its NATO alliance due to inaction over Cyprus, and with Turkey concentrating so much of its military resources on Cyprus and the Aegean coast. But imagine the situation a few years from now if there is no progress on the settlement in Cyprus. Permanent partition of Cyprus would almost certainly lead to a military buildup by both Greece and Turkey on opposing sides of the island. An increasingly militarized Aegean would bring with it the constant threat of confrontation, and would further undermine NATO strength along its southern flank in the eastern Mediterranean.

As we consider this amendment, we should all remember that the issue is not just Cyprus. Nor is it just a matter of choosing between Greece and Turkey. We must also recognize the great damage the impasse on Cyprus has already done to United States security interests in the eastern Mediterranean. We must recognize that we cannot vote to continue the status quo. We cannot allow the perpetuation of the status quo. The current situation is one of unfulfilled promises and steady deterioration. We can, however, vote for incentives to reward progress. That, certainly, should be the intention of this Congress.

Mr. Chairman, there is no way, in response to what the gentleman from Colorado said, that we can precisely measure one's loyalty to the United States. For example, Cyprus was the only country in the area that was willing to take our wounded marines in Beirut. In fact, Turkey refused to allow the United States to land on our American bases in Turkey with our wounded marines.

So, I do not think there is any question here as to who is more loyal than the other. It is in our interest to resolve the conflict in Cyprus. It has been 10 long years, and the situation has deteriorated. It is our responsibility to interject with our policy what we think is best, and what would best represent the U.S. foreign policy in Cyprus.

Mr. BROOMFIELD. Mr. Chairman, I compliment the gentlelady from Maine and share her concerns.

I reluctantly support this bipartisan agreement proposed by Mr. HAMILTON, Mr. WINN, and Mr. YATRON on military assistance to Turkey because of my deep concern about the lack of significant progress on the Cyprus problem, and in particular, the continuing Turkish military presence on the island.

Nearly 10 years ago, Turkish troops invaded Cyprus using American weapons to occupy the island. To this very day, nearly 20,000 Turkish troops on Cyprus continue to operate 300 U.S.-made tanks, 250 U.S. armored personnel carriers, 500 U.S. artillery pieces, as well as American antiaircraft and antitank weapons. All of this is U.S. equipment given or sold to Turkey for

defense and not for use in an offensive operation apart from Turkey's NATO responsibilities.

Since the invasion, thousands of innocent Cypriots have been killed, many remain missing, and families have been traumatically forced from their homes and villages. This forced occupation by the Turks has imposed political, economic, and military hardships on the people of Cyprus, enacting heavy social and cultural burdens as well.

About 40 percent of Cyprus is under Turkish Cypriot control, and in particular, the Turks, who control the Famagusta (Varosha) area, will not permit the people to return to their homes, let alone their very birthplaces. In a sense, the Turkish military has created an iron curtain between the people of Cyprus and the towns they once lived in. Despite the many Turkish promises, Famagusta remains a ghost town with an uncertain future.

Furthermore, with nearly 20,000 troops on the island, Turkey is violating the 1959 treaty which was designed to insure the sovereignty of Cyprus and limit the number of troops for both Greece and Turkey. This agreement limits the total number of Turkish troops to 650.

I fully recognize that efforts to demilitarize the island have been attempted, especially within the United Nations. Turkey's recognition of the newly independent Turkish Republic of Northern Cyprus, and the exchange of ambassadors between Turkey and the so-called independent state, only aggravates the situation.

While many say that progress on Cyprus is being made through Turkish promises to return Famagusta, it has not happened. While the Secretary-General of the United Nations has worked painstakingly to keep the parties talking to each other, northern Cyprus recently declared itself an independent Turkish-Cypriot republic apart from the Greek-Cypriot community on the Mediterranean island. I am especially angered and saddened by the recent insensitivities of this illegal action as well as Turkey's complicity in the unilateral declaration.

After so many years of waiting for a settlement, I am truly disappointed that so little progress on this matter has been made. As a result, I firmly believe that continued delays on the part of all parties will only serve to weaken relations with NATO and the United States.

Something must be done to remedy the current tragic situation. I believe that this compromise, which includes a $90 million cut from the administration's request for Turkey, is at least a symbolic first step to resolve the Cyprus situation, and I reluctantly support it.

Mr. TORRICELLI. Mr. Chairman, I move to strike the requisite number of words, and I, too, rise in support of the amendment and to commend my colleague from Ohio and our very able chairman of the Subcommittee on Europe and the Middle East, the gentleman from Indiana (Mr. HAMILTON), for his help in bringing us to this important day in this critical statement.

This amendment achieves several important objectives for our country. First, it is an unmistakable message that America has not forgotten. We remember Cyprus, and we recognize our responsibility to work toward a just solution. It is a reminder to the world that the issue of Cyprus will not go away. It is with us, and America will continue to watch and work for a just solution.

Second, this amendment is a message delivered without compromising American or NATO security in the region. It is fair to each of our NATO allies, and recognizes our primary responsibilities. It is a message that includes part of the President's concept of reward for progress toward settlement. But mostly, it is a statement and it is a compromise that recognizes that the principal danger to the United States in the region is to allow the problem on Cyprus to continue.

NATO knows no greater threat today than the continued tension and potential conflict, indeed danger, that conflict between Greece and Turkey would mean to the United States. The United States is not a bystander in the Eastern Mediterranean. Any threat to NATO security is a threat to our own security as well.

I urge support for this amendment because it is simple justice on Cyprus, it is a simple and a fair message to Greece and Turkey, and I urge all Members to join in support.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to rise in support of the Feighan-Winn compromise amendment addressing the issue of assistance to Turkey, Greece, and Cyprus offered by the gentleman from Ohio (Mr. FEIGHAN) and the gentleman from Kansas (Mr. WINN), and I want to commend them and the entire negotiating team consisting of Chairman FASCELL, our ranking member, Mr. BROOMFIELD, our subcommittee chairman, Mr. HAMILTON, Mr. YATRON, and Mr. SOLARZ, for working so hard in hammering out this compromise proposal.

This amendment reduces by $85 million from the administration's request down to $670 million the level of U.S. military assistance to Turkey. More important, this proposal offers an incentive to Turkey, Greece, and Cyprus for economic assistance in the amount of $250 million if and when the President determines that the parties to the conflict on Cyprus demonstrate good faith efforts in equitably and fairly resolving the territorial and other issues that comprise this dispute.

Mr. Chairman, many of us in the Congress have long been concerned by the dismal lack of progress that has bedeviled that attractive island-nation ever since Turkey, in 1974, sent in its occupation troops. Estimates place the number of Turkish troops on Cyprus at 20,000, with more than 200,000 Greek Cypriots remaining as refugees since the Turkish incursion into the northern part of the islands.

Since 1984, 2,500 U.N. peacekeeping troops have manned the green line dividing the Turkish and Greek Cypriot areas. The United Nations has also used its good offices over the years to produce an acceptable settlement of divisive issues. However, assistance from Turkey to the Turkish Cypriots and the continuing presence of Turkish troops on Cyprus have scuttled efforts to secure a workable peace on Cyprus.

In November 1983, the situation on Cyprus was exacerbated when the leader of the Turkish Cypriot community, Rauf Denktash, unilaterally declared an independent Turkish Republic of Northern Cyprus. That act, which was deplored by the United Nations Security Council, risks an expanded deterioration in relations between the United States NATO allies, Greece, and Turkey. Indeed, Turkey's lone decision to recognize and to assist the newly declared government was widely criticized and can only be seen as a major impediment to sincere peace efforts.

Mr. Chairman, it is my hope that passage of the amendment before us will be perceived by Turkey as a signal that while the United States is willing to authorize a reasonable sum of military assistance to bolster our NATO ally, our Nation insist that Ankara assign a top priority to ending the conflict on Cyprus. It is our intention also that the additional $250 million Cyprus peace and reconstruction funding provided by this amendment will provide an incentive which will help lay the groundwork for promoting cooperative initiatives among the Turkey, Greece, and Cyprus parties to the Cyprus disputes.

Accordingly, I urge colleagues to support this amendment.

□ 1350

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I must confess to having somewhat mixed feelings about this amendment.

On the one hand, I literally stand in awe of the achievement of my very

good friend and colleague, the distinguished gentleman from Indiana, who, together with the gentleman from Kansas (Mr. WINN), the gentleman from Pennsylvania (Mr. YATRON), the gentleman from Ohio (Mr. FEIGHAN), and the gentleman from New Jersey (Mr. TORRICELLI), was able to shape this compromise. Not since Henry Clay sat in that chair and facilitated the so-called Great Compromise which avoided a civil confrontation in our country over a century ago has there been an example of such fine legislative craftsmanship as the proposal which we have before us today. And I should also add that I have a profound sense of admiration for the willingness on the part of the gentleman from Pennsylvania (Mr. YATRON) and the gentleman from Ohio (Mr. FEIGHAN) who have very deep feelings about this issue, to cooperate in the effort to construct a broad bipartisan consensus on this issue.

I know it was not easy, and I think they acted in the best traditions of constructive statemanship in the House of Representatives.

On the other hand, however, I must confess to a deep sense of disappointment that it was not possible at this stage of the legislative process to secure broader support for a larger authorization of funds for Turkey, because it seems to me that there is very little doubt that Turkey is a country of enormous importance to the West in general and to the United States in particular.

Together with Greece, it is the key to the defense of the Southern flank of NATO. It has the second largest army in the Western Alliance. It ties down 26 Warsaw Pact divisions that might otherwise be shifted to the critical central front.

Through its possession of the Bosphorus and the Dardanelles, together with its early warning and antiaircraft system, it is the key to the survival of the 6th Fleet and its control of the Mediterranean, which in turn is a necessary condition if we are going to preserve the rest of our European friends from what otherwise could be a cutoff of a large part of the petroleum supplies on which they depend for their very existence. And there is equally little doubt that Turkey desperately needs substantially more military assistance. The equipment on which it relies is by and large of Korean war vintage. They fight with 1950 generation aircraft. They need new, advanced combat aircraft, and they need upgraded tanks. It would be very easy to justify a substantially greater level of aid to Turkey in purely military terms than the amount authorized in this amendment.

But we are told by some of the Members who are deeply concerned about the failure to achieve any progress on Cyprus that it is important to send a message to Turkey in order to get some progress in solving the Cyprus problem.

I share their concern about the inability of the parties concerned to get a Cyprus settlement.

I would like to see the Turkish forces withdrawn from Cyprus. I would like to see a reunited Cyprus. I would like to see a Cyprus in which Turks and Greeks can live and work together. But I cannot really understand how anybody can seriously believe that this modest cut in the level of our assistance to Turkey is going to produce progress on Cyprus. If we were unable to produce progress on Cyprus by beating the Turks over the head with a baseball bat when we adopted the embargo almost a decade ago, I do not see how we can possibly achieve progress on Cyprus by slapping the Turks on the wrist with a wet noodle, which is in effect what the cut in this amendment is attempting to do.

I think the lesson we have learned over the last decade is that the problem on Cyprus is not going to be solved by additional American pressure with respect to Turkey. To be sure, lifting the embargo did not solve the problem either. So as it turned out, neither putting pressure on them nor not putting pressure on them was adequate to do the job. Therefore, I think it is a mistake to link the two.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(By unanimous consent Mr. SOLARZ was allowed to proceed for 1 additional minute.)

Mr. SOLARZ. Mr. Chairman, I think it is a mistake to link the two even implicitly, and in that sense I am disappointed that we could not have a more generous level of funds for Turkey in this bill.

Nevertheless, to the extent that there may be some signals emanating from this Chamber, I hope that those who are looking at what we do today will recognize that this is but the beginning of the process. It is not the end of the process. There is still a way to go, and I am hopeful we will be able to improve on this otherwise constructive amendment, which I gather we will soon be adopting on the floor, when we go to conference.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

□ 1400

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do rise in opposition to this amendment and in doing so I commend the gentleman from Indiana (Mr. HAMILTON) and the gentleman from Kansas (Mr. WINN) for their very best effort to find a compromise on an issue about which people feel so strongly and an issue on which opinions are quite diverse. Nevertheless, I do support the emphasis that is placed on finding a solution to the continuing severe problems of Cyprus which splits our NATO allies and creates all kinds of concerns for Americans.

While I expressly support that emphasis, I must oppose the amendment, because I think, first of all, an issue of this gravity on which the participants are all members of the Foreign Affairs Committee should have been presented and thoroughly debated first in the Foreign Affairs Committee.

Second, and most importantly, I do not believe that the amendment as now drafted is even-handed, despite the best efforts of the two gentlemen.

Third, a few moments ago my colleague from New York pointed out the importance of Turkey as a NATO ally. I would emphatically endorse his comments on that subject.

Earlier the gentleman from Colorado (Mr. BROWN) presented information to you about the level of support given by Cyprus to the United States during the 38th plenary session of the United Nations. I believe it was 18 percent. In response to a question of the gentleman from Pennsylvania as to the support for the United States by Greece, he said that figure was only 28.8 percent. Sometimes one should know the full answer to the question before asking the questions. For example, the level of support for the United States from Turkey, for what any of this means to our debate here, was 40.5 percent, more than Cyprus or Greece by substantial margins. I actually have doubts whether these figures are not really the most relevant factors to consider on the important issue here today. Yet this member does share some of the concerns the gentleman from Colorado expressed.

It takes two sides to find a solution to the thorny problems that plague Cyprus—that means both Turkey and Greece.

This member and four other Members of this House were in Istanbul the day the new, democratically elected President of Turkey took office.

It is my understanding, based, I believe, an accurate report that an offer was made by the new President of Turkey to begin negotiations. It was rejected out of hand by the Government of Greece as being insincerely offered. Indeed, there are two sides that must be considered on the problems that we see exhibited in Cyprus and in the relationships between these two great NATO allies. Criticism can be directed toward actions by Greece and Turkey. We must emphasize, therefore, the responsibilities that weigh heavily on the leaders of both these nations.

I have here a collection of strident anti-American, anti-Israeli and anti-

Semitic statements and actions by the Papandreou government in Greece. I do not intend to use them here unless provoked. They are shocking. I think they would shock and anger the American public.

I have asked for unanimous consent to revise and extend my remarks, Mr. Chairman, and I do not expect to have to use these Papandreou statements and actions, nor to offer the two amendments that I have ready to the Feighan amendment. It really depends on what happens in the course of debate and especially on the uneven or strident criticism that might be directed only against Turkey. It is my understanding that my colleagues will not provide such comments through a revision of their remarks.

I want to do the responsible thing and to keep our allies working together as much as possible.

There are difficulties in Greece. We know about them. They spring in part from the policies of the Socialist government in Greece, but it is wrong and devisive for the NATO alliance and for Mr. Papandreou to use anti-Turkey and anti-American statements to distract Greek attention and opinion from those domestic difficulties

Mr. Chairman, this is a very serious matter that we are considering here today. It is a matter that I think should have been handled in committee. It is a matter of unequal approach favoring Greece that we must not continue from year to year. We should expect to exert every kind of possible reasonable pressure and influence on the Governments of both these two NATO allies to find a solution to the problems of Cyprus. The Government of Greece does not feel the urgency of our concern and certainly will not after the passage of this one-sided amendment. I stand behind an approach to find an equitable solution to the problems in Cyprus, but I must out of a sense of fairness and a concern for the integrity of NATO, oppose this amendment.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Just a few very quick observations about the amendment, Mr. Chairman. First of all, I want to commend my colleagues who have worked on this issue and discussed it here today. We all understand it is a very divisive topic and that feelings on it are strong.

I am impressed by the responsible and civil manner in which this difficult problem has been discussed on the floor.

I want to say a word of special appreciation to our colleague from Kansas, Congressman WINN, the ranking member of the Europe and Middle East Subcommittee, because the incentive package was really his idea and that is the basis of this amendment. He deserves credit for that. Others have certainly contributed to the amendment and they have proceeded in a most constructive and responsible way.

The gentleman from Kansas (Mr. WINN), of course, the gentleman from New York (Mr. SOLARZ), also, the gentleman from New Jersey (Mr. TORRICELLI) and others as well deserve commendation.

Three very quick comments, Mr. Chairman. The first is that this amendment really does represent a new approach to seeking progress toward a Cyprus settlement by trying to induce the parties to achieve progress.

In the past we have always sought only to punish the parties. This time we have also put an incentive package out in front of them, and, if an agreement is concluded which brings about substantial progress, Cyprus will lay claim to that incentive package.

The approach of trying to punish the parties has not worked in the past. These positive incentives may work and should be given a chance.

The second point I would make is simply that this amendment does indeed represent a compromise among many members of the committee. It is not all that several Members wanted, but it represents a consensus among the members of the committee who seek to avoid a divisive fight here in the House.

The final point simply is this, that the United States has very important relations with Turkey, with Greece, and with Cyprus. Those interests have been spelled out in the course of this debate.

We need to take into consideration each of those interests as we look at the eastern Mediterranean today. We need to preserve the delicate ties that we have with each of these three countries and that is exactly what this amendment seeks to do.

So I would urge the Members to approve the Feighan-Winn amendment.

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from California.

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the amendment, although I wish it went further.

Do not accept that we can compromise these principles for expediency and strategic concerns and long maintain an effective foreign policy. We have a serious responsibility to recognize that if we provide weapons and funds for defensive purposes and these weapons are used for aggressive purposes we share in the responsibility for these acts. We cannot claim that we do not know the cold reality of the uses to which our assistance program for Turkey have been put. If we continue to fund this program and do not at least make a gesture of reduction, there will be a blot on the honor of our country that we did nothing to protect the people of a tiny friendly nation of Cyprus from the dark designs of a powerful neighbor.

We have before us a clear choice of principle. We must not reward aggression and conquest of neighbor's territory with increased assistance and military credits. We must always remember that in the long run the security of our country rests on our honoring the principles and ideals of human rights, international law, and simple justice on which our foreign policy must rest.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I rise in support of this compromise which has been worked out. I have asked to revise and extend to set forth the full extent of what I would like to say.

I would like to remind those who have stood up and opposed this compromise and talked about the problems of these countries as they relate to the interests of the United States that we have these continuing problems, but that does not mean that we must not continue to do what we must to bring those countries into line with what the United States sees as their best interests and our best interests. This compromise continues that ability of this country to do that and through the good offices of the people who worked so hard to do that, to allow for some forward progress.

There are human rights involved. There are issues on a daily basis of our security and the security of the Western World. We cannot hamper the efforts to bring these to an appropriate conclusion by taking out after some specifics of an issue when in fact the overall goal is one that everyone subscribes to.

I personally would like to commend the people who were mentioned by the chairman of the subcommittee as those who have worked so hard to forge this compromise which was not at all easy to do.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding.

I rise to say I support this compromise wholeheartedly.

I want to extend my commendation to both the ranking member and the chairman of the subcommittee and the others who have worked so diligently to bring this to the House on a very sensitive subject.

Mr. HUBBARD. Mr. Chairman, I rise today in opposition to the amend-

ment offered by the gentleman from Ohio. This attempt to reduce by $45 million the level of U.S. military grant aid to Turkey, as contained in H.R. 5119, the foreign aid authorization bill, is not only contrary to the best interests of the United States but could damage current efforts at good-faith negotiations between Greece and Turkey, in conjunction with the United Nations, to resolve the situation in Cyprus.

Certainly, it is no secret that Turkey has long been a valuable political ally of the United States, providing strategic listening posts for U.S. Government intelligence needs and offering an effective defense for the United States against actions by Soviet Union in that region. Indeed, the Turkish Armed Forces are currently tying up several Russian divisions on their common borders, thereby keeping the Russians in check, and acting to reduce Soviet adventurism in the Middle East.

In addition, Turkey represents a valuable NATO ally with a population of 50 million. Turkey has well-disciplined armed forces, and maintains the largest standing army in NATO after the United States with forces numbering over 500,000. However, the Turkish Armed Forces need modernization with the help of the United States and its foreign aid program.

U.S. grant aid to Turkey, the most useful portion of that assistance program, is essential to Turkey's NATO force modernization program. Any crippling of this integral part of the package will severely erode Turkey's critically important military responsibilities and duties undertaken in support of the Western Alliance. Thus, United States and Middle Eastern security interests would also substantially suffer as the result of passage of this amendment.

The Feighan amendment also contains a provision to establish a $250 million incentive fund for the purpose of resolving the dispute over Cyprus. While the intent of such a provision is indeed admirable, the effectiveness of this particular provision would, I believe, be severely limited. Under the provision, the Government of Greece, Turkey, and Cyprus would split the $250 million if mutually agreed upon progress was made toward resolving the dispute. This effort would likely backfire, however, none of the Governments involved would accept the money since it would be interpreted by their press and public opinion as accepting money for land concessions under pressure from the United States. As a result, the $250 million fund would fail in its goal of settling the dispute, and could, in fact, further hamper existing efforts to reconcile the differences.

There are presently underway major efforts by the United Nations as well as efforts by the newly elected Turkish Government under Prime Minister Turgut Ozal to settle the dispute. In fact, shortly after the new Turkish Government took over in January 1984, it announced the withdrawal of 1,500 troops from Cyprus as a first step toward good-faith negotiations with the Greeks. A reduction in U.S. military grant aid to Turkey by $45 million at this time would only discourage rather than encourage further attempts by the Turkish Governments to find a solution to this problem.

Rather, it seems that the best interests of the United States and this Middle Eastern region would be better served by maintaining friendly relations with both Greece and Turkey and by working with both Governments to resolve their problems. Therefore, I urge my colleagues to reject this amendment and to support instead the amount of aid to Turkey as proposed in the original language of the foreign aid authorizations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. FEIGHAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROWN of Colorado. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 376, noes 27, not voting 30, as follows:

[Roll No. 134]

AYES—376

Ackerman	Burton (CA)	Donnelly
Addabbo	Byron	Dorgan
Albosta	Campbell	Dowdy
Alexander	Carney	Downey
Anderson	Carper	Dreier
Andrews (TX)	Carr	Duncan
Annunzio	Chandler	Durbin
Applegate	Chappell	Dwyer
Archer	Cheney	Dymally
Aspin	Clarke	Dyson
AuCoin	Clay	Early
Barnard	Clinger	Eckart
Barnes	Coats	Edgar
Bartlett	Coelho	Edwards (AL)
Bateman	Coleman (MO)	Edwards (CA)
Bates	Coleman (TX)	English
Bedell	Collins	Erdreich
Beilenson	Conable	Evans (IL)
Bennett	Conte	Fascell
Berman	Conyers	Fazio
Bethune	Cooper	Feighan
Bevill	Corcoran	Fiedler
Biaggi	Coughlin	Fields
Bilirakis	Courter	Fish
Bliley	Coyne	Flippo
Boehlert	Crane, Daniel	Florio
Boggs	Crockett	Foglietta
Boland	D'Amours	Foley
Bonior	Daniel	Ford (MI)
Bonker	Darden	Ford (TN)
Borski	Daschle	Fowler
Bosco	Daub	Frank
Boucher	Davis	Franklin
Boxer	de la Garza	Frenzel
Breaux	Dellums	Frost
Britt	Derrick	Fuqua
Brooks	DeWine	Garcia
Broomfield	Dickinson	Gaydos
Brown (CA)	Dicks	Gejdenson
Broyhill	Dingell	Gekas
Bryant	Dixon	Gephardt
Gibbons	Martin (NY)	Scheuer
Gilman	Martinez	Schneider
Gingrich	Matsui	Schroeder
Glickman	Mavroules	Schulze
Gonzalez	Mazzoli	Schumer
Goodling	McCain	Seiberling
Gore	McCloskey	Sensenbrenner
Gradison	McCollum	Shannon
Gramm	McCurdy	Sharp
Gray	McDade	Shaw
Green	McEwen	Shelby
Gregg	McGrath	Shuster
Guarini	McHugh	Sikorski
Gunderson	McKernan	Siljander
Hall (OH)	McKinney	Simon
Hall, Ralph	McNulty	Sisisky
Hall, Sam	Mica	Skeen
Hamilton	Michel	Skelton
Hammerschmidt	Mikulski	Slattery
Harkin	Miller (CA)	Smith (FL)
Harrison	Mineta	Smith (IA)
Hartnett	Minish	Smith (NE)
Hatcher	Mitchell	Smith (NJ)
Hayes	Moakley	Smith, Robert
Hefner	Molinari	Snowe
Heftel	Mollohan	Snyder
Hertel	Moody	Solarz
Hightower	Moore	Spratt
Hiler	Moorhead	St Germain
Horton	Morrison (CT)	Staggers
Howard	Morrison (WA)	Stangeland
Hoyer	Mrazek	Stark
Huckaby	Murphy	Stenholm
Hughes	Murtha	Stokes
Hunter	Myers	Stratton
Hutto	Natcher	Studds
Hyde	Neal	Sundquist
Ireland	Nelson	Swift
Jacobs	Nichols	Synar
Jeffords	Nowak	Tallon
Jenkins	O'Brien	Tauke
Johnson	Oakar	Tauzin
Jones (OK)	Oberstar	Taylor
Jones (TN)	Obey	Thomas (CA)
Kaptur	Olin	Thomas (GA)
Kasich	Ortiz	Torres
Kastenmeier	Ottinger	Torricelli
Kemp	Owens	Towns
Kennelly	Packard	Traxler
Kildee	Panetta	Udall
Kindness	Parris	Vander Jagt
Kleczka	Pashayan	Vandergriff
Kogovsek	Patterson	Vento
Kolter	Paul	Vucanovich
Kostmayer	Pease	Walgren
LaFalce	Penny	Walker
Lagomarsino	Pepper	Watkins
Lantos	Perkins	Waxman
Leach	Petri	Weaver
Lehman (CA)	Porter	Weber
Lehman (FL)	Price	Weiss
Leland	Pritchard	Wheat
Lent	Pursell	Whitehurst
Levin	Quillen	Whitley
Levine	Rahall	Whittaker
Levitas	Rangel	Whitten
Lewis (FL)	Ratchford	Williams (MT)
Lipinski	Regula	Williams (OH)
Livingston	Reid	Wilson
Lloyd	Richardson	Winn
Loeffler	Ridge	Wirth
Long (LA)	Rinaldo	Wise
Long (MD)	Ritter	Wolf
Lott	Robinson	Wolpe
Lowery (CA)	Rodino	Wortley
Lowry (WA)	Roe	Wright
Lujan	Roemer	Wyden
Luken	Rose	Wylie
Lungren	Rostenkowski	Yates
Mack	Roukema	Yatron
MacKay	Rowland	Young (AK)
Madigan	Rudd	Young (MO)
Marlenee	Russo	Zschau
Marriott	Sabo	
Martin (IL)	Sawyer	

NOES—27

Badham	Evans (IA)	Ray
Bereuter	Holt	Roberts
Brown (CO)	Hopkins	Rogers
Burton (IN)	Hubbard	Roth
Chappie	Kramer	Schaefer
Craig	Latta	Shumway
Crane, Philip	Miller (OH)	Smith, Denny
Dannemeyer	Nielson	Stump
Emerson	Patman	Volkmer

NOT VOTING—30

Akaka	Hansen (UT)	McCandless
Andrews (NC)	Hawkins	Montgomery
Anthony	Hillis	Oxley
Boner	Jones (NC)	Pickle
Edwards (OK)	Kazen	Roybal
Erlenborn	Leath	Savage
Ferraro	Lewis (CA)	Solomon
Hall (IN)	Lundine	Spence
Hance	Markey	Valentine
Hansen (ID)	Martin (NC)	Young (FL)

□ 1420

The Clerk announced the following pair:

On this vote:

Mr. Markey for, with Mr. Hance against.

Messrs. PHILIP M. CRANE, ROTH, and BURTON of Indiana changed their votes from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1430

AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: Page 3, line 8, strike out "$2,043,500,000" and insert in lieu there of "$2,058,500,000".

Mr. LAGOMARSINO. Mr. Chairman, I offer this amendment on behalf of Mr. PEPPER and myself. Our amendment increases the fiscal year 1985 ceiling on the total of FMS loan guaranties to permit an additional $15 million in loan guaranties for Peru. As the committee changed this category to an off-budget account, the increase will not affect the overall foreign aid budget.

The increase in FMS loan guaranties for Peru is a small, but needed step toward reducing Peru's dependence on its Soviet military relationship, which has meant military equipment and supplies as well as Soviet presence and influence in Peru.

By increasing U.S. security assistance to Peru, we demonstrate our support for the continuation of a stable, democratic government which is friendly to the United States. President Belaunde's government is faced with severe financial pressures as well as threats from the organized terrorist group known as Sendero Luminoso, "the shining path." Increased U.S. support can help combat that threat.

Without U.S. assistance at greater levels, the Peruvian military is most likely to pursue major hardware purchases from the Soviets, such as aircraft like the MIG-23 or MIG-25. The Soviets have already offered several different classes of naval vessels. Reportedly, the Peruvian Navy does not want to accept the Soviet offer. The Peruvian Navy is the only branch of the military that has not purchased Soviet equipment, and we should do everything we can to encourage them not to do so in the future.

Peru is also seeking to reduce illegal drug trafficking in its country and needs additional equipment like air traffic control radar to detect drug traffickers and helicopters for their antidrug campaign.

Without adequate funding for U.S. security assistance to Peru, we will be unable to break the influence of the Soviet military over Peru. Even with this additional funding it will be difficult to turn around a dependence that has developed over two decades. But we must begin now. I urge my colleagues to support this request for an increase in the off-budget account for FMS loan guaranties.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, we are familiar with this amendment. The gentleman has discussed it with us and with the chairman of the subcommittee. We agree with the purpose of it thoroughly, support it, and are prepared to accept it.

Mr. LAGOMARSINO. I thank the gentleman.

Mr. BARNES. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Maryland.

Mr. BARNES. I thank the gentleman for yielding.

Mr. Chairman, I just want to echo the chairman's words. I think this is an excellent amendment. I want to commend my friend from California and the gentleman from Florida (Mr. PEPPER) for their leadership in bringing this issue to the floor.

We ought to be doing a lot more for the democracies in Latin America than we have been doing. This is the right step.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, I, too, want to commend the gentleman from Florida (Mr. PEPPER) and the gentleman from California (Mr. LAGOMARSINO) for this amendment.

We join in support of that amendment.

Mr. LAGOMARSINO. I thank the gentleman.

Mr. PEPPER. Mr. Chairman, I warmly support the amendment offered by my distinguished colleague and coauthor, Mr. LAGOMARSINO, and his able remarks in support of our amendment to provide more military aid to Peru. I was in Peru early this year with several colleagues from this House and we learned from our own Ambassador and Embassy officials, and from Peruvian officials, the very grave danger confronting Peru today from its economic distress and from the present practice of the Soviet Union of furnishing most of the materiel and equipment required by the Peruvian Army and Air Force due to the United States having not offered for some years such defense materiel to the Peruvian Government upon terms it could afford to accept.

Today the Soviet Embassy in Peru has some 600 personnel which speaks for itself. The Soviet Union today is moving upon that great Republic of Peru like a snake upon a bird. It has been a gross error on the part of our country to have allowed this situation to come into existence. The best summary of the situation as it now exists and of the increasing power of the Soviet Union upon Peru has been afforded me by the Office of the Chairman of the Joint Chiefs of Staff, Gen. John W. Vessey, Jr., whom I asked to supply me such information. I submit herewith the point paper prepared for me by the Office of the Chairman of the Joint Chiefs of Staff, dated March 7, 1984, and ask that it be incorporated at this point in the RECORD following my previous remarks.

POINT PAPER

SUBJECT: SOVIET INFLUENCE AND INVOLVEMENT IN PERU

II. MAJOR POINTS

A. The growth of Soviet involvement in Peruvian military assistance has increased steadily since the early 1970's while U.S. influence has fluctuated at a much lower level

Soviets have made significant inroads in Peru with their weapons and military packages.

Since 1974, U.S. security assistance to Peru has been substantially less than Soviet aid. The U.S. security assistance program in South America, Central America, and the Caribbean is only 4 percent of the U.S. worldwide program for fiscal year 1985.

Peru, frustrated in its efforts to obtain modern U.S. military equipment, turned to the U.S.S.R. as its primary supplier, receiving an estimated $1.4 to $1.6 billion of equipment between 1973 and present.

Major acquisitions have been ground weapons, fighter-bombers, transport aircraft, helicopters, and air defense weapons.

Peruvian Navy has bought from the West rather than from the Soviets. The U.S.S.R. nonetheless, continues to court the Peruvian Navy.

Major Soviet influence is with the Peruvian Army and Air Force.

Several thousand Peruvian Army and Air Force personnel have been trained in the Soviet Union, and most were trained on a non-reimbursable basis. 150 Soviet Military Advisors are in Peru providing technical assistance, maintenance, and doctrinal advice.

Soviets have targeted the junior officers, tomorrow's leaders, with their military education and propaganda courses in the Soviet Union. Courses have given the Peruvian junior officers a largely positive view of the Soviet system and serve as a seed program for Soviet ideals.

The Peruvians are presently the only recipients of large amounts of Soviet military aid in South America. However, Soviets' long-term goals are to influence favorably the South American armed forces and set

up dependency patterns for military hardware and training, thus breaking the largely western orientation of the region's military equipment purchases and doctrine.

B. Peru has become dependent upon the Soviets for equipment and training

U.S. is viewed as an unreliable supplier, and U.S. and Western sources cannot compete with Soviet terms or delivery time in sales.

Mr. Chairman, the money our Government would expend in supplying necessary military aid to Peru would be infinitesimal compared to what we might have to spend if the Russians took over that great country deep in the heart of the Western Hemisphere. The loss of Peru to the democratic and free world would be an immeasurable catastrophe to democracy and freedom in the Western Hemisphere. It inevitably would have a very dangerous impact upon the democracy which is flourishing today in Argentina and Brazil. It would gravely endanger the interests of our country and cause, I believe, the most serious complications our country has experienced in Latin America.

Mr. Chairman, a bit ago I appeared before the subcommittee of the Foreign Affairs Committee chaired by our distinguished colleague, MICHAEL BARNES, and urged that subcommittee to report out more substantial economic aid and much more substantial military aid to Peru than we have been providing. That subcommittee made favorable recommendations upon those subjects and the Committee on Foreign Affairs has brought forth those subcommittee recommendations to this House. I commend the committee upon what it has done to increase the adequacy of our effort in aiding Peru, but my colleague, the gentleman from California (Mr. LAGOMARSINO) and I think that it is imperative that we increase the amount of the military aid we shall give Peru by the amount we have provided in this amendment. It is relatively a small sum, but it may mean so much to our devoted friends, the Republic of Peru, and its great President, so nobly and bravely fighting the battle of freedom in Peru and the Western Hemisphere today. So I join my coauthor and colleague in the warmest way in urging the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL of Ohio: Page 4, line 13, strike out "$587,250,000" and insert in lieu thereof "$562,250,000"; and after line 18, insert the following:

(c) Assistance may not be provided for the Philippines for the fiscal year 1985 under chapter 2 of part II of such Act.

Mr. HALL of Ohio. Mr. Chairman, the amendment I am offering would cut from the foreign aid authorization bill $25 million in grant military assistance for the Philippines. It would not affect the $155 million in the bill for economic support fund aid.

The Reagan administration has pledged to President Marcos that it will make its best effort to provide the Marcos regime with a security aid package totalling $900 million over 5 years. The aid is in exchange for U.S. utilization of the Clark Field and Subic Bay bases in the Philippines.

The first installment of the funding would total $180 million for fiscal year 1985. The administration wanted to send $95 million in economic support fund aid, $60 million in foreign military sales credits, and $25 million in grant military assistance. However, the House Foreign Affairs Committee decided to defer the $60 million in foreign military sales financing to 1 of the 4 remaining years of the agreement, but added $60 million to the administration request for economic support fund aid. As a result, under the bill before the House today, the Marcos government still is scheduled to get $180 million, but it will consist of $155 million in economic support fund aid and $25 million in grant military aid.

In the committee report to accompany the foreign aid authorization bill, the Foreign Affairs Committee made the following observation about its decision to repackage the security assistance requested by the administration:

It is the committee's view that the severe economic crisis presently confronting the Philippines is potentially far more dangerous than any present external military threat. Therefore the committee felt it would better serve the interests of both the Philippines and the United States to provide a higher level of economic assistance to the Philippines this year than the level requested by the executive branch.

I share the committee's view that the economic crisis facing the Philippines is more critical than any external military threat. While the United States has a security agreement with the Philippines, I am not aware of any immediate outside threat posed to that country by any hostile neighbors.

I think our colleagues on the Foreign Affairs Committee are on the right track and deserve to be commended for the action they have taken in repackaging the bases related aid. However, I believe that a stronger action is needed at this critical juncture in United States-Philippines relations. Therefore, I am proposing that we cut from the bill before us the $25 million for grant military aid for the Philippines.

Like the FMS funding deferred by the committee, the MAP funding can be restored in 1 of the 4 remaining years of the agreement if conditions regarding human rights and democratic processes improve. In this regard, let me again cite the Foreign Affairs Committee's report:

In reviewing requests for future aid under the agreement, the committee will continue to take account of a number of factors, including economic conditions, the military needs of the Philippine Armed Forces, and the political situation is the country, including whether there has been significant progress in restoring democratic government and in curtailing human rights abuses.

The $25 million in military aid I am proposing to defer would be subject to the same conditions and considerations cited by the committee with respect to the foreign military sales financing it has deferred.

The deferral I am offering will no more affect the bases agreement than the action already taken by the committee. President Reagan's letter to President Marcos in which he pledged the best effort of the administration to obtain the $900 million security package for the Philippines did not specify that any particular amounts would be sought in any specific fiscal year. The President also made it clear to President Marcos that the U.S. Congress would have the final say on the funds appropriated. The President said in that letter to the Filipino leader, and I quote:

As you are aware, under our constitutional system, the Congress has sole authority to appropriate funds.

The administration, as it pledged to President Marcos, has made its best effort this year. It has sought a total of $180 million in bases related aid, and that amount has been granted, but repackaged, by the Foreign Affairs Committee. I am proposing that we further exercise our constitutional authority and reduce that package for fiscal 1985 to $155 million by deferring the $25 million sought for grant military aid. My colleagues should be aware that this amount, even with my reduction, would be $55 million more overall than the $100 million provided in fiscal 1984.

In reality, it comes down to a question of exactly how much more we are going to give Marcos this year, not how much we are going to cut his aid.

The Members of this body are keenly aware of the need to hold down Federal expenditures. In particular, our constituents are asking us to take a careful and critical look at requests for foreign aid.

I am proposing a modest reduction in the aid for the Marcos government. Quite frankly, I think many of our constituents would wonder why Marcos deserves $155 million, let along $180 million in bases related aid.

Since the other body's Foreign Relations Committee has voted to defer $30 million of the foreign military sales financing sought by the administration and converted that amount into ESF aid, it is likely that some

form of aid repackaging with respect to the Philippines will be enacted this year. Nevertheless, since the overall funding level of $180 million has not been reduced, the impact of any signal sent by the repackaging to the Philippines will be slight.

I would urge my colleagues to vote to send the strongest possible message to Marcos, to the opposition, and to the Filipino people. My amendment provides the best available vehicle for that message.

The amendment I am offering will indicate that there is concern in the U.S. Congress about human rights abuses by the Marcos regime and concern about the lack of civil and political liberties.

The timing of our vote is especially important in view of the upcoming May 14 parliamentary elections in the Philippines. While there is division in the opposition over participation in the elections, the opposition is united in its call for free and fair elections. Already, there have been charges of fraud in the registration of voters. Moreover, Marcos maintains concurrent legislative powers with the National Assembly, and he wanted to increase his appointments to the legislature from 17 to 35. Marcos appears to be doing everything he can to insure that he maintains his control over the National Assembly, notwithstanding the elections.

Because he is viewed as the key to maintaining U.S. access to the bases in the Philippines, Marcos has enjoyed uncritical U.S. support. Confidence of strong American backing emboldened Marcos since his red-carpet reception in the United States in 1982. The result was a wave of crackdowns on labor organizers, religious workers, journalists, and opposition leaders. Indeed, it was not until the disruptive aftermath of the Aquino assassination that the administration made any public effort to indicate uneasiness with the Marcos regime. As the Lawyers Committee for International Human Rights wrote in a December 1983 report on the Philippines:

> Military abuses in the Philippines are undoubtedly the subject of "quiet diplomacy." But quiet diplomacy is not heard by Filipinos. Growing numbers of Filipinos interpret the quiet as silence, and the silence as support.

Strategic security is the predominant consideration in this administration's policy toward the Philippines. Long-term Philippine-American relations in the post-Marcos era are being sacrificed now in the interest of maintaining short-term access to the bases. Absent any strong indication of U.S. concern about the human rights abuses by the Marcos government, it is likely that a successor government will only recall that the United States consistently stood behind Marcos—regardless of his treatment of the Filipino people.

In my opinion, a strong case has yet to be made concerning why the Marcos regime needs such a high level of security assistance. The immediate external threat has yet to be established.

It is clear, however, that U.S. military aid helps to oil the military machine that keeps Marcos in power. Cardinal Jaime Sin of the Philippines has been quoted as saying that U.S. military aid "only goes to slaughter Filipinos." Is this the image we wish to have with the Filipino people?

There is no doubt about the poor human rights record of the Marcos government. Here are some statements about human rights conditions under Marcos from the State Department's "Country Reports on Human Rights Practices for 1983":

> In 1983 there were human rights abuses by Government security forces, particularly members of the Philippine Constabulary and the Civilian Home Defense Forces, including harassment of civilians, arbitrary arrest, detention, disappearances, torture, and "salvaging," or summary execution of suspected insurgents or sympathizers.
>
> Task Force Detainees, a Catholic Church-related group which investigates and compiles statistics on human rights violations and is often critical of the Government, reported that 146 persons were summarily executed by Government security force from January to June 1983, compared with 125 such killings for all of 1982.
>
> The Task Force Detainees human rights group listed 79 persons as having disappeared from January to July 1983, compared with 29 persons for all of 1982.
>
> While the most reliable source of human rights statistics, Task Force Detainees in Manila, had no figures on the number of cases of torture, Amnesty International's 1983 report called torture during incommicado detention of persons arrested on national security grounds "so prevalent as to amount to standard operating procedure for security and intelligence units."

Some similar points were made in "The Philippines: A Country in Crisis", a December 1983 report of the Lawyers Committee for International Human Rights:

> Persons seized as alleged subversives are beaten, suffocated, choked with water devices, subjected to electric shocks, burned, raped and mutilated.
>
> Church leaders, labor activists, journalists and human rights workers have been specially targeted for military abuses.
>
> A system of one-man rule supported by military force provides the context in which these violations occur. Vital safeguards inherent in a system of checks and balances no longer operate.
>
> Reports of political killings by government forces have sharply increased in the three years since martial law was lifted. The rate of such murders continues to escalate.
>
> In recent years, hundreds of civilians have been arrested and detained under presidential orders that the courts declare themselves powerless to review. Many who are arrested pursuant to presidential orders languish in jail for months or years after charges are dismissed or their sentences served, awaiting an order for their release that can come only from President Marcos.

These findings were confirmed by the report of a delegation representing five U.S. medical and scientific organizations, which visited the Philippines from November 28 to December 17, 1983. The five medical and scientific organizations, working in conjunction with the American Committees for Human Rights, were: the American Association for the Advancement of Science (AAAS), the American College of Physicians, the American Nurses' Association, the American Public Health Association, and the Institute of Medicine of the National Academy of Science.

This delegation concluded that "there has been a continuing pattern of gross violations of human rights carried out by certain elements within the government and the military forces of the Philippines." The group went on to state:

> On the basis of interviews with several past and present detainees who alleged that they were tortured while in the custody of military personnel or paramilitary groups, we are firmly convinced that torture and other forms of cruel, inhuman, and degrading treatment are real and pervasive problems.

Without a strong signal of U.S. concern about these human rights violations, it is unlikely that the Marcos government will feel compelled to reform these practices. Indeed, absent such a signal, Marcos may perceive that he has tacit U.S. support to increasingly apply state-approved terror as a means of internal control and suppression of dissent.

Unfortunately, our military aid, which is supposed to be used to counter external aggression, can be used by the Marcos government against the Filipino people. For example, the Philippines Constabulary, or police force is integrated into the command structure of the armed forces. In practice, there is little distinction between the armed forces and the Philippines Constabulary with respect to internal suppression. Section 660 of the Foreign Assistance Act prohibits "the use of funds available under the act to provide training or advice or provide any financial support for police, prison or law enforcement forces of any foreign government." However, the Philippines Constabulary is the recipient of direct military aid to the Philippines. State Department has said that to the extent that the constabulary receives military aid, it is considered to be part of the armed forces. However, this is not a real distinction since it operates as a police force as well. There is no guarantee that the $25 million provided under this legislation will not be sent for use by the Philippines Constabulary in perpetrating human rights violations upon the Filipino people.

Uncertainty and instability in the Philippines were brought to a head last year by the assassination of opposition leader Benigno Aquino. At this important and sensitive time, we need to let the Filipino people know that the United States is concerned about the future of democracy in the Philippines. Those hoping to restore democracy in the Philippines need an indication that the United States is seeking to place some distance between itself and the abuses of the Marcos regime.

I believe that actually cutting, not just repackaging, the amount requested for the Philippines is needed. I urge my colleagues to join with me in reducing foreign aid and sending an important message to the Philippines.

Mr. PRITCHARD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, certainly this is a difficult question, and there are a variety of views as to how we should meet our base agreements that our Government in good faith signed with the Philippine Government. I think all of us recognize the importance of the bases. and I doubt that there is any Congressman in this body who wants to break the base agreement and lose the bases. The question is: How much adjustment can we make sending a signal to the Philippine Government without breaking our word?

Now, our judgment was that in the committee we were free to make some changes between military and economic aid, and we did that. We switched $60 million from military to economic aid.

I believe, and I think most people who have covered this situation believe, that if you strike $25 million from the agreement, you are breaking our word and you are breaking the base agreement.

We are sending a strong signal. And obviously it was a compromise. Certainly not all people on this side of the aisle are enthusiastic about this agreement. The administration opposed it and thought we were making a mistake. Certainly the Marcos government is not happy with the adjustments we made in committee. But we have sent a signal, we have switched some money, but we have not broken our word.

Let us remember one thing: There is going to be an election in the Philippines. After this election, if we want to make some changes, we will have an opportunity to do it. But we should not cut out this $25 million. I would only urge the Members to remember we have an agreement with the Philippine Government for our bases, and to reduce the amount of money would violate that base agreement.

So I would urge the Members, even though I know they are bothered, deeply bothered, by the conditions in the Philippines, to allow the bill to go through as it is.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I share the concerns which were so eloquently expressed by my good friend from Ohio, who offered this amendment. But I must say that I think this is the wrong time and the wrong place for such an amendment.

The gentleman from Ohio seems to feel, for very understandable reasons, that we need to send a strong signal to the Government of the Philippines that the U.S. Government favors a restoration of democracy and greater respect for human rights in that country.

I think all of us can agree that a restoration of genuine democracy in the Philippines and a greater respect for human rights in that country are very much in the interest not only of the Filipino people but of the American people. We do, after all, have an historic relationship with the Philippines. It was our only colony. We bequeathed it a legacy of democracy which has tragically been honored more in the breach than in the observance.

So I fully agree with my friend, the gentleman from Ohio, that we need to make it clear that the Congress of the United States favors a restoration of democracy and greater respect for human rights in that country.

But I would submit that that signal has already been sent, as the gentleman from the State of Washington pointed out.

Last October we adopted by a vote of 413 to 3 in this House a resolution calling upon the Government of the Philippines to conduct a genuinely independent investigation of the assassination of the late Filipino leader Benigno Aquino and to hold genuinely free and fair elections. There was no mistaking the signal we sent on that occasion. There was overwhelming bipartisan support in favor of that resolution.

Then, a short while ago, first the Subcommittee on Asian and Pacific Affairs, which I chair and on which the gentleman from Washington serves as the ranking minority member, followed by the Foreign Affairs Committee as a whole, once again voted overwhelmingly in support of a broadly based bipartisan approach to this problem in which we decided to reduce by $60 million the level of our military assistance to the Philippines for the next fiscal year and to increase by a commensurate amount the level of our economic assistance.

There is no doubt that that signal was received in the Philippines. The Government of the Philippines was not at all pleased with it. President Marcos has delivered speeches denouncing it. Your humble servant from New York is on the enemy's list of the Malacanang Palace for the role that he played in formulating that amendment. General Custodia, a Senior Philippine Defense Ministry official, denounced me as a rabid critic of the Government.

I now find out that I did not go far enough.

Well, I say to the gentleman from Ohio that I think we did go far enough, under existing circumstances. The bases at Clark Field and Subic Bay are very important to us. Continued American access to them is essential in order for us to maintain an adequate balance of power and to preserve the peace in Asia. I think that if the gentleman's amendment were adopted at this time, whether it in fact constituted a violation of the agreement, it probably would be interpreted as such by the Government of the Philippines, and they might in turn take actions which were incompatible with our continued accesss to these facilities.

Let me say to the gentleman that the reason I think that this amendment is offered at the wrong time is that next week the Philippines are scheduled to hold elections. If those elections are genuinely free and fair, there is no need for this amendment. Indeed, we might be able to restore the $60 million in military assistance we already cut. If it should turn out, however, that those elections are not free and fair—and I do not want to sound excessively gullible or unduly optimistic; based on past experience in the Philippines it is not very likely that those elections will meet the high standards which we set here in our own country—if those elections are characterized by fraud, if they are shot through with corruption, if the opposition is denied a fair opportunity to contest for political power in the Philippines, we will have another opportunity to reduce the level of our aid to the Philippines when the appropriations bill comes to the floor.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. I say to my friend from Ohio that if those elections are fraudulent rather than fair, when the appropriation comes up, if he believes that we ought to take additional action, I might very well support him at that time. This is not the end of the process. It is simply a stage in the process. But we hammered out a broad bipartisan compromise on a very complex and controversial issue. I think it would be very unfortunate if that compromise unraveled. I think it sends a very strong signal to the Philippines

to have not only a great majority of Members on our side of the aisle but a great majority on the other side of the aisle support the language in the committee bill which does call for a $60 million reduction in the level of our FMS to the Philippines next year.

Let me say, finally, that given the precarious health of the President of the Philippines, there is a continuing possibility that at any moment there could be a transition in that country, at which point the Filipino military may have a critical role to play. There is an argument to be made for our maintaining at least a minimal continuing aid relationship with them so that we can have a constructive influence should there be a transition in the Philippines.

For all of those reasons I ask my colleagues to support the bipartisan compromise in the bill and to reject at this time, in this place, the amendment offered by the gentleman from Ohio, realizing we may have another opportunity in a month or two to vote for it or perhaps even deeper cuts if the elections have not been genuinely free and fair.

I yield to the gentleman from California (Mr. LEVINE).

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(On request of Mr. LEVINE of California and by unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

□ 1450

Mr. LEVINE of California. I thank my colleague for yielding.

Mr. Chairman, I am pleased to serve as a member of the subcommittee that the gentleman from New York chairs, and I am very sympathetic to the purpose of the amendment from our colleague from Ohio, who I think very well stated the reasons for the amendment.

The human rights situation in the Philippines is totally unsatisfactory and the motives and intent of the gentleman from Ohio are highly commendable.

I would simply like to make one point in the course of this debate. In the course of the subcommittee deliberations on this issue, our colleague from New Jersey, Mr. TORRICELLI, and I were considering offering an amendment quite similar to the one that we are debating at this point. I definitely support the intent of this amendment. But, after listening to the subcommittee debate, and after hearing all of the arguments in the subcommittee, we were dissuaded from offering that amendment in the subcommittee. We concluded that the arguments that the chairman and the ranking member of the subcommittee made were very clear and communicated the message that we do wish to communicate to the Government of the Philippines.

it is for those reasons that I, as a member of the subcommittee, would like to commend both the author of the amendment and also the chairman of the subcommittee for the compromise that he reached and to urge the Members to support the subcommittee and the committee language.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment, and I yield to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. I thank the gentleman for yielding to me.

Mr. Chairman, if I may make a few comments on some of the things that have been said in the past few minutes. For too long I think many of us have sat on this floor and have heard that this is the wrong time and the wrong place, and I have been hearing it for 6 years; wait until next week; wait until next year; things are going to get better. Marcos is going to lift martial law, he is going to put back martial law; we never know what he is going to do.

Every year, in my opinion, and according to human rights reports, according to our own State Department, things continue to get worse. I would like to use the gentleman from New York's comments, the comment that the gentleman used about the Turkish amendment, and he said that this amendment is a little bit like slapping this person on the wrist with a wet noodle. I would say that the amendment, even though in the right direction, that he offered in his subcommittee, is on the right track, it is a little bit like using two noodles on the wrist.

All it does, in my opinion, is shift funds around. That is all that has been done. I think Marcos is going to continue to laugh all the way to the bank. He is getting $80 million more this year than he did last year. It is an 80-percent jump. If we were to increase domestic items like this on the floor of this House, we would have a $500 billion deficit rather than a $200 billion deficit.

I think it is time that this Congress, speak to the people of the Philippines and put some distance between us and President Marcos. I think that this amendment is a right start; it is a deferral. There was nothing in the agreement or the letter that President Reagan had sent to President Marcos relative to how much in each year. Therefore, if certain conditions are met, this deferral that I am talking about in the next 4 years can be added to the Foreign Affairs bills in the future.

Mr. FASCELL. I appreciate the gentleman from Ohio's views on this matter; I know how sincerely held his convictions are, and I regret that I must rise to oppose his amendment.

Given his interest, I am sure he will recall that human rights was a congressional initiative started in the Foreign Affairs Committee. It is a matter of deep concern for members of our committee. It is an issue which is followed very, very carefully not only with respect to the Philippines, but with respect to other countries, including our own, by the way.

In reviewing the needs that we have in our relationships with the Philippines, with regard to Subic Naval Base and Clark Air Field, and the other relationships that we have, we must all admit that there are times when a balance of needs and requirements has to be struck. Doing so sometimes does not necessarily satisfy all of those who might feel very strongly on one side or the other.

I think the compromise that has been reached by the subcommittee is an excellent one, and I think that we should support it very strongly, and vote down this amendment.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say first that the subcommittee is to be applauded for keeping the aid levels on the total package for the Philippines up to the figures requested by the administration. I am also encouraged by the subcommittee's continuing support for the 5-year assistance plan that was worked out with the Philippines last year as part of the basing rights agreement.

President Reagan has made good faith assurances to the Government of the Philippines that our country will live up to our side of the bases agreement. Congressional action that shifts around the various accounts does not contribute to stability in our country's bilateral relations with the Philippines. And if there has ever been a time when America needs to be speaking with one voice to the Philippines, that time is now.

I am also concerned about how congressional actions—however well-intentioned—may affect the political climate within the Philippines itself. Our goal in the Philippines should focus on the development of democratic institutions in that country. To take a more politicized and punitive approach, which I am afraid this amendment leads to, runs the risk of sending misleading signals to any number of political factions in the Philippines who can interpret these signals according to their own desires and not necessarily in the broader interests of their country.

The House of Representatives spoke loudly and clearly last fall when we passed a resolution expressing our dismay at the assassination of Benigno Aquino and our unalterable support for the development of democratic in-

stitutions and processes in the Philippines. Let us not prejudge the outcome of the investigation of the Aquino assassination or the results of the forthcoming parliamentary elections by tinkering with the foreign aid program that has been promised by our Government.

You know, the Clark Air Force Base and the Subic Naval Base are the two largest installations outside of the soil of the United States of America. If we are going to pass this amendment, we not only are going to jeopardize a very strategic link in that very strong chain of mutual defense that we have with our allies in the Asian-Pacific area. The last thing that we should be doing is wiping out all military aid to the Philippines, and with all good intentions of the sponsor, that is exactly what the amendment does.

Those of us that believe strongly in the support of the Philippines have agreed to the compromise. Now let us defeat the amendment and go along with the compromise that we all may not be happy with, but which the chairman recommended and which we are going to support today.

● Mr. EDGAR. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Ohio (Mr. HALL). As my colleagues are aware, the Hall amendment would reduce by $25 million the amount in the foreign aid authorization bill for grant military assistance for the Philippines. I believe that such a reduction is justified in light of the current situation in that country.

The Foreign Affairs Committee took an unusual and important step in deciding to repackage aid to the Philippines by front loading economic assistance included as part of the renegotiation of the Philippines bases agreement. In practice, this means that the committee approved the $180 million aid level for the Philippines requested by the administration. However, the mix of aid was changed by increasing economic aid from $95 to $155 million, and by cutting the military aid from $85 to $25 million. As the committee wisely stated in its report on this bill, "It is the committee's view that the severe economic crisis presently confronting the Philippines is potentially far more dangerous than any present external military threat."

While this is an important change in our traditional attitude toward the economic and political problems facing the Philippines, I agree with my colleague from Ohio that we must send an even stronger signal to President Marcos at this critical time in United States-Philippine relations. Since the brutal assassination of opposition leader Benigno Aquino last year the movement for the restoration of democracy in the Philippines has gained strength. Despite physical intimidation, the Filipino people have made clear their desire for a return to democratic government. Although President Marcos has called national assembly elections for next week, the campaign has been marred by reports of attacks on opposition campaign workers and accounts of election fraud; many opposition politicians are calling for a boycott of the election.

Today we have an opportunity to exert pressure to bring about the truly democratic elections desired by the Filipino people and to rebuild democratic institutions in this country. By supporting the Hall amendment, we do not abandon the Filipino people in their battle for economic stability. The Hall amendment leaves intact the $155 million in economic support fund aid. It cuts out only the $25 million in grant military aid, aid that the Filipino people know is employed in the abuses committed by the Marcos security forces. I should note at this point that the Hall amendment will not violate the United States bases agreement with the Philippines. President Reagan pledged to President Marcos that his administration would attempt to persuade Congress to approve a $900 million, 5 year security aid package. However, no specific amount was pledged for any year, and President Reagan made it clear that the Congress must approve appropriations under the bases agreement. In front loading the economic aid, the committee has already significantly altered the administration request. The Hall amendment is one further way to work our will on this request.

Mr. Chairman, our national security is not advanced by blindly giving military aid to Mr. Marcos, who merely uses it to oppress his own people while further delaying his country's return to democracy. In the long term our interests are best served by working in tandem with the people of the Philippines, who are true friends of the United States and have repeatedly voiced their preference for a return to democracy in their country. By acceding to their wishes, rather than those of Mr. Marcos, we remain true to our own democratic principles as well as add to our own and Philippine security.

Mr. Chairman, I commend the gentleman from Ohio for his years of leadership on this issue, and I urge my colleagues to support his amendment.●

● Mrs. BOXER. Mr. Chairman, I compliment the gentleman from Ohio for moving to cut $25 million from military aid to the Philippines.

If we want democracy in El Salvador, and we should; and if we want democracy in Cuba, and we should; if we want democracy in Nicaragua, and we should; then we should want democracy in the Philippines.

The people of the Philippines need elections in the Philippines and they deserve a free and open press. They also deserve human rights to be respected by their Government. This is not occurring. Therefore, Congressman HALL's amendment is most appropriate.●

□ 1500

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 259, not voting 25, as follows:

[Roll No. 135]

AYES—149

Albosta	Glickman	Paul
Anthony	Goodling	Pease
Applegate	Gray	Penny
AuCoin	Green	Perkins
Bates	Gregg	Rahall
Bedell	Guarini	Richardson
Beilenson	Hall (OH)	Ritter
Boner	Hall, Ralph	Rodino
Bonker	Harkin	Roemer
Borski	Harrison	Roybal
Boxer	Hayes	Russo
Brooks	Hertel	Sabo
Brown (CA)	Hubbard	Schroeder
Bryant	Jacobs	Schulze
Burton (CA)	Jenkins	Schumer
Carr	Jones (TN)	Seiberling
Clay	Kaptur	Shannon
Coelho	Kastenmeier	Shumway
Collins	Kennelly	Sikorski
Conyers	Kildee	Siljander
Cooper	Kogovsek	Simon
Courter	Kolter	Slattery
Coyne	Leach	Spratt
Crockett	Leath	St Germain
D'Amours	Lehman (FL)	Staggers
Darden	Leland	Stark
Daschle	Levin	Stenholm
Daub	Lowry (WA)	Stokes
Dellums	Luken	Studds
Derrick	MacKay	Tallon
Dingell	Martin (IL)	Tauzin
Donnelly	Matsui	Towns
Dorgan	McCloskey	Traxler
Dowdy	Mikulski	Vento
Downey	Miller (CA)	Volkmer
Durbin	Miller (OH)	Walgren
Early	Mineta	Walker
Eckart	Mitchell	Waxman
Edgar	Moakley	Weaver
Edwards (CA)	Mrazek	Weiss
Evans (IL)	Murphy	Wheat
Fazio	Natcher	Whitten
Feighan	Nichols	Williams (MT)
Ferraro	Oakar	Williams (OH)
Foglietta	Oberstar	Wirth
Ford (TN)	Ottinger	Wolpe
Fowler	Owens	Wyden
Frank	Panetta	Yates
Gaydos	Patman	Young (MO)
Gejdenson	Patterson	

NOES—259

Ackerman	Bateman	Britt
Addabbo	Bennett	Broomfield
Akaka	Bereuter	Brown (CO)
Alexander	Berman	Broyhill
Anderson	Bevill	Burton (IN)
Andrews (TX)	Biaggi	Byron
Annunzio	Bilirakis	Campbell
Archer	Bliley	Carney
Aspin	Boehlert	Carper
Badham	Boggs	Chandler
Barnard	Boland	Chappell
Barnes	Boucher	Chappie
Bartlett	Breaux	Cheney

Clarke	Jones (OK)	Pursell
Clinger	Kasich	Quillen
Coats	Kemp	Rangel
Coleman (MO)	Kindness	Ratchford
Coleman (TX)	Kleczka	Ray
Conable	Kostmayer	Regula
Conte	Kramer	Reid
Corcoran	LaFalce	Ridge
Coughlin	Lagomarsino	Rinaldo
Craig	Lantos	Roberts
Crane, Daniel	Latta	Robinson
Crane, Philip	Lehman (CA)	Roe
Daniel	Lent	Rogers
Dannemeyer	Levine	Rose
Davis	Levitas	Rostenkowski
de la Garza	Lewis (FL)	Roth
DeWine	Lipinski	Roukema
Dicks	Livingston	Rowland
Dixon	Lloyd	Rudd
Dreier	Loeffler	Sawyer
Duncan	Long (LA)	Schaefer
Dwyer	Long (MD)	Scheuer
Dymally	Lott	Schneider
Dyson	Lowery (CA)	Sensenbrenner
Edwards (AL)	Lujan	Sharp
Edwards (OK)	Lundine	Shaw
Emerson	Lungren	Shelby
English	Mack	Shuster
Erdreich	Madigan	Sisisky
Fascell	Marlenee	Skeen
Fiedler	Marriott	Skelton
Fields	Martin (NY)	Smith (FL)
Fish	Martinez	Smith (IA)
Flippo	Mavroules	Smith (NE)
Florio	Mazzoli	Smith (NJ)
Foley	McCain	Smith, Denny
Ford (MI)	McCandless	Smith, Robert
Franklin	McCollum	Snowe
Frenzel	McCurdy	Snyder
Frost	McDade	Solarz
Fuqua	McEwen	Solomon
Garcia	McGrath	Stangeland
Gekas	McKernan	Stratton
Gephardt	McKinney	Stump
Gibbons	McNulty	Sundquist
Gilman	Mica	Swift
Gingrich	Michel	Synar
Gonzalez	Minish	Tauke
Gore	Molinari	Taylor
Gradison	Mollohan	Thomas (CA)
Gramm	Montgomery	Thomas (GA)
Gunderson	Moody	Torres
Hall, Sam	Moore	Torricelli
Hamilton	Moorhead	Udall
Hammerschmidt	Morrison (CT)	Vander Jagt
Hartnett	Morrison (WA)	Vandergriff
Hatcher	Murtha	Vucanovich
Hefner	Myers	Watkins
Heftel	Nelson	Weber
Hightower	Nielson	Whitehurst
Hiler	Nowak	Whitley
Hillis	O'Brien	Whittaker
Holt	Obey	Wilson
Hopkins	Olin	Winn
Horton	Ortiz	Wise
Howard	Oxley	Wolf
Hoyer	Packard	Wortley
Huckaby	Parris	Wright
Hughes	Pashayan	Wylie
Hunter	Pepper	Yatron
Hutto	Petri	Young (AK)
Hyde	Pickle	Zschau
Ireland	Price	
Johnson	Pritchard	

NOT VOTING—25

Andrews (NC)	Hansen (ID)	McHugh
Bethune	Hansen (UT)	Neal
Bonior	Hawkins	Porter
Bosco	Jeffords	Savage
Dickinson	Jones (NC)	Spence
Erlenborn	Kazen	Valentine
Evans (IA)	Lewis (CA)	Young (FL)
Hall (IN)	Markey	
Hance	Martin (NC)	

□ 1510

The Clerk announced the following pairs:

On this vote:

Mr. Markey for, with Mr. Dickinson against.

Mr. Hance for, with Mr. Lewis of California against.

Mr. HOPKINS, Mrs. SMITH of Nebraska, and Messrs. DAVIS, MOLLOHAN, WATKINS, and DENNY SMITH changed their votes from "aye" to "no."

Messrs. OTTINGER, VENTO, HAYES, MacKAY, PERKINS, WAXMAN, and STOKES changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1520

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 19, after line 15, add the following new section:

"SEC. 126. None of the funds available to carry out this title for the fiscal year 1985 shall be allocated to any country whose votes in the 38th United Nations General Assembly Plenary differed from the United States' position by more than 85 percent, as recorded in the Department of State's "Report to the Congress on Voting Practices in the United Nations," dated February 24, 1984."

Mr. WALKER. Mr. Chairman, this should be a fairly easy amendment for the Members to understand and it deals with the fact that the American people are suspicious of foreign aid anyhow. Here is a chance to make certain that our foreign aid gets directed in the right way.

A number of observers of our foreign policy have said that when we give foreign aid we ought to at least assure ourselves that we are giving the money to nations that are basically friendly to us, that they are nations that at least measured by what they do in international organizations vote with us a good part of the time.

What my amendment says is that you have got to vote with us in the United Nations 15 percent of the time in order to qualify for aid. Recognizing that is not a very high standard to set, only 15 percent of your votes in the United Nations have to be in concert with the United States in order to qualify to get aid, it, nevertheless, I think, sets a principle in place. It says that we no longer are going to simply put taxpayers' dollars out to anybody and everybody who comes in with their hands out asking for money, that we are in fact going to make some judgments about who gets this money.

In this case we are saying that you can go to the United Nations, you can vote against us 85 percent of the time and still qualify for aid; however, if you vote against us 86 percent of the time, then we are going to cut off the aid to you because we think that some standard has to be set with regard to who our friends are.

The amendment is fairly simple. It seems to me it is practical. In a nation where the American people are concerned about $200 billion deficits, this seems to me to be something that can be done to at least show that we are being somewhat responsive to public needs and responsible with tax money.

Mr. OBEY. Mr. Chairman, will the gentleman yield for a question?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. OBEY. Why would not the gentleman set a requirement that a country votes with us 85 percent of the time?

Mr. WALKER. Well, I would say to the gentleman that if we did that, we would give no aid to anyone anywhere in the world. There is no nation in the world in the United Nations in the last session that voted with us 85 percent of the time.

The United Kingdom comes the closest. They voted with us 84.2 percent of the time; so it seems to me that we ought to make the amendment into something that was reasonable, that we ought to try to do something to set the principle, but assure ourselves that we were doing something that was within reason and was sensible.

So therefore, I would be glad to debate the merits of a 20-percent amendment or some of those, but I would say to the gentleman that as you look at the voting records of some of our so-called friends, they do not stack up very well in the United Nations.

Mr. OBEY. Mr. Chairman, will the gentleman yield further on that?

Mr. WALKER. I would be glad to yield to the gentleman.

Mr. OBEY. If in fact the determiner of the wisdom of our providing foreign aid to any country is the percentage of time which they vote with us in the United Nations, then I have difficulty understanding why the gentleman does not really appear to believe in the principle of his own amendment by having that threshold at 75 to 85 percent of the time. Why should a country get aid from us if that is an important consideration if they do not vote with us all the time?

Mr. WALKER. Well, I thank the gentleman for his contribution. Of course, the gentleman knows that to set the standard he suggested would eliminate the foreign aid program and maybe that is what the gentleman wants to do. If he wants to do it, I would welcome his amendment. I might even vote for it, but this was an attempt to offer a sensible amendment, one which does in fact go to some of the worst nations in terms of their performance in international bodies and it says it seems to me something important to a lot of nations that we are kind of watching to see whether or not you stand with us in

world affairs. We are going to keep an eye on your voting record with us in the United Nations and make some determinations as to whether or not you ought to receive our aid based upon that.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, would the gentleman tell us whether or not the votes that we expect adherence on would be announced beforehand? This would be a key vote, this would go in the Ambassador's report card or would it be all votes?

Mr. WALKER. The gentleman it seems to me has gotten too used to how PAC's operate around here and how labor unions work.

Mr. MILLER of California. Mr. Chairman, would the gentleman just answer the question?

Mr. WALKER. I have the time, I think. What we did was we had the United Nations vote records put together by the Department of State. There is a compendium of those votes. It in fact covers the entire voting record at the United Nations and it also lists some of the key votes that we were also looking at; but this is a compendium of those voting records. I think it is extremely fair to judge based upon the entire voting record of a nation that we are helping.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. GREGG, and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New Hampshire.

Mr. GREGG. As I understand the gentleman's amendment, it would cover all votes cast at the general assembly and it would be tied to the report as filed with the Congress, which was a report which was filed as the result of an amendment which this House passed in the last Congress in amending the foreign aid legislation and which is required to be made to the Speaker of the House and the President of the Senate, I believe, and which contains within that report a list of all votes cast in the General Assembly, which would have been the 38th General Assembly that we are referring to. Therefore, it would not be selective voting. It would be all the votes cast and the percentage would be tied to that.

If I can ask the gentleman a question, as I understand it, those nations which voted less than 15 percent of the time with us, or 14 percent or less, would not be able to receive aid under this bill. As such, I understand the Soviet Union's voting record was 13.8 percent, so we are essentially saying that the Soviet Union and those nations which basically vote at the level or below the level of support that the Soviet Union casts at the United Nations; is that correct?

Mr. WALKER. The gentleman is absolutely correct. The Soviet Union was at a 13.8 percent rate.

It is interesting to note that there were several nations below the Soviet Union, but the gentleman is correct. All this demands of them is that they have voted with us 15 percent of the time.

Mr. GREGG. So essentially what the gentleman is asking for is that those states in the world which are basically client states of the Soviet Union and part of their political position shall not receive foreign aid from the United States. Is that not correct?

Mr. WALKER. The gentleman is absolutely correct. If you look at our own hemisphere, there are only two nations that would not qualify for aid under this amendment. That is Cuba and Nicaragua. I think it makes it quite clear right there that we are in fact dealing with Soviet client states around the world in most instances and that also should be a good reason for supporting this particular amendment.

Mr. GREGG. Well, if the gentleman will yield further, as an assertion of the fact that we are just impacting client states of the Soviet Union and those which follow the Soviet Union, in Eastern Europe the states that would not qualify would be Poland, Hungary, Czechoslovakia, Bulgaria, the German Democratic Republic, the Ukraine, the Soviet Union, and Albania, all of whom are Eastern bloc states to whom we should not be giving aid if they are not going to give us any support in our attempts to bring about human rights in the world and to vote properly in the United Nations.

I understand the nations in Asia which would also fall under this would be Yemen North, Iran, Iraq, Mongolia, South Yemen, Syria, Afghanistan, Vietnam, and Laos.

□ 1530

Certainly none of those nations having voted against us more than 85 percent of the time deserve our support.

Mr. PRITCHARD. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

As the delegate to the United Nations in the last General Assembly I can tell you that there were times when I sat there and listened to the rhetoric chewing up the United States and a lot of the feelings that I am sure are felt by the gentleman who offered the amendment went through my veins. I can see how these things could culminate in this amendment.

But I do not think it would be wise. First of all, I do not think we want to put a standard of 15 percent as if being above 15 percent means that they are eligible. If I was going to make a mark I would put the mark higher than that.

There are other actions one should use for making judgments. Do we have bases there? Were they helpful in some previous occupation? Did they send troops sometime when they were trying to get some peacekeeping force? Did they allow our troops to land there and move on? There are a host of reasons on how we judge other countries.

To put this standard out as if it is the premier standard I think is totally wrong.

The President is continually being cut down on his ability to handle foreign policy, and this will just be one more restriction. I think, as a matter of fact, there is a restriction now on aid programs for Communist countries and most all of them that you mentioned would fall into that ban.

We are all frustrated at times at how countries vote in the United Nations. But it is possible that a country that had a very poor voting record would like to make some moves away from the domination of Russia. We ought to be able to encourage it at that moment and not be cut back by saying no, no, we cannot do anything this year; we will have to wait until next year to give them some help.

On the other hand, there are countries down in the 20 and 30 percent area that have treated this Nation shabbily and no one would say they have met a standard for aid.

So while I can appreciate the frustrations that would bring about this amendment, I think most of us would agree that it really is not in the best interest to put this standard into law in judging other countries.

Mr. FASCELL. Will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding and I rise also to agree with his remarks and in opposition to the amendment.

No matter how well intentioned, the fact is that what the amendment does is establish only one criteria for evaluating our bilateral relations with a country. Regardless of our interests, regardless of the U.S. security interests or the need to provide the military assistance to a friend, the only criteria we would use would be that country's voting record in the U.N. Keep in mind those are votes on resolutions that are not binding and there

is some doubt as to whether they even make international law.

That would be the criteria to which the President of the United States would be bound under this amendment and all the identical amendments which the gentleman intends to offer to all of the sections of the bill dealing with assistance under this bill. It would absolutely tie the hands of the President.

The law already says that we may not have any bilateral programs in direct assistance with Communist countries. Therefore the only people we are talking about are our friends. And we use that single standard to get to them and we say to the President of the United States you cannot take anything else into consideration.

So I think it is a bad amendment, even though it is very sincere. I think the fact is that for our own security interests, the thing for us to do is to vote down this amendment.

Mr. GREGG. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

As to the point that we are tying the President's hands, I looked through this bill and I think we have to acknowledge that the role of the Congress in foreign policy has significantly changed over the last 20 years and the Congress has decided to assert itself in foreign policy and make decisions which control what the executive is going to do in foreign policy. And I seriously doubt that the executive is going to oppose this.

In fact, it was Ambassador Kirkpatrick who suggested originally that the House take action in the area of reflecting how votes are cast at the United Nations so that she will have some clout when she is on the floor of the United Nations in going to the various nations and saying, "Listen, the Congress is going to note your vote, and your vote is going to affect how Congress reacts in the area of aid and treating your nation." In fact, if you will refer to Ambassador Kirkpatrick's summary when she forwarded this report to the Congress she said:

> Experience has shown that when we let other nations know we are deeply interested in an outcome, those others are much more likely to take our values and interests into account in casting their vote.

We are talking here simply about limiting aid, and these are American dollars, hard-earned tax dollars that your constituents, your men and women, have worked all week to lay their hands on, which had been turned over to us in their trust, and with their trust for distribution.

We are talking about taking those hard-earned tax dollars and turning them over to people and nations which have voted with the Soviet Union, or voted less than the Soviet Union has voted with us in support of our principles and doctrine.

Now, if we do not believe as a body governing the people of this country that we have an obligation to spend those tax dollars in a manner which supports and encourages the values of this country, rather than supports and encourages the values of the Soviet Union, then I think we have passed on a sincere and a very important responsibility.

Let us go through the nations again that are involved in this matter that would fall below the 14 percent: Ethiopia, Algeria, Libya, the Seychelles, Angola, Mozambique, Poland, Hungary, Czechoslovakia, Bulgaria, the German Democratic Republic, the Ukraine, the U.S.S.R., Albania, Cuba, and the list goes on and on, Iran, Iraq, Yemen, South Yemen, Afghanistan, Vietnam, Laos.

This is a very simple step on what is a very important road for this Congress to make it clear to the members of the United Nations that there will be an accounting when we have our positions at the United Nations totally ignored by nations who are coming to us for assistance and for aid and that we will turn to those nations and at least ask them a simple, threshold question: Did you vote for us 14 percent of the time? After we have asked that question if the answer is yes then there are other things that we can evaluate in making the aid. But if the answer is no, clearly to take that tax dollar and give it to that country is to step inappropriately on the trust which has been given us over those tax dollars by the American people.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Washington.

Mr. PRITCHARD. I would only say that none of those nations that you have recited are receiving any aid. So we really are not affecting anything by passing this.

I know what you are trying to do, but I just do not think that this is a very effective way, since what you pass today will not affect any of the aid that is going out today.

Mr. GREGG. If the gentleman will yield back, if that is true, and I am not absolutely sure it is true—there are a couple of nations on here that I think may have qualified—but in any event, if that is true, then we have made a statement which is essential, which is that we are going to call attention to the other nations who are presently participating in the U.N. General Assembly, that we are calling to account their votes, and our Ambassador will be able to go to the other nations in the U.N. General Assembly and say this is an action that the Congress has taken. You can see that the Congress is now concerned about the votes in this General Assembly, and I am not sure what they are going to do next.

But I know that if you do not take our concern seriously when I go back to them, they will ask me why and maybe they will do something further.

□ 1540

This will be the step that will give our ambassadors to the United Nations the leverage they need in order to take action to get the attention of the people in that body.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. GREGG was allowed to proceed for 2 additional minutes.)

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. GREGG. Mr. Chairman, I yield to the gentleman from California.

Mr. ZSCHAU. I would like to suggest to the gentleman that if this amendment would not have any effect on the aid that is given in this bill and if it would only be used, therefore, to send a message to the nations in the United Nations, it seems to me we would want to have a standard that is higher than 15 percent.

If we specify no precise percentage the countries in the world may assume that our aid is conditioned on their voting with us a higher percentage of the time. But if we pass this amendment, we will have said that "15 percent is good enough; that is all you have to achieve in order to get the aid."

It would not have had any impact on next year's aid and it will send a signal that is a negative signal rather than a positive signal.

Mr. GREGG. If I could reclaim my time, I disagree with the gentleman most sincerely. The fact is that the cutoff level is clearly tied to the Soviet Union bloc votes and to the Soviet Union votes specifically. Second, we have totally ignored U.N. voting action in this body.

Over the last 20 years, nothing has been done in this Congress which has any responsive chord at all to U.N. voting action. This clearly becomes a first step and a rather major step for this House to take, because it is putting on notice members of the General Assembly body that their votes are not going to be ignored by this Congress.

Sure, it is a low threshold, but it is a threshold. It is not a final statement that "After this, if you get over 14 percent you are free and clear." Obviously, that is not true. What it is is the bottom line, "If you do not make it over the 15 percent, if you do not happen to at least extend the support of the United States more than your support of the Soviet Union's support of the United States, then you are going to have to be cut off right at the

threshold, you will not get to the second step of being evaluated on other issues."

Mr. WEISS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I do not intend to take my full time.

Mr. Chairman, I have heard simplified amendments on the floor of this body over the course of the years, and I guess I will hear and see many more.

Imagine, imagine if you will if an amendment such as this were to be adopted and imagine, if in fact some nation which had not voted with the United States 14 percent of time were to be suddenly invaded by the Soviet Union and it were to be in the interests of the United States of America to provide immediate military and economic assistance to that country, under this amendment the gentleman would have the President take out the abacus, would look at the sheet and the rollcall and say, "Ah, 8 percent; tough, fellows, no matter what it does to the national interests of the United States, too bad. You fall prey to the Soviet Union."

Imagine if you will, if this concept were to be adopted and have a nation that is suffering the consequences of some great natural calamity, drought, earthquake, flood, what you will; and the humanitarian instinct of the executive and the legislative branches of this Nation is to provide assistance and the gentleman's amendment is in effect, and the President has to take out the sheet and say, "Aha, those peoples' government only voted with us 6 percent of the time in the United Nations; let them starve."

I think that this kind of amendment deserves to be withdrawn, never mind defeated. I would think that the gentleman would think better than to offer an amendment of this nature.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, there is no amendment that will be offered on this bill with which I am more sympathetic.

Mr. Chairman, there is no amendment that has been or will be offered to this bill that I am more in sympathy with because it it more than irritating to watch country after country accept our support, not to say our largess, and continually reject the resolutions and the positions we take in that parliament of the world, the United Nations.

Particularly when the Soviet Union shot down an unarmed civilian airliner, the KAL 007, we could not even get a resolution deploring, much less condemning, that act of barbarism.

But that said, I ask my colleagues to consider whether the foreign aid program, the economic support and foreign military sales is simply a reward for good deportment in the United Nations. It should not be. It has much broader objectives. And I suggest to you that there are countries that have performed and will perform great services in our national interest regardless of how they may vote in the United Nations.

Let me cite one country, Algeria. Now I do not know if there is money for Algeria in here or not, because that is a country that is leftist, that I am sure is not sympathetic with our general positions in the United Nations, but, when our hostages were being held by Iran and we were in great difficulty as to what to do, whether to start world war III or whether to endure a prolonged period of humiliation, it was Algeria that acted as intercessor, intermediary, and was able to negotiate with the Iranians on our behalf and solve the most difficult international situation of our time.

So our foreign aid programs are designed much more than simply as a reward for good behavior in the United Nations. What they do is help us acquire allies when we need them; help us get access to raw materials that are not indigenous to this country; help us develop markets for the export of our manufactured goods. There is also a humanitarian rationale for our assistance.

Sometimes you are mad at the government, but the people of that country may need that aid. Questions like hunger, questions like economic development, questions like the availability of potable drinking water. This is not a program of charity, but there is an aspect of humanitarianism that ought to transcend a country's voting record in the United Nations.

Now, I suggest if you want to punish a given country for repeated misconduct in the United Nations, if you choose to define not voting with us as misconduct, then zero in on that country and send them a message.

Mr. KEMP. Will the gentleman yield?

Mr. HYDE. I yield to my friend from New York.

Mr. KEMP. Mr. Chairman, the gentleman is making an extremely important point about this issue, because I am very sympathetic to what the gentleman from Pennsylvania is attempting to do, but we need to find a better formula. Let me say to him as a friend that greater effort is being made today to do what he wants to see done than ever before under Ambassador Jeane Kirkpatrick, Senator KASTEN, and Chairman LONG of the Foreign Operations Subcommittee and the minority members of that subcommittee including myself, Mr. EDWARDS, Mr. LIVINGSTON, and Mr. LEWIS.

Many of us are looking at the voting record of U.N. countries who receive U.S. aid. I want to just say that I think that the gentleman has raised an issue which is critical to our Nation's foreign policy. But as our friend from Illinois (Mr. HYDE) has pointed out, there are other considerations upon which to make our aid decisions and while votes in the United Nations are very important, they cannot be the only consideration. Besides, 15 percent voting in support of our position is far too low in my view.

And I am particularly pleased to see that at the United Nations we have taken the "kick us in the teeth" sign down and we have an Ambassador who is speaking up for the United States as never before and she is absolutely convinced, I do not speak for her at this point, but she is absolutely convinced we need to take into consideration the resolutions and votes that are taken at the United Nations: The anti-Israel position, support of the PLO and other terrorist groups, attacks on the free press, and the incessant barrage against free enterprise and free market of the United States must be challenged.

But having said that, the gentleman from Illinois is raising an extremely important point which is that you cannot just predicate the assistance programs on one narrow voting record, because you come up with some rather silly possibilities.

□ 1550

For instance Zimbabwe would qualify. Someone more friendly might not. Yugoslavia and Romania would qualify, yet Poland would not. We need to take into consideration, I would say to my friend from Pennsylvania, the voting record of nations at the United Nations, but it ought not to be the only consideration. We hope we can reach a compromise.

I think the gentleman from Illinois makes an outstanding point and I endorse what he says.

It seems to me that we need to formulate a policy, not in the sense of strict guidelines, but a flexible policy which takes a nation's U.N. voting record into account but, at the same time, balance this against other strategic and regional foreign policy concerns. There are also instances when we need to evaluate the slow but steady changes which are taking place in a nation's position vis-a-vis the United States so that we can assist those who are moving our way but are not quite there yet. We need to make an explicit point of considering U.N. votes, but they must be considered in the context of our broader interests. The United Nations, though a visible forum, is not the center of foreign policy and we should not elevate its actions above their proper status.

Therefore, while I am sympathetic to the concerns of the gentleman from

Pennsylvania, I urge him to work with those of us who have his concerns to establish a policy which achieves his objectives while granting the President and the Congress necessary flexibility.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has expired.

(At the request of Mr. WALKER and by unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Let me make one more point and then I will yield to my friend for whom I have great admiration.

Some years ago a man named Sukarno headed the country of Indonesia and he was anti-West, anti-American. At that time we were training Indonesian military in our country, because I attended the same camp at which they were receiving training. And I inquired as to why we would have anything to do with these people who were so opposed to our value system and to our political ideals.

I was told, yes, but Sukarno will not be there forever. And the people who are working their way up in authority will be favorably disposed to our country.

That is precisely what happened. When Sukarno left, the succeeding administration were a lot of people who were trained and educated in our country and supported us.

So there is much more to this whole program than simply rewarding or punishing people for their voting record at the United Nations.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my good friend from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I just want to make certain that we understand what it is I am amending. I am amending title I which deals with military sales. All I am suggesting is that if you vote with us only 15 percent of the time you are going to be qualified for military sales.

The gentleman mentioned humanitarian aid. The gentleman before him, who spoke about simple mindedness, spoke very much about military aid.

Mr. HYDE. If I may reclaim my time, does the gentleman mean that we leave these markets to the French and the Soviets? And we just walk away, taking the high ground, without having them purchase our weapons if they choose?

Mr. WALKER. If the gentleman would yield, it seems to me that the kinds of nations that we are talking about are not nations that we want to be selling military equipment to.

I would say to the gentleman I am not certain I want sophisticated military equipment going into nations that cannot see fit to vote with us 85 percent of the time in the United Nations.

Mr. HYDE. Well, I am not sure I do either.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has again expired.

(At the request of Mr. LAGOMARSINO and by unanimous consent, Mr. HYDE was allowed to proceed for 1 additional minute.)

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his statement and for making some very fine points.

It seems to me that if the amendment read: "This is one of the factors that will be taken into consideration," not only would that be responsible, it probably also would be very helpful not only to the administration in putting together the aid requests and in dealing with proposed donee countries, but it would certainly be very helpful to U.N. Ambassador Kirkpatrick in the U.N. debates.

I would hope that we will so amend this amendment.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thought I might just rise and clarify a few points here because I will be offering an amendment later on in title IX which accomplishes some of the things that the gentleman from Pennsylvania hopes to do.

In regard to the gentleman from New York (Mr. WEISS) who rose and spoke about this being a simple or simple-minded amendment, I would like to point out to the Members here that most of you voted for a very similar amendment, as did the gentleman from New York (Mr. WEISS) when he supported the conference report last fall on the appropriations for foreign aid contained in the continuing resolution.

I think if you all look back at your voting records, you voted for the amendment, the Kasten amendment which was agreed to in conference, which produced this report, this 800-page report, which my good friend, the gentleman from New York (Mr. KEMP) says he is using as a guide in determining how he votes on future foreign aid, which my good friend from Illinois said he is using in the same manner.

So I am going to give you all the opportunity to vote on that again as you did last year, because it has been tremendously successful and helpful to all Members to see just how we are treated by many of our so-called friends.

What my amendment will do and what the Members voted on last fall simply requires the reporting form, that the gentleman from Pennsylvania (Mr. WALKER) does in his amendment, but then it goes on to say and it wipes out most Members' arguments, of the gentleman from New York (Mr. KEMP), the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. BROOMFIELD), and a lot of the others of why you oppose the Walker amendment.

All the existing law does is say that after it compiles the report that:

> None of the funds appropriated or otherwise made available pursuant to this subsection shall be obligated or expended to finance directly any assistance to a country which the President finds, based on the contents of the report required to be transmitted under this paragraph, is engaged in a consistent pattern of opposition to the foreign policy of the United States.

Now that is what you all voted for and this is going to expire October 1, because it was placed in the law in an appropriations bill.

I would hope since it has been so helpful to our Foreign Affairs Committee, to the Intelligence Committee, to the Appropriations Committee that the gentleman from New York (Mr. KEMP) is on, that you will all vote to put this into permanent law in this authorization bill.

I will be supporting the amendment of the gentleman from Pennsylvania (Mr. WALKER) because I think it is moving in the right direction. But I also will be covering all titles when I offer this amendment later on.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I would be most happy to yield to our very good chairman.

Mr. FASCELL. I thank the gentleman for yielding.

I thank the gentleman for his statement. He is correct that the requirement in current law or U.N. voting records expires because it was put in under the continuing resolution. When we get to that point in the bill, where the gentleman will offer his amendment with respect to all the titles in this bill, in the manner in which he has discussed, then I would be prepared to consider it at that time and accept it.

Mr. SOLOMON. I certainly thank the gentleman for his statement.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to correct one statement that I made in the course of my remarks. It turns out the

United Kingdom with 84 percent is not the highest ranking in the United Nations. Another nation has achieved a 93.3-percent rating on it and that is something that should be commended, that is the nation of Israel.

Mr. BROWN of Colorado. Mr. Chairman, this issue has been discussed to death and I will not add to many of the issues that have already been covered, but I would like to put the issue in context.

What we are talking about is if there is any limit on how we give our money away. History is filled with examples of foreign assistance that have been both successful and unsuccessful for the countries involved.

Let us not forget where we are at as a nation. We had a deficit that exceeded $200 billion last year, when you count the off-budget items. We had a governmental deficit last year that was equal to our entire private savings or capital formation as a nation.

I do not know of a single Member here who could look you in the eye and say he is proud of this Congress performance in controlling spending, regardless of party, regardless of philosophy.

There is not anyone here who I know who claims that interest rates are too low.

The question is not just the details that we have discussed. The question is: Is there any limit on our willingness to give away the taxpayers' money? Is there any resolve in this House to control spending? Is there any willingness to face up to the issue that is the No. 1 issue for our country—runaway spending. The No. 1 issue is what we are doing to the economy of our country after this Congress gets through throwing away the taxpayers' money. The issue before the House right now is are we willing to limit our foreign assistance and eliminate countries that are clearly opposed to the policies of this Nation. Are we willing to put at least a modicum of limits on how we spend the taxpayers' money?

Let us give the folks who have opposed this amendment their due. They point out that there is some value to foreign aid. They point out that countries that oppose may merit aid.

□ 1600

I grant that is possible. The real question, though, is: Will this House be willing to do anything to control its spending?

When the historians look back on this hour, they will see a House that has passed budgets and then every year appropriated more money than they approved in their budgets. When historians look back, they will see that we passed a budget on this floor, and that the bill we are considering exceeds that budget.

Now, I grant you, the bill has shifted some of the spending off budget, and this it is claimed that it is within budget. The truth is, it is over budget.

People are going to see that we talked about cutting spending, and what we actually did this year was increase spending almost $70 billion. And that is not to the appropriations level yet. We may increase spending more than that.

The question here is: Are we willing to limit the hemorrhaging of money that goes out from this country?

I would suggest to you that this is a very modest, minor step, but at least it is an effort to provide some sort of limitation to the hemorrhage of funds that we have been willing to pour out to countries across the world.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from New Hampshire.

Mr. GREGG. I would like to pick up on that point, because what we are talking about here are the taxpayers' dollars. How can we go back to the taxpayers, when we are running a $200 billion deficit, and say to them that we as the Congress did not have the courage to at least limit foreign aid spending, so that we do not spend it on those nations that voted with the Soviet Union or voted even less than the Soviet Union did in support of our position at the United Nations.

Furthermore, how can we deny our representative to the United Nations the leverage which she needs in order to go to those nations when she is on the floor of the United Nations and say, "Listen, if you do not take our concerns seriously, we are going to have to take a second look at how we treat you in the marketplace of lending money and giving money away and giving taxpayers' money away?"

The fact is that this is such a minor step that it is unbelievable to me that this House is not willing to take it in an attempt to make it clear to the nations of this world that we take seriously the votes cast in the United Nations and we are not going to allow our foreign aid to be thrown at those nations which are clearly opposed to our values in this world and are showing their opposition by casting their votes against us at the United Nations consistently.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has expired.

(On request of Mr. MILLER of California and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. The gentleman has made a marvelous argument in terms of: Is there any length to which we will go at which we will not appropriate money in foreign aid.

Will the gentleman tell us how much money this amendment would save?

Mr. BROWN of Colorado. I am sure the gentleman from California knows there are portions of the bill where we have left the administration with discretion.

Mr. MILLER of California. No. This amendment. How much money will this save over what we are currently doing?

Mr. BROWN of Colorado. I think, if the gentleman would allow me to answer the question, the gentleman will find that I will respond to the thrust of his question.

Mr. MILLER of California. Well, members of the committee have testified, if the gentleman will continue to yield, that we are not giving any of this kind of aid to any of these countries. So clearly this Congress has made a decision not to fund these countries, whether it is because of this voting record or some other reason, and we are not giving any aid; so this amendment does not save anything if the members of the committee are correct that we are not funding any military sales to any of these countries.

Mr. BROWN of Colorado. I do not believe that summarizes it accurately, and I would be happy to try to answer the question, if the gentleman will allow me to respond.

A close examination of the bill reveals that there is freedom for the President in many of these areas to appropriate the money or give that money to the countries that he chooses. So if the gentleman's point is if we have pinpointed countries that are in this category, I would say no; if the gentleman's question is, is it possible under this bill to give money to these countries, the answer is, very clearly, yes, and this amendment would save money from those allocations.

Mr. MILLER of California. If the gentleman will yield, the effect is not to save any money, but it would prevent the President from taking any action that he might ordinarily be allowed to take if he so desired with respect to one of these countries.

Mr. BROWN of Colorado. I think it is very clear that it would save money from going to any one of those countries.

Mr. MILLER of California. One of my concerns is—and I am not a member of the committee—that there is a raging war going on between Iran and Iraq, and there is a lot of discussion about where we are between those two countries, some 350,000 to 400,000 people have died, what is the interest of the Soviet Union, what is our interest, the interest of the French and European community? They are both on this list. If the President makes up his mind in the next 45 days or after this is signed that he wants to make a military sale to one of

those two countries, which I have no truck with, but he makes a decision that that is in our best interest vis-a-vis the Soviet Union, the gentleman is saying that he cannot do that. Even though this Congress does not spend a dime on military sales to those countries, if the President makes an independent determination that that vital area of the world is about to blow up and our interest is on one side or the other, he is prohibited under this amendment. But it does not save us a dime if he does not do that.

Mr. BROWN of Colorado. I would say to the gentleman that I hope we do not sell arms to Iran.

Mr. MILLER of California. I do not know who he will sell them to.

Mr. BROWN of Colorado. The President can always come to this Congress. As the voices of people we can make the decision in that area. I would hope you would want the Representatives of the people to be consulted before you sell arms to Iran.

Mr. MILLER of California. I understand that. I wish he would come to this House on a lot of items, but he does not. But the fact of the matter is, there is no taxpayers' argument in this amendment, and this is something more than just to rule out any negotiation, any participation, by this President with any of these countries.

Mr. BROWN of Colorado. That is clearly not correct, and all you have to do is read the bill to understand that.

AMENDMENT OFFERED BY MR. SILJANDER TO THE AMENDMENT OFFERED BY MR. WALKER

Mr. SILJANDER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SILJANDER to the amendment offered by Mr. WALKER: Strike out "None of the funds available to carry out this title for the fiscal year 1985 shall be allocated to any country whose" and insert in lieu thereof "As a major criterion to be taken into account in determining the amount of funds available to carry out this title which may be allocated for any country for the fiscal year 1985, the President shall consider whether that country's".

Mr. SILJANDER. Mr. Chairman, there is no doubt in anyone's mind that here, in the Congress, many of us are very, very frustrated with the fact that we are rewarding our enemies all too often. I am very sympathetic with the amendment of the gentleman from Pennsylvania, but also there is a diversion of opinion on the floor. I agree that what we need to do is certainly make the point to those in the United Nations that consistently vote against us that the United States will not stand by and allow it to continue. So therefore I am offering a compromise to this amendment.

What it would do is ask the President, in regard to the point made by the other side of the aisle, to take the concept of the Walker amendment as one of the criterion of a group of criteria when considering military assistance. This is all it does, as opposed to making a single controversial criterion mandatory, it places it in a group of many criteria.

So I certainly hope the Members on both sides of the aisle will accept the amendment to the amendment which, in my opinion, makes the point very clear to our opponents and helps solve some of the concerns that have been brought up on both sides of the aisle.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Washington.

Mr. PRITCHARD. Does it still set 15 percent as some kind of a figure that is good or bad? That is what bothers me about this amendment.

Mr. SILJANDER. Well, the 15 percent if in fact was a fixed figure, which anything below that sum would cut off all military assistance, I could agree with the gentleman. However, it just states that the President should take the 15 percent in mind as a part of the criteria when considering military sales. That is all it does.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Florida.

Mr. FASCELL. I must be truthful that I do not like the concept of setting up that kind of criteria, but at least the gentleman makes an effort with his amendment to allow the President to make a determination on the criteria, and I think that is a definite step forward because it eliminates the problems that the flat prohibition of the original amendment has.

So it accomplishes what the original proponents had in mind in terms of their own amendment without all of the disadvantages that flow from that.

As far as this side is concerned, we are prepared to accept the amendment to the amendment.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I, too, believe that this improves the original amendment, provides flexibility, and I would urge the House to adopt the amendment now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SILJANDER) to the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: Page 2, strike out the sentence beginning with "Of this" in line 20 and ending with the "program." in line 25; and page 4, after line 8, insert the following new subsection:

(d) Section 42 of the Arms Export Control Act is amended by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following:

"(a) Financing made available under sections 23 and 34 of this Act may not be used to finance the procurement outside the United States of any defense articles, defense services, or design and construction services, including financing for coproduction or licensed production outside the United States or defense articles of United States origin.".

□ 1610

Mr. RAHALL. Mr. Chairman, I offer this amendment because I feel that we should not be exporting American jobs today at a time of high unemployment in this country. The unemployment rate in my home State of West Virginia is highest in this country, and it has been for well over a year now.

It is certainly not in the best interests of my high unemployment area to be sending any foreign country around this world money to build their own weapon systems which in the end run will come into direct competition with those weapon systems built by American companies.

I do not think this is in the best interests of our country, especially those States with high rate of unemployment. The issue at stake here in my amendment is American jobs, and I want to stress this to the fullest extent. It is not a question of foreign aid to any country; it is a question of whether we as a nation can afford to be exporting jobs while so many of our own Americans are out of work.

The U.S. Chamber of Commerce estimates that for every $250 million that is taken out of our economy, it means a loss of 6,000 American jobs. Is 6,000 American jobs a fair exchange for helping any foreign country build their aerospace industry? I think not.

My amendment simply states, Mr. Chairman, that no FMS funds may be used by any country, now or in the future, to finance the procurement, outside of the United States, of any defense articles, defense services, or design and construction services including financing for coproduction or licensed production outside the United States of defense articles of U.S. origin.

The House broke a longstanding policy last year in the continuing resolution of not allowing foreign countries to use any of the funds they received from the United States to build their own weapons systems by an amendment to the continuing resolution that was offered by the gentleman from Maryland (Mr. LONG). This amendment allowed FMS credits to be

spent in a foreign country rather than in the United States to build a weapons system which would be coming into direct competition with those systems that are built by American companies. I stress that this was precedent-setting and the first time in American history that our FMS credits have been used in this manner.

Why is the development of a foreign aerospace industry more important than keeping U.S. tax dollars here at home and keeping Americans employed? Why should Americans be put out of work to help build up the military of any foreign country? I ask my colleagues, how can we vote to export jobs to any foreign country? Can we go back to our districts and tell our voters that we really, honestly felt that building up the aerospace industry of a foreign country is more important than keeping these jobs here at home?

So I urge my colleagues to examine exactly what is involved in this amendment. If my amendment is not adopted today, then I fear that we as a country will be setting a most important precedent. We would authorize U.S.-appropriated funds to be used by a foreign government to do two things: One, to pay for research and development work to be performed in the United States, yes, but for the foreign government's own use, and two to pay for defense articles and services to be produced in a foreign country for its own use. I stress the second point is production in a foreign government using American tax dollars for that foreign government's own use.

The implications of this, Mr. Chairman, and especially this latter point, extend well beyond the defense equipment area and have long-range ramifications for this country. At a time of high U.S. unemployment, it is highly questionable at best that the Congress can provide taxpayer funds to any foreign government to generate employment in that country.

Moreover, it should be recognized that these funds are likely to be used by that foreign government or other foreign governments in the future to produce products which will compete in world markets with U.S.-made products, thus further eroding U.S. employment.

In conclusion, Mr. Chairman, I urge my colleagues to stand up and support this amendment, and at the same time stand up for the American worker, for our American industries, and for what is best, for America's vital interests.

Let us keep American jobs here at home, and voting in favor of this amendment will show our constituents that we are indeed in this foreign aid bill looking out for what America's best interests are, No. 1.

Mr. Chairman, I urge adoption of the amendment.

Mr. KEMP. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am reluctant, I would say to my friend from West Virginia, to get into a debate on this issue. I think, personally, it is a mistake for us to attack this very important part of our strategic relationship between the United States and Israel that has just recently been elevated.

If you can remember, we signed a Memorandum of Understanding with Israel at a very critical point in our relationship with them, and also at a very critical point in the Middle East. For reasons extraneous to the agreement, it was unfortunately suspended. But now for all practical purposes it has been restored and resurrected. It is an important part of a signal to the world that there is between the United States and Israel, a working, strategic relationship predicated upon our natural alliance, not just in the interests of the two countries, but in the interests of peace and democracy in the Middle East.

I would say to my friend from West Virginia, with whom I worked on an assistance program for other countries in the Middle East, particularly Lebanon, the gentleman should not be too quick to judge this use of taxpayer funds. Let us not forget the $150 million grant that was given to Lebanon, which was the right thing to do at a very key and critical moment in the life of that very fragile democratic government.

Special provision was made for the Lavi as part of the continuing resolution in 1984, in the authorizing as well as the appropriating language. The Congress chose to send a positive signal about our commitment to the security of Israel. What kind of a signal would we be sending were we to rescind that authority now?

Let me tell the Members what more this amendment would do. It does not just go to the Lavi fighter aircraft. This amendment would eliminate the discretionary authority to permit the use of any FMS financing for offshore procurement worldwide, as the gentleman expressed, even when such financing would further U.S. security interests or aid U.S. employment.

Let me not talk about the economy, I do not think it is an economic issue. Ladies and gentlemen, this is not an economic issue; this is a security issue, and I bascially want to address it from that standpoint. Let me say parenthetically, if you made the case, as presented by the gentleman from West Virginia, who is a very valuable Member of this body, on behalf of the taxpayer, of course he is speaking to a lot of us who are sensitive to those issues. But, my friends, you can make that case about the whole bill that is up. I know that the gentleman recognizes that some of these programs are aimed at vital interests that this country has and one of those, I submit to you, is the security interest that we have with the State of Israel in helping them build an industrial economic base from which to be help solve some of their difficult security and economic issues, in this very dangerous part of the world, and against the dangerous threat that is posed by the Soviets and their client states in the Middle East.

I ask you not to raise this issue particularly right now, it is such a poor time to be bringing up this issue. Exactly at a time in which our country faces severe challenges in the Middle East, we should not be disrupting a very critical relationship that we have been able to develop with Israel, we should be enhancing it.

Second, it would be a mistake to deny the use of FMS credits for offshore procurement based on our concern over unemployment, because, very frankly, there are a lot of companies who deal with the Lavi project, including many in many of our States and many districts, who will benefit through participation in the production of the Lavi.

I hope we do not turn our relationship with Israel into a debate over the economy or whether we are going to be hurting one company as opposed to another. That would be a big mistake. I ask my colleagues to overwhelmingly turn down this ill-advised and untimely effort to separate the United States and Israel and our historical, strategic relationship and alliance.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New York (Mr. KEMP), for yielding and I rise in opposition to the amendment offered by the gentleman from West Virginia (Mr. RAHALL) striking subsections 42 (A), (B), and (C) of the Arms Export Control Act, requiring that foreign military sales funds be spent in the United States. While I believe the gentleman's primary intention is to eliminate the $250 million authorized for the procurement in Israel for defense articles and services for the Lavi fighter plane, by this proposal he is gutting our Nation's productive and important joint initiatives abroad with our NATO partners and other allies.

For example, the gentleman's amendment would adversely affect our Nation's ability to continue financing offshore procurement worldwide including the mutually beneficial coproduction of the F-16 with certain European nations, the F-5 with Korea, and the Harrier aircraft with the United Kingdom.

□ 1620

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

(On request of Mr. GILMAN and by unanimous consent, Mr. KEMP was allowed to proceed for 3 additional minutes.)

Mr. GILMAN. If the gentleman will yield further, let me ask my colleagues to fully examine the real reason for the gentleman's amendment: blocking the Lavi aircraft production in Israel. Last year, Congress approved FMS funds for the Lavi program. The Lavi program as supported by our Committee on Foreign Affairs contains a number of important benefits for the United States including a strenghening of the U.S. technological and data base accruing from the development of the Lavi and the increased ability of the United States to work closely with Israel in the area of effective fighter plane development and utilization.

To respond to the gentleman's economic arguments, it is estimated that over $1 billion over a number of years will be spent in our Nation on the Lavi, creating substantial employment in our own Nation.

Accordingly, to assure that the United States is permitted to take advantage of cost-effective and technologically beneficial production undertakings with other nations, I urge defeat of this amendment.

Mr. KEMP. I appreciate my colleague from New York making that point.

Mr. Chairman, let me say to all of the Members who are here right now, this is not a zero-sum contest. Let us not turn this into a zero-sum game between ourselves and our vital security interests and those of our allies around the world.

I would just say to my friend from West Virginia, who as I say is a valued Member of this body, I would hope that this debate keeps on the right track, which is that we have a vital stake in protecting the interests of the free world in the Middle East, and we should not do anything that is going to jeopardize our ability to be credible and effective in the Middle East.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to my former chairman of the Defense Appropriations Subcommittee, the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman in the well has made the most important point. Dollars do not come into play here because we are talking about national security. The aid here is for national security. What we are doing here with Israel is giving them the power, the chance, to build up their own national security so that we do not have to continue to make these aid loans and grants; that they will build their own plane, which is a good plane, but again, if we are worrying about economics, they will not have it until 1990, so they are not competing with anyone except for the future, but they will have their own capability to protect and defend their own nation.

Mr. Chairman, the Rahall amendment is very dangerous because it threatens the security of our longtime ally in the Middle East, the State of Israel. It is not a secret that Israel plans to use the foreign military sales credits earmarked in the 1985 foreign aid authorization bill, H.R. 5421, for the development of the Lavi fighter jet.

The jet will offer Israel the ability to meet the serious threats posed by its hostile Arab neighbors. The recent waive of terrorist attacks on Israeli citizens has reinforced the fact that Israel faces daily incursions. They must have the capability to adequately deter these hostile forces.

The development of the Lavi jet will also help the Israeli economy. At a time when inflation in that country is over 140 percent due to their enormous defense budget requirements, U.S. aid is an important boost.

Let us be clear that this amendment will block the development of the Lavi jet and have serious ramifications.

While I am for spending American dollars in America, if spending American dollars in America is what concerns my colleagues most, I have considerable evidence that shows there are great economic advantages to the United States by developing this jet fighter. More than $1.5 billion will be spent in the development of this fighter jet and it will provide 20,000 man-years of employment in the United States. It will also strengthen the U.S. industrial base by offering U.S. specialists training that enable them to perfect future U.S. projects.

My point is that the U.S. people are not being shortchanged by the development of this jet fighter in Israel. The fighter will not be in competition with U.S. planes, it is specially designed to meet Israel's unique security needs. With the relatively small number of planes scheduled to be built and U.S. approval needed to sell these aircraft to other countries, the only thing we would be doing by rejecting this program would be hurting the national security of Israel and damaging our own interests in the Middle East.

I urge my colleagues in the House to exercise support for the State of Israel, and vote against any amendment which would infringe on the construction of the Lavi fighter jet.

Mr. KEMP. Besides that, it would be a terrible blow to Israel's industry, which has begun to work in coordination with our industrial base to develop this capability. It would be terribly erratic and irresponsible for us to disrupt this program after the 1984 continuing resolution created it.

What kind of an ally are we going to be if we keep changing policy directions, and allowing these very vital relationships to be subjected to inconstant political winds? I know the gentleman does not want to be capricious, but this is a capricious amendment.

Let me make one other point. I will tell my colleagues, the coproduction of the Lavi fighter aircraft is one of the most important programs that symbolizes the strategic relationship between the United States and Israel. This is a poor time to introduce this amendment. It is bad economics. It is bad defense. It is bad for the security interests of this country, and it is bad for an ally that is key to the stability of the vital Middle East.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

As the author of this amendment in the Committee on Foreign Affairs, along with our colleague from New Jersey (Mr. TORRICELLI) and the gentleman from Florida (Mr. SMITH), first I want to compliment and commend the gentleman from New York for his eloquent presentation, which I think puts this issue into proper perspective.

This is primarily a security issue. This is an issue fundamentally important to the relationship between the United States and the State of Israel, and to the security of the United States in the Middle East.

I think it is imporant for the body to understand that, when this amendment was introduced in the subcommittee, it received the unanimous bipartisan approval of each member of the subcommittee. It was passed on a 10 to 0 bipartisan vote. The reasons, I think, that the members did approve it in the unanimous bipartisan fashion that they did were primarily the types of reasons pertaining to security that were outlined by the gentleman from New York.

But I do believe that because our colleague and friend from West Virginia did raise two key issues, the issue of jobs and the issue of competition it is important for the record to challenge those assertions. I know they were made in good faith and I know that the motives behind this amendment are sound, but frankly, I think that the record simply does not justify the assertions that were made and I would like briefly to deal with each of them.

First of all, with regard to jobs, the estimates with regard to the amount of dollars that will be spent in the United States on the Lavi range from $1¼ to $1½ billion. The estimates with regard to jobs that will be produced in the United States on the Lavi range

from 20,000 to 37,000 jobs, depending on whose estimates you accept.

There will be some 26 American companies participating in the coproduction of the Lavi, and these companies will be spread through 16 States, creating thousands of jobs in the U.S. aerospace industry.

American involvement with the Lavi will clearly benefit future American aircraft programs and the United States will be working on a unique and sophisticated jet fighter aircraft with the Government of Israel. The technological gains that will be achieved through the development and production of the Lavi will be fully available to the United States and will be applicable to the next generation of U.S. fighter aircraft efforts with regard to development and production.

Second, on the issue of competition, there is simply no competitive threat that the Lavi provides to any American fighter aircraft. First of all, of the 300 Lavi that the Government of Israel is committed to purchase, the first of these will not even be off the production line until the year 1990. The production rate will be only 3 aircraft per month, or 36 per year, so that these 300 aircraft will not be finished until after 1995.

Third, the Government of Israel will obviously continue to purchase first-line American aircraft such as the F-15E and the F-16E.

Finally, before the Government of Israel would be able, even if it decided it wanted in 10 or 12 years to do any exporting of the Lavi, they would be required to obtain a U.S. export license to do any exporting at all.

This simply does not provide any competitive threat to the United States. Interestingly enough, the countries that are discussed in terms of prospective purchasers of the Lavi are primarily Arab countries. I think it is unlikely that an Arab country is going to purchase an Israeli fighter plane.

So I think for the record it should be spelled out that the issue of jobs and the issue of competition do not support the gentleman's argument. Although, as the gentleman from New York rightly emphasizes, they are not the central issues in this debate—they are red herrings—those issues do not stand up to scrutiny. The key issue here is the great significance between the United States and Israel of the strategic relationship, the security relationship, the close ties that are being enhanced through this coproduction.

Mr. Chairman, I associate myself with the remarks of the three gentlemen from New York who spoke before me and I urge the Members of the body to oppose this amendment and support the unanimously approved subcommittee position.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. LEVINE of California. I yield to my colleague, the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

Mr. Chairman, as a member of the Committee on Appropriations, where last fall we approved a similar approach to the Lavi program, I want to commend the gentleman for his statement. I think he is quite accurate on the issues.

Mr. Chairman, Representative RAHALL's amendment would stipulate that no funds may be used by any foreign countries outside of the United States to develop their own weapons systems. The amendment is clearly designed to overrule the Foreign Affairs Committee's provision that $250 million of the money earmarked for Israel's Lavi fighter plane may be spent in Israel.

I would like to take issue with some of Representative RAHALL's claims in a "Dear Colleague" letter explaining his amendment earlier this week. While he stated that this expenditure of funds in Israel will result in the loss of 6,000 jobs in the United States, he does not explain that another $150 million will be spent on the Lavi program in the United States and will actually contribute to employment in the United States, with such American firms as Pratt & Whitney, Grumman, and Sundstrand, to name a few, taking part in the Lavi project.

In the broader sense of cooperation, we must remember that there have been many instances in the past where the United States has gained from exchange of information with Israel and this will be another such instance. Moreover, the Lavi will not compete with any current U.S.-made planes for the export market but rather will fulfill Israel's internal needs, and would not even be available for export for another decade. Even then it is only to be sold with U.S. permission.

There is no denying that this aid provision benefits Israel also, but I fail to see where aiding an ally, which has time and again proven itself to be the only reliable, democratic ally in the Mideast, is a betrayal of American interests. Israel needs the Lavi to upgrade its aging air fleet and counter the military balance in the Middle East. I think that few of my colleagues in this House would dispute the fact that a strong Israel is in a better position to uphold American values and protect Western interests in the region. I urge that we not weaken this proven ally in a misguided attempt by our colleague to equate aiding Israel with loss of American jobs.

The CHAIRMAN. The time of the gentleman from California (Mr. LEVINE) has expired.

(On request of Mr. RAHALL and by unanimous consent, Mr. LEVINE of California was allowed to proceed for 3 additional minutes.)

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. LEVINE of California. I would be happy to yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentleman for yielding.

Mr. Chairman, in response to the gentleman from the Committee on Appropriations who just referred to the action of the full House in regard to the continuing resolution of last November, the gentleman is entirely correct. The House in a vote of 262 to 150 on November 8, 1983, did approve this amendment to the continuing resolution.

It should be noted, however, that that was done without any hearings, without the Foreign Relations Committee having had the opportunity to conduct open hearings on this issue. There was not the normal congressional process followed in that amendment that was adopted.

□ 1630

That amendment set a very important precedent, and now today's actions, of course, would confirm that precedent-setting move.

But I think what I would like to point out more than anything, Mr. Chairman, is that every speaker has mentioned that this amendment would stop the development of the Lavi jet fighter, and that is not its intention. It is not the intention to include Israel alone. Indeed the amendment itself does not even mention the State of Israel.

The amendment does not stop development of the Lavi jet fighter. It only stipulates that these funds be spent in the United States. I do not think it is too much to ask a country that receives the biggest bulk of our foreign aid, the largest share of foreign assistance from this country, to ask that they spend this money in the United States to the benefit of the American taxpayer. The Israelis are welcomed, even encouraged, and I would be the first to encourage them, to strengthen their defenses through the purchase of our sophisticated aircraft and our weapons and through the use of our technology. But let us not ask the American taxpayer who is being stripped of his hard-earned dollars to forego receiving some benefit from this large foreign aid bill we provide for the State of Israel.

Indeed the weapons that we have provided Israel have been the most sophisticated and most advanced in the world, and they have proven that time and time again in the Middle East, the latest example being over Lebanon in 1982 when the Syrian Mig missiles were wiped out so effectively by the Israeli weapons.

So I think it is very important that we look at what this amendment does and does not do. It does not stop the production of the Lavi jet fighter, and it is not aimed at Israel alone. It is aimed at preventing any foreign country from using U.S. tax dollars to build up their own foreign fighting machines that in the long run would come into competition with U.S. jobs and U.S. industries.

The gentleman from California mentioned that it does not compete against U.S. industries, and I would point to many industries that would be affected by the competition that the Israelis would provide on the world weapons market in the future once the Lavi is developed. Northrop, based in southern California, stands to lose on its development of the F-20. Israel currently has in its arsenal, as the gentleman is well aware, F-15's and F-16's, and if they did not build the Lavi, they would probably buy more of those, or the F-20 built by Northrop. So we see where that company would lose in the future.

General Dynamics, based in Fort Worth, Tex., would be hurt through the loss of F-16 sales which have been going to Israel.

McDonnell Douglas of St. Louis would be hurt through the loss of sales of the F-15's which have been going to Israel.

General Electric, which makes engines for both the F-15 and the F-16, would be hurt.

Pratt & Whitney in Connecticut also makes engines for the F-15 and F-16. Even though they will be making money on the Lavi contract, this would be offset by the loss of sales of their F-15 and F-16 engines.

Hughes Radar in California makes radar for the F-15.

The CHAIRMAN. The time of the gentleman from California (Mr. LEVINE) has expired.

(By unanimous consent, Mr. LEVINE of California was allowed to proceed for 2 additional minutes.)

Mr. LEVINE of California. Mr. Chairman, I would like to take this time to respond to the gentleman from West Virginia (Mr. RAHALL). I will just briefly tick off the points the gentleman from West Virginia raised and try to respond to them briefly.

On the issue of whether or not the taxpayer will suffer, I think it was quite clear from the remarks that I made initially, as well as those from some of the others, that the taxpayers in this country will be benefiting because of the coproduction agreements we are talking about with regard to the Lavi.

On the issue of competition, simply to talk about the example of Northrop that was given by the gentleman from West Virginia, four of the principal countries to whom Northrop is talking about selling its F-20 Tiger Shark are Egypt, Jordan, Turkey, and Bahrain. I respectfully submit that it is highly unlikely that Egypt, Jordan, Turkey, or Bahrain would consider purchasing the Lavi from Israel even if Israel made the judgment at some time to seek a U.S. export license with regard to the Lavi.

Third, with regard to the issue of hearings, I would respectfully submit to the gentleman from West Virginia that this floor amendment itself is designed to circumvent the hearing process, and I would remind the gentleman from West Virginia that this Lavi amendment was included in this bill at the earliest stage of the hearing process, at the subcommittee stage, during which the Europe and Middle East subcommittee made the decision by a unanimous bipartisan vote of 10 to 0 to include this amendment. It was then approved by the full committee. There was not an effort to remove it, and we are now talking about a floor amendment that very clearly skirts the hearing process the gentleman tells us we should be respecting. I agree, we should be respecting it.

Finally, the gentleman is correct in saying that this does not only deal with the Lavi. It would also stop the coproduction of radar being produced by GE and Hughes, engines that he discussed before, fire control systems for the Merchava tank, and the development of the tank engine. None of these things were intended by the gentleman to be included, and all of these would be stopped.

For all of these reasons, again, Mr. Chairman, I urge the rejection of this amendment.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. LEVINE of California. I am happy to yield to the gentleman from West Virginia.

Mr. RAHALL. Again, Mr. Chairman, I stress that I am not stopping the production of the Lavi jet fighter or any of the systems that the gentleman mentioned. I am only asking that it be spent here in the United States.

The CHAIRMAN. The time of the gentleman from California (Mr. LEVINE) has again expired.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, somehow this debate on this amendment has descended into an argument about whether or not we are going to have coproduction of a Lavi fighter and whether or not this is a pro-Israeli or an anti-Israeli amendment.

I would like to focus the attention of the Members of this body on the fact that this amendment is aimed at the central proposal; whether or not, due to last year's continuing resolution and this follow-on confirmation in law, we are going to precedently destroy the sanctity of the FMS system. The FMS system has been operating very well in this country and in the free world for the enhancement of the defensive capability of our friends and allies throughout the world in order that they might better buy the most sophisticated weaponry thus far produced in the world, namely, American produced weapons systems.

The whole concept of FMS is to provide American weapons to friends of America by an FMS credit system that works to the benefit of the free world and to the taxpayers and the people of the United States of America.

The question has arisen: Do we want to start a new aerospace industry somewhere in the world? A commendable idea, indeed! We certainly do not in any way denigrate the fact that the Israelis are producers of aircraft: the Kfir. I have discussed this aircraft with Ezer Weizman; one of the foremost aviators in the world; I know something about airplanes, too.

The question is: Are we going to subsidize a new aerospace industry in a foreign country through FMS credits that are supposed to be used to buy American weapon systems made in America? Or, are we going to preserve the concept of the FMS system—which grants American taxpayer funds to foreign governments for the express purpose of buying American systems. Is there really a need for another manufacturer of high performance jet fighters in the world? Ask the Germans. Ask the French. Ask the British. Ask the Danes. Ask the Dutch. Ask anybody.

We have been trying for years within the NATO structure to cease the very expensive process of duplication of effort in order to produce needed R&D and needed production of sophisticated weapons systems. We have been trying desparately to keep people from duplicating efforts, not only within our country but within the whole free world.

Does the free world need another high performance jet aircraft? I do not know why, unless it would be to sell to other nations that do not now have them. And certainly our F-15's and F-16's and F-20's are available for purchase by any friendly nation in the world.

Do we as a habit try to encourage coproduction of airplanes? No; we do not, unless it is for the democratic and two-way street preservation between ourselves and NATO to help the foreign exchange balance in weapons systems.

We cannot afford to destroy the whole precedent of FMS sales. As the gentleman from West Virginia pointed out, never before have we allowed FMS credits to develop a foreign industry or to develop a foreign product or to develop a foreign aircraft. FMS

sales and credits have been used solely, have been designed solely, have been expressed solely for the purchase of American weapons by American FMS credits to help defend the interests of the free world and the United States of America.

Mr. Chairman, I hope that the necessity of this amendment now before us would be seriously considered by the Members of this body, and I certainly urge an aye vote on the amendment.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am happy to yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the gentleman makes excellent points in regard to the precedents that would be set here in the use of our FMS credits.

I would also add that by the precedents that would be established if this were allowed to proceed, the demands on U.S. dollars and the demands on U.S. technology would continue to an even greater degree in the future. And how many more countries are going to come to the United States asking that this precedent be allowed for them to occur also?

I think it is just a very, very important precedent that we are establishing, and all Members should be fully aware of it.

Mr. Chairman, I salute the gentleman from California (Mr. BADHAM) for his statement in support of the amendment.

Mr. LEHMAN of Florida. Mr. Chairman, I oppose the amendment offered by Mr. RAHALL and refute the claim that development of the Lavi competes with American companies developing similar aircraft systems. The Lavi aircraft will not be ready until the 1990's and is not comparable to the F-20 or other presently existing advanced aircraft. The Lavi program in fact provides jobs in the United States with American companies participating in the Lavi project.

Up to $150 million shall be for research and development in the United States for the Lavi program. Our assistance to Israel with the means necessary to carry out this program is beneficial to not only Israel, but to the United States. Israel's extensive combat experience has gone into the unique design of the Lavi, and our aid will bring strategic as well as economic benefits to the United States. We have an important stake in Israel's economic well-being and in its ability to maintain its own military independence and self-sufficiency. In the long run, Israel's strengthened technological base will reduce its need for military assistance while contributing to the revitalization of a healthy economy.

Through great sacrifice in numerous wars with Arab neighbors who were unable or unwilling to make peace, Israel is an instructive lesson in the need to maintain its own military capability and qualitative superiority. The military balance is always in danger of being eroded, and the Lavi offers Israel the long-term viability of its aerospace industry. And it is an important stimulus to Israel's economy with long-term implications for our own future aid programs.

To conclude, the Lavi program is a unique one, with benefits to both Israel and the United States. I urge my colleagues to vote against the Rahall amendment to eliminate this important program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 40, noes 379, answered "present" 1, not voting 13, as follows:

[Roll No. 136]

AYES—40

Albosta	Emerson	Nielson
Applegate	Ford (MI)	Oakar
Badham	Hall, Ralph	Patman
Bereuter	Hall, Sam	Paul
Bonior	Hubbard	Perkins
Byron	Jenkins	Rahall
Chappie	Jones (TN)	Shumway
Coleman (MO)	Kastenmeier	Staggers
Conyers	Kolter	Stangeland
Crockett	Leath	Stenholm
Darden	McCandless	Stump
Dingell	Miller (OH)	Wise
Dymally	Montgomery	
Early	Murphy	

NOES—379

Ackerman	Brown (CO)	Dickinson
Addabbo	Broyhill	Dicks
Akaka	Bryant	Dixon
Alexander	Burton (CA)	Donnelly
Anderson	Burton (IN)	Dorgan
Andrews (TX)	Campbell	Dowdy
Annunzio	Carney	Downey
Anthony	Carper	Dreier
Archer	Carr	Duncan
Aspin	Chandler	Durbin
AuCoin	Chappell	Dwyer
Barnard	Cheney	Dyson
Barnes	Clarke	Eckart
Bartlett	Clay	Edgar
Bateman	Clinger	Edwards (AL)
Bates	Coats	Edwards (CA)
Bedell	Coelho	Edwards (OK)
Beilenson	Coleman (TX)	English
Bennett	Collins	Erdreich
Berman	Conable	Evans (IA)
Bethune	Conte	Evans (IL)
Bevill	Cooper	Fascell
Biaggi	Corcoran	Fazio
Bilirakis	Coughlin	Feighan
Bliley	Courter	Ferraro
Boehlert	Coyne	Fiedler
Boggs	Craig	Fields
Boland	Crane, Daniel	Fish
Boner	Crane, Philip	Flippo
Bonker	D'Amours	Florio
Borski	Daniel	Foglietta
Bosco	Dannemeyer	Foley
Boucher	Daschle	Ford (TN)
Boxer	Daub	Fowler
Breaux	Davis	Frank
Britt	de la Garza	Franklin
Brooks	Dellums	Frenzel
Broomfield	Derrick	Frost
Brown (CA)	DeWine	Fuqua
Garcia	Marlenee	Sawyer
Gaydos	Marriott	Schaefer
Gejdenson	Martin (IL)	Scheuer
Gephardt	Martin (NY)	Schneider
Gibbons	Martinez	Schroeder
Gilman	Matsui	Schulze
Gingrich	Mavroules	Schumer
Glickman	Mazzoli	Seiberling
Gonzalez	McCain	Sensenbrenner
Goodling	McCloskey	Shannon
Gore	McCollum	Sharp
Gradison	McCurdy	Shaw
Gramm	McDade	Shelby
Gray	McEwen	Shuster
Green	McGrath	Sikorski
Gregg	McHugh	Siljander
Guarini	McKernan	Simon
Gunderson	McKinney	Sisisky
Hall (OH)	McNulty	Skeen
Hamilton	Mica	Skelton
Hammerschmidt	Michel	Slattery
Harkin	Mikulski	Smith (FL)
Harrison	Miller (CA)	Smith (IA)
Hartnett	Mineta	Smith (NE)
Hatcher	Minish	Smith (NJ)
Hawkins	Mitchell	Smith, Denny
Hayes	Moakley	Smith, Robert
Hefner	Molinari	Snowe
Heftel	Mollohan	Snyder
Hertel	Moody	Solarz
Hightower	Moore	Solomon
Hiler	Moorhead	Spence
Hillis	Morrison (CT)	Spratt
Holt	Morrison (WA)	St Germain
Hopkins	Mrazek	Stark
Horton	Murtha	Stokes
Howard	Myers	Stratton
Hoyer	Natcher	Studds
Huckaby	Nelson	Sundquist
Hughes	Nichols	Swift
Hunter	Nowak	Synar
Hutto	O'Brien	Tallon
Hyde	Oberstar	Tauke
Ireland	Obey	Tauzin
Jacobs	Olin	Taylor
Jeffords	Ortiz	Thomas (CA)
Johnson	Ottinger	Thomas (GA)
Jones (OK)	Owens	Torres
Kaptur	Oxley	Torricelli
Kasich	Packard	Towns
Kemp	Panetta	Traxler
Kennelly	Parris	Udall
Kildee	Pashayan	Vander Jagt
Kindness	Patterson	Vandergriff
Kleczka	Pease	Vento
Kogovsek	Penny	Volkmer
Kostmayer	Pepper	Vucanovich
Kramer	Petri	Walgren
LaFalce	Pickle	Walker
Lagomarsino	Price	Watkins
Lantos	Pritchard	Waxman
Latta	Pursell	Weaver
Leach	Quillen	Weber
Lehman (CA)	Rangel	Weiss
Lehman (FL)	Ratchford	Wheat
Leland	Ray	Whitehurst
Lent	Regula	Whitley
Levin	Reid	Whittaker
Levine	Richardson	Whitten
Levitas	Ridge	Williams (MT)
Lewis (CA)	Rinaldo	Williams (OH)
Lewis (FL)	Ritter	Wilson
Lipinski	Roberts	Winn
Livingston	Robinson	Wirth
Lloyd	Rodino	Wolf
Loeffler	Roe	Wolpe
Long (LA)	Roemer	Wortley
Long (MD)	Rogers	Wright
Lott	Rose	Wyden
Lowery (CA)	Rostenkowski	Wylie
Lowry (WA)	Roth	Yates
Lujan	Roukema	Yatron
Luken	Rowland	Young (AK)
Lundine	Roybal	Young (FL)
Lungren	Rudd	Young (MO)
Mack	Russo	Zschau
MacKay	Sabo	
Madigan	Savage	

ANSWERED "PRESENT"—1

Gekas

NOT VOTING—13

Andrews (NC)	Hansen (UT)	Neal
Erlenborn	Jones (NC)	Porter
Hall (IN)	Kazen	Valentine
Hance	Markey	
Hansen (ID)	Martin (NC)	

□ 1650

Messrs. RANGEL, EMERSON, EVANS of Iowa, FISH, and LIPINSKI changed their votes from "aye" to "no."

Mr. EMERSON and Mr. RALPH M. HALL changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1700

Mr. FASCELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just rise simply to say that I want to thank my colleagues.

I take this time, Mr. Chairman, because I have had so many of my colleagues ask me questions about where do we go from here, and I am sure that is true of my colleague on the other side of the aisle, the distinguished gentleman from Michigan.

As I said yesterday, and again today, when we started out, we intended to take up title X tomorrow morning, starting at 10 o'clock. And under the rule, there will be 3 hours of debates on each of the two amendments. Hopefully, we will not take all of the time since debate on any of the amendments will actually be a debate on the basic issue; that is, will there be assistance to El Salvadore and under what conditions? But we still would have to have votes on each one of those plus perhaps on a motion to recommit and final passage.

In order to accommodate that schedule and to conclude our business at a reasonable hour tomorrow afternoon, late but prior to some urgent events that are taking place, it will be necessary for us to work as late tonight on the rest of the bill as we can possibly work.

We have nine titles in this bill. I have no count of the amendments. I want to thank my colleagues so far in the debate and in the discussion and in the amendatory process on this bill. We have moved along very rapidly.

Frankly, I would prefer not to have as many votes as we have had because they take a lot of time. But we have not tried to restrict debate or raise any questions with respect to the votes and we have agreed to the votes whenever a proponent of an amendment has asked for such a vote.

We are down to, as far as I know right now, one final amendment on title I, which we hope to dispose of in a reasonably short time.

Then we would proceed on the other eight titles of the bill.

All amendments are important; they all deserve consideration. We intend to provide opportunity for that. So I ask for your cooperation, and just simply say that if we are going to carry out our responsibility, we will have to work late tonight or we will never get it done.

I am just pleading for my colleagues to continue to cooperate with us as they have. Whoever has the next amendment, let us go.

AMENDMENT OFFERED BY MR. DORGAN

Mr. DORGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN: Page 4, line 13, strike out "$587,250,000" and insert in lieu thereof "$422,500,000".

Mr. DORGAN. I thank the Chairman.

Members of the House, I rise offering an amendment to the House on a portion of the Foreign Assistance Act that I think is important, but a portion that has been growing very, very rapidly, more rapidly than I think anyone in this House can justify.

As you look down the list of things that we are spending money for in the Foreign Assistance Act, I am sure many of us feel that there are certain areas for which the money is very well spent. There are areas where legitimate security interests must be developed around the world and must be met.

All of us understand that. By the same token, Mr. Chairman, if you look down the list of things we are spending money for, you find one area that has increased very, very rapidly in the past several years. That is the military assistance program, which essentially is military assistance grants.

Since 1981, this area of the budget, if we pass this funding level today, will have increased by 600 percent—one of the fastest growing items in the Federal budget.

The amendment that I have offered today simply says we do not want that kind of an increase. It says, let us freeze military assistance levels at the 1984 level.

The administration sent down a budget that says we would like to increase the military assistance program by 55 percent—55 percent. The committee said, well, we would like to shave that. We would like to increase it by 39 percent.

And that is the proposal you have on the floor of the House of Representatives. What we ought to do is freeze it at fiscal year 1984 levels, including the Central America portion, which is not part of this amendment because it is in title X of the bill; that would still allow for a 20-percent incease in the military assistance program.

There will be people who will stand up and say we cannot get by with a freeze at fiscal year 1984 levels; we need more money. Why do you need more money? Who needs more money? What do they need more money for?

I think what we ought to do is start taking a look at the Federal budget and start exercising some responsibility in all areas. In this particular area, which does not deal with Egypt and Israel because they receive no MAP funds, and does not deal with Central America, I think we ought to say, let us hold the line at 1984 levels.

The gentleman from Colorado made a big point about fiscal responsibility and an important one. Here is the place to start. This saves over $120 million.

I come from the Wheat Belt. If I had my way, I would probably say, let us take about half of this military equipment budget and let us substitute corn, wheat, and barley. The folks around this world are hungry. About 500 million go to bed every night with aches in their bellies. They do not need more guns and bullets. They do not need more tanks or jet fighters. They need something to eat. They need medicine and food.

If I had my way, I would substitute food aid, medicine aid, education aid. But we do not have that opportunity today.

This amendment does a limited amount of good in trying to freeze military assistance grant expenditures at fiscal year 1984 levels.

Well, the question is, Why are we sending guns to Botswana and Guinea, Senegal, Somalia, when folks are hungry? I know that people have answers for individual countries, saying they have this condition or that condition. The prevailing condition, friends, is hunger.

A bipartisan group has cosponsored this amendment, feeling very, very strongly that if we want fiscal responsibility, if we want to move in the right direction on military assistance programs, the funding level for fiscal year 1984 is a reasonable and appropriate amount of money to do what needs to be done for the legitimate security interests of countries around the world.

Mr. Chairman, the House today begins debate on the foreign aid authorization bill, which dramatically changes our military aid program.

For one thing, the bill sharply increases the amount of subsidized military aid—boosting it from about 30 percent of the fiscal year 1984 budget to over 50 percent of the fiscal year 1985 military aid. This big increase occurs at a time when American taxpayers regard Federal deficits as the No. 1 priority for the Congress. Admittedly, the authorization bill does not go as far as the administration's plan to make nearly two-thirds of military aid concessional.

Even so, it troubles me that low-cost or no-cost military aid will jump up when we need to reduce drastically a $200 billion deficit.

The bill also allows for some $787 million in military assistance program grants—an increase of over 50 percent above the fiscal year 1984 appropria-

tions level. It seems to me that this represents an overly generous and unjustified increase.

That is why I plan to offer an amendment to freeze the non-Central American MAP aid at the fiscal year 1984 level of $422.5 million. Unless we adopt this amendment, the MAP program will grow by over 600 percent since fiscal year 1981. I believe that we need less unrestrained growth in MAP and more sharply focused security aid.

In addition, the fiscal year 1985 foreign aid bill would also sanction a new program of concessional loans. Unfortunately, the bill gives the President open-ended power to set the terms for this low-interest program.

While I do not oppose the right kind of concessional loans for friendly nations with low cash reserves and proven security threats, the fact is that many domestic low-cost loan programs have been slashed in recent years:

The Small Business Administration has reduced direct loans by 34 percent to the major source of new jobs in our country,

The Farmers Home Administration has failed to make the targeted amount of limited resource loans to young, struggling farmers,

And college students must finance their educations with about 20-percent less student aid.

As a result, I plan to offer an amendment to restrict the use of the new low-interst loans. The amendment will cap the amount of these loans at one-tenth the volume of all FMS loans and also set a minimum interest rate for them. The amendment will not affect loans to Israel or Egypt which are a separate category.

It will put into permanent law the intent of Congress to use taxpayers dollars wisely for low-interest arms aid.

These are two bipartisan amendments that can restrain the enormous growth in foreign military aid. At a time when food aid and development aid have not kept pace with inflation, these amendments will help restore the kind of balance that makes foreign aid a wise investment.

I commend to my colleagues the following article by Pat M. Holt, formerly chief of staff of the Senate Foreign Relations Committee, that clearly shows how military aid can backfire when it's not used judiciously. Instead of indiscriminately arming the developing world, we ought to be sending the food, education, and medicine that build security bridges that last.

[From the Christian Science Monitor, Mar. 7, 1984]

HOW U.S. MILITARY AID MISSES ITS TARGETS

(By Pat M. Holt)

The American experience in Lebanon underscores a lesson which has been demonstrated many times but which policymakers never learn. This is that actions undertaken with the best of motives frequently have unintended and even counterproductive results.

The most glaring example is military assistance and arms sales. The United States began equipping and training the Lebanese Army so that the Army could enforce the authority of the Lebanese government. But the Army, like everything else in Lebanon, has split into factions It has abandoned large quantities of American equipment, which is now being used by the rebel groups that the equipment was intended to suppress. And this is not the only case in which this has happened.

Vast quantities of arms were sent to Chiang Kai-shek in the late 1940s— and were used by the communists to drive Chiang from mainland China to Taiwan.

American equipment supplied both sides in the Indo-Pakistani war in the 1960s.

Arms which American forces left behind in Vietnam are now used by guerrillas in El Salvador—and the U.S. is supplying more arms to the Salvadoran government so that it can suppress the guerrillas.

The U.S. poured billions of dollars worth of arms into Iran, in part to assure the stability of the Persian Gulf. These arms are now the principal threat to stability in the Gulf. They are being used to fight the war with Iraq—a war, if won by Iran, not in U.S. interests.

The U.S. poured arms into Turkey to contain the Soviet Union—but Turkey used them to invade Cyprus and came to the brink of war with its NATO ally Greece.

There have been successes with military assistance and sales, but the list is short. Most prominent are Western Europe and South Korea. Taiwan and Israel could be called success stories in that the assistance did achieve the purpose for which it was given—to preserve the independence of the recipient countries. But with respect to Taiwan, the U.S. cannot continue military supplies without jeopardizing its relations with Peking, and it cannot stop without abandoning old friends. In the case of Israel, it was American equipment that was used to invade Lebanon—leading to the present difficulties.

The prolific scattering of American arms abroad especially in the third world, has had three main objectives:

1. To contain the communist bloc. This has been accomplished, but there is serious question as to how much American military assistance has contributed to it.

2. To preserve internal stability. This has occasionally been accomplished, as in Greece, but more often the result has been the strengthening of a repressive government, as in the Philippines or Argentina.

3. To relieve the US of the burden of regional defense. This has rarely been accomplished. On the contrary, American military resources are spread more thinly now than at any time since the Vietnam war.

Nor is only American arms that are turned around to cause more trouble for the US. We started training foreign police forces so they could do a better job of law enforcement and discovered that what some of them were doing was suppressing the opposition. In the 1960s, the Central Intelligence Agency taught many techniques of dirty tricks to anti-Castro exiles, and it was from this pool of skills that the Nixon plumbers recruited the people who burglarized the office of Daniel Ellsberg's psychiatrist and bugged offices of the Democratic National Committee. Even after the Johnson administration ended CIA harassment of Cuba, various groups of exiles who had been taught how kept right on doing it.

The US is arming and training anti-Sandinista rebels in Central America. These rebels may, or may not, do what the US wants them to. It will be a long time before the last shot is fired from the American guns being supplied to the rebels. Worse, nobody has the slightest idea of who will be the target of that shot.

Programs of this kind rarely achieve their intended purposes. Over the last 35 years the US has scattered too many weapons around the third world, and many are being used in ways which are at best an embarrassment and at worst a threat. Despite this dismal record there seems to be little prospect of a change in course.

Mr. TAUKE. Mr. Chairman, would the gentleman yield?

Mr. DORGAN. I yield to the gentleman.

Mr. TAUKE. I thank the gentleman for yielding.

Mr. Chairman, I think it is worthwhile to note that in 1981 the appropriations for the military assistance programs were $110.2 million.

□ 1710

For 1984, the current fiscal year, that figure has grown from $110.2 to $510 million.

The CHAIRMAN. The time of the gentleman from North Dakota (Mr. DORGAN) has expired.

(At the request of Mr. TAUKE and by unanimous consent, Mr. DORGAN was allowed to proceed for 3 additional minutes.)

Mr. TAUKE. If the gentleman will yield further, I am sure the gentleman would agree with me that if Members of the House were asked to make a 500-percent increase in most programs over a 4-year period they would believe that that increase was excessive.

Yet, we are not being asked only to swallow that 500-percent increase over 4 years, but now we are being asked to make a 39-percent increase above and beyond that. It just seems to me that the gentleman is on target with this amendment.

Let me add one other thing. I think that the Members on my side of the aisle especially would be very interested in noting that the National Taxpayers Union has done a study of this issue and has concluded that many of the countries to which we are loaning these funds do not have the ability to make repayments. We are saddling them with debts which are sinking them, which are making it more difficult for them to be able to stay afloat economically.

It does not seem to me that we are doing those countries any favors by saddling them with additional loans.

So I want to commend the gentleman for taking this initiative for a whole variety of reasons. We ought to hold the line in this area of the budget which has been exploding over the last 4 or 5 years.

Mr. DORGAN. I appreciate the gentleman's comments. I think that is the issue. Can we hold the line on this budget item?

The gentleman mentioned that the National Taxpayers Union supports this amendment. So does Bread for the World and a good many other organizations.

We talk about the budget cuts that are necessary domestically to solve this fiscal problem of ours. The fact is we have had cuts, for example, in student aid here at home. We have had cuts in nutrition programs here at home, but now we are talking about military assistance programs in other parts of the world.

If we cannot begin to hold the line on foreign military assistance, where can we hold the line? Where will we see some fiscal responsibility? When will this Congress and this President come to grips with the Federal deficit that threatens to rupture this country?

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. DORGAN. I yield to the gentleman from South Dakota.

Mr. DASCHLE. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for his amendment.

I would want to clarify just a couple of points that I think the gentleman brought out in his initial remarks.

How much are we actually authorizing then for fiscal 1984? Is it $510 million worldwide; is that the figure?

Mr. DORGAN. In fiscal year 1984, excluding Central America, it is $422½ million.

Mr. DASCHLE. For Latin America $422½ million——

Mr. DORGAN. Excluding Central America, that is everything other than Central America.

Mr. DASCHLE. And I know that there has been some concern about tying the President's hands and where this money goes. Does this continue to provide the total flexibility to the President in providing assistance where he sees fit?

Mr. DORGAN. Yes, it does. I might correct one other figure that I gave. This would save $164.8 million. The gentleman suggests holding the line. Holding the line means saving money in this case, saving $164.8 million.

Mr. DASCHLE. If the gentleman will yield further.

The CHAIRMAN. The time of the gentleman from North Dakota (Mr. DORGAN) has expired.

(At the request of Mr. DASCHLE and by unanimous consent, Mr. DORGAN was allowed to proceed for 3 additional minutes.)

Mr. DASCHLE. If the gentleman would clarify one other question, how does it impact on the whole question regarding Israel and Egypt. Does it have any impact on Israel or Egypt?

Mr. DORGAN. No, it does not have an impact on Israel and Egypt, because Israel and Egypt do not get military assistance program funds under this section.

We are talking about a section of the bill that appropriates money for everything other than Central America, Israel, and Egypt.

I am simply saying that when other folks come to the body of this House asking for increases in appropriations, proposals for 39-percent increases for example, this House start asking some very tough questions, and legitimately so because we have some very serious budget problems.

If we are going to start holding the line, where better to hold the line? We are sending guns and bullets to virtually anybody who wears a khaki jacket, smokes a cigar, and suggests they are against communism.

Let us suggest that we should direct our foreign aid, our military assistance, in a wise and resourceful way to areas around this world that need legitimate security assistance. And we can do that within the confines of the fiscal year 1984 appropriations.

Mr. DASCHLE. If the gentleman will yield for just a final remark, I commend the gentleman for the amendment. I think at a time when this country finds itself close to $200 billion in debt, we are authorizing a figure here that is totally supportable. It gives the President complete flexibility. It does not deal with a sensitive issue of Egypt and Israel. I would hope that the majority of the Members would support it.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment for a number of reasons. I think it is important to put this MAP program in perspective.

One of the gentlemen on the other side of the aisle said that he was in favor of this amendment, because if the amendment were defeated, we would only be saddling some of these poor countries with additional debts which they would have to repay.

But the truth is that what this amendment would do would be to cut out military grant assistance to relatively poor countries, which they are under no obligation to repay whatsoever, since they would be receiving the military assistance as an outright grant.

So whatever other consideration may be involved here, no one should vote for this amendment on the assumption that by doing so they are relieving poor countries of an additional debt burden.

To be sure, as the author of the amendment has suggested, there is an increase in the bill before us for the military assistance program which provides grant military assistance to poor countries around the world of approximately $165 million over what they received for the current fiscal year in the continuing resolution. He points out that in percentage terms this is a very substantial increase.

It is, quite obviously, a substantial increase in percentage terms, but that is primarily because the military assistance program which provides grant military aid to these impoverished countries, begins from a very low base.

The reason it begins from a very low base is that after the war in Vietnam we virtually eliminated entirely the military assistance program whereby we provided grant military assistance to countries around the world.

But slowly the recognition began to dawn on the Foreign Affairs Committee, and on the House as a whole, as well as on the administration, that our security—and that is really what we are talking about here—depends on the ability of a number of strategically significant, but relatively impoverished countries, to defend themselves. These are countries which, if they are not able to defend themselves, we may very well be obligated to send troops over to defend because their territorial integrity and their political independence contributes to the national security of the United States.

Now if this amendment were to be adopted, what would happen in the real world?

To begin with, while it is true that the administration retains the flexibility under the amendment to allocate the cuts in any way it likes, the fact of the mattter is that it would undoubtedly preserve the MAP program for those countries with respect to which we have base agreements, because if it were to cut back on the MAP program for those countries, we would be violating the terms of the agreements which enable us to use important military facilities in those nations.

That means that there probably would not be any cuts allocated to the Philippines, Portugal, Kenya, Somalia, or Turkey. What countries would then be left? Let me list them for the Members.

First it would probably mean a substantial cut in our grants assistance to the Sudan. The Sudan is a country which has just been attacked by Colonel Qadhafi of Libya. It is a strategically important country. It is also an impoverished country. The Sudan cannot afford to spend more of its own money on defense, least of all can it afford more high interest loans from the United States to buy additional military equipment. If we do not provide them this military assitance on a grant basis, they will not get it. And if they do not get it, they may not be in a position to defend themselves against Qadhafi.

Do we want to send American troops over there to do that? I think not.

Another country which would probably be cut is Thailand. Thailand is a frontline state. Vietnam has sent 180,000 troops to invade and occupy Cambodia.

□ 1720

Just a few weeks ago, the Vietnamese Army crossed the Cambodian border into Thailand. Do we want Thailand to be able to defend itself? I think we do. We have a mutual defense treaty with Thailand. We are obligated to come to their defense if they are attacked. Clearly, we have an interest in Thailand's being able to defend itself.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. Thailand is very poor. They do not want an additional debt burden. They do not want to have to spend more of their own scarce resources for defense. So it is important for us to be able to provide them with some additional MAP assistance.

Let me give you another example. Morocco is a country that would probably be cut, but strategically it is a very important country, which borders both the Atlantic and the Mediterranean. Yet Morocco is a country experiencing severe economic and social strains at the present time. We have an interest in preserving the current Government of Morocco. It is a friendly, pro-Western government. It has been a force for moderation in the Middle East. If they have to devote more of their resources to the defense budget, they will be less able to cope with the social and economic problems that confront them. And all of these countries are going to do what they need to do in order to defend their vital interests. The question is: Are we going to help them, recognizing that by helping them we help ourselves?

I want to make one final point. The suggestion has been made that what most of these countries really need is more development assistance. The stomachs of their starving people need to be filled. I fully agree with that. I think the level of development and economic aid we provide to other countries around the world is scandalously low. I would like to see us do much more. I would like to see us tap the great agricultural resources of this country, particularly coming from the district of my very good friend, the author of this amendment, and provide more food assistance to these nations. They need it, and we have the capacity to provide it. But this is not a question of a tradeoff of less military assistance in order to give more economic assistance. The truth is we need to do both. And by adopting this amendment we will not provide an additional grain of wheat or an additional cent in development assistance to any poor country around the world.

So what is at stake here is whether we are going to cut a grand total of $165 million—and such a cut is not going to balance the budget—in grant military assistance to strategically significant but very poor countries that are friendly to the West and whose security serves the best interests of the United States.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has again expired.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. In view of the fact that the MAP program begins from a very low base it really should probably be substantially higher than it is. The percentage increase which the gentleman's amendments seeks to eliminate is really, in absolute terms, not very much of an increase at all. If we had a 29-percent increase in the defense budget for our country, you would be talking big bucks. A 28-percent increase in the MAP program is really quite modest in comparison to the totality of the overall foreign aid program, let alone the Federal budget as a whole.

Mr. DORGAN. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from North Dakota.

Mr. DORGAN. The gentleman has given a very interesting description of our security interests in various parts of the world, but I think the gentleman missed the entire point. The point is that at fiscal year 1984 levels we are spending about $423 million under the MAP program. The gentleman is suggesting that somehow we will be stripped naked of our capability of assisting those countries if we did not allow a 39-percent increase in fiscal year 1985. I suggest that is ridiculous.

Mr. SOLARZ. What I am saying to the gentleman is that every one of the countries that would be receiving this aid desperately need this kind of assistance. Their capacity to defend themselves against very real threats to their security, which in turn constitutes threats to our security, cannot fully be met even by the limited amounts of aid we are providing.

The Sudan is going to be less secure if this amendment is adopted. If the Sudan is less secure, the United States is less secure, and the chances are greater that we may have to send our own forces at some point in the future if Qadhafi should actually launch an invasion of the Sudan.

So I say to the gentleman, yes, it is a large increase in percentage terms, but the absolute dollars are very small, the need is very great. Nobody can doubt that these countries can effectively utilize this additional assistance.

So for those reasons, I think the amendment is counterproductive, although well intended.

Mr. DORGAN. If the gentleman will yield in his final seconds, let me say that the ultimate test of our security is whether or not we can afford some fiscal restraints in this country.

Mr. JEFFORDS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I want to rise and speak in favor of the amendment. I listened to the very eloquent remarks of the gentleman from New York, and I understand his concern. I would just want to point out again that this amendment does not touch the increase in money going to Central America. This is in. So if you want to talk about a threat to our security, I think everyone recognizes that that is the area of the most serious threat.

The question, then, becomes: How much can we afford to do for all of the other countries who believe that their own security is being threatened?

And when we examine that, we also have to keep in mind the internal problems that we have here at home.

I sit on committees that are involved with hunger at home and the problems that we have here, with all of the ramifications that we hear about from our own cuts, freezes, or whatever. In view of the fact that we have increased already MAP since 1981 some 600 percent—and this bill would increase it 22 percent, that is, up against the bill's 54 percent—where that money would go, with respect to the freeze, and everything, other than Central America, is up to the administration. I cannot conceive, myself, that the security is that much greater now in these areas than it was 1 year ago or 3 or 4 years ago. And yet with the problems we have here at home in trying to keep our budget under control and trying to help those people who have been frozen at their levels for years and years, they certainly need that money more than I think our security will be enhanced.

I will be happy to yield to the gentleman from Maryland.

Mr. MITCHELL. I thank the gentleman for yielding.

We talk a lot about the security of the Nation, but there are two types of security. One is the external security, one is the internal security. And the internal security is predicated upon the degree to which we can meet the needs of our people.

Now, I cannot go to my district, where there are 40,000 people waiting for subsidized housing, and tell them we cannot get money for that, for

their security, but we can get some money for the security of nations all around the world. I cannot go to my district and tell those kids who are not going to get a national student defense loan that we cut the money because Jordan or Algeria or Morocco or some other country is more important than they are. This is one of the best amendments I have ever heard on this bill, and I have been a long-term supporter of this bill. It has never been popular in my district. But I will tell you right now, ladies and gentlemen of this House, people in this country are reaching a point where they are going to rebel against any form of foreign aid unless we begin to meet their needs and unless we treat them with fairness.

I hope the amendment passes overwhelmingly. It deserves to do that, just out of a ssnse of fairness and out of a sense of internal security of our own people.

Mr. JEFFORDS. I thank the gentleman for his very appropriate words. I would also agree with him on everything he said and add that perhaps he would also agree with me that if this were for economic assistance or if it were for food assistance or if it were in some of those areas, then perhaps we could match misery to misery; but we are not doing that here. We are talking about military assistance. We are not talking about economic aid.

I yield to the gentleman from Maryland again.

Mr. MITCHELL. If it were for the needs of people around the world in terms of food and education and medicine, that would not be a problem. I could justify that because there is a certain compassion that even the poor have for other poor. But when you are talking about weapons of death and destruction and maiming, it just does not make any sense.

I again reiterate that I hope the amendment passes overwhelmingly. It is one of the best that I have seen on the foreign aid bill in a long, long time.

Mr. JEFFORDS. I would also point out that here we are not cutting back. We are freezing the amount at the 1984 levels except that we allow the increase to Central America where we recognize there is a security threat.

Mr. HALL of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to freeze grant military aid to countries outside of Central America at the fiscal 1984 appropriation level. I am pleased to cosponsor this amendment with the gentleman from North Dakota (Mr. DORGAN).

This amendment represents an effort to apply the principles of H.R. 4440, the Human Needs and World Security Act, to the foreign aid authorization bill. The Human Needs and World Security Act, of which I am the principal sponsor, proposes to hold overall security assistance at the fiscal 1984 appropriation level. This legislation has been cosponsored by a total of 91 Members.

The gentleman from North Dakota and I testified before the Subcommittee on International Security and Scientific Affairs on H.R. 4440 on February 23, 1984. At that hearing, both of us emphasized the need to restrain the unchecked growth of the military component of foreign aid. Under the funding levels established by continuing resolution for fiscal 1984, about 63 percent of all foreign aid goes for security-related assistance.

The amendment we are offering today would hold funding for the non-Central American countries to the amount actually appropriated under the 1984 continuing appropriations resolution, which is $422.5 million. This would be a reduction of $164.75 million from the $587.25 million recommended in the committee bill.

The cut of $164.75 million is not earmarked for any specific countries. It also should be noted that this cut would not affect Israel and Egypt, since these countries are not going to get grant military assistance under this legislation.

The grant military aid program was supposed to have been phased out and eventually terminated as of September 30, 1982. However, the termination of MAP was repealed under the International Security and Development Cooperation Act of 1981, and MAP funding has increased by 363 percent since fiscal 1981.

MAP was created by Congress to aid countries which face pressing national security threats and lack the funds to pay for needed military equipment under the FMS program. However, the number of countries getting MAP aid has grown from 14 in fiscal 1981 to 24 under the bill before us. In view of the provisions in this bill to create a new $388.5 million FMS concessional loan program to provide special assistance to those countries seeking to buy military equipment, there is little justification for approving an expanded MAP program this year.

As the National Taxpayers Union has written in a letter in support of our amendment:

> Congress should follow consistent policy on such funding. While grants and concessional loans may be necessary for American allies engaged in active hostilities, most countries should not expect America to finance their long-term defense.

Our colleagues should keep in mind that while this amendment represents a cut from the authorization level in the committee bill, it is not a cut in terms of the amount appropriated for fiscal 1984. Instead, it advances the view that the amount of non-Central America MAP funded in fiscal 1984 should also be the level in fiscal 1985. Given the large growth in the MAP program in recent years, this is a very modest proposal.

The MAP freeze amendment, in the spirit of the Human Needs and World Security Act, is an attempt to bring some fiscal restraint to the runaway growth of the military component of foreign aid. I would urge my colleagues to join with us to vote in favor of the amendment to harness the MAP genie we thought we had put back in the bottle a few years ago.

□ 1730

Mr. JEFFORDS. Mr Chairman, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

I would like to ask a question, I know the answer, but I want to make sure that everyone else does.

What does this do with respect to Egypt and Israel as to military aid?

Mr. HALL of Ohio. It does not affect Egypt and Israel.

Mr. JEFFORDS. So in summary, we are not affecting that which is going to Central America, we are not affecting that which is going to Egypt or Israel; we are just freezing the amount of money that the administration has to be able to give out to other areas where they feel there is a need for military assistance?

Mr. HALL of Ohio. At 1984 levels; the gentleman is correct.

Mr. JEFFORDS. There is no cutback; it is just freezing it at the 1984 levels?

Mr. HALL of Ohio. Exactly.

Mr. JEFFORDS. I thank the gentleman.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague, BYRON DORGAN from North Dakota. This Dorgan amendment would freeze the military assistance program (MAP) grants to countries outside Central America at the 1984 appropriations level of $422.5 million. This is a reduction of $164.8 million from the level in the proposed bill H.R. 5421, and a savings of $230 million from the Reagan administration's fiscal year 1985 budget request.

Let us not forget MAP aid has grown dramatically since the Reagan administration assumed office. Between fiscal year 1981 and the fiscal year 1984 continuing resolution, total growth amounted to $363 million in nominal terms. If H.R. 5421 is passed, nominal growth since fiscal year 1981 will amount to 614 percent. The Dorgan amendment will not cut the overall size of the MAP aid between

fiscal year 1984 and fiscal year 1985—it will merely freeze future growth in the program. Given the growing Federal deficit, this is a fiscally responsible action.

Moreover, although MAP grants to developing countries are frequently referred to as "security aid," we must not be fooled by semantics. A well-armed nation whose people are still poor and hungry has not protected itself against the real causes of insecurity. A nation's security depends on the fulfillment of essential human needs. Arms may temporarily hold off those who seek to incite violent change. But the same arms are often used against those who work for peaceful change and for better lives for the poor.

Currently, the world spends $22 on military purposes for every dollar it spends on development aid to developing nations. According to the U.N. Center for Disarmament, the money required to provide adequate food, water, education, health, and housing for everyone in the world has been estimated at about $18.5 billion per year. The world spends this much on arms every 2 weeks. In the developing world, 10 times more is spent on arms than on health, education, and welfare combined.

I believe that we must restrain the enormous growth in the MAP grants, at a time of astronomical budget deficits, and at a time when development aid has barely kept pace with inflation. The Dorgan amendment achieves this goal. I urge my colleagues to join with me in support of this amendment.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask several questions of the sponsor of this amendment, the gentleman from North Dakota (Mr. DORGAN).

It has been suggested here that the passage of this amendment would cause severe cuts in assistance to countries that are in dire need. I would like to know from the gentleman if that is the case. Are we indeed looking at severe cuts for Sudan or some of the other countries?

I yield to the gentleman for purposes of his reply.

Mr. DORGAN. That is simply not the case. This is not an attempt to cut funds that are necessary for security assistance, for example to the Sudan, as the gentleman from New York indicated.

What this does is freeze funding at fiscal year 1984 levels. It is not a cut at all; it simply says we are not going to increase fiscal year 1984 levels. The question of how much money is allocated for purposes of security assistance in the Sudan is something the President can still determine within the confines of this legislation.

This legislation says our pocket has a bottom. We do not have an unlimited amount of money to spend. We should freeze it at 1984 levels for fiscal purposes. It has done the job in 1984; we think it can do the job in 1985.

Mr. BROWN of Colorado. I would like to put another question to the gentleman if I may: I understand that there has been an enormous amount of military assistance that was requested by the President put off budget. In other words, provided for, but put off budget. Does this amendment of the gentleman limit the amount, or speak to the amount of off budget expenditures?

Mr. DORGAN. No; it does not. This amendment deals only with that limited portion mentioned in this amendment. Let me point out again that we are talking about a request that originally came to Congress for a 55-percent increase in authorization for that portion of the budget, and the committee has trimmed it to 39 percent.

Once again, I and the cosponsors of the amendment are saying enough is enough. Let us freeze it at 1984 levels. That is not going to injure this country's ability to deal with delicate situations around the world. It is not going to injure this country's ability to provide the legitimate security assistance in the MAP grants to countries who desperately need it.

Mr. BROWN of Colorado. I thank the gentleman.

Mr. Chairman, I think it is important that a point be made here: I share the speakers', that have preceded me, concerns about national security. I believe in protecting the national security of this country deeply and profoundly. It is because I do care about that national security that I will support the amendment that is before this body.

The simple fact is that our national security is also based on our economic well-being. If we gut this country's ability to produce and save and build for the future, we destroy our national security just as surely as any foreign country would do in attacking us. The simple fact is we had no capital formation last year. The simple fact is that we have gutted this country's ability to expand, provide new jobs, compete in the future.

The simple fact is that the enormous trade deficits that this country faces are a product of our unwillingness to save and build for America's future. This amendment is a very modest one. It only says that we are not going to increase; it does not cut back. All it says is that there is a limit to how much we will spend, and we will spend as much as we did last year. I do not think it goes far enough. I think the national security of this country requires that we do a better job than even this amendment suggests with the budget.

As a minimum step, I would suggest to you concern over national security, I believe, calls for the support of this amendment. I believe the support of this amendment should be bipartisan, and I commend the gentleman from North Dakota for his efforts.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I believe we need to certainly have some moderation as we look at matters of this type. The gentleman from Iowa hesitates to take the floor because of the fact that I do not know the situation in the long list of names that are on this list.

It does seem to me that when the gentleman from New York talks about the problems that some of those countries may face, that it appears to me that the Dominican Republic does not particularly face an exterior threat at this time.

It appears to me that Jamaica does not particularly face an exterior threat.

It appears to me that Portugal does not particularly face at this time a threat from the exterior.

So I do not want to be guilty as somebody who does not understand it coming in and demanding that cuts be made, but it does seem to me that it is legitimate that there are serious concerns here in our own country for which we do not have adequate funding, and that we ought to ask ourselves whether or not, in view of that, that it really makes sense that we should increase the military aid to those countries which we clearly know do not face external military aggression at this time.

Under those circumstances, it seems to me that as long as there is flexibility in the amendment that the amendment should be supported.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would probably feel a little better about this amendment if I thought the savings sought were going to be applied to the budget deficit, or was going to buy more wheat or corn to feed hungry people. But everybody knows that is not going to happen.

Also, I would feel better if we did not have to have any security assistance of any kind, any more than I would like to feel that we did not need a national defense budget that is growing by leaps and bounds and contributing to the problem of our deficit.

But the truth of the matter is that, while there may be some countries who do not have a military establishment, they still have police forces, and there may be some cities that have no police or no requirement for police. I

hope there are, and that they do not have to spend money for guns and uniforms and otherwise do what is necessary sensibly to protect themselves.

I hope some aspects of this bill, particularly the economic and the military aid, would lead us toward that great day, whenever it is, that man can treat man with some kind of commonsense and we can feed and educate people and build houses. But in the meantime it seems that military establishments will continue to exist.

So military assistance on a grant basis by the United States to those countries where we think it is essential and in our interest and their interest to provide such assistance, will be necessary. As Members know, we intended to terminate the MAP program. However, it became necessary to build it up very carefully and cautiously, and so we do have an increase. The numbers that have been cited are huge in terms of percentages, but I must remind people that part of that percentage, and a great part has to do with renegotiation of base rights in Turkey, the Philippines, and Portugal.

In the application of this amendment, if it were unfortunate enough to be adopted, I doubt that the administration will alter the agreements under the base rights. I doubt that. So I want to say that what is before the House, and that came out of the Committee on Foreign Affairs, is below the President's budget. Some folks do not like that. They think it ought to be zero or they think it ought to be more.

I can understand that, but the fact is that the Committee on Foreign Affairs did cut the President's budget on grant military assistance. If you now apply this additional cut, this happens:

Of the $587 million that would be affected, because Central America is not included, $375 million would be for base rights countries. I think all of us agree that the sensible way to approach this would be to implement the base rights agreements in full. That would leave a balance of $212 million under the committee bill.

The pending amendment cuts $164 million. That sounds great, except that it leaves only $48 million for the rest of the MAP recipients. We do not want to hurt the base rights agreements. That means we take $48 million and divide it among 19 countries.

That is what the amendment does. If you want to do that, that is fine. I simply characterize that as a disaster. The administration can take that $48 million and give it all to Sudan, if they want to. They had planned to give Sudan about $69 million this year out of that $212 million I was talking about that would be left without this amendment. Morocco also is supposed to receive giant assistance. But just assume we applied it evenly across the 19 countries. That is what we would have. We would have $48 million for 19 countries.

I would dare say that is rather drastic in terms of the need that the administration has perceived, has proposed to the Congress, and the committee has considered and already cut. We are aware of the problem. We know there is concern. But I would urge that this amendment be defeated and let us act responsibly on this problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota (Mr. DORGAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DORGAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic vote, and there were—ayes 207, noes 208, not voting 18, as follows:

[Roll No. 137]

AYES—207

Ackerman	Foglietta	Miller (CA)
Addabbo	Ford (MI)	Miller (OH)
Akaka	Ford (TN)	Mineta
Anderson	Gaydos	Mitchell
Andrews (TX)	Gibbons	Moakley
Anthony	Glickman	Mollohan
Applegate	Gonzalez	Moore
Archer	Goodling	Morrison (CT)
Barnard	Gore	Mrazek
Bates	Gradison	Murphy
Bedell	Gray	Natcher
Bennett	Guarini	Nielson
Bilirakis	Gunderson	Oakar
Boehlert	Hall (OH)	Oberstar
Boggs	Hall, Ralph	Obey
Boner	Hall, Sam	Olin
Bonior	Harkin	Ortiz
Borski	Harrison	Ottinger
Bosco	Hatcher	Owens
Boxer	Hayes	Oxley
Brown (CA)	Hefner	Panetta
Brown (CO)	Heftel	Patman
Broyhill	Hertel	Paul
Bryant	Hightower	Pease
Burton (CA)	Hopkins	Penny
Byron	Hubbard	Perkins
Carper	Hughes	Pickle
Carr	Jacobs	Rahall
Chappie	Jeffords	Rangel
Clarke	Jenkins	Ratchford
Clay	Johnson	Ridge
Coleman (TX)	Jones (OK)	Ritter
Collins	Jones (TN)	Roberts
Conyers	Kaptur	Rodino
Cooper	Kastenmeier	Roe
Courter	Kildee	Roemer
Crockett	Kogovsek	Rogers
D'Amours	Kolter	Roukema
Daschle	Kostmayer	Rowland
Daub	Kramer	Roybal
de la Garza	LaFalce	Russo
Dellums	Leach	Sabo
Derrick	Lehman (CA)	Savage
Dixon	Levitas	Schaefer
Dorgan	Lloyd	Schneider
Downey	Long (MD)	Schroeder
Durbin	Lowry (WA)	Seiberling
Eckart	Luken	Sensenbrenner
Edgar	MacKay	Shannon
Edwards (CA)	Martin (IL)	Sharp
Emerson	Matsui	Shumway
English	Mazzoli	Sikorski
Erdreich	McCandless	Simon
Evans (IA)	McCloskey	Slattery
Evans (IL)	McCurdy	Smith (IA)
Ferraro	McHugh	Smith (NJ)
Fiedler	McKernan	Snowe
Fish	McNulty	Snyder
Florio	Mikulski	Spratt
Staggers	Taylor	Weaver
Stangeland	Torres	Wheat
Stark	Towns	Whitley
Stenholm	Udall	Whitten
Stokes	Vandergriff	Williams (MT)
Studds	Vento	Williams (OH)
Synar	Volkmer	Wirth
Tallon	Walgren	Wise
Tauke	Walker	Wyden
Tauzin	Watkins	Wylie

NOES—208

Albosta	Gejdenson	Nowak
Alexander	Gekas	O'Brien
Annunzio	Gephardt	Packard
Aspin	Gilman	Parris
AuCoin	Gingrich	Pashayan
Badham	Gramm	Patterson
Barnes	Green	Pepper
Bartlett	Gregg	Petri
Bateman	Hamilton	Porter
Beilenson	Hammerschmidt	Price
Bereuter	Hartnett	Pritchard
Berman	Hawkins	Pursell
Bethune	Hiler	Quillen
Bevill	Hillis	Ray
Biaggi	Holt	Regula
Bliley	Horton	Reid
Boland	Howard	Richardson
Bonker	Hoyer	Rinaldo
Boucher	Huckaby	Robinson
Breaux	Hunter	Rose
Britt	Hutto	Rostenkowski
Brooks	Hyde	Roth
Broomfield	Ireland	Rudd
Burton (IN)	Kasich	Sawyer
Campbell	Kemp	Scheuer
Carney	Kennelly	Schumer
Chandler	Kindness	Shaw
Chappell	Kleczka	Shelby
Cheney	Lagomarsino	Shuster
Clinger	Lantos	Siljander
Coats	Latta	Sisisky
Coelho	Leath	Skeen
Coleman (MO)	Lehman (FL)	Skelton
Conable	Levin	Smith (FL)
Conte	Levine	Smith (NE)
Corcoran	Lewis (CA)	Smith, Denny
Coughlin	Lewis (FL)	Smith, Robert
Coyne	Lipinski	Solarz
Craig	Livingston	Solomon
Crane, Daniel	Loeffler	Spence
Crane, Philip	Long (LA)	St Germain
Daniel	Lott	Stratton
Dannemeyer	Lowery (CA)	Stump
Darden	Lundine	Sundquist
Davis	Lungren	Swift
DeWine	Mack	Thomas (CA)
Dickinson	Madigan	Thomas (GA)
Dicks	Marlenee	Torricelli
Dingell	Marriott	Traxler
Donnelly	Martin (NY)	Vander Jagt
Dowdy	Martinez	Vucanovich
Dreier	Mavroules	Waxman
Duncan	McCain	Weber
Dwyer	McCollum	Weiss
Dymally	McDade	Whitehurst
Dyson	McEwen	Whittaker
Early	McKinney	Wilson
Edwards (AL)	Mica	Winn
Edwards (OK)	Michel	Wolf
Fascell	Minish	Wolpe
Fazio	Molinari	Wortley
Feighan	Montgomery	Wright
Flippo	Moody	Yates
Foley	Moorhead	Yatron
Fowler	Morrison (WA)	Young (AK)
Frank	Murtha	Young (FL)
Franklin	Myers	Young (MO)
Frost	Neal	Zschau
Fuqua	Nelson	
Garcia	Nichols	

NOT VOTING—18

Andrews (NC)	Hansen (ID)	Lujan
Erlenborn	Hansen (UT)	Markey
Fields	Jones (NC)	Martin (NC)
Frenzel	Kazen	McGrath
Hall (IN)	Leland	Schulze
Hance	Lent	Valentine

□ 1800

Messrs. FRANK, MOLINARI, BARTLETT, MARTINEZ, and MAR-

LENEE changed their votes from "aye" to "no."

Messrs. HERTEL of Michigan, EDGAR, STENHOLM, MINETA, and McCURDY, Mrs. LLOYD, and Messrs. PERKINS, KOSTMAYER, and DIXON changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

For what purpose does the gentleman from Michigan (Mr. BROOMFIELD) rise?

Mr. BROOMFIELD. Mr. Chairman, earlier today the committee adopted the Feighan amendment which reduced the authorization figure for the foreign military sales guaranty program with respect to Turkey. Subsequently the committee adopted the Lagomarsino amendment which increased that authorization figure in order to allow assistance for Peru. Unfortunately the Lagomarsino amendment was drafted prior to the adoption of the Feighan amendment and therefore did not reflect the change in the FMS guaranty figure that was made by the Feighan amendment. In order that the bill accurately reflect the actions we have taken, I ask unanimous consent that the figure inserted on line 8 of page 3 of the amendment in the nature of a substitute (text of H.R. 5421) pursuant to the Lagomarsino amendment be $2,023,000,000.

□ 1810

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DORGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the Chairman for his willingness to restrain military aid in the fiscal year 1985 foreign aid authorization bill and for his openness to a strong debate on this issue.

Since the hour is already late—and fairness to Members offering other amendments—I have decided to withdraw my second amendment.

That amendment would have done two things:

First, cap the volume of new concessional foreign military sales loans at one-tenth the FMS total.

Second, set a minimum interest rate for these low-interest loans.

In view of the credit crunch faced by family farmers, small business, students, and homebuyers, this amendment makes good sense.

However, the Chairman has assured me that he will carefully monitor FMS concessional loans in line with the consideration outlined in my amendment. I, therefore, withdraw the amendment on that basis.

Mr. McHUGH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer two amendments this afternoon dealing with defaults and reschedulings of loans made by the United States to foreign governments under the Arms Export Control Act and the Foreign Assistance Act. These amendments would have been prospective rather than retrospective, and thus would have had no immediate effect. However, I believe that they would have created a more orderly congressional procedure for dealing with the issue of defaults and reschedulings.

As all of us have become increasingly aware, Mr. Chairman, many foreign nations are experiencing difficulties in managing their debt burdens. While official debt owed to the U.S. Government is only a small element of a much larger problem, the Congress does not presently have an adequate procedure for thinking through the consequences of debt that other nations incur by loans made to them under the Arms Export Control Act and the Foreign Assistance Act.

The amendments I had planned to offer were designed to encourage Congress to handle the issue of debt more sensitively in the future than it has in the past. For a number of reasons, I have decided not to offer the amendments, but I would like to take a few moments to explain existing law and how my amendments would have changed it.

EXISTING LAW WITH RESPECT TO DEFAULTS AND RESCHEDULINGS

At the present time, section 517 of the Foreign Assistance Appropriations Act of 1982 (as made applicable to later fiscal years by continuing resolution) mandates the termination of all U.S. assistance to any nation that falls into default, for a period in excess of 1 calendar year, on payment of principal or interest on a U.S. loan.

More specifically, section 517 states:

No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act.

Section 617 of the Foreign Assistance Act allows the United States to continue providing a limited amount of additional assistance for another 8 months in order to bring about the orderly termination of our foreign assistance program in a particular nation once section 517 sanctions come into play. As I read the law, however, section 617 does not provide for the orderly termination of assistance under the Arms Export Control Act.

In general, I believe that there should be a presumption in law in favor of terminating assistance to any country that has been in default for more than 1 year. At the same time, there should also be a procedure for continuing assistance if the rational interest requires it. To be sure, section 614 of the Foreign Assistance Act does allow the President to waive any provision of law, including section 517, if he determines that it is "vital to the national security interests of the United States." However, this extraordinary provision of law is rarely used and it places the entire burden of overriding section 517 upon the President.

Because the sanctions imposed by section 517 are so drastic, our Government usually makes every effort to prevent a default or, if a foreign government has fallen into default, to encourage the debtor to become current. In many cases, however, a country may simply be unable to service its debt burden.

When a country is experiencing such difficulties, the United States will often reschedule loans extended under the Arms Export Control Act and the Foreign Assistance Act. We do not reschedule on a bilateral basis. Typically, the rescheduling is handled on a multilateral basis.

The law does not now require the United States to take any specific action when a country reschedules U.S. loans. We can continue to provide additional assistance to that nation, whether in the form of loans or grants.

EFFECTS OF THE PROPOSED AMENDMENTS

The two amendments that I had planned to offer would have made two changes in existing law regarding defaults on loans extended under our foreign aid programs. First, they would have provided for the orderly termination of assistance under the Arms Export Control Act by extending the reach of section 617 of the Foreign Assistance Acts of FMS loans.

They would have also provided a procedure whereby the President could waive a country's ineligibility for assistance, after consultation with the appropriate committees of Congress, if the President concluded either: First, that the country would become current on its late payment during the period for which the new assistance was to be provided; or second, that, even though the President could not make that determination, it was nonetheless in the national interest of the United States to provide additional assistance to a nation that had been in default for more than 1 year. To prevent any abuse of this authority by the President, my amendments would have allowed the Congress to override a Presidential waiver by joint resolution within 30 days.

With regard to governments that reschedule U.S. economic or military loans, my amendments would have made such governments ineligible to

receive additional loans from the United States in the fiscal year immediately following the fiscal year during which its previous loans were rescheduled.

The amendments would not require that U.S. assistance to the country be terminated if it rescheduled its loans. Grant assistance could still be provided. However, the country would be ineligible for new loans for 1 fiscal year, during which time the Congress would have the opportunity to review the country's economic situation and its debt burden, and thus make a conscious determination whether it is in our interest, or that country's interest, to provide additional loan assistance.

I think that it is reasonable to presume that a country is experiencing difficulty in managing its debt burden if it must reschedule its loans. In such cases, amendment would have simply forced Congress to carefully assess the effect of providing new loans.

At the same time, recognizing that this presumption might cause some difficulties in certain circumstances, the amendments would have also allowed for a Presidential waiver after consultation with the appropriate committees of Congress. As in the case of defaults, the Congress would have had the right to override a Presidential waiver by joint resolution. This new procedure for reschedulings would also have been prospective.

CONCLUSION

As I said, Mr. Chairman, I have decided not to press forward with these amendments at this time. Nonetheless, I remain convinced that our present procedures for handling defaults and reschedulings need to be reexamined. It is not clear to me that our interests, or the interests of recipients of U.S. loans, are well served by existing law.

I encourage our colleagues on the Foreign Affairs Committee to review existing law with a view to determining whether amendments, such as I have described, would be an improvement in current procedures.

Mr. FASCELL. Will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding and also for focusing attention on this very important problem.

It is quite obvious that the administration and the Congress cannot continue to pile up high-interest-rate loans to countries that cannot possibly afford to repay them. That is just a self-defeating proposition, particularly in light of the difficult economic situation that has existed ever since the oil embargo in 1973 which has practically destroyed the economies of many developing countries.

So the Committee on Foreign Affairs shares your concern. We have already moved in that direction, partially, by putting half of the offbudget military credits back on budget as a means of fiscal restraint. As we have pointed out in our report, and I assure the gentleman, next year we will put the balance on budget so that all of us will know exactly what the economic effect is. I look forward to working with the gentleman and the Appropriations Committee in getting a handle on this problem before it becomes a time bomb, as the gentleman so aptly described.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from New York.

Mr. KEMP. As one who is also interested in this issue, I wonder if the gentleman can tell us what exactly his amendment was designed to accomplish.

Mr. McHUGH. I will give the gentleman an example with rescheduling. If a government that receives loan assistance from us, either for economic or military aid, is required to reschedule its loan because it is unable to meet the debt payments, under existing procedures and law, there is no specific action required of Congress in response to that rescheduling.

What one of my amendments would have done, if accepted, would be to require Congress to discontinue loan assistance in the fiscal year subsequent to a rescheduling unless the President certified to Congress that it was in the national interest of the United States to extend additional loan assistance to that country.

The amendment would not have affected grant assistance. If we felt that it was important to our national interests to provide more aid, we could do it with grant assistance, but not with additional loan assistance where there is already evidence that there is indebtedness which the government in question is unable to carry.

So the point of my amendment would have been to require a tighter procedure, a procedure requiring us to more carefully focus on governments which are unable to meet their existing debt burden before we add to that debt burden with new loans.

Mr. KEMP. If the gentleman would yield further, part of the problem is that sometimes some of that economic assistance is going to help those very countries which the gentleman and I are both concerned about deal with their shortage of foreign exchange.

The CHAIRMAN. The time of the gentleman from New York (Mr. McHUGH) has expired.

(On request of Mr. KEMP and by unanimous consent, Mr. McHUGH was allowed to proceed for 2 additional minutes.)

Mr. KEMP. Part of the problem is that that economic assistance going to that developing country in many instances is used to boost their balance of payments, to deal with that foreign exchange depletion that has been caused by the extremely high interest rates. And I only say this to my friend, who serves on the committee that I serve on, he also ought to give some thought to the onerous conditions imposed upon those very countries by the International Monetary Fund and the onerous conditions that are being imposed upon our friends and allies by the high interest rate policy of the Federal Reserve Board.

On one point, I think my colleague and I would agree and that is that the process by which we are rescheduling these debts and by which we are keeping the international financial system patched together is not the optimal process. We are rescheduling debt piecemeal without restructuring the system. As my colleague knows from our work together on the Foreign Operations Subcommittee, I have repeatedly called for changes in the way in which debt is handled. The methods by which we are channeling foreign exchange to our allies through the economic support fund and other aid programs are not proper methods for handling debt and are ruinous to the real purpose of these programs.

I believe that we should undertake a major realinement of these policies based on providing assistance through the exchange stabilization fund at Treasury to restructure the debt of many of our friends so that they will have an economic umbrella under which they can undertake the very real economic policy changes which are required for them to achieve renewed economic growth and prosperity. The Treasury is the proper agency for such international financial undertakings. Programs aimed at specific development projects have neither the expertise nor the mandate to accomplish them successfully. That is not a criticism of those involved but a simple recognition that we are asking people to do what they are not equipped to do.

I just noticed the other day that the increase in the prime rate of one point cost Mexico $600 million, cost Argentina more money than the total bridge loan that has been negotiated by the Secretary of the Treasury and the IMF in Argentina.

So part of the problem is, as the gentleman knows so well, that those high interest rates that I believe are artificially high have become so much a part of this onerous condition on the less developed countries who are allies of the United States. I think it would be a little bit harsh, a little capricious, a little bit counterproductive for us to just say that Congress ought to shut off any economic assistance.

I say to my friend I am glad he has withdrawn his amendment and I think we should take it into consideration.

But we ought to look at the source of the pain, which is the IMF and the Federal Reserve Board.

One other point I would like to make is that many of us have been concerned for some time over the large debts being incurred by some of our allies, particularly for security assistance. This year we are moving to correct that problem, at least for Israel. But the problem exists for other nations. It seems to me that if another nation, an ally, is in need of our assistance to protect its borders and to aid in our own security interests, we are shortsighted if we insist that credit become an overriding concern. I would prefer offering these nations grant assistance in many cases. Many of them are supporting our ideals and our interests at a great sacrifice. The gentleman is correct to point out that the sacrifice is economic as well. I will be pleased to join with the gentleman in working with our subcommittee and the Foreign Affairs Committee to alter the mix of loans and grants in favor of grants for those nations which are in dire economic condition. But I cannot support allowing them to incur the costs of loss of independence and freedom which might result from too strict an application of credit considerations when a major portion of their credit problems stem from our own monetary policies and from our reluctance to address the systemic monetary problems of the world economy.

Mr. McHUGH. I will take back my time.

My basic point is that if we have a government which already has significant problems in meeting its debt burden, we should think very carefully before we extend more loans to this country.

If it has economic difficulties, which obviously it would in that case, we can provide grant assistance which obviously does not impose more debt on the country, or the President can say to the Congress, "Granted there is a problem, but in the interest of the United States, we should provide additional loan assistance," which, in that case, we could do under my proposed amendment.

All I am saying is that we should consciously focus on a country which is already having debt problems before we impose more debt on that country in our economic or military aid programs.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—ECONOMIC SUPPORT FUND

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $3,231,500,000 for the fiscal year 1985.".

PROVISIONS ON USE OF FUNDS

SEC. 202. (a) section 535(a) of the Foreign Assistance Act of 1961 is amended by striking out "1982 and up to $75,000,000 for the fiscal year 1983" and inserting in lieu thereof "1985".

(b) Chapter 4 of part II of such Act is amended—

(1) by striking out existing sections 532, 533, 534, 536, 537, 538, 539, and 540;

(2) by redesignating existing section 535 as section 532; and

(3) by adding at the end thereof the following:

"SEC. 533. MIDDLE EAST.—(a)(1) Of the amount authorized to be appropriated to carry out this chapter, not less than $1,100,000,000 for the fiscal year 1985 shall be available only for Israel.

"(2) This amount shall be for a cash transfer on a grant basis. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause and adverse impact on the total level of nonmilitary exports from the United States to Israel.

"(b) Of the amount authorized to be appropriated to carry out this chapter, not less than $750,000,000 for the fiscal year 1985 shall be available only for Egypt.

"(c) It is the sense of the Congress that, in order to continue to build the structure of peace in the Middle East, the United States should finance, and where appropriate participate in, cooperative projects of a scientific and technological nature involving Israel and Egypt and other Middle East countries wishing to participate. These cooperative projects should include projects in the fields of agriculture, health, energy, the environment, education, water resources, and the social sciences.

"(d) Of the amount authorized to be appropriated to carry out this chapter for fiscal year 1985, $20,000,000 shall be available only for Lebanon, except that to the extent that these funds cannot be used to provide assistance to Lebanon because of conditions in that country, they shall revert to the Treasury as miscellaneous receipts.

"SEC. 534. PHILIPPINES.—Of the amount authorized to be approprated to carry out this chapter, not less than $155,000,000 for the fiscal year 1985 shall be available only for the Philippines.

"SEC. 535. AFRICA.—(a) BALANCE OF PAYMENTS SUPPORT FOR COUNTRIES IN AFRICA.—Agreements with countries in Africa which provide for the use of funds made available to carry out this chapter for the fiscal year 1985 to finance imports by those countries (under the commodity import program of sector programs) shall require that those imports be used to meet long-term development needs in those countries in accordance with the following criteria:

"(1) Spare parts and other imports shall be allocated on the basis of evaluations, by the agency primarily responsible for administering part I of this Act, of the ability of likely recipients to use such spare parts and imports in a maximally productive, employment generating, and cost effective way.

"(2) Imports shall be coordinated with investments in accordance with the recipient countrys plans for promoting economic development. The agency primarily responsible for administering part I of this Act shall assess such plans to determine whether they will effectively promote economic development.

"(3) Emphasis shall be placed on imports for agricultural activities which will expand agricultural production, particularly activities which expand production for export or to reduce reliance on imported agricultural products.

"(4) Emphasis shall also be placed on a distribution of imports having a broad development impact in terms of economic sectors and geographic regions.

"(5)(A) In order to maximize the likelihood that the imports financed by the United States under this chapter are in addition to imports which would otherwise occur, consideration shall be given to historical patterns of foreign exchange uses, government and, except as provided in subparagraph (B), shall be available only for use in accordance with the agreement for economic development activities which are consistent with the policy directions of section 102 of this Act and which are the types of activities for which assistance may be provided under section 103 through 106 of this Act.

"(B) The agreement shall require that the government of the country make available to the United States Government such portion of the amount deposited in the special account as may be determined by the President to be necessary for requirements of the United States Government.

The agency primarily responsible for administering part I of this Act shall conduct annual evaluations of the extent to which the agreements described in this subsection meet the criteria set forth in this subsection.

"(b) SOUTHERN AFRICA.—Of the amount appropriated to carry out this chapter, $110,000,000 for the fiscal year 1985 shall be available only for Southern Africa, including all countries which participate in the Southern Africa Development Coordination Committee (SADCC).

"(c) SOUTHERN AFRICA REGIONAL PROGRAM.—Of the amounts authorized to be appropriated to carry out this chapter, $60,000,000 for the fiscal year 1985 shall be available only for regional programs in Southern Africa, of which not less than 70 percent shall be allocated to assist sector projects designed and implemented by the Southern Africa Development Coordinating Committee, including improvements in port facilities and high frequency telecommunications links in order to promote inter-regional trade and economic development.

"(d) SOUTH AFRICA EDUCATIONAL TRAINING PROGRAMS.—Funds available to carry out this chapter for the fiscal year 1985 which are used for education or training programs in South Africa may not be used for programs conducted by or through organizations in South Africa which are financed or controlled by the Government of South Africa, such as the 'homeland' and 'urban council' authorities. Such funds may only be used for programs which in both their character and organizational sponsorship in South Africa clearly reflect the objective of a majority of South Africans for an end to the apartheid system of separate development.

"(e) ZAIRE.—The funds allocated under this chapter for Zaire for the fiscal year 1985 may not exceed $5,000,000 and shall be used only for the direct delivery of services to the needy by private and voluntary organizations.

"(f) TUNISIA.—Of the amount authorized to be appropriated to carry out this chapter

for the fiscal year 1985, $10,000,000 shall be available only for Tunisia.

"SEC. 536. EASTERN MEDITERRANEAN.—(a)(1) Of the amount authorized to be appropriated to carry out this chapter, not less than $15,000,000 for the fiscal year 1985 shall be available only for Cyprus.

"(2) In order to assist in building a structure of peace on Cyprus, not less than $3,000,000 of the amount earmarked by paragraph (1) shall be used for confidence-building measures between the two Cypriot communities. These funds shall be used to finance cooperative economic and cultural projects involving both Greek Cypriots and Turkish Cypriots, with United States participation where appropriate. These cooperative projects should include projects in the fields of agriculture, health, energy, the environment, education, water resources, and the social sciences. Funds to carry out this paragraph shall be drawn proportionally from the funds which would otherwise be allocated for programs for Greek Cypriots and the funds which would otherwise be allocated for programs for Turkish Cypriots.

"(b) Of the amount authorized to be appropriated to carry out this chapter, $175,000,000 for the fiscal year 1985 shall be available only for Turkey.

"(c) Of the amount authorized to be appropriated to carry out this chapter, not less than $5,000,000 for the fiscal year 1985 shall be used to carry out bilateral cooperative activities with Greece and with Turkey. Half of this amount shall be used in accordance with the 1980 agreement between the United States and Greece on economic, scientific and technological, and educational and cultural cooperation, and half shall be used in accordance with the 1983 agreement between the United States and Turkey on scientific and technological cooperation.".

Mr. HALL of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to commend the gentleman from Florida (Mr. FASCELL), the chairman of the committee, for his work in including in the legislation before us a section concerning the issue of conventional arms transfers.

Section 123 of the committee bill requires the President to submit to Congress a report on conventional arms transfers. This report is to examine and analyze the following: First, the lessons of earlier efforts to negotiate restraints on the export of conventional arms; second, the evolution of recipient country attitudes regarding conventional arms transfers; third, the prospects for engaging the Soviet Union in serious discussions concerning arms transfers, both globally and as they relate to regional security problems; fourth, possible measures by the United States and Western European suppliers to control levels of sophisticated weapons, both regionally and globally; fifth, the relationship between arms exports by Western European countries and the needs of those countries to support their domestic military procurement programs; and sixth, the timing and phasing of international conventional arms control negotiations.

The committee report also makes the following statement about the committee's intent with respect to this report and its implementation:

As part of this report, the executive branch should consider opening consultations with supplier countries in Western Europe about possible restraint measures. The United States should, in concert with other Western European countries, support the establishment of a working group in the Committee on Disarmament in Geneva to implement the findings of the first U.N. General Assembly Special Session on Disarmament and the Secretary General's study of conventional arms control.

This committee report language makes it clear that the committee intends for the report in section 123 to lead to action on steps to bring about conventional arms transfer limitations.

I had the honor of testifying before the gentleman from Florida's Subcommittee on International Security and Scientific Affairs on February 23, 1984, to discuss restraining the growth of the security-related component of foreign aid and initiating action on conventional arms transfer limitation talks.

At that hearing, I discussed a resolution I have introduced, House Joint Resolution 128, which calls for a four-point program to achieve conventional arms limitations. It urges the administration to begin preliminary discussions with the Western arms supplying nations and with the Soviet Union to establish limits and guidelines for conventional arms transfers to developing nations. It further calls for talks between the nations selling conventional weapons and those purchasing such weapons. Finally, it urges self-restraint on the part of the United States with respect to selective conventional arms transfers to developing nations, particularly those involving sophisticated technology.

The basic concepts and objectives of House Joint Resolution 128 are contained in the points to be considered by the report required by section 123.

Now is an especially good time to move forward with initiatives relating to conventional arms transfers. Under the most current data supplied by the Congressional Research Service, it appears that 1983 was not a particularly good year for global arms transfers. Both the Soviet Union and France suffered substantial declines in their shares of Third World arms transfer agreements values in 1983 from the previous year. The Soviet Union's share of agreements declined from 26.9 percent in 1982 to 16.9 percent in 1983. France's share of agreements declined from 18 percent in 1982 to 4.8 percent in 1983. The United States in 1983 continued to rank first in Third World arms transfer agreements at $9.53 billion despite a notable drop from its record year total of $14.9 billion in agreements in 1982. It is interesting to note that the only major West European supplier not to register a decline in agreements was Italy, which made a modest increase over its 1982 total.

These data indicate that now is the time to begin discussions on conventional arms control measures—before increased competition picks up again. Special attention should be given to efforts to head off new arms races in regions of the world that have not seen the most intensive competition for arms transfer agreements.

The Near East and South Asia region has historically been the greatest Third World arms market. In 1980–83, it accounted for more than three-quarters of the total Third World arms agreement values. However, Latin America and sub-Saharan Africa are two regions that seem ripe for an increased round of conventional arms transfer agreements. The major West European suppliers were serious competitors of the two superpowers in weapons deliveries from 1980 to 1983, making notable deliveries of certain categories of armaments to every region of the Third World, but most particularly to Latin America and sub-Saharan Africa. The major West European suppliers, as a group, made 30.9 percent of sub-Saharan Africa's agreements in 1980–83. Moreover, sub-Saharan Africa was the only region where the value of the agreements by Communist suppliers collectively exceeded the values of those of all non-Communist suppliers. For the period 1980–83, Communist suppliers accounted for 52.8 percent of all agreements in this region. In addition, the Soviet Union ranked first in Latin American agreements with 34.7 percent. The United States was second with 12.5 percent, with the major West European suppliers as a group comprising 25 percent of the Latin American region's agreements. It would seem to be imperative for the United States to discuss these developments both with the Soviets and with our Western allies. With conventional arms sales off last year, and with increasing opportunities for sales in sub-Saharan Africa and Latin America, now would seem to be the best time to raise the subject of regional guidelines and standards before the situation gets out of hand.

The figures I have mentioned underscore the merit and timeliness of the action taken initially by the Subcommittee on International Security and Scientific Affairs with respect to focusing attention on the conventional arms transfer issue. Once again, I commend the gentleman from Florida for his leadership in this area, and I look forward to continuing to work with him on measures to direct the attention of the administration to this often-overlooked aspect of arms control.

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will designate title III.

□ 1820

The text of title III is as follows:

TITLE III—DEVELOPMENT ASSISTANCE

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

SEC. 301. (a) Section 103(a)(2) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "$700,000,000 for the fiscal year 1982 and $700,000,000 for the fiscal year 1983" and inserting in lieu therof "$698,751,000 for the fiscal year 1985"; and

(2) by striking out "for each such fiscal year".

(b) Section 103(a) of such Act is amended by adding at the end thereof the following:

"(3) In addition to amounts otherwise available for such purposes, not less than $16,000,000 of the amount authorized to be appropriated to carry the purposes of this section for the fiscal year 1985 shall be used in accordance with the policies and general authorities contained in section 491 of this Act for disaster relief assistance to alleviate the suffering of the victims of famine, drought, and disease in Africa. Such assistance shall be provided for humanitarian purposes and shall emphasize the provision of transport assistance (including inland transportation), vaccine and veterinary services to protect livestock upon which people depend, medicine and medical care, food, seeds for the next harvest, clothing, temporary shelter, and similar assistance to save lives.".

POPULATION AND HEALTH

SEC. 302. (a) Section 104(g) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (1) and (2) of the first sentence and inserting in lieu thereof the following:

"(1) $305,000,000 for the fiscal year 1985 to carry out subsection (b) of this section; and

"(2) $118,138,000 for the fiscal year 1985 to carry out subsection (c) of this section.".

(b) Section 104(g) of such Act is further amended by amending the second sentence to read as follows: "Not less than 16 percent of the funds appropriated for the fiscal year 1985 to carry out subsection (b) of this section shall be available only for the United Nations Fund for Population Activities, and not less than 50 percent of the amount by which the funds appropriated for the fiscal year 1985 to carry out subsection (b) of this section exceed $250,000,000 shall be administered by the Office of Population in the Agency for International Development.".

CHILD SURVIVAL FUND

SEC. 303. (a) Section 104(c) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "In" at the beginning of the first sentence and inserting in lieu thereof "(1) In"; and

(2) by adding at the end thereof the following:

"(2)(A) In carrying out the purposes of this subsection, the President shall promote, encourage, and undertake activities designed to deal directly with the special health needs of children and mothers. Such activities should utilize simple, available technologies which can significantly reduce childhood mortality, such as improved and expanded immunization programs, oral rehydration to combat diarrhoeal diseases, and education programs aimed at improving nutrition and sanitation and at promoting child spacing. In carrying out this paragraph, guidance shall be sought from knowledgeable health professionals from outside the agency primarily responsible for administering this part. In addition to government-to-government programs, activities pursuant to this paragraph should include support for appropriate activities of the types described in this paragraph which are carried out by international organizations (which may include international organizations receiving funds under chapter 3 of this part) and by private and voluntary organizations, and should include encouragement to other donors to support such types of activities.

"(B) In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President $25,000,000 for use in carrying out this paragraph. Amounts appropriated under this subparagraph are authorized to remain available until expended.

"(C) Appropriations pursuant to subparagraph (B) may be referred to as the 'Child Survival Fund'.".

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

SEC. 304. Section 105(a) of the Foreign Assistance Act of 1961 is amended by amending the second sentence to read as follows: "There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $124,833,000 for the fiscal year 1985, which are authorized to remain available until expended.".

ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES

SEC. 305. Section 106(e)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to amounts otherwise available for such purposes, $152,175,000 for the fiscal year 1985.".

PRIVATE SECTOR REVOLVING FUND

SEC. 306. Section 108(b) of the Foreign Assistance Act of 1961 is amended by striking out "in fiscal year 1984, up to $20,000,000" and inserting in lieu thereof "for each of the fiscal years 1984 and 1985, up to $20,000,000 per year".

SAHEL DEVELOPMENT PROGRAM

SEC. 307. The third sentence of section 121(c) of the Foreign Assistance Act of 1961 is amended by striking out "$86,558,000 for the fiscal year 1982, and $86,558,000 for the fiscal year 1983" and inserting in lieu thereof "$97,500,000 for the fiscal year 1985".

PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES IN OVERSEAS DEVELOPMENT

SEC. 308. (a) Section 123(e) of the Foreign Assistance Act of 1961 is amended by striking out "thirty" in the third sentence and inserting in lieu thereof "ninety".

(b) Section 123(f) of such Act is amended by striking out "and 1984" and inserting in lieu thereof "1984, and 1985".

PROMOTION OF DEMOCRATIC COOPERATIVES

SEC. 309. Section 123 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(h) The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decisionmaking. Therefore, assistance under this chapter shall be provided to rural and urban cooperatives which offer large numbers of low and middle income people in developing countries an opportunity to participate directly in democratic decisionmaking. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperatives techniques and practices which have been successful in the United States.".

TARGETED ASSISTANCE

SEC. 310. (a) Section 128 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 128. TARGETED ASSISTANCE.—(a) The President shall use poverty measurement standards, such as those developed by the International Bank for Reconstruction and Development, and other appropriate measurements in determining target populations for United States development assistance, and shall strengthen United States efforts to assure that substantial percentage of development assistance under this chapter directly improves the lives of the poor majority, with special emphasis on those individuals living in absolute poverty.

"(b) To the maximum extent possible, activities under this chapter that attempt to increase the institutional capabilities of private organizations or governments, or that attempt to stimulate scientific and technological research, shall be designed and monitored to insure that the ultimate beneficiaries of these activities are the poor majority.".

(b) Section 634(a)(1)(B) of such Act is amended by inserting immediately before the semicolon the following: ", such assessment to include an evaluation of the extent to which programs under chapter 1 of part I directly benefit the poor majority".

HOUSING GUARANTY PROGRAM

SEC. 311. (a) Section 221 of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence, by striking out "requirements are" and inserting in lieu thereof ", including essential urban development services, is"; and

(2) in the rest of the section, by striking out "housing" wherever it occurs (other than in the section caption) and inserting in lieu therof "shelter".

(b) Section 22(a) of such Act is amended—

(1) in the second sentence by striking out "$1,718,000,000" and inserting in lieu thereof "$1,958,000,000"; and

(2) in the third sentence, by striking "1984" and inserting in lieu thereof "1986".

(c) Section 223(e) of such Act is amended—

(1) by inserting "(1)" immediately after "(e)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) In order to meet obligations incurred for the payment of claims pursuant to loan guaranties described in subsection (d), the Administrator of the agency primarily responsible for administering part I may, to the extent that reserves are not sufficient, borrow from time to time from the Treasury, except that—

"(i) the Administrator may exercise the authority to borrow under this paragraph only to such extent or in such amounts as are provided in advance in appropriation Acts; and

"(ii) the amount borrowed under this paragraph which is outstanding at any one time may not exceed $40,000,000.

"(B) Any such borrowing shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the cur-

rent average market yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury shall make loans under this paragraph and for such purpose may borrow on the credit of the United States in accordance with subchapter I of chapter 31 of title 31 of the United States Code.".

(d) The amendment made by subsection (c) of this section shall take effect on the date of enactment of this Act.

AGRICULTURAL AND PRODUCTIVE CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROGRAMS

SEC. 312. (a) Section 222A of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a), by striking out "in Latin America" and by striking out "in not more than six Latin American countries"; and

(2) in subsection (b), by striking out "in not more than five Latin American countries".

(b) Section 222A(h) of such Act is amended by striking out "1983" and inserting in lieu thereof "1986".

DISADVANTAGED CHILDREN IN ASIA

SEC. 313. Section 241(b) of the Foreign Assistance Act of 1961 is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

AFRICAN DEVELOPMENT FOUNDATION

SEC. 314. (a) Section 510 of the International Security and Development Cooperation Act of 1980 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 510. (a) There are authorized to be appropriated to the President to carry out this title, in addition to funds otherwise available for such purposes, $3,000,000 for the fiscal year 1985.

"(b) Amounts appropriated under this section are authorized to remain available until expended.".

(b) Section 511 of such Act is amended by striking out "1985" and inserting in lieu thereof "1990".

AMENDMENT OFFERED BY MR. GRAY

Mr. GRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAY: Page 35, after line 4, insert the following:

MINORITY SET-ASIDE

SEC. 315. (a) Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate of the funds made available for the fiscal year 1985 to carry out chapter 1 of part I of the foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically Black colleges and universities, and private and voluntary organizations which are controlled by individuals who are Black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5)(B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

(b) The Administrator of the Agency for International Development shall issue regulations to carry out this section within 60 days after the date of enactment of this Act.

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GRAY. Mr. Chairman and colleagues, on November 14 of last year, the President signed into law the fiscal year 1984 continuing resolution. Included in that public law was a provision, which was approved by this body, requiring the Agency for International Development to expend at least 10 percent of their development assistance funds with economically and socially disadvantaged businesses, historically black colleges and private voluntary organizations controlled by economically and socially disadvantaged individuals.

The amendment before us now would simply reauthorize this particular provision, which was approved by the Congress and the President last year, for fiscal year 1985.

This amendment simply seeks to expand economically and socially disadvantaged participation into all facets of AID's development program, encouraging the Agency to use every mechanism available to remove those obstacles, regulatory and otherwise, to expand such participation.

Mr. Chairman, this particular provision enjoyed broad bipartisan support last year in this body. In fact, it was included in both the Foreign Affairs Committee's amendment to the fiscal year 1984 continuing resolution, and the minority substitute amendment, in addition to the original bill reported by the Appropriations Committee.

This amendment is essentially identical to that approved by this body and signed by the President last year, and I urge my colleagues to support this amendment.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the Chairman.

Mr. FASCELL. Mr. Chairman, the gentleman's statement is correct. I commend the gentleman for offering the amendment so that it becomes part of the basic law.

As a matter of fact, because of the gentleman's interest in the matter, AID has already issued guidelines and is pursuing the very course that the gentleman's amendment would provide.

Accordingly, we are very happy on this side to accept the amendment.

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Kansas.

Mr. WINN. I thank the gentleman.

Mr. Chairman, I just would like to clarify one point, if I may. I believe in the wording that the gentleman from Pennsylvania has presented to the House, that the Administrator of the Agency for International Development still has the option; it is still at his discretion, is it not?

Mr. GRAY. Would you clarify your question?

Mr. WINN. Yes; if I understand the gentleman's amendment correctly, it says here, "except to the extent that the Administrator of the Agency of AID determines otherwise." In other words, he has the option still.

Mr. GRAY. The gentleman is absolutely correct in that understanding.

The language reads that it is up to the Administrator of the Agency for International Development to determine and set those goals and to the fullest extent possible, as determined by the Administrator.

I would also point out that the Agency for International Development and its Administrator are very enthusiastically pursuing the provisions that were authorized by this Congress, signed into law by the President last year and in fact just last week, the Agency for International Development had a national conference with over 1,000 economically and socially disadvantaged business participants there.

So it is left to that discretion, as under previous law of the Congress.

Mr. WINN. I thank the gentleman for yielding. This side accepts the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GRAY).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 27, line 16, strike "Not" and insert in lieu thereof "Subject to the limitation in subsection (f)(4)(A)(ii) of this section, not".

Page 27, after line 24, insert the following:

"(c) Section 104(f) of such Act is amended by adding at the end thereof the following new paragraph:

"(4)(A) Funds authorized to be appropriated to carry out subsection (b) of this section for the fiscal year 1985, and any unobligated balances of funds appropriated to carry out that subsection for any prior fiscal year, may not be used—

"(i) to carry out population planning programs in the People's Republic of China, or

"(ii) for contributions to any international organization or any private or voluntary organization which carries out population planning programs in the Peoples' Republic of China,

unless the President has certified to the Congress that he is satisfied that the government of that country does not carry out any population planning programs which include forced or coerced abortion.".

Mr. SMITH of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I rise to offer this amendment in an attempt to end our complicity in and unwitting approval of the barbaric and utterly savage population policy in China that includes forced and coerced abortion.

Specifically, my amendment would bar the use of American taxpayers' funds to finance population planning programs in the People's Republic of China unless the President first certifies to Congress that he is satisfied that the Government of that country does not carry out any population planning programs that include forced or coerced abortion. This amendment is in the finest tradition of our human rights policy.

The amendment applies to both direct funding to China, a policy that could well come into being within the coming year and to international organizations like the U.N. Fund for Population Activities (UNFPA) and voluntary organizations which carry out population planning programs in China.

Mr. Chairman, I suspect that there will be those today who will say that the occurrence of forced and coerced abortion in China cannot be proven, which is what the Communist officials say. To them I say the evidence is overwhelming and even if you have doubts, my amendment includes a certification requirement. Mr. Chairman, likewise, I suspect that there will be those who argue that U.S. funds are not used to pay for abortions directly. To them, I would suggest that pouring millions of dollars into organizations that are an integral part of China's repressive population program makes us partners in the repression of women and children in China for clearly, our dollars further the goals and objectives of that policy and the methods employed. It seems clear to me that the proposed $50 million grant to China by the U.N. Fund for Population Activities (UNFPA) of which the United States donates approximately 25 percent, significantly improves China's ability to expand and implement its aggressive population program.

Mr. Chairman, there is an abundance of evidence that the People's Republic of China has embarked on one of the most brutal and repressive population control policies the world has ever known. In order to enforce the Government's 1979 "one child per family" norm, coerced and forced abortion has become commonplace. Not rare, but commonplace.

Well documented stories of women being hauled into clinics often in late stages of pregnancy to undergo forced abortions have been reported by reputable journalists and responsible news media including "60 Minutes," the New York Times, and the Wall Street Journal. In its February 1984 "Country Reports on Human Rights Practices for 1983," the U.S. Department of State states on page 746:

Each province sets guidelines for the desired number of children to be born during the year. These guidelines often become translated into rigid quotas at lower level units such as factories and communes. In such units, women must apply for permission to have a child. Those becoming pregnant outside the "plan" are subject to peer pressure, harassment, and sometimes economic penalties and in many cases are forced to have abortions, even in late stages of pregnancy.

I recently contacted Elliot Abrams, Assistant Secretary of the Bureau of Human Rights and Humanitarian Affairs to ask his view on whether or not forced or coerced abortions were part of China's population policy. According to Mr. Abram's office, it is an "indisputable fact."

On April 9, the Wall Street Journal carried an editorial: "Paying for Abortions" in which they called for termination of U.S. funds to China's program.

By now, the evidence about coercive birth control in China is overwhelming . . . China Scholar Steven Mosher, in his book "Broken Earth", described what he saw in one rural village:

"(The Pregnant Women) sat listlessly on short plank benches in a semicircle . . . where He Kasifeng (A top cadre and Communist Party member) explained the purpose of the meeting in no uncertain terms. 'You are here because you have yet to "think clear" about birth control, and you will remain here until you do . . . None of you has any choice in this matter . . .' Then, visually calculating how far along the women in the room were, he went on to add, "the two of you who are eight or nine months pregnant will have a Caesarean; the rest of you will have a shot which will cause you to abort." What is less well known, however, is that the U.S. government supports this 'family planning' . . . We realize that China's huge population presents a unique birth-control problem, but "poison shots" and "struggle sessions" aren't the solution . . . China may believe that only coercion will work, but American taxpayers shouldn't have to subsidize it.

In the May 16, 1982, edition of the New York Times, veteran reporter Christopher Wren quoted Mr. Li Hanbo, the deputy director of Guangdong Province family planning program who said: "There is no question of forcing pregnant women to have an abortion."

The New York Times article goes on to say:

Elsewhere in this coastal province two women were locked up for 15 days as "sorceresses" for inciting pregnant women at their farm commune to flee from family-planning workers. All but 9 of the 325 women with unauthorized pregnancies were later given abortions . . . Those incidents, reported by the Canton radio, are but two skirmishes in a desperate battle that the provincial authorities have been waging over birth control. Harsher reports reaching Hong Kong last summer charged that thousands of pregnant women in Eastern Guangdong were rounded up and forced to have an abortion.

Broadcast newsman Morley Safer narrated a segment on "60 Minutes" aired on February 12, 1984, that provided further insight and documentation of coerced and forced abortion in China.

Entitled "No Brothers, No Sisters," Morley Safer begins by saying:

Imagine the world this way, by law, one child per family, which would eventually mean a world without brothers and sisters . . . but how does a government, even a totalitarian government, impose such a policy? How do you dictate one child per family? That's what the BBS and "Nova" . . . went to China to find out.

"60 Minutes" continued:

Chong Zuo is considered to be a model town in the attempt to achieve a nation of one-child families . . . Madam Chen is the official in charge of Chongzuo's one-child policy. She tells the representative of each factory the quota of births they've been allocated for 1983. So far, they've kept to their quota.

Madam CHEN. There was a pregnant woman in Wazan factory. We persuaded her to have an abortion. We took her to the hospital. That night she changed her mind and escaped. The doctor didn't notice, and she escaped. She ran off to Shanghai. The Shanghai people helped us find her, and we brought her back to the hospital for the abortion. We were all very busy finding her. Such things happen.

SAFER. Workers must have their factory's permission to get married. To get that, they must receive instruction in family planning and pass a written test. They must be over 24 years old. When they get their permission, they are told by Dr. Chen, the Family Planning Officer, when they can try for a child.

SAFER. In each team of 16 women there's an informer, a tattletale. She's constantly alert for anyone who might be pregnant without permission, any whispers of someone acting suspiciously maternal.

Madam Chen goes on to say:

CHEN. "Controlling the population is our aim. Less birth is our aim. Punishment is not our aim. The fines are to enable us to control the population. If they prefer the fine and have a child, we have not succeeded in our aim. Our job is to finish the baby in the stomach. So when you have got rid of one there will be one less person."

Later in the broadcast, Morley Safer introduced us to another population control leader. And we get a good look at the methodology of coercive abortion.

SAFER. Mr. Ming is the leader of a work brigade of 500 families in a commune just outside of Chongzuo. . .There are no two-children families in the commune, but Mr. Ming's record is being threatened by this couple, Jeng Hu and Man Zue, who wanted

to have a second child. It took weeks of persuasion to change their minds, and now, six months pregnant, Man Zue has agreed to have an abortion. . .it was this woman, Mrs. Feng, a family planning officer, who commanded the persuasion. Mrs. Feng decides which women can have a child. . .Mrs. Feng called and said, I have to tell you why you mustn't have this child. Man Zue said, come back and tell me after the baby is born. Mrs. Feng brought along the leaders of the brigade, who spent several evenings telling her that one child is good for the country, that it's also good for you. . .Next night, more senior officers of the commune came to the house. They went through it all again and again, very slowly. The next night an even more senior official came, and he said the same things. . .And so it went on, night after night. Man Zue said, I think they found me very difficult. In the end, she got worn down. she said, after awhile I knew they would just keep on and on and on. . .Finally, she did agree to have the abortion, at six months pregnant. She'll be given an injection into the womb that will kill the baby. the dead baby will then be delivered within 24 hours. Man Zue did sign the one-child certificate.

A Wall Street Journal correspondent, Michele Vink, reported in the November 30, 1981, edition of the Journal:

In Dongguan County in eastern Guangdong, for example, a reporter for Hong Kong's leftwing newspaper Zheng Ming Ribao saw pregnant women herded into vehicles and taken to hospitals for abortions. "The vehicles were filled with wailing noises, and the scenes were really bitterly distressing." He reported. One woman already nine months pregnant arrived at the hospital, he wrote, and immediately received an injection. "Three hours later the baby was born—but then it stopped breathing," the reporter said. Some pregnant women reportedly were handcuffed, tied with ropes or placed in pig's baskets. . . . Though doctors aren't supposed to perform abortions past the eighth month of pregnancy, they do, a Chinese source reports. "Every day hundreds of fetuses arrived at the morgue," he says. A woman with an unauthorized pregnancy is likely to receive an injection from hospital doctors before labor, resulting in a stillborn child or a baby so ill that it dies in a few days, the source adds.

Fox Butterfield, a highly respected reporter and former New York Times Peking Bureau chief writes in his book China, "Alive in the Bitter Sea":

In recent years the street committee has gained a further and more extraordinary power—the right to decide which couples in the neighborhood may have children. This prerogative is part of the government's tough new campaign to reduce China's rate of population increased. Each province and city has been awarded a quota for the number of babies to be born per year, and the street committees then determine which families may use the quotas. "We give first preference to couples without children," said Mrs. Tiem, a street committee member I got to know. "If a couple already has two children or more, we tell them not to have any more.

. . . Mrs. Tiem (a "street committee" member) was frank about how her street committee administered the program. "We assign a person to keep track of each woman's menstrual cycle. If someone misses her period and isn't scheduled to have a baby, we tell her to have an abortion. There isn't room for liberalism on such an issue."

Nick Eberstadt, a visiting fellow at Harvard University's Center for Population Studies wrote in the New York Times, April 22, 1984:

So, increasingly, the population program turned to coercion . . . in some areas, women with "unauthorized" pregnancies were rounded up and ordered to submit to injections of abortifacients. Official edicts warned that those "who attempt to defeat the fertility plan" would be considered "enemies of the people"—a threat that any adult who lived through the Cultural Revolution understood only too well. Families that defied the "one child norm" were faced with monthly fines that often meant semi-starvation. (. . .) Almost a quarter of the United Nations Fund for Population Activites' $50 million bequest to Chinese population programs is American money. Failure to act against these grave and obvious human rights abuses would expose America to some very serious charges—and those charges would be right.

In their book "One Billion: A China Chronicle (1983)," Jay and Linda Matthews wrote:

The new birth control campaign had just begun and commune officials wanted to make an example of her . . . Finally, under intense pressure, the couple agreed to let the doctors induce early birth at seven months and let the baby die if it was a girl. But when a commune official standing by in the delivery room saw it was a boy, he reneged and insisted it not be saved. The husband and mother-in-law were on their knees at the delivery room door, pleading for reconsideration, but their child died because the nurses were not allowed to put it in an incubator. Some days later the mother-in-law saw the four-year-old son of one of the officials playing by a lake. In a rage, she threw the child into the water, then jumped in herself, and both drowned . . . Compulsory sterilizations and abortions have become common.

Mr. Chairman, the repressive population policies have also led to an alarming increase in infanticide. In his article "Why are Baby Girls Being Killed in China?" Steven Mosher points out:

The wave of infanticide sweeping China is a direct consequence of a population-control policy of unprecedented severity. It restricts families to one child, ignores the realities of old-age economics in the countryside and systematically denigrates the value of human life. Parents are permitted to have only one child, and then only after a "birth quota" has been issued by the authorities. While the birth of a son has always been a more important event than the arrival of a daughter, Peking's policy of one child per family has raised the stakes. For the peasantry birth has become a kind of Russian roulette: The arrival of a son heralds a relaxed and secure old age: The coming of a daughter portends poverty and slow starvation during one's declining years. It is not "feudal nonsense" but brutal economic reality that moves the parents to hope for a man-child. If the child isn't male, then the choice is a stark one: Either kill or abandon the newborn female infant, reserving your one-child quota for the birth of a boy, or face a harrowing old age. It is no surprise that many peasants decide in favor of their own security, and trade the infant's life for their own.

It is also an act in which the Chinese state is a silent accomplice. The English-language China Daily printed in Peking may publish editorials lamenting the resurgence of infanticide, but the implementation of the birth control policy at the grass roots encourages cadres to overlook the willful murder of female infants.

County, commune and production brigade cadres are told how many births their unit is to be allowed each year and are promoted and otherwise rewarded on the basis of whether they succeed in meeting the quota. It isn't in their interest to prevent female infanticide. Each girl who dies at birth or disappears soon after is one less head that they will be held to account for in the annual birth control report. Not only are forced abortions being performed up to the time of birth, there are even cases of officially sanctioned infanticide. In one incident shortly after I left Guangdong province, a young woman pregnant for the first time gave birth to twin boys. What should have been an occasion for rejoicing quickly turned tragic as the cadres present asked her which one she wanted. Both of them, she replied, but to no avail. One of the babies—she could not and would not choose which—was taken from her and put to death.

Moreover, Mr. Chairman, many of China's own newspapers have admitted the rise in infanticide.

On March 3, 1983, the People's Daily wrote "the butchering, drowning and leaving to die of female infants and the maltreating of women who have given birth to girls has become a grave social problem."

An article in the April 11, 1983, New York Times written by Li Jianguo and Zhang Xiaoying—pseudonyms for two Chinese students attending school in the United States states:

According to news reports in China's dailies, during the last two years large numbers of female infants have been butchered, drowned or left to die, and numbers of women have suffered gross maltreatment as a result of nationwide implementation of the Government's population control policy.

We learn, from the People's Daily, the Liberation Daily, the Worker's Daily, Canton Evening News and The Chinese Youth that these illegal incidents happen not only in villages but in cities as well. In the areas most seriously affected, female infants and women who have given birth to female infants have been forced to die. As a result, nationwide, male infants have begun to far outnumber female infants. Both of us, citizens of the People's Republic of China, are deeply ashamed of, and mortified by, this utter barbarism and disregard of humanity. We are filled with boundless indignation that during this last quarter of the 20th Century such atrocities take place in our country. They reflect, on the one hand, the persistence of feudal thought and traditional indifference to the welfare of women and female children, and, on the other, the backward, benighted conditions of poverty and ignorance under which most parts of China still lives. But if China has curtailed population growth and lengthened the life of an average individual at the tragic expense of the lives of newborn girls, would it not be the greatest irony possible

for Mr. Qian to receive this award at this time?

As you well know, Mr. Chairman, it is common, accepted practice for our Government to withhold Federal dollars to programs, projects, and institutions that are found to be practicing racial or sexual discrimination, a prudent policy, I might add, that I strongly support.

There are numerous examples of laws and regulations that stipulate the loss of Federal funds if certain conditions are not met. Examples are to be found in laws pertaining to the handicapped, to HUD grants, to the loss of highway funds and sewage treatment moneys if, for example, provisions of the Clean Air Act are not adhered to.

Even Presidential candidates recognize that denial of U.S. funds for programs provides real leverage. According to the Chicago Sun Times, Senators GARY HART and ALAN CRANSTON—the latter while still a candidate—promised to deny Federal projects to States whose legislatures fail to ratify the equal rights amendment.

I believe we would be utterly remiss and irresponsible if, when fully informed of the use of forced abortion in China, we were to look the other way and pretend it did not exist or that it was completely out of our hands. We do have some clout in this grisly matter. We can make a difference. We do have some tools at our disposal—namely our funds and our outrage—to press for reform.

Mr. Chairman, UNFPA has three options if my amendment passes and eventually becomes part of the law. First, they can exert their considerable influence and clout to exact reforms in Chinese population policies. Or, second, they can disengage and get out—an unambiguous message to the Peking Government that the world community will not tolerate—or walk hand in hand with a policy of—forced or coerced abortions. Or third, UNFPA might decide to continue on in China, without our aid, and thus itself look the other way and pretend forced abortions are not really occurring. Of course, this would make a mockery of the United Nations often stated commitment to human rights.

I would suggest to my colleagues that we in this body have an obligation, a duty, not to be partners in this cruel repression of Chinese women and children. I would suggest that if we fail to take action, the cancer of the Chinese experiment will worsen and intensify and thereby claim more vicitims. I would remind my colleagues that such a policy would never be tolerated here. The outrage, I hope, would be deafening. Civil liberatarians would assail such a policy, and they would be right. Human rights activists would assail such a policy, and they would be right. Religious and moral leaders would assail such a policy, and they would be right. Government leaders and editorial writers would assail such a policy and they would be right. Liberals, moderates, and conservatives would assail such a policy, and they would be right.

Forced and coerced abortion would never be tolerated in our own backyard. It is no less offensive, I hasten to point out, in someone else's, even if they live on the other side of the world.

Mr. Chairman, I urge my colleagues to support my amendment. Our traditions, our laws, the generous impulse of our people call for us all to do nothing less.

Mr. Chairman, I include the following article for Members' further study:

[From the Wall Street Journal, Apr. 9, 1984]

PAYING FOR ABORTIONS

By now, the evidence about coercive birth control in China is overwhelming. Fox Butterfield, in his book "China: Alive in the Bitter Sea," described how neighborhood cadres monitor women's menstrual cycles. CBS's "60 Minutes" recently reported on involuntary abortions. And China scholar Steven Mosher, in his book "Broken Earth," described what he saw in one rural village:

"[The pregnant women] sat listlessly on short plank benches in a semicircle . . . where He Kaifeng [a top cadre and Communist Party member] explained the purpose of the meeting in no uncertain terms. 'You are here because you have yet to think clear' about birth control, and you will remain here until you do. . . . None of you has any choice in this matter. . . .' Then, visually calculating how far along the women in the room were, he went on to add, 'The two of you who are eight or nine months pregnant will have a Caesarean; the rest of you will have a shot which will cause you to abort.' "

What is less well known, however, is that the U.S. government supports this "family planning." It does so by contributing to the United Nations Fund for Population Activities ($38 million this fiscal year), which in turn is giving $50 million over four years to China's birth-control program. The contribution is probably breaking U.S. law, which prohibits U.S. aid for forced sterilization or abortions.

The UNFPA naturally resists this conclusion. "This organization has never funded an abortion of any kind," says Rafael M. Salas, the agency's executive director. He says the UNFPA's agreement with China prohibits coercion. And while abuses may occur, Mr. Salas says, the UNFPA has no evidence that this has happened in China.

We respect Mr. Salas's protests, but we also find it hard to believe that some of that money isn't going to pay for forced abortions. And even if the money goes only to Peking's birth-control bureaucracy, it still supports a policy that requires the chilling coercion that Mr. Mosher describes. In totalitarian China, policy flows from the state down, and political control is rigid enough to make sure it's enforced. Nor can the Chinese toss out the government if they don't like its policy, as the Indians did a few years back when they opposed Indira Gandhi's forced sterilizations.

The U.S. Agency for International Development is concerned enough to have begun investigating UNFPA's funding in China. Jay F. Morris, deputy administrator of AID, says "there's no denying what the Chinese are doing" with birth control. But he says that so far, AID hasn't any evidence that its money is subsidizing cocercion. As for concern about indirectly subsidizing a policy, Mr. Morris says: "That's a much larger issue that we really don't deal with.

We realize that China's huge population presents a unique birth-control problem, but "poison shots" and "struggle sessions" aren't the solution. Countries with far higher population densities—such as Taiwan and South Korea—have prospered without such measures. They've recognized that the best birth-control policy is an economic policy that produces rapid growth. China may believe that only coercion will work, but American taxpayers shouldn't have to subsidize it.

TESTIMONY OF JACQUELINE R. KASUN, PROFESSOR OF ECONOMICS, HUMBOLDT STATE UNIVERSITY, ARCATA, CALIF.

It is not widely known that the People's Republic of China is operating the world's most coercive program of population control, including forced abortion, sterilization, and infanticide.

What may not be so widely known is that United States foreign aid dollars are supporting the Chinese program. According to the Population Reference Bureau, a population activist group supported by the United States government, the Chinese population control program receives about $50 million a year from the United Nations,[1] whose largest supporting donor is the United States. The Chinese program also receives support from the International Planned Parenthood Federation which in turn gets a large part of its money from the United States government.[2]

The Chinese program of population control has been operating with varying degrees of intensity since the 1950's. It has been intensely studied and widely reported in the house publications of American population organizations—the Population Council, the Population Reference Bureau, Worldwatch, and related groups. Cultural exchanges between China and the United States have taken Americans to China and brought Chinese to this country to study and explain the system. American television and Steven Mosher's recent book *Broken Earth: The Rural Chinese* (Free Press, 1983) have brought it to public attention.

By the early 1970's the system of birth quotas was in effect in China. The quota system meant that couples who had pregnancies out of turn were denying that privilege to others and were therefore subjected to intense peer group pressure for abortion and/or sterilization. Punishments—such as loss of pay and employment and dismissal from school—and rewards—such as payments for sterilization and vacations for abortion—were in effect.[3] The program was greatly admired by enthusiasts such as the U.S. State Department's Ambassador Marshall Green for its use of the so-called "village system" of population control, because this system uses group rewards and peer pressure as means of enforcement.[4] When the group reward (such as additional seed for fertilizer for crops) depends on meeting the village birth reduction quota, group pressure on recalcitrant couples is very effective. The U.S. Agency for International Development admired the village system so

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[1] Footnotes at end of article.

much that, under the direction of Dr. R. T. Ravenholt, the agency introduced it into AID's program for Indonesia.[5]

From the two-child family of the 1970's it was only a step for China to the one-child family norm proclaimed in 1979. Increasing reports of repression and resistance began to reach the outside world at the same time as the evaluations by the United States-based population organizations became ever more admiring and funding from the United States increased.[6] By 1982 Christopher Wren was reporting in the *New York Times* on thousands of Chinese women being "rounded up and forced to have abortions." He described women "locked in detention cells or hauled before mass rallies and harangued into consenting to abortions." He told of "vigilantes [who] abducted women on the streets and hauled them off, sometimes handcuffed or trussed, to abortion clinics" and of "aborted babies which were . . . crying when they were born." [7] Michele Vink reported in the *Wall Street Journal* on women who were "handcuffed, tied with ropes or placed in pig's baskets" for their forced trips to the abortion clinics.[8] As Steven Mosher points out, the People's Republic press itself now openly speaks of the "butchering, drowning, and leaving to die of female infants and the maltreating of women who have given birth to girls" [9] in this society where only the son can care for his parents in their old age.

As the horror of the system has mounted, so have the accolades in the population lobby press. The Population Reference Bureau lists it among "well-designed family planning programs.[10] Worldwatch, which is supported by the United Nations and therefore indirectly by the United States, cites it among its "Population Policies for a New Era." [11] Planned Parenthood of Korea, which receives support from International Planned Parenthood, which in turn receives support from the United States, has launched its own one-child family drive.[12] Topping it all, Rafael Salas, director of the U.N. Fund for Population Activities which was created at the urging of the U.S. Agency for International Development and which receives financial support from the United States,[13] has presented the Chinese government with an award for excellence. I am proud to say that a distinguished member of my profession, Dr. Theodore Schultz, a Nobel Laureate enlisted as an adviser to the U.N. Fund for Population Activities, told the agency to remove his name from the award.[14]

The honey-voiced narrator of a Nova film being shown on public television in the United States assures us that this brutal program is necessary in order for China to "modernize" and to avert what she calls the "catastrophe" of excess population. The fact is, the Chinese system *is* catastrophe. It robs human beings of their dignity, treating them as if they were livestock being bred for the convenience of the state. The Chinese system of population control is not the result of overpopulation in China but rather the result of the catastrophic misdirection of policy and abuse of power by the Chinese government.

After more than three decades of economic mismanagement by their central planners, the Chinese people have realized one of the slowest rates of development and lowest standards of living on earth. Though they have vast industrial and agricultural resources and are an industrious and intelligent people, their output in 1981 amounted to only $300 per person, barely enough for survival. Most of their economic resources are unused. For example, less than a third of their agricultural land is in crops.[15] Far more densely populated nations around them in Asia have forged ahead of them in economic development. Taiwan, with a population density more than five times as great as China's, produces eight times as much per capita and has a larger volume of trade.[16] The Republic of Korea, with a population density four times as great as China's has a per capita output almost six times as great as China's.[17]

From the Great Leap Forward through the Proletarian Cultural Revolution and up to the current one-child family drive, recent Chinese history has consisted of one mad experiment after another, with devastating consequences for the Chinese economy and the Chinese people. What China needs is not population control but political rationality and economic efficiency. According to Christopher Wren, the Chinese estimate that it now costs more than $865 to prevent one birth in Guangdong.[18] This is almost three times the per capita gross national product and fifteen times the annual cost of supporting a child in China. What this means is that with a tiny fraction of the effort now being lavished on stamping out births, the Chinese could support the children in question and still have enough left over to mount a sizeable investment program for the improvement of their economy. A sustained and efficient development program of this magnitude would bring China to comfortable prosperity rather than the ruin which it is now producing.

The United States cannot change the government of China. We cannot stop their mad experiments upon their own people. We can and we should, however, separate ourselves from this savagery. We should, like Professor Schultz, let the world know that we do not countenance or support such things. For the sake of our national honor and our name in history, we should—we must—immediately terminate all support for the U.N. Fund for Population Activities, for the International Planned Parenthood Federation, and all organizations which support population control in the People's Republic of China.

HOW BAD IS THE SO-CALLED POPULATION PROBLEM IN CHINA?

[Many countries are more crowded than China, but few produce as little per person, as the following table shows]

	Persons per square mile 1982	GNP per capita dollars 1981
Country or State:		
Taiwan	1,482	[1] 2,280
Republic of Korea	1,080	1,700
Japan	825	10,080
West Germany	643	13,450
United Kingdom	595	9,110
India	570	260
Switzerland	398	17,430
China	285	300
France	256	12,190
United States	64	12,820
Pennsylvania	264	NA
Maryland	429	NA
New York	371	NA

[1] Federal Reserve Bank of San Francisco.

Source: Population densities from "Statistical Abstract of the United States," 1982–83; GNP figures from World Bank, "World Development Report 1983."

FOOTNOTES

[1] Population Reference Bureau, *Intercom*, May/June 1983.

[2] International Planned Parenthood Federation, *Report to Donors, 1980*, p. 40.

[3] Pi-chao Chen, "Lessons from the Chinese Experience: China's Planned Birth Program and Its Transferability," The Population Council, *Studies in Family Planning*, Vol. 6, No. 10, October 1975, pp. 354-366.

[4] Ambassador Marshall Green, "U.S. Perspectives on World Population Issues," The Conference Board, Dallas, Texas, March 30, 1977.

[5] AID, Memorandum for Assistance Administrators, Mission Directors, AID Representatives and Principal AID Officers, 11 June 1980; Hearings of Select Committee on Population, 95th Congress, 2nd Session, Vol, II, April 25, 26, 27, 1978.

[6] U.N. Fund for Population Activities, *1980 Report*, and *1981 Report*.

[7] Christopher Wren, "Chinese Region Showing Resistance to National Goals for Birth Control," *New York Times*, May 16, 1982.

[8] Michele Vink, "Abortion and Birth Control in Canton, China," *Wall Street Journal*, November 30, 1981.

[9] Steven W. Mosher, "Why Are Baby Girls Being Killed in China?" *Wall Street Journal*,, July 25, 1983.

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[11] Worldwatch Paper #53.

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[14] *New York Times*, June 24, 1983.

[15] Food and Agriculture Organization of the United Nations, *FAO Production Yearbook 1980*.

[16] World Bank, *World Development Report*, 1979, 1980, 1981, 1982.

[17] *Ibid.*, 1983.

[18] Wren, *op. cit.*

[From the Richmond News Leader, June 28, 1983]

CHINA'S BIRTH CONTROL

Communist China's population control programs emphasize abortion and sterilization. Chinese officials often "encourage"—i.e., force—expectant mothers to abort their babies; they also require the sterilization of couples with two or more children. Both practices contravene explicit provisions in the international aid programs subsidizing Communist China's birth control drives.

Communist China receives extravagant grants from the United Nations Fund for Population Activities (UNFPA). In turn, the fund receives extravagant grants from the U.S. Agency for International Development. Not only does the UN proscribe the use of its money for forced sterilization, U.S. law prohibits the use of AID cash for abortion and sterilization. The standard disclaimer attached to AID applications states:

This project is consistent with AID policies, and with sections 104 of the Foreign Assistance Act and 525 of the Appropriations Act, 1982, which provide that funds will not be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions or to pay for the performance of involuntary sterilizations as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations or to pay for any biomedical research which relates, in whole or in part, to methods of or the performance of abortions or involuntary sterilization as a means of family planning; or to lobby for abortion.

The intent is clear. And clearly, Communist China's forced abortion and sterilization programs traduce U.S. law and UN regulations. The issue transcends birth control. It involves the sanctity of the law.

Either laws mean what they say, or there is no reason to write them. No nation should be above the law. If law prohibits the use of U.S. or UN money for, say, building soccer fields, then countries using such cash to construct stadiums should forfeit their

grants. A similar standard should apply to birth control programs.

Although UN officials concede that Communist China may be violating UNFPA guidelines, they seem less than vigorous in enforcing the law. U.S. officials appear similarly lackadaisical. Yet Communist China's flouting of the law carries profound implications for relations between it and the U.S.

Many in the U.S. want to increase trade between Washington and Peking dramatically. Trade agreements between the U.S. and potential enemies usually include assurances that American products or technology will not be used for military purposes. If Communist China openly breaks laws regarding population control, then can the U.S. expect it to obey agreements regarding manufactured goods?

The United Nations and the United States often speak of their desire to enforce international law in a world rent with lawlessness. Communist China's abuse of its population control grants gives the UN and the U.S. an opportunity to practice what they preach.

[From the Wall Street Journal, July 25, 1983]

WHY ARE BABY GIRLS BEING KILLED IN CHINA?

(By Steven W. Mosher)

In 1980, when I was living with the 8,000 members of Sandhead Brigade in China's Guangdong Province, I asked village friends whether female infanticide ever occurred locally. The answer, which came with rather more heat than I had expected, was an emphatic no. "Ours is a land of fish and rice," one wrinked old midwife told me in explanation. "All the people here have always been able to raise their daughters." She and others insisted that even under the old imperial regime girl babies had never been put to death.

Yet less than two years later Chinese friends in Hong Kong who had recently been back to the village began to tell of girl infants dying soon after birth in suspicious circumstances. One young woman was even more candid, admitting to me that when her mainland sister-in-law had recently given birth to a girl, the baby had been murdered immediately. A bucket of water had been prepared beside the bed. When the newborn turned out to be a girl, she was drowned.

Female infanticide isn't just an anomaly of the village I lived in. Premier Zhao Zliyang thought the problem widespread enough to condemn it in his report to the National People's Congress in December 1982. "We must protect in particular infant girls and their mothers," he said. "The whole society must resolutely condemn the criminal activities of female infanticide and maltreatment of mothers. The judicial apparatus should resolutely punish the offenders according to law."

In recent months provincial newspapers throughout China have reported grisly tales of the murder of female infants. On March 3, the People's Daily admitted that "the butchering, drowning and leaving to die of female infants and the maltreating of women who have given birth to girls has become a grave social problem."

Peking claims that these crimes are committed by "backward" villagers in the name of "feudal" attitudes that "boys are precious, girls are worthless." Male villagers, said to desire sons to "carry on the ancestral line and extend the generations," have been especially singled out for censure. "in their keen desire to have sons." the English-language Peking Review said last January, "some men still torment their wives who bear daughters and worse still, they kill the baby girls through neglect or outright murder." If Peking is to be believed, many peasant men are ignorant and misguided monsters who willingly sacrifice their infant daughters on the altar of some feudal belief.

Nothing could be further from the truth. Infanticide does have a long and tragic history in many parts of China. But by the middle decades of this century, it looked as though this barbarism was on its way to extinction. In Chinese villages today, where ancestral land has long since been expropriated by the state and ancestor worship in on the decline, traditional notions of clan and family continuity no longer exert much influence. These attenuated ideas could not possibly account for the sudden reoccurrence of female infanticide.

The wave of infanticide sweeping China is a direct consequence of a population-control policy of unprecedented severity. It restricts families to one child, ignores the realities of old-age economics in the countryside and systematically denigrates the value of human life.

Parents are permitted to have ony one child and then only after a "birth quota" has been issued by the authorities. Each population unit, such as a rural collective, is limited to a certain number of births per year, which it allots to couples who have.

Women pregnant with "over-quota" babies are forced to attend round-the-clock "studies courses" until they submit to an abortion. Families who actually have a second child must pay heavy fines of up to $2,000—several years wages in mainland China—and run the risk of demotion or assignment to less desirable work as well.

This draconian policy makes no provision for the long-term economic concerns of peasant parents, especially their anxieties about financial security in old age. Sons are the only social-security system known to vilagers, for there are no pension program in the Chinese countryside. Neither can daughters give long-term assistance, for rural custom decrees that they take up residence with their husband's family upon marriage and sever all economic ties with their natal family. Even if they were to keep a daughter at home, peasants say, it would be impossible to find her a husband in a population of only sons.

Those who are without sons must toil in the fields throughout their twilight years. As their strength declines to the point where they cannot keep up, they are assigned lighter work that pays scarcely enough for their rice ration. Old age is a long downward spiral of flagging vigor, worsening diet and weakening health.

While the birth of a son has always been a more important event that arrival of a daughter, Peking's policy of one child per family has raised the stakes. For the peasantry birth has become a kind of Russian roulette: The arrival of a son heralds a relaxed and secure old age; the coming of a daughter portends poverty and slow starvation during one's declining years. It is not "feudal nonsense" but brutal economic reality that makes the parents to hope for a man-child.

If the child isn't male, then the choice is a stark one: Either kill or abandon the newborn female infant, reserving your one-child quota for the birth of a boy, or face a harrowing old age. It is no surprise that many peasants decide in favor of their own security, and trade the infant's life for their own.

It is also an act in which the Chinese state is a silent accomplice. The English-language China Daily printed in Peking may publish editorials lamenting the resurgence of infanticide, but the implementation of the birth control policy at the grass roots encourages cadres to overlook the willful murder of female infants.

County, commune and production brigade cadres are told how many births their unit is to be allowed each year and are promoted and otherwise rewarded on the basis of whether they succeed in meeting the quota. It isn't in their interest to prevent female infanticide. Each girl who dies at birth or disappears soon after is one less head that they will be held to account for in the annual birth control report.

Front-line cadres take their cues from their superiors, and these have made clear that population growth is to be held down at all costs, even that of the lives of millions of infants.

Not only are forced abortions being performed up to the time of birth, there are even cases of officially sanctioned infanticide. In one incident shortly after I left Guangdong Province, a young woman pregnant for the first time gave birth to twin boys. What should have been an occasion for rejoicing quickly turned tragic as the cadres present asked her which one she wanted. Both of them, she replied, but to no avail. One of the babies—she could not and would not choose which—was taken from her and put to death.

(Mr. Mosher, one of the first American social scientists since 1949 permitted to live in a Chinese village, is author of "Broken Earth: The Rural Chinese," to be published later this summer by The Free Press.)

[From the New York Times, Apr. 11, 1983]

INFANTICIDE IN CHINA

(By Li Jianguo and Zhang Xiaoying)

According to news reports in China's dailies, during the last two years large numbers of female infants have been butchered, drowned or left to die, and numbers of women have suffered gross maltreatment as a result of nationwide implementation of the Government's population-control policy. This shocking situation, which the Government must take immedite steps to stop, deserves to be brought to the attention of the United Nations.

We learn, from The People's Daily, The Liberation Daily, The Worker's Daily, Canton Evening News and The Chinese Youth that these illegal incidents happen not only in villages but in cities as well. In the areas most seriously affected, female infants and women who have given birth to female infants have been forced to die. As a result, nationwide, male infants have begun to far outnumber female infants.

The Government's birth-control policy has reduced population growth rate to 1.2 percent—it is 2 percent in other developing countries—but the rate reportedly was creeping toward 1.3 or 1.4 percent, and this means the Government may not meet the 1.2 billion target set for the year 2000. A census last July put the population at 1,008,175,288—five million more than was expected. The customary preference for a male child, pressure to limit new families to just one child, bonuses for cooperating parents and a warning that families who have more than one will be financially penalized inevitably have led to infanticide.

On March 3, The People's Daily said: "At present, the phenomena of butchering,

drowning and leaving to die female infants and maltreating women who have given birth to female infants have been very serious. It has become a grave social problem." The People's Daily said, on Jan. 31, that because of investigations and statistics from Shenyang, Anshan, Benxi and six other cities, in the last year 196 women went to local offices of the Chinese Women's Association to report maltreatment." Apparently, the most seriously affected provinces are Anhui, Liaoning, Shandong, Hebei, Guangdong and Sichuan.

Both of us, citizens of the People's Republic of China, are deeply ashamed of, and mortified by, this utter barbarism and disregard of humanity. We are filled with boundless indignation that during this last quarter of the 20th century such atrocities take place in our country. They reflect, on the one hand, the persistence of feudal thought and traditional indifference to the welfare of women and female children, and, on the other, the backward, benighted conditions of poverty and ignorance under which most parts of China still lives.

But traditional prejudice and economic backwardness notwithstanding, we strongly feel that all elements of our Government concerned with implementation of the new population policy should be held directly accountable for the prevalence of such tragic incidents. Infanticide need not be an inevitable outcome of the policy. Apparently, the affected units and organizations have not adopted a policy of "gentle persuasion and education" to achieve the desired goal of birth control and population control but have callously exerted political pressures and adopted extreme political measures for implementation of the policy.

It is true that the population-control policy has effectively reduced China's population growth. Nevertheless, these other, unintended results of such a policy contradict fundamental values of humanism, ethics and civilization. The Government, by permitting the news reports of the atrocities, obviously indicates that it opposes them. But, deplorably, it has not exercised its power to stop them, as far as we know.

Ironically, Qian Xinzhong, chairman of the Chinese National Committee on Birth Control and Population Planning, in June is to come to the United Nations to receive an award as the representative of the country that has been most effective in implementing birth control and population planning. But if China has curtailed population growth and lengthened the life of an average individual at the tragic expense of the lives of newborn girls, would it not be the greatest irony possible for Mr. Qian to receive this award at this time?

Because of this situation, we hope that the Secretary General, Javier Pérez de Cuéllar, will take appropriate action to inform the concerned United Nations agencies—with the full cooperation of the Chinese Government—so that they may start a detailed investigation of this matter and, using all the resources at their command, end these horrors as soon as possible. To protect its dignity, we suggest that the United Nations should postpone giving Mr. Qian the award pending an investigation by responsible United Nations bodies and a report from Peking that this deplorable situation has ceased.

□ 1830

AMENDMENT OFFERED BY MR. FASCELL TO THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. FASCELL. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL to the amendment offered by Mr. SMITH of New Jersey: In lieu of the text proposed to be inserted after line 24, page 27, by the Smith amendment, insert the following:

(c) Section 104(f) of such Act is amended by adding at the end thereof the following new paragraph:

"(4)(A) Funds authorized to be appropriated to carry out subsection (b) of this section for the fiscal year 1985, and any unobligated balances of funds appropriated to carry out that subsection for any prior fiscal year, may not be used—

"(i) to carry out population planning programs in the People's Republic of China, or

"(ii) for contributions to any international organization or any private or voluntary organization which carries out any population planning program in the People's Republic of China if such program includes forced or coerced abortion.".

Mr. FASCELL. Mr. Chairman, in simple words the language of the amendment speaks for itself. The difference primarily is that under the principal amendment the President would have a difficult time in certifying with respect to the entire program of such a large country. But the net effect of it would be that the United States would be prohibited from contributing to any population programs are involved, either through the United Nations or other organizations that are working on population programs in the People's Republic of China, even if they did not involve forced or coerced abortion. That would be an unfortunate effect of the amendment.

The substitute, on the other hand, carries out the same idea by saying that none of the U.S. money can be used for direct population programs in the People's Republic of China, by the United Nations program, through other organizations, or if those programs are involved in forced or coerced abortion.

Now, that is the difference between the two. I think it carries out the gentleman's objective without any of the disadvantages.

I would urge that my colleagues support the amendment to the amendment.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

If the gentleman would respond to a question. Under present law any Federal moneys, any U.S. dollars are now prohibited to be used for abortion planning anyway.

Mr. FASCELL. The gentleman is correct.

Mr. SILJANDER. So what the issue I think is could population control money still be used in China even though China as a Government policy, whether admitted or not, is enforcing coerced abortions?

Mr. FASCELL. Yes.

Mr. SILJANDER. So essentially what we are saying is we are reiterating the present law into the gentleman's substitute to the amendment, as well as allowing our population control moneys to be used in population controlled planning in a country whose policy is to force coerced abortions.

Mr. FASCELL. The gentleman is correct, as I understand it, because the money cannot be used for forced or coerced abortion.

Mr. SILJANDER. But the point is, if I may ask one last question, while our moneys may not be going toward specifically encouraging a program for coerced abortions, it is still being used in population control planning in the context of which part of that, our tax dollars may not be used, but which the Government does force coerced abortions.

I guess the concern we have, some of us on both sides of the aisle frankly, is that our tax dollars are being used to encourage a population control philosophy in a nation that in fact includes coerced abortions.

□ 1840

And one way to avoid this might be a way of allowing a Presidential certification of some kind to assure the overall plan and policy of a country does not in fact, include coerced abortions in which our dollars are helping in a base and a foundational way to perpetuate that kind of a plan and philosophy.

I do not know if the gentleman on the other side of the aisle would agree with some form of Presidential certification in that light.

Mr. FASCELL. Well, frankly, I think it would be a very difficult requirement to put on the President of the United States, and I would certainly not want to support it.

But let me yield to my colleague, the gentleman from Pennsylvania, who has a comment on this.

Mr. KOSTMAYER. I would say to the gentleman from Michigan that I do not think a Presidential certification is necessary to this law or to others in general. I think all of us recognize and share the concerns expressed by the gentleman from New Jersey, and none of us wants to see U.S. funds or UNFPA funds used for forced or coerced abortions in China or anywhere else.

As the gentleman from Michigan has already stated, under current American law no tax dollars, no Amer-

ican tax dollars, are used under any circumstances, either directly or indirectly, for abortions, forced or voluntary, in China.

What the substitute offered by the gentleman from Florida (Mr. FASCELL) says is that it strengthens that, takes that policy, incorporates it into law.

The gentleman from Michigan and the gentleman from New Jersey speak of Presidential certification. Who knows who will be in the White House when? Let us not leave it up to any President to certify. I think we can make it even stronger by putting it into the law, and that is what this does.

So let me reiterate, finally: The Fascell substitute establishes a strict prohibition on the use of American tax dollars, either directly or indirectly, through other agencies, such as the UNFPA, for abortion in China, forced or not.

Mr. SILJANDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute amendment.

Mr. Chairman, I would like to ask the gentleman, if I may, to answer a question in regard to his comments earlier.

Would the gentleman, then, based on his comments, support any U.S. dollars going to a country in which the overall population program included coerced, forced abortions?

While our tax dollars may not be specifically going toward forced abortions, it is according a policy, a philosophy, a program, in which certainly our funding in one end that is not dealing with forced abortions could help supplement in an indirect way, the old back door philosophy, to support a government which is in fact encouraging and supporting a policy of forced abortions. And if in fact one could indicate that China does not have a forced abortion policy, then I would submit to the gentleman from Pennsylvania if he does not like Presidential certification I would say, with all good moral respect to the issue at hand, how would he suggest, then, we could certify the fact that the People's Republic of China is or is not involving population control planning, including forced abortion?

I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. I thank my friend for yielding to me.

What the gentleman from Michigan is saying is that since there is a population control program in China, which all of us find repugnant, then we should not participate in any alternative population program in China.

This is a list of the 13 programs that the UNFPA pays for in China, population programs. None of them are related to abortions at all. These programs provide an alternative to the Government of China. If the UNFPA and the United States indirectly pulls out of the population picture in China, then the only program for population left in China will be the one which the gentleman from Michigan and I both feel is very wrong. Provide the Chinese Government with some alternative; do not lock UNFPA out. If you do, they are stuck only with the program which both of us feel strongly is a bad one.

Mr. SILJANDER. Reclaiming my time, I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Pennsylvania and I want to say that this amendment is well meaning but it does just restate current policy, it does not break any new ground.

The gentleman just said, for instance, that the U.N. family planning population funds are alternatives.

Well, that is not the case. In China today—so few Members I think really realize this—going back to 1979, began a one-child-per-family program. In other words, if you have two children, that child will then be aborted, and they have coerced and forced abortions to implement that.

Well, our census data that we provide and the IBM machinery, and the like, that we send to China through the United Nations help them get a better bead on whether or not they are living up to their quotas. As I did not point out in my opening comments but I will include it in the RECORD, they have very sophisticated ways of targeting certain provinces in China to figure out whether or not they are indeed reaching their quotas.

So it is not an alternative. It is part and parcel of their program. They need the technology that IBM can provide and the moneys that will come from the United Nations to again further implement this very repressive program.

So we are trying to get a handle on that and to disassociate ourselves from this kind of program.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Illinois.

Mr. HYDE. I thank my friend for yielding.

Mr. Chairman, as I look at this amendment I do not find it objectionable because as I read it there can really be no funds to carry out population planning programs in the People's Republic of China. No funds. That is direct.

Moreover, there can be no contributions to any international organization—and that is the UNFPA—or any private or voluntary organization which carries out any population planning program in the People's Republic of China if such program includes forced or coerced abortion.

Now, the gentleman wants to know how do we know, how do we enforce that? I would suggest to the gentleman that the Director of AID will cooperate by instituting an investigation and will report.

Now, the law does not say that. But I have those assurances from him on the telephone.

I think this amendment is pretty tight and pretty clear. No direct money for population planning in the People's Republic of China. That is subparagraph (i). And then the next one refers to international organizations or private voluntary organizations that carry out any planning program in the People's Republic of China if such program includes forced or coerced abortion.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. SILJANDER) has expired.

(On request of Mr. HYDE and by unanimous consent, Mr. SILJANDER was allowed to proceed for 2 additional munites.)

Mr. HYDE. I think it is a compromise. I think it is going to effectuate what the gentleman wants. And I do not think it is a restatement of current law. It focuses in on the People's Republic of China which has this coerced abortion and it focuses not only on direct funds from the United States but through international and voluntary organizations.

Mr. SILJANDER. If I could reclaim my time, I would like to ask the chairman of the committee, the author of the substitute, a question. I would agree with the gentleman from Illinois if we could get on the record that in subsection (ii) the term "program" means a program of the People's Republic of China as opposed to the program, the specific program, of population control.

Mr. FASCELL. If the gentleman will yield, it means the programs carried out by the organizations.

Mr. SILJANDER. So what the gentleman from Illinois is saying would not be accurate.

Mr. FASCELL. No; he was accurate.

Mr. KOSTMAYER. The gentleman from Illinois is absolutely accurate.

Mr. FASCELL. Absolutely accurate.

Mr. SILJANDER. He is accurate in suggesting that this amendment would cut off any population control moneys to the People's Republic of China?

Mr. KOSTMAYER. If the gentleman will yield to me, this amendment will cut off any money, direct or indirect, to the People's Republic of China which is used for coersive or forced abortions.

Mr. SILJANDER. In programs that we spend for coerced abortions. But it would not include cutting off funds for a country that in fact continues to

promote as part of their population control program coerced abortions.

Mr. KOSTMAYER. To the extent that those programs are funded not only by American dollars but to the extent that they are funded by the dollars of other countries who also contribute to UNFPA they would be cut off. So we are not speaking only for American tax dollars; we are speaking for every country that contributes to UNFPA. We will not permit $1, American or other, to be used for forced or compulsory abortions.

And I would say, in closing, Mr. Chairman, that I urge Members to vote for the Fascell-Hyde amendment to halt the policy of coercive and compulsory abortions in China.

Mr. PARRIS. Mr. Chairman, I rise in support of the Smith amendment to H.R. 5119.

There are incontrovertible reports that forced sterilizations and forced abortions are the rule, rather than the exception, in some sovereign nations.

As one who has always opposed abortion, I find the entire process repugnant. The fact that our tax dollars are assisting in it is unconscionable.

And I cannot fathom the arrogance of those who would flout the law that prohibits the use of our foreign aid funds for any program of involuntary sterilization or for abortions.

I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL) to the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title III? If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—ECONOMIC POLICY INITIATIVE FOR AFRICA

ECONOMIC POLICY INITIATIVE FOR AFRICA

SEC. 401. Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 3 the following new chapter:

"CHAPTER 4—ECONOMIC POLICY INITIATIVE FOR AFRICA

"SEC. 401. POLICY AND GENERAL AUTHORITY.—(a) The Congress finds that the problems of inadequate growth rates in food production and agriculture exports and of widespread poverty, hunger, illiteracy, and disease in sub-Saharan African countries threaten the region's economic stability. In recognition that sustained economic growth and development of sub-Saharan African countries continues to be important to the economic and security interests of the United States and that the economic policy framework of such countries is critical to maintain financial stability and to accelerate growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, in order to promote policy reforms in sub-Saharan Africa oriented toward growth-with-equity. Assistance provided under this chapter shall be used to assist countries that are pursuing or have shown a willingness to pursue policy reform in such key sectors as food and agriculture, education, health and family planning, as well as to strengthen institutional and skilled manpower capacities to implement such reforms.

"(b) Agreements providing for the use of funds under this chapter to finance imports by countries in sub-Saharan Africa under sector programs shall require that those imports be used to meet long-term development needs in those countries in accordance with the following criteria:

"(1) Emphasis shall be placed on imports for agricultural activities which will expand agricultural production, particularly activities which expand production for export or to reduce reliance on imported agricultural products.

"(2) Emphasis shall also be placed on a distribution of imports having a broad development impact in terms of economic sectors and geographic regions.

"(3) Foreign currencies generated by the sale of such imports by the government of the country shall be deposited in a special account established by that government and, except as provided in paragraph (4), shall be available only for use in accordance with the agreement for economic development activities which are consistent with the policy directions of section 102 of this Act and which are the types of activities for which assistance may be provided under section 103 through 106 of this Act.

"(4) The agreement shall require that the government of the country make available to the United States Government such portion of the amount deposited in the special account as may be determined by the President to be necessary for requirements of the United States Government.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for the purposes of this chapter, in addition to funds otherwise available for such purposes, $75,000,000 for the fiscal year 1985, which are authorized to remain available until expended.

"SEC. 403. CONSULTATION WITH CONGRESS.—The administrator of the agency primarily responsible for administering this part shall consult with, and shall take under serious advisement the views of, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the specific countries to receive assistance under this chapter. Such consultation shall include presentation of a list of potential recipient countries and supporting economic analyses by October 1, 1984, or 30 days after the enactment of this chapter, whichever is later. Should additional countries subsequently become potential recipients of such assistance, the administrator shall promptly begin the consultation process with the committees.".

The CHAIRMAN. Are there amendments to title IV? If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—OTHER ASSISTANCE PROGRAMS

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 501. Section 214(c) of the Foreign Assistance Act of 1961 is amended by striking out "$20,000,000 for the fiscal year 1982 and $20,000,000 for the fiscal year 1983" and inserting in lieu thereof "$30,000,000 for fiscal year 1985".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 502. (a) Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President $279,114,000 for the fiscal year 1985 for grants to carry out the purposes of this chapter, in addition to funds available under other Acts for such purposes. Of this amount—

"(A) $170,000,000 shall be for the United Nations Development Program;

"(B) $53,500,000 shall be for the United Nations Children's Fund;

"(C) $20,500,000 shall be for the International Atomic Energy Agency;

"(D) $15,500,000 shall be for Organization of American States development assistance programs;

"(E) $10,000,000 shall be for the United Nations Environment Program;

"(F) $2,000,000 shall be for the World Meteorological Organization;

"(G) $2,000,000 shall be for the United Nations Capital Development Fund;

"(H) $1,000,000 shall be for the United Nations Education and Training Program for Southern Africa;

"(I) $500,00 shall be for the United Nations Voluntary Fund for the Decade for Women;

"(J) $200,000 shall be for the Convention on International Trade in Endangered Species;

"(K) $2,000,000 shall be for the World Food Program;

"(L) $500,000 shall be for the United Nations Institute for Namibia;

"(M) $343,000 shall be for the United Nations Trust Fund for South Africa;

"(N) $422,000 shall be for the United Nations Institute for Training and Research, except that these funds may be obligated only if, and only to the extent that, the Secretary of State determines (and so certifies to the Congress) that sufficient progress is being made toward effective financial management of that organization;

"(O) $449,000 shall be for the United Nations Fellowship Program;

"(P) $100,000 shall be for the United Nations Voluntary Fund for Victims of Torture; and

"(Q) $100,000 shall be for the United Nations Industrial Development Organization.".

(b)(1) In addition to amounts otherwise authorized for the fiscal year 1984 to carry out chapter 3 of part I of the Foreign Assistance Act of 1961, there is authorized to be appropriated $1,636,000 for the fiscal year 1984 to carry out such chapter, for payment to the International Atomic Energy Agency.

(2) Paragraph (1) shall take effect on the date of enactment of this Act.

PALESTINE LIBERATION ORGANIZATION

SEC. 503. Chapter 3 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 307. PALESTINE LIBERATION ORGANIZATION.—(a) Funds authorized to be appropriated by this chapter may not be made avail-

able for the United States proportionate share for programs for the Palestine Liberation Organization or for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it.

"(b) The Secretary of State shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any such funds and shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 504. Section 482(a)(1) of the Foreign Assistance Act of 1961 is amended by striking out "$37,700,000 for the fiscal year 1982 and $37,700,000 for the fiscal year 1983" and inserting in lieu thereof "$50,217,000 for the fiscal year 1985".

REPORTS ON INTERNATIONAL NARCOTICS CONTROL PROGRAM

SEC. 505. Section 481(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b)(1) Not later than forty-five days after the end of each calendar quarter, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar quarter basis, of funds under this chapter prior to the end of that quarter. The last such report for each fiscal year shall include the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to the end of that fiscal year—

"(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

"(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

"(C) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.

"(2) Not later than August 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed mid-year report on the activities and operations carried out under this chapter prior to such date. Such mid-year report shall include, but shall not be limited to, the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter.".

CUBAN DRUG TRAFFICKING

SEC. 506. (a) The Congress finds that—

(1) the subject of the flow, use, and control of narcotic and psychotropic substances is a matter of great international importance;

(2) the problem of drug abuse and drug trafficking continues to worsen throughout most parts of the world;

(3) the concerns of the governments of many countries have become manifest in several bilateral and multilateral narcotics control projects;

(4) United Nations agencies monitor and apply controls on the flow and use of drugs and coordinate multilateral efforts to control production, trafficking, and abuse of drugs;

(5) the United Nations Fund for Drug Abuse Control funds narcotics projects throughout the world and has been a vehicle since 1971 for multilateral implementation of narcotics control and reduction programs;

(6) the International Narcotics Control Board is charged with monitoring compliance with the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, and Cuba is a party to both Conventions;

(7) the United Nations Commission on Narcotic Drugs is responsible for formulating policies, coordinating activities, supervising the implementation of international conventions, and making recommendations to governments for international drug control;

(8) the promotion of drug abuse and participation in drug trafficking is universally considered egregious criminal behavior wherever it occurs, whether it occurs locally, nationally, or internationally;

(9) a Federal grand jury of the United States has indicted four prominent Cuban officials on charges of conspiring to smuggle drugs into the United States;

(10) United States Government officials have testified at several congressional hearings that the Government of Cuba is facilitating the flow of illicit drugs into the United States in order to obtain hard currency, support guerrilla/terrorist activities, and undermine United States society; and

(11) such conduct on the part of the Government of Cuba is injurious to the world community and is counter to the general principle of international law that no country has the right to use or permit the use of its territory in such a manner as to injure another country or persons therein.

(b) It is the sense of the Congress that the President should—

(1) acting through the Permanent Representative of the United States to the United Nations, take such steps as may be necessary to place the question of the involvement by the Government of Cuba in illicit drug trafficking on the agenda of the United Nations;

(2) acting through the Representative of the United States to the Organization of American States, request the Organization of American States to consider this question as soon as possible; and

(3) request other appropriate international organizations and international forums to consider this question.

(c) The President shall report to the Congress on the actions taken pursuant to this section.

COOPERATION WITH THE BAHAMIAN ROYAL COMMISSION OF INQUIRY

SEC. 507. (a) The Congress finds that—

(1) the Commonwealth of the Bahamas is a major transshipment point for marihuana, cocaine, and other dangerous drugs entering the United States;

(2) there have been numerous allegations concerning narcotics-related corruption in the Bahamas;

(3) Bahamian government and political party officials have been convicted for narcotics violations in the United States;

(4) the Government of the Bahamas has appointed a Royal Commission of Inquiry to investigate these allegations;

(5) the Royal Commission of Inquiry has requested the assistance of various agencies of the United States Government in investigating these allegations; and

(6) the facilitation by any country of illicit narcotics entering the United States is a threat to the national security of the United States.

(b) The President shall direct the appropriate executive branch agencies to cooperate with the requests for assistance from the Royal Commission of Inquiry of the Bahamas to the maximum extent possible and consistent with the prinicples of criminal justice and the integrity of the criminal investigative and prosecutive process.

(c) The President shall report to the Congress on actions taken pursuant to this section.

(d) The Secretary of State shall inform the Royal Commission of Inquiry of the Bahamas of the provisions of this section.

INTERNATIONAL DISASTER ASSISTANCE

SEC. 508. Section 492(a) of the Foreign Assistance Act of 1961 is amended by striking out "$27,000,000 for the fiscal year 1982 and $27,000,000 for the fiscal year 1983" and inserting in lieu thereof "$25,000,000 for the fiscal year 1985".

ASSISTANCE FOR REFUGEES AND DISPLACED PERSONS IN AFRICA

SEC. 509. Section 495F(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b) In addition to amounts otherwise available for such purposes, not less than $15,000,000 of the funds appropriated for the fiscal year 1985 to carry out part I of this Act shall be used under the authority of this section to provide resettlement services and facilities for refugees and displaced persons in Africa.".

ANTI-TERRORISM ASSISTANCE PROGRAM

SEC. 510. Section 575 of the Foreign Assistance Act of 1961 is amended by striking out "$5,000,000 for the fiscal year 1984" and inserting in lieu thereof "$5,000,000 for the fiscal year 1985".

TRADE AND DEVELOPMENT PROGRAM

SEC. 511. Section 661(b) of the Foreign Assistance Act of 1961 is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $21,000,000 for the fiscal year 1985.".

OPERATING EXPENSES

SEC. 512. Section 667(a)(1) of the Foreign Assistance Act of 1961 is amended by striking out "$335,600,000 for the fiscal year 1982 and $335,600,000 for the fiscal year 1983" and inserting in lieu thereof "$398,097,000 for the fiscal year 1985".

□ 1850

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEISS: Page 44, line 14, after the semicolon, insert "and"; line 20, strike out "; and" and insert in lieu thereof a period; and strike out line 21 and all that follows through line 2 on page 45.

Mr. WEISS. Thank you, Mr. Chairman.

Mr. Chairman, this amendment addresses itself to a provision of this legislation which addresses drug trafficking as it relates to Cuba. The provision in the bill in its entirety runs from the top of page 43 at line 4, through all of page 44 and through page 45, line 18.

All that my amendment seeks to do is to delete 5 or 6 lines which make a finding of fact that drug trafficking has been engaged in by the Government of Cuba, and is injurious to the world community and is counter to the general principles of international law.

It leaves intact all the background material of testimony from our Federal officials; it leaves intact the reference of the matter to the United Nations for further inquiry or investigation. But it puts us in a position, that is the House of Representatives, of not finding guilt without the facts having been explored.

The background to this, Mr. Chairman, is that there apparently were a number of present or former Cuban officials who were indicted in absentia by the Federal attorney in Florida. On the basis of that indictment, the conclusion has been drawn not only that those officials are guilty, even though indictments, as we know, are simply charges or accusations, against people still presumed to be innocent, but also as far as this legislation is concerned, through them, assumes the guilt of the Government of Cuba.

Now it seems to me that as concerned as we all might want to be, and I think we have the right to be, with drug trafficking from all quarters and all corners of the Earth, we ought not to be undermining and ignoring the very basis of our legal system, and certainly not doing it in what appears to me to be a misguidedly zealous, anti-Cuban, anti-Communist, anti-whatever kind of paranoia is being engaged in here.

The fact is, that the U.S. attorney who secured the indictments has himself been very clear in stating that as far as he is concerned on the basis of the evidence that he marshaled for the conspiracy trials of other people, and the securing of these indictments, he is not able to conclude that the Government of Cuba was involved and was guilty of these actions.

The FBI Director, Mr. Webster, when he was asked to comment on the indictments and associated charges that the Government of Cuba was itself involved said, in essence, and I am paraphrasing, "Be very, very careful about drawing that kind of conclusion, because all of these charges come from one source."

That source is tainted, because the people who gave that testimony were themselves coconspirators who have something very definite to gain by in fact saying, "It's not us, it's the Government of Cuba that is doing it."

Now, especially when you take into context the statements of the Drug Enforcement Agency itself that drug trafficking which may be engaged in by Cuba is a very tiny portion of the kind of trafficking of narcotics which ends up in the United States of America, I think we ought to be very, very careful.

We know, for exemple, that 75 percent of all the cocaine that reaches this country comes from Bolivia. We know that a great deal of the cocaine comes in from Colombia. Heroin and hashish and marihuana come in from countries with which we have all kinds of assistance and trade programs and there has been great resistance on the part of this and prior administrations to cut off any of those programs.

So what do we do? For political reasons and political purposes we decide to ignore all of those other nations and the bulk of the narcotics coming into this country, and we think we have got a nice and neat and clean answer, we will blame it on Fidel Castro and the Cubans. I do not think that that makes us very noble in anybody's eyes, even in our own. I would think that it is one thing to provide the background to say the United Nation ought to be investigating this matter, but for us to make a finding of guilt against a government simply because we think that that is politically convenient, I think is dead wrong.

I urge that my amendment which seeks to strike that four or five lines which find guilt, on the part of the Government of Cuba is adopted.

Mr. SMITH of Florida. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York and while I understand, as an attorney, the gentleman's problem in terms of having what he claims to be a prejudgment on the part of this bill by virtue of having the words "Government of Cuba" in line 21, paragraph 11, on page 44 of the bill, let me tell you why in fact it is not such a prejudgment, and why, even though this is not an indictment, even though this is not a document which is going to be used in a court of law, it is still appropriate to have this type of language.

First, while the gentleman from New York talks about the FBI Director advising not to rely on the sole source of this information because the source is tainted, the reality is that the FBI Director was talking about something other than all the specifics we have about Cuba.

The reality is that Cuba has engaged over the last number of years in a preplanned, specific course of conduct aiding and abetting those who are smuggling out of South America large quantities of drugs. This information does not come solely from smugglers who have been arrested and who are trying to weasel out of any prosecution by turning and giving evidence. This comes from the intelligence-gathering network of the U.S. Government, and let me tell you what it is.

First, we know from the Drug Interdiction Task Force called the South Florida Task Force, which is now one of the 12 NNBIS's, that is National Narcotics Border Interdiction System Task Forces, that their radar trackings have indicated time and again, and I and others on this committee, and this committee has had a special task force set up, chaired by the gentleman from Ohio, cochaired by the gentleman from New York (Mr. GILMAN) and the gentleman from Ohio (Mr. FEIGHAN), set up purposely to take this testimony, we have seen the tracking charts showing time and again flights emanating out of South America, landing in Cuba, and the reflying from Cuba toward the United States or the Bahamas where many of them either land or drop their cargoes which are then picked up by small speed boats and brought into the United States.

In addition to these radar trackings, we have the reports of the air interdictions, Customs pilots themselves, the pilots, who, on occasion, chase these planes back from the areas where they have made the drops after contact is made. And what happens when the planes get toward Cuba, the most direct route back to South America? They fly directly across Cuban airspace without any planes scrambling to meet them.

□ 1900

But as soon as our planes come even close to the air space of Cuba, we know for a fact that their air force has scrambled and come up to intercept our planes, which then turn away to the south and the east.

In addition, we have confiscated on two occasions aircraft and marine vessels which contain specific information called drop charts in case of airplanes, and water passage charts in the case of the seagoing vessels, which have specific routes marked off over, in and around Cuba. Nobody uses a drop chart for Cuba in an airplane unless they are going to land or fly over Cuba. An analysis of the gasoline in the tanks of the airplane that was confiscated, after it was caught by the Drug Enforcement Administration, shows it was gasoline obtainable no other place that we know of in this Western Hemisphere except Cuba. The petroleum has a different octane and lead content than any other area of the South American or Caribbean area, including Jamaica, where other flights may emanate.

We do not get our information solely from tainted sources. We get it from those people who are in the drug fight today. Let me say, in addition, we have sources that are, in fact, drug connected. There are large numbers of smug-

glers who have been arrested. All of their testimony is not tainted. Many of them have had little or nothing to do with that South American-Cuban connection, who have verified on their own that this is happening. They have related other incidents which, taken together with testimony given by people arrested or detained in the Cuban connection, have, in fact, made the same statements and verified those statements made by those people.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 3 additional minutes.)

Mr. SMITH of Florida. Taken together, this evidence has convinced, I believe, the majority of members on the special task force set up by the chairman, the gentleman from Florida (Mr. FASCELL), that there is in fact a very strong connection between drug smugglers and Cuba.

In addition, taken together, all this evidence leads us to believe that this is a preplanned, specific kind of action on the part of Cuba, used to finance their particular brand of sales of arms through drug merchants in South America and in Central America.

This is not something that we are paranoid about, to use the word of the gentleman from New York. We are not paranoid at all. I think we made painstaking efforts and made great strides in determining, through the intelligence-gathering network of the military and civilian forces in this country, to document and detail the evidence which is now almost irrefutable that the Cubans are involved in drug trafficking for very simple reasons: It profits them monetarily and politically to help the drug smugglers from South America both coming to and returning from the United States.

Paranoia has absolutely nothing to do with this. We have no connection with the Cubans. We do not give them aid. We do not have an Embassy. We do not have any way to leverage them, talk to them, or ultimately actually try to convince them that they are wrong. With other countries, as the gentleman from New York, Mr. WEISS, has pointed out, we have the ability to leverage them because many of them receive some form of foreign assistance and we can cut that off or, as the gentleman from New York, Mr. GILMAN, and the gentleman from New York, Mr. RANGEL, have done, tie it to a program of cooperation of crop substitution of growing drugs. If they do not, we reduce the aid. We do not have that with Cuba.

What this bill asks to be done is that Cuba be brought before the appropriate fora in the United Nations and all other forums where we have some input and ask that they be brought to task for what they have done. We feel this is the appropriate thing to do.

The last thing we are talking about here is paranoia or a fear of the Cubans because they are Communists. We are talking about them not only operating politically against the best interests of this country, but remember one thing: The Cubans are involved in drug trafficking. They are involved in something which is an insidious disease which affects the young people of this country more so than the political problem of communism. The first level that they are reaching is our children. We have the evidence that Cuba is involved. We do not intend to let that evidence go unheeded or unheard by the world community.

I would urge my colleagues to defeat this amendment. There is nothing wrong with naming Cuba in the bill based on the evidence we have.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has again expired.

(On request of Mr. WEISS and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 3 additional minutes.)

Mr. WEISS. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of Florida. I would be happy to yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman agree with me that the total amount of drug trafficking coming in from Cuba is, in fact, a very miniscule portion of the overall amount of drug trafficking coming in from international sources?

Mr. SMITH of Florida. Let me make a distinction, and I will answer the question.

The total amount of drug trafficking that stops in Cuba and then reemanates is a small portion. However, now, today, that portion which is coming directly from South America and overflying Cuba directly, which requires their knowledge and consent, is a greater portion than it was in years past.

Mr. WEISS. But still a small portion; yes?

Mr. SMITH of Florida. Of course a small portion of what is considered to be a $90 billion business in this country this year.

Mr. WEISS. Right. And would the gentleman agree that, in fact, there are a great many other countries in not only South America, but certainly in Latin America and in Asia, which are friends of ours and which trade with us and which receive the benefits of our economic involvement, who also continue to pollute our youth and our Nation generally through narcotics?

Mr. SMITH of Florida. My answer to the gentleman is that there are countries with whom we have relations which, in fact, are growing crops which ultimately wind up as illicit substances in the United States. But again, let me point out that we have already adopted some laws relating to foreign assistance to those countries, and some ability to ultimately impact on their ability to grow the drugs by crop substitution, the AID program. We do not have that with Cuba.

Mr. WEISS. Because I do not want to waste the committee's time to any great extent, I have only one further question left for the gentleman.

Would it not be more seemly if, instead of not only finding the background but also finding a guilty behavior before we refer it to the United Nations, and that, in fact, we simply refer it to the United Nations for their determination of guilt?

Mr. SMITH of Florida. The use of the word "seemly" is interesting in the context of Cuba. Let me just say that I would believe that when we lay our case before any world body, we should have made a determination of whether we believe that case is accurate, appropriate, and we have come to a conclusion that what we are laying before them is, in fact, happening.

Mr. WEISS. Well, the gentleman understands that an indictment is not the same as proof of guilt.

Mr. SMITH of Florida. Mr. Chairman, I will reclaim my time and answer the question in that regard.

We have determined, a number of us on this committee, and the committee has voted, I believe, to ratify that decision that in fact this does exist and the committee would like to lay this before the appropriate fora in the world organizations, and we have made a decision that they are involved. I think that is a very appropriate decision to have made.

Mr. WEISS. I hope the gentleman does not get to be in charge of our criminal system in this country.

Mr. FEIGHAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would begin by saying that I, in fact, disagree with the gentleman's assessment that the amount of drug trafficking coming through Cuba or the amount of drug trafficking in overflights through Cuba is miniscule. It is not miniscule. It is a significant amount of drug trafficking and, in the entire scope of drug trafficking, illicit narcotics trafficking to this country, it may not represent a major portion, it may not represent a large percentage, but the amount that it does represent is very, very significant, and is certainly significant to those young people, to those people in our American communities, who become addicted to that kind of narcotics that is coming through those

channels. So it is a very serious matter.

Earlier this year, the Task Force on International Narcotics Control—which I have the honor to chair—held a hearing on the subject of Cuban Government involvement in drug trafficking. It was the latest in a series of hearings held both in the House and in the other body on this subject. Time after time, United States Government officials have testified that the Cuban Government is involved in facilitating the flow of drugs into the United States.

These are not allegations. These are facts. Four Cuban officials—including a vice admiral of the Cuban Navy, a former Cuban Ambassador to Colombia, a former Minister Counsel of the Cuban Embassy in Colombia, and a senior official of the Cuban Intelligence Service—have been indicted in Miami for conspiring to smuggle drugs into the United States. These men are not a handful of corrupt customs agents—they are part of Castro's ruling circle. Two of them are members of the Communist Party's Central Committee. In a country the size of Cuba, with the tightly knit power structure that marks Castro's regime, it is inconceivable that they could have carried out these activities without the full advice and consent of Fidel Castro.

I might add that although these four men have not been convicted in a court of law, their eight coconspirators who were apprehended in Miami have all been convicted.

Since that trial, the Administrator of the Drug Enforcement Agency, Mr. Bud Mullen, has provided further evidence that the Cuban Government has been helping drug runners. DEA evidence shows that the Cuban Government still permits drug traffickers to use the island as a transit point for drug shipments to the United States. When asked whether he felt the Government of Cuba was participating in the drug trade as a matter of Government policy, Mr. Mullen answered very clearly: "Yes. I do not equivocate on that answer. My answer is yes."

Section 506 of the committee print—which passed the full Foreign Affairs Committee by a near unanimous vote—simply reflects the recommendation that the United States should raise the issue of Cuban involvement in drug trafficking in the United Nations, the Organization of American States, and other appropriate international forums. We do not call for investigations by these bodies; we do not call for sanctions against Cuba. We simply seek to call these activities by the Cuban Government to the attention of the rest of the world community.

Finally, I must also object to the gentleman's contention that our international narcotics program is ignoring the real drug problems by unfairly singling out Cuba. Over $50 million in this bill are dedicated to international narcotics control. Most of this money will fund crop eradication and substitution programs that attack the drug problem at its source—the coca, poppy, and marijuana fields of Latin America, the Golden Triangle, and the Golden Crescent. We recognize that our efforts to control narcotics trafficking must begin at the source, and we focus our efforts on drug-producing countries. But we also know that countries which allow illegal narcotics to freely pass through their borders pose an added threat to our society.

Mr. Chairman, the U.S. Government must show the world that we attach a high priority to international narcotics control, and that we expect more effective international cooperation to help prevent the cultivation and traffic in narcotics. The narcotics control portion of this bill demonstrates that commitment.

I urge all of my colleagues to oppose the amendment.

□ 1910

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I regret that the gentleman's amendment in effect guts that provision of the bill reported by our committee which attempts to shed needed visibility on the growing and detectable involvement of the Cuban Government in illicit drug trafficking.

As my colleagues on the committee will recall, the gentleman from New York offered a similar measure during our committee markup. His amendment at that time was defeated.

The gentleman from New York believes that due to a lack of evidence it is inappropriate to raise this issue at the United Nations of the involvement by the Government of Cuba in illicit drug trafficking.

Mr. Chairman, in response to the gentleman's arguments, I would like to share with my colleagues several significant pieces of information on this issue that have come to our attention.

The first bit of information comes from our own DEA Director, Mr. Mullin. As part of our international task force on narcotics testimony that was cited in our markup of the foreign aid bill in the Committee on Foreign Affairs on February 28 and 29, I asked the gentleman if he was familiar with the testimony by Mr. Mullin in response to a question by our distinguished subcommittee chairman, Mr. FEIGHAN.

Mr. FEIGHAN questioned:

Is it your opinion that the Cuban government, through significant individuals in the government of Cuba, as a matter of policy, is participating in the narcotics trafficking of cocaine and marihuana in the United States?

Mr. Mullin, the Director of our Drug Enforcement Agency, responded:

Yes, I do not equivocate on that answer. My answer is yes.

The second bit of information comes from a Wall Street Journal article entitled "Havana Haven, Smugglers of Drugs from Colombia to U.S. Are Protected by Cuba." It is dated April 30, 1984. This article is by Stanley Penn and Edward Pound.

[From the Wall Street Journal, Apr. 30, 1984]

HAVANA HAVEN—SMUGGLERS OF DRUGS FROM COLOMBIA TO THE UNITED STATES ARE PROTECTED BY CUBA

(By Stanley Penn and Edward T. Pound)

These selected traffickers have been permitted to use Cuban waters as a haven from the U.S. Coast Guard while transshipping narcotics to the U.S. from Colombia.

In return, Cuba gets scarce hard currency—as much as $500,000 per shipment, by some estimates. It uses some of this money to buy arms that are secretly ferried by drug smugglers to guerrillas in Latin America.

This arrangement, said to be sanctioned by Fidel Castro himself, has been detailed by U.S. drug investigators and intelligence specialists, as well as by drug runners who have given first-hand testimony of their activities to lawmen in the U.S. and Mexico.

OFFICIAL CONCERN

"There's evidence of a considerable amount of drug trafficking that transits through Cuba by water and air," says Frank V. Monastero, assistant administrator of the Federal Drug Enforcement Administration. Noting that the smugglers sometimes use Cuban government facilities, Mr. Monastero adds: "If the Cuban government wanted to cease that activity, they could put a stop to it."

Drug agents don't think Cuba operates its own drug-smuggling network. Rather, they say Cuba permits certain traffickers safe passage and allows large "mother ships" laden with drugs from Colombia to lay over and refuel in Cuba. This allows the mother ships to transfer their illicit cargo to smaller, faster, boats for delivery to Florida.

The Cuban government's ties to drug smuggling were discussed two years ago during hearings by a Senate subcommittee headed by Sen. Jeremiah A. Denton of Alabama. Federal lawmen gave Senate panels additional information last year and in closed session last month.

A criminal trial last year in Miami provided still more evidence. Four Cuban government officials were among those charged with conspiring to permit Cuba to be used as a loading station for U.S. bound drug vessels during 1980 and 1981. Six people were convicted or pleaded guilty. The Cuban officials, including a former Cuban ambassador to Colombia and a vice admiral who belonged to the Cuban Communist Party's central committee, failed to appear at the trial and are considered fugitives, according to the U.S. Justice Department.

Evidence presented at the trial has convinced Tom Boyatt, a former U.S. ambassador to Colombia, of the Cuban government's complicity. "When you have a Cuban ambassador and a Cuban admiral involved" he

says, "you don't need further evidence that it's a matter of national policy."

Indicted with the Cuban officials was Jaime Guillot-Lara, a 38-year-old Colombian charged with using Cuban facilities to help transport large quantities of marijuana and Quaalude tablets into the U.S. The U.S. government has never apprehended Mr. Guillot-Lara, but in November 1981, he was imprisoned in Mexico for using false identity papers.

Mr. Guillot-Lara admitted shipping arms to Colombia's Cuban-backed M-19 terrorist group, according to a State Department official reporting to a Senate subcommittee. Mr. Guillot-Lara said that funds for the arms shipments were furnished by Cuban embassies in Mexico and Colombia. He was freed by Mexico in 1982, but the Mexican government refused a U.S. request for his extradition. His current whereabouts aren't known.

Mr. Guillot-Lara apparently entered the drug business in 1976. By the U.S. government's estimate, his 15-member gang shipped some 2.5 million pounds of marijuana, 80 pounds of cocaine and 25 million Quaaludes to the U.S. between 1977 and 1981.

THE M-19 CONNECTION

In 1980, Mr. Guillot-Lara allegedly arranged to receive Cuban assistance with those shipments and agreed to transport arms to M-19. Mr. Guillot-Lara was known to M-19 through his longtime acquaintance with Jaime Bateman, a Colombian who was an M-19 leader until his death in a plane crash in 1982.

Mr. Guillot-Lara is known to have purchased Uzi submachine guns, pistols and AR-15 rifles from a Miami arms dealer. According to State Department reports, the arms he purchased typically were ferried to Colombia, where his boat picked up drugs for delivery to the U.S.

In October 1981, for example, Mr. Guillot-Lara's boat, Zar De Honduras, received arms from a ship off the coast of Panama. The arms—550 FAL rifles worth at least $500 apiece and 90,000 cartridges—were delivered to a port on Colombia's northeast coast and taken to a clandestine airport nearby. After 5,000 pounds of marijuana bound for the U.S. were stowed on board the ship, the weapons were flown to an M-19 base in Caqueta province, a large cocaine-producing area in southern Colombia.

M-19 and other Colombian insurgents profit from narcotics by taxing drug growers and by guarding traffickers' airstrips and cocaine-processing laboratories. Colombia's defense minister, Gustavo Matamoros, recently attacked the "alliance" between drug runners and guerrillas. He claimed that planes leave Colombia with cocaine and return with weapons originating in Cuba.

Colombia broke ties with Cuba in 1981, following the capture of some M-19 terrorists who admitted they had been trained and outfitted in Cuba. Just last month, 100 M-19 insurgents, armed with submachine guns and hand grenades, battled a Colombian army garrison in Florencia, the capital of Caqueta province. The army drove off the guerrillas, but not before they had seized the local jail and freed 125 prisoners.

Cuba stoutly denies involvement with drug smugglers. "We have been trying to help in control of the drug traffic," says a Cuban government press officer in Washington. "Every plane, every ship or yacht which we catch in our waters or in our air space, we have detained." Terming the charges that Cuba helps drug smugglers "unfounded," he says that at any given time, 15 to 30 American traffickers are in Cuban jails. "We have been freeing some of them at the request of some [U.S.] congressmen as a goodwill gesture," he adds.

By denying its ties to dope runners, diplomats say, Cuba hopes to avoid antagonizing other Hispanic governments. "The Cubans are interested in expanding regular diplomatic relations with Latin America," a U.S. State Department official says, "and they'd like to present at least a plausible denial that they're involved in subverting these governments."

A MIAMI SUSPECT

Jose Alvero-Cruz, a Miami beauty parlor operator, is among those suspected of using Cuba to smuggle drugs to the U.S. According to a secret 1982 Drug Enforcement Administration report, an informant disclosed that Mr. Alvero-Cruz met with Fidel Castro, and during the meeting they arranged for a fishing vessel, the *Santa Marta*, to use a secluded harbor on Cuba's southern coast.

"The vessel would contain 50 tons of marijuana and a large quantity of cocaine," the report stated. "Arrangements were made from Cuba to have the *Santa Marta* leave port and meet the offload boats at sea."

Mr. Alvero-Cruz, who took part in the abortive, U.S.-sponsored Bay of Pigs invasion of Cuba in 1961, recently began a 10-year prison sentence for federal income-tax evasion. The wealthy 44-year-old had "large" bank deposits in Spain, the Justice Department has said. Mr. Alvero-Cruz's attorney says his client "hates Castro" and hasn't been involved with Cuba in drug smuggling.

Another suspected smuggler with Cuban ties is Osiris Santis. According to the drug agency report, Mr. Santis told an informant that he had received "large quantities" of marijuana and cocaine from "high Cuban government officials." The drugs assertedly came from Colombia's M-19 guerrillas. The informant said he saw "automatic weapons, grenades and explosives of apparent Russian manufacture," in Cuban-born Mr. Santis's possession.

In 1982, Mr. Santis pleaded guilty in Miami's Dade County circuit court to charges of possession of cocaine and a concealed weapon. He received probation. His attorney says that the 40-year-old Mr. Santis denies any wrongdoing in connection with Cuba.

Fresh information about M-19's links to the drug trade may surface as a result of the federal indictment of Harold J. Rosenthal and 29 others in Atlanta last January.

Mr. Rosenthal fled to Colombia after escaping in 1981 from a Memphis prison, where he had been serving time for a drug conviction. He was captured by Colombian authorities last September and returned to the U.S., where he was charged with operating a ring that had smuggled five tons of cocaine into the U.S. since June 1982. "He was sharing his profits with M-19," says an investigator familiar with the case. "In turn, the M-19 allowed him to conduct his business." Mr. Rosenthal has denied any wrongdoing.

Back in 1979, when Cuba was considering aiding drug smugglers, one high-level Cuban official branded the plan "barbarous," according to a Central Intelligence Agency report. But according to the CIA's informant, the prevailing view was that by assisting the narcotics trade, Cuba would obtain hard currency while hastening the "deterioration" of U.S. society.

The major Colombian narcotics smugglers long had been eager for an understanding with Cuba. Cuba's vigilance in seizing narcotics boats and confiscating drugs had added burdensome costs to their business.

TOP-LEVEL MEETING IN SPAIN

One former smuggler, interviewed in his attorney's office in Miami, recalls that the leaders of five major Colombian drug gangs met in Spain in 1979 "to see what could be done to get Cuba not to kidnap boats anymore." According to the former smuggler, who says he attended some of the meetings, the smugglers determined to seek help from Jaime Guillot-Lara, in the belief that he "had contacts with the Cubans."

Whether Mr. Guillot-Lara aided the traffickers at that time isn't clear. But his Cuban connection was a Colombian lawyer and an admitted drug dealer, Juan (Johnny) Crump, who was a close friend of Cuba's ambassador to Colombia at the time, Fernando Ravelo.

The 43-year-old Mr. Crump, who was briefly jailed in the U.S. after a guilty plea for a drug violation, testified for the government at the Miami drug trial that stemmed from the indictment of the four Cuban officials.

Interviewed in New York, Mr. Crump, currently a U.S. resident, recalls his association with the former Cuban ambassador to Colombia: "We talked to each other almost daily during the last two or three years I was in Colombia," he says. "We called each other compadre." The tall, lanky Mr. Crump displays a snapshot of his youngest daughter, Viviana, with Ambassador Ravelo at the child's baptism in Bogota in November 1980. "Ambassador Ravelo was the godfather," Mr. Crump says.

GATHERING IN BOGOTA

Mr. Crump figured prominently in the negotiations that led to an agreement between the smugglers and Cuba, according to the interview and trial testimony. The deal was struck at a series of meetings held during 1979 and 1980 at the Bogota Hilton Hotel, Mr. Crump says. In attendance were Mr. Crump, Mr. Guillot-Lara, Ambassador Ravelo and Cuba's minister-counselor to Columbia, Gonzalo Bassols. They agreed that Mr. Guillot-Lara's drug boats, flying the Panamanian flag and bearing the code name Viviana, would be given passage through Cuban waters.

Also privy to those meetings was Mr. Guillot-Lara's girlfriend at the time, Carmen Blanco, whose room at the Bogota Hilton adjoined the conference room. Miss Blanco later told the Miami grand jury that indicted the four Cuban officials what she had overheard. At one point she said, Mr. Guillot-Lara told the Cubans that "he had enough money to do any type of business with them."

She also testified that Mr. Bassols, the Cuban minister-counselor, told Mr. Guillot-Lara that the drug scheme had been cleared by a high Cuban official. "Did he mention that man's name?" the prosecutor asked. "Fidel Castro," replied Miss Blanco, who wasn't accused of any wrongdoing.

A self-described former Cuban intelligence agent Mario Estevez, was a government witness at the Miami trial. Mr. Estevez said he served on the crew of the *Lazy Lady*, a fishing boat that sailed from Florida to Cuba in late 1980 to rendezvous with the *Viviana*, a mother ship laden with 10 million Quaaludes from Colombia. Mr. Guillot-Lara, who had purchased the pills for 10 cents each, intended to smuggle them into the U.S.,

where they would fetch 70 cents apiece, according to information at the trial in Miami.

Mr. Estevez testified that when the *Lazy Lady* pulled into port on Cuba's north coast it was greeted by Aldo Santamaria-Cuadrado, a Cuban vice admiral. The vice admiral allegedly said to the crew: "We are going to fill Miami completely with the drugs." Imprisoned for a drug conviction in 1982, Mr. Estevez has since been released.

Since that incident, U.S. drug agents have seized a number of Mr. Guillot-Lara's ships, thus sharply reducing his drug income and hampering his ability to pay Cuba the required fees. He owed the Cuban government an estimated $8 million as of October 1981, an official of the U.S. drug agency says.

One trawler, seized off North Carolina in 1981, contained 40,000 pounds of marijuana, worth $16 million wholesale. U.S. Coast Guard officials say it bore the name *Viviana* and flew a Panamanian flag.

Since 1982, the U.S. Coast Guard has intensified its effort to choke off the flow of drugs by placing its cutters along two major trade routes: the Yucatan Straits between Cuba and Mexico and the Windward Passage between Cuba and Haiti. But the Cubans apparently have devised a plan to undercut the U.S. strategy.

According to a Defense Department intelligence report, Cuba has rented a cargo ship for $24,000 a month from a Panamanian shipowner. The scheme calls for the ship to move narcotics north from Colombia to a small island off Cuba's southern coast. The drugs would then be flown over the Cuban mainland to an island off the northern coast and from there shipped to Florida. This route would neatly avoid the Yucatan Straits and the Windward Passage. Whether the plan has yet been employed isn't known.

Mr. GILMAN. An additional bit of information is a New York Times article dated May 2, 1984, entitled, "Official Ties Cuba to Drug Traffic in United States, Calling the Evidence Clear."

I quote from that article of the May 1 dateline:

WASHINGTON, May 1.—Lawrence S. Eagleburger, Under Secretary of State for Political Affairs, asserted today that he "would find it very difficult to believe that the Cuban Government itself is not involved" in drug trafficking in the United States.

The evidence, Mr. Eagleburger said, is "really quite clear that there is major Cuban involvement in the drug traffic in this country," including a role by the Castro Government.

Accordingly, Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, certainly there is strong evidence that Cuba is heavily involved in the drug traffic. It would be a terrible signal to send to our friends around the world, certainly to those in Colombia, were we to adopt the amendment of the other gentleman from New York. I hope the House will turn it down.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I thank my distinguished friend and colleague for yielding to me.

I am not sure because of the acoustics if I heard correctly, but I believe the gentleman said he opposed my amendment because I sought to remove that portion which would refer this matter to the United Nations and to the Organization of American States.

I want to assure the gentleman that that is not a part of my amendment. That would remain in the legislation. The only part that I am seeking to remove is that which makes a finding of guilt not only against the four individuals who have been indicted, who have been present or former Cuban Government officials, but beyond assuming their guilt jumps from that and concludes that the Government of Cuba is guilty.

All that I am suggesting, out of respect not for Cuba, but out of respect for our own judicial processes and constitutional processes, that if we refer the matter to an international body before they have a chance to determine what happened, make a finding of Cuba's guilt. I think that demeans us and negates our own constitutional processes.

I thank the gentleman for yielding to me.

Mr. LEWIS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in opposition to the Weiss amendment. The U.S. Federal grand jury has indicted four Cuban officials on charges of conspiring to smuggle drugs into the United States. Also, solid witnesses have testified at several congressional hearings as has been brought out in the last few minutes that the Cuban Government has made a concerted effort to facilitate the flow of illicit drugs into the United States and other countries of the Western Hemisphere.

Cuban agents have testified that this is so. There is strong evidence that Cuba is an active player in drug trafficking in the United States.

Cuba encourages this multibillion drug trade into Florida by offering safe harbors to Colombian drug smugglers for refueling and maintenance and by using boats with radar to help the smugglers avoid detection by the U.S. Coast Guard.

We just passed a resolution for Colombia just a few days ago commending them on the fine job that they are doing. Why should we continue to do something that allows them to fall prey to Cuba?

□ 1920

First of all, Cuba does not care one bit if it is condemned by the whole world. Cuba has a desperate need for hard, cold cash, and our intelligence has told us that the Cuban Government makes about $1.5 billion a year either by direct or indirect involvement in drug trafficking.

As brought out by my colleague from Florida, Cuba allows mother ships laden with illegal drugs from Latin America to operate within Cuban waters. They allow these ships to unload into smaller vessels and run ashore into Florida and other parts of the Southeast United States.

In return, the drug dealers are transporting arms and money to aid Cuban guerrilla operations in our hemisphere. All of this—and Castro's overall objectve of weakening and undermining American society—are sufficient motivations to prompt the Cuban regime's involvement in international drug traffic.

If we are serious about the war on drugs in the United States, then let us defeat this amendment and defeat all other amendments and legislation of similar types, because Cuba does not care one iota about the United States, and we should care not one iota about Cuba and its drug traffic.

I yield back the balance of my time.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words and just want to rise in opposition to the amendment and extend my commendation to the task force. It has done a very good job on the question of narcotics and trafficking.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEISS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY: Page 48, after line 13, insert the following:

AMERICAN UNIVERSITY OF BEIRUT

SEC. 513. (a) The Congress finds that the American University of Beirut, which for more than a century has represented the highest American ideals of free inquiry and service to mankind, has been and will continue to be a valuable contributor to understanding and cooperation between the people of the United States and the people of the Middle East and an important asset in enhancing prospects for peace in the area.

(b) Accordingly, up to $15,000,000 of the amounts authorized to be appropriated under sections 201 and 501 of this Act shall be provided to the American University of Beirut in the fiscal year 1985.

(c) The Secretary of State shall conduct a study of what means would be most appropriate to continue such a level of financial assistance to the American University of Beirut in future years in view of the university's value to United States interests in the area, including the possibility of establishing a trust fund. The results of this study shall be provided to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the

Committee on Foreign Relations of the Senate no later than January 1, 1985.

Mr. DYMALLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DYMALLY. Mr. Chairman, my amendment to title V of the International Security and Development Cooperation Act is an amendment designed to assist in insuring the long-term viability of the American University of Beirut. For more than 100 years the American University of Beirut and its affiliated hospital have served as bridges to greater understanding between the peoples of the United States and those of the Middle East. The university enjoys the support of all religious and political groups in Lebanon, and continues to have a vital role to serve in that country and in the region as a whole.

The recent tragic events in Lebanon have posed grave threats to the university's survival. We cannot allow the vital work of this institution to cease.

My amendment first puts the Congress on the record in support of the mission and the service carried out by the American University of Beirut for more than a century.

Second, my amendment calls for the authorization of up to $15 million for the university in fiscal year 1985. The funds would be authorized under the provisions of section 201 of this act, the economic support fund; and section 501 of this act, American schools and hospitals abroad.

Finally, paragraph (c) of my amendment calls upon the Secretary of State to conduct a study of the means most appropriate for longer term U.S. support of the American University of Beirut. I ask in my amendment that the results of this study be submitted to the Congress no later than January 1, 1985.

The authorization of up to $15 million for the current fiscal year will assist in meeting the short-term crisis confronting the university, while the exploration of longer term measures, called for in the study will allow us to give proper consideration for a more permanent means of U.S. Government support.

I urge your support for this amendment so that we can take a giant step toward insuring that this precious resource, the American University of Beirut, be allowed to continue its work.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Florida.

Mr. FASCELL. The gentleman has an amendment which we have had an opportunity to examine. So far as we are concerned on this side, it is a good amendment. We are strong supporters of the American University in Beirut, and I appreciate the gentleman's interest and his determination in seeing to it that our concern and that our interests and our support for that institution is emphasized in the manner in which he sets forth in his amendment.

We are happy to accept the amendment.

Mr. DYMALLY. I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I, too, rise in support of the amendment.

I would like, however, to ask the gentleman a couple of questions. If a trust fund is to be created for aid to the American University in Beirut, who would administer that fund?

Mr. DYMALLY. I would say to the gentleman from Michigan (Mr. BROOMFIELD) that was the original amendment I had. This one calls for a study by the Secretary of State to recommend to the Congress the most appropriate way to do it.

There were some Members who felt that it might be premature to set up a trust fund now, so we have backed away from that.

Mr. BROOMFIELD. We support the gentleman's amendment.

Mr. DYMALLY. I thank the gentleman.

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Utah.

Mr. NIELSON of Utah. As one who taught at the American University of Beirut, I commend the gentleman for the amendment and I support it.

Mr. DYMALLY. I thank the gentleman.

Mr. Chairman, I want to thank the gentleman from Michigan (Mr. BROOMFIELD), the leader of the minority, and the Committee on Foreign Affairs, the chairman of the committee, the gentleman from Florida (Mr. FASCELL), and the chairman of the Subcommittee on the Middle East and Europe, the gentleman from Indiana (Mr. HAMILTON), and the staff for helping me put this amendment together, and I ask for an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DYMALLY).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—FOOD FOR PEACE PROGRAM

INCREASING FOOD DONATIONS

SEC. 601. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended—

(1) by striking out the last two sentences;

(2) by inserting "(a)" immediately after "SEC. 416."; and

(3) by adding at the end thereof the following new subsection:

"(b) Agricultural commodities (as defined in section 402 of the Agricultural Trade Development and Assistance Act of 1954) acquired by the Commodity Credit Corporation through price support operations, which the Secretary determines meet the criteria specified in subsection (a), may be furnished by the Secretary for carrying out the provisions of the Agricultural Trade Development and Assistance Act of 1954. The provisions of section 102 of that Act shall apply to commodities furnished under this subsection to carry out title I (including title III) of that Act, and the provisions of section 203 of that Act shall apply to commodities furnished under this subsection to carry out title II of that Act. The cost of commodities furnished under this subsection and expenses incurred under sections 102 and 203 of that Act in connection therewith shall be in addition to the level of assistance programed under that Act and shall not be considered expenditures under that Act for purposes of provisions relating to classification of expenditures.".

EXPRESS AUTHORITY FOR TITLE II DIRECT DISTRIBUTION, SALE, AND BARTER

SEC. 602. Section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting after the first sentence the following: "Such commodities may be furnished for direct distribution, sale, barter, or other appropriate disposition in carrying out the purposes set forth in section 201.".

ROLE OF PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES

SEC. 603. (a) Section 202(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new paragraph:

"(4) In the case of commodities distributed under this title by nonprofit voluntary agencies, consideration shall be given to nutritional and development objectives as established by those agencies in light of their assessment of the needs of the people assisted.".

(b) Section 302(c)(4) of such Act is amended by inserting "and of United States nonprofit voluntary agencies and cooperatives" immediately after "agriculture".

FARMER-TO-FARMER PROGRAM

SEC. 604. (a) Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for the fiscal year 1985 to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of such section 406(a) shall not constitute more than one-fourth of the funds used pursuant to this subsection, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of such section, and shall be administered wherever possible in conjunction with programs under title XII of chapter 2 of part I of the Foreign Assistance Act of 1961.

(b) Not later than 120 days after the enactment of this Act, the Administrator of

the Agency for International Development, in conjunction with the Secretary of Agriculture, shall submit to the Congress a report indicating the manner in which the Agency intends to implement the provisions of sections 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 with the funds made available pursuant to subsection (a) of this section.

TITLE II PROGRAMING REPORTS

SEC. 605. Section 408(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "title I" both places it appears and inserting in lieu thereof "titles I and II".

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Beginning on page 48, strike out section 601 (page 48, line 15, through line 15 on page 49); and redesignate sections 602 through 605 as sections 601 through 604, respectively.

Mr. FASCELL. Mr. Chairman, as the reading of the amendment discloses, this is in the nature of a technical or conforming amendment. The amendment is offered in view of the action previously taken by the House. The amendment merely removes section 601 from the bill, because this same matter was handled in a separate bill, H.R. 4072, the Agricultural Programs Adjustment Act of 1984, and that bill was recently passed and signed into law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REGULA: Page 51, after line 15, insert the following new section:

SALES OF SURPLUS DAIRY PRODUCTS TO THE PEOPLES' REPUBLIC OF CHINA

SEC. 606. Title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new section:

"SEC. 116. For purposes of sales under this title of dairy products acquired by the Commodity Credit Corporation through price support operations, the Peoples' Republic of China shall be considered to be a friendly country.".

Mr. REGULA. Mr. Chairman, the President has just returned from a journey to China extending the hand of friendship of this Nation. Many of you who are listening to me have been to China and recognized the need of this Nation for additional milk products.

What I would propose in this amendment is to make China eligible for the purchase of milk products under Public Law 480. This, of course, would give China, an opportunity to purchase milk surpluses from the United States.

To illustrate the magnitude of the problem in terms of our surpluses, at the present time the United States has in storage under the Commodity Credit Corporation's program 396 million pounds of butter. We also have in storage 1.4 billion pounds of nonfat dry milk and 805 million pounds of cheese. Obviously these surpluses are a problem for the United States. Legislation of the type proposed in this amendment would afford an opportunity for a country that has a need to purchase from us at a reasonable rate products that are in great surplus.

In 1983 the Commodity Credit Corporation spent $2.5 billion by virtue of the requirements of law. In 1984 because of the milk program passed by this body it is estimated that the purchase cost will be only $1.5 billion.

But nevertheless, the surpluses pile up.

In addition, we have the cost of storing these surpluses in various parts of the United States. During the past 3 years we have expended $173.4 million just for storage costs alone.

To give you an idea of the need in China and the potential market, in 1981 the consumption of dairy products, in China per capita annually was 3.1 pounds, a very minuscule amount. In 1983 in the United States we are consuming 578 pounds per capita.

□ 1930

This illustrates that in the United States in dairy products alone, our consumption is almost 200 times more than that of the people of China.

One of the goals announced by the Government in China is to increase the consumption of milk products to an annual rate of approximately 100 pounds per capita.

It seems to me that this offers an ideal opportunity to bring together the surpluses of the United States, which continue to grow, with a tremendous need that exists in China, while at the same time indicating that we have continuing friendship toward China in the form of the language of this amendment which would designate China as a friendly nation.

For the purposes of exploring the existing law, I wonder if the Chairman would join me in a colloquy.

I would like to request a point of information from the chairman of the committee, with regard to the eligibility for the shipment of agricultural commodities to China under Public Law 480, the Agricultural Trade Development and Assistance Act of 1954.

My question is: Is it now possible to send commodities to China, and specifically surplus dairy products held by the Commodity Credit Corporation—CCC—under title I, the concessional sales program, of Public Law 480?

Mr. FASCELL. I am pleased to say that the answer to the distinguished gentleman's question is "Yes." All the President has to do under Public Law 480, under the provisions of the existing law, is to determine that the People's Republic of China is a friendly country for the purposes of the title I sales, and the shipment can go forward.

This matter came up for congressional review a couple years ago and the three congressional committees of jurisdiction—the Foreign Affairs Committee, the House Agriculture Committee, and the Senate Agriculture Committee—all told the administration the same thing: That the President has the authority to provide title I sales to China under existing law, subject to his determination, and therefore no legislative amendment was necessary.

The Presidential authority applies to all Public Law 480 commodities, not just dairy products. The President has not sent Public Law 480 title I to China yet. But he has the authority in the existing law.

Mr. REGULA. I have a second question, as to what the pending bill, H.R. 5421, does with regard to such shipments to China. Would it allow dairy surpluses to be sent to that country?

Mr. FASCELL. The provision in the bill is not directly related to the Public Law 480 statute, which stands on its own with regard to agricultural shipments to China as I have just explained.

However, the provision in this bill is entirely compatible. The Foreign Assistance Act presently forbids aid under that act from being extended to Communist countries listed in section 620(f) of the act. The People's Republic of China is one of the countries listed in that section. The provision in this bill, section 905, which responds to a Presidential request, would allow the President to waive this provision for any country—not only the PRC, but any country—on the list when he determines this to be in the U.S. national interest.

I thank the gentleman for this opportunity to respond to his questions.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 4 additional minutes.)

Mr. REGULA. I would ask one further question, then. If I understand the chairman correctly, the section 905 in this bill is really an expansion of the Presidential authority into another area that would be comparable to what presently exists as far as the Public Law 480 program.

Mr. FASCELL. That is why I said it was compatible with the Public Law 480 provision.

Mr. REGULA. I thank the chairman for his response.

Mr. Chairman, I ask unanimous consent to withdraw the amendment in light of the information provided.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Are there further amendments to title VI?

If not the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

SEC. 701. Section 3(b) of the Peace Corps Act is amended by amending the first sentence to read as follows: "There are authorized to be appropriated to carry out the purposes of this Act not to exceed $125,500,000 for the fiscal year 1985.".

POLICY

SEC. 702. (a) Section 2 of the Peace Corps Act (22 U.S.C. 2501) is amended—

(1) by inserting "(a)" immediately after "SEC. 2."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Congress declares that it is the policy of the United States and a purpose of the Peace Corps to provide, to the maximum extent possible, opportunities for service in the Peace Corps to at least 10,000 individuals by the end of the fiscal year 1988 and thereafter.".

(b) Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by adding at the end thereof the following new sentence:

"The President shall also include in the report a description of the plans developed and implemented to carry out the policy set forth in section 2(b) of this Act.".

CLARIFYING AMENDMENT RELATING TO FOREIGN NATIONAL EMPLOYEES

SEC. 703. Section 7(a)(2) of the Peace Corps Act is amended by inserting the following immediately before the second sentence: "Subparagraphs (A) and (B) do not apply with respect to foreign national employees.".

PEACE CORPS PUBLICATIONS

SEC. 704. Section 15(a) of the Peace Corps Act is amended by adding at the end thereof the following new sentence: "Technical publications produced by the Peace Corps may be sold at cost in furtherance of the purpose of this Act. Up to $200,000 of the proceeds of such sales in each fiscal year may, to such extent as may be provided in advance in appropriation Acts, be credited to the currently applicable appropriation of the Peace Corps, notwithstanding section 3302(b) of title 31, United States Code.".

The CHAIRMAN. Are there amendments to title VII?

If not, the Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—LATIN AMERICA AND THE CARIBBEAN

ASSISTANCE AND SALES TO CHILE

SEC. 801. (a) Section 726(b) of the International Security and Development Cooperation Act of 1981 is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by inserting the following new subparagraphs immediately after subparagraph (C):

"(D) that an elected civilian government is in power in Chile; and

"(E) that the Government of Chile has granted the request of the Government of Israel that Walter Rauff be extradited.".

(b) If, prior to the enactment of this section, the President submits a certification with respect to Chile under section 726(b) of that Act, then no assistance, financing, sales, or licenses described in that section may be provided to Chile for fiscal year 1985.

PROHIBITION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING FOR URUGUAY AND PARAGUAY

SEC. 802. (a) For the fiscal year 1985, assistance may not be provided for Uruguay under chapter 5 of part II of the Foreign Assistance Act of 1961.

(b) For the fiscal year 1985, assistance may be provided for Paraguay under chapter 5 of part II of the Foreign Assistance Act of 1961 only if the Government of Paraguay extradites Joseph Mengele.

PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI

SEC. 803. (a) To the maximum extent practicable, assistance for Haiti under chapter 1 of part I and under chapter 4 of part II of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) Funds available for fiscal year 1985 to carry out chapter 1 of part I or chapter 4 or chapter 5 of part II of the Foreign Assistance Act of 1961 may be obligated for Haiti only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years);

(3) is continuing to comply with the fiscal performance targets set by the International Monetary Fund; and

(4) is making a concerted and significant effort to improve the human rights situation in Haiti by implementing the political reforms which are essential to the development of democracy in Haiti, including the establishment of political parties, free elections, and freedom of the press.

(c) Six months after the date of the enactment of this Act and six months thereafter, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961, funds made available under such Act may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

(e) Assistance may not be provided for Haiti for the fiscal year 1984 or 1985 under chapter 2 of part II of the Foreign Assistance Act of 1961 or under the Arms Export Control Act.

ECONOMIC ASSISTANCE FOR COUNTRIES IN THE ANDEAN REGION AND THE EASTERN CARIBBEAN

SEC. 804. Chapter 4 of part II of the Foreign Assistance Act of 1961, as amended by section 202 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 537. LATIN AMERICA AND THE CARIBBEAN.—(a) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1985, not less than $90,000,000 shall be for assistance for countries in the Andean region of South America. Of this amount not less than $50,000,000 shall be for Peru, not less than $20,000,000 shall be for Bolivia, and not less than $20,000,000 shall be for Ecuador.

"(b) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1985, not less than $45,000,000 shall be for countries in the Eastern Caribbean.".

SCHOLARSHIPS FOR ECONOMICALLY DISADVANTAGED STUDENTS FROM LATIN AMERICA AND THE CARIBBEAN

SEC. 805. (a) The Congress makes the following findings:

(1) The future of Latin America and the Caribbean depends on the existence of educated and skilled people who are capable of promoting socio-economic development in their countries.

(2) The United States should be concerned that the recent decrease in educational exchanges sponsored by the United States Government for Latin America and the Caribbean will prove detrimental to the development and stability of that region. At the same time, academic exchanges between Latin America and the Caribbean and the Soviet Union and Eastern Europe have increased dramatically.

(3) Economically disadvantaged young people in Latin America and the Caribbean have in the past been excluded from United States Government-sponsored scholarship programs because of the failure of these programs to identify and target such people and because these programs have not been specifically designed to meet the needs of such people.

(4) Because the requirement of an advanced knowledge of English has in the past been a major impediment to the participation of economically disadvantaged people in such programs, it is important for United States Government agencies responsible for administering such programs to develop better methods for providing effective language training. Therefore, efforts to strengthen the English-teaching capabilities of educational institutions in Latin America and the Caribbean should be supported.

(5) The reliance of the United States Government on host country governments to identify and approve scholarship candidates has further tended to exclude able economically disadvantaged people from such programs.

(6) The ability of economically disadvantaged people in Latin America and the Caribbean to qualify for and benefit from advanced education and training in the United States depends on the quality of their prior training in their own countries. Therefore, United States development assistance programs to support higher literacy and school attendance among economically disadvantaged people in Latin America and the Caribbean should be significantly increased.

(7) The needs of economically disadvantaged people in Latin America and the Caribbean are best served by short-term technical training programs, and multi-year undergraduate scholarships are necessary to counteract Soviet and Eastern European programs. Accordingly, the principal emphasis of United States Government schol-

arship programs should be in these areas. However, there is merit in providing opportunities for people from Latin America and the Caribbean to earn graduate and advanced degrees in the United States.

(8) Agriculture is the key to the development of Latin America and the Caribbean and, therefore, a scholarship program should give high priority to training individuals in agriculture and agricultural extension programs.

(b) In addition to amounts otherwise available for such purpose—

(1) $25,000,000 of the amount authorized to be appropriated for the fiscal year 1985 to carry out section 105 of the Foreign Assistance Act of 1961, and

(2) $25,000,000 of the amount authorized to be appropriated for the fiscal year 1985 for the United States Information Agency.

shall be used to carry out this section.

(c) As used in this section, the term "administering agency" means the Agency for International Development and the United States Information Agency, respectively.

(d) Prior to allocation any of the funds made available to carry out this section, each administering agency shall consult with United States missions in Latin America and the Caribbean on how to implement the guidelines specified in subsection (f) and shall take the recommendations of those missions fully into account.

(e) Of the funds made available to each of the administering agencies to carry out this section, not less than 75 percent shall be used to finance undergraduate education and technical training and not less than 15 percent shall be allocated for students from the Caribbean. Not less than 30 percent of the students receiving scholarships under this section for the fiscal year 1985 shall be primarily involved in educational and technical training programs in agriculture. The primary emphasis of assistance under this section shall be on assistance provided through nongovernmental organizations and private and voluntary organizations.

(f) Programs carried out with the funds made available pursuant to this section shall be carried out in accordance with the following guidelines:

(1) United States missions in Latin America and the Caribbean shall design ways to identify promising economically disadvantaged students in elementary and secondary educational institutions. These missions shall develop and strictly implement specific economic need criteria that will enable them to exclude from the programs those who are able to finance their own studies. In order to ensure maximum participation of the economically disadvantaged, participants shall not be required to pay any part of the cost of participating in the programs.

(2) The administering agencies and United States missions in Latin America and the Caribbean shall seek to develop more effective ways of helping participants in the programs to acquire the necessary skills in English, especially in their own countries. Funds made available under this section may be used for English language training for participants in programs funded under this section. To the maximum extent practicable, programs financed under this section shall utilize educational institutions in Puerto Rico and elsewhere in the United States that can offer appropriate education and training to individuals who are unable to learn English prior to participating in these programs.

(3) United States missions in Latin America and the Caribbean shall select participants on the basis of the country's manpower needs for development. Such needs shall be determined in consultation with the government of the host country. Scholarships and training opportunities shall be conducted in areas that are critical to the development process, including agriculture, civil engineering, education, public and business administration, health, nutrition, population and family planning, and energy.

(4) The programs shall be flexible in order to take advantage of different training and educational institutions, including universities, vocational training schools, community colleges, labor organizations, community organizations, and businesses. Students receiving scholarships under this section should be geographically dispersed across the United States in order to provide them with quality educational and technical programs from a variety of United States institutions with respected programs in their field of study. In addition to formal education, internships and other on-the-job training opportunities may be included in the programs.

(5) Because the public and private sectors in Latin America and the Caribbean will benefit from programs financed under this section, the administering agencies shall seek arrangements under which the public and private sectors will contribute to the costs of the programs financed under this section.

(6) The administering agencies shall seek to engage the public and private sectors of Latin America and the Caribbean in programs to maximize the utilization of program participants upon their return to their own countries, so that the participants can better contribute to the development of their countries.

(g) The funds made available pursuant to this section shall be available to enhance the educational training and capabilities of the people of Latin America and the Caribbean and to promote better understanding between the United States and Latin America and the Caribbean through programs of cooperation, study, training, and research. Such funds may be used for program and administrative costs for institutions carrying out such programs.

(h) The administering agencies shall, at the earliest practicable date, convene a conference on educational exchange programs sponsored by the United States Government in order to evaluate the effectiveness of such programs and determine lessons for future such programs for Latin America and the Caribbean. Participants in the conference shall include organizations that participate in or administer educational and cultural exchanges, including nongovernmental organizations, private and voluntary organizations, educational institutions, Government agencies, and representatives from the Congress. The findings and recommendations of the conference shall be reported to the Congress and the public.

(i) Not later than January 1, 1985, the President shall submit a report to the Congress—

(1) on the role that educational and technical institutions in the Virgin Islands could play in the development of the Eastern Caribbean region and how those institutions might be upgraded to expand their ability to provide educational and technical training to students from the Eastern Caribbean; and

(2) on the role that educational and technical institutions in Puerto Rico could play in the development of the Caribbean and Central American region and how those institutions might develop programs to provide educational and technical training to students in that region.

INTER-AMERICAN FOUNDATION

SEC. 806. (a) Subsection (b) of section 401 of the Foreign Assistance Act of 1969 is amended—

(1) in the last sentence by striking out "place primary" and inserting in lieu thereof "also place"; and

(2) by inserting immediately before the last sentence the following: "In pursuing these purposes, the Foundation shall place primary emphasis on the enhancement of the access of poor people to resources and services essential to their well-being and on the promotion of social justice and socioeconomic development.".

(b) Subsection (c) of such section is amended to read as follows:

"(c) The Foundation shall carry out the purposes set forth in subsection (b) through, and in response to, organizations indigenous to Latin America and the Caribbean which are representative of the needs and aspirations of the poor in Latin America and the Caribbean.".

(c) Subsection (d) of such section is amended by adding at the end thereof the following: "All funding decisions, however, including the identification of organizations for funding, shall be made by the Foundation independently of those entities. The Foundation shall advise the United States Government, through its embassies and missions in the region, and the various Latin American and Caribbean governments of its activities in their countries.".

(d) Such section is amended by redesignating subsections (e) through (o) as subsections (f) through (p), respectively, and by inserting the following new subsection (e) after subsection (d):

"(e)(1) In order to carry out the purposes set forth in subsection (b), the Foundation may make grants, loans, and loan guarantees to any Latin American or Caribbean private or public group, association, or other entity engaged in peaceful activities for—

"(A) the fostering of local development institutions and the support of development efforts initiated by communities themselves;

"(B) the development of self-evaluation techniques by participants in projects supported under this section, for the purpose of transferring experience gained in such projects to similar development activities;

"(C) development research by the people of Latin America and the Caribbean, and the transfer of development resources, expertise, and knowledge within Latin America and the Caribbean;

"(D) the procurement of such technical or other assistance as is deemed appropriate by the recipient of such grant, loan, or loan guarantee, to carry out the purposes of this section; and

"(E) other projects that would carry out the purposes set forth in subsection (b).

"(2) The total amount of grants, loans, and loan guarantees that may be made by the Foundation for a particular project may not exceed $250,000 in any fiscal year.

"(3) The Foundation may disseminate to the American public and to United States and multilateral development institutions knowledge gained from development projects assisted by the Foundation.

"(4) In making grants, loans, and loan guarantees, the Foundation shall give priority to projects which community groups undertake to foster their own development

and in the initiation, design, implementation, and evaluation of which there is the maximum feasible participation of the poor. Where appropriate and in keeping with its purposes, the Foundation may make such grants, loans, and loan guarantees to indigenous entities which are representative and knowledgeable of, and sensitive to, the needs and aspirations of the poor and which would disburse funds acquired under such grants, loans, and loan guarantees to other entities in Latin America and the Caribbean to carry out the purposes of the Foundation.".

(e) Subsection (h) of such section, as so redesignated by subsection (d) of this section, is amended—

(1) by striking out "The management" and inserting in lieu thereof "(1) The overall management"; and

(2) by adding at the end thereof the following:

"(2) All members of the Board shall be appointed on the basis of their experience with, understanding of, and sensitivity to community-level development processes in Latin America and Caribbean.".

(f) Subsection (j) of such section, as so redesignated by subsection (d) of this section, is amended by inserting immediately before the period ", except that the President of the Foundation, acting through the staff of the Foundation, shall be responsible for the day-to-day management of the Foundation".

(g) Subsection (m) of such section, as so redesignated by subsection (d) of this section, is amended by adding at the end thereof the following new paragraph:

"(3) The staff of the Foundation shall be employed on the basis of experience in and knowledge of grass-roots, social, and economic development in the region.".

(h) Subsection (m)(1) of such section, as so redesignated by subsection (d) of this section, is amended by adding after the first sentence the following: "The Board shall select the President of the Foundation taking into account the following criteria: an understanding and commitment to the Foundation's mandate of promoting socioeconomic development, a strong commitment to and experience working directly with poor people and grass roots development organizations in the region, a demonstrated leadership ability and senior management experience, and a distinguished record of public service.".

(i) Existing subsection (p) of such section is repealed.

USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS IN PROVIDING ECONOMIC ASSISTANCE IN LATIN AMERICA AND THE CARIBBEAN

SEC. 807. To the maximum extent practicable, assistance under chapter 1 of part I and under chapter 4 of part II of the Foreign Assistance Act of 1961 for countries in Latin America and the Caribbean for each fiscal year should be provided through private and voluntary organizations which have a proven record of development assistance efforts overseas.

ASSISTANCE FOR LAW ENFORCEMENT AGENCIES

SEC. 808. Section 660 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c) Subsection (a) shall also not apply with respect to any country which has a long-standing democratic tradition, which does not have standing armed forces, and which does not engage in a consistent pattern of gross violations of internationally recognized human rights.".

RECIPROCAL TRADE AND ECONOMIC DEVELOPMENT PROGRAMS

SEC. 809. The President shall work in close consultation with the countries of Latin America and the Caribbean which are major sources of unauthorized immigration to the United States in order to begin to develop, in partnership with those countries, reciprocal trade and economic development programs of mutual benefit.

REESTABLISHMENT OF DEMOCRACY IN ARGENTINA

SEC. 810. (a) The Government of Argentina should be applauded for its recent reestablishment of democracy. The election of President Alfonsin is a tribute to the resolve of the Argentine people to stand up to those individuals who inflicted terror on their nation. The Congress, therefore, congratulates President Alfonsin and offers its support to him and the people of Argentina.

(b) The Congress finds that—

(1) the restoration of democracy in Argentina sets an important example for the growth of democracy in other countries in both South and Central America;

(2) to insure democracy and the rule of law in Argentina, President Alfonsin must restore order to an economy suffering from over $40 billion in foreign debt, a current annual debt payment of over $10 billion, a 400 percent inflation rate, and an unemployment rate of 12 percent; and

(3) the United States could play a constructive role in insuring the consolidation of democracy in Argentina by taking into account its serious economic problems in the event that Argentina seeks to renegotiate its foreign debt.

(c) It is the sense of the Congress that the President should—

(1) acting through United States representatives to appropriate international agencies, take such steps as may be necessary to promote the restructuring of the Argentine debt and that of other democracies in Latin America to allow longer period of amortization and lower rates of interest;

(2) working with and through the appropriate Federal agencies, take such steps as may be necessary to permit the Government of Argentina and other democracies in Latin America to restructure their loan obligations to United States financial institutions; and

(3) acting at international economic forums with the industrialized nations, take actions on a cooperative, multilateral basis to develop plans for reducing the financial pressures on Argentina and other democracies in Latin America resulting from the size and short maturity of their foreign debt.

EFFECTIVE DATE

SEC. 811. This title shall take effect on the date of enactment of this Act.

The CHAIRMAN. Are there amendments to title VIII?

AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: Page 56, line 10, strike out "EASTERN"; page 57, line 2, strike out the closing quotation marks and the second period; and after line 2, insert the following:

"(c) In addition to amounts otherwise authorized, there are authorized to be appropriated to carry out this chapter $75,000,000 for the fiscal year 1984, which shall be for assistance for the Dominican Republic.".

Mr. LAGOMARSINO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LAGOMARSINO. Mr. Chairman, I offer this amendment on behalf of myself and Mr. BARNES. The purpose of this amendment is to support the democratic process in the Dominican Republic. This amendment is designed to increase the ESF for the Dominican Republic by $75 million for the current fiscal year which would help the democratic government surmount the economic difficulties it is now facing.

The Dominican Republic is always described as a showcase of democracy in the Caribbean—a nation of 6.2 million inhabitants that after several decades of dictatorships has made the successful transition to democracy. Unfortunately, the redemocratization of the Dominican Republic is currently being threatened by a potential economic disaster.

In the early 1970's the Dominican Republic underwent an economic recession that was characteristic of other countries in Latin America. With the prices of its traditional exports down, and the cost of imported oil skyrocketing, the Dominican Republic started borrowing heavily. And although a $2.6 billion external debt might seem insignificant to us here in the United States, it is an appalling figure to the people in the Dominican Republic.

The President of the Dominican Republic, Salvador Jorge Blanco, met with members of the Foreign Affairs Committee during his visit to the United States last month. At that time we discussed the economic conditions in his country and the efforts that his government is making to comply with the International Monetary Fund conditions. During that meeting President Jorge Blanco explained the need for emergency assistance in order to minimize the impact of their compliance with the IMF agreement. Unfortunately, we all witnessed on our television sets the riots that resulted from these austerity programs in a country that has a 40-percent unemployment rate. With more than 60 people killed in clashes between soldiers and rioters, with more than 200 wounded and more than 4,300 arrested, these incidents have dealt a serious blow to the democratic process in the Dominican Republic.

Although the administration was able to put together a $23 million emergency aid package, additional assistance is needed in view of the immediate and desperate needs of the coun-

try. This amendment increases the emergency aid available to the Dominican Republic. This amendment would increase the total to $109 million. This is not an unprecedented increase when you compare it to the levels of assistance the United States has given to another showcase of democracy in the Caribbean, Jamaica. Although in 1980 neither country received any ESF, during the past 3 years Jamaica has received a total of $292.4 million while the Dominican Republic has received a total of $83 million.

This amendment is supported by Chairman FASCELL, by the ranking member of the committee, Mr. BROOMFIELD, and by the chairman of the Subcommittee on Western Hemisphere Affairs, Mr. BARNES. It should also be clear that this is new money, we are not taking it from any other country. I trust that my colleagues will support this amendment. It will make the difference for a democratic regime as it struggles to maintain economic and political stability. This is one of the rare opportunities that we have to intervene in a positive way before is becomes a crisis. I encourage my colleagues to vote in favor of this amendment.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the chairman.

Mr. FASCELL. I thank the gentleman.

Mr. Chairman, I want to commend the gentleman from California and the chairman of the Subcommittee on Western Hemisphere Affairs for offering this amendment. I thoroughly support it. I think it is absolutely essential that we act in this regard because of the situation in the Dominican Republic. I would urge my colleagues to support the amendment.

Mr. GARCIA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my colleague from Maryland has introduced an amendment that I feel confident has bipartisan support. The struggle of the Dominican Republic to maintain democracy has not been easy. Its primary problems, however, have not been political but economic.

The money that this amendment would provide for the Dominican Republic would not solve all that nation's problems, but it would protect the Government from collapsing under the weight of a severely regulated economy.

The Dominican Republic is a poor nation. It is tough to ask the poor to tighten their belts when they are already starving. Yet, President Jorge Blanco tried to meet tough economic guidelines. The result, unfortunately, was chaos.

I understand that things have quieted down somewhat over the past few weeks. But, it is important to remember that unless we help the people of the Dominican Republic, there will be problems in the future. This money would be an excellent start.

It is funny, on issues affecting Latin America and the Caribbean it has not always been possible for me to agree with my colleagues on the other side of the aisle on this issue; however, I think we see eye to eye.

I believe that we would all like to see democracy thrive in the Dominican Republic. That is not going to happen without a lot of hard work and sacrifice, but neither will it happen without outside support. This money for the Dominican Republic will give them time to make adjustments.

This amendment, this aid, is a gesture not only to the Dominican Republic, but to all the nations of the region—that the United States will come through when called upon; that we do, and will, actively support democracy.

The problems of poverty, of debt crisis, need a fresh approach. But until we can develop that approach, we have got to make use of efforts such as this. I urge my colleagues to support this amendment.

Mr. BERUETER. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I, too, want to echo the gentleman's praise for the amendment related to the Dominican Republic.

Mr. Chairman, the Dominican Republic has gone through difficult times, and it is always difficult to see a friend in need. The Dominican Republic is a nation that is nothing less than a friend. It is the prime example of the goals and ideals this nation is trying to foster in the region. The Dominican Republic, like many other Latin American nations, also suffered from years of repressive dictatorship. But this small island nation has been one of the leaders of the movement toward democracy which we now witness across the Western Hemisphere.

This democracy, today led by President Salvador Jorge Blanco, who recently visited Washington, has over the past 5 years been in the throes of a worsening economic crisis. It may be true that part of the difficulties that this nation is now experiencing is of its own making. But, for the most part, the Dominican Republic has been overwhelmed by a combination of economic forces which resulted in the riots we witnessed in Santo Domingo last week.

The Dominican Republic's principal export is sugar, and I do not have to remind my colleagues of how dangerously depressed the market for that commodity is and has been. In the meanwhile, the population increase of this small country is one of the largest in the hemisphere, creating more mouths to feed and an ever-increasing bill for the importation of all types of comestibles. This occurs as agricultural production declined last year. Furthermore, the Dominican Republic produces no appreciable amount of energy of its own. It earned about $900 million in export income last year and over 60 percent of that income went to pay the service on the rather large debt the country amassed over recent years, and its oil bill. This left precious little for food and productive imports.

The International Monetary Fund is in the process of negotiating an accord with the Dominican Republic which would force its Government to impose severe measures of economic stabilization. Last week, we saw the tragic results that these measures can bring. When the Dominican Government devalued its exchange rate, the price of food tripled. This food is the food of the urban poor and the food of that 45 percent of the Dominican population which works in the depressed agricultural sector.

The increase in economic support funds which the gentleman from California proposes in behalf of himself and for the gentleman from Maryland (Mr. BARNES) serves a noble purpose. I support it in the strongest terms.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VIII of the bill?

AMENDMENT OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN: Page 53, line 24, strike out "extradited" and insert in lieu thereof "expelled".

Mr. ACKERMAN. Mr. Chairman, this is a technical amendment to a provision I introduced in the Foreign Affairs Committee, and which was reported by this committee, concerning the Nazi war criminal, Walter Rauff. The language reported by the Foreign Affairs Committee requires that the Government of Chile grant the request of Israel that this man be extradited. Unfortunately, the Chileans have repeatedly rejected the formal requests of Israel and Germany that this case be resolved.

Allow me to give some of the background on Walter Rauff to shed some light on this issue for those of my colleagues who may not be familiar with the circumstances of the case. Rauff is a notorious Nazi leader who was responsible for overseeing the murder of 250,000 Jews in movable gas vans which he personally invented. Yet, he lives openly in Chile today as he has since 1957. Anyone can stand in front of his house on any given day and ob-

serve Rauff enjoying a comfortable life, a privilege that his victims do not have. The fact this despicable individual is protected from having to stand trial for his crimes should be shocking and appalling to every Member of this House. The Chilean Government has every right to expel Rauff, as delineated under Article 24 of the transitory provision of the Chilean Constitution, and it must be forced to take this action.

By making this one-word change, from "extradited" to "expelled," we make clear that we wish the Chilean Government to use the power which exists in its Constitution to expel a man who has lived in freedom and with the protection of the Chilean Government. I ask my colleagues for their support for this amendment.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman.

Mr. FASCELL. Mr. Chairman, I thank the gentleman.

We have examined the amendment on our side and as far as we are concerned, we are perfectly willing to accept the amendment.

The CHAIRMAN. Is there further discussion on the amendment?

The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DENNY SMITH

Mr. DENNY SMITH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNY SMITH: On page 70, after line 25, add the following:

"(4) It should not be the policy of the United States government to protect the profits of private financial institutions with loans outstanding to Argentina and other Latin American countries."

On page 71, strike line 3 and all that follows through line 13 and insert in lieu thereof:

"(1) acting through United States representatives to appropriate international agencies and through the appropriate fedeal agencies, encourage the restructuring of the Argentine debt and that of other democracies in Latin America to allow longer periods of amortization and lower rates of interest; and"

Redesignate following paragraph accordingly.

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Mr. DENNY SMITH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DENNY SMITH. Mr. Chairman, this amendment is to clarify that the aim of the language in section 810 is to express support for the democratic government of Argentina. We are all well aware of the debt problems confronting Argentina and other Latin American nations. This amendment clarifies the language in section 810 by emphasizing that we want to prevent the money-center banks from continuing to charge high interest rates on short-term loans which only perpetuates the international debt crisis. This amendment is consistent with the position Congress has taken in its instructions to the U.S. Executive Director of the International Monetary Fund.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. DENNY SMITH. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, we have examined the amendment on this side, and we find it thoroughly acceptable and are happy to accept it.

Mr. DENNY SMITH. I thank the committee chairman.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. DENNY SMITH. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, we have examined the amendment also and do not find any problem with it. If it should develop that there is, we can attempt to iron it out in conference and will keep in touch with the gentleman.

Mr. DENNY SMITH. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DENNY SMITH).

The amendment was agreed to.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to call the attention of my colleagues to a provision of this bill which would provide Government-sponsored scholarships for students of Central America to attend American universities.

As a result of a trip in this area some weeks ago, I introduced H.R. 4677 to achieve this objective. I commend the members of the committee for including language similar to H.R. 4677 that will develop scholarship programs.

For several years, the Soviet Bloc has been educating Central Americans at their universities. In 1982 alone scholarships offered by the Soviet Union, Eastern European countries and Cuba totaled 7,500. By contrast, the United States offered only meager assistance, primarily to post-graduate and professional programs.

If we are truly concerned about a Soviet consolidation of power in the region, we should provide the future leaders of Central America and the Caribbean with the opportunity to study in the United States.

It would be in the long-term best interests of the United States to correct this imbalance rather than having the area's future generation of leaders educated by countries which oppose the freedoms we cherish.

I especially commend the committee members for concentrating the programs in agriculture and engineering, for they certainly will increase the economic growth that is so badly needed in this region of the world.

I think this is a very enlightened provision in the bill. If properly implemented it could go a long way toward creating a better feeling toward the United States in the years ahead and insuring that there will be leadership in this part of the world that understands the kind of government we have that values freedom and our system of free enterprise.

AMENDMENT OFFERED BY MR. HUTTO

Mr. HUTTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTTO: On page 63, line 20, after the period, insert: "The conference shall also consider the possibility of planning for the establishment of U.S.-sponsored educational institutions in one or more nations in Latin America and the Caribbean.".

Mr. HUTTO. Mr. Chairman, as my colleagues know in many countries in Central and South America the Soviets are offering scholarships to young people there who are going to the Soviet Union to get their higher education and then coming back. And, of course, we feel that this is not a healthy influence for our country.

All this amendment does is to say that the administering agencies which are ordered to hold a conference to evaluate the effectiveness of the exchange programs and other programs relating to education shall consider, when they meet, the possibility of planning for the establishment of U.S.-sponsored educational institutions in one or more nations in Latin America and the Caribbean.

In this way I think that it would be better than perhaps offering so many scholarships in this country. I am not against that and I hope that we will offer more, but oftentimes I think when youngsters are educated in this country they want to stay in this country instead of going back to their own country.

I feel that we ought to look at the possibility. I do not know if we can work anything or not, but perhaps a joint venture with some of the countries in this part of the world would help us to indoctrinate these young people in democracy and our American way of life. I think it would be a healthy thing.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

We are fully supportive of the efforts of the conference investigating this matter and because of the nature of the kind of competition we face, we think it is urgent that we take a look at that problem.

So on this side we are very happy to accept the amendment.

Mr. HUTTO. I thank the chairman.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, we on this side support the amendment also.

I might say that in another committee on which I serve, the Insular Affairs Subcommittee of the Committee on the Interior, we are talking about legislation very similar to this with regard to the Virgin Islands. So this amendment is complementary to that effort that we are making. I urge my colleagues to vote for the amendment.

Mr. HUTTO. I thank the gentleman for his support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HUTTO).

The amendment was agreed to.

Are there further amendments to title VIII? If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—MISCELLANEOUS PROVISIONS

EFFECTIVE DATE

SEC. 901. Except as otherwise provided, this Act shall take effect on October 1, 1984.

SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION

SEC. 902. Chapter 3 of part I of the Foreign Assistance Act of 1961, as amended by section 503 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 308. SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION.—(a) Funds authorized to be appropriated by this chapter may not be available for the United States proportionate share for programs for the South-West Africa People's Organization, except that funds may be made available for the United States proportionate share of programs for the South-West Africa People's Organization if the President certifies to the Congress that such funds would not be used to support the military or paramilitary activities of the South-West Africa People's Organization.

"(b) The Secretary of State shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any such funds and shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.".

PROCUREMENT OF CONSTRUCTION AND ENGINEERING SERVICES

SEC. 903. Section 604(g) of the Foreign Assistance Act of 1961 is amended by inserting immediately before the period at the end thereof "and which are not receiving any direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act".

COMPLETION OF PLANS AND COST ESTIMATES

SEC. 904. (a) Section 611(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "$100,000" and inserting in lieu thereof "$500,000"; and

(2) by striking out "section 1311 of the Supplemental Appropriation Act, 1955 as amended (31 U.S.C. 200)" and inserting in lieu thereof "section 1501 of title 31, United States Code".

(b) Section 611(b) of such Act is amended by striking out "the procedures set forth in the Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973, with respect to such computations" and inserting in lieu thereof "the principles, standards, and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto".

PROHIBITIONS ON ASSISTANCE

SEC. 905. Subsection (f) of section 620 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" immediately after "(f)";

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application, of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States.".

REPROGRAMMING REQUIREMENTS

SEC. 906. (a) Section 634A of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "None";

(2) by inserting "or the Arms Export Control Act" immediately after "disaster relief and rehabilitation)" and immediately after "this Act" the second place it appears; and

(3) by adding at the end of the section the following new subsection:

"(b) The notification requirement of this section does not apply to the reprogramming of less than $25,000 for use under chapter 8 of part I, or for use under chapter 5 of part II, for a country for which a program under that chapter for that fiscal year was justified to the Congress.".

(b) Section 653 of such Act is amended—

(1) by inserting in subsection (a) "or the Arms Export Control Act" immediately after "sections 451 or 637)";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(c) Section 36(a) of the Arms Export Control Act is amended—

(1) in paragraph (5) by striking out "cash" and by striking out ", credits to be extended under section 23, and guaranty agreements to be made under section 24"; and

(2) in paragraph (6) by striking out "cash" and by striking out "and credits expected to be extended".

REPEAL OF PROVISIONS; TECHNICAL AMENDMENT

SEC. 907. (a) The Foreign Assistance Act of 1961 is amended as follows:

(1) Section 106(b)(1) is amended by striking out "(A)" and by striking out subparagraph (B).

(2) Section 110 is amended by striking out "(a)" and by striking out subsection (b).

(3) Section 113(c) is repealed.

(4) Chapter 10 of part I is repealed.

(b) Section 636(a)(14) of such Act is amended by striking out "the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting in lieu thereof "the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)".

REPORTS ON ECONOMIC CONDITIONS IN EGYPT, ISRAEL, AND TURKEY

SEC. 908. The Congress finds that the Governments of Egypt, Israel, and Turkey each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs. In order to assist the Congress in examining United States assistance for these countries, the President shall report to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, not later than January 15 of each year, regarding economic conditions prevailing in Egypt, Israel, and Turkey which may affect their respective ability to meet their international debt obligations and to stabilize their economies.

CODIFICATION OF POLICY PROHIBITING NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION

SEC. 909. (a) The United States in 1975 declared in a memorandum of agreeement with Israel, and has reaffirmed since, that "The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338."

(b) The United States hereby reaffirms that policy. In accordance with that policy, no officer or employee of the United States Government and no agent or other individual acting on behalf of the United States Government shall negotiate with the Palestine Liberation Organization or any representatives thereof, and the United States shall not recognize the Palestine Liberation Organization, unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism.

MIDDLE EAST PEACE

SEC. 910. The funds and authorities provided by this Act for assistance for countries in the Middle East, and sales of defense articles and services under the Arms Export Control Act to countries in the Middle East, should help to promote peace in the Middle East and to encourage all recipient countries to pursue policies that enhance the peace process, which should be based on United Nations Security Council Resolutions 242 and 338, the Camp David Accords, and the principle of direct negotiations without preconditions among the countries.

EGYPTIAN-ISRAELI RELATIONS

SEC. 911. The Congress is concerned about the lack of progress in the normalization of relations between Egypt and Israel. It is the sense of the Congress that all United States foreign assistance to Egypt is provided in the expectation that the Egyptian government will support and fulfill the provisions

of the Camp David Accords and the Egyptian-Israeli Peace Treaty.

CONGRESSIONAL PRESENTATION DOCUMENTS

SEC. 912. The annual congressional presentation documents for international security and economic assistance shall be submitted to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of each House of Congress not later than January 31 of each year.

UNITED STATES PARTICIPATION IN THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

SEC. 913. It is the sense of the Congress that—

(1) the President should create a bipartisan panel of experts to review United States participation in the United Nations Educational, Scientific and Cultural Organization (hereafter in this section referred to as "UNESCO"), including the impact that United States withdrawal from UNESCO would have on Israel's participation in that organization and on freedom of the press, and should report the results of that review to the Congress by October 1, 1984;

(2) the President should take all necessary steps to ensure the upgrading of the United States mission to UNESCO, as well as the appropriate office of the Department of State, in order to further ensure a fair and thorough examination of UNESCO's willingness to implement needed reforms; and

(3) the executive branch shall not make or announce a final withdrawal decision concerning UNESCO until the relevant committees of the Congress have been fully consulted.

The CHAIRMAN. Are there amendments to title IX?

AMENDMENT OFFERED BY MR. CROCKETT

Mr. CROCKETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CROCKETT: Page 78, line 12, immediately after "Egypt" insert "and Israel"; and line 13, immediately after "Egyptian government" insert "and the Israeli government".

□ 1950

Mr. CROCKETT. Mr. Chairman, in this legislation we propose to give foreign aid in the amount of several billions of dollars to two countries, Israel and Egypt. But we provide in section 911 on page 78 the following:

It is the sense of the Congress that all United States foreign assistance to Egypt is provided in the expectations that the Egyptian Government will support and fulfill the provisions of the Camp David accords and the Egyptian-Israeli Peace Treaty.

My amendment, Mr. Chairman, is very simple. All it will do is include Israel in that section of the bill, so as to hold Israel to the same standard as we hold Egypt and the other Arab States, namely, that Israel also will work for peace in the Middle East. This amendment simply clarifies the sense of this Congress that we expect Israel as well as Egypt to comply with language as well as the necessary intendments of the Camp David accords and the Israeli-Egyptian Peace Treaty.

Mr. Chairman, I have numerous complaints with the provisions of this bill concerning other issues relating to the Middle East. Although I will restrict myself today to offering the one amendment to this section 911 of the bill, there are many other sections of the bill that I find offensive, and there are a host of sections that I think should be brought up on the floor and debated here today. Among those sections is section 122, putting restrictions on assistance to Jordan that makes U.S. policy on Jordan more responsive to the goals of the Israeli Government than to the goals of U.S. policy.

Then there is section 503, governing assistance to international organizations. This section restricts the use of funds for organizations assisting the Palestinian people, among other needy peoples.

Then there is section 801, governing assistance to Chile, which includes a requirement that Chile meet Israel's demands for the extradition of a named former Nazi which, while desirable, certainly should not be a governing condition on the provision of U.S. assistance to that country.

Then there is section 909, Mr. Chairman, which needlessly restates U.S. policy on the PLO and will make it exceedingly difficult for this or any other administration to work with the only generally recognized Palestinian people's organization on the West Bank.

And, finally, there is section 101, which provides U.S. FMS aid to Israel to help provide employment in Israel in the production of a fighter aircraft that will be sold and exported in direct competition with U.S.-produced fighter aircraft.

But as I said before, Mr. Chairman, I am limiting myself to section 911, because section 911 of this bill is typical of most of the sections of the bill concerning assistance to the Middle East. It reflects not U.S. policy concerns and considerations in the Middle East, but rather Israeli policy considerations and concerns. This bill is rife with policy initiatives in the Middle East which conflict with stated U.S. policy, our policy presumably being one of neutrality and one of honest brokerage. It is a bill, then, that seeks to impose on the U.S. Government the foreign policy goals and aims of the Israeli Government. And this is supposed to be a U.S. foreign assistance bill, not an Israeli foreign assistance bill.

Let us take one example, the example of section 801 that I mentioned earlier. I can think of many reasons why we should not provide assistance to Chile. Primary among them would be Chile's deplorable human rights record. I can also see why the U.S. Government should strongly urge Chile to deport any Nazi war criminal inside its borders. But I see no reason why the United States should make the deportation of one specifically named war criminal a central tenet of its policy toward one of the most important nations in South America. I consider this an outrageous amendment which ignores U.S. foreign policy interests in favor of the desires and the goals of Israeli foreign policy.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CROCKETT) has expired.

(By unanimous consent, Mr. CROCKETT was allowed to proceed for 2 additional minutes.)

Mr. CROCKETT. I think it is very important also to note, Mr. Chairman, that these provisions of the bill which I am discussing today are in the bill in great part because of the failure of the State Department and the rest of this administration to spend any time or effort to oppose these improper Israeli initiatives or indeed protect their own Middle East policies. If the administration had spent one-tenth of the time or effort lobbying this Congress on our declared Middle East policy of neutrality that it spent lobbying this Congress on Central America, most of these provisions would not be in the bill. Indeed, Mr. Chairman, the administration could not even get one single reference to President Reagan's September 1 peace initiative included in this bill. The administration let these provisons go by the board, ignoring the problems which they cause for its policies, and the administration itself is responsible for much of the damage done to its Middle East policy by this bill.

I repeat, Mr. Chairman, that all my amendment does is to say that we expect Israel as well as Egypt to work for peace in the Middle East. All this amendment says is that we want Israel as well as Egypt to act in accordance with its obligation under the Camp David accords and the Israeli-Egyptian Peace Treaty.

In this bill we hold Egypt to those standards. In this bill we hold Jordan to far higher standards. Let us hold Israel to those same standards.

Mr. SMITH of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to say at the outset that I have a great deal of respect for the gentleman from Michigan who has offered this amendment. I serve with him on both of my committees, and we share a great many common interests. But in this particular arena, on this particular matter, I think there is some divergence of view for a number of reasons. But I think the most telling reason and the most cogent reason to argue against this amendment is to understand exactly what it is in the bill that we are considering.

This particular set of language that we have adopted at subcommittee and at full committee talks only to that which we understand to be the policy of the United States, and that is that there is commitment of those signatories to the Camp David agreement.

Now, in theory, then, the amendment of the gentleman from Michigan would be appropriate because it says that both countries should abide. But the reality is that we understand what has transpired from the day after the signing of that agreement to today.

And why was the language adopted in the first place? The language was adopted because there are many of us who share grave concerns about the commitment and the compliance of the country of Egypt to the Camp David accords. There is in fact documented, verifiable evidence that is there for all the world to see that there have been numerous breaches by the Egyptian Government of the Camp David accords.

Now, we all know that the Ambassador no longer is in Israel. The Camp David accord provides that there shall be an Embassy and there shall be an Ambassador. There is no Ambassador in Egypt. He was recalled almost 2 years ago and has not been returned.

□ 2000

There is, as a matter of fact, today no trade or cultural ties with Israel, as called for in the agreement. There has been a halt of all cultural exchanges. There has been a virtual halt of all Egyptian-Israel trade. Egypt has stopped issuing import licenses for Israeli goods.

President Mubarak has threatened to cut off diplomatic relations because of a move by this Congress possibly to move our Embassy.

There has been a renewal of large amounts of anti-Israel and anti-Semitic statements documented in the Egyptian press, which is there for all the world to see.

These things, the cultural and trade exchanges, the exchange of Ambassadors which has now been stopped by the country of Egypt, require that the United States take some affirmative action to show that we want this country to continue to be the catalyst for Camp David, and we are doing so with the country which is right now publicly, out in the open, for the whole world to see, breaching the agreement.

That is not to say we are going to denigrate our protocols, our agreements, our help, our diplomatic relations, our friendship with the country of Egypt. All it means is what it says, and be very sure about what this says.

It says that the Congress is concerned about the lack of progress in the normalization of relations between the two countries, and it is the sense of Congress that all U.S. foreign assistance to Egypt is provided in the expectation that the Egyptian Government will support and will fulfill the provisions of the Camp David accords and the Egyptian-Israeli peace treaty.

We are asking them, by virtue of this, to understand that our aid is given with that expectation. It is not conditional. It does not call for them to lose aid in the event they refuse to do that. That will be a decision we will make hereafter.

Let us examine the other side. Let us look at what it is that creates this movement by the gentleman from Michigan to insert Israel in the bill.

Has Israel lived up to its obligations? It has vacated the Sinai. It has given back the oil wells, $2 billion a year worth of oil that now it has to import that it had previously.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. Israel has complied with each and every term of the Camp David accords. The United States has not made any protocol, diplomatic or other effort to castigate the State of Israel for any supposed breaches in the Camp David accords as they were written, as it is expected the United States expects Egypt and Israel to live up to.

But we cannot say that about Egypt. Israel, in fact, has fulfilled its obligations and continues to do so. Why, then, do we want to insert language which is unnecessary, and that is that Israel is expected to fulfill what we have already agreed as a nation that it is fulfilling, while we have documented evidence of and, in fact, have made numerous diplomatic requests to the country of Egypt about the fact they are not fulfilling their obligations?

That is all this language says. There is absolutely no reason to put into the bill any other language. Why not add anyone else? Why not add ourselves, that we are also expected to fulfill our obligations? Why do we not put that in every piece of language where we have a protocol or a treaty with someone; that we give them aid with the expectation that they are going to fulfill them?

The reason is, we do not because until they make some overt act, a breach, something that causes us to say, "We feel you are not honoring your commitment," we do not ask them to do what they are obligated to do. That is unnecessary. It is foolish. And it is demeaning.

In this case we have already made diplomatic overtures to Egypt to remove the breaches and do what is called for in Camp David. We want them to fulfill the provisions. We want them to be friends with Israel. We want to be friends with both countries, and we want to have our friends be friends with each other. That is what we are doing by virtue of this bill: Sending the Egyptian Government a signal that the United States considers Camp David to be the framework of peace in the Middle East and will take action to make sure that no one attempts to undermine it.

I would urge all my colleagues to defeat this amendment, which is totally unnecessary.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has again expired.

(On request of Mr. WEISS and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, will the gentleman yield,

Mr. SMITH of Florida. I would be happy to yield to the gentleman from Florida.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, I simply want to commend the gentleman and to associate myself with his remarks in their entirety. I only want to offer 1 or 2 additional words of emendation, and that is that in some of the other matters that the distinguished gentleman, our friend from Michigan, made about what he considers extraneous matters, it seems to me that those of us who have lived through the Second World War and who know about the war crimes that were perpetrated by the Nazis, we do not have to be Israelis or concerned about the rights of Israeli people in order to be concerned about a war criminal being harbored by the Government of Chile. That is why that is in this piece of legislation.

Mr. SMITH of Florida. Mr. Chairman, if I may reclaim my time, let me just say that the "Dear Colleague" letter that the gentleman from Michigan sent out has a very interesting sentence in it. Let me read that.

> As I believe that the Israeli Government has the same obligation to demonstrate its good faith in a general Middle East peace settlement and its adherence to the principles contained in its international obligations, I will seek to amend this section of the legislation by adding clarifying language pertaining to Israel.

Let me just say that I believe that Israel has already demonstrated it is abiding and adhering to full compliance with the Camp David accords. No one has shown us where Israel has in any way, shape or form violated those accords. So I do not see why the language is necessary. As to Israel's adherence to the principles contained in its international obligation, one of the other stated reasons for this amendment: Nowhere is it mentioned or set forth in Camp David that it shall adhere to other international treaties. Camp David was never preconditioned or based upon Israel adhering to any other treaties, neither was Egypt re-

quired to do so either. That should not be part of the basis on which we make a decision now to change the language in this bill.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has again expired.

(On request of Mr. CROCKETT and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. CROCKETT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I would be happy to yield to the gentleman from Michigan.

Mr. CROCKETT. I thank the gentleman for yielding.

Mr. Chairman, I have the highest respect for my colleague from Florida. Both of us come from the same country originally, the State of Florida.

I had hoped that we would not get into a comparative statement of who has violated and who has not violated the Camp David accords because I do not think that will get us anywhere.

I think there is a substantial portion of the population who believe that Israel's annexation of the Golan Heights, that Israel's continued building of settlements on the West Bank, that Israel's invasion of Lebanon, that all of these, in toto, constitute an infraction of the spirit if not the letter of the Camp David accords.

But I do not want to debate that. My basic point is that ever since the days of Harry Truman, we have tried to maintain a policy of neutrality in the Middle East. Indeed, every time we have increased appropriations for Israel, we have also increased them for Egypt. All I am saying is, let us apply the same standards.

The Government of the United States expects every country, whether it is Egypt or Israel, to abide by treaties, legally negotiated. There is no necessity for the provision in this act that says we expect Egypt to abide by it. It is a gratuitous insult to that one country to say that.

Mr. SMITH of Florida. Mr. Chairman, if I may reclaim my time from the gentleman, I would say to the gentleman that while I agree with much of what he has stated and certainly did this year increase aid to Egypt and, in fact, also used the same formula for calculating foreign military sales on all grant aid as we did with Israel, let me just say that in reality, of course, the gentleman's statement with reference to the spirit of Camp David is not what is addressed in this language.

We are talking about the letter of Camp David, and the letter of Camp David calls for, for instance, an Egyptian Ambassador, who no longer resides in the country of Israel.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has again expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. It calls for that to happen, and it has not happened. It calls for increased cultural and trade ties. As a matter of fact, there is evidence continuing that those ties have been closed; that any avenues that started to open are now closed down.

That is not what we consider to be in the spirit of Camp David or certainly in the letter of Camp David.

□ 2010

This is not a gratuitous statement. It is more a statement that we are unfortunately in a position of wanting to get that relationship to happen. The United States was the facilitator in that relationship. We are all very proud of that. The gentleman from Michigan and I both are proud that we have friends in the Middle East like that. We would like to be able to do something to make sure that friendship continues, and that the letter and spirit of Camp David are alive.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I am happy to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, perhaps the gentleman could shed a little bit of light on the necessity for putting this language in the report.

It would be my understanding that the reason this language was inserted in here was that Members on both sides of the aisle and really of all political philosophies have been very, very concerned about the inability of the Government of Egypt to fulfill its part of the Camp David accords. This was a very specific agreement that particularly the peoples of the free world felt was a real breakthrough for what would ultimately be cooperation within the political problems that exist in the Middle East.

It would be my feeling—and I wish the gentleman would comment on this—that this language was placed in the report to some degree as a compromise with Members who are involved in this debate within this Congress about what the Government of Egypt ought to do in order to facilitate the peace process. In fact, there are a number of people within this Nation who are concerned about the movements of the Mubarak government within the period of the last 6 months, and this was more or less, it seems to me, a degree of compromise involved in terms of this report.

Mr. Chairman, I wonder if the gentleman would comment on that.

Mr. SMITH of Florida. Mr. Chairman, if I may reclaim my time, the reality is that there was an element within the committee and within this Congress who had wanted frankly to cut aid to Egypt.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has expired.

(On request of Mr. KASICH and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. Mr. Chairman, those Members, I believe, had a legitimate concern and that was the way they felt they wanted to choose to exhibit that concern. There are many of us who did not want to do that.

Egypt is a friend and an ally and a partner of this country, and that partnership, friendship, and alliance must be maintained. But that does not give our country any less right to express our sorrow and our frustration over something which we had a hand in forging not working today as it was intended.

As a result, we felt it was appropriate to at least send some message to the Government of Egypt that we felt we wanted them to know of our frustration, without making rash statements and without, like they have done, threatening to break off diplomatic relations. We felt it was a good balance and that it was appropriate for them to understand how we felt, and nothing more.

Mr. KASICH. Mr. Chairman, if the gentleman will yield, I think the point of the agreement was that Egypt itself was castigated, and some felt that President Sadat was assassinated because of his efforts to develop a closer relationship between the State of Israel and the nation of Egypt. And when you move into things like Lebanon, Lebanon is an argument that goes well beyond the Egyptian debate. There we have a situation where we are dealing with more radical elements of the Arab community, particularly the Syrians, and, of course, the difficulty between the State of Israel and Iraq and Iran is well documented.

The situation that exists between Egypt and Israel and what everyone was so excited about throughout the world was the possibility of getting a moderate Arab State to sit down and finally put together a solid agreement that gets us on the road toward a long-lasting agreement within the Middle East between the Arabs and the Israelis.

Mr. SMITH of Florida. Mr. Chairman, if I may reclaim my time, there is no question in my mind or in the mind of, I think, almost anyone in this Congress that if there is going to be one cornerstone for peace in the Middle East it is going to be the Camp David accords. The United States has an abiding interest in making that happen and as a reality I think we need to communicate with those parties when we are frustrated to some

degree because there is not full compliance with its terms.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has again expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. CROCKETT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 79, after line 23, insert the following new section:

SUPPORT BY FOREIGN COUNTRIES OF UNITED STATES FOREIGN POLICY

SEC. 914. (a) Not later than January 31 of each year or at the time of the transmittal by the President to the Congress of the annual presentation materials on foreign assistance, whichever is earlier, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country, the degree of support by the government of each such country during the preceding twelve-month period for the foreign policy of the United States. Such report shall include, with respect to each such country which is a member of the United Nations, information to be compiled and supplied by the Permanent Representatives of the United States to the United Nations, consisting of a comparison of the overall voting practices in the principal bodies of the United Nations during the preceding twelve-month period of such country and the United States, with special note of the voting and speaking records of such country on issues of major importance to the United States in the General Assembly and the Security Council, and shall also include a report on actions with regard to the United States in important related documents such as the Non-Aligned Communique. A full compilation of the information supplied by the Permanent Representatives of the United States to the United Nations for inclusion in such report shall be provided as an addendum to such report.

(b) The President in making allocations for assistance under this Act shall take into consideration the extent to which a country is not engaged in a consistent pattern of opposition to the foreign policy of the United States as demonstrated by the information required in the report by subsection (a).

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, I will not take more than just a minute because actually we have already debated this amendment. Earlier today we had the Walker amendment before us that was amended by Mr. SILJANDER, and what that amendment did was to require the President to report to the Congress through an annual report which assesses the voting habits of foreign countries regarding their support or lack of support for U.S. foreign policy.

My amendment is exising law, and as I mentioned before, back in the continuing resolution last fall this House overwhelmingly approved that concurrent resolution that has the Kasten amendment in it. Now we have changed the Kasten amendment in one area and that was to conform with the Siljander amendment, which makes this amendment I am offering identical to the Walker-Siljander amendment, but in that language it covers all nine titles.

Mr. Chairman, when the current administration took over at the United Nations we witnessed several improvements. When Ambassador Kirkpatrick arrived she was asked what would be the difference between the new President's policies and those of the previous one. Our Representative replied, "We have taken off our kick me sign." When asked if that meant that if you are kicked, you will kick back? She responded, "Not necessarily. But it does mean that if we're kicked, at least we won't apologize."

Mr. Speaker, we all know that the American people contribute over one and one-half billion tax dollars a year to the U.N. budget, and they contribute additional billions each year in various forms to many of the nations who play important roles in the activities of the United Nations.

If we are spending this kind of money at a time when the deficit is threatening the American economy, we need to know, and the American people certainly deserve to know how countries are voting—which receive assistance from the American taxpayers.

My amendment will provide us a comparison of the overall voting practices in the principal bodies of the United Nations and from this information we can gain a better understanding of the support we received from member states.

I would also like to state that I agree with many of the statements on the floor earlier today. Many of my colleagues on the committee emphasized an important fact which is taken into account by my amendment. This is that in examining the voting record of the U.N. member states, it should be borne in mind that relations with other countries in the United Nations are only one dimension of our relations with these countries.

However, we must not underestimate the importance of these votes. The votes and the debates in the United Nations are covered in the world press and are covered extensively in the press of many less developed nations. They are also followed closely by the media of most European countries. The agenda of the major U.N. organizations influence what is important in the world. These votes are also widely interpreted as reflecting world opinion. The votes influence opinions all over the world about what is legitimate, what is acceptable, who is lawless and who is repressive.

Actions by the United Nations have greater consequences for American foreign policy than the American people and the Congress realize.

My amendment allows the President to review these U.N. votes and determine which country is engaged in a consistent pattern of opposition to the foreign policy of the United States. If he determines that certain countries are voting in a manner which is in opposition to that of the U.S. foreign policy he can deny assistance. The President has this authority now.

This amendment, as I stated earlier, is identical to a provision accepted in conference last year but which expires on October 1, except that we have added the Siljander language previously added to the Walker amendment and passed by the House.

At this point, Mr. Chairman, I yield to the chairman of the committee.

Mr. FASCELL. Mr. Chairman, do I understand this is the amendment the gentleman was discussing earlier on in the debate today on this question?

Mr. SOLOMON. Yes, it is.

Mr. FASCELL. Mr. Chairman, I will say to the gentleman that we have reviewed the amendment and we are happy to accept it.

Mr. SOLOMON. Mr. Chairman, I thank the committee chairman for his good judgment.

At this time, Mr. Chairman, I yield to the acting ranking member.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have examined the amendment, too, and I support it. I hope the House will adopt it.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL of Ohio: Page 79, after line 23, insert the following:

EAST TIMOR

SEC. 914. It is the sense of the Congress that the President should take all appropriate measures to—

(1) encourage the Government of Indonesia to allow appropriate international relief agencies increased access to East Timor and to allow such agencies to establish full-time humanitarian relief operations in East Timor;

(2) encourage and assist the Governments of Indonesia, Portugal, and Australia to facilitate the reunification of families separated because of developments in East Timor,

and encourage the involvement of appropriate international agencies in this process;

(3) encourage the Government of Indonesia to allow free access to East Timor by international journalists and international human rights organizations; and

(4) work with Portugal, Australia, and other appropriate countries and international organizations to develop policies to end the ongoing human suffering in East Timor.

Mr. HALL of Ohio. Mr. Chairman, the amendment I am offering expresses the sense of Congress about the situation in East Timor, the predominantly Roman Catholic former Portuguese colony which was invaded by Indonesia in 1975. It is my hope that this amendment will be acceptable to the gentleman from Florida (Mr. FASCELL), the chairman of the committee, and to the gentleman from New York (Mr. SOLARZ), the chairman of the Subcommittee on Asian and Pacific Affairs.

On September 14, 1982, the Subcommittee on Asian and Pacific Affairs held a hearing on developments in East Timor and reviewed the provisions of a sense of Congress resolution I had introduced concerning East Timor, House Concurrent Resolution 321.

The amendment I am offering is similar to House Concurrent Resolution 321, which updated an amendment I had offered to the International Security and Development Cooperation Act of 1980. That amendment became section 408 of Public Law 96-533.

Unfortunately, the plight of the people of East Timor continues to be a matter of international concern. The basic concerns expressed by Members of Congress in 1980 and 1982 are still relevant today.

If those concerns were to be summed up in one word, that word would be "access." Ever since the Indonesian invasion in December 1975, East Timor has been virtually shutoff to the outside world. One cannot go to East Timor without the specific approval of the Indonesian Government.

The isolation of East Timor has made it extemely difficult for the rest of the world to determine exactly what is occurring in the territory. This has led to considerable speculation from time to time as to what really is going on in East Timor. It has been a source of frustration to many international observers over the years that it has been so hard to get the facts about East Timor.

The amendment I am offering expresses the sense of Congress that the President should take all appropriate measures to encourage the Indonesians to allow increased access to East Timor by international relief agencies, international journalists, and international human rights organizations. It also seeks increased efforts to facilitate the reunification of families separated because of developments in East Timor and the establishment of a full-time humanitarian relief presence in East Timor, rather than occasional visits from groups based elsewhere.

Finally, the amendment calls upon the administration to work with our concerned allies and the appropriate international organizations to develop policies to end the ongoing human suffering in East Timor. Over the past year, the United Nations has been taking a special look at the Timor situation, and there have been efforts in Portugal and in Australia to pursue diplomatic initiatives relating to East Timor.

On December 15, 1983, 105 Members of Congress wrote to President Reagan to call attention to the latest military offensive by Indonesia against Timorese resistence, to seek administration support for greater access to East Timor by the Red Cross, and to urge the administration to work with Portugal and Australia to develop policies to address the problem of East Timor.

The fact that 105 Members of Congress joined in this letter which I initiated indicates that congressional concern about East Timor is growing, rather than diminishing. This concern has been fueled by the reports of renewed fighting and the impact of such fighting on the populace of East Timor.

The amendment I am offering reflects generally the concerns that have been shared by at least 105 of our colleagues. I think it is appropriate these concerns be reflected in the foreign aid authorization bill before us today. Therefore, I would urge that this amendment be adopted.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. HALL of Ohio. I am glad to yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as the chairman of the Subcommittee on Asian and Pacific Affairs, I want to say to our colleagues in the Committee today that we have carefully and closely examined this problem. We share the concerns of the gentleman from Ohio.

I think this amendment is completely acceptable to the Committee insofar as it expresses our continuing humanitarian concern over the problems on East Timor and calls upon governments in the region, particularly the Government of Indonesia, to respond effectively to the problem of Timore.

Mr. Chairman, I want to thank the gentleman for offering the amendment and indicate that we are pleased to accept it.

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentleman for his concern and for his acceptance of the amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HALL of Ohio. I am glad to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I want to commend the gentleman from Ohio (Mr. HALL) for his continuing concern about this part of the world and for all of his efforts to try to relieve the problems and the suffering in East Timor.

The minority has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER: Insert the following new section and renumber accordingly:

FACILITATING INTERNATIONAL COMMERCE THROUGH MEXICO

SEC. 914. Recognizing that increased levels of balanced international trade are an essential component in an economic development program for the region and that the United States has traditionally been the most important trading partner for each of the nations of Latin America, it is the sense of Congress that current procedures and laws of the Government of Mexico, and practices of its officials constitute a significant impediment to the transit of vehicles carrying the commodities of international trade through Mexican territory. As the Government of Mexico has played a valuable role in assisting and encouraging the economic and political development of the region, and in offering advice to the United States as to constructive policies this nation might pursue with respect to peace and prosperity in the area, the Secretary of State, acting independently or with representatives of other Latin America nations, shall initiate negotiations with the Government of Mexico aimed at eliminating or reducing those impediments to international trade. The agenda for such negotiations should include discussions to encourage the Government of Mexico to accede to existing international custom conventions on international in-transit shipments. Such actions are to be taken in concert with the institution by the United States and the nations of the region where the transiting shipments originate, of appropriate and cooperative steps to make sealed-truck, no-inspection transit administratively acceptable to the Government of Mexico and other transited countries. Similar bilateral or multilateral negotiations by the Secretary of State with nations respecting the same international customs conventions are also encouraged. The Secretary of State shall report the status of these negotiations to Congress by January 1, 1985.

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, this amendment provides for a new section, section 914. It begins by expressing the sense of Congress that current procedures, laws, and practices of certain officials constitute a substantial impediment to international land transit of goods across the territory of Mexico.

Beyond the pure sense of Congress, it does instruct the Secretary of State to attempt to begin negotiations with the Government of Mexico aimed at eliminating and reducing impediments to international trade across Mexico, possibly including requests to Mexico to accede to existing international custom conventions on international in-transit shipments. It authorizes the Secretary of State to engage in both bilateral and multilateral negotiations for that purpose, and it requires a report from the Secretary back to the Congress by January 1, 1985.

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I could provide additional details to my colleagues, but I understand that it may be acceptable to both sides.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I would be pleased to yield to my chairman.

Mr. FASCELL. Mr. Chairman, we have examined the amendment. We agree with the gentleman and we are happy to accept it on this side.

Mr. BEREUTER. I thank the distinguished committee chairman.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I would be pleased to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

I have not only examined the amendment, but I have talked to the gentleman much earlier about it. I think it is very constructive. This amendment, if adopted, could be the basis for increased commerce and trade throughout Central America. It could be very helpful to the efforts that we are all making on behalf of that region.

I urge my colleagues to adopt the amendment.

Mr. BEREUTER. Mr. Chairman, I thank the ranking member of the Western Hemisphere Subcommittee and my colleagues for considering this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IX?

AMENDMENT OFFERED BY MR. M'COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM: Page 79, after line 23, insert the following:

CHEMICAL AND TOXIN WEAPONS

SEC. 914. (a) The Congress finds that—

(1) evidence accumulated by the United States, France, and other nations, and by the United Nations and other international organizations, indicates that lethal chemical weapons have been employed in the current war between Iran and Iraq;

(2) such evidence also indicates that the Soviet Union has employed lethal chemical and toxin weapons in Afghanistan and has supplied such weapons to its allies in Southeast Asia;

(3) such activities by the Soviet Union and other nations contravene arms control agreements which have been ratified by such nations; and

(4) exposure to lethal chemical and toxin weapons often causes slow and agonizing death, and few antidotes are available to treat exposure to such weapons.

(b) Therefore, it is the sense of Congress that the use and the supplying of lethal chemical and toxin weapons are inhumane and pose grave threats to humanity and that the United States should (1) increase its investigations of suspected instances of lethal chemical and toxin warfare, (2) encourage the development of antidotes for lethal chemical and toxin weapons, especially for the mycotoxin commonly referred to as "yellow rain", (3) urge other nations to investigate suspected instances of lethal chemical and toxin warfare, (4) help United Nations investigators gain access to areas where lethal chemical and toxin warfare is or has been suspected, and (5) negotiate with the Soviet Union and other nations to strengthen existing agreements and treaties regarding lethal chemical and toxin warfare to establish an effective and verifiable ban on the development, production, stockpiling, and use of lethal chemical and toxin weapons.

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, the amendment I am offering states that it is the sense of Congress that the use and supplying of lethal chemical and toxin weapons are inhumane and pose grave threats to humanity, and that the United States should: First, increase its investigations of suspected instances of lethal chemical and toxin warfare; second, encourage the development of antidotes for lethal chemical and toxin weapons, especially for the mycotoxin commonly referred to as "yellow rain"; third, urge other nations to investigate suspected instances of lethal chemical and toxin warfare; fourth, help the U.N. investigators gain access to areas where lethal chemical and toxin warfare is or has been suspected, and fifth, negotiate with the Soviet Union and other nations to strengthen existing agreements and treaties regarding lethal chemical and toxin warfare to establish an effective and verifiable ban on the development, production, stockpiling, and use of lethal chemical and toxin weapons.

Evidence accumulated by the United States, France, and other nations, and by the United Nations and other international organizations indicates that lethal chemical weapons have been employed in the current war between Iran and Iraq, and also that the Soviet Union has employed lethal chemical and toxin weapons in Afghanistan, and has supplied such weapons to its allies in Southeast Asia.

We are aware of the ongoing controversy over the so-called yellow rain for which some evidence of its use exists in Southeast Asia and Afghanistan. The debate continues over the origin of the mycotoxins; do they exist in nature or are they manmade? The argument is that evidence on either side is inconclusive, because of lack of sufficient scientific evidence, which is reason enough to urge that the United States continue an aggressive sample collection and investigation into the use and production of lethal chemical and toxin weapons.

While there may be debate over yellow rain, there is no doubt that chemical weapons have been used in the Iran-Iraq war, and in Afghanistan. The evidence from Afghanistan clearly points to the employment of lethal chemical and toxin weapons by the Soviet Union. Furthermore, the evidence indicates that the Soviet Union has supplied such weapons to its allies in Southeast Asia.

Such activities by the Soviet Union and other nations contravene existing arms control agreements and must stop. We cannot stand idly by while more and more reports about the use of poison gases and mycotoxins are coming in from all over the world. The effects of chemical and toxin weapons on people are as bad or worse than the effects of nuclear weapons, and countries are a lot more likely to use them because they can be limited geographically and do not destroy the countryside. For this reason, they may be a greater threat to mankind than nuclear weapons.

Chemical and toxin weapons are not only illegal, they are immoral and more inhumane than most of us can imagine. Yellow rain, which is a deadly fungus—for which there is no known antidote—literally causes the entire body to break down and deteriorate, and the victim dies a slow and agonizing death.

During the past two administrations, the United States has taken the lead in attempting to expose alleged use of chemical and toxin weapons in Afghanistan and Southeast Asia. In 1980, the Carter administration published a detailed compilation of the allegations. It also pushed for an investiga-

tion of the charges under the sponsorship of the U.N. General Assembly—having anticipated the Soviet veto of an investigation by the Security Council. Under the Reagan administration, the Department has presented the first evidence based on toxicological testing, and released a comprehensive review of the available evidence in March 1982. Also, evidence has been given to other countries through diplomatic channels, and the matter has been brought up in private meetings with Soviet officials at all levels.

Investigations have been undertaken in the United Nations. In the case of Afghanistan and Southeast Asia, the United Nations sent a team of experts to investigate chemical warfare reports, but were not allowed into Laos, Kampuchea, or Afghanistan. However, they were nevertheless able to conduct a study in spite of this—and the evidence clearly indicated that violations did occur. In the case of the Iran-Iraq war, the U.N. team was able to go the site and conduct a full investigation.

In 1983, then Under Secretary Eagleburger—in a statement here on Capitol Hill—stated that the United States is seeking a verification agreement to complement the biological weapons convention, which presently has no provisions for verification. The 1925 Geneva protocol bans only the use of chemical weapons in war. Experience has shown that current compliance provisions are inadequate.

The most recent effort by the administration is the treaty the President has sent to Geneva banning the development, production, transfer, and stockpiling of chemical and toxin weapons. This treaty seeking a comprehensive ban on chemical weapons worldwide was presented to the Conference on Disarmament in Geneva in April. The Conference has now adjourned until June, at which time member nations will be able to review and discuss the 60-page proposed treaty.

It is important at this time for the Congress to demonstrate its support of this proposed treaty to ban lethal chemical and toxin weapons and to bring to world attention our grave concern over the continuing spread of lethal chemical and toxin weapons which pose inhumane threats to humanity. As strong and as unified a voice as possible must be raised demanding an accounting by the Soviet Union and other countries which are implicated in the use and supply of these weapons.

Now is the time to state our views and I urge the support and vote of my colleagues for this critical amendment expressing the sense of the Congress on this matter.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I will be delighted to yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I thank the gentleman very much.

It is a most laudable amendment that the gentleman is offering, one I assume that everyone would support, but I have a bit of a problem with it.

How does this square with the administration's position of continuing the buildup of chemical weapons?

Mr. McCOLLUM. There is no discussion of it in this amendment. We avoided that entirely. We are encouraging the investigation of what is going on around the world, the exploration of antidotes and the proposal that the President recently made to ban it and have a new treaty to do that.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield further?

Mr. McCOLLUM. I would be glad to.

Mr. MITCHELL. I assume that is not addressed, but people know about the administration's position on the buildup of chemical weapons. We might be accused of some kind of hypocrisy if we go ahead with this laudable amendment, which if I have the chance I will vote for, yet at the same time nations around the world know that the President says we will continue to build up our own chemical weapons.

Mr. McCOLLUM. Well, if I may interrupt the gentleman, it is my understanding that the President's position on that is that we build up our capabilities, not necessarily build up our stockpile of weapons.

This Member knows that we are drawing fine lines here, but it is not the purpose nor the intent of this resolution to deal with that area whatsoever.

Mr. MITCHELL. I thank the gentleman. It is a very, very fine line that the gentleman is drawing and one that might cause some confusion in the international scene.

Mr. FASCELL. Mr. Chairman, would the gentleman please yield before this goes too far?

Mr. McCOLLUM. Certainly.

Mr. FASCELL. The Committee on Foreign Affairs has long led the fight against the use of any form of chemical or biological warfare, I will say, and the gentleman from Maryland raises a very important point with regard to this particular amendment.

We have consistently urged international agreements at eliminating it without regard to the policy of any particular President and the Congress has spoken on that any number of times.

So in light of that and because of that background, although the gentleman from Maryland is absolutely correct, we are happy to accept the amendment of the gentleman from Florida on this side.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I will be glad to yield to the gentleman from California.

Mr. LAGOMARSINO. We are very happy to accept the amendment of the gentleman from Florida on this side. We think it is a constructive addition to the bill and I urge my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. McCOLLUM).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IX?

Mr. LEACH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it was my intention tonight to introduce an amendment requiring that the President not go forth with his stated intention to withdraw the United States from UNESCO, absent specific authorization from Congress. However, given the opposition of committee leadership of both parties to consideration of such an amendment to this bill and the commitment of Chairman MICA of the International Operations Subcommittee and Chairman YATRON of the Human Rights and International Organizations Subcommittee to push for early consideration of legislation to postpone withdrawal at least a year, I have agreed not to press such an approach at this time. I do think it important, however, to provide a perspective for the record of the UNESCO issue.

The U.S. decision to leave the United Nations Educational, Scientific and Cultural Organization (UNESCO) has enormous philosophical as well as practical implications for the foreign policy of the United States. It is therefore incumbent on Congress to review the administration's decision carefully and present alternative perspectives, if warranted.

As a former delegate to the U.N. General Assembly, I have witnessed firsthand the corruption in rhetoric that plagues the U.N. system today. American representatives have a responsibility to stand up foursquarely not only for U.S. interests but for the principle of rational dialog. But in diplomacy, as in sports, it does matter how you play the game, and I am apprehensive that joining too stridently in intemperate word games at the U.N. is not only immature but potentially counterproductive. More profoundly, deserting a principal U.N. agency appears at this time to be an unjustified response to an exaggerated problem.

Quitting is not the American way. Under the circumstances, it implies that we cannot stand the heat in the crucible of North-South and East-West debate.

As its name implies, UNESCO deals principally with international education, scientific and cultural concerns. But our decision to abandon ship has extraordinary strategic implications. Indeed, it might well be argued that the administration's ideological cut-and-run policy imperils U.S. security. After all, in the 20th century, no nation is an island. Security is collective rather then self-willed.

As Americans, we simply must come to grips with the reality that the United States does not now, nor will it ever again, claim as great a percentage of the world's economic and military might as it did at the end of World War II, when the United Nations system was established. Hence, in a very practical sense, our national security today requires that greater emphasis and sensitivity be applied to relations among States and to major international institutions such as the U.N. In a world which appears to have shifted, as Pope John Paul II recently warned, from a "post-war" to a "pre-war" mentality, responsible governments have an obligation to seek to strengthen rather than depreciate the U.N. and its affiliate organizations, like UNESCO.

The administration needs apparently to be reminded that the UNESCO withdrawal decision is being made at the precise time United States-Soviet tensions have returned to dangerous cold war levels and major bilateral arms control talks have been suspended. War rages in two parts of the Middle East, in Afghanistan, in Central America, and in vital areas of Africa. International terrorism is on the rise, placing the internal security of many nations in jeopardy. In addition, UNICEF tells us that some 400,000 children will perish daily from lack of adequate diet and sanitary drinking water. The scale of human suffering, particularly today in Africa, is staggering.

Given the fact that weapons of mass destruction have proliferated and that for the first time in world history civilization itself is jeopardized by man's warmaking capacities, the leadership of restraint has emerged as the only rational philosophical imperative of state-to-state relations. Existing international institutions and procedures may be flawed, but the case for retreat from international dialog is nonexistent.

It is in this larger context that we need to examine the administration's decision to withdraw from UNESCO.

The constitution of UNESCO begins with these well-known words:

> The Governments of the States Parties to this Constitution on behalf of their peoples declare: That since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.

Since UNESCO's inception 37 years ago, the United States has played a major role in it and the majority of its programs.

As the administration's recently released U.S. UNESCO Policy Review acknowledges: "UNESCO leads the international effort to eradicate illiteracy." UNESCO has done valuable work in education planning and training in developing countries, in collecting statistical data not easily available elsewhere, in coordinating educational efforts internationally, and in the education of the aged disabled, and women.

In the science sector, the administration report notes that "UNESCO has been an effective international forum for encouraging scientific debate and cooperation." UNESCO promotes research, broadens access to research data, organizes international scientific efforts on a cost-sharing basis, and offers scientific and technological help to developing countries. Major UNESCO science programs in which the United States has an interest include the International Brain Research Organization, the International Center for Theoretical Physics, the International Geological Correlation Program, and the Intergovernmental Oceanographic Commission, which provides marine data to the U.S. Navy and the U.S. scientific community. In addition, the Man in the Biosphere program, which fosters an integrated approach to the world's ecosystems, is widely acclaimed as one of UNESCO's most successful projects.

In the cultural sector, the United States has long supported UNESCO's preservation and conservation activities, and major U.S. institutions, such as the Smithsonian Institution, USIA, the National Endowment for the Arts, and National Endowment for the Humanities, the Advisory Council on Historic Preservation, and the National Park Service, have participated in UNESCO-related projects. The cultural heritage program, as the administration's report points out, has been exceedingly successful. The United States was one of the major contributors to the preservation of the Abu Simbel monument in Egypt and has, itself, eight natural and four cultural sites on the World Heritage List.

Even in one of the more controversial sectors of UNESCO activities—communications—the administration's report has a number of positive things to say. Because of UNESCO's activities in this area, the United States has had the opportunity to promote and defend U.S. values and methods in communications. The United States has not only not lost in any major debate but has prevailed in efforts to create the International Program for the Development of Communication (IPDC) which has given impetus for Third World countries to focus on practical as contrasted with ideological communications problems. In addition, UNESCO with our support, assisted in the establishment of Africa' first community radio station in Kenya and was instrumental in giving guidance to the user-owned Caribbean News Agency. UNESCO also funds training fellowships in the United States as well as the procurement of U.S. communications equipment.

I take the time to point out the merits of these UNESCO programs because they have been obscured by the administration's sweeping criticisms and because they are representative of much of the evidence gathered during the administration's policy review of UNESCO. A careful reading of the administration's own documents does not convincingly lead to the conclusion that the weight of the evidence favors U.S. withdrawal. In fact, I would argue quite the reverse.

The administration's singular focus on UNESCO's shortcomings has given short shrift to the interests and views of U.S. domestic constituencies in the educational, scientific, and cultural area. The U.S. National Commission for UNESCO, established by Congress, voted 41 to 8, prior to the U.S. decision to withdraw, in favor of continued U.S. participation in UNESCO. In a November 8, 1983, letter to Assistant Secretary of State Newell, prior to the withdrawal decision, Dr. James B. Holderman, president of the University of South Carolina and Chairman of the U.S. National Commission for UNESCO, reported that ". . . the Commission is convinced that the best means of serving U.S. interests in UNESCO is to press for reform from within." It is also interesting to note a sampling of comments which a survey of 20 national associations yielded:

International Reading Association: UNESCO has become a convenient whipping boy . . . UNESCO reinforces U.S. interests in many ways.

American Newspapers Publishers Association: . . . (W)e feel that in order to continue strong U.S. support for the principles of free expression, freedom of the press and the international free flow of information, the U.S. should remain in UNESCO.

American Association for the Advancement of Science: . . . (T)he U.S. should continue and enhance its active participation in UNESCO affairs.

National Education Association: . . . (W)e urge the continuance of United States participation in UNESCO. We believe that a means can be found to improve the performance of UNESCO functions without overt financial intimidation of the institution and its Secretariat.

In testimony to Congress on May 2, Dr. Holderman reported that after submitting the results of his survey to Assistant Secretary Newell, Mr. Newell "called me to ask if there weren't some negatives that we could add to our report, to give it what he termed 'credibility.'" It is difficult to escape the impression that the administration chose for ideological reasons to

ignore perspectives which did not match its preselected policy option. It is simply a myth to assume that outside a few political appointees in the administration there is much insitutional support for U.S. withdrawal from UNESCO.

The League of Women Voters, testifying on May 2, stated that it is "opposed to the Administration's proposed withdrawal of the United States from UNESCO" and that the United States, by withdrawing, "would abdicate an important leadership role."

Dr. Walter Rosenblith reported to the Foreign Affairs Committee that an interagency assessment of UNESCO's natural sciences programs prepared under the supervision of the National Science Foundation and submitted to the State Department prior to the decision to withdraw states: ". . . the scientific benefits the United States derives from participation in UNESCO clearly warrant our continued participation." He noted that the National Academy of Sciences is "deeply concerned" with the potential impact of the U.S. decision to withdraw and that a preliminary review conducted by the Academy last fall concluded that in the area of the sciences at least, at the present time, there is "no real alternative to UNESCO."

Dr. Hans Weiler, a professor at Stanford University, testified that the loss of the U.S. financial contribution would deal a particularly heavy blow to UNESCO's educational programs and that termination of U.S. membership would also deprive UNESCO of the "tremendous pool of professional talent and human resources that is available in the educational community of this country." U.S. withdrawal, he said, would "send a signal to the rest of the world that the United States of America is turning its back on the one international institution which many of the world's poorer countries have come to regard as their last remaining hope for * * * their fledgling educational systems."

Professor Weiler also cautioned against the assumption that the U.S. educational community is professionally self-sufficient and notes:

> From its beginning, and not just in education, scholarship and professional life in this country has derived much of its vitality from interacting, communicating, and collaborating with professional colleagues and groups around the world. The remarkable influence of people like Montessori, Piaget, Steiner and others upon educational thought and practice in this country would not have been possible without a tradition of wide open channels of communication and interaction. . . . (W)e can ill afford to place ourselves outside of the one functioning network of communication that is provided by UNESCO.

With respect to the disarmament programs which the administration has criticized, Dr. Harold K. Jacobson, professor of political science at the University of Michigan and now visiting fellow at the Woodrow Wilson International Center for Scholars, noted that "In recent years U.S. social scientists have participated in and organized UNESCO sponsored conferences dealing with such topics as arms control and disarmament education * * *" Jacobson noted that education about disarmament and arms control is quite separate from the issue of negotiation, which is more properly the responsibility of other U.N. bodies. In this regard, it should be stressed that a growing number of U.S. universities have courses on peace and disarmament subjects and that the U.N. General Assembly has urged UNESCO to increase its consideration of these issues.

Ironically, U.S. opposition to UNESCO activities in this area leaves the impression that peace is a Soviet initiative. This defies our traditions and runs counter to a decade-long effort of the U.S. Arms Control and Disarmament Agency to point out the costliness of the arms race to all countries in the world. Arms control must be led by the superpowers, but it is the responsibility of all, with the cost implications greater in the developing world than in our own society. Far from being irrelevant to UNESCO activities, arms control is central to the capacity of many countries to provide adequate resources to education and development.

Everyone who is familiar with UNESCO is well aware of the problems plaguing that institution. They are serious. The administration's statement of December 29, 1983, announcing the decision to withdraw, charged that UNESCO "extraneously politicized virtually every subject it deals with," "has exhibited hostility toward the basic institutions of a free society, especially a free market and a free press," and "has demonstrated unrestrained budgetary expansion."

Congress has been fully cognizant of the problems in UNESCO as in many other U.N. agencies and in the General Assembly itself. It is precisely because of this awareness and concern that Congress has, by law, authorized the administration to take action if Israel is illegally expelled or in any other fashion denied her right to participate, or if UNESCO implements any policy or procedure which has the effect of licensing journalists or imposing censorship or restrictions on the free flow of information. In the case of the first scenario, involving Israel, Congress has authorized the United States to suspend its participation and withhold payment of its assessed contribution until any illegal action against Israel is reversed. In the case of the second scenario, in which actions might be taken against a free press, U.S. funding to UNESCO is to be suspended.

Because congressional concern is so deep as to be reflected in statute it is instructive to examine where UNESCO stands on these two issues at present.

In the case of the Israeli question, Assistant Secretary of State Gregory Newell acknowledged at a hearing held by the Subcommittee on Human Rights and International Organizations on February 7, 1984, that the Israeli question was not a problem for the United States and that this particular concern was not a reason for the U.S. withdrawal.

Ambassador Edmund Hennelly, head of the U.S. delegation to the 22d General Conference in the fall of 1983, also testified in congressional hearings April 25, 1984, that at the last General Conference "There was no challenge to Israeli credentials. Anti-Israeli rhetoric was nearly nonexistent."

In a report to Congress in February 1983—required under section 108 of Public Law 97-241—the administration stated that, "While there have been a number of unacceptable resolutions on Middle East questions . . . the worst excesses have been avoided." It further said that efforts to deny Israel her right to participate, such as had taken place in the IAEA, "have not prospered in recent years in UNESCO." Why? Largely, the report explains, because of the "forceful presentation of U.S. Government views, skillful diplomatic intervention by the Director General, and help of moderates in the Group of 77." Clearly, on this major issue, the United States has forcefully presented its case and successfully carried the day.

Not only has UNESCO moderated on the Israeli issue, but, according to a January article in the Manchester Guardian, "The Israeli Government, concerned about the threat to its own membership, made strenuous efforts to stop the United States leaving UNESCO." The Israeli concern, the article went on to say, "was raised in a confidential 'action memorandum' sent to the Secretary of State, Mr. George Shultz, on December 16, last year. . . ." Later the article says, in quoting the same memorandum, " 'The Israelis have expressed concern that with the United States absent, Israel would eventually be ejected from UNESCO.' " As one well-informed diplomat observed, the U.S. decision to withdraw places Israel in a particularly awkward position. Israel's enemies are always looking for ways to deny it participation in international organizations; consequently, Israeli policy is premised on efforts, often strenuous, to join and stay in as many as possible. But, if the United States decides at the end of the year to withdraw, and Israel finds itself forced by

circumstances to follow, it will have a far more difficult time rejoining UNESCO in the future than will the United States. Those who want to delegitimatize Israel will be given an enormous boost.

It is unclear to me how the United States can actively defend our own interests, let alone the right of Israel to participate in UNESCO, from an empty chair.

With respect to issues of a free press and freedom of communication, which is the second area in which Congress has taken a firm stand, the administration reported to Congress on February 29, 1984, that "The Department of State concludes that UNESCO is not, at this time, actively implementing any policy or procedure proscribed by section 109 of Public Law 97-241. None of the programs included in the second medium term plan—adopted in late 1982—or approved in the program and budget for 1984-85 pose any active, direct threat to a free press." Section 109 of Public Law 97-241, as my colleagues will recall, states that U.S. funds cannot be used for payments to UNESCO "if that organization implements any policy or procedure the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or among countries, or to impose mandatory codes of journalistic practice or ethics."

The administration's February 1984 report continues by saying that marginal gains were made at the 22d UNESCO General Conference in the communications sector:

On the ideological level, our view that any NWICO is "an evolving, continuous process," not an established, defined order, was accepted. Also accepted was our contention that any study of a "right" to communicate must take into account traditional human rights (as opposed to collective, second generation rights). We successfully introduced new studies to the work program for 1984-85 concerning the "watch-dog" role of the press, role of the private media, censorship and self-censorship, and ways to strengthen freedom of information. We were also successful in eliminating projects calling for studies of the "tasks" of the media, safety of journalists and grants to journalist organizations to study "codes" of conduct, and implementation of the Mass Media Declaration.

In the administration's "U.S./UNESCO Policy Review," the administration also admitted that "the recent 22nd General Conference debate on this subject gave evidence of a new and welcome degree of moderation. . . ." Although questions remain whether that moderation will increase or diminish, it does not take skilled guesswork to figure out that the hand of the Soviets and Third World radicals will be strengthened if the preeminent advocate of democratic values absents itself from future debate.

Dana Bullen, executive secretary of the World Press Freedom Committee, which speaks for various free press organizations in the West, was also quoted in the New York Times on November 17, 1983, as saying, "If anyone is looking for an assault on the media at this conference serious enough to justify United States withdrawal, they won't find it."

In congressional hearings April 25, 1984, Leonard Sussman, executive director of Freedom House and representative for the United States on many of the most controversial communications issues at the last General Conference, testified that over the years, "The Soviets have been repeatedly rebuffed," and that Director-General M'Bow "has quietly helped block Soviet press-control initiatives." He warned that "if we leave, the chances for greater use of UNESCO's considerable forum to debate press-control measures will increase, not decrease . . ."

To document how the Soviets have been rebuffed, Sussman notes: "In 1970 the U.S.S.R.'s mild communications draft was put off. In 1972, the U.S.S.R.'s stronger draft was put off. In 1976, the U.S.S.R.'s outrageous draft was defeated. In 1978 came the showdown. The harshest Soviet draft of all was killed the night before it was to have been debated. It was killed by Director-General M'Bow's personal intercession. In place of the Soviet draft, a Western-oriented version was substituted."

Like the administration's report, Sussman's testimony indicates that free press advocates at the 1983 General Conference were successful in strengthening UNESCO's communication program. He also reported that a Soviet draft on monitoring the press was negotiated out of existence and thus never received serious consideration. In an earlier radio interview, Mr. Sussman also indicated that it became very clear to him at the General Conference that the word had come down from the UNESCO Director General that the conference was not to be raucous or anti-Western on communications issues and that it was instead to try to accommodate the concerns of the West, particularly those of the United States. In a letter to the New York Times, Sussman again noted that the World Press Freedom Committee, Editor and Publisher magazine, and a number of newspaper editorialists . . . reported that for the first time in years these communications negotiations generally favored the Western free-press position."

We must keep in perspective that UNESCO did not invent censorship, nor the idea of a state-controlled press. Rather, it has become a forum for a debate on these practices. As such, we should not shy away from the opportunity the institution provides to argue for our values—for a free press and freedom of expression. An activist human rights policy, one would think, would include active advocacy of the principles embedded in our Bill of Rights. The administration is correct to object—and object strenuously—to efforts to sanction controls on a free press. But to retreat when proper advocacy is prevailing strikes many UNESCO observers as an ironic, if not counterproductive, strategy.

It would also appear somewhat ironic for the United States to object too strenuously to the politicization of UNESCO while also advocating freedom of communication and freedom of expression. It would be contrary to Western traditions and democratic principles to imply that fair—perhaps even unfair—criticisms of the United States and the West should not be tolerated in international organizations. Our traditions as codified in the Bill of Rights are based upon the premise of Thomas Jefferson that in the free airing of views, truth would triumph over error. We have a right to be concerned, even enraged at times, over the excessive political rhetoric displayed within the U.N. system, particularly the trashing of the United States, its allies, and Israel by some of its more radical members. But our refusal to participate in UNESCO could well send a message that the United States is reluctant to rely on the outcome of the ongoing battle of words and that we are not confident our philosophical position will prevail. Some might also conclude that the flip side of refusing to do battle with words is a potentially excessive reliance on military means to resolve international disputes.

We must all acknowledge that although the United States may be the target of considerable criticism that lacks justification there is an element to that kind of free expression of views that is quite healthy. To repeat a point made in a different context earlier, it is difficult to understand how we can more effectively protect our national interests in a free press and the free flow of information from an empty chair.

Likewise, the administration also objects to other "statist" concepts debated at UNESCO such as the "New International Economic Order" and the "rights of peoples." The merits of our position aside, I fail to understand how the United States will defend the interests of its business community, promote the idea of a free market and stand up for its human rights principles if it absents itself from the fora at which competing ideas are debated.

Ambassador Hennelly, again in testimony before a congressional committee, noted that there was a "victory" for the free enterprise position when

proposals to bring UNESCO into the business of establishing a "code of conduct" for transnational corporations was, after a great deal of behind-the-scenes maneuvering and debate, reduced to a meager call for further study.

In the area of human rights, Ambassador Hennelly noted that an appropriate distinction was made between traditional human rights and people's rights and that "Language introduced by the United States in key places in the program and budget document was adopted by consensus. The effect," he noted, "is to distinguish between traditional human rights 'which are universally accepted' and 'people's rights,' which require additional study."

Again Leonard Sussman, as executive director of Freedom House, presented a compelling argument in his testimony to Congress for active U.S. engagement in—not withdrawal from—the debate over "people's rights." Sussman noted that the concept of people's rights did not originate with the Soviets but at an all-African conference in 1976 and is incorporated into the Charter of Human and People's Rights of the Organization of African Unity (OAU). He testified that the U.S. position in the human rights debate from 1982 on has essentially been to work toward killing the term "people's rights" rather than influencing the debate to effect a real improvement in its substance. Sussman then continues by saying:

> Yet Americans, above all, have a stake in the proper defining of human rights. Which other country has a longer tradition of pressing for self-determination of peoples? Wilson's Fourteen Points are peoples' rights! The Soviet Union cannot possibly support such a traditional definition of the term. The USSR is the largest violator of peoples' rights: in the Baltic countries, Afghanistan, the Ukraine, among the Tartars, the Jews and in Eastern Europe . . . Rightly defined, peoples' rights should be seen as a central aspect of the democratic tradition. The term "peoples' rights" is admittedly ambiguous, but the ambiguity cuts both ways. On the one hand, it seems synonymous with rights of states, particularly economic and security rights, but on the other hand, the new terminology seems to place the existence of "peoples" above and prior to that of states. . . .
>
> It is a continuing scandal that the U.N. has been allowed to see self-determination as applying only to the former colonies of European powers and the United States. "Peoples' rights" offer the West a needed opportunity to redress this mistake. The countries ruling over captive peoples today are generally communist tyrannies and that point should be driven home. . . .
>
> We should not let the implication become accepted that because democracy begins with a consideration of the rights of individuals, it does not recognize as essential to their expression, collective institutions that secure these rights in a community or among communities composed of many individuals with necessarily conflicting rights.

Sussman also states that UNESCO's Committee on Conventions and Recommendations, which hears in private the complaints of violations of human rights by member states, allows for organizations such as Freedom House to bring human rights cases before the defendant country's peers. He concludes that this committee is "more effective and fairer than the United Nations Commission on Human Rights" and that it has been responsible for the "release of individuals who suffered long and unjust imprisonment, and often torture."

I might add here that while some would argue that if the United States withdraws it could count on other Western and like-minded governments to defend our interests, one of the American delegates to the UNESCO conference observed privately that on a series of international corporate issues, European interests were best served by isolating—not protecting—the U.S. position and that it is risky business to assume that our competitors will not want to take advantage of certain issues where they can. But, even if one were to assume a synoymity of interests, the notion of conducting a global campaign to get others to join us in our walkout leads to the inevitable question that if an empty-chair diplomacy does not make sense, how will a half-empty table make matters better for Western and democratic values?

Finally, some comments on the budget issue are in order. Fiscal restraint is the watchword these days in Washington and around the world. However, it is curious to note that while the administration is correct in charging UNESCO with program growth, the administration's budget figures show an actual decline of some 13 percent in UNESCO's 1984–85 biennium as calculated in nominal dollars. Because of that nominal cut in UNESCO's budget, a rebate on last year's payment and the strength of the U.S. dollar, U.S. assessed payments to that organization will decline from some $49.79 million in 1983 to $24.8 million in 1984. UNESCO has done a better job in restraining its budget in the last 2 years than the Reagan administration and Congress have our own. And it may prove to be exceedingly difficult for the administration to argue we should leave UNESCO because of unrestrained budget growth when all the evidence points to a major savings in UNESCO's budget costs to the American taxpayer this year.

It is also important to note that the budget growth has not been as "unrestrained" as the administration asserts. The original budget proposed by UNESCO called for an increase of some 10 percent in program growth but due to efforts by member states to bring that growth rate down, a "Nordic Compromise" was finally accepted by the General Conference which brought the growth rate down to the 3.8–5.5 percent range. It is precisely because of budget concerns expressed by the United States and other significant donors that UNESCO moderated its position. Again, it would appear that we are cutting and running, despite substantial success in getting our way.

It should also be pointed out that UNESCO expenditures under that budget have significant spinoff benefits for the United States. The administration reported last year that "fellowships to Americans and foreign students studying in the United States, procurement of U.S. equipment, and consultant's fees and payments to American staff, amount to about 40 percent of the value of the U.S. contribution. Similarly, United States prominence in UNESCO's science and education sectors creates markets for U.S. scientific and educational products and materials."

It is worth noting here that the administration has not, to date, conducted an extensive assessment of the potential impact of U.S. withdrawal from UNESCO on U.S. economic interests in international trade and commerce. While the administration argues that it is working to identify bilateral and multilateral alternatives to UNESCO, it is difficult to know how expensive these will be or if the administration can promise OMB support for them, no matter what the cost. A go-it-alone approach appears not only to be irresponsible from a diplomatic perspective, but is almost surely to be the most expensive. The administration is also making the dubious argument that one approach might be to leave UNESCO but continue participating in certain UNESCO-related activities in the area of copyrights, oceanography, and special projects. While that might be possible, the United States would no longer be represented in the main UNESCO policymaking bodies dealing with issues in these areas and thus absent from policy debates which might ultimately have an effect on those activities in which we continue to have an interest. To participate in any serious endeavor while forgoing leadership responsibilities in the making of policy ill befits a great country with great interests.

Other management and personnel complaints are frequently raised by the administration about UNESCO, many of them justified. However, it is important to establish a balanced record in this regard. For example, it is significant that there are roughly twice as many Americans in professional positions at UNESCO as Soviets. At the end of 1983, the United States had over 80 citizens in professional jobs at UNESCO. The Soviets had only 36. Of this number, certainly more than a few are likely, alas, to be agents of the KGB. This is a sorry

aspect of all U.N. organizations. Critics of UNESCO would bolster their arguments for U.S. withdrawal on this sad phenomenon, but it must be pointed out that such an argument applies to all U.N. agencies and the United Nations, itself. The KGB represents tough, no-nonsense opposition, but its existence should be recognized, not cowered from. The United Nations and its specialized agencies provide more advantages to U.S. foreign policy than agents of our principal geostrategic rival can subvert. Care must be taken not to allow the KGB agent argument to set a precedent that could lead either to the ending of diplomatic relations with the Soviet Union or to United States withdrawal from the United Nations, itself.

It is difficult to understand what caused the administration to take so drastic an action as to serve notice of its intent to terminate membership in UNESCO. It is unclear what other alternatives—short of total withdrawal—were considered nor why they were rejected in favor of this radical option.

In the report to Congress last year required under section 108 of Public Law 97-241, we were told by the administration that "U.S. interests are generally well served by UNESCO Programs, which are, for the most part, non-political and which can most effectively be pursued through international cooperation." The same administration report also said "UNESCO is a major forum for U.S. multilateral diplomacy. As such, it provides the U.S. with an opportunity to promote U.S. (and Western) values and methods—particularly in the Third World."

Why then has the administration taken the decision it has to withdraw from UNESCO? And, if the latest General Conference was as constructive as the administration reported it to be, why has the United States concluded that UNESCO is more beyond hope this year than last? Why is the United States now engaged in a cut-and-run policy?

As recently as February 3, 1983, at a meeting of the U.S. National Commission for UNESCO, Assistant Secretary of State Newell discussed the results of a 1982 special meeting of the Commission and recalled that "The "basic thrust of that special meeting was the unanimous recommendation that the United States should continue to remain a member of UNESCO, but that the effectiveness of U.S. participation in the work of the organization be increased." He then added: "I fully support your review then and support the conclusions of that meeting now." There appeared to be little in the Secretary's prepared statement that would hint of a 180-degree turnabout and a decision within the year to actually withdraw from UNESCO.

It is difficult to conclude anything except that the impetus for withdrawal derives as much from an ideological, anti-U.N. bias as a pragmatic concern for certain institutional problems attendant to our participation in UNESCO.

Ironically, the most telling argument against U.S. withdrawal comes by analogy from the first Republican President, Abraham Lincoln. Lincoln, we will recall, rejected the approach of those abolitionists who would have accepted the secession of the Southern States in an effort to rid the Nation of slavery. He did not consider it heroic for an individual or country simply to wash its hands of slavery. To do good took sacrifice and work, not just moral posturing.

It would appear that strong ideological and/or domestic political concerns intervened in a process of what would otherwise have been a rational, professional calculation of U.S. interests, benefits, and problems in UNESCO. The language of U.S. criticism to date has been exceedingly strong but surprisingly ill-defined. For the administration to refuse to produce a detailed case is to acknowledge implicitly that there may be holes in that case. And for the administration to refuse to submit a laundry list of changes it wants in UNESCO procedures is to imply ideological hardheadedness and a desire not be to serious about reform.

As the United Nations Association testified recently: "It is not constructive to voice superficial complaints without offering suggestions for specific remedies."

The decision to withdraw appears to represent as much an indictment of U.S. policy and performance within UNESCO as it represents an indictment of UNESCO itself. The greatest democracy in the world has been brought to its knees in this important international forum as much by irrational forces at home as those abroad. Political leadership in America has appealed to the lowest rather than the highest instincts of the body politic and in this case allowed nationalistic irrationality to prevail.

In testimony before Congress, Leonard Sussman made an apt analogy to the McCarthy era when he expressed his hope that we would "put behind us the scare tactics introduced into UNESCO investigations by former Senator Joe McCarthy. In 1953-54 he conducted the first probe of UNESCO after accusing the American delegates and State Department staffers of being Communists. A full-scale investigation was conducted in 1956 and the charges found to have no validity." Sussman concludes, "The McCarthy approach turned us against ourselves, reflecting our inability to influence the world as some would have liked. This phenomenon will always be with us. Its opposite—accusing other countries of consistent anti-Americanism—is no less prevalent. The truth generally lies somewhere in between: recognizing that Americans do not always effectively support their own principles and positions, and other countries do indeed have differing national interests which cannot always be accommodated to ours."

Not long ago, we might recall, the U.S. Representative to the United Nations suggested that perhaps we should consider moving the U.N. headquarters to Moscow for 6 months out of the year. Another U.S. Ambassador said he would gladly stand at the dock and wave goodbye to the U.N. delegates. New York Mayor Ed Koch jumped into the fray by calling the U.N. a "cesspool," and the Senate chimed in by adopting the so-called Kassebaum amendment, which called for major cuts in our contributions to the United Nations and four of its agencies, including UNESCO.

Fortunately, cooler heads prevailed and more extremist perspectives were avoided. The President himself went on record opposing the Kassebaum amendment and told a gathering of U.N. delegates in New York that the United States was proud to be the home of the United Nations.

Now, as we face the impending withdrawal of the United States from UNESCO, it is my hope that cooler heads again will prevail and that the President will take a close look at what his subordinates have recommended. there is evidence a review process is under way, but it is unclear how seriously it will be conducted. In a memorandum from NSC adviser Robert MacFarlane to the Secretary of State last December, MacFarlane states that the decision to withdraw was made with reluctance and that the President wants us to continue to make every effort to bring about meaningful change in UNESCO over the next year. That memorandum also indicates the President's desire that the Department of State consider upgrading U.S. representation to UNESCO and appointing a panel of individuals from the academic, media, and corporate world to advise the administration on this matter. Finally, MacFarlane indicated White House willingness to review the decision if concrete changes materialized in UNESCO this year.

In a second memorandum dated February 11, 1984, MacFarlane stated that in order to carry out the President's wishes, a major campaign to turn UNESCO around during 1984 would be needed. He suggests that such a campaign might include an action plan, the mobilization of international support and more involvement in UNESCO personnel assignments.

In this context it would seem particularly appropriate for Congress to exercise a major oversight role this

year. The minimal consultation which took place with Congress about the withdrawal decision reflects unilateral expansion of Executive prerogative. It belies serious efforts to craft bipartisan, bi-institutional approaches to foreign policy.

Accordingly, I have introduced legislation (H.R. 5082) which would go beyond a simple requirement of consultation, to require the President to seek specific authorization from Congress should an Executive recommendation be made to terminate U.S. membership in UNESCO. The Constitution is silent on the subject of terminating international agreements of this nature. Since joining UNESCO in 1946 involved a partnership effort on the part of the executive branch and the Congress and an authorizing resolution passed by both Houses it would seem logical that the decision to terminate our membership would likewise be made on a partnership basis. As it stands now, the Congress has simply been presented a fait accompli.

I have reviewed the constitutional and legal issues raised by the bill with the American Law Division of the Congressional Research Service, which outlined a substantial legal and constitutional case both for and against congressional involvement.

In support for the approach I advocate, it is important to point out that under U.S. law, the international agreement embodying the UNESCO Constitution is considered to be a congressional-executive agreement, not a treaty. President Truman, in accepting membership for the United States in UNESCO pursuant to specific statutory authorization passed by both the House and Senate in 1946, cited that law (Public Law 565, 79th Congress) as the basis of his authority in depositing the U.S. instrument of accession at UNESCO.

Second, it should be noted that the Constitution makes no express provision for the making, let alone termination, of international congressional-executive agreements. Even where the Constitution does speak to the making of treaties themselves, it makes no mention of their termination or whether the Senate, whose advice and consent is required on their making, is similarly required to concur with their termination. Since the Constitution contains no explicit authority for making of agreements which are not treaties, it is difficult to assert with total precision that the President maintains unchallengeable authority in this area. Interestingly, it does not appear that our forefathers ever debated this issue in drafting that document.

Third, if for the purposes of analogy the role of Congress or the Senate with respect to termination of treaties were to be examined, there would appear to be no definitive judicial rulings on the matter. In the 1979 *Goldwater* v. *Carter* case, the district court held that the President's unilateral termination of our defense treaty with Taiwan was unconstitutional in the absence of the concurrence of either the Senate or both Houses of Congress. However, the court of appeals reversed that decision largely, it seems, on the basis that the President has the authority to recognize foreign governments. In the final analysis, the U.S. Supreme Court vacated the judgment and remanded the case with directions to dismiss the complaint. Thus, there are contradictory and inconclusive judicial pronouncements to which we might turn in the case before us. What is clear, however, is that there has been no judicial resolution of this question.

Fourth, actual practice with respect to the termination of treaties does not offer a clear guide to the situation before us. There are examples where the President has acted to terminate treaties pursuant to prior authorization by Congress, where he has acted but later received legislative approval for his actions, and where he has acted and received no response one way or another from Congress. However, in reviewing the record of practice up to 1979, the District Court in the *Goldwater* v. *Carter* case concluded—even in the face of some 13 instances cited by the executive branch in support of the President's alleged right to act unilaterally on treaty termination—that as a whole, the "historical precedents support rather than detract from the position that the power to terminate treaties is a power shared by the political branches of this government." *Goldwater* v. *Carter,* 481 F. Supp. 949, 960 (D.D.C. 1979). The court of appeals observed, however, in reviewing the same historical record, that in no case was a treaty continued in force over the President's opposition.

Fifth, turning to situations much closer to the one before us, it is instructive to consider the U.S. withdrawal from the ILO. However, the situation is not altogether analogous in that there was little congressional opposition and no legislative challenge that I am aware of to the administration's authority like that posed by H.R. 5082.

Thus, in the absence of guidance from the Constitution, case law, or practice, broader, more theoretical arguments become particularly germane. For example, Article II, Section 3 of the Constitution cites the duty of the President to take care that the laws are faithfully executed. If the Congress were to pass this legislation, the President would presumably be bound by the constitutional requirement to honor the law and would be skating on thin ice to proceed with withdrawal from UNESCO prior to obtaining the required statutory authority from Congress to do so. In a frequently cited concurring opinion in *Youngstown Sheet and Tube Co.* v. *Sawyer,* Justice Jackson said:

> When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb . . .

In addition, Congress possesses a residual foreign affairs power under the Necessary and Proper Clause of the Constitution (Article I, Section 8, clause 18) under which legislative competence could be asserted with respect to international agreements authorizing U.S. membership in international organizations. In the past, Congress has authorized U.S. participation or membership in various international organizations pursuant to joint resolution and has exercised a great deal of authority in the foreign affairs area, as in the War Powers Resolution and Case Act.

The Supreme Court has affirmed the power of Congress to terminate a treaty for purposes of domestic law by enacting inconsistent domestic statutes at a later time. Logically, the same rule could be applied to congressional-executive agreements. Thus, if it can be argued that Congress has the authority effectively to compel the President by statute to stop adhering to certain international treaties, might not Congress have the power through statute to compel the executive to continue adherence?

Membership in international organizations of this nature should never be considered cast in permanent stone. But when termination of involvement in an organization of such stature is under consideration, it is incumbent on the administration to bring its case to the Congress and the American public. A jointly made decision would certainly give any administration a stronger position in its efforts to protect and advance American interests.

Finally, there have been allegations of mismanagement within UNESCO, both with respect to finances as well as personnel, and the General Accounting Office at the request of Congress has just begun a review of the agency's management practices. Congress should rightfully be concerned with these allegations and if there is merit to them we should work to rectify the situation. But let us be careful to keep petty abuses of power in perspective. Problems attendant with human foibles should be rooted out, but let us not allow concern for one director's management style mask an ideological pouting here at home. To refuse to stay and fight corruption from within is a denial of international responsibility. It may be a form of corruption itself. Given the weakness of the administration case as presented to date, I personally welcome the

involvement of the GAO in assisting in evaluating UNESCO's budgetary problems. But whatever the result of an independent investigation of UNESCO's management practices, it should be clear that few in Congress favor the disengagement of the United States from the entire United Nations system.

Here, it must be noted that not only has Director General M'Bow been responsive to U.S. concerns on both the freedom of press and Israeli issues, but just today he has announced a willingness to address certain administrative housekeeping problems. In order to reassess UNESCO personnel procedures, a joint advisory working group composed of UNESCO officials and outside experts will be immediately established by the Director General. In addition, Mr. M'Bow has announced his intention to delegate authority to make personnel appointments up to a certain level to the Assistant Director General for Administration, George Saddler, an American, until the appointment of a Deputy Director General, at which time the Deputy Director General will be granted this authority in consultation with Assistant Directors General responsible for the sectors concerned.

The Director General has also announced that he will create an internal working group to examine existing programs in order to identify duplication and overlap which has already come to light in implementing the 1984-85 program. The group will also study the priorities for consideration in drafting the 1986-87 program and will take into consideration the positions of member states and nongovernmental organizations, the need for program concentration, and the need for orienting UNESCO activities toward concrete action. Mr. M'Bow also plans to establish a joint advisory group of outside high-ranking specialists and UNESCO officials to undertake a complete review of budgeting techniques and to make recommendations on the implementation of new procedures as well as the presentation of the budget of the next biennium. He intends to call together a group of experts to advise him on programing and evaluation matters, and will submit his proposals on this subject to the Executive Board in closed session when discussing the restructuring of the Secretariat.

In any regard, there is no graceful exit from the dilemma the United States now faces. My own view is that, absent congressional restrictions, the prospect of the President reconsidering his decision at the end of the year is not great even if changes occur in the methods of operation of the UNESCO Secretariat. The enthusiasm for withdrawal of certain narrow political groupings within the United States is of such magnitude as to preclude the likelihood of serious political review. What appears to have occurred is a decision of the administration to sacrifice UNESCO as one of an array of social compact issues with the so-called New Right. This is unfortunate not only for advancement of U.S. national interests within UNESCO, but for the implications it carries for similar U.N. institutions. If no serious dissent is registered against the administration's decision, a precedent will be established whereby one by one other international institutions are likely to be targeted by narrow interest groups and a similar approach instigated.

The American people are more deeply committed to the United Nations than many of its critics recognize. A CBS/New York Times poll, for instance, conducted in September 1983 revealed that 89 percent of the public favor the United States staying in the United Nations while only 5 percent favor withdrawal. In commenting on the results of the poll, CBS News noted that the Gallup Organization has asked about U.S. participation in the United Nations since 1951. It has consistently found the public supportive of U.S. participation. But never in its history of asking that question have as few as 5 percent favored getting out.

The American people seem to understand better than American politicans that isolationism has no place in the world today. If there is any hope of diminishing intolerance and hostility among nations, it must come through a greater international commitment to education and mutual understanding which UNESCO symbolizes. Security in the 20th century may in the final measure relate as much to education and cultural advancement as the acquisition of increasingly costly and sophisticated arsenals of war. In a world in which weapons of mass destruction exist, arms control—while a prerequisite—is not enough. It is imperative to build up international organizations and advance international techniques of conflict resolution. Centuries ago, American settlers could draw wagons around a campfire and provide protection against Indians, but today the only real protection against nuclear weapons is an advancement of human understanding. In this context, it would seem to be the height of folly for the United States to renege on our international responsibilities.

The CHAIRMAN. Are there further amendments to title IX?

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to commend the chairman for the hard work he has contributed to this bill and to say I appreciate his efforts; I also believe this is the appropriate time to bring up a serious problem concerning the country of Haiti.

Mr. Chairman, I was fully prepared to offer an amendment here today that would have cut off all foreign aid to Haiti under this bill. From several perspectives, I am opposed to sending 1 more cent to Haiti, a country with an abominable human rights record—those who have power there show no respect for the rights of that country's own citizens and no respect for rights of others, such as U.S. citizens working in Haiti.

I know this not only from reports in the press, reports by our own Government, and reports from international organizations. I know this firsthand because a man from west Texas—a businessman who went to Haiti some years back to pursue a development venture, under a contract with the Government of Haiti—was blatantly victimized by a governmnent showing no regard for his individual and economic rights.

Much more was victimized than Mr. Don Pierson and his company, Dupont Caribbean, Inc., who lost millions of dollars when their property was illegally seized—one more opportunity to help lift the Haitian people out of abject and grinding poverty was also victimized. Mr. Pierson and his company went to Haiti to pursue an island development project that would have brought capital and jobs to one of the poorest places on Earth—only to have their contract canceled on a pretext and their property expropriated.

Perhaps this should not be so surprising. The report of the Foreign Affairs Committee accompanying this bill contains the following findings:

> The human rights situation in Haiti . . . has in fact deteriorated. As the Department of State's most recent annual human rights report to the Congress states: "Haiti's political history has been one of authoritarian rule characterized by periods of political instability and human rights abuses. . . . Freedom of speech, press, and association is restricted and due process guarantees relating to judicial procedure are frequently disregarded. . . . The Committee is seriously concerned."

Mr. Chairman, I am seriously concerned, too. Mr. Pierson and his company were never given anything resembling due process in the Haitian courts.

But what surprises me is the reaction of our State Department: It did nothing to defend the rights or property of U.S. citizens in this case. It did not declare an expropriation when one clearly existed. It never inquired into the substantive evidence—if any existed—presented by the Haitian Government in court proceedings that were conducted without any notification to Mr. Pierson or his lawyers. It never investigated egregious due process violations, but simply said that the court record showed the Haitian Government may have had a reasonable case.

In short, the State Department did not do its job.

Mr. Chairman, if this expropriation had happened at the avaricious whim of the government of a Khomeini or a Qadhafi, instead of a Duvalier, our Government would have raised a hue and cry.

Why, then does such an illegal act by a country with whom we are supposed to have a little leverage merely prompt our State Department to look the other way?

For these reasons, as I say, I was fully prepared to offer an amendment to stop sending U.S. dollars to a country that steals U.S. property and tramples the rights of U.S. citizens.

It is only my respect for the chairman of the Foreign Affairs Committee that persuades me, after bringing the matter up with his staff, and because this particular Haitian situation has not been examined by his committee before, that there may me one more constructive avenue left to pursue, short of such an amendment.

□ 2030

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the committee chairman.

Mr. FASCELL. I thank the gentleman very much for yielding. I want to take this opportunity to assure the gentleman from Texas that the Committee on Foreign Affairs will make an inquiry into the claim of his constituents.

Frankly, I am not familiar with the facts on it but it sounds horrible and something needs to be done if there is anything that can be done. But certainly we will make every effort to ascertain whether or not a satisfactory settlement can be achieved.

Mr. STENHOLM. I thank the chairman very much.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman.

Mr. BEREUTER. I thank my colleague for yielding.

The matter the gentleman has brought up is of grave concern to many of us, including, of course, the two of us that are speaking. We discussed this at substantial length, the general problem of human rights violations in Haiti, during the deliberations of the Western Hemisphere Subcommittee. As a result of that I offered an amendment, unsuccessfully, again to try to use the carrot approach since the stick approach you might say ends up penalizing the Haitian people. And, of course, the Haitian standard of living and per capita income is the lowest of any nation in the hemisphere.

The CHAIRMAN. The time of the gentleman from Texas (Mr. STENHOLM) has expired.

(On request of Mr. BEREUTER and by unanimous consent Mr. STENHOLM was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Will the gentleman continue to yield?

Mr. STENHOLM. I am happy to yield.

Mr. BEREUTER. So it seemed to me that we might offer instead an incentive with additional funds being available earmarked for economic development activities. I was unsuccessful in that for several reasons.

I did, however, feel a little bit better about the situation when I found out that over 65 percent of the developmental aid that the U.S. Government is providing to Haiti goes through private voluntary organizations. To my knowledge this is probably the highest percentage of funds that we are channeling around a government through private voluntary organizations of any nation in the hemisphere, and perhaps in the world. And it is for some of the reasons the gentleman brought to our attention here again that we have had to use the private voluntary organizations, the multidenominational church, and other humanitarian groups.

That is not the full answer to the problems the gentleman is presenting. But it is one way that we are attempting to cope with the problem that he has presented to us.

I would hope that we might investigate next year in the Western Hemisphere Subcommittee an incentive approach to try to bring some appropriate pressure for the benefit of the Haitian people to bear.

I thank the gentleman for bringing up this matter.

Mr. STENHOLM. I thank the gentleman for his comments. I think your points you make are extremely valid and the concern if we are going to continue to have voluntary effort in Haiti and other countries is that our Government must stand a little closer, shoulder to shoulder with our citizens when they make those investments so in fact they get their day in court. And that is what I am asking. I appreciate the chairman's assurances to that effect.

I thank the gentleman.

AMENDMENT OFFERED BY MR. COLEMAN OF TEXAS

Mr. COLEMAN of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN of Texas: Page 79, after line 23, insert the following:

ACCOUNTABILITY OF FOREIGN ASSISTANCE FUNDS

SEC. . Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting the following new section 618 immediately after section 617:

"SEC. 618. Accountability of Foreign Assistance Funds.—The President shall establish appropriate accountability procedures to ensure that all funds made available to carry out this Act are used for the purposes intended.".

Mr. COLEMAN of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COLEMAN of Texas. Mr. Chairman, my amendment to H.R. 5119 requires that the President establish standards of financial accountability for foreign aid funds disbursed under this act. I believe that it is important that we begin to exercise some control over the money we send to foreign governments to insure that it actually be used for the purposes for which it is intended. Too often we hear of the incidence of fraud and abuse of the funding, or its diversion for purposes that may not be in the best interests of the American people.

The foreign aid we provide to other countries may be in the best interest of our own security but we have to recognize the disruptive impact this aid can have on the internal and regional political balances of the countries to which we grant it. The massive amount of funding that we have directed to other countries is often not used as we would wish. We cannot afford to have our military assistance linked to domestic terrorism or the development of nuclear arsenals far beyond our strategic interests. Therefore, I believe that insuring the financial accountability of the funds we disburse will guarantee a closer approximation of our own strategic goals and cut down on the incidence of its misuse.

Since I took office I have held over 40 town meetings with my constituents. They tell me over and over again that they are concerned with domestic security. But they are also angered at reports that the money to further that goal is wasted or directed for purposes contrary to our national interest. As we debate the merits of the foreign aid authorization, and soon the supplemental appropriation for El Salvador, we will be debating the abstract equation between military aid and political influence. What we do not consider, and what ultimately will reduce our best intentions to the lowest common denominator of achievement, is the huge gray area that exists between the point where we sign this bill into law and the ultimate destination of the money we sign away with it. What control do we really have over our security when we use these funds as if by themselves they guaranteed that our interests are served?

The lessons of conflict in Central America, the Middle East, and Viet-

nam showed us that regional wars can undercut the best laid strategies of East-West politics. We may focus on the Soviet Union in our foreign policy, but the countries we provide military assistance to may have different motivations. Cultural and political patterns that differ from the ones we value can lead to widely different strategic conclusions from those we would consider prudent. We may stipulate funds for a specific outcome but once they leave our hands we have had no real control over their use. What proportion of the money we spend goes for developing an Islamic bomb, or quells a civilian unrest, or beats up on the country next door? How much of this money just disappears through the wide cracks of an opportunistic bureaucracy? The potential for argument is endless but the fact of the matter is that we just do not know.

The United States is involved in power politics by default of its size and influence. We cannot retreat into isolationism and as long as we assume that our security revolves around the division between ourselves and the Soviet Union we will continue to arm the world in anticipation of that conflict. If this is the way that we must operate then we should start doing it prudently.

My amendment is designed to attach some strings to the money we send out. By requiring financial accountability to the greatest extent possible we will tighten our control over the results we can expect. If nothing else, we can prove that the foreign policy we legislate in Congress is actually implemented. Accountability and security are not contradictions in terms and this amendment will bring the two goals into closer alinement.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Texas. I am happy to yield to the committee chairman.

Mr. FASCELL. Mr. Chairman, we have examined this amendment that the gentleman has presented, and I thoroughly agree with him. We are all in support of the necessary accountability procedures for whatever assurances might be needed.

Mr. COLEMAN of Texas. I thank the chairman of the committee.

Mr. FASCELL. We accept the amendment on this side.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Texas. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, the minority has no problem with the gentleman's amendment. We understand that is what is being done or should be being done anyway, so we accept the amendment.

Mr. COLEMAN of Texas. I thank the gentleman very much and, Mr. Chairman, with that I ask for adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. COLEMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California: Page 79, line 4, immediately after "that" and before the dash, insert the following: "because there have been serious concerns raised regarding how the United Nations Educational, Scientific and Cultural Organization (hereafter in this section referred to as "UNESCO") is fulfilling its constitution, because of UNESCO's attacks on Israel on certain Western institutions, values, and interests (including freedom of the press), and because there are vital questions regarding the way UNESCO funds have been expended".

Page 79, beginning in line 8, strike out the following: "(hereafter in this section referred to as "UNESCO")".

Mr. LEWIS of California. Mr. Chairman, as I think most of the Members of the House know, the Secretary of State under the direction of the administration has sent a letter to UNESCO indicating our intention to withdraw from that organization. And their reasons are very important in terms of the future of our House's relationship with not just the United Nations specifically but other agencies of the U.N.

UNESCO in recent years has become increasingly politicized, has become anti the Western industrialized nations. It is of great concern to the House that we send a message to UNESCO which would indicate that while we have been in great support of their original constitution and purpose, the reality is in recent years that their antagonism to Western values, their willingness to use their forum to attack democratic principles, their insistence upon continually relating to questions of human rights in terms of people's rights which would tend to increase the power of the state, are undermining the very values for which the organization was formed in the first place.

It is very clear that UNESCO needs to get our message.

Mr. Chairman, the evening is drawing nigh and the House has worked many an hour. I frankly feel there will be some limited opposition to my amendment. I would like to hear from them and then continue this debate in as short a fashion as possible.

So I yield back the balance of my time.

Mr. LEACH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

As a representative of the limited opposition, let me assure the gentleman from California that my views are deeply felt, although they may not represent the majority of the Members in this body.

It is difficult to oppose something that represents prefatory language, that is not of a real policymaking nature in this bill. But I would stress three points.

The gentleman's amendment goes to the Israel question in UNESCO; it goes to the freedom of the press issue in UNESCO; and it goes to certain financial aspects of UNESCO.

On the first question, the Assistant Secretary of State, Gregory Newell acknowledged at a hearing recently that the Israel question was not a factor in the U.S. decision to withdraw from UNESCO.

□ 2040

Ambassador Edmund Hennelly, head of the U.S. delegation to the 22d General Conference in the fall of 1983, also testified in congressional hearings April 25, 1984, that at the last General Conference, "There was no challenge to Israeli credentials. Anti-Israeli rhetoric was nearly non-existent."

Interestingly, the Manchester Guardian has reported a memo from the U.S. mission to UNESCO to the State Department in which, according to this publicly reported memo, the Israel Government argued vehemently to the U.S. Government against the U.S. withdrawal. Israel representatives pointed out that they will be put in the peculiar position of perhaps having to follow suit and that this will lead to delegitimization of the State of Israel in other international fora.

So exactly what the Israel Government wants in international organizations this U.S. policy works against.

As far as the freedom of the press issue, I think it should be clear again as the administration testified before the Congress that this was not a factor in their decision to withdraw, that never in the last decade have they done better at UNESCO than they have this past year.

Dana Bullen, executive secretary of the World Press Freedom Committee, which speaks for various free press organizations in the West, was also quoted in the New York Times on November 17, 1983, as saying, "If anyone is looking for an assault on the media at this conference serious enough to justify United States withdrawal, they won't find it."

In Congressional hearings April 25, 1984, Leonard Sussman, Executive Director of Freedom House and representative for the U.S. on many of the most controversial communications issues at the last General Conference, testified that over the years, "The Soviets have been repeatedly rebuffed," and that Director General M'Bow "has quietly helped block Soviet press-control initiatives." He warned that "if we leave, the chances for greater use of UNESCO's considerable forum to debate press-control measures will increase, not decrease . . ."

The question therefore arises: How does the United States better defend itself from an empty chair? This cut and run policy is particularly ironic,

because we are cutting and running after winning; not after losing on these important issues.

Finally, with regard to the third issue, that of the UNESCO budget, there is concern in this country that it has grown too fast, but I would caveat that with the observation that the President's budget envisions a 10-percent growth in the Federal budget this year, while UNESCO's growth will be less than 6 percent. Just today the Director General of UNESCO, Mr. M'Bow, announced several steps toward setting up committees to change the accounting procedures at UNESCO as well as several procedures that will put the United States in a better position to assure that responsible people are appointed to the UNESCO staff.

So I would urge defeat of this amendment as mischievous; it is not enormously significant in that it is prefatory language, but it does not accurately portray the view of the administration nor does it portray the reality of UNESCO events at this time.

Mr. Chairman, I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. FASCELL. Mr. Chairman, is the gentleman from California inclined to accept the amendment? We have examined it on this side and that is our inclination.

Mr. LAGOMARSINO. Mr. Chairman, we will accept the amendment and urge my colleagues to do the same.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. LEWIS of California. I appreciate the gentleman yielding. I appreciate the chairman's willingness to accept the amendment, as well as the ranking member's willingness to accept it.

Mr. Chairman, I think it is important that I briefly respond to some of the comments made by my colleague from the Republican side of the aisle.

I think it is inaccurate to suggest that the administration would oppose this language and this position. It is very clear that during the last session of UNESCO that the session went much better than in recent memory and the reason for the improvement in that dialog without any question is a direct reflection of the letter from the Secretary of State which suggested we are going to withdraw.

They began to get their act together. There was no evidence, however, that they have really permanently changed their ways. So they do need additional messages. This is not a heavy message by any matter of means. But the Members should know for the record that the Soviet Union has been using UNESCO very effectively for their purposes.

You will recall that there were 47 Soviet agents expelled last year from France, 12 of whom were from UNESCO. The Members should recognize that three of those members, now home in the Soviet Union, are still on the UNESCO payroll.

Mr. FASCELL. Will the gentleman from California yield?

Mr. LAGOMARSINO. I would be happy to yield to the chairman.

Mr. FASCELL. I thank the gentleman.

Mr. Chairman, I hate to interrupt the gentleman from California (Mr. LEWIS) but the hour is late. We have accepted the amendment. I want to point out that the subcommittee is having hearings on the subject. We have a General Accounting Office investigation going on. I can assure the gentleman that as far as this Member is concerned, I am not advocating the automatic expulsion of the United States or anybody else out of UNESCO, but I do support the concept of letting them know that this is not going to be an easy road if they continue without making any changes.

Mr. Chairman, I hope we could go on and get this amendment adopted and get to the next two amendments before it gets much later.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman.

I want the chairman to know that I appreciate his courtesy. I could not commend him more for the way he has handled this bill and certainly I appreciate his accepting my amendment.

I will terminate further conversation.

Mr. SOLOMON. Mr. Chairman, I rise in strong support of this amendment. Essentially this amendment provides the bill of particulars that have made UNESCO the subject of national controversy and congressional scrutiny. Without the language this amendment provides, there is no expression either here or elsewhere in the bill that provides a justification for the creation of the bipartisan study commission that will review the U.S. participation in UNESCO. The language added by this amendment provides a specific focus for the review and recommendations of the commission.

Frankly, it should come as no surprise that advocates of U.S. participation in UNESCO would not want to advertise the reasons why UNESCO should be subject to investigation. I believe that even the most casual glance at UNESCO will reveal an organization that has strayed far from its original mandate, that routinely engages in political manipulation and propaganda exercises, and that has become a bureaucratic and administrative nightmare. It is very important to note that 24 other Western countries, who together with the United States contribute 85 percent of UNESCO's budget, have also submitted proposals calling for major reforms at UNESCO.

The amendment offered by the gentleman from California cites four specific areas where UNESCO has come under criticism.

First, is the organization's constitution. UNESCO was mandated to serve three functions: To develop programs aimed at eradicating illiteracy, to assist in the preservation of historic sites and monuments, and to facilitate the exchange of scientific information. These purposes are praiseworthy and deserving of our support. But UNESCO has too often strayed from its mandate, guided by a Secretariat that has increasingly usurped the legitimate functions of UNESCO's General Conference and Executive Board. The lack of accountability in UNESCO is reflected, for example, in the fact that less than half of the organization's budget in educational programs actually goes into efforts to fight illiteracy. What subjects does UNESCO find more important than its own mandate? Here are some examples from the 1984–85 biennial budget: $106,000 to study the educational uses of leisure time, $183,000 to promote an international convention on the recognition of studies—whatever that means; $158,000 to improve the educational content of the mass media; and $2.5 million to promote education in peace and disarmament, including a $273,000 study to help educators develop—"a frame of mind conducive to the strengthening of disarmament."

I need not belabor the point. Where the efforts to fight illiteracy figure in all of this is anybody's guess.

The second point in this amendment concerns an anti-Israeli bias at UNESCO. This should come as no surprise to anyone familiar with the U.N. system. Columnist George Will once described the U.N. General Assembly as—quote "the moral equivalent of a Nuremburg rally"—the end of quote. If you think UNESCO is any different, listen to this: The latest UNESCO budget includes a $120,000 study to keep on Israel's activities in occupied territories. Israel is the only country in the world singled out for that privilege. The budget includes a $454,000 political training project, with prospective trainees to be provided by the PLO and other so-called national liberation movements.

The latest budget earmarks $226,000 in projects for Palestinian refugees

and $76,000 for all of the other refugees throughout the world. We can all detect the pattern in this. Let me go on.

A third point in the amendment mentions an anti-Western flavor in UNESCO's activities. We are all familiar with the proposed "New World Information Order," that UNESCO is promoting. Less well known are UNESCO's bizarre forays into the area of human rights, where so-called people's rights, human rights understood in a collective sense, are emphasized in opposition to individual rights and dignity. If you detect in this an effort by Third World elites to perpetuate themselves and their regimes by means of these sophistries, you can understand why UNESCO has become a sacred cow, an organization in which fully half of the membership contributes less than 1 percent of the budget.

UNESCO's programs invariably have a statist emphasis, with a strong element placed on building up the public sector in Third World countries. The Western values that focus on individual freedom, responsibility, and enterprise are given short shrift by the bloated bureaucracy that attempts to manage UNESCO.

And that brings up the final point: UNESCO's budget and administration are simply out of control. UNESCO has been the least responsive component in the entire U.N. system to the demands by member states for belt tightening and accountability. What the UNESCO budget defines as "general administration" absorbs a larger share of the organization's money than do the programs in the natural sciences. For every dollar that UNESCO spends on education, it spends 54¢ on what is called cooperation and external relations. That is probably another way of saying PR.

Fully 80 percent of UNESCO's employees and 80 percent of UNESCO's budget are represented at the headquarters in Paris. Is there anyone here who could support a private, volunteer philanthropy or charity that sustains this kind of overhead? Of course not. No volunteer organization could survive this kind of mismanagement.

Three known KGB agents remained on UNESCO's payroll for more than a year after they were publicly exposed in early 1983.

A total of $25 million that was budgeted in 1982 to fill 322 staff positions disappeared through the cracks. No accounting has been made for this money and no one was hired, either.

A recent poll of UNESCO employees showed that only 3 percent of them believe that well-qualified persons are recruited by the organization and that promotions are based on merit.

Twenty senior staff officials have left the organization in disgust since 1980.

Only one American was hired at UNESCO in 1983, out of more than 120 recommendations for positions.

I can only sum up by saying that a comprehensive review of UNESCO's programs, policies, and procedures is long overdue. I hope the gentleman's amendment will be agreed to.

Mr. LAGOMARSINO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IX?

AMENDMENT OFFERED BY MR. RITTER

Mr. RITTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RITTER of Pennsylvania: At the end of title 9 (page 79, after line 23) insert the following new section:

CONDEMNATION OF SOVIET WAR IN AFGHANISTAN

SEC. 914. The Congress deplores the continuing and unjustified war against the people of Afghanistan by the Soviet Union. The Soviet Union, using morally indefensible actions has caused the death of hundreds of thousands of innocent civilians, the indiscriminate destruction of entire villages, the unconscionable displacement of 3-4 million Afghan refugees, and the destruction of irreplaceable food resources such as crops, livestock and food stores needed to maintain even the barest minimum of subsistence. The Congress therefore, strongly expresses its condemnation of the Soviet war against Afghanistan and states that it should be United States policy to secure the removal from Afghanistan of Soviet troops and return Afghan sovereignty to the Afghan people.

Mr. SOLARZ (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to my colleague.

Mr. SOLARZ. I thank the gentleman.

Mr. Chairman, having read the amendment, I want to compliment the gentleman for the amendment. I want to accept it faster than the Mujahadin can slip through the Khyber Pass. It is entirely acceptable to the committee and in the interest of time I just wanted the gentleman to know that he faces no resistance on this side of the aisle.

Mr. RITTER. I appreciate the comments of the gentleman from New York. I also appreciate some of his leadership on the subject of the fight for freedom in Afghanistan.

I will take some of the time, because I do feel that it is an important subject that the American people should hear about in some detail.

My colleagues, the people of Afghanistan are crying tonight; their children are crying, their parents are crying, they are crying for the destruction of their families, their villages and their nation. It has been nearly 4½ years that the Soviet Union has waged a morally indefensible war against the people of Afghanistan.

This war knows no limits. There is no press in Moscow to curtail the actions of the Soviet leaders. The Soviet Union has engaged in a war of genocide. No only in the indiscriminate mass destruction of Afghanistan villages, but in a migratory genocide which has forced some 3 to 4 million Afghan refugees to the borders of Pakistan and Iran.

□ 2050

The Soviet Union is attempting to systemically destroy the infrastructure of Afghanistan, taking away the supplies, food, and that which is necessary for bare subsistence of the people of Afghanistan. The Soviet Union wants Afghanistan, but they want Afghanistan without Afghans. This is a great crime, not only against the Afghan people, but against humanity.

Soviet troops recently have entered into a battle in the Pansjir Valley for the first time. Soviet bombers have engaged in blanket or carpet bombing of Afghan villages. There were no guerrillas left in these villages. They simply leveled a whole series of villages in this important valley north of Kabul. The Soviets have used weapons to disable and dismember children. Mines in the form of toys when picked up or stepped on by a child or a woman disabling that person and causing havoc in the family.

The Soviet Union seeks Afghanistan not for the purposes of somehow countering an Islamic movement in the region. The American people should know that the Soviet Union seeks Afghanistan because it is the high ground above South Asia.

Afghanistan brings them far closer——

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman.

Mr. FASCELL. Mr. Chairman, I hate to interrupt the gentleman, but since we have both accepted the amendment and we know the gentleman's long and sincere interest in the long fight that he had led with respect to the freedom in Afghanistan and I am happy to join him in that.

I would trust that all of us who feel as strongly as we can would extend our remarks in the RECORD on this very important subject at this point.

I thank the gentleman for yielding. I appreciate it. I hesitated, because I

know how deep the gentleman's conviction is. I hated to interrupt him. But I felt that I wanted to express support also for this and give others an opportunity to that before we shut down here.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has expired.

(At the request of Mr. GILMAN and by unanimous consent, Mr. RITTER was allowed to proceed for 2 additional minutes.)

Mr. RITTER. I understand the chairman's desire. The hour is late and everybody is tired.

The American people hear hour upon hour upon hour of debate over Central America. The American people do not hear about what is happening in Afghanistan. Yet what the Soviets do in Afghanistan relates to Central America, it relates to Europe, it relates to our foreign policy, it relates to arms control.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman from Pennsylvania. (Mr. RITTER), for bringing this important issue to the floor at this time.

Our Select Committee on Narcotics had the opportunity of meeting with hundreds of Afghan elders at a refugee camp in Peshawar in Pakistan last January. We were highly impressed with their courage and devotion to their fight for freedom.

Just this week I received a poignant appeal from the Committee for a Free Afghanistan, stating:

On April 20 the Soviets launched their fifth major spring offensive in Afghanistan. The only difference between this year's offensive and those of the past four years is a tremendous increase in the massive firepower being brought to bear against the Afghan people, and the fact that several major resistance centers in the country are being attacked simultaneously. Clearly, the Soviets intend to turn Afghanistan into a vast parking lot as quickly as possible.

This is not counter-guerrilla warfare. It's genocide. It's a scorched earth operation nonpareil. Mao Tse-tung said that "the guerrilla moves among the people as the fish moves in the sea." In Afghanistan, the Soviets can't catch the fish, so they're draining the sea.

The freedom fighters cannot survive and fight without the popular support—food, shelter, intelligence and supplies—given them by the people in this harsh land. Ergo, kill or drive out the people, destroy the agriculture life support base, wreck or poison the water distrubution system. Then the guerrillas, the universal resistance, will be crushed. It is war against a land, to denude that land of all forms of life: vegetable, animal, and human.

These valiant, suffering people look to us, America, defender of freedom, as their only hope.

Accordingly, I urge my colleagues to support this amendment which keeps before the American public the plight of these brave Afghan freedom fighters.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I not only accept the gentleman's amendment on behalf of the minority, I strongly urge my colleagues to support it, to pass it.

The gentleman is to be commended for his strong leadership not only today on this item, but unfortunately for many years, as this has gone on and on. The gentleman is exactly right. This is something that has dropped out of the public news because reporters are not allowed into Afghanistan. That is the way the Soviets operate.

Mr. RITTER. It is very difficult to go from a comfortable hotel room in Afghanistan to an afternoon worth of TV footage filming and back for cocktails and dinner. It does not happen that way in Afghanistan, as the gentleman knows.

Mr. LAGOMARSINO. Unlike El Salvador.

Mr. RITTER. Unlike some other places in our hemisphere.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has again expired.

(At the request of Mr. PRITCHARD and by unanimous consent, Mr. RITTER was allowed to proceed for 1 additional minute.)

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Washington, who has assisted me in my efforts on Afghanistan throughout these years and I am very grateful. I know the people of Afghanistan are very grateful to him.

Mr. PRITCHARD. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman for the work that he has done over the last 4 years and say this is a disgrace, it is a world disgrace. Somehow the media must do a better job of bringing this disaster to the public's attention.

I do not know how they do this, but it seems to me that if they took their responsibilities right, somehow they would find a way to put it before the world's attention.

I thank the gentleman for what he has done in this area.

Mr. RITTER. The gentleman is correct.

Mr. Chairman, I would like to point out that the cost to the American people of a Soviet victory in Afghanistan could be enormous. Picture Afghanistan stabilized, the high ground above Asia.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has again expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 2 additional minutes.)

Mr. RITTER. The high ground above Asia, within striking distance of the oil shipping lanes, by air simply 300 miles. But beyond that, the Province of Baluchistan has seen several uprisings against the Pakistan Federation. It is quite possible and quite achievable that Soviet armor would punch through the Arabian Sea and that sitting in the Port of Qatar, one of the finest warm-water ports in that part of the world, would be the Soviet Navy, the dream of Tsars, going back 1,000 years, not just Commissars. Think of the cost to the NATO alliance, think of the cost to the European Community, think of the cost to the world dependent on oil from that region, somehow defending against this new presence, new and threatening presence.

I thank my colleagues for their support for this resolution.

I am including for the RECORD a letter I received recently from someone very familiar with the situation in Afghanistan, Karen McKay, executive director of the Committee for a Free Afghanistan. I urge my colleagues to read it because it provides the very human details of the Soviet aggression.

COMMITTEE FOR A FREE AFGHANISTAN,
Washington, D.C.

Representative DON RITTER,
124 Cannon,
Washington, D.C.

DEAR REPRESENTATIVE RITTER: On April 20 the Soviets launched their fifth major spring offensive in Afghanistan. The only difference between this year's offensive and those of the past four years is a tremendous increase in the massive firepower being brought to bear against the Afghan people, and the fact that several major resistance centers in the country are being attacked simultaneously. Clearly, the Soviets intend to turn Afghanistan into a vast parking lot as quickly as possible.

This is not counter-guerrilla warfare. It's genocide. It's a scorched earth operation nonpareil. Mao Tse-tung said that "the guerrilla moves among the people as the fish moves in the sea." In Afghanistan, the Soviets can't catch the fish, so they're draining the sea.

The freedom fighters cannot survive and fight without the popular support—food, shelter, intelligence and supplies—given them by the people in this harsh land. Ergo, kill or drive out the people, destroy the agriculture life support base, wreck or poison the water distribution system. Then the guerillas, the universal resistance, will be crushed. It is war against a land, to denude that land of all forms of life: vegetable, animal, and human.

These valiant, suffering people look to us, America, defender of freedom, as their only hope.

As much as weapons and ammunition, they need that which sustains life.

They need boots, for they are barefoot on the Hindu Kush. They need food and vitamins and high protein supplements. Hunger and malnutrition-related disease is rampant in the land. They need medicines and medical equipment. There is not even aspirin for the child who has picked up a Soviet bomb disguised as a toy and blown away her hands and face.

Tents, blankets and cooking supplies are needed by those whose homes and villages have been bombed or shelled by artillery. In the area of Urgan this past winter, hundreds of children froze to death when their villages were destroyed in retaliation for guerrilla operations against the Soviet outpost there.

Warm winter clothing—jackets, long underwear, socks and gloves—is desperately required. In Maidan, where this winter the cold killed the wheat because the protecting snows did not fall, freedom fighters lost their feet to frost bite. A nine-year-old girl huddled in her mother's arms on a horse, fleeing their burning village to refuge in Pakistan, froze to death just a day's ride from safety.

Animals are the lifeblood of the Afghan economy and way of life. Breeding livestock are urgently needed to replace the herds and flocks killed by bombing and poison gas. Last fall in the beautiful Kunar Valley, a medical doctor witnessed 5,000 sheep and goats suddenly go into convulsions and begin to die. Some of the animals were slaughtered in a desperate attempt to save the meat. But the flesh was black, unfit for human consumption.

Pack animals must be had as they are the only means of transportation of relief supplies from the outside. Radio equipment—shortwave transmitters—is urgently required to communicate both inside Afghanistan and to the outside.

Lest a generation of children grow up illiterate to inherit their liberated land, schools must be re-established throughout the country. School supplies like texts, pencils, paper, blackboards must be had.

The land itself must not be allowed to die. High-yield seeds, fertilizers, farm tools and tractors must be gotten in time to keep farm production going as fast as it is destroyed.

Channels for direct humanitarian support to the freedom fighters and the civilian population inside Afghanistan exist. The Committee for a Free Afghanistan stands ready to assist anyone wishing to help the Afghans.

I urge Congress to address the need, this staggering human need, without delay. Using the precedent of African and Polish relief, Congress can appropriate humanitarian relief funds to be channeled through private sector groups to the needy.

I urge church and private organizations concerned with human rights to open their hearts and their reserves of resources to the Afghans in their great tragedy. Every private citizen should concern himself with what is happening to his fellow man in this ancient land. The suffering of the women, children and old people is greatest, for they are the first victims, for them there is little hope of escape.

Sincerely,

KAREN MCKAY.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. RITTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ZSCHAU

Mr. ZSCHAU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZSCHAU: On page 78, after the period in line 7 the following new sentence: "Not later than January 15, 1985, the President shall report to the Congress the extent to which each such country is pursuing policies that enhance the peace process based upon the principles set forth above, and he shall recommend to the Congress such actions as he deems appropriate to advance the peace process based upon those principles.".

Mr. ZSCHAU. Mr. Chairman, Section 910 of the bill before us stresses that the $4.8 billion of aid being provided to the four countries in the Middle East—Egypt, Israel, Jordan, and Lebanon—should help promote peace in the region and encourage all recipient countries to pursue policies that enhance the peace process. Recognizing that, my amendment would require the President to report to Congress on or before January 15, 1985, on the status of the peace process in the region. In particular, it would require him to report on the extent to which each such country is pursuing policies that enhance the peace process and to make recommendations to Congress for advancing the peace process.

Is this amendment necessary? Probably not. Congressional hearings could be called to solicit this information.

Would it be helpful for achieving peace in the Middle East? I believe it would be. It would emphasize and focus proper attention on the specific actions that are being taken or that might be taken to deal with the conflicts in the Middle East and bring lasting peace to that troubled region.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, it seems to me the language of the amendment is self-explanatory, and we are prepared to accept it on this side.

Mr. ZSCHAU. Mr. Chairman, I appreciate that.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, the minority accepts the amendment as well.

Mr. ZSCHAU. Mr. Chairman, given that the chairman and the minority has accepted the amendment, I would just like to express my appreciation to both and particularly my compliments to the chairman of our committee, the gentleman from Florida (Mr. FASCELL) for the skillful way he has handled this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ZSCHAU).

The amendment was agreed to.

● Mr. MONTGOMERY. Mr. Chairman, I had the privilege of heading a House delegation from the House Armed Services Committee to visit some countries of South America looking into the military of these different countries and to check on our military interests in South America especially the sea lanes of the Atlantic and Pacific.

In Chile both the junta in power and the opposition to the military junta were in agreement that the military arms embargo on Chile should be lifted. Because we were told how long do you punish a country for one act that happened several years ago.

Our eight Members felt that this arms embargo should be lifted and at least let the Chilean military buy parts for the ships and planes we sold them. For the safety of the equipment we ought to do this.

Our group felt if you keep putting restrictions on Chile you push them further toward Marxism and communism and we will never get a democracy.

Let us get off of Chile's back and let them move toward the democratic process.●

□ 2100

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California: Page 79, after line 23, insert the following:

CONDITIONS ON ASSISTANCE FOR ZIMBABWE

SEC. 914. (a) The President shall ensure that foreign assistance provided to Zimbabwe by the United States is furnished in a manner which fosters demonstrated progress toward the political development, economic development, and security of that country and its people. To this end, the President in every appropriate instance shall impose conditions on the furnishing of military and economic assistance to Zimbabwe in order to achieve these goals and the objectives described in subsection (c).

(b) Before providing any assistance to Zimbabwe under this Act, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a detailed report fully describing the policies of the Government of Zimbabwe for achieving political development, economic development, and conditions of security. This report shall include—

(1) the President's detailed assessment of the strengths and weaknesses of the policies of the Government of Zimbabwe in protecting and advancing the human rights and civil liberties of all persons in Zimbabwe regardless of race, creed, or tribal affiliation;

(2) a comprehensive review of the factors contributing to the political, economic, and security situation in that country, including such factors as human rights, the economy

of that country, the integration of racial and tribal minorities into the electoral process, the protection of minority tribal units, refugees and displaced persons, guerrilla activity, and the influence and impact of third countries in the fighting currently going on in Zimbabwe; and

(3) a determination by the President that the Government of Zimbabwe has demonstrated progress in achieving the objectives described in subsection (c).

Assistance may be provided to Zimbabwe under this Act only if the Congress enacts a joint resolution stating that the Congress agrees with the President's determination pursuant to paragraph (3).

(c) The objectives for the Government of Zimbabwe referred to in this section are the following:

(1) Removal from the government military and security forces of those individuals responsible for or associated with the atrocities committed against civilians in the Matabeland region of that country, and the establishment of effective controls over those military and security forces charged with the maintenance of domestic security, thereby ending the involvement of those forces in indiscriminate violence, secret and unlawful detentions, abductions, torture, summary executions, and murder.

(2) Compliance by the Government of Zimbabwe with the 1949 Geneva Conventions and the 1977 Protocol relating to the Protection of Victims of Non-International Armed Conflicts.

(3) Participation by the Government of Zimbabwe in direct negotiations with all major parties involved in the current conflict in that country, in good faith and without preconditions, for the purpose of establishing a multi-party political system and for the purpose of achieving an equitable political solution to include free and fair elections, with such changes in the government military and security forces as are necessary to ensure the physical security of those political, racial, and tribal groups who chose to participate in the negotiations.

(4) Elimination of the practice of detaining political prisoners, and the repeal of the laws which allow for such detention.

(5) The elimination of the current practice of withholding food and other non-military supplies from regions of that country where fighting is currently underway.

(6) Protection of legitimate freedom of the press and freedom of association, including enforcement of measures to assure against intimidation of opposition and minority leaders.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, this amendment addresses itself to the some $200 million in aid we have extended over the last 4 years to the country of Zimbabwe. Specifically, this amendment is designed to apply to future U.S. funding programs directed toward Zimbabwe. Specifically, to place the same sort of requirements of progress in human rights on the Marxist government of Zimbabwe that currently are required of countries such as El Salvador.

The reason for bringing up this amendment at this moment is based on the fact that tomorrow we are going to spend the day discussing Central America, and we are going to have before us Member after Member parading to the well, discussing why we should put all kinds of unlimited restrictions upon the small democracy of El Salvador.

Mr. Chairman, just on Sunday I had the opportunity of witnessing the elections in El Salvador, an emotional experience as we watch a democratic government attempt to survive in our own Hemisphere. In this House, day after day, we suggest that there is some special rule that this Congress should apply to only that country. I am here to suggest that we are in reality, applying a double standard toward human rights around the world.

Let me share just a few items with you. According to the Roman Catholic bishop's report compiled by the church in Zimbabwe, Government forces have killed and kidnaped hundreds of innocent civilians. Villagers in that country maintain that army trucks come every night in Matabeleland to dump bodies down the old abandoned Antelope gold mine shaft. The army has promoted a campaign of starvation in the southern region by closing down food stores and stands except during a few daylight hours, not coincidently in that region where the primary opposition leader, Joshua Nkomo, has his greatest tribal and political support.

Consistently in Zimbabwe, journalists have been restricted in their ability to communicate uncensored, the human rights violations taking place in that country.

It is very clear that Zimbabwe, a Marxist country, has received a great deal of support from this House, though the House has chosen to ignore the sort of human rights violations that normally would foster concern and debate on the floor of the House.

It is critical for us to recognize, ladies and gentlemen, that if we are going to hold a tight standard to countries in our own Hemisphere, who are heavily involved in attempting to work for the survival of democracy, that the least we should do is to have a uniform standard that applies to other areas of the world.

Mr. Chairman, it is clear that the night is running long and the House is impatient with extended debate. It does seem appropriate to me, however, that at this moment we seriously consider this amendment which would only suggest that we treat a Marxist government in Africa, a government which has abused its own people and used our money in the process, with the same standard that we apply to a struggling democracy in our own hemisphere.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. DELLUMS. I appreciate my colleague's yielding, and I would like to say to him that I think his statement is a very thoughtful one. I have always felt that we should have a set of human rights standards that we should be able to apply across the board. I think the gentleman makes a good statement, that wherever we provide resources, to whatever country, it seems to me that our human rights standards ought to reflect the principles and integrity that we perceive as important to be enunciated in the world community, whether that is a government that we perceive to be the left of center or the right of center or in the middle of the road. We ought to be consistent. And if that is the thrust of the gentleman's statement, I certainly support it, and I support the gentleman's amendment.

Mr. LEWIS of California. I thank the gentleman.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, it appears to me that what the gentleman is doing makes eminent sense. We ought to really decide which way we are going to do it. It kind of reminds me of a number of years ago I offered an amendment which was adopted, and it is now the law, that said if we are going to do human rights reports on countries, we do them on all countries not just friends, sort of the opposite of what the gentleman is talking about.

It seems to me that what the gentleman is really doing is making a strong case against the arbitrary use of very tough and, in some cases, unmeetable standards for our friends.

I hope the gentleman withdraws his amendment, but I understand the point he is making.

The CHAIRMAN. The time of the gentleman from California (Mr. LEWIS) has expired.

(On request of Mr. SOLOMON and by unanimous consent, Mr. LEWIS of California was allowed to proceed for 4 additional minutes.)

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding, and again I want to commend him for offering this amendment. Although I do not agree with the procedure that he is using, I think it does point out the debate that will

take place tomorrow on Central America and the remarks that the gentleman from California made.

Mr. Chairman, as a member of the Foreign Affairs Committee, I have often criticized the tendency, what might even be called the compulsion, of congressional subcommittees and individual Members of Congress to write their own priorities and agendas into the foreign aid bill. And if we are ever to develop a coherent foreign policy, we are necessarily going to have to develop a more coherent process of arriving at a foreign aid bill.

With that caveat in mind, I would like to address the issues raised by the amendment that is being offered by my good friend from California.

As a member of the African Subcommittee, the ranking Republican on that committee, I share fully the concerns that have been expressed about recent developments in Zimbabwe. Because our Government supported the sanctions against the previous Rhodesian Government and then became a part of the diplomatic initiative that resulted in Zimbabwe's independence, we have a vested interest in the development within Zimbabwe of a pluralistic, multiracial society.

I might also add that since Zimbabwe became independent, the United States has provided more assistance than has any other country.

When I visited Zimbabwe last August, I became very concerned about all of the talk I was hearing about the establishment of a one-party state.

The smug explanations given by members of Prime Minister Mugabe's party that the people of Zimbabwe would vote all of the other parties out of any role in government, thereby making the Mugabe party the only one in the country, were not at all reassuring.

Throughout the winter, reports from Zimbabwean citizens reached my office that confirmed what has also been widely reported in the press: that the supposed evolution of a one-party state in Zimbabwe is actually getting a rather substantial push from the military.

I have noted with increasing concern the recent statements by the Catholic bishops in Zimbabwe that have been severely critical of the government's political activities and human rights practices.

All of this is cause for concern, even alarm. I must also remind the House that the Reagan administration shares these concerns and has been willing to act accordingly. Last fall, a number of Members expressed outrage to the administration about Zimbabwe's cavalier attitude toward the United States, as demonstrated in the United Nations and elsewhere.

The administration responded by cutting $35 million from the $75 million program that was allocated for Zimbabwe in fiscal year 1984. For fiscal year 1985, the administration is requesting a program for Zimbabwe that totals some $30 million.

The message is clear: If the Government of Zimbabwe wants to follow the same road into the same swamp that so many other countries have found when human rights are abused and democratic processes are trampled, then they can do it without American support.

Mr. LEWIS of California. I appreciate the gentleman's contribution.

It is very clear that the current abuses in Zimbabwe are symbolic of the problems that exists in many other countries in the world. But tomorrow's debate will take approximately 6 hours, in which people will be sitting here beating over the head a small democratic republic that is struggling for survival. I would suggest that all of us should recognize that this House consistently applies a double standard to the question of human rights, singling out a few countries more than others equally deserving our attention.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to, first of all, commend the gentleman from California for raising a very important question both with respect to the human rights problems that exist within Zimbabwe and with respect to the broader issue of the double standard that I think we do apply too frequently as we approach countries around the world in our evaluation in our response to human rights concerns.

Having said that, it would still be my hope that the gentleman would consider withdrawing the amendment, offering the amendment as an opportunity to make some very important points for the following reasons:

The Subcommittee on Africa and the Foreign Affairs Committee have been concerned for some period of time with the issue of human rights problems in Zimbabwe. We in fact have had committee hearings on the subject. We have had staff and committee Member visitations to Zimbabwe. Just this week, in fact, two members of staff returned from Harare.

□ 2110

Moreover, the administration and the Congress really have already responded in a very concrete and very specific way to concerns about Zimbabwe's Government policy. There have already been some very substantial reductions, as the gentleman from California is aware, in the aid that is being provided to Zimbabwe.

The situation at the moment is somewhat different than the situation as described. There have clearly been significant atrocities occurring in Zimbabwe, particularly by military action directed against dissident elements within Matabeleland. That there have been excesses by the military, there can be, in fact, no question.

But what has also happened, and this is the other part of that picture, is that there is also evidence of government response to the atrocities that have in fact occurred. There are in fact military personnel who are being prosecuted criminally, under criminal law, for their participation in atrocities.

We have also a situation in which very recently the problem of food distibution has in fact been addressed. We have now had reports from Catholic relief organizations and other service organizations that food now in fact is being deliverable without inhibition into the affected areas.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I would be pleased to yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's comments, but I do have continuing and serious concerns. For example, a Methodist Bishop, Mr. Muzorewa, has disappeared. Can the gentleman tell me where he is at this moment and what his condition is in?

Mr. WOLPE. If I may reclaim my time, my understanding is that Bishop Muzorewa is still under detention. He has not disappeared; he is under detention. That is a matter that I personally have raised with the Zimbabwe Government, have expressed concern in my capacity as chairman of the Subcommittee on Africa, as has the administration, as well.

Mr. LEWIS of California. What is the Government of Zimbabwe's response to the position of Bishop Muzorewa? When will he receive a fair trial? When will he be released? Do you receive a response from the Government?

Mr. WOLPE. The concern that I have personally raised is that he is being detained without specific charge, although the concerns of the Government, as reported, relate to alleged treasonous or subversive activities in which he is reported to have engaged. We have made very clear that that does not sound like due process and that, to the extent that Zimbabwe seeks international credibility and a positive response from within the United States, that is a terribly destructive kind of initiative.

I might also point out, though, that Zimbabwe, particularly in contrast to many other governments, if one takes the point about the equality of standards which we apply, also has in many instances a surprisingly independent judiciary in which the Government

has actually appointed to the judiciary people who are clearly in no way associated with the Government in any respect and, in most instances, the decisions of the judiciary have in fact let stand.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield further?

Mr. WOLPE. I would be pleased to yield further, but if I could perhaps just continue making a few more observations, then I will be glad to respond to any further questions the gentleman from California might put.

My point is not that there are not serious problems. I think the gentleman is performing a very major service in laying those out in the debate today, just as we have discussed them within our own committee on other occasions and as we have raised them with the Zimbabwe Government directly.

My point is simply twofold: First of all, there is evidence of a very positive response forthcoming as these matters have come to the attention and have been brought to the attention of the Zimbabwe Government. The administration has been making initiatives. There has been response. The Congress has been taking initiatives. There has been response.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. WOLPE) has expired.

(By unanimous consent, Mr. WOLPE was allowed to proceed for 3 additional minutes.)

Mr. WOLPE. Mr. Chairman, only this past week Michigan's trade delegation, I will tell the gentleman from California, was in Zimbabwe, in fact, was in Bulawayo in Matabele country, pursuing a very broad ranging discussion about expanded trade and investment between the State of Michigan and the United States more generally and the country of Zimbabwe.

There is testimony, I think, to the growing normalcy that exists within that particular country.

The final point that I would make with respect to the remedy under the circumstances is that the discussion of El Salvador that we will be embarking upon tomorrow, and I understand the intensity of the gentleman's opposition, apparently, to some of the proposals with respect to El Salvador, but in that particular instance it is essentially the military, and ESF-related military assistance that is at issue. El Salvador is a country that is clearly engaged in an all-encompassing civil war, and the conditions that are being attached by way of the joint resolution of approval, by way of presidential certification, relate to the military assistance, or military-related activities of El Salvador.

In the case of Zimbabwe, there is virtually no military assistance program outside of $150,000 that is going for IMET to train Zimbabwean officers in the United States.

So I submit that those are distinguishable in terms of appropriate remedies. I would go to the point that in this instance I do not think that the remedy that is being advanced is really appropriate both to the progress that is being made and to the response that has already been made by our own Government.

Mr. LEWIS of California. If the gentleman will yield further, I appreciate the chairman of the Subcommittee on Africa expressing his concerns. I must say to the chairman that I am very concerned that while the gentleman's subcommittee may have held hearings regarding human rights in Africa, there is an endless string of problems that continue to arise in these developing countries.

I do not hear the expression of concern on the floor of this House regarding the strict and often excessively unrealistic standard of those human rights that we have unilaterally placed on a small, fledgling democracy in our own hemisphere, namely El Salvador.

The chairman heard me refer earlier to Zimbabwe's Roman Catholic bishops' report which has accused government forces of killing, kidnaping, beating, illegal detaining, raping, and intimidating minority tribesmen, et cetera. Setting that aside, for the gentleman from Michigan has said he protested these abuses; what has happened to the two Americans, two British citizens, and two from Australia which were kidnaped 3 years ago in Zimbabwe? Can the gentleman tell me what happened to those six human beings, if we care about the rest? Has the Government of Zimbabwe responded to the gentleman concerning this kidnaping?

Mr. WOLPE. If I may reclaim my time, first of all, I would tell the gentleman from California that when we were in Zimbabwe we actually met with the Catholic Council of Peace and Justice and raised precisely the issue that the gentleman is referring to right now.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. WOLPE) has again expired.

(By unanimous consent, Mr. WOLPE was allowed to proceed for 3 additional minutes.)

Mr. WOLPE. The response of the Catholic Council was that, indeed, there were atrocities; that although in many instances unsubstantiated, there were a number instances of substantiation of the kinds of atrocities to which the gentleman refers.

The Catholic Council also told us that when the Government was approached by the Catholic bishops, Prime Minister Mugabe was directly involved in those conversations and the Government responded not only by investigations but by prosecutions of the military and the police who were involved in those atrocities.

Second, with respect to the other question, on that we discussed with the Prime Minister directly as well, and the Zimbabwe Government, according to our own Government, to our own Embassy, has taken every conceivable initiative to try to identify the kidnapers, to rescue those who were taken hostage in that situation. Every account received by everyone, both within the Zimbabwe Government and within the American Government, testified to the good-faith efforts that the Zimbabwe Government made to secure the release of those individuals.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I know the hour is late and we are all anxious to go home, and the debate is going to be fast and furious tomorrow, and that is all to the good. I think the country is well served by a vigorous debate over this issue and I congratulate both sides of the aisle for the effort that has been made today to bring to the attention of not only our colleagues, but the American people, some of the issues surrounding this very critical issue.

□ 2120

I appreciate my friend's yielding because I wanted to rise and compliment the gentleman from California (Mr. LEWIS). He and I serve on the same subcommittee of the Committee on Appropriations. There is no more consistent advocate of human rights in this country than the gentleman from California, and the point he is making is essential to the understanding of what is at stake in Central America. Central America is not our back door, it is our front door. The independent nations of Central America are on our side. They are, as President Reagan said, Americans; and to hold them to a standard that is higher than we are holding other countries that receive foreign aid from the U.S. Congress is frankly disingenuous and hypocritical.

The gentleman from California has made a very critical point here tonight, and I think it should be emphasized by expanding upon this just for a second.

Now, imagine this: We celebrated yesterday the 100th anniversary of the birth of a great President, a Democratic President, Harry S. Truman. What do you think Harry Truman would be saying to the Congress today about his program, if it were his program, to try to get some assistance for Central

America? What was it that impelled Harry Truman to ask the Congress to support aid to Greece and Turkey, to NATO, and to the Atlantic alliance?

Let us go back one other administration, and let me ask you what Franklin Roosevelt, another great American and a great President, would have done.

I say to my colleagues that just about 50 years ago there was a debate in another body such as this, only it was an international body. It was the League of Nations. A black leader from a small black country in Northern Africa came to the League of Nations and begged for help, and everybody said,

Well, don't worry about Abyssinia. That is too far away. Who cares if the Fascists are attacking Abyssinia? That is in another part of the world. Besides, they are of a different color, they are of a different race, they are of a different culture, they are of a different religion, and don't worry, this is all just Fascist Mussolini interested in expanding his economic base. We shouldn't overreact.

Nobody did anything, no one cared, and ultimately, when Haile Salassie went to the League of Nations, to a world that shut its eyes to what was happening in 1935 he said,

Don't weep for me, Western Democratic Governments. Weep for yourselves.

No one asked Haile Salassie, no one asked Austria, no one asked the Sudetenland, no one asked the Rhineland, no one asked Czechoslovakia, no one asked the Danzig Corridor, no one asked the Poles what type of a government they had before we tried to stop Nazi aggression. We did not ask people whether or not they had achieved Jeffersonian democracy. We went to the aid of those countries when they needed our help.

Franklin Delano Roosevelt reminded the American people about their obligation to the security of our allies, as did Harry Truman, as did John F. Kennedy, and as did Ronald Reagan tonight on television.

I would not even be up here speaking, I say to my colleagues, if it were not for the fact that immediately after the President's speech several of our colleagues in the Senate, the other body, and in this body rushed to judgment, claiming that the President was trying to militarize the war. The President is not seeking a military solution to the problems of Central America. He wants to give the people some security assistance with which they can prosecute an end to the war and build themselves a democracy. He wants to make sure that the ultimate question is not asked, because the real question of assistance in Central America is not whether or why not. It is when. Is it going to be now, at some cost? Or is it going to be later, at much greater cost to this country?

But, I urge my colleagues to correctly judge the costs as they answer for themselves these important questions. Keep in mind the President's words: "If the Soviet Union can aid and abet subversion in our hemisphere, then the United States has a legal right and a moral duty to help resist it. This is not only in our strategic interest; it is morally right." Are any of the Members of this body willing to allow the Soviet Union free reign to subvert the nations of Central America, to export violence and revolution, because they fear involvement? The costs of noninvolvement are far higher.

There is not a single Member who does not wish for negotiations to end the violence in Central America. But negotiations are not possible when one side continues to believe that it can take by force the total control which it could never achieve in negotiation and democratic processes. The admirable goals of the Contadora nations can not be achieved so long as the Communist governments of Nicaragua and Cuba believe that they can achieve domination. They have no incentive to negotiate or to allow an open and free electoral process if faced by weak and poorly defended neighbors. Negotiations are possible but only when those who choose to perpetrate violence are shown that it will not yield victory. As the President said in his speech tonight, "It would be profoundly immoral to let peace-loving friends depending on our help be overwhelmed by brute force if we have any capacity to prevent it." I submit that to allow this force to prevail in the hope that the Marxist regimes which have openly announced their intentions to spread revolution will lay down their arms for negotiation is profound folly.

We must not take the view that the crisis in Central America will find its own solution if only we remain aloof. The United States cannot ignore the threat of the Soviet-Cuban forces pressing upon the borders of our neighbors and ourselves. I believe the President placed the feelings of the American people before us tonight.

There are those in this country who would yield to the temptation to do nothing. They are the new isolationists, very much like the isolationists of the late 1930's, who knew what was happening in Europe but chose not to face the terrible challenge history had given them.

I do not believe that the American people are willing to avoid the challenge we face today in Central America.

The CHAIRMAN. The time of the gentleman from California (Mr. LAGOMARSINO) has expired.

Mr. KEMP. Mr. Chairman, may the gentleman have a couple of additional minutes? May I ask unanimous consent that he have 2 additional minutes?

The CHAIRMAN. Without objection, the gentleman from California (Mr. LAGOMARSINO) is recognized for 2 additional minutes.

There was no objection.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. Mr. Chairman, I yield to the Speaker.

Mr. O'NEILL. Mr. Chairman, it is apparent to me that the gentleman and I did not get the same message that the President of the United States sent to the people of America. I think it was that he wanted more arms, more involvement, more ammunition, more force, and more deaths. I think it was a call to arms.

I am looking for a call to peace, and I think that is what America is looking for, a call to peace.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, it is an honor, it really is an honor to a mere Member of the minority party to have the distinguished Speaker take part in the debate, and I am gald he was listening. I have great respect for the gentleman from Massachusetts, great respect. He is a great American.

But to stand up here and to suggest that the way to peace is to turn our backs on those countries reflects little understanding of the realities of the world. Does the gentleman from Massachusetts, for whom I have the highest admiration, want to say to a country such as Costa Rica, "Go it yourself"?

Costa Rica has no army. They barely have a police force.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. KEMP. Now, I want to hear the distinguished gentleman from Massachusetts tell us what the solution to peace is in Costa Rica, which has no army? What is he going to tell our Sandinista friends in Nicaragua?

Mr. LAGOMARSINO. I yield to the distinguished Speaker.

Mr. O'NEILL. I am sure this whole matter is going to be debated for 5 or 6 hours tomorrow, but I just returned from visiting five capitals of the world where I talked to the leaders. Each one of them, the heads of governments, all friends of ours, said:

How does America get involved the way it gets involved? How do you get on the wrong side of the issue? Why is it you think of guns and you think of strength and you think of might when you have the Contadors down there and you haven't used them?

The way to peace is a diplomatic matter; it is not flexing the muscles and sending more ammunition down there.

I am giving you the message that was given to me by the leaders of different nations around the world who agree exactly as I do. America's policy on this is wrong.

The CHAIRMAN. The time of the gentleman from California (Mr. LAGOMARSINO) has again expired.

(On request of Mr. KEMP, and by unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 5 additional minutes.)

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. Mr. Chairman, before I yield further, I want to just respond to the Speaker.

The newly elected president of El Salvador is certainly asking for additional military and economic support. He knows the situation, and he told us, "You have given us just enough to survive. We need more so we can carry out what we need to do here."

Mr. Chairman, I now yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, again I thank my colleague for yielding. I want to go back to the analogy I was making about history.

When Harry Truman asked for the ability to establish the hopes for peace and democracy in Greece and Turkey, he was not only asking for economic assistance, he asked for some guns and he asked principally for security assistance. Was Harry Truman a warmonger? Was Harry Truman trying to prosecute a war? Was Harry Truman turning his back on diplomacy? Is that the legacy of the Truman doctrine?

What about when Kennedy asked for assistance of a security nature to Central America? The Alliance for Progress was not just economic assistance. It was fashioned against the background of the OAS, and the Rio Treaty, providing for mutual defense.

What about the good neighbor policy of Franklin Roosevelt's when Nazi shipping was in the Caribbean? Even then, following in the tradition of the Monroe Doctrine, America's strength guaranteed the security of the nations of our hemisphere.

President Reagan reminded us tonight that half of all the oil coming into the North American Continent comes through the Caribbean shipping lines. Does anybody doubt that when Franklin Roosevelt asked for a good neighbor policy, he was not just concerned about economic assistance to Central America, he was concerned about the Nazis.

The CHAIRMAN. The Committee will be in order.

Mr. FASCELL. Mr. Chairman, may I ask, who has the time?

The CHAIRMAN. The Chair will state that the gentleman from California (Mr. LAGOMARSINO) has the time, and the Chair would appreciate the Committee being in order.

Mr. KEMP. Mr. Chairman, the President tonight appealed to the American people and the Congress for partnership, and bipartisan cooperation, in meeting our vital foreign policy objectives in Central America. He also supported the Contadora position. He is strongly in support of the Contadora efforts.

How can you negotiate with those with whom there are no negotiations possible? How is Costa Rica going to negotiate with Nicaragua, which is sending arms and revolution into its neighboring country? How can there be negotiations between Duarte and Ungo if Ungo decides to stay in the fields and the mountains and shoot his way into power?

Let us pursue negotiations. The Speaker is right. But how can a country pursue negotiations without having the strength to defend itself against those who seek illegitimate power whether through negotiations or other means?

Mr. HYDE. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. LAGOMARSINO. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I would like to ask the gentleman, would you join me in requesting the President to send the junior Senator from Connecticut and the Speaker of the House as a team to go to Northern Ireland and negotiate between the IRA and the Protestant forces over there and solve that problem?

Then they can go to Panmunjom where they have been negotiating for 25 years and solve that problem. Then they can go to Kabul and negotiate some peace in Afghanistan, because there is no relationship between the power structure and the willingness of those wonderful Soviets to negotiate peace.

□ 2130

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. Mr. Chairman, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words. I yield to the Speaker.

Mr. O'NEILL. The gentleman was talking about Ireland.

Mr. HYDE. And I would like to accompany the Speaker on that journey of peace.

Mr. O'NEILL. The Chairman has asked if we can finish the bill.

I just want to answer the question with respect to Northern Ireland. You know, with regard to Northern Ireland, I am bitterly upset about it. I think I have played a part in America of stopping the IRA flow of funds that are going over there. I know that I have done that.

Not only that, I went to Northern Ireland. I went to Belfast. I saw Mr. Paisley. I saw all the five Irish leaders in one house at one time. I am the only individual in the history of what has happened over there that did that.

Mr. HYDE. When is the peace treaty to be signed?

Mr. O'NEILL. I am the only one that had the guts to go over there and talk about it.

Mr. HYDE. When are we signing the peace treaty?

Mr. O'NEILL. But at least I attempted, and I am not a native there.

I am merely asking, what I ask in this is what the leaders of different nations have said to me. The Presidents and the leaders of the Contadora down there, they are the same culture, they are the same background, they are the same race. They speak the same language. They all know each other.

Why are we not using them? That is what they ask all over the world. Do we have to do it with guns? Why is the American policy wrong?

Mr. HYDE. We are using them, Mr. Speaker, but they do not want to participate in the electoral process. They want power so that they can have a Vietnam power seizure. They do not want elections.

Now, the minute the Sandinistas will go for an honest, free, open election, we have got peace, but that is the last thing they want.

Now, negotiations mean talk, but if you want peace and they want a piece of your country, you are not going to get very far.

Mr. O'NEILL. Of course, I do not agree with the gentleman. The gentleman at the mike was talking about Harry Truman in Greece. How you love to bring in the Democratic names. Remember when Harry Truman came to the Congress of the United States, the Greek people——

Mr. KEMP. He was an American first and a Democrat second.

Mr. O'NEILL. I said he came to the Congress of the United States. The Greek people were not butchering each other. It was a different story.

Mr. KEMP. The Soviets were attempting to butcher the people of Greece.

Mr. HYDE. Wait a minute, I have the time and I would say those 1,400,000 people that voted last Sunday are not interested in butchering either. They are interested in democracy. They put their hand out and I suggest we grasp their hand, not spit on it.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes; I yield to the gentleman from New York.

Mr. KEMP. I want to make one other point. Again, the Speaker has made, I think, a vey serious charge against this President when he said that the President is only interested in a military solution. I think that is patently absurd. I think it is at odds with the facts and the effort that the President is making is five times on the economic side what it is on the military side.

Let me tell you something else. Two out of three El Salvador troopers, two out of three of those El Salvador young men are dying in the fields from wounds that otherwise could have been cured had they had the medical evacuation equipment to bring them back into San Salvador, and proper medical supplies to guard against infection in the field.

This is not an effort to impose a military solution. It is responding to real human needs.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding.

It is apparent to the House that while the evening is drawing nigh, there was reason to raise this amendment. The amendment specifically addressed itself to Zimbabwe, an African country that clearly has been time and time again in violation of human rights.

The purpose of the amendment, however, was to suggest that this House operates with a double standard in terms of human rights.

Rarely do we hear the Members of the Speaker's party raise such questions about developing nations such as those in Africa. We could be talking about countries like the Philippines, Mozambique, Ethiopia, Zambia, any number of countries who fundamentally violate human rights; but instead, our leadership chooses to take on a small country of 5 million people that has dramatically demonstrated its commitment to try to survive in a democracy. As a result of that, she is being bled to death by our policies, with the Congress being involved in a piecemeal attempt to extend its viewpoint over that which would possibly allow the survival of democracy.

Mr. Chairman, it was my purpose to raise this amendment to set the stage so that all of us in the House will tune in tomorrow and watch the hypocrisy of that double standard.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN, Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BONKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is not as exciting as our Central American policy and what happened in the days of Harry S. Truman, so perhaps my comments can tone down the debate for a moment.

I would like to offer some comments concerning the Trade and Development Enhancement Act of 1983.

The Trade and Development Enhancement Act of 1983, which the Congress adopted last November, directed AID, in cooperation with the Eximbank, to establish a program of tied aid, or mixed credits for U.S. exports. The Foreign Affairs Committee had jurisdiction over the part of this act relating to AID. Earlier this year, the International Economic Policy and Trade Subcommittee conducted hearings on the administration's implementation of this important legislation.

Because the committee completed work on the foreign assistance authorization bill before the subcommittee had finished its hearings, the subcommittee did not have the opportunity to make any recommendations to the committee on this program. I would now like to offer several comments on AID's response to the congressional mandate on mixed credits.

The use of mixed credits by our foreign competitors has grown by leaps and bounds over the last 3 years. France alone has a program approaching nearly $2 billion per year. If United States efforts through the OECD to negotiate an end to this practice are to be successful, then we must establish a credible program of our own. This was the principal objective of the legislation enacted last year. AID's active participation in this effort is essential.

AID has taken some positive steps in setting up a program. The Agency's activities are set forth in a recent letter from Administrator McPherson, which I would like to include in the RECORD at this point:

AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., April 25, 1984.

Hon. DON BONKER,
Chairman, Subcommittee on International Economic Policy and Trade, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of March 16, 1984, concerning the implementation of the Trade and Development Enhancement Act of 1983. Let me assure you that AID shares your view that the United States must make every effort to negotiate, through the OECD, an end to the use of tied aid credits for exports, and that the devlopment of a credible mixed credit program is essential to such efforts.

In that regard, I am pleased to inform you that on March 13, 1984, the National Advisory Council on International Monetary and Financial Policies (NAC) approved the guidelines and criteria of AID's tied aid credit program. As part of this program, AID's Deputy Assistant Administrator for the Bureau for Program and Policy Coordination has been designated as the Agency's coordinator for tied aid credits. In addition, NAC procedures for implementing tied aid credits were approved on April 24, 1984 and it is expected that NAC policy guidelines for mixed credits will be approved on May 8.

1. SUMMARY OF TIED AID CREDIT PROGRAM

AID's tied aid credit program includes eight of the eleven countries that have Commodity Import Programs (CIPs) financed from the Economic Support Fund (ESF) account in fiscal year 1984. Moreover, our Trade Finance Facility in Egypt, funded out of the CIP for that country, provides AID with the capability of countering predatory financing offered in Egypt. Two countries, Mauritius and Seychelles, with combined CIPs totalling only $4 million, have been exempted from the tied aid program. The amount of the country CIPs included in the program, however, totals $223.5 million. The attached Table II identifies the included countries, and the amount of their CIPs, with a plus (+). Such amounts will remain available to provide funding for AID's tied aid credit program until otherwise expended for CIP purposes. The guidelines that govern the operation of our program are fully consistent with Section 645 of the Trade and Enhancement Act of 1983. A financing must be for a defensive purpose, must take place within the existing country allocation of an ESF-financed CIP, and should reasonably be expected to contribute to the advancement of the development objectives of the importing country as set forth in the CIP agreement with AID.

2. LEGAL INTERPRETATION OF ESF-CIP LANGUAGE

With respect to the question of whether AID should finance tied aid credit activities with ESF in excess of that allocated to CIPs, we find ourselves in a difficult position. Your letter expresses the view that the legislation did not limit funding "only" to the amount of ESF funds allocated to CIPs. As you know, the Senate Foreign Relations Committee (SFRC) has sent us a letter indicating their view that AID's mandate is limited to the total amount of ESF allocated to CIPs and that the language in the legislation was the result of a printer's error. This conclusion recently was reaffirmed in the SFRC report on the fiscal year 1985 foreign assistance authorization legislation. In view of this difference in opinion between the House and the Senate, we believe it is proper for us to adhere to the more narrow view, since both the House and the Senate do agree that ESF allocated for CIPs can be used for mixed credits. Moreover, in light of the letter we have received from the SFRC and their report on the fiscal year 1985 bill, we believe that in fact the legislation was not limited to CIP merely by a technical misstep and that it was the intent of the Congress to do so.

In this regard, your letter appears to make a distinction between CIP funds and ESF. Please note that a CIP is a type of program assistance and ESF normally is the source of funding used to finance such a program.

3. DEVELOPMENT IMPACT OF ESF

Your letter also distinguishes between ESF and Development Assistance funds, implying that ESF has little, if any, development impact. This is not the case. Section 531(a)(1) of the Foreign Assistance Act directs the President, in planning assistance intended for economic development under the ESF chapter, to take into account, to the maximum extent feasible, the policy directions of section 102 of the foreign Assistance Act (basic human needs). The SFRC has highlighted this developmental aspect of ESF by including in both last year's enacted authorization bill (S. 1347), as well as the bill it is currently considering, an amendment to section 531 which requires, to the maximum extent feasible, that the President provide ESF assistance "consistent with the policy directions, purposes, and programs of part I" of the Foreign Assistance Act.

AID's efforts to carry out the intention of the Congress that ESF resources be used for developmental purposes are evidenced by

the fact that more than 32 percent of ESF resources have been projectized in fiscal year 1984 and more than 31 percent will be projectized in fiscal year 1985. Taking away the amount earmarked for Israel, which is provided in the form of a cash transfer, approximately 45 percent of ESF resources provided in fiscal year 1984 have been projectized. Thus, any effort to increase the amount of ESF to be set aside for mixed credit purposes would impair AID's developmental efforts.

4. CONSTRAINTS ON USE OF ESF

With respect to ESF in general, it should be noted that there are legislative and institutional constraints that govern the use of ESF resources that impinge upon our ability to make funds available to finance a tied aid credit program. Specifically, these constraints arise from the need to make provisions for Congressional earmarks, base payments (on behalf of the Executive Branch), and the above-mentioned legislative requirement that to the maximum extent feasible ESF resources are to be programmed to address specific development problems. Given these constraints, I believe that the tied aid credit program we have established represents a credible response to our mandate.

The impact of the constraints I have referred to above can be clearly seen by applying them to our ESF program level of $3,181,690,000 for fiscal year 1984.

TABLE I.—*Summary table ESF—fiscal year 1984*

Congressional earmarks	$1,793,000,000
Best efforts pledges	117,000,000
Other ESF:	
Project grants	487,540,000
Latin America cash transfer	304,000,000
Other cash transfer [1]	252,650,000
CIP's	227,500,000
Total	3,181,690,000

[1] Of which $60 million goes to a country with a sizeable CIP. For country-by-country details, see table II.

a. Congressional earmarks

Right off the top of the ESF program level must be taken the amounts earmarked by Congress for specific countries, Cyprus, Egypt and Israel. This sum comes to $1,793,000,000 for the fiscal year 1984, equivalent to about 60 percent of total ESF. Pursuant to section 531(a)(1) of the FAA, we have been able to projectize the full amount of the ESF for Cyprus. These projects are designed to address specific development problems. For Egypt, most of its ESF allocation is also projectized, and, as stated above, out of the amount that is allocated for a CIP we have been able to reach an agreement with that Government to set aside funds to finance the operation of our Trade Finance Facility (TFF) in that country. The specific purpose of the TFF is to provide defensive financing in cases in which U.S. exporters encounter predatory financing that would cause the loss of sales to the public sector in Egypt. Interestingly, since the establishment of the TFF in late 1981, we have had only two opportunities to make use of it. As already mentioned, all of the ESF allocation for Israel is made in the form of a cash transfer.

b. "Best Efforts" pledges

In addition to Congressional earmarks, we also make allocations of ESF to countries to which the Executive Branch, in consultation with Congress, has made best efforts pledges in consideration for the unhampered availability to the United States of specific military facilities. In fiscal year 1984 this comes to $117,000,000. We have had some success in projectizing a good part of these resources for development purposes (see Table II) and the part that is in cash transfers is for countries, Portugal and Spain, where we probably do not have sufficient leverage to negotiate the implementation of CIP's, and thereby make them eligible for inclusion in our tied aid credit program.

c. Other ESF

After providing for preemptive allocations in fiscal year 1984, there is an ESF remaining balance of $1,271,690,000 and this has been allocated on the basis of economic, security, and political criteria. On an aggregate basis, $487,540,000 has been programmed for specific projects, $556,650,000 for cash transfers, and $227,500,000 for CIPs. The programming for individual countries is shown on Table II. The amount involved in cash transfers is to countries of strategic security and political importance to the United States that are in need of immediate balance of payments assistance. The use of this mechanism has assured disbursement in a manner that is expected to contribute importantly to most of these countries staying in compliance with respective IMF agreements which, on balance, serve United States security and political interests. In addition to speed of disbursement, the cash transfer mechanism provides flexibility in servicing the most urgent foreign exchange needs of an economy, as well as leverage for the United States to influence a recipient government's management of its total foreign exchange flow. Attempts to shift these funds to CIPs and/or for tied aid credit purposes would substantially slow down timeliness of disbursement.

Further, the majority of the cash transfers flow to Latin America. These countries are already large markets for the United States. In fact, the economic impact of our aid is to provide them with balance of payments resources which directly support their imports. While not identified to specific purchases, the result is clearly that without our aid they would have less foreign exchange and would import less. Since the United States supplies most of Latin America's purchases, the loss would fall on U.S. exporters. The only effect of a mixed credit CIP fund in lieu of a cash transfer would be to shift the benefits from one U.S. exporter to another. Someone would benefit but other U.S. exporters would suffer. (Since funds allocated for CIPs generally are slower in disbursement, there also would be a temporal shift.)

The country distribution that emerged from the ESF allocation process for fiscal year 1984 includes only 9 of the 23 countries that in the January 1, 1980–September 26, 1983 period have been identified as receiving 3 or more mixed credit offers. These 9 countries are identified on Table II by an asterisk (*). The ESF allocation for 5 of the 9 countries is fully projectized, and for the remaining country, Turkey, ESF is in the form of a cash transfer. Two of the nine countries are included in our tied aid credit program, and the TFF in Egypt gives us the capability of countering predatory financing in that country.

It is quite clear that the ESF allocation process and the other constraints under which we operate can have an important bearing on our financial capacity to undertake an operation in countries that have been particular targets for mixed credits. Take, as an example, the two most recent mixed credit cases that Eximbank has undertaken to counter in Cyprus and Indonesia. While Cyprus has an ESF allocation for fiscal year 1984, it was not available to finance an A.I.D. participation in Eximbank's defensive counter offer because all of its ESF is projectized, leaving aside the question of the developmental character of the goods to be financed (i.e., digital switching equipment). Indonesia is a country that under present criteria is not eligible for an ESF allocation.

The above discussion attempts to set forth the constraints on our discretion in both the allocation and programming of ESF resources. While I fully agree that there should be a concerted U.S. effort to bring about an elimination of the use of predatory financing on behalf of our foreign competitors, I believe that the program we have established is about as far as we can go within the context of our present constraints if we are to remain faithful to our developmental mandate.

5. CONCLUSION

I appreciate your suggestions with regard to the provision of standby commitments and the creation of a mechanism for exchanging information between the U.S. Government and the private sector. One of my reasons for designating an A.I.D. tied aid coordinator was to have the Agency in a position to act on an expedited basis where there is a need. As a practical matter, in most mixed credit cases, U.S. exporters will look to Eximbank for the bulk of their financial support in the form of fixed rate loans or guarantees. Thus, operations in which we are involved are also likely to be with Eximbank. In those cases that satisfy the criteria of our program we will be quite willing to join with Eximbank in the issuance of a preliminary commitment on an expedited basis. We are also willing to do the same in the case of an operation with a private financial institution so long as we are comfortable with the reasonable evidence presented. Before providing standby commitments, however, we must assure ourselves that this will not be inconsistent with AID's Congressional notification requirements. I will have my staff give serious thought to your suggestion on the creation of an information exchange and we will work with Eximbank on the practicability and mechanism for such a system.

Thank you for your letter and your suggestions. If I can provide you with further information, please let me know.

Sincerely,

M. PETER MCPHERSON.

My major concern with AID's program had been that the Agency appeared to favor the most narrow interpretation of the law—section 645—regarding the funds to be made available to counter foreign mixed credit offers. In practice, this narrow interpretation would have limited AID's program to only three—Egypt, Kenya, and Zimbabwe—of the dozens of countries which have been recipients of tied aid credits in the past.

I am pleased, therefore, to note that on May 9 I received a letter from AID's Director of Legislative Affairs

which clarifies that the Agency will make more than $220 million in commodity import program funds available in fiscal year 1984 for defensive mixed credit offers in any country in which the United States has an ESF program. This will broaden potential participation to a number of countries, such as Cyprus, the Philippines, Tunisia, and Turkey, which have been among the largest beneficiaries of mixed credits. At the same time, it will greatly strengthen the hand of our negotiators at the OECD in seeking to eliminate this aid and trade distorting practice.

I wish to commend Mr. McPherson for the positive commitment his Agency has demonstrated to establishing this new program, and look forward to your cooperation, Chairman FASCELL, in continuing to exercise oversight over this important initiative.

TABLE II.—ESF, FISCAL YEAR 1984 COUNTRY ALLOCATION AND PROGRAMING

[Dollar amounts in thousands]

	Amount	Projects	Cash transfer	Commodity import program (CIP)	Percent distribution
Total ESF, fiscal year 1984	$3,181,690				
Less:					
A. Congressional earmarks:					
Cyprus	15,000	($15,000)			
Egypt [1]	868,000	(450,000)	($118,000)	($300,000)	
Israel	910,000		(910,000)		
Total A	1,793,000	(465,000)	(1,028,000)	(300,000)	56
ESF after A	1,388,690				
B. In support of military base agreements:					
Philippines [1]	50,000	(50,000)			
Oman	15,000	(15,000)			
Portugal	40,000		(40,000)		
Spain	12,000		(12,000)		
Total B	117,000	(65,000)	(52,000)		4
ESF After A+B	1,271,690				40
Total					100
Programing of unencumbered ESF:					
Africa:					
Botswana	800	800			
Chad	3,000	3,000			
Djibouti	3,000	3,000			
Kenya [1 2]	40,000			40,000	
Liberia	34,150		34,150		
Mauritius	2,000			2,000	
Niger [2]	5,000			5,000	
Senegal	10,000		10,000		
Seychelles	2,000			2,000	
Somalia [2]	35,000	17,500		17,500	
Sudan [2]	120,000	3,000	60,000	57,000	
Zaire [2]	8,000			8,000	
Zambia [2]	20,000	5,000		15,000	
Zimoabwe [1 2]	40,000	9,000		31,000	
Africa Regional	16,000	16,000			
Total, Africa	338,950	57,300	104,150	177,500	
Asia:					
Pakistan [2]	225,000	175,000		50,000	
Thailand [1]	9,200	9,200			
Total, Asia	234,200	184,200		50,000	
Near East:					
Jordan [1]	20,000	20,000			
Lebanon	140,440	140,440			
Morocco [1]	7,000	7,000			
Tunisia [1]	1,500	1,500			
Turkey [1]	138,500		138,500		
Near East Regional	14,000	14,000			
Total, Near East	321,440	182,940	138,500		
Latin American and Caribbean:					
Costa Rica	70,000		70,000		
Dominican Republic	34,000		34,000		
El Salvador	120,000	25,000	95,000		
Grenada	15,000		15,000		
Haiti	5,000	5,000			
Honduras	40,000		40,000		
Jamaica	55,000	5,000	50,000		
East Caribbean Region	25,000	25,000			
Latin American and Caribbean regional	2,000	2,000			
Total, Latin American and Caribbean	366,000	62,000	304,000		
Other:					
Italy	10,000		10,000		
Oceanogr. Rsch	1,100	1,000	10,000		
Total, Other	11,100	1,000	10,000		
Total unencumbered	1,271,690	487,540	556,650	227,500	
Distribution of total ESF	3,181,690	1,017,540	1,636,650	527,500	

[1] 1 of 23 countries identified as having received 3 or more mixed credit offers in the Jan. 1, 1980 to Sept. 26, 1983 period.
[2] Included in AID's tied aid program.

Note.—Please note that the numbers for Egypt include amounts furnished pursuant to AID's deob/reob authority. Excluding these amounts would result in the percentages on p. 3 of the letter being higher.

TABLE III.—ESF, FISCAL YEAR 1985 COUNTRY ALLOCATION AND PROGRAMING

[Dollar amounts in thousands]

	Amount	Projects	Cash transfer	Commodity import program (CIP)	Percent distribution
Total ESF, fiscal year 1985	$3,438,100				
Less:					
A. Congressional earmarks:					
Cyprus	(3,000)	($3,000)			
Egypt [1]	(750,000)	(450,000)		($300,000)	
Israel	850,000	(65,000)	($785,000)		
Total A	1,603,000	(518,000)	(785,000)	(300,000)	47
ESF after A	1,835,100				
B. In support of military base agreements:					
Philippines [1]	95,000	47,500	47,500		
Oman	20,000	20,000			
Portugal	80,000		80,000		
Spain	12,000		12,000		
Total B	207,000	67,500	139,500		6
ESF after A+B	1,628,100				47
Total					100
Programming of unencumbered ESF:					
Africa:					
Botswana	10,000	10,000			
Chad	10,000	10,000			
Djibouti	3,500	3,500			
Kenya [1 2]	55,000			55,000	
Liberia	45,000		45,000		
Mauritius	2,000			2,000	
Niger [2]	7,000			7,000	
Senegal	15,000			15,000	
Seychelles	2,000			2,000	
Somalia [2]	35,000	15,000		20,000	
Sudan [2]	120,000			120,000	
Zaire [2]	15,000			15,000	
Zambia [2]	20,000	5,000		15,000	
Zimbabwe [1 2]	15,000			15,000	
Africa regional	37,000	37,000			
Total, Africa	391,500	80,500	45,000	266,000	
Asia:					
Pakistan [2]	200,000	140,000		60,000	
Thailand [1]	5,000	5,000			
Total, Asia	205,000	145,000		60,000	
Near East:					
Jordan [1]	20,000	20,000			
Lebanon [1]	20,000	20,000			
Morocco [1]	15,000	5,000		10,000	
Tunisia [1]	3,000	3,000			
Turkey [1]	175,000		175,000		
Near East regional	15,000	15,000			
Total, Near East	248,000	63,000	175,000	10,000	
Latin America and Caribbean:					
Belize	4,000		4,000		
Costa Rica	160,000		160,000		
Dominican Republic	45,000		45,000		
El Salvador	210,000	25,000	185,000		
Guatemala	35,000		35,000		
Haiti	5,000	5,000			
Honduras	75,000		75,000		
Jamaica	70,000	5,000	65,000		
Panama	20,000		20,000		
East Caribbean regional	20,000	20,000			
C.A. Regional (ROCAP)	136,600	136,600			
Latin America and Caribbean regional	2,000	2,000			
Total, Latin America and Caribbean	782,600	1,936,000	58,900		
Other:					
Oceanogr. Rsch	1,000	1,000			
Total, other	1,000	1,000			
Total Unencumbered	1,628,100	483,100	809,000	336,000	
Distribution of total ESF	3,438,100	1,068,600	1,723,500	636,000	

[1] 1 of 23 countries identified as having received 3 or more mixed credit offers in the Jan. 1, 1980 to Sept. 26, 1983 period.
[2] Included in AID's tied aid program.

Note.—Please note that the numbers for Egypt include amounts furnished pursuant to AID's deob/reob authority. Excluding these amounts would result in the percentages on page 3 of the letter being higher.

The CHAIRMAN. Are there further amendments to title IX?

The Clerk will designate title X.

The text of title X is as follows:

TITLE X—CENTRAL AMERICA

ADDITIONAL FISCAL YEAR 1985 AUTHORIZATIONS—CENTRAL AMERICA

SEC. 1001. (a)(1) In addition to amounts otherwise available, there are authorized to be appropriated $30,000,000 for the fiscal year 1985 to carry out section 23 of the Arms Export Control Act, and the aggregate ceiling on credits (or participations in credits) extended under that section for the fiscal year 1985 is hereby increased by $30,000,000.

(2) In addition to amounts otherwise available, the following amounts are authorized to be appropriated for the fiscal year 1985 to carry out the following provisions of the Foreign Assistance Act of 1961:

(A) $199,800,000 to carry out chapter 2 of part II.

(B) $3,510,000 to carry out chapter 5 of part II.

(C) $479,000,000 to carry out chapter 4 of part II.

(3) Section 515(c)(1) of the Foreign Assistance Act of 1961 is amended by inserting "El

Salvador, Honduras," immediately before "Indonesia,".

(b)(1) In addition to amounts otherwise available, the following amounts are authorized to be appropriated for the fiscal year 1985 to carry out the following provisions of the Foreign Assistance Act of 1961:

(A) $65,562,500 to carry out section 103.

(B) $14,183,750 to carry out section 104(b).

(C) $38,975,000 to carry out section 104(c).

(D) $81,803,750 to carry out section 105.

(E) $82,275,000 to carry out section 106.

(F) $6,016,000 to carry out section 667.

(2) The ceiling on the total principal amount of guaranties outstanding at any one time under title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is hereby increased by $80,000,000.

(c) In addition to amounts otherwise available, there are authorized to be appropriated $9,000,000 for the fiscal year 1985 to carry out the Peace Corps Act.

(d) Amounts appropriated pursuant to this section are authorized to remain available until expended.

SUPPLEMENTAL AUTHORIZATIONS—CENTRAL AMERICA

SEC. 1002. (a) In addition to amounts otherwise available, the following amounts are authorized to be appropriated:

(1) To carry out the Foreign Assistance Act of 1961 with respect to Central America for the fiscal year 1984:

(A) $7,200,000 to carry out section 104(c).

(B) $4,000,000 to carry out section 105.

(C) $19,088,000 to carry out section 106.

(D) $18,250,000 to carry out chapter 4 of part II.

(2) To carry out the purposes of Peace Corps Act with respect to Central America $1,000,000 for the fiscal year 1984.

(3) For purposes of the reserve fund established pursuant to section 223 of the Foreign Assistance Act of 1961, $10,000,000 for the fiscal year 1985.

(4) For the United States Information Agency to carry out international information, educational, cultural, and exchange programs for Central America under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law, $17,000,000 for the fiscal year 1985.

(b) Amounts appropriated pursuant to this section are authorized to remain available until expended.

CONDITIONS ON SECURITY ASSISTANCE FOR EL SALVADOR

SEC. 1003. (a) The President shall ensure that military assistance and financing and economic support assistance are furnished to El Salvador in a manner which fosters demonstrated progress toward the political development, economic development, and security of that country. To this end, the President in every appropriate instance shall impose conditions (in addition to those specified in subsection (d) of this section) on the furnishing of military assistance and financing and economic support assistance to El Salvador in order to achieve those goals, including the objectives described in subsection (c) of this section.

(b)(1) Not later than September 30, 1984, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report fully describing the policies of the Government of El Salvador for achieving political development, economic development, and conditions of security. This report shall also include—

(A) a determination by the President whether the Government of El Salvador has made demonstrated progress in achieving the objectives described in subsection (c);

(B) the President's detailed assessment of the strengths and weaknesses of the policies of the Government of El Salvador in protecting and advancing the human rights (in particular, the right to security of person) of all persons in El Salvador with respect to each of those objectives; and

(C) a comprehensive review of the factors contributing to the political, economic, and security situation in that country, including such factors as human rights, land reform, the economy of the country, refugees and displaced persons, the military situation, and guerrilla activity.

(2) If, at any time during the fiscal year 1985, the President determines that the Government of El Salvador—

(A) has achieved the objectives described in paragraphs (1), (2), and (3) of subsection (c), and

(B) since the report was submitted pursuant to paragraph (1) of this subsection, has made additional demonstrated progress in achieving the objectives described in paragraphs (4), (5), (6), and (7) of subsection (c),

the President shall submit a second report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate containing the material described in paragraph (1) of this subsection.

(c) The objectives for the Government of El Salvador referred to in subsections (a) and (b) are the following:

(1) Removal from military, security, and police forces of those individuals responsible for or associated with the death squads, and establishment of effective control over those forces and over paramilitary groups which receive any assistance or support from those forces, thereby ending the involvement of members of those forces and groups in indiscriminate violence, secret detentions, abductions, torture, and murder.

(2) Compliance by the Government of El Salvador with the 1949 Geneva Conventions and the 1977 Protocol relating to the Protection of Victims of Non-International Armed Conflicts.

(3) Participation by the Government of El Salvador in negotiations with all major parties to the conflict in El Salvador, in good faith and without preconditions, for the purpose of achieving an equitable political solution, elements of which would be free and fair elections at a time to be determined in the negotiations and reforms within the security and police forces of El Salvador necessary to assure the physical security of all participating groups before, during, and after elections, unless the Government of El Salvador is unable to engage in such negotiations because of the refusal of the major opposition groups to participate.

(4) Elimination of the practice of detaining political prisoners, and repeal of legislation or decrees providing for such detention.

(5) Establishment of the rule of law and an effective judicial system, as demonstrated at a minimum by vigorous steps to bring to trial and discipline—

(A) all those directly or indirectly responsible for the murders and disappearances of United States citizens or for any related coverup; and

(B) substantial numbers of those directly or indirectly responsible for the abduction, torture, or murder of Salvadoran citizens.

(6) Protection of effective freedom of the press and freedom of association, including enforcement of measures against intimidation of the press and labor and peasant union members and leaders.

(7) Documented progress in implementing the land reform program (including the taking of measures against illegal evictions and the furnishing of necessary credits, administrative support, technical assistance, and services to beneficiaries), with no action taken which would modify, suspend, or terminate the land reform program in a manner detrimental to the rights of the beneficiaries or potential beneficiaries.

(d) Military assistance and financing and economic support assistance may be provided for El Salvador for the fiscal year 1985 only as follows:

(1) Up to $64,800,000 of military assistance and financing, and up to one half of the economic support assistance approved by the Congress for El Salvador, may be provided if the President determines and states in the first report required by subsection (b) that the Government of El Salvador has made demonstrated progress in achieving all the objectives described in subsection (c).

(2) Not to exceed an additional $124,500,000 of military assistance and financing, and the remaining amounts of economic support assistance approved by the Congress for El Salvador, may be provided if—

(A) the President submits a second report pursuant to subsection (b) stating that the President has determined that the Government of El Salvador has achieved the objectives described in paragraphs (1), (2), and (3) of subsection (c) and, since the first report was submitted, has made additional demonstrated progress in achieving the objectives described in paragraphs (4), (5), (6), and (7) of subsection (c); and

(B) the Congress enacts a joint resolution stating in substance that the Congress agrees with the President's determinations.

(e) As used in this section—

(1) the term "military assistance and financing" means any assistance provided under chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961 and any credits or loan guarantees provided under the Arms Export Control Act; and

(2) the term "economic support assistance" means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961.

(f) The total number of United States military advisers in El Salvador may not exceed 55 at any time. For purposes of this limitation, United States military advisers include any members of the United States Armed Forces performing defense services, conducting international military education and training activities, or performing management functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, but do not include members of the Armed Forces who are in El Salvador solely for the purpose of performing medical training or services.

(g)(1) The special drawdown authority of section 506 of the Foreign Assistance Act of 1961 may not be used with respect to El Salvador during the fiscal years 1984 and 1985.

(2) The authority of section 21(d) of the Arms Export Control Act (relating to delayed billing for sales from stocks) may not be exercised with respect to El Salvador during the fiscal years 1984 and 1985, unless the President first reports to the Congress that an emergency has arisen which requires immediate military assistance to El

Salvador and that the emergency requirement cannot be met under any other law.

(3) If the authority of section 614(a) of the Foreign Assistance Act of 1961 is used to waive any provision of this section, that waiver shall take effect on the date on which the President submits the written notification required by that section and shall cease to be effective 30 days thereafter unless, during that 30-day period, the Congress enacts a joint resolution approving the waiver.

ECONOMIC SUPPORT FUNDS FOR EL SALVADOR

SEC. 1004. (a) For the fiscal year 1985—

(1) all local currencies generated in El Salvador with funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 shall be deposited in accordance with section 609 of that Act in a special account established by the Government of El Salvador and shall be available only for purposes of agrarian reform, employment generation, restoration of public services, policy development, assistance for displaced persons, and other humanitarian assistance;

(2) funds made available under that chapter for El Salvador may not be credited directly to the Central Reserve Bank of El Salvador or mixed in any way with its foreign exchange reserves; and

(3) not less than one quarter of the balance of payments support provided under that chapter for El Salvador shall be in the form of a Commodity Import Program, as generally administered by the Agency for International Development.

(b) The following criteria shall apply to the Commodity Import Program for El Salvador for the fiscal year 1985:

(1) Eligible importers under the program shall include agencies charged by the Government of El Salvador with implementing the land reform program and businesses in El Salvador which employ less than 25 people.

(2) All imports under the program shall be appropriate to the development needs of El Salvador.

(3) The prices charged in El Salvador for imports acquired under the program shall be their fair market value.

(c) As part of the annual congressional presentation materials, the Agency for International Development shall report on the activities and commodities financed pursuant to this section.

(d)(1) Each fiscal year, prior to expending any funds under chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance for economic stabilization purposes to the Government of El Salvador, the President shall be satisified that the Central Reserve Bank of El Salvador has implemented or taken appropriate steps toward implementing the major recommendations contained in the study entitled "Foreign Exchange: Policy and Management Within the Central Reserve Bank of El Salvador" relating to management, allocation, and controls on the use of foreign exchange.

(2) Not later than January 31, 1985, the President shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the implementation of this report and on ongoing efforts to improve the management, allocation, and control of foreign exchange.

RESTRICTIONS ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO HONDURAS AND LIMITATIONS ON MILITARY ASSISTANCE FOR HONDURAS

SEC. 1005. (a) United States Armed Forces may not be introduced into the territory of Honduras for training exercises and, except as provided in subsection (d), may not be introduced into the territory of Honduras for any other purpose unless—

(1) they are responsible for providing security at the United States embassy in Honduras; or

(2) they are performing functions pursuant to the Foreign Assistance Act of 1961 or the Arms Export Control Act, except that not more than 300 members of the Armed Forces may be in Honduras under this paragraph at any one time.

(b) Funds appropriated by the Congress may not be obligated or expended for the introduction of United States Armed Forces into the territory of Honduras except as provided in this section.

(c) Any members of the United States Armed Forces in Honduras on the date of enactment of this Act who are not covered by one of the exceptions provided in this section shall be immediately withdrawn from that country.

(d) Consistent with section 3 of the War Powers Resolution, the President shall consult with the Congress before introducing United States Armed Forces into hostilities in Honduras or into situations in Honduras where imminent involvement in hostilities is clearly indicated by the circumstances.

(e) The aggregate total of the assistance provided for Honduras under chapter 2 and chapter 5 of part II of the Foreign Assistance Act of 1961 may not exceed $56,000,000 for the fiscal year 1984 and may not exceed $41,000,000 for the fiscal year 1985. Credits may not be issued and loans may not be guaranteed for Honduras under the Arms Export Control Act for the fiscal year 1984 or the fiscal year 1985.

LIMITATIONS ON MILITARY ASSISTANCE AND SALES FOR GUATEMALA AND ON JOINT MILITARY EXERCISES WITH GUATEMALA

SEC. 1006. (a) For the fiscal years 1984 and 1985—

(1) funds may not be obligated for assistance for Guatemala under chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961;

(2) letters of offers may not be issued to and credits may not be extended and guaranties may not be issued for Guatemala under the Arms Export Control Act;

(3) licenses for exports to Guatemala may not be issued under section 38 of the Arms Export Control Act;

(4) licenses for exports for the armed forces of Guatemala may not be issued under the Export Administration Act of 1979;

(5) members of the United States Armed Forces may not be assigned or detailed to Guatemala to carry out functions under the Arms Export Control Act or the Foreign Assistance Act of 1961, except that this paragraph does not apply with respect to functions performed pursuant to section 515 of the Foreign Assistance Act of 1961; and

(6) United States Armed Forces may not participate in joint military exercises with the armed forces of Guatemala, and funds appropriated by the Congress may not be obligated or expended for participation by United States Armed Forces in any such exercises.

(b) The prohibitions contained in subsection (a) do not apply with respect to (1) sales of construction equipment and mobile medical facilities to assist in development programs that will directly assist the poor in Guatemala, (2) sales of training, to be provided outside of Guatemala, which is related to the sales described in clause (1), or (3) a total for both fiscal year 1984 and 1985 of no more than $10,000,000 in loan guaranties and direct credits under the Arms Export Control Act for sales described in clauses (1) and (2). The exceptions to the prohibition on military assistance and sales for Guatemala provided by this subsection are provided only to enable the military forces of that country to obtain equipment and training for civilian engineering and construction projects and mobile medical teams.

FUND FOR RECONSTRUCTION AND DEVELOPMENT OF CENTRAL AMERICA

SEC. 1007. (a) It is the sense of the Congress that the achievement of democracy, human rights, peace, and equitable economic growth in Central America depends primarily on the cooperation and the human and economic resources of the people and governments of Central America. The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively democracy, political reform, and human rights; to promote equitable economic growth and development; and to foster dialogue and negotiations to achieve peace based on a reduction in armament and on national reconciliation.

(b) In recognition of the principles described in subsection (a), there are authorized to be appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 $250,000,000 for the fiscal year 1984, to be used for bilateral and regional economic assistance programs of reconstruction and development with respect to Belize, Costa Rica, Guatemala, Honduras, El Salvador, and Nicaragua. These funds may be obligated only if the President determines and reports to the Congress that—

(1) the countries of the region have entered into a comprehensive peace agreement based on the principles of noninterference in the affairs of another country, national reconciliation, and democracy;

(2) a regional development plan has been formulated by the countries of Central America which includes detailed proposals for each country and includes plans for the reestablishment of the Central American Common Market; and

(3) a donor coordination group has been established which includes individual donor countries as well as multinational development institutions and which is responsible for coordinating all development and reconstruction assistance funds for the region in order to assure the most efficient uses of all funding and assistance programs.

Assistance under this section shall be provided consistent with the purposes of the Central American Development Organization.

(c) Amounts authorized to be appropriated by this section are in addition to amounts otherwise available for the purposes specified in subsection (b), may be appropriated in subsequent fiscal years if not appropriated for the fiscal year 1984, and are authorized to remain available until expended.

(d) The Congress expects that, in seeking the goals described in paragraphs (1) through (3) of subsection (b), the efforts of the Contadora countries (Venezuela, Colombia, Panama, and Mexico) will be encouraged and supported and the United States will actively assist the Contadora countries in seeking a regional settlement to the conflict in Central America.

(e) Consistent with the recommendations of the National Bipartisan Commission on Central America, the Congress expects that, once the goals described in paragraphs (1) through (3) of subsection (b) have been attained, United States economic assistance for Central America for future years will continue at a level comparable to the aggregate level authorized for economic assistance for Central America by this section and other sections of this Act.

CENTRAL AMERICAN DEVELOPMENT ORGANIZATION

SEC. 1008. (a) The Congress finds that participation by Central American countries in an effective forum for dialogue on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American Development Organization; and

(2) the establishment of the Central American Development Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, progress on human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of human rights;

(ii) mobilization of resources and external assistance needs; and

(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on the recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress towards meeting such country objectives.

(F) For each fiscal year after that in which the President has completed negotiations and agreed to participate in the Organization, the disbursement of 25 percent of the economic assistance funds allocated by the United States directly for each Central American country should be deferred until the United States and the Organization have both approved disbursement.

(G) The President should encourage other donors similarly to designate a percentage of their direct economic assistance for Central American countries for joint approval with the Organization.

(H) The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, or his designee, should be chairman of the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) Subject to subsection (d)(3), the President is authorized to participate in the Central American Development Organization.

(d)(1) The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of the proposal.

(2) To facilitate full congressional involvement in the establishment of the Central American Development Organization, the Chairman of the Committee on Foreign Affairs of the House of Representatives shall designate at least three members of that committee, and the Chairman of the Committee on Foreign Relations of the Senate shall designate at least three members of that committee, who shall be kept fully and currently informed by the executive branch of all negotiations or discussions with donor countries and recipient countries concerning the establishment of that Organization.

(3) The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement which the President proposes to sign providing for the establishment of and United States participation in the Central American Development Organization no less than sixty days prior to signing such agreement. The United States shall not participate in the implementation of any such agreement for at least 60 days after such transmittal. During that 60-day period there shall be full and formal consultations with and review by those committees in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act of 1961.

LAND REFORM PROGRAMS

SEC. 1009. Section 620(g) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "This prohibition shall not apply to monetary assistance made available for use by a government or political subdivision or agency of such government to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.".

ADMINISTRATION OF JUSTICE

SEC. 1010. Chapter 4 of part II of the Foreign Assistance Act of 1961, as amended by sections 202 and 804 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 538. ADMINISTRATION OF JUSTICE.—(a) The President may furnish assistance under this chapter to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in Central American countries and the countries of the Caribbean. Assistance under this section may only include support for specialized professional training, scholarships, and exchanges for continuing legal education; programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases; strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform; increasing the availability of legal materials and publications; seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and human rights; and revision and modernization of legal codes and procedures.

"(b) Not more than $20,000,000 of the funds made available to carry out this chapter for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes.".

RURAL ELECTRIFICATION

SEC. 1011. It is the sense of the Congress that funds appropriated for the fiscal years 1984 and 1985 to carry out section 103 of the Foreign Assistance Act of 1961 should be used for a comprehensive rural electrification program in Central America in order to establish conditions of stability and a foundation for economic development.

TRADE CREDIT INSURANCE PROGRAM

SEC. 1012. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 224. TRADE CREDIT INSURANCE PROGRAM.—(a) The agency primarily responsible for administering part I of this Act (hereafter in this section referred to as the 'agency') may, pursuant to the authority of this section, provide a guarantee or insurance covering the risks of loss or nonpayment under short-term trade credits, which are provided for the purpose of financing goods and services for the use of the private sector in Central American countries, in any case in which a proposed guarantee or proposed insurance under the Export-Import Bank Act of 1945 covering such risks does not, in the judgment of the Board of Directors of the Export-Import Bank of the United States, offer reasonable assurance of repayment as required under section 2(b)(1)(B) of the Export-Import Bank Act of 1945.

"(b) The agency may not provide a guarantee or insurance under this section with respect to short-term trade credits unless those credits are repayable within a period not to exceed one year from the date of such guarantee or insurance.

"(c) The agency may not enter into any commitments to guarantee or insure under this section after September 30, 1989.

"(d) Of the funds authorized to be appropriated to carry out chapter 4 of part II of this Act, such sums as may be necessary may be made available for payments by the agency under any commitments to guarantee or insure entered into under this section.

"(e) Commitments to guarantee or insure may be made under this section only to such extent or in such amounts as may be provided in advance in appropriation Acts, not to exceed $300,000,000 in the fiscal year 1985.

"(f) Recoveries, after deduction for expenses related thereto, accruing under guarantees and insurance authorized by this sec-

tion shall be deposited in the Treasury as miscellaneous receipts.

"(g) The Export-Import Bank shall provide such administrative and technical assistance to the agency as the Bank and the agency deem appropriate to assist the agency in carrying out this section.".

ELECTIONS IN PANAMA

SEC. 1013. Since the upcoming elections in Panama are crucial to the democratic process in that country, it is the sense of the Congress that the United States should support, in the strongest terms possible, elections which are free, fair, and honest. It is the further sense of the Congress that if the elections are not held or if there is an attempt to tamper with the election results, the President should consider options to demonstrate to the Panamanian authorities the deep concern of the United States. One such option should be whether it is in the interest of the United States to terminate military assistance to Panama.

RELATIONS BETWEEN BELIZE AND GUATEMALA

SEC. 1014. It is the sense of the Congress that the United States should use its good offices and influence to encourage the Government of Guatemala to recognize the independence of Belize and to enter into a mutual nonaggression treaty with Belize.

EFFECTIVE DATE

SEC. 1015. This title shall take effect on the date of enactment of this Act.

Mr. FASCELL. Mr. Chairman, I move that the Committee do rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. AUCOIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5119) to authorized international development and security assistance programs and Peace Corps programs for fiscal year 1985, and for other purposes, had come to no resolution thereon.

WILL HISTORY REPEAT ITSELF IN CENTRAL AMERICA?

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEVINE of California. Mr. Speaker, tonight President Reagan will go on national television to make yet another plea for support for his failing policies in Central America. His timing is truly ironic.

It was 22 years ago today that Secretary of Defense Robert McNamara uttered these words: "There is no plan for introducing American combat forces in South Vietnam." Now the administration is using virtually the same words with respect to Central America.

Yet the same forces that propelled us into South Vietnam despite those words are also present with respect to Central America. The administration has proclaimed at every opportunity that our prestige and our national security depend on the survival of a weak, repressive regime that is unwilling and unable to prosecute the war adequately and to conduct itself in a manner that could win the loyalty of its own people. They have said that they will not "lose a country to communism on our watch." But they steadfastly refuse to pursue the policies of negotiation and accommodation that could avert that outcome without the commitment of troops.

Mr. Speaker, those who do not remember history are condemned to repeat it. We could be headed for war in 1984 as surely as we were in 1962. I hope my colleagues in the House will continue to increase their efforts to educate the American people to the reality that the Reagan administration is leading us down the same road that has brought us to disaster in the past.

As for myself, I am today introducing a bill with my colleague TED WEISS to prohibit the participation of United States Armed Forces in combat activities in El Salvador or Nicaragua. It is similar to the language of an amendment supported by 36 Members of the other body during debate of the urgent agricultural supplemental appropriations bill. I hope my colleagues will support this bill, the text of which follows:

H.R. 5632

A bill to prohibit the introduction of United States Armed Forces into or over El Salvador or Nicaragua for combat, and to prohibit United States support for military and paramilitary operations against Nicaragua

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) there are increasing signs of incremental involvement of United States military personnel in military operations in both El Salvador and Nicaragua;

(2) current United States policy with respect to the resolution of the conflict in Central America depends to a dangerous degree on military involvement, not on negotiated settlements;

(3) it is in the vital interests of the United States to bring the conflict in Central America to a peaceful, equitable, and negotiated settlement;

(4) the Congress is on record in support of the Contadora process, which explicitly calls for a negotiated settlement to the conflicts in Central America; and

(5) the Congress has the constitutional right and responsibility to participate in any decision or decisions by the United States to use combat troops in El Salvador or Nicaragua.

SEC. 2. (a) United States Armed Forces shall not be introduced into or over El Salvador or Nicaragua for combat purposes unless—

(1) The Congress has declared war or enacted specific authorization for such use of United States Armed Forces; or

(2) such introduction of United States Armed Forces is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States; or

(B) to meet a clear and present danger to, and to provide essential and immediate evacuation of, citizens of the United States.

(b) If United States Armed Foreces are introduced into or over El Salvador or Nicaragua under subparagraph (A) or (B) of subsection (a)(2), the President shall describe the reasons for such introduction in the report required by section 4(a)(1) of the War Powers resolution.

(c) No funds appropriated by the Congress may be obligated or expended for any introduction of United States Armed Forces into or over El Salvador or Nicaragua for combat purposes except under the circumstances specified in subsection (a).

(d) For the purposes of subsection (a), the introduction of United States Armed Forces for combat purposes means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an ememy.

(1) Any joint resolution or bill introduced at the request of the President pursuant to subsection (a)(1) shall become the pending business of the House in which it was introduced and shall be voted on within 3 calendar days thereafter, unless such House shall otherwise determine by the yeas and nays.

(2) Such a joint resolution or bill passed by one House shall become the pending business of the other House and shall be voted on within three calendar days after it has been received, unless such House shall otherwise determine by the yeas or nays.

(3) In the case of any disagreement between the two Houses of Congress with respect to any such joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than 2 calender days after the appointment of the committee of conference. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Congressional Record or concerning any delay in the consideration of such reports, a conference report on a joint resolution or bill under this section (including any amendments reported in disagreement) shall be acted on by both Houses not later than 1 calendar day after the conferees report back to their respective Houses.

SEC. 3. No agency or instrumentality of the United States Government may provide any assistance of any kind, or otherwise make any expenditure of funds, for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in or against Nicaragua by any nation, group, organization, movement, or individual.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROOMFIELD, following remarks of Ms. SNOWE on the Feighan amendment to H.R. 5119 in the Committee of the Whole today.

Mr. HUBBARD, immediately prior to the vote on the Feighan amendment to H.R. 5119, in the Committee of the Whole today.

Mr. PEPPER, prior to the vote on the Lagomarsino amendment to H.R. 5119 in the Committee of the Whole today.

Mr. LEHMAN of Florida, prior to the vote on the Rahall amendment to H.R. 5119 in the Committee of the Whole today.

Mr. GARCIA, on the Lagomarsino amendment to H.R. 5119 in the Committee of the Whole today.

Mr. SOLOMON, prior to the vote on the Lewis of California amendment to H.R. 5119.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2100. An act to authorize the Secretary of the Army to sell ammunition for use for avalanche-control purposes; to the Committee on Armed Services.

S.J. Res. 258. Joint resolution to designate the week of June 24 through June 30, 1984, as "National Safety in the Workplace Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 260. Joint resolution designating the week beginning on November 11, 1984, as "National Blood Pressure Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 273. Joint resolution to designate the week of August 5, 1984, through August 11, 1984, as "Smokey Bear Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 274, Joint resolution, to authorize and request the President to designate May 6, 1984, as "National Nurse Recognition Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 279, Joint resolution to designate the week of November 11, 1984, through November 17, 1984, as "Women in Agriculture Week"; to the committee on Post Office and Civil Service.

S.J. Res. 283. Joint resolution to authorize and request the President to designate the week of May 7, 1984, as "National Arson Awareness Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 10, 1984, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1983 and the first quarter of calendar year 1984 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sander M. Levin	12/1	12/3	Czechoslovakia						14.17		14.17
	12/3	12/5	Austria						17.48		17.48
	12/12	12/15	Turkey						62.81		72.81
Committee total									94.46		94.46

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FERNAND J. ST GERMAIN, Chairman, Apr. 27, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rep. Bill Nelson	11/12	11/13	Grenada		[3] 100.00						100.00
Committee total					100.00						100.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Reimbursement for actual expenses in lieu of per diem. (Treasury check No. 8,927,779.)

JAMES R. JONES, Chairman, Apr. 9, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. E. Thomas Coleman	1/8	1/11	Spain	35,460	225.00						225.00
	1/11	1/14	Morocco	1,842.62	225.00						225.00
	1/14	1/17	Turkey		324.00						324.00
	1/17	1/19	Italy	326,016	192.00						192.00
	1/19	1/21	France	1,446.48	168.00						168.00
	1/21	1/24	England	209.55	297.00						297.00
Military transportation							4,283.77				4,283.77
Hon. Ron Marlenee	1/6	1/13	Honduras	1,250	625.00						625.00
Commercial transportation							927.70				927.70
Hon. Thomas S. Foley	1/15	1/17	England	188.84	264.00						264.00
Hon. Cooper Evans	1/2	1/4	South Africa	181.50	150.00						150.00
	1/4	1/8	Zambia	308.92	234.03						234.03
	1/8	1/11	Zimbabwe		225.00						225.00
	1/11	1/15	Gabon	158,976	368.00						368.00
Local air transportation						60,000	139.53				139.53
Translation services								65,000	151.87		151.78
Ground transportation						33,300	77.44				77.44

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lunch	1/15	1/18	Ivory Coast		225.00			8,500	19.76		19.76
											225.00
Interpreter	1/18	1/21	Liberia						100.00		100.00
Commercial transportation							2,783.00				2,783.00
Robert M. Bor	1/18	1/22	Jamaica		418.00						418.00
Local transportation							18.00				18.00
Commercial transportation							423.50				423.50
Committee total					3,940.03		8,652.94		271.63		12,864.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E. DE LA GARZA, Chairman, Apr. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
VISIT TO THE MIDDLE EAST AND EUROPE											
Aspin, Cong. Les	1/3	1/4	Egypt	98.30	84.00					98.30	84.00
	1/4	1/5	Cyprus/Lebanon								
	1/5	1/8	Italy	405,840	240.00					405,840	240.00
Paid by DOD	1/8	1/11	Germany		87.13						87.13
	1/11	1/12	England	70.46	99.00					70.46	99.00
	1/12	1/14	Belgium	13,682	237.00					13,682	237.00
Transportation, Department of the Air Force							4,294.33				4,294.33
Barrett, Mr. Archie D	1/3	1/4	Egypt	98.30	84.00					98.30	84.00
	1/4	1/5	Cyprus/Lebanon								
	1/5	1/8	Italy	405,840	240.00					405,840	240.00
Paid by DOD	1/8	1/11	Germany		101.13						101.13
	1/11	1/12	England	70.46	99.00					70.46	99.00
	1/12	1/13	Belgium	5,800	100.00					5,800	100.00
Transportation, Department of the Air Force							4,294.33				4,294.33
Delegation expenses, Department of the Army									1,276.47		1,276.47
Transportation, Department of State							1,305.00				1,305.00
VISIT TO FRANCE AND GERMANY											
Battista, Mr. Anthony R	1/9	1/12	France	2,465	288.00					2,465	288.00
	1/12	1/14	Germany	468.12	166.00					468.12	166.00
Transportation, Department of the Army, Commercial.							3,497.00				3,497.00
Transportation, Department of the Army, Military aircraft.							449.82				449.82
Bayer, Mr. Carl T	1/9	1/12	France	2,465	288.00					2,465	288.00
	1/12	1/14	Germany	468.12	166.00					168.12	166.00
Transportation, department of the army, Commercial.							3,497.00				3,497.00
Transportation, Department of the Army, Military aircraft.							449.82				449.82
VISIT TO THE FAR EAST											
Dickinson, Cong. W. L	1/17	1/19	Hong Kong	1,383.10	178.00				6.38	1,383.10	184.38
	1/19	1/22	Korea	231,985	291.00					231,985	291.00
Other expenses, Department of the Air Force									98.84		98.84
VISIT TO MIDDLE EAST AND EUROPE											
Byron, Cong. Beverly B	2/9	2/18	Saudi Arabia, Cyprus, Lebanon, Italy		[3] 53.25						53.25
	2/18	2/20	Germany		[4] 103.40						103.40
Transportation, Department of the Air Force							5,901.50				5,901.50
VISIT TO CENTRAL AMERICA											
Aspin, Cong. Les	2/10	2/12	Panama		150.00					0	150.00
	2/12	2/13	Costa Rica	1,618	37.50					1,618	37.50
	2/13	2/14	Nicaragua		41.00						41.00
	2/14	2/17	El Salvador	577.50	150.00					577.50	150.00
Paid by Department of Army	2/17	2/19	Honduras		45.00						45.00
	2/19	2/20	Guatemala	150	150.00					150	150.00
Transportation, Department of the Army, Commercial.							1,348.00				1,348.00
Transportation, Department of the Army, Military aircraft.							650.53				650.53
Barrett, Mr. Archie D	2/10	2/12	Panama		150.00						150.00
	2/12	2/13	Costa Rica	1,618	37.50					1,618	37.50
	2/13	2/14	Nicaragua		41.00						41.00
	2/14	2/17	El Salvador	577.50	150.00					577.50	150.00
Paid by Department of Army	2/17	2/19	Honduras		45.00						45.00
	2/19	2/20	Guatemala	150.00	150.00					150	150.00
Transportation, Department of the Army, Commercial.							1,348.00				1,348.00
Transportation, Department of the Army, Military aircraft.							650.53				650.53
DELEGATION TO SOUTH AMERICA											
Montgomery, Cong. G. V	2/11	2/13	Barbados	523.25	312.00					523.25	312.00
	2/12	2/12	Grenada								
	2/13	2/15	Brazil	179,820	162.00					179,820	162.00
	2/15	2/16	Uruguay	3,465	75.00					3,465	75.00
	2/16	2/18	Argentina	6,165	150.00	822	20.00			6,987	170.00
	2/18	2/20	Chile		190.00						190.00
	2/20	2/22	Peru	393,000	150.00					393,000	150.000

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Transportation, Department of the Air Force							4,758.74				4,758.74
Spence, Cong. Floyd D	2/11	2/13	Barbados	523.25	312.00					523.25	312.00
	2/12	2/12	Grenada								
	2/13	2/15	Brazil	179,820	162.00					179,820	162.00
	2/15	2/16	Uruguay	3,465	75.00					3,465	75.00
	2/16	2/18	Argentina	6,165	150.00	822	20.00			6,987	170.00
	2/18	2/20	Chile		190.00						190.00
	2/20	2/22	Peru	393,000	150.00					393,000	150.00
Transportation, Department of the Air Force							5,094.00				5,094.00
Stump, Cong. Bob	2/16	2/18	Argentina	6,165	150.00	822	20.00			6,987	170.00
	2/18	2/20	Chile		190.00						190..00
	2/20	2/22	Peru	393,000	150.00					393,000	150.00
Transportation, Department of State, Commercial Aircraft.							1,862.00				1,862.00
Transportation, Department of the Air Force							1,708.96				1,708.96
Holt, Cong. Marjorie S	2/11	2/13	Barbados	523.25	312.00					523.25	312.00
	2/12	2/12	Grenada								
	2/13	2/15	Brazil	179,820	162.00					179,820	162.00
	2/15	2/16	Uruguay	3,465	75.00					3,465	75.00
	2/16	2/18	Argentina	6,165	150.00	822	20.00			6,987	170.00
	2/18	2/20	Chile		190.00						190.00
	2/20	2/22	Peru	393,000	150.00					393,000	150.00
Transportation, Department of the Air Force							5,094.00				5,094.00
Leath, Cong. Marvin	2/11	2/13	Barbados	523.25	312.00					523.25	312.00
	2/12	2/12	Grenada								
	2/13	2/15	Brazil	179,820	162.00					179,820	162.00
	2/15	2/16	Uruguay	3,465	75.00					3,465	75.00
	2/16	2/18	Argentina	6,165	150.00	822	20.00			6,987	170.00
	2/18	2/20	Chile		190.00						190.00
	2/20	2/22	Peru	393,000	150.00					393,000	150.00
Transportation, Department of the Air Force							5,094.00				5,094.00
Ortiz, Cong. Solomon P	2/11	2/13	Barbados	523.25	312.00					523.25	312.00
	2/12	2/12	Grenada								
	2/13	2/15	Brazil	173,820	162.00					179,820	162.00
	2/15	2/16	Uruguay	3,465	75.00					3,465	75.00
	2/16	2/18	Argentina	6,165	150.00	822	20.00			6,987	170.00
	2/18	2/20	Chile		190.00						190.00
	2/20	2/22	Peru	393,000	150.00					393,000	150.00
Transportation, Department of the Air Force							5,094.00				5,094.00
Campbell, Mr. Donald	2/11	2/13	Barbados	523.25	312.00					523.25	312.00
	2/12	2/12	Grenada								
	2/13	2/15	Brazil	179,820	162.00					179,820	162.00
	2/15	2/16	Uruguay	3,465	75.00					3,465	75.00
	2/16	2/18	Argentina	6,165	150.00	822	20.00			6,987	170.00
	2/18	2/20	Chile		190.00						190.00
	2/20	2/22	Peru	393,000	150.00					393,000	150.00
Transportation, Department of the Air Force							5,094.00				5,094.00
Heath, Ms. Karen S	2/11	2/13	Barbados	523.25	312.00					523.25	312.00
	2/12	2/12	Grenada								
	2/13	2/15	Brazil	179,820	162.00					179,820	162.00
	2/15	2/16	Uruguay	3,465	75.00					3,465	75.00
	2/16	2/18	Argentina	6,165	150.00	822	20.00			6,987	170.00
	2/18	2/20	Chile		190.00						190.00
	2/20	2/22	Peru	393,000	150.00					393,000	150.00
Transportation, Department of the Air Force							5,094.00				5,094.00
Steffes, Mr. Peter M	2/11	2/13	Barbados	523.25	312.00					523.25	312.00
	2/12	2/12	Grenada								
	2/13	2/15	Brazil	179,820	162.00					179,820	162.00
	2/15	2/16	Uruguay	3,465	75.00					3,465	75.00
	2/16	2/18	Argentina	6,165	150.00	822	20.00			6,987	170.00
	2/18	2/20	Chile		190.00						190.00
	2/20	2/22	Peru	393,000	150.00					393,000	150.00
Transportation, Department of the Air Force							5,094.00				5,094.00
Delegation expenses in Barbados						348.32	173.33	1,679.41	834.49	2,027.73	1,007.82
Delegation expenses in Grenada						1,000	372.00			1,000	372.00
Delegation expenses in Peru							526.00		439.00		965.00
VISIT TO GERMANY											
Stratton, Cong. Samuel S	2/12	2/13	Germany	204.73	75.00					204.73	75.00
Transportation, Department of the Air Force							4,654.00				4,654.00
VISIT TO HONDURAS											
Dellums, Cong. Ronald V	2/25	2/27	Honduras	384	192.00					384	192.00
Transportation, Department of the Air Force							2,854.25				2,854.25
Spratt, Cong. John M., Jr	2/25	2/27	Honduras	384	192.00					384	192.00
Transportation, Department of the Air Force							2,854.25				2,854.25
Won Pat, Cong. Antonio B	2/25	2/27	Honduras	384	192.00					384	192.00
Transportation, Department of the Air Force							2,854.25				2,854.25
Tsompanas, Mr. Paul L	2/25	2/27	Honduras	384	192.00					384	192.00
Transportation, Department of the Air Force							2,854.25				2,854.25
Moore, Ms. Alma B	2/25	2/27	Honduras	384	192.00					384	192.00
Transportation, Department of the Air Force							2,854.25				2,854.25
Elrod, Ms. Marilyn A	2/25	2/27	Honduras	384	192.00					384	192.00
Transportation, Department of the Air Force							2,854.25				2,854.25
VISIT TO GERMANY											
Cofer, Mr. Williston B. Jr	2/26	3/1	Germany	780	300.00					780	300.00
Transportation, Department of State, Commercial							3,332.00				3,332.00
Committee total					14,380.91		98,036.39		2,655.18		115,072.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Paid by DOD.
[4] Paid by Department of State.

MELVIN PRICE, Chairman, Apr. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mark Constantine	3/22	3/23	Brazil		81.00						81.00
	3/23	3/28	Uruguay		348.00		[3] 1,505.00				1,853.00
Frank Record	3/22	3/23	Brazil		81.00						81.00
	3/23	3/28	Uruguay		348.00		1,505.00				1,853.00
Hon. Jerry M. Patterson	2/17	2/20	San Salvador		225.00		[3] 630.22				855.22
Jan Shinpoch	2/15	2/20	San Salvador		375.00		[3] 547.18				922.18
Committee total					1,458.00		4,187.40				5,645.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commerical air carrier.

FERNAND J. ST GERMAIN, Chairman, Apr. 26, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Harrison, Frank	1/3	1/5	Costa Rica		150.00				142.23		292.23
	1/5	1/9	Peru		300.00				100.85		400.85
Military transportation							1,509.42				1,509.42
Commercial transportation							697.49				697.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CARL D. PERKINS, Chairman, Apr. 25, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Berdes, G. R.	1/31	2/3	Poland		300.00						300.00
Commercial transportation							4,111.00				4,111.00
	3/19	3/22	Spain		324.00						324.00
	3/22	3/24	Italy		186.00						186.00
	3/24	3/26	Turkey		225.00						225.00
	3/26	3/28	Austria		182.00						182.00
	3/28	3/29	Germany		109.00						109.00
	3/29	4/1	Great Britain		330.00						330.00
Commercial transportation							4,247.00				4,247.00
Bonker, D.	2/20	2/22	Sweden		244.00						244.00
	2/22	2/22	Sweden		244.00						244.00
	2/22	2/25	Great Britain		297.00		49.50				346.50
Total					2,197.00		12,552.50				14,749.50
Boyer, R. K.	3/19	3/22	Spain		225.00						225.00
	3/22	3/24	Italy		186.00						186.00
	3/24	3/26	Turkey		225.00						225.00
	3/26	3/28	Austria		182.00						182.00
	3/28	3/29	Germany		109.00						109.00
	3/29	3/31	Great Britain		264.00						264.00
Commercial transportation							4,247.00				4,247.00
Bruce, T. W	2/3	2/12	Switzerland		738.00		62.63				800.63
	2/12	2/15	France		273.00						273.00
Commercial transportation							3,709.00				3,709.00
Bush, R.	1/1	1/7	Brazil		600.00		162.62		55.00		817.62
	1/8	1/11	Peru		300.00						300.00
	1/11	1/14	Chile		285.00						285.00
	1/14	1/18	Argentina		340.00						340.00
	1/18	1/19	Colombia		172.00						172.00
Total					3,899.00		8,181.25		55.00		12,135.25
	1/20	1/23	El Salvador		[3] 19.18						19.18
	1/24	1/25	Mexico		138.00		74.47				212.47
	1/25	1/27	Cuba		164.00		150.00				314.00
	1/23	1/24	Nicaragua								
	1/19	1/20	Costa Rica								
Commercial transportation							4,301.60				4,301.60
Chester, J. C	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.00
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							4,283.77				4,283.77
Total					1,752.18		8,976.69		229.79		10,958.66
Daoust, E. M.	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.00
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							4,283.77				4,283.77
Eckert, S. E.	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.00
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							4,283.77				4,283.77
Total					2,862.00		8,901.24		459.58		12,222.82
Fortier, A. B.	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.00
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							4,283.77				4,283.77
Galey, M. E.	2/11	2/15	France		455.00						455.00
	2/15	2/19	Switzerland		328.00		173.91				501.91
	2/19	2/22	Great Britain		297.00						297.00
Military transportation							2,459.00				2,459.00
Garon, R. J.	1/7	1/10	Hong Kong		366.00		31.86		47.92		445.78
	1/10	1/14	Thailand		444.00		57.67		58.48		560.15
	1/14	1/17	Pakistan		324.00				32.45		356.45
Total					3,645.00		7,173.06		368.64		11,186.70
Garon, R. J.	1/17	1/18	Turkey		108.00		7.50		34.44		149.94
	1/18	1/22	Italy		516.00		54.61		70.14		640.75
Military transportation							7,887.56				7,887.56
	3/19	3/24	Spain		540.00						540.00
	3/24	3/26	Turkey		225.00						225.00
Commercial transportation							4,509.00				4,509.00
Goodman, M.	1/4	1/5	Great Britain		99.00		16.44				115.44
	1/6	1/13	Bangladesh		[3] 425.00		236.25				661.25
	1/13	1/22	India		[3] 386.37						386.37
	1/22	1/29	Pakistan		[3] 574.11						574.11
	1/3	2/3	Italy		288.00						288.00
Commercial transportation							5,269.50				5,269.50
Total					3,161.48		17,980.86		104.58		21,246.92
Grunberg, C. A.	2/12	2/15	France		273.00		30.66				303.66
	2/15	2/19	Belgium		300.00						300.00
Commercial transportation							1,695.81				1,695.81
Hyndman, V.	2/12	2/19	Philippines		[3] 529.64		43.13				572.77
Commercial transportation							2,226.04				2,226.04
Ingram, G.	1/12	1/14	France		182.00						182.00
Commercial transportation							1,921.00				1,921.00
Jackson, D. M.	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.00
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							4,283.77				4,283.77
Total					2,715.64		10,367.26		229.79		13,312.69
Kurz, R. J.	1/6	1/10	El Salvador		300.00		20.42				320.42
	1/10	1/12	Nicaragua		150.00						150.00
	1/12	1/13	Honduras		100.00						100.00
	1/13	1/16	Costa Rica		225.00						225.00
	1/16	1/17	Panama		75.00						75.00
Commercial transportation							1,034.44				1,034.44
Lantos, T. P.	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.00
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							3,296.28				3,296.28
Majak, R. R.	2/20	2/24	Great Britain		396.00		49.50				445.50
Commercial transportation							2,513.00				2,513.00
Total					2,677.00		7,080.49		229.79		9,987.28
Moss, K. B.	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.00
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							4,283.77				4,283.77
Paolo, Bernadette	2/11	2/15	France		364.00						364.00
	2/15	2/18	Switzerland		328.00		173.91				501.91
	2/19	2/21	Great Britain		168.00						198.00
Commercial transportation							2,459.00				2,459.00
Peckham, G. G.	2/12	2/19	Philippines		[3] 628.13		43.13				671.26
Commercial transportation							2,226.04				2,226.04
Total					2,949.13		9,352.70		229.79		12,531.62

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Perugino, M. R.	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.0
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							4,283.77				4,283.77
Pritchard, J.	1/5	1/7	Italy		192.00						192.00
	1/7	1/10	Jordan		270.00						270.00
	1/10	1/15	India		485.00		258.36				743.36
	1/15	1/18	Nepal		225.00						225.00
	1/18	1/20	Spain		150.00						150.00
Military transportation							5,314.00				5,314.00
Ramsay, C.G.	1/7	1/10	Hong Kong		366.00		31.86		47.92		445.78
	1/10	1/14	Thailand		444.00		57.67		58.48		560.15
Total					3,563.00		10,112.51		336.19		14,011.70
	1/14	1/17	Pakistan		324.00				32.45		356.45
	1/17	1/18	Turkey		108.00		7.50		34.44		149.94
	1/18	1/22	Italy		516.00		54.61		70.14		640.75
Military transportation							7,887.56				7,887.56
Roberts, A. W.	1/4	1/5	Great Britain		99.00		16.44				115.44
	1/6	1/13	Bangladesh		425.00		236.25				661.25
	1/13	1/22	India		[3] 888.00						888.00
	1/22	1/30	Pakistan		630.00						630.00
Commercial transportation							5,269.50				5,269.50
Roth, S.	2/12	2/19	Philippines		[3] 614.75		43.13				657.88
Commercial transportation							2,496.00				2,496.00
Rovner, C. P.	2/12	2/15	France		273.00		30.66				303.66
	2/15	2/19	Belgium		300.00						300.00
	2/19	2/22	Sweden		366.00						366.00
Total					4,543.75		16,041.65		137.03		20,722.43
Commercial transportation							2,296.00				2,296.00
Siljander, M. D.	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.00
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							4,283.77				4,283.77
Solarz, S. J	1/1	1/7	Brazil		525.00		162.62		55.00		742.62
	1/8	1/11	Peru		300.00						300.00
	1/11	1/14	Chile		285.00						285.00
	1/14	1/18	Argentina		595.00						595.00
	1/18	1/19	Colombia		172.00						172.00
	1/19	1/20	Costa Rica		[3] 37.50						37.50
Total					3,345.50		6,909.24		284.79		10,539.53
	1/20	1/23	El Salvador		[3] 112.50						112.50
	1/24	1/25	Mexico		138.00		74.47				212.47
	1/25	1/27	Cuba		164.00		150.00				314.00
	1/23	1/24	Nicaragua								
Commercial transportation							3,820.00				3,820.00
	2/10	2/13	Germany		225.00						225.00
Military transportation							2,870.00				2,870.00
Sloan, I.	1/4	1/5	Great Britain		99.00		16.44				115.44
	1/6	1/13	Bangladesh		525.00		236.25				761.25
	1/13	1/22	India		940.00						940.00
	1/22	1/30	Pakistan		630.00						630.00
Commercial transportation							5,269.50				5,269.50
Sprunger, C. D.	2/11	2/15	France		364.00						364.00
	2/15	2/19	Switzerland		[3] 128.00						128.00
Commercial transportation							1,812.00				1,812.00
Total					3,325.50		14,248.66				17,574.16
Tavlarides, M.J.	2/11	2/15	France		364.00						364.00
	2/15	2/17	Switzerland		164.00		173.91				337.91
Commercial transportation							1,812.00				1,812.00
Torricelli, R. G.	1/9	1/11	Ireland		172.00						172.00
	1/11	1/13	Greece		150.00				46.10		196.10
	1/13	1/16	Turkey		225.00						225.00
Commerical transportation							1,175.00				1,175.00
Weiss, T.	1/6	1/10	El Salvador		300.00		120.42		171.53		591.95
	1/10	1/12	Nicaragua		150.00						150.00
	1/12	1/13	Honduras		[3] 40.00						40.00
	1/13	1/15	Costa Rica		150.00						150.00
Commercial Transportation							884.67				884.67
Total					1,715.00		4,166.00		217.63		6,098.63
Winn, L.	1/8	1/11	Spain		225.00		84.73		66.96		376.69
	1/11	1/14	Morocco		225.00						225.00
	1/14	1/17	Turkey		324.00		16.60		35.00		375.60
	1/17	1/19	Italy		192.00		41.16		26.65		259.81
	1/19	1/21	France		168.00						168.00
	1/21	1/24	Great Britain		297.00		24.36		101.18		422.54
Military transportation							4,283.77				4,283.77
Total					1,431.00		4,450.62		229.79		6,111.41
Grand total (1st quarter)											193,389.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds made of unused per diem.

DANTE B. FASCELL, Apr. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brown, Darrell	2/18	2/26	England	558.60	792.00		1,485.00				2,384.19
							[3]107.19				
Breaux, John B., M.C	1/11	1/14	Mexico	91,772.80	544.00		362.59				906.59
DeLaney, Glenn	1/11	1/14	Mexico	91,772.80	544.00		489.60				1,033.60
Drago, C. Grady	1/15	1/19	Panama		300.00		507.00				807.00
Kenyon, Ronald	1/15	1/18	Panama		300.00		533.00				833.00
MacKenzie, William H	1/11	1/14	Mexico	91,722.80	544.00		423.00				967.00
Shumway, Norman D., M.C	1/15	1/19	Panama		300.00		1,383.00				1,683.00
Storey, Deborah A	1/11	1/15	Mexico	108,800	680.00		423.00				1,103.00
Smith, Timothy E	1/11	1/14	Mexico	91,722.80	544.00		480.18				1,024.18
Welch, Edmund B	1/10	1/15	Mexico								([4])
Committee total					4,548.00		6,193.56				10,741.56

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Local transportation submitted to State Department upon return for reimbursement.
[4] All expenses paid by Center for Oceans Law and Policy. Traveler guest speaker.

WALTER B. JONES, Chairman, Apr. 24, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael J. O'Neill, staff	1/3	1/18	Europe		1,265.00		2,088.70				3,353.70
James O. Bush, staff	1/3	1/18	Europe		1,265.00		2,068.80				3,333.80
Steven K. Berry, staff	1/4	1/14	Europe		960.00		2,461.00				3,421.00
Bernard Raimo, Jr., staff	1/4	1/14	Europe		960.00		2,461.00				3,421.00
Hon. Wyche Fowler, Jr	2/9	2/16	Asia		692.00		846.98				1,538.98
	2/16	2/20	Africa		336.00						336.00
Richard H. Giza, Staff	2/19	2/16	Asia		692.00		2,900.98				3,592.98
	2/16	2/20	Africa		336.00						336.00
Committee total					6,506.00		12,827.46				19,333.46

[1] Per diem constitutes lodging and meals.
[2] If Foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD P. BOLAND, Chairman, Apr. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
de Lugo, Ron, Cong	1/5	1/7	Italy		192.00						192.00
	1/7	1/10	Jordan		270.00						270.00
	1/10	1/15	India		485.00						485.00
	1/15	1/18	Nepal		225.00						225.00
	1/18	1/20	Spain		150.00						150.00
Military air transportation							5,457.00				5,457.00
Committee total					1,322.00		5,457.00				6,779.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, Chairman, Apr. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
R. Nicholas		1/14	United States								
	1/15	1/22	Taiwan [3]								
	1/22	1/26	Japan	82,720	468.00	5,740	24.43	13,300	60.40	101,760	552.83
	1/27		United States								
W. Lowery		1/7	United States				4,283.77				4,283.77
	1/8	1/11	Spain	35,460	225.00					35,460	225.00
	1/11	1/14	Morocco	1,842.62	225.00					1,842.62	225.00
	1/14	1/17	Turkey		324.00						324.00
	1/17	1/19	Italy	326,016	192.00					326,016	192.00
	1/19	1/21	France	1,446.48	168.00					1,446.48	168.00
	1/21	1/24	England	209.55	297.00					209.55	297.00
	1/25		United States								
Committee total					1,899.00		4,308.20		60.40		6,267.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Lead official delegation; expenses paid by Tunghai University.

DON FUQUA, Chairman, Apr. 27, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Don Edwards	12/26	12/29	Hong Kong	2,838.30	366.00						366.00
	12/19	12/30	Thailand	2,542	111.00				163.83		274.83
	12/30	1/5	Vietnam		504.00		1,915.00				2,419.00
	1/5	1/7	Thailand	7,625.75	333.00						333.00
Mr. Francis Stover	12/27	12/29	Hong Kong	1,892	244.00						244.00
	12/29	12/30	Thailand	2,542	111.00		159.86		163.83		434.69
	12/30	1/5	Vietnam		504.00		1,925.25				2,429.25
	1/5	1/7	Thailand	7,625.75	333.00						333.00
	1/7	1/9	Hong Kong	946	122.00						122.00
Commercial transportation							4,023.50				4,023.50
Committee total					2,628.00		8,023.61		327.66		10,979.27

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

G. V. MONTGOMERY, Chairman, Apr. 27, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3302. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notification of the Air Force's plans to study conversion of various functions at different installations, from inhouse operation to commercial contract over the next 3 fiscal years, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(a) (96 Stat. 747)); to the Committee on Armed Services.

3303. A letter from the Secretary of Health and Human Services, transmitting the fiscal year 1983 report of the Director, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, pursuant to PHSA, section 434(e) (94 Stat. 3185); to the Committee on Energy and Commerce.

3304. A letter from the Secretary of Health and Human Services, transmitting the fiscal year 1982 report on health consequences and extent of drug abuse in the United States, and drug abuse prevention activities of the Department, pursuant to Public Law 92-255, sections 405(b) (92 Stat. 1268) and 501(d) (93 Stat. 1314); to the Committee on Energy and Commerce.

3305. A letter from the Acting Executive Director, Pennsylvania Avenue Development Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3306. A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to make uniform the penalties for violation of regulations applicable to the national park system, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Interior and Insular Affairs.

3307. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to make it a Federal offense to assault or kill an employee of the Environmental Protection Agency assigned to perform investigative, inspections, or law enforcement functions, pursuant to 31 U.S.C. 1110, to the Committee on the Judiciary.

3308. A letter from the Chairman, Interstate Commerce Commission, transmitting the Commission's 97th annual report for fiscal year 1983, pursuant to 49 U.S.C. 10311, 10386, 10706(h), and 10731(b)(3); Public Law 96-448, section 217(c)(1); jointly, to the Committees on Energy and Commerce and Pubic Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 4785. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1985, 1986, and 1987, and for other purposes; with an amendment (Rept. No. 98-737). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Permanent Select Committee on Intelligence. Implementation of the Foreign Intelligence Surveillance Act (Rept. No. 98-738). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOLINARI (for himself, Mr. GARCIA, Mr. SCHUMER, Mr. TOWNS, Mr. WEISS, Mr. ADDABBO, and Mr. ACKERMAN):

H.R. 5627. A bill to amend the United States Housing Act of 1937 to promote a stable economic mix of families residing in public housing by authorizing public housing agencies to establish maximum monthly rents for such housing based on unsubsidized monthly rents, debt service, and operating expenses, or other relevant factors; to

the Committee on Banking, Finance and Urban Affairs.

By Mr. OTTINGER:

H.R. 5628. A bill to reform the residential conservation service and the commercial and apartment conservation service; to the Committee on Energy and Commerce.

By Mr. ST GERMAIN:

H.R. 5629. A bill to authorize the Secretary of Housing and Urban Development to assist homeowners in taking corrective measures with respect to urea formaldehyde foam insulation, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. WAXMAN:

H.R. 5630. A bill to amend the Federal Hazardous Substances Act to permit the notification and repair, replacement, or refund of toys that create a substantial risk of injury to children; to the Committee on Energy and Commerce.

By Mr. WILSON:

H.R. 5631. A bill to provide for the acquisition of a visitor contact and administrative site for the Big Thicket National Preserve in the State of Texas; to the Committee on Interior and Insular Affairs.

By Mr. WEISS (for himself and Mr. LEVINE of California):

H.R. 5632. A bill to prohibit the introduction of U.S. Armed Forces into or over El Salvador or Nicaragua for combat, and to prohibit U.S. support for military and paramilitary operations against Nicaragua; jointly, to the Committees on Foreign Affairs, Rules, and the Permanent Select Committee on Intelligence.

By Mr. YOUNG of Alaska:

H.R. 5633. A bill to expand the definition of migratory fisherman for purposes of chapter 1 of the Education Consolidation and Improvement Act of 1981; to the Committee on Education and Labor.

By Mr. NEAL:

H. Con. Res. 302. Concurrent resolution expressing the sense of the Congress that the Reagan administration and succeeding administrations stress to the People's Republic of China, as a continuing concern, the importance the American people attach to religious freedom, and to strongly urge that government to release from prison the five elderly Roman Catholic priests, a number of Protestant pastors and layworkers, and others of various faiths, reportedly being held on charges related to religious activities; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 259: Mr. SOLOMON.

H.R. 898: Mr. CONYERS.

H.R. 1376: Mr. CONTE, Mr. DOWDY of Mississippi, Mr. DELLUMS, Mr. WORTLEY, and Mr. GEDJENSON.

H.R. 1405: Mr. LOTT.

H.R. 2584: Mr. ORTIZ and Mr. ANNUNZIO.

H.R. 2977: Mr. STAGGERS.

H.R. 3028: Ms. FIEDLER.

H.R. 3642: Mr. MARTIN of New York.

H.R. 4098: Mr. MOODY, Mr. LEHMAN of Florida, Mr. SIMON, Mr. OBEY, Mr. MATSUI, Mr. HARRISON, Mr. LEVITAS, Mr. STARK, Mr. DREIER of California, Mr. DE LUGO, Mr. BENNETT, Mr. WHITLEY, Mr. CLAY, Mr. GUARINI, Mr. RODINO, Mr. LUNGREN, Mr. RUSSO, Mr. HILLIS, Mr. RUDD, Mr. DYSON, Mr. PARRIS, Mr. ANTHONY, Mr. BONKER, Mr. MAZZOLI, Mr. SMITH of Iowa, Mr. SCHEUER, Mr. SAWYER, Mr. ROYBAL, Mr. CRAIG, Mr. TORRES, Mr. BADHAM, Mr. SHUMWAY, and Mrs. VUCANOVICH.

H.R. 4522: Mr. OWENS.

H.R. 4571: Mr. BROWN of Colorado, Mr. CORCORAN, Mr. ERLENBORN, Mr. FAZIO, Mr. IRELAND, and Mr. OXLEY.

H.R. 4635: Mr. BIAGGI, Mr. KOLTER, Mr. WALGREN, Mr. SHELBY, and Mr. BLILEY.

H.R. 4805: Mr. FAZIO, Mr. SIKORSKI, Mrs. KENNELLY, Mr. OTTINGER, and Mr. MATSUI.

H.R. 4865: Mr. BROWN of California.

H.R. 4884: Mr. LANTOS, and Mr. MARTINEZ.

H.R. 4965: Mr. RANGEL, and Mr. ECKART.

H.R. 4966: Mr. MCEWEN.

H.R. 5107: Mr. STUDDS, Mr. MOODY, Mr. LUNDINE, Mr. VENTO, and Mr. OWENS.

H.R. 5158: Mr. DEWINE, Mr. COURTER, Mr. TAUKE, and Mr. BADHAM.

H.R. 5173: Mr. EDGAR, Mr. MINISH, Mr. GEKAS, Mr. MCHUGH, Mr. BOLAND, Mr. FRANK, and Mr. FAZIO.

H.R. 5180. Ms. MIKULSKI, Mrs. COLLINS, and Mr. BONIOR of Michigan.

H.R. 5457: Mrs. LLOYD.

H.R. 5486: Mr. RINALDO, Mr. FISH, Ms. MIKULSKI, Mrs. LLOYD, and Mr. SOLOMON.

H.R. 5503: Mr. MORRISON of Connecticut and Mr. ST GERMAIN.

H.R. 5580: Mr. HUGHES, Mr. LEVINE of California, and Mr. WOLF.

H.J. Res. 435: Mrs. JOHNSON.

H.J. Res. 452: Mr. LAFALCE, Mr. PATTERSON, and Mr. PASHAYAN.

H.J. Res. 543: Mr. BONER of Tennessee and Mr. BROOMFIELD.

H.J. Res. 547: Mr. HEFNER, Mr. BROYHILL, Mr. THOMAS of Georgia, Mr. EMERSON, Mr. CARPER, Mr. BOUCHER, Mr. ROBERT F. SMITH, Mrs. BOGGS, Mr. MARTIN of North Carolina, Mr. PORTER, Mr. DASCHLE, and Mr. WHITLEY.

H. Con. Res. 226: Mr. BADHAM, Mr. COELHO, Mrs. HOLT, Mr. PICKLE, Mr. WILLIAMS of Montana, and Mr. ECKART.

H. Con. Res. 283: Mr. JEFFORDS.

H. Res. 395: Mr. BRYANT.

H. Res. 457: Mr. VANDERGRIFF.

H. Res. 441: Mr. SOLOMON.

EXTENSIONS OF REMARKS

WHAT'S AT STAKE?

HON. J. KENNETH ROBINSON
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. ROBINSON. Mr. Speaker, I had the opportunity last week—on Monday, April 30—to hear my distinguished predecessor in the House, the Honorable John O. Marsh, now the Secretary of the Army, address the 36th Annual Congressional Dinner of the Virginia State Chamber of Commerce in Arlington, Va.

Secretary Marsh's comments on the threat which hangs over us—and over all free peoples—impressed me as realistic and solidly based. I commend his message to the consideration of my colleagues, and I include the text under leave to extend my remarks.

WHAT'S AT STAKE?

This coming June the 6th marks the 40th anniversary of the invasion of Normandy.

As Virginians, we should remember in the initial assault on Omaha Beach, there were only two National Guard units, both were from Virginia. The 116th Infantry, the Stonewall Brigade, from the Valley, Central and Southside Virginia, and the 111th Field Artillery from Richmond, Fredericksburg, and the Tidewater.

D-Day should teach us we have an interest in what happens in the rest of the world, because what happens there can help or hurt us.

It is to our advantage this planet be a stable place, and that it be a place of peace, with freedom under law.

To that end, we must understand there is a direct relationship between defense, your security, and your economic endeavors.

I was asked to speak to you this evening about National Defense.

It is my hope that I can give you some background that will enable you to better understand the reasons for the President's program.

The Commonwealth of Virginia has played a great role in the building of the Republic. We have a great responsibility for its preservation.

When compared to other national capitals, in the words of "America the Beautiful," Washington seems to be the city of the patriot's dream which "gleams undimmed by human tears."

But for much of the planet Earth, it is a world of tears, of turmoil and conflict.

The stakes are high. America, with its material and human resources, finds its leadership challenged and its vital interests threatened.

This century has seen the birth of a new colossus, one driven by an alien ideology. It draws its strength from the force of arms. It has waged ruthless aggression on its neighbor states. From its Eurasian power base, the Soviet Union now leap frogs its power to the four corners of the globe, and threatens the peace of an insecure world.

Virginians have a respect for history. We know lessons of the past cannot be ignored. Neither in dealing with the Soviet Union can we ignore:

That in 1939 they entered into a non-aggression pact with the Nazis to partition Poland. In that same year they invaded Finland.

In 1940 they seized Latvia, Lithuania, Estonia.

In 1948 they tried to blocade Berlin.

In 1950 they supported the North Korean invasion of South Korea.

In 1953 they put down the popular uprising in East Germany.

In 1956 they brutally crushed the Hungarian Revolution.

In 1961 they built the Berlin Wall.

In 1968 they occupied Czechoslovakia to suppress the freedom being manifested there.

In 1979 they invaded Afghanistan.

And, the most recent flagrant example of their disrespect for human life and rights occurred last September when they shot down an unarmed Korean airliner, taking 269 lives. For those who feel this was a mistake—who think they have remorse or regret—I point out earlier this month, a senior official of the Soviet Government, in a public statement in Moscow, hailed the downing of the Korean airliner.

The Soviets have made Cuba into a Caribbean arsenal. Their intelligence collection station at Lourdes, near Havana, is the second largest they operate in the world.

They are the primary source of arms going into Nicaragua.

Cuban combat troops are their proxies in Angola and Ethiopia.

Soviet military representatives numbering about 20,000 are in nearly 30 nations as a part of their foreign military sales program.

They have supported both Iran and Iraq in a war that could destabilize the Persian Gulf. In the Middle East, they are responsible for the enormous military force developed by Syria.

Approximately 90,000 students from the lesser developed nations of the world study in the Soviet Union, the Bloc countries, or Cuba. Included are 14,000 from Central and South America. They will return to their countries to spread Marxist/Leninist doctrine, and they will be anti-American.

Why do we need a strong defense? Because the world is not at peace. There are 20 to 22 conflicts and insurgencies being waged in the lesser developed countries of the world. There are at least 15 other countries that are politically unstable which might destabilize and become insurgencies.

Latin America, Africa, the Middle East, Southwest Asia and Southeast Asia,—These are targets of Soviet intrusion, adventurism and trouble making. These are areas vital to United States and free world interests.

To support these aggressive aims the Soviets have built a gigantic war machine and industrial complex to fuel it. Their army consists of 194 divisions. Ours has 24 with 8 in the National Guard.

In the last 25 years they have built a blue water navy for the projection of power to every ocean of the world. This month they conducted the largest naval exercise in their history in the North Atlantic and Norwegian Sea.

They have the world's largest military air force.

They have 371 submarines of which 64 can launch ballistic missiles. Our total submarine force is 133.

We are not dealing with a country with an ox cart technology. There are areas in which they have a technological lead over the United States.

It is estimated they have a 10 year lead in the casting of titanium, enabling them to build a submarine with diving depths well below conventional operations.

They are pressing ahead in the development of nuclear weapons. For example, they have operational 1,398 silo launchers. Their ICBM's are considered to be at least as accurate as our Minutemen III's. Many of these missile systems have Multiple Reentry Vehicles, each of which is a separate atomic projectile. Their SS-18's can carry 10 MIRVs and their SS-19's can carry 6. Our modern Minuteman has three. The SS-18's can neutralize 80 percent of our land based ICBM's using two strikes per silo. This imbalance is why the President's MX program for a modern missile is so important.

To those who advocate a nuclear freeze, It should be pointed out that our stockpile today is one-fourth less than what it was in 1967.

They have about 50,000 tanks. We have nearly 12,000. Each year they out produce us by 1,600.

For effective deterrance it is not necessary we match the Soviets man for man, or tank for tank, but there are steps we must take to strengthen our defenses.

Significant gains have been made in recent years in the readiness of all of our forces. I can tell you there has been a quantum jump in the readiness of your Army. More remains to be done. These things that remain to be done are at the heart of the President's defense request.

Additionally, to help meet this threat. The NATO Alliance is vital, as well as our participation in it. This Alliance has preserved the peace in Western Europe longer than any time since the Roman Empire.

There is another important dimension to national security. Economic stability is essential for a secure world. And it is necessary for a prosperous America.

For example, the oil embargo of 1973 had a worldwide impact. It contributed to instabilities in the Third World. It helped spawn insurgencies. This has been true in Central America.

Central America comprises the countries of Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama. As President Reagan has observed the objective of the insurgency there is the entire region, not just El Salvador. The insurgent leaders also have said as much.

Backed by Cuba and the Soviet Union. Nicaragua is building the largest military force in Central America. More than 2,300 Cuban military advisers are in Nicaragua. About 7,000 other Cuban advisers are there

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

to help the Sandinistas impose control on Nicaragua—to aid the infiltration of arms and equipment to Salvador and other areas in the region.

Central America is not half a world away. It is on our doorstep. It is a vital area where nearly one half of all United States foreign trade transits the Panama Canal and the Caribbean Sea.

We are citizens of an interdependent world. Vessels moving to and from the Old Dominion with raw materials and manufactured products have ports of call on every continent of the Earth.

For evidence of the enormous contributions Virginia ports make, look at the "Virginia Port Authority Foreign Trade Annual Report for 1983." The report states the total activity of the port of Hampton Roads generated revenues of $1.8 Billion. All Commonwealth port activities created 155,000 jobs, $3 Billion in wages, and $307.5 Million in tax revenues.

We are inexorably linked to far away places because there are 40 minerals and metals on which a modern industrial society depends. Without them you cannot have assembly lines or manufacture products.

The U.S. is more than 50% dependent on foreign sources for 23 of 40 critical materials essential to the U.S. economic and national security. However, of the same 40, the Soviets are completely independent for 35.

Freedom to transit the oceans of the world—to fly the airways that link continents is essential for reasons not directly related to defense. It is American foreign policy, backed by a strong defense policy that assists a Virginia businessman to move about the face of the earth, to negotiate for raw materials, to sell manufactured products, and to engage in financial transactions that yield vast economic dividends for the Commonwealth.

Part of that defense policy is reflected by the fact that through alliances more than 42% of your Army is stationed overseas in strategic areas.

What really is at stake is not just Soviet military power—a threat we cannot ignore. Rather, it is the ultimate resolution of key social and political issues.

The conflict we are in, but did not choose, is a challenge of ideas and contrasting values.

What is at stake is personal freedom and liberty, the same stakes that Patrick Henry addressed in St. John's Church in Richmond. Governance in the 20th Century is a struggle between the free society and the police state. Do we choose our leaders or are they chosen for us?

Therefore, how do we become more active players in the arena of national security affairs?

How can we better compete in the challenge of ideas?

First, the most powerful force in a democratic society is an informed public opinion.

Second, America is strong. We have available to us an abundance of material wealth and resources.

Third, untapped in the private sector, we have a vast array of human skills and talents that when marshalled are more than equal to the task.

I would like for you to consider two programs which the Virginia Chamber could lead in implementing. They are interrelated.

First, I urge you to sponsor in cooperation with other civic and trade associations in the Old Dominion, the "Virginia Forum on National Security." Perhaps this might be done in several places across the Commonwealth.

This Forum would assemble a cross section of key leaders for a one-day seminar on Defense issues including economic concerns as well as national values.

The Chamber sponsored such a forum in the 60's where the Governor was a keynote speaker to an audience of about 600 blue ribbon members.

Secondly, in just over two years, America will mark the beginning of the Bicentennial of the adoption of the Constitution and the founding of the Republic. These will be events of enormous consequence, nationally and internationally. This Bicentennial will attract worldwide attention. I urge this organization to play a key role in its commemoration.

Through the study of national security issues, essential to our survival, and the reexamination of our value system as expressed in the Constitution and the Bill of Rights, perhaps, we can forge an American strategy for human freedom, with an enlightened policy of economic development as we move to the year 2,000.

In slightly more than 15 years, we end a century and close an age.

The die for the image of society in the year 2,000 could well be cast in these few intervening years. Shall it be in the image of the American Republic with individual liberty, economic opportunity, and the pursuit of happiness, or shall it mirror the police state with regulated economies and totalitarian control of people?

How shall we start the Third Millennium?

Virginia is the cradle of Freedom. Of the Year 2,000 I believe some historian in another day, and another age, shall write that in a time of national peril, when freedom was again threatened, citizens of America's oldest Commonwealth accepted the leadership that was their heritage, and through courage, dedication, and sacrifice, ensured their Country and its blessings of Liberty would be not just the legacy of their children and their children's children, but the birthright of all mankind.●

ASME'S CODES AND STANDARDS DESERVE RECOGNITION

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. FUQUA. Mr. Speaker, 1984 marks the 100th anniversary of the voluntary codes and standards program of the American Society of Mechanical Engineers (ASME). I rise to recognize and extend my appreciation to ASME for the contributions which its codes and standards have made to public safety and industrial development.

The American Society of Mechanical Engineers is a nonprofit organization with more than 111,000 members, most of whom are practicing engineers. About 20,000 are students.

Today more than 4,000 dedicated volunteers from all sectors of society, including consumers, producers, educators, labor, and government, participate in the development of ASME codes and standards for designs, test methods, and use of materials.

Since 1884, ASME codes and standards have had a major impact on the lives and livelihoods of all Americans. The ASME codes and standards activity began when a small group met in New York City to consider safety of boilers. Heating water to produce steam and converting the steam into energy to power machinery was one of the most innovative ideas of the 19th century. However, uncontrolled, pressurized steam can burst even a steel containment vessel. By the late 19th century, boiler explosions were killing 50,000 and injuring 2 million people annually.

The mechanical engineers who tackled the problem in 1884 began by seeking reliable methods for testing steam boilers. Establishment of universally accepted construction methods took many years. Because technology never stands still, ASME continuously updates its codes and standards; the latest boiler and pressure vessel code was issued in 1983. Among the elements of modern life that we take for granted are fasteners. Every household has its complement of extra screws, bolts and nuts, as well as other types of fasteners that are used to hold things together. We assume that a nut bought in California will fit a bolt purchased in New Jersey. Yet we probably never give a second thought to the enormous amount of engineering that goes into how a bolt is designed and standardized; how the length, thread gage and diameter are set.

When specifications for materials, fit, safety, performance and dimension are established, manufacturers use these standards to make mass production possible, lower costs and enhance competition. At the end of the production line, standards provide economy, confidence and safety for consumers.

The same system of voluntary codes and standards that has brought stability to the necessities of modern living has also infused recreational activity with unprecedented freedom and safety.

ASME is one of a number of technical organizations which develop codes and standards, and together help secure the fabric of our modern world. The fact that many Americans are unaware of their work is perhaps the best tribute to their achievement.

ASME standards topics include: Performance test codes, standardization, nuclear codes and standards, pressure technology codes and standards, and safety codes and standards.

Mr. Speaker, I know you and my colleagues will want to join me in congratulating ASME on the outstanding achievements of its voluntary codes and standards program during this, its centennial year.●

TRIBUTE TO ABRAHAM KRASNOFF

HON. ROBERT J. MRAZEK
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to a truly remarkable business and community leader on Long Island. Mr. Abraham Krasnoff's leadership on a host of business, education, community, and social service projects serves as an inspiration to the residents of Long Island and the Nation at large. It gives me great pride to consider Abe Krasnoff my teacher, adviser, and more importantly, a friend.

Abe Krasnoff first came to the Pall Corp., in 1951, starting as controller of the company. Since that time, he has risen to become its president and chief executive officer. He has helped to build the Pall Corp., into one of the largest and most successful companies on Long Island. More importantly, he has bestowed upon it a strong sense of community responsibility and purpose that is almost unique in these times. Among the programs supported and funded by the Pall Corp., is a highly successful project aimed at hiring youths for summer employment through the city of Glen Cove.

The essential element of Abe Krasnoff's approach to business and community service stems from his belief that it is the responsibility of our social institutions to channel their activities in a manner that most directly benefits the broader community. Instead of serving on corporate boards of directors, he has chosen to actively work on behalf of a number of major organizations dedicated to the advancement of education, economic growth, health, community, and social service goals. He bases his commitment to these projects on a profound belief that our democratic, capitalist system remains the best one available to us. He knows that we must work to preserve our unique brand of American pluralism through a collective commitment to work for its continued enhancement.

In this regard, he has always utilized his position on the administrative boards of various institutions to promote the interests of the community. As chairman of the board of trustees at Long Island University, he has tried to direct the resources of the college to provide financial aid for the needy and underprivileged of our society. He has taken responsibility for bringing an array of impressive cultural events to the Long Island community. And with his support, the university has reached out to the Long Island community to provide a range of education programs available to adults and part-time students.

Abe has provided a similar sense of vision and commitment to the Community Hospital at Glen Cove, where he serves as a member of the board, and treasurer. He has supported and helped to implement a remarkably effective community health program serving the residents of Glen Cove.

During his tenure, the hospital has established an outstanding outpatient treatment center designed to rehabilitate patients who are the victims of substance abuse. He has also helped to establish a vitally important health information network serving the population at large.

Similarly, Abe has brought his considerable talents and insights to the boards of two major national business organizations. He currently serves as a director of the American Business Conference, a lobbying organization comprised of the chief executive officers of 100 moderate-size growth corporations. The guiding purpose of the conference is to promote economic growth and prosperity in our society. In addition, he serves as the chairman of the executive council of the conference board, an organization designed to bring business leaders from across the Nation together to promote cooperation and the mutual exchange of information. The conference board, based in New York City, is a nonprofit business research organization which has generated significant research on overall economic trends and factors.

In the area of community and civic affairs, Abe's accomplishments are also truly outstanding. He currently serves as a board member of the Glen Cove Neighborhood Association. He is an emeritus counselor of the Glen Cove Boys' and Girls' Club. And, he has also served as a member of the local school board. Yet, I think it is fair to say that many, if not most, of Abe's contributions, along with those of his wife Julienne, have gone unheralded and unnoticed by many citizens.

The kind of civic commitment that is typical of the Krasnoff's would be to offer a major financial contribution to the local police department when they needed bullet-proof vests. Or, to provide the major financial backing for the annual Fourth of July fireworks display in the city of Glen Cove. Or, to provide funds to the local fire department to purchase badly needed fire prevention equipment. The list goes on and is far too lengthy to mention in this short statement.

Mr. Speaker, there are few citizens in this country who have done as much as Abe Krasnoff to advance the overall welfare of our society. His contributions serve as an outstanding example of the power of creative solutions and individual initiative in addressing the significant problems which we, as a society, face. I am pleased to rise today to bring some of these contributions to your attention and only hope that in doing so, others will use his example as a model of individualism at its best.●

SANTA MONICA MOUNTAINS

HON. MEL LEVINE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. LEVINE of California. Mr. Speaker, last week, I testified before the Subcommittee on Interior to express my support for additional funding of the Santa Monica Mountains National Recreation Area. The Santa Monica Mountains provide a unique park for the residents of Los Angeles and the millions of visitors who visit this area each year.

I commend the Subcommittee on Interior for acknowledging the importance of continuing acquisition of parklands in the Santa Monica Mountains by approving $25 million for land acquisition for fiscal year 1984. The citizens of California are grateful for the $15 million which was finally included in the fiscal year 1984 Interior Department appropriations bill. Currently, of the total $155 million authorized by Congress for the Santa Monica Mountains in 1978, $57 million has been appropriated. This money has gone a long way toward providing the National Park Service with the ability to purchase some important parcels of land and to operate programs in the mountains. However, the job is far from being completed.

For the last 3 years, the President has requested, and the Senate has approved, no funding for the Santa Monica Mountains. This year, for the first time, the Reagan administration has requested some money for the Santa Monica Mountains. I am encouraged by the administration's change of heart. However, $5.9 million is woefully inadequate for attaining the goal of establishing the park near the Los Angeles urban area which Congress envisioned.

The National Park Service's draft land protection plan lists land aquisition priorities for fiscal year 1985. These parcels are estimated to be worth approximately $35 million. I realize that this is a large sum of money. But these acquisitions represent what could be accomplished if we were living in a perfect world in which we enjoyed inexhaustable funding.

The following areas could be acquired at this funding level: First, about $12 million would be needed to complete the acquisition of Zuma and Trancas Canyons, which are coastal canyons with unusual habitats forming a key link in the park.

Second, the Oren realty property has been designated a significant ecological area. The rapidly disappearing

oak savanna grow in this area. This property also protects the Zuma Ridge trail. It would cost about $5 million to purchase.

Third, the Claretville property which offers a variety of outdoor activities including picnicking, hiking and riding trails is estimated to cost $12 million.

Fourth, the Leo Carrillo/Rancho Sierra Vista Connection, which includes the most spectacular mountainous scenery in the park, would complete the core of the resources needing protection in this part of the park. This parcel will cost about $6.9 million.

Fifth, there are several trail corridors that are essential for public enjoyment. These trails are presently being used by the public, but are becoming more and more threatened by development. Approximately $500,000 would be needed to protect these trails.

In addition, I urge the subcommittee to activate funding of the Federal grant program to the State. In the law authorizing the Santa Monica Mountains National Recreation Area, $30 million of the total $155 million was earmarked for grants to State and local governments for land acquisition and facility improvements. To date, no funds have been appropriated for this purpose.

When the authorizing legislation was drafted, Congress envisioned a unique Federal, State and local government partnership to implement the park. The State of California established the Santa Monica Mountains conservancy to coordinate this effort. The Santa Monica Mountains conservancy, along with the cities, counties, park and recreation districts and resource conservation districts are working together to acquire new land and to improve operation and maintenance of park projects. These are functions which the Park Service cannot perform. Federal funding is needed for State and local governments to accomplish these goals. The conservancy has established a list of priority projects totaling $2.5 million which could be funded through the State grants program.

The State and local governments have the flexibility to undertake projects which cannot be performed by the National Park Service. While the National Park Service concentrates on acquiring major parcels of land, its budget for new, essential public facilities and improvements is limited by statute. However, there are many needed facilities. This is where the grant program can be beneficial.

The State and local governments can also acquire critical properties which are not necessarily high priority acquisitions for the Park Service, but are very important to the future of the park.

For example, the proposed nature center at the William O. Douglas outdoor classroom cannot be undertaken by the National Park Service because the site is outside its land jurisdiction. There is no question about the importance of this facility. This is a project which the State and local governments can contribute to the national recreation area.

The Cold Creek Ranch, which includes a major trail center, is another example of how the State and local governments can make a valuable contribution to the park. This property is in danger of being developed. While the Park Service has commitments to equally important parcels elsewhere, through a grant to the State, the property could be acquired.

Funding for land acquisition and the grants program would make a valuable contribution to the park and would give pleasure to the millions of residents and visitors who enjoy the Santa Monica Mountains and southern California beaches. I urge my colleagues to join me in supporting preservation of this precious treasure.●

U.S. AMBASSADOR ASSERTS HARBOR MINING DAMAGED PEACE EFFORTS IN NICARAGUA

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mrs. BURTON of California. Mr. Speaker, I want to bring to the attention of my colleagues another article on U.S. involvement in Nicaragua by John Wallach, foreign correspondent for the Hearst Newspapers.

Some of you may recall that Mr. Wallach wrote an article describing CIA plans to mine Nicaraguan harbors 9 months before the public—and most Members of Congress—learned of those covert operations.

As we consider President Reagan's request for assistance to the Nicaraguan rebels, I hope my colleagues will take a minute to read the U.S. Ambassador's assessment of this administration's disastrous decision to mine Nicaraguan harbors.

The article follows:

U.S. ENVOY FEARS RIOTS IN NICARAGUA

(By John P. Wallach)

WASHINGTON.—The U.S. ambassador to Nicaragua, in a highly classified cable to Secretary of State Shultz, is predicting violent civil clashes may erupt because the mining of Nicaraguan harbors has helped convince the Sandinista government that the "U.S. government is determined to destroy the revolution."

U.S. Ambassador Anthony Quainton's cable, which he labeled "The Gathering Storm," said that the mining and stepped-up rebel activity had forced the Nicaraguan government to "abandon the conciliatory policy it adopted last November in the wake of the Grenada operation."

A copy of the secret cable from Managua to Washington was obtained by The Examiner.

"Recent events have accelerated the polarization process, and compromise appears increasingly remote," the cable warns. "The potential for a serious incident is thus high," it states.

This directly contradicts Reagan's public rationale in seeking congressional support for the CIA-directed mining and for its other covert activities in Nicaragua.

It appears to suggest that such covert activity has proved counterproductive—unless the administration is seeking such an overt confrontation and the actual overthrow of the Nicaraguan government. Reagan has denied that U.S. policy seeks to overthrow the government.

Reagan has frequently said the purpose of U.S. policy is to persuade the Nicaraguan government to return to the original goals of its anti-Somoza revolution.

Shultz and other administration officials over the last several weeks have been arguing that the mining and rebel activity was necessary to compel the Sandinistas to moderate their authoritarian rule and to intercept the flow of Soviet and Cuban weapons to Salvadoran guerrillas.

However, Quainton's cable, dated April 30, discloses: "The mining of the ports and the escalation in contra activities has convinced the (Sandinista) leaders that a soft-line policy is hopeless, as the USG (U.S. government) is determined to destroy the revolution."

The cable warns Shultz that "the potential of a clash is real," predicting that a Mass to be celebrated by an estimated 2,000 workers at Managua's Don Bosco Church today "may or may not trigger a violent confrontation" between Sandinista "turbas" (mobs) and a key labor union.

The Nicaraguan Workers Central (CTN) is described by Quainton as "one of the most outspoken critics" of the Sandinista regime. "There are rumors that the turbas will be unleashed to disrupt the service," the cable says.

The Sandinistas are "looking for an opportunity to remind the Church and opposition who runs Nicaragua," Quainton reported, "with some members of the opposition to demonstrate their determination to resist . . . the repressive nature of the Sandinista regime."

The cable, marked "Confidential" in capital letters and sent to "Rome Also for Vatican," concludes that regardless of whether or not the predicted violence erupts today, "what is certain is that tension has reached its highest level in several months."

It also reports serious "disillusionment" within the government.

The reported change in the Sandinista attitude could mean the Nicaraguan government is seeking ways to exploit the mining issue to squirm out of its commitment to hold democratic elections in November or it could mean the stage is being set for even more direct U.S. involvement.

If widespread violence erupts throughout Nicaragua, the Reagan administration would be faced with a decision whether to vastly increase both financial and logistical support for the rebels or allow them to face the prospect of defeat by the Sandinista's well-organized, Soviet- and Cuban-equipped army.

Leaking such a classified document is not unusual here. In this case it appears the mo-

tivation of the source was to publicize the success that the rebels have had in their battle to overthrow the Sandinistas.

That could favorably affect pivotal members of Congress who are hesitating to fully support the administration's requested $21 million to continue the covert war against the Sandinistas.

"A confrontation between the Sandinistas and certain sections of the opposition may be near," Quainton predicted. He said the opposition has been encouraged by the success of the mining, in particular the "economic problems and shortages" it has produced.

The cable also cites high taxes, unemployment and military conscription as factors that have put Nicaragua on the apparent brink of civil turmoil.●

IN RECOGNITION OF JERRY SOLOMON

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MAVROULES. Mr. Speaker, I would like to bring to my colleagues' attention the outstanding accomplishments and dedication of one of my constituents, Jerry Solomon. His contributions to the accounting profession and the Massachusetts Society of Certified Public Accountants, Inc., over almost a three-decade period, are most commendable.

Over the years, Jerry has played an active leadership role in advancing the profession of public accounting both in my home State of Massachusetts and across America through his efforts on behalf of the American Institute of Certified Public Accountants.

In addition, Jerry has been active in academia in assisting in the adoption of accounting curricula and by teaching accounting students at a number of colleges and universities in Massachusetts.

This record of accomplishment was recently recognized by the Massachusetts Society of Certified Public Accountants by awarding him the 1984 Professional Service Award for "* * * his significant contribution to the profession."

I congratulate him upon receiving the highest praises any one of us can receive: praise from our peers.

I would like to share with my colleagues a statement issued by the Massachusetts Society, listing Mr. Solomon's many contributions to the public accounting profession:

THE PROFESSIONAL SERVICE AWARD

[Presented to a member of the Society who has made significant contribution to the profession]

Jerome P. Solomon is a resident of Marblehead, Massachusetts. He received his BA degree, with honors in Economics, from Bowdoin College, Brunswick, Maine and his MBA from Boston University. He is a CPA in Massachusetts, Illinois and New York.

Solomon is Partner in Charge of the Boston office of Pannell Kerr Forster.

Solomon is Past President of the Massachusetts Society of CPAs and the Society's Educational Foundation and has served as a member of the Governing Council and the State Legislation and Nominations Committees of the American Institute of CPAs and as an Editorial advisor to the Journal of Accountancy. He presently chairs the Institute's Relations with State Societies Executive Committee and is a member of the Annual Meeting Committee and Postbaccalaureate Education Requirement Special Committee. He chaired the AICPA's 1980 Annual Meeting Hospitality Committee and has served on several Institute Task Forces on regulation of the profession and mandatory continuing professional education.

He is an Adjunct Associate Professor of Hotel Administration in the Whittemore School of Business and Economics at the University of New Hampshire and is a former faculty member of Boston University's Metropolitan College. He has made numerous presentations at colleges, universities, professional and trade conferences, conventional and educational seminars both in the United States and abroad. In 1981, he was honored by being named the Practitioner In Residence by the Department of Accounting at the University of Massachusetts in Amherst.

He has written many articles on the lodging and food service industries and has been a frequent contributor to Meeting Place and Resort Management magazines. He is the author of Financial and Accounting Handbook for Service Industries (CBI Publishing, Boston).

Jerry's service to the Society includes participation on over twenty committees throughout his 27 years as a member.

Solomon is married to the former Judith Andelman and has four children: Jeff, a graduate of Bowdoin College and presently a Doctoral Candidate at Cornell University; Joel, a graduate of Colby College and a student at the Royal College of Surgeons (Dublin); Jon, a graduate of the University of Tampa and a member of that city's police department; and Jane, a student at Marblehead High School.●

ADDRESS OF AMBASSADOR JEANE J. KIRKPATRICK

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. BLILEY. Mr. Speaker, we have all come to respect U.N. Ambassador Jeane Kirkpatrick for her vigorous defense of the United States in what is often a hostile forum.

Recently, Ambassador Kirkpatrick delivered a speech to the American Defense Preparedness Association on our need for a strong military defense, especially in Central America. She reminds us of two fundamental facts which are too often ignored in debates in this House: That the United States does face genuine threats in the world and that we have a nation worth defending.

I commend the Ambassador's speech to the attention of my colleagues, and I insert her speech in the RECORD at this point:

ADDRESS BY AMBASSADOR JEANE J. KIRKPATRICK, U.S. PERMANENT REPRESENTATIVE TO THE UNITED NATIONS AT THE AMERICAN DEFENSE PREPAREDNESS ASSOCIATION

I do not purport to be an expert in matters military. i think it is very important that we have in our society sufficient numbers of distinguished professionals who are expert in matters military. It is a privilege to be among so many of you tonight. My respect for America's military establishment is matched, if I may say so, only by my respect for the creative, reliably productive American private sector. I know that being prepared to confront existing dangers in the contemporary world—where no one is safe—requires a high level of competence and cooperation between a highly professional military establishment and a highly professional defense industry, both of whom depend, finally, on a free people.

I want to speak tonight on preparedness, about which I know more than I do about weapons. Preparedness consists in a capacity to protect and preserve the nation, its people and its institutions. Preparedness has at least three components: First, it requires a reasonably accurate idea of actual and potential dangers confronting the nation; second, a realistic notion about how to defend against these dangers; and third, a relevant defense. My point is, however, that perceiving potential dangers precedes preparing to meet them.

In a democracy, broad agreement (though not complete consensus) is required on all aspects of the problem. The potential danger must be broadly understood and funds and technology to support it must be accepted as necessary, if there is to be the popular support required to sustain a coherent policy in a democracy. Preparedness, then, requires knowing who might threaten us, how, and by what means these potential threats might be dealt with.

If one concluded there were no dangers, no preparations would be necessary to meet them. A judgment that no danger existed to U.S. security could rest on the belief that no nation harboured aggressive intentions or on the belief that we had the capacity to manage any potential danger, or both these suppositions. The most popular theories today make both of these assumptions: that no nation has seriously aggressive intentions toward us and that we could, in any case, manage any threat they might pose.

Even though this has so far been the most violent century in human history, most popular theories of international relations discourage much concern about danger from potential aggression.

The influential frustration-aggression model, which sees aggression as a response to frustration, holds out the promise that it is possible to control anybody's aggressive behavior by taking care not to frustrate them unduly. By controlling the stimulus, that is, we can control the response.

The threat-preception hypothesis, likewise, assumes that we can control others' behavior by taking care not to be threatening. Thus, the Soviet military build-up was seen as a result of the Soviet's "insecurity," which in turn was based on the "perception" that our superior strength constituted an unacceptale "threat" to their security. Adoption of a policy that permitted the Soviets to overtake the U.S. levels of military strength followed as the night does the day from the belief that the "perceived" threat

was the source of their preoccupation with military power.

Both these popular and influential theories explain away objective danger and create an agreeable sense of control over the international environment. Both suggest we can control the level of danger in the world because we can control the behavior of our adversary; it is only necessary to modify our own behavior. Both assume the realism and rationality of the "other" and ignore the possibilities of pathological insecurity. Both make danger a psychological rather than a military category and make the environment seem less threatening at the same time that they give us a happy sense of power.

A subjective sense of security and a heightened sense of control may be good therapy, but they make for bad international relations and lead to disastrous foreign policy. Such assumptions rest on and give rise to a lot of other bad theories and dubious corollaries. All such comforting theories assume that all parties want the same thing, that what they really want is peace. Moreover, if everyone wants the same thing and everyone's behavior is responsive, then we can manage others by manipulating our own wants and our own behavior: If we don't prepare for war or conquest, they won't. If we don't use force, then we can create a world without force. If we do not act in a threatening manner, it will not be a threatening world. If we want diplomatic solutions to all problems, then diplomatic solutions will be available to all conflicts. The ball is always in our court; we are always responsible. Intractable problems, violent conflicts, arms races are thus our fault. It is thus a short step from the illusion of omnipotence to the assumption that dangerous situations exist only because we permit them to do so. It is always our fault.

Another corollary of these comforting theories that leave us feeling we can control the world is the belief that we can define winning and losing, and that we can control the consequences of both. Specifically, we can control the interpretation of what might appear to be defeats.

There are antidotes to these theories. The greatest benefit and discomfort of being at the United Nations is being forced on a daily, weekly, monthly basis to confront some very discomforting facts about our world, facts which assuredly are not accounted for by the popular hypotheses I have just described. We are confronting some of these unpleasant facts just now in New York, where the Sudan has brought a complaint against Libya for bombing the Sudan on March 16th, and where Libya has lodged a complaint against the United States for providing AWACS to monitor Libya's attempt to overthrow the Government of Sudan. Facing those complaints, thinking about them, marshalling evidence, talking about them, confronts one with some very hard facts. It confronts one, for example, with the stated intentions, as well as the actions, of one Colonel Qaddafi.

Col. Qaddafi's March 2nd speech of this year is instructive. In that speech Col. Qaddafi brags, celebrates, gloats, threatens and provides a living refutation of all the comfortable constructs with which we lull ourselves into security about our very dangerous world. He is full of self-congratulations about his success in Lebanon. His speech is clear about what kind of world he is determined to produce for us. For the full impact the whole speech is recommended. Listen.

"We worked for months, day and night; we and the Syrians and the Palestinians and the Lebanese . . . have been working . . . to achieve this victory." (So much for the theory of purely Lebanese dissension.)

If things do not go as desired, he comments, "the struggle will continue with guns, with machine guns, with bombs . . . until the last man and woman." (So much for the idea of a political rather than a military solution in Lebanon.)

He gloats: "A great victory," he says, was achieved against America, France, Italy, Britain. Listen to his words: "The defeat which the Americans suffered in Lebanon is not less than its defeat in Vietnam, and the strike which was directed against the French forces in Lebanon is not less than the historic strike which was directed against it at Dien Bien Phu." President Reagan, he says, "lost his nerve," was "forced to concede defeat," to "flee like a rat."

Col. Qaddafi invoked Arab nationalism to justify his attack on Arab nations. Col. Qaddafi affirmed in the clearest words his intentions with regard to Sudan:

"We tell the agents in Sudan that we are allied with the popular revolution in southern Sudan for the sake of liberating Sudan inch by inch, just as Lebanon was liberated. The United States cannot save that mean man who is hiding in Khartoum. This is because we and the revolutionary force in Ethiopia, in the Arab homeland, the revolution in Libya has decided to ally itself with the revolution in southern Sudan for the sake of liberating Sudan inch by inch.

"The morale of the popular masses has strengthened as a result of America's defeat in Lebanon. The morale of the popular masses has strengthened as a result of America's defeat in Lebanon at the hands of the Lebanese popular resistance and the steadfastness of Syria and the Iranian-Libyan revolutionary alliance with the Lebanese revolution. (So much for the belief that withdrawal and perceived defeat can be defined as we choose and have no consequences.)

"The peoples will march forward and will develop the people's war of liberation in Sudan and tomorrow in Egypt and in every part that America seeks to dominate, to use for serving the interests of the American people." (So much for the pacific universe.)

Col. Qaddafi threatens war "on a hundred fronts all over the earth." "We must escalate the peoples liberation war in Latin America and in Central America so that we may face America to fight there . . ." and in Lebanon, Sudan, Somalia, Chad, Southern Africa.

He celebrates violence: "Let the masses' march begin to give a push forward to the revolution, and consolidate the concept of the master people and commanding people . . ." "All shall carry arms . . ." "We carry the shovel in one hand and the gun in the other." Women will not be kept from military training, and anyone who attempts to prevent it is "an agent of imperialism . . ., whether he knows it or not."

Even in this violent age we are not accustomed to hearing such bold assertions of the intentions to use violence, worldwide, to achieve political goals. The practice of terror and violence in our times is more familiar than is its frank affirmation. We know, of course, in Col. Qaddafi's case, that the words were not idle words, they were part of a new and vigorous, violent, terrorist offensive. Col. Qaddafi is a kind of problem with which we are ill-equipped to deal. He challenges all our theories of international relations, preparedness and unpreparedness. Above all, he challenges our theories of aggression and conflict avoidance. He is aggressive, violent; he lusts for victory and conquest.

The ideals charactistic of our society make it extremely difficult to deal with views and behavior like Quaddafi's. In the founding fathers' reassuring, cool calculation, informed by history and inspired by a passion for freedom, idealism and realism were a tightly woven warp and woof. They made a sturdy constitutional fabric. But in our times, perspective has been lost of the proper relation between idealism and realism. Often they are treated as mutually exclusive rather than mutually reinforcing principles. It is not a new phenomenon.

Walter Lippman long ago noted this problem in a book, written in 1943, called, "U.S. Foreign Policy, the Shield of the Republic." In that little book, the young Lippman wrote:

"The habits of the century have prejudicies and illusions that vitiate our capacity to think effectively about foreign relations. The elementary means by which all foreign policy must be conducted are the armed forces of the nation, the arrangements of its strategic position and the choice of its alliances. In the American ideology of our times these things had come to be regarded as militaristic, imperialistic, reactionary and archiac. The proper concern of right-minded men was how to be peaceful, disarmament and the choice between non-intervention and collective security."

But peace, disarmament, doctrines of non-intervention are not very useful against the likes of Qaddafi.

Lippman's small, brilliant book on U.S. foreign policy delineated and dissected the principles, prejudices, practices of American foreign policy from its founding forward and took special note of this nation's well-known—"infamous" might be a better word—problems in conducting an effective, rational, consistent foreign policy. The tendency of Americans, a great pragmatic people, to crippling idealism in foreign affairs was fully noted. So was our difficulty in thinking clearly about the national interest and organizing ourselves to defend it. So was our penchant for idealism in the practice of foreign affairs, as compared to pragmatism in domestic affairs. Like Hans Morgenthau, Lippman noticed the presence in American foreign policy of an idealism independent of any concept of national security and, indeed, often in opposition to it. That kind of idealism renders us incapable of distinguishing between friend and foe and all to often leads to appeasement.

The problem with appeasement is that it doesn't work. Lippman understood that as well as we understand it. He reminded us of the appeasement in the interwar period which was merely, he said, a general name for the sense of impotence that caused the allies to surrender strategic assets like Czechoslovakia and Indochina, strategic assets that the enemy needed in order to mount his great offensives. He wrote: "The surrender of the Rhineland in 1936, of Austria and Czechoslovakia in 1938, were the strategic preliminaries to the neutralization of Russia and the conquest of Poland in 1939. What was surrendered by our allies, let me note, in the name of peace, became the strategic foundation upon which Hitler prosecuted his war."

From good intentions, tragic results. The problem with a foreign policy based on appeasement is that it doesn't work. Appeasement is based on wishful thinking about the

people one is trying to appease. Building a policy on wishful thinking is very much like building one's house on sand. It cannot stand.

Critics of the Administration's foreign policy today are especially prone to wishful thinking. They wish that a world without force were reasonable and could succeed. They wish that political and diplomatic solutions would be more successful than military solutions everywhere. Often they offer policy suggestions on the basis of those wishes. The problem with a policy based on appeasement, too, is that it almost invariably confuses the world, confuses who is friend and who is foe, who is an ally and who is an adversary, and, obviously, such confusion makes it impossible even to think rationally about an adequate national defense. It defeats itself.

The consequence of appeasement is confusion and division—confusion and division such as we see clearly today in Central America.

What is there to say about Central America that has not already been said and said a hundred times? That it is vital to U.S. national security? That it is bad for Central Americans and bad for us if they succumb to communist guerrillas and governments? That, confronted with an insurgency which is well-supplied from without, El Salvador, for example, cannot survive without U.S. assistance? That, just as the devastation caused by guerrilla wars is cumulative, so is their dependence on the U.S. cumulative? That the international communist propaganda campaign has done its job in Central America with predictable, enviable thoroughness, undermining respect and sympathy for the Salvadoran people and their government in their efforts to survive a noncommunist society?

It easy enough to understand what the people of El Salvador want. They make it clear, in their stalwart resistance to guerrillas, in their stalwart turnout in elections. It is easy enough to understand what the rulers of the Soviet Union and Cuba want. They make it clear by their contingent campaigns of subversion, aggression, incorporation, on the basis of which they have built the world's only contemporary empire. We have seen this process so often, watched its success so often, that anyone who is interested in understanding their methods can, by now, understand them if they choose: cultivation of insurgency, provocation of repression, denial of complicity, suggestion always that their own violence is purely internal in it origin, merciless criticism of the victim, a concerted attack on anyone who seeks to aid the victim, Soviet weapons, Libyan planes, Cuban advisers, Palestinian internationalists, dead civilians, disrupted economies, disinformation and intimidation. The pattern is clear; its efficacy is very well established. We have watched it work in such far-flung places as Vietnam, Angola, and Nicaragua; we see its beginnings in El Salvador and the Sudan. The Soviets are entirely right in thinking it could in principle work in every underdeveloped country in the world.

It is easy to understand what the Salvadorans want, what the Soviets and their friends want. It is also easy to understand what our government wants. We want a Central America made of independent nations living in mutual respect, capable of economic development, enjoying freedom in a context of democracy. That has been affirmed by the President, affirmed by the Kissinger Commission; it waits only its definitive affirmation by the Congress.

What is not easy to understand is what the critics of our policies in Central America want. I reflect a good deal on this and I am frankly bewildered. Free elections? Apparently not. Elections are not enough. Promoting democracy? It seems not to be enough. Keeping Americans out of combat? There aren't any Americans in combat. Keeping U.S. military forces at home actually cannot be the reason. There are U.S. military forces in remote places of the world, like Europe, Korea and elsewhere in the Pacific. Protecting human rights? That couldn't possibly explain the disproportionate attention to Central America as compared to other parts of Latin America and the isthmus, other parts of Africa, Middle East and Asia. Saving money? I don't think that's the answer. The Administration has submitted an aid bill calling for $15.8 billion in military and economic assistance for the coming fiscal year: economic assistance for some 62 nations, military assistance for some 45-47 nations. But only one, the one most relevant to the U.S. strategic interests, finds resistance. For only one, are especially demanding criteria proposed. A civilian government? Well, not exactly; there is a civilian government in El Salvador and there has been one since October, 1979. (There is only one government in Central America today that is a forthrightly, wholly military government and that, of course, is Nicaragua.) The killing to stop? Well, that does not quite explain the problem either. There is a great deal of killing in the contemporary world. There is massive killing, for example, in the Iran-Iraq war, where casualties have mounted to hundreds of thousands, where children are sacrificed unarmed to battle, chemical weapons are used without much concern. Killing is not rare in our times. Murder does not depend on the perception of the witness. Conquest is not altered by redefinition. Neither Qaddafi nor the Ortegas can be controlled by alteration of our behavior. The appropriate preparation for dealing with them is not psychoanalysis but strong defense.

Frankly, I do not know what the critics of our Central American policy want. I fear that they are charter members in the "blame America first club," which is prepared to give everybody, except the United States, the benefit of the doubt about almost everything in the world: I fear that the real identity of the Vietnam generation was described in a Pogo cartoon—the one where he saw the enemy and recognized that it was us. How else could it be that so many are ready to assist everyone except the one most threatened and important to our security?

You know the consequences of such skewed reflexes: the Soviet Union builds its military forces because they fear us, but we build ours because we are militaristic. It would be easy to have real arms control, if only we tried harder. The Nicaraguans would be willing to live in peace, if only their neighbors were more flexible. The rebels in El Salvador would not participate in elections because the government is insufficiently flexible; but the rebels in Nicaragua will not participate in elections because they are Somocistas.

The "blame America first" group looks less to history or reason than to their own sense of America's guilt. The fact is that we neither cause all of the world's problems nor can we cure them by altering our own behavior. Not all the dangers in the world exist in our heads, and few of them can be dealt with by reinterpreting the data of experience to suit our preferences. Col. Qaddafi's interpretation of our withdrawal in Lebanon was not our interpretation, but we could not control his interpretation—and Col. Qaddafi preferred his interpretation to ours. Neither power nor force nor their consequences have been eliminated from our world, nor has anyone so far found a way to preserve our ideals without them. Survival of our ideals requires the realism needed to protect our ideals in a violent world. Among those who understand these relations well is Dr. Charles Malik, the distinguished Lebanese scholar and patriot, who commented in the Wall Street Journal on the role of the West in his country. Malik celebrated our civilization and decried our lack of firm intention:

"A civilization constituted by Homer, Plato and Aristotle, by the Old and the New Testaments, by Cicero and Augustine, by Shakespeare and Goethe, by Newton and Einstein, by Pushkin and Dostoevski, and by the joy and zest and adventure and freedom of the great American experience, and all that these names concretely mean—can such a civilization lack supreme values for its conviction and burning fire for its will? Who else has anything comparable with this incomparable heritage? America and the West underestimate their immense potential. Lebanon would never had been a problem if the West itself were not a problem. And the West is not only the problem but also the solution. That is its singular greatness. And the solution is to be true to the deepest value of the West: the primacy of the spirit and the freedom of the soul."

If we are true to our heritage, which is strong as well as proud, true to the primacy of the spirit and the freedom of the soul, we will take care to be prepared.

Good night.●

PRAISE DUE TO FOSTER PARENTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. FRANK. Mr. Speaker, all of us wish that breakdowns of one sort or another in family life did not occur. But in our society such problems do occur, and all too frequently children are left without the parental support they need. Fortunately, we have thousands of citizens who are prepared, through their participation in the Foster Parent Program, to provide the love and support which these children need. In Massachusetts, more than 6,000 children currently benefit from the willingness of Foster Parents to give their time and care to young people in need. I was very pleased that our Governor, Michael Dukakis, recently honored the important work these Foster Parents do by proclaiming the month of May, 1984 as "Foster Parent Recognition Month" in Massachusetts. I hope other States will join Massachusetts in this recognition.

Recently, I discussed the operation of the Foster Parent Program in the Fall River Area with Alda Santos, an

employee of the Massachusetts Development of Social Services who works very hard in this program. On Monday, May 14, I look forward to joining Mayor Carlton Viveiros of the city of Fall River in honoring Alda Santos and the Foster Parents and employees of the Department of Social Services for the excellent work they do on behalf of young people. There is no greater obligation for the adult members of society than to come together through Government and private volunteer efforts to provide help and support for children whose family circumstances have left them in need of alternative family arrangements.

I am delighted to be able to express my admiration and gratitude to those who participate in, and run the Foster Parent Program, and my particular gratitude to Alda Santos for bringing this to my attention.

I ask, Mr. Speaker, that we print here the proclamation of the Governor of Massachusetts establishing May, 1984 as "Foster Parent Recognition Month."

PROCLAMATION OF GOV. MICHAEL DUKAKIS

Whereas: It is the fundamental right of every child to be loved, cared for and treated with dignity; and

Whereas: Foster parents have unselfishly assumed the primary responsibility for providing a creative and positive force in the lives of more than 6,000 foster children across the Commonwealth; and

Whereas: Today's foster parents are an integral part of a professional children's services team and network of community resources that works cooperatively to return these children to a strengthened family unit; and

Whereas: The changing role of foster parents requires a broad range of skills which enables them to deal effectively with a variety of emotional and behavioral problems; and

Whereas: Foster parents are increasingly involved in the recruitment, selection, training and support of other foster parents; and

Whereas: Foster parents are valued members of the community who give generously of their time and energy to help children develop the self-confidence necessary to meet the growing demands of today's world; and

Whereas: The protection, welfare and development of every child is the responsibility of the entire citizenry; and

Whereas: There is in Massachusetts an initiative on foster parent recruitment developed through a cooperative effort between the public and private sector, and dedicated to promoting understanding of the need for professional foster parents;

Now, Therefore, I, Michael S. Dukakis, Governor of the Commonwealth of Massachusetts, do hereby proclaim May, 1984 as Foster Parent Recognition Month in the Commonwealth of Massachusetts and urge all citizens to take cognizance of this event and participate fittingly in its observance.●

LOYALTY DAY

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MONTGOMERY. Mr. Speaker, each year on May 1, this Nation rededicates itself to the principles and high ideals upon which our precious heritage was built. Through a program sponsored by the Veterans of Foreign Wars, Loyalty Day, an observance which began in 1959, has become a celebration of freedom and prosperity and a special time to renew our allegiance to the greatest nation on Earth.

The following proclamation from D.C. Mayor Marion Barry, Jr., heralded Loyalty Day, 1984, in our Nation's Capital:

A PROCLAMATION

Whereas, Public Law 85-529 of the 85th Congress, approved by the President of the United States on July 19, 1958, designated May 1st of each year as "National Loyalty Day;" and

Whereas, the opportunity has been provided annually for every citizen to reaffirm his faith in his country through a program sponsored by the Veterans of Foreign Wars of the United States to inspire rededication to the principles of freedom and justice which form the basis of our government; and

Whereas, there has been periodic attempts over the last two centuries to stifle and destroy our hard won right of freedom of speech, freedom of the press, and freedom of worship; and

Whereas, each of us should personally pledge to uphold these God-given rights:

Now, therefore, I, the Mayor of the District of Columbia, do hereby proclaim Tuesday, May 1, 1984 as "Loyalty Day" in Washington, D.C, and urge the citizens of our Nation's Capital to reaffirm their allegiance to our great country and to the ideals and institutions it preserves and defends. We ask that civic groups join on that day to give expression to loyalty through appropriate ceremonies, by display of the national emblem and through cooperation with the sponsors of this observance, the Veterans of Foreign Wars.

As the recipient of the Loyalty Day Award, presented each May 1 by the District of Columbia Department of the Veterans of Foreign Wars, I was honored to have witnessed an entertaining and inspiring program as presented by this hard-working and dedicated organization.

The VFW's District of Columbia Department is to be commended for its sincere concern for the promotion of patriotism and loyalty to country, as well as the preservation of democratic ideals.

During this program, the winner of the District of Columbia Voice of Democracy competition, also sponsored by the VFW, delivered one of the most eloquent addresses I have ever heard.

Jean Elizabeth Mackin, a sophomore at Immaculata College Preparatory School in the District of Columbia, gives us all reason to be proud, not only of our heritage, but of our youth and the world we leave for them. If she is indicative of the leaders of tomorrow, then we can only be moving into an era of greater prosperity.

Mr. Speaker, I submit for the record Miss Mackin's opening remarks and Voice of Democracy address:

REMARKS OF JEAN ELIZABETH MACKIN BEFORE THE VETERANS OF FOREIGN WARS DISTRICT OF COLUMBIA DEPARTMENT

This morning I saw a bumper sticker that said "America is #1 . . . thanks to its Veterans," and I believe this is so true. I also believe that the Veterans of Foreign Wars are special people. It's not good enough for you just to be #1, you are making sure that we stay #1. You have invested your time, money and effort into high school students like me across this country and around the world. You have shown us our own potential and all the opportunities that are out there for us. And we're in debt to you.

It's not good enough just to say "thank you" because you are a special organization. I truly believe that the best way to say thank you is through my actions. It's how I live in the future and how my life affects the lives of others that will show you exactly what you are doing.

I've got to be a giver in life, not a taker. You see, all the seats that adults fill today, the youth will fill tomorrow. And so, I would like to present my speech, so you can see what to expect:

MY ROLE IN UPHOLDING OUR CONSTITUTION

America . . . just the sound of the word makes you feel good. Maybe because America means freedom, and opportunity, and dreams, but possibly the greatest thing about America is her people. So many different people. People from all over the world come to live in America. Some risk their lives to reach the freedom we have here. And once men are here they are willing to die to keep America free, and it's not surprising.

Freedom is so priceless a gift. To have the freedom to speak your will, to reach for your dreams, and to be who you want to be is so distant to many countries around the world, yet in America it is a way of life.

Each and every person has the chance at doing what he or she really wants to do. With the right determination one person can affect all humanity. Just one man or one woman can change the world for the rest of us. Whether that change is a beneficial one or not.

A single person, a single mind, a single belief can make history. Take Mother Teresa, or take Adolf Hitler. It does not matter whether you are a man or a woman, whether you are black or white or Oriental, one person adds so much to the world. And, in turn, the loss of a person can take away so much from the world.

This past year a young girl at my school was killed in an automobile accident. Now she is just another statistic, one of the thousands of people that die every year. Her death is truly a loss to her family and friends, but if a gain can be found in a loss then life is given so much more meaning. Maybe her death gives us a stronger reason to really live. Not just to wake up in the morning because you have to, but to wake up in the morning because you want to. And when you are able to rise you should think how lucky you are. And when you see your

reflection in the mirror you should be proud of who you are because you are one of a kind.

So few people realize how gifted they are just to have the chance at enjoying one more day. Life is not just X-ing off days on the calendar, it is taking each day and squeezing as much out of it as you possibly can.

Life is using your freedom and gifts to help others. It's respecting your neighbors' rights and your neighbors' dreams. It's setting a goal and having the chance to reach for it. And this is what the United States Constitution is all about.

To uphold the Constitution is to do your very best in living day to day. It's standing up for your beliefs and standing back to hear the beliefs of others. It's voting for the person who represents the best in you and running for an office that will bring out the best in you. It's being thankful for the freedom and justice offered to each and every one of us in our great land.

To uphold the Constitution is to stand up for the rights of life. And what could possibly be better to believe in than life itself?

Thank you.●

UNION OF ORTHODOX JEWISH CONGREGATIONS HONORS JULIUS BERMAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. ACKERMAN. Mr. Speaker, it is with great pleasure that I rise today to inform my colleagues of the upcoming 86th anniversary dinner of the Union of Orthodox Jewish Congregations of America, which will occur on Sunday, May 13, 1984.

The Orthodox Union, better known by its initials, OU, is the central voice and service organization for over 1,000 orthodox congregations in the United States alone. During the course of its rich history, the OU has excelled in promoting multifaceted national programs of synagogue services and activities related to adult education, campus outreach, youth activities, Kashruth supervision, publications and community relations. Moreover, the OU has been recognized as a represenative body of the Orthodox Jewish community in most matters of religious, social, and political nature.

Mr. Speaker, the upcoming banquet, which annually gathers scores of lay and rabbinic representatives from throughout North America, will this year bestow honors upon a distinguished constituent of mine, Julius Berman, Esq.

The recipient of this year's highest award is the notable president of the Orthodox Union. Julius Berman is a gentleman of rare attributes. Beyond his outstanding career as a member of a prestigious Park Avenue law firm, Mr. Berman has displayed an unfailing dedication to Jewish communal affairs. In addition to his longstanding association with the OU, Mr. Berman also serves as a trustee of the Federation of Jewish Philanthropies of New York; a member of the board of directors and executive committee of the Jewish Telegraphic Agency; a member of the executive committees of both the National Jewish Community Relations Advisory Council, and the Synagogue Council of America; and past president of the National Jewish Committee on Law and Public Affairs.

As president of the OU since 1978, Mr. Berman is credited with the 300-percent surge in its overall membership, and with the expansion of its educational programs both in the United States and Israel.

Finally, Mr. Speaker, Mr. Berman's commitment to the totality of American Jewry has led him to the pinnacle of American Jewish organizational posts—chairmanship of the Conference of Presidents of Major American Jewish Organizations. In this capacity, he has been the spokesman for 37 national organizations, advocating the cause of American Jewry in international forums, in national political spheres, and to the media. Therefore, in recognition and appreciation of his splendid record of accomplishments, the Union of Orthodox Jewish Congregations of America has selected Julius Berman to be the recipient of its highest honor, the coveted Keter Shem Tov Award.

Mr. Speaker, I call upon my colleagues in the Congress of the United States to join in congratulating Julius Berman and in wishing him mazel tov. The greatness of our country rests on the exemplary devotion he so distinctively displays.●

HEALTH EFFECTS OF VIDEO DISPLAY TERMINALS (VDT'S)

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. WEISS. Mr. Speaker, the rapid growth of office automation worldwide has been accompanied by increasing concern about the adverse health effects of video display terminals (VDT's). The problems range from neck- and backaches to eye strain to stress. In addition, research has failed to eliminate the possibility that working at VDT's can cause pregnancy problems among some operators.

Ten unexplained clusters of such pregnancy problems have been documented in the United States and Canada. The two most recent cases are currently under investigation by the National Institute for Occupational Safety and Health in Cincinnati.

A comprehensive report on these investigations appears in the most recent issue of VDT News, a New York City-based newsletter. I urge my colleages to read the following article and to consider the possible public health problem we may face if no answers are found to explain these clusters.

[From the UDT News, March-April 1984]

NIOSH INVESTIGATING TWO PROBLEM PREGNANCY CLUSTERS

The National Institute for Occupational Safety and Health (NIOSH) is investigating unusually high rates of miscarriages at two sites where VDTs are used in large numbers. The clusters of pregnancy problems at United Airlines' reservations center in San Francisco and at Southern Bell's data processing center in Atlanta have revived public concerns about possible serious health effects of VDTs. Eight previous clusters documented since 1980 had already increased concern among users and sparked a debate about VDT health and safety.

Half of the 48 pregnancies among VDT operators at the United Airlines reservations office in San Francisco between 1979 and 1984 ended in miscarriages, birth defects or other abnormal outcomes. NIOSH, which learned of the cluster February 16, has assigned a team to investigate; it is expected to make its first site visit by April 1.

At Southern Bell's data processing center in Atlanta, there were six miscarriages among 15 pregnancies. VDT News has learned that NIOSH initiated a study at this site last September. A brief preliminary report was sent to the company by NIOSH on November 7, but the investigation is continuing. The report is confidential.

UNITED AIRLINES

In addition to 15 miscarriages at the United Airlines reservations center, there were two cases of serious birth defects, two premature births, one stillbirth and one neonatal death. Details on the three remaining problem pregnancies were not disclosed, to protect the privacy of the employees.

On February 16, 1984, employees at the site asked NIOSH to investigate, Dr. Peter Lichty, the medical officer leading the agency's study team, said in a telephone interview that he planned to visit the San Francisco site between March 19 and March 23 to meet with company officials and VDT operators and to examine workstations for apparent problems. A second, more thorough visit is "almost certain," he said.

Joseph Hopkins, speaking for United Airlines, said the company would try to cooperate fully with NIOSH but cautioned that company lawyers might advise otherwise. United had "no prior knowledge" of the cluster, he said."

Between 75,000 and 100,000 VDTs are used by air carriers (including United), according to the Air Transport Association, a trade group. Most of these are operated by reservations clerks.

The cluster at United Airlines was discovered by a national survey of 873 VDT operators conducted by 9 to 5, the National Association of Working Women. 9 to 5 has disclosed that it knows of 14 other possible clusters, including the one in Atlanta, but the group would not provide additional information.

9 to 5 helped the United employees prepare their request to NIOSH and asked the agency for permission to observe the investigation. NIOSH's Dr. Lichty explained that NIOSH did not object to the group's participation but that United's management would decide whether to permit 9 to 5 on the site,

since the group is not an elected union representative of the workers.

SOUTHERN BELL

In the spring of 1983, after noticing that they were experiencing an unusually high rate of miscarriages, workers at Southern Bell filed a complaint with the Occupational Safety and Health Administration (OSHA). With the help of their union, the Communication Workers of America, the workers asked the agency to investigate the possible causes of the 40 percent (six of 15) rate of miscarriages that had occurred. After an initial site visit, OSHA turned to NIOSH for further study.

NIOSH officials visited the fifth and sixth floors of Southern Bell's data processing center on September 29 and 30. Richard Miles, a spokesman for Southern Bell, said there are approximately 100 VDT operators on the site.

John Morawetz, an investigator in NIOSH's Hazards and Technical Assistance Branch, said in a telephone interview that the November 7 report of preliminary findings "suggested" that the cluster was a "random occurrence." He has refused to release the document. A spokesman for Southern Bell, who said the report found no connection between VDTs and the cluster, also refused to release the document, on the advice of the company's attorneys.

The NIOSH team looked at chemical agents such as formaldehyde and Freon (both used to clean computer tapes) but did not measure radiation emissions from the VDTs, according to a source involved in the investigation.

PREVIOUS CLUSTERS UNEXPLAINED

The eight other clusters which have been documented in the past three years remain unexplained. After investigating one of the clusters, researchers for the federal Centers for Disease Control (CDC) concluded that the high problem pregnancy rate was due to chance. Others have suggested that stress, radiation or some other agent might be causing the clusters and have recommended research to resolve the uncertainty.●

CHEMICAL WEAPONS NECESSITY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I bring to the attention of my colleagues an April 14, 1984 editorial from the Oxnard Press Courier entitled "Chemical Weapons Necessity." This article accurately describes aggressive Soviet policies concerning production, stockpiling, and detonation of these lethal devices. The editorial asserts present U.S. chemical deterrent lacks credibility, and as a result has undermined both U.S. strategic strength and efforts to ban chemical weapons. Assuming Soviets persist with this aggressive policy, the United States will be left with no alternative but to produce counterbalancing chemical weapons.

Again I bring this informative article to the attention of my colleagues.

CHEMICAL WEAPONS NECESSITY

President Reagan's call for a comprehensive ban on production, possession and use of chemical weapons places the ball squarely in the Soviet Union's court.

Several months ago, Moscow announced that it was prepared to permit continuous verification of the destruction of its "declared" chemical weapons stocks. On March 2, Russian Premier Konstantin Chernenko reiterated that such an accord would improve U.S.-Soviet relations. One would expect the Kremlin to welcome the president's proposal for mutual on-site verification of declared and potential chemical weapons production facilities. Right? Wrong.

Within hours of President Reagan's proposal, the Soviets denounced the inspection provisions and suggested they have no intention of forfeiting their formidable chemical weapons advantage.

President Reagan's initiative comes on the heels of indisputable evidence that these hideous weapons have been used against Iran by Iraq, a Soviet client state. This evidence lends further credence to substantiated charges by the United States that the Soviets and their surrogates have waged chemical warfare in Laos, Cambodia and Afghanistan, killing more than 10,000 persons.

The Soviets, of course, deny guilt, swearing scrupulous adherence to the terms of the Geneva Protocol of 1925 that prohibit use of "asphyxiating, poisonous or other gasses." That agreement, however, does not ban the production and stockpiling of these lethal weapons, and the Soviets have been busily doing both during the last two decades.

Military analysts contend the Soviet Union's chemical-weapons capability is second to none. The current Soviet chemical stockpile exceeds that of the United States by a ratio variously estimated to be as high as 10 to 1. Moreover, the analysts assert that some 5 to 30 percent of Soviet conventional munitions contain chemical payloads. By comparison, the warheads in the U.S. chemical arsenal are leaky and obsolete.

Soviet military strategy also stresses the tactical value of these weapons. Communist combat training exercises regularly involve rigorous chemical operations, including decontamination facilities.

A comparable training program for American troops generally is limited to specialized units. Soviet armored vehicles are designed and equipped for operation within chemically contaminated areas. The America M-1 battle tank lacks even a positive ventilation system to prevent the inflow of poisonous gasses.

Why is the United States at such a strategic disadvantage concerning chemical weapons? Largely because Congress has refused to approve the three requests by the administration for sufficient funds to upgrade this nation's 15-year-old chemical arsenal.

This, in turn, has not only emboldened the Soviets to enlarge their chemical-warfare potential, it has left the United States with little room to bargain. Still, a large segment of Congress clings to the illusion that the Geneva Protocol and the Biological Convention of 1972 will prevent the horror of chemical warfare. Never mind that the very weapons being used against military and civilian targets in the Mideast and Asia are clearly prohibited by both agreements.

The Soviet Union has consistently demonstrated a callous disregard for international accords that impede its global goals. Accordingly, President Reagan is correct to conclude that the best way to preserve the peace is to be prepared in every way for war since the specter of chemical warfare cannot be prevented by ignoring its gruesome possibilities.

Ironically, the administration's bid to negotiate chemical arms reductions with the Soviets has little chance of success because the U.S. chemical deterrent lacks credibility.

Assuming the Soviets persist in their refusal to negotiate a ban on chemical weapons, the United States will have no alternative but to produce counterbalancing chemical weapons.●

REPRESENTATIVE HYDE ANNOUNCES SIXTH DISTRICT ESSAY CONTEST WINNERS SENIOR HIGH LEVEL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. HYDE. Mr. Speaker, I recently conducted my first Sixth Congressional District essay competition for senior and junior high school students in my district, and today I am very pleased to announce to my colleagues the names of the senior high school winners. The first place winner is Raymond Schmitz of Glenbard North High School in Carol Stream, Ill.; the second place winner is Kyle Klukas of Fenton High School in Bensenville; and the third place winner is Faith Langlois of Driscoll High School in Addison.

The essay contest theme I asked our high school participants to expound on was "The Role of America in a Dangerous World—What Are Our Responsibilities to a Free World?"

All three students have written excellent essays which reveal an understanding of our Nation's proud history and a grasp of America's superpower role in the world which belie their youthfulness, and further inspire our faith in America's rising generation.

I know my colleagues join me in congratulating these young essayists on their winning entries, and I take pride in sharing these prize compositions with you today.

The essays follow:

AMERICA, THE WORLD, AND THE QUEST FOR INSURED FREEDOM

(By Raymond Schmitz, First Place Winner, Glenbard North High School)

An analysis of the world today reveals the extremely dangerous state in which we currently live. "What are our responsibilities to freedom?" is a pertinent question which must inevitably be asked when considering the role of America in this dangerous world and the obligations America has to freedom. This question is very perplexing but is crucial and must be thoroughly contemplated if America wishes to maintain, and further insure, its freedom as well as the freedom of the rest of the world. This question needs to be approached from a theoretical, philosophical view as well as from a practical, re-

alistic standpoint if America wishes to acquire a reasonable, applicable answer regarding its responsibilities to freedom.

Looking back in theory and philosophy, the American Revolution comes to mind. America, in the form of the thirteen original colonies, fought for its political and economic freedom from England, thus paving the way for the greatest experiment in democratic government ever. This democracy of the United States, with its universal suffrage, freedom, and equal rights to life, liberty, property, and the pursuit of happiness, being the best form of government in existence, should serve as a model to point out to the rest of the world what the epitome of freedom is. Further down the road of history, the role of the United States in World War II and in the Korean War illustrates American tradition of intervention, a role so vitally important to liberty. As in the Revolutionary War, American paricipation in these two wars was costly, proving that the price of freedom is high but has to be paid.

The question regarding America's responsibilities to freedom must also be considered from a practical, realistc standpoint. To begin with, the United States has both moral and material responsibilites to liberty and freedom. These responsibilities must be fulfilled in any manner necessary through military, economic, or humanitarian efforts, depending upon which type of effort a particular situation dictates. On the international scale, the United States has to continue to intervene whenever and wherever such intervention will benefit the cause of total liberty and human freedom. Since democracy is a system of complete freedom, the United States has a responsibility to protect itself and other countries from aggression and invasion by other less-free systems such as communism. Therefore, America needs to continue its involvement in such places as Grenada, or any other country which suffers from the threat of invading communism. America needs to continue its role as referee in the Middle East and has to place itself between warring factions both militarily and economically. Additionally, the United States needs to keep its foot planted in Latin America in order to attain and safeguard human freedom. As far as military weaponry is concerned, nuclear armament is necessary to insure the freedom of America and the rest of the world. America needs to continue building its supply of nuclear arms in order to protect itself and other countries from potentially dangerous nations. It is necessary that America continue increasing its supply of nuclear weaponry so that these potentially hazardous nations, such as Russia, will not surpass America in the nuclear arms race and gain a military advantage over this country which might possibly jeopardize the freedom of the world. Only if Russia and other countries agree to equally reduce their respective supplies of nuclear weapons should America letup in the nuclear arms race and undergo the process of disarmament.

In essence, America's moral and material responsibilities to freedom and liberty in a dangerous world require military, economic, political, and humanitarian efforts. America can fulfill these responsibilities through increased military expenditure, constant vigilance, and continued military presence in the forty-three foreign countries in which America is currently stationed. Because America is one of the most powerful countries in existence today, it has a decisive and profound impact on the rest of the world. The price of freedom in a dangerous world is very costly but has to be paid.

America's Responsibility to Freedom in This Dangerous World

(By Kyle Klukas, Second Place Winner, Fenton High School)

The existence of the United States as a country is based on our love of freedom. Freedom, however, brings with it grave responsibilities. To help us meet these responsibilities we have set up a governmental outline called the Constitution. The Constitution guarantees our freedom and human rights. However, in this highly volatile world, the United States also has the responsibility of being the backbone of the free world. By upholding our Constitution, we protect the freedom of the world.

In today's violent and dangerous world, many times it becomes necessary for men to defend our freedom and our rights abroad. One must be willing to give up his life for his country if there is a need. The men who died in Lebanon several months ago believed the same way. They knew they could be killed in action, but they still went to serve their country. They made the ultimate sacrifice for the Constitution and freedom. The men who were in Grenada were willing to give their lives in order to stop Communism from invading the Western Hemisphere. These men are protecting the Constitution from the threat of alien powers. One must take these men as an example of what our responsibility to freedom is. They made the ultimate sacrifice.

Upholding the Constitution and maintaining our freedom is not only protecting it from outside enemies, it is also obeying the laws and regulations of our land. If one should break the law, he is not upholding the Constitution. The laws are made to protect and help us in our lives. They are set up under the guide of the Constitution in a way that lets us enjoy our freedom without hurting others. To uphold the Constitution, one has to follow the laws of our land. This is very important. In obeying our laws, we keep ourselves responsibly free.

To keep ourselves and the rest of the world free is more than just a military or a civic process. It is also a mental process of improving our country. The Constitution was written with future changes our country might undergo in mind. It is everyone's duty to try to improve our country in any way possible. This keeps us ahead of our enemies and keeps us free. As more students go into technical fields, we become even more dominating in our world leadership of technology. We lead the world in high tech fields, and this helps to keep us free. Our economy profits from American developments, which makes our country strong. As long as we are strong, our Constitution will be in action. Many of our developments help keep our atmosphere clean, which improves our country. Developments, such as nuclear power, give us clean ways of supplying energy. This also improves our environment. We must all try to improve our government in any way at our disposal. One way to improve the government is to vote for those people that will make the proper decisions for our country. With the vote, we can make positive changes in our country and have an active role in supporting freedom. Improvement is very important to our country and our Constitution. Without change and improvement, our country will become weak, and our ability to maintain world freedom, crippled.

Maintaining freedom in this dangerous world means many things to many people. I believe that it means that one upholds freedom by obeying our laws, civil and criminal, and by trying to improve our country. I also believe that it means that one must be willing to defend our nation and our rights with their lives. It is every citizen's duty to do all he can to uphold and protect our Constitution and our freedom.

The Role of America in Our Dangerous World: What Are Our Responsibilities to a Free World?

(By Faith Langlois, Third Place Winner, Driscoll High School)

In the past two hundred years, the United States of America has expanded from a loosely bound group of colonies to an awe inspiring superpower. The Democratic ideology intrinsic in America's soul has served as a paragon of perfection to sundry underprivileged nations. Technology in this country has far surpassed that of most Eurasian countries. Individualism, equality, and social mobility have become household words. Freedom rings from sea to shining sea.

The dynamic impact of American freedom on third world nations has created a degree of animosity, especially in Communist countries. Every foreign policy the United States adopts is scrutinized by its rival superpower—the U.S.S.R. Communism, the antithesis of Democracy, can not exist in an atmosphere of freedom and equality. Mere suggestions of Capitalism would desiccate the entire structure of Communism, and eventually reduce it to ashes.

Communist doctrine adheres to such concepts as subordination to the state, partial isolationism, and constant expansion. The rapid expansion of Communism in third world nations has posed a tremendous threat to a free world. Third world nations have, in effect, been enticed to follow Communist doctrine. They are willing to relinquish individual freedom for the few appealing aspects of Communism, such as zero unemployment, free education, and food allowances. The impoverished nations, unable to defend their territory, are mercilessly usurped by powerful Communist troops. The conditions of civil and governmental unrest, starvation, disease, and unemployment are advantageous to power hungry officials hoping to form a Communist dictatorship.

The existence and expansion of Communism is detrimental to the establishment of a free world. What then is America's responsibility to a free world? The principles of Democracy prohibit the use of coercion and force to establish freedom. Unlike a dictatorship, the United States is unable to commandeer foreign land and thrust its beliefs on the inhabitants.

Yet, the superpower status could be demolished permanently if the U.S.A. sits idly by in times of trouble. The United States has to broaden its sphere of influence without the use of violence. The most logical method of achieving this goal is by using trade and modern technology to create allies in third world nations. This idea is being attempted in the Middle East. America is using the Middle East countries as checks against Communism. By evoking a Democratic influence in that area, the United States will prevent the geopolitically prime land from becoming Communist territory. This strategic move would also prevent the U.S.S.R. from gaining access to other countries such as Turkey.

The expansion of the United States' sphere of influence is not enough to ensure world freedom, however. Each country must obtain a national identity. This can possibly be achieved by educating the masses, and uniting them under a common goal. Cooperation among the people would strengthen the economy and lessen economic hardships. With a sense of national patriotism instilled in the people, any hint of Communist takeover would be met with violent rebellion.

In today's world, the main threat to world freedom is Communism. The world can only live in true freedom when Communism is removed from the face of the earth.●

BEWARE THE TAXERS

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. ROBERT F. SMITH. Mr. Speaker, colleagues, I would like to offer for your inspection the words, and the wisdom of a weekly newspaper editor in my Second Congressional District of Oregon, Mr. Wally Eakin of the Hood River, Oreg., News.

Wally has always had the knack of being able to see through the words from Washington to find the meaning—when there was meaning, and to find the breach in commonsense in the many instances when rhetoric has replaced meaning. That is one of the reasons why I am always pleased to review Wally's analysis of what we do here.

One of his recent editorial comments, titled "Beware the Taxers," deserves to be shared.

Today, I commend to your reading this editorial from the April 18 edition of the Hood River News.

The editorial follows:

[From the Hood River News, Apr. 18, 1984]

BEWARE THE TAXERS

The pitch is building in Washington—we've got this terrible deficit in the budget, and we've got to do something about it. Everybody knows it. What to do about it? Well, the big thrust is coming. Their hands are tied in Washington. They've got to raise taxes.

In the second breath comes the contention that they're only going to tax the rich people who can afford it. The trouble seems to be that it doesn't work that way. Many, many families consider themselves "middle income" when mom and dad bring home $20,000 to $50,000 from two jobs. That's enough to provide a living, but it's no longer the life of luxury that figure would have represented a couple of decades ago.

So what does the U.S. Treasury tell us? That in 1981, that income group ($20,000 to $50,000) paid 50 percent of all taxes collected in the United States. A full half. How much did the people earning from half a million a year on up pay? They picked up 3.1 percent of the bill in 1981.

Remember that Reagan instituted a tax cut to put some of our money back in our pockets. Detractors have said that's "Reagan's payoff to the rich." Treasury figures showed that after the cut, the $20,000 to $50,000 bracket taxpayers' share of the total bill was 49.1 percent; the top brackets paid 4.4 percent (households earning over $50,000 per year paid 32.9 percent of the total tax bill in 1981, 35.4 percent in 1982 after the tax cut).

Those treasury figures aren't quoted to advocate any particular program, they're to illustrate that tax increases and cuts don't always do what the average person might expect them to. Raise taxes on the rich to a hundred percent, and you might make the family in the middle feel like the taxers are on their side. But the real effect is to drive the "rich" money underground or overseas. That leaves you-know-who holding the real bag—the family in the middle that doesn't have the resources to beat the system.

The trouble with the "let's raise taxes on the rich" approach is that it deceives the middle income people into thinking that's what happens; then that tax increase comes back and slaps them on the backside. And they don't understand what hit them, or why.

It's going to keep repeating until somebody figures out that it wasn't just too low taxes that got us into the deficit pickle. It's the willingness not only for the government to spend, but to commit us to irreversible spending programs. Federal education, medical, welfare, defense and others. Many of them are programs that didn't even exist until somebody in Washington decided we were "entitled" to them.

When our county government got in trouble because of the depression, commissioners didn't have too many alternatives. They slapped on a hiring freeze, and froze salaries and fringes. Staffs shrank through attrition, payrolls stabilized. That's rough way to go, and a lot of people feel it wasn't fair to the staff. But it kept the county solvent (the commission didn't have the option to raise taxes unilaterally, and there wasn't much prospect the voters would pass a tax increase). Maybe we're not getting as good service as some people think we need from the arms of county government, but the doors are still open.

What we really need in Washington is not new, creative ways for "revenue enhancement" (read: raising taxes). But new resolve to freeze everything—salaries and hiring—and apply the creativity toward getting along with less.

Until that unique approach is tried, we can count on the revenue enhancers luring us to cheer tax increases to "soak the rich" that really end up picking the wrong pockets—those of the family in the middle.●

WISDOM OF JOHN QUINCY ADAMS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MILLER of California. Mr. Speaker, Saul Landau, a senior fellow of the Institute of Policy Studies and a visiting professor at the University of California (Santa Cruz), has reminded us of a timely warning of President John Quincy Adams.

President Adams distinguished himself in this House, to which he returned after his term in the Presidency. Adams, as Landau reminds us, warned against crusades against "foreign monsters" while disregarding our serious domestic, economic, and political problems.

It is easier to rail against these "foreign monsters" than to develop thoughtful and effective policies at home. Indeed, the entire record of the current administration has been to sacrifice 40 years of national commitment to the elderly, the poor, the minorities, the children, and the homeless to a costly quest for arms superiority which consumes $700 million every day.

It is also easier to impose simplistic analyses of the causes of foreign disorder than it is to understand the indigenous origins of revolutionary movements. Too often has this administration sought to use events overseas as a rationale for its own simplistic analysis of the world, or even as a justification for our own intervention into another nation's affairs.

I commend the following article, "Look Not for Foreign Monsters," to my fellow Members of the House. One of our own colleagues from the early 19th century can teach us much about the conduct of foreign policy on the eve of the 21st century.

LOOK NOT FOR FOREIGN MONSTERS

(By Saul Landau, a senior fellow at the Institute for Policy Studies)

When former Secretary of State Alexander Haig declared repeatedly that the United States would "go to the source" to stop the revolutions in Central America, he illustrated the limits of modern national security thinking. The revolutions' source is not the Soviet Union or Cuba, but the ideas that grow out of real conditions. To blame the U.S.S.R. or Cuba for Central American events shows a profoundly ahistorical pattern of policy analysis. Revolutions occurred long before the Soviet Union existed and have arisen in many countries for many centuries from circumstances that prove uniquely combustible. Haig has also ignored some of the lessons that conservative Americans have offered—not the oft-cited interventionist past in Central American, nor even the recent Vietnam experience, but the warnings of John Quincy Adams, a Founding Father who beseeched that we "go not abroad in search of monsters to destroy."

The meaning of Adams's warning was not only that we would get into deep trouble if we pursued monsters (look what happened to Captain Ahab) but that such pursuit distracts us from our country's own needs and unresolved conflicts. These conflicts cannot be reduced to just a guns vs. butter argument, but have deep roots in our own past that require attention, reflection, and commitment to resolve. More than neglect, the search for enemies abroad leads to the substitution of patriotic rhetoric for serious political debate, and the equation of ourselves with God and good, and our foes with Satan and evil.

The "holy war" mentality can lead to the acceptance of evil in the cause of good. Both Ahab and our forces in Vietnam became so involved in subduing their foe that they forgot the basic tenets of Christian behavior. In Vietnam, U.S. troops became engaged in massacres. The use of napalm and Agent

Orange became everyday events, with no thought about the land's future and our obligations to treaties—or to the consequences of those chemicals on people. Dirty tricks and dirty tactics became the rule, like the recruitment of foreign mercenaries ("tribesmen") who were later dropped when no longer needed, and left to meet their ugly fate. The idea that we had to adopt the tactics of the unscrupulous enemy (who, by the way, did not use napalm or Agent Orange), or that the enemy would somehow conquer us, had brought many American face-to-face with our own evil.

When I asked classes of young people how many people died in the Vietnam War, invariably the answers range in the 50,000's. When I underlined the word "people" on the blackboard, some of the students say "oh." Few of them are aware of the two million plus numbers that perished in Southeast Asia while we pursued a "foreign monster"—and did not destroy it.

John Quincy Adams was so serious about his advice that he himself did an unusual thing. After losing in his bid for re-election to the presidency, he ran and won a House seat. There he worked ceaselessly until the day he died—literally—since he died on the House floor while fighting for the abolition of slavery, the "monster within."

Slavery is gone from the American landscape, but not racism. We still have millions who live in conditions of terrible poverty, including some who are hungry, and many without homes. We have high divorce rates, immense drug and alcohol problems, a frightening teenage suicide rate, high crime figures, alarming levels of environmental pollution and toxicity. One could go on almost endlessly listing the U.S. serious problems. Yet our leaders, using those two relatively recent words in our political vocabulary, "national security" (they do not appear in the Constitution) have launched attacks on foreign monsters in the Middle East and in Central America.

John Quincy Adams believed that despite the disease of slavery, Americans were strong people, unconquerable for geographic reasons and because of the stoutness of soul and the fierceness of determination to remain independent. That confidence inspired him to tackle the internal problem and call for limits to our involvement abroad. Like George Washington, who warned about the consequences that would result from entangling alliances, Adams believed that good conservatives ought to understand the principles of restraint and flexibility. As the author of the Monroe Doctrine, he issued warnings to Russia and other authoritarian states in Europe not to meddle in the affairs of the Western Hemisphere. In return, Americans supported liberation wars against Spain.

None of the founding fathers confused the ideas of independence wars with real revolution. Revolution, they knew, occurred from the shutting down of all openings for political redress in times of dire economic and social distress. They also knew from their own experience that revolutions grab ideas and help from wherever they can get it. Just as America turned to French and English philosophies to justify their rebellion against England, and Tom Paine, an Englishman, found revolutionary ideas in all kinds of foreign writings, so too do Central Americans take ideas from Marx and others. But in no sense was our war against England nor our revolution foreign-inspired to the extent that it was one based on imported subversion.

In Central America and the Middle East we must look not for foreign monsters on which to blame the course of events. Bombing Cuba would not alter the struggle of the Salvadoran guerrillas, nor would obliterating Teheran stop the Islamic fervor that takes the shape of terrorism in Lebanon. These movements are not tests to our will. Recall Ahab. In him the fierce determination to win became translated into an obsessive need for domination. Ahab equated his reputaton, his credibility, with defeating the white whale. But as Ahab discovered, foreign monsters cannot easily be destroyed; in the end, they can destroy their attackers.●

ARMY SHOULD REVISE STANDARDS FOR RAPE LIABILITY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. OBERSTAR. Mr. Speaker, I wish to bring to the attention of my colleagues a copy of a letter I recently sent to the Secretary of the Army, John O. Marsh, requesting that the Army revise its current practice of disclaiming liability for servicewomen raped while in active military duty. I was pleased that 40 of my colleagues joined me in cosigning this letter. The support expressed by my colleagues is evidence of the strong desire to seek a change in the Army's current policy of applying a precedent set in the Feres against United States decision. The Army held that Feres exempted the Army from liability on the grounds that circumstances surrounding the crime were "incident to service." Rape is a crime so atrocious that it cannot rightly be discussed in terms of a precedent set in a case with circumstances as dissimilar as those of the Feres case. I hope that we will soon see a change in the Army's current procedure.

The body of my letter to Secretary Marsh is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 2, 1984.

Hon. JOHN O. MARSH, Jr.,
Secretary of the Army
The Pentagon, Washington, D.C.

DEAR SECRETARY MARSH: Following the recent ruling by the Department of the Army stating that the circumstances under which Betty Ann Buckmiller was raped while in military confinement were "incident to service", we urge the Army to change its position with respect to the *Feres* doctrine when a rape is involved.

In *Feres v. United States,* a serviceman was killed when the barracks in which he was sleeping caught fire. In the Buckmiller case, a servicewoman was raped while serving a military sentence for having been away without leave. The circumstances of the two are hardly comparable.

We believe that liability in a case involving rape cannot be determined by application of the *Feres* doctrine. The circumstances surrounding a rape cannot be reduced to a question of "incidence to service." The very nature of this act makes it inappropriate to disclaim liability for a rape in terms of a precedent set in a case which involved circumstances as dissimilar as those of *Feres.*

We urge the Army to adopt a new standard for determining liability in cases involving rape. The issue should be decided by the extent to which the Army was negligent in taking precautionary measures.

We hope that you will give our suggestions your full consideration.

Sincerely,

Don Edwards, James L. Oberstar, Berkley Bedell, Howard L. Berman, Ronald V. Dellums, Thomas J. Downey, Dennis E. Eckart, Lane Evans, Walter E. Fauntroy, Barney Frank, Bill Frenzel, Sam Gejdenson,

Henry B. Gonzalez, Katie Hall, Cecil Heftel, Frank Horton, Marcy Kaptur, Mickey Leland, Mike Lowry, James F. McNulty, Norman Y. Mineta, Parren J. Mitchell, Bruce A. Morrison, Major R. Owens,

Claude Pepper, Joel Pritchard, Martin Sabo, Gerry Sikorski, Louis Stokes, Bruce F. Vento, Doug Walgren, James Weaver, Timothy Wirth, George C. Wortley, Barbara Kennelly, Matthew Martinez, Patricia Schroeder, Olympia Snowe, George W. Crockett, Charles B. Rangel, Barbara Mikulski.●

PERSONAL EXPLANATION

HON. RAMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MAZZOLI. Mr. Speaker, on Thursday, May 3, 1984, I was unavoidably absent for Rollcall Vote No. 130. Had I been present I would have voted "aye" on final passage of H.R. 4275, dealing with construction of various hydroelectric powerplants.●

CONGRATULATIONS TO THE MIDDLESEX COUNTY ASSOCIATION FOR THE BLIND

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. DWYER of New Jersey. Mr. Speaker, I would like to congratulate the Middlesex County Association for the Blind, Inc., on the arrival of a station wagon, purchased with Department of Transportation funds, which will be of great assistance to the blind citizens of Middlesex County.

This station wagon will be used to provide the blind with a means of transportation to a variety of activities, including doctor's appointments, hospital visits, special clinics, and a number of other places which are especially important to the blind and which many of us take for granted.

The funding for this station wagon was provided through the 16-B program of the U.S. Department of

Transportation and administered by the New Jersey Transit Authority. This year, N.J. Transit has distributed 13 station wagons under this useful program. The intent of the program is to provide transportation services for senior and handicapped citizens.

I would also like to congratulate Col. David H. Mayerowitz, the chairman of the association's traffic safety education committee, whose hard work over the past several years resulted in the purchase of this vehicle. Over 200 residents of Middlesex County took part in the dedication of this new means of transportation for the blind.●

UNITED STATES-VATICAN DIPLOMATIC RELATIONS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. McDADE. Mr. Speaker, a very informative address was given by Archbishop Pio Laghi, Apostolic Pro-Nuncio to the United States, discussing diplomatic relations between the United States and the Vatican. The address sheds light on a subject which is little understood outside of diplomatic circles. His address was given when the Catholic University of America conferred an honorary doctor of humane letters degree on him on April 6 and concerns three main points: papal diplomacy in general, the role of the papal representative, and the diplomatic concerns of Pope John Paul II.

I commend his address to my colleagues and to the many people across the United States who are interested in this matter.

ADDRESS OF ARCHBISHOP PIO LAGHI, APOSTOLIC PRO-NUNCIO IN THE UNITED STATES

Archbishop Hickey, Chancellor of this great University; Father Byron, the President; Distinguished Members of the Administration and Faculty; and dear Students:

Towards the end of last year, I received a letter from Father Byron in which he mentioned that the Catholic University had been trying, unsuccessfully, to confer upon me an honorary degree ever since I came to the United States as the Pope's personal representative. In response to Father Byron, I noted that I was very pleased to accept this honor and that I would consider it a great distinction to be regarded as an honorary alumnus of this fine institution. Your dynamic President also suggested to me that this would provide me with an excellent opportunity to deliver an address on the topic of my choice. When left with that sort of an unlimited option, the choice of a suitable subject for an address sometimes becomes even more difficult. However, I hope you will not accuse me of an excessive narcissism if I have chosen to focus on a topic which for thirty-two years now has been my special calling: Papal Diplomacy. It is my perception that the recent decision of the United States and the Holy See to resume full diplomatic relations after a hiatus dating back to 1868 has sharpened interest in this sector of the Church's role in the contemporary world. Thus, I propose to speak to you about three specific points:

(1) Papal Diplomacy in general;

(2) the Role of the Papal Representative;

(3) and, Pope John Paul II's Diplomatic Concerns.

I. PAPAL DIPLOMACY IN GENERAL

When it comes to giving a definition of Papal Diplomacy, the old scholastic adage, tot sententiae quot capita, is right on the mark. I think, however, that the definition given by the late Archbishop Cardinale, who died last year while serving as Papal Representative to Belgium, helps us to understand what Papal Diplomacy is all about. He defines it in these terms:

"The system which, in accord with the rules of both ecclesiastical and international law, governs the relations between Church and State with a view to ensuring their harmony and cooperation and thus promoting lasting good will, understanding and peace among all peoples." (H.E. Cardinale, The Holy See and the International Order, p. 37.)

Papal Diplomacy has been referred to as sui generis, because nowhere is it exactly paralleled. In fact, the Catholic Church is the only religious body that I know of that engages in direct relations with various states. You recall the confusion and controversy that arose in the media at the time it was announced that the United States and the Holy See intended to re-establish diplomatic ties. Some mistakenly tried to justify the American government's action by implying that it was entering into a diplomatic relationship not with the Roman Catholic Church as such, the Holy See, but rather with the sovereign Vatican City-State.

"Papal Diplomacy rests essentially upon the spiritual sovereignty of the Holy See and not upon dominion over a few acres in the heart of Rome." (R. A. Graham, S.J., Vatican Diplomacy, P. 15.)

It is, therefore, the Pope's religious authority which confers upon him the classical right of legation, a diplomatic standing in the world. Those who interpret Papal Diplomacy as emanating from the Pope's temporal sovereignty are failing to understand the true nature of the mission of the Holy See.

One of the most notable practitioners of Papal Diplomacy in our times was the late Pope Paul VI. In 1951, when he was Monsignor Montini, the Pro-Secretary of State of Pope Pius XII, the future Pontiff delivered a major address at the Pontifical Ecclesiastical Academy on the occasion of that institution's two hundred and fiftieth anniversary. I was in my final year of preparation for service in the Vatican Diplomacy Corps at that time, and I still remember with fondness the remarkable message Monsignor Montini left with all of us that memorable day. He titled his talk, "Papal Diplomacy As a Means of Representing Christ Before The World." Monsignor Montini re-affirmed for us budding diplomats that:

"Diplomacy is neither alien nor contrary to the ecclesiastical spirit, nor, least of all, to the authority of the Church and of the Sovereign Pontiff. If diplomacy works through the medium of responsible representatives, if it seeks to construct peace, if it is indeed the art of peace, then no other institution and no other relationship between the peoples more deserves the support of the Catholic Church which, more than any other earthly good, seeks, preaches and gives birth to this peace, true peace."

The man who would become Pope Paul VI was not so greatly concerned with defending or justifying the existence of diplomacy in the Church as he was intent on reminding us that, if there must be diplomacy in the Roman Church, it must be good diplomacy. He told us that the diplomacy of the Holy See has its distinctive character: it sends its representatives to various countries not only to defend the rights of the Holy See and of the Church, but equally to defend the rights and to serve the needs of the people to whom they are sent.

"The ecclesiastical diplomat does not make use of intrigue and guile in his relations with the government which has received him as a diplomatic interlocutor. The ecclesiastical diplomat brings words of understanding; he supports the just demands of the population; he collaborates with the government and nation who have offered him hospitality . . . That is why the Church considers diplomacy as a service of love towards the peoples, and the school which prepares men for it is a school of charity."

Monsignor Montini concluded his discourse with a warning:

"You must all know what it means to be representatives. Diplomacy means representation. Let us know what it means to represent Christ, and to represent the Church."

Nearly two decades later, Pope Paul received in solemn audience the Members of the Diplomatic Corps accredited to the Holy See for the presentation of their New Year greetings to him. Once again, the Pontiff who spent the greatest part of his priestly life in diplomatic service raised an old, familiar question: For the Church, whose essential role is a religious one, is recourse to diplomacy truly justified? I would like to quote at some length the answer given by Pope Paul, for I maintain that it allows for a clear and precise understanding of the objectives of Papal Diplomacy in today's world:

"The diplomatic activity of the Holy See responds to the present developments of international life and to the present needs of the mission which the Church must fulfill in the contemporary world. The Second Vatican Council has spoken of this mission by solemnly affirming that the Church is called upon to give a determinative aid to society, by fortifying and solidifying the unity of the human family . . . (The Holy See wishes to) help to render closer the bonds between nations, by mutual dialogue, careful to recognize the rights and duties of each. The Roman Pontiffs, particularly in the modern and contemporary period, became more and more keenly aware of this responsibility which flows directly from their mission. And they replied to this imperative inherent in their office: that of becoming interested also in civil society, not to interfere unduly in a domain outside their scope, but to foster respect for the basic principles of civil and international life, justice towards all, mutual concord, collaboration among peoples; briefly, to cooperate in the peaceful search for this common good, of which the temporal authority should be the guarantee in order to serve and to defend peace." (Address to the Diplomatic Corps, January 12, 1970)

As long as the Church continues to engage in diplomatic activity with States and international organizations, it will not escape the criticism and objections of those who feel it is an inappropriate and anachronistic method for a Church to employ. In its broadest outlines and essential function, Papal Diplomacy is in agreement with the general aims of diplomacy which tends ultimately to secure the reconciliation and uni-

fication of the world through the peaceful and prosperous growth of individual States. As Archbishop Cardinale points out in his classic work on Papal Diplomacy:

"The Holy See is the only Organization which can authoritatively entrust its diplomatic agents with a mission which, being at once religious, political and social, is entirely dedicated to peacemaking at the principal levels of human activity." (op. cit., p. 39)

II. THE ROLE OF THE PAPAL REPRESENTATIVE

Just last month, I was asked to give an interview to two representatives from the print media. In the course of the interview, one of the reporters sought a definition of the role of the Papal Representative. Responding to the question, I told him that I conceived that role in terms of one who conveys the position of the Holy See on an issue or situation when a government asks to know that position. On another occasion, I have described the role of a Representative as being like that of a filter which studies and evaluates information as it flows between the Holy See and the United States.

In order to have a better appreciation of the role of a Papal Representative, I ask you to consider the term which the Holy See uses to designate the person holding such an office. We are not usually referred to as Ambassadors, though in point of fact that is the function we perform. Unlike the representatives from other nations in the world, the Holy See prefers to use the term, Nuncio, which derives from the Latin nuntius. We exercise the role of messengers, heralds of the Good News and for this reason the Holy See has retained this title for its representatives.

Pope Paul VI gave what is, perhaps, the most accurate description of the role of the modern Papal Representative. In 1970, when he visited Southeast Asia, he addressed the Papal Representatives from that region who had come to Manila. In his talk, Paul VI declared:

"The role of Nuncios is also evolving. Until now, the Nuncio was little more than the Pope's representative to Governments and Churches. His activity with regard to the Churches was above all of a hierarchical and administrative nature; in a certain sense he remained a stranger to the local Church. Today, the Nuncio must place a more pronounced pastoral accent on his work. He too is at the service of the Kingdom of God as it goes forward in the land . . . You, the Representatives of the Pope, must be for the local hierarchies a living sign of collegiality, sharing as far as you can their pastoral preoccupations. Coming from the heart of Christianity, you are the witnesses of the catholicity, that is, the universality of the Christian message. Sharing as you do in the special charism of Peter, you represent in a privileged way the demands of unity in the desired diversity of expressions of the same faith. By reason of the apostolic college, you constitute to some extent a link between the individual Churches of the entire world." (Address of Pope Paul VI, Manila, 1970)

It is clear from these words that Pope Paul VI viewed the role of the Papal Representative more in terms of his mission to the local Church than to the government to which he was accredited. As a matter of fact, I can tell you that the reality shapes up precisely that way. I spend most of my time dealing with issues that are distinctly religious in nature, and only a small portion of my day is taken up by matters that pertain to my diplomatic position with the United States Government.

When I arrived in Washington and was received at the National Shrine as Apostolic Delegate, on February first, 1981, I stressed this point in the following words:

"The Papal Representative cannot be a stranger to the people of the country to which he exercises his mission. At the same time, he must necessarily look beyond the best interests of any particular group. His criterion is the universality of the Church. Along with the Pope, whose envoy he is, the pontifical representative belongs to no faction or social group. He belongs to all the people, for the teaching of the Holy Father reaches out to all his family and is universal in scope." (Archbishop Pio Laghi, Homily at the National Shrine, February 1, 1981)

III. POPE JOHN PAUL'S DIPLOMATIC CONCERNS

For Pope John Paul, what characterizes the diplomacy and international activity of the Holy See is its humanitarian concern. This term embraces the shunning of everything that is injurious to the life, to the dignity, of individuals and communities. In his January, 1983 address to the Members of the Diplomatic Corps accredited to the Holy See, the Holy Father affirmed:

"The Church feels particularly called on to make itself, as much as possible, the Good Samaritan of those who are left abandoned along the path of history." (Address to the Diplomatic Corps, January 15, 1983)

It is Pope John Paul's conviction that the Church should make itself the voice of those without a voice, the poor, the victims of every kind. The Holy See, which in the name of the Church has the opportunity of entering into relationships with the leaders of countries, hopes that its intervention will at least be accepted; that it will afford a change for relief for the victims of oppression of every sort. The Holy See requires nothing, demands nothing for itself; it lends its voice and offers a humanitarian gesture.

"The universal vocations of the Church must be to the eyes of everyone a proof of its disinterestedness and impartiality. It is man, as man, that concerns it, and all the more so in that it sees in him the image of the Creator, the brother of Christ." (January 15, 1983)

The Holy Father maintains that, in order to serve the common good, to serve the cause of the poor and the oppressed, the Holy See is convinced that it must act in all independence. This independence permits the Holy See to listen to all human, religious and political expressions, to open its door to all who have some responsibility, some influence. John Paul describes well how he understands his diplomatic role:

"The role of a priest, of a bishop, the duty of a Pope is to receive the persons, if this can be of service to a progress in justice and in peace; and precisely to encourage them, with all clarity, in this direction, to exhort them, without any compromise whatever, to renounce the means of violence and terrorism in support of the cause of the poor which they claim to be defending. The Holy See is not exclusive, and it is ready to deal with everyone, if it judges it salutary and prudent to do so." (January 15, 1983)

The Holy See believes that it finds itself in a unique position of spiritual and moral authority in the service of peace for all. Its diplomacy is deeply motivated by the spirit of the Gospel of Christ, and because it has no material interests to defend, it has been able to inspire the trust of an increasing number of nations. Within the framework of international diplomatic circles, the Holy See desire first of all to promote trust.

Let me conclude my remarks here today with a quotation from Pope John Paul:

"The Church wishes to be welcoming, like Christ. She knows that the power of evil is great; that hardening can endure; she is without illusions. But she can never despair of a change in people even when they continue to offend, even to persecute her. She sends out an appeal to dialogue. She strives to arouse the sense of truth, of justice, of fraternity, at least of prudence, which may lie dormant in the human conscience, which is never totally perverted, despite certain contrary ideologies. She has in view the welfare of people who are suffering, in great numbers, behind these situations of distress. She wishes to entreat the world to offer these relief. In her opinion, the major obstacles erected by certain persons in positions of responsibility will inevitably collapse in the long run, for the generations renew themselves. Nevertheless, she will not yield to the present trials. In short, her attitude is built on confidence in the progress of persons and on the future. Who can reproach her for this?" (January 15, 1983)

I want all of you to know that I am deeply honored by the distinction you confer upon me today. After what I have stated in regard to my life as a diplomat in the service of the Holy See, I think that you can well understand how I might interpret your gracious gesture towards me as one of recognition not of my personal accomplishments, but of the achievements of the Holy See and of the Vicar of Christ himself. For this reason, I am particularly grateful to all of you who have played any part in making possible the conferral of this honorary degree.

I have always been keenly interested in this fine institution and its educational mission, and now I have added reason to be justifiably proud of all that the Catholic University of America represents for the Church and Society in this great nation.●

UNION OF ORTHODOX JEWISH CONGREGATIONS TO HONOR SAMUEL BRACH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. ACKERMAN. Mr. Speaker, it is with great pleasure that I rise today to inform my colleagues of the upcoming 86th anniversary dinner of the Union of Orthodox Jewish Congregations of America, which will occur on Sunday, May 13, 1984.

The Orthodox Union, better known by its initials, O.U., is the central voice and service organization for over 1,000 orthodox congregations in the United States alone. During the course of its rich history, the O.U. has excelled in promoting multifaceted national programs of synagogue services and activities related to adult education, campus outreach, youth activities, Kashruth supervision, publications and community relations. Moreover, the O.U. has been recognized as a representative body of the Orthodox Jewish community in most matters of religious, social, and political nature.

Mr. Speaker, the upcoming banquet, which annually gathers scores of lay and rabbinic representatives from throughout North America, will this year bestow honors upon a distinguished constituent and a personal friend of mine, Samuel Brach. He will be presented with O.U.'s National Achievement Award for his indefatigable service on the local level.

Samuel Brach, a Holocaust survivor, has for many years been a notable figure in educational, social, and political circles in New York. His contributions to strengthening Jewish life—in our community and beyond—merits emulation, while his initiatives as a prime mover of such endeavors as the Kew Gardens Hills Ritualerium and the Kew Gardens Hills Chevra Kadisha have already earned him the gratitude of all those whose lives have been affected through these efforts.

Recently, Mr. Brach founded the Kew Gardens Hills Jewish Community Council, which he currently serves as president. He is also the publisher of a bimonthly newspaper, "The Voice of the Hills," which he conceived to disseminate urgent community-oriented news and information.

To understand Sam Brach's commitment, Mr. Speaker, one must realize the sincerity of his quest to enhance the quality of Jewish life and to perpetuate the noble ideals of its heritage, which have survived the dark years of the Holocaust.

Sam Brach and his wife, Miriam, have given of themselves so benevolently, and have become partners in every undertaking which insures Jewish survival.

Mr. Speaker, I call upon my colleagues in the Congress of the United States to join in congratulating Samuel Brach and in wishing him Mazal Tov. The greatness of our country rests on the exemplary devotion he so distinctively displays.●

CONGRESSIONAL SALUTE TO THE PEOPLE OF NORTH CAUCASIA ON THE 66TH ANNIVERSARY OF THEIR DECLARATION OF INDEPENDENCE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. ROE. Mr. Speaker, on Saturday, May 12 the North Caucasian Center of America whose President, Mr. Yahia Kazan, resides in my district will be observing the 66th anniversary of the Declaration of Independence of the people of North Caucasia and has requested that I call to the attention of you and our colleagues here in the Congress the plight of the freedom-loving people of North Caucasia in seeking independence as a free state among the nations of the world. I know you will want to join with the North Caucasians of Paterson, N.J., and the North Caucasian American community throughout our country in commemorating this historic observance.

Mr. Speaker, on May 11, 1918 the North Caucasians, having survived many, many battles since the Russian conquest of 1864, declared their independence and with your permission, I would like to insert at this point in our historical journal of Congress a brief summary of the oppression of the North Caucasians as related to me by the North Caucasians of Paterson, N.J. The summary is, as follows:

BRIEF HISTORY OF THE OPPRESSION OF NORTH CAUCASIANS

The North Caucasians have suffered Russian enslavement for a long time, but little of this has been known to the free world. One of the reasons is that the North Caucasians are little known, and their cause is overshadowed by other enslaved European people who are better known to the Western World, such as the Poles, Hungarians, and the Ukranians. Since the suffering of the North Caucasians, as well as of these peoples, is a result of Soviet Imperialism and since freedom should be enjoyed by all peoples regardless of nationality, it is important that the oppression of North Caucasians be made known.

The North Caucasians are the peoples who inhabit the Caucasus, now under Soviet rule. Through the ages, the North Caucasian people struggled bitterly against any oppressor who tried to deny them the right to be free. In the 19th century, however, with an intensification of the Tsarist Russian imperial scheme to reach the warm waters of the Mediterranean and the Persian Gulf, the North Caucasian position became more serious. Being inhabitants of the corridor which leads to the Persian Gulf, the North Caucasians fell under constant Russian aggression. From the outset, the North Caucasians realized, owing to their small numbers, the futility of their fight against the colossus, Russia. But they made their choice to die on their feet rather than to live on their knees. The whole first part of the 19th century, the North Caucasians fought the tremendous Russian Army without any outside help. After six decades of fighting, in 1864, Russia claimed that she pacified the North Caucasians by forcing over half a million people into mass exile. Most of these exiles were scattered into the Ottoman Empire and their descendants are still living in several countries of the Middle East.

The North Caucasians who remained in the Caucasus under Tsarist rule, tried through several sporadic uprisings to regain their freedom and independence, but without any success. When the Bolshevik revolution of 1917 took place, the North Caucasians as well as other subjugated peoples of the Caucasus, believed that their golden opportunity to reestablish themselves, as a free people, had come and they began to organize themselves into a democratic republic. But as soon as the Bolsheviks established themselves, the whole Caucasus once again came under the Russian yoke. This time the Russians instead of being white, were red, more efficient, and more ruthless. They enforced their collectivization on the people, massacring anybody who did not accept so called Marxist doctrine. Many North Caucasians who took arms against the new master of the Caucasus were killed, and some, who escaped, moved out of the Caucasus. Thus the second exodus of the North Caucasians took place.

Between the two World Wars, the North Caucasians experienced the most severe rules and subjugation in their history. When the Second World War started, once again the North Caucasians took it as an opportunity to free themselves and joined sides against their Communist masters. Again they were suppressed, and again some managed to escape to the free world. The North Caucasians of Paterson are some of these who found a haven in the United States and belong to the third exodus of the North Caucasian peoples.

Although the North Caucasians of Paterson are lucky to find a refuge in the United States, where they enjoy the blessings of its democratic institutions and human rights, they cannot free themselves from thoughts of their brothers, sisters, sons and daughters who are not free but are enslaved in the fullest meaning of that word. Therefore, the North Caucasians of Paterson deem it their duty to raise their voice and let Americans and the peoples of the free world know about their case and cause.

Mr. Speaker, on behalf of the people of my congressional district and the State of New Jersey, I join in this annual observance of the North Caucasians of Paterson and trust that through our mutual endeavors and responsibilities that we will strive to continue to achieve international understanding and agreement that will eliminate the oppression of people and restore "human rights" and the rights of self-determination by the peoples of the so-called captive nations of the world.●

LIMIT ON TEACHING EVOLUTION LIFTED

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, the future of public education won an important victory recently in El Paso, when the Texas Board of Education repealed a rule that required textbooks to describe evolution as only one of several theories concerning the origin of our species. The ruling came in the wake of the Texas attorney general's finding that the restriction was an unconstitutional intrusion of religion into State matters.

Because of the impact of the State of Texas on the national textbook market, I feel it is important for my colleagues to be aware of this ruling and its implications. Two articles from the Washington Post and the New York Times give an insightful look at this recent ruling, and I would like to insert them into the CONGRESSIONAL RECORD.

The articles follow:

[From the New York Times, Apr. 15, 1984]

LIMIT ON TEACHING EVOLUTION LIFTED AFTER THREAT OF SUIT

(By Robert Reinhold)

EL PASO.—The Texas Board of Education today repeated a decade-old rule that required textbooks used in the state's public schools to describe evolution as "only one of several explanations" of the origin of human beings and to present it as "theory rather than fact."

Critics had charged that textbook publishers had to water down their treatment of evolutions in books sold all over the country if they wanted to sell textbooks in Texas. Texas spends about $65 million a year on texts, making the state the fourth largest market in the country.

But, there was disagreement over what effect the repeal would have.

LAWSUIT WAS THREATENED

"This is going to free publishers to write about science accurately, unhampered by religious dogma," said Michael Hudson, the Texas coordinator for People for the American Way, a national anticensorship group that had petitioned for today's change and threatened to sue if it was not made.

"It undoes 10 years of creationist influence on textbook content and it will spill over into every state," Mr. Hudson said.

"It won't make a bit of difference," countered Norma Gabler of Longview, Tex. She and her husband, Mel, representing the fundamentalist religious view of creation, have long exerted a powerful influence on the approval of textbooks in Texas and were the authors of the original evolution rule.

"This is rule by intimidation and threat," she said, referring to Mr. Hudson's group, She added that textbooks had not changed much under the rule and still presented evolutionary theory.

"They still show hunched-over men moving up to man from monkeys and fishes coming out of the water," she said. "If you want to believe you came from a monkey, that's fine, but I don't."

All textbooks in Texas must be approved by the state board in a procedure similar to that in 17 other states, most of them in the South and Southwest.

The move today, taken reluctantly, came a month after the state's Attorney General, Jim Mattox, declared the requirement on evolution an unconstitutional intrusion of religion into state matters. He indicated then that he would not defend the board against an expected lawsuit challenging the rule, and members of the board said today they had no choice but to repeal it.

Moreover, the board has been under heavy pressure from many Texas political and business leaders, uneasy over criticism of Texas schools.

The repeal came on a voice vote of the 27-member board with only one audible dissent. The panel then unanimously approved a new provision stating, without mentioning evolution, that "theories should be clearly distinguished from fact and presented in an objective educational manner."

The rule did not forbid the teaching of evolutionary theory or require any mention of creationism in texts. But books mentioning evolution were required to print a disclaimer identifying evolution "as only one of several explanations of the origins of mankind" and must "avoid limiting young people in their search for meanings of their human existence."

The rule also compelled text writers to "ensure that the reference is clearly to a theory and not to a verified fact."

In his ruling last month, Attorney General Mattox said, "The inference is inescapable, from the narrowness of the requirement, that a concern for religious sensibilities rather than a dedication to scientific truth was the real motivation for the rules."

REPEAL AUTHOR DISAGREED

The board member who proposed today's repeal said in an interview that she disagreed with Mr. Mattox. Touching a jeweled cross hanging from a gold chain around her neck, the member, Mary Ann Leveridge of East Bernard, said, "Traditionally state agencies comply with the Attorney General whether they agree or not, but he is reaching on this one."

"I don't think it will make two cents worth of difference," she went on. "The rule has never had any significant effect on biology books." She said she had compared texts from the 1940's and 1960's with those published since the rule was passed in 1974 and found that, if anything, the new ones gave more space to evolution.

"There has never been any possibility of teaching creation science in the schools," she said. "It would be unconstitutional."

"It was a proper reaction to the Attorney General's opinion," said the board chairman, Joe Kelly Butler of Houston, in an interview. "But I do not agree we were trying to put creationism into the books. The books are full of evolution, full of Darwin. All we were doing was being a referee between right and left."

The board members are elected, one from each of the state's Congressional Districts.

Present for the vote were representatives of textbook publishers, among them Hank Watkins of Prentice-Hall, publishers of "Prentice-Hall Biology." He said the repeal would make little difference, disputing suggestions that his company had watered down texts.

"We have not changed our books in any way," he said. "The only thing we would have to do is not print the disclaimer."

However, Mr. Hudson of People for the American Way said that his organization had traced numerous changes to the Texas rule and linked it to a decline in scientific ability among American schoolchildren.

TURMOIL IN TEXAS EDUCATION

He said a key objective is to "clean up" books to be adopted by the board in November. Preliminary versions were due to arrive next week, and Mr. Hudson's group had threatened to sue if the rule was not repealed at today's regular meeting of the board at the regional Educational Service Center near the El Paso airport.

Wayne A. Moyer, science director for People for the American Way, acknowledged that the texts did give considerable space to evolution. "But the question is the quality of evolution treatment," he said.

The vote came at a time of extraordinary turmoil in Texas public education. H. Ross Perot of Dallas, chairman of a Select Committee on Public Education appointed last year by Gov. Mark White, has been denouncing Texas schools as dominated by "drill team, band and football" rather than academic interests.

While he has said little of the evolution issue, Mr. Perot, who made a fortune in computers, has held Mr. Butler and the board responsible for many of the deficiencies he sees in Texas schools, calling the board authoritarian and remote. Mr. Perot has proposed abolishing the elected board and replacing it with a nine-member panel appointed by the governor.

Yesterday one board member, Mary Helen Berlanga, a lawyer from Corpus Christi, circulated a letter calling for the recall of Mr. Butler, declaring that he was responsible for a decline in educational performance by Texas pupils over the last decade.

Mr. Butler opened this morning's meeting with a statement that he did not wish to serve unless he had the confidence of the board. The board voted 19 to 5, with Mr. Butler abstaining, to support the chairman.

[From the Washington Post, Apr. 14, 1984]

TEXAS RELAXES RULE ON EVOLUTION TEACHING

(By Paul Taylor)

EL PASO.—The Texas Board of Education, with little debate and less fanfare, today repealed a 10-year old rule that had contributed to a nationwide watering-down of the theory of evolution in high school biology textbooks.

The rule, adopted in response to pressure from creationists, had required that evolution be taught as "only one of several explanations of the origins of mankind." It also called for all science textbooks to contain a front page disclaimer stating that material on evolution is presented "as theory rather than fact."

Texas is the largest textbook purchaser in the country, and publishers have acknowledged they tailor texts to survive in the market here. One study has shown that in the past decade coverage of evolution has decreased up to 50 percent in biology texts of major national publishers.

Today's 23-to-2 vote to repeal was technically only a recommendation, but final passage by the whole board Saturday is considered a mere formality.

"Today's action will have a tremendously positive influence on authors and textbook publishers around the country," predicted Michael Hudson, state director of People for the American Way, a self-styled citizens' lobby founded by television producer Norman Lear to blunt the influence of the religious right.

Hudson had mobilized the scientific community in the state to oppose the rule, but the board's decision appeared to have been prompted more by legal considerations.

Last month state Attorney General Jim Mattox issued an opinion declaring the rule an unconstitutional infringement of the First Amendment guarantee of church-state separation.

The opinion was advisory only, but it meant that the board would face opposition from the state's chief legal officer, as well as a possible cutoff of textbook funding, in the event that People for the American Way pursued a threatened lawsuit.

Moreover, recent court decisions have not been favorable. In 1982, a federal court threw out an Arkansas law requiring treatment of both evolution and scientific creationism in textbooks. A similar law adopted by the legislature in Louisiana is now being challenged in federal court.

In his opinion, Mattox found that the board adopted the rule in response to a formal written complaint from Mel and Norma Gabler, Longview, Tex., fundamentalists who have made a career of purging textbooks of material they consider out of step with literal teachings of the Bible.

Over the years, the elected board had defended the rule in the face of mounting crit-

icism and occasional ridicule in the press and scientific community. But today, the members seemed to feel they were well rid of the issue.

"I hope this all goes away now," Chairman Joe Kelly Butler of Houston said. "I still think Mattox gave a political opinion based on a liberal philosophy, but I don't think what we did today will hurt a bit."

Other conservatives were less sure. "If you tell kids it all started with a bunch of excited molecules millions of years ago and they're just a bunch of animals, well then they're going to act like animals, and that's the problem," said Dr. H. Reginald McDaniel, a board member from Dallas.

McDaniel will propose a new rule Saturday that will call for evidence in support of the theory of evolution to be treated alongside evidence opposed to it. "All we want is for there to be equal information opposed to evolution in the texts," said Mrs. Gabler, who was in the audience.

That wording is not considered likely to pass. Rather, the board is expected to adopt a resolution that calls for all scientific theory to be distinguished from scientific fact in textbooks, a rule that Hudson called "superfluous."

Scientists argue that evolution is as critical to understanding biology as gravity is to physics. Both are theories, but not in the sense that the term is used in vernacular.

"Evolution isn't a theory in the sense that you sit around and say, 'I've got a theory about the Cowboys . . .'," meaning "'My hunch is . . .,'" board member Virginia Currey said. "We are talking about something that needs to be taken seriously, and the children need to understand that."●

TROUBLE ON THE FARM

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MARLENEE. Mr. Speaker, there has been a recent increase in the lamentations against the cost of farm programs, but at Billings Gazette writer Jim Gransbery points out in his story headlined "51 percent FmHA Loans Are Delinquent"—times are tough on the farm. In fact, it is tough just keeping the farm.

Mr. Speaker, not only are 51 percent of the FmHA loans delinguent in Montana, but some 62 percent of the emergency loans are past due. Farmers are going broke. Families who have farmed the same land—and farmed it wisely—are losing their farms.

Congress will begin writing a new omnibus 4-year farm bill soon, and urge my colleagues to keep the following article in mind during the deliberation of this bill.

Farmers want their income from the marketplace, not the Treasury. As this article demonstrates, right now the marketplace stinks. I suggest my colleagues be aware of this fact.

[From the Billings Gazette, Apr. 28, 1984]

FIFTY-ONE PERCENT OF STATE FMHA LOANS ARE DELINQUENT

(By Jim Gransbery)

Figures collected by the Montana Department of Agriculture show that just over half of all Farmers Home Administration loans in the state are delinquent.

The statistics were requested by Keith C. Kelly, department director, for a May 18 meeting in Denver of the National Governors' Association Agriculture Committee that will be discussing current problems in the farm economy. Federal and national financial experts will be in attendance.

The Montana FmHA has 8,500 loans outstanding with an average loan delinquency of 51 percent; the national average delinquency rate is 47 percent. FmHA officials, however, say refinancing will be bringing the Montana rate down soon to near the national average. A loan is delinquent when one or more payments are past due.

Kelly cautioned Friday, "being behind does not mean the borrower is facing immediate bankruptcy or foreclosure. There is no reason for any panic, but it is a matter of concern."

The Montana delinquencies are broken down into farm ownership loans with 36 percent past due; farm operating loans with 47 percent past due; and farm emergency loans with 62 percent past due.

Additionally, the state FmHA has 1,000 loan applications on hand. Although funding is available for operating loans, it is unable to process them because of a shortage of personnel. Money for ownership loans is limited and there is a two-year waiting list.

The recent farm program package passed by Congress and signed into law by President Reagan provided about $7 million for economic emergency loans for Montana, according to Art Lund, state FmHA director.

Economic emergency loans are authorized for farmers and ranchers who are directly and primarily engaged in, and expect to continue in, agriculture production, are unable to get sufficient credit from their regular lenders, and need credit to maintain farming operations.

Of the $7 million, $3 million is available in direct loans, Lund said Friday "Most of this money is already gone because the loans are easy to make" in terms of paperwork, he said. Direct loans mean the money comes directly from the U.S. treasury and local banks are not involved, he explained.

For FmHA guaranteed loans, the borrower must go through his local bank and have the loan approved, then FmHA will guarantee up to 90 percent of the loan. "There is $1.3 million left for these loans," Lund said, "these take a little longer to complete because they are arranged through the local banks."

In the final analysis, emergency loans become a "political" decision, Kelly said, "because such loans just pile on debt. It is difficult to do; it just compounds the problem, continuing the downward spiral from which they are unable to recover."

"At some point, we have to tell the farmer to get out, to save what equity he can," he said. The state FmHA foreclosed on 20 loans in 1983 with 30 loans liquidated voluntarily.

Kelly said most of those in trouble are victims of circumstance. They are good managers and good producers, but there is a depressed farm economy. "The irony is that last year there were record support programs, yet the farm economy continued to decline with prices below the cost of production," he said.

Kelly also said he is upset with Reagan's attitude. Recently, Reagan said the predicted foreclosure rate in 1984 of 4 percent nationally "'was not significant,'" Kelly said. "But that 4 percent is a 100 percent increase above 1983. What happens next year when they can't service their debt?"

Recovery, if and when it comes, must be in the market place, Kelly said, and interest rates must come down.

"Interest has become the largest single cost item in the farm budget," he said.

Delinquencies for ag loans from other financial lenders is not near as severe as the FmHA. Figures collect by Kelly's department show in Montana that as of March 31 the Production Credit Association had a past due rate of 3.6 percent with a projected yearly average of 2 percent.

In 1983 the PCA foreclosed on 17 loans and on 2 loans so far in 1984. PCA has about 5,000 short-to-intermediate term loans outstanding.

The Federal Land Bank as of March 31 showed a past due rate of 4.64 percent on 9,300 loans. In 1982 FLB foreclosed on 24 loans, 32 in 1983 and 15 so far in 1984.

In the survey, 19 state commercial banks reported an average of 7.5 percent of their ag loans delinquent in 1983 with 10 foreclosure and/or voluntary liquidations.

The commercial lenders indicated that problems were primarily caused by low prices, high interest rates, high operating costs, poor cash flow, mismanagement, tax advantages to corporations are import competion.●

NATIONAL SMALL BUSINESS WEEK

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. McDADE. Mr. Speaker, this week is National Small Business Week. It is most appropriate that we pause to recognize the contributions that small business makes to our economy.

The theme for National Small Business Week, "Small Business Means Jobs," is most appropriate when we consider that small business—

Employs more than half of the private sector labor force;

Generates the vast majority of all new jobs;

Is the source of half of all new inventions and innovations; and

Produces half the gross national product.

There can be no doubt that small business is the foundation of our economy.

Small business also represents many of the traditional values we hold dear. It provides the opportunity for entrepreneurship and economic self-determination which are unique to our society. Personal service, merchant accountability to customers and community involvement are hallmarks of small business. With these attributes small businesses make much more

than an economic contribution to the communities in which they are located. Indeed, our national life is shaped and enriched by their efforts.

The 1983 economic record for small business indicates that in the first three-quarters business starts were up 13 percent from last year and conversely bankruptcies were 30 percent lower in the last half of 1983 than for the same period in 1982. Income from small businesses increased in 1983 by 18 percent over the previous year.

Economic conditions in 1983 made it a good year for small business. Inflation was down 4 percent, down from 12 percent, and the prime interest rate was 11 percent, instead of 21 percent. Also, Congress enacted legislation which cut personal and individual taxes, relieved small firms of unnecessary regulation and paperwork, mandated that 10 Federal agencies make R&D awards to small firms and required that Federal agencies allow a longer period for responses to bid requests. We must continue to provide a healthy economic environment, so that small businesses can continue to grow and prosper.

The men and women who will be honored this week for their accomplishments have shown a remarkable ability to respond to changing circumstances, no matter how difficult they may be. They deserve our respect and support.●

COMMEMORATING THE 100TH ANNIVERSARY OF TRUMAN'S BIRTH

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1984

● Mr. ALBOSTA. Mr. Speaker, I rise today to pay tribute to a great American. Harry S. Truman, the first President whom I voted for, was an uncommon man who espoused the virtues of the average American. He was straight-talking, unpretentious, and honest. Such were the qualities of this fair-dealer from Independence, Mo.

From the courthouse to the Senate, from the Vice Presidency to the Presidency, he carried with him the political acumen, the wit, and the ability to overcome, when the pundits predicted certain defeat.

The fiesty Missourian, known to many as "Give 'em Hell Harry," once remarked that he never gave them hell; rather, he gave them the truth, and that was hell.

As author of the Marshall plan, advocate of civil rights, and the creation of the State of Israel, Truman showed that he no longer lived in the shadow of others. Instead, Truman showed America his and our own greatness.

What so-called average man could have mustered the courage to use the atomic bomb to end the war against Japan? What average man could have turned back the Communist tide in Korea? And for that matter, what average man could have taken the helm of Government from such an American institution as Franklin Delano Roosevelt, and done it so successfully?

Such was the stuff Harry S. Truman was made of. His, truly, was the right stuff. Frankly, we could use more Harry Trumans—square shooting, straight talking leaders who bring out the best in this great land of ours.

His Presidency and his character serve as a model for us all.●

REX MOSES: A CONSERVATIONIST LEADER

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. DUNCAN. Mr. Speaker, the Gulf Oil Co. is paying tribute to several of this country's top conservationists. I am very proud that Mr. Rex Moses of McMinn County, Tenn. is among the 10 individuals who will be honored at the Gulf conservation awards dinner. For the past 30 years he has been a member of the McMinn County Soil Conservation District board. His dedication to this field is now being rewarded, as a volunteer and conservation leader for the people of Tennessee and this Nation.

Rex Moses grew up during the Great Depression, and in that time he learned the importance of helping others, cooperation, and the difficulties of the small farmer. He has used these lessons throughout his life. As a community volunteer leader he has been associated with the 4-H program, the Hiwassee Community Council Office of Economic Opportunity, and the McMinn Youth Affairs Department. He was never too busy to take part in 4-H activities or to help a neighbor out.

He focused most of his attention, however, on farming and conservation. Starting as a grade cattle beef producer, he moved on to become a dairy farmer and created a farm that is a showplace and model for other farmers in the region. He joined the soil conservation district board at its inception and has continued to serve on it for 30 years. He recently announced his retirement at the age of 66. Besides serving as chairman of the McMinn County board, Rex Moses has been vice president of the Tennessee Association of Conservation Districts, president of the Tennessee Council of Resource Conservation and Development, and a director of the Southeastern Association of Resource Conservation and Development Councils.

It is no wonder that the Department of Agriculture Area Conservationist could say of him,

> Never in the 32 years of my career as a Soil Conservationist have I met a man more dedicated to the cause of conservation than Rex Moses.

His service was capped by the successful completion of the pollution and sediment control demonstration project on Chestuee Creek in McMinn County and Monroe County. The program implementation procedures for this project have been copied in other States. Rex Moses has explained the processes and practices used to improve the Chestuee Creek watershed. He was also able to find the funding needed for the project, and to bring the community behind it to make it a success.

I attended the ceremonies to celebrate the completion of this demonstration project, and I must say that I have never seen such pride in the accomplishments of a community. It is this pride which the people of this area also share for Rex Moses. Through his efforts and determination he has provided an example to the youth of the region, and an inspiration to the farmers and conservationists of McMinn and Monroe Counties. I believe these accomplishments deserve the attention of my colleagues, as well as farmers and conservationists throughout this country.●

HONORING FREDERIC D. STARRETT, JR.

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. McKERNAN. Mr. Speaker, it is my privilege to present Maine's Small, Business Person of the Year, and one of the two runner-ups for National Small Business Person of the Year, Mr. Frederic D. Starrett, Jr., of Belfast, Maine.

Ted Starrett typifies the best qualities of America's small business persons. As president of Penobscot Frozen Foods, he has consistently been an innovator in his field, and has been dedicated to serving the needs of his community.

One story exemplifies the character of this unusual man. During World War II, he served with the famous 101st Airborne as an aide to Brigadier General McAuliffe. During the great trial of the Battle of the Bulge, McAuliffe's command was surrounded by the Germans, who presented the General with surrender terms. Ted Starrett suggested that the General reply with his customary terse rebuff to a challenge—with the simple word "nuts". That the General actually used this response, and that the Ger-

mans were defeated in this turning point in the war, is a matter of history.

Ted Starrett has continued to apply a bullish kind of resolve to the challenges he has had to face. With his business in frozen, baked, stuffed potatoes stagnating in the 1970's, Starrett introduced a new product: potato skins. Since that time he has seen his business grow at a phenomenal rate. From 70 employees in 1980, his firm has grown to employ almost 350 persons this year, with sales of almost $9 million. Formerly a waste product, potato skins now amount to 75 percent of Penobscot's sales.

Ted Starrett, whose family has been in Belfast, Maine, for some 12 generations, is dedicated to his community as well as to his business. He has served on the local school board, on the city council, and on numerous other civic organizations. He has helped raise funds for the Heart Association and the Boy Scouts, and helped set up a day-care center in Belfast—one used by many of his employees.

The growth, the innovation, and the respect that Ted Starrett has earned among his coworkers are tributes to his outstanding ability. I ask my colleagues in the House to join me in wishing Ted the best of luck in the future, and in congratulating him on his outstanding achievements.●

TELEVISION AND POLITICS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, May 9, 1984, into the CONGRESSIONAL RECORD:

TELEVISION AND POLITICS

About this time in an election year, I begin to think about the media's effect on politics. I am especially intrigued by the influence of television. Its coverage of elections amazes me.

As television moves along the campaign trail, its seeks excitement and controversy. It wants to report what the finances of the candidates are, the gaffes that they make, and how much momentum the candidates have. It concentrates on the differences, often creating or inflating them, and disregards the similarities. Television spends much time on the candidates' personal lives. It excuses all this by invoking the public's right to know, and by arguing that in a competitive market, it must give the public what the public wants.

It is no exaggeration to say that television has an obsession with the "personality" of a campaign, but only a passing interest in the issues around which a campaign should revolve. Despite its power to elevate or bury issues, it tends to cover the candidate too much and the issues too little. Position papers by the candidate are hardly ever mentioned on television, and the candidate's judgment, one of the most important things for the voters to assess, is almost always ignored. After watching a televised debate, most of us remember less what the candidate said than how he said it. The debate is weighed more as a performance than as a discussion of the issues. Television seems to have little use for the real problems of the nation, and even less use for the candidate's proposed solutions. It does not seem to care whether he has a coherent vision for America. It does not have time for the candidate who is unable to explain his ideas in catchy slogans. As a result, consensus-building dialogue seldom appears on television.

My impression is that television, perhaps because of its interest in presenting conflict and confrontation, tends to erode people's confidence in public officials and institutions and makes it harder for them to do their job. I get the feeling that television specializes in the promotion of mistrust between the government and the people. More generally, I have the impression that the better the news, the less interest television has in reporting it, and that television regards any story as cause enough to invade anyone's privacy. Bad taste is often a staple of television reporting of current events. After the bombing of the Marine base in Beirut, for example, the spectacle of bereaved relatives weeping under the glare of kleig lights was nightly fare on the television news. Not content to bring war into our living room, television now brings other living rooms into our living room.

In all fairness, it should be said that television has the merit of getting many people to look at the political process, at least in a tentative way. With its visual reporting of events, it can, at its best, capture our attention as few other things can. However, I am not certain that it educates people about the nation's problems, gives them a helpful perspective, or impresses upon them what their duties are. The real question about television is not whether it gets people interested (I think that it does), but whether it enables them better to carry out their responsibilities in a democracy. If it does not, it makes the nation harder, not easier, to govern.

One of television's distinguishing features is immediacy. Television forces an immediate response from candidates and public officials, and renders an immediate judgment in return. The candidate may display good sense when he says, "I don't want to comment because I don't know enough of the facts," but on television he comes across as indecisive and ignorant. It is no secret that many decisions in politics and government are made in haste to meet the deadlines of television news. Television demands instant reaction and instant analysis. It insists that candidates and public officials compress their views on deficit spending or arms control into a fifteen-second spot. I am persuaded that, for all its advantages, television cannot adequately satisfy the public's need for information, a need that is greater than ever since events today are more complex than ever. To be well informed, a citizen still must rely on print media.

For a relatively new phenomenon, television has experienced an astonishing growth in its power. Indeed, some commentators say that it has upset the checks and balances of the Constitution. It may even have become a fourth branch of government. The voter can be affected deeply by the casual remarks that he hears on television. When this happens, television goes beyond shaping public opinion and substitutes its own opinion for the public's. The candidate for high office may not be elected due to television appearances alone, but he will not win unless he appears on television. He quickly learns that what people ask him, and what they think about the issues, may be determined by television. My suspicion is that television keeps many good people from seeking public office, and encourages others to quit. "Up close" coverage can be intense enough to derail a candidate's career or devastate his private life. Television can build him up, or tear him down, in a few days.

I often have had the experience of being at an event covered by television, and then seeing the report on television and finding that what I saw at the event bore little resemblance to what I saw on television. Watching a presidential speech on television and then reading the speech in the next day gives me very different thoughts about the event. While television enhances the effect of personality and crowd reaction, newspapers concentrate more on the substance of arguments and ideas.

It is useful to ponder which medium is better suited to democracy. I have come to the conclusion that television is only the first step toward being informed. Television allows many of us to get more information than we could get otherwise and makes important events memorable for us, but it does not inform us in a way that enables us to be responsible citizens. Ideally, television ought to spur us on to get further information from the print media.●

A TRIBUTE TO BOSWELL MEMORIAL HOSPITAL

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. RUDD. Mr. Speaker, since 1970, the Boswell Memorial Hospital has served the retirement communities of Sun City and Youngtown, Ariz. It is one of this Nation's largest and most experienced providers of geriatric health care.

I am pleased to share with my colleagues the fact that the Boswell Hospital marked an important milestone in its history this past Sunday, May 6, when it became the first hospital in Arizona to accumulate 2 million hours of volunteer service work.

This volunteer spirit, which has been so prevalent throughout our Nation's history, is a tribute to Arizonans who have worked for so long and so hard to insure quality health care for members of their communities, as well as to the good will of all Americans, who by banding together have been best able to address the concerns and needs of their fellow citizens without intrusive government programs.

I take this opportunity to commend the good work of the staff of the Boswell Memorial Hospital and hospital auxiliary and to call upon their continuing good efforts on behalf of all Arizonans.●

AN ARMS RACE IN SPACE IS LUNACY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. STARK. Mr. Speaker, I would like to insert in the RECORD of our proceedings today an article by Ernest Conine which appeared in the January 16, 1984, edition of the Los Angeles Times. I hope that my colleagues will read and consider the thoughts of Mr. Conine concerning the President's desire and intention to embark on an arms race in space.

The article follows:

[From the Los Angeles Times, Jan. 16, 1984]

AN ARMS RACE IN SPACE IS LUNACY: WE CAN KEEP AHEAD IN TECHNOLOGY WITHOUT BAITING MOSCOW

(By Ernest Conine)

Any day now the Pentagon is expected to carry out a preliminary test of an anti-satellite missile system. The Administration should think long and hard before proceeding with follow-up tests scheduled for later this year and next—tests which could take the United States-Soviet antisatellite competition beyond the point of no return.

The history of arms control during the last 20 years is, in part, a story of missed opportunities. Both the United States and the Soviet Union, in reaching for short-range advantage, have at times taken steps that accelerated the arms race and harmed their own long-range interests.

On the U.S. side, the most dramatic example of strategic myopia is the decision in the 1960's to put multiple warheads on intercontinental ballistic missiles. What the planners unfortunately neglected to take into account was that in the long run MIRV's favor the Soviets, whose huge missiles can carry more warheads than ours.

The most glaring examples of shortsightedness, however, are on the Russian side.

Moscow seems genuinely disturbed by the prospective deployment of American-made Pershing 2 missiles in West Germany that can reach Soviet targets within 10 or 12 minutes. But what on earth was the Kremlin thinking about when it began installing SS-20 missiles pointed down the throats of West European political leaders back in the 1970s? How could they have imagined that there would be no Western response?

The 1972 SALT I treaty drastically limited the actual deployment of anti-ballistic missile systems, but imposed no prohibition on research and development work. As the authors of a study by the liberal-inclined Brookings Institution said last week, the Soviet AMB effort since 1972 has been far more energetic than ours, with the result that a "significant disparity" now exists.

Most experts agree, though, that the United States is far ahead in most relevant technologies. The Russians, by their actions, are likely to succeed only in provoking an ABM race that they cannot win.

Then there is the killer satellite issue.

Both major powers, but especially the United States, depend heavily upon satellites for weather information, military communications, photo reconnaissance, early warning of an enemy attack, and verification of compliance with arms control pacts.

It follows that each side is tempted to develop means of poking out the eyes and ears of the enemy in case of war.

The United States and the Soviet Union both fielded systems having antisatellite capabilities during the 1960's. This country eventually dismantled its antisatellite network—which involved the use of nuclear explosions in space—on grounds that on-going competition in antisatellite weapons, or ASATs, was not in the U.S. interest.

The Soviet Union, unfortunately, was unwilling to let well enough alone. It continued sporadic testing of killer satellites, ultimately forcing the United States to renew its program.

United States-Soviet negotiations looking toward a ban on antisatellite weapons were held in 1978 and 1979, but were suspended after the Soviet occupation of Afghanistan. Both countries have meanwhile continued their antisatellite programs.

As things stand the Soviet Union has an operational antisatellite system and we don't. The United States is moving to rectify the supposed imbalance by testing and installing an ASAT system of its own.

In fact, however, the ground-launched Soviet ASAT is vastly inferior to the U.S. system, which would use a fleet of F-15's to launch nonexplosive missiles into the path of Russian satellites.

As Kurt Gottfried of Cornell said recently, "The Soviets have been both foolish and reckless to spend some 15 years nurturing a clumsy threat against a rather small portion of our satellites. Their major accomplishment has been to provoke us into building a far more sophisticated system."

The first U.S. flight test will merely test the launching system. In the next test the ASAT missile will be fired toward a point in space, but not at a specific target. Then will come the actual attempts to hit and destroy an orbiting satellite.

Critics warn that, while the initial test isn't very important, the follow-through tests may end whatever possibility there is of heading off a killer satellite race in space.

Last fall Soviet leader Yuri V. Andropov offered a moratorium on further ASAT testing by either side. This was a transparent attempt to preserve the Soviet edge in this field.

However, the existing Soviet advantage is not very important. Moscow's present killer satellite is effective only in low-altitude orbits; it can't reach the higher orbits where the more vital U.S. military satellites are deployed. But of course that deficiency could be overcome in time.

Furthermore, since the United States is far more dependent on military satellites than is the more "backward" Soviet Union, common sense tells you that a stop-where-you-are-ban on ASAT weapons would be in our interest.

The Administration is bothered by the difficulty of verifying Soviet compliance with an antisatellite ban, and indeed Russian cheating could be a problem. It is especially crucial to develop means of detecting Soviet testing or deployment of lasers as ASAT weapons. However, monitoring of any Soviet activity in this or other ASAT technologies would be easier with an agreement than without one.

Many defense scientists argue that, in any event, the best safeguard against Soviet killer satellites is not an ability to respond in kind. Instead, they say, we should upgrade the survivability of U.S. military satellites through shielding, maneuverability and movement to higher orbits.

Since we have more to gain from avoiding an antisatellite arms race than do the Soviets, it is not at all clear that the Russians are genuinely interested in an effective antisatellite moratorium or ban. Once the United States has demonstrated a superior system, however, we may never have a chance to find out because the Russians will then stall negotiations until they have a chance to play catch-up.

From the U.S. viewpoint, it seems to make sense to work for a moratorium on further tests, meanwhile continuing research on lasers and other technologies to avoid being caught short by a Soviet breakthrough. We would have nothing to lose and, conceivably, a great deal to gain.

This is a case where we might be better off to quit while we are still not quite ahead.●

HERB KAMM, A GREAT JOURNALIST, A GREAT CLEVELANDER, A GREAT AMERICAN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Ms. OAKAR. Mr. Speaker, it is with great pride that I rise to honor a distinguished journalist and outstanding citizen of Cleveland and our country—Herb Kamm. Mr. Kamm and his lovely wife Phyllis are the proud parents of three sons.

Herb will be celebrating his 50th year as a journalist on May 17, and it is fitting that we take a moment to review his impressive achievements and hail his great contributions to his adopted city.

Herb began his career as a journalist in his native New Jersey as a sports writer and general assignment reporter on the Asbury Park Press. He eventually became the newspaper's sports editor.

He moved on to the Associated Press as a news editor. As a newspaperman on the east coast, he rose to the positions of managing editor of the New York/World Telegram and executive editor of the New York World Journal Tribune.

Herb moved to Cleveland in 1969 to join the Cleveland Press as associate editor. He was soon adopted as a favorite son. Eleven years later, he became the paper's editor.

Today, he is editorial director of Cleveland television station WJKW-TV, channel 8, and conducts the city's leading television interview programs, "Kamm's Corner and Cleveland Caucus." He also does extensive freelance writing.

Herb Kamm has been recognized on many occasions by the Greater Cleveland Television and Radio Council for his contributions to the news profession and has received several awards for his participation in civic affairs. All of this recognition has been justly deserved.

Mr. Speaker, I want to take a moment to review Herb's civic involvement in our great city. He was president of the City Club of Cleveland and is a member of the executive committee of the Greater Cleveland Growth Association, a driving force in our city's revitalization. He is a member of the board of Suburban Hospital and serves on the boards of the Cleveland scholarship programs, the University for Young Americans, the Cleveland International Program, the Council on World Affairs, the United Way, and the Convention and Visitors Bureau of Cleveland.

He is also a member of the Cleveland Chapters of the American Cancer Society, the Muscular Dystrophy Association, and Sigma Delta Chi, the society of professional journalists. Moreover, he is active with the Jewish Community Federation and Case Western Reserve University, and he is a member of the National Press Club, the American Federation of Television and Radio Artists and the National Academy of Television Arts and Sciences.

Since he joined us in Cleveland 15 years ago, he has totally dedicated himself to the Greater Cleveland community. As a journalist and a good citizen, he has contributed greatly to Cleveland's well-being and to the professional standing of the journalism profession.

I commend Herb Kamm as one of Cleveland's leading citizens and congratulate him on his 50th year in the profession he loves. I wish him many more years of personal and professional happiness.●

NICARAGUA AND HYPOCRISY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. McCOLLUM. Mr. Speaker, opponents of the U.S. effort to mine Nicaraguan ports have expressed their consternation over what they would like to characterize as a thoroughly despicable and morally bankrupt action by the Government of the United States.

Little attention is paid by these pundits to the fact that a tremendous amount of Soviet arms is being shipped to Nicaragua and this massive arms buildup in Nicaragua poses a serious threat to the entire region. The mining opponents do not mention that Nicaragua is supporting the Salvadoran guerrillas who have destroyed communication lines, bridges, roads, power lines, and farms and have caused hundreds of thousands to flee their homes and hundreds of deaths all in an effort to supposedly "free" the Salvadoran people of the "burden" of a democratic government which the Salvadoran people elected. They do not mention the increasing number of aggressive actions taken by Nicaragua against peaceful Costa Rica. They do not talk about the fact that on April 29 Nicaraguan planes for no reason strafed and rocketed two sleepy little Costa Rican villages wounding some of the inhabitants and destroying a great many of the village's buildings. They do not mention that on May 3 Nicaraguan Armed Forces initiated an exchange of fire with the Costa Rican Civil Guard.

Opponents of the mining operation fail to mention that Nicaragua will not allow those opposed to the Sandanista dictatorship to participate in elections in that country and in contrast the guerrillas in El Salvador have been invited to participate in Salvadoran elections but have refused simply because they do not have much popular support. They do not mention that those who fought with the Sandanistas because they opposed Somoza's human rights abuses have been thrown in jail for raising the question of human rights abuses by the Sandanistas.

Perhaps those who oppose the mining operation are simply not aware of the facts just cited. This would not be too surprising considering the lack of effort by the national media and press in presenting the "other" side of the Central American story. However, if these individuals are aware of these facts and have said nothing about them while they rant and rave over actions our Government is taking, then they certainly are the hypocrites they appear to be. How can they feel content to criticize our Government for not abiding by some preconceived "rules of proper behavior" when they make no serious attempt to try and hold our enemies accountable on the same score? Do these critics want to be able to proudly say when El Salvador falls that "we may have lost El Salvador, but we played by the rules"? This response will certainly be a stinging slap in the face to the Soviets and Cubans who will no doubt be glum in the thought of not having played by the rules in order to bring another Central American country under their control.

I suggest that those who wish to express their indignation over U.S. efforts in Central America apply the same standards they have used to deride their own Government to those Governments of Nicaragua, Cuba, and the Soviet Union. I think they will find that they have been directing their indignation at the wrong country and that they should be leveling some well-deserved criticism toward Nicaragua rather than in effect embracing the Government of that country.●

SCIENCE WEEK

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. FUQUA. Mr. Speaker, the National Science Foundation is celebrating this week, May 7 to 11, as Science Week. I want to commend the Foundation's Director, Dr. Edward A. Knapp, and the National Science Board, for launching this important event to provide the public with a greater understanding of the powerful effect that science has on our Nation's present and future. A series of special activities have been planned for Science Week, some of which are made possible by the support of several corporations which take a serious interest in improving science and engineering in American education.

I am pleased to be able to contribute personally to the activities of Science Week. A hearing of the Committee on Science and Technology on the Federal role in support of the university infrastructure is scheduled for this morning, and will emphasize the importance of science education and research on our society.

As one of the activities of Science Week, Dr. Knapp will present two National Science Foundation Distinguished Public Service Awards for leadership, public service, and dedication in the support of American science and science education. I am sure that all Members of the House will want to join me in congratulating our distinguished colleague from the Second District of Massachusetts, EDWARD P. BOLAND, as he receives one of these coveted awards. The other recipient of the award will be Dr. Philip Abelson, editor of Science magazine. The National Science Foundation will hold a reception this evening at the National Air and Space Museum to honor Mr. BOLAND and Dr. Abelson for their contributions to scientific research and education. Mr. BOLAND thus joins four former Members of this House—George H. Mahon, Charles A. Mosher, James W. Symington, and Olin Teague—in the distinguished group of those who have received this high honor.

Dr. Knapp cites Mr. BOLAND's strong support for more than three decades of the Foundation's programs of basic research, and, especially, science education. As chairman of the Appropriations Subcommittee on HUD-Independent Agencies, Mr. BOLAND has championed Federal science and space programs, while guarding the public interest and insuring appropriate congressional consideration.

Mr. Speaker, I believe that the Foundation's citation, which notes: "Mr. BOLAND's service to the Nation

through his steadfast and thoughtful support of basic research and science education" merits the attention of this House, and I commend the National Science Foundation for its recognition of our distinguished colleague.

Dr. Knapp cites Dr. Abelson's brilliant record in scientific research, from his important work in developing the atomic bomb during World War II through a long career at the Carnegie Institution of Washington, where he made and guided pathbreaking investigations in many fields of science.

I join with the Foundation in recognizing the important work of Mr. BOLAND and Dr. Abelson and congratulate them on receiving this coveted award.●

A LESSON FROM DIEN BIEN PHU

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. WOLF. Mr. Speaker, I would like to share with my colleagues the following editorial from the May 7 edition of the Wall Street Journal which was written on the 30th anniversary of Vietnam's victory over the French Army at Dien Bien Phu and which holds a lesson for life under Communist revolutionaries:

[From the Wall Street Journal, May 7, 1984]

GEN. GIAP'S VICTORY

Great events are worth recalling, for their lessons as well as their memories. So we don't mind pointing out that today is the 30th anniversary of Vietnam's victory over the French army at Dien Bien Phu. That victory, engineered by Gen. Vo Nguyen Giap, was one of the first by communist revolutionaries. It marked the end of French rule in Indochina, and, arguably, led to U.S. involvement there and thus to Gen. Giap's greater triumph in 1975.

What can we learn from Dien Bien Phu? The general himself, still vigorous in his 70s, offered his own nostalgic assessment recently while surveying the historic battle site: "The bell tolled after Dien Bien Phu for the sunset of colonialism and encouraged, inspired other nations to stand up for self-liberation." But an alternative lesson occurred to us after we read a report about life in Vietnam since 1975.

The report, based on visitors' accounts and interviews with 500 emigres, is an extraordinary indictment of life under Gen. Giap's comrades. It was compiled by Ginetta Sagan, an Italian-born human-rights activist who was a prisoner of the Nazis in World War II. Mrs. Sagan, who was once a prominent opponent of President Thieu of South Vietnam, first issued her report a year ago, but has continued interviewing since and concludes that "the situation hasn't changed very much."

That "situation" includes the familiar signposts of communist repression. Religious worship is persecuted and churches have become warehouses. Private shops have mostly been confiscated, of course, with ethnic Chinese shopkeepers favorite victims. The report also provides grisly details about life in the "reeducation camps," where several hundred thousand Vietnamese have spent time and as many as 60,000 people remain. The lucky prisoners dig latrines or plant crops. The unlucky clear minefields. Prisoners eat only a few vegetables and a bowl of rice or two a day; they rarely get protein.

Anyone who rebels against this regimen is quickly punished: Prisoners' arms and legs are bound into contorted positions before they're tossed into metal boxes to bake in the tropical sun. One former prisoner was thrown into an abandoned water well for five days because he sang "Silent Night" on Christmas Eve. The "reeducated" hardly have an easier time upon release. Many are dispatched to New Economic Zones, which are hardscrabble areas where growing even enough food to survive is difficult.

No wonder so many Vietnamese gamble on escaping. Hanoi no longer extorts money by encouraging "boat people." But according to the United Nations, in 1983 alone more than 28,000 Vietnamese risked capture, pirates and heavy seas to flee anyway. Some 2,000 more leave each month under the U.S.-sponsored Orderly Departure Program. As Hoang Huu Quynh, a former Communist Party member now in France, puts it: "today if Hanoi allowed the people to freely leave the country, even lampposts would apply to leave. . . . The party has betrayed the people and the promises made to them."

The lesson we draw from Dien Bien Phu, then, is simple: Don't ever lose a war to communist revolutionaries, because life under their system will always be worse than it was under the previous regime. Always. Vietnam was no exception and there has never been one. We think that's worth recalling so long as communists elsewhere portray themselves, as Gen. Giap does, as nationalists or liberators or noble enemies of poverty and corruption.●

MYTHS AND REALITIES OF THE DEFENSE BUDGET

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. DENNY SMITH. Mr. Speaker, a speech given by our colleague, Mr. COURTER, of New Jersey recently came to my attention, a speech that I believe should be presented in the CONGRESSIONAL RECORD because of the number of extremely convincing arguments he makes concerning the need for more careful and responsible scrutiny of our Nation's defense budget.

The speech is entitled "Myths and Realities of the Defense Budget" and was presented by Representative COURTER before the New Jersey Council of Savings Institutions on April 14, 1984. I recommend that my colleagues carefully study what our colleague has to say:

I know that the federal budget and the federal deficit are on everyone's mind these days, so I would like to talk about the part of the budget that I know best: the defense budget.

I would like to begin by taking a very unorthodox approach to this subject—an approach rarely used by the media or by Members of Congress, an approach that often makes people uncomfortable or that people find shocking. What I would like to do is depart from normal procedure and present you with some facts about the defense budget.

I know that we all want to cut the deficit, and defense is a likely target. The President's proposed defense budget for fiscal 1985 is $305 billion—that's over one-half of the entire annual gross national product of the United Kingdom. Because of the sheer size of the defense budget, it's the first place most people look when they want to cut the deficit.

Is it fair to blame the Pentagon for the deficit? For this to be the case, we would have to demonstrate that defense is growing by leaps and bounds, and is consuming an ever-greater share of the federal budget.

But the facts don't bear this out. Defense is consuming 29 percent of the federal budget in fiscal 1984 under President Reagan. In 1962 under President Kennedy, it consumed 46 percent, a far greater share.

If you look at defense spending in relation to the entire economy, the same picture emerges—the 7 percent of gross national product which President Reagan seeks to spend on defense is less than the 8 to 9 percent average of the 1950's and pre-Vietnam budgets of the 1960's.

So what has caused the budget to grow? It's the broad array of nondefense programs, which consumed about half of the federal budget in the 1950's and now absorb over 70 percent of all federal outlays.

So, while defense should by no means be held as a sacred cow, it's just plain wrong to assert that defense growth has given us the bloated federal budget of today. The Pentagon's share of spending is equal or less than it was during comparable peacetime periods in our history.

"But," you will say, "what about the enormous Reagan defense buildup? Isn't that causing the deficit?"

Again, some facts are in order. Yes, the President is delivering on his promise to increase our military strength. Since he took office, he has made improvements across the board—military pay is up 18 percent, readiness and training has been vastly increased, our forces are more mobile and more sustainable, and our conventional and strategic weapons have been modernized. I am proud to have supported President Reagan in this effort.

How was this buildup financed? It was not done by busting the budgets contained in the final Carter-Mondale five-year defense plan. In fact, President Reagan's first four defense budgets exceed the Carter-Mondale projections for those same years by a total of not $300 billion, not $100 billion, not $30 billion, but by only $3 billion.

That's right. If you add up what Carter-Mondale planned to spend, and compare it to what the Reagan Administration actually is spending, you find that Ronald Reagan is spending almost exactly what Jimmy Carter planned to spend on defense had he been reelected to a second term.

The reason we have been able to increase our forces during this time is because of the difference in inflation. By bringing inflation under control, the same amount of money that President Carter planned to spend is getting far greater value for the Reagan Administration, because the dollar isn't losing

its value the way it did when we had double-digit inflation.

So now we've established that the Pentagon isn't increasing its share of the federal budget, and that President Reagan is essentially following the dollar amounts in Jimmy Carter's last budget plan, but getting lots more bang for the buck.

Still, there are those who want to cut defense. Let's take a closer look at the defense budget and see where cuts can be made.

First, let's look at personnel cost—they account for 43 percent of the defense budget. This is a difficult place to cut, because most people are agreed that while military pay has improved, it is not extravagant, and good pay is necessary if we are going to continue to have an all-volunteer military. Other considerations are the quality of recruits, which has vastly improved in President Reagan's term, and the benefit of today's re-enlistment rate, which is at an all-time high.

Major cuts in military pay, it turns out, would be detrimental to the military's most important component, its people, and would receive little support in Congress.

So let's turn to the easiest defense expenditure to cut: operations and maintenance funding. This accounts for 15 percent of the budget, and it pays for things like fuel, spare parts and maintenance of equipment and facilities. These items play a vital role in military training, and are absolutely vital to maintaining readiness.

So, while it's easy to cut these funds by cutting back on training exercises, maintenance, fuel and spares, it's not wise to do so because our readiness drops immediately when these funds are cut.

The last place to turn is the Pentagon's notorious procurement budget, which consumes about one-third of defense spending.●

TOY SAFETY ACT OF 1984

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. WAXMAN. Mr. Speaker, I am introducing today the Toy Safety Act of 1984. This legislation will enable the Consumer Product Safety Commission (CPSC) to recall quickly, dangerously defective toys and other articles used by children.

Currently, the CPSC can recall and order corrected a dangerously defective toaster faster than a deadly toy. Because of an inconsistency in the law, the CPSC must promulgate a special rule before it can recall dangerous toys or other articles used by children such as cribs, playpens, and indoor gyms.

In the case of certain squeeze toys that are alleged to have caused five deaths, the additional procedure delayed the recall of this toy for almost a year. In other instances, recalls of crib headboards, stuffed toys suspended by strings, mesh sided cribs, and playpens, which are alleged to have caused numerous serious injuries and deaths, have been delayed for months.

These delays are not required when recalling other consumer products. It is outrageous that the law is more lax where toys are concerned. When a toy has been determined by the CPSC to be dangerous, the lives and safety of children should not be risked by delaying the recall for up to a year. The toy should be recalled immediately.

Greater toy safety has been overwhelmingly endorsed by the public. According to a recent Lou Harris poll, 88 percent of those surveyed were concerned about dangerous toys and wanted the CPSC to do more to assure toy safety. This legislation responds to that demand. It authorizes the CPSC to give public notice about any toy or other article intended for use by children that poses a substantial risk of injury to children. In addition, the CPSC can order the manufacturer to repair, replace or give a refund for the hazardous toy.

The primary purpose of this bill is to protect children, but it will also help toy manufacturers. With the increasing concern regarding product liability suits and punitive damage awards, this act protects companies by removing defective toys from the marketplace expeditiously. Obviously, the faster defective products are taken off the market, the less likely children are to be hurt by them.

I intend to move this legislation expeditiously. The Subcommittee on Health and the Environment, which I chair, will hold hearings on the Toy Safety Act on May 31.

Thank you, Mr. Speaker.●

MINE WARFARE

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. HARTNETT. Mr. Speaker, mine warfare is a great force multiplier in naval warfare. That is, a relatively inexpensive mine can damage or destroy a very expensive ship putting it out of commission. Thus, for a nominal investment, a large return can be gained by its destructive effects.

As simple and rational as this appears, the Navy's mine warfare program appears to carry a relatively low priority. This is probably due in part to the organizational fragmentation within the Navy. For instance, the Naval Sea Systems command is responsible for developing air delivered mines while the Naval Surface Weapons Center has the responsibility for research and development programs including mines laid by surface ships. Another reason for the decline in interest for mine warfare ships stems from a decision back in the 1970's to use helicopters in lieu of surface ships for mineclearing operations. Cost studies at that time showed helicopters to be the cheaper means of mine clearing.

The GAO has indicated that the Navy lacks the ability to lay mines, would be hard pressed to conduct limited mine countermeasure operations, and is short of personnel and equipment to perform these functions. At the present time, the Navy's mine-clearing capability consists of 25 1950's vintage ships and 23 countermeasure helicopters. Only 3 of these 25 ships are on active duty with the remaining 22 being with reserve units.

The Soviet Union has one of the world's largest and most capable inventory of naval mines. In this country there are a dozen major ports which must remain operating if we are to survive and defend ourselves.

Closure of these ports would be a primary objective of the Soviets mine warfare strategy. Mine countermeasures is a capability which we must be in a position to perform quickly and efficiently.

To update our mine countermeasures capability, the Navy is initiating a program to add two new classes of minesweeping ships to the fleet. The mine countermeasures ships (MCM) will improve minesweeping capability in deep waters to hunt and neutralize advanced Soviet mines. Thirteen of these ships are planned and the first is under construction. The second ship is a mine sweeper hunter (MSH) vessel which will be used in the shallow waters of our ports and harbors. The MSH is a smaller vessel, but equipped with similar capabilities as the MCM. Sixteen of these ships are being requested with the first ship planned to be initiated in the fiscal year 1984 budget.

These ship programs, coupled with the continued purchase of advanced mines, will help to make the U.S. mine warfare capability more adequate. Also, a new version of a mineclearing helicopter (MH-53E) has been proposed in the 1985 budget request. The new helicopter will be capable of towing heavier loads for longer periods of time.

The increased emphasis on the mine warfare programs is welcomed. We need to get this capability back to a comparable level with the other capabilities of the Navy.●

SOVIET PULLOUT FROM THE SUMMER OLYMPICS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MARKEY. Mr. Speaker, yesterday the Soviet Union announced its withdrawal from the Summer Olympic Games in Los Angeles. Today, it ap-

pears that allies of the Soviet Union, especially in Eastern Europe, are under intense pressure to pull out as well.

This action on the part of the Soviet Union should not come as a surprise to us. In fact, the tactic of using the Olympic Games as a form of diplomatic retaliation is unfortunately familiar. The Soviets lost considerable prestige when the United States pulled out of the 1980 Summer Olympics held in Moscow.

What strikes me as especially sad is the fact that the Soviet pullout reflects a deterioration in the ability of the Soviet Union and the United States simply to talk to each other. No one expected the Soviets to leave the Summer games singing "I love LA." But now the Soviet Union—a nation that worships at the altar of international athletic competition—thinks that it is better to boycott than to play. I find this decision a dangerous omen of how bad relations between the superpowers now stand.

The immediate losers, of course, are the athletes all over the world. But the real losers will ultimately be all the people in the world who will suffer from this dangerous game playing by the two superpowers.●

NATIONAL ASTHMA AND ALLERGY AWARENESS WEEK

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. GOODLING. Mr. Speaker, this week is National Asthma and Allergy Awareness Week.

I cosponsored the resolution providing for the observance of National Asthma and Allergy Awareness Week because I was hopeful that the special attention given to asthma, and allergies, and their victims during this week would add to the public's awareness of the need for further allergy and asthma research and help them understand the hardships experienced by those afflicted with allergies and/or asthma.

It is hard for someome like me who has never been afflicted with asthma or allergies to understand how it feels not to be able to breathe normally, to have to strain for each breath. But I know this feeling is experienced by hundreds of people each day.

Medical science has come a long way in providing treatment for those suffering from asthma and allergies, but people are still dying. That is why Asthma and Allergy Awareness Week is necessary—to inform people, to make them aware of the existence of these ailments and the need to continue research efforts to bring relief to those who suffer from these illnesses.

Of special concern to me is the impact of asthma and allergies on children. As a former teacher, principal, and superintendent of schools, I became well aware of the amount of valuable education time lost to those students who were unable to attend school on a regular basis because of allergy/asthma-related illnesses. Especially hard for these children is their sometimes limited ability to participate in sports and other extracurricular activities to the extent they would like to because of the partially disabling effects of their asthma and/or allergies. Granted, research has provided us with medical treatments, such as inhalers, which enable children to participate to a far greater degree than before; but, Mr. Speaker, it would be my hope that research would some day provide a total cure for asthma and allergies so that these children can be full participants in school, in sports, in life.

Mr. Speaker, until all of us know the pain of not being able to breathe, of not being able to mow the lawn without experiencing red, swollen eyes and wheezing, of never being able to have pets because of the negative impact they would have on our health, we cannot possibly understand the restrictions on living a normal life which are forced upon allergy and asthma sufferers.

It is my hope that the observance of this special week will serve to better educate the public and further research in this area.●

SOLIDARITY SUNDAY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. OWENS. Mr. Speaker, it is appropriate that we pause today and think upon the situation of those who do not enjoy the freedoms that we have. On May 6, I joined with others in New York to mark Solidarity Sunday. It is with a sense of sadness that I recognize that the situation of the Jewish people in the Soviet Union remains difficult and that they are not permitted to emigrate.

There are many possible ways in which we might improve the lot of Soviet Jews. I am convinced that their situation will improve and that emigration will increase when the United States works to improve its relationship with the Soviet Union. In a very real sense, Soviet Jews are partially hostage to the hostility which this country displays.

Does this mean that we must somehow bow to the Soviet Union in order to help Soviet Jews? I do not think so. I believe that serious attempts to negotiate on arms issues and reduction in the excessive rhetoric aimed at the Soviet Union will begin the process of restoring relations which make it possible to discuss more reasonable emigration levels. In a more civil climate the possibility of aiding individuals and groups exists. In the heat of excessive rhetoric, individuals get lost. Even as we stand in solidarity with Soviet Jews, let us commit ourselves to reasonable foreign policies which recognize the rights of all nations and which relieve the plight of all people trapped in the crossfire of the cold war.

It is also important that we reaffirm the principle of the freedom to emigrate. No nation should hold its citizens as hostages. The desire of large numbers of Soviet Jews to emigrate is profound testimony to the failure of the Soviet leadership to respond with appropriate sensitivity to the ethnic and religious needs of a significant body of its own citizens. As is well-known, the closed circle of decision-making which prevails in the Soviet Union is often incapable of correcting its blunders even when they are obvious. Every person who applies to emigrate is passing judgment on this system. Instead of heeding the message and seeking to correct its hostility and insensitivity, the Soviet Union seeks to hold the victims hostage. The freedom to emigrate must be supported. When governments fail they must be willing to let the aggrieved and violated people go.●

THE PASSING OF GOV. WILLIAM EGAN, ALASKA'S FIRST GOVERNOR

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, with the passing of Gov. William Egan, Alaska has lost a great leader and I have lost a good friend and counsel.

Bill Egan was a leader in the struggle for statehood. From his early days as a territorial legislator, where he was instrumental in passing legislation which sent word to Congress of Alaska's desire for statehood, through his presidency of the Alaska Constitutional Convention, Bill Egan worked tirelessly toward the goal of statehood for Alaska. When Alaska achieved statehood in 1959, Bill Egan was elected as the new State's Governor.

During those early, sometimes difficult years of statehood, Bill Egan transformed Alaska from a territory into a full-fledged State. He struggled to improve the lives of Alaskans, building roads and other transportation facilities, and providing jobs by attracting new business and investment to

the State. His leadership in the aftermath of the Good Friday earthquake give hope to Alaskans that the devastated cities could be rebuilt. In the early 1970's when Alaskans again elected Bill Egan Governor, he served with distinction, guiding the State through a period of great change and expansion.

Never one to wait for others to act, Bill Egan gained fame for his bold, some called brazen, use of Alaska Fish and Game vessels to monitor the activities of foreign fishing fleets off the Alaskan coast. This action brought national attention to the problems faced by our American fishermen and the need to monitor the activity of foreign fleets, and spurred efforts to establish a 200 mile fisheries zone. Though the act does not bear his name, Bill Egan can be credited with providing the dramatic impetus for the establishment of the 200 mile zone.

Governor Egan will also be remembered for his simple, friendly style. He always had time to listen to Alaskans and talk with them about the promise of the State. I remember from my days in the State legislature, Governor Egan's open style and his habit of stopping to talk with people that he met during his morning walks around Juneau.

I want to express my personal condolences and those of the House of Representatives to Governor Egan's lovely wife, Neva. All Alaskans mourn the passing of this great man, but we celebrate the full life that Bill Egan lived, and remember the work that he did to see that the promise of Alaska became a reality.●

A TRIBUTE TO MARY KASZKIEWICZ

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. COURTER. Mr. Speaker, I rise to pay tribute to a constituent of mine, Mary Kaszkiewicz of Washington, N.J., who met a most untimely death on the night of May 2.

Mary Kaszkiewicz was born in Poland on April 26, 1888, and came to the United States in 1907. She was married here in 1909, and until early this year she was under the impression that she was a naturalized citizen of the United States.

When she found out that she was not indeed an American citizen, Mary Kaszkiewicz expressed a desire to undergo the naturalization process, at the age of 96, despite her difficulty with the English language, and despite her weak state of health. She called my office on March 2, 1984 to get the information she would need to begin the process of naturalization.

Mrs. Kaszkiewicz was well on the way to becoming an American citizen—she was to visit the Warren County Courthouse on May 3 and 4 for her hearing and naturalization ceremony, but she passed away in the night of May 2, hours before she was to attend her hearing.

Her death has brought profound sadness to many people in New Jersey who were heartened by this story of a 96-year-old American resident whose patriotism was so strong that she wanted to obtain her citizenship at such a late age.

To me, to my staff who worked with her and her family, and to the thousands of her neighbors who read in the newspapers of her love of country, Mary Kaszkiewicz is, for all intents and purposes, an American citizen. Like many immigrants, she displayed a unique and sincere reverence for our country and its values, and her story was patriotically inspiring for all who read it.

Mary Kaszkiewicz was a source of pride and honor to this Nation. She has now passed on to a better world. It is for us to regret that she did not join us in citizenship of this great Nation before her tragic passing on May 2.●

THE RESOLUTION OF THE COUNCIL OF AMERICAN AMBASSADORS REGARDING THE SECURITY AND PROTECTION OF DIPLOMATIC PERSONNEL

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MICA. Mr. Speaker, I commend to you and to the other distinguished gentlemen in this Chamber a resolution adopted in plenary session on April 3, 1984, by the Council of American Ambassadors. The Council, a group of retired, noncareer ambassadors who recently joined together to advance public knowledge of diplomacy and make available its members' expertise to our Government, represents three-quarters of the distinguished Americans who have served every President since the Second World War.

The Council, appalled by the memory of the prolonged captivity of American diplomatic personnel by the Iranian Government and recalling the anguish of the attacks on American Embassies in Lebanon, Kuwait, Pakistan, and Libya reminds us that international terrorists have chosen American representatives as their continuing targets. In its resolution, the Council asks the President and the Congress to assure that the highest priority is given to the physical protection of our diplomatic representatives; to make it clear to all governments that they have a responsibility under international law for the protection of diplomatic personnel; to see that the Department of State is encouraged to assess the risk of terrorist violence against Americans and limit diplomatic placement to the minimum called for by such risk analysis; to have the U.S. Government use all available international fora to work against the terrorism that threatens essential communication among nations; and finally, to express our profound appreciation as a nation to the women and men of the Foreign Service who, with unmatched courage, have faced the risks of violence to themselves, their families and their homes by compensating appropriately the victims of such violence and their families.

This is a most timely resolution, and I, for one, think that we in Congress must begin now to work with the administration to address such vital issues. The Committee on Foreign Affairs will begin hearings on security and terrorism in June, and I hope we can begin programs along these lines.

COUNCIL OF AMERICAN AMBASSADORS—RESOLUTION REGARDING THE SECURITY AND PROTECTION OF DIPLOMATIC PERSONNEL

(ADOPTED BY THE COUNCIL OF AMERICAN AMBASSADORS IN PLENARY SESSION, APRIL 3, 1984)

Convinced that communication among nations and peoples through diplomatic representatives is essential to the peace and security of the world, and that therefore the protection of diplomatic representatives and their families must be the highest priority of all nations,

Appalled by the memory of prolonged captivity of American diplomatic personnel by the sovereign state of Iran in clear violation of the Vienna Convention,

Recalling the anguish of the attacks on the American Embassies in Lebanon, Kuwait, Pakistan and Libya,

Aware that international terrorists have chosen representatives of the American sovereign presence to be their continuing targets,

Distressed by the continued violence against diplomats and embassies by terrorist groups in many countries, and

Determined that every possible step be taken to protect our Foreign Service personnel who are now the frontline soldiers for decency and democracy in may parts of the world,

The Council of American Ambassadors, in solemn and unanimous voice, does hereby resolve:

1. To ask the President and the Congress to assure that the highest priority is given to the physical protection of our diplomatic representatives,

2. That the Government of the U.S. makes clear its position that all nations where American diplomatic personnel are accredited have responsibility under international law for the protection of said personnel, and we ask further that the international legal protocol be extended, if necessary, to make clear that the obligation of host governments includes a commitment that they will not harbor or assist any group that has claimed or has been proven to have had responsibility for any physical violence against such personnel,

3. That the State Department be encouraged in its foreign staffing placement to assess the risk of terrorist violence against Americans and limit diplomatic personnel placement to the minimum appropriately reflected by such risk analysis,

4. That the Government of the U.S. seeks international action in every available forum against the terrorism that threatens essential communication among nations, insisting upon meaningful sanctions against those nations which give haven to such terrorists and which supply and finance them, and insisting also on appropriate procedures and international cooperation for apprehension and legal process against those individuals responsible for violation of recognized international commitments for the protection of diplomatic personnel.

5. That we as a nation record our profound appreciation to the women and men of the Foreign Service who with unmatched courage have faced the risks of violence to themselves, their families and their homes, and we urge at every possible level that our Nation's appreciation be reflected in laws and programs that compensate appropriately the victims of such violence and their families, and assure the children of those who have been murdered while fulfilling the diplomatic responsibilities of the U.S. of the educational opportunities owed them by a grateful people.●

NATIONAL VOLUNTEER WEEK

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. OXLEY. Mr. Speaker, I rise today to salute the millions of volunteer citizens across the country who devote precious time and effort toward community service. These citizens are the real backbone and spirit of our land, showing what true patriotism means by helping their fellow men.

It is not easy to go through a day without witnessing the tremendous impact volunteers have on our senior citizens, our mentally retarded, our terminally ill, our physically handicapped and thousands of others who depend on these generous individuals. The volunteer efforts—both individually and collectively—are far more effective than any government subsidized program, proving again that local nongovernment programs can get the job done in a less structured, more personal manner.

National Volunteer Week recognizes these volunteers. These volunteers are not only those who are lauded from time to time for their large-scale volunteer projects, but those who take the time to drive cancer patients to their hospital treatments, deliver meals-on-wheels to those who cannot otherwise provide their own meals, spend time with senior citizens, and thousands of other tasks which bring warmth and concern to those in need.

I rise today to salute these unheralded patriots.●

PUBLIC HOUSING RENTAL STABILIZATION ACT

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MOLINARI. Mr. Speaker, I rise today to introduce legislation on an issue of great importance to the preservation and enhancement of this country's public housing stock. H.R. 5627, the Public Housing Rental Stabilization Act, would have the effect of alleviating the severe economic impact upon lower income and working poor tenants brought about by the open-ended, rent-to-income policy established by the Omnibus Reconciliation Act of 1981. Without a limitation on this open-ended rent structure, many existing stable and working class tenants will be forced to move out, thereby undermining the viability of many projects and surrounding neighborhoods, as well as substantially increasing the public housing operating subsidy requirements. The bill would accomplish this goal by allowing public housing authorities to establish a maximum rent for apartments based on the economic rent of the unit; that is, the total of debt service and operating expenses, or comparable market rents.

The need for the remedial legislation which I am proposing is not only supported by the evidence but has also been confirmed time and time again by the Congress. It was the 1974 Housing and Community Development Act that heralded the importance of economic mixing of tenants in developments and neighborhoods in which public housing is situated. The economic mix concept basically consisted of working families of low and moderate income, as well as the very poor and elderly. The mandate was that housing authorities attain tenant bodies composed of families with a broad range of income and rent paying ability to avoid dense concentrations of only the very lowest income families. A blending of these very low income tenants with working class and even middle class residents of the surrounding neighborhoods was correctly believed in Washington to be a much more appropriate prescription for success in our Nation's public housing.

The positive and successfully implemented intentions of the 1974 act, in promoting a broad economic mix of tenants, were significantly moderated by the Omnibus Budget and Reconciliation Act of 1981. This act overrode all prior public housing rent schedules by requiring that all tenants pay 30 percent of their income for rent regardless of size, location, or actual cost or age of rental units. HUD-approved rent caps, and other local control in the determination of rents, were casualties of this act. The result of course is that the more stable working families of incomes between 50 and 80 percent of median income who are eligible to live in public housing are being forced to move out by higher rents, often into inadequate housing.

The 1981 act made the assumption that the current economic mix policy had the ill effect of giving moderate income families priority for housing subsidies while truly poor families remained on waiting lists. No one can argue with the notion of underscoring the importance of assisting the neediest of our society. But how can we best serve the interests of this group? I do not believe that we accomplish this by facilitating the decline of the very public housing stock upon which the needy depend. We certainly have enough experience in this area to produce evidence that illustrates social change and economic mobility are enhanced by encouraging housing in which families of different incomes and in different age groups can live together. We also have the experience with public housing that contains only the very poorest of our society.

No one is talking about providing housing subsidies to families that are middle income or free to find adequate housing in the private sector. A broad income mix means a cross section of lower, low and lowest income families that also includes people who are largely self-supporting but need some help in obtaining decent housing. This group will include people with upward mobility who will provide leadership in developing good and stable communities.

Evidence in New York City public housing points to the fact that new tenants who are required to pay immediately 30 percent of their income for rent, are experiencing a decline, for the first time, in their average gross income. Statistics are also showing a 20-percent refusal rate for working family applicants, who maintain that the rents are too high. Lower income working families, in an environment with a 30-percent rent-to-income ratio, are required to pay as much as $500 per month in some cases. This is clearly a burdensome situation for those trying to meet their basic needs. A rent of $500 per month in a case such as this is over and above the economic rent necessary to operate the particular unit. In New York City for example, the economic rent, or the sum of operating costs and debt service, would be $395 per month for a four-room apartment and $435 for a five-room unit. The most glaring evidence has come from areas where comparably priced housing has been available in the private sector. In these areas the higher turnover seems to be closely correlated with the pressure of rising rents. The vast majority of the move-

outs have been the working poor. Some projects in New York City have experienced turnover rates double those of the city housing authority's average.

What are some of the other consequences of the absence of a rent cap? One of the arguments we often hear in opposition to a rent cap is heard in the context of cost consciousness. The criticism is that in times of austerity the Federal Government should not be in the business of channeling scarce resources to those who do not really need the help. If part of the concern is indeed budget constraints, a rent cap will in fact help avert additional subsidy, not contribute to it. In New York City, for example, 15 percent of the tenants in the housing authority's federally aided public housing program have annual gross incomes of $16,000 or more. These lower income working families pay about $80 million a year in rent, which is approximately 29 percent of the total rental income of the authority. If the lower income working tenants are driven out of public housing due to the inability to pay the 30-percent rent-to-income ratio, there will be a drastic loss in rental income to the authority because the incoming tenants will have significantly reduced incomes and rent levels. As an example, if rent were capped at an average of $400 per month, the 22,500 lower income tenants in New York City would provide the authority with rental income of $108 million per year. If those tenants found this rent prohibitive and moved out, the incoming tenants—with average incomes of $9,000 per year—would be paying an average rent of $225 per month. Their aggregate rental income would amount to $61 million per year. This would reflect a loss to the authority of $47 million in rental income. Under the performance funding system [PFS] for allocating operating subsidy, this loss of income would have to be picked up, dollar for dollar, through operating subsidy at the expense of the Federal Government and the taxpayers. This scenario seems to run in direct contradiction to the assertion that the need to control Federal outlays means that economic mixing must be deemphasized.

We have the opportunity, with the introduction of this bill, to show the kind of foresight that is so essential to the success of public housing in our Nation's cities. We have the experience of the implementation of the 1974 act to illustrate the merits of bringing together a broad economic mix of tenants in projects that hitherto had only the experience of dense concentrations of the very poorest tenants. The moveouts are already occurring in projects around the country, but if Congress acts now and shows an understanding that public housing and its tenants are best served by a policy that brings together tenants of many different incomes, I believe we can cut short an exodus that can only end in unstable projects and isolated communities.●

CELEBRATING THE 20TH ANNIVERSARY OF THE ECONOMIC DEVELOPMENT COUNCIL OF NORTHEASTERN PENNSYLVANIA

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. HARRISON. Mr. Speaker, I rise today to pay tribute to the economic Development Council of Northeastern Pennsylvania on the occasion of its 20th anniversary, and its longstanding commitment to the economic growth and vitality of northeastern Pennsylvania. The council's work through a cooperative public/private sector partnership and a volunteer board and professional staff has contributed enormously to improve the quality of life in the Pocono Northeast.

This year, the council also celebrates the acquisition of a 6,700 square feet new office facility which will serve hereafter as its permanent headquarters.

Mr. Speaker, I hereby commend and congratulate the Economic Development Council of Northeastern Pennsylvania and ask that you join with me in wishing it continued great success in future effort to improve the economic climate of northeastern Pennsylvania.●

LEGISLATION TO ASSIST HOMEOWNERS TO REMOVE UFFI INSULATION

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. ST GERMAIN. Mr. Speaker, I am today introducing legislation to assist homeowners to remove urea formaldehyde foam insulation (UFFI) from their homes. During the late 1970's, an estimated 500,000 homeowners installed UFFI, largely due to Federal Government encouragement to insulate their homes. Soon after UFFI became popular however, the Consumer Product Safety Commission (CPSC) began to receive numerous complaints about acute health effects alleged to have resulted from UFFI installation. My bill is intended to help defray the cost of removal of the insulation.

Hundreds of thousands of homeowners have installed UFFI. They did so with high hopes of eventual net savings in heating costs. Tragically, many of these homeowners now face a net loss of up to, in some cases, as much as 60 percent of their home value. The presence of UFFI has greatly decreased the resale value of homes, and as a result, even homeowners whose families do not suffer from the adverse health effects alleged to stem from UFFI installation are spending between $6,000 and $20,000 to have it removed. Many others cannot afford the cost of such removal.

Mr. Speaker, my bill would do two things.

First, it would repeal an energy tax credit available to homeowners who install UFFI. This is intended to remove an incentive to install the product whose safety has been challenged by the CPSC.

Second, the bill would offer federally guaranteed low-interest loans of up to $10,000 to homeowners wishing to remove UFFI. These loans would be made at the SBA disaster loan rate because it is lower and more favorable to the borrower, and would be limited to homes in which UFFI was installed prior to the effective date of the legislation.

Mr. Speaker, this is a relatively inexpensive program. The best estimate available suggests that the maximum cost of the program would be about $300 million spread over a 6-year period.

Homeowners who installed UFFI in compliance with Federal Government energy conservation policy should not be expected to bear the cost of lost value in their property. Mr. Speaker, this step toward providing them with financial assistance is the only fair action to take.●

TRIBUTE TO HARRY S. TRUMAN

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1984

● Mr. SOLOMON. Mr. Speaker, as a young marine, I had the honor of being stationed in Washington during the administration of President Harry S. Truman, the centenary of whose birth we mark today. It was clear to me even then, based on those rare moments that I glimpsed him fulfilling the burdens of his office, that this plain-speaking man, who leaned upon the American people, not the power elite, for his strength, was destined to be ranked among the greatest Presidents to ever serve their country.

Today I am proud to say that this impressionistic view of contemporary events by a young marine has been borne out by the more dispassionate, rounded perspective of historians. Time has not diminished the luster of Harry Truman; indeed the image of this sharp and salty man has improved

with age. The New Republic reports that there is a real and lasting sense of respect for Harry Truman in this Nation. When Truman was President, the cry was "give 'em hell, Harry." Today, when we look for leadership in the Oval Office, we often cry: "Give us Harry."

Even a cursory check of Presidential ranking finds Truman among the "near-greats," and I believe that time and a better appreciation of his burdens will eventually place him as one of the "greats," right behind Lincoln, Jefferson, Jackson, and the Roosevelts. Truman certainly had a tough act to follow in succeeding FDR at a time of great trial at home and abroad. But Truman did it, and did it his way. That is why we can say that Harry Truman followed FDR not only in office, but in greatness as well.

The man from Independence, Mo. was wise without the benefit of college, decisive while many Western nations were timid, plain spoken while tyrants used propaganda and the big lie. We are very far from George Orwell's "1984" on this day when we pay homage to "tell it like it is" Harry Truman.

I do not wish to catalog Truman's many achievements, both foreign and domestic. Suffice it to say that the policies, the principles, and the practices of President Truman have had such a profound impact on American foreign policy that an entire section of his own Democratic Party still sometimes refers to itself as the Truman wing.

What are the principles of this Truman wing of the Democratic Party, which many of us as Republicans admire?

It is more than plain spokeness. Indeed, today on Capitol Hill we would be hard pressed to find any Congressman who is not plain spoken about foreign affairs. As I have said on many occasions, the conduct of American foreign policy is hindered, to the point of crippling weakness, by the fact that this Congress seems often times to be made up of 535 Secretaries of State, many of them vacillating, snivelling ones at that. I doubt that Harry Truman would have put up with them for a minute.

No, I do not think it is so much plain spokeness that is the mark of a Truman follower, Republican or Democrat. Rather, we who admire Truman's foreign policy do so because it recognized the real dangers posed by 20th century totalitarianism, especially international communism, and because it stands for unflinching opposition to these dangers.

For example, it was the awesome decision by President Truman to unleash the atomic bomb on Hiroshima and Nagasaki. Many have since criticized him for that decision, but let us not forget that had not Truman done what he did, we would have been forced to invade Japan, costing countless more lives, both Japanese and American.

Truman used the same decisive commonsense approach in his policy toward Europe and the Soviet Union. Our Ambassador to the United Nations, Jean Kirkpatrick, has pointed out that since its inception, the Soviet Union has been ruthlessly expansionistic in its foreign policy. It was Truman's unenviable task to confront this evil empire after Stalin had already outmaneuvered the ailing Roosevelt at Yalta. But confront Stalin was just what Truman did. His Marshall plan replenished a war-ravaged Western Europe giving it the economic and spiritual renewal it needed to prevent the fate that had befallen the East. But Truman matched aid with muscle, and today's Greece and Turkey, quarelsome but still reliable NATO allies, are the result of Truman's foreign policy. Indeed, among Greeks and Greek-Americans, Harry Truman's name is still revered for preserving freedom in the cradle of democracy.

Considering these achievements, it is a small wonder why many of us in this House long for a revival of Trumanism among our colleagues on the other side of the aisle, especially when it comes to Central America. We long for them to support the bipartisan Kissinger Commission's recommendation for a Marshall plan tailored for the economy of Latin America, a plan first called for by one of Truman's greatest heirs, the late Senator Henry Jackson. And we long for this body to support President Reagan's policy of containing communism just off our shores the way Truman contained it among our European allies.

In sum, Mr. Speaker, if we cannot have Truman, let us at least have Trumanism. If Harry Truman were faced with the situation in Central America today, I am certain that he would have followed the doctrine of a predecessor—James Monroe. His support for the Monroe Doctrine would have been consistent with his record, his commonsense, and his plain-spoken love of American liberty.●

CUBA'S CRIMINAL CONSPIRACY

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. LEWIS of Florida. Mr. Speaker, it is becoming increasingly evident that the Government of Cuba is playing an active role in drug dealing, drug smuggling, and drug trafficking to the United States.

U.S. Government officials have testified at several congressional hearings that the Government of Cuba is facilitating the flow of illicit drugs into the United States in order to obtain hard currency, support guerrilla and terrorist activities in Central America, and to undermine our society. The State Department confirmed some time ago that Cuba is giving sanctuary to drug smuggling ships for refueling and maintenance. Cuban agents have testified to the international involvement by the highest ranking officials of the Cuban Government in illicit drug dealing. In a criminal trial last year in Miami, four Cuban Government officials, including an ambassador and vice admiral, were among those charged in connection with drug trafficking to the United States.

I am pleased that the Foreign Affairs Committee, under the leadership of the chairman, my distinguished colleague from Florida, has included language in the foreign assistance bill to have this reprehensible criminal activity brought to the attention of the world through an appropriate international forum. This important language urges the President to take the necessary steps to bring the question of the Cuban Government's involvement in illicit drug trafficking before the United Nations and the Organization of American States.

It is time that we call the world's attention to Cuba's criminal conspiracy.●

MIGRANT EDUCATION PROGRAM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation to amend chapter 1 of the Education Consolidation and Improvement Act of 1981, dealing with the migrant education program.

Under the migrant education program State education agencies are eligible to receive annual Department of Education grants to help meet the special education needs of migrant agricultural workers or migratory fishermen. Migrant students are those who travel with their families to pursue agricultural or fishing employment across school district lines for a temporary period of time.

However, in Alaska, although we have a large migrant fishing population, many of the students are not eligible for migrant education assistance due to the immense size of many of our school districts. For example, the North Slope Borough School District is the size of the State of Utah with a population of only about 5,000 persons. Migrant students in Alaska often travel over 100 miles up river or out to sea to fish but never cross another

school district line or even see another school or village. During this time, these students lose valuable classroom instruction.

Rural education is a great concern of mine. In Alaska, we have hundreds of sparsely populated villages. Most of these villages are reachable only by air. Because of a recent court ruling, there is a law in Alaska requiring every village to have a high school. Often times these schools have fewer than 15 students. To administer these schools in these small villages is extremely expensive for there are no economies of scale.

Quality of education in these areas is limited. More often than not, when these students graduate from their high schools and leave the village to attend college or vocational school, or to seek employment in a larger city, they find they have only received what is equivalent to an eighth grade education. Frustrated and bitter, they drop out of their programs or jobs.

These schools, and more importantly, these students need help. We have all heard of the high cost of living in Alaska, where in the rural areas, it is 160 to 220 percent higher than in the continental United States. These high costs carry over to administering education programs, which are then compounded with the costs of meeting the special education needs of migrant students.

Although the migrant education program is intended to provide assistance in serving these students, because of the wording of current law, many of Alaska's migrant students are not eligible. My bill is a technical amendment to chapter 1 to correct this problem.

The amendment simply states that:

. . . Children of migratory fishermen, if such children reside in a school district of more than 18,000 square miles and migrate a distance 20 miles or more to temporary residences to engage in fishing activity.

It is estimated that 1,000 to 2,000 students will benefit under the program at a cost of approximately $500 per child.

I wish to stress that this bill is intended only to make an existing program work in Alaska. The added cost of this amendment is small compared to the high costs of inadequate education. I thank my colleagues for consideration of this important bill.●

WHAT BILINGUAL EDUCATION MEANS TO THEIR FUTURE

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. MARTINEZ. Mr. Speaker, in all of the debate over the issue of bilingual education, our foremost concern is with what is best for our children. The National Association for Bilingual Education took this debate one step further and asked our children what they thought was best for themselves. In a nationwide essay contest, children being taught in bilingual education programs responded. I am proud to say that one of the winning essays was written by a student from my district, the 30th District of California. Peggy Shen, who is a third grade student at Ynez Elementary School in Monterey Park, says some important things about how bilingual education helps her. On April 23, 1984, I had the honor of presenting Peggy with an award in recognition of her achievement and hearing her winning essay read. Peggy's and the other winning essays make a strong argument for the value of bilingual education.

In submitting these essays for the RECORD, I would like to congratulate Peggy Shen and all the students who participated in the contest. I commend these essays to my colleagues' attention.

WHAT BILINGUAL EDUCATION MEANS TO MY FUTURE

(By Peggy Shen, Ynez Elementary School, Monterey Park, Calif.)

Bilingual education means that I will have a good future.

Bilingual education helps me learn and understand things more easily, such as, when I don't understand the meaning of community my teacher can explain it to me in my language. I learn quickly. Bilingual education makes me smarter. When I grow up I can find a job easily.

Bilingual education is fun. I learn about other countries' customs. I celebrate both countries holidays. On Christmas I get presents and Chinese New Year's Day, I get red good luck envelopes. I eat Mexican tacos and Chinese egg rolls. Bilingual education makes life more interesting.

Bilingual education helps me make more friends with different languages. We all are friends. We play and work together. In the future, I can get along with many people.

I feel special about myself because I can speak in both languages and help people in my language. I'm proud of myself and I know I'll have a great future.

WHAT BILINGUAL EDUCATION MEANS TO MY FUTURE

(By Mai Nguyen-Huynh, Cleveland Magnet School of Science, Cleveland, Ohio)

Two years ago in Seattle, I got off a plane. In front of me was a whole new world. I wondered if I would survive in this world, a world where the people, the language and the whole environment were different than mine. I had a question in my mind about what my future was going to be.

I found myself as a deaf person in a strange world. I started to go to school and participated in the bilingual program where I would learn both English and my own language. Bilingual education brought back my hearing. It helped me to survive in the new world. It helped my family adapt to the new environment. The bilingual program introduced me to American people and taught me their way of life and their language. It brightened up my future. It helped me to climb up the "vocabulary ladder" to show the Americans that I was not a useless person, no matter what country I came from. It supplied me with a good education and a better chance to achieve my goals. It assisted me in looking forward into my future in America. I know that I could do and be whatever I wanted.

With the help that I had from the bilingual program, I am right now in a magnet school of science, and my dream of being a scientist will come true. It does not matter whether I become a scientist, a doctor or a businesswoman. I will have the advantage of speaking two languages smoothly. The bilingual program is now training more and more useful people for the United States' government and business.

We need the bilingual program to continue the work and to help build the United States into a stronger and richer country. The present soon will be the past, but the future will always be waiting for us.

WHAT BILINGUAL EDUCATION MEANS TO MY FUTURE—AN IDEA CAN CHANGE THE WORLD

(By Teodora Tastaman, Reading High School, Reading, Pa.)

It was a nice summer day in Rumania. The wind blew over the trees and the sun was shining when my father and I began to talk about life. He asked me about trying a new life in the United States.

At first I thought, I can't do that, leave my home where I lived for so many years, leave my best friends, my childhood with them, no!

It's a thing that I might hate all my life. I thought and thought but—what about my future? I couldn't do anything with my future in my country.

I wanted to study engineering, but because Rumania is a Communist country and makes decisions for me, I couldn't go to a special high school, not because I wasn't qualified but because my parents didn't know the right people.

In the United States I felt that I would be judged on what I know, not who I know. And of course I decided to come where everybody is free to study anything.

Still trying to leave my country, I felt like something was holding me inside a cage while something was dragging me outside and that's not a good way of life. So I left my country where I was born and where I grew like a bud in the sun and fresh air.

I have to learn English. But, what world is that? When I came to the United States, I felt like I was dropped from the sky. If somebody talked to me in English, I looked at that person like a cat looking at a calendar. But anyway, time will help me to learn English.

A way in the United States is of course the language. Without it we can't do anything; just to move around a little in a city or town English is needed.

For me now, a bilingual education is the most important thing in my life. In this program all students get special help. The teachers introduce us to general notions about the correct writing, reading and especially speaking. We feel like in a family, and I feel too like a part of it.

I learned something about other cultures, their traditions and new ways of doing things.

Now, with my English I feel like a woman and half because I came here five months ago and already I am feeling and talking like in my own language. I have new ideas and more inspiration. That's because I took my heart in my teeth and I tried.

I'm the master of my future; I have it in my own hands.

To me bilingual education can be a bridge between my old and my new culture and can change the world around me.

For the teacher who help us in this program, I say a hot thank you for all they do for me and for everybody.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. DWYER. Mr. Speaker, it is with sadness and frustration that I must call attention to the plight of the Rozenshtein family. Grigory and Natalia, along with their two sons, Mikhail and Efraim have been denied permission to emigrate since 1974, yet they refuse to give up hope. The family lives in a constant state of torment and danger, indeed they are not alone.

Dr. Grigory Rozenshtein, a doctor of computer science, worked at a research institute where he used computer applications in his research of the structure of the brain. The results of his work have been published in scientific journals, both in the U.S.S.R. and abroad. In 1973, in anticipation of filing an exit visa, Grigory resigned from his job at the institute. Later that year he applied with his family for an exit visa. A refusal was received in February 1974, based on Grigory's alleged access to "state secrets" in 1965.

Today, the situation for Soviet refuseniks is a desperate one. Last year only 1,314 Jews were allowed to leave, compared with 51,320 in 1979. The freedom to emigrate is provided under the Helsinki Final Act and the Universal Declaration of Human Rights. With this in mind, we must remain firm in our commitment to the refuseniks.

Throughout the years, Grigory Rozenshtein has struggled to make ends meet. He has worked numerous menial jobs, although often he is unemployed and under the threat of being charged with alleged "parasitism." With new leadership in the Soviet Union, we have the opportunity to bring human rights to the forefront. I urge all to challenge human rights violations wherever and whenever they occur. We must hold the Soviet Union and all nations accountable to the Helsinki accords.

Let us not ignore the plight of the Rozenshtein family for to do so would ignore our very birthright and that for which America stands.●

OMB STILL SEEKS TO CURTAIL "GAG RULE"—THIRD REVISION OF A-122 NOT MUCH BETTER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. BIAGGI. Mr. Speaker, I rise to once again state my continued objection to the ongoing war being waged by the Office of Management and Budget to stifle recipients of Federal funds from lobbying activities. These regulations, the so-called A-122 circular, published in their third revised form are scheduled to become final on May 29. Despite the alleged "revisions"—I believe these proposals are substantially and essentially no better than the original A-122 proposals for their intent is no different.

The tortuous history of these proposals began when the first set was published in the Federal Register on January 24, 1983. A storm of protest was raised by countless organizations which would have been barred from lobbying on any activity related to legislation or any other proposals before Congress. The fight that ensued to push for withdrawal of these regulations was fast and furious. I joined with a number of my colleagues is raising strong objections to any attempt to limit recipients of Federal funds in this manner. In response to formal comments filed in objection to these proposed regulations which I submitted, along with many of my colleagues, the January 24 proposals were taken back to the drawing board.

On November 3, 1983, the Office of Management and Budget published the rewritten rules which I termed "Son of A-122" that remained fundamentally flawed in their design. I continue to object to any attempt by OMB to negate the right of non-profit organizations from commenting upon legislation before Congress. My objections were further outlined in the second comment letter that I filed along with Representative ROYBAL, chairman of the House Select Committee on Aging.

As I stated in our letter to OMB on the November 1983 revisions of A-122, I remain especially concerned over the impact of these proposals upon organizations and individuals serving the elderly. As chairman of the Subcommittee on Human Services of the House Aging Committee, I believe that these groups would be especially hampered in their advocacy as well as in their work with committees of Congress, such as mine, which works closely with such groups in order to monitor the impact of programs and policies upon our senior citizens.

Central to my opposition is the attempt by OMB to reinterpret "lobbying" as "advocacy"—as make advocacy subject to the tedious bookeeping that would be required under these rules. All lobbying can be called advocacy—but not all advocacy can be termed "lobbying." The "aging network" is specifically charged with the mandate to advocate on behalf of the elderly. This right is provided through sections 305(a)(1)(D) and 306(a)(1)(D) of the Older Americans Act of 1965 as amended. Reauthorization bills extending the act for another 3 years are working their way through Congress with these sections intact. As one of the primary authors of the House bill, H.R. 4785, I can unequivocally state that it is not the intent of the Education and Labor Committee, which has just reported this bill, to alter the advocacy language in the act. If anything, we have underscored our belief that the advocacy responsibilities charged to State and area agencies on aging as well as others who receive funds under the act need to be strengthened at a time when OMB seeks retrenchment.

Last month, OMB once again published a revised A-122 which still seeks to require all contractors and grantees to tell the Government how much they spend on lobbying and identify those costs separately from other expenses. In my eyes, this bookkeeping requirement—which has remained intact throughout all three rewrites of A-122—is nothing more than an OMB bow to the so-called New Right groups that have been waging a tireless campaign to try and cut off any Federal funds from groups and organizations that they do not agree with. It is an outright attack upon nonprofit and community-based groups that seek to address the needs of the poor, the handicapped, the elderly, and those who rely upon Federal programs for their very survival.

If we begin to set a precedent in our Nation of placing private interest above public welfare, then we will have lost the right to freedom of expression—a right which is cherished—and should be retained—for all citizens. Receipt of Federal funds is no justification, in my mind, to thwart freedom of expression. If anything, it is the basis upon which we should continue to promote free expression and exchange of ideas.

The OMB A-122 circular signals disrespect for the principles upon which this Government in general and Congress in particular, is based. While I will credit OMB for some fine tuning of these proposed rules—they remain, in scope and in character—deadly dictates— which must be rejected. I will vigorously fight these rules and closely monitor their impact upon all groups receiving Federal funds and call upon my colleagues to join with me in this initiative.●

LIBERALS WRONG ON TAX CUT

HON. BOB LIVINGSTON
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. LIVINGSTON. Mr. Speaker, President Reagan's 1981 tax cuts did not favor upper-income Americans as a group over lower-income Americans. On the contrary, in the first year the rate reductions were put into effect we saw an increase in the share of all Federal income taxes paid by those with incomes of $50,000 and up. At the same time, the share of taxes paid by families earning less than $50,000 decreased.

I offer the following weekly column, which examines the true effects of the Reagan tax cut in greater detail, for the attention of my colleagues:

WASHINGTON.—The liberals in Washington have been screaming for three years now that the President's tax cuts of 1981 were unfair because, they said, the rate reductions "favored the 'rich' over the 'poor'" and lower income groups.

But somehow, the facts always seem to get in the way of liberal arguments. This case is no different.

The Treasury Department has recently released an analysis of actual 1982 tax returns that indicates exactly the opposite of what the liberals have been telling us. In 1982, the first year the rate reductions were put into effect, the share of all Federal income taxes paid by the "rich"—those with incomes of $50,000 or more—sharply increased while the share of taxes paid by families with less than $50,000 incomes decreased.

The biggest beneficiaries of the tax cut were families making less than $20,000 a year. The total tax revenue collected from them as a group dropped 12 percent from 1981 to 1982. And their share of the total income tax burden plummeted from 17.1 percent in 1981 to 15.5 percent in 1982, the largest decrease in a group's tax share since the Kennedy-Johnson tax cuts of 1963-1965.

Middle-income families ($20,000-$50,000 in income), who provide by far the lion's share of all Federal revenues, were also helped slightly. Their portion of all income taxes paid dropped from 50 percent to 49.1 percent in one year.

The Treasury study also reveals that contrary to the liberal's claims, in 1982, high-income families bore a much great share of the tax burden than they had before President Reagan's rate reductions.

Families reporting more than $50,000 incomes 1982 saw their share of all taxes paid increase from 32.9 percent of the total in 1981 to 35.4 percent in 1982.

And even though the highest tax rates on unearned income were slashed from a confiscatory 70 percent to a more reasonable 50 percent level (by a Democrat sponsored amendment to the tax bill), the very-high-income families still ended up paying dramatically higher taxes. The total income taxes collected from people earning more than $100,000 increased by 13 percent in 1982, and the tax revenues paid by those with incomes about $500,000 jumped a full 40 percent.

Clearly, the 1982 figures indicate that in the first year of President Reagan's three year tax cut program, the "rich" had taken on more, not less of the total tax burden.

And although it's too early for an accurate analysis, it appears that the tax cuts have had the same effect on 1983 returns. The receipts from taxpayers filing estimated tax returns (usually the upper-income groups) are coming in at much higher increases than receipts from wage earners on payroll withholding.

So, far from proving unfair to the poor, President Reagan's tax cuts of 1981 are achieving the same results as President Kennedy's did in the 1960's: lower income families are paying less, the wealthy are paying more, and our economy is receiving a much-needed shot in the arm.

TAX SHARE UNDER REAGAN 1981-1982 CUT

Net income group	Tax revenues collected (millions)		Percent change	Share of taxes paid (percent)	
	1981	1982		1981	1982
$0 to $10,000	$8,634	$7,627	−12	3.0	2.7
$10,000 to $15,000	17,680	15,873	−10	6.1	5.6
$15,000 to $20,000	23,385	20,425	−13	8.0	7.2
$20,000 to $50,000	145,412	140,135	−4	50.0	49.1
$50,000 to $100,000	52,156	51,732	−1	17.9	18.1
$100,000 to $500,000	34,613	36,723	+6	11.9	12.9
$500,000 to $1,000,000	4,118	5,719	+39	1.4	2.0
$1,000,000 and up	4,901	6,945	+42	1.7	2.4
Total	290,900	285,179	−2	100.0	100.0
Re-cap					
Under $20,000	49,699	43,925	−12	17.1	15.5
$20,000 to $50,000	145,412	140,135	−4	50.0	49.1
Over $50,000	95,788	101,119	+6	32.9	35.4

Source: U.S. Treasury, Office of Tax Analysis.●

CENTRAL AMERICA

HON. TED WEISS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. WEISS. Mr. Speaker, in the last year this administration has moved us perilously close to war in Central America.

OV 1 Mohawk observation planes now fly reconnaissance missions for the Salvadoran Army. U.S. advisers armed with automatic weapons have faced hostile fire in recent months. The U.S. Central Intelligence Agency has directed the mining of Nicaraguan ports. Honduras has been transformed into a launching pad for future U.S. military engagements in Central America. Three years and nearly $1 billion later, the Salvadoran guerrillas have doubled in size and now occupy at least 20 percent of the countryside.

If the President continues to follow his policy of military force and covert action, there will be no light at the end of the tunnel in Central America. How long will it be before U.S. observation planes or American advisers are forced to return hostile fire. How long will it be before American soldiers will be dying in El Salvador or Nicaragua?

Congressman MEL LEVINE and I have introduced a bill that deals directly with the real possiblity that American combat forces will be sent to Central America. It would prohibit the introduction of U.S. Armed Forces into or over El Salvador or Nicaragua for combat purposes unless the President first obtained a declaration of war from Congress or a specific congressional authorization for use of U.S. combat forces in either El Salvador or Nicaragua. It also would prohibit U.S. support for military or paramilitary operations against Nicaragua.

To prevent a minority in Congress from blocking consideration of a declaration of war or an authorization request from the President, this bill provides that such requests would be subject to expedited procedures and acted upon within 9 days.

We have learned from Vietnam the tragedy and suffering produced by undeclared wars. We have learned from Lebanon the limits of the War Powers Act. Under that act, the United States could find itself in a full scale war in Central America before Congress could act to withdraw our troops from the region. The bill we have introduced today would strengthen those powers now provided Congress by the War Powers Act and return to Congress that authority given it under the Constitution.

This bill says very simply that the Congress acting on behalf of the American people play the deciding role of whether to shed American blood in Central America. It does so by preserving Congress constitutional power to declare war and by denying the President a blank check to involve the United States in combat. Congress now needs to send a strong signal before it is too late, that the conflict in Central America will not become an American war. I urge and invite my colleagues to join Congressman LEVINE and myself in sponsoring this bill.

H.R. 5632

A bill to prohibit the introduction of United States Armed Forces into or over El Salvador or Nicaragua for combat, and to prohibit United States support for military and paramilitary operations against Nicaragua

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) there are increasing signs of incremental involvement of United States military personnel in military operations in both El Salvador and Nicaragua;

(2) current United States policy with respect to the resolution of the conflict in Central America depends to a dangerous degree on military involvement, not on negotiated settlements;

(3) it is in the vital interests of the Untied States to bring the conflict in Central America to a peaceful, equitable, and negotiated settlement;

(4) the Congress is on record in support of the Contadora process, which explicitly calls for a negotiated settlement to the conflicts in Central America; and

(5) the Congress has the constitutional right and responsibility to participate in any decision or decisions by the United States to

use combat troops in El Salvador or Nicaragua.

SEC. 2. (a) United States Armed Forces shall not be introduced into or over El Salvador or Nicaragua for combat purposes unless—

(1) the Congress has declared war or enacted specific authorization for such use of United States Armed Forces; or

(2) such introduction of United States Armed Forces is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States; or

(B) to meet a clear and present danger to, and to provide essential and immediate evacuation of, citizens of the United States.

(b) If United States Armed Forces are introduced into or over El Salvador or Nicaragua under paragraph (A) or (B) of subsection (a)(2), the President shall describe the reasons for such introduction in the report required by section 4(a)(1) of the War Powers Resolution.

(c) No funds appropriated by the Congress may be obligated or expended for any introduction of United States Armed Forces into or over El Salvador or Nicaragua for combat purposes except under the circumstances specified in subsection (a).

(d) For the purposes of subsection (a), the introduction of United States Armed Forces for combat purposes means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(e)(1) Any joint resolution or bill introduced at the request of the President pursuant to subsection (a)(1) shall become the pending business of the House in which it was introduced and shall be voted on within 3 calendar days thereafter, unless such House shall otherwise determine by the yeas and nays.

(2) Such a joint resolution or bill passed by one House shall become the pending business of the other House and shall be voted on within three calendar days after it has been received, unless such House shall otherwise determine by the yeas or nays.

(3) In the case of any disagreement between the two Houses of Congress with respect to any such joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than 2 calendar days after the appointment of the committee of conference. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Congressional Record or concerning any delay in the consideration of such reports, a conference report on a joint resolution or bill under this section (including any amendments reported in disagreement) shall be acted on by both Houses not later than 1 calendar day after the conferees report back to their respective Houses.

SEC. 3. No agency or instrumentality of the United States Government may provide any assistance of any kind, or otherwise make any expenditure of funds, for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in or against Nicaragua by any nation, group, organization, movement, or individual.●

HONORING MR. AND MRS. EDUARDO VALDIVIEZ RESIDENTIAL CITIZEN OF THE YEAR AWARD RECIPIENTS SANTA FE SPRINGS, CALIF.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. TORRES. Mr. Speaker, on May 1, 1984, the Citizenship Awards Committee of the Santa Fe Springs Chamber/League awarded Mr. and Mrs. Eduardo Valdiviez of Santa Fee Springs, Calif., the Residential Citizen of the Year Award. This annual award is given to a citizen dedicated to the betterment of the City of Santa Fe Springs.

Prior to his retirement in December 1977, Mr. Valdiviez worked for Bethlehem Steel Corp. as a crane operator. Over the years, Mr. Valdiviez has been involved in numerous community activities. In 1981 former Representative Wayne Grisham appointed him as an intern specialist to Congress for senior citizens programs. He has been a member of the Parents Social Club for over 10 years and served as the club's president for 2 years. Since 1973 Mr. Valdiviez has been a member of the Abraham Lincoln Senior Citizen Club and has served since 1976 as the club's president. He is a member of the Santa Fe Springs Community Development, Beautification and Police Committees and chairman of the Senior Citizens Advisory Committee. Mr. Valdiviez is also a member of the Older American Social Action Council of Los Angeles County, a member of the California Congress for Senior Citizens a member and second vice chairman of the Board of Directors of the California Congress and a trustee for the County Association of Seniors.

Mrs. Valdiviez serves as secretary of the John F. Kennedy Senior Citizens Club of Los Nietos, Calif., as well as the Sociedad Protectora Femenil. She is a volunteer for project info nutrition program and the Santa Fe Springs Neighborhood Center special programs. Mrs. Valdiviez is also a member of the Santa Fe Springs Hawaiian Dancers, Our Lady of Perpetual Help Church Choir and the Guadalupana Association.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. and Mrs. Valdiviez and wishing them well in the years to come.●

AMERICAN PRESIDENT LINES: LOOKING TO THE FUTURE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. ANDERSON. Mr. Speaker, on May 24, American President Lines will host a gala celebration in conjunction with the official opening of their new high-efficiency container terminal in San Pedro, Calif.

This terminal will become APL's main facility in the United States and will serve APL for at least the next 20 years. Located on 114 total acres, this ultra modern facility has four Gantry cranes, two bunkering berths, and the ability to handle over 4,000 containers. This terminal also has a new two-story administration building, a maintenance and repair facility, a container freight station, and a gatehouse.

It is estimated that the terminal will boost APL revenues by $25 million. With the strong trading market of the Pacific basin region, it is expected that the new terminal will be a great asset to the Port of Los Angeles. In turn, the port is located near rail transportation and has tunnel and bridge clearance to allow APL to operate double-stacked container trains. Recently, regular trains carrying 200 containers—twice the normal number—began running twice each week from Los Angeles to Chicago and New York.

The new terminal will allow APL to store up to 3,700 containers aboard truck chassis—a move designed to speed transfer of cargo from the ship-to-rail loading yards in downtown Los Angeles and Santa Fe Springs.

American President Lines is even looking into possible expansion by adding an intermodal yard in 1988 for stacked-train rail operations, or adding a third major berth.

With a computerized gate system, the long lines of trucks that caused congestion on the street outside the current APL terminal should be eliminated.

This new facility will be a key cog in the Port of Los Angeles' future plans. My wife, Lee, joins with me in congratulating American President Lines on the construction of their new terminal, and their commitment to progress in San Pedro.●

TRIBUTE TO KANSAS CITY CALL

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. WHEAT. Mr. Speaker, the Kansas City Call is celebrating its 65th anniversary next month. I would like

to share some of the history of this important publication. The Call a weekly newspaper was founded by C. A. Franklin in 1919 and has grown from a four-page sheet to a publication serving the black community in Kansas City and beyond.

The current editor-in-chief, Lucile Bluford, is well-known in the community and throughout the country as one of Kansas City's most respected journalists. Miss Bluford began her journalism career after studying at the University of Kansas. She then applied for admission at the University of Missouri School of Journalism. She was not admitted. Miss Bluford filed a discrimination suit against the university in 1939. Her suit led to the creation of a journalism program at Lincoln University in Jefferson City, formerly the State's university for blacks.

Recently, Miss Bluford was invited to the University of Missouri Journalism School, where she received a distinguished service award. The Kansas City publisher was 1 of only 11 recipients of the 1984 Missouri honor medal for distinguished service in journalism. In accepting the award, Miss Bluford said, "I was happy that they recognized not only me, but the black press. That's something they hadn't done before."

Miss Bluford has also received awards from the mayor of Kansas City, the city council and the Black Archives of Mid-America for her outstanding efforts within the community.

In the 65 years that the Call has been published, there have been only two publishers. C. A. Franklin began the Call and Lucile Bluford took over the reins upon his death.

Franklin began the Kansas City Call after learning the news business from his father who was one of the first publishers of a black community paper, the Omaha Enterprise. From Omaha, Franklin traveled to Denver where he began his journalism career as the owner and publisher of the Denver Call. So that he could serve a larger community, Franklin moved to Kansas City and published the first Kansas City Call on June 15, 1919.

As the city grew, the Kansas City Call became well-known as the "voice" of the black community. With its weekly features, in-depth news coverage, and careful reporting of the events of the community, the paper has been heralded as a unifying force within the community.

The Kansas City Call boasts over 30,000 readers. Many of those who subscribe to the paper are former Kansas Citians who have moved away and look to the Call as a voice from home.

The Call also produces a national edition, with coverage from cities all over the country. This edition is primarily aimed at cities with a smaller black community who would not otherwise sustain a paper.

The Kansas City Call has grown beyond the dreams of its founder to become one of the six largest black weekly newspapers in the Nation and one of the largest black-owned businesses in the Midwest. I am pleased to have the opportunity to wish Miss Bluford and her Kansas City Call well and to thank them for their outstanding service to our city.●

TRIBUTE TO FORMER CONGRESSMAN WALTER FLOWERS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1984

● Mr. ADDABBO. Mr. Speaker, I was saddened to learn about the sudden death of Walter Flowers. He was a hard working, dedicated former collegue. He also gave to this House what we all strive to give, strength to America's democratic principles and the belief that these principles are more important than the personal concerns of any one man.

You see, Walter Flowers supported President Nixon. His conservative district of Alabama also supported the President. But in his capacity as a member of the House Judiciary Committee, he had to decide whether or not to vote for the impeachment of the President.

Flowers was seen as a "swing vote." If he decided to follow his personal concerns, then many others might as well. But his conscience, the duty he felt to the Nation, to all the world that was watching democracy being put to the ultimate test, was the foremost concern. Flowers decided to vote for impeachment, not because it was the partisan thing to do but because it was his way of upholding the oath we take as Members of Congress.

Most of us in this House are faced with bellweather decisions at some time or another. We all know the trials and tribulations of these situations. And every time we vote for America's best interests, we are strengthening democracy. I will remember Walter Flowers as a great American, a beloved friend, one who offered strength to our democracy and credit to the House of Representatives.●

RECOGNITION FOR LUCILLE STURDIVANT, BUSINESS PROFESSIONAL CITIZEN OF THE YEAR AWARD RECIPIENT, SANTA FE SPRINGS, CALIF.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1984

● Mr. TORRES. Mr. Speaker, on May 1 the Santa Fe Springs Chamber of Commerce and Industrial League awarded Lucille Sturdivant the 1984 Distinguished Citizen of the Year Award from the Santa Fe Springs business professional community.

Mrs. Sturdivant and her husband Tom reside in Los Alamitos, Calif. They have three sons. She was born in Montana and graduated from Pepperdine College.

While working in Santa Fe Springs for the past 10 years, Mrs. Sturdivant has been active in the chamber league. She has served two terms on the chamber's board of directors and has been a chamber league ambassador for 8 years. She also has served on the golf tournament committee for 5 years and is currently chairman of the membership committee.

Mrs. Sturdivant is the charter president of the Orange County Workers Compensation Defense Association, a member for the past 31 years of the Los Angeles Workers Compensation Defense Foundation and is a member of the Medical Administrators Association. For the past 9 years she also has been an active member of the Soroptimist Club of Santa Fe Springs.

Mr. Speaker, I ask my colleagues to join me in congratulating Mrs. Sturdivant and thank her for a job well done.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of

an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 10, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of James E. Burnett, Jr., of Arkansas, to be the Chairman, and Patricia A. Goldman, of the District of Columbia, to be a member, both of the National Transportation Safety Board.
SR-253

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on proposed amendments to the Safe Drinking Water Act (Public Law 95-190), with respect to public water supply systems and standards, and underground injection.
SD-406

MAY 15

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit and Rural Electrification Subcommittee
To resume hearings on S. 1300 and H.R. 3050, bills to revise the liabilities and uses of the rural electrification and telephone revolving fund.
SR-328A

10:00 a.m.
Appropriations
Defense Subcommittee
To hold open and closed hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.
SD-192

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers' union (HEREIU).
SD-342

Judiciary
Juvenile Justice Subcommittee
To resume oversight hearings on child sexual abuse issues.
SD-226

MAY 16

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 707, to require most automobiles sold in the United States to be manufactured with a certain percentage of U.S. parts and labor.
SR-253

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 804, to reform Federal criminal laws by establishing certain standards and limits for conducting Federal undercover operations and activities.
SD-106

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1913, S. 1994, S. 2545, and S. 2599, bills to authorize funds for and to reform certain child nutrition programs.
SD-328A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To resume hearings on proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).
SD-406

Judiciary
To resume hearings on S. 915, to create a limited exception to the Supreme Court's holding in *Illinois Brick Co.* v. *Illinois*, 431 U.S. 720 (1977), that only direct purchasers from antitrust violators may obtain monetary relief under the Clayton Act for overcharges resulting from violations of the antitrust laws.
SD-226

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 17

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings and to receive a briefing on the recent space shuttle mission to repair the solar maximum mission observatory.
SR-253

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1218 and H.R. 2645, bills to revise the boundaries of the Chattahoochee River National Recreation Area in Georgia, and S. 1331 and H.R. 1341, bills to designate the Mono Lake National Monument in California.
SD-366

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold open and closed hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Environment and Public Works
To hold hearings on the nomination of Jacqueline E. Schafer, of New York, to be a member of the Council on Environmental Quality.
SD-406

MAY 18

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 1069, H.R. 555, and S. 817, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

MAY 21

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

MAY 22

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2157, to clarify the treatment of mineral materials on public lands.
SD-366

Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposals to amend and extend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).
SD-406

3:00 p.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold oversight hearings on travel for the handicapped.
SR-253

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on Senate Concurrent Resolution 69, expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft.
SR-253

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men.
SD-562

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To continue hearings on proposals to amend and extend the Comprehensive Environmental Response, Compensa-

tion and Liability Act of 1980 (Superfund).
SD-406

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-226

MAY 24

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 707, to require most automobiles sold in the United States to be manufactured with a certain percentage of U.S. parts and labor.
SR-253

9:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on proposed legislation relating to certain wilderness areas.
SR-328A
Governmental Affairs
To hold hearings on cost estimating and cost accounting in the Department of Defense weapons program.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for defense programs.
SD-192
Energy and Natural Resources
To hold hearings on Senate Joint Resolution 286, to approve the Compact of Free Association.
SD-366
Environment and Public Works
To continue hearings on proposals to amend and extend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).
SD-406
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on title IX of the Higher Education Act relating to educational equity.
SD-430

JUNE 5

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

JUNE 6

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review the transfer of information by the Internal Revenue Service and the Social Security Administration to other Federal and State government agencies and the examination of the collection of data by the Internal Revenue Service from private sector sources to identify cases of nonfiling or underreporting of income.
SD-342
Small Business
To hold oversight hearings on the impact of government competition on small business.
SR-428A

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.
SR-418

JUNE 7

9:30 a.m.
Labor and Human Resources
To hold hearings to evaluate the status of health care technology.
SD-562

10:00 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SR-428A
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on Senate Joint Resolution 138, to establish a National Commission on Teacher Education.
SD-430

JUNE 13

9:30 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to examine the impact of drugs on women.
SR-325

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SR-418

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation relating to veterans' compensation.
SR-418

JUNE 26

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the status of college athletic programs.
SD-430

JULY 10

9:30 a.m.
Labor and Human Resources
To hold hearings to evaluate competition in the health care marketplace.
SD-430

SEPTEMBER 18

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

MAY 10

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

SENATE—*Thursday, May 10, 1984*

(Legislative day of Monday, April 30, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be delivered by the Reverend Charles J. Boonstra, pastor of the First Presbyterian Church of Huntsville, Tenn. He is sponsored by Senator HOWARD BAKER, our distinguished majority leader.

PRAYER

The Reverend Charles J. Boonstra, pastor, First Presbyterian Church, Huntsville, Tenn., offered the following prayer:

Holy God, whose we are and to whom we are accountable, we wait for Your inner voice in this noisy world. We pause in this assembly to ask for Your blessing to these Your servants. Your wisdom and love humble us. Your truth and grace measure us. Make us great enough for these days. Give Your light that we may see clearly to walk in Your truth and will.

Eternal Spirit, You made us part of a global neighborhood and taught us what it means to be a neighbor. Give us understanding and compassion as we strive for peace with justice and for human dignity for all Your family.

Lord of all, give us freedom to make brave choices, wisdom to make the right ones, and faith to trust You for their fulfillment. May we be guided by Your love as we work for healing and reconciliation in Your world, until Your will is done and our work is approved.

In the name of Jesus, our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. BAKER. I thank the Chair.

REV. CHARLES BOONSTRA, GUEST CHAPLAIN

Mr. BAKER. Mr. President, I once again wish to express my gratitude to the distinguished visiting Chaplain. He is another in the list of distinguished clergymen who have offered a prayer on behalf of this body over the years. We are proud to have him with us.

I am especially glad to have him with us because he is the pastor of the congregation to which I belong. The First Presbyterian Church of Huntsville, Tenn., is a small congregation, but it is very loud, and it is proud to have Chuck Boonstra as its pastor and minister. I am especially pleased that he is here with us today.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, when the distinguished majority leader starts bringing in his own minister from his own State of Tennessee to pray for us, I begin to lose confidence in the capability and the skills of the minority in the Senate to deal with the majority leader and the majority.

Methinks I should make a few contacts of pastors in my own hill country to see if I can kind of even up the score. [Laughter.]

Seriously, I join the distinguished majority leader in expressing the pleasure and the pride he has expressed this morning in having the clergyman from the great State of Tennessee.

I listened to the prayer, and I felt that it was a prayer that probably is most needed for all of us. The clergyman prayed for wisdom and understanding. God was pleased when Solomon asked for wisdom and understanding. I think there is a passage from the Book of Proverbs which says:

> Wisdom *is* the principal thing; *therefore* get wisdom: and with all thy getting get understanding.
>
> * * * * *
>
> Happy *is* the man *that* findeth wisdom, and the man *that* getteth understanding.
>
> For the merchandise of it *is* better than the merchandise of silver, and the gain thereof than fine gold.

So I thank the clergyman, and I personally wish to take his prayer to heart, as I am sure we all do, and as we need to do in these days.

Mr. BAKER. Mr. President, I thank the minority leader. I am sure that Reverend Boonstra is grateful for these special and unique remarks by the distinguished minority leader.

Reverend Boonstra is not only my minister and pastor; he is also my friend. He does many things. Not only does he lead our congregation, but also, he does such things as take care of my blue martin box. I must say, in all candor, that on occasion I have wondered about his intercession with the divine authority, since he has lots of martins in his box and I seldom have martins in my box. [Laughter.]

Surely, that does not cast doubt on the validity of his intervention on behalf of my martins.

He is a distinguished leader of our community. I am especially pleased that he is here today with our great Chaplain of the Senate, who has distinguished himself in a relatively brief time with the care and precision of his prayers and the uniqueness of their symbolism. I have made it a point recently to try to comment on most of our Chaplain's prayer—not all of them—and only on occasion have I asked for equal time.

I thank our distinguished Chaplain, and I thank our visiting Chaplain for the prayer offered on behalf of the Senate today.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized—and I assume I have used most of my time already under the standing order—there will be three special orders this morning, to be followed by time for the transaction of routine morning business, until noon.

After that, the Senate will resume consideration of H.R. 2163, which is the boat safety bill, to which the pending amendment is the Baker amendment. I fully expect, however, that an amendment will be offered to that amendment, perhaps by Senator CHAFEE, and that that will consume part of the day today.

Mr. President, I expect the Senate to be in session during reasonable working hours today, meaning that I expect us to recess sometime around 6:30 or 7 o'clock.

May I say, for the benefit of Senators who are listening in their offices, that I think it is unlikely that we will be able to finish this bill, with all its ramifications, by 6:30 or 7 this evening. Therefore, we will be in session tomorrow, and I fully expect that there will be votes tomorrow. Senators should not assume that it will be a routine day or a pro forma day but, rather, a full business day. I do not expect the day to be long.

Tomorrow is Friday, and there are planes to be caught and journeys to be taken. But I do expect us to continue on this measure tomorrow and to have votes tomorrow, and I urge Senators to make their plans accordingly.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

THE PRESIDENT'S ADDRESS ON CENTRAL AMERICA

Mr. BAKER. Mr. President, on yesterday evening, President Reagan addressed the Nation on the subject of Central America, a subject critical to the security interests of the United States. In his excellent address, the President provided the American public in clear and precise terms, the full range of problems and dangers inherent in the region of Central America.

The President also thoroughly explained the administration's attempts to restore stability, humanitarian justice, and economic progress to that troubled region.

It was Mr. President, a truly remarkable speech and I am confident that it will be well received by the American public, and that the Congress will respond with the legislation necessary to fully implement its policies.

Mr. President, I ask unanimous consent that the President's speech appear in its entirety at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE PRESIDENT TO THE NATION

THE PRESIDENT.—My fellow Americans, last week I was in Beijing and Shanghai—three weeks from now, I'll be preparing to leave for Dublin, Normandy and the annual Economic Summit in London.

I'm pleased that our trip to China was a success. I had long and thoughtful meetings with the Chinese leadership. Though our two countries are very different, we are building a strong relationship in a genuine spirit of cooperation and that's good for the cause of peace.

This was our second trip to Asia in the last six months. It demonstrates our awareness of America's responsibility for leadership in the Pacific Basin, and area of tremendous economic vitality. I believe our relations with our Asian allies and friends have never been better.

But that isn't what I want to talk to you about.

I asked for this time to tell you of some basic decisions which are yours to make. I believe it's my constitutional responsibility to place these matters before you. They have to do with your national security and that security is the single most important function of the federal government. In that context, it's my duty to anticipate problems, warn of dangers and act so as to keep harm away from our shores.

Our diplomatic objectives will not be attained by good will and noble aspirations alone. In the last 15 years, the growth of Soviet military power has meant a radical change in the nature of the world we live in. Now, this does not mean, as some would have us believe, that we're in imminent danger of nuclear war. We're not.

As long as we maintain the strategic balance and make it more stable by reducing the level of weapons on both sides, then we can count on the basic prudence of the Soviet leaders to avoid that kind of challenge to us. They are presently challenging us with a different kind of weapon: Subversion and the use of surrogate forces, Cubans, for example. We've seen it intensifying during the last ten years, as the Soviet Union and its surrogates move to establish control over Vietnam, Laos, Cambodia, Angola, Ethiopia, South Yemen, Afghanistan and recently, closer to home, in Nicaragua and now El Salvador. It's the fate of this region, Central America, that I want to talk to you about tonight.

The issue is our effort to promote democracy and economic well-being in the face of Cuban and Nicaraguan aggression, aided and abetted by the Soviet Union. It is definitely not about plans to send American troops into combat in Central America. Each year, the Soviet Union provides Cuba with $4 billion in assistance; and it sends tons of weapons to foment revolution here in our hemisphere.

The defense policy of the United States is based on a simple premise—we do not start wars. We will never be the aggressor. We maintain our strength in order to deter and defend against aggression, to preserve freedom and peace. We help our friends defend themselves.

Central America is a region of great importance to the United States. And it's so close—San Salvador is closer to Houston, Texas than Houston is to Washington, D.C. Central America is America. It's at our doorstep, and it's become the stage for a bold attempt by the Soviet Union, Cuba, and Nicaragua to install communism by force throughout the hemisphere.

When half of our shipping tonnage and imported oil passes through Caribbean shipping lanes, and nearly half of all our foreign trade passes through the Panama Canal and Caribbean waters, America's economy and well-being are at stake.

Right now in El Salvador, Cuban-supported aggression has forced more than 400,000 men, women, and children to flee their homes. And in all of Central America, more than 800,000 have fled, many, if not most, living in unbelievable hardship. Concerns about the prospect of hundreds of thousands of refugees fleeing communist oppression to seek entry into our country are well-founded.

What we see in El Salvador is an attempt to destabilize the entire region and eventually move chaos and anarchy toward the American border.

As the National Bipartisan Commission on Central America chaired by Henry Kissinger agreed, if we do nothing, if we continue to provide too little help, our choice will be a communist Central America with additional communist military bases on the mainland of this hemisphere and communist subversion spreading southward and northward. This communist subversion poses the threat that 100 million people from Panama to the open border of our south could come under the control of pro-Soviet regimes.

If we come to our senses too late, when our vital interests are even more directly threatened, and after a lack of American support causes our friends to lose the ability to defend themselves, then the risks to our security and our way of life will be infinitely greater.

But there is a way to avoid these risks, recommended by the National Bipartisan Commission on Central America. It requires long-term American support for democratic development, economic and security assistance, and strong-willed diplomacy.

There have been a number of high-level bilateral meetings with the Nicaraguan government where we presented specific proposals for peace. I have appointed two special ambassadors who have made more than ten trips to the region in pursuit of peace during the last year. And Central America's democratic neighbors—Mexico, Venezuela, Columbia, and Panama—have launched a comprehensive initiative for peace through what is known as the Contadora Process. The United States fully supports the objectives of that process.

We can and must help Central America. It's in our national interest to do so, and morally, it's the only right thing to do. But helping means doing enough—enough to protect our security and enough to protect the lives of our neighbors so that they may live in peace and democracy without the threat of communist aggression and subversion. This has been the policy of our administration for more than three years.

But making this choice requires a commitment from all of us, our administration, the American people, and the Congress. So far, we have not yet made that commitment. We've provided just enough aid to avoid outright disaster but not enough to resolve the crisis, so El Salvador is being left to slowly bleed to death.

Part of the problem, I suspect, is not that Central America isn't important, but that some people think our administration may be exaggerating the threat we face. Well, if that's true, let me put that issue to rest. I want to tell you a few things tonight about the real nature of the Sandinista regime in Nicaragua.

The Sandinistas who rule Nicaragua are communists whose relationship and ties to Fidel Castro of Cuba go back a quarter of a century. A number of the Sandinistas were trained in camps supported by Cuba, the Soviet bloc, and the PLO. It is important to note that Cuba, the Sandinistas, the Salvadoran communist guerrillas, and the PLO have all worked together for many years. In 1978, the Sandinistas and elements of the PLO joined in a "declaration of war" against Israel.

The Cuban-backed Sandinistas made a major attempt to topple the Somoza regime in Nicaragua in the fall of 1978. They failed. They were then called to Havana, where Castro cynically instructed them in the ways of successful communist insurrection. He told them to tell the world they were fighting for political democracy, not communism. But more important, he instructed them to form a broad alliance with the genuinely democratic opposition to the Somoza regime. Castro explained that this would deceive Western public opinion, confuse potential critics, and make it difficult for Western democracies to oppose the Nicaraguan revolution without causing great dissent at home.

You see, that's how Castro managed his revolution. And we have to confess he fooled a lot of people here in our own country, or don't you remember when he was referred to in some of our press as the "George Washington of Cuba?"

The Sandinistas listened and learned. They returned to Nicaragua and promised to establish democracy. The Organization of American States, on June 23, 1979, passed a resolution stating that the solution for peace in Nicaragua required that Somoza

step down and that free elections be held as soon as possible to establish a truly democratic government that would guarantee peace, freedom, and justice. The Sandinistas then promised the OAS in writing that they would do these things. Well, Somoza left, and the Sandinistas came to power. This was a negotiated settlement based on power-sharing between communists and genuine democrats like the one that some have proposed for El Salvador today. Because of these promises, the previous U.S. administration and other Western governments tried in a hopeful way to encourage Sandinista success.

It took some time to realize what was actually taking place, that almost from the moment the Sandinistas and their cadre of 50 Cuban covert advisors took power in Managua in July of 1979, the internal repression of democratic groups, trade unions and civic groups began. Right to dissent was denied. Freedom of the press and freedom of assembly became virtually nonexistent. There was an outright refusal to hold genuine elections, coupled with the continual promise to do so. Their latest promise is for elections by November 1984. In the meantime, there has been an attempt to wipe out an entire culture, the Miskito Indians, thousands of whom have been slaughtered or herded into detention camps, where they have been starved and abused. Their villages, churches and crops have been burned.

The Sandinistas engaged in anti-semitic acts against the Jewish community. And they persecuted the Catholic Church and publicly humiliated individual priests. When Pope John Paul II visited Nicaragua last year, the Sandinistas organized public demonstrations, hurling insults at him and his message of peace. On this last Good Friday, some 100,000 Catholic faithfuls staged a demonstration of defiance. You may be hearing about that demonstration for the first time right now. It wasn't widely reported. Nicaraguan Bishop Pablo Antonio Vega recently said, "We are living with a totalitarian ideology that no one wants in this country." This country being Nicaragua.

The Sandinista rule is a communist reign of terror. Many of those who fought alongside the Sandinistas saw their revolution betrayed. They were denied power in the new government. Some were imprisoned. Others exiled. Thousands who fought with the Sandinistas have taken up arms against them and are now called the Contras. They are freedom-fighters.

What the Sandinistas have done to Nicaragua is a tragedy. But we Americans must understand and come to grips with the fact that the Sandinistas are not content to brutalize their own land. They seek to export their terror to every other country in the region.

I ask you to listen closely to the following quotation:

"We have the brilliant revolutionary example of Nicaragua . . . the struggle in El Salvador is very advanced: The same in Guatemala, and Honduras is developing quickly . . . very soon Central America will be one revolutionary entity . . ."

That statement was made by a Salvadoran guerrilla leader in March of 1981.

Shortly after taking power, the Sandinistas, in partnership with Cuba and the Soviet Union, began supporting aggression and terrorism against El Salvador, Honduras, Costa Rica and Guatemala. They opened training camps for guerrillas from El Salvador so they could return to their country and attack its government. Those camps still operate. Nicaragua is still the headquarters for communist guerrilla movements. And Nicaraguan agents and diplomats have been caught in Costa Rica and Honduras supervising attacks carried out by communist terrorists.

The role that Cuba has long performed for the Soviet Union is now also being played by the Sandinistas. They have become Cuba's Cubans. Weapons, supplies, and funds are shipped from the Soviet bloc to Cuba, from Cuba to Nicaragua, from Nicaragua to the Salvadoran guerrillas. These facts were confirmed last year by the House Intelligence Committee.

The Sandinista regime has been waging war against its neighbors since August of 1979. This has included military raids into Honduras and Costa Rica which still continue today. And they're getting a great deal of help from their friends.

There were 165 Cuban personnel in Nicaragua in 1979. today, that force has grown to 10,000. And we're being criticized for having 55 military trainers in El Salvador. Manpower support is also coming from other parts of the terror network—the PLO has sent men and so has Libya's dictator, Qadaffi. Communist countries are providing new military assistance, including tanks, artillery, rocket launchers, and help in the construction of military bases and support facilities.

Just last week, a Soviet ship began unloading heavy-duty military trucks in Nicaragua's Corinto Harbor. Another Soviet ship is on its way with more trucks and 155 Soviet jeeps.

Nicaragua's own military forces have grown enormously. Since 1979, their trained forces have increased from 10,000 to over 100,000. Why does Nicaragua need all this power? Why did this country of only 2.8 million people build this large military force?

They claim the buildup is the result of the anti-Sandinista forces. That's a lie. The Sandinista military buildup began two and a half years before the anti-Sandinista freedom fighters had taken up arms. They claim the buildup is because they're threatened by their neighbors. Well, that, too, is a lie. Nicaragua's next-door neighbor, Costa Rica, doesn't even have an army. Another neighbor, Honduras, has armed forces of only 16,000.

The Sandinistas claim the buildup is in response to American aggression. And that is the most cynical lie of all. The truth is they announced at their first anniversary, in July of 1980, that their revolution was going to spread beyond their own borders.

When the Sandinistas were fighting the Somoza regime, the United States' policy was hands off. We didn't attempt to prop up Somoza. The United States did everything to show its openess toward the Sandinistas, its friendliness, its willingness to become friends. The Carter administration provided more economic assistance to the Sandinistas in their first 18 months than any other country did. But in January of 1981, having concluded that the Sandinistas were arming the Salvadoran guerrillas, the Carter administration sent military aid to El Salvador.

As soon as I took office, we attempted to show friendship to the Sandinistas and provided economic aid to Nicaragua. But it did no good. They kept on exporting terrorism. The words of their official party anthem describe us, the United States, as the enemy of all mankind.

So much for our sincere but unrealistic hopes that if only we try harder to be friends, Nicaragua would flourish in the glow of our friendship and install liberty and freedom for their people. The truth is: They haven't.

Back in 1958, Fidel Castro pledged that, once his revolution had triumphed, he would start a much longer and bigger war—a war against the Americans. That war, Castro said, "will be my true destiny." For 26 years, during Republican and Democratic Administrations, Castro has kept to his own path of revolutionary violence. Today, Cuba even provides safe passage for drug traffickers who poison our children. In return, of course, Cuba gets hard cash to buy more weapons of war.

We are in the midst of what President John F. Kennedy called "a long twilight struggle" to defend freedom in the world. He understood the problem of Central America. He understood Castro. And he understood the long-term goals of the Soviet Union in this region.

Twenty-three years ago, President Kennedy warned against the threat of Communist penetration in our hemisphere. He said, "I want it clearly understood that this government will not hesitate in meeting its primary obligations which are to the security of our nation." And the House and Senate supported him, overwhelmingly, by passing a law calling on the United States to prevent Cuba from extending its aggressive or subversive activities to any part of this hemisphere. Were John Kennedy alive today, I think he would be appalled by the gullibility of some who invoke his name.

I've told you that Cuba's and Nicaragua's present target is El Salvador. And I want to talk to you about that country because there's a lot of misunderstanding about it.

El Salvador, too, had a revolution several years ago, and is now struggling valiantly to achieve a workable democracy, and, at the same time, to achieve a stable economic system and to redress historical injustices. But El Salvador's yearning for democracy has been thwarted by Cuban-trained and armed guerrillas, leading a campaign of violence against people, and destruction of bridges, roads, power stations, trucks, buses and other vital elements of their economy. Destroying this infrastructure has brought more unemployment and poverty to the people of El Salvador.

Some argue that El Salvador has only political extremes—the violent left and the violent right and that we must choose between them. Well, that's just not true. Democratic political parties range from the democratic left, to center, to conservative. Trade unions, religious organizations, civic groups and business associations are numerous and flourishing. There is a small, violent right-wing as opposed to democracy as are the guerrillas, but they are not part of the government. We have consistently opposed both extremes and so has the government of El Salvador. Last December, I sent Vice President Bush to El Salvador with a personal letter in which I again made clear my strong opposition to both violent extremes. And this had a positive effect.

Land reform is moving forward. Since March of 1980, the program has benefited more than 550,000 peasants, or about a quarter of the rural population. But many can't farm their land; they'll be killed by the guerrillas if they do.

The people of Central America want democracy and freedom. They want and hope for a better future. Costa Rica is a well-established and healthy democracy. Honduras made a peaceful transition to democracy in 1982. And in Guatemala, political parties

and trade unions are functioning. An election is scheduled for July there with a real prospect that that country can return to full constitutional government in 1985.

In fact, 26 of 33 Latin American countries are democracies or striving to become democracies. But they are vulnerable.

By aiding the communist guerrillas in El Salvador, Nicaragua's unelected government is trying to overthrow the duly elected government of a neighboring country. Like Nicaragua, the government of El Salvador was born of revolution, but unlike Nicaragua it has held three elections, the most recent a presidential election last Sunday. It has made great progress toward democracy. In this election, 80 percent of the people of El Salvador braved communist threats and guerrilla violence to vote for peace and freedom.

Let me give another example of the difference between the two countries, El Salvador and Nicaragua. The government of El Salvador has offered amnesty to the guerrillas and asked them to participate in the elections and democratic processes. The guerrillas refused. They want to shoot their way into power and establish totalitarian rule.

By contrast, the Contras, the freedom-fighters in Nicaragua, have offered to lay down their weapons and take part in democratic elections, but there the communist Sandinista government has refused. That's why the United States must support both the elected government of El Salvador and the democratic aspirations of the Nicaraguan people.

If the communists can start war against the people of El Salvador, then El Salvador and its friends are surely justified in defending themselves by blocking the flow of arms. If the Soviet Union can aid and abet subversion in our hemisphere, then the United States has a legal right and a moral duty to help resist it. This is not only in our strategic interest; it is morally right. It would be profoundly immoral to let peace-loving friends depending on our help be overwhelmed by brute force if we have any capacity to prevent it.

If our political process pulls together, Soviet- and Cuban-supported aggression can be defeated. On this, the centennial anniversary of President Harry Truman's birth, it's fitting to recall his words, spoken to a Joint Session of the Congress in a similar situation: "The free peoples of the world look to us for support in maintaining their freedoms. If we falter, we may endanger the peace of the world and we shall surely endanger the welfare of this nation."

The speech was given in 1947. The problem then was two years of Soviet-supported indirect aggression against Greece. The communists were close to victory. President Truman called on the Congress to provide decisive aid to the Greek government. Both parties rallied behind President Truman's call. Democratic forces succeeded and Greece became a Parliamentary democracy.

Communist subversion is not an irreversible tide. We've seen it rolled back in Venezuela, and most recently, in Grenada. And where democracy flourishes, human rights and peace are more secure. The tide of the future can be a freedom tide. All it takes is the will and resources to get the job done.

In April 1983, I addressed a Joint Session of the Congress and asked for bipartisan cooperation on behalf of our policies to protect liberty and democracy in Central America. Shortly after that speech, the late Democratic Senator Henry Jackson encouraged the appointment of a blue ribbon bipartisan commission to chart a long-term course for democracy, economic improvement and peace in Central America. I appointed twelve distinguished Americans from both political parties to the National Bipartisan Commission on Central America.

The Bipartisan Commission rendered an important service to all Americans—all of us, from pole to pole, in this Western hemisphere. Last January, the Commission presented positive recommendations to support democratic development, improve living conditions and bring the long-sought dream for peace to this troubled region so close to home. The recommendations reinforced the spirit of our administration's policies that help to our neighbors should be primarily economic and humanitarian, but must also include sufficient military aid.

In February, I submitted a comprehensive legislative proposal to the Congress which would implement the Commission's recommendations. And because this report presented a bipartisan consensus, I'm hopeful that the Congress will take prompt action. This proposal calls for an increased commitment of resources beginning immediately and extending regularly over the next five years. The program is a balanced combination of support for democracy, economic development, diplomacy and security measures, with 70 percent of the dollars to be used for economic and social development. This program can get the job done.

The National Bipartisan Commission on Central America has done its work. Our administration has done its work. We now await action by the Congress. Meanwhile, evidence mounts of Cuba's intentions to double its support to the Salvadoran guerrillas and bring down the newly elected government in the fall. Unless we provide the resources, the communists will likely—to succeed. Let's remember the Soviet bloc gave Nicaragua and Cuba $4.9 billion in assistance last year, while the United States provided all its friends throughout all of Central America with only a fraction of that amount.

The simple questions are: Will we support freedom in this hemisphere or not? Will we defend our vital interests in this hemisphere or not? Will we stop the spread of communism in this hemisphere or not? Will we act while there is still time?

There are those in this country who would yield to the temptation to do nothing. They are the new isolationists, very much like the isolationsists of the late 1930s, who knew what was happening in Europe, but chose not to face the terrible challenge history had given them. They preferred a policy of wishful thinking, that if they only gave up one more country, allowed just one more international transgression, surely sooner or later the aggressor's appetite would be satisfied.

Well, they didn't stop the agressors, they emboldened them. They didn't prevent war, they assured it.

Legislation is now before the Congress that will carry out the recommendations of the National Bipartisan Commission. Requests for interim appropriations to give the soldiers fighting for their country in El Salvador, and the freedom-loving people of Central America the tools they need, also. That awaits action by the House of Representatives.

For the last four years, only half of the military aid requested for El Salvador has been provided, even though total aid for El Salvador is only 5 percent of our worldwide assistance. I'm asking the Congress to provide the funds I requested for fiscal year 1984 and, also, to enact the entire National Bipartisan Commission plan for democracy, economic development, and peace in Central America.

As I talk to you tonight, there are young Salvadoran soldiers in the field facing the terrorists and guerrillas in El Salvador with the clips in their rifles the only ammunition they have. The lack of evacuation helicopters for the wounded and the lack of medical supplies if they're evacuated has resulted in one out of three of the wounded dying. This is no way to support friends, particularly when supporting them is supporting ourselves.

Last week, as we returned across the vast Pacific to Alaska, I couldn't help being struck again by how blessed has been our land. For 200 years the oceans have protected us from much that has troubled the world. But, clearly, our world is shrinking. We cannot pretend otherwise if we wish to protect our freedom, our economic vitality, and our precious way of life.

It's up to all of us—the administration, you as citizens, and your representatives in the Congress. The people of Central America can succeed if we provide the assistance I have proposed. We Americans should be proud of what we're trying to do in Central America, and proud of what, together, with our friends, we can do in Central America to support democracy, human rights, and economic growth while preserving peace so close to home.

Let us show the world that we want no hostile communist colonies here in the Americas—South, Central, or North.

Thank you, God bless you, good night.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

DR. FELDSTEIN'S RESIGNATION

Mr. BYRD. Mr. President, yesterday, Martin Feldstein, the chairman of the President's Council on Economic Advisers resigned. I am sorry to see him go. We will miss his sense of reality and integrity in the national economic debate. It is unfortunate that the President will no longer have Dr. Feldstein's voice of reason. It is needed to temper those other advisers who sold the President a bill of goods and refuse to counsel him to change his course.

The President embraced an admirable set of goals—sustainable economic growth, falling inflation, a strong defense, a balanced budget, lower taxes, and low interest rates. He asked for incentives for savings and investment intended to invigorate the private sector and create a sufficiency of good jobs in a competitive economy.

We Democrats share these goals. We, along with Dr. Feldstein and then-candidate GEORGE BUSH, were skeptical, however, that "voodoo economics" would get us there. Our skepticism increased in 1982 when the first promise of supply-side economics was broken; namely, that tight money

could eliminate inflation without causing unemployment. In 1982 and 1983 unemployment exceeded 10 percent and, between unemployment and persons involuntarily working part time, the economy lost 11 percent of the labor force hours potentially available to build a stronger economy and achieve these shared goals.

We might have hoped that this broken promise would have awakened the President to the weakness of the White House and Treasury theorists. But, the President was patient and counseled the unemployed to be patient also.

In 1982, we in the Congress—and the unemployed—were less patient. We urged Mr. Volcker and the Federal Reserve Board to ease up on the money supply and let the economy grow. The Federal Reserve responded, the treatment worked, and the recovery started. I want to emphasize that at that time—in the depths of the recession—interest rates were high despite a lack of private demand for credit. The economy was necessary to provide monetary easing.

The next supply-side promise to be dashed on the rocks of reality was the hope of a balanced budget. Many of us were encouraged when Dr. Feldstein attempted to bring us an honest assessment of the budget mess that the White House supply-siders had bought for the country. He saw two hundred billion dollar deficits as far as the eye could see, a deficit caused not by profligate domestic spending, but by a bloated Defense budget and tax cuts that mostly went to the wealthy, the corporations, and the tax shelter experts.

Unfortunately, the President preferred to stay with the original script, a preference reinforced by a recovering economy. The deficits that he had formerly berated as a burden on our children were now a benign blemish to be ignored in the temporary euphoria of a deficit-driven turnaround.

There was other evidence that all was not well and that the deficit was unbalancing the economy. Other supply-side promises were being broken. The much-heralded incentives to save produced lower, not higher savings rates. In 1983, Americans saved less than 5 percent of their disposable income. One must go back to 1949 to find a rate that low. In real terms, nonresidential fixed investment was lower in 1983 than it was in 1979. Executives apparently found the tax incentives powerful in regard to their salaries and bonuses; more powerful, unfortunately, than they were in regard to building plants or buying equipment.

In 1983, the economy was reacting to the fiscal stimulus combined with falling nominal interest rates in the last half of the previous year. Investment finally started to pick up in the last half of 1983 despite extraordinarily high real interest rates. Of course, our balance of payments suffered as those in international financial markets bought our debts instead of our manufactured goods.

The President continued to ignore the budget problem and proposed a deficit for fiscal 1985 that CBO estimated at $192 billion. He ignored the inevitable clash between fiscal and monetary policy as the deficit drove the economy at a speed that exceeded prudent limits. The first sign was our deteriorating trade balance that is estimated to exceed $100 billion this year. At least that deficit has the virtue of stimulating the rest of the world's economy. Over the last 12 months, however, the contradictions have begun to drive up interest rates which help no one.

A year ago today, the interest rates on 3-month Treasury bills were below 8 percent; today they are over 10 percent. A year ago today the prime rate was 10.5 percent, today it is 12.5 percent. A year ago 30-year Treasury bonds yielded 10.3 percent, today they yield 13.1 percent.

Even this administration recognizes that a continued rise in interest rates threatens the recovery while unemployment still remains painfully high. But the President is unwilling to take responsibility for his handiwork. The contrast with Harry Truman, whom we honored yesterday, is striking. No longer does the buck stop at the White House or even in the Rose Garden. This administration wants to blame the Federal Reserve Board for the problem that supply-side economics created. Tuesday, the White House attacked the Federal Reserve for the increase in the prime rate. How can the administration justify such an attack? Did Paul Volcker submit a budget calling for $200 million deficits as far as the eye can see? Of course not, but President Reagan did.

Dr. Feldstein undoubtedly left President Reagan's employ for many reasons. We do know that the last of many arguments the good professor had with his employer was over the very issue of blaming the Federal Reserve for the current turn of events. As he has been many times before, Dr. Feldstein is right and the White House is wrong. Two years ago, interest rates were high because the Federal Reserve was too tight with the supply of money when the economy was very weak. Today, interest rates are too high because an irresponsible administration proposes high deficits, which are colliding with the borrowing demands of a growing economy.

When we Democrats encouraged a loosening by the Federal Reserve in 1982, we were not calling for loose monetary policy, because that is not the problem. The problem is simple. The warnings are many. This country is following the wrong fiscal/monetary policy mix. We need to reduce the deficit before we can increase the money supply and see interest rates fall to reasonable levels. It is obvious from recent votes in the Senate, that the Congress would follow a President who matched his deeds with his words about deficits. The problem will not go away with Dr. Feldstein. It will only depart when leadership is provided by the White House to make the hard choices necessary to return the Nation to fiscal sanity.

Mr. President, I thank the distinguished Senator from Wisconsin for his courtesy in asking on yesterday that my time under the standing order be reserved. I appreciate it.

I yield 5 minutes of my time to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I appreciate the generosity of the distinguished Democratic leader.

SHOULD THE UNITED STATES NEGOTIATE A COMPREHENSIVE NUCLEAR TEST BAN TREATY WITH THE SOVIET UNION?

Mr. PROXMIRE. Mr. President, what is the heart of the nuclear arms race? What activity by the Soviet Union and the United States carries the biggest threat of nuclear war? The answer is easy. It is the development by both sides through research and the testing that is quintessential to research of ever more devastating and unstoppable nuclear weapons. More than 40 years ago intensive research and the testing essential to establishing and proving that research brought on the atomic bomb. That research—based on testing—gave us the weapons that resulted in the total destruction of Hiroshima and Nagasaki in Japan in 1945. Continued research and testing immensely expanded the power, the precision, the reliability of nuclear weapons. Today scientists tell us that a nuclear war would not only destroy both the United States and the Soviet Union as organized societies, but might very possibly destroy mankind as a species and make the world totally uninhabitable. This is the point we are at now—today May 10, 1984. Where will this research and testing of nuclear weapons take us next year and 5 or 10 or 20 years from now? Leslie Gelb, the national security expert of the New York Times, tells us that 15 or 20 years from now research and testing on nuclear weapons could very possibly give us weapons that would make obsolete the deterrence on which we have relied for nuclear peace for 39 years. Our military intelligence services have told us that unless we change the international nuclear proliferation policies drastically—drastically—31 nations will have nuclear arsenals within the next 16 years. Why?

In part because the newly tested and developed nuclear weapons will be cheaper and smaller—and, therefore, easier for many nations to afford and to use.

So it is obvious to anyone with eyes to see and a mind that is even partly open to the cruel hard facts of life that unless we negotiate an end to the nuclear testing that is essential to the "modernization" of nuclear weapons, this Nation and perhaps mankind itself may literally perish from the Earth. Why, then, do we not get on with it and promptly?

Why do we not recognize that both the Soviet Union and the United States can only survive if we negotiate a mutual, verifiable and comprehensive end to nuclear weapons testing? If we do that, in the words of a former head of the Livermore nuclear testing lab, we perform a frontal lobotomy on a new nuclear weapons development. We stop it cold.

We have made some progress toward a comprehensive test ban treaty over the years. We have everything to gain by pressing to complete that progress now. Twenty-one years ago President Kennedy negotiated a test ban treaty that prohibited tests by the United States and the Soviet Union in the atmosphere, in outer space or underwater. That 1963 treaty permitted underground testing of nuclear arms without limiting the size or yield of the explosions. Ten years ago President Nixon negotiated a treaty with the Soviet Union to limit the yield of underground explosions to 150 kilotons.

We have not ratified that treaty in this body, the U.S. Senate, which, of course, ratification is required by this body, but we have not ratified it. The present administration has charged that the Soviets have frequently violated the 150-kiloton limit. Many of our most competent scientists, however, disagree with that assessment and most experts agree that if there have been Soviet violations, those violations have had little if any military significance.

In the March issue of the Journal of the Federation of American Scientists, two experts, John Pike and Jonathon Rich write:

> The evidence of Soviet test violations, which the Administration itself concedes is ambiguous, has been challenged by many scientists inside and out of the government. It is widely believed that the U.S. formula for measuring the yield of Soviet tests, which is based on data from our own tests in Nevada, systematically overestimates Soviet tests, which are conducted in a different land mass. According to Mike Nordyke, director the of verification program at Livermore National Laboratory, there is "no hard evidence" of Soviet test violations. This analysis has been affirmed by Livermore seismologists Warren Heckrote and Peter Moulthrop, who in a series of reports concluded that "the distribution of seismically measured yields of Soviet nuclear weapons tests is not inconsistent with Soviet observance of the 150-kiloton limit" . . . Furthermore, none of the tests have been large enough to confer any military advantage to the U.S.S.R.

Why, then, does the President of the United States not agree to enter negotiations to ratify a comprehensive test ban treaty—covering all explosions down to a single kiloton? In all fairness this has been a problem for the Carter administration as well as the Reagan administration. President Carter decided not to press for a treaty totally outlawing all nuclear arms testing when the head of the Livermore laboratory reportedly told the President that such a treaty would stop research and development on some very promising new nuclear weapons systems that the United States was on the verge of developing. President Reagan has taken the same position as President Carter. His administration has also contended that we must negotiate stricter verification procedures than there is likelihood that the Russians would accept. As nuclear arms experts Pike and Rich point out this is a case of: "putting the missile before the warhead. The protocol's elaborate provisions for exchanging a wide range of geological and testing data was designed to provide a framework for high confidence verification."

Mr. President, a freeze on the production and deployment of nuclear weapons would constitute a heartening step toward peace and sanity. But we will not take the truly decisive step in ending the arms race until we stop all nuclear arms testing. Testing constitutes the crux, the very heart of nuclear arms research and the progressive march that brought first the atomic bomb, then the hydrogen bomb, and now a series of ever more deadly refinements that have led the world down the road to the most dangerous period in all human existence. It is time we listen to the warning of our scientific experts and bring this mad race that sweeps us on toward human extermination to an end.

I ask unanimous consent to have printed in the RECORD a summary of the article to which I have referred by John Pike and Jonathon Rich from the March 1984 Public Interest Report of the Federation of American Scientists.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE THRESHOLD TEST BAN TREATY (TTBT): HAVE THE SOVIETS EXCEEDED THE 150 KILOTON LIMIT?

SUMMARY

Signed in 1974, the Threshold Test Ban Treaty (TTBT) prohibits either the United States or Soviet Union from testing nuclear weapons with yields greater than 150 kilotons. The Treaty was primarily designed to prevent either side from testing and perfecting nuclear weapons in the megaton range.

The United States claims that the Soviets have probably violated the 150 kt. threshold on numerous occasions since the Treaty went into effect in 1976. The Administration has also argued that the Treaty is presently unverifiable, and has unsuccessfully sought to renegotiate stricter verification provisions for the TTBT, which never has been ratified. The Soviet Union has responded that once the U.S. has ratified the Treaty, any question of verification and compliance can be addressed through provisions established by the Treaty.

The evidence of Soviet test violations, which the Administration itself concedes is ambiguous, has been challenged by many scientists inside and out of the government. For many years, seismologists have known that the seismic waves recorded from nuclear tests vary according to the surrounding geological formation. It is widely believed that the U.S. formula for measuring the yield of Soviet tests, which is based on data from our own tests in Nevada, systematically overestimates Soviet tests, which are conducted in a different land mass.

Controversy over Soviet test yields would most likely be resolved by ratifying the TTBT, which requires an extensive exchange of testing and geological information to bolster national technical means of verification. Meanwhile, the largest recorded Soviet tests—even by the Administration's calculations—have little military significance. If the United States is seriously interested in a verifiable and effective prohibition on testing, it should finish negotiating a Comprehensive Test Ban, which is far more constraining on the development of nuclear weapons.

AN UNRATIFIED TREATY

The Treaty on the limitation of Underground Nuclear Weapons Tests, also known as the Threshold Test Ban Treaty, was signed by President Richard Nixon and Soviet Premier Leonid Brezhnev in July 1974. The Treaty was not submitted to the Senate until July 1976 to allow the negotiation of the companion treaty on peaceful nuclear explosions (PNET). This two-year interlude also permitted both sides to continue extensive testing of high-yield weapons. In July 1977, the Senate Foreign Relations Committee held hearings on the Treaty, and favorably reported it to the whole Senate in 1978. A threat by some senators to add more to the verification process, as well as the Administration's emphasis on SALT II and the Comprehensive Test Ban (CTB), led then-President Carter to stop the ratification process.

The treaties still await action in the Senate. In 1982, the Reagan Administration decided not to submit the treaties for ratification until the Soviet Union had agreed to expanded verification provisions. After expressing concern over Soviet test violations, the Administration proposed in early 1983 a renegotiation of the verification provisions to allow U.S. scientists to directly monitor any nuclear tests over 75 kilotons. On May 12, the Soviet embassy in Washington replied that "U.S. side has no basis for raising the issue of 'improving' the verification provisions." It said that once the Treaty had been ratified, verification questions could be resolved through routine consultations, as the Treaty provides.

In January 1984, the Administration publicly charged the Soviet Union with a probable violation of the TTBT. In the unclassified version of the compliance report sent to Congress, the Administration states, "While

the available evidence is ambiguous, in view of ambiguities in the pattern of Soviet testing and in view of verification uncertainties, and we have been unable to reach a definitive conclusion, this evidence indicates that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the TTBT." The issue is presently in a stalemate, although both sides have pledged to abide by the threshold aspects of the treaties, which prohibit nuclear tests above 150 kilotons.

VERIFICATION CONCERNS

Although the Administration has expressed concern about Soviet violations of the 150 kt. threshold, all but the most hawkish officials will concede that few, if any, of the violations have military importance. The larger issue—aside from the question of Soviet credibility—is whether and how the Treaty can be adequately verified.

Verification has historically posed a major obstacle to the successful negotiation of nuclear test bans. In 1963, an unresolved dispute over the number of seismic listening posts to be placed on each nation's territory proved a small, but insurmountable, obstacle to the signing of a Comprehensive Test Ban. Instead, the Kennedy Administration was forced to settle for a Limited Test Ban Treaty (LTBT), prohibiting all but the underground detonation of nuclear devices. During the TTBT negotiations, members of the Nixon Administration recognized that seismic monitoring techniques were not precise enough to ensure total compliance. They remained confident, however, that the exchange of geological and testing data provided for in the Protocol would reduce any uncertainty to an acceptable level. Small breaches in the Treaty's 150 kt. limit were not considered militarily significant.

Seismic monitoring capabilities have improved dramatically in the two decades since the LTBT was signed. Most scientists now believe that given the technical ability to distinguish and identify nuclear detonations down to 1 kiloton, a Comprehensive Test Ban could be verified with high levels of confidence. Disagreement persists, though, on the level to which a TTBT can be verified. The dispute marks the continuation of a long-standing rift between the U.S. government and the majority of the American scientific community on how to measure the magnitude of Soviet nuclear tests.

BODY VERSUS SURFACE WAVES

A nuclear explosion emits two basic types of waves that can be employed to calibrate its yield. "P," or body waves, are compressional waves similar to sound waves in air and water. They travel directly through the body of the earth, penetrating its mantle and crust before being recorded by seismic stations. In contrast, the slower surface waves travel only over the surface of the earth.

The United States has always monitored body waves to determine the yield of Soviet tests. Observations at the Nevada Test Site (NTS), where American nuclear weapon tests are conducted, established a correlation between the recorded value of P wave magnitude and the weapon yield. These correlations were then applied to Soviet tests to estimate their yield. The initial results showed some of the largest Soviet tests to be in blatant violation of the TTBT, registering yields as high as 400 kt.

From the beginning, prominent seismologists associated with the negotiations and the Defense Advanced Research Projects Agency (DARPA), which oversees research on this issue, criticized the government's reliance on a pure P wave formula. For several years, it had been known that body waves were very sensitive to regional variations in the geology of the test site. Due to relatively recent volcanic activity, the rock formation at the Nevada test site absorbs P waves more than most other places in the world. In contrast, the primary Soviet test sites are located in areas that have not been geologically active, and which therefore emit a high amplitude of P waves. The scientists argued that when the linear curve established from Nevada test site data was used to calculate Soviet test yields, systematic overestimation resulted.

In recognition of this difference, between 1977 and 1978 the United States modified its formula to include a 20 percent bias for waves from Soviet tests. Many seismologists, however, had concluded that modification of about 40 percent was necessary to correct for the distortions in wave magnitude. More recently, a number of prominent scientists, led by Dr. Lynn Sykes and Dr. Jack Evernden, have advocated a monitoring system that relies primarily on surface rather than body waves. (A member of the TTBT negotiating team, Dr. Sykes is now a consultant with DARPA. Dr. Evernden formerly worked with DARPA and is now with the U.S. Geological Survey.) Unlike P waves, surface waves remain relatively unaffected by variations in geological formations. It has been the experience of the United States that for explosions in hard rock at many Nevada test sites, estimates of yield based on a surface wave calculation have invariably agreed with actual yields, whereas estimates based on the P-wave formula have sometimes been in drastic variance with the actual yield.

AMBIGUOUS EVIDENCE

DARPA, which is generally considered the most conservative government agency in its estimate of Soviet test yields, has been less inclined to modify its scales. It has been largely from information derived from this source that the Administration has based its case for Soviet violations. According to a recent DARPA study, which compared the largest 40 U.S. and Soviet tests between 1976 and 1981, the Soviets have detonated nine bombs above the 150 kt. threshold since the treaty came into effect. Of these, two were between 200 and 250 kt., while one just exceeded 300 kilotons. According to Ralph Alewine, director of geophysical sciences at DARPA, the yields were calculated from a P wave scale that had been corrected by 30 percent.

DARPA's evidence, which even the Administration concedes is ambiguous, is not without its critics. The inconclusive nature of the Administration's findings has been affirmed by scientists within several relevant government agencies. According to Mike Nordyke, director of the verification program at Lawrence Livermore National Laboratory, there is "no hard evidence" of Soviet test violations. This analysis has been affirmed by Livermore seismologists Warren Heckrote and Peter Moulthrop, who, in a series of reports concluded that "The distribution of seismically measured yields of Soviet nuclear weapons tests is not inconsistent with Soviet observance of the 150 (kiloton) limit."

Although the United States has reportedly modified further its formula for calculating the yield of Soviet tests, to reflect a bias of 30 percent, many scientists maintain that the bias should be higher. During a recent symposium on the verification of nuclear test bans, several speakers presented a wide variety of evidence that P-waves from explosions at the eastern Kazakh test site register magnitudes that are about 35 to 45 percent greater than those from explosions in Nevada of the same size. Expressing this general view, Dr. Sykes has stated that the Administration's allegations "are based on the systematic overestimation of the relation between seismic magnitude and explosive yield." After calibrating Soviet test yields according to a scale based on surface waves and corrected body waves, both Sykes and Evernden concluded that none of the weapons tests exceeded the threshold, although several came close to it.

A MISLEADING CHART

U.S. concern has also stemmed from the distribution of a Department of Defense chart, which identifies the yields of nuclear tests held at the Soviet area in eastern Kazakh between 1976 and 1978. According to the chart, the estimated yields of the largest explosions at this site, which were constant between 1976 and 1978, roughly doubled between 1978 and 1979. For the Soviet Union to be in compliance with the 150 kt. threshold after 1978, its earlier tests would have to be 75 kilotons or less. Senator Jesse Helms (R-N.C.), columnist Jack Anderson and other critics believe the more likely explanation is that the Soviets were testing just under the limit until 1978, discovered that the United States was modifying its yield-estimation formula, and raised the level of its weapons tests accordingly.

However, there is good reason to believe that the chart has been incorrectly assembled and interpreted. In the first place, Soviet practice prior to the TTBT was to conduct all large tests (above 50-75 kt.) at the island of Novaya Zemlya in the Arctic Ocean. Sykes and Evernden have suggested that this was done for the same reason the U.S. conducted its multi-megaton tests on Amchitka, to avoid excessive ground-shaking to nearby cities. It is also known that very few explosions at Novaya Zemlya had yields as low as 150 kt.

After signing the TTBT, the Soviets had to choose between maintaining the Novaya Zemlya test facilities for yields of 75 to 150 kt. only, or accepting higher ground motions in the eastern Kazakh test center near the city of Semipalatinsk, and thereby close down most of the northern test facility activities. According to a chart constructed by Sykes and Evernden, it is clear that the magnitudes of the largest Soviet explosions in eastern Kazakh gradually increased in at least three increments between 1976 and 1979 before stabilizing in 1979. One can interpret this incremental increase in yields as a careful and deliberate evaluation of the ground effects of the higher yields on the nearby city of Semipalatinsk. It is thus not surprising that the Soviets did not immediately begin testing here at the threshold limit.

Even if the USSR has exceeded the treaty threshold on nine occasions, as the DARPA report suggests, there are mitigating factors to consider. All but three of the possible violations could be excused by the common understanding which permits several minor broaches in the threshold per year. Furthermore, none of the tests have been large enough to confer any military advantage to the USSR. The significance of even large tests is now somewhat limited. The TTBT recognized the relationship between the ex-

plosive power of reliable, tested warheads and the confidence of either side in a first-strike capability. Dramatic improvements in missile accuracy, however, have proven far more effective in increasing hard-target, first-strike capability, thereby lessening the impact of the Treaty's restriction on high-yield tests. Both the United States and the USSR have also perfected the technique of testing powerful warheads at less than their maximum yield.

A PAINLESS RESOLUTION

Although the Administration has charged the USSR with a probable violation of the TTBT, it has acknowledged that the evidence is ambiguous. Because of this inability to determine a definite violation, the Administration has argued that stricter verification measures must be negotiated before it is willing to ratify the Treaty. This is clearly a case of putting the missile before the warhead. The protocol's elaborate provisions for exchanging a wide range of geological and testing data was designed to provide a framework for high-confidence verification. By agreeing to ratify the TTBT, the Administration should be able to resolve any of its suspicions. If, after signing the Treaty, the United States determined the existence of past or present violations, it would have formal grounds and channels for discussion, as well as the ability to withdraw from the Treaty altogether.

Administration officials have expressed concern that testing data received from the Soviets could be falsified, and would therefore require verification through on-site inspection. But geological data from the Soviet test sites would be hard to falsify and should permit resolution of the long-standing dispute over how to evaluate the magnitude of body waves. The ratification of the accompanying PNET, with its provisions for on-site inspection, would also bolster confidence in Soviet compliance.

If the Administration is truly seeking an effective and verifiable agreement on nuclear testing, it should join the Soviet Union in completing the negotiation of a Comprehensive Test Ban. Unlike the Threshold Test Ban, a CTB would seriously constrain a future generation of exotic weapon systems now on the drawing board. It is also easier to verify a total, rather than partial, ban on testing. Most important, the framework for an effective verification regimen, including provisions for seismic monitoring stations and on-site inspection, has already been agreed upon during negotiations conducted by the Carter Administration.

TTBT PROVISIONS

1. Each Party undertakes to prohibit, to prevent, and not to carry out any underground nuclear weapon test heaving a yield exceeding 150 kilotons at any place under its jurisdiction or control, beginning March 31, 1976.

2. Each Party shall limit the number of its underground nuclear weapons tests to a minimum.

3. The Parties shall continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapons tests.

PROTOCOL

1. "For the purpose of ensuring verification of compliance with the obligations of the Parties under the Treaty by national technical means, the Parties shall . . . exchange the following data:

(a) The geographic coordinates of the boundaries of each test site and of the boundaries of the geophysically distinct testing areas therein.

(b) Information on the geology of the testing areas of the sites . . .

(c) The geographic coordinates of underground nuclear weapons tests, after they have been conducted.

(d) Yield, date, time, depth and coordinates for two nuclear weapons tests for calibration purposes from each geophysically distinct testing area where underground nuclear weapons tests have been and are to be conducted."

THE 41ST ANNIVERSARY OF THE WARSAW GHETTO UPRISING

Mr. PROXMIRE. Mr. President, on April 19, Jews both in Israel and the United States commemorated the 41st anniversary of the Warsaw ghetto uprising.

Forty-one years ago, the Jews of Warsaw, confined to a small area of the city by German barricades, aware of the threat to their survival, rebelled. Using homemade weapons and contraband guns, they fought the Nazis until May 16. Over 40,000 Jews died in the uprising and another 400,000 Warsaw Jews who had already left their city perished in the concentration camps.

Activity in bustling Israel halted to commemorate a moment of silence. As air-raid sirens wailed across the country at 8 a.m., drivers got out of their cars, people stood up in buses, and business stopped.

In New York City, more than 4,000 Jews attended a memorial service for the Warsaw ghetto uprising at Temple Emanu-El. the lights were dimmed as 31 black-clad survivors of the Holocaust slowly walked to the back of the sanctuary and lit 6 candles each in memory of the 6 million Jews who died at the hands of the Nazis during World War II.

My colleague from New York, Senator ALFONSE D'AMATO, the Israeli Ambassador to the United States, Meir Rosenne, and New York City Mayor Edward Koch joined the congregation in declaring that the fight against barbarism or genocide would continue as part of a moral obligation of those who survived the Holocaust. Mayor Koch announced the formation of a New York City Holocaust Commission, which would present a proposal to the Federal Government for a Holocuast memorial to be housed in the U.S. Custom House in Manhattan.

It is the hope of Jews around the world that these commemorations on the anniversary of the Warsaw Ghetto uprising will remind the world of the Holocaust tragedy. By telling and retelling the story, perhaps we can prevent a Holocaust recurrence.

Mr. President, after World War II, knowledge of the Holocaust reality drove the countries of the world to take action against genocide. The Genocide Convention was drafted, which simply condemns the international crime of genocide and establishes procedures for punishing violators.

Somehow, we have allowed many years to pass without bringing about the ratification of the Genocide Convention here in the U.S. Senate. It is pending before us. Administration after administration—Republican and Democrat—have called on us to ratify it. We have failed to do so.

With respect for the Holocaust victims and survivors and in the memory of the brave Jews of the Warsaw ghetto uprising, let us take action now and support the ratification of the Genocide Convention.

Mr. President, I yield whatever time I have remaining to the Senator from Montana. I think that is about 10 minutes.

The PRESIDING OFFICER. The Senator from Montana.

HALF RIGHT AND HALF WRONG

Mr. MELCHER. Mr. President, the President is half right but also half wrong in his approach to Central America: the part that is half right is that we cannot tolerate a Russian-Cuban combo that sends arms into Central America; but he is wrong when he wants another billion dollars sent to El Salvador and to finance a CIA-operated war in Nicaragua, a policy of war that is not working at all.

President Reagan talks about the Contadora group in Mexico, Colombia, Venezuela, and Panama. But he never listens to them. He will have another chance next week when President Miguel de la Madrid of Mexico comes to Washington. Consistently, the Contadora group has said armaments will not do the job in El Salvador, nor will the mining of Nicaraguan harbors through bungled CIA efforts and hired guns do it either.

Other nations that send arms into Central America or, for that matter, anywhere in this hemisphere, to wage war is our business, it is the Contadora's business and the business of every other country in this hemisphere.

That is what we need to tell Cuba and Russia, then, through our efforts and those of Contadoras and other neighboring countries, identify by surveillance those arms shipments and stop them.

Simply throwing money at Central America does not begin to get at the root of the problem. For one thing, it results in large quantities of armaments that wind up killing people; that has to stop. While the President is correct that the Russians are channeling arms through Cuba, he has not attempted to firmly warn Cuba and Russia that they must stop exports of arms to small Central American countries. He must get this point across

through the cooperation of Latin American and Caribbean countries that also are affected by such shipments.

Instead, he has pursued a biannual doubling of the ante for arming El Salvador; he has persisted with foolish blundering in turning the CIA loose to run a war in Nicaragua that now seems ready to involve Costa Rica. As for the billion dollar-plus already sent to El Salvador, it is obvious that another billion will be used for the same purpose—continuing the war. Under the circumstances, no economic gain will come to El Salvador because of our billions in aid; all of the money will just be sopped up in the war effort.

President de la Madrid can explain to President Reagan, if he will listen, that Mexico is cognizant of the woes of their neighbors to the south. Quietly, Mexico has been providing a humanitarian haven for 65,000 Guatemalan refugees, almost all of them Mayan Indians, who have fled their homes because of persecution and killing by the Guatemalan army. Of the hundred million people between our border and the borders of El Salvador and Nicaragua, 80 million are Mexican. The President claims they all are threatened by the Communist action to the south and in Cuba.

But neither Mexico nor anyone else in Central America believes the Mayans are Communists because they have fled for their lives from the Guatemalan Army.

The United States can do a lot more for the Central American people by wisely using the mountains of surplus food commodities now in Government warehouses around the country. That, plus medical supplies, benefit war-torn people, and for us, it is a natural policy that benefits our people here in the United States as well.

That is the way to help the people there while we stop the Cuban-Russian arms shipments into Central America. There is no reason to continue the half wrong policy the President has embarked upon.

THE BIG STAKE THE UNITED STATES HAS IN THE PHILIPPINES AND THEIR ELECTION

Mr. MELCHER. Mr. President, in the May 9 edition of the Washington Times, in a dispatch from Manila, foreign editor Edward Neilan describes his views and gives his prediction of the results in the Philippine elections next Monday.

The voting tabulation will reveal whether Mr. Neilan is correct in his estimate of President Marcos' KBL Party winning all but 28 or 29 of the 183 contested seats in the Philippine Parliament. We hope that Neilan's view that vote rigging or voting irregularities will be minimal and that election results will be found both by the Filipinos and those of us interested in their progress as a true expression of the people.

I find a reassuring freshness to Neilan's statements of the Filipino people themselves when he says: "The Filipinos are a proud, charming and irrepressible people and their election campaigning is serious, spirited with a lot of fun." And again, "In truth, the country and people are a delight with their own particular style and panache. Thankfully, the Philippines and Filipinos are not look alikes for the United States or anyone else."

That is the way I found them last December in a visit to their country as they prepared for campaigning in these elections. We are fortunate to have them as allies and their continuing success as the largest democratic stalwart in Southeast Asia is vital to the United States. It is vital both in terms of strategic defense and as a trading partner.

The 52 million Filipino people in themselves are an important, U.S. market, but Manila and the Philippines is the gateway to the future trading opportunities for the United States in Southeast Asia. As allies, the Filipinos have fought with us in every war in this century and Clark Air Force Base and Subic Naval Base are more essential to us than Guam or Diego Garcia.

Here is hoping the "batasang" (parliament) elections result in the continuation of the Filipino's desire for solid democracy and that our relationship with them will aid a rapid economy recovery for the Philippines. We have a big stake in their success.

I ask unanimous consent that Edward Neilan's Philippine dispatch be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARCOS A WINNER WITHOUT A DOUBT

(By Edward Neilan)

MANILA, PHILIPPINES.—President Ferdinand Marcos' ruling New Society Movement Party (KBL) will win handily in the May 14 voting for National Assembly seats, which will be among the fairest elections ever held in Asia.

The KBL is likely to win all but 28 or 29 of the 183 contested seats.

In leading his party to victory, Mr. Marcos will reconfirm his credentials as one of the region's most astute politicians.

Those inescapable conclusions are sifted from the national circus here known as a Philippine election campaign. Political campaigning observed by a visiting journalist in Manila and suburbs, Dagupan City, Lingayen, Baguio, Tarlac, Urdaneta, Cebu City and Davao City over the past 10 days leaves the impression that democracy and freedom of expression are alive and well.

The Filipinos are a proud, charming and irrepressible people and their election campaigning is serious, spirited but yet a lot of fun. There was more enthusiasm at last Sunday's election for National Press Club officers here than for a mayoral race in most medium-sized American towns. It is the same throughout the archipelago as the country prepares for Monday's vote.

As for charges of rigging, "flying voters," or irregularities, there inevitably will be some of that, but mostly the outcome will be due to the effectiveness of the KBL machine, which makes former Mayor Richard Daley of Chicago and his machine look like kids at play.

The conventional wisdom or the collected cliches about this place (The Philippines) and about this man (Mr. Marcos) is that the country is unsophisticated and a rerun of the American Wild West of the 1800s and that the president is some kind of dictator out of touch with the masses.

In truth, the country and people are a delight, with their own particular style and panache. Thankfully, the Philippines and Filipinos are not look-alikes for the United States or anyone else. The president is a conummate politician who has done his job, if anything, too well.

He has been so successful in building power through the traditional politician's method of distributing spoils and building power levers that the opposition is left without a platform except that of seizing power. At this stage, the fragmented opposition can only holler "foul" and hope for the worst in terms of voting irregularities.

The fact that the Marcos era extended longer than some Filipinos may have liked is a commentary on the president and on the country's political climate.

And Mr. Marcos is still running. For what it is not exactly clear. He does not have to stand for election until 1987, and he may not choose to do so. In the meantime, he seems to be running for his party's showing, for his own leadership image and for a positive place in the Philippine history books.

Mr. Marcos appears to be in good health which he attributes to a "zest for the campaign." An allergy which bothered him when I visited him for an interview at Malacanang Palace last November has cleared.

For example, there he was last Friday in hot Rizal Stadium, telling a rally of government workers why the opposition was wrong to hark back to the constitution of 1935 as a model. He struck a responsive nationalistic chord by reminding his countrymen that the 1935 constitution was written by Americans, ratified by the U.S. Congress and signed by the American President Franklin Delano Roosevelt. It granted Americans the notorious "parity rights" with Filipinos in property and business.

The 1973 constitution was drafted by Filipinos and restricts foreign ownership to 40 percent of any venture.

Also on Friday the president appeared on the local "Meet the Press" television program where he chided the disorganized opposition for its flop in failing to capitalize on the turmoil caused by the killing of oppositionist Benigno Aquino Jr. The emotion following the death of Mr. Aquino has largely subsided as a commission is looking into the incident in a thorough manner.

Saturday the president greeted veterans of Bataan and Corregidor in World War II but talked politics. Sunday he spoke at a National Housing Association rally and he announced certain delinquencies in mortgage payments would be waived, drawing cheers from the crowd.

In short, Mr. Marcos is using all the political tools at his command to make sure his party wins on Monday.

Mr. MELCHER. Mr. President, I yield the remainder of the time remaining to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator from Montana.

RECOGNITION OF SENATOR EAGLETON

The PRESIDING OFFICER. The Senator from Missouri is recognized.

THE REAGAN PLAN: FIGHTING TERRORISM WITH HYSTERIA

Mr. EAGLETON. Mr. President, embracing the principle of an "eye for an eye," President Reagan has launched a sweeping and unprecedented assault on terrorism.

Mr. Reagan's program, contained in a national security directive signed April 3, is still secret, but administration officials recently have leaked some of the details. For the first time, the Government authorizes such drastic measures as use of preemptive strikes and even direct reprisals, "stopping short of authorizing assassinations of suspected terrorists" according to one news account. Even this scant information raises more than an eyebrow; in fact, it is a little scary.

One section delegates unbridled authority to a single official, the Secretary of State, to label unilaterally any foreign government, foreign faction or individual he chooses as a "terrorist." On what basis is this determination made? This "I know it when I see it" approach to designating terrorists will not do. Moreover, by allowing the Secretary to brand a foreign government as a "terrorist"—which carries potentially enormous political consequences—are not we laying in the lap of one man foreign policy decisionmaking?

In describing the new policy, the Secretary of State recently said that once "terrorists" were recognized, the United States could pursue "preemptive strikes." Setting aside whether the President can legally order preemptive violence, what kind of proof will be insisted upon before such drastic steps can be taken? Generally speaking, American foreign policy abides by the notion that forces are deployed when unmistakably justified. We do not roll out the guns willy-nilly, on the basis of a "mere suspicion."

The business of counterterrorism is by no means a sure one. It is notoriously difficult to obtain information on plots ahead of time, and to correctly evaluate information once it is in hand. If we were to suspect an embassy takeover, for instance, and thus bombed the immediately surrounding areas to allow removal of U.S. officials, and no takeover occurred, where would we be? We cannot undo a bombing raid. And would we consider the fact that innocent civilians might be killed in the process?

Mr. President, no less troubling is the prospect of a new policy of retaliation, presumably like Israel's. That country lives with constant threats of terrorism and makes a nearly automatic response to each incident. The threat Israel faces is far different from any that we might face. Israel is surrounded by hostile neighbors that challenge its very existence as a country. In addition, America's terrorist enemies would not present such clear-cut targets for retribution as do those of Israel.

Other measures—providing punishment for kidnap of hostages and for commission of aircraft sabotage—implement two international agreements to which the United States is a party.

We already have laws against murder, kidnapping, airplane hijacking, bombing, arson, and a series of other crimes constituting the generalized crime of "terrorism." Do we need now, targeted legislation, I ask?

Mr. President, I ask unanimous consent that editorials on this subject from the New York Times and Washington Post be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

RESISTING TERROR—AND LAWLESSNESS

The Reagan Administration has been hinting at a new kind of quasi-legal warfare. The target: terrorists. The objective: to deter or kill them before they kill Americans, and to punish nations that support them. Would this new warfare be waged at home as well as abroad? With certain proof or merely on suspicion? Darkly, officials imply they may cross all kinds of boundaries.

The urge, born after the truck-bomb murder of marines in Lebanon, is understandable. It has produced a dubious proposal for new laws to prosecute Americans who give aid to terror groups—as blacklisted, unchallengeably, by the State Department. But the deeper yearning seems to be for even more secret operations so far undefined by any public policy. The subject cries out for discussion, in terms of concrete, if hypothetical cases.

President Reagan has signed a secret directive authorizing unspecified actions. Officials say it marks a shift from defensive to offensive measures by "all legal means available." But Secretary of State Shultz has been campaigning for measures that require crossing what he calls a "threshold," raising questions "of retaliation, of pre-emption, of standards of proof." And Undersecretary Lawrence Eagleburger notes that ideas like pre-emption raise "all sorts of legal and ideological problems."

It's hard to know what to make of these abstract hints. Presumably, the F.B.I. can already protect adequately against, say, fanatical Puerto Rican nationalists. Diplomacy and defensive measures have surely contained dangers like airplane hijackings. Presumably also, the Administration is not torturing the language to redefine its war against Nicaragua as "counterterrorism." What then justifies crossing thresholds of law and morality?

When Iranians terrorized American diplomats, we seized their assets, might have detained their diplomats and sent a military rescue party. None of that cross such thresholds.

When Libyan agents pursue their enemies abroad, they can certainly be barred and followed or arrested and expelled on less than perfect proof. If they're supported by an embassy, as in London, it can be closed. No thresholds there.

What if Shiite Lebanese drive a bomb truck into an American compound? If the conspirators are known, we can demand their punishment by their Government or hold it culpable. If they're not known, however, we certainly should not retaliate, Israeli-style, by bombing Shiite villages. That would indeed cross a threshold, and recklessly so. Americans may be insecure in some ill-governed regions, but American society does not live, like Israel's, in perpetual danger of terrorists. Retaliation, like war, can be just or unjust.

What if Iran or Syria conspire in terror attacks on Americans? Then they would be guilty of aggression, punishable by all the conventional means a prudent nation uses to respond to attack. But if they are merely suspected of complicity, there's not much to be done. Global order won't be advanced by outlaw tactics.

And what if terrorists get arms from Czechoslovakia or advisers from Bulgaria?

Then those nations, Administration has recently warned, risk American wrath and sanctions. But the line between arming terrorists and insurgents is a slender one. The United States itself is far from willing to forgo the right to send arms and advisers into other peoples' conflicts.

So what, precisely, does the Administration plan? State-supported terrorism is a relatively new concern and may require energetic new intelligence operations. Terrorist groups are best deterred, and frustrated, by infiltration.

Yet when intelligence fails or yields only suspicion, the United States cannot just shoot on a hunch or at random. Even if provoked, it depends too much on the norms of international conduct to invent new violations of them. That may mean that some guilty parties sometimes go unpunished. But that is the price civilized societies always pay to ward off the greater terror of anarchy.

[From the Washington Post, May 1, 1984]

BAD LEGISLATION

Does this country really need new legislation to combat terrorism? The answer is no. But that doesn't stop the administration. Mr. Reagan, reacting to violent events in other countries, has sent legislation to Congress that is broad in scope, vague in definition and threatening to political expression. It creates a new crime (aiding terrorism) without telling us two important things about that crime. It does not tell us who terrorists are or what specific acts in support of terrorism would be criminal.

Of course the country wants to protect itself against violent acts committed for a political or any other purpose. That's why there already are laws against murder, kidnapping, airplane highjacking, bombing, arson, unauthorized arms traffic, conspiracy and a host of other crimes that make up the generality now known as terrorism. Under some circumstances, individuals can even be prosecuted for crimes committed abroad.

What is the necessity for an additional catchall statute to prohibit aid to terrorists?

And who can be characterized as a terrorist? The proposed bill would give the secretary of state the sole power to name any foreign government, faction or international group, and his designation could not be challenged by any defendant or reviewed in any court. He might name the Libyan government, the IRA and the PLO, for a start. He could just as easily designate SWAPO, the Mafia, one faction or another in El Salvador or Nicaragua and a few assorted cliques of Bulgarians and Armenians. Should one man be allowed the right—not even subject to challenge—to compile such a list and make it a crime to aid these groups? Is there any room here for acknowledging that one man's "terrorist" is another's "freedom fighter"?

And what kind of support would be punishable by a $100,000 fine or 10 years in prison? Helping to build bombs, plot a kidnapping or ship arms is already a crime, remember, so the proposed legislation must be directed at something else. Specific acts are mentioned—training or participating in military activities with "terrorists"—and there is an exemption for providing medical aid. But what else might be covered by the broad prohibition against "providing support services"? Shipping food? Selling computers? Supplying books? Are we to prohibit humanitarian assistance in Central America, for example, because it might go to the families of guerrillas—or the families of the army—depending on which side the secretary of state tells us is right?

Terrorist acts in the United States can be fought with the laws we already have. Statutes governing arms sales, exports and conspiracies are in place dealing with activity in support of violent groups abroad. To pass another law delegating broad powers to a single individual and vaguely defining criminal conduct is to fight terrorism with hysteria.

[From the Washington Post, May 9, 1984]

PROTECTION FROM TERRORISM

(By Robert M. Sayre, Chairman, Interdepartmental Group on Terrorism, U.S. Department of State)

The Post's May 1 editorial on terrorism legislation addresses the "Prohibition Against Training or Support of Terrorist Organizations" bill, one of four bills the president has sent to Congress. At present the provision of the services that would be prohibited by this bill, except possibly technical data services under export control, is not covered in either federal or state laws. In effect, a U.S. individual or business entity knowingly can provide such services to a government or group for purposes of supporting acts of terrorism abroad without necessarily violating any U.S. law.

The bill requires the secretary of state to make a determination that a country or group is engaged in acts of terrorism before the terms of the legislation can be invoked against anyone. This determination would put U.S. individuals and businesses on notice that if they provide the training or services prohibited by the legislation to the country or group designated they become subject to prosecution. This type of determination is ordinarily left to the executive branch, usually to the Cabinet officers primarily involved.

The bill does not, as The Post editorial states, give the secretary of state the "sole power to name *any* foreign government, faction or international group" (emphasis added.) A determination must be based on evidence respecting the actions of such states and groups, not on their political declarations. It, therefore, does not deal with, much less threaten, political expression.

Currently the secretary of state makes an analogous determination respecting countries that regularly practice or support the practice of terrorism under the Fenwick Amendment to the Export Administration Act.

The Post makes much of the reputed lack of a definition of terrorism, taking refuge in the oft-roasted chestnut of one man's "terrorist" being another man's "freedom fighter." But international terrorism is already defined in Title 50 U.S. Code, Section 1801(c), the Foreign Intelligence Surveillance Act.

Cases that fit this definition include: the delivery of a suitcase full of explosives to the ticket counter at Orly airport in Paris last summer (killing six and wounding 60); the blowing up of a Gulf Air flight in the Arabian desert last fall (killing 111); the destruction of our embassy in Beirut last April (killing 57, wounding 120); the bombing of U.S. Marine and French barracks in Beirut last October (killing 296, wounding 84); the bombing at our embassy in Kuwait last December (killing five, wounding 28). Hardly anyone has a problem fitting this definition to the assassinations of Commander Schaufelberger, Captain Tsantes, Leamon Hunt, two Turkish consuls, a British Council officer and a number of other citizens or officials. Legislation that helps restrict training and support for countries and groups involved in these acts could reduce the number and severity of such incidents.

The U.S. government must seek to protect its citizens and property at home or abroad from these types of acts. Legislative initiatives designed to strengthen our ability to provide such protection through the normal operations of the criminal justice system should be applauded by all responsible people.

ANTI-TERRORISM

We publish today a letter from Robert Sayre, of the State Department, in support of the administration's proposed anti-terrorism legislation. Mr. Sayre complains about a Post editorial sharply criticizing this proposal for being vague in definition and reckless in the power it confers on a single individual, the secretary of state. Nothing Mr. Sayre says persuades us otherwise.

Mr. Sayre lists a number of recent murders, hijackings and other acts of violence and says they should be stopped. The president's bill, however, does not take the straightforward approach of responding to acts but focuses instead on associations, an approach traditionally alien to American values. Persons in this country who were party to any of these killings—and we have seen no evidence that this is the case—deserve to be punished for conspiracy to murder, for being accessories to the crime of air priacy or for some other clearly defined offense. If current statutes do not cover such acts when committed outside U.S. borders', carefully drafted specific new criminal laws can be adopted. There is no need for, and a strong case against creating a broad new crime of "aiding terrorist" that labels whole categories of people—whole nations in fact—and then makes criminal certain acts in aid of the group.

First, there is the question of identifying and labeling groups. Who are these terrorists we must avoid? We don't know yet, and only the secretary of state can make the determination. He would have the power, under this bill, to name any foreign country, foreign political party or faction, in fact, any "international terrorists group" as he defined it, and he would be the sole and final judge of the evidence that such a group falls into the prohibited category. No court could review that determination. Once the secretary gives us his list, Americans would be prohibited from providing "support services" to the groups or its agents. In an attempt to curb American bomb makers and kidnap coaches, the bill uses the sweeping term "support services," which could draw in all kinds of conduct. Americans now raise money, give speeches and provide moral support for almost every controversial cause in the world. Some support the PLO or SWAPO. Americans argue both sides of every Central American conflict and provide private aid to dissent groups in dozens of countries. But unless that support is itself illegal—shipping arms without authorization, for instance—or unless it is directly linked to a crime of violence, it is not only legitimate but protected.

Labeling large categories of people as unacceptable associates is a dangerous precedent. Giving a single individual the power to designate those groups and to criminalize conduct in association with the group is irresponsible. The president's bill casts a wide net but, as with any criminal statute, great precision is needed. Violent acts that occur in this country, or on American ships or planes, can be dealt with using existing statutes. Congress should decide what acts—not what groups—abroad should be tied to the American criminal justice system.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR PRYOR

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized for not to exceed 15 minutes.

S. 2655—AGRICULTURAL TRADE REPORT

Mr. PRYOR. Mr. President, today I am introducing a bill to require the U.S. Special Trade Representative, after consultation with the Secretaries of Agriculture and Commerce, to provide the agriculture and trade committees of the Congress with a report on agricultural trade, the barriers our products face going into export markets, and ways that we can improve our export policies and practices in the agricultural arena. My reason for introducing this bill is simple, Mr. President. I am not aware of any document or any source where we can find our overall agricultural trade posture, the programs we have in effect, and what steps we could take to enhance our agricultural export situation. This study, which is required to be issued by February 1, 1985, will provide us with this much-needed information.

Everybody knows the very bleak trade position we are currently facing. The recent statistics on our overall

trade balance are startling. March of this year was the largest trade deficit for 1 month in the history of the country. If it were not for our agricultural trade—where we have always had a positive balance—our trade situation would be much worse.

We all know the importance of agricultural exports, Mr. President. They mean jobs for millions of Americans, and they also mean improved farm income for thousands of farmers, ranchers, poultry producers, and others involved in agriculture.

Fiscal year 1981 was a record year for agricultural exports. We exported $43.8 billion. In the last 2 years, however, they have declined to $39 billion and $34.7 billion respectively. This positive trade balance for agriculture, Mr. President, offset 47 percent of nonagricultural trade deficits in 1981, 38 percent in 1982 and 27 percent of the nonagricultural trade deficit in 1983. Further, and more importantly, these exports have accounted for a large share of farm income in this country. Therefore, Mr. President, maintaining a growing level of the world agricultural trade is crucial to our Nation from an overall trade situation, and it is also extremely important to the agricultural producers as well.

The study my legislation mandates is needed for a couple of reasons. First, we are in the process of reviewing many trade laws and we need this information to decide what changes, if any, should be made. Second, next year the Congress will once again write a comprehensive farm bill. If we are to develop a workable piece of farm legislation, the Agricultural Committees need to know where we stand with regard to agricultural trade, what barriers our producers face, and ways that we can improve our trade position. Increasingly, Mr. President, the world trade situation pits our farmers against another Government, and under this scenario it is not too hard to tell who is going to lose—the American farmer. It is for this reason that we need to know fully what the trade picture is and what other countries are doing and how we might better the situation.

Mr. President, many farmers in Arkansas have asked me about our trade policies and want to know what steps our Government can take to assist them in finding new markets for their products. I am not talking just about some new type of credit program. I am talking about overall trade policies, how we conduct negotiations with other countries, and what steps we are taking to sell products abroad.

In recent years, there have been several examples of ways in which we have been driven out of markets, or have lost out due to the actions of foreign governments. In poultry, for example, we have seen the French and Brazilians develop subsidies—both in the form of tax subsidies and wage subsidies—that have significantly hurt our ability to compete in world markets. With regard to beef, Mr. President, we have seen the Japanese place unreasonable quotas and duties on American beef. This has restricted the supply, even though a great deal more could have been delivered. Rice has also been confronted with these problems, primarily through dumping by other countries. Finally, soybeans have been heavily subsidized in countries, like Brazil, and we have lost markets.

In short, Mr. President, I think it is time we wrote legislation, both in the agriculture and trade areas, with an eye toward the world markets. We do not ask our producers, whether it is beef cattle, dairy, poultry, or any one of the grains or cotton, to compete in the world markets against the unreasonable actions of another government. Agricultural trade is too significant to our overall trade posture and to our agricultural producers for us to draft legislation without knowing precisely what is happening in other parts of the world. That is what this legislation is all about. It will help us assist our producers, and encourage our development of new markets.

Mr. President, I hope my colleagues can support me in this effort, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the United States Special Trade Representative, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall issue a report, no later than February 1, 1985, concerning agricultural exports. The study shall be made available to the Committees on Agriculture and Finance of the United States Senate, and the Committees on Agriculture and Ways and Means of the United States House of Representatives.

(b) The report shall contain—

(1) an analysis and discussion of each agricultural commodity exported by the United States;

(2) the level of exports by commodity and by country for each of the last five years;

(3) a review of potential customers for agricultural products of the United States;

(4) an analysis of the trade policies of other agricultural-exporting countries;

(5) an analysis and discussion of the trade barriers faced by agricultural exports of the United States;

(6) an explanation of the existing programs and policies of the United States Government in the agricultural trade area; and

(7) recommendations on—

(A) ways to improve the trade policies and programs of the United States to encourage increased agricultural exports, and

(B) ways to provide more information to agricultural producers about export opportunities.

(c) The provisions of this Act shall take effect on the date of the enactment of this Act.

SGT. JAMES R. McGEE, OF HARRISBURG, ARK.

Mr. PRYOR. Mr. President, I would like to pay tribute today to a young man from Arkansas, and call the attention of this body to this act of heroism.

Sgt. James R. McGee of Harrisburg, Ark., has been designated to receive the Soldier's Medal. Of the 780,000 men and women on active duty in the U.S. Army, he is one of only 50 to 75 persons who are recommended each year by superior officers to receive this medal.

In seeking information about this medal and this young man's act of heroism from the Department of the Army, without exception the immediate response was, "That's a very prestigious award." This was voiced by fellow Army members from privates to superior officers. To illustrate how highly this medal is regarded and that recommendations for it are not lightly made, an officer who served two tours of duty in Korea stated that he had recommended only one member of his command for the Soldier's Medal during that time.

According to the Office of Heraldry of the U.S. Army, the President of the United States was authorized by Congress on July 2, 1926, to award the Soldier's Medal for heroism. I would like to quote from the regulations of the Army of the United States:

The performance of the act of heroism must be evidenced by voluntary action above and beyond the call of duty. The extraordinary achievement must have resulted in an accomplishment so exceptional and outstanding as to clearly set the individual apart from his comrades or from other persons in similar circumstances. The performance must have involved personal hazard or danger and the voluntary risk of life under conditions not involving conflict with an armed enemy. Awards will not be made solely on the basis of having saved a life.

I ask that the citation prepared by the Office of Heraldry of the U.S. Army which describes his heroic actions be printed in full following my remarks.

The reduction of this act of heroism to a few words on paper cannot begin to reflect Sergeant McGee's gallant and courageous actions.

This medal will be presented to Sergeant McGee in a ceremony on June 9, 1984. For Sergeant McGee's family and friends, this date will be viewed and remembered with pride. To the two young women whose lives he saved, September 18, 1983, will be remembered with thankfulness.

I am honored and privileged to represent this splendid young man and his fine family in the U.S. Senate.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION

(The President of the United States of America, authorized by Act of Congress, July 2, 1926, has awarded the Soldier's Medal to Sergeant James R. McGee, United States Army, for heroism:)

Sergeant James R. McGee, while a member of Company C, 2d Battalion, 32d Infantry, 2d Brigade, 7th Infantry Division, Fort Ord, California, distinguished himself by heroism on 18 September 1983 by rescuing two women who were in danger of drowning in Monterey Bay adjacent to Fort Ord. While swimming at a beach located west on Highway 1, approximately one mile south of Fort Ord, Sergeant McGee noticed a woman in water up to her neck. The woman appeared to be experiencing difficulty leaving the water due to a strong current pulling her away from the shore. Sergeant McGee swam to her, took her by the hand, and pulled her to safety. When Sergeant McGee reached the shore with the woman, he saw another woman caught in the same riptide who had been swept approximately 75 yards from the shore. Exhausted and in pain from a fractured thumb sustained earlier in the week, Sergeant McGee looked for assistance to an unidentified couple who were standing nearby. When it became obvious that the couple did not intend to help, he again entered the icy water, swam the distance to the second woman, and pulled her to safety. Sergeant McGee displayed great courage by placing his personal safety in extreme jeopardy to save the lives of the two women. His gallant and courageous actions were in keeping with the highest traditions of military service and reflect great credit on him and the United States Army.

Mr. PRYOR. Mr. President, at this point I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 o'clock noon with statements therein limited to 5 minutes each.

THE INTERNATIONAL COURT OF JUSTICE

Mr. MOYNIHAN. Mr. President, on November 20, 1979, 16 days after the seizure of the U.S. Embassy in Tehran I came to the floor to urge the United States forthwith to take this gross violation of international law to the International Court of Justice. There could be no doubt, I stated, that the Court would side with the United States—as it subsequently did, unanimously—and issue a provisional order requiring the Government of Iran to restore our Embassy, and our consulates, to our proper possession.

Nine days later the administration did apply to the Court, and such a provisional order was issued in a matter of days.

With what pain one watched the conduct of the U.S. Government last month when the Government of Nicaragua took the United States to the International Court, claiming its rights had been violated.

I am no admirer of the Government of Nicaragua. But I profoundly admire and support the centuries-old commitment of the United States to the rule of law in the conduct of nations. That others do not share this commitment speaks to their qualities, not ours.

I would have hoped that, in response to Nicaragua, the United States would have welcomed the opportunity to meet that Leninist regime in Court; that we might have invited its Central American neighbors to join us. We have a very great deal to talk about concerning Nicaragua's conduct toward its neighbors.

Instead, with a combination of ignorance and arrogance, the United States first announced that we would no longer accept the jurisdiction of the Court, although we were clearly obliged to do so, and, next, that Nicaragua had not previously accepted jurisdiction of the Court, although by our own testimony it has already done so.

As concerns our obligations, President Harry Truman announced in August, 1946, that the United States "recognizes as compulsory ipso facto * * * the jurisdiction of the International Court of Justice in all legal disputes hereafter arising."

The declaration included three reservations, and then stated that the undertaking would remain in force "until the expiration of 6 months after notice may be given to terminate this decision." The report of the Foreign Relations Committee on the resolution ratifying Truman's declaration stated: "The provision for 6 months' notice of termination * * * has the effect of a renunciation of any intention to withdraw our obligation in the face of a threatened legal proceeding."

As for Nicaragua, the current issue of "Treaties in Force," an official State Department publication compiled by the treaty affairs staff, Office of the Legal Advisor, lists, on page 247, Nicaragua among those "countries which have accepted the compulsory jurisdiction of the International Court of Justice."

A further argument of the administration has been that the Court has no jurisdiction over issues of war and peace, that under the U.N. Charter such matters must go to the Security Council. So far as I know, no State Department lawyer was imprudent enough to make such an argument to the Court itself; it was made, rather to the press.

The issue is set forth in the clearest possible manner in article 33 of the U.N. Charter, which states:

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

The assertion to the contrary was a combination of ignorance and arrogance.

For the Court did hear Nicaragua's request for "provisional measures of interim protection" pending—and without prejudging—a later determination of the principal issues raised by Nicaragua, including the question of whether the Court properly has jurisdiction in this case.

And now, this morning, the Court has handed down a provisional ruling which unanimously calls upon the United States to immediately cease and refrain from any action restricting, blocking, or endangering access to or from Nicaraguan ports, and, in particular, the laying of mines.

A series of provisional orders was set forth, including one calling on both the United States and Nicaragua to take measures to prevent a further increase in tension. All but one of them were decided by unanimous vote: Which is to say that not only judges of British, French, West German, Italian, and Japanese nationalities voted in this manner, but so did the judge of United States nationality.

I cannot, in my experience, recall any such matter which has been so mismanaged, to the disadvantage of our country. It is useless to ask now that it not have been done. Is it too much to hope that it not be done again?

Mr. President, I ask unanimous consent that there appear in the RECORD the citation from "Treaties in Force" which I mentioned earlier, along with an article I wrote for Newsday on April 13, entitled "U.S. Has Abandoned International Law."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TREATIES IN FORCE: A LIST OF TREATIES AND OTHER INTERNATIONAL AGREEMENTS OF THE UNITED STATES IN FORCE ON JANUARY 1, 1983

(Compiled by the Treaty Affairs Staff, Office of the Legal Adviser, Department of State)

(This publication lists treaties and other international agreements of the United States on record in the Department of State on January 1, 1983 which had not expired by their terms or which had not been denounced by the parties, replaced or superseded by other agreements, or otherwise definitely terminated.)

INTERNATIONAL COURT OF JUSTICE

Statute of the International Court of Justice annexed to the Charter of the United Nations. All Members of the United Nations are *ipso facto* parties to the Statute (article 93, UN Charter), 59 Stat. 1055; TS 993; 3 Bevans 1153.

In addition, the following countries not members of the UN have become parties to the Statute pursuant to resolutions adopted by the General Assembly: Liechtenstein (51 UNTS 115), San Marino (186 UNTS 295), Switzerland (17 UNTS 111).

Countries which have accepted the compulsory jurisdiction of the International Court of Justice under article 36 of the Statute of the Court (59 Stat. 1055; TS 993): Australia,[1] Austria,[1] Barbados,[1] Belgium,[1] Botswana,[1] Canada[1], Colombia,[1] Costa Rica,[1] Denmark,[1] Dominican Republic,[1] Egypt,[1] El Salvador,[1] Finland,[1] Gambia, The,[1] Haiti, Honduras,[1] India,[1] Israel,[1] Japan,[1] Kampuchea,[1] Kenya,[1] Liberia,[1] Liechtenstein,[1] Luxembourg,[1] Malawi,[1] Malta, Mauritania,[1] Mexico,[1] Netherlands,[1] New Zealand,[1] Nicaragua,[1] Nigeria, Norway,[1] Pakistan,[1] Panama,[1] Philippines,[1] Portugal,[1] Somalia,[1] Sudan,[1] Swaziland,[1] Sweden,[1] Switzerland,[1] Togo,[1] Uganda,[1] United Kingdom,[1] United States,[2] Uruguay.

[From Newsday, Apr. 13, 1984]

UNITED STATES HAS ABANDONED INTERNATIONAL LAW

THE MINING OF NICARAGUA'S HARBORS BY THE CIA IS THE LATEST EXAMPLE OF U.S. POLICIES THAT IGNORE TREATIES, INTERNATIONAL LEGAL PRINCIPLES, AND THE JURISDICTION OF THE WORLD COURT

(By Daniel Patrick Moynihan)

As a young man, just after World War II, I studied what was than called international relations, and I suppose still is. My hope was to join the foreign service, or something of that sort, and my purpose was still plainer. I wanted to take part in the great challenge and destiny of my generation. Some of my classmates had been deeply touched by the war; some, such as I, only slightly. But all of us were convinced that it was our duty and destiny to help build a world of peace based on law.

More than any other, the reason that era now seems so distant, at least to my view, is because the idea of law—international law—has faded from our collective memory.

But that is what we studied: the works of the great international legal scholars; the great tribunals and the somewhat meager cases they had decided; the Covenant of the League of Nations and the Charter of the United Nations; above all, the long history of U.S. devotion to principles of international law. The Constitution provides in Article VI that: "All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."

The UN Charter for example, is a treaty. Accordingly it is as much a part of American law as the speeding regulations on the Long Island Expressway.

I flunked the Foreign Service examinations, but grew up to become a UN ambassador in the mid-1970s. By then our understanding of the charter had quite changed: It was an instrument used by others to harass us. The idea of the force of law, international law, that is, had quite vanished.

I began to think more about the subject when I went to the Senate.

In February, 1979, I suggested in an address to the Council on Foreign Relations in New York City that the disorientation in American foreign policy derived, at least in part, from our having abandoned the concept that international relations can and should be governed by a regime of public international law—without having replaced it with some other reasonably comprehensive and coherent notion as to the kind of world order we do seek.

Since then, I have spoken and written steadily on this theme during two presidencies. Not four weeks ago I published a small book, largely on this subject. I gave it the title "Loyalties," making clear that I think we have been drifting away from early loyalties that ought still to command us.

More recent events in Nicaragua, Washington and The Hague persuade me still further.

The sequence began on Thursday, April 5, I addressed a distinguished gathering sponsored by Georgetown University on the topic: "Forging a Bipartisan American Foreign and Defense Policy." As the "Democratic" speaker, I offered the thought:

"To the degree that law is seen to be and is the basis of our international conduct, a bipartisan foreign policy does not require a party out of office to agree with the policies of the party in power, but rather simply to agree with the principles of law on which those policies are based."

The following day, President Reagan spoke at lunch to the same conference, saying that "an effective foreign policy must begin with bipartisanship . . . the sharing of responsibility for a safer and more humane world must begin at home."

Fair enough. But what of law? What of the fact that that very afternoon, faced with the prospect that Nicaragua was about to take a case against us to the International Court of Justice at The Hague, the administration said it would not accept the compulsory jurisdiction of that court with respect to "any dispute with any Central American state" for the next two years.

No one at the Department of State seemed to know or wish to acknowledge that when the United States accepted the compulsory jurisdiction of the court in 1946, we explicitly committed ourselves not to do precisely what the administration now sought to do: Evade the jurisdiction of the court when a complaint is about to be filed against us.

President Harry Truman announced in August, 1946, that the United States "recognizes as compulsory ipso facto . . . the jurisdiction of the International Court of Justice in all legal disputes hereafter arising."

The declaration included three reservations, and then stated that the undertaking would remain in force "until the expiration of six months after notice may be given to terminate this decision." The report of the Foreign Relations Committee on the resolution ratifying Truman's declaration stated: "The provision for six months' notice of termination . . . has the effect of a renunciation of any intention to withdraw our obligation in the face of a threatened legal proceeding."

A former cabinet officer here in Washington has described the administration's action to me as a "pre-emptive statement of guilt." I prefer to think of it as part of that lapsed memory I spoke of earlier. We seem to have forgotten what we once believed.

How far better it would have been for the United States to have taken Nicaragua to court. Managua charges the United States with violating Article 19 of the Charter of the Organization of American States, which holds:

"No state may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another state and obtain from it advantages of any kind."

Surely it is Nicaragua that violated the charter first. Promptly on coming to power, the Sandinistas began shipping arms to like-minded insurgents in neighboring countries of the region. Congress found, in the 1984 intelligence authorization act, "that by providing military support . . . to groups seeking to overthrow the government of El Salvador and other Central American governments, the government of Nicaragua has violated Article 18 of the Charter of the Organization of American States."

It was therefore the duty, or at least the right, of the United States to respond to these violations of international law and uphold the charter of the OAS.

Theodore Roosevelt, a Nobel Peace Prize recipient, recommended to the Nobel Committee in 1910 that "those great powers bent on peace . . . form a league of peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others."

A commitment to law ought to be understood not as a commitment never to use force, but rather to use force only as an instrument of law.

A great many people seem to think of law as a kind of self-imposed restraint on America's ability to act decisively or with force in world affairs. This states what law is, and obscures the fact that international law can actually enhance the national security of the United States.

John Norton Moore, once counselor on international law at the Department of State and now professor of law at the University of Virginia, wrote in Foreign Affairs magazine some years ago about the "misleading image of law as a system of negative restraint."

"The legal tradition complements the realist approach precisely where that approach is weakest, that is, in preoccupation with short-run goals at the expense of long-run interests."

By "realist approach," I take him to refer to that of the macho strategists, much to be encountered in Washington just now, who let it be known that in their view the law is for sissies.

Yet, no less a patriot than Sen. Barry Goldwater (R-Ariz.), chairman of the Intelligence Committee, wrote—in a letter to William Casey, the director of central intelligence, stating the committee had not been informed the CIA was mining Nicaragua's harbors—that "this is an act violating international law."

On the day following the administration's withdrawal from the jurisdiction of the World Court, it was revealed through the press that the CIA had gone beyond its congressional mandate. Even we on the Senate Intelligence Committee have been startled to learn that the CIA has been actively engaged in the mining, endangering the innocent passage of commercial ships of third parties.

This goes considerably beyond the law—both American law as the Senate meant it to be understood, and international law as the world understands it.

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[1] With conditions.

[2] Declaration signed by the President August 14, 1946 (61 Stat. 1218; TIAS 1598; 4 Bevans 140; 1 UNTS 9).

The President seems not to think this matters, but it does. Having rejected the authority of the World Court to review the legality of American policy (because "the Soviet Union, and other Communist countries" reject it, too), he shall find that Congress will not permit so clearly illegal a program to continue.

In an unusually strong expression of bipartisanship, 84 senators—42 Democrats and 42 Republicans—voted Tuesday that the mining should stop. The rest of the President's Nicaragua program is in ruins.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, the managers of the bill on both sides are not available and ready to proceed for reasons that are entirely understandable. I ask unanimous consent that the time for the transaction of routine morning business be extended until 12:45 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I anticipate that the Chafee amendment will be the next amendment up. I have conferred with the sponsors of the amendment, and it appears that we are not going to be in a position to proceed until some time between 1:15 p.m. and 1:30 p.m., once again for reasons that are entirely understandable and appropriate.

I ask unanimous consent, Mr. President, that the time for the transaction of routine morning business be extended until the hour of 1:15 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

C. BRAXTON VALENTINE

Mr. STEVENS. Mr. President, in 1983, I became chairman of the Senate Ethics Committee, a committee whose responsibilities require nonpartisanship in its deliberations and a professional nonpartisan staff. C. Braxton Valentine, Jr.,—Brack—was the committee's staff director and chief counsel. He served in that position under four chairmen, two Democrats and two Republicans. His grace and steadiness under pressure and his wise counsel were of inestimable value to the committee and to the Senate.

Those who knew Brack Valentine, trusted, respected, and admired him. With his wife, Robin, and his children, we mourn him and we miss him.

I ask unanimous consent that the following articles be placed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 25, 1984]

CORBIN VALENTINE, EX-HEAD OF SENATE PANEL STAFF, DIES

Corbin Braxton Valentine, Jr., 60, a lawyer and retired staff director of the Senate Select Committee on Ethics, died of cancer April 22 at his home in Middleburg.

He was staff director of the Ethics Committee from 1977 to November 1983. Before that, he had served two years as counsel of the Joint Committee on Congressional Operations.

Mr. Valentine was a native of Richmond and a Navy veteran of World War II. He was a graduate of the University of Virginia and its law School.

He practiced law in Richmond from 1951 to 1955, then spent two years as an attorney with the Internal Revenue Service. He then practiced law in Washington and Richmond until 1975.

He was a member of the Metropolitan and Chevy Chase clubs and the Society of the Cincinnati.

Survivors include his wife, Robin Reeder Valentine of Middleburg; four daughters, Elizabeth V. Patton and Lindsay C. Valentine, both of Richmond, and Robin Braxton Valentine and Sarah M. Valentine, both of Middleburg; two sons, M. Pratt and Corbin Braxton Valentine III, both of Richmond; two brothers, E. Massie and Henry L. Valentine II, both of Richmond, and two grandchildren.

[From the Richmond (Va.) Times Dispatch, Apr. 23, 1984]

RETIRED COUNSEL TO SENATORS DIES

Corbin Braxton Valentine, Jr., retired chief counsel and staff director for the U.S. Senate Select Committee on Ethics and a former Richmond tax lawyer, died yesterday after a long illness. He was 60 and lived in Middleburg.

A native of Richmond, Mr. Valentine attended St. Christopher's School and graduated from Woodberry Forest School in 1942. During World War II he was a Navy pilot.

After the war, Mr. Valentine attended the University of Virginia and graduated from its law school in 1951. He practiced law in Richmond and worked for the Internal Revenue Service in Washington. While in Washington, he also worked for the congressional Joint Committee on Internal Revenue Taxation.

He returned to Richmond in 1966 and joined the law firm of Williams, Mullen and Christian. In 1969, he joined Bremner, Byrne and Baber, also in Richmond.

In 1976, when the Select Committee on Ethics was created, its chairman, Sen. Adlai Stevenson, Jr., D-Ill., selected Mr. Valentine as chief counsel. He later became the committee's staff director. He retired last year.

"He was a man of extraordinary personal integrity and great courtesy," said Reuben Clark, a partner in the Washington law firm of Wilmer, Cutler and Pickering. "His calmness and fairness made him extremely effective in a highly politicized atmosphere.

While in Richmond, Mr. Valentine was a member of St. James' and St. Paul's Episcopal churches, the Country Club of Virginia, the Commonwealth Club, the Society of the Cincinnati and the board of trustees of the Buford School. He was a former president of the Richmond chapter of the Society for the Prevention of Cruelty to Animals.

He is survived by his wife, Mrs. Robin Reeder Valentine; six children, C. Braxton Valentine III, Mrs. Elizabeth Patton, Miss Pratt Valentine and Miss Lindsay C. Valentine, all of Richmond, and Miss Sarah McLagan Valentine and Miss Robin Braxton Valentine of Middleburg; and two brothers, Henry Lee Valentine and E. Massie Valentine, both of Richmond.

A funeral will be held at 11 a.m., at St. James Episcopal Church. Burial will be in Hollywood Cemetery. The family suggests that memorial contributions may be made to the Leesburg chapter of the Hospice of Northern Virginia.

THE SACRIFICE OF THE MEESE FAMILY

Mr. STEVENS. Mr. President, when a major corporation lures a senior manager away from a competitor, what does the corporation use as its bait? Normally, one would expect a higher salary and better benefits. Possibly, a long-term commitment is offered. Certainly, a provision for moving expenses, house sales, and house-hunting trips to the new location are given. When a new administration comes to town, what does the Federal Government offer to the new senior managers and department heads? Until recently, none of the above. Even the Grace Commission admitted that top Government executives are badly underpaid and salary increases of 20 to 30 percent should be immediately granted.

Political appointments from a prior administration never extend into a subsequent one. As the old adage goes, "A new broom sweeps the room clean," those individuals coming to the Government know they will be leaving within a few years. Until this year, a new appointee to the Government re-

ceived no reimbursement for his move, no relocation service for his home, and no advance funding for house-hunting trips. Because of these factors, many top level positions were unfilled for months at the beginning of this administration as they have for most administrations. Those who did assume the positions often expended $10,000 to $20,000 out of their own pockets to move to the Washington, D.C., area with far lower salaries.

I think the situation of Ed Meese and his family provides a graphic example. I am referring to their experience as shared by Ursula Meese in the interview published in the Washington Post on March 30. Just to get to Washington, they had to personally handle $10,000 in moving expenses. There were to be other expenses associated with the difficulties in selling their former residence and in taking on the high cost of housing in Washington. This is not to forget the high cost of continuing family expense including college tuition payments.

The fact is that they came to Washington anyway. I believe the Meeses' willingness to take on large personal expenses in coming to Washington shows their commitment to support the Presidency and this country of ours no matter what the cost. I think it unfortunate that their sacrifice and dedication are not fully appreciated. Given a fair chance, they will be able to show that they have handled themselves responsibly. Then, perhaps, others with the same high qualifications needed to bring excellence into the Government will not be discouraged from making the same sacrifices to serve.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 30, 1984]

URSULA MEESE, IN DEFENSE

(By Lois Romano)

It never seems to stop.

"I heard this morning on the 6:30 program, 'New revelations on Ed Meese.' And you know," says Ursula Meese, "you wait, and I think, 'My God, he's got three wives and two extra children. What is going on?"

"And 12 minutes later they come up with the fact that he didn't turn in some cuff links. He doesn't even *wear* cuff links. So I was greatly relieved. They weren't even opened.

"We're at a point where it's important we stay here. Certainly it's important to clear the name because there is no more honorable man than Ed Meese. We are not people who run away from our problems."

Ursula Meese went public yesterday, in defense of her husband, the longtime Reagan adviser and now his embattled attorney general-designate, who is mired in a complicated history of financial favors and loans from friends who subsequently received federal appointments. Ed Meese appears to be especially vulnerable on a controversial interest-free $15,000 loan that Ursula accepted, which went unreported on his financial disclosure statements. A special prosecutor is to be appointed by the Justice Department at Ed Meese's request.

Friends say the past few weeks have been an enormous strain on Ursula Meese, 52, who has often been described as a mother figure and counselor for all her friends, someone who puts other people's problems before her own.

These recent difficulties are the latest the Meeses have encountered since coming to Washington in 1980. The most tragic was the death of their 19-year-old son Scott in a car accident in 1982. Just before his death, Ursula Meese said in an interview that the "minuses" of being in Washington "will probably overtake in another year. Financially it's difficult . . . We take loans. There's got to be a point where it's got to stop."

"I think I said in that interview that eight years would be tremendous to stay here," she declared frostily yesterday. "At that point we had large loans to pay for the two houses. We had a child at Princeton and we had a child in private school."

She takes a breath.

"We don't have some of those expenses now. Unfortunately, our child was killed. We don't have to pay that tuition any more . . ."

Minutes later, Ursula Meese's voice, calm and cool for three-quarters of an hour, trembles. Friends and associates say she rarely loses control, but now she weeps.

"You're never the same," she whispers of her son's death. "You are never the same. You always dread that, but you live through it and in some ways you're better. It's a bumpy road. But in some ways you're better because things become more valuable to you."

Tears flow down her face.

"You think moving out of here would make a difference? It doesn't. You still have responsibilities if your child dies. What am I going to do, run away? Does that mean Scott is going to come [back]? You still have to face it. I'm sorry," she says, apologizing for her tears. "I can usually handle it. I think it's important. I think we have handled Scott's death. Well, you never get over it, but life goes on. And you have to contribute. You have to be strong for other people."

This week, after a long silence, a period during which reporters camped out on his lawn and went through his garbage, Meese has taken the offensive, talking to the national magazines and major dailies. Ursula Meese has given one print and one network interview.

Sitting in her office at the William Moss Institute, she is armed with her own tape recorder and a notebook full of the points she wants to convey. In her usual no-nonsense fashion she criticizes the reporter midway through the conversion, says that she is "concerned" about the line of questioning, argues that people should not be convicted merely for the appearance of impropriety, and assails the media.

"It's just unbelievable," she says. "They just—I can't believe they wait and figure someday Ed is going to grow horns when he comes out! I don't know what they're waiting for . . . You know they scavenge through our garbage . . .

"What has gone wrong with the country? One reporter called other people and said, 'The Meeses, I understand, are religious. Now are they praying more? Are they going to church more?' It's unbelievable. You should never feel uncomfortable going to church but when you have photographers there filming you when you leave . . . Now they have been there 15 straight days . . . It's not a comfortable life. Nobody should have to live that way. Nobody."

Recent years have not been kind to the Meeses.

There was the burglary in their McLean home two years ago, the bomb scare at their San Francisco hotel and the death of Scott. Financial problems haunted them from the very beginning. Two years ago Ursula Meese spoke of their inability to sell their California home, the $10,000 cost of moving from California, the cost of their son's college education, debts that, even then, she called "very large."

Friends vouch for the Meeses' honesty, and it has been suggested that perhaps they are just sloppy when it comes to managing money. At one point in the past two years, for instance, they were 15 months in arrears on the mortgage payments for both houses. Their debts at that time have been estimated at more than $400,000, which included the mortgages on their home here and in California (the latter since sold).

Ursula Meese maintains that she and her husband are not disorganized about financial matters.

"Money has never been a top priority of ours," she says. "Acquiring wealth is not one our goals. If it was, we wouldn't be here. Ed could be earning a great deal more than he is now . . . He is one of the most organized people. He knows where everything is. He's just doing a job in 18 hours . . . Financial matters are not a major concern of Ed Meese's. I mean we handle them the best way we can in a responsible manner. When we have problems, we go out, maybe we don't get the best loan deals. But that's okay. We'll earn the money. We'll pay it off."

It was in 1981 that Ursula Meese took the $15,000 interest-free loan from Ed Thomas, a friend, with which the Meeses purchased stock in Biotech Capital Corp., a New York investment company making its first stock offering. The Meeses say they forgot to list it on their financial disclosure forms.

"It's easy [to forget] if you don't have a piece of paper in front of you. You're not getting dividends and it's not even in your name . . . We didn't even make a mistake. To make a mistake you have to make a judgment whether you're going to take the high road or the low road. We just didn't remember."

"Let's go back to the sequence of that $15,000 loan . . . Ed Thomas had come up and said, 'I think this is going to be a good deal. I'm going to put the boys in it. I'm going to put my mother-in-law in it,' He said, 'So why don't you do it?' . . . I said, 'I don't have much cash now unless I cash in my mutual funds, which I'm not too happy about.' He said, 'We sold our house. We did well. Why don't I just give you the $15,000 and you can pay me back.' . . .

"I thought, well that's nice. It's been a sacrifice for the kids. They didn't want to come to Washington so I put it [the stock] in their names, the two younger children . . .

"Then he [Reagan] goes in on January 20. And we're in power, and it starts, the fast feed. The whole thing you just get swept up in it . . . Then they tell you we have a financial disclosure within a month after you enter office . . .

"You have to realize this is not a loan in the traditional manner. I didn't go out and solicit it. I didn't go out and ask a bank for money. The opportunity was brought to me.

It was more of an opportunity than a loan. The only thing that really even crossed my mind is, if this thing bellies up, I have the money in my mutual funds, in my small inheritance, to pay it off. That's the only thing that crossed my mind."

The stock purchase did not do very well and Meese repaid Thomas in two installments: $5,000 in the form of a loan to Thomas for down payment on a house, and $10,000 when the Meeses sold their California home.

Ursula Meese also denies that Thomas, or any other friend who loaned them money, received federal appointments because of it. "We had nothing to do with those people getting those jobs. Why should Ed Meese not encourage competent, capable people from coming into the government? I think the Reagan administration must have 6,000 or 7,000 appointees. I would say that Ed knows at least half of those."

She also takes particular offense when the couple's situation is referred to as "financial troubles."

"I don't consider them financial troubles," she says emphatically. "They were financial responsibilities we took on. They weren't troubles. We weren't wallowing in 'Oh dear what will we do?' We had financial problems and we took the responsibility to see that they were taken care of. Is that a crime? Are we being punished because we're middle America? We're like so many people out there who are in debt, who meet those debts, that take loans to pay off debts, that pay their bills."

At the end of the interview, Ursula Meese scans her notebook to see if there are any other points to make. She launches one final salvo at the critics and doubters of her husband.

"Where's fairness in all of this when you constantly bring up appearances? We can explain . . . It's clear. He has been cleared of any wrongdoing. It's important for this country to get back to the confirmation process. The confirmation process has become an adversary process. It is not serving the country the way it should. It should be one of advise and consent.

"It's important to me to say that you can't convict a person on appearances. It is important that this man, who many people believe to be an honorable person, have a fair hearing where all the facts are brought fourth in a forum away from the public eye. All those facts and all that information will be available afterwards. And I feel strongly that we will be cleared of any wrongdoing and that Ed will become attorney general of the United States."

TRIBUTE TO ED RYAN OF THE COURIER-JOURNAL

Mr. FORD. Mr. President, it is with deep regret that I note the death of Ed Ryan, a political columnist and reporter for the Louisville Courier-Journal. On May 1, Ed had a cerebral hemorrhage at the early age of 45.

He was from my hometown, Owensboro, and over the years I had developed a great deal of respect for him, both as a journalist and as a friend. In addition to his able writing and reporting, Ed possessed the most important trademark of a journalist: He was always fair. I believe Ed Ryan will be remembered as one of the finest Kentucky journalists.

In the more than a decade that he followed politics for the Courier-Journal, he covered three Kentucky gubernatorial campaigns, three sessions of the Kentucky General Assembly, and two Presidential races. One of the most-read parts of the Sunday Courier-Journal was his column. But he never used it to preach; he just called things as he saw them.

If Ed Ryan's fairness marked him as a journalist, his warmth and congeniality were his cost distinguishing characteristics as a human being. Even those who felt the occasional sting of his reporting could not fail to note his kindness.

I will miss Ed Ryan. I simply cannot imagine the Courier-Journal or Kentucky politics without him.

MOTHER'S DAY, MAY 13, 1984

Mr. HEFLIN. Mr. President, Sunday, May 13, 1984, will mark the 70th celebration of Mother's Day. This holiday has become a great and beloved occasion in this Nation, in that it provides a specific opportunity for millions to show, in very personal ways, their appreciation for the many contributions that mothers have made to their lives.

On Sunday morning, in homes across the Nation, children will be cooking breakfast to serve their mothers. Families will be packing picnic lunches for outings to parks, roses and candy will be given to mother's everywhere, and, as any mailman can testify, thousands upon thousands of greetings cards are at this very moment surging through our postal system. These exhibitions of love and family unity stem from the love which mothers give to their children, and the stability they provide for their families.

The 70th celebration of Mother's Day comes at a critical juncture in our country's history, a time when we need to work at strengthening the basic family unit, the major institution involved in molding values and attitudes. I am hopeful that this very special day will signal a return to the traditional values of America life. I also believe that we should all try to celebrate not only the particular date specified, but should extend our celebration to the spirit behind Mother's Day, and demonstrate our thanks and appreciation for the family small things which mothers have done that go unnoticed on a day-to-day basis.

As we observe Mother's Day this Sunday to honor the mothers of America, let us be mindful of the contributions to the greatness of this country made by American mothers, truly a great source of strength, pride, and inspiration throughout our history. Let us also work to strengthen the family as a molder of values. Let us show that, by honoring our mothers, we also honor our families and our Nation.

The famed writer Samuel Taylor Coleridge wrote that mothers are "* * * the holiest thing alive." Let our lives show, not only this Sunday but throughout the year, that these words live on today.

Mr. President, I am very proud that it was my uncle, former U.S. Senator J. Thomas Heflin, who authored the Mother's Day Act which made this annual salute a reality. On May 7, 1914, then-Congressman Tom Heflin introduced this piece of legislation.

I am told that the idea setting aside a day to honor the Nation's mothers came from a West Virginia woman, Anna Jarvis, who convinced my uncle of the idea's merit. For their efforts, Miss Jarvis came to be known as the "Mother of Mother's Day," and my uncle as the "Father of Mother's Day."

Mr. President, I would like to read the original resolution, as approved by Congress 70 years ago.

JOINT RESOLUTION RELATIVE TO THE OBSERVATION OF MOTHER'S DAY

Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration, and

Whereas we honor ourselves and the mothers of America when we do anything to give emphasis to the home as the fountainhead of the state; and

Whereas the American mother is doing so much for the home, the moral uplift, and religion, hence so much for good Government and humanity: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings and the people of the United States to display the flag at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of our country, And be it further

Resolved, That the second Sunday in May shall hereafter be designated and known as Mother's Day and it shall be the duty of the President to request its observance as provided for in this resolution.

KENTUCKY FLOOD DISASTER

Mr. FORD. Mr. President, as I stand here today, thousands of Kentucky families are being forced from their homes by heavy rains and flooding that have swept the entire Commonwealth, leaving seven people dead and another missing.

The flood waters have virtually washed away a lifetime of dreams for many, almost overnight. In response, Gov. Martha Layne Collins has requested that President Reagan declare the affected counties as a disaster area. I support Governor Collins' re-

quest and trust that it will be swiftly met.

While I am sad for all those families affected by this flooding, there is a group I am particularly concerned about—our farmers. Simply put, the flood-triggered evacuation of large numbers of farm families may be the last straw for many. The recent drought which ravaged the farm belt had already brought hundreds to the financial brink.

The farmers of Kentucky are coming off the worst drought in the State's history, after which they were considered lucky if they had even a 50-percent yield. That is a 50-percent yield against 100 percent of their escalating costs, a situation that all the best management in the world could not have avoided.

Last year, agriculture in Kentucky and surrounding farm States—through the drought—faced Mother Nature at her very worst. Now flash floods have taken the lives of countless head of livestock; swept away fences; robbed us of our precious soil through erosion; and, as the waters rise, corn planting is delayed for weeks. Even before the floods, corn planting in Kentucky was running 25 percent behind normal.

The flood waters over hundreds of thousands of acres of prime farmland are scheduled to crest late this week or early next week. The waters will recede, but it could take weeks before the ground is dry enough to be worked so that planting can begin. That will put us into June with most farmers not having planted any corn at all. In Kentucky you can expect to lose as much as a bushel per acre yield for every day after May 15 that corn is not planted, and that is only if we are fortunate enough to have a favorable amount of rain over the summer.

Mr. President, I am worried not only for the farmer who has faced unbelievable hardship in the last few years, but I am worried for all of us. I am deeply concerned because I cannot ever remember farmers being more discouraged, more desperate, and yes, more beaten than they are today. I fear that the flooding which has caused a disastrous planting season could be the last straw for many lifelong farmers.

It is no wonder that with the struggling farm economy, our most precious commodity for the future, our youth, are not choosing farming as a career. After the drought, the flood and depressed market prices amid soaring costs—who can blame them?

In Kentucky, the median age for farmers is 49, less than 2 percent are under 25, and less than 13 percent are under 35. Therefore, I am worried that not only our farm soil, but our base of farmers, too, will erode due to the combination of the drought, a severe winter, and this tragic flood.

I am more than worried. I am scared. We in America have gotten used to having food make up only 12.7 percent of our living expenses, the lowest percentage in the world. That is a compliment to our agricultural community. However, I wonder how much longer we can enjoy this luxury of bountiful food at reasonable prices.

The future of agriculture depends on our ability in Congress and in the administration to make decisions which help reverse the current downhill slide of our farming industry. On the one hand, we need to help our farmers by developing long-term goals and programs which assure them that there is a future in farming. More immediately, however, we have to use every available tool to aid farmers in putting their lands back together after this farming disaster.

I urge President Reagan to give my State emergency assistance during this flooding and its tragic aftermath. Furthermore, I urge every employee in every agency involved in administering assistance—especially to these hard-hit farmers—to realize that real people with real problems are depending on their concern and diligent performance of their important tasks.

Mr. President, I ask unanimous consent that an article by Phil Norman, the Courier-Journal Farm Editor, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Courier-Journal Farm Editor, May 10, 1984]

WET FIELDS DAMPEN FARM HOPES FOR RECOVERY FROM DISASTROUS 1983

(By Phil Norman)

Kentucky and Southern Indiana farmers could lose millions of dollars because of heavy rains and flooding in the midst of the planting season.

The storms of the past few days have damaged wheat fields and burley-tobacco beds and thrown farmers about two weeks behind in planting tobacco, corn and other crops.

Most of the farmers were plagued by persistent rains before the most recent downpours. Now they will have to wait a week to 10 days for their fields to dry out. And the National Weather Service in Louisville is forecasting more showers starting tomorrow.

"Some farmers are saying the situation is getting critical," said David D. Williamson, chief of the Kentucky Crop & Livestock Reporting Service in Louisville.

Storms caused some outright damage, eroding cropland, washing out tobacco beds and flooding winter wheat fields and recently planted corn fields.

But the untimely rains could be responsible for even greater losses by the time the 1984 crops are harvested. Late planting could reduce the size of corn and tobacco harvests, cutting potential farm income by millions of dollars, according to some farm leaders.

Corn harvests could be reduced a bushel an acre for each day planting is delayed beyond May 15, said Tom Curtsinger, farm agent in Daviess County, which was hit hard by the recent downpours.

With farmers trying to overcome the effects of last year's drought and a long farm recession, "this is not a time to have a bad crop," Curtsinger said. "A lot of farmers are on their way" to being out of business.

Through last week, Kentucky farmers had planted only 15 percent of their corn, compared with a five-year average of 39 percent. Only about 5 percent of Indiana's corn crop was in the ground, according to the Indiana Crop & Livestock Reporting Service in West Lafayette.

Even if farmers are able to return to the fields next week, much of the crop will be planted in late May or early June.

Southern Indiana is running behind the rest of that state in planting burley tobacco and other crops, said Earl Park, chief of the Indiana reporting service. Heavy rains have driven farmers out of their fields for "a week or so," he said.

Burley, which is Kentucky's leading cash crop, still has to be transferred from plant beds to the fields. And plant beds have taken an unusual beating from the weather, said Joe Smiley, a tobacco specialist at the University of Kentucky in Lexington.

"An awful lot of plant beds are damaged. . . . Some are under water and obviously destroyed," Smiley said. Some beds have been invaded by weeds and plant diseases. And many others have been slow to develop in wet, cool weather.

As a result, Smiley said, he expects farmers to be about two weeks late setting burley in the fields.

If farmers harvest tobacco as usual in the first weeks of September, he said, the leaves could be immature. And the farmers could lose about 200 pounds of burley per acre.

This spring's wet weather is doing more than damaging tobacco, corn and other crops. It is bringing back uncomfortable memories of last year's even wetter spring, which was followed by a devastating drought.

The wet planting season of 1983 also threw farmers behind in planting, Williamson said. And the late crops were particularly vulnerable to the drought.

THE SAKHAROVS

Mr. PERCY. Mr. President, reports have reached us that Andrei Sakharov and his wife, Yelena Bonner, are now under more ominous threat than ever from the Soviet authorities.

Mrs. Bonner has been told that she is under investigation for alleged circulation of fabrications against the Soviet state and system, a violation of article 190 of the RSFSR criminal code which carries a maximum sentence of 3 years in labor camps. She has been threatened with a charge of treason which carries a death sentence.

She has been refused permission to travel abroad for treatment of serious heart and eye disease, and is now confined, like her husband, to the city of Gorkiy and not allowed even to visit Moscow occasionally.

In protest against the denial of adequate medical treatment for his wife, Dr. Sakharov on May 2 began a

hunger strike that his own fragile health can ill afford.

Tass claims that the Sakharovs have plotted with U.S. Embassy diplomats in Moscow to start an anti-Soviet campaign.

It seems transparently clear, however, that the Sakharovs' crime is only speaking the truth about the conditions in which they are held by the Government which actually owes Sakharov an incalculable debt for his contributions in physics.

The truth is that the Soviet Union goes to outrageous lengths to conceal the way it treats some of its own most honored citizens.

I am deeply disturbed by the growing penchant of the Soviet Union to blame its own mistakes on the United States, and to pick up its marbles and go home whenever it cannot get its own way. Having shot down an unarmed civilian airliner without warning and in cold blood, the Soviets claimed KAL 007 was on an American spy mission. Having failed to halt NATO deployments to redress the nuclear imbalance in Europe created by the Soviets' own SS-20 deployments, the Soviets broke off INF and START negotiations. When they hear they are going to face demonstrations by private groups in Los Angeles, they withdraw from the summer Olympics.

The Soviet Union wished to be treated by the rest of the world as a superpower. Yet it frequently acts like a new and insecure state. It is unworthy of the Soviet Union to act out its insecurities on an old, sick couple in Gorkiy, one of whom happens to be one of the premier physicists of our century and a Nobel laureate.

I would hope that Moscow would treat the Sakharovs with the respect they deserve, allow them to live where they like, and to have medical treatment where they feel is essential.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MISCELLANEOUS TARIFF, TRADE, AND CUSTOMS MATTERS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2163, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

The Senate proceeded to consider the bill.

Pending:

Baker Amendment No. 3027, to further reduce deficits by including reconciliations and appropriations caps for defense and non-defense discretionary spending for fiscal years 1985, 1986, and 1987.

Mr. BAKER. Mr. President, the manager on the Democratic side is in the Chamber, and it is my understanding that the distinguished Senator from Rhode Island is prepared to offer his amendment at this time.

Before he does so, I should like to explore the possibility of a time limitation on the Chafee amendment, to provide that we would vote on or in relation to the amendment not later than 3:30 p.m., this afternoon. I will not now propound that request. I say to Senator CHAFEE, Senator CHILES, and the minority leader that if we can explore clearing that agreement, I think it will facilitate consideration of this measure.

I took the liberty of discussing this with Senator DOMENICI, the chairman, and Senator CHAFEE, the author of the amendment, and I believe I can report that it is satisfactory on this side.

Mr. President, I am prepared now to yield the floor and I anticipate the Senator from Rhode Island will seek recognition.

AMENDMENT NO. 3054

Mr. CHAFEE. Mr. President, I send an amendment to the desk on behalf of myself, Senators MATHIAS, STAFFORD, WEICKER, and ANDREWS, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE), for himself Mr. MATHIAS, Mr. STAFFORD, Mr. WEICKER, and Mr. ANDREWS, proposes an amendment numbered 3054.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with and I will give a brief explanation of it.

Mr. BYRD. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. BYRD. Mr. President, will the Senator have the amendment read?

Mr. CHAFEE. The clerk may proceed to read the amendment.

The legislative clerk read as follows:

On page 19, strike subsections (a) and (b) and insert the following:

(a) it shall not be in order to consider any measure making appropriations in the Senate or the House of Representatives, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for function 050, National Defense, and for non-defense discretionary activities to exceed $434,500,000,000 in fiscal year 1985, $472,300,000,000 in fiscal year 1986, or $514,600,000,000 in fiscal year 1987.

Mr. CHAFEE. Mr. President, this amendment is the same as the amendment that has been at the desk for some time, amendment No. 3039, which was introduced on April 30, except that it corrects a drafting error by changing millions to billions.

Mr. DOMENICI. Mr. President, it is all right if the amendment was correct the first time.

Mr. CHAFEE. I wish it were.

Mr. President, because we might have a time agreement, I wonder how the leadership on the other side wishes to proceed. Would we want to have some formal division of the time now or would they wish us just to proceed and then eventually get to a division? We will work it out in some satisfactory arrangement for the other side, I am sure.

Mr. President, the amendment I have sent to the desk is simple but, I nonetheless wish to give it a careful explanation.

Essentially the amendment deletes the two subsections of the so-called leadership plan that sets separate "caps" or limits on budget authority, one for defense and one for nondefense.

In place of those two caps, it provides a new subsection which establishes a single cap on all budget authority for each of the coming 3 fiscal years.

Mr. President, the establishment of a single cap on budget authority is the first way in which our amendment amends the leadership plan.

The second way in which the leadership plan is amended is that the total of budget authority for each of the coming 3 fiscal years is reduced by $16.7 billion. In other words, the total for those 3 years is less than the so-called leadership plan. It is an additional deficit reduction. So instead of capping the 3-year budget authority at $1,438.1 billion the amendment instead sets a limit of $1,421.4 billion.

Mr. President, you might ask how do we arrive at this reduced amount of approximately $17 billion over the 3-year period? In arriving at our total for appropriations we use assumptions about defense and nondefense spending growth that differ from those in the leadership plan. For defense our amendment provides a real growth rate of 4 percent based on CBO economic assumptions. If the administration assumptions are used, the real growth rate would be 5.5 percent.

For nondefense programs, our amendment assumes the CBO baseline rather than a 1-year freeze as provided in the leadership plan. Our amendment thus assumes an increase in nondefense budget authority of $20.3 billion over the 3 years while assuming a $37 billion cut in defense budget authority from the amount in the leadership plan. In other words, over the 3-year period we reduce defense by $37 billion, we increase nondefense discretionary by $20 billion, and we add a $17 billion deficit reduction.

I must point out, Mr. President, that the amendment clearly does not bind or obligate the Appropriations Com-

mittee to provide these specific amounts in defense and nondefense. Instead, the amendment sets one total amount of budget authority within which the Appropriations Committee may work its will. Our presumption and our hope, obviously, is that the committee would choose a 4-percent defense growth and use the CBO baseline for nondefense. But the Appropriations Committee is free to do whatever it wishes.

Therefore, the amendment restores to the Appropriations Committee a measure of the responsibility it has traditionally enjoyed. It must operate under one overall cap which is in itself precedent-breaking, but the elimination of the dual cap restores to the committee a good deal of the authority and flexibility that does not exist in the leadership plan.

This leads me to an important point. Some might say that this amendment upsets the apple cart. Some might convey the idea that our amendment is wrong because it alters procedures provided for in the leadership plan. But, Mr. President, those are the procedures that are revolutionary, not ours. We simply restore to the Appropriations Committee a measure of its traditional and usual powers, powers that the leadership plan would sharply curtail. We are restoring essentially the status quo, the practice under which the committee has been accustomed to operate.

Now, Mr. President, there are other compelling reasons for our amendment.

First, it is our belief that the rate of 5.6 percent real defense growth have provided in the leadership plan is too high. It exceeds the rate of growth the Senate agreed to in last year's budget resolution, which was 5 percent. Moreover, it exceeds the rate of growth provided by the fiscal 1985 actual defense appropriation, which was $3.5 percent if one uses CBO's estimates.

I think we should pause for a moment to consider the actual dollar implication of these growth rates. It is very tempting to shrug one's shoulders and say: Why not have a 5.6 growth rate rather than 4 percent? What difference does 1.6 percentage points make in actual defense spending? How can this be significant?

It is very significant because 1.6 percent applied against a very large base in itself adds up to some very substantial figures, and the difference between our amendment's 4 percent and the leadership plan's 5.6 percent over 3 years is $37 billion.

That is the cost to the Treasury. I might also say that that is $37 billion that we do not have, $37 billion that has to be borrowed.

This leads to my second point. Even with the 4 percent growth rate, the aggregate amount of budget authority for defense grows enormously. With 4 percent real growth, total defense budget authority would be $355 billion in 1987 compared to $264 billion in 1984. In other words, a growth in those 4 years of $91 billion.

Now, Mr. President, obviously what we are dealing with here is with a matter of priorities. Since 1980, the brunt of the deficit reduction effort has been borne by nondefense programs. Between fiscal year 1980 and 1984, according to CBO, defense budget authority has increased by 80 percent, while nondefense discretionary budget authority has actually decreased.

I believe in deficit reduction. I might say that is why we are here. This entire package is labeled the budget reduction package, the so-called downpayment program. But I do not think it goes far enough.

It is apparent that other efforts during the last 2 weeks to decrease that budget deficit have not succeeded. The efforts have included reducing cost-of-living adjustments. We have tried to reduce the deficit by postponing the indexing of personal income taxes. These efforts have failed overwhelmingly.

The amount that we further reduce the deficit—$17 billion—is not all that much. I wish it were more. But at least it is a 17-percent increase over the proposal the leadership has made.

As far as the nondefense discretionary programs, under our plan those programs will at least be able to maintain the baseline on a whole series of programs that we are discussing—disease prevention, education, health, and so forth.

As I said before, these are not set by this amendment that I am bringing before the Senate today. Those would be set by the Appropriations Committee. But, hopefully, the committee will maintain a reasonable balance between defense and domestic needs while spending even less in total than the President has proposed.

Finally, Mr. President, I wish to address the notion that if we pass this this afternoon, the President will veto it if the two caps are combined into one. I just do not believe that the President would veto a bill that reduces spending by nearly $17 billion merely because it eliminates the dual cap approach. I think this would be very difficult to explain.

Furthermore, we have to remember that before this bill ever gets to the President, it has to go through conference. It seems to me highly unlikely that the dual cap approach and the level of defense spending included in the leadership package are going to survive any conference with the House of Representatives.

So I hope that people would not make their judgments on the floor of this Senate based on the fact that the President might or might not veto a bill that came out of this Senate without the dual caps.

Mr. President, I do urge that my colleagues give most careful consideration to this amendment which I have before us this afternoon and that they would give it their support.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

I have a lot more I will want to say later, but I would like to start by saying that if the Senate considers itself to be a fiscally responsible body and considers the U.S. House these days to be rather irresponsible, with the adoption of this amendment we will exceed the House budget level of expenditures for the year 1985. I would assume that there are a lot of people here who have read with a great deal of interest about what the U.S. House has done this year with their budget.

This amendment would put the Senate budget higher than the House by a half billion dollars in 1985 in budget authority and about $0.7 billion higher in outlays for nondefense discretionary programs. Now that is all right for some. I just think everybody ought to know that when they talk about this amendment being fiscally responsible and how it is going to save money. It is going to save money if you assume that defense spending increases at only 4 percent. Otherwise, it is a budget on the domestic side that is indeed higher than what the U.S. House of Representatives has adopted in their budget resolution.

The only way you can talk about savings, it seems to me, is off base. So let us talk about whether there are savings here, aside from the House and their proposals.

The current policy baseline for the appropriated nondefense programs of our country under the economic assumptions of the Congressional Budget Office would allow increases to compensate for inflation for every program. That funding level in 1985 would be $143.7 billion in budget authority and $153.9 billion in outlays, which is the proposal before us. Now I fail to understand how you can fund programs at current policy and claim savings. But this amendment does, because the savings all come out of defense. There is no other way. I will talk about that a little more in terms of one and two caps and the precedentmaking nature of this proposal.

To the contrary, the Senator from New Mexico thinks the one big pot for all the budget authority that we have been doing for the last 7 or 8 years under the budget process is the new precedent. Prior to that, all Senators considered defense spending by itself and spending for the rest of the Government by itself. We have chosen in the last few years to put all spending in one big bucket. But this amendment

proposes to put two straws in it, one straw for defense and one straw for the rest. If anybody would like to see the graphs, you can tell what happens when you put two straws in that one bucket of budget authority. The nondefense straw that is pulling out pulls out so much that there is not enough left for defense. So this amendment achieves savings by reducing defense. But total savings are not as much as they could be, because some are put into the rest of Government.

This proposal is patent, clear, and discernable. Everyone thought we could look at defense and say, "How much do we want to spend?", and vote on it. And I submit that is what we ought to do. For those who think defense is too high, then come right here to the Senate and put up a number and say, "Let's vote for less defense." And for those who think domestic is too low in the leadership package, just be very forthright, come over here and say, "Senators, add some more to that domestic."

What this amendment does is go back to the old game. We are going to mix up all spending and, with some kind of magic, we are going to say we are saving money. And when we say we are starting to take defense down lower than it ought to be, somebody will get up a little later and say, "No, we don't know what defense spending should be." Defense could come out very light when we are finished with this process because we are not setting clear parameters for the Senate.

If we adopt this amendment with its one huge pot of budget authority, it will be because we do not want to vote on a defense number all by itself, and because we do not think we ought to decide that in the U.S. Senate. We ought to just put defense money in the one big pot so, if we end up saving anything, we can spend it some place else. This is a real opportunity for us to decide whether we are really intending to save money from defense, or whether we want to spend it on domestic programs.

I submit we are not going to do that, when we accept one cap and contend that it saves money, because as a matter of fact this proposal really dramatically increases—I have just described that—the domestic accounts over even what the U.S. House of Representatives wants. So everybody understands, that is precisely what this amendment would do. I am very confident that we ought to vote here in 1½ hours or so, and see whether we have real fiscal constraint or not in this approach.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. With regard to the comments of the distinguished Senator from New Mexico, I would comment that we can discuss this in many ways but to suddenly accuse our plan of lacking fiscal responsibility is an unusual charge because our plan costs $17 billion less than the leadership plan. If ours is fiscally irresponsible, that leaves the leadership plan fiscally irresponsible plus $17 billion. Many charges can be made against our plan. We are open to those charges, and expect to be beaten over the shoulders with all sorts of accusations. But let us not use the one of fiscal irresponsibility.

When we are running $200 billion deficits—$200 billion deficits for each of 3 years, which is 3 times 2 and makes it $600 billion—and we come in with a downpayment package that of only $100 billion, if we can add $17 additional to that and reduce the deficit, there ought to be three cheers. If we want to argue that there is not enough for defense, or that there should be more for defense, or that we are spending too much on nondefense discretionaries, OK, let us hear it. But any attack along the lines of fiscal irresponsibility I do not think holds water.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, this is a very instructive debate which is going on, on the other side of the aisle. It is interesting for me to hear the chairman of the Budget Committee describe the so-called Republican leadership plan as being fiscally correct because it divides the budget into two broad spending areas. I think every seat would be filled on the Senate floor if we were really debating whether or not the Budget Committee and the budget process should either be totally cast aside or violently changed. But that is not what we are debating here. Rather we are discussing whether to have the Budget Committee and the reconciliation bill launch this Senate into a new budget system based on two spending caps, one for defense and one for domestic purposes. I believe this idea is more than a little bit peculiar—in fact it is an outrageous concept in terms of the appropriations process.

I have the advantage or the disadvantage—I do not know which it is—of not serving on either of the two committees, Budget or Appropriations, but I think when this vote is tallied it is not going to depend so much on the simple difference of cutting $16.7 billion more under the Chafee-Weicker-Andrews and others amendment in budget authority and something less than $8 billion on actual outlay than is cut in the leadership plan. That is not very much. It ought to be cut a lot more. The idea is that it gets close to where the House is—what it ought to do is cut down below the House level.

That is my position. I think it is the position of the majority of this Senate on both sides of the aisle, if the President would turn them loose. We do not have to be tied that tight to the President on our side of the aisle. We can vote for more of the budget cut than Senators on the other side are voting for. They are limited because the President is insistent on a monstrously high budget outlay for the next year, and the 2 years after that.

When the vote finally comes, it is not going to be so much on cutting a little bit more off this Republican leadership plan. I do not think it cuts enough. But that will get some votes. But the main reason it is going to get a lot of votes—and I hope the majority—is we are not going to enter into this very weird system of having two spending caps, one for defense spending and one for nondefense spending. We will stick with the Rules of the Senate, and enlightened guidance of other legislative bodies—not just this Senate, but all sorts of legislative bodies in this country across our States and around the world where they do not try to concoct peculiar schemes for enhancing one committee's—in this case the Budget Committee—opportunity to keep spending on bills on this Senate floor for weeks, if not months, and set limits which tie the hands of other authorization and appropriation committees.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have the greatest respect for my friend from Montana, and he knows that. But I want to make certain the Senate understands his statement is incorrect. First of all, this is not a reconciliation bill. It is not now and never has been a reconciliation bill. If it would have been, the debate would have been over long ago. The amendments would have to be germane, and that has clearly not been the case.

Second, Mr. President—I say to my friend in all due respect—this is not a Budget Committee resolution. The Budget Committee has no jurisdiction or authority to set anything like this. This is a substantive piece of law arrived at by a number of people who thought the time had come to set one level for defense and one level for the rest of Government, to see if we could vote on that and to see if we wanted it—nothing more, nothing less, and no huge concoction. It is not complicated. It is very simple.

Does the Senate want two aggregate accounts, one for defense and one for nondefense discretionary spending? Does it want to look at those in the regular authorization and appropriation process to see if we can live with them, or do they want one aggregate spending level for these two areas of the budget nothing more, and nothing less. I have great respect for the Senator but I do not believe he ought to leave the impression that this is a budget resolution, or a reconciliation

bill, or that it is the Budget Committee's bill. The Senator from New Mexico is currently managing a bill that has taxes, entitlements and, appropriations. I am not here with a budget resolution. If I were, there would be a completely different approach, and time limits would be vested by law. They are not. So I would appreciate it if the Senator would understand this simple process we are engaged in.

Mr. MELCHER. Would the Senator yield?

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MELCHER. Will the Senator yield? I thank my friend from Connecticut.

What the budget chairman has just stated would be confusing to everybody because the whole process is confusing to the public at large. I do not charge that there is subterfuge here. I am merely charging that there is misguided intent to have this process unfold into a budget resolution that has two caps, one for defense and one for nondefense spending; so-called domestic spending. If that is not the case, we have been wasting weeks here without a doubt. We may be wasting weeks anyway, but the peculiar arrangement that has been advanced here by the proponents of this measure—call it what they want, whether it is official budget resolution or not—is intended to become the budget resolution, the budget mechanism and to get into the reconciliation bill in this manner.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, first of all, let me commend the distinguished Senator from Montana for the remarks he made. They were right on target. The distinguished Senator from New Mexico indicated that he thought the package contained in the pending amendment was fiscally irresponsible. I would suggest that the reason why the system is being distorted in the fashion that it is; that is, having two caps, using the reconciliation mechanism of budget process, is that the budget contained in the leadership amendment is substantively irresponsible. That is the reason for the change in procedure.

There is no way that the normal process would permit for this distortion of priorities. If indeed we went through a normal budget process and a normal appropriations process the figures presented by the administration would be substantially altered. It is the fear of the alteration which motivates my good friend from New Mexico and members of the administration to distort the process.

So my good friend from Montana is not at all far off the mark in his comments. He is right on the mark.

I respect the other branch of government, the executive branch. They have an important role to play in this entire budgetary process. But the Nation as a whole suffers when you try to merge the executive and the legislative role. The greatest protection the citizenry has is three separate but equal branches of government. What you are attempting to do here is to merge two of those branches. Now, instead of having three safeguards, the public only has two.

In a procedural sense, that is one of the matters which the Chafee amendment addresses itself to: putting the entire pot of money under the regular process of both the executive and the legislative branch.

It is a fear that the defense figures will falter in the course of that scrutiny that precipitates this procedure. Logic cannot sustain those defense figures. Fact cannot sustain those defense figures. And the application of human knowledge and commonsense would not sustain those figures. Therefore, in the leadership plan they are frozen through a mechanism whereby they are unreachable by the legislative branch of government.

On the Chafee amendment, my good friend from Rhode Island has well articulated the fiscal responsibility of this amendment. It is lower than the administration's figures. And, again, the comments of the distinguished Senator from Montana were right on the mark. I feel, as I feel many others do, they should be lower. The Senator from Rhode Island would like to see them lower. We are trying to achieve what is possible, what is practical. Therefore, it does not represent the ideal of a different partisanship or a different philosophy, but, rather, some attempt to compromise the very broad differences within this body.

Mr. President 3 years ago, we were debating the first budget proposed by this administration. I said at the time that it would be folly to issue a blank check for defense while carving out smaller and smaller pieces of the pie for education, for health care, for job training, medical research and all the other vital functions of this Government.

I said then that the strength of the United States of Amercia depends as much on the budgets for these programs, on matters dealing with the human condition, as on the budget for defense.

The Congress did, however, commit what I consider to be folly, and in subsequent resolutions we have repeated it. The share of the budget represented by these nondefense programs has dwindled from 7 percent to 3 percent. Meanwhile, defense has prospered to the tune of $900 billion over 4 years. The consequences, in terms of human costs and dollars, are already being felt.

I would cite the decline in health research and development as an example with which I am rather familiar as chairman of the Labor-HHS-Education Appropriations Subcommittee. Current funding patterns are directly translated into deaths and disabilities which could otherwise be avoided. For every dollar spent on research, we save $13 in health-care costs. Health-care costs consume 10 percent of our gross national product. So tell me how you have achieved an economy in reducing the levels of money spent for research?

You can doctor and band-aid medicare and medicaid all you want, and it will continue to hemorrhage. It will continue to be an enormous burden in the sense of what is spent by this Government on health care. Your best chance at achieving savings is to eliminate disease, to find cures for those disabilities of mind and body which cost billions of dollars a year. That is the health care program that is going to do the job. That is the health care program that has been steadily eroded by the series of budgets proposed in the past by both the executive and the legislative branches of Government.

So far as this Senator is concerned, in terms of substance, this leadership plan is unacceptable and I think it is time somebody stood up and said, "Enough." For some reason or other the American people have gotten the impression that the discretionary programs that have been cut all have to do with somebody on the dole or on welfare, the guy down the street who has been taking it out of the pockets of the decent wage earners of this country.

That is not the case and that has not been the case for years.

What any of us would consider to be fat in the Federal budget was cut out years ago, starting actually in previous administrations and going through this administration. What is being cut now is the quality of life of all Americans. What is being cut now is the prospect of freedom from many of the diseases that we know today and many of the deaths that occur today, and the resultant economic cost.

What is being cut now is the education of our children and the promise that that holds to escape truly from welfare and those matters that have tied our budgetary hands in the past and which have had an economic cost of billions.

There is no true saving to be had in what is now being cut. Indeed, there is a tremendous cost. Long after this Budget Committee and this administration, long after the politicians on both sides of the aisle, are off the scene, the price that will be paid, not

by them, but both in terms of life and in terms of dollars by our children.

So, Mr. President, what reads well on paper, dollars and cents wise, today is going to have a terrible cost in terms of the outyears. Neither politically nor financially will it be borne by those who make this presentation.

How many of us mourn the fact that a friend or a relative, some members of our family close to us, is no longer with us? At the same time we wring our hands and weep, we make it impossible, we have made it impossible for other individuals to have life. I do not understand it. Does it not bother anybody that people die of cancer today who do not have to? Of malaria who do not have to? Of Alzheimer's disease who do not have to? Of arthritis who do not have to? The list goes on and on.

Yes, we are talking about the security of this Nation and we are talking about lives. The security of the United States? More are lost in the sense of what I am talking about than will ever be lost in any wars within our generation. Yet the amount allocated is a pittance.

Behind the scenes here, there are those of us who are fighting desperately for what has been called for by every university and every scientific institution in the country, $650 million more to advance our knowledge through biomedical research. And there are those of us who are laying our political chips on the line to achieve $650 million when, indeed, the billions just pour into the cause of destruction, into the cause of death. I do not understand that. I cannot believe that those are the priorities of the people on the street.

Let me say something else, Mr. President: there is no reason why anybody has to make this into an either/or choice, you either have to have strong defense or you can have a welfare state. That is a lot of nonsense. The United States is a balanced and commonsense society. Yes, we need money for defense. Who argues that? But these proportions?

The same thing was done on the social side admittedly, decades ago, when we had the Great Society. I think what the American people call for now is for the pendulum to come back in the middle. That is what is sought to be achieved by the Chafee amendment—not an emasculation of the defense budget, not an exaltation of the social budgets or those dealing with education, but to bring the pendulum back in the middle while the Budget Committee and the administration on the other hand want to freeze the irrationality of that defense budget. That is what is at issue.

Mr. DOMENICI. Will the Senator yield?

Mr. WEICKER. I will after I am through.

Mr. DOMENICI. I just want to ask a question.

Mr. WEICKER. Of course, I yield for a question.

Mr. DOMENICI. Is the Senator saying that this bill before us is solely the Budget Committee's? Is he not aware that the chairman of the Appropriations Committee of the U.S. Senate, the distinguished Senator from Oregon (Mr. HATFIELD), is on this amendment and was at the meeting when it was proposed? Is that not true?

I do not mind getting credit and blame where I deserve it, but I am not alone on this one.

Mr. WEICKER. I shall be glad to answer the Senator's question, Mr. President.

No. 1, the Senator from Oregon achieved as much as any man could achieve in presenting his view before the Senator from New Mexico, the rest of the Republican leadership, and the White House. The Senator from Oregon is always a man who understands the process and is willing to compromise and negotiate.

Having achieved as much as one man could achieve, he then went along with the package of the leadership on this side.

The difficulty with the Senator from New Mexico, since he has chosen to personalize the matter, is the fact that here we are in the situation of trying to achieve compromise within this body—within this body. In effect, what has happened on the floor is a take-it-or-leave-it situation.

What the Senator from Rhode Island is trying to do is not to say that the figures of the administration are all wrong, but, rather, that there should be a fine tuning of those figures. That is the privilege of the Senator from Rhode Island and the Senator from Connecticut. This does not mean to say that we are disagreeing with our friend from Oregon, but rather, adding to his efforts.

I shall repeat what was said by the Senator from New Mexico when I was off the floor, that this plan is fiscally irresponsible.

Mr. DOMENICI. I did not, but I will answer that later.

Mr. WEICKER. What I am saying is that substantively, the plan that is before us is irresponsible. That is the point being made.

When the Senator asks me the question was I aware of the role of the Senator from Oregon, I certainly was; a role, I might add, one that he can be proud of. Now the time has come to have the matter before all of us. I see nothing in the Constitution which sets up the rose garden as some branch of Government.

Mr. DOMENICI. Will the Senator let me clarify what I said? I did not say anything personal.

Mr. WEICKER. I shall respond to the Senator. What I see is a bona fide attempt by the leadership to come forth with a proposal, which is before us now. I respect that effort.

Mr. DOMENICI. Right.

Mr. WEICKER. What I want to achieve and what others want to achieve is to see what we can do to improve upon it. I hope that, in that regard, we would have the help of the Senator from New Mexico. If indeed those figures that he presents to us now are set in concrete, let him say so. If, on the other hand, it is possible through the normal give and take of the legislative process to make changes in priorities, certainly I shall cooperate with the Senator from New Mexico in that regard.

But I repeat my admiration for the Senator from Oregon, who is my chairman. I can only say that, whereas I think he achieved a great deal, I think it is up to this body to achieve even more. If 1 man such as he can do what he did, just think what 51 of us can do out here. It will be a spectacular exercise in the democracy of the process, rather than the closed, frozen apparatus which is being attempted by the chairman, the Senator from New Mexico.

Mr. CHILES. I listened to this colloquy with delight, Mr. President, because there are some Members on this side who tried to participate in that deliberation and in the shaping of this legislation, too. We tried to do that for several days. Certainly, the day before yesterday, we tried to do it but so far, we have been denied the authority because the rose garden plan is sacred, cannot be touched, that is all there is going to be. We are told if we change a jot or tittle, there will be this veto and the heavens will open and lightning will strike. I know the Senators proposing this amendment have great courage if they are not worried about that thunderbolt that is going to come down here any moment. I am delighted to see both of them still have their arms and they are straight thus far. I hope all their fingers are there.

Mr. DOMENICI. Will the Senator yield?

Mr. WEICKER. I thank the distinguished Senator from Florida. Let me assure him that, as he knows, we have genuinely tried to confer with all of our colleagues. There is not a wall running down the middle of this Chamber. We are dealing with the same issue, all of us, Republicans and Democrats. We are trying to achieve a consensus of thought as to what the best thing to do is.

Mr. CHILES. I am afraid Democrats have to pay that same interest rate.

Mr. WEICKER. They sure do. They die just like everybody else. Their children do not get educated. I can go right down the checklist. Obviously,

with the majority here in this body, with the administration being of my party, yes, there is a weight in our favor. I say, in fact, to the distinguished Senator from Florida, as far as this Senator from Connecticut is concerned, so what? But I think the best result is achieved by a combination of ideas and partisanship and philosophy. I have great respect for his deliberations within the Budget Committee and on the floor of this body.

Yet, to have something presented as a fait accompli indicates to me weakness on the other side, an unwillingness to debate. It usually veils a weakness, and the weakness is simple. It is in the irrationality of the figures before us. It cannot withstand the normal Senate process, so we wrap it up, in the words of the distinguished Senator from Montana, in a weird approach, and I think that is a kind word. That is all we are trying to get at.

I have no doubt that when all this is through, it will be heavily weighted toward the President and toward the Republican side of things. I have that feeling. But that does not mean it has to be all one way.

In any event, I hope that during the course of the debate here today, both sides can work toward achieving something which will benefit the citizens of the United States. We are all concerned about deficits. We are all concerned about the decline in funding in education, health, science, research and development. These are concerns of all Americans.

Apparently, the way we achieve fiscal sanity, at least by virtue of the fiscal policies represented to us, is to up the deficits and cut the quality of life. I do not hold to that.

To continue with my remarks, the procedure utilized by the leadership plan, as I have said, is very objectionable.

If we enact the leadership amendment, we will be riding roughshod over the legislative process that the Budget Act calls for; and, further, we provide the President a partnership role which was not contemplated 10 years ago when the Budget Act was enacted. In doing this, we deny ourselves the flexibility to come back and readjust our priorities between defense and nondefense programs.

If there ever was doubt that under this administration, defense spending has enjoyed preferential treatment, that doubt should be laid to rest by the two-cap mechanism put forth by the Republican leadership. The leadership and the administration have twisted themselves into a pretzel to protect a defense number which simply cannot be justified, considering the massive deficits we are facing.

This proposal plainly draws a line between the haves and have nots, by allowing increases of 6.4 percent, 5 percent, and 4.9 percent for defense, while freezing nondefense discretionary spending. A freeze, remember, is a cut, the size of which depends on what inflation does in the years ahead.

We have learned from bitter experience how hard it is for Congress to discharge its responsibilities according to better procedures once a shortcut has been utilized. As we work on the so-called "downpayment" what kind of precedent are we setting for congressional consideration of the balance due?

I only wish the leadership amendment were as tough on the deficit as it is on the orderly conduct of business in the U.S. Senate.

I did not come here this afternoon to my colleagues to argue for more spending. That is not the object of this exercise. Indeed, to respond to the comments of the Senator from New Mexico that we were taking money from defense and plowing it right back into these social programs, I have to point out that in the amendment before the Senate right now, there is $37 billion less than the leadership proposal in defense budget authority, and the amendment calls for $20 billion over the leadership proposal for nondefense spending. In other words, roughly twice the amount of defense dollars are taken out as are being put back in. So that statement, at best, is erroneous. The fact of this amendment takes $37 billion out of defense budget authority and puts only $20 billion back in. That is in order to reduce the deficits.

There were three matters we were concerned with: the deficit, No. 1, and the reduction of it, which this amendment achieves better than the leadership's proposal. Also, the quality of life in terms of education, health, and so forth, which this amendment addresses by adding funding in those areas. Last, the irrelevant—by virtue of its size—portions of the defense budget which could be cut without damaging the security of this Nation. All those matters are addressed in the Chafee amendment.

The rose garden plan called for caps on both defense and discretionary programs. What that means to a lay person is that it locks in and prevents Congress from exercising its judgment to shift resources from defense to discretionary programs, or the other way around. It means you will not have a normal appropriations process, with Senators on both sides of the aisle determining what the priorities of this country are going to be. In the approach we are suggesting, nothing is sacred. Education is not sacred. Defense is not sacred. Health is not sacred. Everything becomes subjected to congressional scrutiny, so that we determine what the needs are, what the priorities are, and what we can do about them.

To put Congress in an automatic pilot which, in effect, is what the two-cap system does, at least insofar as defense is concerned, is very poor fiscal practice.

My good friend the Senator from Oregon, Senator HATFIELD, chairman of the Committee on Appropriations, has responsibly reported regular appropriations bills which have been within the 302(B) allocations. Only twice has the committee had to come to the floor to request a waiver: once for consideration of the emergency jobs supplemental, and again for consideration of the fiscal year 1983 supplemental—the latter time necessitated because the budget resolution was not in place by its statutory deadline. During the current year, the Committee on Appropriations has shephered the enactment of 10 regular appropriations bills, and the record is clear. For all appropriations, we remain $9.4 billion under our ceiling. That is the record of the process that the proposed legislation seeks to avoid.

In place of the leadership plan, Senator CHAFEE and others have put forth an alternative. We believe it is a balanced and flexible proposal which deals with the substantive and procedural defects of the leadership amendment. We merge the military and discretionary caps proposed by the leadership into one cap. This would afford the Appropriations Committee and the Senate as a whole the opportunity to determine the proper mix between defense and discretionary programs under an overall ceiling. The level of the unitary cap proposed in this amendment is based on assumptions of 4 percent real growth in defense spending—not a freeze, not a cutback—and a current services program for nondefense appropriated accounts, as calculated by the Congressional Budget Office. The impact of all of this bottom line would be an additional budget authority savings of $17 billion. So, we are not only offering our colleagues a chance to vote for a fairer mix of cuts but also a lower overall deficit.

I prefer to do more, but I do not think we are prepared to go ahead and tackle the entitlement spending or do away with indexing, actions which erase much more of the deficits which loom before us.

That was a matter of discussion between many Senators. Unable to arrive at a conclusion, we restricted ourselves to this very narrow area.

In closing, I only cite one more example of our misplaced priority. In fiscal year 1984, we will spend $27 billion on Defense R&D. In this same year we will spend $4.5 billion on funding for the National Institutes of Health, our front line of defense against crippling disease and increasing health care costs; $27 billion in

R&D for defense and $4.5 billion in the area of health, in the area of life.

Mr. President, you tell me what sense that makes to a nation dedicated to life and the irrationality of that is why we are presented with this "weird" procedure.

Ironically, $4.5 billion is the amount which the DOD will spend this year on just three major weapons systems: the MX, Trident II, and ICBM's. Thus, the amendment before us allows us the flexibility to invest in life and offers a more equitable balance in our priorities.

I urge my colleagues to adopt this attempt to take concerted action on the deficit and preserve the integrity of Congress role in setting budget priorities.

I commend my good friend from Rhode Island, Senator CHAFEE, Senator STAFFORD, Senator MATHIAS, and Senator ANDREWS for having the courage to face up to this irrationality, this weed that sprang out of the rose garden, which like any weed, deserves to be plucked out and discarded.

But that is not enough. Something positive has to grow in its place.

I hope by virtue of the good minds and hearts present in this Chamber and those millions that we represent, that that which grows in the fiscal garden will be something to be proud of, something beautiful, something which guarantees the future, something which addresses the miseries of the present.

I support the amendment of the distinguished Senator from Rhode Island and hope that it will get the 51 votes so necessary to getting on with the fiscal business of this country and a recognition of the fiscal problems that are ours to deal with.

Mr. STAFFORD. Mr. President, I rise to support the amendment of Mr. CHAFEE, Mr. WEICKER, Mr. MATHIAS, and myself.

Mr. President, I am pleased to be an original cosponsor of the amendment that is now being considered by the Senate. I hope my colleagues will join me and vote for adoption of this amendment modifying the leadership budget proposal.

I believe the leadership amendment has two major problems. First, it would establish a dangerous precedent in restricting the congressional appropriation process through a bill which will go to the executive branch. In addition, it would establish spending ceilings for defense and nondefense programs for the next 3 years that would allow dramatic growth in defense spending while further cutting these domestic programs which have borne the brunt of the budget reductions for the past 3½ years.

The amendment before us serves two important purposes. First, it seeks to preserve the congressional appropriations process and the institutional role of Congress. This goal is addressed by providing a unitary, rather than a dual, appropriation cap. Second, the amendment will establish a more realistic Senate position for funding levels for defense and domestic spending over the next 3 years while simultaneously lowering the deficit $7.4 billion over the 3-year period. This goal is achieved by assuming 4 percent real growth in defense spending for the period and the CBO baseline for domestic spending programs.

Over the last decade Congress has seen enormous changes in the process through which it establishes spending priorities. The enactment of the Congressional Budget Act of 1974 was intended primarily as a step to improve congressional control over Federal spending. Formalized impoundment control and improvements in the deferral process have resulted in more assurance that funds which Congress intends to be spent are actually obligated. In addition, the act provided us with a Congressional Budget Office which fosters independent congressional analysis of spending issues and reduces our reliance on the executive branch for that purpose.

Further, the act was intended to provide Congress with a planning process which would formalize goal-setting and also provide mechanisms to aid in self-discipline to ensure that those goals were met. The most important feature of this process was that it was entirely a congressional process. Congress would set spending priorities taking into account not only proposals of the executive branch, but also spending proposals from every committee having spending jurisdiction. The budget committees would propose spending plans based on all these proposal, and Congress would subsequently make a joint decision in which all members participated on what the annual spending plan should be.

However, I believe that the leadership amendment before us would establish a serious precedent that would effectively step back from the self-enforcing aspect of the congressional budget process. Our leader's amendment, Senator BAKER's amendment, proposes that a change in Senate and House rules be enacted in what is basically a tax bill. This change provides for a point of order against bills brought to the floor in either house which would cause the aggregate targets for either defense spending or domestic spending which are established in this same amendment to be exceeded. I am disturbed that the leadership finds it necessary to include these provisions on this bill and I hope that we are not about to begin a process changing congressional rules and procedure through legislation that must go to the executive.

Basically, the leadership amendment moves the congressional decisionmaking process allocating funds for defense and the many individual nondefense domestic spending programs to consideration on a tax bill rather than a budget resolution. This method does not allow for full consideration of the differing needs and concerns to which individual domestic spending programs are addressed. Rather, an across-the-board decision on an overall funding level will be made on these "lower priority programs." This decision will significantly impact our flexibility to provide the funds we believe are needed for individual programs in appropriation bills that we will consider for the next 3 years.

The amendment which we have proposed would allow Congress greater flexibility on appropriations for defense and nondefense programs. While not wholly preserving the institutional independence that would be signified by its inclusion in a resolution not requiring enactment, our amendment does preserve congressional flexibility to not be prematurely locked into defense and nondefense spending plans.

Actual growth in appropriations for defense rose 3 percent in real terms in fiscal year 1984. In fact, defense appropriations for the current year are 2 percent below the budget resolution assumption. Thus, the initial congressional assumption for defense spending did not reflect true congressional intent. If a similar situation were to occur in the future when we have established in law these appropriation caps, we may find that we have in effect, limited our flexibility. We might discover that we have prevented Congress from shifting savings achieved in that area to nondefense programs for 3 years. I believe that this amendment will preserve our flexibility to the extent possible at the present time.

The amendment also assumes a shift in the mix from the leadership proposal for defense and nondefense spending that would provide a more humanistic orientation. Rather than the 7.2-percent real growth for defense provided by the leadership amendment it assumes 4 percent real growth over the next 3 years. This growth assumption is higher than the 3-percent real growth defense spending level enacted last year. It can easily be achieved without jeopardizing combat readiness. And I believe it can be supported by those who feel strongly that our national security should not be jeopardized, but who also feel strongly that our deficit should be reduced.

The amendment shifts some of the savings achieved through a lower defense spending assumption to nondefense domestic discretionalry spending. In 1980, nondefense appropriated programs accounted for 25 percent of all Federal spending. In 1984, these programs accounted for only 17 per-

cent of Federal spending. The amendment we are offering would not restore those cuts. It would allow no real growth in domestic programs over the period which the amendment affects. However, this spending assumption does mean that we can provide increases above a freeze level for some priority programs. We need not abandon the poor and needy in our effort at fiscal restraint.

The CBO baseline spending assumption in our amendment is not intended as an across-the-board approach. We have made a conscious decision that spending increases can be accommodated in certain areas, if offsets are achieved in lower priority programs. Those programs where add-backs clearly above a freeze and baseline level are assumed include two of my major concerns, education and environmental protection. Biomedical research can also be increased an additional $750 million.

The amendment before us includes a specific assumption for education spending for fiscal year 1985 of $17.6 billion. This figure contrasts with a fiscal year 1985 administration spending proposal of $15.5 billion and a fiscal year 1984 appropriation level of $15.4 billion. In fact, the administration has proposed that nearly one-third of the savings projected over the next 5 years in benefits and services would be achieved in education programs.

We assume that all education programs will be at least level funded. We also assume that new initiatives in science and mathematics and in school desegregation can be accommodated. Increases in ongoing programs are targetted for Pell grants, chapters I and II and vocational and adult education. Guaranteed student loans—GSL's as an entitlement program, would not be affected by the leadership amendment and therefore are also not affected by the amendment before us. Guaranteed student loans will not be cut by these appropriation caps.

The amendment also assumes that the Environmental Protection Agency will be funded at $1.353 billion for the operating budget and $753 million for Superfund. The operating budget funding level is the nominal level of appropriations provided for that purpose in fiscal year 1981. The reduction in real resources available for those purposes would actually decline by 23 percent from 1981 levels taking inflation into account. This funding level was also assumed in the Senate-adopted budget resolution of fiscal year 1984, and in addition, the level Administrator Ruckelshaus of the Environmental Protection Agency requested for his agency this fall. Obviously, the agency can easily spend this level of funding in the current year. The amendment assumes that an additional $50 million above that level will be available to the agency for a program for abatement of asbestos in schools that will be transferred from the Department of Education.

The Superfund program funding assumption is $753 million for fiscal year 1985. That is the level that Administrator Ruckelshaus requested from the Office of Management and Budget last fall. Thus, I believe this amount can easily be well spent in the fiscal year 1985 fiscal year, and will indicate our willingness to address a problem that the agency has estimated could cost $8 billion to $16 billion. The agency has gained an important momentum on the Superfund effort in recent months, and it would be a great loss to threaten this impetus because inadequate resources are made available to the agency from a completely self-financing fund.

In sum, there are two important reasons to support this amendment. It attempts to maintain congressional independence and control over budget matters and it also provides for a more reasonable mix of defense and nondefense domestic spending while lowering the deficit. I urge my colleagues to vote for adoption of this amendment.

Mr. DOMENICI. Mr. President, I understand the Senator from Rhode Island desires the floor. I yield the floor to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Vermont. Our amendment contains assumptions for increased spending in high-priority areas which he mentioned, those being areas such as education, biomedical research, and environmental protection. It is essential, I believe, for us to continue to maintain a strong national commitment to those programs.

Mr. President, I wish to thank the Senator from Vermont for those fine remarks. I also wish to thank the distinguished Senior Senator from New Mexico for permitting me to intervene here.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, while we are not under any kind of controlled time, I would nonetheless like to yield myself 7 minutes. If I might I ask that I be reminded when I have used that time up so I can yield to other Senators.

Mr. President, the distinguished Senator from Connecticut, Senator WEICKER, spoke of the present status of some domestic programs in terms that were very difficult for me to comprehend. He spoke of people dying because the Federal Government is not funding enough research.

Let me tell the Senate the facts about these United States. We ought to hold our heads up high about these issues. First, let me give you some numbers about defense and nondefense.

From the years 1970 through 1983, the increase in defense in nominal terms was 157 percent. For nondefense discretionary programs, the increase was 230 percent over the same time period. That even excludes the entitlements, all of which are domestic program. I am speaking solely about nondefense discretionary programs.

From 1970 to 1983 in actual outlays, defense grew from $81.7 billion to $209.9 billion, for a 157-percent increase; for nondefense, $43.6 billion to $143.8 billion for a 230-percent increase. I do not really think that sounds like a nation that is putting people that ought to be saved by research out in the street to die.

Now, the decade of the 1970's, just to use that period. From 1970 to 1980, defense, grew from $81.7 billion to $134 billion for a 64-percent increase. Nondefense discretionary programs—and I repeat without any entitlements; that is, without medicare, without medicaid, without social security, and all the pensions—grew from $43.6 billion to $141.2 billion, for a 224-percent increase.

Now, I do not say that because I would not like to see that domestic spending twice as high. I think maybe in fields like research we could spend a lot more money and perhaps more effectively, I do not know. Surely I do not argue this to say we should never do more, we could not improve, but merely to indicate that we certainly have not been totally out of proportion in defense spending versus discretionary spending over a 10- to 13-year period.

Let me make one more point. With regard to NIH, if there is any institution that the Senator from New Mexico wants to help support, it is that one. But I thought I heard a while ago that we were cutting that institution's head off since it is one that deals with health. I would use that kind of analogy. Someone argued that we put it out in the street somewhere because we did not have any money for it. We spent it elsewhere. That just is not true. In a period of fiscal restraint, between 1983 and 1984, funding for NIH went up 11 percent, or $451 million. Again maybe we ought to spend more, but an 11-percent increase in this period, at this time, is not all that bad. This was, incidentally—so we will not get it confused with inflation and the like—an increase of $200 million over the Congressional Budget Office projection of what was necessary to keep pace with inflation. Again, there are experts here who can

find 50 other areas we should spend more in.

I am merely making my point. I am not here to defend each and every account of this Government under this plan or any other. But I do not believe it is fair to talk like the United States is spending little or no money when it is the healthiest nation in the world, with the best standard of health care and well-being in the world for any major country. For alcohol, drug abuse, and mental health programs, the Congress spent $828 million in fiscal year 1984. Some might have thought it declined. It went up $37 million—not a big increase, but it went up last year.

Education: surely there are many who think we should spend more but if you look at the spending that is going to take place under the freeze, there will be a 5-percent increase for education programs. It will go to $16.1 billion in 1985 from $15.4 billion last year. So it will not be cut. It will be a 5-percent increase even under the proposed freeze.

If we have enough time, maybe I will explain to the Senate later how we can have accounts going up when we have a freeze, but we do. Do not forget. What you do not spend in one account you can spend somewhere else. Also, some programs had artificially low levels last year. That is what the budget authority cumulative pot means.

Further, spending for veterans programs is going up $200 million for construction. Medical care is also going up $200 million under the freeze and under the account allocation contemplated.

Mr. CHILES. I wonder if we could talk about that a little bit, if the Senator would yield. It seems to me if you have a domestic freeze, if you are freezing numbers on all of the things, if you are not going to cut education, if you are saying it is going up, if you are not going to cut alcohol, drug abuse, and those kinds of things, if we are not going to cut law enforcement, tell me if there is anything that you do not cut——

Mr. DOMENICI. I have to be somewhere at 3. I waited patiently.

Mr. CHILES. I thought you said you would give us more information if we wanted it. I want to tell you I want it.

Mr. DOMENICI. Later.

Mr. CHILES. Later?

Mr. DOMENICI. Yes, Senator; if you do not mind. I have the floor, if I could finish. We will give you the proposed crosswalks of the Appropriations Committee's freeze.

Mr. CHILES. Put me down as wanting it.

Mr. DOMENICI. I will have the committee's staff get you a copy of the reported resolution's crosswalk. You will see there are very few accounts reduced under the freeze. And those that are reduced relate to specific issues such as one-time funding of $2.8 billion in fiscal year 1984 to forward-fund job training. This amount was dropped in calculating the freeze level for fiscal year 1985.

Mr. CHILES. Does the Senator mean cuts under the freeze are phony cuts, and that there will be no outlay savings?

Mr. DOMENICI. If we are talking about budget authority freezes, we will have a budget authority freeze. We will also have program level freezes where that is the operative situation. That is what we have spoken of from the very beginning, and everybody in this Chamber I thought understood that. Let me finish military and two accounts.

The PRESIDING OFFICER. The Senator from New Mexico asked the Chair to advise him when he had used 7 minutes of time.

Mr. DOMENICI. I will use 1 additional minute.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Let me ask if the Senate will really consider whether two accounts, one for defense and one for all the rest, is so radical. I ask all the Senators in this body to think back at the major votes on budget resolutions they have made. When they thought they were voting for budget authority, for defense sometimes we added $100 million, somebody wanted to take off $300 million, and somebody wanted to add $2 billion on the budget resolution. Do you recall those votes?

What I am telling you is when you were finished with all that, you thought you were going to say to the Senate you can spend $150 billion on defense, and it is your job to decide how. I think this Senate thought that is what they were saying. When they said all the rest of Government you can spend $240 billion, I think the Senate voted for it.

I think they thought that is what we were saying, and we made all of those votes. Then we shipped that nice, little document off, and we said, now, let us spend the money. What I am telling you is you did not vote for $150 million for defense. What you did was vote for the total. What you did not spend in defense after all those votes you could spend anywhere else, and as long as you did not exceed the total, you were within the budget.

I am not saying that is terribly wrong. I am not here saying it is the end of the world. I am merely suggesting that the leadership amendment is only saying why don't we decide what we want to spend for defense, what we want to spend for the rest, vote on that, and then say to our appropriators, you have two big pots. One is for defense, and if you do not spend it all, that is good, we will save it; one for all the rest of the Government, and if you spend it, spend it. If you spend more than was included in the cap, we will call it to the Senate's attention. If that is radical budgeting, then I submit there are 95 Senators that thought we were doing that all along. It just happens that is not the way it works. We are going to try to see if the Senate wants some additional budget discipline and to make it work.

I yield the floor.

Mr. CHILES. Would the Senator yield?

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, my concern with this proposal is that, if it passes, we will have once again provided insufficient funding for our national defense. The current insufficiency in our national defense programs was created, in large part, by years of neglect during the 1970's. The Congress, and various administrations, chose to focus on the political popularity of various defense issues rather than looking toward the real basis for defense spending—the Soviet threat and the problems we might face in various unstable areas of the world, particularly were those problems to be exploited by the Soviets.

It would be nice to pretend, as some continue to do, that the requirements for maintaining the peace are not great, or, on the other hand, that we do not really have the resources to meet these requirements. The demands of peace and security are great; but we do have the resources to meet them—if we do not squander them elsewhere. It would also be nice to pretend, as some still do, that the growing Soviet threat and the threat of Communist subversion and guerilla warfare throughout the world do not exist. It would be easy to pretend that the spreading Communist influence throughout the world is simply a matter internal to the nations involved—but it would be erroneous. To anyone who really looks, it is clear that the growing Soviet capability to project power around the world is not being created so the Soviets can defend their own borders.

From 1980 through 1984, the Soviets spent an average of 32 percent more on defense than the United States. Investments over the last decade by the Soviet Union, plus those of its Warsaw Pact allies, were over $105 billion more than the combined efforts of the United States, NATO, and Japan. The Soviet Union is currently developing a very capable and technically sophisticated high seas fleet. For example, the principal surface warships of the Soviet Navy today have the range, fire power, and electronics systems that make them ideal tools for power projection. The Soviet Navy's ships are

among the fastest and most heavily armed in the world. Similar advances have taken place in the areas of intercontinental and intermediate-range missiles, tank warfare, aircraft capability, and chemical and biological warfare.

We must meet this challenge. Thus, I would have supported the level of defense spending in the President's original budget proposal. After all, for fiscal 1985, the recommended spending was only 1 percent above that proposed in the last Carter budget—and no one, absolutely no one, ever called Jimmy Carter a hawk.

Nevertheless, I will vote for the lesser amount in the leadership plan for two reasons. I was assured that its defense spending levels are minimally sufficient to fund our national defense effort. Also, the level of defense funding it specifies is intended as the floor below which defense appropriations will not drop as well as the ceiling above which these appropriations will not rise. The 3-year certainty in defense spending to be gained by compliance with the leadership plan's defense numbers would be conducive to efficient spending of the taxpayer's defense dollar. That is a fact those of my colleagues who are always complaining about the cost of defense should remember.

That necessary certainty in defense spending levels can be maintained only by separate funding and separate caps on domestic and defense spending. Let us not be fooled: The attempt to combine both appropriations figures under one cap is nothing less than a smokescreen for allowing Congress to whittle down spending for national defense and use it for programs to please special-interest constituencies.

That is precisely what is wrong with this place—we are always so concerned with special-interest constituencies and ignore the larger picture. I come from a conservative State. When Ronald Reagan became President and announced he would try to get Federal spending under control, I had over 500 groups come from my conservative State, each with the same message: "You must support the President. You must cut taxes. You must balance the budget. But please do not cut our program because it is the most important program in the world." I can imagine what special-interest pressures must come from States a little more liberal than my State of Utah. We all must resist them.

I repeat, that necessary certainty in defense funding levels can be maintained only by separate funding and separate caps on domestic and defense spending. The attempt to combine the two appropriations figures under one cap is nothing less than a smokescreen for allowing Congress to whittle down spending for national defense and use it for programs to please the special-interest domestic constituencies that all of us have.

That, however, is contrary to the first constitutional responsibility of the Federal Government to provide for the national defense.

Thus, I strongly urge my colleagues to defeat this amendment. Our defense budget should not become the source of, should not pay the bill for, a myriad of election-year programs. That is what this plan would do, for it would take $27 billion from our defense requirements to fund many programs that, frankly, we could do without, if we would.

So I strongly urge my colleagues to defeat this amendment. If it is not defeated, I fear we will face the consequences in an international embroilment. It is time for us to recognize that we have an obligation to keep this Nation, the freest of all nations, free and secure so that, for a change, we can export democracy rather than fighting defensive battles because we are weak and because we have allowed our strength to erode. No action has ever achieved democracy or freedom based on weakness. We have only been able to maintain freedom because we have been strong. Unfortunately, we are in danger of losing the minimum strength President Carter said we need to maintain our national security interests.

We must do what is right for the national security interest. If we do not, we will pay a heavy price in the years to come.

Mr. ANDREWS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. ANDREWS. Mr. President, I have listened to some of this debate for the past few moments and it sounds like, "Trust me once again and everything will turn out wonderful."

This Senate in the last 3 years has turned the whole concept of a Budget Committee into a charade. We have passed 3-year budget after 3-year budget, and the deficit reduction is always in the third year and it is never realized.

Mr. President, a group of us are concerned about these deficits. Hopefully more people will join us in this concern, if for no other reason than the fact that the prime is going up and a number of other factors indicate we must get these deficits under control.

Mr. President, I rise as a cosponsor of this amendment because I strongly believe we have to find a viable alternative to the leadership plan.

Our amendment improves on the leadership plan in that important area of deficit reduction by more than 10 percent in budget authority. I would like to see even more budgetary restraint. But if this is the limit of savings that this body will accept, Mr. President, then we must at least accomplish that.

Let me make the point that there is blame aplenty, Mr. President, to go around, and we all share it. The administration, the Congress and the general public as well. We have done an inadequate job of addressing this deficit problem. This is certainly no time for business as usual.

Our amendment has another important element in addition to deficit reduction. It provides flexibility to administer the appropriate accounts under the jurisdiction of this Congress. Flexibility is necessary in order to examine appropriated programs in a responsible manner. I believe we can exercise this responsibility while also imposing budget reductions via an overall cap on both defense and nondefense discretionary spending.

Everyone knows that nondefense discretionary programs have borne the brunt of budget reduction during the past several years. This has occurred not because America's transportation infrastructure, for example, is less important than other budgetary expenditures. This has occurred not because investment in health care research is not important. Not because the investment in education is not important. It has occurred because nondefense discretionary programs are easier to cut.

Frankly, Mr. President, in the last 3 years we have done the maximum job of cutting those programs that are not spending programs as much as they are investment programs. As a farmer, an analogous action would be that we are destroying our seed corn and that is not a very prudent thing to do.

I say that if we must continue to cut discretionary programs then let the bloated defense budget be cut as well. In our convoluted budget language when we speak of defense cuts we are really speaking of lower defense increases. I believe that a majority of this body believes that a reasonable defense spending is a 4-percent real increase. This is an increase that our amendment contemplates. This defense number would allow us to raise nondefense discretionary spending to baseline projections, which would carry current programs into the future with no policy action. A freeze in this area by the leadership plan would actually cut certain programs. These cuts would be in necessary and important programs such as child nutrition, while at the same time the leadership plan increases defense spending by 7.6 percent, plus inflationary growth. Not nearly as much, may I point out, as the Hollings-Andrews amendment, but certainly far better than the leadership plan.

We have made respectable progress for an election year in considering the critical deficit problem—not as much progress as I had hoped, and certainly not enough to solve the problem. But now we stand on the threshold of not

responding to the issue in a responsible manner and not having sufficient spending cuts to accompany our huge tax bill. This is a compromise which imposes budgetary discipline while allowing the Appropriations Committee to maintain its legitimate role in the legislative process.

(Mr. ABDNOR assumed the chair.)

Mr. ANDREWS. I hope, Mr. President, that thoughtful Members on both sides of the aisle will take a look at this as perhaps the last alternative, the last chance to effect a greater deficit reduction that we are going to have in this debate on this important budget resolution. I hope that my colleagues, looking at it that way, will join in support of it.

I yield the floor, Mr. President.

Mr. CHAFEE. Mr. President, I think the points that the Senator from North Dakota made are very valid. I particularly stress the point that this measure before us this afternoon is, as the Senator from North Dakota said, a deficit reducer. Everybody in this body goes home to give stirring speeches on the wickedness of the deficit. So with a lot of huffing and puffing, we are working at getting the deficit down. We had a proposal in the Chiles amendment to eliminate indexing, but it cannot be passed. Other amendments changing the COLA's cannot pass. They are trounced. So here we come up with a modest step.

This is not going to solve the problems of the world. Nobody is suggesting that. But at least it is a little indicium that something more than the so-called basic reduction plan can be improved upon. So we come into the $17 billion addition to the deficit reduction package. That should be considered.

What has just happened to the prime rate? It went up a half point, and that is not the end of it. I do not think anybody would take any wagers that that is the end of increases in the prime. So, Mr. President, on that basis alone, this amendment deserves to be passed.

I wish to discuss for a minute the remarks made by the junior Senator from Utah. Apparently, if you are opposed to some additional spending, the name to call it is special interest. What one Senator is for is always for the good of the Nation; what the other is for is always the special interest. Well, I am not sure I can go along with that characterization.

Is being for education a special interest? Is that something peculiar to one State as, for instance, water projects might be to the West? Of course it is not. Education is not a special interest. That is a general interest. It is a national interest.

Is being for health, for the women, Infants, and children's nutrition program—is that a special interest program? Are a group of poor women coming up here and saying, "We shall give to your PAC if you will come around and help us with the WIC program?" What nonsense. Of course, that is not so.

When we do something for the health research program, is that a special interest program? I think not. That is a general interest program.

So, Mr. President, I think we had better be careful about characterizing the other fellows' programs as special interests and the ones we are for as in the national interest.

I should like to review, if I may, the statistics given to us by the distinguished chairman of the Budget Committee. Everybody has to be very careful when they use statistics, first of all, as to what period they are starting from. What is your base? His statistics showed a very large increase in nondefense spending. During what years? They were 1970 to 1984, that is true. No one would quarrel with his figures. But let us just take from 1980, let us take during this administration, when tremendous effort has been made to reduce the budget while minority defense. How does it come out? Well, let us look at it.

Spending for education, 1980, $14.5 billion; 1984, $15.4 billion—nearly $1 billion increase in 4 years. But what happened to inflation in that time? Inflation made those dollars in 1984 worth 21 percent less than the total appropriation in 1980. Meanwhile, what has happened to defense? Defense has gone up some 90 percent, darned near double. That is what we are talking about here, this afternoon.

Mr. President, no one is cutting defense to ribbons. Defense under our program comes out with a 4-percent real growth. That is not putting them on too tight a leash. After all, last year was 3.5 percent. So who can say giving them 4 percent real growth is all that bad?

What do we do for the nondefense programs, the nondefense discretionary programs? Do they go out of sight? Now, they proceed along what we call the Congressional Budget Office baseline. That baseline takes into account inflation, and increases in program pursuant to legislation already enacted.

These increases are figured into the baseline. But in defense, we do not give just inflation; we give 4 percent real growth, 4 percent after inflation.

So, Mr. President, I submit the proposal before the Senate this afternoon is a very good one. What it does is reduce the deficit; it takes care of some of the nondefense discretionary programs, not increasing them, merely seeing that they continue along after inflation at the same rate. It increases defense over and above inflation. I hope my colleagues will vote for it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DOMENICI. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed the call of the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Is there objection?

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed the call of the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I think we have before us now the whole question of what is going to happen to the budget and the economy.

We are considering a matter that does not go as far, frankly, as this Senator thinks we should go. I think we ought to be doing more to balance this budget. Instead of that, we are being called upon to accept this package, a wrapped-up total consisting of $148 billion over a period of 3 years, when the deficits during that same period will be about $600 billion.

Frankly, I think that is de minimis.

The amendment that was turned down the other day would have made a greater inroad on that deficit, a substantially greater inroad. It failed on a vote of 49 to 49. Today we have before us an amendment that does not go as far as the Chiles amendment went, but it does make some significant movement in the direction of getting closer to balancing the budget.

The realities that we face at the moment are that interest rates are rising and the President of the United States is saying that rising interest rates have nothing to do with the deficit. As we well know, even when he was speaking to the homebuilders, a group that was very supportive of him, they had difficulty in comprehending that.

Interest rates are at 12.5 percent prime. The best minds are indicating on the TV tube that they are going up

to 13 percent, to 13.5, to 14 percent. The one man in the administration who had indicated that the Federal Reserve Board was acting appropriately is no longer in the administration. We find there is a casual indifference to balancing this budget. Yet the Nation is calling upon us in every segment of the economy. They are aware of the fact that the budget should be balanced. Nobody really believes that we can do it overnight. Many of us believe that it is possible to do much more than we are doing.

And yet the rose garden proposal that we have before us this afternoon is merely a drop in the bucket.

Time magazine pointed out on March 5 in a speech outlining his economic program soon after he took office, Reagan dramatized his concern about the national debt, then approaching $1 trillion, by noting:

> It would take a stack of $1,000 bills 67 miles high to equal that total. When he brought out his new budget this month, Reagan failed to mention that his deficits would push the debt to $1.8 trillion by next year, to raise the stack of $1,000 bills to more than 125 miles.

What is happening with the deficits running at the rate that they are is that the dollar is strong and, as a consequence, the American people are indirectly subsidizing the cost of the Japanese autos when they are sold in this country to the extent of $1,000 to $2,000 each.

That does not have an impact only upon the autoworker; that has an impact upon the entire economy. It has an impact upon the steelworkers who, if they were working autos in this country, would have jobs. It has an impact upon the rubber workers; it has an impact upon the glassworkers; it has an impact across the board. Yet we come here today with a proposal to balance the budget with some plan that has the totality of $48 billion in it.

Really, Mr. President, the Senate has two questions before it: Are we ready to act to reduce deficits in a substantial and meaningful way? Have we learned anything from the past 3 years during which we have seen soaring deficits, the advent of $1 billion a day defense budget, an all-out assault on this Nation's social programs, and the worst recession in postwar history? Hopefully, the answer to both these questions is in the affirmative, but this Senator doubts it very much.

Clearly, we can no longer pay the price of inaction. Interest rates are up, our trade deficit may hit $100 billion this year. Interest payments have become the fastest growing section of the Federal budget and the CBO says we face $1 trillion in deficits over the next 5 years unless we act.

Mr. President, I think we are ready to act. I think there are many of us in Congress who want to do something about the deficits. But judging from the so-called compromise budget, I really wonder. Keep in mind that this is the budget which the President worked out with his own party. It is his budget and it is the Baker amendment we have before us today that really is a drop in the water as far as achieving the objective of putting out the fire of deficits in this country.

Any budget that we have must meet three very basic criteria. One is fairness: Does it treat all Americans equally? Does it distribute the burden equitably? Does it avoid placing the heaviest burden on those least able to bear it?

The second criterion is effectiveness. Will the budget plan put a real dent in deficits, which will grow by over $1 trillion in the next 5 years unless some action is taken?

The third criterion is this: Are we proposing a solution which is proportionate to the cause? In other words, does the budget plan respond to those tax and spending policies which cause these massive deficits in the first place?

Using these criteria, the Republican package is a total failure. Take the criterion of fairness and where the President's policies have gotten us to date. The CBO report released on April 2 puts this issue in the sharpest perspective. Combining the tax cuts with the budget cuts, families with less than $10,000 income—that is about 24 percent of all the households in this country—suffer a net loss of over $1,000 during the period 1983 to 1985. But American families with incomes of $80,000 and over, which amount to about 1.6 percent of all the households, have a net gain of $24,270 over the 3-year period.

Arguably, this President has attempted the greatest redistribution of wealth from the poor to the rich in American history. Unfortunately, in doing so, he seems to be totally indifferent to the suffering that is causing so many Americans, to the problems that so many Americans have in sending their children to college, to the concerns which Americans have with respect to the opportunity to buy a home.

Where is the element of fairness? Where is the element of fairness, Mr. President? Judging from the President's so-called compromise, we have not learned much about the element of fairness over the 3-year period. The White House plan, worked out with congressional Republicans, calls for $35 billion in social cuts for fiscal year 1985 through fiscal year 1987. Keep in mind, Mr. President, that that is on top of $204 billion in cuts over this same period beyond which Congress has already enacted as part of the Reagan program.

The nondefense cuts would be over 50 percent larger than those in the original administration budget unveiled on February 1. The "freeze" in nondefense discretionary programs would result in real reductions in these programs since funding would not keep pace with inflation. For example, freezing appropriations for the special supplemental food program for women, infants, and children—the so-called WIC program—would require that 200,000 low-come pregnant women, infants, and children at nutritional risk be removed from the program and have their prescription food supplements cut off.

If funding is frozen for the compensatory education program for disadvantaged children (title I), 300,000 low-income children will lose remedial reading and math services.

A freeze on funding for low-income energy assistance would require either that energy assistance be terminated for 125,000 low-income households or that average grants be frozen while utility bills continue to rise.

And what about education programs. Under the freeze, they would be cut by $766 million next year.

Sure we have 50-percent unemployment among black teenagers, but that does not stop the President from supporting a $278 million cut in training and employment programs next year, or a $212 million cut in social services, or a $493 million cut in subsidized housing.

Grim as these examples may sound, they actually present an optimistic picture of what would happen under the proposed freeze. The reality would probably be more harsh. Under the White House plan, total spending for nondefense discretionary programs would be frozen—but the White House would continue to seek $4.5 billion in fiscal year 1985 increases for such nondefense programs as foreign military assistance, Energy Department weapons programs, aid for Central America, USIA, and the space program. If the White House secured any portion of these requested increases which seems quite likely, then funding for the remaining nondefense programs would have to be cut below freeze levels. For many domestic discretionary programs, the so-called freeze would likely turn into a very sizable cut.

Clearly, this plan fails the test of fairness. It simply goes back for yet another whack at the domestic discretionary budget and at those who have already borne more than their fair share of the burden.

Leaving aside the question of fairness, how effective is the White House Republican plan. Not very. According to the CBO, it reduces deficits by only $89 billion over 3 years and—worse still—it leaves the deficit on an upward track.

One of the major reasons this plan fails is that it fails to raise any more

revenue than the $48 billion contained in the finance bill.

The $48 billion proposed for 3 years would recoup only 10 percent of the revenue loss resulting from 1981 tax cuts over fiscal years 1985–87. Compared to the $73 billion revenue mark in last year's budget resolution, it falls $25 billion short, $48 billion is less than half of the approximately $115 billion in revenue increase for the same years contained in last year's Reagan budget.

The other reason this White House Republican plan fails to deliver sizeable deficit reduction, is the massive defense increase it contains.

With a $35 billion jump in budget authority for fiscal year 1985, this is really nothing more than a massive increase in defense spending trying to masquerade as a cut.

When a $35 billion increase is termed a cut by the President—and he gets away with it—we know we are in trouble.

In many ways, the American people must feel as though they have been snookered—and no wonder.

Listen to David Stockman in the Fortune magazine article of February 6, 1984:

> Congress and the Defense Department are really fighting on the margins. The battle over increasing defense spending was settled in 1981, once the big defense budget was approved and ratified by Congress.

The question is: Are the American people locked into this billion-dollar-a day defense budget which the administration will have by 1987, if its so-called compromise is accepted?

Over the last 4 years we have spent $800 billion—the Republican compromise wants another trillion dollars for defense over the next 3 years. By 1985, they will have succeeded in doubling the defense budget of 1980.

When are we going to say enough is enough and try to get control of a defense budget that has run amuck.

Does anyone really believe the American people want us to spend: $12,500 on defense for every household in America over the next 3 years? $100 billion a year on 360 foreign military bases; $139 million a year on military bands; $14 billion over 5 years on the MX missile; or $110 for a 4-cent diode or $2,000 for an aircraft engine seal which costs $647 when purchased directly from the manufacturer.

I do not think so. We must regain control over a defense budget that has become the runaway train of the Federal Budget.

This year is critical. If we do not act now, it may well be impossible. Two developments cause great concern:

CBO says that in 1984, prior year outlays made up 34 percent of the defense budget—an indication of how much of this budget has slipped from our control due to increases approved in the budgets of prior years.

Recent GAO report concludes that the current defense plan is likely to be understated by $173 billion to as much as $324 billion in the next 5 years—fiscal years 1984–88.

It is in this context, that we must evaluate the so-called Republican defense compromise which the President worked out with his own party.

How is it a compromise? Their own fact sheet, released on March 15, states that over 3 years, it gives the President 95 percent of what he asked for. It calls for a 3-year increase of 40.2 percent, instead of the 47 percent requested in February. This is what President Reagan means when he talks about a defense spending cut. A $35 billion increase in budget authority in 1985. Since when is a $35 billion increase a cut?

CBO states that the proposal will actually add $7 billion to the deficit. So defense does not contribute one penny to deficit reduction under the Republican plan.

Let me put it another way. Real defense increases during the next 3 years—that is, increases over and above inflation—total $131 billion under this plan—larger than all the domestic spending cuts and all of the revenue increases provided by the Republican plan. So deficit savings—as inequitable as they are—are being swamped again by defense spending increases.

Americans will support more spending for military preparedness—but not for the multibillion dollar defense build up that sacrifices preparedness for every new weapons system which comes down the pike.

The other criterion we must keep in mind in judging this Republican plan is the criterion of proportionality—making sure our solution is tailored to the cause.

DEFICIT REDUCTION PLANS

We cannot act like the last 3 years never took place. This is what the so-called freeze plans really do.

PG. 115 of CBO report: "Baseline Budget Projections." This table shows how we have accumulated the deficts. It is entitled "Effect on Deficits of Policy Changes Since 1981."

The table shows that through 1989: Taxes have been cut adding $1,097 billion to the deficit. Defense increased adding $317 billion to the deficit—above 3 percent real growth—social programs cut by $491 billion reducing the deficit by this amount. But to what purpose, social programs were gutted just to pay for a portion of the tax cuts and defense increases. But the point remains the social budget has taken its share of the cuts. It has been cut by over $200 billion during the very period we are discussing here today: Fiscal year 1985 through fiscal year 1987.

In the President's own budget message it said:

> Domestic spending will actually be lower this year than it was in 1981.
>
> The rapid growth of means-test entitlements has been curbed.

And listen to Mr. Stockman in his Fortune interview:

> The domestic budget is not growing seriously in real terms. Nobody is liberalizing entitlements anymore. After a period of unremitting expansion in domestic spending, we have had zero real growth since 1980—leaving aside defense and interest.

So what are all these freeze plans saying? Why advocate cuts of $20 to $40 billion from the discretionary domestic budget and entitlements? Why do you refuse to go to the source of the deficits: Defense and taxes?

Tax cuts and defense increases caused this massive deficit. Why cower from the fact. Why go after the easy hits. Why go after programs that help the poor. These proposals make the poor and elderly pay even more for the tax cuts for the rich and for the defense increases.

You cannot assume that all types of Federal spending are equally responsible for the record deficits. This is simply not the case.

Over 1985–87, tax cuts will add $448 billion to the deficit; defense will add $132 billion to deficit; social cuts $204 billion from the deficit.

Let us make our solution proportionate to the cause. The domestic budget did not cause these deficits for God's sake, defense increases and tax cuts did. We have already cut food stamps, education, and job training to help finance a billion-dollar-a-day defense budget and tax breaks for the wealthy. Let us not continue to throw the burden of these disastrous fiscal and economic policies on those least able to afford it.

The last point I would like to make concerns Presidential responsibility.

The President has again, this year, placed himself in the thick of the congressional budget process.

Last year, the whole process collapsed under the weight of his objection to increased revenues.

This year, we hear that the defense and revenue numbers in the plan that the President negotiated with his own party in Congress are the bottom line. He can not be moved an inch.

Well, before we examine this Republican plan and others that may be offered, I would just like to make an appeal for Presidential responsibility. We have not seen much of that as far as the budget is concerned. But Ronald Reagan certainly had a strong concept of Presidential responsibility in 1980. Then, he went on television and said:

> Mr. Carter is acting as if he had not been in charge for the past 3½ years: as if someone else was responsible for the largest deficit in American history; and as if someone else was predicting a budget deficit for this fiscal year of $30 billion or more.

What we would not do for only a $30 billion deficit today. I wish the President would show some of that responsibility he so glibly demanded back in 1980. He can do that by letting the Senate proceed, unfettered, to produce a real plan to reduce these deficits because the so-called Republican compromise is a fraud—it is business as usual—yet another inequitable installment of Reaganomics.

Mr. President, I yield the floor.

● Mr. LEVIN. Mr. President, I will vote in support of the Chafee substitute to the Baker deficit reduction amendment. I believe that the Chafee substitute is an improvement over the Baker amendment because it would result in a somewhat smaller deficit in fiscal year 1987 than would the Baker amendment which has been endorsed by the President. In addition, the Chafee substitute would provide the opportunity for a more appropriate mix of defense/nondefense spending cuts. Whereas the President's plan would allow for 7 percent real growth in defense in fiscal year 1985, the Chafee substitute, although not mandating it, would be consistent, for instance, with a 4-percent real growth in defense spending. Furthermore, the Chafee substitute is consistent with a higher level of funding for health, education, and environmental programs, than provided for by the Baker substitute.

However, I have to hasten to add, that I do not believe that the Chafee substitute goes nearly far enough in reducing the deficit. I have voted for plans which would have reduced the deficit substiantially more than the Chafee plan. But those plans were defeated. Those plans particularly the Hollings freeze plan—would have done more toward reducing interest rates. Reducing interest rates is critical to continued economic recovery. With unemployment in my State of Michigan still over 10 percent, we simply cannot allow that recovery to stall out. The Chafee substitute is a very small step in the direction of preventing that from happening. But it is a larger step than would be taken by the alternative Baker amendment.●

Mr. PELL. Mr. President, I strongly support the amendment to the deficit-reduction package offered by my distinguished colleague from Rhode Island, Senator CHAFEE.

This amendment would greatly improve the deficit-reduction proposal before the Senate.

It would increase budget savings by $16.7 billion in budget authority and $7.4 billion in spending over the next 3 years.

While maintaining an overall budget cap, the amendment would give the Senate Committees and the full Senate full freedom to adjust budget priorities within that budget cap, between defense and nondefense spending and among nondefense programs, each year. In that regard, the amendment releases the Senate and the Congress from a totally unnecessary fiscal straightjacket.

The amendment achieves a lower overall budget cap by adopting nonbinding assumptions that defense spending will be increased at a lower rate and that nondefense spending will follow increases based on the estimates of the Congressional Budget Office.

Under these assumptions, funds for defense spending would be $36 billion less than under the Republican leadership plan, and nondefense spending would be about $20 billion more than under the leadership plan. Although those assumptions are not binding on the Senate, I believe they more closely reflect the requirements of our national priorities.

Mr. President, I have cosponsored, with Senators BRADLEY and STAFFORD, an amendment that would have made room within the nondefense spending cap for additional funds for high-priority education and health research programs.

The amendment offered by Senator CHAFEE achieves the same purpose and, if it is adopted, we will not be offering that amendment.

I commend my colleague from Rhode Island for presenting this amendment to the Senate. I intend to vote for it and I urge my colleagues to do likewise.

Mr. BAKER. Mr. President, I have discussed this with the minority leader and the managers, so I am hopeful that no one is surprised. I see the offerer of the amendment and the principal supporters of it. Before I move to table, which I shall do in a moment, I would like to make these remarks.

Nobody said that this would be a rose garden, if everybody will pardon the expression. But everybody said who chose the leadership of the Senate that, one way or the other, the responsibility of the leadership is to lead. It has not been very long ago when the principal contention was that Congress insisted that we not wait until next year before we try to address the question of the deficit, that we do it this year, even though that seemed like an unlikely prospect in the shadow of a presidential election and the congressional elections around the country.

I can recall speeches on this floor to the effect that an effort should be made to convince the President that we ought to go forward notwithstanding and put together a package that at least would be a measure of our good faith in addressing this serious question.

Mr. President, I took that to heart and so did others. The initial effort to approach the matter on a bipartisan basis, for many reasons, did not prosper.

Then I made another decision. That was to go forward nonetheless and see if we could work out an arrangement on this side of the aisle with our President to produce a package that was significant to reduce the level of budgetary deficits as projected by our committees. Involved in those negotiations were, in addition to myself, the chairman of the Committee on the Budget, of course, the chairman of the Appropriations Committee, the chairman of the Armed Services Committee, the chairman of the Banking Committee, the chairman of our conference, and the chairman of the Finance Committee. What really resulted from that, Mr. President, was an interesting dynamic, that while everybody agreed that we ought to do something, nobody could agree on how it should be done initially.

Some said, "We will have to raise more revenue." Others said, "No, we will not raise more revenue until we cut spending." Some said, "It has to come out of defense." Others said, "Not until we make a corresponding reduction in nondefense."

Some said, "It doesn't make any difference at all, because no matter what you do under the Budget Act, you will put two straws in the same soda, and whatever you need for one, you will pump out of the other, a single cup."

We have done that, Mr. President, and then stood on the floor and said, "But we stood by the budget resolution. We were within those numbers." And that is true. But what we needed in one account, nondefense discretionary, we put in the defense account, and we were still in the budget.

That was another element injected early on in these negotiations, the concept of a dual cap, and that is an absolute statement of the numerical figure for defense and nondefense appropriations—not for 1 year, not as an objective, as would be the case under a budget resolution, but as a statutory enactment for 3 years, for a total savings of about $150 billion.

I have said on the floor before that I do not think anybody really likes it. The distinguished chairman of the Armed Services Committee, Senator TOWER, protested vigorously that the defense number was too low. He had some pretty staunch allies—the President, the Secretary of Defense, and a number of others in the Cabinet room in one of the several meetings that were conducted.

For a while I thought we would never make any progress on the defense number. Finally, we got down from $313 billion to $299 billion. I thought, "My goodness, we really are making progress." But then it was clear that the only way that could be done was if the defense cuts were in

tandem with corresponding and commensurate cuts in nondefense; and if you were going to have increased revenue, enhanced revenue, new taxes—by whatever name—you were going to have to cut that with a reduction in expenditures as well.

So was born a package, after, as I recall, four meetings and more than 9 hours of head-to-head, hard negotiations, involving, in every one of those and to the full extent in every meeting, the President of the United States. I do not recall in my tenure ever having a President of the United States negotiate for 9 hours with anybody in the Senate—or, I suspect, in the House of Representatives.

The only reason I am saying this is that I want the record to show, and I want my colleagues to recall, that we have come a long, long way from the early, learned pronouncements in the press and on this floor that nothing could be done in an election year, that it was impossible to do in the shadow of an election year, that whatever we were going to do would have to wait unit next year.

I came back here convinced that we had done an extraordinary thing and that we had a package that was worthy of support. Mr. President, I still believe that. In the course of the several votes that have occurred so far, the Senate has sustained that confidence.

However, we are faced now with another challenge by an amendment by my colleague from Rhode Island, who not only is an extraordinary Senator and qualified and capable in every respect but also is my friend, which would destroy the foundations of this agreement; because, as surely as it rests on its three legs—that is to say, corresponding reductions in defense and nondefense, corresponding increases in revenue based on reduction in expenditures, and the protection of the commitments we make by the dual cap system—as surely as it has three legs, the removal of one of those legs would cause the collapse of this package.

Mr. President, it is with reluctance, therefore, that in a moment I will move to table this amendment, and I hope it will be tabled. But if it is not tabled and if this amendment is adopted, I regret to say that I think this package is dead—indeed, that I would vote against it if it is so amended.

Mr. President, I move to table the Chafee amendment.

Mr. BYRD. Mr. President, will the majority leader withhold that?

Mr. BAKER. Yes.

Mr. President, may I yield to the Senator without losing my right to the floor?

Mr. BYRD. I do not want the floor under those conditions. I helped the majority leader in getting the debate ended on this side. I am interested in voting now.

I am motivated strongly to speak on this matter and respond to the majority leader, my friend, as a member of the Appropriations Committee, but I will put my speech in the RECORD.

I would like to see us vote now, but I want the floor in my own right. The majority leader knows that I am not going to take the floor and speak at any length, and he knows that when I relinquish it, he gets recognition.

Mr. BAKER. Mr. President, I know that, but I know as well that it is not an uncommon practice to protect my right to regain the floor. The minority leader has done it many time. He did it as majority leader. I have no quarrel with him. I do not doubt his word for one moment. But I hope he does not take umbrage at my exercising the same protection he has exercised many times before.

Mr. BYRD. Mr. President, I have a right to seek the floor in my own right.

I must say that too many times around here, the floor is fielded out. I have not said a great deal about it, but I do not like to have to take the floor under the conditions that the majority leader has laid down. I am not going to make any motions. I am not going to do anything to undercut the majority leader. When I yield the floor, he gets the floor. He gets the floor over me. That is his power of recognition.

Mr. BAKER. Mr. President——

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I do not seek the floor.

Mr. BAKER. Mr. President, it is not often that the minority leader and I find ourselves in this position, because we really have developed, I think, a personal and cordial relationship that has stood us in good stead in the management of the Senate over the last 3½ years. This matter is far too serious for me to stand on a technicality or for him to do so, I suggest.

Mr. BYRD. Mr. President, I have been in the Senate long enough to know what I have a right to do and what I do not have a right to do and what technicality to stand on what technicality not to stand on.

I hope the majority leader will proceed with the vote to table.

Mr. BAKER. Mr. President, I am not sure I will do that.

Mr. BYRD. The majority leader can do whatever he wants.

Mr. BAKER. I know.

Mr. BYRD. He can speak the rest of the day if he wishes, and so far as I am concerned, he can. I no longer continue the debate.

Mr. BAKER. I thank the Senator.

(Later the following occurred:)

Mr. BYRD. Mr. President, I ask unanimous consent to insert in the RECORD a statement in opposition to the motion to table the Weicker-Chafee et al. amendment, and that it appear as though read and appear just prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the amendment before us now, which supports the unitary appropriations cap, is not perfect. It would still alter the normal legislative process by writing into law the maximum amount to be appropriated for the next 3 years. The limit on appropriations is normally considered as part of the budget resolution, and then for only 1 year at a time.

However, this amendment is such a significant improvement over the two separate appropriations caps—one for defense and one for nondefense programs—as contained in the Republican leadership amendment, that I heartily endorse it.

The advantages of the unitary appropriations cap over the separate caps are several. First, it avoids tampering with the internal workings of the Appropriations Committee. Under the Budget Act, this committee has the responsibility for determining the allocation of budget authority among the programs under its jurisdiction, both for defense and nondefense. This amendment would allow that procedure to continue. The amendment offered by the majority leader, on the other hand, would strip from the Appropriations Committee the power to determine its own spending priorities.

There are two very important practical effects of this amendment. First, it would set a lower cap on appropriations than the majority leadership amendment, and would result in a $16.7 billion savings in budget authority over the 3 years. And I would remind my colleagues that budget authority is what drives outlays. So by reducing budget authority today, we are making a greater contribution to reducing the deficit in future years. This alone should cause many Members to support the pending amendment offered by Mr. CHAFEE, Mr. WEICKER, and others.

But there is a second important reason for adopting this amendment. It would preserve the flexibility to shift budget savings between defense and nondefense programs, something that the Republican leadership amendment would prohibit. By establishing only one cap, savings in defense spending could be transferred to education programs, or veterans health care, or other programs that are vital to the future well-being of this country, while still staying within the overall spending limit.

In stark contrast, the majority leadership amendment attempts to force the Congress to cut all nondefense discretionary spending, even if we

achieve savings in the defense area, and it cuts nondefense discretionary spending by an amount equal to the level of inflation for the next year. In other words, it does not even provide for an inflation adjustment for nondefense discretionary spending. Defense, on the other hand, is granted a full-inflation adjustment under the majority leadership's amendment plus an additional 7 percent.

So what the majority leadership amendment does in effect is pit education programs against law enforcement programs and veterans programs and health research programs, and it says that even if we save money by economies in the Pentagon, Congress cannot shift those funds into other accounts. I, for one, do not believe we spend too much on law enforcement and that law enforcement needs to be cut further. I, for one, do not believe that we spend too much money on education programs and that education programs need to be cut further. I, for one, do not believe that we spend too much money on veterans health care and that those programs need to be cut further. I do not believe that we spend too much money on economic development or coal research or flood control and that those programs need to be cut further.

Therefore, I strongly urge my colleagues to support the concept forwarded that economies which can be achieved at the Pentagon should be available to prevent further cuts in nondefense programs which the Baker amendment would require. The Chafee amendment reduces the deficit more than the Republican leadership plan, and it does so while preserving the flexibility to set priorities which surely belong to the Congress. For the past 3½ years, the Senate has been led around by the nose by the White House. The result is $200 billion deficits as far as the eye can see. Let us cast a vote today for an independent Congress where Members make decisions for themselves.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I move to table the amendment of the Senator from Rhode Island and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Rhode Island.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. HECHT) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland (Mr. MATHIAS) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—48

Abdnor	Hatch	Packwood
Armstrong	Hatfield	Percy
Baker	Hawkins	Quayle
Boschwitz	Heflin	Roth
Cochran	Helms	Rudman
D'Amato	Humphrey	Simpson
Danforth	Jepsen	Specter
Denton	Kassebaum	Stevens
Dole	Kasten	Symms
Domenici	Laxalt	Thurmond
Durenberger	Lugar	Tower
East	Mattingly	Trible
Evans	McClure	Wallop
Garn	Murkowski	Warner
Goldwater	Nickles	Wilson
Gorton	Nunn	Zorinsky

NAYS—46

Andrews	Dodd	Metzenbaum
Baucus	Eagleton	Mitchell
Bentsen	Exon	Moynihan
Biden	Ford	Pell
Bingaman	Grassley	Pressler
Boren	Heinz	Proxmire
Bradley	Hollings	Pryor
Bumpers	Huddleston	Randolph
Burdick	Johnston	Riegle
Byrd	Kennedy	Sarbanes
Chafee	Lautenberg	Sasser
Chiles	Leahy	Stafford
Cohen	Levin	Stennis
Cranston	Long	Weicker
DeConcini	Matsunaga	
Dixon	Melcher	

NOT VOTING—6

Glenn	Hecht	Mathias
Hart	Inouye	Tsongas

So the motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. BAKER. Mr. President, it is my hope that we will have at least one more amendment out of the way this afternoon. I have been trying to find out that amendment that is. I expect the Senate to go out about 6 or 6:30 p.m. But I hope there is time to do one more amendment, Mr. President. I understand the Senator from Oregon has something that he wishes to address, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

SOCIAL SECURITY DISABILITY REVIEW PROCESS

Mr. HATFIELD. Mr. President, I will not consume a great deal of the Senate's time today reiterating the disgraceful statistics associated with the social security disability review process. The manner in which the 1980 disability redetermination amendments have been implemented is now infamous. The crippling emotional and financial hardships borne by the hundreds of thousands of disability claimants who have been wrongfully terminated is already legendary. It is testimony to what happens when the Government is oblivious to the "human factor" in the budget-cutting process. In our enthusiasm to eliminate the elements of fraud and abuse in the disability claims process, we have cast an enormously broad net and, in the process, have swept up the lives of so many good citizens who were not defrauding the Government but were instead depending upon the Government to honor its commitment to them. Such a sequence of events is inevitable whenever the Government concentrates solely upon the bottom line and ignores the human lives, the victims of governmental caprice.

I hasten to add that the double standard which emerges from this analysis is repugnant to me and to the many citizens of my State. We see the Government explain away the tragic aftermath of the new disability review process as being the unfortunate "fallout" of efforts directed at eliminating waste and abuse. But where is that same sense of fiscal responsibility when it comes to the hunderds of billions of dollars spent each year at the Pentagon? Why is the same administration which is attemping to cut costs in the social security disability program not similarly dedicated to cutting expenditures for weapons systems and related expenses?

There are no answers to these questions because there is a double standard at work here. And here is how that double standard operates: it says that it is all right to knock 470,000 people off the disability rolls, even if over 200,000 ultimately will be reinstated, provided we can save some money in the meantime; but do not touch the defense budget by one penny because you just never can be too safe.

Mr. President, I submit that this double standard is patently absurd. We have the military capability to blow up the world several times over, and yet we are marching on with weapon system after weapon system. The Pentagon spenders cannot get enough money. They cannot have large enough staffs. And how must our Government compensate for the blank check it grants the Defense Department each year?—by cutting back the dollars it devotes to every other Federal program and, if necessary, by detraying individuals rightfully entitled to social security benefits. That is how the double standard plays out. And in the case of crippled persons or individuals suffering from mental disease or defect, the double standard this administration employs to cut costs has been particularly cruel.

Recently I received a letter from an attorney in Portland. He shared with me four case studies involving individuals who died with disabling conditions after being denied social security benefits or having ongoing benefits terminated. These cases, and the hundreds of similar cases across the United States, are testimony to how deadly the military tradeoff, how the administration's double standard, plays out in the streets of America. I would like to hear some administration official explain to those families that it was necessary to deny benefits to their beloved and that, at the same time, it was necessary to pour several hundred billion dollars into the defense accounts.

Mr. President, for the benefit of my colleagues, I would like to introduce into the RECORD the letter to which I referred moments ago. Perhaps it may be of assistance to those deliberating the merits of remedial legislation in this area to consider the four cases cited in this letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 20, 1984.

Senator MARK O. HATFIELD,
Washington, D.C.

DEAR SENATOR HATFIELD: I am an attorney in Oregon, the Director of the Lewis and Clark School of Law clinical program, and the Chairman of the Board of Directors of Multnomah County Legal Aid Service. I receive no funds for my services from the Legal Services Corporation, but through my perspective on the board I am familiar with the work of our Legal Aid Program.

It has come to may attention that four clients of Legal Aid have died of disabling conditions after being denied Social Security benefits or having ongoing Social Security benefits terminated. I thought their circumstances might be of interest to you with respect to your consideration of pending Social Security legislation.

Case number one: The claimant had been receiving SSI benefits since 1974 based on heart disease, and had undergone triple bypass surgery. He was terminated in April of 1983 on the theory that he was able to do "sedentary work" and could return to his former employment as an architectural draftsman. At his ALJ hearing the claimant and his witness, a building contractor foreman, testified that he was unable to return to such work. The only evidence on medical improvement, required under *Patti* v. *Schweiker*, was the treating doctors testimony that the client had not improved. The ALJ opinion, issued in late March, gave no reason for rejecting the testimony, made no finding that the claimant or his witness were not credible, but nevertheless upheld the termination. By the time the opinion was issued (March, 1984), the claimant had died of a heart attack.

Case number two: This client had applied for SSI benefits on grounds of mental illness, and requested Legal Aid's assistance after losing at the reconsideration level. The client committed suicide within the last two weeks while awaiting his ALJ hearing.

Case number three: This claimant had applied for SSI and Title II benefits on grounds of chronic depression, suicidal ideation, and alcholism. He had also requested Legal Aid's assistance after losing at the reconsideration level on the theory that he was "capable of dealing with routine stresses found in most jobs." He committed suicide in October of 1983 while awaiting his ALJ hearing.

Case number four: This recipient was terminated from his Title II grant, which was based on pancratitis, cirrhosis, psychiatric disorder, and alcoholism. The cessation of benefits was based on the theory that his range of motion was good and that his histroy of liver damage due to alcohol abuse was not coupled with end organ damage. He died several weeks before his ALJ hearing, which was scheduled for late April of 984.

Sincerely,

RICHARD A. SOLOTTEE.

Mr. HATFIELD. But let me caution my colleagues. Regardless of what legislation Congress enacts to fine tune the administration of the social security disability review process, the double standard which I have outlined today will not go away. Indeed it will rear its head again and again. The next time it may arise in the context of funding for low-income housing or Indian programs or job training or energy assistance. I can think of hundreds of potential victims of this deadly double standard, of the military trade off. The painful truth is that as long as Congress continues to feed the Defense Department in gluttonous portions, all other programs will continue to go hungry.

It is my hope that when Congress takes up social security disability review legislation, it will debate as well how inhumane our current commitment to defense spending is in the face of real human suffering and need. Once the public understands that the trade off for monumental defense expenditures is unmet human needs at home, it will be swift in reordering the spending priorities that today care more for the sustenance of the military machine than for the sustenance of its citizens most in need.

Mr. BAKER. Mr. President, it is my understanding that either the Senator from Minnesota or the Senator from California is prepared to offer an amendment.

Let me say that the information I have is that there will be a rollcall vote on one or the other of these amendments, which will be pretty soon.

Mr. President, I am advised it is possible we will have a rollcall vote. I will confer with Senators to see what shape we are in on absentees. But, in any event, Senators should be on notice of the possibility of another rollcall vote.

I yield the floor.

MISCELLANEOUS TARIFF, TRADE, AND CUSTOMS MATTERS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3055

(Purpose: To require the provision of compensation for the additional direct costs incurred by State and local governments in complying with intergovernmental regulations promulgated under significant Federal laws, and for other purposes)

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ARMSTRONG). The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mr. WILSON) proposes an amendment numbered 3055.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment 3027, insert the following:

That this Act may be cited as the "Intergovernmental Regulatory Relief Act of 1984".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) Federal regulation of State and local governments has become increasingly extensive and intrusive in recent years;

(2) such regulation has, in many instances, adversely affected State and local governments by placing excessive fiscal burdens on such governments;

(3) such excessive fiscal burdens have weakened the foundation of the Federal system of government; and

(4) a lack of adequate fiscal resources to carry out necessary Federal regulation of State and local governments has delayed and obstructed the achievement of Federal goals.

(b) Therefore, it is the purpose of this Act to establish procedures to—

(1) assure that the Federal Government pays the total amount of additional direct costs incurred by State and local governments in complying with any intergovernmental regulation which takes effect on or after the date of enactment of this Act;

(2) assure that the burden on State and local governments resulting from compliance with intergovernmental regulations in effect before the date of enactment of this Act is reduced to the minimum level consistent with achieving major national objectives; and

(3) assure that the Federal Government ultimately pays the total amount of additional direct costs incurred by State and local governments in complying with intergovernmental regulations.

DEFINITIONS

SEC. 3. For purposes of this Act, the term—

(1) "additional direct costs" means the amount of costs incurred by a State or local government solely in complying with an intergovernmental regulation promulgated pursuant to a Federal law concerning a particular activity which is in excess of the amount that such State or local government would be required to expend in carrying out such activity in the absence of such law, except that such term does not include any amount which a State or local government is required by law to contribute as a non-Federal share under a Federal assistance program.

(2) "compliance reforms" means market oriented procedures to replace or supplement strict governmental monitoring and enforcement activities, including the establishment and enforcement of penalties for noncompliance with Federal regulations that reflect the degree of such noncompliance, and the establishment of procedures to permit compliance with State or local regulations in lieu of compliance with Federal regulations;

(3) "Director" means the Director of the Office of Management and Budget;

(4) "economic incentives" means the process of making price corrections in the marketplace through governmental fees or subsidies that encourage or discourage activities in accordance with public policies;

(5) "Federal agency" has the meaning given to the term "executive agency" in section 6501 (3) of title 31, United States Code;

(6) "Federal assistance" means any assistance provided by a Federal agency in the form of grants, loans, loan guarantees, property, cooperative agreements, or technical assistance to State and local governments or other recipients, except that such term does not include direct cash assistance to individuals, contracts for the procurement of goods or services for the United States, or insurance;

(7) "intergovernmental regulation" means a regulation promulgated by a Federal agency that requires a State or local government to take certain actions or requires State or local governments to comply with certain specified conditions in order to receive or continue to receive Federal assistance and which requires the termination or reduction of such assistance if such government fails to comply with such conditions;

(8) "local government" has the same meaning as in section 6501 (6) of title 31, United States Code;

(9) "marketable rights" means the process for allocating scarce resources through the establishment of rights that can be traded or sold among bidders, rather than through the distribution of resources through the issuance of permits by a Federal agency;

(10) "performance standards" means the criteria or goals that must be attained to comply with a Federal regulation, and does not include a detailed specification of the means of compliance;

(11) "significant law" means any Federal law which is likely, in the judgment of the Director of the Congressional Budget Office, to result in total additional direct costs to all State and local governments of $100,000,000 or more in any fiscal year, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government;

(12) "small government" means a government of a city, county, town, village, school district, or other special district established under State law which has a population of less than fifty thousand;

(13) "special provisions for small governments" means requirements for small governments contained in an intergovernmental regulation which are different from the requirements included in such regulation for other governments, and includes simplified compliance methods designed to reduce administrative burdens on small governments and reduced standards and modified compliance mechanisms which are proportional to the capabilities of small governments to comply with such regulation; and

(14) "State" means each of the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE I—REVIEW OF INTERGOVERNMENTAL REGULATIONS REPORT REQUIRED

SEC. 101. (a) Not later than thirty days after the date on which the President transmits a budget for a fiscal year to the Congress pursuant to section 1105 of title 31, United States Code, the President shall submit to the Congress a report specifying and evaluating the economic costs, noneconomic costs, and additional direct costs which have been incurred or which will be incurred by State governments and local governments in complying with intergovernmental regulations during the most recently completed fiscal year, the fiscal year in progress, and the first two fiscal years immediately succeeding the fiscal year in progress.

(b) Each report required under subsection (a) shall include—

(1) a list of each intergovernmental regulation in effect during each fiscal year for which the report is made and a citation of statutory and administrative authority for each such intergovernmental regulation;

(2) an estimate, for each such intergovernmental regulation, of—

(A) the total amount of economic costs, noneconomic costs, and additional direct costs that have been incurred or will be incurred in each such fiscal year by the government of each State and all local governments in such State in complying with such regulation in each such fiscal year; and

(B) the ratio (stated as a percentage) which the total amount of additional direct costs that have been incurred or will be incurred by all local governments in a State in complying with such regulation in each such fiscal year bears to the total amount of additional direct costs that have been incurred or will be incurred by the government of such State and all local governments in such State in complying with such regulation in such fiscal year;

(3) an estimate, for each such intergovernmental regulation, of the economic and noneconomic benefits that will be provided in each such fiscal year to each State government and all local governments in such State as a result of compliance with such regulation during each such fiscal year;

(4) recommendations for changes in laws and regulations that will reduce the costs specified pursuant to paragraph (2), or that will achieve a more favorable balance between the benefits specified pursuant to paragraph (3) and the costs specified pursuant to paragraph (2); and

(5) proposals for legislation, and a statement of planned administrative actions, to implement the recommendations specified pursuant to paragraph (4).

(c) In preparing the report required by subsection (a), the President shall consider the potential for reducing costs incurred by State and local governments in complying with intergovernmental regulations through the promulgation of intergovernmental regulations which use means such as performance standards, special provisions for small governments, marketable rights, economic incentives, compliance reforms, and simplified procedures to certify the compliance of Federal assistance recipients with Federal requirements.

PROCEDURES FOR PREPARATION OF REPORT

SEC. 102. (a) The President may delegate to the Director or to the head of any other Federal agency the responsibility for preparing the annual report required by section 101.

(b) In carrying out the provisions of this title, the President, the Director, or the head of a Federal agency to which a delegation is made under subsection (a), shall, after providing public notice and an opportunity for comment in accordance with section 553 of title 5, United States Code, prescribe standards to be used by Federal agencies in estimating the costs of compliance with, and the benefits provided by, intergovernmental regulations administered by such agencies. Such standards may be revised from time to time to reflect changes in relevant economic and social circumstances and advances in pertinent branches of knowledge.

(c) The standards prescribed under subsection (b) shall provide, to the extent possible, for—

(1) uniform categories of costs of compliance with, and benefits provided by, intergovernmental regulations;

(2) methods to be used by Federal agencies in compiling the information required to be submitted under subsection (d) which shall be designed to—

(A) minimize the costs that will be incurred by the State and local governments and the Federal assistance recipients from which such information will be collected; and

(B) ensure the collection of reasonably accurate information in a form that will be useful to States in complying with section 204(c);

(3) methods for preventing disclosure of information about individuals or businesses the confidentiality of which is protected under Federal law;

(4) procedures to be followed by Federal agencies in reporting the information required to be submitted under subsection (d); and

(5) such other procedures and guidelines as may be necessary for the implementation of this title.

(d) Each year, at a time prescribed by the President, the Director, or the head of the Federal agency to which a delegation is made under subsection (a), the head of each Federal agency which administered any

intergovernmental regulation during a fiscal year for which a report is required under section 101, shall prepare and submit to the President, the Director, or such agency head, a report setting forth, for each such regulation, the information required to be included for such regulation in the report required under section 101.

TITLE II—COMPENSATION OF STATE AND LOCAL GOVERNMENTS FOR ADDITIONAL DIRECT COSTS

COMPENSATION REQUIRED

SEC. 201. (a) A Federal agency or a court of the United States shall not require State governments or local governments to comply with, in any fiscal year, any intergovernmental regulation which takes effect on or after the date of enactment of this Act and which is promulgated pursuant to a significant law unless provisions of law have been enacted which provide a sufficient amount of funds for such fiscal year to reimburse such governments for the total amount of additional direct costs that will be incurred by such governments in complying with such regulation during such fiscal year.

(b)(1) For the fiscal year ending on September 30, 1987, and each of the succeeding fiscal years, a Federal agency or a court of the United States shall not require State governments or local governments to comply with, in any fiscal year, any intergovernmental regulation which took effect prior to the date of enactment of this act and which was promulgated pursuant to a significant law unless—

(A) provisions of law have been enacted which provide an amount of funds to reimburse such governments for the additional direct costs that will be incurred by such governments in complying with such regulation in such fiscal year which is equal to or in excess of the amount described in paragraph (2) for such fiscal year;

(B) provisions of law have been enacted revising the significant law under which such regulation was promulgated, and such revisions will result in the reduction of such additional direct costs for such fiscal year by an amount equal to or in excess of the amount described in paragraph (2) for such fiscal year;

(C) administrative actions have been taken which will result in the reduction of such additional direct costs for such fiscal year by an amount equal to or in excess of the amount described in paragraph (2) for such fiscal year; or

(D)(i)(I) provisions of law have been enacted which provide an amount of funds to reimburse State and local governments for such additional direct costs for such fiscal year which is less than the amount described in paragraph (2) for such fiscal year;

(II) provisions of law have been enacted revising the significant law under which such regulation was promulgated, and such revisions will result in the reduction of such additional direct costs for such fiscal year by an amount which is less than the amount described in paragraph (2) for such fiscal year; or

(III) administrative actions have been taken which will result in the reduction of such additional direct costs for such fiscal year by an amount which is less than the amount described in paragraph (2) for such fiscal year; and

(ii) the sum of the amounts described in divisions (I), (II), and (III) of clause (i) with respect to a fiscal year is equal to or in excess of the amount described in paragraph (2) for such fiscal year.

(2) The amounts referred to in paragraph (1) for the fiscal year ending on September 30, 1987, and each of the succeeding fiscal years are as follows:

(A) FISCAL YEAR 1987.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 10 percent.

(B) FISCAL YEAR 1988.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 20 percent.

(C) FISCAL YEAR 1989.—An amount equal to the product of the total amount of additional direct costs that will be incurred by state governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 30 percent.

(D) FISCAL YEAR 1990.—An amount equal to the product of the total amount of additional direct costs that will be incurred by state governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 40 percent.

(E) FISCAL YEAR 1991.—An amount equal to the product of the total amount of additional direct costs that will be incurred by state governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 50 percent.

(F) FISCAL YEAR 1992.—An amount equal to the product of the total amount of additional direct costs that will be incurred by state governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 60 percent.

(G) FISCAL YEAR 1993.—An amount equal to the product of the total amount of additional direct costs that will be incurred by state governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 70 percent.

(H) FISCAL YEAR 1994.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 80 percent.

(I) FISCAL YEAR 1995.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 90 percent.

(J) FISCAL YEAR 1996 AND SUCCEEDING FISCAL YEARS.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 100 percent.

(c) For purposes of this section, the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in any fiscal year shall be the total amount of such costs for such regulation estimated by the Director of the Congressional Budget Office in the report required under section 202 for such fiscal year.

REPORT BY THE DIRECTOR OF THE CONGRESSIONAL BUDGET OFFICE

SEC. 202. (a) For each fiscal year in which an intergovernmental regulation promulgated pursuant to a significant law will be in effect, the Director of the Congressional Budget Office shall prepare and transmit to the President and the Congress a report specifying, for such fiscal year and each of the two fiscal years succeeding such fiscal year, an estimate of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with such regulation in each such fiscal year.

(b) In preparing each report required by subsection (a), the Director of the Congressional Budget Office shall consider the estimates of additional direct costs for a fiscal year resulting from compliance with an intergovernmental regulation which are specified in the report submitted by the President under title I during the fiscal year preceding such fiscal year.

(c) The Director of the Congressional Budget Office shall transmit each report required by subsection (a) for a fiscal year to the President and the Congress by September 1 of the fiscal year preceding such fiscal year.

IMPLEMENTATION

SEC. 203. For each fiscal year in which an intergovernmental regulation promulgated pursuant to a significant law will be in effect, the chairman of the committees of the Senate and the House of Representatives having legislative jurisdiction over such significant law shall propose, to an appropriate bill or resolution providing funds for such fiscal year, an amendment containing provisions to appropriate funds to reimburse State governments and local governments for the additional direct costs incurred in complying with such regulation. The amount of funds proposed to be appropriated by such amendment shall be equal to or in excess of the amounts described in subsection (a), subsection (b)(1)(A), or subsection (b)(1)(D) of section 201, as the case may be.

PROCEDURES FOR REIMBURSEMENTS TO STATE AND LOCAL GOVERNMENTS

SEC. 204. (a)(1) The head of each Federal agency which administers an intergovernmental regulation promulgated pursuant to a significant law shall pay to each State government in each fiscal year the amount determined pursuant to this section to reimburse the State government and local governments in the State for the additional direct costs incurred by such governments in complying with such regulation in such fiscal year.

(2) A State government which receives payments under this section for reimbursement for additional direct costs incurred in complying with an intergovernmental regulation in any fiscal year shall pay to each local government in the State the amount determined pursuant to this section to reimburse such local government for the additional direct costs incurred by such local government in complying with such regulation in such fiscal year.

(b) The total amount to be paid to a State to reimburse the government of the State and local governments in the State for additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall equal an amount which bears the same ratio to the total amount for reimbursement of

additional direct costs for all State governments and local governments described in subsection (a), subsection (b)(1)(A), or subsection (b)(1)(D)(I) of section 201, as the case may be, with respect to such regulation for such fiscal year, as the total amount of additional direct costs with respect to such regulation which is specified in the report submitted by the President under title I for such fiscal year for such State government and local governments in such State for such fiscal year bears to the sum of the total amounts of additional direct costs with respect to such regulation which are specified in such report for all State governments and all local governments for such fiscal year.

(c)(1) The total amount to be paid by a State government to local governments in such State to reimburse such governments for additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall be equal to the product of the amount paid under subsection (b) to such State with respect to such regulation for such fiscal year multiplied by the ratio determined by the President for such State with respect to such regulation for such fiscal year pursuant to section 101(b)(2)(B).

(2)(A) A State government which receives payments under this section to reimburse local governments in the State for the additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall pay to each such local government an amount equal to the product of—

(i) the total amount determined under paragraph (1) with respect to such regulation for such fiscal year, multiplied by

(ii) the ratio (stated as a percentage and estimated by the State in accordance with subparagraph (B)) that the total amount of additional direct costs incurred by such local government in complying with such regulation in such fiscal year bears to the total amount of additional direct costs incurred by all local governments in such State in complying with such regulation in such fiscal year.

(B) Each State government which receives payments under this section for any fiscal year shall provide by law for the estimation of the amount of additional direct costs incurred by each local government in such State in complying with an intergovernmental regulation for which such payments are received. In providing for the estimation of such costs, the State shall establish procedures and methods for the estimation of such costs which are reasonably related to the actual additional direct costs incurred by such governments in complying with such regulation in such fiscal year.

EFFECT OF SUBSEQUENT ENACTMENTS

SEC. 205. No law enacted after the date of enactment of this title shall superseded the provisions of this title unless such law does so in specific terms, referring to this title, and declares that such law supersedes the provisions of this title.

TITLE III—MISCELLANEOUS

COST ESTIMATES

SEC. 301. Section 403(c) of the Congressional Budget Act of 1974 is amended by striking out "$200,000,000" and inserting in lieu thereof "$100,000,000".

Mr. WILSON. Mr. President, I rise to ask support for this amendment. The clerk's reading of the title may recall to some the letter from our colleague, Senator DURENBERGER, asking support for legislation which he has introduced entitled the Intergovernmental Regulatory Relief Act of 1984. This amendment is identical to the legislation introduced by my distinguished colleague from Minnesota earlier this year.

This legislation is designed to bring a greater measure of fairness to the entire process by which this Congress seeks to impose its will and its judgment upon the States and the local governments of this Nation. It seeks equity in the measure by which we bring that will to bear through Federal regulations imposed upon State and local governments.

Specifically, the intent here is to require Federal reimbursement for any additional costs incurred by State and local governments in complying with new Federal regulations.

Mr. President, this legislation, I am sure, will make great sense to any of my colleagues who have, in their experience, some time spent in State or local government. I have had the rich privilege of serving at both the State and local levels. Many times in my capacity as a State legislator, and even more as mayor of a large city, I have questioned the judgment of my brethren at the Federal level. Many times I must confess to having expressed deep resentment at their having imposed not only their judgment but the cost of their judgment upon my local taxpayers.

The principle involved here, simply stated, is that the National Government bears some responsibility to fund duties and requirements it chooses to impose upon State and local governments. This position has been strongly endorsed by many State and local government officials.

In my own State, similar legislation was enacted, Senate bill 90. I must say that the sins of which we have been guilty at the Federal level have been repeated at the State level in terms of foisting upon local governments requirements by State legislatures without the benefit of their duties being accompanied by adequate funding.

Some years ago this finally became intolerable in California and the State legislature, to cure its own sin, enacted what was then called Senate bill 90, and it said very simply that the States shall no longer impose new duties upon local governments without providing the funds for the performance of those duties.

Mr. President, I realize that this idea of full reimbursement to State and local governments could present a series of difficult fiscal and administrative problems for the Federal Government. I understand why at first blush many of my colleagues might find this approach a bitter pill to swallow, particularly now when we are almost obsessed with a discussion as to how we shall go about reducing deficits. That consideration is one we all share. It is a concern from which we cannot escape until, in fact, we have adequately reduced the existing Federal deficits.

But I submit, Mr. President, that having erred at this level we should not compound our error by not only running up our own costs, but indeed running up the costs of State and local government.

Let me say it simply: If, in our judgment, a particular responsibility is to be discharged at the State and local level is important enough for us to enact Federal legislation so as to require it, then it seems to me that if not just talking priorities, and not usurping the functions of those charged with the similar responsibilities at the State and local levels, then those things that we require of them, rather than the responsibilities they imposed upon themselves, should be accompanied by appropriate Federal funding.

Mr. President, it may be that this type of legislation will, in the long run, actually help reduce Federal fiscal problems.

In recent years, Congress has often responded to problems by issuing new regulations without providing adequate funding to carry them out. If we now require Federal reimbursement of Federal mandates it may be that we will reform our own lack of realism by working to slow further regulatory proliferation as well as bringing relief, much deserved relief, to those who labor at the State and Federal level.

In a period of Federal deficits, such a requirement would impose an obstacle to new enactments by those of us in the Congress.

Mr. President, recently the Advisory Commission on Intergovernmental Relations issued a report entited "Regulatory Federalism: Policy, Process, Impact, and Reform." I agree with much of the report. It cites in some detail, with many examples, precisely the kind of abuses of which the Federal Government has been guilty with the best of good intentions. I do not agree entirely with the recommendations of the report on the issue of reimbursement. Nevertheless, it may be helpful to close by quoting what the Commission had to say about its recommendations for full Federal reimbursement. I read from the report of the Commission on Intergovernmental Relations.

The Commission strongly affirms the principle of federal responsibility for mandated costs, but it has carefully tailored its recommendation to current budgetary realities and to the administrative difficulties posed by full reimbursement of all existing mandates. This recommendation is limited to costs imposed on state and local governments by future intergovernmental regulations. This restriction avoids excessive im-

mediate demands on the deficit-ridden federal budget while simultaneously establishing an effective fiscal deterrent to future regulatory proliferation. The recommendation is also limited to additional direct costs of regulations, e.g., those expenses that are clearly attributable to implementing the regulation, above and beyond any related activity that would have been carried out in the absence of the federal mandate. Although the Commission recognizes that such additional costs are difficult to measure and define, it expects that appropriate methodologies will be perfected by the Congressional Budget Office in implementing existing "fiscal notes" legislation. The exclusion of ambiguous "indirect" costs, like losses of efficiency and externalities, also simplifies this task. Finally, to strengthen implementation of this recommendation by potentially reluctant federal administrators, it contains an action-forcing provision: holding state and local governments free from regulatory compliance for any future federal mandates that are unreimbursed. This provision provides justiciable grounds for challenging any future unfunded mandates.

Mr. DURENBERGER. Will the Senator yield to me at this point?

Mr. WILSON. I shall be pleased to yield to the distinguished Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I commend my distinguished colleague from California (Mr. WILSON) for raising this matter for consideration today. The amendment he offers is identical to the Intergovernmental Regulatory Relief Act of 1984, S. 2401, which was introduced earlier this year, in March. The legislation, as he indicated, is simple in its design.

It requires Federal reimbursement for all additional direct costs incurred by States and their local governments in complying with any new Federal rule or regulation. In addition, it establishes a 10-year schedule of relief to reduce the existing regulatory burden by a phase-in of reimbursement for additional direct costs of existing regulations, by a phase-in reduction of the regulatory requirements themselves or by a combination of the two. If such relief is not forthcoming, the bill provides that no Federal agency or court shall enforce the unreimbursed regulation.

Let me, if I may, say just a word or two about the premise on which this legislation rests: If Congress passes legislation to pursue a national purpose, the Federal Government should pay the full costs of achieving it. Under the current system, Congress need not face the full costs of implementing legislation it passes, because we are able to shift a considerable amount of costs onto State and local governments through the regulatory process. We in Congress permit ourselves to engage in an incomplete cost-benefit calculus. The result is predictable. Benefits loom large when compared to partial costs only, and we pass laws to do laudable things while leaving State and local governments to pick up a large part of the bill.

I can understand why my good friend from California is so enthusiastic about adopting mandate reimbursement at the Federal level. California has already demonstrated that it can work at the State level. The State of California has had a law on the books—and now in the State constitution—for 12 years which requires the State to reimburse local governments for any costs imposed on them through State regulations. This policy has worked to revive honesty in the legislative process, and it has worked without producing large new State expenditures.

So, Mr. President, I am pleased to have such distinguished support. I hope this discussion today will raise this matter to the attention of the Senate and convince my colleagues that we should seriously move forward to adopt this policy. I do, however, recognize that the issue is not yet ripe for a vote at this time. Hearings have not yet been held, and many in this body are not yet convinced that this will not be just another grant program to State and local governments. I am confident that the hearings will demonstrate that this legislation holds the promise of genuine regulatory reform in the area of intergovernmental relations. So, I would like to pledge to the Senator from California and to our colleagues that in the next couple of months, I will hold extensive hearings on S. 2401 or any version thereof that the Senator from California may suggest in the Subcommittee on Intergovernmental Relations. I urge all my colleagues to participate in these hearings, and I want to invite my colleague from California (Mr. WILSON) to participate in those hearings as a guest member of the subcommittee.

I congratulate him for bringing this matter up, particularly in the context in which we are dealing here today.

Mr. WILSON. Mr. President, I thank my distinguished colleague from Minnesota. During his career in the Senate, he has offered many contributions that have won him the esteem and the respect of his colleagues. Perhaps nothing that he has attempted thus far will have quite as great an impact or be quite as far-reaching in terms of a desirable restructuring of responsibility in functioning of government as the legislation he has offered as S. 2401. It is because of his intense interest and concern that he has brought this legislation forward. Because of that fact, I am reassured. I know as both the author of the legislation and the chairman of the subcommittee having jurisdiction, not only will his word be good but the opportunity will exist for the kind of hearings he has described. I reluctantly at this point shall withdraw the amendment.

I do wish to say, Mr. President, I think the distinguished Senator from Minnesota, as in earlier statements, detailed the need for this kind of reform. It is a basic, enormously important reform. There are many on this floor who have served in one capacity or another at the State and local level. I venture to say, Mr. President, that any of them could detail many examples from their own experience when they have been compelled to live with the unpleasant reality of having to make changes in their budgets that did not respond to their own stated priorities in order to accommodate the judgment of this body.

That is simply not fair. It does not respond in any way to the American tradition of separating the functions between the Federal and State levels and even the local level.

I look forward to the hearings which my colleague has promised. I accept his invitation to participate with the greatest enthusiasm. I hope those colleagues he has addressed today with a similar invitation will respond.

I see many on the floor, and I know many who could make a significant contribution.

I have to agree that he is right, that hearings have not yet been held. This is not an easy issue; it is, in fact, complicated as the statement of the Commission on Intergovernmental Relations makes clear. But we should not allow more time to pass, Mr. President, without proceeding. We need to begin on this most important question, we need to have a resolution. The first step in resolution will be imperfect. In fact, it is a truism that anything we do on this floor necessarily will be imperfect and someone coming after us will have a responsibility to correct the imperfections. But the significant step which the Senator from Minnesota asks us to take is not one that we should delay longer.

Because he plans those hearings, I shall at this time withdraw, I say reluctantly, only because of the passion I feel about this issue, the urgency I feel that this body address it fully and very, very soon. I know his passion is as great. I know from the effort he has given it already that it deserves the best attention of which this body is capable.

So, Mr. President, at this time, I withdraw the amendment in the hope that the Senator from Minnesota enjoys, as he deserves to, the kind of participation he has invited.

The amendment (No. 3055) was withdrawn.

Mr. WILSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. DANFORTH. Mr. President, a remarkable transformation is occurring in the U.S. Senate. We seem to be taking the massive budget deficits seriously. There is an increasing willingness to move beyond lipservice, and to record votes for proposals to reduce the deficit demonstrably.

Just a few months ago, the President proposed what was thought to be a fairly bold idea for an election year—a $100 billion "downpayment" on the deficit. The Senate Republican leadership went the President one better and convinced him to support a package approaching $150 billion. Now this program is being criticized as "too little."

The critics do not agree on an alternative course of action. Some would have us increase taxes sharply, others want to slash spending further—especially in defense—and there are even those willing to propose and vote for reductions in the automatic cost-of-living adjustments—COLA's—to the major entitlement program. I find this new deficit-reduction mood both remarkable and encouraging.

The proposal I supported struck a middle ground between the tax raisers and those who would attack defense and entitlement spending. Our proposal combined all three approaches—it would have modified both tax and COLA indexing by using a formula of Consumer Price Index—CPI—minus 3 percent instead of the full CPI. This would have raised $34 billion in revenues over 3 years and saved $40 billion in entitlement spending during the same period. The proposal also would have put defense spending back on the track laid out in 1983—a plan designed to save $48 billion compared to the President's January budget submissions. The last piece of the plan was a $2.5 billion increase in nondefense spending.

Over 3 years, this plan would have reduced the deficits by $229 billion.

None of the alternative proposals received a majority of votes in the Senate. But a remarkable 68 of my colleagues supported at least one of them. I believe this show of strength opens the way for us to return to this question early next year. At that time, I am optimistic that a meaningful, bipartisan deficit reduction package can be put together.

A considerable amount of public attention was given to various other 3-year alternative budget plans. I did not support them for specific reasons and for one overarching reason. Specifically, I thought the Hollings proposal for $135 billion in new taxes was simply too much of a tax increase, the Kassebaum-Grassley-Biden proposal for $118 billion in defense savings—$78 billion more than the Republican plan—would have seriously compromised our defense capabilities, and the Chiles proposal would have cut defense spending sharply and wiped out tax indexing with no modification of the entitlement programs.

One additional factor that affected all these proposals is the need to make at least some progress in deficit reduction this year. That is not an easy task given the supersensitive political environment in a Presidential election year. There must be three parties to any agreement—the Republican Senate, the Democratic House of Representatives, and the President. I am totally convinced that passage of the Hollings, the Kassebaum-Grassley-Biden, or the Chiles alternative budgets would have so upset the delicate political balance that action this year would have been foreclosed. A good, though imperfect, $150 billion Republican leadership plan is far better than no plan.

Similar considerations have influenced my votes on proposals to add funding for nondefense spending. For example, I have been a longtime consistent supporter of higher education spending, yet I voted against any add-ons. A major consideration in these votes was the fact that the House-passed bill would spend $24 billion more than the Senate Republican plan for domestic programs. Since the Senate must reach agreement with the House before a bill can be sent to the President, I am confident that the plan enacted into law will include more funding for nondefense spending than the amounts in the Senate Republican plan. Any Senate add-ons would have threatened seriously our ability to reach a compromise that the President could sign into law.

All in all, we are making progress. It is a slow process, but one we must pursue relentlessly. I credit public pressure for changing the deficit reduction mood in the Congress. I encourage our constituents to keep that pressure on.●

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend past 6 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALENDAR

Mr. BAKER. Mr. President, there are a number of matters that may be cleared for action by unanimous consent that perhaps should be taken care of tonight before the House of Representatives goes out.

Mr. President, I wish to identify certain items on the calendar of business that are cleared for action on this side and inquire of the minority leader if he is in a position to consider all or any portion of these measures.

I refer, Mr. President, to Calendar Order Nos. 764, 772, 773, 790, 796, 814, 825, and 851.

Mr. BYRD. Mr. President, I thank the majority leader. I beg the majority leader's pardon. I was distracted.

Mr. BAKER. Mr. President, I misspoke myself. One item has not been cleared and that is calendar No. 773.

Let me repeat the list.

Mr. BYRD. I wish the Senator would.

Mr. BAKER. Calendar Orders Nos. 764, 772, 790, 796, 814, 825, and 851.

Mr. BYRD. Mr. President, does the distinguished majority leader intend to postpone 796?

Mr. BAKER. Yes.

Mr. President, that is the action sought in that respect.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. BAKER. I thank the minority leader.

ORDER TO INDEFINITELY POSTPONE CONSIDERATION OF H.R. 3259

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar Order No. 796, H.R. 3259, an act to declare that the United States holds certain lands in trust for the Pueblo de Cochita, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXEMPTION OF ELECTRIC AND TELEPHONE FACILITIES UNDER THE RURAL ELECTRIFICATION ACT

The bill (H.R. 2211) to exempt electric and telephone facilities under the Rural Electrification Act from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976 was considered.

Mr. BAUCUS. Mr. President, I am pleased that the Senate is acting today on H.R. 2211, a bill that exempts rural electric cooperatives from paying right-of-way rental payments for electric and telephone lines crossing Federal lands. I cosponsored S. 508, which was the Senate companion bill introduced by Senator LAXALT. I want to thank Senator LAXALT for his efforts on behalf of the rural co-ops. I would also like to thank Senator MCCLURE, the distinguished chairman of the Energy Committee for his assistance in bringing this bill to the Senate floor.

Rights-of-way across Federal land are provided by the Bureau of Land Management and the Forest Service under the provisions of title V of the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA estab-

lishes a basic rule that the holder of such a right-of-way is to pay annual rental fees based on the fair market value of the right-of-way. However, FLPMA also allows the appropriate Secretary, either the Secretary of Agriculture or the Secretary of Interior, to reduce or eliminate rentals when the holder of the right-of-way is a Federal, State, or local government agency, a nonprofit organization or the provider of a valuable benefit to the public.

The administration has apparently decided that rural electric or telephone lines financed through the Rural Electrification Administration do not qualify as a valuable benefit to the public.

Mr. President, I firmly believe that these REA facilities are exactly the sort of thing Congress had in mind when the Secretaries were given authority to waive such fees.

H.R. 2211 would eliminate the Secretary's discretion with regard to these REA facilities. There is no doubt in my mind that these REA facilities are in the public interest. In Montana, 300,000 people are served by Rural Electric Coops and Rural Telephone Coops.

Mr. President, I urge my colleagues to support the passage of H.R. 2211.

The bill was ordered to a third reading, read the third time, and passed.

NATIONAL HEALTH SERVICE CORPS AMENDMENTS OF 1984

The Senate proceeded to consider the bill (S. 2281) to revise and extend provisions of the Public Health Service Act relating to the National Health Service Corps, which had been reported from the Committee on Labor and Human Resources with amendments:

On page 2, line 3, strike "or repeal".

On page 2, line 4, strike "to, or a repeal of,".

On page 4, line 4, after "optometry" insert "podiatry".

On page 7, after line 12, insert:

TECHNICAL ASSISTANCE TO STATES

SEC. 7. (a) Section 332 is amended by adding at the end thereof the following new subsection:

"(i) In order to assist a State in carrying out data collection and public information activities to enable the State to make recommendations regarding the designation of health manpower shortage areas in the State, the Secretary may provide technical assistance of an appropriate nature to the State or, at the request of the State, to entities within the State.".

(b) Section 338 (as amended by section 3(a) of this Act) is further amended by adding at the end thereof the following new subsection:

"(c) To carry out the purposes of section 332(i), there are authorized to be appropriated $500,000 for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years.".

On page 8, line 6, strike "Sec. 7" and insert "Sec. 8".

So as to make the bill read:

S. 2281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Service Corps Amendments of 1984".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 3. (a) Section 338(a) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and "$90,000,000 for the fiscal year ending September 30, 1985; $85,000,000 for the fiscal year ending September 30, 1986; and $85,000,000 for the fiscal year ending September 30, 1987".

(b) Section 338F(a) is amended by striking out the last sentence and inserting in lieu thereof the following: "For the fiscal year ending September 30, 1985, and each of the two succeeding fiscal years, there are authorized to be appropriated such sums as may be necessary to make one hundred and fifty new scholarship awards in accordance with section 338A(d) in each such fiscal year and to continue to make scholarship awards to students who have entered into written contracts under the Scholarship Program before October 1, 1987.".

OBLIGATED SERVICE

SEC. 4. Section 338B(b)(5) is amended to read as follows:

"(5)(A) With respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the secretary has entered into a contract under section 338A prior to October 1, 1984, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

"(ii) at the request of such an individual with whom the Secretary has entered into a contract under section 338A on or after October 1, 1984, the Secretary may defer such date in accordance with the provisions of clause (i).

"(B)(i) With respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be three years.

"(ii) With respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the number of years referred to in subparagraph (A)(i) shall be one year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subpart.

"(D) With respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date upon which the individual completes his academic training leading to such degree.".

SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE

SEC. 5. (a) Subsections (a) and (b) of section 338E are amended to read as follows:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of his profession in a health manpower shortage area (designated under section 332) for a period of not less than two years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than one year after the date on which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with the provisions of section 338C(b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out the purposes of this section;

to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase or construction of any building.

"(b) The amount of a loan under subsection (a) to an individual shall not exceed $25,000.".

(b) Subsection (c) of such section is amended by striking out "grant or" in the first sentence.

(c) Subsection (d)(1) of such section is amended by striking out "this section," and inserting in lieu thereof "this section (as in effect prior to October 1, 1984),".

(d) Section 338C(e) is amended by striking out paragraph (1) and by striking out "(2)" before "Upon".

PERSONNEL PLAN FOR THE NATIONAL HEALTH SERVICE CORPS

SEC. 6. (a) By October 1, 1985, the Secretary of Health and Human Services shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for the recruitment, employment, and retention of personnel for the National Health Service Corps which assures that—

(1) the Corps will continue to improve the delivery of health services in health services in health manpower shortage areas (as designated by the Secretary under section 332 of the Public Health Service Act) during fiscal years 1988 through 1990; and

(2) during each such fiscal year, the total number of Corps members shall not exceed 2,100 or such lesser number as the Secretary considers necessary to serve the demonstrated needs of health manpower shortage areas.

(b) The plan required by subsection (a) shall include alternative proposals for the

recruitment, employment, and retention of personnel for the National Health Service Corps, estimates of the amounts that would be required to carry out each such proposal during each of the fiscal years with which the plan is concerned, and such recommendations for legislation and administrative action as the Secretary considers appropriate.

(c) The Secretary shall prepare the plan required by subsection (a) in consultation with State governments, voluntary organizations, and organizations representing health professionals.

TECHNICAL ASSISTANCE TO STATES

SEC. 7. (a) Section 332 is amended by adding at the end thereof the following new subsection:

"(i) In order to assist a State in carrying out data collection and public information activities to enable the State to make recommendations regarding the designation of health manpower shortage areas in the State, the Secretary may provide technical assistance of an appropriate nature to the State or, at the request of the State, to entities within the State.".

(b) Section 338 (as amended by section 3(a) of this Act) is further amended by adding at the end thereof the following new subsection:

"(c) To carry out the purposes of section 332(i), there are authorized to be appropriated $500,000 for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years.".

EFFECTIVE DATE

SEC. 8. This Act and the amendments made by this Act shall take effect on October 1, 1984, except that section 6 shall take effect on the date of enactment of this Act.

Mr. HATCH. Mr. President, I urge my colleagues to expeditiously approve S. 2281, the National Health Service Corps Amendments of 1984. This legislation, which authorizes the National Health Service Corps (NHSC) program, is an essential step to assuring that health manpower is ready and able to serve those Americans most in need.

The NHSC is a Federal program designed to place physicians, dentists, and other health professionals in designated health manpower shortage areas. Although recent studies show that an increase in the supply of physicians and other health professionals have reduced the number of areas of health manpower shortage, I firmly believe that there will continue to be a need for an NHSC program to assist areas that have not been able to attract the needed health care providers. The goal and commitment of the NHSC remain the same, "To improve the delivery of health services in health manpower shortage areas." Meanwhile, the growth of the Corps has justifiably leveled off. With this legislation, the number of Corps members reflects the evidence that a surplus of physicians and other health care providers is having a significant effect on the geographic distribution of health professionals. Shortage areas in need of health manpower continue to diminish as the NHSC program succeeds in meeting its goal—making quality health care available where it is so desperately needed.

Yet, this legislation is necessary, because the important job to be done is as yet unfinished. In particular, I believe there will continue to be an uneven distribution of health care providers in small isolated communities in remote rural areas. Most of these areas will not be able to attract sufficient health care practitioners without the NHSC, even in the face of the doctor glut.

Over the years, the Corps has evolved into a program designed to complement private sector recruitment activities in providing primary care health services to the Nation. As chairman of the Labor and Human Resources Committee I have seen the NHSC evolve from a program of mainly federally supported providers to one with an increasing number of providers supported by local resources. The Corps has moved from a program driven solely by national perceptions of need to one which considers State and local priorities to a much greater degree. I am very much aware that throughout these transitions the NHSC has continued to have an impact on placing health professionals in underserved areas and assuring that areas with a need and demand for health care services receive them. As a result of those transitions, the NHSC is stronger and more effective than ever before. This is why it is timely and essential to reauthorize the NHSC program and to make several changes that will continue to strengthen the Corps.

Let me review for my colleagues the key provisions of this legislation.

First, the bill reauthorizes the NHSC field and scholarship program. Specifically, it authorizes: The field program at $90 million for fiscal year 1985 and $85 million each year for fiscal year 1986 and fiscal year 1987; the NHSC scholarship program, at such sums as necessary to make 150 new scholarships for each of the fiscal years 1985 through 1987; and continued awards to students who entered the scholarship program before October 1, 1987.

Second, S. 2281 requires the Secretary of Health and Human Services (HHS) to prepare and transmit to the Congress by October 1, 1985, a long-term staffing plan for the NHSC program. As the number of health manpower shortage areas shrink in response to Corps placements and market forces, the Corps needs such a versatile long-range plan to continue its mission of providing health personnel to communities with the greatest need and demand for health care and which have been unable to attract providers of primary care services. This plan is critical to the future success of the NHSC. The plan is to be funded from the general research and investigation authority under the Public Health Service Act requires and authorizes no new appropriations.

Third, in order to assist States in carrying out data collection and public information activities for making recommendations regarding the designation of health manpower shortage areas in the State, S. 2281 authorizes the Secretary to provide technical assistance to the State or, at the request of the State, to entities within the State. The bill authorizes for this technical assistance $500,000 for fiscal year 1985, and for each of the 2 succeeding fiscal years.

Fourth, two technical amendments are also included in the bill. One amendment gives the Secretary of HHS the flexibility to select, for NHSC scholarship obligors who sign their first contract in fiscal year 1985, which residency or advanced clinical training programs they participate in while deferring their scholarship obligation. The second amendment combines two existing loan authorities for Corps members who enter private practice into one loan program available to all Corps members (scholarship obligated and volunteers) who will enter into or are currently in private practice in health manpower shortage areas. These loans will assist eligible individuals in the purchase of equipment and the renovation of facilities used in providing health services and will help to promote the NHSC private practice option program.

Altogether, this bill gives the NHSC program the flexibility required to operate at a level consistent with the needs of health manpower shortage areas. In conclusion, I urge my colleagues to vote for this necessary and timely legislation.

Mr. KENNEDY. Mr. President, I rise in support of S. 2281, the National Health Service Corps Amendments of 1984. The health and well-being of the American people depends in large part on our national commitment to assuring that adequate health personnel are available to all of our citizens regardless of their geographic location.

One of the mechanisms that the Federal Government has been able to use to respond to the needs for primary care physicians and other health professionals has been the National Health Service Corps (NHSC). This country has established a NHSC that has the current potential for fielding almost 3,600 physicians and other health professionals in 1985 to meet the needs of the underserved.

By obligating students using scholarships during their professional training and by placing graduates in the field into health manpower shortage areas (HMSA's), the NHSC has been an invaluable asset to our Nation. In recent years, however, it has been argued that the impending doctor glut

removes the need for a NHSC scholarship program. It is also argued that market forces will encourage practitioners to locate in urban inner cities and rural areas. I am not prepared to accept assertions about vague market forces that will take care of the health care needs of those who are often the most needy in our society.

Consequently, I am pleased to support the version of S. 2281 that was reported out of the Committee on Labor and Human Resources. This legislation will reauthorize the NHSC field program and a small NHSC scholarship program for 3 years. It will allow the NHSC field program to remain at its current level of federally salaried Corps members through fiscal year 1987.

I am also pleased that the committee bill before this body contains a provision submitted by me which authorizes a modest $500,000 for the Secretary of the Department of Health and Human Services to assistance to the States and other entities in helping the Department of Health and Human Services designate health manpower shortage areas (HMSA's). I have received information, complaints, and criticisms for NHSC obligated physicians and political representatives of urban areas protesting the de-designation of urban areas. In communicating with the Department, I discovered that with the decline of the health planning mechanism in some States, there has been a lack of State technical ability to respond to the Department's statutory obligation to consult with State agencies before deciding on the designation of de-designation of a HMSA. Furthermore, the reduction of the priority status of a given HMSA can often mean that the area involved will be denied access to NHSC health professionals, causing the citizens in that HMSA to suffer. The technical assistance provision that I suggested will help address this problem.

To the extent that the problem that I have described is not caused by simply a need for better data, better information, and better cooperation between Federal officials and State and local officials, then, Mr. President, the NHSC may have some major problems. It is my hope that the Department of Health and Human Services seriously consider the complaints being made by the individuals, both corps obligated and otherwise, who have been communicating with me.

I am concerned that the involuntary placement of otherwise dedicated NHSC personnel can only result in the temporary placement of unwilling individuals in communities which may be alien to them and the thwarting of the NHSC goals of recruitment and retention of qualified health personnel who will remain to practice in the underserved areas after their NHSC obligation there is completed. In addition, many ethnic minorities from urban areas who have joined the NHSC as a means of returning to their urban communities to provide needed health care are being frustrated by the Department's de-designation and priority reduction process. Given the well known health care needs of many of our Nation's minority communities, we cannot afford to erect barriers in the pathway of minority NHSC health professionals who seek to return to those communities which need them.

Mr. President, this bill gives the NHSC program some flexibility; however, it must be operated in a manner responsive to both urban and rural areas. I urge my colleagues to vote for S. 2281.

I also ask for unanimous consent to print in the RECORD two of the many letters that I have received about the NHSC.

Doctors Paul Brayer and Susan Gorondy describe graphically their experience with the NHSC. While I have omitted from the record Dr. Gorondy's supporting documents, I think that her letter sufficiently portrays her situation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF OBSTETRICS
AND GYNECOLOGY,
WILMINGTON MEDICAL CENTER,
Wilmington, Del., April 10, 1984.

Hon. EDWARD KENNEDY,
U.S. Senate, 113 Russell Building, Washington, D.C.

DEAR SENATOR KENNEDY: I am writing to ask for your help in my appeal to the National Health Service Corps. As a National Health Service Corps Scholarship recipient, I received tuition and living expenses while attending medical school in exchange for agreeing to serve for three years in a Health Manpower Shortage Area (HMSA).

I wish to practice obstetrics and gynecology within Wilmington, Delaware, a shortage area of the highest need (01) for physician care. (See attached data from Stephen LaGrone, Senior Health Statistician of the Bureau of Health Planning and Resources Department, State of Delaware. Also attached are figures documenting the high poverty level and high infant mortality for this inner city area.)

I have special geographic needs and requested to serve in this area because I am not willing to abandon my husband and children. I am 39 and my husband is 44. Because of his job at DuPont, he is unable to leave the Wilmington area. I have three children between the ages of 14 years and 9 months.

In medical school when I was awarded a U.S. Public Health Scholarship, the regulations were different than they are today. I made sure Wilmington was a shortage area before I signed the contract for a three-year commitment. During my four years of residency at the Wilmington Medical Center, the National Health Service Corps was reorganized.

I began early to make arrangements to serve this critical shortage area in Delaware in order to fulfill my three-year commitment. In December 1982, one and one-half years before the end of my training, I contacted Tom Loftus, the Area III coordinator. I explained that I wanted to stay with my husband and children. He suggested that I prepare my application under the Early Decision Alternative for the Private Practice Alternative (PPO). This involved obtaining a lease commitment from a physician willing to share his office with me (Dr. I. Slovin, attached), as well as a letter from the New Castle County Medical Society affirming their recognition and support for my proposal to practice in this HMSA. Mr. Loftus was quite encouraging, and I was hopeful of serving this critical shortage area as the only OB/GYN National Health Service Corps physician in Delaware.

To my surprise and dismay, I received a letter late in November saying I had been assigned to the field program (not PPO), and would be placed at a site in West Virginia. If I did not comply, I would be assigned to a site even more remote from my family. Immediately (11/30/83) I wrote to Dr. Schneider (letter attached). Four months later my answer came from Dr. Moritsugu (attached). He expressed sympathy to my circumstances, but he did not feel "they are sufficient to outweigh the health care needs of the rest of Region III." I am puzzled and wonder what higher need I could fulfill than practicing in the critical area of highest need as the only NHSC obstetrician in the city?

I present all this background explanation in a wish that you will be able to help me with my desire to serve my commitment to the NHSC. I will be available for service starting July 1, 1984, but I would be willing to postpone starting service for a year if that would facilitate arrangements for a Delaware site.

I wish to cooperate with the NHSC because I believe in the spirit of the organization which is to provide medical services to underserved areas. I hope you will help me in my appeal to serve in Wilmington, an area that needs a good obstetrician who is devoted to lowering the infant and maternal mortality and morbidity rates while raising the health care standards of this critical shortage area.

In light of the upcoming Congressional reauthorization of the NHSC, I feel compelled to express my concern regarding recent changes in Corps policy. The NHSC once recognized that the urban poor lacked accessible medical services. Recent Corps policy changes however, have eliminated placement of Corps obligated health professionals in urban areas.

In the past, a major goal of the NHSC was to encourage obligated health professionals to continue practicing in medically underserved areas after completing their service obligation. The present Corps administration does not share this goal. The Corps makes little, if any, effort to match a health professional's family situation, ethnic background, or medical training with the needs of the underserved community where he or she is assigned.

In my experience I have found the recent Corps policies confusing and contradictory. Corps officials appear unresponsive and insensitive to both Corps professionals and the underserved populations the Corps is intended to serve.

Almost 2,000 of my colleagues are currently in default status with the Corps. If nothing else, this situation warrants Congressional inquiry in the course of the reauthorization. I urge you to request the Government Operations Committee to investigate these problems. Once more, it is essential

that NHSC physicians provide testimony for Congressman Waxman's Health Subcommittee.

My family and I thank you for your consideration. We would appreciate receiving your comments on this important issue and would be pleased to provide any additional information.

Sincerely,

SUSAN C. GORONDY, Ph.D., M.D.

APRIL 9, 1984.

Hon. EDWARD KENNEDY,
U.S. Senate, Russell Building, Washington, D.C.

DEAR SENATOR KENNEDY: I have a four year National Health Service (NHS) commitment to fulfill beginning in July 1984. As you know, the NHS paid my medical school tuition and a stipend in exchange for my practicing in a Health Manpower Shortage Area (HMSA) after my training was completed. I am aware that Congressional reauthorization of the NHS is soon and I feel compelled to voice my concerns regarding the recent policy changes and general operations of the NHS. Please let me emphasize from the start that I agree completely with the goal of the NHS to provide care for the underserved and am proud and thankful to take part in the operation.

It makes sense to me that the NHS should try to place physicians in underserved areas where they would be likely to continue to live and work after their commitment is finished, therefore taking one HMSA off the books. I am not convinced that the present NHS administration strives to achieve this goal. My personnel experience will demonstrate this. I was assigned to South Dakota and went there on two recruiting visits in good faith. My wife and I were willing to relocate and would have happily settled there but no viable practice options were demonstrated by the State or NHS officials. The NHS administration, in a letter to me, has identified Estelline, South Dakota as an HMSA and would like me to start a practice there. I visited the town last month only to discover two foreign medical graduates currently practicing general medicine.

Under the covert premise that these two physicians would be forced to leave once my practice got rolling, I was offered a salaried position. My first choice in states was New York. It is my home state and I wanted to move closer to my family after a twelve year separation while I attended college, medical school then residency. Representatives from Dannemora, New York contacted me and requested that I consider opening a practice there. Dannemora is an HMSA and has all the paperwork to prove it. I interviewed there and things really clicked. The town representatives were pleased with what I had to offer and I felt the town had almost everything I could possibly ask for both professionally and personally.

The NHS denied my request for regional reassignment stating I am more "needed" in South Dakota. Dannemora, a town that has been without a physician for approximately ten years, is denied a Corps physician while Estelline, a town with two capable practicing physicians is assigned one more! Does this sound like positive action to achieve the above stated goal?

I am going into default over the above issue. I plan to practice in Dannemora despite the NHS opinion that I am more "NEEDED" in South Dakota. I am not alone, currently about 2,000 NHSC scholarship recipients are in default status. I urge you to request the Government Operation Committee to investigate these problems. The bottom line is of course, those who we intend to serve, the needy, are being denied their rights because of bureaucratic mumbo-jumbo. I along with my colleagues hope to provide testimony for the Health Subcommittee.

Please feel free to contact me if I can be of any service or provide additional information as my history of problems with the NHS is far from complete in this letter. I will appreciate any correspondence with you in this matter. Thank you for your time.

Sincerely,

PAUL J. BRAYER, M.D.

Mr. BUMPERS. Mr. President, I take this opportunity to express by appreciation for the efforts of my distinguished colleague from Utah to bring a bill reauthorizing the National Health Service Corps to the floor. His actions demonstrate greater wisdom and foresight about the value and importance of the NHSC than the course taken by this administration, which has sought every opportunity to undermine the strength and integrity of the program.

However, while I support the general thrust of the bill before us today, I take exception to the bill's provision of only 150 new scholarship awards. By all accounts, that number is dangerously low if we are to assure the quality and accessibility of health care services to Americans living in isolated, rural, and underserved areas. The bill takes a major step in reversing the precipitous decline in the number of scholarship awards made each year under the present administration. But I strongly believe that the provision for 150 new scholarship awards does not go far enough in repairing the damage brought about by this administration's devastating cuts in the NHSC scholarship program.

The NHSC was established in 1972 to provide health care services to persons living in medically underserved rural and urban areas. The NHSC scholarship program is an integral part of the Corps concept. It was designed to insure an adequate supply of health professionals for placement in health manpower shortage areas. Under this program, health professions students agree to serve in a health manpower shortage area in return for scholarship and stipend support. The circumstances and conditions which led to the development of the Corps have changed. A look at the current and projected estimates of the number of physicians in this country suggests that there is and will continue to be a surplus of physicians. It has been argued that as a result of those changes in the supply of physicians, modifications of the NHSC scholarship program are in order.

The administration has used statistics showing the surplus of physicians to justify a radical restructuring of the Corps and the scholarship program. When the President assumed office in 1981, funding for the scholarship program had declined from $79 million to $63 million. But in fiscal year 1982, funding was cut by almost half, bringing the total to $36 million. In fiscal year 1983, funds were cut in half again, and then by half again in fiscal year 1984, so that presently the funds for scholarships stand at $6 million, or less than 10 percent of what they were in 1980. The administration has argued that the forces of the marketplace will lead to the geographical dispersion of physicians to areas which have had to depend on the Corps to gain access to health care in the past. Yet a recent report issued by the Health Resources and Services Administration concluded that many rural and underserved communities in the United States will not benefit from the physician surplus. Irrespective of the market forces assuring physician availability in most areas, a number of communities will continue to suffer problems in recruiting and retaining physicians. What will happen to the quality and accessibility of the health care in those communities 5 to 7 years down the pike when the impact of the decreasing number of new scholarship recipients entering the pipeline has its effect?

The impact of diminished support for the scholarship program on communities dependent upon the Corps will not be felt immediately. A simple accounting of the numbers of new scholarships awarded during this administration's time in office and the number of scholarship recipients becoming available for services through the 1980's gives us some idea of what kinds of pressures those communities will face. In 1980, a total of 1,772 new scholarship awards were made. The Reagan administration drastically reduced that number in fiscal year 1981 to 162. The number was held relatively constant for fiscal year 1982, but then dropped to 144 in fiscal year 1983, and once again in fiscal year 1984 to 121. The administration has not requested any funds for new scholarships for fiscal year 1985. For fiscal year 1983, 116 NHSC scholarship recipients are expected to become available for service, and for fiscal year 1984, approximately 1,360. The number peaks in fiscal year 1985, reaching 1,668, but then begins a precipitous decline. The number falls to 1,222 for fiscal year 1986, drops to 1,149 for fiscal year 1987, falls further to 239 for fiscal year 1988 and continues to fall to 115 for fiscal year 1989, and bottoms out at 20 for fiscal year 1990. It is clear that this administration's policies have placed the future health care of communities dependent upon the Corps at great risk.

In Arkansas, 41 of the 75 counties have been designated in part as health manpower shortage areas. In the midst of the physician glut, these com-

munities have not had much success in recruiting health professionals outside of the Corps. For example, in eastern Arkansas, the Lee County Cooperative Clinic has depended upon the services of NHSC obligated physicians to assure adequate and accessible health care to persons living in the area ever since the program began. Prior to the availability of personnel through the Corps, the clinic had great difficulty in attracting qualified staff. Indeed, in many areas it is not a question of meeting the health care needs of the economically disadvantaged, but the health care needs of an entire community. The director of a clinic in a rural area of Ohio reported that it was not unusual to see a local businessman's wife and her children talking to an AFDC mother and her children while waiting to see an NHSC pediatrician who was the only pediatrician in the area.

Certainly the growth in the supply of physicians should give us reason to rethink our goals and priorities for such programs as the Corps. I do not believe that the Corps and the scholarship program should escape close scrutiny. But simply to weaken the program substantially, to cut the number of new scholarship awards, and to disregard the conclusions of this administration's own report, shows a tremendous lack of concern and consideration about the impact of such actions on the persons living in medically underserved areas. The scholarship program is a critical resource to assure a strong base for the NHSC. I hope that my colleagues will come to terms with the problem of how to assure the quality and accessibility of health care in medically underserved areas. This Senator has serious reservations about the bill's provisions for only 150 new scholarship awards and I believe that a significantly higher number is necessary to preserve the integrity of the Corps and to meet the health care needs of Americans living in isolated and economically depressed areas.

I am withholding the offering of an amendment to increase these slots substantially only because I do not want to jeopardize the passage of an authorization bill. I could not, however, allow the bill to pass without expressing my strong reservations.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN TRUST FOR THE PUEBLO DE COCHITI

The Senate proceeded to consider the bill (S. 2403) to declare that the United States holds certain lands in trust for the Pueblo de Cochiti, which had been reported from the Select Committee on Indian Affairs, with amendments:

On page 4, line 11, strike "Fe".

On page 5, line 24, strike "to" and insert "on".

So as to make the bill read:

S. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in the lands described in section 2 (including all improvements thereon and appurtenances thereto) are declared to be held in trust by the United States for the Pueblo de Cochiti (hereinafter in this Act referred to as "the Pueblo"), subject to the provisions of sections 3 and 7.

SEC. 2. The lands referred to in the first section are the lands—

(1) situated in the counties of Sandoval and Santa Fe in the State of New Mexico,

(2) known as the Santa Cruz Spring tract,

(3) described on page 6 of the report of Milford T. Keene, Land Surveyor, Southern Pueblos Agency, Bureau of Indian Affairs, Albuquerque, New Mexico, dated February 26, 1981, and

(4) recorded in the files of the Bureau of Indian Affairs, Southern Pueblos Agency.

SEC. 3. Nothing in this Act shall be construed to deprive any individual or entity of any legal existing right-of-way, legal mining claim, legal grazing permit, legal water right, or other legal right or legal interest such individual or entity may have in the lands described in section 2.

SEC. 4. Before the end of the one-year period beginning on the date of enactment of this Act, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall—

(1) conduct a cadastral survey of the lands described in section 2,

(2) make any correction in the description of such lands which is necessary as a result of such survey, and

(3) publish any such correction in the Federal Register.

SEC. 5. The lands which are declared to be held in trust by the Secretary pursuant to the first section shall be part of the Pueblo Reservation and shall be subject to the laws and rules of law of the United States relating to Indian lands. Such lands shall not be developed for any use other than a use in existence on the date of enactment of this Act.

SEC. 6. (a) Nonmembers of the Pueblo who, on the date of enactment of this Act, are permittees of lands described in section 2 of this Act shall be given the opportunity to renew their permits under rules and regulations of the Secretary to the same extent and in the same manner that such permits could have been renewed if this Act had not been enacted, subject to the provisions of subsection (b) of this section.

(b) Permits renewed under subsection (a) of this section shall expire upon the death of the permittee or within thirty years of the date of enactment of this Act, whichever occurs later: *Provided:* That, if the permittee dies within thirty years of the date of enactment of this Act, his spouse or children may assume the permit for the balance of the thirty-year period upon notice to the Pueblo and the Bureau of Indian Affairs.

(c) If the Pueblo obtains the relinquishment of grazing permits in the Caja del Rio allotment in the Santa Fe National Forest for that number of animal unit months equal to the number of animal unit months provided under permit by the United States Forest Service as of the date of enactment of this Act within that portion of Caja del Rio allotment which overlaps the Santa Cruz Spring tract, then the remaining permittees in the Caja del Rio allotment shall have no further interest in the Santa Cruz Spring tract and no further right to renew their permits within said tract. The remaining permittees of the Caja del Rio allotment shall suffer no diminution of their grazing rights within that portion of the Caja del Rio allotment which does not overlap the Santa Cruz Spring tract.

(d) After the date of enactment of this Act, the Secretary shall deposit any and all fees paid by permittees under existing or renewed permits for grazing animal unit months on the Santa Cruz Spring tract into the Treasury of the United States to the credit of the Pueblo.

(e) The Pueblo may obtain the relinquishment of any or all of the permits in the Santa Cruz Spring tract, or as provided in subsection (c) of this section, in the Caja del Rio allotment under such terms and conditions as may be mutually agreeable. In consideration of such relinquishments, the Pueblo is authorized to grant leases, permits, or licenses for agricultural or grazing purposes to existing permittees in lands presently part of the Pueblo reservation or added thereto pursuant to section 5 of this Act, subject to the approval of the Secretary for terms not to exceed fifty years. The Secretary is authorized to disburse from tribal funds in the Treasury of the United States to the credit of the Pueblo so much thereof as may be necessary to pay for such relinquishments and for the purchase of any rights or improvements on said lands owned by nonmembers of the Pueblo. The authority to pay for relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the permittee in the land or its resources.

SEC. 7. Until such time as the Cochiti Lake Project is deauthorized by the Congress, the Secretary shall give full recognition to all interests in lands acquired by the Department of the Army through fee acquisition and under Memorandums of Agreement with the Departments of Agriculture, Interior, and Energy, the University of New Mexico, and the Pueblo de Cochiti, for the operation and maintenance of Cochiti Lake on a portion of the lands herein declared in trust.

SEC. 8. The Secretary shall recognize and grant necessary easements for access on lands described in section 2 of this Act for the following purposes:

(1) Access to recreational sites maintained by the United States.

(2) Access to parcels of land owned by private parties.

(3) Access to lands subject to valid permits as necessary to allow the permittees to exercise rights granted in such permits.

The fees charged for any valid utility right-of-way of easement shall not be greater than the current Federal rate for such an easement.

SEC. 9. The water rights appurtenant to the lands described in section 2 shall be those water rights existing under State law on the date of enactment of this Act. Nothing in this Act shall be construed to create or convey any water rights other than those existing under State law on the date of enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as amended.

DISPOSITION OF CERTAIN FUNDS AWARDED THE CREEK NATION

The Senate proceeded to consider the bill (S. 1224) to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation, which had been reported from the Select Committee on Indian Affairs with an amendment as follows:

On page 3, strike lines 4 through 19 and insert:

SEC. 3. (a) If one or more of the Eastern Creek entities that have filed a petition for Federal acknowledgement are acknowledged to be an Indian tribe on or before December 30, 1984, such tribe or tribes shall be deemed to be a successor entity to the original Eastern Creek group for purposes of distribution of the residual funds in docket numbered 21, and the funds held in trust for the benefit of the Eastern Creeks under section 2 of this Act (including all interest and income accrued thereon) shall be distributed to such tribe or tribes by the Secretary as needed to make any expenditures for any plan or program authorized by ordinance or resolution of such tribe or tribes.

(b) If more than one tribal entity is recognized by the Secretary, such funds shall be prorated between the tribes on the basis of their respective base membership rolls on the date of acknowledgement.

(c) If none of the Eastern Creeks which have filed a petition for acknowledgement are recognized as an Indian tribe by the Secretary prior to December 30, 1984, the funds held in trust for the Eastern Creeks under this Act (including all interest and income accrued thereon) shall be distributed by the Secretary in the form of per capita payments in addition to any amount appropriated in satisfaction of a judgment awarded the Eastern Creeks in docket numbered 275 of the Indian Claims Commission.

SEC. 4. If Federal recognition as an Indian tribe is extended to any Eastern Creek entity prior to distribution of the funds awarded in docket numbered 272 and 275, such tribe or tribes shall be entitled to amend the existing distribution plans for these awards by filing with the Secretary an alternative distribution plan for its proportionate share of funds in these dockets.

So as to make the bill read:

S. 1224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding Public Law 90-506 and any other provision of law, any funds appropriated by Public Law 89-697 in satisfaction of a judgment awarded the Muscogee (Creek) Nation of Oklahoma in docket numbered 276 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act (including all interest and investment income accrued thereon) shall be distributed by the Secretary of the Interior to the Muscogee (Creek) Nation of Oklahoma as needed to make expenditures for any plan or program authorized by ordinance of such Nation.

SEC. 2. (a) Notwithstanding Public Law 90-54 and any other provision of law, any funds appropriated by Public Law 89-16 in satisfaction of a judgment awarded the Creek Nation of Indians in docket numbered 21 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act (including all interest and investment income accrued thereon) shall be used and distributed in accordance with the provisions of this section.

(b)(1) The Secretary of the Interior (hereinafter in this section referred to as the "Secretary") shall allocate—

(A) 81.6196 per centum of the funds described in subsection (a) to the Muscogee (Creek) Nation of Oklahoma, and

(B) 18.3804 per centum of the funds described in subsection (a) to the Eastern Creeks.

(2) The funds allocated to the Muscogee (Creek) Nation of Oklahoma under paragraph (1) shall be distributed to such Nation by the Secretary as needed to make expenditures for any plan or program authorized by ordinance of such Nation.

(3)(A) The funds allocated to the Eastern Creeks under paragraph (1) shall be held in trust and invested by the Secretary for the benefit of the Eastern Creeks.

SEC. 3. (a) If one or more of the Eastern Creek entities that have filed a petition for Federal acknowledgement are acknowledged to be an Indian tribe on or before December 30, 1984, such tribe or tribes shall be deemed to be a successor entity to the original Eastern Creek group for purposes of distribution of the residual funds in docket numbered 21, and the funds held in trust for the benefit of the Eastern Creeks under section 2 of this Act (including all interest and income accrued thereon) shall be distributed to such tribe or tribes by the Secretary as needed to make any expenditures for any plan or program authorized by ordinance or resolution of such tribe or tribes.

(b) If more than one tribal entity is recognized by the Secretary, such funds shall be prorated between the tribes on the basis of their respective base membership rolls on the date of acknowledgement.

(c) If none of the Eastern creeks which have filed a petition for acknowledgement are recognized as an Indian tribe by the Secretary prior to December 30, 1984, the funds held in trust for the Eastern Creeks under this Act (including all interest and income accrued thereon) shall be distributed by the Secretary in the form of per capita payments in addition to any amount apropriated in satisfaction of a judgement awarded the Eastern Creeks in docket numbered 275 of the Indian Claims Commission.

SEC. 4. If Federal recognition as an Indian tribe is extended to any Eastern Creek entity prior to distribution of the funds awarded in docket numbered 272 and 275, such tribe or tribes shall be entitled to amend the existing distribution plans for these awards by filing with the Secretary an alternative distribution plan for its proportionate share of funds in these dockets.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as amended.

PURCHASE OF CALENDARS

The resolution (S. Res. 384) relating to the purchase of calendars, was considered, and agreed to as follows:

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $65,520 for the purchase of one hundred and four thousand calendars. The calendars shall be distributed as prescribed by the committee.

OLYMPIC TORCH RELAY THROUGH THE U.S. CAPITOL GROUNDS

The concurrent resolution (H. Con. Res. 295) to permit the 1984 Olympic torch relay to be run through the U.S. Capitol Grounds, was considered, and agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the several measures were agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President next I would propose to ask the Senate to turn to the consideration of a message from the House on S. 1323 if the minority leader is prepared for me to do so.

SMALL BUSINESS ACT AMENDMENTS

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1323.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1323) entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes", do pass with the following amendments: Strike out all after the enacting clause and insert:

TITLE I—SMALL BUSINESS ADMINISTRATION AUTHORIZATIONS

SEC. 101. Section 20 of the Small Business Act is amended by striking subsection (q) and all that follows and inserting the following:

"(q) The following program levels are authorized for fiscal year 1984:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $303,500,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $30,000,000 in loans to Vietnam veterans, $20,000,000 in loans as provided in paragraph (10), $135,000,000 in loans as provided in paragraph (11), and $10,000,000 in loans as provided in paragraph (12): Provided, however, That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,030,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $60,000,000 in loans as provided in paragraph (11), $15,000,000 in loans as provided in paragraph (12), and

$350,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $70,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,500,000,000.

"(5) For the program authorized by section 7(b)(3) of this Act, the Administration is authorized to make $100,000,000 in direct loans.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed the sum of $250,000,000.

"(7) There are hereby authorized to be appropriated sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(r) There are authorized to be appropriated to the Administration for fiscal year 1984, $986,390,000. Of such sum, $670,390,000 shall be available for the purpose of carrying out the programs referred to in subsection (q), paragraphs (1) through (3); $17,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $295,000,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $13,526,000 shall be available for procurement and technical assistance; of which amount not less than $2,318,000 shall be available for technical assistance, and of this amount not less than $903,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $175,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $37,138,000 shall be available for management assistance, of which amount not less than $1,214,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which up to $4,000,000 shall be used for grants or loans authorized by section 22(b)(2) of this Act and not more than $1,000,000 shall be used for programs authorized by section 22(b)(4) of this Act.

"(3) $8,000,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,420,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94-305; not less than $1,400,000 shall be used to develop an external small business data bank and small business index; not less than $1,350,000 shall be used for research; and not less than $1,000,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $30,250,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $13,655,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,546,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(s) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(r) of this Act: Provided, however, That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.

"(t) The following program levels are authorized for fiscal year 1985:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $295,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $30,000,000 in loans to Vietnam veterans, $20,000,000 in loans as provided in paragraph (10), $135,000,000 in loans as provided in paragraph (11), and $10,000,000 in loans as provided in paragraph (12): Provided, however, That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $4,010,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,000,000 in loans as provided in paragraph (10), $80,000,000 in loans as provided in paragraph (11), $20,000,000 in loans as provided in paragraph (12), and $350,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $70,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,500,000,000.

"(5) For the program authorized by section 7(b)(3) of this Act, the Administration is authorized to make $100,000,000 in direct loans.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $250,000,000.

"(7) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(u) There are authorized to be appropriated to the Administration for fiscal year 1985, $1,075,100,000. Of such sum, $747,300,000 shall be available for the purpose of carrying out the programs referred to in subsection (t), paragraphs (1) through (3); $17,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $306,800,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $13,526,000 shall be available for procurement and technical assistance; of which amount not less than $2,318,000 shall be available for technical assistance, and of this amount not less than $903,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $175,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $37,138,000 shall be available for management assistance, of which amount not less than $1,214,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which amount up to $4,000,000 shall be used for grants or loans authorized by section 22(b)(2) of this Act and not more than $1,000,000 shall be used for programs authorized by section 22(b) of this Act.

"(3) $8,000,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,420,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94-305; not less than $1,400,000 shall be used to develop an external small business data bank and small business index; not less than $1,350,000 shall be used for research; and not less than $1,000,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $30,250,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $13,655,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,546,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(v) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(u) of this Act: Provided, however, That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.

"(w) The following program levels are authorized for fiscal year 1986:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $306,800,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $31,200,000 in loans to Vietnam veterans, $20,800,000 in loans as provided in paragraph (10), $140,400,000 in loans as provided in paragraph (11), and $10,400,000 in loans as provided in paragraph (12): Provided, however, That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $4,430,400,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,240,000 in loans as provided in paragraph (10), $83,200,000 in loans as provided in paragraph (11), $20,800,000 in loans as provided in paragraph (12), and $364,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $72,800,000 in direct purchases of debentures and preferred securities and to make $260,000,000 in guarantees of debentures.

"(4) For the program authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,560,000,000.

"(5) For the programs authorized by sections 7(b)(3) and 7(b)(4) of this Act, the Administration is authorized to make $105,000,000 in direct loans.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $260,000,000.

"(7) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(x) There are authorized to be appropriated to the Administration for fiscal year 1986, $1,162,000,000. Of such sum, $823,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (w), paragraphs (1) through (3); $19,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $1,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $319,072,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $14,067,040 shall be available for procurement and technical assistance; of which amount not less than $2,410,720 shall be available for technical assistance, and of this amount not less than $939,120 shall be used to pay for the continued development of a procurement automated source system, and not less than $182,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain, and interpret the appropriate technology for such small businesses.

"(2) $38,494,352 shall be available for management assistance, of which amount not less than $1,262,560 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which amount up to $4,160,000 shall be used for grants or loans authorized by section 22(b)(2) of this Act and not more than $1,040,000 shall be used for programs authorized by section 22(b) of this Act.

"(3) $8,320,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,516,800 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel to carry out research and those functions prescribed by Public Law 94-305; not less than $1,456,000 shall be used to develop an external small business data bank and small business index; not less than $1,404,000, shall be used for research and not less than $1,040,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $31,460,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $14,201,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,967,840 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(y) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(x) of this Act: Provided, however, That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.".

TITLE II—SMALL BUSINESS ADMINISTRATION PROGRAM CHANGES

SEC. 201. (a) Section 22(b)(2) of the Small Business Act is amended to read as follows:

"(2) encourage greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities by providing grants or loans to small businesses to defray costs associated with such events: Provided, however, That no more than $15,000 in the case of overseas events, and no more than $2,000 in the case of domestic events, may be provided to any company in any one fiscal year;".

(b) Section 22(b) of the Small Business Act is amended by adding at the end thereof the following new paragraph:

"(4) the Administration is authorized to cosponsor or otherwise participate in domestic and overseas events whose primary purpose is to encourage export of small business goods and services abroad, including but not limited to, conferences, missions, trade fairs, and other export development activities sponsored by other Federal departments and agencies.".

SEC. 202. (a) Section 7(a) of the Small Business Act is amended by adding the following:

"(16)(A) No immediate participation loan may be made pursuant to this subsection unless the Administration determines that the applicant has given reasonable assurance that it will create employment opportunities within a two-year period after all loan proceeds are disbursed.

"(B) Immediate participation loan funds under subsection (a) shall be allocated to the Administration's district offices at least quarterly each fiscal year. The amount of such allocation shall be based solely upon the average total number of unemployed workers residing within each district area as a percentage of the average total unemployed work force nationwide for the immediately preceding fiscal quarter, or for the most recent fiscal quarter for which such statistics are available.

"(C) Immediate participation loans authorized by subsection (11) shall be extended on a priority basis within each of the Administration's designated district areas to those qualified applicants located in or near a labor surplus area (as defined pursuant to Defense Manpower Policy 4B (32 CFR chapter 1) or any successor policy).

"(D) During the last thirty calendar days of each fiscal year quarter the Administration may make an immediate participation loan to any qualifying small business within the district,".

(b) Section 7(a)(3) of the Small Business Act is amended to read as follows:

"(3)(A) No loan under this subsection shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by section 4(c)(1) of this Act would exceed $750,000: Provided, That the Administration's share of any loan made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate basis shall not exceed $350,000: Provided further, That any immediate participation loan made pursuant to this subsection shall be accompanied by an injection of additional funds derived from non-Federal sources in the following amounts:

"(i) if the loan is under $100,000 in amount, at least 10 per centum;

"(ii) if the loan is between $100,000 and $200,000 in amount, at least 20 per centum; and

"(iii) if the loan is over $200,000 in amount, at least 30 per centum.

"(B) The percentages specified in subparagraphs (A) (ii) and (iii) shall be reduced to 10 per centum and 15 per centum, respectively, if the non-Federal source funds are derived from a State or local government, including tax-exempt obligations of such governments.

"(C) The Administration shall delegate to each district office the authority to approve immediate participation loans except these made under the authority of 7(a)(11) in the amounts specified in subparagraphs (A) (i), (ii), and (iii) under the conditions specified in the Act without seeking higher approval within the Administration.

"(D) The Administration may transfer no more than 15 per centum of each of the total levels for direct loan programs as authorized in section 20 of this Act: Provided, however, That no loan program level authorized in such section may be increased more than 25 per centum by any such transfers: Provided further, That the Administrator is not authorized to transfer immediate participation loan levels to deferred participation (guaranteed) loan levels except that any transfers shall be effective only to the extent approved in advance by the Appropriations Committees of the United States Senate and of the House of Representatives of the United States.

"(E) For purposes of this paragraph the term 'non-Federal sources' shall include, but not be limited to, State and local government funds (including the proceeds from tax-exempt obligations of such governments), and funds derived from private financial institutions or private equity sources. In no event shall such term include funds derived directly from any grant or loan made, guaranteed, or insured by the Federal Government: Provided, however, That for purposes of this paragraph, Federal funds received by a State or local government or local industrial development agency will be considered funds that are derived from a State or local government source.".

SEC. 203. Section 7(a)(6)(A) of the Small Business Act is amended by adding after the word "subsection" the following: "or for loans to any small business concern as provided in paragraph (11) of this subsection,".

SEC. 204. Section 7(a)(4) of the Small Business Act is amended by striking the following: "and an additional amount as determined by the Administration, but not to exceed 1 per centum per annum".

SEC. 205. Section 7(a) of the Small Business Act is amended by adding the following new subsection:

"(17)(A) any loan made under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) may, upon the joint election of the borrower, Administration, and lender, as the case may be, provide for the payment of interest only, during the—

"(i) first two years of its term if such term is at least eight years;

"(ii) first three years of its term if such term is at least ten years; and

"(iii) first four years of its term if such term is at least fifteen years.

At the conclusion of the period of interest-only payments, the loan agreement shall provide for amortization of the loan principal in equal payments of principal and interest during the remainder of the term of the loan.

"(B) with respect to loans made under this subparagraph, a bank or lending institution may charge, in addition to any interest, fee, or service charge otherwise permissible pursuant to this Act and relevant regulations, promulgated pursuant thereto, a one-time fee of 1 per centum of the total amount of such loan, which amount may be paid from the proceeds of such loan.".

SEC. 206. Section 205 of this Act is repealed October 1, 1986.

SEC. 207. Not later than February 28, 1985, and February 28, 1986, the Small Business Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report which shall contain—

(1) with respect to section 7(a)(3)(A) of the Small Business Act—

(A) the aggregate number, dollar value, and default rate of all loans made in excess of $500,000 per loan; and

(B) the aggregate number, dollar value, and default rate of all loans made since the effective date of this section not in excess of $500,000 per loan;

(2) with respect to section 7(a)(17) of the Small Business Act—

(A) aggregate number, dollar value, and default rate of loans made subject to the election described therein; and

(B) for such loans described in subparagraph (A) of this paragraph, the geographic location of the recipients of such loans.

SEC. 208. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(f) Notwithstanding any other provision of law, the Administration shall enter into commitments for direct loans and to guarantee loans, debentures, payment of rentals, or other amounts due under qualified contracts and other types of financial assistance and to enter commitments to guarantee sureties against loss pursuant to programs under this Act and the Small Business Investment Act of 1958 in the full amounts provided by law, including reprograming requests approved by the Appropriations Committees of the United States Senate and the House of Representatives of the United States, subject only to (1) the availability of qualified applications for such direct loans and guarantees, and (2) limitations and amounts contained in authorization and appropriation Acts. Nothing in this subsection authorizes the Administration to reduce or limit its authority to enter commitments for direct loans or for such guarantees to qualified applicants.".

SEC. 209. Section 404(b) of the Small Business Investment Act of 1958 is amended as follows:

(a) by striking from paragraph (1) thereof "may be issued" and by inserting in lieu thereof "shall be issued"; and

(b) by striking the period at the end of paragraph (1) thereof and by inserting in lieu thereof ", and the Administration is expressly prohibited from denying such guarantee due to the property being so acquired.".

The provisions of subsections (a) and (b) of this section shall apply to applications (for the issuance of a guarantee described in section 404 of the Small Business Investment Act of 1958) which are pending as of January 1, 1982, or are made after December 31, 1981.

SEC. 210. Section 411 of the Small Business Investment Act of 1958 is amended by adding the following at the end of subsection (h): "The Administration shall not establish eligibility criteria based on the amount of the bond, subject to the limitation in subsections (a) and (c), or upon a percentage related to previously successfully completed contracts. The Administration shall evaluate each application on a case-by-case basis and based solely thereon shall determine the appropriate guarantee.".

SEC. 211. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(g) The Administration shall notify the Senate Small Business Committee and the Small Business Committee of the United States House of Representatives before reprograming any program amounts authorized in appropriations Acts or reports explanatory thereof and shall notify the Senate Small Business Committee and the Small Business Committee of the United States House of Representatives before implementing any reorganization of such agency.".

SEC. 212. Section 2 of the Small Business Act is amended by striking "section 7(i)" from paragraph (1) of subsection (c) and by inserting "section 7(a)(11)".

SEC. 213. Section 7 of the Small Business Act is amended as follows:

(a) by striking, wherever it appears therein, "section 7(i)" from paragraphs (1), (2), (3), (8), (9), and (11) of subsection (j) and by inserting "section 7(a)(11)";

(b) by striking from subsection (k) "section 7(i)" and by inserting "section 7(a)(11)";

(c) by striking subsections (e), (h), (i), and (l); and

(d) by striking all of subsection (c) after the first two sentences in subparagraph (D) of paragraph (4) and inserting the following:

"Such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss if the applicant is a homeowner and 85 per centum of loss if the applicant is a business or otherwise. The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to this paragraph (4), shall be the rate of interest which is in effect on the date the disaster commenced: Provided, That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation.".

SEC. 214. Section 15 of the Small Business Act is amended by striking subsections (d), (e), and (f) and inserting in lieu thereof the following:

"(d) For purposes of this section priority shall be given to the awarding of contracts and the placement of subcontracts to small business concerns which shall perform a substantial proportion of the production of those contracts and subcontracts in or near areas of concentrated unemployment or underemployment or within labor surplus areas. Notwithstanding any other provision of law, total labor surplus area set asides pursuant to Defense Manpower Policy Numbered 4B (32A CFR chapter I) or any successor policy shall be authorized if the head of

the procuring Federal agency or his designee specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices. As soon as practicable and to the extent possible, in determining labor surplus areas, consideration shall be given to those persons who would be available for employment were suitable employment available. Until such definition reflects such number, the present criteria of such policy shall govern.

"(e) In carrying out small business set-aside programs, Federal agencies shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total small business-labor surplus area set-aside;

"(2) concerns which are small business concerns, on the basis of a total small business set-aside;

"(3) concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial small business-labor area set-aside; and

"(4) concerns which are small business concerns, on the basis of a partial small business set-aside.

"(f) After priority is given to the small business concerns specified in subsection (e), priority also shall be given to the awarding of contracts and the placement of subcontracts, on the basis of a total labor surplus area set-aside, to business concerns which will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.".

SEC. 215. Section 3(h) of the Small Business Act is amended as follows:

(a) by striking "availability of credit" and by inserting "availability of sufficient credit"; and

(b) by striking "conditions" and by inserting "conditions and at reasonable rates,".

SEC. 216. Section 3 of the Small Business Act is amended by striking from subsection (a) "Provided, That the Administration shall not promulgate, amend, or rescind any rule or regulation with respect to size standards prior to March 31, 1981." and inserting in lieu thereof the following: "Provided, That notwithstanding the waiver provisions of any other law, the Administration shall not promulgate, amend or rescind any rule or regulation with respect to size standards except in accordance with the procedures of chapter 5 of title 5, United States Code.".

SEC. 217. Section 302(a) of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following: "With respect to a company licensed pursuant to section 301(d), such capital and surplus shall include funds obtained directly or indirectly from an agency or department of a State government or the Federal Government (excluding the Administration) for purposes of section 303 leveraging, provided that such funds:

"(1) are not taken into account with respect to meeting the requirements established by the preceding two sentences; and

"(2) were invested in or were legally committed to be invested in such company prior to July 29, 1980.".

SEC. 218. Section 502 of the Small Business Investment Act of 1958 is amended by striking "plant acquisition," and by inserting in lieu thereof "working capital, plant acquisition,".

SEC. 219. Section 503 of the Small Business Investment Act of 1958 is amended by striking all of paragraph (5) of subsection (b) after "is made" and by inserting the following: ": Provided, That the Administration shall not use the source or nature of the funds constituting the remaining per centum of the project cost as a criteria to approve or reject such guarantee; and".

SEC. 220. Section 15(c) of the Small Business Act is amended as follows:

(a) by striking from paragraph (1) "fiscal years 1981, 1982, and 1983," and by inserting in lieu thereof "each of fiscal years 1981 through 1986,";

(b) by striking from paragraph (1) "7(h)" and by inserting in lieu thereof "7(a)(10)";

(c) by striking from paragraph (2) ", 1982" and by inserting in lieu thereof "of each of fiscal years 1983 through 1986"; and

(d) by striking from paragraph (2) the word "Select".

SEC. 221. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(m) Pursuant to the agreement implementing the policy of this section, entitled "Memorandum of Understanding Between the United States Department of the Interior and the Small Business Administration With Respect to Sales to Small Concerns of Timber and Related Forest Products on Federal Lands Under the Jurisdiction of the Bureau of Land Management", dated March 10, 1959, as amended July 25, 1966, and regulations and directives issued pursuant thereto, the Secretary of the Interior shall develop rules in consultation with the Administration to provide that any timber purchase by a nonmanufacturer shall be treated for purposes of small business share analysis under this Act as if made by the actual or predicted manufacturer of such purchase.

"(n) Pursuant to the agreement implementing the policy of this section, entitled "Agreement Between Department of Agriculture and the Small Business Administration for the Development and Operation of a Small Business Program in the Sale of National Forest Timber and Related Forest Products", dated December 29, 1971, and regulations and directives issued pursuant thereto, the Secretary of Agriculture shall not, in the case of government sales of timber in Forest Service region 8 reserved for or involving preferential award to small businesses when the government timber being purchased is to be resold, permit the purchasing small business to sell or trade any of the advertised sawlog volume of such timber to a concern which is not a small business within the meaning of the Administration's regulations.".

SEC. 222. (a) Not later than February 28, 1985, the Small Business Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report of a study conducted by such Administration with respect to loans guaranteed under subsection (a) of section 7 of the Small Business Act, having a principal amount of less than $50,000, and made during 1983 and 1984.

(b) The report shall include—

(1) the aggregate number and dollar amount of such loans;

(2) the size characteristics of the recipients of such loans, including such characteristics as numbers of employees, gross annual receipts, and net worth; and

(3) the costs (including costs of lending institutions) of making and administering such loans.

(c) The report shall analyze—

(1) the effectiveness of the guaranteed loan program under section 7(a) of the Small Business Act for businesses with fewer than twenty employees and needing loans of less than $50,000; and

(2) shall evaluate alternative ways to reduce the cost of making and administering loans to such businesses, including (but not limited to)—

(A) the feasibility and cost to the Treasury of having the Small Business Administration absorb a portion of the fixed costs of making and administering loans to such businesses; and

(B) establishing local independent nonprofit entities which would be provided funds by the Small Business Administration for making loans to such businesses.

(d) The report may include any recommendations that the Small Business Administration may have for improving access by such businesses to its loan programs.

TITLE III—DISASTER LOAN ASSISTANCE

SEC. 301. Section 7(c) of the Small Business Act is amended by adding the following:

"(5) Notwithstanding the provisions of any other law, the interest rate on the Federal share of any loan made under subsection (b)(1) on account of a disaster commencing on or after October 1, 1982, shall be—

"(A) in the case of a homeowner unable to secure credit elsewhere, the rate prescribed by the Administration but not more than one-half the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 4 per centum per annum;

"(B) in the case of a homeowner able to secure credit elsewhere, the rate prescribed by the Administration but not more than the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 8 per centum per annum;

"(C) in the case of a business concern unable to obtain credit elsewhere, not to exceed 4 per centum per annum;

"(D) in the case of a business concern able to obtain credit elsewhere, the rate prescribed by the Administration but not in excess of the lowest of (i) the rate prevailing in private market for similar loans, (ii) the rate prescribed by the Administration as the maximum interest rate for deferred participation (guaranteed) loans under section 7(a) of this Act, or (iii) 8 per centum per annum. Loans under this subparagraph shall be limited to a maximum term of three years.

"(6) Notwithstanding the provisions of any other law, such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss.

The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to paragraph (5), shall be the rate of interest which is in effect on the date the disaster commenced: Provided, That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation: Provided further, That the Administration, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall not reduce the amount of eligibility for any homeowner on account of loss of real estate to less than $100,000 for each disaster nor for any homeowner or lessee on account of loss of personal property to less than $20,000 for each disaster, such sums being in addition to any eligible refinancing.

With respect to any loan which is outstanding on the date of enactment of this paragraph and which was made on account of a disaster commencing on or after October 1, 1982, the Administrator shall make such change in the interest rate on the balance of such loan as is required herein effective as of the date of enactment.".

SEC. 302. Section 20 of the Small Business Act is amended by striking all of paragraph (5) of subsection (q) after the word "Administration" and by inserting the following "is authorized to make $100,000,000 in direct loans and for the programs authorized by sections 7(b)(1) and 7(b)(2) of this Act, the Administration is authorized to make $440,000,000 in direct loans.".

SEC. 303. Section 18(a) of the Small Business Act is amended by striking "October 1, 1983" and by inserting "October 1, 1986".

SEC. 304. Section 7(b) of the Small Business Act is amended as follows:

(a) by striking out the period at the end of paragraph (2) and by inserting in lieu thereof a semicolon; and

(b) by adding after paragraph (3) the following new paragraph:

"(4) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary to assist, or refinance all or part of the existing indebtedness of (specifically including any direct loans under section 7(a) of this Act which were made to small businesses affected by currency fluctuations and exchange freezes), any small business concern located in an area of economic dislocation that is the result of the drastic fluctuation in the value of the currency of a country contiguous to the United States and adjustments in the regulation of its monetary system if such concern is unable to obtain credit elsewhere. The Governor of a State may certify to the Administration (A) that small business concerns within the State have suffered substantial economic injury as a result of such economic dislocation, and (B) that such concerns are in need of financial assistance which is not available on reasonable terms. Such economic dislocations must be of such magnitude that without the benefit of loans provided hereunder a significant number of otherwise financially sound small businesses in the impacted regions or business sectors would either become insolvent or be unable to return quickly to their former level of operation. No loan made hereunder shall exceed $100,000, nor shall the proceeds thereof be used to reduce the exposure of any other lender. The Administration may permit deferral of payment of principal and interest for one year on loans made hereunder.

SEC. 305. Section 20(q) of the Small Business Act (as amended by section 101 of this Act) is further amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

SEC. 306. Section 20(t) of the Small Business Act (as amended by section 101 of this Act) is further amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

SEC. 307. Paragraph (1) of section 4(c) of the Small Business Act is further amended by inserting "7(b)(4)," after "7(b)(3),".

SEC. 308. The amendments made by sections 304 through 307 of this Act shall apply to economic dislocations certified by any State Governor to the Small Business Administration after the date of enactment of this Act providing such dislocation commenced since January 1, 1982.

SEC. 309. Section 7(b)(3) of the Small Business Act is amended as follows:

(a) by inserting "continuation of," after "in effecting"; and

(b) by inserting the following at the end of such paragraph: "For the purposes of this paragraph, the impact of the 1983 Payment-in-Kind Land Diversion program, or any successor Payment-in-Kind program with a similar impact on the small business community, shall be deemed to be a consequence of Federal Government action; and".

SEC. 310. Section 7(c)(4) of the Small Business Act (as amended by section 213 of this Act) is further amended by adding the following at the end thereof: "Employees of concerns sharing a common business premises shall be aggregated in determining 'major source of employment' status for nonprofit applicants owning such premises.".

SEC. 311. Section 3 of the Small Business Act is amended by adding the following new subsection at the end thereof:

"(j) For the purposes of section 7(b)(2) of this Act, the term 'small agricultural cooperative' means an association (corporate or otherwise) acting pursuant to the provisions of the Agriculture Marketing Act (12 U.S.C. 1141j), whose size does not exceed the size standard established by the Administration for other similar agricultural small business concerns. In determining such size, the Administration shall regard the associations as an entity and shall not include the income or employees of any member shareholder of such cooperative: Provided, That such an association shall not be deemed to be a small agricultural cooperative unless each member of the board of directors of the association, or each member of the governing body of the association if it is not incorporated, also individually qualifies as a small business concern.".

SEC. 312. Section 7(b)(2) of the Small Business Act is amended as follows:

(a) by striking "small business concern" and inserting in lieu thereof "small business concern or small agricultural cooperative";

(b) by striking "small business concerns" and inserting in lieu thereof "small business concerns or small agricultural cooperatives"; and

(c) by striking "the concern" and inserting in lieu thereof "the concern or the cooperative".

SEC. 313. The amendments made by sections 311 and 312 of this Act shall apply to loans granted on the basis of any disaster with respect to which a declaration has been issued after September 1, 1982, under section 7(b)(2) (A), (B), or (C) of the Small Business Act or with respect to which a certification has been made after such date under section 7(b)(2)(D) of such Act.

SEC. 314. The Small Business Act is amended by adding the following new section:

"SEC. 26. Unless otherwise specifically provided by law, the Administration shall—

"(a) within ninety days after the effective date of this Act, and any subsequent amendments to this Act or the Small Business Investment Act, publish in the Federal Register proposed rules and regulations implementing such laws; and

"(b) within one hundred and eighty days after the effective date of this Act, and any subsequent amendments to this Act or the Small Business Investment Act, publish in the Federal Register final rules and regulations implementing such laws.".

SEC. 315. The Administration may study the conversion of the Procurement Automated Source System (PASS), as authorized under section 20 of the Small Business Act, or any similar or followup system, to another computer architecture or computer type. Such conversion, however, may not occur in fiscal year 1985, nor until after such time as the Administration reports to the Committees on Small Business of the House and Senate on the need for conversion: Provided, That the Administration shall conduct a competitive procurement among small business concerns for the operation and maintenance of PASS for fiscal year 1985. All operation and maintenance of PASS by the United States Railway Association shall terminate no later than September 30, 1984.

SEC. 316. When considering proposals from potential offerors for its small business setaside solicitations for the agency's procurement needs under provisions of the Small Business Act, the United States Small Business Administration shall give due consideration to the actual portion of the task the offeror proposes to be performed by small business concerns.

SEC. 317. Section 18 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any provision of subsection (a) hereof or any other law, rule, or regulation, on account of a drought commencing on or after January 1, 1983, and prior to October 1, 1983—

"(1) agricultural enterprises shall be eligible for disaster loan assistance from the Administration under section 7(b)(1) of this Act;

"(2) the interest rate on the Federal share of such loans shall be the same as that in effect on January 1, 1984, for emergency loans from the Farmers Home Administration;

"(3) the Administration shall not impose on agricultural enterprises any loss threshold or other type of minimum loss test which is not imposed on nonagricultural enterprises on the commencement date of the drought, either to determine the eligibility for such loans or to determine the amount of eligibility for loan assistance;

"(4) computation of the amount of eligibility for loan assistance shall be based on the

rules in effect on January 1, 1984, for the computation of the amount of eligibility for emergency loan assistance from the Farmers Home Administration; and

"(5) the determination of a natural disaster by the Secretary of Agriculture pursuant to subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) shall be deemed a disaster declaration by the Administrator for purposes of determining eligibility for assistance under section 7(b)(1) of this Act for agricultural enterprises as defined in subsection (b) herein.".

SEC. 318. (a) For purposes of paragraph (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), the Administrator of the Small Business Administration shall, with respect to small business concerns involved in the fishing industry, treat the recent El Nino-related ocean conditions as a disaster to which such paragraph applies.

(b) For purposes of subsection (a)—

(1) the term "recent El Nino-related ocean conditions" means the ocean conditions (including high water temperatures, scarcity of prey, and absence of normal upwellings)—

(A) which occurred in the eastern Pacific Ocean off the west coast of the North American Continent during the period beginning with June 1982 and ending at the close of December 1983; and

(B) which resulted from the climatic conditions occurring in the Equatorial Pacific during 1982 and 1983;

(2) the term "fishing industry" means any trade or business involved in—

(A) the catching, taking, or harvesting of fish (whether or not sold on a commercial basis);

(B) any operation at sea or on land, in preparation for, substantially dependent upon, or in support of, the catching, taking, or harvesting of fish; and

(C) the processing or canning of fish (including storage, refrigeration, and transportation of fish before processing or canning); and

(3) the term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

Amend the title so as to read: "An Act to amend the Small Business Act, and for other purposes.".

Mr. BAKER. Mr. President, I move that the Senate disagree with the House amendments and agree to the conference requested by the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. ARMSTRONG) appointed Mr. WEICKER, Mr. PACKWOOD, Mr. HATCH, Mr. GORTON, Mr. BUMPERS, Mr. NUNN, and Mr. HUDDLESTON conferees on the part of the Senate.

NATIONAL NURSING HOME RESIDENTS DAY

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 198.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 198) entitled "Joint resolution designating April 27, 1984, as 'National Nursing Home Residents Day'", do pass with the following amendments:

Page 2, line 3, strike out "April 27, 1984," and insert: "April 26, 1985,".

Amend the title so as to read: "Joint resolution designating April 26, 1985, as 'National Nursing Home Residents Day'.".

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 5515 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 5515, to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery, be held at the desk pending further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT HOUSE JOINT RESOLUTION 548 BE HELD AT THE DESK PENDING FURTHER DISPOSITION

Mr. BAKER. Mr. President, I ask unanimous consent that House Joint Resolution 548, authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information, and for other purposes, being held at the desk until the close of business today, be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. BAKER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the convention with the Kingdom of Morocco on Mutual Assistance in Criminal Matters (Treaty Document No. 98-24), transmitted to the Senate today by the President of the United States; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention between the United States of America and the Kingdom of Morocco on Mutual Assistance in Criminal Matters, signed at Rabat, October 17, 1983.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the treaty.

The treaty is one of a series of modern mutual assistance treaties being negotiated by the United States. The treaty is self-executing and utilizes existing statutory authority.

The new treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the treaty includes: (1) executing requests relating to criminal matters; (2) taking of testimony or statements of persons; (3) effecting the production, preservation of documents, records, or articles of evidence; (4) serving judicial documents; (5) facilitating the appearance of a witness before a court of the requesting party; (6) locating persons; and (7) providing judicial records, evidence, and information.

I recommend that the Senate give early and favorable consideration to the treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *May 10, 1984.*

EXECUTIVE SESSION

Mr. BAKER. Mr. President, if the minority leader is prepared to do so, we are prepared to do certain items on the Executive Calendar by unanimous consent.

Mr. President, I am cleared on pages 1, 2, 3, 4, 5, and 6 with certain exceptions. I would inquire of the minority leader if any portion of the Executive Calendar today is cleared for action by him.

Mr. BYRD. Mr. President, this side of the aisle is prepared to proceed with all nominations on pages 4, 5, and 6 of the Executive Calendar.

Mr. BAKER. Mr. President, I thank the minority leader.

To make that conform with the clearances on this side, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations on page 4, page 5, and page 6 with the exception of the third item on the Secretary's desk on page 6.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations to which I referred be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are

considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

The following-named officer under the provisions of title 10, United States Code, section 142, to be Chairman, Joint Chiefs of Staff, a position of importance and responsibility designated by the President under title 10, United States Code, Section 601:

To be general.

Gen. John W. Vessey, Jr., [redacted], United States Army.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general.

Lt. Gen. James A. Abrahamson, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general.

Lt. Gen. William I. Rolya, [redacted], (Age 56), U.S. Army.

THE JUDICIARY

Joel Gerber, of Virginia, to be a judge of the U.S. States Tax Court for a term expiring 15 years after he takes office.

U.S. POSTAL SERVICE

Ruth O. Peters, of Virginia, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1987.

DEPARTMENT OF STATE

Robert Thomas Hennemeyer, of Illinois, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

S. L. Abbott, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

[New Reports]

DEPARTMENT OF COMMERCE

Harold Peter Goldfield, of New York, to be an Assistant Secretary of Commerce.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY, FOREIGN SERVICE, MARINE CORPS, NAVY

Army nominations beginning Pamela K. Burns, and ending Terrence M. Smith, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

Army nominations beginning Troy A. Aarthun, and ending John S. Xenos, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

Marine Corps nominations beginning Daniel J. Adams, and ending George D. Zamka, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

Navy nominations beginning Edward Ronald Abel, and ending Thomas Hilary Grayson, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

Navy nominations beginning Richard P. Anderson, and ending Charles W. Gordon, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

NOMINATION OF JOEL GERBER OF VIRGINIA TO BE JUDGE OF THE U.S. TAX COURT

Mr. DOLE. Mr. President, I am pleased to bring to the Senate the report of the Senate Finance Committee recommending the nomination of Joel Gerber of Virginia as judge of the U.S. Tax Court. I am pleased to note that, following the pattern of recent nominations considered by the Finance Committee, President Reagan again has chosen a person of fine qualifications to carry out the government's responsibilities in the U.S. Tax Court.

Prior to reporting Mr. Gerber's nomination, we reviewed the financial disclosure forms of the nominee, and the materials he filed with the Office of Government Ethics. We are satisfied that there are no problems in this area. Also, we received letters from the Director of Government Ethics approving the nominee's compliance with the Ethics in Government Act.

Mr. Gerber has been the Deputy Chief Counsel for the Internal Revenue Service since 1980, with responsibility for case litigation in the Federal courts. He also serves as in-house legal counsel for nontax matters for the Commissioner of the IRS. Mr. Gerber began his career with the Internal Revenue Service as a trial lawyer in Boston and in Atlanta. He later became the district counsel for the State of Tennessee responsible for all tax litigation and legal matters. In addition to his work with the professional tax community in Tennessee, he served as a lecturer in law at Vanderbilt University from 1976 through 1980. Mr. Gerber received his B.S. from Roosevelt University, his J.D. from DePaul University, and his L.L.M. from Boston University.

I am happy to recommend to the Senate that this nomination be confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, that completes my folder of action.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 139

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland which consists of two separate instruments. The Agreement was signed in London on February 13, 1984.

The U.S.-U.K. agreements are similar in objective to the social security agreements already in force with Italy, the Federal Republic of Germany and Switzerland and to proposed agreements with Canada, Belgium and Norway which are expected to enter into force later this year. Such bilateral agreements, which are generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreements and provides data on the number of persons affected by the Agreements and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the U.S.-U.K. Social Security Agreement and related documents.

RONALD REAGAN.

THE WHITE HOUSE, *May 10, 1984.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bills and joint resolutions:

On April 30, 1984:

S. 2570. An act to continue the transition provisions of the Bankruptcy Act until May 26, 1984, and for other purposes.

On May 3, 1984:

S. 1186. An act to clear certain impediments to the licensing of the yacht Dad's Pad for employment in the coastwise trade.

S.J. Res. 210. Joint resolution to designate the period commencing April 1, 1984, and ending March 31, 1985, as the "Year of Excellence in Education".

On May 8, 1984:

S. 2460. An act to designate a Federal building in Augusta, Maine, as the "Edmund S. Muskie Federal Building".

S. 2461. An act to designate a Federal building in Bangor, Maine, as the "Margaret Chase Smith Federal Building".

S. 2597. An act to authorize the awarding of special congressional gold medals to the daughter of Harry S Truman, to Lady Bird Johnson, and to Elie Wiesel.

S.J Res. 136. Joint resolution to recognize "Volunteer Firefighters Recognition Day" as a tribute to the bravery and self-sacrifice of our volunteer firefighters.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:10 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1129. An act to extend and improve the Domestic Volunteer Service Act of 1973, and for other purposes;

S. 1188. An act to relieve the General Accounting Office of duplicative audit requirements with respect to the Disabled American Veterans;

H.R. 3240. An act to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins; and

H.R. 3635. An act to amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary reported that on today, May 10, 1984, he had presented to the President of the United States the following enrolled bills:

S. 1129. An act to extend and improve the Domestic Volunteer Service Act of 1973, and for other purposes; and

S. 1188. An act to relieve the General Accounting Office of duplicative audit requirements with respect to the Disabled American Veterans.

MEASURES HELD AT THE DESK

The following measures were ordered held at the desk by unanimous consent:

H.R. 5515. An act to authorize the President to award the Medal of Honor to the Unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetary; and

H.J. Res. 548 Joint resolution authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural resources, without amendment:

S. 1547 A bill to amend the conditions of a grant of certain lands to the town of Olathe, Colorado, and for other purposes (Rept. No. 98-436).

By Mr. McCLURE, from the committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 4214. A bill to establish a State Mining and Mineral Resources Research Institute program, and for other purposes (Rept. No. 98-437).

By Mr. WEICKER, from the committee on Small Business, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3075. A bill to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes (Rept. No. 98-438).

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

H.R. 4107. A bill to designate the Federal building in Salisbury, Maryland, as the "Maude R. Toulson Federal Building."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 165. Joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

S.J. Res. 285. Joint resolution to designate June 13, 1984, as "Harmon Killebrew Day."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 2655. A bill to provide for a report concerning agricultural exports; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCLURE (by request):

S. 2656. A bill to withdraw and reserve for the Department of the Navy certain public lands within the Mojave "B" Ranges, San Bernardino County, California, for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2657. A bill to withdraw and reserve for the Department of the Air Force certain public lands within the Nellis Air Force Range, within Clark, Nye and Lincoln Counties, Nevada, for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2658. A bill to withdraw and reserve for the Department of the Army certain public lands within the McGregor Range, Otero County, New Mexico, for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2659. A bill to withdraw and reserve for the Department of the Air Force certain public land within the Luke Air Force Range, Maricopa, Pima and Yuma Counties, Arizona, for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2660. A bill to withdraw and reserve for the Department of the Army certain public lands within the Fort Greely Maneuver Area, in the Big Delta area, Alaska, and certain public lands within the Fort Greely Air Drop Zone, in the Granite Creek area, Alaska, for use as training and equipment development areas, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2661. A bill to withdraw and reserve for the Department of the Army certain public lands within the Fort Wainwright Maneuver Area, Fourth Judicial District, Alaska, for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2662. A bill to withdraw and reserve for the Department of the Navy certain public lands for the Bravo 20 Bombing Range, Churchill County, Nevada, for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABDNOR (for himself and Mr. PRESSLER):

S. 2663. A bill pertaining to the inheritance of trust or restricted land on the Lake Traverse Indian Reservation, North Dakota and South Dakota, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BOSCHWITZ:

S. 2664. A bill for the relief of Oknyo (Bang) Duran; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. NUNN, and Mr. RUDMAN):

S. 2665. A bill to strengthen the criminal and civil penalty provisions of environmental protection laws; to the Committee on Environment and Public Works.

By Mr. WILSON:

S.J. Res. 293. Joint resolution to designate July 17, 1984, as "Spanish American War Veteran Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TSONGAS (for himself and Mr. MOYNIHAN):

S. Con Res. 113. Concurrent resolution expressing the sense of the Congress that Yelena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Yelena Bonner, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE (by request):

S. 2656. A bill to withdraw and reserve for the Department of the Navy certain public lands within the Mojave "B" Ranges, San Bernardino County, Calif., for use as a training and weapons testing area; to the Committee on Energy and Natural Resources.

RESERVATION OF CERTAIN LAND IN THE MOJAVE "B" RANGES FOR USE AS A TRAINING AND WEAPONS TESTING AREA

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to withdraw and reserve for the Department of the Navy certain public lands within the Mojave "B" Ranges, San Bernardino County, Calif., for use as a training and weapons testing area, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the communication from the Acting Assistant Secretary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, the public lands aggregating approximately 314,809 acres in San Bernardino County, California, as more fully described in application CA 4982 and set forth in the Federal Register of April 7, 1978 (Vol. 43, No. 68, pages 14745-14746), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral and geothermal leasing laws, and are reserved for use of the Department of the Navy as an armament and high hazard testing area, a training area for aerial gunnery, electronic warfare, tactical maneuvering and air support, and for other uses consistent therewith.

SEC. 2. Responsibility for management of the lands withdrawn by this Act is established as follows:

(a) The Secretary of the Navy shall have exclusive jurisdiction over the management of the lands for military purposes and may authorize use of the lands by the other military departments and agencies of the Department of Defense, as appropriate.

(i) When military operations, public safety and national security, as determined by the installation commander, require the closure of roads and trails commonly in public use, the Secretary of the Navy is authorized to take such action. Appropriate warning notices shall be kept posted during closures.

(ii) The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the withdrawn lands as a result of military activities. The memorandum of understanding required by section 2(c) of this Act shall provide for Bureau of Land Management cooperation in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(iii) The Secretary of the Navy shall have responsibility for management of the wild burros on the lands.

(b) The Secretary of the Interior shall be responsible for the management of the withdrawn lands and their resources for uses which may include, but are not limited to grazing, management of wildlife habitat, control of predatory animals, and the prevention and suppression of brush and range fires resulting from non-military activities. Except as provided in subsection (a) of this section, the Secretary of the Interior shall also be responsible for the issuance of all easements, mineral and geothermal leases, and rights-of-way over the lands. All such uses, and the issuance all leases, easements, and rights-of-way, shall be secondary to the military use of the lands and shall be authorized only with concurrence of the Secretary of the Navy. Within one year of the date of the enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of the Navy, shall develop a resource management plan and implementation program for the use and management of the lands under principles of multiple use and sustained yield.

(c) The Secretary of the Interior and the Secretary of the Navy have entered into a memorandum of understanding dated August 25, 1982, that implements the plan and program required by this section. The term of the memorandum of understanding is the same as the term of the withdrawal of the involved lands; however, the provisions of the memorandum of understanding may be amended upon mutual consent of the Secretaries.

SEC. 3. The withdrawal established by this Act is not intended to (a) reserve or otherwise withdraw any water for use in connection with the uses identified in section 1; (b) affect in any manner the future appropriation under State law, by the United States or others, of water in, under or upon the lands withdrawn by this Act; or (c) affect water rights acquired by the Department of the Navy or other components of the Department of Defense prior to the enactment of this Act for use in connection with military operations at Mojave "B" Ranges.

SEC. 4. (a) Except as provided otherwise in this section, the withdrawal established by this act shall terminate 25 years from the effective date of this Act.

(b) At least three years prior to the expiration of the withdrawal established by this Act, the Secretary of the Navy shall advise the Secretary of the Interior as to whether the Department of the Navy will have a continuing need for any of the lands beyond the termination date.

(i) If the Secretary of the Navy concludes that there will be a continuing need for any of the lands beyond the termination date, he shall file an application for extension of the withdrawal of such lands in accordance with the regulations and procedures applicable to the extension of withdrawals that the Secretary of the Interior has the discretionary authority to issue. In that case, the withdrawal accomplished by this Act shall remain in full force and effect pending processing of the application and a decision and action on the proposed withdrawal by the Secretary of the Interior, and where required, by the Congress.

(ii) If the Secretary of the Navy concludes that, beyond the termination date established by subsection (a) of this section, there will be no need for all or any of the lands withdrawn by this Act, or if, during the period of withdrawal, the Secretary of the Navy determines to relinquish all or any of the lands withdrawn under this Act, he shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) Prior to the filing of a notice of intention to relinquish pursuant to subsection (d)(ii) of this section, the Secretary of the Navy shall determine whether and to what extent the involved lands are contaminated with explosives or toxic and other hazardous materials.

(i) If the lands are contaminated, and the Secretary of the Navy, in coordination with the Secretary of the Interior, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to the operation of the public land laws, including the mining laws, he shall decontaminate the lands, unless Congress declines to appropriate funds for the project.

(ii) If the Secretaries of the Navy and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, or if Congress declines to appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(iii) A copy of the determination made by the Secretaries shall be supplied with the notice of intention to relinquish.

(d) If the Secretary of the Interior declines to accept jurisdiction of such lands because of their contaminated state, the withdrawal created by this Act shall continue indefinitely and the lands shall be retained and managed in accordance with the provisions of this Act. In such case, beginning with the fifth anniversary of the termination date of the withdrawal created by this Act, and every five years thereafter, the Secretary of the Navy, in coordination the Secretary of the Interior, shall reassess the withdrawal to determine whether or not decontamination of any or all of the lands is practicable and economically feasible. If the Secretaries conclude that decontamination is both practicable and economically feasible, taking into consideration the potential future use and value of the land and that upon decontamination the lands could be opened to operation of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land, unless Congress declines to appropriate

funds for the project. Following decontamination and upon certification by the Department of the Navy that the lands are safe for all non-military uses, the Secretary of the Interior shall reconsider accepting jurisdiction of the lands.

(e) If the Secretary of the Interior decides to accept jurisdiction of the lands withdrawn by this Act which are proposed for relinquishment, he shall publish in the Federal Register an appropriate withdrawal revocation order which shall constitute official acceptance of full jurisdiction by the Secretary of the Interior, shall terminate the withdrawal, and shall state the date upon which the involved lands will be opened to the operation of the public land laws, including the mining laws.

SEC. 5. (a) The functions of the Secretary of the Navy under this Act may be delegated.

(b) The functions of the Secretary of the Interior under this Act may be delegated, except that a decision to accept a notice of intention of relinquish may be made, and an order pursuant to section 4(e) of this Act may be approved and signed, only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 29, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To withdraw and reserve for the Department of the Navy certain public lands within the Mojave "B" Ranges, San Bernardino County, California, for use as a training and weapons testing area, and for other purposes."

We recommend that the bill be referred to the appropriate committee and that it be enacted.

The bill would withdraw, for 25 years, approximately 314,809 acres in San Bernardino County, California, from all forms of appropriations under the public land laws, including the mining laws but not the mineral and geothermal leasing laws, for use by the Department of the Navy as an armament and high hazard testing area, a training area for aerial gunnery, electronic warfare, tactical maneuvering and air support, and for other uses consistent therewith.

The lands comprising the Mojave "B" Range were originally set aside for military purposes associated with World War II under a 1943 letter permit covering approximately 487,143 acres. On October 6, 1950, Public Land Order No. 673 withdrew approximately 171,656 acres of public land for use as a Navy test range, now known as the Randsburg Wash Test Range. That withdrawal included the middle one-third of the original Mojave "B" Range, and resulted in the division of Mojave "B" Range into north and south sectors, i.e., Mojave "B" North and Mojave "B" South. The withdrawal established by Public Land Order No. 673 remains in effect and the lands withdrawn by that action are not included in the withdrawal now being proposed.

The north and south sectors of the Mojave "B" range were eventually withdrawn by the Act of October 29, 1963 (77 Stat. 279). By its terms, that law withdrew approximately 312,659 acres (a later survey established that the area withdrawn actually comprised 314,489 acres) for a ten year period with an option to renew the withdrawal for an additional five years. The option was exercised and the withdrawal expired on October 28, 1978. On February 27, 1978, the Department of the Navy filed an application to withdraw again the lands that had been withdrawn under the 1963 Act, plus an additional 320 acres adjacent to the western boundary of the Randsburg Wash Test Range. Thus, the total area affected by the draft bill is approximately 314,809 acres.

The Mojave "B" North Range is used by the Naval Weapons Center, China Lake, California, for weapons testing and evaluation, and advanced tactical fighter training. The Air Force will use the Mojave "B" South Range to construct and operate a new weapons delivery range. The new Air Force facility, to be known as the Superior Valley Range, will be operated by George Air Force Base, California.

In the years since 1943, the lands comprising the Mojave "B" Ranges have been used extensively for a variety of weapons testing and training activities. Because many of the weapons used during those exercises failed to detonate, decontamination of significant portions of the range, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

The overall mineral potential for the Mojave "B" Ranges is very low. The Mojave "B" South Range contains some potentially valuable quartzite deposits as well as small quantities of opal and blue chalcedony. There is a possibility that both uranium and geothermal resources may occur on that portion of the range. While lead, zinc, silver, and iron occur on the Mojave "B" North Range, their presence is not significant. The few industrial and gem minerals which do occur in the area proposed for withdrawal are also readily available in areas outside of the range.

During the previous withdrawal period, the lands and natural resources at the Mojave "B" Ranges have been managed by the Department of the Navy, with the acquiescence of, and in cooperation with, the California State Office of the Bureau of Land Management. It is the intention of both the Department of the Interior and the Department of the Navy to retain the present management program, recognizing at all times the ultimate authority of the Secretary of the Interior to manage the public lands and their resources. To that end, Section 2(b) of the draft bill confirms the authority and responsibility of the Secretary of the Interior to manage the lands proposed for withdrawal. The Secretary of the Interior, however, has assigned certain management functions to the Secretary of the Navy through a memorandum of understanding which has been executed by the two departments.

Enactment of this legislation will not, of itself, have significant environmental impacts, but will allow the Department of the Navy to continue its military activities at the Mojave "B" Ranges. The Department of the Navy has issued an environmental analysis of the on-going military activities at the ranges.

Because the withdrawal will result in the continuation of existing land uses and because changes to those land uses will be subject to separate environmental reviews, it was concluded that the proposed action is not a major Federal action and that preparation of an Environmental Impact Statement is not required to comply with the requirements of section 2(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

Legislation is required for the proposed withdrawal because the Act of February 28, 1958 (72 Stat. 27, 43 U.S.C. 155-158), requires that withdrawals of more than 5,000 acres of public land for one project or facility of the Department of Defense shall be accomplished only by an Act of Congress.

The Office of Management and Budget has advised that there is no objection to this legislative proposal from the standpoint of the Administration's program.

Sincerely,

FRANK A. DUBOIS,
Acting Assistant Secretary.●

By Mr. McCLURE (by request):

S. 2657. A bill to withdraw and reserve for the Department of the Air Force certain public lands within the Nellis Air Force Range, within Clark, Nye and Lincoln Counties, Nev., for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

TESTING AREA WITHIN THE NELLIS AIR FORCE RANGE

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to withdraw and reserve for the Department of the Air Force certain public lands within the Nellis Air Force Range, within Clark, Nye and Lincoln Counties, Nev., for use as a training and weapons testing area, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the communication from the Assistant Secretary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands described in subsection (b) of this section, aggregating approximately 3,034,929 acres in Clark, Nye and Lincoln Counties, Nevada, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral and geothermal leasing laws, and are reserved for use of the Department of the Air Force as an armament and high hazard testing area, a training area for aerial gunnery, electronic warfare, tactical maneuvering and air support, and for other defense related uses consistent therewith; However, except to the extent rendered necessary by national defense, this Act does not affect the National Wildlife System Administration Act of 1966 (80 Stat. 929, as amended; 16 U.S.C. 668dd et seq.) as it applies to the Desert National Wildlife Range, any executive order or public land order affecting the Desert National Wildlife Range, or any memorandum of understanding between the Department of the Interior and the Depart-

ment of the Air Force regarding the administration and joint use of the Desert National Wildlife Range.

(b) The lands and resources withdrawn by this Act are described as follows:

MOUNT DIABLO MERIDIAN

Tps. 1 to 4 S., R. 44 E.

T. 5 S., R. 44 E., partly unsurveyed, secs. 1 and 2; secs. 10 to 16 inclusive; secs. 20 to 36 inclusive.

T. 6 S., R. 44 E., unsurveyed.

T. 7 S., R. 44 E., unsurveyed, secs. 1 to 5 inclusive; secs. 8 to 16 inclusive; secs. 22 to 26 inclusive; secs. 35 and 36.

T. 8 S., R. 44 E., unsurveyed, sec. 1.

Tps. 1 to 4 S., R. 45 E.

Tps. 5 to 7 S., R. 45 E., unsurveyed.

T. 8 S., R. 45 E., unsurveyed, secs. 1 to 18 inclusive; secs. 20 to 27 inclusive; secs. 35 and 36.

Tps. 1 and 2 S., R. 46 E., unsurveyed.

Tps. 3 and 8 S., R. 46 E., unsurveyed.

T. 9 S., R. 46 E., unsurveyed, secs. 1 to 6 inclusive; secs. 8 to 15 inclusive; secs. 23 and 24.

Tps. 1 and 2 S., R. 47 E.

Tps. 3 to 8 S., R. 47 E., unsurveyed.

T. 9 S., R. 47 E., unsurveyed, secs. 1 to 30 inclusive; secs. 33 to 36 inclusive;

T. 10 S., R. 47 E., secs. 1, 2, and 12.

Tps. 1 and 2 S., R. 48 E.

Tps. 3 to 9 S., R. 48 E., unsurveyed.

T. 10 S., R. 48 E., unsurveyed, secs. 1 to 17 inclusive; secs. 21 to 26 inclusive; sec. 36.

Tps. 1 and 2 S., R. 49 E.

Tps. 3 to 7 S., R. 49 E., unsurveyed.

T. 8 S., R. 49 E., unsurveyed, secs. 1 to 11 inclusive; secs. 14 to 23 inclusive; secs. 26 to 35 inclusive; secs. 12, 13, 24, 25, 36, exclusive of those portions withdrawn by PLO 2568.

T. 9 S., R. 49 E., unsurveyed, secs. 2 to 11 inclusive; secs. 14 to 23 inclusive; secs. 26 to 35 inclusive; secs. 1, 12, 13, 24, 25, 36, exclusive of those portions withdrawn by PLO 2568.

T. 10 S., R. 49 E., unsurveyed, secs. 2 to 11 inclusive; secs. 14 to 23 inclusive; secs. 26 to 35 inclusive; secs. 1, 12, 13, 24, 25, 36, exclusive of those portions withdrawn by PLO 2568.

T. 11 S., R. 49 E., unsurveyed, secs. 2 to 11 inclusive; secs. 14 to 23 inclusive; secs. 26 to 35 inclusive; secs. 1, 12, 13, 24, 25, 36, exclusive of those portions withdrawn by PLO 2568.

T. 12 S., R. 49 E., unsurveyed, secs. 2 to 11 inclusive; secs. 14 to 23 inclusive; secs. 26 to 35 inclusive; secs. 1, 12, 13, 24, 25, 36, exclusive of those portions withdrawn by PLO 2568.

Tps. 1 to 7 S., R. 50 E., unsurveyed.

T. 8 S., R. 50 E., unsurveyed, secs. 1 to 6 inclusive; secs. 7 to 12 inclusive; exclusive of those portions withdrawn by PLO 2568.

Tps. 2 to 7 S., R. 51 E., unsurveyed.

T. 8 S., R. 51 E., unsurveyed, secs. 1 to 6 inclusive; secs. 7 to 12 inclusive, exclusive of those portions withdrawn by PLO 2568.

Tps. 3 and 4 S., R. 51½ E., unsurveyed.

Tps. 3 to 7 S., R. 52 E., unsurveyed.

T. 8 S., R. 53 E., unsurveyed, secs. 1 to 6 inclusive; secs. 7 to 12 inclusive, exclusive; of those portions withdrawn by PLOs 2568 and 805.

Tps. 3 and 4 S., R. 53 E.

Tps. 5 to 7 S., R. 53 E., unsurveyed.

T. 8 S., R. 53 E., unsurveyed, secs. 1 to 6 inclusive; secs. 7 to 12 inclusive; exclusive of those portions withdrawn by PLO 805.

T. 3 S., R. 54 E., secs. 4 to 9 inclusive; secs. 16 to 21 inclusive; secs. 28 to 33 inclusive.

T. 4 S., R. 54 E., secs. 4 to 9 inclusive; secs. 16 to 21 inclusive; secs. 28 to 33 inclusive.

Tps. 5 and 6 S., R. 54 E., unsurveyed.

T. 7 S., R. 54 E., unsurveyed, secs. 1 to 34 inclusive; secs. 35 and 36, exclusive of those portions withdrawn by PLO 1662.

T. 8 S., R. 54 E., unsurveyed, secs. 3 to 6 inclusive; secs. 2, 7 to 11 inclusive; 35 and 36, exclusive of those portions withdrawn by PLOs 805 and 1662.

T. 9 S., R. 54 E., unsurveyed, secs. 1, 12, 13, 24, 25, 36; secs. 2, 11, 14, 23, 26, 35, exclusive of those portions withdrawn by PLO 805.

T. 10 S., R. 54 E., unsurveyed, secs. 1, 12, 13, 24, 25, 36; secs. 2, 11, 14, 23, 26, 35, exclusive of those portions withdrawn by PLO 805.

T. 11 S., R. 54 E., unsurveyed, secs. 1, 12, 13, 24, 25, 36; secs. 2, 11, 14, 23, 26, 35, exclusive of those portions withdrawn by PLO 805.

T. 12 S., R. 54 E., unsurveyed, secs. 1, 12, 13, 24, 25, 36; secs. 2, 11, 14, 23, 26, 35, exclusive of those portions withdrawn by PLO 805.

T. 13 S., R. 54 E., unsurveyed, secs. 10 to 15 inclusive; secs. 22 to 27 inclusive; secs. 34 to 36 inclusive; secs. 9, 16, 21, 28, 33, exclusive of those portions withdrawn by PLO 805.

T. 14 S., R. 54 E., unsurveyed, secs. 1 to 3 inclusive; secs. 10 to 15 inclusive; secs. 22 to 27 inclusive; secs. 34 to 36 inclusive; secs. 4, 9, 16, 21, 28, 33, exclusive of those portions withdrawn by PLO 805.

T. 16 S., R. 54 E., secs. 1 to 3 inclusive, N½; sec. 4, NE¼.

T. 5 S., R. 55 E., unsurveyed.

T. 6 S., R. 55 E., unsurveyed.

T. 7 S., R. 55 E., unsurveyed, secs. 1 to 30 inclusive; secs. 31 to 36 inclusive, exclusive of those portions withdrawn by PLO 1662.

T. 8 S., R. 55 E., unsurveyed, secs. 31 to 36 inclusive; exclusive of those portions withdrawn by PLO 1662.

Tps. 9 to 14 S., R. 55 E., unsurveyed.

T. 16 S., R. 55 E., secs. 1 to 6 inclusive, N½.

T. 5 S., R. 55½ E., sec. 6, exclusive of the following described lands:

Beginning at Corner No. 1 a Post marked "No. 1 U.S. Survey No. 57, Lot B" from which U.S. Mineral Monument No. 5 bears North 84 degrees East at the distance of 1,155 feet and Corner No. 1, of said Lot No. 57 A which bears North 61 degrees 27 minutes East at the distance of 43,680 feet; Thence from said Corner No. 1, North 82 degrees West, 363 feet to Corner No. 2, a Post marked "No. 2 U.S. Survey No. 57, Lot B"; Thence, North 8 degrees East, 594 Feet to Corner No. 3, a Post marked "No. 3 U.S. Survey No. 57, Lot B"; Thence South 82 degrees East 363 feet to Corner No. 4, a Post marked "No. 4 U.S. Survey No. 57, Lot B"; Thence South 8 degrees West, 594 feet to the place of beginning, the premises herein granted containing 4.95 acres, more or less; secs. 7 to 8 inclusive; secs. 16 to 21 inclusive; secs. 28 to 33 inclusive;

T. 6 S., R. 55 ½ E.

T. 7 S., R. 55 ½ E., unsurveyed, sec. 4; secs. 6 and 7; secs. 5 and 8, exclusive of the following described lands:

Beginning with the description of the South End lode claim, at corner No. 1, a pine post four inches square, three feet high, marked 1-4658 and 2-4658, in mound of stone, from which U.S. Mineral Monument No. 315, bears north thirty-eight degrees thirty-four minutes west one thousand eight hundred fifty-three and nine-tenths feet distant;

Thence, first course, south eighty-eight degrees forty-three minutes east three hundred one and three-tenths feet to a point from which discovery bears south four degrees fifteen minutes east four hundred fifty-four and six-tenths feet distant; four hundred thirty-five and four-tenths feet intersect line 1-2 of survey No. 37, the White Lake and Conception lode claim, at north one degree four minutes east three hundred sixty-four and five-tenths feet from corner No. 1; six hundred one and three-tenths feet to corner No. 2, a pine post four inches square, three feet high marked 2-4658, in mound of stone;

Thence, second course, south four degrees fifteen minutes east three hundred two and four-tenths feet intersect line 3-4 of said Survey No. 37, at north one degree four minutes east sixty-three and four-tenths feet from corner No. 4; and from corner No. 4 corner No. 1 bears north eighty-eight degrees forty-three minutes west one hundred ninety-three and nine-tenths feet distant; one thousand five hundred feet to corner No. 3, a pine post four inches square, four feet long, marked 3-4658, in mound of stone;

Thence, third course, north eighty-eight degrees forty-three minutes west six hundred one and three-tenths feet to corner No. 4, a pine post four inches square, four feet long, marked 4-4658 and 3-4658, in mound of stone;

Thence, fourth course, north four degrees fifteen minutes west one thousand five hundred feet to corner No. 1, the place of beginning; the survey of the lode claim, as above described, extending one thousand five hundred feet in length along said South End vein or lode;

Beginning, for the description of the South End Fraction lode claim at corner No. 1, a pine post four inches square, four feet long marked 1-4658, in mound of stone, from which said U.S. Mineral Monument No. 315, bears north twenty degrees twenty-seven minutes and twenty seconds west three thousand two hundred seven and seven-tenths feet distant;

Thence, first course, north eight degrees nine minutes east three hundred twenty-seven and four-tenths feet intersect line 3-4 of said South End lode claim; seven hundred ninety-six feet to corner No. 2, a pine post four feet long, four inches square, marked 2-4658, in mound of stone;

Thence, second course, south three degrees twenty-seven minutes east sixty-three and eight-tenths feet to a point from which discovery bears south eighty-degrees nine minutes west three hundred two and three-tenths feet distant; one hundred seventy three and three-tenths feet to corner No. 3, a pine post four inches square, two and one-half feet above ground, marked 3-4658, in mound of stone;

Thence, third course, south seventy-six degrees forty-seven minutes west fifty-six and seven-tenths feet intersect the east side line of the Black Medal lode claim, unsurveyed, at south one degree thirteen minutes east forty-three feet from the northeast corner; seven hundred twelve and one-tenth feet intersect the west side line of said Black Medal lode claim, at south three degrees twenty-four minutes east fifty four and three-tenths feet from the northwest corner; and from the northwest corner the northeast corner bears north seventy-seven degrees forty-seven minutes east six hundred fifty-five and one-tenth feet distant; eight hundred two and seven-tenths feet to corner No. 4, a pine post four inches square, four feet long, marked 4-4658, in mound of stone;

Thence, fourth course, north three degrees twenty-seven minutes west two hundred twenty and seven-tenths feet to corner

No. 1, the place of beginning; the survey of the lode claim, as above described, extending seven hundred ninety-six feet in length along said South End Fraction vein or lode;

Beginning, for the description of the Bride lode claim, at corner No. 1, a pine post four inches square, three feet high, marked 1-4658, in mound of stone, from which said U.S. Mineral Monument No. 315, bears north twenty-one degrees eleven minutes west one thousand five hundred thirty-eight and nine-tenths feet distant;

Thence, first course, south eighty-eight degrees thirty-six minutes east six hundred feet to corner No. 2, identical with corner No. 1 of said South End lode claim;

Thence, second course, south four degrees fifteen minutes east one thousand five hundred feet to corner No. 3, identical with corner No. 4 of said South End lode claim;

Thence, third course, north eighty-eight degrees thirty-six minutes west three hundred one and three-tenths feet to a point from which discovery bears north four degrees fifteen minutes west eight hundred ninety-five and six tenths feet distant; six hundred feet to corner No. 4, a pine post four inches square, three feet long, marked 4-4658, in mound of stone;

Thence, fourth course, north four degrees fifteen minutes west one thousand five hundred feet to corner No. 1, the place of beginning; the survey of the lode claim, as above described, extending one thousand five hundred feet in length along said Bride vein or lode; expressly excepting and excluding from these presents all that portion of the ground hereinbefore described, embraced in said mining claim or Survey No. 37 and said Black Medal lode claim, unsurveyed, and of all veins, lodes and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded ground; the premises herein granted; containing forty-two acres and one hundred four thousandths of an acre.

Beginning at a Post marked No. 1, U.S. Survey No. 37, from which a prominent rock of point No. 1 the southern end of a quartzite bluff, bears north 39 degrees, 9 minutes west at the distance of 2415 feet, a butte No. 2 in valley at the northern end of Alkali Lake, bears south 14 degrees, 30 minutes west, Emigrant Springs bears north 16 degrees, 25 minutes east. At the distance of 167 feet, and the Nome shaft bears north 19 degrees, 38 minutes west at the distance of 592 feet; Thence from said Post north 2 degrees east, 3000 feet to Post marked No. 2 U.S. Survey No. 37; Thence south 88 degrees east, 200 feet to Post marked No. 3 U.S. Survey No. 37; Thence south 2 degrees west, 3000 feet to Post marked No. 4 U.S. Survey No. 37; Thence north 88 degrees west 200 feet to the place of beginning. Containing 13.77 acres of land more or less and embracing 3000 linear feet of said White Lake and Conception lode.

Beginning at a Post marked No. 1, U.S. Survey No. 38; from which a prominent rocky point No. 1, the southern end of a quartzite bluff, bears north 44 degrees, 23 minutes west at the distance of 2,057 feet, a butte No. 2, in valley at the northern end of Alkali Lake, bears south 13 degrees west, Emigrant Springs bears south 28 degrees, 44 minutes east, at the distance of 277 feet, Nome shaft bears north 36 degrees west at the distance of 191 feet, and post No. 1 of survey No. 37, made for the claim of J. B. Osborne et al. upon the White Lake and Conception lode, bears south 12 degrees, 2 minutes east at the distance of 412 feet; Thence from said Post No. 1 of this claim north 88 degrees west 200 feet to Post marked No. 2 U.S. Survey No. 38; Thence north 2 degrees east 2,600 feet to the place of beginning, containing 11.94 acres of land more or less, and embracing 2600 linear feet of said White Lake No. 2 and Conception No. 2 Lode. Sec. 9; sec. 16; sec. 17, exclusive of the following described lands;

Beginning at corner No. 1, a pine post 4 feet long, 4 inches square, marked 1-4659, in mound of stone, from which U.S. Mineral Monument No. 315 bears north 15 degrees 4 minutes 30 seconds west 4,780.4 feet distant; Thence, first course, north 89 degrees east 63.8 feet intersect the west side line of the Black Medal lode claim, unsurveyed, at north 3 degrees 24 minutes west 91.5 feet from the southwest corner; 444.4 feet intersect the south end line of said Black Medal lode claim, at north 75 degrees 22 minutes east 387.7 feet from the southwest corner; 566 feet to corner No. 2, a pine post 4 inches square, 4 feet long, marked 2-4659 in mound of stone;

Thence, second course, south 2 degrees 18 minutes east 1,500.4 feet to corner No. 3, a pine post 4 inches square, 4 feet long, marked 3-4659, in mound of stone;

Thence, third course, south 89 degrees west 300 feet to a point from which discovery bears north 1 degree west 544.5 feet distant; 600 feet to corner No. 4, a pine post 4 inches square, 4 feet long, marked 4-4659, in mound of stone;

Thence, fourth course, north 1 degree west 1,500 feet to corner No. 1, the place of beginning; expressly excepting and excluding from these presents all that portion of the ground hereinbefore described, embraced in said Black Medal lode claim, unsurveyed, and also all that portion of the Southern Groom vein or lode, and of all veins, lodes, and ledges, throughout their entire depth, the tops or apexes of which lie inside of such excluded ground; Survey No. 4659 extending 1,500 feet in length along said Southern Groom vein or lode; the premises herein granted, containing 19.676 acres; secs. 18 to 21 inclusive; secs. 28 to 30 inclusive; secs. 31 to 33 inclusive, exclusive of those portions withdrawn by PLO 1662.

T. 8 S., R. 55 ½E., unsurveyed; secs. 4, 9, 16, 21, 28, 31 to 33 inclusive, exclusive of those portions withdrawn by PLO 1662.

T. 9 to 14 S., R. 55 ½E., unsurveyed.

T. 16 S., R. 55 ½E., unsurveyed; secs. 1 and 2, N½.

T. 5 S., R. 56 ½E., unsurveyed; sec. 19; sec. 20, exclusive of the following described lands;

Beginning at Corner No. 1, a Post marked "No. 1 U.S. Survey No. 41, Lot B" from which Corner No. 1 of Lot No. 41 A bears North 18 degrees 30 minutes East, at the distance of 50,370 feet, and Savioh Springs bears South 40 degrees 30 minutes West, at the distance of 244 feet; Thence from said Corner No. 1 of Lot No. 41 B South 14 degrees 30 minutes East 605 feet to Corner No. 2, a Post marked "No. 2 U.S. Survey No. 41, Lot B"; Thence South 75 degrees 30 minutes West, 360 feet to Corner No. 3 a Post marked "No. 3 U.S. Survey No. 41, Lot B"; Thence North 14 degrees 30 minutes West 605 feet to Corner No. 4 a Post marked "No. 4 U.S. Survey No. 41, Lot B", Thence North 75 degrees 30 minutes East 360 feet to the place of beginning, the premises herein granted, containing 5 acres, more or less; secs. 27 to 35 inclusive.

T. 6 S., R. 56 E., unsurveyed; secs. 2 to 11 inclusive; secs. 14 to 23 inclusive; secs. 26 to 35 inclusive.

T. 7 S., R. 56 E., unsurveyed; secs. 2 to 11 inclusive; secs. 14 to 23 inclusive; secs. 26 to 35 inclusive.

Tps. 8 to 14 S., R. 56 E., unsurveyed.

T. 15 S., R. 56 E.

T. 16 S., R. 56 E., secs. 1 and 2; sec. 3, lots 5 to 9 inclusive, E½; sec. 4, lots 5 to 8 inclusive; sec. 5, lots 5 to 9 inclusive, NW¼, W½NE¼; sec. 6, lots 8 and 9, NE¼, W½; sec. 8, lot 1; sec. 9, lot 1; Tracts 38 to 41 inclusive; Tracts 42 A, B and C.

Tps. 8 to 15 S., R. 57 E., unsurveyed.

T. 16 S., R 57 E., unsurveyed; secs. 1 to 6 inclusive; sec. 7, NE¼; secs. 8 to 16 inclusive; sec. 17, NE¼; sec. 20, SE¼ SW¼, S½ SE¼; sec. 21, NE¼, SW¼ SW¼; secs. 22 to 26 inclusive; sec. 27, NE¼; sec. 28, NW¼ NW¼; sec. 29, N½ NE¼, NE¼ NW¼; sec. 29, N½ NE¼, NE¼ NW¼; sec. 35, NE¼; sec. 36.

Tps. 8 to 15 S., R. 58 E., unsurveyed.

T. 16 S., R. 58 E., unsurveyed. secs. 1 to 10 inclusive; secs. 15 to 22 inclusive; secs. 27 to 34 inclusive.

T. 17 S., R. 58 E., secs. 1 to 4 inclusive; sec. 5, NE¼; sec. 9, NE¼; sec. 10, N½, N½ SW¼, SE¼ SW¼, SE¼; secs. 11 and 12; sec. 13, NW¼; sec. 14, N½, NE¼ SW¼, SE¼; sec. 15, NE¼ NE¼.

Tps. 8 to 14 S., R. 59 E., unsurveyed.

SEC. 2. Responsibility for management of the lands withdrawn by this Act is established as follows:

(a) The Secretary of the Air Force shall have exclusive jurisdiction over the management of the lands for military purposes and may authorize use of the lands by the other military departments and agencies of the Department of Defense, and the Department of Energy, as appropriate.

(i) When military operations, public safety or national security, as determined by the Secretary of the Air Force, require the closure of roads and trails commonly in public use, the Secretary of the Air Force is authorized to take such action. Appropriate warning notices shall be kept posted during closures.

(ii) The Secretary of the Air Force shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the withdrawn lands as a result of military activities. The memorandum of understanding required by section 2(c) of this Act shall provide for Bureau of Land Management cooperation on the suppression of such fires, and for a transfer of funds from the Department of the Air Force to the Bureau of Land Management as compensation for such assistance.

(b) The Secretary of the Interior shall manage the withdrawn lands and their resources, except the lands in the Desert National Wildlife Range, under principles of multiple use and sustained yield, for uses which may include, but are not limited to, grazing, management of wildlife habitat, control of predatory animals, and the prevention and suppression of brush and range first resulting from non-military activities. Except as set forth in subsection (a) of this section, the Secretary of the Interior shall also be responsible for the issuance of all cooperative agreements, easements, mineral leases, and rights-of-way over the lands hereby withdrawn and reserved. All such uses, and the issuance of all leases, easements, and rights-of-way, shall be secondary to the military use of the lands and shall be authorized only with concurrence of the Secretary of the Air Force. Within one year of the date of the enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of the Air Force, shall develop, under principles of multiple use

and sustained yield, a resource management plan and implementation program for the use and management of the lands withdrawn by this Act. The lands in the Desert National Wildlife Range shall be managed by the Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 929, as amended; 16 U.S.C. 668dd et seq.), except to the extent that other uses are required for purposes of national defense.

(c) The Secretary of the Interior and the Secretary of the Air Force shall enter into a memorandum of understanding to implement the plan and program required by this section, except that they may continue in effect the March 11, 1976 Memorandum of Understanding, or any modification thereof, between the Department of the Interior and the Department of the Air Force covering the administration and joint use of certain portions of the Desert National Wildlife Range. The term of all memorandums of understanding shall be the same as the term of the withdrawal of the involved lands; however, the provisions of the memorandums of understanding may be amended upon mutual consent of the Secretaries.

SEC. 3. The withdrawal established by this Act is not intended to (a) reserve or otherwise withdraw any water for use in connection with the uses identified in the first section of this Act; (b) affect in any manner the future appropriation under State law, by the United States or others, of water in, under or upon the lands withdrawn by this Act; or (c) affect water rights acquired by the Department of the Air Force or other components of the Department of Defense prior to the enactment of this Act for use in connection with military operations at Nellis Air Force Range.

SEC. 4. (a) Expect as provided otherwise in this section, the withdrawal established by this Act shall terminate 25 years from the effective date of this Act.

(b) At least three years prior to the expiration of the withdrawal established by this Act, the Secretary of the Air Force shall advise the Secretary of the Interior as to whether the Department of the Air Force will have a continuing need for any of the lands beyond the termination date.

(i) If the Secretary of the Air Force concludes that there will be a continuing need for any of the lands beyond the termination date, he shall file an application for extension of the withdrawal of such lands in accordance with the regulations and procedures applicable to the extension of withdrawals that the Secretary of the Interior has the discretionary authority to issue. In that case, the withdrawal accomplished by this Act shall remain in full force and effect pending processing of the application and a decision and action on the proposed withdrawal by the Secretary of the Interior, and, where required, by the Congress.

(ii) If the Secretary of the Air Force concludes that, beyond the termination date established by subsection (a) of this section, there will be no need for all or any of the lands withdrawn by this Act, or if, during the period of withdrawal, the Secretary of the Air Force determines to relinquish all or any of the lands withdrawn under this Act, he shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(ii) of this section, the Secretary of the Air Force shall determine whether and to what extent the lands are contaminated with explosives or toxic and other hazardous materials.

(i) If the lands are contaminated, and the Secretary of the Air Force, in coordination with the Secretary of the Interior, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to operation of the public land laws, including the mining laws, he shall decontaminate the lands, unless Congress declines to appropriate funds for the project.

(ii) If the Secretaries of the Air Force and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to operation of the public land laws, or if Congress declines to appropriate funds for the decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(iii) A copy of the determination made by the Secretaries shall be supplied with the notice of intention to relinquish.

(d) If the Secretary of the Interior declines to accept jurisdiction of such lands because of their contaminated state, the withdrawal created by this Act shall continue indefinitely and the lands shall be retained and managed in accordance with the provisions of this Act. In such case, beginning with the fifth anniversary of the termination date of the withdrawal created by this Act, and every five years thereafter, the Secretary of the Air Force, in coordination with the Secretary of the Interior, shall reassess the withdrawal to determine whether or not decontamination of any or all of the lands is practicable and economically feasible. If the Secretaries conclude that decontamination is both practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to operation of the public land laws, including the mining laws, the Secretary of the Air Force shall decontaminate the land, unless Congress declines to appropriate funds for this project. Following decontamination and upon certification by the Department of the Air Force that the lands are safe for all non-military uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(e) If the Secretary of the Interior decides to accept jurisdiction of the lands withdrawn by this Act which are proposed for relinquishment, he shall publish in the Federal Register an appropriate withdrawal revocation order which shall constitute official acceptance of full jurisdiction by the Secretary of the Interior, shall terminate the withdrawal, and shall state the date upon which the involved lands will be opened to the operation of the public land laws, including the mining laws.

SEC. 5. (a) The functions of the Secretary of the Air Force under this Act may be delegated.

(b) The functions of the Secretary of the Interior under this Act may be delegated, except that a decision to accept a notice of intention to relinquish may be made, and an order pursuant to section 4(e) of this Act, may be approved and signed, only by the Secretary of the Interior, the Under Secretary of the interior, or an Assistant Secretary of the Department of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To withdraw and reserve for the Department of the Air Force certain public lands within the Nellis Air Force Range, within Clark, Nye and Lincoln counties, Nevada, for use as a training and weapons testing areas, and for other purposes."

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and that it be enacted.

The bill would withdraw, for 25 years, approximately 3,034,929 acres in Clark, Nye and Lincoln counties, Nevada, from all forms of appropriation under the public land laws including mining laws, but not the mineral and geothermal laws, for use of the Department of the Air Force as an armament and high hazard testing area, a training area for aerial gunnery, electronic warfare, tactical maneuvering and air support, and for other defense related uses consistent therewith.

The Las Vegas Bombing and Gunnery Range, now called Nellis Air Force Range, was established by Executive Order 8578 on October 29, 1940. Since then, the range has been the subject of two additional Executive Orders, nine public land orders, two memorandums of understanding, and one public law.

Indian Springs Auxiliary Air Field, which is contiguous to, and provides support for, the Nellis Air Force Range complex, was originally withdrawn by Public Land Order 58 on November 12, 1942. Three additional public land orders increased the acreage withdrawn for the installation to its present size of approximately 2,082 acres.

Public Land Orders 805, 1382, and 2568 transferred portions of the Nellis Air Force range to the Atomic Energy Commission (now the Department of Energy) for development of the Nevada Test Site located between the north and south portions of the Nellis Range. In November 1956, through a Memorandum of Understanding, the Air Force permitted the Atomic Energy Commission to utilize an additional 369,280 acres as a fully instrumented ballistic test range. This area is referred to as the Tonopah Test Range. The Air Force also entered into an agreement in November 1963 for use by the Atomic Energy Commission of 167,960 acres to conduct underground explosion testing.

Approximately 826,000 acres of the Nellis Air Force Range overlap the western one-half of the Desert National Wildlife Range, which was first established by Executive Order 7373 of May 20, 1936. The Desert National Wildlife Range is administered by the U.S. Fish and Wildlife Service under the National Wildlife Refuge System Administration Act of 1966. A March 11, 1976 Memorandum of Understanding between the Department of the Interior and the Department of the Air Force established the rights and responsibilities of the two Departments regarding the administration and joint use of the overlap area. It is anticipated that the existing relationship between the two Departments will remain unchanged, except as mutually agreed by the two Secretaries involved.

The Act of September 26, 1961 (75 Stat. 672), withdrew an additional 81,480 acres for the range. The area overlaps the Fish and

Wildlife Service withdrawal for the Desert National Wildlife Range.

The withdrawal created by the 1961 Act expired on September 25, 1976, and the withdrawals created by the three Executive Orders and three public land orders expired on February 16, 1977.

In 1976, the Corps of Engineers, acting for the Air Force, filed two applications seeking continued use of almost all of the previously withdrawn land, plus an additional 2,280 acres to replace 1,600 acres of the 1961 withdrawal which were relinquished to the U.S. Fish and Wildlife Service for use in connection with the Desert National Wildlife Range.

On November 13, 1981, the Air Force amended the existing Nellis Air Force Range application to add approximately 90,000 acres of public land proposed for use in support of Department of Defense activities.

The draft bill covers all land now in the range, adjacent support facilities at Indian Springs, and the areas proposed for addition.

Because many of the weapons used at Nellis have failed to detonate, significant portions of the range are heavily contaminated. Decontamination of the range, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

Mineral commodities found in the Nellis Air Force Range are gold, silver, copper, lead, zinc, mercury, tungsten, turquoise, sand, gravel, and limestone. Gypsum and limestone are probably the most valuable commodities produced in the vicinity of the range. They are not presently being produced in the range. Significant amounts of lead, silver, copper, and zinc have been recovered from the Groom mine about 3 miles east of the range. Within those portions of the range studied for mineral content, most of the metalliferous mineral deposits consist of gold-silver minerals, occurring as fissure fillings and replacements in shear zones. Some deposits also contain lead, zinc, and copper. Several occurrences of tungsten and molybdenite have been found in one area. Another area has potential for oil and gas development.

Legislation is required for the proposed withdrawal under the requirement of the Act of February 28, 1958 (72 Stat. 27; 43 U.S.C. 155-158), that withdrawals of more than 5,000 acres of public land for any one project or facility of the Department of Defense shall be accomplished only by an Act of Congress.

Enactment of this legislation will not, of itself, have significant environmental impacts, but will allow the Department of the Air Force to continue its military activities at Nellis Air Force Range. The environmental impacts associated with those activities are minor over the Nellis Air Force Range generally, although some activities will continue to have significant impacts in specific locations. An Environmental Impact Statement concerning the proposed withdrawal has been prepared and issued by the Department of the Air Force in cooperation with the Department of the Interior.

The Office of Management and Budget has advised that there is no objection to this legislative proposal from the standpoint of the Administration's program.

Sincerely,

GARREY A. CARRUTHERS,
Assistant Secretary.●

By Mr. McCLURE (by request):

S. 2658. A bill to withdraw and reserve for the Department of the Army certain public lands within the McGregor Range, Otero County, N. Mex., for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

TESTING AREA WITHIN THE M'GREGOR RANGE

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to withdraw and reserve for the Department of the Army certain public lands within the McGregor Range, Otero County, N. Mex., for use as a training and weapons testing area, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and the executive communication which accompanied the proposal from the Assistant Secretary of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, the public lands aggregating approximately 608,384.87 acres in Otero County, New Mexico, as more fully described in application NM 35829 and set forth in the Federal Register of January 11, 1979 (Vol. 44, No. 8, pages 2434-2437) and February 15, 1979 (Vol. 44, No. 33, page 9806), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral or geothermal leasing laws, for use by the Department of the Army as a training and weapons testing area, and for other defense related uses consistent therewith.

SEC. 2. Responsibility for management of the withdrawn lands is established as follows:

(a) The Secretary of the Army shall have exclusive jurisdiction over the management of the lands for military purposes, and may authorize use of the lands by the other military departments and agencies of the Department of Defense, as appropriate.

(i) When military operations, public safety or national security, as determined by the installation commander, require the closure of roads and trails commonly in public use, the Secretary of the Army is authorized to take such action. Appropriate warning notices shall be kept posted during closures.

(ii) The Secretary of the Army shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the withdrawn lands as a result of military activities. The memorandum of understanding required by section 2(c) of this Act shall provide for Bureau of Land Management cooperation in the suppression of such fires, and for a transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) The Secretary of the Interior shall manage the withdrawn lands and their resources for uses which may include, but are not limited to, grazing, management of wildlife habitat, recreation, control of predatory animals, and prevention and suppression of range fires resulting from non-military activities. Except as set forth in subsection (a) of this section, the Secretary of the Interior shall also be responsible for the issuance of all easements, mineral and geothermal leases, and rights-of-way over the lands hereby withdrawn and reserved. All such uses, and the issuances of all leases, easements and rights-of-way, shall be secondary to the military use of the lands and shall be authorized only with concurrence of the Secretary of the Army. Within one year of the date of the enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of the Army, shall develop a resource management plan in implementation program for the use and management of the lands, under principles of multiple use and sustained yield.

(c) The Secretary of the Interior and the Secretary of the Army shall enter into a memorandum of understanding to implement the plan or program required by this section. The term of the memorandum of understanding shall be the same as the term of the withdrawal of the involved lands.

SEC. 3. All hunting, fishing and trapping on the land shall be conducted in accordance with the fish and game laws of the State of New Mexico.

SEC. 4. (a) Seventeen acre feet per day of water located on, under, over, or appurtenant to the Federal lands withdrawn by this Act, that has not been appropriated as the date of this Act, and that is required for future military purposes, is hereby reserved for such us by the Secretary of the Army.

(b) If the Secretary of the Army determines that it is necessary to acquire additional water in excess of the quantity identified in paragraph (a) above, he shall either:

(1) Acquire the rights to such additional water in conformity with the applicable laws of the State of New Mexico relating to the control, appropriation, use and distribution of water resources in that State; or

(2) Obtain a specific reservation of additional Federal water rights from Congress.

(c) The reservation of water established by the Act is not intended to affect water rights acquired by the Department of the Army prior to the enactment of this Act.

SEC. 5. (a) Except as provided otherwise in this section, the withdrawal established by this Act shall terminate 25 years from the effective date of this Act.

(b) At least three years prior to the expiration of the withdrawal established by this Act, the Secretary of the Army shall advise the Secretary of the Interior as to whether the Department of the Army will have a continuing need for any of the lands beyond the termination date.

(i) If the Secretary of the Army concludes that there will be a continuing need for any of the lands beyond the termination date, he shall file an application for extension of the withdrawal of such lands in accordance with the regulations and procedures applicable to the extension of withdrawals that the Secretary of the Interior has the discretionary authority to issue. In that case, the withdrawal accomplished by this Act shall remain in full force and effect pending processing of the application and a decision and action on the proposed withdrawal by the Secretary of the Interior and, where required, by the Congress.

(ii) If the Secretary of the Army concludes that, beyond the termination date established by subsection (a) of this section, there will be no need for all or any of the

lands withdrawn by this Act, or if, during the period of withdrawal, the Secretary of the Army determines to relinquish all or any of the lands withdrawn under this Act, he shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(ii) of this section, the Secretary of the Army shall determine whether and to what extent the involved lands are contaminated with explosives or toxic and other hazardous materials.

(i) If the lands are contaminated, and the Secretary of the Army, in coordination with the Secretary of the Interior, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to operation of the public land laws, including the mining laws, he shall decontaminate the lands, unless Congress declines to appropriate funds for the project.

(ii) If the Secretaries of the Army and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to operation of the public land laws, or if Congress declines to appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(iii) A copy of the determination made by the Secretaries shall be supplied with the notice of proposed relinquishment.

(d) If the Secretary of the Interior declines to accept jurisdiction of such lands because of their contaminated state, the withdrawal created by this Act shall continue indefinitely and the lands shall be retained and managed in accordance with the provisions of this Act. In such case, beginning with the fifth anniversary of the termination date of the withdrawal created by this Act, and every five years thereafter, the Secretary of the Army, in coordination with the Secretary of the Interior, shall reassess the withdrawal to determine whether or not decontamination of any or all of the lands is practicable and economically feasible. If the Secretaries conclude that decontamination is both practicable and economically feasible, taking into consideration the potential future use and value of the lands, and that upon decontamination the lands could be open to operation of the public land laws, including the mining laws, the Secretary of the Army shall decontaminate the land, unless Congress declines to appropriate funds for the project. Following decontamination and upon certification by the Department of the Army that the lands are safe for all non-military uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(e) If the Secretary of the Interior decides to accept jurisdiction of the lands withdrawn by this Act which are proposed for relinquishment, he shall publish in the Federal Register an appropriate withdrawal revocation order which shall constitute official acceptance of full jurisdiction by the Secretary of the Interior, shall terminate the withdrawal, and shall state the date upon which the involved lands will be opened to the operation of the public land laws, including the mining laws.

SEC. 6. (a) The functions of the Secretary of the Army under this Act may be delegated.

(b) The functions of the Secretary of the Interior under this Act may be delegated, except that a decision to accept a notice of proposed relinquishment may be made, and an order pursuant to Section 5(e) of this Act may be approved and signed, only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1983.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To withdraw and reserve for the Department of the Army certain public lands within the McGregor Range, Otero County, New Mexico, for use as a training and weapons testing area and for other purposes."

We recommend that the enclosed bill be introduced and referred to the appropriate committee, and that it be enacted.

The bill would withdraw, for 25 years, approximately 608,384.87 acres of public lands in Otero County, New Mexico, from all forms of appropriation under the public land laws including the mining laws but not the mineral and geothermal leasing laws, for use by the Department of the Army as a training and weapons testing area, and for other defense related uses consistent therewith.

Legislation is required for the proposed withdrawal in accordance with the Act of February 22, 1958 (72 Stat. 27; 43 U.S.C. 155-158), which specifies that withdrawals of more than 5,000 acres of public land for any one project or facility of the Department of Defense may be accomplished only by an Act of Congress.

The lands involved in the proposed withdrawal were originally withdrawn by two public land orders in 1957; however, the withdrawals have expired. Since 1957, the lands have been used continuously by the Army for weapons testing and training purposes, including tactical training, missile firing, and artillery training. Because many of the weapons used during those exercises failed to detonate, significant portions of the range are heavily contaminated. Decontamination of the range, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

The locatable minerals which occur on the range are gypsum and high calcium limestone. Although the Minerals Management Service has classified most of the lands in the range as prospectively valuable for oil and gas, no commerical production has been obtained. However, notwithstanding that the land will not be withdrawn from the mineral or geothermal leasing laws, no exploration for, or disposition of, minerals may occur under current law where the Secretary of Defense in consultation with the Secretary of the Interior determines that such exploration or disposition is inconsistent with the military uses of the withdrawn land.

Enactment of this legislation will not of itself have significant environmental impacts, but will allow the Department of the Army to continue its military activities at the McGregor Range. The environmental impacts associated with these activities are generally minor, although some activities could have significant impacts. An Environmental Impact Statement concerning the proposed withdrawal has been prepared and issued by the Department of the Army in cooperation with the Department of the Interior.

The Office of Management and Budget has advised that there is no objection to this legislative proposal from the standpoint of the Administration's program.

Sincerely,

GARREY A. CARRUTHERS,
Assistant Secretary.●

By Mr. McCLURE (by request):

S. 2659. A bill to withdraw and reserve for the Department of the Air Force certain public land within the Luke Air Force Range, Maricopa, Pima and Yuma Counties, Ariz., for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

TESTING AREA WITHIN THE LUKE AIR FORCE RANGE

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to withdraw and reserve for the Department of the Air Force certain public land within the Luke Air Force Range, Maricopa, Pima and Yuma Counties, Ariz., for use as a training and weapons testing area, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and the communication which accompanied the proposal from the Assistant Secretary of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, the public lands aggregating approximately 2,664,423 acres in Maricopa, Pima and Yuma Counties, Arizona, as more fully described in application A-9973 and set forth in the Federal Register of December 22, 1981 (Vol. 46, No. 245, pages 62181-62186), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral or geothermal leasing laws, for use by the Department of the Air Force as a high hazard testing area, a training area for aerial gunnery, rocketry, electronic warfare, tactical maneuvering and air support and for other defense related uses consistent therewith; however, except to the extent rendered necessary by national defense, this Act does not affect the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 929, as amended; 16 U.S.C. 668dd et seq.) as it applies to the Cabeza Prieta National Wildlife Refuge, any Executive order or public land order affecting the Cabeza Prieta National Wildlife Refuge, or any memorandum of understanding between the Department of the Interior, the Department of the Air Force, and the Department of the Navy regarding the admin-

istration and the joint use of certain portions of the Cabeza Prieta National Wildlife Refuge.

SEC. 2. Responsibility for management of the withdrawn lands is established as follows:

(a) The Secretary of the Air Force shall have exclusive jurisdiction over the management of the lands for military purposes and may authorize use of the lands by the other military departments and agencies of the Department of Defense, as appropriate.

(i) When military operations, public safety or national security, as determined by the Secretary of the Air Force, require the closure of roads and trails commonly in public use, the Secretary of the Air Force is authorized to take such action. Appropriate warning notices shall be kept posted during closures.

(ii) The Secretary of the Air Force shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the withdrawn lands as a result of military activities. The memorandum of understanding required by section 2(c) of this act shall provide for Bureau of Land Management cooperation on the suppression of such fires, and for a transfer of funds from the Department of the Air Force to the Bureau of Land Management as compensation for such assistance.

(b) The Secretary of the Interior shall manage the withdrawn lands and their resources, except the lands in the Cabeza Prieta National Wildlife Refuge, under principles of multiple use and sustained yield for uses which may include, but are not limited to, grazing, management of wildlife habitat, control of predatory animals, and the prevention and suppression of brush and range fires resulting from non-military activities. Except as provided in subsection (a) of this section, the Secretary of the Interior shall also be responsible for the issuance of all easements, mineral leases, and rights-of-way over the lands hereby withdrawn and reserved. All such uses, and the issuance of all leases, easements, and rights-of-way, shall be secondary to the military use of the lands and shall be authorized only with concurrence of the Secretary of the Air Force. Within one year of the date of the enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of the Air Force, shall develop a resource management plan and implementation program for the use and management of the lands under principles of multiple use and sustained yield. The lands in the Cabeza Prieta National Wildlife Refuge shall be managed by the Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 929, as amended; 16 U.S.C. 668dd et seq.), except to the extent that other uses are required for purposes of national defense.

(c) The Secretary of the Interior and the Secretary of the Air Force shall enter into a memorandum of understanding to implement the plan or program required by this section, except that they may continue in effect the March 24, 1975, Memorandum of Understanding, or any modification thereof, between the Department of the Interior, the Department of the Air Force, and the Department of the Navy covering the administration and joint use of certain portions of the Cabeza Prieta National Wildlife Refuge. The term of all memorandums of understanding shall be the same as the term of the withdrawal of the involved lands; however, the provisions of the memorandums of understanding may be amended upon mutual consent of the Secretaries.

SEC. 3. The withdrawal established by this Act is not intended to (a) reserve or otherwise withdraw any water for use in connection with the uses identified in the first section of this Act; (b) affect in any manner the future appropriation under State law, by the United States or others, of water in, under or upon the lands withdrawn by this Act; or (c) affect water rights acquired by the Department of the Air Force or other components of the Department of Defense prior to the enactment of this Act for use in connection with military operations at Luke Air Force Range.

SEC. 4. (a) Prior to the tenth anniversary of the date of enactment of this Act, the Secretary of the Interior shall prepare and transmit to the President of the Senate and the Speaker of the House of Representatives an analysis of the mineral potential of the lands withdrawn by this Act, together with his recommendations, developed in consultation with the Secretary of the Air Force, identifying which, if any, of the lands should be opened to operation of the mining laws, in light of the military use of the lands, the relative availability of the minerals determined to be present on the lands, and, if applicable, the contaminated state of the lands.

(b) If the Congress, after review of the mineral analysis and recommendations required by subsection (a) of this section and prior to the eleventh anniversary of the date of enactment of this Act, adopts a joint resolution stating that all or a portion of the lands shall be opened to the operation of the mining laws and identifying the lands which shall be opened, the Secretary of the Interior shall immediately publish in the Federal Register an appropriate withdrawal revocation order which shall modify or terminate the withdrawal in accordance with the provisions of the joint resolution, and state the date upon which the involved lands will be opened to operation of the mining laws or other public land laws, as appropriate.

SEC. 5. (a) Except as provided otherwise in this Act, the withdrawal established by this Act shall terminate 25 years from the effective date of this Act.

(b) At least three years prior to the expiration of the withdrawal established by this Act, the Secretary of the Air Force shall advise the Secretary of the Interior as to whether the Department of the Air Force will have a continuing need for any of the lands beyond the termination date.

(i) If the Secretary of the Air Force concludes that there will be a continuing need for any of the lands beyond the termination date, he shall file an application for extension of the withdrawal of such lands in accordance with the regulations and procedures applicable to the extension of withdrawals that the Secretary of the Interior has the discretionary authority to issue. In that case, the withdrawal accomplished by this Act shall remain in full force and effect pending processing of the application and a decision and action on the proposed withdrawal by the Secretary of the Interior and, where required, by the Congress.

(ii) If the Secretary of the Air Force concludes that, beyond the termination date established by subsection (a) of this section, there will be no need for all or any of the lands withdrawn by this Act, or if, during the period of withdrawal, the Secretary of the Air Force determines to relinquish all or any of the lands withdrawn under this Act, he shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(ii) of this section, the Secretary of the Air Force shall determine whether and to what extent the lands are contaminated with explosives or toxic and other hazardous materials.

(i) If the lands are contaminated, and the Secretary of the Air Force, in coordination with the Secretary of the Interior, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to operation of the public land laws, including the mining laws, he shall decontaminate the lands, unless Congress declines to appropriate funds for the project.

(ii) If the Secretaries of the Air Force and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(iii) A copy of the determination made by the Secretaries shall be supplied with the notice of intention to relinquish.

(d) If the Secretary of the Interior declines to accept jurisdiction of such lands because of their contaminated state, the withdrawal created by this Act shall continue indefinitely and the lands shall be retained and managed in accordance with the provisions of this Act. In such case, beginning with the fifth anniversary of the termination date of the withdrawal created by this Act, and every five years thereafter, the Secretary of the Air Force, in coordination with the Secretary of the Interior, shall reassess the withdrawal to determine whether or not decontamination of any or all of the lands is practicable and economically feasible. If the Secretaries conclude that decontamination is both practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to the operation of the public land laws, including the mining laws, the Secretary of the Air Force shall decontaminate the land, unless Congress declines to appropriate funds for the project. Following decontamination and upon certification by the Department of the Air Force that the lands are safe for all non-military uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(e) If the Secretary of the Interior decides to accept jurisdiction of the lands withdrawn by this Act which are proposed for relinquishment, he shall publish in the Federal Register an appropriate withdrawal revocation order which shall constitute official acceptance of full jurisdiction by the Secretary of the Interior, shall terminate the withdrawal, and shall state the date upon which the involved lands will be opened to the operation of the public land laws, including the mining laws.

SEC. 6. (a) The functions of the Secretary of the Air Force under this Act may be delegated.

(b) The functions of the Secretary of the Interior under this Act may be delegated, except that a decision to accept a notice of intention to relinquish may be made, and orders pursuant to sections 4(b) and 5(e) of

this Act may be approved and signed, only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 18, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To withdraw and reserve for the Department of the Air Force certain public lands within Luke Air Force Range, within Maricopa, Pima and Yuma Counties, Arizona, for use as a training and weapons testing area, and for other purposes."

We recommend that the enclosed bill be referred to the appropriate committee and that it be enacted.

The bill would withdraw approximately 2,664,423 acres in Maricopa, Pima and Yuma Counties, Arizona, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral or geothermal leasing laws, for use of the Department of the Air Force as a training and testing area. The withdrawal would be for 25 years subject to a Congressional option to terminate or modify the withdrawal after ten years.

A portion of the lands comprising what is now Luke Air Force Range was withdrawn and reserved for use as an aerial gunnery range by Executive Order 8892, on September 5, 1941. Since then, the range has been the subject of three additional Executive Orders, five public land orders, one special use permit, several Memorandums of Understanding, and one public law, the Act of August 24, 1962 (76 Stat. 399).

By its terms, the 1962 Act withdrew 479,100 acres (a later survey established that the area withdrawn actually comprised 485,661 acres) for an initial 10-year period with an option to renew the withdrawal for 5 years. The option was exercised by the Air Force and the withdrawal created by the Act expired on August 23, 1977. In April 1977, the Corps of Engineers, acting for the Air Force, filed an application to withdraw again the lands covered by the 1962 Act, and, in addition, approximately 17,131 acres which had been used by the Air Force under a Special Land Use Permit. It was subsequently concluded that management efficiency would be increased if all of the lands comprising the range were withdrawn through one action. Thus, the draft bill would withdraw all land now in the range plus the 17,131 acres proposed for addition to the range.

Gila Bend Air Force Auxiliary Field, a satellite installation of Luke Air Force Base, Arizona, is located within and provides support for various operations conducted in the eastern portion of Luke Air Force Range. Approximately 1,885 acres of the range complex have been set aside for purposes connected with that facility.

Under a 1958 Cooperative Agreement between the Department of the Navy and the Department of the Air Force, the airspace above the land comprising Luke Air Force Range has been divided into two parts. The eastern section (approximately 1,651,235 acres) is controlled by the Air Force through Luke Air Force Base, while the western section (approximately 1,013,188 acres) is controlled by the U.S. Navy through the U.S. Marine Corps Air Station, Yuma, Arizona.

The Cabeza Prieta National Wildlife Refuge, consisting of approximately 860,000 acres, also comprises a portion of the lands within Luke Air Force Range. The refuge was established by Executive Order 8038, of January 25, 1939, prior to the estabishment of the military installation. Executive Order 8892, which established the withdrawal for Luke Air Force Range, specified that it took precedence over, but did not rescind or revoke, Executive Order 8038. Pursuant to Executive Order 9526, of February 28, 1945, jurisdiction over the lands vested in the Department of the Interior at the expiration of the six-month period following the termination of the unlimited national emergency proclaimed by Proclamation No. 2487 of May 27, 1941. Proclamation No. 2974, of April 28, 1952, terminated that national emergency.

Military involvement with the Cabeza Prieta National Wildlife Refuge consists of a limited use of its air space. A March 25, 1975, Memorandum of Understanding between the Department of the Interior, the Department of the Air Force, and the Department of the Navy established the rights and responsibilities of the three Departments regarding the administration and joint use of the overlap area. It is anticipated that the existing relationship between the three Departments will remain unchanged, except as mutually agreed by the three Secretaries involved.

A mineral report prepared by the Arizona Department of Mineral Resources in support of the Air Force withdrawal application concluded that while there is some potential for mineral development, there is insufficient data or unpublished information relating to the geology, minerals or energy resources of the lands comprising the range. Prospecting and sporadic mining were conducted on the area until 1941 when the first withdrawal of the area occurred.

Since there is very little available information regarding the mineral potential of the land, it is not possible at this time to identify what, if any, effect the proposed use will have on the development of mineral resources. However, in view of the military importance of Luke Air Force Range, it has been concluded that the withdrawal should be renewed, subject to the option of Congress to terminate or modify the withdrawal after review of an assessment of the mineral potential of the range. Pursuant to an agreement between the Department of the Interior and the Department of the Air Force, the Department of the Interior will request funds for the proposed assessment and, if funds are obtained, prepare the mineral report and transmit it to Congress prior to the tenth anniversary of the date of enactment of the withdrawal legislation.

Decontamination of the range, to the extent it could be opened to public use or mineral exploration, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods. Although the contaminated state of the lands may preclude mineral development of the range in the near future, other factors, such as changes in military weaponry or combat techniques, more sophisticated or cheaper decontamination methods, or the scarcity of minerals which may be present on the range, suggest that a mineral report should be accomplished. Thus, the draft bill provides that the withdrawal would be for a 25-year period, unless Congress decides, after review of the mineral report, that the need for all or some of the lands for mineral development overshadows the military need for the land.

Legislation is required for the proposed withdrawal under the requirement of the Act of February 28, 1958 (72 Stat. 27, 43 U.S.C. 155-158), that withdrawals of more than 5,000 acres of public land for any one project or facility of the Department of Defense shall be accomplished only by an Act of Congress.

Among the environmental impacts associated with continued military activities on the area proposed for withdrawal will be continued restriction of access to and public use of the Luke Air Force Range and the Cabeza Prieta National Wildlife Refuge. Probable uses foregone would be recreation, livestock grazing, and mineral exploration and development. Sonic booms will detract from the wilderness experience of users and target debris will detract from the refuge's visual resources. Adverse effects on surface resources include soil disturbance, vegetation removal, and the loss of wildlife habitat and some wildlife. A joint Bureau of Land Management/Department of the Air Force Environmental Impact Statement of the proposed withdrawal was issued in July 1981.

The Office of Management and Budget has advised that there is no objection to this legislative proposal from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary.●

By Mr. McCLURE (by request):

S. 2660. A bill to withdraw and reserve for the Department of the Army certain public lands within the Fort Greely maneuver area, in the Big Delta area, Alaska, and certain public lands within the Fort Greely air drop zone, in the Granite Creek area, Alaska, for use as training and equipment development areas, and for other purposes; to the Committee on Energy and Natural Resources.

TESTING AREA WITHIN THE FORT GREELY MANUEVER AREA

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to withdraw and reserve for the Department of the Army certain public lands within the Fort Greely maneuver area, in the Big Delta area, Alaska, and certain public lands within the Fort Greely air drop zone, in the Granite Creek area, Alaska, for use as training and equipment development areas, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and the communication which accompanied the proposal from the Acting Assistant Secretary of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2660

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That, subject to valid existing rights, the public lands aggregating approximately 571,995 acres, known as the Fort Greely Maneuver Area, in the Big Delta area, Alaska, as more fully described in application No. F-35871 and set forth in the Federal Register of August 24, 1978 (Vol. 43, No. 165, page 37768) and April 27, 1979 (Vol. 44, No. 83, page 24938), and approximately 51,590 acres, known as the Fort Greely Air Drop Area, in the Granite Creek area, Alaska, as more fully described in application No. F-35872 and set forth in the Federal Register of September 18, 1980 (Vol. 45, No. 183, pages 62213-62214) and January 15, 1981 (Vol. 46, No. 10, page 3641), are hereby withdrawn from all forms of appropriation under the mining laws, the Alaska Native Claims Settlement Act, 85 Stat. 688, and the Alaska Statehood Act, 72 Stat. 339, but not the mineral or geothermal leasing laws, for use by the Department of the Army for military manuevers, training, equipment development and testing, and for other defense related uses consistent therewith.

SEC. 2. Responsibility for management of the withdrawn lands is established as follows:

(a) The Secretary of the Army shall have exclusive jurisdiction over the management of the lands for military purposes and may authorize use of the lands by the other military departments and agencies of the Department of Defense, as appropriate.

(i) When military operations, public safety or national security, as determined by the installation commander, require the closure of roads and trails commonly in public use, the Secretary of the Army is authorized to take such action. Appropriate warning notices shall be kept posted during closures.

(ii) The Secretary of the Army shall take necessary precautions to prevent and suppress fires occurring within and outside the withdrawn lands as a result of military activities. The memorandum of understanding required by section 2(c) of this Act shall provide for Bureau of Land Management cooperation in the suppression of such fires, and for a transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) The Secretary of the Interior shall manage the withdrawn lands and their resources for uses which may include, but are not limited to, grazing, management of wildlife habitat, recreation, control of predatory animals, and the prevention and suppression of fires resulting from non-military activities. Except as set forth in subsection (a) of this section the Secretary of the Interior shall also be responsible for the issuance of all easements, mineral and geothermal leases, and rights-of-way over the lands hereby withdrawn and reserved. All such uses, and the issuance of all leases, easements, and rights-of-way, shall be secondary to the military use of the lands and shall be authorized only with concurrence of the Secretary of the Army. Within one year of the date of the enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of the Army, shall develop a resource management plan and implementation program for the use and management of the lands, under principles of multiple use and sustained yield.

(c) The Secretary of the Interior and the Secretary of the Army shall enter into a memorandum of understanding to implement the plan or program required by this section. The term of the memorandum of understanding shall be the same as the term of the withdrawal of the involved lands.

SEC. 3. All hunting, fishing and trapping on the land shall be conducted in accordance with the fish and game laws of the State of Alaska.

SEC. 4. (a) 1,500,000 gallons per day of water located on, under, over, or appurtenant to the Federal lands withdrawn by this Act, that have not been appropriated as of the date of this Act, and that are required for future military purposes, are hereby reserved for such use by the Secretary of the Army.

(b) If the Secretary of the Army determines that it is necessary to acquire additional water in excess of the quantity identified in paragraph (a) above, he shall either:

(1) Acquire the rights to such additional water in conformity with the applicable laws of the State of Alaska relating to the control, appropriation, use and distribution of water resources in that State; or

(2) Obtain a specific reservation of additional Federal water rights from Congress.

(c) The reservation of water established by the Act is not intended to affect water rights acquired by the Department of the Army prior to the enactment of this Act.

SEC. 5. (a) Except as provided otherwise in this section, the withdrawal established by this Act shall terminate 25 years from the effective date of this Act.

(b) At least three years prior to the expiration of the withdrawal established by this Act, the Secretary of the Army shall advise the Secretary of the Interior as to whether the Department of the Army will have a continuing need for any of the lands beyond the termination date.

(i) If the Secretary of the Army concludes that there will be continuing need for any of the lands beyond the termination date, he shall file an application for extension of the withdrawal of such lands in accordance with the regulations and procedures applicable to the extension of withdrawals that the Secretary of the Interior has the discretionary authority to issue. In that case, the withdrawal accomplished by this Act shall remain in full force and effect pending processing of the application and a decision and action on the proposed withdrawal by the Secretary of the Interior, and where required, by the Congress.

(ii) If the Secretary of the Army concludes that, beyond the termination date established by subsection (a) of this section, there will be no need for all or any of the lands withdrawn by this Act, or if, during the period of withdrawal, the Secretary of the Army determines to relinquish all or any of the lands withdrawn under this Act, he shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) Prior to filing a notice of intention to relinquish pursuant to subsection (b)(ii) of this section, the Secretary of the Army shall determine whether and to what extent the involved lands are contaminated with explosives or toxic and other hazardous materials.

(i) If the lands are contaminated, and the Secretary of the Army, in coordination with the Secretary of the Interior, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the lands, and that upon decontamination the lands could be opened to the operation of the public land laws, including the mining laws, he shall decontaminate the lands, unless Congress declines to appropriate funds for the project.

(ii) If the Secretaries of the Army and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, or if Congress declines to appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(iii) A copy of the determination made by the Secretaries shall be supplied with the notice of intention to relinquish.

(d) If the secretary of the Interior declines to accept jurisdiction of the lands because of their contaminated state, the withdrawal created by this Act shall continue indefinitely and the lands shall be retained and managed in accordance with the provisions of this Act. In such case, beginning with the fifth anniversary of the termination date of the withdrawal created by this Act, and every five years thereafter, the Secretary of the Army, in coordination with the Secretary of the Interior, shall reassess the withdrawal to determine whether or not decontamination of any or all of the lands is practicable and economically feasible. If the Secretaries conclude that decontamination is both practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to the operation of the public land laws, including the mining laws, the Secretary of the Army shall decontaminate the land, unless Congress declines to appropriate funds for the project. Following decontamination and upon certification by the Department of the Army that the lands are safe for all non-military uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(e) If the Secretary of the Interior decides to accept jurisdiction of the lands withdrawn by this Act which are proposed for relinquishment, he shall publish in the Federal Register an appropriate withdrawal revocation order which shall constitute official acceptance of full jurisdiction by the Secretary of Interior, shall terminate the withdrawal, and shall state the date upon which the involved lands will be opened to the operation of the public land laws, including the mining laws.

SEC. 6. (a) The functions of the Secretary of the Army under this Act may be delegated.

(b) The functions of the Secretary of the Interior under this Act may be delegated except that a decision to accept a notice of intention relinquish may be made, and an order pursuant to section 5(e) of this Act, may be approved and signed, only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 24, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To withdraw and reserve for the Department of the Army certain public lands within the Fort Greely Maneuver Area, in the Big Delta area, Alaska, and certain public lands within the Fort Greely Air Drop Zone, in the Granite Creek area,

Alaska, for use as training and weapons development areas, and for other purposes."

We recommend that the enclosed bill be referred to the appropriate committee and that it be enacted.

The bill would withdraw, for 25 years, two tracts of land, comprising approximately 623,585 acres, from all forms of appropriation under the public land laws, including the mining laws, the Alaska Native Claims Settlement Act, and the Alaska Statehood Act, but not the mineral or geothermal leasing laws. The Fort Greely Maneuver Area, comprising approximately 571,995 acres, will be used as a testing area for weapons and equipment and a training area for aerial gunnery, tactical maneuvering and air support. The Fort Greely Air Drop Zone, comprising approximately 51,590 acres, will be used for experimental air drops, airborn training, and the testing of clothing and equipment. The involved lands are located about 105 miles southeast of Fairbanks, Alaska.

The Fort Greely Maneuver Area has been used by the Department of the Army since the early 1950's for training and testing purposes. The land was withdrawn by the Act of September 26, 1961 (75 Stat. 687) for a ten-year period with an option to renew the withdrawal for an additional five years. The option was exercised and the withdrawal expired on September 25, 1976. On May 14, 1975, the Department of the Army filed an application to withdraw again the lands withdrawn under the 1961 Act.

The Fort Greely Air Drop Zone has been used by the Department of the Army since the mid-1950's as an air drop testing site and a training area. The land was withdrawn by the Act of October 3, 1961 (75 Stat. 749) for a ten-year period with an option to renew the withdrawal for an additional five years. The option was exercised and the withdrawal expired on October 2, 1976. On May 7, 1975, the Department of the Army filed an application to withdraw again approximately 36,900 acres of the lands originally withdrawn under the 1961 Act. The application was later amended to include the remaining portion of the 51,590-acre tract.

Mineral commodities in the area proposed for withdrawal are sand, gravel, gold, molybdenum, and coal. The coal resources of the area are estimated at 75 million tons, but are largely undeveloped. The area is considered to have a low potential for oil and gas development.

Because many of the weapons used at the proposed withdrawal areas have failed to detonate, significant portions of the lands proposed for withdrawal are heavily contaminated. Decontamination of the lands, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

Legislation is required for the proposed withdrawal under the requirement of the Act of February 28, 1958 (72 Stat. 27; 43 U.S.C. 155-158), that withdrawals of more than 5,000 acres of public land for any one project or facility of the Department of Defense shall be accomplished only by an Act of Congress.

Enactment of this legislation will not, itself, have significant environmental impact, but will allow the Department of the Army to continue its military activities on the areas proposed for withdrawal. The environmental impacts associated with those activities are generally minor, although some activities could have significant impacts. An Environmental Impact Statement concerning the proposed withdrawal has been prepared and issued by the Department of the Army.

The Office of Management and Budget has advised that there is no objection to this legislative proposal from the standpoint of the Administration's program.

Sincerely,

FRANK A. DUBOIS,
Acting Assistant Secretary.●

By Mr. McCLURE (by request):

S. 2661. A bill to withdraw and reserve for the Department of the Army certain public lands within the Fort Wainwright Maneuver Area, Fourth Judicial District, Alaska, for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

TESTING AREA WITHIN THE FORT WAINWRIGHT MANEUVER AREA

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to withdraw and reserve for the Department of the Army certain public lands within the Fort Wainwright Maneuver Area, Fourth Judicial District, Alaska, for use as a training and weapons testing area, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the communication which accompanied the proposal from the Acting Assistant Secretary of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, the public lands aggregating approximately 249,551.67 acres in the Fourth Judicial District, Alaska, as more fully described in application No. F-020174 and set forth in the Federal Register of April 26, 1979 (Vol. 44, No. 82, pages 24646-24647), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, the Alaska Native Claims Settlement Act, 85 Stat. 688, and the Alaska Statehood Act, 72 Stat. 339, but not the mineral or geothermal leasing laws, for use by the Department of the Army as a military maneuver area, a training area for artillery firing, aerial gunnery, infantry tactics, and other defense related uses consistent therewith.

SEC. 2. Responsibility for management of the withdrawn lands is established as follows:

(a) The Secretary of the Army shall have exclusive jurisdiction over the management of the lands for military purposes and may authorize use of the lands by the other military departments and agencies of the Department of Defense, as appropriate.

(i) When military operations, public safety or national security, as determined by the installation commander, require the closure of roads and trails commonly in public use, the Secretary of the Army is authorized to take such action. Appropriate warning notices shall be kept posted during closures.

(ii) The Secretary of the Army shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the withdrawn lands as a result of military activities. The memorandum of understanding required by section 2(c) of this Act shall provide for Bureau of Land Management cooperation in the suppression of such fires, and for a transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) The Secretary of the Interior shall manage the withdrawn lands and their resources for uses which may include, but are not limited to, management of wildlife habitat, recreation, control of predatory animals, and the prevention and suppression of fires resulting from non-military activities. Except as set forth in subsection (a) of this section the Secretary of the Interior shall also be responsible for the issuance of all easements, mineral leases, and rights-of-way over the lands hereby withdrawn and reserved. All such uses, and the issuance of all leases, easements and rights-of-way, shall be secondary to the military use of the lands and shall be authorized only with concurrence of the Secretary of the Army. Within one year of the date of the enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of the Army, shall develop a resource management plan and implementation program for the use and management of the lands under principles of multiple use and sustained yield.

(c) The Secretary of the Interior and the Secretary of the Army shall enter into memorandum of understanding to implement the plan or program required by this section. The term of the memorandum of understanding shall be the same as the term of the withdrawal of the involved lands.

SEC. 3. All hunting, fishing and trapping on the land shall be conducted in accordance with the fish and game laws of the State of Alaska.

SEC. 4. (a) 2,400,000 gallons per day of water located on, under, over, or appurtenant to the Federal lands withdrawn by this Act, that have not been appropriated as of the date of this Act, and that are required for future military purposes, are hereby reserved for such use by the Secretary of the Army.

(b) If the Secretary of the Army determines that it is necessary to acquire additional water in excess of the quantity identified in paragraph (a) above, he shall either:

(1) Acquire the rights of such additional water in conformity with the applicable laws of the State of Alaska relating to the control, appropriation, use and distribution of water resources in that State; or

(2) Obtain a specific reservation of additional Federal water rights from Congress.

(c) The reservation of water established by the Act is not intended to affect water rights acquired by the Department of the Army prior to the enactment of this Act.

SEC. 5. (a) Except as provided otherwise in this section, the withdrawal established by this Act shall terminate 25 years from the effective date of this Act.

(b) At least three years prior to the expiration of the withdrawal established by this Act, the Secretary of the Army shall advise the Secretary of the Interior as to whether the Department of the Army will have a continuing need for any of the lands beyond the termination date.

(i) If the Secretary of the Army concludes that there will be a continuing need for any of the lands beyond the termination date, he shall file an application for extension of the withdrawal of such lands in accordance with the regulations and procedures applicable to the extension of withdrawals that the Secretary of the Interior has the discretionary authority to issue. In that case, the withdrawal accomplished by this Act shall remain in full force and effect pending processing of the application and a decision and action on the proposed withdrawal by the Secretary of the Interior and, where required, by the Congress.

(ii) If the Secretary of the Army concludes that, beyond the termination date established by subsection (a) of this section, there will be no need for all or any of the lands withdrawn by this Act, or if, during the period of withdrawal, the Secretary of the Army decides to relinquish all or any of the lands withdrawn under this Act, he shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(ii) of this section, the Secretary of the Army shall determine whether and to what extent the involved lands are contaminated with explosives or toxic and other hazardous materials.

(i) If the lands are contaminated, and the Secretary of the Army, in coordination with the Secretary of the Interior, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to the operation of the public land laws, including the mining laws, he shall decontaminate the lands, unless Congress declines to appropriate funds for the project.

(ii) If the Secretary of the Army and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, or if Congress declines to appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(iii) A copy of the determination made by the Secretaries shall be supplied with the notice of intention to relinquish.

(d) If the Secretary of the Interior declines to accept jurisdiction of such lands because of their contaminated state, the withdrawal created by this Act shall continue indefinitely and the lands shall be retained and managed in accordance with the provisions of this Act. In such case, beginning with the fifth anniversary of the termination date of the withdrawal created by this Act, and every five years thereafter, the Secretary of the Army, in coordination with the Secretary of the Interior, shall reassess the withdrawal to determine whether or not decontamination of any or all of the lands is practicable and economically feasible. If the Secretaries conclude that decontamination is both practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be open to operation of the public land laws, including the mining laws, the Secretary of the Army shall decontaminate the land, unless congress declines to appropriate funds for the project. Following decontamination and upon certification by the Department of the Army that the lands are safe for all non-military uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(e) If the Secretary of the Interior decides to accept jurisdiction of the lands withdrawn by this act which are proposed for relinquishment, he shall publish in the Federal Register an appropriate withdrawal revocation order which shall constitute official acceptance of full jurisdiction by the Secretary of the Interior, shall terminate the withdrawal, and shall state the date upon which the involved lands will be opened to the operation of the public land laws, including the mining laws.

SEC. 6. (a) The functions of the Secretary of the Army under this Act may be delegated.

(b) The functions of the Secretary of the Interior under this Act may be delegated, except that a decision to accept a notice of intention to relinquish may be made, and an order pursuant to Section 5(e) of this Act, may be approved and signed, only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 24, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To withdraw and reserve for the Department of the Army certain public lands within the Fort Wainwright Maneuver Area, Fourth Judicial District, Alaska, for use as a maneuver and training area, and for other purposes."

We recommend that the bill be referred to the appropriate committee and that it be enacted.

The bill would withdraw, for 25 years, approximately 249,551.67 acres in the Fourth Judicial District of Alaska, from all forms of appropriation under the public land laws, including the mining laws, the Alaska Native Claims Settlement Act, and the Alaska Statehood Act, but not the mineral or geothermal leasing laws, for use of the Department of the Army as a military maneuver area, a training area for artillery firing, aerial gunnery, infantry tactics, and other defense related uses consistent therewith.

The lands proposed for withdrawal were first used by the Department of the Army in 1957 under a permit issued by the Bureau of Land Management. The Act of September 26, 1961 (75 Stat. 686) withdrew the property for a ten year period with an option to renew the withdrawal for an additional five years. The option was exercised and the withdrawal expired on September 25, 1976. On May 11, 1975, the Department of the Army filed an application to again withdraw the land covered by the 1961 Act.

The Fort Wainwright Maneuver Area is located approximately sixteen miles east-southeast of Fairbanks and immediately east of Eielson Air Force Base. It is used primarily by elements of the U.S. Army's 172nd Infantry Brigade (Alaska) as a maneuver and training area. The Air Force operates a communications station and a winter survival school within the Maneuver Area.

Because many of the weapons used at the Fort Wainwright Maneuver Area have failed to detonate, significant portions of the lands proposed for withdrawal are heavily contaminated. Decontamination of the lands, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

No major sources of minerals have been identified in the withdrawal area. The area is outside of the Middle Tanana basin oil and gas province which has only a low potential for oil and gas development. Two placer deposit areas for gold, tin and tungsten are located in the northeastern portion of the site. However, mining activity in the area has been confined primarily to sand and gravel extraction operations.

Legislation is required for the proposed withdrawal under the requirement of the Act of February 28, 1958 (72 Stat. 27, 43 U.S.C. 155-158), that withdrawals of more than 5,000 acres of public land for any one project or facility of the Department of Defense shall be accomplished only by an Act of Congress.

Enactment of this legislation will not, of itself, have significant environmental impacts, but will allow the Department of the Army to continue its military activities at the Fort Wainwright Maneuver Area. The environmental impacts associated with those activities are generally minor, although some activities could have significant impacts. An Environmental Impact Statement concerning the proposed withdrawal has been prepared and issued by the Department of the Army.

The Office of Management and Budget has advised that there is no objection to this legislative proposal from the standpoint of the Administration's program.

Sincerely,

FRANK A. DUBOIS,
Acting Assistant Secretary.●

By Mr. McCLURE (by request):

S. 2662. A bill to withdraw and reserve for the Department of the Navy certain public lands for the Bravo-20 bombing range, Churchill County, Nevada, for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

TESTING AREA WITHIN THE BRAVO-20 BOMBING RANGE

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to withdraw and reserve for the Department of the Navy certain public lands for the Bravo-20 bombing range, Churchill County, Nev., for use as a training and weapons testing area, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Assistant Secretary of the Interior, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Department of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) subject to valid existing rights, the following public lands aggregating approximately 21,576.40 acres in Churchill County, Nevada, and all other lands within the boundaries of the Bravo-20 Bombing Range, as described in subsection (b) of this section, that are now or may hereafter become subject to the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral and geothermal leasing laws, and are reserved for use of the Department of the Navy as a testing and training area for aerial bombing, missile firing, tactical maneuvering and air support, and for other defense related uses consistent therewith:

MOUNT DIABLO MERIDIAN, NEVADA

T. 23 N., R. 32 E., secs. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, and 30.

T. 24 N., R. 32 E., secs. 20, 22, 24, 26, 28, 30, 32, 34, and 36.

T. 23 N., R. 33 E., secs. 6, 8, SE¼ 17, 18, S½ 19, 20, 29, and 30.

T. 24 N., R. 33 E., secs. 20, 30, and 32.

(b) The boundaries of the Bravo-20 Bombing Range are described as follows: Beginning at the Southwest section corner of section 30 T. 23 N., R. 32 E., thence northerly along the section line approximately 8 miles to the Northwest section corner of section 19, T. 24 N., R. 32 E., thence easterly along the section line approximately 8 miles to the Northeast section corner of section 20, T. 24 N., R. 33 E., thence southerly along the section line approximately 8 miles to the Southeast section corner of section 29, T. 23 N., R. 33 E., thence westerly along the section line approximately 8 miles to the point of beginning.

SEC. 2. Responsibility for management of the land withdrawn by this Act is established as follows:

(a) The Secretary of the Navy shall have exclusive jurisdiction over the management of the lands for military purposes and may authorize use of the lands by the other military departments and agencies of the Department of Defense, as appropriate.

(i) When military operations, public safety or national security, as determined by the Secretary of the Navy, require the closure of roads and trails commonly in public use, the Secretary of the Navy is authorized to take such action. Appropriate warning notices shall be kept posted during closures.

(ii) The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the withdrawn lands as a result of military activities. The memorandum of understanding required by section 2(c) of this Act shall provide for Bureau of Land Management cooperation on the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(b) The Secretary of the Interior shall manage the withdrawn lands and their resources under principles of multiple use and sustained yield for uses which may include, but are not limited to, grazing, management of wildlife habitat, control of predatory animals, and the prevention and suppression of brush and range fires resulting from nonmilitary activities. Except as set forth in subsection (a) of this section, the Secretary of the Interior shall also be responsible for the issuance of all easements, mineral and geothermal leases, and rights-of-way over the lands hereby withdrawn and reserved. All such uses, and the issuance of all leases, easements and rights-of-way, shall be secondary to the military use of the lands and shall be authorized only with concurrence of the Secretary of the Navy. Within one year of the date of enactment of this Act, the Secretary of the Interior, after consultation with the Secretary of the Navy, shall develop a resource management plan and implementation program for the use and management of the lands under principles of multiple use and sustained yield.

(c) The Secretary of the Interior and the Secretary of the Navy shall enter into a memorandum of understanding to implement the plan or program required by this section. The term of the memorandum of understanding shall be the same as the term of the withdrawal of the lands.

SEC. 3. The withdrawal established by this Act is not intended to (a) reserve or otherwise withdraw any water for use in connection with the uses identified in the first section of this Act; (b) affect in any manner the future appropriation under State law, by the United States or others, of water in, under or upon the lands withdrawn by this Act; or (c) affect water rights acquired by the Department of the Navy or other components of the Department of Defense prior to the enactment of this Act for use in connection with military operations at Bravo-20 Bombing Range.

SEC. 4. (a) Except as provided otherwise in this section, the withdrawal established by this Act shall terminate 25 years from the effective date of this Act.

(b) At least three years prior to the expiration of the withdrawal established by this Act, the Secretary of the Navy shall advise the Secretary of the Interior as to whether the Department of the Navy will have a continuing need for any of the involved lands beyond the termination date.

(i) If the Secretary of the Navy concludes that there will be a continuing need for any of the withdrawn lands beyond the termination date, he shall file an application for extension of the withdrawal of such lands in accordance with the regulations and procedures applicable to the extension of withdrawals that the Secretary of the Interior has the discretionary authority to issue. In that case, the withdrawal accomplished by this Act shall remain in full force and effect pending processing of the application and a decision and action on the proposed withdrawal by the Secretary of the Interior and, where required, by the Congress.

(ii) If the Secretary of the Navy concludes that, beyond the termination date established by subsection (a) of this section, there will be no need for all or any of the lands withdrawn by this Act, or if, during the period of withdrawal, the Secretary of the Navy determines to relinquish all or any of the lands withdrawn under this Act, he shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(ii) of this section, the Secretary of the Navy shall determine whether and to what extent the involved lands are contaminated with explosives or toxic and other hazardous materials.

(i) If the lands are contaminated, and the Secretary of the Navy, in coordination with the Secretary of the Interior, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to the operation of the public land laws, including the mining laws, he shall decontaminate the lands, unless Congress declines to appropriate funds for the project.

(ii) If the Secretaries of the Navy and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, or if Congress declines to appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(iii) A copy of the determination made by the Secretaries shall be supplied with the notice of intention to relinquish.

(d) If the Secretary of the Interior declines to accept jurisdiction of such lands because of their contaminated state, the withdrawal created by this Act shall continue indefinitely and the lands shall be retained and managed in accordance with the provisions of this Act. In such case, beginning with the fifth anniversary of the termination date of the withdrawal created by this Act, and every five years thereafter, the Secretary of the Navy, in coordination with the Secretary of the Interior, shall reassess the withdrawal to determine whether or not decontamination of any or all of the lands is practicable and economically feasible. If the Secretaries conclude that decontamination is both practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination the lands could be opened to operation of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the lands, unless Congress declines to appropriate funds for the project. Following decontamination and upon certification by the Department of the Navy that the lands are safe for all non-military uses, the Secretary of the Interior shall reconsider accepting jurisdiction of the lands.

(e) If the Secretary of the Interior decides to accept jurisdiction of the lands withdrawn by this Act which are proposed for relinquishment, he shall publish in the Federal Register an appropriate withdrawal revocation order which shall constitue official acceptance of full jurisdiction by the Secretary of the Interior, shall terminate the withdrawal, and shall state the date upon which the involved lands will be opened to the operation of the public land laws, including the mining laws.

SEC. 5. (a) The functions of the Secretary of the Interior under this Act many be delegated, except that a decision to accept a notice of intention to relinquish may be made, and an order pursuant to section 4(e) of this Act, may be approved and signed, only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 21, 1983.

HON. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To withdraw and reserve for the Department of the Navy certain public

lands for the Bravo-20 Bombing Range, Churchill County, Nevada, for use as a training and weapons testing area, and for other purposes."

We recommend that the bill be referred to the appropriate Committee and that it be enacted.

The bill would withdraw 21,576.40 acres of public land in Churchill County, Nevada, from all forms of appropriation under the mining laws but not the mineral and geothermal leasing laws, for 25 years, for use by the Department of the Navy as a training and weapons testing area. An additional 19,430 acres of privately owned leased lands, which are interspersed with the public lands in a "checkerboard" pattern, are also used by the Navy for range purposes. Of the 21,576 acres involved in this action, approximately 14,748 acres are already withdrawn for use by the Bureau of Reclamation; however, the Bureau of Reclamation has expressed its desire to relinquish its withdrawal.

Legislation is required for the proposed withdrawal because the Act of February 28, 1958 (72 Stat. 17; 43 U.S.C. § 155-158) requires that withdrawals of more than 5,000 acres of public land for any one project or facility of the Department of Defense shall be accomplished only by an Act of Congress.

The lands involved in the proposed withdrawal have been used continuously by the Navy since World War II for weapons testing and training purposes under authority of a number of special permits and leases. Because many of the weapons used during those exercises failed to detonate, significant portions of the range, both inside and outside the primary target area, are heavily contaminated. Decontamination of the range, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

There are no locatable minerals on the land and no mining claims have been recorded. There are five valid oil and gas leases within the perimeter of the range. The land is also valuable for geothermal and sodium resources. There are no active geothermal or sodium leases on the lands, although there are sodium leases outside but immediately adjacent to the range.

Enactment of this legislation will not, of itself, have significant environmental impacts, but will allow the Department of the Navy to continue its military activities on the Bravo-20 Bombing Range. The Department of the Navy has prepared an environmental analysis of those activities and has concluded that their continuation will not have a significant impact on the quality of the human environment, and that a detailed Environmental Impact Statement is not required to comply with the requirements of section 2(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C)).

The Office of Management and Budget has advised that there is no objection to this legislative proposal from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary.●

By Mr. ABDNOR (for himself and Mr. PRESSLER):

S. 2663. A bill pertaining to the inheritance of trust or restricted land on the Lake Traverse Indian Reservation, N. Dak. and S. Dak., and for other purposes; to the Select Committee on Indian Affairs.

HEIRSHIP LAND PROBLEM OF THE SISSETON-WAHPETON SIOUX TRIBE

Mr. ABDNOR. Mr. President, today Senator PRESSLER and I are introducing at the request of the Sisseton-Wahpeton Sioux Tribe, legislation which would address the acute fractionated heirship problems which exists among members of this tribe.

Similar legislation is being introduced in the House of Representatives by Congressman DASCHLE.

Through successive generations of inheritance, allotments within the original boundaries of the Sisseton-Wahpeton Reservation are now owned by many members of the Sisseton-Wahpeton Tribe.

Perhaps the best example of this fractionalization of original allotments is one 40-acre tract now owned by more than 400 heirs of the original allottee. As time goes on, continued fractionalization is inevitable.

Currently, due to ownership of insignificant and undivided fractions, the majority of owners among the tribal members pay little if any attention to how this land is used or to the income yielded through Federal leasing of this land.

In sum, fractionalization has resulted in less than adequate land use, benefiting no one. It has only served to increase the excessive costs to the Federal Government in the management of the leasing program.

We believe that the legislation we introduce today will serve as a basis to reduce Federal management costs, maximize the use and productivity of the lands owned by tribal members, and assist in formulating a legislative plan to address the serious concerns of the Sisseton-Wahpeton Tribe.

By Mr. ROTH (for himself, Mr. NUNN, and Mr. RUDMAN):

S. 2665. A bill to strengthen the criminal and civil penalties provisions of environmental protection laws; to the Committee on Environment and Public Works.

STRENGTHENING ENVIRONMENTAL PROTECTION LAWS

● Mr. ROTH. Mr. President, I am pleased to introduce today on behalf of myself and Senators NUNN and RUDMAN, a bill to amend certain sections of five environmental statutes, which will upgrade, to felonies, crimes which previously, regardless of their terrible threat to public safety, remained misdemeanors.

I will not belabor the issue of toxic waste by relating a litany of horror stories about EPA Superfund sites and lethal dumps in someone's backyard. But I would like to recall two cases just to show you the problem we are dealing with: On February 13, 1981, shortly after 5 a.m., almost 3 miles of city sewers near downtown Louisville, Ky., exploded with such force that blocks of streets were reduced to chunks of concrete. One manhole cover was sent crashing through the third story roof of a building. The cause of it all was the chemical hexane, which had been released from a manufacturing plant into the city's sewers. More than $1 million of damage was incurred, yet miraculously no one died. But when it came time to prosecute this case Federal officials knew the stiffest penalty that could be imposed was only a misdemeanor.

In a case now under investigation, EPA officials believe that a private laboratory in the Midwest deliberately falsified for 3 years the test results from waste water discharges of 25 towns and businesses. In other words, there is evidence that for 3 years these towns and businesses had been unknowingly releasing hazardous amounts of chemicals into nearby streams. This case is only a misdemeanor under Federal law.

In the now-famous Times Beach, Mo., case, in which a man spread dioxin-contaminated waste oil on county roads, later resulting in the condemnation of the entire town, the toughest environmental statute Federal prosecutors had at their disposal was only a misdemeanor.

We are talking about—without any exaggeration—some of the most potentially harmful crimes to public health that can be committed. Yet, the penalties are often laughed at by violators, their lawyers, and even the prosecutors who know these cases will receive little attention unless they are upgraded to felonies.

During a year-long investigation by the permanent Subcommittee on Investigations of criminal hazardous waste dumping one common theme was repeated throughout interviews with local, State, and Federal environmental investigators; and that is, that Federal environmental statutes must reflect the severity of the crimes they are meant to enforce. And EPA investigators are the first to tell you that they do not.

The ripple effect throughout the criminal justice system of this wrist-slapping approach to environmental crime is apparent. Investigators who often deal with violent individuals are less likely to endanger their lives over misdemeanors. U.S. attorneys offices around the country have all but told the EPA not to come to them with a strictly environmental misdemeanor case. This has forced investigators to develop other felonies, usually title 18 offenses, such as mail fraud, conspiracy, or false statement to a Federal officer to combine with the environmental case. Worse still are the judges whose dockets are filled with felony cases; understandably there is some incen-

tive for them to devote more attention to the felonies and urge the misdemeanors to be settled.

The ramifications go even further. Federal investigators for the EPA often do not pursue misdemeanor cases because of these problems, choosing instead to focus on their backlog of felony crimes. In some cases more stringent State laws can compensate for the Federal statutes, but in many others, the State laws are virtually identical. The Federal Government should take the lead in these matters.

The chemical industry and the law-abiding waste disposal industry do not oppose stiff penalties and strict enforcement of the law, where knowing endangerment of the community is involved. They welcome it. They are the first to say that the criminals in their industry give them all a bad name. These statutes have never been used on the unsuspecting businessmen, who in good faith interpreted some complex Federal regulation incorrectly and exceeded a pollution requirement. These laws are used on people who with "willfull intent" poison our land, water, and air. As it stands now our courts are giving them what amounts to traffic tickets when weighed against their crimes. How long can this go on. Today I could walk out of here and pour a 55-gallon drum of PCB's into an open stream and be confident that the Federal Government could only find me guilty of a misdemeanor. The amendments I propose put some sense into our environmental laws.

Mr. President, I ask unanimous consent that a section-by-section analysis and a summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1. Title.

TOXIC SUBSTANCES CONTROL ACT

SEC. 2. (a) Amends the Toxic Substances Control Act (15 U.S.C. 2615(a)(1)) by increasing the civil penalty from $25,000 to $50,000 for the commission of specified prohibited acts.

(b) Criminal provisions of the Toxic Substances Control Act (15 U.S.C. 261(b)) are amended by raising the fine from $25,000 to $50,000 for each day of violation of the Act. Imprisonment for such violations is increased from one year to five years.

FEDERAL WATER POLLUTION CONTROL ACT

SEC. 3. (a) Amends the criminal penalties provision of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)(1)) by increasing the maximum fine for violations from $25,000 per day to $50,000 per day. Imprisonment for such violation is increased from one year to five years.

For repeat offenders the fine is increased from $50,000 per day to $100,000 per day. Imprisonment for repeat offenders is increased from two years to ten years.

(b) A civil penalty for violation of this section (33 U.S.C. 1319(d)) is increased from $10,000 per day to $20,000 per day.

CLEAN AIR ACT

SEC. 4. (a) Amends the Clean Air Act (42 U.S.C. 7413(b)) by increasing the civil penalty violations by owners or operators of major stationary sources from $25,000 per day to $50,000 per day.

(b) Amends the Clean Air Act (42 U.S.C. 7413(c)(1)) for knowing violation of specified requirements or prohibited acts by raising the fine from $25,000 per day of violation to $50,000 per day of violation. Imprisonment for such violations is increased from one year to five years.

For repeat offenders the fine is raised from $50,000 per day of violation to $100,000 per day of violation.

(c) Criminal fines (42 U.S.C. 7413(c)(2)) for knowingly making false statements in any required plan, application or document or knowingly rendering inaccurate any monitoring device is increased from $10,000 to $20,000. Imprisonment for such violations is increased from six months to five years.

SOLID WASTE DISPOSAL ACT

SEC. 5. (a) Amends Solid Waste Disposal Act (42 U.S.C. 6928(a)(3)) by increasing the civil penalty from $25,000 to $50,000 for failure to obey a compliance order.

(b) Amends the criminal enforcement provisions of the Solid Waste Disposal At (42 U.S.C. 6928(d)) for knowing violations of specified acts or requirements increasing the fine from $25,000 to $50,000. Imprisonment for such violations is increased from one year to five years. For knowingly transporting hazardous waste listed under this chapter to a facility without a permit or knowingly treating, storing or disposing of any hazardous waste without a permit the fine is increased from $50,000 to $100,000 and the term of imprisonment for such violations is increased from two years to ten years.

(c) Amends the knowing endangerment provisions of the Solid Waste Disposal Act (42 U.S.C. 6928(e)) where conduct shows an "inexcuseable disregard or extreme indifference for human life" by raising the fine from $250,000 to $500,000 and the term of imprisonment is raised from two years to ten years. The fine for convicted defendants that are organizations is raised from $1,000,000 to $5,000,000.

(d) A civil penalty for violation of this subchapter (42 U.S.C. 6928(g)) is raised from $25,000 to $50,000.

SUPERFUND

SEC. 6. (a) The Comprehensive Environmental Response Compensation and Liability Act is amended (42 U.S.C. 9603(b)) by increasing the fine from $10,000 to $20,000 for failure to notify the United States Government by a person in charge of a vessel or a facility concerning the release of a hazardous substance after obtaining knowledge of that release. Imprisonment for such failure to notify shall be increased from one year to five years.

(b) Amends the notice provisions of the Solid Waste Disposal Act pertaining to storage, treatment or disposal facilities (42 U.S.C. 9603(c)) so that the fine for any operator or owner of such facility who fails to notify the Administrator of the existence of such facility is increased from $10,000 to $20,000 and the term of imprisonment is raised from one year to five years.

(c) Amends the record keeping provisions of the Solid Waste Disposal Act (42 U.S.C. 9603(d)(2)) so that the fine for the destruction, falsification or concealment of such required records is increased from $20,000 to $40,000. Imprisonment for such violations is increased from one year to five years.

(d) Amends the abatement actions section of the Solid Waste Disposal Act (42 U.S.C. 9606(b)) so that when an abatement action in the District Court is initiated by the Attorney General at the direction of the President to prevent imminent endangerment to public health on the environment, the penalty for willful violation of an order pursuant to such abatement action is increased from $5,000 per day to $10,000 per day.

SEC. 7. Effective Date of Act.

ENVIRONMENTAL CRIMES AND PENALTIES AMENDMENTS OF 1984

Subsection and code amended	Old penalty	New penalty
Toxic Substances Control Act:		
15 U.S.C. 2615(a)(1)	$25,000	$50,000.
15 U.S.C. 2615(b)	$25,000 (1 yr)	$50,000 (5 yr).
Federal Water Pollution Control Act:		
33 U.S.C. 1319(c)(1)	$25,000 (1 yr)	$50,000 (5 yr).
After first conviction	$50,000 (2 yr)	$100,000 (10 yr).
33 U.S.C. 1319(d)	$10,000	$20,000.
Clean Air Act:		
42 U.S.C. 7413(b)	$25,000	$50,000.
42 U.S.C. 7413(c)	$25,000 (1 yr)	$50,000.
After first conviction	$50,000 (2 yr)	$100,000 (10 yr).
42 U.S.C. 7413(c)(2)	$10,000 (6 mo)	$20,000 (5 yr).
42 U.S.C. 6928(a)(3)	$25,000	$50,000.
42 U.S.C. 6928(d)	$25,000 (1 yr); $50,000 (2 yr).	$50,000 (5 yr); $100,000 (10 yr).
42 U.S.C. 6928(e)[1]	$250,000 (2 yr)	$500,000 (10 yr).
Solid Waste Disposal Act:		
42 U.S.C. 6928(e)	$1,000,000	$5,000,000.
42 U.S.C. 6928(g)	$25,000	$50,000.
Superfund:		
42 U.S.C. 9603(b)	$10,000 (1 yr)	$20,000 (5 yr).
42 U.S.C. 9603(c)	$10,000 (1 yr)	$20,000 (5 yr).
42 U.S.C. 9603(d)(2)	$20,000 (1 yr)	$40,000 (5 yr).
42 U.S.C. 9603(b)	$5,000	$10,000.

[1] Also, strike ", except that any person who violates such section (e)(2)(b) shall upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 5 yrs, or both."

ENVIRONMENTAL CRIMES AND PENALTIES AMENDMENTS OF 1984

SUMMARY

15 U.S.C. 2615(a)(1): Civil penalties for violations of section 2614 of this title.

15 U.S.C. 2614: Prohibited acts:

1. failure or refusal to comply with: 15 U.S.C. 2603: rules for testing of chemical substances; 15 U.S.C. 2604: manufacturing and processing notices; and 15 U.S.C. 2605: regulation of hazardous chemical substances;

2. use for commercial purposes of a chemical substance or mixture which such person knew or had reason to know was manufactured, processed, or distributed in violation of section 2604 or 2605 of this title;

3. failure or refusal to (a) establish or maintain records, (b) submit reports, notices, or other information, or (c) permit access to or copying of records as required by this chapter;

4. failure or refusal to permit entry or inspection as required by section 2610, "Inspection and subpoenas.

15 U.S.C. 2615(b): Criminal penalties for the same offenses/violations.

33 U.S.C. 1319(c)(1): Criminal penalties for willfully or negligently violating.

33 U.S.C. 1311: Effluent limitations.

33 U.S.C. 1312: Water quality related effluent limitations.

33 U.S.C. 1316: National standards of performance.

33 U.S.C. 1317: Toxic and pretreatment effluent standards.

33 U.S.C. 1318: Records and reports: inspections; or such sections of a permit issued under section 1342 of this title, "National pollutant discharge elimination sys-

tems", or in a permit issued under section 1344 of this title, "Permits for dredged or fill material."

33 U.S.C. 1319(d): Civil penalties for the same offenses, in addition to violations of sections 1328, "Aquaculture," and 1345, "Disposal of sewage sludge."

42 U.S.C. 7413(b): Violation by owners or operators of major stationary sources.

42 U.S.C. 7413(c): Penalties

1. for violation of any requirement of an applicable implementation plan;

2. for violation or failure or refusal to comply with section 7419 of this title, "Primary nonferrous smelter orders," section 7411(e), "Prohibited acts," section 1857c-10(g), "Authority of EPA to deal with energy shortages," section 7420(b)(7) or (d)(5) (relating to noncompliance penalties) or any requirement of part B of this subchapter (relating to ozone).

42 U.S.C. 7413(c)(2): Falsification or misrepresentation of any application, record, report, plan, or other documents required by this chapter of title.

42 U.S.C. 6928(a)(3): Compliance orders (violator fails to take corrective action within the time specified in the order.)

42 U.S.C. 6928(d): Criminal penalties, for:

1. knowingly transporting any hazardous waste identified or listed under this subchapter to a facility which does not have a permit under section 6925 of this title, "Permits for treatment, storage, or disposal of hazardous wastes," or section 6926 of this title, "Authorized state hazardous waste programs";

2. knowingly treating, storing, or disposing of any hazardous waste identified or listed under this subchapter;

3. knowingly making any false material, statement, or representation in any application, label, manifest, record, report, permit, or other document;

4. knowingly generating, storing, treating, transporting, disposing of, or otherwise handling any hazardous waste, and knowingly destroying, altering, or concealing any record required to be maintained pursuant to regulations.

42 U.S.C. 6928(e): Knowing endangerment.

42 U.S.C. 6928(g): Civil penalty for violation of any requirements of this subchapter.

42 U.S.C. 9603(b): Notification requirements respecting released substances; penalties for failure to notify; use of notice or information pursuant to notice in criminal case.

42 U.S.C. 9603(c): Notice to Administrator of EPA of existence of storage, etc., facility by owner or operator; exceptions; time, manner, and form of notice; penalties for failure to notify; use of notice or information pursuant to notice in criminal case.

42 U.S.C. 9603(d)(2): Unlawful knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records.

42 U.S.C. 9606(b): Fine for failure or refusal to comply with any order of the President under this section; abatement actions (maintenance, jurisdiction, etc.).●

By Mr. WILSON:

S.J. Res. 293. Joint resolution to designate July 17, 1984, as "Spanish American War Veteran Day"; to the Committee on the Judiciary.

SPANISH AMERICAN WAR VETERAN DAY

Mr. WILSON. Mr. President, I rise today to introduce a joint resolution requesting the President to recognize the day of July 17, 1984, as "Spanish American War Veteran Day."

The Spanish-American War marked the emergence of the United States as a world power. This conflict, between America and Spain, began in April 1898 over the issue of the liberation of Cuba. During the course of the war, the Cubans gained their freedom and the United States won Guam, Puerto Rico, and the Philippine Islands.

More than 392,000 Americans courageously volunteered to fight in this war. The ideals of freedom and democracy were the guidance that directed these individuals to victory. Today, 26 of these proud Spanish-American War veterans survive—ranging in age from 98 to 110 years old.

July 17, 1984, marks the 86th anniversary of the surrender of Santiago, Cuba, and our victory in granting Cuba her freedom. The day of July 17—unofficially named Santiago Day—has been celebrated by the veterans of the Spanish-American War and their families.

For these reasons, I feel it is important to recognize the day of July 17, 1984, as a day to pay tribute to the veterans and their families who fought so courageously to defend our country and the ideals we stood for during the Spanish-American War and continue to stand for today.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 293

Whereas approximately three-hundred and ninety-two thousand citizens of the United States volunteered for active military service in the Spanish American War;

Whereas the Spanish American War Veterans patriotically served the Nation during a war, which marked the emergence of the United States as a world power;

Whereas there are twenty-six surviving Spanish American War veterans, who range in age from ninety-eight to one-hundred and eight years old; and

Whereas July 17, 1984, is the eighty-sixth anniversary of the surrender of Santiago: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 17, 1984 is designated "Spanish American War Veteran Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 508

At the request of Mr. LAXALT, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as cosponsor of S. 508, a bill to exempt entities receiving financial assistance from the Rural Electrification Administration from fees under the Federal Land Policy and Management Act of 1976.

S. 1059

At the request of Mr. DENTON, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 1059, a bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act.

S. 1614

At the request of Mr. HEINZ, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1614, a bill to amend title XIX of the Social Security Act to allow States to implement coordinated programs of acute and long-term care for those individuals who are eligible for both medicare and medicaid.

S. 1651

At the request of Mr. CRANSTON, the names of the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 1651, a bill to amend title 38, United States Code, to provide for presumption of service connection to be established by the Administrator of Veterans' Affairs for certain diseases of certain veterans exposed to dioxin or radiation during service in the Armed Forces; to require the Administrator to develop, through process of public participation and subject to judicial review, regulations specifying standards for the presumptions applicable to the resolution of claims for disability compensation based on such exposures; to require that such regulations address certain specified diseases; and to require that all claimants for Veterans' Administration benefits be given the benefit of every reasonable doubt in claims adjudications, and for other purposes.

S. 1695

At the request of Mr. CRANSTON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1695, a bill to amend the National Trails System Act by authorizing for study the Pony Express Trail under the provisions of the act.

S. 1841

At the request of Mr. THURMOND, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 1938

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1938, a bill to amend the Federal Food, Drug, and Cosmetic Act,

the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, and for other purposes.

S. 2003

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 2003, a bill to amend the Tariff Schedules of the United States to impose duties on subsidized hydraulic cement, cement clinker, and concrete block and brick.

S. 2094

At the request of Mr. HUMPHREY, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 2094, a bill to amend the Federal Food, Drug and Cosmetic Act to allow increased inspection of records.

S. 2266

At the request of Mr. CRANSTON, the name of the Senator from Indiana (Mr. LUGAR) was withdrawn as a cosponsor of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2270

At the request of Mr. COHEN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2270, a bill to amend title 18 of the United States Code to prohibit the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce.

S. 2423

At the request of Mr. THURMOND, the names of the Senator from Florida (Mr. CHILES), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2524

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 2524, a bill entitled the "Copper and Extractive Industries Fair Competition Act of 1984."

S. 2569

At the request of Mr. HEINZ, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 2569, a bill to amend title XVI of the Social Security Act to make necessary improvements in the SSI program with the objective of assuring that such program will more realistically and more equitably reflect the needs and circumstances of applicants and recipients thereunder.

S. 2573

At the request of Mr. WEICKER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2573, a bill to revise and extend programs for persons with developmental disabilities.

SENATE JOINT RESOLUTION 285

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 285, a joint resolution to designate June 13, 1984, as "Harmon Killebrew Day."

SENATE JOINT RESOLUTION 287

At the request of Mr. D'AMATO, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Joint Resolution 287, a joint resolution to authorize and request the President to designate January 27, 1985, as "National Jerome Kern Day."

SENATE JOINT RESOLUTION 290

At the request of Mr. EAGLETON, the names of the Senator from Missouri (Mr. DANFORTH) and the Senator from Nevada (Mr. HECHT) were added as cosponsors of Senate Joint Resolution 290, a joint resolution designating the month of November 1984 as "National Alzheimer's Disease Month."

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. D'AMATO, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of Senate Concurrent Resolution 101, a concurrent resolution to commemorate the Ukrainian famine of 1933.

SENATE CONCURRENT RESOLUTION 111

At the request of Mr. MATHIAS, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of Senate Joint Resolution 111, a concurrent resolution expressing the sense of the Congress regarding a mutual and verifiable moratorium on any further deploymet of sea-launched cruise missiles equipped with nuclear warheads, and for other purposes.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the names of the Senator from Hawaii (Mr. INOUYE), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence-building measures between the U.S. and the U.S.S.R., including the establishment of nuclear-risk-reduction centers, in Washington and in Moscow, with modern communications linking the centers.

SENATE RESOLUTION 360

At the request of Mr. TOWER, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of Senate Resolution 360, a resolution to amend Rule XV of the Standing Rules of the Senate to provide that no amendment that is not germane or relevant to the subject matter of a bill or resolution shall be in order unless such amendment has been submitted at the desk at least 48 hours prior to consideration.

SENATE RESOLUTION 373

At the request of Mr. PRESSLER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Resolution 373, a resolution to seek the discontinuance of certain practices restricting the free flow of travel literature from the United States.

SENATE CONCURRENT RESOLUTION 113—RELATING TO HUMAN RIGHTS IN THE SOVIET UNION AND THE EMIGRATION OF ANDREI SAKHAROV AND YLENA BONNER

Mr. TSONGAS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 113

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatory countries to respect human rights and fundamental freedoms;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law;"

Whereas the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion, and expression;

Whereas the International Covenant on Civil and Political Rights guarantees that everyone shall have the right to freedom of thought, conscience, and religion, the right to hold opinions without interference, and the right of freedom of expression;

Whereas the Union of Soviet Socialist Republics signed the Final Act of the Conference on Cooperation and Security in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Principle VII of the Final Act specifically confirms the "right of the individual to know and act upon his right and duties" in the field of human rights, and Principle IX confirms the relevant and positive role individuals play in the implementation of the provisions of the Final Act;

Whereas Nobel Laureate Andrei Sakharov, leader of the human rights movement in the Soviet Union, was arrested and exiled to Gorky in direct contravention of Principle VII of the Helsinki Final Act, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights;

Whereas Dr. Sakharov's wife, Ylena Bonner, has recently been detained and charged with anti-Soviet agitation and is in urgent need of medical treatment unavailable in the Soviet Union;

Whereas Dr. Sakharov has, as a last resort, begun a hunger strike in an attempt to have the charges against his wife dis-

missed and so that she may be given the exit visa denied her in the past for the purpose of obtaining medical treatment abroad; Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Union of Soviet Socialist Republics should void all charges against Ylena Bonner, issue her an exit visa for the purpose of obtaining medical care outside the Soviet Union, and allow Andrei Sakharov and Ylena Bonner to live in the country of their choice.

SEC. 2. The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the detention of and charges against Ylena Bonner and the continued refusal of an exit visa for Mrs. Bonner, and to call upon the Soviet Union to meet the demands of Dr. Sakharov's hunger strike.

(2) to call upon all other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join in such protests and urge that the Sakharovs be allowed to emigrate to the country of their choice.

SEC. 3. The Secretary of the Senate shall transmit copies of this resolution to the Soviet Ambassador to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

● Mr. TSONGAS. Mr. President, today I am submitting a concurrent resolution on a matter of immediate importance. Andrei Sakharov, the world-famous Nobel laureate and human rights leader in the Soviet Union, has to date endured nobly in his struggle to free himself from internal exile in the city of Gorky. Dr. Sakharov has endured two heart attacks, and has been weakened by a previous hunger strike.

Now, we have received reports that Soviets authorities have detained Dr. Sakharov's wife, Ylena Bonner, and have launched an investigation against her on charges of anti-Soviet agitation, which carries a penalty of up to 3 years in prison. In addition, it is said that Mrs. Bonner may be charged with treason, which carries a maximum penalty of death.

Ylena Bonner is in urgent need of specialized eye surgery, of a kind not available in the Soviet Union. She also needs care for a serious heart ailment.

Dr. Sakharov, in light of the deteriorating circumstances in which he and his wife find themselves, has chosen to embark on a hunger strike. His purpose is to see the charges against Mrs. Bonner dropped, and to see that she is allowed to leave the Soviet Union to seek proper medical care.

I am tempted to reiterate at some length the repression that Dr. Sakharov and Ylena Bonner have faced over the years; the record of their suffering bears repetition. But the matter at hand is even more pressing. Dr. Sakharov has survived heart attacks on two previous occasions. We must act now to bring whatever pressure is at our disposal to bear on the Soviet authorities, before Dr. Sakharov suffers irreversible physical harm. Indeed, he may already have done so.

Mr. President, this concurrent resolution is intended to express the unreserved support of this body for Dr. Sakharov's hunger strike, and to urge the President to make every effort to convince the U.S.S.R. to grant Mrs. Bonner an exit visa for the sake of her health, and further to end Dr. Sakharov's internal exile in Gorky and allow the Sakharovs to immigrate to the country of their choice. We are all familiar with the numerous treaties and international covenants that the Soviet Union has violated by continuing their campaign of repression against Andrei Sakharov and other dissidents. Now the life and well-being of a great man and his wife are threatened, and the burden is on us to do something. Only the full weight of world opinion can budge the Soviets from their intractable and unreasonable pattern of behavior. This concurrent resolution is an expression of our concern for Dr. Sakharov, and of our conviction that the current state of affairs cannot be allowed to continue. We must do everything we can for the Sakharovs, and we must do it now.●

AMENDMENTS SUBMITTED

FEDERAL RAILROAD SAFETY ACT OF 1970

GORTON (AND OTHERS) AMENDMENT NO. 3053

(Ordered to lie on the table.)

Mr. GORTON (for himself, Mr. KASTEN, Mr. CRANSTON, and Mr. LEAHY) submitted an amendment intended to be proposed to the bill (S. 2537) to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes, as follows:

On page 9, line 8, add the following new section:

CAR HIRE COMPENSATION

SEC. 210. (a) The Secretary of Transportation shall use the full authority and powers of 49 U.S.C. 333 to facilitate the analysis, planning, negotiation, and carrying out of an agreed to proposal for a more efficient and equitable car supply and car hire system for boxcars bearing railroad marks. The Secretary shall hold conferences to consider any such proposals and the Secretary shall invite to one or more of such conferences representatives of large, regional, and small railroads; representatives of shippers; appropriate state and local government officials; consumer representatives; representatives of railcar leasing companies; and representatives of: the Interstate Commerce Commission, the Federal Trade Commission, the Attorney General, the Secretary of Agriculture, and the Secretary of Defense.

(b) The Secretary of Transportation shall report to the Congress by January 1, 1985 on the status of the Secretary's efforts on any proposal made pursuant to this section.

(c) The Interstate Commerce Commission shall extend the effective date of the car hire portion of its May 2, 1983 Order in Ex Parte No. 346 (Sub-No. 8), as it applies to cars owned and leased by Class III railroads, to July 1, 1985.

(d) Any railroad may petition the Interstate Commerce Commission to stay the imposition of empty mileage charges or reclaim of car hire payments for any boxcars bearing the reporting marks of the petitioning railroad for a period extending until July 1, 1985. A copy of the petition shall be filed with the Secretary of Transportation. The Interstate Commerce Commission shall grant a stay within 30 days after the filing of such stay petition with the Interstate Commerce Commission and with the Secretary of Transportation, unless the Secretary of Transportation finds that the petitioning railroad is not making a good faith effort to assist in the analysis, planning, and negotiation of any feasible proposal for a more efficient and equitable car hire system for railroad marked boxcars.

(e) The enactment of this section shall not affect the right of any railroad to negotiate bilateral car hire agreements (including repositioning agreements) pursuant to section 1039.14(c)(3) of title 49, Code of Federal Regulations.

Mr. GORTON. Mr. President, subsection (a) directs the Secretary of Transportation to use existing authority to facilitate the development and implementation of a more efficient and equitable car hire compensation system for boxcars. The Secretary is required to hold joint industry/Government conferences to consider proposals for such a system. Representatives of interested parties will be invited to participate in these conferences without being inhibited by the antitrust laws.

Subsection (b) requires that the Secretary submit a status report to Congress by January 1, 1985.

Subsection (c) directs the ICC to extend to July 1, 1985 the effective date of the car hire portion of its May 2, 1983 order in ex parte No. 346 as it applies to boxcars owned or leased by class III railroads. The purpose of this is to prevent the smaller railroads and leasing companies from becoming bankrupt while a solution is being worked out.

Subsection (d) sets forth a procedure by which any railroad may petition the ICC to stay until July 1, 1985 the imposition of empty mileage charges or reclaim of car hire payments on boxcars bearing that railroad's reporting marks. The petition would be granted unless DOT determines the railroad is not working in good faith with DOT to come up with a workable solution to the boxcar problem.

Subsection (e) provides that enactment of the legislation will not interfere with the right of any railroad to

negotiate a bilateral car hire agreement (including a repositioning agreement) pursuant to 49 CFR 1039.14(c)(3).

FEDERAL BOAT SAFETY ACT AMENDMENTS

CHAFEE (AND OTHERS) AMENDMENT NO. 3054

Mr. CHAFEE (for himself, Mr. WEICKER, Mr. STAFFORD, Mr. MATHIAS, and Mr. ANDREWS) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes; as follows:

On page 19, strike subsections (a) and (b) and insert the following:

(a) It shall not be in order to consider any measure making appropriations in the Senate or the House of Representatives, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for function 050, National Defense, and for non-defense discretionary activities to exceed $434,500,000,000 in fiscal year 1985, $472,300,000,000 in fiscal year 1986, or $514,600,000,000 in fiscal year 1987.

WILSON AMENDMENT NO. 3055

Mr. WILSON proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

At the end of amendment 3027, insert the following: That this Act may be cited as the "Intergovernmental Regulatory Relief Act of 1984".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) Federal regulation of State and local governments has become increasingly extensive and intrusive in recent years;

(2) such regulation has, in many instances, adversely affected State and local governments by placing excessive fiscal burdens on such governments;

(3) such excessive fiscal burdens have weakened the foundation of the Federal system of government; and

(4) a lack of adequate fiscal resources to carry out necessary Federal regulation of State and local governments has delayed and obstructed the achievement of Federal goals.

(b) Therefore, it is the purpose of this act to establish procedures to—

(1) assure that the Federal Government pays the total amount of additional direct costs incurred by State and local governments in complying with any intergovernmental regulation which takes effect on or after the date of enactment of this Act;

(2) assure that the burden on State and local governments resulting from compliance with intergovernmental regulations in effect before the date of enactment of this Act is reduced to the minimum level consistent with achieving major national objectives; and

(3) assure that the Federal Government ultimately pays the total amount of additional direct costs incurred by State and local governments in complying with intergovernmental regulations.

DEFINITIONS

SEC. 3. For purposes of this Act, the term—

(1) "additional direct costs" means the amount of costs incurred by a State or local government solely in complying with an intergovernmental regulation promulgated pursuant to a Federal law concerning a particular activity which is in excess of the amount that such State or local government would be required to expend in carrying out such activity in the absence of such law, except that such term does not include any amount which a State or local government is required by law to contribute as a non-Federal share under a Federal assistance program;

(2) "compliance reforms" means market oriented procedures to replace or supplement strict governmental monitoring and enforcement activities, including the establishment and enforcement of penalties for noncompliance with Federal regulations that reflect the degree of such noncompliance, and the establishment of procedures to permit compliance with State or local regulations in lieu of compliance with Federal regulations;

(3) "Director" means the Director of the Office of Management and Budget;

(4) "economic incentives" means the process of making price corrections in the marketplace through governmental fees or subsidies that encourage or discourage activities in accordance with public policies;

(5) "Federal agency" has the meaning given to the term "executive agency" in section 6501(3) of title 31, United States Code;

(6) "Federal assistance" means any assistance provided by a Federal agency in the form of grants, loans, loan guarantees, property, cooperative agreements, or technical assistance to State and local governments or other recipients, except that such term does not include direct cash assistance to individuals, contracts for the procurement of goods or services for the United States, or insurance;

(7) "intergovernmental regulation" means a regulation promulgated by a Federal agency that requires a State or local government to take certain actions or requires State or local governments to comply with certain specified conditions in order to receive or continue to receive Federal assistance and which requires the termination or reduction of such assistance if such government fails to comply with such conditions;

(8) "local government" has the same meaning as in section 6501(6) of title 31, United States Code;

(9) "marketable rights" means the process for allocating scarce resources through the establishment of rights that can be traded or sold among bidders, rather than through the distribution of resources through the issuance of permits by a Federal agency;

(10) "performance standards" means the criteria or goals that must be attained to comply with a Federal regulation, and does not include a detailed specification of the means of compliance;

(11) "significant law" means any Federal law which is likely, in the judgment of the Director of the Congressional Budget Office, to result in total additional direct costs to all State and local governments of $100,000,000 or more in any fiscal year, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government;

(12) "small government" means a government of a city, county, town, village, school district, or other special district established under State law which has a population of less than fifty thousand;

(13) "special provisions for small governments" means requirements for small governments contained in an intergovernmental regulation which are different from the requirements included in such regulation for other governments, and includes simplified compliance methods designed to reduce administrative burdens on small governments and reduced standards and modified compliance mechanisms which are proportional to the capabilities of small governments to comply with such regulation; and

(14) "State" means each of the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE I—REVIEW OF INTERGOVERNMENTAL REGULATIONS REPORT REQUIRED

SEC. 101. (a) Not later than thirty days after the date on which the President transmits a budget for a fiscal year to the Congress pursuant to section 1105 of title 31, United States Code, the President shall submit to the Congress a report specifying and evaluating the economic costs, noneconomic costs, and additional direct costs which have been incurred or which will be incurred by State governments and local governments in complying with intergovernmental regulations during the most recently completed fiscal year, the fiscal year in progress, and the first two fiscal years immediately succeeding the fiscal year in progress.

(b) Each report required under subsection (a) shall include—

(1) a list of each intergovernmental regulation in effect during each fiscal year for which the report is made and a citation of statutory and administrative authority for each such intergovernmental regulation;

(2) an estimate, for each such intergovernmental regulation, of—

(A) the total amount of economic costs, noneconomic costs, and additional direct costs that have been incurred or will be incurred in each such fiscal year by the government of each State and all local governments in such State in complying with such regulation in each such fiscal year; and

(B) the ratio (stated as a percentage) which the total amount of additional direct costs that have been incurred or will be incurred by all local governments in a State in complying with such regulation in each such fiscal year bears to the total amount of additional direct costs that have been incurred or will be incurred by the government of such State and all local governments in such State in complying with such regulation in such fiscal year;

(3) an estimate, for each such intergovernmental regulation, of the economic and noneconomic benefits that will be provided in each such fiscal year to each State government and all local governments in such State as a result of compliance with such regulation during each such fiscal year;

(4) recommendations for changes in laws and regulations that will reduce the costs specified pursuant to paragraph (2), or that will achieve a more favorable balance between the benefits specified pursuant to

paragraph (3) and the costs specified pursuant to paragraph (2); and

(5) proposals for legislation, and a statement of planned administrative actions, to implement the recommendations specified pursuant to paragraph (4).

(c) In preparing the report required by subsection (a), the President shall consider the potential for reducing costs incurred by State and local governments in complying with intergovernmental regulations through the promulgation of intergovernmental regulations which use means such as performance standards, special provisions for small governments, marketable rights, economic incentives, compliance reforms, and simplified procedures to certify the compliance of Federal assistance recipients with Federal requirements.

PROCEDURES FOR PREPARATION OF REPORT

SEC. 102. (a) The President may delegate to the Director or to the head of any other Federal agency the responsibility for preparing the annual report required by section 131.

(b) In carrying out the provisions of this title, the President, the Director, or the head of a Federal agency to which a delegation is made under subsection (a), shall, after providing public notice and an opportunity for comment in accordance with section 553 of title 5, United States Code, prescribe standards to be used by Federal agencies in estimating the costs of compliance with, and the benefits provided by, intergovernmental regulations administered by such agencies. Such standards may be revised from time to time to reflect changes in relevant economic and social circumstances and advances in pertinent branches of knowledge.

(c) The standards prescribed under subsection (b) shall provide, to the extent possible, for—

(1) uniform categories of costs of compliance with, and benefits provided by, intergovernmental regulations;

(2) methods to be used by Federal agencies in compiling the information required to be submitted under subsection (d) which shall be designed to—

(A) minimize the costs that will be incurred by the State and local governments and the Federal assistance recipients from which such intormation will be collected; and

(B) ensure the collection of reasonably accurate information in a form that will be useful to States in complying with section 204(c);

(3) methods for preventing disclosure of information about individuals or businesses the confidentiality of which is protected under Federal law;

(4) procedures to be followed by Federal agencies in reporting the information required to be submitted under subsection (d); and

(5) such other procedures and guidelines as may be necessary for the implementation of this title.

(d) Each year, at a time prescribed by the President, the Director, or the head of the Federal agency to which a delegation is made under subsection (a), the head of each Federal agency which administered any intergovernmental regulation during a fiscal year for which a report is required under section 101, shall prepare and submit to the President, the Director, or such agency head, a report setting forth, for each such regulation, the information required to be included for such regulation in the report required under section 101.

TITLE II—COMPENSATION OF STATE AND LOCAL GOVERNMENTS FOR ADDITIONAL DIRECT COSTS

COMPENSATION REQUIRED

SEC. 201. (a) A Federal agency or a court of the United States shall not require State governments or local governments to comply with, in any fiscal year, any intergovernmental regulation which takes effect on or after the date of enactment of this Act and which is promulgated pursuant to a significant law unless provisions of law have been enacted which provide a sufficient amount of funds for such fiscal year to reimburse such governments for the total amount of additional direct costs that will be incurred by such governments in complying with such regulation during such fiscal year.

(b)(1) For the fiscal year ending on September 30, 1987, and each of the succeeding fiscal years, a Federal agency or a court of the United States shall not require State governments or local governments to comply with, in any fiscal year, any intergovernmental regulation which took effect prior to the date of enactment of this Act and which was promulgated pursuant to a significant law unless—

(A) provisions of law have been enacted which provide an amount of funds to reimburse such governments for the additional direct costs that will be incurred by such governments in complying with such regulation in such fiscal year which is equal to or in excess of the amount described in paragraph (2) for such fiscal year;

(B) provisions of law have been enacted revising the significant law under which such regulation was promulgated, and such revisions will result in the reduction of such additional direct costs for such fiscal year by an amount equal to or in excess of the amount described in paragraph (2) for such fiscal year;

(C) adminstrative actions have been taken which will result in the reduction of such additional direct costs for such fiscal year by an amount equal to or in excess of the amount described in paragraph (2) for such fiscal year; or

(D)(i)(I) provisions of law have been enacted which provide an amount of funds to reimburse State and local governments for such additional direct costs for such fiscal year which is less than the amount described in paragraph (2) for such fiscal year;

(II) administrative actions have been taken which will result in the reduction of such additional direct costs for such fiscal year by an amount which is less than the amount described in paragraph (2) for such fiscal year; and

(III) provisions of law have been enacted revising the significant law under which such regulation was promulgated, and such revisions will result in the reduction of such additional direct costs for such fiscal year by an amount which is less than the amount described in paragraph (2) for such fiscal year; or

(ii) the sum of the amounts described in divisions (I), (II), and (III) of clause (i) with respect to a fiscal year is equal to or in excess of the amount described in paragraph (2) for such fiscal year.

(2) The amounts referred to in paragraph (1) for the fiscal year ending on September 30, 1987, and each of the succeeding fiscal years are as follows:

(A) Fiscal year 1987.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 10 percent.

(B) Fiscal year 1988.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 20 percent.

(C) Fiscal year 1989.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 30 percent.

(D) Fiscal year 1990.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 40 percent.

(E) Fiscal year 1991.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 50 percent.

(F) Fiscal year 1992.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 60 percent.

(G) Fiscal year 1993.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 70 percent.

(H) Fiscal year 1994.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 80 percent.

(I) Fiscal year 1995.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 90 percent.

(J) Fiscal year 1996 and succeeding fiscal years.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 100 percent.

(c) For purposes of this section, the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in any fiscal year shall be the total amount of such costs for such regulation estimated by the Director of the Congressional Budget Office in the report required under section 202 for such fiscal year.

REPORT BY THE DIRECTOR OF THE CONGRESSIONAL BUDGET OFFICE

SEC. 202. (a) For each fiscal year in which an intergovernmental regulation promulgated pursuant to a significant law will be in effect, the Director of the Congressional Budget Office shall prepare and transmit to

the President and the Congress a report specifying, for such fiscal year and each of the two fiscal years succeeding such fiscal year, an estimate of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with such regulation in each such fiscal year.

(b) In preparing each report required by subsection (a), the Director of the Congressional Budget Office shall consider the estimates of additional direct costs for a fiscal year resulting from compliance with an intergovernmental regulation which are specified in the report submitted by the President under title I during the fiscal year preceding such fiscal year.

(c) The Director of the Congressional Budget Office shall transmit each report required by subsection (a) for a fiscal year to the President and the Congress by September 1 of the fiscal year preceding such fiscal year.

IMPLEMENTATION

SEC. 203. For each fiscal year in which an intergovernmental regulation promulgated pursuant to a significant law will be in effect, the chairman of the committees of the Senate and the House of Representatives having legislative jurisdiction over such significant law shall propose, to an appropriate bill or resolution providing funds for such fiscal year, an amendment containing provisions to appropriate funds to reimburse State governments and local governments for the additional direct costs incurred in complying with such regulation. The amount of funds proposed to be appropriated by such amendment shall be equal to or in excess of the amounts described in subsection (a), subsection (b)(1)(A), or subsection (b)(1)(D) of section 201, as the case may be.

PROCEDURES FOR REIMBURSEMENTS TO STATE AND LOCAL GOVERNMENTS

SEC. 204. (a)(1) The head of each Federal agency which administers an intergovernmental regulation promulgated pursuant to a significant law shall pay to each State government in each fiscal year the amount determined pursuant to this section to reimburse the State government and local governments in the State for the additional direct costs incurred by such governments in complying with such regulation in such fiscal year.

(2) A State government which receives payments under this section for reimbursement for additional direct costs incurred in complying with an intergovernmental regulation in any fiscal year shall pay to each local government in the State the amount determined pursuant to this section to reimburse such local government for the additional direct costs incurred by such local government in complying with such regulation in such fiscal year.

(b) The total amount to be paid to a State to reimburse the government of the State and local governments in the State for additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall equal an amount which bears the same ratio to the total amount for reimbursement of additional direct costs for all State governments and local governments described in subsection (a), subsection (b)(1)(A), or subsection (b)(1)(D)(I) of section 201, as the case may be, with respect to such regulation for such fiscal year, as the total amount of additional direct costs with respect to such regulation which is specified in the report submitted by the President under title I for such fiscal year for such State government and local governments in such State for such fiscal year bears to the sum of the total amounts of additional direct costs with respect to such regulations which are specified in such report for all State governments and all local governments for such fiscal year.

(c)(1) The total amount to be paid by a State government to local governments in such State to reimburse such governments for additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall be equal to the product of the amount paid under subsection (b) to such State with respect to such regulations for such fiscal year multiplied by the ratio determined by the President for such State with respect to such regulation for such fiscal year pursuant to section 101(b)(2)(B).

(2)(A) A State government which receives payments under this section to reimburse local governments in the State for the additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fisal year shall pay to each such local government an amount equal to the product of—

(i) the total amount determined under paragraph (1) with respect to such regulation for such fiscal year, multiplied by

(ii) the ratio (stated as a percentage and estimated by the State in accordance with subparagraph (B)) that the total amount of additional direct costs incurred by such local government in complying with such regulation in such fiscal year bears to the total amount of additional direct costs incurred by all local governments in such State in complying with such regulation in such fiscal year.

(B) Each State government which receives payments under this section for any fiscal year shall provide by law for the estimation of the amount of additional direct costs incurred by each local government in such State in complying with an intergovernmental regulation for which such payments are received. In providing for the estimation of such costs, the State shall establish procedures and methods for the estimation of such costs which are reasonably related to the actual additional direct costs incurred by such governments in complying with such regulation in such fiscal year.

EFFECT OF SUBSEQUENT ENACTMENTS

SEC. 205. No law enacted after the date of enactment of this title shall supersede the provisions of this title unless such law does so in specific terms, referring to this title, and declares that such law supersedes the provisions of this title.

TITLE III—MISCELLANEOUS

COST ESTIMATES

SEC. 301. Section 403(c) of the Congressional Budget Act of 1974 is amended by striking out "$200,000,000" and inserting in lieu thereof "$100,000,000".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's hearing scheduled for April 3, 1984, on S. 2084, a bill to amend the Small Business Act to allow the Small Business Administration to make loans to small business concerns whose primary business is the communication of ideas, has been rescheduled for May 17, 1984. The hearing will commence at 10 a.m. in room 428A of the Russell Senate Office Building. Senator SASSER will chair the hearing. For further information, please contact Mike Haynes, chief counsel for the committee, 224-8487.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water for Tuesday, May 22, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building to consider the following bills:

S.J. Res. 277, to authorize the Armed Forces Monument Committee, to the U.S. Armor Association, the World War Tank Corp's Association, the Veterans of the Battle of the Bulge, and the 1st, 4th, 8th, 9th, 11th, 14th and 16th Armored Division Associations jointly to erect a memorial to the "American Armored" on U.S. Government property in Arlington, Va., and for other purposes;

S. 648, to facilitate the exchange of certain lands in S.C.;

S. 1859, for the transfer of certain interests in lands in Dona Ana County, New Mexico to New Mexico State University, Las Cruces, New Mexico;

S. 1889, to amend the act authorizing the establishment of the Congaree Swamp National Monument to provide that at such time as the principal visitor center is established such center shall be designated as the "Harry R. E. Hampton Visitor Center";

S. 2015 and H.R. 3825, to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes;

S. 2036, to require the Secretary of the Interior to convey to the City of Brigham City, Utah, certain land and improvements in Box Elder County, Utah;

S. 2082, to identify, commemorate and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes;

S. 2136, to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area;

S. 2331 and H.R. 4596, to amend section 1601(d) of Public Law 96-607 to permit the Secretary of the Interior to acquire title in fee simple to McClintock House at 16 Williams Street, Waterloo, N.Y.;

S. 1695, to amend the National Trails System Act by authorizing for study the Pony Express Trail under the provisions of the Act; and

H.R. 3787, to amend the National Trails System Act by adding the California Trail to the study list, and for other purposes.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Be-

cause of the number of people expected to testify, witnesses will be placed in panels and oral testimony will be limited in time. Witnesses should provide the subcommittee with 25 copies of their written statements 24 hours in advance of the hearing, as required by the committee rules, and 50 copies of the day of the hearing.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEE TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 10, in closed session to mark up proposed legislation on the fiscal year 1985 intelligence budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, May 10, to hold a hearing on S. 1935, the Cigarette Safety Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 2615—LEGISLATION TO REAUTHORIZE THE NATIONAL INSTITUTE FOR DRUG ABUSE AND THE NATIONAL INSTITUTE FOR ALCOHOL ABUSE AND ALCOHOLISM

● Mr. MATSUNAGA. Mr. President, as the ranking Democratic member of the Subcommittee on Alcoholism and Drug Abuse, I am happy to join the subcommittee's chairman, Senator HAWKINS, in introducing legislation to reauthorize the National Institute for Drug Abuse (NIDA) and the National Institute for Alcohol Abuse and Alcoholism (NIAAA), both of which are part of the Alcohol, Drug Abuse and Mental Health Administration in the U.S. Department of Health and Human Services.

Our bill has many important features. First and foremost, it provides a 3-year extension of the authorization of these two agencies which are charged with conducting research on the causes, prevention and treatment of alcoholism and drug abuse. Funds for both agencies would be increased in fiscal years 1985, 1986, and 1987. Since alcoholism is recognized as the Nation's third most prevalent fatal disease—right behind heart disease and stroke—and since drug abuse remains a national epidemic despite recent declines in drug usage, I believe that this increase in funds is fully justified.

Our bill also directs NIDA and NIAAA to provide special assistance for women alcoholics and drug abusers, a group that has received too little attention in previous years. Recent studies indicate that alcoholism, for example, manifests itself differently in women than it does in men, and this new effort will enable NIDA and NIAAA to take a much closer look at addictions in women and to explore new methods of prevention and treatment.

The bill directs the Secretary of Health and Human Resources to develop and present to Congress for consideration a comprehensive plan for combating alcoholism.

Finally, and of great importance to me, our bill authorizes NIDA and NIAAA to conduct demonstration projects aimed at improving the prevention and treatment of alcoholism and drug abuse. Some of these projects would be designed to meet the special needs of underserved minority groups, including specifically Native Hawaiians and Pacific Islanders. On a number of occasions, since 1970, the Congress has urged NIDA and NIAAA to act to meet the needs of minority groups who are not receiving adequate treatment in existing alcoholism and drug abuse treatment centers and this bill would at last help carry out the mandate. Frankly, I would like to go even further and establish Associate Directors of both Institutes for Minority Affairs. I have introduced legislation which would accomplish that objective. However, I believe that targeting demonstration projects at underserved minorities is a good start, and I intend to follow the progress of this new program closely with a view toward improving it during or after its 3-year lifetime. The needs of Native Hawaiians and Pacific Islanders are typical of those of many other minority groups. A study conducted 5 years ago by the Hawaii State Department of Health revealed that nearly 20 percent of Native Hawaiians—or about one in five—suffer from alcoholism or alcohol abuse. Some 22 percent of the Native Hawaiian population admitted regular use of drugs such as marihuana. More importantly, the health department study revealed that the great majority of these individuals did not have access to treatment programs. There clearly is a need for special efforts to reach alcoholics and drug abusers who are members of minority groups.

The demonstration projects authorized under the provisions of our bill would also benefit State and local governments, private industry, and volunteer agencies that currently bear the burden of providing alcoholism and drug abuse treatment services. During our subcommittee's recent hearings, a number of witnesses testified that innovative, practical and cost effective methods of treatment are sorely needed at the grassroots level. I believe that these demonstration projects will strengthen the effectiveness of alcoholism and drug abuse treatment and prevention, and, in the long run, they will pay for themselves.

Mr. President, I hope that this important legislation will receive expedited consideration both in the Committee on Labor and Human Resources and on the Senate floor.●

PROGRAM FOR THE PREVENTION OF TORTURE

● Mr. COHEN. Mr. President, many of us, I know, have had the opportunity to work with Amnesty International in its effort to improve the human rights situation around the world.

Amnesty International has played an invaluable role in drawing attention to the imprisonment and mistreatment of individuals in countries spanning the globe. In 1977, it was the recipient of the Nobel Prize for Peace, in recognition of the contribution it has made to the worldwide human rights movement.

Working with Amnesty International chapters in Maine, I have had the good fortune to know firsthand just how much of a difference the organization and its efforts can make. Two governments, one in South America and the other in Asia, released political prisoners on whose behalf I had joined Amnesty International in writing. These two cases demonstrate the extent to which Amnesty Intenational is respected and to which its impact can be felt.

The organization recently proposed a 12-point program for the prevention of torture. Emphasizing that torture is a fundamental violation of human rights, Amnesty International has called on all governments to implement its program.

The program includes a number of key facets. Amont them are official condemnation of torture; limits on incommunicado detention; no secret detention; safeguards during interrogation and custody; independent investigation of reports of torture; no use of statements extracted under torture; prohibition of torture in law; prosecution of alleged torturers; training procedures; compensation and rehabilitation; international response; and ratification of international instruments.

Amnesty International's torture abolition effort is an essential one. It merits the support of all of us.

I would like to include the 12-point program for the prevention of torture in the RECORD.

The program follows:

AMNESTY INTERNATIONAL 12-POINT PROGRAM FOR THE PREVENTION OF TORTURE

Torture is a fundamental violation of human rights, condemned by the General Assembly of the United Nations as an offense to human dignity and prohibited under national and international law.

Yet torture persists, daily and across the globe. In Amnesty International's experience, legislative prohibition is not enough. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture. It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to abolish torture and to work for its abolition worldwide.

1. *Official condemnation of torture:* The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law-enforcement personnel that torture will not be accelerated under any circumstances.

2. *Limits on incommunicado detention:* Torture often takes place while the victims are held incommunicado—unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. *No secret detention:* In some countries torture takes place in secret centres, often after the victims are made to "disappear". Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. *Safeguards during interrogation and custody:* Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. *Independent investigations of reports of torture:* Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. *No use of statements extracted under torture:* Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings.

7. *Prohibition of torture in law:* Governments should ensure that acts of torture are punishable offences under criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

8. *Prosecution of alleged torturers:* Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no "safe haven" for torturers.

9. *Training procedures:* It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to refuse to obey any order to torture.

10. *Compensation and rehabilitation:* Victims of torture and their dependents should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care or rehabilitation.

11. *International response:* Governments should use all available channels to intercede with governments accused of torture. Inter-governmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

12. *Ratification of international instruments:* All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.

The 12-Point Program was adopted by Amnesty International in October 1983 as part of the organization's Campaign for the Abolition of Torture.●

ADVANCE NOTIFICATION—PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the record in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 9, 1984.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

GLENN A. RUDD,
Acting Director.●

MILES LABORATORIES—100 YEARS

● Mr. QUAYLE. Mr. President, today, May 10 and Friday, May 11, 1984, ceremonies in Elkhart, South Bend and Goshen, Ind., mark the centennial of Miles Laboratories, Inc. Founded in 1884 in the home office of a country doctor, Franklin L. Miles, and headquartered in Elkhart for 100 years since, Miles Laboratories has grown out of America's heartland to become one of the Nation's leading health care companies.

Today, Miles Laboratories operates facilities in 10 States—California, Connecticut, Illinois, Kansas, New Jersey, North Carolina, Ohio, Washington, Wisconsin, and Indiana—and 25 foreign countries, with a total of 12,000 employees worldwide.

Three Elkhart families—Miles, Compton, and Beardsley—have played prominent roles in the development of this company from the bottler of prescriptions in a physician's home to a $1 billion pharmaceutical corporation recognized as a leader in the health care field worldwide.

A research-orientated corporation with an eye toward improving the quality of life, Miles Laboratories has pioneered the development of new technologies, beginning with effervescence, which in 1931 led to the development of Alka-Seltzer, and innovations including vitamins, diagnostic aids, citric acid, industrial enzymes and ingredients for the dairy industry. Today, Miles has five product groups: consumer, professional, pharmaceutical, hospital, and biotechnology, together meeting health care needs ranging from antibiotics to diagnostic aids, to blood plasma and more.

Since 1930, Miles has doubled its sales approximately every 7 years—from $1.5 million annually in 1931 to more than $1.2 billion in 1983. Its products are sold in more than 140 countries.

Miles Laboratories is deeply involved in the lives of Elkhart's population of

45,000, its hospitals, its social service agencies, its educational institutions and its industrial growth. Perhaps its closeness to the small northern Indiana town of its origins is part of the formula for its 100 years of success.

On the auspicious occasion of the centennial of Miles Laboratories, I congratulate Dr. Franz J. Geks, its chairman and chief executive officer; Dr. Walter Ames Compton, former president and chief executive, currently serving as honorary chairman; Mr. Lehman F. Beardsley, member of the board of directors and former senior vice president; Mr. Franklin B. Miles, member of the board of directors and former treasurer; Mr. Richard Kocher, president of Miles Laboratories, Inc., and the generations who have served to make Miles Laboratories a success.●

STUDY DISPROVES CONCERNS ABOUT MILITARY WOMEN

● Mr. COHEN. Mr. President, the May 7 Army Times contained an article, "Study Disproves Concerns About Military Women," which should be of interest to all of us who have an interest in our Nation's defense capability.

For too many years, the contribution which women could make to our Nation's Armed Forces was discounted. It has been only within the past few years that the number of women allowed to serve in the military has been increased and that they have been permitted to serve in nontraditional jobs.

Even with this expansion of career opportunities for women in the military, there have been many who have questioned whether women were capable of meeting the challenge. As a member of the Senate Armed Services Committee's Manpower Subcommittee, I have seen first-hand the reluctance of many military manpower planners to acknowledge that women were, in fact, able to fill a range of jobs which many felt should be opened to them.

And the apprehension about women in the military has not been limited only to those in the military. It was only a few years ago when the Senate defeated an effort to include women under the requirement to register with the Selective Service System as eligible for military service. A number of us, led by Senator KASSEBAUM and Senator LEVIN, argued that women should be included—that their capabilities would be needed to fulfill a wide range of missions in time of mobilization—but our effort was narrowly defeated.

It is thus doubly important that we all take note of the studies referred to in the Army Times article. They disprove two concerns which have been raised about women in the military—that they are more conservative risk-takers than men and that menstrual stress makes them less effective than men.

Conducted by researchers at the U.S. Army Human Engineering Laboratory, the studies found that women react more quickly than men in situations they already have faced and that menstrual stress in women reflects occupational stress that also is faced by men. These findings are significant, and they will, I hope, receive the full attention of top military manpower planners.

So that my colleagues can have the benefit of the article, I ask that it be included at this point in the RECORD. The article follows:

[From Army Times, May 7, 1984]

STUDY DISPROVES CONCERNS ABOUT MILITARY WOMEN

(By Rick Maze)

COLORADO SPRINGS, COLO.—Two concerns about women in the military—that they are more conservative risk-takers than men and that menstrual stress makes them less effective than men—apparently have been disproven by Army researchers.

Two U.S. Army Human Engineering Laboratory studies, announced to other researchers at Psychology in the Department of Defense Symposium here, found that women react more quickly than men in situations they already have faced and that menstrual stress in woman reflects occupational stress that also is faced by men.

Researchers from the Army Human Engineering Laboratory at Aberdeen Proving Ground, Md., studying differences in risk-taking between men and women, found that women take longer than men to make decisions, particularly when faced with difficult situations, the first time they face a problem. But, when facing similar situations in the future, the women react more quickly.

The study is based on computer-simulated battles in which a person must decide whether or not to send a tank across a battlefield containing mines. The pattern of the mines varies in density.

The first time the test was given, women took longer than men to decide whether to send their tanks across the battlefield. They particularly took longer when facing more dense patterns of mines, the researchers found.

However, when taking the test again, women made decisions more quickly than men, although when facing the denser, more difficult, minefield patterns women were more likely than men to decide not to cross the battlefield.

The study by Gerald A. Hudgens and Linda T. Fatkin concludes that military leaders should be "very cautious in drawing conclusions" about performance differences between men and women based on initial tests because "a very small amount of experience or training can have a dramatic effect on the relative performance of the groups."

In another study, Fatkin found that military women in nontraditional, high-stress jobs report significantly more menstrual distress than women in traditional jobs, but that stress rates for men in the same occupations were similar.

Fatkin's study is based on surveys of Army male and female military police and administrative specialists.

Fatkin found that women working as military police "reported significantly more menstrual distress than women working in the traditional administrative positions." She also found that women who had less than seven months of experience on the job reported more menstrual distress than those with more experience. Women with less job experience also reported more job stress, Fatkin found.

When compared with men, who represented the control group in the study, women MPs reported greater amounts of job stress and health distress, but men and women MPs in general said their life experiences were more stressful.

"The inconsistency and lack of personal control in the MPs' environmental and occupational lifestyle may have the greatest impact upon the experience of menstrual distress," Fatkin said.●

DEATH OF VIRGINIA WILLIAMS

● Mr. KENNEDY. Mr. President, all of us in Massachusetts were saddened to learn this week of the death of Virginia Williams, the founder and artistic director of the Boston Ballet. Virginia Williams was an extraordinary woman and an inspired artist. Her commitment to dance, and to the importance of dance in Boston, never wavered, and her success is obvious to all who have ever had the pleasure of attending a performance of the Boston Ballet.

Boston was enriched by her efforts and energized by her spirit. Her goals for art in America reflect her own personal aspirations. She once wrote me, "Art could serve American politics and America's image in making friends abroad—not in high places, but with the people—that is a practical dream." She lived that dream and realized its fulfillment with her dance family, which performed brilliantly not only in Boston, but before enthusiastic audiences in Europe and the People's Republic of China.

Virginia Williams will be deeply missed by all whose lives she touched—through her work or her friendship. Her legacy of excellence and integrity will inspire others to carry on her work, and her spirit will live forever. Mr. President, I take this opportunity to extend my condolences to her husband and daughter and to her many friends, and I ask that an article from the Boston Globe of May 9 on her life and artistry be printed in the RECORD.

The article follows:

[From the Boston Globe, May 9, 1984]

E. VIRGINIA WILLIAMS, 70; FOUNDER OF THE BOSTON BALLET

(By Jeff McLaughlin)

E. Virginia Williams, founder of the Boston Ballet and its predecessor New England Civic Ballet, an artist who devoted her life to giving Boston a first-rate professional ballet company, died yesterday in Malden Hospital. She suffered complications after surgery April 30 for a circulatory ailment. She was 70.

A brilliant teacher, choreographer, and artistic director, Miss Williams was a dance pioneer, carving out a ballet career where

none had existed for a woman before in this country, patching together a dance education for herself before America had a ballet community. She was deeply committed to dance, "totally in love with it," her friends and colleagues said, and just as committed to creating a place for ballet in Boston.

She had, critic Elliot Norton wrote in 1974, "a driving energy which, if Boston Edison could harness it, would light up the sky and make the nights safe for promenading."

Yesterday, former Ballet board chairman Maryellen Cabot said, "Virginia always had a vision, a special spirit, a deep confidence that her 'kids,' as she called them, were good dancers, and that the company would be good enough to be seen all over the world. Her company was built on love and caring, and it really was like a family."

Resident choreographer Bruce Wells said, "Her legacy is the integrity by which she worked, which will be the measure by which this company will forever have to be judged."

Miss Williams had guided the fortunes of the Boston Ballet from its first official performance under that name, Jan. 25, 1965 in John Hancock Hall, until March of last year, when she stepped down as artistic director in favor of Violette Verdy, formerly artistic director of the Paris Opera Ballet. Miss Williams then took the title "founder and artistic adviser."

Verdy, one of the greatest stars of the New York City Ballet in the 1960s and '70s, made her American debut in "Giselle" with the Boston Ballet under Miss Williams. She first became involved in the Boston company's artistic management when Miss Williams invited her to become associate artistic director in September 1980. They subsequently worked together as co-artistic directors before Verdy assumed full charge.

Miss Williams' choice of Verdy as a successor underscored her longtime close relationship with the New York City Ballet and its late ballet master George Balanchine.

The relationship with Balanchine dated to the mid-1930s, when she first studied with the great Russian in New York before deciding she would be a teacher rather than performer. Miss Williams' family, which traced its American roots to the ship after the Mayflower, wanted her to go to college and study art, but her heart was always set on dance.

Born March 12, 1914 in Salem, she moved with her family to Melrose at a young age. From the time she was 2 or 3 years old, she recalled, "my mother would take me to matinee vaudeville shows . . . (where) we'd see fine Russian ballet dancers—between other acts, you know, of dog tricks or singers—and I adored them, and tried to imitate them at home."

Her parents enrolled her in dance lessons at age 5; she subsequently studied with the Italian dance troupe then associated with the Boston Opera; with "interpretive" instructor Dana Sieveling; with Miriam Winslow, who had danced with the Denishawn company; and, beginning in her late teens, in New York with the Russians who had begun moving to America, including Tatiana Chamie—and Balanchine.

Miss Williams opened her first dance school in Melrose, then others in several suburban communities, including Stoneham and her adopted hometown of Malden, and then in the 1940s, in Boston. In time, that school would emerge as Boston's first professional dance company, but first it was the E. Virginia Williams School of the Dance. "I think it was 1950 when I rented the old Boston Opera House so my students could perform," she said. "It took me five years after the concert to finish paying for it. I was very naive . . ."

It was as a teacher that Miss Williams won her early acclaim. One of the first in a long line of great dancers she sent on to grace great companies was Eleanor D'Antuono, whose Williams-taught technique brought her to the American Ballet Theater as principal ballerina. She sent dancers on to the San Francisco, Royal Winnipeg, Bavarian State Opera, Houston, Cleveland and Ohio Ballets. Sara Leland, longtime New York City Ballet principal dancer, now its assistant ballet mistress, was a star pupil. (Ruth Harrington, Leland's mother, was an administrator for Miss Williams for decades and one of her closest friends.) The choreography Miss Williams created for these budding stars was also mounted on the Joffrey and Pennsylvania Ballet. And not all the fine dancers left: Laura Young currently leading ballerina with the Boston Ballet, has been with Miss Williams since New England Civic Ballet was formed in 1958.

Balanchine saw the New England Civic Ballet at a regional dance festival, told Miss Williams he liked her choreography and invited her to visit New York to work with him. "He really made me comfortable," she said in an interview last year, "although I was still too shy to remind him we'd met previously, at the classes I'd taken at his school many years before. From the early 1960s, she was able with Balanchine's support to bring talented European and New York dancers to Boston so she could present ambitious ballets that were beyond the range of her fledgling company. balanchine's settings of Stravinsky's "Apollo" and Mendelssohn's "Scotch Symphony" were included on the Boston Ballet's premier program in 1965.

The Ford Foundation's W. McNeil Lowry, a close friend of Balanchine, was also impressed with Miss Williams' company, and in 1963, when the Foundation announced its historic $7.8 million subsidy to American ballet, the nascent Boston Ballet was the recipient of a $144,000 founding grant. In 1966, a $300,000 Ford Foundation grant established the company for good. Over the years, economic problems threatened the company continuously, but Miss Williams' spirit never flagged. She saw the company win critical praise throughout Europe, on its own and with guest star Rudolf Nureyev, and on a World Tour that included a historic visit to the People's Republic of China.

The Ballet's production of "Romeo and Juliet" set by Choo San Goh, which will open a week from tomorrow at the Wang Center for the Performing Arts, would have been another landmark in Miss Williams' career. Her recent illness prevented her from seeing all but a few preliminary rehearsals.

Named a Distinguished Bostonian in 1980 as part of the city's Jubilee 350, Ellen Virginia Williams was awarded the Dancemagazine Award for outstanding contributions to American dance in 1976, and held many honorary doctoral degrees.

Miss Williams leaves her second husband. Herbert Hobbs, a pianist, church organist and her longtime accompanist, whom she and everyone at the Ballet calls Mr. Hobbs. She met him "when I was desperate for an accompanist and called the New England Conservatory to send one over." They have lived for many years in a stately old house in Malden. She also leaves a daughter, Carla Davis, of Las Vegas, Nev., from her first marriage in the 1930s, to the late dancer, Carl Nelson.

Funeral arrangements are incomplete.●

PERISHABLE AGRICULTURAL COMMODITIES ACT TRUST PROTECTION PLAN

● Mr. HELMS. Mr. President, very early on the morning of April 13, the Senate passed H.R. 3867, a bill to amend the Perishable Agricultural Commodities Act of 1930. This a good piece of legislation which will assure that farmers of fresh fruits and vegetables across the country receive payment for the products they sell.

When, during that late night session, this legislation came before the Senate, my accompanying statement was inadvertently not provided for the RECORD. In order that the legislative intent behind this bill be clear, I would like to make a few remarks.

H.R. 3867 would amend the Perishable Agricultural Commodities Act (PACA) to provide sellers of fresh fruits and vegetables with a trust protection plan. Companion legislation, S. 2052, was introduced on November 4, 1983, by myself and the ranking member of the Senate Agriculture Committee, Senator HUDDLESTON, and five other cosponsors.

This proposal addresses some problems which have become increasingly troublesome for the industry and does so in a time-tested fashion requiring a minimum of Government intervention. Modeled after a 1976 amendment to the Packers and Stockyards Act, this legislation would require that perishable agricultural commodities, inventories of foods or other products derived from such commodities, and receivable or proceeds from the sale of either of these, be placed in a statutory trust until a buyer pays the seller. There is strong support throughout the industry for a trust protection plan, as indicated in a hearing before the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices on November 7, 1983.

In dealing with agriculture on a national level, there is often a tendency to concentrate on the bigtime bulk commodities. However, we must not neglect the importance of the more specialized agricultural products.

While not always very large, producers of products such as fresh fruits and vegetables are nonetheless just as important to American agriculture and to their communities as are producers of other commodities. When such producers are threatened by worsening problems which are within the purview of Government to address, Congress should not hestitate to take action.

The PACA was enacted in 1930 to encourage fair trading practices in the marketing of perishable commodities

by suppressing unfair and fraudulent business practices in marketing of fresh and frozen fruits and vegetables and cherries in brine and providing for collecting damages from any buyer or seller who fails to live up to his contractual obligations.

The legislation before us would amend the PACA in order to squarely address continuing problems which fresh fruit and vegetable growers are having in getting their accounts settled in a timely fashion, and protecting themselves when buyers go out of business without paying for receiving commodities.

Specifically, the bill would impose a statutory trust in favor of the unpaid seller or supplier on the inventories of perishable agricultural commodities and the products derived therefrom and on the proceeds of sale of such commodities and products in the hands of a commission merchant, dealer, or broker licensed under the PACA. If a seller is not paid within 10 days of the transaction—or if other arrangements have been made by the contracting parties, then within the specified time period—the seller must preserve the trust, in order to receive trust benefits, by giving written notice to the buyer and the Secretary of Agriculture within 30 days after expiration of the prompt payment date or the date on which the payment instrument has been dishonored.

Receipt of the notice to preserve the trust will alert the Department of Agriculture to the slow-payment problem and allow it to check with the buyer to determine the reasons for the delay. In effect, the notice will operate as an early warning system and will generally result in earlier involvement by the Department in slow-pay situations than is now the case. If it is deemed necessary, the Department can use current authorities for the suspension and revocation of licenses of offending dealers to facilitate payment. If the buyer goes out of business, the statutory trust will give the seller first shot at the buyer's assets.

Few would argue against a grower's right to expect payment for the basic product that the grower has raised. By setting up a statutory trust, this proposal will assure that growers will be paid.

With the high cost of money, it is important that producers be paid in a timely manner, as is currently mandated by law. Through the notifications to the Secretary from unpaid sellers, the bill will provide the department with the information it needs to identify habitual slow payers. Once the slow payers are identified, the Department can use its current authority to bring these concerns into compliance with the law. Furthermore, even the occasional late payers, fearing the consequences of being tagged in the community as slow payers, should be more likely to honor their payment commitments.

The concept of setting up a statutory trust for sellers of perishable fresh fruits and vegetables is both proven and fair. It is supported by a wide range of agricultural groups from across the country. This proposal will involve a minimum of Government interference in the marketplace and will better allow the Government to fulfill its obligations under the Perishable Agricultural Commodities Act of 1930. This is a bipartisan measure, fully supported by the administration, which will help insure fairness and stability in an industry of importance to all American consumers.

I ask that the following section-by-section analysis of H.R. 3867 be printed in the RECORD.

The analysis follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 3867

Section 1 of the bill would amend section 5 of the Perishable Agricultural Commodities Act, 1930 by adding to it a new subsection (c). The references below are to the paragraphs of the new subsection (c).

Paragraph (1) declares as a finding by Congress that a burden on commerce is caused by financing arrangements under which commission merchants, dealers, or brokers, who have not made payment for perishable agricultural commodities purchased or handled by them on behalf of another person, encumber or give lenders a security interest in such commodities, or on inventories of or accounts receivable or proceeds from products derived from such commodities, and that such arrangements are contrary to the public interest.

Paragraph (2) provides that perishable agricultural commodities received by a commission merchant, dealer, or broker (handlers) in all transactions, and all inventories of or receivables or proceeds from products derived from such perishable agricultural commodities, shall be held by such handlers in trust for the benefit of all unpaid sellers or supplies of such commodities, or their agents, until full payment for the commodities is made. Payment shall not be considered to have been made if the supplier, seller, or agent receives a payment instrument which is dishonored. Transactions between an agricultural cooperative association and its members are exempted from the provisions of this subsection. For purposes of this paragraph, the term "received" means the time when the commission merchant, dealer, or broker gains ownership, control over, or possession of the commodity involved.

Paragraph (3) provides that the unpaid supplier, seller, or agent will lose the benefits of such trust unless such person gives written notice of intent to preserve the benefits of the trust to the commission merchant, dealer, or broker and has filed such notice with the Secretary of Agriculture within 30 calendar days: (i) after expiration of the time by which payment must be made as prescribed in regulations issued by the Secretary, (ii) after expiration of such other time for payment as the parties have expressly agreed to in writing before entering into the transaction, or (iii) after the time the supplier, seller, or agent has received notice that the payment instrument promptly presented for payment has been dishonored. Whenever the parties expressly agree to a time period different than that prescribed in the regulations, a copy of the written agreement establishing such payment period must be filed in the records of each party to the transaction and the terms of the agreement must be disclosed on invoices and other documents relating to the transaction.

Paragraph (4) vests the United States district courts within jurisdiction to hear (i) actions by trust beneficiaries to enforce payment from the trust, and (ii) actions by the Secretary to prevent and restrain dissipation of the trust.

Section 2 of the bill amends section 2(4) of the Act by adding to the specified list of unlawful actions under the Act, the failure of any commission merchant, dealer, or broker to maintain the trust that would be established under the bill for the benefit of the supplier, seller, or agent in connection with a transaction involving perishable agricultural commodities.

A violation of the provisions of section 2 of the Act by any commission merchant, dealer, or broker may subject the offending person to the issuance by the Secretary of a reparations order for damages or to an order suspending or revoking such person's license in accordance with the provisions of the Act.●

● Mr. D'AMATO. Mr. President, I have an inquiry regarding H.R. 3867, a bill to amend the Perishable Agricultural Commodities Act of 1930, that I would like to make of the distinguished chairman of the Committee on Agriculture, Nutrition, and Forestry.

Mr. HELMS. I would be pleased to respond to the question of the Senator from New York.

Mr. D'AMATO. I thank the distinguished chairman. When H.R. 3867, the companion measure to S. 2052, passed the House of Representatives, the accompanying legislative report filed by the Committee on Agriculture contained language to the effect that the trust established by the legislation is intended to be a nonsegregated "floating" trust, that is, a trust where the buyer's assets may be commingled so that the trust assets need not be segregated from other nontrust assets of the buyer. My question is, is it the intent of the Senate Agriculture Committee to concur with the House language that the trust established under this legislation is a nonsegregated floating trust.

Mr. HELMS. That is the intent of the committee.

Mr. D'AMATO. I thank the distinguished chairman.●

CHRISTENING OF THE U.S.S. "VINCENNES"

● Mr. QUAYLE. Mr. President, on April 14, Mrs. Quayle and I were honored to be a part of the christening ceremony for one of our Navy's newest ships, the AEGIS cruiser *Vincennes* (CG-49). My wife served as sponsor of the *Vincennes*, and I as principal speaker at the ceremony.

This ship is the fourth U.S. Navy ship to bear this name. It is named for the 1779 capture of Fort Vincennes from the British by George Rogers Clark. Upon its commissioning next year, this ship will join the long tradition of distinguished service of its predecessors—and enjoy the active support and enthusiasm of the citizens of Vincennes, Ind., and the members of the U.S.S. *Vincennes* Association.

As my colleagues in the Senate well know, the U.S. economic and military positions focus our attention overseas. Our Navy has been, and increasingly will be, critical in protecting our economic lifelines and interests, as well as meeting our security needs as we face the future. This future, unfortunately, will include a Soviet Navy that has grown greatly in recent years in terms of sophistication and capabilities, as well as in numbers. Additionally, we cannot ignore the increasing capabilities of many Third World naval forces. The United States must face the reality that our essential naval resources will likely continue to be outnumbered and outweighed.

One essential way to meet this situation is to persevere in our efforts to reach arms control agreements in both the conventional and strategic areas that will result in reduced force levels and greater stability. We must also face the reality that a need for some military force will remain. Of these forces, our naval forces must necessarily consist of systems more capable than ever before. With the AEGIS system we see the first of these, a quantum leap in the Navy's ability to detect and counter the aircraft and missile threat the fleet will face. For example, in recent testimony before the Seapower Subcommittee it was noted that while the Kidd-class air defense ship presently in service can engage only three targets simultaneously, the *Vincennes* and her sisters will have the ability to engage up to about six times as many targets simultaneously with a very high probability of success.

There is no alternative to the kind of capability embodied in the AEGIS system. The challenge will be to meet the future's demands for more capable and reliable ships while finding more cost effective ways of building them.

Mr. President, to honor this great vessel and the historic city in Indiana for which it is named, I ask that a copy of my remarks at the christening of the *Vincennes* be printed in the RECORD at this point.

The remarks follow:

REMARKS BY SENATOR DAN QUAYLE AT THE CHRISTENING CEREMONY OF THE U.S.S. VINCENNES (CG-49)

Mr. Erb, Admiral Walters, Admiral Roane, Mrs. Quayle, Mrs. Orr, Congressman McCloskey, Citizens and Friends of Vincennes: It is indeed an honor and a pleasure to have been asked by Secretary Lehman to be a part of the christening ceremony for the U.S. Navy's fourth *Vincennes*. The naming of this cruiser *Vincennes* is without a doubt representative of democracy at work. When it was decided to name this class of ship after Revolutionary War battles or engagements, the people of Vincennes and the members of the U.S.S., *Vincennes* Association went to work. Back in 1981 they contacted me, my colleague, Senator Lugar, our governor, the Department of the Navy, and they even petitioned the President for the privilege of having this ship named the *Vincennes*.

To mark this link between these people who have kept alive the spirit of the *Vincennes* line of ships, a delegation is here today to present the keys of the city to the ship's captain, Captain Nick Gee. Mayor Bill Rose, John Kelly, the President of the U.S.S. *Vincennes* Association, and Bill Brooks, publisher of the *Vincennes* Sun-Commercial have all worked tirelessly to see the proud *Vincennes* tradition kept alive. I'd like to ask them at this time to come to the podium for the presentation to Captain Gee.

Honored Guests, I would also like to take this opportunity to commend Secretary Lehman for his steadfast leadership in modernizing the U.S. fleet, and for choosing such a distinguished name for this its newest ship. Secretary Lehman has restored the great naval tradition symbolized by the name *Vincennes*.

There are many others whose names should be mentioned in this ceremony today in recognition of their great contributions to the achievement we are celebrating. The people of Vincennes, countless Hoosiers, Admiral Walters, Admiral Roane, the Navy leadership, the people of RCA—all have made invaluable contributions.

I want to make a particular note of the efforts of members of the U.S.S. *Vincennes* Association who over the years have kept the heritage and traditions of the previous *Vincennes* alive. Their contributions toward restoring this name to active duty with the Navy are certainly deserving of special recognition. The efforts of Ingalls Shipbuilding, of the dedicated workers of this shipyard, and the hard work of Captain Gee and his crew must also be gratefully acknowledged as we christen this ship.

Finally, I must also thank my colleagues in Congress—Senator Stennis, Senator Cochran, and Representative Lott—for their outstanding leadership in forging a responsible security and defense policy for our nation, and for the wonderful Mississippi hospitality we have experienced here in Pascagoula.

This ship shares its name with the city of Vincennes, Indiana. This city stands on the site of Fort Vincennes, named for its French soldier-explorer founder. The name Vincennes gained its place in military history in February 1779 when George Rogers Clark marched his small band of men over 180 miles of flooded, wintery wilderness to surprise the British forces who were occupying the Fort. After a two-day seige, the British on February 25th surrendered unconditionally.

The possession of this Fort was an important factor in America's gaining the vast area north of the Ohio River and west of the Appalachian Mountains when the Treaty of Paris was signed in 1783, ending the Revolutionary War. This newly-won land covered an area larger than that of the original thirteen colonies, and it enabled the new nation to begin its westward advance to the Pacific Ocean.

The history of the *Vincennes* ships has a rich heritage as well. The spirit and tenacity of Clark and his men were first commemorated by the Navy in 1826 when a sloop-of-war was named as the first *Vincennes*. This ship established an unprecedented record of achievements. In 1830 it became the first U.S. naval vessel to circumnavigate the globe. After an assignment protecting American commercial shipping from West Indian pirates, a second circumnavigation of the globe was completed in 1836.

Vincennes was no stranger to the quest for the advancement of science, as she took part in the first U.S. expedition to explore Antarctica and the South Pacific in 1839. In 1846 she was a part of the first attempt to open up Japan to American commercial interests—a task that we are still trying to accomplish! A third circumnavigation of the globe was completed in 1856 and followed by three years of patrols off Africa attempting to suppress the slave trade. *Vincennes* then saw blockade duty at the mouth of the Mississippi River during the Civil War before ending her multifaceted career. She was retired in 1867.

It was not until May of 1936, 67 years later, that the second *Vincennes* (CA-44) was named. This ship was a heavy cruiser launched and sponsored by Miss Harriett Virginia Kimmel, the daughter of the then mayor of Vincennes. I am extremely pleased that Miss Kimmel, now Mrs. Osburn, is able to be with us today to symbolize the continuity of the *Vincennes*' tradition. This *Vincennes*' first wartime duties came escorting Task Force 18—the force built around the aircraft carrier *Hornet* which carried Jimmy Doolittle and his force of sixteen Army bombers. The 18th of this month, just four days away, will be the 42nd anniversary of this attack, when Doolittle's Raiders gave our country a much needed morale boost by striking the first American blows at the Japanese homeland.

Nicknamed the *Vinnie Maru* by her crew, *Vincennes* took part in the Battle of Midway and the landings on Guadacanal. It was while escorting these landing forces that the *Vincennes* was caught by a superior Japanese force and sunk off Savo Island in August 1942. For her service, the *Vincennes* was awarded two battle stars by the Navy.

The patriotic support and generous financial participation of the people of Vincennes and the State of Indiana in efforts to raise funds and see the name *Vincennes* back in service were soon rewarded. In late 1942, a light cruiser (CL-42) was designated to be the third ship to bear the name. Again sponsored by Mrs. Osburn, this *Vincennes* took part in the final drive toward the Japanese home islands in 1944 and 1945. After earning six battle stars in the war, the *Vincennes* took part in "Operation Magic Carpet" in 1945 and 1946, bringing American servicemen home from the Pacific Theater to their families and friends. She was retired in 1946. Today, 38 years later, we have our fourth *Vincennes*.

This is an impressive and powerful ship. Though I am certain *Vincennes* will be a potent warship, its ultimate success will be if it never has to fire its weapons to counter an attack on the United States. Our policy, as Secretary Lehman and his colleagues know, is peace through strength and deterrence.

It is an often forgotten fact that the United States is basically an island—admittedly a large one—in an increasingly interdependent world that is 75% covered by salt

water. Treating the United States and Canada as an economic unit, we see that roughly 65% of our markets are reached principally by ocean trade routes. This foreign trade contributes greatly to our economic development and the high standards of living we have achieved. It also, however, creates dependencies on these overseas markets and sources of supply. For example, many critical materials we depend on—such as oil, tungsten, chromium, and cobalt—come from overseas sources.

There is no doubt the viability, and the survivability, of the U.S. depend on keeping the freedom of the seas. Our chief military concern and ideological competitor knows this well. The Soviet Union now has a navy of some 1700 ships. Soviet ships are now more survivable and operate farther and farther from home. While the Soviet Union has traditionally been hampered by a lack of access to the open seas, they have made great advances in securing the approaches to those ports they do have. The recent exercises in the Norwegian Sea graphically remind us of this. We have similar cause to worry in the Soviet presence in the North Sea, the Aegean and Mediterranean Seas, and in the Sea of Japan. In order to preserve and maintain our policy of deterrence we need the capabilities of this *Vincennes* and the rest of our Navy.

Just as our interests have become global in nature, the threat to the U.S. is global in nature and can be met only on a global basis. Our armed forces are an essential pillar of our foreign and economic policies. Our naval forces are a key element of this military pillar. We must realize, however, that as essential as this element is, another facet of reality cannot be ignored in our analysis. Rising costs and other fiscal priorities force us to view these threats with the knowledge that we will likely have fewer resources than we would prefer as we meet them. We must, therefore, compensate for this problem of diminished numbers by devising more capable systems and more cost-effective ways of building them. This challenge must and shall be met. The *Vincennes'* AEGIS radar and fire control system are a product of this realization and superior to anything similar in the world. Its capabilities are simply the absolute best.

There were many lessons learned from the Falkland Islands conflict in 1982. However, I feel the one inescapable conclusion from that conflict is that it is essential for any battle group to be provided with the ability to effectively detect and counter the threat of enemy missiles and aircraft. Given this need, there is no alternative to the AEGIS system. We cannot afford a less capable weapons system in view of the threats to our forces.

As many of you also know, two previous ships in this class have been completed. The lead ship, the U.S.S. *Ticonderoga*, was deployed to the Mediterranean Sea in October 1983 along with the battleship *New Jersey*—sister ship to the *Iowa* which I was able to inspect earlier this morning. In testimony presented on April 4th to the Armed Services Committee's Seapower Subcommittee, of which I am a member, Admiral Walters noted that the *Ticonderoga's* air surveillance capability was responsible for a quantum improvement in the quality of the Mediterranean Task Force's air operations.

One particularly impressive fact he cited was that alert launches for the Force's Combat Air Patrol aircraft dropped by such an extent that a 40% savings in aviation fuel was made over previous deployments. Given the expectation of further improvements to be made in the future, *Vincennes* and her sister ships will be indispensable elements in our naval forces as we work to ensure that those forces and our naval strategies can successfully accomplish the imperative of ensuring U.S. economic and security interests throughout the globe.

In this regard, the poet John Donne once said—in a very different context—that no man is an island unto himself. In a sense, I would choose this phase to be Ameirca's watchword for the future. Our needs and commitments will not shrink. We cannot afford to withdraw behind our coastlines. Our economic health depends on the continued economic health of Europe, the Pacific countries, the Middle East, and the growth of Latin America and the remainder of the Third World.

This newest *Vincennes* will join the active fleet next year. It and its sister ships are named for famous Revolutionary War battles and engagements. During this conflict—which gave our nation birth—the thirteen colonies took on the might of the British empire. The spirit of the colonists and their commitment to the ideals of liberty and independence bear the credit for the eventual American victory. It was this spirit that drove the soldiers and their leaders through the dark days of Valley Forge to the eventual victory at Yorktown.

Ticonderoga, the lead ship of the class, commemorates the capture of Fort Ticonderoga in New York by Ethan Allen and his Green Mountain boys in May 1775—an exploit that lives today in every grade-school history book. The cannons from this fort, it is interesting to note, were then transported to Boston and used to defend that city from the British.

The *Yorktown* is the second ship of the class and is, of course, named after the decisive battle in which the American and French troops trapped the British forces under General Cornwallis in the town of Yorktown, Virginia, while the French fleet cut off the British lines of supply—and escape. Cornwallis' surrender marked the end of the British will to fight.

To this list is now added the name *Vincennes*. When it joins the fleet next year, it will carry with it the spirit of George Rogers Clark and his men as they faced great odds and adversity in pursuit of their mission. It will also embody the heritage and traditions of the CA-44 and the CL-64 that served so nobly in our nation's time of trial—and whose memory and spirit have been kept alive by the U.S.S. *Vincennes* Association and the citizens of Vincennes, Indiana.

The names of the ships of this class recall decisive and proud occasions surrounding our nation's birth. May this class again embody the spirit and dedication of those early Americans as they fought for their freedom, their values, and their future as we modern Americans face the 21st century and our nation's 300th anniversary.

To this ship we say, "Bear the name *Vincennes* proudly and do it honor!"●

WILLIAM C. BULLOCK, CHAIRMAN OF MERRILL BANKSHARES CO.

Mr. COHEN. Mr. President, these are challenging times in the banking industry in this country. Rapidly changing laws at both the State and Federal levels have resulted in a highly competitive atmosphere in which banks must be extremely innovative in order to survive and prosper.

One such bank is the Merrill Bankshares Co., in my home town of Bangor, Maine. It is not only the last major independent bank in Maine, but last year it was the most profitable major bank in New England.

This success is due largely to the efforts of the bank's chairman, William C. Bullock. Bill has been a trailblazer in banking practices and policies, and the proof of his success is quite evident in the tremendous growth of Merrill Bankshares over the years.

New England Business recently printed a profile of Bill Bullock, and I ask that it be entered in the RECORD for the benefit of my colleagues. I am proud to count Bill as a long-time friend and associate, and I know my fellow Senators will be interested in reading of his work.

The article follows:

MOST BANK MERGERS FOLLOW TROUBLE; MERRILL'S CHAIRMAN SAYS HE HASN'T ANY

A fellow hadn't ought to gloat, but William C. Bullock couldn't help it. Last summer the banker from Bangor was down in Boston, sharing a podium with Richard Hill, then chairman of Bank of Boston, and CBT Corp.'s Walter J. Connolly. Deadpan, he joked to the analysts that his bank's entire Latin American portfolio consisted of an auto loan to one Mr. Gonzalez, a migrant potato farmer in Aroostook County. He continued that his bank's only interest in shipping was some lobster boat loans. The analysts lapped it up.

"He's in the catbird seat," is how John Rooney, an analyst with Moseley, Hallgarten, Estabrook & Weeden Inc., describes Bullock. Bullock himself blushes a bit at the notion, but concedes he now knows how it must feel to be "the last girl in town to romance with." He's the chairman of Merrill Bankshares Co., now the last major independent bank in Maine, the rest of them having already agreed to acquisitions by larger out-of-state institutions. Merrill's independence is not for lack of suitors.

Last year, it was the most profitable major bank in New England, with its net income of $7.8 million amounting to a 1.27 percent return on assets that eclipsed the performance of the 28 other banking companies with $500 million or more in assets. Merrill is mentioned by some bank analysts as one of the most attractive prospects on the interstate banking block. Its stock is selling at a price more than 130 percent above book value. Bullock credits tight management control, especially over labor and loan losses, as the major reason for Merrill's success. He and other officers at the bank are fond of saying that they are paid more on average compared to other banks in Maine, but they are expected to do more.

Bullock's venture into Maine began on a hot summer evening 15 years ago, when he found himself aboard a New York-to-New Haven train that was stuck inside a tunnel for several hours. "It was 95 degrees in there," he recalls. "I got home at 11:30 and said, 'That's it. I'm going to take that job in Maine.'"

Bullock was then an officer of the Morgan Guaranty Trust Co. in New York, but officials at the Bangor bank, which evolved into

Merrill Bankshares Co., and held a spot open for Bullock while they tried to persuade him to work for them. "I agonized over the decision until that night on the train," says the soft-speaking Bullock. "Plus I figured it pretty unlikely that I would rise to the chairman's office at Morgan."

The success of Merrill Bankshares sometimes surprises even its chairman. When he noticed several years ago that many of the bank's employees who were participating in the bank's profit-sharing plan were investing 100 percent of these savings in Merrill stock, Bullock was concerned. Wary of the notorious W.T. Grant failure, in which employees also had all of their profit-sharing funds in company stock, Bullock had the bylaws amended so that the workers could not put 50 percent of their investment in Merrill stock. "Now, of course, I realize that they would have been better off with 100 percent investment in the stock plan," he says.

In all the clamor of the interstate banking mergers, Bullock is an agonizingly patient man. He calculates he will wait a while before selling out. "It was thought by some that the first bank to sell out after interstate banking would get the best deal," he says. "But the first one, Depositors (of Augusta) sold for about 25 percent above book value. Then Casco went for 35 percent above book, Northeast went for 41 percent above book. And Maine National went for 76 percent. We'll wait a bit longer. But I seriously doubt that in five years we will be an independent bank."

For the moment, Bullock's strategy is to concentrate on enlarging the present Merrill franchise; the bank competed briefly with Norstar Bancorp Inc. of Albany, N.Y., for acquisition of the Augusta-based Bank of Maine. But he said he wouldn't do it at the expense of stock dilution. "With the exception of the Maine National Bank deal, these interstate mergers with Maine banks are happening for three reasons," he says. "Management problems or capital problems. We don't have any of those problems."

What he does have is a $642 million bank that has been a money maker all of its life, in an area that is awaiting an economic boom. Bullock thinks it is coming.

Besides minding its markets, Merrill will, of course, keep its eye on merger possibilities, its chairman says. But it's looking toward some fairly broad horizons. For example, Bullock mentions a couple of Minnesota banks whose product lines are more compatible with Merrill's than are those of the Massachusetts banks. "What does Bank of Boston know about agricultural loans?" he asks. Another thought involves Merrill as a buyer in interstate banking deals. Still another idea, he says, would be simply to remain independent. But Bullock doesn't see any of these happening. On the other hand, he is going to wait for the best offer at the right time.—Douglas M. Bailey.●

COMMEMORATION OF THE 25TH ANNIVERSARY OF THE NASSAU-SUFFOLK SCHOOL BOARDS ASSOCIATION

● Mr. D'AMATO. Mr. President, I rise today in recognition of the 25th anniversary of the Nassau-Suffolk School Boards Association. This association has provided exceptional leadership to Long Island's student population. It is unique in that it represents more than one county and that it is among the oldest school board associations in New York State.

The association has grown from representing 33 school boards to the representation of 100 school boards. The dedication and commitment that the Nassau-Suffolk School Boards Association has shown toward the advancement of our educational system is beyond comparison. Throughout 25 years of service, it has provided dynamic leadership to Long Island education.

This association was formed to provide a unified voice for the Long Island educational community. The Nassau-Suffolk School Boards Association is now recognized throughout this country. It is a potent voice in our educational system.

Through untiring and determined leadership, more than 500,000 students in school districts of Nassau and Suffolk Counties now are represented. National, regional, and local educational reports are analyzed. The association seeks to assure quality education and excellence in the schools by setting up special task forces on education. One well-known assessment focused on the economies and efficiency of local school districts.

The Nassau-Suffolk School Boards Association represents the state of the art in education. The ideas and actions of this association today will set precedents for education tomorrow.

The Nassau-Suffolk School Boards Association shows concern for the future of this country by showing a commitment to our children each day. The collaborative effort of these counties provides a model for others to follow. Therefore, it is appropriate, Mr. President, that we recognize the Nassau-Suffolk School Boards Association as it celebrates its 25th anniversary.

Thank you, Mr. President.●

SEXUALLY ABUSED CHILDREN

● Mr. DENTON. Mr. President, it seems that a day does not go by without our Nation's newspapers headlining the tragedy of sexual abuse of children; headlines which tells the story of a California day-care center being closed down and staff members being accused of molesting the children and renting them out to pedophiles and pornographers; headlines which tells the story of how one of our colleagues was sexually abused as a child; headlines which tells the story of a respected theatrical director in Minneapolis being charged with seducing some of his boy students; and headlines which tells the story of an heir to a pharamaceutical fortune in Michigan pleading no contest to a charge that he sexually assaulted his stepdaughter for seven years. The list of such headlines appears to be endless.

Newsweek, in its May 14, 1984 edition, has now reported a timely article on the subject entitled "A Hidden Epidemic: Sexual Abuse of Children Is Much More Common Than Most Americans Suspect."

I ask that the text of the article be printed in full in the RECORD immediately following my remarks.

The article follows:

[From Newsweek, May 14, 1984]

A HIDDEN EPIDEMIC: SEXUAL ABUSE OF CHILDREN IS MUCH MORE COMMON THAN MOST AMERICANS SUSPECT

Lori, a three-year-old with rosy cheeks, blond hair and blue eyes, was playing outside her home in a Denver suburb when a man enticed her into his car. Three days later, a party of hikers found Lori at a park in the foothills of the Rockies. They heard a child's cry coming from an outhouse, and when they looked down into the pit, there was Lori. She was ankle-deep in sewage, naked except for her panties. When they asked her what she was doing there, she replied: "I'm home. I live here." After she was pulled out of the 10-foot pit, doctors discovered that Lori was suffering from hypothermia, trench foot—and sexual abuse. A few days after that, she identified a 21-year-old man in a police lineup. "He was the bad man," she said. "He put me in the hole." The alleged attacker, Robert Thiret, a high-school dropout and Air Force veteran who says police have the wrong man, hasn't been tried yet; that ordeal still lies ahead of Lori. Otherwise, she's slowly getting better. She has nightmares, of course. Two or three times a week, she wakes up screaming: "Get me out of here!"

All at once, the sexual abuse of children seems as ubiquitous as it once was unmentionable. A California day-care center is shut down, staff members accused of molesting the children and suspected of renting them out to pedophiles and pornographers. A U.S. senator reveals that, as a child, she was sexually abused by "a man around the corner." A respected theatrical director in Minneapolis is charged with seducing some of his boy students. An heir to a pharmaceutical fortune in Michigan pleads no contest to a charge that he sexually assaulted his stepdaughter for seven years; the judge sentences him to a dose of his own medicine: a controversial drug that deadens desire.

"Why suddenly are all these things big issues?" asks Sen. Paula Hawkins. The Florida Republican knows from bitter personal experience that child molesting is a very old vice. Is there more sexual abuse of children these days, or are we just hearing more about it? The experts don't really know. Some of them argue that in our stressful, permissive society, child molesting has increased along with other forms of sexual activity. Others, including some feminists, maintain that society has always exploited the weak. What seems certain is that the sexual abuse of children by their elders is much more widespread than most Americans suspect—or want to believe.

Dirty Secret: Thoroughly reliable statistics don't yet exist, and they never will as long as the victims of molestation can be shamed or terrified into treating the experience as a dirty secret. But according to the estimates of various researchers, somewhere between 100,000 and 500,000 American children will be molested this year. Few of the offenders will be reported to anyone in au-

thority, and fewer still will be punished. Millions of today's adults are the grown-up victims of sexual abuse in one form or another, some relatively harmless, others unimaginably savage. David Finkelhor of the Family Violence Research Program at the University of New Hampshire has done one study showing that 19 percent of all American women and 9 percent of all men were sexually victimized as children. And he says "it is fair to speculate" that between 2 million and 5 million American women have had incestuous relationships.

Offenders: Despite all the approximations in their data, researchers believe they are compiling an accurate composite of the child molester. Most abusers are not "dirty old men." Many appear to be quite respectable, and most are relatively young; in one study only 10 percent of the assailants were found to be older than 50. Most child molesters are well known to their victims; three-quarters or more are friends, neighbors or relatives. Most abusers were abused themselves as children. A great many are repeat offenders. One study of arrest records and confessions tallied an average of 73 victims for each heterosexual pedophile and 30 for each homosexual child molester. And many abusers will never change. "There's no such thing as a cure for pedophilia," says Warren K. Mumpower of Florida, whose expertise comes from being a convicted pedophile himself (page 36).

Some experts are trying to cure molesters anyway, or at least get their urges under control. Many more are finding ways to heal the victims. Law courts in many states are making it easier for children to testify against abusers (page 32). Therapists are helping children to exorcise their demons through doll play and expressive drawings. Educators are teaching potential victims the difference between "good touching" and "bad touching" and how to say "no" to authoritative people much bigger than themselves. If molestation has suddenly become another hot-selling topic for the news media, perhaps that's all to the good—the first sign that attention is finally being paid to a guilty secret that generations have dreaded to face.

Sodomy: "I'm the lowest form of life there is—a child molester," a long-haired man in his 30s says at a group-therapy session in San Jose. In fact, many of the people accused of molesting children are among the more respected members of their communities. In Kansas City last week, a family physician, Dr. Herbert Ketterman, 57, was arrested on charges of aggravated sodomy and taking indecent liberties with a 14-year-old girl. Ketterman was coauthor a few years ago of a volume called "The Complete Book of Baby and Child Care for Christian Parents." In Minneapolis last month, police arrested John Clark Donahue, 45, founder and artistic director of the famed Children's Theater Company, who was charged with sexually abusing three male students in their early teens. Since then, four other officials of the theater school have resigned or been suspended, and a widening investigation includes the possible abuse of girls.

In general, the experts say that child molesters tend to be weak, insecure men who need to feel that they are loved and are in control of a relationship. West Coast researcher Sandy Butler says that some men these days are searching for "partners who are smaller and younger. As the youth cult becomes more pervasive," she says, "and as women make more demands, men turn away from peers as partners and turn toward 16-year-olds or even 11-year-olds."

Self-Pity: Some researchers divide molesters into two general categories. The "fixated" offender often claims to be "in love with children"—a pedophile—and has been molesting them for years. Frequently abused themselves as youngsters, these people are loners who become fixated on prepubescent children, often confining their sexual appetite to just girls or just boys. It's common for pedophiles to be single, although some try marriage and may even become parents. Many of them wallow in self-pity. "Whenever I felt insecure and sick and not in control of my life, that's when the crimes would happen," says "Danny," who is serving a 20-year term at the Connecticut Correctional Institution in Somers, Conn. "I'm a victim, too."

In contrast, "regressed" molesters may have led normal married lives for years. Their sexual involvement with children—generally youngsters of the opposite sex and often past puberty—may be triggered by sudden stress, such as a "midlife crisis." "An example would be an adult male of about 40, where his marriage dissolves and he gets involved with a stepdaughter," says Dr. Michael Cox, director of the Sex Offender Treatment Program at the Baylor College of Medicine in Houston, Texas.

It is incest that strikes many people as the most disgraceful form of sexual abuse. In fact, studies show that in about two-thirds of all incest cases, the offender is not the biological parent. He is a stepfather. Deirdre O'Donoghue still has flashbacks about hers. The smell of a country barn or the scent of the after-shave he used to wear brings it all back: how her stepfather forced her to have sex with him at her family's rural home in Michigan. Sometimes he would single her out from her five brothers and sisters to drive into town with him. "He would stop on a side road and make me have oral sex with him until he climaxed," she says. Her mother was sick, and her stepfather said she would die if anyone found out. "I believed him," O'Donoghue recalls. "I thought my mom would die and I would be left with this man." Deep down she felt guilty. It was only two years ago, after lots of therapy, that O'Donoghue, now 27, realized: "I am not responsible."

In a 1981 study, Harvard Medical School psychiatrist Dr. Judith Herman concluded that the most striking similarities among incestuous families were the father's tendency to tyrannize and the mother's fear of questioning his absolute authority. The tyranny may be all façade. "People always think of the father as an aggressive autocrat, but in many cases, he's like a child," says Hank Giarretto of San Jose, Calif., director of Parents United, which helps adults, victims and offenders alike to cope with the consequences of child molestation. "He has an adolescent romance with his daughter." One father told a researcher how he had worked his way through his children, seducing two sons and two daughters in turn. Only the third child, a daughter, escaped, and when the father was asked why, he shrugged: "She said no."

Habitual molesters often claim that their victims gladly say "yes." They insist that some "seductive" children initiate sexual contact and that others cooperate willingly, without being forced. "Many times she thoroughly enjoys the act," convicted pedophile Warren Mumpower told Senate investigators recently. But studies show that although even small children can feel sexual pleasure of a sort, they don't enjoy sex with an adult for long, if at all. They become involved with grown-ups through trickery, emotional pressure or physical coercion. And in any case, the child's enjoyment is not the issue. The real point is that children are simply not able to give informed consent.

Double Standard: About 90 percent of all child molesters are men. But women may be more active than most people suspect. Society has a double standard, at least for heterosexual abuse; it pities the girl who is molested by a man, but when a boy is seduced by an older woman, he may be regarded as "lucky." In fact, say the experts, even that kind of sex can be traumatic for a child. "You don't need a penis to hurt kids," says Kathleen Morris, a county prosecutor in Minnesota. One of her current cases involves the small town of Jordan, where 16 adults have been accused of belonging to a sex ring that abused more than two dozen children. Eight of the alleged offenders are women.

So is the principal figure in the country's most publicized current case of abuse. Up until last March, Virginia McMartin, 76, ran a prestigious preschool in Manhattan Beach, Calif. Then the police arrested McMartin, along with other staff members: her daughter, a grandson and granddaughter and three female employees. The authorities charged that for at least a decade, more than 100 children at the private school were fondled, sodomized and raped, and there are suspicions that some of the tots may have been hired out for pornography and prostitution. With growing numbers of working mothers and single parents, American society is increasingly dependent on day-care facilities, and the Manhattan Beach case still seems unbelievable to many people. How could such a thing go on for so long? Why didn't the children tell?

Allegedly, youngsters at the McMartin school were forced to watch the slaughter of pets such as rabbits and birds and were warned that the same thing would happen to them or their families if they told anyone what went on at school. The children also were made to feel guilty. "Secrecy is the key to child abuse," says Dr. Roland Summit, a Los Angeles psychiatrist who is an authority on molestation. "The children feel that they themselves have been bad by participating in this dreadful secret." Kee MacFarlane, a therapist who has been working with the McMartin schoolchildren, says that in cases of incest, "there is a terrible conflict for the children between wanting to tell what happened to them and not wanting something bad to happen to the molester." The same cover-up instinct may apply to a teacher. And if a child does try to complain, even those closest to him may ignore his cry for help. "Parents do not want to believe what has happened," says Bill Dworin, a detective who works with the sexually exploited-child unit of the Los Angeles Police Department. "Often, they accuse the child of lying or making things up."

If parents have their doubts, it should be no surprise that other people do. Many of them cannot believe that respectable man or woman would do such foul things. When Boeing Aerospace executive Vincent Fitzgerald was tried in Seattle last year for the statutory rape of two girls aged 8 and 10, testimony in his behalf was given by 11 Boeing executives. Fitzgerald was convicted. When Mike Baker, a police detective in Denton, Texas, investigated allegations of sexual abuse at a local day-care enter run by the Full Gospel Church, he was the target of angry phone calls. The pastor of the

church voluntarily closed the center and says the doesn't plan to reopen it.

Fantasy: Still, many people aren't convinced that children know the difference between fact and fantasy. "I just sat for eight hours in a day-care center full of three-year-olds," public defender Craig Truman, who is representing the defendant in the Denver abduction case, said last week. "You realize how much a three-year-old will want to please you, so if you asked them 'how did you come to school today?' they'll say in a car. But if you change your question and ask them what kind of spaceship, they'll say spaceship. It really leads you to believe that you can make a three-year-old say anything." Most experts insist, however, that children almost never lie about sexual abuse, since most of it goes beyond anything they can imagine—or even see on TV. Yvette Kane, a deputy district attorney in Denver, hears stories that ring true. "We've had kids come in and tell us, 'Daddy took that thing that he pees with and he put it between my legs and then he peed on me'," she says. "When four-year-olds describe ejaculation that way, you know that they didn't hear it somewhere else. That happened to them."

Even when molesters are convicted, judges are reluctant to send them to prison. Behind bars, sex offenders are likely to be beaten, raped or even murdered by other convicts, who despise "diddlers." And most prisons offer no therapy for child molesters. Accordingly, judges often sentence offenders to probation, requiring them to get therapy. The problem is that therapy isn't very effective in many cases. "The molester knows that if he sings the right song and dances the right dance, he'll be out a lot quicker," says Jay Howell, executive director of the Justice Department's new National Center for Missing and Exploited Children. "So he sells the same bill of goods that Theodore Frank sold." Frank raped and killed a two-year-old California girl in 1978, just a few weeks after he was released from a state mental hospital. Irving Prager, a law professor who prosecuted Frank, says that as part of his treatment, "Frank's wife, who weighed 300 pounds, was asked to dress up as a child. She and Frank, who was small and skinny, were then supposed to have sex together so that he could work out his fantasies."

Another equally controversial approach to therapy involves the drug Depo-Provera, a synthetic hormone that is used as a contraceptive in women. In men, it reduces sexual desire, and for years doctors at Johns Hopkins Hospital in Baltimore have been giving it experimentally to male sex offenders. Earlier this year, a judge in Kalamazoo, Mich., ordered that the drug be administered to Roger Gauntlett, 42, the great-grandson of the founder of the Upjohn Co., which makes Depo-Provera. Gauntlett had pleaded no contest to charges he assaulted his step-daughter, and at first another judge was going to let him off with a $2 million charitable contribution. The ensuing public protest led to a change on the bench, and the new judge, Robert Borsos, sentenced Gauntlett to regular doses of Depo-Provera. Gauntlett is appealing the sentence, partly because the drug is said to be risky for people who suffer, as he does, from high blood pressure and a heart condition.

Pressure: Some experts haven't given up hope for more conventional therapy. "We look at it like an alcohol-abuse problem," says Dr. A. Nicholas Groth, director of the program for child molesters at the state prison in Somers, Conn. "We don't think there's a cure, but you can learn to control it." But precisely because there is no cure for many molesters, pressure is rising in many parts of the country for longer prison sentences, if only to keep abusers away from children. In Scott County, Minn., a while ago, James Cermak and five adult members of his family were prosecuted for molesting several child relatives. When Cermak's five-year-old son was informed that his father had been convicted and sentenced to 40 years in prison, his first question was: "How long is 40 years?" Prosecutor Kathleen Morris replied: "You'll be as big as your dad when he gets out." With a sigh of relief, the child said: "Then he can't hurt me."

Molesters do hurt children, sometimes physically and almost always in spirit. The bodily damage can include torn vaginas and rectums and venereal disease. Foreign objects are used with sickening frequency. Members of the sex ring in Jordan, Minn., are accused of inserting curlers and candles into their little victims.

Eleven-year-old "Andrea" seemed to be cured of her epileptic seizures until a 58-year-old man next door abused her a year ago. Then she started having seizures again—every time she was called back to court to testify. Her mental torment may be even greater than her physical suffering. The neighbors and their children seem to blame her for the molestation. "The kids at school say, 'Well, you probably let him do it to you,' and I say, 'No, I didn't,' and they say, 'Well, then how did he do it to you?' " Andrea pauses for breath. "They think I let him do it for money," she says. "I told them, 'I didn't know he'd do anything like that.' But they said, 'You probably let him do it'."

More extensive sexual abuse leads to more extensive mental damage. A study directed by Ann W. Burgess, a professor at the University of Pennsylvania School of Nursing, found that the victims of child sex rings suffered from nightmares, hyperalertness, insomnia and flashbacks—the same symptoms of post-traumatic stress disorder that are found in combat veterans. Other research shows that the victims of sadistic sexual abuse cope with repeated assaults by developing multiple personalities—a dozen or so on average and sometimes more than 100 separate identities. "I became another little girl so he couldn't hurt me," one child told New York social worker Flora Colao.

Touch: The effort to spare children from such ordeals is taking many innovative forms. One of the more successful is the Illusion Theater of Minneapolis, whose playacting helps children to recognize the perils of sexual abuse. The theater company has traveled to 35 states and licensed 11 "franchises" to perform its plays. At the Hale Elementary School in Minneapolis, 500 kids watched a performance of "Touch" last week. Six players acted out scenes of sexual abuse—a grandfather's good-night kiss turning into fondling of the breast, two babysitters talking kids into taking off their clothes.

It is no longer enough for parents to warn their children against accepting candy or rides from strangers. There are other lessons that need to be taught at home:

It's all right to say no to an adult. "This is the chapter that Dr. Spock left out," says social worker Colao. "We teach our children to be quiet, to obey, to always be good. We teach them to be perfect victims." Instead, kids should learn that there are certain things that no adult—even a relative—has a right to ask for or do to a child.

Trust your instincts. If a child feels uncomfortable with the hugs or kisses he gets from a relative or friend, his parents should not encourage him to put up with them for the sake of avoiding a fuss.

If a situation seems menacing, run away. Or yell your head off. The Children's Self Help Project in San Francisco coaches kids in a self-defense yell, a deep, fearsome sound that rumbles up from the diaphragm and sounds clearly different from the high-pitched noises of ordinary childish play.

Don't keep secrets. Where sexual abuse is concerned, children should be encouraged to "tell"—and parents should listen.

Don't blame yourself. Children should be taught, even before anything happens to them, that sexual abuse is not the victim's fault. "It is just a tragic accident, much like a car crash," says UCLA psychologist Paul Abramson.

Is it possible to overdo such precautions? Ryan Campbell, seven, was playing by his house in Austin, Texas, a while ago when he noticed that his father, who had been doing yard work, was no longer in sight. Panicked, the boy ran inside and told his mother: "I was afraid someone might grab me!" Ryan's mother, Cathy, works for a state agency that investigates child abuse, and she knows about the ugly things that can happen to kids. Still, she says, "it grabbed my heart to hear the fear. I want my children to be cautious, but I don't want them to be afraid."

But there's only a thin line between caution and fear. In the past, parents tried to shield their children from ugly realities—and probably did not tell them enough. Today, as the full extent of child molestation becomes clear, parents must find ways to acquaint their children, as calmly as possible, with the new facts of life.

CHILDREN AND THE COURTS

"He touched me with his peanut," the 12-year-old girl told a St. Paul, Minn., jury. "What's a peanut?" asked prosecuting attorney Kathleen Gearin. Then she handed the frightened child, who is retarded, two anatomically correct dolls and gently asked her to explain. Weeping, the child used the dolls to graphically demonstrate a sexual act. The shock in the courtroom was audible. "I thought the jury was going to jump over the rail and attack the defendant," Gearin said. Instead, the jurors convicted the child's stepfather on two felony counts—and the judge sentenced him to 42 months in jail.

There was a time when a sexually abused child who complained to the police had only one thing to look forward to: another rape in the courtroom. But for many youngsters, in many courts, that is no longer true. Children are being seen, heard and believed in cases that previously were consigned to the closet. "The trend," says University of Nebraska Prof. Gary Melton, "is to let the testimony of children in and to be fairly liberal in the procedure."

Children have been permitted to testify under Anglo-American law at least since 1779, provided that they satisfied a judge that they both knew the difference between the truth and lies and could express what they had seen. What's different about the current situation is that judges are not only permitting more kids to get their day in court, but their claims are being taken seriously. Judges have learned that often there is no correlation between age and honesty, and, with the zeal of all converts, have tried to make their courtrooms more inviting

places for children. Properly handled, some experts believe that the experience can be helpful for the child. Says San Francisco counselor Julie Robbins, who has tracked 400 cases, "I see court as a necessary step for abused kids—it's cathartic."

Show and tell: In Massachusetts, judges bring in pint-size witness chairs so youngsters' feet won't dangle. In Maryland, children who have trouble speaking may draw what happened. In Minnesota, a child frozen with fear was permitted to testify from under the prosecutor's table. And from Manhattan Beach, Calif., to Brooklyn, N.Y., children in court use dolls to describe crimes whose names they don't know. "We have to quit pretending that kids have to testify like adults," says Kathleen Morris, a prosecutor in Minnesota. "If all they can do is show, that should be enough."

Can children be believed? "We have a very long intellectual tradition that discredits the testimony of women and children when they complain of sexual assault," says Harvard Medical School psychiatrist Judith Herman. False charges are rare, she insists. "More commonly there are false retractions of true complaints" after a child gives in to family pressure not to testify against an abusive relative. Child advocates won't deny that children invent tales sometimes. But attorney David Lloyd of Washington's Children's Hospital has a simple test: listen for details the child would not know if he or she had not witnessed sexual conduct. As Minneapolis psychologist Michael O'Brien says, "Children just don't fantasize about Daddy going pee-pee in their mouth."

Evidence: Technically, in most states, the victim's testimony alone is enough to win a conviction, but in practice prosecutors prefer to have more evidence. Only Nebraska and the District of Columbia still require independent corroboration to prove sexual abuse. Two weeks ago, New York finally repealed that requirement—and none too soon, prosecutors say. "It was heartbreaking," recalls New York County sex-crimes chief Linda Fairstein. "The kids would come in, tell their stories, and there was nothing we could do."

Judges and juries tend to be most suspicious of abuse charges that are part of a divorce or custody fight. "It's not that children are vicious," says New York lawyer Norman Reimer, "but they're used as pawns." Judges and juries recognize that possibility, and as a result may overlook serious abuses, says Washington, D.C., psychologis-lawyer Donald Bersoff—especially given the mix-and-match nature of the modern family. Bersoff urges judges to look for "specific physical and psychological reactions" that abused children show.

Defending an alleged abuser is not child's play. A defense attorney who rips into a young witness may irreparably hurt his client. "That approach doesn't have much jury appeal," says San Francisco Judge Robert Dossee. Most defenders assert that the assault never happened and confine their cross-examination to just enough questions to point out inconsistencies or lapses in a child's memory—a tactic that is particularly effective if the child has been testifying for a long time. And there is good reason to give the defense considerable latitude. "Nobody wants to victimize the victim again," says Houston Judge Ted Poe. "But we can't allow emotion to take over, either. Just the stigma of being charged is so great that the defense must have a real chance."

Frustration: In fact, the odds still favor the molester. Most complaints never lead to charges. Most charges are reduced in plea bargains. Those that survive can drag on for years. Ft. Lauderdale prosecutor Carl Weinberg quit his job after 18 months because he couldn't stand the frustrations any longer. "I can think back on maybe two or three cases in which I really helped the child," he recalls. "It's a futile battle that tears your heart out."

Several states are now trying out reforms to ease a few of the problems. In Texas, victims' statements are videotaped early in investigations and can even be introduced at trial—so long as the child is available for cross-examination. In Colorado, courts are experimenting with funneling lawyers' questions through a friendly therapist. In Washington and Colorado, state laws permit a counselor to tell the jury what a young child told him, even though it's hearsay that can't be cross-examined. Each of these new ideas may run afoul of a defendant's constitutional right to "confront" his accuser. And they all may be tied up in appeals courts for years. In the meantime, parents and teachers would do well to tell their children when to scream for help—so they never have to learn what the view is from the witness stand.

A Troubling Family Affair

Mary had been suspicious for a long time. Her husband, George, 43, had always been close to Ann, his 13-year-old daughter by a previous marriage. But Mary repressed her concern. She herself had been molested as a child by two older brothers, and she worried about projecting her doubts on Ann. "I'd tell myself I was just being jealous," she says. "Ann never acted afraid of him. She always wanted to be with him." Finally, when she couldn't bear it any longer, Mary confessed her fears to George.

In fact, George had been molesting Ann for more than 10 years—progressing from petting to intercourse. It was just something I wanted to do, something I thought I needed," he explains. "I knew I was doing something wrong," he says. "She loved me and I loved her. She was just there and I helped myself." He always felt guilty afterward and pleaded with her not to let him do it again. But within days the guilt would give way to desire. "It was like an addiction," he says. How much that addiction had to do with his own childhood, George can't say. But when he was five, an 18-year-old uncle forced him to perform a sexual act. He never told anyone about it, and the uncle later died.

A victim: When she finally confronted the two of them, Mary recalled her own experience. "I had no anger with Ann," she says. "I knew she was a victim. She was very calm. She seemed relieved." They agreed George should seek professional help, and Mary and he went to a mental-health agency. The agency reported the problem to legal authorities as required by law; Mary was shocked when the sheriff entered the case. "I didn't even know it was illegal," she says. "I'd never wanted to accuse Ann of anything that would mess her up. I thought that what had happened in my life was causing the problem."

George served four months in a work-furlough program, carefully hiding his crime from other prisoners. "If you're a child molester, they'd as soon kill ya as look at ya," he says. "I felt like the lowest scum on earth." Then Mary and George started group therapy. "I kept waiting for all the guys with raincoats and greasy hair to show up," laughs Mary. "But everyone looked like regular middle-class people." Through counseling, they've been able to rebuild their marriage and find a measure of self-esteem. "I feel very bad about what I did," says George, holding Mary's hand as he speaks. "But it's in the past and we're going on. Right now, I feel more love than I've ever felt before."

Letter From a Pedophile

(Warren K. Mumpower is a pedophile. He insists that pedophiles are different from "rapists" and other molesters: the pedophile, he says, wants "loving" relationships with children. But the law isn't interested in such distinctions. In 1982 Mumpower, 40, a twice-divorced father of four, was convicted of lewd and lascivious behavior with an eight-year-old girl. He is currently serving a 15-year prison sentence at Avon Park Correctional Institution in Florida. Following, excerpts from a letter Mumpower wrote to a U.S. Senate committee investigating child abuse.)

The sexual abuse of children is of such magnitude that it would stagger the mind of the average person. Stop some day and watch the children on the playground. Then say to yourself, "Most of those little girls over the age of eight have had or will have sexual contact (not necessarily intercourse) before puberty."

The pedophile's experiences with his girls are, in his mind, romantic experiences, and he may truly believe he is "in love" with her. His level of understanding of life and love is very childlike. He lives in a fantasy world and still tries to believe Cinderella lived happily ever after. He has experienced the realities of life, found them distasteful and tries to return to his Cinderella world. He is generally very polite, kind and appears to be genuinely concerned. . . [which] plays right into [a child's] vulnerability. A few kind touches and she is a hotbed of sexual feelings.

The pedophile is generally a somewhat successful man—at least to the limits of his education and abilities. He may have been rejected by a wife or adult girlfriend but otherwise is accepted by society and is probably a respected citizen of the community. Society has not rejected him—he has rejected society. The child molester has troubles with society as a whole. He has generally been rejected by society (or thinks he has) and is unstable in his work habits, is unable to function socially and is fairly much a loner. He is living in reality and cannot cope with it. He has nowhere to escape but to the child's world. Sex becomes his escape mechanism.

Unfortunately, solving the problem of sexual abuse of children is not so simple as to tell the child to not accept candy from strangers . . . The single-parent family is the most important group to reach. Generally the mother is unstable emotionally . . . As much as parents do not wish to admit, they must realize their life is the example that the child will follow. If the mother is of immoral character and allows her boyfriend to "move in," then it is certain the eight-year-old will have her own boyfriend. Chances are it will be a man. First, she is looking for a replacement for "daddy." Second, she feels further rejection because some other man is stealing attention from her mom that she feels is hers . . . Many single parents, and married ones also, are so wrapped up in "self" that they actually pawn their children off on the pedophile . . . get the "brats" out of their hair. This

rejection plays right into the hands of the pedophile.

Love: I would like to relate an experience of mine involving a young neighbor girl of seven or eight. I had just come home from work on a Friday afternoon and was in my bedroom relaxing for a few minutes before starting supper for my children and myself. The girl came bursting into my room in tears. After I calmed her sobbing down to the point where she could talk, she asked if she could spend the weekend. I, of course, was curious why she wanted to spend the weekend and what was all the sobbing about. Her reply was her mom was having another of her boyfriends for the weekend and she could not bear having to get up in the middle of the night to go to the bathroom walking past her mom's room and seeing some "fat ass" bobbing up and down. After much caressing, cuddling and mutual fondling in the nude, I asked her, "What is the difference between what we just did and what your mom does?" Her response: "I love you."

Have you hugged your kids today? If not, a child molester will.●

RHODE ISLAND'S SMALL BUSINESS PERSON OF THE YEAR

● Mr. PELL. Mr. President, coincidental with the observance of Small Business Week, I call attention to the distinguished record of a citizen of my State who has been designated Rhode Island's Small Business Person of the Year. He is William B. Anderson, president of Matrix, Inc., of East Providence, R.I.

Small business is the mainstay of the Rhode Island economy, and William Anderson typifies the very best of the entrepreneurial spirit that makes small business thrive. He has built his business as a manufacturer of plastic parts for the auto and electronics industries, from a small one-plant operation with a handful of employees to a company with a work force of 120 and plants in Florida and Massachusetts as well as Rhode Island.

Mr. Anderson has served as the president of the Smaller Business Association of New England and was chairman of the New England delegation to the 1980 White House Conference on Small Business. He richly deserves the designation of Rhode Island Small Business Person of the Year.

I ask that an article from the Providence Journal of May 9 regarding Mr. Anderson be printed in the RECORD.

The article follows:

FOUNDER OF MATRIX, INC., WINS SBA ANNUAL AWARD

William B. Anderson, founder and president of Matrix, Inc., an East Providence maker of plastic parts for the auto and electronics industries, has been named Rhode Island's Small Business Person of the Year.

Anderson, 50, of Barrington, was selected in connection with Small Business Week, proclaimed by President Reagan for this week.

The Small Business Administration, which coordinates Small Business Week activities, says that during the last recession small businesses continued to hire while big businesses were laying off workers. Anderson's company, founded in 1962, now has 120 employees in three states.

Anderson, two years after graduating from Brown University with a degree in physics, bought the company where he had worked for $3,200 a year. He upgraded its technology, moved it to a 2,000-square-foot plant and changed its name to Matrix.

That plant has grown to 10 times its former size and has 65 employees. Matrix customers include Ford, General Motors, Chrysler, Eastman Kodak, Xerox, Western Electric, IBM, Texas Instruments and Digital Equipment.

Last month Matrix bought Standard Plastics Co., an Attleboro supplier to the electronics industry. Now called Standard Matrix, the Attleboro operation has more than 40 employees at its 23,000-square-foot building and is hiring additional workers, Matrix officials said.

Last winter Anderson opened a separate corporation, Matrix Southern in St. Petersburg, Fla., with 12 employees in a 10,000-square-foot building.

Anderson, a former president of the Smaller Business Association of New England, was chairman of the New England delegation to the 1980 White House Conference on Small Business. He later served as co-chairman of the Coalition of Small Independent Business Associations, a national umbrella organization for small-business groups.●

RHODE ISLAND SMALL BUSINESS PERSON OF 1984, WILLIAM B. ANDERSON

● Mr. CHAFEE. Mr. President, Small Business Week is a tribute to all that small businesses and small business persons contribute to our Nation, States, and communities. It is eminently appropriate that the American public as well as Government officials recognize the vital role and great contribution this sector of our economy makes to our well-being.

During the last few years, when the economic climate was less than ideal for business, small business displayed their faith in the future. This optimism, which paced our economic recovery, was reflected in the benefits we receive from small business.

Small business has a strong record for providing new jobs and has been a catalyst for the recent economic recovery. All of the 984,000 new jobs generated between 1981 and 1982 came from businesses with fewer than 20 employees. In fact, small businesses produced a total of 2,650,000 new jobs during this period, which more than offset the 1,864,000 jobs lost by employees of large businesses.

Small businesses employ one-half of the private sector labor force. Additionally, small business ownership opportunities are increasing for minorities and women, and in the first three quarters of 1983, business formation increased by 13 percent over the same period in 1982.

Small business is a valuable force in our economy with its productivity, innovation, and foreign trade. It is especially fitting that we not only applaud these great contributions of small business, but that we also commit ourselves to fostering an economic climate that will help these firms develop and prosper.

Each year, the U.S. Small Business Administration selects for its Small Business Person of the Year Award, an individual who has overwhelmingly succeeded in an owner-operated business.

Mr. President, I take great pleasure in announcing that Mr. William B. Anderson, founder and president of Matrix, Inc., of East Providence, R.I., is a recipient of this prestigious award. Mr. Anderson's efforts, determination, and resiliency exemplify the entrepreneurial spirit typical of successful, small business.

Matrix, Inc. is a precision-injection plastics-molding business, which manufactures electronic and automotive components and other items. The firm's dedication to extremely high standards of precision and quality has earned it the respect of many major U.S. companies. This company and its products are important to both Rhode Island and our country, and the person behind this company, William Anderson, has made it what it is today.

With perseverance unlike most, Mr. Anderson at age 19, began his first job as a management trainee with Brown & Sharpe Manufacturing Co., while attending night school. Here, valuable knowledge of machine tools, and factories was gained. When the 1954 recession forced Anderson's layoff, he bounced back with a job as an industrial engineer with U.S. Rubber, where he learned quality control, inventory accounting, and supervisory skills. He also learned of the synthetic materials—plastics and polymers—that are now so common to American lifestyles.

In 1956, Anderson went to Brown University full time. At this time, he was 23 years old, had two children, and held down two part-time jobs. Four years later, this determined man with 8 years of on-and-off schooling completed a degree in physics. Knowing he wanted to own his own business someday, Anderson took a job with J. Royal Co. as a sales engineer and manufacturer's representative because he also knew successful entrepreneurs had to be able to sell.

Two years later—1962—Mr. Anderson took the first step toward running his own company. Microfin Corp. was an aerospace metal finishing company in financial straits. It could not meet its payroll, so Anderson scraped together $1,500 to meet the payroll and became a half-interest owner. Within 3 months, Anderson put the company in the black. Later, when the infant polyurethane product market failed to develop as rapidly as forecasted, Ander-

son bought a dying polyurethane molding business with one employee for $3,200.

At the age of 28, Anderson left his job as a manufacturer's representative to keep his struggling companies alive. He renamed his polyurethane molding company Matrix and moved it from its location in a walk-in freezer behind an old dairy building along with Microfin to a new location. Matrix's future did not always look bright, but Anderson's response to adversity exemplifies why he is the Rhode Island Small Businessman of the Year. When Matrix was struggling to make a go of it, it lost its largest customer when the customer closed its operation. Anderson reacted by cutting his own salary, hiring a manager, and going on the road to replace the business.

The mid-1960's brought improved technology and consumer demand for plastic ploymers. Anderson utilized his education and interest in advancing technical material and upgraded Matrix's injection molding technology, creating a nitch for his company in the market. Matrix built a national reputation for high quality, high reliability plastic components with quality approval from the most sophisticated manufacturers in the United States. Today, new products, concepts, and materials are part of everyday business, and Matrix is involved in such new areas as fiber optics and home computer industries.

Matrix has grown over the last few years with new operations both in and out of Rhode Island. Throughout this growth, Anderson has been committed to employees and creating jobs. He pays his employees well above the minimum wage and encourages, through educational reimbursement, employees to attend evening school. He believes strongly that a trained work force is productive. In all, Anderson, who has helped talented employees start their own business and has started new businesses and saved doomed businesses, is responsible for over 200 new jobs. As an optimistic pioneer with the small business entrepreneurial spirit, Anderson looks forward to greater growth, innovation, and more jobs.

It is also important to note that Mr. Anderson is active in church and community projects and has raised funds for churches, cultural pursuits, and community betterment. Mr. Anderson is also an enthusiastic supporter of small business. He was Northeast Chairman of the White House Conference on Small Business, president of the Smaller Business Association of New England, Inc. (SBANE), a founding trustee of the Small Business Foundation of America, and a member of Rhode Island Governor's Small Forum.

Mr. Anderson is an inspiration to everyone who has the dream of owning his own successful company, of providing quality products.

I know all my colleagues join me in congratulating Mr. Anderson on receiving this award and on a job well done for American small business.●

THE JEFFERSON MEETING ON THE CONSTITUTION MAY 3, 1984

● Mr. WARNER. Mr. President, the citizens of the Commonweath of Virginia are proud of the role their Forefathers played in the evolution of our Federal Government.

Under the Constitution, wisely crafted by Thomas Jefferson, George Mason, James Madison, and others, ours has come to be the oldest continuous form of government in the world; yet our Nation is so young by comparision to others.

In 1987, the people of the United States will commemorate the 200th annivesary of the drafting of the Constitution. This will be a time of great celebration, and it will be a time of great reflection.

The significance of the celebration is self-evident. The significance of the reflection requires more contemplation.

As one travels our land, one quickly discovers that there exists a wide divergence of opinion about what is contained in the Constitution, what its import is on the conduct of our government, what should be contained in the Constitution with regard to future amendments, how the Constitution should be amended—if at all—and whether the Constitution has outlived its usefulness in a society as complex as ours.

To assist in this national effort to reflect on the viability and vitality of our Constitution, the Jefferson Foundation, a nonprofit foundation dedicated to the study of public affairs, is in the process of organizing the Jefferson Meetings on the Constitution.

The Foundation's objective is to hold such meetings in each State of the Union, and to encourage the grassroots study and discussion of the Constitution throughout our land during the forthcoming anniversary of the Constitution.

On March 16, 1984, the first Jefferson Meeting on the Constitution was convened in Williamsburg, Va. It was attended by some 150 Virginians of all walks of life. Individuals currently in Government, former public officials, persons in private business, educators, and laborers met for 3 days in the first capital of the first Colony to debate and contemplate the past, present, and future of our Constitution, and to consider five contemporary questions related to the Constitution.

So that others may have the benefit of that first Jefferson meeting and be inspired to hold and participate in similar programs in their States, I will ask, Mr. President, that a synopsis of the meeting's proceedings be printed at the conclusion of my remarks.

Anyone who reads this synopsis of the discussion at Williamsburg will agree that the wise and resourceful spirit of the Founding Fathers continues to inspire their Virginia descendants.

The Virginians who participated in this 3-day program carried out a constructive review of the constitution prescribed by Thomas Jefferson as the duty of every generation. They set a splendid example for our Nation's people as they, too, prepare to commemorate the 200th anniversary of the drafting of America's charter. They, like their predecessors, have led our Nation in a new experiment in democracy.

I ask that the synopsis and a list of these participants be printed in the RECORD so that future generations may know of their endeavors.

The material follows:

CHANGE THE CONSTITUTION?

(A synopsis of the debate at the Virginia Jefferson Meeting on the Constitution, Williamsburg, March 17, 1984)

SHOULD WE HAVE CONSTITUTIONAL CONVENTION?

"Under the present circumstances, it is desirable to call a convention under Article V to propose one or more amendments to the Constitution?" was the first question to be considered by the delegates to the Virginia Jefferson Meeting on the Constitution. While taking opposite sides on the question as posed, pro and con speakers agreed on one thing: an Article V Convention could not be limited or regulated by Congress, which led those opposed to call it a "folly," "messy" and "catastrophic" while those in favor said it would be a "positive experience," "what's gonna save us," and as Robert Flax of Richmond said in his introduction, something we should "welcome."

"No generation has any monopoly on creativity, innovation and farsightedness. Other generations, such as ours, also have those qualities and see things in a different way through different values," said Flax in asking the delegates to "be like the founding fathers and have confidence in public support through public participation."

In his opening remarks for the con side, Fitzgerald Bemiss of Richmond disagreed, and argued against taking a "terrible risk" with the Constitution. "The Constitution is a simple, elegant and workable document. It has stood the test of time. It should be messed with or fiddled with or changed only under the tightest rein," he said. James Hill of Petersburg added, "I doubt very seriously whether we could say that we have more wisdom and more knowledge or have the ability to improve on what our forefathers did when they wrote this Constitution."

Bill Bryant of Williamsburg raised a new and controversial point in contending that a convention would be an opportunity for national "education and re-education." "We are losing our grasp on the Constitution," Bryant said. Furthermore, the people should have "complete liberty to examine every comma, every paragraph, every phraselogy with the suspicion that if the people at that Convention are as bright and re-

sponsible as we have every right to believe they will be, you will find that the Bill of Rights and other features are affirmed, reinforced, and reasserted."

Ferrum College's Doug Foard countered "probably the worst way to approach civic education would be to call a constitutional convention because then, ladies and gentlemen, it would be too late." Foard recognized the legitimacy of the convention method of change, but labelled it "dangerous" and concluded with the advice: ". . . let's not press our luck."

Richard Lawrence of Arlington focused on the founder's perception of the amending convention when he said, "Through the convention method we do indeed have an alternative route to following the dictates and the wisdom of our legislative representatives. Legislative institutions develop their own biases and . . . begin to break down a bit and do not represent the people. Therefore we need this alternative to legislative representatives." Beverly Mason of Upperville put it succinctly when he said of the convention, "We need something strong, we need something to put the fear of God into these people (Congress) to make them perform."

Mason found that strength in what he called the "genius of Article V . . . there are no limitations that the Congress can impose on the Convention." The lack of Congressional, state legislative or other clear jurisdiction was only one of many uncertainties over the convention pointed out by Carolyn Lowe of Williamsburg. "Who would determine the rules and procedures once the convention was convened? How would delegates be selected?" she asked. Lowe's fear was that the convention would be manipulated at every stage by powerful interest groups and could "distort the very purpose for which the convention was called."

The prediction of a "runaway convention" was rejected by Mason as "a myth . . . a strawman. Suppose a convention was called and they did come up with four or five amendments to the Constitution, suppose some of them were pretty flaky. They have to be ratified by the states and there's ample time to lobby against them in the states."

Emil Miller of Winchester also rejected the fear of the runaway convention in his remarks about the need for a convention that was unlimited in scope and encompassed as many people as possible. "What we must do is open this convention wide open, trust the public with the understanding that there is a back-up check here and that three-fourths of the states must ratify this," he said, and concluded "Let's do this in an orderly fashion, NOW, not when it becomes so deadly that we"ll be looking at revolution. We don't want that."

James Pickford of Fairfax spoke for the con side when he said ". . . At the present time we see no need to mess around . . . by using the convention approach for amendment. We much prefer the Congressional amendment process." The use of alternative routes for change was also suggested by Doug Foard in a comment which was to be echoed throughout the day: "If there's a problem, let's not blame it on the Constitution, let's do something about the Congress."

But Betty Calvin of Woodridge pointed out that there may be no choice in the matter, referring to the fact that 32 states have petitioned Congress to call a convention to consider the balanced budget amendment. "Whether you like the rules or not," she said, ". . . reality's upon us. We have two more states and we're going to be faced with this question." She did not seem to fear the prospect of a "messy" convention, saying "it was a messy process originally. Still, some good came out of it. . . . Just because you want to label something as messy doesn't automatically mean it's bad."

The proposition that the nation would gain greater continuity and more stable leadership from limiting the tenure of presidents to a single six-year term was put forth by Janet Greenwood, president of Longwood College. "The President would be a leader," she said, "rather than a campaigner while in office."

Virginia Attorney General Gerald Baliles of Richmond maintained that the office of the presidency is a problem that needs fixing. "The role and the function of the office over the years have become confused with the campaigning for reelection. The national interest often takes a back seat to the campaign interest."

"Campaign strategy becomes government policy and that ought to be changed and a single six-year term would change it," Baliles said. "The question we face is whether we will shape history or be shaped by it. By amending the Constitution to provide a single six-year term, we will shape a presidency that can make history by making decisions and making them in the national interest for the sake of our posterity."

Harry F. Byrd, Jr. of Winchester contended that "the most expensive year in American history is the year that an incumbent President runs for reelection. All one needs to do is look at legislation passed during that year and legislation advocated by the incumbent seeking reelection. In at least two of his first four years, he is preoccupied by reelection opportunities."

Byrd conceded his concern that a six-year term might be too long for some Presidents, adding, "I know some for whom I thought four years was too damn long." But he concluded, "I think the arguments for one six-year Presidency outweights the difficulties."

"The question," said Professor Daniel J. Meador of the University of Virginia Law School, "is not whether you take the President out of politics. The question is whether you have an arrangement that permits him to be an effective political leader. He has to have the support of the people and the Congress and every President knows that. That calls for political ability of the highest order."

James Sundquist of Arlington said he could not accept the change as it has been proposed. He recited a list of "forgettable" Presidents who only served one term. He observed, "Extending the four-year term of an unwise President will not make him wise. A six-year term will not make a weak President strong; an incompetent President competent, a bungling President skilfull. It will only increase the hazard to the country if the people cannot turn out of office a failed leader when circumstances cry for it."

Meador and Henry Fowler of Alexandria said they saw grounds for this concern. They accordingly suggested a compromise provision whereby a President can be removed from office by a joint resolution of Congress on a vote of no-confidence. "I myself," Meador said, "would favor an arrangement which would immunize a President from such a vote for the first four years." After that he would be vulnerable but Meador proposed that a substantial majority, three-fifths of both chambers, be required to turn him out.

This compromise suggestion was attacked from the floor as a possible violation of the separation of powers that would move the nation toward the parliamentary system. Sundquist responded that the real problem is "not to preserve and rigidify the separation of powers but to overcome it. We need to get those independent branches to work closely enough together to get something done."

President James Davis of Shenandoah College said it seemed to him "naive to try to take any person in politics out of politics." Noting that Mexico has long embraced the single six-year term, Davis said, "I am not certain there is a single American who would like to transport to this nation any of the experiences of Mexican politics."

Stephen Price of Leesburg responded, "We are not attempting to take the President out of politics, merely out of campaigning so that he can do the job the founding fathers wanted him to do." W. M. Learn of Radford, who strongly supported the reform, said it will enable Presidents "to choose staff and make appointments without concern for whether these people are going to be able to help him in his bid for reelection. We must enable the President to devote his full time, energy, and attention to solving the problems which face the nation."

But Henry R. Taylor, Jr. of Big Stone Gap was reminded of a mountain saying: "You should dance with the one who brought you to the party." He said the four-year term is "this partner that has brought us to where we are today. Therefore we should continue to dance with her."

John Donaldson of Rustberg declared, "Dollars speak. Campaigns are expensive but so is anarchy, civil disturbance, and disruptions as we experienced in the 1960's. Failure to make political officials responsible to the electorate for their actions breeds distrust. Frequent elections are needed—not sparse ones."

The change could be considered antidemocratic, William Houck and Roanoke observed, because it effectively limits the right of the people to have their will expressed. "I suggest that the limitation on the term could have the effect of strengthening the special interest groups and political action committees by increasing their opportunity to use money and lobbying to their own ends."

SHOULD THE TENURES OF FEDERAL JUDGES AND SUPREME COURT JUSTICES BE LIMITED?

The representatives from the judicial tenure committee who favored a change in the good behavior clause argued that it has allowed the Supreme and federal courts to amass a power inconsistent with both the intentions of the founders and the doctrine of the separation of powers.

"Why should the federal judiciary, of the three branches, be considered the only one whose judgment cannot be questioned?" asked Edward Grimsley, formerly of Southwestern Virginia (now of Richmond). "There needs to be a way if we are going to have a true balance of powers," Grimsley continued "to create an effective check against the Supreme Court." He suggested a single term of 15 years for the judiciary.

Bill Bowser of Newport News pointed out the paradox between our consistant evaluation of officers of the legislative and executive branches and our seeming lack of concern for the conduct and performance of Supreme Court justices who are the ones who actually "determine the direction of

the nation." There should be some provision to keep justices more abreast of generational changes, Bowser implied.

Some of the basic problems of judicial accountability can be solved without constitutional amendment, claimed Howard Phillips of Vienna. If one reads and interprets the Constitution literally, "usurpation of jurisdiction" and "judicial positivism" can be controlled, technically, by congressional means. Only the terms of judges and the resulting problems of incompetence and misconduct are unsolvable as the Constitution now stands. "Impeachment has proven inadequate" Phillips asserted, to deal with the problem of incompetence.

Joseph Obenshain of Richmond agreed that impeachment could not effectively deal with incompetent but non-criminal judges. "The men and women who fill the federal bench are human beings, the same as you and I, and they have a tendency, on occasion, to forget that they are ultimately responsible to the Constitution and to the citizenry," he commented.

"An independent judiciary is perhaps the most essential characteristic of a free society," proclaimed Jefferson Stephenson of Roanoke. Those opposed to judicial tenure limits argued that the life term was the only guarantee of independence.

Nancy Short of Hampton said that the problems of accountability and incompetence cannot be solved "without sacrificing the major tenets of the separation of powers and the independent judiciary," adding that she thought it was too great a sacrifice to make.

Anne Deaton of Blacksburg challenged the accusation that an independent judiciary was unaccountable. "Life tenure does not threaten accountability because accountability of which the American people are most desirous, protective and jealous is accountability to the tenets of the Constitution."

Invoking the lessons of history, Robert Goldman of Richmond continued Deaton's argument to say that the Court is accountable and reflects the will of the people. "While it is true that the Courts have handed down bad decisions," he admitted "while it is true that we have had bad judges . . . the fact is that over the long run the self-inflicted wounds (that is the bad decisions) have for the most part been healed. The bad judges . . . have not had much of an impact, and . . . indeed the Court, particularly the Supreme Court, over the long run has followed the political realignments and popular majorities, that is, the will of the people."

Linda Maini of Lexington spoke for those who fear that a change in the judicial tenure would open that branch up to overt political pressures. "Although the people that compose the judiciary can never be wholly apolitical" she asserted "they should remain as far removed from partisan, political pressure as possible." She continued, "The judiciary has a different purpose—that is to guard the laws . . . and to preserve the Constitution."

Both Maini and Deaton expressed the belief that one of the major tasks of the Court system—the protection of the minority against the onslaught of the majority—would be severely endangered by any change in the name of accountability.

SHOULD THE PRESIDENT HAVE ITEM VETO POWER? SHOULD THE CONGRESS HAVE THE LEGISLATIVE VETO?

The separation of powers was one question linking the item and legislative vetoes, but debate on the issues revealed little else to bind them together. In argumentation spanning the very practical to the philosophical, the vetoes were taken up separately and in more than one case the supporters of one were opponents of the other. Among those who favored both the item and legislative vetoes, John Eure of Roanoke called them "safe and salutary methods of restoring the efficient operation of the system of powers shared by separated institutions that the framers gave us." Eure denied any threat to freedom from what he deemed "modest solutions."

Terry Emerson of Manassas disagreed, charging that the vetoes violated the separation of powers. "I don't think the Constitution ought to be tampered with," he said, ". . . they're both not in the public interest."

Paul Slayton of Spotsylvania opened the opposition to the item veto by raising the balance of power question. ". . . the balance between the executive and legislative branches, so finely honed by the founding fathers, a balance as necessary to the defense of freedom and liberty of citizens today as it was deemed necessary in 1787, has become unbalanced heavily in favor of the executive. Certainly the hand that holds the sword must be steadfastly denied a grasp upon the purse strings. Empowering the President with the line item veto authority might well serve as the death knell to legislative checks on presidential power . . ."

Joe Eley of Hampton held that the item veto would "streamline the budget process . . . something which we drastically need," without significantly tilting the power balance. His final question to opponents was, "Where's the beef?"

"The item veto would be fatal to the idea of compromise in Congress," countered Bruce Glendening of Alexandria. He likened the idea to a card game in which the president shouldn't have a strong hand. Former Representative M. Caldwell Butler of Roanoke later picked up on this theme to make the opposite point. "In that great compromise . . . there's an unrepresented group, and it's the American taxpayer," he said. Butler's solution would be the item veto, which he believes would create greater accountability for items of appropriations, "and nobody can hide behind the big package."

As arguments shifted to the legislative veto, Katherine Kavanaugh Baran of Alexandria said that what was bad in principle was also bad in practice. Objecting to the congressional practice of mandating broad powers to executive agencies, she said, "I believe that the Congress lacks not the power to be specific but the will to be specific." Baran enumerated the alternatives to the legislative veto, chief among which was accepting the responsibiliity to write specific laws or else "accept the consequences of their indefinite statutes."

Jane North of Clifton Forge maintained with equal conviction that "the nature of the political process in this complex technological society makes detailed, precise legislation nearly impossible and probably unwise." In an appeal for a rethinking of governmental principles, North took on Chief Justice Burger in saying, "While efficiency may not have been the primary concern of the Constitutional framers, we may have reached a point where it cannot be ignored as a fundamental and necessary principle of our government."

Jerry Moore of Charlottesville held that the problems pointed out by North could be addressed within existing channels. "It seems to me," he said, "that we are eliminating the power of the people at the expense of being efficient."

SHOULD THE TERMS OF HOUSE MEMBERS BE EXTENDED

Helen Hill Miller "of Virginia" opined that it may be a mistake to consider change in the term of the President without considering changes in the terms of members of the House of Representatives. One group of Jefferson Meeting delegates proposed extending the present two-year term to four years, with fifty percent of the members being elected every two years.

Mortimer Caplin, once of Charlottesville, described the pressures on members of Congress as "inordinate." "The job has gotten so complex," he said, "and all the complexities have added their burdens to the Congress. How is this man or woman going to master the situation in two years?"

Jessie Rattley of Newport News declared, "I come down on the side of responsiveness to the people but at the same time I come down on the side of efficiency in government. Government is big business and it needs to be operated efficiently."

She recalled that she ran for Congress and ran second in the Democratic primary after spending $180,000. She had been told she would have to spend $500,000 more if she won the nomination. "The cost, the time, and the energy that is expended are deserving of more than a two-year term," Rattley said. "If you had longer, you could devote more time to learning the issues than to try to get ready to run for reelection."

Pointing out that many delegates had expressed a general sense of malaise with the quality of Congress, Pamela Richardson of Roanoke argued that modern communications make it easy for the voters to keep tabs on their Representatives and to feed back their opinions. "A longer term," she said, "might actually improve the quantity and quality of representational responsiveness."

A key aspect of the opposition to longer House terms was enunciated by Ralph Grimsley of Yorktown who warned that the change would tilt the balance of power. "Doubling the terms of members of the House might strengthen the President or the House, depending on how it was implemented," he said. "But it would certainly weaken the power of the people."

Elizabeth Mark of Alexandria maintained it is necessary to remind the members constantly that they are the servants, not the masters. "The House remains the body whose primary function is to listen to the people," she said. "Frequent elections force Representatives to return frequently to their districts, leaving the insulated cocoon of Washington."

"You must have faith in the people," declared Olen Lewis of Wicomico. "Elections afford them an educational process." Captain W. E. West of Accomac declared that campaigns are "at the heart of our process." He added that he had not heard of a single candidate who was not interested in going to Congess for two years.

"What the term will be is of no importance to me," said Marvin Ballard of Shawsville. "The important thing is that it should be a one-term tenure, maybe two terms." He added, "I am not for a professional politician who goes to Washington and never returns . . . I want the man to come back and live with me and walk in my shoes."

Paul Gerdes of Gloucester Point said he felt it was necessary to do away with tenure and shorten campaigns to 60 or 90 days. "Blow the carbon out of the system," he declared. "If we can't adapt, we'll go the way of the dinosaurs." Jane Bartlett of Arlington said that we may need to limit the number of times a Congressman can be reelected.

Ken Thompson of Charlottesville enumerated some changed circumstances with which the government is faced. He pointed to the difficulty of negotiating an arms control agreement in a short political cycle, to the paradox of those politicians who attain power by campaigning against government and thus assume responsibility for institutions whose popular standing they have worked to undermine.

JEFFERSON MEETING ON THE CONSTITUTION

COMMITTEE NO. 1—THE ARTICLE V COMMITTEE

Fitzgerald Bemiss, Richmond, Virginia.
Clement Bezold, Alexandria, Virginia.
William T. Bryant, Williamsburg, Virginia.
Henry F. Buhl, New Market, Virginia.
Betty A. Calvin, Woodbridge, Virginia.
L. Chester Carter, Stony Creek, Virginia.
Douglas J. Coburn, Jr., Eastville, Virginia.
Dr. and Mrs. John S. Evans, Williamsburg, Virginia.
Robert L. Flax, Richmond, Virginia.
Dan B. Fleming, Blacksburg, Virginia.
Douglas W. Foard, Ferrum, Virginia.
Jack W. Gravely, Richmond, Virginia.
Thomas S. Hardy, Smithfield, Virginia.
James E. Hill, Petersburg, Virginia.
William A. House, Pulaski, Virginia.
Matthew Holden, Jr., McLean, Virginia.
Joseph F. Johnston, Jr., Alexandria, Virginia.
J. Richard Lawrence, Jr., Arlington, Virginia.
Daniel G. LeBlanc, Sutherland, Virginia.
Carolyn Lowe, Williamsburg, Virginia.
W. Beverley Mason, Jr., Upperville, Virginia.
Herman E. Melton, Chatham, Virginia.
Andrew P. Miller, Alexandria, Virginia.
Dr. Calvin M. Miller, Hopewell, Virginia.
Emil W. Miller, Winchester, Virginia.
S. T. Moore, Jr., South Hill, Virginia.
Clarence W. Parker, Roanoke, Virginia.
Merrill D. Peterson, Charlottesville, Virginia.
James H. Pickford, Fairfax, Virginia.
Robert Alan Sloane, Arlington, Virginia.
John A. Tinkham, Virginia Beach, Virginia.
Susan B. Yearby, Portsmouth, Virginia.

COMMITTEE NO. 2—THE SINGLE 6-YEAR PRESIDENTIAL TERM

Gerald L. Baliles, Richmond, Virginia.
Essie R. Bannister, Disputanta, Virginia.
Barry Battle, Ivy, Virginia.
Shelvie R. Carr, Harrisonburg, Virginia.
Colonel James M. Carson (Ret), Williamsburg, Virginia.
J. D. Christian, Virginia Beach, Virginia.
Robert P. Crouch, Jr., Ridgeway, Virginia.
James A. Davis, Winchester, Virginia.
John W. Donaldson, Ristburg, Virginia.
Tracy A. Dussia, Portsmouth, Virginia.
Henry H. Fowler, Alexandria, Virginia.
Rhonda S. Gilbert, Grundy, Virginia.
Marian F. Gill, Danville, Virginia.
Mills E. Godwin, Jr., Suffolk, Virginia.
Janet D. Greenwood, Farmville, Virginia.
William B. Houck, Jr., Roanoke, Virginia.
W. M. Learn, Radford, Virginia.
Jesse S. Liles, Harrisonburg, Virginia.
Louise Morgan Martin, Newport News, Virginia.
Daniel J. Meador, Charlottesville, Virginia.
Helen Hill Miller, Washington, D.C.
Norma Jean Peters, Roanoke, Virginia.
Nancy Phaup, Farmville, Virginia.
Stephen C. Price, Leesburg, Virginia.
Robert Rutland, Charlottesville, Virginia.
James Sundquist, Arlington, Virginia.
Henry Robert Taylor, Jr., Big Stone Gap, Virginia.
W. Frank Taylor, Jr., Annandale, Virginia.
Josiah S. Tlou, Blacksburg, Virginia.
Gerald W. Thompson, Chesapeake, Virginia.
Cam Walker, Williamsburg, Virginia.
Marie Waller, Lynchburg, Virginia.

COMMITTEE NO. 3—JUDICIAL TERMS AND TENURE

Marvin H. Ballard, Shawsville, Virginia.
L. Thomas Barber, Lynchburg, Virginia.
William M. Bowser, Hampton, Virginia.
Jamie H. Brown, Charlottesville, Virginia.
Randolph W. Church, Jr., Fairfax, Virginia.
Carol Dahlberg, Blacksburg, Virginia.
Robert P. Davidow, Annandale, Virginia.
Anne Deaton, Blacksburg, Virginia.
Pamela J. Edwards, Windsor, Virginia.
Donald D. Fowler, Alexandria, Virginia.
Thomas M. Garrou, Virginia Beach, Virginia.
Robert M. Goldman, Richmond, Virginia.
Robert J. Grey, Richmond, Virginia.
J. Edward Grimsley, Richmond, Virginia.
George J. Hebert, Norfolk, Virginia.
Thomas P. Houser, Jr., Keeling, Virginia.
Shannon Jordan, Fairfax, Virginia.
Linda M. Maini, Lexington, Virginia.
Terrence R. Mayes, Norfolk, Virginia.
Joseph B. Obenshain, Richmond, Virginia.
John R. Pagan, Wiliamsburg, Virginia.
G. Robert Patterson, Lexington, Virginia.
Howard Phillips, Vienna, Virginia.
Karen C. Ratliff, Lynchburg, Virginia.
Ileada Ribble, Salem, Virginia.
Michael G. Sams, Williamsburg, Virginia.
David R. Sanderson, Smithfield, Virginia.
Nancy J. Short, Hampton, Virginia.
C. W. Simmons, Norfolk, Virginia.
Jefferson D. Stephenson, Floyd, Virginia.
Mrs. R. Scott Walters, Roanoke, Virginia.
Buddy Wishon, Alexandria, Virginia.
Margaret S. Zajonc, Richmond, Virginia.

COMMITTEE NO. 4—THE ITEM AND LEGISLATIVE VETOES

W. L. Andrews III, Roanoke, Virginia.
Kathryn Kavanagh Baran, Alexandria, Virginia.
M. Caldwell Butler, Roanoke, Virginia.
Paul C. Cline, Harrisonburg, Virginia.
James E. Crinkley, Jr., Colonial Heights, Virginia.
William C. Dodson, Jr., Williamsburg, Virginia.
Penelope Earley, Annandale, Virginia.
Jack Edwards, Williamsburg, Virginia.
Joe B. Eley III, Hampton, Virginia.
Terrence A. Emerson, Manassas, Virginia.
Rita Engle, Roanoke, Virginia.
John D. Eure, Roanoke, Virginia.
Frances K. Feagans, Salem, Virginia.
Bruce Glendening, Alexandria, Virginia.
Gary E. Guy, Anita A. Guy Arlington, Virginia.
Catherine M. Kasko, Richmond, Virginia.
James J. Kilpatrick, Woodville, Virginia.
Patrick M. McSweeney, Richmond, Virginia.
Helen Melton, Chatham, Virginia.
Jerry R. Moore, Charlottesville, Virginia.
Gene Nichol, Williamsburg, Virginia.
Janes North, Clifton Forge, Virginia.
Eric C. Peterson, Arlington, Virginia.
Anna Price, Lawrenceville, Virginia.
J. Carlton Price, Alexandria, Virginia.
Frank Rawley, Radford, Virginia.
Jim Scott, Fairfax, Virginia.
Paul Slayton, Spotsylvania, Virginia.
Patricia Szabo, Midlothian, Virginia.
Barbara J. Terry, Buchanan, Virginia.
Albert L. White, IV, Williamsburg, Virginia.
Steven D. Wray, Lexington, Virginia.

COMMITTEE NO. 5—REPRESENTATIVES' TERMS

Jane Bartlett, Arlington, Virginia.
Frank M. Bullard, Hayes, Virginia.
Mortimer M. Caplin, Washington, D.C.
Kenneth R. Crispell, Charlottesville, Virginia.
John Cutler, Alexandria, Virginia.
Roger H. Davidson, McLean, Virginia.
James E. Davis, Richmond, Virginia.
Robert B. Delano, Warsaw, Virginia.
Malcolm B. Eubank, Hopewell, Virginia.
Walter Frankland, Arlington, Virginia.
Paul Gerdes, Gloucester Point, Virginia.
Ralph J. Grimsley, Yorktown, Virginia.
Margo E. Horner, Arlington, Virginia.
Olen H. Lewis, Jr., Wicomico, Virginia.
Albert Mark, Alexandria, Virginia.
Becky J. Miner-Grigsby, Richmond, Virginia.
L. P. (Bob) Moore, Williamsburg, Virginia.
Tom Morris, Richmond, Virginia.
Sarah M. Palmer, Staunton, Virginia.
Annette S. Perkins, Blacksburg, Virginia.
Jessie M. Rattley, Newport News, Virginia.
Pamela J. Richardson, Roanoke, Virginia.
Alvin L. Sample, Newport News, Virginia.
Emmett G. Shufflebarger, Radford, Virginia.
Yvonne V. Thayer, Radford, Virginia.
Wayne F. Virag, Chester, Virginia.
Betty Latane Walters, Richmond, Virginia.
William E. Ward, Chesapeake, Virginia.
Nancy Warren, Roanoke, Virginia.
Captain W. E. West (USCG Ret), Accomac, Virginia.
Ken Woodley, Pamplin, Virginia.

OTHER DELEGATES

Frank Batten, Norfolk, Virginia.
William C. Battle, Ivy, Virginia.
Harry F. Byrd, Jr., Winchester, Virginia.
Owen Bowman, Lambsburg, Virginia.
Julian Carper, Richmond, Virginia.
John T. Casteen III, Richmond, Virginia.
Eddie Coppedge, Newport News, Virginia.
Clifford A. Cutchins IV, Richmond Virginia.
Virginius Dabney, Richmond, Virginia.
Thomas A. Graves, Jr., Williamsburg, Virginia.
Albertis S. Harrison, Jr., Lawrenceville Virginia.
Henry Clay Hofheimer, Norfolk, Virginia.
A. E. Dick Howard, Charlottesville, Virginia.
David Craig Landin, Charlottesville, Virginia.
Jim Latimer, Richmond, Virginia.
John E. Leard, Richmond, Virginia.
Carter O. Lowance, Williamsburg, Virginia.
Troy Lusk, Newport News, Virginia.
Dumas Malone, Charlottesville, Virginia.
Josephine Pacheco, Fairfax, Virginia.
Stephen P. Robin, Waterford, Virginia.
Toy D. Savage, Norfolk, Virginia.
Francis J. Sims, Colonial Heights, Virginia.
Hampden H. Smith III, Lexington, Virginia.
William B. Spong, Jr., Williamsburg, Virginia.

William F. Swindler, Williamsburg, Virginia.
Thad Tate, Williamsburg, Virginia.
Kenneth W. Thompson, Charlottesville, Virginia.
Edgar A. Toppin, Petersburg, Virginia.
Robert C. Tullius, Winchester, Virginia.
James C. Wheat, Jr., Richmond, Virginia.
Elaine P. Witty, Norfolk, Virginia.●

GAO STUDY OF EMERGENCY EXPENDITURES ACT

● Mr. QUAYLE. Mr. President, today I would like to share with my colleagues, as well as make publicly available, data that was compiled by the General Accounting Office (GAO), showing the distribution of funds under the Emergency Expenditures Act of 1983 (Public Law 98–8).

Preceding a more detailed table, which shows funding levels for each State by program and Federal department or agency, is a summary table that gives a broader overview. This first table provides information on the total allocation received by each State along with data on unemployment rates and the level of funds received per unemployed person in each State. I would like to focus on this overview table for a moment.

Although it is too early to draw any final conclusions about the effectiveness of the Emergency Expenditures Act, it is important to draw attention to the fact that the data in this table suggest that funds were not targeted sufficiently to areas with the greatest need. Of the 22 States with unemployment at or above the national average, 10 of them received less than the national average funding level per unemployed person. Eight States received more than twice the national average funding level per unemployed person. Six of these had unemployment rates of 9 percent or more and two had unemployment rates of less than 7 percent at a time when the national unemployment rate was 10 percent.

I supported enactment of the Emergency Expenditures Act and I worked closely with Senator HATFIELD, chairman of the Appropriations Committee, to target funds on areas of high unemployment and the long-term unemployed. However, after reviewing this data, I am concerned that our efforts to make the greatest impact on the unemployed were only partially successful. Perhaps after further study we may want to reconsider whether the appropriation process is an effective approach to job creation.

I realize that the effects of the Emergency Expenditures Act are still being felt by the economy. Some of the funds have not yet been allocated and many of the projects funded by the Emergency Expenditures Act are still underway. GAO is doing further research on the impact of the Emergency Expenditures Act and I will share their findings with you when they are available.

In addition, I have asked the administration to estimate the job creation impact of the Emergency Expenditures Act which I will also share with you when it is available.

I ask that the GAO report on the obligation status of funds made available pursuant to the Emergency Expenditures Act be inserted in the RECORD following my remarks.

GENERAL ACCOUNTING OFFICE,
Washington, D.C.

Hon. DAN QUAYLE,
Chairman, Subcommittee on Employment and Productivity, Committee on Labor and Human Resources, U.S. Senate

DEAR MR. CHAIRMAN: In response to your request for an assessment of the 1983 Emergency Jobs Appropriations Act (Public Law 98–8) and subsequent discussions with your office, we are providing you additional information on the act's implementation. In November 1983, we provided you a copy of our report on federal agencies' implementation of the act (GAO/OACG–84–1), which contained information on the obligation status of Public Law 98–8 funds as of June 30, 1983.

Enclosed is information on the allocation of Public Law 98–8 funds among the 50 states, the District of Columbia, and the territories as reported to us by the respective federal departments and agencies in February and March 1984. Enclosure I contains a summary of the total funds allocated to each jurisdiction, including data on the share of funds and the ratio of these funds to the total number of unemployed persons for each jurisdiction. Enclosure II contains detailed information supporting enclosure I, including program allocation information for each jurisdiction. Enclosure III provides the complete names of the departments, agencies, and programs listed in enclosure II.

As agreed with your office, we are planning to assess the act through a series of case studies and a nationwide questionnaire of selected programs. We are currently conducting a pilot case study in Montgomery, Alabama, and will continue to keep you apprised of our progress.

Sincerely yours,

RICHARD L. FOGEL,
Director.

ENCLOSURE I.—SUMMARY TABLE: ALLOCATION OF PUBLIC LAW 98–8 FUNDS BY JURISDICTION AS REPORTED BY FEDERAL DEPARTMENTS AND AGENCIES IN FEBRUARY AND MARCH 1984 [1]

Jurisdiction	P.L. 98–8 funds ($000)	Percent of total	Number unemployed (April 1983)	Unemployment rate (April 1983)	Ratio of P.L. 98–8 funds to unemployed
Alabama	$103,782	2.01	236,627	13.7	$439
Alaska	48,169	0.93	24,602	11.4	1,958
Arizona	162,724	3.16	139,302	10.4	1,168
Arkansas	93,735	1.82	91,808	9.0	1,021
California	508,522	9.86	1,199,500	9.9	424
Colorado	63,045	1.22	139,294	8.6	453
Connecticut	52,843	1.03	112,072	7.0	472
Delaware	12,416	0.24	19,290	6.5	644
District of Columbia	33,355	0.65	32,565	10.3	1,024
Florida	156,576	3.04	394,800	8.4	397
Georgia	105,078	2.04	196,287	7.3	535
Hawaii	18,056	0.35	28,302	6.1	638
Idaho	31,984	0.62	52,683	11.7	607
Illinois	212,677	4.13	658,900	11.9	323
Indiana	99,484	1.93	283,564	11.1	351
Iowa	51,030	0.99	129,275	9.0	395
Kansas	40,396	0.78	77,236	6.4	523
Kentucky	94,625	1.84	183,941	11.1	514
Louisiana	141,630	2.75	225,896	12.2	627
Maine	30,364	0.59	51,743	9.9	587
Maryland	97,804	1.90	153,172	7.2	639
Massachusetts	100,272	1.95	197,300	6.7	508
Michigan	207,888	4.03	666,400	15.5	312
Minnesota	64,274	1.25	190,310	9.0	338
Mississippi	140,700	2.73	121,503	11.5	1,158
Missouri	107,467	2.08	237,412	10.2	453
Montana	31,147	0.60	34,399	8.9	905
Nebraska	21,967	0.43	51,342	6.4	428
Nevada	27,793	0.54	49,587	10.0	560
New Hampshire	12,251	0.24	33,010	6.7	371
New Jersey	132,786	2.58	268,100	7.4	495
New Mexico	69,195	1.34	58,306	9.8	1,187
New York	272,555	5.29	714,100	9.0	382
North Carolina	111,931	2.17	252,300	8.7	444
North Dakota	27,748	0.54	21,430	6.6	1,295
Ohio	194,817	3.78	652,500	12.8	299
Oklahoma	66,795	1.30	122,151	8.3	547

ENCLOSURE I.—SUMMARY TABLE: ALLOCATION OF PUBLIC LAW 98–8 FUNDS BY JURISDICTION AS REPORTED BY FEDERAL DEPARTMENTS AND AGENCIES IN FEBRUARY AND MARCH 1984 [1]—Continued

Jurisdiction	P.L. 98–8 funds ($000)	Percent of total	Number unemployed (April 1983)	Unemployment rate (April 1983)	Ratio of P.L. 98–8 funds to unemployed
Oregon	83,099	1.61	148,384	11.1	560
Pennsylvania	245,281	4.76	690,800	13.0	355
Rhode Island	20,435	0.40	45,460	9.6	450
South Carolina	62,476	1.21	150,782	10.2	414
South Dakota	30,922	0.60	20,356	6.1	1,519
Tennessee	118,394	2.30	250,935	11.8	472
Texas	219,132	4.25	607,300	8.1	361
Utah	37,641	0.73	61,921	9.3	608
Vermont	11,946	0.23	20,650	8.0	578
Virginia	77,600	1.51	178,026	6.6	436
Washington	142,665	2.77	230,929	11.3	618
West Virginia	47,556	0.92	141,176	19.0	337
Wisconsin	86,055	1.67	271,011	11.2	318
Wyoming	12,910	0.25	28,827	10.9	448
Territories	73,255	1.42			
Unallocated	137,938	2.68			
Total	5,155,186	100.00	10,947,566	10.0	[2] 452

[1] Table includes only those programs that received new budget authority, i.e. direct appropriations and obligation authority increases. Programs in which funds were made available through disapproved deferrals or earmarking of existing funds are not included.

[2] Total ratio is based on allocation and unemployment data for the 50 states and the District of Columbia. Funds for the territories are not included because unemployment data were not available for all territories. Unallocated funds are also not included.

ENCLOSURE II.—ALLOCATION OF PUBLIC LAW 98–8 FUNDS BY JURISDICTION AS REPORTED BY FEDERAL DEPARTMENTS AND AGENCIES IN FEBRUARY AND MARCH 1984

[In thousands of dollars]

ID	Department	Agency	Program	Funding authority	AL	AK
1	Agriculture	Ag Marketing Serv	Mkts inc & sply	$75,000	$1,384	0
2	Agriculture	Ag Marketing Serv	Bldgs & facits	3,000	0	0
3	Agriculture	Fd & Nutritn Serv	Wmn inf & chldn	100,000	2,055	$190
4	Agriculture	Forest Service	Construction	25,000	112	798
5	Agriculture	Forest Service	Tmbr stnd imprv	35,000	81	899
6	Agriculture	Forest Service	Rds trls & fac	25,000	362	800
7	Agriculture	FmHA	Rurl wtr & wste	150,000	1,938	2,394
8	Agriculture	FmHA	Salries & expns	6,500	203	0
9	Agriculture	FmHA	Rurl dev ins fd	450,000	4,862	700
10	Agriculture	Soil Conserv Serv	Wtrshd & fld op	100,000	3,263	0
11	Agriculture	Soil Conserv Serv	Wtrshd & fld op	7,500	0	0
12	Agriculture	Soil Conserv Serv	Res cons & dev	5,000	200	0
13	Commerce	EDA	EDA grants	100,000	5,626	674
14	Defense	Corps of Engnrs	Construction	85,000	1,290	2,261
15	Defense	Corps of Engnrs	Oper & maint	164,000	3,683	900
16	Defense	Corps of Engnrs	Fld cntrl, ms	140,000	0	0
17	Defense	Corps of Engnrs	Army family hse	73,654	1,131	5,994
18	Defense	Air Force	Fmly hse, maint	37,242	0	2,720
19	Defense	Air Force	Fmly hse, const	35,948	0	2,094
20	Defense	Navy	Fmly hse const	15,691	0	0
21	Defense	Navy	Fmly hse maint	17,107	0	0
22	Education	Ed Res & Imprvmnt	Library const	50,000	1,120	169
23	Education	Elem & Sec Ed Adm	Fedl impact aid	60,000	146	541
24	Education	Post Secondary Ed	College wk stdy	50,000	994	54
25	Education	Specl Ed & Rehab	Rehab trng-PWI	5,000	0	0
26	Education	Specl Ed & Rehab	Rem of arch bar	40,000	0	0
27	Energy	Cons & Renew Engy	Wthr asst prgm	100,000	853	445
28	Energy	Cons & Renew Engy	Instl cons prgm	50,000	717	289
29	FEMA	FEMA	Emrg fd & shltr	50,000	960	157
30	FEMA	FEMA	Emrg fd & shltr	50,000	1,756	70
31	GSA	Public Bldg Serv	Fedl bldgs fund	125,000	1,263	367
32	HHS	Adamh Admin	Adamh serv grts	30,000	606	136
33	HHS	Ctr Disease Cntrl	Bldgs & facits	15,560	0	0
34	HHS	Food & Drug Admin	Bldgs & facits	875	0	0
35	HHS	Hlth Res & Serv	Indian hlth fac	39,000	0	9,471
36	HHS	Hlth Res & Serv	Home hlth care	5,000	367	0
37	HHS	Hlth Res & Serv	com hlth ctrs	65,000	2,201	45
38	HHS	Hlth Res & Serv	Mat & chld hlth	105,000	2,276	218
39	HHS	Of Community Serv	Comm Serv grts	25,000	584	56
40	HHS	Of Human Devlpmt	Soc serv grts	225,000	5,009	347
41	HUD	Com Plan & Develp	Udag	244,000	0	0
42	HUD	Com Plan & Develp	Cdbg-etlmnt cty	777,250	12,465	766
43	HUD	Com Plan & Develp	Cdbg-small cty	222,750	8,638	371
44	HUD	Housing	Asst'd Housing	3,081,153	0	0
45	HUD	Mgmt & Admin	Salries & expns	2	0	0
46	HUD	Plcy Develp & Res	Research & tech	950	0	0
47	Interior	Bur Indian Aff	Op-Indian hses	30,000	0	4,150
48	Interior	Bur Indian Aff	Construction	64,450	0	0
49	Interior	Bur Indian Aff	Op-Natural res	20,000	0	1,058
50	Interior	Bur Reclamation	Oper & maint	21,000	0	0
51	Interior	Bur Reclamation	Construction	65,000	0	0
52	Interior	Bur Reclamation	Loan program	30,000	0	0
53	Interior	Fish & Wildlife	Resource mgmt	20,000	570	88
54	Interior	National Parks	Lnd & wtr cons	40,000	689	347
55	Interior	National Parks	Urbn prks & rec	40,000	361	0
56	Interior	National Parks	Hist pres fund	25,000	450	396
57	Interior	National Parks	Oper of natl pk	25,000	36	705
58	Justice	Bur of Prisons	Bldgs & facits	60,000	2,250	0
59	Justice	US Marshal Serv	Supt of US pris	20,000	40	0
60	Labor	ETA	Smr youth emply	100,000	2,139	125
61	Labor	ETA	Job Corps	32,400	0	0
62	Labor	ETA	Older Americans	37,500	741	188
63	Labor	ETA	Dislocated wkrs	85,000	1,609	112
64	RR Retirement Bd	RR Retirement Bd	Rr umemply bnft	125,750	0	0
65	SBA	SBA	Small bus loans	50,000	1,158	82
66	SBA	SBA	Cert dev co lns	2,000	2,316	164
67	SBA	SBA	Salries & expns	50,000	1,158	82
68	TVA	TVA	TVA fund	40,000	13,773	0
69	Transportation	FAA	Airport grants	150,000	2,060	3,504

ENCLOSURE II.—ALLOCATION OF PUBLIC LAW 98–8 FUNDS BY JURISDICTION AS REPORTED BY FEDERAL DEPARTMENTS AND AGENCIES IN FEBRUARY AND MARCH 1984—Continued

[In thousands of dollars]

ID	Department	Agency	Program	Funding authority	AL	AK
70	Transportation	Fedl Hwy Admin	Fed'l aid hwy	275,000	5,016	3,242
71	Transportation	Fedl Hwy Admin	Hwy demo proj	33,000	0	0
72	Transportation	Fedl RR Admin	Amtrak grants	80,000	0	0
73	Transportation	NHTSA	Drunk drvg comm	100	0	0
74	Transportation	Urbn Mass Transit	Umt fund	132,650	0	0
75	Transportation	Urbn Mass Transit	Mass transit gt	229,000	0	0
76	Treasury	Customs service	Oper & maint	3,750	0	0
77	Veterans Admin	Dpt Med & Surgery	Maint & repair	75,000	3,271	0
	Total			9,028,782	103,782	48,169
	Percent of total reported				2.01	0.93
	Unemployment rate (4/83)				13.7	11.4
	Number of unemployed (4/83)				236,627	24,602
	Dollars per unemployed				$439	$1,958

ID	Program	AZ	AR	CA	CO	CT	DE
1	Mkts inc & sply	$1,007	$685	$8,295	$858	$823	$223
2	Bldgs facits	0	0	535	250	0	0
3	Wmn inf & chldn	1,943	1,061	9,126	1,105	1,340	210
4	Construction	1,320	568	6,475	1,903	0	0
5	Tmbr stnd imprv	1,616	314	1,866	2,599	0	0
6	Rds trls & fac	899	316	3,642	1,646	0	0
7	Rurl wtr & wste	500	20,044	1,632	595	1,837	0
8	Salries & expns	261	174	0	9	0	58
9	Rurl dev ins fd	0	15,096	15,902	786	1,794	0
10	Wtrshd & fld op	620	2,206	3,065	845	76	146
11	Wtrshd & fld op	0	0	0	0	0	0
12	Res cons & dev	63	0	0	132	0	37
13	Eda grants	1,801	835	10,879	774	1,353	800
14	Construction	0	3,553	5,809	950	245	0
15	Oper & maint	0	4,949	19,848	49	687	10
16	Fld cntrl, ms	0	8,901	0	0	0	0
17	Army family hse	1,398	0	2,733	0	0	0
18	Fmly hse, maint	2,500	830	5,310	0	0	0
19	Fmly hse, const	3,445	2,494	1,765	0	0	0
20	Fmly hse, const	1,989	0	4,175	0	0	0
21	Fmly hse, maint	0	0	7,000	0	3,207	0
22	Library const	692	561	5,589	549	539	182
23	Fedl impact aid	25,632	3,021	5,355	0	0	0
24	College wk stdy	540	524	4,235	568	592	116
25	Rehab trng-pwi	225	0	638	0	0	125
26	Rem of arch bar	0	0	0	0	0	0
27	Wthr asst prgm	285	828	2,608	2,004	1,401	207
28	Instl cons prgm	577	505	2,635	801	809	256
29	Emrg fd & shltr	491	708	4,642	453	628	125
30	Emrg fd & shltr	1,018	157	8,278	114	4	0
31	Fedl bldgs fund	749	491	10,813	2,182	1,130	314
32	Adamh serv grts	585	415	2,843	455	454	93
33	Bldgs & facits	0	0	0	0	0	0
34	Bldgs & facits	0	871	0	0	0	0
35	Indian hlth fac	9,395	0	1,454	278	0	0
36	Home hlth care	64	97	367	100	0	0
37	Com hlth ctrs	1,141	617	9,045	761	144	62
38	Mat & child hlth	1,071	1,372	6,051	1,476	950	426
39	Comm serv grts	300	310	2,880	212	244	47
40	Soc serv grts	2,937	2,323	27,118	2,309	2,310	437
41	Udag	0	0	0	0	0	0
42	Cdbg-etlmnt cty	9,673	3,493	109,776	6,086	7,595	1,583
43	Cdbg-small cty	1,889	5,269	7,248	2,074	1,725	275
44	Asst'd housing	0	0	0	0	0	0
45	Salries & expns	0	0	0	0	0	0
46	Research & tech	0	0	0	0	0	0
47	Op-Indian hses	6,926	0	3,418	0	0	0
48	Construction	39,000	0	1,000	200	0	0
49	Op-natural res	2,581	0	288	269	0	0
50	Oper & maint	5,876	0	5,557	1,877	0	0
51	Construction	9,216	0	2,500	13,600	0	0
52	Loan program	7,433	0	18,937	0	0	0
53	Resource mgmt	553	190	1,586	100	0	0
54	Lnd & wtr cons	598	486	3,096	627	666	373
55	Urbn prks & rec	350	56	3,948	0	1,246	133
56	Hist pres fund	380	462	643	442	497	408
57	Oper of natl pk	1,070	239	2,222	538	0	0
58	Bldgs & facits	120	0	44,270	0	0	0
59	Supt of US pris	336	0	5,990	0	354	0
60	Smr youth emply	769	1,281	7,322	1,029	670	227
61	Job Corps	0	0	0	0	0	0
62	Older Americans	459	504	2,923	335	394	188
63	Dislocated wkrs	725	525	6,924	611	552	126
64	RR unemply bnft	0	0	0	0	0	0
65	Small bus loans	612	454	5,702	596	482	102
66	Cert dev co lns	1,223	909	11,405	1,191	963	205
67	Salries & expns	612	454	5,702	596	482	102
68	TVA fund	0	0	0	0	0	0
69	Airport grants	2,634	975	16,313	3,303	1,033	100
70	Fed'l aid hwy	3,341	2,606	20,373	3,796	4,279	1,124
71	Hwy demo proj	0	0	0	0	0	0
72	Amtrak grants	0	0	0	0	4,930	2,910
73	Drunk drvg comm	0	0	0	0	0	0
74	Umt fund	0	0	8,300	0	6,000	0
75	Mass transit gt	0	0	0	0	0	0
76	Oper & maint	0	0	3,658	0	0	0
77	Maint & repair	1,284	1,006	6,813	1,012	408	686
	Total	162,724	93,735	508,522	63,045	52,843	12,416
	Percent total rpted	3.16	1.82	9.86	1.22	1.03	0.24
	Unemplmnt rate	10.4	9.0	9.9	8.6	7.0	6.5

ID	Program	AZ	AR	CA	CO	CT	DE
	Number of unemployed	139,302	91,808	1,199,500	139,294	112,072	19,290
	Dollars per unemployed	$1,168	$1,021	$424	$453	$472	$644

ID	Program	DC	FL	GA	HI	ID	IL
1	Mkts inc & sply	$252	$2,596	$1,587	$62	$248	$4,492
2	Bldgs & facits	362	184	165	0	0	500
3	Wmn inf & chldn	418	3,395	2,957	307	437	4,553
4	Construction	0	457	352	0	1,333	127
5	Tmbr stnd imprv	0	30	0	0	3,089	36
6	Rds trls & fac	0	80	115	0	2,687	154
7	Rurl wtr & wste	0	4,237	3,380	0	4,988	2,884
8	Salries & expns	0	0	420	0	0	0
9	Rurl dev ins fd	0	11,433	3,961	0	266	2,399
10	Wtrshd & fld op	0	0	1,040	0	786	2,024
11	Wtrshd & fld op	0	0	0	0	0	0
12	Res cons & dev	0	0	205	0	41	137
13	Eda grants	1,000	953	476	330	649	5,620
14	Construction	0	136	1,708	1,361	74	1,638
15	Oper & maint	0	3,352	5,021	0	344	2,240
16	Fld cntrl, ms	0	0	0	0	0	274
17	Army family hse	0	0	12,206	5,250	0	0
18	Fmly hse, maint	0	0	2,526	0	950	2,700
19	Fmly hse, const	0	0	600	0	1,511	3,600
20	Fmly hse, const	7	0	308	1,015	0	0
21	Fmly hse, maint	0	0	0	0	0	0
22	Library const	232	1,618	856	217	255	2,881
23	Fedl impact aid	0	0	0	0	0	0
24	College wk stdy	392	1,487	1,065	158	158	1,929
25	Rehab trng-pwi	353	290	0	0	144	123
26	Rem of arch bar	0	0	0	0	0	0
27	Wthr asst prgm	291	256	954	6	784	6,266
28	Instl cons prgm	264	1,370	913	269	354	2,623
29	Emrg fd & shltr	855	1,513	1,401	217	134	2,459
30	Emrg fd & shltr	279	1,145	378	0	114	4,318
31	Fedl bldgs fund	15,412	1,685	2,216	287	226	6,147
32	Adamh serv grts	160	1,560	634	184	92	1,115
33	Bldgs & facits	0	0	15,560	0	0	0
34	Bldgs & facits	0	0	0	0	0	0
35	Indian hlth fac	0	90	0	0	0	0
36	Home hlth care	0	25	237	0	50	191
37	Com hlth ctrs	304	2,241	476	117	287	4,077
38	Mat & child hlth	1,663	3,079	3,068	457	666	4,169
39	Comm serv grts	254	707	493	72	68	1,521
40	Soc serv grts	664	7,755	3,969	628	798	13,772
41	UDAG	0	0	0	0	0	0
42	Cdbg-etlmnt cty	4,824	26,462	9,001	2,474	710	58,308
43	Cdbg-small cty	0	4,824	6,068	273	1,697	8,010
44	Asst'd housing	0	0	0	0	0	0
45	Salries & expns	0	0	0	0	0	0
46	Research & tech	0	0	0	0	0	0
47	Op-Indian hses	0	190	0	0	138	0
48	Construction	0	0	0	0	0	0
49	Op-natural res	0	100	0	0	742	0
50	Oper & maint	0	0	0	0	725	0
51	Construction	0	0	0	0	950	0
52	Loan program	0	0	0	0	0	0
53	Resource mgt	0	45	870	0	0	1,247
54	Lnd & wtr cons	126	1,414	833	370	378	1,553
55	Urbn prks & rec	0	1,262	142	0	0	789
56	Hist pres fund	339	450	675	317	390	449
57	Oper of natl pk	1,015	717	301	329	0	43
58	Bldgs & facits	0	800	770	0	0	120
59	Supt of us pris	0	546	0	0	0	2,000
60	Smr youth emply	544	3,647	1,329	184	295	8,111
61	Job Corps	0	0	0	0	0	0
62	Older Americans	188	2,206	852	188	188	1,603
63	Dislocated wkrs	202	1,980	1,029	151	233	4,057
64	RR unemply bnft	0	0	0	0	0	0
65	Small bus loans	147	2,002	914	140	169	2,990
66	Cert dev co lns	294	4,003	1,829	280	337	5,979
67	Salries & expns	147	2,002	914	140	169	2,990
68	TVA fund	0	0	772	0	0	0
69	Airport grants	0	7,565	971	0	888	8,207
70	Fed'l aid hwy	1,460	9,087	7,609	2,283	1,647	7,388
71	Hwy demo proj	0	0	0	0	0	0
72	Amtrak grants	130	0	0	0	0	0
73	Drunk drvg comm	0	0	0	0	0	0
74	Umt fund	0	33,800	0	0	0	10,000
75	Mass transit gt	0	0	0	0	0	0
76	Oper & maint	0	0	0	0	0	0
77	Maint & repair	777	1,800	952	0	795	3,865
	Total	33,355	156,576	105,078	18,056	31,984	212,677
	Percent total rpted	0.65	3.04	2.04	0.35	0.62	4.13
	Unemplmnt rate	10.3	8.4	7.3	6.1	11.7	11.9
	Number of unemployed	32,565	394,800	196,287	28,302	52,683	658,900
	Dollars per unemployed	$1,024	$397	$535	$638	$607	$323

ID	Program	IN	IA	KS	KY	LA	ME
1	Mkts inc & sply	$2,111	$831	$527	$1,290	$1,328	$279
2	Bldgs & facits	46	105	7	0	89	0
3	Wmn inf & chldn	1,915	1,013	745	2,043	2,840	472
4	Construction	66	0	0	86	30	0
5	Tmbr stnd imprv	0	0	0	120	100	0
6	Rds trls & fac	41	0	0	123	151	0
7	Rurl wtr & wste	1,766	2,512	1,120	12,556	3,317	8,316
8	Salries & expns	1,188	0	0	145	116	174
9	Rurl dev ins fd	5,788	4,932	3,311	14,761	8,872	3,357
10	Wtrshd & fld op	2,649	2,217	1,330	1,600	4,387	320
11	Wtrshd & fld op	0	0	0	0	0	0

ID	Program	IN	IA	KS	KY	LA	ME
12	Res cons & dev	2	200	0	123	164	55
13	Eda grants	1,858	777	656	1,066	1,524	869
14	Construction	238	1,462	353	1,264	4,922	411
15	Oper & maint	243	4,296	2,166	2,589	19,403	0
16	Fld cntrl, ms	0	0	0	0	36,672	0
17	Army family hse	0	0	0	2,013	296	0
18	Fmly hse, maint	0	0	0	0	1,200	0
19	Fmly hse, const	0	0	0	0	1,578	0
20	Fmly hse, const	0	0	0	0	0	0
21	Fmly hse, maint	0	0	0	0	0	0
22	Library const	1,422	548	421	883	953	261
23	Fedl impact aid	0	0	306	0	146	0
24	College wk stdy	913	634	487	810	965	555
25	Rehab trng-pwi	0	0	250	0	0	0
26	Rem of arch bar	0	0	0	0	0	0
27	Wthr asst prgm	2,911	2,520	1,009	1,998	361	1,581
28	Instl cons prgm	1,277	844	618	795	707	460
29	Emrg fd & shltr	758	563	425	878	1,222	274
30	Emrg fd & shltr	1,628	224	0	702	676	17
31	Fedl bldgs fund	6,612	1,300	344	1,327	1,478	850
32	Adamh serv grts	1,268	149	224	237	302	242
33	Bldgs & facits	0	0	0	0	0	0
34	Bldgs & Facits	0	0	0	0	0	0
35	Indian hlth fac	0	120	187	0	80	225
36	Home hlth care	95	0	95	0	0	70
37	Com hlth ctrs	1,577	566	150	1,085	551	80
38	Mat & child hlth	2,423	1,411	948	2,277	2,464	738
39	Comm serv grts	618	241	166	456	551	101
40	Soc serv grts	6,558	2,337	1,699	3,928	4,271	847
41	Udag	0	0	0	0	0	0
42	Cdbg-etlmnt cty	17,746	4,475	2,808	9,170	13,148	1,452
43	Cdbg-small cty	8,638	4,536	2,990	7,167	6,142	1,774
44	Asst'd housing	0	0	0	0	0	0
45	Salries & expns	0	0	0	0	0	0
46	Research & tech	0	0	0	0	0	0
47	Op-Indian hses	0	192	215	0	216	218
48	Construction	0	0	0	0	0	0
49	Op-natural res	0	0	100	0	0	354
50	Oper & maint	0	0	0	0	0	0
51	Construction	0	0	0	0	0	0
52	Loan program	0	0	0	0	0	0
53	Resource mgmt	0	350	30	0	50	230
54	Lnd & wtr cons	870	554	518	625	785	401
55	Urbn prks & rec	648	0	176	426	942	0
56	Hist pres fund	429	375	281	600	572	418
57	Oper of natl pk	276	212	187	351	648	100
58	Bldgs & facits	0	0	5,465	0	0	0
59	Supt of US pris	2,000	0	0	0	0	0
60	Smr youth emply	3,589	1,412	486	1,926	1,500	265
61	Job Corps	0	0	0	0	0	0
62	Older Americans	896	519	385	674	626	222
63	Dislocated wkrs	1,985	727	360	1,006	1,037	236
64	RR unemply bnft	0	0	0	0	0	0
65	Small bus loans	1,429	506	363	816	899	157
66	Cert dev co lns	2,858	1,012	727	1,633	1,797	314
67	Salries & expns	1,429	506	363	816	899	157
68	TVA fund	0	0	0	2,706	0	0
69	Airport grants	4,169	1,702	1,936	5,405	2,685	1,357
70	Fed'l aid hwy	4,388	3,295	3,409	4,953	6,708	1,338
71	Hwy demo proj	0	0	0	0	0	0
72	Amtrak grants	0	0	0	0	0	0
73	Drunk drvg comm	0	0	0	0	0	0
74	Umt fund	0	30	0	0	0	0
75	Mass transit gt	0	0	0	0	0	0
76	Oper & maint	0	0	0	0	0	0
77	Maint & repair	2,163	825	2,053	1,196	1,260	817
	Total	99,484	51,030	40,396	94,625	141,630	30,364
	Percent total rpted	1.93	0.99	0.78	1.84	2.75	0.59
	Unemplmnt rate	11.1	9.0	6.4	11.1	12.2	9.9
	Number of unemployed	283,564	129,275	77,236	183,941	225,896	51,743
	Dollars per unemployed	$351	$395	$523	$514	$627	$587

ID	Program	MD	MA	MI	MN	MS	MO
1	Mkts inc & sply	$1,302	$1,415	$4,345	$1,348	$1,084	$1,446
2	Bldgs & facits	0	0	0	4	0	30
3	Wmn inf & chldn	1,519	1,704	3,744	1,540	1,972	2,108
4	Construction	0	0	244	175	320	106
5	Tmbr stnd imprv	0	0	287	496	263	31
6	Rds trls & fac	0	0	866	431	343	279
7	Rurl wtr & wste	967	0	5,177	2,415	677	6,989
8	Salries & expns	0	0	0	0	145	58
9	Rurl dev ins fd	1,111	600	6,252	4,730	2,051	6,123
10	Wtrshd & fld op	603	105	75	112	11,456	1,410
11	Wtrshd & fld op	0	0	0	0	0	0
12	Res cons & dev	0	0	494	27	0	0
13	EDA grants	1,448	1,137	7,973	1,909	1,754	1,526
14	Construction	1,212	126	3,825	1,077	1,328	2,675
15	Oper & maint	100	897	13,707	1,037	758	3,006
16	Fld cntrl, ms	0	0	0	0	42,427	855
17	Army family hse	4,627	6,590	2,725	0	0	3,382
18	Fmly hse, maint	0	0	4,400	0	3,533	950
19	Fmly hse, const	0	0	4,265	0	3,026	704
20	Fmly hse, const	0	0	0	0	0	331
21	Fmly hse, maint	0	5,150	0	0	0	0
22	Library const	712	930	2,617	736	617	836
23	Fedl impact aid	0	143	0	0	315	5,425
24	College wk stdy	770	2,888	1,624	1,105	811	965
25	Rehab trng-pwi	400	423	0	0	0	100
26	Rem of arch bar	0	0			0	0
27	Wthr asst prgm	1,127	3,109	7,304	5,393	538	3,117
28	Instl cons prgm	901	1,365	2,251	1,308	516	1,119

ID	Program	MD	MA	MI	MN	MS	MO
29	Emrg fd & shlter	714	1,298	1,929	626	828	1,441
30	Emrg fd & shlter	825	326	5,139	223	333	967
31	Fed'l bldgs fund	8,601	2,936	1,952	1,455	1,057	10,640
32	Adamh serv grts	259	1,184	907	263	291	564
33	Bldgs & facits	0	0	0	0	0	0
34	Bldgs & facits	0	0	0	0	0	0
35	Indian hlth fac	0	0	30	576	190	0
36	Home hlth care	24	166	95	68	150	224
37	Com hlth ctrs	1,076	710	3,721	699	1,025	1,543
38	Mat & chld hlth	2,592	2,372	3,746	1,930	1,867	2,489
39	Comm serv grts	304	495	1,351	300	358	520
40	Soc serv grts	3,205	4,357	12,369	3,300	2,598	3,851
41	Udag	0	0	0	0	0	0
42	Cdbg-etlmnt cty	12,283	17,276	47,498	9,544	3,361	13,719
43	Cdbg-small cty	1,423	4,282	8,885	4,037	6,919	4,265
44	Asst'd housing	0	0	0	0	0	0
45	Salaries & expns	0	0	0	0	0	0
46	Research & tech	0	0	0	0	0	0
47	Op-Indian hses	0	0	448	996	205	0
48	Construction	0	0	0	0	0	0
49	Op-natural res	0	0	120	561	125	0
50	Oper & maint	0	0	0	0	0	0
51	Construction	0	0	0	0	0	0
52	Loan program	0	0	0	0	0	0
53	Resource mgmt	292	93	805	120	50	276
54	Lnd & wtr cons	793	952	1,329	713	500	798
55	Urbn parks & rec	978	2,163	1,551	225	425	1,701
56	Hist pres fund	618	640	514	503	393	565
57	Oper of natl pk	1,109	1,092	368	281	77	762
58	Bldgs & facits	0	0	0	0	0	0
59	Supt of US prts	0	50	0	0	0	0
60	Smr youth emply	1,599	1,358	5,914	1,778	960	2,125
61	Job Corps	0	0	0	0	0	0
62	Older Americans	538	924	1,268	616	505	903
63	Dislocated wkrs	1,012	1,269	4,566	919	700	1,218
64	RR unemply bnft	0	0	0	0	0	0
65	Small bus loans	738	909	3,004	792	539	922
66	Cert dev co lns	1,477	1,817	6,008	1,584	1,079	1,843
67	Salries & expns	738	909	3,004	792	539	922
68	TVA fund	0	0	0	0	2,719	0
69	Airport grants	901	1,285	8,383	2,550	1,441	4,390
70	Fed'l aid hwy	7,737	5,110	6,156	4,560	2,960	5,470
71	Hwy demo proj	0	0	0	0	33,000	0
72	Amtrak grants	23,290	11,600	2,000	0	0	0
73	Drunk drvg comm	0	0	0	0	0	0
74	Umt fund	6,100	6,320	0	0	0	0
75	Mass transit gt	0	0	0	0	0	0
76	Oper & maint	0	0	0	0	0	0
77	Maint & repair	1,779	1,798	2,653	420	1,572	1,778
	Totals	97,804	100,272	207,888	64,274	140,700	107,467
	Percent total rpted	1.90	1.95	4.03	1.25	2.73	2.08
	Unemplmnt rate	7.2	6.7	15.5	9.0	11.5	10.2
	Number unemployed	153,172	197,300	666,400	190,310	121,503	237,412
	Dollars per unemployed	$639	$508	$312	$338	$1,158	$453

ID	Program	MT	NE	NV	NH	NJ	NM
1	Mkts inc & sply	$235	$349	$382	$242	$2,392	$390
2	Bldgs & facits	0	85	0	0	0	0
3	Wmn inf & chldn	351	513	429	356	2,236	706
4	Construction	354	17	258	120	0	687
5	Tmbr stnd imprv	1,715	23	24	27	0	1,334
6	Rds trls & fac	2,971	15	203	91	0	1,002
7	Rurl wtr & wste	0	14	0	0	0	97
8	Salries & expns	20	0	0	0	58	0
9	Rurl dev ins fd	200	16	572	441	1,091	50
10	Wtrshd & fld op	539	1,707	0	0	77	10,267
11	Wtrshd & fld op	0	0	0	0	0	0
12	Res cons & dev	135	0	0	0	680	32
13	Eda grants	573	240	397	500	1,934	690
14	Construction	0	47	0	0	200	283
15	Oper & maint	1,094	1,436	0	198	50	1,714
16	Fld cntrl, ms	0	0	0	0	0	0
17	Army family hse	0	0	0	0	3,480	1,708
18	Fmly hse, maint	0	0	580	0	1,700	2,909
19	Fmly hse, const	0	0	0	0	4,000	1,554
20	Fmly hse, const	0	0	0	0	0	0
21	Fmly hse, maint	0	0	0	0	0	0
22	Library const	221	315	315	234	1,153	363
23	Fedl impact aid	0	0	0	0	0	181
24	College wk stdy	219	328	84	421	1,121	465
25	Rehab trng-pwi	0	0	0	0	214	0
26	Rem of arch bar	0	0	0	0	0	0
27	Wthr asst prgm	1,061	1,284	178	715	2,682	730
28	Instl cons prgm	350	508	309	397	1,572	369
29	Emrg fd & shltr	188	363	125	141	1,426	334
30	Emrg fd & shltr	65	19	262	0	1,611	88
31	Fedl bldgs fund	822	146	1,384	394	2,545	374
32	Adamh serv grts	140	152	188	250	1,341	320
33	Bldgs & facits	0	0	0	0	0	0
34	Bldgs & facits	0	0	0	0	0	0
35	Indian hlth fac	736	60	900	0	0	3,558
36	Home hlth care	18	93	0	39	65	158
37	Com hlth ctrs	135	49	502	42	1,001	483
38	Mat & child hlth	490	855	258	435	2,294	748
39	Comm serv grts	74	132	103	63	569	159
40	Soc serv grts	626	1,139	1,038	699	5,536	1,316
41	Udag	0	0	0	0	0	0
42	Cdbg-etlmnt cty	728	2,106	3,413	1,193	23,957	2,475
43	Cdbg-small cty	1,283	2,001	572	1,135	1,932	2,399
44	Asst'd housing	0	0	0	0	0	0
45	Salries & expns	0	0	0	0	0	0
46	Research & tech	0	0	0	0	0	0
47	Op-Indian hses	1,966	0	347	0	0	2,576
48	Construction	1,999	0	4,370	0	0	14,322
49	Op-natural res	2,215	143	684	0	0	1,976
50	Oper & maint	1,025	0	525	0	0	2,350

ID	Program	MT	NE	NV	NH	NJ	NM
51	Construction	0	1,300	1,384	0	0	800
52	Loan program	1,400	80	0	0	0	0
53	Resource mgmt	405	0	85	0	35	828
54	Lnd & wtr cons	370	447	401	396	1,163	422
55	Urbn prks & rec	0	0	0	0	5,435	329
56	Hist pres fund	405	364	282	351	540	437
57	Oper of natl pk	1,126	88	130	55	212	84
58	Bldgs & facits	0	0	0	0	0	0
59	Supt of US Pris	0	0	3,200	0	0	15
60	Smr youth emply	219	259	469	303	2,326	371
61	Job Corps	0	0	0	0	0	0
62	Older Americans	188	267	188	188	1,044	199
63	Dislocated wkrs	180	227	292	176	1,828	289
64	RR unemply bnft	0	0	0	0	0	0
65	Small bus loans	151	211	241	149	1,389	261
66	Cert dev co lns	303	421	482	297	2,778	522
67	Salries & expns	151	211	241	149	1,389	261
68	TVA fund	0	0	0	0	0	0
69	Airport grants	1,223	1,068	453	650	3,170	2,743
70	Fed'l aid hwy	2,295	2,327	1,523	1,241	6,164	2,095
71	Hwy demo proj	0	0	0	0	0	0
72	Amtrak grants	0	0	0	0	14,980	0
73	Drunk drvg comm	0	0	0	0	0	0
74	Umt fund	0	0	0	0	22,543	0
75	Mass transit gt	0	0	0	0	0	0
76	Oper & maint	0	0	0	0	0	0
77	Maint & repair	183	542	20	163	873	372
	Total	31,147	21,967	27,793	12,251	132,786	69,195
	Percent total rpted	0.60	0.43	0.54	0.24	2.58	1.34
	Unemplmnt rate	8.9	6.4	10.0	6.7	7.4	9.8
	Number of unemployed	34,399	51,342	49,587	33,010	268,100	58,306
	Dollars per unemployed	$905	$428	$560	$371	$495	$1,187

ID	Program	NY	NC	ND	OH	OK	OR
1	Mkts inc & sply	$4,534	$1,836	$162	$4,429	$621	$1,022
2	Bldgs & facits	380	0	77	10	0	0
3	Wmn inf & chldn	7,948	3,102	374	4,299	1,749	1,086
4	Construction	0	229	0	50	10	2,702
5	Tmbr stnd imprv	0	31	0	152	55	11,513
6	Rds trls & fac	0	99	0	175	25	3,200
7	Rurl wtr & wste	4,724	8,795	9,372	4,500	3,816	1,044
8	Salries & expns	0	0	72	0	710	87
9	Rurl dev ins fd	8,614	20,861	2,919	4,154	9,337	1,095
10	Wtrshd & fld op	1,819	1,729	204	6,710	2,705	175
11	Wtrshd & fld op	0	0	0	0	0	0
12	Res cons & dev	84	42	0	509	125	0
13	Eda grants	6,055	1,892	175	6,749	1,321	1,170
14	Construction	1,109	854	102	746	260	2,339
15	Oper & maint	2,316	2,898	837	5,664	1,563	11,327
16	Fld cntrl, ms	0	0	0	0	0	0
17	Army family hse	1,321	5,336	0	0	2,014	0
18	Fmly hse, maint	400	1,180	0	0	2,854	0
19	Fmly hse, const	0	1,760	0	0	2,707	0
20	Fmly hse, const	0	3,515	0	0	0	0
21	Fmly hse, maint	0	0	0	0	0	0
22	Library const	2,588	986	193	2,784	507	750
23	Fedl impact aid	780	0	0	557	2,484	0
24	College wk stdy	4,057	1,266	225	1,884	603	815
25	Rehab trng-pwi	598	57	0	179	220	0
26	Rem of arch bar	0	0	0	0	0	0
27	Wthr asst prgm	10,833	1,684	1,175	6,026	1,000	1,160
28	Instl cons prgm	3,731	1,026	345	2,347	657	579
29	Emrg fd & shltr	4,519	1,386	125	2,029	665	417
30	Emrg fd & shltr	3,063	297	0	4,587	6	913
31	Fedl bldgs fund	3,941	1,172	535	5,812	541	2,741
32	Adamh serv grts	2,603	617	66	1,531	505	348
33	Bldgs & facits	0	0	0	0	0	0
34	Bldgs & facits	0	0	0	0	0	0
35	Indian hlth fac	900	100	785	0	4,887	286
36	Home hlth care	417	172	138	57	77	69
37	Com hlth ctrs	2,096	1,231	38	3,987	823	1,108
38	Mat & chld hlth	7,747	3,297	393	4,404	1,351	1,222
39	Comm serv grts	1,631	538	50	1,393	239	317
40	Soc serv grts	13,131	4,606	490	13,277	2,139	3,207
41	Udag	0	0	0	0	0	0
42	Cdbg-etlmnt cty	73,404	6,924	612	47,964	3,784	8,580
43	Cdbg-small cty	5,715	8,530	1,007	11,720	3,144	3,664
44	Asst'd housing	0	0	0	0	0	0
45	Salries & expns	0	0	0	0	0	0
46	Research & tech	0	0	0	0	0	0
47	Op-Indian hses	193	0	706	0	2,609	572
48	Construction	0	0	300	0	50	0
49	Op-natural res	0	77	912	0	527	655
50	Oper & maint	0	0	0	0	0	0
51	Construction	0	0	0	0	540	1,000
52	Loan program	0	0	0	0	0	0
53	Resource mgmt	45	415	560	0	0	655
54	Lnd & wtr cons	2,323	845	366	1,481	599	572
55	Urbn prks & rec	3,788	42	0	1,219	0	525
56	Hist pres fund	717	614	307	704	413	398
57	Oper of natl pk	1,012	1,090	0	306	171	352
58	Bldgs & facits	1,480	750	0	0	510	0
59	Supt of U.S. pris	0	0	0	0	0	0
60	Smr youth emply	5,256	2,084	129	6,181	508	1,628
61	Job Corps	0	0	0	0	0	0
62	Older Americans	2,711	1,027	188	1,708	509	436
63	Dislocated wkrs	3,896	1,465	69	4,389	333	969
64	RR unemply bnft	0	0	0	0	0	0
65	Small bus loans	3,089	1,180	89	3,031	415	652
66	Cert dev co lns	6,178	2,359	179	6,063	831	1,304
67	Salries & expns	3,089	1,180	89	3,031	415	652
68	TVA fund	0	694	0	0	0	0

ID	Program	NY	NC	ND	OH	OK	OR
69	Airport grants	3,665	3,051	1,463	7,792	1,216	2,187
70	Fed'l aid hwy	13,640	5,461	1,696	7,442	3,314	3,037
71	Hwy demo proj	0	0	0	0	0	0
72	Amtrak grants	6,450	0	0	0	0	0
73	Drunk drvg comm	0	0	0	0	0	0
74	Umt fund	27,000	0	0	0	0	2,900
75	Mass transit gt	0	0	0	0	0	0
76	Oper and maint	0	0	0	0	0	0
77	Maint & repair	6,965	1,549	224	2,785	331	1,669
	Total	272,555	111,931	27,748	194,817	66,795	83,099
	Total rpted	5.29	2.17	0.54	3.78	1.30	1.61
	Unemplmnt rate	9.0	8.7	6.6	12.8	8.3	11.1
	Number of unemployed	714,100	252,300	21,430	652,500	122,151	148,384
	Dollars per unemployed	$382	$444	$1,295	$299	$547	$560

ID	Program	PA	RI	SC	SD	TN	TX
1	Mkts inc & sply	$5,279	$297	$1,077	$110	$1,496	$3,651
2	Bldgs & facits	100	0	10	20	0	0
3	Wmn inf & chldn	3,919	404	2,117	373	2,308	6,094
4	Construction	356	0	37	172	1637	416
5	Tmbr stnd imprv	2	0	210	234	394	68
6	Rds trls & fac	54	0	82	149	226	76
7	Rurl wtr & wste	4,989	325	3,404	4,139	944	2,783
8	Salries & expns	0	0	87	0	362	0
9	Rurl dev ins fd	8,257	275	7,837	3,424	4,231	19,613
10	Wtrshd & fld op	5,235	0	315	0	2,827	11,496
11	Wtrshd & fld op	0	0	0	0	0	0
12	Res cons & dev	725	0	0	0	282	62
13	Eda grants	4,596	511	2,361	0	2,141	5,384
14	Construction	1,260	0	1,479	1,975	1,013	1,927
15	Oper & maint	5,837	1,617	2,628	2,821	2,228	23,791
16	Fld cntrl, ms	0	0	0	0	12,507	0
17	Army family hse	0	0	0	0	0	4,661
18	Fmly hse, maint	0	0	0	0	0	0
19	Fmly hse, const	0	0	0	0	0	845
20	Fmly hse, const	177	0	4,398	0	0	0
21	Fmly hse, maint	0	0	0	0	1,750	0
22	Library const	3,034	322	779	190	1,183	2,200
23	Fedl impact aid	0	0	0	0	0	1,087
24	College wk stdy	2,551	432	737	307	937	2,765
25	Rehab trng-pwi	230	78	0	0	0	125
26	Rem of arch bar	0	0	0	0	0	0
27	Wthr asst prgm	7,407	559	500	1,009	1,750	1,353
28	Instl cons prgm	2,519	359	588	326	897	2,203
29	Emrg fd & shltr	2,204	290	801	162	1,026	2,507
30	Emrg fd & shltr	3,345	271	291	6	1,243	677
31	Fedl bldgs fund	5,112	308	176	151	,496	4,934
32	Adamh serv grts	1,630	287	382	201	433	1,173
33	Bldgs & facits	0	0	0	0	0	0
34	Bldgs & facits	0	0	0	0	0	0
35	Indian hlth fac	0	0	0	1,261	0	0
36	Home hlth care	287	16	31	0	150	275
37	Com hlth ctrs	5,545	395	1,027	95	1,517	2,329
38	Mat & chld hlth	4,934	330	2,334	470	2,245	5,368
39	Comm serv grts	1,516	143	406	56	603	1,053
40	Soc serv grts	14,518	1,102	3,382	483	5,371	10,840
41	Udag	0	0	0	0	0	0
42	Cdbg-eltmnt cty	61,120	4,168	5,906	506	13,334	34,458
43	Cdbg-small cty	10,059	1,034	6,859	1,102	8,123	9,833
44	Asst'd housing	0	0	0	0	0	0
45	Salries & expns	0	0	0	0	0	0
46	Research & tech	0	0	0	0	0	0
47	Op-Indian hses	0	0	0	1,577	0	0
48	Construction	0	0	0	500	0	0
49	Op-natural res	0	0	0	1,965	0	0
50	Oper & maint	0	0	0	0	0	500
51	Construction	0	0	0	2,000	0	0
52	Loan program	0	0	0	0	0	1,150
53	Resource mgmt	220	0	35	700	779	1,492
54	Lnd & wtr cons	1,609	423	610	360	759	1,850
55	Urbn prks & rec	3,277	1,196	0	0	1,434	1,783
56	Hist pres fund	706	524	532	409	516	483
57	Oper of natl pk	2,331	76	183	229	355	873
58	Bldgs & facits	0	0	0	0	0	3,465
59	Supt of US pris	2,100	0	0	0	0	0
60	Smr youth emply	5,367	253	1,631	214	2,639	3,994
61	Job Corps	0	0	0	0	0	0
62	Older Americans	2,192	188	531	188	850	1,869
63	Dislocated wkrs	3,870	285	951	78	1,509	2,155
64	RR unemply bnft	0	0	0	0	0	0
65	Small bus loans	2825	206	697	79	1,134	2,410
66	Cert dev co lns	5,650	412	1,393	159	2,267	4,820
67	Salries & expns	2,825	206	697	79	1,134	2,410
68	TVA fund	0	0	0	0	20,515	0
69	Airport grants	6,238	423	1,255	306	3,102	8,581
70	Fed'l aid hwy	10,857	2,239	3,268	1,745	4,923	14,115
71	Hwy demo proj	0	0	0	0	0	0
72	Amtrak grants	13,420	320	0	0	0	0
73	Drunk drvg comm	0	0	0	0	0	0
74	Umt fund	9,657	0	0	0	0	0
75	Mass transit gt	0	0	0	0	0	0
76	Oper & maint	92	0	0	0	0	0
77	Maint & repair	5,248	161	452	592	2,824	3,135
	Total	245,281	20,435	62,476	30,922	118,394	219,132
	Percent total rpted	4.76	0.40	1.21	0.60	2.30	4.25
	Unemplmnt rate	13.0	9.6	10.2	6.1	11.8	8.1
	Number of unemployed	690,800	45,460	150,782	20,356	250,935	607,300
	Dollars per unemployed	$355	$450	$414	$1,519	$472	$361

ID	Program	UT	VT	VA	WA	WV	WI
1	Mkts inc & sply	$344	$165	$1,454	$1,861	$940	$1,776
2	Bldgs & facits	0	0	0	0	0	2
3	Wmn inf & chldn	703	377	2,092	1,402	935	1,830
4	Construction	2,106	61	186	1,389	15	186
5	Tmbr stnd imprv	572	17	241	5,999	80	204
6	Rds trls & fac	598	56	230	1,800	348	314
7	Rurl wtr & wste	50	454	200	53	2,554	2,422
8	Salries & expns	0	87	617	0	232	0
9	Rurl dev ins fd	408	1,529	1,462	206	4,020	2,119
10	Wtrshd & fld op	51	0	1,010	2,881	126	0
11	Wtrshd & fld op	0	0	0	0	0	0
12	Res cons & dev	0	204	197	0	0	28
13	Eda grants	395	527	454	2,229	678	1,905
14	Construction	0	75	91	19,590	146	214
15	Oper & maint	0	47	4,921	1,391	1,139	3,056
16	Fld cntrl, ms	0	0	0	0	0	0
17	Army family hse	0	0	0	6,347	0	444
18	Fmly hse, maint	0	0	0	0	0	0
19	Fmly hse, const	0	0	0	0	0	0
20	Fmly hse, const	0	0	0	0	0	0
21	Fmly hse, maint	0	0	0	0	0	0
22	Library const	314	171	877	1,107	642	1,279
23	Fedl impact aid	0	0	9,685	2,381	0	0
24	College wk study	288	380	997	978	417	1,079
25	Rehab trng-pwi	105	0	0	0	0	124
26	Rem of arch bar	0	0	0	0	0	0
27	Wthr asst prgm	843	707	1,585	1,838	1,378	3,988
28	Instl cons prgm	470	303	1,037	809	506	1,324
29	Emrg fd & shltr	203	146	833	626	583	634
30	Emrg fd & shltr	7	0	254	1,636	562	978
31	Fedl bldgs fund	1,057	737	3,044	2,931	1,466	1,009
32	Adamh serv grts	223	215	467	583	248	274
33	Bldgs & facits	0	0	0	0	0	0
34	Bldgs & facits	0	0	0	0	0	0
35	Indian hlth fac	1,579	0	0	991	0	750
36	Home hlth care	86	0	105	110	105	0
37	Com hlth ctrs	235	36	477	1,752	1,244	2,736
38	Mat & chld hlth	1,303	377	2,519	1,699	1,342	2,289
39	Comm serv grts	93	50	367	481	335	547
40	Soc serv grts	1,103	376	4,057	4,957	2,657	5,814
41	Udag	0	0	0	0	0	0
42	Cdbg-etlmnt cty	3,479	330	9,986	16,396	5,103	16,800
43	Cdbg-small cty	838	899	4,440	3,653	5,636	7,334
44	Asst'd housing	0	0	0	0	0	0
45	Salaries & expns	0	0	0	0	0	0
46	Research & tech	0	0	0	0	0	0
47	Op-Indian hses	0	0	0	1,168	0	977
48	Construction	500	0	0	2,000	0	0
49	Op-natural res	432	0	0	3,250	0	481
50	Oper & maint	45	0	0	1,930	0	0
51	Construction	10,,367	0	0	19,900	0	0
52	Loan program	0	0	0	1,000	0	0
53	Resource mgmt	0	188	1,680	2,377	103	1,809
54	Lnd & wtr cons	471	350	855	761	470	782
55	Urbn prks & rec	0	0	934	1,159	385	735
56	Hist pres fund	448	403	497	401	411	462
57	Oper of natl pk	804	0	750	1,325	99	367
58	Bldgs & facits	0	0	0	0	0	0
59	Supt of US pris	0	0	2,600	0	0	0
60	Smy youth employ	548	107	1,780	2,050	1,020	2,713
61	Job Corps	0	0	0	0	0	0
62	Older Americans	191	188	752	565	400	787
63	Dislocated wkrs	260	87	1,052	1,554	746	1,665
64	RR unemply bnft	0	0	0	0	0	0
65	Small bus loans	252	76	932	1,076	557	1,213
66	Cert dev co lns	505	153	1,863	2,152	1,113	2,426
67	Salries & expns	252	76	932	1,076	557	1,213
68	TVA fund	0	0	125	0	0	0
69	Airport grants	1,738	253	2,406	2,626	3,421	4,031
70	Fed'l aid hwy	2,510	1,203	6,192	6,462	3,665	3,528
71	Hwy demo proj	0	0	0	0	0	0
72	Amtrak grants	0	0	0	0	0	0
73	Drunk drvg comm	0	0	0	0	0	0
74	Umt fund	0	0	0	0	0	
75	Mass transit gt	0	0	0	0	0	0
76	Oper & maint	0	0	0	0	0	0
77	Maint & repair	865	536	365	1,757	1,172	1,407
	Totals	37,641	11,946	77,600	142,665	47,556	86,055
	Percent total rept	0.73	0.23	1.51	2.77	0.92	1.67
	Unemplmnt rate	9.3	8.0	6.6	11.3	19.0	11.2
	Number of unemployed	61,921	20,650	178,026	230,929	141,176	271,011
	Dollars per unemployed	$608	$578	$436	$618	$337	$318

ID	Program	WY	Territories	Unallocated	Total [1]
1	Mkts inc & sply	$143	$0	$0	$75,005
2	Bldgs & facits	0	39	0	3,000
3	Wmn inf & chldn	229	3,354	0	99,998
4	Construction	488	52	0	25,000
5	Tmbr stnd imprv	221	57	0	35,000
6	Rds trls & fac	291	60	0	25,000
7	Rurl wtr & wste	0	5,081	0	150,001
8	Salries & expns	0	116	1,104	6,503
9	Rurl dev ins fd	0	3,185	0	[2] 225,003
10	Wtrshd & fld op	20	0	17,274	[3] 107,502
11	Wtrshd & fld op	0	0	0	[3] 0
12	Res cons & dev	0	0	16	5,001
13	Eda grants	0	2,854	0	99,998
14	Construction	92	836	12,444	85,000
15	Oper & maint	0	0	0	[4] 167,858
16	Fld cntrl, ms	0	0	38,364	140,000
17	Army family hse	0	0	0	73,656
18	Fmly hse, maint	0	0	0	$37,242
19	Fmly hse, const	0	0	0	35,948
20	Fmly hse, const	0	0	0	[5] 15,915
21	Fmly hse, maint	0	0	0	17,107
22	Library const	174	924	0	50,001
23	Fedl impact aid	82	0	1,735	60,002
24	College wk stdy	54	1,247	0	49,996
25	Rehab trng-pwi	0	0	0	5,001
26	Rem of arch bar	0	0	0	[6] 0
27	Wthr asst prgm	400	0	0	100,001
28	Instl cons prgm	264	1,179	481	49,998
29	Emrg fd & shltr	125	2,443	0	50,000
30	Emrg fd & shltr	0	1,127	0	49,998
31	Fedl bldgs fund	97	242	0	125,000
32	Adamh serv grts	43	558	0	30,000
33	Bldgs & facits	0	0	0	15,560
34	Bldgs & facits	0	0	0	871
35	Indian hlth fac	111	0	0	$39,000
36	Home hlth care	0	47	0	5,000
37	Com hlth ctrs	132	1,684	0	65,000
38	Mat & chld hlth	264	3,831	0	104,998
39	Comm serv grts	47	827	0	25,001
40	Soc serv grts	376	3,063	0	224,999
41	Udag	0	0	0	[7] 0
42	Cdbg-etlmnt cty	310	17,018	7,500	[8] 777,250
43	Cdbg-small cty	720	9,699	0	222,750
44	Asst'd housing	0	0	0	[7] 0
45	Salries & expns	0	0	0	[9] 0
46	Research & tech	0	0	0	[7] 0
47	Op-Indian hses	0	0	0	30,003
48	Construction	209	0	0	64,450
49	Op-natural res	385	0	0	20,000
50	Oper & maint	590	0	0	21,000
51	Construction	1,443	0	0	65,000

ID	Program	WY	Territories	Unallocated	Total [1]
52	Loan program	0	0	0	$30,000
53	Resource mgmt	45	0	0	20,001
54	Lnd & wtr cons	345	573	0	39,997
55	Urbn prks & rec	0	238	0	40,001
56	Hist pres fund	271	1,195	0	24,996
57	Oper of natl pk	174	130	0	25,000
58	Bldgs & facits	0	0	0	60,000
59	Supt of US pris	0	0	770	20,001
60	Smr youth emply	132	2,235	5,000	100,000
61	Job Corps	0	0	0	[9] 0
62	Older Americans	188	930	0	37,505
63	Dislocated wkrs	65	1,499	21,250	85,000
64	RR unemply bnft	0	0	0	[9] 0
65	Small bus loans	76	985	0	50,000
66	Cert dev co lns	153	1,970	0	[10] 100,000
67	Salries & expns	76	985	0	50,000
68	TVA fund	0	0	0	[4] 41,304
69	Airport grants	1,531	1,654	0	150,003
70	Fed'l aid hwy	1,735	988	32,000	275,000
71	Hwy demo proj	0	0	0	33,000
72	Amtrak grants	0	0	0	80,030
73	Drunk drvg comm	0	0	0	[7] 0
74	Umt fund	0	0	0	132,650
75	Mass transit gt	0	0	0	[7] 0
76	Oper & maint	0	0	0	3,750
77	Maint & repair	809	350	0	[4] 76,332
	Total	12,910	73,255	137,938	[11] 5,155,186
	Percent total rpted	0.25	1.42	2.68	100.00
	Unemplmnt rate	10.9			[12] 10.0
	Number of unemployed	28,827			[12] 10,947,566
	Dollars per unemployed	$448			[13] $452

[1] Totals are as reported by federal departments and agencies and may vary due to rounding.

[2] Allocation data exclude $225 million transferred to the Agricultural Credit Insurance Fund.

[3] The two Watershed and Flood Operation programs are reported combined.

[4] Total exceeds funding authority due to supplements from other existing sources of funds.

[5] Total exceeds funding authority due to procedures used in estimating project costs.

[6] Initial allocations are expected to be made in the 4th quarter of fiscal year 1984.

[7] Allocation information was not requested from federal departments and agencies (see footnote 11).

[8] The $7.5 million shown as unallocated represents funds set aside for the special discretionary fund for grants to Indian tribes.

[9] State allocation information is either not available or not applicable for the program.

[10] Allocation data reflect the amount of loans that SBA can guarantee as a result of the $2 million appropriated.

[11] Total includes only those programs that received new budget authority, i.e. direct appropriations and obligation authority increases. Programs in which funds were made available through disapproved deferrals or earmarking of existing funds are not included.

[12] Unemployment information is based on April 1983 Bureau of Labor Statistics data.

[13] Ratio is based on allocation and unemployment data for the 50 states and the District of Columbia. Funds for territories are not included because unemployment data were not available for all territories. unallocated funds are also not included.

ENCLOSURE III.—LEGEND TO DEPARTMENTS, AGENCIES, AND PROGRAMS LISTED IN ENCLOSURE II

ID, department, agency, and bureau	Program
Department of Agriculture:	
1. Agriculture Marketing Service	Funds for Strengthening Marketing, Income, and Supply (Section 32).
2. Agriculture Research Service	Buildings and Facilities.
3. Food and Nutrition Service	Special Supplemental Food Program (Women, Infants, and Children).
4. Forest Service	Construction.
5	National Forest System: Timber Stand Improvement.
6	Roads, Trails, and Facilities.
7. Farmers Home Administration	Rural Water and Waste Disposal Grants.
8	Salaries and Expenses.
9	Rural Development Insurance Fund (Rural Water and Waste Disposal Loans).
10. Soil Conservation Service	Watershed and Flood Prevention Operations.
11	Watershed and Flood Prevention Operations.
12	Resource Conservation and Development.
Department of Commerce:	
13. Economic Development Administration.	Economic Development Assistance Program.
Department of Defense—Civil:	
14. Department of Army, Corps of Engineers—Civil.	Construction, General.
15	Operation and Maintenance.
16	Flood Control, Mississippi River and Tributaries.
Department of Defense—Military:	
17. Department of Army, Corps of Engineers—Military.	Family Housing, Army.
18. Department of the Air Force	Family Housing, Air Force—Maintenance.
19	Family Housing, Air Force—Construction Improvements.
20. Department of the Navy, Naval Facilities Engineering Command.	Family Housing, Navy and Marine Corps—Construction.
21	Family Housing, Navy and Marine Corps—Maintenance.
Department of Education:	
22. Office of Educational Research and Improvement.	Libraries—Public Library Construction.
23. Office of Elementary and Secondary Education.	School Assistance in Federally Affected Area (Impact Aid).
24. Office of Postsecondary Education.	Student Financial Assistance—College Work Study.
25. Office of Special Edcuation and Rehabilitative Services.	Rehabilitation Services and Handicapped Training—Projects with Industry.
26	Education for the Handicapped—Removal of Architectural Barriers.
Department of Energy:	
27. Office of the Assistant Secretary for Conservation and Renewable Energy.	Energy Conservation: Low Income Energy Conservation.
28	Energy Conservation: Schools and Hospitals Weatherization.
29. Federal Emergency Management Agency.	Emergency Food and Shelter (Grants to States).
30	Emergency Food and Shelter (Award to National Board).
General Services Administration:	
31. Public Buildings Service	Federal Buildings Fund: Repairs and Alterations.
Department of Health and Human Services:	
32. Alcohol, Drug Abuse, and Mental Health Administration.	Alcohol, Drug Abuse, and Mental Health Services Block Grant.
33. Centers for Disease Control	Preventive Health Services—Buildings and Facilities.
34. Food and Drug Administration	Buildings and Facilities.
35. Health Resources and Sercices Administration.	Indian Health Facilities.
36	Health Resources and Services—Home Health Care Services and Training (Section 339).
37	Health Resources and Services—Community Health Centers and Migrant Health Centers.
38	Health Resources and Services—Maternal and Child Health Services Block Grants.
39. Office of Community Services	Community Service—Community Services Block Grant.
40. Office of Human Development Services.	Social Services Block Grants.
Department of Housing and Urban Development:	
41. Community Planning and Development.	Urban Development Actions Grants.
42	Community Development Block Grants—Entitlement Cities.
43	Community Development Block Grants—Small Cities.
44. Housing Progress	Subsidized Housing Programs: Annual Contributions for Assisted Housing.
45. Management and Administration.	Salaries and Expenses (Office Reception and Representation Expenses).
46. Policy Development and Research.	Research and Technology (Funding of Housing Assistance Council).
Department of the Interior:	
47. Burearu of Indian Affairs	Operation of Indian Programs—Indian Services (Housing).
48	Construction.
49	Operation of Indian Programs—Natural Resources Development.
50. Bureau of Reclamation	Operation and Maintenance.
51	Construction Programs.
52	Loan Program.
53. Fish and Wildlife Service	Resource Management.
54. National Park Service	Land and Water Conservation Fund.
55	Urban Park and Recreation Fund.
56	Historic Preservation Fund.
57	Operation of the National Park System.
Department of Justice:	
58. Bureau of Prisons/Federal Prison System.	Buildings and Facilities: Modernization and Repair of Existing Facilities.
59. U.S. Marshals Service	Support of U.S. Prisoners—Cooperative Agreement Program.
Department of Labor:	
60. Employment and Training Adminstration.	Employment and Training Assistance—Summer Youth Employment.
61	Employment and Training Assistance—Job Corps.
62	Community Services Employment for Older Americans—Senior Community Service Employment Program.
63	Employment and Training Assistance—Services to Dislocated Workers.
64. Railroad Retirement Board	Ad Hoc Federal Payment for Rail Unemployment Benefits.
65. Small Business Administration	Business Loan and Investment Fund: Small Business Loans (7a Loans).
66	Business Loan and Investment Fund: Certified Development Company Loans (503 Loans)—Capital Funds.
67	Salaries and Expenses: Small Business Development Center (21a Grants).
68. Tennessee Valley Authority	Tennessee Valley Authority Fund.
Department of Transportation:	
69. Federal Aviation Administration	Grant-in-Aid for Airports (Airport and Airway Trust Fund).
70. Federal Highway Administration	Federal Aid Highway Program (Federal-Aid Highways and Highway Safety Construction Programs).
71	Highway Widening Demonstration Project.
72. Federal Railroad Administration	Grants to the National Railroad Passenger Corporation (AMTRAK).
73. National Highway Traffic Safety Administratin.	Operations and Research: Presidential Commission on Drunk Driving.
74. Urban Mass Transportation Administration.	Urban Mass Transportation Fund.
75	Mass Transportation Capital Fund.
Department of the Treasury:	
76. U.S. Customs Services	Operation and Maintenance, Air Interdiction Program.
Veterans' Administration:	
77. Department of Medicine and Surgery.	Maintenance and Repair of Medical Facilities.

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the convening of the Senate tomorrow be changed from 10 a.m. to 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE AND PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. Mr. President, on tomorrow, after the recognition of the two leaders under the standing order, I ask unanimous consent that there be a special order in favor of the distinguished Senator from Wisconsin (Mr. PROXMIRE) of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business until not later than the hour of 12 noon, in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, we will be in at 11 a.m. tomorrow and after we take care of the routine matters it is anticipated we will be back on the bill then at 12 noon. I do not anticipate that we will be late tomorrow afternoon but I do hope that we can get substantial work done.

There are a great number of amendments that have been listed and so far we have had an unsuccessful effort to list all of the amendments and to explore the possibility of a unanimous-

consent order that would limit further amendments.

But I hope that the two managers, that is the distinguished chairman and the distinguished ranking minority member of the Budget Committee, might review those tonight and in the morning and see if we can identify an agenda, at least, of what we have to do and give the leadership on both sides some estimate of how long it will take to finish this bill.

Mr. DOMENICI. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. DOMENICI. We will be pleased to do that and sometime before the Senator from Florida and I arrive in the Chamber tomorrow, we will go over some lists and be able to talk for the RECORD and with the distinguished majority leader and the distinguished minority leader privately or whichever they prefer.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I see that the minority leader indicates that he has nothing further.

No other Senator appears to be seeking recognition. Therefore, I move in accordance with the previous order that the Senate now stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and, at 5:46 p.m., the Senate recessed until tomorrow, Friday, May 11, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 1984:

SECURITIES AND EXCHANGE COMMISSION

The following-named person to be a member of the Securities and Exchange Commission for the terms indicated:

For the remainder of the term expiring June 5, 1984: Aulana L. Peters, of California, vice Bevis Longstreth, resigned.

For the term expiring June 5, 1989: Aulana L. Peters, of California (reappointment).

CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 1984:

DEPARTMENT OF STATE

Robert Thomas Hennemeyer, of Illinois, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Gambia.

S. L. Abbott, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

DEPARTMENT OF COMMERCE

Harold Peter Goldfield, of New York, to be an Assistant Secretary of Commerce.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Joel Gerber, of Virginia, to be a Judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

IN THE AIR FORCE

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To Be Lieutenant General

Lt. Gen. James A. Abrahamson, [redacted], U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To Be Lieutenant General

Lt. Gen. William I. Rolya, [redacted], age 56, U.S. Army.

U.S. POSTAL SERVICE

Ruth O. Peters, of Virginia, to be a Governor of the U.S. Postal Service for the remainder of the term expriring December 8, 1987.

DEPARTMENT OF DEFENSE

The following-named officer under the provisions of title 10, United States Code, section 142, to be chairman, Joint Chiefs of Staff, a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be general

Gen. John W. Vessey, Jr., [redacted], U.S. Army.

IN THE ARMY

Army nominations beginning Pamela K. Burns, and ending Terrence M. Smith, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

Army nominations beginning Troy A. Aarthun, and ending John S. Xenos, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

IN THE MARINE CORPS

Marine Corps nominations beginning Daniel J. Adams, and ending George D. Zamka, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

IN THE NAVY

Navy nominations beginning Edward Ronald Abel, and ending Thomas Hilary Grayson, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

Navy nominations beginning Richard P. Anderson, and ending Charles W. Gordon, which nominations were received by the Senate on April 19, 1984, and appeared in the CONGRESSIONAL RECORD of April 24, 1984.

HOUSE OF REPRESENTATIVES—*Thursday, May 10, 1984*

The House met at 10 a.m.

Rev. Virgil Cordano, O.F.M., St. Barbara's Parish, Old Mission, Santa Barbara, Calif., offered the following prayer:

We ask God's blessing upon Congress whom we in freedom have chosen to lead us in fulfilling our Nation's role under God and before all peoples. May our Representatives believe in their own true worth and also in the justice of their causes. May they welcome the truth both when it enlightens and confirms and when it criticizes and corrects. May they be humble enough to admit their need to learn from each other and proud enough to speak their honest convictions.

Yes; their greatest achievement is to be faithful to the task assigned them by God for the enjoyment of freedom, justice, and peace by all. Then they and we together, in the words of Junipero Serra, will "always go forward and never turn back."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will make the following announcement: It is the intention of the Chair that there be no 1-minutes today prior to legislative business, and that the Committee will rise at 5:30 this evening whether the bill is completed or not, in respect to the fact that the Republicans are having their annual dinner.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WEBER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WEBER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 233, nays 153, answered "present" 3, not voting 44, as follows:

[Roll No. 138]

YEAS—233

Ackerman	Gaydos	Nowak
Addabbo	Gejdenson	Oakar
Akaka	Gekas	Obey
Albosta	Gephardt	Olin
Alexander	Gibbons	Ortiz
Anderson	Glickman	Ottinger
Andrews (TX)	Gonzalez	Owens
Annunzio	Gore	Panetta
Aspin	Gray	Patman
AuCoin	Guarini	Patterson
Barnard	Hall (OH)	Paul
Barnes	Hall, Ralph	Pease
Bates	Hall, Sam	Pepper
Bedell	Hamilton	Perkins
Beilenson	Hatcher	Pickle
Bennett	Hayes	Price
Berman	Hefner	Rahall
Bevill	Hertel	Rangel
Biaggi	Hightower	Ratchford
Boland	Howard	Ray
Boner	Hoyer	Reid
Bonior	Hubbard	Richardson
Bonker	Huckaby	Rodino
Borski	Hughes	Roe
Bosco	Hutto	Roemer
Boucher	Jenkins	Rose
Boxer	Jones (OK)	Roukema
Breaux	Jones (TN)	Rowland
Britt	Kaptur	Roybal
Brooks	Kasich	Russo
Brown (CA)	Kastenmeier	Sabo
Burton (CA)	Kennelly	Scheuer
Byron	Kildee	Schumer
Carper	Kleczka	Seiberling
Carr	Kogovsek	Shannon
Chappell	Kolter	Sharp
Clarke	Kostmayer	Shelby
Coelho	LaFalce	Simon
Coleman (TX)	Lantos	Sisisky
Collins	Leath	Skelton
Cooper	Lehman (CA)	Slattery
Coyne	Lehman (FL)	Smith (FL)
D'Amours	Leland	Smith (IA)
Daniel	Levin	Solarz
Darden	Levine	Spratt
Daschle	Levitas	Staggers
de la Garza	Lewis (CA)	Stark
Dellums	Lipinski	Stenholm
Derrick	Lloyd	Stokes
Dicks	Long (LA)	Stratton
Dingell	Long (MD)	Studds
Donnelly	Lowry (WA)	Swift
Dorgan	Luken	Synar
Dowdy	Lundine	Tallon
Downey	MacKay	Tauzin
Durbin	Martinez	Thomas (GA)
Dwyer	Matsui	Torres
Dyson	Mavroules	Torricelli
Early	Mazzoli	Towns
Eckart	McCloskey	Traxler
Edgar	McCurdy	Vandergriff
Edwards (CA)	McEwen	Vento
English	McHugh	Volkmer
Erdreich	McNulty	Walgren
Evans (IL)	Mica	Watkins
Fascell	Mikulski	Weaver
Fazio	Miller (CA)	Weiss
Feighan	Minish	Wheat
Ferraro	Moakley	Whitley
Flippo	Mollohan	Williams (OH)
Florio	Montgomery	Wirth
Foglietta	Morrison (CT)	Wise
Foley	Mrazek	Wright
Ford (MI)	Murphy	Wyden
Fowler	Murtha	Yates
Frank	Natcher	Yatron
Frost	Nelson	Young (MO)
Fuqua	Nichols	

NAYS—153

Archer	Hammerschmidt	Penny
Badham	Harkin	Petri
Bartlett	Hartnett	Pritchard
Bateman	Hawkins	Pursell
Bereuter	Hiler	Quillen
Bethune	Hillis	Regula
Bilirakis	Holt	Ridge
Bliley	Hopkins	Ritter
Boehlert	Horton	Roberts
Broomfield	Hyde	Robinson
Brown (CO)	Jacobs	Rogers
Broyhill	Jeffords	Roth
Burton (IN)	Johnson	Rudd
Campbell	Kemp	Sawyer
Carney	Kindness	Schaefer
Chandler	Kramer	Schneider
Chappie	Lagomarsino	Schroeder
Cheney	Latta	Schulze
Clinger	Leach	Sensenbrenner
Coats	Lent	Shaw
Coleman (MO)	Lewis (FL)	Shumway
Conable	Livingston	Shuster
Conte	Loeffler	Sikorski
Corcoran	Lott	Siljander
Coughlin	Lujan	Skeen
Craig	Lungren	Smith (NE)
Crane, Daniel	Mack	Smith, Denny
Crane, Philip	Marlenee	Smith, Robert
Dannemeyer	Marriott	Snowe
Daub	Martin (IL)	Snyder
Davis	Martin (NC)	Solomon
DeWine	Martin (NY)	Spence
Dickinson	McCain	Stangeland
Dreier	McCandless	Stump
Duncan	McDade	Sundquist
Edwards (AL)	McGrath	Tauke
Edwards (OK)	McKernan	Taylor
Emerson	Michel	Thomas (CA)
Erlenborn	Miller (OH)	Vander Jagt
Fiedler	Mitchell	Walker
Fields	Molinari	Waxman
Franklin	Moore	Weber
Frenzel	Moorhead	Whitehurst
Gilman	Morrison (WA)	Whittaker
Gingrich	Myers	Winn
Goodling	Nielson	Wolf
Gradison	O'Brien	Wortley
Gramm	Oxley	Wylie
Green	Packard	Young (AK)
Gregg	Parris	Young (FL)
Gunderson	Pashayan	Zschau

ANSWERED "PRESENT"—3

Dymally	Oberstar	St Germain

NOT VOTING—44

Andrews (NC)	Hance	Moody
Anthony	Hansen (ID)	Neal
Applegate	Hansen (UT)	Porter
Boggs	Harrison	Rinaldo
Bryant	Heftel	Rostenkowski
Clay	Hunter	Savage
Conyers	Ireland	Smith (NJ)
Courter	Jones (NC)	Udall
Crockett	Kazen	Valentine
Dixon	Lowery (CA)	Vucanovich
Evans (IA)	Madigan	Whitten
Fish	Markey	Williams (MT)
Ford (TN)	McCollum	Wilson
Garcia	McKinney	Wolpe
Hall (IN)	Mineta	

□ 1010

Mr. BATEMAN and Ms. FIEDLER changed their votes from "yea" to "nay."

Messrs. RAHALL and DURBIN changed their votes from "nay" to "yea."

So the Journal was approved.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5576. An act to designate certain land and improvements of the National Institutes of Health as the "Mary Woodard Lasker Center for Health Research and Education."

□ 1020

REV. VIRGIL CORDANO, O.F.M.

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I am privileged today to be able to introduce the Reverend Virgil Cordano, O.F.M., who delivered today's opening prayer.

Father Cordano is a good friend who is the pastor of St. Barbara's Parish at the Old Mission in Santa Barbara, in my congressional district. For those of you who have had the privilege of visiting the Santa Barbara Mission, you know it is a lovely and still timely reminder of our California heritage. Father Cordano has been intimately associated with the mission since he entered the Franciscan Seminary in Santa Barbara in 1939. He was ordained in the mission church in 1945, and after obtaining his doctorate in Sacred Theology at Catholic University here in Washington, he returned to Santa Barbara as a professor of Scripture at the Santa Barbara Theological Seminary, becoming pastor of St. Barbara's Parish in 1979.

Father Cordano embodies for many of us the spirit of Santa Barbara, and has been active in the Santa Barbara Fiesta for as long as I can remember. In both his scholarly and his pastoral duties, he has left his mark on Santa Barbara as few have before him, and it is indeed an honor for me to be able to present him to my colleagues in this Chamber here today.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1984

The SPEAKER. Pursuant to House Resolution 497, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5119.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5119) to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1985, and for other purposes, with Mr. AUCOIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 9, 1984, title X was open for the two amendments made in order pursuant to House Resolution 497.

AMENDMENT OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUDDS: Page 80, line 15, strike out "$199,800,000" and insert in lieu thereof "$180,700,000".

Page 84, line 7, strike out "during" and insert in lieu thereof "prior to the end of"; and beginning in line 11, strike out "since the report was submitted pursuant to paragraph (1) of this section, has made additional" and insert in lieu thereof "has made".

Page 87, beginning in line 1, strike out "$64,800,000 of military assistance and financing, and up to"; line 3, strike out the comma; line 9, strike out "an additional $124,500,000" and insert in lieu thereof "$132,500,000"; and beginning at the end of line 17, strike out ", since the first report was submitted, has made additional" and insert in lieu thereof "has made".

The CHAIRMAN. Pursuant to House Resolution 497, the gentleman from Massachusetts (Mr. STUDDS) will be recognized for 1½ hours, and a Member opposed to the amendment will be recognized for 1½ hours.

The Chair recognizes the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think as we come to what I think in the judgment of many Members is perhaps the most important and certainly the most controversial section of the bill, that it is important that Members understand the situation we are faced with at the moment in terms of parliamentary procedure.

There are two amendments in order under the rule to the section dealing with Central America, the one which is before us now, offered by myself. There are 3 hours of debate available on that amendment, 1½ hours controlled by myself and 1½ hours controlled by the ranking minority member, the gentleman from Michigan (Mr. BROOMFIELD).

After the disposition of this amendment, there is a second amendment in order under the rule which will be offered by the gentleman from Michigan, and there will be 3 hours of debate on that amendment, one-half under the control of the gentleman from Michigan, the author of the amendment, and one-half under the control of the chairman of the Committee on Foreign Affairs, the gentleman from Florida (Mr. FASCELL).

What that adds up to, my colleagues, is, on the assumption that all the time is taken, a debate of as long possibly as 6 hours on the question of U.S. policy in Central America.

I understand, and I think most Members understand, and we certainly had a preview of this last evening, that not only is this in many Members' minds the most important and the most controversial section of the bill, but it will clearly be that section and that portion of the debate which will generate the most emotion.

□ 1030

As I said, in anticipation of the possibility and indeed the likelihood of considerable emotion on this floor in the ensuing 4 or 5 or 6 hours of debate, I wonder if at the beginning it might be possible, before we get to the arguments of the wisdom or lack of wisdom of U.S. policy, to stipulate perhaps in somewhat simplified fashion the facts of the substance of the amendments that will be before us.

I am going to attempt to do that. I grant it may be a bit oversimplified, but I think most Members will concur, before we get into the debate itself on questions of policy, in the essentially three alternatives that are before this committee.

The amendment before us at the moment, the amendment offered by myself, would condition all U.S. military aid to El Salvador on the ability and willingness of that Government to meet a series of conditions and on the willingness of the President of the United States and the Congress of the United States to concur that those conditions had been met.

In that case, under the amendment before us, all the military aid requested by the President for El Salvador for fiscal year 1985 would be forthcoming. That is one approach.

The second approach, the middle ground, if you will, is embodied in the committee bill which will be defended by the chairman of the committee, the gentleman from Florida (Mr. FASCELL). Essentially that approach would say that if the President wishes, one-third of the money for military assistance to El Salvador would be forthcoming, but the remaining two-thirds would be conditioned both on the agreement by the President that certain conditions had been met and on affirmative action by the Congress.

Finally, Mr. Chairman, although this is perhaps a bit oversimplified, as

I say, I think fairly one could summarize the approach which will be offered by the gentleman from Michigan (Mr. BROOMFIELD) on behalf of the administration by saying that the money requested by the administration for military aid to El Salvador will be forthcoming upon the approval of the President himself. It could, of course, be disapproved, but it would have to be by action of both Houses of the Congress.

So if I may take the liberty of stipulating at the outset of the debate—and again I acknowledge that it is in somewhat oversimplified form; nonetheless, this is the heart of the substance before us—under my amendment all military aid to El Salvador would have to be prefaced on the acceptance by the Congress, as well as the President, that certain conditions had been met; otherwise there would be no aid.

Under the approach of the committee and that which will be fought for and spoken for by the gentleman from Florida (Mr. FASCELL), one-third of the military aid would be forthcoming at the request of the President; the remaining two-thirds would be conditioned upon approval by the Congress as well as by the President. And under the approach that will be offered by the gentleman from Michigan on behalf of the administration, as I understand it, essentially all the aid would be forthcoming if the President himself were satisfied with the progress being made.

That, as I say, is essentially the substance that is before us, and I am quite confident that the debate will proceed perhaps with increasing emotion.

Mr. Chairman, I hope very, very much that the substance and the purpose of the amendment which I now offer is understood by every Member of this body.

This amendment is not intended to terminate U.S. military aid to El Salvador. Let me say again that my amendment is not intended to terminate U.S. military aid to El Salvador. It is, rather, intended to spur reforms that must occur if a military victory by the left is to be avoided.

May I also state parenthetically that I suspect one could stipulate, with the agreement of every Member of this body, that a military victory by the left in El Salvador, by the extreme left in El Salvador or any other country in Central America, is to be avoided, and that ought to be a cardinal goal of U.S. policy.

Let me say again that it is with that common goal in mind that this amendment is offered, not in order to terminate military aid to El Salvador but to provide an incentive and leverage to bring about those reforms without which a military victory by the left is absolutely inevitable.

Under this amendment El Salvador would qualify for all military aid requested by the President for 1985 if the President certifies, and if the Congress by joint resolution agrees, that first, those known to be responsible for death squad activity in El Salvador have been purged from the armed forces; second, El Salvador is in compliance with international treaty obligations concerning the treatment of prisoners and civilian noncombatants; and third, El Salvador is engaged in negotiations for the purpose of seeking an equitable political solution to the civil war, and that this solution is to be based on free and fair elections and on reforms needed to assure the physical security of those participating in the electoral process. Obviously under this condition El Salvador would not be under any obligation if the left would refuse to negotiate.

That, Mr. Chairman, is the substance of this amendment. The amendment would not create an unfair or unattainable standard for El Salvador. The three conditions which must be met can be achieved if the military leadership of El Salvador decides that it is in their best interests to achieve them.

Think about the three conditions, I say to my colleagues. They are not particularly difficult if one is so inclined. Not only that, but they are precisely what Mr. Duarte, the apparently newly elected President of El Salvador, says he seeks to achieve. Those involved in death squad activity are well known. Prisoners need not be tortured and killed, and the negotiating process must be initiated if the people of El Salvador are ever again to know peace. The standard for compliance is not absolute, but it must be sufficient to convince both the President and this Congress that the purpose of the conditions has been achieved.

Those who argue, Mr. Chairman, that the amendment would lead inevitably to a cutoff of military aid are admitting, in making that argument, that they lack faith in Napoleon Duarte, and that they believe his election will produce only business as usual in El Salvador.

I say to my colleagues if you have faith in the willingness and ability of President Duarte to do precisely what he says he intends to do, you ought to support this amendment, for it will give him the leverage without which he cannot possibly do what he intends to do.

Last December, in an article in the Washington Post, the ranking minority member of our Committee on Foreign Affairs, the gentleman from Michigan, congratulated our Ambassador to El Salvador, Thomas Pickering, for publicly accusing El Salvador of failing to crack down on the death squads. And I quote to you: "Finally," wrote the gentleman from Michigan, "someone in our Government has linked these continuing atrocities with the question of future U.S. aid."

That happens to be a very clear description of the purpose and the substance of this amendment. It is a precise statement as well, I am convinced, and I think it states what I believe certainly, and what the majority of the American people believe, by every measure that we have, what ought to be our policy with respect to our military aid to El Salvador.

It is for these reasons that I offer this amendment. I hope it will be approved. And let me suggest to my colleagues that there is nothing inconsistent with the fundamental goals of U.S. security policy, with the desire to avoid a military takeover by the forces of the extreme left in El Salvador and throughout Central America, there is nothing inconsistent with this Congress in the name of the people whom we represent insisting that the people who are to be recipients of U.S. military aid respect minimal norms of civilized behavior in dealing with their own people.

If we want to help Mr. Duarte enact his own platform, to rid his nation of the killers that riddle the armed forces and the security forces of his land, to bring about a negotiated settlement of the war that has torn that nation for far too long, then we must give him the leverage that this amendment and this amendment alone will give him in the extraordinarily difficult task he now faces of attempting to rid his nation of the forces that have paralyzed and dominated it for far too long.

It is for that reason, Mr. Chairman, that I urge my colleagues to support this amendment.

The CHAIRMAN. The gentleman from Massachusetts (Mr. STUDDS) has consumed 11 minutes.

For what purpose does the gentleman from Michigan (Mr. BROOMFIELD) rise?

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. Is the gentleman in opposition to the amendment?

Mr. BROOMFIELD. Yes; I am in opposition to it, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. BROOMFIELD) is recognized for 1½ hours.

Mr. BROOMFIELD. Mr. Chairman, if you want America to pull out completely from El Salvador, then cast your vote for the Studds amendment. If you want to turn that country over to the Marxists, and Cuban-Nicaraguan dominance, vote for this approach. You will be casting a vote for a program which will push El Salvador off the cliff.

If you are thinking of supporting the Studds amendment, you should

ask, What happens if the guerrillas win?

What kind of society will they build in El Salvador?

Will human rights be respected?

Will opposition parties exist?

Will a future Marxist-Leninist government permit voting?

Will the Salvadorans be allowed to practice their faith?

Will future generations of Salvadoran children grow up in a democratic nation assured of peace?

What is beyond El Salvador if communism triumphs in that country?

Will the exporters of the revolution without frontiers take it to the Rio Grande?

If that happens, democracy in the entire region will be lost and America's national security will be in jeopardy. The world has become too dangerous and too complex for us to simply drop out. We cannot just hope that all will be well in the world.

There are many reasons why I oppose the Studds amendment. It is completely unacceptable. In essence, it severely restricts the administration's flexibility in pursuing U.S. foreign policy objectives in Central America.

Although some conditions are appropriate, and realistic, overconditioning will kill any effort. A certain amount of pressure can be exerted by our Government on other countries. We can encourage them to make progress in certain areas. Unrealistic demands, however, will not be met.

The amendment before us conditions El Salvador to death and severely restricts the President's options. The President must have flexibility in conducting foreign policy. Tying both of his hands behind his back is foolish and dangerous. This proposal would take away all of his flexibility.

Is this the way Congress helps promote our foreign policy interests in our own backyard? I agree with responsible congressional oversight, but not with irresponsible meddling. The legislative branch should help the President conduct a successful foreign policy, not hinder him.

Just last Sunday, El Salvador elected a new President. He will move that country along the road to democracy. He needs our help. Now is not the time to abandon him, or his country. For these reasons, I ask my colleagues to vote against the Studds amendment.

□ 1040

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I want to express my appreciation to the gentleman from Massachusetts for offering this amendment and for yielding to me at this point in the debate.

There are so many ways in which this debate takes us back to the debates that took place during the Vietnam war. What we decide today may ultimately determine whether the United States of America becomes involved directly with our own military forces in Central America.

We have at this point perhaps a last chance to exercise leverage in Central America and especially in El Salvador to have the new President elect get the support from the military forces to deal with that society in such a fashion as to make the government of El Salvador capable of receiving the support both of its own people and that of the American people.

When it is said as the President has, that the solution is more and more military involvement in Central America, we ignore the history of the United States in relation to Central America and go back to the worst days of our relationship with the nations of that region. What we ought to be doing is working with the Contadora nations in helping to bring a negotiated resolution to the present conflicts in Central America.

There has been discussion on this floor already about how it is all the fault of the Communists and the Marxists and the Leninists that such serious problems exist in Central America. Costa Rica has been pointed to as an example of how aggressive the Nicaraguans are and how they are now in the process of preparing to wage war on Costa Rica.

What we ought to note is that we, the United States of America, have placed Costa Rica in the untenable position of serving as the haven for counter revolutionary forces which we built and now fund to fight against Nicaragua. It is a perfect example of how we are both Americanizing the conflict and spreading it throughout the region.

As in Honduras where, we have in essence, built one, gigantic American military base out of that country. It is filled with military camps, runways and landing strips, military hospitals; training camps for the Salvadoran Army; radar stations and hundreds of ships off the coast. In El Salvador our pilots are flying surveillance missions and are accompanying observers on bombing missions with the Salvadoran forces. Our military advisers have already found themselves fired upon.

The American people have said to us quite clearly, in every poll that has been taken "Do not let the United States become involved in combat in Central America," and yet the President's policies inexorably take us down that path.

The gentleman from Massachusetts offers us a way of avoiding that awful prospect. The choice this body makes today is a historic one. It is a choice between whether this country will be drawn into a prolonged and bloody war in Central America, or whether we will seek a negotiated resolution to the region's conflicts.

Congress will also decide whether it will exercise its constitutional right to influence U.S. foreign policy, or whether, as it did in the early days of the Vietnam conflict, abdicate its responsibilities and give sole authority to the President. In Vietnam we witnessed the tragic consequences of a President acting alone, without congressional involvement and approval. I hope today that we will choose a different course from the one made 20 years ago.

The President has clearly staked out his course. It is one based on military force and covert action, not negotiations and peace. It pays lipservice to the goals of the Contadora nations, while steadily increasing the numbers of U.S. military trainers, troops, and arms in the region.

In the past year, U.S. Armed Forces have edged dangerously close to a direct combat role in Central America. Senior administration officials now acknowledge that contingency plans are being prepared for use of American troops in the region. American advisers in El Salvador, who now carry automatic weapons, have been exposed to hostile fire. U.S. aircraft provide combat support for Salvadoran troops in battle zones. American advisers on training missions with Salvadoran pilots participate in bombing runs against guerrilla units.

Off the coasts of Nicaragua, ships operated by the Central Intelligence Agency have served as control centers for the mining of Puerto Corinto and Puerto Sandino.

Now may be our best and perhaps last chance to reach a negotiated settlement to the conflicts in El Salvador and the rest of Central America. We should use our power, leverage, and persuasion to bring the contending parties to the negotiating table, not draw them closer to war.

In El Salvador, the guerrillas and government security forces are at a stalemate. Neither side is certain of the degree of America's future military involvement, and it seems that now we have the conditions for bringing about a negotiated solution. Shipment of additional U.S. military aid or more American troops would only provoke both sides into continuing the war.

The Studds amendment would go a long way toward bringing about a peaceful resolution of the conflict in El Salvador. By tying military aid to negotiations, we will strengthen Mr Duarte in his pledge to halt the war and bring the warring factions to the negotiating table. By linking aid to elimination of the death squads, we will send an unambiguous message that the Salvadoran military must

comply with basic human rights conditions.

The reforms we are asking are not extraordinary, nor impossible to achieve. We are simply expecting of the Salvadorans behavior that we expect of all our allies.

Congress must act now to change the course of current U.S. policy in Central America before it is too late. U.S.-funded Contras along Nicaragua's southern border now threaten to draw Costa Rica into a war with Nicaragua. A helicopter carrying two U.S. Senators has been downed along the Salvadoran border. A U.S. trainer has been shot and killed in San Salvador.

In poll after poll the American people have demonstrated that they do not want American military involvement in Central America. It is time that the House join the American people and cast its vote for peace, and against the militaristic policies of this administration.

Mr. BROOMFIELD. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the Studds amendment.

The gentleman has described his amendment as not being offered "for the purpose of terminating military aid to El Salvador; rather it is intended to spur those political and judicial reforms that must occur if El Salvador is to avoid an eventual military victory by the left." I believe the gentleman's amendment would achieve exactly the opposite result: it would terminate military aid, it would not spur political and judicial reform, and it would invite a military victory by the left. It requires perfection, not progress.

Critics of administration policy in El Salvador say they do not want a military solution applied to that country. But that is what you will have if you restrict military aid as the Studds amendment proposes—a military solution by the left. Limiting military aid will not force the democratically elected Government of El Salvador to negotiate. It will make the Salvadoran military feel less secure and less likely to support any proposal for dialog with the armed opposition in El Salvador. Restricting military aid will only give the leftist guerrillas every reason to believe they will achieve their objectives by continuing to fight rather then having to dialog with the government.

The report of the Jackson plan states:

> Experience suggests that a lasting political solution will become possible only when the insurgents are convinced that they cannot win through force, and are therefore willing to settle for the next best option: taking advantage of opportunities for democratic competition and participation. A successful counter-insurgency effort is not a substitute for negotiations. But such an effort—the more rapid the better—is a necessary condition for a political solution.

A prominent Carter official and former Ambassador to Costa Rica Frank McNeil told our subcommittee that it was important to negotiate along the Contadora line but do not give up beforehand one of the key elements to the Contadora formula: reciprocal military disengagement.

Neither the administration nor those of us who support the administration's policy in El Salvador is seeking a military solution to the problems of Central America. Newly elected President Duarte has said that he will engage in a dialog with the leftist opposition to find a peaceful settlement through the electoral process to the crisis in his country. But, he has also told us he wants more economic and military assistance. I had the privilege to be part of the official observer team for the Presidential elections in El Salvador both for the first round in March and the runoff this past weekend. For both elections, the official U.S. observer teams unanimously agreed that the elections have been free, fair, and honest.

In our meeting with Duarte the night before the election, he told us he will take strong steps to further control the human rights abuses. But, it must be recognized that it cannot be done overnight nor accomplished with perfection. In his telegram to all Members of Congress, President-elect Duarte said:

> In order to avoid the disaster that has befallen our neighboring country which has seen its legitimate aspirations for democracy frustrated by a Marxist-Leninist takeover, we need adequate economic and military assistance from the American Government.

The Salvadoran military played a role that was neutral in the elections, supporting the process but taking no sides, 3d Brigade Commander Monterrosa said, in response to a question, "of course, we will support Mr. Duarte, just as we would support anyone whom the people elect." Even, D'Aubuisson has said he would respect the results of the elections. For those who question the validity of the elections because voting is required, that is an easy enough requirement to circumvent. In the 1960's and 1970's, only 50 to 60 percent of the electorate voted compared to the 80 percent in 1982, 78.8 percent in March and the projected 80 percent last Sunday. In those elections before 1982, the traditional way to protest was to cast blank ballots, and in some elections 50 percent were cast blank. For both 1982 and 1984, the number of blank ballots were only 3 percent. If some say the voters were afraid not to vote, others would say the voters were threatened by the guerrillas if they did vote. It was certainly easy the tell with your finger stained and your ID card stamped that you had voted. Incidentially, as you can see, the stain remains.

The clear message is the one expressed by former Costa Rican President Jose Figueres: "When referring to the democracies of Central America, you now have to include El Salvador." The message this House should be sending should also be clear: We support your effort to preserve and strengthen your democratic government and your goals for economic and social justice. The Studds amendment does not do that. It denies any supplemental military assistance for this year, just as the bill does, which tells the Salvadorans who have attempted to be responsive to our concerns on human rights that cooperation with the United States will not be reciprocated. It places such restrictive conditions on military aid for next fiscal year that it effectively denies any further military aid. It also places the same restrictions on half the economic support funds for El Salvador. I find it particularly hard to understand cutting economic aid when critics have always said we should be sending more economic aid.

The Studds amendment also perpetuates the "pot of gold" proposal of the bill which serves only to give Nicaragua a veto over how we aid our friends and allies in the region who are in desparate need of economic assistance now. The pot of gold is made possible by cutting an equivalent amount from individual economic funding for Central American countries such as Honduras. The $74 million cut from that country, the poorest in the region, could mean the difference between continued economic decline and positive growth. It would increase the unemployment program, increase political unrest and threaten the democratically elected government.

Whatever the arguments are against the Studds amendment, the bottom line is that we must consider our national security interests above all else. The choice we have to make is between a responsible, constructive role for the United States in Central America or leaving the initiative to the Soviets and its allies. I do not believe the Studds amendment preserves U.S. interests in Central America or our security interests at home. I urge my colleagues to reject the Studds amendment.

□ 1050

Mr. MONTGOMERY. Will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding and I rise in opposition to the Studds amendment.

I was also one of the delegates from the House, one of the eight Members who went to El Salvador. I support ev-

erything the gentleman in the well has said.

We had a cross-section of Members from the House of Representatives and seven of the eight House Members sent a letter to Members yesterday supporting the Broomfield-Murtha amendment and in opposition to the Studds amendment because the Studds amendment is just too restrictive.

Those people need help down there. They need military help and it seems that the Broomfield-Murtha amendment goes to the problem.

We were there just there not 72 hours ago and I appreciate what the gentleman has said.

Mr. LAGOMARSINO. I commend the gentleman for his statement. I want to tell the House that the gentleman not only took the time to go to El Salvador and observe the elections but he put his life at risk. If anybody thinks the guerrillas are kidding around they might talk to the gentleman. He was in a helicopter that was fired on by the guerrillas, and so he exhibited some of the same bravery that the Salvadoran people did in standing up to the guerrillas in San Miguel, for example, where they had invaded the town, set off 20 bombs, killing women and children.

Mr. MONTGOMERY. If the gentleman would yield further, I appreciate what he says. Quite frankly, there was no bravery. There was no way you could get out of the helicopter.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Chairman, I support the Studds amendment because it helps us achieve our goal in El Salvador.

So now it becomes necessary to ask the question: What is this goal for El Salvador? I believe people on all sides of the issue would say the goal for El Salvador is true democracy and a government which gains the support of its own people.

To do this it seems to me the government must do the following: One, put an end to the death squads which terrorize the people and killed four American nuns. And I might add to my colleague from this side of the aisle, who said that the guerrillas don't fool around, that death squads do not fool around either. Two, they must make real progress on social and land reform to bring economic justice to the people of El Salvador. Three, they must engage in meaningful, peaceful negotiations to end the civil war.

If these three improvements are accomplished I believe true democracy in El Salvador is possible. without these reforms the civil war will worsen because the people in El Salvador will not support their government. They will not be in sympathy with their government.

So the question is how can we, the Congress, help bring about these reforms, reforms that Mr. Duarte says he wants?

It seems clear that if Mr. Duarte can say that all military aid for his country can only be attained if he ends the death squads, if he negotiates peacefully, and if he engages in land reform and social reform, then we are helping Mr. Duarte achieve his ends. We are helping the people of El Salvador and we are hurting those elements in El Salvador who wish to disrupt and undermine democracy.

I would add that those elements, Mr. Chairman, are on the right and they are on the left.

In my view the Studds amendment is the best vehicle we have to use the leverage of our great Nation to bring about peace and stability, to give the Contadora process a chance by encouraging negotiations.

To the Members who have said that the President needs flexibility, I say to you that we gave the President flexibility in Lebanon and what happened? Two hundred and sixty American marines are dead.

Let us not Americanize this war. Let us not widen this conflict. Let us support the Studds amendment. Let us use our moral strength as well as our military strength. And I think this Congress will be making a great contribution to peace in that troubled portion of the world.

I yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will state to visitors in the gallery that there will be no demonstrations in the gallery under the rules of the House.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. TORRICELLI).

Mr. TORRICELLI. Mr. Chairman, I, too, rise in support of the Studds amendment.

Last night the President challenged Americans to meet the threat of communism in Central America. I rise with the same challenge.

But I ask us to face the reality of that struggle. We will not stop communism in Central America by supporting a government in El Salvador that victimizes its own people.

Human rights are not a lofty ideal, not an armchair expression of concern. Human rights are not the product of a bleeding heart.

A government that respects the rights of its own people is a necessity to succeed against the fight against communism in El Salvador. Ask yourself if you were a revolutionary in Central America, if you sought Communist expansion in Central America, what are the policies that you would design?

I suggest that you would indiscriminately jail young people without the benefit of trial or sentence. You would organize death squads. You would find the citizens of your principal supporter, the United States, and you would leave their murders unanswered.

These are the policies that will not stop communism. These are the policies that enhance it. These are the policies of the Government of El Salvador.

Mr. Chairman, I suggest that if communism in Central America is worth fighting, it is worth defeating. Human rights are not an impediment to the fight against communism; they are a necessity.

Death squads are a fifth column for Castro in El Salvador and they must be stopped. Give the people of El Salvador a government worth defending. Give them a reason to fight. Give them a reason to die. Give them the Studds amendment and we will succeed in the fight against communism in Central America.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. HYDE).

□ 1100

Mr. HYDE. Mr. Chairman, I just heard the distinguished lady from California say, "Let us not Americanize this conflict." It is Americanized, as it is in our hemisphere; it is on the American land mass, it is on the land bridge between North and Central America.

So America is involved geopolitically and morally. You know, setting these impossible conditions as precedent to any right for El Salvador to get any military aid is like telling me, "We will let you continue breathing if you pole vault 18 feet." It is just not going to happen.

We are demanding of El Salvador, not only E for effort but straight A's on their report card. Now if the Studds amendment is adopted, it will effectively terminate any and all military aid to El Salvador.

Now if you think that is going to advance the cause of human rights, I suggest you have not been paying attention to history. There are death squads on the right, of course there are; but there are death squads on the left. Why do we make El Salvador safe for the death squads on the left? Do you realize five members of the constituent assembly were murdered? They were all rightwingers; I am sure death squads on the left did that job.

That is the equivalent of 36 Members of Congress being killed. We remember the assassination of Lieutenant Commander Schaufellberger? Remember his name? How about the young lady that was killed on the train, Linda Cancel? We do not even remember her name. What about 18

people that were killed on a train recently by the terrorists of the left?

The list is long and bloody. So why would you want to demand a standard of achievement, complete perfection, before any military aid will go to El Salvador and drape that unattainable goal in the mantle of human rights? I do not understand that.

The bipartisan Kissinger Commission which had six pretty good strong partisan Democrats as members and who fortunately put their partisanship second to the welfare of the Nation, did not demand complete achievement. They demanded "demonstrated progress," toward these important goals.

Now, Mr. STUDDS' amendment demands complete achievement as to the removal of individuals ever even associated with the death squads. God, how I wish that could happen in New York, Chicago, San Francisco, maybe even Boston, I do not know. But we have murders and organized crime that operate there regularly.

We can make an honest effort to get rid of organized crime in our cities, but to require the survival of El Salvador to depend on the complete achievement of the goal of removal of not only of the death squads, but anyone ever associated with them, is to ask the impossible.

Another mandate of this amendment requires compliance with the 1977 protocol of the Geneva Convention; that implies recognition of the guerrillas, giving them status. We would not do that to the PLO, we do not even talk to them, do not even look in their direction, but in El Salvador, let the communist terrorists shoot their way into status and recognition.

Participation in negotiations without preconditions does not eliminate power-sharing as a demand from the Marxist guerrillas, which rewards them with power without submitting first to the electoral process.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I have so few minutes, Mr. SOLARZ; when I am through.

The rule in politics ought to be, reward your friends and punish your enemies. This amendment turns that on its head. It punishes our friends, the 1.4 million people that risked their lives and limbs to vote last Sunday, and it rewards our enemies by saying, until utopia is achieved in El Salvador, not a bullet, not a gun, not a dime will be provided to the elected government.

I just think that is stupid. We are saying to them, "kill a boa constrictor with a can of hairspray." This is an act of hostility to the 1.4 million people who risked their lives to vote, not an act of friendship. I hope this bit of extremism gets rejected and we get on to the bill and the Murtha/Broomfield amendment.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes. I am sorry. I forgot about it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. I thank the chairman.

Mr. Chairman, last night, President Reagan delivered a speech to the American people that dangerously distorted the situation in Central America. A policy that is based on this view is destined for disaster. If we ignore the complexities of the struggle for democracy in El Salvador as the President did last night, I believe we will place the people of the region and our own Nation in great danger.

Since 1979, the El Salvadoran Army security forces and paramilitary squads allied with them have been responsible for the deaths of nearly 40,000 noncombat and civilians, according to documentation supplied by the Catholic Church in that country.

In the final 3 months of 1983, the civilian death toll at the hands of the government forces averaged 120 per week.

To suggest on this floor that murders in Chicago, Boston, New York, and other cities are comparable to this is just pure rubbish.

The corruption, the incompetence, and the brutality of the Salvadoran military, itself, has been a major cause of the insurgency in El Salvador, just as such grievances were a major cause of the rebellion that overthrew Anastasio Somoza. To ally ourselves unequivocally with such forces is not only morally repugnant, it is contrary to our national best interests.

Napoleon Duarte, who appears to have won the election, is indeed a decent man with a sincere commitment to peace and democracy. Yet the central question in El Salvador remains: Will the military allow him to govern? Duarte was President for 2 years—from 1980 to 1982. During this time, he was unable to exercise the leadership necessary and we saw during that period some of the worst political violence in the history of El Salvador as over 25,000 people were killed, mostly by Government security forces.

Today we learn that even Duarte's electoral victory is uncertain because Roberto D'Aubuisson is also claiming victory for last Sunday's election. Perhaps Duarte, like President Alfonsin of Argentina, will be able to restrain the abuses of an overbearing military and lay the foundation for democracy in El Salvador. Perhaps he will be able to begin the process of the political dialog that is necessary to bring all parts of Salvadoran society together for peace.

For us to rush in with millions of dollars of unconditional military aid will undermine rather than contribute to the prospects of peace and democracy in El Salvador.

If the Government of El Salvador cannot meet the minimum standards for human rights and political reform that we are proposing today, if it cannot control the death squads and reach out to embrace the prospects for negotiations, it will never win the support of the people of El Salvador or stem the rising tide of violence.

If we tie our Nation's prestige to a government that cannot meet these basic conditions, if we commit ourselves to massive military aid without asking whether that aid is being used in support of realistic policies, then we are endangering ourselves indeed.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ZSCHAU), a member of the Committee on Foreign Affairs.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I strongly support the objective of the amendment offered by the gentleman from Massachusetts (Mr. STUDDS). Its objective is to improve the opportunity of the people of El Salvador to achieve peace and prosperity in their country—an end to violence and suffering and the creation of freedom, opportunities, justice, and human rights for all the people of that troubled country.

It is a difficult and complex situation. There are no easy answers. Dedicated, responsible people disagree on what the facts are concerning El Salvador in addition to what the United States should do to help. That debate is healthy. From it should emerge better policy. I look forward to today's discussion.

We hear from many experts on the Central American issue. They have much to contribute. However, I would like to suggest that the real experts on this issue are the people of El Salvador themselves. They are on the scene. They must live with the situation every day of their lives. We should look to the people of El Salvador for some guidance on this issue.

Over the past 6 weeks, we have had two elections in El Salvador. The elections demonstrate conclusively that the people of El Salvador reject the guerrillas. Despite guerrilla threats on their lives, despite guerrillas attacks that closed down 10 percent of the polling places and made getting to the polls difficult, people turned out in incredible numbers. Between 75 percent and 80 percent of the eligible voters actually voted in each election. It was a remarkable display of a thirst for democracy and hope for a better life.

The guerrillas slogan was, "No, to elections; yes, to popular revolution."

The people of El Salvador said just the opposite. The results of the elections clearly indicate a repudiation of the guerrillas. For example, the number of blank ballots, the way that Salvadorans have shown their opposition to all candidates on the ballot in the past, was under 5 or 6 percent. This stood in sharp contrast to the more than 50 percent blank ballots in the sham elections in the past.

The people of El Salvador told me that they feel that the guerrillas are troublemakers. They feel they are the victims of the guerrillas. They want peace, they want jobs, they want stability. They hope that a democratically elected government will help achieve all that.

During the evening of March 25, after the voting was over, a group of us, who were there as observers, had the opportunity to visit with union leaders to get their feelings about U.S. policy toward El Salvador. We asked them the question: "Should the United States stop its military assistance to the Government of El Salvador?"

They said, "Absolutely not." They feared that would result in more fighting, greater guerrilla violence, and it could result in the fragile gains that had been made toward democracy being lost. The Campesinos and the trades people represented by these unions have been the target of repression and violence by the rightwing in the past. Recent reforms have given them hope for the future. They reject unilateral cessation of U.S. support to the Government of El Salvador because it would undermine the progress that they have made.

We also had the opportunity to visit with Archbishop Rivera y Damas that evening. We talked about the election and the situation there in El Salvador. The archbishop is a man dedicated to peace. He condemns violence on both sides. However, when asked if the United States should stop its military support for the Government of El Salvador, he said, "No, not unless the guerrillas stop their attacks as well."

He wants violence stopped by all sides, but told us that unilateral cessation of the military support to the Government of El Salvador would be a mistake.

I asked him, "Has improvement been made in the human rights situation since I last visited here 7 months before?"

And he said, "Yes, not only qualitatively, but quantitatively." He referred to improvement as measured by the statistics that had been gathered by the Tutela Legal, a Catholic agency dedicated to human rights.

The early results of the March 6 election indicate that Jose Napoleon Duarte will be the next President of El Salvador. He is a man committed to reform for the people, a man committed to trying to bring elements of the guerrilla movement into the political process through fair elections.

For President-elect Duarte, the months ahead will be difficult. His authority and policies will be challenged, not only from the left but also from the right. There could be violent attacks from all quarters. He and the people of El Salvador have asked for our help.

If the Studds amendment passes, military assistance will be cut off at the very time when it is needed most to protect the fragile, newly elected government. The people of El Salvador have struggled and sacrificed to establish just the glimmer of a democractic system. They have a newly elected President committed to reforms. If we truly care about reforms in El Salvador, we should support him, not abandon him now. He will need our help to press forward on reforms. At the very time that he is going to be challenged from all sides but when the hopes of the Salvadoran people have a chance to be realized, let us not have the United States message be, "We are going to pull the rug out from under you." Rather, let us say, "We are committed to support the democratic process in El Salvador."

Mr. Chairman, the people of El Salvador want democracy and reform. They deserve it. I think they ought to have it.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I want to commend the gentleman from Massachusetts (Mr. STUDDS) for all the work he has done on this issue.

The provisions of the measure that relate to human rights and negotiations are necessary. The current conflict in El Salvador has its origins in the economic and social inequities of the country that have been enforced by the most brutal methods of intimidation.

All observers agree that the death squads, supported by the military in El Salvador, are responsible for the violent deaths of tens of thousands of people in the past few years; victims that were not killed in combat, but were murdered in cold blood, invariably in the dead of night.

Among the victims of this terror are our own American citizens. We know that the cases involving the four American churchwomen who were murdered nearly 4 years ago have not been solved. Those responsible have not been brought to justice. The El Salvadoran Government has stonewalled on these and other cases.

Judge Taylor's report regarding these murders has been classified which suggests a coverup is involved.

Mr. Chairman, the American taxpayer has given $1 billion to El Salvador. Our people have a right to know if their money is going to people who share our values. They need to know that it is being used to promote a policy that can succeed.

Unfortunately, the record of the last 4 years indicates that those who have been administering American aid are acting in direct opposition to the values that most Americans share.

Mr. Chairman, our country was founded on the principle of human rights. How can we discard that in terms of how we give our taxpayers' money to other countries?

Our American people understand the value of human rights. Many of our ancestors came to this country because of this quest.

Mr. Chairman, I believe that divorcing human rights from foreign aid is wrong. Our country should not only be feared, our country should be respected. We are not respected when we support an oppressive military regime that terrorizes its own people. We are not respected when we do not demand that our taxpayers' money be used without any regard to the El Salvadoran people's human rights.

We must, as Americans, be a beacon of hope, a moral force. Not a force that offers only military solutions and terror to people in other parts of the world with no regard for human rights, for the lives of people.

I say to my colleagues that the least we should do is attach the elements of human rights to this legislation.

I commend the gentleman from Massachusetts and I hope that those values, the values related to human rights, will always be part of our country's assistance.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Chairman, the gentlemen from Massachusetts suggests that the purpose of his amendment is to somehow protect the human rights of the people of El Salvador.

His amendment would have the exact opposite effect.

Last weekend the people of El Salvador exercised a very basic human right, standing under the hot Sun for hours, risking their lives to freely choose their own leaders in a truly democratic process.

Howard K. Smith, the television journalist, was a part of the official Presidential delegation of observers to that election. And on his return he said that he had observed elections in democracies all over the world and had never before seen another people as ardent for democracy as the people of El Salvador.

There are 5½ million people in El Salvador. Those are the people who will lose the democracy they have sacrificed so much for if we refuse to help them now, if we allow a small band of

terrorists, two-tenths of 1 percent of the population, armed with weapons from the Soviet Union and North Korea and East Germany and Bulgaria, to step in and destroy their freedoms, their democracy.

There are some evil and violent people in El Salvador, but they do not run that country. The military, that has been derided on this floor, protected at risk to their own lives the rights of the Salvadoran people to freely choose their own leaders. The government insured free and honest elections in that government. That is a democracy. It is imperfect. There are people in it who are imperfect. But they do not run that country. There are judges who are afraid to bring people to trial. That, I suggest, is true in cities in this country as well.

Do not, under the name of human rights, offer amendments that will turn El Salvador into another Nicaragua without free press, without elections. Do not come to this floor with a "human rights" amendment to destroy the human rights of 5½ million great people in El Salvador.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY. Mr. Chairman, I rise in support of the Studds amendment.

I support this amendment that calls for certain conditions, being met before military aid can be given to El Salvador for 1985. The last few days I have heard said that the Studds amendment is too tough. Well, we thought we were being tough when we said that our aid, our military aid, had to be tied to a trial for the women who were murdered, the nuns who were slaughtered in El Salvador.

Well, there has been no trial and the funds continue, to go to El Salvador.

We thought that we were being tough when we held up our vote in the House and we said we wanted to wait for the elections in El Salvador.

Well, the President used his Executive prerogatives and he kept the funds going. They are still going to El Salvador.

The President himself thought he was being tough when he sent the Vice President there last December. He said to the Vice President, "Here is a list. Here are the names of those involved in these murderous activities. Either they are removed from the Government and military leadership or no more aid."

Well, two men were given diplomatic reassignment in their service. They are in Europe now. The rest of the men are still in the military, still in the Government, and the aid continues.

Well, I do not think it is too tough for us to say we have not been listened to up to now. We have to have conditions tied to military aid because the people of these United States know what is going on in El Salvador. They know that these murders, this disregard for human rights are continuing and we are continuing to send military aid with no conditions.

We heard a lot about morality last night. But what about the morality of the United States if we continue our present policy, if we continue to send funds, and the murders continue and we act like we do not know it.

□ 1120

Mr. Chairman, I say the conditions are not too tough; but the situation is tough, and Duarte has got to know that we will support him in keeping those campaign promises he made. We will support those who help him to bring about these reforms. If nothing changes then aid will end.

Mr. BROOMFIELD. Mr. Chairman, I yield 7 minutes to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Chairman, last night President Reagan made an eloquent plea for the United States to stand with our neighbors in Central America. His plea was well taken. But unfortunately, despite that plea, despite the report from the bipartisan Kissinger Commission, despite previous speeches and requests by the President, despite the pleas and the outcries from our neighbors in Central America, we have taken no action in recent months to assist our friends and neighbors down there. In fact, the Armed Services Subcommittee on Military Installations and Facilities under Chairman DELLUMS just last week voted to withhold aid from Honduras. The Foreign Affairs Subcommittee on Western Hemisphere has taken action to curtail and restrict our activities in Central America. The Appropriations Subcommittee on Foreign Operations under Chairman LONG, on which I serve, has taken no action whatsoever, despite months of promises and many conditions imposed on the country of El Salvador. And, of course, over the last 2 years the Intelligence Committee of the House of Representatives has taken action to withhold aid to the freedom fighters in Nicaragua.

One would have to be blind not to see what is going on in Central America. I daresay that many of our blind citizens understand very well and see very clearly the fact that the leaders of the Communist government there are fulfilling the promises that they themselves made to us over the last 4 years. They have said, and they are following through with their declarations, that they are bent on revolution without borders throughout Central America. They will not be content until communism has prevailed in all of the countries, not just Nicaragua, but Costa Rica, Honduras, Guatemala, El Salvador, ultimately Mexico, and throughout Central America. Yet, they have offered nothing, even in Nicaragua, despite their promises, other than totalitarian repression.

They have repressed the Catholic Church, they have not followed through with the promised elections, they have eliminated the free press, they control the private economy, they have overwhelmingly increased the militarization of that country. In fact, they have got an armed services in Nicaragua that is larger than all of the military in all of the other countries in Central America put together.

They have discriminated and repressed and exiled and even imprisoned members of the ethnic populations of their country, and yet we close our eyes, our ears, and we close our hearts and our minds to what is going on in Nicaragua and what they intend for our neighbors in the rest of Central America.

Mr. Chairman, my home in New Orleans in closer to San Salvador in El Salvador than it is to New York or to Los Angeles. The United States of America is dependent upon the sealanes going through Central America for 50 percent of all of our imports and our exports. Thirty percent of all of our exports go to Latin America. We are vitally dependent on everything that happens down there. And yet we ignore the fact that what is happening to our neighbors to the south may some day soon, very soon, happen to us. We choose to ignore that fact.

Mr. Chairman, 12 years ago in the streets of the Bronx in New York City there was a case involving a young lady by the name of Kitty Genovese. She was returning home after a day of work in a hospital. She was accosted by a bunch of young punks and thugs. They attacked her. They cut her. They beat her. She ran, in her own neighborhood, to the nearest door, banging on the door, calling and pleading for her neighbors to come out and help her. There were people at home, and yet they left the door closed and refused to come out. She ran to the next door and she banged on that door, and the neighbors refused to give her any assistance whatsoever. She got away from her attackers once more, went to the third door, and again they refused to come out and assist her, and eventually the thugs caught up with her, they beat her, they cut her, and they killed her.

Mr. Chairman, that true story is symptomatic of the mood of many Americans, many of our fellow citizens. We are closing our doors, closing our minds, our hearts, we are hiding our ears and our eyes to the unpleasantness that is happening in Central America. We are choosing to shut out the tyranny that goes on day in and day out with our neighbors in the south. And it is a dangerous and dis-

tasteful attitude. It is one which, if not turned around, if not cured, will cause us to face the same type of tyranny that Kitty Genovese faced in her own neighborhood in New York.

Mr. Chairman, we cannot afford to let that happen. The Soviet-Cuban-Nicaraguan axis is indeed unpleasant, and they plan further tyranny for all of Central America and eventually for all of the citizens of this Nation. If we do not open our eyes, if we do not listen to what they tell us, if we do not open our hearts and our minds to our neighbors to the south, then one day we shall surely suffer the same tyranny that they plan now for the people of El Salvador. And, indeed, we shall surely perish and the rights and the liberties we hold so dear will no longer exist.

Mr. STUDDS. Mr. Chairman, may I inquire as to how much time remains on each side?

The CHAIRMAN. Each side has an hour and 3 minutes remaining at this point.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, people listening to this debate might be excused for some confusion as to what is in the amendment offered by the gentleman from Massachusetts. It is not an amendment to cut off all aid. One Member said, "Well, what about the death squads on the left?" This amendment would, if it is carried out, provide $132 million, a substantial part of which would go toward shooting at the death squads on the left. It is not an effort to cut off all military aid. It is an effort to provide conditions under which military aid could be provided in a manner that would be useful.

One of the most conspicuous facts about this administration's current policy in El Salvador is its lack of success. They have had much of what they have asked for. And through no fault of the people of the United States, the Salvadoran Government and army has been unable to organize itself, to appeal to its people sufficiently to put down its armed rebellion.

Some of the reasons it has failed to do so are reasons the gentleman from Massachusetts is addressing. This says, "Yes, the full amount of military aid will go if the death squads on the government side are stopped."

Does this say that we have no confidence in the new president? Quite to the contrary. He is the one to whom it is addressed. If people had no confidence that Mr. Duarte could do this, then the amendment would not have had any purpose. It says that we want negotiations which aim at full participation and free elections. What we are saying is that the effort to date has been notably unsuccessful through no fault of anyone in the United States. There has been an inability in El Salvador itself to pull this together.

We are saying these are the conditions which we think are the minimum necessary if this effort is to succeed, and if these conditions are met, then we are prepared to provide military assistance.

So the effort to portray this as some total withdrawal, some unilateral abstention, is simply wrong. The failures, the problems, the gains that the rebellion has had so far are the result of current policy. Current policy has been here dismally unsuccessful, and the amendment of the gentleman from Massachusetts is trying to create conditions under which it could succeed.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. PHILIP M. CRANE).

Mr. PHILIP M. CRANE. Mr. Chairman, I find this debate and this amendment somewhat intriguing. The idea of imposing certification requirements upon the country of El Salvador, a nation on our doorstep, is novel. We do not impose such requirements upon other nations to whom we are extending military and economic assistance in spite of the fact their track records in the area of the development of democratic institutions or the observance of basic human rights is not as good as that of the Government of El Salvador. Tunisia and Zaire are immediate examples that come to mind. But I think there is a case that can be made, looking at the sorry history in Central America of the development of democratic institutions—with, of course, the shining exception of Costa Rica—that Central American Republics have a demonstrable incapacity for self-government.

□ 1130

To the extent that is the sorry tradition in Central America over most of its span of separation from Spain, then one might reasonably argue they can only live under dictatorship.

I think that is clearly the consequence of passage of an amendment like this; it is condemning El Salvador, like its neighbor Nicaragua, to the kind of totalitarianism that most of those Central American countries have suffered under for most of their existence.

The broader question, it seems to me, is whether it is in our interest, as the country that is foremost in seeking to promote the ideals of self-government, religious freedom, freedom of association and freedom of speech and press, to let that happen. Our Democratic majority leader, Mr. WRIGHT, addressed these points after observing the conditions in Nicaragua. He likened it to Nazi Germany, a police state. He pledged himself at that time to do all in his power, and properly so, to guarantee that that condition would not prevail in the country of El Salvador.

I think the ideals that we see so repressively abused in Nicaragua are the ideals that we are fighting to preserve in El Salvador. You do not see the burning of synagogues in El Salvador, for example, as occurred in Nicaragua; you do not see the genocide in El Salvador practiced against minority groups such as the Miskito Indians as you see in Nicaragua. You do not see denial of the right of association in El Salvador; you do not see the repression of a free press in El Salvador that you see in Nicaragua.

If we are inclined to throw away our commitment to those values, we are doing several things in the process, it seems to me: One, turning our back on our Nation's lifelong commitment to try to promote those values; but second, I think we are creating another bastion of communism on our doorstep.

Mr. Chairman, I would like to read a quote on this subject from someone who cannot be accused of being on the conservative side of the political spectrum, yet one greatly admired for his intellect and his perceptivity on many issues: That is Morton Kondracke of the New Republic.

Morton Kondracke said:

> The Democrats seem to have a need for instant moral gratification. If faced with a hard, long, ambiguous struggle, their counsel is "don't do it." They want the killing to stop now, and they want it so badly that they are willing to hand away other people's freedom rather than help them fight.

I think that pretty well summarizes the nature of the debate. In it there is an aspect of deja vu. We have gone through this within this past decade and God forbid we should do it again.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. I thank the gentleman for yielding me this time.

Mr. Chairman, it has been said so many times that if we do not learn from history, we are condemned to repeat it. Again, it must be said that the problem with the President's views of Central America is that he is rewriting history, and hence his policies will fail.

Let me take one example from the President's speech last night. He said:

> When the Sandinistas were fighting the Somoza regime, the United States policy was, hands off.

Does anyone believe that? Does anyone believe that the U.S. Government did not until the very end seek to prop up the Somoza regime? What we did was the same thing we are doing now in El Salvador. We said to Somoza, please, show a little more democracy; show a little more land

reform; show a little more concern for human rights, but if you do not, you can be sure, Mr. Somoza, the aid will come pouring through.

Just 2 months before Somoza fell, in May 1979, the United States supported and lobbied effectively for a $66 million International Monetary Fund loan to the Somoza regime.

We are doing the same thing in El Salvador if we do not support the Studds amendment. We are telling the D'Aubuissons of the world, the death squads of the world, the far right of that country—which will never effectively defeat the rebels, because the people of the country will go with the rebels quicker than they will go with the people who have been oppressing them for years.

We are telling them very simply: Try to do better, but if you do not, the aid is going to come pouring through. Let us vote for the Studds amendment before it is too late. Let us finally send a message, clear and simple, to the military, to the oligarchy, to the far right in that country: Unless you stop your vile practices, we will not send you a nickel more of aid.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. I thank the gentleman for yielding me this time.

Mr. Chairman, I had the pleasant experience last weekend to be part of the official observer team in El Salvador. It was not my first trip to El Salvador; I hope it is not my last.

There are some ideas floating in the air on the floor today that do not seem to me to be rooted in the truth. Some were just expressed by my good friend who preceded me in the well. For example, my colleague says that our policy as expressed this administration and in the Broomfield amendment would be, please show a little restraint in El Salvador, Mr. Somoza.

Well, it is not Mr. Somoza who is going to be the President of El Salvador. As a matter of fact, on last Sunday, more El Salvadorans went to the polls as a percentage of their general population to choose their President than any State in this Nation in the last Presidential election.

Guess who they chose? Evidence points they did not choose someone to the far right or even right center; they chose Jose Napoleon Duarte, who is, in fact, center left. Who has, in fact, placed human rights and his anger and his bitterness at the human rights violations in El Salvador as No. 1 on his agenda.

We met with him, the official observer team before the election. It was almost midnight before the day of the election. Tired, we all were; nervous, we all were. Mr. Duarte admitted that he was filled with trepidation the day before the election. We met by candlelight in the basement of a downtown building. Candlelight because the rebels had cut the electricity across the land; not for freedom they did not do it, they did it to frighten the people so they would not vote.

We met, literally, by flickering candlelight to talk to a man who might have the most dangerous job in Central America sometime next month. To lead El Salvador, a nation at war, filled with people with hopes, hungry for democracy, to lead them away from the death squads. To lead them away from a long history of violence, to lead them to freedom.

Jose Napoleon Duarte said:

> I want your help; I do not want your soldiers, I want your help. I do not want your unfounded criticism; I want your help. I do not want your arbitrary time limits; I want your help. If you give me your help, we can save this nation.

He sent some of us a telegram yesterday. I would like to read it in the time I have left:

> I respectfully address this message to you and your colleagues as the President-elect of the Republic of El Salvador following an electoral process which began in March of 1982. On three occasions now the people of El Salvador have defied all threats and freely voted in overwhelming numbers for the candidates of their choice. Our people have demonstrated that they want peace, freedom and social justice.
>
> In order to avoid the disaster that has befallen our neighboring country which has seen its legitimate aspirations for democracy frustrated by a Marxist-Leninist takeover, we need adequate economic and military assistance from the American Government.
>
> I have pledged to establish peace and justice in El Salvador through dialogue with all citizens who wish to lay down their arms and their system of violence and participate in our new democratic process.
>
> Please help the people of El Salvador and contribute simultaneously to the security and stability of our hemisphere.

Mr. McCAIN. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I would be glad to yield to the gentleman from Arizona.

Mr. McCAIN. I thank the gentleman for yielding.

Mr. Chairman, first of all, I think the gentleman's words are articulate and certainly I believe, with his visits there, that the gentleman is certainly qualified to address the subject.

Is Mr. Duarte not the same individual who himself was imprisoned and tortured in his fight for democracy?

Mr. ROEMER. The Gentleman is correct. He has personal experience with the death squads.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. ROEMER) has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding this additional time to me, and I thank my colleague from Arizona.

Mr. Chairman, Jose Napoleon Duarte knows the good and bad of El Salvador. He has been rewarded by the good and punished by the bad.

So I did not come to give some flowery speech based on my few limited observations. I am glad I went. I learned a great deal. But it is the President-elect, a man who, if characterized at all, and labels are dangerous, would be center-left, progressive if you would, if you want to use that term, a man that I have deep faith in, a man who our colleague in the other body has described as "almost Communist," I think was the phrase that was used. A ridiculous characterization. A man who says, "Give me some help, give me some hope, and we can bring a neighboring country free again."

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I would be glad to yield to the gentleman from Kansas.

Mr. WINN. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman giving those remarks and reading the message from the President-elect. For some reason, some on the other side of the aisle have failed to say, when they pointed out that he served for 2 years, that he was not elected by the populous of his country.

We know better than that now. He has been elected this time by those people who want him to serve as their leader.

Mr. ROEMER. I thank the gentleman.

Mr. Chairman, let me close by saying that I know the men and women on my side of the aisle who support this amendment are decent and good, and I believe what you say when you are trying to foster the best interests of El Salvador.

My experience leads me in a different direction. My experience is coupled with that of the man who is charged with the responsibility now of leading this country, a good and decent man himself, and what he is asking, I believe, is to turn this amendment down and go another way. Let us do that.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. LUNDINE).

Mr. LUNDINE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have grave reservations about providing any additional military aid to El Salvador.

I saw a cartoon in one of the weekend papers that I guess somehow said it about as well as I could. There was Uncle Sam with a gun, in the dead of night, pointed at a dark forest, and he said, "Who goes there, friend of foe?"

And the answer was, "I am a revolutionary dedicated to overthrowing my

government and using terrorist activities in order to achieve that."

Uncle Sam said, "You did not answer my question."

I think what we, who support the Studds amendment, are simply trying to do is to answer that question.

Without what I consider to be the reasonable restrictions of the Studds amendment, I, for one, cannot support this bill. To defeat this amendment, which conditions this military aid on ending the death squads, protecting civilians and opening up a dialog to heal the bitter warfare in El Salvador, seems to me to be unreasonable, and it seems to me to invite defeat of this bill.

So for those Members on both sides of the aisle who want to see some aspect of the Kissinger Commission carried forward, I would suggest that these are not unreasonable restrictions.

Many of us in this country feel as though we are getting deeper and deeper into a quicksand of violence in Central America. To satisfy us, I ask my colleagues to support the Studds amendment.

The CHAIRMAN. The gentleman from Massachusetts (Mr. STUDDS) has 57 minutes remaining and the gentleman from Michigan (Mr. BROOMFIELD) has 52 minutes remaining.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I listened to the President's address last night, and I have listened to the debate this morning on the floor. The El Salvador which I hear described is not the El Salvador which I visited a few months ago.

The El Salvador described here on the floor of the House of Representatives by the opponents of this amendment is a nascent democracy that we are bringing along, a free and open society that needs the support of the United States to survive.

There is no question the Jose Napoleon Duarte is a man with good intentions, but let us face the facts. When he was President before he did not run the country. It is the army which rules El Salvador. It is the army that calls the shots. It is the army that has been implicated in brutal murders of tens of thousands of innocent civilians. It is the army that has been implicated in running the death squads, in killing the archbishop, in killing the Maryknolls.

None of them have ever been brought to justice. And we go there, so many of us have gone to El Salvador and said to the army, "We want you to make progress," and they nod and they say, "We are trying to make progress," and we leave and they laugh, because they know that this administration will never cut off military assistance to El Salvador. So there is no real reason to make any progress. There is no real reason for reform. There is no real reason to meet the minimum standards which should exist before any American tax dollars go to a country.

If we vote down the Studds amendment, and most particularly, if we pass the Broomfield amendment, the blank check amendment, then there will be no human rights reform in El Salvador. We will see a continuation of the killing, a continuation of an association with a government that would make most Americans sick to their stomachs.

That is what this debate is all about. We have heard so much about these elections. Last year, when I visited San Salvador, I met with one of the bishops and I asked him about the free elections. He said to me, "You North Americans, you always talk about elections. Do you not know that elections are just one note in the song of democracy? And you think that by playing that note over and over again, you are going to hear the whole song."

We are talking about American interests here. The fundamental interest that America has is to stand for the right values around the world, to stand for peace, for justice, for economic opportunity, and the idea of self-determination. This is not a choice between El Salvador and Nicaragua.

If we really want to bring about democracy in El Salvador, we have an opportunity to do that by voting for this amendment, by saying to the death squads, and saying to the military, "We will not tolerate these activities any longer. We will not give you any blank checks. We are going to stand for peace. We are going to stand for human rights. That is what our country represents and that is what our allies must represent also before they get any more American assistance."

That is the opportunity we have today.

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Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia, Mr. NEWT GINGRICH.

Mr. GINGRICH. Mr. Chairman, I thank the gentleman from Michigan.

Mr. Chairman, we hear over and over again today from supporters of the Studds amendment: "Let's face the facts. Let's look at the lessons of history." And yet it is very difficult, I think, for those gentleman and ladies to look at the lessons of history.

There has to be a certain sense of sadness in looking at what is now, I think, a pretty systematic world view by the left wing of the Democratic Party, the Members who will tend to vote for this amendment. We listened, for example, last night to Ted Koppel, after the answer by that wing of the Democratic Party, and he said that the gentleman from Maryland did not mention communism, he did not mention the Soviet Union, he did not mention Cuba.

It is as though the British Labor Party in the late 1930's tried to discuss Czechosolvakia and Poland without mentioning nazism or Adolf Hitler.

I want to put the debate in a context that, I think, is indisputable. There was an article in yesterday's New York Times about Andrei Sakharov. Sakharov is a Nobel Prize winner, the greatest physicist in the Soviet Union, probably the most courageous single fighter for human rights on this planet. Sakharov is today faced with the reality that his wife, Yelena Bonner, "is under investigation for 'defaming the Soviet system' and has been barred from leaving the city of Gorky." A friend who reported this to the New York Times said that "The dissident physicist who was banished to Gorky 4 years ago has begun a hunger strike to demand medical treatment for his wife abroad."

When our friends talk about human rights, when they talk about the problems in El Salvador and manage to do so without ignoring the nazism of the left and the Gestapo of the left, it is an act of self-deception of unparalleled experience. Not since the early 1930's have we seen people who are so able to systematically blind themselves to what is going on.

Let me quote from that same Andrei Sakharov talking about our friends on the left:

> And yet in my opinion there is one characteristic common to many Western intellectuals that is somewhat disturbing. I refer to what I have called, in my own mind, "leftist-liberal faddishness." In a naïve form it is partially illustrated by a reply made by one American in a conversation with an emigrant from the USSR: "Well, all right. There are lots of things in Russia that you don't like. You were mistreated there. I can understand that. But I imagine you don't have any prejudices against China. Aren't you happy with what's going on there now?"

Sakharov goes on to say, and I quote:

> I have no doubts as to the altruism and humanity of most of the Western liberal intellectuals—as to their hopes for the welfare of all people, for equal justice for all. But I fear that such things as a lack of information or the opportunity to analyze it critically, faddishness (which is all-powerful in the West), the fear of seeming old-fashioned (especially to one's own children, as many frankly admit), a lack of imagination where the factor of distance is involved, and an inadequate notion of the tragic complexity of real life (in particular, life in the socialist countries)—that these things may lead, and are already leading, to dangerous mistakes both in the intrapolitical life of the Western countries and in evaluating the difficult questions of international relations. Distance can cause one to have doubts about

the strange and frightful things that one has learned only from books and stories.

He goes on to say in a personal note:

My wife's mother, who spent many years in Stalin's labor camps as a . . . member of a traitor's family has a close relative who lives in France (and who, incidentally, is a member of the French Communist Party). He once tried to find out from her whether there was "a particle of truth" in what Solzhenitsyn had written. She could only laugh bitterly.

I notice, by the way, that my friends on the left do not pay much attention, and I do not blame them. This information, if you believed it, would force you to change your vote today. It is only from Sakharov, who lived there and who is a victim of precisely the totalitarianism you would permit in El Salvador.

He goes on to say, and I quote:

On the international level, one danger is the loss of Western unity and of a clear understanding of the ever-constant global threat posed by the totalitarian nations. The West must not under any circumstances allow the weakening of its stand against totalitarianism.

He says of leftist liberal arguments:

To me they represent a dangerous illusion and an immoral use perhaps in order to appease consciences of different yardsticks for our people and other people.

I want to go back and repeat that because I challenge a single supporter of the Studds amendment to get up and deny this. This is a quote from Sakharov.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 additional minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Chairman, I go on to quote Sakharov:

To me they represent a dangerous illusion and an immoral use perhaps in order to appease consciences of different yardsticks for our people and other people.

Now, in 1933, 5 months after Adolf Hitler came to power, the Labour Party leader, George Lansbury said, and I quote:

I would close every recruiting station, disband the Army and disarm the Air Force. I would abolish the whole dreadful equipment of war and say to the world "do your worst."

Adolf Hitler did his best to do his worst. We at least have the right to look at reality.

In 1938 the Czechoslovakians were oppressing the Germans, according to Hitler, and, therefore, were not worthy of support. In 1939 Poland was an aristocracy, according to Hitler, and, therefore, not worthy of support.

Our friends on the left have a full generation of self-deception, a full generation of managing to ignore the Soviet Union, Cuba, Nicaragua, the KGB, and what is currently happening in El Salvador.

If I thought you were right, if I thought there was no Soviet Union, if I thought there was no Cuba, if I thought the primary problem in El Salvador was a local government and a local rebellion, I would vote for the Studds amendment. But the fact is that this amendment is an act of absolute irresponsibility. It poses all the focus and all the blame on El Salvador. It manages to totally ignore the Soviet Union, Cuba, and Nicaragua, and it pretends as though El Salvador lives in an isolated, pristine world. And I would say to my friends on the left, particularly those who have been here since 1970: Vietnam now is Communist and has refugees; Cambodia now is Communist and has refugees; Laos now is Communist and has refugees. Angola has Cuban troops in it; Ethiopia has Cuban troops in it; Nicaragua has Cuban troops in it.

When exactly would you start learning? In Texas? Mississippi? Virginia? Southern California?

It is a laughing matter to some of you, but let me say to you that if you talk about human compassion, it is the guerrillas who destroy the buses the poor ride in; it is the guerrillas who kill the poor. The rich can flee countries. The rich can get away from communism.

It is by your votes for a decade now that the leftwing of the Democratic Party has again and again undercut the capacity of freedom to survive. It is by your votes that in the end there have been boat people from Vietnam, that there have been people from Cambodia, and that there are refugees from Nicaragua and El Salvador.

This amendment, I think, is a true test of who in this body is willing to ignore the Soviet Union, Cuba, the KGB, and the Nicaraguan effort to undermine its neighbors. It will be a true test of those who are willing to learn nothing from a tragic decade of bitter lessons.

Mr. STUDDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Chairman, I rise to urge support for the Studds amendment to the International Security and Development Cooperation Act. If we approve this measure without adopting restrictions on military aid, such as those proposed in this amendment, we encourage those who flagrantly violate human rights in El Salvador because those individuals will know that American military assistance will continue to flow regardless.

The International Security and Development Act includes several important provisions which this House should accept. The legislation contains a long overdue prohibition on military exercises in Honduras. In addition, the bill establishes the fund for reconstruction and development for Central America. This $250 million fund would encourage bilateral and regional assistance programs in the region, contingent on several conditions. First, there must be a comprehensive peace agreement entered into by all Central American nations. Second, the countries must generate a regional development plan. Third, a donor contribution group must be established which includes individual donor countries and multinational development institutions.

Other provisions of this legislation should be improved. The portion of the bill which authorizes continued military aid to the Government of El Salvador would be strengthened by the adoption of the Studds amendment. The committee bill now before us authorizes $189.3 million in military aid to El Salvador in fiscal 1985. It also authorizes $160 million in economic support funds and $80 million in development assistance. The measure proposes to hold up one-third of the military aid and one-half of the economic support funds until the President certifies that the Salvadoran Government has made progress toward several human rights goals.

This method of attaching very loose strings to military aid to El Salvador has been tried and found wanting. Certification requirements in the past have been rubber stamped by this administration even as the number of civilian deaths directly attributable to Government forces grew by thousands. It is estimated that 38,000 civilians may have died as a result of actions by Government forces since 1979.

Civilians continue to be the target not only of rightwing death squads but also of the Salvadoran military and security forces. According to Tutela Legal, the human rights office of the Archdiocese of San Salvador, 2,615 noncombatant civilians were killed in the last 6 months of 1983. This compares to 2,340 who were murdered in the last 6 months of 1982.

It is worth noting at this point that these murders are not the result of actions taken by some shadowy group of individuals associated with rightwing political groups. Tutela Legal reports that 76 percent of the civilians killed each month by Government forces are killed by the Salvadoran Army on its own. A recent report by the Americans Watch Committee and the American Civil Liberties Union notes that Government murders of noncombatant civilians averaged about 120 per week in the last 3 months of 1983.

We cannot approve legislation which is so open ended that military aid to El Salvador will continue without these conditions. Moreover, we should insure that Congress, the body of the Government which is constitutionally obligated to control the appropriation of funds, has more of a say in determin-

ing whether conditions are met. At this point, it would be useful to recall the recent history of our economic and military aid to El Salvador. I include in the RECORD some figures on that spending:

AID TO EL SALVADOR

[In millions of dollars]

	Military	Economic
Fiscal year:		
1980	5.9	58.3
1981	35.5	114.0
1982	82.0	182.0
1983	81.3	242.9
1984:		
Current	64.0	199.9
Supplemental	179.0	134.0
Total [1]	243.0	333.0
1985	132.5	341.0

[1] Total is composed of fiscal year 1984 congressional action to date and Administration's fiscal year 1984 supplemental request.

Note.—Figures for fiscal year 1980 through fiscal year 1983 are actual totals; figures for fiscal year 1984 represent congressional action to date; figures for fiscal year 1984 supplemental and fiscal year 1985 funds are administration requests.

As the figures indicate, economic aid increased from $114 million in fiscal 1981 to an average of $200 million a year for fiscal years 1982 through 1984. The President has requested a supplemental appropriation of $134 million in fiscal 1984 and a new appropriation of $333 million in 1985. Assuming these requests are agreed to by the Congress, the ratio of economic to military aid has shifted from $10 to every $1 in fiscal year 1980 to $2.5 to every $1 in fiscal year 1985.

We need to reverse this pattern, and we need to renew our commitment to human rights in El Salvador. At the very least, we should condition our military assistance on basic improvements in the conduct of the Salvadoran military and security forces.

This is precisely what the Studds amendment would do. It authorizes $132.5 million in military assistance to El Salvador in fiscal 1985 only if the Congress, by joint resolution, approves a Presidential certification that the Salvadoran Government has met specific conditions. The President must certify that the Government has removed those responsible for the death squads from the police, security and military forces, and that effective control has been established over those forces responsible for the death squads. In addition, it must be clear that the Geneva Convention is being followed regarding protection of civilians. The Government must also agree to participate in negotiations with the guerrillas, unless the guerrillas refuse to participate.

Aid would also be prohibited unless Congress approves a Presidential certification that progress is being made toward an end of the detainment of political prisoners, establishment of an effective judicial system, protection of freedom of the press and association, and land reform.

Two-thirds of the $189.3 million would be conditioned on a congressional decision that the first three goals have been met. The other one-third of the money would be released when Congress has determined that progress is being made on all the objectives.

If we are to finance the Salvadoran military, surely we should have some say in how that money is spent. As the report of the National Bipartisan Commission on Central America noted about El Salvador:

Government security forces and right wing death squads associated with them are guilty of many thousands of murders. These enemies of nonviolent change above all threaten hopes for social and democratic reform.

The Commission makes a recommendation on how the Congress should view military aid to El Salvador. It says:

With respect to El Salvador, military aid should, through legislation requiring periodic reports, be made contingent upon demonstrated progress toward free elections; freedom of association; the establishment of the rule of law and an effective judicial system; and the termination of the activities of so-called death squads, as well as vigorous action against those guilty of crimes and the prosecution to the extent possible of past offenders. These conditions should be seriously enforced.

The Studds amendment is reasonable. It does not require that those involved with death squads be prosecuted, nor does it ask punishment for those guilty of murder. It requires that such persons not be employed in the military, security, or police forces. If we are to arm the El Salvador Government, this amendment suggests, American taxpayers should not be in the position of putting weapons in the hands of murderers.

Mr. Chairman, a blank check to the Salvadoran military will do nothing to stop the killing of civilians. We can act responsibly and adopt the Studds amendment, making sure that American taxpayers' dollars are not spent on activities which contradict American values.

I urge a "yes" vote on the Studds amendment.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico (Mr. RICHARDSON).

Mr. RICHARDSON. Mr. Chairman, how sad it is that this debate has degenerated. All the the gentleman from Georgia talks about is the "leftwing" and the "rightwing" and citing historical examples that have absolutely no relevance to this debate.

Yet when he talks about Communist incursions and Communist activity, I submit to him, too, that he should be concerned also of stopping the death squads in El Salvador. Does he condone their activity? What is the barometer of death squad terror that is going to make any sense to him? Thirty thousand deaths? A hundred thousand deaths?

I suggest to him that I want to look at this debate as an American, not as a leftwinger or a rightwinger, but as an American, and the American people are opposing our policy in Central America. Most polls show confusion and discontent at our actions in Central America.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. Mr. Chairman, the American people are saying that they have had enough, that they do not want to see American boys killed. They want to see some sense to a policy. We want to promote democracy and justice and fairness and human rights in Central America, not repression and killing.

For years this body has been trying to put conditions on assistance to El Salvador, and there has been no progress in that country. The death squads continue, land reform is stalled, and human rights are violated. Americans are killed and there are no investigations, whether they are nuns or labor leaders. Just whitewashes.

The Studds amendment has some teeth in it. It states that military assistance will be provided if there is progress, minimal judicial and political progress, and that those responsible for death squad activities are purged from the military.

□ 1200

Now, what is wrong with the Salvadorans complying with international treaties and elementary human rights violations before any assistance is provided?

I submit to the gentleman from Georgia that this is a debate of Americans, not of Democrats and Republicans, not of the left and right wing as he so conveniently depicts people in the United States.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield, since he mentioned my name?

Mr. RICHARDSON. I will not yield.

Mr. GINGRICH. Fine.

Mr. RICHARDSON. This is a debate which is going to determine Central America's future. The United States should be on the side of fairness and democracy. This amendment does that. And it protects our country from fostering marxism and communism in Central America, a goal which we all share.

The Broomfield amendment is a blank check. It says the President can proceed and put in an unlimited number of advisers.

The Foreign Affairs Committee amendment bill states that there should be no more than 55.

I submit that the judge of this debate should be the American people. The American people are saying that

we are ready to fight communism. But you, you fight communism with education, with economic development, with justice and fairness, fighting poverty, and supporting nations that have democratic institutions. You do not fight communism by sending the troops and shipping arms.

I think this debate should reach a point where we are talking as Americans, not hysterically talking only as left wingers or right wingers, as the gentleman from Georgia has done on almost every issue affecting this body.

Mr. Chairman, although the administration contends that we are not going to Americanize the war in El Salvador, all signs increasingly point that nevertheless we are being drawn in that direction. It is a slippery slope we are on with terrible consequences. I fear that our policy is being dictated in large measure solely by military concerns primarily because of the absence of a real diplomatic strategy. Let us not forget that one of the most painful lessons we learned in Southeast Asia was that we cannot transport peace and freedom and democracy in B-52's. Nor are we likely to achieve any greater success in Central America using helicopter gunships.

But we are poised today to send $65 million to El Salvador without any meaningful restrictions. If we do, the important signal that we will be sending both to American taxpayers and to the Salvadoran Government is that we are turning a blind eye to human rights violations, that we tolerate and condone the continuation of the death squads, that we care little for the protection of El Salvador's civilian population, and that, in the final analysis, we are intent on seeking a military solution rather than diplomatic negotiations to bring a final end to the slaughter.

Legislation that attaches conditions easing political repression is not inordinate. Rather, it is in the best interests of the United States and in the pursuit of democracy.

There is no justification for not putting the Salvadoran Government and its military on notice that human rights and international law must be observed. Our failure to do so today will undermine not only our own treasured values, but it will also prolong the agony and the suffering of the people of El Salvador caught in the middle of this tragic war.

Mr. Chariman, I include the following material:

STUDDS AMENDMENT—U.S. MILITARY ASSISTANCE TO EL SALVADOR

Purpose: To make all U.S. military assistance to El Salvador conditional on certain minimum levels of progress toward judicial and political reform.

The current bill authorized $64.8 million in military aid to El Salvador without any meaningful conditions placed on the aid.

Under the amendment, El Salvador would qualify for the full amount of military aid requested by the President ($132.5 million) if—the President certifies and Congress by joint resolution agrees that:

(1) Those responsible for death squad activity in El Salvador have been purged from the military;

(2) El Salvador is in compliance with international treaty commitments concerning the treatment of prisoners and civilian noncombatants;

(3) El Salvador is engaged in negotiations for the purpose of seeking an equitable political solution to the civil war; this solution to be based on free and fair elections and reforms within the security forces necessary to assure the physical security of those participating in the elections (the government would be under no obligation under this condition if the opposition refuses to participate); and that—continued progress has occurred in the areas of economic, judicial and political reform.

The amendment would provide leverage to newly elected President Napoleon Duarte that he did not have when he served in the governing junta of El Salvador between 1980 and 1982.

The amendment is not intended to terminate aid; rather it is designed to spur those political and judicial reforms that must occur if El Salvador is to avoid an eventual military victory by the left.

The conditions can be achieved if the military leadership of El Salvador decides to achieve them. Death squad leaders within the military are well known; prisoners need not be tortured and killed; and a negotiating process must be initiated if Salvadoran society is ever to be reconciled. But the military leaders will not undertake these reforms if they do not have to, and they will not have to if—regardless of what they do—they continue receiving large amounts of military aid.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 7, 1984.

This amendment, which is consistent with a recommendation adopted on a 7-3 vote by the House Subcommittee on Western Hemisphere Affairs, would make all military aid to El Salvador conditional on certain minimum improvements in the areas of human rights, and on the willingness of the Salvadoran government to explore an equitable political settlement to the civil war.

This amendment is being offered not for the purpose of terminating military aid to El Salvador; rather it is intended to spur those political and judicial reforms that must occur if El Salvador is to avoid an eventual military victory by the left.

Our present policy in El Salvador has been successful neither in prompting meaningful reform in the area of human rights, nor in ending the war. The reason for this is that the civilian political leadership does not have the power to enforce its policies on the military. Those in the military who favor reform will not risk their lives and their position to press for reform if military assistance is provided regardless of whether reform occurs or not.

The conditions to which military aid would be subject under my amendment can readily be attained if the leaders of El Salvador have any serious desire to correct the worst abuses of the security forces, and to explore the prospects for a political solution to the civil war. These are not difficult conditions; they are not new conditions. They reflect concerns articulated previously by both Houses of Congress, by three U.S. Ambassadors to El Salvador, and by Reagan Administration officials throughout the past three years.

The first condition calls for the "removal from military, security, and police forces of those individuals responsible for or associated with the death squads." This is a straightforward condition. It suggests that the United States ought not to be providing military assistance for the use of persons known to be engaged in murder. Our Ambassador to El Salvador has said publicly that the names of those involved in death squad activity are no secret; our Vice President has said the same thing. The military leadership of El Salvador certainly knows who these people are, for it is under the protection of that leadership that the death squads operate. This is a very modest condition. It does not even call for the prosecution or punishment of those guilty of these murders. It calls only for their removal from positions of official power authority in El Salvador.

The second condition calls for compliance by El Salvador with international legal norms relating to the treatment of prisoners and the protection of innocent civilians. This condition would require observance of certain international agreements that the government of El Salvador has, without reservation, long since ratified. Essentially, this means that the Salvadoran Army would be expected to take prisoners instead of killing them; to refrain from torturing and mutilating prisoners; and to refrain from attacks "the primary purpose of which is to spread terror among the civilian population."

Those who argue that El Salvador is incapable of meeting this standard ought logically to be asking themselves some questions about the nature of the armed forces the U.S. taxpayer is being called to support.

The third condition is that the government of El Salvador should be willing to participate in negotiations with all major parties to the conflict for the purpose of achieving an equitable political solution to the war. Elements of this solution would be free and fair elections, and reforms within the security forces of El Salvador necessary to assure the physical security of those participating in the elections. The government would be under no obligation as a result of this condition if the major opposition groups refused to participate.

This condition requires only that the government of El Salvador, in return for the provision of large quantities of U.S. military aid, will make a serious effort to achieve a political reconciliation—based on democracy and reform—with those segments of its own population with which it is now at war.

If the government does not make such an effort, a prolonged, deadly civil war is inevitable, and the likelihood of direct U.S. military involvement on a major scale will steadily increase.

If these three conditions are met, and continued progress occurs in the areas of economic, judicial, and political reform, El Salvador would be eligible, under my amendment, for the full amount of military assistance requested by President Reagan for 1985. The decision as to whether the conditions have been satisfactorily complied with would be made—by joint resolution—by the Congress.

The election of Napoleon Duarte as President of El Salvador is certainly welcome, but it does not, in any way, alter the rationale for this amendment. Those in El Salvador who oppose fulfillment of the conditions on aid contained in this amendment are precisely the individuals who have his-

torically opposed the policies of Mr. Duarte. If military aid is promised whether or not the reforms needed to make Mr. Duarte's Presidency a success are forthcoming, those reforms will most assuredly not occur. This was true from 1980-1982, when Mr. Duarte served as President of the governing junta of El Salvador, and it remains the case today.

Adoption of this amendment will not lead, as some suggest, to a military triumph by the armed opposition in El Salvador. Although the rebel groups have gained strength because of continued low morale, corruption and mismanagement in the Army, they are not yet powerful enough to overrun or control major population sectors in El Salvador. The rebel groups will continue to gain strength, however, if the reforms proposed in this amendment are not instituted.

Recent national polls demonstrate quite clearly that the majority of the American people do not favor President Reagan's policy toward Central America. The question I think every Member of Congress should ask himself is whether they believe these poll results are the fault of the American people or of the policy. The fact is that the United States has invested more than half billion dollars in El Salvador over the past three years, but we have failed to insist on the minimum changes in the government of that country that would make revolution a less attractive option, and that would make genuine political and judicial reform a reality.

This week, during debate on the Foreign Aid Authorization, all Members of the House will have the opportunity to put substance behind the lip-service that has been given so often in support of an end to right-wing murder and death squad activity in El Salvador. I hope you will take advantage of this opportunity and support my amendment.

Sincerely,

GERRY F. STUDDS.

CONDITION ONE—DEATH SQUADS

(1) Removal from military, security, and police forces of those individuals responsible for or associated with the death squads, and establishment of effective control over those forces and over paramilitary groups which receive any assistance or support from those forces, thereby ending the involvement of members of those forces and groups in indiscriminate violence, secret detentions, abductions, torture, and murder.

WILL REQUIRE

1. Removal from security forces of persons known to be involved in establishing, financing or participating in death squad activity;
2. Establishment of effective control over groups supported by the security forces, so that these groups no longer engage in gross violations of human rights.

WILL NOT REQUIRE

1. Actual prosecution of those responsible for political crimes (although "progress" in this direction is required elsewhere);
2. The removal of persons not known by the U.S. to be involved in death squad activity. This is the case, because the President and Congress must make the judgement about whether this condition has been met.
3. An end to all political murders in El Salvador. This condition intends merely to terminate the known involvement of security force personnel in these crimes.

CONDITION TWO—INTERNATIONAL AGREEMENTS

(2) Compliance by the Government of El Salvador with the 1949 Geneva Conventions and the 1977 Protocol relating to the Protection of Victims of Non-International Armed Conflicts.

WILL REQUIRE

1. Humane treatment for persons taking no active part in hostilities;
2. Decent care for the sick and wounded;
3. Care and protection for children.

WILL PROHIBIT (WITH RESPECT TO WOUNDED AND NONCOMBATANTS)

1. Murder, mutilation, cruel treatment and torture;
2. The taking of hostages;
3. Humiliating and degrading treatment, including rape.

ALSO PROHIBITS

1. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population;
2. The destruction of food or water supplies used by civilians.

The protections do not apply to civilians who are taking a direct part in hostilities.

El Salvador has ratified these agreements, without reservation.

CONDITION THREE—NEGOTIATIONS

(3) Participation by the Government of El Salvador in negotiations with all major parties to the conflict in El Salvador, in good faith and without preconditions, for the purpose of achieving an equitable political solution, elements of which would be free and fair elections at a time to be determined in the negotiations and reforms within the security and police forces of El Salvador necessary to assure the physical security of all participating groups before, during, and after elections, unless the Government of El Salvador is unable to engage in such negotiations because of the refusal of the major opposition to participate.

WILL REQUIRE

1. Participation by the Government of El Salvador in negotiations with all major factions to the conflict; this includes the FDR/FMLN, and could include other sectors of Salvadoran society (business, church, labor) as well.
2. The solution sought would be democratic in nature, accompanied by security arrangements (including reforms within the military) needed to protect those who participate in the elections.

WILL NOT REQUIRE

1. An imposed system of "power sharing" upon the Government of El Salvador;
2. Negotiations in the absence of a willingness by the opposition to participate.

STATEMENTS BY U.S. OFFICIALS REGARDING DEATH SQUADS

"With respect to El Salvador, military aid should, through periodic reports, be made contingent upon demonstrated progress toward free elections; freedom of association; the establishment of the rule of law and an effective judicial system; and the termination of the activities of the so-called death squads, as well as vigorous action against those guilty of crimes and the prosecutions to the extent possible of past offenders. These conditions should be seriously enforced."—Report of the National Bipartisan Commission on Central America (Kissinger Commission), January 1984.

"For a government to survive a guerrilla challenge, it must continue to protect its citizens even as it fights to defend itself from those who play by other rules—or no rules at all. As it does, it must continue to respect the rule of law and the rights of the individual. And it must honor basic human decencies. If it does not, it will lose that crucial battle for the support and approval of the people . . . (El Salvador's) cause is being undermined by the murderous violence of reactionary minorities . . .

"These rightwing fanatics are the best friends the Soviets, the Cubans, the Sandinista commandantes, and the Salvadoran guerrillas have. Every murderous act they commit poisons the well of friendship between our two countries and advances the cause of those who would impose an alien dictatorship on the people of El Salvador. These cowardly death squad terrorists are just as repugnant to me, to President Reagan, to the U.S. Congress, and to the American people as the terrorists of the left."—Vice President Bush, December 11, 1983.

"In the first two weeks of this month, at least 68 human beings were murdered in El Salvador . . . Every day, we receive new reports of disappearances under tragic circumstances. American citizens have been among the murdered, among the disappeared. Is it any wonder that much of the world is predisposed to believe the worst of a system that almost never brings to justice either those who perpetrate the acts or those who order them? The 'Mafia' must be stopped. Your survival depends on it. The gorillas of this Mafia, every bit as much as the guerrillas of Morazon, and Chalatenango, are destroying El Salvador."—U.S. Ambassador to El Salvador Deane Hinton, October 1982.

"The essential stumbling block to democracy in El Salvador remains extremist terror. In the last few months, this terror has again surged. This terror can undo all the progress which has been made. It can destroy democracy in El Salvador . . .

"There is information available to many of us about the personalities involved. I am keenly aware that much of that information may not at present be sufficient for a court of law. My deep concern is that no one seems to be trying to develop evidence which would stand up in court. There is now a starting point. We are certain that these individuals are as well known to the security forces as they are to those of us who have been in the country for only a short time. In fact, information has recently been published in the foreign press repeating much of what is already known about death squad activities . . .

"None of us can afford to continue in the self-deluding belief that nothing is really known about the shadowy world of these individuals and, therefore, nothing can be done. The cost is too great for both our nations."—U.S. Ambassador of El Salvador Thomas Pickering, November 1983.

"Thomas Pickering, our Ambassador to El Salvador, should be congratulated for his candor in accusing Salvadoran authorities of failing to crack down on the death squads in that country. Finally, someone in our government has linked these continuing atrocities with the question of future U.S. aid.

"It is time to tell the truth about the death squads . . . The President of El Salvador already knows the names of those present and former military officers who participate in these senseless and grisly bloodbaths. This year alone, more than 2,000 innocent Salvadoran civilians have been slaughtered. A few weeks ago, the

bodies of nine persons who had been strangled were found. They had apparently been involved in land reform activities—a program the Magana government and the United States officially support . . . I have always believed El Salvador was on the road to democracy. Recently, however, this position has become more difficult to defend."—Hon. William Broomfield, ranking minority Member, House Committee on Foreign Affairs, December 1983 (Washington Post).

[From the New York Times, May 8, 1984]

NARROW CHANCE IN EL SALVADOR

Having bet heavily on El Salvador's election, President Reagan seems in sight of a victory—but just. José Napoleón Duarte, the moderate Christian Democrat who was properly preferred by Washington, seems to have won a narrow victory over a right-wing extremist, and also over the boycott and disruptions of leftist guerrillas. Something rare in Central America and unique in El Salvador seems within his grasp: a legal transfer of power to a centrist committed to human rights, reform and reconciliation.

If that outcome is confirmed, Mr. Reagan's address on Central America expected this week will rightly make the most of the Administration's first real success in El Salvador and strengthen its bid for the arms aid that has been stalled in Congress. Yet however vital weapons may be to the Salvadoran armed forces, they matter less than the political help Mr. Duarte will need to command the military tiger he is about to mount.

Every cause the President-elect has championed has been bitterly contested by the Salvadoran right and its allies in the military. In 1972 Mr. Duarte was robbed of an election, tortured and banished. Returning from exile in 1979, he was tolerated as president of an interim junta but denied any power over the armed forces. The same generals who denied him in the past warned only the other day that even an elected president could not reorder their lines of command or curb the security forces associated with death squads.

Few officer corps anywhere have claimed more for themselves with as meager a showing on the battlefield. Most of the 30,000 victims of El Salvador's civil war have been noncombatants, yet there is not a single known instance of a Salvadoran officer being punished for human rights crimes. These excesses, and not the popularity of guerrillas, explain the spread of an insurgency that, despite American weapons and advisers, has spread to a third of the country.

Believing itself autonomous, the army will want to regard a narrowly elected Mr. Duarte as only a necessary fig leaf to obtain American aid, which it has arrogantly taken for granted. The generals are half right. If Mr. Duarte's election is confirmed he will indeed have leverage and standing in the United States. He will need every bit of it if he pursues his desire to seek a political settlement with democratic forces on the guerrilla side.

Mr. Duarte's mandate for change is sure to be challenged as insufficient. But any majority seems ample in an election skewed to the right by the leftist boycott. Simply by assuming office, an elected President could begin to demonstrate that democratic institutions can take root in El Salvador. In a country that has known little but tyranny, the rule of law and civilian control over the military are truly radical ideas.

If there is a center in El Salvador, Mr. Duarte alone seems able still to define it. And if Sunday's balloting gave him that chance, he will need the energetic encouragement of Americans and democrats everywhere.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Chairman, the debate in this House is not whether we are concerned about Central America, whether we are concerned about the spread of communism in this hemisphere. The debate is about the method that we ought to employ as Americans to respond to those threats.

There is a preoccupation, almost an obsession on the floor of this House, to speak in terms of leftwing or rightwing about every subject that comes up.

This is not left or right. The issue before us is what is right versus what is wrong. I have been to Central America. Many of us have. I have talked to a lot of folks in Central America. They do not care much about the geopolitical questions. They do not care much about who leads their country. What they care about is when they are going to get something to eat, whether they are going to have health care for their children, whether they are going to live in illiteracy for the rest of their lives.

Let me describe El Salvador. El Salvador is one-tenth the size of my congressional district, one-tenth of the size of North Dakota. They have about 7,000 insurgents out there in the bush some place that want to overthrow the Government. They have about 25,000 people in uniform, called the military.

Mr. HYDE. Mr. Chairman, would my friend yield?

Mr. DORGAN. No; We have 1 percent of the people in El Salvador that own 60 percent of the wealth.

Mr. HYDE. Mr. Chairman, would my friend yield?

Mr. DORGAN. No, I choose not to yield.

There are 1 percent of the people that own 60 percent of the wealth. That is El Salvador. Most of the people are hungry, sick, and illiterate.

The question is, What are we going to do about it? Let us do something about those conditions, but let us not do it in a way that drives the El Salvador people into the arms of the Communists.

The visceral response by people on the Republican side of the aisle and the people from the administration is always to send more arms and more ammunition to that region of the world. Those arms and that ammunition is being used to victimize a lot of innocent people in Central America.

I can recall seeing an 11-year-old kid carrying an American rifle up in the mountains in Central America. Think of it—an 11-year-old kid carrying an American rifle. That is the problem. Our response for 4 years has been, well, there is a problem in Central America. But what do we do? Well, just send more arms, send more guns, send more ammunition, and that will solve the problem. Well, it will not. It is time for us to send food, education and give some real help to the people in Central America. That will be the best way to resist the spread of communism in Central America.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LEVINE).

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise to support the Studds amendment. Preliminarily I would like briefly to mention that while I think the majority of this debate has been conducted on a very high plane and one that I think all Members can be proud of, I was saddened to hear again some elements of red-baiting thrown into the debate by one of the gentlemen in the most recent exchange.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LEVINE of California. When I am through with my 2 minutes, I will be happy to yield to the gentleman from Pennsylvania (Mr. WALKER).

I think that it is important to discuss this issue on the plane that the President raised last night in his speech. That plane is the issue of how to retard communism in the region, how to stop communism in El Salvador.

I think that is what is most important to emphasize with regard to the Studds amendment and the Broomfield amendment and the differences in approach that are being discussed by the Members today is that the Studds amendment would be considerably more effective in retarding communism in El Salvador than would the Broomfield amendment. Those approaches which would eliminate conditions will hurt our cause. Those which add conditions to the Government of El Salvador, forcing a respect for human rights, will help the government to gain support of its own people and will retard the progress of communism.

Unfortunately, this administration, Mr. Chairman, has been an administration which has turned its back on human rights in the region. This administration has neglected to emphasize along with its military policy the need to put some conditions on the Government in El Salvador and the need to help the Government of El Salvador to understand that the people of our country will in fact condition assistance upon some meaningful restrictions. If we are going to stop the flow of communism in Central America, we need to put some restrictions on aid so that the governments

that we are trying to help can in fact gain the support of their own people.

Last night, Mr. Chairman, our President invoked the memory of President John F. Kennedy with regard to the message that he has provided about Central America.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. STUDDS. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding.

Invoking the memory of President Kennedy, I think that our current President neglects a very important part of that message and policy of President Kennedy and his administration.

While our current President appears to remember only the military and the security aspects of the policy of President Kennedy, he neglects the fact that the essential message of the Kennedy administration in Central and South America was the message of the Alliance for Progress, was the message of humanitarian and economic assistance and was the message that we are going to work side by side and shoulder to shoulder with our friends in Central America and our friends in South America to advance the cause of democracy, to retard the cause of communism by working with the people in the region. Those democratic aspirations will not be achieved exclusively at the barrel of a gun. Those democratic aspirations will not be achieved exclusively through military assistance. This administration's policy, I submit, is one predicated much too heavily on military assistance. It focuses inadequately on more issues which are more at the root of the problem, human rights, social justice, and agrarian reform—the very conditions at issue in this amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to my colleague.

Mr. HYDE. I just want to say this. I heard my dear friend from North Dakota make an interesting statement, that the people in Central America are not all swept up in this East-West struggle and all of this ideological dialog, they want something to eat, they want food.

I listened to that with great interest. I would just like to add to that that on Good Friday 100 thousand people gathered around the Cathedral in Managua, this was on ABC network news, 100 thousand, and they were shouting, "We are not Marxists. We are Christians."

Now, they were hungering for something, but it was not bread. It was freedom, freedom of religion. That is part of the picture, too.

I thank the gentleman for yielding.

Mr. DANNEMEYER. Mr. Chairman, I thank my colleague for making that contribution.

Mr. Chairman, I rise in opposition to the Studds amendment and I would like to explain my reasons why.

Since this controversy has been boiling this year, I have sincerely gone to my colleagues on the Democratic side and asked them man to man, "What is the analysis that causes each of us to come to different conclusions with respect to what is happening in Central America?"

Without naming any names, I think I have come to an appreciation of what their understanding is with respect to what is going on in that part of the world. It relates to what I classify as two erroneous premises for their position. The first premise is this. Americans of North America are a revolutionary people. We had a revolution in the 18th century from Great Britain.

□ 1210

And, therefore, what is going on in Central America today is nothing more than a revolution of those people seeking a better life.

For North Americans to be against the revolutionary spirit in Central America is putting North Americans on the wrong side of history. That sounds pretty good. Therefore they argue we should be supporting this revolution in Central America.

But what this premise fails to understand is that all revolutions are not created equal. The North American revolution in the 18th century was essentially designed to achieve two objectives: political and economic freedom for the people of this young Nation. The social revolution going on in Central America is a revolution of a completely different type.

The revolution going on there, sponsored by the Soviet Union and its surrogate, Cuba, and the Nicaraguans, particularly in El Salvador, is a social revolution. This social revolution is distinguished from the North American revolution in that it is designed explicitly to take property from one class of people and redistribute it to another.

All revolutions are not created equal. The revolution in Central America is not an extension of the North American revolution. It is a completely different type of revolution.

Another premise on this issue of revolution relates to the revolution of the Soviet people in the spring of 1917. Out of that revolution developed the government led by the Mensheviks headed by Kerensky. They sought for the people of Russia the same thing the American colonists sought, political and economic freedom for their people. They threw out the czars, they threw out the House of Romanov. They said, "We want a better life for our people."

But the approach of my colleagues on the left wing of the Democratic Party is to ignore probably the most significant event to have taken place in the 20th century. That is the phenomena that occurred in the fall of 1917 when Lenin was brought back into the Soviet Union and led the Bolshevik Revolution, which stole the revolution from the Mensheviks and has brought the world in which we live to the realization that there is an external force asserted by the leaders of the Soviet Union designed to bring the force of communism to all over this world.

The failure of the leftwing members of the Democratic Party to understand that the Bolsheviks stole the Russian Revolution, that all revolutions are not created equal, causes them to stand here today in this Chamber suggesting that it is our duty to let the revolutionaries, the violent revolutionaries, the social revolutionaries, in southern Central America to work their will.

This week we celebrated the 100th anniversary of the birth of Harry Truman, our great President. President Truman in 1947 and 1948 was the gentleman who led the Western World in establishing the priniciple that we have operated on since that time. That it is in the interests of freedom-loving people of the world to provide a resistance to the expansion of communism in the world.

Harry Truman would be turning over in his grave if he heard what is now spoken by those who followed him as leaders of the Democratic Party. So would Jack Kennedy and so would Henry Jackson. And I ask you, my friends, wake up to reality.

Do we stop at Chula Vista in California or do we stop in Texas or Oklahoma? Where would you draw the line?

Mr. WALKER. Will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I appreciate the gentleman's remarks. I think he is right on target. But I would caution the gentleman about using the term "leftwing of the Democratic Party," because a few moments ago when another one of our colleagues tried to make the same point we had a series of people come out here and even use ugly terms like "red-baiting" and so on as a part of their speeches and then refuse to yield when challenged on that term.

We have a pattern developing here that we have some ugly charges being

made by that side and then a refusal to yield. It seems to me that that is a pattern that should not be repeated as a part of the debate.

Mr. HYDE. Will the gentleman yield to me?

Mr. DANNEMEYER. I am happy to yield.

Mr. HYDE. I recollect that the gentleman from Pennsylvania was a Hitler baiter, too, in his day.

Mr. WALKER. And I very proudly would claim to that.

But I think the gentleman should be cautioned that we do have a pattern developing here on the floor that his speech might be challenged.

Mr. DANNEMEYER. I would welcome the opportunity of contesting with any of my esteemed colleagues in the House on this point if they choose to address themselves to the issue, if they felt that I have uncharacteristically or improperly given an adjective to their side of the floor.

Mr. STUDDS. Mr. Chairman, I yield 6 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. My colleagues, the overwhelming number of Central Americans have been in rebellion at one point or another over the last 80 years because their children starved, not because they knew or cared anything about Marxism. And the only criticism that comes from our Republican colleagues is: that we here on the Democratic side, who are supporting the Studds amendment, are overly concerned with poverty and deprivation in Central America, and care too little about the advance of communism.

I am concerned about the advance of communism and it seems to me that the one sure-fire method for communism to continue in El Salvador is for us to give unfettered military aid for the death squads to continue; for the people who might want to be in the center, whatever that is, to move further to the left.

So it seems to me that if we are serious about communism, we should be worried both about poverty and deprivation in Central America and about the illegal forces on the right. And that is what the Studds amendment addresses.

We also appear to be trapped by our failure to understand the history of this region. Now, because of mistakes that have been made on both sides, we are left with very few options in El Salvador. One of those options is to do nothing, to allow the revolution to work its will and to suffer the consequences, whatever they may be. Both sides reject that option.

The other option is to recognize that negotiations can work, that our leverage which we will be handing Mr. Duarte over the military is the condition that the Studds amendment requires for military aid, to ask our friends in the Contadora countries to use their influence with the left to bring them to the table. That is the option that I believe will work. That is an option that is serious.

The third option offered by our President and supported by the members of his party is to continue to do what we are doing, provide the aid, ignore the fact that there is a serious problem with hunger and malnutrition, to speak against the death squads but really do nothing about them, because once you have given the aid you have bought their argument, you have been sucked into their agenda. You hold nothing over their head. They will continue unabated the slaughter of their own people.

Ronald Reagan and American power can win this conflict if we choose to. There is no doubt about that. And we will have an opportunity to vote on the modern Gulf of Tonkin resolution offered by the gentleman from Michigan (Mr. BROOMFIELD), a little later this afternoon. It may require American troops but we will ultimately prevail.

What we fail to understand is, that Presidents Taft, Wilson, and Coolidge won against the revolutionaries in Nicaragua from 1911 through 1933. We won those revolutions, and what are the consequences of winning there? The consequences of continuing to use American force and to continue to eschew the notion that diplomacy works better than force are clear and inevitable.

First of all, millions of people who know little and care less about Marxism or democracy will die. We will polarize the situation in Central America and in El Salvador. We will have contentious arguments with our allies, divert our attention from more serious goals, and lastly and most importantly we will have failed to solve anything because we will have won against the revolutionaries only to allow them 5 or 10 years in the future to regroup and fight again.

We cannot ultimately win this war. We cannot win a peace without bringing both sides to the table. We cannot win a peace unless we are prepared to be tough with the people who are sowing the seeds of communism.

So I urge you, I urge you to understand the lessons of history, to support the Studds amendment and begin to bring the bloodshed which has run in rivers over the last 80 years in Central America to a halt.

Mr. DORGAN. Will the gentleman yield?

Mr. DOWNEY of New York. I yield to my colleague.

Mr. DORGAN. I appreciate the gentleman yielding. You are raising the question once again which I think is the appropriate question. What type of aid, what type of involvement should this country have in Central America?

Now, in Nicaragua, for example, the Cubans are there, to be sure. Some would have you believe that all of the Cubans that are in Nicaragua are storm troopers.

□ 1220

The fact is, there are 800 Cuban doctors in Nicaragua, hundreds and hundreds and hundreds of Cuban teachers in Nicaragua.

It seems to me the question for us is what kind of aid do we send? Do we respond to that with only guns and bullets?

The other question that I think is important is when does that side become concerned about the deaths by the death squads? Is it now, when 35,000, 36,000 people have been executed by death squads in the middle of the night, men, women and children? Is it 100,000 dead? Half a million dead, 1 million dead?

I see; so the question is when we ask, "When do you become concerned about death squads?" You are saying: "Well, that does not concern us. What concerns us is how many guns, how many bullets can we send to Central America to try to defeat the Communists."

I submit you will not defeat the Communists in Central America without a better aid package than the kind that you propose.

Mr. DOWNEY of New York. You will not defeat the Communists in Central America until you defeat their reasons for being. And we are not addressing those reasons.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. MCCAIN).

Mr. MCCAIN. In response to the last question as to how many people have died as a result of death squads in El Salvador, I think it is worthy of note that the last five members of the Constituent Assembly were murdered not by rightwing death squads. They were right wing conservative members of their national assembly.

The lastest individual in the Embassy in El Salvador who was killed was an El Salvadoran citizen who was the highest ranking in our Embassy. There is tragically a great number of deaths inflicted by both sides. I believe the Studds amendment will prevent us from providing the necessary aid in order to return democracy and allow the elections which have just taken place to bear fruit.

The question of whether and how much aid should be provided to El Salvador is a subset of a much broader and fundamental issue. That issue is whether the United States intends to employ the proper instruments of policy to protect its interests, or whether it intends to abrogate its re-

sponsibilities, and live with the consequences of events it refuses to influence.

In considering these consequences, we must deal with several compelling realities that are before us.

The fighting in El Salvador is part of an overall pattern of Cuban and Soviet activity in this hemisphere.

Events in El Salvador have and will continue to affect other parts of Central America. That includes the possible destabilization of Mexico, which, in the long term, may be the most serious and dangerous situation confronting us.

No one denies the economic problems in El Salvador are massive. Such distress aids the guerrillas' efforts. The seeds of totalitarian regimes are nurtured by misery and want. They spread and grow in the soil of poverty and strife. They reach their full growth when the hope of a people for a better life has died.

If we allow democracy to die in El Salvador, it will die in Central America. The Sandinistas will consolidate their dictatorship at home and promote a new one in El Salvador. More newspapers will be shut down, the jails will fill with political prisoners, another economy will undergo the miracle of Marxism, and the Soviet Union will have another friend and foothold. On the day the Presidential Palace in San Salvador falls, and the ballot boxes are turned iinto crates for ammunition, what will we say then in this body?

Some in Congress build their case against U.S. Central American policy on moral grounds. Let us agree that there are hard choices before Congress and the American people. These choices are not simply a matter of good and evil, right and wrong, morality and immorality. But somehow this issue has been twisted to portray supporters of U.S. policy as insensitive to human rights, as approving of the suppression of freedom, as favoring "military solutions" to complex social and economic problems. Let the critics of our policy in Central America give us their answers to the following serious moral questions:

What are the moral implications of Sunday's elections in which close to 85 percent of the people of El Salvador turned out to vote, despite threats to their personal safety?

How moral would it be to condemn the 5 million people of El Salvador to a takeover against their will? A takeover by armed insurgents who receive leadership, arms and munitions from the Soviet Union, Cuba, Libya, East Germany, and the PLO?

Indeed, is it moral to criticize current U.S. policy on moral grounds, while failing to suggest a viable alternative and sidestepping the consequences?

Twenty-two years ago, our Nation faced another crisis in the Caribbean. During the Cuban missile crisis, John Kennedy outlined the foundation of our foreign policy:

> Our goal is not the victory of might, but the vindication of right—not peace at the expense of freedom, but both peace and freedom, here in this hemisphere, and, we hope, around the world.

The time has come for responsible action by Congress. The bipartisan Kissinger Commission report on Central America provides a blueprint for achieving short-term and long-term stability in the region. I believe that these recommendations should be implemented as soon as possible.

We will come to recognize the importance of this region. I only hope that recognition comes soon, and not when it is too late.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HYDE. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. Chairman, will the gentleman yield for a question?

Mr. McCAIN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I dislike intensely personalizing any debate, but we have heard lectures, we have been instructed by the majority party that we are just too concerned about communism and we ought to be more concerned about the other elements which are indisputably a part of this whole controversy.

I want to ask the gentleman (Mr. McCAIN) two questions: How long was the gentleman in a Communist prison camp in Vietnam?

Mr. McCAIN. If the gentleman will yield, 6 years. It is amazing how time flies.

Mr. HYDE. You were in a Communist prison camp for 6 years?

Now the second question: Do you think we are too concerned about communism?

Mr. McCAIN. If the gentleman will yield back, I do not believe that we are concerned enough and I think it perfectly clear that, it is conditions, socioeconomic contradictions that breed a fertile ground for communism. Communism does not cause those conditions, but they take advantage of those conditions.

Mr. HYDE. They exploit those conditions, do they not?

Mr. McCAIN. Exactly. And the conditions that now prevail in Southeast Asia, Poland, Afghanistan and other parts of the world, as a result of their takeovers, I think by any judgment, any rule, anything that you wish to choose to measure by or any gage, are far, far worse.

Mr. HYDE. Well, Mr. McCAIN, you were in a Communist prison camp for 6 years. I think you have something to teach us about that subject.

Mr. McCAIN. Thank you.

I believe the blueprint for action in El Salvador is very clear. The blueprint is provided by the bipartisan Kissinger Commission made up by men like Henry Cisneros, Bob Straus, and others, who I do not believe can be characterized as right or left wingers of either party.

The CHAIRMAN pro tempore (Mr. LEVIN of Michigan). The time of the gentleman has expired.

Mr. HYDE. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. ROEMER. Mr. Chairman, would the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

I hope the gentleman would join me in responding to those who have characterized in this floor debate our position as if we would send only bullets to El Salvador. If one were to look at the facts in the amendment and the bill, the amendment that we support, the Broomfield-Murtha amendment has more economic aid for El Salvador than does the amendment supported by Mr. STUDDS, point A.

Point B, those who get up on the floor and give a speech such that, and I quote: "We ignore the hunger and the deprivation in El Salvador" ought to read the facts. We are sending 2½ to 3 times as much economic aid as military aid. The military aid is a shield to allow our economic investment to grow.

I thank the gentleman for yielding.

Mr. McCAIN. Thank you. If I can reclaim my time, I believe Mr. Kissinger said very accurately, we are going to pay some money now, or pay with money and combat troops later on.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. WILLIAMS).

□ 1230

Mr. WILLIAMS of Montana. Mr. Chairman, our Nation has, in this past quarter of a century, learned that democracy is not a commodity easily exported. Rather, democracy, which we all know is a noble idea, must be willingly accepted by the host country. We must learn to be more modest in our exuberant haste to spread our political design throughout the world. We cannot do it by undermining the political autonomy or integrity of other nations. And without exception, we cannot spread democracy through the barrel of a gun.

During the past few years in Central America 100,000 people have been killed and 1 million have been displaced. The economic and environmental damage is extraordinary and will take decades to repair. Slaughter, violation of fundamental human rights, and economic injustice are rampant.

All of this is happening near our borders in the Americas. The military presence of the world's two great superpowers, the United States and the Soviet Union, threatens all of the Western Hemisphere. We, and the world with us, are at great risk. We, and the world with us, are standing knee deep in gasoline and this amendment asks only that we reduce the number of matches.

The problems are complex and no single administration, no single Congress, no single group, anywhere, has the perfect answer. But let me offer a few suggestions.

They begin with negotiations. In the negotiations sovereignty and nonintervention must be the guiding principles.

Second, all of the nations of the region—yes, including Cuba—should agree to the ground rules for monitoring their own military self-restraint.

And those ground rules must include verifiability.

Civil and human rights must be paramount goals. Cultural and education exchange must be advanced and expanded. New cooperation to resolve the area's near term financial crisis must be developed.

And finally, long-term regionwide economic development must be promoted.

In short, all of the nations of the Western Hemisphere must sit together. We must end this dangerous and futile lining up on opposite ends of those civil wars to our south.

Finally, let me say that despite the accusation of my friends on the other side of the aisle, none of us on this side has any Pollyanna notion about trusting the Soviet Union. Of course, we must monitor the Soviet Union and the Soviet bloc's activities in this hemisphere and around the world. And we intend to do that. This amendment does not prevent us from doing that.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, we have heard much here today about the so-called lessons of history. As one who has spent a good part of my life studying history and writing history, I would suggest the lessons of history are very clear.

History shows that mankind moves from bondage to faith, from faith to courage, from courage to freedom, from freedom to abundance, from abundance to complacency, from complacency to dependency, and from dependency back to bondage.

What worries me about amendments like this one is that they commit this Nation to the downside of history. This is an amendment which says that we should be complacent about the threat that we face. It says that peace and justice should be dependent on the good will of tyrants. And it says, it seems to me, that bondage for the people of Central America is something which may be acceptable, and perhaps ultimately bondage here could be acceptable.

In reading history, nowhere do I know a chapter where appeasement of tyrants has worked. History is not on the side of the Studds amendment.

Mr. STUDDS. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, my concern with the failure to adopt the Studds amendment is that at a time when the political fortunes of Napoleon Duarte are almost as perilous as they have ever been, they were a little bit more perilous right after he was defeated in the run for the Presidency of the Constituent Assembly, when I went with Members of this House down to tell Col. Bob D'Aubuisson and others that defeat for a politician was a serious sentence and that they ought not to assassinate Mr. Duarte. We sat in Mr. Duarte's garden and we spoke for some time with him. I think he is a man who is resigned and prepared to pay that very strong and ultimate personal price to see if he can straighten out the direction of his country.

I think he continues that 2 years later as he now apparently is the President-elect of El Salvador.

But Mr. Duarte, as with the previous appointed President, as when he was President for a short period of time, will not run El Salvador.

What we must understand, as we consider the Studds amendment and the Broomfield amendment, is that El Salvador is run by the oligarchy, the military, and the death squads and the Government and they are all one and the same. Because in El Salvador, truly, one hand washes the other.

The fundamental question that this House must address is at a time when Mr. Duarte has gone out front, has compaigned on military reform, has campaigned on a change of direction in ferreting out the death squads, do we send a message to the military, who are truly in control of this country, who will truly dictate the extent to which the reforms are, do we send them the message that all of our concerns as the United States of America for our murdered citizens at the hands of the death squads, for the murder of the cardinal at the hands of the death squads, for the murder of the American labor people at the hands of the death squads, and for the tens of thousands of Salvadorans, are all those concerns now gone?

We have, from time to time, expressed in this Congress and various administrations that we were concerned about human rights in this country, but slowly the certification process was prostituted by this administration and finally it was eradicated by this administration. So we no longer care as a body, as an institution, whether or not there is linkage between the aid that we will vote, the hundreds of millions of dollars of aid that we will vote, whether or not there is linkage between that and the sanctity of human rights, whether there is linkage between that and a change in the military corruption that is an institution in this country at the higher levels, whether there is linkage between this military aid and a purge of those who have been involved, run, and directed the death squads, we no longer apparently care about that because the only guiding principle if this amendment fails and the Broomfield amendment is adopted is that this President must certify that progress is being made. This President has demonstrated at the height of death squad activity that he believes progress can be made and aid will continue.

We are asking the same people to certify now that Napoleon Duarte is President, who begged and certified for aid when Roberto D'Aubuisson was running the country, and the death squads were on the rampage.

□ 1240

There is no threshold. The fear of this administration and the fear of the people who oppose this amendment is that this amendment means what it says. We no longer can run and hide. We can no longer go back to our constituencies and tell them how concerned we are about the lives and the murder of Jean Donavon and Ida Ford because if you do not adopt this amendment nothing will happen about the murder of those nuns. We can no longer go back and tell them we are concerned about the murder of American citizens because nothing will be done unless this amendment is adopted.

This amendment addresses the credibility of what all of us have said when we have gone home, that we are concerned about the death squads, we want an end to the death squads, we want accountability for the American dollars that are being sent.

We have had report after report of not only mismanagement by the Salvadoran military, but outright corruption. I think it is important that we understand the fundamental juncture we are at. We can now pull back from all of the warnings that we gave this military operation, we can pull back from all of the standards of decency, and we can simply pass through $132 million in military assistance, no conditions, no requirements, and then we can wait, we can wait for the GAO audits of corruption, we can talk about the money that flows, the fastest dollar in the hemisphere now is apparently one sent to El Salvador, that it goes to Miami faster than it gets to El

Salvador. We can wait for those reports. But I think we ought not to. I think we ought to tell our constituents and to tell the military in El Salvador we are serious about reforms, we are serious about accountability of our tax dollars, and we want this government to take a different direction.

I honestly believe that if this Government is able to do so, that will be the end of the guerrilla movement in El Salvador. If Napoleon Duarte is able to do what he says he wants to do, that will be the end of the insurgence in El Salvador. But he is going to need our help, he is going to need the leverage that the Studds amendment provides him. Absent that, he turns to people for support that now every day are reported in the press, unfortunately adjuncts to the American Government, who may have been involved in the running, directing and fingering of people to be murdered by the death squads.

So the question is: Are we going to provide that kind of support to Napoleon Duarte when he has basically put his life on the line to change and reform his country, to take the U.S. Congress at its word that it was worried about the murders of these citizens, that it was worried about the death squads, that it was worried about the corruption? The Studds amendment says, "We mean it." And that is the test. If you do not vote for this, do not go home and tell your constituents how terribly concerned you are for all of the violations of decent humanity we have experienced in El Salvador.

Mr. BROOMFIELD. Mr. Chairman, I yield 8 minutes to the gentleman from Michigan (Mr. SILJANDER), a member of the committee.

Mr. SILJANDER. What price freedom? What does it mean, to be an American? What makes America so special throughout the world? What makes America so different from every other country?

I really believe it is the vision of its people, it is the courage of its people that makes America so different and so special. It is the "spirit of America" that drives us forward to make us so unique throughout all history.

To be an American is and has always meant being willing to pay the price of freedom. The price of freedom is sacrificing of ourselves, not only the sacrifice of our dollars but the yielding of ourselves in the convenience that we enjoy.

America is made by the unsung heros every day. Right up in the balcony, during a speech by the President of the United States here in this House Chamber, Lenny Skutnick was recognized because he decided to be a hero. No one forced him to jump into the icy cold waters to rescue those who were downed in the Florida air crash of 2 years ago, but he chose to be a hero on his own.

My chief of staff, a 20-year colonel, retired, in the Special Forces, Green Beret, his son Sean Luketina wanted to be like his father, he wanted to be a hero like his dad. On December 8, last year, he decided to reenlist in the Army so he could be eligible to be a Green Beret like his father of 20 years. Sean Luketina then volunteered for the excursion into Grenada. Sean Luketina now lies in a hospital, comatose, with both of his legs missing because of his sacrifice in Grenada, attempting to rescue American medical students surrounded by Cuban troops. While he did regain consciousness in between his unfortunate mishap and his comatose in the hospital, his father asked him, "Sean, was your sacrifice worth it?" And Sean Luketina's response was, "Father, it was worth it. If I had my legs I would do it all over again." This is the courage that makes America.

Those who were assassinated while striving to make America better—John Kennedy, Bobby Kennedy, Martin Luther King, Medgar Evers—paid the ultimate and total price for preserving the American dream of freedom.

But Americans have been heroes collectively, too. Soldiers securing the freedom of nations under oppression, Americans giving their treasure to rebuild a broken and crushed continent, missionaries and workers going to the bleakest corners of the Earth to save the lives of dying and starving children. What is this heroism anyway? It is the recognition that their price for freedom has been paid.

In 1776, Americans asked: What price for freedom? Thousands of Americans died, suffered, and sacrificed their property. They paid the price, and America was free.

In the 1860's Americans were asked: What price freedom for the slaves of this country? Nearly 500,000 Americans sacrificed their lives. They paid the price, and the slaves were freed.

In the 1940's Americans again asked: What price would freedom bring for Nazi tyranny and the death camps of Auschwitz. Nearly 400,000 men paid the price of freedom. They paid the price, and the death camps were liberated, the continent was freed, and Hitler was defeated.

We look today and ask: Is the American spirit somehow dried up? I would say absolutely not. It is alive and well. After Grenada and Lebanon, the lines are nonstop enlisting in the service to America. But yet we hear constant ramblings that this is another Vietnam. In a dramatic instance, yes. We lost our courage for a moment. But we cannot allow Vietnam to perpetuate a phobia, and, of course, no one wants another Vietnam. This phobia has been thrown into every single foreign policy debate, and it is clearly a copout. It insults the character of the American people. It is a brutal assassination of American nobility. This type of manipulation and dilatory tactic challenges the intelligence and the heart of the people whose history of this country cannot include a Vietnam phobia.

Yet the "new isolationists," as President Reagan calls them, would prefer to turn our backs on Central America.

Do you remember the Good Samaritan? The Good Samaritan story is an appropriate one in this case. A priest and Levite rode by on horseback. There is a poor, unfortunate soul lying in a ditch, naked, beaten, thirsty and hungry, left to die. The pious priest and Levite drove on by and wished the person well: "God bless you, my son, I hope you can get out of the ditch, and we bless you," and they drove on by without lifting a hand. But yet the Samaritan, the enemy of the person who was in the ditch, decided not only to give the person good wishes and good blessings but decided to lift his hand and do something more practical.

This is a Good Samaritan. This symbolizes the American people, not cheap talk, but definitive action.

What price are we asking to assist those who are fighting for democracy in Central America? What price is requested for those fighting for self-determination, in a struggling domocracy which has held three elections amidst bullets and Communist tyranny over the last 2 years?

After considering our noble past and courageous vision for America's future, is it too much to yield a portion of our abundance, yet not the sacrifice of life or property, but simply revenue to economically and militarily stabilize a Soviet and Cuban infiltrated region in our own back yard. This sacrifice would cost Americans 29 cents each or the cost of three F-16's. Before us is a unique opportunity to help our neighbors to help themselves against communism to avoid their future peril spreading to the United States.

Adlai Stevenson said:

> Communism is the death of a soul, it is the organization of total conformity short of tyranny, and it is committed to making tyranny universal.

We must continue America's tradition of heroics as our destiny would demand. We cannot set aside the sacrifice of the past for the political self-centered gains of today. Let us remember the price for freedom that Sean Luketina, the son of my chief of staff, has paid, the Kennedys, Martin Luther King, and millions of other unsung heroes.

Carl Sandburg said it best in his "Vision for America" when he said:

> I see America, not in the setting sun of a black crimson night of despair ahead of us. I see America in the crimson light of a rising

sun fresh from the burning creative hand of God. I see great days ahead, great days possible to men and women of vision.

The vision is clear, the choice is clear.

□ 1250

The Broomfield amendment embodies the essence of that great American spirit which we cannot abandon. There is the Studds amendment which rejects everything that is important about America and about American courage.

My colleagues, today you can be as Carl Sandburg urged, men and women of vision. What price freedom? Today, my colleagues, you will be the judge of what price we will pay for freedom.

I urge you to defeat the Studds amendment and adopt the bipartisan substitute, the Broomfield-Murtha amendment.

In the words of a great American hero, Dwight Eisenhower:

We must be willing individually, and as a nation to accept whatever sacrifices may be required of us. A people that values its privileges above its principles soon loses both.

Mr. STUDDS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. I thank the gentleman for yielding me this time.

Mr. Chairman, 135 years ago a first-term Congressman stood up in this chamber and suggested the United States had become involved in a war in Latin America—a war that had in his judgment been "unnecessarily and unconstitutionally commenced" by an American President.

That Congressman was Abraham Lincoln. He did not win many elections in his life—partly because he was so uncompromising on issues where morality and legality intertwined.

Speaking as a Republican, let me stress that the tradition of my party is one of Constitutionalism; of law and order; of playing carefully by the rules; of not devolving too much authority to the Executive.

It is this tradition to which the Studds amendment appeals.

What the amendment before us does, in contrast with that supported by the administration, is simple and profound. First it requires joint congressional-executive responsibility in an area where war has not been formally declared; and second, like the committee alternative, it places a statutory limit on the number of American military advisers in El Salvador.

To vote for the Broomfield approach is to give a blank check to the Executive not unlike that given 20 years ago in the Gulf of Tonkin resolution.

To vote for the Broomfield approach is to give a vote of confidence to a foreign policy in Central America that is not only of dubious legality, as the World Court implied today, but of dubious effectiveness.

As for the Studds approach, it may look to some as if it represents the extreme of three alternatives presented today and that, therefore, it is of questionable respectability. But we should all be humble enough to recall that as the Vietnam war escalated, Lyndon Johnson always seemed to be taking the middle road in terms of options presented. Yet his policy in final measure was extremist and tragically flawed.

The question as we review our policy in Central America at this juncture is not whether we should choose some sort of middle policy option—a policy that leaves a legacy of war and its escalation, of terror and counterterror—or whether we will go to careful and extraordinary lengths to instill our policies with morality and justice.

A bipartisan foreign policy can only be established with bi-institutional sanction. That's what the Studds amendment provides.

A moral foreign policy can only be established by playing on the high ground, by following the rule of law and our own constitutional process. That's what the Studds amendment requires.

The Studds amendment may be the extreme alternative presented today but it is an extreme with which a lot of reasonable, moderate Americans identify. I urge its adoption.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Michigan.

Mr. WOLPE. I simply would like to commend the gentleman in the well for the unusually articulate and very courageous statement that he has just made.

I would like to associate myself with his remarks.

Mr. LEACH of Iowa. I thank the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. I thank the gentleman for yielding me this time.

Mr. Chairman, the amendment offered by the gentleman from Massachusetts (Mr. STUDDS) is an example of legislative sleight-of-hand that has practically become an art form around here. If the conditions that this amendment proposes to place on military assistance to El Salvador could be met, there would be no need for the assistance in the first place; that is now ridiculous it is.

This amendment is particularly an unfortunate illustration of the kind of congressional posturing that can only result in national paralysis. Far from achieving any laudable purpose, a congressional fiat of this type proposed in this amendment, can only guarantee failure for I think what we all want, and that is peace in Central America. The very people it obstensibly is trying to help will be its own victims. The purity of purpose it seems to impose on American policy in El Salvador will only be soiled by its own inability to achieve that purpose.

The reason why this amendment cannot be successful, ladies and gentlemen, is because it seems to change the nature of American involvement in El Salvador entirely. It seems to make the United States an umpire or a referee instead of a ballplayer, all the while shifting the ground rules when the game is already underway.

It would preclude any active American participation in the contest itself until the final outcome has already been decided. Mr. Chairman, we live in a dirty world, and may I say few places in that world are dirtier than El Salvador, and I know because I have been there. We are involved in El Salvador because the people there who share our values and our desires for freedom, justice, and peace are under siege from forces from both the right and the left that seek to destroy all of their hopes.

At a time when we are trying to undergird the forces who share our values and hopes, this amendment would redirect our efforts toward the arrangement of an imaginary set of circumstances that cannot possibly be realized without active involvement in the dirtier aspects of the conflict that this amendment would prohibit.

Thus, a dirty situation gets dirtier, because Congress is given the opportunity to congratulate itself on its own moral purity. Mr. Chairman, I trust that this amendment will be defeated, and that we can get on with the debate on how best to help those brave men and women in El Salvador who seek nothing more than to live their lives in freedom and peace.

If we do not recognize that our own freedom and peace are at stake in this conflict, we are sure to lose in the end. No congressional sophistries can ultimately change the reality of what is at stake in El Salvador.

The Studds approach is wrong; it blames present-day government in El Salvador on previous wrong-doings. Ladies and gentlemen, when we hear people stand up here and say that the Government of El Salvador today condones rightwing death squads, that is wrong. When we hear them say that all of the atrocities that are going on are a part of the government, that is wrong. Blaming the present government and the newly elected government coming in for past human rights violations is like blaming Ronald Reagan for giving away the Panama Canal. Ronald Reagan did not give it away; the U.S. Government did. But that is a previous wrong-doing. It is like blaming Ronald Reagan for selling Taiwan down the drain.

Ronald Reagan did not sell Taiwan down the drain, ladies and gentlemen; the Congress of the United States did. And that was previous wrong-doing on the part of this Congress and the part of this Government. It was not the present-day Government.

The rightwing death squads are not condoned by the Salvadoran army or the Government; they may be part of the militias that are like local community national guards that nobody has any control over but they are not a part of the regular army or any part of the Government. We do not like it and they do not like it and they are trying to do something about it and they are trying to do something about the leftwing death squad as well, the leftwing death squads that we never read anything in the paper about. Several weeks ago, I presented to the Foreign Affairs Committee documented evidence which was compiled from the Sandinista radio stations, the Cuban radio stations—Communist radio stations—that admitted to over 20,000 murders and deaths and tortures going on in Central America and condoned by Cuba and Nicaragua.

If we adopt the Studds approach today, we are not going to help the El Salvadoran Government bring peace and stability to that area; we are going to continue the practice that is going on now of having Communist guerrillas in El Salvador blowing up roads and bridges and waterworks and hospitals. They are going to be destroying the infrastructure of El Salvador which means more and more starving people, more and more deaths, more and more inhumane treatment from these guerrillas.

If we want to do something for the El Salvadoran people, support the Broomfield substitute.

□ 1300

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. I thank the gentleman for yielding this time to me, and particularly for bringing this very important amendment to the floor this afternoon.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. STUDDS).

Last night, President Reagan told us to approve $600 million more for military assistance to El Salvador and the rest of Central America. He said that this money was needed to protect United States national security, to preserve freedom, and to promote economic development in Central America. And if Congress fails to approve all of the President's request—on his terms—he warned that "the risks to our security and our way of life would be infinitely greater * * * with Communist subversion spreading southward and northward."

There is no question that we all want to feel more secure; we all want to see freedom flourish; we all want the people of Central America to know peace, and to have the chance to live thier lives with purpose and dignity. To suggest anything less, evokes memories of our country's darker moments—those days 30 years ago when every citizen was suspect, and dissent was equated with treason.

So, the question is not whether we support U.S. interests and oppose communism. It is how do we best support those interests, how do we best counter the seductive promises of Marxist ideology?

This administration's failed military policy is not the answer. Clearly, the conflict in Central America has raged for many years. But in the 3 years since President Reagan took office, the chaos has deepened, and the terror has escalated.

Despite hundreds of millions of dollars spent on military training and weapons, the Salvadoran Army is losing its war against the guerrillas because it is waging a war against the Salvardoran people. Over 40,000 civilians have been killed by Government-sponsored death squads.

Despite our professed commitment to reform, the death squads roam freely, the judicial system is hopelessly clogged, and land reform has simply stopped.

And despite its bipartisan facade, the Kissinger Commission proposal to send millions more to the region is likely to result in more of the same.

Without an end to the wars and deep-seated political and economic reforms, all the money in the world would do little to build democracy and bolster economic development in Central America.

By tying U.S. military assistance directly to an end to the death squads, and the establishment of a broadly based political dialog, this amendment recognizes that respect for human rights and progress on social and economic reforms are central to the long-term process of peace. It recognizes that communism will not be defeated in Central America unless real changes are brought about.

Of course, these conditions will not solve all of Central America's problems—far from it. But they will help break the stranglehold of terrorism that has paralyzed the Salvadoran people. It will show the people of Central America that we are acting in good faith, that we oppose repression and support peaceful political change. And we can further pursue this goal by giving our full support to the Contadora initiative—which has the support of nearly every nation in Latin America.

I am not confident that these changes will happen soon. As the debate in Congress drags on day after day, the war machine in Central America grinds on at a steadily expanding pace:

In El Salvador, the administration wants to spend $300 million in additional military aid over the next 18 months—more than $30,000 for every guerrilla we are attempting to defeat.

For one of the few times since the Vietnam war, the United States has sent American planes on wartime surveillance missions for another government.

Honduras is slated to receive $77 million in military aid—25 times what it was getting the year Ronald Reagan took office. We have installed two radar bases, three military training centers, and eight airfields in that country. It is clear that the administration is establishing a permanent military presence in Honduras—without the approval of Congress that U.S. law requires.

President Reagan is preparing for war. And by perpetuating a policy of military intervention that has failed every U.S. President since Monroe, he is sentencing the people of Central America to another endless cycle of violence, poverty, and despair.

I urge all of my colleagues to reject that policy by supporting the Studds amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. MCCANDLESS).

Mr. MCCANDLESS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have listened with great interest this morning to my colleagues and the badgering of figures and ideas, much of which is fact and much of which is fiction. I would like to deal in 3 basic areas regarding this whole subject.

First, do the guerrillas have the support of the people? The answer to that is no, they do not. The bishop says that 5 plus or minus percent of the total population of El Salvador supports the guerrillas. One point of view.

A recent point of view: Does the electorate support the guerrillas in El Salvador? Nine of the provinces, states or districts, whatever one wishes to call them, voted for D'Aubuisson because of the impact the guerrillas have had on their daily way of life, their standard of living, and their ability to continue to survive and raise a family.

The guerrillas are trying to destroy the economy of the country and bring it down not from a military victory but through economic chaos in order to take over and have their way of life imposed on the people involved.

Now let us talk about these death squads. What about them? Mr. Duarte made an interesting comment in June of last year when I was there. He said:

You know, you people from North America forget that for many, many years the law of the West was the law that governed most of the United States. That there is an evolutionary process necessary in my country that has to take place.

I do not condone the death squads and I am doing my best as a private citizen and a future candidate to eliminate them.

One of the problems we have here is the way this whole thing is reported. A nationally syndicated news commentator, anchorman, said the other night that 40,000 people in El Salvador have been killed by the death squads when, in fact, 40,000 people in El Salvador have been killed overall in the whole war. That is a problem that we have in communicating with our constituents when they read these kinds of distortions.

Let us take another fact that comes from what I would consider to be a somewhat liberal source, although one not looked at, the America's Watch, a group of people who are interested in human rights. On page 4 of the February 1984 edition of their report, they have a breakdown, according to their way of calculating on what has happened relative to death squad action. I quote:

January 1983—186 people have been killed or were killed during that period. By comparison, January 1984—there were 22 people killed by death squads, a substantial decline if someone is looking for progress to hang their hat on and to bet on the future of El Salvador.

One of the interesting parts about this particular scenario of figures and how the decline has taken place is, it began in June and July of last year to recede when Ambassador Pickering was placed in charge of our embassy and began to work with the establishment in trying to bring about some semblance of direction.

I think the future is such that this Nation should continue to support, because there has been obvious progress, the democratization of El Salvador. The election was a rally of the people. For the first time they have been able to vote in the final election on the runoff. Previously it was handled by their unicameral legislature.

The CHAIRMAN pro tempore (Mr. LEVIN of Michigan). The time of the gentleman from Califorina (Mr. MCCANDLESS) has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. MCCANDLESS. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, neighboring countries have been watching this. When I was there over the weekend, I talked to an elected Vice President of Guatemala who never took office because it was the wrong party. He said,

If this happens, if it comes off tomorrow, Sunday, and it is done properly, this is going to help Guatemala, it is going to help the other nations to find that right way of doing things, not in the old, traditional conquistador way but in the new democratic way.

Business and professional leaders have both said they will support the outcome, and the person who is elected to the office of President. The army leadership that spoke to my group over the weekend said they would support, under the constitution, the duly elected leader as commander in chief.

I say there is enough evidence here, based upon these figures, and based upon the observations of myself and my colleagues over the weekend, and those of us who were there last year, to support the El Salvador program of democratization and turn down this amendment before us.

□ 1310

The CHAIRMAN pro tempore. The Chair will state that the gentleman from Massachusetts (Mr. STUDDS) has 22 minutes remaining and the gentleman from Michigan (Mr. BROOMFIELD) has 6 minutes remaining.

Mr. STUDDS. Mr. Chairman, may I inquire whether the gentleman from Michigan has any additional speakers?

Mr. BROOMFIELD. No; I have no further speakers, Mr. Chairman.

Mr. STUDDS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Massachusetts (Mr. STUDDS) regarding conditions on U.S. assistance for El Salvador and would like to take this opportunity to comment on present U.S. policy in Central America.

Based on the recommendations of its National Bipartisan Commission on Central America—the Kissinger Commission—the administration has requested congressional approval of $259 million in supplemental 1984 military funds and $256 million in fiscal 1985 military aid for Central America. Under the Kissinger plan, U.S. economic assistance would total $8.4 billion over the next 5 years, with $913 million to be spent next year alone.

Mr. Chairman, there is growing skepticism in this country about the utility of aid programs delivered in the midst of continuing military conflict or administered by corrupt foreign officials. The proposed aid package presages a level of U.S. involvement in Central America unknown in recent history. It is, therefore, essential that we take this opportunity to spell out in unambiguous terms our objectives in the region and how U.S. assistance will contribute to their realization.

To put today's debate in perspective, we ought to give pause to consider the record of past U.S. involvement in Central America. Since fall 1980 the United States has supplied more than $1 billion in military and economic aid to El Salvador alone. Should the President's request for fiscal 1984 supplemental appropriations be approved, military aid to El Salvador would jump to 40 times the fiscal 1980 level. This dramatic surge in military assistance has not, as we know, brought an end to the fighting in that country. In fact, guerrilla forces believed to have numbered about 2,000 in 1979 are reported to have grown to 10,000 today and are operating virtually at will in much of the country. All told, it is estimated that more than 30,000 Salvadorans have died in the last 3½ years of fighting—many at the hands of rightwing death squads.

Likewise, massive increases in U.S. economic assistance have failed to slow the pace of economic disingtegration in countries such as El Salvador. While U.S.-supported economic and political reforms have languished, it is reported that millions of dollars of assistance has been siphoned off to line the coffers of corrupt Salvadoran officials. A report released earlier this year by the AID Inspector General found that despite the more than $200 million in U.S. support, El Salvador's agrarian reform program was only partially implemented as the result of ineffective management and rightwing intimidation and violence.

It is interesting to note that the President's own Commission on Central America concluded that peace must be a precondition for the effective use of aid. With no end to present fighting in sight, we are nonetheless today standing on the brink of a profound expansion in U.S. military and economic assistance for Central America.

Mr. Chairman, I believe the record of the past 3 years speaks for itself: U.S. assistance, no matter how great, cannot in itself bring an end to present conflict. That is not to say, of course, that we should turn our backs to the turmoil in Central America. If U.S. aid is to address constructively the problems besetting nations such as El Salvador, it must be structured to encourage the development of democratic institutions that are responsive to the needs of the Salvadoran people. It must be tied to key U.S. policy goals including land reform, the protection of human rights and political negotiations toward the resolution of present conflict—as would be required under the proposal offered by the gentleman from Massachusetts (Mr. STUDDS). Anything less is patently unacceptable.

On a broader level, we must recognize that America's best prospects for reasserting its leadership lies in promoting a collective approach to the region's economic and security problems.

We should fulfill our partnership with the other American States in the common pursuit of peace by throwing our full diplomatic weight behind the regional peace efforts of the Contadora nations. We must act now, before the military escalation in the region precludes the option of a diplomatic solution and moves the specter of a direct U.S. combat role in Central America closer and closer to reality.

Mr. Chairman, let us not affirm the failed policies of the past 3 years; let us instead seize this opportunity to rededicate this country to the advancement of peace in Central America. I appeal to my colleagues to join in supporting the Studds amendment with regard to conditioning U.S. foreign assistance on meaningful progress toward peace and reform.

Mr. GARCIA. Mr. Chairman, my colleague from Massachusetts has come up with what I consider to be the best alternative to controlling aid being sent to Central America.

This is by no means a half measure, and that has been a primary complaint against the Democrats, that we are offering only half measures. The last year of the Carter administration we only sent $6 million to El Salvador for military aid. It has now been estimated that for this year alone we have sent or have had requested of us $243 million for military aid to El Salvador alone. Now that would not be so bad if the results were better, but they are not.

I am glad that Mr. Duarte has been elected President, and I certainly hope Mr. D'Aubuisson's report that he has won is indeed inaccurate. But even if Mr. Duarte has won, there is still a long way to go before El Salvador will be a real democracy. If we continue to send military aid to that nation, unconditionally, then we may never see democracy in El Salvador.

Our involvement in El Salvador and throughout the region is getting more and more tangled. We need to untangle ourselves and to begin to look at this situation more realistically. This amendment would do just that. We do not need a policy of more military aid; we need a policy that stresses negotiations, not a military solution.

A recent article in the Christian Science Monitor stated that the CIA is involved with the training and financing of Government troops engaged in death squad activities. What are we doing? What kind of a policy is that?

On the one hand the Vice President went to El Salvador and made what I thought was an eloquent statement on our concern over death squad activities, on the other hand the CIA is reported to be financing and generally aiding those same death squads.

I do not want to see communism in El Salvador, Guatemala, or anywhere else in the region, but I do not believe our present course is doing anything to prevent that. The President is trying to turn back the clock to the fifties and early sixties, when we simply just exerted our military muscle to get results in Central America and the Caribbean. Those days are gone. There is no amount of military aid that can change this, take us back 25 or 30 years. What we need is a fresh approach; what we need is to use our economic strength and the strength of our democratic tradition to win a lasting victory in El Salvador.

The often criticized policies of President Carter have helped bring about a democratic change in Argentina. I believe his policy also may have influenced the present political opening in Brazil, and the further entrenchment of democracy in the Dominican Republic. His policy has borne some fruit, but what fruit has the policy of the Reagan administration borne?

If Congress, no matter how it acts, is blamed for Central America, then I think we had better make a strong and clear statement as to how our policy for the region should continue. This amendment makes such a statement.

● Mr. LELAND. Mr. Chairman, I rise in strong support of the amendment of my distinguished colleague from Massachusetts to H.R. 5119.

I am not here to repeat the horrific accounts of political repression that occur daily in El Salvador. I am sure you have heard more than you would have liked to have heard about this issue. I am here to state that the time is long overdue for us to tell the Government of El Salvador—in a manner which cannot be mistaken—that we will no longer tolerate the massive human rights violations that exist in that country.

In all good conscience, I cannot support the Broomfield amendment which gives the President a blank check on military aid to El Salvador. In addition, I feel that the middleground option authored by the chairman of the Foreign Affairs Committee and the gentleman from Maryland, does not demonstrate sufficiently our opposition to human rights violations in El Salvador.

While the Fascell-Barnes amendment does provide that the distribution of further military aid will be contingent upon political and human rights progress, one-third—nearly $65 million—of our aid is offered virtually free of meaningful conditions.

The Fascell-Barnes amendment gives the President discretion to determine whether El Salvador has proven progress in political developments and human rights before releasing one-third of our military aid. This is ludicrous. Time and time again, the President has cited improved conditions in El Salvador where none have existed.

Many call the Studds amendment unreasonable. Why? This amendment merely seeks to deny El Salvador military aid if Congress does not approve the President's certification of improved conditions. What are these improved conditions? They are the removal of the death squads, assurance of adequate protection for the civilian population, and documented attempts at good faith negotiation with all parties for the purpose of ending the present violence.

Mr. Chairman, the Studds amendment is not unreasonable. On the contrary, it is the most reasonable amendment offered; the Broomfield amendment is intolerable and the Fascell-Barnes proposal is not enough.

Surely, we have the moral and financial obligation to demand that the moneys of the American taxpayers are not used to aid a government that has not yet demonstrated a willingness to end human rights violations and to begin sincere negotiation efforts toward peace in Central America. We must not remain silent and pretend increased aid will facilitate peace in this vital goal.●

● Mr. ADDABBO. Mr. Chairman, do you know what 60,000 New Yorkers did? They stood behind the families of the four American churchwomen and other Americans murdered in El Salvador and petitioned the U.S. Congress to bring justice to these cases in El Salvador. These Americans were joined by millions of other Americans who have asserted their moral conscience and believe that we must not fund the lawless government of El Salvador.

We have airtight proof that the judicial system in El Salvador is unable to work. Why then does the administration continue to press for more funds for El Salvador's death squads? These are military gangs that detain, beat up, and violently murder those who seek free speech and the principles of democracy for El Salvador. Often they execute innocent bystanders as well. If the White House is willing to be ruthless, then it is up to the Congress to be responsible. We must stop this action right now until changes can be made in El Salvador.

Let me make it very clear this is not a partisan attack by Congress on the President. This is a matter where Congress must be responsible to the Nation, to Salvadorans, to all Nations. The President has demonstrated that he is unwilling to wait for reforms to come about in El Salvador before sending arms. During Easter break he circumvented Congress and authorized $31.5 in military aid to El Salvador.

Until we in Congress certify that the Government of El Salvador has put an end to its abuse of political prisoners; until we in Congress certify that the Government of El Salvador has established an effective judicial system, one that can process the killers of Americans as well as Salvadorans; until we in

Congress can certify that progress on land reform and other associations is underway; until we in Congress can certify that these basic human rights are met by the Government of El Salvador not one more penny in aid should be given to them.

Mr. Chairman, I support Congressman STUDDS' amendment because it ties the highest standards of human rights to aid. The United States has always been a country that is proud of its human rights' policies, this Congress must not let this commitment fall for any reason. The American people are counting on us to uphold this highest moral code we carry, and the court of world opinion is closely watching our actions. Aid in El Salvador must be tied to human rights.●

● Mr. AuCOIN. Mr. Chairman, last night President Reagan went on TV with a watered-down version of his charge that a dangerous power was working to undermine U.S. interests in Central America—the U.S. Congress.

It is unfortunate that the only shift the President was willing to make last night was to shift the blame. Criticizing Congress may make good headlines, it does not bring us any closer to ending the violence in Central America.

Congress cannot be expected to endorse policies which have no chance of advancing legitimate U.S. goals. While the administration gives lipservice to the concept of negotiations and the work of the Contradora group, present policies are militarizing Central America, and have led the administration to draw up contingency plans for the direct involvement of U.S. troops.

Let us just take a quick look at the success of U.S. policy in Central America to date.

In 1980, the United States gave $5.6 million in military aid to El Salvador. So far in 1984, we have provided $100 million in military aid, with requests for nearly $100 million more still under consideration.

Since 1980, the guerrilla force in El Salvador has grown from 2,000 to 12,000. Since 1980 there have been over 40,000 murders at the hands of the death squads in El Salvador, with not one person brought to trial.

And, though Congress has limited the number of U.S. advisers in El Salvador at 55—in noncombatant roles—the number of U.S. personnel in El Salvador is up to 100, some of them flying reconnaissance missions and directing bombing sorties that have killed innocent Salvadoran civilians.

Recent reports indicate that half the weapons owned by the guerrillas are captured U.S. arms. The Salvadoran armed forces are still inept, at best, unable to stop the guerrilla attacks or to incorporate more efficient methods of operation in the field.

But, President Reagan chose to ignore these statistics last night, focusing instead on the two-stage managed elections recently held in El Salvador. To infer that El Salvador as a democracy is nothing but make believe. And to double military aid in celebration of the Duarte victory is macabre.

U.S. successes do not stop at the Salvadoran border. Consider the covert war in Nicaragua, fought by a U.S.-backed guerrilla band that has grown from 4,000 to 18,000. In its zeal to continue this war, the administration has stretched the limits of credulity—even labeling the CIA terrorist mining of Nicaraguan ports a "legitimate form of self-defense."

I am no fan of the Sandinista government. And I have lost track of whether the covert operations are intended to capture arms or harass the Government of Nicaragua. But I am sure that the administration is dead wrong when it calls these misguided operations its "best bargaining chip" in the region.

Bargaining chips have no value unless one intends to bargain. The administration has not only refused to take the Nicaraguan Government up on any of its overtures for negotiations, but has weakened any legitimate political opposition within Nicaragua by consolidating the position of the Sandinista government.

Even more alarming, our poicies have contributed to the violence that has spilled over into peaceful Costa Rica, prompting the Government of that country to request emergency military aid from the United States.

Incredibly, the list of successes goes on. In Honduras the administration has been running an ambitious program of war games involving tens of thousands of U.S. troops and requiring construction of landing strips, port and radar facilities, and permanent housing structures. Our annexation of Honduras has strengthened the hand of the military in that country, jeopardizing the fragile democracy which has been in existence for only 3 years.

And, here again, the violence has spilled over the border, most recently resulting in the shooting down of a Honduran helicopter that strayed into Nicaraguan airspace.

Given this list of successes, it is not difficult to understand why Members of Congress have reached the point we are at today and why it is vital that the House approve the Studds amendment so that Congress can put the brakes on our present, dangerous policies.

While the Studds amendment does limit U.S. actions it would not, as the administration asserts, terminate U.S. military assistance to El Salvador. In fact, the Studds amendment would authorize up to $159 million in military aid to El Salvador in fiscal year 1985—an amount I consider more than generous.

The amendment would merely force the administration to give proof that progress is being made in El Salvador—in land reform, human rights, and negotiations between the various factions. And it would require Congress to go on record as well.

There is not one condition in the Studds amendment that cannot be achieved. Most of the conditions, in fact, have been lifted from the page of State Department briefing books, reflecting official administration policy goals.

The other limitations imposed by the Studds amendment are also contained in the committee bill. Preventing the administration from going through the backdoor to "drawdown" military aid for El Salvador. Ending the military exercises in Honduras, which are scheduled to continue for the next several years. Continuing and tightening the limit on military advisers in El Salvador. Preventing military sales to Guatemala and prohibiting the administration from supplying military equipment to the internal security forces in El Salvador.

Mr. Chairman, no one like to put conditions on foreign aid. No one wants to split foreign policy along party lines. But the inability of the administration to provide a detailed, workable set of policy objectives has forced Congress to set out these binding conditions.

I strongly urge my colleagues to vote for the Studds amendment so that we can truthfully say that there has been a success in U.S. Central America policy this year.●

● Mr. EDGAR. Mr. Chairman, I rise in support of the Studds amendment and in opposition to the Broomfield amendment.

Mr. Chairman, it is time to say "enough." Enough military aid to El Salvador without serious efforts to end human rights abuses in that country and stop the death squads. Enough military aid to El Salvador without progress in the investigation of the murder of four American churchwomen in 1980. Enough military aid to a Salvadoran Government that has refused a negotiated settlement to the civil war. Enough military aid, enough aid which contributes only to the escalation of the war, and not to peace.

The Broomfield amendment proposes a blank check for continued human rights violations by the Salvadoran military and for the administration's massive military buildup in Central America. It hardly takes into account the Salvadoran Government's total failure to make significant progress to curb human rights abuses. It ignores the continuing murders of large numbers of civilians by the military and by the death squads.

The committee bill, while an improvement over the status quo, still

allows the President to spend tens of millions in military aid to El Salvador by meeting weak certification requirements.

For this reason I support the Studds amendment, which would for the first time say "enough." The gentleman from Massachusetts has proposed language which would prohibit any U.S. military aid to El Salvador unless Congress approves a Presidential certification that the Salvadoran Government has: removed from the military those involved in the death squads; complied with international agreements on the protection of civilians; participated in negotiations with the guerrillas; released political prisoners; guaranteed free press and free association; made progress on land reform; and instituted a working judicial system.

Opponents of this amendment say that it is unrealistic to expect the Salvadoran Government to do this by the beginning of the fiscal year in October. I submit that we have been urging the Salvadoran Government to take similar actions for a number of years. The American people should not have blood on their hands. We have an obligation to work for freedom and democracy in El Salvador, but to achieve this end we should not have to ally with murders.

Others claim that the newly elected President of El Salvador needs time to assert his authority and gain control. I join my colleagues in congratulating Jose Napoleon Duarte on his election, and I admire the courage of the Salvadoran people in voting despite numerous obstacles placed in their way by the guerrillas. While I am somewhat encouraged by the election of Mr. Duarte to the Presidency, it remains to be seen how much influence he will have in reforming the military, the long-standing center of power in El Salvador. At this crucial moment in history of the Salvadoran nation, is merely pouring more money into military aid going to help Mr. Duarte gain control over the death squads? Will it bring an end to the fighting? Will it encourage negotiations? I submit that it will not, and that, indeed, further military aid will exacerbate existing tensions if it is not provided with reasonable conditions designed to strengthen democratic institutions and guarantee human rights.

The Studds amendment is the only alternative to "the same old thing" in Central America. It is clear that the administration's Salvadoran policies have been thoroughly ineffective in achieving many important goals: defeating the guerrillas, improving the human rights situation, and stopping aid to the guerrillas from Nicaragua. Although we have provided millions in aid to El Salvador and have seen her army double in size since 1980, the strength of the guerrillas has increased. It is time that we try a new path. It is time that we acknowledge the historical basis for indigenous uprising in Central America. Even without the influence of the Soviet Union and the United States, there would still be revolution in Central America. We must attempt to address the problems of longstanding poverty and oppression which cause these revolts, rather than merely supplying more weapons to the oppressors.

Mr. Chairman, we have spent 5 long years throwing unconditional military aid at the problems of Central America. We have paid lipservice to the Contadora process, we have allowed the concerns of the church to go unheeded, and we have continued in spite of gross violations of human rights. The inauguration of a new President in El Salvador gives us a chance to change this dismal pattern, to start again. I urge my colleagues to join me in supporting the Studds amendment, which gives us a way to achieve peace and justice in the region.●

● Mr. BEDELL. Mr. Chairman, I am sure each and everyone of us here realizes the ramifications of today's debate. We are here to discuss the future course of our Nation's foreign policy goals and objectives in Central America. We are here as representatives of the people to decide what manner those policies will be implemented. The magnitude of this decision cannot be discounted. It will affect not only our Nation's long-term national security interests but the long-term destinies of our neighbors to the South.

In his eloquent address last night, President Reagan asked the American people three simple questions. "Will we support freedom in this hemisphere or not? Will we defend our vital interests in this hemisphere or not? Will we stop the spread of communism in this hemisphere or not?" In my view the answer to each of these questions is, of course we shall. However, the question before us today, is in what manner shall we endeavor to accomplish these aims.

We have before us today two alternatives that serve to meet these aims. For many of us, this will be a most difficult decision to make. For me, my path remains clear. In my view, the best route through which we can successfully respond in the affirmative to each of the President's questions rests with the adoption of the Studds amendment to the International Security and Development Cooperation Act. In my view, the Studds amendment offers us the most reasonable course that we can pilot through the trouble waters of Central America. In my view, the Studds amendment offers us a sane and rationale course through which we can achieve our long-term national security goals in Central America, as well as to insure that the fate that awaits the people of El Salvador is one of freedom, justice, a healthy economy and one of peace.

Clearly, the people of El Salvador need our support. Clearly, none of us here today would vote in favor of legislation that would allow this Nation to fall within the orbit of a pro-Soviet, Communist totalitarian government. At the same time, I believe it is equally clear that none of us here today would support a U.S. policy that would allow this Nation to fall under a rightwing totalitarian dictatorship that has no respect for fundamental human rights or freedoms. The Studds amendment offers us the opportunity to help the people of El Salvador in a manner in which they will be protected from the brutalities and tyranny of both the political right and left. The Studds amendment accomplishes this task through its requirements upon the Salvadoran Government to meet certain reasonable conditions as a requisite for military assistance.

What are these reasonable requirements? The first and second conditions seem exceptionally reasonable to me—the removal of those people responsible or associated with Salvadoran death squads and compliance with the Geneva Convention regarding the protection of civilians. I ask you, is this an excessive demand to be made by the American people? I think not. Do any of us here today, reasonably believe that our constituencies would support the continuation of an American policy that sanctions the brutal murder of nearly 30,000 innocent civilians since 1980 and rewards those responsible with more military assistance with no strings attached? I think not. Thus, the Studds amendment insures the beginning of the end of right-wing, death squad terrorism. A goal each of us must share if we truly believe that our policies toward El Salvador can succeed.

The third requirement seems equally as reasonable to me—participation in negotiations, without preconditions, with the guerrillas, unless they refuse to participate in such negotiation. What is wrong with this idea? Since when have the words negotiation, dialog and discussion with your adversaries been erased from the concepts of free, open, and democratic societies? In my view the Salvadoran people have everything to gain and nothing to lose from such a requirement. If the guerrillas refuse to negotiate, their intentions will then be well known. Their domestic support within El Salvador will begin to dry up and support for the newly elected government should begin to increase—provided that rightwing terrorism and suppression is ended. Thus, once again, the Studds amendment serves to insure that our long-term policy aims in Central America can be achieved.

In addition to these requirements, the Studds amendment also prohibits the release of military assistance moneys unless and until the Salvadoran Government puts an end to the detainment of political prisoners—something our Nation has always opposed; establishes an effective judicial system—something our Nation has always supported; protects the freedom of the press and association—two principles upon which our Nation was founded, and; continues to make progress on land reform—an original requirement mandated by Congress before our initial involvement in El Salvador.

In my mind, each of these requirements are also exceptionally reasonable. They uphold the traditional values that have been supported by the American people for more than 200 years. They provide that our policies toward El Salvador will be supported by the American people and thus, they insure that our policies toward El Salvador will result in affirmative responses to the questions that President Reagan posed to the American public last night.●

● Mr. HARRISON. Mr. Chairman, I completely agree with the humanitarian goals the Studds amendment seeks to achieve. But, I cannot support it because it seems to me that the mechanism which it creates would be both impracticable and enormously time consuming. The result would be that we would not be able to provide timely assistance in support of the new Salvadoran regime. It is my belief, from my own visit to that troubled land and from everything we have heard from all the sources available to us, that President-elect Duarte provides the last and perhaps the best hope for a stable democratic regime in El Salvador. His greatest difficulty, it seems to me, will be to obtain effective control of the Salvadoran military and, with the support of the military, to bring under control the random violence which has plagued that country this past many years. I am concerned that by imposing impracticable conditions upon our military aid, we could weaken the President-elect's ability to bring the military under control and, thereby, greatly decrease his chances to stabilize the political system.

A resolution of the crisis in El Salvador can come only through the elimination of the death squads, the realization of control over the military and successful negotiations with the responsible elements of the left. Those objectives can be achieved only by a regime which is in a position of strength. It seems to me that the numerous conditions imposed by this amendment would dissipate that strength and so, while admiring the good intentions which prompts it and the noble aspirations it seeks to achieve, I cannot support the Studds amendment.●

Mr. KOSTMAYER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. STUDDS). Conditioning U.S. military aid to El Salvador on the achievement of very basic human rights objectives and political reconciliation is the only way to insure that the Salvadoran Government will not lose the war.

For 4 years, we have witnessed an increasing militarization of the conflict in Central America resulting only in the further weakening of the forces for democracy and peace in that region. No one in the Congress or in the country wants to see a Communist victory in El Salvador, but that is exactly what the Reagan policy will bring if pursued.

To continue to send military aid to prop up a government unable to control security and police forces which continue to murder the citizens of El Salvador at a rate of about 10,000 per year, is not going to pave the way toward peace and democracy. To continue to send weapons in search of military victory and refuse to talk to the insurgents, will do nothing but expand the conflict and raise the stakes to the point where the President may feel compelled to commit American troops to the region. That, I believe, is a scenario that the American people would never tolerate—nor should they ever.

Central to the process of achieving peace and democracy is respect for human rights, progress on economic reforms and negotiations to find a political resolution. It has become evident after 4 years of conflict, that continued and unconditioned arming of the Salvadoran military is simply not working. Indeed, many of the weapons we send end up in the hands of the insurgents—strengthening their resolve and military capability. Such a policy has eroded the Salvadoran people's faith in their own leaders. Unless El Salvador can respond to the legitimate needs of its own people—in implementing land reform, bringing the participants of death squads to justice and ending the war itself—then surely communism will triumph.

The recent election of Jose Napoleon Duarte offers some glimmering hope for the future of El Salvador. Mr. Duarte has continually expressed his intention to end human rights abuses, curb the death squads, proceed with social and economic reforms and to open political dialog with the insurgents. His determination to try to achieve these objectives is in marked contrast with the past 4 years. But for Mr. Duarte to succeed in bringing about these essential changes, our own policies must change now. By conditioning further military aid to El Salvador on the achievement of Mr. Duarte's own objectives, we have perhaps our last opportunity to begin to move toward ending rather than widening the conflict in Central America.

Mr. STUDDS. Mr. Chairman, if the gentleman from Michigan (Mr. BROOMFIELD) has no further requests for time, I yield myself such time as I may consume.

Mr. Chairman, President Reagan's approach to El Salvador, like his approach to Lebanon, nuclear arms control, and Central America as a whole, is simplistic and fundamentally wrong. He has attempted to portray the fighting in El Salvador as a simple struggle between the forces of democracy and international communism, but it is, as every Member of this body should know, a lot more complicated than that.

The fact is that even if the Soviet Union were ruled still by the czars, and Cuba and Nicaragua had long since sunk into the sea, there would still be a civil war in El Salvador. History provides no alternative. In the words of Napoleon Duarte, El Salvador is at war because of:

> Fifty years of lies, 50 years of injustice, 50 years of frustration. This is a history of a people starving to death, living in misery. For 50 years, the same people had all the power, all the money, all the jobs, all the opportunities.

And throughout those 50 years, all the people of El Salvador heard from the United States was silence.

It is an illusion to believe today that we can deny that history and purchase with our aid either a military victory or an equitable peace in El Salvador. For no matter how much money we invest, our policy will never succeed as long as real power continues to reside in the same hands that imposed a half-century of nightmare upon the Salvadoran people, and until the stranglehold of rightwing terrorism can be broken.

There are those who say this can never be done, who despair of eliminating the death squads, or reforming the military, or of establishing a system of justice in El Salvador. They argue—as they provide more guns and bullets—that violence is endemic to the culture of El Salvador; that the killing of innocents is untraceable, institutional, impersonal, and inevitable.

But we know who is doing most of the killing in El Salvador. And we know they still hold positions of power.

It requires, does it not, power of a very real sort to murder 250 people a month for 4 years without being punished for a single crime. This is power that flows literally from the barrel of a gun. The people of El Salvador did not vote for it; it is every bit as illegitimate as any power now being sought by the guerrillas, and it is every bit as much a threat to democracy as that

concept is understood in the United States.

The election of Napoleon Duarte is welcome, but it provides no guarantee of reform, for the enemies of this courageous man reside within his own government. From 1980 until 1982, Duarte served as president of the governing junata of El Salvador. He accomplished little, for he was given by the military little power. During his recent campaign, Duarte raised the issues of negotiation and the death squads, the very issues we are considering in this amendment today, and the very issues that will ultimately define the success or failure of the Duarte presidency. But Duarte will not succeed; the murderers will not be purged from the military; the army will continue to kill its prisoners; and those willing to negotiate will fear to do so until the power of the death squads and their military protectors is broken.

And that power will never be challenged—or diminished—by the shipment of more military aid, or by statements from the President of the United States that the fate of the Salvadoran military and the fate of Western civilization are one and the same.

There are people in El Salvador who have the power to make these reforms take place. But they will not risk their position; they will not make these difficult decisions if we continue to tell them over and over again—not with our words but with our actions—that regardless of what they do, regardless of how many are killed, the aid will continue to flow.

If we maintain our present course, the American people and the Congress will continue divided about our policy; El Salvador will remain confused about our purpose and our goals; the civil war will drag on; the repression will continue; the guerrillas will gather strength; and U.S. soldiers will, sooner or later, be called upon to fight in another unpopular and unwinnable war.

It does not have to be. An administration spokesman said recently that it would require a miracle for the conditions posed by my amendment to be achieved. I am not so pessimistic; I have greater faith that that in the commitment to reform of Napoleon Duarte, and in the willingness of some military leaders to take risks to maintain the flow of military aid.

And consider what these changes would mean for El Salvador and for ourselves. They would help transform the Salvadoran Army into an institution content to defend rather than rule the people of El Salvador; they will generate momentum toward an equitable and democratic peace; and they will create within our country the breadth of support that this policy must have if it is in the long run to succeed.

And for the 30,000 dead, for Archbishop Romero, the 4 churchwomen, the 3 agrarian reform workers, John Sullivan, Michael Kline, those killed at Santa Elena, La Florida, Las Ojas, San Antonio Abad, Mozote, and Zaragoza, for those killed every day in El Salvador, these reforms will constitute a legacy more fitting by far than the shipment of millions of dollars of weapons, without conditions, to a military already responsible for a half century's misery and 30,000 dead.

Mr. Chairman, I say to my colleagues, let us respect those dead, and in the process let us respect ourselves and what is best in our own Nation, and endorse this amendment.

□ 1320

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I am pleased to yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding.

I simply want in the concluding moments of the debate on this amendment to commend the gentleman and to tell him that he really deserves the respect and gratitude not only of the Members of this body, but of the entire American people for his leadership in offering this amendment. I think that his words are not only eloquent, they may indeed be very prophetic unless they are heeded, because I think the gentleman is quite right. Unless we demonstrate that we mean it when we say that Duarte's efforts, to halt death squad activities and to bring about negotiations have to be supported, I am afraid that the Communists will ultimately succeed in taking control; so again my appreciation and commendation to the gentleman for his leadership on this matter.

Mr. STUDDS. Mr. Chairman, I thank the gentleman for his remarks.

I yield to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding.

I want to follow up the gentleman from New York's commendation to the gentleman in the well.

The gentleman from Massachusetts has done a tremendous job in informing this body and the American people of the importance of this issue.

The Studds amendment would be the right thing for this country, for this Congress to do.

One of those reform workers who was killed January 1981 was Mark Pearlman from Seattle. When I was in El Salvador talking to the El Salvadoran Government a year ago, I said, "we just can no longer continue to be sending money down here with no answers when you know who did that killing, this and the other killings."

I compliment the gentleman and ask support for the Studds amendment.

Mr. STUDDS. Mr. Chairman, I thank the gentleman.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I compliment the gentleman on his sweeping and profound statement that summarized in such an economy of words, but with very graphic presentation, the situation in El Salvador.

I was astonished, listening to the President last night, at his alarmist and inflammatory rhetoric about the situation in El Salvador. He evoked repeatedly the specter of communism speading through El Salvador and elsewhere in Central America. But nowhere in his discourse did he make reference to the real problems in El Salvador that have generated the resistance to the Government and to military rule in that country. Nowhere did he talk about the need for land reform which has been reversed in fact in the years since the election of 1982. Nowhere did he talk about the death squads, the killings of innocent people, the disappearances, suppression of freedom of the press, the arrest of two American journalists last year when I visited, the very day that I arrived with a congressional delegation in El Salvador, the arrest of two American journalists because they were being wiretapped by the Government, reporting on the facts of the situation in the country; the jailing of labor leaders, the breaking up of the teachers' union, the closing of the national university, the closing of its medical school and its law school. There has not been a lawyer graduated in 5 years in that country. There have been no medical students graduated in 5 years in El Salvador.

President Duarte has described his country under the years of repression and military rule as a culture of violence. I do not think the people basically are violent. I think they are a good and a hardworking people. But are we supposed to wipe clean the slate of the bloody history of the past 5 years because there has been an election? I say not.

When I visited El Salvador 2 years ago in a meeting with now Archbishop Rivera y Damas, he said, "You Americans have a democratic system that works. Elections work in your country. They don't here."

"Elections," he said, "are but one note in the song of democracy. You expect us to play that note and hear a symphony."

We are not going to hear the symphony of democracy played in El Salvador if we continue to provide surplus guns to the oppressors instead of surplus food to the refugees and the hungry and the needy. Unless we insist on a program of land reform,

unless we insist that decree 507 is removed and people can once again be secure in their bodies, unless we insist that those who ordered and carried out the murders of individual Salvadorans, and the numerous massacres, including San Antonio Abad, Las Ojas and El Mozote, are brought to justice, the people of El Salvador will only see the violence of the past repeat itself through a new round of military repression. The only way lasting peace in El Salvador will be achieved is through the amendment pending before this body, now offered by the gentleman in the well.

I urge this House, in the name of decency, humanity, and peace and democracy in this country, to proceed with some restraint on the true power brokers in that country, the military and the death squads, by approving the Studds amendment.

I thank the gentleman for yielding.

Mr. STUDDS. Mr. Chairman, I thank the gentleman for his remarks.

I yield to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, I thank the gentleman for yielding.

To the gentleman first, I would commend him for offering the amendment, but second, direct a specific question.

The gentleman knows, and certainly the chairman has been stalwart in this area, of my concern for the lack of progress toward justice in the trial of those responsible for the deaths of the four religious workers in December 1980. I am deeply concerned, given the lack of progress and given the insensitivity that we have seen from the State Department, through the chairman we were authorized through the families to have the lawyers look at the Tyler report, but eventually even this has been frustrated by the fact that they had to get security clearance first and then agree not to discuss the details with their clients or go to the public with it.

My question to the author of the amendment is, therefore, do you retain in the amendment the conditions that have been in previous foreign aid bills relating to the necessity of progress in bringing to justice those responsible for murdering the four religious workers?

Mr. STUDDS. I thank the gentleman for his question. The answer to it is most emphatically "yes."

Mr. RATCHFORD. Well, I would thank the gentleman and again I would thank the chairman, because the only time we have seen any progress at all is when we approach a deadline date and the State Department knows and El Salvador knows that the world is looking to see if anything has happened thus far, but what has happened has happened as a result of a prod of the conditions.

I just think this condition is critical if we are going to first, hopefully achieve justice for the families, but second, move forward with human rights in the area of El Salvador.

I commend the gentleman. I thank the chairman. I certainly support his amendment.

Mr. STUDDS. Mr. Chairman, I thank the gentleman for his remarks.

Mr. BROOMFIELD. Mr. Chairman, I yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. STUDDS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 128, noes 287, not voting 18, as follows:

[Roll No. 139]

AYES—128

Ackerman	Frank	Owens
Addabbo	Garcia	Panetta
Akaka	Gejdenson	Pease
Anderson	Gonzalez	Rahall
Applegate	Gray	Rangel
AuCoin	Hall (OH)	Ratchford
Bates	Harkin	Richardson
Bedell	Hawkins	Rodino
Beilenson	Hayes	Rose
Berman	Hertel	Roybal
Bonior	Howard	Russo
Bonker	Jacobs	Sabo
Boxer	Kaptur	Savage
Brown (CA)	Kastenmeier	Scheuer
Bryant	Kennelly	Schneider
Burton (CA)	Kildee	Schroeder
Clay	Kogovsek	Schumer
Coelho	Kolter	Shannon
Collins	Kostmayer	Sikorski
Conte	Lantos	Simon
Conyers	Leach	Solarz
Coyne	Lehman (CA)	St Germain
Crockett	Lehman (FL)	Stark
Daschle	Leland	Stokes
Dellums	Levine	Studds
Dixon	Lowry (WA)	Swift
Donnelly	Luken	Torres
Dorgan	Lundine	Torricelli
Downey	Markey	Towns
Durbin	Martinez	Traxler
Dwyer	Matsui	Udall
Dymally	Mavroules	Vento
Early	Mikulski	Walgren
Eckart	Miller (CA)	Waxman
Edgar	Mineta	Weaver
Edwards (CA)	Mitchell	Weiss
Evans (IL)	Moakley	Wheat
Fazio	Morrison (CT)	Williams (MT)
Feighan	Mrazek	Wirth
Ferraro	Nowak	Wolpe
Florio	Oakar	Wyden
Ford (MI)	Oberstar	Yates
Ford (TN)	Ottinger	

NOES—287

Albosta	Bateman	Breaux
Alexander	Bennett	Britt
Andrews (TX)	Bereuter	Brooks
Annunzio	Bevill	Broomfield
Anthony	Biaggi	Brown (CO)
Archer	Bilirakis	Broyhill
Aspin	Bliley	Burton (IN)
Badham	Boehlert	Byron
Barnard	Boland	Carney
Barnes	Borski	Carper
Bartlett	Boucher	Carr
Chandler	Ireland	Price
Chappell	Jeffords	Pritchard
Chappie	Johnson	Pursell
Cheney	Jones (OK)	Quillen
Clarke	Jones (TN)	Ray
Clinger	Kasich	Regula
Coats	Kemp	Reid
Coleman (MO)	Kindness	Ridge
Coleman (TX)	Kleczka	Rinaldo
Conable	Kramer	Ritter
Cooper	LaFalce	Roberts
Corcoran	Lagomarsino	Robinson
Coughlin	Latta	Roe
Craig	Leath	Roemer
Crane, Daniel	Lent	Rogers
Crane, Philip	Levin	Rostenkowski
D'Amours	Levitas	Roth
Daniel	Lewis (CA)	Roukema
Dannemeyer	Lewis (FL)	Rowland
Darden	Lipinski	Rudd
Daub	Livingston	Sawyer
Davis	Lloyd	Schaefer
de la Garza	Loeffler	Schulze
Derrick	Long (LA)	Seiberling
DeWine	Long (MD)	Sensenbrenner
Dickinson	Lott	Sharp
Dicks	Lowery (CA)	Shaw
Dingell	Lujan	Shelby
Dowdy	Lungren	Shumway
Dreier	Mack	Shuster
Duncan	MacKay	Siljander
Dyson	Madigan	Sisisky
Edwards (AL)	Marlenee	Skeen
Edwards (OK)	Marriott	Skelton
Emerson	Martin (IL)	Slattery
English	Martin (NC)	Smith (FL)
Erdreich	Martin (NY)	Smith (IA)
Erlenborn	Mazzoli	Smith (NE)
Evans (IA)	McCain	Smith (NJ)
Fascell	McCandless	Smith, Denny
Fiedler	McCloskey	Smith, Robert
Fields	McCollum	Snowe
Fish	McCurdy	Snyder
Flippo	McDade	Solomon
Foglietta	McEwen	Spence
Foley	McGrath	Spratt
Fowler	McHugh	Staggers
Franklin	McKernan	Stangeland
Frenzel	McKinney	Stenholm
Frost	McNulty	Stratton
Fuqua	Mica	Stump
Gaydos	Michel	Sundquist
Gekas	Miller (OH)	Synar
Gephardt	Minish	Tallon
Gibbons	Molinari	Tauke
Gilman	Mollohan	Tauzin
Glickman	Montgomery	Taylor
Goodling	Moore	Thomas (CA)
Gore	Moorhead	Thomas (GA)
Gradison	Morrison (WA)	Valentine
Gramm	Murphy	Vander Jagt
Green	Murtha	Vandergriff
Gregg	Myers	Volkmer
Guarini	Natcher	Vucanovich
Gunderson	Neal	Walker
Hall, Ralph	Nelson	Watkins
Hall, Sam	Nichols	Weber
Hamilton	Nielson	Whitehurst
Hammerschmidt	O'Brien	Whitley
Hatcher	Obey	Whittaker
Hefner	Olin	Whitten
Heftel	Ortiz	Williams (OH)
Hightower	Oxley	Wilson
Hiler	Packard	Winn
Hillis	Parris	Wise
Holt	Pashayan	Wolf
Hopkins	Patman	Wortley
Horton	Patterson	Wright
Hoyer	Paul	Wylie
Hubbard	Penny	Yatron
Huckaby	Pepper	Young (AK)
Hughes	Perkins	Young (FL)
Hunter	Petri	Young (MO)
Hutto	Pickle	Zschau
Hyde	Porter	

NOT VOTING—18

Andrews (NC)	Courter	Harrison
Bethune	Gingrich	Hartnett
Boggs	Hall (IN)	Jenkins
Boner	Hance	Jones (NC)
Bosco	Hansen (ID)	Kazen
Campbell	Hansen (UT)	Moody

□ 1340

The Clerk announced the following pairs:

On this vote:

Mr. Moody for, with Mrs. Boggs against.

Mrs. Hall of Indiana for, with Mr. Boner of Tennessee against.

Messrs. DARDEN, DICKINSON, and LONG of Maryland changed their votes from "aye" to "no."

Mr. DURBIN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HARRISON. Mr. Chairman, I was regrettably absent from the Chamber during the vote on the Studds amendment.

I would like to state that had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOMFIELD: Beginning on page 80, strike out line 1 and all that follows through the end of the bill, and insert in lieu thereof the following:

TITLE X—CENTRAL AMERICA

ADDITIONAL FISCAL YEAR 1985 AUTHORIZATIONS—CENTRAL AMERICA

SEC. 1001. (a)(1) In addition to amounts otherwise available, there are authorized to be appropriated $30,000,000 for the fiscal year 1985 to carry out section 23 of the Arms Export Control Act, and the aggregate ceiling on credits (or participants in credits) extended under that section for the fiscal year 1985 is hereby increased by $30,000,000.

(2) In addition to amounts otherwise available, the following amounts are authorized to be appropriated for the fiscal year 1985 to carry out the following provisions of the Foreign Assistance Act of 1961:

(A) $222,000,000 to carry out chapter 2 of part II.

(B) $3,900,000 to carry out chapter 5, of part II.

(C) $640,600,000 to carry out chapter 4 of part II.

(3) Section 515(c)(1) of the Foreign Assistance Act of 1961 is amended by inserting "El Salvador, Honduras," immediately before "Indonesia,".

(b)(1) In addition to amounts otherwise available, the following amounts are authorized to be appropriated for the fiscal year 1985 to carry out the following provisions of the Foreign Assistance Act of 1961:

(A) $69,800,000 to carry out section 103.

(B) $15,000,000 to carry out section 104(b).

(C) $40,000,000 to carry out section 104(c).

(D) $64,000,000 to carry out section 105.

(E) $84,000,000 to carry out section 106.

(F) $6,016,000 to carry out section 667.

(G) $10,000,000 for purposes of the reserve fund established pursuant to section 223.

(2) The ceiling on the total principal amount of guarantees outstanding at any one time under title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is hereby increased by $40,000,000.

(c) In addition to amounts otherwise available, there are authorized to be appropriated $9,000,000 for the fiscal year 1985 to carry out the Peace Corps Act.

(d) In addition to amounts otherwise available, there are authorized to be appropriated $17,000,000 for the fiscal year 1985 for the United States Information Agency to carry out international information, educational, cultural, and exchange programs for Central America under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

(e) Amounts appropriated purusant to this section are authorized to remain available until expended.

SUPPLEMENTAL AUTHORIZATIONS—CENTRAL AMERICA

SEC. 1002. (a) In addition to amounts otherwise available, the following amounts are authorized to be appropriated:

(1) To carry out the Foreign Assistance Act of 1961 with respect to Central America for the fiscal year 1984—

(A) $9,600,000 to carry out section 104(c).

(B) $5,000,000 to carry out section 105.

(C) $20,288,000 to carry out section 106.

(D) $119,750,000 to carry out chapter 4 of part II.

(E) $129,350,000 to carry out chapter 2 of part II.

(2) To carry out the purposes of the Peace Corps Act with respect to Central America $1,000,000 for the fiscal year 1984.

(b) Amounts appropriated pursuant to this section are authorized to remain available until expended.

CONDITIONS ON MILITARY ASSISTANCE AND FINANCING FOR EL SALVADOR

SEC. 1003. (a) The President shall ensure that military assistance and financing are furnished to El Salvador in a manner which fosters demonstrated progress toward the political development, economic development, and security of that country. To this end, the President in every appropriate instance shall impose conditions (in addition to those specified in subsection (d) of this section) on the furnishing of military assistance and financing to El Salvador in order to achieve those goals, including the objectives described in subsection (c) of this section.

(b) Not later than August 31, 1984, and not later than January 31, 1985, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a detailed report fully describing the policies of the Government of El Salvador for achieving political development, economic development, and conditions of security. This report shall also review comprehensively the factors contributing to the political, economic, and security situation in that country, including such factors as human rights, land reform, the economy of the country, refugees and displaced persons, the military situation, and guerrilla activity.

(c) The reports described in subsection (b) shall include the President's detailed assessment of the strengths and weaknesses of the policies of the Government of El Salvador in protecting and advancing the human rights, and in particular the right to security of person, of all persons in El Salvador during the period covered by the report with respect to each of the following objectives:

(1) An end to the involvement in or support for acts of unlawful violence, secret detention, abduction, torture, and murder by members of military, security, or police forces.

(2) The establishment of an effective judicial system, operating under fair and efficient procedures, in which those charged with crimes are brought to timely justice and private disputes and grievances are resolved on the basis of respect for the rule of law, free from the taint of corruption and intimidation, and in particular, the taking of necessary measures to investigate, and prosecute those responsible for, the murders of the four American churchwomen, two labor advisers, and other American citizens.

(3) Effective freedom of the press and freedom of association, including the enforcement of measures against intimidation of the press and labor and peasant union members and leaders.

(4) Participation by the Government of El Salvador in a dialogue with all major parties to the conflict in El Salvador, in good faith and without preconditions, for the purpose of achieving an equitable political solution, based upon free and fair elections and conditions which will assure the physical security of all participants before, during, and after those elections.

(5) Compliance by the Government of El Salvador with applicable rules of international law governing the conduct of armed conflict, and in particular those humanitarian principles for the protection of noncombatants.

(6) Full implementation of the land reform program, including the taking of necessary measures against illegal evictions and the furnishing of necessary credits, administrative support, technical assistance, and services to beneficiaries.

(d) Military assistance and financing may be provided for El Salvador for the fiscal year 1985 only as follows:

(1) If the President determines and states in the first report required by this section that the Government of El Salvador has made demonstrated progress in achieving the objectives described in subsection (c), up to one-half of the aggregate amount of military assistance and financing approved by the Congress for El Salvador may be provided after the end of the 30-day period beginning on the date on which the Congress receives that report.

(2) The remaining amounts of military assistance and financing approved by the Congress may be provided if the President determines and states in the second report required by this section that, since the first such report, the Government of El Salvador has made additional demonstrated progress in achieving the objectives described in subsection (c) unless, within 30 calendar days after receiving the second report, the Congress enacts a joint resolution stating in substance that the Congress disagrees with the President's determination.

(e) As used in this section, the term "military assistance and financing" means any funds obligated for assistance under chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961 and any foreign military sales financing provided under the Arms Export Control Act.

(f) It is the sense of the Congress that the total number of United States military advisers in El Salvador not exceed 55 unless the Congress is first consulted. For the purposes of this subsection, United States military advisers include all members of the United States Armed Forces performing training activities under the Foreign Assistance Act of 1961 or the Arms Export Con-

trol Act, but do not include members of the Armed Forces who are in El Salvador solely for the purpose of performing medical training or services.

CENTRAL RESERVE BANK OF EL SALVADOR

SEC. 1004. Prior to disbursing any assistance to the Government of El Salvador under chapter 4 of Part II of the Foreign Assistance Act of 1961 for economic stabilization purposes, the President shall be satisfied that the Central Reserve Bank of El Salvador has implemented or has taken appropriate steps toward implementing the major recommendations, as defined below, contained in the study entitled "Foreign Exchange: Policy and Management Within the Central Reserve Bank of El Salvador" relating to management, allocation, and controls on the use of official foreign exchange. For purposes of this section such major recommendations are as follows:

(1) Further development, refinement, and application of objective and impartial criteria and procedures for the allocation of foreign exchange in relation to the needs of the economy of El Salvador. This shall consist of—

(A) publishing periodic lists of those receiving foreign exchange;

(B) publicizing foreign exchange allocation criteria; and

(C) undertaking semi-annual audits by a United States public accounting firm to determine compliance with policy, criteria, and procedures.

(2) Adoption of measures to expedite the decision-process regarding allocation of foreign exchange in accordance with availabilities and established criteria. This shall consist of—

(A) taking steps to complete the mechanization of the foreign exchange allocation process; and

(B) refining the forecasting of foreign exchange availabilities to serve as a basis for foreign exchange approvals.

(3) Continued improvement in the capacity of the Central Reserve Bank's price verification unit to reduce the potential for over-valuation of imports and under-valuation of exports. This shall consist of—

(A) increasing the price verification unit staff to at least ten and enhancing it;

(B) having in place qualified technical assistance to support the operations of the price verification unit;

(C) having the unit regularly conduct statistically-significant random samples of all import transactions approved by the Bank; and

(D) implementing a policy to levy sanctions against those who over-value imports.

MILITARY EXERCISES

SEC. 1005. For the fiscal years 1984 and 1985, the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days in advance of assigning or detailing members of the United States Armed Forces to, or otherwise introducing members of the United States Armed Forces into, any country in Central America for the purpose of commencing joint military exercises with the armed forces of any Centeral American Country.

LIMITATIONS ON MILITARY ASSISTANCE FOR GUATEMALA

SEC. 1006. (a) For the fiscal years 1984 and 1985—

(1) funds may not be obligated for assistance for Guatemala under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961; and

(2) letters of offer may not be issued to and credits may not be extended and guaranties may not be issued for Guatemala under the Arms Export Control Act.

(b) The prohibitions contained in subsection (a) do not apply with respect to (1) sales of construction equipment and mobile medical facilities to assist in development programs that will directly assist the poor in Guatemala, (2) sales of training, to be provided outside of Guatemala, which is related to the sales described in clause (1), or (3) a total for both fiscal year 1984 and 1985 of no more than $10,000,000 in loans and loan guaranties under the Arms Export Control Act for sales described in clauses (1) and (2). The exceptions to the prohibition on military assistance and sales for Guatemala provided by this subsection are provided only to enable the military forces in that country to obtain equipment and training for civilian engineering and construction projects and mobile medical teams.

CENTRAL AMERICAN DEVELOPMENT ORGANIZATION

SEC. 1007. (a) The Congress finds that participation by Central American countries in an effective forum for dialogue on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American Development Organization; and

(2) the establishment of the Central American Development Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, progress on human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of human rights;

(ii) mobilization of resources and external assistance needs; and

(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on the recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress towards meeting such country objectives.

(F) For each fiscal year after that in which the President has completed negotiations and agreed to participate in the Organization, the disbursement of 25 percent of the economic assistance funds authorized by this title and allocated by the United States directly for each Central American country should be deferred until the United States and the Organization have both approved disbursement.

(G) The President should encourage other donors similarly to designate a percentage of their direct economic assistance for Central American countries for joint approval with the Organization.

(H) The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, or his designee, should be chairman of the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) Subject to subsection (d)(3), the President is authorized to participate in the Central American Development Organization.

(d)(1) The Administrator of the Agency for International Development, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of the proposal.

(2) To facilitate full congressional involvement in the establishment of the Central American Development Organization, the Chairman of the Committee on Foreign Affairs of the House of Representatives shall designate at least three members of that committee, and the Chairman of the Committee on Foreign Relations of the Senate shall designate at least three members of that commitee, who shall be kept fully and currently informed by the executive branch of all negotiations or discussions with donor countries and recipient countries concerning the establishment of that Organization.

(3) The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement which he proposes to sign providing for the establishment of and United States participation in the Central American Development Organization no less than sixty days prior to his signature. The United States shall not participate in the implementation of any such agreement for at least 60 days after such transmittal. During that 60-day period there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act of 1961.

LAND REFORM PROGRAMS

SEC. 1008. Section 620(g) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "This prohibition shall not apply to monetary assistance made available for use by a government or political subdivision or agency of such government to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.".

ADMINISTRATION OF JUSTICE

SEC. 1009. Chapter 4 of part II of the Foreign Assistance Act of 1961, as amended by sections 202 and 804 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 538. ADMINISTRATION OF JUSTICE.—(a) The President may furnish assistance under this chapter to countries and organi-

zations, including national and regional institutions, in order to strengthen the administration of justice in Central American countries and the countries of the Caribbean. Assistance under this section may only include support for specialized professional training, scholarships, and exchanges for continuing legal education; programs to enhance prosecutorial and judicial capabilities (including judicial investigations and protection for participants in judicial cases); strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform; increasing the availability of legal materials and publications; seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and human rights; and revision and modernization of legal codes and procedures.

"(b) Not more than $20,000,000 of the funds made available to carry out this chapter for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes. The President shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not less than fifteen days in advance of obligating funds for programs or activities authorized by this section which were previously subject to section 660 of this Act.".

RURAL ELECTRIFICATION

SEC. 1010. It is the sense of the Congress that funds appropriated for the fiscal years 1984 and 1985 under section 103(a)(2) of the Foreign Assistance Act of 1961 should be used for a comprehensive rural electrification program in Central America in order to establish conditions of stability and a foundation for economic development.

TRADE CREDIT INSURANCE PROGRAM

SEC. 1011. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 224. TRADE CREDIT INSURANCE PROGRAM.—(a) In order to enable the Export-Import Bank of the United States (hereafter in this section referred to as the "Bank") to determine that there exists reasonable assurance of repayment as required under section 2(b)(1)(B) of the Export-Import Bank Act of 1945, the agency primarily responsible for administering part I of this Act (hereafter in this section referred to as the "Agency") is authorized to provide guarantees to the Bank for liabilities to be incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 for financing for transactions involving the export of goods and services for the use of the private sector in Central American countries.

"(b)(1) Guarantees provided by the Agency pursuant to the authority of subsection (a) shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance. Guarantees or insurance extended by the Bank and guaranteed by the Agency pursuant to subsection (a) shall be provided by the Bank in accordance with criteria and procedures agreed to by the Agency and the Bank. Such agreement shall also provide for the establishment of a reserve fund by the Agency, with such funds made available to the reserve as the Agency deems necessary to discharge liabilities under guarantees provided by the Agency pursuant to subsection (a).

"(2) The administrator of such agency shall transmit a copy of such agreement to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(c) The Agency shall not enter into any commitments to guarantee under subsection (a) after September 30, 1989.

"(d) Of the funds authorized to be appropriated for chapter 4 of Part II of this Act, there are authorized to be made available such sums as may be deemed necessary by the Agency to discharge liabilities under guarantees entered into under subsection (a).

"(e) Commitments to guarantee under subsection (a) are authorized only to the extent and in the amounts provided in appropriations Acts, not to exceed $300,000,000 in the fiscal year 1985.

"(f) To the extent that any of the funds made available pursuant to subsection (d) are paid out for a claim arising out of liabilities guaranteed under subsection (a), amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund referred to in subsection (b), shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Agency to the Bank for guarantees under subsection (a).

"(g) Beginning on a date six months after the date of enactment of this section, and at intervals of six months thereafter, the administrator of the agency primarily responsible for administering part I of this Act and the President of the Export-Import Bank of the United States shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of credits during the preceding six-month period.

"(h) The Export-Import Bank shall provide without reimbursement such administrative and technical assistance to the Agency as the Bank and the Agency deem appropriate to assist the Agency in carrying out this section.".

EFFECTIVE DATE

SEC. 1012. This title shall take effect on the date of enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 497, the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 1½ hours, and a Member opposed to the amendment will be recognized for 1½ hours.

The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

□ 1350

Mr. Chairman, no one who listened to the President last night can fail to understand the fundamental issue we are deciding today.

Soviet and Cuban involvement in Central America is a well-documented, indisputable fact.

The only remaining question is what we are prepared to do about it.

If we do nothing, as the amendment we just defeated proposed, we face the certainty of a Soviet-Cuban dominated Communist Caribbean that will threaten our national security and the entire Western Hemisphere.

If we accept the caucus language—language which was never even considered by the Foreign Affairs Committee—we are, as the President said, providing just enough aid to allow El Salvador to "slowly bleed to death."

The substitute I am offering along with the gentleman from Pennsylvania (Mr. MURTHA) provides the framework for attaining our goals of democracy, peace, and development in Central America. Anything less invites disaster on our borders,

The Broomfield-Murtha substitute represents a strong commitment and realistic approach to promoting human rights in El Salvador. The conditions laid out in our substitute make very clear that further aid to El Salvador is conditioned on demonstrated progress in human rights. But our substitute, unlike the language of the bill, makes it clear that when progress is made, the newly elected democratic government of El Salvador can be confident the United States will honor its commitment of continued support. Where the bill demands prefection by January 1985, our language requires "demonstrated progress."

The Broomfield-Murtha substitute reflects the basic findings of the national bipartisan Commission on Central America—the Jackson plan. In following the report of the Commission, the substitute provides the significantly increased levels of economic and military aid recommended. The message of the report is clear: Do it now at less cost, or do it later at much greater cost. Our substitute does it while requiring conditions on security assistance that must be seriously enforced, as spelled out in the Jackson plan.

Economic progress is essential to the survival of El Salvador and the betterment of the standard of living for all Salvadorans. Our substitute preserves economic support funds for that poor country while also requiring that El Salvador take appropriate steps to implement accounting recommendations on foreign exchange before these funds can be distributed. It is ironic that the very people who have consistently said there should be more economic assistance instead of military aid are now cutting economic support funds for El Salvador in this bill.

The bill before us conditions El Salvador to death and restricts the President's options. This, to me, is a serious problem. Unfortunately, the conditions are such that they cannot realistically be met. Some conditions are appropriate; overconditioning will kill any effort. The President must have flexibility in conducting foreign policy.

Unrealistic demands by Congress can result in pulling the plug on U.S. support of the region. Under this bill, special accounts to manage economic support funds will require a great expenditure of management time and effort with little, if any, economic development to show for it.

I regret that we could not work out language in our committee meetings on Central America. As a result, Congressman MURTHA and I crafted this bipartisan substitute. I would hope that the basic interests of America are kept in mind by all of us when we debate and vote on this historic issue.

This may be a political year, but this should not be a political issue.

Mr. Chairman, the facts are that we are facing a Communist revolution in our own backyard.

Central America is important to our security. Central America is under siege. What do we do about it? The time to focus on our long-term policy goals in that region is now. Tomorrow will be too late. Our substitute addresses America's interests in that region and it deserves your support. The President is trying to implement the recommendations of a bipartisan Commission which carefully studied that region. We must give him flexibility and support his efforts.

In closing I would like to quote from a letter I have received from the President of the United States.

THE WHITE HOUSE,
Washington, D.C., May 9, 1984.

Hon. WILLIAM S. BROOMFIELD,
House of Representatives,
Washington, D.C.

DEAR BILL: As the House of Representatives begins consideration of H.R. 5421, the International Security and Development Cooperation Act of 1984, I would like to take this opportunity of focus your attention on Title X which authorizes funding and policies specifically for Central America. This title fails in its present form to provide the minimum resources and authority necessary to carry out the recommendations of the National Bipartisan Commission on Central America.

I am pleased that, in the spirit of the Bipartisan Commission, you and Congressman Murtha have joined together to offer a substitute for Title X that more closely parallels the Commission's recommendation. The Broomfield/Murtha substitute allows the United States to initiate and implement a long-term comprehensive program in Central America based upon self-determination, economic and social development, respect for human rights and cooperation in meeting threats to the security of the region.

Positive and encouraging developments are occurring in Central America, and especially in El Salvador. The Salvadoran Government has made documented progress. The massive turnout for last Sunday's Presidential election represents another major step in achieving democracy.

Progress throughout the region is due in large measure to the economic and military assistance we have provided. Undercutting these efforts by writing into law unrealistic, unachievable conditions and insufficient funding levels as now contained in Title X will only prolong the bloody stalemate and encourage the Marxist guerrillas and the radical right.

I want to work closely with the Congress for passage of an acceptable foreign assistance bill. H.R. 5421 as presently drafted does not pass the test. Therefore, I have urged your colleagues to support the Broomfield/Murtha substitute for Title X and continue the progress in the development of democracy, the restoration of peace and the improvement of living conditions in Central America.

Sincerely,

RONALD REAGAN.

Mr. Chairman, I also want to indicate to the Members of the House that during this morning's debate I have received letters from the Veterans of Foreign Wars, as well as the American Legion. They endorse the Broomfield-Murtha substitute.

Those letters, Mr. Chairman, are involved as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES, THE COMMANDER-IN-CHIEF,
Washington, D.C., May 10, 1984.

Hon. WILLIAM S. BROOMFIELD,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BROOMFIELD: The recent election in El Salvador is clear evidence that democratic trends are at work in Central America. It is equally clear these democratic trends are endangered by communist inspired subversion, terrorism and revolution. With the active assistance of the Soviet Union and Cuba, Nicaragua is producing more revolution than it can consume.

It left unsupported, El Salvador's democratic trends may be overwhelmed by Nicaraguan exported communist revolution. The United States must support democracy in Central America and take steps to combat the spread of communist revolution and influence along our southern border. The National Bipartisan Commission on Central America charted the course we must take, and the Broomfield-Murtha amendment to the Foreign Aid Authorization Act for FY 85 (H.R. 5119) will enable us to follow that course.

As Commander-in-Chief of the Veterans of Foreign Wars of the United States, I strongly urge you to support the Broomfield-Murtha Amendment. I also urge you to encourage your colleagues to support this important vote for our common interests in Central America's future.

Sincerely,

CLIFFORD G. OLSON,
National Commander-in-Chief.

THE AMERICAN LEGION,
Washington, D.C., May 9, 1984.

DEAR REPRESENTATIVE: The American Legion takes this opportunity to urge your favorable consideration of the so called "Broomfield Amendment" to the Fiscal Year 1985 Foreign Aid Authorization, H.R. 5119. This amendment seeks to provide $955 million in economic assistance and $255 million in military assistance for several of the most vital nations in Central America.

In our view, it can no longer be legitimately denied that significant progress toward democracy is being made in this region. This success, as well as voter participation in the election last weekend in El Salvador, offers clear evidence of that progress. Moreover, we have to believe that anything less than full economic and military aid could easily jeopardize the gains made in Central America thus far.

As you consider H.R. 5119, we hope you agree with us that the Broomfield Amendment is necessary, essentially reflecting the recommendations of the President's Bipartisan Commission on Central America. In that regard, the National Executive Committee of The American Legion currently convened in one of its semiannual meetings, has just adopted a resolution reaffirming Legion support of the Bipartisan Commission's recommendations as well as the long term assistance so vital to protecting American national security interests in the Western Hemisphere.

As always, your consideration of the views of The American Legion is appreciated.

Sincerely,

KEITH KREUL,
National Commander.

Mr. Chairman, I urge the passage of the substitute that is presently before the committee.

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the substitute and in support of the pending legislation.

Mr. Chairman, we are confronted with the usual problem, it appears to me, that we face so many times, not only in this body, but even in life. And that is that nothing is quite clear-cut, that there are differences of opinion, that sometimes even the facts might be in dispute, and that you have conflicting values which must be adjusted in some way.

If there ever were a classic case, it seems to me this is that classic case.

That leads me to why we arrrived at this particular structure for the debate. All of us on the Foreign Affairs Committee felt it was vital that for the first time in several years, there be before the Congress a legislative vehicle so that no matter what your opinion is, or what side you are on, or what party you are in, the American people would have the benefit of that opinion. It was our hope that after the House had worked its will, we could then move forward with an authorization bill that sets forth the policies and the parameters of the foreign policy of this country.

□ 1400

On Central America, we agreed that we would give the three principal points of view, as we saw it, in this body an opportunity to debate at length on the issues.

So we had the Studds amendment, which was just dealt with. We have the Broomfield substitute which is now pending. And we have the language which is in the legislation before us.

We feel that with the time that we have provided, there has been adequate discussion on this issue for the first time, regardless of your point of view.

Balancing the issues is never an easy task. All of us in this body who seek to represent the best interests of this country, and represent our districts to the best of our ability, must make decisions every hour of every day where there are conflicting interests in our own districts, conflicting interests between what may be viewed as the interest of our district and the national interest, conflicting interests as expressed by the value system of our society.

Here we have a classic case on the issue of human rights and national security.

My own feeling and judgment, supported by a consensus which is reflected in this bill, is that in some way somehow we must try to balance the issues of human rights and national security.

I am as strong an advocate on the issue of human rights as any of us, having served and still serving as chairman of the Helsinki Commission.

I say to my colleagues that we must preserve and support human rights, but it cannot be the sole criteria in the relationships between nations. It can be a very important criterion, but not the sole criterion—one which must be given the utmost consideration.

We cannot turn our backs on the economic problems and the social problems that exist in these countries, or the military assistance that might be necessary to allow them to survive.

We cannot simply ignore the human rights issues any more than we could totally ignore the national security demands which are made.

As imperfect as it may be, we seek consensus to arrive at a balance, and we believe and submit that the language in the bill does that. What it says is that substantial progress must be made on meeting human rights conditions, and if such progress is made during the first half of the fiscal year 1985, the funds will flow.

I might add, for the record here, that as far as the numbers are concerned, there is little or any difference between the three proposals on the numbers. It is not going to be said at any one point that the administration's hands have been tied whether you vote for the Broomfield substitute or whether you vote for the committee language. The money is there. That is not the principal issue here.

So, Mr. Chairman, this is what we get paid to do here, which is to make the tough decisions, to see if we cannot achieve a consensus, have the House work its will, and ultimately have a legislative vehicle upon which to proceed.

The CHAIRMAN. The gentleman from Florida (Mr. FASCELL) has consumed 9 minutes of his time.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. Mr. Chairman, 100 years ago a great American was born, a man who was underestimated throughout his life, until time and circumstance called him to greatness.

When Harry S. Truman inherited the Presidency, not even his closest friends—there were few if any admirers yet—expected greatness from him. History would record him as a time filler they thought, an accidental President who could fill the Oval Office until history chose a more worthy occupant of the office of Franklin Delano Roosevelt.

Some time filler.

Some accident.

Time and circumstance called. Around the world America stood and met the challenge history had thrown our way. Harry Truman changed global politics; he saved many of the world's people from the plans of an expanding empire.

He tempered the steel and resolve of free men everywhere.

President Harry Truman's greatest legacy to all Americans was the Truman Doctrine. It stopped that expansion dead in its tracks.

"I believe it must be the policy of the United States to support free people who are resisting attempted subjugation by armed minorities or by outside pressures," Harry Truman said.

Now President Truman's party is led by men who readily wrap themselves in his cloak, but not his greatness. That cloak does not fit those descendants of President Truman who are willing to abandon the hopes and freedom of people who daily stand for democracy in the face of threats of subjugation such as those of which President Truman warned.

Those who would follow the line of the Democratic leadership of the House and refuse to give additional aid to the endangered people of El Salvador would leave freedom-loving men and women of a threatened democracy bleeding on the battlefield, victims of those armed minorities and outside pressures of which President Truman warned.

Those who willingly turn their backs on millions of helpless Central Americans are endangering more than those small nations. They are endangering the immediate security needs of the United States.

The prolonged delay we have seen on this issue, and the further delay House opponents promote, pose immediate threats to both the Panama Canal and the crucial shipping lanes through the Caribbean that carry much of our oil imports. The delay threatens as well to flood our country with millions of immigrants seeking here the safety and security House Democratic leaders would deny them in their homelands.

We are watching those Democratic leaders hide from this crisis. They hope that if they can just ignore it, it will go away.

Mr. Chairman, that is isolationism, pure and simple. You cannot find peace by running away from responsibility.

Cuba and Nicaragua are the fulcrum of this threat, a fact which not even the most vitriolic opponent of our policies even attempts to deny. These nations, and the danger they pose to the people of El Salvador, Guatemala, Honduras, Panama, and Costa Rica, will not just go away, no matter what the pipedreams of those House Democratic leaders who would turn their backs on them.

Mr. Chairman, there are responsible House Democrats who deserve the mantle President Truman left them. They want to stand with President Reagan in meeting this threat. They are united with Republicans in supporting the bipartisan Broomfield-Murtha amendment adding Central American aid money to the foreign assistance program.

Those rank-and-file Democrats who are Harry Truman's rightful heirs are being shoved aside by the liberal House Democratic leaders who refuse to give any help to those resisting the Marxist forces of Cuba and Nicaragua.

The United States and the free nations of the world have a great deal at stake in Central America—and in the inner councils of the liberal Democratic leadership of the House.

Not the least of the matters at stake is whether that liberal Democratic leadership will be allowed to turn its back and run from free people in need; in short, whether those House leaders are worthy of inheriting the mantle of leadership left all Americans by Harry Truman.

Mr. Chairman, the House Republican Policy Committee, of which I am chairman, has adopted an official policy statement supporting the Broomfield-Murtha amendment adding extra assistance for Central America to American-aid programs. I urge the House to heed the advice given in our policy statement. The full text of the statement follows:

THE HOUSE REPUBLICAN POLICY COMMITTEE,
STATEMENT NO. 11-5

The House Republican Policy Committee, committed to U.S. security needs in a troubled world, rejects the plans of some House Democrats to turn America's back on growing threats to American and hemispheric stability. It urges support for the bipartisan Broomfield-Murtha amendment adding Central American assistance funds to pending foreign aid authorization legislation.

The time has come for House Democratic leaders to stand up for the safety and security of the Americas by supporting President Reagan's plans to preserve peace for the threatened people of Central America

from armed assault by Marxist Nicaragua and Cuba, aided and supported by the Soviet Union.

Those Democrats are making a serious mistake by ducking Central America's crisis and attempting to dispense with consideration of urgent supplemental appropriation legislation. This legislation can help prevent the explosion of Central America and prevent the use of American troops—a strong desire of Americans, both Republicans and Democrats.

President Reagan has met his constitutional duties in submitting Central American aid proposals. He has based them on the recommendations of many of this country's best thinkers, who took part in the Kissinger-Jackson Bipartisan Commission on Central America. Leading Democrats joined in the Kissinger-Jackson recommendations, but now a radical wing of the Democratic Party seeks to turn the nation's Democratic leadership away from those recommendations and place impossible conditions on legislation to carry out those policies to prevent communist success in Central America.

House Democratic leaders, meanwhile, are evading their own constitutional responsibilities by delaying consideration of urgent supplemental appropriation legislation. Americans must ask themselves—and those House Democratic leaders—what will be the consequences if Congress continues to avoid this challenge.

We must help redress the poverty and lack of opportunity that currently exist for the people of that troubled region. Children have the right to grow up in a democratic nation assured of peace. It is only through the President's program that those goals can be achieved.

America today exists in a dangerous world, where not all nations and leaders wish other well. Foreign assistance, aimed at easing tensions which might explode dangerously for the United States, is a powerful weapon in our international security arsenal. So, too, is the ability to reward our friends and show our enemies America's resolve to stand up for its interests and beliefs in the manner demonstrated by President Reagan after years of vacillation and impotence exemplified first by the Carter Administration and now by House Democratic inaction on the President's proposals.

If opponents of our policies succeed in turning this nation's back on Central America, some results are certain. If Central America comes under Marxist domination the Panama Canal will be threatened. Our sea lanes through the Caribbean for strategic shipping in time of peril will be endangered. There will be domestic results as well. The United States today is awash in a sea of hemispheric immigrants. That tide will surely grow, straining our ability to help the less fortunate, if hostile threats and armed revolution are allowed to continue without check in a region of 20 million people. Americans know what has happened where freedom has failed.

House Democratic leaders cannot be allowed to extinguish the hope of freedom. The House Republican Policy Committee urges supports for the bipartisan Broomfield-Murtha substitute amendment adding funds for Central American programs to the foreign aid authorization package.

Let all Americans know that if extreme Democratic partisans succeed in defeating the President's program for a free and stable Central America, the responsibility for the communization and destabilization of Central America rests with them and is but the bitter fruit of their excessive partisanship.

Mr. BROOMFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURTHA), the coauthor of the Broomfield substitute.

Mr. MURTHA. I thank the gentleman for yielding and I want to compliment the chairman for his statement and compliment him, and Mr. BROOMFIELD and the committee, for the work that they have done not only on this bill but over the years in trying to make sure that our policy had a positive impact not only in this country but overseas. I know it is a difficult job. As the chairman said, there are areas of disagreement, and those areas certainly should be aired, and they have been.

My concern with the committee bill is the restriction that would send a signal on the eve of a new elected President, before he is even sworn in. I worry that President-elect Duarte, before he is even sworn into office—a friend of ours—is burdened with such difficult restrictions that it would make it impossible for him to act effectively. It may even send the wrong signals.

So I think what the real debate is today whether we support the election of Duarte, whether we believe it was a fair election—and I have heard no argument that it was not. As a matter of fact, the guerrillas had a chance to participate in the election, and they declined over and over again. They want to accept power by negotiation. They are not willing to accept the electoral process at all. They tried to disrupt the first election, and they failed. The second election they tried to disrupt, and they were unsuccessful.

I remember going down to El Salvador 3 years ago. At that time there was a great concern throughout the country that American troops were going to be sent to Central America. I talked to then President Duarte, found out he did not want American troops to fight his battles, he was not asking for American troops, he under no circumstances wanted American troops in El Salvador.

□ 1410

At the time I went down there, there were all kinds of problems; as a matter of fact, we could not travel in San Salvador without a convoy in bulletproof vehicles, with submachine guns. Each one of us had assigned to us a bodyguard.

You could not go out into the countryside; you could not travel in the rural areas. The guerrillas were causing all kinds of problems. The money had left El Salvador and gone to Florida and many of the business people had left because they felt that the government was in vast jeopardy, and it was not going to last, and they were going to try to get out with whatever they could save.

I went over to Nicaragua on that same visit, and I listened to Commandante Ortega tell me all about the revolution, and he explained to me very vigorously why he felt that his system would survive and what he was doing to improve the economics. I listened to the bishop and heard him say that there was more repression and he was concerned that they were closing down the newspaper periodically, and that things were going to get worse and there would be a real battle between the church itself and between the Communists who had taken over in Nicaragua.

I asked Commandante why do you have such a large army? Why do you need 25,000 troops? He said to protect ourselves against the countries that surround us and the possibility of an attack. Well, I assured him at that time I did not believe that the United States or any other country in that region was going to attack them. As a matter of fact, I remember not long before that we offered them assistance, which all they had to do was have an electorial process. They declined that assistance, and they declined to carry out what they needed to do in order to get that assistance.

I asked him about an airfield that they were building. He said he was concerned about attacks on their country, and he said we are going to bring Mig's into El Salvador. I told him I thought that would be a mistake because that would change the entire balance of power in Central America, and I could not conceive of any reason that they would need Mig's to defend their country from any type of aggression.

I listened to all his protestations, all his suggestions, and all his complaints about what we were doing. I met with the business community. The business community said to me that they needed help; they were being oppressed. As a matter of fact, on that particular day, I met with an individual who had just been in prison. He was concerned, because if he met with me, he could go back into prison. I do not know whether he went back to prison or not, but they tried to paint a picture of the problems that they were having.

The economic problems. The subjugation that they were going through at that time. I have just read an article in Time magazine, and I advocate that each of the Members read about the problems that the Sandinistas are having in Nicaragua now. The difficulties that they are facing, and the fact that they are trying to oppress the church, and there is a substantial number of people who now realize the lack of liberty and freedom they actually have in that country.

As a matter of fact, one of the ministers went out into the field, and they had a big demonstration on May Day, and they expected thousands and thousands of people. They got about 4,000 people there, and of course this is according to the Time magazine article, and the minister was unhappy with the turnout. He said 4,000 people is not near enough people to come out for a demonstration so they sent the 4,000 out to collect more people. They came back with 2,000; 2,000 people had deserted.

There are all kinds of complaints about drafting into the large army that they have in Nicaragua. I do not think anybody will dispute that arms from Cuba are coming through Nicaragua into El Salvador and even recently they have tried to intimidate Costa Rica.

Now, what do we face when we talk about the elected President, the President who will take office not long from now? What are his credentials? Are we talking about the person that will give in to the army? Are we talking about an individual that has no willpower or influence? I remember the first time I met him, how stubborn I thought he was. I remember his pride in his country, and I heard some stories from Father Hesburgh, who was down there at the same time, and this was a month or so later when we went back to observe the election.

He said that he had saved Duarte's life. That Duarte had been elected and that there had been a coup, and the army had thrown out Duarte, and they were going to execute him in the morning. Father Hesburgh had taught Duarte in class, in one of his first classes at Notre Dame. He also taught Duarte's brother. Father Hesburgh called the State Department and called Venezuelan officials, and they were able to save Duarte from being executed. But, they beat him severely; they threw him out; exiled him from the country. He came back at the risk of his life, at the height of the time when they were killing people, the army, all kinds of death squads on both sides were persecuting, intimidating and killing people, and he said we are going to do something to save this country.

His fingers had been broken, and if you have ever seen pictures of him, his face still bears the scars of the brutal beatings that he took when he was imprisoned by the army in that period. You are dealing with an individual who knows what he is talking about. You are not dealing with a person who is sitting in an air-conditioned office in Washington and trying to tell people what to do, you are talking about an individual who has been through a revolution, and went back at the danger of his life. He said I am going to try and help save this country.

He abided by the last election when he thought he would win a mandate and they would be able to control and set up a constitutional government. I will never forget, when I went down on the first international observation team, and when all the news media was predicting that there would be a 40-percent turnout, the guerrillas were doing everying they could to disrupt the elections. As a matter of fact, they said we are going to cut off your finger. Remember, one of the procedures they had was they put indelible ink on your finger, and the guerrillas threatened to cut off their fingers if they voted.

With all the violence that goes on in that country, you have to assume that there was something to the threat that they made. We flew up in the helicopter, Father Hesburgh and myself, up over San Salvador and saw blocks and blocks of people waiting to vote. When we flew into the northern provinces and saw people lined up in every community waiting to get in to vote, it gave you some impression of how important they thought it was to vote.

Some people say, the reason they voted is because there is some slight fine. Those people were voting because they believe that would change their government. They wanted to see something happen in that country, and they had the greatest regard for the United States.

Father Hesburgh speaks fluent Spanish, and talked to people throughout the whole poll area. I remember one young woman saying to me that they can kill me, they can kill my family, but they cannot kill us all.

Rich people and poor people stood in the election lines. They had a 75-percent turnout on that election day. I just went down a month ago, and I think conditions have changed substantially. I think with the help, and I give credit to the Foreign Affairs Committee and the people who have worked so hard in this field, working with them, trying to make them understand if they accept American aid, they also have to accept certain conditions because the United States will not put up with human rights violations; will not put up with prolonged death squads and those types of activities.

□ 1420

The people of the United States expect a democracy and they expect to see movement in the right direction. I think we have seen that, and the reason I say I think we have seen that, the last time I was down there we walked around without any bodyguards. We could go around, still in bulletproof cars, but one car at a time. We were able to fly out into areas that you could not even approach the second time I went down there 2 years ago in a helicopter and flew over these different areas.

There is no question that the guerrillas control certain areas inside El Salvador, but the point is, the army has improved. They are trying to control the initiative, and in any guerrilla war it is always a difficulty. They are out working. We had two El Salvador helicopters crash not long ago in an operation on Sunday. They are no longer working 9 to 5. It was true that they were an army of occupation and they only worked when they felt like it, but with a new commander, they are out in the field. They are trying to take the initiative away from the guerrillas. They are trying to protect the people and they are making progress, in my estimation.

We tried to change the Iranian system too quickly. We had a legitimate concern about human rights in Iran, and there were people who were put in political prisons, and there were people being tortured. But let me tell my colleagues this: By moving so quickly, by trying to change the system so quickly, the results were much worse. There have been thousands and thousands of people killed since that time, hundreds of thousands of people in misery because of the change that came about because of the meddling that happened a few years ago.

We would send a signal to El Salvador that we have no confidence in Napoleon Duarte if we were to put these restrictions on that would make it almost impossible for him to comply with. I agree with what the committee is trying to do; I just think we ought to adjust them slightly, make a change so that they can comply with these restrictions.

I would hope that this substitute would pass and change slightly the committee version of the bill, and then we will be able to pass the bill and work out any differences we have in conference.

Mr. BARNES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nevada (Mr. REID).

Mr. REID. I thank the gentleman for yielding this time to me.

Mr. Chairman, one of the interesting things I learned upon coming to Congress and beginning my service on the Committee on Foreign Affairs, is that President Reagan, through his representatives, who have appeared before our committee, have continually spoken for foreign aid. In fact, I questioned Secretary Shultz one day and felt that the American public should be more aware of this. I believe the public is now aware of the fact that the committee bill calls for less money than the President has requested.

I commend our chairman, the gentleman from Florida (Mr. FASCELL) for the great work that he has done on

this committee. I think it recognizes that in years past, foreign policy has been a matter of strong dispute. We all, both sides, want a strong foreign policy and we have a duty to support the President when he is right, and a duty to oppose him when he is wrong.

His position on Central America is not all right, but it is certainly not all wrong. The bill before us recognizes that. It is a compromise. The committee worked hard, in fact many days, to come up with this compromise.

I am not supporting the Broomfield amendment; I am supporting the committee will, for a number of reasons. Look at some of the conditions in the committee bill. I do not think they are out of line: Removal of individuals responsible for or associated with the death squads from the military, the security and the police forces; protection of civilians as provided by the 1949 Geneva Convention; the negotiations by the Government of El Salvador without preconditions with all major parties to the current conflict unless these groups refuse to participate in the negotiations; an end to detainment of political prisoners; establishment of rule of law, protection of freedom of the press and association; progress on land reform.

If Broomfield passes, however, I will support the bill in its whole, and I urge others to do the same.

Clark Clifford, who we heard at the joint session just the other day when Mr. President Truman was honored, is a distinguished senior statesman and confidant to many Presidents has said:

> If there is any one statement I have read that has given me a deep sense of gratification it was the statement of Arnold Toynbee, one of the all-time great historians, when he said: "When history looks back at the 20th Century, the greatest development of the century will not be the discovery of nuclear or atomic energy; it will be the act of one of the great powers in the world, with no expectation of recompense, to lean down and help other nations in the world rebuild so that they might maintain their own freedom."

There are many other reasons, however, for helping those around us. It is to our own self-interest. They buy our products. Those preparing our products produce jobs; those with jobs pay taxes. Those we help improve their own standard of living and become our customers for even more goods and products. These are our most rapidly developing customers—new buyers. These countries become politically more stable and, therefore, do not welcome the Cubans and the Soviets.

We, as the major consumer of the world's bounty, have a duty to assist other nations. Our aid, however, must be used to encourage the evolution of greater freedoms in the countries we assist. I do not support the Broomfield amendment because it loses sight of that important goal.

The CHAIRMAN. The gentleman from Maryland (Mr. BARNES) has consumed 12 minutes, and the gentleman from Michigan (Mr. BROOMFIELD) has consumed 21 minutes.

Mr. BARNES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. I thank the gentleman for yielding this time to me.

Mr. Chairman, the issue that confronts us today is not how much money we are going to be providing to El Salvador in military or economic assistance. Both the committee bill and the Broomfield substitute provide roughly the same amount of resources to El Salvador. Both the committee bill and the Broomfield substitute, furthermore, provide a very substantial increase in the level of both our military and economic assistance to El Salvador next year in comparison to the amount of military and economic assistance El Salvador will receive this year.

The issue that confronts us today is what kind of conditions we are going to attach to the aid which we provide them. The meaningless conditions contained in the Broomfield substitute or the strict and significant conditions contained in the committee bill.

Under the Broomfield substitute, all that would be required in order for El Salvador to receive this additional assistance would be a Presidential report that they are making demonstrated progress toward the achievement of the objectives in the legislation, and that Presidential determination would be up to the President, and the President alone.

In view of the fact that the previous certifications that have been submitted by the President to the Congress over the last 2 years, where the President has certified that El Salvador has been making progress toward the achievement of the objectives contained in our certification legislation, in spite of the fact that over 10,000 Salvadorans have been killed during that period of time by the security forces and the armed services of El Salvador, it seems fairly clear that leaving the determination up to the President alone virtually guarantees that the certifications will be made regardless of the realities in El Salvador.

Under the committee bill, by comparison, El Salvador would receive one-third of the funds for next year, or $64 million in military assistance up front, at the beginning of the fiscal year, if the President reported that they were making progress toward the achievement of the objectives in the bill, and I rather doubt the President will have any difficulty in making such a report to the Congress.

But the remainder of the money, the final $124 million, would be available only if the President reported that the most important objectives in the legislation had actually been achieved.

□ 1430

And what are those objectives? First, that the Government of El Salvador and its security forces are no longer involved in the operation of the death squads in that country. It does not require the elimination of the death squads; it simply requires the elimination of the involvement of the security forces in the death squads in El Salvador. I do not think that is an impossible condition for them to meet if there is a genuine will and determination on their part to meet it.

The second objective is that it would require the Armed Forces of El Salvador to comply with the relevant Geneva Conventions concerning the treatment of civilians during wartime. This is a very important objective. The fact of the matter is that in the last few years 80 percent of the noncombatant deaths in El Salvador have been the work not of the death squads but of the Armed Forces in El Salvador engaged in combat operations directed against civilian populations. We are not talking here about civilians innocently caught in a crossfire; we are talking about civilians who were the subject of direct and deliberate attacks by the Armed Forces of El Salvador themselves. And, frankly, if the Armed Forces of El Salvador cannot be brought to stop attacking defenseless civilians, they ought not to receive our assistance.

Third, it would require the Government of El Salvador to enter into an unconditional dialog with the opposition in an attempt to find a political settlement of the conflict, unless the opposition was unwilling to enter into such a dialog with them.

After the President made this report, it would then be necessary for the Congress to adopt a joint resolution approving the report, which means that the determination as to whether or not the objectives had been met would be made not by the President alone, as it would be under the Broomfield substitute, but by the President and the Congress together.

Now, I happen to think that the election of Jose Napoleon Duarte was a very encouraging development. Duarte is an extraordinarily decent man. He is a genuine democrat with a small "d." He recognizes the need to eliminate the death squads, he recognizes the need to bring the armed forces under control, and he recognizes the need to have a negotiated settlement of the conflict.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

Mr. BARNES. Mr. Chairman, I yield 1 additional minute to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, he recognizes the need to do all these things, but his ability to actually do them may very well depend on the adoption of the committee bill. The whole purpose of the committee bill is to strengthen the hand of President Duarte in bringing the security forces under control, because it will enable him to say to them that unless they meet these conditions, unless they eliminate their involvement in the death squads, and unless they treat civilians with the proper respect, they will not be eligible for any additional American military assistance. And if he is not able to say that to them, he is not going to be any more successful in bringing the death squads under control than he was when he was President a few years ago when we did not have legislation like this.

Mr. Chairman, the American people do not want any more Cubas in Central America, but neither do they want any more Vietnams, and that is right where we are heading if we continue to follow the present policies of the Reagan administration. We need a change of course, and the way to change that course is to make it clear to the Salvadoran military that there is a bottom line. The way to do that is to reject the Broomfield substitute and adopt the committee bill.

Mr. BROOMFIELD. Mr. Chairman, I yield 6 minutes to the distinguished minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I rise in support of the bipartisan amendment offered by Mr. BROOMFIELD and Mr. MURTHA.

Many years ago, the legendary Senator Ev Dirksen, my mentor and fellow Illinoisan, was asked what is important in politics.

Ev replied: "The importance of margins can't be ignored. So much that is good in politics is accomplished by small margins by extra efforts."

That is why I support the Broomfield-Murtha amendment—it supplies those extra margins not only in terms of aid, but in terms of understanding what our allies are confronted with.

The Bipartisan Kissinger Commission Report on Central America had this to say about aid to El Salvador:

> The worst possible policy for El Salvador is to provide just enough aid to keep the war going but too little to wage it successfully . . .

The Commission Report went on to state:

> Even as military measures are needed to shield economic and social programs, so too they are essential as an adjunct to diplomacy . . .

The New York Times reported this week that the Speaker has "longstanding objections to military aid to El Salvador."

With all due respect to the Speaker, I look at this bill and find we are giving various forms of military aid to many countries including Botswana, Sri Lanka and Nepal.

These are all fine nations. But their direct connection with our national security is tenuous to put it charitably.

There is a grand old American saying: "Millions for defense, but not one cent for tribute."

This seems to have been changed to: "Millions for any number of other countries including Botswana, Sri Lanka and Nepal, but not one cent for El Salvador."

The Broomfield-Murtha substitute is not blind to the responsibilities of El Salvadoran officials to make progress in human rights. But these conditions are realistic. They can be met.

The stringent conditions that would be imposed by the committee bill treat El Salvador as if it were a healthy robust, dynamic power, capable of making heroic efforts at reform.

But in fact El Salvador is the sick man of Central America. If we impose stringent measures, we may bring about a crisis rather than a recovery.

We are told that an absolute end to human rights abuses is the necessary condition for aid.

Not just improvement. Not just signs of striving to improve.

No, these critics demand an absolute end to human rights abuses and say only this will make El Salvador worthy of our aid.

Thank God, these same critics were not around during World War II. I can hear them now: "No, we can't help France. France has the notorious 'Devil's Island' penal colony. No, we can't help Great Britain—India claims human rights abuses under the British. No, we certainly can't help Russia—Stalin is a genocidal monster. None of these nations should receive any military aid until they demonstrate that they have cleared up every human rights situation."

If we had taken that position in 1942, we would all be living in a world dominated by the Nazis. American tanks and infantry would never have reached the concentration camps to free the survivors. Our cause would have been too impure for the critics.

It has always been the policy of our Nation, under Democratic Presidents and great Republican Presidents alike, to take a strong stand for human rights.

But they combined this with a realistic pragmatic understanding that our allies in the fight against totalitarianism are not perfect. And neither are we.

Our allies in El Salvador are not angels. But they are not devils either. They are fallible human beings.

This demand that anyone we aid must be absolutely perfect is not a sign of compassion—it is a sign of confusion.

Should we demand our allies improve their record in handling human rights abuses?

Certainly. But should we demand that they present us with the kind of absolutist guarantees demanded by this bill?

No. Under such a policy, we allow terrorists to hold our policy hostage. Anytime they want to cut off American aid all they have to do is engage in some human rights abuses.

The left can do it and blame it on the right and vice versa. By the time the facts are known, the battle for El Salvador would be lost.

Last night, President Reagan invoked the names of two Democratic Presidents—John F. Kennedy and Harry Truman.

He was absolutely right in linking their view of how we should aid allies with his own. The analogy is historically correct.

These great leaders would be appalled by the misguided efforts of those who, in the name of human rights demand conditions of aid, the inevitable result of which would be a denial of human rights on a wider scale under communism.

And to those who say they are speaking for the church:

Ask the nine bishops of Nicaragua who they would rather be living under the kind of government now in El Salvador or the one they are suffering under now in Nicaragua? They told the world in a recent pastoral letter how bad things are under the Sandinistas.

So let us end this charade that says we are somehow helping the churches by crippling a government the Sandinistas are trying to destroy.

The church people in Central America know better than that, even if some closer to home are blind to it.

Someone once said about a nation with a tragic past: Their history is a nightmare from which they are trying to awaken.

The people of El Salvador are trying to awaken from their long nightmare of terror and subversion.

The Broomfield-Murtha substitute combines just the right mixture of aid and conditions. It provides that margin old Ev used to talk about.

Three times during the last 2 years, in the face of death threats, confronted by the skepticism and outright hostility of some critics in the United States the vast majority of the people of that stricken country have gone to the polls.

All we are asking today is that these people be given the means of improving their economy and defending themselves under conditions they can reasonably be expected to meet.

Let us help the people of El Salvador to awaken from their long night-

mare by supporting the pending substitute.

□ 1440

Mr. BARNES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Chairman, I rise to express the strongest possible opposition to the amendment offered by my distinguished colleague from Michigan. The Broomfield amendment would not only increase the amount of military assistance to El Salvador above that recommended in the committee bill, but it would also eliminate most of the conditions the committee bill would impose upon the Government of El Salvador for the receipt of this aid. In addition, the Broomfield amendment would eliminate the bill's 55-man ceiling on U.S. advisers in El Salvador and would eliminate the 300-man limit on U.S. military personnel in Honduras.

Mr. Chairman, we need to understand very clearly that an increase in unconditional military assistance to El Salvador at this point will almost certainly lead to the direct involvement of U.S. troops in that country. Let there be no self-delusion on this point. Quite simply, a government that is unable to control its own military, that is unable to curtail the activities of death squads linked to government officials, is inherently incapable of sustaining itself without continuously increasing outside assistance. Every analysis that has been done on the Salvadoran military concludes that it is an institution that is plagued by rampant corruption, very low morale and little motivation. Despite the infusion of almost $250 million in military aid alone to El Salvador over the past 3 years, the military position of the government today is clearly worse than at the beginning of this period. The guerrillas today control more territory. It is the guerrillas that have the military initiative. Moreover, the army to which we give assistance continues to murder more unarmed civilians than it kills guerrillas.

Mr. Chairman, Members that intend to vote to unconditionally increase military assistance to El Salvador should also be prepared to support committing American troops to direct combat in that region, because that is the path upon which administration policy is clearly carrying this Nation of ours.

Mr. Chairman, it is perhaps the ultimate irony that this administration's policy which it designed and defends in the name of preventing the spread of communism in the region is having precisely the opposite effect. By alining ourselves with a government that is unable to achieve progress on any of the needed political, social, or economic reforms, we are directly undermining the ability of moderate forces in El Salvador to provide a genuine, effective alternative to the extremism of the right and to the extremism of the left. The demand for political change and economic and social justice is there. Yet, our current policy is understood as support for the repressive status quo and only serves to encourage the expansion of communism in the region. This policy effectively leaves those seeking change with no place to turn but to the Soviets and the Cubans. It is certainly no coincidence that the size of the guerrilla army in El Salvador has increased over 400 percent in the last 5 years—growing from an estimated 2,000 in 1979 to over 10,000 today.

In Central America, as around the world, we must begin to understand that when we assume that people are unable to make their own political choices, we reduce them to mere pawns in our struggle with the Soviet Union and create the very distance and alienation that we seek to prevent. We do ourselves and these countries a great disservice when we underestimate the power of nationalism and the desire for independence from all outside domination. This failure in our foreign policy has created disaster time and time again in our history and we must begin today to recognize that if we are to prevent the spread of communism in this region, we must demonstrate by concrete actions our respect for national sovereignty and our superior ability to help solve the region's economic, social, and political problems within a democratic framework.

For these are political, not military problems, and require political, not military solutions. In the end, America's greatest strength is our own revolutionary heritage and proud tradition of support for the right of all people to be free and self-determining.

Mr. Chairman, it also needs to be said that Mr. Duarte is not the issue. I have met Mr. Duarte. I believe he is sincere in his commitment to set things right in his country. But Mr. Duarte must contend with his army. He must contend with his right wing death squads. And he must contend with the oligarchy that has traditionally ruled the country. If we are to give Mr. Duarte a chance to bring about the needed reforms in his country, the best thing we can do here today is to send a strong signal that America is not about to continue supplying guns and ammunition unless those reforms are in fact accomplished. By allowing unconditional military assistance, we continue a policy that has proven counterproductive to our own interests and we absolutely undercut any possibility for genuine reform in El Salvador.

It simply makes no sense to urge, on the one hand, that Mr. Duarte press for reforms in his government and then, on the other, tell the military—via the Broomfield amendment—that they will be receiving all the guns and all the supplies they want, regardless of progress on reforms that are the only hope for a lasting peace in that country and within the region.

We are at a pivotal point in the course of American policy in Central America. Our current policy is not only exacerbating regional instability, but is in my view working to the detriment of American national interests.

We have an opportunity today to turn this policy around and to recommit ourselves to the development of a policy in Central America which will embody the best traditions of our country and will far better serve the interests of the United States and the countries of Central America.

Mr. Chairman, I urge my colleagues to defeat the Broomfield amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 5½ minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I would be remiss if I did not correct a misconception at the outset. It has been referred to that this particular amendment, the Broomfield-Murtha amendment, opens up and allows more military advisers to El Salvador. That is absolutely not the case.

I refer the body to page 7 of the substitute where it says, "It is the sense of Congress that the total number of United States military advisers in El Salvador not exceed 55 unless the Congress is first consulted." That is the present situation. There is no change whatsoever and I wish to correct that misconception.

Mr. Chairman, we are not fighting a battle on this floor today regarding Central America. I am afraid that we are fighting the Vietnam war all over again. Those who speak against this amendment, those who do not agree with allowing El Salvador the assistance that it needs to fight the insurgents, the Communists, each one of them directly or indirectly refers to the fact that we do not want another Vietnam. That is a mistaken way of looking at this very, very different situation.

This is not a Vietnam analogy. El Salvador is in our front yard. It is on the same continent, the same hemisphere. Vietnam was on the other side of the world. In El Salvador we have only 55 advisers, not a half a million American troops fighting. This is not a foreign oriental culture. It is a western culture that we are talking about, and, of course, we have millions of Hispanics in our own country.

Central America is a much smaller area as compared to Vietnam and it is not a situation where the enemy, our proposed enemy, can have a sanctuary. The opposition in Vietnam was quite large, with combat forces in Vietnam

and substantial guerrilla forces in the south.

In El Salvador, two-tenths of 1 percent of the population are fighting the El Salvadoran Government.

What is most important, El Salvador has truly a popularly elected government. We have had recent elections and they have been successful.

We wish to put to rest the myth that this is a Vietnam situation.

Mr. Chairman, a bit of background about El Salvador. There are three options for the Salvadorans today. The first is a return to the old repressive style of military government, and they do not want that. The second is to support the rebels in installing a Marxist dictatorship, and they do not want that. The third is to give elections a chance and promote democracy and they want that by not just once, but by three different times, turning out in elections in large, large proportions.

In El Salvador it is not the classic fight against the left and the right, of reform and reaction. It is a fight rather by both extremes, the guerrillas on the left, the death squads on the right, against a reformist democratic center.

□ 1450

We must keep in mind that efforts toward reform are going forward in El Salvador, alongside the revolutionary and reactionary violence of the insurgents.

Mr. Chairman, it is very clear that we must take a strong stand for democracy on this continent and in this hemisphere. I think we should look at what happened to Cuba when we did not take as strong a stand as many felt we should have. Ten percent of the Cuban population came to this country when Fidel Castro took over. Do we want 10 percent of the Central Americans to come up here as refugees?

This is a very serious long-range question for us. I hope that we will make the right decision and assist them as best we can in fighting the insurgents in El Salvador.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman.

Mr. KASICH. I wonder if the gentleman would comment very briefly on the point that has been made consistently by those who claim we are looking at another Vietnam. Essentially what we are attempting to do is allow the people of El Salvador to determine their own fate through the democratic process. The people of El Salvador are asking us only for the assistance they need to do the job themselves. It is time to ask ourselves what happens if we don't answer their calls for help, and El Salvador falls to the insurgents backed by Cuba and Nicaragua. What happens, then, in Costa Rica, with virtually no military compared to Nicaragua's 75,000 troops? What of Honduras, with only a 13,000 man military? Nicaragua's intentions are clear: They intend to export revolution throughout the region. And what happens when they get to the Panama Canal? Does that then put us in a position where we must act?

Mr. BARNES. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, we are faced with a decision that will affect not only the people in this House and the people of El Salvador but that could have the impact of affecting many young Americans who are sitting and watching this debate.

It is easy to start making decisions as to where the blame lies for the mess that we are presently in. But 3 years ago when this administration took office and decided that it would use quiet diplomacy on human rights and increase the pressure of military transfers, El Salvador was a country where the rebels had less support and where there was less violence than currently exists.

Today, after almost 3 years of silence on the issue of human rights, the administration has finally sent its Vice President to El Salvador. Vice President BUSH finally spoke out on the issue of human rights.

I guess even the administration now recognizes that silence is ineffective. What they have yet to recognize is that the people within El Salvador who would like to make their country less violent need some leverage, and it is the Broomfield amendment that takes that leverage away from them.

The people within El Salvador who would like to say no to the death squads, that would like to put an end to the violence, are not the people who control the military. If America's aid goes to El Salvador without the condition that the El Salvadoran Government must live up to the very minimal standards that are embodied in the committee position, it will be a clear signal to that Government that while some Americans talk of human rights and putting an end to the death squads, that American policy does not represent that concern. If we take away the linkage in the legislation we take away the leverage from Duarte and the others who, I believe, would like to put an end to the violence in El Salvador.

There is one other problem that I would like to focus on in the Broomfield amendment. Mr. Chairman, my objections to the Broomfield substitute are many and varied. But the gentleman's proposal takes away the 25-percent CIP program that the committed bill includes. The 25-percent CIP program, if established in El Salvador, would provide more of our aid to go directly to the country and provide less of an opportunity for that aid to be stolen by some of the most wealthy and powerful men in that nation.

Much of America's foreign aid around the world goes directly into buying commodities. The CIP provision in the committee bill does away with the danger of American dollars being illegally transferred to Switzerland or Miami banks.

It seems to me strange that a party that has consistently been concerned about waste, fraud, and abuse in American social programs would walk away from such a modest proposal as the CIP provision in the committee bill. The committee bill I think provides better restraint on the El Salvadorans, better control on the use of American ESF funds in El Salvador, and really is the best hope for ending the bloodshed that exists there today.

Mr. Chairman, my objections to the Broomfield substitute are many and varied but I rise at this time to point out a very particular deficiency in the gentleman's proposal with respect to El Salvador.

Specifically, the substitute lacks any serious measure to address the critical problem of waste and corruption in our program of economic support funds to El Salvador. We have to date sent over $310 million into that small nation as balance of payments support to stave off financial collapse, and are today proposing to send at least $240 million more. Now, we ask ourselves, where has that money gone? The answer, sadly enough, is that we really do not know.

Many of my colleagues have read, I am sure, the numerous national press reports on allegations of vast waste and corruption in the ESF program. The General Accounting Office has done an independent study of the problem and concluded in February of this year that AID has little or no control over the use of our ESF money. GAO stated that controls to prevent capital flight through overinvoicing of imports is weak and that the State Department cannot account for millions of dollars. The Arthur Young & Co. company audit, commissioned by AID, came to similar sad conclusions regarding our ESF program noting that the Salvador Central Bank lacks an effective mechanism for preventing Salvadoran businesses from drawing more dollars than they are entitled to through the use of inflated receipts. Even internal AID audits by their own inspector general has stated repeatedly in in-house audits that abuses in the program include the illegal diversion of funds for private gain, fraudulent accounting procedures, and spending that never reached the people it was intended to help. Where has all the money gone? One thought is to look at the nearly unimaginable amount of

capital flight that has occurred. Figures range from half a billion to a billion dollars already and there are no credible signs that it is slowing.

Our ESF balance-of-payments support is clearly not being used for the purposes intended by this Congress and, I feel safe in saying, not the purposes intended by AID. Our economic support funds are not helping El Salvador meet its balance-of-payments needs, which are severe. Our ESF funds are not helping the people of El Salvador. Our ESF funds are not helping the private sector of that war-torn country rebuild the economy. Our ESF funds are not helping the farmers import needed commodities to keep land reform going. In short, our ESF funds are doing little but keeping a few oligarchs rich and happy as they send vast profits they earn from inflated invoices to banks in Miami and elsewhere.

The Arthur Young recommendations that the Broomfield substitute contains are nice and they are, in fact included in the Fascell bill. They would have been much nicer, however, if they had been implemented 2 or 3 years ago, but the time has long passed for these kinds of halfway measures. The Broomfield implementation of the Arthur Young recommendations lack any kind of realism. The last two lines of the section regarding ESF to El Salvador (section 1004), for example, state that a policy should be implemented to levy sanctions against those caught overvaluing imports. But how, I wonder, can we expect Salvadoran businessmen found guilty of stealing U.S. economic aid to be punished for overinvoicing when no one has yet been prosecuted for any of the 40,000 deaths in El Salvador, when not one of the killers of the American churchwomen has been brought to full justice, when no one has been punished for the brutal assassinations of the American land reform advisers? It is just not realistic.

H.R. 5421, in contrast, has a solid recommendation based on existing ESF balance of payments programs in other countries around the world. An amendment I offered that is now in Chairman FASCELL's bill, states that no less than 25 percent of the ESF program in El Salvador should be a commodity import program. This in effect changes one-quarter of the ESF from an unregulated cash transfer to an AID-supervised targeting of resources on development needs. It forbids the comingling of U.S. aid with the reserves of the Salvadoran Central Bank, thereby solving the well-documented problem of corruption in the Central Bank's use of U.S. aid. The commodity import program that 25 percent of the ESF funds are to be devoted to are, as many of you know, AID's usual way of providing balance of payments support in developing countries. Out of 28 countries outside of Central America that are to receive ESF in fiscal year 1985, only 6 will get a cash transfer of the type that El Salvador gets. Three of these are nondeveloping countries. Lastly, this CIP provision targets the local currencies generated by ESF on local development projects, land reform, and small businesses hard strapped for cash and resources.

CIP's can be extremely fast disbursing as a means of balance of payments support. We can, for example, pay El Salvador's oil import bill under a CIP. Exactly what we want to pay for will be left to the discretion of AID in, I presume, discussion with the Salvadoran Government. A CIP would not in any way inhibit AID's ability to meet critical economic needs that they are now seeking to meet. It only provides them with a greater measure of control over those ESF funds that they are charged with managing.

This is an uncomplicated, tried and tested solution to a problem that has plagued the ESF program in El Salvador for years now. I would expect that all Members who are as disturbed as I am about the present lack of control over hundreds of millions of dollars in U.S. aid will find the CIP provisions in the Fascell bill far preferable to the weak statement of support for the Young recommendations in the Broomfield substitute.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Chairman, I rise in support of the Broomfield amendment.

On March 4, 1982, after a major briefing concerning the situation in El Salvador, the chairman of the House Intelligence Committee made the following statement:

> The insurgents (in El Salvador) are well trained, well equipped with modern weapons and supplies and rely on the use of its sites in Nicaragua for command and control and for logistical support. Intelligence supporting these judgments provided to the Committee is convincing.

In the committee report to accompany H.R. 2760, filed May 13, 1983, the committee stated:

> This insurgency (in El Salvador) depends for its life blood, arms, ammunition, financing, logistics, and command and control facilities—upon outside assistance from Nicaragua and Cuba.

Very little has changed since May 1983. Despite the best efforts of the threatened nations in the region, Nicaragua continues to supply ammunition and weapons to the Marxist guerrillas seeking to overthrow the Government of El Salvador.

Our efforts, and the efforts of our allies, have been successful in hampering, to some degree, the flow of materiel and ammunition to the Salvadoran guerrillas. Our efforts have increased the costs to the Soviets, Cubans, and Nicaraguans of providing support to the Marxist insurgents in El Salvador. This leaves them with fewer resources to devote to destabilizing other Central American nations.

How are the Marxist Sandinistas funneling their war material to the Communist guerrilla insurgents in El Salvador?

Small aircraft fly weapons to predesignated, isolated locations in El Salvador and unload or drop bundles from the air to waiting Communist guerrillas.

Boats, small dugout canoes and shrimping boats ferry weapons across the Gulf of Fonseca to points along the Salvadoran coast. Last year, uncontrovertible evidence was obtained that the Sandinistas were using the fishing port of La Pelota near Fonseca as a transshipping point for weapons.

Weapons and ammunition hidden in small vehicles or packed on the back of burros are clandestinely smuggled across Honduras into El Salvador.

The Sandinista regime also coordinates the transfer of weapons transported by sea in small craft to groups of guerrillas waiting on the beaches in El Salvador.

Where is the outrage against the Sandinistas?

Should we not condemn the Marxist Sandinista regime of Nicaragua that supports guerrilla attacks on public transportation buses carrying innocent civilians?

What about the Marxist guerrillas in El Salvador who boobytrap utility lines and public works projects to maim or kill innocent workers and civilians?

Is this not the same atheistic Sandinista regime that branded the Roman Catholic Bishops "criminal" for calling for peace talks and barred publication of the pastoral letter signed by all nine bishops in Nicaragua?

Did not this same Communist Sandinista regime reject Contadora proposals to reduce its military buildup?

Was it not this same regime that promoted assassinations of El Salvadoran Government officials. As of March 22, assassins had killed 5 conservative members of the Salvadoran constituent assembly—the proportional equivalent of murdering 36 U.S. Congressmen?

Yes, it should be clear to all—the Soviet/Cuban/Nicaraguan axis is exploiting totalitarian revolution by military force in Central America, but the administration has been quite careful to avoid playing into Soviet hands by committing the U.S. Armed Forces to combat in Central America. The President has, instead, given more limited, measured responses to the Soviet/Cuban/Nicaraguan aggression.

The United States is providing economic and military assistance to El Salvador. Seventy-five percent of U.S. aid to El Salvador is economic aid; only 25 percent is defense assistance.

Those in the Congress who seek to undermine these limited measures to assist El Salvador and other Central American nations must understand that without the continuation of such assistance and indeed an increase in assistance—we face the inevitable domination of Central America by Marxist-Leninists. Such Marxist domination is not acceptable to the American people.

It is thus clear that the best response in the current situation is the measured one of the continuing economic and military assistance to El Salvador and other embattled nations in the region.

The Broomfield amendment advances U.S. objectives in the region and counters the Sandinistas' subversion at the least cost and risk. The Broomfield amendment, which offers an opportunity for Congress to make a responsible foreign policy decision, deserves our bipartisan support as the best most practical vehicle to curb the spread of communism in Central America.

□ 1500

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON. I yield to my colleague on the Intelligence Committee, the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Virginia and the ranking minority member on the House Permanent Select Committee on Intelligence.

It is time we recognize the strategic and tactical importance that the Soviet Union and the Cubans place on advancing communism in Nicaragua and El Salvador. Nicaragua represents the first Communist foothold on the mainland in this hemisphere. The Sandinistas threaten to forcibly expand their domination over El Salvador. To combat this, it is imperative that we provide military aid to El Salvador. There is no honor in refusing to assist your allies in need, especially at a critical juncture in that country's struggle for freedom and democracy.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, the serious situation now facing the United States in Central America is composed of two elements—poverty and injustice on one hand, and national security interests on the other—which are so interrelated that neither can be dealt with alone. Countries in the region have a long history of poverty and social injustice on a scale few Americans can imagine. The majority of the population is barely at the subsistence level, and has no reason to feel any particular loyalty to the existing social or political order.

Our involvement must take this central fact into account, or there will be no chance of accomplishing anything. We must structure our aid programs to insure that the people benefit, and we must continue to insist that the governments there make progress on insuring basic legal rights for their people. We must also keep in mind that we are not going to see the immediate creation of American-style democracies in the area. The transition will be slow, particularly if it continues to be hindered by violence.

This situation is ripe for exploitation by revolutionaries directed from Cuba and Nicaragua. This is one area where we should have no illusions. The fact that the people have legitimate grievances against their governments does not mean that those who are fighting the governments automatically assume a similar legitimacy. There has long been an unfortunate tendency by well-meaning Americans to assume that anyone fighting unjust situations is, ipso facto, an "agrarian reformer" or prodemocracy. We have heard this about Mao Tse-tung, Ho Chi Minh, and Fidel Castro, and we are now hearing it about the leaders of Nicaragua and the rebels in El Salvador. It is no more true there than it was in China, Vietnam, or Cuba. Whatever the motivation of some of their supporters, the leaders of the guerrilla forces are dedicated to the establishment of totalitarian states owing allegiance to Havana and Moscow.

The debate today, as rarely in recent history, clearly illuminates the divergent paths we have before us in Central America. We can accept title X of the foreign aid bill as written, thus bringing an effective halt to all military assistance to El Salvador. This in all likelihood would achieve the immediate goals of its supporters—stopping the fighting. However, it would stop not because our aid is the sole cause of the conflict, as some here seem to think, but rather because the Nicaraguans and Cubans would increase theirs, guaranteeing a Communist victory. There would be peace in El Salvador—the peace of slavery.

Of course, we would then be here again in a year or so going through the same debate with respect to Costa Rica, Guatemala, Panama, and Honduras. And perhaps, just perhaps, Mexico.

This would pose a direct threat to the national security of the United States. Although none of these countries, by themselves, is in any way dangerous, one or more of them acting as bases for the Soviet Union and as instigators and suppliers of guerrilla warfare in neighboring countries is another matter entirely. We must remember that Mexico, as well as the smaller countries, has extensive poverty, corruption, and abuses of power. The strategic implications of Soviet bases on or near our borders, to say nothing of the refugee situation that would result from Communist conquest of the area, are staggering.

Or we can support the Broomfield amendment, providing most of the assistance the President has requested, and give the people of El Salvador the chance they want—as so overwhelmingly demonstrated in Sunday's election—to continue to develop democratic institutions and to defend themselves against a Communist dictatorship they clearly do not want.

I have been to El Salvador, and I have spoken with people from all walks of life—Government officials, soldiers, peasants, and refugees. All seek only a chance to provide a decent life for themselves and their country, free of terror from left and right. This cannot happen in a vaccum. We must continue to provide assistance of both a military and economic nature to assist the people of El Salvador develop their fledgling democracy.

This is what President Reagan seeks to accomplish, and I support the basic elements of his policy for Central America. We must provide reasonable amounts of economic and military assistance to the people and friendly governments there, because it is clearly in our interest to do so. Failure to act, and adopt the Broomfield amendment, will carry grave, and highly expensive, consequences.

Mr. BARNES. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, there has been a lot of talk last night and today about stopping communism in Central America. There have been impassioned statements made, charging that Members of this body refuse to assist a friend in the region.

I submit this is a very distorted view; a view twisted by simplification and by overstatements. We cannot assist peace in Central America; we cannot promote democracy; we cannot compete with the Soviet Union by pouring unconditional military assistance into those Governments' coffers.

It is the wrong message to send; it is the wrong tack to take; it works against our legitimate goals. Today in El Salvador there is a struggle for power going on between the Government and the military. For the Duarte government to gain control over the situation, it must first challenge the powerful influence of the armed forces.

Showering this new Government with unconditional and unrestricted military aid will not help to achieve

that goal. It will not help because our administration has shown that it does not really mean what it says when it comes to goals in Central America.

Despite the strong words from the administration about human rights, the numbers of political murders in El Salvador increased at the very time when administration officials made speeches against the death squads.

An average of 120 civilians were murdered every week during the last 3 months of 1983.

One focus of this debate has been on rightwing death squads as if they were somehow detached from the rulers in El Salvador, from the governing body there. But according to the Salvadoran archdiocese, two-thirds of those civilians killed are killed by the army.

Political murders are committed by the army and security forces as part of their regular operations. No member of the Salvadoran Armed Forces has been criminally punished for a human rights violation in the past 5 years. Can we really expect the Salvadoran Army to believe we are serious about human rights when we turn around and give them millions merely on a Presidential say-so?

This from a President who vetoed the certification process? This from a President so caught up in his single minded, ideological view of the situation in Central America that he will certify virtually anything? There need to be tough conditions on our military aid. This amendment does not provide them.

And I might add I listened last night with interest as people sought to compare our situation in El Salvador with the situation in Greece, post-World War II, in the face of the threat of Soviet aggression. I have to suggest that anyone who confuses the situation in Central America in the context of what has gone on there for hundreds of years and the role that the United States, administration after administration, Democratic or Republican, has played in causing this condition to exist, and compares that with our efforts to resist the Soviet expansionism in Europe in the post-World War II days, I suggest is either acting disingenuously or is totally misapplying any effort at historical analogy.

In the past years, this administration has used numerous back-door means to supplement congressional appropriations for its aid to Central America. The committee substitute prohibits and controls the use of back-door means such as emergency drawdown authority. The committee substitute reasserts Congress proper oversight and control overfunding. The amendment before us says nothing about these means to finance programs without consultation.

Time and again we have seen our efforts to bring sanity and moderation to our Central American policy thwarted by an administration obsessed with fighting an alleged Moscow-Havana-Managua tidal wave of subversion. We lump the opposition forces of Central America with the Cubans and Soviets at our peril. We must learn to recognize the differences among them, if we do not, we drive them all into the Soviet camp.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FASCELL. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. BERMAN. In closing, let me just reaffirm something said by my friend and our distinguished colleague from California (Mr. MILLER) in the debate on the Studds amendment, that if we approach this very complicated situation correctly, if we use our aid and our support both economic and military in a way that produces progress for the people of El Salvador, this fight, this civil war will evaporate. The guerrillas will be rejected by the vast majority of the Salvadoran people.

The committee approach, I think, is a meaningful, well-intentioned and effective effort to achieve a human, progressive and balanced policy. The amendment threatens to tear asunder a rare opportunity we have at this time.

Mr. Chairman, I strongly urge my colleagues to oppose this amendment and support the committee bill.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Broomfield-Murtha substitute. I had the privilege this past weekend of being the chairman of the eight House Members to observe the elections on Sunday. All eight agreed that the elections were open, fair, and honest. The Salvadorans want peace and not war.

President-elect Duarte needs all the help he can get and the Murtha-Broomfield substitute gives him that help as quickly as possible.

You know, you have the elections, that is the first step in the democratic process. But the next step is to stop the fighting in El Salvador to continue to move toward democracy.

In fighting guerrillas you need a force of about 8 to 1 in El Salvador to flush out and defeat the enemy and you need equipment to move quickly and you need military equipment to find the enemy. So they do need help.

As I said earlier, they need it quickly. By supporting military equipment you do not really help much to do away with death squads or human rights. President-elect Duarte first has to bring more security and safety to the country before he can wipe out death squads and work on human rights.

Mr. Duarte, it seems, lost the rural areas to Mr. D'Aubuisson, because the farmers and the peasants thought Mr. D'Aubuisson could eliminate the guerrillas better than Mr. Duarte. So Mr. Duarte has to have military equipment; he has to have it quickly if he is going to move his country into the democratic column. I certainly rise in support of the Murtha-Broomfield amendment.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I would hope that we would reject the Broomfield amendment because I think what it does is send a message that we do not want to send to the military in El Salvador and that message is that we are removing all standards of conduct, all standards of behavior from our scrutiny as Members of the Congress of the United States, that we will rely once again on the certification processes of this administration that there would have been progress, that demonstrated progress has been made toward free elections, free association, establishment of the rule of law in the judicial system.

The problem with that is that to really demonstrate progress would require the kind of surgery that Mr. Duarte says he is prepared to engage in on behalf of the people of El Salvador against the Government and the military of their own country.

I am just terribly concerned at the time when we have said over a period of 4 to 5 years that we are terribly concerned about the direction, the violence in that country from the left and the right; that the death squads and the murder of innocent citizens from the left and the right are of extreme, utmost importance to us.

□ 1510

We now remove all conditions. We have forgotten the nuns, we have forgotten the American citizens, we have forgotten the members of the press who have been killed, we have forgotten the tens of thousands of citizens who have been killed and, in fact, we take away the tool for reform that Duarte had in his hand and that is, that there were certain standards in this body that had to be met before we would release additional money. No reluctance on the part of this body to distribute that money. The question each and every time has been the conditions that exist in the country at the time we have been required to vote. The votes have always been sufficient for the money to flow, but the conditions in the country have never improved from within the Government.

So we have seen the certification process basically prostituted. We have seen reliance on the part of reports and newspapers as coming up with the figures, when they have been severely

challenged by other organizations in the country.

I would just hope that—I was in favor of the Studds amendment and that did not do well—at this point that the House would choose to go with the committee bill. I think that the Broomfield amendment engages in euphemisms. We are now going to remove the limit on advisers. So while the President is on TV last night saying there will be no combat troops, today we will say there will be no limit on the advisers under the statutory authority.

I think that it embodies unfortunately the Reagan approach which is a military victory rather than a negotiated settlement and a peaceful resolution to this problem.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL. Mr. Chairman, I rise in support of this amendment.

On April 12-18 I visited Central America. I was disturbed by a GAO report of possible misuse of operations and maintenance funds which had been authorized by my subcommittee. My mission took me to Panama, Honduras, and El Salvador. In El Salvador, I found a country where the people genuinely want and exercise a degree of democracy. Their Army is stretched so thin it is often outgunned and outnumbered by the guerrillas in actual combat. I attended the funeral of 31 Salvadoran officers and men who were slaughtered by guerrillas who had better weapons and more ammunition than they. I conducted a surprise inspection of troops going to the field to pursue the guerrillas who had ambushed their dead compatriots. These soldiers had less than two magazines of ammunition for their rifles. And no machineguns, no mortars, no hand grenades, nor grenade launchers. All of which the guerrillas have—in abundance.

These soldiers had one truck to transport and resupply every 250 men. One truck. They had one helicopter for a brigade responsible for security in the most dangerous third of El Salvador. One helicopter to move all the replacements, carry all the emergency supplies, and lift out the casualties. A third of all war casualties are dying because of the absence of a medical evacuation capability. In our last military engagement, it was 1 in 10.

These are soldiers who are expected to protect a people who want, above all else, to remain free. And who went back to the polls and elected a moderate government, in spite of all the atrocities and efforts by the other death squads to disrupt those elections and stifle democracy. Once again they demonstrated their preference for ballots over bullets.

The Central America I saw is one profoundly threatened by a police state arming both itself and various guerrilla movements in the region to the teeth. This by way of a never-ending flow of material support from the Soviet Union and Cuba. The Sandinistas in Nicaragua, and the guerrillas they support in El Salvador, do not have an ammunition-supply problem.

Nicaragua was stumbling in recent months. It was beginning to feel the effects caused by its actions described above. The disruption to its economy and its ability to support, sustain, and export terrorism and revolution were in profound jeopardy. For this we can thank the Contras, the anti-Sandinista freedom fighters. The Contras were disrupting the flow of material to El Salvador and Honduras—and the Sandinistas were reeling.

Successful attacks by the Contras had so reduced the fuel available inside Nicaragua that Sandinista resupply for Marxist guerrillas in El Salvador was severely hampered. It was forcing the Sandinistas to defer aggression to keep its own domestic economy afloat.

I visited an imperfect Central America, with deep and abiding problems. But problems capable of being solved by free men so long as they are allowed to remain free. A Central America that needs a strong, resolute, and unswerving ally in the United States to offset the implacable, unswerving menace of the Soviets, and Cubans, and Sandinistas.

And let's not overlook perhaps the most critical fact of all—the sale of illegal drugs in this country is over $100 billion annually. Major suppliers in that area of the world, with Cuba as the principal conduit, provide 100 percent of the cocaine and 92 percent of the marihuana to the American market.

We should support this amendment because both administrations must assume a share of the responsibility for the turmoil which exists in El Salvador today. We committed a serious error in judgment when we propped up the Sandinista government in Nicaragua, giving that dictatorship time to entrench. Our batting average is far below the 0.500 mark: Castro over Batista, Khomeini over the Shah; and the Sandinistas over Samoza. While all of these were repressive governments fraught with corruption and greed, they, in large measure, kept out of the affairs of their neighbors.

We can no longer afford the luxury of temporizing with Marxism in Central America. There must be no more Cubas in the Western Hemisphere.

Our efforts there should be nothing more nor less than implementation of the Truman doctrine; containment of communism.

Let me sum up with this illustration. A few days ago there appeared in the press of America the picture of a dirty soldier in El Salvador. In his face was a desperate, haunted look but in his eyes was the look of courage and determination. When asked by a photographer what he most wanted in this world, he merely replied: "A tomorrow." In those simple terms he represents the hope of all mankind.

We all seek a tomorrow in which life will be more abundantly worth living. A tomorrow in which the principles and the ideals for which he is fighting will prevail. The great challenge for all of us is to work diligently toward that tomorrow.

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Chairman, I watched the President talk last night about U.S. foreign policy and about the things that we ought to be doing in El Salvador and for other nations, all over the world.

What he failed to say was where are all these problems coming from? Why have the Communists moved into Nicaragua? Why did they move into Cuba? What action did the United States take to prevent that? The Batista regime, in Cuba, invited the type of problems that came about when Fidel Castro became leader of that country and they instituted a marxist type of system. We were there protecting those special interest, those big businesses that owned all the sugar farms in Cuba. That is all we cared about at that particular time. We did not care about the 90 percent of the people who worked 3 months out of the year and did not have anything after that period of time. We really did not care if they lived or died because we knew that there would be plenty of young people to follow and we provided no help. When someone came in out of the mountains and handed them a gun and told them something was better, they simply accepted it. Now they have marxism.

Why do we not recognize what the problem is? Former President Nixon mentioned the problem yesterday in a news conference. He said, yes, we do go around the world, in Africa, and we do it in Central America, and we recognize the fact that the Communists are moving in there, but we fail to recognize why. Why are we not recognizing the fact that 70 to 80 percent of the people in these countries live on dirt floors. They do not have sanitary sewers, do not have decent drinking water, or can they look forward to finding employment. They watch their sons and daughters get sick and have no doctors. They see no educational institutions, with little or no quality schooling available, nothing there. No hope for the future. Nothing for tomorrow, yet we expect that we can go in with military force and force these people and those countries to accept the freedom that we talk about. Might

will not make right. Freedom without a job, freedom without education, freedom without doctors, or nurses, or any care for their children. What can they do?

Why do we not take the position that we take with our people in our country under our Pell grant system and our educational institutions? Why do not we take money from the military put it in our educational institutions? Why not train people to go over there with the skills available to educate these people?

Why is Cuba sending 1,500 people into Nicaragua? Those technicians are providing nursing care, health care, educational concerns. That is what is happening there now. I believe that we have made drastic mistakes.

I do not say that everything in the Democratic proposal is right; but I say it is better than what is in the minority proposal offered by Mr. BROOMFIELD.

I think it is a sad day that we have not addressed the problem totally, and that we do not do more to solve the real problems of those countries in Central America.

And why can't we require our Pell grant students to serve a time in the Peace Corps and take care of some of the problems in those parts of the world? And why do we not do the things that are necessary to bring about this type of change?

We would be the leader. We would have 80 percent of the people in those countries behind us if we simply directed ourselves to their problems. But we cannot solve the problem because we are going to get into a war to try to fight and change that country. You are not going to get the Sandinistas out of Nicaragua without a fight now. The question is: What did we do wrong when Somoza was there? And what could we have done to change it?

Now, if we cannot learn from past history the problems we have to address, then I do not know if we can learn anything anywhere in the world. What we have to do is change our present policy. We have to redirect ourselves. And, hopefully, Mr. Chairman and Members, we will do that before too long.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. I thank the gentleman for yielding time to me.

Mr. Chairman, like many of my colleagues, I have been to El Salvador more than once during the last year, and as the result of the efforts of my office to deliver more than 200,000 pounds of medicines and medical supplies for displaced persons last fall, two of my staff members have spent many weeks in El Salvador. So I feel that I understand the people and the problems of the nation we are discussing today as well as anyone here.

Make no mistake, the problems are complex. The economy is shattered. There are death squads. There continue to be human rights violations.

But what stands out above all else is the nobility of the people of El Salvador. Despite the civil war and the conditions of extreme poverty and hardship, as exemplified by the more than 300,000 displaced persons in camps around the country, the campesinos—the peasants—the poorest of the poor—continue to have hope and express a fervent desire for democracy, and an end to guerrilla activity, and a chance to return to work on the farms or in other jobs. They want an education for their children and an opportunity to better themselves. And they have expressed themselves ever so strongly by nearly 80 percent voter turnouts in the last three elections.

Today, there are approximately 500,000 Salvadorans in the United States illegally. In recent weeks there has been a substantial increase in the number of border apprehensions of Salvadorans indicating an increase in migration. This means that we have about 10 percent of the 5 million population of El Salvador already in our country and more coming. The half a million here compares to less than 20,000 total who are refugees in the neighboring countries of Honduras and Guatemala. What is remarkable is not the number of people who have fled to the United States since the onset of the Civil War in El Salvador, but the number who have not and the potential number who will if the country falls to the Communist guerrillas.

I am as concerned as anyone else here today with pressing the authorities in El Salvador to come to grips with the human rights violations that continue to occur. But the greatest violators of human rights in the history of mankind are Communist regimes.

The choice in El Salvador is very clear. We either act responsibly today and support the economic and military assistance recommended by the Kissinger/Jackson Bipartisan Commission as expressed in the Broomfield/Murtha amendment and allow democracy and the hopes of the people of El Salvador to flourish.

Or we can follow the lead of these who would have us turn away from these bipartisan recommendations and place impossible conditions on legislation to carry out these policies to prevent Communist success in Central America. If we allow these impossible conditions to stand and we do not pass the Broomfield/Murtha amendment, there is no doubt in my mind that the Communist guerrillas will be given a major opportunity to take control in El Salvador.

When that happens, we will not have any say over human rights there. When that happens, there will be no democracy. When that happens, the hopes of the people of El Salvador will be dashed. When that happens, the flight of refugees to the United States from El Salvador will make everything in the past pale by comparison. When that happens, the flame of freedom in Central America will, indeed, be only a flicker.

The choice in this vote is not between those who want to see human rights restored in El Salvador and those who do not. We all want that. The choice is between those who are naive enough to believe that the guerrillas and the conditions in El Salvador will give us enough time to force dramatic changes in the justice and judicial system of El Salvador before giving the military and the democratic-elected government the support recommended by the Kissinger/Jackson Commission, and those of us who are realistic enough to understand that time is of the essence and the imposition of conditions that we cannot reasonably expect to be fulfilled immediately will hand victory to the Cuban/Soviet-supported guerrillas.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Chairman, I voted against the Studds amendment. I vigorously oppose the Broomfield amendment.

I think that some of the opponents of the Studds amendment showed why we should turn down in a resounding way the Broomfield amendment. Some of the opponents of the Studds amendment showed they do not understand why there is such sensitivity in some quarters about human rights issues. They made false claims that people who supported the Studds amendment—and, as I said, I voted against it—did not understand East-West aspects of Central American turmoil.

At the beginning of his statement the gentleman from Massachusetts (Mr. STUDDS) made clear that he understood that. But the issue became: What are the human rights dimensions? And how do we get at them?

As I said, I think some of the debate this morning showed a lack of understanding as to why people are so concerned about the human rights aspects.

The question becomes: Whom do you trust to enforce progress when it comes to human rights action in Central America? Do you trust the President alone? I do not think we can do that. The record of this administration is one of opposition to conditionality. The record of this administration is one of failure to apply our tests of conditionality, such as has happened in the case of Guatemala.

Members of the Congress, I think human rights is indivisible. I do not

think we do adopt here a double standard. I am as concerned about civil rights in Poland as I am when it comes to El Salvador. We are not going to do President Duarte any favor by taking the heat off of El Salvador to make progress in this area.

The record is clear. If we adopt the Broomfield-Murtha amendment, it is going to be a signal that this body is taking the heat off, we are taking leverage away from the people in El Salvador who want to make progress in this area, including the President of that country. I strongly urge that we join together on both sides of the aisle and that we reject the Broomfield amendment and that we send the right message. This Congress, as well as the President of the United States, should play a role in making sure there is human rights and social progress in El Salvador.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I also voted against the Studds amendment, and I rise in opposition to the Broomfield amendment.

The issue is not whether the United States has legitimate interests to defend in Central America. It obviously has. The issue is, simply, whether we are going to defend those interests in a manner which is effective, or whether we are going to defend them in a manner which is ineffective.

The issue is not whether Marxism is suffocating to freedom or antithetical to the legitimate interests of the United States in that part of the world. It is. And if you have any doubts about it, all you have to do is visit the Soviet Union, as a number of us did last July.

The issue is not whether El Salvador has a decent record on human rights; I would submit, it does not. But neither do a number of other countries with whom we find it necessary to do business because we are a great world power.

Human rights is not the only consideration, but it is a very important consideration, for two basic reasons: Morally, because as God's creatures we have some responsibility to every human being in this world, including people who are not lucky enough to be born in a country like the United States; and, second, tactically, because abuse of human rights by our so-called allies can weaken our own ability to defend our national interests.

I do not like the committee provision which we are voting on today. I have great doubts about the requirement that the Congress ought to pass a resolution after Presidential certification, in fact, certifying whether or not the President is truthful and accurate in his certification.

I think that that process could give us significant executive-legislative problems long term, and I do not welcome those problems. But I think the Broomfield amendment is even more dangerous, for three fundamental reasons:

□ 1530

First, because it risks Americanizing that war because it removes effective limits on the number of advisers, and as those with clear memories will recall, that is how we eventually fell, slowly but surely, into Vietnam.

Second, the Broomfield amendment sends the wrong message to Mr. Duarte's opponents in the Army. It sends them a message that they can afford to ignore the needs for reform which are crucial if the rebels are not to, in the last analysis, win in that country.

Third, and most importantly, I believe, it delays changes in American policy which are needed to give American policy a chance of success and which are needed to achieve broad-based agreement in this country on a policy that could be sustainable, not just through one administration, but through a number of administrations.

What are those changes that are needed? I would suggest in the main there are two: No. 1, we need to aggressively support the Contadora negotiation initiatives, and right now I submit we are not doing that, public statements to the contrary.

No. 2, I think we need an intensification and a clarification of the administration's position on the death squads.

Right now, despite administration claims to the contrary, our allies in Central America simply do not believe that we are pursuing anything but a military option. If you doubt that, I invite you to read the testimony made by former Ambassador Sol Linowitz, I trust, regarded as a distinguished American on both sides of the aisle. He makes quite clear that our allies in Central America have grave doubts about our willingness to follow the Contadora process aggressively.

Second, the administration's policy on human rights is at best cloudy. The Vice President and Ambassador have made very constructive statements in El Salvador on the need to clean up the death squad operation. But the President himself has left doubt about the policy of this government because of his now famous statement that he was not at all sure that, in fact, the rightwing was responsible for the activities of the death squads. They probably are not responsible for the total activity of the death squads. But, as the Ambassador said, without control of those rightwing death squads, we are handicapped in dealing a blow to the ability of the rebels to survive.

If American policy is not changed, America will lose in Central America, and that is the issue before us today.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR.)

Mr. SAM B. HALL, JR. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Broomfield-Murtha amendment, and I would like to make one or two comments dealing with what we have talked about today and with reference to what the President said last night.

The President said that—

> The role that Cuba has long performed for the Soviet Union is now being playing by the Sandinistas. They have become Cuba's Cubans. Weapons, supplies, and funds are shipped from the Soviet bloc to Cuba, from Cuba to Nicaragua, from Nicaragua to the Salvadoran guerrillas.
>
> Just last week a Soviet ship began unloading heavy-duty military trucks in Nicaragua's Corinto Harbor.

My friends, I have before me, and I am sure many of you have seen these pictures, pictures of Soviet communications in Lourdes, Cuba, showing satellite receivers and antenna fields, and Soviet headquarters. Remember, 90 miles from the shores of the United States.

I also have pictures taken from a satellite showing Mig-21's and Mig-23's in Western Cuba. Soviet hardware, if you please, Soviet weaponry. Sandino Air Field, Nicaragua, MI8 helicopters, Soviet antiaircraft guns. Then at the Corinto Port facility in Nicaragua, on the 20th day of May 1983, two pictures, showing Soviet ships being unloaded at that harbor.

Let me make this comment in the very short period of time that I have. I am concerned about the U.S. proximity to what is going on in those countries. Some people state that we are taking the heat of Duarte if we intervene now. Some say that Marxism is not an issue. I think Marxism is an issue. I know Marxism is an issue.

John Kennedy said, and it was quoted again last night, that he was looking to the security of our Nation. That is what everyone in this room should be concerned about today. The security of the United States of America. That to me is first.

I am concerned about human rights, as much as anybody, but I must say that I do not believe that we can stand by idly and allow the Soviet Union to go through Cuba to Nicaragua, and to do the things that are being done down there today in the close area in which we live.

I have not been down to that part of the country, but I can look at a picture and tell what it means and what it says by looking at it. I would urge everybody who is in this room today, and I would urge the American people, if they have an opportunity, to contact their Congressman and let them know how you feel about your country. Because I think that is the ultimate basic issue that we have before this body

today: Are we going to do what we can to preserve the integrity of the United States of America? That must be our primary thought.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. TORRICELLI).

Mr. TORRICELLI. I thank the gentleman for yielding me this time.

Mr. Chairman, we are once again debating the provisions of large sums of money for the Government of El Salvador, a government that has received close to $1 billion in our aid over the last 3 years alone. Most of it has been economic aid. I am disturbed by a situation that has been brought to my attention that seems to suggest that this spirit of friendship and assistance offered by the United States is not often reciprocated by Salvadoran corporations.

I am referring particularly to the efforts of TACA Airlines to flout U.S. law and existing collective bargaining agreements to the detriment of its pilots; both American citizens and Salvadoran citizens, who are currently represented by the American Airline Pilots Association.

I wonder whether the chairman of the Foreign Affairs Committee, the gentleman from Florida, was aware of this situation requiring American citizens working for TACA Airlines to either lose their jobs or to relocate to El Salvador.

I yield to the chairman of the Foreign Affairs Committee for purposes of his response.

Mr. FASCELL. Unfortunately, I am aware of the problem, and I must also add that it is not limited to El Salvador. We have problems with other countries in South America with regard to this issue. As I understand it, in Salvador, the problem arises from a last-minute change in the new constitution. The pilots were forced to go to a district court to obtain a temporary restraining order to keep TACA from trampling their collective bargaining agreement.

I am going to monitor this situation very closely. As I said, we have problems in other countries of similar nature. I would hope that we could get this matter resolved before we have to face these questions in another way: legislatively or otherwise. Maybe if this dispute cannot be resolved any other way, it might have to go to arbitration or something like that.

We are going to watch it very, very closely.

Mr. TORRICELLI. Thank you, Mr. Chairman. I am certain that the newly elected Government of El Salvador could not condone a Salvadoran company blatantly violating U.S. law and mistreating American citizens that have so faithfully served that company.

I hope that a strong message comes from this Congress and hope that this is amicably resolved in the very near future.

Mr. FASCELL. I am sure that this discussion today will serve part of that purpose. I will say to the gentleman that many of the agreements that we have with these countries, bilateral agreements, call for respect for each other's laws. I certainly will intend to make my views known to the relevant parties.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Chairman, I share the gentleman's concern about this issue. I have been working on this situation for some time now, and despite my strong support for the Government of El Salvador and for the Broomfield amendment, I have to say that quite honestly I have been frustrated and disturbed by the attitude of TACA Airlines on this issue.

I know many of the pilots affected by the problem. They are hard-working citizens and, if the gentleman would yield further, with families and roots in their communities. Some of them are close to retirement age, and it seems to me that while the United States is going to continue to provide levels of economic and military aid to El Salvador, which I support, we should also be able to expect that Salvadoran business interests like TACA would show some respect for the U.S. law and the rights and concerns of American citizens.

Mr. TORRICELLI. I thank the gentleman for his words, and I think it is worth taking note both the chairman of the Foreign Affairs Committee and now on a bipartisan basis, Members have expressed their concern on this issue.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

□ 1540

Mr. TORRICELLI. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. I thank the gentleman for yielding.

Mr. Chairman, I also want to express my appreciation to the gentleman for bringing this issue before us today. It may not seem large compared to the great issues of war and peace in El Salvador, but there is an important principle involved in the lives and well being of American citizens affected and that is important to me as well.

Mr. TORRICELLI. I thank the gentleman for his support.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. I thank the gentleman for yielding time to me.

Mr. Chairman, the events of the past several weeks have proven clearly and positively which side in the struggle in Central America supports human rights and which side is a flagrant usurper of the inalienable right to choose a government.

Last Sunday the people of El Salvador went to the polls in massive numbers to elect a president in free and open elections. This is the third time in 2 years that El Salvador has had open elections, and it is the third time that the results have overwhelmingly denounced Communist guerillas in favor of liberty and democracy.

The Communists have refused to participate in the elections in El Salvador, even though they were begged to put their case before the public by participating. But instead of joining the electoral process, the Communists blew up buses, shot innocent citizens seeking to exercise their rights, and tried to disrupt democracy in any way that they could.

The events in El Salvador become far more significant in contrast to Nicaragua. There the Sandinistas have refused to hold popular elections even though most people agree that the Sandinistas would win. Now that there is pressure to allow the people to determine their own fate, the rulers in Managua have decided that there will be elections. These elections, however, will be of the Soviet variety, as is clearly shown by the statements of the "Dear Commandantes" that only "approved" candidates would be allowed to run, and that there is really no need for elections because the results are already known.

I ask my colleagues to decide which of these two nations deserves America's support and America's approval. We should send a clear message to the free citizens of El Salvador and the terrorized victims in Nicaragua by passing the Broomfield-Murtha amendment to H.R. 5119.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think the decisions that this House is about to make in the area of Central America are among the most important that we will make during this year. The question is whether this House will say to the newly elected government in El Salvador that we expect it to support civil and human rights, and put an end to the death squads, or whether we will continue to talk without requiring the kind of strong linkage that is necessary to do the job?

I voted for the Studds amendment because it would prohibit U.S. military assistance unless the President certified that the Government of El Salvador has removed from office those responsible or associated with death

squads, has complied with Geneva Convention requirements regarding protection of civilians and has participated in negotiations, without preconditions, unless the insurgent forces refuse to participate. The Studds amendment also would have prohibited release of the funds unless Congress approved a resolution finding that the Government had made progress toward achieving an end to the detainment of political prisoners, establishment of an effective judicial system, protection of freedom of the press and association and progress on land reform.

Unlike the Studds amendment, the amendment offered by Mr. BROOMFIELD would place no meaningful conditions on the release of U.S. aid to El Salvador and contains none of the bill's restrictions on the administration's growing military involvement in Central America.

We all want to see the progress of democracy and human rights in El Salvador, but we cannot get there by wishing; we can achieve this goal by making sure that American aid does not continue to flow unless progress, real progress, is made.

The problems facing El Salvador are very complicated. Even so, one fact is clear: Military force and U.S. arms will not solve the problem. Only the commitment of the El Salvadoran Government to programs and policies that meet the needs and legitimate aspirations of El Salvadorans and that promote human rights concerns will, in the long run, solve the problem.

Unless we tie those conditions to our legislation, there will be no progress. Whatever progress has been made has been the result of the linkage that has existed in the past. More progress is needed, and linkage must be continued.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding this time to me.

Mr. Chairman, as one of the official observers of the U.S. delegation to oversee the elections last Sunday in El Salvador, I report to you that the elections there were open and free and happily participated in by the citizens of El Salvador. If there was any kind of irregularity or pressure or fraud, it could not be observed by any of our delegation. We are unanimous that this was a spirited and healthy democratic vote. The task for us now is to interpret the significance of that vote and determine how we can help. We may differ about the approach, but we cannot disagree with the significance of the vote.

As I see it, we can assume that Mr. Duarte has won the election, though I recognize there are the usual claims of irregularities. If Mr. Duarte has been elected, then I think we ought to recognize certain salient facts:

First, the United States ought to help Mr. Duarte—within reason—as he thinks we can help best. We ought to do it his way. Mr. Duarte told us that if elected, one of his first steps would be to call for a commission to study the entire military and economic situation, and he would then determine the extent and scope of his request of aid from the United States. I assume he will do that within hours or days. We ought not to attempt to impose our will on him or on his new government. This is not our show in El Salvador. This is El Salvador's attempt to chart a course toward democracy, and we ought to help them and let them do it largely their way.

Second, Mr. Duarte has said that he will control the military; that as the new commander in chief of armed forces, he would exercise authority over the military. I think that is important. I hope he will exercise that authority, and I hope that type military will accept the vote Sunday and allow the new President to proceed as he thinks best. The United States is a country with civilian control over the military, and I think El Salvador wants to establish the same kind of system.

Third, Mr. Duarte has pledged to improve the area of human rights, and I think he is committed to that issue. He or his government ought to know how to proceed best, but he cannot improve "human rights" specifically as we, the United States alone, might wish. Since he has pledged to fight for the improvement of human rights, let us give him a chance. He has made the same pledge to stop the death squads. I believe he will do it.

I am convinced we should give both economic and military assistance, and I am inclined to believe, under the present circumstances, that the Broomfield-Murtha amendment may be best for us at this time.

I can certainly understand the concern for human rights and justice which led the committee to place a number of conditions on aid to El Salvador. However, I think those conditions may be too restrictive at this point. The Broomfield-Murtha amendment goes far enough at this point in expressing our concerns for human rights. We should give the Duarte government time to prove itself in this regard and, if it fails, then we should come back later with stricter conditions on continued aid to that government. But for now, we should provide economic and military assistance with enough flexibility for the new government to establish its own course.

Last night the President made a strong appeal for U.S. aid to El Salvador. I agree with him on that point and that is why I support the Broomfield-Murtha amendment. Yet I think the President does not really understand the situation when he paints it as being merely a conflict between East and West. I am disturbed that the President constantly tries to oversimplify the problems in Central America and throughout the world.

At times it appears that the President looks at the world as a 1930's Hollywood movie set of cowboys and Indians with the calvary riding to the rescue. He seems to see a communist under every bush. We can no longer look at the world in such simplistic terms. We cannot base our foreign policy simply on fear and hysteria about communism alone.

Yes, there is a Communist threat in the region, but the real problem in El Salvador, as in most of Central America, is one of poverty, hunger, disease, and lack of jobs. Communism is a threat to efforts to establish free and democratic governments in the struggling nations of Central America but it is a threat because it is easy for the Communists to exploit the poverty and misery that exists in those nations.

At the beginning of his speech last night, Mr. Reagan said: "Our diplomatic objectives will not be attained by good will and noble aspirations alone." I can agree with that. But at the same time, we must realize that we cannot promote peace and democracy in the world only at gunpoint.

I think we should send El Salvador sufficient military aid so that they can defend themselves against those who are attempting to take advantage of the conditions I just mentioned. And we should send our neighbors enough economic aid so that they can establish a healthy economy and a stable democracy. And it would be counterproductive to place unrealistic conditions on this help.

This is a critical time in our relations with Central America, and if there is any doubt about which way we should go, I would lean toward a meaningful program of both military and economic assistance.

Mr. FASCELL. Mr. Chairman, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

□ 1550

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just listened to my good friend, the gentleman from Texas (Mr. PICKLE). I always listen to what he says because he is always pretty darned right. But he just seemed to indicate that President Reagan finds a Communist under every bed.

I thought the President was urging support for the Kissinger report which certainly is a balance between economic aid and military aid. But he is right in a sense. There are people who find a Communist under every bed; then there are other people who would not know one if a Communist bit them right on the neck.

Mr. Chairman, I would prefer to err on the side of caution.

Mr. BURTON of Indiana. Mr. Chairman, I agree with my colleague, the gentleman from Illinois.

Mr. Speaker, our illustrious Speaker of the House made the following comment, and I quote:

"It is apparent to me that the gentleman and I"—he was speaking of the gentleman from New York—"did not get the same message that the President of the United States sent to the people of America. I think it was that he wanted more arms, more involvement, more ammunition, more force, and more deaths. I think it was a call to arms."

He went on to say: "The way to peace is a diplomatic matter. It is not flexing the muscles and sending more ammunition down there."

Now, the fact of the matter is that the Speaker did not mention what the Communists are doing. The Soviet bloc countries or the Communist bloc countries have sent 15,000 tons of war materials to Nicaragua last year. They sent 66,000 tons of war materiels to Cuba. They have outfitted a 105,000-man army in Nicaragua, and they are helping to support revolution throughout Central America. There is no question about it. They just recently helped support them by sending T-54 and T-55 tanks, as well as Bulgarian amphibious tanks. They are outfitting four airfields throughout Nicaragua so they can even reach the United States as well as the Panama Canal.

I would just like to quote Winston Churchill because those who do not profit from history are destined to make the same mistakes again, and I would like you to think, when I give this quote from Winston Churchill, what it would be if we transposed "Britain" for "Salvador."

The time of the gentleman from Indiana (Mr. BURTON) has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Churchill said: "Like the Communists, the Nazis tolerate no opinion but their own. Like the Communists, they feed on hatred. Like the Communists, they must seek, from time to time, and always at shorter intervals, a new target, a new prize, a new victim * * *. We are left in no doubt where American conviction and sympathies lie. But will you wait until British"—and transpose that to read "Salvadoran freedom"—"freedom and independence have succumbed and then take up the cause when it is three-quarters ruined, yourselves alone? * * * . We must arm. Britain must arm. America must arm. * * * Is this a call to war? Does anyone pretend that preparation for resistance to aggression is unleashing war?

It is quite the contrary.

He said, "I declare it to be the sole guarantee of peace."

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. LOEFFLER).

Mr. LOEFFLER. Mr. Chairman, I rise in strong support of the Broomfield-Murtha amendment and encourage my colleagues to support that amendment when we vote in the not too distant timeframe.

It is my purpose today briefly to discuss why events in Central America are critically important in a parochial way to our country. I come, Mr. Chairman, not just as a Member of this House but also as a Texan and as a Texan whose district shares one-quarter of our Nation's entire border with Mexico. In short, I represent a district whose people are gravely concerned by the reluctance of some in Congress to recognize how events in Central American critically impact upon our very own border.

The people in my district understand what is at stake, Mr. Chairman, because they will be among the very first to be affected.

The country of El Salvador is 965 miles from the tip of Texas. San Antonio, Tex., is closer to Nicaragua than it is to Washington, D.C. Therefore, the circumstances which we are discussing are literally just across our fence. We are so close that Central America's troubles automatically spill over into Mexico and the United States. We are so close that Central America's strategic posture automatically affects our own.

And throughout our history we have been most fortunate and virtually unique in not having an adversary threaten our borders. Not only did it permit us to grow and develop economically, but also to use our resources to defend liberty and freedom on someone else's soil. We could afford to defend Europe and Japan, in part because we did not have to spend money to put troops on our very own borders.

Mr. Chairman, a threat to that envious position looms perilously on our horizon. The aggressors in the region who are perpetrating the thrust of revolution without frontier do not attempt to hide their desire to spread their poison to all nations of the region, with one eye always on the pearl of any aggressive nation. That "pearl" is Mexico.

The vital interests of Mexico are most vulnerable. The potential for unrest exists in Mexico, as a result of serious economic and social problems. And it is Mexico, not El Salvador, which has the vast amounts of precious natural resources.

The revolutionary aggression spewing from the Sandinistas in Nicaragua to the guerrillas in El Salvador is a cancerous growth which has the potential for spreading rapidly from one nation to the next. If it is not stopped, we soon may be fighting terrorists and others for the sanctity of even our own border.

The economic problems alone in these nations of Central America are serious and they merit and deserve our help. But if Marxist regimes such as the Sandinistas in Nicaragua gain control of El Salvador, Guatemala and Mexico, we will be forced to commit our men and women in the armed forces to defend our southern border and coastline.

Our strategic relationships will be radically altered if we have to restructure our military presence to defend against a real and present danger on our very own southern flank.

Mr. Chairman, if conditions are permitted to reach a point such that the Soviet Defense Minister's projection would allow the positioning of the SS-20 missiles in Central America, then the prize won by the Soviets in Cuba will be a small loss to the United States in comparison.

Make no mistake: what we are dealing with here is a threat which has the potential for bringing revolution and terrorism to our very border, a threat which has the potential for forcing millions and millions of people from Central America and Mexico to flee as refugees into our country, and a threat which has the potential to fundamentally change the strategic balance against the United States—nothing less.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. BURTON) has expired.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DURBIN).

Mr. DURBIN. Mr. Chairman, I would like to express my opposition to the Broomfield amendment, a position based on my concern over the direction of our current policy in Central America as well as my desire to see our taxpayers' money spent effectively.

During my first term in Congress, I have heard a great deal of criticism of addressing a problem by throwing money at it. In my opinion, the Broomfield amendment represents precisely that approach.

This amendment calls for tripling current aid levels to El Salvador, from $226 million in 1984 to $721 million for the rest of 1984 and 1985. Moreover, we have already spent over $1 billion in El Salvador over the past 4 years. While we must not turn our backs on El Salvador, particularly following the

hopeful sign of Mr. Duarte's election, I believe these aid levels are excessive.

These levels are excessive because there is little doubt that substantial amounts of that aid would be wasted based on the Salvadoran Government's previous record. Over 75 percent of the soldiers we have trained in the Salvadoran Army with our military aid money have subsequently left the Army. Even worse, the Department of Defense concedes that large amounts of military aid and up in rebel hands—up to 50 percent in certain provinces.

There is also little doubt that much of the Broomfield amendment's economic aid would not end up in the proper hands. That amendment does not include the Fascell and Studds stipulation that economic aid must be deposited in a special account and be disbursed as commodities through nonprofit organizations. Continuing to deposit the aid in El Salvador's Central Bank means that much of the money will not go where it is intended and needed. A recent GAO study documented our inability to account for perhaps half a billion dollars in U.S. aid. By continuing to give such large amounts of aid, particularly with no stricter auditing procedures, we are virtually guaranteeing that our taxpayers' money will not be spent effectively—which is a very hard message to send in these deficit-conscious days.

The Broomfield amendment not only proposes giving excessive amounts of aid to El Salvador, but also proposes no meaningful conditionality on that aid. The amendment pays only lip service to curbing death squad activities or to endorsing negotiations as the appropriate approach to address El Salvador's problems.

The legacy of the death squads in El Salvador is well known, as is the Government's reluctance to punish those involved, including the murderers of four American churchwomen. Even the author of this amendment acknowledges this problem and the Salvadoran Government's unwillingness to control it. This past December Mr. BROOMFIELD stated that "it is time to tell the truth about the death squads" and that "The President of El Salvador already knows the names of those present and former military officers who participate in these senseless and grisly bloodbaths."

The conditions contained in his amendment will not get at this problem. Requiring reports by the president on human rights conditions in El Salvador have to date proved ineffective. In the past 2 years, the President has certified on four separate occasions that the Government of El Salvador has made substantial progress on human rights. During those same 2 years, the Catholic Church documented an additional 10,000 murders of civilians by security forces.

Mr. Chairman, I believe that adoption of the Broomfield amendment is simply an endorsement of our present policy in Central America—a policy that has proven unsuccessful in bringing either peace or democracy to the people of Central America; a policy that is opposed by a majority of Americans; and a policy that is questioned by many of our allies. We have already seen much evidence that heavy reliance on military force, to the exclusion of the negotiation approach advocated by the Contradora group, will not bring peace in El Salvador.

I urge my colleagues to defeat this amendment. I believe that the committee version includes far more responsible aid levels, as well as stricter controls on the disbursement of that aid and much more meaningful conditionality on the receipt of that aid. I also believe that we will make far more progress under either of these approaches than under the Broomfield amendment.

□ 1600

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. Mr. Chairman, the choices before us today are far from perfect. As approved by the Foreign Affairs Committee, it contained no section providing aid to Central America. When the Foreign Affairs Committee met, the majority decided to delete that section from the bill. Consequently, there was no discussion on aid to El Salvador, no debate, and no amendments to improve the original proposal.

This afternoon, we must choose between two methods of providing aid to Central America. In my view, both approaches are deficient. It is particularly sad that under such circumstances it will not be possible for Members to offer perfecting amendments which place aid to El Salvador under effective conditions that can lead as quickly as possible to a lasting peace. As a result the House must choose between deficient approaches rather than finding ways to make each better.

The two approaches, the House is being asked to choose between are the Moakley-Fascell version drafted by the Foreign Affairs Committee Democrats, and the Broomfield-Murtha substitute, a bipartisan compromise. Although the two amendments are different, it is not quite accurate to say that one sets tougher conditions on U.S. aid to El Salvador than the other or that one amendment is more likely to lead to peace and respect for human rights than the other. A comparison of some of the provisions in the two amendments will show what I mean.

Both amendments, for example, require the President in every appropriate instance to impose conditions on U.S. military assistance to El Salvador, and both require demonstrated progress in achieving those conditions.

Both amendments require the President to submit two reports to Congress on the progress the Government of El Salvador has made in achieving the goals set forth, and both amendments condition the providing of further aid upon Congress' acceptance of those reports. More about that later.

The conditions set forth in the amendments are also strikingly similar, although some of the differences are important. For example, both amendments require participation by the Government of El Salvador in a dialog or negotiations with all major parties to the conflict in El Salvador, in good faith and without preconditions, for the purpose of achieving an equitable political settlement.

Both amendments call for effective freedom of the press and freedom of association.

Both require the establishment of an effective judicial system and the prosecution of those responsible for the murder or disappearance of Americans—the Broomfield amendment further specifies the four American churchwomen, two labor advisors, and other American citizens.

And both amendments require implementation—full according to Broomfield, documented progress according to Moakley—of the land reform program, including the taking of measures against illegal evictions.

Although most of the conditions are virtually identical, there is at least one important difference. The Fascell/Moakley amendment requires the removal from the military, security and police forces of all individuals associated with the death squads. Although that is a laudible objective, there is no way to identify with certainty every single individual who has participated in death squad activities in the past. Therefore, it woud be impossible for any President to certify that every such person had actually been removed from the military or police. I think everyone wants to avoid Presidential certifications in El Salvador that cannot be verified.

The Broomfield-Murtha amendment proposes to stop the death squad activities in a more realistic way. It calls for an end to the involvement in or support for the acts of unlawful violence, secret detention, abduction, torture, and murder by members of military, security, or police forces. While it is not possible to know everyone who has done killing in the past, it would be possible to know whether or not it stops. If it does, then this objective will have been met. If not, then the President could not certify that it had been brought to an end.

The other major difference between the Moakley-Fascell amendment and the Broomfield-Murtha is the manner

in which Congress will participate in deciding whether the President has properly certified that El Salvador has met all the conditions imposed on our aid. The Moakley-Fascell amendment would allow one House of Congress, by a simple majority, to veto the President's certification. As I said on the floor of the House 2 days ago, this is governance by one House of Congress. That is not a proper balance of power. It is certainly not the sort of balance that was envisioned by the framers of our Constitution.

On the other hand, the Broomfield-Murtha proposal would require a two-thirds vote of both Houses in order to veto a Presidential certification as to whether or not the Government of El Salvador had complied with the conditions. That approach may not give Congress a loud enough voice in the process.

I had a proposal that fell somewhere in between, under which a simple majority of both Houses of Congress would be required to overturn a Presidential certification. It would have provided that if both Houses pass a concurrent resolution disapproving a Presidential certification, it would not be in order for either the House or the Senate to consider any appropriations measure providing money for El Salvador.

Such a provision would avoid the extremes of the two alternatives we are being permitted to consider, that is, either a one-House veto or the necessity of both Houses mustering a two-thirds vote to override a Presidential certification. Instead, my proposal would allow a simple majority of both Houses of Congress to determine whether or not El Salvador had met the conditions imposed on aid to that Government.

Unfortunately, the House will not be permitted to consider my amendment and therefore I must choose between the two alternatives.

I have other concerns about the Broomfield-Murtha amendment. It makes the limitation of 55 military advisers a "sense of Congress" provision requiring Presidential consultation for any change rather than an absolute limit. Also, it does not contain the restrictions on U.S. training exercises in the region like the Fascell-Moakley amendment does. However, one has to question the appropriateness under the Constitution of Congress instructing the President—the Commander in Chief—of exactly, when, where, and how many military personnel can be deployed in the absence of conditions under which the War Powers Act is in effect.

Finally, there is one overriding factor: We must pass a foreign aid bill this year and impose stiff conditions upon U.S. military assistance to El Salvador. For the past 2 years, no foreign aid bill has passed Congress. Therefore, there have been almost no restrictions upon aid to El Salvador except the Presidential certification procedure that no one likes because its been ineffective. To be credible and effective, Congress must pass a bill this year that makes it clear to the Government of El Salvador that human rights abuses must come to an end, that the land reform program must be carried through to completion, and that economic and social justice must be available to all Salvadorans. In my view, both the Fascell-Moakley amendment and the Broomfield-Murtha compromise would fulfill those objectives. On balance, I believe that the Broomfield-Murtha language is marginally more realistic in the manner in which it states and measures the objectives being sought.

Although the Moakley-Fascell amendment provides almost $17 million more for military assistance to El Salvador for fiscal year 1985 than does the Broomfield-Murtha substitute, I do not regard that difference as significant.

I believe that if the Broomfield-Murtha approach is adopted, there is a greater chance that the foreign aid bill will pass the Congress and be signed by the President. This is important. If we fail again to pass this year a foreign aid bill, there would be no realistic conditions imposed on U.S. military aid to El Salvador. That is the worst possible outcome.

Because, on balance, I believe the conditions in the Broomfield-Murtha compromise are marginally better, and because I am convinced that we need this year a foreign aid bill which imposes those conditions on El Salvador, I have decided to vote for the bipartisan compromise substitute offered by Mr. BROOMFIELD and Mr. MURTHA.

Mr. CHANDLER. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, I rise today in support of the Broomfield-Murtha substitute amendment to title X of the foreign aid bill, authorizing economic and military aid to Central America. I believe all of us here in this chamber can agree that the nations of Central America need and deserve our help. The question then, is how best to provide it. I believe the Broomfield-Murtha substitute is the best of the options before us.

None of us wishes to take part in providing assistance to a government which consistently and wantonly violates the rights of its people, and I am confident that the provisions of Broomfield-Murtha will prevent this from occurring. Salvadoran President-elect Jose Napoleon Duarte has contacted each of us, reiterating his pledge to establish peace and justice in El Salvador, and stressing once again the urgent need for our support. By linking military aid to El Salvador to progress in six key categories—including freedom of the press, freedom of assembly, establishment of an effective judicial system and an end to government support of unlawful violence—Broomfield-Murtha insures that Mr. Duarte must live up to his promises. Unlike alternative proposals however, Broomfield-Murtha does not set up standards so unrealistic that no Central American nation could hope to meet them. Wrapping assistance in excessive bureaucratic redtape defeats our purpose. If aid is not forthcoming in a timely and adequate manner, the plight of the people of Central America can only worsen.

As the framers of the Constitution intended, we must leave primary responsibility for the making of foreign policy in the hands of the President. Congress, for its part, must act swiftly and decisively on the legislation we are now considering. Central America is a region in crisis; we must set aside petty partisan differences and work together to provide needed help to our southern neighbors. I hope that my colleagues will join with me in supporting the Broomfield-Murtha substitute and in supporting final passage of the foreign aid authorization bill.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, unfortunately the issue of Central America is not going to go away from us after today's vote. It will probably be with us throughout the decade of the 1980's, but the issue facing us today is simply whether or not we will fund our allies, whether or not we will support our allies at a level so that they can win, or are we going to fund them at a level so that they will probably lose?

If we do not want to find ourselves in a position a few years from now of looking back and asking how could we have lost Central America, what happened to our allies in Central America, I think it is absolutely imperative that we pass the Broomfield substitute.

I urge my colleagues to vote for it this afternoon.

Mr. FASCELL. Mr. Chairman, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, as a member of the Western Hemisphere Subcommittee of the Foreign Affairs Committee I have tried to look very carefully at the subject of aid to El Salvador and to other friendly nations of Central America. The importance of this issue should transcend politics and partisanship. This Member believes that addressing the issue this

way calls for a favorable vote on the Broomfield-Murtha substitute.

There have been rhetorical excesses in this debate as is natural on an issue of this gravity and complexity. I think, however, it is important to take a look at some of the very real differences and some of the differences that are only perceived differences or that are based upon an incomplete reading to title X and the Broomfield-Murtha substitute.

I wonder how many Members of this body really understand that the committee bill now calls for an absolute prohibition of joint military exercises with certain of our allies in Central America, such as Honduras. That is an unprecedented limitation on the powers of the Chief Executive, the Commander in Chief of our armed services and is among the most unfortunate mistakes. Whether or not one approves of past or proposed joint exercises, the precedent is a dangerous one to establish.

The differences on the matter of 55 military advisers that have been mentioned are not extreme. One is statutory and one is a sense of Congress provision. The 55 adviser number only repeats a self-imposed condition that is already in effect.

We have heard much about the absence of conditionality language on our aid to El Salvador. I think if all else fails, one should read the bill. In this case read the Broomfield-Murtha substitute, specifically, my colleagues, read section 1003(c), because it sets forth criteria for the reports that are due from the President to the Congress no later than August 31, 1984, and not later than January 1, 1985.

There are six primary objectives toward which progress must be assessed by the President in those reports. Let me read them to you and for the American people in brief form.

First, an end to the involvement in or the support for acts of unlawful violence, secret detention, abduction, torture, murder by members of the military, security and police forces.

Second, the establishment of an effective judicial system, and that judicial system is described thereafter.

Third, effective freedom of the press and freedom of association, as described thereafter.

Fourth, participation by the Government of El Salvador in a dialog with all major parties to the conflict in El Salvador. It goes on to describe the lack of preconditions for such dialog and is further described thereafter.

Fifth, compliance by the Government of El Salvador with the applicable rules of international law governing the conduct of armed conflict, and in particular those humanitarian principles for the protection of noncombatants.

Finally, sixth, full implementation of the land reform program, as described thereafter.

There is another crucial difference between title X and the Broomfield-Murtha substitute and that is the wide difference in the levels of economic and military support to sustain and to nurture the democratic traditions and institutions that are painfully being built and which were granted new life and hope by the Presidential election in El Salvador this past weekend. That is a very real difference and so, do not forget the absolute prohibitions in the committee bill against joint exercises with our allies in Central America. On May 8, 1984, 2 days ago two newspapers with the capacity and interest to directly follow the events in El Salvador and papers not known for this support of the Reagan administration had editorial comments which should be quoted here as a sample of similar editorial support and concern in small and large cities and rural areas in Nebraska and around the Nation.

The New York Times editorial said:

Having bet heavily on El Salvador's election, President Reagan seems in sight of a victory—but just. Jose Napoleon Duarte, the moderate Christian Democrat who was properly preferred by Washington, seems to have won a narrow victory over a right-wing extremist, and also over the boycott and disruptions of leftist guerrillas. Something rare in Central America and unique in El Salvador seems within his grasp: a legal transfer of power to a centrist committed to human rights, reform and reconciliation. . . .

Mr. Duarte's mandate for change is sure to be challenged as insufficient. But any majority seems ample in an election skewed to the right by the leftist boycott. Simply by assuming office, an elected President could begin to demonstrate that democratic institutions can take root in El Salvador. In a country that has known little but tyranny, the rule of law and civilian control over the military are truly radical ideas.

If there is a center in El Salvador, Mr. Duarte alone seems able still to define it. And if Sunday's balloting gave him that chance, he will need the energetic encouragement of Americans and democrats everywhere.

The Washington Post's editorial urged that:

In Jose Napoleon Duarte, the United States has a Central American leader worth betting on. It is not just that he is El Salvador's first president with an authentic democratic mandate, and a man of high personal courage and integrity. He is committed to social reform, the eradication of human rights violations and the reconciliation of all Salvadorans interested in a peaceful and productive society—all goals of American policy. . . .

In recent months, Congress has frozen American aid. It was waiting to see whether Mr. Duarte would beat Roberto d'Aubuisson, of the far right, and it was distracted by the furor over the mining in Nicaragua. On Nicaragua, difficult questions must still be resolved. But on El Salvador, there is no further reason for delay or, for that matter, for nickel-and-diming. A good man has won as valid an election as a realistic person can imagine in a country torn by war and social revolution. Now American policy should focus on what will help Mr. Duarte hold off guerrillas' expected "final offensive," control his military and move toward dialogue. . . .

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I am glad to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, the gentleman has made an extremely important contribution to this debate by identifying the fact that the Broomfield-Murtha amendment has conditions. They are positive contributions to building up a democratic center in El Salvador and leading to those economic and political and social and judicial reforms that are necessary to improve the quality of life in that country.

The suggestion some have raised that the Broomfield-Murtha amendment has no conditions on military assistance for El Salvador is at odds with reality as clearly enunciated by the gentleman.

I appreciate the gentleman's contribution.

Mr. BEREUTER. The gentleman is absolutely correct.

Mr. FASCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I rise in opposition to the Broomfield amendment and in support of the committee position.

On numerous occasions during the last year, the latest being last evening, President Reagan has asked for bipartisan support for his policy in Central America.

I recall a little more than 1 year ago when he addressed the Nation before a joint session of Congress inviting the participation of Congress in the formulation of a bipartisan foreign policy for Central America, stating his concern about the export of communism and the expansionism of the Soviet and Cuban powers in the region of Central America. The President spoke then, as he did last night, about a policy based on support for negotiations, for human rights, for development and for democracy. I support these goals, as do all Members of this body.

The President asked for military aid to accommodate the achievement of these goals for peace and said that he did not seek a military victory, but the military aid was designed to provide a shield in order to protect the establishment and achievement of those goals.

I recently went to Central America and toured several of the countries there and went on to Colombia to visit with the President of that great nation, Belisario Betancur, and I experienced during this trip a great deal of confusion about the President's policy.

I think the President of Colombia illustrated that confusion when he likened the President's policy to a blacksmith poised to strike an anvil with a mighty hammer and at the same time praying to God for a solution.

I think that the committee position has offered a bipartisan solution and that it achieves that solution by giving to the President those things which he has asked for. In effect, we have responded to the President's invitation of more than 1 year ago to provide economic aid, support for negotiations, the conditionality for the achievement of human rights and military aid in order to provide a shield for the achievement of those goals.

We can have a bipartisan policy. We can have a consensus. But we can only have that bipartisanship and that consensus by supporting military aid which is not in pursuit of a military solution, and is not open-ended as we perceive the Broomfield amendment to be.

□ 1610

We can only have bipartisanship with accountability which supports the goals of democracy, of development, of diplomacy, all of which the President has asked for, and which the committee position has agreed to provide.

Mr. Chairman, those are the reasons which I support the committee position and I ask my colleagues on both sides to join me in opposing the Broomfield amendment which threatens the achievements of the goals which the President has himself established.

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Chairman, it is very clear that this vote on the Broomfield amendment is a vote on the President's policy in Central America. Those who believe that the policy of the President is sound should certainly vote for the Broomfield amendment.

However, those who have reservation about the President's policy, those who believe that his policy is simplistic or ineffective should vote no on the Broomfield amendment, because it is the only vehicle we have under this bill to demonstrate to the President that we are concerned about his policy.

My own reservations relate to the fact that the President's policy is focused almost exclusively on a military victory. This policy derives from the President's honest belief that the problem in Central America is fundamentally one of a struggle between the forces of communism and the forces of freedom, between the Soviet Union and its surrogates on the one hand and the United States and our surrogates on the other. I would concede that there are some communists who are fighting to overthrow the Government of El Salvador and who are pursuing their own ends in Central America. And for that reason it is true that we need as one component of our policy some military assistance to prevent the extreme left from winning by force of arms.

My concern, however, is that the policy the President is pursuing is not comprehensive enough. It does not take into account the fact that the primary causes of instability in Central America are inequity and repression. If we are to have an effective policy in Central America, we must have one which focuses more effectively on resolving those underlying causes of instability.

The President's policy is focusing almost exclusively on one element of the problem; namely, communist efforts to take advantage of instability, but it is not adequately addressing the fundamental causes of that instability. The question now before us is whether we who have strong policy reservations are prepared to reject the Broomfield amendment and thereby signal to the President that we want his policy to be more broadly based.

If the policy of this administration is to have the support of the American people, there must also be a clearer demonstration that the administration is prepared to emphasize political initiatives in Central America, that military methods are the last resort, not the first resort of its policy.

Once again, Mr. Chairman, voting no on the Broomfield amendment is the most effective way today to demonstrate to the President that we have some grave concerns about his policy.

It is true that we have legitimate interests in Central America. It is true that we have an important role to play there. It is true that we should help our friends and avoid a forceable takeover by the extreme left.

The vital question, however, is what is the most effective policy in pursuing those legitimate interests of the United States. As I have said, many of us believe that the policy of the President is too heavily focused on a military solution, a policy which is not supported by the American people as the exclusive remedy in Central America. Accordingly, we need a more broadly based policy, one which is more effective, which recognizes the importance of negotiations and human rights, and which is more reflective of the values of the American people. In rejecting the Broomfield amendment we will convey that message to the President.

Mr. LAGOMARSINO. Mr. Chairman, I yield 1 minute and 30 seconds to the gentlewoman from Connecticut, (Mrs. JOHNSON).

Mrs. JOHNSON. I think it is important as we debate the Broomfield amendment that we not lose sight of the forest for the trees. The goals in Central America are peace and friendship amongst the nations of Central America and between the United States and those nations.

Economic aid, help in building schools, help in training teachers, help in building health clinics, help in training medical personnel, that is the stuff that peace and friendship are made of, that is the heart of our policy.

Coupled with such aid and just as important is support of the Contadora for they can provide the indigenous political leadership to assure that the flow of arms into the region from other nations will stop and cross-border insurgencies cease.

In the meantime, until the Contadora adopt means of achieving their agreed principles as an interim tool, it is critical that we be able to provide the kind of military aid that El Salvador needs to pressure her independence and to preserve her embryonic democracy. Military aid must be conditioned and so it is conditioned in the Broomfield amendment as well as in the bill.

The difference is that the Broomfield amendment establishes realistic conditions and a realistic process, realistic and effective, whereas the process and the detail of the language in the bill will in reality in terms of our process here in Congress, mean the cut off of military aid to El Salvador by the setting of impossible conditions and a tortuous process. Our responsibilities to El Salvador will go unfulfilled, the opportunity for both independence and democracy, peace, and friendship in that region denied.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I would like to commend the chairman, Mr. FASCELL, and the members of the Foreign Affairs Committee for their outstanding work in providing increased authorizations for population assistance.

The gentleman from Pennsylvania (Mr. KOSTMAYER) and the gentleman from Washington (Mr. PRITCHARD) deserve particular credit for the tremendous job they have done in fashioning a compromise amendment that holds the line on international family planning. I know that their task was eased significantly by the thoughtful and active support they received from Chairman FASCELL.

The committee's recommended funding level for fiscal year 1985, $305 million, represents a significant and urgently needed increase above last year's appropriation and the administration's fiscal year 1985 request.

In addition, the committee has taken a prudent step forward by earmarking

16 percent of population assistance funds for the U.N. Fund for Population Activities. Likewise, I praise the committee for including a requirement that at least 50 percent of the appropriation for population aid above $250 million be administered by the Office of Population in the U.S. Agency for International Development. These two provisions display a clear and necessary commitment to family planning programs that are administered by UNFPA and nongovernmental organziations. These organizations have a proven record of using their resources effectively and addressing urgent population concerns.

Population growth and the problems it exacerbates are of paramount importance as we consider all types of foreign assistance.

Increasing population growth drains the world's resources such as water, energy, and food supplies.

Developing countries cannot sustain unlimited population growth.

Developed countries cannot absorb the vast immigration that results from the population pressures that compel people to leave developing countries. Therefore, it is in the interest of both the United States and the developing countries to improve and expand dramatically programs to ameliorate population growth.

It has been suggested that developing countries do not want family planning programs. However, two of the largest countries—Mexico and Brazil—have done a complete about face in the last half decade and now are strongly and aggressively waging family planning programs.

I am submitting for the RECORD a statement by the Inter-American Parliamentary Group on Population and Development to the Economic Commission for Latin America. This group is comprised of parliamentarians from around Latin America. Its executive board includes members of Parliament from Jamaica, Peru, and Colombia, and its chairman is from Brazil.

They attest to the urgent need to bring population growth rates under control.

In order to do so, we must provide two things to women in developing countries. First, we must give them the means to control their fertility and space their children. Second, we must give them a reason to do so. We must change the signals they have been receiving from society. They have been programed to believe their role on Earth is nothing more than grow and process food, tend to the home, and most important of all, to bear and raise children, continuously, systematically, without letup. We must provide them with education and access to the world of work.

If we take these steps to change their perception of their role in society, they will soon realize that they have options other than child-bearing, and they will eagerly adapt practical means to control their fertility. These two steps taken simultaneously will yield significant progress in enabling developing world peoples to moderate their explosive population growth.

The changing role of women in the Third World is an evolutionary process that will require years and years of painful change, change in attitudes and change in the emphasis of government programs. Much of that process has already begun and our foreign aid can and must be a significant factor in assisting the process.

The demographics cited by our Latin American parliamentary colleagues are worth every Member of Congress noting with particular care. I quote from this statement:

In spite of the decline in growth rates, the numbers of people being added to our populations are continually larger. In the present decade alone, Latin America and the Caribbean are expected to grow by some 86 million people, a number greater than the total population the region had accumulated up to the beginning of the 20th century. In the 1990's, we are expected to grow by almost 100 million people. Thus, we are still experiencing prodigious growth, with all the obstacles that this presents to the orderly course of development.

This summer, the second U.S. Conference on Population will be held in Mexico City. The Inter-American Parliamentary Group has set five points that we must focus on at this Conference:

(1) We must remind the world that more than half of the family planning needs of the developing countries are still unmet.

(2) We must reaffirm that governments have a responsibility to provide their people with family planning information and services, that they must ensure that all individuals can exercise their basic right to decide freely and responsibly the number and spacing of their children.

(3) Primary health care, including family planning, must be made available to everyone in the world by the year 2000.

(4) We have to urge governments to incorporate education for family life into their public school curriculum.

(5) Most importantly, we must make the world recognize that population and development are linked. Population variables are among the most powerful of variables affecting development.

What better proof have we than this statement by our own parliamentary colleagues from predominantly Catholic Latin American countries that family planning is both needed and wanted in their region? As policymakers, we have an obligation to heed their warnings before it is too late.

It is rare indeed that as we debate foreign aid we have before us a clear and detailed analysis of what the recipient nation's elected leaders see as their needs and how critical our aid can be to those needs.

I urge my colleagues to read this statement with care:

STATEMENT OF THE INTER-AMERICAN PARLIAMENTARY GROUP ON POPULATION AND DEVELOPMENT TO THE ECONOMIC COMMISSION FOR LATIN AMERICA (ECLA)

At the World Population Conference held in Bucharest, the countries of the world recognized that population and development are interrelated. This interrelationship has become ever more evident in the years since Bucharest and has become a factor in national planning in many countries, not least in the countries served by this Commission.

Parliamentarians from 20 countries in our region met in Brasilia in December 1982, to review the impact of population changes on our societies. At that meeting we expressed our determination to achieve a situation in which population dynamics would work in our favor, so as to improve the quality of life in our countries. There, too, we established the Inter-American Group of Parliamentarians on Population and Development to give permanent expression to our concerns.

In our region, population trends are beginning to move in a favorable direction. The unrestrained rates of population growth that were typical of much of Latin America and the Caribbean in the decade of the 1960s have declined in many countries, and are continuing to decline, moving toward a more favorable balance between the numbers of our people and the resources available to them.

Yet in spite of the decline in growth rates, the numbers of people being added to our populations are continually larger. In the present decade alone Latin America and the Caribbean are expected to grow by some 86 million people, a number greater than the total population the region had accumulated up to the beginning of the 20th century. In the 1990's, we are expected to grow by almost 100 million people. Thus, we are still experiencing prodigious growth, with all the obstacles that this presents to the orderly course of our development.

Both the International Conference on Population and the International Parliamentary Assembly to be held in August in Mexico, should recognize the inescapable fact that the world's population problems are far from being "solved". The Inter-American Group of Parliamentarians on Population and Development look to the conference to produce a renewed determination to deal with those aspects of population dynamics that act to hinder development. Our group, indeed, has great hopes for the conference, and we look to it to strengthen the World Population Plan of Action.

We expect, first of all, that the delegations assembled in Mexico will remind the world that more than half of the family planning needs of the developing countries are still unmet.

Secondly, we want the conference to reaffirm in the strongest terms what was affirmed at Bucharest, that governments have a responsibility to provide their people with family planning information and services, that they must—and we quote from the Plan of Action—"ensure that all individuals can exercise their basic right to decide freely and responsibly the number and spacing of their children".

Thirdly, we would like the conference to express support for the Declaration of Alma Ata, for the demand in the declaration that primary health care, including family planning, be made accessible to everyone in the world by the year 2000.

Among the recommendations that this conference will approve, we would like, in the fourth place, to see one urging governments to incorporate education for family life into their public school curriculum.

Finally, and most importantly, we would like to see an emphatic reaffirmation of the position taken at Bucharest that population and development are linked. This position should be strengthened in Mexico by recognizing that population variables are among the most powerful of factors affecting development, as events in the years since Bucharest have helped to show. The conference should thus agree that expenditures on population programs are as important for human welfare as expenditures on any other aspect of development.

These five points are already recognized by a majority of the governments in Latin America and the Caribbean. Official awareness in this region, the surprisingly prompt response our governments have made to our transformed demographic situation, lies behind the advances we have made toward solving our population problems. The conference will take place in a country that has faced its demographic problems squarely and courageously. The example of Mexico should ensure that this conference, like Bucharest before it, will mark a significant advance in dealing with one of mankind's most massive problems.

Mr. LAGOMARSINO. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Chairman, there are so many people who wish to speak on this amendment, Mr. Chairman, that I have asked for only 1 minute. What can one say in only 1 minute about an issue that is so vital to 5½ million people willing to risk their lives for the right to live in a democracy?

One minute is not such a short time, Mr. Chairman. One minute is all it took for a guerrilla bomb to kill a woman and two small children in San Miguel. One minute is all it took for each of the bombs that destroyed the electrical power and water supplies in one-third of El Salvador. One minute is all it took for a man or woman, threatened with beatings, with mutilation, with death, to cast a vote to help turn one more nation into a democracy.

And 1 minute is all it will take for each of us to cast a vote that will help protect their democracy or destroy their dreams. I beg you—for them—to vote for the Broomfield amendment.

□ 1620

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. I want to thank the distinguished chairman of the committee for yielding this time to me. You know, over the last few years as we have been watching events develop in El Salvador, I think on both sides of the aisle we have heard one clear, consistent message to the Government of El Salvador, and that is that we want to see human rights progress made.

We want to see some effort to stop the death squad activities; we want to see the perpetrators of the worst crimes brought to justice. We have all spoken about how terrible it was that the four Maryknolls were assassinated, we have spoken about the assassination of the agrarian reform advisers, we have spoken about the thousands and thousands of Salvadorans taken from their homes in the middle of the night and killed.

We have acknowledged that some of those crimes have been committed by those at very high levels of the Salvadoran military. But time and time again those words have not been followed with the kind of action by this body that is necessary to see the reform that we need to see in El Salvador.

And I must tell you that I think that this is going to be the pivotal vote as to whether or not the United States is going to sleepwalk its way further into a quagmire. The Broomfield amendment is wrong, it is the wrong time, it is the wrong policy, it takes a lid off the number of advisers which could be sent to El Salvador. It takes a lid off the number of military personnel who can be sent to Honduras.

We are edging closer and closer to a regional war in Central America with the United States at the center of it, and we have an obligation to make sure that that does not happen. That is what this vote is all about.

The United States has represented throughout a long period of time values that I think we are all proud of. We have represented self-determination, we have represented the notion that people should have a right to live free from oppression from their own government. We have represented freedom, to be sure, but freedom not just from communism, freedom from any totalitarian government.

My fear is that to continue to support the present government and present military of El Salvador will result in that victory by the Communists that all of us want to avoid. This is the time for us to exercise restraint; it is a time for us to give a clear message to the Salvadoran people and the Salvadoran Army.

There are elements in the army that want to see reform. Let us strengthen those elements. Let us put military assistance on a short leash; let us give them a good, strong message here today that we are not going to permit the kinds of institutional violence that we have seen; the Broomfield amendment is exactly the wrong signal to be sending; at exactly the wrong time it will result in the Americanization of the war in Central America. Let us stop it now.

Mr. BROOMFIELD. Mr. Chairman. I yield 5 minutes to the gentleman from Illinois (Mr. HYDE), a member of our committee.

Mr. HYDE. Mr. Chairman, I have listened to every word, just about, of this debate today, and I have learned a great deal about this House. We have many more poets than engineers. So many people come in the well and take the big picture, the gross numbers. They do not do any research.

You know, when all else fails, read the amendment. They have not read the amendment. They have said item after item after item which just is not true. So many things have been fantasy rather than fact. Thousands of civilian deaths by the army? It is the guerrillas who kill the civilians, not the army.

Here is the chart. The deaths have gone down precipitously from June of 1981 to December of 1983. You average them by Salvadoran sources or you take the Salvadoran press; either way you do it, they have gone down, incredibly down.

No lid on the advisers, the last speaker just said. Read the amendment. You cannot increase the advisers without consulting Congress.

We have been told that Broomfield-Murtha shovels money to El Salvador with no conditions. They must be talking about every other country in the bill, not El Salvador. There are lots of conditions on El Salvador. It is the rest of the world that has no conditions on getting their military aid and economic support funds.

There was talk by my colleague from Illinois that corruption is rampant and this money is not protected by the Broomfield-Murtha amendment. Well, it is much more protected in that amendment than in title X. Title X refers to the Arthur Young report corrections and practices that must be incorporated in the central bank, but the Broomfield amendment spells them out in detail.

Now a gentleman from Michigan (Mr. ALBOSTA) took the floor and lectured us on how, what an asset those Cubans are in Nicaragua; they are teachers, they are doctors. Well, we negotiated for a year to get Peace Corps volunteers in Nicaragua and they will not take them.

So do not criticize us for not trying to put people down there. Do some research before you take the floor and you level criticisms at the administration.

You know, not every Cuban construction worker is just a construction worker. I refer you to Grenada. So the facts have to be corrected.

Now, the opposition of the Broomfield bill has been attacking the past, not the future. They have been setting up a straw man, one after another, death squads, the army, advisers; they are not talking about the future.

We have had three elections; we have a new government, human rights have improved, the land reform pro-

gram has included, thus far, 25 percent of the poor. Half a million people are enjoying 23 percent of the scarce land. Corrupt military officers have been cashiered; they have had three elections.

Of course there are conditions in Broomfield-Murtha, but they are achievable and they are doable. That is the difference.

One-third of the money goes to El Salvador, the military aid and an undisclosed amount of economic support funds under title X, but two-thirds must be disbursed only if certain conditions have been achieved and completed; that is the important distinction.

The overall question on this issue is: Are we willing to encourage the forces of democracy in our own hemisphere? Recast that question: Is the United States a world power capable of resisting the expansion of the Soviet empire on American soil?

In the one minute remaining, I cannot begin to discuss the flaws which are fatal in title X and the advantages of the Broomfield-Murtha substitute.

We are providing a fraction, a tiny fraction of the billions of dollars we thrust on some countries, all over the globe without condition. There is no country we demand more political purity from than El Salvador. The army, I have heard the army badmouthed here by speaker after speaker. They protected in three elections 1.5 million voters and they assumed a posture of neutrality that was very admirable.

These were not Soviet elections; there were choices. The army killing civilians? No; it is the guerrillas, but we avert our eyes from that. There are so many differences, I just tell you, Duarte has 1 year. He has got a year. He has elections next year.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Chairman, this amendment perpetuates the self-destructive myth that more military aid will resolve the complex problems in Central America. It will not and it is time that this administration recognizes that fact. The simple truth is that our militarization of Central America has increased guerrilla activity, not diminished it; it has encouraged Communist subversion, not hindered it; it has turned our traditional allies against us; not brought us closer together.

The President says the basic problem in Central America is the Communist threat and Communist mischief. And it is a threat we must take seriously. But has the President's policy deterred that threat? The answer is no, it has not. And the trouble with this amendment is that it fills the same administration prescription of solving political and social problems with guns and mines. In Nicaragua, our policy of covert aid to the Contras has not deterred the Sandinista regime. Rather, it has galvanized anti-American sentiment throughout the world.

We in Congress must show courage and foresight in Central America because the President has shown that he will use neither. What greater proof of the administration's failed policies than today's ruling by the World Court? What greater proof than our complacent acceptance of more than 400 civilians deaths a month by the military and right wing death squads.

Our policy is taking up where we left off in Lebanon and making a backward turn to Vietnam. Mr. Speaker, let us be willing to meet the difficult challenge of negotiations—serious negotiations—and give new perspective to a conflict which has no simple resolution.

□ 1630

Mr. FASCELL. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent to revise and extend by remarks.

There are two critical issues facing the people of El Salvador, and the people of the United States, in this debate. They are, first, is the United States going to be a force for peace or for continued war in El Salvador and throughout Central America, and second, is the United States going to stand for respect for human rights and against the continuing killing of civilians in Salvador.

A vote for the Broomfield amendment is a vote to say the United States will continue to seek a military solution to the conflict, and a vote to say the United States does not stand by its principles regarding the protection of human rights.

To hear the President and his supporters tell it, the committee bill amounts to a surrender. They should know better. The committee bill provides as much military assistance to El Salvador as the Broomfield amendment would. Under the provisions of the committee bill, the United States does not turn its back on our friends to the south and it does not concede that region to the Soviet Union or Cuba. The committee bill presents a firm and responsible approach that safeguards this country's national security interests in Central America while reestablishing human rights as a central plank of our foreign policy.

The Broomfield amendment, on the other hand, walks away from human rights, giving it lipservice at best, and continues the escalation of U.S military involvement in Central America.

This amendment basically entrusts improvement in the human rights situation in El Salvador to the President. The National Bipartisan Commission on Central America said military aid should be contingent on conditions to improve human rights, and that the conditions "should be seriously enforced."

The proposal before us fails to meet that standard of serious enforcement. It simply says that if the President says things are getting better, that is good enough for us.

That is not serious enforcement. Not when you have a President who four times in 2 years ignored hundreds of killings a month to certify that progress was being made. Not when you have a President who vetoed the legislation, overwhelmingly passed by this Congress, to reauthorize the previous certification requirements. Not when you have a President who, in the course of a 35-minute discussion of the issues in Central America, never once mentioned the problem of the death squads.

That President has contempt for human rights, and cannot be trusted to conduct a foreign policy that advances respect for them.

And what does the Broomfield amendment have to say about the U.S. military involvement in Central America? It is pitifully feeble. In place of language limiting the number of U.S. advisers in El Salvador, this amendment offers "sense of the Congress" language. In place of a prohibition on futher U.S. military exercises in Honduras, the amendment asks that the President notify Congress 30 days before deploying U.S. troops. And it lifts the limit on U.S. forces in Honduras.

The supporters of the amendment argue that the committee bill ties the President's hands. What does that mean? It means that if the committee bill passes, this President will not longer be able to ignore human rights abuses in El Salvador by making false and empty certifications of progress while he continues to send the weapons that keep this war going. And there is no light at the end of the tunnel.

This President's hands need to be tied. The committee bill represents U.S. foreign policy at its best, standing by our allies and our principles. Far from making communism more likely to succeed in Central America, it removes part of the swamp that breeds Soviet success. I urge my colleagues to resist the barrage of fear and panic about Soviet and Cuban involvement, and vote for a policy that will do something to stop that involvement. Oppose the Broomfield amendment, and support the committee bill.

Mr. GLICKMAN. Mr. Chairman, the votes we are going to be casting today

should not be taken lightly. Central America is in a real state of turmoil, and the outcome of that turmoil is of critical importance to the United States.

There has been talk about the domino theory being at work in Central America. To an extent, something like that is occurring. Military assistance has found its way from Nicaragua into El Salvador, Honduras, and neighboring Costa Rica and is fueling unrest. This troubles me greatly, and we cannot ignore it. We have a longstanding relationship with our neighbors to the south, and maintaining that relationship is important to us in many ways. While we can be idealistic and say the ideological makeup of governments of our neighbors should be of no concern to us, that is, unfortunately, completely unrealistic.

It is a fact of life in today's world that a competition exists between the Communist and democratic forms of government for the hearts and minds of other peoples. Just as tension exists along borders between Communist nations and democracies elsewhere, the threat of Communist neighbors to our south brings with it the very same kind of tension. I certainly have no desire to see us confronted in this country with the kind of military ready-alert that exists in South Korea, along the border between East and West Germany, or for that matter that exists along the borders of Nicaragua. Neighboring countries are, as a result of their proximity alone, the most logical focus of that competition. As the world's leading democracy, we are going to be involved in all of this; not to do so would be an abdication of our leadership. The question is how.

All of the packages before us recognize that a vital component of all of this must be economic assistance to deal with the severe underlying problems which plague Central America. Controversy is rife, however, when it comes to the military aid which has been requested. In an ideal world, we should not need to deal with the problems of Central America militarily, but by no stretch of the imagination can we say this is an ideal world when it comes to Central America. The fact of the matter is that guns are being fired and lives are being lost there. It is a region from which people are fleeing for their lives and where children live with bloodshed and death. That deadly activity would render economic aid alone at this point in time absolutely useless. Helping the Salvadorans to learn, to eat or to improve their health is somewhat hollow and of little help if they are confronted daily with violence. Based on that reality, I cannot in good conscience support the amendment offered by our colleague from Massachusetts, Mr. STUDDS. This amendment would result in a lapse in military aid until the Congress acts again and that bothers me greatly. Like it or not, failure to provide aid to shield against the military threat in El Salvador could indeed help the aggressors be successful and thereby close the door to democracy and to our ability to meet the social and economic needs that plead for attention. I do not want to see that opportunity lost, and the risk is just too great in the plan formulated in his amendment.

On the other hand, I also have reservations about the approach being offered on behalf of the administration today by the ranking minority member of the Foreign Affairs Committee, Mr. BROOMFIELD. My concerns about his approach are twofold. First, the fact that his amendment does not make binding the limitations on the involvement of U.S. military personnel in El Salvador and Honduras troubles me greatly. I am not prepared to see American military personnel as active participants in the conflicts in the region, and the committee is well-founded in making the present sense-of-Congress limitations binding in its proposal. Not to do so, given the increasing military action there, leaves open the door to American lives being lost in this conflict. We should not make that kind of commitment. Second, it troubles me that the conditionality imposed on the assistance to El Salvador is significantly weakened by the Broomfield formulation. The death squads which have been active in El Salvador and the other practices which the Salvadoran Government have allowed to continue to the detriment of their own people clearly must be stopped before any meaningful peace is going to be achieved in that country. Not to impose meaningful conditionality on our aid—which is intended to help achieve that goal—so that these practices are halted would defeat the purpose of our aid. In other words, if those conditions are not met, this would be an out and out waste of the taxpayers' money. We would be pouring money down a rathole.

Given those concerns with the two alternatives being offered as amendments, I will be supporting the committee's approach today. From my perspective, it is not ideal either, but it is the best of the three choices we have. After studying it, I would like to see the provision changed in one key way. I disagree with the decision to drop the requested supplemental military assistance for El Salvador in fiscal year 1984. If a lapse of needed military assistance occurs between now and the beginning of the fiscal year, we could find ourselves in a situation where the aggressors are allowed to gain an upper hand. Fortunately, those fiscal year 1984 supplemental funds have been moving independently of this legislation, so it does not seem that this will prove to be a real problem. Still, ideally I would have preferred to see this provision allow for the fiscal year 1984 supplemental and not have increased the fiscal year 1985 military assistance authorization above the President's request. Beyond that, however, I feel the committee has done an excellent job of developing a package that balances the need to respond to the urgent and chaotic situation in El Salvador while also keeping the pressure on the Salvadoran Government to make the reforms that are fundamentally necessary if we are ultimately going to see a stable, workable democracy there with broad-based support from its own people.

Beyond the specific issue we are confronting today, however, I urge my colleagues to look beyond El Salvador to the rest of Central America and indeed to all of Latin America and the Caribbean. As I said earlier, we do have a special interest in this region, and we have good reason not to want to see these countries turn to communism. That does pose a threat not only to other nations in the region but also to us. Before it is too late, before we find ourselves facing other conflicts like El Salvador, before we see other longstanding democratic allies embroiled in domestic chaos, we absolutely must take a long-term look at the very real needs of this entire region. We have heard time and time again that the problems in El Salvador and those in Nicaragua before it are rooted in poverty, illiteracy, great inequities in the sharing of economic opportunities, and a plethora of social problems which go beyond the imagination of most Americans. We also find ourselves in a situation where we cannot focus on those problems in El Salvador today because of the violence which preempts it.

Having failed to respond to these problems before they festered into revolution in Nicaragua, we saw our own influence lost to more aggressive Communist activity. I would remind my colleagues that the initial form of the Soviet- and Cuban-supported activity there was aimed at responding to those basic problems with teachers, doctors, and technical assistance. That is how the foothold was developed which allowed for the present, more militaristic aggression.

I remain convinced that with a forward looking policy we could have avoided the loss of Nicaragua and we could have taken away the basis for the chaos in El Salvador. I am afraid we run a very real risk of becoming preoccupied with the conflicts now underway and failing to make the commitment that needs to be made to avoid more Nicaraguas and more El Salvadors throughout the region.

If we indeed want to have a democratic Latin America and Caribbean, it is essential for us to recognize the severity of the economic and social prob-

lems that plague those nations and to show them that this democracy is ready and willing to help them respond to the legitimate aspirations of their peoples. We have many friends in that part of the world: Costa Rica, Argentina, Ecuador, and Mexico to mention just a few. These are democracies, but they are by no means economically sound and they do face social problems which could easily foster unrest. If we want them to survive, it will mean showing a willingness to help them meet those problems or we will see our Communist rivals step in to fill the void and to win their confidence and alliance.

In sum, if indeed we want to encourage democracy in this hemisphere, it will involve a commitment on our part. We do have choices about this broader sphere however. We can choose to wait and pay dearly to respond to chaos or we can plan ahead and start helping them now. Either option will involve significant financial commitments on our part, but I am convinced that we would be saving considerable sums if we start now so as to save ourselves the expense and the tragedy that is inherent in dealing with these problems and military conflict all at once.

There is talk of a Marshall plan for Central America. The committee bill does establish a fund for responding to economic needs and the Kissinger Commission has recommended a significant commitment of economic help. My urging to my colleagues and to the administration today is that we carefully examine the problems of each and every one of our Latin American and Caribbean allies and put together a plan for helping them to respond within our financial means to the social and economic and financial problems that exist before they lead to unrest. If we do this in the future we can avoid facing terrible choices like we do today.

Mr. GARCIA. Mr. Chairman, the Kissinger Commission report made what I consider to be one of the most profound and insightful statements on Central America when it stated that:

> It is a common failing to see other nations as caricatures rather than as portraits, exaggerating one or two characteristics and losing sight of the subtler nuances on which so much human experience centers. As we have studied these nations, we have become sharply aware of how great a mistake it would be to view them in one-dimensional terms. An exceptionally complex interplay of forces has shaped their history and continues to define their identities and to affect their destinies.

I believe that the primary problem with the administration has been that it has not heeded this statement. It has, instead, decided to concentrate on a simplistic solution—military aid.

That is, unfortunately, no solution at all. The best course for us to take is to negotiate, in El Salvador, in Nicaragua, in Honduras. We are widening the war; we are not ending it. We are crippling democracy; we are not promoting it. Costa Rica, the most established democracy in the region, has apparently asked for increased military aid. Costa Rica does not even have an army.

What we are succeeding in doing is alienating the democratic forces in the region, as well as making life much worse for all the people—middle class, wealthy, and of course, the poor. The Contadora process is the best alternative we have, but it seems that the White House is only willing to pay lip service to the Contadora nations. It is not willing to sit down and negotiate. At least, it has not indicated that it is willing to do so.

What are we left with? We are left with the same policy that we have had for the last 4 years. It has not worked up until now, and I am not optimistic that it will suddenly begin to work.

I live in the poorest district in the country. Many of my constituents need Government assistance just to survive. But they are generous, and they are willing to share what little they have if it means that they can help others even less fortunate than they are; $1 million in the Bronx is a lot of money. If my district has one-tenth of the money we are sending to El Salvador for military aid alone, we would put it to good use. I guarantee it.

But unfortunately, that is not going to happen. I, therefore, believe it is part of my responsibility to make sure that money that does not go to the Bronx, or the needy across this Nation is well spent. I do not think this money—much of it anyway—is well spent. This amendment would allow the President to "stay the course." That is not good policy.

I want the tax dollars that my constituents and that all Americans are sacrificing to be spent in the best way possible. That is why I urge my colleagues to support H.R. 5420 as written, and to defeat the Broomfield, that is, White House, substitute.

● Mr. OWENS. Mr. Chairman, there is very little good news from Central America. No matter who one listens to, one hears discouraging news of death and violence. There are troops in each country and hostile activities on the borders. Each side blames the other and asks assistance for itself and condemnation of the other side. In this mess, one thing is certain. The violence and destruction which distress us all are due to the weapons which inflict that level of violence and destruction. We can do little to stop people from fighting, but we can stop arming them so that they can inflict the maximum amount of damage on each other.

Now there are those here who feel strongly that we should aid a given side. To some degree, I can understand their views, but it is not as simple as all that. Each time rebels in El Salvador are found or captured, it is discovered that they are well armed with American weapons. Quite frankly, I fail to see the virtue in arming both sides of a conflict.

Today we have been given the opportunity to consider what level of arms we will be sending to El Salvador in the future. Although those who wish to send arms intend to send them to the Government of El Salvador, the practical reality is that the arms will end up on both sides of the conflict. The end result will be an increase in the level of violence.

The issue of certification also faces us today. What business is it of ours if the internal violence in El Salvador continues? Do we have any right to put conditions on the weapons that we send? There are approximately 400 civilian noncombat deaths in El Salvador each month. A comparable rate of deaths in the United States would be over 18,000 per month. This is an incredible level of violence which must stop. People cannot be expected to be subjected to such violence without seeking some sort of resolution.

In December 1983, after President Reagan pocket-vetoed the certification requirements, there were 504 civilian deaths of which 472 were attributed to the army that we supply with arms. There is no way in which we can wash our hands when we supply the army which inflicts such violence on its own civilian population. Certification can become the means by which we stop the violence against civilians. We owe the people of El Salvador that much.

A new government will come into power in El Salvador. If the government is to survive, it must have the people on its side and it must restrain those elements in the military which are involved in the noncombat civilian deaths. A requirement that aid be tied to a halt in the violence directed at the civilian population will strengthen the hand of a new government which seeks reconciliation and which seeks to win the hearts of its people rather than destroying its people. If a government which is committed to justice and reconciliation has been elected, it is our duty to support its efforts to reach those goals. If the newly elected government is not committed to these goals in word and deed, then aid should be withheld.●

● Mr. FRENZEL. Mr. Chairman, the fact that this is a complex, controversial question is attested to by the difficulty that caused our Foreign Affairs Committee to leave the El Salvador section blank when it passed this bill. The majority on the committee, which now speaks bravely in support of its position, was not so certain a week or two ago.

The President says he needs the amount contained in the Broomfield amendment to help the new democratically elected government to bring peace and progress to El Salvador. He says the committee's position will endanger that government and put it at risk against its Communist guerrilla opponents.

The committee spokesmen tell us that the pending amendment loosens the conditionality of our support for the El Salvador Government and lifts the ceiling on U.S. advisers which now number 55. Mr. BROOMFIELD says otherwise.

All of us wish we could make the problem go away. My own strongest objection is the continuing drain on our Treasury. But if we fail to support, or support halfheartedly, a freely elected government close to our shores, against aggression, there is no other place we can draw the line except at our own borders.

The Broomfield amendment is not an unadulterated blessing, but it comes closer to the recommendations of the bipartisan Kissinger Commission's than the committee's position. I will vote for it, not because it is perfect, but because it represents better U.S. foreign policy than the committee gave us.●

● Mr. FIELDS. Mr. Chairman, as a child, I learned that old adage, "Sticks and stones may break my bones, but words will never hurt me." Wise as that old adage may seem, my experience as a Member of this body leads me to embrace a counterphilosophy. That philosophy is "Never underestimate the power of masterfully crafted words."

The current debate surrounding U.S. aid to Central America and El Salvador, in particular, represents a prime example of linguistic hide-and-go-seek. The Democratic leadership of this House has constructed a linguistic fortress by which it seeks to end U.S. support for El Salvador while shielding itself from the effects of such a disastrous policy. Politically, it would be distasteful to brazenly hand over El Salvador to Soviet-Cuban expansionism.

Therefore, instead of denying military aid to El Salvador outright, the Democratic majority has chosen to attach unachievable conditions to Salvadoran aid. Under the committee proposal, two-thirds of U.S. military aid to El Salvador is contingent—not upon continued progress in achieving certain U.S. human rights objectives—but upon absolute achievement of those human rights objectives. Now, perfection may be laudable, but is seldom attainable.

Can you imagine this House withholding two-thirds of the funding for the food stamp program until every single case of fraud and abuse is ferreted out of the program? Yet, this is the absolute, unyielding standard to which the Government of El Salvador is being held.

Mr. Chairman, if truth in advertising were applied to legislation, two of the Central American aid proposals before us today would require appropriate disclaimers. I would suggest "All blow and no show" for the proposal offered by Mr. STUDDS and "two-thirds blow and one-third show" for the proposal offered by Mr. MOAKLEY. Only the Broomfield-Murtha bipartisan substitute represents a reasonable, rational approach to the current crisis in Central America.

Mr. Chairman, why is all this fancy footwork on the floor of the House necessary today? Why is legislation cutting off aid to El Salvador and legislation severely restricting aid to El Salvador being dressed in the sheep's clothing of human rights? The answer is that there is no longer any other basis on which to restrict Central American aid. We can no longer deny the nature of the Nicaraguan Government, its expansionist aims, nor the source from whence its support is derived.

As recently as July 1979, the United States harbored hopes that Nicaragua would emerge as a free, democratic state. But after 18 months, $142 million in direct U.S. economic aid, and $262 million in multilateral loans, the pattern of Nicaraguan repression, censorship, religious persecution, and the elimination of political opposition was too decisive to ignore. In fact, we do not need to speculate on whether Nicaragua is a Soviet-Cuban styled nation. Nicaraguan Minister of Defense, Humberto Ortega, has proudly, repeatedly stated, "our political force is Sandinismo and our doctrine is Marxist-Leninism."

The character of the guerrilla movement in El Salvador is similarly unambiguous. In light of the 1982 and recent elections, it is extremely difficult to claim that the FMLN guerrillas enjoy broad popular support or that Salvadoran insurgency is generated without significant foreign assistance. If I may quote Ambassador Jeane Kirkpatrick:

> Too many truckloads, planeloads, boatloads of arms from Cuba, Nicaragua and the Eastern bloc have been found: too many documents have been captured, too many pictures taken, too many bold announcements made from Managua. The facts . . . are understood by people interested in these questions. It is a professional guerrilla operation directed from command and control centers in Nicaragua, armed with Soviet bloc arms delivered through Cuba and Nicaragua, bent on establishing the kind of one-party dictatorship linked to the Soviet Union that already exists in Nicaragua.

Even the House Permanent Select Committee on Intelligence concluded 1 year ago that Cuban and Nicaraguan aid for insurgents in Central America represents "a clear picture of active promotion for revolution without frontiers." The committee reiterated its previous conclusion that the guerrillas in El Salvador "are well-trained, well-equipped with modern weapons and supplies and rely on the use of sites in Nicaragua for command and control and for logistical support." According to their May 1983 report, "The intelligence supporting these judgments provided to the committee is convincing."

Let it be clear, a vote for the Studds amendment was a vote to deliver victory to the Salvadoran guerrillas. To support the Moakley/Foreign Affairs Democratic Caucus provisions is to support only enough aid to prolong the current stalemate—an option which the Kissinger Commission so strongly rejected. Therefore, I urge my colleagues to lend their support to the Broomfield-Murtha bipartisan substitute which requires appropriate improvements in human rights, but improvements which are realistically achievable.

Mr. Chairman, not only does the very real possibility of instability throughout Central America have dire consequences for our southern border and for our ability to continue our commitments to our NATO allies and allies around the world, but for my district, destabilization of Central America could mean an increase in the flow of refugees from the current 50,000 per month to as high as 500,000 per month, many of which would settle in and around my district.

It is in the interest of the United States to preserve the hope of freedom and democracy in Central America and to protect our own security and economic interests by supporting the Broomfield-Murtha substitute.●

● Mr. GUNDERSON. Mr. Chairman, bipartisanship in our foreign policy has been an objective which our Nation has found agreeable, and in fact, necessary for the acceptable implementation of our national security goals throughout its history. Since Vietnam, however, rarely has our foreign policy been characterized as bipartisan, with that conflict perceived as the root cause of the deterioration of the cooperative policy that had existed since World War II. Since that time, however, Americans have come to realize that a good foreign policy cannot be sacrificed for the sake of bipartisanship. That fact appears to be a circumstance of the resolution of the issue we face today.

Recognizing the importance of Central America to the United States, and undertaken most recently through the appointment and report of the National Bipartisan Commission on Central America, President Reagan has attempted to regain wide national support for this facet of our foreign policy. In a joint session of Congress

last year, the President stated that as the foundation of this policy the United States would: First, support any agreement among Central American nations for the withdrawal of all foreign forces from the region; second, help opposition groups join the political process; third, support agreements among the nations for the renunciation of support for insurgencies on neighbors' territory; and fourth, help end the costly arms race in the region.

Overall, the principal American goal for Central America is the rightful freedom of self-determination for the region's people. The Kissinger Commission's recommendations were intended to achieve this objective through a number of programs, including economic and military assistance, human services, diplomacy and negotiations, and limited covert intelligence where necessary.

The Broomfield-Murtha bipartisan substitute, which has been presented as the embodiment of the Kissinger Commission proposals, makes an effort to take in the concerns of its critics, but, however, it falls a few small steps short of true bipartisanship. Remarkably, the other options which we are offered, the Moakley provisions of H.R. 5421 and the Studds substitute, are a giant leap away from incorporating policies which can generate bipartisan support. Both place restrictions and limitations on funding so extensive that the executive branch will be prohibited from properly and effectively implementing our policy in Central America. Both also pose the possibility that we will have no policy in Central America whatsoever.

My initial reaction to the three alternatives available today was to support none.

Yet, our presence in Central America, and the development of a comprehensive policy for that region is a necessary function of our foreign policy interests. Unfortunately, our policy has become tainted by certain unacceptable methods used to pursue acceptable and worthwhile goals. Objectives which are just and honorable have become criticized harshly because of certain questionable methods used to achieve them.

Historical justification exists for the unrest and revolution which has become rampant in many Central American nations. Economic failings leading to widespread poverty and the pressure of oppressive governments has led to the development of a large lower class deserving change. Under these circumstances it is not surprising that revolt has become commonplace in this region.

The principal objective of U.S. policy is to insure the right of the people of these nations to self-determination. Simply put, the unabashed presence of Soviet and Cuban forces thoughout this region has prevented this freedom. Eight thousand Cuban troops and 2,500 Soviet advisers in Nicaragua are only the most visible examples.

The Soviet-Cuban involvement has festered largely in those countries where economic conditions have weakened substantially. As such, the focus of our policy has been economic assistance. Our Salvadoran military aid, for example, represents less than a third of our total aid package to that nation. The ability of these nations to stand on their own and allow a free elective process to prosper requires this economic aid.

But stability in the region will not be accomplished through economic assistance alone. Members of both political parties, including Majority Leader WRIGHT, former Vice President Mondale, and former national Democratic Chairman Robert Strauss, recognize and support a combination of economic and military aid. The opposition that the nations of Central America continue to face from the Soviet Union and Cuba simply requires military assistance from the United States to permit self-determination. The Soviet-Cuban presence is not condoned by public opinion or a vote of the people. Rather, they continue to exert their influence through military means.

If political and social reform is an important element—which it is—leading to the freedom of self-determination for the Central American people, then military assistance is a necessary evil. Unquestionably, a linkage between military assistance and this reform is evident. Without this aid, no incentive exists for opposition groups, the Salvadoran rebels for example, to join a peaceful democratic process instead of the violent opposition which has become their trademark.

Staunch critics of even a limited American presence in Central America charge that the role of the United States is no different than that played by the Soviet Union and Cuba. We only have to remember that one tenet of our bipartisan foreign policy is the premise that we will withdraw our forces as long as other foreign nations do likewise. Remember, our true objective is self-determination for the nations of Central America. Interestingly enough, neither the Soviets nor Cubans have made similar guarantees.

While I have strongly opposed both the recent mining of Nicaraguan harbors and direct CIA activities to overthrow the Sandinista government, covert intelligence, although distasteful, is necessary to counter the similar activities of others. Covert intelligence to halt illegal arms shipments which are themselves covert is a proper function of our foreign policy. However, we must insure that excesses do not occur similar to those already brought to the attention of the American public.

A truly bipartisan U.S. foreign policy must recognize American interests in this region: economic, military, and moral. The vitality, stability, and security of the region will not be accomplished through American withdrawal. At the same time, our activity in the region cannot be blinded by simply supporting those who are friends while ignoring their problems or the outreach of enemies seeking possible openings for the improvement of relations. Support for human rights and governmental reform is a must. At the same time, however, we must also recognize that change does take time and successful change will require patience. In addition, our bipartisan foreign policy must bring diplomacy back into the foreign policy fold. While we have lent out support to the Contadora process, diplomatic outreach by our country for conciliatory openings should be expanded.

The rule for consideration of these Central American provisions in the bill before us did not permit amendments to the Broomfield-Murtha proposal which would allow it to gain a broader coalition of support. A few changes could possibly bring support from those who have found disfavor with the administration's policy without sacrificing the major themes or objectives of that policy. Human rights, for example, have been a principal concern in our support of certain nations. The Broomfield-Murtha substitute pays attention to this concern by placing human rights and land reform requirements on our military assistance to El Salvador. Yet, these provisions appear no more meaningful than the certification process which previously existed, under which no significant dispersion of the death squads has occurred. Could not Congress urge the administration to take these steps more effectively, yet stop short of the total elimination of aid as proposed in the Studds substitute?

Similarly, many Americans are concerned about the potential for an explosion of Central America into another Vietnam. Considering the haunting memories of that conflict, this attitude is not surprising. Broomfield-Murtha requires 30 days congressional notification prior to deployment of U.S. personnel for joint military exercises. Could not Congress include direct provisions that American combat personnel cannot be deployed unless the President certifies a national security threat to our Nation?

Under the above criteria and without these changes, the alternatives we are faced with today do not fare well as a truly bipartisan foreign policy. But good public policy and the demands of the nations in Central America require that we have a policy for that region, not an absence of policy. It is my firm belief that the Broom-

field-Murtha amendment with some modifications—a few small steps—could be a bipartisan foreign policy as well as a good foreign policy.

The Moakley provisions and the Studds substitute appear to ignore the lessons which history have taught us. Ignorance of problems—absence of American interest—will not serve our purposes over the long run. We must use the full complement of tools available to us to solve the problems we and the Central American people confront. Economic and development aid, military assistance, covert intelligence in response to other covert action, support for human development, and diplomacy all should be used through methods which are as honorable and just as the objectives we pursue.

For these reasons, and those above, I have chosen to support the Broomfield-Murtha bipartisan substitute. While it is not ideal, foreign and public policy demand that we have a constructive policy for Central America. For that, the Broomfield-Murtha substitute will serve our purposes.●

Mr. MARKEY. Mr. Chairman, I rise in strong opposition to the Broomfield amendment.

The committee bill may be our last, best hope for El Salvador. If we fail to get serious about reform in El Salvador, it may be too late for that country.

For 3 years, we have let the Salvadoran right thumb their noses at us. We have given them guns and bombs. We have given them a billion dollars. And there has been no reform in that country.

Death squads have killed four American churchwomen. They have killed American labor unionists. They have killed the Archbishop of the Catholic Church. They have killed 40,000 Salvadoran citizens.

And the Salvadoran Government has not punished one person for these murders. Does anyone wonder why the government forces do not have the full support of their people? Does anyone wonder why the guerrillas are gaining ground in El Salvador?

If we fail to set meaningful conditions on military aid to the Salvadoran Government, we will be seen as lining up behind the same old military which has ruled El Salvador and repressed its people for decades. And we will be insuring the continued failure of our policy.

The Broomfield amendment is the worst thing we could do to the newly elected president of El Salvador. Jose Napoleon Duarte has been president of El Salvador, and he was unable to control the death squads. He will be unable to control them now unless we in Congress give him the tools.

When I was in San Salvador last year, I talked about this issue with President Magana, who is no critic of the Salvadoran military. Even President Magana said that conditions on military aid were essential to get the military to accept reform in El Salvador. Duarte's presidency is doomed if Broomfield passes.

Mr. Chairman, what we are debating here is the future of a country. Unless Congress enacts serious conditions, there will be no change in El Salvador. And unless there is change in El Salvador, that government will fall.

The one sure way to promote a military takeover by the guerrillas is to sit by and let the Salvadoran right continue their murderous ways, knowing that we will send them guns no matter what.

If the Broomfield amendment passes, the situation in El Salvador will continue to deteriorate. And it may not be too long before American boys are sent to El Salvador to pay the price for our failure in Congress today.

● Mr. DREIER of California. Mr. Chairman, yesterday morning we each received a letter from Sonny Montgomery, who served as chairman of the official American delegation observing the elections in El Salvador earlier this week. I would like to quote a paragraph of his letter:

> Official U.S. delegations have witnessed three elections in El Salvador in 26 months. It is our consensus that the election was fair and honest, and that it provided a clear and undeniable mandate to whichever candidate is elected to begin to grapple with the manifold problems that confront this country after five years of turmoil and unrest.

It is now obvious that Napoleon Duarte has won, by a comfortable margin, the presidency of El Salvador. The groundwork for a lasting solution has been laid. Mr. Duarte has stated his intentions to proceed with land and social reform measures. He intends to open a dialog with the guerrillas and neighboring Nicaragua. In other words, Mr. Chairman, he is publicly committed to all major goals our Government has for that nation and entire region. He deserves our unwavering support.

Three times popular elections have been held in El Salvador. Twice the President of the United States has gone on national television to explain the threat to us if we fail to act. And yet there are still Members of this body who refuse to recognize reality. Armed guerrillas are fighting to take over the region and establish a Marxist system like that in Cuba and Nicaragua. It is probable that the root causes of this might be economic. But all the economic assistance in the world will not turn away an army. The United States needs to provide both economic and military assistance to El Salvador. I believe that the Kissinger commission was able to come up with an adequate compromise and the Broomfield-Murtha amendment to H.R. 5119 is the best way to implementing those proposals.

The Broomfield-Murtha amendment provides $272.8 million next year for developmental aid. This will provide assistance in the fields of agriculture, health services, and education for the people of Central America. About $650 million is set aside for economic development. This includes everything from Peace Corps assistance to the refinancing of debts. Finally, $256 million is provided for military assistance. This totals up to $1.26 billion for fiscal year 1985. Of that only 20 percent is for military assistance. Anyone who suggests we are throwing money into a military solution obviously has not looked at the legislation.

All military assistance and financing for El Salvador is conditioned on receipt by Congress of two detailed, analytical reports in which the President determines that the Government has made progress toward achieving the political and economic goals of development and security—including political and human rights. Half of the funding provided will be released 30 days after the first report with the rest coming after the second report.

We have placed limits on the amount of American military advisers that may serve in El Salvador. Without the approval of Congress, the President may not raise the number above the current 55. We also prohibit our military from conducting military exercises with any Central American nation unless we have been notified 30 days in advance.

I am tired, Mr. Chairman, of hearing analogies between Central America and Vietnam. What some seem to forget is that there was an ocean between southeast Asia and the United States. My constituents in Los Angeles County are closer to El Salvador than they are to Washington, D.C. And it is areas like Los Angeles that will have to absorb the millions of refugees that will flee that region if we fail to act responsibly now.

We have no choice. We must support the President's proposals—and we must do so with a commitment to see this project through to the end. Broomfield-Murtha allows the President flexibility to conduct foreign policy with a productive role for Congress.●

● Mr. GOODLING. Mr. Chairman, there is admittedly no simple solution to the situation in El Salvador, torn as it is by the violence of extremists from the left and the right. However, El Salvador is unique in that the vast majority of the Salvadoran people have three times opted for a democratic rather than revolutionary mode of change. No time before in history has a country so wracked by revolution and violence, shown such a dedication to democracy and the ballot box. Here in the United States, if there is even a little rain on election day the voter

turnout is lessened. In El Salvador, by contrast, the voters literally risk their lives, braving bullets and verbal abuse, often walking miles to the balloting places, and even then standing for hours in long lines during sweltering heat. This has happened in El Salvador, not once or twice, but three times now, and in my opinion it represents a repudiation by the Salvadoran people of the rebels and their so-called revolution. This repudiation also represents clear proof that the Salvadoran rebels are supported from outside of the country: The Salvadorans certainly do not support them.

Critics of military assistance to El Salvador claim that the problem cannot be resolved militarily, that it is an economic problem and that the violence and unrest is caused by poverty and underdevelopment and the resistance of the upper class to any change. While it is true that the origins of the unrest certainly lie in the economic imbalances, the current conflict does not. Every effort on the part of the Salvadoran Government to improve the lot of the common people has met with resistance from the left, as well as the far right. The rebels have made it their goal to destroy the economy and the nation's infrastructure in their zeal to take power. It is simply not enough to give El Salvador economic development aid, they must also have a certain amount of military assistance so as to insure the success of the efforts to improve and build up the economy against the threats and attacks from the rebels.

Napoleon Duarte, the probable winner of the Salvadoran Presidential election, who is a noted liberal, has stated the need for continued military and economic assistance. His chances of bringing an end to the unrest that has plagued El Salvador for almost 5 years now are better than anyone else's; however, Duarte cannot bring stability to El Salvador by himself. Duarte and the people of El Salvador need the full support of the United States. We simply must send them the assistance they need.

This is not to say that I endorse open-ended military aid to El Salvador; I do not. I do, however, support economic and military support with such conditions and provisions as called for by the bipartisan Kissinger Commission Report on Central America. When the Commission first came out with its report, I hailed its recommendations as showing the proper approach to U.S. policy in Central America and to El Salvador in particular. I felt that way when the Commission first released its report and I feel that way now. The administration was not totally pleased by the Commission's recommendations, but it has adapted. It is time that others not fully satisfied with the Commission's recommendations, put away their partisan qualms and also offer support for what is surely the best approach to this most difficult problem.●

● Mr. McGRATH. Mr. Chairman, today in considering title X of the fiscal year 1985 foreign aid authorization bill, we are confronting one of the major security issues facing this Nation.

This issue has also been one dividing the citizens of our country. However, I rise today to emphasize the need for a strong consensus on providing military and economic aid to Central America, and especially to El Salvador. The threat of a Soviet/Cuban sphere of influence to our south has passed from the stage of possibility to a fact of reality.

In withstanding bureaucratic snags, threats of violence, and guerrilla actions to undermine the operation of Sunday's Presidential runoff election, the people of El Salvador have clearly chosen a path of democracy.

It is sheer fantasy to presume that even the popularly elected Salvadoran President could establish a just and competent government when enemies perched at its borders terrorize citizens and wreak havoc upon daily life.

Passage of the President's aid level request is essential if democracy is to take hold. The levels of military and economic assistance in the Broomfield-Murtha substitute are based on the recommendations of the bipartisan Kissinger Commission. Despite arguments to the contrary under the Broomfield amendment this aid will not be given away blindly. Conditions for the release of military aid assure that gains in furthering democracy will be tangible.

If we do not provide this aid the situation in El Salvador will be simple. We will effectively snatch freedom from tens of thousands of people who demonstrated that they desperately want democracy. The masses in El Salvador have rejected the violence and communism pushed by the insurgents. Mr. Speaker, how can we turn our backs on a cry for freedom?●

Mr. OTTINGER. Mr. Chairman, I rise to give a personal explanation for my vote against H.R. 5119, the foreign aid authorization bill—a bill which contains many provisions, especially those pertaining to aid for Israel, which I feel are vitally important to our foreign assistance programs. I would not have voted against this bill had the House not approved the amendment offered by Congressman BROOMFIELD, and if I had not received the assurances from my colleagues CLARENCE LONG and SIDNEY YATES that the aid for Israel would not be cut off in the event that this legislation was defeated.

The Broomfield amendment is nothing short of a blanket approval of President Reagan's misguided and dangerous policies in El Salvador. This provision condones the actions of a government which brutally murders 400 innocent civilians monthly. Moreover, it places no restrictions on a massive military buildup which could lead this country into a full-scale war. The U.S. House of Representatives has, in fact, just sent a message to the Salvadoran military and death squads that the American taxpayers will subsidize their campaign of brutal murder and human rights violations.

As one who served under the Kennedy administration as a Director of the Peace Corps in this region, I can tell you that there is no better way to promote communism than to continue along Reagan's course of diplomacy at the end of a gun. This bill would authorize a military buildup in El Salvador of more than $400 million—I find this simply unconscionable: This buildup does nothing to solve the economic and social strife that the people of El Salvador suffer as a result of decades of dictatorships and rightwing oligarchies, and in effect, eliminates any congressional role in setting priorities or aid levels. Given this administration's inclination to pursue military solutions over sane diplomatic and economic solutions, I could not, with good conscience, vote in favor of this legislation. Had the Broomfield amendment been rejected, I would have voted to approve the bill.

Mr. FASCELL. Mr. Chairman, I reserve the balance of my time unless the gentleman from Michigan has more speakers. I have our concluding speaker on this side.

Mr. BROOMFIELD. Mr. Chairman, I would like to make a point of order that a quorum is not present for the final few speakers.

The CHAIRMAN. The Chair will state that the Chair cannot entertain that point of order unless the question has been put on a pending proposition.

Mr. BROOMFIELD. Mr. Chairman, I make a point of order——

The CHAIRMAN. The Chair will state again that he cannot entertain a point of order at this point unless the question has been put on a pending matter, a quorum having been established on a prior recorded vote today in this Committee of the Whole.

Does the gentleman from Florida (Mr. FASCELL) reserve the balance of his time?

PARLIAMENTARY INQUIRY

Mr. FASCELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FASCELL. Mr. Chairman, I am sorry, but I did not hear the Chair. I have no objection to a rollcall if that is what the gentleman from Michigan asks for. But I did not hear what the Chair said.

The CHAIRMAN. The Chair will state to the gentleman from Florida

and to the gentleman from Michigan that by unanimous consent, if a quorum is sought, a quorum can be sought by unanimous consent.

Mr. FASCELL. Mr. Chairman, I am saying I have no objection.

The CHAIRMAN. Does the gentleman from Michigan ask unanimous consent for a quorum to be called.

Mr. BROOMFIELD. I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. A quorum call is ordered.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 140]

Ackerman	Cooper	Gingrich
Addabbo	Corcoran	Glickman
Akaka	Coughlin	Gonzalez
Albosta	Courter	Goodling
Alexander	Coyne	Gore
Anderson	Craig	Gradison
Andrews (TX)	Crane, Daniel	Gramm
Annunzio	Crane, Philip	Gray
Anthony	Crockett	Green
Archer	Dannemeyer	Gregg
Aspin	Darden	Guarini
AuCoin	Daschle	Gunderson
Badham	Daub	Hall (OH)
Barnard	Davis	Hall, Ralph
Barnes	de la Garza	Hall, Sam
Bartlett	Dellums	Hamilton
Bateman	Derrick	Hammerschmidt
Bates	DeWine	Harkin
Bedell	Dickinson	Harrison
Bennett	Dicks	Hartnett
Bereuter	Dixon	Hatcher
Berman	Donnelly	Hawkins
Bethune	Dorgan	Hayes
Biaggi	Dowdy	Hefner
Biliirakis	Downey	Heftel
Bliley	Dreier	Hertel
Boehlert	Duncan	Hightower
Boland	Durbin	Hiler
Boner	Dwyer	Hillis
Bonior	Dymally	Holt
Bonker	Dyson	Hopkins
Borski	Early	Horton
Bosco	Eckart	Howard
Boucher	Edgar	Hoyer
Boxer	Edwards (CA)	Hubbard
Breaux	Edwards (OK)	Huckaby
Britt	Emerson	Hughes
Brooks	English	Hunter
Broomfield	Erdreich	Hutto
Brown (CA)	Erlenborn	Hyde
Brown (CO)	Evans (IA)	Ireland
Broyhill	Evans (IL)	Jacobs
Bryant	Fascell	Jeffords
Burton (CA)	Fazio	Jenkins
Burton (IN)	Feighan	Johnson
Byron	Ferraro	Jones (NC)
Campbell	Fiedler	Jones (OK)
Carney	Fields	Kaptur
Carper	Flippo	Kasich
Carr	Florio	Kastenmeier
Chandler	Foglietta	Kemp
Chappell	Foley	Kennelly
Chappie	Ford (TN)	Kildee
Cheney	Fowler	Kindness
Clarke	Frank	Kleczka
Clay	Franklin	Kogovsek
Clinger	Frenzel	Kolter
Coats	Fuqua	Kostmayer
Coelho	Garcia	Kramer
Coleman (MO)	Gaydos	LaFalce
Coleman (TX)	Gejdenson	Lagomarsino
Collins	Gekas	Lantos
Conable	Gephardt	Latta
Conte	Gibbons	Leach
Conyers	Gilman	Leath
Lehman (CA)	Nowak	Skeen
Lehman (FL)	O'Brien	Skelton
Leland	Oakar	Slattery
Lent	Oberstar	Smith (FL)
Levin	Obey	Smith (IA)
Levine	Olin	Smith (NE)
Levitas	Ortiz	Smith (NJ)
Lewis (CA)	Owens	Smith, Denny
Lewis (FL)	Oxley	Smith, Robert
Lipinski	Packard	Snowe
Livingston	Panetta	Snyder
Lloyd	Parris	Solarz
Loeffler	Pashayan	Solomon
Long (LA)	Patman	Spence
Long (MD)	Patterson	Spratt
Lott	Paul	St Germain
Lowery (CA)	Pease	Staggers
Lowry (WA)	Penny	Stenholm
Lujan	Pepper	Stokes
Luken	Perkins	Stratton
Lundine	Petri	Studds
Lungren	Pickle	Stump
Mack	Porter	Sundquist
MacKay	Price	Swift
Markey	Pritchard	Synar
Marlenee	Pursell	Tallon
Marriott	Quillen	Tauke
Martin (IL)	Rahall	Tauzin
Martin (NC)	Rangel	Taylor
Martin (NY)	Ratchford	Thomas (CA)
Martinez	Ray	Thomas (GA)
Matsui	Regula	Torres
Mavroules	Reid	Torricelli
Mazzoli	Richardson	Traxler
McCain	Ridge	Udall
McCandless	Rinaldo	Valentine
McCloskey	Ritter	Vandergriff
McCollum	Roberts	Vento
McCurdy	Robinson	Volkmer
McDade	Rodino	Vucanovich
McEwen	Roe	Walgren
McHugh	Roemer	Walker
McKernan	Rogers	Waxman
McKinney	Rose	Weaver
McNulty	Roth	Weber
Mica	Roukema	Weiss
Michel	Rowland	Wheat
Mikulski	Roybal	Whitehurst
Miller (CA)	Rudd	Whitley
Miller (OH)	Russo	Whittaker
Mineta	Sabo	Whitten
Minish	Savage	Williams (OH)
Moakley	Sawyer	Wilson
Molinari	Schaefer	Winn
Mollohan	Schneider	Wirth
Montgomery	Schroeder	Wise
Moore	Schulze	Wolf
Moorhead	Schumer	Wolpe
Morrison (CT)	Seiberling	Wortley
Morrison (WA)	Sensenbrenner	Wright
Mrazek	Shannon	Wyden
Murphy	Sharp	Wylie
Murtha	Shaw	Yates
Myers	Shelby	Yatron
Natcher	Shumway	Young (AK)
Neal	Sikorski	Young (FL)
Nelson	Siljander	Young (MO)
Nichols	Simon	Zschau
Nielson	Sisisky	

□ 1650

The CHAIRMAN. Four hundred and one Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank the gentleman for yielding me this time.

Mr. Chairman, at this time I yield to my colleague from Ohio (Mr. REGULA).

Mr. REGULA. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the Broomfield-Murtha amendment. This proposed change offers a reasonable compromise for a challenging problem.

I particularly want to address the Peace Corps authorization contained in the bill before this body. It is my hope that the return of stability to El Salvador will bring the Peace Corps program back to this nation.

In 1979 there were 120 volunteers in this country. The success of the program in other countries of Central America provides an excellent blueprint for the future of Peace Corps activities in this area.

In accomplishing our long-term foreign policy objectives, the Peace Corps program has been of immeasurable value. But more importantly, it has provided training and assistance to the people of the world's least developed countries.

Currently, the Peace Corps has approximately 5,000 volunteers serving in 58 developing countries. This program has been so successful that host countries continue to request at least 50 percent more volunteers than the agency can supply within its present budget.

Recently I visited Honduras, where the Peace Corps has its largest program in Central America.

Honduras, being the poorest nation in the area, presents many challenges to the volunteer.

Hondurans living in the rugged, montainous countryside have little if any access to medical care. Health conditions are considered the worst in Latin America. The illiteracy rate hovers at 40 percent. For the children, hunger is a fact of life. Seventy percent of the youth of Honduras suffer from malnutrition.

Because of this, we have 220 volunteers living and working side by side with the people of rural villages. They speak their language, respect their culture and traditions and care about their well-being. More importantly, they establish lasting friendships that transcend national boundaries and political ideologies.

Worldwide, the Peace Corps is involved in literacy campaigns, programs in forest management, nutrition, irrigation, corp pest managment, housing needs, and training in health and agriculture.

The cost for one volunteer for 1 year is $20,000, far less than the cost of his equivalent in the diplomatic or military service. This is one of the most cost-effective programs ever developed by the United States in the area of foreign policy.

Allow me to quote the U.S. Ambassador to Guatemala. He said:

More than 100 Peace Corps volunteers living in remote, and often difficult circumstances in rural areas of Guatemala, are the lie to propaganda beamed from Havana and Managua to the effect that the U.S. wants only to exploit Guatemalans as part of an imperialist design. Peace Corps Volunteers

have reminded thousands of Guatemalans and all successive cabinets that Americans do identify with their problems and are ready to work shoulder-to-shoulder to address them.

The same success can be achieved in El Salvador. That is a very important policy objective, and one that the Peace Corps accomplishes successfully.

Providing an additional $9 million for Peace Corps activities in Central America in the Broomfield-Murtha amendment would demonstrate our concern for the well-being of its citizens and provide us with a long-term solution in decreasing their poverty level.

Mr. KEMP. Mr. Chairman, I ask my colleagues at this 11th hour in a very important debate, do not judge El Salvador by where it was 4 years ago or 2 years ago. Of course, there has not been all the progress we would like to see, but there has been significant progress in the human rights record in El Salvador. There has been progress in land reform, economic reform, judicial reform, political reform, and electoral reform.

Those of us who visited and watched the Presidential elections in March, and those who just recently came back from observing the runoff Presidential elections, can attest to the progress toward democracy in El Salvador.

Let us be clear on this point. The Broomfield-Murtha amendment imposes conditions on military aid for El Salvador. I believe they are the right type of conditions on our aid to El Salvador, because they encourage progress; they do not discourage progress.

Do not, in the name of human rights, impose such strict standards on El Salvador that we deny them the assistance that would allow their progress in human rights improvements to go forward.

What we are trying to do today with this amendment is to recognize that there is a violent left in El Salvador as well as a violent right. The purpose of the Broomfield amendment, I believe, Mr. Chairman, is to build up the democratic center. We need to provide support and encouragement to those men and women in that country who desperately want a democracy, who desperately want these reforms to go forward. This country should be encouraging those reforms, and I would suggest to you that the Broomfield amendment speaks out very clearly and definitively on the progress that we expect from El Salvador in those areas which are of concern to both sides of the aisle.

This debate should not force us to choose between security and human rights. They both are important. What bothers me about the conditions imposed under the committee amendment is that there are very few countries that could possibly qualify for U.S. military and security assistance under such onerous conditions.

I would submit to you that if we applied the same standards to the countries that passed security assistance MAP funds yesterday, countries such as the Sudan, the Philippines, Morocco, Thailand, and Egypt, I would suggest that there are several of those countries who could not now qualify for our assistance. Yet, in each case I have cited, our security assistance programs are vital to stability and to the protection of the interests of the West.

The whole basis of the Kissinger Commission study of Central America was predicated upon the idea that while progress toward human rights was of tremendous importance to this hemisphere, the interpretation of the conditions placed on our assistance should not be done in such a away as to undermine progress in human rights that otherwise would result if our assistance were forthcoming.

That Kissinger Commission or Henry Jackson Commission was supported by left and right in our political system. Lane Kirkland, Robert Strauss, Henry Cisneros, Carlos Diaz-Alejandro; many Democrats, as well as Republicans recognize that if we are to build up the center in Central America, if we are to build up the hopes and dreams and aspirations of the democrats in Central America, it is absolutely critical that we have not only economic assistance, but military assistance.

I want to suggest to my colleagues, to those who say that President Reagan is only looking for a military solution, there are $5 more in economic assistance for every $1 of security assistance in this amendment. The Kissinger Commission recommendation is far closer to the Broomfield-Murtha amendment than it is to the committee substitute.

As I said before, and I have said repeatedly on the floor of the House, anticommunism is no answer to communism in Central America. Ladies and gentlemen, there is an indigenous democratic revolution in El Salvador upon whose side we should be. But there is also an external revolution being imposed upon that country from outside that needs to be opposed. If we want to build up the democratic center in El Salvador, it is critical that we in the Congress put conditions on our assistance which will not deny the hope for human rights and progress and democracy in Central America. And it is critical that we not so condition our willingness to provide assistance, that our own security interests are compromised in the process. I would suggest if we want a democratic center in Central America, we should support the Broomfield amendment.

□ 1700

The CHAIRMAN. Does the gentleman from Florida wish to yield time?

Mr. FASCELL. May I inquire of the gentleman from Michigan how many speakers he has? We have our concluding speaker on this side.

Mr. BROOMFIELD. Mr. Chairman, we have 3 speakers on this side.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the distinguished majority leader of the House, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, this is an agonizing moment for me. I respect the labor and effort that has been undertaken by my colleagues on the Democratic side of the committee to try to achieve compromises to this problem that could be universally accepted and I honor them for that. Their work has not been easy, nor the provisions of their bill considered hastily.

And yet, I feel so very strongly that I am impelled to speak out today in behalf of something more firm and generous. We need steady, emphatic commitment to freedom in El Salvador—not a tenuous, tentative, hesitant or begrudging commitment.

For too long our set of priorities has ranked Latin America far too low on the scale. The fact has not been lost on our friends in Latin America. Just stop and think about this in perspective.

The amount of money in this bill for peace and stability and economic development in Central America is less than one-tenth of 1 percent of the amount of money that we are going to vote next week in military expenditures in an authorization bill—less than one-tenth of 1 percent.

What we are proposing to vote today to assist our friends in Central America is less than 5 percent of the amount that the Soviet Union and other members of the Soviet bloc gave last year to their clients in Central America—less that 5 percent. We strain at gnats and swallow camels.

It seems to me very important that we give a firm and wholehearted commitment, not an equivocal commitment, not a half-hearted commitment, to El Salvador. I have seen this country of El Salvador go through the travail and the birth pangs of a democracy. Let us not let that democracy be stillborn; nor die in its infancy.

It is almost as though we had sat by and encouraged this decent man, Jose Naploeon Duarte, to undertake the monumental task of building a democratic society in a swamp and then denied him the wherewithal to dredge the swamp. He is a man whom everybody recognizes to be a man of honor and a man of courage. Once before, in 1972, he was elected President only to

be denied office by a military junta. Now some suggest, after we have encouraged him to go through the agony of this political campaign to be again elected President, the first elected President in 50 years who would be allowed to take office, only now to pull the rug out from under him and not allow him the tools to be successful in his work.

El Salvador needs help now. While we temporize, brave men and women die. Because there are not enough evacuation helicopters, medicines and field hospitals, 35 percent of those wounded in battle die. Under similar jungle conditions in Vietnam, 90 percent survived.

Mr. Duarte has indicated earnest desire to try to achieve an honorable peace in his ravaged land. More than once he has held out an olive branch to the leaders of the military opposition. But the committee amendment would require him to negotiate without preconditions with the very terrorists who thus far have refused to participate in free elections when invited. It would hold up two-thirds of the military funds and half the economic funds until he had entered into negotiations with the terrorists, or until Congress affirmatively votes that he has made an effort sufficiently agreeable to us.

That sets up a standard that we do not require of any other nation in the world. Why do we require it of our friends in El Salvador? Are they that unimportant to us? Are they that low on our scale of priorities? Do we mistrust them that much?

It is almost as though we had a friend who was bleeding and we refused him a tourniquet. It is as though we said instead, "We will give you one-third of a pint of blood for a transfusion and then if you do well enough, and we decide you have done well enough, we will give you the rest of the transfusion." That is not the way to treat a friend.

The far more important thing than the military effort, however, is the economic growth of the region. It is hunger, malnutrition, homelessness and landlessness, illiteracy and disease which provide the breeding ground for revolution, for communism or totalitarian militarism. These grow in the swamps of chronic debt and hopelessness.

One of the things that I find deficient in the committee bill, otherwise well intentioned, is holding back much of the economic aid. Instead of permitting this much-needed assistance to go to the desparately stricken nations of Central America, the bill places a very large portion of it in a fund that could be exceptionally useful and wonderfully well received if we had an expectation of its fulfillment. But that $250 million is held back pending a resolution of the differences between those nations. Such a resolution depends on an agreement to which the Nicaraguan Government would have to be a party. Such a lure would give unintended leverage to Nicaragua, and I wonder if it is wise for us to give an intractible party the veto power over a carrot that we hold out to the whole region.

For all of those reasons, it seems to me just and right that we vote for this Broomfield-Murtha substitute.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I do not know how you follow that act, but I would just like to make one point.

The language of the bill, for those of you who think it might be the case, is not a middle ground between the Studds alternative and the Broomfield-Murtha alternative; nor is it a compromise.

The language of the bill is only marginally different from Studds. The only differences are one-third more money for military aid, about the same level as we provided earlier this year which was obviously inadequate, and a delay of 4 months for the Government of El Salvador to achieve the same requirements as the Studds amendment, which we turned down.

And then, my colleagues, only if a joint resolution of approval is passed by the Congress.

It is not just the military in El Salvador who are asking for additional military aid. President Duarte told us Saturday night, and has repeated it since in a telegram to every Member of this House, that he considers the military aid to this point inadequate and he wants more. I think he deserves it.

Hon. R. J. LAGOMARSINO,
U.S. House,
Washington, D.C.

I respectfully address this message to you and your colleagues as the President-elect of the Republic of El Salvador following an electoral process which began in March 1982. On three occasions now the people of El Salvador have defined all threats and freely voted in overwhelming numbers for the candidates of their choice. Our people have demonstrated that they want peace, freedom and social justice.

In order to avoid the disaster that has befallen our neighboring country which has seen its legitimate aspirations for democracy frustrated by a Marxist-Leninist takeover, we need adequate economic and military assistance from the American Government.

I have pledged to establish peace and justice in El Salvador through dialogue with all citizens who wish to lay down their arms and their system of violence and participate in our new democratic process.

Please help the people of El Salvador and contribute simultaneously to the security and stability of our hemisphere.

JOSE NAPOLEON DUARTE.

STATEMENT OF THE OFFICIAL U.S. OBSERVER DELEGATION TO THE MAY 6, 1984 EL SALVADOR PRESIDENTIAL ELECTION

Official U.S. delegations have witnessed three elections in El Salvador in 26 months. It is our consensus that the election was fair and honest, and that it provided a clear and undeniable mandate to whichever candidate is elected to begin to grapple with the manifold problems that confront this country after five years of turmoil and unrest.

The citizens of El Salvador turned out in large numbers to vote for a president. In spite of hot sun, long lines and occasional foul-ups, the spirit of the day was festive and good humored. Voters were determined to cast their votes, even when that meant standing in line for hours.

Voters in line repeatedly expressed their conviction that they had both a right and a duty to vote and to make their own choices. In some areas, the vote took place in spite of guerrilla attacks on municipal installations, attempts to mine roads leading to voting places, and thefts of identification cards. Most of the country was deprived of electricity and final vote counts were often made by candlelight. The delegation did not find evidence that voters feared the consequences of not voting. People voted because they chose to exercise their franchise, and not out of any fear—either of the guerrillas or of government fines for not casting a ballot.

The delegation congratulates the Salvadoran military for its neutrality in this election. The military declared its intention to remain out of the electoral process, to defend ballots, and the people's right to vote. Soldiers did not interfere in the voting. While they were present and visible in numbers at the polling places, they remained aloof. Several officers took concrete steps to ensure that civilian officials were called to resolve problems.

The delegation congratulates the Salvadoran Central Elections Council, the departmental and municipal elections officials and those who presided at individual polling tables for the smooth, orderly and professional manner in which the elections were conducted. The officials demonstrated remarkable ability to cope with problems and to make on-the-spot decisions that made the voting run more smoothly and efficiently in El Salvador's growing experience with the electoral process.

The logistical problems that causes difficulties in the March 25 elections were, for the most part, overcome. After a heated campaign over the past month, representatives of both parties worked side-by-side to conduct a fair and honest election. Their differences were not always forgotten, however, and at some sites, there were complaints of overzealous campaigning.

We are impressed that once again the Salvadoran people have made clear their motives for participating in the electoral process. Voters of all ages and in all parts of the country declared to us that they voted for peace and for an end to the violence and misery that the country has suffered in the past several years. We believe the vote to be an overwhelming repudiation of the guerrillas.

When all is said and done, the strong message of this election is that the Salvadoran people have declared their own political solution to the crisis that challenges the country. Three successful elections in two years are a clear repudiation of the insurgency. The people of this country have declared

themselves in favor of the democratic process. The delegation calls upon all Salvadorans, including members of the armed opposition, to heed the message of this election. It also calls upon fellow Americans and all members of the international community to provide increased support for the democratically elected government of El Salvador.

The delegation included: Sen. John H. Chaffe (R.-R.I.), co-chairman; Rep. G.V. (Sonny) Montgomery (D-Miss.), co-chairman; Sen. Pete Wilson (R-Cal.), Rep. Robert Lagomarsino (R-Cal.), Rep. Mickey Edwards (R-Okla.), Rep. Bill Boner (D-Tenn.), Rep. Jerry Lewis (R-Cal.), Rep. Al McCandless (R-Cal.), Rep. Buddy Roemer (D-La.) and Rep. Jake Pickle (D-Texas).

Private sector members were: Ambassador Max Kampleman, chairman of the board of Freedom House, Washington, D.C., co-chairman; Howard K. Smith, political commentator, Washington, D.C.; Russel E. Marks, president, Americas Society, New York, New York; John Norton Moore, law professor, University of Virginia, Charlottesville; Howard Penniman, American Enterprise Institute, Washington, D.C.: Al Keller, past commander, American Legion, Kankanee, Ill; Rev. Dr. Edmund Robb, chairman, executive board, Institute for Religion and Democracy, Marshall, Texas; Maurice Sonnenberg, executive board, National Committee on American Foreign Policy, New York; Maurice Woodard, professor of political science, Howard University, Washington; Frederick W. Smith, chief executive officer, Federal Express, Memphis; Jack Brier, Kansas secretary of state; Laurie Naismith, Virginia secretary of state.

Mr. FASCELL. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland (Mr. BARNES), the chairman of the Subcommittee on Western Hemisphere Affairs.

Mr. BARNES. I thank the gentleman for yielding this time to me.

Mr. Chairman, it is trite to say it, but this is very obviously an historic vote that we are about to cast in the Chamber of the U.S. House of Representatives because we are about to vote on a whole range of issues related to U.S. policy in Latin America.

Perhaps the most significant question posed by the two matters before us, the committee bill brought to the floor by our distinguished chairman, the gentleman from Florida (Mr. FASCELL), and the Broomfield substitute, offered by the distinguished gentleman from Michigan.

Perhaps the most telling issue and the most significant difference in the two issues before us is the question of whether or not you are prepared to vote against the concept of committing U.S. Forces to Central America, because the committee bill, the compromise that was brought to the floor by Mr. FASCELL and myself and others who worked out the compromise in the committee, makes clear that we do not want to commit U.S. combat troops to El Salvador and places a cap in the legislation on U.S. Forces in El Salvador.

The Broomfield substitute does not do that. So if you want to leave open the option of sending U.S. Forces into combat in El Salvador, you will want to vote for the Broomfield substitute. If you believe, as I am convinced your constituents believe, that it is not in the interest of the United States to commit U.S. Forces to Central America, you have an opportunity tonight to vote for that proposition. You have an opportunity to vote against Broomfield and to support the committee bill that is before the House.

There have been some references here tonight to the Kissinger Commission and to the position of Democrats on the Kissinger Commission. There were some specific references, for example, to Bob Strauss, to Henry Cisneros, to Carlos D'Alessandro, to Lane Kirkland. Well, I was in the room when the debate took place in the Kissinger Commission on the question of conditionality of U.S. military assistance to El Salvador. I can tell you as a matter of simple fact that the Democratic members of that Commission never would have signed the report of that Commission without the language that was in there requiring conditionality of U.S. military assistance to El Salvador.

□ 1710

The Kissinger Commission is clear and emphatic. In fact, the language of the Kissinger Commission report with respect to conditionality of U.S. military assistance to Salvador is the AFL-CIO convention language that was put forward by Lane Kirkland in the Commission. Yesterday I had a conversation with Bob Strauss, a member of that Commission, who lamented the fact that President Reagan has walked away from that recommendation of the bipartisan commission that he appointed, and the Broomfield substitute that is before us tonight does not include the conditionality recommended by the Kissinger Commission. The committee bill brought to the floor by a compromise worked out among the Democrats, with some support by Republicans in the committee, does track the recommendations of the Kissinger Commission.

So again, if Members want to support President Reagan's national bipartisan commission on Central America on this crucial issue of whether or not there should be conditionality, they want to stay with the committee, they want to stand with the chairman of the committee and defeat the Broomfield substitute.

Now, let me mention another issue. There has been a lot of discussion today about supporting Napoleon Duarte. Many of us in this Chamber respect Napoleon Duarte, but we do not even know who the next President of El Salvador is going to be. Both parties in El Salvador are claiming victory.

I just got the wire reports that the Arena Party, the party of Roberto D'Aubuisson, is claiming victory in El Salvador. They have polled their vote counters and their vote watchers away from the elections commission, saying that they have won the election.

I ask the Members, if a week from now it turns out that Roberto D'Aubuisson was elected the President of El Salvador, do you want to be on record tonight as voting for unconditional military assistance to the government of Roberto D'Aubuisson? No; you do not. I do not think anybody in this Chamber does. And if it turns out that a week from tonight Napoleon Duarte was elected the President of El Salvador, he is going to be in a very tough situation with his military.

Napoleon Duarte says he wants to do what this bill calls for. Napoleon Duarte says he wants to have a dialog of national reconciliation with the left. He says in essence that he wants to have negotiations with the left. Well, that is what we say they ought to do down there. That is what the bill says.

Napoleon Duarte says he wants to rein in his military forces. He wants them to stop killing civilians. He wants them to stop being associated with the death squads. That is what our bill says they ought to do. Napoleon Duarte says that he wants to do exactly the things that our bill says they ought to do.

Well, he is going to need some leverage; he is going to need some clout with the people down there who do not want to do what he wants to do, who do not want to do what our bill says they ought to do down there. Well, he will have some leverage; he will have some clout. We will give him under the committee bill exactly the same amount of money they got this year, without conditions. All the President has got to do is send up a report, and we know he will send up a report, so they will get the $64 million they got this year, with no conditions.

But if they want the additional funds, if the military wants that additional funding and if Duarte is negotiating with the military, he will say, "We are not going to be able to get it unless we meet these conditions."

That is going to support the position that he took in that election. That is going to give him the clout and leverage with the very people in that society that he understands are going to have to reform their activities if they are going to have any opportunity of uniting their country, if they are going to have an opportunity of defeating the Communists that he wants to defeat and that we want to defeat.

That is what this is all about. It is two separate views of how to achieve the same end.

So, Mr. Chairman, I say to the Members that the choice before us tonight is very, very clear. If we want to sup-

port the very kinds of goals that we all agree we want to reach in El Salvador that the people in El Salvador are voting for—a peaceful political solution to the problems in that country, an end to the indiscriminate violence, and an end of the military being involved in the death squads and in the bombing of innocent victims—if we want to support those things, we want to stand with our chairman, the gentleman from Florida (Mr. FASCELL), we want to stand with those Members in this body, Republicans and Democrats alike, who have worked out this compromise and who have brought it here to the floor.

If you want to stand with the Kissinger Commission, which specifically stated that there must be conditionality on United States military assistance to El Salvador, vote for the committee bill. It is President Reagan's commission that said that; it is not TIP O'NEILL's commission. It was dominated by conservative Republicans. But that is what the commission said, and the only way you can support that recommendation of the Kissinger Commission is to vote for the bill, to vote against the Broomfield amendment, and to stand for the people of America who do not want to see us have to go to El Salvador and fight. The way to do that is to take the steps that are outlined in a very responsible, very reasonable, very moderate bill.

We have had two proposals before us, the Studds amendment and the Broomfield amendment. I voted against the Studds amendment, I am going to vote against the Broomfield amendment, and I am going to stand with my committee chairman. I hope my colleagues on this side will stand with my chairman and we will defeat the Broomfield amendment and show the American people that we know what this is all about and we are prepared to stand up for the kinds of values that America believes in.

We believe in human rights. We believe in human development. Our bill has all the money in there for social and economic progress that is in the Broomfield amendment. Our bill has all the military assistance for 1985 that is in the Broomfield amendment. We have got all the money in there. All they have got to do is do the things that they say that they want to do. Napoleon Duarte says he wants to do them. We want to do them, and they can do them with our help. All they have got to do is meet the conditions that were recommended by the Kissinger Commission, President Reagan's own commission.

Mr. Chairman, we have got an opportunity to make that case tonight. It is very simple. All we have got to do is vote no on the Broomfield substitute.

Mr. BROOMFIELD. Mr. Chairman, I yield myself the balance of my time.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I rise in support of the Broomfield-Murtha amendment.

Those who oppose aid, not only do not have the answer, but do not understand the question. The question is will the people of El Salvador, Latin America, be permitted to pursue their quest for freedom—or must they become the servants and slaves of the Soviet Russian Communist?

I do not know whether it is possible to warn others of danger, whether others can learn from bad experiences inflicted on their brothers or whether people can even understand the bloody experience suffered from those who have suffered, questions that have nagged Aleksandr Solzhenitsyn. But I do know these questions have not been dealt with except negatively with regard to the plight of our neighbors to the South.

I lived in Latin America over 10 years, and I know these nations and the peoples thirst for individual freedom. Having lived under oligarchies throughout history, they seek as you and I do, tranquility, peace and the ability to live with and raise their families in that type of atmosphere. They do not have the experience, we as Americans enjoy, of freedom and liberty being guaranteed, and therefore, lack understanding of what we are talking about sometimes. We simply expect that people everywhere should have control of the organs of government under which they live.

We fought a war to assure freedom for the Cubans. The Monroe Doctrine was destroyed, when to our shame, certain members of press and American officials of the State Department encouraged and supported the revolutionary efforts of Fidel Castro, a known enemy of our form of government. We were told Castro was a patriot and would rescue the Cubans from the Cuban dictator, and we encouraged the establishment of that Communist platform for subversion in the Western Hemisphere

Cubans did not willingly accept Communist dictatorship and were deceived when communism came to power behind the barrel of a gun. Can anyone think that Cuba is better off today than it was 24 years ago. Does anyone remember the Cuban standard of living prior to Castro was the highest of all the nations in Central America and the Caribbean and is now the lowest.

More than 1 million very fortunate Cubans have fled their homeland. Does anyone bother to talk about Cubans today who are spied upon, imprisoned, told where to work and where to live.

That Cuba has developed military forces superior to any other nation in the Western Hemisphere except the United States from neglect of the Cuban people; 40,000 Cuban troops are Soviet surrogates overseas in Africa, Southeast Asia, and 10,000 are in Nicaragua. That the Sandinistas came to power in Nicaragua behind the barrel of a gun supplied by Communist Russia and delivered by Communist Cuba. That the Sandinistas promised freedom of election, assembly, and religion and that El Comandante on achieving power has forbidden assembly, held no elections and wages war against the church.

There are those who still have a pious hope that the Communist government who takes power by the gun will promise freedom, but do not understand that only slavery will be delivered.

I do not believe for one moment that anyone in the Congress is in sympathy with Communist tyranny as that established by Daniel Ortega over the people of Nicaragua, but I do suggest that there are those who simply do not understand or perhaps refuse to admit that.

The present Communist rulers in Nicaragua are clients of the Communist rulers in Cuba who in turn are clients of the Communist masters in the Kremlin and are dutiful servants of the Kremlin masters. The Government of Nicaragua is supporting guerrillas in their efforts to overthrow the duly constituted Government of El Salvador. If we strip away all the rhetoric about Central America and the Caribbean and accept the grim reality that Communist Russia is making a calculated effort to establish a Communist government in El Salvador, as well as Latin America.

Does anyone think the people of Nicaragua are better off today than they were under the admittedly authoritarian rule of the Somozas? Does anyone believe that the terrorist activities in Central and South America are not inspired, directed, and financed by Soviet Russia? The prospect of freedom existing in Latin America and freedom remaining in our country depends entirely upon the will of the people of the United States to resist the extension of communism into the Western Hemisphere.

Our future depends on whether we, as Americans, really believe in freedom, liberty, and respect for the individual and whether we are willing to pay any price as our forefathers have done for this concept—or whether we are willing to accept the concept of the Soviet Communist empire, where there are no inalienable rights and a citizen is a chattel totally a slave to the state.

We will advance the latter course if we waste time; debating the purity of

democratic governments offered by leaders in Central America; by dispatching observers to report on election results, thereby hinting that we will accept the idea that we might be willing to live side by side or together with a Communist government achieved by the gun; by some indication to the people we are willing to withdraw our aid from a beleaguered, friendly government by criticizing non-Communist governments in Latin America. We cannot ignore the undeniable fact that Communist Russia provides money, weapons, and training to destabilize and destroy whatever government exists in order to create a Communist government in its place.

Hundreds of thousands of tons of war materiel arrive in Nicaragua through Cuba, from Russia designed for export to other Central American nations. This is materiel of war, of subversion, and terrorism, and yet we here at home condemn the use of acoustical mines to discourage this encroachment.

There are thousands of trained Cubans in Nicaragua supporting the Communist terrorists in El Salvador. We piously put a limit of 55 on the number of American advisors that can assist El Salvador in that struggle for freedom. If we abstain, if we refrain from using all our power, military and economic, to prevent Communist hegemony in El Salvador and Central America, we only postpone what will be in every way an extremely expensive, ultimate showdown.

The President and bipartisan Kissinger Commission have pointed the way to prevent Communist expansion in our hemisphere.

We cannot impose our form of democracy on our brothers to the South, but we are duty-bound to preserve for them an opportunity to establish their own brand of democratic self-government.

If we do less than this, that is latent support of a Communist takeover.

We must forget about all of the side arguments and clearly see the real goal which is liberty, freedom and respect for the individual for those of us who cherish that or submit to the slavery imposed by communism.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I would like to ask the distinguished author of this amendment two very important questions, questions that my people have asked me.

No. 1, does this measure provide any aid to the Contras for covert activity in Nicaragua?

Mr. BROOMFIELD. It does not.

Mr. BOEHLERT. Second, does this amendment open up the floodgates to release the ceiling on the 55 military advisers in El Salvador?

Mr. BROOMFIELD. It absolutely does not. It clearly expresses the sense of Congress that the total number of U.S. military advisers in El Salvador not exceed 55 unless Congress is consulted first.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman from Michigan.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, my colleague, the gentleman from Maryland, brought up the Kissinger Commission or the Jackson Commission as it has been called. He and I both served on that Commission. I was very pleased to join with my colleague, the gentleman from Maryland, in cosponsoring the Kissinger Commission.

I just want to read to my colleagues the relevant part of the report, concerning requirements for demonstrable progress in human rights:

> The U.S. Government has a right to demand certain minimum standards of respect for human rights as a condition for providing military aid to all countries. With respect to El Salvador, military aid should, through legislation requiring periodic reports, be made contingent upon demonstrated progress toward free elections, freedom of association, the establishment of the rule of law, and an effective judicial system.

Mr. Chairman, this is exactly what the Broomfield amendment requires: demonstrable progress toward improvements of the judicial, the electoral, the political, and the economic dimensions at stake in El Salvador.

I think it is outrageous that my friend, the gentleman from Maryland, is suggesting that there are no requirements for human rights progress set forth in the Broomfield amendment. They are there, and they parallel those in the Kissinger Commission.

Mr. Chairman, I appreciate my colleague's giving me the chance to clear up that issue.

Mr. BARNES. Mr. Chairman, will the gentleman yield to me?

Mr. BROOMFIELD. No; not at this time.

Mr. Chairman, before I conclude my remarks, I want to take this opportunity to pay special tribute to the gentleman for his outstanding job that he has done as the chairman handling this bill.

Mr. Chairman, as we prepare to vote, our focus should be squarely on the enormous stakes involved in the struggle for Central America.

There should be no misunderstanding the fact that they are as high for us as they are for our freedom-loving friends to the south.

There is no longer any question that the struggle is underway. The only remaining debate is whether the United States will be a dominant force in the conflict.

We are not talking about warfare in Europe or the Middle East or in far-off Asia. We are talking about real estate that touches the borders of Texas and California.

If we botch the job in Central America, as we did in Southeast Asia, there will be no way to walk away from the wreckage unscathed.

If freedom falls and Communist-Cuban directed governments dominate the nations along our southern borders, the character and context of American society as we have known it will be altered for all time.

This island we share with our Central American neighbors will be doomed to generations of border warfare of the sort that has characterized other continents of the world throughout history.

We will have shed our insular security, lost our margin of safety, and our ability to function as a superpower.

The President summarized the choices last night when he said:

> The simple questions are: Will we support freedom in this hemisphere or not? Will we stop the spread of communism in this hemisphere or not? Will we act while there is still time?

Mr. Chairman, the challenges are clear and I believe this substitute offers a responsible, although modest framework for meeting them. I urge your support for the Broomfield-Murtha substitute.

□ 1720

Mr. FASCELL. Mr. Chairman, we had agreed that the gentleman from Michigan would be the last speaker, but because the name of the gentleman from Maryland was referred to with respect to a citation that was not complete, I have agreed to allow the gentleman from Maryland to complete the citation in the RECORD for the purpose of accuracy.

Mr. BARNES. Mr. Chairman, I thank the gentleman from Florida for giving me a few seconds to do this.

The gentleman from New York read a quotation from a report of the Kissinger Commission. He read a portion of a sentence. Let me read what the gentleman from New York read. He read:

> With respect to El Salvador, military aid should through legislation requiring periodic reports—

As would be required by the committee bill—

> be made contingent upon demonstrated progress toward free elections, freedom of association, the establishment of the rule of law and an effective judicial system,

The gentleman stopped reading at that point. The sentence continues:

> and the termination of the activities of the so-called death squads as well as vigorous action against those guilty of crimes and the prosecution to the extent possible of past offenders.

The next sentence, the gentleman read only half of that sentence, the next sentence reads, and this will be my final statement of the evening, the next sentence reads:

These conditions should be seriously enforced.

Mr. BROOMFIELD. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. BROOMFIELD).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 208, not voting 13, as follows:

[Roll No. 141]

AYES—212

Andrews (TX)	Flippo	McCollum
Archer	Franklin	McCurdy
Badham	Frenzel	McDade
Barnard	Fuqua	McEwen
Bartlett	Gekas	McGrath
Bateman	Gilman	McKernan
Bennett	Gingrich	Mica
Bereuter	Goodling	Michel
Bethune	Gradison	Miller (OH)
Bilirakis	Gramm	Minish
Bliley	Gregg	Molinari
Boehlert	Gunderson	Mollohan
Boner	Hall, Ralph	Montgomery
Breaux	Hall, Sam	Moore
Broomfield	Hammerschmidt	Moorhead
Brown (CO)	Hartnett	Morrison (WA)
Broyhill	Hatcher	Murtha
Burton (IN)	Hightower	Myers
Byron	Hiler	Nelson
Campbell	Hillis	Nichols
Carney	Holt	Nielson
Chandler	Hopkins	O'Brien
Chappell	Horton	Ortiz
Chappie	Hubbard	Oxley
Cheney	Huckaby	Packard
Clinger	Hunter	Parris
Coats	Hutto	Pashayan
Coleman (MO)	Hyde	Patman
Coleman (TX)	Ireland	Petri
Conable	Jenkins	Pickle
Corcoran	Johnson	Porter
Coughlin	Kasich	Pritchard
Courter	Kemp	Pursell
Craig	Kindness	Quillen
Crane, Daniel	Kramer	Ray
Crane, Philip	Lagomarsino	Regula
Daniel	Latta	Ridge
Dannemeyer	Leath	Rinaldo
Darden	Lent	Ritter
Daub	Levitas	Roberts
Davis	Lewis (CA)	Robinson
de la Garza	Lewis (FL)	Roemer
DeWine	Livingston	Rogers
Dickinson	Lloyd	Roth
Dowdy	Loeffler	Rowland
Dreier	Lott	Rudd
Duncan	Lowery (CA)	Sawyer
Dyson	Lujan	Schaefer
Edwards (AL)	Lungren	Schulze
Edwards (OK)	Mack	Sensenbrenner
Emerson	Madigan	Shaw
English	Marlenee	Shelby
Erdreich	Marriott	Shumway
Erlenborn	Martin (IL)	Shuster
Evans (IA)	Martin (NC)	Siljander
Fiedler	Martin (NY)	Sisisky
Fields	McCain	Skeen
Fish	McCandless	Skelton
Smith (NE)	Tallon	Whitley
Smith (NJ)	Tauke	Whittaker
Smith, Denny	Tauzin	Williams (OH)
Smith, Robert	Taylor	Wilson
Snowe	Thomas (CA)	Winn
Snyder	Thomas (GA)	Wolf
Solomon	Valentine	Wortley
Spence	Vander Jagt	Wright
Stangeland	Vandergriff	Wylie
Stenholm	Vucanovich	Young (AK)
Stratton	Walker	Young (FL)
Stump	Weber	Zschau
Sundquist	Whitehurst	

NOES—208

Ackerman	Gaydos	Oberstar
Addabbo	Gejdenson	Obey
Akaka	Gephardt	Olin
Albosta	Gibbons	Ottinger
Alexander	Glickman	Owens
Anderson	Gonzalez	Panetta
Annunzio	Gore	Patterson
Anthony	Gray	Paul
Applegate	Green	Pease
Aspin	Guarini	Penny
AuCoin	Hall (OH)	Pepper
Barnes	Hamilton	Perkins
Bates	Harkin	Price
Bedell	Harrison	Rahall
Beilenson	Hawkins	Rangel
Berman	Hayes	Ratchford
Biaggi	Hefner	Reid
Boland	Heftel	Richardson
Bonior	Hertel	Rodino
Bonker	Howard	Roe
Borski	Hoyer	Rose
Bosco	Hughes	Roukema
Boucher	Jacobs	Roybal
Boxer	Jeffords	Russo
Britt	Jones (NC)	Sabo
Brooks	Jones (OK)	Savage
Brown (CA)	Kaptur	Scheuer
Bryant	Kastenmeier	Schneider
Burton (CA)	Kennelly	Schroeder
Carper	Kildee	Schumer
Carr	Kleczka	Seiberling
Clarke	Kogovsek	Shannon
Clay	Kolter	Sharp
Coelho	Kostmayer	Sikorski
Collins	LaFalce	Simon
Conte	Lantos	Slattery
Conyers	Leach	Smith (FL)
Cooper	Lehman (CA)	Smith (IA)
Coyne	Lehman (FL)	Solarz
Crockett	Leland	Spratt
D'Amours	Levin	St Germain
Daschle	Levine	Staggers
Dellums	Lipinski	Stark
Derrick	Long (LA)	Stokes
Dicks	Long (MD)	Studds
Dingell	Lowry (WA)	Swift
Dixon	Luken	Synar
Donnelly	Lundine	Torres
Dorgan	MacKay	Torricelli
Downey	Markey	Towns
Durbin	Martinez	Traxler
Dwyer	Matsui	Udall
Dymally	Mavroules	Vento
Early	Mazzoli	Volkmer
Eckart	McCloskey	Walgren
Edgar	McHugh	Waxman
Edwards (CA)	McKinney	Weaver
Evans (IL)	McNulty	Weiss
Fascell	Mikulski	Wheat
Fazio	Miller (CA)	Whitten
Feighan	Mineta	Williams (MT)
Ferraro	Mitchell	Wirth
Florio	Moakley	Wise
Foglietta	Morrison (CT)	Wolpe
Foley	Mrazek	Wyden
Ford (MI)	Murphy	Yates
Fowler	Natcher	Yatron
Frank	Neal	Young (MO)
Frost	Nowak	
Garcia	Oakar	

NOT VOTING—13

Andrews (NC)	Hance	Moody
Bevill	Hansen (ID)	Rostenkowski
Boggs	Hansen (UT)	Watkins
Ford (TN)	Jones (TN)	
Hall (IN)	Kazen	

□ 1730

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLARZ: Page 105, add after line 21, the following new title:

TITLE XI—FOREIGN CEMETERIES PRESERVATION COMMISSION

SEC. 1101. There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this title referred to as the "Commission").

SEC. 1102. The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected;

(3) sponsor or otherwise support demonstration projects to help preserve and protect such cemeteries, monuments, and historic buildings; provided that no U.S. Government funds for these projects shall be spent outside the United States of America; and

(4) prepare and disseminate reports on the conditions of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

SEC. 1103. (a) The Commission shall consist of five members appointed by the President.

(b) Members shall be appointed for terms of three years except—

(1) of such members first appointed—

(A) two shall be appointed for two years; and

(B) three shall be appointed for three years;

(2) a member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed; and

(3) a member may retain membership on the Commission until the member's successor has been appointed.

(c) The President shall designate the Chairman of the Commission from among its members.

(d) The Commission shall meet at least once every three months.

SEC. 1104. (a) Members of the Commission shall receive no pay on account of their service on the Commission.

(b) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

SEC. 1105. (a) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such

personnel (subject to the provision of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(b) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the Unites States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(c) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, is authorized to detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 1106. (a) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this title. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(b) The Commission may accept, use, and dispose of gifts or donations of money or property.

(c) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(d) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 1107. The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislative and administrative actions.

SEC. 1108. This title shall take effect on October 1, 1984.

Mr. SOLARZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1740

Mr. SOLARZ. Mr. Chairman, this is an amendment that has nothing to do with the subject we just discussed. I have cleared it with the chairman of the committee, Mr. FASCELL, and the ranking minority member, Mr. BROOMFIELD, both of whom support it.

What it would do is to provide for the establishment of a Presidential commission to explore ways to preserve cemeteries abroad, particularly in eastern and central Europe that are associated with the heritage of American citizens. It is designed in particular for the thousands of survivors of the Holocaust in our country whose ancestors were wiped out and who want to protect these cemeteries.

There are no expenses involved.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman.

Mr. FASCELL. We have examined the amendment on this side and we do not have any objection to it.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I am happy to join in support of the gentleman's amendment.

Mr. SOLARZ. I thank the gentlemen for their support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLARZ).

The amendment was agreed to.

● Mr. FORD of Michigan. Mr. Chairman, we are in the midst of considering a comprehensive foreign aid package, probably the most controversial piece of legislation the Congress will address this year. Certainly the one most divisive issue contained in this bill is the funding for our neighbors in Central America.

President Reagan attempted to formulate a cohesive foreign policy with the creation of the National Commission on Central America, chaired by Henry Kissinger, to investigate the current situation in the region and to make recommendations for a coordinated means of support for our neighbors. Unfortunately, the President selectively chose certain recommendations, such as increased military funding, while ignoring others, such as linking continued aid to real reforms in basic issues—land reform, death squad activity, and human rights. He put these chosen elements of a comprehensive plan into his regional policy and simply discarded what he did not like.

The President is again asking for a bipartisan show of support for his specific foreign policy agenda in Central America. His idea of a bipartisan policy is for Congress to sign a blank check for him to spend on his whims. This was apparent in Lebanon last year when he persuaded the Congress to give him a free hand for 18 additional months. After over 260 Americans lost their lives in this ill-conceived political fiasco, he blamed Congress.

The Reagan administration has, time and again, bypassed congressional powers in its determination to carry out the President's foreign policies. Just recently, the House passed a supplemental appropriation providing emergency food assistance for Africa, House Joint Resolution 492. The Senate then added an amendment to this measure which would provide $93 million in emergency military aid to El Salvador. I joined many of my colleagues in signing a letter to the House conferees on this measure expressing my opposition to such a move which clearly precluded full debate on this extremely controversial funding. Fearing that his hands would be tied, the President decided on April 13 to use emergency powers granted him under section 21D of the Arms Export Control Act—Public Law 90-629—to send arms and equipment to El Salvador and defer payment for 120 days.

President Reagan asserts that his plan of action must be followed to stem the spread of communism on our continent. I agree with him and the rest of the Nation that to sit back on our heels and watch Central America subverted to Communist influence would be a grave error in American foreign policy. However, we cannot continue to give these nations massive amounts of military aid and pretend that internal conditions for the masses are improving. Therefore, I support the amendment offered by my colleague from Massachussetts, GERRY STUDDS.

This amendment authorizes the President's full $132.5 million in fiscal year 1985, but none of the supplemental fiscal year 1984 military funds for that country. It would prohibit all military aid in fiscal year 1985 unless Congress approves a Presidential certification that the Salvadoran Government has met a set of clearly defined conditions. The setting of these objectives insures that if America is to invest massive amounts of security assistance, then the government which accepts U.S. aid will make true progress in the areas of death squads, compliance with the Geneva Convention regarding the protection of civilians, negotiations with guerrillas, an end to the detainment of political prisoners, establishment of an effective judicial system, protection of freedom of the press and association, and land reforms. This aid with conditions attached is exactly what the Kissinger Commission advocated earlier this year.

Nicaragua, Cuba, and the Soviet Union did not create instability in El Salvador, although they are contributing to it. The uprising in that country is based on civil strife resulting from death squads, a higher agricultural economy, the lack of basic human rights and the holding of the vast majority of land by a tiny minority of landowners. Certainly we cannot expect these conditions to change by closing our eyes and pretending that the situation is improving. But we can best help our neighbors by lending them a hand in developing their own resources and by withholding military assistance unless these objectives are clearly being met.●

● Mr. WIRTH. Mr. Chairman, in his speech Wednesday evening, President Reagan again addressed the question

of U.S. policy in Central America. It is a time of great opportunity for his administration. The Salvadoran public apparently has chosen a Presidential candidate, Jose Napoleon Duarte, committed to negotiations and peaceful change. The precedent-setting involvement of the Contadora nations—Mexico, Venezuela, Colombia, and Panama—continues to offer a framework for regional peace.

It is, however, an opportunity that can easily be lost. It was discouraging that the President's speech contained only a passing reference to the Contadora process. If the President is serious about negotiations in the region, if he genuinely sees the Contadora proposals as a possible path to peace, it is long past time that he acted on his intentions and spelled out a plan of action.

Instead, the President chose to dwell on the strategic importance of Central America and to cast the struggle in almost exclusively East-West terms. Central America is important to the United States—it is close to our borders, sits near vital shipping lanes, and borders on the Panama Canal. Nor is there any question that the Soviet Union, Cuba, and Nicaragua have encouraged instability and supported revolution in the region.

What the President ignores, however, is the root causes of unrest. You cannot have a revolt without revolting conditions. Historically, Central America has been burdened by widespread hunger and disease. This poverty, which is of epidemic proportions, has bred instability and revolution. In recent years, rapid economic growth in the region has far outpaced the development of political institutions. And the historic pattern of concentrated wealth has done little to produce stable democratic societies.

Sadly, the President has opted for the all too frequent American response to the unrest that has characterized Central America. Historically, we have ignored the causes of unrest in the region and responded with military intervention and covert operations. Over the last 100 years, Panama, Nicaragua, and Honduras have all been occupied by U.S. forces in an effort to suppress indigenous revolutionary movements. In 1954, CIA-backed forces successfully toppled the Government of Guatemala. This policy has proven uniformly unsuccessful in exporting the stable democratic society we as Americans enjoy. U.S. marines were never an adequate substitute for a coherent foreign policy.

The lack of any historical perspective can be seen today as the administration increases our own military presence in the region. President Reagan's massive transfusions of military aid to El Salvador, even if increased significantly, are no substitute for the social and economic reforms that are necessary to undermine the appeal the guerrillas hold for many Salvadorans. Since the premises of President Reagan's policy are wrong, his actions stemming from that policy are flawed. Latin America's revolutions, including El Salvador's and Nicaragua's, are home-grown not exported from anywhere else. The undoubted Communist influence on these revolutions cannot be nullified by the dispatching of naval and air armadas to the waters off Nicaragua and thousands of American troops to the jungles of Honduras. The solution lies with a new policy that fosters social, economic and political reforms that are compatable with our legitimate vital interests, while accommodating the equally legitimate forces for change.

A true settlement, to be lasting and effective, should include the Contadora process—which explicitly condemns the presence of foreign troops in Central America—and demonstrates our willingness to confront seriously the real problems, which are economic and social in nature.

The danger of this administration emphasizing a military solution to the problems in Central America is twofold. As we concentrate and build up a formidable military presence in the region we are seeing a corollary deemphasis of necessary political and social reforms. Our militarization of Honduras, just as it is emerging from years of military rule, is undermining its fragile democracy and inciting open warfare between Honduras and Nicaragua. As the armed conflict widens, our concern and commitment for a negotiated settlement withers.

Second, but no less important, are the ominous implications of our ever-widening military involvement. Direct U.S. intervention becomes more likely as we build up our forces in the region. To place those assets within Central America brings a greater and greater temptation to use them as our frustration grows at the lack of a definitive solution. If the United States was willing to commit 500,000 troops to a country 9,000 miles from home then surely this administration would seriously consider the commitment of whatever American resources, including U.S. combat troops, it believed were necessary to resolve the conflict. This would be an unparalleled tragedy.

Finally, President Reagan's speech underscores my concern that real opportunities for a negotiated settlement are slipping away, drowned out in the increasingly strident tone of the debate. Complex issues are being reduced to simplistic phrases: East versus West; communism versus democracy. The argument is being cast in terms of global competition, and in the process of polarization we are forgetting the problems and causes of turmoil in the region. Analogies are being drawn to Europe in the late 1930's and the word appeasement is used with greater frequency. It is time to lower the rhetoric and bring the debate back to the real issues of our national security and the welfare of the people of Central America. They are not inconsistent goals, but they will require negotiations and the patience to achieve peaceful long-term change.●

● Mr. FRENZEL. Mr. Chairman, it is important that we regularly consider a foreign aid authorizations bill. We have not passed one in its own right for several years. As a result, we make our decisions on foreign aid during consideration of the foreign operations appropriations bill, which is invariably attached to a continuing resolution. Our decisions are hurried and incomplete, as they always are whenever we do not follow the normal procedure of authorizations proceeding appropriations. I am pleased that this year we have been able to extensively debate foreign aid.

Mr. Chairman, I have some general objections to the bill. First, I believe that this bill relies too heavily on bilateral U.S. efforts. My judgment is that multilateral institutions such as the World Bank, the IMF, the Inter-American Development Bank and others are much more effective than any existing U.S. program. We ought to divert much more of our resources toward those efforts.

Second, I am very concerned about the cost of this bill. The committee recommendation is for Authorization of $9.49 billion in appropriations for fiscal year 1985. That is a hefty 26.4 percent increase from last year. That sort of increase should be out of the question this year. Moreover, the amendments on Central America will probably add about another $1 billion to the cost.

Some of the increase is from bringing foreign military sales (FMS) credit activities on-budget. That is wise. We ought to bring all FMS activities on-budget. Even without the FMS accounting change, though, this bill calls for an unacceptably large increase in spending.

Several amendments have been important. An amendment was adopted which reduces military assistance to Turkey from $716 million to $670 million, and provides for an additional $250 million to Cyprus if progress is made toward settlements of the conflict there.

Turkey has been and remains a strong and dependable U.S. ally in NATO. Moreover, Turkey's progress toward democracy, especially its recent Presidential election, deserves support and encouragement. I feel that the $670 million allowed by the amendment expresses that support.

I was inclined to oppose the amendment. Turkey does not, of course, deserve a medal for its role on Cyprus. The new Government of Turkey has not had an opportunity, though, to really deal with the Cyprus question. However, I was convinced by supporters of the amendment that the United States must take a more active role in encouraging resolution of the Cyprus question. I supported the amendment, with some reluctance.

A second amendment would eliminate $25 million in military assistance program (MAP) grants to the Philippines. The Conte bill had already shifted all other military aid, with the exception of $25 million in MAP aid, into economic aid.

I am concerned about the democratic and human rights record of the Philippines. It is probably important and appropriate for the United States to make clear to the Marcos government the need to change some of its policies. My judgment is that the committee's action in diverting aid into economic support expresses that.

I was convinced by the chairman of the Subcommittee on Asian and Pacific Affairs, Mr. SOLARZ, also a proponent of the need to send a signal to the Filipino Government, that a further message is inappropriate. I have no great optimism about the upcoming elections in the Philippines. I do feel we should give the Philippines a chance with elections, though, and concur with Mr. SOLARZ that a further reduction in aid to the Philippines should be delayed.

A third amendment was offered to require use of FMS credits only for purchases in the United States. This amendment was directed at the use of U.S. aid for the development of the Lavi fighter plane by Israel.

The amendment, which was defeated, was advocated as necessary to protect U.S. jobs. I am usually skeptical of these types of arguments, and in this case it was clearly a red herring. If Israel develops the Lavi, and uses U.S. aid in Israel, it will require substantial purchases of U.S. technology and equipment. The effect of U.S. jobs by the development of the Lavi will most likely be positive.

I feel our support of Israel and Egypt is important. We have a historic and moral responsibility to support Israel. we must also strongly encourage the evolution of peaceful and moderate governments in the region, and the peace process between nations. I opposed the amendment.

This bill costs too much, in my judgment, and should be reduced. Although I feel strongly about the need for budget responsibility, I also feel that we should avoid a continuing deadlock on foreign aid. I will vote for this bill, mostly because it is an authorization and not an appropriation bill. I do not feel I can support an appropriations bill, however, with this type of spending. I encourage the Appropriations Committee to restrain spending to a responsible level when it reports the foreign operations appropriations bill.●

● Mr. CONTE. Mr. Chairman, I rise in support of a very important humanitarian assistance program authorized in H.R. 5119, the child survival fund.

Hunger and malnutrition affect millions throughout the world. Natural disaster, inadequate technology and political unrest aggravate and sustain a desperate world hunger situation. Today, for example, a mounting food crisis threatens 150 million Africans in at least 24 countries. In Mozambique alone, over 100,000 people have died from hunger and hunger-related causes. The mobilization of emergency food aid has only begun to meet the basic human needs of these people. Despite assistance from developed nations, over 40,000 young children die each day from the effects of malnutrition and related causes. In fact, as many as 40 percent of the children below the age of 5 die each year, mostly from nutrition related causes, infections and repeated bouts of diarrhea.

This depressing situation is made even more disturbing by our ability to combat this suffering; a large number of deaths can be prevented. UNICEF Executive Director James Grant estimates that half of these lives could be saved by already existing, inexpensive methods. Oral rehydration therapy and expanded immunization combined with effective educational programs have a proven record of success. These child health care programs are also inexpensive and cost effective. Oral rehydration packets, for example, can be made for as little as 5 cents each, often locally. Vaccinations, the most effective method, is estimated to cost $5 per child.

These programs have been tested in the field with considerable success. In Imesi, Nigeria, 4 years after a major project was started, infant mortality was down to 50 per 1,000 in the project area as opposed to 91 per 1,000 in nearby villages. In northern Peru, a health and nutrition campaign brought the infant death rate down to 48 per 1,000 as opposed to 134 per 1,000 in nearby areas. These projects and many like them all over the world have raised the quality of life for millions.

The child survival fund, established in this legislation, is an attempt to address the basic human health and nutrition needs of millions of children. Administered by the Agency for International Development, the fund would be available to organizations and agencies such as the World Health Organization, UNICEF and private agencies to carry out projects designed to improve child health. Besides providing additional support for the child health revolution, the fund will be an incentive to other organizations and agencies to pursue primary health care and preventative health care strategies related to mothers and children.

H.R. 5119 provides an initial authorization of $25 million for the child survival fund. I commend the committee's action on this important program and urge members to lend their support to this hunger prevention strategy.●

● Mr. HANCE. Mr. Chairman, I want to add my voice to those of my colleagues in support of the provisions in the bill concerning aid to El Salvador.

I have often argued that if we do not support the Government of El Salvador, we risk losing that nation, as well as other Central American nations, to the Communist influences of the Soviet Union and Cuba. We in this hemisphere cannot afford to turn our backs when such a threat looms so large.

Today, it is imperative that we act responsibly on this question. In addition to the need to protect the human rights of the Salvadoran people, we must also provide support to the new government of El Salvador. The bill provides for a reasonable amount of aid and imposes a significant number of conditions on the availability of that aid. I believe the bill sets forth a logical, responsible method of dealing with this terribly emotional and highly complex issue and I support title X as it was brought to the floor, without amendments.

Neither the Studds amendment nor the Broomfield amendment improves the provisions in the bill. Though I respect both my colleagues for their efforts in trying to protect American interests in El Salvador, I cannot support the extreme, stringent conditions of the Studds amendment. Conversely, the Broomfield amendment goes too far and eases the restrictions too much. We must keep control over the money going to El Salvador but we must not tie it up as severely as the Studds amendment proposes, or simply give it away as Mr. BROOMFIELD suggests.●

● Mr. SHANNON. Mr. Chairman, in the past few years, all of us have become all too familiar with the activities of the rightwing death squads in El Salvador. It is clear that any meaningful progress toward protection of human rights in that country rests on the removal of the death squads, and the effective control of the military. In recent months, allegations have come to light that link death squad activity to the same people who have been promising positive reform in El Salvador.

Now, there are new charges linking the CIA to death squad activities. The following article details those charges—I urge all my colleagues to

take a look at these charges, and at the situation in El Salvador with their eyes and minds open, and ask whether or not the American people deserve to know how their tax dollars are being spent in Central America.

[From the Christian Science Monitor, May 8, 1984]

SALVADOR DEATH SQUADS, A CIA CONNECTION?

(By Dennis Volman)

The United States Central Intelligence Agency and US military advisers have helped organize and have financed, trained, and advised special Salvadoran Army and intelligence units which, although presumably set up for counter-intelligence purposes, subsequently have engaged in "death squad" activities.

These units, in the course of their counter-intelligence activities, frequently torture and sometimes kill Salvadoran citizens—apparently with the knowledge of their US mentors.

These charges are made by two well-informed sources closely connected with the upper reaches of the Salvadoran political and military power structure. Circumstantial evidence backing up their charges comes from sworn testimony given to the leading human rights group in El Salvador, the legal protection division (Tutela Legal) of the Roman Catholic Archbishop's office.

In Washington, according to well-placed congressional sources, the US Senate's Select Committee on Intelligence is currently opening an investigation of Salvadoran death squads. Some senators on the committee have raised questions about possible CIA connections with the death squads.

One of the Monitor's two main sources for the charges about a US connection with death squad activities is a politically conservative, very prominent Salvadoran civilian, widely respected for his moral probity. The other is a Salvadoran of high military rank with strong links to Salvadoran intelligence circles.

Both sources discussed the charges at length with this correspondent and made additional allegations about the involvement of senior Salvadorian officials in death squad activities. They refused to allow their names to be published for fear of retribution. The two sources have no direct links with each other but, for different reasons, both say the bulk of their direct knowledge of the situation ended in December 1983. However, they believe the situation has not substantially changed since then.

The civilian source has knowledge of death squad activities in three ways: through a high-ranking civilian professional working in the Salvadoran Army general staff headquarters, where many of the acts reportedly have taken place; through close friendship with some of the victims, some of whom were tortured and released and others tortured to death; through his close contacts with high-level Salvadoran military officials. He is morally outraged that such activities, and what he sees as the US connections with them, are taking place and says he believes it essential that they be made public knowledge.

"How absurd you Americans are," this civilian source remarked bitterly. "With the one hand you send your vice-president here to control the death squads, and with the other you participate in them."

His reference to the US vice-president was to George Bush's visit to El Salvador in December last year in which Mr. Bush pressed the Salvadoran authorities to put an end to death squad activities and remove officers allegedly involved in them.

Last year, there were more than 5,000 unsolved murders, abductions, and disappearances in El Salvador, according to the archbishop office's Tutela Legal. Most of these acts are attributed to rightist death squads and their allies in the Salvadoran military and security forces. After the Bush visit, the figures declined in January and February; but they went back up in March, although they remained significantly lower than before the vice-president's visit.

The Monitor's military source is closely connected with El Salvador's military-security structure. A man of strong conservative views, he says that his overriding motive for speaking out is a deep concern about a possible communist takeover if there are not major changes in the country's political-military structure. He is convinced that these changes cannot occur without an end to the killing and corruption, and to what he too is convinced are US links with death squad-type activities.

This latter opinion is also reflected among some prominent US congressional staffers who say that little progress can be made in bringing about reforms in Central America until CIA policies in the region are curbed and the CIA's political influence within the Reagan administration and Central America is diminished.

According to both of the Salvadoran sources, the Salvadoran group most directly linked with the CIA is the National Intelligence Agency (ANI). This is an operations-oriented counter-intelligence group originally set up under CIA direction about four years ago, and still financed and advised by the CIA.

As part of its function, the two sources say, ANI keeps watch over, detains, interrogates, generally tortures, almost always beats, and sometimes kills suspects that it believes have links with leftist organizations. ANI is under the command of Col. Rinaldo Goelcher and Col. Gabriel Contreras who, according to the military source, are in close and regular contact with the CIA station chief at the American Embassy.

ANI headquarters, says the military source, are located three blocks from the entrance of Colonia San Francisco, an upper-class residential neighborhood in the capital city of San Salvador. A visit to the area shows a high-walled building under military guard. ANI also has military intelligence branches in the provinces of San Vicente and La Unión, adds the military source.

Most of the killings, both Monitor sources say, result from the tortures used in attempts to extract intelligence information. People die during torture, they say, or are killed because the torture leaves marks on the bodies which he realizes could be used to prove what was done to the victims.

The conservative civilian source adds that ANI has also participated in the more traditional death squad activity of "disappearing" people—that is, kidnapping victims, often from their homes, killing them, and then dumping their bodies into the sea or remote areas.

He says that the victims are not necessarily people with left-wing views. He cites one leading Salvadoran professional of moderate political views who was arrested by the security forces. When the source was able to meet this professional again later, he had been turned mentally into a "child" by torture.

Both of the Monitor's main sources say that closely connected to ANI are the two intelligence departments of the Salvadoran armed forces general staff, Department 2 and Department 5. While ANI is operations-oriented, they add, these general staff departments are directed toward intelligence-gathering and have U.S. military advisers who are mainly Cuban-Americans.

According to the civilian source, the two departments pick victims up and torture them, sometimes to death. The tortures, he says—usually beatings, burnings, and electric shocks—are often conducted in the building housing the headquarters of the armed forces general staff in San Salvador. He stresses that the existence of the torture activities is common knowledge at Salvadoran general staff headquarters and rules out the possibility that the U.S. advisers are unaware of them.

The civilian source states that both Departments 2 and 5 were originally under the direct personal control of the then-armed forces chief of staff, Gen. Rafael Flores Lima. In the spring of 1983, Col. Mario Reyes Mena took over the position for only a few months. Then, when Col. Adolfo Onecifero Blandon replaced Reyes Mena as armed forces chief of staff in 1983, according to Salvadoran military sources, he also took over the direction of Departments 2 and 5.

Colonel Blandon is described by a number of Salvadoran sources as deeply involved in the activity of death squads when he was provincial commander of Santa Ana Province before becoming armed forces chief. General Flores Lima is now vice-minister of defense.

According to the civilian source, U.S. Army Col. David Rodriguez, a Cuban-American, helped to organize general staff Departments 2 and 5 several years ago.

Both ANI and general staff Departments 2 and 5 grew out of the original Salvadoran National Security Agency (ANSESAL). According to leading military sources in El Salvador, ANSESAL was created in 1962 with heavy CIA and U.S. military participation. At the same time, the agency helped organize parallel organizations in Guatemala and Nicaragua (then ruled by Anastasio Somoza Debayle), called ANSEGAT and ANSENIC, respectively.

Over the years, ANSESAL received consistent CIA advice and training. The Salvadoran agency was dissolved after the first liberal military coup in October 1979. Salvadoran military officials say the agency was responsible for hundreds of cases of torture and death.

After ANSESAL was dissolved, there was a restructuring of the military junta (more conservative members were added) and ANI and general staff Departments 2 and 5 were organized to replace ANSESAL in the early '80s. Thus the connection between ANI and the general staff departments on the one hand and the CIA on the other has a long-standing institutional base.

According to the conservative civilian source, the US military advisers to the general staff Departments 2 and 5 have met regularly at 10 at night in a flower shop in San Salvador with a US Embassy official of Cuban-American background who officially works in the consular section of the embassy. The Monitor has been given his name, but will not publish it. There are legal prohibitions on naming possible US CIA agents.

The name of the flower shop is "Garden." It is owned by a right-wing but anti-Somocista Nicaraguan woman named Leandra

Mora. Her role, if any, is unknown to the civilian source.

Evidence that tends to back up some of the two main sources' charges about US links to death squad-type activities has appeared in sworn testimony submitted to Tutela Legal.

In July 1983, four men and women working in the section of refugee assistance of the archbishop's office were arrested by Salvadoran security forces. The following month they gave testimony in confidence to the archbishop's office, in the presence of Western officials, that during the torture and interrogation to which they were subjected, some of their interrogators were American and constantly spoke English to each other. One of the group testified that an English-speaking "American-looking man" was present when he was picked up.

"I became aware that my interrogations took place on the second floor of the National Police headquarters, during which I always heard voices in English from people around me and voices of people translating," said one of the workers from the archbishop's office in his sworn testimony. "When the English-speaking people were sometimes not in the interrogation room, I became aware that sometimes the [Salvadoran] detectives would have them called in order to consult on some detail with them."

Additional testimony came from a young official of one of El Salvador's guerrilla groups, the People's Revolutionary Army, who was arrested on May 30, 1983. In sworn statements given to the archbishop's office in August 1983, he describes his tortures and interrogations and states that one of his interrogators looked like an American and spoke Spanish with an American accent.

(Allegations that the CIA helped train Salvadoran security forces in torture techniques appeared in an article in the May 1984 issue of the Progressive magazine. The article by Allan Nairn included an interview with a former member of the Salvadoran Treasury Police using the pseudonym of Rene Hurtado. He said that members of the Treasury Police—one of El Salvador's three main police forces with the National Police and Hacienda Police—were given a course in torture methods by U.S. instructors for one month in 1980. The course, like the tortures said to be practiced by Departments 2 and 5, was held in Salvador's armed forces staff headquarters.)

The Monitor's military source says that the man he describes as the top-ranking officer on the CIA payroll, Treasury Police chief Nicolas Carranza, was also the officer most actively involved with the death squads.

(A New York Times report of March 22 asserted that Carranza received $90,000 a year from the CIA. This report was confirmed by sources in the CIA, the Senate's Select Committee on Intelligence, and the State Department. Carranza has denied the allegations.)

Salvadoran armed forces chief of staff Adolfo Blandon has told U.S. legislators and prominent Salvadorans that Colonel Carranza will be removed from his post. The Monitor has learned that he is likely to be made a general and sent to a post in Rome.

Further charges against Carranza and the Salvadoran military staff are made by the Monitor's military source. According to him, the only death squad that is allowed to carry out politically delicate assassinations like that of Roman Catholic Archbishop Oscar Arnulfo Romero in March 1980 is the squad run by Carranza in the Treasury Police.

According to this military source, although Carranza carried out day-to-day supervision of the squad's activities, ultimate approval of all of its major actions has to be given, directly or indirectly, by the Armed Forces Security Council. This council is made up of the top military leaders including, among others, armed forces chief of staff Colonel Blandon, Defense Minister Gen. Carlos Eugenio Vides Casanova, Vice-Minister of Defense General Flores Lima, Air Force chief José Rafael Bustillo, Treasury Police chief Colonel Carranza, and National Police director Col. Carlos Reynaldo López Nuila.

According to the Monitor's civilian source, one member of the council especially implicated in the death squads is Air Force General Bustillo. He describes Bustillo as "today, the great untouchable strong man of the death squads." One Western official states that the Salvadoran Air Force's torture methods are the most sophisticated in the country.

Another Salvadoran Security Council member said to be involved in the death squads is Colonel López Nuila, head of the National Police. The Monitor's military source added further charges to an article published in this newspaper Dec. 7 last year which asserted that one of the most notorious death squads in El Salvador had direct ties to the National Police. The military source states that Colonel López Nuila lent his men to Mr. d'Aubuisson to participate in death squad actions. The colonel also, according to this source, organized such death squad actions himself.

American officials and Salvadoran sources say López Nuila, a member of the official Salvadoran Human Rights Commission, is trusted by, and close to, the US Embassy.

Subsequent to the Monitor's aritcle last December, López Nuila conducted an investigation of the charges against his own National Police forces. Although the top levels of the US Embassy are convinced the investigation proved the charges to be groundless, an embassy officer following the investigation describes it as a "farce."

On a more general level, the US State Department and its representatives at the embassy are putting increasing pressure on the Salvadoran armed forces to control the bloodshed. Many US officials are hoping that the election of Christian Democrat José Napoleón Duarte (at time of writing not finally confirmed) will help to bring the killing under control.

There are reports that plans already have been made to try to remove some of the Salvadoran officers, such as Carranza, considered most responsible for death squad activities. According to prominent Salvadorans, however, the soft treatment of Carranza underlines the basic problem: The bloodshed is not just the work of one or two high officers but rather was approved directly or indirectly by the bulk of the top echelons of the armed forces and is deeply rooted in the military structure.●

Mr. FASCELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are finished here. I know of no other amendments.

I want to express my concern in the RECORD, Mr. Chairman, about a man named Steven Rozynes who disappeared in Panama. We have had a difficult time getting some action on that case, and I want to express my concern regarding that matter.

While much has reported and discussed on this floor about human rights violators elsewhere in Central America, I am compelled to call attention, as a matter of record, to a very celebrated and troublesome case involving the mysterious disappearance of an American citizen in Panama, almost 5 years ago. The circumstances are disturbing, and like other matters of this nature, cannot help but affect this Member's attitude toward the level of foreign assistance which is accorded to Panama, a country with which we have normal and otherwise acceptable relations.

The case involves an American citizen, Mr. Steven Rozynes, who disappeared in Viento Frio, a small town along the Caribbean coast of Panama, in May 1979.

There is circumstantial evidence that Mr. Rozynes met with foul play at the hands of two Panamanian National Guardsmen. Since Steven's disappearance, his father, Mr. Murray Rozynes, had made 10 trips to Panama, and his attorney has made additional trips on his behalf. Diplomatic initiatives undertaken by the Department of State in this matter have repeatedly been rebuffed.

Repeated requests have been made for a thorough investigation of the matter, including the use of polygraph examinations of the two suspected National Guardsmen. Although the Panamanian Government made perfunctory inquiries into the matter, no satisfactory answers were furnished, either to Mr. Rozynes, Sr., or to the U.S. Government.

Finally, in January 1983, the Acting Attorney General of Panama, Efrain Villareal, agreed to the use of a polygraph examination. In addition, the special assistant to the President indicated that the latter had granted full permission for the use of the polygraph.

In June 1983, however, Attorney General Rafael Rodriguez reneged on this earlier commitment on the grounds that such examinations are not admissable as evidence in Panamanian courts. Mr. Rozynes' attorney has—and I want to emphasize this point—repeatedly informed the Attorney General that he has no intention of using this examination as evidence in a court proceeding. The main purpose is to ascertain the whereabouts of this long missing U.S. citizen.

On September 10, 1983, a Jack Anderson story appeared in his syndicated column on this case and it received national attention. Still no action has been taken with regard to use of the polygraph examination, and there has been no indication that the Panamanian authorities are pursuing its investigation with renewed vigor.

I reluctantly state these facts for the record, because I believe it is impor-

tant for us to register our collective concern over incidents of this nature—and to make it clear that the levels of foreign assistance which we provide are inevitably affected by the good faith efforts the recipient governments make in resolving tragic occurrences which take place within their borders and affect the fate of our own citizens. This case, in fact, is quite similar to that involving the murder of nuns in El Salvador, and should be regarded in a similar light.

I make this statement as the principal proponent of the foreign assistance program.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. AUCOIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5119) to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1985, and for other purposes, pursuant to House Resolution 497, he reported the bill back to the House, with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. BARNES. Mr. Speaker, I demand a separate vote on the so-called Broomfield amendment.

The SPEAKER. Is a separate vote demanded on any other amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Beginning on page 80, strike out line 1 and all that follows through the end of the bill, and insert in lieu thereof the following:

TITLE X—CENTRAL AMERICA

ADDITIONAL FISCAL YEAR 1985 AUTHORIZATIONS—CENTRAL AMERICA

SEC. 1001. (a)(1) In addition to amounts otherwise available, there are authorized to be appropriated $30,000,000 for the fiscal year 1985 to carry out section 23 of the Arms Export Control Act, and the aggregate ceiling on credits (or participations in credits) extended under that section for the fiscal year 1985 is hereby increased by $30,000,000.

(2) In addition to amounts otherwise available, the following amounts are authorized to be appropriated for the fiscal year 1985 to carry out the following provisions of the Foreign Assistance Act of 1961:

(A) $222,000,000 to carry out chapter 2 of part II.

(B) $3,900,000 to carry out chapter 5 of part II.

(C) $640,600,000 to carry out chapter 4 of part II.

(3) Section 515(c)(1) of the Foreign Assistance Act of 1961 is amended by inserting "El Salvador, Honduras," immediately before "Indonesia,".

(b)(1) In addition to amounts otherwise available, the following amounts are authorized to be appropriated for the fiscal year 1985 to carry out the following provisions of the Foreign Assistance Act of 1961:

(A) $69,800,000 to carry out section 103.

(B) $15,000,000 to carry out section 104(b).

(C) $40,000,000 to carry out section 104(c).

(D) $64,000,000 to carry out section 105.

(E) $84,000,000 to carry out section 106.

(F) $6,016,000 to carry out section 667.

(G) $10,000,000 for purposes of the reserve fund established pursuant to section 223.

(2) The ceiling on the total principal amount of guarantees outstanding at any one time under title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is hereby increased by $40,000,000.

(c) In addition to amounts otherwise available, there are authorized to be appropriated $9,000,000 for the fiscal year 1985 to carry out the Peace Corps Act.

(d) In addition to amounts otherwise available, there are authorized to be appropriated $17,000,000 for the fiscal year 1985 for the United States Information Agency to carry out international information, educational, cultural, and exchange programs for Central America under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

(e) Amounts appropriated pursuant to this section are authorized to remain available until expended.

SUPPLEMENTAL AUTHORIZATIONS—CENTRAL AMERICA

SEC. 1002. (a) In addition to amounts otherwise available, the following amounts are authorized to be appropriated:

(1) To carry out the Foreign Assistance Act of 1961 with respect to Central America for the fiscal year 1984:

(A) $9,600,000 to carry out section 104(c).

(B) $5,000,000 to carry out section 105.

(C) $20,288,000 to carry out section 106.

(D) $119,750,000 to carry out chapter 4 of part II.

(E) $129,350,000 to carry out chapter 2 of part II.

(2) To carry out the purposes of the Peace Corps Act with respect to Central America $1,000,000 for the fiscal year 1984.

(b) Amounts appropriated pursuant to this section are authorized to remain available until expended.

CONDITIONS ON MILITARY ASSISTANCE AND FINANCING FOR EL SALVADOR

SEC. 1003. (a) The President shall ensure that military assistance and financing are furnished to El Salvador in a manner which fosters demonstrated progress toward the political development, economic development, and security of that country. To this end, the President in every appropriate instance shall impose conditions (in addition to those specified in subsection (d) of this section) on the furnishing of military assistance and financing to El Salvador in order to achieve those goals, including the objectives described in subsection (c) of this section.

(b) Not later than August 31, 1984, and not later than January 31, 1985, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a detailed report fully describing the policies of the Government of El Salvador for achieving political development, economic development, and conditions of security. This report shall also review comprehensively the factors contributing to the political, economic, and security situation in that country, including such factors as human rights, land reform, the economy of the country, refugees and displaced persons, the military situation, and guerrilla activity.

(c) The reports described in subsection (b) shall include the President's detailed assessment of the strengths and weaknesses of the policies of the Government of El Salvador in protecting and advancing the human rights, and in particular the right to security of person, of all persons in El Salvador during the period covered by the report with respect to each of the following objectives:

(1) An end to the involvement in or support for acts of unlawful violence, secret detention, abduction, torture, and murder by members of military, security, or police forces.

(2) The establishment of an effective judicial system, operating under fair and efficient procedures, in which those charged with crimes are brought to timely justice and private disputes and grievances are resolved on the basis of respect for the rule of law, free from the taint of corruption and intimidation, and in particular, the taking of necessary measures to investigate, and prosecute those responsible for, the murders of the four American churchwomen, two labor advisers, and other American citizens.

(3) Effective freedom of the press and freedom of association, including the enforcement of measures against intimidation of the press and labor and peasant union members and leaders.

(4) Participation by the Government of El Salvador in a dialogue with all major parties to the conflict in El Salvador, in good faith and without preconditions, for the purpose of achieving an equitable political solution, based upon free and fair elections and conditions which will assure the physical security of all participants before, during, and after those elections.

(5) Compliance by the Government of El Salvador with applicable rules of international law governing the conduct of armed conflict, and in particular those humanitarian principles for the protection of noncombatants.

(6) Full implementation of the land reform program, including the taking of necessary measures against illegal evictions and the furnishing of necessary credits, administrative support, technical assistance, and services to beneficiaries.

(d) Military assistance and financing may be provided for El Salvador for the fiscal year 1985 only as follows:

(1) If the President determines and states in the first report required by this section that the Government of El Salvador has made demonstrated progress in achieving the objectives described in subsection (c), up to one-half of the aggregate amount of military assistance and financing approved by the Congress for El Salvador may be provided after the end of the 30-day period beginning on the date on which the Congress receives that report.

(2) The remaining amounts of military assistance and financing approved by the Congress may be provided if the President determines and states in the second report required by this section that, since the first such report, the Government of El Salvador has made additional demonstrated progress in achieving the ojbectives described in subsection (c) unless, within 30 calendar days after receiving the second report, the Congress enacts a joint resolution stating in substance that the Congress disagrees with the President's determination.

(e) As used in this section, the term "military assistance and financing" means any funds obligated for assistance under chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961 and any foreign military sales financing provided under the Arms Export Control Act.

(f) It is the sense of the Congress that the total number of United States military advisers in El Salvador not exceed 55 unless the Congress is first consulted. For the purposes of this subsection, United States military advisers include all members of the United States Armed Forces performing training activities under the Foreign Assistance Act of 1961 or the Arms Export Control Act, but do not include members of the Armed Forces who are in El Salvador solely for the purpose of performing medical training or services.

CENTRAL RESERVE BANK OF EL SALVADOR

SEC. 1004. Prior to disbursing any assistance to the Government of El Salvador under chapter 4 of Part II of the Foreign Assistance Act of 1961 for economic stabilization purposes, the President shall be satisfied that the Central Reserve Bank of El Salvador has implemented or has taken appropriate steps toward implementing the major recommendations, as defined below, contained in the study entitled "Foreign Exchange: Policy and Management within the Central Reserve Bank of El Salvador" relating to management, allocation, and controls on the use of official foreign exchange. For purposes of this section such major recommendations are as follows:

(1) Further development, refinement, and application of objective and impartial criteria and procedures for the allocation of foreign exchange in relation to the needs of the economy of El Salvador. This shall consist of:

publishing periodic lists of those receiving foreign exchange;

publicizing foreign exchange allocation criteria; and

undertaking semi-annual audits by a United States public accounting firm to determine compliance with policy, criteria, and procedures.

(2) Adoption of measures to expedite the decision-process regarding allocation of foreign exchange in accordance with availabilities and established criteria. This shall consist of:

taking steps to complete the mechanization of the foreign exchange allocation process; and

refining the forecasting of foreign exchange availabilities to serve as a basis for foreign exchange approvals.

(3) Continued improvement in the capacity of the Central Reserve Bank's price verification unit to reduce the potential for over-valuation of imports and under-valuation of exports. This shall consits of:

increasing the price verification unit staff to at least ten and enhancing it;

having in palce qualified technical assistance to support the operations of the price verification unit;

having the unit regularly conduct statistically-significant random samples of all import transactions approved by the Bank; and

implementing a policy to levy sanctions against those who over-value imports.

MILITARY EXERCISES

SEC. 1005. For the fiscal years 1984 and 1985, the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days in advance of assigning or detailing members of the United States Armed Forces to, or otherwise introducing members of the United States Armed Forces into, any country in Central America for the purpose of commencing joint military exercises with the armed forces of any Central American country.

LIMITATIONS ON MILITARY ASSISTANCE FOR GUATEMALA

SEC. 1006. (a) For the fiscal years 1984 and 1985—

(1) funds may not be obligated for assistance for Guatemala under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961; and

(2) letters of offer may not be issued to and credits may not be extended and guaranties may not be issued for Guatemala under the Arms Export Control Act.

(b) The prohibitions contained in subsection (a) do not apply with respect to (1) sales of construction equipment and mobile medical facilities to assist in development programs that will directly assist the poor in Guatemala, (2) sales of training, to be provided outside of Guatemala, which is related to the sales described in clause (1), or (3) a total for both fiscal year 1984 and 1985 of no more than $10,000,000 in loans and loan guaranties under the Arms Export Control Act for sales described in clauses (1) and (2). The exceptions to the prohibition on military assistance and sales for Guatemala provided by this subsection are provided only to enable the military forces in that country to obtain equipment and training for civilian engineering and construction projects and mobile medical teams.

CENTRAL AMERICAN DEVELOPMENT ORGANIZATION

SEC. 1007. (a) The Congress finds that participation by Central American countries in an effective forum for dialogue on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American Development Organization; and

(2) the establishment of the Central American Development Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, progress on human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of human rights;

(ii) mobilization of resources and external assistance needs, and

(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on the recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress towards meeting such country objectives.

(F) For each fiscal year after that in which the President has completed negotiations and agreed to participate in the Organization, the disbursement of 25 percent of the economic assistance funds authorized by this title and allocated by the United States directly for each Central American country should be deferred until the United States and the Organization have both approved disbursement.

(G) The President should encourage other donors similarly to designate a percentage of their direct economic assistance for Central American countries for joint approval with the Organization.

(H) The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, or his designee, should be chairman of the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) Subject to subsection (d)(3), the President is authorized to participate in the Central American Development Organization.

(d)(1) The Administrator of the Agency for International Development, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of the proposal.

(2) To facilitate full congressional involvement in the establishment of the Central American Development Organization, the Chairman of the Committee on Foreign Affairs of the House of Representatives shall designate at least three members of that committee, and the Chairman of the Committee on Foreign Relations of the Senate shall designate at least three members of that committee, who shall be kept fully and currently informed by the executive branch of all negotiations or discussions with donor countries and recipient countries concerning the establishment of that Organization.

(3) The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement which he proposes to sign providing for the establishment of and United States participation in the Central American Development Organization no less than sixty days prior to his signature. The United States shall not par-

ticipate in the implementation of any such agreement for at least 60 days after such transmittal. During that 60-day period there shall be full and formal consultation with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act of 1961.

LAND REFORM PROGRAMS

SEC. 1008. Section 620(g) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following sentence: "This prohibition shall not apply to monetary assistance made available for use by a government or political subdivision or agency of such government to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States."

ADMINISTRATION OF JUSTICE

SEC. 1009. Chapter 4 of part II of the Foreign Assistance Act of 1961, as amended by sections 202 and 804 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 538. ADMINISTRATION OF JUSTICE.—(a) The President may furnish assistance under this chapter to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in Central American countries and the countries of the Caribbean. Assistance under this section may only include support for specialized professional training, scholarships, and exchanges for continuing legal education; programs to enhance prosecutorial and judicial capabilities (including judicial investigations and protection for participants in judical cases); strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform; increasing the availability of legal materials and publications; seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and human rights; and revision and modernization of legal codes and procedures.

"(b) Not more than $20,000,000 of the funds made available to carry out this chapter for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes. The President shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives not less than fifteen days in advance of obligating funds for programs or activities authorized by this section which were previously subject to section 660 of this Act.".

RURAL ELECTRIFICATION

SEC. 1010. It is the sense of the Congress that funds appropriated for the fiscal years 1984 and 1985 under section 103(a)(2) of the Foreign Assistance Act of 1961 should be used for a comprehensive rural electrification program in Central America in order to establish conditions of stability and a foundation for economic development.

TRADE CREDIT INSURANCE PROGRAM

SEC. 1011. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 224. TRADE CREDIT INSURANCE PROGRAM.—(a) In order to enable the Export-Import Bank of the United States (hereafter in this section referred to as the "Bank") to determine that there exists reasonable assurance of repayment as required under section 2(b)(1)(B) of the Export-Import Bank Act of 1945, the agency primarily responsible for administering part I of this Act (hereafter in this section referred to as the "Agency") is authorized to provide guarantees to the Bank for liabilities to be incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 for financing for transactions involving the export of goods and services for the use of the private sector in Central American countries.

"(b)(1) Guarantees provided by the Agency pursuant to the authority of subsection (a) shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance. Guarantees or insurance extended by the Bank and guaranteed by the Agency pursuant to subsection (a) shall be provided by the Bank in accordance with criteria and procedures agreed to by the Agency and the Bank. Such agreement shall also provide for the establishment of a reserve fund by the Agency, with such funds made available to the reserve as the Agency deems necessary to discharge liabilities under guarantees provided by the Agency pursuant to subsection (a).

"(2) The administrator of such agency shall transmit a copy of such agreement to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(c) The agency shall not enter into any commitments to guarantee under subsection (a) after September 30, 1989.

"(d) Of the funds authorized to be appropriated for chapter 4 of Part II of this Act, there are authorized to be made available such sums as may be deemed necessary by the Agency to discharge liabilities under guarantees entered into under subsection (a).

"(e) Commitments to guarantee under subsection (a) are authorized only to the extent and in the amounts provided in appropriations Acts, not to exceed $300,000,000 in the fiscal year 1985.

"(f) To the extent that any of the funds made available pursuant to subsection (d) are paid out for a claim arising out of liabilities guaranteed under subsection (a), amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund referred to in subsection (b), shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Agency to the Bank for guarantees under subsection (a).

"(g) Beginning on a date six months after the date of enactment of this section, and at intervals of six months thereafter, the administrator of the agency primarily responsible for administering part I of this Act and the President of the Export-Import Bank of the United States shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of credits during the preceding six-month period.

"(h) The Export-Import Bank shall provide without reimbursement such administrative and technical assistance to the Agency as the Bank and the Agency deem appropriate to assist the Agency in carrying out this section.".

EFFECTIVE DATE

SEC. 1012. This title shall take effect on the date of enactment of this Act.

Mr. BROOMFIELD (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The question is on the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 211, nays 208, not voting 14, as follows:

[Roll No. 142]

YEAS—211

Andrews (TX)	Frenzel	McEwen
Archer	Fuqua	McGrath
Badham	Gekas	McKernan
Barnard	Gilman	Mica
Bartlett	Gingrich	Michel
Bateman	Goodling	Miller (OH)
Bennett	Gradison	Minish
Bereuter	Gramm	Molinari
Bethune	Gregg	Mollohan
Bilirakis	Gunderson	Montgomery
Bliley	Hall, Ralph	Moore
Boehlert	Hall, Sam	Moorhead
Boner	Hammerschmidt	Morrison (WA)
Breaux	Hartnett	Murtha
Broomfield	Hatcher	Myers
Brown (CO)	Hightower	Nelson
Broyhill	Hiler	Nichols
Burton (IN)	Hillis	Nielson
Byron	Holt	O'Brien
Campbell	Hopkins	Ortiz
Carney	Horton	Oxley
Chandler	Hubbard	Packard
Chappell	Huckaby	Parris
Chappie	Hunter	Pashayan
Cheney	Hutto	Patman
Clinger	Hyde	Petri
Coats	Ireland	Pickle
Coleman (MO)	Jenkins	Porter
Coleman (TX)	Johnson	Pritchard
Conable	Kasich	Pursell
Corcoran	Kemp	Quillen
Coughlin	Kindness	Ray
Courter	Kramer	Regula
Craig	Lagomarsino	Ridge
Crane, Daniel	Latta	Rinaldo
Crane, Philip	Leath	Ritter
Daniel	Lent	Roberts
Dannemeyer	Levitas	Robinson
Darden	Lewis (CA)	Roemer
Daub	Lewis (FL)	Rogers
Davis	Livingston	Roth
de la Garza	Lloyd	Rowland
DeWine	Loeffler	Rudd
Dickinson	Lott	Sawyer
Dowdy	Lowery (CA)	Schaefer
Dreier	Lujan	Schulze
Duncan	Lungren	Sensenbrenner
Dyson	Mack	Shaw
Edwards (OK)	Madigan	Shelby
Emerson	Marlenee	Shumway
English	Marriott	Shuster
Erdreich	Martin (IL)	Siljander
Erlenborn	Martin (NC)	Sisisky
Evans (IA)	Martin (NY)	Skeen
Fiedler	McCain	Skelton
Fields	McCandless	Smith (NE)
Fish	McCollum	Smith (NJ)
Flippo	McCurdy	Smith, Denny
Franklin	McDade	Smith, Robert

Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Young (AK)
Young (FL)
Zschau

NAYS—208

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Biaggi
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Clarke
Clay
Coelho
Collins
Conte
Conyers
Cooper
Coyne
Crockett
D'Amours
Daschle
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (OH)
Hamilton
Harkin
Harrison
Hawkins
Hayes
Hefner
Heftel
Hertel
Howard
Hoyer
Hughes
Jacobs
Jeffords
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McKinney
McNulty
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Morrison (CT)
Mrazek
Murphy
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Patterson
Paul
Pease
Penny
Pepper
Perkins
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Rodino
Roe
Rose
Roukema
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yates
Yatron
Young (MO)

NOT VOTING—14

Andrews (NC)
Bevill
Boggs
Edwards (AL)
Ford (TN)
Hall (IN)
Hance
Hansen (ID)
Hansen (UT)
Jones (TN)
Kazen
Moody
Rostenkowski
Watkins

□ 1800

The Clerk announced the following pairs:

The vote follows:

Mr. Jones of Tennessee for, with Mrs. Boggs against.

Mr. Edwards of Alabama for, with Mr. Moody against.

Mr. DANIEL B. CRANE changed his vote from "nay" to "yea."

Mr. MURPHY changed his vote from "yea" to "nay."

So the amendment was agreed to.

The SPEAKER. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GUNDERSON. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GUNDERSON moves to recommit the bill, H.R. 5119, to the Committee on Foreign Affairs.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 211, nays 206, not voting 16, as follows:

[Roll No. 143]

YEAS—211

Ackerman
Addabbo
Andrews (TX)
Annunzio
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bennett
Bereuter
Berman
Bethune
Biaggi
Bilirakis
Bliley
Boehlert
Boner
Bonker
Borski
Breaux
Britt
Broomfield
Broyhill
Burton (IN)
Campbell
Carney
Carper
Chandler
Chappell
Cheney
Clinger
Coats
Coleman (TX)
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Daniel
Darden
de la Garza
Derrick
DeWine
Dickinson
Dowdy
Downey
Dreier
Duncan
Dymally
Edwards (OK)
Erdreich
Erlenborn
Fascell
Ferraro
Fiedler
Fish
Foglietta
Foley
Fowler
Franklin
Frenzel
Frost
Fuqua
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Gore
Gradison
Green
Gregg
Hall, Sam
Hamilton
Hatcher
Hiler
Hillis
Holt
Horton
Hoyer
Huckaby
Hunter
Hutto
Hyde
Ireland
Johnson
Kasich
Kemp
Kindness
Kostmayer
Kramer
Lagomarsino
Lantos
Leath
Lehman (FL)
Lent
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (NY)
Martinez
McCain
McCandless
McCollum
McCurdy
McDade
McGrath
McKernan
McKinney
Mica
Michel
Mikulski
Minish
Molinari
Montgomery
Moore
Morrison (WA)
Mrazek
Murtha
Myers
Nelson
O'Brien
Ortiz
Oxley
Packard
Parris
Pepper
Perkins
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Ray
Regula
Reid
Rinaldo
Ritter
Robinson
Roemer
Roukema
Rowland
Rudd
Sawyer
Schaefer
Schneider
Schulze
Schumer
Shaw
Siljander
Simon
Sisisky
Skeen
Skelton
Smith (FL)
Smith (NJ)
Snowe
Solarz
Solomon
Spratt
Stenholm
Stratton
Stump
Sundquist
Synar
Tauzin
Thomas (CA)
Thomas (GA)
Torricelli
Udall
Vander Jagt
Vandergriff
Vucanovich
Waxman
Weber
Whitehurst
Williams (OH)
Wilson
Winn
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—206

Albosta
Alexander
Anderson
Anthony
Applegate
Archer
Bates
Bedell
Beilenson
Boland
Bonior
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Brown (CO)
Bryant
Burton (CA)
Byron
Carr
Chappie
Clarke
Clay
Coelho
Coleman (MO)
Collins
Conyers
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Dannemeyer
Daschle
Daub
Davis
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Emerson
English
Evans (IA)
Evans (IL)
Fazio
Feighan
Fields
Flippo
Florio
Ford (MI)
Frank
Garcia
Gaydos
Gibbons
Glickman
Gonzalez
Goodling
Gramm
Gray
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hammerschmidt
Harkin
Harrison
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hopkins
Howard
Hubbard
Hughes
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
LaFalce
Latta
Leach
Lehman (CA)
Leland
Levin
Lloyd
Long (MD)
Lowry (WA)
Luken
Lundine
Markey
Martin (IL)
Martin (NC)
Matsui
Mavroules
Mazzoli
McCloskey
McEwen
McHugh
McNulty
Miller (CA)
Miller (OH)

Mineta	Richardson	St Germain
Mitchell	Ridge	Staggers
Moakley	Roberts	Stangeland
Mollohan	Rodino	Stark
Moorhead	Roe	Stokes
Morrison (CT)	Rogers	Studds
Murphy	Rose	Swift
Natcher	Roth	Tallon
Neal	Roybal	Tauke
Nichols	Russo	Taylor
Nielson	Sabo	Torres
Nowak	Savage	Towns
Oakar	Scheuer	Traxler
Oberstar	Schroeder	Valentine
Obey	Seiberling	Vento
Olin	Sensenbrenner	Volkmer
Ottinger	Shannon	Walgren
Owens	Sharp	Walker
Panetta	Shelby	Weaver
Pashayan	Shumway	Weiss
Patman	Shuster	Wheat
Patterson	Sikorski	Whitley
Paul	Slattery	Whittaker
Pease	Smith (IA)	Whitten
Penny	Smith (NE)	Williams (MT)
Petri	Smith, Denny	Wirth
Rahall	Smith, Robert	Wise
Rangel	Snyder	Yates
Ratchford	Spence	

NOT VOTING—16

Akaka	Hall (IN)	Kazen
Andrews (NC)	Hance	Moody
Bevill	Hansen (ID)	Rostenkowski
Boggs	Hansen (UT)	Watkins
Edwards (AL)	Hartnett	
Ford (TN)	Jones (TN)	

□ 1810

The Clerk announced the following pairs:

On this vote:

Mrs. Boggs for, with Mr. Jones of Tennessee against.

Mr. Ford of Tennessee for, with Mr. Moody against.

Ms. FERRARO and Messrs. MARTINEZ and COLEMAN of Texas changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1820

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5421, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1492, CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

Mr. FORD of Michigan. Mr. Speaker, in accordance with rule XX of the House rules and by direction of the Committee on Post Office and Civil Service, I move to take from the Speaker's table the bill (H.R. 1492) to establish the Christopher Columbus Quincentenary Jubilee Commission, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. FORD of Michigan moves to take from the Speaker's table the bill (H.R. 1492) to establish the Christopher Columbus Quincentenary Jubilee Commission, with an amendment from the Senate thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Mr. FORD of Michigan, Mr. GARCIA, Mrs. HALL of Indiana, Mr. TAYLOR, and Mr. COURTER.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL 5 P.M., FRIDAY, MAY 11, 1984, TO FILE A REPORT ON H.R. 5505, AMENDING WAR RISK INSURANCE PROVISIONS OF MERCHANT MARINE ACT, 1936

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be permitted to have until 5 p.m., Friday, May 11, 1984, to file a report on H.R. 5505, a bill to amend the war risk insurance provisions of the Merchant Marine Act, 1936.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GRANTING A FEDERAL CHARTER TO THE AMERICAN GOLD STAR MOTHERS, INC.

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 3811) to recognize the organization known as the American Gold Star Mothers, Inc., and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, I do so only for the purpose of insuring the opportunity for the gentleman from Tennessee (Mr. GORE), the sponsor of the bill, and others who may seek to be heard on the matter, the opportunity to say their piece.

Mr. Speaker, I would like to just suggest that I support the bill, the amendments en bloc. I think the timing of the matter is pertinent right before Mother's Day.

Mr. GORE. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. Further reserving the right to object, I yield to the gentleman from Tennessee.

Mr. GORE. I am truly appreciative of my colleague yielding me just this moment to comment on this bill.

Mr. Speaker, with Mother's Day approaching this weekend, it is truly an honor and it is with great pleasure to speak in favor of my bill, H.R. 3811, legislation to grant the American Gold Star Mothers, Inc., A Federal charter. For the brave women who make up this praiseworthy organization, congressional recognition, which is so richly deserved, would be an important symbol of their sacrifice.

As a Vietnam veteran, I feel particularly strongly about this legislation. The valuable work of the Gold Star Mothers in helping their families is well known among veterans. Last year while I was visiting in east Tennessee, Mrs. Charles McMillan of Corryton, Tenn., who is president of the Knoxville Chapter of the Gold Star Mothers, brought to my attention how important a Federal charter would be to the continued success of their organization. It was after my conversation with Mrs. McMillan that I introduced this bill.

American Gold Star Mothers, Inc., is an organization of mothers whose sons or daughters served and died in the line of duty in the Armed Forces in World War I, World War II, the Korean conflict, Vietnam, and other strategic areas, or died as a result of injuries received in that service.

First organized June 4, 1928, as a group of 25 mothers residing in the Washington, D.C., area, the objectives of this organization are: To keep alive and develop the spirit that promoted world service; to maintain the ties of fellowship born of that service and to assist and further all patriotic works; to inculcate a sense of individual obligation to the community, State, and Nation; to assist veterans and their dependents whenever possible; to aid men and women who were wounded or incapacitated; to perpetuate the memory of those whose lives were lost; to extend needed assistance to all Gold Star Mothers; and to maintain true allegiance to the United States of America.

Since its humble beginning in 1928, the Gold Star Mothers have helped many thousands of American families to overcome the grief from the loss of a son or daughter. Today, their selfless effort continues and they have expanded their role, helping with the needs of the servicemen and women who did make it back after the war, but who are hospitalized in one of the many Veterans Administration hospitals throughout the country.

It is apparent that after 55 years of public service this organization is a resource truly deserving our recognition.

I strongly believe that granting a national charter would be the appropriate action for us to take to acknowledge and to assist them in their continued work.

Mr. Speaker, I want to sincerely thank the chairman of the subcommittee, the gentleman from Texas (Mr. SAM B. HALL, JR.), the ranking member, the gentleman from Ohio (Mr. KINDNESS), and all the members of the Committee on the Judiciary for favorable consideration on this.

I would ask my colleagues here, just a few days before Mother's Day, to give unanimous approval to this legislation.

Mr. KINDNESS. I commend the gentleman for having sponsored and authored the bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. Further reserving the right to object, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. I thank the gentleman for yielding. Mr. Speaker, as a cosponsor of this measure, I rise in strong support of this bill, which would grant the American Gold Star Mothers organization a long overdue Federal charter. Many women across this country have sacrificed their loved ones for the cause of freedom. Recognizing this organization just prior to Mother's Day is highly appropriate, and gives this body the opportunity to recognize the sacrifices and fine achievements of all of our Gold Star Mothers.

As we consider this measure, Mr. Speaker, I would like to take this opportunity to inform my colleagues of the history of this important group, and why today's legislation is so long overdue. The history of American Gold Star Mothers follows:

On June 4, 1928, a group of twenty-five mothers residing in Washington, District of Columbia, met to make plans to organize a national organization to be known as American Gold Star Mothers, Inc., a non-denominational, non-profitable and non-political organization. On January 5, 1929, the organization was incorporated under the laws of the District of Columbia.

The Charter was kept open for ninety days. At the end of this time they had a membership of sixty-five, which included mothers throughout the United States; North, South, East and West. There were many small groups of Gold Star Mothers functioning under local and state Charters. When these groups learned of a national organization with representation in nearly every State in the Union they wished to affiliate with the larger group and many did so. This group was composed of women who had lost a son or daughter in World War I.

During the 1941 National Convention, the membership was opened to mothers who had lost a son or daughter in World War II and was again opened after the Korean Conflict. Membership in American Gold Star Mothers, Inc., is by Chapter only and the Chapters are organized into Departments within the State or States. Chapters and Departments in the United States and its Territorial and Insular possessions are Chartered by the National Executive Board. The only exception is the Grace Darling Seibold Chapter in Washington, D.C., which shall, at all times, be directly under the jurisdiction of the National Executive Board.

American Gold Star Mothers, Inc. is registered in the United States Patent Office, Legislative Branch of the United States Congressional Library and the United States World Book Almanac. All official records of the World Wars have been placed in the Archives of the United States Congressional Library for perpetual care. We are not connected in any way with any other group.

The objects of this Organization are to keep alive and develop the spirit that promoted world service, to maintain the ties of fellowship born of that service and to assist and further all patriotic works, to inculcate a sense of individual obligation to the Community, State and Nation, to assist veterans and their dependents whenever possible and to aid, in any way in our power, men and women who were wounded or incapacitated, to perpetuate the memory of those whose lives were sacrificed, to extend needful assistance to all Gold Star Mothers and to maintain true allegiance to the United States of America. This is an organization of mothers whose sons or daughters served and died that this world might be a better place in which to live.

Natural Mothers, who are citizens of the United States of America or of the Territorial and Insular Possessions of the United States of America, whose sons and daughters served and died in line of duty in the Armed Forces of the United States of America or its allies, or died as a result of injuries sustained in such service, are eligible for membership in American Gold Star Mothers, Inc. Adoptive Mothers and Stepmothers, who reared the child from the age of five years whose natural mother is deceased, are also eligible under the above conditions.

The minimum membership of a new Chapter shall be ten eligible members. Departments are composed of Chapters within their respective States or such other Chapters as the National Executive Board shall approve.

There are no honorary members and no memberships at large. Husbands of a member may be enrolled as an Associate Member, paying no dues, holding no office nor having a vote. There is no form or class of membership except an active membership and dues are paid annually.

A National Convention is held annually at a time and place decided by the preceding convention; or, in the event such time and place is not voted by the National Convention, then it shall be decided by the National Executive Board. The purpose of the National Convention is to elect officers for the ensuing year and to transact any and all business as may properly come before it.

American Gold Star Mothers, Inc. is a member of the Advisory Board of the Veterans Administration Voluntary Service and the almost 700 Chapters of American Gold Star Mothers throughout the United States of America give many hours of volunteer work and personal service in all Hospitals for Veterans and to the veteran and his family in their community. The organization is also a member of Womens Forum on National Security, Conference on Citizenship and works closely with all Veteran's Organizations.

During the early days of World War I, a Blue Star was used to represent each person, man or woman in the Military Service of the United States. As the war progressed and men were killed in combat, others wounded and died of their wounds or disease, there came about the accepted usage of the Gold Star. This Gold Star was substituted and superimposed upon the Blue Star in such a manner as to entirely cover it. The idea of the Gold Star was that the honor and glory accorded the person for his supreme sacrifice in offering for his Country, the last full measure of devotion and pride of the family in this sacrifice, rather than the sense of personal loss which would be presented by the mourning symbols.

Often the question has been asked: "Who is a Gold Star Mother?" This was answered in two letters which were written to and answered by our late World War I President, Woodrow Wilson. These letters were published in the New York Times, copies of which may be found in the files of the Congressional Library.

GOLD STAR AS MOURNING

CHICAGO MOVEMENT TO ABOLISH BLACK GARB OF DEATH OF SOLDIERS

CHICAGO, Nov. 12, 1917.—A movement was begun here today for the substitution for the black garb of mourning, such as a Gold Star in memory of American soldier dead. The glory of death should be emphasized rather than its sadness. "The psychological effect of multitudes in mourning is not good. Soldiers do not like it and Germany forbids it."

In the New York Times of Sunday, May 26, 1918, there appeared this article.

* * * * *

"Whereas the American mother is doing so much for the home and for the moral and spiritual uplift of the people of the United States and hence so much for good government and humanity; and

"Whereas the American Gold Star Mothers suffered the supreme sacrifice of motherhood in the loss of their sons and daughters in World Wars"; and

"Whereas the said Public Resolution 123 provides:

"That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag and to hold appropriate meetings in their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow and reverence of the people of the United States for the American Gold Star Mothers."

"Sec. 2. That the last Sunday in September shall hereafter be designated and known as "Gold Star Mother's Day," and it shall be the duty of the President to request its observance as provided for in this resolution."

AS PROCLAIMED BY FRANKLIN D. ROOSEVELT, SEPTEMBER 14, 1940

The American Gold Star Home has been established for the purpose of furnishing a home for members in good standing of American Gold Star Mothers, Inc. It is located at Sante Fe and Spring Streets, Long Beach, California on 93 acres on which is located 1,000 apartment units. Each Mother or Mother and Dad is housed in an individual three or four room apartment. All members in good standing in the American Gold Star Mothers, Inc., and their husbands (who

are associate members) may apply through their local Chapter for residency in the home.

A shopping center is located near the home and bus transportation to downtown Long Beach is convenient. Churches of many denominations are nearby. On the premises is a centrally located recreation hall with a social director in charge to assist Gold Star parents with problems and to organize activities. There are also provided a library, craft room with sewing machines, a lounge and kitchen. Outdoor activities such as shuffleboard, horseshoe pitching and croquet, are also provided.

From this small beginning of twenty-five members, membership has grown until there are now over 21,000 members in nearly every State in the United States. A publication "The Gold Star Mother" is sent to each member every month. This publication consists of pictures and items of interest to the members and is published in Washington, D.C. National Headquarters is located at 2128 Leroy Place, N.W., Washington, D.C. 20008.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, I want to join in the congratulations to the subcommittee and to the Committee on the Judiciary for the timely reporting of this bill. It is very important legislation, and it certainly is reaching the floor at an appropriate time and I urge in joining Members to support it.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. Further reserving the right to object, I yield to the gentleman from Nebraska.

Mr. DAUB. I thank the gentleman for yielding.

Mr. Speaker, I would just take a moment to join in support, as our other colleagues have, of this worthwhile proposition. We have, indeed, a very fine chapter in my own district in Nebraska of Gold Star Mothers, and it is indeed a most propitious occasion for this to pass the House.

Mr. KINDNESS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OBERSTAR). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. American Gold Star Mothers, Incorporated, organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. American Gold Star Mothers, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corpoation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise in any political activity or in any manner attempt to influence legislation.

(d) The corporations shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporation under the laws of the State or States wherein it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) American Gold Star Mothers, Incorporated".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

AMENDMENTS OFFERED BY MR. SAM B. HALL, JR.

Mr. SAM B. HALL, JR. Mr. Speaker, I offer four amendments and I ask unanimous consent that they be considered en bloc.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. SAM B. HALL, JR.: Page 2, line 7, after "incorporation" insert the following: "and shall include a continuing commitment, on a national basis, to—

"(a) keep alive and develop the spirit that promoted world services;

"(b) maintain the ties of fellowship born of that service, and to assist and further all patriotic work;

"(c) inculcate a sense of individual obligation to the community, State, and Nation;

"(d) assist veterans of World War I, World War II, the Korean Conflict, Vietnam, and other strategic areas and their dependents in the presentation of claims to the Veterans' Administration, and to aid in any way in their power the men and women who

served and died or were wounded or incapacitated during hostilities;

"(e) perpetuate the memory of those whose lives were sacrificed in our wars;

"(f) maintain true allegiance to the United States of America;

"(g) inculcate lessons of patriotism and love of country in the communities in which we live;

"(h) inspire respect for the Stars and Stripes in the youth of America;

"(i) extend needful assistance to all Gold Star Mothers and, when possible, to their descendants; and

"(j) to promote peace and good will for the United States and all other Nations".

Page 2, line 15, after "shall" insert ", except as provided in this Act,".

Page 2, line 16, after the first "the" insert "constitution and".

Page 2, line 16, after "corporation" insert ", and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin".

Page 3, line 14, delete all of subsection (c) and redesignate following subsections accordingly.

Page 4, line 24, strike "(60)", and insert in lieu thereof, "(63)".

Mr. SAM B. HALL, JR. (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1830

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2413) to recognize the organization known as the American Gold Star Mothers, Inc.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. American Gold Star Mothers, Incorporated, organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. American Gold Star Mothers, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(a) keep alive and develop the spirit that promoted world services;

(b) maintain the ties of fellowship born of that service, and to assist and further all patriotic work;

(c) inculcate a sense of individual obligation to the community, State, and Nation;

(d) assist veterans of World War I, World War II, the Korean Conflict, Vietnam, and other strategic areas and their dependents in the presentation of claims to the Veterans' Administration, and to aid in any way in their power the men and women who served and died or were wounded or incapacitated during hostilities;

(e) perpetuate the memory of those whose lives were sacrificed in our wars;

(f) maintain true allegiance to the United States of America;

(g) inculcate lessons of patriotism and love of country in the communities in which we live;

(h) inspire respect for the Stars and Stripes in the youth of America;

(i) extend needful assistance to all Gold Star Mothers and, when possible, to their descendants; and

(j) to promote peace and good will for the United States and all other Nations.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(62) American Gold Star Mothers, Incorporated".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

MOTION OFFERED BY MR. SAM B. HALL, JR.

Mr. SAM B. HALL, JR. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SAM B. HALL, JR., moves to strike all after the enacting clause of the Senate bill, S. 2413, and to insert in lieu thereof the provisions of the bill, H.R. 3111, as passed as follows:

CHARTER

SECTION 1. American Gold Star Mothers, Incorporated, organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. American Gold Star Mothers, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organized shall be those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(a) keep alive and develop the spirit that promoted world services;

(b) maintain the ties of fellowship born of that service, and to assist and further all patriotic work;

(c) inculcate a sense of individual obligation to the community, State, and Nation;

(d) assist veterans of World War I, World War II, the Korean Conflict, Vietnam, and other strategic areas and their dependents in the presentation of claims to the Veterans' Administration, and to aid in any way in their power the men and women who served and died or were wounded or incapacitated during hostilities;

(e) perpetuate the memory of those whose lives were sacrificed in our wars;

(f) maintain true allegiance to the United States of America;

(g) inculcate lessons of patriotism and love of country in the communities in which we live;

(h) inspire respect for the Stars and Stripes in the youth of America;

(i) extend needful assistance to all Gold Star Mothers and, when possible, to their descendants; and

(j) to promote peace and good will for the United States and all other Nations.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act be as provided in the constitution and bylaws of the corporation, and terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTION

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(e) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

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SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

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SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

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SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3811) was laid on the table.

REPORT ON RESOLUTION DIRECTING THE PRESIDENT TO FURNISH CERTAIN INFORMATION CONCERNING HOSTILITIES IN CENTRAL AMERICA

Mr. BEILENSON, from the Permanent Select Committee on Intelligence, submitted a privileged report (Rept. No. 98-742, Part I) on the resolution (H. Res. 484) directing the President to furnish certain information to the House of Representatives concerning U.S. military involvement in hostilities in Central America, which was ordered printed.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have asked for this time for the purpose of receiving the schedule for the balance of the day, if any, and of receiving the schedule for next week.

For that purpose, Mr. Speaker, I am pleased to yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, I thank my friend, the gentleman from Mississippi, for yielding.

The legislative business for the week has been concluded, and upon our adjournment today we will adjourn to meet on Monday. There will be no session tomorrow.

One thing that needs noting is the change of hours of meeting which takes place on or about May 15 each year. Next week being the week of May 14, the hours at which the House is scheduled to convene will change. We will convene at 12 o'clock on Mondays and Tuesdays and at 10 o'clock a.m. on Wednesday's, Thursdays, and Fridays, if Friday sessions are necessary, and in some cases I expect they will be.

On Monday, there will be two District day bills, as follows:

H.R. 5308, Federal Payment Authorization; and

H.R. 4810, Department of Transportation Study of Mass Transit to Dulles Airport.

Following that, eight bills under suspension of the rules will be considered, and those eight bills are as follows:

H.R. 5335, small business development centers;

H.R. 5404, William Gianelli's continued service on the Panama Canal Commission Supervisory Board;

H.R. 89, Puerto Rico passenger service;

H.R. 5505, war risk insurance;

H.R. 5371, authorizations for the U.S. Mint, fiscal year 1985;

H.R. 4821, Single Audit Act of 1984;

H.R. 1244, Federal Capital Investment Act of 1984; and

H.R. 4193, School Facilities Child Care Act.

Votes on those bills will be postponed until Tuesday, at which time we have one other bill on the suspension calendar, that bill being H.R. 5345, the Equal Access Act. That bill will be debated on Tuesday. Then recorded votes demanded on suspensions debated on Monday, as well as a recorded vote expected on that suspension debated Tuesday, will be taken.

Following that, we expect to adopt the rule which calls for 3 hours of general debate on H.R. 5167, the Defense Department Authorization Act, and we will conclude those 3 hours of general debate on Wednesday.

We do not expect to proceed into the consideration of amendments on Tuesday but expect to take them up on Wednesday. We do not expect to conclude any action on any amendment or have any vote on amendments to the Defense Department bill on Tuesday, but, rather, we will begin Wednesday at 10 a.m.

We would recess until 11 on Wednesday, and reconvene in a joint meeting to receive His Excellency Miguel de la Madrid, President of the United Mexican States. we will then resume consideration of the Defense Department authorizations, and we hope to complete consideration of that bill Thursday or possibly Friday.

Mr. LOTT. Mr. Speaker, I have only one question, and the gentleman touched on it briefly.

We would be in session on Friday only if we do not finish the Department of Defense authorization bill, but if it is finished on Thursday, we would go out on Thursday; is that correct?

Mr. WRIGHT. Mr. Speaker, the gentleman is correct. If that bill is finished on Thursday, we see no need for a Friday session. We hope we would finish it on Thursday. We would be able to devote 2 full days, absent the time consumed in hearing the President of Mexico, 2 days beginning at 10 a.m. for the consideration of amendments, and under those circumstances, it seems logical that we ought to complete the bill by adjournment time on Thursday.

Mr. LOTT. Mr. Speaker, I would like to emphasize again, as the distinguished majority leader pointed out at the beginning, that beginning next week we will be coming in at 10 o'clock on Wednesdays, Thursdays, and Fridays, if we are in session on Fridays.

Mr. WRIGHT. The gentleman is exactly correct.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding, and I will ask a question through the gentleman of the majority leader.

Is my understanding correct that the suspension votes on Tuesday would come after the Equal Access Act or could be arranged as such to accommodate those of us who have primary elections on Tuesday?

Mr. LOTT. I will yield to the majority leader for a response.

Mr. WRIGHT. Yes, definitely. The hope is that by putting off all votes on Monday until Tuesday and by first taking the debate on the motion to suspend the rules on the equal access bill, we would provide a little more time for Members to get back in. It would be after the debate had been concluded on that bill that we would take up the vote on that bill, as well as any votes demanded on the previous day on bills considered under suspension of the rules.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I have just a brief question.

The gentleman mentioned that we are going to have 3 hours of general debate on the Defense Department authorization bill provided for in the rule. Is the rule also contemplated to be an open rule with regard to any amendments?

Mr. WRIGHT. Yes. It is an open rule.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Speaker, I want to thank the majority leader for the schedule on Tuesday, noting that Nebraska, with its primary next Tuesday, takes on extraordinary significance this particular year, and we do appreciate the postponement of suspension votes.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, the State of Nebraska has extraordinary significance every year, but particularly this year.

Mr. DAUB. The gentleman has been most generous, and I thank him.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I just want to take a brief moment—and I hope it does not embarrass the majority leader—just to thank him, not so much for the vote but for his leadership and for that eloquent speech he gave on behalf of democracy and human rights and justice in Central America.

I again say this, and with great respect for those who differed with us: The majority leader gave a great speech, a good speech, in the tradition of those great members of this party for whom all Americans have great respect, and I just personally wanted to rise and say thanks to him. It certainly lends evidence of the bipartisan nature of the great tradition of the U.S. House of Representatives, and on behalf of a grateful public, I just wanted to personally express my thanks to him.

Mr. WRIGHT. Mr. Speaker, will my friend, the gentleman from Mississippi, yield?

Mr. LOTT. I would be happy to yield for a response to that.

Mr. WRIGHT. I consider praise from KEMP to be praise from Caesar, and praise indeed. Someone has observed that there are just two kinds of people in the whole world who appreciate flattery, and they are men and women.

As Margaret Truman Daniel said of her late father, "I reckon as how I am modest, but I'm not fanatical about it."

So, Mr. Speaker, I thank the gentleman.

Mr. LOTT. Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, MAY 14, 1984

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SOCIAL SECURITY AGREEMENT BETWEEN THE UNITED STATES AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-220)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see Proceedings of the House of today, Thursday, May 10, 1984.)

□ 1840

THE INTEGRITY OF THE CONGRESSIONAL RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, the laws of the United States make it a felony for any Federal employee charged with maintaining records to make any false entry in those records with the intent of deceiving, misleading, injuring or defrauding. There is a major exception to that law, however, the U.S. House of Representatives.

Furthermore, it is a felonious crime for any person having custody of a public document to conceal it, mutilate it, obliterate it, falsify it or destroy it. Again there is a major exception to the law, those persons employed by the U.S. House of Representatives.

Furthermore, it is a felony to make false, fictitious or fraudulent statements or representations in any manner within the jurisdiction of any department of the United States, but again there is an exception, the U.S. House of Representatives.

The ultimate arrogance of power is to make laws for others, but ignore those laws yourself. That is precisely what is happening in Congress. Congress has recognized that public documents must be protected from malicious tampering, but it has shown a willingness to see its own records altered without prosecuting guilty parties and has even begun to use tampering as a way to achieve political goals or cover up political indiscretions.

Three incidents discovered in 1983 illustrate the problem that I am talking about. In one, more than 100 changes were found, most of them significant or many of them significant and they turned up in a published transcript of what had been a highly charged political hearing involving the Environmental Protection Agency.

In some cases statements of Members of Congress were actually changed to say the opposite of what had actually been said at the hearing.

In another case, the Education and Labor Committee made technical changes in an education bill after it had been approved by the panel members and those technical changes which in our parlance around here are supposed to mean minor changes to a bill, those technical changes resulted in a $1.3 billion addition to the spending that was within the bill.

□ 1850

In another instance the House Intelligence Committee released a report on Soviet influence in the nuclear freeze movement. But in that report they omitted references in a supporting document that was included along with the report that named Members of Congress who were identified in that report as being associated with an alleged Communist front group.

Are such cases of wrongdoing important to the survival of democracy? Republican leader in the House, ROBERT MICHEL of Illinois, thought so on June 29, 1983, when he argued in favor of a full investigation of the altered transcript of the EPA hearing.

Mr. MICHEL pleaded with the House to act, and I quote:

> What is at issue here is the integrity of the House. This House lives and breathes through its RECORD. The history of our Republic is written in good part on what is said, what is done here, and how it is recorded.
>
> Our records are the heart of our legislative process, our records are the foundation on which courts and the Executive Branch administer and interpret our laws. In George Orwell's 1984 the record of the past was systematically distorted to suit the wishes of Big Brother. Inconvenient facts were sent down the memory hall. Have we come to a time when similar practices are occurring in this body?
>
> I cannot yet answer that question, but the fact that there is reason to ask it is reason for extraordinary action here today. We are not dealing with revisions or extensions of remarks and we are not dealing with grammatical corrections here. We are dealing with deliberate, surreptitious and repugnant acts designed to discredit specific members of the minority party.

The specific matter that brought Mr. MICHEL's plea is the prime example of how House records can be deliberately finagled and the perpetrator or perpetrators of the act can walk away as though they had done nothing wrong.

Labeled "Altergate" by some Capitol Hill observers, the incident involved at least one majority committee staffer who deliberately changed the remarks of minority Members of Congress in order to produce a record of a controversial hearing markedly different from what really took place.

Some viewed the whole thing as some minor transgression, or even as some kind of bad practical joke. But in reality, because of reprinting costs, once the wrongdoing was discovered and the cost of investigating the incident after the wrongdoing was discovered, the taxpayer ended up paying tens of thousands of dollars, perhaps hundreds of thousands of dollars to deal with Altergate, and in the end the American people received very little satisfaction about the willingness of the Congress to deal stringently with the culprits.

Altergate, the episode began with the discovery by an alert minority counsel at the Science and Technology Committee of some changes that had been made in remarks of mine. In going through the published record he found things that I was quoted as saying which he knew had not been said at the hearing. At the point that he discovered that I went to the committee chairman, DON FUQUA, and Chairman FUQUA immediately acted. He realized the seriousness of what I had presented to him. He immediately acted and ordered a majority staff investigation of that particular hearing record.

The majority staff put together a comprehensive document which looked at the details of that hearing. What they found and what they put together was a paper showing over 100 changes that ranged from major to minor, but also included some things which were just absolutely horrendous.

An article which appeared in U.S. News & World Report some weeks later indicated the kinds of things that were changed in those hearing records. In some cases members of the minority had made references to what the majority party was doing in those hearings. The way in which the hearing transcript came out it looked like minority members were making those charges against their own minority party.

In my own case I had made a statement at one point in which I said that the other members of the other party knew that I was willing to take part in fair hearings. The way the transcript came out it said that they knew that I was unwilling to take part in fair hearings.

In other words, there was a deliberate attempt to markedly distort that particular record.

The majority party, the Democrats, certainly realized upon the release of that document that they had a major problem on their hands. But then the old boy network began to set in and it went to work. The issue then became how do we deal with this problem with the least amount of damage and with a minimal amount of publicity.

The Democratic leadership, including the affected committee chairmen, decided that the matter should go to the Ethics Committee. That was the

way that they decided that this whole thing should be handled.

Now, a number of us said at that point that the matter ought to go to a special committee and we began trying to persuade people that that was the way to go. We began talking, for instance, to the ranking Republicans on the various committees involved saying that the best course was to have full and open investigations in a select committee.

At least we had agreement among the leadership, and the minority leader, BOB MICHEL, made it clear that Republicans were going to demand an independent, open investigation. We went to the floor of the House with our case for that open inquiry. But the majority leader, Mr. WRIGHT, argued for the Ethics Committee route.

We eventually passed a resolution in the body which sent the matter to the Ethics Committee, rather than having a special investigation. The Ethics Committee, I must say, did a thorough job of looking into the incident. But, of course, it was all done behind the scenes and it must be said that what they did was drastically limit the scope of the investigation.

We had felt that there were other incidents, some of which I detailed just earlier, that ought to be looked into. The Ethics Committee decided they would narrowly look at this one case only within the limited scope of whether or not some staff member had engaged in something that was wrong here. That first decision about the scope of the inquiry was that they would cover only what they termed unauthorized changes in committee documents, meaning that only those things which no Member of Congress had approved would be the things that would be covered.

In the course of their investigation they found one staff member, Lester Brown of the Government Operations Subcommittee, who admitted to making some of the changes in the EPA record. The committee ultimately decided that Brown was the only culprit and he was permitted to resign his committee job with no disciplinary action being allowed because disciplinary action was not available to the Ethics Committee once this staff member had resigned.

And this created, it seemed to me, a real integrity problem which I tried to outline when I testified before the Ethics Committee on the matter. At that point I said, "There are some who have viewed this as some minor transgression or as some kind of bad practical joke. But, in reality, it has cost the taxpayers of this country tens of thousands of dollars if not hundreds of thousands. And that is neither minor, nor is it a joke on the American Taxpayer."

Because of the seriousness of this action, I and a number of other Members requested the Attorney General of the United States to make an investigation to determine if there were grounds for criminal action against the person, or persons, responsible for the unauthorized alterations, and also to determine if the Government could proceed in some manner to recover the costs associated with those actions. I feel very strongly that if we had a situation in which we knew that some Government employee had defrauded the United States out of that kind of money, or if we knew that some employee had filed false claims against the Government for tens of thousands of dollars, we would immediately move to insure that the funds were recovered, and the individual was prosecuted to the fullest extent of the law.

But I understand that there may be some problem in any prosecution in this case because of the fact that all of the individuals involved in this matter have turned over to this committee all of the materials which they had concerning those unauthorized alterations. As a result, this committee now has virtually all of the evidence which would be required for a successful prosecution.

Under the rules of the House this committee only has jurisdiction over the actions of current Members, officers and employees of the House. It appears that because the individual who has been identified in the newspapers as the responsible party is no longer an employee of the House that this committee has no jurisdiction over him.

Now it is possible that this individual may escape the consequences of his actions because his employment has been terminated. I think that this would be a tragic ending to a episode which has shaken public faith and trust in this honorable institution. No matter what the final result of this investigation may be, and no matter what changes the House determines should be made in the rules of the House to safeguard us in the future, I feel very strongly that any individual who so outrageously abuses the trust of the House should face the full consequences of his actions.

Therefore, I am here today to request this committee to make available to the Department of Justice any and all materials in the committee files which would be germaine to their investigation into possible criminal prosecution, or a civil action for recovery, in this matter.

□ 1900

I know that there are some who have indicated they see constitutional issues involved here. As I indicated earlier, I am not a lawyer, but it does not take a constitutional scholar to see that these arguments cannot be supported.

The first argument I have been told is based upon the speech and debate clause of the Constitution. That clause is a protection for individual Members of Congress to insure that they will be free to engage in full and open debate on controversial issues.

How can anyone possibly attempt to claim that the protection which belongs to each individual Member to speak freely can be twisted in some way to protect some staff member who acts to change what a Member of Congress actually said.

The second issue revolves around the separation of powers clause. This is an issue which is not so lightly dismissed. It is one which many Members of Congress can understand and feel strongly about. It is one which I think is not applicable in that matter.

Normally, I would feel that the executive branch of Government has no business questioning any Member of Congress or any of our officers and staff for the performance of their official duties, but that is not the case here.

I cannot believe that any Member of Congress could possibly argue that altering another Member's word so as to discredit him is possibly within the official duties of anyone within the legislative branch. There is no way that I can see a possibility that these actions can be defended or protected as proper performance of duties within the scope of the individual's employment by the legislative branch.

What we have here is clearly an independent act or series of acts which were undertaken by an individual with no possible coloration of acting within the scope of his duties. We would not allow some staff member to commit murder, or to sell defense secrets, or to do other criminal acts within these Halls with impunity.

So why should we suddenly find some reason to cloak this person or persons with some form of congressional immunity? I see this entire episode as an assault upon the honor of the House and upon the honor of the individual Members of Congress who are wrong.

We must send a message to each and every person who is selected to serve this great institution that the standards for service here are very high, that the ethical standard against which each Member of Congress, each officer of the House of Representatives, and each individual on the staff is strict and unyielding.

We have all seen episodes in recent years in which Members and staff people who did not meet those high standards have brought disgrace upon this House. In those cases, there has been no question that the actions for which they were tried and convicted were clearly outside the scope of constitutional protection.

I submit to you today there is no difference in the present case. And I must say the Ethics Committee agreed with that argument. In their final report on the Altergate matter, the committee wrote and I quote from the committee document:

The committee is willing to make available to the appropriate Justice Department officials such information and documentation regarding this case as may be appropriate for their investigation of possible criminal activity in a manner consistent with the Rules of the House and the need to protect the House of Representatives under the speech or debate clause of the Constitution.

The problem is that as soon as the committee document came out, we began hearing a lot about constitutional roadblocks. Those were thrown up by many of the officers of the House primarily, quoted publicly, the Speaker and his staff.

For an example, an FBI investigator came to the Hill, and began to look at committee documents. But the Justice Department quickly backed off when they were told by the Speaker's office that there were constitutional separation of powers issues and that there should be no Justice Department personnel up here investigating the House of Representatives.

Later, the Justice Department backed out of the case completely. They told me when they did that they were convinced that they would have great difficulty prosecuting the case, in large part, it seemed to me because they had not gotten the information they needed to go full bore on the case.

That leaves us with a most troublesome aftermath. Despite the clarity of Federal law, it appears that congressional staff may doctor records with impunity, facing as the only consequence, if caught, the probability of having to resign one's job, but even there, not necessarily with any kind of malfeasance being noted.

What does that say to people who want to believe the committee records of Congress are trustworthy? It says, at the very least, the Congress does not hold the integrity of its own records in enough esteem to go to any serious lengths to protect them.

The press commentary on the Altergate incident and its aftermath reflect that judgment. The Washington Times editorialized:

The affair of the altered hearing transcripts could devastatingly reflect on the fundamental integrity of the House of Representatives.

The newspaper USA Today recognized the seriousness of the crimes involved. They said:

Altergate appears to be a violation of law—the altering and falsifying of government documents. It certainly is a partisan political effort to alter legislative history.

The Washington Post wrote:

The accuracy of official congressional documents cannot be overemphasized. Because they are the basis for understanding the legislative process, provide guidance for the executive branch in implementing the law and are often the cornerstone of judicial opinions interpreting the intent of lawmakers, their accuracy is essential to the workings of all three branches of government.

The question that remained at the end of the Altergate episode was whether Congress regarded the record it keeps being as important as those outside Congress know that they are.

That question arose because Altergate was not the only committee record scandal brewing in Congress in 1983. Altergate showed that a staff member tried to use committee documents to gain political advantage, but another incident in the Education and Labor Committee had the committee chairman singlehandedly rewriting a piece of legislation after it had been reported out of his committee.

I am going to go into that incident in just a moment. But I do want to take note of something that is evidently happening right now which is a change of procedure here. It is my understanding that as I deliver this special order this evening, the cameras are panning this Chamber, demonstrating that there is no one here in the Chamber to listen to these remarks.

That is evidently the work of a change in the pattern of rules around here. It is one more example of how this body is run; the kind of arrogance of power that the Members are given that kind of change with absolutely no warning.

I see the gentleman from California (Mr. COELHO) was standing in the back of the Chamber just a moment ago. Mr. COELHO has talked in recent weeks about shutting off these special orders and not allowing them to even be seen in the countryside. And he stands in the back of the Chamber now smiling.

I have to feel that perhaps he is getting worried that some of the things that are being said in this Chamber in these special orders are in fact influencing people out across the country to think that this body is something less than what the American people think it ought to be.

I yield to the gentleman from New York.

Mr. MARTIN of New York. It is most interesting as I was in my office as many of the Members are from time to time, observing the proceedings of the House and I noticed this new procedure, and I was aware of the question that has been brought up about the televising of the events of the House of Representatives and I became aware immediately that something was different.

I did not know if the camera had gone awry or not. It is particularly interesting that the gentleman is giving a special order here today, speaking to the abuses of the majority of this House, the Democratic Party, and to find that while you are giving the special order talking about that situation, that you find that the rules have been changed here substantially.

I just wanted to bring it to everyone's attention, especially on an evening when you are giving a special order, when there are events that have been long scheduled by the party on this side relating to politics, when everyone knew that certainly there would be no one on this side of the aisle here, save for those of us who have other commitments.

But I just thought that it was ironic that the gentleman would be giving this special order at a time when the decision was made to even make more political use of what was supposed to be an openness, and an opportunity for the American public to share in the proceedings of this House.

I thank the gentleman for yielding.

Mr. WALKER. I want to thank the gentleman very much. I want to point out to the gentleman that under rule I, clause 9, these cameras in this Chamber are under the control of the Speaker of the House. No one else controls the cameras. He had to give the orders to make this change.

I want, as soon as we have another legislative session, I want to see that change in the rules. I want to see that change of procedure, I want to see that change in writing, because I want to make doggoned certain that we are going to show the whole House when we are meeting here during the day, too.

I want to show this House of Representatives when legislative business is out here that there are no Members here. I want the country to know that there are very few of us that spend much time on this House floor; that instead what goes on in this Chamber is that a few people are the only ones here and that the debate takes place to almost an empty Chamber all of the time and I hope that this procedure means that we are going to pan the Chamber all the time and show the American people just where their Congressman is when the legislative business is being conducted.

□ 1910

Mr. MARTIN of New York. If the gentleman will yield, we all have our style, the 435 Members of this House, and the delegates have their own style. I do not spend all of my time on the floor of the House, but I can certainly monitor it from my office, as do most of the Members, in fairness to them in whatever they are doing.

But the point I am trying to make irrespective of what the style of the individual Member is, I will play by any rules around here as long as they apply to everyone. I am sure most of the Members feel the same way.

But when this opportunity for the American public to watch their government in action and what their Congressmen have to say or how they vote or whatever, given that opportunity, it is really sad to see an abuse such as the apparent abuse we have here today.

But I did want to point out that just because Members are not in the House either for the special orders or during the debate on the bills does not mean they do not know what is going on or are not monitoring what is going on.

But this selective authority and the ability to use for political purposes at the Speaker's discretion these facilities that were for the public's benefit, I think it is a disgrace to this House quite frankly.

Mr. WALKER. I thank the gentleman.

I think we need to remember what took place here last night.

Last night the House was adjourned very quickly without even giving the Members an opportunity to extend their remarks and the common courtesies that are always given to Members around here were not even given to the Members last night. This House was gaveled out of business last night simply on a question of pique evidently.

So that we are seeing last night a total abrogation of what are standard procedures around here. Tonight we find out that the rules are changed amid stream with regard to the use of the cameras.

What I am saying to the gentleman is that I think we on the minority side have a special duty to find out how that is going to be done because I would say to the gentleman our problem, many of us, to get to the floor and spend time on the floor, those who are not here, is because the majority schedules committee meetings during the time that there is floor business going on. So Members of the minority, who are always underrepresented on the committees anyhow, are always running around here trying to do the bidding of a bunch of subcommittee chairmen who schedule very political sessions at this time of year, we are running around here ragged anyhow, cannot get to the floor, and we have a major problem.

I think that it is up to us now to assure that the majority party is going to show this process to the American people for what it really is, a total phony. It has been a phony for a long time. It was a phony when they decided originally that they would only focus on the Members who spoke. Now it is high time that we begin to show the American people just exactly what is going on here.

Mr. MARTIN of New York. If the gentleman will yield further, I just wanted to underscore why this is particularly onerous and particularly mischievous on this evening because, like the Democrat Party and the Republican Party they schedule political functions here in this city for purposes of rallies or fund raisers or whatever.

And as was announced this morning by the Speaker, which is something that I had not heard before, that we were going to close down business at a certain hour because of the Republican Party having a fund raiser. I find it particularly interesting that if you are going to change the rules in panning the House on a night that they are giving special orders that they would do it when they know there is a commitment for the vast majority of the minority party to be at a party function.

Is it not amazing that they would pick this evening to change the rules?

I thank the gentleman for yielding.

Mr. WALKER. The gentleman is absolutely correct. A number of us noted the fact that when the Democrats do their business of adjourning the House early to bo to a Democratic function, somehow the Speaker does not announce that from the chair.

Mr. MARTIN of New York. I noticed that.

Mr. WALKER. Or when we adjourn this House in order that we can get the Boston Red Sox games we do not tend to announce that from the chair. Or when we have to get up to Baltimore to a ball game or some other event here in town, we do nct announce that from the chair.

Only when the Republican Party has a fund raiser in town do we announce from the chair that we are going to adjourn early in order to take care of that particular buniness.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Ohio.

Mr. McEWEN. I thank the gentleman for yielding.

I think I may be able to shed just a little bit of light as to how we have arrived at the new procedure that we are enjoying tonight.

This is the first time that this has been done since the cameras were installed and authorized in over 5 years. It would be good to know who authorized that change and I certainly call upon those who control the cameras, as the gentleman pointed out, to do so.

However, I think it would be appropriate to enter into the RECORD at this point a letter that was written by our colleague, BILL ALEXANDER, chief deputy majority whip, to his Democrat colleagues.

It says:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 8, 1984.

DEAR DEMOCRATIC COLLEAGUE: Last May when the House held its unique one-hour Special Order following President Reagan's address on Central America, all or part of the debate was subsequently carried on C-SPAN, all three networks, hundreds of local news programs in the home districts of participants, and thousands of radio broadcasts throughout the country. Much of the coverage was repeated the next day.

In short, the House of Representatives managed to hold its own in head-to-head media coverage with the most media-wise President in our history.

Even though the House proceedings are carried in full only on C-SPAN, the fact is that all major telecommunications organizations—both nationally and in your district—have access to these televised proceedings.

Following the successful Special Order on Central America, I began meeting with Boston media consultant John Florescu, who has gained substantial notoriety for his work in political broadcasting especially in the emerging field of cable technology. Through the Office of the Chief Deputy Whip, we set up a pilot project by which we could explore ways in which Congress might take advantage of existing telecommunications technology to amplify coverage of the House proceedings in our individual districts.

Four of our colleagues—Larry Smith, Barney Frank, Byron Dorgan and Jim Slattery—volunteered their districts for the project. The results showed that through minimal effort we were able to increase the number of their constitutents who saw their statements on the House floor (in these cases, one-minute speeches) by ten to fifteen times. The value of the additional airtime was worth well over $4,000 each time they spoke.

I believe that this project is a key to putting the institution of Congress on par with the Presidency in its ability to communicate to the country through telecommunications. I hope you will be present tomorrow to hear this presentation.

With kindest regards, I am,

Sincerely,

BILL ALEXANDER,
Chief Deputy Majority Whip.

Mr. WALKER. If I may reclaim my time just for a moment, let us emphasize that point. This is the chief deputy majority whip who is writing to his colleagues saying:

Through the Office of the Chief Deputy Whip—

Through his office—

we set us a pilot project by which we could explore ways in which Congress might take advantage of existing telecommunications technology.

Meaning right here and the ability to communicate to the country—

to amplify coverage of the House proceedings in our individual districts.

Now, in case it is not clear that means take political advantage of the television process here.

Mr. McEWEN. I believe the next paragraph explains it very well. He mentions the four colleagues who volunteered their districts for the project.

The results showed that through minimal effort we were able to increase the number of their constitutents who saw their statements on the House floor (in these cases, one-minute speeches) by 10 to 15 times. The value of the additional airtime was worth well over $4,000 each time they spoke.

I believe that this project is a key to putting the institution of Congress on par with

the Presidency in its ability to communicate to the country through telecommunications.

I would also like also like to read from the Washington Post of May 9 in which we have a full-page spread, "House Democrats Set to Huddle, Call TV Signals."

Now, of course, we have just met and we have seen some of the byproducts of their meeting yesterday.

This is a story by T. R. Reid, a Washington Post staff writer.

HOUSE DEMOCRATS SET TO HUDDLE, CALL TV SIGNALS

(By T. R. Reid)

House Democrats are scheduled to caucus this morning to discuss a leadership plan that would alter daily procedures significantly in an effort to take advantage of new means of communication and give members more coverage on TV.

Responding to concerns voiced by many younger Democrats, Rep. William V. (Bill) Alexander Jr. (D-Ark.), the fourth-ranking member of the majority leadership, will report to the caucus on a television consultant's study that shows, as Alexander puts it, that "The House of Representatives [can] hold its own in head-to-head media coverage with the most media-wise president in our history."

Alexander's proposal calls for scheduling floor debate on some major issues during prime time. Most debates now occur in mid-afternoon.

Alexander suggested yesterday that the House might test this idea next month during floor debate on a controversial immigration bill.

The plan would also include a regular period of floor commentary on the top issues of the day—in a sense, a televised congressional counterpart to the daily White House press briefing.

John Florescu, the Boston media consultant who studied the issue, told the democrats that the plan would enhance their television exposure not only on C-SPAN (Cable Satellite Public Affairs Network), the cable system that broadcasts gavel-to-gavel House coverage, but also on the national and local TV news shows.

Florescu's study was based on an experimental project in which four House Democrats, representing big-city, rural, suburban and at-large districts, made a deliberate effort to increase their television exposure by scheduling speeches on the House floor and helping local stations acquire the C-SPAN tapes for their news broadcasts.

"The value of the additional air time," Alexander wrote in a report to his fellow Democrats, "was worth well over $4,000 each time they spoke."

That is, they would have had to spend more than $4,000 to purchase the same TV advertising time.

The Democratic study was partly a response to conservative Republican House members, led by Reps. Newt Gingrich (R-Ga.) and Robert S. Walker (R-Pa.), who have accrued a national following by delivering long speeches from the House floor day after day for the benefit of the C-SPAN audience.

C-SPAN reaches 17 million homes in hundreds of congressional districts, and its audience is growing weekly with the spread of cable television.

Some surveys suggest that cable TV viewers tend to vote and make political contributions much more regularly than the population as a whole.

The C-SPAN tapes of Congress are available to all regular and cable television stations. Some stations use the House tapes regularly to satisfy local requirements for public-interest programming.

Many Democratic representatives, particularly junior members concerned about keeping their jobs, are anxious about the Republicans' TV initiative and eager for their leadership to coordinate a response.

But some senior Democrats feel the party's wisest response is to ignore the talkative conservatives.

Alexander says this generational split in the party reflects attitudes towards television as political force.

"The younger guys basically got here by using television," he said. "They understand the power of this medium. Some of the older members are not comfortable with that power."

At the same caucus where they will consider expanding their own TV exposure, the Democrats will consider a proposal to restrict use of the House tapes in political ads.

Rep. Tony Coelho (D-Calif.), chief of the Democrats' political campaign committee, will offer an amendment to House rules to prohibit challengers from using tapes of an incumbent in their TV advertising.

The rules already prevent incumbents from using the floor tapes in ads.

Mr. Chairman, I will submit some of the various articles for the RECORD so that those who do read the CONGRESSIONAL RECORD can understand exactly what motivates our concerns.

Mr. WALKER. Let us make certain that they get in there accurately, now. I think it is also a distorted RECORD from time to time, too.

Mr. MCEWEN. But before I finish here and I appreciate the gentleman for lending his time and I am sure we are going to arouse a certain amount of the leadership that did not think that we would respond in this manner when they changed the rules in the manner that they did, but it says specifically in rule I, 9(3) "No coverage made available under this clause nor any recording thereof shall be used for any political purpose."

Now that was specifically stated in the rules of the House when we began to have this kind of coverage and yet we have a majority whip discussing and holding a House Caucus majority meeting for the singular purpose of discussing political impact that they can have on House proceedings.

The articles referred to follow:

[The New York Times, May 10, 1984]

HOUSE DEMOCRATS SEEKING BETTER TV IMAGE

(By Steven V. Roberts)

WASHINGTON, May 9.—Is the House of Representatives ready for prime time?

That was one of the questions under discussion today as House Democrats debated ways of altering the legislative schedule to increase the visibility of Congress on television.

No votes were taken at the private party caucus, and House leaders remain skeptical of the proposals, but the mere fact that the meeting took place highlighted the growing role that television is playing in the life of the House.

Representative Bill Alexander of Arkansas, the Democrats' chief deputy whip, said he was advancing suggestions for new House procedures "to raise the visibility of Congress as a partner in the policy-making process."

"With the advent of TV," added Mr. Alexander, who has been charged with examining the subject by the House leadership, "we have a facility for communicating with the public, but we don't schedule and manage things properly. We don't make it easy for the American people."

The House started broadcasting its floor proceedings five years ago. They are now carried live by C-SPAN, a company that sells its service to cable companies across the country, and at last count, 17 million homes were wired to receive the programming. At any one time, the viewership is a small fraction of that total, but lawmakers from both parties say they are surprised at the feedback they are receiving.

"Apparently people are tuning in," said Representative Lawrence J. Smith, a Democrat from Florida. "So there is an impact. And it's free."

"We discovered that C-SPAN has a growing audience, and it's a very, very intelligent audience," added Representative Robert S. Walker, a Pennsylvania Republican.

To enhance this audience, he made three suggestions at the caucus today. One was to schedule some significant floor debates, such as the current battle over aid to Central America, in prime time viewing hours. Now, most debates take place in working hours.

A second suggestion would be to plan and organize the one-minute speeches that any member is allowed to give at the start of every session. For instance, Mr. Alexander said, each party might agree to make five such speeches on the same topic on a given day.

Journalists could then be alerted that the minidebate would be broadcast at a specific time. As a result, they could monitor and record the session and use it in their news reports.

As an experiment, Democratic leaders asked four lawmakers earlier this year to make one-minute speeches on certain subjects at certain times. News outlets in their home districts were informed ahead of time, and the lawmakers said that the experiment proved successful.

"A lot of radio stations used the speeches," said Mr. Smith, who was one of the participants, "and I felt people really did get the message."

A third change advanced today would involve more planning for "special orders," speeches delivered at the end of the legislative session. One idea would be to schedule such orders at a set time earlier in the day.

According to Mr. Alexander, one of the main motives behind the Democrats' discussion today is their concern that President Reagan dominates television news coverage, and they are seeking ways to counteract his influence.

Late today, Representative Timothy E. Wirth, a Colorado Democrat who heads the Subcommittee on Telecommunications, wrote a letter to Speaker Thomas P. O'Neill Jr., suggesting creation of "bipartisan task force" to examine the impact of television on House proceedings.

"These issues are too important to be left for case by case consideration," said Mr. Wirth. "The integrity of the institution, the

legislative process, and the relationship between the majority and the minority are all involved here."

[From the Washington Times, May 10, 1984]

HOUSE PRIMED FOR PRIME-TIME TV?

(By Thomas D. Brandt)

A Republican leader said Democrats would turn the House into a "soap opera" by planning floor debate for prime-time television, but behind the horse laughs others in the GOP relished the proposed new vehicle to reach America.

Scheduling major debates for prime-time television was chief among three new proposals to increase news coverage of the House floor that were discussed in the House Democratic caucus yesterday. Hearings have not been scheduled.

"If it's your intention to make a soap opera of this august body," said Minority Leader Robert Michel, R-Ill., stirring laughs from the House, "why not go all the way and have Hollywood nominate you all for an Emmy next year."

But Rep. Robert Walker, R-Pa., who has used TV to criticize Democrats for keeping GOP issues off the House agenda, said, "It's just great from our viewpoint. It's more than we had hoped for. In most cases we can carry the argument."

Rep. Bill Alexander, D-Ark., presented the proposed changes to the closed caucus yesterday and admitted later to reporters that in some ways they were efforts to catch up with Mr. Michel's own Republicans in exploiting the power of television to reach voters.

"The Republicans have taken better advantage of the media than have the Democrats," he said. A group of House conservatives, led by Newt Gingrich, R-Ga., and Mr. Walker, have been using the "special orders" segment at the end of each legislative day for speeches available to the roughly 16 million homes reached by C-SPAN, the cable system that broadcasts all House debate.

"Its amazing how these boys learned the value of C-SPAN," quipped one Republican official about the Alexander proposals.

Mr. Alexander said the proposals will be studied further but that some members of the caucus were unenthusiastic, preferring instead to shut down the cable coverage before special orders to deny it to those who "abuse the system." Under another Alexander idea, the "one-minute speeches" at the beginning of each day's session could be organized around one topic, with an equal number of Republicans and Democrats alternating their speeches on that issue.

The same system could be used for the longer special-order speeches at the end of the day.

He said the schedule would be announced in advance so television and other media outside Washington, who cannot afford bureaus here, could tape the feed from the House floor.

"The idea is to make what we're doing here more accessible to the American people," he said adding that their surveys show interest in the plans among the public and regional media.

Mr. Alexander found no parallel in his proposals with those of Mr. Walker and Mr. Gingrich. They have often singled out Mr. Alexander, as a member of the Democratic leadership, for refusing to allow floor debate on issues such as school prayer or abortion and not participating in special orders on them.

"They don't want to debate the issues," Mr. Alexander said. "They are using television to advance their cause."

However, Mr. Walker relished the idea of prime time. "I think it will work to the advantage of conservatives," he said.

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Mr. WALKER. A number of us, for instance, wondered who paid for the TV study that they did. We wonder if that was paid for with public funds, because that study has not been made available to any of us.

Mr. McEWEN. That is clause 9 of rule I.

Let me go to the procedures of the House of the 97th Congress.

Mr. OBEY. Would the gentleman yield on that point?

Mr. McEWEN. In which it says it is not in order to debate or address remarks to the television or to anyone, including Members not present, viewing televised House proceedings.

And yet we have just read into the RECORD a discussion of which it is the intention of seemingly the majority party to engage in precisely that type of activity that is prohibited by the rules.

I certainly hope that this ill-advised effort to use the procedures of the House of Representatives and indeed the method by which we have begun to communicate to the American people over television, would be used for the purpose of communication and information and not for the purpose of political demagoguery or to degrade a Member of the House who has an important statement to make off of the regular time of discussion and in a special order, by constantly panning—and I will repeat, constantly—I was in my office in the Cannon Building and observed it, where they constantly panned back and forth, and then would zero in on you, and then go back and forth to the various empty chairs.

I wish that this had not been a by-product, obviously, of what the Democratic Caucus was all about yesterday, and I think that it is a disappointment, to say the least.

I appreciate the gentleman's yielding.

Mr. WALKER. The gentleman points out the rules very clearly. And, of course, what we have just found is that the rules and procedures around here can be changed with impunity, and that is precisely what is taking place. So maybe from now on in, we will not have to apologize for communicating to the country, maybe we will be able to communicate to the country openly, and that would not be such a bad thing.

It also seems clear to me that it might be a good thing to have that same kind of panning taking place during the regular legislative sessions.

Mr. OBEY. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Wisconsin.

Mr. OBEY. I think the gentleman raises some very interesting points.

I would certainly agree with both gentlemen that it is deleterious to the interests of this House as an institution to have anything other than a legislative purpose behind the use of televising the House in any of its situations.

I wonder, frankly, whether the public understands what the conditions of House debate are. And I do wonder if they understand, for instance, that on special orders that the understanding reached around here is that, since the House business is over for the day and Members are not expected to be here, and in fact during special orders I think it is useful for the public to know that if there are more than 10 Members here, it is a rarity, because the House's business is over, and the cameras remain on and the clerks remain here only out of courtesy to an individual Member.

I wonder if the public really recognizes that special orders are not indeed a part of the legislative business.

I also wonder, frankly, whether the installation of cameras in this institution, in the first place, has led to an increase in constructive debate during the regular debate process or whether it has led to Members—and I do not apply this to either side of the aisle—whether it has led to Members simply grandstanding for the benefit of home consumption the legislative process.

Mr. LOTT. Will the gentleman yield?

Mr. WALKER. Let the gentleman finish, and then I will yield to the gentleman.

Mr. LOTT. I would like to speak on that particular point. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Mississippi.

Mr. LOTT. Well, you know, I realize it is a rhetorical question, but I am somewhat surprised to hear the gentleman even ask that. I mean this is 1984. This is a time when the American people have a right, as I am sure the gentleman would say——

Mr. OBEY. Absolutely.

Mr. LOTT. To see what their legislative body is doing.

Mr. OBEY. Absolutely.

Mr. LOTT. This great deliberative body, and to be able to hear what we have to say on radio and see what we have to say on television I think is something we should be doing.

I want to also comment on the fact that the gentleman raised questions about how many Members might be on the floor during special orders.

It is not this gentleman's fault. The Members could be here. And also during some of the greatest moments

of debate this very day on the foreign aid authorization bill, when this Member was on the floor, there were not over 15 Members here. So I mean, really, to say that is applicable only to special orders is not quite fair. But I return the question to the gentleman.

Mr. OBEY. Well, is the gentleman suggesting I said that?

Mr. WALKER. Let me comment for a moment, too, and then I will yield back to the gentleman, that it seems to me that grandstanding is not something which has been abhorrent to Congress over many, many years. I have been around here now for about 20 years, both on staff and as a Member of Congress. During that time I have been here when we had TV and when we did not have TV. And there was just as much using of special orders during the time we did not have it. Members used it as a way of communicating.

But I would suggest that in the CONGRESSIONAL RECORD, when we have extensions of remarks in the CONGRESSIONAL RECORD, that many of those extensions of remarks are nothing more than press releases that Members of Congress are sending out to their districts anyhow.

Mr. OBEY. I absolutely agree.

Mr. WALKER. The CONGRESSIONAL RECORD is precisely the same kind of thing. And to say that the video record of Congress would be any different from what the performance of Congress has been over the years I think is to live in a dream world.

I will be glad to yield to the gentleman.

Mr. OBEY. I absolutely agree with the gentleman, but I would simply make this point: The difference between the two is that in the RECORD—and this gentleman was the chairman of the commission, as you know, which tried to limit the ability of Members to artificially insert material into the RECORD. But as the gentleman I think would grant, there is a distinction between the RECORD, at least I think there is, between the RECORD and the so-called television record which is kept in this House, because at least I think the public is generally aware of the fact that the RECORD contains many extensions which were not uttered in the House. I do not know if they are aware of the fact that after the committees rise and we reach this what is called special orders period that in fact the legislative business of the House is over and we are just gassing between the few Members who choose to remain.

Mr. WALKER. I understand the gentleman's point. And, you know, I think that it is a point well taken. But it also seems to me quite clear that we had a new procedure foisted upon us without warning that I can only assume that the majority party worked out very carefully, thinking that they would have a little bit of fun. OK, they have had their fun. Now we will have ours.

I will be glad to yield to the gentleman from Mississippi.

Mr. LOTT. Speaking on behalf of the leadership on this side of the aisle, I can assure him that there was no notice that this underhanded, sneaky, politically motivated change was going to occur this day or any day. It is the most patently unfair political thing that I believe I have seen in the 15 years I have been around here.

And I would like to make a parliamentary inquiry to the Chair. As a member of the Rules Committee and one who worked extensively on this resolution, and in support of it, to televise the House, I would like to know what is the authority here for this change in the decorum of this body that we are experiencing here tonight.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield for a parliamentary inquiry?

Mr. WALKER. I yield to the gentleman for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. LOTT. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LOTT. We have had a change in the way the House is run, the decorum of this body, this afternoon, without any consultation, without any prior notice, and I would like to make the inquiry as to what is the basis for this change in the way that this House is being run this afternoon.

The SPEAKER pro tempore. To the distinguished gentleman from Mississippi, the Chair will cite the following rule, rule I, clause 9:

9. (a) He shall devise and implement a system subject to his direction and control for closed circuit viewing of floor proceedings of the House of Representatives in the offices of all Members and committees and in such other places in the Capitol and the House Office Buildings as he deems appropriate. Such system may include other telecommunications functions as he deems appropriate.

(b)(1) He shall devise and implement a system subject to his direction and control for complete and unedited audio and visual broadcasting and recording of the proceedings of the House of Representatives. He shall provide for the distribution of such broadcasts and recordings thereof to news media and the storage of audio and video recordings of the proceedings.

Mr. LOTT. The Chair is saying then that this has been a unilateral decision by the Speaker, without any prior consultation, to make a fundamental change in the way this institution is shown by the televised coverage.

I know the gentleman cannot respond. I am making that statement as to what I understood he read in the rules.

The SPEAKER pro tempore. The Chair will respond to the inquiry of the gentleman from Mississippi as follows:

It is my understanding that the Speaker has in fact authorized this change, and it is the Chair's ruling that he is authorized to make this change pursuant to the rule of the House herein before stated.

Mr. WALKER. I have a further parliamentary inquiry.

Could the gentleman tell me what the change is?

The SPEAKER pro tempore. It is the Chair's understanding that the rule is to be applied impartially.

Mr. WALKER. Will the gentleman tell us what the change is? Is the change to have the House covered completely from the moment we go into session until we go out of session at night, with panning of the Chamber, or is this only to take place during special orders?

□ 1930

The SPEAKER pro tempore. The Chair is not prepared to respond in detail and has no specific knowledge.

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. McEWEN. Could the Speaker inform me as to whether or not this is a result of the Democrat Caucus that met yesterday for the purpose of discussing how they might call TV signals and improve their TV coverage?

The SPEAKER pro tempore. The Chair has no immediate knowledge of any specific agreement.

Mr. LOTT. Can the Chair assure this House that whatever change has occurred, which the Members of the House were not informed of, will be done fairly and impartially, and that the same procedures that have been used this afternoon against the gentleman from Pennsylvania will be used in the same way by the gentleman from Wisconsin or a gentleman from Texas that might be having a special order?

The SPEAKER pro tempore. To the gentleman from Mississippi, the Chair is confident that the rule and any changes will be applied impartially and absolutely fairly.

Mr. LOTT. If the gentleman will yield further, I would like to say that would surprise me based on what I have seen here today. It has not been applied fairly and impartially. It has been a partisan, political, cheap trick. I resent it, and I hope the American people see it for exactly what it is.

Mr. WALKER. Let me just say that I think that what we need to pursue with regard to this ruling, is whether or not it is a ruling that applies to special orders in the evening, when everyone knows that there is going to be an empty Chamber, and maybe what we need to do is start saying that the comity of the House will no longer

apply; that the Members can expect the possibility of having votes on adjournment to assure that maybe some Members will be in the Chamber for special orders.

If we are going to play these kinds of games around here, maybe later on this evening we ought to have a vote on adjournment or something to assure that Members do begin sticking around for special order time if we are going to play that kind of a cheap political trick.

I yield to the gentleman from Ohio.

Mr. MCEWEN. We have put some additional facts in the RECORD for those who will be reading it tomorrow will understand exactly the correlation between the change in policy that took place today vis a vis the Democrat conference that was held yesterday.

I would like to also, in putting these pieces in the RECORD, refer to a letter that appeared in the Washington Post on Saturday, May 5, that was written by TOM COELHO, a Democrat Representative from California, and I will excerpt only one sentence and then insert the rest of the letter.

But he said:

As former staff director of the congressional committee that first recommended broadcasting floor debate, I have a special desire to see it upheld. I know how difficult floor coverage was to introduce and how persuasive opponents were in raising fears that it would be politicized. If we allow the process to be exploited now, those arguments would be largely substantiated and future coverage could be in jeopardy.

I believe that Mr. COELHO is 100 percent correct. I believe the change in policy that takes place here today does damage to this House. It is a negative reflection on the leadership and Speaker of this House. I do not think it was necessary. I think it is a byproduct of the effort by Mr. ALEXANDER to increase his TV coverage in his district, and as a result I am very, very injured that this type of activity would take place.

WEARING BAGS OVER OUR HEADS WILL NOT WORK

(By TONY COELHO)

If wearing bags over our heads, as The Post suggests, would settle the controversy regarding political abuse of House floor broadcasts, I would readily endorse such a proposal. But it would not. And unfortunately, The Post editorial against measures designed to protect the integrity of recorded floor proceedings ["Congress Bag It" April 26] failed to address the serious issues involved.

At issue are proposals by the House Democratic leadership to strengthen existing rules prohibiting use of the recordings for "political purposes"—mainly as part of television ads in campaigns. We are not trying to censor floor statements or curtail the current broadcast system, as The Post implies. Nor do we want to withhold our speeches from public view. In fact, it was the desire to make our proceedings more accessible that led to the adoption of live coverage of the House in 1979. If we wanted to hide from voters I seriously doubt that we would have lifted that blackout. The fact is that our goal is to ensure the future availability of televised congressional debate.

As it stands today, House rules prevent incumbents from using footage of floor statements in ads for reelection. And that is the way it should be. Otherwise, many members would waste even more legislative time giving speeches crafted by campaign consultants.

However, other candidates and independent groups are not bound by the same rule. So there is nothing to stop them from using incumbents' floor speeches in ads against them—and House members cannot retaliate. What we can do is erect some barriers to discourage candidates from using the tapes, which is in the intent of our proposals.

The danger of allowing wholesale political use of floor broadcast is twofold: at the same time incumbents would be encouraged to make self-serving statements for their own use, they would be less inclined to take courageous, unpopular stands in open debate for fear they would be used out of context for someone else's political gain. The result would be less free-flowing debate and more demagoguery at public expense.

Unfortunately, widespread abuse already seems imminent. The National Republican Congressional Committee, which as the official political organization of House Republicans is bound by the same prohibition as incumbents, believe it has found a loophole in the rules and plans to exploit it. The NRCC says it has been taping and cataloging floor debate since early 1983 for use against Democratic incumbents this fall. Some right-wing religious groups also have let it be known that they intend to use tapes on such issues as school prayer in "hit" ads against targeted incumbents, mostly Democrats.

This latest GOP plan for "guerrilla warfare" stems partly from frustration over significant Republican losses in 1982 and the likelihood that 1984 will not be much better, and partly from a GOP desire for revenge—as The Post correctly pointed out, a Democratic candidate used footage effectively against the House Republican leader in 1982. What the NRCC fails to understand, however, is that there is a big difference between one candidate's acting on his own and an official House group's undertaking a systematic effort to subvert House rules.

As former staff director of the congressional committee that first recommended broadcasting floor debate, I have a special desire to see it upheld. I know how difficult floor coverage was to introduce and how persuasive opponents were in raising fears that it would be politicized. If we allow the process to be exploited now, those arguments would be largely substantiated and future coverage could be in jeopardy. And if doubts remain about whether political abuse of these broadcasts would pose a threat to televising Congress, The Post should examine the arguments of senators who have been able to prevent that chamber from joining the House in what has been a most successful experiment with modern technology—so far.

Mr. WALKER. Let me say to the gentleman that we do not have our hands on the study that Mr. ALEXANDER had done. We can only assume, based upon this change, that what they found in their study was that the Republicans are chewing them up out across the country. That the people viewing these proceedings out across the country understand that the Republicans are the ones in this Chamber who have the new ideas and are the people who are pushing the right kind of agenda, and we can only assume that the Democrats are now getting very, very worried about what is being communicated to the country out of this Chamber.

I can say that I think we are seeing an attempt to retaliate, and I would hope that people out across the country will let the Speaker know as well that they resent the fact that we are toying with the process by which so many of them get informed about how this place really runs.

I yield to the gentleman from Ohio.

Mr. MCEWEN. Repeatedly when high school students come to this Chamber and they observe a vast emptiness in this Chamber, they are frustrated because more Members are not here. It has been our practice to not only point out that there are many committees meeting during the course of the day, but one of the great innovations, I believe, of House procedure was the initiation of TV coverage.

I have pointed out, and certainly as we have conference in our offices, that you can see better and sometimes hear better in your office than you can on the floor of the House. As the camera zeros in on precisely the person that is speaking.

Now, this policy of constantly, for the last half hour, for those that are in their offices observing these proceedings, the panning constantly back and forth with no change even to the recommendations that we are making here tonight, make it much more difficult for us to follow the proceedings in our offices.

I think it is unwise, I think it is unwarranted.

Mr. WALKER. I hope as we are talking here that the panning is taking place to show that there are more Republicans on the floor than Democrats.

I yield to the gentleman from Mississippi.

PARLIAMENTARY INQUIRY

Mr. LOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LOTT. Mr. Speaker, I would like to inquire if this new policy is going to apply to the proceedings of the House from gavel to gavel, or just during special orders, or just during times when the votes are going on, when there is all kinds of activities, arm-twisting going on in the well; trying to change Members' votes. What is the situation? Will it be gavel to gavel?

If we are going to have this Chamber shown in its entirety with panning and showing everything that goes on, even during votes in a totally fair way,

I probably would support that. I would like to know, what is it going to apply to?

The SPEAKER pro tempore. The Chair has no knowledge of any specific changes which have been made in that regard and cannot answer that question.

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I have no idea what the policy is or is going to be. Let me simply say that I have a special order scheduled tonight, and I frankly, do not care whether the cameras are indicating anybody is here or not.

When I take special orders, I take special orders because I care enough about an issue in order to make some points on it. I recognize when I do that that the legislative business of the House is over, and that Members are not expected to be here, and that, in fact, there is no useful legislative purpose to be served by them being here.

I would fully expect that if after the special order of the gentleman in the well is over, that I am still around at 20 to 8 this evening to take the special order I had intended to, I would fully expect that the camera would follow the nonattendance in the House every bit as closely as they do with the gentleman from Pennsylvania.

I frankly do not mind at all if the public understands that the legislative business is over.

Mr. WALKER. I thank the gentleman, and in all honesty his position is precisely the same as mine on that. I think that what you are doing in special order time is communicating a message on a particular subject.

Mr. OBEY. Then what are we arguing about?

Mr. WALKER. I think that the fact that we have a change in rules without notice is what we are arguing about. We realize that the majority side does not think very much about those things because we have majority tyranny here, and little of the minority rights that the Democrats like to talk so much about.

It would be nice from time to time to inform the Members what it is that is going on in the Chamber. It seems to me that what we want is to show this process, warts and all. All we are asking is if we are going to pan the Chamber during special orders, why not pan the Chamber during the regular business of the House? Let the public know that when the Democrats run some of these pieces of legislation out here that they then parade around the country, that there is no one on the floor to participate or to listen to those items either.

I think the country would be interested to know how few people really participate in the process.

I yield to the gentleman from Mississippi.

Mr. LOTT. My question, I think the gentleman just answered it for me. It seems to me that if we are going to show how this Chamber operates instead of just panning the Chamber or using the cameras in this blatant, partisan, political way, that it would be much more interesting and informative for the American people to see what is happening here during the legislative process.

It seems to me that they are doing it the absolute reverse of the way it ought to be. We have one Member on the floor speaking for the RECORD, for historical purposes or other purposes to inform the Members of his position or legislation that might be coming up, during his special order, why should you focus on one Member? When you have the Chamber full of Members with several Members on their feet debating an issue, it seems to me that that would be much more important and informative and interesting to the people. If we are going to do this thing, let us do it openly, totally openly, but fairly, and I would think that the membership should be informed.

□ 1940

I have never seen a situation like this occur before where the Speaker did not notify the Members of the Chamber on both sides of the aisle from the chair. I am, frankly, floored by this procedure and greatly disappointed in the way it has been handled. It contributes to a very bad feeling between the parties.

Mr. WALKER. And the gentleman made a point just a moment ago that I think we ought to see, that only the people in the gallaries see, and that is that during votes like we had today, the kind of arm twisting and caucusing and forcing of votes down in the well here that goes on when we have close votes. I think the American public ought to see that. That would be wonderful for the American public to be able to have a firsthand look at as we proceed in the Chamber.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Wisconsin.

Mr. OBEY. I would just like to say again, I hear charges of blatant partisanship. I do not know what is partisan about showing the fact that nobody is here to listen to either your or my special orders.

Mr. WALKER. I would say to the gentleman that I do not have any problem with that, either, except that it was done without information. Should the minority not at least be informed when a major rules change takes place? The gentleman, I understand, does not feel that way. His party has been in control around here for about 40 years and they could care less whether or not we are informed.

Mr. OBEY. I have not been informed either, and I could care less if the public knows that nobody is here while you and I are talking to each other.

Mr. WALKER. I am sorry the gentleman was not informed. It seems to me that the Speaker has some duty to inform the Members of his own party, too. But we think that if, in fact, we are going to change the ways of proceeding around here, and we seem to do it all the time, it is not just this incident, it is a whole series of incidents, it seems to me that we do have some right to know that those changes are taking place.

In this case, I happened to be speaking here when all of a sudden we found out a rules change had taken place that nobody knew about. That is what we are talking about here.

Mr. OBEY. Will the gentleman yield on that point?

Mr. WALKER. I will tell the gentleman flatly that the kind of thing I am talking about here I know that many Members of his party have no interest in reading about because they have turned down resolutions before to do something about the fact that committee documents around here are being distorted. I know that a lot of them do not want to hear much of this, but I do think that maybe there are some Americans who feel that this kind of information would be of value and so it would not matter whether the Chamber was full or empty. I would probably be putting this kind of material into the RECORD.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be very glad to yield to the gentleman from Wisconsin.

Mr. OBEY. I notice that Mr. Jefferson, in compiling his manual, indicated that there were two concurrent obligations that the House had. One was for the membership to maintain order so that a person who was speaking could be heard. The other was for the person who was speaking to be saying something sufficiently useful and important to be listened to.

It just seems to me that it is important for the public to understand that after the legislative business of the House is over that, in fact, we are not legislating here, we are talking just like people would be talking around a coffee table. It is not a major portion, in fact, it is no portion, of the House's business. It is a courtesy extended to individual Members only, and to suggest that there is something major about the fact that the public discovers the distinction between legislative business and special orders is something I think which is a bit difficult to understand.

Mr. WALKER. The gentleman makes a somewhat valid point. The invalidity of his point refers to the fact that the majority party around here controls the schedule. There are only limited periods of time when the minority can actually take control of time and discuss issues that are of concern to us in the minority party.

Mr. OBEY. Will the gentleman yield on that point?

Mr. WALKER. If the gentleman will just allow me to make my point.

We are forced most of the time, under the regular legislative business, to discuss only those issues that the majority deems should come to the floor. The special order time is far more important to the minority than it is the majority because it is time in which we can set an agenda of our own.

This change in the rules, therefore, is more directed toward impinging upon the rights of the minority than it is the rights of the majority, who do have the opportunity to schedule bills on the floor and schedule legislation onto the floor.

So I think we do see it somewhat differently, and the gentleman is absolutely correct that there is no legislative business being conducted here, but there certainly is some legislative communication taking place here. For the minority, that is an important part of what we do, because it is one of the few times that we control the time.

I remember well in a special order that I happened to have out here on the floor one afternoon when we got into some controversy during special order time, and the gentleman from Florida (Mr. PEPPER), the chairman of the Committee on Rules, was very frustrated by the fact that he had to get me to yield the time to him, that in order to speak he had to come to a Member of the minority party to get the time yielded to him. For the first time, it seems to me, he discovered the power of controlling the time.

I think it is just that that is of concern to us when we see this new procedure adopted to the special order time without warning.

Mr. OBEY. Will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Wisconsin.

Mr. OBEY. I think it is useful for the public to understand that when any piece of legislation is under consideration, the normal practices of the House provide that the Democratic chairman has an equal amount of time to the ranking Republican on the committee.

Mr. WALKER. The gentleman is absolutely correct, but let just say to his point that the fact is, though, that the subject matter being discussed in that equal amount of time was a subject matter set by the majority side. The minority has no input into that decision whatsoever. So here is the only time, during special orders, that we can discuss subjects that we think are important.

We pointed out, for instance, that we cannot get a discussion of school prayer on the floor because that is locked up in your committees. We cannot get balanced budget out here on the floor to discuss because it is locked up in your committees. We cannot get line-item veto out here. It is locked up in your committees. We cannot get the President's crime bill out here. It is locked up in your committees.

All of those subjects are subjects we would like to see discussed, but one time we can control the time to discuss it is here during special orders.

The gentleman is right. We are very magnanimous about sharing equal time on the subjects that the majority party wants to discuss. That is fine. All we are saying is, we ought to be accorded our rights to discuss whatever we want to discuss during the special order time.

Mr. OBEY. Will the gentleman yield on that point?

Mr. WALKER. Yes; I would be glad to yield to the gentleman from Wisconsin.

Mr. OBEY. I would point out that we spent from approximately 10 o'clock this morning, not to mention yesterday and the day before, until the session ended at about 5:30 today, debating a request of the President, which was the foreign aid bill for the country.

Most of the time spent on this floor is debating requests of the President, be they budgets which are $200 billion out of balance, or be they appropriation items to fulfill the requests made by the President.

Mr. WALKER, Yes; but the gentleman understands my point that the President's crime package, for instance, cannot get out on the floor.

PRECEDENCE OF SPECIAL ORDERS

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. HUTTO) be allowed to proceed with his special order before I proceed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

IN MEMORY OF LT. GEN. ROBERT M. BOND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HUTTO) is recognized for 30 minutes.

Mr. HUTTO. Mr. Speaker, I rise tonight with a heavy heart to pay a special tribute to U.S. Air Force Lt. Gen. Robert M. Bond, who died in an airplane accident recently near Nellis Air Force Base. He was vice commander of Air Force Systems Command at Andrews Air Force Base, Md.

General Bond dedicated his life to the Air Force, his country, and his family. Not many people achieve the measure of admiration and respect that he did. He earned that admiration and respect because he was a true leader of men and women and led by example. He was proud of the Air Force and proud to be an American.

I became acquainted with General Bond when I first came to Congress in 1979, and he was the commander of the Armament Division, Air Force Systems Command at Eglin Air Force Base, Fla., which is in my congressional district. We worked together frequently in dealing with activities concerning the base and we became friends.

He grew up in Ashland, Miss., and learned to fly at the age of 15 years. In 1951, he joined the Air Force and earned his pilot wings. He was commissioned in October 1952 and was assigned to the 51st Fighter-Interceptor Wing in South Korea where as a fighter pilot, he flew F-86's. Later, he flew F-84's, F-86's, F-100's, F-105's, F-111's, F-4's, F-16's, and A-7's. He became an instructor pilot and a test pilot.

The general also served as a flight commander operations officer, squadron commander, wing director of operations and wing commander. While he was deputy director for general purpose forces in the office of the deputy chief of staff/research and development, headquarters, U.S. Air Force, he was promoted to brigadier general. Upon promotion to major general, he was reassigned to Eglin Air Force Base, Fla., as commander of the armament division. On June 1, 1981, General Bond received his promotion to lieutenant general and assumed his position as vice commander of Air Force Systems Command at Andrews Air Force Base later that month.

He was a command pilot with more than 5,000 flying hours, including 44 combat missions in Korea and 213 combat missions in Vietnam. During his 33 years of military service, he was awarded the Distinguished Service Medal, the Silver Star, the Meritorious Service Medal with one Oak Leaf Cluster, the Air Medal with 11 Oak Leaf Clusters, the Air Force Commendation Medal with one Oak Leaf Cluster, and several foreign decorations. He was a national hero.

General Bond was committed to the defense of his country and the safety of his fellow citizens and he believed in the continuation of the strength

and survival of this great Nation. His career stands as a monument to his deep love for America.

The only officer in the Air Force Systems Command higher than Bobby Bond, Gen. Robert T. Marsh, presented a beautiful eulogy for his vice commander at a memorial service held at Andrews Air Force Base on May 4, 1984. At this point, I would like to repeat General Marsh's words:

IN MEMORIAM—LT. GEN. ROBERT M. BOND, USAF, VICE COMMANDER, AIR FORCE SYSTEMS COMMAND

Ladies and gentlemen, it is my sorrowful privilege to say a few words about Lt. Gen. Bobby Bond.

It is a privilege to speak about a man who meant so much to so many, but most of all to Betty, his wife, and their four children, and the grandchildren, of whom he spoke so often.

Bobby used to find a way to work his grandchildren into all his speeches. He told audiences all over this country that in thinking about the duty of an Air Force officer * * * and in thinking about national defense * * * He thought of his grandchildren. "Betty and I are into grandchildren," he would say.

And he would go on to describe his deeply held feelings about his personal commitment to the defense of our Nation . . . and everyone in the audience would immediately sense that somehow, when he talked about defending his grandchildren, he was also talking about defending every American . . . as though they were part of his own family.

Those of you who knew Bobby Bond, know how highly he prized his family, and can appreciate just how strongly he felt about the larger family he had sworn himself to protect.

We of Systems Command are not alone in our sorrow. Our loss is shared by the thousands of other Air Force people across the country and around the world, who were touched by this man. For Bobby Bond was one of those rare Air Force leaders who had earned the respect, admiration, and lasting loyalty of every airman, noncommissioned officer, officer, and defense civilian who ever served with him.

He was an inspiring leader. The men and women of his commands served proudly—dedicating themselves to the mission, confident that Bobby Bond would lead them to victory—whether in the fire-filled skies of Southeast Asia or on the quieter, but equally dangerous, technological battlefield of daily deterrence.

Bobby Bond led by example—and he set truly high standards for us—his comrades in arms, his contemporaries, his subordinates, and the generations of Air Force people yet to come.

His entire life is an example for us. A testament to all that we hold dear as military professionals.

The example that Bobby set is really rather simple. It is best described by General MacArthur's famous words at West Point: Duty—honor—country.

Those three words are a perfect description of Bobby Bond.

For Bobby Bond duty was a limitless commitment to national security that transcended all other obligations, and made them pale by comparison.

He had chosen for himself the noblest duty of man * * * total commitment to the security and well being of his fellow citizens. And he lived accordingly. Always seeking to perform better—to go the extra step—to attain the extra edge that would make his people—the American people—that much more secure for that much longer.

Somehow—even this honorable term—duty—seems too shallow to describe the depth of Bobby Bond's feeling for the American people. It carries a sense of obligation, an invisible burden imposed. Nothing could be farther from the truth. For, as far as Bobby Bond was concerned, his duty imposed no burden. This man sought opportunities to contribute and accepted all challenges willingly—secure in his knowledge that his duty was righteous and vital to the survival of the Nation he loved.

In duty Bobby Bond found honor—and his life will stand as a testament to the true meaning of the word honor. He performed with honor . . . he lived with honor and courage . . . he gave meaning to the word for all who knew him.

He was tested in battle. He met his Nation's enemies with strength and courage—there can be no better definition of honor than that.

To say that he was an honorable man is to understate the nobility of his life. In his every action he displayed the integrity, consistency, and unwavering commitment to justice that are the hallmarks of successful military leaders.

And finally—country. This country . . . the United States of America . . . is the very reason that Bobby served. And, at the same time, the beneficiary of all that he accomplished.

Bobby Bond was a patriot. He would laugh about how strongly he believed in the United States of America, but he could never deny how strongly he felt. It was a personal feeling—a genuine extension of his feeling for his family. And he talked about protecting the country as another man might talk of protecting his family. Bobby saw his purpose in life clearly—and we, the Americans who benefited from his constant vigilance, are safer for his having been among us.

Ladies and gentlemen, I could go on and on about Bobby Bond and still never do justice to this great man. His friendship * * * his advice and counsel * * * his dedication to the Air Force mission * * * and the unqualified support he personally provided have meant more to me than I can ever put into words.

I cannot talk about Bobby Bond without talking about his infectious love of flying. No one whom I have ever known had a greater desire to fly than Bobby Bond. He learned to fly before he learned to drive—had his license at 15 and never lost his love for the art and science of flying. No one loved flying more than this man. And no one was a better pilot than Bobby Bond.

He was fighter pilot and he loved the tradition of the fighter pilot—the camaraderie, the challenge, the thrill, and the mission—that most of all—the mission—defense.

Ladies and gentlemen, we have lost an important member of the Air Force team. We are deeply saddened.

Bobby Bond rests now with his Maker, but his spirit is still with us. The legacy he left will live on as long as there is an Air Force * * * as long as there are fighter pilots and airmen of all sorts.

We who continue to serve, will do so with the spirit that Bobby left us. We must continue his work—accept for ourselves the personal commitment to duty, honor, and country that were the light of Bobby Bond's life.

And now * * * I would like to close by offering the same words that Bobby used frequently to conclude his speeches to AFSC dining ins, dining outs, and other ceremonies.

He would say * * * ladies and gentleman * * * I hope you will stand with me and say * * * I am proud to be here * * * proud to be an American * * * and proud to serve in the U.S. Air Force.

And so ladies and gentlemen, I say to you today, that I am proud to have known Bobby Bond. Proud to be an American * * * and proudest of all to wear the same blue uniform that he held so dear.

These were the words of his commanding officer, General Marsh.

Mr. Speaker, Lt. Gen. Robert Bond will be sorely missed by all who knew him, especially his lovely wife, Betty, and his four children. But the memory of this outstanding man and his distinguished career will remain with all of us for a long time. I extend my deepest sympathy and condolences to the family of General Bond.

□ 1950

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. HUTTO. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I certainly would like to commend the gentleman in the well, the gentleman from Florida (Mr. HUTTO), for taking this special order on Lt. Gen. Bobby Bond.

We are very proud that General Bond was from our State. I believe his remains have been taken back to Ashland, Miss.

Mr. HUTTO. Yes.

Mr. MONTGOMERY. I know that he was a very close friend of the gentleman from Florida. He was one of the great fliers that we have had in the Air Force, and I certainly appreciate the gentleman telling the House about this great American, how he loved to fly and what a great Air Force pilot he was.

Mr. HUTTO. Mr. Speaker, I thank the gentleman from Mississippi for his comments about another great Mississippian.

□ 2000

THE SIGNIFICANCE OF THE VOTE TODAY ON EL SALVADOR

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, I intend to take a few minutes to discuss the votes that took place today on the Central American and El Salvador aid packages. In light of the discussion that has gone on previously, I want to say that I certainly have no objection to the public understanding, those members of the public who are watching on television, that at this time in the operation of the House there are normal-

ly no Members present, save for those in the well. That is because the legislative business for the day is over and Members who have a compulsion to stay around to discuss a matter or another are given the opportunity to speak from the floor of the House, although it is not, in fact, a part of the official legislative business of the House. I think it is important for the public to recognize that distinction.

When we are debating on bills, as we were for some 7 hours today on El Salvador, it is certainly part of the legislative process of the House, but now in this special order and any others, the House has already done its business for the day and the staff is kind enough to be here simply to accommodate Members who feel a need to comment on something, but we are not actually functioning at this point as a legislative body.

I would simply like to make a few observations. The House passed a foreign assistance bill today which greatly increases the financial commitment of the United States to the entire Central American region, most especially El Salvador.

The President in his speech last night I think would have had people believe that the Congress had provided almost nothing by way of financial assistance to El Salvador since he came to office. The fact is that in early January 1981 in the last days of the Carter administration, the rebels in El Salvador began what they called their final offensive. Up to that point the El Salvadoran Government had received virtually nothing from the United States by way of military assistance. That so-called rebel final offensive failed.

Since that time we have provided under the Carter administration in the closing days a very few million dollars, and under the Reagan administration almost $1 billion in aid to El Salvador, more that a quarter of a billion dollars has been military assistance.

Today the rebels are probably in better shape in El Salvador than they were before the military assistance program began.

I think it is useful to spend just a moment discussing why in fact that is so. I do not really know why it is so, but I suspect that El Salvador is similar to the situation in which we found ourselves in a good many other areas of the world over the past decade since the close of World War II.

I think this country has slipped into a habit of deciding that because we have such a large economy and have such riches in terms of most other countries, or in comparison to most other countries, that we can substitute aid for thought, that we can substitute money for skill of diplomacy and shrewdness of political policy and because we are so wealthy as a nation, still pursue our goals and maintain our interests anywhere in the world we so choose.

I think that the aid bill which passed today is a perfect example of the kind of trouble that can get us into, because if history demonstrates, and I hope to God it does not, but if history in fact eventually says that the El Salvador war was Americanized, this is the day on which that will have happened, because this is the day that we passed an amendment, supported by the administration, requested by the administration, which in fact removed all significant limitations on the numbers of advisers which could be sent to El Salvador.

This is the day I believe when the Congress has really avoided its opportunity to send a message to the opponents of Mr. Duarte who just won the election, or who apparently just won the election in El Salvador, that they must follow the results of that election, which we supposedly backed. They must recognize the democratic result of that election.

I think it is useful to recall that the first time Mr. Durate was placed in power, he was removed by the army and tortured.

I think it is useful to point out that the history of El Salvador has for the most part been one in which occupants of political office change, but power does not. Power has always resided in the hands of the army.

I hope that today's vote will not eventually mean that those forces in the army in El Salvador most resistant to the change which is necessary if the El Salvadoran rebels are not to prevail, I hope that they will not gain the idea from this vote today that they can ignore those necessary changes.

I would call upon the administration to face one fundamental fact. What we need in this country more than anything else is not one more debate on El Salvador. What we do not need in this country today is one more victory by an administration by a five or six vote margin, because a policy which can win only a very narrow measure of support in this House cannot be sustained long term and any policy to be successful in Central America must be sustained over a succession of administrations, not just one Democratic administration with one approach and then a Republican administration with yet a different approach.

We need to reach a broad enough consensus in this country on crucial foreign policy issues, especially in this hemisphere, which will enable that policy to be sustained long term and the administration will not do that by persuading 59 like-minded philosophical soulmates on the other side of the aisle to temporarily go along with their policy.

The text of any administration is whether or not before an aid bill comes to the floor of the House or the Senate, before the legislative body decides to deal with it or is required to deal with it, the test of any administration is whether they can pull in enough people regardless of party and regardless of political persuasion who can be convinced that the policy the administration is following is sound, will intelligently defend the interests of the United States, and if that can happen, then administration policy will not be supported by a five vote margin in the House. It will be supported by a broad margin which will make it clear to friend and foe alike that this country does have the capacity to put together a foreign policy which is sustainable over a long period of time.

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That is the way to force people with whom we disagree in Central America, be they Marxist or anybody else, to face the necessity to come to the negotiating table and reason out differences.

But in the absence of that kind of policy, which can by virtue of its commonsense command broad support in the country, we will simply have an American policy which lurches from moment to moment, which maintains the majority from time to time but mostly does not sustain a policy which can in the end effectively defend the interests of the United States.

Mr. Speaker, I yield back the balance of my time.

A TRIBUTE TO ROBERT W. PETTINATO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 5 minutes.

● Mr. McDADE. Mr. Speaker, I am taking this opportunity to bring to the attention of my colleagues in the Congress the fine deeds and accomplishments of a special member of the Scranton community, Robert W. Pettinato.

On Friday, May 18, 1984, a tremendous cross section of people in my congressional district will gather to honor Bobby for his years of service and dedication. I cannot think of a finer man to honor. I am proud to call him a friend.

Bobby and his wife, Peg, have long been leaders in our community in northeast Pennsylvania. They, and their four children, have always been a part of making life better. An engineer by training, Bobby has served with distinction for the past 12 years in Lackawanna County as one of our county commissioners.

During those years of service from 1972–84, Bobby accomplished a great deal for our people. Two of his accom-

plishments deserve to be mentioned here.

Bobby Pettinato, as the chairman of the Scranton Wilkes-Barre Airport Board, was the driving force for the modernization of that facility. It was a pleasure for me to work on behalf of the Federal funding portion that brought the means to enlarge the public terminal, improve the parking facilities and install new safety features for flight operations. Bobby laid the groundwork for these efforts as well as the runway extension currently in the design phase.

Another project that Bobby Pettinato worked tirelessly for is the Montage project. Bobby is in the forefront of this project, and has been there since 1976. By securing $15 million in funding, there will be ski slopes, a chalet lodge and an alpine slide for the summer season.

These two steps forward have meant jobs and increased tourism for the greater Lackawanna County community. These projects exist because Bobby Pettinato spent the time and effort to make sure they happened.

No finer tribute can be paid to a public servant than to say that he made his community a better place to live because he was there. By any measure, there could have been no finer public servant in Lackawanna County than Robert W. "Bobby" Pettinato.●

COAL GROUP MEETING ON UNITED STATES-JAPAN COAL TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

● Mr. RAHALL. Mr. Speaker, I would like to extend an invitation to all Members to participate in the congressional coal group's upcoming meeting with a Japanese Ministry of International Trade and Industry sponsored delegation of senior Japanese coal buyers from the steel and utility sectors.

This meeting is not only of great importance to Members who represent coal-producing regions, but also to those who have port facilities in their districts.

It should be noted that the meeting comes at a particularly critical time. Japan has long been the single leading foreign market for United States coal. However, in 1983 United States coal exports to Japan plummeted by 30 percent over levels established the previous year. Indeed, United States coal exporters saw their share of the Japanese market fall from 36 percent in 1981 to 21 percent in 1983 while the market share of other coal-exporting nations such as Australia, Canada, South Africa, the U.S.S.R., and China increased.

In light of the over $20 billion trade deficit with Japan, it is especially important for a dialog on the coal trade to be conducted.

The meeting is scheduled for May 15, in 2175 Rayburn, at 3 to 5 p.m.●

FUTURE OF SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, in March of last year, Congress approved one of the biggest overhauls of social security since the program began in 1937, and I might add that this was no easy endeavor. The Social Security Act Amendments of 1983 eased fears that the system would go broke and ended almost 2 years of partisan dispute. The bipartisan economic projections, which this bill was based on, indicate that the retirement and disability system are solvent well into the next century.

Medicare's financial status is yet unresolved, but it would be a great injustice to mislead medicare beneficiaries into believing that their benefits could any day be cut off. I do not believe there is any Member of Congress who will not support some form of action next year to address medicare's financial problems.

A tremendous step forward was taken last year to address this medicare concern when the prospective payment system was enacted. For the first time hospitals were put on a tight budget that will not only help to stop the increase of medicare costs, but all health costs. I am very confident that additional steps will be taken during the next few years to keep the medicare program solvent well into the next century, just as we have done with social security.

Therefore, I cannot thank the gentleman enough for bringing this matter up so that we can call attention to Congress' commitment to the social security system and the medicare program. Their future is secure.●

FINANCIAL DISCLOSURE STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, following a practice I first began in 1963, I am placing in the CONGRESSIONAL RECORD a report on my financial condition. Although the Ethics in Government Act of 1978 and the House Rules require public financial disclosure, the statement I am presenting is more precise in its reporting.

This report covers the calendar year 1983 and also includes the amount of Federal, State of Wisconsin, and local real estate taxes paid in 1983:

Statement of financial condition—December 31, 1983

Checking account with the Sergeant at Arms, House of Representatives	$1,627.74
Cash	53.28
Securities (stocks, bonds, etc.) WPCF Credit Union (1 share)	5.24
Residential real estate:	
Arlington house and lot (1983 assessment)	191,800.00
Less mortgage	8,985.30
Equity	182,814.70
Sun Prairie house and lot	29,000.00
Improvements (dep'd)	1,519.00
Back lot	1,200.00
Sewer and water improvements	4,789.00
Total	36,508.00
Less mortgage	12,684.84
Less unpaid sewer and water assessments	492.00
Total	13,176.84
Equity	23,331.16
Household goods and miscellaneous personalty	8,000.00
Miscellaneous assets, deposits, with the U.S. civil service retirement fund through December 31, 1983, available only in accordance with applicable laws and regulations	79,548.52
Additional retirement fund deposit	1,130.00
Cash value	None
Cash surrender value of life insurance:	
On the life of Robert W. Kastenmeier	None
On the life of Dorothy C. Kastenmeier	544.00
Deposit, Donaldson Run	400.00
Automobiles:	
1976 Oldsmobile	450.00
1978 Mercury	1,800.00
Total assets	219,026.12
Less personal note WPCF Credit Union	3,267.59
Net worth	215,758.53
Taxes paid in 1983:	
Federal income tax (less 39.16 refund)	14,669.18
Wisconsin income tax	5,656.20
Federal employers tax	105.72
Arlington County real estate tax	1,898.82
Sun Prairie real estate taxes, including assessments	1,966.64
State sales tax	510.00
Total taxes	24,806.56
1983 income congressional salary	69,368.61
Gross rent, Sun Prairie house	3,720.00
Honoraria (3)	4,500.00
Total	77,588.61
Separate income of my wife, Dorothy C. Kastenmeier:	
Rental income	115.00

Dividend, Fredonia State Bank	10.00
Total	125.00●

INTELLIGENCE COMMITTEE REPORT ON FREEDOM OF INFORMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, on May 1, 1984, the Permanent Select Committee on Intelligence reported H.R. 5164, the Central Intelligence Agency Information Act.

In printing the committee report (H. Rept. 98-726, part 1), the Government Printing Office made many typographical errors. Rather than ask that the report be reprinted, at a cost of several thousand dollars, I ask that a list of the errors and the appropriate corrections be inserted in the RECORD at this point.

CORRECTION OF PRINTING ERRORS IN H. REPT. 98-726, PART 1 (CIA INFORMATION ACT)

Page 3, line 33, "file" should be "files".
Page 6, line 9, "abe" should be "able".
Page 7, line 31, "commitee" should be "committee".
Page 7, line 39, "Council" should be "Counsel".
Page 12, line 6, "sourcs" should be "sources".
Page 13, line 29, "FAIA" should be "FOIA".
Page 19, line 31, "tite" should be "title".
Page 21, line 35, "for" should be "of".
Page 22, line 45, "sale" should be "sole".
Page 22, line 51, "sale" should be "sole".
Page 23, line 9, "In" should be "in-".
Page 24, line 28, "concverning" should be "concerning".
Page 26, line 21, "Commitee's" should be "Committee's".
Page 29, line 2, "Council" should be "Counsel".
Page 32, line 44, the colon should be a period.
Page 33, line 7, "provisions" should be "provision".
Page 33, line 10, between "action" and "to" should be "is subject".
Page 33, line 46, "submission" should be "submissions".
Page 34, line 29, "impropery" should be "improperly".
Page 35, line 44, "701(b)(6)" should be "701(f)(6)".
Page 36, line 3, "701(b)(7)" should be "701(f)(7)".
Page 36, line 50, "Subjection" should be "Subsection".
Page 37, line 8, "section" should be "subsection".
Page 38, line 1, "vuluntary" should be "voluntary".●

LEGISLATION TO CORRECT INEQUITY IN APPLICATION OF DEDUCTION ALLOWANCE FOR TAX ON SALE OF NEW HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, today I am introducing a bill to correct an inequity in the application of the deduction allowance for the tax on the sale of a new home.

Present law permits a deduction for State and local general sales taxes, separately stated to the purchaser. Although in theory, there is a distinction between a sales tax imposed upon the purchaser and a privilege or license tax collected by the seller and passed on to the purchaser, as long as the tax is separately stated and paid by the purchaser, it is deductible.

The allowance of a deduction of privilege license taxes has received uneven application in the various districts of the Internal Revenue Service. In most districts, the tax is permitted as a deduction, whether identified as a sales tax or privilege license tax, upon retail sales. Some districts, however, will not permit the deduction of a privilege license tax which is identified to items other than sold through normal retail outlets, such as the tax imposed upon the sale of real estate.

In addition, the Internal Revenue Service has taken the position that when the privilege license tax imposed upon residential real property is measured by a portion of the gross receipts, the tax does not qualify for deduction. As a result of the restrictive definition of general sales tax, special rules have been adopted for food, clothing, medical supplies, and motor vehicles.

The bill I am introducing today adopts a special rule for residential real property that permits the deductibility of the tax which is imposed upon an amount less than the gross receipt of the sale. The bill requires that the tax be separately stated and that it be paid, as so identified, by the purchaser.●

CONCERNING THE SUPERFUND EXPANSION AND PROTECTION ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

● Mr. DINGELL. Mr. Speaker, today, along with Congressmen FLORIO, HOWARD, ROE, and numerous other colleagues from both sides of the aisle, I am introducing the Superfund Expansion and Protection Act of 1984.

The threat posed by improperly managed hazardous waste is the single biggest and the most challenging environmental problem facing this Nation. There is an estimated 264 million metric tons, equal to 71 billion gallons, of waste generated each year, much of which is improperly disposed. The Environmental Protection Agency maintains a list of over 17,000 abandoned and potentially dangerous hazardous waste sites. The Agency expects to list over 2,000 of these abandoned sites as priority sites for Superfund cleanup. The problem is immense, and at $6 million or more per site, the price tag will be enormous. Because these sites threaten the health and well-being of innocent people, any delay in cleaning up these sites is unacceptable. As of the end of March, only six sites have been totally cleaned up using Superfund.

The current administration does not understand, or simply does not care about, the problem this Nation faces. As the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce has documented, there was a pattern of abuses and conflicts of interest within the Superfund program with little concern for citizens who were threatened by hazardous waste every day of their lives. I need not remind my colleagues that abuses were so bad that over 20 officials at the Environmental Protection Agency were fired or resigned, and the Assistant Administrator in charge of the Superfund program was convicted of several felony counts relating to the administration of the program.

Since appointment of the new Administrator of the Environmental Protection Agency, my level of concern about the Agency's commitment to moving forward with the Superfund program has declined somewhat. But my level of concern about the agenda of the Office of Management and Budget has not changed one bit. The OMB still seeks to curtail the Superfund program, as evidenced by repeated statements from the administration that Superfund needs little additional money to complete its task.

In his state of the Union address, the President told the American public he supported reauthorization of the Superfund program. When asked during testimony before the Committee on Energy and Commerce, however, Administrator Ruckelshaus confirmed that the President has never made a face-to-face commitment to Mr. Ruckelshaus to see that the Superfund program will receive the necessary resources to complete the job of eliminating the abandoned chemical blotches from our landscape.

The authority to raise revenues for Superfund expires on September 30, 1985, a little over a year from now. The administration has advocated waiting until after the November elections before reauthorizing the program. This course of action runs counter to good management practices. The EPA will receive substantially more money for the program. They need time to plan, to hire and train personnel, and to initiate regulatory changes included in the reauthorization. If we wait until a month or two before the program expires to complete reauthorization, we only delay

further EPA's ability to get cleanups under way. If, however, Congress acts now, Congress contributes to a much speedier cleanup effort.

I urge my colleagues to join with me in strengthening and expanding this vital piece of legislation and reaffirming our national commitment to eliminating the abandoned hazardous waste sites which blight our landscape.●

CALIFORNIA CHIEF JUSTICE PHIL GIBSON—THE NATION LOSES A GIANT OF JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am sad to report to my colleagues the death of one of our Nation's greatest judges of this century, the former chief justice of the California Supreme Court, Phil Sheridan Gibson.

Appointed to the California Supreme Court in 1939 and named chief justice the following year, Phil Gibson remained a force not only in the State but also in the Nation until his retirement in 1964. Under his leadership, the California Supreme Court made many precedent-setting decisions which led the way for, or expanded, U.S. Supreme Court action on a wide variety of prominent issues. For good reason, he was known as the "champion of the people."

Among the most important cases in which he led the way and wrote the majority opinion were the following: a case preventing a labor union operating under a closed shop contract from practicing racial discrimination; a 1952 case voiding California's 32-year-old alien land law, which had barred Japanese aliens from owning property in the State; a 1963 ruling permitting a 13-year-old black boy to transfer out of a predominantly black school to one closer to his home; and another ruling the same year which held that supervisorial districts within a county must contain approximately equal populations.

One of his most important accomplishments was a complete overhaul of California's judicial system. His creation of a streamlined judicial system with justice, municipal, and superior courts stands today as a tribute to his commitment to efficient and fair justice.

In other administrative reforms, Justice Gibson had a new appellate court division established in 1941, succeeded in getting court rulemaking power transferred from the council he headed, and then oversaw the condensation of rules of practice and procedure into 34 pages of plain English free from technical terminology. He also established the commission on judicial qualifications, which became a model for similar panels in other States, to examine complaints about the performance of judges.

In his later years, Phil Gibson was particularly proud of having spoken out against the internment of Japanese Americans during World War II. He was practically the only State public official who opposed that action, and his courageous action reflected a lifetime of commitment to equality, justice, and civil rights for all Americans.

Phil Sheridan Gibson was born in 1888 in Grant City, Mo. He was named for Gen. Philip H. Sheridan, the Civil War general. He attended the University of Missouri and earned his law degree in 1914. He served in France during World War I, and then came to California, passing the State bar in 1923 and opening a successful law office in Los Angeles.

In 1938, Phil Gibson was named director of finance by Gov. Culbert Olson, and the next year, he was appointed to the supreme court, thus beginning a most distinguished judicial career.

I am proud to have known Phil Gibson. In retirement, he was a neighbor of mine in Carmel Valley, Calif. I also know his wife, Vicki, and his son, Blaine. He was very proud of both, and I know that my colleagues join me in sharing their sorrow over his death.

Phil Gibson lived for nearly a century. I think we can be certain that the contributions he made to his State and to his country—in the areas of civil rights, civil liberties, and judicial reform—will last yet another century. Few men can make that claim.●

SUBSTITUTE AMENDMENT TO H.R. 2133, TO AMEND THE SMALL BUSINESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, H.R. 2133, to amend the Small Business Act, was scheduled for floor debate on May 15, but was withdrawn from the calendar yesterday. This statement was prepared and submitted for the RECORD prior to yesterday's action withdrawing the bill from consideration by the House at this time. In fact, it was submitted for the RECORD on Tuesday, May 8, and on Wednesday, May 9, but for some reason it did not get printed in either RECORD. Today, I am again offering this statement for the RECORD.

H.R. 2133 has generated considerable controversy by allocating virtually all Federal procurement exclusively for small business. Although a strong supporter for many years of increasing small business participation in the Federal marketplace, I believe that it is inherently unfair to turn over the Federal marketplace to any single economic group to the exclusion of all others. As such, I have no choice but to oppose H.R. 2133, as amended by the Small Business Committee. In this regard, I and many other Members tried on numerous occasions to work out an amicable compromise which is fair to all businesses, both large and small—not to mention the American taxpayer. Unfortunately, these compromises were not accepted.

As a result, I plan to offer an amendment in the nature of a substitute if and when this bill comes to the floor in the future. This substitute is the product of the chairman of five major committees of the House: The Government Operations Committee, the Science and Technology Committee, the Armed Services Committee, the Post Office and Civil Service Committee, and the Energy and Commerce Committee. All share deep concerns about the impact that H.R. 2133 will have on many of the health, energy, safety, security, environmental, research, transportation, and other programs for which the respective committees have responsibility.

The amendment would correct the serious flaws in H.R. 2133, enhance small business opportunities, improve spare parts procurement, and promote fairness in the Federal Government's procurement process for all American businesses.

The primary objective of our Federal procurement system must still be to provide the highest quality of goods and services at the least cost to the American taxpayer. The substitute amendment strikes a fair balance that will achieve that goal and at the same time significantly enhance opportunities for small business.

The substitute amendment to H.R. 2133 is printed in the amendments section of this RECORD.●

HEARINGS SHOULD BE HELD ON ROOSEVELT LETTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 5 minutes.

● Mr. HORTON. Mr. Speaker, traveling through my district the past several months, I have spoken with many senior citizens. All have expressed their consternation over receiving the letter being mailed out in the name of former Congressman James Roosevelt. These senior citizens are being led to believe that this is an official document, sent out by the Federal Government, to raise money to save the social security and medicare systems. This letter is causing unnecessary fear among the elderly, and many of them are sending in their hard-earned money, which they can ill afford, in response to the mailing, wishing to do their part to "save" the system.

These are people who have worked hard all their lives, and contributed to the social security system. They are receiving, in many cases, the minimum monthly payments with which they must budget. There is very little left over to use in support of a fund that supposedly will go toward maintaining the solvency of social security and medicare.

Mr. Speaker, I believe that a committee hearing is in order. The situation requires investigation. The letters being sent out are extremely misleading and our senior citizens are being deceived. There have been numerous attempts to obtain direct information but none have produced any significant or meaningful results. It is time for the issue to be examined thoroughly, and for the objectives of this organization to be brought into the open. In my view, the only way to accomplish this is to conduct hearings, consider the questions raised by Mr. Roosevelt's group, weigh the explanations and testimony, and then, put the matter to rest.●

OUR POLICY OF HUMAN RIGHTS CERTIFICATION IN EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. PRITCHARD) is recognized for 5 minutes.

● Mr. PRITCHARD. Mr. Speaker, with the recent Salvadoran elections and the apparent victory of former President Jose Napolean Duarte, this Congress and this country have a chance to begin a new relationship with the Government and people of El Salvador. By its very nature, the successful completion of the Salvadoran Presidential election shows that our policy has met with some success. Democracy has begun to flourish in that strife-ridden nation. Now that we are about to consider this year's foreign aid authorization bill, I believe it might be useful to assess our past mistakes, instead of barging headlong into the same old routine and strident debate. In that light, Mr. Speaker, I will take this opportunity to review our policy of human rights certification in El Salvador and suggest some new approaches we might pursue.

In 1981, the 97th Congress approved an amendment to the foreign aid authorization bill which required the President to certify to Congress that the Government of El Salvador was making progress in protecting the human rights of its citizens. The device of certification seemed sensible at the time. Every 6 months the President was to submit to Congress a report stating that the Government of El Salvador had made progress in the establishment and protection of internationally recognized human rights. In addition, the Salvadoran Government had to meet other criteria set forth by Congress which included: Achieving control over its armed forces, pursuing land reform, holding free elections, making good faith efforts toward negotiations with the opposition, and trying to solve the murders of six Americans killed in 1980. Failure by the President to certify progress would result in the immediate suspension of all military aid approved for El Salvador that year.

Congressional advocates of certification claimed that the threat of a U.S. cutoff would enable then President Duarte to convince rightwing elements they had to temper their actions against the civilian population if they hoped to have the resources to carry on their battle against leftwing insurgents.

Since then, the President has certified four times to Congress, with one additional report in January 1984, that the Government of El Salvador made the mandated progress. Each time the certification reports have been greeted with scoffing and cries of derision. Over 2 years after Congress instituted the certification process, the evidence indicates to a large degree that certification has not brought about the extent of progress we had hoped it would. Now that certification requirements have expired and the President has vetoed its renewal, this Congress must ask itself two questions: First, why hasn't certification accomplished what we wanted? And second, if it is ineffective, should it be reinstituted at all?

REASONS FOR FAILURE

Part of the failure to achieve human rights progress in El Salvador must be attributed to the nature of war and society there. The State Department details the utter failure of the judicial system to arrest and convict members of the death squads due to intimidation and bribery. One can hardly hope to find the same respect for human rights to which we are accustomed, without the rudiments of a competent and consistent system of justice. Others speak of the obstacles to peace in a society that is becoming inured to violence. But just as important are the obstacles the United States has presented itself by adoption of the certification process—a process that has left us far short of our expectations for human rights progress in El Salvador.

I believe our motives are right in demanding more humane conditions in El Salvador, but the method we have adopted for achieving them is wrong. It is my contention that the congressionally mandated structure for monitoring human rights progress in El Salvador has clouded our goals and, in so doing, has to some degree stifled progress. In its eagerness to supply a steadying hand in the conduct of U.S. foreign policy, Congress has changed the role of the President in evaluating human rights reports. It has backed the President into a position of advocating reports of progress, no matter how tenuous the evidence.

THE KISSINGER COMMISSION REPORT

Because of the inability of Congress and the administration to agree on a course of action in Central America, the findings of the bipartisan Kissinger Commission were to form the blueprint for future U.S. foreign policy in that region. In its section on human rights, the Commission's report states clearly the difficulty of pursuing two, sometimes contradictory, goals:

> On the one hand, we seek to promote justice and find it repugnant to support forces that violate—or tolerate violation of—fundamental U.S. values. On the other hand, we are engaged in El Salvador and Central America because we are serving fundamental U.S. interests that transcend any particular government.

The Commission goes on to state that our great challenge is to "harmonize these dual goals" and stresses the continued need to make aid conditional on progress toward respect for human rights:

> We believe policies of increased aid and increased pressure to safeguard human rights would improve both security and justice. A slackening on one front would undermine our objective on the other. El Salvador must succeed on both or it will not succeed on either.

I agree that El Salvador must succeed on both objectives. Unfortunately, the Commission ignores a key question it raised earlier about promoting these two goals, that is, "how the problem is addressed in this regard is vital because Central America is crucial to our national security."

The way certification is currently structured, we cannot succeed in pursuing two objectives. We must choose between one or the other. The Commission outlines for us what choice we must make when it states, "Were military aid to be cut off, it would open the way for the triumph of the guerrillas . . . such a development would be unacceptable from the standpoint of both human rights and security." The threat of an immediate discontinuation of aid leaves the President little choice but to certify human rights progress, however abysmal the actual record.

The Kissinger Commission's initiatives for solving our human rights dilemma fall short of answering some vital and bothersome questions, and because of this I feel these policy options are incomplete. The Commission suggests that a Central American Development Organization could help in monitoring human rights progress, which is good, but does not address the question of why our previous efforts with contingency of aid have not worked.

The report says that conditions on military aid should continue and that

"these conditions should be seriously enforced," but gives no thought as to why they have not already been seriously enforced. Finally, the Commission takes the moral high ground by stating:

> The U.S. Government has a right to demand certain minimum standards of respect for human rights as a condition for providing military aid to any country.

The United States has not only a right but a duty to the American taxpayer to pursue such a policy and a cultural heritage which demands it. Yet our success in achieving such respect hinges on how we address the problem of conditionality on aid to El Salvador.

SHOULD CONGRESS REINSTATE CERTIFICATION, OR SHOULD IT ADOPT A NEW APPROACH

Because the improvement of human rights in El Salvador has not reached the level we expected and hoped for, and because we continue to send military assistance to El Salvador for a number of reasons not the least of which are the free parliamentary and Presidential elections, I must conclude that the device of certification is ambiguous, ineffective, and should be abandoned.

It is ambiguous because we continue to send military aid to El Salvador in the face of what many in and out of Government deem is less than satisfactory human rights progress. It is ineffective because Congress has failed to restrict such aid, which it has the power to do, while pointing a feeble finger at the administration's human rights accounting efforts. And certification should be abandoned because it distorts and undermines any effective relationship the President can have with the Government of El Salvador. It does this in a number of ways.

First, it forces the President to be an advocate for the Salvadoran Government when their requests for military assistance come before Congress, rather than a judge of their actions in bringing human rights progress. Some say that the President can be a judge now, and that he has shirked his responsibility under certification law. But realistically, he cannot be an impartial judge. He has declared the fight against Marxist insurrection in El Salvador a hemispheric priority and an item of national security. Our best intelligence information tells us that U.S. military aid is what holds the Salvadoran Government's strategy for victory together. By requiring the President to certify every 6 months that the Salvadorans have bettered their human rights record, and coupling it with the condition that noncertification will lead to an immediate cessation of all military assistance, the Congress has undercut the President's position. He cannot bargain effectively with the Salvadorans about human rights if they know it is in America's declared strategic interest to provide them military aid. He cannot demand of another sovereign government that it accede to the moral wishes of the United States either. Instead, the President is forced to advocate renewed military aid, whether human rights progress occurs or not, in the hope that domestic tranquillity bought with the force of arms may bring some future guarantee of rights from the Salvadoran Government. If, on the other hand, the President is allowed some freedom from the process of certification, he could better sit in judgment of human rights progress.

Certification also has the unintended effect of rewarding falsehood rather than truth. It was much easier for the Executive to approve questionable certifications than risk a cessation of aid. State Department officials were forced to endorse half-truths. This is an unacceptable choice for any public official and an unwise policy that leads to this consequence.

Congress is constantly searching for a way to positively influence foreign policy, but certification is not positive, it is detrimental. The problem is not that human rights progress cannot be made; the problem is the way we have gone about demanding it. Congress should continue to monitor and demand human rights progress, but it should not tie the President's hands. Instead, it should declare that it expects some standard of performance in human rights if it is to continue appropriating suitable levels of military aid. Congress should also make clear that a country's performance will come under regular committee review. What I am advocating is nothing new, I merely want to employ congressional power in a different way. By reinvigorating congressional responsibility in the human rights monitoring process, it relieves the Executive of the unwise trend of approval and advocacy. With this newfound flexibility, the President can use Congress as leverage with recalcitrant groups and governments, suggesting rather than demanding ways to progress. Yet this would also make it clear that if Congress is not convinced, aid will not likely be continued. This would return the role of observer, adviser, and judge of good faith to the President and lessen the likelihood of his public advocacy being manipulated to produce aid.

Congress should continue to monitor human rights progress and review semiannual reports, with the implication that it retains the option to cut off aid to countries which do not meet certain standards of conduct. Frequent reports are the best way to get a clear picture of just who and what we are supporting. Congress needs this information if it is to carry on an enlightened and intelligent debate of Central American policy.

Congress should explore alternative formulas for placing conditions on military aid with respect to human rights. By exploring new options, Congress can come up with a better means of accounting and encouraging human rights progress.

Working toward a consistent policy should be the goal of Congress and the administration. Inconsistency was a direct product of Government officials trying to explain certification in the face of continued human rights violations. Conflicting statements on the progress of human rights in El Salvador only served to confuse the American public about our intentions and lessened our credibility in the eyes of other nations. Congressional initiatives should not require the administration to dance around them. They should complement rather than confound policy.

Finally, Congress must face the fact that there are limits to what any policy can achieve; nevertheless we must continually press for tangible, albeit slow progress. I urge all Members to weigh carefully any new conditions placed on aid to El Salvador, in light of our past experience. We have a chance to embark on a new and productive relationship today, if we only have the courage to try.●

COMMUNICATION FROM CHAIRMAN OF THE SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore (Mr. FOLEY) laid before the House the following communication from the chairman of the Subcommittee on Investigations and Oversight of the Committee on Science and Technology:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 9, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L(50) of the Rules of the House of Representatives that Morris Levin, who had been assigned to this Subcommittee under the LEGIS Fellow Program, and who in that capacity has assisted this Subcommittee in its legislative tasks, has received a subpoena requiring him to testify concerning this Subcommittee's official duties.

I am consulting with the General Counsel to the Clerk of the House and will inform you of the determinations made in accordance with Rule L(50).

Sincerely,

ALBERT GORE, Jr.,
Chairman, Subcommittee on Investigations and Oversight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MOODY (at the request of Mr. WRIGHT) for today, May 10, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAUB) to revise and extend their remarks and include extraneous material:)

Mr. CRAIG, for 60 minutes, on May 16.

Mr. FRENZEL, for 60 minutes, on May 15.

Mr. BOEHLERT, for 60 minutes, on May 16.

Mr. BATEMAN, for 5 minutes, today.

Mr. KEMP, for 60 minutes, on May 22.

Mr. GOODLING, for 60 minutes, on May 15.

Mr. WALKER, for 60 minutes, on May 14.

Mr. GINGRICH, for 60 minutes, on May 14.

Mr. WALKER, for 60 minutes, on May 15.

Mr. GINGRICH, for 60 minutes, on May 15.

Mr. LOTT, for 60 minutes, on May 14.

Mr. HUNTER, for 60 minutes, on May 14.

Mr. CONTE, for 60 minutes, today.

Mr. MCDADE, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, on May 14.

Mr. MACK, for 60 minutes, on May 15.

Mr. KEMP, for 60 minutes, on May 16.

Mr. CRAIG, for 60 minutes, on May 16.

Mr. MACK, for 60 minutes, on May 16.

Mr. LUNGREN, for 60 minutes, on May 17.

Mrs. VUCANOVICH, for 60 minutes, on May 17.

(The following Members (at the request of Mr. HUTTO) to revise and extend their remarks and include extraneous material:)

Mr. HUTTO, for 30 minutes, today.

Mr. RAHALL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. MATSUI, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. DE LUGO, for 15 minutes, on May 14.

Mr. SPRATT, for 60 minutes, on May 14.

Mr. GARCIA, for 60 minutes, on May 15.

Mr. TAUZIN, for 60 minutes, on May 16.

Mr. ECKART, for 60 minutes, on May 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GARCIA, to revise and extend his remarks in the RECORD prior to the vote on the Studds amendment to H.R. 5119, today.

Mr. HARRISON, during debate on the Studds amendment to H.R. 5119 in the Committee of the Whole today.

Mr. OTTINGER, to revise and extend his remarks in the RECORD prior to the vote on the Broomfield amendment to H.R. 5119, in the Committee of the Whole, today.

Mr. KOSTMAYER, to revise and extend his remarks in the RECORD prior to the vote on the Studds amendment to H.R. 5119, in the Committee of the Whole, today.

Mr. GLICKMAN, to revise and extend his remarks in the RECORD prior to the vote on the Broomfield amendment to H.R. 5119, in the Committee of the Whole, today.

Mr. GARCIA, to revise and extend his remarks in the RECORD prior to the vote on the Broomfield amendment to H.R. 5119, in the Committee of the Whole, today.

Mr. FOWLER, to revise and extend his remarks in the RECORD prior to the vote on the Broomfield amendment to H.R. 5119, in the Committee of the Whole, today.

Mr. BEREUTER, and to include extraneous material, during debate on the Broomfield amendment to H.R. 5119, in the Committee of the Whole, today.

(The following Members (at the request of Mr. DAUB) and to include extraneous matter:)

Mr. MCKERNAN in two instances.

Mr. HYDE in three instances.

Mr. MARLENEE.

Mr. LIVINGSTON.

Mr. RUDD.

Mr. WOLF.

Mr. BLILEY.

Mr. OXLEY.

Mr. COURTER.

Mr. LAGOMARSINO.

Mr. BROOMFIELD in two instances.

Mr. ROBERT F. SMITH.

Mr. MOLINARI.

Mr. DENNY SMITH in two instances.

Mr. ROBINSON.

Mr. HARTNETT.

Mr. MCDADE in three instances.

Mr. LEWIS of Florida.

Mr. MCCOLLUM in two instances.

Mr. GOODLING in three instances.

Mr. DUNCAN.

Mr. YOUNG of Alaska in two instances.

Mr. DAUB.

Mr. LEWIS of California in three instances.

Mr. GEKAS.

Mr. PHILIP M. CRANE.

Mr. GREEN.

Mr. O'BRIEN in three instances.

Mr. MACK in two instances.

Mr. PRITCHARD.

Mr. SCHAEFER.

Mr. MOORHEAD.

Mr. SHUMWAY.

Mr. WHITEHURST.

Mr. HILER.

Mr. MARTIN of North Carolina.

Mr. PACKARD.

Mr. PORTER.

Mr. GUNDERSON.

Mrs. ROUKEMA.

Mr. MCCANDLESS.

Mr. WHITTAKER.

Mr. FIELDS.

Mr. CLINGER.

Mr. BOEHLERT.

Mr. KEMP.

Mr. GILMAN.

(The following Members (at the request of Mr. HUTTO) and to include extraneous matter:)

Mr. FRANK.

Mr. MAVROULES in two instances.

Mr. MONTGOMERY in two instances.

Mrs. BURTON of California in two instances.

Mr. WEISS.

Mr. DWYER of New Jersey.

Mr. OBERSTAR.

Mr. FUQUA.

Mr. MARKEY.

Mr. MRAZEK.

Mr. MILLER of California.

Mr. ST GERMAIN.

Mr. MAZZOLI in two instances.

Mr. MARTINEZ in two instances.

Mr. HARRISON.

Mr. LEVINE of California in two instances.

Mr. WAXMAN.

Mr. HAMILTON in two instances.

Mr. ACKERMAN.

Mr. COLEMAN of Texas.

Ms. OAKAR in two instances.

Mr. MORRISON of Connecticut.

Mr. LANTOS.

Mr. BARNES.

Mr. FORD of Michigan in two instances.

Mr. DASCHLE in five instances.

Mrs. BOXER.

Mr. DONNELLY.

Mr. EARLY.

Mr. ANTHONY.

Mr. JONES of Oklahoma.

Mr. KOLTER in two instances.

Mr. GARCIA.

Mr. HOYER.

Mr. BEDELL.

Mr. O'NEILL.

Mr. HALL of Ohio.

Mr. GLICKMAN.

Ms. KAPTUR.

Mr. VANDERGRIFF.

Mr. ROE.

Mr. STARK in three instances.

Mr. SKELTON.

Mr. WHEAT.

Mr. TORRES in two instances.

Mr. GUARINI.

Mr. ADDABBO.

Mr. AUCOIN.

Mr. BONER of Tennessee.

Ms. MIKULSKI in three instances.

Mr. LAFALCE.

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Mr. RATCHFORD.
Mr. SCHUMER.
Mr. SMITH of Florida.
Mr. EDWARDS of California.
Mr. CLAY.
Mr. DINGELL in two instances.
Mr. OTTINGER.
Mr. STAGGERS.
Mr. LELAND.
Mr. LIPINSKI.
Mr. DYSON.
Mr. BIAGGI.
Mr. OWENS.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3240. An act to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins;

H.R. 3635. An act to amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes; and

H.R. 5576. An act to designate certain land and improvements of the National Institutes of Health as the "Mary Woodard Lasker Center for Health and Education."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1129. An act to extend and improve the Domestic Volunteer Service Act of 1973, and for other purposes; and

S. 1188. An act to relieve the General Accounting Office of duplicative audit requirements with respect to the Disabled American Veterans.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, May 14, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3309. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to provide funds for payment of certain benefits to surviving spouses and dependent children of certain members of the Armed Forces, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

3310. A letter from the Secretary of the Army, transmitting a report on the voluntary agreements entered into by the Army under the Defense Production Act of 1950 as of September 1983, pursuant to DPA, section 708(1) (89 Stat. 810); to the Committee on Banking, Finance and Urban Affairs.

3311. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report, covering the fiscal year October 1, 1982, through September 30, 1983, pursuant to FPA, section 4(d) (46 Stat. 798; 49 Stat. 839; 91 Stat. 584); Public Law 95-617, section 205(b)(2); to the Committee on Energy and Commerce.

3312. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Clint Arlen Lauderdale, Ambassador-designate to the Republic of Guyana, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3313. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Peter Sebastian, Ambassador-designate to the Republic of Tunisia, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3314. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Edward Wolfe, Deputy Assistant Secretary for Oceans and Fisheries with rank of Ambassador, pursuant to Pulic Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3315. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Weston Adams, Ambassador-designate to the Republic of Malawi, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3316. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated July 9, 1979, submitting a report, together with accompanying papers and illustrations, on Lake Wichita, Holliday Creek, Tex., in partial response to a resolution adopted February 25, 1938, by the Committee on Rivers and Harbors of the U.S. House of Representatives (H. Doc. No. 98-219); to the Committee on Public Works and transportation and ordered to be printed.

3317. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the application of regulations or orders for the protection of safeguards information during the period January 1, 1984 through March 31, 1984, pursuant to AEA, section 147e. (94 Stat. 788); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3318. A letter from the Acting Secretary of the Interior, transmitting the annual report for fiscal year 1983 on the OCS leasing and production program, pursuant to the act of August 7, 1953, chapter 345, sections 15(1) and 22(g) (92 Stat. 648); jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under Clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MITCHELL: Committee on Small Business. H.R. 5334. A bill to improve the small business development center program, and for other purposes; with amendments (Rept. No. 98-739). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 5145. A bill to authorize appropriations for Head Start, Follow Through, and community services programs, to establish a program to provide child care information and referral services, and for other purposes; with an amendment (Rept. No. 98-740). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 4971. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes; with an amendment (Rept. No. 98-741). Referred to the Committee of the Whole House on the State of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII:

Mr. BOLAND: Permanent Select Committee on Intelligence. House Resolution 484. Resolution directing the President to furnish certain information to the House of Representatives concerning United States military involvement in hostilities in Central America. (Rept. No. 98-742, Pt. I). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under Caluse 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BOLAND: Permanent Select Committee on Intelligence. H.R. 5399, A bill to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; referred to the Committee on Armed Services for a period ending not later than May 25, 1984, for consideration of such provisions of the bill as fall within that committee's jurisdiction pursuant to clause 1(c), rule X (Rept. No. 98-743, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. GORE, Mr. SLATTERY, Mr. SIKORSKI, Mr. BATES, Mr. FLORIO, Mr. MARKEY, and Mr. WALGREN):

H.R. 5634. A bill to deny duty-free treatment under title V of the Trade Act (GSP) of 1974 to beneficary developing countries that violate U.S. patents, copyrights, or trademarks; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5635. A bill to amend the Amateur Sports Act of 1978 to provide explicitly that the act does not prohibit the sale in the United States of foreign postage stamps bearing an olympic insignia or symbol; to the Committee on the Judiciary.

By Mr. BLILEY (for himself, Mr. FAUNTROY, Mr. DYMALLY, and Mr. MCKINNEY):

H.R. 5636. A bill to change the appointment process for judges of District of Columbia courts, and for other purposes; to the Committee on the District of Columbia.

By Mrs. BOXER (for herself, Mr. LEVIN of Michigan, and Mr. LELAND):

H.R. 5637. A bill to direct the Secretary of Transportation not to approve highway projects under title 23, United States Code, to be carried out in States which do not adopt certain minimum drunk driving laws and programs, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BROYHILL (for himself, Mr. CAMPBELL, Mr. JENKINS, and Mr. DERRICK):

H.R. 5638. A bill to amend the Textile Fiber Products Identification Act and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products; to the Committee on Energy and Commerce.

By Mr. DASCHLE:

H.R. 5639. A bill pertaining to the inheritance of trust or restricted land on the Lake Traverse Indian Reservation, N. Dak., and S. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FLORIO (for himself, Mr. DINGELL, Mr. ROE, Mr. HOWARD, Mr. ECKART, Ms. MIKULSKI, Mr. LENT, Mr. RITTER, Mr. MARKEY, Mr. WYDEN, Mr. GORE, Mr. OTTINGER, Mr. WAXMAN, Mr. SWIFT, Mr. MADIGAN, Mrs. SCHNEIDER, Mr. MOLINARI, Mr. TOWNS, Mr. MOODY, Mr. EDGAR, Mr. SHANNON, Mr. MATSUI, Mr. DOWNEY of New York, Mr. GUARINI, Mr. STARK, Mr. WOLPE, Mr. FAZIO, Mr. D'AMOURS, Mr. FRANK, Mr. MINISH, Mr. NELSON of Florida, Mrs. ROUKEMA, Mr. STUDDS, Mr. MORRISON of Connecticut, Mr. TORRES, and Mr. JEFFORDS):

H.R. 5640. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; jointly, to the Committees on Energy and Commerce and Public Works and Transportation for a period ending not later than July 24, 1984; and referred to the Committee on Ways and Means.

By Mr. DOWDY of Mississippi:

H.R. 5641. A bill to amend titles XVIII and XIX of the Social Security Act concerning the definition of the term "physician"; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FLORIO (for himself and Mr. LENT):

H.R. 5642. A bill to authorize appropriations for carrying out the Hazardous Materials Transportation Act; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. GARCIA:

H.R. 5643. A bill to require the Federal banking regulators to prescribe regulations to control the amount of short-term broker deposits which may be accepted by an insured depository institution; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KASTENMEIER (for himself, Mr. BROOKS, Mr. MAZZOLI, Mr. SYNAR, Mrs. SCHROEDER, Mr. GLICKMAN, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. BERMAN, Mr. MOORHEAD, Mr. HYDE, Mr. DEWINE, and Mr. SAWYER):

H.R. 5644. A bill to provide greater discretion to the Supreme Court in selecting the cases it will review; to the Committee on the Judiciary.

H.R. 5645. A bill to permit courts of the United States to establish the order of hearing for certain civil matters, and for other purposes; to the Committee on the Judiciary.

By Mrs. SCHROEDER:

H.R. 5646. A bill to repeal the expiration of authority for awards for cost-savings disclosures; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H.R. 5647. A bill to provide Federal supplemental unemployment compensation for certain individuals; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 5648. A bill to amend the Internal Revenue Code of 1954 to clarify the treatment of certain taxes imposed with respect to sales of residential real property; to the Committee on Ways and Means.

By Mr. WEAVER (for himself, Mr. COELHO, Mr. BOSCO, Mr. CHAPPIE, Mr. PASHAYAN, Mr. AUCOIN, Mr. WYDEN, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. SWIFT, Mr. MORRISON of Washington, Mr. CHANDLER, Mr. BONKER, Mr. DICKS, Mr. PRITCHARD, Mr. LOWRY of Washington, and Mr. FOLEY):

H.R. 5649. A bill to to provide for the buy out of certain contracts for Federal timber; jointly to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. GILMAN (for himself and Mr. WAXMAN):

H.J. Res. 565. Joint resolution to provide for the designation of the week of November 25 through December 1, 1984, as "National Epidermolysis Bullosa Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. MINETA (for himself, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MICHEL, Mr. WYLIE, Mr. MITCHELL, Mr. MCKINNEY, Mr. BOLAND, Mr. BETHUNE, Ms. OAKAR, and Mr. LEWIS of California):

H.J. Res. 566. Joint resolution to designate the week beginning on October 7, 1984, as "National Neighborhood Housing Services Week"; to the Committee on Post Office and Civil Service.

By Mr. PURSELL (for himself, Mr. MARTIN of New York, Mr. OBERSTAR, Mr. MYERS, Mr. FORD of Michigan, Mr. LEHMAN of Florida, Mr. NOWAK, Mr. COUGHLIN, Mr. SABO, Ms. KAPTUR, Mr. SAWYER, Mr. RATCHFORD, Mr. CARR, Mr. BROOMFIELD, Mr. BOEHLERT, Mr. MRAZEK, Mr. DAVIS, Mr. ROSTENKOWSKI, Mr. DANIEL B. CRANE, Mr. GRAY, Mr. HERTEL of Michigan, Mr. HUGHES, Mr. DINGELL, Mr. LATTA, Mr. COATS, Mr. YOUNG of Missouri, Mr. WILLIAMS of Ohio, Mr. MCEWEN, Mr. FRENZEL, Mr. LONG of Maryland, Mr. LOTT, Mr. CROCKETT, Mr. KEMP, Mr. EARLY, Mr. O'BRIEN, Mr. MICHEL, Mr. CLINGER, Mr. DANIEL, Mr. SMITH of New Jersey, Mr. SILJANDER, Mr. TRAXLER, Ms. SNOWE, Mr. BURTON of Indiana, Mr. FRANK, Mr. WEISS, Mr. WOLPE, Mr. HILLIS, Mrs. HOLT, Mr. KASICH, Mr. HOYER, Mr. STANGELAND, Mr. SHUMWAY, Mr. SHANNON, Mr. OBEY, Mr. MCKERNAN, Mr. PETRI, Mr. RINALDO, Mr. DWYER of New Jersey, Mr. PHILIP M. CRANE, Mr. GOODLING, Mr. KINDNESS, Mrs. MARTIN of Illinois, Mr. LEVIN of Michigan, Mr. PARRIS, Mr. COURTER, Mr. HARKIN, Mr. HORTON, Mr. SCHUMER, Mr. SMITH of Iowa, Mr. TAUKE, Ms. OAKAR, Mr. MADIGAN, Mrs. BYRON, Mr. STOKES, Mr. SCHEUER, Mr. MINISH, Mr. STRATTON, Mr. BOLAND, Mr. GRADISON, Mr. CORCORAN, Mr. GREGG, Mr. SCHAEFER, Mr. SOLARZ, Mr. OXLEY, Mr. MITCHELL, Mr. WIRTH, Mr. GILMAN, Mr. WEBER, Mr. MILLER of Ohio, Mr. MCGRATH, Mr. RIDGE, Ms. FERRARO, Mr. BONIOR of Michigan, Mr. RITTER, Ms. MIKULSKI, Mrs. COLLINS, Mr. MCDADE, Mr. ALBOSTA, Mr. KILDEE, Mr. EDGAR, and Mr. PORTER):

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway" and June 27, 1984, as "St. Lawrence Seaway Day"; to the Committee on Post Office and Civil Service.

By Mrs. ROUKEMA:

H.J. Res. 568. Joint resolution conferring U.S. citizenship posthumously on Mrs. Mary Josephine Kaszkiewicz; to the Committee on the Judiciary.

By Mr. BONIOR of Michigan (for himself and Mr. OBERSTAR):

H. Con. Res. 303. Concurrent resolution expressing the sense of the Congress that there should be established in Greece a permanent site for the summer Olympic games; to the Committee on Foreign Affairs.

By Mr. FRANK (for himself, Mr. LEVIN of Michigan, Mr. FEIGHAN, Mr. WIRTH, Mr. SIMON, and Mr. BARTLETT):

H. Con. Res. 304. Concurrent resolution expressing the sense of the Congress that Elena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Elena Bonner, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HYDE:

H. Con. Res. 305. Concurrent resolution expressing the sense of the Congress that local governments should follow the lead established by the village of Glen Ellyn, Ill., in curbing alcohol consumption by teenagers; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mr. HYDE, and Mr. GINGRICH):

H. Con. Res. 306. Concurrent resolution expressing the sense of the Congress that all Nicaraguans enter into a process of national reconciliation; to the Committee on Foreign Affairs.

By Mr. WINN (for himself, Mr. ROBERTS, and Mr. WHITTAKER):

H. Con. Res. 307. Concurrent resolution in commemoration of the 30th anniversary of the unanimous decision of the Supreme Court of the United States in *Brown* v. *Board of Education*; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

390. By the SPEAKER: Memorial of the Legislature of the Territory of Guam, relative to President Ronald Reagan's April 25 visit to Guam; to the Committee on Interior and Insular Affairs.

391. Also, memorial of the General Assembly of the State of Iowa, relative to the Taxpayer Antitrust Enforcement Act of 1983; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERMAN:

H.R. 5650. A bill for the relief of Edwin Rios and Geovanna Rios; to the Committee on the Judiciary.

By Mr. PETRI:

H.R. 5651. A bill for the relief of Elmer L. Bridson; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 965: Mr. BATEMAN and Mrs. BOXER.

H.R. 1415: Mr. STAGGERS.

H.R. 1755: Mr. SCHUMER.

H.R. 2439: Mr. SIKORSKI.

H.R. 2715: Mr. TORRICELLI.

H.R. 2766: Mr. SUNDQUIST.

H.R. 2837: Mr. DARDEN.

H.R. 3282: Mr. SNYDER, Mr. HAMMERSCHMIDT, Mr. SHUSTER, Mr. STANGELAND, Mr. CLINGER, Mr. SHAW, Mr. MCEWEN, Mr. DAUB, Mr. ROBERT F. SMITH, Mr. PACKARD, and Mr. ANDERSON.

H.R. 3487: Mr. BROWN of Colorado, Mr. BURTON of Indiana, Mrs. BYRON, Mr. CARPER, Mr. CARR, Mr. DAUB, Mr. DYSON, Mr. ENGLISH, Mr. EVANS of Illinois, Mr. GUNDERSON, Mr. HILLIS, Mr. HUCKABY, Mr. JEFFORDS, Mr. MCKERNAN, Mr. MARTIN of New York, Mr. MONTGOMERY, Mr. PURSELL, Mr. ROWLAND, Mr. SAWYER, Mr. SKEEN, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mr. STUMP, and Mr. SUNDQUIST.

H.R. 3642: Mr. MCKERNAN and Mr. PRITCHARD.

H.R. 3737: Mr. BATES.

H.R. 3775: Mr. COLEMAN of Texas.

H.R. 3796: Mr. BEVILL, Mr. CHAPPIE, Mr. D'AMOURS, Mr. EMERSON, Mr. MOORE, Mr. MORRISON of Connecticut, Mr. PATMAN, Mr. ROBINSON, Mr. SPRATT, Mr. STUMP, and Mr. VANDERGRIFF.

H.R. 4098: Mr. FAZIO, Mr. YOUNG of Missouri, and Mr. ROE.

H.R. 4162: Mr. TAUKE.

H.R. 4175: Mr. NOWAK, Mr. BRYANT, Mr. DWYER of New Jersey, Mr. MCEWEN, Mr. MCCLOSKEY, Mr. SUNIA, Mr. MCKINNEY, Mr. BONIOR of Michigan, Mr. DAVIS, Mr. FROST, Mr. MCHUGH, Mr. ASPIN, and Mr. BOSCO.

H.R. 4402: Mr. CORCORAN.

H.R. 4459: Mr. YOUNG of Florida and Mr. KOLTER.

H.R. 4500: Mr. SOLOMON and Mr. TAUKE.

H.R. 4549: Mr. GREGG.

H.R. 4772: Mr. SILJANDER, Mr. CONYERS, Mr. KILDEE, Mr. FORD of Michigan, and Mr. HALL of Ohio.

H.R. 4800: Mr. EDWARDS of California, Mr. WALGREN, Mr. LEVIN of Michigan, Mr. TOWNS, Mr. SIMON, Mr. ECKART, and Mr. BERMAN.

H.R. 4971: Mr. MOLLOHAN.

H.R. 5044: Mr. EDGAR.

H.R. 5145: Mr. SOLARZ, Mr. MOLLOHAN, and Mr. STARK.

H.R. 5175: Mr. ADDABBO, Mr. BARNES, Mr. BATES, Mr. BEDELL, Mr. BEILENSON, Mr. BROWN of California, Mr. CROCKETT, Mr. D'AMOURS, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FAZIO, Mr. FORD of Michigan, Mr. HERTEL of Michigan, Ms. KAPTUR, Mr. KILDEE, Mr. MCDADE, Mr. MARKEY, Mr. MITCHELL, Mr. MOAKLEY, Mr. MRAZEK, Mr. OBERSTAR, Mr. OWENS, Mrs. SCHNEIDER, Mr. WON PAT, and Mr. RANGEL.

H.R. 5195: Mr. FAZIO and Mr. MARTINEZ.

H.R. 5327: Mr. D'AMOURS, Mr. MATSUI, Mr. LUNDINE, Mr. WEBER, Mrs. BYRON, Ms. OAKAR, Mr. WATKINS, Mr. RANGEL, Mr. HARKIN, Mr. SUNIA, Mr. BRITT, Mr. ASPIN, Mr. DASCHLE, Mr. CORRADA, Mr. ANTHONY, Mr. BOSCO, Mr. MITCHELL, Mr. OWENS, Mr. WILLIAMS of Montana, Mr. MOLLOHAN, Mr. STUDDS, Mr. HORTON, Mr. MARTINEZ, Mr. HUGHES, Mr. ROWLAND, and Mr. TOWNS.

H.R. 5396: Mr. DAUB, Mr. KASICH, Mr. KLECZKA, Mr. HORTON, and Mr. BADHAM.

H.R. 5496: Mr. GORE.

H.R. 5459: Mr. DORGAN.

H.R. 5533: Mr. GRAMM, Mr. ROTH, Mr. MCCANDLESS, Mr. LUJAN, and Mr. BLILEY.

H.R. 5582: Mr. CROCKETT, Mr. EDWARDS of California, Ms. KAPTUR, Mr. FAZIO, and Mr. LEHMAN of Florida.

H.J. Res. 205: Mr. GRAY and Mr. RAY.

H.J. Res. 418: Mr. BADHAM, Mr. FRANK, Mr. GOODLING, Mr. HUNTER, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LOEFFLER, Mr. LUNGREN, Mr. MCCLOSKEY, Mr. MCKERNAN, Mr. MINETA, Mr. NEAL, Mr. OTTINGER, Mr. PACKARD, Mr. ROBINSON, Mr. STUDDS, Mr. TAUZIN, and Mr. WINN.

H.J. Res. 420: Mr. BARTLETT, Mr. BROWN of California, Mr. EVANS of Iowa, Mr. GLICKMAN, Mr. GREGG, Mr. HANSEN of Utah, Mr. HOYER, Mr. IRELAND, Mr. JENKINS, Mr. KOGOVSEK, Mrs. LLOYD, Mr. NIELSON of Utah, Mr. PATTERSON, Mr. ROBERTS, Mr. SHELBY, Mr. SLATTERY, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mr. SWIFT, Mr. WALKER, Mr. WHITLEY, Mr. WHITTAKER, Mr. GUNDERSON, Mr. MOORE, Mr. RICHARDSON, Mr. TOWNS, Mr. ANDREWS of Texas, Mr. SIKORSKI, and Mr. VENTO.

H.J. Res. 441: Mr. JACOBS and Mr. BOLAND.

H.J. Res. 450: Mr. EDWARDS of Alabama, Mr. ROE, Mr. FUQUA, Mr. LAGOMARSINO, Mr. WOLF, Mr. FRENZEL, Mr. SMITH of Florida, Mr. STUMP, Mr. OWENS, Mr. ROGERS, Mrs. HOLT, Mr. VANDERGRIFF, Mr. MCCAIN, Mr. GUARINI, Mr. WOLPE, Mr. BROOMFIELD, Mr. LEVIN of Michigan, Mr. CHANDLER, Mr. FAZIO, and Mr. HUGHES.

H.J. Res. 460: Mr. BONIOR of Michigan.

H.J. Res. 476: Mr. OXLEY, Mr. DOWDY of Mississippi, Mr. STAGGERS, Mr. MONTGOMERY, Mr. FROST, Mr. FRANKLIN, Mr. MCCOLLUM, and Mr. NICHOLS.

H.J. Res. 489: Mr. MARTINEZ and Mr. BILIRAKIS.

H.J. Res. 497: Mr. SIMON, Mr. BADHAM, Mr. SUNIA, Mr. ROBINSON, Mr. DONNELLY, Mr. EMERSON, Mr. WORTLEY, Mr. LANTOS, Mr. O'BRIEN, Mr. NATCHER, Mr. WON PAT, Mr. FLIPPO, Mr. TOWNS, Mr. ROEMER, Mr. AUCOIN, Mr. SCHAEFER, Mr. SAM B. HALL, JR., Mr. MCCANDLESS, Mr. MOLINARI, Mr. MARTIN of New York, Mr. NELSON of Florida, Mr. WALGREN, Mr. WHITLEY, Mr. BOUCHER, Mr. WYDEN, Mr. REGULA, Mr. LOTT, Mr. LUKEN, Mr. MURPHY, Mr. LEHMAN of California, Mr. BEVILL, Mr. COATS, and Mr. RATCHFORD.

H.J. Res. 499: Mrs. HOLT, Mr. PANETTA, Mr. MCCAIN, Mr. BEDELL, Mr. HATCHER, Mr. BADHAM, Mr. BEVILL, Mr. FISH, Mr. HYDE, Mrs. COLLINS, Mr. DE LUGO, Mr. GORE, Mr. STANGELAND, Mr. BOUCHER, and Mr. ADDABBO.

H.J. Res. 500: Mr. MARTINEZ, Mr. BADHAM, and Mr. BRITT.

H.J. Res. 508: Mr. BILIRAKIS, Mr. SILJANDER, Mr. HYDE, and Mr. SISISKY.

H.J. Res. 521: Mr. WHITLEY.

H.J. Res. 527: Mr. RICHARDSON and Mr. HEFTEL of Hawaii.

H.J. Res. 529: Mr. VANDERGRIFF and Mr. STARK.

H.J. Res. 547: Mr. TAUZIN, Mr. VOLKMER, Mr. WHEAT, Mr. CORCORAN, Mr. FRANKLIN, Mr. DARDEN, and Mr. DANIEL.

H. Con. Res. 260: Mr. JEFFORDS, Mr. RATCHFORD, and Mr. YATRON.

H. Con. Res. 276: Mr. COUGHLIN, Mrs. KENNELLY, Ms. MIKULSKI, Mr. SHANNON, and Mr. CONTE.

H. Con. Res. 284: Mr. CORCORAN, Mr. MCCOLLUM, and Mr. WILLIAMS of Ohio.

H. Con. Res. 285: Mr. CORCORAN, Mr. MCCOLLUM, and Mr. WILLIAMS of Ohio.

H. Con. Res. 291: Mrs. SCHROEDER, Mr. MITCHELL, Mr. BERMAN, Mr. PATTERSON, Mr. SMITH of Florida, and Mr. TOWNS.

H. Res. 486: Mrs. SCHROEDER, Mr. MITCHELL, Mr. MINETA, Mr. BERMAN, and Mr. SMITH of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2133

By Mr. BROOKS:

(Amendment in the nature of a substitute)

—Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. Section 8(b)(7) of the Small Business Act is amended by adding at the end thereof the following new subparagraphs:

"(D) An executive agency may not refuse to include a product of a responsible small business concern (as defined in section 15(m)) or a group of responsible small business concerns on a 'qualified products' or similar list without giving such concern or group the opportunity to submit and have considered its product for inclusion on such 'qualified products' or similar list.

"(E) If such a responsible small business concern would not otherwise have the resources to qualify a product of its manufacture for such list, then the procuring agency may, subject to amounts provided in advance in appropriation Acts, waive or otherwise bear the cost of conducting the specified testing and evaluation for a product ultimately determined to be qualified, but excluding the costs associated with producing the item or establishing the production system, the quality control system, or other system to be tested and evaluated for a small business concern or a product manufactured by a small business concern.".

SEC. 2. Section 8(d)(2)(A) of the Small Business Act is amended by striking out "$10,000" and by inserting in lieu thereof "$25,000".

SEC. 3. Section 8(d)(11) of the Small Business Act is amended by adding at the end thereof the following:

"Each subcontracting plan contained in such report shall be identified by the relevant contract number, the name of the Federal buying activity, and the name of the contractor.".

SEC. 4. Section 15 of the Small Business Act is amended—

(a) by designating subsection (a) as subsection (a)(1), by redesignating clauses (1) through (4) as clauses (A) through (D), respectively, by striking out the last sentence, and by adding at the end thereof the following:

"(2) For the purposes of meeting the goals established by subsection (g), a procurement requirement, or any part thereof, may be set aside exclusively for competition among small business concerns, if—

"(A) the Government's requirements (including performance and delivery requirements) can be met by responsible small business concerns at competitive prices; and

"(B) in the case of research and development and other scientific, professional, technical, an management services in which an award to the best qualified source is necessary, the best sources are available from responsible small business concerns, consistent with the cost, performance, and schedule requirements of the government.

"(3) Whenever the administration and the Government procurement officer fail to agree on any determination made pursuant to this section, other than a determination pursuant to subsection (g), the matter shall be submitted for a final determination to the head of the appropriate department or agency by the Administrator.";

(b) by amending subsection (b) to read as follows:

"(b)(1) Each Federal agency shall, when feasible and cost effective, reduce the number of anticipated requirements to be contained in each of its contract solicitations by an amount necessary to promote the maximum practicable opportunity for small business concerns to submit offers in response to such solicitations.

"(2) With respect to any work to be performed the amount of which would exceed the maximum amount of any contract for which a surety may be guaranteed against loss under section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694(b)), the contracting procurement agency shall, to the extent practicable, place contracts so as to allow more than one small business concern to perform such work.".

(c) by amending subsection (g) to read as follows:

"(g)(1) The head of each Federal agency shall, after consultation with the Administration, establish goals each year for the award of its procurement contracts and subcontracts to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

"(2) Goals established under this subsection shall be jointly established by the Administration and the head of each Federal agency and shall realistically reflect the maximum potential of those firms described in paragraph (1) to perform such contracts and to perform subcontracts under such contracts. Whenever the Administration and the head of any Federal agency fail to agree on goals, the disagreement shall be submitted to the Administrator of the Office of Federal Procurement Policy (or the head of any successor agency) for final determination.

"(3) Goals established pursuant to this subsection shall be separately established for both prime contracts and subcontracts of each Federal agency. Subject to the requirements of paragraph (5), such goals shall be expressed as a per centum of the total dollar amount of anticipated prime contract and subcontract awards.

"(4) Goals established pursuant to this subsection shall be established within the first sixty calendar days of the fiscal year to which they pertain. If goals are not established within such time period for an individual agency, and no determination has been made under paragraph (2) of this subsection, the Administration shall set the goals for such agency.

"(5) For purposes of this Act, the set aside provisions in subsection (a)(2) of this section shall not be applied in a manner which allocates more than a fair proportion of the total purchases and contracts for each industry category or subcategory to small business concerns.

"(6) Nothing contained in this subsection shall restrict the award of contracts to small business under the authority of section 8(a) of this Act or any non-exclusive, open competition procedures by a contract procuring agency.

"(7) For purposes of this subsection, 'an industry category or subcategory' means any category or subcategory under the four digit standard industrial code as defined by the Office of Management and Budget.";

and

(d) by adding at the end thereof the following:

"(m) As used in this section, the term 'responsible small business concern' means a prospective contractor who—

"(1) has adequate financial resources to perform the contract, or the ability to obtain such resources;

"(2) is able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments;

"(3) has a satisfactory performance record;

"(4) has a satisfactory record of integrity and business ethics;

"(5) has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain such organization, experience, controls and skills;

"(6) has the necessary production, construction, and technical equipment and facilities, or the ability to obtain such equipment and facilities; and

"(7) is otherwise qualified and eligible to receive an award under applicable laws and regulations.".

SEC. 5. Section 16 of the Small Business Act is amended by inserting immediately after "Act," the following: "including any contract or any subcontract subject to the provisions of this Act,".

SEC. 6. (a) No Federal agency shall solicit an offer from only one source or negotiate with only one source (other than pursuant to section 8(a) of the Small Business Act) for the purchase of spare or replacement parts unless the head of the contracting activity or his designee (as defined in the Government-wide regulation established under section 6(a) of the Office of Federal Procurement Policy Act) certifies, for each such procurement, that—

(1) the parts are available from only one source and no other business concern is capable of producing the parts which are consistent with the legitimate needs of the agency;

(2) the agency's need for the parts is of such urgency that the mission of the agency would be seriously injured if it did not solicit or negotiate with only one source;

(3) the disclosure of the agency's needs to more than one source would compromise the national security;

(4) a party has a legitimate proprietary interest in the parts or their manufacture; or

(5) a statute authorizes that the parts be procured through another agency or a specific source.

(b)(1) Within one-hundred and eighty days after the effective date of this paragraph, the Office of Federal Procurement Policy (or any successor agency) shall prescribe government-wide procurement policies defining 'legitimate proprietary interest' for purposes of this subsection. Such policies shall be implemented in the single system of government-wide procurement regulations in accordance with section 6(a) and (b) of the Office of Federal Procurement Policy Act and shall give due consideration to the following:

(A) statements of policy, objectives, and purposes contained in Public Law 85-568, Public Law 96-517, Public Law 97-219, and section 8(d) of the Small Business Act;

(B) the governmental interest to increase competition and lower costs by developing and locating alternative sources of supply and manufacture;

(C) the rights to technical or other data which is developed in whole or in part with Federal funds;

(D) the insertion of a clause in the initial production contract for each major system acquisition pertaining to technical or other data developed in whole or in part with Federal funds, which clause shall contain provisions specifying, as appropriate, the Government's right to own, license, use or otherwise access such data and the extent, if any, of proprietary interest maintained by the contractor;

(E) the imposition of appropriate remedial measures against business concerns which improperly designate technical or other data as proprietary;

(F) authorizing the Government to ignore, correct, or cancel any restriction on the release of technical data that is not authorized by the contract if the contractor fails to provide justification, within 60 days after receiving a written request from the Government for such justification, for the propriety of the restriction; and

(G) specifying that if the contractor asserts that the Government is not entitled to unlimited rights in technical data relating to an item, component, or process and the assertion is not sustained and it is determined that the assertion was not substantially justified, the contractor shall be required to pay to the Government the cost to the United States of contesting the assertion.

(2) Nothing in this paragraph shall be construed as requiring a contractor to sell, license, grant, or otherwise transfer to the Government unlimited rights in technical data or computer software relating to items or processes which are developed at private expense.

(3) The Administrator of the Office of Federal Procurement Policy (or the head of any successor agency) shall ensure that—

(A) representatives of associations representing small business concerns are consulted prior to issuing any policies pursuant to paragaph (1); and

(B) prior to the promulgation of such poli cies, a report is submitted to the House of Representatives and the Senate detailing how such policies give due considerations to the factors described in paragraph (1)(A) through (G).

SEC. 7. (a) A commercial activity being performed by other than a commercial source may not be converted to contract pursuant

to OMB Circular A-76 (or any comparable succeeding circular) unless such activity can be performed more cost effectively by a commercial source.

(b) For purposes of this section—

(1) the term "OMB Circular A-76" refers to Office of Management and Budget Circular Numbered A-76;

(2) the terms "commercial activity" and "commercial source" have the meanings given such terms by OMB Circular A-76.

SEC. 8. Nothing contained in this Act or amendments made by this Act shall be construed as amending, modifying, or superseding the provisions of—

(1) the Act of June 25, 1938, popularly referred to as the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c);

(2) section 8(a) of the Small Business Act; or

(3) section 9 of such Act as they relate to Small Business Innovation Research Programs.

H.R. 5167

By Mr. BROWN of California:

—At the end of title II (page 18, after line 13) add the following new section: Limitation on Funds for Anti-Satellite Weapons

SEC. 206. No funds appropriated pursuant to authorizations of appropriations in this title may be used for testing of the Space Defense system (anti-satellite weapon) against an object in space unless and until the President certifies to Congress that the Soviet Union has conducted, after the date of enactment of this Act, a test of a dedicated anti-satellite weapon.

By Mr. MATSUI:

—At the end of the bill add the following new section:

LIMITATION ON DEFENSE REORGANIZATIONS

SEC. . (a) Section 125 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding subsection (a), the Secretary of Defense—

"(A) may not test the transfer, reassignment, or consolidation of a function, power, or duty of a military department to a component of the Department of Defense outside a military department unless the test has been specifically authorized by law; and

"(B) may not carry out the transfer, reassignment, or consolidation of a function, power, or duty of a military department to a component of the Department of Defense outside a military department unless the transfer, reassignment, or consolidation has been specifically authorized by law after the completion of the study of such transfer, reassignment, or consolidation.

"(2)(A) Paragraph (1) does not apply to a transfer, or a test of a transfer, of a function, power, or duty of a military department if the transfer (or the ultimate transfer contemplated under the test)—

"(i) would involve reallocation of fewer than a total of 200 military and civilian personnel positions (including temporary civilian positions) from the military departments to the component of the Department of Defense outside a military department; and

"(ii) would not result in a change of expenditures by Department of Defense entities of more than $10,000,000 in any fiscal year.

"(B) For the purpose of subparagraph (A), a personnel position shall be considered to be reallocated if the entity of the Department of Defense providing policy direction for that position is changed under the transfer involved.".

(b)(1) Clause (A) of section 125(e)(1) of title 10, United States Code, as added by subsection (a), shall apply to tests begun on or after the date of the enactment of this Act.

(2) Clause (B) of section 125(e)(1) of title 10, United States Code, as added by subsection (d), shall apply to transfers, reassignments, and consolidations after January 1, 1983.

EXTENSIONS OF REMARKS

CRIMINAL JUSTICE IMPROVEMENT ACT OF 1984

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. SCHUMER. Mr. Speaker, I am introducing a bill today to improve State criminal justice information systems, including criminal history records; to establish an interstate identification index based on criminal records and to provide assistance to States to use such index; to insure that criminal history records are accurate and complete; and for other purposes.

I intend this to be a study bill and my purpose in introducing it at this time is to encourage study and comment on it. I ask unanimous consent that the entire text of the bill be printed in the RECORD.

H.R. —

A bill to improve State criminal justice information systems, including criminal history records; to establish an interstate identification index based on criminal records and to provide assistance to States to use such index; to ensure that criminal history records are accurate and complete; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Criminal Justice Information Improvement Act of 1984".

INTERSTATE IDENTIFICATION INDEX

SEC. 2. Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d), and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) For the purpose of assisting Federal, State, and local departments and agencies to locate, for criminal justice use, criminal identification and crime records held by such departments and agencies, the Attorney General shall—

"(A) establish and maintain an interstate identification index which shall contain only information—

"(i) identifying individuals with respect to whom there exists any criminal identification or crime record;

"(ii) with respect to each such individual, identifying the Federal, State, and local departments and agencies which created and hold criminal identification and crime records; and

"(iii) with respect to each such individual, indicating whether the Attorney General holds any such record; and

"(B) make such information available to such departments and agencies for criminal justice use.

"(2) The Attorney General may make available information in the interstate identification index to any State or local department or agency for criminal justice use only if—

"(A) such department or agency has not obtained information under this subsection at any time preceding the 3-year period ending on the date any such information was first requested under this subsection; or

"(B) in the case of a department or agency which obtained information under this subsection in such 3-year period, such department or agency complied with section 4 of the Criminal Justice Information Improvement Act of 1984 during a period of not less than 180 days ending on the date of the current request of such department or agency for information.".

AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 3. (a) Section 401(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741(a)) is amended—

(1) in paragraph (22) by striking out "and" at the end thereof,

(2) in paragraph (23) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and

(3) by adding at the end thereof the following new paragraphs:

"(24) developing capabilities necessary to submit information for inclusion in, and to obtain information contained in, the interstate identification index established under section 534(c)(2)(B) of title 28, United States Code; and

"(25) complying with the requirements of section 534(c)(3) of title 28, United States Code, and section 4 of the Criminal Justice Information Improvement Act of 1984.".

(b) Section 401(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741(b)) is amended—

(1) in subparagraph (A) by striking out "and" at the end thereof,

(2) in subparagraph (B)—

(A) by inserting "except as provided in subparagraph (C)," after "(B)", and

(B) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new subparagraph:

"(C) for any fiscal period beginning after the effective date of this subparagraph, that portion of a Federal grant made under paragraph (20) for the purpose of establishing a criminal justice information system or under paragraph (24) or (25) shall be 100 per centum of the cost of the program or project specified in the application for such grant.".

(c) Section 402 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3742(b)) is amended by adding at the end thereof the following new subsection:

"(e) No eligible jurisdiction may receive financial assistance under this part for the purpose of establishing a criminal justice information system or for any purpose specified in paragraph (24) or (25) of section 401 unless such jurisdiction agrees, as a condition of receiving such assistance, to comply with section 4 of the Criminal Justice Information Improvement Act of 1984 not later than 3 years after first receiving assistance under this Act for any such purpose.".

CRIMINAL HISTORY RECORDS

SEC. 4. (a) For purposes of section 534(c)(2)(B) of title 28, United States Code, and section 402(e) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3742(e)), a State or local department or agency or an eligible jurisdiction, as the case may be, shall—

(1) comply with sections 20.3, 20.20 (without regard to subsection (a)), 20.21 (without regard to the requirement that a plan be submitted or amended), and 20.24 of the Code of Federal Regulations as in effect on the date of the enactment of this Act, and

(2) permit the Attorney General of the United States, or the designee of the Attorney General, to audit the criminal justice and related records of such department, agency, or jurisdiction to verify such compliance.

(b) The Attorney General of the United States shall conduct audits of the type described in subsection (a)(2) on a random basis to ensure that State and local departments and agencies and eligible jurisdictions to which such subsection applies comply with such subsection.

NATIONAL CRIME INFORMATION ADVISORY POLICY BOARD

SEC. 5. (a) There is hereby established in the Departmemt of Justice a National Crime Information Advisory Board (hereinafter in this section referred to as the "Board") whose purpose it shall be to recommend to the Attorney General general policies with respect to—

(1) the philosophy, concept, and operational principles applicable to the acquisition, classification, storage, and dissemination of information, and the exchange and use of records made available, by the Attorney General under section 534 of title 28, United States Code, and

(2) the relationship of the activities of the Attorney General under such section to State and local systems relating to the collection, processing, storage, dissemination, and use of criminal history information and records.

(b) The Board shall be composed of 26 members as follows:

(1) Six members shall be appointed by the Attorney General. At least 1 of such members shall be appointed from among each of the following—

(A) individuals representing the judiciary,

(B) attorneys who prosecute criminal defendents,

(C) attorneys who provide legal counsel to criminal defendants,

(D) individuals representing administrators of correctional institutions and agencies, and

(E) individuals representing civil rights organizations.

Such members shall serve for an indeterminate period of time.

(2) Twenty members shall be elected by entities throughout the United States which

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

obtain information under such section from the Attorney General. Such members shall serve for a term of two years beginning on January 5th of each odd numbered year.

(3) The Board shall be representative of the entire criminal justice community at the State and local levels and shall include representation from law enforcement agencies, the courts, and corrections agencies and institutions.

(c) The Board shall review rules and procedures applicable to carrying out section 534 of title 28, United States Code.

(d) The Board shall consider operational needs of criminal justice departments and agencies in light of public policies, and local State, and Federal statutes.

(e)(1) The Board shall review, on a continuing basis, security and privacy aspects of operations carried out under section 534 of title 28, United States Code, and shall, as needed, appoint ad hoc subcommittees to provide information and recommendations to the Board regarding the security and privacy aspects of such operations.

(2) The Board shall recommend standards for participation by criminal justice departments and agencies in such operations.

(f) The Board shall report directly to the Attorney General of the United States or to the designee of the Attorney General.

(g) The Federal Advisory Committee Act shall apply with respect to the Board (5 U.S.C. App.).

EFFECTIVE DATES

SEC. 6. (a) Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect on October 1, 1984, or the date of the enactment of this Act, whichever occurs later.

(b) The amendment made by section 3(b)(2) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(c) Section 5 shall take effect on January 5, 1985.●

THE LINDAMOOD BREAKTHROUGH

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DASCHLE. Mr. Speaker, I wish to call the attention of Congress to a breakthrough in the diagnosis and treatment of reading and spelling disabilities, including those severe enough to be labeled dyslexia. This breakthrough has occurred through the research of a husband/wife linguist and speech pathologist team, Charles and Patricia Lindamood, associated with the San Luis Medical Clinic in San Luis Obispo, Calif. I first learned of this development through Mary Lou Mahan of Sioux Falls, S. Dak., who has successfully incorporated it in her teaching program.

The Lindamoods have developed a test which identifies a very precise ability to compare the order of sounds in words, also called auditory conceptual judgment. The research reveals that one-third or more of the population do not spontaneously develop this judgment as fully as needed. A lack in auditory conceptual judgment prevents individuals from detecting their reading and spelling errors, and interferes with their ability to self-correct. It appears that this factor is so simple and basic that educators have erroneously assumed its general availability.

It is very encouraging to also report that the Lindamoods have developed techniques which are consistently successful in stimulating auditory conceptual judgment and its application in reading and spelling. It should be particularly noted that the research indicates that attention to this factor can prevent as well as remediate reading and spelling disabilities.

There is need to aid educators in becoming trained to diagnose and work with this factor, so that all of our youth may have access to the tools they need to develop to their full potential in literacy skills. Aid should also be made available to adults who have this problem. The Lindamoods' test represents a promising opportunity in fostering the development of adequate reading and spelling skills in individuals.●

INSURING THE SOLVENCY OF THE MEDICARE PROGRAM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MAZZOLI. Mr. Speaker, I have been contacted by Mr. Richard McKnight—a leader among the many retired United Auto Workers who live in my district—and I have received letters from many other retirees in my area who are gravely concerned about the solvency of the medicare program and about the escalating costs of health care.

Mr. McKnight studies issues affecting retirees very carefully and writes me often about the more important of these issues. I appreciate his interest.

There are many separate steps Congress should take but a foremost one should be the creation of a bipartisan commission—similar to the one appointed to strengthen the social security system.

A Medicare Commission, which should be composed of retirees, Members of Congress, and members of the administration, could examine all the questions related to the medicare system and issue recommendations to Congress which would make the system solvent and secure for all the years to come.

I wrote President Reagan last year urging him to create such a panel. I am disappointed that, to date, he has not taken the needed action.

Because this congressional session will be shortened by elections, final action on any comprehensive legislation to address health care costs is unlikely. Still, I feel important groundwork can—and must—be laid in what is left of this congressional session to shore up medicare and to ease the financial strains on the system.

I commend to the attention of my colleagues the following article written by Joseph Califano, former Secretary of Health, Education, and Welfare, who also recognizes and supports the need for a comprehensive approach instead of piecemeal reforms in our efforts to strengthen and vitalize medicare.

[From the New York Times, May 6, 1984]

UNITED STATES MUST DISCIPLINE HEALTH-CARE MARKET

(By Joseph A. Califano, Jr.)

WASHINGTON.—Controlling medical costs has become the Great American Shell Game. Congress puts a cap on Medicare payments for 467 medical procedures, and hospitals just pass the costs off to the states. States put their own caps on Medicaid hospital payments, and hospitals just move the pea to private insurers and Blue Cross and Blue Shield. Congress caps payments to physicians in hospitals, and doctors move the pea outside the hospital to their offices or clinics where there are no caps.

The new caps on hospital costs paid by Medicare and many states allow politicians to boast about cutting deficits. But they do little to reduce the costs of the health care system. In 1984, these costs will continue their inflationary assault on the American economy at double or triple the rate of increase in the Consumer Price Index. Hospitals and doctors will simply shift their charges to private insurers and the Blues. And Americans will spend more than $1 billion a day for health care.

The experience of the Chrysler Corporation tells a lot about what's happening. Chrysler's 1984 health care costs will exceed $400 million, or $550 for each car it sells. That's down from $600 a car last year—not because costs have abated but because the company is selling more cars. This year, Chrysler must sell about 70,000 vehicles just to pay health care bills.

To cut costs, the Chrysler Corporation has begun a careful examination of what it has been paying for:

Among Chrysler's (and the nation's) elderly, cataract surgery is common. This procedure takes about 20 minutes and rarely requires a general anesthetic. The average opthamologist in the Detroit area charges $2,000 for the operation. If a doctor performs three of these procedures a day, four days a week, 42 weeks a year, he earns more than $1 million for less than 200 hours of actual surgery, and has a 10-week vacation.

Chrysler asked some doctors to investigate eight Detroit area hospitals with high percentages of nonsurgical admissions for lower back problems. Their study found that two-thirds of the hospitalizations, and 2,264 out of 2,677 of the total hospital days, were inappropriate. At three hospitals, none of the admissions was found to be appropriate. In more than 60 percent of the cases, patients were subjected to expensive electromyograms—a procedure necessary only if surgery has already been clinically indicated. All the test results were normal.

Experts investigated the six Detroit hospitals with the highest number of maternity

admissions for patients insured by Chrysler. In more than 80 percent of the 618 cases studied, one or more of the hospital days were found to be unnecessary—a total of more than 1,000 unnecessary days, about a quarter of the time spent in the hospital.

Chrysler's preliminary investigation suggests that 25 percent of its hospital costs may be due to waste and inefficiency. Elimination of those costs would save some $50 million in 1984. There's no reason to believe that Chrysler's experience is unique. For the entire health care system, elimination of such costs would save more than $50 billion—without adversely affecting the quality of care.

But American business alone cannot control health care costs. We need a national policy to restructure financial incentives in America's health care industry: where possible, to instill some marketplace discipline; and where not, some controls. Sleight of hand won't work. Costs disappearing from the Federal health care budget have a remarkable ability to reappear elsewhere in this noncompetitive system, where costs shifting is so easy. The net result is a hidden tax on American business and citizens.

In Chrysler's case, the company provides for its retirees many health care services not paid by Medicare. This means that, as Medicare seeks to ease its own financial crisis by shifting costs to the individuals, Chrysler pays the bill. In 1965, a Medicare beneficiary paid the first $40 of a hospital stay; today, that co-payment is $356. Similarly, the daily co-payment for long-term hospital stays (between the 60th and 90th days) has risen from $10 to $89 per day. Chrysler absorbs 100 percent of these increases. The latest hike in the Medicare hospital deductible costs Chrysler approximately $1 million a year. Our citizens haven't saved anything. Our Government has simply hidden the pea under another shell.

Similarly, the 1982 Tax Equity and Fiscal Responsibility Act requires the employer's group health insurance, rather than Medicare, to provide primary coverage for employees and their spouses over age 65. That provision does not save a single dollar. It simply shifts the pea from Medicare to the private sector.

Some proposals for rescuing Medicare are outrageous examples of the shell game. The suggestion to delay Medicare eligibility from ages 65 to 67, for example, would cost American business and those citizens not fortunate enough to have employer coverage some $75 billion. And it probably won't eliminate any waste or inefficiency in the health care system.

Congress must address costs across the entire system—not just Federal expenditures. As a first step, Congress should establish a national commission to reform health care, similar to the National Commission on Social Security Reform. The commission should develop a national health policy to cut costs without reducing care. Its membership should include representatives of all the players: Federal, state and local governments, business and labor, senior citizens and junior citizens, lawyers, physicians, hospitals and health insurers.

We must develop an efficient health care delivery system. We cannot keep going the way we are. We simply don't have the money.●

TRIBUTE TO THE NATION'S SMALL BUSINESS OWNERS

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. STAGGERS. Mr. Speaker, this week we salute the bedrock of our Nation's economy—the nearly 14 million small businesses across America. National Small Business Week acknowledges the enormous contribution made by individuals whose stamina, character, and ingenuity attest to the strength of our Nation.

In West Virginia's Second Congressional District, we are extremely proud of small business owner Harry Dugan. Mr. Dugan was recently named West Virginia Small Businessperson of the Year.

Mr. Dugan began with a small, rented grocery store in Martinsburg, W. Va. He now has three grocery stores with sales over $7 million last year. Moreover, Mr. Dugan is providing employment for some 60 people over a three county area. I join with the residents of my district in saluting Mr. Harry Dugan.

Small businesses have played a major role in America's economic development. The Small Business Administration (SBA) estimates that small businesses account for more than 98.2 percent of nonfarm businesses in the United States. Moreover, small businesses are responsible for virtually all new jobs in the private sector and at least 50 percent of all major innovations.

Since the mid-1970's, our small businesses have experienced many problems, caused mainly by rapid swings in our economy. Severe fluctuations in interest rates, the rise of small business failures, as well as the perceived high cost of Government regulations, are major issues of importance to small business owners. Because of the importance of small business to our society, this economic sector has received special attention during the 98th Congress.

With the Nation in its worst economic trouble since the Great Depression, this Congress set about the task of engineering a recovery that would prevent future devastating economic swings. While the emergency jobs bill provided a stopgap method of addressing severe unemployment, this Congress proceeded with concrete plans to insure stable economic growth in the future. Small businesses, an able partner in economic recovery, will play an important role in the future prosperity of America.

The 98th Congress has passed into law measures that improve the access of small businesses to Federal procurement information through increased notice of contract availability and awards. To help small businesses employ additional personnel, this Congress increased funding for the business loan and investment fund authorized under the Small Business Act. The House has sent to the Senate for consideration several additional measures that will help our small businesses.

One measure, H.R. 10, would amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to provide grants for projects submitted in a development investment strategy and for economic development planning. This measure requires investments be made in severely distressed and underdeveloped counties lacking resources for basic services. Another bill, awaiting Senate action, calls on the President to convene a White House Conference on Small Business between January 1, 1985, and January 1, 1986.

Through my many meetings with small business owners in the Second Congressional District, I have been made aware of the problems they face. At small business seminars and individual meetings, we have discussed how best to address their concerns. For small business owners, as well as the consumers they serve, the Federal deficit continues to be a major impediment. With the adoption of the first budget resolution for fiscal year 1985, I believe we have taken the necessary step toward reducing this obstacle to economic prosperity.

Small, independent businesses are the backbone of our economy, providing much of the innovation and job creation. They preserve choices for consumers, keep prices down, and raise product quality. Because of their extraordinary importance to a growing economy, we need policies to nuture and promote America's small businesses.

So this week, as we salute our Nation's small business owners, let us commit ourselves to the formulation of policies that enhance the future of small business in America. The future prosperity of our Nation will only be secure if they are allowed to continue their good work.●

CONDITIONS WHICH SHOULD BE APPLIED TO ANY EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DINGELL. Mr. Speaker, today I introduced H.R. 5634, the American Property Rights Protection Act of 1984, on behalf of myself and Congressmen GORE, SLATTERY, SIKORSKI,

BATES, FLORIO, MARKEY, and WALGREN, members of the Subcommittee on Oversight and Investigations. The floor statement accompanying the introduction of this bill sets forth the reasons why any extension of the generalized system of preferences—GSP—program must be conditioned upon the establishment of a procedure whereby American firms and workers can seek redress from the counterfeiting activities so prevalent in many of those nations which receive the primary benefits from the GSP program.

In our statement, we point out that this bill should be viewed as a necessary complement to H.R. 5324, a measure introduced by our distinguished colleague, Representative DOWNEY of New York, and others, which also seeks to protect American trademarks, copyrights and patents from foreign pirates operating in markets outside the United States. Both bills have the same purpose, the elimination of de factor or de jure approval of the theft of American intellectual property in beneficiary countries. The Downey proposal seeks to achieve this purpose through government-to-government negotiations. Our proposal would insure, to a great extent, the success of those negotiations.

The ultimate sanction in both bills is the elimination of GSP benefits. As such, the rentention of GSP benefits is the necessary incentive for beneficiary countries to implement meaningful reforms of their trademark, patent and copyright statutes and to enforce vigorously those laws.

Speaking now as an individual Member and not for any of my cosponsors, I would like to address certain other problems surrounding trade with the developing world which I believe might also be addressed in meaningful GSP reform legislation. It should be remembered that GSP is a privilege, not a right, and is intended to bestow duty-free treatment on the import of goods from the developing world to assist them in achieving competitiveness for their exports and thus speed the development process. For a few countries, this program has been so successful that our domestic industries are seriously threatened. When Taiwan, a nation of 18.5 million people, can run a $6 billion trade surplus with the United States, it is difficult to classify them as noncompetitive. South Korea and Hong Kong are also well along the development path.

However, it is also true that of the ten largest GSP beneficiaries, seven or eight would also make a list of the top 10 counterfeiters. Without GSP as a bargaining tool, we have little hope of protecting American intellectual property outside the United States.

I believe that inclusion of effective provisions protecting American intellectual property is the only reason to extend GSP privileges to countries like Taiwan, South Korea, and Hong Kong. Clearly, the program has achieved its intended purpose for the large beneficiary nations and, at a minimum, we ought to require that they conduct themselves as honest trading partners if they want to continue to enter any of their products duty-free into our market.

I also believe that protection of intellectual property rights is only one of the trade practice reforms which should be considered during the debate on GSP extension. I believe H.R. 5136, introduced by my distinguished colleague from Ohio, DONALD PEASE, merits careful attention. I am particularly impressed by his arguments that GSP benefits ought to be conditioned upon recipient countries extension of internationally recognized workers rights to their citizens.

When such rights are denied, U.S. businesses and workers must be counted among the victims of this tyranny. It is difficult enough to compete against imports which carry wage rates which are a fraction of our own. If these goods also enter duty-free, the burden increases substantially. The long-term solution is not to cut our living standards, but to raise those standards in competing countries. If totalitarian regimes suppress the rights of workers to engage in activities designed to raise those standards, then the entire purpose of the GSP program is thwarted.

I also believe that Mr. PEASE is correct in attempting to limit the extension of the GSP program to 6 years. Clearly, congressional review every 10 years is far too long to evaluate whether or not there has been significant progress in such areas as the protection of intellectual property rights.

Further, there are other unfair trade practices of certain beneficiary countries which must be eliminated if a healthy but fair economic development process is to evolve. Foremost among them are laws or policies which precondition foreign investment upon an agreement to export part or all of the products of that investment. A case in point involves the Taiwanese plans to expand, by 2.8 million tons, the capacity of their state-owned steel firm at a time when there exists at least 100 million tons of excess world steel capacity, and when their steel has been dumped in the U.S. market. This planned expansion is explained, in part, as needed to feed a new Toyota assembly facility. However, Taiwan is requiring the export of 50 percent of the auto production.

If such facilities are economically viable within a domestic market, steel and auto production are clearly important to a nation's economic development. However, when such investments make no economic sense or are conditioned upon export requirements, the result can only be disruption of world markets.

In this case, the autos or steel, or both, will very likely be exported to the United States and will carry subsidized prices which further unfairly undercut American jobs. Conditioning GSP privileges upon the elimination of such practices before they occur—and create their own political constituencies within a beneficiary nation—is clearly preferable to applying our countervailing duty and antidumping statutes after substantial damage has already been done to the American industry.

In short, countries in the developing world should be put on notice that their special access to the U.S. market is no longer available to them without a commitment to fair trade.●

AGENT ORANGE SETTLEMENT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DASCHLE. Mr. Speaker, the chemical manufacturers of the toxic defoliant, agent orange, agreed early Sunday morning to establish a $180 million trust fund to provide treatment for Vietnam veterans and family members suffering ill-health from war-time exposure to the chemical. As I speak this very moment, the fund is earning interest and will grow to $250 million. It is the largest product liability settlement in U.S. history. It is also a major victory for Vietnam veterans.

Though I am disappointed that questions involving culpability and health risk will remain unanswered, the agreement is a tacit acknowlegement of guilt by the chemical producers of the dioxin contaminated product. This is by far the most substantive action yet taken on the agent orange issue and I commend all sides for reaching this agreement.

Many may claim that the issue is now resolved. Unfortunately, a lot of dirty dishes remain on the table. The Federal Government, which ordered herbicide use to begin with, must also share in the responsibility of assisting those whose lives have been shattered by their exposure to these dioxin-contaminated poisons. Though the House of Representatives has already approved legislation which would benefit a few Vietnam veterans, the Senate has yet to act. I might point out that the 5-year $22 million cost of the House passed legislation is dwarfed by the amount the chemical companies have agreed to in the settlement.

Though I understand that the Senate will soon be deliberating this issue, there is no guarantee that compensatory legislation will pass. If the most vehement advocates of agent

orange use, and its safety, can assume responsibility for their product to the sum of $180 million, surely the Government who sent these young men and women to war in the first place can do the same.●

CONSUMERCARD

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MOORHEAD. Mr. Speaker, an aerospace engineer named Jerrold Martin has a unique idea for solving unemployment problems, inflation, and the high cost of living and for ending recessions and depressions. It is called the consumercard. I offer the explanation of Mr. Martin for the edification of my colleagues in the House.

ENDING RECESSIONS, DEPRESSIONS, UNEMPLOYMENT, INFLATION, AND HIGH LIVING COSTS—CONSUMERCARD

In both principle and practice, the permanent solution to our cronic unemployment problem is relatively simple. In principle, all we need do is base most of our industrial production on the long-term industrial orders of Consumers rather than on the short-term industrial orders of Investors. In practice, this simply means contracting with one of our major credit-card companies to issue and administer a special new credit card which would enable consumers to place long-term orders with industry and to pay for these with their labor rather than with money. Consumers and businessmen would then do whatever else was necessary to make the new credit card work.

Unemployment is simply the result of insufficient numbers of consumer orders reaching industry. Consumer Order are the fuel upon which industry runs. When the flow of consumer orders slows, industrial production slows and unemployment results. If industry is to maintain a high level of productivity, its managers must draw from a full fuel tank of long-term consumer industrial orders.

In the past, we have always acted as though only investors (private and governmental) could order things for consumers and maintain industry's backlog of orders. Therefore our economic policies have concentrated on encouraging more investors to initiate more and more job-producing industrial orders and then providing investors with convenient and reliable means of doing so.

Regrettably, this short-sighted policy neglects entirely the second major source of economic orders: the ultimate consumers themselves. This neglect is unfortunate since working consumers outnumber investors ten to one, and they have forty times more financial capacity than investors. Consumers also know more about what consumers want, and in one month they can place more firm long-term consumer orders with industry than industry can handle in fifty years.

Thus to create lifetime full employment for all Americans—regardless of age, race, gender, education, or disability—we must expand our economic policies to encourage consumers as well as investors to place many long-term consumer orders with industry and to provide both consumers and investors with reliable means of doing so. Unfortunately, unlike investors, consumers are provided no such means. Therefore we must establish in our local and national banks a special consumer-based credit system to parallel our present investor-based credit system.

This new credit system could take the form of a special credit-card whose use would be identical to that of an ordinary credit card except for two major differences. First, instead of being used to BUY existing investor-ordered products off retailer shelves, the new "ConsumerCard" would be used exclusively to ORDER the production of future consumer goods and services. Second, instead of being repaid in investor-created currency, consumer credits could be paid only in the labor of the ordering consumers.

Once distributed en masse to scores of millions of current and future credit-card holders, the many potential benefits of this unique ConsumerCard would induce consumers to use it, and the potential profits would pressure businessmen to facilitate its use and accept its credits. To the extent that it was used, unemployment would end nationwide. So would all other economic problems, from monetary inflation, cyclical business recessions, and general economic instability, to labor strikes, unscientific pricing policies, misproduction, haphazard development, and gross misappropriation of human and natural resources.

The use of the new consumer-based credit system would produce an energetic surge of efficient, sensible, and stable industrial activity which would double our Gross National Product and everyone's wages within one year and every seven years thereafter. Consumers would receive what they wanted, not what investors thought they wanted or should have, or what investors could afford to order.

Full employment would promptly shrink the public dole while the new affluence would greatly enlarge our tax base. Huge new tax revenues would quickly convert government budget deficits into surpluses and enable governments to repay their ponderous public debts within three years while providing ample new funds for education, defense, public health and public works, and the maintenance of our crumbling infrastructure.

The new employment security would stabilize jobs and thus families, individuals, communities, and cultures. These stabilized communities would in turn reverse urban decay and elevate public morale and morality. Stabilized social pressures would also discourage crime, fraud, and debt evasion while tighter financial controls and the disuse of negotiable cash would prevent them.

Consumer orders would enable businessmen to set prices and wages scientifically since consumer evaluations of ordered products could be properly compared with worker evaluations of the jobs created by those orders. This practice would permit the economy to establish proper production priorities and to determine the optimum allocations of human and natural resources. This would end the aggressive tug-of-war method of setting prices and wages and the subsequent frustrating misplacement of invaluable workers and wasteful misallocation of irreplaceable resources.

Long-term consumer contracts would reserve limited land and minerals rights for the exclusive use of specific individuals and families. These individual allocations would inspire a broad conservation of natural resources and restrain excessive fertility. The limits of these personal allocations would thus discourage current excessive population growth, the rape of natural resources, and the further extinction of species without official intervention.

Pollutants in our air, land, food, and water would gradually disappear once its high costs persuaded consumers to pay higher prices to manufacturers to fund the suppression of pollution at its source. Scientific research would be stimulated since its estimated value would elicit ample investments from consumers and from the many businessmen looking for better and more efficient ways to fulfill their fifty-year backlogs of orders. Similarly, useful inventions would find immediate applications and markets through the consumer agencies which would be organized to utilize fully the many opportunities of this new consumer-ordering device.

After we have controlled unemployment at home, as world leaders we can inspire similar economic reforms abroad. In doing so we would not only help other nations improve their economy and our international relations, we would also divert the flood of illegal immigrants fleeing the economic chaos in those nations. Full employment abroad would also persuade economic refugees already here to return voluntarily to their own countries, while our newly closed local economies could compel them to do so.

As this brief review indicates, the potential benefits of this consumer-based credit system are enormous. In monetary terms alone, the system is worth at least ONE TRILLION DOLLARS ANNUALLY to the people of the United States, and proportionally more to other peoples of the world.●

SUPPORT FOR CONTADORA PEACE EFFORT (H. CON. RES. 261)

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DASCHLE. Mr. Speaker, I am pleased with recent House passage of House Concurrent Resolution 261, calling for support of the Contadora group peace initiative in Central America.

U.S. aid to El Salvador alone in the past 5 years has exceeded $1 billion. Yet we are no closer to a solution now than we were in 1979. This despite significant U.S. economic and military aid to the Salvadoran Government and massive U.S. training efforts of Salvadoran troop units.

Millions are also being spent to support the "Contra" rebels seeking to destabilize and overthrow the Sandinista government in Nicaragua. In my view, these actions have only strengthened the authoritarian government there by providing a rallying point against "Yanqui" intervention.

"Contra" bases in Honduras and raids from that country into Nicaragua are a major reason that Honduras and Nicaragua are on the verge of war.

This would be a major escalation of hostility in the region and raise the spectre of U.S. intervention against Nicaragua.

It is obvious that things are out of control in Central America and I am disturbed that there has been a lack of good faith diplomatic negotiating among all the participants. Yet, a positive and bold initiative has been proposed by the nations of Mexico, Venezuela, Colombia, and Panama, the so-called Contadora group.

These nations have developed a framework for negotiating a peaceful settlement to the conflict in Central America. Briefly, the framework has three main components which include: The negotiated mutual cessation of arms shipments into the Central American region; the negotiated mutual withdrawal of foreign military advisers from the region; and a negotiated mutual guarantee that the territory of any state in the region will not be used as a base for aggression against any other state in the region. The framework has the support of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

The Contadora initiative offers a comprehensive plan to reduce and hopefully stop the increasing violence and bloodshed in this region. It is clear that we are no closer to "victory" in El Salvador and that hostilities in Nicaragua will likely continue indefinitely. The current situation can only get worse. The Contadora group in my view has made a good faith effort that does not unfairly burden any side. It is time to throw our lot in support of this effort and I urge all my colleagues to vote in support of this resolution.●

MX MISSILE SYSTEM SHOULD BE SCRAPPED

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MAVROULES. Mr. Speaker, next week the haunting specter of the MX missile will once again sweep through the House Chamber. The fiscal year 1985 Department of Defense authorization bill calls for $2.9 billion for the production of 30 missiles.

This multibillion dollar nuclear weapon is vulnerable to a Soviet attack, and, therefore, is perceived as a first-strike weapon. Proponents of MX, agreeing that its military significance is negligible, claim it will coerce the Soviets into negotiating. However, a military buildup has been going on for 4 years now, and the Soviets have yet to be coerced. Instead, they have increased silo hardness threefold, and the arms race continues.

The realities of the MX missile are camouflaged in meaningless symbols. The articles I am commending to my colleagues today expose those realities. If seeing through the camouflage of the adversary is the key to military strength, let us prove that we know what is best for American security.

The articles follow:

[From the Washington Post, Apr. 13, 1984]

THE BUILDUP BACKFIRED

(By Stephen S. Rosenfeld)

The Reagan Pentagon's third report on Soviet military power makes grim reading. It says Soviet capabilities continue to grow. Who doubts it? Some may think the Pentagon is hyping the threat to promote its own budget. I don't think Caspar Weinberger is one to hype threats. Every evidence is that he believes the Soviet buildup is steady, real and menacing. I believe it, too, but draw a different conclusion from it.

In the fourth year of an administration whose future is uncertain, few people will be surprised at this latest glimpse of its familiar strategic premises, and fewer still will have the heart to joust over the fine print. A heavy message, however, seeps from the pages of this report. The growth of Soviet might is not just a measure of what Weinberger defines as the thrust behind the Soviet buildup: "Military domination, it's just that simple." It is the measure of the administration's overall failure to top off or level down the mutual ambitions and anxieties that fuel arms programs on both sides.

We know from the daily papers that arms control is stalemated. We know from this report that Soviet power is expanding continuously. We have Weinberger's word for it that this is the natural order of things. As long as the Reagan team is in control, pumping up American capabilities and Soviet competitive instincts alike, this will be so.

President Reagan and Secretary of State George Shultz, by way of rallying support for building and being prepared to use armed power, are saying these days that otherwise diplomacy will not work. Weinberger has much fainter expectations for diplomacy. He has done much to remove from active political usage the earlier theory, which was overdone but which had a core of truth to it, that Soviet strategy and American strategy often were mutually reactive ("apes on a treadmill"). He believes Soviet strategy is of spontaneous ideological origin. It follows that the pursuit of accommodation is dangerous and that the amassing of force offers the only safe restraint on Soviet conduct.

Early on, this administration argued that the Soviet economy was at or near the breaking point and that we could extract arms control concession, or force a Soviet turning inward, by using our economic and technological advantages to force the pace of the arms race. The theory has been given a test for going on four years. Hard-liners say that is not long enough, but in our democratic system four years is as long a test as any administration is given. The results are in that glossy new book, "Soviet Military Power 1984."

Weinberger will go down as the architect of the greatest military buildup in American history. No defense secretary has ever spent or committed so many new tens of billions of dollars. Some find Weinberger a fanatic. I find him a magician: he has led a buildup, one far surpassing what Jimmy Carter began after Afghanistan, when nothing has happened—not in Lebanon. Central America, the Persian Gulf or Afghanistan—to show that the Reagan increment was necessary or even useful to solve foreign policy problems, and when much has happened in all those places indicating that the Reagan increment is making no difference, is irrelevant.

Weinberger's attitude toward his epic achievement, meanwhile, is strangely diffident. He insists that the administration's program has "restored," variously, American strength, deterrence and strategic stability—apples and oranges, by the way, which do not fit easily in the same basket. But he points with truly felt alarm to what the Soviets are doing and casts doubt that these American goals have yet been reached. It is only fair to ask whether, in light of his judgment of Soviet motives ("military domination"), those goals can be reached at all.

The truth is that the Reagan administration came on the scene when, according to the best American estimates, the rate of growth of the Soviet military had slowed. The administration reacted not so much to the Soviet arsenal, or to the Soviet armory, as to the different adventurist and expansionist moves—in Afghanistan, Africa and Central America—that the Kremlin had undertaken during the United States' post-Vietnam distraction.

An administration of believers overreacted in money and hardware, and invigorated the Kremlin's believers. In consequence, more will be spent and less security value received on both sides. This is the Reagan defense legacy.

[From the South Bend Tribune, Apr. 19, 1984]

COSTLY AND DANGEROUS MX MISSILE SYSTEM SHOULD BE SCRAPPED

(By Stephen G. Drendall)

In a few weeks Congress will once again be considering the fate of the MX missile system.

In a very close vote last year, Congress approved funds for the production of the first 21 MX missiles at a cost of $2.5 billion. This spring, Congress is expected to take up a Defense Department proposal to build an additional 40 MX missiles at a cost of $3.2 billion.

The total program is estimated, at this time, to cost $30 billion.

What do we as taxpayers receive for this exorbitant cost? Herbert Scoville Jr., former deputy director of the Central Intelligence Agency, called MX "the most dangerous weapons designed to date."

Scoville joins a host of other critics of the MX when he says they "make nuclear holocaust much more likely" rather than being a building block for arms control as claimed by the Reagan administration.

MX is also opposed by negotiators of the SALT treaties, Gerard Smith and Paul Warnke, as well as military experts such as the former CIA director, Adm. Stansfield Turner, and former chairman of the Joint Chiefs of Staff, Gen. Maxwell Taylor.

A large variety of MX opponents, ranging from citizen groups to arms control organizations and religious leaders, is preparing for a major showdown on the MX missile. They share the widely held view that there are several major problems with the MX missile:

The MX hasn't helped arms control. Last year, the President was able to garner support for the missile by claiming it was necessary to his arms control package, a "bargaining chip." Despite getting his way, arms

control negotiations have faltered and it appears both superpowers are continuing to escalate the arms race.

The MX is costly. The full MX program will cost at least $30 billion. Federal budget deficits threaten full recovery from the recession. MX and other wasteful military spending deprive us of the ability to meet social needs here and abroad.

The MX is vulnerable to attack. MX originated as a replacement for vulnerable Minutemen missile. Yet under current basing plans MX would be placed in the same Minuteman silos, the same fixed locations which make them as vulnerable and an even more attractive target because each MX missile has more warheads than the Minuteman.

The MX escalates the arms race. As a vulnerable weapons system the MX would be of questionable use as a defensive weapon and would more likely be perceived by the Soviets—and American generals—as a first-strike weapon. As such, it would force the Soviet Union to build a first-strike system, only further fueling the arms race between our countries.

Rep. John Hiler has always voted for MX. But if he received enough constitutent mail objecting to this wasteful, dangerous project, even he would vote to stop funding it.

(Mr. Drendall is a local attorney.)●

FCC GIVES BROADCASTERS FREE RIDE ON CHILDREN'S PROGRAMING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DINGELL. Mr. Speaker, television's educational and cultural potential cannot be overestimated. Children spend an incredible amount of time before the television set, probably more than they spend at any other single activity, with the possible exception of sleeping. Those of us who are concerned over shortcomings in our educational systems, cannot ignore the substantial potential benefits of increasing quality, educational programing for children.

The Communications Act of 1934 provides that those broadcasters who are granted a Government license to operate on the public airwaves have a responsibility to function in the public interest. Children's programing is an essential part of that responsibility. I disagree vigorously with Federal Communications Committee (FCC) Chairman Mark Fowler who seems to think that broadcasters do not have any real responsibility in that area. A Children's Television Report and Order issued by the FCC in December 1983 asserts that the availability of children's programing on the public broadcast system and cable television is a basis for relieving commercial broadcasters of their existing requirements to provide children's programing. Cable television has increased its offerings in the area of children's programs, providing a wider range than the networks. Yet many families cannot afford to subscribe to cable services. I do not understand how a person who is incapable of affording cable is benefited by exempting boradcasters from the responsibility to provide programing for children. According to the FCC, two-thirds of the Nation presently have cable TV service, and 57 percent of those homes receive that service. However, it is clear from the report and order and recent oversight hearings by the Committee on Energy and Commerce that the FCC does not know how many cable households actually receive children's programing.

I am astonished at the apparent readiness of the Commission to "leave it to the marketplace" and pursue overall television deregulation—and relieve licensees of their minimal responsibilities to children—when the Commission has little data to justify its change in policy.

Two articles which recently appeared in re:act, the Action for Children's Television News Magazine, should greatly assist my colleagues in understanding the Commission's recent action. The first article, by FCC Commissioner Henry Rivera, discusses the changes in the Federal children's television policy brought about by a December ruling of the FCC. Mr. Rivera, the sole dissenting Commissioner to the FCC decision, believes that his colleagues—

• • • have written the epitaph of the FCC's involvement in children's television.

Marian Wright Edelman, in her article, also addresses the policy of television deregulation currently promoted by the administration, and the unfortunate effects it will have on the quality and quantity of programing for children.

The articles follow:

(By Henry M. Rivera, Commissioner, Federal Communications Commission)

I wish I had the eloquence of Mark Antony of this eulogy. Our federal children's television policy commitment deserves no less at this, its interment. Make no mistake—this is a funeral, and my colleagues have written the epitaph of the FCC's involvement in children's television.

I dissent to the Commission's decision for three basic reasons. First, it changes the FCC's pre-existing children's programming policy without fully explaining why those changes are in the public interest, in violation of elementary principles of administrative law. Second, the majority's finding that there is sufficient programming to meet children's needs is arbitrary, because it is based on little more than conclusory assertions about the current conditions of the children's programming marketplace. In fact, record evidence strongly suggests that children's programs of the nature specified in the Children's Television Policy Statement are in short supply in many markets when children are likely to be watching. Third, the legal and policy concerns advanced in opposition to a children's programming guideline are without foundation.

Because the carriage of programming designed specifically to enhance the education of children by commercial television licensees is strongly in the public interest, and because the record demonstrates this interest is not now being adequately met, the Commission should have adopted a flexible processing guideline to encourage the broadcast of such programming throughout the week, when most children's television viewing occurs. The majority's failure to take appropriate remedial action reflects a serious error in judgment, if not also an abuse of discretion.

Ten years ago in the Children's Television Policy Statement, the Commission appreciated the rich potential of television when it instructed commercial broadcasters to increase the amount of eductional and informational programming designed for children. More recently, in issuing the Notice of Proposed Rulemaking, the Commission continued to recognize that "television programming has an enormous potential for enriching the lives of children" which "is still largely unrealized." Unfortunately, despite these findings and policies, the Report and Order adopted by this Commission majority scarcely acknowledges the potential commercial television holds for the youth of this country. At a time when the educational training and fitness of children are subject to increasing criticism, this indifference is unfortunate, if not outrageous.

The majority has dishonored our most treasured national asset—children. It has set the notion of enforceable children's programming obligations on a flaming pyre, adrift from federal concern, in the hope that the concept will be consumed in its entirety and never return to the FCC's shores. I dissent.

ANOTHER CASE OF NEGLECT

ARE WE CONDEMNING OUR "HAVE-NOT" CHILDREN TO CARTOONS AND SOAP OPERAS WHILE REWARDING THE "HAVES" WITH CHALLENGING PROGRAMMING THAT WILL ENRICH THEIR LIVES?

(By Marian Wright Edelman)

(Marian Wright Edelman is president of the Children's Defense Fund, a national public charity working to ensure that the needs of children and families and placed higher on the nation's public policy agenda.)

The administration often claims it wants to "deregulate" federal standards and make federal programs "more flexible" for states to administer. Too often, this has meant favoring large corporations and state and local government at the expense of individuals and the public. In the past four years the administration has tried to "deregulate" education for handicapped children, child welfare services, and Head Start, to name just a few children's programs. In each instance, the result would have been fewer protections for children and fewer assurances that they received necessary benefits.

So it should come as no surprise that after years of prodding the nation's broadcasters to increase the quality and quantity of programming for children, the Federal Communications Commission has reversed itself. A Commission ruling in December, in the words of the sole dissenting commissioner, "writes the epitaph of the FCC's involvement in children's television."

We may not be surprised, but we certainly should be worried when government abandons its responsibility to help ensure that what children see on television is not de-

structive to them. After all, most schoolage children spend more time in front of the television set than in the classroom. The FCC's actions make it even more difficult for those of us who recognize and try to nurture television's tremendous educational, cultural, and social potential.

The handful of high-quality programs produced by PBS and the networks have proven that television can teach reading and math skills to very young children, can instill values and behavior like altruism, kindness, and cooperation, and can motivate children to learn more about the world around them. Yet the promise of television is fast becoming a threat. Instead of an educator, commercial television is a huckster. Instead of offering a window on the work, most television programs treat children to a leering peek through the keyhole at a world dominated by snickering sex, violence, and crime.

Such programming takes a toll on our children. Television violence can lead to aggression in children and adolescents who watch violent programs. Studies have shown that for large groups of children, the more television watched, the lower their verbal skills, and the more television watched by high school students, the lower their reading scores. What, in the name of profits, are we doing to our children?

Cable is beginning to offer children a wider range of quality programming than the networks. But many families cannot afford to take advantage of cable's burgeoning bounty. Are we thus condemning our "have-not" children to cartoons, soap operas, and syndicated reruns, while rewarding the "haves" with innovative and challenging programming that will further enrich their lives? The Reagan administration tells us we have a choice: if we don't like what free television's broadcasters offer our children, we can choose to *purchase* better programs. The true meaning of television's Saturday morning wasteland becomes clear when viewed in the light of such "choices."

The world today's children live in is very different from the world the first television generation inhabited. Only 11 percent of mothers with children under age six worked when the first TV sets went on the mass market. Today, 46 percent of mothers with children under three and 58 percent of mothers with children ages three to five are in the labor force. The family closeness, shared meals, and evening togetherness of a generation ago have fallen by the wayside for families who must work night shifts and go to night school to make ends meet.

In this very real modern world, many children turn to television as the one constant companion they can depend on, a friend who is never too busy to play make believe. For poor children, television is a contact to the outside world they may never get a chance to visit. For children who don't attend school regularly, television is a substitute teacher. For latchkey children, whose parents must be at work when their children come home from school and who cannot afford daycare, television is the babysitter. For poor children whose world is filled with the constant anguish and tension that accompanies their families' economic struggles, TV is an escape to a bright, exciting world.

For America's poor children, the situation is getting worse. More than 3.1 million children, 3,000 a day, have fallen into poverty since 1979. This 31 percent poverty increase is the sharpest rise in child poverty since poverty statistics have been collected. Less than one-third of these new poor children will be lifted from poverty by economic recovery alone.

More and more families in the 1980s will face economic, psychological, and emotional stress. More and more children will depend on their communities and their government for food, health care, special education, and family support services that President Reagan has tried to cut for four years in a row. Those of us who work to create better lives for our nation's children need to find ways to ensure that TV programming not only reflects the realities of children's lives but helps them deal with those realities. Rather than blocking the way toward progress, the FCC must do its part—and so must Congress—to help television teach our children lessons from the past, provide comfort and courage to help them make the most of the present, and encourage them to follow their dreams for the future.●

TAIWAN FRIENDSHIP

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DASCHLE. Mr. Speaker, during President Reagan's recent visit to China, the issue of Taiwan was undoubtedly raised during the private meetings between President Reagan and Chinese Premier Zhao. The Chinese contend that the main obstacle in improving United States-China relations is the Taiwan issue.

When we discuss the "Taiwan issue," we are discussing the fate of one of our strongest economic partners. One whose geographical position and friendship are of paramount importance to the trade and commercial interests of the United States.

Recently, an article written by United States-Asian authority Winberg Chai, of Vermillion, S. Dak., appeared in the Sioux Falls Argus Leader. The article clearly identifies the important role that Taiwan plays in the interests of the United States in the Asia-Pacific region. Dr. Chai was born in China. He is the author of 16 books and numerous articles on United States-Chinese relations. Winberg Chai is currently national cochair of the New York-based Committee on Pacific Asia Peace and Stability. I am submitting Dr. Chai's article for inclusion in the RECORD. The article follows:

[From the Argus Leader, Sioux Falls, S. Dak., Apr. 15, 1984]

ADVICE FOR REAGAN: CHINA TIES IMPORTANT, BUT TAIWAN A TRUSTED, VALUABLE FRIEND

(By Winberg Chai)

On April 26, President Reagan will begin a one-week trip to the People's Republic of China.

While in China, Mr. Reagan plans to meet with Chinese leaders, attend state dinners and travel to the Forbidden City, visit the Great Wall and probably see the tomb of China's first emperor, where one of the world's most spectacular archeological excavations is under way.

The president also hopes to speak to the Chinese on radio or television in either Peking or Shanghai, where most residents are expected to be able to tune in. Mr. Reagan also hopes to sign two or three aggreements with the Chinese premier during his stay in China.

While the president's trip will undoubtedly improve our relations with the People's Republic, it is expected that the Chinese will at least raise the issue of Taiwan at the private meetings. China has not yet given up its intention to reunify the island-state with the mainland under People's Republic of China's sovereign control.

During Chinese Premier Zhao's January visit to North America, he expounded the fundamental principle of China's foreign policy and repeatedly pointed out the issue of Taiwan as a main obstacle in improving U.S.-China relations.

In addition, there are a number of other political and strategic issues that separate the United States and China, including differences on policy in the Middle East and Central America, to name but a few.

On the other hand, Taiwan continues to remain one of our strongest allies, following U.S. policy all the way from bilateral trade to military cooperation. Geographically, Taiwan occupies an important location amid the Western Pacific sea-lanes. Mideast oil shipments to Japan, for example, pass near Taiwan daily to supply Japan with much needed crude oil.

In recent months we have witnessed the Soviet naval expansion into the American sphere of influences. Taiwan, with its extensive modern airstrips and port facilities, could be invaluable in some future U.S.-Soviet confrontation in the area.

Military and security analysts are virtually unanimous in the view that it will be harmful to our national interest if Taiwan is allowed to fall under the control of Communist rule.

By keeping Taiwan strong economically, politically and militarily, the United States will have a faithful ally in the Asia-Pacific region, doing essentially what we told it to do during the past 30 years. The United States holds the key to the future of Taiwan because it is the only country in the world that can supply essential defensive weapons to that country.

Finally, we could gain important political leverage in our dealing with the People's Republic of China, as suggested by Robert L. Downen, a security analyst with Georgetown Center for Strategic Studies, "not unlike the tactical advantage Moscow wields in talks with Peking through its border weapons and its support for Vietnam." Notwithstanding the rancor involved, the Taiwan factor in U.S.-China relations will remain a valuable card in our deck.

Mr. President, while we wish you a successful trip to China, please don't forget our friends in Taiwan.●

REPRESENTATIVE HYDE ANNOUNCES SIXTH DISTRICT ESSAY CONTEST WINNERS—JUNIOR HIGH LEVEL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. HYDE. Mr. Speaker, I recently conducted my first Sixth Congressional District essay competition for junior and senior high school students in my district, and today I am very pleased to announce to my colleagues the names of the junior high school winners. The first place winner is Veronica Ponterelli of Mary Seat of Wisdom School in Park Ridge, Ill.; the second place winner is Steven K. Huh of Hadley Junior High in Glen Ellyn; and the third place winner is Debbie Jarrell of Churchville Junior High in Elmhurst.

The essay contest theme I asked our junior high school participants to expound on was "Is Democracy the Best Political System—Why?"

All three students have written excellent essays which reveal an understanding of our Nation's proud history and a grasp of America's superpower role in the world which belie their youthfulness, and further inspire our faith in America's rising generation.

I know my colleagues join me in congratulating these young essayists on their winning entries, and I take pride in sharing these prize compositions with you today:

Is Democracy the Best Political System—Why?

(By Veronica Ponterelli, First Place Winner, Mary Seat of Wisdom School)

Democracy is a form of government, a lifestyle and a principle. The word democracy is derived from the Greek word *demokratia,* from *demos* meaning "the people," and *kratos* meaning "rule." Abraham Lincoln described such self government as "government of the people, by the people, and for the people."

The people of a democracy participate in the governing of their community either directly or indirectly. In a direct democracy the people gather together to plan, discuss, and make the laws. Indirect democracy, commonly known as representative democracy, is where certain people are elected to help make decisions about laws and matters that affect the people. This is the more modern form of democracy, because of the impossibility of having all the people meet.

The features of democracy differ from country to country, but the basic features are the same. One of these features, freedom of expression, guarantees freedom of speech, of the press, of assembly and of petition. This allows the citizens to elect school board members, run for office, and attend meetings, such as city council meetings. They are able to vote on particular issues and other steps involving money, laws, and representatives. "I believe in democracy because it releases the energies of every human being."—Woodrow Wilson.

Democracies try to secure freedom and promote equal opportunity. The government tries to promote freedom for all peoples by setting up programs, such as, health insurance. This form of democracy, equality of opportunity, is sometimes called social democracy. "The measure of a democracy is the measure of the freedom of its humblest citizen."—John Galsworthy.

Decisions are made according to majority rule, the idea that the judgement of the many is more probable to be better than the judgement of the few. The choices made by the majority are accepted by the people.

Democracy meets the demands of the people more effectively than any other form of government. The economic and social changes that have taken place in the United States during the 1900's have been taken care of most peacefully.

Communism, a totalitarian system, developed in the 1900's is from the writings of Karl Marx, differs greatly from democracy. In communism the state owns most of the land, banks, natural resources, large scale trade, transportation, and mass communication. Unlike communism, in a democracy these things may be privately owned. Communism doesn't ensure the citizens the freedoms which one has in a democracy. There aren't any real elections because the officials make the significant decisions.

Democracy is the best political system because of the freedom and liberty the citizens have. Your have the freedom of free enterprise, vote on the certain issues, and run for particular office. This is important because it stresses the fact that democracy is a form of government that really cares about its people.

Is Democracy the Best Political System—Why?

(By Steven K. Huh, Second Place Winner, Hadley Junior High)

This essay asks a question that has been repeated by many people from the time of our Founding Fathers until today, and is still being asked as eagerly now as it was earlier. While all we have are our opinions, each opinion is a clue to the final answer. Although only one of many, I would like to share with you my personal opinion.

There are two main forms of rule by most governments today. The first form is rule by one or by one small group, who makes laws and rules almost single-handedly. This is bad because these rulers may make errors in their decisions that they do not find or do not correct. Later the ruler or rulers may be criticized for their mistakes and loose support and lower the morale among the followers. The thirst for power as well as other outside forces can influence the decisions of these rulers. How long will even an honest man remain honest, when the lives of millions of people are within his power to do as he wishes with them? We are all human, even those who rule.

The second form of government, in my opinion, is a more logical and stable system. It is also a better safeguard against the errors and personal greed for power. This is democracy. Democracy has faith in the ultimate goodness of the individual and has confidence that the combined knowledge and experience of the human mass will prove correct. I think this is what the Founding Fathers had in mind when they wrote the Constitution.

Fortunately, democracy has survived in America. To this we owe a lot to our forefathers for their bold yet patriotic ways to achieve the ultimate goal: freedom. Freedom is the central principle behind democracy and under this principle, for the first time in history, was the guarantee that citizens had the right to move within society with the same freedom with which they were allowed to earn their living, profess their religion, select their rulers and, most importantly, to speak their ideas and to criticize ideas with which they disagree. While these may not seem much to us, because we grew up with these freedoms, people in other nations are willing to suffer great consequences in order to win these same freedoms.

Democracy holds dreams and hopes for many things, and while they are still dreams in their early stages, that may or may not become reality, in my opinion, the answer to the question, "Is democracy the best political system?", is yes.

Democracy and Why It's the Best Political System

(By Debbie Jarrell, Third Place Winner, Churchville Junior High)

The word "Democracy" is derived from a variety of languages. One is from the Old French word, "democratce". Another form is from Greek and this is "demokratia". If you break "demokratia" into two parts you have "demos" and "kratia". "Demos" means people. "Kratia" is an ending which means strength or power. I think these two Greek meanings say very well what democracy means from the dictionary democracy means a government with the absence of class distinctions and privileges. Also the people have partial control of the government. In other words, people have strength.

Democracy is mainly a political system. Thomas Cooper Smith said, "The government is a government of the people and for the people." The people make, enforce and interpret the laws in their society. There can be many different kinds of people. It just depends on what the people are like. For instance, a person who is vicious will make a vicious political system. There are many different groups of ethnical people. For example, you have the French, Spanish, English, Chinese and Blacks, etc.

Since all these types of people have to cooperate to form any country, there are going to be difficulties. For instance, the Civil War was started because the North and the South couldn't agree on the issue of slavery. They were unable to stay united as a country. Most of the revolutions that take place on this planet are because of the inability to cooperate.

Democracy has to absorb all of these customs and beliefs. Sometimes a group is persecuted or alienated as the Jews were by Hitler. Democracy lets all kinds of people live and worship together in the same country. A truly democratic country shouldn't have different levels of equality. As Aristotle has said, "Democracy arose from the men's thinking that if they are equal in any respect, they are equal absolutely." If a neighbor is friendly or kind to someone who is different, the neighbor shouldn't be prevented from doing this. I think that it's wrong to segregate types or groups of people. A person can criticize the government, have uncensored mail and books, and worship as he wishes in a democratic country.

Also he should be allowed to express his beliefs and support the programs of his choosing. In Russia, you aren't always able to do these things. The government has the power to tell you where you should live. They also control the prices of goods, the making of goods, and the amount of goods

provided for selling. Democracy does control this area of necessities, but only to a certain point. I think the freedom is important.

Democracy is developed by a variety of different people. Any living person can and has contributed in some way. Democracy is noted for its institutions and free elections. Democracies are run by people who use logic and feeling. It's not just a set of laws to follow and carry out. The main criterion of democracy is the attitude toward man. Abraham Lincoln said, "As I wouldn't be a slave, so I wouldn't be a master. This expresses my idea of democracy. Whatever differs from this, to the extent of a difference is no democracy."

How would you control a classroom that is full of yelling and screaming children? It would be harsh to use a whip. Wouldn't you communicate the request of silence? You could only accomplish that by talking and telling the children. Democracy is similar to this situation. How can you make laws and form a country without communication? What's the best means of communication? People; of course! This is impossible with dictatorship, communism and monarchism. Democracy is the closest you will ever get to a one on one communication basis in government.

I think this is the best system and should be the only kind of government. Democracy lets the people communicate their wishes to the government and vice versa. It is already established that there are difficulties in communicating with a large group of people. Of course, it's easier between two people. You are only talking about two different ideas. With a large country, there is a lot of different ideas. Democracy is doing the best job, in my opinion.●

MOBUTU SUCKS THE BLOOD FROM ZAIRE'S MINING GIANT

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. McNULTY. Mr. Speaker, as every Member of this body knows, foreign aid is among the most difficult of all our national programs to explain and build support for in our districts. While I find a willingness among the people of southeastern Arizona, who I have the honor to represent, to sustain emergency assistance for drought stricken and starving peoples in Asia and Africa, foreign aid which benefits the rich and the powerful of other countries has no support and deservedly so.

Activities of the World Bank, its affiliates such as IDA and IFC, and the International Monetary Fund have too often contributed to the addition of world mining capacity when nonferrous commodities are already in surplus. A sorry record has been accumulated of building unneeded mine capacity while domestic industries suffer.

Copper is a stricken industry in America. This once proud industry has been brought to its knees by subsidized foreign competition from state-owned mineral companies. 16,200 jobs have been lost. Every American copper producing company lost money last year. Yet there is now pending before the IDA, the soft-loan window of World Bank, a window that is supposed to be reserved for "the poorest of the poor" nations, a loan application from Zaire for $70 million to assist that nation's copper production facilities.

Zaire is dependent on copper. Zaire's state-owned copper producer, Gecamines, accounts for two-thirds of the nation's foreign exchange. Much of Zaire's copper is consumed in the United States. In 1983, Zaire accounted for 6 percent of U.S. copper imports, or 28,545 metric tons—first 9 months of 1983. Yet much of the wealth of Zaire has been channeled abroad by an elite which seems less interested in the welfare of its people than in adding to their Swiss bank accounts.

According to news accounts in London and on American television, the Chief of State of Zaire, President Mobutu Sese Seko may have become one of the world's richest men through corruption. President Mobutu is suspected of embezzling through the state-owned mining export organization, Sozacom, some $1 billion.

Mr. Speaker, it is an insult to the American people and to the governments of the Western World whose contributions make possible the generally positive role of the IDA and the World Bank in the world effort against poverty for this loan to be presented. At this time there is no world market demand for more Zairean copper and there is every reason for American officials representing our policies in IDA to make very clear this loan ought not be made.

A news account from Africa Now (London) follows:

MOBUTU SUCKS THE BLOOD FROM ZAIRE'S MINING GIANT

PRESIDENT MOBUTU USES ONE STATE COMPANY TO SIPHON THE FOREIGN EXCHANGE EARNINGS FROM ANOTHER—HIS INTERNATIONAL BACKERS LOOK ON IN DISMAY

The heavyweight of Zaire's economy, the nationalized copper firm Gécamines, is locked in a fight to the death with another state enterprise, Sozacom. The latter has been the main organization for the export of the country's raw materials—and also one of the conduits used by President Mobutu Sese Seko and his clan to diver Zaire's foreign exchange earnings into their own pockets.

The latest round began in December when Gécamines accountants discovered a $1m fraud from accounts which Sozacom keeps on the mining company's behalf. So far Sozacom seems to be winning. Gécamines managing director, Robert Crem, has resigned "for reasons of ill-health," after incurring Mobutu's wrath and furious lobbying from Société Générale, the Belgian financial and mining giant.

At stake is Gécamines' survival. The company urgently needs at least $200m in investment in order to maintain production levels. Reasonable propriety and efficiency is essential if it is to be credible. Yet it is now believed in international financial circles that over the past 15 months Gécamines' accounts may have been drained through Sozacom by as much as $30m.

It was only in September 1982, after months of hard pressure from the International Monetary Fund (IMF), World Bank and European Investment Bank (EIB), that Mobutu reluctantly accepted a new "convention" between Sozacom and Gécamines. This restricted Sozacom's role to the mandatory sale of Gécamines' output. The latter would retain legal ownership of its output until the moment it was delivered to the customer and it had the right to control each sales contract. Furthermore, "receipts from the sale of Gécamines products will be credited to accounts bearing the name of Gécamines."

The importance of this new agreement becomes apparent when it is compared with the chaos which reigned beforehand. Sozacom (Société Zairoise de Commercialisation—Zairean Trading Company) was created in 1974. It was originally intended as a link between the most important buyer of Zairean copper, Société Générale (SG), and SG's former mining possession which Mobutu had nationalised in 1967 and which eventually became Gécamines. (Générale des Carriéres et des Mines du Zaire).

The nationalisation was carried out inefficiently and resistance from Union Minière, the former owners and part of the SG group, was effective. Technical management of Gécamines remained entirely in the hands of former Union Minière employees. After two chaotic years of trying to sell part of the nationalised copper on its own, Zaire handed sales back to the SG group, this time Société Générale des Minerals.

There were permanent quarrels between the parties and clients were worried both about the security of their mineral supplies and about Zaire's ability to meet its debts for imports and loans. So in 1974 there was an agreement between the Belgian Government, SG and Zaire. Zaire had finally to settle compensation for SG's nationalised assets—at $500m the highest ever paid for a nationalised mining operation. It also had to guarantee delivery of copper to Hoboken-Olen-Overpelt, SG's Belgian metal refineries. Zaire was free to market the rest of Gécamines' production through a new state trading company—Sozacom—which would get initial technical assistance from Société Générale des Minerals in exchange for the latter still marketing 10 to 15% of production.

There was at least the possibility of Sozacom acquiring some commercial knowhow and establishing a degree of economic independence for Zaire in minerals marketing. However, Mobutu immediately turned the new company to his own use. He staffed it with family and clansmen and gave it a legal monopoly of export marketing of other mining products—nationalised or not—like tin, zinc, diamonds and gold. Sozacom was to do all the foreign contracting, bill the clients and transfer receipts to the producers' internal accounts.

(Like any of Mobutu's regulations, this one was riven with exceptions. For example, the principal diamond extractors, Miba, who are tied to the SG group, have been exempt from selling through Sozacom, except for a brief period in 1981-2. Also, Sozacom never controlled more than about a quarter of the country's gold exports. Foreign airlines like Sabena and Swissair are allowed to sell tickets in Zairean currency and buy gold on the

internal market which they can export freely.)

Sozacom was an ideal siphon for diverting the country's foreign exchange earnings into the bank accounts of the Mobutu clan. There has never been an annual business report nor any serious auditing, but Belgian experts estimate that through Sozacom Zaire lost (and Mobutu won) more than $1 bn in less than 10 years.

According to its annual report for 1982, which has just been released, Gécamines had to write off some $360m outstanding from supposed sales through Sozacom, when the mining company took over control of its own sales again. In addition Gécamines claimed a further $86m from Sozacom—though this is unlikely ever to be paid. Gécamines is equally unlikely to see the $60m listed as owing from the state—mainly for deliveries to Mobutu, the army or the regional governor of Shaba, Bula Mandungu.

Despite the vast mineral wealth which leaves the country illicitly, Gécamines still accounts for more than two thirds of Zaire's foreign currency earnings. And, despite Mobutu's lootings, the mining company has always been profitable. This is why the international financial community—and Zaire's creditors—insist more than ever on the need to protect Gécamines against Mobutu's greed.

Zaire's foreign debts now amount to nearly $6bn. Payments due and overdue this year are roughly equivalent to Gécamines' annual turnover of $1.5bn. Hence the importance to the international community of the September 1982 convention between Gécamines and Sozacom.

Once the convention had been "rammed down Mobutu's throat," as one World Bank man put it, the international backers sat back and waited. Only the EIB gave advance credit—a $40m loan to Gécamines last June through the Lomé Convention's mining fund, Sysmin. "It helped us to survive," one top Gécamines manager told Africa Now.

The World Bank was probably wise to wait. For months after the new convention with Sozacom, Gécamines did not receive a penny in the new accounts bearing its name at a Brussels bank, Belgolaise—yet another branch of the SG group. Gécamines accountants found out that clients had been billed and had paid into the accounts, but the sums had not been credited and were transferred to other, unknown destinations. Africa Now has learned that the orders for this came from Mobutu himself.

In October 1983 a Gécamines official complained: "We have enormous difficulty simply receiving our own statements of account. There are delays of four, five months. You can imagine what that means for the treasury of a large firm like ours, for its liquidity and for its management."

By the end of 1983 explosive telexes began to fire back and forth between Lubumbashi, Kinhasa and Brussels. It is not known if members of the Paris Club—creditor governments—or the IMF were informed at this time.

On December 17 and 29 these two bodies received demands from the Kinshasa government for a rescheduling of debts and urgent balance-of-payments credits. The Paris Club, composed of Zaire's bilateral government creditors and international finance institutions like the World Bank, had no alternative but to reschedule since all official Zairean accounts are empty. Two weeks later the IMF decided to open a $120m stanby credit, the first installment of $360m to be paid over the next 15 months.

Mobutu presented these decisions as a reward for his own policies and launched an attack on "foreign critics and subversive, anti-Zairian agitators" who so obviously had been rebuffed by the IMF and "Zaire's friends."

This is not quite the case. The IMF standby is nothing more than payment for outstanding foreign commercial bills and thus security for Western suppliers. Already legal commercial imports had been reduced to a minimum considered allowable by the IMF and these are covered by Zaire's foreign currency earnings. Since Gécamines accounts for two-thirds of exports, developments in the company are followed with concern.

So the calibre of Gécamines' top management is particularly important. Its Belgian managing director. Robert Crem, looked like the right man for job. He was nominated by Mobutu in May 1982 with the backing of Société Générale, the IMF and the World Bank. Previously he had been on the board of the Belgian mulinational Géomines, where he sat with people like former US NATO ambassador Donald Rumsfeld, now President Reagan's special Middle East adviser.

Crem had the right connections and he had the skill too. Before he became managing director he arranged a deal to provide Gécamines canteens with South African meat imports. The price was at least 20% over the odds, but the point is that he was able to get around import restrictions and get the foreign currency outside official channels. The bank of another big Belgian group with South African connections, Bruxelles-Lambert, arranged the technicalities.

However, it became clear that Gécamines had lost the second round of the battle, when on February 8 it was announced in Kinshasa that Crem had offered his resignation "for reasons of ill health." As the Belgian press was quick to point out, this sudden decline in Crem's well-being had everything to do with deteriorating relations with Mobutu.

Even Société Générale played its part. The Belgian company was furious at Crem's skill in renegotiating a three-year refining contract between Gécamines and Hoboken-Overpelt. By playing the card of possible French and West German competitors, Crem had forced the SG subsidiary to pay nearly 30% more for the 120 to 150,000 tons of copper which it buys from Gécamines each year. As a result SG began to lobby against Crem.

When Gécamines accountants discovered the connivance between Sozacom and Gelgolaise, the SG banking subsidiary, in diverting the mining company's funds, this only cemented the unholy alliance between Société Générale and Mobutu.

Probably this was short-sighted of the Belgian company, since Gécamines is the only real security it has for its Zairean investments. Certainly the World Bank and EIB view Crem's departure with dismay. They may be slightly consoled by the fact that his successor is likely to be another Belgian, Pierre Demerre, also on the board of Gécamines. But how long will he last?●

TRIBUTE TO NICK YENGICH

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Ms. MIKULSKI. Mr. Speaker, I would like to pay tribute to one of the most professional, talented and good reporters in the newspaper world. Nick Edward Yengich, a reporter for the Baltimore Evening Sun, died on May 1, 1984. Few reporters cover the news as solidly and as honestly as Mr. Yengich did. His hard work, dedication and amazing ability made him one of the best in his field. Nich Yengich will be missed immensely. I believe that Carl Schoettler of the Evening Sun stated it best:

[From the Baltimore Evening Sun, May 2, 1984]

NICK YENGICH, EVENING SUN REPORTER, DIES AT 37

(By Carl Schoettler)

Nick Edward Yengich, 37, a tough, tenacious reporter whose stubborn integrity and impeccable professional standards challenged and inspired his friends and colleagues, died yesterday at Johns Hopkins Hospital, of heart failure.

Yengich, a bearded, stringy-haired character who sat tieless at his desk wearing a worker's cap he bought near his ancestral home in Yugoslavia, had worked for the Evening Sun from 1972 until his death.

He started out covering neighborhoods and communities. He became a rewrite man with the reputation of being able to take the leg work of the rawest new reporter and turn it into an interesting, coherent and accurate story.

Yengich was a specialist in court coverage, with a special interest and delight in reporting on white-collar and political corruption.

He was most proud of his coverage of the two trials of former Gov. Marvin Mandel.

Don Baker, now Maryland editor of the Washington Post, was a reporter in competition with Yengich on the Mandel story. They became friends.

"He was a great, old-timey newspaperman," Baker said. "He could be at once the most cynical guy who ever lived and, at the same time, he had a sense of fair play and justice for the little guy."

And in a courtroom full of lawyers and defendants wearing hand-tailored, three-piece suits, Yengich made no concession to judicial decorum, not even a tie. He wore what was virtually his uniform: an open-neck button-down blue oxford shirt and chino pants.

But he immersed himself in the Mandel case, working virtually 24 hours many, many days during trials and appeals that stretched out over several years.

He earned the respect and admiration not only of fellow reporters, but of most of the lawyers, defense and prosecution alike, even some of the defendants.

Barnet D. Skolnik, the chief prosecutor in the Mandel case, said he felt Yengich's questions were like a cross-examination.

"To me as a prosecutor, he was a pain in the neck," said Skolnik, now in private practice. "But he was good.

"He'll be missed. Not just personally, but also professionally. There ought to be more

journalists like him. He was very good at what he did."

Yengich felt deeply the responsibility of covering one of the most important stories in Maryland history and he took pride in providing minutely detailed, accurate daily coverage, coverage he revised edition by edition, almost minute by minute.

"I think Nick would always want to be remembered as a man who could dictate from the scene," said his wife, Karen, who is editor of the Laurel Leader. "He thought few reporters could do that, and he was one of the few."

Yengich had an extraordinary ability to develop news sources. He was still using them Monday when he called Irvin Kovens, the political boss convicted with Mandel, in a characteristic effort to help a younger reporter develop his story.

Karen Yengich was at her husband's bedside when he died at 9 a.m. yesterday. She had taken him to Johns Hopkins Hospital at midnight when he complained of difficulties in breathing. He was fully conscious and alert and talking to her until the end. They had been married since June 16, 1970.

Yengich was born Dec. 6, 1946, in Murray, Utah, where his father, Nick A. Yengich, was a copper miner and a union official. He grew up in Highland Boy, a Kennecott Mining Corp. company town that later disappeared into a mine.

The idea that his boyhood home was gone remained important to him throughout his life. Yengich framed a picture of the open-pit mine that engulfed his town and hung it on the kitchen wall in the townhouse he and his wife renovated and refurbished on East Montgomery Street in Federal Hill.

Strongly involved by his father's unionism, Yengich himself was a dedicated union man, active in the Newspaper Guild until his death. He was union steward and a member of the executive committee of the Guild's Washington-Baltimore local. He helped negotiate several contracts between the Baltimore unit of the Guild and the Baltimore Sun.

It was part of Yengich's brand of integrity that he was a fiercely independent thinker who has no hesitation in expressing his opinions to anyone at any time, to his fellow unionists or his bosses at any level of the newspaper.

"Nick was possessed of the single-mindedness and open-mindedness which characterizes consistently superior achievement," said Tom James, a friend and newspaper colleague who left the profession to become an attorney.

"He was a professional journalist in the best sense of the term. He demanded a great deal from his associates, but never more than he demanded of himself.

"He would wish to be remembered as a man of integrity," James said. "He has his wish in my mind and my heart."

Yengich began his newspaper career while a student at the University of Utah, where he received a degree in journalism in 1969. He was a sports writer at the Deseret News, in Salt Lake City. He worked full time while he went to college.

"He was a helluva man," said John Schulian, a nationally syndicated sports columnist who began by filing box scores for Yengich in Salt Lake City.

"He was one of those rare people whom you could really count on if you needed something that was really important to you.

"He gave praise very stintingly," Schulian said. "Not because he was tough, but because he had high standards. I think they were standards he tried to live up to as a newspaperman and as a human being.

"When he told me I had written a good column I really thought I had scored. He was a good newspaperman. That's what he wanted to be and that's what he was."

Yengich didn't like much fuss either. He might not have liked this obituary. He once said to a friend writing another obit: "Hey, when Yengich goes say: He lived. He died. That's it.

He worked hard and he continued working hard during the past two years when he fought the effects of a dangerous and debilitating illness that contributed to his decline.

Yengich was already an accomplished newspaperman by the time he graduated from the University of Utah, but he went on to graduate school at the Medill School of Journalism at Northwestern University, in Evanston, Ill., where he earned his master's degree.

He worked for about 18 months at the Hartford Times, in Hartford, Conn., before coming to The Evening Sun 12 years ago.

Yengich enjoyed traveling with his wife. They traveled twice to Yugoslavia and visited the mountain village from where his grandparents emigrated to America.

Yengich loved Yugoslavia and wrote glowingly of it in travel articles for The Evening Sun and other publications. He interviewed the famous Yugoslavian dissenter Milovan Djilas on his last trip.

Yengich is survived by his wife and father; his mother, Erma; two sisters, Kay Jordan of Midvale, Utah, and Linda May of Sandy, Utah; and a brother, Ronald J. Yengich of Salt Lake City.

Funeral services and burial are private.

Mourners may send donations to the Liver Research Fund, Johns Hopkins University School of Medicine, Johns Hopkins Hospital, 600 N. Wolfe St., 902 Blalock Building, Baltimore, Md. 21205.●

VIETNAM ANNIVERSARY MARKS BIRTH OF TYRANNY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. McCOLLUM. Mr. Speaker, history has shown us time and time again that those who promise to lift the yoke of poverty and oppression from a nation in the name of communism always end up imposing a greater tyranny on their followers than they had ever experienced before. It is tragic that so many people have had to learn this terrible lesson after it was too late to save their nation from the aggressive forces that betrayed them.

This unfortunate fact is the focus of an editorial in the May 7, 1984, issue of the Wall Street Journal, which I would like to bring to the attention of my colleagues. Titled "Gen. Giap's Victory," the editorial points to these "betrayals" on the occasion of the 30th anniversary of the victory over the French in Vietnam by Communist revolutionaries. Based on a report compiled from interviews with 500 Vietnamese who left their homeland, we see a vivid picture of life in Vietnam today. There is no freedom; human rights are nonexistent—and the quality of life revolves around basic survival.

The editorial is reprinted below:

GENERAL GIAP'S VICTORY

Great events are worth recalling, for their lessons as well as their memories. So we don't mind pointing out that today is the 30th anniversary of Vietnam's victory over the French army at Dien Bien Phu. That victory, engineered by Gen. Vo Nguyen Giap, was one of the first by communist revolutionaries. It marked the end of French rule in Indochina, and, arguably, led to U.S. involvement there and thus to Gen. Giap's greater triumph in 1975.

What can we learn from Dien Bien Phu? The general himself, still vigorous in his 70s, offered his own nostalgic assessment recently while surveying the historic battle site: "The bell tolled after Dien Bien Phu for the sunset of colonialism and encouraged, inspired other nations to stand up for self-liberation." But an alternative lesson occurred to us after we read a report about life in Vietnam since 1975.

The report, based on visitors' accounts and interviews with 500 emigres, is an extraordinary indictment of life under Gen. Giap's comrades. It was complied by Ginetta Sagan, an Italian-born human-rights activists who was a prisoner of the Nazis in World War II. Mrs. Sagan, who was once a prominent opponent of President Thieu of South Vietnam, first issued her report a year ago, but has continued interviewing since and concludes that "the situation hasn't changed very much."

That "situation" includes the familiar signposts of communist repression. Religious worship is persecuted and churches have become warehouses. Private shops have mostly been confiscated, of course, with ethnic Chinese shopkeepers favorite victims. The report also provides grisly details about life in the "reeducation camps," where several hundred thousand Vietnamese have spent time and as many as 60,000 people remain. The lucky prisoners dig latrines or plant crops. The unlucky clear minefields. Prisoners eat only a few vegetables and a bowl of rice or two a day; they rarely get protein.

Anyone who rebels against this regimen is quickly punished: Prisoners' arms and legs are bound into contorted positions before they're tossed into metal boxes to bake in the tropical sun. One former prisoner was thrown into an abandoned water well for five days because he sang "Silent Night" on Christmas Eve. The "reeducated" hardly have an easier time upon release. Many are dispatched to New Economic Zones, which are hardscrabble areas where growing even enough food to survive is difficult.

No wonder so many Vietnamese gamble on escaping. Hanoi no longer extorts money by encouraging "boat people." But according to the United Nations, in 1983 alone more than 28,000 Vietnamese risked capture, pirates and heavy seas to flee anyway. Some 2,000 more leave each month under the U.S.-sponsored Orderly Departure Program. As Hoang Huu Quynh, a former Communist Party member now in France, puts it: "today if Hanoi allowed the people to freely leave the country, even lampposts would apply to leave. . . . The party has betrayed the people and the promises made to them."

The lesson we draw from Dien Bien Phu, then, is simple: Don't ever lose a war to communist revolutionaries, because life under their system will always be worse than it was under the previous regime. Always. Vietnam was no exception and there has never been one. We think that's worth recalling so long as communists elsewhere portray themselves, as Gen. Giap does, as nationalists or liberators or noble enemies of poverty and corruption.●

PERSONAL EXPLANATION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. GEKAS. Mr. Speaker, during consideration of H.R. 5119, the foreign aid authorization bill for fiscal year 1985, there occurred a vote on an amendment by the gentleman from West Virginia (Mr. RAHALL) to deny the use of foreign aid funds in the production of defense articles outside the United States. Many Members felt this amendment would specifically inhibit the production of the Lavi fighter plane by our ally Israel.

Unfortunately, I was not aware that my vote on the Rahall amendment was recorded as "present." I would like the RECORD to show that I meant to have voted "no" on the Rahall amendment, and apologize for any confusion the vote may have caused on the part of my constituents.●

THE SOVIET UNION'S DECISION TO BOYCOTT THE OLYMPICS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. BROOMFIELD. Mr. Speaker, I was disappointed to learn of the Soviet Union's decision to boycott the summer Olympics. I had hoped that a successful summer Olympics would help to improve United States-Soviet relations. The games have always been a fine opportunity to strengthen international friendships and understandings.

I have always believed that all nations should try to separate politics from athletics. Athletes should not be denied opportunities to participate in great international athletic events. Although the United States decided to boycott the Olympics in 1980, our Government's decision was brought about by the tragic Soviet invasion of Afghanistan the previous year. Let us hope that the Soviets' decision was not an attempt to take revenge for our Government's earlier boycott.

I know that Soviet sports officials were actively engaged in intense negotiations with the Los Angeles Olympic Organizing Committee. For the past 3 years, they clearly indicated that the Soviet contingent would compete. The Soviets even sent athletic teams to participate in several pre-Olympic events. Our Government permitted the Soviets to bring in a cruise ship for their athletes. We also gave them special landing rights for the 25 flights of Soviet airline, Aeroflot.

Security was an issue that was extensively discussed. The Soviets said that the safety of their athletes could not be guaranteed. I am certain that our President was absolutely honest and forthcoming when he said that the Soviet decision was "totally unjustified." I know for a fact that the question of security has received much attention by the Olympic planners and by our Government. Countless hours of planning and millions of dollars have already been spent. No American wants anything to happen at the Olympics. Not one of us wants a visiting athlete to be hurt. I personally believe that the Soviet accusation is totally groundless and absurd. In essence, I believe that the Soviet decision to boycott the Olympics was purely a political one.

Mr. Speaker, I would hope that the Soviets would reconsider their decision before the deadline so that the spirit of the Olympics can be preserved free from political manipulation.●

OUT OF THE ASHES OF HOLOCAUST

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Ms. MIKULSKI. Mr. Speaker, during these days of remembrance for victims of the Nazi Holocaust, we bow our heads in shame to recall the deepest wound ever inflicted upon the soul of man.

All our attempts to describe this horror, all our attempts to document its brutality, all our attempts to measure its devastating impact, are in vain.

Yet, remember these events we must. In all humility we struggle to understand the magnitude of this crime in the hope that future generations will always live in a safe and civilized world.

Out of the ashes of Holocaust, the dream of a better world did emerge. Western Europe was freed, the United States became the leader of the free world, the United Nations became a peaceful forum for reconciling international disputes and countless young nations were born, the most remarkable being the reconstitution of a Jewish State, called Israel.

How did this good actually emerge from such evil? The late Senator Robert F. Kennedy once said:

It is from numberless diverse acts of courage and belief that human history is shaped. Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he or she sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

I can think of no other plausible explanation for the ultimate triumph of justice than these numerous acts of individual courage and belief.

The story of two Baltimore families, the Michaloses and the Velellis, is an example of such action. Their story was the subject of a recent article in the Baltimore Sun. I salute them and ask that the article be included in the RECORD.

The article follows:

[From the Baltimore Sun, Apr. 29, 1984]

GREEK FAMILY IN BALTIMORE OWES ITS LIVES TO ANOTHER

(By Gerri Kobren)

According to Elaine Michalos Pantelides, it was always the Velelli family—Emily and Emmanual and their children—who would tell people what her parents, Kathryn and Elias Michalos, had done for them during the war.

Afterwards, when both families emigrated to America, when they found one another again in Baltimore and were celebrating together milestone events like Michalos christenings and Velelli bar mitzvahs, her father would simply say of the Velellis: "These are our friends from Greece."

But when Velellis introduced Michaloses they would announce: "These are the people who saved us from the Nazis."

During this afternoon's Yom Hashoa—Day of Remembrance—ceremonies at the Holocaust Memorial at Water and Gay streets, the Baltimore Jewish Council will present Kathryn Michalos with a plaque honoring her and her late husband for their unstinting aid to the Velellis during the Nazi terror. And this time, too, according to Gene Burger of the council, the impetus came from a Velelli relative—from Richard Glaser, whose wife, Rachel, is the youngest Velelli daughter.

Kathryn Michalos is a modest woman. She does not talk about bravery or heroism; instead she concentrates on the daily struggle to survive during wartime, and credits her husband, Elias, for the major decisions. "My husband was so proud," she declares. "He wanted to help everybody. He knew everything. Emmanuel asked [for help] and my husband said, 'Yes.'"

Her speech, like Emily Velelli's, still carries the melodic cadence of her native land, and both women sometimes describe past events in present-tense verbs. Elaine Pantelides, a very young child at the time of the Nazi occupation of Greece, sits in on the interview in her mother's Towson house; Mrs. Velelli is interviewed in the Glasers' home in Randallstown. The younger women have offered to help their mothers find the precise English words. Actually, the older women express themselves quite clearly; the daughters fill in some gaps. Emmanuel Velelli has already recounted these events, in an affidavit recorded by Mr. Burger and sent to Yad Vashem, the museum and repository of Holocaust artifacts and documents in Jerusalem, so the Michalos family can be part of the record of "Righteous

Gentiles" who aided Jews during the Nazi era.

According to that document, after Greece fell to the Axis powers in April 1941, "comparatively benign" Italians took control of the southern part of the country. In September, 1943, however, the Germans took over, and at that point Mr. Velelli, a prosperous businessman in the Peloponnesian port city of Patras, appealed to Mr. Michalos, owner of the winery in the mountain village of Michaleika, for help. Mr. Michalos agreed to provide a hiding place for the entire Velelli family—Emily and Emmanuel and their two young daughters, plus Mr. Velelli's parents and three brothers.

The women tell that story again, in greater detail, and in words that are strikingly similar, right down to a "God bless America" at the end.

And as Mrs. Michalos speaks, it becomes clear that she was as involved in the rescue effort as was her husband, and that she, too, understood the terrible risks. She had three young children; the village, in which her husband was the leading citizen, was populated almost entirely by his relatives, and the family business was its sole economic support.

Emily Velelli, a young wife and mother at the time, remembers the fear they all endured. "Of course we knew what would happen, because we knew about Salonika; the Germans had already taken the Jews of Salonika." Her husband's brother was a member of a hiking club, and had visited the village of Michaleika on a climb. With the Nazi takeover imminent, he asked another club member, who was a Michalos relative, if Elias Michalos would help the Velellis. The familes were otherwise unrelated and unconnected, and according to Mrs. Velelli, Elias Michalos had never even known a Jewish person until her family arrived.

"Right away, he said, 'Yes,' and gave us a house," Mrs. Velelli recalls.

"He was a fervent anti-Nazi and Greek patriot," Mrs. Glaser points out. Not only was he willing to protect the unknown Jews; he was also sheltering British intelligence agents.

It is perhaps worth noting that the bravery of the Michalos family was matched by the honorable behavior of other Greeks.

"We had very good Christian friends in Patras," Mrs. Velelli states. "The day before we left, I said to one friend, 'Take all my jewelry. If we come back, give it back. If not, try to find my relatives. If not, you can keep it.' When we came back, the next day she came to my house and gave it back.

"Before we left, for a week or two, every afternoon we would leave our home to go somewhere else to sleep, because we were afraid the Germans would come in the night. We had another very very good friend who said, 'Don't worry, come to my house, sleep here.' Before we left, we gave to him the better things we had at home, like my sewing machine, and a trunk full of my good trousseau. When we came back, he gave back everything.

"Our house we gave to a friend. We said, 'You live here with your family till, if God wants, we come back.' When we came back we found the house, the furniture; they had given it good care. We stayed together a week, and then they left; they had another house."

The trek to Michaleika was not easy. There were no paved roads, and the path was rocky. The Velellis' older daughter was 6; the baby was 1. According to Kathryn Michalos, it was a two-day hike. She knows this all too well: After the war her husband and children moved to Patras, while she, by herself, walked from the port city to the mountain village so she could take care of the family vineyards.

The house her husband gave, rent-free, to the Velellis had been an employees' cottage, with two big rooms but no running water. "We were there for four or five months," Mrs. Velelli continues. "And then we knew the Germans would come, and everybody had to leave."

According to the women, the Nazis were looking for British agents, not Jews, when they invaded Michaleika; and because the Michalos family was suspected of hiding them the Nazis burned their home.

Elaine Pantelides, a child at the time, remembers going away that night with her parents and the Velellis and everyone else in Michaleika. And she also remembers coming back "and seeing the house burning, and everyone crying." (In recent years, she has gone back to Greece, and to the village. Traces of the family home remain. "A stone here, a corner there," she says.)

"After this happened"—Mrs. Velelli picks up the tale at the point of the house-burning—"they say they have to come to our house, to live together. They don't say we should leave, no. They kept one room and gave the other to us."

"We were all together, like one family," Mrs. Michalos says. "We talk together, eat together, sit around the fire together. This is a nice family, a very nice family."

"After this happened, no one could work any more," Mrs. Velelli continues. "Everyone was worried about the food, especially us. They tried to help us as much as they could."

"They baked bread," Mrs. Pantelides explains. "They had the wine and they dipped the bread in the wine, and that was their meal most of the time."

A few months later, in April, 1944, the families learned the Germans would be returning. Again the village was evacuated; again they all returned when the Nazis left. But this time the village itself was destroyed, blown up with a cache of British explosives the Nazis had discovered there.

The two-room cottage was gone too.

And so was Greek unity. World War II was winding down; a civil war, between Greek monarchists and communist guerrillas, was beginning. The Velellis rented a house in another village, named Demesticha, but two of Mr. Velelli's brothers were rounded up by the communists and were killed; a British document, received afterwards, attests to the young men's brave service to their native land. The Michaloses moved into a cattle shed near their vineyards; Mr. Michalos was taken by the communists, too. Mrs. Michalos sent her children off to relatives in safer villages, tended the grapes, and spent her nights searching for her husband.

And then it was over. A year after they left Patras, the Velellis came back, without shoes and racked by malaria. A Greek monk learned where Elias Michalos was being held; Kathryn Michalos went to get him. He too was sick and without shoes: he was also afraid he'd be killed if he stayed in Michaleika. Instead, he moved to Patras and started a trucking business.

Life in Greece was not what it had been for either family. Before the war, two of Mr. Michalos' brothers had settled in Baltimore; in 1951, he and his wife and children uprooted themselves once again, and came here. Mr. Michalos went to work in a relative's restaurant, at Roland avenue and 40th street; eventually he bought the place.

Today Mrs. Pantelides and her husband are in partnership with her brother as owners of the Corinthian, on Windsor Mill road. This present family enterprise carries memories of days long past: Among the wines they serve are some with the Demesticha label; the winery at Demesticha uses grapes from the old vineyards at Michaleika, Mrs. Pantelides says.

In 1956, the Velellis emigrated also, choosing Baltimore because Emily Velelli had a niece who had come here after her release from a concentration camp. Before the family arrived, the niece had gotten into conversation one evening with a Greek gentleman in her English language class; he, it turned out, was Elias Michalos.

So they met again. Lacking an address for the Michaloses when he and his family got here, Emmanuel Velelli left a letter for them in a Greek grocery store near Lexington Market. "Right away they came to see us, they gave us any help they could," Mrs. Velelli remembers.

In 1975, Elias Michalos died of cancer. The families mourned together.

Today, they celebrate. The Yom Hashoa ceremony downtown is scheduled for 2 p.m. Afterwards, they will all head for St. Demetrios Greek Orthodox Church in Towson, where, at 3:30 p.m., Mrs. Pantelides's grandson—Mrs. Michalos' third great-grandchild—will be christened.●

U.S. FIRMS IDENTIFIED AS FOREIGN AGENTS REPRESENTING NICARAGUA

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. WHITEHURST. Mr. Speaker, on Monday, May 7, I took a special order for the purpose of informing my colleagues about the propaganda activities being carried on in this country by the Marxist Sandinistas, detailing some of the expenditures made by them for this purpose, and identifying U.S. firms which have registered as foreign agents representing Nicaragua.

At that time, I mentioned Mr. Stuart Eizenstat as one who had represented the Sandinistas, but I have since learned that he served in that capacity for only about 7 months, in late 1981 and early 1982. I am pleased to include at this point in the RECORD a copy of the letter sent to the Department of Justice on April 9, 1982, requesting that Mr. Eizenstat's registration be terminated.

Mr. Eizenstat has informed me that he has had no further dealing with the Sandinista regime, and I am happy to share this correction with my colleagues.

POWELL, GOLDSTEIN, FRAZER & MURPHY,
ATTORNEYS AT LAW,
Washington, D.C., April 9, 1982.

Re Registration No. 3274.

ASSISTANT ATTORNEY GENERAL,
Internal Security Division, Department of Justice, Washington, D.C.

DEAR SIR: In connection with the registration of this firm under the Foreign Agents Registration Act of 1938, I enclose a Supplemental Statement signed in triplicate for the period ending March 10, 1982.

In addition, please terminate the Short-Form Registration of the following person affiliated with the registrant: Stuart E. Eizenstat, Partner.

Thank you for your cooperation.

Very truly yours,

MARK R. EATON.●

CONGRESSIONAL PRESSURE FOR SOVIET JEWS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an outstanding speech to the New York University School of Law by Steve Israel, the Suffolk County, Long Island director of the American Jewish Congress and a former legislative assistant in my office.

Mr. Israel spoke about U.S. congressional efforts on behalf of Soviet Jews. He suggests that the Jackson-Vanick amendment—passed in 1974 to impose trade restrictions on the Soviets for their human rights violations—is not responsible for lowering the levels of Soviet Jewish emigration. Mr. Israel notes that there is a direct correlation between the levels of emigration and the tenor of Soviet-American relations. He points out, correctly I believe, that until Soviet-American dialog is resumed on the basis of mutual civility and détente is restored, improvement in emigration is unlikely.

I commend these remarks to the attention of my colleagues:

CONGRESSIONAL PRESSURE FOR SOVIET JEWS

(By Steve Israel)

In 1980 Congressman Richard Ottinger met in his Capitol Hill office with a former Soviet refusenik. The Russian Jew had just been released from Soviet prison and permitted to emigrate after significant pressure was waged on the Kremlin by U.S. diplomats and Congress. The refusenik told Ottinger that he detected a subtle improvement in his treatment in the U.S.S.R. at about the same time congressional pressure increased in his behalf.

In 1980 over fifty Members of Congress co-signed a letter to Soviet Ambassador Anatoly Dobrynin urging his government to release Jewish "prisoner of conscience" Josef Begun. The letter was received by the Soviet Embassy, unopened, marked "RETURN TO SENDER" and mailed back to Capitol Hill.

Later in 1983, as an aide to Congressman Ottinger, I met with a Soviet diplomatic official and raised the issue of Soviet Jewry. Rolling from his lips was a slick, polished, obviously well rehearsed and oft-stated reply which suggested that the issue of Soviet Jewry was "exaggerated in the western media" and offering to investigate specific cases of personal concern to the Congressman.

In the three years I worked on Capitol Hill the rate of Soviet Jewish emigration declined 90%. In my last full month as a legislative assistant, fewer Jews left the U.S.S.R. than left on a single day in 1979.

Taken together, these experiences and statistics paint a confusing picture of the effectiveness of U.S. Congressional pressure for Soviet Jews. No one can say with certainty that congressional actions have been totally effective or ineffective. What can be clearly stated is that Congress has vigorously pursued this issue and may now be at a turning point by considering new and possibly unwise methods of gaining improved treatment of Jews in the Soviet Union.

Congress uses various mechanisms in pursuing the issue of Soviet Jewry. All of these mechanisms—rehetorical and substantive—are designed to effect three types of "pressure points." First, to raise the morale of Jews in the U.S.S.R. by assuring them that their plight is of major concern to important political leaders in Washington. Second, to directly pressure the Kremlin for an improvement in the treatment of Jews under its rule. Third, to pressure the White House and State Department to treat the issue of Soviet Jewry as a major component in U.S. foreign policy and to address it at every suitable diplomatic opportunity.

These tactics are embodied in various programs sponsored by Soviet Jewry groups throughout the United States. Among the most prominent is the Prisoners of Conscience program administered by the Greater New York Conference on Soviet Jewry. Members of Congress "adopt" specific refuseniks and pursue their cases by making speeches on the floor of the House, communicating with U.S. and Soviet officials, sponsoring legislation and circulating "Dear Colleague" letters. Additionally, the Union of Councils on Soviet Jewry sponsors a Congressional Vigil which asks Members of Congress to speak on the floor about various Soviet refuseniks. And the National Conference on Soviet Jewry has organized entering freshman classes of Congress around the issue. This year's 98th Congressional Class on Soviet Jewry is co-chaired by Representatives Mel Levine (D-Calif.) and Steve Bartlett (R-Texas).

These approaches focus on somewhat rhetorical means of seeking improved treatment for Soviet Jews. Congress has, however, adopted a tough, substantive legislative approach to dealing with the Soviets embodied in the Jackson-Vanick amendment of 1974.

Jackson-Vanick denies the Soviets Most Favored Nation (MFN) trade status because of their human rights violations. Adopted in 1974, it is the singular substantive mechanism to directly pressure the Kremlin to open the floodgates of emigration. Recently, however, it has been the subject of careful debate on Capitol Hill; there is a move afoot to repeal Jackson-Vanick.

Proponents of the repeal have argued that the Jackson-Vanick measure is responsible for the plummeting levels of Soviet Jewish emigration. They suggest that Moscow is holding Jews hostage to the repeal of Jackson-Vanick and the restoration of favorable trade and tariff conditions. In fact, statistics paint a different picture. The rate of Soviet Jewish emigration did drop upon the implementation of Jackson-Vanick, but climbed upwards as Soviet-American relations were harmonized: 1974: 20,628 Jews emigrated; 1975: 13,221; 1976: 14,261; 1977: 16,736; 1978: 28,864; 1979: 51,320; 1980: 21,471; 1981: 9,447; 1982: 2,688; 1983: 1,314; and 1983 (through March) 229.

As detente peaked in 1979, so did the number of exit visas in the Soviet Union. When detente was pronounced dead after the invasion of Afghanistan, Soviet officials began to clamp down on Jewish emigration. The real correlation with respect to Soviet Jewish emigration is not to the Jackson-Vanick measure, but to the tenor of Soviet-American relations. Jackson-Vanick should not be repealed on the mistaken perception that it is responsible for reduced emigration. Rather, its relaxation should be secondary to improving relations with Moscow and conducting our affairs in a businesslike manner. In this context, congressional action would be certainly enhanced.

Leaders in the Soviet Jewry movement like to speak of "an international drumbeat of outrage" to pressure the Kremlin to respect the life and culture of its Jewish population. Fewer political institutions than Congress have been more vigorous and diligent in beating those drums and, if nothing more, sending oppressed Soviet Jews the signal that their plight is being addressed and their welfare is a priority. When Soviet-American relations are improved and the dialogue is renewed, Congress will begin to see the fruits of its efforts.●

WE LOVE OUR CHILDREN WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. GREEN. Mr. Speaker, I am pleased to inform you and the rest of my colleagues that a concerned group of New York City residents has declared the week of June 3-9, 1984, as "We Love Our Children Week." Because children are our Nation's greatest resource, I am proud to have been asked to take part in this great occasion.

As a parent of two school-age children, I am terribly concerned about the growing number of violent acts committed against our Nation's youngsters. The rising rate of child abuse, molestation, and drug sales to children, and the growing number of teenage suicides, have prompted these concerned citizens to organize a program dealing with these problems. It is sad that the mobilization of these concerned parents, educators, and professionals is necessary. Yet, we have seen during the past few months that a growing number of our children are falling victim to those who choose to exploit them.

For this reason, I am very happy to note that both the electronic and print media have dealt with these problems in a positive way. Newsweek's recent cover story, television

movies on child pornography and incest, and local and national news stories have all dealt with these problems in a positive and educational manner. It is crucial that parents and educators discuss these social problems with children so that our kids know what to do in case they face such serious occurrences.

On June 9, the "We Love Our Children" festival will be held in Washington Square Park in New York City. Participating in the festival will be singers, clowns, musicians, acting and dance companies, and speakers who will all provide educational assistance in their own individual ways. New York University, Consolidated Edison, and other education and business organizations will take part in this event. Most important, children will also have a role in the festival. I look forward to working with all these groups in an effort to rid our community, and our Nation, of these loathsome problems, and I urge my colleagues to take part in any such events in their respective communities.●

WHY IS SMALL BUSINESS SO IMPORTANT?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. BROOMFIELD. Mr. Speaker, there is no substitute in my opinion for competition in our economy. Competition is the driving power in our economic system. It is the force which has given us an unparalleled standard of living and made our country the envy and hope of the world.

Today, in celebration of Small Business Week, I am pleased to pay tribute to the Nation's small businesses for the role they have played in keeping the fire of our economic system burning so brightly. I am convinced that small businesses are a major contributor to the kind of buyers' economy we have today, that we had yesterday, and that we hope to have tomorrow.

I believe strongly that Congress has a special obligation to help preserve a competitive marketplace. It can do this by insuring that our Nation's small businesses have conditions that will allow them to prosper and that they have proper incentives and opportunities for new ventures.

Small businesses are not looking for a dole from Congress. From my decade of membership on the Small Business Committee and as a former small business owner myself, I believe small business owners' simply want Congress to address the problems peculiar to small firms. They want to be treated as small businesses with unique problems and unique contributions. They are not interested in being separated from our economy but being made a component in our economy with due consideration given to the impact size difference makes.

I am pleased that Congress is beginning to hear the voice of small business and is responding to it. Some examples of the response of Congress include the Regulatory Flexibility Act, which requires the Federal agencies to tailor regulation requirements to size of the firm; the Prompt Payment Act, which is intended to force the Federal Government to pay bills it owes within a reasonable period; the Small Business Innovation Act, which provides a significant breakthrough for small companies, especially high tech companies seeking access to research and development funds provided by Federal agencies; the Equal Access to Justice Act, which seeks a balance in court battles between big government and small businesses; the Paperwork Reduction Act, which reduces the costs of paperwork imposed by regulations; and the Export Trading Company Act, which will help small firms compete in foreign markets on an equal basis with their competition in other countries.

Congress has enacted legislation to help small business in other ways including capital formation and retention, government procurement, and beneficial tax changes.

Mr. Speaker, small business has, indeed, made much progress in Washington, especially in recent years, but there is a need for much more to be done. I sincerely hope that Congress will join me in a determined effort to continue to act to stimulate this most productive segment in our economy.●

TRIBUTE TO OLLIE HAWKINS

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mrs. BURTON of California. Mr. Speaker, I would like to bring to the attention of my colleagues the achievements of one of my constituents, Ms. Ollie M. Hawkins. She was recently honored in San Francisco by the black Postal Supervisors Association for her outstanding efforts to insure that women and blacks were treated equitably by the Postal Service.

Following are some of the remarks made at the presentation of the award to Ms. Hawkins:

Good evening, thank you very much for sharing this evening with us. The Black Postal Supervisors Association decided to do something different this year. We wanted to say thank you to those craft employees that have worked toward the betterment of the Postal Service, who have lent their support in endeavoring to make it so.

In appreciation of their efforts, we decided to single out one very special person who has been a positive contributing force over a period of many years. Someone, admired and respected by both managers and craft employees. Someone who has the understanding of our commitment to our Postal customers in fulfilling our obligation to them: delivering their mail as we promised.

We were looking for a person not only observant, but cooperative, not antagonistic when bringing problems that need correcting or resolving. someone willingly accepting assignments that possibly no one else wanted to do.

Mrs. Ollie M. Hawkins is that person: warm, dedicated and committed. I can personally vouch for that. In my opinion one of the greatest things one individual can give to another is positive attention or positive stroking. When I left Rincon Annex almost 20 years ago to go to other facilities and assignments, periodically I had to return there for meetings, etc. Whenever I would see Ms. Hawkins, she would stop and greet me warmly, giving me support and recognition. This totally amazed me as I was surprised to know she even remembered me. Perhaps she did not remember my name, it was that few minutes attention that reached me and made me feel good. Other managers expressed the same good feelings about this attention. Let me share some of the things I have learned about Ms. Hawkins:

Worked in Kaiser Shipyard, Richmond, California for three years (1940-42) as a certified journeyman, welder.

Entered postal services as an indefinite war substitute; July 31, 1945.

Worked at PCC and then Rincon Annex after World War II.

Became interested in problems of two groups of postal workers: blacks and women. Men wanted women out of the Post Office, to go home and be housewives, mothers again. They wanted the old days again, to be able to talk and act as they once had. Blacks and women both were not fully accepted as union members.

During this time, there was a proposal to cut back delivery of mail to once a day (not twice). Ms. Hawkins and two other ladies set up a table and chairs at 7th & Market Streets obtaining signed petitions and sending thousands of signatures to Congress in an attempt to prevent the cutback. Needless to say, we were not successful in our venture.

An attempt to phase out the war substitutes was made. The majority of these were black women. Under the direction of Mr. Augustine, the East Bay Area Postal Workers Association was organized with Ms. Hawkins as chairperson. Purpose: To appeal to President Truman to "blanket" in all indefinite was substitutes into the Post Office. Again with their table at 7th & Market Streets obtaining petitions and having fund raising affairs, they sent telegrams and petitions to Washington, D.C. Ollie Hawkins met many dignitaries asking for support; Vice President A. Barkley; Mrs. Mary Bethune and many others. President Truman did issue an order blanketing in the I.W.S. and some of these employees are still on the payroll. What a combination; Truman and Ms. Hawkins working together.

Ms. Hawkins was unable to directly reap the fruits of her petition, she resigned for personal reasons. In 1960 she re-entered service of the Berkeley Post Office. She transferred to Rincon Annex October 5, 1960, and joined the Postal Union. She no-

ticed while attending the National Convention in 1962 that Blacks did not hold State or National positions. She and five other Blacks met in a parking lot and decided to return to their Locals and recruit and encourage more Blacks to become involved and seek election to State and National Offices. This was the first formulation of the "Committee of Concern."

She has attended Local meetings and State and National Conventions and at times was the only Black present. She has been a Local officer for 20 years and is presently the Financial Secretary for the San Francisco A.P.W.U.

Ms. Hawkins has been instumental in furthering the cause of the Blacks in the union. Ollie plans to retire next year. She will then have time to learn to play the piano that she bought some years ago. Ollie also plans to learn how to fish.

Ollie Hawkins, we salute you for your outstanding contribution to the Postal Service.●

IN MEMORY OF RABBI ISRAEL O. GOLDBERG

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Ms. MIKULSKI. Mr. Speaker, I honor today the memory of Rabbi Israel O. Goldberg, spiritual leader for nearly 14 years of the Randallstown Synagogue Center in Randallstown. He devoted his life to community service and the preservation of Jewish heritage, particularly for the young. He was a devoted husband and father.

Rabbi Goldberg was born and educated in New York, but came to Randallstown in 1970 when he became spiritual leader of the Ahavas Sholom Randallstown Synagogue Center. In his early years as rabbi at the Young Israel Synagogue in New Rochelle, N.Y., he originated a Hebrew heritage program to provide a course of study for children with no background in Jewish learning.

Rabbi Goldberg recently served as president of the Rabbinical Council of America's Maryland region, was an advisor to the Jewish Students Association of Johns Hopkins University and and Goucher College, a board member of the Talmudical Academy of Baltimore and the Religious Zionists of America.

He was the Jewish chaplain at Sheppard and Enock Pratt Hospital, a member of the chaplaincy committee at Sinai Hospital, and chairman of the Baltimore area's Kashruth Commission, which certifies kosher food.

He was active in adult and Jewish education programs, taught classes in Jewish history, laws and customs at the Jewish Community Center, and previously taught Middle East history at Dundalk Community College.

He also initiated a scholars-in-residence program between the Randallstown Synagogue Center and Liberty Jewish Center which brought out-of-State speakers to the area for special programs.

We can honor the memory of Rabbi Israel Goldberg by living out the ideals for which he lived: To reach out to our entire community; to teach our children our most cherished values; and to act with the firm conviction that the caring and compassion of a single person can still make a difference. We will miss him.●

UNITED STATES-VATICAN DIPLOMATIC RELATIONS

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. EARLY. Mr. Speaker, the following address was given by Robert A. Destro, assistant professor of law at the Columbus School of Law at the Catholic University of America. His address was given when the Catholic University of America conferred an honorary doctor of humane letters degree on the Most Reverend Pio Laghi, Apostolic Pro-Nuncio to the United States, on April 6, 1984.

Professor Destro's address deals with the diplomatic relations between the United States and the Vatican, from the viewpoint of the U.S. Constitution and case law.

RECOGNITION AS REALITY: THE POLICY AND LEGAL BASES OF UNITED STATES-VATICAN RELATIONS

(By Robert A. Destro)

Archbishop Laghi, Archbishop Hickey, President Byron, Members of the University Community, and Honored Guests. It is a great privilege for me to give the lecture on this occasion and to share with you some reflections on the topic of America's relations with the Vatican. The theme of this lecture is "Recognition as Reality: The Policy and Legal Bases of United States Vatican Relations."

It is appropriate at the outset to reflect a moment on the notion of "Recognition as Reality." Does recognition create reality? Not really. It certainly would be inaccurate to argue that Archbishop Laghi's close relationship with the University will be created by the honorary degree awarded today; that relationship has had an independent existence over time, and the degree is merely a formal recognition of that fact. It would serve no useful purpose for the University to seek to keep the relationship an informal one, hidden from public view if recognition might be beneficial. In fact, it is only when formal recognition has adverse effects that parties are more circumspect about their relationships.

So too, formal recognition of the Holy See by the United States merely affirms the reality of a cordial and cooperative diplomatic relationship which stretches over 200 years of America's history. Whether recognized formally or not, the relationship exists and is beneficial to both the United States and the Holy See. At times when the United States was unable to recognize the relationship formally for domestic political reasons, relationships were informal, but they continued. The reasons for this relationship are fairly simple: both the United States and the Vatican are influential forces in the world of international diplomacy, and both share a commitment to the dignity of the human person, to the cause of social justice, and to the freedom of religious conscience and exercise.

Why then has there been a controversy over our relations with the Vatican? It certainly does not center on a dispute over the Vatican's place in the world of diplomacy. International Law has long recognized that the Holy See has the right of active and passive legation—to send and receive ambassadors—without regard to the status of the State of Vatican City, or its formal attributes of territory, population and Government. Indeed, the Holy See is unique in that its dual nature as sovereign and the Supreme Head of the Catholic Church was recognized in the international community and by the United States (much to the dismay of Italy) during the period when the State of Vatican City did not exist.

The basis for the controversy over U.S.-Vatican relations is wholly domestic, and has nothing to do with diplomatic reality. Its basis is in the Religion Clauses of the First Amendment to the Constitution of the United States and the limitations they place on the ability of the Federal Government to involve itself in matters of religion. More importantly, the domestic political controversy over the issue of formal recognition of the Holy See reflects the passion with which Americans regard issues of religious freedom, and their long-standing fear of an official government preference for one religion. Important as they are, these concerns have had very little effect on the reality of our relationships with the Holy See. Their main effect has been cosmetic, demanding, "informal" relationships in times of domestic controversy.

Because international diplomacy has a certain inexorability about it, nations generally respond to their respective needs in the international community in the manner most consistent with the internal demands of their political structure. When, as in the case of American relations with the Vatican, neither soverign's legitimacy as a player on the international stage depends upon recognition by the other, the only question for discussion is the utility of such relations.

From the beginning United States-Vatican relations have been influenced by the mutual need of both. John Adams, writing a nation-by-nation diplomatic survey prepared for the Confederation Congress in 1779, speculated erroneously that the Papal States would be among the last to recognize the newly independent United States, even were it to seek such recognition. "Congress" he said "[would] probably never send a minister to his Holiness." But his speculation soon gave way to reality. A mere four years later, an informal diplomatic contact with Benjamin Franklin, then our minister to the French Court, was made by the papal nuncio at Versailles in order to determine the desires of the American government regarding the nationality of the individual soon to be named as America's first Catholic bishop. Although a committee composed of Thomas Jefferson, Elbridge Gerry and Hugh Williamson declined to offer the Pope the requested advice on the grounds that the federal government had no power to involve itself in religious matters, they did emphasize their respect for the Pope as a "sovereign and state." The reality of the inter-

national order and the needs of both sovereigns thus led to mutual recognition by 1783; and by 1797, to an exchange of consuls to look after commercial affairs.

As our nation grew in power, stature and commerce it was inevitable that our relations with the Vatican reflect the change. The election of Pope Pius IX in 1846 and the resulting liberalization in the government of the Papal States, gave the American press an issue they could support: the appointment of a chargé or ambassador to the Pope to show our pleasure with his policies. The New York Herald favored an ambassador "as more respectful to the Pope, and more suitable to our dignity and greatness as a people."

Thus, when President Polk recommended the creation and funding of a diplomatic mission to the Vatican in his 1847 State of the Union message, he responded to the needs of American foreign and domestic pressure. When that diplomatic mission became the locus of Union efforts to assure the non-recognition of the Confederacy by the Holy See during the War between the States, the relationship played an important role in the diplomatic life of the nation during those troubled years.

The suspension of official American diplomatic contact with the Vatican in 1868 as a result of rumors that American Protestants in Rome had not been permitted to practice their religion also reflected a typical use of diplomacy to make a point about American opinion. America, said Congressman Thaddeus Stevens, had no desire to have representation "at any Court or Government which prohibits free worship within its jurisdiction of the Christian religion." Funds were cut off to make a point which would have been valid had the rumors of religious suppression been true. But America did make a point which could not have been demonstrated without a diplomatic mission.

Although formal contacts did not begin again until the recent appointment of Ambassador William Wilson, informal contacts served the needs of both America and the Holy See in the interim. Whether one focuses on the Taft mission to Rome to deal with the Philippines at the close of the Spanish-American War; the many contacts between Woodrow Wilson and Benedict XV during World War I; or the appointment of Myron Taylor as Franklin Roosevelt's personal representative—with the rank of Ambassador—at the outbreak of World War II, it is clear that the United States often worked closely with the Holy See on matters of mutual concern. That process continues to the present day.

The Vatican is widely recognized among nations as a unique diplomatic observation point, and Article 24 of the Lateran Treaty makes it clear that the Holy See will remain aloof from the temporal competitions of states, except as they might, by common consent, appeal to its mission of peace. At a time when the world is in need of peacemakers who understand the temporal and spiritual dimensions of international tensions, it is neither wise nor consistent foreign policy to pretend that formal relations with the Vatican are inappropriate as a matter of American law. When, as now, the Holy Father is recognized as an active, positive force in the cause of world peace, human rights, social justice and religious freedom, one must question the wisdom of a policy which suggests that a very real relationship should be hidden from view in an attempt to deny its reality. The positive benefits to be gained far outweigh the potential negative impact on our domestic political scene. In fact, the lack of public outcry over the exchange of ambassadors, demonstrates that there is no negative impact at all. It is, therefore, clearly appropriate that, for the first time in 136 years, American policy reflects the reality of its interests in maintaining a relationship with the Vatican. It is a credit to both the growth of religious tolerance in this country and the high regard this nation has for Pope John Paul II that the formal relationship was reestablished with comparatively little difficulty.

Although the Religion Clauses of the First Amendment are often said to erect a high "wall of separation" between church and state, it is more realistic to describe the "wall" as did the Supreme Court in a recent case: "as a blurred, indistinct, and variable barrier depending on all the circumstances of a particular relationship."

While it is clearly possible to construct a number of constitutional policy arguments regarding the wisdom or political efficacy of an exchange of Ambassadors with the Holy See, such policy arguments should be distinguished from legal arguments resting on the language and structure of the Constitution itself.

Although the main body of constitutional law governing church/state relations has been announced since 1940, the historical data leaves no doubt that the federal government was not to prefer one religion over others, or to involve itself in religious questions. Nonetheless, it would be difficult to argue that recognition of the Holy See by exchange of ambassadors alone would violate the principles of religious freedom the First Amendment was designed to protect. Jefferson himself, whose letter to the Danbury Baptists first described the wall, was a member of the committee which first recognized the international status of the Holy See "as a sovereign and a state" as distinct in the eyes of the American government from its religious mission. President Polk did the same in 1848 when he cautioned our representative to stay out of religious affairs. I am quite confident, therefore, that present and future presidents will understand and abide by the constitutional command while pursuing America's legitimate interests at the Holy See.

But to the constitutional lawyer or law professor it is not the President whose abilities of discernment are at issue when a constitutional challenge is raised. Rather, it is the willingness of the federal judiciary to steer clear of the sensitive foreign policy issues inherent in the President's decision to appoint an ambassador. Although Constitutional rules bind the President in all he does, the Supreme Court has held that the judiciary has very little to say in foreign affairs matters. The decision to recognize a foreign government, for example, is a nonjusticiable "political question." And wisely so, for as the Court said in *Baker* v. *Carr*, foreign affairs "uniquely demand single-voiced statement[s] of the Government's views," *Baker* v. *Carr*, 369 U.S. 186, 211-212 (1962).

Because the power to appoint ambassadors and conduct foreign affairs is given to the President in Article II of the Constitution, the courts have been correct in refusing to extend the judicial power of the United States into an area reserved to the Executive Branch. The American adversarial system of justice is inherently unsuited for the resolution of diplomatic questions, and when the issue is cast as one of constitutional dimention by a private litigant, the result would be judicial oversight of inherently political decision making. This, the Constitution does not allow, and the result has been the dismissal of lawsuits challenging such diplomatic decisions as aid to Israel (on First Amendment grounds), and the abrogation of treaty obligations by President Carter.

More importantly, however, the structure of our Constitution makes it difficult to justify a judicial rule which would permit the complaint of an individual citizen (or group of citizens) to hamper or harass the conduct of foreign affairs. The Supreme Court has yet to articulate the precise individual right which is protected by its current interpretation of the Establishment Clause of the First Amendment. As a result, American courts drift somewhere between the impossible goal of absolute separation of church and state and the constitutional ideal of religious freedom for the individual. It makes neither diplomatic nor constitutional sense to permit a Supreme Court which has very little sense of its own mission or thinking on church/state questions in the domestic sphere to govern the decisions of the President in matters of foreign affairs, even if they do arguably violate the same symbolic notion of "absolute" separation.

It is good policy when the courts hold that the task of recognizing reality in the world of foreign affairs is a job for the President. Because they have yet to construct a constitutional theory which reflects the reality of the religious settlement in the United States, it would be most unfortunate for them to attempt the task in the international arena. Now that formal diplomatic recognition is reality, no amount of judicial discussion can or should be permitted to change it. There is neither a policy nor a legal basis for such a change and, in my judgment, it is far better for all of us that they decline to make the attempt.●

PERSECUTION OF THE BAHA'IS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. PORTER. Mr. Speaker, last week the Subcommittee on Human Rights and International Organizations held hearings on the persecution of the Baha'is in Iran.

Many of my colleagues share my dismay over the violent persecution of the Baha'is. Since the 1979 Islamic revolution, 170 Baha'is have been executed. The Iranian Government has banned all organized Baha'i religious activities as "criminal acts," establishing the so-called legal grounds for mass arrests and genocide. Iran is presently the only place in the world where people are being persecuted and killed solely on account of their religious beliefs and not because of their political opposition to the regime in power.

Among those presenting testimony last week was Said Eshraghi, an Iranian-born Baha'i currently living in the United States. Mr. Eshraghi told the subcommittee of the arrests and executions of his father, mother, and

young sister in Shiraz last June. I am submitting for the RECORD Said's testimony and recommend that my colleagues read this firsthand account of the horrors of life in Iran for the Baha'is.

I urge my colleagues to raise their voices in protest and to join me in cosponsoring House Concurrent Resolution 226 which condemns the Iranian Government's persecution of the Baha'is.

The testimony follows:

My name is Said Eshraghi. I am an Iranian Baha'i who has resided in the United States for the last six years. I currently live in Nacogdoches, Texas, where I work as director of operations of a small chain of restaurants. I appear before this Subcommittee to tell the story of the persecution of my family, three members of which have been martyred for their beliefs. My story is not unique. But it may throw some light on what is happening to the Baha'is in Iran.

At 5 o'clock in the morning on June 17, 1983, I had a strange phone call from Australia. It was my brother. He said, "Good morning. How are you?" I said I was fine and asked him why he was calling so early. He said he just wanted to see how I was doing and asked if I had heard anything from home. I said no. He said, "Well, I have congratulations." I said, "What are you talking about?" He said, "Our father was martyred." I think I was still asleep when he said that, and I said, "What are you talking about?" He said, "Wake up! Go put some water on your face, and wake up. Our father has gone to God."

For about five or ten minutes I didn't know what to do. I had two finches in a cage. The first thing I remember was feeling that I needed to let the finches go. I opened the cage and let them go. Then I called my sister in Iran. She wasn't home. But another member of my family in my parents' home told me, "Your Dad was executed yesterday." That was on June 16, 1983.

During those few days I was in a state of shock. We had a small memorial service for my Dad at our house on June 18, 1983. The next morning, June 19, 1983, I had another phone call from my brother in Australia. He said, "I would like to congratulate you one more time, brother." I said, "What are you talking about, brother"? He said, "Our Mom joined Dad." "Well," I said, "at least now he is not alone." Then he said—and he was crying—"Well, I am going to congratulate you one more time. Our sister has gone with them, so they are not alone. They are all together."

Those events added a new dimension to my life. Now I had the three dearest members of my family executed for the Cause of God.

Let me tell you a little bit about my family—what they are doing and who they are. I have a brother named Vahid, who lives in Australia. I have a sister named Nahid. She is in Nigeria. I had two sisters in Iran, one named Roya and the other named Rosita. My father was an officer of the National Oil Company in Iran. My mother was a housewife.

I left Iran before the revolution, as did my brother and my sister Nahid. But my two little sisters were still in Iran. During and after the revolution I kept hearing news about the persecution of the Baha'is in Iran. First it started in Shiraz. I don't know how long ago it was. It probably was in 1980 right after the revolution. A mob destroyed about two hundred houses and businesses that belonged to the Baha'is. They burned some of the houses and demolished everything. They took away what everybody had because they were Baha'is. The news kept coming that my family and other Baha'is were in danger. The National Spiritual Assembly of Iran was executed. Other Baha'is all over Iran were also being executed. I never thought that such things would happen one day to me, that I would be someone who would get hurt from the revolutionary government.

On November 29, 1982, my father Enayatollah Eshraghi; my mother, Ezzat; and my sister Roya were arrested. They were taken to prison by the authority of the government in Shiraz. They were arrested at 8 p.m. Government officials came to the house and asked them to go with the officials for questioning. That night, besides my parents and my sister, forty-five Baha'is were arrested in Shiraz. Probably thirty-five more Baha'is were arrested that night and the next night and were put in jail. For a long time we didn't have any information about what went on. What were the charges? Why were eighty-five Baha'is in prison? Nobody would tell.

And even when they started to put all the Baha'is on trial, nobody knew what the trial was all about except that my father and my mother and my sister were in a trial. Nobody else was allowed to be in the court or the courtroom.

That was the time I started calling back to my home and talking to my sister Rosie about the things that were happening. I know a few things. A lady who was in prison with my mother but was later released sent me a letter and wrote some things in the letter.

During the trial my sister asked the judge if she could talk to my Dad for a few minutes. She hadn't seen or touched my Dad even for a minute during the past six months. The judge said, "Well, you may go and talk to your Dad." So my sister Roya, who was in a women's prison, saw my Dad for the first time. They were in a room, and she hugged my Dad and told him, "Dad, don't worry about me and Mom. We are fine." Anything that a father and daughter would say to each other, they said. "I love you. I miss you so much." Things like that.

The judge told my sister, "All you and your Dad have to do is deny your faith and simply become Muslims. Just tell them you are not Baha'i. I'll let you go. I'll let your Mom and your Dad go. I would even let your Dad have his retirement money." Before he went to prison, my Dad's retirement benefit was cut because he was Baha'i. The judge even told my sister Roya that he would let her continue her education at the university. She had been thrown out of the University of Shiraz because she was a Baha'i. Of course, my family didn't want to deny their belief. During the time that they were in prison, they were constantly asked to deny their faith, and of course they didn't.

I don't know much about the trial and what happend in the courtroom. Nobody was allowed to go to the court. We don't know what they discussed, but as far as I know the charges against my father were that he was a spy for Israel because he had gone to Israel once as a Baha'i pilgrim, and the charges against my mother were that she was my Dad's wife. My sister was a teacher at the Sunday school for Baha'is. The charges were that she taught the Baha'i Faith. The officials gave my family four chances to recant their faith. They had a tape recorder and a piece of paper and a pencil that they would take to the prison. They would tell my Dad first, "You must recant your faith, and if you do, you will be released." The same was done to my Mom and my sister. None of them wanted to recant their faith.

June 15, I think, was the last day my sister Rosita, who was seventeen years old, went to the prison to visit my Dad. With her was her fiancee and our cousin. The purpose of the meeting was for my sister to get my Dad's permission to marry her fiancee. Of course, my Dad agreed and told them to go ahead and get engaged. My brother-in-law said to my father, "Mr. Eshraghi, we are sorry that you are not going to be at the ceremony." My Dad smiled and said, "Well, if I am not going to be there, my spirit will be there for sure." My cousin talked to my Dad for a few minutes. My Dad told her that he was waiting for the court to decide his case. Dad told her that he would not recant his faith. Apparently the judge was in the prison, because my Dad told her, "He is a nice man because he let you come in because prisoners are only allowed to have visits from the immediate members of the family." My cousin was not considered an immediate member of the family. The next day, June 16, 1983—I don't know what time—my father and six other Baha'is were executed. On that same day my sister Rosita got engaged, and as my Dad was telling her, his spirit for sure was at the engagement ceremony.

On June 17, My sister got the news that six Baha'is had been executed and that their bodies were in the morgue. She went to the morgue. The person in charge wouldn't let anyone go in, but my sister begged for about thirty minutes, and he finally said, "Okay, well, why don't you go look." She went in and saw my Dad. later on we found out that when the names of my Dad and Dr. Afnan were called, they raced each other, each wishing to be the first to be executed. That amazed everyone because it showed the authorities that the Baha'is were dying, that they were sacrificing themselves for the Cause of God.

On June 18, the day after my sister went to the morgue and saw the body of my father, she was to go to the women's prison to see my mother and my sister. She went there and told Mom what happened to Dad. My sister dropped a few tears, and then she said, "Well, that's his destiny." My Mom simply said, "I wish I were in his place. I wish I could sacrifice myself for him." Then my Mom told my sister Rosie that she knew that something like that would come up. She said, "I think it is going to be the same thing for me and probably for Roya because we won't recant our faith either. It will be the same for all of us."

Shortly after the visiting hours they took all the ladies, including the young ladies—I think Mona Mahmudnezad was only seventeen years old.

The next day my sister Rosie found out about the executions, and so she went to the morgue. She just wanted to know if my mother and sister were among the people who had been executed. The man at the morgue asked, "What do you want today?" She said, "I think I have some more people in there." He said, "Didn't you have enough? Your Dad was here yesterday." He probably felt sorry for my sister, and he let her go in, and she found the bodies of the ten ladies all over the floor.

The first one she found was my sister's body. She could not find my mother's body. She looked for about five more minutes and finally found it. She saw an old lady whose face had almost turned black. That was my Mom. My sister cried on my Mom's body, and she said, "Thank you, Mom. I am proud of you. I am proud for you." The man in charge of the morgue came and said, "Who is this?" and my sister said, "This is my Mom." "Come here," she told him, "I want to show you my sister. Here is my sister. Look, this is my sister, and this is my Dad." The man must have been shocked to see somebody who had lost her Mom and Dad and sister in two days. He told her, "Go on home. Don't stay here. It is enough."

The next day my relatives and my sister went to the morgue to pick up the bodies, but they did not release the bodies. They told them that the government would bury the bodies. Nobody saw how they buried them, but one of the guards apparently said that they buried the bodies in the Baha'i cemetery in Shiraz and that to bury all sixteen Baha'is didn't take them more than twenty minutes. Apparently they had a bulldozer dig a hole, and they just dropped the bodies in the hole and covered them with dirt.

Of course, whatever happened to the bodies is not important. What is important is the people in prison right now—those people who are still suffering. They don't have jobs. Their kids cannot get an education because they are Baha'is. Those are the important people. That is why I am here. I am trying to establish some kind of public support for the Baha'is who live under pressure right now in Iran. I hope you all can help.

During the past two months I have heard more news. First, the authorities confiscated our house in Shiraz, and when my sister went to them—she said, "I am seventeen and one-half years old and single. You executed my father, my mother, and my sister, and now you are taking my home away from me. What should I do? Should I die?" The government officials at first tried to cooperate and said, "We are sorry to hear that. We sure didn't want to take your house away." But apparently after a few times, when my sister went to the courts and the judge, the judge said, "Well, since you are Baha'i, the only thing we can do for you is to rent a room somewhere else. Not in your home. You home belongs to the government now. It doesn't belong to you any more. We can rent a room for you until you get married. Once you marry, you have to leave the room, and you won't be able to live there anymore." My sister left, and the only thing they could say was, "Well, somebody will take care of you."

Rosie is eighteen, a kid, and once a week she goes to the prison to see other relatives. It is hard on her. She has been going to the jail to see her family ever since she was sixteen.●

PRC ABORTION FUNDING: LEGAL SLEIGHT OF HAND

HON. JACK F. KEMP
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. KEMP. Mr. Speaker, yesterday my colleague from New Jersey undertook an important initiative in the effort to protect the sanctity of human life. His amendment would have prohibited U.S. taxpayers money from funding any organization which supports or contributes to the forced abortion program of the Communist government of the People's Republic of China. His amendment was not accepted but instead was replaced by a substitute which makes no change in current law and allows the Fund for Population Activities and the Agency for International Development to continue funding organizations which contribute to practices which the American people oppose.

How is this funding possible when the law contains prohibitions on abortion and provision of abortifacient drugs? It is very simple. The offending organizations simply keep one set of books for the majority of their funds which they receive from the U.S. taxpayers and another set for the small funding which comes from other sources. The programs which they run from each set of books operate side by side. The clinic which provides depoprovera is financed by AID, but the depo-provera is not. In the case of the PRC, both UNFPA and International Planned Parenthood Federation finance and promote population control; they are a part of the process. Both groups are proabortion. Both receive funds from the American taxpayers. Yet UNFPA and AID profess innocence because of the legerdemain of bookkeeping.

The efforts by my distinguished colleague from New Jersey was designed to end this evasion of the intent of the law. His amendment would have prohibited U.S. taxpayer funding of any organization which supports or participates in the coercive population control and forced abortion efforts of the PRC regardless of the source of the funding which is being used. His amendment attacked the moral questions involved, rather than the technicalities.

Unfortunately, his effort was defeated. Language supported by the international bureaucracy and AID was substituted. This language allows the practices which are currently being followed to continue. There is no change, only new language.

This is not enough. When the fiscal year 1985 foreign operations appropriations bill is considered by the Subcommittee on Foreign Operations, a subcommittee on which I am the ranking Republican member, I will offer an the amendment of the gentleman from New Jersey. We will offer an amendment until we succeed in closing this loophole in the current law. We will close it not only for the forced abortion program of the PRC, but also for all of those population programs which promote and fund practices which are proscribed in directly funded programs.

But, this is only one part of the battle to restore respect for human life and the dignity of the individual. I remind my colleagues that the abuse of human life and human rights in the People's Republic of China is only an extreme example of the campaign being waged worldwide by some population control advocates. Forced abortion and sterilizations are simply the extension of the philosophy of limits to growth and of the idea that human beings are the source of poverty. We are told by those who would interfere in the free choice of families to determine the size of their families that the children of these families are a drain on the economies. We are repeatedly told that the economic development plans of governments are hindered by the people which these governments are meant to serve.

The fundamental error made by those who advocate population planning and control is their belief that there exist finite resources available and that the ability of these resources to sustain the Earth's population is independent of human action and the incentives to economic activities.

Resources do not exist in the raw state of nature. Until a use is found for plants, minerals or animals, and a means by which to put them to use is developed, they are not economic resources. Moreover, economic activity is not dependent on the physical presence of raw materials. It is dependent on the presence of incentives for entrepreneurs to bring together the agents and resources for economic activity.

The inability of people in many developing nations to expand their economies faster than their population is cited as a problem of resources and of resource transfers. Those who advocate population control rarely, if ever, consider the issue of resource creation. Lester Brown, president of Worldwatch Institute provided a perfect example of this thinking. Writing for the New York Times, he said, "for many countries, the only alternative for many countries is a rate of population growth that undermines living conditions, an alternative that is all too visible in Africa, where population growth has outpaced food production for more than a decade and where starvation is becoming common." Mr. Brown, along with many others, mistakes symptoms for disease.

The issue for African nations is how to achieve an accelerated rate of economic growth. There is simply no reason for economic expansion in sub-Saharan Africa to fall below the population growth rate of even Kenya which is estimated to be 3.6 percent. The example of Central America, as pointed out by the Kissinger Commission report, is useful in understanding what is possible: "The five republics

had a population of less than 8 million in 1950, and of more than 20 million by the end of the 1970's, and yet between those years real per capita income doubled."

The problem is not people. The problem is government and its systematic destruction of incentives to economic growth and the higher real incomes which, as the industrialized nations demonstrate, leads to smaller families and reduced population growth rates. The World Bank's report on sub-Saharan Africa pointed out that the goals which have led African governments to adopt redistributive and incentive destroying economic policies cannot be achieved without strong private sector growth: "However, achievement of these objectives is heavily dependent on higher rates of growth of output in the private sector, particularly by small farmers, who are the largest occupational group in tropical Africa.

The Bank's report goes on to outline how the government monopolies on virtually every aspect of farm production has destroyed incentives for producing for resale. Stimulated by the demands of urban political elites, governments have adopted cheap-food policies for urban areas which have destroyed not only production but rural employment. These policies and not growth of population have led to hunger and, all too often, starvation.

The issue is confined in Africa. In India, the world's most populous democracy, government taxation and credit policies have prevented the nation from creating or attracting the resources necessary for increased living standards. An example which I have used often in our Subcommittee on Foreign Operations is appropriate here. Last year, when India reduced the tax rate on foreign equity investors to 28 percent—from a top rate of 70–90+ percent previously—and exempted these investors from capital gains taxation the response was so overwhelming that the funds pouring into India exceeded the capacity of its financial markets and caused alarm by domestic investors who found their companies being bought out from under them by expatriate Indians who had fled Indian tax policies but were drawn home by these changes. Unfortunately, the changes were repealed rather than expanded.

The effects of population planning programs are not strictly economic. Throughout the world these programs are an affront to religious beliefs and social customs. Pope John Paul II has denounced population control efforts while international agencies and our own foreign assistance programs persist in promoting changes in social attitudes and, too often, in the laws of sovereign nations which run counter to the traditions and beliefs of the populations supposedly being served. In El Salvador, our efforts to assist that nation in its struggle for freedom have been undercut by persistent reports of forced sterilizations. In Iran, the Shah came under serious attack for his support of U.S. sponsored population control programs which infringed on the religion and culture of the Shiite majority. The actions of governments, particularly our own, in sponsoring these programs are not condoned by large segments of the populations at which they are directed.

Fortunately, there is growing evidence that the idea of people as an economic problem is being rejected. Evidence of the fallacy of population myth is offered by the very different circumstances of Malaysia and West Germany. West Germany, a prosperous and wealthy industrialized nation now faces a labor and consumer shortage over the next 30 years because its rate of population increase has fallen well below the replacement rate. The nations of Western Europe have long proved a thorn in the side of the neo-Malthusians as they prospered with high population density. Now to have the West German government concerned over underpopulation destroys their arguments entirely.

But activities in Malaysia provide perhaps a more direct assault on the antipeople position of population planners. Prime Minister Mahathir Mohamad is concerned over under population. He has announced that he looks forward to having a prosperous 70 million people in his nation by the year 2100. He recognizes that the energy and productivity of his people are well matched to increasing population and per capita income along the lines of the great success of the Pacific basin generally.

Mr. Chairman, the problem of population growth is not people. The problem is one of resources, of economic growth and of allowing free men and women to achieve the maximum which their God-given talents will allow without the intrusion of government into their private decisions. The economic planning of central governments, in itself a dangerous and misguided activity, cannot be allowed to supersede the basic human rights of families. Rather than shackling these families with one-child limits, coercive sterilization and forced abortion, those who claim the goals of economic growth, expansion of education and health, and growth of per capita income should direct their efforts at removing constraints on the economic activities of these families and allow them the freedom to achieve the freedom to live and be all that they were meant to be.●

MEETING THE CHALLENGE: THE PRESIDENCY OF HARRY S. TRUMAN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1984

● Mr. CLAY. Mr. Speaker, as this week marks the centennial celebration of the birth of Harry S. Truman, it is fitting that we reflect upon the principles he stood for as a man, and the accomplishments he made as a public servant.

Mr. Truman, who hailed from the great State of Missouri, won a Senate seat in 1935 and held that seat until being selected as Franklin D. Roosevelt's Vice Presidential runningmate a decade later. He rose to the Presidency when Roosevelt died in office, taking the reins of the country in the midst of World War II, one of the most trying times in the Nation's history. A less courageous man would have shrank from the challenge but President Truman did not. He met it head on.

Few Presidents were comparable to Mr. Truman where matters of foreign policy are concerned. According to Clark Clifford, a naval aide to Truman before becoming his special counsel, the 33d President "will be remembered mainly because of the importance of his decision to bring the United States into the 20th century as far as its place in the world is concerned."

President Truman pooh-poohed the arguments of advocates of American isolationism. Relying on his own thoughtful judgment, the President initiated bold programs that won this Nation the respect and admiration of its Allies. The Marshall plan led to the rebuilding of Europe following the war. His Truman doctrine promised to protect any American ally threatened by Communist takeover. He followed that up by organizing the North Atlantic Treaty Organization (NATO). NATO's members have been secure since its inception 37 years ago.

There were some tough, controversial decisions—the dropping of an atomic bomb on two Japanese cities, entry into the Korean war, among others—but President Truman always had the interests of the American people at heart.

"I have tried to do my best for the American people," President Truman remarked on one occasion. "Maybe a million people could have done the job better. But I had it."

Truman never worried about polls like many of today's politicians. He was written off in his race for reelection as President in 1948. Some 63 percent of the Nation's newspapers, representing 78 percent of the Nation's newspaper circulation, supported Mr.

Truman's Republican opponent, New York Governor, Thomas E. Dewey. How surprised those newspaper pundits were when Mr. Truman bested Mr. Dewey in the voting.

"Give 'em hell, Harry," his supporters urged, when caught up in the Truman fervor. And "giving 'em hell" is what Harry S. Truman did.●

HEARINGS INDICATE SSI RECIPIENTS NEED CONGRESSIONAL HELP TO END SSA HARASSMENT AND PROGRAM INEQUITIES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. STARK. Mr. Speaker, the Public Assistance and Unemployment Compensation Subcommittee held hearings yesterday on H.R. 5341, the SSI Equitable Improvements and Reform Act of 1984, which I and others have sponsored.

I would like to share with my colleagues some of the highlights of this hearing to explain why this legislation is "urgently needed immediately." These were the concluding words used by the Save our Security coalition which represents over 200 national and local organizations with a membership of more than 40 million people.

"Excellent" was the conclusion of the American Federation of Government Employees, which is the labor union for Social Security employees who administer the SSI program in district offices across the country. "As it is written," said Mr. Harris representing the union, "it will do much to alleviate many of the problems and inequities of the current law."

The supplemental security income (SSI) program's main objective is to provide basic support to needy aged, blind, and disabled individuals who meet nationwide eligibility requirements. In short SSI checks represent survival for elderly Americans who are frequently in ill health, for the blind who are not able to earn a subsistence income and physically and mentally disabled individuals.

Mr. Speaker, this is a very vulnerable population. One study has found that they have on average a fourth-grade reading level. Many have physical and mental handicaps which impair their ability to deal with the outside world. Unfortunately the Reagan administration has failed to understand the limited abilities of these people.

Instead it sends out overpayment notices that even attorneys have difficulty understanding, let alone being able to comply with. The notices inform these poor and frequently frightened people that they must repay immediately hundreds or thousands of dollars or face the loss of their total SSI benefits until the overpayment is repaid. This despite the fact that for more than half of SSI recipients this is their only source of income. This despite the fact that these people are allowed only $1,500 in assets for individuals and $2,250 for couples.

A few real life examples brought out in the testimony will illustrate the insensitivity and ludicrousness of the current administration's approach to overpayments. A 77-year-old woman who is schizophrenic and did not understand the assets limit of $1,500 became liable for a $6,300 overpayment because her bank account ranged from $247 to 4 cents over the assets limit. Another older person was determined to have been overpaid $5,519.06 because their "countable resources" exceeded $1,500. There was nothing in the notice to define or explain what this language meant. All the notice said was that the person had 30 days to refund the full amount or "if we do not hear from you, we will withhold your monthly payment." Yet another woman had a life insurance policy whose cash value was within the SSI limits when she had applied for SSI. Over the years the cash value rose above the assets limit and as a result she was notified that not only was she no longer eligible for SSI but that she owed $3,000 in overpayments. I would like to know how many people, even well-informed people, know the cash value of their life insurance?

Mr. Speaker, you can imagine the terror such notices strike in the hearts of these people. Allowed only $1,500 in assets and a small earned income, SSI recipients are totally unprepared to repay overpayments that frequently have come about through no fault of their own. Nor can they afford to have 100 percent of their benefit checks withheld for months. Because they are so frightened and intimidated by the notices they usually are more than willing to settle for having 50 percent of their checks withheld. This despite the fact that they are legally entitled to seek a waiver of the overpayment.

The Social Security Administration could administratively take care of these heartbreaking situations. In fact before this administration took office, many SSI recipients had their overpayments waived when it was determined that they were not at fault or at most 25 percent of their benefit check was withheld. Instead the Reagan administration has pursued a policy of withholding 100 percent of the benefit check until the overpayment is repaid. Now almost no one is granted a waiver even in cases of desperate hardship. So relentless is this administration in pursuing these poor vulnerable people that it has tied the merit pay of its management to the collection of overpayments. This is debt-collection mania at its worst.

H.R. 5341 seeks to end this nightmare in several ways. First, the bill provides that except in cases of fraud, Social Security will not be permitted to recover more than $10 or 10 percent of an SSI recipient's income each month when attempting to recover an alleged overpayment. Second, when an SSI recipient is overpaid solely because interest accumulating on his/her bank account takes the person's resources over the $1,500 level, the amount of the overpayment will be the amount that the person's resources actually exceeded the limit. Thus if a person accumulated $10 in interest over $1,500—the asset limit—in a month, the SSI recipient would have an overpayment of $10 rather than his/her entire SSI check, which is the present practice. While this will cost the Federal Government $1.75 million per year in additional SSI payments, it now costs the Government $2.8 million to count this income. Third, this legislation requires the Social Security Administration (SSA) to provide, in simple language, notices which provide the recipient with the information they need to properly assess the accuracy of SSA's claim that there has been an overpayment. Lastly, the bill requires SSA to improve their notices by contracting with readability experts to assure that the notices can be understood by the average SSI recipient.

Taking the meanness out of a program that is meant to aid society's poorest of the poor is a goal I am sure all of my colleagues can support. I urge you all to join me in eliminating these inequities and others that SSI recipients now face.●

H.R. 5623

HON. TOM VANDERGRIFF

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. VANDERGRIFF. Mr. Speaker, I rise today to introduce legislation which is twofold in its approach to the improvement of our national highways. My legislation requires the Secretary of Transportation to approve the planting of native wildflower seeds and/or seedlings as part of any landscaping contract. The bill would permit up to one-quarter of 1 percent of landscaping funds to be used for this purpose.

On the face of this legislation, it would appear that it solely addresses highway beautification, and certainly this is an important aspect of my proposal. Equally important, however, are the cost savings which can be achieved under this bill. In my home State of

Texas, we have actively pursued the planting of wildflowers along the highways of the State, with favorable results. The Texas Highway Department has demonstrated that these efforts have resulted in cost-cutting, water-saving, and labor-saving benefits. The cost of mowing along the highway right-of-way in 24 Texas counties has been reduced by 24.8 percent where wildflowers have been planted. Native vegetation has actually been enhanced as well. In fact, if the program is projected statewide, the cost of mowing was reduced from $32 to $25 million—a savings of $8 million.

The planting of wildflowers can also be credited with reducing the need for the annual application of water from as many as 20 to 30 waterings to as few as 5 or 6. The obvious savings in terms of money and a limited resource would free millions of dollars for other services, such as roadbuilding and repair work. Then, too, it is not incidental that Texas has noted a substantial reduction in litter in areas which have been planted with wildflowers.

Mr. Speaker, we recently commemorated the efforts of Lady Bird Johnson for her beautification efforts here in our Nation's Capital and throughout the countryside. We now have an opportunity to continue and expand on her efforts, while also enjoying significant cost saving at the same time. At a time when cost-cutting efforts are foremost in our minds, we must look to creative and proven methods. As Texas proves, planting native wildflowers enhances our highway landscapes and reduces maintenance costs. I submit the text of my legislation for printing following this statement, and I urge my colleagues to support this measure.

H.R. 5623

A bill to encourage the use of native wildflowers in highway landscaping; to the Committee on Public Works and Transportation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 319 of title 23, United States Code, is amended by inserting "(a)" before "The Secretary" and by adding at the end thereof the following new subsection:

"(b) The Secretary shall approve the planting of native wildflower seeds and/or seedlings as part of any landscaping contract under this title. Not to exceed one-quarter of 1 per centum of the funds expended for landscaping shall be used for such plantings. The requirements of this subsection may be waived by the Secretary if the State certifies that such native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited."●

TIME FOR EQUAL ACCESS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. HALL of Ohio. Mr. Speaker, the House is scheduled to vote on H.R. 5345, the so-called equal access bill. As we prepare to debate this issue, a great deal of confusion has clouded what is essentially a clear-cut choice for Members of Congress: Shall we remove what has been subtle discrimination against students who wish to get together for a time of prayer or Bible study.

The issue is not school prayer, and it certainly is not a back door approach to prescribe prayer, or any kind of religious activity in the class room. The idea simply is to allow students equal rights and access on school grounds, which is a constitutional right granted by the first amendement.

Next to Professor Laurence Tribe, a nationally renowned scholar on constitutional law, who testified in favor of the bill, the most lucid analyist on this legislation, which is sponsored by Representative DON BONKER, is penned by John Reistrup, executive editor of the Post Intelligencer, in Seattle. This balanced and perceptive article is must reading for all of us as we prepare to vote on the equal access bill:

BONKER BILL ISN'T JUST A CROWD-PLEASER

(By John Reistrup)

(Note.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech . . .

(No public money or property shall be apporpriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment . . . All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.)

The first quotation is from the First Amendment to the U.S. Constitution; the second pair come from Articles I and IX of the Washington Constitution. Are they in conflict?

They could be, and we seem to be on the way to finding out. Next week, the U.S. House of Representatives is to take up a bill sponsored by Washington Reps. Don Bonker, D-3rd District, and Rod Chandler, R-8th District, raising the hottest church-state issue since the voluntary prayer amendment failed in the U.S. Senate earlier this year.

VOLUNTARY STUDENT GATHERINGS

The bill, of which Bonker is principal backer, is called the "equal access act," and the idea is to provide religious groups with the same kind of access to secondary schools as, say, photography clubs.

Bonker's bill says that if student groups generally are allowed to meet during their free time, a public secondary school cannot "discriminate on the basis of the religious content of the speech at such meetings." The penalty would be loss of federal funds.

The bill provides that the meetings would have to be voluntary and student-initiated; that neither the school nor government sponsor the meetings; that if teachers or other employees of the school or government are there they don't participate, and that no unlawful activity would be permitted.

It specifically rules out any official attempt to influence the content of such meetings, to require anybody to participate or "to expend public funds beyond the cost of providing the meeting space for student initiated meetings."

In short, the Bonker bill seeks to treat religious speech on the same basis as other kinds of speech and to provide it equal access to the public schools.

The state chapter of the American Civil Liberties union says the Bonker bill would be in direct conflict with the Washington Constitution. If it passes Congress and survives any legal challenge, says the local ACLU, the state would have to make the political choice between going along or giving up federal funds.

The legal situation regarding equal access to the schools may be emotionally tied to the school-prayer issue, but the legal context is different.

For two decades, the U.S. Supreme Court has ruled consistently that any form of officially sanctioned group prayer, said aloud in public schools, is a violation of the "establishment of religion" clause of the First Amendment. It was clear that people who dislike those rulings would have to change the Constitution by amending it. (The Supreme Court has yet to rule on whether a "moment of silence" for prayer or meditation violates the establishment clause.)

The law on equal access is less clear. Federal courts have come down on both sides of the issue—which usually means that eventually the U.S. Supreme Court will have to settle things.

The Supreme Court already has, however, ruled in favor of equal access for religious groups at publicly supported colleges and universities. Bonker would apply that principle to public secondary schools.

The state ACLU says secondary schools are different because students are at an impressionable age and are required by law to be there.

At a news conference yesterday, the ACLU was joined by the Rev. William Cate, president-director of the Church Council of Greater Seattle, and Allan Eytan, director of the Anti-Defamation League of B'nai B'rith. The ACLU's Gerard John Sheehan claimed that the Bonker bill goes beyond "equal access" to grant "special religious privileges."

But Bonker opponents do not have a monopoly on civil-liberties arguments. Supporters of the bill argue that religious speech, too, enjoys the protection of the U.S. Constitution.

The Northern California chapter of the ACLU, for example, has taken a position much like that laid out by the Bonker bill. And the heaviest hitter on Bonker's side is Laurence H. Tribe, professor of constitutional law at Harvard Law School and a recognized expert on the U.S. Constitution (who, by the way, has no doubts that official prayers are unconstitutional).

Tribe argues that the Bonker bill not only is consistent with the First Amendment but actually may be mandated by it. For public school authorities to discriminate against speech on the basis of religious content "would, in my view, constitute a violation of the right to free speech and free exercise of

religion of the students involved," Tribe said recently in congressional testimony.

THE DUTY OF CONGRESS

"I therefore have no doubt that Congress has the constitutional authority—and may even have a real, if imperfectly enforceable, constitutional duty—to withhold federally appropriated funds from any such authorities or agencies that do discriminate in this manner."

If it does come to a conflict between the U.S. and the Washington Constitutions, the federal document must prevail.

It's easy to dismiss the Bonker bill as just a crowd-pleaser, an election-year sop for the folks who didn't get their school-prayer amendment. But that is a mistake.

The Bonker bill is a serious and responsible attempt to draw the line between the establishment of religion, on the one hand, and free speech and the free exercise of religion on the other. Its opponents would do well to recognize that.●

GRACIOUS LADIES OF GEORGIA

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. RAY. Mr. Speaker, I want to take a few minutes today to pay tribute to a very special group of people—the women selected as this year's Gracious Ladies of Georgia.

Gracious Ladies of Georgia is a relatively new State tradition, however it is one that has quickly been accepted and coveted. Mrs. Rozell Fair Fabiani, of Columbus, Ga., initiated the award in 1977 to recognize those special ladies who have contributed to the advancement of the southern gracious way of life.

The organization selects its candidates based on only one criteria—gracious ladies are those who work to make the world around them a better place to live. The winners are often a diverse group, since some accomplish this goal in the community, others in the business world, and others in the home. However, it is a deserving tribute to women who know the art of giving with love and openness.

The panel selected 16 women to receive the award of gracious lady this year. Among them were Mrs. Monroe Bellamy, of Atlanta; Mrs. James Bentley, of Atlanta; Mrs. T. D. Fletcher, of Atlanta; Mrs. Roy Greene, of Seale, Alabama; Mrs. Luella Howell Hudson, of Columbus; Mrs. William Key, of Augusta; Mrs. Samuel McCosh, of Forsyth; Mrs. C. P. Olliff, Jr., of Statesboro; Mrs. Jere Pound, of Columbus; Mrs. Richard Sendelbach, of Columbus.

Four special awards were also given. Mrs. Paul Amos, of Columbus, received the International Hand of Friendship Award, Mrs. Amos Barnes, of Columbus, received the Special Service Award; Mrs. Gerald Kent, of Columbus, received the Ruth Schwob Service to Mankind Award; and Mrs. Milburn Stone, of California, was named Honorary Gracious Lady of Georgia.

Each of the women who were selected have lived a life of love and service and deserve our recognition. However, there are two women to whom I want to pay special tribute.

Mrs. Martha Scarborough, of Columbus, is a unique lady who most certainly deserves the title, "gracious." Mrs. Scarborough is an active member of the Columbus community, as well as an active participant in many State organizations and functions. When you first meet Martha, you recognize instantly that she is a person who offers support and compassion to all she meets. A conversation with Martha quickly turns to focus on the other person, since she is vibrantly concerned about those around her. Many who know Martha acknowledge that she is often the comforting voice on the phone, offering encouragement or a cheerful word when needed. Martha's unbounded involvement in both the civic and social life of Columbus surprises many when they realizes that this uncomplaining lady is also legally blind.

Martha is a friend I have come to cherish and I am pleased that she was chosen as a Gracious Lady of Georgia.

The other winner I want to mention is a lady that certainly deserves the praise and recognition she has been afforded, because she is one of the quiet gracious ladies that are seldom recognized.

Mrs. F. A. Darity was nominated by her children, who felt that the example of christian living she had given them deserved special honor. Growing up, even during the Depression times, these children watched their mother live out the biblical admonition that "it is better to give than to receive."

After her six children were grown, Irma applied as a nurse's aid to the Middle Georgia Hospital, and worked there until she was 80. Many of those who passed through that hospital still speak with gratefulness of the love and compassion that Irma dispensed to her patients.

Even today, this wonderful lady is still giving to those less fortunate than herself. She bakes cakes for shut-ins, and keeps up a regular telephone and letter correspondence with those who need a friend. Her lifetime of giving and loving are worthy of much higher praise than we can give her, but she truly represents the meaning of "a gracious lady".

I am proud to join in honoring the gracious ladies of 1984. It is important that we continue to recognize those in our society who exhibit kindness and compassion, for it is these people who help make life a little easier and a little better.●

UNEMPLOYMENT COMPENSATION EQUITY FOR THE JOBLESS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. SEIBERLING. Mr. Speaker, I am today introducing legislation to correct an inequity in Federal supplemental compensation—(FSC)—law as it affects certain laid-off workers.

In 1981, the Firestone Tire & Rubber Co. shut down a tire plant in my congressional district, laying off several hundred workers. Some of the Firestone employees chose early retirement, foregoing any chance of a recall. Under unemployment compensation law, these workers were also entitled to benefits, offset dollar for dollar by their pensions.

Many other workers instead decided to place their faith in the economy and chose to be laid off, trusting that they would be recalled before their unemployment compensation ran out. They were never rehired, and have long since exhausted their unemployment benefits, opting at the last to retire. This latter group of workers has received considerably less unemployment compensation that the first group, even though they performed the same work for the same wages and are now receiving the same pensions. It is this inequity which my bill seeks to remedy.

Because of the manner in which Ohio treats the disbursal of State unemployment compensation, workers at the Firestone plant who in 1981 chose immediate early retirement received the UC and extended benefits paid over a long enough period of time to enable them to qualify for the FSC program that Congress authorized beginning in September 1982. Workers at the same Firestone plant who chose not to accept retirement exhausted their Ohio UC and their extended benefits before they could qualify for the FSC program. This latter group of workers is merely asking for the same FSC benefits, offset dollar for dollar by their pensions, that those workers who chose immediate early retirement actually received. I am convinced that they are entitled to these benefits, and my bill would authorize the payment of the "missing" unemployment compensation—as offset by their pensions—in either a lump sum or a scheduled payment. The cost per individual should be negligible. The Ways and Means Committee indicates that the plight of workers in Ohio is not unique. Indeed, I suspect this inequity is nationwide.

Mr. Speaker, enactment of my bill would provide laid-off workers with the benefits they should have received

in the first place. I urge its adoption. An article from the Akron Beacon Journal describing this problem follows:

[From the Akron (Ohio) Beacon Journal, May 31, 1983]

NOWHERE TO GO BUT THE PORCH

(By Steve Hoffman)

From the shady front porch of his two-story frame home on Delia Avenue, Richard Forward recalled 31 years of working in Akron's rubber shops and 39 weeks of collecting checks at the local unemployment office.

The smokestacks at Firestone once represented security to Forward, who has lived all his life a few miles from the brick factories off South Main Street.

When he was laid off from Plant 1 in May 1981, the burly 54-year-old tire builder stayed on the recall list, hoping his years of seniority would land him one of the few remaining hourly jobs.

While he hoped for recovery, Forward turned to the Ohio Bureau of Employment Services, the state agency that administers unemployment compensation programs.

There began an encounter with a jerry-built system of supplements and extensions further complicated by a dark maze of arbitrary cutoff dates and obscure terminology such as "reachback provisions" and "trigger formulas."

Forward discovered that cracks were beginning to show in the confusing, shifting system of state and federal benefits—at the very time many Ohio workers needed them most.

After 39 weeks, Forward fell through a crack. In April 1982, he ran out of benefits and, unable to qualify for more, joined thousands of others who found themselves at the end of the line at both the factory gate and at the unemployment office.

In recent weeks, the cracks that caught Forward have become crevasses.

Earlier this month, an entire 13-week program in the unemployment compensation system was lopped off in Ohio and the duration of another program was reduced, all as the state's unemployment rate remained higher than last year's levels and near the top nationally.

Despite talk of recovery, wave after wave of Ohio's unemployed—the walking wounded of the "rust belt's" economic wars—will come staggering back from the front in the coming months, their benefits exhausted.

They will be, in the current jargon, "structurally unemployed."

Between June 4 and Aug. 13, an estimated 137,500 jobless Ohioans will exhaust the last of their benefit supplements and extensions, according to state employment analysts.

Some will have received as many as 63 weeks of benefits; others, as few as 38.

By mid-November, the analysts estimate, 190,259 more jobless Ohioans will probably reach the end of the state's basic, 26-week program.

At present, there is nothing in place to pick them up.

The problems are not limited to Ohio. Since the end of April, five other states have lost 13-week programs, according to the U.S. Department of Labor. In all, there are 1.3 million jobless workers drawing unemployment compensation under programs that will expire by next fall.

Forward exhausted his benefits just more than a year ago. Then came the painful realization that Firestone's production jobs were gone; that his only skills were those acquired in the rubber shops; that his mobility was limited.

"You hang on and hang on and hang on . . . and you hope something goes," Forward said as he sat in the quiet of his front porch one recent afternoon. "Then you have to sit down and tell your wife—'Hey, this is it.'"

In August 1982, Forward decided to retire and draw a $518-a-month pension. His youngest child graduates from high school this year and his mortgage interest rate is less than half of today's going rate.

In those respects, he considers himself fortunate.

But his experience with unemployment compensation still bothers him.

"I got down to 28th on the recall list," Forward said. "I kept listening to all these big shots on TV saying things were going to get better. I wanted to believe them—I wanted to get back to work."

Forward's problems began when he decided to stay on the recall list.

He went through the state's basic, 26-week program and a 13-week extension under a combined state-federal program.

In April 1982, his benefits ended. The state said Forward was not receiving unemployment compensation as of June 1982—the cutoff date set by Congress in legislation authorizing more compensation for the long-term jobless.

About 100 other Firestone workers were in the same position.

But for about 800 more Firestone Plant 1 workers who lost their jobs when the company closed its last tire production lines here, things were different.

They stretched out their benefits by retiring soon after the plant closed. Although the 800 received the same lump sum Forward did, the money was paid out as a supplement to their monthly pensions through June 1982.

The state said they qualified for more.

Some eventually drew 63 checks, the maximum level of benefits available in Ohio.

Forward challenged the cutoff. He wrote letters to his state and congressional representatives and pursued administrative appeals.

By March, just about the time Ohio lost the 13-week program, Forward's appeals were exhausted

He was told he could pursue the situation in court. Forward could not afford legal help and was told by the United Rubber Workers international that the union could not handle individual cases.

"Here we are, talking about this plant right here," said URW Local 7 president Joe Daniels, looking out his office window last week at the Firestone complex. "But how many other plants are we talking about?"

Forward still makes regular trips to the unemployment office to pursue the matter and to look for a job.

Lately, peering into the microfiche viewer at the employment bureau's Akron office, Forward said he saw a job for a chef in Columbus (three years of experience required) and for a forester in Colorado.

"The people who are working don't realize what's going on out there," he said. "I didn't realize it when I was working."

For Forward and others among Ohio's unemployed, the recession brought an end to industrial jobs as well as a full encounter with a three-tiered system of unemployment compensation.

Each tier has its problems.

The basic unemployment compensation program, funded by the state, lasts 26 weeks. Backed by employer contributions to a trust fund, Ohio began paying benefits to jobless workers in 1939.

At the first level, the problem is that the state trust accounts are woefully underfunded for handling deep, lasting recessions. Ohio is now more than $2 billion in debt to the federal government.

The second and third levels of the unemployment compensation system began with the recession of 1958, when Congress began a series of benefit supplements and extensions.

The system grew and was changed as further post-war recessions came and went. According to an AFL-CIO analysis, some long-term jobless workers will qualify for 65 weeks of benefits under all programs.

One of the few observers who has seen the entire system develop is William Papier, director of research and statistics for the Ohio Bureau of Employment Servies since it was established in the 1930's.

"I've been watching it and I've been very critical of it," said Papier, who will retire Tuesday.

"In the absence of more rational, permanent and simpler programs, however, the current extension may well be justified," Papier wrote in a paper last fall, referring to a then-current extension. "It nevertheless continues a long-term pattern of temporary, palliative, confusing and expedient efforts to solve a continuing and serious problem."

Like the orignial Ohio progam, the additional programs were designed to handle cyclical recessions, not long-term, structural unemployment, according to Papier.

"None of the inherent assumptions in these programs has proven to be warranted," he said in his paper.

A case in point is what happened recently in Ohio—which, despite high unemployment, lost the second tier in the benefit system.

Called "EB," for extended benefits, the second tier was jointly funded by the state and federal governments. It normally provided 13 weeks of benefits.

The problem with the EB program came when Congress changed the formula for determining when a state is eligible. The "trigger" was last modified in the fall of 1981, in the Omnibus Budget Reconciliation Act.

The key change was in what's called the insured unemployment rate, a number much lower than the actual unemployment rate.

The method of calculating the insured rate was changed so that only those in the first level of the unemployment compensation system were counted as jobless, excluding workers on supplemental or extended benefits.

(Those who had dropped out of the system entirely without finding a job were never counted to begin with. For a worker such as Forward to requalify for benefits, and be counted in the federal formula, the law requires 20 weeks of work in a 52-week period at an income of at least $85 a week.)

Ohio's insured unemployment rate dropped below the 6 percent trigger May 14, affecting about 58,000 jobless workers. Even if the state's insured unemployment rate were to climb, the soonest the 13-week program could be restarted would be Aug. 27.

In Ohio, the theory behind the insured unemployment rate has been turned upside-down by the long recession. For the weeks ending May 7 and May 14 (the last for which data are available), there were more Ohioans on supplemental and extended benefits than on the basic, 26-week program.

"It's a Catch-22 situation," said Dr. Roberta Steinbacher, administrator of the employment bureau in Columbus.

To add to the confusion, there is a third tier of unemployment benefits, called federal supplemental compensation.

In Ohio, jobless workers now qualify for 12 weeks of benefits under FSC legislation, which has been changed twice since it was first passed in September 1982.

One of the reasons for changes in FSC was that legislators realized the trigger mechanism for EB had gone awry.

"Suddenly, everybody realized that unemployment was going up and everybody was beginning to trigger off extended benefits," said Cheryl Templeman, an analyst for the Interstate Conference of Employment Security Agencies in Washington, D.C.

"It was like a time bomb," she said.

As things stand now, the FSC program provides between eight and 14 weeks of benefits, depending on a state's insured unemployment rate. It is due to expire Sept. 30.

The program also provided extra benefits for some workers who had exhausted their benefits or were close to exhausting them as of April 1983.

Washington sources, including Templeman and aids to U.S. Sen. Howard Metzenbaum (who has tried three times to change the trigger in Ohio's favor), have little doubt there will be another extension of unemployment benefits this fall.

How the extension will be formulated isn't clear, said Metzenbaum aide Roy Meyers.

But Meyers and others said it is extremely unlikely that Congress will "reach back" and cover workers such as Richard Forward.

Long-term unemployment, a nagging problem concentrated in states such as Ohio, Michigan, Pennsylvania and West Virginia, is losing its grip on legislators from other states, Meyers said.

"The unemployment problem, sadly, is starting to be put on the back burner," he said.●

GILMAN INTRODUCES RESOLUTION DESIGNATING NATIONAL EPIDERMOLYSIS BULLOSA AWARENESS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. GILMAN. Mr. Speaker, today I am introducing, with my good friend and colleague, the gentleman from California, Mr. WAXMAN, a joint resolution that would designate the week of November 25 through December 1, 1984 as "National Epidermolysis Bullosa Awareness Week." An identical joint resolution was introduced in the Senate where it has over 25 cosponsors.

Epidermolysis bullosa (EB) is the term applied to a group of inherited disorders whose common primary function is the formation of severe blisters subsequent to minor trauma to the skin. However, the turmoil, pain, and agaony that EB victims suffer is extensive indeed. One can virtually see the pain. The knowledge we need is the knowledge for curing EB.

For many years, doctors approached the unknown EB as a skin disease. As a result of this, the number of EB patients and a cure for the disease are not exactly known. However, it is estimated that 10,000 to 15,000 Americans suffer from the disease and another 20,000 to 30,000 people may be carriers.

The cost of treatment for EB is extremely high—as much as $10,000 in protective dressings, antibiotics, and high protein food alone. Since there is little known about the disease, insurance companies are reluctant to cover EB.

But, a group of concerned citizens and parents whose children have EB have formed the Dystrophic Epidermolysis Bullosa Research Association (DEBRA). Under the leadership of Arlene Pessar, DEBRA has strived to educate the public and Congress on the horrors of EB. Arlene knows the pain, for her son Eric suffers from the disease.

Two years ago the public was sensitized to the plight of EB victim Michael Hammond. Michael was known as the "Crisco Kid," because doctors applied Crisco to Michael's badly blistered skin in an attempt to ease his pain. Tragically, Michael died and as a result, public awareness of EB has diminished. Yet, for every Michael Hammond, there are thousands of other people suffering from this debilitating illness.

I hope and pray that the establishment of a "National Epidermolysis Bullosa Awareness Week" will increase public attention given to EB as well as in encouraging Congress to provide adequate research grants to study EB in search of a cure. Since EB is classified as a skin disease rather than a genetic defect, it does not receive as much money and attention as other inherited disorders. In 1982, for instance, out of a National Institute of Health (NIH) budget of $369.3 million, only a meager $150,000 was provided to support scientific research grants on EB.

But, history has shown that increased public awareness on a disease translates into increased research funding to find a cure for that disease. Through this joint resolution, Representative WAXMAN and I hope to bring to the public's attention the pain and suffering of these Americans and the need for EB research grants. I urge my colleagues to join us in cosponsorship of this humanitarian and much needed legislation.

Mr. Speaker, I ask that a copy of the full text of the resolution be inserted at this point in the RECORD for review by my colleagues.

H.J. RES. 565

To provide for the designation of the week of November 25 through December 1, 1984, as "National Epidermolysis Bullosa Awareness Week".

Whereas the incidence and prevalence of epidermolysis bullosa present a significant health problem in the United States;

Whereas epidermolysis bullosa is an inherited disorder showing widespread blistering and skin erosions which result in pain, scarring, deformity, contractures, malnutrition, anemia, gastrointestinal problems, dental problems, corneal erosions, and carcinoma;

Whereas an estimated ten to fifteen thousand Americans of both sexes are afflicted with the disease, and another twenty to thirty thousand Americans may be carriers of this disease;

Whereas the Nation faces a continuing need to suport innovative research into the causes, treatment, and cure of epidermolysis bullosa;

Whereas it is appropriate to focus the Nation's attention upon the plight of epidermolysis bullosa sufferers and upon the continuing peril epidermolysis bullosa poses to humanity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 25 through December 1, 1984, is designated "National Epidermolysis Bullosa Awareness Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

MEDAL OF MERIT FOR OUTSTANDING YOUTH

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. FORD of Michigan. Mr. Speaker, last weekend I had the opportunity and privilege of presenting my annual Medal of Merit for Outstanding Youth to 19 young adults, a high school group, and to the parents of a young man who sacrificed his own life to save the life of his sister.

The special ceremony was held on May 6 at the Wayne County Extension and Education Center in Wayne, Mich. The voluntarism, achievement, and commitment displayed by these individuals is an outstanding tribute to their families, schools, and communities and I want to call this event to your attention.

Special presentations were made by me and Mayor James Kandrevas of Southgate to Barbara and David Paul Kastl, Sr., parents of David Jr., who was posthumously awarded for sacrificing his own life to save the life of his sister. On July 3, 1983, while vacationing in the Upper Peninsula near Manistique, David and his mother heard his two sisters cry for help after high waves had pulled them from the shores of Lake Michigan. David and his mother entered the water, and in his attempt to rescue his sisters, David was swept to his death by a strong undertow.

A plaque was given to Students Against Smoking, a Livonia high school group who, during the past 5½ years has unselfishly given of their time to hold classes for over 25,000 elementary and junior high students on the hazards of smoking. In addition, they have been very active in raising funds for the American Cancer Society.

This year's winners were chosen by a 17-member citizens committee which was chaired by Mrs. Elva Ryall of Garden City. The individual recipients, residents of the 15th Congressional District are:

CANTON TOWNSHIP

Le Anne Marie Huston, 18, daughter of Robert and Margaret Huston, for volunteering valuable time to the elderly in a nursing home where she often distributes special treats, and for her many church activities.

Terri Lee Koers, 16, daughter of Robert and Connie Koers, for her fund raising for the Cystic Fibrosis, and her active role in the Canton Chamber of Commerce projects, such as; Santa Comes to Canton, where she assists the handicapped and needy and coordinates activities for approximately 300 children at Christmas time.

Ellen Frances Seery, 17, daughter of Frank and Peggy Seery, for her dedication to the Girl Scout swim program where she volunteers time as a life guard, and was selected as an elected delegate to the National Convention of Girl Scouts. She also baby sits for members of the Plymouth Symphony and assists in teaching at a baby sitting clinic.

GARDEN CITY

Raymond F. Day, 18, son of Raymond L., and Carole Day, for being a member of the Mayor's Youth Advisory Commission. He also volunteers for area newspapers. This work enables him to provide young people with information on important city functions.

Beth Ann Ostrowski, 18, daughter of Edward and Kathleen Ostrowski, for volunteering her time with autistic children. She also films school and community events for cable TV, and as a member of her school choir contributes to making and maintaining choir uniforms.

Erol Selamet, 19, son of Mrs. Hidayet Selamet, for his involvement with the Mayor's Youth Advisory Commission. he is the first member to have served as a youth and adult member. He has also contributed time in a leadership capacity to the annual Clean-Up-Days, and takes an active role in other community programs.

HURON TOWNSHIP

Kimberly A. Laurain, 18, daughter of Mr. and Mrs. Robert Laurain, for her dedicated service to her school, church and community. She is a member of Friends of the School and volunteers at the Applefest. As a leader she is always encouraging others to become involved in quality school experiences.

Renee Manny, 20, daughter of William and Judy Manny, for coaching HAA Basketball and currently voluntering her time as a life guard for conditioning high school athletes. Prior to going on duty as a life guard, and as she entered the pool are of a senior citizens swimming class, through her quick actions she was able to save the life of a drowning senior.

LIVONIA

Kate M. Bielaczyc, 19, daughter of Adele Bielaczyc, for being an outstanding student who has been awarded many honors. Kate is also considered to be a sensitive and supportive young woman who offers her time tutoring and counselling other students.

SOUTHGATE

Karen M. Lewis, 18, daughter of James Lewis, for her leadership in helping her school to set a record in a Red Cross blood drive and her activities on the school Beautification Committee. Karen has also been very active in distributing information to her community regarding child abuse programs.

SUPERIOR TOWNSHIP

Hun-Yong Jo, 18, son of Mr. and Mrs. Houng-Chan Jo, for his work with the Corner Health Center of which he is Student Board Member and Director. He has demonstrated leadership qualities with his involvement in the Engineering Industrial Support Program, the Student Union and Project Pride.

TAYLOR

Amy Louise Powell, 17, daughter of Charles and Diane Powell, for her volunteer work at her church where she instructs preschool children and 1st and 2nd graders. She also devotes many hours tutoring compensatory education students, and coaches cheerleading at her school.

VAN BUREN TOWNSHIP

Anjanett M. Stoltz, 17, daughter of Steve and Joyce Stoltz, for her volunteer work at Mercy-Memorial Hospital in Monroe, Michigan, where she assists the elderly and incapacitated patients in their everyday personal needs. Anjanette also trains other volunteers and encourages young people to take an active role in the volunteer program.

WAYNE

Kevin Thomas Daily, 18, son of Thomas and Mary Anne Daily, for his time and devotion to the Peer Tutoring Program, where for the past two years he has tutored students less academically talented. He also volunteered with the Special Olympics Program, Wayne Goodfellow, Wayne Civitan, and other community projects.

WESTLAND

Lynn Marie Johnson, 17, daughter of Donald and Shirley Johnson, for her work and devotion as a senior citizen aide, involvement in Girl Scouts, Muscular Dystrophy, UNICEF and the Peer Tutoring Program.

Cheryl Ann Robinson, 17, daughter of Charles and Marylene Robinson, for devoting a great deal of her time to the Inkster Goodfellows, United Negro College Fund, Lou Rawls Telethon, and as the Inkster High School Teen Communicator to WCHB Radio Station. She is also active in her church and is the Youth President of Gamma Phi Delta Sorority.

WILLIS

Matthew DeJanovich, 17, son of David and Judith DeJanovich, for his activities as a delegate to the Ann Arbor Chamber of Commerce Future Business Conference. He also represents his school at the monthly Ypsilanti Rotary Clug meetings. He ranks in the top ten of his graduating class and is the Student Council President.

YPSILANTI

Steve Gendin, 18, son of Mr. and Mrs. Sidney Gendin, for his volunteer work with the Ozone House, the Michigan Theatre, American Cancer Society, the American Red Cross and as a facilitator for Fresh Start stop smoking clinics. Steve serves as a member of the Board of Directors for the Gifted Youth of Michigan. He is a fine leader for his school and his community.

YPSILANTI TOWNSHIP

Paula Adams, 17, daughter of Wilbert and Donna Adams, for her many hours of volunteer work with the Corner Health Center and the V.A. Medical Center. Paula is also a member of the Explorers Club at Beyer Hospital and is a Peer Educator for Planned Parenthood.●

H.R. 5634—THE AMERICAN PROPERTY RIGHTS PROTECTION ACT OF 1984

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DINGELL. Mr. Speaker, today I am introducing on behalf of myself and Congressmen GORE, SLATTERY, SIKORSKI, BATES, FLORIO, MARKEY, and WALGREN, members of the Subcommittee on Oversight and Investigations, legislation to resolve one of the most serious and pressing problems in the country. This legislation provides specific and, in our opinion, long overdue relief from injuries suffered by American businesses, workers, and citizens, whose health, safety, and economic welfare are being jeopardized by many of the world's developing countries' repeated refusals to safeguard U.S. intellectual property rights. These countries permit and, in some cases, encourage intellectual property rights violations. Such actions have resulted in numerous deaths and injuries plus billions of dollars in economic losses.

This bill is not intended to obstruct legitimate trade. Rather, it is designed to provide American citizens with redress against those nations which deliberately fail to curb the manufacture, traffic, and sale of shoddy, substandard counterfeits and imitations of trademarked, patented, and copyrighted products.

Counterfeit and pirated products made and sold with those governments' blessings enter third country markets at the expense of American exporters. Product pirates and counterfeiters, who are answerable to no one about health and safety standards, are permitted to the endanger lives, health, and safety of citizens abroad while seriously harming U.S. economic interests. U.S. businesses have been largely unsuccessful in their attempts to get certain foreign governments to put a halt to counterfeiting within their borders; yet, these same governments unabashedly continue to ask for valuable preferential tariff favors under the Generalized System of Preferences (GSP) program.

As you know, the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, which I chair, has conducted an extensive investigation and held 7 days of public hearings on the problem of U.S. intellectual property rights violations around the world. Many nations benefiting from valuable GSP privileges have been unwilling to provide even the semblance of legal protection for our businesses and products. Furthermore, injured American businesses and workers have had nowhere to turn in the United States to seek relief. The time has come to do something meaningful about an intolerable situation.

This legislation addresses the above by: First, creating a public, open forum for identification of intellectual property rights violations injurious to American businesses and workers; second, establishing efficient administrative procedural mechanisms within the Office of the Secretary of Commerce for receiving alleged injury petitions, investigating GSP recipient governmental acquiescence in these violations, and assessing the evidence; third, mandating expedited relief in the form of partial and, in extreme cases or where beneficiary countries fail to cooperate in the investigations, total GSP suspension; fourth, minimizing exercise of remedial discretion once there is evidence that GSP recipient governments have failed to take steps reasonably likely to halt the violations; fifth, imposing rules of law rather than diplomacy in the decision to revoke what is essentially an economic privilege; sixth, permitting GSP recipient nations to join other countries in promulgating laws and enforcement mechanisms aimed at halting violations on a global scale, as an alternative to losing valuable GSP benefits.

This legislation does not automatically revoke GSP treatment for products from countries which fail to protect U.S. intellectual property rights. On the contrary, we propose to provide a forum for American businesses and workers victimized by counterfeiters and product pirates to identify specific instances of GSP recipient government collaboration and the equally damaging benign neglect of intellectual property violations abroad. Consistent with our own due process traditions, we believe that those governments which receive GSP privileges while simultaneously permitting and often encouraging the widespread counterfeiting of U.S. products, should have every right to defend themselves in an objective public forum.

Specifically, this legislation clearly defines and identifies intellectual property rights violations as practices which, absent their curtailment, would subject the nations where they occur to loss of GSP. We require the Secretary of Commerce, who has experience and staff for conducting investigations into product manufacture and sale abroad, to provide injured American businesses and workers a forum for filing a formal complaint and, where justified by the facts and evidence, for achieving prompt redress. This legislation requires promulgation of procedures which permit injured businesses and workers to file with the Secretary petitions alleging intellectual property rights violations in GSP recipient nations. The Secretary, upon determining that the petition is properly drafted, must investigate whether such violations have in fact occurred and whether such violations have materially injured or are likely to cause material injury to petitioners, who would have to prove such injury with credible evidence. We believe the injury threshold levels are sufficiently high to preclude frivolous filings, but sufficiently low to permit legitimately and seriously injured parties to obtain relief from gross injustice.

Once petitioners meet their burden of proving injury or likely future injury caused by intellectual property rights violations, then those countries where such violations have occurred must make a choice. They may elect to lose part of their GSP privileges, since this legislation requires revocation of GSP at dollar levels three times in excess of the amount of injury. Further, in some instances, such as where GSP recipient countries refuse to cooperate in addressing and solving the problem, these countries would lose the privilege entirely. GSP recipient countries willing to work openly, actively, and expeditiously with us toward a permanent solution to this problem have a second alternative which we strongly hope they will adopt. To retain their valuable GSP benefits, the recipient countries must provide for adequate legal enforcement mechanisms reasonably likely to give American producers adequate legal protection from counterfeiters and product pirates.

By adopting this second alternative, they also perform a valuable service in helping us deal more effectively with a worldwide issue requiring global cooperation for its ultimate solution. This legislation will then require the Secretary to monitor such agreements to assure they are complied with and achieve the desired result. We do not believe this is too much to ask in return for granting GSP, particularly when so much of this country and the world's health, safety, and economic welfare are at stake.

We recognize that many Members of Congress are concerned about and aware of the harm caused by product counterfeiting, but may also be uncertain about whether to resolve these complex problems through diplomatic, economic, or legal means. For example, H.R. 5324, introduced this month by our distinguished colleague from New York, Congressman DOWNEY, and others would give the President considerable discretion to impose GSP sanctions on recipient countries which fail to protect foreign intellectual property rights. We believe that bill and perhaps other legislation, in principle, will complement our proposal. Negotiation may well succeed in achieving our mutual goals in some parts of the developing world. However, we also believe that injured Americans must have a legal forum where they can invoke rules of law for protection and remedial relief without being subjected to the political uncertainties of Presidential discretion. All too often we have witnessed the reluctance of this President and his predecessors to employ retaliatory means to protect the economic welfare of American citizens when foreign governments resist diplomatic efforts to redress even gross injustice.

We further believe that legal and financial rather than diplomatic considerations should dominate GSP suspension decisions since we view GSP treatment as nothing more than a readily measurable economic privilege. Those who would invoke that privilege should do so only in a spirit of good faith, with a willingness to cooperate in resolving the global problem of intellectual property rights violations. We respectfully urge that all Members of Congress support us in this important endeavor to save lives, protect health and strengthen our export markets, and further encourage all to join us in cosponsoring this legislation.●

U.S. POLICY IN CENTRAL AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent speech delivered by our colleague, MIKE BARNES of Maryland on May 9, 1984, responding on behalf of the Democrats in Congress to the nationally televised address of President Reagan.

The United States clearly has important interests in Central America which it needs to preserve and promote. Certainly, the United States also has an interest in providing assistance to our friends to help them help themselves in building stable, free, and democratic societies. The debate before us, however, is another issue: What is the best way to achieve the goals we all seek. MIKE BARNES argues cogently that U.S. policies should be supported when they promote political settlements, democratic reforms and the rule of law, but they should be op-

posed when they "tend to widen the war, increase the tensions and Americanize the conflicts" in Central America.

I commend MIKE BARNES' remarks to the attention of our colleagues.

CONGRESSMAN MICHAEL D. BARNES RESPONDING ON BEHALF OF THE DEMOCRATS IN CONGRESS TO THE NATIONALLY TELEVISED ADDRESS OF PRESIDENT REAGAN

Good evening. My name is Mike Barnes. I'm a Member of Congress from the State of Maryland, and I was elected by my colleagues to serve as Chairman of the Western Hemisphere Affairs Subcommittee on the House Foreign Affairs Committee. I also had the privilege of serving as a Senior Counselor to the National Bipartisan Commission on Central America, to which President Reagan has just referred. Tonight it is my honor to speak with you on behalf of the Democrats in Congress.

The Democratic Party is rightly proud of its record on issues relating to Latin America. It was a Democratic President, Franklin Roosevelt, who initiated the Good Neighbor Policy which is still remembered by Latin Americans as a positive example of the way in which the United States can work with its friends in the hemisphere.

Latin Americans also remember with respect and affection another Democratic President, John F. Kennedy, who created the Alliance For Progress and sent Peace Corps volunteers to their nations to live and work directly with the people.

The people of Latin America—particularly those who are still struggling to establish democracy and freedom—will also tell you that they remember the human rights policies of the Carter-Mondale Administration as a beacon of hope for oppressed persons everywhere.

I have personally had two Latin American Presidents tell me that their countries' democracies might not exist today had it not been for the constant reaffirmation at the highest levels of the United States government of our commitment to human rights.

Democrats are proud of our party's record in Latin America. We are proud of our support for economic development and human improvement in a region where millions of children are hungry and their parents cannot find work.

We are proud of our support for human rights and basic dignity in a region where, too often, dictators of the left and dictators of the right have denied fundamental freedoms. Democrats support human rights in Cuba and Nicaragua, and we also support human rights in Guatemala and El Salvador.

We Democrats are convinced that the American people want to continue this proud tradition of supporting human rights. This is one of the reasons that Democrats in Congress have believed—along with the National Bipartisan Commission on Central America but not President Reagan—that our military assistance to El Salvador should be conditional on that government's observance of minimal human rights standards.

Perhaps above all, we Democrats believe that the best thing the United States has going for it in the world is the power of our example as a successful democracy that observes the rule of law. That is what the people of Latin America respect us for, even more than our military might or our economic or technological accomplishments.

That is why we Democrats stand for policies that are overt, policies that are aboveboard, policies that we can talk about openly, policies that we are proud to defend before the World Court and the court of public opinion. We believe that we most effectively advance our interests when we act in accordance with our nation's highest principles and values.

Let me be emphatic about one point. The Democrats in Congress are prepared to support President Reagan, or any President, when the President's policies make sense and advance the interests of the United States. For example, when President Reagan proposed his Caribbean Basin Initiative for Central America and the Caribbean, it was the Democrats in Congress who provided the leadership to pass it.

What Democrats have not supported have been actions of the Administration that tend to widen the war, increase the tensions and Americanize the conflicts in Central America. Certainly, we should (and must) help our friends in Central America and elsewhere. Democrats stand ready to do so. The foreign assistance bill that we spent all day today debating in the House includes substantial military and economic aid for our friends in Central America. It is supported by the vast majority of Democrats.

As history has shown, the Democratic Party will support the use of force when necessary to protect our nation. But Democrats believe that, where diplomatic options exist for achieving our objectives, we should use them first. In the past, United States military and paramilitary involvement in Central America has frequently backfired and worked against our interests. This is why the Democrats' position is that there must be reasonable limitations on direct U.S. military intervention.

That is also why we favor fully supporting the efforts of the Contadora countries—Mexico, Panama, Venezuela and Colombia—to bring peace to Central America by facilitating political settlements of Central America's conflicts.

If we will work with our friends in Latin America and elsewhere to seek political and diplomatic solutions to the conflicts within and among the countries of Central America, if we will then make a major, long-term commitment to helping those countries achieve successful societies, if we will have enough confidence in ourselves to pursue policies that reflect the best in us as a nation and as a people, then we will not have to fear for our security in Central America.

That is what the Democrats in Congress stand for. That is what we believe the American people stand for.●

TRIBUTE TO ALFRED A. ANTENUCCI

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Ms. OAKAR. Mr. Speaker, a great American, a genuine hero, and a fine union leader has passed away. He was a great husband, father, and friend.

The following is an article about his work.

ALFRED A. ANTENUCCI, SUBDUED HINCKLEY

Alfred A. Antenucci, the first person to move to subdue John W. Hinckley Jr. after the 1981 assassination attempt on President Reagan, died yesterday at Marymount Hospital.

Mr. Antenucci, 71, who had no prior history of heart disease, developed an irregular heart beat after the Washington episode, which eventually resulted in his death.

He had been hospitalized since May 1 after losing consciousness at his Garfield Heights home.

Reagan sent Antenucci a get-well message last Thursday, saying: "Nancy and I want you to know that we are pulling for you. We are very sorry about your hospitalization and we join the many who are remembering you in their thoughts and prayers. Please take care and God Bless You. Ronald Reagan."

Mr. Antenucci was born in Cleveland and attended John Adams High School. Upon graduation, he apprenticed as a carpenter, specializing in home construction, rising to foreman on many home construction sites before being elected president and business agent of Carpenters Union, Local 1750, a post he held until his retirement last year.

Mr. Antenucci was in Washington on March 30, 1981, attending the National Building Trades Conference at which Reagan gave a speech.

He said he was waiting outside the convention hotel, hoping for a glimpse of the president, when a man directly in front of him began firing shots at Reagan.

He leaped on Hinckley just before Secret Service agents and police jumped on the deranged gunman.

"It was after that happened that he developed the irregular heart beat and had to be hospitalized," said Eileen Antenucci, his daughter-in-law.

When he and Reagan recovered, Mr. Antenucci met with the president in Chicago. He was honored by Ohio and was named Italian Man of the Year by Cleveland and by Chicago in 1981. A street in Garfield Heights was renamed Antenucci Dr. in his honor.

Mr. Antenucci, long a leading labor figure, served on the election committee for the national AFL-CIO, was a delegate to the Carpenters District Council, served on the Ohio Employment and Unemployment Compensation Commission and was a member of the Building Trades Council of Greater Cleveland.

He was past vice president of the Boys Town of Italy Commission for the State of Ohio.

An avid golfer, Mr. Antenucci passed his love for the game to his only son, Dominic, who is the head golf professional at the Walden Golf & Tennis Club in Aurora.

"One of the proudest moments of his life was when he won the Scottsdale Academy's pro-am tournament last year in Arizona" his son said.

He said his father was to have been inducted into Cleveland's Italian Sports Hall of Fame during the Memorial weekend.

Mr. Antenucci is survived by his wife, the former JoAnn Whitehead; his son, Dominic A.; his daughter, Maria Bennet, and three grandchildren.●

TRIBUTE TO PRESIDENT HARRY S. TRUMAN

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1984

● Mr. ANNUNZIO. Mr. Speaker, I join with my colleagues in paying tribute to the 33d President of the United States, Harry S. Truman, on the occasion of the 100th anniversary of his birth.

Harry S. Truman was a dedicated public servant and a great symbol of our American way of life, who grew up on a farm in Missouri, attended public schools, served in the Army, and opened a small business. From these humble beginnings as the son of a farmer, Harry S. Truman rose to the highest office in the land, and proved himself to be a statesman and public servant of extraordinary capabilities.

Dedicating his life to public service, he was an able Missouri county court judge during the late 1920's and early 1930's, and had a proven record of achievement during the 10 years he served in the U.S. Senate. Elected Vice President in 1944, Harry Truman assumed the Office of President in 1945, during difficult times, and he worked to bring World War II to its successful conclusion, presiding over our Nation during its transition to peace.

During the 1948 Presidential election campaign, I had occasion to meet President Truman at the Blackstone Hotel in the city of Chicago with the then Senator from Illinois, the Honorable Paul Douglas. I represented the United Steelworkers of America during that campaign in a three State district—Illinois, Indiana, and Wisconsin. It is history now, but all of us know what a stunning victory President Truman had in 1948. In my district, he lost one State—the State of Indiana—but carried Illinois and Wisconsin. In 1949, Harry Truman again visited the city of Chicago and I was privileged to be invited to the President's suite at the Conrad Hilton Hotel. He was a warm, decent human being who loved people and had great humility. I shall never forget these two meetings.

President Truman was instrumental in the creation and development of the Marshall plan and NATO, and created the Truman doctrine to provide assistance to nations throughout the world threatened by Communist takeover.

On the homefront, Harry S. Truman was a man sensitive to the needs of the poor and disadvantaged. He was a champion of civil rights, and displayed courage and fortitude in abolishing segregation from the armed services. Harry Truman's faith in America never faltered. He knew our country had the potential to be great, and in his lifetime he never once ceased in his efforts to reach for this goal.

Mr. Speaker, on this 100th anniversary of the birth of Harry S. Truman, it is fitting to remember the valuable leadership and accomplishments of this remarkable American and man of the people, and I am proud to join with my colleagues in Congress in paying tribute to one of our greatest Presidents.●

SUSQUEHANNA MUSEUM OF HAVRE DE GRACE

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DYSON. Mr. Speaker, I would like to call to the attention of my colleagues a very important preservation project in my district involving the Susquehanna Museum of Havre de Grace, Inc.

Officials of the museum and the city of Havre de Grace will accept one of three prestigious 1984 Preservation Project Awards, which are given annually by the Maryland Historical Trust, on May 14 in Annapolis, Md.

The museum is receiving this award because of its accomplishments in the restoration of the Havre de Grace Lock House located on the Susquehanna & Tidewater Canal. Among the major accomplishments of the museum are the following: Studies and surveys of the Susquehanna & Tidewater Canal; restoration of the lock house; assembly of a collection of Havre de Grace photographs, books, and artifacts; production of a slide show, holding an annual Christmas candlelight tour to advertise the city's historic district; conducting guided tours for school and adult groups as well as canal buffs; providing revolving displays of historic significance; providing a place for local craftsmen to exhibit their skills and wares; and most importantly, reconstructing the Pivot Bridge.

The Susquehanna & Tidewater Canal opened in 1839 and provided central Pennsylvania with two-way trade to Philadelphia and Baltimore. The canals, however, could not compete with the rapidly expanding railroads, and finally stopped operating in the 1890's.

Mr. Speaker, these accomplishments have been possible primarily due to efforts of volunteers, saving available funds, from several governmental agencies, for more important needs. David Witt, museum board chairman, and Johnnie Lee Witt, museum curator, together with Mayor Charles Montgomery are responsible for calling attention to the combined efforts of volunteers, professionals, and local industry and government in restoration of the lock. The success of the Susquehanna Museum demonstrates what can be accomplished when the efforts of government, industry, and individuals are coordinated for historic preservation and restoration. I am very proud that the Susquehanna Museum of Havre de Grace, Inc. is in Maryland's First Congressional District and I would like to commend the many volunteers and local officials in this historic town for their fine efforts.●

DON'T TIE OUR HANDS WITH SO MUCH AT STAKE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. KEMP. Mr. Speaker, our leader and my good friend, BOB MICHEL, has enunciated for all of us the clear issues at stake in Central America in this eloquent article he authored for USA Today.

BOB clearly articulates the case President Reagan and the Kissinger Commission made in its bipartisan report that conditions be made to our aid programs but in a way that encourages human rights and reforms while helping deny the guerrillas a victory which would threaten our whole hemisphere. We all should heed BOB's advice and thank him for his leadership.

[From USA Today, May 10, 1984]

DON'T TIE OUR HANDS WITH SO MUCH AT STAKE

(By Robert H. Michel)

WASHINGTON—Sen. Everett Dirksen, my mentor and fellow Illinoisan, was once asked what is important in politics.

Ev replied: "The importance of margins can't be ignored. So much that is good in politics is accomplished by small margins, by extra efforts."

Democracy in El Salvador—and, eventually, Central America itself—will be saved if we give the extra margin of aid El Salvadorans need.

The bipartisan Commission Report on Central America (the "Kissinger Report") said this about aid to El Salvador:

"The worst possible policy for El Salvador is to provide just enough aid to keep the war going, but too little to wage it successfully."

The commission report went on to state: "Even as military measures are needed to shield economic and social programs, so too are they essential as an adjunct to diplomacy."

El Salvador is the sick man of Central America. If we impose stringent conditions on military and economic aid, we may bring about a crisis rather than a recovery.

For example, we are now debating a bill before the House that, among other unacceptable features, would require that the democratically elected government of El Salvador enter into negotiations with guerrilla forces for actual power-sharing.

I support a bipartisan amendment to that bill that would impose much more realistic conditions on aid—including a requirement that the Salvadoran government enter into a dialogue with the guerrillas, but only toward a peaceful solution based on democratic elections.

Both the bill and the amendment impose conditions for aid. But our amendment would not tie the hands of President Reagan or the Salvadoran government.

Largely due to guerrilla violence, El Salvador's gross national product has declined 25 percent in real terms in four years. How can we expect El Salvador to correct economic and social injustices while this systematic undermining of the economy is going on?

The people of El Salvador are trying to build a strong democracy. The recent election of Jose Napoleon Duarte is proof of that. This is the third election in three years in which overwhelming numbers have voted in the face of guerrilla threats.

I am asked if there is any analogy between the administration's Central America policy and our nation's involvement in Vietnam.

Only this: The fate of the boat people and the genocide of the Cambodians, the current Soviet naval presence in Vietnam, and the total denial of all human rights in that tragic country are a warning.

The specter of another Vietnam lies not in what we do, but in what we may fail to do.●

FRED CLOUD, EXECUTIVE DIRECTOR OF HUMAN RELATIONS COMMISSION, EXPRESSES CONCERN ABOUT CIA INVOLVEMENT IN FOREIGN POLICY DEVELOPMENT

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. BONER of Tennessee. Mr. Speaker, Fred Cloud, the respected executive director of the Metro Human Relations Commission of Davidson County, recently expressed a widely held concern about the manipulation of U.S. foreign policy by the Central Intelligence Agency. Mr. Cloud's concerns are contained in remarks presented at a writers' banquet sponsored by the Nashville Tennessean.

In light of recent incidents involving CIA-sponsored activities against Nicaragua without congressional knowledge or consent, I have enclosed the text of Mr. Cloud's speech and encourage my colleagues to read them.

CIA—MORE THAN A SHADOW GOVERNMENT?

(By Fred Cloud)

Twenty-three hundred years ago, the Greek philosopher Plato wrote: "Power corrupts, and absolute power corrupts absolutely." History across the centuries is replete with examples of the abuses of groups of citizens—and, indeed, of entire nations—when political power is unchecked.

Students of American government often point to the system of checks-and-balances as the best safeguard of our democracy. However, a recent development in American foreign policy as implemented by President Reagan seriously threatens those constitutional safeguards, and thus threatens to erode or subvert our democracy dangerously.

What I have reference to is President Reagan's approval of the CIA's unlawful mining of Nicaragua's harbors. This approval was reportedly given to the CIA over the protests of the U.S. State Department—which is the lawful agency for conceiving and implementing our Nation's foreign policy!

"What does it matter?" some might ask. "Isn't it just an internal squabble within the Reagan administration?" It matters greatly, because the CIA is not directly answerable to the American citizenry. We don't know in advance what they propose to do; and even after the fact they lie to us about what they've done and why they did it. This duplicity even extends to their dealings with congressional oversight committees.

The CIA has been called "a shadow government," because it does not come into the light for honest examination and evaluation by American citizens. But if the CIA's nefarious plans are given precedence over those of the Congress and the State Department by a President who has small regard for protecting our democratic system, then the CIA becomes the real government—without being subject to democratic controls on its use of power. I protest this as a major assault upon American democracy! I urge you to speak out forcefully to the President and the Congress, demanding that the CIA be restrained in its dealing with other nations, before its recklessness lands us in a disastrous war. Further, let us urge President Reagan to give priority to the counsel of the Congress and the Secretary of State, rather than to the dirty-tricks proposals, of the CIA.●

DON'T STOP THE WORLD

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. JONES of Oklahoma. Mr. Speaker, I would like to bring to my colleagues' attention the very eloquent and thoughtful remarks of Rabbi Arthur D. Kahn of Congregation B'nai Emunah in my home district of Tulsa, Okla. Rabbi Kahn recently delivered these remarks at the synagogue.

I hope that my colleagues will concur with me that these remarks do not take a political stand or attempt to glorify the potential annihilation of humanity; instead, Rabbi Kahn discusses the pure beauty of life and all the hope and joy that await each of us. "Don't Stop the World—I Don't Want to Get Off" is a tribute to mankind. Rabbi Kahn shows us that even in the very worst moment of despair, there is much around us that can bring joy—and hope.

I found this message very inspirational, and I urge my colleagues to read Rabbi Kahn's comments.

DON'T STOP THE WORLD—I DON'T WANT TO GET OFF

(By Rabbi Arthur D. Kahn)

Although it happened nearly two weeks ago, I remember quite clearly that the telephone call that late Sunday afternoon had an ominous ring to it. When it was answered I learned from the hospital that a pioneer member of our synagogue, not only a congregant but a dear friend, had just passed away.

I rushed to my car and raced to the hospital. In the few minutes that it took me to get there, the life of the departed flashed through my mind in swift array: her arrival in America; the long, hard struggle for adjustment in a strange, new land; the gradual rise to security and comfort; the three devoted children; ten loving grandchildren and eight great-grandchildren.

It was certainly a good and productive life. Regrettably, the later years were beset by continuing illness and physical infirmity. Now the end had come quietly and she expired peacefully.

Just as the automatic, double doors of the hospital opened wide to let me enter, a scene of a different kind met my eyes:

A young mother, cuddling her new-born baby in her arms, was being wheeled out of the hospital. She was beaming down on the blanketed infant, whom I could barely see, while her husband, a proud smile on his face, walked tall beside her holding a lovely plant in one hand and several belongings in the other. Instantly, almost reflexively, those fateful words from the beginning of Ecclesiastes crossed my mind: DOR HOLECH VEDOR BOH—one generation passes away and another one comes, but the earth endures forever. Their alliterative cadence stayed with me even as I comforted the grieving family upon the loss of their beloved mother and as we escorted her to the elevator down.

The close juxtaposition of the two scenes seemed almost mystical: One departure from the hospital to face the world outside and the other to face the world no more . . .

Again I rushed to my car. This time it was to get home and quickly change for a wedding that was to take place immediately after the evening service in our chapel. And so: a radiant bride and groom, a lovely ceremony, breaking of the glass, a toast of life—LE'CHAYIM!

I came home emotionally drained. Three life-cycle events had intersected with dramatic intensity within a short while. Such a convergence of life's pivotal dimensions is hardly unusual in the life of a rabbi but each time it happens there is added cause for reflection. I mentally recited the Twenty Third Psalm. The words, in any language, how beautiful in their simplicity, how sublime in their faith, how encouraging and comforting . . .

As I thought of what I had just experienced the words of Ecclesiastes again came to me: LAKOL Z'MAN—for everything there is a season and a time for each thing under the sun.

In my mind's eye I saw: A fleeting deer, the majestic lion, an eagle in flight, children at play, a bursting sunrise, an exquisite rose, and then . . . then the words of Tennyson—"sunset and evening star". . .

The cup of life rarely "runneth over" with unlimited happiness. Instead, it holds a mixture of the bitter and the sweet, of joy and sorrow, of triumph and tribulation. Those who view that half-filled cup and call it "half-full" live with optimism and hope, while those who say that it's "half-empty" will remain forever thirsty and uncontent.

The Baal Shem Tov, who founded the Chassidic movement, once said that the world is full of wonders and miracles, but man takes his little hand and covers his eyes and sees nothing. How often, unfortunately, we let the little hand of pettiness or selfish-

ness shut out the light of the sun or the magic of the rainbow, the beauty of love or the joys of friendship.

What's it all about then, this thing called life?

Although the answers to life's ultimate questions and imponderable mysteries are still beyond us, here and there we do find some direction and directive.

William Penn said: "I expect to pass through life but once. If, therefore, there be any kindness I can show or any good thing I can do to any fellow being, let me do it now, and not defer or neglect it as I shall not pass this way again."

Abraham Lincoln put it somewhat differently: "Die when I may, I want it said of me by those who knew me best, that I always plucked a thistle and planted a flower where I thought a flower would grow."

But it was the incomparable Emily Dickinson, one of America's great, early poets, who expressed it most beautifully:

If I can stop one heart from breaking
I shall not live in vain;
If I can ease one life the aching,
Or cool one pain,
Or help one fainting robin
Unto his nest again,
I shall not live in vain.

And towering above all these is the commandeering, divine imperative: UVO-CHARTO BACHAYIM! . . . and thou shalt choose life! Judaism votes a resounding YES to life. Notwithstanding all of the darkness, all of the adversity, all of the agony that have marked its history optimism and faith have ruled its course.

Therefore, G-d, DON'T stop the world because we DON'T want to get off!

And please, dear G-d, don't let US stop it either . . .

Our world is living today with the macabre specter of nuclear holocaust. Humanity is fearful for its survival. Our children have nightmares of the world reduced to primal burning ash and eternal stillness thereafter. With the release of atomic energy, the advances in computer science, and our giant steps in space what an awesome choice confronts us: we can either "self-destruct" this world of ours or go on to conquer worlds undreamed of before.

Now spring is here, the sun is out, and the good earth is born again.

And Pesach is here—Passover with its unvanquished message of freedom and deliverance and redemption.

So to all the world LE'CHAYIM and, in the "spirit" of the Seder, FOUR times le'chayim: to life, to hope, to joy, to peace!●

HOMILY TO MSGR. THOMAS M. LANE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. O'NEILL. Mr. Speaker, the O'Neill family has lost a dear friend. Msgr. Thomas M. Lane died March 30 last and as we once cherished his friendship we now cherish his memory. He was a very special person.

We shared Cambridge as birthplace and home and I have known him all my life. As Millie and I raised our family, he was our neighbor, counselor—but most of all, our friend. He was blessed with an extraordinary warmth and ability to comfort the troubled; his sense of humor was an absolute joy. Most of all, his faith and his devotion were an inspiration to all of us. We called him Father Tom and he was considered a member of our family.

I want to share with my colleagues the homily given by Msgr. Peter F. Hart of Somerville, Mass., at the funeral mass for our beloved friend. It so beautifully expresses the character and qualities of this man who was so dearly loved.

FUNERAL OF MSGR. THOMAS M. LANE—NEWBURYPORT—APRIL 3, 1984

Your Excellency, most Reverend Archbishop Law, my Brother Priests, devoted Sisters, relatives of Monsignor Lane, esteemed leaders and representatives of various ecclesiastical communities, distinguished State and city officials, parishioners of Immaculate Conception Parish, my brothers and sisters in Christ.

We come together this morning to pay our last tribute of love, respect and admiration to a truly great Priest, Monsignor Thomas Michael Lane. We gather to offer the Sacrifice of the Mass for the repose of his noble soul, and we offer it also in thanksgiving for his beautiful, Priestly life on earth which brought so much joy and consolation and strength of Faith to all of us, and to all to whom he ministered in his 56 fruitful years in the Priesthood of Jesus Christ. We especially thank God for the gift He gave us when He sent Monsignor Lane to us, and now we return him, this gift of God, who touched and enriched the lives of each of us, we give him back to God, a God of love, who will reward him for his life of Faith and Charity and joyful service to so many.

I can speak of Monsignor Lane as one, who, having lived with him, knows his Priesthood from experience. I am sure that I express the sentiments that are in the hearts and minds of every Priest who lived with Monsignor Tom Lane, when I say he was one of the finest, most Christ like Priests we have ever known. I had the good fortune to live with him at Saint James Parish in Boston when Monsignor Donovan was the Pastor. Tom's magnetic personality, his tremendous sense of humor, his enthusiasm, his great love for people, his Priestly devotion to those in need, to the sick, the lonely, the dying, made him a joy to know and be associated with.

Monsignor Lane breathed life into God's Commandment, "Love one another as I have loved you," because he did love God with his heart, his whole mind, his whole soul, and he did love his neighbor as himself. For Tom there was never a human being he met, that he did not touch with a special magic, whether it be family or friend, neighbor or stranger.

The news of his death has brought sadness and sorrow to all of us, not only here in Immaculate Conception parish in Newburyport, where he has served these past close to thirty years, but also in Winthrop where he began his Priesthood at St. John's Church, in Our Lady of the Rosary, South Boston, Immaculate Conception, Everett, St. James, Boston, Holy Redeemer in East Boston and Saint Annes in West Newbury. Our Archdiocese has lost a faithful, outstanding Priest, and we all mourn the passing of a fine gentleman and a true friend.

Born in the city of Cambridge in September of 1902, the son of David and Elizabeth Lane, Monsignor Lane grew up in the parish of St. John the Evangelist. He attended Boston College High School and then entered Boston College. At B.C. he was known for his outstanding oratorical ability and was elected Vice President of the prestigious Fulton Debating Society. He loved Boston College and never lost his enthusiasm for his Alma Mater. He rarely missed Alumni gatherings or B.C. sporting events and closely followed the progress and growth of the University and took pride in its achievements. In the Year Book at the time of his graduation from Boston College he was characterized as "Everybody's friend, always given to frequent smiles." No truer words could be said in describing the personality of Monsignor Lane.

In 1923, after graduating from college his love of God led him to follow in the footsteps of his brother, Monsignor John Lane, in giving his life and his talents to the service of God. He was ordained to the Sacred Priesthood on May 25, 1928 by His Eminence, William Cardinal O'Connell. In the words of Scripture, "The Lord gave him wisdom and understanding exceeding much, and largeness of heart as the sands of the sea." For the past 56 years, since that day of his ordination, he has been the faithful servant of Christ, a true man of God, a genuine Priest, whose heart was so big and generous that it embraced all people in his affections. Like Christ, he healed all who came to him by his genuine and gentle human understanding and compassion. Like Christ, he gave his love to all—his whole person radiated the love of Jesus Christ. He was always the Priest, who did Priestly things in a Priestly way.

Father Tom had a magnificent sense of humor, and his joyful personality attracted many to Christ. He had the gift of joy and happiness, a real mark of Sanctity. It is said that joy is the infallible sign of the presence of God. The Christian has hope, and therefore happiness. There are no sad saints. Like St. Francis of Assisi, Tom was the eternal optimist, who walked down the road with a song in his heart. He knew that Christ was with him and there was nothing to fear. He put all his trust in God and refused to worry. He lived the words of the Scripture, "My heart rejoices in the Lord, my Saviour."

His style of humor was unique as all of you well know. He always had a funny story and his face always wreathed in smiles and laughter. Priests and people loved to be with him. You never knew what he would say next. Even when he went on vacation he would send a batch of funny and most unusual cards to his many friends. I am sure many of you here received them. He would usually sign them with the name of the President or some other distinguished world leader, never his own name. I recall he once sent a card to my sister on her birthday. On the outside of the card it said, "This is a Adult Card." On the inside, when you opened it, it said, "And you have been an adult longer than anyone I know." The first time Father Tom met our beloved Cardinal Medeiros, when he came to Boston as the new Archbishop back in 1970, Father Tom said to him, "You were definitely my first choice for Archbishop when I heard we couldn't get an Irishman," and Cardinal Medeiros loved it. They had great admiration for each other. Tom had a great zest for life, he was fun to be with, a delightful companion, always bubbling over with joy and laughter. Children loved to see him come and he always has time to tell them a story

and encourage them to live up to what God and their parents expected of them. His brilliance and quickness of mind, made him sought after as a speaker and he was welcome at every gathering. I never saw him get angry with anyone, always compassionate, understanding, forgiving.

Monsignor Lane was always wonderful to the sick and the dying. That was one of his great gifts. He rarely missed a day visiting the hospital. I have never lived with any Priest who spent so much time visiting the sick at home and in hospitals, encouraging them and lifting their spirits. He would often drop into a home and spend an hour or two with some elderly parishioner, smoking his cigar, telling funny stories and lighting up their day. He was loyal to his friends, visited them faithfully, made it a point to be with them in their time of joy and their time of sorrow. He loved people and reached out to them and enjoyed being with them.

Monsignor Lane was a man of Prayer. He spent much time each day in meditation and prayer, in celebrating Mass, in reciting the Breviary and the Rosary, in close daily communication with his Eucharistic Lord. He had a great love of, and devotion to, our Blessed Mother, and often rejoiced in the fact that two of the parishes he served in, both here in Newburyport, and in Everett, were dedicated to the Immaculate Conception. He never let a day go by without saying the Rosary of Our Lady, usually more than once. Often in traveling along the road in an automobile, he would say, "Lets say the Rosary."

The Church was always his first love and he served it loyally and with unbounded energy and enthusiasm. He was a man of strong faith. He stood squarely on the firm foundation of the Churches' teaching. Shifting human opinions never disturbed the serenity of his faith. He never had an identity crisis because he always knew what a Priest is supposed to be, another Christ, and he modeled his life on his divine Master. He was one hundred percent loyal to our Holy Father and the Magisterium of the Church, and he rejoiced and gloried in his Priesthood.

The simple genuineness of Monsignor Lane's character brought him, year by year, an ever increasing measure of devotion, until he held a place in the hearts of his people that is given to few men to experience. Able to call each one by name, keenly interested in the spiritual and temporal welfare of every one of his parishioners, he became the benign Father of the whole Catholic population here in Newburyport. Not only among Catholics, but by the people of this town of all religious beliefs, the name of Monsignor Lane has been held in honor as a great and good man, and this universal esteem came to him without any striving on his part for popular favor, but by being just his simple self. All recognized in him a true man of God, a genuine Priest, whose heart was so big and generous that it included all people in his affections.

Monsignor Lane loved life and he lived it joyfully and cheerfully to the full, communicating to all with whom he came in contact, the radiant happiness of the true Christian. He had no selfish attachments to the world or to worldly goods. This life and the goods of earth were to him merely a means to an end, and that end was the beatific vision, blessed union with God and the Saints. His joy was in doing for others and in giving of himself and his substance to the sick, the dying, the elderly, the poor and the forgotten. Countless good deeds, unrecorded on earthly pages, and the prayers of numberless grateful souls, light his way today to the heavenly reward promised by Our Lord to his faithful stewards.

We who were blessed with his friendship have lost a staunch, firm and loyal friend, and this parish has lost a gentle, loving shepherd. He loved Newburyport where he spent most of his Priesthood, and even when he retired from active service he asked Cardinal Medeiros if he could continue to live here as Pastor Emeritus and was granted that wish. He always had words of praise for Father Leonard, his successor, and often told me and others how gracious and kind and caring Father Leonard has been to him since coming here as Pastor. He had a special affection for Father Ritchie who was with him here during most of his Pastorate and whom he regarded as a cherished friend.

As we bid our last farewell to Monsignor Lane, we thank God for his gift to us in the exemplary life and noble character of this good Priest. As we resolve to continue to pray for the repose of his soul, let us also pray that God may send to our Archdiocese more Priests like Monsignor Lane.●

EQUAL ACCESS ACT

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. SHANNON. Mr. Speaker, next week we will be debating the Equal Access Act, H.R. 5345. I cannot express strongly enough my opposition to this bill. Although its proponents claim that the bill will only prevent discrimination among various types of school organizations, it would actually establish discrimination. By imposing the penalty of a cutoff of Federal funds on schools that do not permit religious organizations on their premises, while giving no such protection to other organizations, the bill clearly establishes a preference for religious groups over other types of groups. It is an attempt to bring organized prayer into our public schools, if not in classrooms then in student meeting rooms.

Our distinguished former colleague, Rev. Robert F. Drinan, has written an article in the Boston Herald which explains clearly and eloquently why we must not approve this bill. I would like to insert this article in the RECORD:

RELIGIOUS ACCESS BILL FAILS TO MEET ED NEEDS

If a public high school allows students to gather before or after classes in groups devoted to chess or music or computers, should the school be required to extend the same benefit to groups who desire to use a room in the public school to study religion or to pray?

The Congress will probably say yes to that question by the expected (but not certain) enactment of H.R. 2732, the Equal Access Act. This measure would require the officials of all secondary schools to give to students interested in religion and prayer the same opportunities that students involved in secular topics enjoy.

Extensive congressional hearings on this question were held last October. Surprisingly broad based support emerged for the bill—along with sharp opposition.

The strongest argument in favor of the proposal comes from the 1981 decision of the United States Supreme Court in Widmar v. Vicent where a ban by the University of Missouri on religious acitivities in public buildings was struck down. The Court held that if a university gives a place and a forum to any legitimate secular group it may not deny similar facilities to religious groups.

The opponents of equal access insist, however, that the pupils in high school, unlike college students, are required to attend school and, therefore, should not be subjected to the inevitable peer group pressure which would be operating if several groups of students met together before and after class for clearly religious and denominational purposes.

The National Council of Churches, which represents 32 main line Protestant and Eastern Orthodox religious bodies, testified in favor of the Equal Access Act. This testimony is very significant since the National Council of Churches supports the Supreme Court's ban on prayer and Bible reading in public schools and has opposed all attempts to enact a constitutional amendment to allow religious exercises in public schools.

The National Association of Evangelicals also favored the bill and insisted in its testimony that the Equal Access Act would permit only "student-initiated and student-run religious meetings." No official Catholic group took a position on H.R. 2732.

The American Jewish Congress, the American Civil Liberties Union and the National Educational Association oppose the Equal Access Act. Educators and others are particularly fearful of the provision in the Equal Access Act which would authorize the federal government to withhold all federal aid from a school which declined to allow its students to use a classroom in non-instructional times for religious purposes. These critics of the measure assert that, while it is seemingly innocent and simple, it could and would bring religious strife and denominational rivalries back into the public school in highly undesirable ways.

Many members of Congress are apparently eager to be able to cast a vote that will demonstrate that they believe in the desirability of prayer in the school. It is not possible to obtain the two-thirds majority of both Houses required to initiate a constitutional amendment to permit vocal prayer in the school.

Consequently, the Congress is seeking to enact a statute using a somewhat misleading suggestion that it is designed only to give "equal access" to the desires of students to pray. One can wonder whether student requests to have a regular time to study religion or to pray come from their own aspirations or from the wishes of their parents or their churches.

There are three serious questions about the wisdom of the Equal Access Act:

1. Is it really desirable to have one federal statute applicable to every public school in the nation? It is easy to imagine that in various sections of the country religious minorities may well suffer at the hands of the religious majority.

2. There are several court cases now being litigated involving situations where officials of public schools have declined to authorize religious groups meeting in public schools.

Should not Congress wait to see what law will emerge from these controversies?

3. If the Equal Access Act becomes law it may well deepen the tendency to drive religion to the fringes of life in the public school.

The proposed law will do little to cure the real problem which is the virtual absence from the public schools of courses about religion in which scripture and theology are given the same academic and objective treatment that is extended by the public schools to every area of learning from art to zoology.

The Supreme Court has made it overwhelmingly clear that courses about religion do not violate the first amendment and that they are, in fact, required if a school is to give a complete and comprehensive preparation for life.●

MISSOURI RIVER WATER SALE

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. BEDELL. Mr. Speaker, a recent court ruling regarding jurisdiction over Missouri River water has dealt yet another blow to a project which I have actively opposed for years. This project, the ETSI coal slurry pipeline, would divert Missouri River water from South Dakota to Wyoming, where it would be mixed with pulverized coal and then pumped to utilities in Texas. I have long opposed this plan as an unwise use of natural resources, a bad precedent and an improper and unfair diversion of water by South Dakota without consultation of downstream States which depend on the Missouri River.

Last Thursday, May 3, a U.S. district court judge in Lincoln, Nebr., ruled that the Department of Interior does not have the authority to allow ETSI to divert water for this purpose. The judge agreed with the States of Iowa, Missouri, and Nebraska that the Bureau of Reclamation does not have jurisdiction over the use of this water for this purpose and that the Army Corps of Engineers has jurisdiction over this matter. I understand that the corps has stricter standards for water use and I am hopeful that the corps' investigation will examine some of the serious questions which I and others have raised about the ETSI pipeline project. In addition, it is my sincere hope that the State of South Dakota will take this opportunity to join in negotiations with the other concerned States and agree on a compact for use of Missouri River water.

I wish to insert for the RECORD a newspaper account of the court decision which appeared in the Des Moines Register on May 5, 1984.

The text of the article follows:

MISSOURI RIVER WATER SALE BLOCKED BY COURT

(By David Westphal)

A plan to divert Missouri River water from South Dakota to Texas has been blocked by a federal judge in Nebraska.

The ruling is a victory for the states of Iowa, Missouri and Nebraska, which have sought to prevent South Dakota from selling the water to a coal slurry pipeline company. But both sides say the fight is just beginning.

U.S. District Judge Warren Urbom of Lincoln, Neb., in a ruling issued Thursday, enjoined the federal government from carrying out a proposed contract to divert up to 50,000 acre feet of river water a year to Energy Transportation Systems Inc. (ETSI). The company proposes to pipe the water to Wyoming, mix it with pulverized coal and then pump it to coal-burning utility customers in Texas.

But Urbom, siding with the plaintiffs' motion for summary judgment, said the water contract was not valid because it was approved by the wrong federal agency. The judge, quoting from 40-year-old legislation that established the Missouri River reservoir system, said the Army Corps of Engineers should have approved the project, not the Department of Interior.

Iowa Attorney General Tom Miller hailed the ruling at a news conference Friday afternoon, saying it was a "major victory" for Iowans because approval by the Corps of Engineers is much less likely.

MUCH STRUGGLE AHEAD

Miller acknowledged that the tussle over water rights, expected to be a major issue in the Great Plains states for the rest of this century, is far from over. "It's not the final act in this play by any means," he said.

Lawyers for both the federal government and the pipeline company said it would be some time before they would decide whether to appeal the judge's ruling. But Earl Evans of Houston, Texas, manager of public affairs for the pipeline project, said the company continues to move aggressively to complete the project.

"We're in the process of negotiating now with utilities in Texas who would burn the coal," he said. "We still very much want that water."

ETSI's initial proposal was to withdraw 20,000 acre-feet of Missouri River water a year from the Oahe Reservoir in South Dakota, but plans called for increasing the amount to 50,000 acre-feet a year. (An acre-foot is the amount of water that will cover one acre of land to a depth of one foot.) The idea was trumpeted forcefully by South Dakota Gov. William Janklow, who promoted it as an economic bonanza for South Dakota that would have little effect on downstream states.

But in the lawsuit filed in August 1982, Miller argued that the water diversion would damage Iowans' interests by shortening the navigation season, damaging fish and wildlife habitats and limiting the effectiveness of hydroelectric power plants.

State officials since then have conceded that their primary concern is the precedent this water sale would set and not the relatively small size of the ETSI project. Miller acknowledged Friday that South Dakota eventually should be allowed to sell some of the river water.

SOUTH DAKOTA COSTS

"I would be the first to admit that South Dakota has incurred some costs in this [flood control] system," said Miller. "They've lost some farmland where the reservoirs have been built. The flood control that is helpful to us really hasn't benefited them. Same way with navigation."

But Miller said terms of any river water sale should be worked out through a compact of all the states involved. He acknowledged that such an agreement might take years to complete but challenged Governor Janklow to use the judge's ruling as a starting point for talks among the states.

"I would hope he'd enter more of a negotiations phase than a confrontation phase," he said. Janklow could not be reached for comment.

If discussions among the states do not occur, Miller said, his lawyers will continue to resist the water diversion project in court. That will happen, he said, whether the pipeline company appeals the judge's ruling or simply seeks project approval from the Corps of Engineers.●

GLENARDEN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. HOYER. Mr. Speaker, on May 13, one of the most vital and successful communities in the State of Maryland, the town of Glenarden, will mark the 45th anniversary of its incorporation.

Glenarden is a little known success story. The town had its genesis at the turn of the century when a Prince Georges County landowner divided a portion of his property among several black families. With the expansion of the original families and the influx of new residents from other parts of the county, the community's population grew steadily and dramatically over the succeeding decades. Although the population of the community was increasing, the resources necessary for proper physical development of the town, particularly adequate sanitary services, did not exist.

In 1965, through the perseverance and political savvy of its leaders, Glenarden received State and Federal aid to improve conditions. In fact, Glenarden was the first municipality in Prince Georges County to receive an urban renewal grant.

The town quickly put the funding to good use by tearing down old, dilapidated housing and building modern structures in its place. Units for the elderly and low-income citizens were included in the housing plans. Structures were built which could be used by all town citizens: an auditorium, a community center, a town hall addition, and an indoor swimming pool, a facility enjoyed today by people throughout Prince Georges County. In addition, one of the town's churches was refurbished.

This impressive renewal effort, which began in the 1960's, has succeeded in producing a town where

there is no slum, a low rate of crime, and a great deal of community pride.

Glenarden is the largest black community in the State with a 98.7-percent black population, and boasts the second highest median income in the country among black communities. The town's median family income is $24,000.

It is a town populated by outstanding citizens concerned with maintaining high community standards. The first black State senator hails from Glenarden and many other black officials and administrators make their home in the town. In addition, the first black bank in Maryland, the Universal Bank, began in Glenarden.

Even now, instead of being content with its considerable accomplishments, there are plans to expand and upgrade surrounding areas.

Mr. Speaker, I applaud the town of Glenarden and am confident that during the next 45 years the town will continue to serve as a high standard for other communities in our country.●

BROKERED DEPOSITS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. GARCIA. Mr. Speaker, today I am introducing legislation to remove the prohibition recently placed on brokered funds by the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation.

Fifty years ago, the Congress passed one of the most important banking laws ever. Known as the Glass-Steagall Act, this law authorized the creation of a Federal deposit insurance fund. Since this time, the insurance fund has served to build confidence in our banking system while adding stability to the economy.

Today, in a time of financial deregulation, Americans are searching for the best possible investment of their savings. We are all familiar with the immense popularity of IRA's and money fund accounts. Both of these are offering an opportunity to increase the return on funds once limited to low interest rates governed by regulation Q.

Growing in sophistication, consumers have approached brokers to monitor the rates offered by banks. Acting on behalf of their clients, the brokers are placing these funds as the competitive market dictates. Ever since the Depository Institutions Deregulation Committee took action to encourage the growth of deposit brokerage, numerous individuals have enjoyed the convenience and competitive advantages of brokered funds. Over 1 million people are using the system with an average placement of $15,000 in any one institution.

However, Federal banking regulators, reacting to recent bank failures and abuses of the system, implemented what I believe to be overly harsh regulations on brokered funds. These regulations limit a broker to $100,000 insurance coverage per institution thereby severely limiting the broker's ability to place the funds of their numerous clients at any one institution. Further, this regulation discriminates between the depositor who places his or her funds directly with the institution and the depositor who may be placing his or her funds through a broker. This hardly seems fair.

For certain, there have been abuses of the insurance system and the regulators must act to protect the fund. We cannot allow deposits to be placed in institutions that may be unsound or to allow the solicitation of funds by troubled institutions which may in turn place a serious threat to the Federal insurance fund.

However, the way to treat this problem is to monitor the institutions which are in trouble and to limit the amount of short term brokered funds, which are the root causes of current abuses, that any one institution may hold. We do not want to prohibit responsible consumers and brokers from enjoying the benefits of financial deregulation. This is exactly what my legislation seeks to accomplish.

This legislation places a cap of 15 percent of total insured deposits on the amount any one institution may hold in insured short term funds. Such a cap removes the concern that an institution may become too dependent on brokered funds for its survival and in turn place a burden on the insurance fund. Second, all institutions receiving brokered funds must report on a monthly basis the amount of brokered funds it holds. Such reporting serves to meet the needs of the regulators to monitor the institutions. Should the regulators decide that the safety and soundness of the institution is in jeopardy and that there is a threat to the Federal insurance fund, it will have the authority to restrict that particular institution to an amount below the 15-percent cap or to prohibit that institution from taking short term insured brokered funds entirely.

Earlier this year, I joined with 16 of my colleagues on the House Banking Committee in a bipartisan letter to the FDIC and FHLBB expressing our concern over the regulations. We acknowledged that the actual and potential abuses of brokered funds required that reforms in current practices were needed. We also recognized that when properly planned by brokers and prudently managed by recipient banks and thrifts, brokered funds have served us many useful purposes in the financial markets. The evidence presented to us indicated that most of the brokered funds are handled in this way. In short, we indicated in our letter our belief that the practice of deposit brokering can co-exist with safe and sound management of our Nation's deposits.

This legislation presents an alternative mechanism for controlling any abuses while offering the benefits of the broker funds market to continue. It is my hope that we can expeditiously pass this legislation either separately or as part of a larger banking bill.●

THE 1984 CONGRESSIONAL HIGH SCHOOL INTERN PROGRAM

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MACK. Mr. Speaker, I was pleased this past week to host my second annual congressional high school intern program here in Washington. This program was established to offer high school juniors in the 13th District of Florida an opportunity to meet with Members of the Congress and officials from various Federal agencies to discuss some of the most important issues of our day.

This spring, the 13th District was represented by 20 outstanding high school juniors from all across southwest Florida. By the end of their week's stay in our Nation's Capital, the students had been challenged to examine both sides of complex issues, policies and legislation. I believe the resulting impressions will last a lifetime.

This program would not have been possible without the many Members of Congress who unselfishly donated their time and the generous assistance of the business and civic community of southwest Florida. The funds raised for the program paid for room, board, and transportation, and enabled many students to take part who otherwise could not. I deeply appreciate the help of my colleagues and the support of the southwest Florida community in making this year's program a great success. I would like to take this opportunity to list the sponsors of the 1984 congressional high school intern program:

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A JOBS CORPS SHOWPLACE—RIGHT IN JOLIET

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. O'BRIEN. Mr. Speaker, the Joliet Jobs Corps Center provides valuable training and discipline to young men and women. Under the leadership of Jim Daniels, who has been director since June of 1981, the center is well on its way to becoming one of the finest Jobs Corps in the country. It is worth noting that the same year Jim took over, Joliet Job Corps students took first and second place honors in the national Jobs Corps Exposition.

I would like to share with my colleagues two articles by freelance writer Joyce Schenk, which recently appeared in the Joliet Herald-News about this center.

JOB CENTER REMODELING PLANS NEARING COMPLETION

(By Joyce Schenk)

Plans to remodel and renovate Joliet Township East High School for use as the Joliet Job Corps Center are nearing completion, according to the project's architect.

The center has been housed in temporary quarters at the campus since its move from the Joliet Army Ammunition Plant in October, 1983. The arsenal now is among final sites being considered by the federal government for production of new explosives.

Earlier this year the United States Department of Labor selected Joliet architect Healy, Snyder, Bender & Associates Inc. to head the Job Corps remodeling/renovation effort. They emerged from four finalists after a lengthy search process that began when the center relocated.

David A. Healy, vice president of the firm, said that federal officials recently approved preliminary drawings. Preparation of contract documents now is under way.

Final plans will be released by late summer for bidding, with construction anticipated in early fall. Completion of the project is expected by the end of 1985.

The Healy firm was the originator of the award-winning design for Joliet's twin high school campuses, East and West, built in 1964 for some $8 million. They also have designed more than 500 educational and vocational facilities in this region.

Work at East's 270,000-square foot facility will be done in two phases, Healy said. Phase I will focus on the two-story central portion of the building. The second floor will be converted to men's and women's dormitories and related functions including showers, laundry facilities and counseling offices.

The ground floor will accommodate orientation, general education, health occupation and clerical training classrooms. Also, a small medical-dental facility and staff offices will be located there.

The center's 150 corps members currently are using temporary dormitories set up in the girls' gymnasium and dance studio. The remodeled facility will accommodate 400.

Phase II will convert a portion of the one-story vocational wing to the west for use as a culinary arts training center. The metal shop there will be upgraded to include modern equipment. Kitchen, cafeteria and other shop areas will remain.

The girls' gymnasium at the back of the campus will become a recreation hall, and the dance studio will become a game room. A small canteen-lounge also will be provided.

The remaining fine arts wing to the east will be left intact. "It will continue to be open to the community," said James E. Daniels, director of the center.

Uses will include events such as church concerts, the recent Little Miss Black Joliet Pageant, the upcoming Miss Black Joliet competition, and the IESA State Wrestling Tournament in March that drew 2,000 spectators.

In addition, the center has designated May as Community Appreciation Day and will host a number of public events including a track meet, garage sale, square dance, picnic, carnival, open house, church softball tournament and appreciation dinner. Also, the center's athletic facilities are being used for special YMCA activities in a cooperative venture that provides YMCA safety and recreation instruction for Job Corps residents.

East High School closed last year after budgetary woes and a drop in the district's enrollment prompted elimination of one of the three campuses then in use. Beginning last fall, Joliet's nearly 5,000 high school students have been divided between Central and West campuses.

East campus subsequently became the headquarters for the Joliet Job Corps Center under a $226,000 yearly lease arrangement with the township's High School Board. Rental will increase to $303,600 in 1985 and 1986 and to $331,200 through 1988. Maintenance and upkeep are the Job Corps' expense, supervised with monthly inspections by the School Board.

The Job Corps Center originally was set up in 1978 at the Joliet Arsenal. However, the World War II facility soon proved unsuitable as a residential center, Daniels said.

U.S. Rep. George O'Brien, R-Joliet, came to the center's rescue when an impending move to one of several relocations outside the district threatened the community with the loss of revenues and jobs, according to the congressman's office in Washington.

O'Brien obtained a $4 million federal appropriation for the current remodeling project at East. Noting that "Illinois ranks last in dollars that come back to train its young people," Daniels praised O'Brien's "concern for the youth of Illinois."

The director predicts that the Joliet Center will become a Job Corps showplace. "This center has the potential to be one of the finest in the country. . . . We feel we are a magnet for the community," he said.

The center drew an estimated $10 million to the community over the last two years, he said. An additional $5 million this year is expected as a result of the remodeling program.

The center has a $2,100,000 total operating budget, to increase to $4 million at full enrollment, according to Job Corps figures.

The staff payroll of more than $1 million will double when the 81.5 jobs at the center now increase to some 150, officials project. Seventy-two percent of the current staff are from Joliet and 99 percent from Will County, the director said.

Also, some $12,000 to $13,000 per student returns annually to the area, Daniels said, via clothing purchased for students from local vendors, student spending and staff salaries.

First-year students receive a $317 clothing allowance and $102 the second year. They receive $90 monthly for required work they do at the center. Their $162,000 annual payroll will climb to $432,000 at peak enrollment, Daniels said.

JOB CORPS GETS STUDENTS INTO WORK FORCE

(By Joyce Schenk)

"The Job Corps main purpose is to get students back into the work force," said James E. Daniels, director of the Joliet Job Corps Center. "The only other alternative is welfare or jail."

Daniels was sent here in June 1981, by Res-Care Inc. to improve the Joliet operation, relocated last October from the Joliet Army Ammunition Plant to East High School campus. Res-Care runs a number of Job Corps centers across the country for the United States Labor Department.

Since taking charge, Daniels has instituted a number of changes. Key among them is an innovative discipline system that emphasizes personal responsibility and leadership through student government, incentive programs and peer evaluation.

As a result, the 90-day turnover rate he found at the Joliet center has improved to an average 14- to 15-month stay, compared to the national six-month average. The recommended program—a mix of academic, vocational and social training—lasts two years.

Daniels also points to an 80-percent voter registration program and 100 percent success rate for those taking the General Development test (GED).

In addition, he noted that driver's education program soon will be under way and the center's auto shop training program is nationally recognized. Joliet students took first- and second-place honors in the National Job Corps Exposition in Washington, D.C., in 1981.

More than 100 Job Corps centers have been organized throughout the U.S. since 1965 by the Department of Labor to equip low-income youths, ages 16 to 22 and not in social, with marketable job skills. Joliet's

center, one of two in Illinois, was set up in 1978.

Nationally, 44,000 corps member slots are available. Illinois' two centers have a total of 300 slots. The 150 here in Joliet are expected to increase to 400 when a planned remodeling project is complete. However, Daniels said, another 2,000 Illinois students are sent to centers outside the state for the program.

Daniels' Job Corps experience dates to 1966 when he joined its ranks as an unemployed 17-year-old from North Carolina. Later, after graduating first from the Job Corps and then from Indiana State University, he returned to work for the Job Corps. There he has served in various capacities, most recently as the director of Mississippi's first Job Corps Center, which he helped organize.

Daniels is the only former corps member to become a center director. In 1978 he was inducted into the Job Corps Hall of Fame.

"I saw that this country works for all people," Daniels said. "The dream does still go by certain rules . . . The door is open. Come, step through it," he invites his students.

For more information about the Joliet center or to arrange a tour of the facility, contact LaJean McCullum, Community Affairs officer, 740-4366.●

UNESCO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. LEWIS of California. Mr. Speaker, due to the lateness of the hour during consideration of my UNESCO amendment to H.R. 5421—the International Security and Development Cooperation Act of 1984, time did not permit further debate on the gross irregularities in the management and leadership of UNESCO. Therefore, I would like to submit for the RECORD the following article from the Economist. What is most appalling in my opinion, is that Soviet spies who were expelled from France remain on the payroll at UNESCO primarily at the expense of the American taxpayer. This is an outrage and an affront to the spirit of goodwill that should be the guiding light of this organization.

The article follows:

[From the Economist, Aug. 27, 1983]

EVEN WORSE AT UNESCO

The worms in the Unesco can are wriggling out, and the Americans are fed up with paying to keep them in. Especially as the chief occupation of many people at Unesco nowadays seems to be to nag the United States and the west in favour of the radicals of Asia, Africa and the Soviet block.

Many of the Americans and west Europeans on the staff of the Paris headquarters of Unesco are liberals loth to agree with the Reaganites on anything. But now they do. Their morale is low, trampled by a mixture of nepotism, maladministration, reverse racism, and an apparently incorrigible tilt towards the hardliners of the third world. The Soviet Union is smiling. A lot of Unesco schemes are worthy but the organisation's purported aim—to further education, science and culture—is increasingly hidden behind a smokescreen of political rhetoric and propaganda.

The American government and several other rich western countries pay for nearly two thirds of the Unesco budget (a lot of which is gobbled up by the organisation's lavish Paris offices). The proposed budget for 1984 and 1985 is a sturdy $433m. But the vote on budgetary and other matters is democratic, with each of the 160 members carrying equal weight. So the eight rich grumblers are bound to be outgunned. Their only sanction is to withdraw from Unesco.

The bad blood is not just between the west and the rest. The most notable recent fall guys do not, in Unesco-speak, qualify as "imperialist". The first top-level casualty was a Mexican, Mr. Rodolfo Stavenhagen, who became head of Unesco's social sciences division in 1979 with a high professional reputation. Two years later he left because of what he called "the atmosphere of distrust, denunciation and a sort of bureaucratic terrorism which has led to total intellectual suffocation".

He was replaced by a lady from Zaire whose rewriting of programmers led to the resignation this year of the respected Swiss head of the division for human rights and peace, Mr. Pierre de Senarclens. A recent poll of staff members showed that only 3% of them thought Unesco was recruiting high-quality people and deciding promotions on the basis of professional efficiency.

The latest casualty is another Unesco stalwart, Mr. Dragoljum Najman of Yugoslavia, who is considered to have been largely responsible for the elevation of a Senegalese, Mr. Amadou-Mahthar M'Bow, to be director-general of the organisation in 1974. Their differences came to the surface in June when the Yugoslav returned from a year at Harvard to discover that he had been demoted from his assistant director-generalship.

These differences are symbolic as well as personal. Mr. Najman objects to the "regality" of Mr. M'Bow's rule at the Paris palace. But the two also stand for different traditions. Mr. Najman is an experienced international civil servant and competent scholar, inspired by the fierce non-alignment advocated by Nehru and Tito. Mr. M'Bow and his friends have supplanted such members of the Unesco old guard with placemen, many of them left-wing Africans, radical Arabs or overt pro-Russians.

The professionals say that worthwhile projects are being turned from genuine education into propaganda, often by incompetent managers chosen for their political or national connections. The bloated bureaucracy of Unesco has long been a Parisian joke. The number of assistant directors-general has swollen from five to 13.

It is partly by default that the western governments on Unesco's executive board have allowed this to happen. In the Carter era and before, American administrations seemed to prefer a quiet life to challenging Mr. M'Bow.

Now even the most devoted liberals are glad that Mr. Reagan is taking a tougher line, not just by pulling apart the more waffly programme proposals and opposing the campaign for "news world information order" but also by scrutinising the budget, which the Americans say should have zero growth. They reckon that the latest draft provides for a real increase of 37%. The state department is now reviewing American membership.

The biggest grouse, however, is against the alleged increase in the politicisation of projects. Current Unesco operations in Afghanistan, for instance, are said to be virtually Sovietised by the selection of Soviet staff members or Soviet sympathisers to run them. Three Unesco-employed Soviet spies recently expelled from France by the French government remains on the payroll "on extraordinary leave". The United States, in effect, remains their biggest single paymaster. The contract of one of them has just been extended *in absentia*.●

NEED FOR REFORMATION OF OUR DEFENSE BUDGET

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DENNY SMITH. Mr. Speaker, today, I am submitting for inclusion in the CONGRESSIONAL RECORD the closing statements made by our colleague, Mr. COURTER of New Jersey, in a speech he recently gave concerning the need for a reformation of our defense budget. I strongly recommend that my colleagues take heed of what Representative COURTER has to say in the conclusion of the following speech:

SPEECH BY JIM COURTER

Many people assume that we could save enormous sums by cutting the big strategic nuclear programs. Let's look at what would happen if we were to cancel the entire strategic modernization program. That would mean cancellation of the B-1, the M-X, Trident missiles and submarines, B-52 improvements, cruise missiles and the new Midgetman missile research program.

All these cuts would amount to a reduction in 1985 outlays or about $3 billion. Why so little? The reason is because these programs cost large amounts over time, but cost relatively little each year, and very little in the early stages of development.

There are two approaches to obtain savings in defense procurement. The first approach is to fight in Congress for the cancellation of individual weapons programs.

While this is a very difficult task, often involving conflict with the Pentagon, the Congress and the defense industry, it is often worthwhile, because there are programs that the Pentagon can afford to do without.

Some of these programs are imposed on the Pentagon by Congressional interests who view the defense budget as a jobs program.

Others are the result of rivalries and lack of coordination between the services. For example, different types of weapons and aircraft are often developed for each military service, even though the Navy, Army, Air Force and Marines could get along well with standardized equipment. Congress has cut some of these redundant programs and will continue to do so in the future.

The second approach is to look for reforms of the entire defense procurement system. When we make effective systemic reforms, we get more value out of the money that goes into all procurement programs.

I am the Chairman in the House of a group called the Military Reform Caucus. This is a group that studies military issues

and considers some new solutions to defense problems.

My involvement in the Caucus has given me an interest in broad reforms of defense systems. I would like to give you two examples of procurement reforms—one already accomplished, and one yet to be accomplished.

First, we succeeded in enacting a law which will give Congress and the Secretary of Defense independent reports on the quality of operational testing performed on new weapons systems. This is important because, if Congress is going to do a responsible job in stopping programs that are ineffective or unnecessary, it needs good information to make these decisions.

We found that in the crucial area of weapons testing, where new weapons are supposed to be proven under tough battlefield conditions, there was often a lack of realism. The difficulties, uncertainties, rigors and hazards of combat were not always simulated in a realistic manner. As a result, we lacked information as to whether weapons actually worked the way they were designed to work. The law we passed will provide that information, and give a red flag to Congress and the Pentagon's acquisition executives when it's time to decide whether to buy a new weapon that may have failed its final exam.

Another important reform which I propose is to increase the amount of defense contracts performed under competitive bid. Only six percent of defense contract value is awarded by competitive bidding today; I propose legislation to increase that percentage gradually to 70 percent.

The advantages of competition have been proven in the private sector, and in the government when it has been used to purchase goods and services. In one study of twenty cases where sole-source defense contracts were opened to competitive bid, average savings of over 50 percent were realized. Competition will reduce unit costs—this will save us money and allow us to buy greater quantities of needed equipment for our armed forces. Some progress has been made in the use of competition by the Defense Department, and I would like to see that progress continue.

In this speech I have tried to give you some facts about the defense budget, and some proposals for how we can save money in defense.

I have talked about ways to increase efficiency, but I have not advocated large cuts in the defense budget, for the simple reason that we cannot afford them.

The purpose of defense is to preserve peace by deterring threats to peace and to our freedom. The proper level of defense spending should be measured not against past defense budgets, but against the threat we now face from potential adversaries.

If you watch the news, you've seen what kind of threat we face. You've seen the ease with which the Soviets moved into Afghanistan, the nonchalance with which they destroy a civilian airliner, and you've seen their formidable Navy conducting impressive exercises on the high seas.

There is no doubt in my mind that America can continue to deter these threats and preserve the peace. Our industrial strength, our scientific knowledge and, above all, our free people are the greatest security assets any nation can have.

America will continue to provide for her defense, because while it may seem expensive in the short run, the long-term return on defense spending is so great it can't be measured. It provides us security, and it guarantees for us the values of peace and freedom which are truly priceless.●

AN MX REBELLION?

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. ANTHONY. Mr. Speaker, as the time nears for the House to consider the fiscal year 1985 defense authorization bill and reconsider the MX issue, I think it would be helpful if Members read an editorial that appeared in the Arkansas Gazette on April 25, 1984. The editorial follows:

AN MX REBELLION?

Momentum is building in Congress for a decision to scrap the MX missile before it moves too far along toward deployment. A group of 74 House members, in any event, says it will attempt to block production money for the MX when the fiscal 1985 Defense budget comes before the House in May. Most of the group's members have generally supported President Reagan's defense buildup in the past, and therein lies the significance of their resistance on MX funding.

The group explained its position in a letter to President Reagan as a sequel to the decision by the House Armed Services Committee that has reduced production money for 40 MX missiles, as requested by Mr. Reagan, to 30 missiles. And it comes as both houses of Congress prepare to take up the Pentagon's budget in a few weeks.

The administration wants to spend about $5.2 billion on the MX next year, but only about $3.1 billion of it would be for production of additional missiles. The rest of the money would be for research and development and construction, to accommodate deployment of 100 missiles. But it is production money that bothers the 74 House members, who propose to delete the funding and take the process a step farther: "We will propose to deauthorize and rescind previous fiscal 1984 MX procurement funding, and terminate production, before additional billions are obligated for the program without military justification."

It may be recalled that the House approved MX funds last fall by only nine votes and it came in the wake of the Soviet downing of the Korean airliner, when emotions were high. Funding also was sold on the administration's contention that the MX was a necessary bargaining chip in reaching a strategic arms control agreement with the Soviet Union. Not long after, the talks in Geneva broke off anyway, thereby wiping out the bargaining chip argument.

Why do the 74 congressmen, some of them strong Pentagon supporters, wish to scrap the MX? "While many rationales have been offered on behalf of MX," they write to Mr. Reagan, "the actual deterrent value of the system is negligible," adding, "we support many of the defense initiatives which have been advanced over the last three years. A revitalized conventional force, the building of a modern Navy and improvements in the quality of life for our military men and women are the product of Congress and the administration working together. Yet * * * the burden falls upon Congress, to resist weapons systems which are highly questionable, and from the standpoint of military capability, unnecessary. The MX is such a system."

This is pretty plain language, but one of its members, Representative Nicholas Mavroules of Massachusetts, a member of the Armed Services Committee, has been even more direct in his explanation for the letter. "The administration is fixed in the belief that one nation can achieve nuclear superiority," he says, adding: "We need to achieve an effective deterrence. But, in fact, the MX does not contribute to that deterrence. The MX further drains money away from other military programs vital to our national defense. It can no longer be justified on the basis of military or arms control requirements."

Certainly the MX has been of questionable value from the beginning, but it is good to see many in Congress, having first provided money for the missile, to be having second or additional thoughts. Many specialists, who are well versed in analysis of strategic nuclear weapons and intricacies of nuclear arms control have been convinced that the MX, once deployed in the hardened Minuteman silos, would have the effect of endangering this nation's security more than it would enhance national security. Because of its 10 warheads and its accuracy, a land-based and therefore vulnerable MX would be a tempting target for the Soviet Union, in a fit of paranoia, to launch a pre-emptive strike. And because the MX would be vulnerable, it would be useless unless fired before the arrival of attacking Soviet missiles.

The United States has redundant firepower in its nuclear arsenal and based on land, at sea and in the air, to wipe the Soviet society from the face of the earth without building and deploying the MX at enormous expense. At best the MX is a foolish project and at worst it would be the spark to Armageddon.●

UNITED STATES MUST DISCIPLINE HEALTH-CARE MARKET

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. LAFALCE. Mr. Speaker, in 1965 Congress passed and President Lyndon B. Johnson signed into law the medicaid and medicare programs. These programs were designed to guarantee that all Americans—including the poor served under medicaid and the elderly served under medicare—would enjoy the same high standard of medical care previously available only to the affluent. Cadillac medicine for everybody was the bright prospect.

Today, Chrysler is taking a look at this Cadillac medicine. Chrysler has found that 1984 costs are a burden to all. Americans spend more than $1 billion a day for health care. The Chrysler Corp., examination is described by Joseph A. Califano, Jr., a director of the Chrysler Corp., and chairman of its committee on health care, and former Secretary of Health, Education and Welfare, in an op-ed piece in the May 6, 1984, New York Times.

Although the Chrysler experience is useful for other businesses as a guideline to help to control health costs, Califano emphasizes that we cannot rely upon American business alone to assume that responsibility. He states: "We need a national policy to restructure financial incentives in America's health care industry." Califano calls for the establishment of a national commission to reform health care, similar to the National Commission on Social Security. The commission should develop a health policy to reduce costs without reducing care. I agree and believe his article is an important message for us all.

"United States Must Discipline Health Care Market," by Joseph A. Califano, Jr. follows:

UNITED STATES MUST DISCIPLINE HEALTH-CARE MARKET

WASHINGTON.—Controlling medical costs has become the Great American Shell Game. Congress puts a cap on Medicare payments for 467 medical procedures, and hospitals just pass the costs off to the states. States put their own caps on Medicaid hospital payments, and hosptials just move the pea to private insurers and Blue Cross and Blue Shield. Congress caps payments to physicians in hospitals, and doctors move the pea outside the hospital to their offices or clinics where there are no caps.

The new caps on hospital costs paid by Medicare and many states allow politicians to boast about cutting deficits. But they do little to reduce the cost of the health care system. In 1984, these costs will continue their inflationary assault on the American economy at double or triple the rate of increase in the Consumer Price Index. Hospitals and doctors will simply shift their charges to private insurers and the Blues. And Americans will spend more than $1 billion a day for health care.

The experience of the Chrysler Corporation tells a lot about what's happening. Chrysler's 1984 health care costs will exceed $400 million, or $550 for each car it sells. That's down from $600 a car last year—not because costs have abated but because the company is selling more cars. This year, Chrysler must sell about 70,000 vehicles just to pay health care bills.

To cut costs, the Chrysler Corporation has begun a careful examination of what it has been paying for:

Among Chrysler's (and the nation's) elderly, cataract surgery is common. This procedure takes about 20 minutes and rarely requires a general anesthetic. The average ophthamologist in the Detroit area charges $2,000 for the operation. If a doctor performs three of these procedures a day, four days a week, 42 weeks a year, he earns more than $1 million for less than 200 hours of actual surgery, and has a 10-week vacation.

Chrysler asked some doctors to investigate eight Detroit area hospitals with high percentages of nonsurgical admissions for lower back problems. Their study found that two-thirds of the hospitalizations, and 2,264 out of 2,677 of the total hosptial days, were inappropriate. At three hosptials, none of the admissions was found to be appropriate. In more than 60 percent of the cases, patients were subjected to expensive electromyograms—a procedure necessary only if surgery has already been clinically indicated. All the test results were normal.

Experts investigated the six Detroit hospitals with the highest number of maternity admissions for patients insured by Chrysler. In more than 80 percent of the 618 cases studied, one or more of the hospital days were found to be unnecessary—a total of more than 1,000 unnecessary days, about a quarter of the time spent in the hospital.

Chrysler's preliminary investigation suggests that 25 percent of its hospital costs may be due to waste and inefficiency. Elimination of those costs would save some $50 million in 1984. There's no reason to believe that Chrysler's experience is unique. For the entire health care system, elimination of such costs would save more than $50 billion—without adversely affecting the quality of care.

But American business alone cannot control health care costs. We need a national policy to restructure financial incentives in America's health care industry: where possible, to instill some marketplace discipline; and where not, some controls. Sleight of hand won't work. Costs disappearing from the Federal health care budget have a remarkable ability to reappear elsewhere in this noncompetitive system, where cost shifting is so easy. The net result is a hidden tax on American business and citizens.

In Chrysler's case, the company provides for its retirees many health care services not paid by Medicare. This means that, as Medicare seeks to ease its own financial crisis by shifting costs to the individual, Chrysler pays the bill. In 1965, a Medicare beneficiary paid the first $40 of a hospital stay; today, that co-payment is $356. Similarly, the daily co-payment for long-term hospital stays (between the 60th and 90th days) has risen from $10 to $89 per day. Chrysler absorbs 100 percent of these increases. The latest hike in the Medicare hospital deductible costs Chrysler approximately $1 million a year. Our citizens haven't saved anything. Our Government has simply hidden the pea under another shell.

Similarly, the 1982 Tax Equity and Fiscal Responsibility Act requires the employer's group health insurance, rather than Medicare, to provide primary coverage for employees and their spouses over age 65. That provision does not save a single dollar. It simply shifts the pea from Medicare to the private sector.

Some proposals for rescuing Medicare are outrageous examples of the shell game. The suggestion to delay Medicare eligibility from age 65 to 67, for example, would cost American business and those citizens not fortunate enough to have employer coverage some $75 billion. And it probably won't eliminate any waste or inefficiency in the health care system.

Congress must address costs across the entire system—not just Federal expenditures. As a first step, Congress should establish a national commission to reform health care, similar to the National Commission on Social Security Reform. The commission should develop a national health policy to cut costs without reducing care. Its membership should include representatives of all the players: Federal, state and local governments, business and labor, senior citizens and junior citizens, lawyers, physicians, hospitals and health insurers.

We must develop an efficient health care delivery system. We cannot keep going the way we are. We simply don't have the money.●

TRIBUTE TO ISADORE L. WEXLER

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, I rise in tribute to Isadore L. Wexler. Wex, a pillar of the New Haven community, a distinguished educator, and very special person, passed away on February 7, 1984, at the age of 77.

Wex, a man of enormous human commitment, devoted his life to the community, always striving for new and innovative methods of education. He was a man with a vision, a man with unflinching ideals. He related to every segment of the New Haven community, Jewish and Christian, black and white, old and young.

Iz Wexler is best known as the founder of New Haven's community school concept. In 1947, Wex became principal of Dixwell's Winchester Elementary School in New Haven. He was concerned because the school was not reaching many of the students. An unorthodox educator, he believed that the whole community, not just the school, teaches the child. The school, Wex believed, should be the center of the community, a source of pride, to be used not only to teach the children during the day but also to serve as a recreational, civic, and social center after school hours. The community school, Wex foresaw, would fulfill multiple functions. As an educational center, it would serve as a place where children and adults could have opportunities for study and learning. As a neighborhood community center, it would provide a place where citizens of all ages might take part in such things as sports, physical fitness programs, informal recreation, arts and crafts classes, civic meetings, and other leisure-time activities. As a center for community services, the community school would provide a center where individuals and families might obtain health services, legal aid, employment services, and the like. The school would also serve as an institutional agency that could assist citizens in the study and solution of significant neighborhood problems.

Wex rallied the support of 65 citywide agencies and eventually a new, modern Winchester Elementary School was erected in the Dixwell neighborhood. When it opened in 1952, Winchester was considered the finest elementary school in New Haven.

Isadore Wexler was a visionary. As one social historian claims: "There is no question that the advent of the community school concept in New Haven opened the door for change in

the educational process." Wex, determined that all people should be able to reap the benefits of the public schools, took his position of public school principal seriously, using it to forge a new ideal for urban education.

Wex was also influential in formulating the New Haven industry-school collaboration in the early 1960's. He saw that the factory was the perfect setting for student-worker reciprocity. The school would serve as a learning center for adult instruction to factory workers. Correspondingly, the factory would function as a laboratory for the students, providing them with hands-on vocational education opportunities. Wex successfully implemented this concept in Hillhouse High School in New Haven.

Wex's dedication to education was limitless. At the time of his death, he was director of the South Central Regional Council on Education for Employment, as well as the executive director of the Connecticut Foundation for School/Community Relationships.

Robert E. Goldburg, for many years the rabbi at Temple Mishkan Israel, delivered a moving eulogy in honor of Isadore Wexler. In conclusion, I would like to share some of the Rabbi's thoughts with you, so that you may understand the special gift that Isadore Wexler's life was to our community in the greater New Haven area:

Wex really believed in the biblical injunction "And thou shalt love they neighbor as thyself." His was a passionate concern for human rights, racial justice and civil liberties. Without a research staff or a commission of inquiry, Wex knew that in the richest and most powerful nation on earth, that there were Americans who were hungry and cold, poor, exploited and oppressed. Such insights these days have become unfashionable, to say the least. But good people and organizations shared Wex's ideals and appreciated his labors and bestowed upon him many honors while friends of all faiths and races respected, admired and loved him. Wex never sought awards, on the contrary he let others take the bows. He was a master of teaching by example and was able to bring others to service by sharing, thus he developed leadership and inspired by example.

Now let it be remembered that in that infinite variety of cultures, each celebrated a different concept of the hero as its ideal. One enthroned the gentleman, another the warrior, still another—the beautiful, yet another—the entrepreneur, or the power or the wealthy. But the Rabbis of our people said: "In Paradise, next to the throne of Glory, on the right hand of the Holy One (Blessed be He) sits the teacher." Among the children of Israel, none were more exalted than he who teaches for as it is said: "The world is sustained by knowledge and those who teach the children are blessed above all others." Wex was an educator par excellence, a totally beautiful human being, a great teacher among us. Although he has departed, he has left us a legacy far greater than rubies. May the memory of his righteousness be forever a blessing among us.●

SECRETARY REGAN'S UNFORTUNATE REMARKS ON SOCIAL SECURITY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. PICKLE. Mr. Speaker, I rise today to express my great chagrin and profound distress about Secretary Regan's inconsistent, misleading, and inflammatory remarks about the social security system.

Only a month ago the Social Security Board of Trustees, of which Secretary Regan is a managing trustee, issued their report assuring the American people that the social security system was solvent on into the foreseeable future. The report said that "benefits can be paid on time well into the next century," that the trust funds "are estimated to increase each year" and that "over the next 75 years, the OASDI program is in close actual balance."

Now the Secretary, the managing trustee, as though he had nothing to do with this report, is saying that major changes will have to be made in the program in the next few years. Of course, some changes may be necessary over time but not any changes in the basic concept that everyone has a right to the benefits they have paid for and earned. For the Secretary to suggest that benefits might be denied to anyone who has earned them is to betray an unbelievable lack of understanding about the whole purpose of the program.

Let me repeat again what I have said before! There is no justification whatsoever for frightening the American people. If he really believes what he has said about the soundness of our social security system the President ought to tell the Secretary to shut up. Or, if the Secretary is correct, the President ought to let him tell the people about the administration's plan to radically alter the program. In either case, the administration, and that includes the President, ought to get its act together and display a little more dignity and respect for the intelligence and well-being of the senior and disabled citizens.●

LINCOLN, CALIF., CELEBRATES 125TH ANNIVERSARY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. SHUMWAY. Mr. Speaker, I ask that my colleagues join with me today in paying tribute to the city of Lincoln, in Placer County, Calif., which is celebrating its 125th anniversary. As the individual who has the honor and privilege of representing Lincoln here in the House of Representatives, I am delighted to have been invited to join in the festivities this coming weekend.

Lincoln has come a long way from its initial settlement in 1859, when it was named in honor of Charles Lincoln Wilson, who became president of the California Central Railroad Co. The company was formed by Theodore Judah, often known as "Crazy Judah" because of his obsession with building a railroad across the United States. In actuality, he did succeed at something almost as monumental, along with fellow pioneers Mark Hopkins, Leland Sanford, and H. S. Crocker, he engineered a railroad route over the Sierra Nevada Mountains via Donner Summit. Lincoln is proud to claim this reknowned and forward-thinking man as her own.

History books reveal that Lincoln has also been known as "Clay City." Perhaps the largest and finest depository of potter's clay in the country is available at Lincoln, which is also the home of Gladding-McBean and Co., the only architectural clay products sculpturing and manufacturing plant of its kind in the entire United States.

Lincoln also boasts another famous native son, Glen Edwards, the famous American test pilot and World War II flying ace, for whom Edwards Air Force Base was named.

One hundred and twenty-five years after her founding, the city of Lincoln is an enthusiastic and sophisticated example of California's very positive economic growth. Major industries have chosen to relocate to the Lincoln area because of its attractiveness both economically, and in terms of being a lovely setting.

Lincoln has its roots in the gold rush days, but its sites are very firmly on the future. I am delighted to join in the 125th birthday anniversary celebration, and am pleased that my colleagues are also paying tribute to this fine community.●

SMALL BUSINESS WEEK

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DAUB. Mr. Speaker, in recognition of this being America's Small Business Week, I want to rise and pay particular tribute to the more than 50,000 small businesses in my own State of Nebraska.

Since this time last year, we have seen small business men and women across this Nation respond to and with our economic recovery. A growing confidence on their part to invest capital and take risks has resulted in the creation of jobs, new business starts, new

expansionary efforts, more efficient sales to the Government, and innovative research. By creating the economic environment in which small business can prosper, America prospers.

Nebraska, in particular, has a record to be proud of for small business. In 1983, 61 new businesses wanted to expand and did expand, as compared to 48 in 1982. This is a 27-percent increase for 1983.

New employment opportunities in Nebraska show a 262-percent increase, going from 841 new jobs in 1982 to 3,047 in 1983. Capital investment in expansion hit an all time record in our State—$114.8 million was spent in 1983 for this purpose.

Strides must still be made to help small business prosper—strides we must and will take.●

PARENTAL RESPONSIBILITY LIQUOR ORDINANCE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. HYDE. Mr. Speaker, we are nearing the end of another school year, and this is a time of youthful celebration. I am speaking of teenage parties where parents often allow alcoholic beverages to be consumed by minors. Some of these parties will be supervised, others will not. Teenage drinking parties on home premises have been going on for years because some parents are reluctant to exercise their parental control so they take the easy way out and allow beer and/or liquor to be served.

These parents must realize that by allowing minors to have drinking parties at home, they may become potential accesories to teenage deaths. Most parents do not realize this fact until a tragedy strikes close to home, such as a fatal automobile accident involving a carload of teenage drinkers on their way home from a graduation party.

Two years ago today Glen Ellyn, Ill., adopted a very simple but yet very effective ordinance meant to control teenage drinking parties at home. The village president and board of trustees decided that responsibility for preventing underaged drinking was that of the parents or owners of the homes at which the parties were held. State laws already make underaged consumption illegal, and the village decided to place criminal sanctions on the owner or occupant of a house or other premises who knowingly allowed the use of that house or premise for underaged drinking. An exception was allowed for religious ceremonies and members of the immediate family. Their new law carries a maximum fine of $500.

Up until the enactment of the law the parents or property owners could not be held responsible for underaged drinking in their homes. The law will not stop teenage abuse of alcohol, but it will give parents an incentive not to look the other way when asked to allow minors in their home to consume alcoholic beverages.

The law is working for Glen Ellyn and for the many other communities that have passed laws modeled after Glen Ellyn's.

On this second anniversary of the adoption of the parental responsibility liquor ordinance, I have introduced a resolution urging all local governments to follow Glen Ellyn's innovative approach to greater involvement by parents in solving what has become a problem from which no congressional district is immune.●

ELECTIONS IN PANAMA

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. BARNES. Mr. Speaker, Panama held its first elections last Sunday after 16 years of military-backed governments. I strongly support these elections and what they stand for, the return to the democratic tradition.

Unfortunately, a number of incidents that have occurred since the elections might undermine this important achievement of the people of Panama. One person has been killed and riots have taken place. I received a report that the house of one of the candidates was attacked last night. There have been allegations of fraud from all sides and the tabulation of the ballots is a cumbersome and slow process. I have been in contact with the Department of State on these issues.

I believe that the United States should continue to support a fair and just process. It is crucial that the will of the Panamanian people be respected regardless of which candidate is elected President.●

UNITED STATES-TAIWAN RELATIONS STILL STRONG

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MICA. Mr. Speaker, in the wake of President Reagan's recent trip to China, let us not forget our resolve to support the people of Taiwan as we construct U.S. policy in that area of the world.

As an author of the Taiwan Relations Act, the letter and spirit of that law must be upheld. It is in the U.S. national interest to do so, and I would encourage the President and his advisers to be mindful of our relations with Taiwan and the need for firm U.S. support to continue.

If we examine Taiwan in the context of the full scope of Chinese actions and pronouncements during the President's visit, we find that Taiwan is but one issue among a number that effects the relationship of China's attitude toward the United States. Thus, it clearly seems possible that the United States can achieve goals in our conduct with the People's Republic of China without jeopardizing United States-Taiwan relations.

Because of China's need for trade and technology as part of its economic modernization program, because China needs United States involvement to deal with regional issues such as Korea and Vietnam, and because both China and the United States must review our relations with the Soviet Union, there is no need, in my view, to make any further concessions to Beijing on our security and economic relations with Taiwan.

The provisions of the Taiwan Relations Act spell out the U.S. interest in a peaceful settlement of the Taiwan issue and states that the United States will provide Taiwan with enough defensive arms to maintain a sufficient self-defense capability. It is in the U.S. national interest to continue our strong support.●

NATIONAL VOLUNTEER WEEK

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. PRITCHARD. Mr. Speaker, this week is National Volunteer Week, and Peace Corps will honor those of its ranks who uniquely embody the spirit of helping others to lead better lives—disabled volunteers and volunteers who work in special education programs around the world.

"Peace Corps and the Disabled: Let Me Be Part Of It" is the theme this year for America's legendary volunteer organization. Since 1961, more than 100,000 Americans have served in more than 90 developing nations around the globe, sharing their skills and expertise in areas such as agriculture, health and nutrition, education, forestry, fisheries, and community development. We are all familiar with the photographs from far-off lands of earnest and dedicated men and women workng side-by-side with the villagers of Niger, Togo, Guatemala, Paraguay, Fiji, Nepal and Westen Samoa, to dig wells, build roads and schools, help mothers provide a nutritious diet for their children, and show farmers how to plant crops that will grow and thrive and feed their families.

Now, Peace Corps will show us the volunteers of 1984, some of whom are disabled themselves; all of whom are working in special education programs with children and adults in the Third World.

William Eiffler of Scio, Oreg., is a deaf volunteer, training teachers in the use of sign language in Ecuador.

Marsha Martin, of Fresno, Calif. is a blind volunteer working as an education adviser for the blind in Ecuador.

James B. Quinn, of Kansas City, Mo., is a deaf volunteer serving as a teacher of deaf education in the Philippines.

Al Wiesel, of Plymouth, Mass., is working with mentally and physically multiple-handicapped children in Jamaica.

Carol Ann Sahm, of San Antonio, Tex., is serving as a teacher for deaf and blind children and training other teachers in special education in Honduras.

It is with great pride I salute the sixth outstanding volunteer, a fellow resident of Seattle, Wash., Lance Matteson. Lance practiced law in Seattle for 6 years before he and his wife, a former Peace Corps volunteer herself, accepted an assignment in the West African nation of Mali. Since mid-1983, Lance has served as a management adviser to the National Institute for the Blind, helping this model facility to provide needed education and life skills services to Mali's blind population. He stands out as an exemplary American who has dedicated his spirit and his skills to improving the lives of the people of Mali.

Each one of these men and women exemplify the commitment of the American people to give willingly of themselves to help others less fortunate than themselves. They work in villages and towns unlike the ones they grew up in, and they speak languages they did not learn as children. They live in different types of homes, eat different types of foods, and are surrounded by people who did not grow up in the American culture. And yet, Peace Corps volunteers quickly adjust to their new surroundings and plunge into the work they were sent to do, whether it is teaching a handicapped child how to communicate, or showing a blind person how to walk from one place to another unassisted.

I join Peace Corps Director Loret Miller Ruppe and her staff in saluting these outstanding volunteers for their extraordinary service to their fellow men and women, far from America's shores, but close to America's heart.●

WORLD FOOD PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. GOODLING. Mr. Speaker, I would like to address a particular concern of mine, the world food program, for which $2 million has been recommended by the Foreign Affairs Committee. Although I would in no way wish to speak against commodity and food assistance, I do have some reservations about this particular program.

The intent and goal of the world food program; namely, providing some of the world's poorest and neediest with necessary, life-supporting commodities. However, I, for one, do not feel that an organization such as SWAPO is deserving of such support. While it is true that U.S. pledges and funding for the world food program have not gone to any of the aid programs for SWAPO, I still find it somewhat distressing that this organization is helping a terrorist group whose ideology contradicts everything the United States stands for.

All too often in world forums such as the international food conferences in Rome, Third World delegations make it a point to publicly berate and denounce the United States and then they turn around and privately assure our representatives that they didn't really mean what they said, that they were just trying to save face. Mr. Speaker, I feel that the American taxpayer deserves more respect than that. The taxpayers do not hear any private assurances, but only public invective. Such hypocritical actions are an insult both to the American taxpayers and we Members of Congress, their official representatives. In my view, it is time we stood up and said "Enough." We should let such organizations as the world food program know that we do not find such behavior acceptable.

There are many means of getting much-needed commodities to those in the poorest parts of the world; we do not necessarily have to use the world food program. In my view the money would have been better allocated to help such organizations as CARE, the Red Cross, and Catholic Charities. I very much dislike working with a relief organization that directs its efforts to both terrorist groups and the truly needy; it is the truly needy who should be the recipients of such programs with a certain amount of respect and good will offered to the donors of the assistance.●

AMENDMENT TO MEDICARE LAW

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DOWDY of Mississippi. Mr. Speaker, today I am introducing legislation to amend the medicare law to clarify the definition of the term "physician." Over the years Congress has expanded the coverage of medicare, adding more and more services provided by a variety of health practitioners. The law now covers a variety of services provided by dentists, medical doctors, optometrists, podiatrists, and chiropractors. This range of benefits is good because it allows the beneficiaries a great freedom of choice in their health care.

However, when Congress has acted to expand medicare benefits by adding the services of new health care practitioners, it has done so in an unusual way. For example, instead of just adding a new clause describing optometric benefits, Congress had amended the definition of the term "physician" and added optometrists to it. Today a "physician" under medicare can be any one of six distinct professions. I think this a confusing state of affairs and ought to be clarified.

The dictionary defines a physician as a doctor of medicine, so why should not the law? Clearing up the definition will not change anyone's benefits, it will just eliminate a source of potential confusion.

The legislation that I am sponsoring would revise the definition of "physician" so it would include only medical doctors and doctors of osteopathy. Dentists would be dentists under the bill. All the other health professionals would be classified as "independently licensed health care practitioners." No one's rights to reimbursement under medicare would be in any way altered by this amendment. It is a clarifying change only.

Mr. Speaker, I believe that it makes good sense to have our laws clear and understandable. Medicare should be no exception. The legislation that I am sponsoring is a small step in the direction of clarity. I urge my colleagues to give it favorable and prompt consideration.●

COMMENDATION OF JANET KNOWLTON GOESKE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. LEWIS of California. Mr. Speaker, on May 18, 1984, Mayor Ab

Brown of Riverside, the Riverside City Council, and the Janet Goeske Executive Board will host the grand opening ceremony of the Janet Goeske Center for Seniors/Handicapped Citizens. The center has been named in honor of Mrs. Janet Knowlton Goeske and I take this opportunity to ask the Congress to join me, along with her many friends and admirers, in expressing our deep appreciation and gratitude to this outstanding human being for her many years of volunteer work with the seniors and handicapped persons in our area. I have personally watched Mrs. Goeske's career through the years with growing admiration and appreciation. Her tireless devotion to the service of senior and handicapped citizens has served as a model for myself and many others. This type of citizen has made America the great society that it is, and for this I am very grateful.

Janet Knowlton Goeske has been involved in numerous volunteer programs for over 36 years at local, State, and national levels. During this time she has worked for the passage of legislation that benefited all handicapped and aged persons. She also assisted in writing the advocacy and ombudsman legislation nationally. She has been a sponsor for the mentally retarded for over 30 years and helped form a chapter for these citizens at March Air Force Base.

In 1981, California Senator Hayakawa appointed Mrs. Goeske as a delegate to the White House Conference on Aging. She has also served with various State attorney general's advisory councils and commissions including those on aging, crime prevention, and consumer protection for older and disabled persons.

Mrs. Goeske is currently a chairperson of the Janet Goeske Center for Senior Handicapped Persons, the mayor's commission on aging for Riverside, and the Governor's advisory board and Lanterman State Hospital. She is also the director of the Riverside City/County ombudsman program for long-term care and advocate for all senior citizens, the president of the Foster Daughters and Sons, an appointee to Governor Deukmejian's long-term care task force, and a member of the National Citizens Coalition for Nursing Home Reform, to name but a few of her many activities.

Janet Knowlton Goeske has received over 50 awards for her many years of dedicated volunteer service from the city and county of Riverside, the California State senators and attorney general, the Riverside Chamber of Commerce, the YWCA, the Soroptimists, the Kiwanis Club, Helping Hand, and the Riverside City College Gerontology Association. In addition, she is listed in the "Book of Outstanding Distinguished Community Leaders of America," and in "International Who's Who in Community Services." Mrs. Goeske has also been named "Riverside's Citizen of the Year for 1984" by the Inland Empire magazine, as well as "Woman of the Year and Volunteer of the Year" by Pacific State Hospital—now Lanterman State Hospital.

Janet Knowlton Goeske was born on October 6, 1911, in Minnesota to James and Annie Knowlton. She later moved to California with her husband, John Goeske, in 1940. Mr. Goeske is a retired Army officer and deputy marshal of Riverside. Janet and John Goeske have two children; James, a police officer in Palm Springs, and Jackie Fargo, an employee of Bank of America. They also have four grandchildren and four great-grandchildren.

In January of this year the California State Legislature commended Janet Knowlton Goeske in Joint Resolution No. 43 for her many contributions to the community, State and Nation on behalf of our elderly and handicapped citizens. Mrs. Goeske is truly a fine example of an active, caring, and sincere citizen.

Mr. Speaker, I take great pride in joining with the State of California in commending to my colleagues Mrs. Janet Knowlton Goeske, a truly dedicated woman who has, through her selfless years of hard work, contributed to her community and country in a most beneficial way.●

OLDER AMERICANS MONTH

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. SMITH of Florida. Mr. Speaker, May is "Older Americans Month," a time when we can look at the valuable contribution older Americans make to our communities. It is also time to reflect upon the strength of our commitment to the elderly.

In the last 20 years, the share of the Federal budget devoted to the elderly has nearly doubled. The magnitude of this transfer of resources to the elderly, as well as the elderly's growing numbers, has made them a special focus in our communities and an important policymaking force.

The State of Florida continues to receive an increasing number of retirees. This means Florida will play an even more important role as a bellwether State in terms of measuring the effectiveness of programs meant to assist the elderly. It also means that those of us from Florida see firsthand the needs of elderly that are not answered adequately.

As this part of our population grows, the program which serve them will continue to take on added importance. Funding of nutrition programs, senior centers, and so forth, as well as adequate health care and income security, will continue to be issues we, in Congress, will face. Our answers to these issues will show the strength of our commitment to aiding older Americans to live independently so that they may continue to contribute to our communities.●

GETTING RID OF THE FOREIGNERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, one of the main obstacles to a permanent conclusion of the conflicts and tensions that have plagued southern Africa is the continued presence of over 30,000 Cuban troops in Angola. These Cuban troops, along with Soviet and Soviet-bloc advisers, allowed the Marxist government of the Popular Movement for the Liberation of Angola (MPLA) to seize and maintain power since 1975 in spite of widespread popular opposition.

South Africa has maintained that the removal of all foreign troops from Angola is a precondition to any settlement of the question of Namibian independence. They have demanded this withdrawal of foreign troops because there is little doubt that the Cubans and other Soviet surrogates in Angola would take advantage of a weak and unstable Namibia in order to broaden the scope of their own activities in the region.

Recently, there has been talk of some progress in the negotiations between South Africa and its neighbors toward bringing a peaceful end to the conflict. But a disturbing fact has come to my attention, one that raises some doubts as to the sincerity of the Marxist government of Angola, but doubts also as to the likelihood of ever resolving the problems in southern Africa.

It seems that the Marxists, in a simple yet cunning move, have quietly changed their naturalization laws. Whereas before a foreigner would have to reside a minimum of 10 years in Angola before being eligible for citizenship, as of February 7, 1984, any foreigner who "has rendered significant service to the country" is immediately eligible for Angolan citizenship. This means that citizenship can be granted to any Cuban soldier who has served in Angola. It also means that the 30,000-plus Cubans presently stationed in Angola will cease to be foreigners, and will therefore be free to remain as naturalized citizens in Angola as long as Havana and Moscow dictate.

This new law completely undermines any hope for a real and lasting peace in southern Africa. It represents a threat not only to the future of Africa but of the free world. Here in this country we must let it be known that we are not about to abandon the African continent to the Soviets and their surrogates, devious ploys notwithstanding. We must urge the South Africans to demand a withdrawal of all Cubans, naturalized Angolans or otherwise. Only by so doing can Namibia and the rest of the region be free from Soviet aggression and adventurism.●

HONORING TALENTED YOUNG MAINE ARTISTS

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. McKERNAN. Mr. Speaker, I would like to take this opportunity to recognize six young artists from the State of Maine who are among the winners of the fourth annual Cheeseborough-Pond's Inc., "National Family Arts Competition."

This competition included students invited to compete from 300 high schools in 13 States and Puerto Rico, and had the concept of family as its theme.

I am sure my colleagues will agree that art is a vital part of the American scene, and I am pleased that this competition encourages young artists, and rewards them for their fine work.

I am very proud that 6 of the 29 winners from across the country are from Maine.

Mr. David Covell, son of Mr. and Mrs. Douglas Covell, of Brunswick, Maine was the first place winner with his oil painting entitled "Hanging Around in the Afternoon."

A 1983 graduate of Brunswick High School, David became interested in art because of the encouragement of an older cousin, and has been working with art since his early years in school. He does most of his painting in watercolors; in fact his winning painting was just his fourth oil painting, and his first oil painting outside a class. In addition to painting, David is talented in drama, and has been in productions of the Young People's Theater in Brunswick for the past several summers.

This talented young man will be entering St. Michael's College in Winooski, Vt. to study art, including drama and graphic design.

Also among the 29 winners were Daniel Parks of Bangor, Sandra Leinonen of Augusta, Brian Fisher of Jay, Jeannine Guimond of Portland, and Kim Knox of West Peru.

I am pleased that these young people are being recognized for their talented efforts. I ask my colleagues to join me in congratulating these students on their outstanding achievements in art.●

SMALL BUSINESS WEEK

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. SCHAEFER. Mr. Speaker, I am glad that we have set aside a week in which to honor the spirit and dedication of the most important group of individuals in our business community—small business owners and operators. This is "Small Business Week" in America, a very important event because small businesses so embody true American ideals and make such a significant contribution to our Nation and its economy.

Small business owners and operators are the keepers of the Nation's entrepreneural spirit. They take chances on new ideas, often risk their savings or go into debt on the gamble that their ideas, energies, and efforts will succeed in the marketplace. With this pioneering spirit, they have lead the Nation to new levels of economic output and are giving a fresh new look to the Nation's economy.

Small businesses are the Nation's innovators, producing 2½ times as many innovations as large firms, relative to the number of persons employed. These innovations have planted the seeds for efficiency and productivity gains throughout the economy that will allow America to compete better with the Japanese, Germans, and others. Small businesses may just give America the edge we need to keep a step ahead of the rest of the world.

Small businesses are responsible for putting America back to work. While accounting for about half of the Nation's total employment, small businesses created about 2.7 million new jobs between 1980 and 1982, more than offsetting the over 1 million jobs lost in larger businesses. Unemployment figures have continued to decline. To acknowledge small businesses fundamental contribution to this decline, the theme for Small Business Week is "Small Business Means Jobs." In Colorado, where 99 percent of all businesses are considered small, unemployment is only about 5.6 percent, well below the national average.

Small businesses give this Nation its economic vitality—they are supplanting heavy centralized industry and laying the foundations for a new economic structure and a new generation of innovators and entrepreneurs. I am glad that we have this time to give special attention to this outstanding group of citizens. With the economy bouyed by their recent successes, 1984 looks excellent for the whole Nation. As a member of the House Small Business Committee, I take special pride in America's small business owners and operators, and I hope they know that they have our support, encouragement, and sincere thanks for a job very well done.●

TRIBUTE TO HAROLD BERNARD MONAHAN

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. DONNELLY. Mr. Speaker, this month, the Democratic Town Committee of Rockland, Mass., is paying special tribute to Harold Bernard Monahan for his lifetime of service to his party, his community, and his State. Permit me to share with the House Bernie Monahan's outstanding record.

Bernie's service in public office began in 1936, with his appointment to Rockland's Finance Committee. After 5 years there, the last 2 as the committee's chairman, he was elected to the Rockland Board of Selectmen. Bernie served on the board without interruption until 1973. For half of that time, he was chairman of the board of selectmen, the equivalent of being mayor of the community.

While a selectman, he also found time to spend 1963 as president of the Plymouth County Selectmen's Association and as president of the Massachusetts Selectmen's Association in 1967 and 1968.

He was twice appointed to the Governor's Safety Committee. He was also selected by the Governor to serve on the advisory board to the department of community affairs.

Bernie Monahan was largely responsible for establishing the Rockland Conservation Commission. He is a longtime member of the Rockland Chamber of Commerce, of which he is a past vice president.

In 1967, he retired after 45 years with the New England Telephone & Telegraph Co. and 30 years as treasurer of the International Brotherhood of Telephone Workers.

Today, at age 81, he remains an active member of the Rockland Council for the Aging and an honorary member of the Rockland Democratic Town Committee.

I join Bernie's many friends in thanking him for his many years of service and in hope that his selflessness is returned in happiness and good health.●

DISCLOSURE OF NET WORTH

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. RATCHFORD. Mr. Speaker, as I have done every year since 1971, when I was a member of the Connecticut Legislature, I am today disclosing a statement of my net worth and an accounting of income and taxes paid for calendar year 1983. While I realize this disclosure does what is required by law, I feel that such an accounting is a responsibility of public office.

The following is a statement of assets, liabilities, and capital as of December 31, 1983, and a statement of income and taxes paid for tax year 1983. This statement covers myself and my wife Barbara J. Ratchford:

William R. Ratchford Financial Statement

1983 Income:	
William R. Ratchford, salary, U.S. House of Representatives	$69,368.61
Barbara J. Ratchford, salary, Arlington Board of Education, Arlington County, Va.	21,552.45
William and Barbara Ratchford, rental income, summer home, Nantucket, Mass.	4,840.00
William, Barbara and sons, interest income, savings accounts	310.90
William and Barbara Ratchford, net income, real estate sale, Danbury	10,131.75
Total income	106,213.71
1983 Federal Income Taxes, Joint Return	24,421.92
1983 Virginia State Non-resident Taxes, Barbara Ratchford	824.06
Assets:	
Cash:	
Savings account—Connecticut Bank and Trust (Barbara and Scott)	77.69
Savings account—Connecticut Bank and Trust (Barbara and Brian)	76.84
Savings account—Wright Patman Federal Credit Union (William and Barbara)	134.53
Share Draft Account—Wright Patman Federal Credit Union (William and Barbara)	64.49
Checking account—First American Bank, Arlington, Va. (William and Barb)	1,963.00
Savings account—Connecticut Teachers Federal Credit Union (Barbara)	6.69
Money market account—First American Bank of Virginia (William and Barb)	4,544.87
Automobiles;	
1981Chrysler K/Car	4,000.00
1974 Buick	1,000.00
Household furnishing:	
Danbury, Conn., and Arlington, Va. homes	8,000.00
Nantucket summer home, Nantucket, Mass.	8,000.00
Other:	
Teachers' Retirement State of Connecticut and Arlington, Va., Barbara Ratchford	16,371.10
Congressional Retirement, William Ratchford	24,341.72
Real estate:	
Summer Home, Nantucket, Mass. (assessed value)	155,300.00
Total assets	223,880.93
Liabilities:	
Mortgages: Nantucket summer home, Nantucket Savings Bank	40,691.68
Notes payable: Wright Patman Federal Credit Union	2,181.46
Total liabilities	42,873.14
Total net worth	181,007.79●

TRIBUTE TO TRINITY EPISCOPAL CHURCH

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. BAIGGI. Mr. Speaker, on Sunday, May 20 Trinity Episcopal Church in my home district of the Bronx, will be celebrating their 110th anniversary. At this time I would like to pay tribute to Trinity Episcopal Church and the fine work it has done for the Bronx community.

Trinity Episcopal Church has a long history of service to the Bronx community. For 110 years it has stood as a spiritual center and has worked closely with its parishioners to provide them the spiritual guidance and religious enrichment in times of sorrow and joy. The history of Trinity Episcopal Church has been one committed to fulfilling the religious and spiritual needs of its parishioners.

Father Wendell Roberts has been the pastor of Trinity Episcopal for 34 years. During his 34 years of service Father Roberts has worked hard to keep up Trinity Episcopal's tradition of service and commitment to the Bronx community. An example of this commitment is the summer program for children run by Father Roberts. The program includes musical instruction and daily field trips to various educational and recreational facilities. Trinity Episcopal currently has about 400 members and together with the clergy they have worked hard to maintain Trinity Episcopal Church as a fine religious institution.

It gives me great pleasure to honor Trinity Episcopal on the occasion of their 110th anniversary. This anniversary not only marks 110 years of service but is also indicative of the important role Trinity Episcopal Church has played in the lives of its members. Those 110 years were undoubtedly marked with times of hardship as well as times of prosperity and joy. Through it all Trinity Episcopal has stood as a symbol of hope, love and understanding. I am proud to pay tribute to Trinity Episcopal on this momentous occasion and I am confident that Trinity Episcopal will continue to serve the Bronx community and continue to provide its parishioners with spiritual and religious guidance and enrichment.●

KANSANS DEMAND EQUAL TREATMENT FROM FTC

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. WHITTAKER. Mr. Speaker, the Federal Trade Commission is currently reviewing two multibillion-dollar oil mergers—the Getty/Texaco merger and the Socal/Gulf merger.

In both cases, the FTC has identified similar antitrust difficulties and entered into consent agreements with Texaco and Socal to address these problems. In both cases, the FTC has required Texaco and Socal to divest—to sell—certain assets, in particular refineries and retail markets. In both cases, the FTC has stated that the purpose of the divestitures is to insure the continuation of the assets as an "ongoing, viable petroleum refining and marketing business."

But the similarities end here, Mr. Speaker. In Socal/Gulf, the FTC requires Socal to enter into crude oil supply arrangements or crude oil reserve arrangements if that is necessary to sell the divested refineries to a viable buyer. No such protection is provided in the Texaco/Getty merger. In Socal/Gulf, Socal must hold separate all of Gulf's domestic assets—including its crude oil reserves—until such time as Socal has found buyers approved by the FTC for the properties Socal is ordered to sell. Again, no such protection is provided in the Texaco/Getty merger.

Mr. Speaker, the FTC owes the people affected by the Texaco/Getty merger no less protection than that afforded those involved in the Socal/Gulf merger. The Commission obviously has recognized the shortcomings of its approach in Texaco/Getty as evidenced by the proposed Socal/Gulf consent agreement. It is simply unconscionable to believe that the Commission, having practiced on the people of Kansas and New Jersey, will not require modification of the Texaco/Getty consent agreement—but all indications lead this Member to believe they will not.

Mr. Speaker, the principals evidenced by the hold separate agreement and the crude oil language in Socal/Gulf apply with equal force to

Texaco/Getty. The FTC must be made to recognize this simple truth and I applaud the efforts of our colleague, Congressman JIM FLORIO, chairman of the Subcommittee on Commerce, Transportation, and Tourism for his efforts in introducing H.R. 5452 and my fellow Kansan, Senator NANCY KASSEBAUM, for introducing S. 2589 which would put the brakes on all of these massive oil company mergers until the future of facilities like the El Dorado refinery in my district, and the Eagle Point refinery in Congressman FLORIO'S district, are insured. This legislation simply codifies the hold separate language embodied in the Socal/Gulf consent agreement negotiated by the FTC. If we allow these mergers to proceed before we find purchasers for the refineries, pipelines, terminals, and gas stations ordered sold by the Commission, the jobs of thousands of our constituents may be adversely affected.

I am heartened by Chairman FLORIO'S decision to hold hearings on H.R. 5452 next week, and I call upon our colleagues on the Senate Commerce Committee and the Senate Judiciary Committee to schedule hearings on the Texaco/Getty merger and S. 2589 as soon as possible.

Thank you, Mr. Speaker.●

REJECT THE VOLUME CAP ON INDUSTRIAL DEVELOPMENT BONDS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. CLINGER. Mr. Speaker, in a short time, the House of Representatives will go to conference with the other body on the deficit reduction legislation passed by each House. I want to commend my colleagues for having the courage to pass such legislation, most especially the "revenue raising" or tax provisions, in the midst of an election year. I do, however, want to urge my colleagues who will serve as conferees to support the Senate language that would eliminate a most dangerous provision in H.R. 4170: the $150 per capita volume cap on industrial development bonds (IDB's).

There is no question on the fact that this Congress must take swift and immediate action to ease the credit crunch caused by looming Federal budget deficits. Just this week, we saw the prime interest rate rise to 12½ percent, the highest since October 1982, which is just the latest of signs that budget deficits are particularly harmful in times of tight money supply.

A major stumbling block in working out the differences between House and Senate versions of the tax package will be the matter of State caps on IDB issues. The House bill contains a provision that would limit the volume of IDB moneys utilized by a State to $150 per capita based on the population of the State. This limitation causes severe hardship on the Commonwealth of Pennsylvania and her sister States in the Northeast and Midwest, that rely heavily on these bond issues for both industrial and commercial development.

In 1983, Pennsylvania approved $2.1 billion in IDB issues and student loan funds. If the cap becomes law, Pennsylvania would only be allowed to approve $1.8 billion, a decrease of $300 million. In a State which has yet to reap the full benefits of our nationwide economic recovery and where unemployment still rages much higher than the national average, we can hardly afford to pull the plug on the engines of economic development. How can we talk of shifting the responsibility of government from the Federal level back to the States and, at the same time deprive the States of the tools to remain economically viable? Certainly the deficit must be cut but not at the expense of economic revitalization in the areas hardest hit by unemployment and industrial decay.

There were many of us, Mr. Speaker, who voted for H.R. 4170 because it was part of a good-faith effort to reduce the budget deficit. Many of us did so reluctantly, deprived of the chance to vote separately on the harmful provisions relating to industrial development bonds. I now ask my colleagues who will serve as conferees to defer to the wisdom of the other body. Reject the volume caps on IDB's when the issue comes before the conference committee and give our States a chance at full and lasting economic recovery.●

THE 75TH ANNIVERSARY OF THE F. WILLIA DAVIS WOMAN'S CLUB, INC.

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. OTTINGER. Mr. Speaker, I rise today to pay tribute to the F. Willia Davis Woman's Club, Inc., of New Rochelle, N.Y., in my home, Westchester County.

"The church is one foundation" is an appropriate phrase to apply to this great club. It was out of the church that the club was born. In 1909, a little Missionary Circle of Bethesda Baptist Church had a president, the late F. Willia Davis, and some followers, among them, the late Martha Slaughter. They called a meeting in the home of the pastor and wife of Shiloh Baptist Church, the late Reverend and Mrs. William F. Slater for the purpose of organizing a mother's club, with Mrs. Nancy Slater as its first president. The idea was a good one and subsequently Mrs. Mary Smith, mother of the late J. B. Boddie, pastor of Bethesda, and Mrs. Martha Slaughter became presidents. After 4 years as the mothers' club with its purpose of "uplifting and improving conditions and instilling higher ideals with greater unity of sisterhood among all women in the community," the name of the club was changed in 1913 to the Colored Woman's Club, incorporated the same year.

To highlight the 1940's the club women turned their sights to purchasing a clubhouse. Financing such a project was startling, but not to Mrs. Tarleton and her followers. They turned their sights to 65 Rochelle Place, a house that was not made available to nonwhite buyers. However, through a representative of the State Federation, the late Mrs. Maria Lawton, whose ethnicity was not easily identifiable, negotiated in the club's behalf. The contract was signed, sealed, and delivered in the early 1940's. The fundraising events were many, to keep the payments on the $16,000 mortgage. In 1943 the gala opening of the clubhouse with 400 in attendance with Mayor Stanley Church's blessing was tremendous.

In the 1950's historic landmarks were made: The girls' club was organized under the leadership of the late Mrs. Vanilla Hines. The girls identified with the Empire State Federation of Girls. The girls are currently with Mrs. Coleman as adviser. The club house was remodeled to expand meeting rooms. The name of the club was changed to the F. Willia Davis Women's Club, Inc. The mortgage burning tea in September 1958 was a day for rejoicing. On May 15, 1959, the 50th anniversary was celebrated at the Parkway Casino with plaques to two charter members, the late Mrs. Martha Slaughter and the late Mrs. Marie Young. Gov. Malcolm Wilson was guest speaker, Mayor Vegara brought greetings from our city.

The club house has opened doors to accommodate young working women. The facility was made available for the meeting place to many organizations and civic groups. Programs of a cultural nature have been presented. The house has been used for young people's parties and meetings, dance classes, and the Urban League's counseling program.

F. Willia Davis has been outreaching to and supporting of many civic and national causes, including a life membership in the N.A.A.C.P., hospital volunteers, contributions to the United Way, gifts to the New Rochelle Boy's Club, Nellie Ruth Cooke Scholarships

to worthy students, N. R. Campership Fund, Martin L. King Day Care Center, Rennaissance, Wildcliff Museum, Rosary Hill, United Negro College Fund, New Rochelle Hospital, March of Dimes, New Rochelle Police Department, Urban League of Westchester, N.Y., Institute, Jennie Clarkson Home for Girls, Little League, Earle Williams Writing Project presenting of local artists to the community, and extending helping hands wherever needed.

The F. Willia Davis Woman's Club, Inc. draws courage and strength from the past years to meet the challenges of the 1980's.

I ask my distinguished colleagues to join me in honoring the F. Willia Davis Woman's Club on the occassion of its 75th anniversary of serving its community and county.●

UPHOLSTERED FURNITURE ACTION COUNCIL MEETING

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MARTIN of North Carolina. Mr. Speaker, I recently was privileged to have the opportunity to appear in my home State of North Carolina at the spring furniture market in High Point. I became impressed with the activity of the Upholstered Furniture Action Council [UFAC], the voluntary furniture industry organization which has for over 10 years improved on cigarette smolder resistance of upholstered furniture. Improvements, such as the heat-conducting welt cord, devised in recent years with the cooperation of the U.S. Consumer Product Safety Commission, have increased furniture safety. The Consumer Product Safety Commission recently completed tests of upholstered chairs to determine the effectiveness of the UFAC program, and will be reporting the results of those tests this summer. I am confident that reported correctly, those tests will demonstrate the progress made by the industry. In earlier years, prior to the appointment of Chairman Nancy Steorts, the Commission chose to report a test chair as having failed even if only 1 out of as many as 15 cigarettes ignited. This does not hold up statistically. A chair with 15 cigarettes should be reported as 15 separate tests to reflect a real-life situation. I would like to quote from the speech delivered by Consumer Product Safety Commissioner Scanlon at the UFAC meeting:

The UFAC program is cited by my fellow Commissioners in Public Commission meetings and before Congressional committees as a model of successful government/industry cooperation. I share that view as well. You have all heard that before, so let me raise a few new issues. Industry/government co-operation, of course, must be a "two-way street." What is industry's contribution to consumer safety, often at substantial cost, is a contribution to all of our society. The benefits, of course, reach primarily to those we all ultimately seek to protect, the consumers. One of the reasons I am an outspoken proponent of voluntary standards is that in this day of government cutbacks at most levels, "private sector resource" intensive efforts, such as yours are critical to accomplishing our mutually consistent goal of consumer safety.

The government has a special role to play in the partnership of regulator and regulated. We have a special obligation to ensure fairness in our dealing with both the business community and consumers. When a voluntary effort is successful, it is critical to reward that success. That is one reason I support the recognition of voluntary standards. But even more basic efforts can be made by fair treatment of industry. A prime example is the reporting of statistics; in particular the measurement of the improved fire safety in upholstered furniture.

The Commission, in a spasm of "fairness," has agreed to represent the statistics on furniture flammability in testing in two ways: chair-by-chair results and cigarette-by-cigarette results. I am concerned, however, that reporting results on a chair-by-chair basis, even juxtaposed to more appropriate cigarette-by-cigarette measurements, can lead to misunderstanding. Frankly, I see no statistical basis for reporting chair-by-chair when there are many cigarettes on each chair. No useful information is provided. This concern is especially serious because of the way the results may be interpreted. I believe responsible regulation requires more sensitivity to the reality of the marketplace and to the way testing results are reported that reflect that reality. The impressive work of the Upholstered Furniture Action Council toward consumer safety is a good place to start.●

LOOPHOLE OF THE WEEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Ms. KAPTUR. Mr. Speaker, some corporations and industries play the loophole game so well that they avoid paying taxes altogether. The "loophole of the week" is the lack of even a minimum tax on corporations.

The list of refund recipients includes some of this Nation's largest and most profitable companies. According to information compiled by Bob McIntyre of the Citizens for Tax Justice, a number of large corporations paid no taxes. One company, for example, received refunds of $250 million in 1981 and 1982 even though its 2-year reported profits totaled $3.5 billion.

The ability to use loopholes to avoid taxes often extends beyond specific companies to entire industries. In 1982, the aerospace, chemicals, financial institutions, and insurance industries all received net tax refunds. In comparison, the troubled rubber and metal products industries pay at a tax rate of more than 30 percent.

It is inequitable that some companies pay substantial taxes while others do not. It also distorts the economy, as individual corporations and entire companies receive unjustified subsidies.

A minimum tax on large corporations would curb the greatest distortions caused by the proliferation of corporate loopholes. All companies should pay their fair share of taxes.●

SANTA MONICA HISTORICAL SOCIETY HONORS RIDES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. LEVINE of California. Mr. Speaker, this week the Santa Monica Historical Society will hold a special salute to Sally Ride and her parents Joyce and Dale Ride.

This Santa Monica Historical Society is an outgrowth of Santa Monica's 1975 Centennial. The goals and objectives of the society are to collect and preserve historical material and to provide educational programs designed to make the community aware of its history and culture.

It is appropriate for Santa Monica to feel especially proud of Sally Ride, our first woman astronaut, as the Ride roots in Santa Monica go back many years. Sally's grandparents, Tom and Jennie Ride, moved to Santa Monica in 1924. My friends Dale and Joyce Ride continued the Ride tradition as outstanding members of the community. Dale is presently assistant to the president at Santa Monica College and a member of the California State University Board of Trustees.

With the uniques guidance of two remarkable parents Sally has become an example of the bright young future of America.

It is with pleasure that I bring the Santa Monica Historical Society's Salute to Sally Ride and to the attention of my colleagues and invite all citizens to join in this year long celebration.●

SERTOMA'S FOUNDATION

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. WHEAT. Mr. Speaker, during the month of May, which is recognized as Better Hearing and Speech Month, it is appropriate to acknowledge the work of Sertoma's Foundation in developing a public education program in hearing conservation.

Sertoma is a civic organization of 35,000 members in three countries, the

United States, Mexico, and Canada. There are 850 clubs in the United States alone. These service-oriented clubs principally help people with speech-language-hearing disabilities. Sertoma is an acronym for Service to Mankind. It was founded in Kansas City in 1912 and is one of the oldest of civic organizations.

When the Office of Noise Abatement and Control under the EPA was abolished in 1982, Sertoma accepted the challenge of embarking on a 10-year public awareness project entitled "Quiet Pleases."

It is believed that overexposure to excessive noise damages a person's hearing. By placing themselves in noisy environments or subjecting their ears to high volume music, youngsters might well be causing themselves irrevocable hearing damage. Educating our young people about the possible dangers has become Sertoma's first priority.

Sertoma has invested some $25,000 in the initial project, not including staff time and expenses. This money has been donated to the Foundation by over 100 member groups committed to the project. The clubs, in addition to donating money, have also taken responsibility for implementing the program in their own communities and school districts.

The project has been successful since its inception in 1983. In the Kansas City area, for example, the Sertoma Foundation's video tape discussing hearing loss due to noise levels was aired on channel 19, the local public television station. In conjunction with the television program, materials were distributed to our school systems. In one day, over 72,000 school children were reached with the message about how excessive noise can harm their hearing. Success stories like this are being reported all over the country.

I believe that it is very appropriate for Sertoma to be accorded the recognition of this Congress for its effective efforts in public education about the dangers of exposure to excessive noise and for its creative efforts to carry this message to our Nation's youth.

Sertoma's Foundation is planning additional modules in its "Quiet Pleases" program, with the next being directed to older Americans. Our recognition of the work Sertoma has done to date will spur the clubs to further achievements.●

JAPANESE GOVERNMENT ELIMINATES TARIFF ON U.S.-PROCESSED FEATHERS AND DOWN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. LANTOS. Mr. Speaker, I am delighted to announce to the House that the Japanese Government has decided to eliminate the 5-percent tariff it imposes on U.S.-processed feathers and down. This down tariff was lifted along with 66 other items in a package announced by the Japanese Government on April 27.

In 1983, Japan imported $120 million of down, but less than 4 percent came from the United States. Most of those imports were from China and Taiwan, and feather imports from those countries are not charged a tariff by Japan. The Japanese action is viewed as recognition of down as a commodity. This recognition allows down to finally have uniform tariff rates applied to its sale in an effort to prevent market distortion. This tariff lifting will significantly aid U.S. down suppliers and duck farmers.

Mr. Speaker, it has been my pleasure to cooperate with United Feather & Down, Inc., a leading down processor, in working with the Japanese Government and the U.S. Trade Representative in this successful effort to encourage the changes that have just been announced by the Japanese. I would like to pay tribute to two executives of United Feather & Down who are instrumental in bringing about these changes—Mr. Norman C. Belfer, chairman, and Benjamin Belfer, vice president.

It is gratifying to see this action after 2 years of negotiations with Japan. This is truly an example of international governments cooperating to encourage the development of trade. This change in Japanese tariff regulation will stimulate the growth of the down industry in the United States.●

NETWORK PROJECTIONS AFFECT CALIFORNIANS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. EDWARDS of California. Mr. Speaker, on June 5, Californians will be going to the polls to cast their votes for their Presidential preference. They will also decide how 209 delegates will be apportioned to the Democratic hopefuls. The Nation's eyes will be focused on California on that day. Everyone would like to see a large voter turnout. However, no one can ignore the detrimental effects the network projections have had on previous Presidential primaries and caucuses.

Because of these harmful practices by the networks and because of their reluctance to change them, the Honorable March Fong Eu, California's respected secretary of state, has written to all three television networks asking them to refrain from making projections or reporting trends prior to the polls closing at 8:00 p.m.

I sincerely hope that the networks will read this letter with interest and elect not to ignore the concerns of California's secretary of state.

I would like to share this very direct letter with my colleagues.

The letter follows:

Let me get right to the point: I am sick and tired of the networks interfering with the outcome of election contests by "projecting" results prior to the closing of the polls. I know you have heard all of this before. Frequently the response to the concern is that you don't project until the polls have closed. Nonesense. Repeatedly during the current election cycle, in state after state, various networks have jumped the gun.

June 5, 1984, is election day in California. The outcome of the Democratic Presidential Primary is apt to be crucial. The polls close at 8:00 p.m. What is the possibility of your holding off until 8:00 p.m. before giving us the "trend," "the projection," the "results"? The exercise of a little civic responsibility by the networks in this regard would be a newsworthy item, indeed. Go ahead, make our day. Please.

Sincerely,

MARCH FONG EU.●

BIRTH NOTED

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. KOLTER. Mr. Speaker, I would like the Congress to recognize a significant event in the life of one of the community leaders in my district. Mr. Ray Hodor, who is active in many ways in serving Armstrong County in my congressional district, received the word that he is now a grandfather. Matthew Vincent Toney was born to Lisa Anne and Joseph Toney on May 5. Congratulations are in order for grandparents Ray and Audrey Hodor and Joseph and Mary Toney.●

CONGRESSWOMAN MARGE ROUKEMA PAYS TRIBUTE TO MARY JOSEPHINE KASZKIEWICZ

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mrs. ROUKEMA. Mr. Speaker, I am introducing a bill today which would grant citizenship posthumously to Mrs. Mary Josephine Kaszkiewicz of Washington Township.

Mrs. Kaszkiewicz came to this country as a Polish immigrant in July 1907; 2 years later she married another immigrant, Anthony Kaszkiewicz. In 1926, her husband was granted citizenship, and it was Mrs. Kaszkiewicz's understanding that she too automatically became a citizen. Unfortunately, the laws had changed 4 years earlier requiring both husband and wife to become citizens separately.

Mrs. Kaszkiewicz lived a long, full life but was frustrated that she was not yet a citizen. She had attempted to gain citizenship several other times during her life, but was never able to complete the process; 2 months ago, this fine women, with limited English skills, failing hearing, but a strong will, began her final attempt to gain citizenship of the country she so loved. There was nothing which outwardly could hold this dream from Mrs. Kaszkiewicz. She had completed all the paperwork, answered all the questions, and was practicing the Pledge of Allegiance, and the names of the Presidents the night of her death.

Tragically, she died the night before her citizenship could be confirmed. Mr. Speaker, these are extraordinary circumstances. This was a woman who exemplified the finest of what is American, and she was denied fulfillment of her dream only hours before citizenship was to have been bestowed. Ours is a nation of immigrants and our country would have been enriched if Mrs. Kaszkiewicz could have become a citizen. The United States can still realize that enrichment if we grant this well-deserved citizenship posthumously.

I have been in touch with members of the Judiciary Committee and have been told that this is without precedent. I introduce this legislation today knowing full well of the committee's doubtful attitude, but I feel strongly that I should proceed because of the enormously important symbolism of the legislation and of what Mrs. Kaszkiewicz stood for.

New Jersey Assemblyman "Chuck" Haytaian has been instrumental in bringing attention to this case. I am proud to join with him in this effort.

For her family, and the citizens of New Jersey who were touched by Mary Josephine Kaszkiewicz's story, I request that citizenship be bestowed on this fine woman.●

NATIONAL POLICE WEEK

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MINISH. Mr. Speaker, I rise today to honor an important segment of our society: our law enforcement officers. Next week, May 13–19, is designated as "National Police Week." It is appropriate to express our appreciation for the essential services which police officers provide throughout our country. The serenity and security we enjoy in our communities is due to the fine efforts of our police forces.

During National Police Week, May 15 has been specially selected as "Peace Officers' Memorial Day." This is a day to pay special tribute to the many officers who have died in the line of duty. Until we hear a tragic story about a slain officer, I think we may often take for granted how truly dangerous a police officer's job is.

Unfortunately, just this week in my home State of New Jersey, Carlos Negron, a State trooper, was gunned down while he attempted to help some people whose van had run out of gas. Officer Negron was a dedicated State trooper who was routinely doing his job last Monday when tragedy occurred. I would like to extend my sympathies to his widow and young son.

The unacceptable number of police officers who die in the line of duty each year is one reason why I have sponsored a bill to outlaw cop killer bullets. This ammunition seriously endangers the safety of our law enforcement officials. Killer-bullets, as they are known, are capable of penetrating the equivalent of 18 layers of Kevlar, which is the standard composition of most bulletproof police vests.

Ironically, these bullets were originally manufactured for use by law enforcement personnel, primarily to shoot at moving vehicles. However, the vast majority of police departments do not use them because they are too dangerous. Among other drawbacks, these bullets can easily ricochet which makes them especially dangerous in crowd situations.

According to a Federal report, soft body armor, has been credited with saving the lives of an estimated 400 police officers, since it first was used by law enforcement personnel in the mid-1970's. However, unless the sale and use of so-called cop killer bullets are eliminated—police officers will continue to be at this unwarranted risk in their pursuit against crime.

I would like to commend my colleague from New Jersey, Mr. HUGHES, who in his capacity as chairman of the Crime Subcommittee will be holding hearings next week on the important issue of "killer bullets." I would also like to thank my distinguished colleague, from New York, Mr. BIAGGI. As a 23-year veteran of the New York Police Department, he is our "police officer in residence" in the House and he helps to keep us all apprised of important issues facing the law enforcement community.

Mr. Speaker, National Police Week is an important occasion when all our citizens should express their gratitude and appreciation for the men and women who protect our lives and property on a daily basis.●

ASIAN-PACIFIC HERITAGE WEEK MAY 4 TO 10

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MARTINEZ. Mr. Speaker, it is an honor and a pleasure to give recognition to the Asian-Pacific Americans in celebrating their heritage week, May 4 to May 10.

America's strength is in her diversity. From the association of many different cultures under the banner of freedom this Nation has become the most powerful on Earth. Asian-Pacific Americans have, through their labor and their dedication, built the canals and the railroads and the boomtowns which helped America realize its economic might. They have fought beside other Americans of different descent to preserve our rights as a nation dedicated to the equality of all people. I am proud to do them honor during Asian-Pacific American Heritage Week. America does herself honor as well; for where else but in America, in this great House of Representatives, may the child of one ethnic culture rise to honor the courage and contributions of another.

Asian-Pacific Heritage Week is a time for us all to reflect on our origins as well as our togetherness.●

HUMAN RIGHTS AND CIVIL LIBERTIES ABUSES IN ZIMBABWE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. LEWIS of California. Mr. Speaker, with the current amount of legislative concern and attention leveled at El Salvador, I fear that we have closed our eyes to the record of many other nations who receive U.S. aid with equal, or in many cases, worse histories of human and civil rights abuses.

Among the many nations who will be recipients of U.S. foreign aid this year, the Marxist state of Zimbabwe deserves particular attention. In the last 4 years since the establishment of Marxist rule, the United States has sent over $200 million in economic and developmental aid to this African nation. Yet the activities of the ruling government during the same period of time, especially in the last several months, have been in direct contradiction to the espoused standard upon which our foreign aid is based.

Since the new year, the Government of Zimbabwe has systematically committed a number of abhorrent atrocities against its own citizens under the umbrella of attempting to control a local guerrilla insurgency. Centralized primarily in Matabeleland, home of chief opposition leader Joshua Nkomo, the North Korean-trained 5th Brigade of Zimbabwe's Army has been accused of murdering, raping, and terrorizing the local inhabitants while ostensibly searching for opposition forces.

In support of these allegations, Zimbabwe's Roman Catholic bishops have compiled details of these Government atrocities in the region since the institution of a military curfew on February 3 of this year. Since that time, the bishops maintain eyewitness accounts support charges that:

Government troops have killed, kidnaped, beaten, illegally detained, raped, and intimidated through force those living in Matabeleland.

Most of these crimes have occurred during Government interrogations of suspected opponents or those who deny knowledge of guerrilla or dissident whereabouts. According to the report, a number of those detained by the military have never returned home, adding, "There are reports of torture by electric shock and other means."

Several priests and lay workers have either witnessed or spoken with those who have witnessed murders by Government forces: 22 civilians murdered on February 3, 65 miles south of Bulawayo at the Minda Mission and some 2 to 3 killings a day taking place near St. Joseph's Mission, also near Bulawayo.

The bishops also charge that soldiers had brutally raped an 18-year-old girl before "knifing her in her genitals."

According to additional eyewitness accounts, the Army has adopted a "policy of starvation" by restricting the number of hours a day that food stores and stands may be open. As a result, food shortages in the region are rampant. Villagers maintain they were told they "would first have to eat their chickens, then their goats, then their cattle, then their own children."

Reports have also leaked out of the region that more than 2 dozen villagers were summarily executed, hundreds beaten or tortured while almost 2,000 have been detained. Villagers living near the abandoned Antelope gold mine located in the old military curfew zone have told journalists that Government forces came every night to dump bodies down the deserted mine shaft.

In addition to these obvious abuses of human liberty and dignity, the Marxist government of Robert Mugabe has successfully eliminated all vestiges of potential opposition through coercion and is now close to establishing a one-party rule in Zimbabwe, a goal which Mugabe has consistently affirmed.

Freedom of the press is tightly restricted, with foreign journalists being kept out of troubled areas. The domestic press is also censured, with the controlling portions of all major newspapers owned by the Government. Editorial independence virtually does not exist.

In the awarding of foreign aid to El Salvador, we have applied a strict standard that requires constant improvements in that country's domestic and human rights policies which we judge to be a positive nature. Strangely, we have accepted a double standard which has done much to harm this Nation's credibility with our allies and enemies alike. For we close our eyes to the real human suffering occuring in many other recipient countries, a number of whom are Marxist by the way, while hurting those countries who are making legitimate steps toward a more democratic rule.

In an attempt to bring some semblance of fairness and order to the current standard we apply, I offered an amendment before the House which would have required the President to certify legitimate human and civil rights progress in Zimbabwe and the subsequent acceptance of that report by the Congress before any funds could be expended for that country. Though I subsequently withdrew this amendment, it remains important for the House to consider the importance of standardizing this country's approach to the question of human rights and foreign aid. Surely the standards of conduct and improvement which this body has deemed vital to the progression of human rights in El Salvador are equally valid and important to the people of Zimbabwe. I have inserted in the RECORD an article from the New York Times which paints a vivid picture of the human rights abuses of the current Marxist government of Zimbabwe. I believe my colleagues would be well advised to read it.

[From the New York Times, Apr. 16, 1984]

ZIMBABWE BISHOPS DESCRIBE DETAILS OF ATROCITY CHARGES

BULAWAYO, ZIMBABWE, April 15 (Reuters).—Zimbabwe's Roman Catholic bishops offered details today of what they said were atrocities committed by Government troops fighting rebels in southern Matabeleland.

The details of the atrocities the bishops said have been committed since a curfew was clamped on the area Feb. 3 were in a report made available today here in Matabeleland's provincial capital. The bishops sent the report to the Government April 2.

Prime Minister Robert Mugabe's Government has denied the charges. At a news conference here Saturday Mr. Mugabe accused the bishops of supporting rebels and the opposition leader Joshua Nkomo, and said they should stay out of Government affairs.

Last Monday, a week after Mr. Mugabe received the report, the Government said the dissident threat in the area had been checked and eased the clampdown. Shops were ordered to reopen and buses and other forms of transport were again allowed to operate there, but a curfew remains in force.

RAPE, TORTURE AND KILLINGS

In their report, complied from accounts by churchmen and other residents of Matabeleland, the bishops said people had been killed, kidnapped, tortured, raped, beaten and threatened by Government troops.

The bishops said civilians in southern Matabeleland, where some 500,000 people of the minority Nedebele tribe live, had been beaten on suspicion of opposing the Government or for denying knowledge of dissidents' whereabouts.

Many people were taken for interrogation but never came home, the bishops said, adding, "There are reports of torture by electric shock and other means and killings."

The report quoted a man at St. Joseph's mission, 90 miles south of Bulawayo, as saying troops had killed two or three civilians a day since Feb. 3. A Catholic priest at Minda Mission, 65 miles south of here, had received names of 22 civilians reported killed by security forces since Feb. 3, it said.

The report said soldiers had beaten people and raped an 18-year-old girl before knifing her in her genitals.

"Commanders gave the impression that it is the policy of the army to make all the people in the area suffer because of the dissidents," the report said. "A policy of starvation became clear when the commanders told people they would first eat their chickens, then their goats, after which they would eat their cattle and then their own children."

The report recommended that the curfew be lifted and that the Government begin a "serious dialogue" with Mr. Nkomo's Zimbabwe African People's Union and other opposition groups.●

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. GLICKMAN. Mr. Speaker, as part of this year's Call to Conscience Vigil, I rise today to express my continuing concern for refusenik Dr. Viktor Brailovsky. For the past 6 years I have protested the Soviet Union's injustice to this man. For nearly twice that length of time, Dr. Brailovsky

and his family have sought, unsuccessfully, to emigrate to Israel.

Active in Jewish cultural and emigration movements since first applying to emigrate in 1972, Dr. Brailovsky and his wife Irina, together with their son and daughter, have been constantly and unjustly harassed by the Soviet Government. The doctor himself was arrested several times and spent 11 months in jail before his final arrest in 1981 and subsequent sentencing to 5 years of internal exile. The charges resulting in his exile were brought under article 190-1 of the RSFSR Criminal Code dealing with "defamation of the Soviet State," a provision well known for its broad use in prosecuting persons who express opinions not to the Soviets' liking.

Recently, after serving 3 years of his sentence, Dr. Brailovsky was released from his exile in the central Asian Republic of Kazakhstan and reunited with his family in Moscow. This news, of course, is heartening, however, Dr. Brailovsky and his family still await permission to join the doctor's brother in Israel.

The Soviet Union's case against Dr. Brailovsky and its denial of permission to emigrate is a flagrant and deplorable violation of the Helsinki pact, which the Soviets have signed. I urge the Soviet Union to cease its denial of human rights to the Brailovsky family—and countless other Jews—and grant them their long overdue permission to emigrate to Israel.●

TRIBUTE TO AN OUTSTANDING MENTAL HEALTH ACTIVIST

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mrs. BOXER. Mr. Speaker, I rise today to share with my colleagues the outstanding contributions of one of my constituents, Mr. Bill May.

Bill has been an outspoken advocate on behalf of patients within the San Francisco mental health system. As a founding member of the San Francisco General Hospital Board, Bill has taken a leadership role in educating his fellow board members on the importance of community input into mental health planning decisions. In addition, Bill has offered his own political clout to assist in launching long delayed projects such as the psychiatric emergency services, advising mental health staff on program development and representing a community perspective on the mental health advisory board.

In addition to his years of service to the mental health community in San Francisco, Bill May was also a pioneer in the struggle for civil rights for gay people in San Francisco. He was a leading member and officer in the Society for Individual Rights (SIR) in the 1960's when such activity was in its earliest days. Through Bill May's hard work and couragous activism the society was able to make a significant contribution to public understanding and support for the protection of the civil rights of gay people.

Bill May is a man of integrity and conviction. His services on behalf of the citizens of San Francisco and the patients in San Francisco General will long be remembered. And on Thursday, May 17 in San Francisco, Bill May will be honored by his fellow board members, community activists and friends.

I am proud to be a part of this salute.●

TRUE INTENTIONS

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. KOLTER. This past Sunday, we all learned the Reagan administration's true intentions regarding social security benefits. Treasury Secretary Donald Regan announced that cutting benefits for certain senior citizens is the only way to manage the social security retirement.

Last April, the President and the Congress combined their efforts to pass legislation which all agreed would keep the retirement system solvent. But now the White House has signaled us that they think we should cut benefits. It seems that old habits are hard to kick. The Reagan administration has not lost its antagonism toward social security, despite our bipartisan efforts of last April.

Every American should view Secretary Regan's comments as a game plan for a second Reagan administration, should there be one. It is clear to me that the White House postelection strategy will include an attack on social security benefits.

Trusting the Reagan administration to protect social security is like asking a fox to look after your henhouse.●

NATIONAL VOLUNTEER RECOGNITION WEEK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. PACKARD. Mr. Speaker, in the spirit of National Volunteer Recognition Week, I would like to commend the thousands of dedicated volunteers that work in the spirit of sharing within the 43d Congressional District of California. I know that many service and civic organizations, schools, and hospitals receive invaluable assistance through the able and timely assistance of our wonderful volunteer force.

My congressional offices both in my district and in Washington, D.C., have benefited greatly from the dedicated efforts of a special group of volunteers: the senior citizens who have participated in my senior citizen intern program. I would like to take this opportunity to express my sincere appreciation to the following individuals: Tom C. Beals, Louise E. Gatterdam, Liz Kahn, Joan King, and Henriette M. Lane of Carlsbad; C. Louise Becker, Frederick A. Carroll, Jean E. Kreinbihl, Arthur J. Hoffman, and Frank H. Pearce of Oceanside; John A. "Al" Fostvedt, Dorothy S. Johnson, Marjorie A. Kearns, Frank Koch, and Marden A. Netzel of San Marcos; Ruth S. Lipscomb of Vista; Helen G. Dodson of Encinitas; C. W. Sartor of Cardiff-by-the-Sea; and Leo Fessenden and Dee Hedborg of San Clemente. Tom Beals and Leo Fessenden have participated in the senior intern program in my Washington office this week, and all of the people I have mentioned have been major assets to my district offices.●

RECOGNIZING THE NATION'S SMALL BUSINESS MEN AND WOMEN

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. SMITH of Florida. Mr. Speaker, this week has been set-aside as Small Business Week. It is most appropriate to recognize the Nation's small business men and women when we consider the major role that small businesses play in the economic life of the United States.

Small businesses contribute to the U.S. economy in several ways. They account for nearly half of the total sales generated annually in the private sector. They account for most of the new jobs that are generated and also for a large proportion of the Nation's technological innovations. The small business sector is the most competitive and dynamic business sector.

During the past several years, however, small business firms have faced major obstacles ranging from indefensibly high interest rates to lack of access to adequate commercial credit to the disadvantages built into the Federal procurement process.

To provide a healthy economic environment so that small business can continue to grow and prosper. Congress, with my support, has enacted legislation which relieved small firms from unnecessary regulation and paperwork, mandated that 10 Federal

agencies make R&D awards to small firms, and required that Federal agencies allow a longer period for responses to bid requests.

The men and women who will are being honored this week for their accomplishments have shown a remarkable ability to respond to changing circumstances, no matter how difficult they may be. They deserve our respect and support.●

RESOLUTION SUPPORTING NICARAGUAN BISHOPS' PLEA FOR NATIONAL RECONCILIATION

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MACK. Mr. Speaker, last night, in his televised address to the Nation, President Reagan said quite accurately that the bottom line about America's involvement in Central America is: "Will we support freedom in this hemisphere or not?"

If the House were true to America's traditions, there would be no question or hesitation on this question.

America, unique among all nations of the world, was established with freedom as a fundamental right bequeathed to all men. That this is true, there can be no doubt.

Nor can there be any doubt that this has served as the basis of America's foreign policy. The recent emphasis upon human rights is nothing but an expression of the fact that America stands for freedom and those institutions designed to support it. Whether we speak of Wilson's 14 points, Roosevelt's 4 freedoms, or Truman's declaration that the United States will "defend free peoples everywhere," the message is the same: America stands for freedom and we have a kinship with all who struggle in its cause.

Thus, I applaud the President's speech and urge my colleagues to support his efforts to bring peace with freedom to our friends in Central America.

And, just as importantly, I applaud the President's support of the Catholic Bishops of Nicaragua in their effort to bring about a national reconciliation. In the course of his speech last night, President Reagan said: "On Good Friday, some 100,000 Catholic faithful staged a demonstration of defiance." He went on to say, "You may be hearing about that demonstration for the first time. It was not widely reported."

What was even less widely reported was the fact that on Easter Sunday, 3 days later, the Catholic Bishops of Nicaragua issued a pastoral letter on reconciliation in which they called upon the Government of Nicaragua to engage in conciliation talks with all the struggling factions in Nicaragua. This letter stated:

The road though which social peace can be achieved necessarily leads through dialog. All Nicaraguans inside and outside the country should participate in this dialog, regardless of ideology, class, or party position. What is more, we feel that Nicaraguans who have risen in arms against the government must participate.

A similar appeal was issued by Pope John Paul II during his visit to Nicaragua last year when he called for a sincere dialog among all the contentious parties.

It is my judgment that these efforts to bring about a lasting peace and a just society for all Nicaraguans deserves to be supported. For this reason I am today, along with my distinguished colleagues—Mr. HYDE from Illinois and Mr. GINGRICH from Georgia—introducing a sense of the Congress resolution that the President exercise whatever authority he may have to support the efforts of the Catholic Bishops of Nicaragua to bring about a national reconciliation between the struggling factions in order to establish a climate of democratic harmony.

It is our judgment that the efforts of the Catholic Bishops of Nicaragua to bring about a lasting peace and a just society for all Nicaraguans deserves to be supported. I urge my colleagues on both sides of the aisle to cosponsor this resolution, and to give their support to a process vital to both the people of Nicaragua and the defense of freedom in this hemisphere.●

A TRIBUTE TO COL. HOWARD R. VAUGHAN

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. SHELBY. Mr. Speaker, a very dear friend of mine is retiring from military service to this country after serving 30 years in the U.S. Air Force Reserve. I would like to take this opportunity to recognize and pay tribute to Col. Howard R. Vaughan, of Montgomery, Ala., for his outstanding dedication and devotion to the U.S. Air Force.

Maj. Gen. James P. McCarthy, Director of Legislative Liaison, will present to Colonel Vaughan the award of the Legion of Merit, at a retirement ceremony on Friday, May 11, 1984. Following is a look at Colonel Vaughan's eminent military career, prepared by General McCarthy, that I would like to share with my colleagues in the House of Representatives:

COL. HOWARD R. VAUGHAN

Colonel Vaughan distinguished himself by exceptionally meritorious conduct in the performance of outstanding services to the United States as Mobilization Augmentee Chief, Congressional Legislation Division, Directorate of Legislative Liaison, Office of the Secretary of the Air Force, the Pentagon, Washington, D.C., from 7 July 1979 to 9 May 1984. Colonel Vaughan's tour as the Chief Legislative Attorney (Reserve) for the Air Force culminates a long and distinguished career as an Air Force Reserve officer. During the 96th, 97th, and 98th Congress', he was chiefly responsible for the passage of key personnel legislation necessary to successfully implement the Air Force mission. Working with the Committees of the Senate and House, Colonel Vaughan consistently presented the DOD viewpoint on many sensitive pieces of pending legislation in a convincing and diplomatic manner. It was of the utmost importance that the Congressional staffs and members understand and accept the reasoning behind the DOD position.

Colonel Vaughan was responsible for orchestrating Air Force participation in the personnel portion of the annual DOD Authorization hearings. His endeavors helped to ensure that Air Force witnesses were properly prepared and fully responsive to the needs of the Committees. These effective presentations gained untold support for Air Force programs. Likewise, his ability to foster personnel relationships with key Congressional members enabled him to persuasively and effectively present the Air Force position on key issues. During his tenure, he was a key member of the team effort which resulted in defeating the 1983 Garcia Amendment to the Fiscal Year 1983 DOD Authorization Bill which would have eliminated enlisted aides for general officers, curtailed veterinarian services for dependents, limited the use of Air Force teletype equipment to priority traffic and substantially raised the prices of meals served in Executive Dining rooms in the Pentagon.

Likewise, he used his manifold talents to limit the impact of the recently passed Former Spouses Protection Act, helping to return a measure of reason to this legislation. His efforts on behalf of Reserve officers can be seen in the presently pending Reserve Officer Personnel Management Act (ROPMA) which, when enacted, will streamline for our Reserve forces those management practices and procedures necessary for procurement, sustainment and separation of Reserve officers. Working closely with the Deputy Assistant Secretary of the Air Force for Reserve Affairs, he was instrumental in the passage of legislation which raised the death and indemnity compensation paid to survivors of deceased Civil Air Patrol members. He worked on increasing the Servicemen's Group Life Insurance coverage for military personnel and their beneficiaries from $20,000 to $35,000; legislation which was enacted in October 1981. As the liaison officer for the above cited legislation, Colonel Vaughan consistently developed procedures and techniques which ensured that favorable Congressional action resulted in each case.

As a result, Colonel Vaughan was well known on Capitol Hill as "the man who got things done" and in the process earned the respect and confidence of all the Congressional staffers and members with whom he came in contact. Colonel Vaughan's long, varied, and illustrious career as an Air Force Reserve officer has resulted in his becoming a recognized authority in the field of legislative matters. He can be expected to continue his support of a strong national defense and should be considered a national resource for possible mobilization in case of any future national emergency. The singularly distinc-

tive accomplishments of Colonel Vaughan culminate a distinguished career in the service of his country and reflect great credit upon himself and the United States Air Force.

Colonel Vaughan is highly respected in the civilian arena as well as in the military. For the past 20 years he has been associated with Liberty National Life Insurance Co., headquartered in Birmingham, Ala. Presently, he is now vice president of governmental relations with the company, a job that keeps him extremely busy traveling between Washington, D.C., and his office in Montgomery.

Prior to accepting his position with Liberty National, Colonel Vaughan served as a special agent with the Federal Bureau of Investigation from 1962 to 1964. During this time he performed in an exceptional capacity and was recognized for his leadership talents.

Colonel Vaughan, a native Alabamian, was born in Birmingham, Ala. He received a B.S. degree from the University of Alabama and his LL.D. from the Birmingham School of Law.

He is married to the lovely Elizabeth Ann Stringfellow, and they have a son, Howard R. Vaughan, Jr.

This is just a small insight into this fascinating man. I have worked with Colonel Vaughan on many occasions throughout our long association with each other. He combines all of the qualities that a good friend, businessman, and military officer should have, such as honesty, respect, dedication, skill, background, knowledge, and a willingness to apply himself to the task at hand.

Colonel Vaughan is truly an outstanding individual. His devotion and service to his company, the U.S. Air Force, the State of Alabama, and his family, are worthy of the highest praises. He is a fine example of an individual who makes his community a strong, healthy, and safe environment in which to work and live.

It is a real pleasure to know this individual and I wanted to share these words of recognition with my colleagues in the House of Representatives. I wish for Colonel Vaughan all the very best upon his retirement from the U.S. Air Force Reserve. I know his presence will be missed, but his past accomplishments and efforts will never be forgotten. This kind of service exhibited by Colonel Vaughan should serve as an example to us all.●

PERSONAL EXPLANATION

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. McCANDLESS. Mr. Speaker, during consideration of H.R. 5119 in the Committee of the Whole, I missed one recorded vote, since I was at the White House, reporting to the President as a member of the official U.S. Commission to observe the election in El Salvador.

Had I been present, I would have voted "aye" on rollcall No. 134, and I ask unanimous consent that this statement appear in the permanent RECORD.●

TRIBUTE TO MILES LABORATORIES, INC.

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. HILER. Mr. Speaker, today I would like to pay tribute to one of our Nation's leading health care companies, Miles Laboratories, Inc.

In 1884, Dr. Franklin L. Miles, a country doctor, who had been practicing medicine for some years in Elkhart, Ind., establised the Miles Medical Co. to give wider distribution to some of his home remedies. Today the people of Indiana are observing the 100th anniversary of this company, Miles Laboratories, Inc., which has developed into one of our Nation's leading health care companies.

Tonight in South Bend, Ind., approximately 900 leaders from government, business, and education will join with the Miles executive leadership from around the world in marking this historic occasion. Relatively few businesses survive to celebrate a 100th anniversary. The anniversary celebrated on this date by Miles Laboratories is a tribute to the men and women who have contributed so much, set by step, to make this company a vibrant, forward-looking and ethical organization.

Those of us from the Hoosier State are especially proud that Miles Laboratories planted its roots in Indiana—and Elkhart in particular—and even though it has evolved into $1 billion a year industry with approximately 12,000 employees worldwide, it continues to nourish its roots in Indiana.

The quality of health care for people everywhere has been a continuing concern of Miles as it has branched out through the years to develop new products. Miles was able to develop new technologies—beginning with the technology of effervescence, which in 1931 led to Alka-Seltzer. With the addition of Dr. Walter Compton to its staff in 1938, as director of research and medical affairs, Miles was on its way to becoming a research-oriented corporation.

Miles has been an innovator in the health care field developing a variety of new technologies, including vitamins, diagnostic aids, citric acid, and industrial enzymes.

In addition to its corporate headquarters and manufacturing facilities in Indiana, Miles operates facilities in nine other States including Connecticut, Washington, California, North Carolina, Kansas, Illinois, New Jersey, Ohio, and Wisconsin. About 60 facilities are in different countries, and Miles products are sold in more than 140 countries.

One of the first events on this week's schedule of centennial activities was the dedication of the Miles Centennial Footbridge over the St. Joseph River, linking Island and Pulaski Parks in Elkhart. How appropriate it is that this gift by Miles Laboratories to the people of Elkhart be this bridge—a symbol of unity and partnership with this friendly town of 42,000.

Dr. F. J. Geks, chairman and chief executive officer of Miles, declared upon announcing this centennial gift to the city:

> Miles likes Elkhart. And Miles has proved to the world that you don't have to be in a metropolitan center to become a billion-dollar company, but that a community of 40,000 will do just fine. Successful business operations are often a matter of building bridges—bridges between countries. Bridges between cultures, and bridges between the company and the community.

On this noteworthy occasion, I ask the Members of the House to join with me to salute the Miles Laboratories family in Indiana, throughout this great land and across the world. We congratulate all those who have helped this company reach its 100th anniversary. It is a tribute to the vision and courage of not only Dr. Franklin L. Miles, its founder, but to many others who laid the foundation for its many contributions to the good health of people everywhere.●

SMALL BUSINESS WEEK

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. BOEHLERT. Mr. Speaker, I would like to commend the President for proclaiming this week "Small Business Week." His observation that small business owners are "standard bearers of economic progress and the stalwarts of the energying forces of the free market" is right on target.

Most importantly, small business means jobs and prosperity for millions of Americans.

Now that the recovery is well on its way, we do not hear so much about unemployment anymore. But it is still there, it is still unacceptably high, and we cannot afford to attack it any less diligently.

The role of small business in conquering unemployment has been—and will continue to be—indispensable. This Nation's recovery has been powered by the small business job-creating

machine. Employment gains have come primarily from industries dominated by small business.

Just as important as what small businesses do is the way they do it—through the invigorating challenge of competition. The risks taken by these entrepreneurs make their successes all the more meaningful. And in these times of swelling budget deficits, the cost effectiveness of their accomplishments is invaluable.

Let us take this opportunity to rededicate ourselves to making sure that entrepreneurs will continue to lead the way to a brighter economic future for all of us. After all, unemployment is still our No. 1 problem, so it is fitting that we recognize our No. 1 weapon against it—small business.●

"NON-BANK BANK" LOOPHOLE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. LIPINSKI. Mr. Speaker, when the Comptroller of the Currency announced yesterday that he had temporarily reimposed a moratorium on over 200 "non-bank bank" applications, one could almost hear a collective sigh of relief throughout Congress. Indeed, this morning's headline in the Washington Post's business section reflects this sentiment when it almost triumphantly proclaims that the "non-bank bank" loophole has once again been "corked."

The problem with this cork, Mr. Speaker, is that it represents a band-aid approach to the financial services deregulation issue. An issue that has been thrust upon Congress without so much as a single vote affirming these dramatic changes in almost 30 years of Federal regulation.

We in Congress should take little consolation in yesterday's announcement. In addition to reimposing the moratorium, the Comptroller clearly sought to provide one final spur to congressional action on the deregulation issue. He did this by approving 10 "non-bank bank" applications that had been pending prior to March 31, 1984—including 4 of 31 applications made by the Dimension Financial Corp. This limited approval serves to further erode the prohibition of interstate banking as enacted by the Congress in 1956.

It is perhaps the perfect ending to an otherwise absurd comedy that a congressionally approved bureaucrat, operating in an agency with a congressionally approved delegation of regulatory authority, decides to try and prompt the Congress to make a decision.

Mr. Speaker, the time has come for action. While I, like many of my colleagues, am concerned about the impact of this deregulation on the neighborhood services provided by small, locally owned banks, S&L's, and real estate developers, I am convinced that inaction is now our worst enemy. Some congressional action would be better than a complete legislative abdication to the interpretations of the unelected heads of the various regulating agencies.

We must work to even the regulatory framework throughout the financial services industry. Participants in each affected industry, from securities and insurance underwriters, to consumer and commercial lenders, to securities and real estate brokers need a framework through which to compete. This framework should not be patched together by various agency officials and aggressive lawyers operating through makeshift loopholes in our laws. It should be decided in the Congress.

I rise then, Mr. Speaker, to urge the members of the House and Senate Banking Committees to act on deregulation legislation. It is time to put posturing and partisan issues aside and retake our legislative initiative. I can think of no action more fundamental to our constituents' interests.●

VANCE L. GILLIAM

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1984

● Mr. MONTGOMERY. Mr. Speaker, one of the most beloved and admired members of the staff of the Committee on Veterans' Affairs has opted for retirement after nearly four decades of service to his country and its veteran population.

Vance L. Gilliam, one of the finest men it has been my pleasure to know, leaves a legacy of good will, quality work, and fond memories as he takes a well-deserved breather from years of concerned and tireless efforts as a government employee.

Vance's contributions began with honorable service in the U.S. Army during World War II. For 20 years, he was an employee of the Veterans' Administration, where he served on the staff of Administrator William J. Driver.

Vance came to the Committee on Veterans' Affairs in 1969 and, for the last 15 years, he has worked under the leadership of Chairmen Olin E. Teague, William Jennings Bryan Dorn, Ray Roberts, and myself.

Mr. Speaker, whereas Vance Gilliam has contributed so much to enhance the lives of the men and women who served our Nation in its Armed Forces, it is my great pleasure to extend the committee's deepest appreciation for his dedication during a most distinguished career. We wish for him, Ethel, his wife, and their family, exactly what he gave us—nothing but the best.●

SENATE—*Friday, May 11, 1984*

(Legislative day of Monday, April 30, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, this weekend we celebrate mothers. Thank Thee for those blessed women whose sacrificial care influenced our lives from conception and whose relentless love protected us throughout our days. Thank Thee for mothers who remain with us. We honor them and we praise Thee for mothers who have left us for their home in Heaven. May their memories encourage and strengthen us and guide us. Save us from ever being or doing or saying that which would dishonor or disappoint those who have meant so much to each of us. May our lives be a reward to their faithfulness and may all mothers enjoy special blessings on their day of recognition. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I thank the Chaplain for his prayer this morning. Sunday is Mother's Day, and we are grateful for his including that reference in his prayer.

SENATE SCHEDULE

Mr. BAKER. Mr. President, there will be a period for the transaction of routine morning business until noon, or thereabouts. At noon, we will go back to the pending unfinished business. I expect that a Roth amendment will be the first amendment offered. There will be others, I anticipate.

I expect that there will be rollcall votes, but I am not sure of that. It depends, of course, on the wishes of the authors of the amendments, those who oppose them, or other Senators who may ask for the yeas and nays.

Mr. President, I do not expect the Senate to be in session late today. I would anticipate by midafternoon we will finish our useful labors. The Senate then will convene on Monday next.

ORDER FOR RECESS UNTIL MONDAY, MAY 14, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon on Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no further need for my remaining time. I yield it to the minority leader, if he wishes it.

Mr. BYRD. I thank the distinguished majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

SENATE AGENDA

Mr. BYRD. Mr. President, I wonder if the distinguished majority leader can at this time state what business will likely follow after the pending matter. That is the first question.

The second question is about the bankruptcy legislation and the math-science legislation.

Mr. BAKER. Mr. President, I thank the minority leader.

When we finish this bill, it is the intention of the leadership on this side to ask the Senate to turn its attention to the debt limit bill. I first thought it would be possible to offer the debt limit bill to this bill as an amendment. I suppose that is still a possibility, but it seems unlikely at the moment.

Therefore, in view of the letter from the Secretary of the Treasury saying that our debt limit money will run out on May 24, or thereabouts, I think it is urgently important that we get on with that. As soon as we finish this bill, it will be the intention of the leadership to go to the debt limit bill. I hope we can finish this bill by Tuesday or Wednesday of next week, maybe sooner but at least by midweek, so we can get on to the debt limit bill by the middle of next week and finish it before the week is out.

Debt limit bills are always difficult, Mr. President. They almost always create problems. I urge Senators who may be listening to consider that there are ample opportunities to take up other matters that they might be tempted to offer to the debt limit bill.

As to the bankruptcy bill, Mr. President, that, too, is a matter that we would like to go into. I have discussed this matter with the distinguished chairman of the Judiciary Committee and the distinguished chairman of the subcommittee involved. Both have indicated a strong desire to move the bill.

I am not quite sure how we are going to proceed, Mr. President. I say to my friend, the minority leader, that I will confer with him on this subject. It appears, however, that the best course of action might be to send a bare bones bill back to the House of Representatives and hope they will concur in it. But that is a decision which has not been made, and on which I wish to confer further with the minority leader and those Senators who have a great interest in the matter.

Assuming the Chief Justice of the Supreme Court or some diligent clerk of his may read this, may I say it is our determination to deal with this problem and to finally deal with it on other than a temporary extension basis. I know the Chief Justice has great concern on that and, indeed, has been in touch with me and other Senators on that subject.

I wish to state publicly and for this RECORD that I understand and I am sympathetic to the concerns of the judiciary and the Chief Justice in particular, and we will proceed.

I thank the minority leader for bringing that matter to my attention so I could make that statement at this time.

On math-science, I would like to take it up, Mr. President, but, frankly, events are overtaking me for the moment. Before the Memorial Day recess, we have this bill to do, we will have the debt limit bill to do, and the bankruptcy bill to do. There is also a requirement that I observe the promise I made in the last session that we would take up an agent orange bill before the Memorial Day break. I must try to do that.

In addition, I have made reference to the fact that we would try to get the disability bill up. Certain Senators have amendments to be offered to that.

To be honest about it, I bargained them off of other bills in order to move them through the Senate with the expectation that we would have a disability bill up. So that should come up as well.

My point is that I am now overtaken by my own commitments and by the realities of the schedule. So math-science will not be handled before the

Memorial Day recess. It is still on the agenda and it is the intention of the leadership on this side to ask the Senate to turn to it as soon as possible.

(Mr. D'AMATO assumed the chair.)

Mr. THURMOND. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. THURMOND. Mr. President, I think we have what is a fair compromise on the bankruptcy bill. I believe we can be ready by Tuesday to proceed with that matter.

Mr. BAKER. I thank the Senator.

Mr. President, the Senator from South Carolina is not only President pro tempore but also chairman of the Judiciary Committee, the committee of jurisdiction on that matter.

Mr. President, the minority leader prompted me to recall, and I thank him for it, the first concurrent budget resolution which we are obligated by law to proceed to by May 15. Today is May 11.

Let me say to the minority leader that it is my hope that when we finish the pending measure we will really have had the debate on the budget resolution and we may be able to go to that very promptly and to deal with it in a minimum amount of time.

Once again, I will confer with the minority leader and the managers and the ranking member on that subject. I can visualize, however, that when we finish this bill we might sit down and decide that we have already worked out a budget resolution.

It might reduce the time even to an hour or so. I would like to do that. So, let me amend my previous reply to the minority leader by saying that when we finish this, we should make an effort, in my judgment, to proceed promptly and quickly to the disposition of the first budget resolution and follow that with the debt limit. That assumes that we can do the budget resolution in a fairly brief period of time.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I thank him also for his having made reference to the agent orange bill and the disability bill. I am glad that he has those in his thoughts as he develops the schedule going down the road.

BATTLE FOR THE PANJSHIR VALLEY CONTINUES

Mr. BYRD. Mr. President, we continue to read reports of the latest Soviet onslaught in the Panjshir Valley, north of the capital of Kabul. Last month, the Soviets launched their seventh attempt to take and hold this strategic area, long controlled by the resistance army loyal to Mr. Massoud.

Earlier news accounts could do little more than repeat the Soviet assertions that they had made great advances. We did learn that the Soviets were using heavy bombers in a vicious attempt to wipe out villages and force civilians to become refugees. But how successful have the Soviets been?

Press reports are beginning to draw together the facts, and they do not appear to coincide with the Soviet version. Yes, the Soviets have carried out a major offensive. It has been ruthless and has involved a high degree of force, calling back to memory the ruthless shooting down of an airplane, with the loss of scores and scores of lives, that shooting down having been the act of the Soviets.

We are hearing that most of the civilians were warned of the coming attack and are out of harm's way. And we now have good reason to believe that, despite the commitment of some 10,000 troops, the Soviets have not been able to engage the Afghan freedom fighters in a major set-piece battle in the Panjshir. In fact, the resistance fighters have disappeared into the hills surrounding the valley. They continue to harass Soviet troops. Guerrillas continue to attack truck convoys from the Soviet Union, and fuel oil remains in short supply because of these attacks.

U.S. intelligence sources indicate that the battle for the Panjshir Valley could continue for some time. The Soviets will do well to hold off on any premature predictions of success.

Mr. President I ask unanimous consent that the May 9, 1984, Washington Post article entitled "Soviets Said To Bolster Hold on Part of Afghan Valley," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIETS SAID TO BOLSTER HOLD ON PART OF AFGHAN VALLEY

(By William Claiborne)

NEW DELHI, May 8—Soviet troops have consolidated their positions in the southern half of the Panjshir Valley in Afghanistan and reportedly have air-dropped fresh troops and equipment in areas they have secured, according to reports reaching here today from western diplomatic missions in Kabul.

But the Soviets still face stiff hit-and-run resistance from Afghan guerrillas, the reports said.

The Soviets have advanced only as far as the town of Khenj, about 30 miles into the winding, 70-mile-long corridor northeast of Kabul that serves as the main supply link between the capital and the Soviet Union, the diplomatic sources said.

While it remains difficult to get accurate and up-to-date information about the Soviets' spring offensive in the strategic valley, a variety of diplomatic sources in Kabul, including Eastern Europeans, were said to have concluded that the offensive is taking longer than the Soviets expected because of difficulties in flushing the Afghan mujaheddin out of mountain hideouts and side valleys.

Diplomatic sources said Soviet troop reinforcements that arrived in Kabul in late March were being used primarily for security in the capital, while more experienced troops were being sent into the Panjshir.

Few troops of the Soviet-backed Afghan government of President Babrak Karmal have been used in the spring offensive, the diplomats in Kabul reported, except for elite commandos and units of the Khad, the Afghan secret police, who are trusted by the Soviets.

Kabul diplomats reported that the Soviets have established strongholds and artillery positions between the Panjshir towns of Anawa and Bazarak, and that their strategy appears to be to try to seal off the southern access to the valley.

The reported parachute drop of Soviet reinforcements and equipment into the valley was described by one diplomatic source as "puzzling" because it was said to have occurred in an already secured area.

The diplomat speculated that the men and supplies may have been flown to the area directly from bases within the Soviet Union.

The sources said that since the rebels began melting into their mountain hideouts and into side valleys off the Panjshir, there have been no major battles with the Soviet ground forces, but that bombing attacks by Soviet aircraft continue daily.

Rebel casualties were reported to be light, except for when Soviet helicopter gunships caught a rebel force in the Panjshir just after it had entered through a side valley on May 2, killing 200 guerrillas, the diplomatic sources said.

Despite heavy high-altitude bombing in late April by Soviet TU16 Badger bombers and SU24 fighter-bombers, civilian casualties have been relatively light because most noncombatants have left the area, the Kabul-based diplomats reported.

The diplomats said that a number of bridges destroyed by rebels in mid-April on the main road between Mazar-e-Sharif, close to the Soviet border, and Kabul have been repaired or replaced by temporary structures, but that the guerrillas are still attacking truck convoys on the highway, resulting in serious shortages of fuel and other essential supplies in the capital.

Mr. BYRD. Mr. President, does the distinguished Senator from Wisconsin wish additional time?

Mr. PROXMIRE. No, Mr. President, I thank the leader.

Mr. BYRD. Mr. President, I yield additional time to the Senator in case he should need it.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

WHAT ARMS CONTROL INITIATIVES CAN THE UNITED STATES TAKE ON ITS OWN?

Mr. PROXMIRE. Mr. President, with arms control talks between the two superpowers suspended indefinitely, what initiative if any can the U.S. Government take to advance the cause of nuclear peace? First, we should recognize that without arms control neither civilization nor this country will survive the nuclear arms race. Without nuclear arms control agreements,

a nuclear war is inevitable. Not that arms control agreements of the kind we have had so far are any panacea. Arms control talks go forward by bits and starts. Even when the talks are underway, they take many years to negotiate—4 years for SALT I, for example, and 7 years for SALT II.

What do we have when the talks succeed? When the talks have been concluded they have never—certainly not until now—begun to halt the arms race. Why? They have been directed at certain very limited objectives such as stopping some but not all of the nuclear arms tests that most seriously threatened the environment, or at stopping the construction and deployment of antiballistic missiles that might destabilize deterrence. No President has ever even proposed arms control negotiations that would significantly slow, let alone stop or freeze the overall nuclear arms race.

And year in and year out, whether limited arms control negotiations are proceeding or not, the arms race marches relentlessly on, building more and more deadly and unstoppable nuclear arsenals, bringing ever greater assurance that, if and when a nuclear war does occur, it will not only devastate both superpowers but will be more and more likely to end human life on Earth. That constant refinement and advancement of nuclear arms will make any arms control agreement more difficult to verify and enforce because of the variety of nuclear weapons—their miniaturization, the prospects for concealment.

But the absence of an arms control agreement works against the prospects of nuclear peace in a more sinister way. A comprehensive arms control agreement between the two superpowers would also provide the critical foundation for a truly effective worldwide basis to end the spread of nuclear arms.

With six nuclear powers constantly modernizing and improving the lethal kick of their nuclear arms, the tendency to sell materials and equipment necessary for building nuclear weapons in nations new to the nuclear club steadily increases. This is why France and China particularly have been pushing nuclear sales to countries anxious to develop their own nuclear arsenal. It is the old story we have seen for years of major industrial countries increasing the efficiency and reducing the cost of their conventional arms-producing industries by aggressively seeking foreign markets. Indeed, the United States has done this for years with our military planes, tanks, ships, and other conventional weapons. Firms producing nuclear weapons push agressively for the same chance to expand their sales worldwide.

So, let us recognize that the suspension of arms control talks not only represents a failure to advance the cause of peace, it also marks a period of further advance in the deadlines of nuclear arms and in the spread of nuclear weapons to additional nations. What can we do about this while the arms talks are stalled? We can and should do the following:

First, we should strictly contain the export of nuclear technology. We should export no nuclear technology to any nation that has not signed the Nuclear Nonproliferation Treaty.

Second, we should move to strengthen the International Atomic Energy Agency. We should increase its resources. We should do our best to persuade the agency to sharply increase its inspections in numbers and in thoroughness.

There has been a great deal of criticism of the International Atomic Energy Agency that it has not done the job it should do. It has not, in many cases. That is because it has not had the resources. I cannot think of a better investment in survival than to make available the funds necessary to make the International Atomic Energy Agency a better, more effective agency.

Third, we should vigorously and publicly protest any international nuclear technology sale by any country to any nation that has not signed the nonproliferation treaty. We should follow up our protest with stiff trade sanctions against the nations that violate the treaty.

Fourth, we should press for resumption of nuclear arms control negotiations with the Soviet Union as soon as possible. We should focus our preparation for those negotiations on a comprehensive nuclear freeze, including a freeze on testing, manufacture, and deployment of all nuclear weapons with strong and specific verification procedures. Both the Congress and the President should promptly commission studies to examine every aspect of such negotiations.

Fifth, pending the completion of such negotiation we should work to convert our nuclear forces to the most stable and survivable possible mode. This means we should stop building the MX forthwith, because that is certainly neither stable nor survivable. The Air Force has told us, after very careful study, that 99 percent of our land-based, stationary missiles—and the MX would be land based and stationary—would not survive a Russian attack on the basis of their estimate of the Russians' advance in their technology over the next 5 years.

We should rely on mobile weapons systems that can be easily concealed. We should strengthen our command and control system to diminish the prospect of stumbling into a nuclear war by error.

Mr. President, this Senator is convinced that for years now this country has had no effective strategy for preventing nuclear war except the reliance on deterrence and building an ever more potent nuclear arsenal while the Soviet Union did the same and while nuclear arms continued to spread to other nations. It is time to end this aimless drift. We hope and pray the super powers will return to the bargaining table as soon as possible. But in the meantime we should take advantage of every day to follow the agenda I have outlined and to give ourselves a fighting chance to preserve the nuclear peace.

PASSOVER 1984: NO JOY FOR SOVIET JEWS

Mr. PROXMIRE. Mr. President, last month Jews from all over the world celebrated their holiday of freedom; the holiday of Passover. Passover is the annual retelling of the story of the ancient Hebrews' escape from bondage in Egypt. It is a joyous holiday, but it is also somber—for the Jews are instructed to recall, and to teach their children, that they were once slaves.

There is little joy in Passover for the 2½ million Jews of the Soviet Union, for they are not free today: Not free to practice their religion, not free to study their language or culture, not free to be together with their families in Israel and the United States.

Right now, these Jews are caged within their own country. They are Prisoners of Conscience incarcerated by their own government. They are clearly the victims of a deliberate and systematic religious repression and are appealing to humanitarian nations for relief.

Mr. President, within the United States today there exists an active and important movement protesting the unmerited oppression of Soviet Jews in their homeland. We have refused to turn our backs to the blatent antisemitic policy of the Soviet regime. Instead, we have openly objected to their breach of the Helsinki agreement, which upholds basic principles of freedom.

Unfortunately our strong rhetoric does not always produce the results we desire. Our ability to effectively criticize the Soviet Union's violation of human rights is weakened by our failure to ratify the Genocide Convention.

Our lack of action betrays our words, and our global reputation as the champion of human rights is diminished.

Ratification of the Genocide Convention, which declares the murder and serious mental or physical harm of a racial, ethnic, or religious group a crime under international law, would allow us to reassert our undeniable commitment to individual rights.

In order to effectively help reverse the plight of the Soviet Jews we must end this conflicting and ambiguous

policy on human rights—and endorseing this treaty will enable us to do so.

I yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time did the distinguished Senator from Wisconsin have unused?

The PRESIDING OFFICER. The Senator has 15½ minutes remaining.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield back all my time to the minority leader. I am delighted to do that. He may be able to accommodate himself or other Senators in the course of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wisconsin (Mr. PROXMIRE) for his courtesy.

THE BUCK STOPS AT THE WHITE HOUSE

Mr. BYRD. Mr. President, yesterday, I spoke of my regret about the departure of Dr. Feldstein from the President's Council of Economic Advisers. Today the New York Times carried an editorial on that subject, entitled "The One and Only Mr. Feldstein", which I shall place in the RECORD. The editorial states that:

Mr. Feldstein and David Stockman, the Budget Director, were the first top-level insiders to recognize how dangerous the deficits would be * * *

Unfortunately, they seem to be the last.

The President continues to ignore the danger and now blames the Federal Reserve for the rise in interest rates, an increase of more than 200 basis points in the last 2 years. President Truman said that the buck stopped at the White House. Well, it no longer does. It is this administration, not Paul Volcker, which has proposed $200 billion budgets. It is this administration's fiscal policies, not the Federal Reserve's monetary policy, which are to blame for rising interest rates. It is time for the administration to stop putting the blame for the deficit and high interest rates on the Congress, on the Federal Reserve, or on any other scapegoat that appears handy.

Dr. Feldstein absolved the Federal Reserve on Wednesday. Yesterday, the administration's opposition helped to defeat the meaningful deficit reduction amendment proposed by Senator CHAFEE. We will miss Dr. Feldstein.

Mr. President, I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ONE AND ONLY MR. FELDSTEIN

In the 38 years since the Council of Economic Advisers was created, it has never had a chairman like Martin Feldstein. Of his dozen predecessors, some may have been brighter, or better at Washington politics, but none were more willing to stand up and speak out. He's served the country well.

Even on the day his resignation was announced, Mr. Feldstein was at odds again with the White House and Treasury Secretary Regan. The Administration's party line this week is that the Federal Reserve is to blame for rising interest rates. But Mr. Feldstein, ever forthright, said, "The Fed is pursuing the right kind of policies." His candor hasn't made him popular in the President's inner circle. It's hard for blind loyalists to recognize that he's helped the Administration, not hurt it.

The Reagan economic program was firmly in place when Mr. Feldstein arrived in 1982. But so was the deepest recession since the Depression, and history's biggest budget deficits weren't far behind.

Mr. Feldstein and David Stockman, the Budget Director, were the first top-level insiders to recognize how dangerous the deficits would be—and that they'd get worse if the President didn't agree to raise taxes or cut defense outlays. Last year the two persuaded the President to accept the idea of "contingency" tax increases. It was a triumph to have moved him that far.

By early 1984, though, even the loyal and endlessly optimistic Secretary Regan saw the need to do something, and the President acceded to making a "down payment" on deficit reduction. At last, Mr. Feldstein's level-headed advice was needed, but only after months of humiliating public insults from Mr. Regan and the White House.

Mr. Feldstein's departure now is forced by Harvard's strict two-year limit on leaves. Finding a new chairman so close to the election will be difficult, all the more so because of continuing conflict within the Administration between supply-siders and traditional conservatives. Whoever they pick, it won't be another Marty Feldstein.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. PROXMIRE. Mr. President, I congratulate the Democratic leader on the statement he has just made. I could not agree with him more.

Too seldom do Presidents appoint people to office who will disagree with him publicly when they think the President is wrong. Dr. Feldstein was a breath of fresh air in this regard. The New York Times had a fine editorial on him this morning.

What the Democratic leader has said is right: How absurd it is to blame the Federal Reserve for the increase in interest rates when we have a deficit which is so big that the Federal Government is borrowing between two-thirds and three-quarters of all the savings of the American people. That does not leave very much for housing or automobile buying or tractor buying, and not very much for businesses that want to borrow money to expand. It means that they have to bid for a smaller and smaller supply of capital.

It also means that we have a colossal influx of capital from abroad. What does that do? That floats the dollar, drives up the value of the dollar.

There is no question that high interest rates are costing us jobs today. We have had no improvement in the unemployment rate since February. One reason is that interest rates have risen so high and will continue to rise unless we cut this defict.

I am happy that the Democratic leader has pointed out that we are going to miss Dr. Feldstein. He was not a Democratic appointee; he was a Republican appointee. He disagrees with us on many issues, but he is that refreshing and unusual figure in bureaucracy; an honest man who insists on stating his opinion. When he disagrees with people who have more power than he has, he gets the gate.

The Democratic leader is right: The departure of Dr. Feldstein marks a significant change in economic policy—unfortunately, for the worse.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wisconsin.

I yield back the remainder of my time, if I have any.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

THE CRISIS IN THE U.S. FOOTWEAR INDUSTRY

Mr. BUMPERS. Mr. President, on May 2, I testified before the U.S. International Trade Commission in support of a petition for import relief filed by U.S. footwear manufacturers and unions representing footwear employees. The industry is in very serious trouble. In fact, I am convinced that unless some relief is granted, the industry in this country will become completely and perhaps irrevocably extinct within the next few years. I ask unanimous consent that my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DALE BUMPERS BEFORE THE U.S. INTERNATIONAL TRADE COMMISSION

Chairman Eckes and distinguished members of the U.S. International Trade Commission, I appreciate the opportunity to appear here this morning to testify in support of the section 201 petition filed by the footwear industries of America, the Amalgamated Clothing and Textile Workers Union, AFL-CIO, and the United Food and Commercial Workers International Union, AFL-CIO.

The U.S. non-rubber footwear industry today is in deep trouble, and the 201 filing

reflects this. This filing is not a reflection of mild concern by the industry at the loss of a small fraction of its domestic market, far from it. Rather, this 201 filing is an act of last ditch self-preservation for the industry and especially the thousands of jobs which are teetering on the bare edge of existence. Without the relief sought in this 201 petition, those jobs will topple over the edge into oblivion. They would be joining the thousands of other footwear industry jobs lost in the last couple of years that today are nothing but a bitter memory, leaving nothing in their wake but shattered lives, shaken communities, and swollen welfare lines.

The footwear industry's survival is on the line. The cold hard facts tell a somber story: Imported footwear now accounts for 70 percent of the footwear sold in this country. All indications are that without help, this proportion will grow still larger. Thus, despite the overall growth of the U.S. footwear market in the last 15 years, U.S. non-rubber footwear production has actually dropped almost 50 percent, from 642 million pairs in 1968 to 341 million pairs in 1983. This is the lowest U.S. production level since the great depression. During this same period non-rubber footwear imports skyrocketed, nearly quadrupling from 175 million pairs in 1968 to 580 million pairs last year.

What is more, these trends are accelerating. In 1968, domestic footwear claimed almost 80 percent of the market. By 1975, this figure had fallen to 59 percent. As recently as 1981, domestic footwear still had about 50 percent of the market. However, in 1983 market share dropped to 36 percent, and now in 1984 it has dropped further to 30 percent, as imports have increased 24 percent in just one year. No other major industry in this country has as high an import penetration levels as the footwear industry. And nobody doubts that this trend is going to continue unless something is done. And with only 30 percent of the market remaining, and going fast, there's not much time left.

Once again, this is not a question of free trade. Other countries have significantly higher tariff and non-tariff barriers than does the U.S. In some cases these countries ban imports of footwear. In sharp contrast, the U.S. has the most open market for footwear in the world, a fact other countries, shut out elsewhere in the world, have been quick to exploit.

The impact of this foreign penetration of the U.S. footwear market has been devastating on the U.S. industry, and especially on its labor force. Since 1981, 27,000 people have been thrown out of work by factory closings; not lay-offs, but factory closings. This is more than 10 percent of the footwear labor force and is equivalent to losing one job every hour since 1981. Already in 1984, about 20 factories have shut their doors, throwing 2,000 more peole out of work, including two factories in my State of Arkansas—one in De Queen and the other in Leachville. Arkansas has lost 2,000 jobs in the footwear industry since 1976, and now is down to 6,000 workers.

While any factory closing works a hardship, a footwear factory closing poses an especially difficult labor problem. Unlike many manufacturing industries, a significant proportion of footwear plants are located in small towns and rural areas where there are few employment alternatives for former footwear manufacturing employees. For example, five of the six counties in Arkansas where footwear is the largest manufacturing industry have a population below 25,000. In two of these counties, Clay County (population 20,900) and Montgomery County (population 8,100), footwear employees make up over half of all the manufacturing jobs in those counties.

When footwear workers are thrown out of work, there is no high-technology industry just waiting to hire them. Footwear workers are not high-tech, with high-tech skills. The footwear industry has always provided jobs for women, older workers, and the less-educated. Almost two-thirds of all footwear workers are female, more than a third of the workers are age 50 or older, and less than half have completed high school. Footwear workers are among the lowest paid of all U.S. manufacturing workers, earning little more than half the average U.S. manufacturing wage. Many of these workers are farmers' wives helping to keep the family farm going. When these jobs are lost, America suffers in many ways.

The footwear industry is in serious trouble. It neither needs nor wants a handout—but it does need time. It needs this time to expand and proliferate its already impressive program of productivity improvement, plant modernization, and capital investment. Industry spending on research and development has doubled since 1977. One Arkansas producer, Mt. Ida Footwear, even won second place, out of all Arkansas manufacturers, in the U.S. Senate state productivity award.

The investment necessary to ensure the future of the U.S. footwear industry requires some expectation that the industry will be able to survive and compete. It is clear that the facts here meet the statutory tests: non-rubber footwear is being imported in increasing quantities; the industry has suffered and will suffer serious, even devastating injury, and the increased imports are a substantial cause—they are in fact the primary cause—of the injury. Thus, some form of import relief is critical for the future of the footwear industry, and this is why I strongly endorse the section 201 filing which you are considering today.

SOVIET TACTIC OF "DEZINFORMATSIYA"

Mr. MOYNIHAN. Mr. President, I should like to bring to the attention of my colleagues a new study on Soviet active measures: "Dezinformatsiya: Active Measures in Soviet Strategy," by Prof. Richard Shultz (Fletcher School of Law and Diplomacy) and Roy Godson (Georgetown University). Last March, I spoke to this topic as I detailed a Soviet campaign to sow tensions between the United States and India, the world's two largest democracies. In those remarks I stated that:

> The most authoritative Russian language dictionary, one prepared by the Soviet Academy of Sciences, defines disinformation, "dezinformatsiya" in their own language, thus: "a false, inaccurate announcement with the aim of confusing someone."
>
> The technique is used variously to influence policies of foreign governments, disrupt relations among other nations, undermine the confidence of foreign populations in their leaders and institutions, discredit individuals and groups opposed to Soviet policies, deceive foreigners about Soviet intentions and conditions within the Soviet Union itself, and at times, simply to obscure the motives or authors of Soviet-sponsored activities around the world.

"Dezinformatsiya" is a careful study, by two academic specialists who document the 20-year Soviet effort to influence and manipulate American and European politics and media. The central thesis of the book is that the Kremlin has been engaged in a long-term and worldwide active measures offensive to split the Atlantic alliance. The evidence presented leaves little doubt that the Soviet leadership has spared little in this effort. The authors explain and illustrate just how Moscow employs, coordinates, and continues to expand and improve the use of these tactics against the United States and West Europe. I draw your attention specifically to revealing interviews with two former Soviet bloc intelligence officials who specialized in active measures during the 1960's and 1970's.

I recommend to my colleagues "Dezinformatsiya." This is the kind of carefully documented study that is necessary if we are to understand the Soviet offensive against the democracies of the West, an offensive that includes not only weapons, but words as well.

The authors are also members of the Consortium for the Study of Intelligence, in which Professor Godson serves as coordinator. During the last few years the consortium, a project of the National Strategy Information Center, has been instrumental in promoting both scholarly and public policy research into the intelligence process and the teaching about the subject in universities throughout the United States. I commend to your attention the consortium's five volume series on "Intelligence Requirements for the 1980's." It is the result of a series of meetings in which academics, former and current professionals and congressional specialists have come together to study intelligence both in its historical context and in its application to the conduct of present-day activities.

The volumes, used in many universities, the War College, and the military academies, constitute a comprehensive examination of intelligence. The consortium has done much to give the study of intelligence a substantive analytic framework and remove it from the shadowy penumbras of leaks, rumors, and the modern novel.

I commend the authors for this important study and the consortium for its efforts in promoting the study of intelligence.

I ask unanimous consent that my earlier statement of March 7, 1983, on disinformation be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"DEZINFORMATSIYA"

Mr. MOYNIHAN. Mr. President, Americans regularly hear mention made of Soviet efforts to circulate "disinformation" in the West, or elsewhere in the world. But we are seldom given a very clear example of just what disinformation is, or how exactly the process of disseminating it works. I would like, if I may, to take a few minutes to bring to the attention of the Senate and the many readers of the CONGRESSIONAL RECORD a recent, vivid illustration of this Soviet practice.

I do not mean to suggest that Soviet disinformation is something new in the world; it has been with us since Lenin's time, and will likely outlive all of us here today.

The most authoritative Russian language dictionary, one prepared by the Soviet Academy of Sciences, defines disinformation, "dezinformatsiya" in their own language, thus: "a false, inaccurate announcement with the aim of confusing someone."

The technique is used variously to influence policies of foreign governments, disrupt relations among other nations, undermine the confidence of foreign populations in their leaders and institutions, discredit individuals and groups opposed to Soviet policies, deceive foreigners about Soviet intentions and conditions within the Soviet Union itself, and at times, simply to obscure the motives or authors of Soviet-sponsored activities around the world.

Sometimes disinformation is quite subtly done, so much so that we can never be certain with any degree of confidence that it is disinformation at all.

Recall that last autumn, before and after his selection as General Secretary of the Soviet Communist Party, American newspaper readers were treated to scores of favorable references to Yuri Andropov's liberal, even pro-American, inclinations. We learned that he is a connoisseur of American culture, a fan of our music and literature, that he likes to read Harold Robbins novels and listen to Glenn Miller records. The recurring theme in these stories was that Andropov is somehow more like us than is the average Russian Communist leader, that he can think as we do, that he speaks our language and likes to relax in much the same way many Americans do, with a racy paperback and a tumbler of Scotch.

Whether this was the result of an elaborate subrosa disinformation effort, designed to lend greater credence to Andropov's more recent "peace offensive" in the West, we simply do not know. There is some question, in fact, as to whether this alleged "Americanophile" had even spoken to an American in the decade preceding Leonid Brezhnev's death last November.

What we do know is that Andropov commanded the KGB for the 15 years in which it developed ever more sophisticated methods for suppressing political and cultural dissent—from the exiling to isolated Soviet towns of eminent, outspoken citizens, such as Andrei Sakharov, to more ruthless devices such as abuse of psychiatric science and medicine. We know also that Andropov was head of the Soviet delegation in Budapest at the time of the invasion of Hungary in 1956, and that he was centrally involved in the decisions to invade Afghanistan in 1979 and close down Poland's free trade union, Solidarity, in 1981.

Yet, because of the careful circulation of what are, in fact, relatively insignificant bits of biographical data—data whose veracity has still not been verified today—for example, no American has ever heard him speak English—a good many people in the West were predisposed last fall to like this man Andropov. Somehow we had been led to think that he is sincerely desirous of friendly relations with America, and inclined to be accommodating toward the West, because he knows us and likes us. While we will not know with certainly for some time yet, the "Somehow" may well have been a very finely tuned disinformation campaign to mislead the West with respect to Yuri Andropov's intentions.

Earlier this month, during a visit to India, a comparatively clumsy—though still effective—example of Soviet disinformation was brought to my attention.

On January 25 of this year, the daily newspaper Patriot, an organ of the pro-Moscow Communist Party of India, or CPI, published a report that the Indian Government had obtained a copy of what was said to be an American plan to destroy India's influence in the Third World and elsewhere, and to encourage the disintegration of the state of India. Selected quotes from a paper by U.S. Permanent Representative to the United Nations, Mrs. Jeane J. Kirkpatrick, were included in this initial story. Others followed in the Patriot, on January 26 and 28.

Other papers in India soon picked up the story of Patriot's revelation. In Madras, the story was carried in News Today on January 27, accompanied by a photograph of part of a supposed Department of State cable transmitting the text of a speech by Ambassador Kirkpatrick on the subject to public affairs officers at embassies around the world.

The State Department cable that appeared in the photograph in News Today would appear to be the genuine thing to anyone familiar with State Department documents. It even included, at the start of supposed cable, the appropriate set of numerical codes and departmental acronyms.

At this point I submit for the RECORD the text of the State Department cable as it appears (incompletely) in a front page photograph in News Today, January 27, 1983 (Madras, India):

DEPARTMENT OF STATE TELEGRAM

Action: USICA Received: 0407362 Mar 82.
Info: AMB, DCM, Chron P 032542 Mar 82.
From: USICA Wash DC to all principal posts Immediate, Limited Official use.
For: PAOS, E.O. 126065: N/A.
Subject: Statement of the U.S. Ambassador to the United Nations.

1. Following is text of statement made by Jeane J. Kirkpatrick, U.S. Ambassador to the United Nations, at the annual conservative political action conference which was held 27 February 1982 in Washington.

2. Begin text of statement:

I appreciate the opportunity to discuss an issue which is of primary concern to this administration—our policy toward the countries of the Third World.

Analysis of present trends in the world situation, economic, political and military, indicates the growing significance of the raw materials and energy resources of the developing countries for the interests of the United States. A parallel interest in these resources is being evinced by other countries of the free world and of the communist bloc. The Third World itself is turning to policies of economic nationalism, as a result, we may confidently expect that the 1980s will bring confrontations and conflicts over access to the economic resources of the Third World.

In the forthcoming struggle, we must ensure for ourselves unassailable positions of strength in order to facilitate the establishment of a world environment in which we can successfully defend our values while actively resisting both the Soviets and other nations which wittingly or unwittingly oppose us in the thrust for influence in the Third World. We must take careful reckoning of a sinister aspect of the policies of many developing nations—a wholesale revision of existing international economic relationships. In more specific terms, I refer to their efforts to achieve full state control of their natural resources, irrespective of the requirements of the world economy and in complete disregard for our own interests. Such a development could lead to a diversification of their economic ills and a restriction of the activity of American business in favor of the economic expansion of Western Europe, Japan and the Communist bloc. If that were allowed to happen, we might be unable to satisfy in full our requirements of strategic raw materials and of. . . . End text.

Mr. President, on February 6, the weekly magazine Link, also affiliated with the Communist Party of India, published what it said was the full text of "the Kirkpatrick plan."

As Link put it editorially.

"Mrs. Kirpatrick not only authored the blueprint, "Balkanization of India," but also presented the broad outlines of her plan in Washington on February 27, 1982 before a group called the "Conservative Political Action Conference."

All of which would have been extraordinary news indeed, even a year late, save that no such Kirkpatrick plan exists, no such speech has ever been given. The entire story was disinformation of the boldest and cleverest kind because it contained many minor truths.

There is, for instance, an annual event called the Conservative Political Action conference, put together each year by the American Conservative Union and the Young Americans for Freedom, both organizations that describe themselves as conservative in political orientation. The annual meeting of the group took place here just the week before last, and the President and members of his Cabinet spoke at various sessions of the conference.

Ambassador Kirkpatrick did in fact attend a conference dinner in Washington on the evening of February 26, 1982. She did not, however, attend any of its meeting on the 27th, the day she was alleged to have delivered her speech calling for the Balkanization of India. She simply was not in attendance. She spent that day, a Saturday, at her home. And no one who spoke delivered a speech even remotely resembling the text published in India, on February 6, 1983, in Link.

On January 26, 1983, Mrs. Kirkpatrick said the following, in response to the stories circulating in India:

"The charge that I authored a paper on Indian "Balkanization" is pure and malicious disinformation, a total fabrication. I have never written a paper on "Balkanization" of India or any even remotely related subject."

Yet many will be persuaded that she did. The mainstream Indian press has reported this matter in a straightforward manner, to the effect that the Patriot reported one thing and that Mrs. Kirkpatrick denies it. But what will stick in the minds of many casual readers of even these newspapers—Indians in this sense are no different from Americans—will be a vague recollection that

something was reported about Americans plans for the breakup of India.

Indeed, disinformation specialists sometimes do not mind being found out. They know the anti-American resentment aroused by such a charge will linger on even after the mendacity of the charge has been documented.

Disinformation of this sort is effective because the real authors have carefully and cleverly selected the language they use.

They know enough about the United States to use phrases and themes similar to those used by officials in the current administration. The forged Kirkpatrick speech talks of United States-Soviet competition for influence, and access to resources, in parts of the Third World, and the virtues of free enterprise and capitalism in a way that might seem to have been done by any of numerous ranking officials in the current American administration. Then the general discussion is extended to specifics that either have no basis in fact, or do not accurately reflect U.S. policy.

The authors of the Kirkpatrick plan also know enough abut India, and other developing countries, to know just which charges will be most provocative. In her discussion of India, for instance, Mrs. Kirkpatrick is depicted as having said not only that "the Gandhi regime pursues an anti-American policy on a number of issues" But that "our relations with Pakistan have taken a particularly favorable turn. It is a country of strategic importance and is well placed to help our efforts to influence the policies of Iran, Afghanistan and India."

Nothing is more sure to arouse resentment in India than talk of an American attempt to influence India by cooperating with Pakistan.

Of course, the whole idea of an American plan for the "Balkanization" of India would have a particularly receptive audience in India just now given the communal troubles in Assam. This is an area of India left over from the British Raj, as you might say. The people there, while Hindu in religion, are ethnically more Burmese than otherwise, and have all the makings of a separatist movement such as the postcolonial world has seen in may parts of Asia and Africa.

Further to the point of familiarity, I was particularly struck by the passage in the concluding paragraph which states:

"This calls for the reorganization of the international communication agency and the peace corps with a view to increasing their effectiveness in propagating the American way of life throughout the world."

I served as Ambassador to India, just as the Peace Corps was phasing out. In the aftermath of widespread charges that the organization was in fact used for spying and the organization of communal unrest and the like. None of this was so. But it was widely believed to be so which of course has the consequences of a certain kind of reality. The author, who presumably works in an office building in Moscow, knows this. His ear for the English language is remarkable. I doubt anyone in the American State Department could do as good a job fabricating, for example, a Soviet plan to exploit antinuclear sentiment in Europe in order to break up NATO. On the other hand, he is not letter perfect. As many will recall, the term Peace Corps is capitalized.

The disinformation specialists have also chosen an opportune time to circulate such a text in India, knowing that the heads of state and government of the nonaligned countries are now convening a summit conference in New Delhi. Accordingly, provocative assertions were included for every part of the developing world.

In the discussion of Latin America, the speech not only says that the United States is concerned about Cuban influence in Central America—true enough—but that a blockade of Cuba is in force—which of course is absolutely false.

There follows a statement implying that we would resort to military or paramilitary force to bring an end to inexcusable equivocations in Mexican foreign policy, a line obviously intended to be circulated in those parts of Mexico where nationalist resentment of the United States would be most receptive.

The discussion of American policy in Africa includes the equally provocative—and untrue—declaration that, in South Africa, "we have no quarrel with separate development as such."

The United States thus is portrayed as committed to the preservation of the abhorrent apartheid system that is in fact, repugnant to virtually all Americans.

There are a few lapses in vocabulary. Phrases are used that few American officials, of any political persuasion, would likely ever use, such as correlation of forces. Overall, however, this is a very clever piece of work, and will inevitably persuade a certain number of persons in India, Central America and elsewhere that the United States is indeed out to set nations against one another and establish political and military dominance over key strategic zones.

Now, Mr. President, I should say that I bring this matter to the attention of the Senate not because I am a special friend of this administration. Indeed, the distinguished journal congressional quarterly reported on January 15, 1983 that in the 97th Congress I was the Senator who voted against the administration more often than any other, some 71 percent of the time. A member of the opposition I most certainly am. Yet there are matters of fundamental importance on which all Americans agree, that form the consensual basis upon which all other debates about particular aspects of public policy are conducted and decided. There are interests all Americans share, even as we may disagree about how best to pursue them.

One interest we all share is the integrity of the good name and reputation of the United States of America. The Kirkpatrick plan disinformation campaign I have discussed is a deliberate and provocative attempt by enemies of the United States to undermine that good name and reputation. It is an attempt to sow seeds of discord where none should exist, between the two largest democracies in the world, the United States and the Republic of India.

That attempt will be in vain as long as all concerned recognize these provocations for what they are, and—this may be equally important—acknowledge that this is neither an isolated nor even a rare event.

Mr. President, for the benefit of other Senators, I ask that at the conclusion of my remarks there appear in the RECORD the complete text of the article from Link to which I have referred, including the text of a speech alleged to have been delivered by Ambassador Kirkpatrick.

The material follows:

[From Link, Feb. 6, 1983]

OPERATIONS BALKANIZATION—AMERICAN DESIGNS ON INDIA

Patriot's revelation about the Master Plan of the CIA as spelt out by the US Ambassador to the United Nations, Mrs. Jeane Kirkpatrick, has created indignation in the patriotic forces in the country. The American Centre in India issued a contradiction, quoting Mrs. Kirkpatrick, that this disclosure was nothing but "pure and malicious disinformation, a total fabrication". Patriot's Editor came out with a rejoinder and gave more facts to substantiate the existence of this document.

Since then a large number of readers of Patriot and Link have been urging us that the full-text of this document should be published. We are therefore publishing the full text of this document along with the photostat copy of the covering letter.

A careful study of the document makes it clear that the "Operation Balkanisation of India" has been conceived as a part of Washington's new geo-political strategy for the developing countries to achieve the objective of establishing its "political and military dominance over key strategic zones" because these countries are "striving for full control of their natural resources" and because a "drastic radicalisation of the nonaligned movement" is taking place. Apart from this aspect, Washington wants to have "a permanent American military presence in such areas". It also is seeking to establish a "dominant influence in the regions of the Third World where there are governments which pursue an open or concealed anti-American policy". In this connection countries like "Cuba, Nicaragua, Vietnam, Iran, Libya, South Yeman, Ethiopia, Angola, Mozambique as well as Algeria and India" are the special target of attack of the new American policy. It is in this context that India figures prominently in this document.

The document specifically mentions that "the Gandhi regime pursues an anti-American policy on a number of issues" and pointedly mentions that India's "weakness lies in its many unresolved domestic and international problems" and that "there is a noticeable growth of separatist movements, to the extent that there is a possibility of balkanisation of India, which would destroy its influence in the Third World and elsewhere". But it does not leave at that. It in unmistakable terms says that "even if India does not succumb to balkanisation, the non-Communist opposition to Indira Gandhi might consolidate its ranks and create an increasing possibility for the emergence of a realistic alternative government".

The word "realistic" conceals more than what it reveals because the document itself mentions that "the United States could watch the erosion of the Nehru-Gandhi tradition, almost irrespective of the form it takes with some complacency".

The document admits that "several government agencies, working in close cooperation with the State Department . . . contribute to the effective implementation of our strategy and policy in the Third World". And it is in this context that the role of the CIA has been highlighted and justifies "upgrading of the CIA" and "wider powers" granted to it.

Mrs. Kirkpatrick not only authored the blueprint, "Balkanisation of India", but also presented the broad outlines of her plan in Washington on February 27, 1982 before a group called the "Conservative Political Action Conference".

It is for the patriotic forces of India to analyse the real significance of this American Plan, fully comprehend what Washington has in mind for our great nation and draw appropriate lessons.

FULL TEXT OF THE KIRKPATRICK PLAN

I appreciate the opportunity to discuss an issue which is of primary concern to this administration—our policy toward the countries of the Third World.

Analysis of present trends in the world situation, economic, political and military, indicates the growing significance of the raw materials and energy resources of the developing countries for the interests of the United States. A parallel interest in these resources is being evinced by other countries of the free world and of the Communist Bloc. The Third World itself is turning to policies of economic nationalism. As a result, we may confidently expect that the 1980s will bring confrontations and conflicts over access to the economic resources of the Third World.

In the forthcoming struggle, we must ensure for ourselves unassailable positions of strength in order to facilitate the establishment of a world environment in which we can successfully defend our values while actively resisting both the Soviets and other nations which wittingly or unwittingly oppose us in the thrust for influence in the Third World.

We must take careful reckoning of a sinister aspect of the policies of many developing nations—a wholesale revision of existing international economic relationships. In more specific terms, I refer to their efforts to achieve full State control of their natural resources, irrespective of the requirements of the world economy and in complete disregard for our own interests. Such a development could lead to a diversification of their economic ties and a restriction of the activity of American business in favour of the economic expansion of Western Europe, Japan and the Communist Bloc. If that were allowed to happen, we might be unable to satisfy in full our requirements of strategic raw materials and of others essential to the prosperity and welfare of our people. I am prepared to argue with anyone on earth that world growth is inconceivable without a rich and stable United States. Any arbitrary curtailment of American business enterprise is wholly unacceptable in the interests of ourselves and of others.

It is now abundantly clear that the policy of detente, supported by previous administrations, has played into the hands of the Soviet Union and other Communist Bloc countries. In many developing countries, detente has promoted an increase in anti-American and nationalist tendencies and prompted them to open confrontation with nations wedded to the free market. They have used their raw materials as instruments of pressure and have demanded with growing stridency a remodelling of the entire system of world trade relations. Detente has also triggered interest in economic cartels and new political grouping which damage the free world far more seriously than the totalitarian systems. The Third World has been siding with the Communist Bloc in the United Nations, turning the organisation into a forum for anti-American propaganda leading to resolutions damaging to American interests. This tendency has been increasing with every passing year. It harms the image of the United States in the Third World and has found reflection, among other things, in drastic radicalization of the non-aligned movement. We must counter this development by rejecting detente in favour of tougher diplomatic action, economic measures and an increased American presence in the Third World.

In emphasising this call for more vigorous policies, I am not suggesting that the picture is wholly black. The Third World is not a cohesive international structure or a single entity. It is divided in several ways by such factors as different levels of development, disparities of wealth, ideological cleavages and even personal rivalries. These offer us promising opportunities for a new hard look at our foreign policy with a view to separating the sheep from the goats and making tougher and firmer unilateral decisions appropriate to each category. While holding to our own principles for ourselves, it would be absurd to apply them too rigorously to most of the Third World countries whose people have no experience of their practical application and little conception of their meaning.

In the struggle for the Third World, the United States must be capable of decisive action in many areas to which I now propose to draw your attention.

We must do everything to limit Soviet influence in the Third World.

We must establish political and military dominance over key strategic zones, the Caribbean, the Mediterranean, South Africa, the Pacific and the Indian Oceans including the Persian Gulf and the Red Sea, and over regions producing essential raw materials. A multiplicity of ends must be used for this purpose, including special operations to seize the sources of essential raw materials in the event of internal or external pressures threatening suspension of their production or delivery. A corollary of this is a permanent American military presence in such areas.

We must also seek a dominant influence in regions of the Third World where there are governments which pursue an open or concealed anti-American policy. To indicate the vast scope of this problem, I may give as example Cuba, Nicaragua, Vietnam, Iran, Libya, South Yemen, Ethiopia, Angola, Mozambique, as well as Algeria, India and Madagascar. These are nations to be isolated, restrained or set against one another. While we should not flinch from the threat or even the use of force in extreme cases, a necessary first step is the fostering of divisions in the Third World and the prevention of a united front of developing countries hostile to the interests of the United States. To this end, a method which should be used more consistently than in the past is the enlistment of help from friendly countries which play roles of major local influence, such as Egypt, South Africa, Zaire, Morocco, Kenya, Saudi Arabia, Pakistan and the AESEAN nations. In parallel, we must oppose any uncoordinated moves by our allies in respect to the producers of raw materials if these moves undermine our positions. I do not have to tell you that our allies need us more than we need them.

Social development in the countries of the Third World must be protected from the corrupting influence of Marxist ideology and other political or religious doctrines detrimental to the ideals of the free world. It should be impressed on the most developed and influential groups in these countries, as well as on the world public, that all trends in the development of society in the Third World which reject our historical, political and economic experience, are clearly linked with organized international terrorism and, more specifically, with the growing threat of Soviet domination.

We must ensure a reliable supply of oil and other raw materials and the uninterrupted export of our own goods. These relations cannot be based on the previously proclaimed principle of mutual dependence because this principle, or rather catchword, distorts the real correlation of forces and exaggerates the importance of the countries of the Third World prompting them to make foolishly unrealistic demands which neither the United States nor any other industrial nation can meet. We must actively oppose all demands for the establishment of a new international economic order, which would be fraught with detrimental consequences for the United States and would certainly backfire on those most vocal in pushing the idea.

We must also counter, both in the UN and within the framework of the North-South dialogue, any discussion of global problems which questions the validity of the free market and of free enterprise in countries of the Third World. The scope of private national and multinational corporations should be extended by lifting unreasonable restrictions of their activity imposed by many governments of developing countries. Such countries should rely on free enterprise and recognise that their governments bear a great share of responsibility for their own backwardness. This is the result of the incompetence of their leaders to exploit their own resources or make rational use of American aid. There is now overwhelming evidence that much of foreign aid is wasted on the payrolls of inflated bureaucracies and perhaps even more on the personal enrichment of those in power.

We must ensure, in providing economic and financial assistance to the Third World, that it is not used to bolster systems or regimes inimical to the United States. Aid should be confined to reliable allies and friendly nations, even if their domestic policies may cause us qualms, or to countries of wavering loyalties when there is solid ground for believing that they would respond positively to American assistance.

There is a strong case for reducing the total volume of foreign aid provided through U.S. government channels and through international organisations and foundations, to eliminate the wanton waste of resources which we have seen in the past. We must weigh once again the expedience of financing at the present level the development banks for Latin America, Asia and Africa as well as the international food aid programmes for the developing countries. Food should be used more actively as an effective instrument of our foreign policy. We should also refuse, except in overriding political or military emergencies, to subsidize the public sectors of developing nations—a prime cause of the wanton waste of resources to which I have just referred. The reduction of our aid through government channels will not be popular in much of the Third World. But adversely affected regimes should seek compensation by encouraging a greater influx of private capital into their economies which would benefit them more in the long run. Meanwhile American businessmen would contribute more actively to the implementation of U.S. foreign policy while making substantial profits as a solid contribution to the U.S. balance of payments. This administration is prepared to make vigorous efforts to support a major export drive in Third World markets hitherto.

I have spoken mainly of economic matters. I now turn to military aid. It is the administration's view that more, not less, emphasis should be laid on military assistance—and not merely assistance limited to

the supply of equipment. It should harness the recipients more firmly to the strategic plans of the United States by means of standardized equipment and training, and by defense agreements and joint maneuvers to demonstrate our military capability and global reach. Existing limitations on arms deliveries to the Third World should be lifted. Careful control must be enforced to ensure that these arms do not fall into the hands of the Communist Bloc or of such terrorist organizations as the Farabundo Marti Front in El Salvador, the ANC in South Africa or SWAPO in Namibia. Countries shown to have transferred American arms without due authorization must be severely sanctioned. The sale of arms must be a major component of our foreign policy strategy. Its importance will steadily increase together with the role of special operations and the procurement of intelligence. We should also bear in mind that both Moscow and our Western allies are competing for the arms markets of the Third World, and excessive restrictions should not inhibit the aggressive salesmanship of American companies. The natural scruples of a free society should be tempered by the recognition that we live in the world as it is, not in one we would like it to be.

That concludes my statement of general considerations. I will now deal with regional issues, beginning with our nearest neighbors in Latin America.

This region has always been of extreme importance to the security of the United States, a truth enshrined long ago in the Monroe Doctrine. It is of vital necessity to retain our traditional influence there so as to ensure our access to its raw materials and their free and undisturbed transport to the United States.

The main problem for the United States in this region today is to reinforce the commitment of OAS member states to the Rio treaty and to broaden its practical application so that any violation of stability in Central or South America would provide sufficient grounds for the automatic implementation of the mechanism calling for mutual assistance.

The activities of the Castro regime in Cuba have aroused serious concern for the stability of the continent. We cannot tolerate the continuation of activities which could lead to the emergence of other hostile regimes in close proximity to the borders of the United States. A blockade of Cuba is in force, and we are actively pursuing a policy of restricting her influence on neighboring countries. Several options are under consideration for tightening the diplomatic, economic, physiological and military pressures on the Cuban regime. In addition, there is a special plan, conceived within the framework of controlling terrorism, which will show our resolve to use all available means to counter any interference in the region.

We are following closely the alarming events in El Salvador which have developed as a result of the terrorist activity of rebel elements stimulated and fostered from outside the country. To help stabilize the situation we are stepping up all round assistance to the lawful government. Steps are also being taken to prompt other countries in the region to share responsibility for the future of El Salvador. We have in preparation resolute measures in respect of Nicaragua where a clearly pro-Cuban regime is being established which could spread its influence to El Salvador and beyond. We shall continue to exert political, economic and, if necessary, other forms of influence on the Mexican government in order to inject some measure of consistency into the foreign policy. It is a leading power in the area and its frequent and inexcusable equivocations in the past have positively encouraged unfavourable developments.

The Pentagon is grappling with the task of ensuring strategic coordination between our Pacific and Atlantic fleets. The significance of the Panama Canal is thereby enhanced and it is imperative for us to guarantee the United States unimpeded use of the waterway. Our strategic interests also call for a permanent U.S. military presence in the Panama Canal Zone, Guantanamo and other strategic locations in the Caribbean. In this connection, we have a special interest in enlisting the help of our friends in the Third World to block the adoption by the UN, the nonaligned movement and other international organizations of any resolutions on Central America which could embarrass the United States. Acting on the advice of the Secretary of State who is personally following developments in the Caribbean Basin, President Reagan has set up an inner operations group, consisting of senior State Department and Pentagon officials and fully empowered to take urgent action in the event of deterioration of the situation.

We attach great significance to our ongoing efforts to create a South Atlantic Treaty Organisation to match the NATO system in the north. If we succeed in our enterprise, we would expect the formation of such an alliance to pay a major part in strengthening our positions in Latin America and Southern Africa. The main difficulties to be overcome arise from the uncertain attitudes of Brazil and Argentina toward the issues, the product of the traditional rivalry between the two countries. As for the government in Pretoria, it has expressed its unhesitating approval for the project.

And now for one of the thorniest of the world's problems—the situation in the Middle East and the Indian Ocean. Here we have an extremely sensitive and unstable zone, a stage of fierce rivalry for political and military influence and guaranteed access to essential raw materials; major lines of naval communication pass through this area as well as the oil routes via the Mediterranean and round the Cape. It is also the home of fanatically pursued rivalries of almost inconceivable variety and complexity offering ideal opportunities for the fomenting of mischief.

American policy in this vortex is based on a balanced strategy proceeding from the fact that the process of establishing peace and the process of cooperation in the sphere of security supplement each other. That is why we attach such great importance to the maximum possible build-up of our military presence in the region and to military agreements with friendly regimes. To this end, we envisage the strengthening of the political and military positions of Israel, which is our closest ally and a catalyst for dissent within the regimes hostile to Jerusalem. This dictates the maintenance of Israel's permanent military superiority over its local enemies. We continue to support the view that the participation of the PLO in any Middle Eastern settlement can be possible only if it reverses its policies, abandons its terrorist tactics and unequivocally acknowledges Israel's right to existence within secure and recognized borders. At the same time, we should not lose sight of the opportunity to strengthen and develop our relations with nations which, like Egypt, are prepared to help us resolve existing and potential conflicts in a manner we are able to accept. In this connection we attach special significance to our relations with Saudi Arabia, Oman and the smaller States of the Gulf and the Red Sea. We believe that they fear the spread of Soviet influence, the religious fanaticism of Iran and the erratic and mischievous policies of the Libyan leader, and that they are therefore ready for closer military cooperation with the United States. We are pursuing similar aims in Jordan and have not yet given up all hope of Iraq.

Our long-term strategy envisages the reorientation of a majority of the Arab countries toward greater reliance on the United States in the face of threatened Communist expansion in the Gulf. Our current policy should be directed toward the creation of conditions which would prompt Arab nations to seek our support as the most reliable guarantee of the stability of existing regimes. We intend to step up our role of mediator in Lebanon to increase American influence there and reduce that of Moscow's Arab allies. At the same time, we will toughen our policy of containment with respect to such Communist Bloc allies as Syria, Libya and South Yemen by means of diplomatic, economic and military pressures.

The State Department and the Pentagon are cooperating closely, under presidential directive, to neutralise the efforts of certain Asian and African governments to achieve the demilitarisation of the Indian Ocean. This would restrict our military presence not only in the open ocean but in the Red Sea, the Persian Gulf and a number of African countries as well. It would create serious difficulties for our rapid deployment force, the essence of which is to take immediate action in the event of an oil embargo, rebellions or revolutions in the oil producing nations, or an outbreak of local conflicts between them which could affect oil deliveries to the United States and its allies. For these decisive reasons, the demilitarisation of the Indian Ocean is out of the question. On the contrary, we must strengthen our forces in the area.

At this point, I would like to emphasise that the administration rejects suggestions that have been made to limit our military presence in the Indian Ocean to a mere token force. A token force might invite the very aggression it was designed to deter, and then be unable to repel it. No, our military presence in the Indian Ocean must not only be substantial in itself, but capable of rapid reinforcement. We are not playing war games in this vital area.

Now, the conflict between Iran and Iraq is a special case, we have been careful not to intervene directly in the war since it serves to weaken the regimes of Tehran and Baghdad, both hostile to the United States, and helps our efforts to activise friendly democratic forces which might emerge after prolonged blood-letting. Yet the administration is aware that the defeat of the Hussein regime could have a negative impact on the United States, so we have not opposed the grant of aid to Iraq from Saudi Arabia, Kuwait, Qatar and Jordan. As for Iran, we are following developments closely since the further spread of Shiite terrorism and subversion would be a recipe for chaos which would endanger the political, economic and military interests of the United States throughout the region. I should mention here that we must also keep an eye on the attempts of some of our European allies, France, for instance, to exploit Middle East-

ern tensions to promote their selfish national interests. This could strengthen the oil-producing countries and reduce the leading role of Israel. It could seriously undermine our strategy throughout the Middle East. The Afghan crisis and Moscow's military intervention led us to launch major diplomatic and propaganda campaigns in the Third World to aggravate relations between the Soviets and the Islamic nations. These compaigns had a powerful impact on such countries as Iran, Pakistan, Saudi Arabia and Guinea, to mention but a few. This could become a major factor in muting anti-American trends in the Moslem world, as was shown dramatically at the Islamic conference of January and May, 1981. Our relations with Pakistan have taken a particularly favourable turn. It is a country of strategic importance and is well placed to help our efforts to influence the policies of Iran, Afghanistan and India.

Unfortunately, for reasons too complex to discuss in detail here, the United States has generally failed to come to satisfactory terms with India since independence. The Gandhi regime pursues an anti-American policy on a number of issues, the most obvious being Afghanistan and South-East Asia, but India is not the giant it claims to be, in fact, it more aptly suggests the Chinese epithet, a paper tiger. Its weakness lies in its many unresolved domestic and international problems; apart from endemic poverty, there is a noticeable growth of separatist movements, to the extent that there is a real possibility of the balkanization of India which would destroy its influence in the Third World and elsewhere. Such a development, while raising a host of new problems, would undoubtedly seriously damage the interests of the Soviet Union, a traditional friend of neutralist India. But even if India does not succumb to balkanization the non-Communist opposition to Indira Gandhi might consolidate its ranks and create an increasing possibility for the emergence of a realistic alternative government. The United States, could watch the erosion of the Nehru-Gandhi tradition, almost irrespective of the form it takes, with some complacency.

From India I shall now move to East Asia and the Pacific. The region is of continuing importance for our interests and calls for a restoration of the former American leadership which was cast in doubt by the failure of previous administrations in Vietnam. The main problem is to create a barrier to the spread of Soviet influence, backed by the present regimes of Vietnam, Kampuchea and, to a lesser extent, Laos, such a barrier could be formed by the creation of a grouping of nations to include Japan, South Korea and the ASEAN countries, a grouping which could expect toleration, if not active support, from China. We hope to link this grouping to our strategy through economic and military agreements to ensure American support and participation in the event of aggression. The administration also considers it desirable to consolidate cooperative relations between South Korea and Taiwan through the friendly brokerage of the United States, although it recognizes the difficulty of realising this aim without damage to our relations with China. This requires a careful balancing act. One of the main objects of such measures would be to undermine the efforts of Vietnam to create a federation of Indo-chinese nations under its own domination.

These arrangements should enable us to strengthen the American military presence in the region and to extend the presently inadequate chain of bases. This could be achieved by reactivating the abandoned military bases in Thailand, by winning access for the US navy, to the ports of Indonesia, Malaysia, Singapore and Sri Lanka, and by building new military installations in Japan, South Korea, the Philippines and Australia. We will also have to tackle the serious problem of increasing Japan's military contribution to the security of the Pacific in the face of significant opposition within Japan and of the concern which such an increase would arouse in countries formerly under Japanese occupation. Another important task is to create a favourable political climate for the more active participation of the ASEAN countries in matters of defence. We will have to exert considerable effort, including economic pressure, to persuade them to reject the concept of a South East Asian zone of peace which is being exploited by Vietnam to improve relations with ASEAN.

We also intend to intensity our efforts to discover the issues on which our views coincide with those of the Chinese leadership. It is clear that China's interest in strengthening its military capability is a base for closer cooperation with Peking. At the same time, we are aware of the need to check China's traditional drive for expansion at the expense of its southern neighbours. There have been occasions in the past when this drive was raised to the level of national policy by the Chinese Communists. We will always be prepared to safeguard our interests and those of our allies, if they are endangered by Communist China. Our relations with Peking Marxists will continue to incorporate flexibility and tactfulness in order that Taiwan remain a political and economic entity in the region. Pressure on the Marxists of Indo-China is one thing scaring ASEAN out of wits is quite another.

I must now complete this survey of American involvement in the Third World by some remarks on Africa, which has recently become yet another arena of bitter struggle against Communism for influence and access to raw materials. It is a struggle which the United States cannot afford to lose. We must be guided by hard facts, not by abstractions, by sentiment. The main goal is this administration in Africa, I do not hesitate to say, is to ensure the stability of the South African regime and to terminate its present unnatural isolation. Yet the United States must also retain, and when possible improve, its relations with the countries of black Africa. These objectives are difficult to reconcile with one another. But there is some promise in sustained attempts to associate important nations such as Nigeria and Zaire, together with the front-line States, with peaceful reforms to solve the problems of separate development in South Africa. We have no quarrel with separate development as such, only with the apparent unfairness of its present application. We are prepared to help Pretoria in mitigating that unfairness. As President Reagan not long ago reminded us, the South African whites stood beside us through two world wars and deserve better from us than a perpetual cold shoulder. We must firmly reject the application of sanctions against South Africa. Its economy is far too closely-intertwined with that of the United States and its allies to permit such irresponsible action. Nor should we try to restrain its efforts to build up a strong defence capability, since we want the South Africans to participate in SATO and play a leading role in the defence of the oil routes round the Cape. These considerations transcend by far the limits of Africa and must be cornerstone of our policy in the continent.

Our trade with black Africa is important and must be promoted with energy, but not at the cost of weakening the economy or defense potential of South Africa. The stand of black African countries on other international issues must also be given due weight. Of most immediate interest is their attitude to our determination to exclude the Marxist SWAPO from any say in the future of Namibia. We will also be swayed by the extent to which they have supported or resisted the policies of the Soviet Union and its surrogates. The administration is taking steps, including the reinforcement of US influence in their neighborhood, to curb African countries which pursue extremist policies and encourage terrorism. In this connection I may mention Ethopia, Angola, Mozambique, Algeria and Benin, among others. President Reagan has personally ordered effective measures to undermine the dictatorial Libyan regime and to discredit the Cuban presence in Africa, I need hardly tell you that the presence of Cuban troops in Angola and Ethopia has a serious obstacle to the restoration of a moderating western influence in countries which have experienced radical, social and political upheavals, with generally disastrous results. We must spare no effort to remove the Cuban factor from the African continent even if it means enlisting the resources of Pretoria.

We attach particular significance to those parts of East Africa which border directly on the Middle East. Our policy there is to encourage military cooperation with Somalia, Sudan and Kenya. This should include a stronger military presence and an unimpeded right to the use of air and sea bases. More active encouragement in the form of material aid should be extended to the separatist movements of Ethiopia in Eritrea, Tigre and Ogaden. The governments of Saudi Arabia, Sudan and Somalia are already pressing us in that direction. Elsewhere in Africa, our traditionally friendly relations with nations such as Zaire, Morocco and Tunisia should be developed in the shape of stronger political, economic and military cooperation, while the strategic importance of the African island States, Madagascar, the Scychelles and Mauritius, is moderate Government in the islands.

You are all well aware that the activities of the OAU are sometimes detrimental to U.S. interests. We propose to strengthen the moderate forces within the organisation, those which are prepared to compromise on major African and other international problems. The possibilities of the OAU have been generally neglected by previous administrations. We intend to remedy that error of omission, and I hope confidently that we shall soon see progress in consonance with our long-term interests.

In conclusion, I will touch on certain special supporting measures to secure our vital interests the world over and to restore our somewhat diminished prestige.

As a result of the weakness of the Carter administration, we did not support the Shah of Iran, although we should have done everything in our power to do so. Now we are paying the price. If we had not abandoned Somoza, Cuba would not have penetrated Nicaragua. There are other examples to demonstrate what seems to have been a sort of paralysis of the American will; with the advent of the new administration our

mental attitudes must be completely changed. The use of force has always been part of the historical process and, apart from nuclear war, we need not fear it. American interests can be defended only by decisive action. If we are convinced that the measures we take are to our advantage, then we must persist to the end, without heeding the objections of our European allies, still less of the Third World.

Several government agencies, working in close cooperation with the State Department under the direction of the President, contribute to the effective implementation of our strategy and policy in the Third World.

Thus, the CIA has been granted wider powers. Upgrading of the CIA is fully justified by the current international situation which reflects a menacing confrontation with the Communist bloc. Wholesale criticism of the agency encouraged by the former administration was unfair.

Ill-considered and contrary to the national interest, the President deems it necessary to restore confidence in the intelligence community. He recommends a daring and active approach to the procurement of intelligence and the mounting of special operations, especially in the Third World.

Great importance is attached to vigorous propaganda in support of our Third World policy, we must counter the unrelenting onslaught of Communist propaganda which seeks to inflame public opinion in the poorer countries and incite them to hatred of the United States and the West in general. This calls for the reorganization of the international communication agency and the peace corps with a view to increasing their effectiveness in propagating the American way of life throughout the world. The outcome of the battle for the minds of the present and potential leaders of developing countries is of major importance for the success of our policies. The nations of the Third World must be made to see the United States as the guarantor of their security in the face of Communist expansion as the only friend who can give them effective aid and support.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WEICKER, from the Committee on Small Business, with amendments:

S. 2489: A bill to amend the Small Business Act to enhance competition in government procurement.

(Referred to the Committee on Armed Services until June 8, 1984.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EAGLETON (for himself, Mr. DANFORTH, and Mrs. KASSEBAUM):

S. 2666. A bill to preclude changes in the Federal regional office structure except by statute; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 2667. A bill to amend the Anadromous Fish Conservation Act to increase the authorization for appropriations to implement emergency measures for the protection of Atlantic striped bass, to provide for the conservation and management of coastal migratory fish, and for other purposes; to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works, jointly, by unanimous consent.

By Mr. WEICKER (for himself and Mr. DODD):

S. 2668. A bill to establish the Chimon Island National Wildlife Refuge; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EAGLETON (for himself, Mr. DANFORTH, and Mrs. KASSEBAUM):

S. 2666. A bill to preclude changes in the Federal regional office structure except by statute; to the Committee on Governmental Affairs.

CHANGES IN FEDERAL REGIONAL OFFICE STRUCTURE

● Mr. EAGLETON. Mr. President, I am concerned by the manner in which the Reagan administration handled its recent review of Federal field operations. Persistent press reports indicated that one or more of the Federal regional centers would be eliminated for reasons of economy. Kansas City, MO, was among those rumored to be slated for extinction.

Of course, we are all in favor of savings that can be achieved through improved efficiency. However, a decision to realine Federal agency boundaries, move functions to other cities, and to diminish the regional center status has a larger impact upon the community than was ever considered by the Cabinet-level review board. Closing down the regional operations in Kansas City would have been disastrous in terms of jobs and prestige. The Federal Government is by far the area's largest employer with some 23,000 workers. Countless additional jobs in the private sector are directly related to the city's function as a Federal regional center. Yet, throughout the planning process, no civic or business leaders were consulted, nor was the area's congressional delegation kept informed during the review process.

The regional center concept was developed during President Nixon's tenure in office to decentralize the Federal Government and make it more accessible to the people. The 10 standard Federal regions were established by Executive order in 1969. The Office of Management and Budget developed circular No. A-105 as the guide for agencies to follow in staffing field offices. Circular A-105 has not been changed since it was issued in 1974 as it does allow flexibility for exceptional situations. However, the regional center structure can be rearranged at the whim of the executive branch.

From my own experience, I can tell you that the establishment of the regional operation in Kansas City significantly enhanced the responsiveness of Government to those needing its services. Kansas City is ideally located to serve the four-state region that includes Missouri, Kansas, Nebraska, and Iowa. Any decision as significant as the reorganization of the regional center structure should not be undertaken behind closed doors. It should be subjected to the scrutiny of congressional hearings and approval.

Therefore, the legislation I am introducing today along with Mr. DANFORTH and Mrs. KASSEBAUM would make OMB circular A-105 a matter of law. It requires congressional review of any proposal to consolidate or eliminate any regional office. Any change in the 10-region structure must be approved by act of Congress.

Whatever plans may have been in the works to eliminate Kansas City offices and others appear to have been shelved for the time being. Expressions of concern from local officials and business leaders as well as from the concerned congressional delegations were effective in persuading the Reagan administration for now to maintain a strong Federal presence through the regional structure. But this is an election year. What about the future? It seems to me that the goal of a decentralized Federal Government is as valid today as it was in President Nixon's time. We need to enact this measure to protect against capricious decisions to reduce public access to the Federal Government.●

By Mr. CHAFEE (for himself, and Mr. PELL)

S. 2667. A bill to amend the Anadromous Fish Conservation Act, to increase the authorization for appropriations to implement emergency measures for the protection of Atlantic striped bass, to provide for the conservation and management of coastal migratory fish, and for other purposes; referred jointly to the Committees on Environment and Public Works and Commerce, Science and Transportation, by unanimous consent.

COASTAL MIGRATORY FISH CONSERVATION ACT

● Mr. CHAFEE. Mr. President, today I am introducing a bill to improve the conservation and management of migratory fish, including a specific provision for the immediate protection of the Atlantic striped bass.

Many of our coastal fisheries have undergone a precipitous decline during the last decade. More efficient fishing methods, increased recreational fishing, lower production, and degraded habitat are some of the factors responsible for this decline. The best example of this decline, perhaps more accu-

rately referred to as the "worst examples," is the striped bass situation.

The role of the striped bass in America's history is quite astounding. As far back as 1614, Capt. John Smith wrote in his journal about the excellent attributes of the striped bass. Like the native Americans before them, the first colonists in Massachusetts survived severe winters on a sustenance of striped bass. Today the striper is prized as a delectable tablefish as well as a gamefish and deservedly has been called the aquatic equivalent of the American bald eagle. The possible loss of this magnificent creature has alarmed fishermen and scientists alike.

The impending calamity facing the striped bass first came to my attention when I read John Cole's book "Striper." That was in 1979, during hearings on reauthorization of the Anadromous Fish Act. Through questioning of witnesses on the prognosis for the striper's survival, I was surprised to learn that there had been minimal State or Federal effort directed at determining the causes and extent of the problems facing the striped bass. This finding convinced me of the need for an emergency, indepth scientific study of the striper.

An amendment to the Anadromous Fish Conservation Act calling for this study was enacted in November 1979. It directed the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to cooperate with the States and other independent groups in an investigation of the striped bass. The dual purpose of the investigation was to determine the extent of the decline of the striped bass populations and to identify the factors responsible for the declining populations. The initial 3-year authorization was extended for 2 years to allow for further data collection and analysis on the status of the fisheries, contaminants, exploitation of stocks, larval food availability, predators, and economic value.

We are in the final year of the emergency striped bass study. Recent reports from the study group confirm the calamitous trend of the Atlantic coastal stocks of striped bass. Findings reveal that several commercial fishing operations have ceased due to scarcity of striped bass; that contaminants are present in various life stages; that its greater susceptibility to contaminants, when compared with other fish, makes the striper one of the first fish species to succumb to estuarine pollution; and that the coastal stock cannot continue to support the level of fishing activity that currently exists.

The economic value of this fishery is quite substantial. In 1980, the commercial and recreational fisheries for the Atlantic Coast striped bass were still supporting approximately 5,600 jobs, promoting $90 million in annual spending and creating $200 million in related economic activity. As a result of the emergency study, we now have data indicating that the decline in commercial and recreational catches of striped bass since 1974 may have cost the Northeast approximately 7,000 jobs and over $200 million in economic activity in 1980.

Obviously, action must be taken to reverse this trend. The Atlantic States Marine Fisheries Commission interstate management plan for striped bass was designed to do this. However, even though the plan was unanimously approved by the affected States in 1981, it has not been implemented by all of the affected States. The implementation that has occurred cannot be characterized as consistent nor expeditious. Recently, the Commission determined that the plan recommendations were inadequate to protect the bass from further decline and moved for even greater restrictions on fishing. It has been suggested that the 1981 plan is now seriously out of date and needs to be substantially rewritten.

Although the efforts of the Commission are commendable, the needed fishing restrictions are not likely to be implemented this year or next. Without abatement of present trends, the striper may be in a precarious state.

Sadly, the striped bass is only one of many coastal fisheries experiencing a precipitous decline. The problem facing river herring, shad, and weakfish are analogous to those facing the striped bass fishery. No single entity is responsible for managing these fisheries. Migrating great distances along the coast, these fish are rarely found in waters beyond 3 miles from the coast. For this reason, regulation of these fisheries has historically been within the jurisdiction of the coastal States. As a result, these fisheries are subject to diverse, inconsistent, and intermittent regulations. Inevitably, management and conservation measures are slow to be developed and implemented.

Through Federal compact, three Interstate Fisheries Commissions have been established. There is one each for the Atlantic, the Gulf of Mexico, and the Pacific Coasts. These Commissions have long been recognized as planning agencies for management of migratory fish species which inhabit the territorial waters of the states and are found primarily within a zone extending 3 miles offshore. Each affected State has three members on the relevant Commission, and the National Marine Fisheries Service is designated to act as the primary research agency for the Commissions. Funding is derived from both State and Federal contributions. After an interstate management plan is developed by a Commission, it is the responsibility of each State to take the recommended legislative or regulatory action. The problem is that under current law there is no binding commitment for the full implementation of any plan developed by these Commissions, nor is there an interjurisdictional enforcement mechanism.

Mr. President, the time has come for a new approach to the challenge of managing migratory species of fish. Migratory fish such as the striped bass do not recognize the jurisdictional limits of the several States. That is why uniform, interstate measures must be used. The management and conservation of fisheries that migrate across various jurisdictional boundaries on a regular basis are matters of national interest. Federal and State governments, as well as users, must contribute to the development and implementation or appropriate measures.

The legislation I am introducing today has a twofold purpose: One, to establish a workable mechanism for interstate management and protection of migratory species of fish; and two, to initiate emergency action for the protection of Atlantic striped bass.

It is beyond dispute that a reduction in fishing mortality would alleviate a major threat to the striper's survival. The Atlantic States Marine Fisheries Commission interstate management plan for striped bass was designed to do this in 1981. As I mentioned earlier, the plan has not been implemented by all affected States and a call to implement even further reductions in catch has recently gone out to the States. Given our experience since 1981, there is no reason to believe that uniform implementation of any new plan is likely to occur without some sort of pressure from the Federal Government.

The most effective method for reducing fishing mortality and to prod individual States to take action to protect the striped bass is to impose a temporary moratorium on the taking of striped bass along the Atlantic coast. This bill will, therefore, impose an immediate moratorium on fishing for striped bass within all State and Federal waters of the Atlantic coast. This ban would be lifted upon implementation, on a State-by-State basis, of an approved interstate management plan for striped bass.

We must keep in mind, however, that a moratorium is a temporary action which cannot assure the viability of the striped bass stock. Factors other than fishing mortality are contributing to the decline of the striper and these, too, require uniform, interstate response. The quality of breeding and spawning habitats, improvement of water quality and the reduction of contaminants in the striper's food supply must also be considered in an attempt to restore the fishery.

To address these factors for the striper as well as other migratory species, the bill will enhance the role of the Interstate Fisheries Commissions in the coordination and implementa-

tion of fishery plans. The States will still be responsible for regulating the fisheries within their waters, however, as members of a compact, they will be obligated to meet the minimum standards set out in the plan.

The Federal role is to assist the Commissions and States through existing grant programs—Anadromous Fish Conservation Act and Commercial Fisheries Research and Development Act—to publish plans and schedules, to intervene when a State or States are negligent in exercising their responsibilities, and to invoke emergency action when necessary.

Mr. President, because this legislation addresses interstate, State-Federal, and intrafederal jurisdictions, the nature of the problem and the solution appear complex. The intent is not to further complicate intergovernmental arrangements, but rather to utilize existing government structures to the greatest extent possible. Any suggestions for improving the system of communications and authorities required by this bill would be greatly appreciated.

Mr. President. I urge my colleagues to support this important bill. Prompt congressional action on this bill would not only provide a temporary solution to the striped bass problem but would also establish a workable system for managing and conserving migratory fisheries on the coasts of the continental United States in a manner that recognizes the important role of the States.

To assist my colleagues in their review of this important bill, I ask unanimous consent that the following summary, section-by-section analysis, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CONSERVATION AND MANAGEMENT OF COASTAL MIGRATORY FISH

SECTION 101. SHORT TITLE.

This title may be cited as the "Coastal Migratory Fish Conservation Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares the following:

(1) Coastal migratory fish are of increasing commercial and recreational importance and economic benefit to the coastal states and to the Nation. The interest of the coastal states, as well as the Nation, requires the effective conservation and fair allocation of these resources.

(2) As a consequence of increased fishing pressure, environmental pollution, the loss and alteration of habitat, and the inadequacy of fishery conservation and management practices and controls, certain stocks of coastal migratory species have been severely reduced in number.

(3) Because no single government entity has full management authority throughout the range of coastal migratory species, the harvesting and conservation of these fish may be subject to diverse, inconsistent, and intermittent State and Federal regulation that results in action or inaction that is detrimental to the long-term maintenance of fish stocks and to the interests of fishermen and the Nation as a whole.

(4) Fisheries management is a shared responsibility of great magnitude, rooted in the common property nature of fish stocks. Therefore Federal and State governments, as well as users, should contribute in appropriate ways to the conservation and management of coastal migratory species throughout their range.

(5) It is in the national interest to implement effective procedures and measures to provide effective interjurisdictional conservation and management of these species.

(6) An immediate response is needed to curtail further reduction of Atlantic striped bass populations.

(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this title—

(1) to support and encourage the development, implementation, and enforcement of interstate plans for the conservation and management of coastal migratory species;

(2) to provide grants to interstate commissions and coastal states to assist them in developing and implementing plans of that kind; and

(3) to provide emergency measures for conservation and management of migratory fisheries.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) The term "Act of 1976" means the Act entitled "An Act to provide for the conservation and management of the fisheries, and for other purposes", approved April 13, 1976 (16 U.S.C. 1801 et seq.).

(2) The term "coastal migratory species" means any species of fish or shellfish that—

(A) either—

(i) migrates among the coastal waters of two or more constituent coastal states, or

(ii) migrates between coastal waters and the Exclusive Economic Zone; and

(B) is predominantely harvested in a coastal region rather than in the Exclusive Economic Zone.

(3) The term "coastal region" means the coastal waters of all constituent coastal states of a Commission.

(4) The term "coastal waters" means—

(A) all waters, whether salt or fresh, of a constituent coastal state shoreward of the baseline from which the territorial sea of that state is measured, including but not limited estuaries and embayments; and

(B) the waters of a constituent coastal state seaward from the baseline referred to in subparagraph (A) to the inner boundary of the Exclusive Economic Zone.

(5) The term "constituent coastal state" means any State that is party to the Interstate Commission compacts (identified in paragraph 7) as of December 31, 1983.

(6) The term "conservation and management standards" means those standards listed in section 105(a).

(7) The term "Commission" refers to the following:

(A) The Atlantic States Marine Fisheries Commission established under the interstate compact consented to an approved by the Congress in Public Laws 77-539 and 81-721.

(B) The Gulf States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Law 81-66.

(C) The Pacific Marine Fisheries Commission established under the interstate compact consented to an approved by the Congress in Public Laws 80-232, 87-766, and 91-315.

(8) The term "fishery" means one or more stocks of a coastal migratory species that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, commercial, recreational, and economic characteristics.

(9) The term "fishing" means—

(A) the catching, taking, or harvesting of members of a coastal migratory species;

(B) the attempted catching, taking, or harvesting of members of a coastal migratory species; and

(C) any operation within coastal waters in support of, or in preparation for, any activity described in subparagraph (A) or (B).

The term does not include—

(i) any scientific research activity that is conducted from a scientific research vessel; or

(ii) incidental catching, taking, or harvesting that occurs in the course of commercial or recreational fishing.

(10) "Secretaries" means the Secretary of Commerce and the Secretary of the Interior for joint administration of programs to establish regional fishery management plan lists and for invoking emergency measures. Administrative responsibility for individual fishery plans rests with the appropriate Secretary as defined in paragraph (11).

(11) "Secretary" means the Secretary of the Interior or the Secretary of Commerce for the Administration of fishery management plans. The Secretary of the Interior shall be responsible for fishery plans for anadromous fish, whereas, the Secretary of Commerce shall be responsible for fishery plans for other than anadromous fish.

(12) "Anadromous fish" means fish that normally migrate from the sea to river and the headwaters of estuaries to spawn.

SEC. 104. LISTS OF FISHERIES FOR WHICH CONSERVATION AND MANAGEMENT PLANS REQUIRED.

(a) COMMISSION LISTS OF FISHERIES TO BE MANAGED.—(1) Within one year after the date of the enactment of this title, each Commission shall prepare and submit to the Secretaries a list of those fisheries that are within the coastal region under its jurisdiction and that require conservation and management. Each Commission must hold at least one public hearing in conjunction with the preparation of the list in order to obtain public views on issues.

(2) The list prepared and submitted under paragraph (1) by a Commission must—

(A) rank the fisheries on the basis of the relative need for conservation and management, with the fishery that most urgently requires conservation and management being listed first;

(B) specify a date by which a fishery management plan for each listed fishery shall be submitted to the Secretary for review under section 106; and

(C) be approved by not less than two thirds of the voting membership of the Commission.

(3) The lists required under this subsection, and any amendment recommended thereto under subsection (b)(2), must be accompanied by the information and reasons on which the lists or amendments are based.

(b) PROMULGATION OF LIST BY SECRETARIES—(1) Within 60 days after receiving a list from a Commission under subsection (a)(1), the Secretaries shall—

(A) review the list, taking into account whether any of the coastal migratory species on the list could be adequately managed under title III of the Act of 1976 and any other factor considered relevant by the Secretary;

(B) make such modifications (consistent with the criteria in subsection (a)(2) (A) and (B)) to the list as the Secretaries consider necessary or appropriate; and

(C) initiate the adoption of the list, as so modified, as a regulation by publishing it as a proposed regulation under the appropriate rule-making procedures, together with a statement of the reason for each modification.

(2) A Commission may at any time propose amendments to the list promulgated under paragraph (1) for that Commission. The procedures set forth in paragraph (1) shall apply to recommended amendments.

SEC. 105. CONSERVATION AND MANAGEMENT STANDARDS AND PLAN CONTENTS.

(a) STANDARDS.—Each fishery management plan prepared under this title shall be consistent with the following standards for fishery conservation and management:

(1) Conservation and management measures shall prevent overfishing.

(2) Conservation and management measures shall be based upon the best scientific information available.

(3) To the extent practicable, an individual stock of a coastal migratory species shall be managed as a unit throughout its range, and interrelated stocks shall be managed as a unit or in close coordination.

(4) Conservation and management measures shall not discriminate between residents of different constituent coastal states, and any allocation on assignment of fishing privileges among fishermen of the various constituent coastal states shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(b) REQUIRED PLAN CONTENTS.—A fishery management plan prepared by a Commission or the Secretary for a fishery under this title must—

(1) contain the conservation and management measures applicable to fishing within the coastal region that are—

(A) necessary or appropriate for the conservation and management of the fishery, and

(B) consistent with the conservation and management standards and the other provisions of this title, and not inconsistent with other Federal law;

(2) contain a description of the fishery, including, with respect to coastal waters of each constituent coastal state, the number of vessels involved, the type and quantity of fishing gear used, the coastal migratory species involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, and any commercial or recreational interest in the fishery;

(3) assess and specify the present and probable future condition of the fishery and habitat supporting the fishery, and include a summary of the information utilized in making the specification;

(4) specify measures needed to maintain, restore and enhance habitat necessary for maintenance or improvement of the fishery and its food base;

(5) contain a description of the laws and the regulations or other administrative authority under which each constituent coastal state will enforce the fishery management plan within its coastal waters;

(6) specify the pertinent data that shall be submitted to the Secretary by the Commission with respect to the fishery for purposes of enabling the Secretary to monitor the carrying out of the plan under section 107, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the extent of enforcement by each coastal state; and

(7) specify that time, taking into account the legal, scientific, and physical resources of each constituent coastal state, by which all constituent states must commence implementation of the plan.

(c) DISCRETIONARY PLAN CONTENTS.—A fishery management plan prepared by a Commission or the Secretary for a fishery under this title may—

(1) require permits to engage in fishing within the fishery;

(2) designate zones within coastal waters where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations on the catch of the coastal migratory species;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the plan;

(5) establish a system for limiting access to the fishery; and

(6) prescribe such other measures, requirements, or conditions and restrictions, whether applicable within the coastal region or the coastal waters of one or more (but not necessarily all) constituent coastal states, as are necessary and appropriate for the conservation and management of the fishery.

SEC. 106. PREPARATION OF PLANS BY COMMISSIONS AND REVIEW BY SECRETARY.

(a) PREPARATION AND SUBMISSION OF FISHERY MANAGEMENT PLANS BY COMMISSION.—Each Commission shall prepare and submit to the Secretary, within the period specified in the applicable list established under section 104(b), a fishery management plan for each fishery on that list. For good cause shown, the Secretary may extend the period for the preparation and submission of a fishery management plan under this subsection by not more than 180 days.

(b) ACTION BY THE SECRETARY AFTER RECEIPT OF PLAN.—After the Secretary receives a fishery management plan prepared by a Commission (the date of receipt of which is hereafter in this section referred to as the "receipt date"), the Secretary shall—

(1) immediately commence a review of the management plan to decide whether it is consistent with the conservation and management standards and other provisions of this title, and not inconsistent with other Federal law, and

(2) within 30 days after the receipt date published in the Federal Register a notice stating that the plan is available and that written data, views, or comments of interested persons on the plan may be submitted to the Secretary during the 60-day period beginning on the date on which the notice is published.

(c)(1) A fishery management plan received by the Secretary under subsection (b) shall be treated as having been approved by the Secretary if—

(A) the Secretary does not notify the Commission in writing of his disapproval, under paragraph (2), of the plan before the close of the 120th day after the receipt date; or

(B) at any time subsequent to the 90th day after the receipt date and before such 120th day, the Secretary notifies the Commission in writing that he does not intend to disapprove the plan.

(2) If after review under subsection (b) the Secretary decides, after taking into account the data, views, and comments submitted by interested persons, that the plan does not meet the requirements set forth in section 105, the Secretary shall notify the Commission in writing of his disapproval (in whole or in part) of the plan. The notice shall specify—

(i) the reasons on which the disapproval is based; and

(ii) recommendations concerning revisions to the plan that, if agreed to by the Commission, would overcome the disapproval.

(3) If within 60 days after the date of a notification of disapproval under paragraph (2), the Commission submits revisions to the fishery management plan, the Secretary shall decide, by the 30th day after the date of such submission, whether the revisions are sufficient to warrant approval of the plan. Upon request of the Commission or any constituent coastal state, the Secretary shall provide opportunity for consultation regarding the revisions before the decision is made.

(d) FINAL ACTION ON COMMISSION PLAN.—If the Secretary decides under subsection (c)(3) that the revisions submitted by the Commission to a fishery management plan—

(1) are sufficient to warrant approval, the plan shall be considered to be approved by the Secretary on the 30th day referred to in subsection (c)(3); or

(2) are not sufficient to warrant approval, the Secretary shall prepare a fishery management plan under section 107 for the fishery.

(e) AMENDMENTS TO APPROVED PLAN.—A Commission may at any time submit to the Secretary proposed amendments to a fishery management plan that is in effect within the coastal region under its jurisdiction. Subsections (b), (c), and (d) shall apply to an amendment proposed under this subsection in the same manner and to the same extent as if the amendment were a fishery management plan submitted to the Secretary under subsection (a).

(f) FEDERAL AGENCY COOPERATION.—(1) A Commission may secure directly (on a reimbursable basis or otherwise) from any department or agency of the United States information necessary to enable it to carry out its functions under this title. Upon request of the Chairman of a Commission, the head of such department or agency shall furnish such information to the Commission.

(2) Upon request of a Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist in it carrying out those functions.

(g) CONFIDENTIALITY.—Each Commission shall establish procedures applicable to it for ensuring the confidentiality of the statistics or other information that may be submitted to it by Federal or State authorities, and may be voluntarily submitted to it by private persons; including, but not limited to, procedures for the restriction of Commission employee access to such information and the prevention of conflicts of interest. The procedures required to be established under this subsection must, in the case of information submitted to the Commission by any State, be consistent with the laws and regulations of that State concerning the confidentiality of that information.

SEC. 107. PREPARATION OF PLANS BY SECRETARY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall prepare a fishery management plan, consistent with the conservation and management standards and other provisions of this title and not inconsistent with other Federal law, for a fishery as follows:

(1) If a Commission fails to submit a fishery management plan to the Secretary within the period provided for under section 106(a), the Secretary shall prepare the plan within 1 year after the close of that period.

(2) If the Secretary disapproves or partially disapproves a fishery management plan and the Commission does not submit revisions thereto within the period specified in section 106(c)(3)(A), the Secretary shall prepare the plan within 6 months after the close of that period.

(3) If the Secretary is required to prepare the plan by reason of section 106(d)(2), the Secretary shall prepare the plan within 3 months after the date on which the Secretary decides that the Commission revisions are not sufficient to warrant approval.

(b) INCLUSION OF CERTAIN PLAN PROVISIONS PREPARED BY COMMISSION.—If the Secretary is required to prepare a fishery management plan under subsection (a)(2) or (3), the plan must contain all provisions of the plan prepared by the Commission that were not cause for disapproval under section 106.

(c) ACTION AFTER PREPARATION.—(1) Whenever the Secretary prepares a fishery management plan under subsection (a), the Secretary shall, within 30 days after the day on which the preparation is completed—

(A) submit the plan to the appropriate commission for consideration and comment; and

(B) publish in the Federal Register a notice stating that the plan is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date on which the notice is published.

(2) The Commission must submit its comments and recommendations, if any, regarding the plan to the Secretary before the close of the 60-day period referred to in paragraph (1)(B). Before the close of the 30th day after the date on which the comments and recommendations of the Commission are submitted, the Secretary, after taking into account any such comments and recommendations, as well as any views, data, or comments submitted under paragraph (1)(B), shall make such modifications to the plan as he considers necessary or appropriate and the plan, as to modified, shall be considered to be approved by the Secretary on that 30th day.

SEC. 108. IMPLEMENTATION OF PLANS BY CONSTITUENT COASTAL STATES; MONITORING.

(a) IN GENERAL.—Each constituent coastal state shall implement and enforce its responsibilities under each fishery management plan approved under section 106(c)(1) or 107(c)(2) in accordance with that plan. From the date of plan approval by the Secretaries, each constituent coastal state shall implement its responsibilities within one year, or within 180 days subsequent to the next complete state legislative session, or as the date agreed to in the plan.

(b) MONITORING.—The Secretary shall monitor the implementation and enforcement of each fishery management plan through information provided by the Commission. The monitoring shall be based on the reports to the Commission, required of the States under the fishery management plan, as well as on such on-site investigations as the Secretary considers necessary or appropriate.

(c) UNSATISFACTORY STATE ACTION.—(1) If the Secretary, on the basis of monitoring conducted under subsection (b) or on the basis of Commission request, decides that one or more constituent states—

(A) have not placed an approved fishery management plan into effect within their coastal waters within the time specified in the plan, or

(B) are not satisfactorily implementing or enforcing their responsibilities under the approved fishery management plan;

with the result that there is, or will likely be, a substantial and adverse effect on the carrying out of the plan;

the Secretary shall notify the Commission and the appropriate states of the decision and initiate consultations to discuss the matters at issue.

(2) If after 90 days, the Secretaries decide that consultation under paragraph (1) is not resulting, or likely will not result in appropriate remedial measures being instituted by one or more of the constituent coastal states concerned, the Secretaries shall, by notice published in the Federal Register, declare a moratorium on fishing for the coastal migratory species covered by the fishery management plan—

(A) within the coastal region, if all constituent coastal states were involved in the consultation under this section and none are instituting appropriate remedial measures; or

(B) if subparagraph (A) does not apply, within the coastal waters of each constituent coastal state that was involved in the consultation under this section and is not instituting appropriate remedial measures.

SEC. 109. MORATORIUM.

(a) DEFINITIONS.—For purposes of this section—

(1) The term "moratorium area" means the coastal region or coastal waters with respect to which a declaration under section 108(c)(2)(A) or (B) applies.

(2) The term "moratorium period" means the period beginning on the day on which a moratorium is declared under section 108(c)(2) and ending on the day on which the Secretaries publish notice in the Federal Register that they are satisfied that one or more of the constituent coastal states concerned have taken appropriate remedial action with respect to those matters that were the cause of the moratorium being declared.

(b) TERMINATION AND EXTENSION OF MORATORIUM PERIOD.—The Secretaries may terminate, on a state-by-state basis, the moratorium imposed by this section, or portions thereof, upon implementation of an approved fishery management plan for striped bass as described under sections 105 and 106.

(c) PROHIBITED ACTS DURING MORATORIUM.—During a moratorium period, it is unlawful for any person—

(1) to engage in fishing within the moratorium area for the coastal migratory species to which the moratorium applies;

(2) to possess fish or shellfish that are caught, taken, or harvested in violation of paragraph (1);

(3) to transport in interstate commerce fish or shellfish that are caught, taken, or harvested in violation of paragraph (1); and

(4) to fail to return to water members of the coastal migratory species to which the moratorium applies that are caught, taken, or harvested in the moratorium area under circumstances described in section 103(9).

(d) PENALTIES AND FORFEITURES.—(1) Any person who is found by the Secretaries after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have knowingly committed an act that is unlawful under subsection (b), shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $5,000 for each violation. Each day of continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretaries by written notice. In determining the amount of such penalty, the Secretaries shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed and, with respect to the violator, the degree of culpability, any history of prior violations, ability to pay, and such other matters as justice may require.

(2) Subsections (b) through (e) of section 308 of the Act of 1976 (16 U.S.C. 1858(b)-(e); relating to review of civil penalties, action upon failure to pay assessment, compromise, and subpenas) shall apply to penalties assessed under paragraph (1) to the same extent and in the same manner as if those penalties were assessed under subsection (a) of such section 308.

(e) CIVIL FORFEITURES.—(1) Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or the result of, the commission of any act that is unlawful under subsection (b), shall be subject to forfeiture to the United States. All or part of the vessel may, and all such fish (or the fair market value thereof) shall, be forfeited to the United States under a civil proceeding described in paragraph (2). The district courts of the United States shall have jurisdiction over proceedings under this subsection.

(2) Subsections (c) through (e) of section 310 of the Act of 1976 (16 U.S.C. 1860(c)-(e); relating to judgment, procedure, and rebuttable presumptions) apply with respect to proceedings for forfeiture commenced under this subsection to the same extent and in the same manner as if the proceeding were commenced under subsection (a) of such section 310.

(f) ENFORCEMENT.—The Secretaries shall enforce a moratorium declared under section 108(c)(2) and emergency regulations in effect under section 110(c)(1). The Secretaries may, by agreement, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal department or agency and of any agency of a constituent coastal state in carrying out that enforcement.

SEC. 110. EMERGENCY ACTION

(a) COMMISSION NOTIFICATION.—If a Commission decides that an emergency exists regarding a fishery (whether or not a fishery management plan is in effect for that fishery under this title), the Commissiono shall immediately notify the Secretaries and submit to the Secretaries information regarding the cause and extent of the emergency, together with its recommendations for action.

(b) SECRETARIAL ACTION.—If the Secretaries receive notification under subsection (a), or otherwise receives information indicating that an emergency may exist regarding a fishery (whether or not a fishery management plan is in effect for that fishery) the Secretaries shall promptly determine, on the basis of best available information, the nature and extent of the emergency and—

(1) shall, if the notification under subsection (a) resulted from a unaminous decision of the voting membership of the Commission, formulate measures (which may include a moratorium) to be implemented under subsection (c) and enforced in response to the emergency; or

(2) may, if other than a unanimous Commission vote is involved, formulate measures (which may include a moratorium) to be implemented under subsection (c) and enforced in response to the emergency,

(c) IMPLEMENTATION OF EMERGENCY MEASURES.—(1) The measures formulated under subsection (b) shall, whether or not a fishery management plan is in effect for the fishery, be considered as emergency regulations adopted by the Secretaries and take effect immediately.

(2) For purposes of section 109(c), any violation of an emergency regulation that takes effect under paragraph (1)(B) shall be treated as an unlawful act prohibited under section 109(b).

(d) DURATION OF EMERGENCY MEASURES.—An emergency measure that takes effect under subsection (c)(1) shall remain in effect until an approved fishery management plan is formulated and implemented by each constituent coastal state, or for not more than one year, unless renewed by the Secretaries.

SEC. 111. FINANCIAL ASSISTANCE.

The Secretaries may make grants to each Commission for either or both of the following purposes:

(1) Use by the Commission for carrying out its functions under this title.

(2) Apportionment by it among the constituent coastal states for use by them in preparing fishery management plans under section 106 in accordance with the priority of preparation specified in the list promulgated under section 104(b).

SEC. 112. ATLANTIC STRIPED BASS FISHERY

(a) MORATORIUM.—On the date of enactment of this Act a moratorium shall be deemed to have been declared by the Secretaries under Section 108(c)(2)(A) with respect to the Atlantic striped bass fishery within the coastal waters of the United States Atlantic Coast and all provisions of section 109 shall apply with respect to such moratorium; except that the moratorium period shall be determined under subsection (e) of this section.

(b) NOTICE.—Not later than 30 days after the date of enactment of this Act the Secretaries shall publish in the Federal Register a notice and explanation of the moratorium imposed by this section for striped bass in the coastal waters of the United States Atlantic Coast.

(c) ENFORCEMENT.—The Secretaries shall enforce the moratorium imposed by this section and may enter into cooperative agreements to utilize the personnel, services, equipment, and facilities of the United States Coast Guard or the states, on a reimbursable basis or otherwise, to assist such enforcement.

(d) ACTION BY THE COMMISSION.—(1) The Atlantic States Marine Fisheries Commission shall proceed with the development of a fishery management plan for striped bass as described under sections 105 and 106.

(2) The Atlantic States Marine Fisheries Commission shall assist the Secretaries and states in monitoring the effectiveness of the moratorium imposed by this section.

TITLE II—AMENDMENTS TO OTHER LAWS AFFECTING FISHERIES

SEC. 201 COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT OF 1964.

(a) Section 4 of the Commercial Fisheries Research and Development Act (16 U.S.C. 779b) is amended as follows:

(1) by amending subsection (a)—

(A) by striking out "There" and inserting in lieu thereof "Except as provided in paragraph (4), there",

(B) by striking out "and" at the end of paragraph (2), and

(C) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) $5,000,000 for fiscal year 1984, and

"(4) $7,000,000 for each of fiscal years 1985, 1986, and 1987, of which not to exceed $2,000,000 for each of such fiscal year (A) are for the making of grants under section 111 of the Migratory Fish Conservation Act with respect to fishery management plans for coastal migratory species other than anadromous species, and (B) are not subject to apportionment as provided for under this Act."; and

(2) by striking out subsection (c).

(b) Section 5 of the Commercial Fisheries Research and Development Act (16 U.S.C. 779c) is amended by inserting "(other than funds for the making of grants under section 111 of the Migratory Fish Conservation Act)" in the first sentence of subsection (a) after "title".

(c) Section 6 of the Commercial Fisheries Research and Development Act (16 U.S.C. 779d) is amended—

(1) by inserting "or an interstate commission" in the first sentence of subsection (b)(1) after "agency";

(2) by inserting "(1)" after subsection "(b)";

(3) by inserting "or interstate commission" in the first sentence of subsection (b)(1) after "agency"; and

(4) by adding after subsection (b)(1) the following:

"(b)(2) In the case of any State that has implemented a fishery management plan under the Coastal Migratory Fish Conservation Act for a commercial fishery that is not anadromous, the Federal share payment for any project (related to that plan) that is approved by the Secretary under subsection (a) is 90 percent."; and

(5) by amending in subsection (c) by striking out "State." in the second sentence and inserting in lieu thereof the following: "State; or to the offical or depository designated by the interstate commission if the State agency specifies that payment is to be made to the interstate commission. Any payment made to an interstate commission shall be charged against the apportionment of the State concerned.".

(d) Section 7 of the Commercial Fisheries Research and Development Act is amended by inserting "or the interstate commission" in the first sentence of subsection (a) after "State agency".

SEC. 202. ANADROMOUS FISH CONSERVATION ACT.

The Anadromous Fish Conservation Act (16 U.S.C. 757a—757g) is amended as follows:

(1) Subsection (c)(2) of the first section is amended by striking out "an interestate fisheries management plan" and inserting in lieu thereof "a fishery management plan under the Coastal Migratory Fish Conservation Act".

(2) Section 3(a) is amended by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) $7,500,000 for each of fiscal years 1983 and 1984.

"(5) $9,500,000 for each of fiscal years 1985, 1986, and 1987, of which not to exceed $2,000,000 each of such fiscal years are for the making of grants under section 111 of the Coastal Migratory Fish Conservation Act with respect to fishery management plans for anadromous migratory species.".

COASTAL MIGRATORY FISH CONSERVATION ACT—SUMMARY

The purpose of this bill is two-fold: (1) to establish a workable mechanism for interstate management and protection of migratory species of fish; and (2) to implement emergency measures for the protection of Atlantic Striped Bass.

The precipitous decline of striped bass stocks over the last decade has alarmed the public. Recent reports from the Emergency Striped Bass Study confirm the calamitous trend and indicate that several factors (overfishing, contaminants, and starvation of larvae) are probable causes for the population decline, particularly Chesapeake Bay stocks.

The Atlantic States Marine Fisheries Commission Interstate Plan for striped bass that was adopted in 1981 was designed to help reverse the decline. The plan has not, however, been implemented by all constituent states and a call to implement *further* reductions in catch has recently gone out to the member states. It appears that uniform implementation is not likely to occur this year.

A provision of this bill imposes an immediate moratorium on fishing for striped bass within all state and Federal waters of the Atlantic Coast. This ban would be lifted upon implementation, on a state by state basis, of an approved interstate fishery management plan for striped bass.

The bill, however, is not limited to striped bass. It provides for comprehensive conservation and management of migratory fisheries, those fished predominately in state waters and which migrate between state boundaries (Federal boundaries also). In fact, the processes and procedures for plan development, approval, and implementation constitute the major portion of the bill.

The intent of this Act is to enhance the role of the Interstate Fisheries Commissions (Atlantic, Gulf of Mexico and Pacific) for coordination of fishery plans. The states would still be responsible for regulating the fisheries within their waters, however, as members of a compact, they would be obligated to meet the minimum standards set out in the plan.

The Federal role is to assist the Commissions and states through existing grant programs (Anadromous Fish Conservation Act and Commercial Fisheries Research and Development Act), to publish plans and sched-

ules, to intervene when a state or states are negligent in exercising their responsibilities, and to invoke emergency action upon Commission recommendations. The U.S. Fish and Wildlife Service and National Marine Fisheries Service will jointly administer the program in establishing regional lists and for invoking emergency measures. For individual plans, the Fish and Wildlife Service will be the lead agency when anadromous fish are under consideration, whereas, the National Marine Fisheries Service is the lead for coastal marine fish plans.

The Act calls for penalties to be assessed under a moratorium and preemptive action. These are not to exceed $5000 for each violation.

An increased authorization of $2 million for both the Anadromous Fish Conservation Act and the Commerical Fisheries Research and Development Act result in a total authorization of $4 million to support this Act.

COASTAL MIGRATORY FISH CONSERVATION ACT—SECTION-BY-SECTION ANALYSIS

TITLE I. CONSERVATION AND MANAGEMENT OF COASTAL MIGRATORY FISH

SEC. 101. *Short Title.*—Coastal Migratory Fish Conservation Act

SEC. 1.2. *Findings and Purposes.*

As a result of increased fishing pressure, the stress of coastal pollution and inconsistent state management, several coastal migratory fish species populations are at severely low levels. The Federal government should take on a stronger role in assisting states in conservation and management of these stressed fisheries.

SEC. 103. *Definitions.*

For the purposes of this Act, coastal migratory fish are defined as those caught predominently in state waters and which migrate between state jurisdictions. The intent is to foster interjurisdictional management of these fisheries throughout their range—both in state and Federal waters. This includes both finfish and shellfish.

The Interstate Fisheries Commissions are the existing institutions (Atlantic, Gulf and Pacific) which, for purposes of this Act, are to formulate plans and recommendations regarding fisheries.

The Act is to be administered by both the Secretaries of the Commerce Department and the Department of the Interior. Their responsibilities include approving the initial listing of species for which management plans are necessary, review and approval of plan development and implementation, and emergency management actions. Individual management plans will be reviewed by the agency with the appropriate expertise. Agency responsibility for plans is determined by the species managed. The U.S. Fish and Wildlife Service (FWS) would have responsibility for anadromous fish, e.g., striped bass, herring, shad; whereas, the National Marine Fisheries Service (NMFS) would have responsibility for those that are not anadromous, e.g., weakfish, menhaden and bluefish. The FWS has expertise and programs pertaining to anadromous fish problem (loss and degradation of habitat, habitat restoration, contaminant assessment) and is the agency better suited to assist with these plans. NMFS expertise in management of marine coastal fisheries, such as menhaden, is better adapted to assist with these non-anadromous species.

SEC. 104. *Lists of Fisheries for Which Conservation and Management Plans Required.*

The first step in the management regime is for each Commission to prepare, and approve by a ⅔ vote, a priority list of fisheries for which interstate management plans are needed. This list must subsequently be approved by the Secretaries. Opportunity exists for public participation and amendments may be submitted either by the Commission or the Secretaries. The list shall be accompanied by information supporting selection of the fisheries and target dates for completion of each fishery management plan.

SEC. 105. *Fishery Management Plan Contents.*

This section of the Act sets out the minimum components of an adequate plan. Satisfaction of these criteria is the basis for plan approval. The plans are to describe the criteria or minimum standards which the states will use as the basis for regulatory control.

The Plans shall be consistent with the pertinent Magnuson Fisheries Conservation and Management Act Standards. They shall also contain information regarding habitat restoration and enhancement.

SEC. 106. *Preparation of Plans by Commissions and Review by Secretary.*

The individual fishery management plans are to be prepared by the Commissions and submitted to the Secretary of Commerce, or, in the case of anadromous species, the Secretary of the Interior. The Secretary then reviews the plan and determines whether it satisfies the standards set forth in the Act as well as State and other Federal laws. The Secretary has 120 days to approve a plan. If no notice is given to a Commission within that time, a plan is automatically approved.

If the Secretary decides to reject a plan as written, the Commission must be told what revisions are necessary. A Commission then has 60 days to submit revisions which the Secretary must review in 30 days. A consultation period is provided to resolve the differences and if the Secretary still disapproves, he may prepare a plan as described in Section 107.

A Commission may at any time, submit for Secretarial approval, proposed amendments to already approved plans.

SEC. 107. *Preparation of Plans by Secretary.*

The Secretary may prepare a fishery management plan if (1) a Commission fails to prepare one or (2) a plan is disapproved or partially disapproved and the Commission did not submit revisions. A plan prepared by the Secretary must be submitted to a Commission and made available to the public for comment. A Commission and the public have 60 days in which to submit comments, and the Secretary has 30 days to respond.

SEC. 108. *Implementation of Plans by Constituent Coastal States; Monitoring.*

The states are responsible for implementing fishery management plans; i.e., promulgating regulations and enforcing those regulations.

The Secretary of Commerce or, in the case of anadromous species, the Secretary of the Interior is responsible for monitoring implementation of the plans. If negligence is evident, then the Secretary initiates consultation. If after 90 days from the initiation of consultation, appropriate remedial measures are not agreed upon or are not likely to be agreed upon, the Secretary shall declare a moratorium on fishing for the species covered by the plan in question.

SEC. 109. *Moratorium.*

This section describes the terms of a federally imposed moratorium. When a moratorium is imposed, no catching, taking or possession of the species in question is allowed. Civil penalties of up to $5,000 for each violation and forfeiture of vessel, gear, etc. are authorized. The Secretaries are responsible for enforcement.

SEC. 110. *Emergency Action.*

This section describes emergency action procedures. A Commission may recommend emergency action, whether a plan is in effect or not. If a Commission recommendation is by unanimous vote, then the Secretaries would formulate measures which would be effective immediately, either as an amendment to an existing plan or as new emergency regulations.

If a Commission recommendation is by less than a unanimous vote, then the action to be taken is at the discretion of the Secretaries. In either case, a moratorium may be imposed as an emergency measure.

SEC. 111. *Financial Assistance.*

Federal funding would be available in the form of grants to the States and Commissions for development of fishery management plans. The Commercial Fisheries Research and Development Act of 1964 and the Anadromous Fish Conservation Act of 1965 will be utilized in implementing this Act.

SEC. 112. *Atlantic Striped Bass Fishery.*

A moratorium on fishing for striped bass would take effect immediately in all states under the jurisdiction of the Atlantic States Marine Fisheries Commission (Florida to Maine). The moratorium would be lifted on a state by state basis upon implementation by each state of its portion of an approved interstate striped bass fishery management plan.

All states would be under the same restriction until its requirements under a federally approved plan are implemented. The moratorium period provides a needed reduction in fishing mortality of striped bass. This action provides an incentive to the States to develop an approved striped bass management plan and to implement the requirements of the striped bass plan.

The Atlantic States Marine Fisheries Commission would be required to submit a management plan the the Secretary of the Interior as required under Sections 105 and 106. The approved plan will establish the minimum criteria and standards for which the states must promulgate regulations.

TITLE II. AMENDMENTS TO OTHER LAWS AFFECTING FISHERIES

SEC. 201. *Commercial Fisheries Research and Development Act of 1964.*

These amendments increase the authorization of the Commercial Fisheries Research and Development Act by $2,000,000 for implementation of the Coastal Migratory Fish Conservation Act. Funding of interstate commissions is allowed under these amendments and Federal apportionment is increased to 90% for projects proposed by States and Commissions.

SEC. 202. *Anadromous Fish Conservation Act.*

These amendments increase the authorization for the Anadromous Fish Conservation Act by $2,000,000 for implementation of the Coastal Migratory Fish Conservation Act.●

● Mr. PACKWOOD. I wanted to discuss a point with Senator STAFFORD regarding the joint referral of the Coastal Migratory Fish Conservation Act. This bill is being introduced by Senator CHAFEE, who has had a longstanding interest in the health and management of anadromous and coastal fish

stocks. It is also my understanding that the bill is primarily being introduced to address the serious situation facing the striped bass resource. As chairman of the Commerce Committee, which has jurisdiction over marine fisheries, I applaud his interest.

However, I wish to clarify one issue regarding the bill. It is my understanding that the preponderance of this bill falls within the jurisdiction of the Commerce Committee, and that were it not for the fact that we have agreed to a joint referral, the bill would be referred solely to the Commerce Committee. It is also a fact that the Anadromous Fish Conservation Act, which is being amended by Senator CHAFEE's bill, has traditionally been handled jointly by the Commerce and Environment Committees. This situation will not be affected by this new agreement.

I would like to ask the chairman of the Committee on Environment and Public Works whether I have accurately characterized the situation. In the event that his understanding is the same as mine, then I gladly agree to a joint referral of the Coastal Migratory Fish Conservation Act for this year so that the Environment Committee will have the opportunity to conduct hearings and see if the bill offers a means of providing better management of coastal, migratory fish stocks.●

● Mr. STAFFORD. I would say that the Senator from Oregon has accurately outlined the situation. This 1-year referral in no way alters the fact that this bill is primarily the jurisdiction of the Commerce Committee, nor does it after the fact that our two committees will continue to share jurisdiction over the Anadromous Fish Conservation Act in the future.

We do have a number of members on the Environment Committee who are particularly interested in this matter, especially given the critical condition of striped bass. This joint referral will give us the opportunity to review this matter in detail, and I appreciate the willingness of the Commerce Committee in agreeing to share jurisdiction over the bill for 1984.●

By Mr. WEICKER (for himself, and Mr. DODD)

S. 2668. A bill to establish the Chimon Island National Wildlife Refuge; to the Committee on Environment and Public Works.

CHIMON ISLAND NATIONAL WILDLIFE REFUGE

● Mr. WEICKER. Mr. President, I would like to introduce today a bill that would create Connecticut's first national wildlife refuge. The bill has the unanimous support of the Connecticut congressional delegation, and has been fully endorsed by the State Governor, William O'Neill. It is a companion bill to H.R. 5464, and targets for protection four areas totaling 144.5 acres in Connecticut and Long Island Sound: Milford Point, and Chimon, Sheffield, and Faulkner's Islands. These areas provide critical breeding habitats for several species of coastal birds rare to Connecticut.

Chimon Island contains critical habitats for herons and other colonies of wading birds. Two species of threatened terns have significant breeding colonies on Faulkner's Island and Milford Point. Faulkner's Island, incidentally, is one of only four breeding sites for the roseate tern in its northern North American range. Milford Point is a critical breeding area for the piping plover, which is a candidate for listing as a federally threatened species. Sheffield Island offers another potential nesting site for herons.

The importance of designating these lands as a wildlife refuge cannot be overemphasized. The high rate of commercial activity in Connecticut has led to a paucity of undisturbed island real estate. This increased development in Connecticut's coastal zone areas has had tremendous impacts on the coastal ecosystem. The unique qualities of the islands and the diversity of bird life they support must be preserved. The impact of any development would have significant and irreversible effects on their wildlife populations.

The lands under consideration in this bill are among the best examples of Connecticut's natural heritage. I urge the appropriate committees and the Senate to act quickly on the passage of this bill, as the areas are experiencing developmental pressure. In addition, the price for Chimon Island may double if it is not acquired by September of this year. We must act now to preserve these biologically vital coastal lands.●

ADDITIONAL COSPONSORS

S. 462

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 462, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 467

At the request of Mr. JEPSEN, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 467, a bill to establish U.S. governmental policy with regard to respect for human life.

S. 1935

At the request of Mr. HEINZ, the names of the Senator from Delaware (Mr. ROTH), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 1935, a bill to establish an interagency task force on cigarette safety.

S. 2069

At the request of Mr. PRESSLER, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 2069, a bill to amend the Small Business Act.

S. 2096

At the request of Mr. PACKWOOD, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2096, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to permit investment by employee benefit plans in residential mortgages.

S. 2395

At the request of Mr. DENTON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2395, a bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence.

S. 2436

At the request of Mr. BYRD, his name was added as a cosponsor of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 2456

At the request of Mr. BRADLEY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2456, a bill to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine.

S. 2515

At the request of Mr. SARBANES, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2515, a bill to extend the provisions of chapter 61 of title 10, United States Code, relating to retirement and separation for physical disability, to cadets and midshipmen.

S. 2540

At the request of Mr. BRADLEY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2540, a bill to amend the Age Discrimination in Employment Act of 1967 to exclude from the operation of such act matters relating to the age at which individuals may be hired, or discharged from employment, as firefighters and law enforcement officers by States and political subdivisions of States.

S. 2616

At the request of Mr. DENTON, the names of the Senator from South Carolina (Mr. THURMOND), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2616, a bill to extend the Adolescent Family Life Demonstration program.

S. 2650

At the request of Mr. KASTEN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2650, a bill to enable the Con-

sumer Product Safety Commission to protect the public by ordering notice and repair, replacement, or refund of certain toys or articles intended for use by children if such toys or articles create a substantial risk of injury to children.

SENATE JOINT RESOLUTION 267

At the request of Mr. CHILES, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Joint Resolution 267, a joint resolution to designate the week of September 23, 1984, through September 29, 1984, as "National Drug Abuse Education and Prevention Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. COCHRAN, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

SENATE RESOLUTION 385

At the request of Mr. BENTSEN, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of Senate Resolution 385, a resolution urging continuation of tax deductibility of residential mortgage interest payments.

AMENDMENTS SUBMITTED

FEDERAL BOAT SAFETY ACT AMENDMENTS

ROTH AMENDMENT NO. 3056

Mr. ROTH proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes; as follows:

At the appropriate place in the amendment, insert the following:

TITLE —TWO-YEAR BUDGET PROCESS

SEC. 01. This title may be cited as the "Budget Reform Act of 1984".

STATEMENT OF PURPOSE

SEC. 02. It is the purpose of this title—

(1) to establish a process through which the Federal budget will be adopted for a two-year period;

(2) to improve congressional control over the Federal budget process;

(3) to streamline the requirements of the budget process in order to promote better accountability to one public;

(4) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

(5) to provide stability and coherence for recipients of Federal funds; and

(6) to implement other improvements in the Federal budget process.

TWO-YEAR CONGRESSIONAL BUDGET PROCESS

SEC. 03. (a) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking out "each year" and inserting in lieu thereof "every two years".

(b)(1) Section 3(1) of such Act (2 U.S.C. 622(1)) is amended—

(A) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "such year" and inserting in lieu thereof "such period".

(2) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended to read as follows:

"(4) The term 'concurrent resolution on the budget means'—

"(A) a concurrent resolution setting forth the congressional budget for the United States Government for a two-year fiscal period as provided in section 301; or

"(B) a concurrent resolution on the budget revising the congressional budget for the United States Government pursuant to section 304.".

(3) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end thereof the following new paragraphs:

"(6) The term 'two-year fiscal period' means the period of two years beginning on January 1 of each even-numbered year.

"(7) The term 'omnibus appropriation bill' means the bill providing new budget authority for a two-year fiscal period for all departments, agencies, and authorities of the Government.

"(8) The term 'supplemental appropriation bill' means a bill providing new budget authority for a two-year fiscal period for one or more departments, agencies, or authorities of the Government, which is considered in accordance with section 307(c).".

(c)(1) Section 202(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(a)(1)) is amended—

(A) by inserting "omnibus" before "appropriation bills";

(B) by striking out "and other" and inserting in lieu thereof "supplemental appropriation bills,"; and

(C) by striking out "or providing budget authority or" and inserting in lieu thereof "budget authority, and bills authorizing or providing".

(2) Section 202(f) of such Act (2 U.S.C. 602(f)) is amended—

(A) by striking out "April 1 of each year" in paragraph (1) and inserting in lieu thereof "April 15 and July 15 of each odd-numbered year";

(B) by striking out "fiscal year commencing on October 1 of that year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year";

(C) by striking out "such fiscal year" each place it appears in paragraph (1) and inserting in lieu thereof "such two-year fiscal period";

(D) by redesignating paragraph (2) as paragraph (3), and (in such paragraph) by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (2)"; and

(E) by inserting after paragraph (1) the following new paragraph:

"(2) On January 15 and July 15 of each even-numbered year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate such revisions of the report required by paragraph (1) as may be necessary with respect to the two-year fiscal period in progress.".

(d) Section 300 of such Act (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the congressional budget process for any Congress (beginning with the Ninety-ninth Congress) is as follows:

"FIRST SESSION

"On or before:	Action to be completed:
January 2	Committees submit oversight reports to their respective Houses.
15th day after Congress meets.	President submits his budget for the two-year fiscal period beginning in the succeeding calendar year, including current services budget.
March 31	Committees and joint committees submit views and estimates to Budget Committees with respect to two-year fiscal period.
April 15	Congressional Budget Office submits reports to the Budget Committees with respect to the two-year fiscal period beginning on January 1 of the succeeding fiscal year.
April 30	Budget Committees report concurrent resolution on the budget for the two-year fiscal period to their respective Houses.
May 15	Committees report bills and resolutions authorizing new budget authority.
May 31	Congress completes action on concurrent resolution on the budget for the two-year fiscal period.
June 15	House Appropriations Committee reports the omnibus appropriation bill for the two-year fiscal period.
July 15	President and Congressional Budget Office report to the Budget Committees.
July 31	House completes action on the omnibus appropriation bill for the two-year fiscal period.
7th day after Labor Day.	Senate Appropriations Committee reports the omnibus appropriation bill for the two-year fiscal period.
September 30	Senate completes action on the omnibus appropriation bill for the two-year fiscal period.
September 30	Congress completes action on bills and resolutions providing new spending authority for two-year fiscal period.
October 15	Congress completes action on the omnibus appropriation bill for two-year fiscal period.

"SECOND SESSION

"January 1	Two-year fiscal period begins.
January 15	President and Congressional Budget Office report to Budget Committees.
July 15	President and Congressional Budget Office report to Budget Committees.
During session	Committees conduct oversight on programs and activities within their jurisdiction.".

(e)(1)(A) The section heading for section 301 of such Act (2 U.S.C. 632) is amended by striking out "first".

(B) The item relating to section 301 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "first".

(2) Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632 (a)) is amended—

(A) by striking out "May 15" in the subsection heading and inserting in lieu thereof "May 31 of each odd-numbered year";

(B) by striking out "May 15 of each year" in the first sentence and inserting in lieu thereof "May 31 of each odd-numbered year";

(C) by striking out "first" before "concurrent resolution on the budget" in the first sentence;

(D) by striking out "fiscal year beginning on October 1 of such year" and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year"; and

(E) by striking out "an appropriate" in paragraph

(2) and inserting in lieu thereof "a recommended".

(3) Section 301(b) of such Act (2 U.S.C. 632 (b)) is amended to read as follows:

"(b) ADDITIONAL MATTERS IN CONCURRENT RESOLUTION.—The concurrent resolution on the budget referred to in subsection (a) may also require any other procedure which is considered appropriate to carry out the purposes of this Act.".

(4) Section 301(c) of such Act (2 U.S.C. 632(c)) is amended—

(A) by striking out "March 15 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year"; and

(B) by striking out "fiscal year beginning on October 1 of such year" in paragraph (2) and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year".

(5) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended—

(A) by striking out "first" each place it appears before "concurrent resolution on the budget" in the first and third sentences;

(B) by striking out "fiscal year" in the first sentence and inserting in lieu thereof "two-year fiscal period";

(C) by striking out "April 15 of each year" in the third sentence and inserting in lieu thereof "April 30 of each off-numbered year";

(D) by striking out "fiscal year beginning on October 1 of such year" in the third sentence and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year";

(E) by striking out "five fiscal" in paragraph (6) and inserting in lieu thereof "six";

(F) by striking out "such fiscal year" in such paragraph and inserting in lieu thereof "the first year in such two-year fiscal period,"; and

(G) by striking out "each fiscal year in such period" and inserting in lieu thereof "each two-year fiscal period in such six-year period".

(6) Section 310(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth";

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (2);

(C) by inserting "referred to in subsection (a)" after "concurrent resolution on the budget" in such paragraph; and

(D) by striking out "fiscal year" in such paragraph and inserting in lieu thereof "two-year fiscal period".

(f) Section 302(c) of such Act (2 U.S.C. 633(c)) is amended by striking out "or 310".

(g)(1) The section heading for section 303 of such Act (2 U.S.C. 634) is amended by striking out "first".

(2) The item relating to section 303 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "First concurrent" and inserting in lieu thereof "Concurrent".

(3) Section 303(a) of the Congressional Budget Act of 1974 (2 U.S.C. 634(a)) is amended—

(A) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period";

(B) by striking out "first" before "concurrent resolution on the budget" in the matter following paragraph (4);

(C) by inserting "referred to in section 301" after "concurrent resolution on the budget" in the matter following paragraph (4);

(D) by striking out "year" in the matter following paragraph (4) and inserting in lieu thereof "period"; and

(E) by striking out "pursuant to section 301" in the matter following paragraph (4).

(4) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-year fiscal period".

(h) Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking out "first" before "concurrent resolution on the budget";

(2) by inserting "referred to in section 301" after "concurrent resolution on the budget";

(3) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period";

(4) by striking out "pursuant to section 301" after "has been agreed to"; and

(5) by striking out "most recently agreed to" and inserting in lieu thereof "if the concurrent resolution on the budget making such revisions, and any conference report thereon, is agreed to by a rollcall vote of two-thirds of the Members of the Senate and the House of Representatives duly chosen and sworn".

(i)(1) Section 305(a)(3) of such Act (2 U.S.C. 636(a)(3)) is amended—

(A) by striking out "first" before "concurrent resolution on the budget";

(B) by inserting "referred to in section 301(a)" after "concurrent resolution on the budget"; and

(C) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Section 305(b) of such Act (2 U.S.C. 636(b)) is amended—

(A) by striking out ", except that, with respect to the second required concurrent resolution referred to in section 310(a), all such debate shall be limited to not more than 15 hours" in paragraph (1);

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (3);

(C) by inserting "referred to in section 301(a)" after "concurrent resolution on the budget" in such paragraph; and

(D) by striking out "fiscal year" in such paragraph and inserting in lieu thereof "two-year fiscal period".

(j)(1) Section 307 of such Act (2 U.S.C. 638) is amended to read as follows:

"OMNIBUS APPROPRIATION BILL REQUIRED

"SEC. 307. (a) POINT OF ORDER.—Except as provided in subsection (c), it shall not be in order in the House of Representatives or the Senate to consider any bill or resolution providing new budget authority for a two-year fiscal period other than an omnibus appropriation bill.

"(b) DEADLINES.—(1) The Committee on Appropriations of the House of Representatives shall report to the House of Representatives an omnibus appropriation bill for a two-year fiscal period by June 15 of the year preceding the year in which such period begins.

"(2) The House of Representatives shall pass an omnibus appropriation bill for a two-year fiscal period by July 31 of the year preceding the year in which such period begins.

"(3) The Committee on Appropriations of the Senate shall report to the Senate an omnibus appropriation bill for a two-year fiscal period by the seventh day after Labor Day of the year preceding the year in which such period begins.

"(4) The Senate shall pass an omnibus appropriation bill for a two-year fiscal period by September 30 of the year preceding the year in which such period begins.

"(5) Congress shall complete action on an omnibus appropriation bill for a two-year fiscal period by October 15 of the year preceding the year in which such period begins.

"(c) SUPPLEMENTAL APPROPRIATION BILL PERMITTED.—It shall be in order in the House of Representatives or the Senate to consider a supplemental appropriation bill for a two-year fiscal period at any time after the Congress adopts a concurrent resolution on the budget pursuant to section 304 which revises the concurrent resolution on the budget agreed to pursuant to section 301 for such two-year fiscal period, or the most recently agreed to concurrent resolution on the budget for such two-year fiscal period, as the case may be.

"(d) AMENDMENTS.—It shall not be in order in the House of Representatives or the Senate to consider any amendment providing new budget authority for a two-year fiscal period unless such amendment is an amendment to an omnibus appropriation bill or a supplemental appropriation bill.".

(2) The item relating to section 307 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 301. Omnibus appropriation bill required.".

(k)(1) Section 303(a) of the Congressional Budget Act of 1974 (2 U.S.C. 639) is amended—

(A) by inserting "to its House an omnibus appropriation bill, a supplemental appropriation bill, or" after "either House reports" in the matter preceding paragraph (1);

(B) by striking out "to its House" after "a bill or resolution" in the matter preceding paragraph (1);

(C) by striking out "new budget authority (other than continuing appropriations) or" before "new or increased tax expenditures" in the matter preceding paragraph (1);

(D) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "two-year fiscal period";

(E) by striking out "a bill or resolution providing new budget authority" in paragraph (1) and inserting in lieu thereof "an

omnibus appropriation bill or a supplemental appropriation bill";

(F) by striking out "or resolution" in paragraph (1)(A);

(G) by striking out "fiscal year" in paragraph (1)(A) and inserting in lieu thereof "two-year fiscal period";

(H) by inserting a comma after "a projection" in paragraph (1)(B);

(I) by striking out "5 fiscal" in paragraph (1)(3) and inserting in lieu thereof "6";

(J) by striking out "such fiscal year" in paragraph (1)(B) and inserting in lieu thereof "the first year in such two-year fiscal period,";

(K) by striking out "or resolution" in paragraph (1)(B);

(L) by striking out "each fiscal year in such period" in paragraph (1)(B) and inserting in lieu thereof "each two-year fiscal period in such 6-year period";

(M) by striking out "or resolution" in paragraph (1)(C);

(N) by striking out "fiscal year" in paragraph (2)(A) and inserting in lieu thereof "two-year fiscal period";

(O) by striking out "such year" in paragraph (2)(A) and inserting in lieu thereof "such period";

(P) by inserting a comma after "a projection" in paragraph (2)(B);

(Q) by striking out "5 fiscal" in paragraph (2)(B) and inserting in lieu thereof "6";

(R) by striking out "such fiscal year" in paragraph (2)(B) and inserting in lieu thereof "the first year in such two-year fiscal period,";

(S) by striking out "each fiscal year in such period" in paragraph (2)(B) and inserting in lieu thereof "each two-year fiscal period in such 6-year period"; and

(T) by striking out "fiscal year" each place it appears in the last sentence and inserting in lieu thereof "two-year fiscal period".

(2) Section 308(b) of such Act (2 U.S.C. 739 (b)) is amended—

(A) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "such year" each place it appears and inserting in lieu thereof "such period".

(3) Section 308(c) of such Act is amended—

(A) by striking out "Five-Year" in the subsection heading and inserting in lieu thereof "Six-Year";

(B) by striking out "each fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "each two-year fiscal period";

(C) by striking out "5 fiscal years beginning with such fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "6 years beginning with the first year in such two-year fiscal period";

(D) by striking out "each fiscal year" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "each two-year fiscal period"; and

(E) by striking out "such period" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "such 6-year period".

(l)(1) Section 309 of such Act (2 U.S.C. 640) is amended to read as follows:

"COMPLETION OF ACTION ON BILLS PROVIDING CERTAIN NEW SPENDING AUTHORITY

"SEC. 309. Except as otherwise provided pursuant to this title, not later than September 30 of each odd-numbered year, the Congress shall complete action on all bills and resolutions providing new spending authority described in section 401(c)(2)(C) which is to become effective during the two-year fiscal period beginning on January 1 of the succeeding year.".

(2) The item relating to section 309 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 309. Completion of action on bills providing certain new spending authority.".

(m)(1)(A) The section heading of section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) is amended by striking out "second required concurrent resolution and".

(B) The item relating to section 310 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "Second required concurrent resolution and reconciliation" and inserting in lieu thereof "Reconciliation".

(2) Section 310(a) of the Congressional Budget Act of 1974 (2 U.S.C. 641(a)) is amended—

(A) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

SEC. 310. (a) Reporting of Concurrent Resolution.—At any time after the concurrent resolution on the budget referred to in section 301 for a two-year fiscal period has been agreed to, and before the end of such two-year fiscal period, the Congress may adopt a concurrent resolution for such two-year fiscal period which shall, to the extent necessary—";

(B) by striking out "such fiscal year" each place it appears in paragraph (1) and inserting in lieu thereof "such two-year fiscal period"; and

(C) by inserting "or prior two-year fiscal periods, as the case may be" before the semicolon in paragraph (1)(B).

(3) Section 310 of such Act (2 U.S.C. 641) is amended by striking out subsection (b) and by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(4) Section 310(c) of such Act (2 U.S.C. 641 (c)), as redesignated by paragraph (3) of this subsection, is amended—

(A) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)"; and

(B) by striking out "September 25 of each year" and inserting in lieu thereof "60 days after the date on which the concurrent resolution referred to in subsection (a) is agreed to".

(5) Section 310 (d) of such Act (2 U.S.C. 641 (d)), as redesignated by paragraph (3) of this subsection, is amended—

(A) by inserting "concurrent resolutions referred to in subsection (a)," after "consideration in the Senate of" in paragraph (1);

(B) by inserting a comma after "reconciliation bills" in such paragraph; and

(C) by striking out "subsection (c)" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "subsection (b)".

(6) Section 310(e) of such Act (2 U.S.C. 641(e)), as redesignated by paragraph (3) of this subsection, is amended—

(A) by striking out "the concurrent resolution on the budget required to be reported under subsection (a) for the fiscal year beginning on October 1 of such year, and, if a" and inserting in lieu thereof "any";

(B) by striking out "is" before "required to be reported"; and

(C) by striking out "subsection (c) for such fiscal year, unless the Congress has completed action on that bill or resolution, or both" and inserting in lieu thereof "subsection (b) for a two-year fiscal period".

(n)(1) Section 311(a) of such Act (2 U.S.C 642 (a)) is amended—

(A) by striking out "section 310(a) for a fiscal year" and inserting in lieu thereof "section 301(a) for a two-year fiscal period";

(B) by striking out "section 310(c)" and inserting in lieu thereof "section 310(b)";

(C) by striking out "any bill, resolution, or amendment providing additional new budget authority for such fiscal year," and inserting in lieu thereof "any omnibus appropriation bill or supplemental appropriation bill for a two-year fiscal period or any amendment thereto, any bill or resolution";

(D) by inserting "any bill or resolution" before "reducing revenues"; and

(E) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(2) Section 311 of such Act (2 U.S.C. 642) is further amended—

(A) by redesignating subsection (b) as subsection (c) and in such subsection—

(i) by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)"; and

(ii) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(B) by inserting after subsection (a) the following new subsection:

"(b) ENROLLMENT PROHIBITED.—No omnibus appropriation bill for a two-year fiscal period, supplemental appropriation bill for such a period, or bill or resolution providing new spending authority described in section 401(c)(2)(C) for such a period shall be enrolled if the amount of new budget authority or new spending authority described in section 401(c)(2)(C) provided in that bill or resolution would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such two-year fiscal period to be exceeded.".

(o)(1) Section 401(a) of such Act (2 U.S.C. 651(a)) is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Section 401(b) of such Act (2 U.S.C. 651(b)) is amended—

(A) by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "during the calendar year in" in paragraph (1) and inserting in lieu thereof "after the date on".

(p) Section 402(a) of such Act (2 U.S.C. 652(a)) is amended—

(1) by striking out "preceding the beginning of such fiscal year" and inserting in lieu thereof "of the odd-numbered year preceding the year in which such two-year fiscal period begins"; and

(2) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(q) Section 403(a) of such Act (2 U.S.C. 653(a)) is amended—

(1) by striking out "fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period in which it is to become effective and in the two succeeding two-year fiscal periods";

(2) by striking out "fiscal year" the first place it appears in paragraph (2) and inserting in lieu thereof "two-year fiscal period"; and

(3) by striking out "four fiscal years following such fiscal year" in such paragraph and inserting in lieu thereof "two succeeding two-year fiscal periods".

(r) Section 904(b) of the Congressional Budget Act of 1974 (2 U.S.C. 621) is amended by striking out "title III or IV" and inserting in lieu thereof "title III (except section 304 or section 311(b)) or title IV".

(s)(1) Section 1012(a) of the Impoundment Control Act of 1974 (2 U.S.C. 683(a)) is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(2) The last sentence of section 1013(a) of such Act (2 U.S.C. 684(a)) is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(3) Section 1014(e) of such Act (2 U.S.C. 685(e)) is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(t) Paragraph 8(b) of rule XXVI of the Standing Rules of the Senate is amended by striking out "March 31" and inserting in lieu thereof "January 2".

(u)(1) Clause 1(b)(4) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(3) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(4) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended—

(A) by striking out "first"; and

(B) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(5) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking out "annually" each place it appears and inserting in lieu thereof "biennially".

(6) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(A) by striking out "March 15 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year"; and

(B) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(7) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(8) Clause 2(l)(1)(C) of rule XI of the Rules of the House of Representatives is repealed.

(9) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking out "on general appropriations bills and on joint resolutions continuing appropriations for a fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting in lieu thereof "on omnibus appropriations bills and supplemental appropriations bills".

(10) Clause 1 of rule XLIX of the Rules of the House of Representatives is amended—

(A) by striking out the comma after "301" and inserting in lieu thereof "or"; and

(B) by striking out ", or 310".

(11) Clause (2) of rule XLIX of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

SUBMISSION OF PRESIDENT'S BUDGET

SEC. 4. (a) Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'two-year fiscal period' has the meaning given to such term in paragraph (6) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)).".

(b)(1) Section 1103 of title 31, United States Code, is amended—

(A) by inserting "or two-year fiscal period, as the case may be," after "fiscal year"; and

(B) by inserting "or period" after "that year".

(2) Section 1104 of title 31, United States Code, is amended—

(A) by striking out "deficiency and" in subsection (a); and

(B) by inserting "or prior two-year fiscal period, as the case may be," after "fiscal year" in subsection (C).

(3) Section 1105(a) of title 31, United States Code, is amended—

(A) by striking out "each regular session of Congress" in the matter preceding paragraph (1) and inserting in lieu thereof "the first regular session of each Congress";

(B) by striking out "for the following fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "for the two-year fiscal period beginning on January 1 of the succeeding year";

(C) by striking out "fiscal year for which the budget is submitted and the four fiscal years after that year" in paragraph (5) and inserting in lieu thereof "two-year fiscal period for which the budget is submitted and the first two two-year fiscal periods immediately following that two-year fiscal period";

(D) by striking out "fiscal year for which the budget is submitted and the four fiscal years after that year" in paragraph (6) and inserting in lieu thereof "two-year fiscal period for which the budget is submitted and the first two two-year fiscal periods immediately following that two-year fiscal period";

(E) by inserting "or the prior two-year fiscal period, as the case may be" after "fiscal year" in paragraph (7);

(F) by inserting "or the current two-year fiscal period, as the case may be" after "fiscal year" in paragraph (8);

(G) by inserting "or the prior two-year fiscal period, as the case may be" after "prior fiscal year" in subparagraph (A) of paragraph (9);

(H) by inserting "or the current two-year fiscal period, as the case may be" after "current fiscal year" in subparagraph (B) of paragraph (9);

(I) by striking out "fiscal year" in subparagraph (C) of paragraph (9) and inserting in lieu thereof "two-year fiscal period";

(J) by striking out "fiscal year" in subparagraph (A) of paragraph (12) and inserting in lieu thereof "two-year fiscal period";

(K) by striking out "4 fiscal years after that fiscal year" in subparagraph (B) of paragraph (12) and inserting in lieu thereof "first two two-year fiscal periods following such two-year fiscal period";

(L) by striking out "fiscal year" in paragraph (13) and inserting in lieu thereof "two-year fiscal period";

(M) by striking out "year" in paragraph (14) and inserting in lieu thereof "period";

(N) by striking out "fiscal year" in paragraph (16) and inserting in lieu thereof "two-year fiscal period";

(O) by striking out "fiscal year" each place it appears in paragraph (17) and inserting in lieu thereof "two-year fiscal period";

(P) in paragraph (18)—

(i) by inserting "or prior two-year fiscal period, as the case may be" after "fiscal year", and

(ii) by inserting "or period" after "that year" each place it appears; and

(Q) in paragraph (19)—

(i) by inserting "or prior two-year fiscal period, as the case may be" after "fiscal year", and

(ii) by inserting "or period" after "that year" each place it appears.

(4) Section 1105(b) of title 31, United States Code, is amended by striking out "each year" and inserting in lieu thereof "each even-numbered year".

(5) Section 1105(c) of title 31, United States Code, is amended—

(A) by striking out "fiscal year for" each place it appears and inserting in lieu thereof "two-year fiscal period for";

(B) by inserting "or current two-year fiscal period, as the case may be," after "current fiscal year"; and

(C) by striking out "that year" and inserting in lieu thereof "that 2-year fiscal period".

(6) Section 1105(d) of title 31, United States Code, is amended by inserting "or current two-year fiscal year period, as the case may be," after "fiscal year".

(7) Section 1105 of title 31, United States Code, is further amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, the President shall include in the budget submitted under subsection (a) proposed budget authority, direct loans, and commitments to guarantee loan principal, and estimates of outlays and receipts for all activities of all departments, establishments, and instrumentalities of the Federal Government, except Government-sponsored corporations to the extent financed by wholly private funds.".

(8) Section 1106(a) of title 31, United States Code, is amended—

(A) by striking out "July 16 of each year" in the matter preceding paragraph (1) and inserting in lieu thereof "July 16 of each odd-numbered year";

(B) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "two-year fiscal year period";

(C) by striking out "fiscal year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period";

(D) by striking out "4 fiscal years following the fiscal year" in paragraph (2) and inserting in lieu thereof "first two-year fiscal periods following the two-year fiscal period";

(E) by striking out "fiscal years" in paragraph (3) and inserting in lieu thereof "two-year fiscal periods";

(F) by striking out "fiscal year" in paragraph (3) and inserting in lieu thereof "two-year fiscal period".

(9) Section 1106(b) of title 31, United States Code, is amended—

(A) by inserting "(1)" after the subsection designation;

(3) by striking out "April 11 and July 16 of each year" and inserting in lieu thereof "July 16 of each odd-numbered year";

(C) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period";

(D) by striking out "submitted before July 16" and inserting in lieu thereof "required under this subsection"; and

(E) by adding at the end thereof the following new paragraph:

"(2) On January 15 and July 15 of each even-numbered year, the President shall submit to the Congress a revision of the statement required by paragraph (1) with respect to the current two-year fiscal period.".

(c)(1) Section 1107 of title 31, United States Code, is amended—

(A) by striking out "Deficiency and supplemental" in the section heading and inserting in lieu thereof "Supplemental"; and

(3) by striking out "deficiency and" in the text thereof.

(2) The table of sections of chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1107 and inserting in lieu thereof the following new item:

"1107. Supplemental appropriations.".

(c) Section 1106(b) of title 31, United States Code, is amended—

(1) by striking out "deficiency and" in paragraph (1) thereof; and

(2) by striking out "deficiency or" in paragraph (2) thereof.

(e)(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking out "Before November 11 of each year," in the first sentence and inserting in lieu thereof "At the time the President submits the budget for a two-year fiscal period under section 1105 (beginning with the budget submitted for the two-year fiscal year beginning on January 1, 1986),";

(B) by inserting "a statement of" before "the estimated budget outlays" in the first sentence;

(C) by striking out "the following fiscal year" in the first sentence and inserting in lieu thereof "such two-year fiscal period";

(D) by striking out "that year" in the first sentence and inserting in lieu thereof "that period";

(E) by inserting "or current two-year fiscal period, as the case may be," after "current fiscal year" in the first sentence; and

(F) by striking out "these budget outlays and budget authority are" and inserting in lieu thereof "the statement of budget outlays and budget authority is".

(2) Section 1109(b) of title 31, United States Code, is amended—

(A) by striking out "estimated budget outlays and proposed budget authority" and inserting in lieu thereof "statement of estimated budget outlays and proposed budget authority submitted under subsection (a)"; and

(B) by striking out "January 1 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year".

(f)(1) Section 1110 of title 31, United States Code, is amended—

(A) by striking out "a fiscal year" and inserting in lieu thereof "a two-year fiscal period (begining with the two-year fiscal period commencing January 1, 1986)";

(B) by striking out "year before the year in which the fiscal year" and inserting in lieu thereof "even-numbered year before the year in which the two-year fiscal period";

(C) by striking out "one year" and inserting in lieu thereof "one two-year fiscal period"; and

(D) by striking out "fiscal years" and inserting in lieu therof "two-year fiscal periods".

(2) The table of sections of chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1110 and inserting in lieu thereof the following new item:

"1110. Advance requests for authorizing legislation.".

(g) Section 1114 of title 31, United States Code, is amended by striking out "each year" each place it appears and inserting in lieu thereof "biennially".

CONVERSION TO BIENNIAL FISCAL PERIOD

SEC. 25. (a) Section 1102 of title 31, United States Code, is amended to read as follows:

§ 1102. Fiscal year

"In all matters of accounts, receipts, expenditures, estimates, and appropriations—

"(a) there shall be, through September 30, 1985, a fiscal year of the United States commencing on October 1 of each year and ending on September 30 of the following year; and

"(b) there shall be, beginning on January 1, 1986, a two-year fiscal period of the United States beginning on January 1 of each even-numbered year and ending on December 31 of the succeeding odd-numbered year.

"Accounts of receipts and expenditures required under law to be published each year shall be published for the fiscal year or two-year fiscal period, as the case may be.".

(b)(1) Section 105 of title 1, United States Code, is amended—

(A) by striking out "year ending September 30" and inserting in lieu thereof "2-year fiscal period ending December 31"; and

(B) by striking out "calendar year" and inserting in lieu thereof "odd-numbered year in which the two-year fiscal period ends".

(2) The provisions of paragraph (1) of this subsection shall be effective with respect to Acts making appropriations for the support of the Government for any two-year fiscal period commencing on or after January 1, 1986.

(c)(1) Any law providing for an authorization of appropriations for the fiscal year 1977 or any fiscal year through the fiscal year 1986 shall be construed as referring to the fiscal year ending on September 30 of the calendar year having the same calendar year number as the fiscal year number.

(2) Any law providing for an authorization of appropriations for the fiscal year 1986 or any fiscal year thereafter shall be construed as referring to the one-year period—

(A) which is within a two-year fiscal period; and

(B) which begins on January 1 of the calendar year having the same calendar year number as such fiscal year number and ending on December 31 of such calendar year.

(d) Effective January 1, 1986, any provision of law with respect to the Senate which contains an October 1 date which relates to the beginning of a fiscal year shall be treated as referring to January 1 of the succeeding calendar year within a two-year fiscal period, and any provision of law with respect to the Senate which contains a September 30 date which relates to the end of a fiscal year shall be treated as referring to December 31 of the same calendar year within a two-year fiscal period.

As soon as practicable, the President shall prepare and submit to the Congress—

(1) after consultation with the Committees on Appropriations of the House of Representatives and the Senate, budget estimates for the United States Government for the period commencing October 1, 1985, and ending on December 31, 1985, in such form and detail as he may determine; and

(2) proposed legislation he considers appropriate with respect to changes in law necessary to provide authorizations of appropriations for the period.

(f) The Director of the Office of Management and Budget shall provide by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act to the use of the new two-year fiscal period prescribed by section 1102 of title 31, United States Code. The Director shall prepare and submit to the Congress such additional proposed legislation as he considers necessary to accomplish this objective.

ACCOUNTING PROCEDURES

SEC. 06. (a) Section 1301(c) of title 31, United States Code, is amended—

(1) by striking out "a regular, annual" and inserting in lieu thereof "an"; and

(2) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(b) Section 1306 of title 31, United States Code, is amended by striking out "annually" and inserting in lieu thereof "biennially".

(c) Section 1308 of title 31, United States Code, is amended by inserting ", two-year fiscal period," after "fiscal year" each place it appears.

(d) Section 1512(a) of title 31, United States Code, is amended by striking out "deficiency or".

(e) Section 1513 of title 31, United States Code, is amended—

(1) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(2) by striking out "entire year" and inserting in lieu thereof "entire two-year fiscal period".

(f) Section 1515 of title 31, United States Code, is amended by striking out "deficiency or" each place it appears.

(g) Section 1534 of title 31, United States Code, is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(h)(1) Section 1552(a) of title 31, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs:

"(1) The obligated balance is transferred—

"(A) for any fiscal year commencing on or after October 1, 1976 and ending before October 1, 1985, on September 30th of the 2d fiscal year after the period of availability ends; and

"(B) for the period commencing on October 1, 1985, and ending on December 31, 1985, and for any two-year fiscal period commencing on or after January 1, 1986, on December 31 of the two-year fiscal period following that period or the two-year fiscal period or periods, as the case may be, for which the appropriation is available for obligation,

to an appropriation account of the agency responsible for paying the obligation. Amounts transferred from all appropriation accounts for the same general purpose are merged in the account for paying obligations.

"(2) The unobligated balance is withdrawn at the end of the period of availability for obligation and reverts to the Treasury or, if derived only from a special or trust fund and not otherwise provided, reverts to the fund from which derived. The withdrawal shall be made not later than—

"(A) for any fiscal year commencing on or after October 1, 1976, and ending before October 1, 1985, the November 15 occurring after the period of availability ends; and

"(B) for the period commencing on October 1, 1985, and ending on December 31, 1985, and for any two-year fiscal period commencing on or after January 1, 1986, November 15 of the year following such period or November 15 of the first even-numbered year following the end of such two-year fiscal period, as the case may be, in which the period of availability for obligation expires.

When the head of the agency decides that part of a withdrawn unobligated balance is required to pay obligations and make adjustments, that part may be restored to the appropriate account.".

(2) Section 1552(c) of title 31, United States Code, is amended by inserting "or two-year fiscal period, as the case may be," after "fiscal year".

(3) Section 1552(d) of title 31, United States Code, is amended by striking out "2d complete fiscal year after the fiscal year" and inserting in lieu thereof "two-year fiscal period after the two-year fiscal period or periods".

(i) Section 1554 of title 31, United States Code, is amended by striking out "fiscal" each place it appears.

(j) Section 1555 of title 31, United States Code, is amended by striking out "2 consecutive fiscal years" and inserting in lieu thereof "a full two-year fiscal period".

(k) Subsection (d) section 3530 of title 31, United States Code, is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 07. (a) Section 2(a) of the Permanent Appropriation Repeal Act, 1934 is amended—

(1) by striking out "Effective July 1, 1935, the" and inserting in lieu thereof "The"; and

(2) by striking out "annual" and inserting in lieu thereof "biennial".

(b) Section 4 of the Permanent Appropriation Repeal Act, 1934 is amended—

(1) by striking out "Effective July 1, 1935, all" and inserting in lieu thereof "All";

(2) by striking out "annually" and inserting in lieu thereof "biennially";

(3) by striking out "one fiscal year" and inserting in lieu thereof "two-year fiscal period"; and

(4) by striking out "following fiscal year" and inserting in lieu thereof "following two-year fiscal period".

(c) Section 9 of the Permanent Appropriation Repeal Act, 1934 (24 U.S.C. 21b), is amended by striking out "fiscal year 1936 annual" and inserting in lieu thereof "two-year fiscal period beginning on January 1, 1986, biennial".

(d) Section 385c of title 25, United States Code, is amended—

(1) by striking out "August 7, 1946" and inserting in lieu thereof "December 31, 1985"; and

(2) by striking out "annually" and inserting in lieu thereof "biennially".

(e) Section 331 of title 31, United States Code, is amended—

(1) by inserting "or prior two-year fiscal period, as the case may be" after "prior fiscal year" each place it appears in subsection (a);

(2) by striking out "fiscal years" in paragraph (2) of subsection (a) and inserting in lieu thereof "two-year fiscal periods"; and

(3) by inserting "or prior two-year fiscal period, as the case may be," after "prior fiscal year" each place it appears in subsections (b) and (c).

(f) Section 1321 (b) of title 31, United States Code, is amended by striking out "annual" and inserting in lieu thereof "biennial".

(g) Section 1322 (a) of title 31, United States Code, is amended by striking out "September 30" and inserting in lieu thereof "December 31".

EFFECTIVE DATE

SEC. 08. The provisions of this title and the amendments made by this title shall take effect on the first day of the Ninety-ninth Congress, except that the amendments made by sections 03 (s), 06, and 07 of this title shall take effect on January 1, 1986.

FISCAL YEAR 1985

SEC. 09. Notwithstanding the provisions of sections 03, 04, 05, 06, 07, and 08 of this title and the amendments made by such sections—

(1) the provisions of the Congressional Budget and Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this title) shall apply with respect to concurrent resolutions on the budget for such fiscal year, bills and resolutions providing new budget authority or new spending authority for such fiscal year, bills and resolutions authorizing the enactment of new budget authority for such fiscal year, the rescission and deferral of budget authority for such fiscal year, and the responsibilities of the Director of the Congressional Budget Office for such fiscal year; and

(2) the provisions of the Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this title) shall apply to the rescission and deferral of budget authority for the period beginning on October 1, 1985, and ending on December 31, 1985.

WARNER AND STEVENS AMENDMENT NO. 3057

Mr. STEVENS (for Mr. WARNER) (for himself, and Mr. STEVENS) proposed an amendment to the bill (H.R. 2163), supra, as follows:

At the end of the amendment add the following new section:

TRANSPORTATION OF BAGGAGE AND HOUSEHOLD GOODS

SEC. . (a) Section 715 of Public Law 98-212 (97 Stat. 1440) is amended by inserting before the period at the end thereof the following: "(except in the case of a civilian officer or employee to whom section 5724 (a) or 5726 of title 5, United States Code, applies)".

(b) The amendment made by subsection (a) shall take effect on the date of enactment of Public Law 98-212.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of Ben C. Rusche, of South Carolina, to be Director of the Office of Civilian Redioactive Waste Management.

The hearing will be held on Thursday, May 17, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding this hearing you may wish to contact Mr. Charles A. Trabandt of the committee staff at 224-7141.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the subcommittee hearing scheduled for Thursday, May 17 to consider S. 1218, H.R. 2645, S. 1331, and H.R. 1341 will be held in room SD-342 instead of room SD-366 at 9:30 a.m.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

SMALL BUSINESS WEEK

● Mr. WEICKER. Mr. President, each year in May we take time to honor the small business owners and operators of this country for one 7-day period. May 6-12 has been proclaimed by the President as "Small Business Week." This proclamation offers us the opportunity to recognize the abilities and strength exhibited by the millions of people in the United States involved in small businesses, encourage the spirit of independence and entrepreneurship that powers these men and women, and appreciate the dominant role played by small business in the Nation's well-being. As chairman of the Committee on Small Business, I have a wonderful opportunity to observe and interact with the country's small business community and I welcome the opportunity to acknowledge the contributions of this vital sector.

The Small Business Administration, the independent Federal agency that offers assistance to small firms and also deserves praise this week, defines a small business as one that employs 500 individuals or less. Firms of this size represent the most dynamic force in American business—for they are the greatest source of new employment in this Nation. During the 12 months prior to September 1983, the number of jobs in small business-dominated industries increased 2.6 percent—approximately twice the rate for large business-dominated industries. Even

more dramatic is the fact that during 1981 and 1982, small firms created 2.6 million jobs, while big business lost 1.6 million jobs. This occurrence is not an aberration. Over the past quarter century the number of jobs in small business-dominated firms grew more than in large corporations—this during a period of historic growth in most areas of the American economy.

In addition, small business currently employs fully one-half of the country's private sector, provides 2 out of 3 American workers with their first job, and accounts for 38 percent of the total gross national product of the Nation.

Mr. President, as these quick figures illustrate, small business is the engine that powers the American economy. No sustained economic recovery is possible without the growth of and job creation in the small business sector.

An excellent example of the power of small, independent businesses is proved by Scan Optics, Inc., of East Hartford, CT, and its president and chief executive officer, Mr. Jean Belhumer, Connecticut's 1984 Small Business Person of the Year. An accountant, Mr. Belhumer joined Scan Optics in 1973 and was elected president in 1978. The company manufactures a range of computer data entry products which transfer printed or handwritten information and coverts it into electronic data for computer processing.

One year after Jean Belhumer became president, Scan Optics, Inc., showed an increase in profits. Scan Optics' annual sales in that 1 year jumped from $8.7 million to $12.9 million. Since then Mr. Belhumer has also expanded both in employee size and customer service. In 1983, Scan Optics, Inc., had 320 employees and customer accounts with businesses such as Citicorp, Readers Digest, RCA Records, and the U.S. Postal Service.

Without question, Mr. Jean Belhumer exemplifies what hard work and dedication can accomplish in terms of creating a productive, successful and highly regarded business. By seizing on opportunities for innovation and enterpreneurship and applying self-reliance and ingenuity, Mr. Belhumer has made a major contribution to the economy of my State and has been a vital source of employment in central Connecticut.

Mr. President, I am proud to honor Jean Belhumer as Connecticut Small Businessman of the Year. He is a valuable asset to both Connecticut's small business community and the Nation. I know that I speak for all in the Congress and indeed all of those whom we represent, when I offer the small business people of America a hearty congratulations on their past and present successes and extend the thanks of all Americans.●

DR. PHILIP H. ABELSON RECEIVES THE NATIONAL SCIENCE FOUNDATION'S DISTINGUISHED PUBLIC SERVICE AWARD

● Mr. GORTON. Mr. President, Dr. Philip H. Abelson, editor of Science, the weekly magazine of the American Association for the Advancement of Science, is receiving a Distinguished Public Service Award from the National Science Foundation. On Tuesday, May 8, a reception was held at the Air and Space Museum to honor D. Abelson and Representative EDWARD P. BOLAND of Massachusetts, who is also receiving the Foundation's Distinguished Public Service Award.

Dr. Abelson, a native of Tacoma, Wash., and a graduate of Washington State University, has had a remarkable career in science. He has been responsible for notable research findings in many fields, ranging from geophysics to medicine. During World War II he had an important part in the Manhattan Project, which developed the atomic bomb. After the war, at the Carnegie Institution of Washington, he combined an active research career with administrative and editorial responsibilities. In addition he has served as an advisor to many Federal science agencies.

It is fitting that the award be presented to Dr. Abelson this week, during Science Week, when the National Science Foundation is encouraging public awareness of the importance of science and science education in the American experience. For the past 22 years as editor of Science, Dr. Abelson has communicated to a large, worldwide audience the advances of scientific research and news and analysis of matters affecting science. His clear and forthright editorials have given sound counsel on complex issues of public concern.

Dr. Edward A. Knapp, the Director of the National Science Foundation, said that his agency wished to honor Dr. Abelson "for his exemplary performance as creative scientist, wise counselor, and sterling editor." Mr. President, I am pleased to add my warm congratulations to this distinguished native of the State of Washington.●

10TH ANNIVERSARY OF THE SENIOR COMPANION PROGRAM

● Mr. SARBANES. Mr. President, this month marks the 10th anniversary of the senior companion program in Hughesville, Md; and I want to take this opportunity to recognize and commend all those who participate in this very worthwhile effort.

As one of ACTION's Older American Volunteer programs, the senior companion program offers an opportunity for low-income older persons to provide a meaningful contribution to their communities by volunteering to assist other adults with special needs, primarily the home-bound frail elderly and those living in nursing homes or institutions. This community effort, designed to help relieve the many problems faced by our older citizens, is unique in that those served by the senior companions are not the only beneficiaries: the low-income elderly volunteers are provided a stipend and other direct benefits to relieve some of their own economic hardships.

It is important to many older persons that they remain in their own homes, and with a companion visiting regularly to provide assistance and company, this desire can become a reality. Many of our elderly citizens are isolated; and senior companions offer not only help with daily living, but an opportunity for conversation and fellowship with a peer—someone to relate to on many levels.

On this 10th anniversary of the Senior Companion Program, I know that my colleagues will join me in congratulating all those who gave given of their time and energy to make this program such a success.●

OREGONIANS PARTICIPATE IN SENIOR PROGRAM

● Mr. PACKWOOD. Mr. President, today I am pleased to be able to recognize two outstanding Oregonians who have joined my staff for the week. Sister Patricia McCann, of Astoria, OR, and Charles Wilson, of Lebanon, OR, are in Washington this week to participate in the annual senior intern program.

Sister Patricia McCann serves on the Governor's Commission on Senior Services. She has served on the commission under three Governors for a total of 7 years. Sister Patricia started the Area Agency on Aging for Clatsop and Tillamook Counties. She also started the Astoria Senior Center and organized Loaves and Fishes in Astoria.

In 1981, Sister Patricia served as a delegate for the White House Conference on Aging. I am pleased that Sister Patricia has brought her organizational expertise and leadership to my staff this week in order to work on issues of concern to Oregon seniors.

Charles Wilson has been an active senior advocate in the Lebanon area. He is the chairman of the Senior Advisory Council which formulates policy for the Lebanon Senior Center. He is also the first vice president of the Lebanon Chapter of the American Association of Retired Persons and a member of the Gray Panthers, the Linn County Health Advisory Council and the Linn County Aging Services Network. During the week, Charles volunteers as a senior advocate at the Lebanon Senior Center. He works

under the guidance of the Lebanon City Council and accepts referrals from legal services to assist seniors with medicare, SSA/SSI and housing problems. Charles' experience as a senior advocate will be very useful as we work on projects and legislation of interest to Oregonians.

I am pleased that one of the issues the senior interns will be working on this week will be long-term care, especially home health care. I am convinced that legislation such as S. 1244, the Packwood-Bradley-Heinz independent care for the elderly bill would help.

S. 1244 would allow more seniors to receive coordinated care in their homes, thereby avoiding unnecessary placement in nursing homes. This will allow seniors to maintain their independence within the community and also save Federal dollars.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MISCELLANEOUS TARIFF, TRADE AND CUSTOMS MATTERS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2163, which will be stated by title.

The bill clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

The Senate resumes the consideration of the bill.

Pending:

Baker amendment No. 3027, to further reduce deficits by including reconciliations and appropriations caps for defense and nondefense discretionary spending for fiscal years 1985, 1986, and 1987.

AMENDMENT NO. 3056

(Purpose: To establish a two-year budget process)

Mr. BAKER. Mr. President, it is my understanding that the distinguished Senate from Delaware (Mr. ROTH) has an amendment to offer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware (Mr. ROTH) proposes an amendment numbered 3056. At the appropriate place in amendment No. 3027, insert the following:

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the amendment, insert the following:

TITLE—TWO-YEAR BUDGET PROCESS

SEC. 01. This title may be cited as the "Budget Reform Act of 1984".

STATEMENT OF PURPOSE

SEC. 02. It is the purpose of this title—

(1) to establish a process through which the Federal budget will be adopted for a two-year period;

(2) to improve congressional control over the Federal budget process;

(3) to streamline the requirements of the budget process in order to promote better accountability to the public;

(4) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

(5) to provide stability and coherence for recipients of Federal funds; and

(6) to implement other improvements in the Federal budget process.

TWO-YEAR CONGRESSIONAL BUDGET PROCESS

SEC. 03. (a) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 (2)) is amended by striking out "each year" and inserting in lieu thereof "every two years".

(b)(1) Section 3(1) of such Act (2 U.S.C. 622 (1)) is amended—

(A) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "such year" and inserting in lieu thereof "such period".

(2) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended to read as follows:

"(4) The term 'concurrent resolution on the budget' means—

"(A) a concurrent resolution setting forth the congressional budget for the United States Government for a two-year fiscal period as provided in section 301; or

"(B) a concurrent resolution on the budget revising the congressional budget for the United States Government pursuant to section 304.".

(3) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end thereof the following new paragraphs:

"(6) The term 'two-year fiscal period' means the period of two years beginning on January 1 of each even-numbered year.

"(7) The term 'omnibus appropriation bill' means the bill providing new budget authority for a two-year fiscal period for all departments, agencies, and authorities of the Government.

"(8) The term 'supplemental appropriation bill' means a bill providing new budget authority for a two-year fiscal period for one or more departments, agencies, or authorities of the Government, which is considered in accordance with section 307(c).".

(c)(1) Section 202(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(a)(1)) is amended—

(A) by inserting "omnibus" before "appropriation bills";

(B) by striking out "and other" and inserting in lieu thereof "supplemental appropriation bills,"; and

(C) by striking out "or providing budget authority or" and inserting in lieu thereof "budget authority, and bills authorizing or providing".

(2) Section 202(f) of such Act (2 U.S.C. 602 (f)) is amended—

(A) by striking out "April 1 of each year" in paragraph (1) and inserting in lieu thereof "April 15 and July 15 of each odd-numbered year";

(B) by striking out "fiscal year commencing on October 1 of that year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year";

(C) by striking out "such fiscal year" each place it appears in paragraph (1) and inserting in lieu thereof "such two-year fiscal period";

(D) by redesignating paragraph (2) as paragraph (3), and (in such paragraph) by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (2)"; and

(E) by inserting after paragraph (1) the following new paragraph:

"(2) On January 15 and July 15 of each even-numbered year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate such revisions of the report required by paragraph (1) as may be necessary with respect to the two-year fiscal period in progress.".

(d) Section 300 of such Act (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the congressional budget process for any Congress (beginning with the Ninety-ninth Congress) is as follows:

"FIRST SESSION

"On or before:	Action to be completed:
January 2.....	Committees submit oversight reports to their repective Houses.
15th day after Congress meets.	President submits his budget for the two-year fiscal period beginning in the succeeding calendar year, including current services budget.
March 31.....	Committees and joint committees submit views and estimates to Budget Committees with respect to two-year fiscal period.
April 15.....	Congressional Budget Office submits reports to the Budget Committees with respect to the two-year fiscal period beginning on January 1 of the succeeding fiscal year.
April 30.....	Budget Committees report concurrent resolution on the budget for the two-year fiscal period to their respective Houses.

"FIRST SESSION—Continued

"On or before:	Action to be completed:
May 15	Committees report bills and resolutions authorizing new budget authority.
May 31	Congress completes action on concurrent resolution on the budget for the two-year fiscal period.
June 15	House Appropriations Committee reports the omnibus appropriation bill for the two-year fiscal period.
July 15	President and Congressional Budget Office report to the Budget Committees.
July 31	House completes action on the omnibus appropriation bill for the two-year fiscal period.
7th day after Labor Day.	Senate Appropriations Committee reports the omnibus appropriation bill for the two-year fiscal period.
September 30	Senate completes action on the omnibus appropriation bill for the two-year fiscal period.
September 30	Congress completes action on bills and resolutions providing new spending authority for two-year fiscal period.
October 15	Congress completes action on the omnibus appropriation bill for two-year fiscal period.
"SECOND SESSION	
"January 1	Two-year fiscal period begins.
January 15	President and Congressional Budget Office report to Budget Committees.
July 15	President and Congressional Budget Office report to Budget Committees.
During session.	Committees conduct oversight on programs and activities within their jurisdiction.".

(e)(1)(A) The section heading for section 301 of such Act (2 U.S.C. 632) is amended by striking out "first".

(B) The item relating to section 301 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "first".

(2) Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended—

(A) by striking out "May 15" in the subsection heading and inserting in lieu thereof "May 31 of each odd-numbered year";

(B) by striking out "May 15 of each year" in the first sentence and inserting in lieu thereof "May 31 of each odd-numbered year";

(C) by striking out "first" before "concurrent resolution on the budget" in the first sentence;

(D) by striking out "fiscal year beginning on October 1 of such year" and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year"; and

(E) by striking out "an appropriate" in paragraph (2) and inserting in lieu thereof "a recommended".

(3) Section 301(b) of such Act (2 U.S.C. 632(b)) is amended to read as follows:

"(b) Additional Matters in Concurrent Resolution.—The concurrent resolution on the budget referred to in subsection (a) may also require any other procedure which is considered appropriate to carry out the purposes of this Act.".

(4) Section 301(c) of such Act (2 U.S.C. 632(c)) is amended—

(A) by striking out "March 15 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year"; and

(B) by striking out "fiscal year beginning on October 1 of such year" in paragraph (2) and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year".

(5) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended—

(A) by striking out "first" each place it appears before "concurrent resolution on the budget" in the first and third sentences;

(B) by striking out "fiscal year" in the first sentence and inserting in lieu thereof "two-year fiscal period";

(C) by striking out "April 15 of each year" in the third sentence and inserting in lieu thereof "April 30 of each odd-numbered year";

(D) by striking out "fiscal year beginning on October 1 of such year" in the third sentence and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year";

(E) by striking out "five fiscal" in paragraph (6) and inserting in lieu thereof "six";

(F) by striking out "such fiscal year" in such paragraph and inserting in lieu thereof "the first year in such two-year fiscal period,"; and

(G) by striking out "each fiscal year in such period" and inserting in lieu thereof "each two-year fiscal period in such six-year period".

(6) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth";

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (2);

(C) by inserting "referred to in subsection (a)" after "concurrent resolution on the budget" in such paragraph; and

(D) by striking out "fiscal year" in such paragraph and inserting in lieu thereof "two-year fiscal period".

(f) Section 302(c) of such Act (2 U.S.C. 633(c)) is amended by striking out "or 310".

(g)(1) The section heading for section 303 of such Act (2 U.S.C. 634) is amended by striking out "first".

(2) The item relating to section 303 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "First concurrent" and inserting in lieu thereof "Concurrent".

(3) Section 303(a) of the Congressional Budget Act of 1974 (2 U.S.C. 634(a)) is amended—

(A) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period";

(B) by striking out "first" before "concurrent resolution on the budget" in the matter following paragraph (4);

(C) by inserting "referred to in section 301" after "concurrent resolution on the budget" in the matter following paragraph (4);

(D) by striking out "year" in the matter following paragraph (4) and inserting in lieu thereof "period"; and

(E) by striking out "pursuant to section 301" in the matter following paragraph (4).

(4) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-year fiscal period".

(h) Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking out "first" before "concurrent resolution on the budget";

(2) by inserting "referred to in section 301" after "concurrent resolution on the budget";

(3) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period";

(4) by striking out "pursuant to section 301" after "has been agreed to"; and

(5) by striking out "most recently agreed to" and inserting in lieu thereof "if the concurrent resolution on the budget making such revisions, and any conference report thereon, is agreed to by a rollcall vote of two-thirds of the Members of the Senate and the House of Representatives duly chosen and sworn".

(i)(1) Section 305(a)(3) of such Act (2 U.S.C. 636(a)(3)) is amended—

(A) by striking out "first" before "concurrent resolution on the budget";

(B) by inserting "referred to in section 301(a)" after "concurrent resolution on the budget"; and

(C) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Section 305(b) of such Act (2 U.S.C. 636(b)) is amended—

(A) by striking out ", except that, with respect to the second required concurrent resolution referred to in section 310(a), all such debate shall be limited to not more than 15 hours" in paragraph (1);

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (3);

(C) by inserting "referred to in section 301(a)" after "concurrent resolution on the budget" in such paragraph; and

(D) by striking out "fiscal year" in such paragraph and inserting in lieu thereof "two-year fiscal period".

(j)(1) Section 307 of such Act (2 U.S.C. 638) is amended to read as follows:

"OMNIBUS APPROPRIATION BILL REQUIRED

"SEC. 307. (a) POINT OF ORDER.—Except as provided in subsection (c), it shall not be in order in the House of Representatives or the Senate to consider any bill or resolution providing new budget authority for a two-year fiscal period other than an omnibus appropriation bill.

"(b) DEADLINES.—(1) The Committee on Appropriations of the House of Representatives shall report to the House of Representatives an omnibus appropriation bill for a two-year fiscal period by June 15 of the year preceding the year in which such period begins.

"(2) The House of Representatives shall pass an omnibus appropriation bill for a two-year fiscal period by July 31 of the year preceding the year in which such period begins.

"(3) The Committee on Appropriations of the Senate shall report to the Senate an omnibus appropriation bill for a two-year fiscal period by the seventh day after Labor Day of the year preceding the year in which such period begins.

"(4) The Senate shall pass an omnibus appropriation bill for a two-year fiscal period by September 30 of the year preceding the year in which such period begins.

"(5) Congress shall complete action on an omnibus appropriation bill for a two-year fiscal period by October 15 of the year preceding the year in which such period begins.

"(c) SUPPLEMENTAL APPROPRIATION BILL PERMITTED.—It shall be in order in the House of Representatives or the Senate to consider a supplemental appropriation bill for a two-year fiscal period at any time after the Congress adopts a concurrent resolution on the budget pursuant to section 304 which revises the concurrent resolution on the budget agreed to pursuant to section 301 for such two-year fiscal period, or the most recently agreed to concurrent resolution on the budget for such two-year fiscal period, as the case may be.

"(d) AMENDMENTS.—It shall not be in order in the House of Representatives or the Senate to consider any amendment providing new budget authority for a two-year fiscal period unless such amendment is an amendment to an omnibus appropriation bill or a supplemental appropriation bill.".

(2) The item relating to section 307 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 307. Omnibus appropriation bill required.".

(k)(1) Section 303(a) of the Congressional Budget Act of 1974 (2 U.S.C. 639) is amended—

(A) by inserting "to its House an omnibus appropriation bill, a supplemental appropriation bill, or" after "either House reports" in the matter preceding paragraph (1);

(B) by striking out "to its House" after "a bill or resolution" in the matter preceding paragraph (1);

(C) by striking out "new budget authority (other than continuing appropriations) or" before "new or increased tax expenditures" in the matter preceding paragraph (1);

(D) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "two-year fiscal period";

(E) by striking out "a bill or resolution providing new budget authority" in paragraph (1) and inserting in lieu thereof "and omnibus appropriation bill or a supplemental appropriation bill";

(F) by striking out "or resolution" in paragraph (1)(A);

(G) by striking out "fiscal year" in paragraph (1)(A) and inserting in lieu thereof "two-year fiscal period";

(H) by inserting a comma after "a projection" in paragraph (1)(B);

(I) by striking out "5 fiscal" in paragraph (1)(B) and inserting in lieu thereof "6";

(J) by striking out "such fiscal year" in paragraph (1)(B) and inserting in lieu thereof "the first year in such two-year fiscal period,";

(K) by striking out "or resolution" in paragraph (1)(B);

(L) by striking out "each fiscal year in such period" in paragraph (1)(B) and inserting in lieu thereof "each two-year fiscal period in such 6-year period";

(M) by striking out "or resolution" in paragraph (1)(C);

(N) by striking out "fiscal year" in paragraph (2)(A) and inserting in lieu thereof "two-year fiscal period";

(O) by striking out "such year" in paragraph (2)(A) and inserting in lieu thereof "such period";

(P) by inserting a comma after "a projection" in paragraph (2)(B);

(Q) by striking out "5 fiscal" in paragraph (2)(B) and inserting in lieu thereof "6";

(R) by striking out "such fiscal year" in paragraph (2)(B) and inserting in lieu thereof "the first year in such two-year fiscal period,";

(S) by striking out "each fiscal year in such period" in paragraph (2)(B) and inserting in lieu thereof "each two-year fiscal period in such 6-year period"; and

(T) by striking out "fiscal year" each place it appears in the last sentence and inserting in lieu thereof "two-year fiscal period".

(2) Section 308(b) of such Act (2 U.S.C. 639(b)) is amended—

(A) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "such year" each place it appears and inserting in lieu thereof "such period".

(3) Section 308(C) of such Act is amended—

(A) by striking out "Five-Year" in the subsection heading and inserting in lieu thereof "Six-Year";

(B) by striking out "each fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "each two-year fiscal period";

(C) by striking out "5 fiscal years beginning with such fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "6 years beginning with the first year in such two-year fiscal period";

(D) by striking out "each fiscal year" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "each two-year fiscal period"; and

(E) by striking out "such period" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "such 6-year period".

(l)(1) Section 309 of such Act (2 U.S.C. 640) is amended to read as follows:

"COMPLETION OF ACTION ON BILLS PROVIDING CERTAIN NEW SPENDING AUTHORITY

"SEC. 309. Except as otherwise provided pursuant to this title, not later than September 30 of each odd-numbered year, the Congress shall complete action on all bills and resolutions providing new spending authority described in section 401(c)(2)(C) which is to become effective during the two-year fiscal period beginning on January 1 of the succeeding year.".

(2) The item relating to section 309 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 309. Completion of action on bills providing certain new spending authority.".

(m)(1)(A) The section heading of section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) is amended by striking out "second required concurrent resolution and".

(B) The item relating to section 310 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "Second required concurrent resolution and reconciliation" and inserting in lieu thereof "Reconciliation".

(2) Section 310(a) of the Congressional Budget Act of 1974 (2 U.S.C. 641(a)) is amended—

(A) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 310. (a) REPORTING OF CONCURRENT RESOLUTION.—At any time after the concurrent resolution on the budget referred to in section 301 for a two-year fiscal period has been agreed to, and before the end of such two-year fiscal period, the Congress may adopt a concurrent resolution for such two-year fiscal period which shall, to the extent necessary—";

(B) by striking out "such fiscal year" each place it appears in paragraph (1) and inserting in lieu thereof "such two-year fiscal period"; and

(C) by inserting "or prior two-year fiscal periods, as the case may be" before the semicolon in paragraph (1)(B).

(3) Section 310 of such Act (2 U.S.C. 641) is amended by striking out subsection (b) and by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(4) Section 310(c) of such Act (2 U.S.C. 641(c)), as redesignated by paragraph (3) of this subsection, is amended—

(A) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)"; and

(B) by striking out "September 25 of each year" and inserting in lieu thereof "60 days after the date on which the concurrent resolution referred to in subsection (a) is agreed to".

(5) Section 310(d) of such Act (2 U.S.C. 641(d)), as redesignated by paragraph (3) of this subsection, is amended—

(A) by inserting "concurrent resolutions referred to in subsection (a)," after "consideration in the Senate of" in paragraph (1);

(B) by inserting a comma after "reconciliation bills" in such paragraph; and

(C) by striking out "subsection (c)" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "subsection (b)".

(6) Section 310(e) of such Act (2 U.S.C. 641(e)), as redesignated by paragraph (3) of this subsection, is amended—

(A) by striking out "the concurrent resolution on the budget required to be reported under subsection (a) for the fiscal year beginning on October 1 of such year, and, if a" and inserting in lieu thereof "any";

(B) by striking out "is" before "required to be reported"; and

(C) by striking out "subsection (c) for such fiscal year, unless the Congress has completed action on that bill or resolution, or both" and inserting in lieu thereof "subsection (b) for a two-year fiscal period".

(n)(1) Section 311(a) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking out "section 310(a) for a fiscal year" and inserting in lieu thereof "section 301(a) for a two-year fiscal period";

(B) by striking out "section 310(c)" and inserting in lieu thereof "section 310(b)";

(C) by striking out "any bill, resolution, or amendment providing additional new budget authority for such fiscal year," and inserting in lieu thereof "any omnibus appropriation bill or supplemental appropriation bill for a two-year fiscal period or any amendment thereto, any bill or resolution";

(D) by inserting "any bill or resolution" before "reducing revenues"; and

(E) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(2) Section 311 of such Act (2 U.S.C. 642) is further amended—

(A) by redesignating subsection (b) as subsection (c) and in such subsection—

(i) by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)"; and

(ii) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(B) by inserting after subsection (a) the following new subsection;

"(b) ENROLLMENT PROHIBITED.—No omnibus appropriation bill for a two-year fiscal period, supplemental appropriation bill for such a period, or bill or resolution providing new spending authority described in section 401(c)(2)(C) for such a period shall be enrolled if the amount of new budget authority or new spending authority described in section 401(c)(2)(C) provided in that bill or resolution would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such two-year fiscal period to be exceeded.".

(o)(1) Section 401(a) of such Act (2 U.S.C. 651(a)) is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Section 401(b) of such Act (2 U.S.C. 651(b)) is amended—

(A) by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "during the calendar year in" in paragraph (1) and inserting in lieu thereof "after the date on".

(p) Section 402(a) of such Act (2 U.S.C. 652 (a)) is amended—

(1) by striking out "preceding the beginning of such fiscal year" and inserting in lieu thereof "of the odd-numbered year preceding the year in which such two-year fiscal period begins"; and

(2) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(q) Section 403(a) of such Act (2 U.S.C. 653(a)) is amended—

(1) by striking out "fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period in which it is to become effective and in the two succeeding two-year fiscal periods";

(2) by striking out "fiscal year" the first place it appears in paragraph (2) and inserting in lieu thereof "two-year fiscal period"; and

(3) by striking out "four fiscal years following such fiscal year" in such paragraph and inserting in lieu thereof "two succeeding two-year fiscal periods".

(r) Section 904(b) of the Congressional Budget Act of 1974 (2 U.S.C. 621) is amended by striking out "title III or IV" and inserting in lieu thereof "title III (except section 304 or section 311(b)) or title IV".

(s)(1) Section 1012(a) of the Impoundment Control Act of 1974 (2 U.S.C. 683(a)) is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(2) The last sentence of section 1013(a) of such Act (2 U.S.C. 684(a)) is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(3) Section 1014(e) of such Act (2 U.S.C. 685(e)) is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(t) Paragraph 8(b) of rule XXVI of the Standing Rules of the Senate is amended by striking out "March 31" and inserting in lieu thereof "January 2".

(u)(1) Clause 1(b)(4) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(3) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(4) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended—

(A) by striking out "first"; and

(B) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(5) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking out "annually" each place it appears and inserting in lieu thereof "biennially".

(6) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(A) by striking out "March 15 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year"; and

(B) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(7) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(8) Clause 2(l)(1)(C) of rule XI of the Rules of the House of Representatives is repealed.

(9) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking out "on general appropriations bills and on joint resolutions continuing appropriations for a fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting in lieu thereof "on omnibus appropriation bills and supplemental appropriation bills".

(10) Clause 1 of rule XLIX of the Rules of the House of Representatives is amended—

(A) by striking out the comma after "301" and inserting in lieu thereof "or"; and

(B) by striking out ", or 310".

(11) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

SUBMISSION OF PRESIDENT'S BUDGET

SEC. 04. (a) Section 1101 of title 31, United States Code is amended by adding at the end thereof the following new paragraph:

"(3) 'two-year fiscal period' has the meaning given to such term in paragraph (6) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)).".

(b)(1) Section 1103 of title 31, United States Code, is amended—

(A) by inserting "or two-year fiscal period, as the case may be," after "fiscal year"; and

(B) by inserting "or period" after "that year".

(2) Section 1104 of title 31, United States Code, is amended—

(A) by striking out "deficiency and" in subsection (a); and

(B) by inserting "or prior two-year fiscal period, as the case may be," after "fiscal year" in subsection (c).

(3) Section 1105(a) of title 31, United States Code, is amended—

(A) by sriking out "each regular session of Congress" in the matter preceding paragraph (1) and inserting in lieu thereof "the first regular session of each Congress";

(B) by striking out "for the following fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "for the two-year fiscal period beginning on January 1 of the succeeding year";

(C) by striking out "fiscal year for which the budget is submitted and the four fiscal years after that year" in paragraph (5) and inserting in lieu thereof "two-year fiscal period for which the budget is submitted and the first two two-year fiscal periods immediatey following that two-year fiscal period";

(D) by striking out "fiscal year for which the budget is submitted and the four fiscal years after that year" in paragraph (6) and inserting in lieu thereof "two-year fiscal period for which the budget is submitted and the first two two-year fiscal periods immediately following that two-year fiscal period";

(E) by inserting "or the prior two-year fiscal period, as the case may be" after "fiscal year" in paragraph (7);

(F) by inserting "or the current two-year fiscal period, as the case may be" after "fiscal year" in paragraph (8);

(G) by inserting "or the prior two-year fiscal period, as the case may be" after "prior fiscal year" in subparagraph (A) of paragraph (9);

(H) by inserting "or the current two-year fiscal period, as the case may be" after "current fiscal year" in subparagraph (B) of paragraph (9);

(I) by striking out "fiscal year" in subparagraph (C) of paragraph (9) and inserting in lieu thereof "two-year fiscal period";

(J) by striking out "fiscal year" in subparagraph (A) of paragraph (12) and inserting in lieu thereof "two-year fiscal period";

(K) by striking out "4 fiscal years after that fiscal year" in subparagraph (B) of paragraph (12) and inserting in lieu thereof "first two two-year fiscal periods following such two-year fiscal period";

(L) by striking out "fiscal year" in paragraph (13) and inserting in lieu thereof "two-year fiscal period";

(M) by striking out "year" in paragraph (14) and inserting in lieu thereof "period";

(N) by striking out "fiscal year" in paragraph (16) and inserting in lieu thereof "two-year fiscal period";

(O) by striking out "fiscal year" each place it appears in paragraph (17) and inserting in lieu thereof "two-year fiscal period";

(P) in paragraph (18)—

(i) by inserting "or prior two-year fiscal period, as the case may be" after "fiscal year", and

(ii) by inserting "or period" after "that year" each place it appears; and

(Q) in paragraph (19)—

(i) by inserting "or prior two-year fiscal period, as the case may be" after "fiscal year", and

(ii) by inserting "or period" after "that year" each place it appears.

(4) Section 1105(b) of title 31, United States Code, is amended by striking out "each year" and inserting in lieu thereof "each even-numbered year".

(5) Section 1105(c) of title 31, United States Code, is amended—

(A) by striking out "fiscal year for" each place it appears and inserting in lieu thereof "two-year fiscal period for";

(B) by inserting "or current two-year fiscal period, as the case may be," after "current fiscal year"; and

(C) by striking out "that year" and inserting in lieu thereof "that 2-year fiscal period".

(6) Section 1105 (d) of title 31, United States Code, is amended by inserting "or current two-year fiscal year period, as the case may be," after "fiscal year".

(7) Section 1105 of title 31, United States Code, is further amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, the President shall include in the budget submitted under subsection (a) proposed budget authority, direct loans, and commitments to guarantee loan principal, and estimates of outlays and receipts for all activities of all departments, establishments, and instrumentalities of the Federal Government, except Government-sponsored corporations to the extent financed by wholly private funds.".

(8) Section 1106 (a) of title 31, United States Code, is amended—

(A) by striking out "July 15 of each year" in the matter preceding paragraph (1) and inserting in lieu thereof "July 16 of each odd-numbered year";

(B) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "two-year fiscal year period";

(C) by striking out "fiscal year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period";

(D) by striking out "4 fiscal years following the fiscal year" in paragraph (2) and inserting in lieu thereof "first two two-year fiscal periods following the two-year fiscal period";

(E) by striking out "fiscal years" in paragraph (3) and inserting in lieu thereof "two-year fiscal periods"; and

(F) by striking out "fiscal year" in paragraph (3) and inserting in lieu thereof "two-year fiscal periods".

(9) Section 1106(b) of title 31, United States Code, is amended—

(A) by inserting "(1)" after the subsection designation;

(B) by striking out "April 11 and July 16 of each year" and inserting in lieu thereof "July 16 of each odd-numbered year";

(C) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period";

(D) by striking out "submitted before July 16" and inserting in lieu thereof "required under this subsection"; and

(E) by adding at the end thereof the following new paragraph:

"(2) On January 15 and July 15 of each even-numbered year, the President shall submit to the Congress a revision of the statement required by paragraph (1) with respect to the current two-year fiscal period.".

(c)(1) Section 1107 of title 31, United States Code, is amended—

(A) by striking out "Deficiency and supplemental" in the section heading and inserting in lieu thereof "Supplemental"; and

(B) by striking out "deficiency and" in the text thereof.

(2) The table of sections of chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1107 and inserting in lieu thereof the following new item:

"1107. Supplemental appropriations.".

(d) Section 1108(b) of title 31, United States Code, is amended—

(1) by striking out "deficiency and" in paragraph (1) thereof; and

(2) by striking out "deficiency or" in paragraph (2) thereof.

(e)(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking out "Before November 11 of each year," in the first sentence and inserting in lieu thereof "At the time the President submits the budget for a two-year fiscal period under section 1105 (beginning with the budget submitted for the two-year fiscal period beginning on January 1, 1986),";

(B) by inserting "a statement of" before "the estimated budget outlays" in the first sentence;

(C) by striking out "the following fiscal year" in the first sentence and inserting in lieu thereof "such two-year fiscal period";

(D) by striking out "that year" in the first sentence and inserting in lieu thereof "that period";

(E) by inserting "or current two-year fiscal period, as the case may be," after "current fiscal year" in the first sentence; and

(F) by striking out "those budget outlays and budget authority are" and inserting in lieu thereof "the statement of budget outlays and budget authority is".

(2) Section 1109(b) of title 31, United States Code, is amended—

(A) by striking out "estimated budget outlays and proposed budget authority" and inserting in lieu thereof "statement of estimated budget outlays and proposed budget authority submitted under subsection (a)"; and

(B) by striking out "January 1 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year".

(f) (1) Section 1110 of title 31, United States Code, is amended—

(A) by striking out "a fiscal year" and inserting in lieu thereof "a two-year fiscal period (beginning with the two-year fiscal period commencing January 1, 1986)";

(B) by striking out "year before the year in which the fiscal year" and inserting in lieu thereof "evennumbered year before the year in which the two-year fiscal period";

(C) by striking out "one year" and inserting in lieu thereof "one two-year fiscal period"; and

(D) by striking out "fiscal years" and inserting in lieu thereof "two-year fiscal periods".

(2) The table of sections of chapter 11 of title 31, United States Code, is amended by stiking out the item relating to section 1110 and inserting in lieu thereof the following new item:

"1110. Advance requests for authorizing legislation.".

(g) Section 1114 of title 31, United Sates Code, is amended by striking out "each year" each place it appears and inserting in lieu thereof "biennially".

CONVERSION TO BIENNIAL FISCAL PERIOD

SEC. 05. (a) Section 1102 of title 31, United States Code, is amended to read as follows:

"§1102. Fiscal year

"In all matters of accounts, receipts, expenditures, estimates, and appropriations—

"(a) there shall be, through September 30, 1985, a fiscal year of the United States commencing on October 1 of each year and ending on September 30 of the following year; and

"(b) there shall be, beginning on January 1, 1986, a two-year fiscal period of the United States beginning on January 1 of each even-numbered year and ending on December 31 of the succeeding odd-numbered year.

"Accounts of receipts and expenditures required under law to be published each year shall be published for the fiscal year or two-year fiscal period, as the case may be.".

(b)(1) Section 105 of title 1, United States Code, is amended—

(A) by striking out "year ending September 30" and inserting in lieu thereof "two-year fiscal period ending December 31"; and

(B) by striking out "calendar year" and inserting in lieu thereof "odd-numbered year in which the two-year fiscal period ends".

(2) The provisions of paragraph (1) of this subsection shall be effective with respect to Acts making appropriations for the support of the Government for any two-year fiscal period commencing on or after January 1, 1986.

(c)(1) Any law providing for an authorization of appropriations for the fiscal year 1977 or any fiscal year through the fiscal year 1986 shall be construed as referring to the fiscal year ending on September 30 of the calendar year having the same calendar year number as the fiscal year number.

(2) Any law providing for an authorization of appropriations for the fiscal year 1986 or any fiscal year thereafter shall be construed as referring to the one-year period—

(A) which is within a two-year fiscal period; and

(B) which begins on January 1 of the calendar year having the same calendar year number as such fiscal year number and ending on December 31 of such calendar year.

(d) Effective January 1, 1986, any provision of law with respect to the Senate which contains an October 1 date which relates to the beginning of a fiscal year shall be treated as referring to January 1 of the succeeding calendar year within a two-year fiscal period, and any provision of law with respect to the Senate which contains a September 30 date which relates to the end of a fiscal year shall be treated as referring to December 31 of the same calendar year within a two-year fiscal period.

(e) As soon as practicable, the President shall prepare and submit to the Congress—

(1) after consultation with the Committees on Appropriations of the House of Representatives and the Senate, budget estimates for the United States Government for the period commencing October 1, 1985, and ending on December 31, 1985, in such form and detail as he may determine; and

(2) proposed legislation he considers appropriate with respect to changes in law necessary to provide authorizations of appropriations for that period.

(f) The Director of the Office of Management and Budget shall provide by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act to the use of the new two-year fiscal period prescribed by section 1102 of title 31, United States Code. The Director shall prepare and submit to the Congress such additional proposed legislation as he considers necessary to accomplish this objective.

ACCOUNTING PROCEDURES

SEC. 06. (a) Section 1301(c) of title 31, United States Code, is amended—

(1) by striking out "a regular, annual" and inserting in lieu thereof "an"; and

(2) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(b) Section 1306 of title 31, United States Code, is amended by striking out "annually" and inserting in lieu thereof "biennially".

(c) Section 1308 of title 31, United States Code, is amended by inserting ", two-year fiscal period," after "fiscal year" each place it appears.

(d) Section 1512(a) of title 31, United States Code, is amended by striking out "deficiency or".

(e) Section 1513 of title 31, United States Code, is amended—

(1) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(2) by striking out "entire year" and inserting in lieu thereof "entire two-year fiscal period".

(f) Section 1515 of title 31, United States Code, is amended by striking out "deficiency or" each place it appears.

(g) Section 1534 of title 31, United States Code, is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(h)(1) Section 1552(a) of title 31, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs:

"(1) The obligated balance is transferred—

"(A) for any fiscal year commencing on or after October 1, 1976 and ending before October 1, 1985, on September 30th of the 2d fiscal year after the period of availability ends; and

"(B) for the period commencing on October 1, 1985, and ending on December 31, 1985, and for any two-year fiscal period commencing on or after January 1, 1986, on December 31 of the two-year fiscal period following that period or the two-year fiscal period or periods, as the case may be, for which the appropriation is available for obligation.

to an appropriation account of the agency responsible for paying the obligation. Amounts transferred from all appropriation accounts for the same general purpose are merged in the account for paying obligations.

"(2) The unobligated balance is withdrawn at the end of the period of availability for obligation and reverts to the Treasury or, if derived only from a special or trust fund and not otherwise provided, reverts to the fund from which derived. The withdrawal shall be made not later than—

"(A) for any fiscal year commencing on or after October 1, 1976, and ending before October 1, 1985, the November 15 occurring after the period of availability ends; and

"(B) for the period commencing on October 1, 1985, and ending on December 31, 1985, and for any two-year fiscal period commencing on or after January 1, 1986, November 15 of the year following such period on November 15 of the first even-numbered year following the end of such two-year fiscal period, as the case may be, in which the period of availability for obligation expires.

when the head of the agency decides that part of a withdrawn unobligated balance is required to pay obligations and make adjustments, that part may be restored to the appropriate account.".

(2) Section 1552(c) of title 31, United States Code, is amended by inserting "or two-year fiscal period, as the case may be," after "fiscal year".

(3) Section 1552(d) of title 31, United States Code, is amended by striking out "2d complete fiscal year after the fiscal year" and inserting in lieu thereof "two-year fiscal period after the two-year fiscal period or periods".

(i) Section 1554 of title 31, United States Code, is amended by striking out "fiscal" each place it appears.

(j) Section 1555 of title 31, United States Code, is amended by striking out "2 consecutive fiscal years" and inserting in lieu thereof "a full two-year fiscal period".

(k) Subsection (d) of section 3530 of title 31, United States Code, is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 07. (a) Section 2(a) of the Permanent Appropriation Repeal Act, 1934 is amended—

(1) by striking out "Effective July 1, 1935, the" and inserting in lieu thereof "The"; and

(2) by striking out "annual" and inserting in lieu thereof "biennial".

(b) Section 4 of the Permanent Appropriation Repeal Act, 1934 is amended—

(1) by striking out "Effective July 1, 1935, all" and inserting in lieu thereof "All";

(2) by striking out "annually" and inserting in lieu thereof "biennially";

(3) by striking out "one fiscal year" and inserting in lieu thereof "two-year fiscal period"; and

(4) by striking out "following fiscal year" and inserting in lieu thereof "following two-year fiscal period".

(c) Section 9 of the Permanent Appropriation Repeal Act, 1934 (24 U.S.C. 21b), is amended by striking out "fiscal year 1936 annual" and inserting in lieu thereof "two-year fiscal period beginning on January 1, 1986, biennial".

(d) Section 385c of title 25, United States Code, is amended—

(1) by striking out "August 7, 1946" and inserting in lieu thereof "December 31, 1985"; and

(2) by striking out "annually" and inserting in lieu thereof "biennially".

(e) Section 331 of title 31, United States Code, is amended—

(1) by inserting "or prior two-year fiscal period, as the case may be" after "prior fiscal year" each place it appears in subsection (a);

(2) by striking out "fiscal years"; in paragraph (2) of subsection (a) and inserting in lieu thereof "two-year fiscal periods"; and

(3) by inserting "or prior two-year fiscal period, as the case may be," after "prior fiscal year" each place it appears in subsections (b) and (c).

(f) Section 1321(b) of title 31, United States Code, is amended by striking out "annual" and inserting in lieu thereof "biennial".

(g) Section 1322(a) of title 31, United States Code, is amended by striking out "September 30" and inserting in lieu thereof "December 31".

EFFECTIVE DATE

SEC. 08. The provisions of this title and the amendments made by this title shall take effect on the first day of the Ninety-ninth Congress, except that the amendments made by sections 03(s), 05, and 07 of this title shall take effect on January 1, 1986.

FISCAL YEAR 1985

SEC. 9. Notwithstanding the provisions of sections 3, 4, 5, 6, 7, and 8 of this title and the amendments made by such sections—

(1) the provisions of the Congressional Budget and Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this title) shall apply with respect to concurrent resolutions on the budget for such fiscal year, bills and resolutions providing new budget authority or new spending authority for such fiscal year, bills and resolutions authorizing the enactment of new budget authority for such fiscal year, the rescission and deferral of budget authority for such fiscal year, and the responsibilities of the Director of the Congressional Budget Office for such fiscal year; and

(2) the provisions of the Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this title) shall apply to the rescission and deferral of budget authority for the period beginning on October 1, 1985, and ending on December 31, 1985.

2-YEAR BUDGET PROCESS

Mr. ROTH. Mr. President, today I rise to offer an amendment to strengthen the Federal budget process by streamlining the budget requirements and by instituting a 2-year budget cycle. I am convinced that we should act now to put a process in place which will be workable in future years, and I believe it is particularly appropriate that we make this change as an amendment to the legislation we are considering today.

As I have said many times, I strongly believe that our current budget process is a vast improvement over the chaos which existed before its enactment. However, there is a great deal of room for improvement. I will discuss the major problems I find in the current process in a moment, but first, it is important to consider the fundamental question of whether this is the right time for the revision of the Budget Act. Should we amend the process in a time of policy turmoil, or should we wait until the storm subsides? My response to this question is that if we do not move soon to streamline the cumbersome aspects of this process, we may see it abandoned altogether. This year, we have already put aside the statutory timetable and requirements provided in the Budget Act in favor of a more expedited approach. I believe it is essential that before we move too far away from the requirements of the process, we modify the process to meet our needs more closely. In the next few years, we will continue to be faced with a multitude of difficult, complex policy decisions. There is no question that to address the problem of the burgeoning deficits, hard choices will be required of the Congress. Frankly, my legislation is not designed to be an economic cure-all. It would, however, allow us to

make the necessary decisions in a more logical, rational way.

The budget process has evolved as the fundamental process for setting national priorities. This is certainly one of the central roles Congress performs, but it is not, or should not be, the only function of Congress. My legislation would set a realistic timetable for the Congress to make the essential spending decisions while allowing time for our other duties and responsibilities. It would provide much needed certainty to the financial markets and the rest of the country.

In October 1981, I convened hearings in the Governmental Affairs Committee to explore some of the problems of the current process. We heard the concerns of several Members of Congress and other individuals with expertise in this area.

The problems we discussed in 1981 have not gone away. They have gotten worse. We have witnessed the November 1981 continuing resolution spectacle, when the Government ran out of money. During the past 5 years, not only has Congress been unable to pass the 13 appropriations bills within the Budget Act deadline, all 13 were not even passed by the end of the fiscal year they were intended to fund. In the past 5 years, Congress has not been able even once to meet the deadline for the passage of the first budget resolution. The second budget resolution has been adopted more than 2 months after the September deadline for the past 3 years, well after the start of the fiscal year for which they were passed.

Congress may be unable to meet these deadlines partly because of the lack of consensus on many of the fiscal policy issues. I submit however, that Congress will not maintain a process that cannot accommodate the inevitable conflicts which will arise in a politically charged environment. A budget process which works only in periods of relative consensus will not survive.

I believe it is increasingly clear that Congress attempts to make too many decisions each year and that many of these decisions are redundant. In 1981, for example, which I assert was typical rather than unusual, Congress passed a revised second budget resolution for fiscal 1981, a first budget resolution for fiscal 1982, a budget reconciliation bill, several appropriations bills, two continuing resolutions, a second budget resolution, and a supplemental appropriations bill. It is easy to see how these measures dominated the congressional schedule. I contend that many of these decisions are matters which could logically be combined or eliminated.

The extraordinary number of decisions required by the Budget Act effectively confuse much of Congress, and I suspect most of the Nation, with regard to the condition of the economy. How can the public hold us accountable for our budget decisions when we consider at least three different budgets to fund a given year? It is confusing enough when we must constantly make necessary policy revisions. But in terms of the efficient use of congressional time, to pass two or, more likely, three budgets for 1 fiscal year along with all the other spending measures, makes little sense.

This preoccupation of Congress with the budget process, including appropriations each year, clearly has the effect of physically limiting other business which Congress must consider. By devoting so much congressional time to sometimes redundant decisions, there is often not enough time left to consider the fundamentally important policy issues. Issues such as national defense and foreign policy, for example, are extremely complex, yet crucial to our Nation. Of course, the Federal budget will always be an arena for decision in these areas. What concerns me, however, is that because of spending time on budget decisions, Congress will not have sufficient time to do the groundwork to make informed, well-considered decisions on these issues.

As a result of the hearings in October 1981, I formulated a comprehensive revision of the congressional budget process. This legislation is designed to address these concerns, making needed modifications while retaining the strengths of the existing budget process.

Briefly, my legislation, S. 20, the Budget Reform Act of 1983, would establish a 2-year budget cycle. The first session of each Congress would be devoted to budget and appropriations. Early in the year, the Congress would agree to a single binding budget resolution, which would prescribe spending and revenue limits for the 2-year period beginning in the next January. Within the framework of the budget resolution, the Congress would then approve an omnibus appropriation bill, which would combine the 13 annual appropriation bills into one 2-year bill. The second session of each Congress would be devoted to considering authorizations and to oversight activities.

S. 20 would allow each new President and Congress to put their policies into place in the first year of their respective terms. Under S. 20, budget policy would go into effect in the second session of each term, as it now does under normal circumstances. I believe this approach to a biennial timetable would promote accountability to the public for budget decisions. Under alternative timetables, budget decisions would not actually go into effect until the election of the next Congress.

My legislation would improve congressional control over the Federal budget. S. 20 would bring spending of off-budget agencies into the unified budget. My bill does not encompass a credit budget format, although it would certainly not preclude it. I know Senator PERCY and others have done extensive work in this area, and I believe it has great merit.

In conclusion, my legislation would streamline the cumbersome aspects of the current process while strengthening the overall control of the Congress over the Federal budget. S. 20 would provide us with more time for oversight and for careful review of authorizations. Recipients of Federal funds would have a clearer basis for planning. Stability and coherence would be promoted in the broad framework of our fiscal policy decisions.

In August 1982 and May 1983, hearings were held on S. 20 in the Governmental Affairs Committee. The witnesses for these hearings included Alice Rivlin, who was then Director of the Congressional Budget Office, Charles Bowsher, Comptroller General, and Gov. John Sununu, representing the National Governors Association, all of whom testified favorably on the bill. Since last year, several other groups have expressed interest in a 2-year budget process, including the Grace Commission, and the National Association of Public Administrators.

As chairman of the Governmental Affairs Committee, which shares jurisdiction over changes in the budget process, I believe S. 20 embodies the direction in which we need to progress on budget reform. I believe it is critical that we act promptly to address the problems I have discussed. I urge the adoption of a 2-year budget process.

Mr. EVANS. Mr. President, I rise as a cosponsor to this measure and, also, to compliment Senator ROTH on his leadership on this 2-year budget cycle proposal. I truly believe this proposal presents this Congress with many of the major tools this Government needs to sculpture an effective, efficient, and responsive budget.

Chairmen DOMENICI and HATFIELD and their respective committees on the Budget and Appropriations, have worked heroically to conduct the budget process given to them in as good a manner as possible. Nonetheless, Congress has been unable to operate in a timely fashion under our current budget process. Senator ROTH has accurately portrayed the many timelines we have missed and the apparent redundant processes and required decisions innate in our budget process.

The Budget Reform Act provides many important budgetary tools Congress should have to provide flexibility, accountability, and direction to this Government's development of a

budget. These tools include: First, a calendar fiscal year for the Federal budget; second, a binding budget resolution which requires two-thirds vote for revisions; third, a 2-year budget cycle with an enhanced oversight capability in the second year; fourth, an omnibus appropriations bill; and fifth, a total Federal budget that includes all off budget agencies. The other tool not included in this act—the line-item veto—is an important budget control instrument and, I am confident, will continue to be a subject of debate in this Chamber. The procedural changes proposed by this act will go a long way in rationalizing the budget process.

Mr. President, allow me to expound further on what this act provides. First, it would establish a 2-year budget cycle, where budget and appropriations activities are restrained to the first nonelection year of the 2-year period. This may effectively remove the many political pressures from the budget or at least substantially reduce their influence; second, it would establish more realistic budget and appropriations timelines; third it would allow Congress to address more nonbudgetary issues of national importance and provide for greater consideration toward more informed decisions, especially during the second year of that cycle when Congress would have what it desperately needs—an opportunity for more significant oversight of current activities we have authorized in past years; and fourth, it would assist State and local governments in coping with an uncertain and inflexible Federal budget process.

During my term as Governor of Washington State, I found the uncertainty of the Federal budget process its most frustrating characteristic. It is important, and I cannot stress just how critical, to increase States' certainty about Federal spending levels and program requirements. Many Members of Congress have continually expressed the need for longer lead time in developing a Federal budget. Mr. President, I suggest that the States of this Nation need this same benefit when budgeting the Federal dollars they receive.

State certainty of Federal dollar allocations can be enhanced through: First, a 2-year budget cycle. States can better predict over a 2-year period what Federal dollars and corresponding spending regulations will be issued; and second, the establishment of a calendar fiscal year. All but four States use a fiscal year beginning on July 1—3 months earlier than the current corresponding Federal fiscal year. With a Federal calendar fiscal year, a large majority of States will benefit with a 6-month planning period.

The State of Washington adopts its budget on a 2-year cycle. Twenty other States follow a similar biennial budget process. Without a doubt, I found as Governor this 2-year cycle a remarkably better system than any type of annual budget process. Not only in terms of certainty for the allocation of State dollars to State and local agencies, but as an excellent budget control system.

The biennial budget process in the State of Washington effectively reduced the demand for budget increases and provided the opportunity for enhanced planning and program oversight. Even with a 2-year structure, we could still respond to emergencies with supplemental budgets in the second year of the cycle. Nonetheless, second-year budget additions remained low or nonexistent, because of executive, legislative, and public pressures to control Government spending.

The statements presented in this Chamber, as well as the track record of the Congress in meeting its budget and appropriations responsibilities generates many questions.

Mr. President, I suggest the major question we need to ask ourselves is—whether Congress truly has the procedural tools necessary to responsibly meet the budgetary needs of this Government and to effectively handle the budget deficit problems.

Mr. President, with comments presented in this Chamber today and over the past 4 weeks, I find myself confident that this body has recognized the need for change and is moving toward a commitment to refine and establish a more effective budget process.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes so I will not use too much time.

Might I first say to the Senate that the distinguished chairman of the Governmental Affairs Committee, the senior Senator from Delaware, has performed a real service to this country in taking the lead on reform measures that address the issue of fiscal policy and how we apply the budget process and the appropriations process here in the Senate. I commend him for it. He knows that I share many of the concerns that he has expressed here today. In fact, I recently have been heard to say here and publicly in this country that something is amiss because we just cannot seem to continue to get our work done with three systems: the authorization system, the appropriations system, and the budget system.

Maybe at some point in history we could condense the three, but somehow or another we are choking. In the process, part of the system has atrophied, and everybody who is part of the atrophied portion is looking over their shoulder to see who is responsible for the atrophy.

I guess 2½ or 3 years ago it was the Budget Committee that was held responsible for atrophy within the authorization committees. Now there is a shift the other way, and they are saying that no authorization bills are coming because the authorizations are being included in appropriations bills.

I do not know who is responsible for what, but obviously sooner or later the U.S. Senate, and maybe I should broaden it and say the Congress, is going to have to change its procedures.

Frankly, I have also been heard to say that we may be incapable of accomplishing the reforms that the American people look for in terms of the various aspects of governmental policy, as much because of the processes as because of the lack of will. We used to think people would not vote for tough things. They might. But surely they will not if they do not get a chance to in an orderly and understandable way. I think that is what the Senator from Delaware is saying.

The process is very complicated; it is very cumbersome. From time to time it is almost duplicative. People cannot understand it. Certainly we are approaching the time when a major reform is going to take place and we will do business.

Having said that, and having said to my good friend from Delaware that I think reform is imminent, that we are going to have to do something significant, I think he knows that his amendment is indeed subject to a 306 point of order because it directly amends the Budget Act.

I have shared that with him. It is subject to a point of order because the law says you cannot amend the Budget Act in this manner. The Budget Act specifies certain procedures for amending the act.

The procedure has not been complied with because it requires that the Budget Committee have a say in such legislation, and they have not done that. I am the chairman of that committee. I am not sure that we have the time to do it this year at this point. Nonetheless, I do not want to raise the point of order. I would like very much to make this a constructive period of time here in the Senate. We could exchange some views and perhaps as chairmen, waiting, of course, for the distinguished Senator from Florida, the ranking member of the Budget Committee, we could discuss how we might move in a manner that will cause legislation to proceed through the committees so that in a reasonable period of time we would be ready to ask the Senate to consider the very serious proposals, some of which are incorporated in this amendment, and others which will certainly come along as part of it, or ancillary to it.

Having said that, let me say there are a lot of problems in anything we

would try to do. Obviously, if the appropriators really thought that we were about to adopt an amendment that would mandate one omnibus appropriations bill, I think this Chamber would be filled. That would indeed be a very dramatic step for the Congress. On the one hand this proposal has very positive things and on the other hand it has some very difficult things to contemplate in terms of the overall ramifications on the process of spending money.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may have 3 additional minutes for the same reason.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Let me proceed: There is a 2-year budget resolution contemplated. People have said that should be done. I have been heard to say, "Well, it sounds like a good idea, I am not totally adverse to it, but basically, we have to make sure we understand the significance of it, too."

There are no Utopian approaches to fiscal policy as they direct themselves to a legislative body. Clearly, it is very difficult to have projections in a budget that are understandable and that you can follow for one year at a time. Well, we shall have them for 2 years and maybe we shall have to do that. And, maybe later, as the distinguished chairman of the Committee on Governmental Affairs, the Senator from Delaware (Mr. ROTH), says, we shall have to do that and do it promptly.

That has some problems, too, because we have to find a way to modify it, we have to find a way to take into account the changes. It is not so easy to make the predictions, as I indicated, for a year at a time, much less two.

While we are at it, I want to suggest to the Senator something that came to me the other day as I contemplated the Budget Act. I was driving down the street and said, "What's one of the big hang-ups that occurs in the overall congressional budget resolution?" I just throw this out today, and we can talk about it for a moment while we are waiting for the Senator from Florida, because we really have an important issue before us that the Senator from Delaware has brought up.

Basically, what legislative committees have we had in the last 15 or 20 years that were joint, where the House and the Senate marked up legislation together? The distinguished Senator from Mississippi (Mr. STENNIS) is here, and he remembers the Joint Committee on Atomic Energy.

We did away with that some 8 or 9 years ago. But I thought it might not be a bad idea to explore a joint committee of the Congress to produce a budget resolution. Each body votes on a resolution and then you have to go to conference and therein, the committee members from both bodies decide on a budget for the United States. It seems to me that there is some justification for at least giving serious thought to both bodies voting on a budget resolution that it reported out by some kind of joint committee and both bodies amending that on the floor, if they desire, and going back to conference. But they would be amending the same document, the same budget. I think that should be explored.

I am not bringing that up here today to attempt to detract from the good ideas the Senator from Delaware has or from his call for urgency here today. I am merely suggesting that these are very, very important issues and he, quite properly, is pushing us by presenting an amendment to institute an omnibus budget bill. I commend him for it.

Now, having said that, I note that the distinguished Senator from Florida (Mr. CHILES) has arrived on the floor. Would the Senator from Delaware have additional remarks before we attempt to resolve the issue in some way that is satisfactory to the Senator from Delaware?

Mr. ROTH. Mr. President, I congratulate the distinguished Senator from New Mexico for his statement. I, of course, understand that under our rules, this amendment is subject to a point of order which, of course, could be carried to a vote. That is not really my principal purpose in raising it today.

My concern is that we begin to move forward on the job of reforming the budget procedure, I think there is general agreement, that it is not satisfactory. In saying that, I want to make it very clear that, as I said in my earlier statement, the current budget procedure is a vast improvement over what we had before it was adopted. The distinguished Senator from New Mexico as well as his predecessors, and the ranking members of that committee—the senior Senator from Florida, presently—have made it work as well as I think is possible. I think the distinguished Senator from Florida and myself were involved very much in the original creation of the budget process. I want to make the record very clear that I think we are indebted to those people for the splendid job they have done.

But I think the fact is that we have enough experience behind us now that we must move forward, we must improve on the existing process.

What concerns me is that everybody can get up on the floor and say that something needs to be done, but we sometimes do not take any action to actually move forward. I would hope that the two committees in the Senate that have primary jurisdiction over any reform could agree that it is important that we move forward on this issue. I hope we can agree that we will not delay action but attempt immediately, by hearings and joint discussions, try to move forward, by September, to reform the process.

The process of reform will be long regardless, because whatever we do here has to be duplicated on the House side. I do not think it is enough just to say that we shall wait until next year, because I feel if we do that, we shall find that by next January we will have the press of a new Congress and new administration initiatives, and as a result, we shall delay the whole reform process several months more.

I ask the distinguished chairman and ranking member of the Budget Committee, could we at least reach agreement that we shall move ahead jointly, have hearings and look at this problem? I would hope our discussions would center on a 2-year proposal, although I understand that nobody can limit what we would consider. I think it would be very valuable if we could move forward, working together and, come up with some conclusions by the middle of September.

Mr. DOMENICI. Mr. President, let me say to my good friend from Delaware, from my standpoint, I do not think it is possible to fit into the contemplated Senate schedule, as he and I hear it regularly from our leader, the kind of floor time during this particular year that would be required for the major procedural and committee changes recommended by the distinguished Senator from Delaware. However, that does not mean we should not proceed with some kind of meaningful, if need be joint, hearings on the proposal that the Senator has before us today, and others.

The basic issues, as I understand them, center around the biennial cycle he proposes. But I think if the Senator would give me the opening to assure him that, yes, we ought to try to do that before this year is out and we shall do it provided we can schedule it so that Members could attend, given the two conventions that are coming up, I would be glad to make that attempt. I shall try.

I do not know what my friend from Florida thinks. He has been an advocate of reform also and perhaps he has something he will share with us.

Mr. CHILES. At the outset, Mr. President, I want to say the Senator from Delaware is certainly correct. He has had a long interest in this subject. He was very instrumental, when we were beginning to grope with and try to write the Budget Act originally and certainly took a very, very active and constructive role in that regard.

Mr. President, I am pleased that the Senator from Delaware has brought

forward for discussion his amendments to the Budget Act. I agree with both of my chairmen, since I serve on Governmental Affairs as well as Budget Committee. I agree that we have to look at some changes in the Budget Act. In fact, I have argued for the last 2 years that we should not be so timid about amending the act. However, I also agree with Chairman DOMENICI that we should not do it ad hoc on the floor of the Senate without going through committee.

I would like to see quite a few changes.

I would like some better enforcement procedures.

I would like to see the reconciliation process codified, now that we have had 3 years experience.

The 2-year budget concept has a lot of possibilities. But there are some real concerns as well.

I do not happen to be one of those who thinks that this act is perfect or that it is sacred or that it cannot be amended or that we run into great dangers or, if we open it for amendment, of what would happen. I think that it certainly has its limitations and its problems. We have had some experience now working under the act, and I think a review of the act and suggestions that the Senator from Delaware and many other Members have is something that we should welcome, and I do. To join with my good friend, the chairman of the Budget Committee, in saying that we would be able to report out a bill in September, I think would be very difficult to do. I do not think we would like to promise the Senator from Delaware something that we do not think can be done.

The Senator from Florida has some feelings as to some amendments that should be made to the act as well. I have on occasion presented some information to the Rules Committee, which also has a stake in this, as well as the Committee on Governmental Affairs, as well as the Budget Committee. And there are a number of other Senators who also have suggestions.

But I agree with the distinguished chairman that there is no reason we should not try to start this year, at least start the study that will have to be made. I think certainly the comprehensive changes that are being suggested by the Senator from Delaware are going to take considerable thought and time on the part of the committees, as well as on the part of the Senate. And as I was saying, those are not the only suggestions that are going to be made. But I join with the chairman in saying that I certainly know of no reason that we should not begin a process and begin that process this year if we get this out, if we get our budget resolution out, if we get a work product through the conference, in other words, within the schedule of the other things that we are required to do.

We could help State and local governments a lot by giving them a 2-year appropriation for grants, and we ought to experiment with that. But we need to guard against an upward bias in appropriations where the programs with strong constituencies come in for supplementals in the second year.

I am very concerned with the idea that we could set fiscal policy for 2 years in advance and leave us on automatic pilot. The economy and its needs change too fast.

I also think we need to recognize the fact that part of the oversight process is the role on the Budget Committee in pointing out problems in major programs and places the authorizing committees can save money. I think we would get less oversight, not more, if we only had budget resolutions every other year.

Mr. ROTH. Mr. President, let me say in response to both the chairman and ranking member that I appreciate the problems of the timetable for action on this matter. I propose target date because too often we agree to do something and, without some deadline, we end up doing nothing. I think this process is too important, too pressing not to proceed immediatly. I am not so foolish as to think you are going to have any major reform by the end of September. I point out, however, it is not entirely clear what will happen after the election, whether we will be is session then or not. But it is entirely possible that we would be in session.

My principal concern is that we proceed with hearings and begin to develop the kind of consensus which I think is essential if we are going to make major reform.

Many of the proposals that I have are not novel with me. There are a number of people both on the House side and the Senate side, Democrats and Republicans, who have proposed a 2-year cycle. I say to the distinguished Senator from New Mexico that I have discussed the idea of a single appropriation with the distinguished Senator from Oregon, who is chairman of the Appropriations Committee. He is a cosponsor of my legislation and in favor of achieving what I have proposed. I am not going to insist, as the distinguished Senator from New Mexico knows, on a vote today. But I would ask that we have a commitment to proceed with hearings and that we have at least as a goal an effort to see if we cannot come up with some basic reform during the current year, so that when we come back next year at the latest, we are not just starting fresh again but we have moved ahead on the kind of consensus, bipartisan consensus, that I think is going to be necessary if there is going to be true reform in this area.

Mr. DOMENICI. I say to my friend, I do not want to commit to things that I cannot do. Obviously, none of us knows what our respective committees will do, but I will commit to joint hearings subject to the limitations that we just described and I would also commit to use my best efforts to try to see if we could reach some consensus before the year is out.

Mr. ROTH. With that commitment, I appreciate the Senator's interest, and I will withdraw the amendment. I look forward to working with both the chairman and the ranking member in trying to develop reforms to the budget process.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw the amendment and, if the Senator has concluded his statement, the amendment is withdrawn.

Mr. DOMENICI. I understand the distinguished Senators from New York have a colloquy. The Senator from New Mexico is prepared to engage in that with them. And then, for the information of the Senate, I understand Senator STEVENS is preparing to offer an amendment in behalf of Senator WARNER which I believe we are prepared to accept. We know of no other activities beyond that.

Mr. MOYNIHAN. Mr. President, I should like to take this opportunity to ask the distinguished chairman of the Budget Committee (Mr. DOMENICI) to clarify certain aspects of the appropriations cap language offered under the leadership package. It is my understanding and that of my distinguished colleague (Mr. D'AMATO) that the budget authority for the new section 3 urban mass transit discretionary grant program, which is financed with contract authority, and not subject to annual appropriations, is not inculded within the appropriation cap. I ask my friend and chairman, is our understanding correct in that regard?

Mr. DOMENICI. Let me say to my good friend from New York, he is correct. The 1982 Surface Transportation Act created a mass transit account within the highway trust fund to finance the section 3 discretionary grant program with a portion of the motor fuels tax receipts. The STAA, as that act is commonly known, provides contract authority for the section 3 program through fiscal year 1986. Appropriations are necessary to liquidate obligations incurred under the contract authority. However, this type of appropriation is not counted as budget authority, since it does not provide authority to incur additional obligations. The budget authority for the section 3 discretionary transit grant program is provided in the STAA and is not under the jurisdiction of the Appropriations Committee. Therefore, it has not been

included in the appropriation cap, which is a part of the amendment that is pending.

Mr. D'AMATO. Mr. President, in connection with this matter, I should like to ask the chairman of the Budget Committee, Senator DOMENICI, a question about the appropriations cap. Is it true that the exclusion of this program in calculating the appropriations cap does not preclude the Senate Banking, Housing, and Urban Affairs Committee from increasing the contract authority available for the section 3 program?

Mr. DOMENICI. The Senator is correct. The appropriations cap and the language included in the pending amendment only affect budget authority for those programs under the jurisdiction of the Appropriations Committee and does not affect the budget authority for the section 3 transit program, which is under the jurisdiction of the Senate Banking Committee. However, budget authority for this program would be subject to the normal controls established in the first budget resolution for fiscal year 1985 which has been reported by the Budget Committee and which will soon be debated on the Senate floor. Moreover, the exclusion of the program in calculating the appropriations cap in this bill does not mean that the Appropriations Committee is precluded from placing a limitation on obligations in order to control outlays. This is no different from heretofore.

Mr. D'AMATO. I thank the distinguished chairman of the Budget Committee for giving us this opportunity to clarify this most important matter. The senior Senator from New York has worked with him on the Budget Committee to see that this important area is not one that creates a situation that might some day preclude appropriate use of section 3 funding.

Mr. DOMENICI. I thank both Senators from New York.

Mr. MOYNIHAN. Mr. President, I think that, at long last, in this 2-week debate, something has been clarified. [Laughter.] It is only by the sheer will and mental capacity of the distinguished Senator from New Mexico that this has occurred. It ought to be noted. However, at the very moment it happens, the press gallery is all but vacant. The record will show that something has been clarified.

Mr. DOMENICI. It could be, I say to my friend, that they do not agree with him. [Laughter.]

Let me ask a question: I think both Senators from New York had an amendment which they contemplated offering to the pending amendment. Have we clarified this issue so that the amendment is not going to be offered?

Mr. MOYNIHAN. I defer to my colleague, who is on the Banking Committee, which has jurisdiction.

Mr. D'AMATO. Mr. President, I think that as the result of this action, there certainly will not be a need to go forward with that amendment. I thank the chairman.

Mr. DOMENICI. I am most appreciative of the cooperation of both Senators from New York and I thank them for working with our staff.

Mr. President, I yield the floor.

AMENDMENT NO. 3057

(Purpose: To make uniform the maximum weight limits provided by statutes for the transportation of the baggage and household goods of civilian officers and employees of the Government)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator WARNER and myself.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself and Mr. WARNER, proposes an amendment numbered 3057.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following new section:

TRANSPORTATION OF BAGGAGE AND HOUSEHOLD GOODS

SEC. . (a) Section 715 of Public Law 98-212 (97 Stat. 1440) is amended by inserting before the period at the end thereof the following: "(except in the case of a civilian officer or employee to whom section 5724 (a) or 5726 of title 5, United States Code, applies)".

(b) The amendment made by subsection (a) shall take effect on the date of enactment of Public Law 98-212.

Mr. STEVENS. Mr. President, I am presenting this amendment on behalf of the distinguished Senator from Virginia (Mr. WARNER) and myself. It is an amendment to the deficit reduction package.

This amendment would raise the moving expense allotments for Department of Defense civilians from 13,500 pounds to 18,000 pounds. That is consistent with a provision of the 1984 continuing resolution which I have supported along with the distinguished Senator from Virginia, Mr. WARNER.

Unfortunately, the 1984 Defense Appropriations Act contains a 13,500-pound moving expense cap, and that was signed by the President shortly after the continuing resolution, which had the effect of lowering this allowance for the civilian employees of the Department of Defense only. This amendment would correct this inequity for the civilian employees of the Department of Defense. We believe that the employees of the Department of Defense should be allowed the same moving expense allotment.

Mr. President, I support this amendment, and I urge the Senate to support it. The Senator from Virginia (Mr. WARNER) is absolutely correct. There should be no inconsistency between the moving expense allowances for civilian employees of the Department of Defense, and other Departments.

(By request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD:)

● Mr. WARNER. Mr. President, this amendment seeks to assure that the civilian employees of the Department of Defense are fully able to utilize the package of increased moving expense allowances enacted for all Federal civilian employees as a part of Public Law 98-151, the 1984 continuing resolution approved on November 14, 1983.

On behalf of the over 1 million Federal employees serving in the Department of Defense, a full 36 percent of the total civil service population, I would like to express my gratitude to the Senate leadership and budget managers for allowing the consideration of this amendment. I am fully aware of the time considerations involved and the lengthy nature of the ongoing budget debate, but I truly believe that this reconciliation bill provides the most expedient and practical vehicle for what amounts to a simple clarification of prior law.

As many of my colleagues may recall, in the last session of Congress I authored S. 1879, legislation designed to revise and improve reimbursement procedures for moving expenses incurred by Federal employees. Important among those improvements was a new 18,000-pound allowance on the shipment of household goods and personal effects. Thanks to the support of our Senate colleagues, the provisions of S. 1879 were adopted as an amendment to House Joint Resolution 413, the 1984 continuing resolution, and signed into law by the President as Public Law 98-151.

This action received widespread support and expressions of appreciation from the Nation's civil servants. However, legislation approved 24 days later has acted to prevent Defense Department civilians from fully sharing in the improved moving expense reimbursement provisions. On December 8, 1983, Public Law 98-212, the 1984 defense appropriations bill, was signed into law including a provision, section 175, imposing a 13,500-pound cap on household goods shipments for all Defense Department personnel.

Mr. President, the Federal employee moving expense legislation was meant to benefit all civil servants. Furthermore, I am informed that, when the Defense Appropriations Subcommittee agreed to the 13,500-pound cap, it was without prior knowledge of the previously approved 18,000-pound limit.

The nature of my amendment is, therefore, to clarify that DOD civilians are intended to receive the higher allowance contained in Public Law 98-151.

Senator TED STEVENS, chairman of both the Senate Civil Service Subcommittee and the Senate Defense Appropriations Subcommittee, has indicated his support for my amendment and I am extremely grateful for his assistance. In addition, the legislation would have no budgetary effect for the current fiscal year, a critical factor in keeping with the need for fiscal restraint.

Mr. President, my objective is simply to assure that Department of Defense civilians are treated as equals with their counterparts employed by other Federal agencies. I am hopeful that my colleagues will share my concern in this matter and join me in the adoption of this amendment.

I would like to add that moving expense reimbursement for members of the armed services is also deserving of our concern. The fifth quadrennial review of military compensation is now completed, and we are just beginning to study their final recommendations. I expect the Armed Services Committee will review permanent change of station [PCS] reimbursements for military personnel as a part of the fiscal year 1985 authorization process.

I will be participating fully in all actions impacting military compensation, including moving expense reimbursement. Whatever changes are made, they must be fair and sensible in light of the service members' total compensation package and they must support retention requirements.

My purpose today, however, is to extend equitable moving expense coverage to all Federal civilian employees. Allow me to reiterate my hope that you will join me in supporting my amendment. If, for these purposes, we can put defense civilians on a par with other Federal employees, we will have corrected an unintended result of our previous legislation.●

Mr. DOMENICI. Mr. President, I commend the distinguished Senator from Alaska and the distinguished Senator from Virginia. This amendment is needed. We certainly have no objection on this side. From what we can tell, the costs over those contemplated by the process in the amendment are nominal at best, as it is possible there will be none at all.

I have no objection, and I ask the Senate to adopt the amendment. I understand that the distinguished Senator from Florida, on the minority side, has no objection, and we are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3057) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEDICARE CUTS AND DEFENSE INCREASES

Mr. MITCHELL. Mr. President, I am deeply concerned about the size of the budget deficits projected for the rest of this decade and the undoubted effect they will have on our economy. It is clear that both spending and revenue changes must be made if we are to put the deficit on a credible downward track. And it is also clear that no sector can be held immune from spending restraint if we expect to enact a deficit reduction of any substance.

The overriding responsibility the Senate now faces is to reduce the deficit. Because of the scope of the deficits, all sectors of our population will have to share in the effort to cut spending, even those we have tried to hold exempt in the past.

I have voted to keep programs that I support from growing, and I have voted to reduce them, because I think that only an evenhanded, across-the-board spending restraint has any chance of saving enough money to make an appreciable difference in the size of the deficits. And if we do not cut the deficits, the economic future facing the Nation will be disastrous, not just for some, but for all Americans, those working, those unemployed, the retired and the young.

I therefore voted during Finance Committee deliberations to accept medicare program reductions which would have made an overall cut of $2.1 billion over the next 3 years by a combination of a 1-month delay in medicare eligibility, and higher premiums and deductibles, which would have meant higher direct out-of-pocket costs for those in the program.

I accepted the necessity to support that reduction on the clear condition—which I stated publicly in the Finance Committee on several occasions—that all sectors of the budget and all programs of the Government would be required to share in the same sort of restraint.

I believe we can and should ask all our people—including retirees—to share in the responsibility for our future economic well being. I am prepared to ask them to accept a share of the responsibility, but I am not prepared to ask them to assume all or even most of the burden.

I have voted for two budget reduction packages which, in my judgment, properly shared spending restraint throughout the entire budget: The package proposed by Senator HOLLINGS, which provided a moderate rate of defense spending growth, a 1-year freeze on domestic programs, and nominal growth thereafter; and the Kassebaum-Biden proposal, which simply provided for a 1-year freeze on all spending, including defense.

Both these plans in their different ways represented a tough but effective attack on the deficit. Both would have put us securely on the path to deficits much lower than those now projected by the administration, even taking its downpayment into account.

But both these proposals could not muster the support of a majority of the Senate and both have been defeated.

Now we find ourselves voting on the President's deficit reduction package. This is not only the package that saves the least overall money, but also makes the savings in the least equitable fashion.

Under this proposal, there is no meaningful restraint in defense spending.

Instead of providing for 4-percent after-inflation growth in the defense budget, as the Hollings proposal would have done, the President's package does not even adhere to the 5-percent real, after-inflation growth level that the Congress last year insisted upon for 1985. Instead, it provides for a defense level growth of 7 percent after inflation which will cost $7 billion more in 1985 than the Congress agreed we could afford, even before the full scope of the deficit problem was clear.

This is clearly not restraint. Nor does it imply a fair or evenhanded sharing of budgetary savings across the board. Instead, it means that what can be saved by asking the elderly to pay more for health care in 3 years will go to swell the Pentagon's already excessive share of the Nation's tax dollars.

I therefore supported the amendments which protect the medicine program by reducing the Defense Department's share of the Nation's resources.

Medicare provides a necessary foundation for keeping many of our older people above the poverty level. I support it for that reason. I have been reluctant to support reductions in the medicare program, because of its very direct and immediate effect on the living standards of retirees, who have few alternative ways of raising extra money to pay for any unexpected costs, including health care costs. Yet I was prepared to see that program trimmed. But my willingness to do so was conditioned entirely on the understanding that all other programs were also going to be trimmed, including defense.

But if that is not going to be the case, I will not support reduction in medicare to help pay for a larger defense buildup than this Congress supported last year, when the full magni-

tude of the deficit problem was not as clear as it is today. I supported instead the proposal to reduce the increase in the defense budget by the amount needed to reinstate the medicare cuts that would raise out-of-pocket costs to retirees.

We face a deficit problem that threatens to become an economic emergency unless stern action is taken. We have seen the prime rate rise to 12.5 percent just this week, the third upward step in 3 weeks. We know very well what 14- and 15-percent mortgage rates mean to the housing industry and to the sector of our economy directly affected by building construction, which accounts for nearly a quarter of our total economic activity. There is no doubt that unless we can get the deficit set on a downward path, we risk further interest rate hikes and a major downturn in our economy.

In such circumstances, all Americans should be willing to share in the costs of avoiding a crisis. But the President and the Senate majority are unwilling to agree to evenly shared cost reductions and savings. They have made it clear that we must see yet another year of greatly inflated spending in some sectors and tightened belts in others.

We have had 3 years of an unbalanced budgetary policy. It has cost many of our people—particularly those with the fewest economic opportunities—dearly. We have had 3 years of a defense buildup which has added substantially to the deficit problem we are now trying to correct. And yet the majority demands that those who have already been hardest hit by budgetary restraint in the past once again take a second place to the defense spending which has already seen our military costs double in 4 years.

This is not only grossly unfair, it is economically foolish as well.

I have supported and voted for equitable and shared cost reductions and savings. I have supported and voted for deficit cuts that ask all Americans to share the burden. But I will not go along with a cost reduction aimed at one group in our population while others are asked to sacrifice nothing. It just is not fair.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, as not infrequently occurs I find the Senate finishes before I am aware of it. In this case, I am told by the two managers that there are no other amendments that can be dealt with today. In view of that, Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until not later than 1:30 p.m. in which Senators may speak for not more than 5 minutes each with the exception of the two leaders against whom a time limitation will not apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MAY 14, 1984

Mr. BAKER. Mr. President, earlier I asked and the Senate granted an order for the Senate to recess over until Monday. The leadership on this side wishes to adjourn today instead. Let me first put a unanimous-consent request which I have submitted to the minority leader for his consideration.

I ask unanimous consent that when the Senate convenes on Monday, if it does so pursuant to adjournment over from today, that the reading of the Journal be dispensed with, that no resolution come over under the rule, that the call of the calendar be dispensed with and that following the recognition of the two leaders under the standing order there be a special order in favor of the distinguished Senator from Wisconsin (Mr. PROXMIRE) of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business of not more than 1 hour in length in which Senators may speak for not more than 5 minutes each, and that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair and I thank the minority leader.

ORDER FOR ADJOURNMENT UNTIL MONDAY, MAY 14, 1984, AT 12 NOON

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. BAKER. Mr. President, since we are going to go out early today, I ask unanimous consent that the RECORD be kept open today for the insertion of statements until the hour of 4 p.m. and for the purpose of introducing bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF REPORTING DEADLINE UNTIL MAY 25, 1984

Mr. DOMENICI. Mr. President, I wish to make the following request which has been cleared on both sides of the leadership.

I ask unanimous consent that Senate committees have until 5 p.m. on Friday, May 25, 1984, to report legislation for the purposes of section 402(a) of the Congressional Budget and Impoundment Control Act of 1974, as amended, with respect to fiscal year 1985, and that legislation reported by that time be considered timely reported under that section.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF S. 2489

Mr. BAKER. Mr. President, I believe this request has been cleared. I will state it now for consideration of the minority leader and other Members. I ask unanimous consent that S. 2489 to amend the Small Business Act to enhance competition in Government procurement be referred to the Committee on Armed Services until June 8, 1984, and that if the bill is not reported by June 8, the committee be discharged from further consideration of S. 2489, and the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL—S. 2667

Mr. BAKER. Mr. President, I have a final request which I believe also has been cleared.

Mr. President, I ask unanimous consent that the bill introduced today by Senator CHAFEE to provide for the conservation and management of coastal migratory fish be jointly referred to the Environment and Public Works Committee and the Commerce, Science, and Transportation Committee.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I am advised that the distinguished Senator from New Mexico (Mr. DOMENICI) is particularly anxious for the Senate to consider the nomination of Fred William Alvarez, of New Mexico, to be a member of the Equal Employment Opportunity Commission. That nomination appears on today's calendar as No. 572. I inquire of the minority leader if he could perhaps clear that item for consideration by unanimous consent at this time.

Mr. BYRD. Mr. President, the minority is happy to clear the item as an accommodation to the distinguished

majority leader and the distinguished Senator from New Mexico.

Mr. BAKER. I thank the minority leader and I am sure I do so on behalf of the Senator from New Mexico, as well.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nomination No. 572.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF FRED WILLIAM ALVAREZ, OF NEW MEXICO, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The legislative clerk read the nomination of Fred William Alvarez, of New Mexico, to be a member of the Equal Employment Opportunity Commission.

Mr. DOMENICI. Mr. President, it is indeed a pleasure for me to support the confirmation of Fred W. Alvarez to the Equal Employment Opportunity Commission. Fred has certainly established himself as a capable and committed professional in the realm of employment law. He is intimately familiar with the functions and purposes of the Equal Employment Opportunity Commission [EEOC] that was established by title VII of the Civil Rights Act of 1964.

Fred is a native New Mexican, born in Las Cruces, NM, in 1949. He distinguished himself at the New Mexico Military Institute where he graduated with distinction. Fred's ability earned his entrance into Stanford University where he earned a B.A. with honors in economics and a law degree, juris doctor in 1975. Even as a law student, Fred Alvarez showed an interest in equal opportunity programs and policies at Stanford University.

Right after law school, Mr. Alvarez won the position of law clerk to New Mexico's Supreme Court Chief Justice Oman, one of our most highly regarded justices. The next 4 years were particularly valuable to our nominee. He worked as a trial attorney in the San Francisco and Oakland offices of the National Labor Relaltions Board where he represented several hundred employees whose employment was adversely affected. In this capacity, Mr. Alvarez interacted in an official capacity with large labor organizations and employers and he earned a reputation for strength and fairness in the process.

His reputation is sterling in our home State where he has worked as an employment law specialist in one of New Mexico's largest law firms.

While our nominee's credentials and ability are well established, I would like to stress that, in New Mexico, we view him as one of our leading Hispanic citizens. His cultural ties are critical to success at the EEOC. As he himself has stated, he knows the personal agonies of discrimination. Yet, his determination has been inspiring in his record of defending those whose civil rights have been violated.

I know the Congress will act quickly on this nomination and I unequivocally assure my colleagues that Fred's performance in office will justify their votes.

Mr. President, there are five Commissioners of the Equal Employment Opportunity Commission. This Commission does an important service to the Nation in the enforcement of our laws pertaining to equality of opportunity to all employees and potential employees. In addition to Title VII of the Civil Rights Act, this body also had, since the reorganization of the EEOC in 1978, responsibility for the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, and Section 501 of the Rehabilitation Act of 1973.

I believe that we will find no one better qualified by education, experience, and personal commitment. The EEOC has been through many changes since its inception in the mid-1960's. There is greater sophistication and understanding of the problems of employment discrimination, and I am certain that Mr. Alvarez will do much to further improve the public standing of the EEOC.

The EEOC has 22 district and 37 area offices in major cities around the country. Americans who feel that their rights have been violated due to race, color, religion, sex, or national origin turn to the EEOC. With Fred W. Alvarez as Commissioner, I feel that all Americans will know that a fair, prompt, and impartial hearing will be the result, and the laws of this Nation with regard to employment discrimination will be rigorously upheld.

Mr. BINGAMAN. Mr. President, I am pleased to support the nomination of Fred Alvarez to be a Commissioner of the Equal Employment Opportunity Commission.

Mr. Alvarez is a distinguished attorney whose expertise and ability will serve the public well in this position.

After receiving his juris doctor degree from Stanford University in 1975, Mr. Alvarez served as law clerk for the chief justice of the New Mexico Supreme Court. He then held a position with the National Labor Relations Board regional offices in Oakland and San Francisco, CA, for 4 years as a trial attorney responsible for investigations under, and enforcement of, the National Labor Relations Act. His legal ability, integrity, and dedication earned him the trust and respect of his fellow professionals, both within the National Labor Relations Board and those in private practice.

In 1980, Mr. Alvarez returned to New Mexico and entered private practice with Sutin, Thayer & Browne, a legal firm in Albuquerque. In 1983, he became a director of the firm. Mr. Alvarez has concentrated in the area of employment and labor relations law. He has counseled private and public sector employers and trade associations on a full range of employment relations law and has engaged in administrative law practice before Federal and State government agencies and departments.

Mr. Alvarez is a member of the New Mexico and California Bar Associations as well as the American Bar Association. He has also been a member of the Stanford Law School Board of Visitors.

While with the National Labor Relations Board, Mr. Alvarez was a faculty member for the Council on Legal Educational Opportunity at the University of Santa Clara Law School during the summer of 1979.

Mr. President, Mr. Alvarez is a fair, practical, and impartial person whose ability to analyze complex factual situations in all aspects of labor law make him highly qualified to carry out his responsibilities as a Commissioner and to meet the challenges of fair and effective enforcement of our equal employment opportunity laws.

I urge my colleagues to support this nomination.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I believe the Senator from Alabama seeks recognition, and I yield the floor.

SENATOR BOSCHWITZ ON DEFENSE SPENDING

Mr. DENTON. Mr. President, my distinguished colleague from Minneso-

ta (Mr. BOSCHWITZ) had an article in yesterday's edition of the Wall Street Journal that should be required reading for all of us in the Senate, and among members of the press and the American people as well. He deals effectively, indeed devastatingly, with the myth that President Reagan and his administration have increased defense spending at a much greater rate than would have been the case under a President from the other party or under the previous administration.

My distinguished colleague points out, for example, that "believe it or not, Ronald Reagan's defense requests are less than Jimmy Carter's." He goes on to point out that the raw numbers do not tell the entire story, but that even with adjusted figures, "Ronald Reagan initially asked for only 10 percent to 15 percent more for defense than Jimmy Carter did."

We know, of course, that what we have actually spent on defense is less than what the President has requested. As my colleague so persuasively demonstrates, one simply cannot, for other than the most transparent political reasons, accuse President Reagan and the Republicans of an unjustified and massive increase in our country's defense spending.

My colleague from Minnesota also deals with the historical pattern of defense spending since 1968, and points out that our spending on defense was level for 7 years beginning in 1968. Indeed, he shows that even the amount that we spent in 1983 was less in real terms than we spent in 1968, because our defense budget has not even kept up with inflation. It would, he says, have required an additional $548 billion of defense spending from 1968 to 1973 just to keep up with inflation.

Mr. President, my colleague has done us a great service by publishing his analysis in the midst of the current debate. Our discussions have contained an unfortunately large amount of argument that defense has caused, or been a major cause of, our budget deficit, that our defense spending has been increasing at an unreasonable rate, that we cannot balance the budget unless we cut defense.

Mr. President, it just is not so, and my colleague from Minnesota has shown that. Moreover, I can supplement his splendid analysis by pointing out that, according to figures compiled by the General Accounting Office and presented in its study "Defense Spending and Its Relationship to the Federal Budget," published on June 9, 1983, actual dollar outlays for defense increased by a factor of four from 1962 to 1982, but actual dollar outlays for "human resources," including education, training, employment, social services, health, income security, and veterans' benefits, increased by a factor of about 12 times during the same period.

I hope that each Member of the Senate will carefully read and consider the article by my colleague from Minnesota. I ask unanimous consent that the article be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 10, 1984]

WOULD WE BE CUTTING THE CARTER DEFENSE BUDGET?

(By Rudy Boschwitz)

Everybody knows that Ronald Reagan is far more hawkish that the Carter-Mondale team. Why, just look at those defense budgets! Is there doubt left in anyone's mind that President Reagan is spending much more than Carter-Mondale ever asked for? Or that every year that he's been in office Mr. Reagan has asked for more than the year before?

Think again.

In January 1981—just before he left office—President Carter gave us his 1982-1986 budget proposal (five-year planning spans are used). In the following tale, we see what Mr. Carter asked for in defense, what was actually spent by Mr. Reagan in 1982 and 1983, and what Mr. Reagan most recently (after some negotiation) asked for in 1984, 1985 and 1986.

(All the figures in this article are "outlays"—the amounts actually spent or to be spent—and are "nominal" because no inflation adjustment [nor any other kind of adjustment] has been made.)

DEFENSE OUTLAY REQUEST

[In billions of dollars]

	1982	1983	1984	1985	1986	5-yr total
Carter	184	210	238	268	299	$1,199
Reagan	187	210	238	266	295	1,196

Believe it or not, Ronald Reagan's defense requests are less than Jimmy Carter's. But to be fair we should really compare those defense requests Mr. Carter made in January 1981 with Mr. Reagan's requests made just two months later in March 1981. That comparison would look like this:

DEFENSE OUTLAY REQUEST

[In billions of dollars]

	1982	1983	1984	1985	1986	5-year total
Carter (January 1981)	184	210	238	268	299	$1,199
Reagan (March 1981)	189	226	256	304	343	1,318

It should also be noted that for most of the five years, Mr. Carter projected a higher rate of inflation than did Mr. Reagan in his initial estimate. That is to say, the Carter numbers would be a shade higher for the same amount of defense and this should be scaled back a bit for a direct comparison with the Reagan numbers.

Even calculating it this way—more objectively, perhaps—Ronald Reagan initially asked for only 10% to 15% more for defense than Jimmy Carter did. That's hardly the common perception.

Here's another popular notion: Each year President Reagan has asked for more for defense than he did the year before. In fact, each year President Reagan has asked for less. To some degree this reflects downward estimates for inflation but the fact remains: Comparing similar years, in each year that he has been in office, President Reagan has lowered the amount he requested to outlay for defense. The following are the five-year defense requests Mr. Reagan has made at the outset of each budget year:

AMOUNTS OF REQUEST

[In billions of dollars]

Year budget request made	1982	1983	1984	1985	1986	1987	1988	1989
1981	189	226	256	304	343			
1982	[1] 187	221	253	292	332	364		
1983		[2] 210	245	285	323	254	386	
1984			238	266	295	330	[2] 363	[2] 395

[1] Actually spent.
[2] Our estimate.

As the table shows, for a similar year President Reagan has never increased a defense outlay request from one year to the next. Take 1986. In 1981 he requested $343 billion for 1986. In 1982 he reduced that request to $332 billion. In 1983 he requested $323 billion and more recently the 1986 request became $295 billion. As you look from top to bottom of this chart, every figure goes down.

Why did both presidents want to spend more on defense? Both were obviously concerned about the external threats to our nation. I also believe both recognized that defense spending had languished. The following chart traces defense outlays for the 16-year period from 1968 through 1983.

You'll notice, of course, that defense spending stood almost absolutely still for seven years beginning in 1968. Those were the years of Vietnam. The money was being spent there—not on research, development and a more modern defense establishment.

Indeed, if defense expenditures had kept pace with defense inflation, in 1976 we would have spent $137 billion, not $89 billion as we actually did.

And despite the pickup in defense spending in the last few years, if the defense inflation index had been applied we would have spent $241 billion in 1983, not $210 billion. So even spending $210 billion in 1983 has not kept up with inflation.

Most startling of all is the additional amount that would have been spent during those 16 years (from 1968 through 1983) if in each year the figure spent had been adjusted upward just to cover inflation. While I don't suggest that would have been advisable over those 16 years, an additional $548 billion would have been spent on defense.

That's what I believe both Jimmy Carter and Ronald Reagan had in mind as they both made the defense-spending requests of recent years. Both were cautious and believed the freedoms of our country need to be protected to be preserved.

ADJOURNMENT UNTIL MONDAY, MAY 14, 1984

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I know of no other Senator seeking recognition. I believe we have dispensed with

the routine morning business which must be dealt with.

Therefore, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and, at 1:05 p.m., the Senate adjourned until Monday, May 14, 1984, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 11, 1984:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Fred William Alvarez, of New Mexico, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1988.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

COAL EXPORTS INCREASE BUT PROBLEMS REMAIN

HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES

Friday, May 11, 1984

● Mr. RANDOLPH. Mr. President, a May 7 article in the Baltimore News-American indicates exports of coal have increased over 50 percent in the first quarter of 1984 as compared with the same period last year. Unfortunately, this increase was not primarily because of larger orders from our trading partners, but due rather to fear of an upcoming strike in our coal fields. Genuine growth of between 2 and 5 percent did occur at the three terminals in the Port of Baltimore because of recent increases in metallurgical coal imported by the Japanese steel industry.

Mr. President, on Tuesday, May 15, we will be meeting with representatives of the Japanese electric utility, steel, and cement industries who rely on coal as a feedstock for their end product. This meeting is a result of a resolution passed in the Senate last October calling for the Government of Japan to make a commitment to purchase at least one-third of its metallurgical steam coal from the United States. There must be a certain degree of trading reciprocity maintained between our countries. Japan in the long term can only benefit from purchasing the coal resources from the United States because of long-term security and diversity of supply. We, on the other hand, must assure our trading partners we intend to make necessary modifications in interstate commerce regulations governing rail movement, and rebuild and dredge our inland waterways and ports to assure reasonable transportation costs for the coal they purchase.

Mr. President, I request the news article referred to be included as part of the RECORD.

The article follows:

[From the Baltimore News-American, May 7, 1984]

FEW OFFICIALS CHEER FOR 50.3 PERCENT INCREASE IN PORT'S COAL EXPORTS

(By William Lally)

Coal exports increased 50.3 percent during the first quarter of 1984, but no one in Baltimore's coal export industry is overjoyed about the statistic.

According to local shipping agents, coal terminal operators and railroad executives, a significant amount of the 1.6 million tons of coal shipped through the port during the three-month period reflects the reaction of foreign consumers to a strike threat by the United Mine Workers, known for its lengthy and, sometimes, violent strikes.

The consensus of opinion throughout the port and the U.S. coal industry is that foreign customers are accelerating delivery schedules for the year, compressing, perhaps, 12 months of deliveries into nine months to avoid the threatened Oct. 1 strike.

C. Richard Foster, general manager of the marine bulk operations department of the John S. Connor Co., a leading ship's agent involved in the moving of coal through the port, said 1,564,663 tons of coal were handled at the port's three major exporting terminals, compared to 1,041,220 during the same period in 1983.

The Japanese in particular are increasing deliveries, according to port statistics, averaging 305,000 tons of coal a month during the reporting period.

The result, observers say, will be a slump in coal shipments during the last quarter of 1984, and that slump could stretch into the first quarter of 1985.

Charles Gilmore, president of the Curtis Bay Co., said a small amount of "real growth" is included in the 1.6 million tons of coal moved in the first quarter, but it is difficult to calculate. The Curtis Bay Co. is a subsidiary of the Occidental Petroleum Co., which constructed a modern coal exporting terminal in Curtis Bay.

Nationally, Gilmore said, there has been a "genuine growth of between 2 and 5 percent." The real growth, whatever the amount, is attributed to an improvement in the Japanese steel industry. More than 90 percent of the coal moving through the port is metallurgical coal, the type used to fire steel mill blast furnaces.

Gilmore noted that as the steam market improves, the United States will have to compete against Poland and South Africa, both of which can supply coal at prices American producers "cannot match."

Poland, for example, Gilmore said, has a tremendous transportation advantage, coupled with the fact that they are prepared to sell their product at prices far below cost in order to secure hard foreign currencies.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

SENATE—*Monday, May 14, 1984*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God * * * Let the beauty of the Lord our God be upon us; and establish Thou the work of our hands upon us * * *.*—Psalm 90: 1, 2, 17

Infinite, eternal God, "in whom we live and move and have our being," we thank Thee for this psalm of Moses. May we realize that this giant in history lived in this awareness. Help us to see that it was this view by which he lived which assured his greatness as emancipator, prophet, lawgiver and leader. Grant to the leadership of this Nation the same perspective. In the name of Moses' God. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, it is my hope that we can finish the pending bill this week. It is the hope of the leadership as well that as soon as we finish this bill we can go to the budget resolution and consider it, perhaps under a reduced amount of time as provided for under the act. We should complete that in short order, if possible.

After that, Mr. President, the leadership on this side assumes that we will have to proceed to the consideration of a debt limit bill. I would estimate that to be at the beginning of next week or earlier, if possible.

For a variety of reasons, Mr. President, dealing mostly with airline schedules, frankly, we are not likely to be able to get to very much on the pending bill, that is, the boat bill, until late in the afternoon.

This is not an unusual situation on Mondays, but it is especially acute today because a number of the principal players are unavoidably detained. While they will arrive during the session of the Senate today, it will not be as early as I thought.

Mr. President, in view of that, I will mention the following to the minority leader: As he knows, I had indicated earlier that at some point we will proceed, by motion if necessary, to the Wilkinson nomination on the Executive Calendar.

Mr. President, rather than having prolonged quorum calls or perhaps even a recess, the leadership on this side is tempted to ask the Senate to go into executive session today for the purpose of considering the Wilkinson nomination, even though it might not be possible to vote today, especially if the minority leader would be in a position to consider a possibility of a time certain for that vote.

What I am driving at is that we might consider the Wilkinson nomination today and complete debate today and then set a time certain for a vote on confirmation. I do not expect the minority leader to answer that question at this time, but I chose to surface the thought at this time so that he might consider it if he chose to do so.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes.

(Mr. MATTINGLY assumed the chair.)

Mr. BYRD. Mr. President, the majority leader mentioned some days ago a desire to proceed with a vote on the nomination, and he indicated to me at that time that inasmuch as there had been considerable time that had elapsed since the nomination appeared on the Executive Calendar, he might move to proceed to take up the nomination.

He can do that. That motion is not debatable. He discussed this with me a little earlier today. He has discussed it in the past. I have mentioned the possibility to some, if not all, Members on my side of the aisle. At least, I have indicated that this might occur. I made such an indication in the regular Tuesday conference that we hold.

I would hope that the distinguished majority leader would not think in terms of a rollcall vote today on the nomination because as of now I would venture to guess that there may be some absentees on each side and among them may be one or more who would wish to discuss this nomination.

Mr. President, I would certainly be willing to discuss with my colleagues on this side of the aisle via the telephone if it would be agreeable with them to proceed to take up the nomination by unanimous consent because, as I said, the motion to proceed is not debatable. While there could be efforts on this side to prevent a vote from occurring today, I would not be disposed to think of it in that way.

Mr. President, I cannot speak for all my colleagues, of course, but I will attempt to get unanimous consent to take up the nomination, in view of the fact that the motion is not debatable, and say that I would rather there not be a rollcall vote on that matter today.

I venture to guess the majority leader probably shares the same problems that I have on this side today with respect to Members who will be coming in from distant points during the day and into the late afternoon. It would not be an ideal day for a rollcall.

In the meantime, Mr. President, I will attempt to get unanimous consent, if I can, so that the majority leader can bring up the matter and perhaps we can reach a time limitation for debate on the nomination.

I shall certainly make every effort to canvass this side to see if I can accommodate the majority leader.

Mr. BAKER. Mr. President, I thank the minority leader for his candor and his expression of willingness to explore the matter, which is all I can ask of him. I thank him for that.

Perhaps this would not be a bad place to say for the record once again that both he and I are bound in our own ways by a clearance procedure. While it may seem strange to some who read the RECORD or otherwise observe the proceedings of the Senate that the two of us frequently are the only two on the floor, we are the agents of our respective Senators and our respective caucuses and ought to protect that agency diligently and faithfully. There is a clearance process. It is that process by which we have established a procedure for checking with Members on our side and making sure that we proceed in a way that is most useful in the dispatch of the business of the Senate.

So I thank the distinguished minority leader for agreeing to proceed through his clearance process to see if we might go forward in this matter, and I shall do the same, Mr. President. Maybe later today, we shall have a further announcement on that point.

For the benefit of those who may be listening in their offices, then, there is at least a possibility—I hope it is a probability—that we may be able to go or attempt to go into executive session today for the purposes of considering the Wilkinson nomination. Those who

have a desire to be heard on that subject might note that accordingly.

Mr. President, I believe that is all I have today. I thank the minority leader for his remarks. I yield the floor.

Mr. THURMOND. Mr. President, will the Senator yield to me?

Mr. BAKER. Yes; before I yield the floor, Mr. President, I yield to the distinguished chairman of the Committee on the Judiciary, the President pro tempore of the Senate.

Mr. THURMOND. Mr. President, we shall be ready on the Wilkinson nomination any minute of any day that the leader calls it up.

Mr. BAKER. I thank the Senator.

Mr. THURMOND. On the bankruptcy bill, I will say we shall be ready tomorrow on that. We have not been able to work out the agreement we had hoped to work out on both sides, but we shall come up with something we think is fair to both sides and we can attach that to the House bill and send it back.

Mr. BAKER. I thank the distinguished Senator for that. I am fully aware of the importance of that measure and I await with keen interest the further deliberations and action of the chairman.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

A LONG-TERM ENERGY POLICY FOR THE UNITED STATES

Mr. BYRD. Mr. President, this past week, another oil tanker in the Persian Gulf was attacked and set abaze.

Iran is mobilizing its military forces in preparation for a major offensive against Iraq.

That was not exactly learned this past week. There may have been additional evidence of it, but warning signs have been up for quite some time.

For the past several months, the Ayatollah Khomeini has made repeated threats to cut off oil supply lines at the Strait of Hormuz.

Events are again illustrating that our Nation must again develop an energy policy for a secure energy future.

This can be done by making use of this Nation's abundant coal reserves.

This must be done, for we are again learning that there is no national security without energy security. We have neither as long as we are dependent upon foreign oil.

We now realize that the Strait of Hormuz, a strip of water just 21 miles wide and thousands of miles from our shores, can present grave dangers to us, our allies, and the world.

We now realize that a fanatical despot in a faraway land could bring about international chaos.

It is true that the United States has reduced its imports of Persian Gulf oil, but it is estimated that a Persian Gulf oil cutoff there could drive oil prices skyward. CBO has warned that a Persian Gulf oil cutoff could reduce the American GNP by one-fourth.

More than half of the oil used by Japan and about one-third of the oil used by Western Europe flows through the Strait of Hormuz.

Understandably, President Reagan declared that, "There's no way that we could allow that (Persian Gulf) channel to be closed."

Does this mean military action against Iran?

I remind my colleagues that Iran has a 63-year-old treaty with the Soviet Union that provides that the Soviet Union can come to the aid of Iran if the Soviets decide their national interests are threatened.

Nuclear weaponry and armed forces alone do not make a Nation safe and secure. The United States must be able to sustain protracted wars, energy crises, and oil embargoes.

Every President since Richard Nixon has maintained an energy policy to put or keep this Nation on the track toward energy security.

Since 1973, there has been a bipartisan effort to set our sights on energy security by merging our technological skills with our abundant natural resources.

The present administration, however, did not stay the course.

Obviously believing that the best energy policy is not to have an energy policy, the Reagan administration does not see the vital need for a positive role for the Federal Government in our energy future.

At a time when an oil glut has brought lower oil prices, the administration grumbles about the cost of filling the Strategic Petroleum Reserve, and wants to reduce its fill rate.

Under the Reagan administration, the Synthetic Fuels Corporation has been wracked by scandal, political cronyism, and indifference.

The administration has tried to eliminate the Energy Department's programs in fossil fuels, energy conservation, and renewable energy—and even the Department of Energy itself!

This administration has overemphasized short-term budget concerns over our longer-term national security interests.

This shortsightedness is reducing the range of responses to a cutoff in our oil supplies.

Right now, our energy security rests upon our military might, not upon our natural resources, nor our technological genius. The 7th Fleet should be a last resort, not an only option.

Despite its massive arms buildup program, this administration is leaving us dangerously vulnerable to foreign transgressions.

The welfare and security of the United States stands in peril as long as we and our allies rely so fundamentally on imported oil.

We should have learned these lessons during World War II when enemy conquests in Asia and Africa threatened to stop the flow of oil. We had more oil then. We were virtually a self-sustaining Nation at that time with respect to oil. But the dangers we face have prompted the United States to initiate a federally sponsored synthetic fuels program.

As Secretary of Interior Harold Ickes complained at the time, "We should not have waited until war was upon us to begin the development of synthetic fuels."

Unfortunately, when the war ended, so did that program.

Farsighted men at that time warned of the consequences of these actions.

During the Carter administration, we passed legislation to establish a viable national synthetics fuel program, and that legislation was supported in a bipartisan way.

The United States became known as the Saudi Arabia of coal. We realized that this Nation is so rich in coal that we possess the energy to be free of OPEC domination.

But with the advent of this administration's nonpolicy in energy, together with the oversupply of oil worldwide, we have again forgotten the lessons of the past.

It has been said that those who do not remember their past are condemned to relieve it.

Even if the United States and our allies are able to survive disruptions to our oil supplies, we are still not safe or secure.

American domestic oil production will drop as older fields are becoming exhausted. A recent U.S. Geological Survey study points out that American oil reserves will last only 36 more years at today's consumption rate and only 19 years if imports are not available.

The study concluded with the warning that I have voiced many times: the need for alternate energy sources is becoming critical.

Coal is the key to these alternative energy sources. Coal is the key to an energy-secure United States.

We have the resources. We have the coal. We have the basic technology. There needs to be increased research and development with respect to that technology.

We should have learned the lesson. We need the determination.

Mr. BYRD. I see my friend, the distinguished Senator from Wisconsin (Mr. PROXMIRE), on the floor, and I ask him if he is in need of any time from me.

Mr. PROXMIRE. I thank the Democratic leader. I have plenty of time.

Mr. BYRD. I thank the Senator.

I yield to the majority leader my remaining time if he needs it.

Mr. BAKER. Mr. President, I thank the distinguished Senator. I have no need for the offer, but I am grateful.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for 15 minutes.

Mr. PROXMIRE. I thank the Chair.

PROXMIRE CANDIDATE FOR THE MOST MISERABLE NUCLEAR WEAPON SYSTEM

Mr. PROXMIRE. Mr. President, what is absolutely the worst weapons system the Defense Department has ever requested the Congress to fund? Sure, there are lots of candidates. But what is the very worst? First, how about the standards for miserableness? The weapon system should be very expensive—costing tens of billions of dollars. It should be unstable and unstabilizing so that its very existence would sharply increase the risk of nuclear war. In this respect, it would help if it were a "use it or lose it" weapon system that required the President to fire it on any kind of warning that enemy missiles were on the way to take it out, because of the certain knowledge that it would die on its launching pad if the President did not get it off the ground before missiles from the other side took it out.

The President should be unable to recall it once it has launched it so that it would be a lead-pipe cinch to set off World War III, once the President pressed the button. The principal argument for it should be that we do not really intend ever to use it—we only want it as a bargaining chip. And there should be a real question as to whether or not it could accomplish its mission.

That is quite a list of standards. Any weapon system that could meet all these qualifications would be instantly recognized by most Senators not as just another flop or failure but as a first class turkey. Do we have a candidate? Yes, indeed, Mr. President; I nominate the MX missile as the unquestioned champion miserable weapon system. It not only meets every aspect of the miserableness standard; with each passing investigation of the MX, it seems to get worse.

First, is the MX expensive? The cost for 100 MX missiles—the number the President wants to build and deploy—is not the widely advertised $20 billion, but a cool $30 billion; $30 billion is the cost if we include the warheads and everything else this little brother would require. And $30 billion is just a starter.

Any Member of the Congress who has been around as long as this Senator, or half as long or one quarter as long, has been burned over and over again with these Defense Department estimates on new weapons systems. We know the cost will not be $30 billion in 1984 dollars—the present estimate—but $40 or $50 billions or more.

Second, would the MX make this country more secure or less secure? Is it a stabilizing weapon system or a destabilizing weapon system? The answer to that is easy: The MX would be the most unstable weapon system in our arsenal. By far. Consider: the Air Force has estimated that within 5 years the Soviet Union will have the capability of knocking out 99 percent of our land based stationary missiles. That is right—not 90 percent—99 percent of our land based missiles.

What does that really mean? That means the MX would be totally useless unless the President has a very itchy, ready trigger finger. If a groggy President is wakened out of a sound sleep at 3 a.m. on some grim morning and told our surveillance tells us that Soviet missiles are on their way, he can either let that multibillion dollar weapon system get blasted off the face of the Earth or he can press the button, fire the MX, and kiss good bye to civilization. Of course, the warning may be false. The alleged incoming missiles may have been something else. The computers may have given a false signal. Some mischievous genius may have found a way to rig the system and give a phony warning. But the MX will be on its way. And civilization is gone forever.

Could the President recall the once-launched missile ever, under any circumstances? No. No. No. Unlike a submarine or a bomber, the missile would continue on its way to end the chapter of history of the universe called civilization with a bang.

Is the MX a bargaining chip? Yes, indeed. The administration has repeatedly argued that all the fears implicit in what I have just said are hobgoblins we can forget, because we simply want to build the MX so we can bargain with the Soviets to eliminate some of their land-based missiles.

Well, good luck. But this Senator is still waiting for that elusive bargaining chip which the Congress went ahead and built and then bargained away. Mr. President, it just does not happen. Unfortunately, once we build these monstrous weapons they take on a remorseless immortality. And why in the world would the Soviets give up anything to eliminate the MX? Mr. President, if Chernenko were a Senator instead of the head of the Soviet Union, he would vote for the MX. Why not? It would be the one U.S. nuclear missile the Soviets could certainly take out. And easily.

So the MX wins the prize. Ah, but that is not all. Now we have a new General Accounting Office report on the MX, hot off the press. What does it show? As the New York Times reported on May 11, that GAO report says:

> Recent advances in Soviet technology cast doubt on the ability of the MX missile to accomplish its objective of destroying the Soviet land-based missile force.

Of course, the Defense Department disputes this. But this Senator has found over and over again that the General Accounting Office has an uncanny knack of being right that is remarkably consistent, almost as consistent as the Defense Department's knack for being wrong.

In this case, the dispute centers around varying estimates of how much the Soviet's land-based missiles have been hardened. The GAO appears to rely on Air Force estimates, the defense Department on CIA and DIA estimates. If the Air Force is right, the Defense Department would have to increase the accuracy of the MX and the power of its warhead. What does this mean? Three things: No. 1, delay before the MX is ready; No. 2, more appropriations—perhaps much more; and No. 3, we may not be able to achieve the improvements necessary at any cost for the MX to do its job.

In any event, add to the miserability index on the MX this latest GAO finding, that for all the $30 billion plus it would cost and for all the risk to the future of civilization, it may not be able to do its job of finding and killing Soviet land-based missiles. One job it would continue to do, if fired, however—it would start World War III and it would end civilization.

IDAHO REMEMBERS THE HOLOCAUST

Mr. PROXMIRE. Mr. President, we are all well aware of the many moving ceremonies held in a number of the world's largest cities for the rememberance of the Holocaust against European Jews by the Nazi regime. Such ceremonies also took place in smaller cities throughout our Nation.

I would like to take this opportunity to recognize a modest candlelight gathering held in Gov. John Evans' office in Boise, Idaho. The ceremony involved speeches by Jewish leaders, memoirs, current and historical reports and the signing by the Governor of a proclamation asking Idahoans to remember the Holocaust so it will never happen again.

One of the speakers at the ceremony described the Holocaust as "organized madness." He reminded the crowd, packed in the Governor's office, some weeping; that holocausts continue even today in Cambodia, Argentina, Iran, and the Soviet Union.

"It's a recurring nightmare," one speaker painfully yet accurately reported. "We must keep this from ever happening again."

Mr. President, I agree wholeheartedly with this last statement. Holocausts must not only be remembered, but prevented.

Thirty-eight years ago a treaty outlawing such brutality was signed by this country. This United Nations' Convention on the prevention and punishment of the crime of genocide stipulates that the intentional destruction of any national, ethnic, racial, or religious group in whole or in part is an international crime against humanity. Though the United States participated in the drafting of the Genocide Convention, we have yet to ratify the treaty.

We can and will continue to insure that this human tragedy is not forgotten, but while we remember the United States must also act to prevent its recurrence. The ratification of the Genocide Convention would be such a move. Let us now make this move.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 5 minutes each.

DANIEL SCHORR ON JOURNALISTIC RESPONSIBILITY

Mr. METZENBAUM. Mr. President, Daniel Schorr of Cable News Network has long been one of our Nation's most distinguished journalists. He has never been afraid to speak out about the ills and injustices of our society.

Recently, Mr. Schorr was honored in my State by receiving the Carr van Anda Award for Enduring Contributions to Journalism from the E.W. Scripps School of Journalism at Ohio University in Athens, OH.

His acceptance speech at that awards presentation is just another example of his professionalism, his contributions to his field and, yes, Mr. President, his courage in speaking out.

The question of journalistic responsibility has long been with us, but probably no more than it is today.

Mr. Schorr used this speech to criticize some of the things that we see happening today in journalism—both print and electronic.

Why do I throw stones at the glass house I live in? said Schorr. Why do I, a reporter, criticize the news media? Because I fear that if we don't find the way to self-restraint, then others will find ways to restrain us. I believe that news should be covered, but not exploited. A hostage incident should be reported, but not turned into a round-the-clock circus. I believe that we must learn again that people are persons, not generic footage. We must not trample on privacy, even if we risk losing a dramatic bit of tape.

Considering Mr. Schorr's eminent status in his profession, his words have even more impact and meaning.

His conclusion bears reading by all of us in public life and for all his peers in the journalistic profession:

I love being a reporter. I am proud that, in moments of crisis, like Watergate, when other institutions were muzzled, the press may have saved our democratic institutions. I have lived in too many countries, including totalitarian countries, not to appreciate how great our press is, with all its faults. I believe that, if we are not to be vulnerable to demogogues who would limit our freedom, we must win back the confidence of the people. That means not overdramatizing what is already dramatic. It means respecting the privacy of the private. It means occasionally being willing to pass up a story if the human cost of that story is too high.

Mr. President, I ask unanimous consent that Mr. Schorr's speech be reprinted in its entirety in the RECORD. And I ask that an article from the May 4, 1984, issue of the Ohio University Post also be printed in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A NEW LOOK AT JOURNALISTIC RESPONSIBILITY

(Remarks by Daniel Schorr)

As a reporter, I hardly know how to respond to plaudits. We journalists lately have been getting more brickbats than bouquets. Perhaps I can take a leaf from the book of Henry Kissinger. When a woman came up to him at a reception and said, "Mr. Secretary, thank you for saving the world," he looked at her for the briefest moment and said, "You're welcome!"

Not many people say nice things to journalists any more. Jody Powell has just come out with a scorching book about the press, and he is only the latest press secretary to blame the press for most of what went wrong with his president's tenure.

When the Reagan administration forgot to take reporters along on the invasion of Grenada, the press protested, but many Americans cheered. One wit said that on the next invasion, President Reagan will send reporters. Only reporters. No soldiers.

What has gone off the tracks between Americans and their press? Why do juries sock us with big libel judgments? Why do so many groups resent us, from the left wing to the right wing; from Jesse Jackson to the Moral Majority, which, forgetting the Bible, will not forgive us our press passes? Why is "power of the news media" a synonym for manipulation of people where "power of the press" used to be a synonym for serving people?

One reason is the growth and pervasiveness of television. Television is coming to replace government as an authority figure and, therefore, a target of public resentment. The epithets once reserved for government—unresponsive, insensitive, arrogant—are now applied to the media. Many resent the influence of the media, which they perceive as more powerful, and more intrusive, than the government it professes to monitor.

The media are perceived as willing to sacrifice national security to ratings and circulation, and willing to intrude in private lives and personal tragedy in the search for audience-building titillation. I need mention only the reaction to the way some television people sought to exploit the grief of next of kin informed of loved ones lost in the Beirut bombing.

Anchor persons for the big networks are perceived as overpaid superstars. Something went out of the perception of the reporter as a dedicated servant of the public with a press card in his greasy hat-band when word got out about million-dollar contracts for reading news from a teleprompter.

The media are perceived as powerful enough, and willful enough, to drive public servants from office and to spoil elections by their exit polls.

With the growth of television, journalism has become part of a vast entertainment industry . . . dragged along with entertainment in the fierce competition for ratings . . ., influenced by television's addiction to drama and confrontation. Affected by the stage it shares, television news is tempted to see information in terms of conflict and to reduce a complex world to a simple parable.

Television news is driven to seek villains—a lot of them—and heroes—a few of them. The pursuit of stardom encourages some half-baked investigative reporting by video journalists nurtured on post-Watergate cynicism and looking for short-cuts to fame and fortune.

One ominous aspect of all this is the perverse incentive that television offers to the unstable and the fanatical. Because television goes to town on a hostage crisis, some are encouraged to plot hostage crises. The television movie Special Bulletin, about the nuclear explosion in Charleston, S.C., may have exaggerated the reciprocal manipulation between terror and television. But reality provides its own evidence of terrorist gangs that make media coverage as essential part of their plan—and find they can easily get it.

The Washington Monument siege in December, 1982, was apparently staged as a media event. Norman Mayer made clear at the outset that it was the media, not the police he wanted to deal with. And he apparently spent part of his last day on earth watching, on a TV set in his van, the live coverage of his siege. Then he started moving toward the White House, to be met with a hail of police gunfire, at 7:30 PM . . . by coincidence, just as the network news ended.

Then there is John Hinckley Jr., addicted to movie and television violence, who set out to crash the media hall of fame by shooting President Reagan before the cameras. His first question to the Secret Service that evening was, "Is it on TV?" Hinckley may be legally crazy, but he is not stupid. He wanted to get on television to prove he was a somebody. He surely succeeded. And television taught him how.

Why do I throw stones at the glass house I live in? Why do I, a reporter, criticize the news media? Because I fear that if we don't find the way to self-restraint, then others will find ways to restrain us.

I believe that news should be covered, but not exploited. A hostage incident should be reported, but not turned into a round-the-

clock circus. I believe that we must learn again that people are persons, not generic footage. We must not trample on privacy, even if we risk losing a dramatic bit of tape.

We can no longer pretend that what we do doesn't matter. Television has profound effects on the lives of persons and on the life of the nation. It is the great arbiter of importance, even of identity. And now I am about to pronounce the ultimate heresy. Because this award ceremony is a special time for introspection, let me tell you some thoughts that come to mind after the Jesse Jackson "Hymie" episode. Milton Coleman of the Washington Post had approached him about his problems with Jewish voters, and Jackson said, "Let's talk Black talk." Coleman later wrote, "I signalled him to go on." Coleman felt he had the right to use what he then heard as background. I don't second-guess him, but let me tell you of two experiences of my own in this ill-charted trouble zone between journalistic and other identities.

In 1957, working on a "CBS Reports" documentary in Poland, I came across Jewish families leaving a town with their possessions piled on carts, as in a scene from "Fiddler on the Roof." They explained in Yiddish that they were on their way to Israel. I had my camera crew film this unexpected vignette of post-Stalin Poland.

Returning to Warsaw, I asked the Israeli minister whether there was some new policy that made this emigration possible. Staring at me in silence for a full half-minute, he said, "All right, I will tell you, and then you decide what you will do." (He could have said, "Let's talk Jewish talk.")

The diplomat explained that a delicate secret arrangement permitted Jews to be "repatriated" from the Soviet-annexed region of Poland with the understanding that they emigrate to Israel. But the Soviets, anxious not to offend the Arabs, had warned the Polish regime that the arrangement would be cancelled the moment it became publicly known.

"So," he concluded, "your knowledge of Yiddish has enabled you to discover that Jews are leaving, and whether a few thousand more of these pitiful people can leave is in your hands."

I did not consult my superiors on the open telephone or cable to New York, but simply made my own decision to forget the story. Long after the fact, I told the episode, and my decision, to Edward R. Murrow, who presided over "CBS Reports." He listened thoughtfully and nodded his understanding.

The other episode that Coleman's experience brought back to mind happened even longer ago, in 1953.

Working in the Netherlands, I had learned of Queen Juliana's attachment to a faith healer. Under the influence of this strange woman, the queen wrote pacifist and neutralist ideas into speeches planned for delivery on a state visit to the United States. The Dutch government, which was committed to the Atlantic Alliance, balked at the speeches. Unknown to the public, a constitutional crisis threatened.

I knew my way around the Netherlands and spoke its language. One of my stories had won the first William the Silent Prize for fostering Dutch-American understanding, and my reporting from flood-stricken south Holland in early 1953 had won me a royal decoration. So I had no trouble developing the story of the queen and the faith healer from many sources—including the queen's husband, Prince Bernhard, and the faith healer herself. After several months of investigation, I wrote a long article, which *Life* magazine accepted for publication.

The government undertook frantic measures to have it suppressed. I was summoned to the foreign ministry in The Hague and warned that publication would cost me all government contacts and possible expulsion from the country. I said that I would not be intimidated.

Then I met with a good friend outside the government, a noted historian named Lou de Jong. In a long colloquy, he undertook to dissuade me from publication. The government had been stupid to try intimidation, he said. The queen's bizarre attachment, and the resulting conflict with her government, was a legitimate story, almost certain to come out eventually.

"But it cannot come from you," he added. "You are no ordinary foreign correspondent in the Netherlands. You are known, accepted and trusted. This story may deal a severe blow to our monarchy, and it would be too painful to have it come from you. You could not have gotten this story if people did not think they were talking to a family friend."

Dutch talk!

I agonized and temporized. I agreed to cable *Life* asking for postponement while I considered my course. Then the decision was taken out of my hands. Henry Luce gave orders to kill the article in response to an appeal from the Dutch government citing the danger of destabilization of a NATO ally. But I made no effort to have the article published elsewhere.

Three years later, the German magazine *Der Spiegel* broke the story. It was written in terms much less sympathetic to Queen Juliana's emotional problems than my article.

How do I justify killing two stories after a lifetime dedicated to "the people's right to know"? I have no answer, other than that a reporter cannot live by catch phrases alone. We have other connections. We have human responsibilities, which become greater as the power of our industry becomes greater.

I love being a reporter. I am proud that, in moments of crisis, like Watergate, when other institutions were muzzled, the press may have saved our democratic institutions. I have lived in too many countries, including totalitarian countries, not to appreciate how great our press is, with all its faults.

I believe that, if we are not to be vulnerable to demagogues who would limit our freedom, we must win back the confidence of the people. That means not overdramatizing what is already dramatic. It means respecting the privacy of the private. It means occasionally being willing to pass up a story if the human cost of that story is too high.

I thank you for this award, because I fear I'm about to be stripped of my press card.

[From the Ohio University Post, May 4, 1984]

MEDIA IMAGE NEEDS BOOST, SCHORR SAYS

(By Russ Kennedy)

"Many (people) resent the influence of the media, which they perceive as (being) more powerful and more intrusive than the government it professes to monitor," said CNN correspondent Daniel Schorr Thursday afternoon in a Memorial Auditorium address.

Schorr's Communication Week lecture was cosponsored by the College of Communication, the Kennedy Lecture Series and the Hillel Foundation.

Before the lecture, Cortland Anderson, director of the E.W. Scripps School of Journalism, presented Schorr with the school's Carr Van Anda Award for "outstanding contributions to the field of journalism."

Schorr was national and foreign correspondent for CBS News for 25 years, but resigned in 1976 after a freedom of the press confrontation with Congress.

Schorr risked a jail sentence for contempt when he refused to disclose to the House Ethics Committee the source of a report on the CIA and FBI scandals he had published in spite of a House resolution to suppress the report.

"We journalists lately have been getting more brickbats than bouquets," Schorr told the crowd. "Not many people say nice things about journalists anymore.

"Why is 'power of the news media' a synonym for manipulation of people where 'power of the news media' used to be a synonym for serving people?" Schorr asked.

The media are perceived as willing to sacrifice national security for ratings and circulation, Schorr said. "Anchorpersons for the big networks are perceived as high-paid celebrities," he said.

"With the growth of television, journalism has become part of a vast entertainment industry, dragged along with entertainment in the fierce competition for ratings, influenced by television's addiction to drama and confrontation," Schorr said.

Schorr said he is criticizing the news media because he believes "news should be covered, but not exploited. We must not trample on privacy, even if we risk losing a dramatic bit of tape. People aren't generic footage."

Schorr said that in 1957, while working on a "CBS Reports" documentary in Poland, he came across Jewish families leaving a town with their possessions piled in carts.

They explained in Yiddish that they were on their way to Israel. When he returned to Warsaw, Schorr said he asked the Israeli foreign minister if there was some new policy that made this emigration possible.

"He stared at me in silence for a full half-minute and said, 'All right, I will tell you and then you decide what you will do,'" Schorr said.

The diplomat explained that a secret arrangement permitted Jews to be "repatriated" from the Soviet-annexed region of Poland with the understanding that they emigrate to Israel, Schorr said.

The Soviets, anxious not to offend the Arabs, had warned the Polish regime the arrangement would be cancelled the moment it became publicly known, he added. "Whether a few thousand more of these pitiful people can leave is in your hands," the diplomat told him.

"I didn't consult my superiors on the phone to New York," Schorr said. "I simply decided to forget the story.

"How do I justify killing (a story) after a lifetime dedicated to 'the people's right to know?'" Schorr asked. "I have no answer. A reporter does not live by catch phrases alone. We have other connections.

"We in the press have to win back the confidence of the people. It means not dramatizing what is already dramatic. It means not printing a story if the human cost is too high," he said.

"It means that we realize we (the media) are powerful," Schorr said, "and with power comes responsibility."

ANSEL ADAMS

Mr. METZENBAUM. Mr. President, when Ansel Adams died Sunday, April 29, at age 82, the Nation lost a great photographer and environmentalist. And many of us lost a great personal friend.

Ansel was, of course, best known for his heroic photographs of the rich landscape of the American West. For many, his work defined landscape photography. He did not just take pictures. He made photographs that stand with art at the highest level. There was no accident in his art. He would rise early to set up his tripod and view camera in remote areas, meter the light and wait—wait until the light shifted, the clouds moved, the Moon appeared. He waited until just the instant when every element was perfect and the scene was revealed, never again to be recaptured except through those marvelous photographs.

Nor did his art stop there. In the darkroom, Ansel controlled the negative and print at every point. He took the vision he has seen outside and created it on paper, turning silver and paper into a vision that others not only can see but also can feel, just as he felt the scene when the picture was taken. That is what made Ansel's pictures significant—they are not just seen, they are felt. They have purpose. They have impact. Few can see an original exhibition of Adam's work without walking away in admiration of the sheer beauty and emotionalism of his photographs.

Unlike so many artists, Ansel did not shy away from using those photographs for political purposes. Ansel had a mission—to protect and preserve that beautiful wilderness environment for future generations. He was unrelenting in his drive to preserve those Western lands—Yosemite, Point Lobos, Kings Canyon, and others. His pictures of Kings Canyon are credited with bringing about the creation of that Great National Park. When confronted with the beauty carried to them, lawmakers were simply unable to refute his case. And millions of acres of land were preserved because he worked to save them.

The recent tenure of James Watt as Secretary of the Interior deeply disturbed Ansel. He believed that James Watt threatened to destroy wilderness areas throughout the country which, once destroyed, could never be recovered. But James Watt also threatened the national concensus to maintain and preserve our wilderness heritage, which Ansel and others had worked all of their lives to create. He was heartened by Mr. Watt's resignation, But I know he remained deeply concerned about the Reagan administration's commitment to protecting our wilderness areas.

We will miss Ansel's political activism. But most of all we will miss his enthusiasm and verve for living. He was an example to all of us, because he allowed people to become his friend, not just an acquaintance. He generated a feeling of closeness that binds many people together through him. We will have Ansel's beautiful photographs. But now when we admire them, we will also feel a slight tug when we remember that the man who created these masterpieces—our friend Ansel Adams—is no longer with us.

JAN WILSON, 1 OF 200 VERY SPECIAL ATHLETES—AND THEY ARE WINNERS

Mr. HELMS. Mr. President, amidst all of the hand-wringing about the Communists pulling their young athletes out of the Summer Olympics—a phony political ploy orchestrated by the Soviets—I suggest that the American people spend at least some time paying tribute to some very special athletes from whom all of us can learn a very important lesson.

I have in mind, Mr. President, the young people who are members of the U.S. Amputee Athletic Association. A couple of weeks back, about 200 amputee athletes from 25 States and Canada competed in the Fourth National Amputee Games, sponsored by the U.S. Amateur Athletic Association. The event was held this year at two universities at Nashville, TN—Vanderbilt University and Tennessee State University.

Mr. President, my awareness of these remarkable young people is the result of my affection and admiration for a very special young woman, Jan Wilson of Winston-Salem. Jan lost a leg as a result of a malignancy a few years ago. Her family was crushed—but not Jan. The incredible courage of Jan Wilson can be summed up with what she said to her family when she returned from the operating room: "No big thing—I still have one left."

What an All-American young woman, Mr. President. Every time I see her, I am inspired. The last time she was in my office, she was on her way to New England for a skiing weekend. In she came, with that marvelous smile on her face, her bright eyes shining with enthusiasm and a love of life. Incidentally, she is devoting her time and boundless energy to giving hope and joy to others with physical handicaps.

Mr. President, I single out Jan Wilson because I know her. But my affection and admiration are just as great for all of the others who participated in the Fourth National Amputee Games in Tennessee recently. Still, I hope I may be excused for my special pride in Jan's achievements. In the competition, she set three new world records and five USAAA records in the swimming competition.

At the Tennessee event, 60 of the U.S. amputee athletes were selected to represent the United States at the 1984 International Games for the Disabled, to be held June 16-30 on Long Island in Nassau County, NY. These 60 amputee athletes will join 210 blind, cerebral palsy, and les autres athletes and their coaches as representatives of the United States in competition with 1,800 other athletes from 54 countries in the first International Games for the Disabled ever to be held in the United States.

The competitors at the Fourth National Amputee Games displayed considerable athletic prowess, setting 41 new world records and 73 new USAAA records. The top athletes who will lead the U.S. team in international competition include—in addition to Jan Wilson—Karen Farmer of Washington, who set new world and USAAA records in seven track and field events, including the discus, shotput, javelin, long jump, high jump, 100-meter dash, and 200-meter dash; Cheryl Anderson of Minnesota, who set six new world and USAAA records in swimming; Jim Martinson of Washington, who set four new world and USAAA records in wheelchair track; and Youlanda Barker of New York, who set three new world and four USAAA records in wheelchair track and field events.

Mr. President, all of the young people who competed in the event at Nennessee remind us that where there is faith, there is hope; and where there is hope, there is love. In my book, they are All-Americans.

TRIBUTE TO ED RYAN OF THE COURIER-JOURNAL

Mr. FORD. Mr. President, it is with deep regret that I note the death of Ed Ryan, political columnist and reporter for the Louisville Courier-Journal. On May 1, Ed had a cerebral hemmorrhage at the early age of 45.

He was from my hometown, Owensboro, and over the years I had developed a great respect for him, both as a journalist and as a friend. In addition to his able writing and reporting, Ed possessed the most important trademark of a journalist: He was always fair. I believe Ed Ryan will be remembered as one of the finest Kentucky journalists.

In the more than a decade that he followed politics for the Courier-Journal, he covered three Kentucky gubernatorial campaigns, three sessions of the Kentucky General Assembly, and two Presidential races. One of the most-read parts of the Sunday Courier-Journal was his column. But he never used it to preach; he just called things as he saw them.

If Ed Ryan's fairness marked him as a journalist, his warmth and congeniality were his most distinguishing characteristics as a human being. Even those who felt the occasional sting of his reporting could not fail to note his kindness.

I will miss Ed Ryan. I simply cannot imagine the Courier-Journal or Kentucky politics without him.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MISCELLANEOUS TARIFF, TRADE AND CUSTOMS MATTERS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2163, which will be stated by title.

The bill clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

The Senate resumes the consideration of the bill.

Pending:

Baker amendment No. 3027, to further reduce deficits by including reconciliations and appropriations caps for defense and nondefense discretionary spending for fiscal years 1985, 1986, and 1987.

Mr. GORTON. Mr. President, I ask unanimous consent that the Baker amendment No. 3027 be temporarily laid aside while the Senate considers an amendment by the distinguished Senator from New York (Mr. MOYNIHAN) and that the Baker amendment recur automatically after the disposition of the Moynihan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, may I first thank my learned and distinguished friend from Washington for his thoughtfulness.

AMENDMENT NO. 3058

[Purpose: To establish a Commission on Deficit Reduction]

Mr. MOYNIHAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an amendment numbered 3058.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The amendment is as follows:

At the appropriate point in the Committee substitute to H.R. 2163, add the following:

(a) It is the sense of the Congress that a bipartisan National Commission on Deficit Reduction be established by the leadership of the Congress and the President. This Commission shall conduct a comprehensive study of the elements of fiscal and monetary policies, with particular emphasis on the sources of cyclical and structural budget deficits and their effect on employment, real interest rates, capital formation and investment, and the vigor and viability of economic growth. This study shall include recommendations to reduce these deficits in the manner and to the extent required to promote reductions in unemployment and real interest rates, to encourage capital formations and investment, and to sustain vigorous economic growth. These recommendations shall ensure that the burden of deficit reduction is equitably distributed and not borne disproportionately by any one economic or social group.

(b) The comprehensive study undertaken by the Commission shall specifically address—

(1) the current and prospective economic factors and development, in both the United States and abroad, that should be taken into account in making fiscal and monetary policies;

(2) all potential options which would result in deficit reductions, including a statement of the impact of each on the Nation's economy;

(3) the impact of deficit reductions options, separately and in combination, on different income and social groups; and

(4) the institutional arrangements required to achieve the appropriate degree of coordination in the making and implementation of fiscal and monetary policies, to achieve reductions in the budget deficit.

(c) Such a Commission would be authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality would be authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission.

(d) Upon request of such a Commission, the head of any Federal agency would be authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the Chairman in writing.

(e) The study conducted by the Commission should be completed by January 20, 1985.

Mr. MOYNIHAN. Mr. President, the purpose of my amendment is simply to suggest the need for a bipartisan consideration of the budget deficit across party lines in both bodies of Congress and with the President is real. And absent a bipartisan resolution, we are not likely to find a solution from either the party politics of Congress or the executive-congressional relations which have come to something of a stalemate in this matter. We find this body unable to find a majority for any proposals with respect to the budget. We may yet, but we still have not done so.

We find ourselves increasingly in a state of almost cognitive dissonance with respect to the impact of the budget. I think my friend from Washington would grant that few would have anticipated that during the first thousand days of the present administration the national debt would increase by half; that it would be likely to double in 5 fiscal years and very possibly treble in the course of 8; that as a proportion of the gross national product the debt would rise from 28 percent in 1980 to 41 percent, as projected in the President's budget—moving back up after a generation of going down from the peak that followed World War II—and that in this decade the average share of the Nation's credit markets is used to finance the onbudget deficits would be more than twice the level of the seventies. The Government's share of the Nation's credit market to finance the onbudget deficit, under the leadership plan, is projected to increase from 7 percent in the fifties to 27 percent in the eighties.

In 1983, the Federal Government and federally assisted borrowing rose to 57 percent of total credit raised in the U.S. markets, three times the rate of 1979.

And we are beginning to face a dilemma, unanticipated and not fully understood, that large and increasing portions of our debt are owned abroad and the service on that debt is going abroad. In the latter part of the 1980's, Morgan Stanley anticipates that upwards of $30 billion per year in Government interest payments will go abroad. This is more than all the Federal outlays for education, training, employment, and social services in 1984.

It would be surprising for the American Government to find that we are paying in debt service to foreign-owned corporations or foreign individuals more money than we are spending on education, training, employment, and social services at the Federal level.

I would like to introduce the thought that one of the difficulties we have in dealing with the present deficit is a conceptual one. We do not know we are dealing with something altogether new.

If I could briefly suggest, Mr. President, there have been four kinds of deficits in our history. First is simply a deficit associated with expenditures in wartime. And it begins with the War of 1812.

Next is a deficit that we associate with business cycles. The first major one was encountered by Andrew Jackson when he closed down the national bank and there was a great contraction of money supply.

Next, and much later in our history, beginning under President Kennedy, we began to get the "full employment budget," as it was termed, which involved a deficit. The budget was in balance, according to the econometric measurements, if there were full employment. There, of course, was a deficit and the purpose of that deficit was to stimulate the economy to bring us up to that full-employment level. President Kennedy initiated "full employment" budgets President Johnson also acknowledged them, and President Nixon, continued using full employment budgets, under the tutelage of George Shultz. George Shultz was a very distinguished economics professor who, before many other activities, was our first Director of the Office of Management and Budget. The budgets President Nixon sent to Congress had deficits designed to stimulate the economy, to bring it up to a full employment level, at which point the budget would, in fact, be balanced. Specifically, revenues of the Federal Government were estimated to be equal to what revenues would be at full employment. The shortfall was the full-employment deficit, and we have had a series of those.

It is only with the advent of the 1980's that we have deficits of a wholly different order. The current deficits were brought about by a conscious decision to massively reduce revenues, with the understanding that there would follow a reduction in the size of Government. It was believed that there was an optional nature to many Government activities; indeed, that waste, fraud, and abuse was a major component of Federal expenditures. The understanding was that waste, fraud, and abuse would somehow be squeezed out of Government and we would recover an equilibrium at a lower level of outlays rather than a higher level of expenditures.

It has not worked that way. To the contrary, the Federal Reserve Bank, anticipating these deficits, slammed on the brakes. As, Mr. Regan said Sunday, this brought about the great recession of 1982. When we said here in the Senate that the Reserve was doing this, we got no response by Treasury. But, in retrospect, they see it.

I do not yet think they see one major thing: in about 2 years' time, in fiscal 1987, both CBO and the President project that one-half of the revenue from the personal income tax will be required to pay the interest on the debt. Currently, 80 percent of personal income taxes is withheld from wages. This is the elemental tax on labor. The ownership of the national debt is elementally the concentration of capital in our country—the largest transfer of wealth from labor to capital in the history of this economy. And it can go on for a generation if we do not do something about it.

We are not going to do anything about it unless we learn to understand it as being a different situation from that which we have dealt with in the past. Not having recognized this is part of the reason we have the stalemate on the Senate floor.

It is not certain that a bipartisan commission will make the facts clear. But something has to do it. I might just point out that the bipartisan commission on social security at least established the facts. There is a principle, or there ought to be, Mr. President, that everyone is entitled to his own opinion but not to his own facts. And it is only after we get the facts resolved that we possibly can reach a bipartisan national agreement on what to do about what, in my view, is a crisis. The projected budget deficits are indeed a continuing crisis which will last through this decade and possibly through this century, put an end to social policy and bring about instability, not just in our country, but in the world.

Just this last week, the President of Argentina, responding to the change in the prime rates of interest on the New York markets, said that they are threatening the social stability of Argentina—a country which has finally reconstituted itself in a democratic mode.

This is no small thing and will not be resolved by small measures.

Mr. President, on April 18 of this year, President Reagan signed H.R. 4169 the Omnibus Budget Reconciliation Act of 1983. Few took much notice. The Senate approved the bill the week before in less than 5 minutes, with no debate. Although this bill contains a provision that calls for "an economic summit conference consisting of the President, congressional leaders, and others responsible for economic policy . . . to develop a comprehensive deficit reduction plan," the President said in the signing ceremony:

> In light of the extensive discussions that have been held between the executive branch and the Congress this year on ways to reduce the deficit and the proposals already under active consideration by the Congress, *I believe we should view the required conference as having taken place and therefore unnecessary.* [Emphasis added].

I must emphatically disagree. The President is certainly correct in stating that there have been extensive discussions between the executive branch and Members of the Congress, but these discussions have not been bipartisan. Since last February, they have been strictly confined to the majority party and aides to the President. The result is the so-called downpayment package, approved by the Senate Budget Committee by a vote of 11 to 10 during the same week the President signed H.R. 4169. There was no bipartisan consensus on the Budget Committee: all members of the majority party were in favor, the minority opposed.

This downpayment proposal, the result of negotiations within one party, is not an equitable or sufficient plan to reduce the deficit. It is a document of political appearances, to seem to be taking action, to seem to be governing. Is it responsible to claim deficit reduction with a plan that actually increases deficits from $181 billion in 1985 to 198 billion in 1987? This is not a credible response to policies that have created a fiscal crisis of alarming proportions:

In his first 1,000 days in office, Ronald Reagan increased the national debt by half, nearly $460 billion.

By the President's own estimate, between 1980 and 1985 the gross Federal debt will have doubled, from $914 billion to $1.8 trillion.

Under this administration, the share of GNP represented by Federal debt will have risen from 28 percent in 1980 to an estimated 41 percent by 1987.

To finance these new deficits, the Government will have to absorb a historic share of all the capital available in the Nation's credit markets. According to Data Resources, Inc., the Government's share of the Nation's credit markets just to finance the on-budget deficit under the leadership plan will be more than twice the average levels for the 1970's. And it will be close to four times the share the Government absorbed in the 1950's and the 1960's. Here are the numbers according to Data Resources, Inc.:

	Percent
1952–59	7
1960–69	7
1970–79	15
1980–89	27

If all forms of Federal borrowing are added into the calculation, including borrowing for off-budget outlays, guaranteed loans, and Government sponsored enterprises, the Government will absorb in the first half of the 1980's over 50 percent of all funds borrowed in U.S. credit markets. By the President's own calculation, contained in his fiscal year 1985 budget, total Federal and federally assisted borrowing in fiscal year 1983 rose to 57 percent of total credit raised in U.S. markets, close to a threefold increase over the 19-percent absorption rate of 1979.

International investors, attracted by the high yields we must pay on Treasury securities, have eased our financing pressures. But there is a cost: foreign purchases of U.S. Treasury securities today mean U.S. Treasury interest payments to foreign bondholders tomorrow. According to the Morgan Stanley Economics Department, in the latter part of the 1980's, upwards of $30 billion a year in Government interest payments will go abroad.

This is more than all Federal outlays for education, training, employment, and social services in fiscal year 1984. It represents nothing short of a massive transfer of wealth, American wealth, to foreign holders of large and growing U.S. debt. Treasury securities held abroad totaled $14 billion in 1970. By 1989, Morgan Stanley expects these holdings to grow nineteenfold, to $280 billion.

And who will pay this debt service?

By 1989, interest payments on the national debt will have reached approximately $207 billion a year according to CBO's estimate of the President's budget.

If so, nearly half of all personal income taxes collected in that year will be required to pay this interest bill.

And who will be paying the personal income tax? Overwhelmingly, it is paid by men and women of America who work for wages and have their income taxes deducted from their paychecks. This is another transfer of wealth of historic proportions, from Americans who pay taxes to service the debt to those institutions and individuals who buy Treasury securities.

The administration's tax program, moreover, has exacerbated the inequities of this historic transfer of wealth. According to CBO, the administration's tax cuts enacted in 1981 reduced the average 1985 tax burden for American households with incomes of more than $80,000 by $9,430. These are the wealthiest 3 percent of the Nation. Yet, families making less than $10,000 a year receive an average tax cut of only $40. This group simply was not included in the largesse.

And this transfer of wealth comes on top of the inequities of the President's budget program over the last 3 years. According to another CBO analysis, produced at the request of Speaker O'NEILL, human resources programs will have been reduced by $110 billion during 1982–85, $110 billion less than the levels in place when this administration took office.

Social policy is now at a standstill. Nowhere is this clearer than in the recent changes in the poverty rate. According to the U.S. Census Bureau, the share of Americans living below the poverty line increased from 11.7 percent in 1979 to 15 percent in 1982. There are 34.4 million Americans living in poverty today.

The President's shift in the Nation's fiscal priorities is also clear in the finances of our largest city, New York:

In 1979, New York City received 20 percent of its total revenues from the Federal Government.

In the city's 1985 budget, about 14 percent of total revenue will come from Federal sources.

Federal budget cuts have reduced support for our largest city and its citizens by $1.5 billion since 1981.

The downpayment package, now advanced by the majority as a deficit reduction plan, would add $107 billion in budget authority for defense, which would rise from $265 billion in 1984 to $372 billion in 1987. Human resources programs—education, employment, social services—would be frozen at the 1984 levels.

This is a realinement of our fiscal structure of large proportions, and it is a structural shift in our national priorities. It cannot be sustained. And the current economic recovery, as well, cannot be sustained under the leadership plan. This fiscal policy will produce rising interest rates, slowing GNP growth, stagflation, or worse, within a year.

The May 1984 forecast by Data Resources, Inc., suggests that the unemployment rate, which has not fallen in the last 3 months, will stop where it is for the rest of this year. Interest rates have been rising persistently over the last year. In the last month alone, the interest rate on 3-month Treasury securities has risen 30 basis points, from 9.4 percent to 9.7 percent.

But let us focus now just on the Government's costs. Most recently, the yield on 30-year Treasury bonds was 13.1 percent. May I tell you, this is more than four times the average yield on Government bonds in the 1920's, the 1930's, the 1940's, and the 1950's. It is about triple the yield on Government bonds in the 1960's, and nearly double the yield in the 1970's. It is exceeded only by bond yields in 1981, when the bond market skidded in August of that year just after the Congress approved the President's budget program.

These yields are on the rise today, and rapidly. Last year, the average yield on Government bonds was 2 full percentage points less than today. Last year, I might add, the average yield on Government bonds in Japan was about 7.5 percent, or only about half what our own Government must pay today.

Average yield, Government bonds

	Percent
1920's	3.6
1930's	3.0
1940's	2.3
1950's	3.0
1960's	4.5
1970's	7.2
1980	11.5
1981	13.9
1982	13.0
1983	11.1
May 9, 1984	13.1

One further point. As long-term interest rates have risen, we are forced to finance more and more of our national debt through long-term financing. This, in itself, is quite reasonable; we do not want to have to refinance our entire national debt through short-term Treasury bills, every 3 or 6 months. The fact remains, our long-term financings are locking in these enormous interest burdens for the next 10, 20, 30 years.

Until 1971, the Federal Government was not permitted by law to issue any long-term securities with yields of more than 4.25 percent, precisely to prevent the Treasury from obligating itself to pay large interest costs for long periods of time. In 1971, with long-term interest rates above 4.25 percent, Congress exempted $10 billion in debt issues from this bar. Since 1971, this exemption has increased fifteenfold, to $150 billion. And this past week, the administration has asked to increase this ceiling to $200 billion next year.

I do not question the economic sense of distributing the debt over a broad range of maturities. But we must face the costs of every part of our enormous task of financing the debt, debt produced by fiscal policies that, put plainly, make no economic sense.

There is a crucial point here: we cannot separate this budget program from the Nation's economic prospects. If we continue to run the enormous deficits forecast under the leadership, we shall keep interest rates high for private as well as public borrowing.

DRI cautions us that "fears of inflation and of a * * * harsh conflict between monetary and fiscal policy are deeply embedded * * *" The meaning is clear: these huge deficits will trigger a serious reacceleration of inflation if the Federal Reserve accommodates them, and a serious rise in interest rates if the Federal Reserve does not.

We must reexamine the way we conduct economic policy. The depression of 1981–82 did not just happen. The unacceptably high unemployment rate did not just happen. They were made to happen.

We have just emerged from a period characterized by the most expansionary fiscal policy in U.S. history clashing with the tightest monetary policy in the post war era.

The current recovery is little more than a combination of a stimulating deficit and relaxed monetary policy. Nobody should be fooled into believing that sustainable economic prosperity is here. The economic forecasters unanimously warn that we are on a collision course, a clash between the enormous credit demands of the Fed-

eral Government and those of the private sector.

The downpayment package proposed by the leadership, simply stated, ignores these prospects. I supported Senator CHILES' budget plan because it went further in reducing the deficit than does the leadership plan and because it did so in a more equitable manner. But we need more than this. We have lost control of the budget, and thereby we are once again losing control of the economy. No short-term correction will suffice.

President Reagan recently addressed the Conservative Political Action Conference, boasting "long live our revolution." He is right; his brand of political economy does represent a revolution. And it could bring about a counter-revolution. Debt cannot forever accumulate for the benefit of a wealthy few. The price will be paid one way or another. The Government sooner or later will ease its debt burden, like any debtor. And sadly, under our current institutional arrangements, the most likely way will be to reduce the real value of the debt by inflating the currency through monetary policy.

We have an opportunity to correct this. The President has signed H.R. 4169—the directive to convene an economic summit is in the law. I am now inserting language in this legislation, which may become the Budget Reconciliation Act of 1984, to expand this mandate, calling for a bipartisan National Commission on Deficit Reduction.

Specifically, the Deficit Reduction Commission should address:

First, the current and prospective economic factors and developments, in both the United States and abroad, that should be taken into account in making fiscal and monetary policies;

Second, all potential options that would result in deficit reductions, including a statement of the impact of each on the Nation's economy;

Third, the impact of deficit reductions, separately and in combination, on different income and social groups; and

Fourth, the institutional arrangements required to achieve the appropriate degree of coordination in the making and implementation of fiscal and monetary policies, to achieve reductions in the budget deficit.

The elected bodies who control the deficit are wholly separate from the nonelective body controlling the credit. In 1981 I described this as an economic policy at war with itself. Nothing has changed.

The President must obey the law he has signed just over 2 weeks ago today. A Deficit Commission must be convened. Leaders of both political parties must participate.

The economic policies put into place under this administration have advanced the concentration of wealth in this country, a transfer of resources from labor to capital, on a scale that could endanger our very economic and political stability. Do we have the institutional arrangements, as well as the will, to shape an economic policy to correct it?

A commission is a political framework for such a correction. It is not too late. We can take the next steps to create the economic prosperity the people of this Nation need and deserve.

Mr. GORTON. Mr. President, I am delighted to say that the distinguished chairman of the Budget Committee has authorized me to accept this sense-of-the-Congress amendment authored by the distinguished Senator from New York. This amendment would, of course, establish a bipartisan National Commission on Deficit Reduction.

As the Senator from New York pointed out during the course of his remarks, it is quite similar to a sense-of-the-Senate amendment which was adopted by this body on the 26th of April sponsored by the distinguished Senator from Georgia, Mr. MATTINGLY. That amendment also expressed the sense of the Senate that we should establish a National Commission on Federal Spending Reform.

The proposal of the Senator from New York, however, is both broader in the scope of the activities of the Federal Government which it makes the subject of a study, and also broader in that it is phrased in the form of a sense of the Congress resolution with the hope that it will be accepted by the House and may have even more stature than a simple sense of the Senate resolution.

No person, who has engaged in the entire debate which has occupied this body for the last 5 weeks, has suggested that the adoption of the Baker amendment, or, for that matter, the tax provisions of the bill reported by the Senate Finance Committee will lessen the need for further deficit reduction activities. In fact, no one has suggested that any of the more drastic amendments which have been before this body, and which have been rejected, would result in that act. In the most fundamental sense, every single amendment, including the Baker amendment which has been before this body, has been simply a downpayment on the reduction of the deficit. As my friend from New York knows, all of the other pattern amendments—the entire budget amendments to this point—have been rejected.

From my point of view, I would have hoped that the Senate itself—the 100 Members of this body—could have agreed on a more widely based and more decisive budget deficit reduction package. It seems, however, quite unlikely that that will be the case. The Senator from New York played a major role in the distinguished and extremely successful national commission on the reform of social security, one that may well have marked the single most important success of the 98th Congress. I suspect that the Members of this body already know pretty much what needs to be done to get deficits under control. I think the Nation as a whole wants us to take such actions. But there has been no focal point for building a public consensus, not simply for the general goal of reducing budget deficits but for the specific, extremely difficult, and politically hazardous steps which are necessary in order to reach that goal.

Such a commission operating on a schedule which did not involve it in the politics of this year's Presidential election could provide not only additional background for the accomplishment of that task, but the absolutely essential public support for the accomplishment of that task which is going to be necessary when a new Congress convenes in January of next year.

For that reason, we should all continue to seek new ideas, new approaches, and, most particularly, new national consensus toward this goal. I should like to thank my distinguished friend from New York for offering this amendment and add my support for its adoption.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. In the briefest response to my gracious friend from the State of Washington, might I just point to two things in his remarks. The first is the observation that what we propose is something wider than simply fiscal policy. We will have to learn to coordinate fiscal and monetary policy in the late 20th century in the United States. The Federal Reserve System was in place to deal with the bank panic of 1902. It no doubt has done that job, and has continued to do that job very well. But the Secretary of the Treasury is openly proclaiming the danger of the economy brought about by the Federal Reserve Board. He may or may not be correct in his proclamations, but he certainly feels it.

I remind the Senator from Washington—who knows this but very few people do—that the original Federal Reserve Board included as ex officios the Secretary of the Treasury and the Comptroller of the Currency. For reasons that have very much to do with personality, and due to no great credit to anybody involved, both offices were removed in the 1930's. Now the President has no way to formally involve himself in the decisions of the Board. We are the only industrial democracy in the world where fiscal and monetary policies are not made in the same bodies which are responsible for the result.

Last, I thank the Senator from Washington for saying that we did something important by reforming the social security system. That was a large and brutal issue and it was not thought possible to resolve it. We did. We are not absent the capacity for governance in this country. We sometimes do not get around to the arrangements that make it possible, however.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. MOYNIHAN).

The amendment (No. 3058) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, what is the pending measure?

The PRESIDING OFFICER. The pending amendment is the amendment offered by the majority leader, No. 3027.

Mr. GORTON. I thank the President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3059

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 3059.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . (a) The amendment to section 8332(b) of title 5, United States Code, made by section 209(b) of the Act of November 2, 1966 (Public Law 98-702; 16 U.S.C. 1151-1187), as added by section 2 of Public Law 98-129, is amended by striking out the period at the end of paragraph (13) and inserting in lieu thereof the following: ", regardless of whether the Native who performs the service retires before, on, or after the date of enactment of this paragraph.".

(b) Title II of Public Law 89-702, as amended by section 2 of Public Law 98-129, is amended by adding at the end thereof the following new section:

"SEC. 212. (a)(1) An annuity or survivor annuity based on the service of an employee or Member who performed service described in subsection (b)(13) or (1)(l)(c) of section 8332 of title 5, United States Code, as added by subsections (b) and (e), respectively, of section 209 of this Act, shall, upon application to the Office of Personnel Management, be recomputed in accordance with subsections (b)(13) and (l), respectively, of section 8332, regardless of whether the employee or Member retires before, on, or after the date of enactment of this paragraph.

"(2) Any recomputation of annuity under paragraph (l) of this subsection shall apply with respect to months beginning more than 30 days after the date on which application for such recomputation is received by the Office."

(c) The amendments made by this section shall take effect on October 14, 1983.

Mr. STEVENS. Mr. President, this is an amendment which would make a few clarifications to the civil service retirement provisions of the Fur Seal Act Amendments of 1983. The intent of that legislation was to provide credit, under title 5, United States Code, section 8332(b)(13) and title 5, United States Code, section 8332(l)(1)(C), for sealing services provided by the Aleuts of the Pribilof Islands, regardless of whether they retired before, on, or after the law's effective date. In other words, all such Aleuts should be given credit for services covered by the retirement laws whether the employee retired before or after the effective date of Public Law 98-129, which was passed on October 14, 1983.

Under my proposed amendments, the Office of Personnel Management would be given the authority to recompute the payments being made to current annuitants who are certified by the Department of Commerce as having such service. I believe these amendments would correct the unintentional discrimination, which has resulted from the interpretation of Public Law 98-129, against about 40 to 50 Aleuts who are currently receiving annuities for their past sealing services.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, as the Senator from Alaska has stated, this amendment would clarify congressional intent on how to compute Federal retirement benefits for some 40 to 50 Natives of the Pribilof Islands. I am authorized, Mr. President, by the chairman of the Budget Committee to accept this amendment. This amendment has minimal impact on Federal spending. It is noncontroversial, and I am hopeful that the Senate will adopt it.

Mr. SASSER. Mr. President, I might say that I am also authorized to accept this amendment on behalf of the ranking minority member of the Budget Committee (Mr. CHILES).

Mr. STEVENS. Mr. President, I thank the distinguished Senators for their willingness to accept the amendment, and I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 3059) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

MOTION TO RECONSIDER VOTE BY WHICH AMENDMENT NO. 3054 WAS LAID ON THE TABLE

Mr. GLENN. Mr. President, I enter a motion to reconsider the vote by which the Chafee amendment, No. 3054, was laid on the table on Thursday, May 10, 1984.

The PRESIDING OFFICER. The motion is entered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the absence of Senators from the floor is going to prevent us from doing anything else this afternoon. I think there is one Senator on his way to the floor now, perhaps to speak, and we shall wait before going out until we ascertain whether he wishes to speak on this measure or not.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. ABDNOR). The Chair, on behalf of the Vice President, pursuant to title 22, United States Code, section 1928(a)-1928(d), as amended, appoints the following Senators as Members of the Senate delegation to the North Atlantic Assembly spring meeting, to be held in Luxembourg, on May 24-28, 1984: the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. EAGLETON), the Senator

from Delaware (Mr. ROTH), the Senator from Florida (Mr. CHILES), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Utah (Mr. HATCH), and the Senator from Iowa (Mr. GRASSLEY).

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 5 P.M.

Mr. BAKER. Mr. President, as I indicated earlier, we have a problem with clearance of amendments that can be taken up this afternoon, due in part to the difficulty some Senators have experienced in getting back this afternoon. I expect to ask the Senate to recess in a moment. I have concurred with the minority leader, and he has no further requirement, I am told, for concession of time this afternoon.

I ask unanimous consent that the RECORD remain open until the hour of 5 p.m. for the insertion of statements and the introduction of bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

SEA-LAUNCHED CRUISE MISSILES

Mr. MATHIAS. Mr. President, I wish once again to call to the attention of my colleagues the dangers posed by nuclear sea-launched cruise missile (SLCM) deployments.

Although the nuclear SLCM has not received the urgent attention from this body that I feel it deserves, the missile has received regular examination and criticism from respected members of the arms control community and even the so-called defense establishment.

Joel Wit, a research associate at the Georgetown University Center for Strategic and International Studies, has written extensively on the American and Soviet cruise missile programs. I ask unanimous consent that his article "A New Arms Threat: Soviet Cruise Missiles," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW ARMS THREAT: SOVIET CRUISE MISSILES

(By Joel Wit)

The United States is about to be confronted with a significant new military threat, Soviet cruise missiles. In his widely publicized speech on new arms control proposals, Soviet leader Yuri Andropov disclosed that the Russians are testing a new, long-range cruise missile.

Actually, the Soviets have already deployed a number of cruise missiles designed to attack naval targets. What is different about the new weapon is that it will be similar to American cruise missiles starting to be deployed. Small, accurate, long-range, and extremely difficult to detect, the Russian cruise missile will be nuclear-armed and designed to attack land targets. It can be launched from naval vessels, aircraft, and mobile launchers on land.

Development of the new cruise missile seems to have begun in the mid-1970s. In 1977, following a Russian concession in the SALT II negotiations agreeing to continued testing of cruise missiles. American officials admitted the concession was probably made to allow the Soviets to match US cruise missile technology. By the beginning of 1979, testing of a Soviet missile began and, after a short lull, was stepped up.

Last spring Secretary of the Air Force Vernon Orr admitted that the Russians "are developing a small cruise missile comparable in size and performance to our air-launched cruise missile." Dr. Richard D. DeLauer, under secretary of defense for research and engineering, stated the Soviets had several missiles under development, including ground- and sea-launched versions. The first-generation Soviet cruise missile could become operational by the mid-1980s if not sooner.

Soviet incentives to produce this new weapon seem to be linked to the arms control process as well as broader perceptions of national security requirements. Since 1974 and the Ford-Brezhnev summit in Vladivestok, the Soviets have emphasized the military threat posed by this new technology while unsuccessfully attempting to stop it through mutual arms control agreements. In lieu of an early solution, Moscow would seem to have had little choice but to begin its own countervailing program to pose a similar threat to the US while pursuing arms control solutions.

This dual strategy continues up until the present day. While continuing cruise missile development, the Soviets advocate banning all cruise missiles in the strategic arms reduction talks (START) and the ground- and sea-launched versions in the intermediate nuclear force (INF) talks.

American plans for deploying new intermediate-range nuclear weapons in Western Europe may have provided a major incentive to build a sea-launched land-attack cruise missile. Since 1979 the Russians have made ambiguous threats against the US as part of their campaign to prevent the European deployments. These threats have been widely misinterpreted, particularly in the Western press, as implying Soviet retaliation by reinstalling Soviet nuclear weapons in Cuba. The Russians have flatly denied this implication. Rather, they have hinted that a response would involve cruise missile deployments aimed directly at the US. On occasion, Soviet officials have implied sea-launched versions are a particularly attractive option.

What are the potential military implications of Soviet cruise missiles? New Soviet strategic bombers, already under development, could be armed with air-launched missiles designed to threaten a wide range of targets in the US. A sea-launched cruise missile could be deployed on Soviet naval vessels, particularly submarines, patrolling in the Atlantic and Pacific Oceans within range of the North American continent. In Europe, Soviet cruise missiles—ground- sea- or air-launched—could be used to strike stationary targets in the rear, such as hardened command posts, or slow-forming, mobile military concentrations. Compounding the threat is the overall sorry state of systems designed to warn of cruise missile attacks and the prospect that, even with costly improvements in warning systems, these weapons will still be able to slip by undetected.

Perhaps of more concern is the degree of new instability cruise missiles will add to a strategic balance already undermined by other technological developments. The Soviets long have argued that cruise missiles pose a surprise attack threat because of problems in detecting and identifying them while in flight. Moreover, unrestricted cruise missile deployments threaten to aggravate the nuclear arms race.

While this position has some validity, many in the US have either rejected or been slow to accept this argument. Rather, the focus has been solely on the potential strategic benefits of American cruise missiles. This is not surprising. After all, the US proceeded with the deployment of multiple warhead missiles (MIRVs) in the early 1970s, ignoring the consequences of similar Soviet deployments. The resulting land-based missile vulnerability problem still plagues the US.

The opportunity to place bilateral constraints on cruise missile deployments still exists. However, the Reagan administration has been reluctant to discuss possible comprehensive measures in either the START or the INF talks. It is hoped that the approaching deployment of Soviet cruise missiles and increasing recognition of their implications will stimulate a reevaluation of this position.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDREWS, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1735. A bill entitled the "Shoalwater Bay Indian Tribe Dexter By the Sea Claim Settlement Act." (Rept. No. 98-439).

By Mr. ANDREWS, from the Select Committee on Indian Affairs, with an amendments:

S. 1999. A bill to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs, eliminate the position of Commissioner of Indian Affairs, make conforming amendments, repeal unnecessary provisions of law referring to the Commissioner of Indian Affairs, and for other purposes (Rept. No. 98-440).

S. 2201. A bill to convey certain lands to the Zuni Indian Tribe for religious purposes (Rept. No. 98-441).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2535. A bill to provide authorization of appropriations for activities of the National

Telecommunications and Information Administration (Rept. No. 98-442).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 188. A bill to further the development and maintenance of an adequate and well-balanced American merchant marine by requiring that certain mail of the United States be carried on vessels of United States registry (Rept. No. 98-443).

S. 2520. A bill to provide authorization of appropriations for the United States Travel and Tourism Administration, and for other purposes (Rept. No. 98-444).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2499. A bill to authorize the appropriation of funds for certain maritime programs for fiscal year 1985 (Rept. No. 98-445).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 387. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974, with respect to the consideration of S. 1868. (Referred to the Committee on the Budget.)

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. Res. 388. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1735. (Referred to the Committee on the Budget.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. METZENBAUM (for himself and Mr. BUMPERS):

S. 2669. A bill to prohibit Government employees from secretly taping conversations with others; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCLURE from the Committee on Energy and Natural Resources:

S. Res. 387. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974, with respect to the consideration of S. 1868; to the Committee on the Budget.

By Mr. ANDREWS from the Select Committee on Indian Affairs:

S. Res. 388. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1735; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METZENBAUM (for himself and Mr. BUMPERS):

S. 2669. A bill to prohibit Government employees from secretly taping conversations with others; to the Committee on the Judiciary.

PROHIBITION ON TAPING OF CONVERSATIONS BY GOVERNMENT EMPLOYEES

Mr. METZENBAUM. Mr. President, Senator BUMPERS joins me today in introducing legislation designed to close a loophole in the Omnibus Crime Control and Safe Streets Act of 1968 that has permitted Federal officials to violate the privacy of our citizens. That has happened because the 1968 legislation, which prohibits most Federal officials from secretly taping the phone conversations of others, does not prevent them from secretly taping their own conversations with other people.

Our bill would close that loophole by explicitly prohibiting secret taping of conversations that occur while Federal officials are acting in their official capacity. It would, however, allow taping in pursuit of legitimate law enforcement activities, as well as in investigative, security, foreign intelligence and counterintelligence operations. It also permits taping of criminal or tortious conversations—death threats, for example—and authorizes the Attorney General to create other appropriate exemptions.

Mr. President, personal privacy is one of the most cherished American values.

Our Constitution guarantees the right of our citizens to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures and there is no doubt that the people of this country feel very strongly that the right to privacy extends to secret taping of telephone conversations.

How do I know that? I know it because 19 States have already enacted legislation to restrict secret taping of telephone calls. They include: Arkansas, California, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Montana, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Washington, and Wyoming.

We have recently learned that at least one top official of the Federal Government has been systematically taping and otherwise recording his phone conversations for nearly 3 years.

House and Senate committees have received more that 200 transcripts of these conversations and we are now learning that possibly hundreds more were destroyed or erased.

Federal legislation is needed to protect all Americans against intrusions on the privacy of their personal and telephone conversations with Federal officials. When law-abiding citizens speak to Government officials, they should be able to do so freely, without fear that their words are being recorded and that their confidences may be betrayed.

I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 119 of title 18 United States Code, is amended by adding after section 2511 the following new section:

"§ 2511A. Prohibition on Taperecording by Government officials

"(a) No official, employee, or agent of the United States or of any department or agency thereof, while acting in his or her official capacity, shall intercept or authorize another person to intercept a wire or oral communication to which such person is a party, notwithstanding the provisions of paragraphs (c) and (d) of section 2511, and subject to subsection (b) of this section. Anyone who violates this section shall be fined not more than $1,000 or imprisoned not more than six months, or both.

"(b) Subsection (a) shall not apply if—

"(1) all parties to the communication have given prior consent to such interception;

"(2) the person intercepting the communication is—

"(A) an investigative, law enforcement, security, foreign intelligence, or counterintelligence officer acting within the normal course of his or her employment; or

"(B) performing a law enforcement, security, foreign intelligence, or counterintelligence function under the direction and control of an officer described in subparagraph (A);

"(3) the person intercepting the communications is acting in accordance with—

"(A) regulations approved by the Attorney General; or

"(B) guidelines approved by the Attorney General, if the Attorney General determines that there is a compelling governmental interest in not making the guidelines public; or

"(4) the communication constitutes a tortious or criminal act or threatens to perform a tortious or criminal act.

In making a determination whether to allow the interception of a communication under clause (3), the Attorney General shall consider and balance the right to privacy of the parties to the conversation and the interest of the Government in breaching such privacy.".

(b) The table of sections for chapter 119 of title 18, United States Code, is amended by adding immediately after the item for section 2511 the following:

"2511A. Prohibition on taperecording by Government officials.".

(c) The amendments made by this Act shall be effective of days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 1434

At the request of Mr. D'AMATO, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1434, a bill to amend the Internal Revenue Code of 1954 to provide that a spouse having compensation shall

not be disqualified from having a spousal individual retirement account.

S. 1672

At the request of Mr. MITCHELL, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1672, a bill to amend the trade laws of the United States to streamline trade relief procedures, to make trade relief more accessible to small businesses, and for other purposes.

S. 2190

At the request of Mr. HUDDLESTON, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2190, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 2324

At the request of Mr. PACKWOOD, the names of the Senator from Maine (Mr. MITCHELL), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2324, a bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

S. 2566

At the request of Mr. METZENBAUM, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 2566, a bill to set certain fire and safety requirements and standards for commercial passenger aircraft.

SENATE JOINT RESOLUTION 129

At the request of Mr. PRESSLER, the names of the Senator from Illinois (Mr. DIXON), the Senator from Ohio (Mr. METZENBAUM), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of Senate Joint Resolution 129, a joint resolution calling upon the President to seek a mutual and verifiable ban on weapons in space and on weapons designed to attack objects in space.

SENATE JOINT RESOLUTION 251

At the request of Mr. ARMSTRONG, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Joint Resolution 251, a joint resolution providing for the convening, whenever the legislatures of two additional States pass a resolution to hold such a convention, of a constitutional convention for the purpose of proposing an amendment relating to the balancing of the Federal budget.

SENATE JOINT RESOLUTION 258

At the request of Mr. BIDEN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Joint Resolution 258, a joint resolution to designate the week of June 24 through June 30, 1984, as "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 264

At the request of Mr. TSONGAS, the names of the Senator from Ohio (Mr. GLENN), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Louisiana (Mr. JOHNSTON), were added as cosponsors of Senate Joint Resolution 264, a joint resolution to designate the month of March 1985 as "National Hemophilia Awareness Month."

SENATE JOINT RESOLUTION 268

At the request of Mr. WARNER, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Kansas (Mr. DOLE), the Senator from Indiana (Mr. LUGAR), the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mr. WILSON), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. GLENN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. HELMS), the Senator from North Dakota (Mr. BURDICK), the Senator from South Carolina (Mr. THURMOND), the Senator from North Dakota (Mr. ANDREWS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. MCCLURE), the Senator from Montana (Mr. MELCHER), the Senator from Rhode Island (Mr. PELL), the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), the Senator from Illinois (Mr. PERCY), the Senator from Nebraska (Mr. EXON), the Senator from Kentucky (Mr. FORD), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 268, a joint resolution to authorize and request the President to proclaim the day of June 6, 1984, as "D Day National Remembrance Day."

SENATE JOINT RESOLUTION 272

At the request of Mr. MURKOWSKI, the names of the Senator from Kansas (Mr. DOLE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Joint Resolution 272, a joint resolution recognizing the anniversaries of the Warsaw Uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE CONCURRENT RESOLUTION 100

At the request of Mr. MITCHELL, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of the Senate Concurrent Resolution 100, a concurrent resolution concerning the drilling ship *Glomar Java Sea.*

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. HOLLINGS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Concurrent Resolution 109, a concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national STORM program.

SENATE RESOLUTION 387—ORIGINAL RESOLUTION REPORTED WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. MCCLURE, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 387

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1868, a bill to add $2,000,000 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore. S. 1868, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984.

The waiver of section 402(a) of such Act is necessary to permit Congressional consideration of S. 1868. Such bill was not reported on or before May 23, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

SENATE RESOLUTION 388—ORIGINAL RESOLUTION REPORTED WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. ANDREWS, from the Select Committee on Indian Affairs reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 388

Resolved, That pursuant to section 303(c) of the Congressional Budget Act of 1974, the provisions of section 303(a) of such Act are waived with respect to the consideration of S. 1735, a bill to provide compensation to the Shoalwater Bay Indian Tribe of the State of Washington in settlement of claims arising out of the issuance by the Secretary of the Interior of a patent of land to a private citizen out of lands that had previously been set aside for the use and benefit of the tribe and made a part of the tribe's reservation. The claim is the subject of Civil Action No. C83-167T in the United States District Court for the Western District of Washington at Tacoma in which the United States is a third-party defendant.

S. 1735 violates section 303 of the Congressional Budget Act because it will provide new budget authority for fiscal year 1985 prior to the adoption of the first concurrent resolution on the budget for fiscal year 1985. The waiver of section 303 is necessary to allow the Senate to consider S. 1735 in a timely manner.

AMENDMENTS SUBMITTED

FEDERAL BOAT SAFETY ACT AMENDMENTS

MOYNIHAN AMENDMENT NO. 3058

Mr. MOYNIHAN proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes, as follows:

At the appropriate point in the Committee substitute to H.R. 2183, add the following:

1(a). It is the sense of the Congress that a bipartisan National Commission on Deficit Reduction be established by the leadership of the Congress and the President. This Commission shall conduct a comprehensive study of the elements of fiscal and monetary policies, with particular emphasis on the sources of cyclical and structural budget deficits and their effect on employment, real interest rates, capital formation and investment, and the vigor and viability of economic growth. This study shall include recommendations to reduce these deficits in the manner and to the extent required to promote reductions in unemployment and real interest rates, to encourage capital formations and investment, and to sustain vigorous economic growth. These recommendations shall ensure that the burden of deficit reduction is equitably distributed and not borne disproportionately by any one economic or social group.

(b) The comprehensive study undertaken by the Commission shall specifically address—

(1) the current and prospective economic factors and development, in both the United States and abroad, that should be taken into account in making fiscal and monetary policies;

(2) all potential options which would result in deficit reductions, including a statement of the impact of each on the Nation's economy;

(3) the impact of deficit reductions options, separately and in combination, on different income and social groups; and

(4) the institutional arrangements required to achieve the appropriate degree of coordination in the making and implementation of fiscal and monetary policies, to achieve reductions in the budget deficit.

(c) Such a Commission would be authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality would be authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission.

(d) Upon request of such a Commission, the head of any Federal agency would be authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission on a reimbursable basis, to assist the Commission in carrying out its duties, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the Chairman in writing.

(e) The study conducted by the Commission should be completed by January 20, 1985.

STEVENS AMENDMENT NO. 3059

Mr. STEVENS proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163), supra, as follows:

At the end of the language proposed to be inserted add the following:

SEC. . (a) The amendment to section 8332(b) of title 5, United States Code, made by section 209(b) of the Act of November 2, 1966 (Public Law 98-702; 16 U.S.C. 1151-1187), as added by section 2 of Public Law 98-129, is amended by striking out the period at the end of paragraph (13) and inserting in lieu thereof the following: ", regardless of whether the Native who performs the service retires before, on, or after the date of enactment of this paragraph.".

(b) Title II of Public Law 89-702, as amended by section 2 of Public Law 98-129, is amended by adding at the end thereof the following new section:

"Sec. 212. (a)(1) An annuity or survivor annuity based on the service of an employee or Member who performed service described in subsection (b)(13) or (1)(1)(c) of section 8332 of title 5, United States Code, as added by subsections (b) and (e), respectively, of section 209 of this Act, shall, upon application to the Office of Personnel Management, be recomputed in accordance with subsections (b)(13) and (1), respectively, of section 8332, regardless of whether the employee or Member retires before, on, or after the date of enactment of this paragraph.

"(2) Any recomputation of annuity under paragraph (1) of this subsection shall apply with respect to months beginning more than 30 days after the date on which application for such recomputation is received by the Office."

(c) The amendments made by this section shall take effect on October 14, 1983.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I wish to announce for the information of the Senate and the public that S. 1995, to provide for the conveyance of certain mineral interests of the United States in property in Louisiana to the recordowners of the surface of that property, will be added to the agenda of the hearing scheduled before the subcommittee on Tuesday, May 22, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

D-DAY NATIONAL REMEMBRANCE DAY

● Mr. WARNER. Mr. President, it is with a great deal of pride and pleasure that I rise today to ask unanimous consent to add a list of cosponsors to Senate Joint Resolution 268, which authorizes and requests the President to proclaim the day of June 6, 1984, as D-Day National Remembrance Day.

As we view our world today, with substantial dangers at every turn, it is heartening to recall the courage and commitment of those brave soldiers and sailors who, in the early morning hours of June 6, 1944, manned their battle stations on board ship, jumped from dark skies, or splashed ashore in the chilling surf in Normandy, France, to secure a foothold from which we could eventually end the terror of the Third Reich.

I should like to note that there were only two National Guard units which participated in the initial assault landings on D-Day at Normandy, the 116th Infantry Regiment and the 111th Field Artillery Battalion. Both of these combat units of the 29th Infantry Division were from Virginia.

The 116th had its origin with the Confederacy's Stonewall Brigade that made Thomas Jonathan Jackson's Valley campaigns a classic of modern military strategy.

These units of the Blue-Gray Division were selected to be a part of the initial assault elements that were to spearhead the greatest amphibious assault in modern history. And in the gray dawn of D-Day, these soldiers from towns like Lynchburg, Roanoke, Harrisonburg, Winchester, Richmond, Norfolk, and Fredericksburg were facing the Nazi-defended beaches of Normandy.

The gently sloping shoreline of Omaha Beach curves inland, its bluffs terminating at either end in rocky cliffs. German coastal defenses facing the sea along these cliffs, bluffs, and beaches were part of the Atlantic wall. They consisted, for the most part, of concrete pillboxes, gun positions, and rifle pits tied together with trenches behind barbed wire and mine fields.

At low tide, the sandy expanse of Omaha Beach bristled with timbers driven in at an angle, the mine-tipped ends pointing seaward. Other obstructions were reinforced iron gate-like structures and steel hedgehogs of welded rails. All these underwater obstructions were exposed at low water. And it was for this reason that the plan of attack, scheduled to begin at daylight, was set for 6:30 a.m. (H-hour) on June 6 (D-Day). That was low tide.

Twenty-four landing craft carrying four companies of the 116th Infantry

Regiment in that first wave had been lowered from the transport *Thomas Jefferson* at 3 a.m. They headed shoreward 25 minutes ahead of schedule because of the rough sea. The landing craft shipped water faster than the pumps could suck it out and the soldiers fell to bailing it with their helmets. One boat was swamped and sank.

At 10 minutes of 6 two battleships, three cruisers, eight destroyers and nine rocket ships began pounding the bluffs of Omaha Beach. At 10 minutes after 6, 18 medium bombers swooped in to attack German gun positions on the cliffs. Bombing and bombardment ceased at 6:25 when, according to plan, 64 amphibious tanks were to hit the beach. Only about half the tank force made it. The others were disabled by enemy gunfire or heavy seas.

As the bluffs of the beach loomed through the morning haze and the smoke and dust of the naval cannonade, German mortars and artillery opened fire on the landing craft. One boat received a direct hit. The surviving members of its team went over the side, swimming for shore.

Other boats beached, dropped their ramps and came under a deadly machine gun crossfire. One boat's entire crew was killed by machine gunners firing straight down on them from the bluff. Some were hit in the water and drowned. Some of the landing craft had grounded on sand bars and lowered their ramps in water neck deep or over the heads of the soldiers.

An accurate and steady fire from the German pillboxes whipped the sand and surf. At 8 o'clock German officers at the top of the bluff telephoned their army headquarters that the invasion had been stopped at the water's edge.

By 9 o'clock, 11 of the 12 howitzers being brought ashore on DUKW's by the 111th Field Artillery were at the bottom of the channel. Ten of the DUKW's had foundered. A shell hit the 11th.

Said Lt. Col. Thornton Mullins, Virginia commander of the 111th artillery component of the 116th combat team, "To hell with our artillery mission, we're infantrymen now." Minutes later he was killed by a sniper's bullet.

Meanwhile, General Cota, assistant division commander of the 29th, and Col. Charles Canham, commander of the 116th, had landed. They walked along the beach—Canham wounded in the wrist—urging officers and noncoms to jar men loose and get moving. "Two kinds of people are staying on this beach—the dead and those who are going to die—now let's get the hell out of here!" said another officer.

The troops were beginning to get hold of themselves now, machinegunners had cleaned their weapons, clogged with wet sand when they landed, and were spraying the bluffs with short bursts. Tanks were whamming away at the pillboxes. At half a dozen points, men were soon creeping up the bluffs. The tide of battle had begun to turn.

The D-Day casualties had been severe. The 116th alone had lost more than 800 men, killed, wounded or missing, and the next day's return showed losses of nearly 200 more.

For its extraordinary heroism and outstanding performance in the initial assault on D-Day, the 116th Infantry was awarded the Presidential Unit Citation.

I ask that this citation be printed in the CONGRESSIONAL RECORD.

The citation follows:

CITATION: 116TH INFANTRY

[General Orders No. 73]

WAR DEPARTMENT,
Washington 25, DC, September 6, 1944.

BATTLE HONORS—CITATION OF UNITS—XI

The 116th Infantry Regiment is cited for extraordinary heroism and outstanding performance of duty in action in the initial assault on the northern coast of Normandy, France, June 6, 1944. The 116th Infantry Regiment successfully attacked a heavily fortified and strongly defended beach in the vicinity of Vier-Ville-Sur-Mer, France. The beach was fortified by mined underwater obstacles, bands of barbed wire, concrete walls and land mines. It was strongly defended by enemy troops occupying pillboxes, trenches and underground shelters. Defending troops were protected against the aerial and naval bombardment which preceded the assault by deep and elaborate underground shelters which had been constructed in the hills and cliffs overlooking the beach. As elements of the 116th Infantry Regiment approached the beach in assault craft, they were met by withering fire from rifles, machine guns, mortars and 88mm guns, all of which were effectively employed at close range from enfilading positions in the cliffs overlooking the beach. In addition, the beach was subjected to fire from enemy artillery and mortars which were inshore. In face of this heavy fire, and despite suffering high losses, the 116th Infantry Regiment overcame the beach obstacles, took enemy-defended positions along the beach and cliffs, pushed through the mined area immediately in the rear of the beach while still under heavy fire and continued inshore to take its objective. The successful attack and landing of the 116th Infantry Regiment made possible the subsequent landings of the other elements of the 29th Infantry Division which landed behind it with only light losses. During its landing and assault of the beach positions, the 116th Infantry Regiment substained more than 800 losses in officers and men.

By Order of the Secretary of War:

G. C. MARSHALL,
Chief of Staff.

At the request of Mr. WARNER, the following Senators were added as cosponsors to Senate Joint Resolution 268, introduced on March 28, 1984, which authorizes and requests the President to proclaim the day of June 6, 1984, as "D-Day National Remembrance Day".

The Senator from Maryland (Mr. Sarbanes), the Senator from Kansas (Mr. Dole), the Senator from Indiana (Mr. Lugar), the Senator from Hawaii (Mr. Inouye), the Senator from California (Mr. Wilson), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Glenn), the Senator from Kentucky (Mr. Huddleston), the Senator from New Jersey (Mr. Bradley), the Senator from Arkansas (Mr. Bumpers), the Senator from Mississippi (Mr. Cochran), the Senator from North Carolina (Mr. Helms), the Senator from North Dakota (Mr. Burdick), the Senator from South Carolina (Mr. Thurmond), and the Senator from North Dakota (Mr. Andrews).

The Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Jepsen), the Senator from Nevada (Mr. Laxalt), the Senator from Idaho (Mr. McClure), the Senator from Montana (Mr. Melcher), the Senator from Rhode Island (Mr. Pell), the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Vermont (Mr. Stafford), the Senator from Texas (Mr. Tower), the Senator from Illinois (Mr. Percy), the Senator from Nebraska (Mr. Exon), the Senator from Kentucky (Mr. Ford), the Senator from Oklahoma (Mr. Nickles), and the Senator from Georgia (Mr. Mattingly).●

MILITARY "PEOPLE BENEFITS": SENATOR GOLDWATER'S VIEWS

● Mr. COHEN. Mr. President, on matters relating to our national defense, there is probably no Member of this body who is more respected than the senior Senator from Arizona, BARRY GOLDWATER.

I have the good fortune to serve with Senator GOLDWATER on two committees, the Committee on Armed Services and the Senate Select Committee on Intelligence. One of BARRY GOLDWATER'S strongest commitments has been to the men and women who are serving in our Nation's Armed Forces. He has consistently worked for legislation to insure that they are receiving the compensation they deserve in recognition of the service they are giving to their country.

In the May-June 1984 issue of the Uniformed Services Journal, published by the National Association for Uniformed Services, Senator GOLDWATER had an excellent article discussing the importance of providing adequately for our men and women in uniform. In his piece, "Cutting 'People Benefits' No Way to Balance Budget," he stressed the essential nature of military pay, quality of life items, and educational benefits.

One particularly salient point he made was in the unfairness of attempts to equate a GS-13 with a colonel. Unfortunately, it falls apart when the various duties, location changes, hardship versus nonhardship duty and all the other demands on the military person are entered into the equation, Senator GOLDWATER said. "I am sure that such a neat, mathematical solu-

tion is beyond anybody's ability to quantify."

As Senator GOLDWATER noted, the most sobering thought is, what would happen to the quality and character of the military if these benefits are reduced or eliminated? This is a question which each of us must ask ourselves as we weigh proposals to reduce military spending. The conclusion I reach is the same as that of Senator GOLDWATER—we must not allow military benefits to erode as we seek budget reductions. Our defense capability is only as good as the people who are serving. We have a quality force. They deserve to be compensated adequately.

I ask that the full text of Senator GOLDWATER's statement be printed in the RECORD.

The statement follows:

CUTTING 'PEOPLE BENEFITS' NO WAY TO BALANCE BUDGET

(By Senator BARRY GOLDWATER)

NAUS Comment: Sen. Barry Goldwater (Ariz.-R) has always been one of the Senate's strongest supporters of our national defense. His own military service has given him an understanding of the critical importance of service pay and benefits that attract high quality people to service careers. NAUS asked him for his views on the current efforts to reduce military personnel costs. His reponse:

Every year, Congress is faced with the continuing battle to make ends meet. Not unlike the individual citizen, there is a constant need to balance income with outgo. While the average citizen may last one or two years by borrowing money to meet the shortfall, the United States government goes blissfully along borrowing money in huge amounts and amassing huge mortgages for our children and grandchildren to cope with in whatever way possible. In the face of what looks to be an insurmountable problem, the easiest solution to a certain group in this country would be to eliminate the Defense Department budget. Of course, they will not say that they would eliminate the Defense Department but, in reality, that is exactly what their proposals would do. Unfortunately, most of the proposed solutions would have their greatest impact on the worst possible area—people.

As any major commander will testify, one of the biggest problems in managing any military unit is maintaining the health, welfare and morale of his troops. And, these problems cut across the ranks from private to general. Simply because an individual puts on a uniform in service to his or her country does not mean that they relinquish the ability to care for and be concerned about their own future as well as their families' and our country. Indeed, we have no right to expect that they would give up these very tendencies which are a hallmark of the American people. Because of the "people" problems, Congress, long ago, decided that certain benefits would accrue to those individuals who served their country in peace as well as war. These benefits were to compensate for 24-hour days, constant relocation and, in many cases, danger to their own lives. As such, the Congress, acting on behalf of the American people entered into a "contract" with our service men and women to provide the "quality of life" benefits that the civilian members of our society were accruing during their careers. We did this simply because we needed to recruit and train and retain qualified and capable people to maintain the ever-increasing complex military machine that we had developed. Unfortunately, with our world-wide commitments, the demand for qualified people is going to increase and the "quality of life" benefits that we provide them, during their active years as well as their retirement years, will dictate the calibre of individual we will get and retain.

In this day and age of increasing deficits, it is very simple for the budget cutters to look at the "people" benefits and demand deletions or reductions in these areas. While a case probably could be made to study the cause and effect of pay and benefits for the future, it would be utterly repugnant to the American ideal to go back on the contract that we have entered into with our present generation of officers and enlisted people.

Yet, to sit and listen to the budget cutters, a large number of Americans would believe that the elimination of health care, base exchanges and commissaries, educational benefits and all the other people-oriented items, would make a big difference in the size of the military budget. To those people I would ask one question—If we eliminate these benefits, where will we find the educated, capable people to fill the jobs that are absolutely essential to our own freedom? As a corollary, I would ask them if they have forgotten the benefits that accrued to our country after World War II when we enacted the G.I. Bill? Yes, the G.I. Bill cost the United States government several billion dollars. But, that Bill enabled millions of men and women to go on to obtain their advanced education degrees. They became the engineers, scientists, doctors, educators and other professionals which made our country the envy of the world for three decades.

The same G.I. Bill enabled thousands of small businesses to get started and grow to become respected leaders of their communities. Inasmuch as small business creates and maintains the vast majority of jobs in our economy, what is the price and how are the ultimate benefits calculated? Also, the Bill enabled thousands upon thousands of young men and women to purchase their own homes which caused a huge ripple effect throughout the entire home-building industry.

While the all-encompassing G.I. Bill of World War II does not exist today for the non-career individuals, it does, and should, for those people who spend their careers in the military service. The very fact that any individual entering the military service knows that the government is making every effort to sustain them is additional incentive to troop morale. The budget cutters, however, will come back and say, "let's cut out the commissaries." The answer to this is twofold; first, for all practical purposes these commissaries are selfsustaining and, second, the commissaries, for the most part, are located at isolated or out-of-the-way posts and fulfill a need that cannot be met any other way. Indeed, all of the other budget-cutters proposals can be answered in the same vein.

Finally, one last issue that has to be addressed. Over the years, many people have worked hard to raise the pay of our military people. We have had some success in increasing the active duty and retirement pay of our service people but, we could never decide on an accurate formula to resolve the "comparable pay" issue. Indeed, there have been innumerable attempts to equate, for example, a GS-13 with a colonel. Unfortunately, it all falls apart when the various duties, location changes, hardship versus non-hardship duty and all the other demands on the military person are entered into the equation. I am sure that such a neat, mathematical solution is beyond anybody's ability to quantify.

In today's all-volunteer military, the most sobering thought is, what would happen to the quality and character of the military if these benefits are reduced or eliminated? The answer to that question, I leave to each individual.●

ACTIVE ARMY DRILL SERGEANT OF THE YEAR

● Mr. WARNER. Mr. President, it is indeed an honor for me to inform this body that the U.S. Army's Training and Doctrine Command at Fort Monroe, VA, has announced that the Active Army's Drill Sergeant of the Year for 1984 is Sfc. Danny R. Hubbard, a native Virginian.

Sergeant Hubbard and his wife are both from Roanoke and his mother, Mrs. Jean R. Mayes, still resides there.

Sergeant Hubbard competed initially with over 4,000 other drill sergeants for this honor. The field was narrowed to 22 finalists, who competed intensely at Fort Monroe. Sergeant Hubbard emerged as the winner of this gruelling competition.

Sergeant Hubbard's dedicated and exemplary performance as a drill sergeant at the U.S. Army Artillery Training Center, Fort Sill, OK, contributes significantly to the accomplishments of our Army. He serves in the proud and cherished tradition of military service of Virginians dating back to the Revolutionary War and continuing through every war this Nation has fought.

I commend Sfc. Danny Hubbard for the outstanding service he is rendering to our country, and I congratulate him and his entire family on this outstanding accomplishment.●

LAWYERS APPROACH TO NUCLEAR ARMS CONTROL

● Mr. TSONGAS. Mr. President, several weeks ago, delegates of the Lawyers Alliance for Nuclear Arms Control and the Association of Soviet Lawyers met in Airlie, VA, and in Washington.

Their discussions generated three important working papers that offer some fresh initiatives for progress in the arms control area. These include a staged approach toward a nuclear freeze and weapons reductions, a commitment to specific mechanisms to assure compliance with nuclear arms agreements, and a series of steps to improve the process of international negotiations.

The membership of both the American and Soviet delegations was impressive, indeed. The Lawyers Alliance del-

egation included some of the Nation's leading lawyers. Among these were Roger Fisher, Harvard Law professor, director of the Harvard Negotiation Project; John Culver, former U.S. Senator from Iowa; Abram Chayes, Harvard Law professor and legal adviser to the State Department under President Kennedy; Erwin Griswold, former Solicitor General of the United States; Shirley Hufstedler, former judge on the U.S. Court of Appeals for the ninth Circuit Court and former Secretary of Education; Adrian DeWind, president of the Bar Association of New York City from 1976 to 1978; John Downs, former president of the Vermont Bar Association; and Alan Sherr, president of the Lawyers Alliance.

I believe that what the members of the Lawyers Alliance and their counterparts in the Soviet legal community have to say merits our very close attention.

I commend the text of the three joint working papers to my colleagues' attention.

The working papers follow:

[Lawyers Alliance for Nuclear Arms Control and Association of Soviet Lawyers—Joint Paper, Mar. 29, 1984]

A TEST MORATORIUM: A FIRST STAGE TOWARD NUCLEAR FREEZE AND REDUCTIONS

INTRODUCTION

This paper is a result of the combined efforts of the Association of Soviet Lawyers and the Lawyers Alliance for Nuclear Arms Control. The paper was prepared on the basis of discussions in Moscow in July 1983, an exchange of comments in the period from December 1983 through February 1984, and a conference of the delegates of both organizations in Washington in March 1984. Although each participant does not necessarily agree with everything in the document, all are in general agreement with its contents.

According to the calculations of specialists, approximately 50,000 nuclear weapons of various types are amassed in the world at the present time. In its destructive power, this arsenal is roughly 1 million times greater than the bomb dropped on Hiroshima and 5,000 times greater than all explosives used in the Second World War. Without doubt, a nuclear war, should one begin, would result in the destruction of human civilization and perhaps of life on Earth.

Meanwhile, current trends in the military-technological and political fields lead to the continuing build-up of nuclear weapon stockpiles, to further improvement of the means of their delivery, and to the creation of conditions where the use of nuclear weapons becomes more and more likely. If the nuclear powers, particularly the U.S.S.R. and U.S.A., do not adopt decisive measures to halt the nuclear arms race very soon, a fatal outcome may become unavoidable.

An adequately verified nuclear weapons freeze as a step to reductions is a concrete, practical and realizable measure that could: reduce the threat of nuclear war, avert the possible collapse of the entire structure of arms control, promote trust between governments, assist in efforts to prevent the proliferation of nuclear weapons, and create favorable conditions for the reduction and ultimate elimination of nuclear weapons stockpiles.

This idea enjoys growing support in both East and West. The delegates of the Lawyers Alliance for Nuclear Arms Control and the Association of Soviet Lawyers fully endorse this idea and recommend that the U.S.R.R. and U.S.A. adopt measures toward its prompt realization.

II

In practice, a complete nuclear weapons freeze as a step to reductions would mean the discontinuation of the manufacture, testing, and deployment of all types of nuclear weapons. In view of the complexity of achieving agreement on the entire range of these problems simultaneously, a useful approach might be to move toward this goal by stages.

In the initial stage, the sides could concentrate on banning tests of nuclear explosives and new types of delivery vehicles, subject to adequate verification by national technical means.

A moratorium on such testing of nuclear explosives and new types of delivery vehicles would play a very important role in damming the most dangerous channel of the arms race—the creation of new types and the modernization of existing systems of nuclear weapons.

Such a moratorium could be initiated not only by agreement, but, in the alternative, by means of similar declarations from both sides that they are suspending such tests of nuclear explosives and new delivery systems. It could be stipulated that after the expiration of a specified time, if both sides were satisfied with the situation that emerged, the declarations could be reaffirmed in the form of a bilateral agreement.

The realization of this first stage would create favorable conditions for the implementation of more far-reaching measures. This does not mean, however, that other measures of nuclear arms reduction should await the implementation of a moratorium.

III

Each step toward a comprehensive freeze or reduction of nuclear weapons should be accompanied by measures for adequate verification. At the same time, the problem of control should not be used as a pretext for undermining the very idea of the limitation and reduction of nuclear weapons. The forms of verification should reflect the purposes, scope and content of the agreement so as to provide fully adequate assurance of compliance.

While the moratorium on testing of nuclear weapons and new delivery vehicles should be designed to be adequately verifiable by national technical means, the transition to subsequent phases of a freeze or reduction of nuclear weapons would require that such means of control be supplemented with other means. These might include various mutually agreed-upon methods of on-site verification of limitations on the manufacture, testing, and deployment of nuclear weapons, including the manufacture of fissionable materials for nuclear weapons.

In addressing the problem of control measures, the parties could work on the basis of accords already reached, for example: points (a), (b), (c), and (d) of the first paragraph of the Protocol to the Treaty between the U.S.A. and U.S.S.R. on the Limitation of Underground Nuclear Weapons Tests; articles II, III, IV, V, and VII of the Protocol to the Treaty between the U.S.A. and U.S.S.R. on Underground Nuclear Explosions for Peaceful Purposes; section two of the Joint Statement of Principles and Basic Guidelines for Subsequent Negotiations of the Limitation of Strategic Arms; and paragraphs 13 to 22 of the "Tripartite Report to the Committee on Disarmament" (CD/130) transmitted by Letter Dated 30 July 1980 from the Permanent Representatives of the U.S.S.R., the U.K., and the U.S.A. (reporting on status of negotiations on a comprehensive test ban treaty).

[Lawyers Alliance for Nuclear Arms Control and Association of Soviet Lawyers—Joint Paper, Mar. 29, 1984]

COMPLIANCE WITH NUCLEAR ARMS AGREEMENTS

Although each participant does not necessarily agree with everything in this paper, all are in general agreement with its contents.

It is the unanimous opinion of the delegates of the Association of Soviet Lawyers and the Lawyers Alliance for Nuclear Arms Control that long-term stability and security in the nuclear age are greatly enhanced by agreements to limit and reduce nuclear arsenals and the risk of nuclear war. It is imperative that both the United States and the Soviet Union, by continuing statement and deed, reaffirm their commitment to the obligations and responsibilities of the nuclear arms agreements which they have concluded. To minimize the risk that questions concerning compliance will undercut the regime of arms agreements, there needs to be a forum, with a legal base, in which such questions may be raised.

As lawyers, we recognize that any agreement, particularly one dealing with a subject as complex and technologically dynamic as nuclear arms, is likely to contain provisions that give rise to questions. Not only may the language of an agreement be subject to different interpretations, there may be differences in perception and interest. In these circumstances, problems relating to issues of compliance may arise.

Ensuring compliance with nuclear arms agreements is not a matter of investigation, trial and punishment as under ordinary domestic criminal law. Even within domestic law, the matter of causing governmental compliance with constitutional and other legal restraints on governmental action is not well handled by a criminal law approach focusing on punishment of past conduct. On the contrary, what is most needed is a clear and authoritative determination as to what should be done in the future.

In the case of international treaties relating to nuclear arms, the parties invest substantial time and effort in negotiating an agreement because of their strong self-interests. They should have an equally strong interest in ensuring that the agreement is being observed and will survive.

Bilateral resolution of differences which may arise is greatly enhanced by the existence of an ongoing mechanism in which uncertainties or differences of view can be addressed in a professional manner. The following features of such a mechanism enhance its effectiveness:

(a) A staff of highly trained, experienced and capable professionals with sufficient authority, institutional memory and access to their governments to allow timely and complete consideration of important matters within their competence.

(b) An institution of unlimited duration that meets regularly. Continuity and stability provide the two governments with a

forum for resolving differences even in periods of strained relations.

(c) Confidential proceedings. Confidentiality allows the parties to analyze and consider issues carefully while avoiding public accusation and recrimination that are likely to force the parties apart and make resolution more difficult. This process provides each side an opportunity to satisfy the other that it is acting in compliance with the agreement.

(d) Public awareness that the process is working. Particularly in the last few years, nuclear arms have become a matter of wide public concern in both the Soviet Union and the United States. The public is entitled to be sure that nuclear arms agreements are being observed and, just as importantly, that questions regarding compliance are being addressed in a responsible way. Maintaining public confidence that the process is working is not inconsistent with maintaining the confidentiality of internal deliberation.

The Anti-Ballistic Missile Treaty of 1972 established the Standing Consultative Commission (SCC). The Treaty defined the authority of the SCC as being to:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintended interference with national technical means of verifications;

(d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty; including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms.

The SCC was formally established by a Memorandum of Understanding signed on December 21, 1972, and has been given responsibilities for dealing with compliance issues not only under the ABM Treaty but also relating to the Interim Agreement of SALT I and to the SALT II agreement (not yet ratified, but each government has said that it will comply with its provisions as long as the other side does likewise).

The SCC embodies most of the features discussed above as being desirable for a compliance mechanism. It is permanent, has a highly competent professional staff, and holds confidential proceedings. The SCC has in the past resolved satisfactorily questions concerning compliance raised both by the United States and the Soviet Union—the activities in question either ceased or were explained to the satisfaction of the other party.

Compliance with arms control agreements will be enhanced by the full use of such institutions by the two governments, and by public awareness of their effectiveness. Issues regarding compliance with applicable treaties should be raised in the forum provided and discussed confidentially.

The SCC has demonstrated the importance of a regularized institutional framework for considering questions of compliance. But the benefits of such a mechanism need not and should not be limited to the treaties currently within the authority of the SCC. Compliance mechanisms could be properly configured and extended to other appropriate agreements so as to enlist confidence that compliance is taking place while preserving the benefits of confidential resolution of questions raised.

Commitment to compliance mechanisms should not depend on the general state of relations between the parties to the agreement; it is precisely in times of stress that those mechanisms are most valuable.

[Lawyers Alliance for Nuclear Arms Control and Association of Soviet Lawyers—Joint Paper, Mar. 31, 1984]

To Improve the Climate and Raise the Effectiveness of International Negotiations

INTRODUCTION

This joint paper is the result of the ongoing collaboration of the Association of Soviet Lawyers (ASL) and the Lawyers Alliance for Nuclear Arms Control (LANAC). The subject of this document was discussed in Moscow in July 1983. Draft papers were exchanged between December and February, 1984. These drafts were discussed and revised at a meeting that took place in Washington March 1984.

Although every participant is not necessarily in agreement with every word in this document, the participants are in general agreement with it and with the conclusions contained therein.

I. THE PROBLEM

The fundamental danger that causes concern today is the risk of nuclear war, especially war between the U.S.A. and the U.S.S.R. Although our two countries have different interests and adhere to different values, the task of avoiding nuclear war is unconditionally of the first order and in the interests of both governments. To this end, the participants exchanged views on the elements of a constructive dialogue designed to eliminate reliance on nuclear arms as an instrument of foreign policy and to lead to serious reductions in both nuclear arms and in conventional arms that create a danger of escalation of conflict to nuclear levels.

II. ANALYSIS

The risk of nuclear war has increased. The nuclear weapons race between the major powers has taken ever more dangerous turns. Increasingly, a direct responsibility for the fate of the world rests on the U.S.A. and the U.S.S.R.

Unfortunately, in recent years there has been a serious deterioration in relations between the two countries. A whole series of bilateral and multilateral negotiations have been adversely affected. Some have been interrupted, and the prospect for others is not promising.

Substantial improvement in the state of our relations will be essential to the restoration of prospects for successful negotiations aimed at a significant reduction in nuclear weaponry and the avoidance of war.

Success in Soviet-American negotiations requires political will on both sides to achieve agreement with significant, tangible results. But given this will, it remains of utmost importance to improve the process of negotiations. Negotiations include not only the exchanges occurring directly at the negotiating table, but all aspects of the process of communication by which one side, intentionally or not, "sends a signal" to the other. From this point of view, the process of negotiation between the U.S.S.R. and the U.S.A. is now clearly distant from the level desired and necessary in the nuclear age. Threats, acrimonious public rhetoric, irresponsible statements to the press, and denunciations of each other impede successful negotiations and prevent the maintenance of good, professional working relations between the two countries.

The Soviet Union and the United States have differing views about the nature of the ideal social system, about the direction in which the world should be going, and about actions and policies of the other. These differences need to be faced and dealt with responsibly. And despite them, the two countries share vital interests of vast importance: avoiding nuclear war, and avoiding the waste on armaments of resources that could better be used to promote economic health and human well-being. Even where substantive interests are directly opposed, the two countries share an interest in preventing their competition from escalating to armed confrontation. They should seek professionalism in their negotiations and prudence in their decisions. The advent of the nuclear age has made this imperative.

It is important to remember that there already exists a legal basis for the conduct of a broad range of Soviet-American relations. Agreements, for example, govern negotiations on reducing the risk of nuclear war and limiting and reducing the nuclear arsenals of the U.S.A. and the U.S.S.R. A few of the agreed fundamental principles for these relations and negotiations are quoted in the Attachment to this working paper.

The two sides have also reached agreement on many concrete means for the limitation of nuclear arms such as forbidding nuclear tests in the atmosphere, under water and in outer space; non-proliferation of nuclear weapons; limiting anti-ballistic missile systems; limiting strategic delivery vehicles; banning the stationing of nuclear weapons in outer space; and other measures. These achievements, however incomplete, must not be forgotten and indeed must be built upon.

Increasing the effectiveness of negotiations and constructive dialogue requires that both sides base their views on the following principles:

Scrupulously observing and adhering to agreements already negotiated.

Taking into consideration the realities of today's world.

Preventing ideological differences from impairing relations between states.

Continuing communications even in times of tension; encouraging political, economic, scientific, professional, and cultural contacts.

Understanding that the U.S.A. and the U.S.S.R. need not be enemies facing inevitable war; that the competition between them, governed by international law, should be limited to non-military means.

Whenever possible, consulting appropriately with each other on problems of mutual concern before making decisions significantly affecting the other.

Giving priority to avoiding nuclear conflict, solving regional problems on their own merits by means of negotiation.

Keeping in mind that each side's security depends on the other; a threat by one to the security of the other is a threat to both; the security of both can be improved by cooperative efforts; continued stockpiling of nuclear arms threatens the security of both.

Taking joint efforts toward developing and implementing long-range plans to improve the entire international security system.

The U.S.A. and the U.S.S.R. have both the responsibility and the means for the avoidance of nuclear war. By joint efforts they could formulate a code of mutual conduct including rules for mutual restraint, joint undertakings toward preventing escalation of regional conflicts into a nuclear war, working together to avoid proliferation of nuclear weapons, halting the nuclear arms race and sharply reducing nuclear stockpiles to a small fraction of present levels, and improving the process and procedures for negotiating agreements.

III. IMPROVING THE NEGOTIATING PROCESS

The process of international negotiation needs to be improved through joint efforts if we are to be successful in controlling and reducing the threat of nuclear war.

It would be useful to consider the following ways to improve the process of negotiation.

1. Collaboration. Improving the international negotiation process should be understood as a shared task to be undertaken jointly by the Soviet Union and the United States.

2. Joint research. Additional funds should be devoted on a long-term basis to research intended to improve the principles and practice of international negotiation. Arrangements for joint academic research at institutions in the Soviet Union, in the United States, at the International Institute for Applied Systems Analysis in Austria, and elsewhere as might be agreed, should be facilitated and supported.

3. Joint training. The possibility of developing and conducting professional training programs in which United States, Soviet, and other international negotiators might work side by side to develop skills and common understanding should be explored.

4. Joint staff. It has been suggested that in protracted bilateral negotiations a small joint staff might be established to be concerned with the process of negotiation. This idea merits consideration.

5. Problem-solving approach. The more serious the disagreements between states, the more important it is that collaborative, professional efforts be devoted to resolving those differences. States should be willing to negotiate in good faith and to seek agreement with one another no matter how seriously they may disapprove of past or ongoing conduct.

6. Easy communication. Limiting communication between countries tends to increase the risk of misunderstanding. Broad communication between countries helps each understand the perceptions and concerns of the other.

7. Different levels. In the process of protracted negotiations, some functions are best performed by regular negotiators and their staffs. However, periodic meetings at a higher political level can infuse an important element of flexibility into negotiations and can contribute to overcoming a deadlock.

EXCERPTS FROM U.S.-SOVIET AGREEMENTS ON AGREED PRINCIPLES THAT FORM PART OF THE LEGAL BASIS FOR UNITED STATES-SOVIET RELATIONS

"The United States of America and the Union of Soviet Socialist Republics have agreed as follows:

First. They will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence. Differences in ideology and in the social systems of the U.S.A. and the U.S.S.R. are not obstacles to the bilateral development of normal relations based on the principles of sovereignty, equality, noninterference in internal affairs and mutual advantage.

Second. * * *

Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives. The prerequisites for maintaining and strengthening peaceful relations between the U.S.A. and the U.S.S.R. are the recognition of the security interests of the Parties based on the principle of equality and the renunciation of the use or threat of force.

* * * * *

Eleventh. The U.S.A. and the U.S.S.R. make no claim for themselves and would not recognize the claims of anyone else to any special rights or advantages in world affairs. They recognize the sovereign equality of all states.

The development of United States-Soviet relations is not directed against third countries and their interests."

Declaration on Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics, signed in Moscow, May 29, 1972.

"The United States and the Soviet Union agree that an objective of their policies is to remove the danger of nuclear war and of the use of nuclear weapons."

Article I, Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Nuclear War, signed in Washington, June 22, 1973.

"The United States of America and the Union of Soviet Socialist Republics Have agreed as follows:

First. The Parties will continue to pursue negotiations, in accordance with the principle of equality and equal security, on measures for the further limitation and reduction in the number of strategic arms, as well as for their further qualitative limitation.

* * * * *

Second. Further limitations and reductions of strategic arms must be subject to adequate verification by national technical means, using additionally, as appropriate, cooperative measures contributing to the effectiveness of verification by national technical means. The Parties will seek to strengthen verification and to perfect the operation of the Standing Consultative Commission in order to promote assurance of compliance with the obligations assumed by the Parties.

* * *."

Joint Statement of Principles and Basic Guidelines for Subsequent Negotiations on the Limitation of Strategic Arms, signed in Vienna, June 18, 1979.●

COLLABORATIONS IN ARTS EDUCATION

● Mr. KENNEDY. Mr. President, last April 11, Frank Hodsoll, chairman of the National Endowment for the Arts, went to Massachusetts to address a celebration honoring the 10th anniversary of the Cultural Education Collaborative. In his address, Chairman Hodsoll praised the partnership between the collaborative, the Massachusetts Council on the Arts, and the Massachusetts Department of Education. This creative partnership has been responsible for the development of an outstanding program for arts education throughout the State. The collaborative has engaged professional artists, educators, and cultural institutions in a network that will match the State's considerable cultural resources with programs for future young artists and art patrons.

I share Chairman Hodsoll's enthusiasm for the collaborative's effort to introduce youngsters across the State to the arts. Training in the arts is essential to a complete education, and I commend Mr. Hodsoll's address to my colleagues in the Senate. He outlines five steps that the Endowment will take to pursue its goals, including preliminary regional seminars to study the issue, the development of a pilot series for television arts programing, and the increased involvment by arts institutions and artists in the schools.

I welcome these initiatives by the Endowment. Many children across the State will soon be able to have music, art, and dance in their classroom curriculum.

Earlier I participated in Design magazine's effort to focus national attention on this important issue. The magazine compiled articles from congressional and Government representatives, educators, and administrators concerned with arts education.

Mr. President, I ask that Mr. Hodsoll's address and my article from Design magazine be printed in the RECORD.

The material follows:

ADDRESS BY FRANK HODSOLL—CHAIRMAN, NATIONAL ENDOWMENT FOR THE ARTS TO THE CULTURAL EDUCATION COLLABORATIVE, BOSTON, MA, APR. 11, 1984

COLLABORATIONS IN ARTS EDUCATION

Happy Tenth Anniversary, and congratulations for an excellent record of achievement over the past decade! I am delighted to be here with so many distinguished figures in the Bay State's artistic, educational and philanthropic communities.

The cultural Education Collaborative has made singular contributions to richer, fuller, more creative teaching and learning. We join today to celebrate a word and concept—collaboration. I can't imagine a more fitting tribute to the Collaborative on the occasion of its tenth anniversary than the growing consensus that its partnership approach to cultural programming for public school students has become a model for action in other states and cities across the nation.

I was particularly delighted to be at the English High School this morning at a time when it is being blessed with a master class for advanced dance students conducted by the Alvin Ailey American Dance Theater. This is a collaboration of the highest order. Boston English, the oldest public high school in America, is well-known for its efforts in arts education. My congratulations to James Corscadden, the Acting Headmas-

ter, and to Robert Spillane, the Superintendent of the Boston Public Schools. We are very grateful to Mr. Ailey, whose contributions to dance have been incalculable, for giving of his time to stimulate and encourage those young people who would explore the art of dance.

I am also gratified that your Collaborative idea continues to grow. After nearly a decade in and around Boston and Springfield, the Collaborative is now extending its reach statewide through the Institute for the Arts. This new dimension of the Collaborative's development enjoys the strong support of the Massachusetts Council on the Arts & Humanities as well as of the National Endowment for the Arts.

With these thoughts in mind, permit me to express my special appreciation, and warm greetings, to the Collaborative's senior officers and board of directors, including Chairman Michael Spock, President Andrew Falender, and Executive Director Polly Price; to the new Board of Overseers of the Institute for the Arts, including Co-Chairs Daniel F. Morley and Frank Keppel; to Governor Dukakis and Massachusetts' legislative leadership—exemplified by Senators William Bulger and Gerry D'Amico, Speaker Thomas McGee and Representative Jim Collins—for their outstanding support of both arts and education; and to Anne Hawley, Executive Director of the Massachusetts Council on the Arts & Humanities, and her distinguished Chairman, Vernon Alden. Anne and Vernon have demonstrated exceptional vision in their strong and steady advocacy of a key role for the arts in educational curricula. I should also compliment your senator, Ted Kennedy, who has introduced a Senate Joint Resolution recognizing the importance of the arts to a complete education. Massachusetts has long been a leader in education. It is fitting that it should also be a leader in arts education.

As Chairman of the National Endowment for the Arts, I can assure you that the collaborative has a most appreciative collaborating partner in Washington. We are excited about the potential which the Institute for the Arts represents, and we look forward to a process of sharing and mutual consultation as your important work goes forward. As most of you probably know, the Endowment has made arts education a major priority. We believe that arts education is critical, not only to the future vitality of the arts in American, but also to the "compleat" citizen. It is sad indeed that so many young people graduate from our high schools without being able intelligently to see and hear the arts.

Serious studies of arts audiences show educational attainment to be the key predictor of future arts participation. But when even college graduates have had little or no exposure to the arts, it is not surprising that, during my first year as Endowment Chairman, the seminars we held about our various programs repeatedly cited the need for more and better arts education.

These concerns arise in a time of difficulty and paradox. On the one hand, the schools are beset with problems that go far beyond the arts. At the same time, artistic activity has reached unprecedented levels—in terms of the artist population, arts organizations, audiences and the growing size of the arts economy and its impact on the overall economy. There is a real need to increase awareness and understanding of these artistic activities—whether they represent the cultural heritage or expand the arts disciplines themselves with new forms and sounds. They are a proxy for what we are and will be. It is for these reasons that we advocate as a "basic" comprehensive arts education for all students Kindergarten through Twelfth Grade.

I like to point out to all who will listen that those of us advocating arts education now have a body of unimpeachable authority on our side. Three of the most significant reports published last year on the state of American education are in close agreement as to the basic place of the arts in effective education. The College Board and the Carnegie Foundation for the Advancement of Teaching specifically include the arts among the subjects they recommend as essential for high school graduation. The College Board lists the arts—together with English, math, science, social studies and foreign languages—as "Basic Academic Subjects."

We should take full advantage of the key finding of the National Commission on Excellence in Education, as set forth in A Nation At Risk, that "The curriculum in the crucial eight grades leading to the high school years should be specifically designed to provide a sound base for study in those and later years in such areas as English language development and writing, computational and problem solving skills, science, social studies, foreign language, and the arts. These years should foster an enthusiasm for learning and the development of the individual's gifts and talents." While the Commission did not go so far as to include the arts among its recommended "Five New Basics" for high school students, it did declare that, "A high level of shared education in these basics, together with work in the fine and performing arts and foregin languages, constitutes the mind and spirit of our culture."

We at the Endowment are convinced that American youth cannot adequately apprehend "the mind and spirit of our culture" without an understanding of the arts. We also know what a tremendous challenge we face, in attempting to convince state and local educational authorities that math and science—as important as they are—cannot by themselves open up "the mind and spirit of our culture". Our Survey on Public Participation in the Arts, for instance, shows that most Americans have never had any form of artistic instruction at all: 53 percent have had no instruction in music; 76 percent, no visual arts; 82 percent, no creative writing; 91 percent, no theater; and 93 percent, no ballet. For vast number of young Americans, the arts remain the forgotten part of educational experience and growth.

As the Collaborative has demonstrated, arts education can assume a number of forms, and can utilize a variety of approaches. Since education is properly a local concern, and because we are not educators, the Endowment does not intend to try to define what the content and methodology of arts education should be. At the same time, as our interest in the Collaborative attests, we feel that we have a useful role to play in helping to ascertain just which approaches seem to work best and in disseminating relevant information on the most promising approaches to interested parties across the country.

We think that the College Board has made an especially valuable contribution by summarizing the levels of competence which college-bound students should achieve in the arts. The College Board recommends that all such students should possess:

The ability to understand and appreciate the unique qualities of each of the arts;

The ability to appreciate how people of various cultures have used the arts to express themselves;

The ability to understand and appreciate different artistic styles and works from representative historical periods and cultures;

Some knowledge of the social and intellectual influences affecting artistic form; and

The ability to use the skills, media, tools, and processes required to express oneself in one or more of the arts.

However one formulates the goals of arts education, it will be up to teachers, artists, and their local collaborators to bring these goals to fruition. In assisting this process, the role of the Endownment must remain modest. We do not—and cannot—set arts education policy; nor can we become a source of funding for programs that must derive their principal support from state and local sources. The very limited portion of our budget that we can allocate to arts education goes primarily to support Artists in Education residences—such as those which the Institute for the Arts now administers in Massachusetts. The balance is utilized to nurture model projects which hold out the promise of replication on a broad scale, or which add materialy to our base of information about arts education.

Within these limits, we have put forward several focal points for Endownment encouragement of arts education.

First, we are working with the National Assembly of State Arts Agencies in co-sponsoring a series of regional seminars; these seminars will concentrate on identifying the best ways to build effective arts education programs, and on the relationship between public advocacy and educational policymaking at the local level. Largely because of your exemplary work in Massachusetts, one of our seminars will be held here in Boston; at that time, the programs of the Collaborative and the Institute for the Arts will be a major focus for public discussion.

Second, the Endowment is cooperating with the Getty Trust in an effort to assemble the best possible project team to undertake the development of a pilot series of television arts programming for young people (probably ages 6-11). In the long run, our interest is in taking advantage of the unique capacities of television to assist the acquisition of artistic literacy among young people. In this general sense, the pioneering work of the Collaborative in promoting Cultural Access Through Cable Television offers another example of our common purposes. We understand that through CACTV, Boston area audiences of all ages and many cultural backgrounds will soon be experiencing a diversity of multi-cultural and multi-disciplinary arts programs, produced especially for cable television by leaders of Boston's cultural community. CACTV is part of a rich media milieu which includes such other initiatives as Action for Children's Television, and the Contemporary Art Television Fund, a partnership between WGBH and the Institute of Contemporary Art which—with support from the Massachusetts Council on the Arts and Humanities—will result in new video art, to the benefit of national and international, as well as local, audiences.

Third, we are exploring ways in which the artistic education of teachers might be strengthened. In this area we may test the merits of an approach developed by the National Endowment for the Humanities, to enhance humanities teaching through discipline-intensive seminars for classroom

teachers. But we will also want to study the Collaborative's in-service training for teachers and school administrators, as well as the Institute for the Arts new program of Artist/Educator InterChange. The InterChange initiative—by exposing "teams" from participating schools to the essentials of cultural instruction and to exemplary arts education methodologies—should strengthen the capacities of classroom teachers, art specialists, school administrators, parents, and school committee members to conduct effective arts education programs.

Fourth, the Endowment is interested in encouraging greater involvement in arts education on the part of arts institutions. The experience and expertise of the Collaborative will be of the greatest value to us in this area. You are the pace-setters, and your decade of accomplishment—rooted in the Collaborative's Special Services for Boston—offers a rich store of practical wisdom and insight. We are especially interested in following the development of the Institute for the Arts' program of Art Partnerships, which build upon prior experience to develop long-term collaborations between schools, individual artists, cultural institutions, and academic researchers. The focus of Arts Partnerships upon developing and testing new teaching methods and new arts education curricula—which if successful can be disseminated to other interested parties—is a particularly significant dimension of this important initiative.

Finally, we are committed to continuing—and, wherever possible, to improving—the Endowment's Program of Artists in Education. This Program assists artist residencies in schools and other community sites in all 50 States as well as the District of Columbia and five special jurisdictions. Since 1969, over 14.3 million students have benefitted from residencies which have involved approximately 30,700 artists, 453,700 teachers and administrators, and 57,800 school and community sites nationwide. The Institute for the Arts is now the administrator of Artists in Education residency projects in Massachusetts. As such, it brings to all artist residency projects in the Commonwealth the benefits of years of experience and achievement in the Collaborative's pioneering residency and school touring programs.

In summary, the Endowment fully subscribes to the assumptions of the Collaborative with respect to the value of partnerships between schools and cultural institutions. We agree that the involvement of cultural institutions in arts education helps students learn to look and listen with understanding; to expand their awareness of the world around them; to develop awareness about other cultures to discover a sense of their own capabilities; to develop their intellectual faculties, including the capacity to comprehend non-verbal modes of knowledge, and to communicate effectively in the world of concepts and ideas—as well as to become literate artistically.

What a joy it must be for the students at Boston English to participate in master classes in acting and movement with the nationally renowned American Repertory Theatre, or for the students at Haley School to work with the Elma Lewis School of Fine Arts in developing a performing arts program; or for the students at Michelangelo School to work with the Little Flags Theatre writing and producing an original play with music, or for the youngsters at all District elementary schools, as well as those at Hurley, Blackstone, Edwards, Tobin, and Brookline to benefit from exposure to Hispanic dance forms and culture with the Ramon de los Reyes Spanish Dance Theatre!

These and many other partnerships with Boston's cultural institutions—national treasures and organizations at the cutting edge of artistic development—bring to the process of learning a vital and creative dimension which is of inestimable value. We applaud the extension through the Institute for the Arts of these cultural partnerships to school districts throughout Massachusetts.

Today's Tenth Anniversary celebration attests to the Cultural Education Collaborative's achievements. The Collaborative's public and private partners have already received a most heartening return on investment. But we know that the truly great rewards will be reaped in the years to come—as a generation of aesthetically literate young Americans understand, and enrich, the mind and spirit of our culture.

If I were to state a dream, it would be that no American would graduate from high school without a general literacy in the arts. Impossible? Perhaps. But it surely is a worthy dream. It is for us, the collaborators, to fashion practical means to approach the dream. I pledge the Endowment to help to this end.

Thank you.

[From the Design Magazine, November/December 1983]

FOCUSING ATTENTION ON THE ARTS

(By Senator Edward M. Kennedy)

It is timely and important that we examine the role of the arts in education in the wake of the report released by the National Commission on Excellence in Education. The Commission's report, although guardedly optimistic for the future of American education, exposes dismal inadequacies in the national state of education and calls for urgent action by administrators, teachers, and parents to restore quality to education. We have no higher responsibility to our children, no greater challenge to ourselves, than to pass on a legacy of excellence in education to this and future generations.

I am deeply committed to the goal of quality education. My position on the Senate Committee on Labor and Human Resources has enabled me to take an active role in shaping our national educational agenda over the past 20 years. Recognizing the compelling need to improve basic skills in education, I have advocated stronger programs in these areas for many years, and have been in the forefront of the fight in the Congress to maintain a federal leadership role which provides guidance to state and local initiatives in education.

Although it is urgent that we improve the teaching of basic skills, we have a further responsibility to offer a diversified curriculum to young people, and I believe that arts education is a vital and essential component of a well-balanced education.

The study of music, art, and literature reaps its own rewards as a creative expression of energy and emotion. It can also be a tool in the exploration and comparative study of cultural traditions in societies. Moreover, throughout history, periods of rich artistic accomplishment are often accompanied by great progress in other areas. Leonardo da Vinci's artistic talents were embraced as enthusiastically as his scientific discoveries and inventions.

The development of intellectual curiosity and creativity is a strong foundation for the nation's future statesmen, thinkers, engineers, and scientists. In this regard, the goals of education, the preparation of young people for adult life, are well served by the arts. In fact, art perfects this preparation. The study of the arts requires discipline and imagination and can provide innovative approaches to learning in other subject areas. Accordingly, the skills and release of creative expression learned in the arts can be applied to other studies.

Admittedly, primary responsibility for education lies with local governments. But the federal government has a vital role in guiding and assisting local jurisdictions with their education programs. A national commitment to arts education has been instrumental in the development of local programs by providing funding, model programs, and personnel. The National Endowment for the Arts has brought artists to schools. The Department of Education has instituted a program that is designed to promote the interrelation of arts in the educational curriculum. Specialized programs have also been developed to help special needs children. The National Committee, Arts for the Handicapped, has sponsored a number of programs to bring the arts to young people with handicaps and to encourage their artistic expression. Painting and music have been of immeasurable help to these children who are not so competitive with their peers in more traditional learning environments.

Our approach to the challenges we face in ensuring excellence in education will directly affect the quality of life of future generations. The strengths and weaknesses of our students' educational experiences will be manifested in their adult productivity. An educational environment which is void of challenge and imagination will not encourage innovation or excellence. Conversely, as art inspires young minds to creative thought, it prepares them well for discovering new ways to solve tangible problems, such as designing new transportation systems, providing food for a growing population, and solving new conflicts.

We must encourage young people to ask questions and seek new answers and I believe that this learning process is enriched by the study of the arts. It is incumbent upon our nation to offer diversity in education and ensure that these programs are accessible to all students in every social and economic sector of the country. Our schools should be more than training grounds—they should be learning centers which provide an environment that enriches the spirit as well as the mind.

President John Kennedy once said: "The life of the arts, far from being an interruption, a distraction, in the life of the nation, is very close to the center of a nation's purpose—and is a test of the quality of a nation's civilization." I intend to do all that I can to ensure that America's schools will pass this test.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar

days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notification I have received. A portion of the notification, which is classified information, has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, May 11, 1984.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-46, concerning the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $61 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

GLENN A. RUDD,
Acting Director.

[Transmittal No. 84-46]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	0
Other	$61
Total	61

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A blanket order requisition case for assembly and shipment of Class IV modification kits covering engineering changes required by Time Compliance Technical Orders (TCTO) in support of U.S. origin systems and subsystems under the cognizance of the U.S. Air Force.

(iv) Military department: Air Force (VAZ).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Cast not included in section 28 report.

(viii) Date report delivered to Congress: May 11, 1984.

POLICY JUSTIFICATION

Saudi Arabia—Class IV Modification Kits: The Government of Saudi Arabia has requested a blanket order requisition case for assembly and shipment of Class IV modification kits covering engineering changes required by Time Compliance Technical Orders (TCTO) in support of U.S. origin systems and subsystems under the cognizance of the U.S. Air Force at an estimated cost of $61 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

This blanket order requisition case is necessary to ensure compliance with TCTO Class IV modification engineering change requirements and provide an uninterrupted operational capability of U.S. origin systems and subsystems such as aircraft, missiles, and radars.

The sale of this equipment and support will not affect the basic military balance in the region.

Procurement of these items will be from the many contractors providing similar items to the U.S. forces.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

EVA DISHEROON

● Mr. TSONGAS. Mr. President, all of us in public life have been privileged to meet many good people whose support and encouragement has contributed to our success. Among those many friends and supporters, from time to time someone stands out as extraordinary. It is to such a person that I would like to pay this tribute.

Eva Disheroon of Pepperell, MA, has been my friend, a supporter and many times a conscience to me during my public life. More than that, Eva, who died on April 10, 1984, has been a dear member of the Tsongas family.

She was born in 1908 in Leipzig, Germany, and came to the United States on a student visa in 1936. Gifted with a brilliant intellect, Eva received her masters degree in physics from the Massachusetts Institute of Technology where she was the only woman in her graduating class. Committed to our Nation as a place of freedom and opportunity, she became a U.S. citizen, married and bore a son of that marriage. Her son, Frank, was born in 1938 and is now a clinical psychologist in Denver, CO. In 1956 she was married for a second time to Ray Disheroon, her husband at the time of her death.

After graduation from MIT and the birth of her son, Eva did research at MIT and worked on the atomic bomb project. In the fifties she was employed at Geophysics Research, a Boston-based research firm. At that time, she fell prey to the hysteria associated with the McCarthy era and was hounded out of her profession. Unable to find her accuser, she went into private industry and started a publishing company with her husband, Ray, in 1956. They moved to Pepperell, a town of 8,000 people in north-central Massachusetts, in 1963.

Eva first became involved in politics during Henry Wallace's campaign for President in 1948. Among others, she has worked and raised funds for the campaigns of Adlai Stevenson, Eugene McCarthy, and myself. She was fond of pointing out that it was the first McCarthy (Joseph) who caused her considerable injustice and that it was the second McCarthy (Eugene) who restored her faith in the American system. She was a person whom I was proud to have represent my views and my political interests in the towns of Pepperell, Groton, Ashby, Dunstable, Townsend, and the city of Gardner as well as in the entire surrounding area.

Eva was active in town affairs and local government as well and served on the library and planning boards in Pepperell.

Determined to foster the freedom of thought for which she paid dearly in her early life, Eva's home became the meeting place for liberal causes but she was always careful to welcome the expression of different views. She hosted a speakers' forum in her home which would regularly attract 100-200 people at which all sides of an issue had a chance to be heard. On one occasion, a representative of Rev. Jerry Falwell presented his case.

Many candidates for public office, local and national, Democrats as well as some Republicans, looked to Eva for advice. They saw in Eva not only a source of political wisdom, but also someone whose commitment would be total and unstinting. In this political year, some of those who contacted her personally included our colleague, ALAN CRANSTON of California and our former colleague and former Vice President Walter Mondale of Minnesota. Three of the major Democratic candidates for the U.S. Senate from Massachusetts—Lt. Gov. John Kerry, Congressman JIM SHANNON, and Congressman ED MARKEY—sought her advice and support.

Eva was known in Pepperell as something of a resident psychologist. She was a valued resource and trusted intimate of many of the youth of the surrounding towns and she was viewed as the most beloved and opinionated citizen of her area.

Eva suffered from extremely painful, inoperable cancer for over 25 years. She refused sympathy and refused to be hampered in her commitments. Her own plight always took a back seat to her desire to make a better future for her neighbors, friends, and all the citizens of the country she loved so dearly.

Mr. President, Eva Disheroon was one person who made a tremendous difference. The history of this country and the pages of this record have been peopled by citizens who operated in relative obscurity but helped to preserve what makes America great. Eva Disheroon was such a person.

She stood for the freedom to be heard and to be different. She gave courage to all who knew her, especially those who have endured the dark

night which a cancer diagnosis brings on. She loved mightily and deeply and committed that energy and passion to her family, her country, and her friends.

I and many of my constituents were privileged to be called her friends. We have been touched, our State of Massachusetts has been touched, and indeed America has been touched by this great lady, Eva Disheroon.

These paragraphs are just one way of saying that we remember Eva, and that rememberance will survive.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS AND DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be recognized on a special order of not to exceed 15 minutes, to be followed by a special order of the same length for the Senator from Pennsylvania (Mr. SPECTER), to be followed by a period for the transaction of routine morning business to extend not later than 11 a.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, tomorrow is Tuesday. There will be caucuses perhaps on both sides—I know there will be on one side—and it is anticipated the Senate will stand in recess tomorrow between the hour of 12 noon and 2 p.m. I hope, however, that between 11 and 12 o'clock, we can transact useful business and try to get on with the passage of this bill.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, it is clear that there is nothing else we can clear to do today. My hope is that we will be able to get off tomorrow to a running start at 11 a.m. and get something done before the recess.

I have consulted now with the two managers and the minority leader, and there seems to be no requirement for time in this day of the session. Therefore, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and the Senate, at 3:52 p.m., recessed until Tuesday, May 15, 1984, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 14, 1984*

The House met at 12 o'clock noon.

The Reverend Walter Lynn Zimmerman, First United Methodist Church, Rockwall, Tex., offered the following prayer:

God, our Father, we pause to seek wisdom beyond our own genius, strength beyond our own power, and guidance beyond our own direction.

Let the wind of Your Spirit blow in our lives.

Guide us in the words we speak, in the decisions we make, and in the actions we perform.

Empower us with Your love so that we will be instruments in Your hand to bring peace on Earth, to overcome prejudice with understanding, and to establish justice for all.

I ask Your special blessing on this body, and on all persons who are leaders in the nations of our world.

Send relief from pressures which distort truth and need. Give these Your servants clear minds, pure hearts, and courage to act responsibly.

May You, O God, be glorified, and may Your will be done.

In Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2211. An act to exempt electric and telephone facilities assisted under the Rural Electrification Act from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976; and

H. Con. Res. 295. Concurrent resolution to permit the 1984 Olympic torch relay to be run through the U.S. Capitol Grounds.

The message also announced, that the Senate agrees to the amendments of the House to the joint resolution (S.J. Res. 198) entitled "Joint resolution designating April 27, 1984, as 'National Nursing Home Residents Day'."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1323) entitled "An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes," agrees to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. WEICKER, Mr. PACKWOOD, Mr. HATCH, Mr. GORTON, Mr. BUMPERS, Mr. NUNN, and Mr. HUDDLESTON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1224. An act to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation;

S. 2281. An act to revise and extend provisions of the Public Health Service Act relating to the National Health Service Corps.; and

S. 2403. An act to declare that the United States holds certain lands in trust for the Pueblo de Cochiti.

REV. WALTER ZIMMERMAN, FIRST UNITED METHODIST CHURCH, ROCKWALL, TX

(Mr. RALPH M. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RALPH M. HALL. Mr. Speaker, it is my privilege to further introduce my own personal pastor who opened the proceedings with prayer today, Walter Zimmerman. Obviously, for those of you in attendance and for the potential 17 million people who could have heard this opening prayer, Walter is from Texas, and I was told one time by Ens. George Gay, who was a hero of the Battle of Midway in World War II, to never ask anyone where they were from. If they were from Texas, they would tell you, and if they were not, there was not any use to embarrass them.

Mr. Speaker, I do not embarrass Walter Zimmerman; he has been a Texan forever. He has been in the ministry forever. His father was W. R. Zimmerman of the north Texas conference, he was a graduate of Austin College in Texas, Perkins School of Theology at SMU and he has been a minister in the north Texas conference for about 30 years.

He has been my personal minister for the last 12 years. He has two daughters and two grandchildren. He is the past president of the Rotary Club at Rockwall, and has many other honors and it is a privilege to me, and with my thanks to the Speaker, to the majority leader and to the Members of Congress for having Walter Zimmerman come our way.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announced that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, May 15, 1984.

DISTRICT OF COLUMBIA

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from California (Mr. DELLUMS).

INCREASING AUTHORIZATION FOR FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 5308) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-3406) is amended by striking out "and for the fiscal year ending September 30, 1984, and for each fiscal year ending after September 30, 1984, the sum of $386,000,000" in the first sentence and inserting in lieu thereof "for the fiscal year ending September 30, 1984, the sum of $386,000,000; and for the fiscal year ending September 30, 1985, and for each fiscal year ending after September 30, 1985, the sum of $425,000,000".

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the bill before you raises the authorization level for the annual Federal payment to the District of Columbia to the amount requested in the President's fiscal 1985 budget to the figure of $425 million.

Mr. Speaker, the purpose of the bill, H.R. 5308, is to increase the authorization ceiling for the annual Federal payment to the District of Columbia by some $39 million from the present $386 million, to $425 million for the fiscal year ending September 30, 1985, and for each fiscal year thereafter.

Mr. Speaker, with respect to the justification for the Federal payment, the Federal payment to the District of Columbia provides compensation for the unique costs and revenue losses associated with the role of the District of Columbia as the Nation's Capital. In calculating the amount of the Federal payment requested, both the cost and the benefits of the Federal presence are considered. I am sure that when my distinguished colleague, the gentleman from the District of Columbia, Mr. FAUNTROY, gives his explanation and makes his statement in support of the legislation, he will go into a number of more detailed reasons with respect to the justification.

I would simply add, Mr. Speaker, that with respect to the inflationary impact, the bill, if enacted, by law will have no foreseeable inflationary impact on prices or costs in the operation of the Federal economy, and with respect to the issue of budget authority, this legislation for the District of Columbia creates no new budget authority or tax expenditure by the Federal Government. Therefore, statements requested by section 308A of the Congressional Budget and Impoundment Control Act of 1974 is not necessary.

With that explanation, Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 5308 is a bill authorizing a payment of $425 million to the District of Columbia for the extraordinary expenses involved in maintaining the Capital of the United States, as the chairman has pointed out.

The $425 million authorization of the committee represents a $39 million increase over last year's amount. This bill is in compliance with the budget submission of the President and also conforms to the first budget resolution of this House.

The District of Columbia has taken a number of steps in the past several years to gain control of its budget process and of its spending. The District is making progress in its long-standing efforts to enter the private bond market. This is no time to withhold Federal support from the District by authorizing less than requested for support of the District of Columbia.

The District Committee sent this bill to the floor on a vote of 11 to 0. There is complete agreement on the committee that this bill is fair and adequate, at the same time and on behalf of the minority members of the Committee on the District of Columbia, I urge adoption of H.R. 5308.

□ 1210

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word, and I, too, rise in support of H.R. 5308, a bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

It is a pleasure to be a sponsor and proponent of this legislation which reflects as has been indicated, President Reagan's proposal for a Federal payment level of $425 million beginning in fiscal year 1985.

The annual Federal payment to the District of Columbia has been the subject of protracted debate in Congress since passage of the article of amendment to the U.S. Constitution which created a seat of Government. While this debate has spanned nearly two centuries, from the beginning, one factor has never been in dispute—that is the legitimacy of a Federal obligation to compensate the District for the extraordinary impact of the Federal presence. The dispute arises out of efforts to specify and quantify the basis for and the amount of the payment.

Various approaches have been used over the years. In the beginning, the payment was tied to specific projects, such as paving Pennsylvania Avenue between the White House and the Capitol. During this 88-year period, the amounts were uncertain and sporadic and ranged between 25 and 40 percent of the total District of Columbia budget.

In 1878, under the Organic Act, the level was set at 50 percent of the District's operating costs and remained at that level until 1925. Beginning in 1925, a lump-sum payment was used. This approach was made permanent under the District of Columbia Revenue Act of 1939 and was used until 1973, when the present multiyear, lump-sum payment was established in the District of Columbia Home Rule Act. Under the present approach, the payment was authorized at $230 million for fiscal year 1975 with yearly increases to $300 million for fiscal year 1978 and beyond.

While these amounts have been authorized, actual appropriations during many of the home rule years have fallen well under the authorization levels. Moreover, as a percentage of the District's total operating budget, the Federal payment has undergone steady decline from nearly 30 percent in 1975, to well below 20 percent since fiscal year 1980.

The Federal payment provides compensation to the District for the unique costs and revenue losses associated with the role of the District as the Nation's Capital. In calculating the amount of the Federal payment, both the costs and benefits of the Federal presence are considered. Among other elements, the following factors are taken into account:

First, revenue foregone because of the lack of taxable commercial and industrial property utilized by the Federal Government.

Second, revenue foregone because of the lack of taxable business income.

Third, revenue foregone due to federally imposed exemptions from District taxes.

Fourth, the costs of providing services to tax-exempt nonprofit organizations and corporations doing business only with the Federal Government.

Fifth, the costs of services provided to the Federal Government.

Sixth, other unique expenditure requirements placed upon the District of Columbia by the Federal Government.

Seventh, the relative tax burden placed on District residents compared to their counterparts in other jurisdictions in this metropolitan area and in cities of similar size.

H.R. 5308 will be only the fourth increase in the authorization level since the enactment of home rule and provides an amount of money sufficient to accomodate at least some of the impact of inflationary pressures and spiraling costs of operating a government.

While the Federal obligation to compensate the District for the extraordinary impact of the Federal presence has received wide-spread acceptance in the Congress, the consensus seems to fade when the discussion turns to a formula for the Federal payment. Despite the fact that Congress has labored over more than 150 Federal payment bills in the past 40 years alone, neither independent experts nor the Congress have been able to agree upon an automatically generated annual dollar amount.

There is no doubt however that the ultimate solution to the problem of fixing the Federal Government's contribution to the operation of the Nation's Capital lies in the establishment of an equitable and predictable formula-based Federal payment, and I anxiously await action by the House and Senate in this regard.

For now, I would urge all Members on both sides of the aisle to support President Reagan's proposal as reflected in H.R. 5308.

Mr. WALKER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in order to make certain that this debate in the House is put into proper perspective in the House procedures and to make note of the fact that as we proceed on this very important bill, we have a total of 24 members present in the chamber and most of the seats are empty.

Mr. Speaker, I yield back the balance of my time.

● Mr. PARRIS. Mr. Speaker, I wish to point out that the Federal payment to the District of Columbia falls within the level requested by the President in his budget request. I am pleased that the District of Columbia Committee, on which I am privileged to serve, was able to report a bill which was in agreement with President Reagan's recommendation.

The Federal payment is a contribution to the District of Columbia in recognition of the large and unique Federal presence in this city. The Federal payment has been a recognized obligation since the 1800's incurred because this is indeed the Federal City, as provided for by the Constitution. The payment of the contribution also vests the Federal Government with important, constitutionally recognized oversight rights and responsibilities with regard to the government of the District. Because no other city and no State in the United States receives a similar Federal payment for its operation, it is inaccurate to say that Federal oversight responsibilities in District operations should be no more than its oversight responsibilities over Federal expenditures made for programs in other political jurisdictions.●

Mr. DELLUMS. Mr. Speaker, I note that there are no further requests for time, and I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered and passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENT OF TRANSPORTATION STUDY OF MASS TRANSIT TO DULLES AIRPORT

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 4810) to amend the National Capital Transportation Act of 1969 to direct the Secretary of Transportation to study the feasibility of constructing a rail rapid transit line between the West Falls Church, VA, station of the Washington, DC metrorail system and Dulles International Airport, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Capital Transportation Act of 1969 is amended by adding at the end thereof the following new section:

"STUDY OF RAPID TRANSIT LINE TO DULLES AIRPORT

"SEC. 17. (a) The Secretary of Transportation shall study the feasibility of constructing a rail rapid transit line between the West Falls Church, Virginia, station of the Washington, District of Columbia, metrorail system and Dulles International Airport in Virginia. The study shall include, but need not be limited to, a study of the feasibility of heavy rail, light rail, monorail, and magnetic levitation systems. The Secretary shall study the feasibility of each such system with and without intermediate stops.

"(b) The Secretary shall complete the study required by subsection (a) and transmit the results thereof to Congress not later than one year after the date of enactment of this section.".

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill calls for a study of rail service to Dulles Airport.

Work by Congress on rapid transit for the National Capital region dates back to 1952. Congress has funded all of the studies and all of the agencies who have laid plans for a coordinated system of bus and rail and highways serving the National Capital and adjacent area.

Mass transit is such an important part of the economy of any region that it must be planned carefully. The long leadtimes in designing routes, acquiring land, scheduling financing, and letting multimillion-dollar contracts for transit facilities make it necessary to look years and years into the future.

The bill before the House today—H.R. 4810—is a small part of the planning for the future that must go on. It calls for a feasibility study for tying a very heavy traffic generator—Dulles International Airport—into the overall transit system for the area.

The bill does not try to second-guess the results of the study. It merely calls for a study of alternate possibilities, such as heavy rail, light rail, monorail, and magnetic levitation systems, such as are being built in Japan.

The U.S. Department of Transportation has provided the Congressional Budget Office with an estimate that the study would cost $200,000 over fiscal years 1984 and 1985. No new funds would be authorized or appropriated.

Not very many of us have been in Congress over the entire period of Congress involvement in transit planning for the region. Here is a partial list of the public laws Congress has adopted dealing with this problem:

1952: Public Law 592, National Capital Regional Planning Council.

1955: Public Law 84-24, funds for study of future mass transportation needs

1960: Public Law 86-669, creating the National Capital Transportation Agency under the supervision of the President.

1966: Public Law 89-774, authorizing an interstate compact to create the Washington Metropolitan Area Transit Authority, which has built and operates the subway system.

1969: Public Law 91-143 and frequent bills thereafter authorizing Federal grants, bond guarantees and amendments to the interstate compact to keep the mass transit lines and stations and operations moving ahead.

All through this period 1952-69 Congress has relied on studies of the executive branch, local governments and private groups to guide it in making decisions. A study by the U.S. Department of Transportation is the logical way for Congress to keep informed and meet its responsibilities of planning ahead and not just reacting to emergencies.

The growth of traffic, the safety of people in the air and on the ground, and the congestion in parking, and highway access at the area's three major airports are the concern of other committees of the House—not the Committee on the District of Columbia, which I chair.

But if the mass transit system for Washington, D.C.—which is in the jurisdiction of our committee—is to help in any way to relieve problems at these airports—and specifically Dulles—we must have facts on which to base our judgments in making recommendations to the House.

H.R. 4810 is timely legislation that deserves full support of the House.

□ 1220

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 4810 is a bill authorizing and directing the department of transportation to conduct a study of the feasibility of linking Dulles Airport to the Metro system by light rail. I emphasize to my colleagues that this bill does not involve the Metro system itself. Also of importance in consideration of this bill is the fact that Dulles International Airport is a Federal facility, therefore, it is entirely appropriate for the Transportation Department to undertake this study and to implement any recommendations that it finds worthy of construction.

The Committee on the District of Columbia approved this bill on a vote of 11 to 0.

Mr. Speaker, the sponsor of H.R. 4810 is a far better advocate of this bill than I am and I yield back the balance of my time so that he may speak on this matter.

Mr. WOLF. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 4810 is legislation which I introduced to direct the Secretary of Transportation to study the feasibility of constructing a rapid rail transit line between the metrorail station terminal in west Falls Church and Dulles International Airport.

I believe that this legislation is an important step in laying the groundwork to accommodate increased demand for adequate and responsive ground transportation to and from Dulles Airport—the Washington metropolitan area's airport of the future.

Recent developments that have focused a Federal commitment on encouraging use of Dulles, coupled with the tremendous residential and commercial growth occurring outside the Capital Beltway in the Dulles access corridor, underscore the need to begin planning now for a rail line to meet the needs for passenger accessibility at Dulles, as well as to alleviate the growing traffic problems in western Fairfax County and eastern Loudoun County, VA.

This legislation calls upon the Department of Transportation to examine various rail systems, including but not limited to heavy rail, light rail, monorail and magnetic levitation systems. I believe that each system should be examined for capital and operational costs, potential means of financing, efficiency, convenience, capacity and demand. While the bill as written directs the Secretary of Transportation to submit the results of the study to Congress within a year, if is my understanding that such a study should not take more than 6 months to complete and I encourage the Secretary to expedite the study following the date of enactment.

Throughout the past decade, Congress has considered several bills calling for extension of the Washington Metropolitan Area Transit Authority's Metrorail system to Dulles Airport. While some of these bills have been reported out of committee and approved by the House, none has become law. This year, however, my colleague in the other body, Senator PAUL TRIBLE, has introduced a companion measure and I believe that we can move toward speedy enactment of this legislation.

Mr. Speaker, numerous preliminary studies of extending Metrorail or establishing alternative rail modes to Dulles have been conducted by several different groups, including the Washington Metropolitan Area Transit Authority. These initial examinations have highlighted the interest and support for some type of rail service to the airport. It is now time to update past efforts and look to the future with one study that can then be the basis for action to make rapid rail to Dulles a reality.

Before I conclude, Mr. Speaker, I would like to take this opportunity to express my appreciation to the chairman of the District Committee, Mr. DELLUMS, and the committee members who joined me in sponsoring this legislation, Mr. MCKINNEY and Mr. PARRIS, and Mr. BLILEY, for his support today on this bill. I thank them all very much for their assistance and support.

Mr. Speaker, I urge the Members of the House to support this legislation and yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as we debate this very important piece of legislation, in order to put the proceedings of this House into the proper perspective and to make sure the RECORD shows that perspective, I would note that there are 20 Members of the House on the floor during this debate, of which 13 are Republicans.

Mr. Speaker, I yield back the balance of my time.

● Mr. PARRIS. Mr. Speaker, I am an original sponsor of H.R. 4810, legislation which directs the Secretary of Transportation to conduct a study of the feasibility of a rail connection between Metro and Dulles Airport.

Dulles is an underutilized national asset, partially as a result of problems with access. However, I am pleased to report that the use of Dulles is increasing at the rate of 16 percent monthly. Airlines are adding service. The Dulles master plan anticipates expanded facilities and increased capacity and ridership, largely as a result of a new midfield terminal planned for the airport. Meanwhile, growth at National has been capped by Secretary Lewis' 1981 passenger ceiling.

For these reasons, it is essential that the Department of Transportation study various rapid rail transit alternatives to improve access to this airport which is safer and has much greater capacity to handle the air traffic of the future. Legislation has over the past decade been passed to authorize such a study, but it has never cleared both Houses. Different groups, recognizing the potential that rail service to Dulles holds, have in the past made similar studies. It is now time for the Federal Government to come forward and provide a definitive, up-to-date study which we can at least consider and act upon.

The Department of Transportation has spent one-half billion dollars on Dulles and capped northern Virginia's other airport. These are the only two airports operated by the Federal Government. The Department of Transportation is purposely pursuing policies to transfer ridership to Dulles. For these reasons, the Federal Government has a responsibility to study ways to improve access to Dulles.

The study I am supporting is of a rail link which is not proposed as part of the Metro system, so it would not jeopardize funding for other as yet uncompleted segments of Metro.●

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, in concluding the debate, I would like to point out that with respect to budget authority, this legislation creates no new budget authority for tax expenditure by the Federal Government. Therefore, the statement required by section 308(a) of the Congressional Budget and Impoundment Control Act of 1974 is not necessary.

Mr. Speaker, I note that there are no further requests for time, and given that observation, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered and passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANOTHER SENSITIVE OBSERVATION BY AN ADMINISTRATION SPOKESMAN

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, last week the Under Secretary of Housing and Urban Development, a man named Abrams, made the bizarre statement that Hispanic Americans live in overcrowded tenements because they like it that way.

They have, in his opinionated view, "a cultural preference" for crowded living conditions.

This is on a level with the insensitive comments of President Reagan that people driven from their homes by joblessness and high mortgage rates are homeless by choice, and the recent appraisal by Presidential adviser Edwin Meese that those who eat at soup kitchens just do not like to pay for their meals.

I thought America had long since outgrown the tendency to cultivate such mean-spirited prejudices as our

excuse for doing nothing to correct palpable social and economic evils.

We might as well conclude that children without parents are orphans by choice, or that people go without food because they enjoy the pangs of hunger.

Such unfeeling arrogance does not reflect honor upon this Nation. It surely has no place in official pronouncements of high administration spokesmen.

GREAT SMOKY MOUNTAINS NATIONAL PARK CELEBRATES 50TH ANNIVERSARY

(Mr. CLARKE asked and was given permission to address the House for 1 minute.)

Mr. CLARKE. Mr. Speaker, on June 15 of this year the States of North Carolina and Tennessee and the whole Nation will proudly celebrate the 50th anniversary of the formal establishment of the Great Smoky Mountains National Park.

Since its creation in 1934 the park has had millions of visitors come to admire its rugged peaks, and deep green valleys. Last year, more than 8 million people came to camp, hike, swim, picnic, and enjoy the Great Smokies, making this the most visited park in the United States. Hundreds of thousands of visitors reach the Great Smoky Mountains National Park each year by way of the Blue Ridge Parkway, another outstanding facility operated by the National Park Service.

Whether backpacking through the rugged mountains of this park, which has more than 16 peaks over 6,000 feet high, or fishing for trout in one of its beautiful streams, one cannot help but be moved with wonder by the beauty and grandeur of this park.

Efforts to establish the Great Smoky Mountains National Park began in 1923. Through the generosity of the States of North Carolina and Tennessee, along with donations from private citizens including John D. Rockefeller, Jr., who contributed $5 million in memory of his mother, the park was established. Today the park includes more than 502,000 acres extending some 71 miles along the North Carolina/Tennessee border; 200,000 acres of the park land are still in virgin timber.

The park is not only a place of great natural beauty. It is a major factor in the economy of North Carolina and Tennessee. Numerous thriving motels, hotels, shops, and service establishments have grown up on each side of the park.

Mr. Speaker, the Great Smoky Mountains National Park holds a unique place in the culture and history of our country. On its 50th anniversary I am pleased and honored to pay special tribute to this magnificent park.

□ 1230

NATIONAL POLICE WEEK

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, yesterday marked the beginning of "National Police Week." As a 23-year veteran of the New York City Police Department, I am distressed that this occasion has come and gone over the last 20 years with very little public notice. Simply put, our Nation's 528,000 law enforcement officers deserve better.

Consider, for example, that the total number of reported crimes in the United States dropped 7 percent in 1983. As the frontline of defense against crime, our Nation's police officers deserve a great deal of the credit for this favorable trend.

National Police Week is a time, then, to express our gratitude for the vital services police provide; but it is also a time to remember that the fight against crime is a costly one.

Last year, 147 law enforcement officers died while performing their official duties. During the 10-year period from 1973 through 1982, 1,600 law enforcement officers were killed in the line of duty—nearly one police death every 2 days. In 1982, there were an average of 153 bodily assaults against police officers each day, and the number of police officers injured as a result of gunshot wounds averaged 36 a month in 1982.

I have authored a number of measures aimed at better protection for the police community. Two of these bills would outlaw armor-piercing "cop killer" bullets, and impose stiffer penalties on criminals who wear bullet-proof vests. In addition, I have introduced legislation to establish a national law enforcement heroes memorial in Washington, DC—a tribute to those officers who make the supreme sacrifice for their fellow man and a constant reminder of the need to better protect those who protect us. National Police Week is a time to acknowledge the need for these important initiatives.

REMARKS OF HUD UNDER SECRETARY PHILIP ABRAMS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, as a member of the Congressional Hispanic Caucus, I wish to strongly condemn the recent shocking remarks made by Mr. Phil Abrams, the Under Secretary of Housing and Urban Development as they appeared in the May 12, 1984, edition of the Washington Post. Not only did his statements cast aspersions on all Hispanics in New Mexico, who comprise nearly 40 percent of my congressional district, but on the 16 million Hispanics who live in the United States.

Mr. Abrams stated that Hispanic families live in overcrowded housing because that is "a cultural preference" among Hispanics. He continued, "That is, as I found out, a characteristic of Hispanic communities, irrelevant to their social and economic conditions." Asked if poverty might not be the cause of overcrowded Hispanic housing, Abrams responded, "I don't think so. I'm told they don't mind and they prefer, some prefer, doubling up."

Mr. Speaker, if these remarks were accurately reported, this is just pure, racist, no-knowing drivel. But it is all too characteristic of the elitist attitude high level Government officials have shown to those less fortunate than themselves ever since this administration came into power.

As of this morning, both the White House and Secretary Pierce have been inexplicably silent on this matter. I am surprised because I would have thought they would have moved quickly to dissassociate themselves from these remarks.

Nonetheless, when it comes to impressions as important as these, President Reagan should call Mr. Abrams in on the carpet this morning and demand an apology and a retraction rather than issue any "clarifications" or "what I really meant to say" statements. There ought to be no room at the highest levels of our Government for officials who do not adhere to the proposition that minority Americans are, first and last, Americans.

SECRETARY REGAN: DON'T TURN SOCIAL SECURITY INTO A WELFARE PROGRAM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, last week Secretary of the Treasury, Donald Regan, who is a trustee of the social security system by virtue of his position, called for the conversion of social security from a universal coverage benefit program to a limited coverage welfare program.

Under social security today, benefits go to all retirees who have contributed to the system. But, Secretary Regan wants social security to go only to those retirees who qualify for benefits on the basis of their income and assets.

That is the way welfare operates. But, social security is not welfare, Senator Walter George of Georgia said it best in 1956 when he said: "It is not a

handout. It is not charity. It is not relief."

Let me just say this:

The people of Louisville and Jefferson County whom I am privileged to represent—people like Irving Lipetz, my senior citizen intern, and Charles Dibowski, director of Jefferson County's Office on Aging, who have worked with social security for many years—can spot a "con job" when they see one. And Secretary Regan's statement is a "con job."

Secretary Regan may argue that converting social security to a kind of welfare program is one way to strengthen social security. But what the administration is really trying to do is balance the Federal budget on the back of social security.

Mr. Speaker, it is a known fact that the Republican Party has always tried to tamper with social security. Always tried to meddle with it.

People on social security in Louisville and Jefferson County know that social security is a good thing. And, they want their good thing left alone.

CRIME AND CAPITAL PUNISHMENT

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, the efforts of the House Democratic leadership to stifle consideration of much needed reform of our criminal justice system must end.

One of the serious deficiencies of our U.S. Criminal Code, concerns the fact that no matter how reprehensible a murder may be, under current Federal law, a judge or jury may not even consider application of the death penalty. This is because Federal law has not been amended to provide procedures that would bring it into conformity with the U.S. Supreme Court decision in Furman against Georgia. This deficiency in our law is illustrated by the brutal murders that took place last October in the U.S. maximum security facility at Marion, IL.

Within Marion, there exists a control unit that houses those inmates who have demonstrated continued assaultive behavior toward the prison staff and other prisoners. The first incident involved an inmate who used a knife to inflict over 40 stab wounds on a correctional officer. This senseless act was committed in full view of other staff and inmates. The second incident in that same day involved an inmate who apparently slipped out of his handcuffs and stabbed an officer with a home-made knife. As other staff members rushed to assist the wounded officer one of them was wounded and another stabbed to death. As one can imagine, this has been a terrible tragedy for the families of the slain officers as well as for the entire Federal law enforcement system.

It is time for the House Democratic leadership to stop holding up action of the necessary reform of our capital punishment statutes. Statements that such reform is too controversial to be considered are an insult to the families of these victims and to the American people as well.

Mr. Speaker, let the House debate this issue, and let the people's voice be heard.

THE 1984 OLYMPICS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, on January 24, 1980, 11 Members of the House joined me in voting against a resolution that called for a U.S. boycott of the Moscow summer olympics.

Far be it from my to say, "I told you so," but the Soviet Union and now the East Germans and Bulgarians and others have followed the sorry precedent that this country set 4 years ago in denying the best of our Nation's young athletes the opportunity of competing against the world's best in their respective fields.

These are the same athletes to whom we said 4 years ago:

> Sorry, folks. We appreciate the lifetime you've spent training, the sacrifices you and your familes have made, and the achievements you have garnered, but we have this problem and you're going to bear the brunt of it.

And now, the shoe of responsibility is on the other foot. The goal of international athletic competition free from political haggling has been shattered, perhaps permanently. I hope we have learned our lesson, but even more, I hope that the Soviets and their allies will reconsider.

VOLUNTARY MEETINGS BY STUDENTS FOR RELIGIOUS PURPOSES

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, I rise today to express my strong support for H.R. 5345, legislation which permits students in public and secondary schools to meet voluntarily for religious purposes. By enacting this legislation, we can insure that Congress does not actively bar access to spiritual revitalization for our Nation's students. It is a simple question of fairness.

Equal access legislation strikes the delicate balance of the first amendment. Government does not have the right to impose a particular religious view. Government does have the duty to protect the freedom in which students can exercise their religious rights. Freedom of speech and freedom of assembly in all activities must not be denied to any citizen of our country. Students have the constitutional right to exercise their religious beliefs and the 14th amendment guarantees that States protect this right.

The U.S. Supreme Court has ruled in Widmar against Vincent that the establishment clause of the first amendment is not violated when a school allows students to voluntarily discuss religious beliefs on the same basis as it allows other students to meet and pursue other interests, as long as those meetings are voluntary, student initiated, and do not reasonably imply that the State endorses a particular belief. Equal access legislation does exactly this.

□ 1240

Mr. Speaker, this is simply a question of fairness. I urge my colleagues to join me in support of equal access legislation.

PANNING THE HOUSE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, your new policy of selectively panning the House with the TV cameras during special orders, instituted last Thursday without prior announcement or consultation is being panned in turn by the public as blatantly political and partisan and described as "cam-scam."

Where are these new guidelines that depart from the previous policy of only showing the person speaking, instead of focusing on empty seats? I have no objection to an even-handed policy of showing the entire Chamber as long as it is applied impartially from gavel to gavel, including legislative business. But this is not even-handed—it is downright underhanded.

When the House authorized you to develop a broadcast system back in 1977, it asked the Rules Committee to make a report recommending the best system and procedures. That report was issued on February 15, 1978 and suggested a House owned and operated system under which the cameras would focus only on the official proceedings. The majority wrote that this was preferable to letting the networks control the system and point their cameras wherever they wanted.

In my minority views to that report, I warned that, and I quote:

> Of overwhelming importance is the certainty that any in-House system will appear to be politically motivated * * *. Instead of improving our credibility with the public, by installing our own system we may very well be contributing to our less than popular image.

I fear those words are proving to be phophetic. Let us be candid, Mr. Cameraman.

The SPEAKER. The Chair intends to answer the gentleman from Mississippi (Mr. LOTT) and hopes that the gentleman does not leave the Chamber. The Chair wants to give the gentleman the courtesy of knowing that he will take the floor for a 1 minute speech later and answer the gentleman, and he hopes that he does not leave the Chamber.

Mr. LOTT. I am certainly very pleased to hear that, Mr. Speaker, and I will remain.

GOOD NEWS/BAD NEWS

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, today is Monday and there is good news and there is bad news.

The good news is that finally, after delays, after Democratic caucuses, after pulled schedules, rescheduling and other assorted excuses, we are finally considering the equal access bill. That is a bill that would place religious voluntary activity on an equal footing with other extra curricular activities on public school premises.

The bad news is that this legislation is coming under a procedure that we know as suspension, which means that debate will be limited to 20 minutes on each side, no amendments will be allowed on either side, and that a two-thirds vote is necessary to pass to legislation.

We just finished last week a long, protracted debate on the foreign aid bill. This week we will spend many, many hours on the defense bill, and it is appropriate that we do that. But it is equally appropriate that we spend some time on a bill that is just as important: the equal access bill.

It goes to the heart of our Constitution and our first amendment freedoms. Mr. Speaker, give us equal time on equal access.

ABUSE OF POWER

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, last Thursday evening we witnessed the further escalation of dirty tricks, as the Speaker arbitrarily changed the rules of the House. Without notice to the minority party the Speaker changed the rules and ordered the cameras to pan the floor while Congressman WALKER was delivering a speech on the arrogance of the majority. It is also important to note that the Speaker was aware of the Republicans annual fundraiser which was underway while Mr. WALKER was delivering his floor speech. The Speaker realized this was a perfect opportunity for him to show a House floor which was virtually empty.

The issue at hand is not the showing of an empty House floor or an early adjournment or limiting the use of unanimous consent or forcing a constitutional question to the floor of the House under suspension of the rules, but rather arbitrary authority and the arrogant abuse of power. No system, no process, no government, no Congress can long endure without respect for authority. The message to the Speaker is this: You have fallen victim to your own power. The exercise of power and, therefore, discipline is meaningful only when respected and accepted by those being governed. Your escalating abuse of power will not go unanswered.

CONSTITUTIONAL AMENDMENT FOR VOLUNTARY SCHOOL PRAYER, BALANCED BUDGET, LINE-ITEM VETO AND COMPREHENSIVE CRIME CONTROL ACT OF 1978

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of amendments to permit voluntary school prayer, a balanced budget and line-item veto and legislation calling for the passage of the President's Comprehensive Crime Control Act of 1983, H.R. 2151.

The Chair has ruled in order to make these requests I must have the clearance of the majority and minority leadership.

This request has been cleared by the minority leadership, by the Republican leadership, and I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of these important issues: the Democratic leadership of this House.

SILENCING THE MINORITY

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, a few months ago a majority staff member tried to silence the minority by changing our words in a committee record.

The other evening, Mr. Speaker, you evidently personally tried to begin the process of silencing us by changing the camera angles in the House.

Speaking for myself, it will not work. Those closeup shots were never my best angle anyhow. I much prefer the long-range shots. I think they are a much better shot when all is said and done.

Let America see this House as it is, with just a few of us on the floor doing what we were paid to do, and most of the Democratic majority elsewhere. The empty chairs during special orders are an embarrassment and an embarrassment to this House that maybe America ought to see.

But then let us have the show gavel to gavel so that the video record of the House does not end up being as distorted as the printed CONGRESSIONAL RECORD now is.

TV COVERAGE OF THE HOUSE

(Mr. MITCHELL asked and was given permission to address the House of 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. My colleagues in the House, I am very, very sympathetic with that last 1-minute speech. I think we do deny the American public something well worth viewing.

The gentleman from Pennsylvania (Mr. WALKER) is indeed photogenic, and his appearance should be viewed by all in this Nation. I would say the same for most of the Republicans, a pretty handsome lot. And I just think it is unfair that if we put "Captain Kangaroo" and "Mr. Rogers" and all of these other things on, I think it is unfair to deny to the American public this display of manliness, classic Roman profiles, and just eloquent, just eloquent orations.

So please consider that, Mr. Speaker. I do not want to hurt my friends in the Seventh District. They want to see these magnificent human beings in action.

So I would urge that it be reconsidered, and certainly I will talk to the Speaker. It is well worth it.

I guarantee you one thing. If we show it in toto, it certainly will rival "Dynasty."

CRIME HEARING

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, last week I had the opportunity to chair a Republican Study Committee forum on the Comprehensive Crime Control Act of 1983. You might remember that this is the omnibus crime bill that the President sent to this body for action over a year ago. It has yet to see the light of day in that it has been buried in the Judiciary Committee since then.

This effort of the House leadership to thwart consideration of criminal justice reform was uniformly condemned by an extensive and diverse

panel of witnesses. Mrs. Patti Linebaugh, founder of Society's League Against Molestation, described the dilatory tactics that we have witnessed over the last year as outrageous. Similarly, Roberta Roper, founder of the Stephanie Roper Committee called for the House to debate the crime control bill even though she expressed reservations about capital punishment. Betty Jean Spencer, director of Protect the Innocent, also offered support for House action on the comprehensive crime control bill. Their interest in House consideration stems from the obvious fact that each of them has lost loved ones to violent criminal acts.

Similarly, when confronted with the statement of the chairman of the House Judiciary Committee that reform of our bail laws, the exclusionary rule, habeas corpus, and the adoption of capital punishment are not going to be considered because they are too controversial, Robert Kliesmet, president of the Union of Police Associations, AFL-CIO, offered a most appropriate response—"hogwash." Similarly, Richard Boyd, president of the Fraternal Order of Police stated that he "could not use the words" to express his frustration.

It is thus quite apparent that those who have had to confront the problem of crime directly, both victims and police officers, do not understand why the leadership of this body refuses to act. I might add that as it becomes all the more apparent that comprehensive criminal justice reform cannot move through this body, a growing number of Americans are going to be asking themselves the same question.

□ 1250

HOUSE TELEVISION PROCEDURES

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I took the action that I took last Thursday because I had had so many complaints and so many people had asked me to do what I did. The interesting thing is, we stand up here with the 1-minute. Precedent has been we go to the Democratic side then we go to the Republican side. Equal. Nobody is cut off.

At the close of the day we go into the special orders. Normally we go to the Republican side; that is precedent. When the Republicans are through, we go to the Democratic side.

The last 30 days, just in the last 30 days, the gentleman from Pennsylvania has asked for 26 hours out of the first 30. The gentleman, Mr. WEBER, has asked for 25 hours. The gentleman, Mr. GINGRICH, has asked for 27 hours. Unless you ask for at least a week in advance, you cannot get ahead of those people. Even if a Democrat asks a week in advance, even if there is something coming along special that he wants to talk about, he has to wait until those three gentlemen get out of the way.

Now I am not yielding. Please, if the gentleman will kindly sit down. I am not yielding.

Now I want to talk about fairness. One member of your party about a week ago stood at this microphone for 1 hour. He took statements that were made by 20 different Democrats going back to 1968, "This is what you said at that such and such a time." Things change.

Giving the thought and the idea that Members of Congress were un-American, stepping aside, debating and pointing as if there were people on this floor, asking "Why don't you get up and answer them?" A more low thing I have never seen.

I have a letter from you, Mr. Leader. "Polarize the Congress?" If I have ever seen anything that would polarize the Congress, it is matters of this sort.

So I have had Members on my side, yes, we met, about 100 of us, express total disgust with what was taking place—the challenging of Members of the Congress in a special order when nobody was here.

Oh, I know, Mr. Leader, Mr. Whip, you do not condone things like that. The prerogative of the rules of this House give me the right to stop that, gives me the right to say when there will be a wide lens and when there should not be a wide lens.

Three o'clock on that afternoon, I notified CHARLIE ROSE; nothing in the rules says that I have to notify you. Courtesy probably said that I should have. That is a courtesy that your Member never gave to the 20 Members whom he accused on the floor of the House.

The gentleman, it was not you, Mr. WALKER, that did it, and the other gentleman, as far as I have been told by them, were never notified.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. No; I will not yield at this time. The gentleman can take his own time.

I am just saying they were never notified, the 20 gentleman were never notified.

You get up on the floor and you name a gentleman; 3 hours, wait around for 3 hours? Now you are saying something that you really do not know.

The gentleman that answers that, and I have to take the word of the people that have come to me; members of my party who said to me without a minute's warning, without a notice, without any mail, they talk about a speech he made in 1972, a speech he made in 1968; take it out of context.

Well, let me say this to you, Mr. Leader and Mr. Whip, I have had members of your party come to me and say "We do not condone what they are doing. We do not condone what they are doing."

You know, we go home, fly home to Ohio, fly home to New York, people say: "Why aren't you in the House? The House is in session."

Is that right to give the people the impression, if you are downtown, that you should have been on the Hill because people are here pointing at this one, and pointing at that one and stepping back for an answer?

I had an obligation, that obligation was to this Congress. There were a few who would do things of that nature, and let me say this to you: If any member of my party did it, I would be on their neck so quick thay would not know what happened. I would not be defending them; I would be taking the other attitude.

My action is to defend this House.

Mr. MICHEL. Would the Speaker yield?

Mr. O'NEILL. Yes; I will yield, certainly.

Mr. MICHEL. Well, in the first place, the gentleman from Illinois did not know of the other special order in which Members were asked to come to the floor. I do not know about that particular situation.

What I was rather distressed about last Friday morning, I guess, when I heard what had happened Thursday was that there was a departure, obviously from the norm and that this Member was not given one bit of word in advance that you were contemplating the change.

I do not mind the change if it is done in concert with everybody that really ought to have a little bit of voice about what goes on here and frankly——

Mr. O'NEILL. I will say to you in fairness, while it is my prerogative, I should have notified you. I notified the chairman of the ad hoc committee, Mr. CHARLIE ROSE, about 3 o'clock in the afternoon. In fairness, I should have.

As far as Mr. WALKER was concerned, I did not know whether Mr. WALKER was on first or whether he was not on first, or whether Mr. GINGRICH or whether Mr. WEBER. Normally, it is one of those three.

I looked at the list today, I see a Democrat is on. Apparently he asked for time before. If it was Mr. OBEY or any other Democrat who was first, they would have been the one that was panned instead of Mr. WALKER on the full, wide screen, because that was my idea at that time I said, "Starting today, we are going to show."

And I want to further let you know that I now intend to put a runner, "The official business of the House is completed, we are on special orders." And that will be a runner that will run every once in a while.

Mr. MICHEL. May I ask the Speaker who will make the decision then on where the panning takes place, at what time during the course of the discussion, whoever is having that discussion? I might add that I think some of our Members really got the whole idea from Mr. GONZALEZ on your side, who used to be down here hour after hour, you know, for an extended period.

Mr. O'NEILL. I am sure he was never personal with any Member of this Congress; I am sure that he never ever pointed a finger at an empty chair and accused a man of being un-American I am sure; and I am sure that you do not condone a thing like that.

Mr. MICHEL. I do not condone that. But what I would like to know is when are we going to get about prescribing these?

Mr. O'NEILL. The interesting thing about it, I had already talked with my members and I had already planned on my side to have an ad hoc committee to look into what has been going on and to look into changing the rules and when do you plan for a thing like this?

Mr. MICHEL. Would minority members have a voice in that?

Mr. O'NEILL. Well, we are the majority; it is our responsibility to see that this House is run in a fair and adequate manner and that is what we try to do.

Mr. MICHEL. Well, if it is fair, that is one thing.

Mr. O'NEILL. I am sure if you want to appoint a committee of your members to look into it. Furthermore, I am surprised that you have not heard of what has been taking place around here. I mean, there has been so much concern.

Mr. MICHEL. I did not know of the incident referred to.

Mr. O'NEILL. I am sure when 100 members of the Democratic Party gather together to talk about what is taking place, I have not had any personal feeling about it. My personal feeling is that everybody, I think, and I hate to be political; we have been told we are making votes, we are making votes.

But it is not a question of making votes, it is a question of a man standing before this microphone and pointing his finger to people who are not in here and giving the belief to people at home: "That man made such a statement." It sounds ridiculous 20 years later, maybe. "Why don't you stand and defend it?" And the man is home is Massachusetts or the man is back in California or something of that nature.

Mr. WALKER just happened to be the incident when it took place. I did not know it was Mr. WALKER. Had it been a Democrat, it would have been the same thing. Today I understand there is a Democrat on.

□ 1300

We will take the wide lens. I do not think there was anything wrong in what was done the other day. As a matter of fact, as far as I can think the public thinks it was the right thing to do.

I do not have anything else to say.

SMALL BUSINESS DEVELOPMENT CENTER IMPROVEMENT ACT OF 1984

Mr. MITCHELL. Mr. Speaker, to establish harmony and an atmosphere of cordiality, I move to suspend the rules and pass the bill (H.R. 5334), to improve the small business development center program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Development Center Improvement Act of 1984".

CONTRACT TERM

SECTION 1. Section 21 of the Small Business Act is amended by adding at the end of paragraph (1) of subsection (a) the following: "The term of such grants shall be made on a calendar year basis or to coincide with the Federal fiscal year.".

MATCHING REQUIREMENT

SEC. 2. Section 21 of the Small Business Act is amended by inserting after the first proviso in paragraph (2) of subsection (a) the following: "*Provided,* That salaries paid by the applicant shall not be treated as other than in-kind contributions unless they are paid (A) to full-time employees or (B) to other than full-time employees in an aggregate amount not to exceed 100 per centum of the aggregate amount paid to full-time employees:".

STATE PLAN

SEC. 3. Section 21 of the Small Business Act is amended by striking from paragraph (1) of subsection (b) "During fiscal years 1981, 1982, and 1983, financial" and by inserting in lieu thereof "Financial".

CENTER—SBA PARTNERSHIP

SEC. 4. Section 21 of the Small Business Act is amended as follows:

(a) by inserting after the first "that" in paragraph (2) of subsection (a) "in order to carry out the partnership between the Administration and the applicant to assist small businesses";

(b) by striking paragraph (2) of subsection (b) and by inserting in lieu thereof the following:

"(2) After consulting with, but without the need to obtain the approval of, the Administration's local district office or local offices, and applicant may apply to participate in the program by submitting to the Deputy Associate Administrator for Managment Assistance and application naming those authorized in subsection (a) to participate in the program, the geographic area to be served, the services that it would provide, the method for delivering services, a budget, and any other information and assurances the Administation may require to insure that the applicant will carry out the activities eligible for assistance. The Administration is authorized to approve, conditionally approve, or reject an application or combination of applications submitted. In all cases, the Administration shall review applications for conformity with a plan, if any, approved pursuant to paragraph (1) of this subsection, and with a view toward providing small business with the most comprehensive and coordinated assistance in the State or part thereof to be served."; and

(c) by inserting after the word "section" in paragraph (1) of subsection (c) the following: ", in consultation with the Administration's local district office or offices,".

CENTER OPERATIONS AND FACILITIES

SEC. 5. Section 21 of the Small Business Act is amended by striking all of paragraph (2) of subsection (c) through clause (A) and by inserting the following:

"(2) A small business development center shall provide services as close as possible to small businesses by providing extension services and utilizing subcenters when necessary. To the extent practicable, each intake center and each intake subcenter shall be located in easily accessible facilities in such places as shall provide maximum accessibility and benefits to the small business community. To the extent possible, it also shall make full use of other Federal and State government programs that are concerned with aiding small business. A small business development center shall have—

"(A) a full-time staff, including (i) a full-time director who shall have the authority to make expenditures under the center's budget and who shall manage the program activities, and (ii) at least a full-time director at each subcenter unless the level of activity at such location makes it impractical to do so;".

CENTER EVALUATION

SEC. 6. Section 21 of the Small Business Act is amended by striking subsection (j) and inserting in lieu thereof the following:

"(j) The Administration shall develop a program proposal for an onsite biannual evaluation of each small business development center. The evaluation shall be both qualitative and quantitative and shall measure the effectiveness of the program and the cost of delivery, make an assessment of the benefits accruing to the areas served, and reported on such other matters as the Administration deems appropriate. It also shall provide for participation in the evaluation by the representative of at least one other small business development center on a cost-reimbursement basis. The Administration's program proposal shall be formulated by employees of the Administration in consultation with representatives of the small business development centers, and it shall be submitted to the Senate Committee on Small Business and the Committee on Small Business of the House of Representatives by January 31, 1985.".

SMALL BUSINESS DEVELOPMENT CENTER DATA

SEC. 7. Section 21 of the Small Business Act is amended by adding the following new subsection:

"(1) In lieu of the current contract, the Administration may study development of an in-house computer system to provide a management information system for the small business development center program. Implementation of any such change shall not occur prior to October 1, 1986, nor until such time as the Administration evaluates the cost effectiveness of the change and reports to the Senate Committee on Small Business and the House Committee on

Small Business on the need and effectiveness of providing such a system in-house. In the interim, the Administration shall continue to contract out for a management information system to provide data on the operation of the program to the small business development centers and for its own use.".

AUTHORIZATION

SEC. 8. Section 21 of the Small Business Act is amended by adding the following new subsection:

"(m) There are hereby authorized to be appropriated each year such sums, which shall remain available until expended, as may be necessary and appropriate (1) to carry out the provisions and purposes of the small business development center program provided herein, but not to exceed an annual level as specified in paragraph (2) of subsection (a), (2) to pay the expenses of the National Small Business Development Center Advisory Board as provided in subsection (h), (3) to pay for contracting for a data base as provided in subsection (1), and (4) to reimburse centers for participation in evaluations as provided in subsection (k).".

SUNSET

SEC. 9. Section 204 of the Small Business Development Center Act of 1980 (Public Law 96-302) is amended by striking "January 1, 1985" and by inserting in lieu thereof "October 1, 1988".

EFFECTIVE DATE

SEC. 10. This Act shall be effective October 1, 1984, except that section 2 shall not apply to contracts for performance commencing prior to January 1, 1985.

The SPEAKER pro tempore (Mr. WRIGHT). Is a second demanded?

Mr. CONTE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. MITCHELL) will be recognized for 20 minutes and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 20 minutes.)

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5334, the Small Business Development Center Improvement Act of 1984.

In 1980, Congress enacted legislation which statutorily established a new program to provide management assistance to small business. This program, named the small business development center program, authorizes the Small Business Administration to form a partnership with universities, State governments, and other entities at the local level to provide counseling, assistance in technology transfer, information on regulations, research into business problems, and other types of management assistance. The key difference between this SBDC program and other management assistance programs is that those institutions desiring to participate in the program are required to provide matching funds in an amount equal to the amount of the SBA funds.

This program now contains a sunset provision of January 1, 1985.

The Small Business Committee has conducted an extensive review of this program and finds it to be meritorious and deserving of extension and expansion.

During the 3½ years of program operation, Small Business Development Centers have been established in the District of Columbia and 31 States. Centers in other States are still in the formulative stages. To date, these 32 centers have provided management assistance to more than 260,000 businesses. In addition to a favorable impact on individual small businesses which have received assistance from SBDC's, the program also confers substantial benefits on the economy and the Government.

A 2-year study was conducted in 9 States comparing the operations of some 9,000 small businesses which had received counseling from Small Business Development Centers as compared to all businesses in those States. The results are very impressive for those firms counseled by the SBDC's:

Sales were up 25 percent;

Employment was up 23 percent (12,000 new jobs were created);

Profits were up 83 percent.

SBDC counseling also increased tax revenue provided to State and local governments by the assisted small businesses. It was estimated that these firms, due to the increase in their profitability, paid additional taxes, both Federal and State, of $60 million. In providing indepth counseling assistance to these firms, the SBDC's spent only $5.5 million. Thus, the Government received a return of almost $11 for every $1 invested. I would hope that all Federal programs could show this type of return.

The bill before the House, H.R. 5334, very simply extends this program through fiscal year 1988 and fine tunes the statutory provisions governing operations of this program in order to strength it.

I want to compliment all of the members of the committee who worked and contributed to the committee's extensive review of the SBDC program and development and expeditious consideration of this legislation. I particularly want to single out for congratulations Mr. MCDADE, the ranking minority member of the commttee, for his support.

The bill certainly deserves the support of each and every Member of the House and I urge a favorable vote.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, as the gentleman mentioned, this law was passed in 1980. I was pleased to be the sponsor of legislation which became Public Law 96-302 and statutorily established this program. Under this law the SBA enters into contracts with universities and State governments and other entities to provide management assistance—counseling, technology transfer, information on regulations and research, and other types of management assistance. It is a service which is very valuable to the small business community.

There is one thing that I think is different about this program that we have not had in other programs and that was that we provided that no one State can get more than its share of what the program would be if there were a total of $65 million appropriated. That prevented the early States from getting the lion's share and there not being enough then for others that came in later.

I also want to note that this is not just another grant program. The schools who apply for grants must provide matching funds in at least an equal amount.

This year the administration asked for $22 million for fiscal year 1985, the same amount as was appropriated for 1984. I think the Appropriations Committee will recommend $30 million, an increase of $8 million that is needed to cover the programs that are in 31 States now and the District of Columbia, plus some others that are making application.

In my own State of Iowa, there is a very good SBDC which joined the program in 1981. I want to commend Iowa State University for taking the lead in this program, with participation from Drake University, the University of Northern Iowa, and the University of Iowa.

I think that this is a very good program and it is one that we need to be proud of because management assistance is one of the greatest needs of small businesses in this country.

Mr. MITCHELL. Mr. Speaker, I reserve the balance of my time.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation and I would like to commend our distinguished chairman for his fine work in bringing this legislation to the floor.

As an original sponsor of the SBDC legislation, it gives me much satisfaction to see what was begun in 1977 as a pilot program in one university grow to a national network of universities reaching out to provide state-of-the-art management counseling to America's small businesses. The program has already made a significant contribution to the economic well-being of this Nation through its assistance to the small business sector.

I am especially proud of the Massachusetts SBDC. This program, head-

quartered at the University of Massachusetts Amherst campus, is a consortium of 6 colleges and universities across the State. Over the past 3½ years it has assisted over 4,300 small businesses, and has provided training programs for 8,500 people.

Mr. Speaker, this is a good, valuable program for small business, and I urge its passage.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to note for the record that as we were considering this very important piece of legislation and one that does have a great deal of meaning to communities out across the country, we have a total of 16 Members on the floor for the debate.

I thank the gentleman for yielding.

● Mr. DAUB. Mr. Speaker, as an active member of the Small Business Committee, I am particularly pleased to rise in support of H.R. 5334, a bill to reauthorize the small business development center program. Here is a program that is serving the business community with experience, expertise, and energy and it is one we can be proud of.

The Nebraska Small Business Development Center is one of the five oldest SBDC's in the Nation. It continues to provide managment and technical assistance to Nebraskans and coordinates the efforts of colleges, universities, chambers of commerce, commercial clubs, and trade associations so as to provide the most cost-effective and comprehensive assistance possible. Our successes are documented. In 1983, the Nebraska SBDC served 1,050 small business clients—325 through long-term cases and 725 through short-term cases. They conducted 122 seminars and courses with 5,257 participants. In July of last year they began a capital formation assistance program by employing a business finance specialist to work with the certified development company in Nebraska on SBA 503 loans and other loan programs. Through the last 6 months of 1983, this person handled 134 inquiries from which nine loans were approved at a total of $2,635,000.

In terms of my own State, Mr. Speaker, I could not be prouder of the energy, dedication, expertise, and spirit which seems to emanate out of our SBDC and from my work on the Small Business Committee, I know that this is a program that is working all over the Nation. It is my firm belief that the primary reason for the documented success of this program is that we in Washington have not hamstrung its local administrators with excessive regulations. Having sufficient flexibility, the Nebraska SBDC, like others around the country, is thriving and succeeding beyond the hopes of the original drafters of this program. With this flexibility, we are seeing old fashioned ingenuity, creativity and hard work from these facilities; facilities that know best the local problems and local needs which need to be addressed. It was this decentralization which was most important for us to maintain in the reauthorization process and which I was pleased to play a role in maintaining at the committee level.●

● Mr. LELAND. Mr. Speaker, I rise in support of H.R. 5334 and commend the gentleman from Maryland for introducing this legislation which improves the Small Business Development Center program. This important legislation would permit each State to determine the exact operating characteristics which best suit the needs of its small business community. This program is due to expire on October 1, 1984, under the originally provided sunset provision, and was temporarily extended until December 31, 1984 (Public Law 98-177). This bill would extend the sunset provision for approximately 4 years.

I am a strong supporter of small business because small business means jobs and opportunities for entrepreneurs. I believe that small business is the foundation of our economy. Therefore, Congress must continue to enact legislation favorable to small businesses in the United States. In the past, the Congress has passed legislation that helps small business with capital formation, Government procurement, and beneficial tax changes.

Small business has made much progress in recent years, but there is still a prevalent need for much more to be done. By supporting the Small Business Development Center improvements we, Members of Congress, can assure that small business and everything that it represents is given the opportunity to flourish and remain a productive sector in our economy.●

Mr. CONTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MITCHELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KAZEN). The question is on the motion offered by the gentleman from Maryland (Mr. MITCHELL) that the House suspend the rules and pass the bill, H.R. 5334, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill, S. 1429 to amend the Small Business Act to extend and strengthen the small business development center program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. Section 21 of the Small Business Act is amended—

(1) by striking from paragraph 1 of subsection (a) the phrase "assist in establishing" and inserting in lieu thereof "establish".

(2) by amending paragraph 2 of subsection (a) to read as follows:

"(2) The Administration shall require as a condition to the award of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant shall be provided by the applicant from sources other than the Federal Government, to be comprised of not less than 50 per centum cash and not more than 50 per centum of indirect costs and in-kind contributions: *Provided,* That this matching amount shall not include any indirect costs or in-kind contributions derived from any Federal program: *Provided further,* That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a $65,000,000 program based upon the population to be served by the small business development center as compared to the total population in the United States, or $200,000, whichever is greater.".

(3) by striking from paragraph 1 of subsection (b) "During fiscal years 1981, 1982, and 1983, financial" and inserting in lieu thereof "Financial", and by striking "area" and inserting in lieu thereof "state";

(4) by striking from paragraph 2 of subsection (b) "a plan" both times that it appears and inserting in lieu thereof "an application", by striking "plans" both times that it appears and inserting in lieu thereof "applications", and by striking from the second sentence the phrase "or part thereof to be served." and inserting in lieu thereof a period;

(5) by inserting before the period at the end of the first sentence of paragraph 2 of subsection (b) the following: "including information showing that the assistance to be provided will not solely duplicate or replace existing services".

(6) by inserting after the period at the end of the first sentence of paragraph 2 of subsection (c) the following: "The facilities and staff of each small business development center shall be located in such places as to provide maximum accessibility and benefits

to the small businesses which the center is intended to serve.";

(7) by amending subparagraph (2)(A) of subsection (c) to read as follows:

"(A) a full-time staff, and a staff director whose sole responsibilities shall be to manage the program activities and provide services to the program;";

(8) by amending subsection (e) to read as follows:

"(e) The National Science Foundation is authorized and directed to cooperate with the Administration in developing and establishing programs to support small business development centers.";

(9) by striking from the second sentence of paragraph 2 of subsection (h) the word "quarterly" and inserting in lieu thereof "semiannually";

(10) by striking from paragraph 1 of subsection (i) the word "may" and inserting in lieu thereof "shall";

(11) by striking subsection (j) in its entirety; and redesignating subsection "(k)" as subsection "(j)".

SEC. 2. Section 7(d)(1) of the Small Business Act is amended to read as follows:

"(d)(1) The Administration shall not fund any small business development center or any variation thereof, except as authorized in section 21 of this Act.".

SEC. 3. Section 20 of the Small Business Act is amended by adding at the end thereof the following:

"(t) There are hereby authorized to be appropriated for fiscal year 1985, $30,000,000, for fiscal year 1986, $40,000,000, and for fiscal year 1987, $40,000,000, to be available solely for the purpose of carrying out the provisions and purposes of the small business development center program as provided in section 21.".

SEC. 4. Section 204 of the Small Business Development Center Act of 1980 (Public Law 96-302) is repealed.

MOTION OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MITCHELL moves to strike out all after the enacting clause of the Senate bill, S. 1429, and to insert in lieu thereof the provisions of the bill, H.R. 5334, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to improve the small business development center program, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5334) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1429

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that the House insist on the House amendment to the Senate bill, S. 1429, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and, without objection, appoints the following conferees: Messrs. MITCHELL, SMITH of Iowa, ADDABBO, MCDADE, and CONTE.

There was no objection.

ALLOWING WILLIAM R. GIANELLI TO CONTINUE TO SERVE ON THE BOARD OF THE PANAMA CANAL COMMISSION

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5404) allowing William R. Gianelli to continue to serve as a member of the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense.

The Clerk read as follows:

H.R. 5404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 1102(a) of the Panama Canal Act of 1979 (22 U.S.C. 3612(a)), William R. Gianelli may continue to serve as the designee of the Secretary of Defense on the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense, until another officer of the Department of Defense is designated under section 1102(a) of the Panama Canal Act of 1979.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes and the gentleman from Michigan (Mr. DAVIS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5404 is a short and simple bill. It allows William R. Gianelli, who recently resigned as the Assistant Secretary of the Army for Civil Works, to continue to serve as the chairman of the Panama Canal Commission Supervisory Board. Without this bill, Mr. Gianelli would not be able to continue on the Board because he is no longer an officer of the Department of Defense as required by section 1102 of the Panama Canal Act. H.R. 5404 provides a temporary exception to this requirement, until another Defense Department officer is confirmed to serve on the Board.

Mr. Gianelli, as the designee of the Secretary of Defense on the Board, has the power to direct the votes of the other American members of the Board. Without Mr. Gianelli, the power to control the American majority on the Board would disappear. Thus, H.R. 5404 is needed to assure continued U.S. control of the Panama Canal during this interim period. The committee has been assured that although Mr. Gianelli has resigned as an officer of the Department of Defense, he will continue to be subject to, and will abide by, orders of the Secretary of Defense concerning Panama Canal matters.

In closing, Mr. Speaker, let me publicly congratulate, Mr. Gianelli on the fine work he has done during his tenure as Assistant Secretary of the Army for Civil Works. Over the last few years, I have had the pleasure of working with Mr. Gianelli not only on Panama Canal affairs, but also on issues involving the Army Corps of Engineers. He has always been helpful and hard working, and has exercised excellent judgment in this important post. We have been fortunate to have had the benefit of his skill and we wish him well in his future endeavors.

□ 1310

Mr. DAVIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the chairman of the Merchant Marine and Fisheries Committee for his judicious action on this legislation, and also congratulate my colleague from New York (BILL CARNEY) for introducing this bill.

H.R. 5404 was brought up for consideration by the full Merchant Marine and Fisheries Committee on April 11 of this year, and was promptly reported without a dissenting voice.

The need for this bill arises because section 1102 of the Panama Canal Act of 1979, requires five of the nine members of the Panama Canal Commission Board to be U.S. citizens, one of which must be the Secretary of Defense, or his designee, who shall be an officer of the Department of Defense. In addition, all U.S. members must be confirmed by the Senate.

Effective May 5, Mr. William R. Gianelli, the current Chairman of the Board, resigned as Assistant Secretary of the Army for Civil Works and is no longer an officer of the Department of Defense. He was asked if he could stay on as Chairman of the Board of the Panama Canal Commission, and concurred. However, lesiglation is needed to provide for an exception to section 1102 of the act.

The legislation before us does not make a permanent change in the Panama Canal Act, but simply allows Mr. Gianelli to remain as a board member and chairman of the Supervisory Board until his replacement is nominated and confirmed. This will insure continuity in the exercise of the responsibilities of the Secretary of Defense at future meetings of the Panama Canal Commission Supervisory Board. Mr. Gianelli, as chairman, will also assure a strong voice for the United States at those Board meetings.

Since his appointment as a member of the Panama Canal Commission Board, working relationships between the Commission and our Committee have steadily improved, as has the operation of the canal.

The problems faced by bill during the past 3 years were not foreign to him. In 1967, then Governor Reagan appointed Bill Gianelli as the Director of the California State Department of Water Resources where he served until 1973. Bill has also served as a member of the Western States Water Council, and was chairman of that Council for 2 years.

On April 1, 1981, Bill was nominated as the Assistant Secretary of the Army and was confirmed by the Senate on June 4, 1981. He served in that capacity until his resignation on May 5 of this year.

Mr. Speaker, I urge the Members of the House to join me in supporting this legislation. I feel it is important that we not only retain continuity in the Panama Canal Commission Board by avoiding renomination and confirmation, but that we retain a man of experience and quality, which we have in Bill Gianelli, as long as this administration deems his services necessary.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding, and I take the time to note that as we debate this very important piece of legislation that there is a total of seven Members on the House floor, including the Member who is occupying the chair.

So I would hope that, for purpose of having a clear record of this debate, we will note that it was not very well attended.

Mr. JONES of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Speaker, I would like to respond to the remark of the gentleman from Pennsylvania. Clearly, we have some seven Members on the floor. We have hundreds of Members who are monitoring what is occurring on the floor in their offices.

Most people in our Nation do not know that we have the advantage of that technology. In the office of every Member of this House there is a monitoring device, television set, that reveals to them exactly what transpires in this House. And one of the reasons why that technology was installed is to permit them to continue to observe what occurs and to continue to function in their offices.

I would like to have that message heard loud and clear so that people are not misled.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding me additional time.

I would simply say to the gentleman from New York that he is precisely correct. The point is that there has been an arbitrary decision made with regard to those television cameras that during certain periods of House business they will pan the Chamber and show that there are no Members present. What this Member is pointing out is the fact that that also is something that goes on during the regular legislative sessions of this House, that during the time that we are proceeding with regular legislative business there are no Members in this Chamber either. We have a total of seven people here. I submit that during special orders many times there are seven people in the Chamber as well.

So the gentleman is absolutely correct, but it seems to me that it is well to point out that this panning of the Chamber might well take place during the regular legislative sessions as well, so that we can see all of the empty chairs.

● Mr. HUBBARD. Mr. Speaker, H.R. 5404, which I cosponsored with Hon. WILLIAM CARNEY and Hon. NORMAN SHUMWAY, seeks to provide for the efficient and uninterrupted operation of the Panama Canal Commission by permitting Mr. William R. Gianelli to remain as Chairman of the Supervisory Board until a successor is designated by the Department of Defense.

Under the Panama Canal Act of 1979 (Public Law 96-70) one of the five American Supervisory Board members must be the Secretary of Defense "or an officer of the Department of Defense designated by the Secretary." In addition, the American members of the Panama Canal Commission Supervisory Board must be appointed by the President "by and with the consent of the Senate."

House bill 5404 does not change existing law but simply provides a solution to assure continuity in the supervision and control of the Panama Canal Commission and the U.S. interest in the canal by permitting Mr. Gianelli to serve until another officer of the Department of Defense is designated and confirmed by the Senate.

On May 5 of this year, Mr. William Gianelli retired as Assistant Secretary of the Army for Civil Works. He has served on the Supervisory Board of the Panama Canal Commission having been appointed by President Reagan in 1981. While serving on the Board, Mr. Gianelli has helped provide for the efficient and smooth running of the Supervisory Board, which oversees the operation of the Panama Canal.

Passage of this bill would permit Mr. Gianelli to continue as Chairman of the Board after his retirement from the Department of Defense.

Mr. Speaker, on April 11 of this year, H.R. 5404 passed the full Merchant Marine and Fisheries Committee unanimously by voice vote. This bill is necessary and has bipartisan support. I sincerely hope that such unity will prevail in consideration of this bill by my distinguished colleagues. I request that the House suspend the rules and pass the bill, H.R. 5404.

Thank you.●

● Mr. CARNEY. Mr. Speaker, as the sponsor of H.R. 5404, I want to thank the distinguished Chairman of the Panama Canal/OCS Subcommittee, Hon. CARROLL HUBBARD, and our good friend and colleague, Hon. NORMAN SHUMWAY, for their cosponsorship and support in bringing this bill before the full House for consideration and a vote. This legislation is needed to prevent an undesirable break in the continuity of the representation of the Secretary of Defense on the Panama Canal Supervisory Board.

Section 1102(a) of the Panama Canal Act of 1979 (22 U.S.C. 3612(a)) requires that the Secretary of Defense, "or an officer of the Department of Defense designated by the Secretary," serve as one of the nine members of the Panama Canal Commission Supervisory Board. All Board members are appointed by the President and the five Board members who are U.S. nationals must be confirmed by the Senate.

Since June 17, 1981, Mr. William R. Gianelli has served on the Board as the designee of the Secretary of Defense. Mr. Gianelli was confirmed as an officer of the Department of Defense, the Assistant Secretary of the Army for Civil Works, on June 4, 1981; on June 15, 1981, he was confirmed as a U.S. member of the Panama Canal Commission Supervisory Board. However, Mr. Gianelli has resigned his position as Assistant Secretary of the Army for Civil Works, and thus, he would not be eligible to serve on the Board as the representative of the Secretary of Defense, since he is no longer an officer of the Department of Defense, as required by the act.

This bill simply provides a temporary exception to the requirements of the 1979 Act, to allow Mr. Gianelli to continue to serve on the Board until another officer of the Department of Defense is designated under the act. As specified in House Report 98-732, this temporary exception is not intended to impair the authority of the Secretary of Defense with respect to the operation and control of the Panama Canal, and Mr. Gianelli's duties on the Board of the Panama Canal Commission will continue to be subject to the supervision of the Secretary of Defense.

I believe this approach offers the simplest, most direct and expeditious means to assuring that the United States is properly represented at meetings of the Panama Canal Commission Supervisory Board, pending nomina-

tion and confirmation of another officer of the Department of Defense as Mr. Gianelli's successor. Furthermore, Secretary of Defense Weinberger has indicated his desire to have Bill Gianelli continue on temporarily as his designee to the Board of the Panama Canal Commission. I urge my colleagues to vote for this bill to assure the continuity of the representation of the Secretary of Defense on the Panama Canal Commission Supervisory Board.●

Mr. DAVIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 5404.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5404, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PUERTO RICAN PASSENGER SERVICE

Mr. BIAGGI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 89) to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S.-flag service for such transportation is not available, as amended.

The Clerk read as follows:

H.R. 89

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, passengers may be transported on passenger vessels not qualified to engage in the coastwise trade between ports in Puerto Rico and other ports in the United States, directly or by way of a foreign port, except as otherwise provided in this Act.

(b)(1) Upon a showing to the Secretary of Transportation, by the vessel owner or charterer, that service aboard a United States passenger vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade between ports in Puerto Rico and other ports in the United States, the Secretary shall notify the owner or operator of each vessel transporting passengers under authority of this Act that he shall, within two hundred and seventy days after notification, terminate all such service. Coastwise privileges granted to an owner or operator under this Act shall expire on the two hundred and seventieth day following the Secretary's notification.

(2) Upon a showing to the Secretary, by the vessel owner or charterer, that service aboard a United States passenger vessel not qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817e) from the Federal Maritime Commission for service in the coastwise trade between ports in Puerto Rico and other ports in the United States, the Secretary shall notify the owner or operator of each foreign-flag vessel transporting passengers under authority of this Act that he shall, within two hundred and seventy days after notification, terminate all such service. Coastwise privileges granted to an owner or operator under this Act shall expire on the two hundred and seventieth day following the Secretary's notification.

(c) If, at the expiration of the two-hundred-and-seventy day period specified in subsections (b)(1) and (b)(2) of this Act, the vessel that has been offering or advertising service pursuant to a certificate described in either of those subsections has not entered the coastwise passenger trade between ports in Puerto Rico and other ports in the United States, then the termination of service required by either of those subsections shall not be required until ninety days following the entry into that trade by the United States vessel.

(d) Any coastwise privileges granted in this Act that expire under subsection (b)(1) or (b)(2) shall be reinstated upon a determination by the Secretary that the service on which the expiration of the privileges was based is no longer available.

(e) For the purposes of subsections (b)(1) and (b)(2), the Secretary, by regulation, shall define the term "passenger vessel" and shall consider as the basis for the definition the type and volume of service provided in the Caribbean passenger trades, as well as the volume of service required or being provided between ports in Puerto Rico and other ports in the United States.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. BIAGGI) will be recognized for 20 minutes and the gentleman from Michigan (Mr. DAVIS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I yield myself such time as I may consume.

Mr. SPEAKER. I rise in support of the bill. The fact that we are considering H.R. 89 today is a tribute to our colleague from Puerto Rico, BALTASAR CORRADA. He has sponsored similar legislation in previous Congresses and has diligently worked in this session to move the bill through the legislative process. In fact, an identical bill, H.R. 1489, was passed by this body in 1982 by a vote of 387 to 0. Because of the lateness of the session, the Senate was unable to consider the measure.

The bill addresses a problem that affects the people of Puerto Rico—our fellow citizens in the Carribbean. Because of a void in U.S.-flag passenger service over the past three decades, transportation between Puerto Rico and the U.S. mainland has been severely restricted. This bill will be instrumental in changing that. Not only will Puerto Ricans be able to travel more freely to the United States and back home again, but more mainland residents will have the opportunity to take a cruise and vacation in that beautiful resort island. Consequently, more tourist dollars will flow into American businesses in Puerto Rico—thereby helping their economy.

One concern about the bill, however, has been ubiquitous throughout deliberations on this legislation. The concern—voiced by a number of people—is whether passage of this legislation will lead to derogation of the Jones Act philosophy that trade between U.S. ports should be conducted on U.S.-flagged, U.S.-built, and U.S.-manned vessels.

I hasten to reiterate what I have said since the first hearing: This legislation addresses a specific and unique problem affecting the people of Puerto Rico. I believe the integrity of the Jones Act must be protected, because it is important to American labor and the American shipping industry. As far as I am concerned, the Jones Act philosophy is as vital today as it has ever been.

I urge passage of H.R. 89.

Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am very pleased to rise in strong support of H.R. 89, a bill I introduced to allow the transportation of passengers between ports in the U.S. mainland and ports in Puerto Rico on foreign-flag vessels in the absence of U.S.-flag domestic service.

This is a very simple and precise bill designed to address the need for an alternative to air transportation between the U.S. mainland and Puerto Rico for thousands of persons who cannot travel by air and to further develop our tourism. H.R. 89 is identical to H.R. 1489, a bill approved by the House during the 97th Congress by a vote of 387 to 0. Unfortunately, that bill was not considered by the Senate prior to adjournment in 1982.

Briefly, this bill provides for maritime passenger service between the U.S. mainland and Puerto Rico on foreign-flag vessels when U.S.-flag service is not available. For over 30 years, there have been no domestic passenger vessels providing this service to Puerto Rico. To my knowledge, at present there are no plans by any U.S.-flag

vessel to provide passenger service to Puerto Rico. However, in the event that U.S.-flag service becomes available, it would displace the foreign flag service which may be provided as a result of this legislation. The bill establishes a three-tier system so that U.S-flag vessels not qualified to engage in the coastwise trade and U.S.-flag vessels qualified to engage in the coastwise trade would displace foreign-flag vessels in providing service to Puerto Rico. The legislation provides that a period of 9 months—270 days—shall be given to the foreign-flag vessel operator to terminate service in the event U.S.-flag service becomes available. This language insures the orderly transition of service while providing continuity to the passengers.

H.R. 89 is very important as a way of providing an incentive to our tourism industry and for the economic development of Puerto Rico. It is expected that passage of this legislation will stimulate the development of a cruise/vacation/passenger transportation industry. The Puerto Rico Tourism Co. estimates that enactment of this legislation will result in the creation of 4,000 jobs and an additional $28 million in total tourist expenditures from the increase of 81,000 new tourists traveling to Puerto Rico.

I want to emphasize two factors: First, no U.S. industry or interest would be hurt by passage of my bill. On the other hand, the influx of money into the local economy with help many businesses in Puerto Rico and the U.S. mainland. Second, my bill only addresses passenger transportation. In no way is this bill addressing the issue of cargo transportation.

I want to commend the chairman of the Subcommittee of Merchant Marine, my good friend MARIO BIAGGI, Ms. Cindy Wilkison, and his excellent staff for their unfailing support and assistance to me on this bill. Likewise, the chairman of the Merchant Marine and Fisheries Committee, Mr. JONES, and his staff have also been extremely helpful and I appreciate their support.

H.R. 89 has been the subject of extensive hearings both here in Washington and in Puerto Rico during the last two Congresses. It has been carefully crafted with safeguards to protect all U.S. domestic interests.

I am hopeful that the other body will consider the legislation this year and I urge my colleagues to support H.R. 89.

□ 1320

Mr. BIAGGI. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 89, a bill to permit foreign-flag passenger service between the United States and Puerto Rico, when U.S.-flag vessels are not available.

Puerto Rico's current situation is somewhat of a paradox. U.S. cabotage laws permit only U.S.-flag coastwise qualified vessels to carry passengers between the U.S. mainland and Puerto Rico—yet, there has been no regular U.S.-flag passenger service in that trade for over 30 years. This is not only unfortunate but inequitable. Puerto Rico has so much to offer but is prevented from reaping the benefits of a substantial lucrative tourist trade while foreign-flag vessels may call without restriction at the neighboring Virgin Islands, just 60 miles away. A fuller participation in the island tourist trade will surely produce a welcome infusion of dollars into the economy of Puerto Rico.

Today, we have the opportunity to take a significant step toward eliminating an inequity under the law as it is applied to Puerto Rico. At the same time, I believe, we will be helping U.S.-flag operators by encouraging the development of a trade which has laid dormant for many years while providing some protection against foreign competitors. In the last Congress, the House passed a bill identical to this one by a vote of 387 to 0. I urge my colleagues to join me in supporting this measure today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding, and I would just take the time to note once again on this very important bill that deals with the future of Puerto Rico, that we have a total of nine people in the Chamber for the debate, and as the cameras pan back and forth tonight during the special orders showing all the empty seats, I think it is important for the American people to understand that those empty seats were here during the consideration of legislative business today on the House floor as well.

Mr. DAVIS. Mr. Speaker, I have no further requests for time.

Mr. BIAGGI. Mr. Speaker, before I yield back the balance of my time, I am compelled to repeat the previously stated position with relation to the gentleman from Pennsylvania's comments (Mr. WALKER).

Clearly, what the gentleman is saying is correct, but it is not unusual. The fact of the matter is, what I am concerned about is the implication drawn from that comment by the general public. The general public, not having full understanding of the manner in which the House works, could be led to believe that only seven or eight Members have an interest in this legislation. Clearly, nothing could be further from the truth, because the rest of the House have the opportunity to observe what is happening here through the television sets each of them has in their offices.

The one way that it can be demonstrated, if the gentleman would ask for a vote, I am sure there would be a substantial response which would indicate that the Members of the House are aware and will be casting their votes in the affirmative or the negative when the occasion arises.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Of course, if I asked for a vote, we could not have the vote today because under the rules that the Democrats operate the House under, the vote would be postponed to tomorrow so that all the Members that are out in their districts could get back to town in time to vote. So the fact is, we cannot have a vote even if this gentleman asks for it.

Mr. BIAGGI. Well, the gentleman again is attempting to mislead. The fact of the matter is that truly the Democrats are the majority. The rules of the House have been adopted, and it is a procedure that the House has engaged in. The House has been functioning in this routine fashion for the entire Congress—for the entire session. This is the first time that kind of observation has been made.

Now clearly, there are many votes that have been taken before, as when suspensions are offered. In order to conserve time, they are consolidated. There is vote on either the same day or the following day. I have not heard objection to the request made. The gentleman may be attempting to exploit the situation that occurred the other day, and I understand that exploitation. I do not agree with his efforts to thusly exploit, but I simply have to insist that the observation he makes and he articulates to the public at large is misleading. I am sure that the gentleman does not intend to mislead the public.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The gentleman from Pennsylvania is simply stating the fact of the matter. I am standing here and I am counting the numbers of people and I am stating a fact. I would say to the gentleman with regard to the rules: Does the gentleman know of any Member of the minority who voted for those rules?

Mr. BIAGGI. I do not know any Member that voted against them or articulated against them; let us put it that way.

Mr. WALKER. Well, it seems to me that there was a very substantial debate at the beginning of this Congress in which the minority took great objection to the rules and virtually

every member of the minority party voted against them.

Mr. BIAGGI. Not one Member voted against this procedure. There may have been some opposition to the rules at large, but not one Member voted against this procedure, if I can recollect.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from California.

Mr. LUNGREN. The gentleman will recall that this procedure, where we consolidate votes and put them over to the next day rather than the day when they are considered, was a bone of contention three Congresses ago when it was first brought up. The minority vigorously opposed it because there was some concern about establishing a precedent of discussing important bills, albeit noncontroversial, on a day when we knew most Members would not be here, and then making that the regular procedure. So we got used to the idea of having, as we had one day this past year, something like 27 suspension bills on the calendar on a day when no one was here, and then expecting Members to vote on all or most of them the following day.

□ 1330

So there was not a debate this Congress because it has become a part of the rules. We do not have the votes to overcome it. But I would just say to the gentleman, when it first came up, we did, in fact, fight it on this side. But we lost and those are the rules of the House. That is the way we proceed.

Some of us believe it is not the way we ought to proceed, but that has already been decided.

Mr. BIAGGI. As the gentleman stated, the objection to that provision was a bone of contention a number of years ago. I am talking about this Congress. It has become a way of procedure. It has been highlighted now simply because of the inadvertent development on last Thursday. But no one is really questioning this procedure.

Again, I rise to insist that the public not be misled by the comment by the gentleman from Pennsylvania in the absence of the vast majority of Members. I am sure he does not intend to mislead the public, but I would like to make certain by clarifying it and expanding upon it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BIAGGI) that the House suspend the rules and pass the bill, H.R. 89, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. KAZEN). The gentleman will state it.

Mr. WALKER. Mr. Speaker, if the gentleman from Pennsylvania were to propound a unanimous consent request at this point that that vote be taken immediately, because the gentleman from New York had indicated that he thought the Members would be here, would that unanimous consent request be in order?

The SPEAKER pro tempore (Mr. KAZEN). The Chair would not entertain that request because Members have been on notice by the Speaker that no record votes would be taken.

Mr. WALKER. I thank the Chair.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 89, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

WAR RISK INSURANCE

Mr. BIAGGI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5505) to amend title XII of the Merchant Marine Act, 1936.

The Clerk read as follows:

H.R. 5505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1214 of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1294), is amended by striking "1984" and inserting "1989".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. BIAGGI) will be recognized for 20 minutes and the gentleman from Michigan (Mr. DAVIS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5505 extends the war risk insurance program authorized by title XII of the Merchant Marine Act of 1936 for 5 additional years. This authority is scheduled to expire on September 30, 1984.

Title XII is standby legislation which authorizes the Secretary of Transportation—with the approval of the President—to provide war risk and certain marine and liability insurance for the protection of vessels, cargoes, and crew life and personal effects when commercial insurance cannot be obtained on reasonable terms and conditions.

Commercial war risk insurance policies now in effect contain automatic termination clauses that cause the insurance to terminate upon hostile detonation of a nuclear device of war, or upon the outbreak of war, whether there is a declaration of war or not, between any of the following countries:

United States;

United Kingdom (or any other member of the British Commonwealth);

France;

The Union of Soviet Socialist Republics; and

The People's Republic of China.

Without Government insurance, American vessels would be without protection against loss by risks of war after the termination of the commercial policies. Ships and cargoes could not be moved without adequate insurance coverage.

War risk insurance was provided by the Government in both World Wars and during the Korean conflict. The program proved both necessary and effective in protecting the United States and its waterborne commerce—with total premium receipts in excess of losses paid.

The administration supports the bill. The Subcommittee on Merchant Marine held one hearing and heard no opposition to the 5-year extension. Both the subcommittee and the full committee reported the bill by unanimous voice vote. I urge favorable action by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5505, a bill to extend the authorization of the war risk insurance program through fiscal year 1989.

The war risk insurance program, as contained in title XII of the Merchant Marine Act of 1936, is designed to furnish immediate protection for American merchant marine vessels against loss for vessels, cargoes, crew, and personal effects upon any hostile detonation of a nuclear weapon or outbreak or war between certain major world powers. This emergency insurance coverage is necessary because commercial insurance policies contain automatic termination clauses in the event of such an occurrence. Without this standby Government protection, the waterborne commerce of the United States would surely cease at just the time the national security would most require it.

The war risk insurance program is self-sustaining. The collection of binder fees and other receipts form the initial fund from which losses are paid during the first 30 days of hostilities. Based upon that loss experience, premiums are then established and collected. Experiences with the temporary insurance programs established during both World Wars found receipts exceeding outlays.

H.R. 5505 was introduced at the request of the administration and has been reported by the Committee on Merchant Marine and Fisheries without amendment. I know of no opposition to the bill, and urge my colleagues to adopt it.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I rise at this point to indicate that there are 13 Members of Congress on the floor as we debate this important piece of legislation. That is by actual count and it is no attempt to mislead the American people whatsoever. It is simply an attempt to make a record of that.

If we were to mislead the American people, it seems to me it would involve a rule which says that you do not pan the House during the proceedings. One way we can assure that the American public is not being misled about what we do here would be to have the cameras, which are going to pan during special orders, panning the gavel-to-gavel process of the House. That would assure that no one would be misled at any point during our legislative proceedings, which is what this gentleman called for and what the distinguished minority whip called for earlier today.

I thank the gentleman for yielding.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield so that I may pose a question?

Mr. DAVIS. Yes, I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Speaker, a thought comes to my mind. Is the gentleman suggesting that only the 13 Members who are present on the House floor are paying attention or are familiar with this legislation?

Mr. WALKER. If the gentleman would yield, the only suggestion I am making is that here on the House floor, as we consider this legislation, there are only 13 Members present. Now, that has been used as a basis on which to make a very substantive rules change with regard to special orders, the idea that the Speaker just came to the well a few minutes ago and spoke about. He said that there was few people, or no people in the Chamber when these special orders were taking place, so he wanted to have perspective on that.

There was an article in which he is quoted in the Washington Post that appeared over the weekend. He said that the panning procedure, according to the Speaker, the audience will get more perspective on what really happens on the floor.

All I am suggesting is that we ought to have the same kind of perspective on what really happens on the floor gavel to gavel; not just during special orders, but gavel to gavel. Since the Speaker has specifically said that he is not going to permit the cameras to pan the floor during those periods of time when the majority controls the time, it would be this Member's intention to just point out how many Members are on the floor during some of these times because it seems to me that that does add some perspective to the RECORD, as the Speaker evidently desires to have.

Mr. BIAGGI. I asked a simple question and I received an expanded response, but I did not receive an answer to my question.

Mr. WALKER. If the gentleman will yield further, obviously the answer to the gentleman's question is there are people watching this on television. How many we do not know because we have no idea how many Members are in town today. There may be some; there may be none.

All we do know is that there are only 13 Members of the House on the floor at this point listening to the debate.

□ 1340

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I would just mention one thing in response to the gentleman's question.

I suppose the point to be made is the fact that there are not very many Members on the floor does not negate the fact that many Members are interested in this and may in fact be in their offices watching this at this very moment or certainly have their staffs watching it. That is a point that can readily be made about special orders. The fact that there are very few Members here on the floor during the time of special orders does not negate the fact that many Members in their offices are watching or their staffs are watching at that time. Certainly, as the gentleman knows, the gentleman's own party evidently has made a study on the impact of speaking on the floor when very few people are here and think it is worthy enough that they ought to consider changing the time at which we debate major pieces of legislation.

So without an implicit or explicit criticism of the fact that Members are not here, we can certainly justify the use of special orders by Members on both sides of the aisle to inform their fellow Members.

Mr. BIAGGI. Mr. Speaker, if the gentleman will yield further, I am grateful to the gentleman from California for his response.

I do not think anyone really intended to impugn the individual Members' interest in any legislation pending. It has been my experience that the Members of the House are thoroughly familiar with legislation as a result of their own inquiry and as a result of the monitoring technology that we have provided for the Members, and the presence of a substantial number or a minimum number is no indication whatsoever of whether or not the Members are in fact listening. It has been my experience that they are and are thoroughly knowledgeable on the subject matter.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from New York is absolutely correct with regard to, I think, the vast majority of Members. I think they are familiar with legislation.

I must say, however, as someone who does spend a good deal of time on the floor that I am consistently amazed at the number of Members who come to the floor and come to this desk and ask me, "What are we voting on?" And "How am I supposed to vote?"

Mr. Speaker, I thank the gentleman for yielding.

Mr. DAVIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BIAGGI) that the House suspend the rules and pass the bill, H.R. 5505.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 5505, the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SCHOOL FACILITIES CHILD CARE ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4193) to encourage the use of public school facilities before and after school hours for the care of school-age children, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Facilities Child Care Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds that—

(1) the need for day care for the young school-age child before school, after school, during school holidays, and during school vacations when parents must work, is a national problem, affecting more and more families every year;

(2) approximately six million children, between the ages of six and thirteen, take care of themselves when they return home from school;

(3) unsupervised children run physical and psychological risks, including accidents and feelings of loneliness and fear;

(4) research studies have indicated increased likelihood of alcohol and drug abuse and delinquent behavior among unsupervised "latchkey" children;

(5) the number of existing child care programs designed to meet the needs of young schoolchildren for before- and after-school supervision are scarce, frequently filled to capacity, and often unable to subsidize care for children from families with limited financial resources;

(6) the Federal Government has a role in the promotion of quality and adequate child care services which contribute to the well-being of children and families; and

(7) the use of the public school as the site for before- and after-school care offers effective utilization of existing resources.

(b) Recognizing that the parent is the primary influence in the life of the child and that the parent must have ultimate decisionmaking authority on issues relating to the welfare and care of the child, it is the purpose of this Act—

(1) to encourage the development of partnerships among partners, public elementary and secondary school educators, and child care providers designed to serve the interests of school-age children in need for before- and after-school care;

(2) to promote the availability of child care services to school-age children in need of services;

(3) to provide financial assistance to public agencies and private nonprofit organizations utilizing public school facilities and community centers for before- and after-school child care services;

(4) to provide assistance to families whose financial resources are insufficient to pay the full cost of services for before- and after-school care; and

(5) to encourage State and local educational agencies and community organizations to assess the need for school-age child care services and to promote public awareness of the need to provide adult supervision of school-age children and the availability of programs to provide such services.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(2) the term "equipment" has the same meaning given that term by section 198(a)(8) of the Elementary and Secondary Education Act of 1965;

(3) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(5) the term "school-age children" means children aged four through thirteen;

(6) the term "school facilities" means classrooms and related facilities used for the provision of free public education;

(7) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(8) the term "Secretary" means the Secretary of Health and Human Services;

(9) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(10) the term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965; and

(11) the term "community center" means buildings or facilities operated by not-for-profit community-based organizations for the provision of recreational, social, educational, or day care services to the general public.

PROGRAM AUTHORIZED

SEC. 4. (a) The Secretary of Health and Human Services is authorized, in accordance with the provisions of this Act, to make grants to public agencies and private nonprofit organizations having the capacity to furnish school-age child care services to assist such agencies and organizations to establish and operate school-age child care services in public school and institution of higher education facilities and community centers. The Secretary shall give priority consideration to the provision of child care services in public school facilities.

(b)(1) There are authorized to be appropriated $30,000,000 for the fiscal year 1985 and for each of the succeeding fiscal years ending prior to October 1, 1987. Amounts appropriated pursuant to the first sentence of this subsection shall remain available until expended.

(2) Not more than 5 per centum of the amount appropriated in each fiscal year under paragraph (1) shall be available for administrative expenses.

APPLICATIONS

SEC. 5. (a) Each public agency or private nonprofit organization, having the capacity to furnish school-age child care services, which desires to receive a grant under this Act, shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the need for and the type of child care services to be furnished in facilities of an elementary or secondary school or institution of higher education, or community center in the community;

(2) provide assurances that the applicant has knowledge of and experience in the special nature of child care services for school-age children;

(3) provide assurances, in the case of an applicant that is not a State or local educational agency, that the applicant has or will enter into an agreement with the State or local educational agency, institution of higher education, or community center containing provisions for—

(A) the use of facilities for the provision of before- or after-school child care services (including such use during holidays and vacation periods),

(B) the restrictions, if any, on the use of such space, and

(C) the times when the space will be available for the use of the applicant;

(4) provide an estimate of the costs of the establishment and operation of the child care service program in the school facilities, including the proposal for a fee schedule for child care services;

(5) provide assurances that the applicant will not make funds provided under this Act available for the cost of operation of any such child care service program in an amount which exceeds—

(A) 50 percent of such costs of operation for the second fiscal year of assistance to such program; or

(B) 25 percent of such costs of operation for the third fiscal year of assistance to such program;

(6) provide assurances that the applicant will use the funds received under this Act only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes of establishing and operating child care service programs, and in no case to supplant funds from such non-Federal sources;

(7) provide for the establishment of a sliding-fee schedule based upon the services provided and family income adjusted for family size for children receiving services assisted under this Act;

(8) provide assurances that the parents of school age children will be involved in the development and implementation of the program for which assistance is sought under this Act;

(9) provide assurances that the applicant is able and willing to seek to enroll racially, ethnically, and economically diverse as well as handicapped school-age children in the child care service program for which assistance is sought under this Act;

(10) provide assurances that the child care program is in compliance with applicable State and local licensing laws and regulations governing day care services for school-age children;

(11) provide assurances that the applicant will participate in data collection and evaluation activities relating to the program for which assistance is sought and will report such information as the Secretary may reasonably require to carry out section 6;

(12) describe the liability insurance coverage which the applicant intends to purchase; and

(13) provide such other assurances as the Secretary may reasonably require to carry out the provisons of this Act.

(b) In approving applications under subsection (a) of this section, the Secretary shall—

(1) assure that there is an equitable distribution of approved applications, both with

respect to States and among inner-city, urban, suburban, and rural areas;

(2) give priority to applications from applicants in communities in which there is the greatest need for child care services for school-age children and in which there is a shortage of economic resources for the provision of child care services for such children; and

(3) give consideration to applicants who can illustrate an identifiable base of support from the community in the form of financial or in-kind contributions from other agencies, parents groups, business concerns, or civic organizations that will enable the cost of program operations to be sustained without continuing support under this Act.

NEEDS ASSESSMENT; REPORT

SEC. 6. (a) The Secretary shall carry out a program of collecting data from recipients of assistance under this Act designed to provide a national-needs assessment for child care services of school-age children in the United States. The data shall include the number of children served, the number of children awaiting care, the income distribution of families, and the percentage of families requiring reduced or waived fees.

(b) Not later than one hundred and sixty days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a full and complete report of its activities under this Act during the preceding fiscal year, together with a needs assessment of the availability of, and need for Federal support for, child care services for school-age children in each State in the United States. Such report shall also include a statement of the number of programs established under this Act, the number of such programs that have failed, and the reasons for such failures.

NATIONAL CLEARINGHOUSE ON SCHOOL-AGE CHILD CARE

SEC. 7. From the amount reserved under section 4(b)(2), the Secretary shall establish and operate a clearinghouse on school-age child care programs. The clearinghouse shall collect and disseminate to the public information pertaining to programs and services available for the provision of school-age child care, together with ways of coordinating such programs and services with other programs and services, including education and recreation, provided to school-age children. The clearinghouse shall also provide technical assistance to public agencies, private nonprofit organizations, and groups of parents desiring to establish local school-age child care programs or services. The Secretary is authorized to enter into contracts with qualified public agencies and private organizations to operate the clearinghouse established or designated under this section. The Secretary is also authorized to accept donations from public and private organizations and individuals for the purpose of operating the clearinghouse.

PAYMENTS

SEC. 8. (a) From the amounts appropriated under section 4, the Secretary shall pay, in accordance with the provisions of this Act, the amount required to carry out the services described in each application approved under section 5.

(b) Payments under this Act shall be made as soon after the approval of the application as is practicable.

ADMINISTRATION

SEC. 9. (a) In order to carry out the provisions of this Act, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code;

(3) prescribe such regulations as the Secretary deems necessary;

(4) receive money and other property donated and bequeathed, or devised, without condition or restriction other than it be used for the purposes of this Act; and to use, sell, and otherwise dispose of such property for the purpose of carrying out the functions of the Secretary under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(6) subject to the availability of appropriations therefor, enter into contracts, grants, other arrangements, or modifications that are necessary to carry out the provisions of this Act.

(b) The Secretary shall submit to the President and to the Congress an annual report of the program authorized by this Act.

WITHHOLDING

SEC. 10. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any applicant, finds that there has been a failure to comply substantially with the provisions set forth in the application approved under section 5, the Secretary shall notify the applicant that further payments will not be made under this Act until he is satisfied that there is no longer any failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this Act.

AUDIT

SEC. 11. The Comptroller General of the United States, and any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any applicant and any contractee receiving assistance under this Act that are pertinent to the sums received and disbursed under this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) will be recognized for 20 minutes and the gentleman from Pennsylvania (Mr. GOODLING) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4193, the School Facilities Child Care Act, authorizes $30 million for each of the fiscal years 1985, 1986, and 1987 for grants to public and private nonprofit agencies and organizations to establish and operate child care programs in public schools.

This legislation addresses a serious problem in our society—that of latchkey children, who are left without adequate care while their parents work. These school-age children number in the millions. Without supervision, they are subject to accidents, injury, and, as they grow older, delinquency. Many parents have few alternatives because child care programs do not exist in their area or because the ones that do are too expensive.

The need for child care is expected to increase as more mothers join the labor force. Single parents suffer particularly acute child care problems.

H.R. 4193 would encourage child care programs for school-age children to be offered in school facilities and community centers, with priority going to schools. These services would be offered before and after school and during vacation periods. School buildings are a suitable location for such programs because schools are already equipped for children; because such programs eliminate the need for transportation to and from another child care center; and because this option makes maximum use of our public buildings.

The programs in H.R. 4193 would be developed with the involvement of parents and would have to comply with State and local day-care licensing laws and regulations. The Federal share for operating costs would be 100 percent in the first year, 50 percent in the second year, and 25 percent in the third year.

This legislation, which promises to offer a safe, educational child care environment for many children, has bipartisan support. I urge my colleagues to join with me in suspending the rules and pass H.R. 4193.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4193, the School Facilities Child Care Act.

We have done a lot of foolish things in our committee in the last few weeks, but we finally got around to doing several important things that I think are worthwhile and well thought out, and this is one of them.

Basically, H.R. 4193 would authorize the Secretary of Health and Human Services to make grants to public agencies and private nonprofit organizations which can demonstrate their capacity to furnish school-age child care services to assist such agencies and organizations in establishing and operating affordable and quality school-age child care services in public school facilities and community centers.

H.R. 4193 provides for an annual authorization of appropriations of $30,000,000 for fiscal years 1985–87.

In approving grants under this act, the Secretary of Health and Human Services must insure an equitable distribution of approved applications not only among the States, but also among inner-city, urban, suburban, and rural areas within the States. In addition, priority must be given to applications from prospective grantees located in communities in which there is the greatest need for child care services for school-age children and in which there is a documented shortage of economic resources necessary for the provision of child care services for such children.

Finally, the Secretary is required to give consideration to applicants who can demonstrate an identifiable base of support from the community that will enable school-age child care programs assisted under this act to be sustained without continuing support under this act.

Two important amendments were adopted during full committee consideration of H.R. 4193. Let me touch upon them briefly.

First, thanks to the amendment offered by the gentleman from Iowa (Mr. TAUKE), limitations are placed on the amount of funds received under the School Facilities Child Care Act that may be used for ongoing operation costs. During the first year, Federal grant moneys may be used for establishing and operating a school-age child care center. During the second year of a grant, however, no more than 50 percent of Federal grant funds can be used for operating costs. And, in the third and final year of a grant award, no more than 25 percent of Federal grant moneys may be applied to meeting operational costs.

The second amendment that was adopted by the committee was one that I offered to require prospective applicants to provide assurances to the Secretary of Health and Human Services that funds received under this act will be used only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes of establishing and operating child care service programs. In no case may funds provided under the terms of this act supplant funds from such non-Federal sources.

I believe that both of these amendments strengthen the original bill and make it clear, at the outset, to all interested parties that the limited dollars available under this act are to be utilized primarily to establish school-age child care centers and should not be viewed as the sole and continuing source of support for their continued operation.

Mr. Speaker, I believe that the crying need for additional and quality school-age child care services is substantiated by data that appears in a policy report entitled "School-age Child Care," prepared by the Wellesley College Center for Research on Women.

According to this report, in 1981, 15 million children between 6 and 13 years of age had working mothers. This represents 66 percent of all mothers with children aged 6–13. Another 1.4 million 5-year-olds also had mothers in the labor force. This is almost 50 percent of all mothers with 5-year-olds. And, of the mothers of school-age children who work, 79 percent work full time. It is predicted that by 1990 at least 18 million children between 6 and 13 years old and 1.6 million 5-year-olds will have mothers in the labor force. By that time, 70 to 80 percent of women aged 20 to 40 will be part of the work force.

How do these figures translate to number of school-age youngsters in self- or sibling-care? While there is a lack of definitive nationwide data as to their exact numbers, reliable estimates by recognized child care experts indicate that there are as many as 6 million so-called latchkey children.

Mr. Speaker, this is clearly a child welfare issue that we cannot continue to ignore. Unsupervised younger children tend to be a greater risk not only in terms of adjustment, school achievement and self-image, but also in terms of serious accidents and abuse by other children and adults.

I realize that there is an expenditure involved. I think we can look at it in two ways. We can either spend a small amount of money at the present time to try to do something about the "latchkey" problem we have in this country or we can pay no attention to it and eventually have to spend billions of dollars taking care of these young people in institutions, not to mention loss of life and destruction of property.

So I think it is a small amount to do something that may solve part of the problem. Certainly it cannot substitute for a good home environment, but it certainly will give us a start in that direction.

□ 1350

I would like to take this opportunity to commend the gentlewoman from California (Mrs. BURTON) for her leadership. She believes in this issue, as I do, and brought it before us and I think with the amendments adopted in committee we probably have one of our better pieces of legislation. I urge my colleagues to join me in supporting H.R. 4193.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. GOODLING. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

This is an important bill and one that we should have the kind of discussion we are having here today.

I rise to point out that during the course of this debate, we have had a total of 11 people on the floor. I think there are 10 of us here right now and during that period of time 6 of the 11 were Republicans; so it seems to me again to put in proper perspective the way in which we are proceeding here with debate, it is important to note that there are relatively few people here for debate on this important bill.

Mr. GOODLING. Mr. Speaker, my only hope is that those who are missing are under proper supervision and not roaming the streets getting into any kind of trouble.

Mr. Speaker, I reserve the balance of my time.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Mrs. BURTON).

Mrs. BURTON of California. Mr. Speaker, today marks one of the highlights of my short service in this House. One of the first bills with my name as coauthor is before the House—a bill that is of tremendous importance to the changing family structure in our society, a bill that demonstrates the ability of this body to respond to a real need with swift and sure action.

H.R. 4193 addresses itself to the needs of as many as 6 million American children, who leave home in the morning for school with books, lunch bags, and the house keys.

Mr. Speaker, these children are a sizable group of today's young students. These are the "latchkey children," kids no less bright, or happy, or energetic than the others of their generation, but they have either a single parent who works, or both parents who work, and who cannot afford, many of them, to pay for after-school child care.

Not too many years ago, the idea of a "latchkey child" would have been quite shocking. This was, you may recall, the time when households with two working adults was unusual; households with an older family member living with the primary family was quite common.

But today, Mr. Speaker, the times and the economy have changed. And we, in the House, today have an opportunity to provide some remedy to the difficulties faced by these latchkey children.

I do not believe there is a Member in this House who is not familiar with the pressures on working fathers and mothers to give the love and support to their children but, because of the

necessity to earn a living, to provide the proper level of quality of life, mandates their working full time.

If there was a universal child care capability in our schools, there would be no problem.

But, Mr. Speaker, this is not the case.

What we propose today is the most reasonable and the most economic of remedies, a cost-effective way of providing constant, professional, and safe supervision to these children in their after-school hours.

What we suggest is not revolutionary nor is it disruptive to a typical school environment.

What we know is this: The consequences of the "latchkey syndrome" can be, and often are, tragic to the young person. Left alone, these young children often experience fear, boredom, and loneliness. In some areas, those fears are tragically realized—with horrible results.

Mr. Speaker, our objectives are well worth the modest costs of this legislation. The School Facilities Child Care Act offers the most simple and cost-effective, yet promising remedy yet devised. It has received the support of educators and parents alike and it puts into place the kind of partnership between parents, educators, and the community that Americans know how to make work so well.

We propose in this legislation that the Department of Health and Human Services provide grants to local agencies, be they private or public, for the creation of extended day programs in existing, unused, school facilities or community centers, that will provide a safe, supervised environment for latchkey children. The structure of these programs will not be dictated by the Federal Government. The legislation provides each group of providers with the opportunity to shape and develop what is right for the children of their individual community.

Mr. Speaker, no community is unaffected by this growing and disturbing phenomenon.

The participation of women in the work force has become increasingly more important to the economic productivity of our Nation. The resulting increase in the number of households in which both parents work full or part time leaves too many children in a dangerous void. As our society sees fewer and fewer older family members remaining in the primary family environment, the urgent need for our legislation becomes more and more apparent.

The School Facilities Child Care Act makes use of existing, underutilized public facilities and encourages communities to revitalize their local schools.

Let us turn away no child. We will incorporate a sliding payment scale to insure that no latchkey child will be denied care. Let us deny no parent the fullness of opportunity and the satisfaction of achieving their goals of life.

We cannot deny a child's sense of well-being and worth simply because his or her parent, or parents, has a job.

When you consider the growing number of children who, for a variety of reasons beyond their control, are forced to spend many hours each day unsupervised, I know you will join me in supporting this worthy legislation. The School Facilities Child Care Act has been cosponsored by over 75 Members of the House from both sides of the aisle. The bill was reported out of full Committee on Education and Labor unanimously.

Mr. Speaker, I strongly urge my colleagues to give full support to this worthwhile and fair legislation—legislation that reflects a progressive and decent response to a growing national problem.

ORGANIZATIONS SUPPORTING H.R. 4193

National Education Association.
American Association of School Administrators.
National Association of Elementary School Principals.
American Association of University Women.
National Black Child Development.
National Organization of Women.
National Women's Political Caucus.
The National PTA.
National Collaboration for Youth.
American Red Cross.
Big Brothers/Big Sisters of America.
Boy Scouts of America.
Boys Clubs of America.
Camp Fire, Inc.
The Congressional Award.
Future Homemakers of America.
Girls Scouts of the U.S.A.
Girls Clubs of America, Inc.
National Board, YWCA of the U.S.A.
The National Network of Runaway and Youth Services, Inc.
National Youth Work Alliance.
United Neighborhood Centers of America, Inc.
YMCA of the U.S.A.
Children's Defense Fund.
American Bar Association.

Mr. GOODLING. Mr. Speaker, I reserve the balance of my time.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 4193, the School Facilities Child Care Act, which authorizes $30 million a year for fiscal years 1985–87 to establish and operate child care services for school-aged children in public school facilities and community centers.

Mr. Speaker, this initiative is a timely solution to the growing problem of latchkey children—those children from households where all adults hold full-time jobs. Consider the statistic that as many as 6 million children between the ages of 6 and 13 leave alone for school and return home alone because their parents must work. Many of these children are exposed to fear, accidents, and other physical and psychological hazards.

For a growing number of parents, child care services are a necessity, not a luxury. In Puerto Rico, there may be as many as 250,000 children whose parents both work and for whom no child care arrangements are currently available, based on the number of women in the work force. The School Facilities Child Care Act would initiate a system of available and affordable centers, and would provide a sliding scale of payments to insure that no child would be turned away because he or she cannot afford to participate.

The theory behind H.R. 4193 is simple. Many of the children in need of day care services are currently enrolled in the public school system. Recognizing that many parents are employed in jobs which begin before school hours and which extend beyond the end of the school day, this legislation gives priority to projects which would provide day care at the school facility before and after school hours.

These programs will furnish a safe, supervised environment for children who otherwise experience the fear, loneliness, and boredom of returning from school to empty homes.

Mr. Speaker, in Puerto Rico, the incidence of single-parent homes, and homes where both parents are employed full time, is rising, and along with it the need for quality, safe day care services. I believe that H.R. 4193 is the first step in the direction of addressing this problem by funnelling Federal dollars into communities for startup costs and, to a limited extent, operating costs.

I want to commend my colleagues Congresswoman SCHROEDER, Congresswoman BURTON, and Congresswoman FERRARO for sponsoring this legislation.

I urge my colleagues to provide leadership to our communities in developing quality day care programs by joining me in support of this timely measure.

□ 1400

Mr. PERKINS. Mr. Speaker, I yield 9 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman very much for yielding this time to me.

I am proud to have sponsored H.R. 4193. I would like to thank Chairman PERKINS for moving so quickly on this important bill. I would also like to commend Congresswoman SALA BURTON, who sponsored the bill with me, for doing such a good job of moving it through her subcommittee and committee.

The recently publicized problem of missing children touches on the fears of many problems over their children's

safety. This anxiety is intensified for working parents who are not home when their children arrive from school.

Today, when more mothers of school-age children are working outside the home, the issue of school-age child care is as much a security and safety issue for children as it is an economic issue for working parents.

H.R. 4193 is a practical cost-effective approach to responding to the need for school-age child care.

It promotes partnership among parents, community agencies, and public school administrators, and child care providers to work out solutions to the growing need for school-age child care.

Two demographic changes in the past decade have underscored the need for such programs. First, the increased participation of mothers of school-aged children in the labor force. Women work out of economic necessity, whether they are single heads of households or are in two-earner families. Of all mothers with children under 18, 59 percent were in the labor force in March 1982.

Second, the increase in the number of children between the ages of 6 and 11. The 1980 census counted 19.8 million children aged 6 to 11. The U.S. Census Bureau projects this number to increase by 10 percent by 1990.

Families where the parents must work are concerned about lack of supervision and care for for their children after school. Estimates of the number of school-age children who are without supervision after or before school, commonly referred to as "latchkey children," range from between 1.8 million, reported by the U.S. Census Bureau in 1976, to 7 million, reported by Editorial Research Reports in 1983.

In addition to parents' anxiety about the safety and security of their school-age children, research in the area of the effect of self-care on children indicate that latchkey children experience loneliness, boredom, and fear. Unsupervised children also run physical risks such as accidents and abuse by other children and adults. In two major cities—Detroit and Newark—fire department officials say that one in six calls received involve children alone.

Over 1,000 programs may now offer after-school child care, yet the number of existing child care programs designed to meet the needs of school-age children are scarce, frequently filled to capacity, and often unable to subsidize care for children from families with limited financial resources.

H.R. 4193 represents the first legislative proposal to directly target child care for school-age children. Although school-age child care has been allowed funding under both title IV-A and title XX and has been used by both the work incentive program (WIN) and aid to families with dependent children (AFDC), under "income disregard" policy, it has never been specifically identified.

The bill authorizes the Secretary of Health and Human Services to make grants to public agencies and private nonprofit organizations to establish and operate school-age child care services in public school facilities and community centers.

The use of public school facilities represents a logical and cost-effective use of existing public resources at a time of declining enrollments. Schools are centrally located in communities. Locating a program in a school also eliminates transportation costs that would otherwise be passed on the parents as higher tuition costs. The bill acknowledges that for some communities, a community center is more suitable for their program and therefore allows programs to be established in community centers as well as public schools.

H.R. 4193 sets forth criteria for applications for grants including the provision that the applicant will establish a sliding-fee schedule based upon the services provided and family income adjusted for family size. Thus it is insured that the program will be available to those low-income and moderate-income working families that need it.

The purpose of the bill is for local communities to design the structure and content of programs to best meet their particular needs. To this end, H.R. 4193 states that the parents of school-age children will be involved in the development and implementation of any program receiving funds.

A host of women's education, and youth organizations have endorsed this legislation, including the Congressional Caucus for Women's Issues, National PTA, National Collaboration for Youth (which includes the Girls Scouts of America, the Boy Scouts of America, YMCA, YWCA, Camp Fire, Girls Clubs and Boys Clubs), Children's Defense Fund, National Organization for Women, and the American Association of University Women.

I urge my colleagues to help the children and working families in their district and adopt H.R. 4193.

● Ms. SNOWE. Mr. Speaker, I offer my strong support to H.R. 4193, the School Facilities Child Care Act. As cochair of the Congressional Caucus on Women's Issues, I urge each of my colleagues to support this small, but important, step to improve the quality of life for countless school age children and their families, and I want to commend my colleagues PATRICIA SCHROEDER, cochair of the caucus, SALA BURTON, and GERALDINE FERRARO for their leadership in this area.

We are not sure how many children return home from school each day to empty houses; however, estimates range from 2 to 7 million. What we do know is that 62 percent of children age 6 to 13 have mothers in the work force, and the critical need for child-care services will only continue to grow in the years to come. While innovative school age child-care programs do exist in certain areas, high quality, affordable care is sketchy or nonexistent for the majority of children.

The School Age Facilities Child Care Act would authorize $30 million a year for 3 years to public agencies and nonprofit organizations to establish child care centers in existing public school facilities or community centers. Local communities would design the structure and content of programs to best meet their particular needs. The bill also provides for a sliding payment scale to insure that no child will be turned away because he or she cannot afford to participate.

The child care problems facing school-age children and their families are unique in certain respects, and the School Facilities Child Care Act seeks to address these through the establishment of child care centers in existing public school facilities. The needs of school age children, however, are no more critical than those of infants and preschoolers, and taken together they represent our failure to develop a comprehensive national policy on child care. H.R. 4193 focuses attention on only one aspect of this enormous problem. It symbolizes, however, the type of creative solutions that will be required in the years to come if we are to meet the challenge of caring for the needs of America's children.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 4193, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

"NEW IDEAS ON ECONOMIC POLICY"—REMARKS BY FELIX G. ROHATYN

(Mr. WIRTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIRTH. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent speech given by Mr. Felix G. Rohatyn of the American Society of Newspaper Editors late last week.

Mr. Rohatyn discusses three areas of economic policy that he believes demand our attention immediately: First, the excessive level of financial

speculation and use of credit in the United States today; second, the continually increasing exposure of our financial system and our geopolitical situation as a result of the Third World debt situation; and third, the need for coherent industrial policies in certain sectors of our economy.

Of special interest to us right now is Mr. Rohatyn's comments on takeovers and mergers which he describes as being "the sky is the limit." Not only in size, but in the types of large corporate transactions, we have gone, according to Mr. Rohatyn, beyond the norms of rational human behavior. The tactics used in corporate takeovers create massive transactions that benefit lawyers, investment bankers, and arbitragers, but result in weaker companies. They are wonderful for the profitability of the investment banking business, but they are reaching a point, according to Mr. Rohatyn, where the integrity of our financial markets is in question.

I would hope my colleagues will look carefully at Mr. Rohatyn's good speech.

Mr. Speaker, I include the speech as follows:

REMARKS BY FELIX G. ROHATYN

"NEW IDEAS ON ECONOMIC POLICY"

I am somewhat troubled by the title of this session, namely "New Ideas on Economic Policy." I believe that in economics, as in sex, there is very little that is new. I have thought a great deal about both and have yet to come up with something really new about either. I do have some views, however, and since the subject is economics, I would like, briefly, to discuss three areas that appear to me to require significant changes in policy. They are:

(a) The excessive level of financial speculation and use of credit in the U.S. today;

(b) The continually increasing exposure of our financial system and of our geopolitical situation as a result of the Third World Debt Situation;

(c) The need for coherent industrial policies in certain sectors of our economy.

I am aware of the fact that fifteen minutes is my time limit and I will therefore merely sketch in the broad outlines of my concerns. Let me start with the first:

I have been in the investment banking business for thirty-five years. I was a Governor of the New York Stock Exchange and Chairman of its so-called "Crisis Committee" in the late 1960s, the so-called "Go-Go years". I make my living doing mergers and acquisitions, and by giving advice to corporate America. What is happening in the financial markets today bears the same relationship to what happened in the "Go-Go" years of the 1960s as Caesar's Palace bears to the local church bingo game. Every kind of financial instrument is being created to lure individuals into believing they are investing when they are really speculating. Variable rate mortgages to give the home buyer the illusion he has a cheap mortgage; Options, straddles, commodity futures, foreign exchange contracts, venture capital funds, "Junk bonds." We are turning the financial markets into a huge casino. Individuals are not the only speculators.

A transaction called "Leveraged-Buy-Out" has swept corporate America. This transaction essentially turns public companies into private companies mostly by borrowing against their own assets and shrinking their equity dramatically. Thus a public company with say $100 million of debt and $900 million of equity is turned into a private company with $900 million of debt and $100 million of capital. This has two consequences, both highly speculative. First, it bets the company on a combination of continued growth and lower interest rates, with no margin for error. Second, it substitutes debt for permanent capital which is exactly the opposite of what our national investment objectives ought to be. These LBO's have increased in size, culminating in Esmark's $2.5 billion transaction announced last week and the proposal to take Gulf Oil private for $12 billion some time ago. Although I have no hard numbers, I would guess that, up to now, over $10 billion of such transactions have taken place. Credit has come from banks and pension funds, whose investment advisers want to outperform the competition. If, in the next year or two, we run into an inflationary recession, with higher interest rates and lower economic activity, there are going to be major casualties in this field. Pension fund managers will wonder why they did not simply buy 12% government bonds and banks will have another major loan restructuring area. This is speculation on a major scale.

In the field of takeovers and mergers, the sky is the limit. Not only in size (four recent oil company transactions alone added up to about $35 billion), but in the types of large corporate transactions, we have often gone beyond the norms of rational economic behavior. The tactics used in corporate takeovers, both on offense and on defense, create massive transactions that greatly benefit lawyers, investment bankers and arbitrageurs, but often result in weaker companies and do not treat shareholders equally and fairly. The new vocabulary of our business is a reflexion of this development: Two-tier tender offers, Pac-Man and poison pill defenses, "Crown-jewel options", "Greenmail", "golden parachutes", self-tenders all have become part of our every day business. They are wonderful for the profitability of our business in the short-run, but I believe they are reaching a point where the integrity of our financial markets is in question, and after all, that has been the basis of the success of our free enterprise system. In the long-run, we in the investment banking business, cannot benefit from something which is harmful to our economic system.

I have no specific answers to these trends except to note that bubbles always burst. Tighter regulations on the use of credit or the tax deductibility of interest in certain transactions, reform of takeover regulations, tighter standards on uses of pension funds will, sooner or later, be the result of what is happening today. it is, nonetheless, a situation that needs close watching.

Secondly, and not unrelated to the above, is the matter of our banking system and the Third World Debt. In the summer of 1982, when first Mexico and then Brazil went to the edge of bankruptcy, we became conscious of the fact that there existed what is euphemistically called a "Third World Debt Problem". Much has been done and much has been written since. The problem, however, has not gone away, as indeed it couldn't, but has grown larger, as was mathematically inevitable. The facts, simply, are these:

In the 1970s, hundreds of billions of dollars, received by the Arab oil producers as a result of increased oil prices, were deposited with Western banks and lent to two types of national borrowers:

(a) Non-oil producers with balance-of-payment problems like Brazil and Argentina.

(b) Oil producers with ambitious development programs like Mexico and Venezuela.

In addition, vast sums were lent to Communist countries like Poland and Rumania, supposedly to encourage "détente" and weaken their ties to the Soviet Union.

The theory behind this vast extension of credit was that sovereign countries cannot go bankrupt. The reality was that the western banking system was lending more and more to borrowers who were less and less creditworthy. By the time the 1980–1981 world-wide recession came about, Third World and Eastern European countries owed about $600 billion to Western banks, about three or four times the total capital of the Western banking system. About half the debt was in Latin America, our most important strategic area, most heavily Mexico, Brazil, Venezuela and Argentia. Practically all of our large banks are heavily committed in this area, with many of our largest banks having lent more than 100 percent of their capital to Brazil, Argentina and Mexico. As late as the Ottawa Conference of 1981, we refused to recognized that a problem existed; that attitude, fortunately, has changed.

In 1982 and since, the FED, the IMF and the Western banks have dealt with a continuing series of potential defaults in one country after another. The rescue packages were always similar in nature. Rollovers and limited extensions of current maturities, new loans sufficient to allow the borrowers to pay interest on the debt, and IMF-supervised austerity programs to produce balance-of-payment surpluses and improve the credit of the borrower. The inescapable realities of this approach were as follows:

(a) When you have to borrow interest at 12–14 percent, without repaying any principal, your debt doubles every six years. This is in the process of happening everywhere with, for instance, Brazilian debt scheduled to pass $100 billion this year.

(b) When you turn a developing country into a capital exporter to repay borrowed moneys that have largely been dissipated, you can only do so by lowering the standard of living of the population. This can have dramatic social and political results as witness fifty-two dead in the Dominican Republic two weeks ago, food riots in Brazil, a very tenuous political situation in Argentina, etc. It is hard to imagine an easier slogan for Anti-American demagogues in Latin America than: "We have to double the price of your tortillas to repay the American Banks." Furthermore, it is hard to see a truly sustained western recovery when our largest customers have to retrench as dramatically as those countries have.

There is no "solution" to this problem; there can only be a very long process of adjustment. But it has to start soon and it must recognize certain realities:

(1) The existing loans are creating unsustainable burdens on the borrowers. They have to be stretched out considerably (say 20–25 years) and interest rates scaled back substanially;

(2) The Western banking system must be maintained as a strong, vigorous system. The banks' balance sheets and capital structures must be protected, but their profit and loss accounts can be penalized;

(3) New credits must be made available to enable those countries to rebuild their economies, become major customers of the

West once again and maintain political stability;

(4) IMF supervision has to be maintained and the borrowers have to be willing to accept and protect foreign investment on appropriate terms.

There are a variety of technical ways that this can be approached and many proposals have been made. They all require, however, involvement by the Western governments, and their Central Banks, as well as the commercial banks, and the IMF. It is far beyond the capacity of the banks to deal with this by themselves. Political leadership as well as economic ingenuity is required.

We have had economic summits in Versailles and Williamsburg since the 1982 crises. They have not faced up to this very important issue. The London Summit conference coming up in June is the appropriate forum for the political direction needed in this connection. This is an exceedingly complicated issue, but it has to be faced. A meeting of Central bankers called by the New York FED has just taken place to consider this matter. Last month, Argentina, Brazil, Mexico and Venezuela joined to resolve the latest Argentine deadlines; the next one comes up at the end of June. It would be appropriate for the Western heads of state at the London Conference, to appoint a small group of experts, headed by men such as Arthur Burns and Helmut Schmidt, and including representatives of the borrowers, and charge them with the task of recommending a plan by the end of 1984. This would enable the U.S. to take the political leadership role it must assume at the beginning of the next Presidential term.

Although there can be no "global" solution, a pattern can be established with a large borrower like Brazil which can then be adapted, on a case-by-case basis, to other borrowers. If we wait to deal with this problem until there is a major crisis in 1985 or 1986, in the middle of a recession and possibly higher interest rates, the only political answer will be the printing press and major inflation. It is not worth running that risk.

Lastly, I would like to discuss the issue of industrial policy.

We are in the throes of revolutionary changes in many of our economic structures. These changes are driven by different forces. Technology is possibly the most important of these forces. This not only requires major adjustments in our domestic workforce, but it also makes it possible for foreign competition to exist in areas hitherto protected.

Another force, deregulation, is creating major and rapid change in many industries while new anti-trust interpretations break up the ATT, permit greater concentration than ever before in the oil industry, and forbid steel mergers aimed at greater productivity. In the energy field, partly finished or abandoned nuclear power plants are scattered from Long Island to the Pacific Northwest, at huge expense to ratepayers, taxpayers, and stockholders, while in France and Canada nuclear power is both safe and economical.

The need for a coherent and coordinated set of industrial policies is pointed up by these factors. Anti-trust is a fundamental industrial policy with competitiveness as its objective. Two recent decisions of the Justice Department and the FTC are worth examining briefly: The decision to allow Texaco Inc., to acquire Getty Oil Co. for $10 billion, with Socal-Gulf and Mobil Superior to follow; the decision to prohibit LTV and its subsidiary, Jones & Laughlin Steel Co. to merge with Republic Steel Co. unless it sold certain facilities.

Texaco was permitted to acquire Getty because, looking at a world market, both companies had small market shares.

Even though the anti-trust decision may be legally impeccable, from a national energy and industrial policy point of view, the result could be quite different. At a time of high interest rates and constraints on capital, huge amounts of money are being borrowed which will not add to the nation's energy reserves, to our objectives of energy dependence, or to the financial strength of our main companies.

Simultaneously with Texaco-Getty, LTV Inc., a holding company having as one of its subsidiary the J & L steel company, proposed to merge with Republic Steel Co. The merger was initially prohibited on the grounds of the significant domestic market shares of both companies; it was subsequently conditioned on disposition of certain facilities. As in Texaco-Getty, the decision may very well be impeccable on legal grounds. And, as in Texaco-Getty, it looks quite differently from a national industrial point of view.

I know of no one in a responsible position, who disputes the need for the steel industry to restructure itself, to close inefficient facilities and invest in modern ones, to eliminate wasteful work practices and inefficient management, to become smaller and leaner. Government policy has been to provide the industry with tariff protection and trigger pricing, with tax benefits and regulatory relief in the hope the industry (both labor and management) would improve its performance. This is an explicit industrial policy; the only trouble is that it has not worked.

U.S. Steel has acquired a large oil company for $6 billion. Management and labor have failed to come together. Investment has lagged and the calls for protectionism have become more insistent.

Although it is undeniable that foreign steel is heavily subsidized in many cases, the answer, from an industrial policy point of view, should be clear and simple. It should be to encourage mergers in the steel industry in order to make it more competitive, to limit the level and length of trade protection, and to condition government assistance on a more competitive structure. This could be done in the case of mergers such as J & L-Republic, or the proposed U.S. Steel-National Steel merger (now abandoned) by including the following elements in the merger plans:

(1) Limiting the industry-requested trade protection to a sharply-defined transition period.

(2) Explicit commitments on the part of management and labor to capacity curtailment of inefficient facilities and new investments in state-of-the-art capacity.

(3) Labor commitments to wage restraint and productivity improvements in exchange for profit-sharing and/or stock ownership. Management commitments to restraints in price increases.

(4) Industry commitments to provide retraining and relocation funds for displaced workers out of a portion of productivity savings.

(5) Government loans or guarantees for a portion of the capital required, if needed, as part of such a plan.

This would be an industrial policy as applied to steel that would make sense. It involves all of the principles which a study group headed by Irving Shapiro, Lane Kirkland and myself recommended recently, namely:

(1) Business-Labor-Government cooperation;

(2) Conditionality;

(3) Plans proposed by industry with limited government assistance;

(4) No government planning or coercion;

(5) No government assistance without contribution by all parties.

The change in institutional relationships required for such an approach was also addressed by our group. It proposed a tripartite board of businesses-labor-government representatives, with the power to recommend plans to the President and the Congress, and an Industrial Financing Agency, under the authority of the Board, with the capacity to finance a portion of the projects once they have been approved.

Changes are currently taking place in the attitudes of business and labor towards each other. The rescue of Chrysler, consisting of contributions by labor in benefits and productivity, banks in converting loans to equity, and limited financing assistance by government included these principles. The purchase of 25% of Eastern Airlines by its employees in exchanges for $290 million of wage concessions. The purchase of Weirton Steel by its employees.

The Chairman of the Fed, Paul Volcker, recently recommended to business leaders that they control inflationary pressures by a change in their relationships with labor. Volcker recommended cooperation, including labor representation on Boards of Directors, which certainly would not have been suggested a few years ago.

Senator John Heinz (PA) recently introduced a bill requiring that trade protection through tariffs or quotas be conditioned on labor/management contributions administered by a tripartite board.

These are examples of what is meant by "industrial policy". The rhetoric of industrial policy is still heavily dominated by ideology and politics, conservatives versus liberals, Democrats versus Republicans. But in the real world, things are beginning to happen. It is, however, not enough.

Today, the steel industry, the automotive industry, the nuclear power industry, the transportation industry are all undergoing significant adjustment. There is an appropriate role for government to play working with management and labor in this process of adjustment. Tomorrow there will be other industries.

Industrial policy does not mean that a central government agency should "pick winners" by giving promising companies special financing. Nor does it mean that the same agency should simply "bail out losers". There would be no central government agency. It does not mean favoring "high tech" or "low tech". Today's so-called basic industry problems can be tomorrow's so-called high-technology industry problems. Industrial policy should start by recognizing why any of our vital industries are in jeopardy and by examining what, if anything, can be done about it.

These policies can only work within an overall framework of sound fiscal and monetary arrangements. We have to reduce significantly our budgetary deficits, our interest rates and the value of the dollar. But, I am also convinced that even under the best of circumstances, we are going to face problems in industry and employment that will require stronger action than mere faith in the status quo. They will require specific policies to deal with specific problems and a

change in the relationship of business, labor and government.

ORDER OF BUSINESS

Mr. LOTT. Mr. Speaker, I ask unanimous consent that I may proceed with my special order at this point, notwithstanding any previous order of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was not objection.

THE EQUAL ACCESS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 60 minutes.

Mr. LOTT. Mr. Speaker, there is a very important piece of legislation which was reported out of the Education and Labor Committee and which is commonly referred to as the equal access bill. I would like to begin this special order, the intent of which is to try to correct some misinformation about this legislation and then to inform the Members about what actually is done by this legislation.

But before I do that I do want to extend my congratulations and to express my own sincere appreciation to the gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor, for the very fair and diligent manner in which he has handled this bill. I also want to make clear the point that this is bipartisan legislation and that the chairman has been assisted in his efforts by the gentleman from Pennsylvania (Mr. GOODLING). The two of them together working with the gentleman from Washington (Mr. BONKER), have done really an outstanding job.

Mr. Speaker, I was shocked when I realized that there are actually schools that were denying groups the right to meet in their facilities after school for religious purposes, Bible study, or Bible club, or whatever, and as I got into it I actually found out in my hometown, in my home high school, this has been the case, whereas in the past students had been able to meet in after hours, after school, at the school facilities for Bible club or whatever, that in the last couple of years, just because of the uncertainty of what the law was, the principal at my old home high school has now told students that wanted to meet in a religious group at the high school after hours in sort of an extracurricular capacity, had denied that opportunity. We allow all kinds of groups to have access, as they should, to school facilities, but yet religious groups such as a Bible club would not have that opportunity.

In 1981, in the Widmar case (*Widmar* v. *Vincent*, 454 U.S. 263), the Supreme Court by an 8-to-1 vote, took an intermediate position and held that individual students may meet in publicly supported colleges and universities for prayer, Bible study, and religious discussion as long as those meetings are completely voluntary, student-initiated and do not create a reasonable implication that the State endorses the beliefs of the participants. According to the Court, a policy of equal access under which a school allows students to meet and pursue other interests does not violate the establishment clause of the first amendment to the Constitution. Indeed, the Court indicated that the free speech clause of the first amendment actually requires such a policy of equal access. However, the only student organizations which have been denied the right to use school facilities are voluntary religious organizations. In a nation which values and protects freedom of religion, this discrimination against religious groups is indeed ironic. While a few courts, including the Supreme Court, have protected religious rights in some places and under some circumstances, many more courts have denied voluntary religious groups the same rights enjoyed by others. The most notorious example took place in 1982 in Lubbock, Tex. (*Lubbock Civil Liberties Union* v. *Lubbock Independent School District*, 669 F.2d 1038), where the U.S. Court of Appeals for the Fifth Circuit forbade the school board from permitting voluntary religious groups to use school facilities.

In the Brandon case (*Brandon* v. *Board of Education of Guilderland School District*, 635 F.2d 971, 1980), a student group at Guilderland High School requested permission to have a daily voluntary prayer in a vacant classroom immediately before the school day began. The students stated they were not seeking supervision or any faculty involvement. In rejecting the student religious demands, the Second Circuit Court of Appeals said (635 F.2d at 978):

> To an impressionable student, even the mere appearance of secular involvement in religious activities might indicate that the state has placed its imprimatur on a particular religious creed. This symbolic inference is too dangerous to permit.

The reason for denial of certiori by the Supreme Court in Brandon is unclear. It appears that the Court perceived Brandon as a case in which a student voluntary prayer group sought special and favored treatment in its request for a classroom. In footnote 13 of its initial slip opinion in Widmar, the Court made the following reference to the Brandon case:

> This case is different from cases in which religious groups claim that the denial of facilities not available to other groups deprives them of their rights under the free exercise clause. (Brandon, 635 F.2d. 971.)

A close reading of Brandon, however, shows that the prayer group was not asking for special favor but simply wished to have equal access with other groups (Brandon, 635 F.2d at 980). In the published Widmar opinion, the Supreme Court kept the footnote but deleted the reference to Brandon. By that time it had already announced denial of certiorari. The Brandon and Lubbock cases and their inconsistency with the Widmar decision have led to a confusing inconsistency in the way local authorities interpret the Constitution. A major result of the legal confusion is that school authorities, wishing to avoid legal controversy, have often dramatically restricted student rights.

During Senate hearings on equal access, the Committee on the Judiciary heard repeated pleas for Congress to clarify the nature of the first amendment rights of students and to give authoritative guidance about the permissibility of student religious speech on public school property. Students from California, Texas, Pennsylvania, Minnesota, Georgia, and Washington testified that a large number of school administrators are confused by the Lubbock and Brandon cases which appear to be inconsistent with Supreme Court decisions recognizing they have rights of free speech and association. As a result, many school districts are permitting extracurricular nonreligious speech but discriminating against extracurricular religious speech. These districts have banned student initiated extracurricular religious clubs, certain student community service organizations and activities—including dances to benefit the American Cancer Society—student newspaper articles on religious topics, and student art with religious themes. They have even prohibited students from praying together in groups of two or more to discuss religious themes and carrying their personal Bibles on school property. Individual students have been forbidden to say a blessing over their lunch or recite the rosary silently on a schoolbus.

The committee also heard testimony that school administrators now feel compelled to ignore the spiritual dimensions of the problems that their students have. Increasingly and mistakenly, they believe that the Constitution prohibits anyone in a school from mentioning religious solutions among the ways that students can address the problems that they face. Those problems include drug abuse, premarital sex and its consequences, violence, suicidal urges, severe depression, stressful family situations, fear of nuclear holocaust, alienation, and boredom. Perhaps lawyers can concoct sophisticated explanations for this discrimination of religious freedom, but I believe Texas student Bonnie Bailey

accurately expressed the commonsense of the matter in her testimony before the Senate Judiciary Committee on a similar bill to mine introduced by Senator JEREMIAH DENTON. Miss Bailey said,

> We can picket, demonstrate, curse, and take God's name in vain, but we can't voluntarily get together and talk about God at school. I can decide whether I want an abortion or to use contraceptives, but I can't decide if I want to come to a meeting to talk about religious matters before or after school. To me, that just isn't fair.

I agree with Bonnie Bailey that the present state of the law just is not fair. I believe that it is up to this Congress to utilize our authority under the Constitution to protect the first amendment rights of Bonnie Bailey and millions of students like her who are all too often left unprotected by the courts.

President Reagan planted the seed that has sprouted into the equal access legislation. Speaking recently before the National Association of Evangelicals, the President gave his general endorsement to "legislation * * * on the whole question of prohibiting discrimination against religious forms of student speech. Such legislation could go far to restore freedom of religious speech for public school students. And I hope the Congress considers these bills quickly."

In the Senate, Senator DENTON offered two versions of the equal access concept, S. 425 and S. 1059. Thereafter, I offered H.R. 2732. Although each of these bills are slightly different from each other, they share a common concern for the constitutional rights of our public school students.

The term "equal access" as used in H.R. 5354 means simply access under the same terms and conditions. It does not mean that every voluntary religious group must be granted precisely the same privileges as any other group in the school. Rather, it means that the determination of how rights of access are to be distributed may not be based in any way upon the religious nature of the group in question.

There are many neutral time, place, and manner restrictions which might result in some voluntary groups not receiving precisely the same access received by others. For instance, if the issue were which group could use the auditorium after school on a given day, the school could impose a first-come-first-serve rule. Sometimes such a rule would afford the religious group actual access to the auditorium, and sometimes it would not, but in no case would the determination of access be made on the basis of the religious nature of the group.

There are any number of other time, place, and manner restrictions which could be applied to all groups without violating the law. The school could provide that a student could not join any group without the written permission of his or her parents. The school could specify a minimum number of students necessary to constitute a group, so that a mere one or two students seeking a place to pray could not disrupt the school's entire extracurricular program. For that matter, it would be possible to require that all extracurricular groups bear some close relation to the academic pursuits of the school. This would permit the school to recognize the French Club and the Mathematics Club without recognizing the Bible Club. However, schools which permit broader extracurricular activities, including such service organizations as Interact and the Key Club, would also have to recognize religious clubs which could meet the broader definition for permissibility. Of course, the statute grants no rights whatsoever to outside groups and individuals. Schools do not have to permit ministers to meet voluntary religious groups. Moreover, a decision to let a civic organization use the school facilities would not require that an outside religious group be able to use the same facilities. The school would retain absolute discretion in its dealings with outside groups. It is not sufficient simply to bar discrimination against voluntary religious groups. Very often the courts have interpreted discrimination as requiring an invidious animus toward the target. Many schools certainly have no invidious animus toward religious groups, but nevertheless might deny them access to facilities simply to avoid controversy or potential lawsuits. However understandable these motives, it is the purpose of this law to forbid that sort of decision by school authorities, even though a court might not regard that as discrimination. The purpose of this act is to guarantee that voluntary religious groups will receive treatment at the hands of school authorities without regard to their religious nature, whatever may be the reasons for the actions of the school authorities.

The antidiscrimination language is necessary, however, to protect against invidiously discriminatory actions not amounting to a denial of equal access. School authorities could not fire a faculty sponsor or penalize students because of their involvement with religious groups. Proof that such actions were motivated by an invidiously discriminatory animus would establish a violation of the law.

Americans have a strong tradition of respect for religious liberty. We need to uphold this tradition above all in our public schools, which are designed to transmit the best of our values to our young people. Conflicting decisions by lower courts have left school administrators uncertain as to whether they ought to treat voluntary religious groups on an equal basis with other voluntary extracurricular organizations. I believe that Congress should resolve the uncertainty by giving full protection to the right of free expression for students in public schools.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I will be happy to yield to the distinguished chairman of the Education and Labor Committee.

Mr. PERKINS. Let me say to my friend from Mississippi, the minority whip in the House, that this legislation from the outset in the Committee on Education and Labor has been bipartisan. There has never been a thought entertained of partisanship anywhere along the line.

The groups that are supporting this amendment, the religious groups throughout the country, did not, to my knowledge support the prayer bill. But this is something that should be passed.

We are only asking for access to the school building on an equal basis as a horseback riding club, or a garden club, or other clubs that are authorized to participate and use the schools. I think we ought to make it perfectly clear that it only applies to the school girls and boys that go to school in a particular, specific building in a school district and not outsiders.

□ 1410

So, we are discriminating in reverse, in my opinion, if we fail to permit equal access to that building to these religious groups. And some of them come to school with the belief that they should have the opportunity to worship, outside of school hours, their Deity and their strong beliefs.

And I do not see why we should ostracize and discriminate in reverse against a religious group that is only asking for equal access.

Mr. LOTT. Again I would like to thank the chairman for summing up the very basic and simple intent of this legislation.

Before I get into a little bit of the history and some of the merits of the legislation, I would like to advise my colleagues and the American people that this bill, H.R. 5345—that is the present number of the bill—the Equal Access Act will be considered Tuesday May 15—that is tomorrow—under suspension of the rules. It is anticipated that there would be a recorded vote on that at the close of the business on suspensions tomorrow.

I want to emphasize, as the gentleman just did, that this is not legislation that would try to force on schools meetings of religious groups or Bible study groups when others cannot so use school facilities.

My understanding is that only if other organizations of all kinds and descriptions have access to school facilities in America, that religious

groups or Bible study groups of all persuasions would have that equal opportunity to use the facilities. That is all that is intended.

There is no hidden motive, there is no intent to, in any way, discriminate against any group or individual. In fact, the committee and the subcommittee went to great lengths to make sure that this legislation was fair and in no way was discriminatory in the way it was handled.

Let me give just a little bit of the history on this legislation.

I first introduced similar legislation back in May of 1982. The number then was H.R. 2732. It had nothing to do with the school prayer issue, it was strictly an equal access to facilities issue. That legislation had companion legislation in the Senate introduced by Senator MARK HATFIELD and Senator JEREMIAH DENTON and others. And that legislation is being considered in the other body.

Secretary of Education "Ted" Bell has supported this legislation and he lent his support in testimony before the Senate Judiciary Committee. I am not sure of his actual appearance before the House committee, personally.

But in his testimony, Secretary Bell said:

> Since the schools represent the marketplace of ideas in which our future leaders are trained, vigilant protection of constitutional freedoms nowhere more vital than in the community of the American schools.

Unfortunately, Mr. Speaker, these constitutional protections have been only selectively enforced in our public schools. And there have been a number of court decisions going in different directions on this particular issue.

Now so that we can show that this is truly well thought out and truly bipartisan legislation, I would like at this point to yield to the distinguished gentleman from Pennsylvania, who has been very actively involved and is the ranking member on the committee which has worked on this legislation to tell us what the present line-by-line content and intent of this legislation is.

I yield to the gentleman from Pennsylvania for this purpose.

Mr. GOODLING. I thank the gentleman for yielding.

I suppose the first statement I should make is that this bill is strictly nondiscrimination legislation. I thought that was one of the responsibilities of the Federal Government and that is exactly what this is. What I would like to do is read my "Dear Colleague" letter first, before I make comment, because perhaps the "Dear Colleague" will not get read and those who are in the Chamber, and those who are back in the office might listen to this "Dear Colleague."

Basically I say: If ever there was a great to-do about nothing in my 10 years in the Congress, it sure is over the case of the equal access legislation. If I ever thought any of the horror stories were even slightly true that are being circulated about this piece of legislation, I would not be a supporter of it. Let me in very simple language tell you what the bill is about. Many of you, I am sure, have high schools that have club periods. Some other high schools allow the student clubs to meet before or after school. These are clubs that the students have decided they want to organize. They could be chess clubs, Democrat clubs, Republican clubs, Hi-Y clubs, Bible club, a varsity club, and so forth. The students organize them and the students participate in them.

The rules and regulations that are set up by the schools generally indicate a number that must participate in order to have the club. That is done, of course, so that they have one supervisor available for all of the clubs for insurance purposes so that if someone is injured during the club periods an adult chaperone is there. This legislation would not allow teachers to have any type of participation with any religious club. Clubs like these currently exist in some schools in my district. Students who do not join any clubs, spend that period in study hall. Just yesterday one of my constituents indicated that this is the first year since he has been teaching that they have not had a Bible club in their school—there were only 6 students who signed up and the rules require 10 to have any club. So we were merely saying in this legislation, that if you have a club period organized and run by students, you cannot deny them an equal right to have a Bible club.

Recently you have been bombarded by Dear Colleague letters saying that this bill opens the door for cults to enter our schools—that all of these outsiders would come in and somehow or another convince students to be a part of their cult. That is not true. Any administrator worth his or her salt would go to their school board and say that rules state that no outsider participates in the club period.

If outsiders are coming in, they are invited in to participate in their regular academic class period, the principal makes that decision with the help of the school board.

If you want to have a Congressman come in and talk about the operation of the Congress, that can be done during a regularly scheduled academic class period with the teacher first approving it and then getting approval from the principal and even the school board.

Under this legislation no one is permitted from the outside to subvert the minds of young people.

So again the bill merely provides, for example, that if you have a club period or allow after-school club meetings, the students would not be denied the right to have Bible clubs as one of their clubs. For example, we already have a Hi-Y club in many schools.

But conflicting lower court decisions as you noted, have confused the legality of this issue. The issue has never come before the Supreme Court, except as it relates to post-secondary education. In that case, the Supreme Court ruled that the students could not be denied this right.

Let me refer to one of those "Dear Colleague" letters which, I feel, cloud the issue by telling school administrators that failure to provide equal access to religious groups seeking to meet in school buildings at times when other groups are using the school facilities will mean the cutoff in Federal financial support will in all likelihood force those school administrators to adopt an either/or policy; they will either allow no groups to meet or open the door to all groups without question.

Again, let me reiterate that those things could not happen because we presently have in most schools a long list of clubs that students want to participate in, students organize, students run, students make the determination and the only part that the faculty member plays is one as I indicated in my "Dear Colleague," of being there so that if there is any accident or any problem, the school is not liable for lawsuits because it is not properly chaperoned.

Again I repeat, outsiders do not come in simply because you do not allow outsiders to participate in the club periods. That is an easy rule that any administrator, as I indicated, would certainly come up with in a hurry.

He says in his "Dear Colleague" also that:

> I do not even know that we need this legislation, because we are familiar with the Widmark case in which the Supreme Court held that individual students may meet in publicly supported universities for religious discussions on a voluntary student-initiated basis.

□ 1420

But our problem is not in postsecondary institutions. We know what the Supreme Court said there. The Supreme Court has not made a decision as yet in relationship to secondary schools. We are talking about secondary schools at the present time.

Mr. LOTT. I mentioned this at the opening of my remarks, but I think we should emphasize again that there have been conflicting lower court decisions on this very issue in relation to secondary schools. Is that correct?

Mr. GOODLING. That is the confusion that all administrators and school

boards are faced with. Some have ruled one way, some have ruled the other. I am not so sure that the Supreme Court even originally touched this issue. I am not so sure that Bible clubs were even being thought about when the Supreme Court made their original prayer decision.

But the administration and the school board need some guidelines and I think we are setting some guidelines here.

My colleague says that in his congressional district, for instance, there is one school district which is operating under the Widmar ruling and doing it very well without any Federal interference.

I have to believe that before long they will be operating under distress because I am sure that there will be those who will say, as has happened in some of my school districts, that as a matter of fact the Supreme Court says you cannot have a Bible club as one of your clubs.

I say the Supreme Court did not say that, but until the Supreme Court hears that, I believe it is important as a matter of fact that we, in the Congress, indicate how we feel on the issue and I believe that none of the horror stories contained in H.R. 5345 are possible as opponents of this bill would have us believe. It is simple access, an equal access.

In his "Dear Colleague," my good friend for whom I have the deepest respect, talks about the fact that he was a school board president. I would like to say that I gave this careful consideration not only as a school board president, which I was, but as a school superintendent, as a high school principal, as a teacher, as a guidance counselor, and as a coach for 22 years in the public school business. I cannot believe that there is anything involved here that I could not cope with as a school administrator. If there is, then I should not have been a school administrator.

Mr. LOTT. As a matter of fact, would not the gentleman in this situation of uncertainty and conflicting opinions feel better about his position if he had some clear guidelines by which to use in making these determinations?

Mr. GOODLING. I think that is the major purpose for the legislation, so that administrators, teachers, board members, know exactly where they stand on this particular issue.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. Mr. Speaker, I yield to the gentleman from Minnesota, if he would like to address a question or comment to the gentleman from Pennsylvania.

Mr. WEBER. I thank the gentleman from Mississippi for yielding and I appreciate the comments of our colleague from Pennsylvania.

I want to just replow a little of the ground that the gentleman has touched on so well because I am a supporter of the equal access bill, but people from my district and my State are raising some of the very concerns that the gentleman just alluded to. The one that comes up most often, as I am sure the gentleman is aware, is about cults. There is this great fear that as soon as we pass equal access legislation the Moonies will be the first ones to take advantage of it or some other cult.

I know the gentleman touched on this, but because it is such a concern, I just wonder if the gentleman can clarify again why that should not be a concern with this legislation.

Mr. GOODLING. First of all, I think the concern we should not have is that somebody from the outside is going to come in to the school during this club period and somehow or other influence young people, because, as I indicated, an administrator worth his salt would certainly take care of that very simply by ruling that no one from the outside comes into a club period. There is no reason for it. If you want to have something special and someone from the outside, you come into a regular academic class period. Ultimately a determination has to be made by the principal and the school board whether as a matter of fact a particular situation is in the best interest of the students—and this bill is in keeping with that commonsense approval.

I think the concern that should be allayed is that no one from the outside would come in and influence young minds within the school district.

Mr. WEBER. If the gentleman will continue to yield, so the point is that the administration, under this legislation, would retain the authority to set regulations on outsiders coming into the school for whatever purpose, including the outsiders identified with what we call cults.

Mr. GOODLING. And the number of those who must participate in order to have a club which you do, as I indicated, because you only have so many faculty members to go around so you have to have a certain number of students participating in the club or in a study hall to cover everyone. There is just no reason to have that kind of fear because you have that control left with the school board and with the local administrators.

Mr. WEBER. I thank the gentleman for his response. And if the gentleman would continue to yield, I would like to raise one additional point and ask the gentleman from Pennsylvania, again, in my State of Minnesota, we have not had a large number of problems connected with the question of equal access. So many people tell me although they agree with the principle behind it, they do not see that there is any problem, so what is the need for Federal legislation.

It is my understanding that although we have Supreme Court rulings that are the basis for lower court decisions affecting questions like this, there is not a definitive Supreme Court ruling. Hence, it is on a state-by-state basis and there probably are a lot of things going on right now, perhaps in my State, perhaps in Pennsylvania, perhaps in Mississippi, that have been established traditions in those school districts, but which may well be subject to challenge. Is that not correct?

Mr. GOODLING. There is no question the Supreme Court's only decision dealt with postsecondary and I cannot believe that you could assume that that postsecondary decision then automatically applies to secondary schools in this country. So we do not have anything definitive and we have lower court opinions that differ. Even within my State, for instance, we have had a couple of questionable lower court decisions. So we have school districts wondering where they should stand on the issue.

Mr. WEBER. I thank the gentleman for his response.

I just make the point that I think this is confusing to a lot of people because, I know the gentleman from Pennsylvania and most particularly on our side of the aisle, and I think most Members of Congress very much believe in local control of education and now we are advocating a measure of Federal legislation, but it is because there has been Federal court action that has eroded the ability of local school boards and school districts to make decisions that I presume they made when the gentleman from Pennsylvania was a superintendent, a principal and a school board president, but now that they cannot make because Federal courts have imposed a new set of regulations on them. So we are in the awkward position of having to legislate at the Federal level, in essence, to restore the degree of local autonomy that used to be prevalent.

Mr. GOODLING. And as I said in my remarks, I think nondiscrimination legislation must come from the Federal level.

Mr. LOTT. I would like to thank both the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Minnesota (Mr. WEBER) for their comments and questions. I think it is helpful to enlighten our Members about the true content of this equal access legislation and to dramatize the fact that this will be considered in the House on Tuesday.

To facilitate the information that we are trying to get out to our colleagues and to the American people, I would like to yield now to the gentleman from Washington (Mr. BONKER) for

his comments. He has been very diligent in his efforts, both at the subcommittee level and at the full committee level, in the Committee on Education and Labor, in bringing this legislation out so that it could be considered on the floor.

I commend the gentleman for what he has done and I hope that he will now join us in trying to provide our Members with information about what is really in this bill and what we are trying to do.

Mr. BONKER. I thank the gentleman for the time and also for bringing this issue to the House floor under special order for discussion on the eve of when we will take up the legislation tomorrow. Simply because there is so much misinformation that is circulating I think it is timely that we try to deal with some of these rumors before Members have a chance to vote on the measure tomorrow.

□ 1430

The bill was first introduced in 1982 not in response to a school prayer amendment but in response to the Widmar decision. The whole idea is the Supreme Court, which confined its ruling to universities, ought to also be applied to secondary schools. And I drafted my own bill several months ago as a moderate alternative to other equal access bills I thought went too far by extending the concept to elementary schools and also did not have the safeguards that the committee eventually put into this legislation.

But simply stated, it is a practical, straightforward resolution of a continuing dilemma for many school districts that now prohibit those religious groups from the meeting or gathering on school campuses anywhere. It corrects the misconception that school authorities have, and it also provides for first amendment protections that otherwise do not exist in many school districts that are drawing the lines on religious activity.

I would like to say, for the benefit of my Democratic colleagues who may feel some discomfort as a result of this issue coming to the floor, why they should support equal access in the great tradition of the Democratic Party.

First of all, they ought to be concerned about first amendment rights. I am talking about the right of free speech. The very eminent constitutional scholar, who appeared before the Perkins committee, testified strongly in favor of this legislation, supported on the grounds that we are denying people their first amendment rights. And I would like to quote from Professor Tribe:

> Indeed for public school authorities, or the local or State agencies responsible for public school policies and practices, to discriminate on the basis of the religious content of the speech at such meetings would, in my view, constitute a violation of the right of free speech and free exercise of religion of the students involved.

This is no political conservative. Professor Tribe is widely acknowledged as an authority on constitutional rights, and he strongly supports this legislation.

Second, Democrat ought to support the measure because it removes discrimination.

I always thought that Democrats were against discrimination in any and all forms. And here we have an example of blatant discrimination, contrary to constitutionally guaranteed rights.

Now, in many school districts today there are policies that disallow the gathering of students for purposes of Bible study or to pray or to in any way relate their personal faith. This legislation very clearly removes that discrimination, and that is the kind of issue the Democrats ought to support.

Third, the rights of minorities. There is a basic contradiction in this legislation when we hear from our critics and they say, on the one hand, this is a sanction of majority religions, that somehow the Protestant ethic is going to be imposed upon school districts everywhere because that is the reigning religion in this country today. Those same critics maintain that we are opening up the door to minority religions, the Moonies, and other cults, to practice their so-called faith on school grounds.

Well, the critics are wrong on both counts. It does not sanction one and it does not disallow the other. The legislation is in effect neutral on this question, and again it is consistent with constitutional guarantees.

Fourth, the Democrats ought to support this issue because of government neutrality. The establishment clause, as we all know, is quite explicit about government not promoting or establishing or influencing any particular religions. I think that is well ingrained now in our political consciousness.

But on the other hand, should government be hostile to religions? Should it have policies in effect that discriminate on the basis of religious content? I do not know of anybody who would subscribe to that thought. What we are trying to do by way of this legislation in order to clarify the Federal position is to also establish government neutrality on a fundamental issue of our times.

Fifth, the concern of Democrats is that we ought to keep the State out of promoting religion, out of participating in any way in religious activity.

There is a section in the bill that provides for those safeguards. I might add that presently for those school districts that have a policy of tolerance toward this religious activity also allow faculty participation. The faculty members could in effect organize a Young Life chapter and participate in the religious influence of the activity.

We have in section 4 of this bill safeguards that disallow that activity, and I would like to read from the committee report. It states:

> Nothing in this Act shall be construed to permit the United States, a State or a political subdivision thereof, to influence the form or content of any prayer, to require any person to participate in prayer or other religious activity, to expend public funds beyond the cost of providing the needed base for student-initiated meetings, and, lastly, to compel any school employee to attend a student religious meeting that is contrary to the religious beliefs of the employee.

What this legislation clearly does is to maintain government neutrality throughout on this very difficult and controversial issue.

Now, in closing—and I would like to not only thank the gentleman from Mississippi again for the time to express my interest and support of this legislation but also appeal to my Democratic colleagues why they ought to support it—the Washington Post article this morning on the subject had in headlines this is the "son of school prayer."

The people who conceived of and who have given birth to the school prayer issue are not the same people who are delivering this bill to the House tomorrow. Indeed, the principal sponsors of H.R. 5345 are those who oppose the constitutional amendment to prescribe the school prayer on both the Senate and House sides. Many of the cosponsors of the legislation do not support the school prayer amendment. Many of the outside organizations that support equal access oppose school prayer.

I would like to read just very briefly from one statement. It said:

> We, the undersigned, have vigorously opposed all amendments to the constitution which prescribe state-organized prayer and religious exercises in the public schools. We have also opposed several "equal access" bills, including the most recent version, H.R. 5439, because they have not offered adequate safeguards against state sponsorship of religion. We can support only the Bonker legislation, H.R. 5345, and we urge you to support that measure when it comes to a vote on the floor.

That is signed by the Baptist Joint Committee on Public Affairs, Americans United for Separation of Church and State, the National Council of Churches of Christ in the U.S.A., and the Presbyterian Church organization.

So all these groups that oppose school prayer support equal access.

Now, we will be hearing in the next day from some about these farfetched tales about what would happen if the equal access bill is adopted, and I would like to say that it will not allow ritualistic slaughtering of animals in the classroom nor will it allow services involving poisonous snakes. These horror studies are certainly not believable. The equal access bill simply re-

moves discrimination against students who want to meet for religious purposes. It is a practical, constitutionally sound, and politically smart thing for this House to do.

Mr. LOTT. I thank the gentleman for his comments, and I would like to reaffirm, as he said, that this is an issue completely separate and distinct from the school prayer issue. But so that there will not be any misunderstanding, I do support that, and I know others who support this concept do support school prayer, but in your own case and in the case of some of the cosponsors of equal access legislation that is not true. This is not a discussion of school prayer. This is a completely separate and distinct issue. It is one I feel very strongly about. It does have to do with the question of equal and available opportunity for all groups.

Mr. BONKER. I thank the gentleman for making that notation, and I should also mention that the Catholic bishops support this legislation.

Mr. LOTT. Mr. Speaker, at this point I yield to the gentleman from Texas, a member of the committee that worked very diligently at the subcommittee level and in the full committee, Mr. BARTLETT, for comment on this legislation.

Mr. BARTLETT. I thank the gentleman for yielding.

In fact, one, if not the primary, culprit of the conflicting court opinions that has been referred to here today, one of the court cases came from Lubbock, Tex., from my own State, in which the court ruled—it was called the Lubbock case—that would prohibit the voluntary coming together of a Bible study before school using classrooms in exactly the same method that all other extracurricular groups were allowed to use the classrooms for.

Mr. LOTT. That is exactly the decision that got me involved in this whole issue. It is a classic example of a group wanting to meet in noninstructional hours, where the students initiated this, where a young lady cared enough for it even to go to the courts to try to have that equal access, and she was denied that opportunity.

To me, that is the decision that prompted the need for this legislation.

Mr. BARTLETT. It is the Lubbock case that prompted the legislation, that, in fact, requires the legislation, because school administrators around this country then will turn to the strictest case to try to avoid their own litigation and their own liabilities. We did hear, the committee heard, from students from Lubbock and from students, frankly, elsewhere in this country who said: "Don't give us any special favors, but, please, don't discriminate between high school students who merely want to exercise their first amendment rights."

As the gentleman from Mississippi knows, the first amendment to the Constitution is quite clear on the subject: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *."

□ 1440

The gentleman's bill, in it present form, and in its original form, would simply enforce that prohibition against prohibiting the free exercise of religion and enforce that prohibition in high school classrooms.

I came to this House floor, among other reasons, to commend the gentleman from Mississippi, because more than any other Member of this House, the gentleman from Mississippi, who is the cosponsor, but not the primary sponsor of this precise piece of legislation, is responsible for introducing equal access, for testifying before the appropriate committees, for obtaining witnesses, for obtaining cosponsors, and in fact providing the impetus to bring us to where we are today.

Where we are today is a subsequent merger of several different ideas. It is a good bill; it is a bipartisan bill that the gentleman from Mississippi and the gentleman from Washington worked on together. But the impetus for this legislation came from the gentleman from Mississippi, and he has pursued it throughout this entire House.

Young people in secondary schools today are urged to participate in all manner of extracurricular activities. Groups ranging from astronomy clubs, to stamp clubs, to badminton teams, to volleyball groups and that is not bad. The difficulty today is when it comes to exercise of religion or to groups that would meet with a religious content, they are oftentimes, because of conflicting court decisions, they are oftentimes prohibited by these court decisions from exercising their own freedom of speech with regard to religion.

So as school districts go out of their way to satisfy those incorrect but conflicting court cases, they in fact in turn violate their students' freedom of religious speech. That is what this bill does, it would in essence eliminate that. It is essential that today that we underscore the voluntary nature of the meetings we are talking about. We are talking about extracurricular activities, we are talking about voluntary activities. In fact, in the bill itself, we refer to student-initiated activities. We do permit the school to have a teacher present at the meetings not to monitor, but to open and close the door. But in fact these are student-initiated activities and no type of sponsorship or special treatment for religious groups.

H.R. 5345 is essentially needed to correct discrimination against voluntary, religious, students groups which the framers of the Constitution never envisioned; no one in this Congress envisioned, and I think that issue needs to be clearly framed.

I think it is important, I would say to the gentleman, it is important that we all understand that this vote tomorrow requires a two-thirds vote and this vote tomorrow might well be close. We are dealing with freedom of speech and the exercise of religion and yet it might be close.

I would urge every Member to examine what this bill does to make a fundamental decision of conscience of permitting that freedom of religion in the high school classrooms as extracurricular activities to end the discrimination that occurs. I also hope that every person in the country would contact their Congressman to express an opinion on it, because it is so very important, and could well be so very close.

So I commend the gentleman from Mississippi for this special order, but more to the point, for his initiative for pursuing this legislation.

Mr. LOTT. I thank the gentleman for his comments, and I think that his summation really brought us to the heart of the matter. I appreciate your very kind comments about my own involvement, but I think if there is ever an example of a piece of legislation that transcends one or a group of individual Members' interests, this is it. This is strictly a question of freedom of religion, in my mind, and that is why it absolutely should be, and is, bipartisan.

I thank the gentleman for his kind remarks, and I yield at this time to the distinguished senior Member from Arizona (Mr. RUDD).

Mr. RUDD. I want to thank the gentleman from Mississippi for yielding to me. I also want to thank the gentleman from Mississippi for taking this special order in order to discuss the merits of this bill, H.R. 5345.

I would also like to take this time to thank the gentleman from Washington and commend him for his involvement in this so-called equal access bill.

I would like to pose a question to the author of the bill, the gentleman from Washington (Mr. BONKER).

Mr. LOTT. I would be glad to yield to the gentleman for purposes of responding.

Mr. RUDD. I would like to pose a question to the gentleman from Washington relating to how access is really taken to the property here, dealing with this measure as it is, and who will make the decisions on how that access is made. I know it is a complicated situation, but a very succinct answer to the question would be appreciated.

Mr. BONKER. If the gentleman is referring to cult activities and what threat that might pose for various school district authorities, in that

case, the school district officials continue to exercise discretion on the kind of activity that goes on on school grounds. I do not think the legislation attempts to get into definitions of religions and so forth.

There are two qualifications that are pertinent to your question. One is that the legislation ultimately will provide for a judicial review enforcement mechanism, which means that at a given time, if the school district is faced with a tough decision, a tough call, if you will, as to whether that particular activity represents a religion, then there is an expedited judicial procedure for the court to make a determination. I do not think we have anything to fear from that kind of activity.

Also, the Woodmar decision, which has been in effect now since 1981, and removed discrimination on university school grounds for students who want to gather for religious purposes, that decision has been in effect all this time, and there has never been any reported cases or problems associated with opening up the doors and allowing religious groups to meet if they so desire on school grounds.

So, if you are going to have this likely activity, it probably would occur more at the university level and in the past 3 years that simply has not been a problem, so I would not anticipate that it would be a problem at the secondary school level.

Mr. RUDD. Well, of course all of the judicial processes established by the Constitution and by this body and the other body together and all other legislative bodies will be recognized fully and all of the decisions will be made on that. I think that is correct; is it not?

Mr. BONKER. I am glad the gentleman has not raised the issue because the critics have thrown out so many different arguments. They have tried to raise so many questions to plant doubts in the minds of our colleagues, that that in itself carries some weight. I think if Members were to look at this legislation, which consists of only a few pages, and it does not take a law degree to understand what is in the bill, they can decide for themselves, based on what they read, that this legislation is necessary. If they are going to listen to all these horror stories, and the hypothesis and hyperbole that we have been hearing around here, then they are going to be utterly confused.

So let us keep our sides straight that this is a practical solution to a very knotty problem for our school districts.

Mr. RUDD. I thank the gentleman from Washington very much.

I noticed before I came into the Chamber that the Chamber television was on and the television indicated that the Chamber was empty. My only comment on that is that that does not tell the story of how interested America is in this particular piece of legislation, because at this moment there are millions of viewers who are vitally interested in this, and I will tell my colleagues here present that I have received a great quantity of mail indicated a vital interest in this particular piece of legislation. I have a lot that I would like to say about it; there has been a lot already said. I support the legislation.

Mr. Speaker, I do support H.R. 5345. This legislation simply provides that secondary schools, which allow groups initiated by and composed of students to meet during nonclass periods on school property, may not discriminate against groups meeting for religious purposes. Schools which violate this policy would be subject to a cutoff of Federal funds.

Since the Supreme Court's 1962 ruling in Engle against Vitale, a generation has grown up without prayer in the public schools. Silent meditation has become suspect. Now, even voluntary religious meetings on students' own time, during nonclass periods, are being questioned.

It appears that Government is no longer neutral with respect to religion as our Founding Fathers intended, but rather increasingly at odds with religion.

In 1981, however, it appeared as though this tide might begin to be reversed. In Widmar against Vincent, the Supreme Court held that students could meet in public colleges and universities for religious purposes as long as those meetings were voluntary and student initiated.

Despite this ruling, equal access for religious groups in secondary schools is still in doubt, mainly on account of lower court rulings or erroneous legal advice to school administrators.

Without equal access legislation, secondary school students' ability to meet voluntarily for religious purposes on their own time, during nonclass periods, will remain in question. Their religious freedoms will continue to be threatened.

The first amendment to the Constitution states that "Congress shall make no law respecting an establishment of religion" or "prohibit the free exercise" of religion. Let us make it clear to students that we take those words seriously; that Government will not prohibit their free exercise of religion; and that students who choose to meet for religious purposes during nonclass periods will be afforded the same rights and opportunities as other interest groups.

I urge my colleague's support for this equal access bill.

Mr. LOTT. Mr. Speaker, at this time I yield to the gentleman from Ohio (Mr. MCEWEN).

Mr. MCEWEN. I thank the gentleman for yielding and I join in the statements that have been made previously as to our appreciation for the gentleman in the well's contribution to this effort as well as the gentleman from Washington, and certainly the cooperation of the chairman of the Committee on Education and Labor. My respect for each one of these individuals is of the highest caliber and I am very grateful for what they have done for our country by bringing this legislation before us.

However, in the discussion as to whether or not this is important legislation, I think it is also necessary for us to acknowledge that it is essential at this time, and I do so by bringing into the RECORD at this point a list of instances in which we have encountered in committee testimony as to why this legislation should be approved during this session of the 98th Congress.

□ 1450

We have been informed in committee testimony that, according to the assistant superintendent of the Boulder, Colo., schools a group of two or more may not sit together for the purpose of spiritual or religious discussion.

Colorado's Jefferson County School District is considering a policy that would put an end to any baccalaureate services or prayers at any school function.

In Indianapolis, students are not allowed to get into a car or to be picked up at the end of the school day by a youth pastor or a worker.

In Philadelphia several students were reprimanded because they discussed their faith and shared a booklet with Bible verses in it with other students.

In Minnesota, a fourth grade student was reprimanded by her supervisor for bowing her head and praying before her meal.

In Philadelphia, a teacher was told to remove a wreath from his classroom door because it represented Christmas.

In a Denver area high school, three teachers were warned that their jobs may be in danger if they participated in Bible study activities, even though they were at night and held off campus.

A teacher in the Boulder schools was reprimanded for handing out private invitations to a Christmas party because the invitations contained the word "Christmas," and the policy of the school was to refer to the season simply as "winter holidays."

In Cincinnati, a principal issued a statement that it is illegal to even mention God in any of these public schools.

It seems that school authorities have been confused by student-initiated,

student-run religious meetings with the landmark Supreme Court decisions of the early 1960's which invalidated State-prescribed prayer in the classroom.

Mr. LOTT. Mr. Speaker, I would like to insert in the RECORD something that I think shows the contrasts with which we are dealing.

The gentleman has read a whole list, a litany of examples, where students cannot even meet together, or be picked up to attend, or in other examples the gentleman has cited, when they are involved in any kind of religious discussion or activity. And yet, going back to the 1960's and various court decisions, the courts have upheld the rights of high school students to wear armbands, to protest the war in Vietnam, to have antiwar meetings. There have been a number of decisions that allow political groups from both the radical right and the radical left to be granted access to the schools.

I have a list of court decisions that I will include in the RECORD. Even homosexual organizations have been granted access to school facilities, in the case of Gay Students Organization against Bonner.

The list follows:

In *Tinker* v. *Des Moines Community School District*, 393 U.S. 503 (1969), the Court upheld the rights of high school students to wear armbands to protest the war in Vietman. These basic First Amendment rights have been substantially expanded over the years by the lower courts. Political groups from both the radical right and the radical left have been granted access to our schools. *Garvin* v. *Rosenau*, 455 F.2d 233 (6th Cir. 1972); *National Socialist White People's Party* v. *Ringers*, 473 F.2d 1010 (4th Cir. 1973). Even homosexual organizations have been granted access to school facilities. *Gay Students Organization* v. *Bonner*, 509 F.2d 652 (1st Cir. 1974).

Mr. LOTT. Yet, any type of religious expression, when expressed even between two students, has been ruled out of order and improper. That is the contrast of what we are dealing with in America today, and it is hard for me to believe that we have come to that point.

Mr. MCEWEN. If the gentleman would yield further, it is obvious that school administrators need guidance in this complex question. We need to provide fair treatment for all students, and equal access legislation would give these administrators definitive procedures in order to deal with this issue. It would also demonstrate to the youth in our public schools and to their parents that this Congress is determined to end religious discrimination in the classrooms of America.

In fact, I believe our public school system would be strengthened by the increased cooperation and support of the religious community. I believe it is important for Government to remain neutral in its treatment of persons under the law, and it must do so without regard to an individual's philosophical or religious viewpoint.

Madam Speaker, tomorrow we will consider H.R. 5345, the Equal Access Act. This legislation permits students in public secondary schools to meet voluntarily for religious purposes. By enacting H.R. 5345 we can insure that Congress does not actively bar access to spiritual revitalization for our Nation's students. This is a simple question of fairness.

A student in high school can meet with his or her peers for sports, or to prepare for a play, or to write the school paper, or to organize a protest, but cannot meet to share a religious interest. Equal access legislation is a question of fundamental fairness. H.R. 5345 applies to religious meetings which are voluntary and student-initiated. These meetings are not sponsored by the school or the Government. H.R. 5345 simply gives students who wish to meet for religious purposes access to public facilities. Again, we have a simple question of fairness.

Equal access legislation strikes that delicate balance of the first amendment. Government does not have the right to impose a particular religious view. Government does have the duty to preserve an environment in which students can exercise their religious rights. Freedom of speech and freedom of assembly in all activities must not be denied to any citizen of this country. Students have the constitutional right to exercise their religious beliefs and the 14th amendment guarantees that States must protect this fundamental right.

The U.S. Supreme Court has ruled in Widmar against Vincent that the establishment clause of the first amendment is not violated when a school allows students to meet and discuss religious beliefs on the same basis as it allows other students to meet and pursue other interests, as long as those meetings are voluntary, student initiated, and do not reasonably imply that the State endorses a particular belief. Equal access legislation does exactly this.

Many opponents of this policy for universities have argued that high school students are too immature and impressionable to make their own decisions regarding religious meetings. Equal access does not promote any particular religious viewpoint but helps create an atmosphere that teaches children tolerance and respect for the opinions of others, both religious and secular. Freedom means that students do not have to participate in any activity in which they do not believe. Students with religious convictions, however, do not even have the simple freedom to express their faith. Is this fair? I think not.

In Minnesota, a fourth grade student was reprimanded by her supervisor for bowing her head to pray before her meal. According to the assistant superintendent of the Boulder, Colo. schools, a group of two or more may not sit together for the purpose of spiritual or religious discussion. In Indianapolis, students are not allowed to get into a car or be picked up at the end of the schoolday by a youth pastor or worker. Colorado's Jefferson County School District is considering a policy that would put an end to any baccalaureate services or prayers at any school function. In Philadelphia, several students were reprimanded because they discussed their faith with one another. In a Denver area high school three teachers were warned that their jobs may be in danger if they participated in Bible study activities, even though they were at night and held off-campus. In Cincinnati, a principal issued a statement that it is illegal to even mention God in the public schools. In Philadelphia, a teacher was told to remove a wreath from his classroom door because it represented Christmas.

School authorities seem to have confused student-initiated, student-run religious meetings with the landmark Supreme Court decisions of the early 1960's which invalidated State prescribed prayers in the classroom. If the Government is to remain neutral in its treatment of persons under the law, it must do so without regard to an individual's philosophical or religious viewpoint. Within the past 20 years our court system has become increasingly more discriminatory in its treatment of "freedom of religion" cases. Religious liberty has become less than a primary civil right in comparison to other constitutional rights. If the Federal Government and State authorities truly want to remain neutral, then they must provide equal treatment and accommodations for those who wish to meet for religious activity.

School administrators obviously need guidance on this complex question. We need to provide fair treatment for all students. Equal access legislation would give these administrators definitive procedures in order to deal with this issue. It would also demonstrate to the youth in our public schools and to their parents, that this Congress is determined to end religious discrimination in the classrooms of America. In fact, I believe our public school system would be strengthened by the increased cooperation and support of the religious community.

Alexis de Tocqueville observed 150 years ago that America's religious faith was essential to the maintenance of her republican institutions. Students represent the future of our country. If they are to be responsible citizens and to uphold our institutions of government, they must not lose

touch with certain basic principles. President George Washington declared this truth in his Farewell Address on September 19, 1979. He stated:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and citizens. The mere Politician, equally with the pious man ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle. 'Tis substantially true, that virtue or morality is a necessary spring of popular government. The rule indeed extends with more a less force to every species of free Government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric.

Let us not shake the foundation of that fabric. I urge all of my colleagues to give students the equal opportunity to meet for religious purposes by supporting equal access legislation. It is a simple question of fairness. Our Founding Fathers might argue that it is not only a question of fairness, but also one that is vital to the maintenance of our republican institutions.

Mr. LOTT. I thank the gentleman for his comments.

Mr. COATS. Madam Speaker, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the distinguished gentleman from Indiana (Mr. COATS).

Mr. COATS. I thank the gentleman for yielding, and I also thank him for taking the time to have this special order.

Madam Speaker, it has been noted that not too many Members participate in these special orders, but it is the only opportunity many of us have to speak on particular issues.

Although I am very happy that the equal access legislation is coming before the House, I regret very much that it is coming to us under a procedure known as suspension of the rules. For those viewers who are not aware of what this means, it means that we are dealing with this legislation under a restricted basis. We have 20 minutes of debate limited to each side, no amendments are allowed, and it takes a two-thirds rather than a majority vote to pass the legislation.

Mr. LOTT. I am glad that the gentleman makes that point to our colleagues and the American people, that it is being brought up under that process which allows limited debate, 20 minutes on each side, and that is one of the reasons we are having this special order, so that we can make some of the very important points that need to be made about this legislation.

But I think it also needs to be emphasized as to why it is being brought up under that suspension process.

First of all, it was because most of us were under the general impression that this legislation was not controversial. It has a very simple and straightforward purpose, and I really have been shocked by some of the misinformation and some of the questions that have been raised about this legislation.

But there is one other reason why: Because there is serious doubt that this legislation would be brought to the floor in the very short number of legislative days we have left, probably less than 30 days left in this year. With a very crowded schedule, this legislation, important though it may be, very well might not make the regular legislative schedule.

Second, on that point, we also are concerned that it might not make it through the Committee on Rules because of some potential opposition to it being reported to the floor under a totally open and amendable rule.

But we are moving it this way at the request of the chairman of the committee because it is basically noncontroversial and because it may be our only opportunity to consider this very vital issue.

Mr. COATS. Madam Speaker, if the gentleman will yield further, I appreciate the reasons why it has to be brought forward under suspension of the rules. I regret the fact that the situation is such that it might be bottled up in the Committee on Rules or that Members of the House majority leadership consider this so unimportant that they could not find a place on the legislative schedule in the entire year of 1984 to deal with it.

I also want to comment also on some of the points made by the gentleman from Minnesota (Mr. WEBER) regarding the nature of the equal access legislation and why we have to deal with it.

We are dealing with it because school systems have become so paranoid in trying to carry out the mandates of the Supreme Court rulings on the first amendment that they have gone to some ridiculous lengths to try to protect themselves from what they see as lawsuits, suits being filed against them for violation of what they think the court's ruling is.

The gentleman from Ohio (Mr. MCEWEN) listed a number of those items, the ridiculous extremes to which school systems have had to go to try to reach some kind of compliance with what they think the Supreme Court did in its decision regarding school prayer and some of its other decisions in terms of equal access. We have had that litany of some of the problems.

I wanted to ask the sponsor of the legislation, and I note that he had to step off the floor for a minute, perhaps the gentleman knows, whether or not his legislation, the bill before us tomorrow, will permit the kinds of things that have been denied, the kinds of things that the gentleman from Ohio listed that have been denied by school systems, will this bill allow those things to take place? Specifically, I am referring to the use of pastors or priests or rabbis from the community to come in and pray with a basketball team before a practice or before a game, to enter into a discussion in the classroom? Can flyers be handed out announcing a church youth groups meeting? Can posters be posted regarding a seminar on the weekend or a retreat, or something like that?

Does the gentleman know the answer to that?

Mr. LOTT. I think the sponsor of the legislation, or the best constitutional lawyer in the House might not be able to give the gentleman an absolute. I think the answer is generally yes; those sorts of things would be permitted.

Mr. COATS. As long as other organizations are allowed to do the same.

Mr. LOTT. As long as other organizations are having that same opportunity, then also religious activities would have the opportunity.

But I want to make another point that is very important here, I think. The decision on this clearly will be to a large extent left with the local jurisdiction, the local school administrators, to interpret what they think the law allows, but the law is uncertain now, and that is why this legislation is important. I think the school administrators, the teachers, the students, the parents, would all feel more at ease in allowing just the sorts of things that the gentleman is referring to, where now they are either uncertain or they are bending over backward to the extreme in the other direction to allow nothing that remotely appears to be any sort of religious activity by students in noninstructional hours on school premises.

So I think that generally speaking the answer is yes, but still, the final decision will remain with the local school jurisdiction.

Mr. COATS. Madam Speaker, if the gentleman will yield further, I think that is an extremely important point, and of course, both the gentleman and I agree that that is where those decisions ought to be made. I think what we are trying to do here with this particular legislation is clarify for those local school boards and those who are making policy on this matter, that it is the intent of Congress that these

kinds of decisions should be made on the local level and positive decisions regarding the use of school facilities for activities that involve religion, as well as other activities, is proper, can be used, and they will not be subject to violating what the Supreme Court has dictated.

□ 1500

Mr. LOTT. That is correct. And the gentleman from California (Mr. HUNTER) was asking me to yield, perhaps on that particular point, to clarify that question.

Mr. HUNTER. Yes. Madam Speaker, if the gentleman will yield, on the questions that the gentleman had concerning whether certain groups that heretofore had been held up could meet, I think he has hit a crucial point, because one of the problems has been the misconception that exists in the minds of many of the school authorities to the extent that they think you cannot have any meetings of religious groups. Since the gentleman from Washington (Mr. BONKER) is not here to describe his legislation, let me just read from the legislation. It says this:

"If the meeting is voluntary and student-initiated, if there is no sponsorship of the meeting by the school or Government, if employers or agents of the school or Government are present, only in a nonparticipatory capacity, and if there is not activity which is in and of itself unlawful, then those groups could in fact meet."

I am looking at some of the examples in the past. For example, in northern California, six students wishing to meet before school for prayer and Bible study were told their action was illegal, but that the school authorities would look the other way. So the students faced the choice of obeying the law or obeying their consciences.

But the point is that there are a lot of school authorities who really do think it is illegal for people to have a meeting after school. So the first amendment is probably the most misunderstood amendment in the Constitution. That is what this legislation will answer. It will clear up a lot of these problems that school officials have.

Mr. COATS. Madam Speaker, if the gentleman will yield for just one more comment, then I will yield back the time.

Mr. LOTT. I yield further to the gentleman from Indiana.

Mr. COATS. Madam Speaker, let me just add one story to that. My daughter attends a high school here in the northern Virginia area. She is part of a group called Young Life, which does not even meet at the school; it meets on Monday nights at 8 o'clock at a student's home in the northern Virginia area. Students have been denied the opportunity to hand out a map with directions as to how to get to the student's home at 8 o'clock on Monday night where the Young Life meetings will be held because the school authorities said this violates the first amendment to the Constitution. They said, "We can't allow this because we would subject ourselves to a lawsuit."

Madam Speaker, I think we are really missing the boat when we go to those extremes to try to comply with what we think the Court has said.

I again commend the gentleman for his years of effort in this area and for, along with the gentleman from Washington (Mr. BONKER) bringing this bill to the floor. We looked forward tomorrow to passing it, clarifying a lot of these points and giving those local school boards some latitude in how they deal with a very logical situation here in allowing freedom of expression and freedom of religion and allowing students to participate, on their own time, and on a voluntary basis, in religious activity.

Mr. LOTT. Madam Speaker, I thank the gentleman from Indiana (Mr. COATS) for his comments. They were very appropriate, and I appreciate his personal remarks.

I understand that there will be some additional discussion on this issue later on today, and so I would like to yield back the balance of my time in a moment so that others may also talk on this issue.

In conclusion, I want to emphasize that this bill does not require public schools to give any special rights to any religious groups. Indeed, it does not require any school to have any extracurricular activities. Rather, it merely says that when a school does choose to permit extracurricular activities, it must give the Bible Club the same rights as the Chess Club. The bill simply mandates equality—no more and no less.

● Mrs. LLOYD. Madam Speaker, I come before you today to pledge my support for H.R. 5345, the Equal Access Act. The Senate's recent defeat of voluntary prayer in schools was deeply disturbing to the vast majority of Americans who worked long and hard for passage of that legislation. Passage of the Equal Access Act would show our fellow Americans that freedom of religion is not dead in our public schools. H.R. 5345 will allow students to participate freely in extracurricular religious activities at the junior and senior high school levels. If school officials deny the students this right, the school will lose its Federal funds.

Our country is based on the ideals of freedom including freedom of religion. Too often today, however, this is being interpreted as freedom from religion. More importantly, schools were built on public property with public funds in order that people might receive an education. This same public who provided the funds through taxes is denied the right to use these facilities for religious study or activity. Supporters of this legislation seek an equal opportunity for any and all religions and in no way attempt to deny any religious group access to school facilities.

As a cosponsor of H.R. 5345, I am pleased that the bill was scheduled for floor action so soon after markup by the Education and Labor Committee. I urge my colleagues in both the House and the Senate to weigh this legislation carefully and I hope we will be successful in passing the Equal Access Act.●

● Mr. BETHUNE. Madam Speaker, I appreciate having this opportunity to discuss legislation to provide equal access to school facilities for student-initiated religious clubs.

I would rather be able to say that we are going to consider an amendment allowing prayer in school. I believe the day will still come when Members recognize how imperative it is for us to pass that type of amendment, but until then, we must do the best we can to respond to some of the outrageous policies that have come about as a result of the confusion over religious activities in schools.

For example, in Indianapolis, students are not allowed to get into a car or be picked up at the end of the schoolday by a youth pastor or worker. In Minnesota, a fourth grade student was reprimanded by her supervisor for bowing her head and praying before her meal. In Cincinnati, a principal issued a statement that it is illegal to even mention God in the public schools.

In short, any kind of religious activity has been put at a distinct disadvantage. Educational officials believe they are remaining neutral when in fact they have gone overboard to the point of depriving majority rights. I believe this bill is needed to clear up some of the confusion. The equal access legislation would make it clear that:

Religious speech by students that is not state-initiated, state-sponsored, or teacher-led should not be prohibited;

Religious viewpoints should not be barred from student newspapers;

Private religious discussions among students should not be prohibited;

Students should not reprimanded for bowing their heads in prayer before meals; and

Pictures of student religious clubs should not be banned from school yearbooks.

Madam Speaker, I believe this bill is the first step we can take to correct what many of my constituents and I believe was an erroneous ruling by the Supreme Court prohibiting prayer in school. I hope that we will pass this bill and all others that will help us correct this ruling.●

Mr. LOTT. Madam Speaker, I yield back the balance of my time.

ORDER OF BUSINESS

Mr. CHANDLER. Madam Speaker, I ask unanimous consent that I may proceed with my special order at this time notwithstanding any other previous order of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE EQUAL ACCESS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. CHANDLER) is recognized for 5 minutes.

Mr. CHANDLER. Madam Speaker, I would like to address the question of the equal access bill, which will be the issue before us tomorrow. This issue is one of free speech rather than one of school prayer.

There is one point that I think has been misinterpreted by many. The growing official discrimination against student speech because of confusion over what type of student-initiated speech is permissible and which is not is the question.

Current trends, I believe, in court decisions go way beyond neutrality. The intent of the constitutional Framers, I believe, was that free speech should be just that—freedom to express yourself in any way you so choose.

Obviously, there is confusion in this particular situation of access to the schools for the purpose of meeting on religious subjects. Federal guidance is necessary.

The equal access bill that will be before us tomorrow provides clear direction. It allows secondary school students to gather voluntarily in school facilities on the same terms as other groups. That is a point I want to emphasize—on the same terms as other groups, not superior. In no way would anybody have a right to express themselves on a religious subject that would be a greater right than on any other subject.

First of all, meetings must be voluntary. No one can compel anyone else to attend one of these meetings.

Second, they must be student initiated. I hear many people express the concern that, "Oh, my goodness, we are going to have the Moonies coming into our school."

Madam Speaker, these meetings must be initiated by the students who would take part. Anyone from off campus would be prohibited from attempting to organize such a meeting.

No faculty or official sponsorship or participation would be permitted. The meetings must be orderly, and they must not otherwise be unlawful.

Nothing in this act would restrict the ability of school officials to impose indiscriminatory time, place, and manner restrictions on student activities. Equal access would also not be triggered by such officially sponsored activities as band, French club, or intramural soccer, or any other officially sponsored activity. And obviously, no unlawful activity is permitted by the act. Thus, formal worship services and religious symbols would not be allowed under current Supreme Court decisions, nor are they even so much as suggested by this proposed law.

The proposed legislation is clearly constitutional. It applies the rule of the recent Supreme Court case of Widmar against Vincent to the secondary schools.

I would like to point out that Harvard Prof. Laurence Tribe, in addition to finding that the bill was constitutional, testified to the Education and Labor Committee on which I serve that the failure to provide equal access to religious student groups in public secondary schools may well be an unconstitutional violation of students' free speech rights.

I intend to support and vote for the equal access bill tomorrow, and I urge my colleagues to do the same.

In conclusion, Madam Speaker, I would like to place in the RECORD a recent article by John Reistrup, executive editor of the Seattle Post-Intelligencer, and I would note his final remarks:

> The bill . . . is a serious and responsible attempt to draw the line between the establishment of religion, on the one hand, and free speech and the free exercise of religion on the other. Its opponents would do well to recognize that.

Mr. HUNTER. Madam Speaker, will the gentleman yield?

Mr. CHANDLER. I am more than happy to yield to the gentleman from California.

Mr. HUNTER. Madam Speaker, I appreciate the gentleman's yielding, and I appreciate his leadership, along with that of the gentleman from Washington (Mr. BONKER), the gentleman from Kentucky (Mr. PERKINS), and the gentleman from Pennsylvania (Mr. GOODLING) on this very important piece of legislation.

I think the gentleman has hit the nail right on the head. He is saying that the first amendment says that Congress shall make no law respecting the establishment of a religion nor shall the Congress prohibit the free exercise thereof. Again we have beaten around the first amendment so much in the American media, and especially during this year when school prayer came up on the Senate side, that a lot of people have misconceptions about the so-called separation between church and state.

I have been going over these examples where school officials thought that it was absolutely unconstitutional to allow a club to meet after school if they were going to talk about religion. What we are really talking about is a great deal of money, Federal and State money, that has been spent in these communities, taxpayer dollars that have been spent to build the gymnasiums and all the classrooms and the places where people can meet, and because that is taxpayer money we make those facilities available to the community.

□ 1510

I appreciate the gentleman being a leader in this regard. I think that his legislation will clear this up, that many people now, for example, the school leaders who said in northern California six students said, "Gee, we would like to have a Bible study," and the school authorities said, "Well, that is unconstitutional."

The SPEAKER pro tempore. The time of the gentleman from Washington (Mr. CHANDLER) has expired.

(By unanimous consent, Mr. CHANDLER was allowed to proceed for 2 additional minutes.)

Mr. CHANDLER. I would like to make a point here that I did not include in my formal remarks, but I think it is very relevant, and that is that public support for public education. One of the reasons that I am a Member of the U.S. Congress and have had the benefits of everything that I have enjoyed as an adult is because of a fine quality public education. In the years since I have left school, however, I have seen public support for public education very seriously erode.

I think one of the reasons may very well be that it is more likely that the courts of the United States would guarantee radical extreme political groups to use the public school facilities, while at the same time denying religious groups to do the same thing, even though I think it was very clear that the framers of our Constitution intended for we, the people of the United States, to express ourselves, to have the freedom of speech, whether it be a radical political point of view or a religious expression.

Free speech is free speech. The subject has absolutely nothing to do with it and the framers of the Constitution recognized that. All they said was that we do not want the States to establish religion. That is what the first amendment is all about.

Madam Speaker, I include the following from the Seattle Intelligencer:

[From the Seattle Intelligencer, May 2, 1984]

BONKER BILL ISN'T JUST A CROWD-PLEASER

By John Reistrup

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech . . .

"No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment . . . All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence."

The first quotation is from the First Amendment to the U.S. Constitution: the second pair come from Articles I and IX of the Washington Constitution. Are they in conflict?

They could be, and we seem to be on the way to finding out. Next week, the U.S. House of Representatives is to take up a bill sponsored by Washington Reps. Don Bonker, D-3rd District and Rod Chandler, R-8th District, raising the hottest church-state issue since the voluntary prayer amendment failed in the U.S. Senate earlier this year.

VOLUNTARY STUDENT GATHERINGS

The bill, of which Bonker is principal backer, is called the "equal access act," and the idea is to provide religious groups with the same kind of access to secondary schools as, say, photography clubs.

Bonker's bill says that if student groups generally are allowed to meet during their free time, a public secondary school cannot "discriminate on the basis of the religious content of the speech at such meetings." The penalty would be loss of federal funds.

The bill provides that the meetings would have to be voluntary and student-initiated; that neither the school nor government sponsor the meetings; that if teachers or other employees of the school or government are there they don't participate, and that no unlawful activity would be permitted.

It specifically rules out any official attempt to influence the content of such meetings, to require anybody to participate or "to expend public funds beyond the cost of providing the meeting space for student initiated meetings."

In short, the Bonker bill seeks to treat religious speech on the same basis as other kinds of speech and to provide an equal access to the public schools.

The state chapter of the American Civil Liberties Union says the Bonker bill would be in direct conflict with the Washington Constitution. If passed Congress and survives any legal challenge, says the local ACLU, the state would have to make the political choice between going along or giving up federal funds.

The legal situation regarding equal access to the schools may be emotionally tied to the school-prayer issue, but the legal context is different.

For two decades, the U.S. Supreme Court has ruled consistently that any form of officially sanctioned group prayer, said aloud in public schools, is a violation of the "establishment of religion" clause of the First Amendment. It was clear that people who dislike those rulings would have to change the Constitution by amending it. (The Supreme Court has yet to rule on whether a "moment of silence" for prayer or meditation violates the establishment clause.)

The law on equal access is less clear. Federal courts have come down on both sides of the issue—which usually means that eventually the U.S. Supreme Court will have to settle things.

The Supreme Court already has, however, ruled in favor of equal access for religious groups at publicly supported colleges and universities. Bonker would apply that principle to public secondary schools.

The state ACLU says secondary schools are different because students are at an impressionable age and are required by law to be there.

At a news conference yesterday, the ACLU was joined by the Rev. William Cate, president-director of the Church Council of Greater Seattle, and Allan Eylan, director of the Anti-Defamation League of B'nai B'rith. The ACLU's Gerard John Sheehan claimed that the Bonker bill goes beyond "equal access" to grant "special religious privileges."

But Bonker opponents do not have a monopoly on civil-liberties arguments. Supporters of the bill argue that religious speech, too, enjoys the protection of the U.S. Constitution.

The Northern California chapter of the ACLU, for example, has taken a position much like that laid out by the Bonker bill. And the heaviest hitter on Bonker's side is Laurence H. Tribe, professor of constitutional law at Harvard Law School and a recognized expert on the U.S. Constitution (who, by the way, has no doubts that official prayers are unconstitutional).

Tribe argues that the Bonker bill not only is consistent with the First Amendment but actually may be mandated by it. For public school authorities to discriminate against speech on the basis of religious content "would, in my view, constitute a violation of the right to free speech and free exercise of religion of the students involved," Tribe said recently in congressional testimony.

THE DUTY OF CONGRESS

"I therefore have no doubt that Congress has the constitutional authority—and may even have a real if imperfectly enforceable constitutional duty—to withhold federally appropriated funds from any such authorities or agencies that do discriminate in this manner."

If it does come to a conflict between the U.S. and the Washington Constitutions, the federal document must prevail.

It's easy to dismiss the Bonker bill as a crowd-pleaser, an election-year sop for the folks who didn't get their school-prayer amendment. But that is a mistake.

The Bonker bill is a serious and responsible attempt to draw the line between the establishment of religion, on the one hand, and free speech and the free exercise of religion on the other. Its opponents would do well to recognize that.

Mr. HUNTER. I appreciate the gentleman's statement, if I could add just one thing. Again, the gentleman in putting together this piece of legislation with the gentleman from Washington (Mr. BONKER) was very careful, where in section 3, subsection 1, it says that the meeting must be voluntary and student initiated and that there is no sponsorship of a meeting by the school or the Government; so I appreciate the gentleman's great contribution to this important issue.

Mr. CHANDLER. Well, I thank the gentleman for his support.

ORDER OF BUSINESS

Mr. HUNTER. Madam Speaker, I ask unanimous consent that I may proceed with my special order at this time, notwithstanding any previous order of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EQUAL ACCESS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Madam Speaker, I yield to the gentlewoman from Nevada (Mrs. VUCANOVICH).

Mrs. VUCANOVICH. Madam Speaker, I thank the gentleman very much. I appreciate that.

We are here today talking about freedom of religious expression and we are here today talking about giving our kids who want to talk about God the same rights of assembly as we give our kids who want to be farmers or homemakers or business people.

I guess if we do that, we really need to keep in mind the seriousness of this debate. Kids and the right to assemble are just a symptom of the problem we are trying to deal with. This is no longer just a simple debate, however. You know, earlier this year this body voted not to allow prayer in our schools. This was not organized prayer. This was not state sponsored prayer. This was individual prayer and it represented our attempts to reinstate the right of personal religious expression that the Supreme Court took away from all our kids. Now we are asking that our kids be allowed to talk to one another about their faith if they choose to do that and we are asking that they are allowed to do that on school property during noninstructional hours, just like other student groups.

The simple fact is that if there is any question as to the rights of our children to do this, it is a serious enough matter, but the greater argument, the greater battle involves our fight to keep religious freedom as envisioned by our forefathers from becoming religious suppression. I do not think those words are too strong, either, because when we say you cannot pray in school, you cannot bow your head before taking a meal in school and you cannot talk to your friends about religion in school and you cannot do the same things other student groups do in school simply because your group is a religious one, we are really saying that this Government is prepared to deny the right of free religious expression to our people. That is obviously dangerous enough by itself, but when we consider what it really represents, you get an idea of the importance of this issue.

In reality, this fight represents an effort to stop any court-approved perversion of the very rights the courts are supposed to protect.

We have come full circle from total religious freedom guaranteed in our Constitution all the way around to where we have so much separation of church and state that we have exiled God from our public lives and from our public institutions. That is wrong and it is wrong to frame the argument in any terms that seek to minimize or avoid discussion of these important constitutional issues; yet that is what our opponents are doing. That is how they defeated school prayer and that is how they hope to defeat free and equal access.

Faith, family, and work, we survive by these. We have built this Nation with these; yet we are engaged in a battle with the state over the right to keep and express these values in generations to come.

Madam Speaker, I yield back to my colleague from California.

Mr. HUNTER. Madam Speaker, I thank the gentlewoman for her comments.

You know, once again I am reminded that the Bonker-Perkins bill includes numerous explicit safeguards to prevent a violation of the establishment clause, including the provision that the groups must be student initiated and voluntary, that the meetings must be during noninstructional time, the teachers may not participate in the content of the meetings.

I think that is a key. There is your State action, if you will, or your State participation. It is manifested in the acts of the teacher and the school may not sponsor the meeting.

So I think again the bill is a very balanced bill. I understand that a number of constitutional experts have analyzed the bill and it is fairly conclusive now that the bill is not unconstitutional and would not be subject to constitutional challenge.

Mrs. VUCANOVICH. Madam Speaker, will the gentleman yield further?

Mr. HUNTER. I would be happy to yield.

Mrs. VUCANOVICH. You know, the opponents of the Bonker-Perkins bill contend that it is school prayer through the back door and I think this is false. In the landmark Supreme Court school prayer decisions of 1962 and 1963, the Court held as a violation of the establishment clause a State composed prayer and State initiated school-sponsored and teacher-led religious execrises.

The court held in effect that public school teachers may not act as ministers or priests in the classroom.

During the past 20 years there have been repeated efforts to reverse the decisions in large part due to a misapplication and misstatement of those cases; but you know, this Bonker-Perkins bill does not seek to reverse these decisions, but I think it is consistent with them in every way.

The bill focuses on the constitutionally protected right of students to initiate and run meetings with religious content without fear of censorship.

Moreover, the bill contains adequate safeguards against any improper teacher involvement in the religious content of the student meeting.

In a word, the Bonker-Perkins equal access bill is against censorship of religious speech and student-initiated and student-run meetings. It does not put the teacher back in the role of leading a religious exercise. That is why many antiprayer amendment groups representing over 75 million Americans, such as the National Council of Churches, the Americans United for Separation of Church and State, and the Baptist Joint Committee, give strong support to the Bonker-Perkins bill.

Mr. HUNTER. Madam Speaker, the gentlewoman makes an excellent point. I think it cannot be disputed that in this tremendous national debate on school prayer that we have gone through, especially with the other body bringing the issue up this year, there has been a chilling effect caused by the intensity of the publicity and also by the numerous misconceptions that school administrators have regarding the first amendment. There has been a chilling effect that has prevented groups from even coming forward and asking to meet after school or in the gym or in one of the vacant classrooms, because they have been watching the fray on television and they have been reading the newspapers and they have been listening to teachers and administrators who have a different concept of the first amendment perhaps than they have.

I am sure that a lot of these school children think that there is no reason to come forward and ask for permission to hold that meeting in the gym because they are sure that they will be denied.

You know, on that point again I am looking in Miami, Fla., at a Dade County School District memorandum of March 28, 1984, warning teachers and administrators of disciplinary action for allowing any religious student group to use school facilities for meetings with "inspirational connotation."

Presumably that means that if Vince Lombardi, were he alive and would come down and talked about how you play winning football, I suppose that he would be regarded as an inspirational speaker, but again that is a real tragedy because that shows that those particular administrators in the Dade County School District did not really understand, fully understand, what the first amendment says.

□ 1520

Again, the first amendment says that the Congress shall make no law respecting an establishment of religion, nor shall Congress prohibit the free exercise thereof.

Having those meetings after school or using school facilities to have meetings with no teacher involvement, no official policy being manifested, they would be exercising their religious rights under the first amendment.

Mrs. VUCANOVICH. Would the gentleman yield again?

Mr. HUNTER. Absolutely.

Mrs. VUCANOVICH. Some of the opponents of the Equal Access Act argue that religion belongs in the home and church and, of course, that is true. But it is not determinative of a student's free speech rights in the public school.

Exclusion of religious ideas reflects the mind-set that religion is socially irrelevant. You know, the sharing of religious faith with one's peers in a public high school can meet a need unaddressed by home or church. It involves a different community in which a large proportion of one's daily life is spent, and people who can identify with the pressures of the high school environment.

If you can share, kids can share religious insights on a mutually agreeable basis without imposing on the rights of others, that can meet a need unmet at another time or another place.

Mr. HUNTER. I agree completely with the gentlewoman from Nevada. Again, reading from section 4 of the legislation it states:

Nothing in this Act shall be construed to permit the United States or any State or political subdivision thereof (1) to influence the form or content of any prayer or other religious activity; (2) to require any person to participate in prayer or other religious activity; (3) to expend public funds beyond the cost of providing a meeting space for student initiated meetings—

And there again you would have the manifestation of State action. Or—

(4) to compel any school agent or employee to attend a student religious meeting if the religious content of the speech at the meeting is contrary to the religious beliefs of the agent or employee.

So if somebody is sticking around to lock up the gym, presumably after this meeting is over, if that gentleman or lady says that they do not want to have to listen to what is the content of the meeting, then they would be excused from that chore and they could go back, and there would be somebody else available to do that.

So this is again a well balanced bill that really protects the rights of minorities.

The gentlewoman made a great point that we have gone overboard. Not only is the State considered to be neutral with regard to religion, but because of the misconceived application

of the first amendment really we have taken the balance the other way and the State I think is perceived and the school is perceived, at least by those students who wanted to have that meeting at 8 o'clock in the evening when nobody else is there, I think the State is perceived to be adverse to religion. And that is a real tragedy.

I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. I would like to just talk about what some of the people are saying who object to the Perkins-Bonker bill. They would like to prohibit all student meetings with religious content during the schoolday and limit such meetings to before and after school. The reason given is that students are not in the building voluntarily during the schoolday, but are there due to compulsory attendance laws, and the assumption is that students in effect do nothing truly voluntarily during the schoolday.

As a practical matter, most club meetings already meet before or after school. There is no way they can be meeting during classes, obviously.

But in some areas the location of the school, coupled with the lack of available transportation, may make such meeting time impractical. But student groups may only have the activity period or the lunch period in which to meet.

To prohibit student groups from holding meetings for religious discussions during the schoolday is really unfair, and that is discrimination.

Mr. HUNTER. I think it is appropriate that the gentlewoman from Nevada has made that point, because you come from a State in which some students travel many miles by bus.

Mrs. VUCANOVICH. That is true.

Mr. HUNTER. To get to school, And I am sure, for example, that that 4-H Club, that a lot of those clubs at schools want to have a meeting during schooltime, perhaps during the lunch break.

Mrs. VUCANOVICH. Very often.

Mr. HUNTER. Perhaps during the study hall. This bill would allow that to take place. And if that student has a 30-mile run, and in many cases I think in Nevada you have a 30-mile bus route.

Mrs. VUCANOVICH. Or more.

Mr. HUNTER. To get back home after school, then I do not think the argument can be made that these students were brought in a compulsory fashion to the school and, therefore, if they want to voluntarily attend a meeting during school with regard to a subject matter that they are favorable to, that that meeting will also be colored to be a compulsory meeting. That does mot make sense.

Mrs. VUCANOVICH. And for a lot of years religious activities had been allowed during the schoolday in programs such as release-time religious education. We know that happens in a lot of schools. Public schools allow children to go to other places for religious education.

And the fact that the compulsory-attendence laws require students to be at school from 9 a.m. to 3 p.m. did not create any problem for the Supreme Court in the landmark release-time case of Zorach against Clausen. The real issue is not when students are exposed to religious ideas, but who initiates, leads, and controls the meeting.

I think that is more the issue than the time that they are trying to talk about.

Mr. HUNTER. The gentlewoman is aboslutely right.

Mr. DANNEMEYER. Will the gentleman yield?

Mr. HUNTER. I yield to my friend from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. I thank my colleague from California, Mr. HUNTER, for taking this special order and for yielding to me some time in connection with apparently the House taking up tomorrow H.R. 5345. I am delighted to see that the House at least on the Suspension Calendar will have a chance to consider this bill.

I would hope that we would be here in the House Chamber today talking about the House having an opportunity to debate the school-prayer amendment, because I think the school-prayer amendment, reposing in the graveyard known as the Judiciary Committee in this House, is the impetus which is causing us to consider this bill on the floor tomorrow or whenever we take it up. And that is that the opponents of the school-prayer amendment seek to salve their conscience by preventing the House from taking up the school-prayer amendment, and so in order to throw something by way of a sop to their constituents who are disappointed that we cannot vote on that issue, they have come up with this proposed legislation that to me should pass 90 percent to 10 percent.

I have difficulty in understanding how anybody would be opposed to it. It is not unreasonable, I guess by way of speculation, to anticipate what the ACLU would do. The ACLU seems to stand for everything that would change the basic nature of this country by tearing down its traditional institutions.

But in this instance, just to let a group use a public schoolroom for, in this instance, religious purposes when the schoolroom is not needed for educational purposes, I do not know who could be against that.

I talked to a representative of the religious community yesterday here in this town who said that his organization was opposed to this because, if I quote him correctly, it is fearful that one of these cults could utilize the school grounds for the purpose of having a meeting to discuss the advancement of a cult. I suppose that is possible. But I responded that even though I do not think that cults advance the cause of the relationship between man and God, his Creator, cults and the proponents of them have just as much right under our pluralistic system to use the public facilities of the school to advance their cause as someone who shares the philosophical and religious point of view that I share.

That did not seem to dissuade the gentleman, but I hope that the House will pass this bill tomorrow overwhelmingly. I am at a loss to find out what the rationale is. I came over here this afternoon on this special order to find somebody perhaps that would be willing to debate who is on the opposing side.

□ 1530

I have to ask the gentleman in the well, has anybody showed up today on this special order to talk about being opposed to this legislation?

Mr. HUNTER. To answer the gentleman, the answer is no.

Mr. DANNEMEYER. Where are these people opposed to it?

Mr. HUNTER. I believe we sent out a "Dear Colleague" letter telling our colleagues in the House, all of them, that we would be taking a special order and would be discussing the issue today. So it is true that we have not had any opponents to the Bonker bill show up on the floor and debate the issue.

So far only proponents have appeared, and I hope that is a good sign, and I hope that it is a good indication that in fact the bill will pass by a large majority tomorrow.

I would be happy to yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Opponents of the Equal Access Act, with a straight face, maintain there will be peer pressure to join religious clubs. And this contention should be rejected out of hand. If anything, the peer pressure will be exactly the opposite.

In any event, free-speech rights are not dependent upon the presence or absence of peer pressure. You know there are lots of kinds of pressures in public high schools and meeting with those who share a common faith can help students deal with those pressures including peer pressures rather than the other way around.

I, too, wonder where the people who are opposed to this, to the Equal Access Act, why they are not here talking perhaps on this subject?

One other thing I would like to talk about and again thinking about my State, you know, the Bonker-Perkins bill applies to a school only if the administration of that school already

allows student-initiated groups to meet during noninstructional periods.

You know, this bill certainly would not put any emphasis on the schools that did not wish to do that. But I think my schools, and they feel very often that the Federal Government is interfering with their lives, they really like to have the ability to make their own decisions on what they do in the schools.

The letters I receive from people who support this Equal Access Act are saying, "Please let us make this decision in our own schools."

So under the bill, school boards would have more discretion than many boards presently exercise. An increasing number of boards mistakenly believe that student religious groups are illegal and must not be permitted, even if the board believes they are as beneficial to students as are nonreligious student groups.

So this misperception by school boards is cleared up by the Bonker-Perkins bill and thereby really widening their discretion. I think that is an important point of this particular bill.

I yield back to the gentleman from California.

Mr. HUNTER. I thank the gentlewoman for that excellent point.

I think one proponent of school prayer in the school prayer debate said as long as there are math tests in school there will be prayer of some sort. I am looking again at this list of situations which have arisen as a result of a misconception of school adminstrators, that again the gentlewoman spoke to, thinking they have a duty now under the Constitution somehow to deny the use of the high school gym, deny the use of the cafeteria that has been built with taxpayer money to any group or any speaker who would speak or hold a meeting with an inspirational connotation.

I mean if a speaker is not inspiring, who wants to come down and listen to him after school? In Texas, a blind Vietnamese student, who recited the rosary to herself on an El Paso schoolbus was threatened with disciplinary action by school officials if she did not stop such illegal activity.

So I think the great cause that will be served by the Bonker-Perkins bill is that it will let teachers know and administrators know that it is not unconstitutional for that prayer group to meet in the high school gym; it is not unconstitutional to speak of God on school grounds and that they have just as much of a right to use those facilities, which again are built at great expense to the taxpayer, as any other group, the 4-H or any of the other clubs that meet on school property.

So, I thank the gentlewoman for her remarks. And again to address the remarks made by the gentleman, my friend from California (Mr. DANNEMEYER), I would like to believe that the motivation for all the Members who have been proponents of this bill in coming forth with the bill and in supporting it and hopefully voting it through tomorrow, is sound and good motivation.

I would not presume to think perhaps that their lack of motivation is that this is a fallback position from being against school prayer.

I yield to the gentleman from California.

Mr. DANNEMEYER. In the State of California, we are both from the same State; for years we have had a law on the books called the Civic Center Act. It is the statutory basis whereby taxpayers of our State are permitted to use school facilities at a time when the school facilities are not needed for educational purposes.

Now, when private groups can use it, you have to pay the janitorial costs; you have to pay the utility costs; that is fair. But the point is, and I mention it now to say this: You know Government owns property in trust for taxpayers, and the people of the country. The people that are in Government at this particular time in history, they do not own that property themselves; they are trustees of that property. And they have a trust to use in administering that property so that people of whatever stripe in our society have the privilege of using it.

Now if that use is at a time when the school needs to use it after school, obviously the school use is going to be paramount. But if it is after school or some other time when the schoolroom is not needed for educational purposes, we have the Civic Center Act in California and I think this act at the Federal level is nothing more than a recognition that public facilities are for use for our public under reasonable conditions.

I thank the gentleman.

Mr. HUNTER. I thank the gentleman for his remarks. Your remarks reminded me that in fact in thousands of communities across the United States, in many I can think of, the finest, most modern facilities in those communities is the public school, one of the public schools or many of the public schools.

That is where Americans put their dollars. That is where you have the nice structure and you have the nice cafeteria that can be used for meetings and you have the nice gym that can be used for meetings.

Again, as you said, you have taxpayers who have put their dollars in trust with the public administrators who have constructed those buildings and to allow them to go unused because of some misconceived notion about the Constitution is a real tragedy.

And I yield to my friend from California (Mr. LUNGREN).

Mr. LUNGREN. I thank the gentleman for yielding.

I thought I might bring up just one point that might be bothering some Members, because of the limited time tomorrow which may not be adequately addressed. That is the question concerning those of us who voted and spoke against the ERA, some precisely because of this fact, others in part because of the fact that it was brought up under a rather close condition.

That is, it was brought up on the Suspension Calendar, where only 40 minutes of debate were allowed and no amendments were allowed.

Since this is basically going to be the situation that the equal access bill is being brought up, one might wonder why we would use it as an argument against voting against ERA in that instance and still vote for this bill, under similar circumstances.

I think the basic reason for that is that the ERA was a bill that had had full Judiciary subcommittee and committee action, had been voted out by the full committee, in fact the Republican minority, I think most of us on the Republican side, not supporting the substance of the ERA, nonetheless assured the Democratic leadership in the committee that we would not use dilatory tactics or in any way delay a final vote on that bill in the committee so it could be brought to the floor; who were assured at that time that it was considered and prior to the time it was considered that were it to be brought up under an open rule, because to amend the Constitution is such a serious matter, that we would in fact not allow it to be brought to the floor under other circumstances; and under all of those circumstances decided it was something we had to fight against both substantively and procedurally when it hit the floor.

In other words, there was no question that it could be brought to the floor in a very immediate fashion; virtually at the call of the leadership, and it had had a full exposition in the full committee and subcommittee; an opportunity could be given at any time to allow full consideration.

□ 1540

On the other hand, the equal access bill, as I understand it, was sought for concurrent jurisdiction or subsequent referral to that same Judiciary Committee, the same subcommittee from which the ERA arrived, and that there was every indication that it would not survive that route.

In other words, if it were sent to the Judiciary Committee and subcommittee it would not be voted out because of the makeup of that subcommittee and committee.

In addition, before the Senate vote on the prayer in school constitutional amendment there was an indication—after we had an all-night series of special orders on the subject and after a

number of other actions were taken to highlight that issue—by the chairman of the relevant subcommittee, Mr. EDWARDS, that in fact hearings would be held on the question of school prayer.

Following the vote in the Senate—I think a week or 2 weeks later—there was an announcement, little noted, nor publicized in the media, that in fact there would be no hearings on school prayer because, as I understand it, the Democrats of that subcommittee had caucused among themselves and determined that there was a lack of interest in the subject matter.

So, it is based on that background and the unlikelihood that it would be brought forth through that committee that those of us who complained about the procedure will—while still complaining about the procedure this time, because I think adquate time could be given and debates could be entertained on this issue—vote in the last instance to allow this bill to be passed by the House and sent on to the Senate.

The circumstances are very different. On the one hand you had a bill that assuredly would be brought forward in any regard. In this instance, you have a bill that probably otherwise would not be brought forward for the Members to vote on.

I am sorry we do not have an opportunity to amend it. It seems to me this is an issue that may appear in some ways controversial, but I feel fully confident that if explained on the floor and fully debated would pass with an overwhelming vote, perhaps with some amendments, but we are not going to be given that opportunity. So in these circumstances I would, as I think other Members, take second best and vote for this bill when it comes to the floor.

I thank the gentleman for the indulgence of his time, but I thought that was something that we probably ought to clear up because we will not have adequate time to respond to it tomorrow.

Mr. HUNTER. I appreciate the gentleman's statements. And I only have to echo his sentiments that whenever it is possible we will take a full and fair hearing. If there is a choice between 2 hours of debate and 1 hour, we will take 2 hours, at least the gentleman from California would ask for the 2 hours. If it is a choice between having a rule which allows for amendments and a rule which allows for no amendments, the gentleman from California will go for a rule that allows for amendments. If it comes to a choice between allowing the opponents to any particular legislation, whether it is something the gentleman favors or not, from having their time to adequately present their case in opposition or not having that time, the gentleman is in favor of giving that time.

Basically, and these are my sentiments also, the gentleman will take whatever we can get with regard to having our legislation presented before a full hearing of the House.

Let me say in that regard that every Member of this House of Representatives was notified that we would be having a discussion on Mr. BONKER's bill and Mr. BONKER was kind enough to appear. It is also coauthored by Mr. PERKINS and Mr. GOODLING and Mr. CHANDLER. I know also Mr. GOODLING and Mr. CHANDLER appeared and discussed their legislation.

Let me just say to close, Madam Speaker, that I have watched a number of my colleagues, including the gentleman from Pennsylvania (Mr. WALKER), and the gentleman from California (Mr. LUNGREN), and the gentleman from Minnesota (Mr. WEBER), and the gentleman from Georgia (Mr. GINGRICH), get up on this floor long after the official business had closed for the day and had given up valuable hours of their time to talk about issues that they felt were important to America. I can remember participating in these issues and the discussions of these issues, including school prayer, the line-item veto. School prayer, I think, is supported by in excess of 80 percent of the American people. The line-item veto is one mechanism that many Americans think must be utilized at the national level to help bring down this tremendous national deficit that we have. The balanced budget is overwhelmingly popular in the United States and yet we cannot seem to bring it up for a vote. Extremely important. Many people think that we are in an economic crisis right now. There is no American who can say that consideration of a balanced budget in the House of Representatives should not be a priority, but the facts are it is not a priority. So if it takes four Members or five Members speaking to an empty Chamber to bring about the focus, a refocus on these important issues, then that is what we must do and that is what we should do.

Finally, we have asked for the President's crime control package of 1983, which passed in the other body some 91 to 1, a crime-control package which would reform sentencing, which would reform bail, and would do many things to make this Nation a safer place. That bill, as I understand, has been pending and held up in this House of Representatives for months and months and months now. In fact, one Member on the Democratic side said—one important Member in this House—said that the President's crime-control package was "dead on arrival."

So it is the mission of the gentleman from Pennsylvania and the gentleman from Minnesota and the gentleman from California to come to this House floor and tell their colleagues and tell America what we should be doing and asking our colleagues and the leadership on the Democrat side to allow us to bring up these important issues for debate and for discussion and ultimately, hoping to pass that legislation into law, then I applaud them for it. I thank them for all the valuable time that they have taken away from their families and from their constituent duties to do things that they think were important for America.

Mr. WEBER. Madam Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Minnesota.

Mr. WEBER. I just want to thank the gentleman from California for his words of praise, but, really, there is nobody who has done more through the use of special orders to highlight those issues than the gentleman himself.

I would just emphasize that it is the gentleman from California, of course, who organized the school prayer special order that kept this House in session all night long one night to dramatize the fact that it had been over 20 years since that school prayer amendment was initially introduced and we had had only one opportunity, and that 13 years ago, to debate school prayer.

It is issue after issue like that that the Democratic leadership of this House refuses to schedule for debate during regular legislative business that we bring to the House floor during special orders.

Now we find that the Speaker and the Democratic leadership of the House are trying to do everything that can to prevent those issues from being discussed, even during special order time.

So I think the gentleman has made an excellent point. I thank him for his kind comments. I commend his for his leadership in trying to bring these issues to the floor of the House.

Mr. HUNTER. I thank the gentleman.

Let me just say that was not the gentleman from California who brought those 60-some Members to the House floor, some of them at 2 o'clock in the morning, to talk about the school prayer issue. I think it was years, literally, of frustration, of not being able to speak on the subject because it was not brought to the House floor for official consideration. I know one Member reminded the House that "My God, you guys should not complain because we voted on school prayer back in 1970." I think I recalled I was in the Army at the time. I did not get a chance to vote on it. A number of other Members stood up and announced where they were in 1970. But it was a frustration of not being able to deal with the great issues before this Nation.

I do not think it is our job to sit and wait for the other body to pass legislation before we can even consider it.

So I thank the gentleman.

CHANGE IN TELEVISION COVERAGE OF HOUSE PROCEEDINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Madam Speaker, let me begin by saying that I intend to discuss a little bit the issue that has now arisen about the coverage of the special order time by the House cameras as a result of the rule change that the Speaker arbitrarily made last week.

But I think that I will begin by saying if there are any Members who are concerned about this issue, I certainly invite them to come to the floor and discuss it. I certainly invite them to come out here. I will guarantee them I will yield them time if they want to discuss this issue. We are not trying in any way to keep Members from participating in the debate.

In fact, if the Speaker of the House wants to come to the floor and debate this issue and really talk about it back and forth, I will be very happy to yield to him, which is somewhat different than what took place in the debate today when I asked to be yielded to by the Speaker and he refused to do so.

I am perfectly willing to debate this issue and any issue on the House floor here because I think it is important for the American people to understand that on all these issues there are a couple of sides and we do need to be talking about both sides of an issue.

Mr. WEBER. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I just want to make one additional point because in this whole controversy about special orders we are now hearing people say, "Well, is it really fair to keep Members here until all hours of the morning to debate special orders."

That happens only on the rarest of occasions. Far more often is the circumstances under which we are holding special orders right now.

□ 1550

It is now 3:50 in the afternoon, eastern daylight time. Now, I do not know about most Members of the House, but for me that has always been in the middle of the working day. It is not unreasonable to suggest that Members of Congress at 10 minutes of 4 in the afternoon might be at work, and if they want to come down here and debate those issues, it does not seem to me to be an inordinate strain on their schedules.

So I think the gentleman makes an excellent point.

Mr. WALKER. The gentleman makes a point which I think is interesting, too. We, now, I understand, under the announcement by the Speaker on the floor today, have some language which is crawling across the screen of the television indicating that we have finished legislative business for the day and are now proceeding with special orders. That is interesting. I hope the American people will keep track of when that little line begins crawling across their screens, because what that indicates is that is the point when many Members pick up, leave the Hill, and that is business for the day.

Now, if you start today, that means we were in session all of 2 hours today. We did 2 hours' worth of legislative business. Now, I went back through here a little while ago and figured out how many days we are going to be in session this year, if we have 5-day-a-week sessions from here on out, how many days we are likely to be in session, and it is going to be a total of 125 days.

Now, that means that Members of Congress are being paid at a rate of $600 per legislative day.

Now, I wonder if very many of the American people think that they earned their $600 in only 2 hours today. And I wonder if the American people really regard that as working real hard for the money that you are earning.

I would suggest that every time you see those words starting to crawl across the bottom of the screen and the business of the House has ended, you might say to yourself, "Has my Member of Congress earned his $600 today," because that is what you are paying him out of the taxpayer's pocket is $600 a day, and if they are not here, where are they? Are they out on the golf course? Are they over in the gym? Where are they if they are not here to debate the business of the country?

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. WEBER. An interesting point along that line, we could not call for votes today. All votes would be put off until another day. That is under the ruling of the Speaker. So this argument that everybody is probably back in their office watching what takes place on television probably does not hold water either. We do not want to hold any votes today because of the fact that there are not many people in town today, not much business to be transacted.

Mr. WALKER. Let us be honest, some of them are back in their districts working.

Mr. WEBER. No question about it.

Mr. WALKER. All of us go home and we work pretty hard in our districts, and some of them are back in their districts working. The fact is that some of them are out playing golf, too. And I think that it needs to be understood that when the line begins to crawl across the screen, that is the time when the House has finished with the business that most Members are going to be engaged in, and we ought to think about the fact that that was another $600 day. A 2-hour, $600 day does not strike very many members of the public as being something that they would regard as what they are paying for.

I will be glad to yield to the gentleman.

Mr. WEBER. Another argument that is used, as well, is that Members may not be on the floor because the committees are back there working at a frantic pace and that is where the real work of the Congress takes place anyway. I just checked to find out what committees are working today. One House committee is working today, the Foreign Affairs Committee is holding hearings on some piece of legislation.

Mr. WALKER. I would be interesting to know how many people attend that hearing.

Mr. WEBER. The point is, there is not any legislative business taking place, there is no business taking place, to speak of, at all in Washington.

Very interesting, as the cameras pan the House of Representatives now as we are holding this special order time, they find very few Members on the floor. During the entire session that we held today, which was just a couple of hours, as the gentleman pointed out, I venture to guess that not more than a grand total of 20 or 25 Members ever were on the floor of the House.

The gentleman was here during that entire period of time. Will the gentleman tell me how many Members he thought might have been on the floor?

Mr. WALKER. This gentleman took time today to count the number of Members on the floor, and I periodically announced, as we considered each bill, how many Members we had on the floor during that period of time. The highest count was 24. At one point we had 24 Members here, not because they were participating in that debate, but because a lot of them were waiting here to make 1-minute speeches to open the day.

So that was the high point. We had 24 Members of the House here. That is something about 5 percent of the entire House membership that was

here at the peak today. When we got to the actual debating of the bills, we had a total on several bills of 7, 8, 9, 12 Members of Congress here, something on the order of 2 percent of the Members of the House who were here to debate some of that important legislation.

So the fact was that, had those cameras been panning as they are, around the Chamber and so on, they would have seen a Chamber essentially the same as right now. Even though we were conducting the business of the country, the cameras would have seen a whole bunch of empty seats out here at that point, too. The question in my mind is: Why do we not show the American people precisely that? Why do we not extend this rule that covers the special order time and go to a gavel-to-gavel procedure where we pan the whole House? Let the American people see if there Congressman is there. I think they would be very interested to find out who those seven or eight Members of Congress were. Let them find out who it is who is on the floor and who is not on the floor. And then if that Member of Congress can explain why he is not on the floor, fine, let him go back and tell his constituents that "I was in committee meeting," or "I was back in the district doing some work, and here is my schedule, I can show it to you." Any Member of Congress who is doing his job can defend himself on that. If he is on the golf course, it may be a little harder to defend. If he is downtown proceeding with his Christmas shopping, that might be a little harder to defend to the people back home who are paying him $600 a day. But that is perhaps what we ought to have as one of the things that the American people needs to know about and needs to see. That is all I am suggesting. Let us make the House more open. What we are doing here, we always try around here to close the House down, keep the public out. There is only a limited number of seats in the gallery, but through TV we have been able to expand the audience considerably. A lot of that audience out there is a little disturbed about what they are seeing, just as the schoolchildren who come in and sit in the gallery are disturbed when they come in here and look down on the floor and they see that nobody is here. They come back and they say, "Why is nobody on the House floor?" And we give them all the standard responses that, "Well, they are in committee, they are back in their offices signing their mail, they are back in their districts doing business." The fact is that we all know that, in addition to that, some of them are on the golf course.

I will be glad to yield to the gentleman.

Mr. WEBER. I think the gentleman has made the essential point, because what is really important for the American people to understand about this whole little controversy we are having over the televising of special order time right now, is that it is a part of a pattern that has grown during this session of Congress under the leadership of Speaker O'NEILL, and that is a pattern of increasing obstructionism of certain legislative business and of the people's right to know that is happening in the Congress of the United States.

This specific decision was quite discriminatory, as the gentleman from Pennsylvania points out. Those people around the country who may tune in now and then and watch what happens in the Congress of the United States probably are not aware, or at least they should be aware, that the Speaker, of course, schedules all legislative business, and so during those periods of time when we are debating what is referred to formally as legislative business and when we are voting, we are debating the agenda of the Speaker of the House. During that period of time, as the gentleman from Pennsylvania has pointed out, those cameras, of course, will not pan the gallery or pan the floor of the House, they will not show there is nobody here, they will not show the lack of attendance of Members. But during the special order time, the time we are engaged in right now, after we have finished what is called official legislative business, that is the time when other issues can be raised, issues that are not on the agenda of the Speaker of the House. And that is precisely why many of us, including the gentleman from Pennsylvania, this gentleman, the gentleman from California (Mr. LUNGREN) and others, have used this time to raise issues that the Speaker refuses to schedule for debate during normal legislative business, issues like the school prayer amendment, the balanced budget amendment, the crime control package of the President, and a whole range of other issues. During that time, the special order time, when we have the ability to bring those items to the floor for debate—unfortunately, not for action, but at least for debate—that is the time that has been singled out by the Speaker for the panning of the floor of the House to show that there is not a large number of Members here participating. Definitely discriminatory.

Mr. WALKER. Would the gentleman agree with me that the special order time is virtually the only time of the legislative day when the minority can control a block of time? And so therefore when you attempt to demean and undercut the special order time, what you are really doing is attacking the minority party frontally in the Congress.

Mr. WEBER. There is just no question about that. It is a direct attack on the ability of the minority to even debate issues. And I think that is a significant thing here. The majority does, of course, control this body, and the majority can work its will here. But when you talk about attacking the rights of the minority on special orders, you are not talking about the disposition of issues. On any of the issues we raise here, whether it be the equal access bill or school prayer or the balanced budget constitutional amendment, the Democrats can vote those down any time they want. They have got the votes to do it. No. What they are attacking is something that is far more important. They are attacking the right to discuss those issues. And I would suggest that just because the majority has the ability to defeat a piece of legislation does not give them, if you will, the moral right to prevent discussion of that piece of legislation.

Mr. WALKER. I thank the gentleman.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, and again, I think the reason that the Democrat leadership has sought to discourage this special order time is not because of what the gentleman from Pennsylvania has said necessarily, or any of the other gentlemen who talked. I think it is because the American people, in the words of one gentleman from the other side, who said, "Yes, my people are getting very concerned about what they hear on the House floor." The American people are wondering why we do not bring a balanced budget resolution to this House floor.

□ 1600

Why do we pass Frozen Food Week, for example, when we have items of legislation that are very important to the average American? Why have we not brought this crime control package of 1983, that was passed in the other body 91 to 1, which has extremely important ramifications to every American who wants to be safe in his or her neighborhood, why have we not brought that out and voted on it?

Those are the phone calls and those are the letters that are bothering the Democrat leadership. You know, I do not like to spend my time, after hours, when I could spend a little time with my family before going back to my district in San Diego, and maybe change the situation where my little boys do not know who I am when I come through the door, I would like to spend that time home with my family.

I do not necessarily want to spend late hours in the evening, after a day on the Hill being here working on special orders. But we bring up these items because they are issues that do not receive the light of day; they are

bottled up, and they are not spoken about. Instead, issues that are thought to be politically expeditious are brought up and voted on and again I agree both sides sometimes vote on them. Frozen Food Week, for example, somebody will probably look my record up and say, well my gosh, maybe you are a cosponsor of the Frozen Food Week.

We do have more important priorities in our legislative agenda, and if the Democrat leadership will bring up the balanced budget, the line-item veto, school prayer, and the President's 1983 crime package, then we will not have to come out on the floor and talk about those issues, and is there a Member here who will not debate those issues and participate in a full and fair debate during official business?

Mr. WALKER. I thank the gentleman.

What the Speaker told us today when he came down here and took his 15 or 20 minute 1-minute speech was that what we have is a case where the special orders had been abused. He said that the reason why he had to change the procedure was because there was an abuse taking place. Specifically, he referred to a couple of abuses.

He said, for one thing, that a number of us had scheduled these special orders and that prevented the majority side from being able to utilize the special order time because they had to wait until we were finished, and that made them wait too long. That ignores the fact that what we have done here on many, many days, not on all days, but on many, many days where Members have asked us to go ahead, is we have specifically said that they can go ahead and take their time. If we are going to be particularly lengthy, we have told them to go ahead and take their time ahead of us so that they do not have to wait until our special orders are done.

The other thing that the Speaker said, which he pointed to as being the worst abuse was the fact that there had been attacks made on Members of the House and they could not be here to defend themselves. The first question is: Why could they not be here to defend themselves? They can easily come to the floor during the special order time; they can be yielded to, and they can make any statement they want during the special order time. They can schedule their own special order time if they do not want to depend on someone else to yield to them.

So, in terms of the procedures of the House, that just cannot be sustained. The other thing that is important is the fact that the Speaker indicated that these people did not know that their names were going to be mentioned and so, therefore, were not in a position to know that something was going to take place in which they might be attacked.

In the case of the special order that he referred to specifically, he indicated that no notification had been given to these Members; that in fact they were attacked, that their patriotism was impugned; that there were all kinds of problems, and that they simply had not even been aware of it in advance. That is just absolutely, irrevocably wrong.

I am disappointed that the Speaker did not know his facts before he came to the floor and made his speech. That is just absolutely wrong. What the Speaker said can be called into very, very grave question based upon the facts of the matter.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding, because I think that the comments of the Speaker of the House, on the floor of the House today, in my judgment were outrageous, and I choose that word carefully because a lot stronger words came to mind.

The Speaker made some very tough allegations at Members of this body, including myself, including the gentleman in the well, the gentleman from Pennsylvania. One of those allegations, as the gentleman points out was that those Members whose names were mentioned last week during special order time on a foreign policy-related issue, were not informed that their names were going to be brought up in advance. That was one of the specific accusations of the Speaker of the House earlier today on the floor of the House.

I would like to read a letter, a dear colleague letter, sent out under stationery by the gentleman from Georgia (Mr. GINGRICH), signed by the gentleman from Georgia, the gentleman from Pennsylvania (Mr. WALKER), and myself. I would like to read the entire text of that very brief letter:

DEAR COLLEAGUE: Tonight, during special order time, we will be reading a Republican Study Committee document into the Congressional Record entitled "What's the Matter with Democratic Foreign Policy," written by Frank Grigorsky.

Because you are specifically mentioned in the document, we would like to invite you to share our special orders on Wednesday and Thursday to discuss the RSC study. The basic theme of the study is that today's national Democrats have a pessimistic, defeatist and skeptical view toward America's role in the world. This world view could fairly be called "radical" because it violates every U.S. tradition since Truman's time, and ignores basic lessons about how the world works.

We look forward to discussing this important study with you later this week. Sincerely, Newt Gingrich, Bob Walker, and Vin Weber.

Attached to that is a list of all the Members who were listed in the special order and whose names were mentioned. They were notified ahead of time. When the Speaker said that they were not notified ahead of time, the only thing that can be said is that the Speaker must not have known the true or facts or certainly he would not have come to the floor with that kind of an accusation against duly elected Members of Congress.

I can only presume that the Speaker did not know. Now that the Speaker knows, I presume that we will hear an apology from him since he has stated something that is specifically not true.

Mr. WALKER. I thank the gentleman, and I hope the cameras are not panning the Chamber right now because I think it is important that the American people see this letter does exist. This is a letter which was sent to Members of Congress informing them that in fact their name would be raised as a part of that reading of the study.

It is also important to note that the Speaker made the charge that the patriotism of Members was impugned in the course of those remarks being made. Nothing could be further from the truth. We in fact tried to make it quite clear. I participated; I tried to make it quite clear that we were impugning the patriotism of no one. We were not suggesting in any way that they were any less American because they tended to disagree with our point of view.

What we suggested was that the foreign policy that they had been proposing over some period of years is incompetent; that it has been wracked with failure, that they have in fact led this Nation down paths which have not been in the best interests of the country. To say that those kinds of charges are a type of McCarthyism is to my way of thinking a reverse McCarthyism. Is raises the specter that you are impugning someone's motives, when in fact what you are doing is impugning their policy choices.

If in this House, under the debate clauses of this House, we cannot come to the floor and suggest that peoples' policy is wrongheaded, then this House has become far more of a dictatorship than I ever believed it could be. At that point it would be a dictatorship rivaled only by the Uncle Joe Cannons of the past. Those were the days in which Members could not suggest that policy change was necessary for the country, and that would be a devastating indictment of the arrogance of this body if in fact you can no longer question whether the policy choices being made by the majority party are in the best interests of the country as a whole.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I want to carry on with that point a little further, because as the gentleman points out, the second allegation that the Speaker made against Members of this body was that they had impugned the patriotism of other Members of this body. As the gentleman points out, that simply is not true.

I would like to read part of that record of debate on May 8 that so offended the Speaker. I would like to read from part of it that was inserted in the RECORD by the gentleman in the well, Mr. WALKER:

Effectiveness and competence is the standard for judging, not motivation. Any fair-minded or merely cautious critic should take as a given the patriotism of any Democrat. Republicans eager to save Central America from radical blunders must make it a point to endorse the patriotism and sincerity of every Democrat they take to task for being, objectively speaking, blind to reality.

Radicalized Democrats would prefer Joe McCarthy launch every debate. Their opponents instead must make Al Smith the keynote "Let's look at the record, my friend."

□ 1610

That was part of the debate entered by the gentleman in the well, Mr. WALKER. It should be clear to anybody who spent any time reading this debate, reading the document that was inserted in the RECORD, listening to the comments of the gentleman or of Mr. GINGRICH, that this was not an attack on anybody's patriotism or anybody's sincerity; it was an attack on the foreign policy analysis of a certain wing of the Democratic Party in the House of Representatives, a policy that has, in our view, clearly failed and will not lead America to a secure and prosperous future but, nonetheless, a policy which they have engaged in presumably sincerely.

As the gentleman points out, when the Speaker comes down here and accuses Members of impugning another Member's patriotism, what is he trying to do? He is trying to close off debate, and that is the pattern that we have seen recurring throughout this session of the Congress, where the Speaker uses every tool at his disposal, from changes in the rules to emotional rhetoric to try and close off debates on items that are not on the agenda of the Speaker.

Mr. WALKER. I thank the gentleman, and I think what is important to realize here is that the Speaker has never been particularly enthusiastic about television coverage of the House to begin with. What one has to conclude from some of this is that perhaps the Speaker is simply using an excuse here to launch another attack on the whole business of the public having a better understanding of what wo do within this Chamber.

Back in September of 1979 the Washington Post editorialized about the Speaker's views on television at that point. They said, and I quote:

Now though the tightly focused House cameras do not cover the entire scene, voters can at least follow the speeches back home.

And then this paragraph:

Some Members of Congress have latched onto new possibilities for publicity and begun aiming more floor speeches at the home audience. Speaker Thomas P. O'Neill, Jr., who has never been wildly enthusiastic about televising the House, is especially annoyed by what he sees as a surge in special orders, to speeches that Members may make at the end of each day, usually to a nearly empty Chamber, on any large or small topic that they choose.

In other words, back in 1979 the Speaker was saying precisely the same kinds of things that he came to the floor and said today. And the Speaker always couches it in terms of "somebody is out here grandstanding." Well, let me speak for myself here for a moment, because the Speaker specifically pointed out that I have taken a number of special orders since the beginning of the year.

The C-Span coverage in my district, the TV coverage that goes out to the country, in my district is very, very limited. The major cable systems in my district do not have C-Span on them. A couple of my smaller counties do have the C-Span coverage, but I am not covering very much of my district when I am out here speaking.

What I am attempting to do is bring issues to the House floor. I am attempting to participate in a debate and raise issues on the House floor. I do not care whether TV cameras are in this Chamber or not. They are issues that should be discussed. The way that this place is run is almost an absolute dictatorship anymore, is an issue that ought to be discussed whether or not there are TV cameras here, whether the Speaker shuts them down, whether he pans the Chamber. It does not matter what he does, these are issues that ought to be discussed, and I think a number of us would be out here discussing them.

The fact that the Speaker wants to try to use his power to impact on those says to me that he is more worried about the message than he is the messengers. I think that is really the issue out there. The message that we have been bringing to the American people is the message that has an awful lot of adherence to it out across the country and the Speaker is very worried about the message.

I just want to raise one more point and then I will yield to the gentleman.

All of this activity seems to have taken place after the Democrats had a study commissioned of TV coverage of the House. It is very interesting. First of all, I would like to know whether that particular study was paid for with taxpayer dollars. I do not know if it was or not, but if it was, it seems to me we ought to know about that because then it might be available under the Freedon of Information Act.

But that study must have told them some interesting things, because having seen that study, they have certainly attempted to choke off debate as best they can without actually turning off the TV cameras. So it tells me that the message must be getting through. The messengers are beside the point. If it were not those of us here, and others carrying that message, others would, because this has become an abomination.

What we do here, and the way in which we do it has become an abomination to the legislative process, and someone is going to carry that message to the country. If not us, than someone else.

Mr. WEBER. If the gentleman will yield further, I will not take a lot of time becuase I know the gentleman from Florida as well as the gentleman from California have been waiting to speak.

The best evidence of what the gentleman from Pennsylvania just said is true is the fact that those Democrats do not come down to the floor here to debate us on any of these things. Where are they right now as we are debating this dictatorial decision by the Speaker of the House to change the television rules regarding special orders? If their case is sound, they could be here debating this issue. The Speaker himself could be here. But they choose not to.

Mr. WALKER. Sure. If they are back in their offices, come on over, guys. We will be very glad to have you debate it. If you are back there in the cloakroom, come on out. We will be very glad to debate this issue with you. We are not trying to hide from you at all. We are right out here in public where everybody can see your replies to these charges. Please, come on out. Come out of the cloakrooms, come off the golf course, come out of your offices, come on back here and debate the issues. We will be very glad to have you.

Mr. MACK. Madam Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Madam Speaker, part of the implication, I think, that the Speaker today made in his 5-minute 1-minute, or maybe it was more like a 7-minute 1-minute, I am not sure, part of it was that these special orders are strictly for political purposes, that we are doing this for nothing more than to really undermine the rules of the House.

I might suggest that if you really look, and the Speaker said it again, it is his power that determines the

schedule. What that means is that it is his power that decides what the issues are going to be that we are going to discuss here on the floor of the House.

When we start asking the question, well, if we are not permitted either in committee or on the floor of the House to discuss issues that are important to us, if we want to ask the question, then, what other opportunity do we have? The answer comes back pretty clearly. There are two times. One is, we can get up and do 1-minutes about any topic that we want to, or second, we can come to the floor of the House for special orders to talk about things that are meaningful to us, that we say are meaningful to the American people.

But the Speaker says it is his power that decides what will be discussed on the floor of the House and how it will be discussed. Interestingly enough, there is a Rules Committee around here that also plays a role in that.

But here is my point, just putting it into perspective today: Immediately porior to this discussion, I believe there was a very significant and meaningful discussion about equal access. Whether you agree with it or disagree with it is not important at this point. What we tried to do today was to say since we only have 20 minutes tomorrow to discuss the issue that we would take the time this afternoon to become involved. Whether there is a full or empty House does not make any difference. The point is, the issue is being discussed.

I think the Speaker needs to take that into consideration.

Mr. WALKER. If the gentleman will allow me to reclaim my time, I believe I am correct that not one opponent of the equal access bill showed up. It was all the proponents of the bill who came out here and discussed the subject. It would have been far more enlightening to have that discussion be a discussion between the proponents of the legislation and the opponents of the legislation so that all sides could be fairly represented.

But the opponents do not come. They did not bother to come over to outline their point of view, and that is a shame. That denies the American people information. I happen to think the opponents are wrong, but I think they ought to be over here discussing their views on the floor, not hiding somewhere from the wrath of the public out there.

I think it is also important to recognize that the defense of the procedure that has been allocated here on special orders was that what we are doing, according to the Speaker, and this is a quote out of the Washington Post of Saturday, he said with the panning procedure the audience will get "more perspective" on what really happens on the floor. That is precisely our point. I think we ought to have more perspective on what takes place, not only during special orders, but more perspective about what takes place throughout the entire legislative day.

Mr. LUNGREN. Madam Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Madam Speaker, I think it is ironic, at least, to suggest that the Speaker informed us of his feelings about special orders, and certainly his actions taken cannot be calculated to give greater respect to the special order portion of the day nor to encourage more participation, nor to try and highlight the importance of that part of the day.

□ 1620

At the same time the Speaker, as the chief representative of the House of Representatives, has seen fit, in the interest of protecting the integrity of the House of Representatives, to invoke the speech and debate clause on a number of occasions or to allow counsel hired by the House of Representatives to invoke the speech and debate clause to bar certain investigators from the executive branch in initial investigations, and then in some actual court situations of a criminal nature, from language, from certain papers, and so forth, that were created by Members and employees of this House.

Now, I am not taking any issue with his position on that. That appears to be a bipartisan issue. But the question becomes one of whether, if the speech and debate clause is so important in that context on the question of balance of powers, it is not similarly important to allow the full and vigorous debate that ought to be the soul and substance of the House of Representatives.

It reminds me of criticisms I sometimes argued about some of the more expansive so-called campaign reform bills that are pressed upon us time and time again. That is that there seems to be a fear of allowing this political process to have full and open and vigorous debate, which may not be as genteel as people would like it to be, which may offend feelings at times, which may have opinions that may be contradicted by fact, which may allow a sharp clash of opinion in fact presentation, but which nonetheless, it seems to me, is the basis for the democratic process.

Sometimes, with the so-called campaign reform suggested by some, I am afraid we are going to wash out the vigor of political debate in our effort to cleanse ourselves of some purported evil. That is not to suggest there are not some evils that should have been cleansed, and we have done that. But it does suggest that at times we forget that politics has to have vigorous debate. We have to be given an opportunity to have a fleshing out of issues from different perspectives, and that we might not, when we are in the heat of the battle, particularly like what is being said in arguments that are being made at the particular time. And I would hope that the Speaker and others would keep that in mind when they deal with this issue.

Second, as others have made clear, the special orders provide a time when Members of the minority—the minority party, in most instances, but sometimes minority philosophical members of the Democratic Party—can give the full force to their arguments unimpeded by the rules imposed by others. And when we are on the Republican side, we have to acknowledge at the very outset that we are the minority party. It is like playing football when one side has 11 players and the other side, the minority side, is allowed to have nine or eight players. We come here knowing that is the case. We do not argue with that.

What we argue is that when we get into committee, instead of the ratio being 11 players to 8 or 7, it is 11 players to 5 in some instances, which makes it even more difficult. Then, when you realize the rules that are thrust upon us, it is like saying, "You can only play when you have the ball in the muddy part of the field, but your opponents get the good part of the field where they can do just about anything they want in their offensive set."

Finally, the Speaker, in trying to change the special orders, is telling us, "You can line up against the other side, but your quarterback is not able to vocalize his particular signals. You are just going to have to respond based on some instinct or some hope that when you all move, you are going to be moving at the same time." We are supposed to guess, I guess, what the count is.

I can understand that from the Speaker's point of view. It seems to me that the grand political strategy of one of the great political parties, the Democratic Party, this year has been governance by anesthetic. That is, the more people you can put to sleep in this Chamber and outside this Chamber, the more of your own party you are going to protect. And if we can deal with those issues that are relatively noncontroversial or those issues that are hurtful to the President of the United States and his party, we will do so, but not on those issues that may have a real body of supporters out there—the constitutional amendment on school prayer, the question about a line-item veto, the question about a balanced budget required by a constitutional amendment, a number

of very serious crime issues, capital punishment which admittedly is very controversial, habeas corpus reform which is sometimes considered controversial, doing things with the exclusionary rule which is admittedly somewhat controversial, things of that sort, or even that issue that seems to have been lost in the wilderness for the past 6 years, immigration. They say, "We don't have the time for that."

We see that, having made an argument, both inside this Chamber and outside the Chamber, about the necessity for immigration legislation, it is now promised to come up, and I hope it will come up, although it has been postponed for admittedly blatant political purposes. Vice President Mondale did not wish to have to deal with that tough issue prior to meeting with constituents in my home State of California. Remember, that is the gentleman who wants to sit across the table from Mr. Chernenko of the Soviet Union and have in his hands the fate of the Western World. He does not want to sit across the table from union groups and national Hispanic organizations on an issue that they may have a disagreement on.

Mr. WALKER. Madam Speaker, is the gentleman contending that the legislative schedule of the House was used for purely partisan political purposes?

Mr. LUNGREN. I am not contending that; I am stating it as a fact. The Speaker has suggested in a number of conversations with members of the news media that Mr. Mondale called and asked if we would put it off, requested very strongly that we put it off, because he was worried about his tenuous hold on delegate selections in the State of California, as well he might be.

But that seems to be the order of the day. Those things come into consideration to determine what the schedule is, and if those are all the facts that we are going to have to deal with, if that is the field upon which we are going to have to play this year, we understand that. All we are saying is that we would like to have an opportunity for the voices of our constituents to be heard.

And I might just mention at this point, as I understand it, the gentleman from Pennsylvania does represent as many constituents as the Speaker of the House from Massachusetts does, I represent the same number of people, the gentleman from Minnesota represents the same number of people, and the gentleman from Florida represents the same number of people. In other words, we have as much a right to have our constituencies' feelings, aspirations, hopes, and desires heard on this floor as any other Member. And if, because of the crowding out process that is involved in the use of partisan politics, it necessitates our being shunted to the special order side, we have to take the special order side or our constituents' views are not going to be heard. And the fact is that if they make it as difficult as possible, they schedule it at the end of the day, and they now schedule it with the threat that they are going to pan this Chamber and show there are very few Members here, although they do not allow that during the regular course of legislation, then we are just going to have to take that.

In fact, the decision of the Speaker to pan this Chamber does not pan this Chamber; unfortunately, it pans this House as an institution. It suggests that perhaps what we are doing here is what our constituents in a broader sense would rather not have us do here in the agenda that the leadership has imposed on us.

So we have to act. It is the only opportunity we have to act. If it inconveniences some Members, that is too bad. But I would far rather have it inconvenience some Members and even the leadership than inconvenience my constituency any longer to the extent that they are denied the opportunity to have things debated on this floor that they full expect us to debate.

Mr. WALKER. Mr. Speaker, I thank the gentleman from California (Mr. LUNGREN) for his statement.

The gentleman makes a good point. One of the things that we have to ask a question about when the cameras are panning back and forth in this Chamber is what the perception of the people out there will be. It may well be that it will be a further embarrassment to this House.

The fact is that those of us who are here on the floor discussing these issues are doing our job. The American people can perceive that when we are here on the floor, we are doing our job. There is no doubt about that. And we are where we are supposed to be, and so on.

The question that has to be asked, as the cameras pan back and forth, is, where are the rest of the people? Are they doing their job? Maybe they are. Maybe there is some aspect of the job that is being done. But maybe they are not, too.

That is the question that I think a lot of Americans are going to ask as that camera sweeps from one side of the Chamber to the other. Who are the people who should be in those empty seats, and where are they if they are not in the House?

Mr. LUNGREN. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. LUNGREN. Madam Speaker, I think we ought to make it clear that at least it is not my intent and, I am sure, not the intent of the gentleman from Pennsylvania to embarrass any Member in this Chamber. There are legitimate reasons.

Mr. WALKER. Sure.

Mr. LUNGREN. Members may be in their offices working.

They may in fact be meeting constituents on the steps at this very moment, or they may be home in their districts. From my State of California it takes virtually a whole day to get back here. There are any number of reasons why Members may not be here.

The point I would just like to make is this: That we do not worry about debating the issues here on the floor. I do not want to embarrass anybody. I do not want to make a political issue out of this issue or that issue. I would rather have us deal up or down with crime, deal up or down with immigration, deal up or down with a line-item veto, deal up or down with the abortion issue, deal up or down with school prayer, and deal up or down with a constitutional amendment for a balanced budget.

□ 1630

If we could deal up or down with these things, then the people who are supposed to be able to decide with their Representatives in the House through informed judgment would have information at their disposal. How did my Member vote on this issue or that issue?

Now, it cuts different ways in different districts, but the thing I very strongly object to is the fact that any constituencies across this country are denied the opportunity of knowing the position of their Representatives, because the leadership has very carefully made sure thay never have to deal with those issues.

I suspect the reason they do that is they know that some of those Members would be in trouble with their constituencies back home for voting the way they would otherwise vote. Otherwise, why not allow it on the floor and have the debate done with.

Mr. WALKER. Well, the fact is there may be some Members who are not here. The gentleman is absolutely right, that the vast majority of Members are engaged in legitimate activities out there that are part and parcel of their job; but the fact is one of the reasons why there may be a lot of absences in the Chamber is because there are likely a lot of people out in their districts explaining to their constituents that they are really all for a balanced budget amendment, but we cannot get it to the House floor. They are really for an anticrime package, but we simply cannot get it out on the House floor. They are really all for doing something on the line-item veto, but we cannot get it to the House floor, while they are not explaining to their constituents the fact that they

elect the leadership that prevents that stuff from getting to the House floor.

Mr. WEBER. Madam Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. Madam Speaker, I thank the gentleman for yielding.

I just want to kind of expand a little bit on this point because I think it is important for the American people to understand how far the Democratic leadership of the House is willing to go and what risks they are willing to put this country at in an effort to avoid votes on some of these issues.

I would ask the gentleman from California (Mr. LUNGREN) to help me on a couple of these issues, because I think it is really instructive.

As a member of the Judiciary Committee, the gentleman has also had to deal with bankruptcy reform legislation. That is another piece of legislation that until very recently was bottled up in this House of Representatives. I would ask the gentleman to explain to us why it was that the Congress had to deal with the question of reform of the Nation's bankruptcy court system.

Mr. LUNGREN. Madam Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. LUNGREN. Well, the U.S. Supreme Court about 2 years ago in reviewing the constructs of the bankruptcy court system decided that the Congress in 1977 had erred in giving more power to the bankruptcy judges than they were allowed under the Constitution; so they said therefore the bankruptcy court system is unconstitutional and we will give you, the U.S. Congress, a period of time in which to take care of that problem.

What occurred was, unfortunately, the House of Representatives and the Senate failed to act and we are now on our fourth extension.

Our Judiciary Committee, 1 year ago February, passed out a bill which would have corrected that procedure, but it was never brought to the House floor for 13 months. It was not brought to the House floor because there were some very strong political considerations being made about what would be allowed to be attached or not to be attached; however, in February the U.S. Supreme Court decided in a major decision, the Bildisco case, that companies that abrogate, that is, basically nullify their collective bargaining agreements, their labor agreements with their workers as a part of going into reorganization under chapter 11; in other words, instead of going belly up, they reorganize, they have the same management and hopefully they can save the company and save jobs ultimately, would be allowed to do that unilaterally and they said the standard that would be applied, that was applied in the bankruptcy court, was an appropriate one and they said that by a 9-to-0 decision.

Within hours of that decision, the chairman of the Judiciary Committee has introduced a bill that overturned the Bildisco decision. Within 28 days, that was attached to the base bankruptcy court bill; but we were not allowed to have other amendments to it. We were not allowed to knock that out and it was an up or down proposition.

That is the type of thing that really tends to undercut the respect for this House as an institution of the people.

Mr. WEBER. Madam Speaker, will the gentleman yield further?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. Madam Speaker, I thank the gentleman for responding.

I want to go back to this bankruptcy point again, because I am trying to make an important point. As the gentleman pointed out, four times the Supreme Court extended the period of time within which this Congress could deal with the bankruptcy court system which had been in essence declared unconstitutional.

Would the gentleman tell us, as a member of the Judiciary Committee, what would happen if at some point the Supreme Court refused to extend that time period and the Congress did not act?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. LUNGREN. First of all, the Court gave us an original extension and we have now extended it by legislative action and thus far the Supreme Court has acquiesced.

There is nothing to stop them from deciding at any point that in fact they will not allow it to go on any further. If they did that, one very serious thing would be absolutely at the forefront, a constitutional crisis. We would have thousands of people who have filed bankruptcy petitions who would be left in a limbo of sorts, not knowing what they should do.

We would make a mockery of the law as we have created it over the years where we have presumed that we would give people certain protections under the bankruptcy jurisdiction without requiring them to go belly up; in other words, the reorganization aspect. That is part and parcel of trying to protect jobs. That would be all in jeopardy.

Third, it would call into question any decisions that would be made in the interim if in fact any decisions would be made during that period of time.

Would they then be later considered to be null and void and would that then throw the whole system into wholesale dispute?

So it would be a constitutional crisis of the first order.

Mr. WEBER. Madam Speaker, will the gentleman yield again?

Mr. WALKER. I would be glad to yield.

Mr. WEBER. Madam Speaker, to conclude my point here, I thank the gentleman from California for that explanation.

The point I am trying to make, in the case of bankruptcy reform legislation, the Democratic leadership of this House has been willing to push us to the verge, as our colleague from California just called it, of a constitutional crisis in order to avoid voting on that issue.

There is another issue like that, the balanced budget constitutional amendment. We are now just two States short of having the requisite number of States petition this Congress and force us to call a constitutional convention for the purpose of dealing with the balanced budget constitutional amendment. Why? Because the Speaker of the House and the Democratic leadership of the House steadfastly refused to bring that piece of legislation to the floor and act on it.

If we have a constitutional convention, again the legal scholars do not know how to deal with that.

I happen not to have the grave concerns that some do, but there is no question that it is a serious constitutional issue, how would we deal with that.

So the point I am trying to make, in an effort to avoid dealing with these issues for political reasons, the Democratic leadership of this House is willing to push us literally to the verge of a constitutional crisis. That is something the American people need to understand.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman from Minnesota.

Mr. ROTH. Madam Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. ROTH. Madam Speaker, I thank the gentleman for yielding.

First of all, I want to say that I want to congratulate the people who have had the gumption to call for these special orders, because as has been said on the floor here before, I think it is important that these key issues are pointed to by us so that the American people can have a chance to know what is taking place here in their Government. After all, we are supposed to be representing the people and not the other way around.

I think for all too long people have used the dictum of Sam Rayburn who said, "To get along in this House, go along."

Well, we are facing some issues that will not allow us just to go along, because we have an obligation I think to speak up. That is why I want to congratulate the people who have had the gumption, the courage, yes, the political courage to come to the floor and make the statements that had to be made.

I have got nothing against the Speaker of the House personally. I rather like the Speaker of the House personally. I respect his office, but certainly he can make mistakes and I think he makes his share, like we all do.

But I want to thank the people for taking the initiative on these special orders.

Let me give an example of why I think it is important, as the gentleman from Minnesota and the gentleman from California and the gentleman from Pennsylvania have pointed out; there are some issues that do not get an adequate airing in this House. For example, the issue of procurement. Now, we have in this Government tremendous cost overruns. GAO has already said that if we were to pass a certain piece of legislation that was to be here on the floor, it would have saved some $9.3 billion. Some people say, well, it's a long way from the $200 billion deficit we have. That is true, but certainly $9.3 billion is a lot of money and we should have addressed those issues.

To say that, well, we have only a certain number of people on the floor to talk about these very important issues, I do not think that it is necessarily the number of people you have debating the issue, I think it is the content of the issue.

On the other side of the aisle they have 269 Members. We have 166. Certainly they have enough Members to come and to speak for their side.

For 30 years now this coming election, we have had one House in charge. Maybe that is part of the problem. You know, many times people say, well, I voted Democratic, I voted Republican, nothing seems to change in our Government. Well, that is because our Government has not changed in 30 years.

□ 1640

As the great financier, Baron von Rothschild said, if I can control the pursestrings, I care not who runs the Government.

Who controls the pursestrings in this Government? It is this House right here, and this is why I think it is so crucial that some of these issues have public debate.

We have another issue that I think has to have debate that has not had adequate debate, and that is why I think special orders are important. We have a $200 billion Federal deficit, and everyone, everyone in this House, business, labor, all point to the fact that we are heading for trouble. But we have another issue that is as insidious and it is as pernicious as our Federal deficit, and that is our trade deficit.

We are facing this year a $100 billion trade deficit. What does that mean to the American taxpayer, whether he is in Chicago, or New York, or Appleton, or Houston? It means that we are going to be taking in this Government, this year, about $52 billion less in Federal taxes than if we had a balanced trade. A $100 billion trade deficit means that we lose 25,000 jobs for every $1 billion in trade deficit.

It is easy to calculate how many jobs we are losing because of our trade deficit. We lose $400 million for every $1 billion in trade deficit, and we are going to have this year a trade deficit of $100 billion.

Some economists say it is closer to $120 billion. That is why these special orders are so important, because we have to have a vehicle to let the American people know what is happening in their House. After all, the House of Representatives is supposed to be the people's House. That is why we have elections in this House every 2 years and not every 6 years.

Mr. WALKER. I thank the gentleman very much for his statement. I think he points out the reason why we need these special orders and why they become an important part of what we do.

It is just very interesting that I have just been delivered a press release, the UPI press report on the Speaker's press conference today in which he makes some interesting statements about the new procedure that we are following under special orders here. The Speaker is quoted as saying that the new procedure is not necessarily a standard procedure. He says that the procedure is going to be used in the future "on occasion."

Now I wonder what that means. Does that mean that it is going to be used for Republicans and not for Democrats? What does that mean? Does it mean that it is going to be used on some days and not other days?

Does it mean when the Democratic leadership has a special order, like Mr. ALEXANDER has had in the past to discuss Central America, that we are not going to have the cameras scanning the House?

I wonder what that means? The Speaker is saying that the new procedure will be used in the future "on occasion," not fairly, but it will be at his discretion.

We all know he has the power now to set these orders. Now we find out in his press conference that it is not even going to be a standard order, that the Speaker is going to use his discretionary power to evidently use this politically.

I think that this is an appalling new development in the whole matter. It shows that the arrogance and the abuse goes further than we believed. At first it was that we were told when this came up on Thursday night, we were told it is going to take place fairly, that it was going to apply to both Democrats and Republicans. Now we find out that it is only going to be used on occasion, which tells me what the kind of partisan use that has already been made of it that we can expect to see the TV cameras used much more partisanly in the future.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. That is really amazing, and it is, of course, amazing because, as the gentleman points out, the sole discretion on the use of the cameras in this House belongs to one man, the Speaker of the House.

I just wonder, since the gentleman has possession of the news report and I do not, does the Speaker bother to give us any criteria that he is going to use?

Mr. WALKER. He says that the change in the television procedure will "show that this man, Republican or Democrat, is speaking for home consumption and it is not a debate," O'NEILL said today. So, evidently, what the Speaker is going to do is he is going to decide what is a debate and what is not a debate. Does this mean that if he decides there is not any debate going on that he is going to pan the whole Chamber? And when he decides that there is a debate going on then he is going to tighten up on the shots? I do not know.

This is an absolutely astounding piece of information. I cannot imagine that we are not going to operate under some kind of standard-rule format, that we are simply going to have the cameras around here maybe controlled from the Speaker's office.

Maybe what we need is a switch up at the desk so that the person who is at the desk and so on could switch it on and off and control it. Maybe we need a steering wheel up there and so on that they could control them, and have them go around the Chamber at the discretion of the person in the chair. We might as well get as ridiculous about this. This is an absolutely absurd statement.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. MACK. What we need to do is maybe not listen to some of the rhetoric that has been coming out about how the Speaker is going to make the decision as to when and how he is going to use this authority. If you read some of the accounts that have been

in the press the last several weeks we see that, and there was the Democratic Caucus, I understand. I think the Speaker referred to it a little bit earlier, some 100 Members of the caucus got together to discuss the use of the TV, and I guess the politics of it. And I think you mentioned earlier that the deputy whip——

Mr. WALKER. The deputy whip of the Democratic Party has used special orders from time to time rather extensively.

Mr. MACK. Not only special order time, but he also used his office to bring about a study, I think, to see how they could use the proceedings on the floor and special orders more politically.

But the point is this: The Speaker appears to have been kind of trapped between two extremes within his own party. One part of the party wants to close down special orders. Now we have seen that in print, that there are some Members that say what we really need to do in order to get those guys that have been out there actively participating on the floor of the House is, what we need to do is just cut them off, and that way they cannot make any impression and they cannot get their message out. So that is one of the things.

The other side of it says maybe what we need to do is become more skillful ourselves, more skillful in the ways to use the political process and use the House for the political process.

So what we have here is two extremes. We want, part of the party says, total openness. The other part says no, close them down.

So what the Speaker does, what the Speaker does is on Wednesday night he arranged to just cut off all special orders by an early adjournment of the House. And then on Thursday night, then he comes forward with a change in the rules and says maybe we can embarrass these guys by just panning the floor of the House and show that there is no one there.

So what I am suggesting is that whatever the rhetoric is about how it it going to be used, let me suggest this: What appears to be happening is maybe we can embarrass those guys. Maybe we can embarrass them to the point that they just will not show up. Now, if I keep doing that, then I will not have to go back and ask my Members, that is, the Speaker will not have to ask the Democratic Caucus which of those two extremes should I take, should it be total openness on the one hand, or should we just cut it out completely on the other.

Mr. WALKER. I thank the gentleman. What it appears as though is maybe he has come down on both sides of the issue. On occasion he is going to use it to benefit the Democrats, and on occasion he is going to use it to undercut the Republicans. This is an absolutely intriguing new way of having the House procedures utilized, that the Speaker has absolute discretion as to how we will proceed each day, and he will exercise it on his own volition.

Mr. ROTH. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman from Pennsylvania for yielding. I personally am speaking for myself, I could care less how many times the Speaker pans this House. I am not going to be intimidated and neither are you.

The problem is that this power does not lie, you see, with the Speaker. The power in this country lies in the precincts.

The SPEAKER pro tempore (Mrs. BURTON of California). The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

CALL FOR A TEXTILE IMPORT FREEZE AND GLOBAL QUOTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 15 minutes.

Mr. SPRATT. Mr. Speaker, I rise today to urge President Reagan to take prompt and effective action to help the U.S. textile and apparel industry meet an unprecedented surge in foreign imports. I call on the President to adopt measures providing both immediate and long-term relief: a temporary freeze on further import growth, and a global quota governing future textile and apparel imports.

I endorse these constraints only after careful thought and review. I appreciate the beneficial effects of foreign competition and the importance of international trade to U.S. farmers and exporting industries. I do not advocate trade constraints as a matter of general policy to support domestic industry.

However, an alarming increase in textile and apparel imports is causing serious erosion in the U.S. industry's domestic market. The import boom has been caused by several factors beyond the industry's control, including an overvalued dollar, widespread patterns of unfair foreign trade practices—such as product dumping, and an unwieldy patchwork of bilateral textile trade agreements.

In 1980, Presidential candidate Ronald Reagan pledged that he would use the powers of the Presidency to insure that textile and apparel imports would increase no faster than the rate of growth in the domestic market. Although he has undisputed legal authority to take the steps needed to keep this pledge, he has failed to do so. During the past 3 years, textile imports have increased at the fastest rate in history, and the industry has lost irreplaceable productive capacity and thousands of jobs.

The Executive order issued by the President last week does not go nearly far enough to provide needed relief. Although we can hope the new order will in fact lead to stricter enforcement of existing import limits, the limits themselves allow excessive quantities of textile imports to enter the country. The textile and apparel industry needs more than tight enforcement of the existing piecemeal import system; it needs action to limit the total volumes of imports now flooding the domestic market.

Further unrestrained import growth will threaten the vitality of the U.S. textile and apparel industry and eliminate additional thousands of jobs. No free trade theory justifies these results. The problem calls for prompt and comprehensive remedies.

THE IMPACT OF IMPORTS ON THE U.S. TEXTILE AND APPAREL INDUSTRIES

The textile and apparel industry is important to the United States. It provides one out of every eight U.S. manufacturing jobs and the highest number of low-level entry positions. Some 28,000 textile and apparel manufacturing facilities strengthen the economy of rural and urban communities in all 50 States. In my own State of South Carolina, the textile and apparel industry accounts for 50 percent of all industrial jobs and 40 percent of industrial output.

Despite its great strengths, the textile and apparel industry is reeling from a massive surge in imports. During the first quarter of 1984, the value of textile imports increased by an astounding 53 percent, and the volume of textile imports in square yard equivalents (SYE) increased by 48 percent over levels during the same period last year. These increases in 1984 follow a year that itself broke import records; textile imports in 1983 increased by 38.8 percent, and apparel imports increased by 14.4 percent.

The current wave of textile imports contributes significantly to the U.S. trade deficit. The textile and apparel trade deficit for the first quarter of 1984 amounted to $3.9 billion, an increase of 73 percent above last year's deficit, which had already increased 33 percent above levels in 1982. The American Textile Manufacturers Institute (ATMI) estimates that the textile and apparel trade deficit for 1984 could reach $15.5 billion, or nearly one-sixth of the year's estimated U.S. trade deficit of $100 billion.

Imports are undermining the vitality of the textile and apparel industry and forcing thousands of U.S. workers into unemployment. Since 1978, the number of jobs in the textile and apparel industry has declined by almost 30 percent, largely because of in-

creased imports. Textile and apparel imports now represent some 750,000 jobs lost to the U.S. economy, and the increase in imports in 1983 alone caused a loss of some 150,000 jobs. A further 250,000 jobs could be lost in 1984 if current trends continue.

Textile imports have had a particularly devastating impact on South Carolina. In the past year, 17 textile plants in South Carolina have closed, laying off more than 2,800 workers. Other plants have reduced their level of operations and their work force. Many of these laid-off workers are middle-aged, have been employed in the textile industry for their entire working lives, and do not have skills now in demand by other industries.

Even with the end of the recession, many South Carolina textile plants are unable to resume production or employment at previous levels, largely because imports are growing faster than the domestic textile market. The result is that textile workers, who have suffered before from cyclical unemployment, are now learning the meaning of structural unemployment.

CURRENT TRADE RESTRAINTS ARE INADEQUATE TO CONTROL TEXTILE IMPORTS

Textile import statistics speak for themselves: the current system of constraints on textile imports has not worked.

The U.S. textile industry is highly vulnerable to imports. Although the U.S. textile industry is the most efficient, most productive, and most modern in the world, it also pays higher wages than its foreign counterparts, and textile manufacturing processes are by nature relatively labor-intensive. These factors make it difficult for U.S. textile products to compete with goods manufactured in foreign countries, such as those in the Far East, which have a large labor force willing to work for low wages.

Furthermore, textile production technology is readily available abroad, textile products are relatively inexpensive to transport, and many nations have developed excess textile productions capacity with Government or multinational bank assistance. As a result, many countries have been seeking to utilize this capacity by selling textile products abroad, even at a loss, and the large U.S. textile and apparel market has become an attractive target for exports.

Textile trade agreements negotiated between the United States and foreign exporting nations have not controlled the import tide. Sixty percent of U.S. textile and apparel imports are governed by 28 bilateral trade agreements negotiated under the framework of the arrangement regarding international trade in textiles, known as the multifiber arrangement (MFA). These executive agreements often allow textile imports to increase at a rate far higher than growth in the domestic market. The agreement signed last year by the United States and China, for example, allows some Chinese textile imports to increase by 3.8 percent in each of the 5 years of the agreement, and it allows others to increase by 15.5 percent, compared to a predicted 1.5 percent growth rate in the relevant domestic market in 1984.

Furthermore, bilateral agreements limit only imports of particular products, rather than the total volume of textile and apparel imports from a foreign country. Export manufacturers have become highly adept at shifting their production lines to make goods for which there is no quota limit or for which the quota level in a particular year has not been filled. Current procedures for adding new categories of controlled products under these agreements work far too slowly to prevent U.S. market disruption.

Many foreign textile exporters have also managed to evade bilateral agreements altogether by setting up production lines in third countries not subject to quota limitations, or by shipping goods to third countries for finishing or repackaging before re-export to the United States. U.S. textile importers take advantage of these loopholes by shopping for unfilled quotas in foreign countries in which to place purchase orders. The textile industry in Singapore, for example, is reportedly working up to capacity this year because its U.S. export quotas have not yet been filled.

Forty percent of U.S. textile imports are subject to no bilateral constraints at all. Under the multifiber arrangement, the United States has authority to request negotiations with the exporting country on a case-by-case basis when U.S. imports of these uncontrolled products increase so rapidly as to disrupt the U.S. market.

Although the United States has issued an increasing number of calls for such negotiations, the call procedure has proved ineffective at preventing market disruption, for several reasons. First, import statistics needed to justify a call are often too outdated to reflect accurately the extent of market disruption. Second, delays in issuing calls often allow rising imports to establish an artifically high starting point for quota negotiations and let irreversible damage occur before a new quota is imposed. Third, a call is only a request for consultations and does not automatically result in a quota. The multifiber arrangement authorizes the United States to impose a quota unilaterally when negotiations fail, but only—except in highly unusual and critical circumstances—after a 60-day waiting period, and never for a period longer than 1 year.

Finally, under the multifiber arrangement, unilaterally imposed quotas must allow imports of the controlled product to increase at a minimum annual rate of 6 percent, which is far higher than the rate of growth in the domestic market.

NEW CRITERIA FOR CONSULTATION "CALLS" WILL NOT SOLVE THE PROBLEM

In December 1983, President Reagan approved new criteria to be applied in determining when to issue a call for quota negotiations on imports of previously uncontrolled textile and apparel products. The new criteria establish a "presumption" that the domestic market has been disrupted when: First, imports of a particular product from all foreign countries increase faster than a specified rate or surpass a minimum U.S. market share, and second, imports of that product from the particular foreign country exceed a lower minimum market share.

The President's program, if administered faithfully, will be a step in the right direction. It is encouraging that the program has already resulted in an increase in the number of issued calls. However, the plan is fundamentally flawed and offers, at best, only a partial remedy for the import problem.

First, the President's program aims to achieve import relief by issuing individual product calls. Therefore, the program incorporates all of the flaws of the multifiber arrangement call procedure.

Second, except in cases where an imported product has previously controlled more than one-fifth of the domestic market, the program presumes that market disruption has occurred only when imports have increased by 30 percent—a threshold figure that is 20 times higher than the average rate of growth in the domestic textile market.

Finally, by considering only the market impact of imports of individual products from an individual country, the President's plan fails to take into account the overall impact of textile imports on domestic industry. It mistakenly assumes that market disruption can be determined on a piece-meal basis: product by product, country by country. This fails to reflect the real world of textile trade and production.

It makes little difference to a diversified textile plant whether imports of competing printcloth, for example, originate in China, Taiwan or Brazil; and the volume of imported printcloth alone is far less significant than the total import volume of printcloth, broad cloth, and all other goods produced by that plant. To be assured a chance to compete in the domestic textile market, a plant must know that the total volume of competing imports from all foreign sources will not exceed a reasonable amount.

The textile industry will gain little benefit from the President's piecemeal approach. In fact, industry sources estimate that if the new crite-

ria had been applied last year, the total volume of imports would have been reduced by only 2 percent. The textile and apparel industry needs a stronger mechanism to implement the President's original commitment to let imports increase no faster than the rate of growth in the domestic textile market. Until international trade conditions improve—for example, through a devaluation of the dollar, a comprehensive quota plan will be needed to restrain import growth.

THE ESSENTIAL FIRST STEP: A TEMPORARY FREEZE ON FURTHER IMPORT GROWTH

The first step toward providing relief for the domestic textile and apparel industry is to stop the hemorrhage in jobs and productive capacity caused by current imports. An immediate freeze on the level of import growth would provide this relief.

A textile import freeze could allow imports at any one of various levels: the absolute level of imports in 1983 or any previous year, or an average of the past 3 or 4 years; the 1983 import level plus a percentage corresponding to the anticipated rate of growth in the U.S. textile market in 1984; or the 1983 import level plus 6 percent, which is the minimum rate of import growth required by the multifiber arrangement when controls are imposed unilaterally on a previously uncontrolled commodity. To make it simple to administer and enforce, the freeze should maintain each importing nation's share of the import market for particular products in the chosen base year.

The particular level and nature of the freeze, however, are far less important than the existence of the freeze. By establishing a maximum overall import level, a freeze would provide an element of certainty in a textile import market that is currently out of control. It would help domestic manufacturers plan their production, it would reduce the pressure to lay off greater numbers of workers, and it would encourage new investment of capital. Most importantly, an import freeze would halt the current swift erosion of domestic production capacity while a flexible and more comprehensive system of import controls is put in place.

BEYOND THE FREEZE: ESSENTIAL ELEMENTS OF A GLOBAL TEXTILE QUOTA

A freeze offers only a temporary solution to the textile import problem. It is, however, a logical starting point for a solution that should apply until international market conditions improve. The United States should promptly adopt a mechanism to establish and administer an overall limit on the volume, composition and origin of imports allowed each year: a global quota on textile and apparel imports.

Recently both the U.S. steel and automobile industries have requested global quotas on imports of their products. The claims of these industries may have merit, but no domestic industry has greater need or a sounder justification for global quota protection than the U.S. textile and apparel industry.

Multilateral and bilateral trade agreements have long recognized the need for import constraints. Many industrial nations, including those of the European Economic Community, have used the authority provided in these agreements to develop constraints far more stringent than those of the United States. A global quota would not significantly modify the existing international trade system for textile and apparel products.

A global textile quota system would have the following essential elements:

First.—Restrictions on the quantity and composition of textile imports made of three principal materials: cotton, wool and man-made fibers. Each major product category would be divided into appropriate subcategories. As in the case of an import freeze, quota guidelines would adopt import levels from a particular base year and allow imports to increase at a specified rate—most likely a rate equal to the current year's anticipated or previous year's actual growth in the domestic market for that product category.

Second.—A mechanism for allocating import allowances among exporting countries. Quotas could be allocated to broad categories of countries: for example, countries with developing, highly developed, or centrally-planned economies; or to countries in a particular region of the world. Quotas initially could be allocated among these countries—or these categories of countries—according to their historical market share, taking into account the requirements of existing U.S. bilateral agreements and the reciprocal treatment offered by the foreign country or region to U.S. textile and other exports. To exporters within the chosen country or group, the United States should sell import licenses rather than, as now, losing revenue to foreign authorities who do so. The Secretary of Commerce, in consultation with the heads of other Federal agencies, importers, and representatives of the textile and apparel industry, should have broad discretion to develop and administer a flexibile and workable quota allocation system.

Third, negotiations with exporting nations and phased implementation of global quota pending completion of negotiations.—The multifiber arrangement emphasizes that, were possible, textile trade problems should be resolved by negotiations. Therefore, before implementing a global quota, the United States should explain to its trading partners that textile and apparel imports are seriously disrupting its domestic market, and it should call for negotiations leading to increased quota restrictions. The United States may need to apply considerable diplomatic leverage in order to win modification of existing bilateral agreements to allow a slower rate of import growth. Fortunately, however, most of our bilateral agreements with major exporting countries remain in effect only for several years, and several of these agreements will soon expire. For example, the U.S. textile trade agreement with Japan will expire in 1985, and even the agreement reached just last year with China will expire in 1987. The multifiber arrangement itself will expire on July 3, 1986, and negotiations leading to its renewal will begin next year. Until these various agreements are renegotiated or expire, the United States should comply with their terms. Depending on the import base year and growth rates adopted in the global quota, the new quota system may need to be implemented in phases to allow the United States to meet its obligations under certain bilateral agreements. Import levels set under a temporary freeze will also need to conform to these agreements until the agreements expire or have been modified.

Fourth, a global quota expiration date.—The purpose of the global textile quota would be to provide a rational and flexible way of limiting and allocating import growth until distortions of the international marketplace, such as the overvalued dollar and unfair foreign trade practices, have been corrected, and until the domestic textile industry has had a fair opportunity to meet the import challenge. Global quotas are not intended as a permanent mechanism for restraining international trade. Therefore, the global quota system should be planned to expire after a period no longer than 5 years, subject to renewal if needed.

AUTHORITY FOR AN IMPORT FREEZE AND GLOBAL QUOTA UNDER INTERNATIONAL AGREEMENTS AND U.S. LAW

Although the United States should seek to renegotiate the multifiber arrangement and existing bilateral agreements to complement its new restraints on textile imports, existing international agreements pose no obstacle to adopting an import freeze and global quota.

The General Agreement on Tariffs and Trade (GATT), to which the United States and 88 of its trading partners are parties, expressly allows imposition of trade limitations under the circumstances now prevailing in the U.S. textile and apparel industry. Article 12 of the GATT authorizes any member nation to limit imports in order to "safeguard * * * [its] external financial position and its balance of payments." If current trends continue, the United States in 1984 will incur the largest trade imbalance in history: An astounding $100 billion. Nearly

one-sixth of this imbalance will be caused by an excess of textile and apparel imports. GATT article 12, therefore, authorizes the United States to freeze or limit further growth—or even reduce the current volume—of textile and apparel imports until the trade imbalance in these commodities is reduced.

Consistent with article 12, GATT article 19 authorizes the United States to suspend textile imports to the extent and for so long as needed to prevent "serious injury" to domestic producers resulting from "unforeseen [import] developments" and U.S. import obligations under the GATT. The U.S. textile and apparel industry has clearly suffered serious injury because of imports entering the United States at levels far higher than anticipated. Article 19, therefore, like article 12, authorizes the United States to limit textile imports.

In view of the current unprecedented surge in U.S. textile imports, I believe an import freeze and global quota would also be consistent with the GATT's general objective of "raising standards of living, insuring full employment and a large and steadily growing volume of real income * * *, [and] developing the full use of the resources of the world * * *." (GATT preamble)

The multifiber arrangement (MFA), which applies specifically to the textile and apparel trade, provides even more explicit authority for a freeze and global quota.

First, MFA article 3 authorizes member nations to restrict textile imports if "justified under the provisions of the GATT." We have already seen that the GATT justifies these actions.

Second, the MFA was modified in 1981 to allow member nations greater flexibility in regulating textile imports. The protocol adopted by 42 MFA member nations on December 22, 1981 explicitly reaffirms that one of the "primary aims" of the MFA is to "avoid * * * disruptive effects in individual markets and on individual lines of production in * * * importing * * * countries." It notes the "evolutionary and cyclical nature of trade in textiles," and acknowledges that "real difficulties may be caused in importing countries by sharp and substantial increases in imports. * * *"

The protocol affirms the MFA's definition of "market disruption" as "serious damage" or a threat of serious damage to domestic producers caused by a "sharp substantial increase or imminent increase of imports." It notes that a "decline in the rate of growth of per capita consumption in textiles and in clothing is an element which may be relevant to the recurrence or exacerbation of * * * market disruption," and that "domestic markets may be affected by * * * technological changes and changes in consumer preference." Significantly, the protocol reaffirms the MFA's procedure for imposing unilateral restraints on imports of products causing market disruption, and it emphasizes that member nations may agree to set low import growth rates when a domestic market is seriously disrupted. It applauds the major textile exporters' "good will" and constructive response to strict quota barriers previously set under the MFA by European nations.

As renewed in 1981, the MFA foresees the import pressures now felt by the U.S. textile and apparel industry, and it anticipates efforts to relieve such pressures through quota limitations. The MFA does not prohibit the United States from adopting either a temporary import freeze or a global quota on textile imports.

The Reagan administration will find it difficult to argue that an import freeze and global quota would be inconsistent with U.S. obligations under its trade agreements. If the GATT and MFA sanction the President's latest textile import criteria, which would trigger unilateral quota actions based on import market shares and the rate of import growth, then they would also sanction a freeze and global quota system based on identical principles.

The President has authority today under U.S. domestic law to implement a freeze and global textile quota. Under section 204 of the Agricultural Act of 1956—7 U.S.C. section 1854—the President has authority to negotiate and to enforce textile trade agreements with foreign countries and to restrict textile imports from countries that are not parties to the MFA. Section 301 of the Trade Act of 1974—19 U.S.C. section 2411—authorizes the President to impose import restrictions on the products of foreign countries that have practices that are "unjustifiable" or "unreasonable" and that "burden" U.S. commerce. Finally, under sections 201-203 of the same act—19 U.S.C. sections 2251-53—the President has authority to impose quota and tariff barriers upon a showing by the International Trade Commission (ITC) that imports have become, or threaten to become, a "substantial cause of serious injury" to domestic industry. If requested by the President to study textile and apparel imports, I have little doubt that the ITC would find that imports have become a substantial cause of serious injury to domestic producers. The President would then have additional authority to devise and implement a global quota system.

If the President refuses to provide import relief, Congress should develop its own import freeze and global quota plan. Because Congress has previously delegated quota authority to the President, however, the President can move more quickly. I urge him to do so.

GLOBAL QUOTAS SHOULD BE COUPLED WITH OTHER TRADE INITIATIVES

Although I am convinced that only a temporary import freeze and a global quota can provide the protection desperately needed by the U.S. textile and apparel industry, other steps can and must be taken.

The President and Congress must work together to reduce high Federal budget deficits, which push up interest rates and the value of the dollar. Returning the dollar's value to a more reasonable level would probably do more than any other single step to increase U.S. exports as a whole and improve the U.S. balance of trade.

This administration should also seek to develop a more coherent overall U.S. trade policy. The problems of the U.S. textile and apparel industry do not exist in isolation from those of other important U.S. industries. We must find new ways to meet foreign competition, and we must insure that foreign markets are as open to our goods as our markets are to theirs. While working to facilitate international trade and lower trade barriers wherever possible, we must seek to insure that trade is not only free, but also fair.

Congress should promptly pass legislation to strengthen U.S. countervailing and antidumping duty laws. Comprehensive reform of these laws is badly needed in order to protect U.S. workers and industries from unfair foreign trade practices.

Congress should also pass H.R. 4590, introduced by my colleague BUTLER DERRICK. This helpful legislation would provide an automatic trigger mechanism requiring the Committee for the Implementation of Trade Agreements to request the U.S. Trade Representatives to call for consultations when textile imports reach high levels.

We must strengthen the efforts of the U.S. Customs Service to enforce our customs laws and prevent customs fraud. The House has already taken a useful step in this direction by passing H.R. 5188, which would authorize funding for 650 new positions in the Customs Service.

To reduce customs fraud, Congress should pass H.R. 5638, introduced by my colleague JAMES BROYHILL. This bill would improve the country of origin labels on textile fiber and wool products.

We must also increase consumer awareness of the origin of textile goods and encourage purchase of goods made in America.

CONCLUSION

The President has failed to keep his campaign commitment to limit the rate of growth of textile and apparel imports. Although Congress has previously delegated to him all the authority he needs to carry out his pledge, he

has failed to use it. As a result, the textile and apparel industry is losing productive capacity; thousands of workers are losing their jobs; communities across the country are losing a valuable economic base; and the U.S. trade deficit grows steadily worse.

The textile and apparel industry is not seeking Government help as a short-cut to profits. It is not a static industry seeking relief in order to resist needed change. The industry has done all it can to help itself; it has borrowed and reinvested earnings to build new plants and equipment, and it has modernized its production technology. As a result, its productivity gains in recent years have been surpassed only by those of the electronics industry.

In less competitive industries, trade protection might lead to price inflation. The domestic textile and apparel industry, however, is comprised of a myriad of different firms. The top five textile firms command less than 20 percent of the domestic market, and the top five apparel firms command approximately 12.5 percent. The textile and apparel industries are probably the most competitive of all basic industries in the United States. In this context, import protection creates little risk of inflation.

For these reasons, Mr. Speaker, I urge the President to use his authority immediately to impose a temporary freeze on textile and apparel imports and to develop a global quota plan. If the President will not carry out his own pledge to this industry, then Congress should take the initiative and provide the relief this industry needs and deserves.

□ 1650

I yield to the gentleman from Pennsylvania, Mr. WALKER.

GENERAL LEAVE

Mr. WALKER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order by the gentleman from Mississippi (Mr. LOTT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EVANS of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, on May 21.

Mr. GINGRICH, for 60 minutes, on May 21.

Mr. WEBER, for 60 minutes, on May 21.

Mr. MACK, for 60 minutes, on May 21.

Mr. WALKER, for 60 minutes, on May 22.

Mr. GINGRICH, for 60 minutes, on May 22.

Mr. WEBER, for 60 minutes, on May 22.

Mr. MACK, for 60 minutes, on May 22.

Mr. WALKER, for 60 minutes, on May 23.

Mr. GINGRICH, for 60 minutes, on May 23.

Mr. WEBER, for 60 minutes, on May 23.

Mr. MACK, for 60 minutes, on May 23.

(The following Members (at the request of Mr. CORRADA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PEASE, for 30 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EVANS of Iowa) and to include extraneous matter:)

Mr. MICHEL.

Mr. FIELDS.

Mr. VANDER JAGT.

Mr. PHILIP M. CRANE.

Mr. MCKINNEY.

(The following Members (at the request of Mr. CORRADA) and to include extraneous matter:)

Mr. COYNE.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. STARK.

Mr. MATSUI in two instances.

Mr. EDWARDS of California.

Mr. MOLLOHAN.

Mr. SKELTON.

Mr. RODINO in two instances.

Mr. MAZZOLI.

Mr. MINISH.

Mr. FROST.

Mr. COELHO.

Mr. DE LUGO.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1224. An act to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2211. An act to exempt electric and telephone facilities assisted under the Rural Electrification Act from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 198. Joint resolution designating April 26, 1985, as "National Nursing Home Residents Day."

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on May 10, 1984, present to the President, for his approval, bills and a joint resolution of the House of the following title:

H.R. 4176. An act to confirm the boundaries of the Southern Ute Indian Reservation in the State of Colorado and to define jurisdiction within such reservation;

H.J. Res. 537. Joint resolution designating the Brigantine and Barnegat units of the National Wildlife Refuge System as the Edwin B. Forsythe National Refuge;

H.R. 3635. An act to amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes; and

H.R. 3240. An act to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins.

ADJOURNMENT

Mr. SPRATT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 15, 1984, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEARS 1982 AND 1983 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, May 9, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I respectfully submit the enclosed report on the Contractor that was indemnified by the Department of Transportation during calendar year 1982. My staff prepared this report in accordance with 50 U.S.C. Section 1434 (Public Law 85-804, August 28, 1958, Amended by Public Law 93-155, November 16, 1973) as implemented by Executive Order Number 10789, November 14, 1958.

In 1979, 1980, and 1981, we reported that DeLeuw, Cather/Parsons and four of its subcontractors, Silikal North American, Incorporated; Mergentime Corporation; Sverdrup and Parcel and Associates, Incorporated; and Electrack, Incorporated, had been indemnified. This report describes the indemnification that DeLeuw, Cather/Parsons extended to another subcontractor, Louis T. Klauder and Associates during 1982. Because the potential cost of this action may exceed $50,000, the report describes the circumstances which justify the action taken by DeLeuw, Cather/Parsons and approved by the Department of Transportation.

There were no FRA contractors indemnified in 1983.

Sincerely,

ELIZABETH HANFORD DOLE.

REPORT OF ACTION TAKEN UNDER AUTHORITY OF PUBLIC LAW 85-804 DURING CALENDAR YEARS 1982 AND 1983

1. *Contractor:* Louis T. Klauder and Associates.

2. *Estimated Potential Cost:*

The prime contract between the Federal Railroad Administration and DeLeuw, Cather/Parsons under which this subcontractor has been indemnified provides for unlimited indemnification subject to a $1 million deductible and any insurance applicable to both DCP and Louis T. Klauder and Associates. This same indemnification was granted to Louis T. Klauder and Associates. The potential cost to the Government cannot be reasonably estimated. Indemnification of this subcontractor may increase the number of third party liability claims for which the Government may be liable pursuant to the Indemnification provisions.

3. *Statement of the Circumstances Justifying the Extension of Indemnification Under Public Law 85-804 to a Subcontractor of DeLeuw, Cather/Parsons:*

As reported previously, DeLeuw, Cather/Parsons was Indemnified pursuant to Public Law 85-804 in Calendar Year 1979. Louis T. Klauder and Associates as a subcontractor furnishes professional architect/engineering services to DeLeuw, Cather/Parsons and must perform the same unusually hazardous activities. The file demonstrates that Louis T. Klauder and Associates' professional personnel are in the highly unusual position of being fully integrated into DeLeuw, Cather/Parsons organization as if they were DeLeuw, Cather/Parsons' employees rather than working in a separate organization through which Louis T. Klauder and Associates could exercise independent professional judgment with respect to the work performed by its employees. Louis T. Klauder and Associates, therefore is unable to control those risks independently, as a separate organization. The risks to which Louis T. Klauder and Associates is exposed are at least as great as those to which DeLeuw, Cather/Parsons is exposed.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3319. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority as of May 1, 1984, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 98-221); to the Committee on Appropriations and ordered to be printed.

3320. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's proposal to sell certain defense articles to Saudi Arabia (Transmittal No. 84-46), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3321. A letter from the Principal Deputy Assistant Secretary (Shipbuilding and Logistics), Department of the Navy, transmitting notice of the Navy's decision to convert the administrative support services function at the Naval Air Engineering Center, Lakehurst, N.J., to private contractor performance, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3322. A letter from the Deputy Director, Legislative Liaison, Department of the Air Force, transmitting a report on the Department's effort with respect to the design, development and testing of small, mobile, single warhead intercontinental ballistic missiles; to the Committee on Armed Services.

3323. A letter from the Chairman of the Board, Student Loan Marketing Association, transmitting the association's annual report of activities for the year ended December 31, 1983, pursuant to HEA, section 439(n) (90 Stat. 2141); to the Committee on Education and Labor.

3324. A letter from the Secretary of Labor, transmitting the Department's annual report for employment and training programs for calendar and fiscal years 1982, pursuant to Public Law 97-300, sections 169(d); to the Committee on Education and Labor.

3325. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a report of the agency's interagency coordination of Federal equal employment opportunity activities for the period July 1, 1982-September 30, 1983, pursuant to Public Law 88-352, sections 715, (86 Stat. 111); Executive Order 12067, section 1-401; to the Committee on Education and Labor.

3326. A letter from the Secretary of Health and Human Services, transmitting the report on the effectiveness of State medicaid utilization control programs from the quarterly periods ending September 30, 1983 and December 31, 1983, pursuant to SSA, sections 1903(g)(6) (91 Stat. 1205); to the Committee on Energy and Commerce.

3327. A letter from the President, National Railroad Passenger Corporation, transmitting the Corporation's annual review of each long-distance route in the basic system for fiscal year 1984, pursuant to Public Law 91-518, section 404(c)(4)(C) (93 Stat. 545; Stat. 695); to the Committee on Energy and Commerce.

3328. A letter from the Secretary of Transportation, transmitting a report on the contractor indemnified by the Department during calendar year 1982, pursuant to Public Law 85-804, section 4; to the Committee on Energy and Commerce.

3329. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's annual report for fiscal year 1983, pursuant to the act of September 26, 1914, chapter 311, section 6(f); to the Committee on Energy and Commerce.

3330. A letter from the General Counsel, Department of Energy, transmitting a notice of meetings to be held on May 9 and May 10, 1984, White Plains, N.Y., to the Committee on Energy and Commerce.

3331. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Saudi Arabia for defense articles and services estimated to cost $61 million (Transmittal No. 84-46), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3332. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed lease of defense articles to Jordan (Transmittal No. 14-84), pursuant to AECA, section 62 (a) or (b) (95 Stat. 1525); to the Committee on Foreign Affairs.

3333. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3334. A letter from the Assistant Secretary (Legislative and Intergovernmental Affairs), Department of State, transmitting a report of political contributions by Ambassador-designate Richard Schifter, and members of his family, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3335. A letter from the Acting Chairman, National Transportation Safety Board, transmitting a report on the Board's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3336. A letter from the Administrator, Panama Canal Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3337. A letter from the Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting notification of a proposal to revise three EPA systems of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3338. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report on the Board's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3339. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notification of a proposed altered record system submitted by the Defense Logistics Agency, pursuant to 5

U.S.C. 552a(o); to the Committee on Government Operations.

3340. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notification of a proposed altered record system submitted by the Defense Logistics Agency, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3341. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting OMB's report of its activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3342. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a summary of proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

3343. A letter from the Acting Administrator, General Sevices Administration, transmitting a draft of proposed legislation to authorize the Administrator of General Services to convey property to the Committee for a National Museum of the Building Arts, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Interior and Insular Affairs.

3344. A letter from the Secretary of Energy, transmitting the third annual revised comprehensive program management plan for wind energy systems, pursuant to Public Law 96-345, section 4(c); to the Committee on Science and Technology.

3345. A letter from the Executive Secretary, Department of Defense, transmitting a report on the Department's procurement from small and other business firms for October 1983, pursuant to SBA section 10(d); to the Committee on Small Business.

3346. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize direct appropriations to the Veterans' Administration loan guaranty revolving fund, pursuant to 31 U.S.C. 1110; to the Committee on Veterans' Affairs.

3347. A letter from the Secretary of Labor, transmitting the annual report on the Department's administration of the Black Lung Benefits Act during calendar year 1982, pursuant to Public Law 91-173, section 426(b); jointly to the Committees on Education and Labor and Ways and Means.

3348. A letter from the Secretary of State, transmitting a report on the Foreign Service minority recruitment program for the period October 1, 1982-September 30, 1983, pursuant to Public Law 96-465, section 105(d); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3349. A letter from the Comptroller General of the United States, transmitting a report entitled, "States Use Added Flexibility Offered by the Preventive Health and Health Services Block Grant," (GAO/HRD-84-41, May 8, 1984); jointly, to the Committees on Government Operations and Energy and Commerce.

3350. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to increase the authority of the Secretary of Commerce to take necessary actions to collect on loans extended under the Public Works and Economic Development Act and section 254 of the Trade Act of 1974, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Public Works and Transportation, Ways and Means, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 10, 1984, the following report was filed on May 11, 1984]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5505. A bill to amend title XII of the Merchant Marine Act, 1936 (Rept. No. 98-744). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 14, 1984]

Mr. PERKINS: Committee on Education and Labor. H.R. 4193. A bill to encourage the use of public school facilities before and after school hours for the care of school-age children, and for other purposes; with an amendment (Rept. No. 98-745). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII,

Mr. DE LUGO (for himself, Mr. BARNES, Mr. BEREUTER, Mr. CARR, Mr. DIXON, Mr. GARCIA, Mr. GRAY, Mr. HUTTO, Mr. KEMP, Mr. LAGOMARSINO, Mr. O'BRIEN, and Mr. RANGEL):

H.R. 5652. A bill to establish an Eastern Caribbean Center in the U.S. Virgin Islands, and for other purposes, which was referred to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

392. The Speaker presented a memorial of the Legislature of the State of Arizona, relative to the persecution of the Baha'is in Iran; to the Committee on Foreign Affairs. May 14, 1984.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 881: Mr. PACKARD, Mr. BEREUTER, and Mr. MCCURDY.

H.R. 964: Mr. SOLOMON.

H.R. 1815: Mr. DYSON.

H.R. 2996: Mr. KINDNESS, Mr. YOUNG of Florida, Mr. SABO, Mr. STUDDS, Mr. BIAGGI, and Mr. GORE.

H.R. 3413: Mr. NICHOLS, Mr. EVANS of Illinois, and Mr. GORE.

H.R. 4287: Mr. FORD of Tennessee.

H.R. 4643: Mr. MOAKLEY, Mr. PASHAYAN, Mr. MARKEY, and Mr. SHELBY.

H.R. 4772: Mr. ASPIN and Mr. STARK.

H.R. 4791: Mr. EVANS of Iowa, Mr. BETHUNE, and Mr. RIDGE.

H.R. 4962: Mr. CLINGER.

H.R. 5054: Mr. SCHAEFER.

H.R. 5134: Mr. ROSE.

H.R. 5377: Ms. MIKULSKI, Mr. FISH, Mr. HUGHES, Mr. GLICKMAN, Mr. SCHEUER, Mrs. MARTIN of Illinois, Mr. PORTER, and Mr. TOWNS.

H.R. 5452: Mr. WALGREN.

H.R. 5638: Mr. MARTIN of North Carolina, Mr. FIELDS, Mr. HEFNER, Mr. DANIEL, Mr. NICHOLS, Mr. BRITT, Mr. HUGHES, Mr. ROSE, Mrs. JOHNSON, Mr. WON PAT, Mr. SPRATT, Mr. ANDREWS of North Carolina, Mr. FISH, Mr. DARDEN, Mr. FRANK, Mr. ROWLAND, Mr. DICKINSON, Ms. MIKULSKI, Mr. GORE, Mr. BEVILL, Mr. FLIPPO, Mr. D'AMOURS, Mr. TALLON, Mr. JONES of North Carolina, Mr. EDWARDS of Alabama, Mr. BARNARD, Mr. HARTNETT, Mr. GOODLING, Mr. MATSUI, Mr. MCCAIN, and Mr. LEVINE of California.

H.R. 5640: Mr. SABO, Mr. SOLARZ, and Mr. BOEHLERT.

H.J. Res. 272: Mrs. BOXER, Mr. ADDABBO, Mr. KAZEN, Mr. CLAY, Mr. HUGHES, Mr. SPENCE, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MICHEL, Mr. PACKARD, Mr. ROTH, Mr. HANSEN of Idaho, Mr. PATTERSON, Mr. PAUL, Mr. ECKART, Mr. PRITCHARD, Mr. ANDERSON, and Mr. VANDER JAGT.

H.J. Res. 488: Mr. GILMAN, Mr. GOODLING, Mr. OTTINGER, and Mr. HUGHES.

H.J. Res. 504: Mr. HARTNETT and Mr. PERKINS.

H.J. Res. 542: Mr. RITTER, Mr. FAZIO, Mr. BATES, Mr. CROCKETT, Mr. FRENZEL, Mr. LELAND, Mr. LEVIN of Michigan, Mr. FROST, Mr. RALPH M. HALL, Mr. AKAKA, Mr. HERTEL of Michigan, Mr. DEWINE, Mr. BARNES, Mr. BRITT, Mr. EDGAR, Mr. RANGEL, Mr. GORE, Mr. SMITH of New Jersey, Mr. HORTON, Ms. MIKULSKI, Mr. OBERSTAR, Mr. WORTLEY, Mr. WON PAT, Mr. OWENS, Mr. ROE, Mr. JEFFORDS, Mr. PRICE, Mr. BROWN of California, Mr. HANSEN of Idaho, Mr. WINN, Mr. LAGOMARSINO, Mr. MARTINEZ, Mr. SOLARZ, Mrs. HOLT, Mr. SHUMWAY, Mr. MCGRATH, Mr. REGULA, Mr. ROBINSON, Mr. HYDE, Mr. LENT, Mr. LAFALCE, Mr. SIMON, Mr. WAXMAN, Mr. WYDEN, Mr. TALLON, Mr. BILIRAKIS, Mr. DE LA GARZA, Mr. BATEMAN, Mr. WOLPE, Mr. DAUB, Mr. FEIGHAN, and Mr. GOODLING.

H.J. Res. 543: Mr. HUTTO, Mr. CHANDLER, Mr. HORTON, Mr. PATMAN, Mr. YATES, Mr. BOEHLERT, Mr. ANNUNZIO, Mr. BATES, and Mr. STENHOLM.

H.J. Res. 544: Mr. MURPHY, Mr. LEWIS of California, Mr. BATEMAN, Mr. WALGREN, Mr. HARRISON, Mrs. COLLINS, Mr. GRAY, Mr. LEATH of Texas, Mr. SYNAR, Mr. VANDERGRIFF, Mr. HILER, Mr. HEFTEL of Hawaii, Mr. PACKARD, Mr. CONYERS, Mr. TRAXLER, Mr. ALBOSTA, Mr. PEPPER, Mr. ADDABBO, Mr. BONER of Tennessee, Mr. BATES, Mr. LEWIS of Florida, Mr. GOODLING, Mr. MINETA, Mr. GREEN, Mr. LONG of Maryland, Mr. HAWKINS, Ms. KAPTUR, Mr. BARNES, Mr. BRYANT, Mr. MINETA, Mr. RODINO, Mr. SIMON, Mr. BOEHLERT, Mr. O'BRIEN, and Mr. BROYHILL.

H. Con. Res. 129: Ms. FERRARO.

H. Con. Res. 239: Mr. SWIFT.

H. Con. Res. 301: Mr. FUQUA.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

359. By the SPEAKER: Petition of the City Council, Cambridge, Mass., relative to the Asbestos School Hazard Detection and Control Act of 1980, and also S. 2237; to the Committee on Education and Labor.

360. Also, petition of the Borough Council, Waldwick, New Jersey, relative to cable television legislation, H.R. 4103; to the Committee on Energy and Commerce.

361. Also, petition of the Borough of Ship Bottom, N.J., relative to cable television leg-

islation, H.R. 4103; to the Committee on Energy and Commerce.

362. Also, petition of the City Council, Cambridge, Mass., relative to cable television legislation, H.R. 4103; to the Committee on Energy and Commerce.

363. By Mr. RIDGE: Petition of the Homebuilders Association of Northwestern Pennsylvania, relative to the balancing of the Federal budget; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5167

By Mr. BEDELL:

(Department of Defense Authorization Act, 1985)

—At the end of the bill add the following new section:

SEA-LAUNCHED CRUISE MISSILES

SEC. . (a) The Secretary of Defense may not provide for the deployment of any cruise missile designed to carry a nuclear warhead and to be launched from a naval vessel or for the assembly of nuclear warheads onto such a cruise missile until—

(1) the President submits to Congress a report describing a method—

(A) by which it is possible to determine whether a cruise missile designed to be launched from a naval vessel is conventionally armed or nuclear armed and by which it is possible to verify a limitation on the number of cruise missiles armed with nuclear warheads and deployed on naval vessels; and

(B) which the Joint Chiefs of Staff and the Director of Central Intelligence have certified in writing is a high-confidence method as applied by the United States to cruise missiles of another nation and is an acceptable method for use when applied by another nation to cruise missiles of the United States; and

(2) Congress specifically authorizes such deployment or assembly in legislation enacted after such report is received by Congress.

(b) Nothing is this section affects the authority to carry out deployment of conventionally armed sea-launched cruise missiles.

(Military Applications of Nuclear Energy Authorization for Fiscal Year 1985)

—At the end of the bill add the following new section:

LIMITATION OF FUNDS FOR NUCLEAR WARHEAD FOR TACTICAL LAND ATTACK MISSILE

SEC. . Funds appropriated pursuant to authorizations of appropriations in this Act may not be obligated or expended for production of the W80-0 nuclear warhead for the tactical land attack missile-nuclear (TLAM-N) or to modify any other warhead to make it suitable for that missile until—

(1) the President submits to Congress a report describing a method—

(A) by which it is possible to determine whether a cruise missile designed to be launched from a naval vessel is conventionally armed or nuclear armed and by which it is possible to verify a limitation on the number of cruise missiles armed with nuclear warheads and deployed on naval vessels; and

(B) which the Joint Chiefs of Staff and the Director of Central Intelligence have certified in writing is a high-confidence method as applied by the United States to cruise missiles of another nation and is an acceptable method for use when applied by another nation to cruise missiles of the United States; and

(2) Congress specifically authorizes such obligation or expenditure in legislation enacted after such report is received by Congress.

By Mr. DELLUMS:

(Amendments to title I (procurement).)

—(1) Strike all funds for the Pershing II missile:

On page 2, line 11, strike out "$3,196,200,000", and place in lieu thereof "$2,828,000,000, none of which shall be available for the Pershing II missile" (a reduction of $368.2 million).

(Amendments to title I (procurement).)

—(2) Strike all funds for the ground-launched cruise missile:

On page 10, line 19, strike out "$8,664,600,000" and place in lieu thereof "$8,093,500,000, none of which shall be available for the ground-launched cruise missile" (a reduction of $571.1 million).

(Amendment to title II (RDT&E).)

—(1) Strike all funds for M-X missile:

On page 15, line 16, strike out "$12,569,215,000" and place in lieu thereof "$10,228,429,000, none of which shall be available for the M-X missile" (a reduction of $2,340,786,000).

NOTE.—This figure includes small-mobile (the numbers are not disaggregated for the RDT&E account).

(Amendments to title X (general provisions).)

—(1) Delay deployment of Pershing II and GLCM missiles:

On page 157, after line 18, insert the following new section:

"SEC. 1010. No monies authorized under this act may be used for the further deployment in Europe of the Pershing II missile and the GLCM missile until after September 30, 1985.".

(Amendments to title X (general provisions).)

—(2) Report on employment impact of tactical and strategic nuclear program:

On page 157, after line 18, insert the following new section:

"SEC. 1010. The Secretary of Defense is directed to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than October 31, 1985, (31 days following the close of the fiscal year for which funds are provided for under this bill), a report on the employment impact and its distribution by Congressional Districts, of the tactical and strategic nuclear programs authorized under this bill.

"The report would include the name and location disaggregated to the Congressional District level, of all contracts in excess of $1 million and the type and number of jobs created, and the duration of employment for these jobs, resulting from the following programs: (i) MX missile; (ii) B-1; (iii) Pershing II missile; (iv) ground-launched, sea-launched, and air-launched cruise missile; (v) Trident I missile; (vi) Trident II missile; and (vii) the Strategic Defense Initiative programs included in the report to be provided for under Section 1009.".

(Amendments to title X (general provisions).)

—(3) Report on creating office of conversion:

On page 157, after line 18, insert the following new section:

"SEC. 1011. (a) The Secretary of Defense is directed to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than April 30, 1985, a report indicating the feasibility of creating an Office of Conversion to provide economic readjustment assistance to communities and workers affected by the subsequent elimination of strategic and tactical weapons systems provided for under this Act.

"Such readjustment assistance programs would provide the means to promote orderly economic adjustment which would (1) minimize the dislocation of workers, communities, and industries, (2) encourage conversion of technologies and managerial and worker skills developed in nuclear systems production to programs which serve the civilian sector.".

By Mr. HERTEL of Michigan:

—At the end of the bill add the following new section:

AUTHORITY OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE WITH RESPECT TO CERTAIN CONTRACTS

SEC. . Chapter 137 of title 10, United States Code, is amended by inserting after section 2312 the following new section:

"§ 2312a. Inspector General: authority with regard to contract payments

"(a) In the case of a contract of the Department of Defense with respect to which the Inspector General of the Department of Defense determines—

"(1) based upon audits of the Department of Defense, that there have been excessive charges to the United States by the contractor; and

"(2) that other remedies available to the United States by law and under the contract are insufficient to eliminate promptly waste, fraud, and abuse with respect to the contract;

the Inspector General may immediately suspend payments under the contract or revise the schedule for such payments in order to protect the interests of the United States.

"(b) The Secretary of Defense may, in the interest of national security, overrule any action of the Inspector General under subsection (a). Not later than 30 days after any action by the Secretary under this subsection, the Secretary shall submit a report to the Committee on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives describing the action of the Inspector General that is being overruled, the reason for the decision of the Secretary, and the actions being undertaken by the Secretary to eliminate waste, fraud, and abuse in connection with the contract concerned.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2312 the following new item:

"2312a. Inspector General: authority with regard to contract payments.".

—At the end of the bill add the following new section:

CONTINUATION OF TEST PROGRAM TO AUTHORIZE PRICE

SEC. . (a) Effective on October 1, 1984, section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note), is amended—

(1) by striking out "fiscal years 1983 and 1984" each place it appears and inserting in lieu thereof "fiscal years 1983, 1984, and 1985"; and

(2) by striking out "and April 15, 1984," and inserting in lieu thereof ", April 15, 1984, and April 15, 1985".

(b) Effective as of October 1, 1982, such section is amended by striking out "section 2892" and inserting in lieu thereof "section 2392".

By Mr. NICHOLS:

—At the end of the bill add the following new section:

JOINT CHIEFS OF STAFF REORGANIZATION

SEC. . (a)(1) Subsection (a) of section 124 of title 10, United States Code, is amended by striking out "shall" in clause (2).

(2) Subsection (c) of such section is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end thereof the following new paragraphs:

"(2) The national military chain of command runs from the President to the Secretary and through the Chairman of the Joint Chiefs of Staff to the combatant commands. Orders to combatant commands shall be issued by the President or the Secretary through the Chairman of the Joint Chiefs of Staff.

"(3) Subject to the authority, direction, and control of the Secretary, the Chairman supervises the commanders of the combatant commands and acts as their spokesman on operational requirements.".

(b)(1) Subsection (b) of section 142 of title 10, United States Code, is amended—

(A) in clause (2)—

(i) by striking out "and assist" and inserting in lieu thereof ", assist"; and

(ii) by striking out "practicable; and" and inserting in lieu thereof "practicable, and determine when issues under consideration shall be decided;"; and

(B) by adding at the end thereof the following new clauses:

"(4) provide military advice in his own right to the President, the National Security Council, and the Secretary of Defense;

"(5) serve in the national military chain of command pursuant to section 124(c) of this title; and

"(6) serve as a member of the National Security Council.".

(2) Subsection (c) of such section is amended by inserting ", except as provided by section 124(c) of this title, over" after "or" in the second sentence.

(c)(1) Subsection (a) of section 143 of title 10, United States Code, is amended to read as follows:

"(a)(1) There is under the Joint Chiefs of Staff a Joint Staff consisting of officers selected by the Chairman of the Joint Chiefs of Staff. The Joint Staff shall be selected in approximately equal numbers from—

"(A) the Army;

"(B) the Navy and the Marine Corps; and

"(C) the Air Force.

"(2) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

"(3) The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff.".

(2) Subsection (b) of such section is amended by striking out the second and third sentences.

(3) Subsection (c) of such section is amended by striking out ", on behalf of the Joint Chiefs of Staff" and inserting in lieu thereof "in the performance of those duties".

(4) Subsection (d) of such section is amended by inserting "and the Chairman" after "Joint Chiefs of Staff".

(5) Such section is further amended by adding at the end thereof the following new subsections:

"(e) An officer who is assigned or detailed to duty on the Joint Staff may not serve for a tour of duty of more than four years. However, such a tour of duty may be extended with the approval of the Secretary of Defense. An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary. This subsection does not apply in time of war declared by Congress or in time of national emergency declared by the President.

"(f)(1) Subject to guidelines established by the Secretary of Defense, each officer serving as a chief of service or as the commander of a unified or specified command may have an opportunity to provide formal comments on any report or recommendation of the Joint Staff prepared for submittal to the Joint Chiefs of Staff before such report or recommendations is submitted to the Joint Chiefs of Staff. A copy of any such comment shall, at the discretion of the officer submitting the comment, be included as an appendix in the submittal of such report or recommendation to the Joint Chiefs of Staff. For purposes of this paragraph, the chiefs of service are the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

"(2) The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff, and the members of the Joint Staff, support the Chairman of the Joint Chiefs of Staff and the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces.".

(d)(1)(A) Chapter 36 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§646. Consideration of performance as a member of the Joint Staff

"The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall ensure that officer personnel policies of the armed forces concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff.".

(B) The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end thereof the following new item:

"646. Consideration of performance as a member of the Joint Staff."

(2) Section 601 of such title is amended by adding at the end thereof the following new subsection:

"(d) In the case of an officer who is selected for recommendation to the President for an initial appointment to a grade above major general or rear admiral, the Chairman of the Joint Chiefs of Staff shall submit to the President, at the same time as the recommendation for such appointment is submitted, the evaluation of the Chairman of the performance of that officer as a member of the Joint Staff and in other assignments involving joint military experience.".

(e) Section 101(a)(5) of the National Security Act of 1947 (50 U.S.C. 402) is amended by striking out "the Director for Mutual Security" and inserting in lieu thereof "the Chairman of the Joint Chiefs of Staff".

EXTENSIONS OF REMARKS

LOCATION OF U.S. EMBASSY IN ISRAEL

HON. MARK D. SILJANDER
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. SILJANDER. Mr. Speaker, one of the most controversal issues facing the House this year involves the location of the U.S. Embassy in Israel.

The committee on which I serve, Foreign Affairs, has been holding hearings on this matter. I would like to include the testimony of Thomas A. Dine, executive director of the American-Israel Public Affairs Committee in the RECORD. His statement is a strong argument in support of moving the Embassy from Tel Aviv to Jerusalem.

TESTIMONY OF THOMAS A. DINE, EXECUTIVE DIRECTOR, AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE

Thank you, Mr. Chairman, for the opportunity to testify before these distinguished subcommittees. Appearing with me is Mr. Douglas Bloomfield, AIPAC's Legislative Director. I will summarize my testimony and request that the full text be inserted in the hearing record. The American-Israel Public Affairs Committee appreciates the opportunity to express our view on the proposed legislation calling for the transfer of the American Embassy in Israel to Israel's capital, Jerusalem.

AIPAC is the Washington voice of Americans who value strong ties between our country and Israel. We are the only organization registered to lobby Congress concerning legislation affecting U.S.-Israel relations. On AIPAC's Executive Committee sit all the presidents of the 38 major American-Jewish organizations representing four-and-a-half million citizens.

Israel is the only country in the world in which an American Embassy is not located in the capital city. How this peculiar arrangement came about, and why it continues, is one of the stranger tales of United States policy in the Middle East. A change in this policy is long overdue, and I am grateful for this opportunity to present the reasons why AIPAC strongly supports the legislation before you to bring about this change.

Jerusalem is Israel's administrative and political capital. It is in Jerusalem where the offices of Israel's president and prime minster, the Knesset (Parliament), and most government ministries are located. The American Embassy in Israel is located in Tel Aviv, 40 miles from Jerusalem.

In no other country in the world is the U.S. Embassy located outside the administrative capital. Even the American Embassy to communist East Germany is located in East Berlin although the U.S. does not recognize Berlin as the capital of the German Democratic Republic. What this means is that the United States has one consistent rule for the rest of the world, including a member of the Warsaw Pact, and another unjustified rule for Israel, a friend and ally.

Along this same line, the State Department has even discouraged other countries from placing their embassies in Jerusalem.

For more than three decades, successive American administrations have avoided the reality that Jerusalem is, has been, and always will be the capital of Israel. We have pursued a policy of avoiding the obvious—Israeli sovereignty over any part of Jerusalem, even the western part of the city which has always been an organic part of the modern State of Israel.

This reality is not the product of mere politics or economic advantage. Jersualem is the embodiment of Jewish history, the heart and soul of the Jewish people. The Jewish people sanctified Jerusalem and are responsible for its universal resonance. Ancient Israel's capital was Jerusalem as surely as modern Israel's capital remains Jerusalem. On no occasion in centuries of exile and dispersion did the Jewish people fail to make Jerusalem the focus of their national and religious yearning.

The city has had a Jewish majority for at least a century; today Jews constitute 72 percent of its population. Israel has also paid dearly in lives for Jerusalem's defense. In the War of Independence, the Haganah lost almost 2,000 men and women in defending the city against the attack by the Arab Legion. Nineteen years later, in 1967, when Jerusalem was again attacked by the Arab Legion, 299 men fell in the battle against Jordan. The outcome of that operation reunited the city. Clearly, as long as Israel survives, it will have—and can have—no other capital but Jerusalem.

As these distinguished subcommittees are so well aware, Israel is a flourishing democracy. No Israeli government which so much as implied relinquishing Jerusalem as Israel's capital could survive in power for a day. Similarly, no Israeli government could agree to the redivision of Jerusalem under any formula. In 1967, a Labor government was responsible for reunifying the city and a Labor-controlled Knesset extended Israeli administrative jurisdiction to all parts of the city. The Knesset reaffirmed its commitment to these principles when it enacted the Basic Law on Jerusalem in July 1980, which declared that "Jerusalem united in its entirety is the capital of Israel."

The national consensus on this issue was once again expressed in a recent opinion poll (*Jerusalem Post*, November 1983) which found 97 percent of Israelis opposed to relinquishing east Jerusalem even in exchange for peace.

Nor would any duly elected Israeli government—regardless of its political complexion—countenance an outside party again being given control of the nation's capital. Israelis have not forgotten the traumatic experience of 19 years of Jordanian rule over the eastern sector of Jerusalem. Israel had acquiesced in Jordanian control on the basis of explicit guarantees of free access to the holy places as well as to cultural institutions such as the Hebrew University and to Hadassah Hospital on Mount Scopus which were written into Article VIII of the 1949 Armistice Agreement signed by Jordan's King Abdullah.

But, no sooner was the Armistice Agreement signed than the promises were broken. During its occupation, Jordan set out to systematically eliminate all traces of the city's Jewish heritage. The Jewish Quarter was destroyed and 58 synagogues were razed or desecrated. The Jordanians used synagogues that were not destroyed as toilets, stables, and chicken coops. The tombstones in the Jewish cemetery on the Mount of Olives were used to build latrines and to pave roads. Jews were denied access to the Western Wall, their holiest of shrines, and the area around it was allowed to deteriorate into a slum.

The Government of Israel published a revealing study of the Jordanian stewardship of Jewish holy sites during its 19 year occupation of the city following an investigation by the Chief Rabbis as well as the Ministries of Justice, Religious Affairs and Foreign Affairs. Through photographs, this study portrays the officially sanctioned and systematic desecration that took place.

During the years of Jordanian control, Israeli Jews were not the only people denied entry to the holy city. Christians who were Israeli citizens were denied the right to worship at the Church of the Holy Sepulchre, to walk the Via Dolorosa, or to visit the Garden of Gethsemane and the Garden Tomb.

Even Israel's Moslem citizens were barred from the Dome of the Rock and the Al-Aqsa mosques by their Jordanian co-religionists. For 19 years, Jews of all nationalities and Israelis of all religions were cut off from the old city.

The horror of Jordanian occupation went beyond destruction of buildings and blocked access. Arab Legionnaires sniped from behind the barbed wire and concrete barriers which divided the city, wounding and killing Israelis at will. The outside of Mayor Teddy Kollek's office still shows the bullet holes. And while such violence went on, hardly a word of protest was heard in the United Nations except that of Israel.

Most of the Arab leaders who now say they would wage jihad (holy war) to regain Jerusalem never bothered even to visit the eastern sector when it was under Jordanian control. Although King Hussein paid lip service to Jerusalem being the second capital of Jordan, the old city was neglected. Much of east Jerusalem lacked even the most basic municipal services—a steady water supply, plumbing, electricity, and basic health care services. Instead, the monarch poured investment into Amman, Jordan's official capital.

East Jerusalem's Christians suffered under the heavy hand of Jordanian occupation. Twenty thousand Christians left the old city during this period because of the restrictions imposed on them from Amman. For example, members of the Brotherhood of the Holy Sepulchre were required to become Jordanian citizens, overturning a 15-century tradition that allowed them to retain their Greek citizenship. In 1965, the Jordanian Parliament abolished the right of

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Christians to acquire land and construct new churches. A year later, their schools were forced to close on Fridays in honor of the Moslem Sabbath and to give the same amount of study time to the Koran as they gave to the Bible.

The experience of Jordanian rule is responsible for Israel's attitude that Jerusalem must remain undivided under Israeli control. But the prospect of eastern Jerusalem falling into the hands of Yasir Arafat's PLO—a solution endorsed by the Arab League in September 1982—further reinforces this Israeli commitment. The PLO's record of terrorism against civilians, its flaunting of agreements with the Jordanian and Lebanese governments, the civil war it provoked in Jordan, the tyranny which it imposed on southern Lebanon, and the anarchy and violence which it brought to Beirut and recently to Tripoli, provide ample evidence that its rule over any part of Jerusalem would be even less benign than King Hussein's.

By contrast, under Israeli administration, the various communities who reside in and identify with Jerusalem have been granted administrative autonomy. Israeli law—passed by the Knesset in 1967 and reaffirmed in 1980—protects the holy places from desecreation and guarantees free access to them for all people. Israel has taken every care to preserve the archeological treasures which abound in the holy city. The tens of thousands of Christian pilgrims who flock each year to the Christian holy sites in Jerusalem are given the full cooperation and protection of the Government of Israel. Indeed, during Holy Week of 1984 alone, it is reported that 30,000 Christians thronged to worship in the old city.

This invitation extends even to Christians and Moslems who are citizens of countries at war with Israel. Thus, former Prime Minister Menahem Begin repeatedly invited Saudi King Fahd to pray in Jerusalem's al-Aqsa mosque, just as the late Anwar Sadat of Egypt had prayed there while Egypt was still technically at war with the Jewish state. Hundreds of thousands of Jordanians, and more recently Lebanese, also have come on pilgrimmage to Jerusalem. The only exceptions to this are, understandably, a relatively small number of individuals who may pose a security risk. Compare this with Jordan's stewardship, when Israelis of all religions and Jews of all nationalities were barred from their holy places. Mr. Chairman, Israel's record has truly been exemplary in this respect.

Upon Israel's reunification of the city, in which the concrete barriers and snipers' posts were torn down, and the minefields of no-man's land were cleared away—badly needed municipal services were extended to east Jerusalem. The tangible benefits of Israeli administration include a regular water supply, sewers, electricity, and telephone service as well as the extension of social welfare services in the areas of health care and education.

Israel's refusal to return Jerusalem to the dark ages is a reflection of the pride felt in the enlightenment which its control has brought to the holy city. As former Labor Foreign Minister Abba Eban has observed: Instead of division there is free movement. Instead of gunfire there is serenity. Instead of sacrifice there is free pilgrimage to the shrines of every faith.

In short, Israel's unshakeable commitment to a unified Jerusalem as the nation's capital, together with the benevolent administration which Israel has brought to the unified city, have produced a reality that negotiations will not alter. Some in the Arab world may dream of erasing this reality, but unless they succeed in physically dispossessing Israel of Jerusalem, they will not alter the fact that Jerusalem is Israel's capital.

Present U.S. policy also attempt to refute these realities by maintaining the embassy in Tel Aviv. The ambassador is allowed no "official" role or status in Jerusalem, despite the fact that he deals directly and frequently with the Government of Israel located there. Curiously, an American consulate in Jerusalem operates independently of the embassy and reports directly to Washington. The ambassador controls neither the consulate's activities nor its reporting. All cables to Washington originating in Jerusalem are signed by the consul—even those concerning visits to the Israeli capital by high ranking U.S. officials. The absurdity of this practice is that it is the ambassador, not the consul, who participates in meetings with Israel's elected leaders and officials.

The net effect is that the U.S. speaks with two voices and often pursues two policies in Jerusalem. This divergence has long generated tensions between the embassy in Tel Aviv and the consulate in Jerusalem. In 1980, the antagonism reached such heights that the assistant secretary of state for Near Eastern affairs was forced to intervene.

The ambivalence toward the status of Jerusalem has led to a situation where State Department documents even portray Jerusalem as a separate country. For example, in recent editions of the State Department's schedule of sites for the United States Foreign Service examination, cities where the test was being offered are grouped by country and listed in alphabetical order. Jerusalem, the city, appears between the countries of Japan and Jordan. The State Department's Foreign Post Directory follows this format as well.

The contradictions and inconsistencies inherent in America's current Jerusalem policy—divorced as it is from reality—do not end there. For instance, the State Department has designated east Jerusalem "occupied territory" since it came under Israeli control in June 1967, thereby implicitly and *post-facto* recognizing Jordanian sovereignty over that sector (which the U.S. had refused to do while Jordan actually occupied that part of the city from 1948 to 1967). Yet, Washington continues to refuse to recognize Israeli sovereignty over west Jerusalem, under Israeli control since 1948.

Washington has, since 1967, espoused the principle of an "undivided" Jerusalem, refusing to acknowledge the reality that the city is already unified. Despite this espoused principle, American officials are forbidden to meet with Israeli officials in east Jerusalem for fear of admitting that united Jerusalem is the capital of Israel.

One incident at Camp David illustrates the schizophrenia of American policy towards Jerusalem. On the final day of the summit President Carter agreed with Prime Minister Begin that the American formula for Jerusalem was that it was to remain undivided. But Carter had also promised to state in a side letter accompanying the accords that the U.S. considered east Jerusalem "occupied territory". "Undivided" was used to satisfy the Israelis; "occupied" was used to appease the Arabs. The issue was resolved by an agreement that each head of state would include his country's position on Jerusalem in a side letter.

Moreover, by insisting that the city be undivided but that its status be subject to negotiations, the United States is implying that even west Jerusalem could be handed over to the Arabs.

This anomalous situation has been long in the making. The recently released AIPAC monograph, U.S. Policy Toward Jerusalem the Capital of Israel, studies the development of this policy at great length. I highly recommend that the committee examine the study carefully. In brief, for 19 years, between 1948 and 1967, Washington refused to acknowledge the partition of the city between Israel and Jordan, choosing instead to support a completely imaginary alternative which was never implemented—internationalization. After Jerusalem was reunited in June 1967 and until 1969, the U.S. declared its commitment to a united city whose status was "subject to negotiations." Since 1969, however, the U.S. has designated east Jerusalem "occupied territory," implicitly conceding U.S. recognition of the legality of the 1949 partition boundary dividing the holy city.

U.S. policy toward Jerusalem has for 35 years been marked by a nostalgia for solutions whose time has passed or for situations that never existed. Israel has already fulfilled the conditions that the United States has proposed, namely a unified city in which there is free access to the holy places. Yet, for all intents and purposes in some people's minds, the Mandelbaum Gate, the concrete barriers, and the minefields still divide the city.

It is time to put an end to this situation and move the U.S. Embassy in Israel to the capital. Opponents of the transfer of the embassy to Jerusalem argue that such action should await the outcome of the peace process because they allege that it will prejudice the outcome of negotiations. King Hussein made clear, however, in his recent interview in the New York Times and elsewhere that as far as he is concerned there is no peace process.

But even if negotiations were now being held between Israel and her Arab neighbors, it is inconceivable that at their conclusion Jerusalem would no longer be the capital of the Jewish State. No one is seriously proposing—nor could any Israeli government countenance—the idea that Israel should relinquish the western part of the city, which has been part of the modern state of Israel since its creation. There is therefore no reason to postpone such a move.

Nor would transferring the embassy to west Jerusalem prejudge the issues in dispute. Those Arabs who recognize Israel's right to exist, like the late President Sadat, also accept Israeli control over west Jerusalem.

Even the Fez Charter of 1982, the Arab League's response to the Reagan Plan, addresses only the status of that part of the city Israel came to control in June 1967. Nowhere is there objection to the western sector remaining under Israeli sovereignty. It would appear then that the State Department is not playing the role of an honest broker but rather espouses a line more strident than the Arab League itself!

Moreover, many of those who oppose this measure ultimately envision a PLO state with Jerusalem as its capital. The U.S. must make crystal clear that this is completely unacceptable under any circumstances. No American administration should ever hand the keys of the holy city over to Yasir Arafat or his bloody successors.

The "clinching argument" for some opponents of a change in America's Jerusalem policy has been that it would "fan Islamic extremism." There are elements in the Arab and Moslem world who might oppose an embassy transfer because they oppose the existence of Israel. But U.S. policy cannot be held hostage to the intimidation of these rejectionists or made subject to an Arab or Moslem veto. As the Reagan Administration has so forcefully declared, terrorists must not be allowed to dictate United States interests. Accepting this argument could not only become a self-fulfilling prophecy but is tantamount to a preemptive surrender to terrorism.

The location of the embassy is not the only problem of United States policy toward Jerusalem. As we have already seen the contradictions and inconsistencies are manifold. But the relocation of the embassy to Israel's capital is the issue which most easily lends itself to correction. It would remove the injustice of the present posture, resolve the administrative problems that have arisen, and put an end to the inconsistencies that plague the conduct of business and official visits to Israel's capital. It would be a constructive step, lone overdue.

America's pro-Israel community—Jew and non-Jew—wants to see an end to the anti-Israel tilt that for decades has afflicted U.S. policy toward Jerusalem. Jewish sentiment is clear. But most Christians, for whom Jerusalem holds deep Biblical importance and a special spiritual prominence, also are likely to support a change, for four major reasons:

(1) They believe in dealing with reality, and know that Jerusalem is and will remain the capital of Israel.

(2) They have greater confidence that the holy sites of the old city will be cared for and protected under Israeli administration than if Jerusalem were to come under the control of a less responsible and efficient authority.

(3) The know that free access for all faiths will be guaranteed by Israel, but have less confidence in other parties who seek control of the city.

(4) They fear that, if it passed from Israeli control, Jerusalem would fall victim to the political instability that afflicts the surrounding Arab world, and could even, like Beirut, be ravaged by violence if the PLO were permitted to establish itself in the holy city.

Recent public opinion polls confirm that a sizable majority of Americans not only supports Israeli control over a unified Jerusalem (Harris Poll, 1980), but also believes that Jerusalem should be recognized as the capital of Israel (Yankelovich Poll, 1981).

Statements by key American leaders reflect this popular sentiment and depart from America's official policy toward Jerusalem. President Reagan, first as a candidate and again while in the White House, has voiced his personal preference for keeping Jerusalem "undivided under Israeli rule" with a "Vatican-like solution." Walter Mondale has unequivocally called for the transfer of the embassy to Jerusalem. And, Senator Gary Hart is a co-sponsor of the legislation to move the embassy to Jerusalem.

The broad bipartisan support that this legislation has received in both Houses of Congress reflects the widespread sentiment to end this affront to the Jewish state and to bring U.S. policy in line with the reality that Jerusalem is and will remain the capital of Israel.

The American public not only recognizes the reality that united Jerusalem is Israel's capital, it also endorses that reality. The American people support the transfer of their embassy to Jerusalem. But their government must have the courage of the people's conviction.

We urge the members of the United States Congress to bring an end to the confused and contradictory policy which has emanated from the State Department for more than three decades. It is time to change that policy and transfer our embassy in Israel to Jerusalem.●

DECREASED VOTER TURNOUT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. EDWARDS of California. Mr. Speaker, in an effort to avoid a decreased voter turnout experienced this year in States where networks made early election-day projections, 28 California Democratic Members wrote to the three major networks asking the practice be amended in California.

The letter follows and was sent to the news presidents of ABC, CBS, and NBC.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 1984.

DEAR —: We are all looking forward to the upcoming June 5th California presidential primary. This year, there will be a great deal of national attention focused on California's voting. We are writing to you about our concerns over your election-day projection practice. We feel rather strongly that you should amend this practice.

In the past, Californians have been discouraged from casting their votes upon hearing network election-day projections. In 1980, more than 400,000 Californians did not go to the polls after hearing these projections. To understand why, consider this announcement on election-day by a well known and respected news anchor,

"It's inevitable now that as this night continues, the Democrats are simply not going to bother to vote where the polls are still open. Why should they? It's all over as far as they're concerned."

We are deeply concerned that this type of election announcement will be repeated during the upcoming primary and we are deeply troubled by the resultant interference such statements have on the electoral process at both the national and local level. Lowered turnout due to projections in 1980 may well have negatively impacted local races. In the upcoming primary, there are nine ballot measures, the most important being Proposition 24, the Gann initiative, which will determine control of the state legislature. It is extremely important that not one Californian is discouraged from casting a vote.

During Congressional hearings in February, not one network representative was able to state what public interest is served by these projections. On the other hand, many election experts were able to demonstrate the detrimental effect these projections have on the electoral process.

When voters are told how they have voted before having had a chance to vote, they question the value of their vote and tend not to vote. There is great public value in increasing rather than decreasing voter turnout in every election. After all, the cornerstone of our democracy is the principle of one person, one vote, a vote that contributes to the outcome of an election. Left unbridled, projections become the focus of an election rather than the voting itself. The most obvious case in point being the recent Iowa caucuses where a winner was called well before the voting had even started.

Early announcements of winners comes dangerously close to creating the news rather than reporting it. We are not disputing your technological capability to call an election well before the polls close. We are questioning the propriety of such action and ask you to use better judgement in announcing this information before the polls close.

On June 5th, the California polls will open at 7:00 a.m. and close at 8:00 p.m. We are asking that you voluntarily refrain from publishing, announcing or characterizing projected election results before all the polls have closed. We urge you to allow all Californians their basic right to an unencumbered vote.

Thank you in advance for your cooperation.

With best wishes,

Sincerely,

Sala Burton, Edward R. Roybal, Howard Berman, George Miller, Barbara Boxer, Esteban Torres, Don Edwards, Augustus F. Hawkins, Harry Reid, Leon E. Panetta, Henry A. Waxman, Doug Bosco, Robert T. Matsui, Fortney H. (Pete) Stark, Anthony C. Beilenson, Glenn M. Anderson, Julian C. Dixon, Mel Levine, Matthew G. Martinez, Jim Bates, Tony Coelho, Ronald V. Dellums, Mervyn M. Dymally, Vic Fazio, Tom Lantos, Jerry M. Patterson, Rick Lehman, George E. Brown, Jr., Norman Y. Mineta.●

PRESIDENT FRANCOIS MITTERRAND DISCUSSES LITERACY IN THE AGE OF THE COMPUTER

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. COYNE. Mr. Speaker, Dr. Richard Cyert, president of Carnegie-Mellon University, addressed the heads of all French universities a year ago on the relationship between computer literacy to economic development and to unemployment. He recounted the experiences of his university in developing an advanced computer system for faculty and students as well as the university's work with robotics.

President Francois Mitterrand responded to an invitation by President Cyert to visit the university in Pittsburgh to give his thoughts on the subject. France now has a wide-ranging program to train the unemployed to make them computer literate. Graduate students in French military service volunteer to train young unemployed French men and women between the ages of 18 and 24 in the skills that are

so necessary for survival in the coming years.

President Mitterrand, in describing this remarkable program, made an especially astute observation of the results thus far. He said:

We see emerging a solidarity within this young generation between the privileged and the underprivileged. This is a kind of preface to the true adventure of our era: the sharing of knowledge.

At this point, I would like to include in the RECORD the text of President Mitterrand's speech at Carnegie-Mellon University:

HUMAN RESOURCE AND ECONOMIC RENAISSANCE

(By President Francois Mitterrand)

I have accepted with pleasure the invitation from President Richard Cyert of Carnegie-Mellon University as a great opportunity to show how confident we are in the work that we started together in Paris a year ago.

This work is essential to all our countries: It is the whole question of the training of people, all the people, using the most modern tools that science offers us today.

Each of my countrymen, from France and from Europe, feels at this very moment how vital this task is to a renaissance of activities and employment in our countries.

What we can see here, in Pittsburgh, is the same crisis found in so many regions of Europe: crumbling steel mills, closing coal mines, textile and chemical plants lagging behind; the same industrial landscape and the same crisis we must overcome as you have begun to do.

Your region has been so hard hit that only three years ago, the unemployment rate was close to 20 percent. The renaissance of industries and jobs has come from your own efforts of invention and training through the use of the new scientific tools for education, research and retraining.

You have already diminished the unemployment rate by one-third. You are going forward using the new scientific tools to equip, in fact to save people, ahead of the irresistible wave of robots in all factories and offices. This concerns us very intimately indeed.

When you came to Paris, Mr. President, to meet with the presidents of the French universities and "Grandes Ecoles," you told us of your ambitious projects. We decided then to join our efforts toward this urgent task; the development of the skills and the full potential of each individual, in order to derive from the technological revolution a new economy which would be fruitful and beneficial to the human race.

We are here at the very heart of a new era. Shall we be able, at last, to place the power of the new science at the service of people? Or shall we not?

The intensive cultivation of human competence to which you have harnessed technological progress is the only answer to the risk of social dislocation that comes with the scientific revolution, if we should let it irrigate only the machines. There is no more urgent task. Everything starts from there.

I see that you have progressed in your projects that we discussed together in Paris. You are placing the capacity of powerful personal computing at the disposal of each of your students in every discipline whether in art, humanities, or science. And you are linking all these amplifiers of knowledge to the best data banks.

You have also enlarged this progress through associating the best universities, and the industries of your region and the country, to accelerate the deployment of creative activities and new jobs.

I would also like to commend the presidents and chancellors of universities who are devoting, as you are, great energies to this passionate endeavor. It is the development of the real resource of our time, the new motor of history, the very basis of dynamic growth: the human resource.

You told us, at our Paris meeting, and I quote you: "Our goal by setting individualized education, is to enable each student, and later each adult, to concentrate all his means on conception, on problem solving, on invention, instead of having to deal with automatic and passive tasks. The ultimate goal is creative enhancement at all levels and for every one."

I understand how every man, and every woman, who wants to find his or her vocation even in the most traditional areas, will now need to be computer literate. I have adopted the proposal to establish an association, through the World Center in Paris, between the higher Education Establishments of France and yours, so that we can have a reciprocal exchange and move forward together.

The fundamental orientation of my country has been clearly set. It is already guiding our training efforts, our industrial transformation, and our long term policy.

What this policy means is quite simple. Once we have acknowledged the speed and scope of the technological revolution and of the transformation of work, we still have said nothing significant. The main obstacle is the fact that men are not yet prepared to face this revolution.

We shall be able to avoid a new domination of machines on men only by planning for the domination of men on machines. Your own experience has helped us to be more specific on how this can be done.

Indeed, why not start with the most modern and efficient? I can see that computer literacy is now at the root of everything in education, training and knowledge. Just as a long time ago water and steam were needed everywhere, and just as more recently electricity was needed everywhere, today the mastery of all technology starts with computer literacy. It is nourishing all other fields of knowledge. It isn't the answer to everything, not the ultimate end of everything. But it is the necessary route that we must follow. The young people in our country are already deeply convinced of this and I hope they will carry their momentum to the rest of society.

While you were implementing your project of the "Inter-University Consortium" multiplying exchanges and networks, we have, on our side, progressed on the various projects which are, in many ways, complementary to yours.

We have greatly increased the action programs to disseminate computer culture throughout France, and especially among those least prepared for the new jobs.

A special program has been launched in which the graduate students of our higher education can volunteer during their military service to train in computer literacy, young unemployed men and women aged 18 to 24. At this very moment, while we speak, on 400 sites in all French regions, thousands of young unemployed are being initiated to computer culture by graduate students of their age. And so we see emerging a solidarity within this young generation between the privileged and the underprivileged. This is a kind of preface to the true adventure of our era: the sharing of knowledge.

Our second effort has been to decentralize our learning and training centers toward the various regions of our country. This new network is developing from week to week, and each regional capital in turn is decentralizing into even more local networks.

As you know, we have profoundly changed the administrative organization of France which had remained centralized around Paris for two centuries. The French Parliament recently voted new laws of regionalization and decentralization giving powers and resources to the local, and regional elected councils, especially concerning the training of people and their preparation of new jobs.

These regional centers have now started to equip themselves with the best computer tools, to prepare centers of training, to finance workshops of computer practice, opened to all, from morning to night.

So it is that France, through each of its social cells is accessing the fountain of knowledge and reaching out to the rest of the world. You know the passion that motivates the youth when it sees the opening of these new frontiers for the expansion of their talents. It is this same climate, I understand, that makes the reputation of Carnegie-Mellon.

A third program has also been launched in France. Its aim is to nurture new industrial sectors by the new generation of computer science: artificial intelligence and knowledge engineering.

Our first priorities in this vast domain, are the three basic needs of the human race: education, health and agriculture.

We have equipped the main laboratories of France in agriculture and in medicine with computers. Their research and work are coordinated by the experts who are here with us today. We have defined the precise objectives of their task for the next two years. In each field we will design and build expert-systems that can be used by farmers and doctors in their day-to-day work. I have personally followed this work from the beginning, knowing how important it can be for creating new wealth and new jobs. I shall personally ensure that the necessary resources are available.

These new avenues are so vast and fundamental, that I asked our team to organize close working relationships not only with French organizations but also with the great universities and research laboratories in the world that wish to pursue the same goals.

So we are progressing toward the harnessing of the scientific revolution for the full development of men, whatever their social condition, whatever their local culture, and whatever their race.

A worldwide chain for sharing of knowledge is now reachable. If we continue relentlessly in this direction, we should be able to nourish step by step, all the populations of the world. Our aim is clear. We want to see this human resource blossom on every continent, in every country, and in every region. It will offer the world a new prosperity, after all the crises and miseries of today.

A well known French economist, Professor Francois Perroux confirms in the following words our intuition: "The greatest cause today is the cause of the Human Resource. It encompasses all the others. If the most modern tools of production must be able to work, then the development of man's intelli-

gence is more required than it has ever been in the past. The science of information, the computer science, will be the basis of this progress. It represents a radical change in the very concept of the future economy based on knowledge industries."

I could not express my own feelings better. The reason for our efforts, as well as our confidence, is rooted in the capacity of allowing each woman and man to achieve fulfillment of his talents and abilities. Until now the social systems and the economic forces prevented this liberation of human faculties. Our duty now will be to work, day after day toward this goal. Because now we know where we are going, and we know that there is no other way to the future.

Lastly, I would like to share with you a thought, before illustrating our gratitude and hopes.

This thought is of the speech made by General George Marshall in front of the professors and students of Harvard University some 40 years ago.

In a few simple but eloquent sentences, this American stateman made essential remarks concerning the world situation and suggested a new vision to forge new relations between nations.

From these remarks emerged, a few months later, the celebrated plan. And for the countries concerned an unprecedented growth covering almost 30 years, a remarkable progress, and the beginning of social harmony.

We do not want a new Marshall plan, as is often lazily proposed. It belongs to the past. But what we do need again, is a new look at the future different from the conventional wisdom that has led us nowhere.

Fifty years ago, the horizon was limited to the developed countries of the northern hemisphere. The discovery and recognition of billions of others, that would be called the Third World, had not been accomplished.

From this failure emerged, in the early seventies the first signals of weakness in our growth, soon reinforced by social traumas due to the technological revolution. The world had not been prepared for this revolution.

This absence of lucidity, this indifference towards men, brought great damage to the workers of our countries, whose skills suddenly become obsolete. Now we are facing external markets, closing one after the other, destabilized by debt and hunger, subsequently aggravating in turn our own crises.

We cannot accept this dismal future. So we have to formulate a program for the sharing of knowledge around the world. We have learned from experience that such a plan will be much more essential and creative than all financial subsidies. A sharing of knowledge from generation to generation, from culture to culture, from continent to continent.

Our countrymen are becoming aware of this urgent need. The people from the poor countries are waiting for it, as starving people are waiting for bread. They know that with the new tools of science, with computer literacy, they can enhance—each one of them—their own human resource. And so find a work where they can excel, a capacity to create, a new hope for their lives.

One among you, here, has given us an exceptional example by coming every month to my country, to devote his expertise, with our own teams, to learning and training. His passion to transfer knowledge illustrates admirably our aim, the universal ambition that we share together.

My conclusion will be to honor him, and this remarkable university, with the highest distinction of my country, thus sending a message of fraternity both to our youth, with whom he works, and to the people of the Third World, to whom he belongs.

To Professor Raj Reddy, born and raised in a poor, remote village in India, elevated by his gifts and his will to the summit of modern science, now the Director of the Robotics Institute of Carnegie-Mellon, and the Chief Scientist of our World Center in Paris, tireless creator of a new network for the sharing of knowledge, I shall remit, in the name of the French Republic and of human hope, the cross of the Legion of Honor.●

TRIBUTE TO SACRED HEART PRIVATE SCHOOL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. BIAGGI. Mr. Speaker, I recently had the pleasure of attending the 50th anniversary celebration for Sacred Heart Private School in my home district of the Bronx. This was a very special and heart-warming ceremony and it was attended by many outstanding individuals, including Bishop Pernicone from the Archdiocese of New York. At this time I would like to pay tribute to this outstanding institution.

The Apostles of Sacred Heart Order was established in 1894 in Via Rettio, Italy. It was in 1934, that Mother Celestine, then Provincial of the Apostles, established the Sacred Heart Private School in the Bronx. She had a bold vision and possessed a rock-like faith that ultimately led to the purchase of an old, gray farmhouse in the Bronx. The cost of the property was $18,000. Funds were not available but the sisters were able to accumulate $1,000 for the downpayment and acquired a mortgage of $17,000.

On June 29, 1934, the new convent was opened with Sister Rosina Dassi as the mother superior. The first few months were quite difficult, the sisters used fruit crates as furniture and only the charity of two covents in Manhattan kept the community from being without food. Funds were scarce at that time but the dreams and plans were not. Before the end of the year a day nursery was opened up and the sisters managed to subsist on that income. In spite of all the difficulties and hardships the sisters never lost hope and their vision of establishing an elementary school never left them.

With the help of a bank loan and unbending faith, renovations and extensions were made on the old, gray building. On May 6, 1935, with the approval and licensing of the board of health, a day nursery and kindergarten opened. Later that year, a chapel was completed and on September 9, 1935, Sacred Heart opened its doors for pupils in the first and second grades with an opening enrollment of 15 students.

From that time on the school grew as more and more parents sent their youngsters there to get the kind of quality education the sisters provided. By 1939, Sacred Heart was given permission to extend classes to the eighth grade. Since that time the school has grown to include more playground space and added buildings for more classrooms. Even with these additions, the school had to refuse a great many applications because of lack of space. Even today there is a waiting list for parents who want to send their children to Sacred Heart.

The sisters at Sacred Heart still look to the future as plans are being made to increase the number of computers already in the classrooms. Future plans also include modern science equipment and advanced mathematics courses for gifted students.

Over the years, life at Sacred Heart has developed into a family affair. The lives of parents and children have become entwined in the life of the school, sharing its ideals and building a spirit that is rarely found in other schools. Sacred Heart is well respected and held in high esteem by educators and parents alike. It has developed into an integral part of the total Bronx community. With a steady enrollment of 260 children or more a year, classes are maintained in small numbers. Sacred Heart has opened its doors to all and it knows no racial, ethnic, or social boundaries. The children at the school come from 27 different parishes. Many of them rank above the national and diocesan academic norm and graduates of Sacred Heart do not find it difficult to get accepted to good Catholic high schools. Many of them receive honors and scholarships as well.

Any tribute to Sacred Heart would not be complete without mentioning the vital role the leadership of the school's principal's in the success and longevity of Sacred Heart. All of these outstanding principals left their own indelible mark on the school. Throughout its history, Sacred Heart has been blessed with the talents of many fine leaders; Sister Rosalia Sosso, principal from 1948 to 1951, was such a leader. In 1968, Sister Rosalia became the mother general of the Apostles of the Sacred Heart. She is currently the mother general in Rome. All of Sacred Heart's principals have contributed to the growth of the school into one of the finest schools in the Bronx. They have been an integral part of the Sacred Heart tradition of love, commitment to excellence, and dedication to quality education. I got a sense of this warm tradition at the an-

niversary ceremony. As each graduating class was mentioned, there was great applause and cheers. This highly emotional display reflected the tradition that has developed at Sacred Heart, a tradition that has stayed with its alumni all their lives. This touching ceremony was a testament to the excellence of the Sacred Heart faculty and its successful alumni.

At a time when public education has been the subject of criticism, the contributions of Sacred Heart have been essential. I am confident that Sacred Heart will continue to grow and continue to offer the best educational facilities possible to its students. With its dedicated, talented faculty, exceptional student body, and warm tradition, Sacred Heart stands out as a stalwart institution in the Bronx community and one that I am extremely proud of.●

SUPPLEMENTAL SECURITY INCOME IS A WOMEN'S ISSUE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. STARK. Mr. Speaker, we often forget that women make up the majority of supplemental security income (SSI) recipients, a program which aids the needy aged, blind, and disabled.

Because women are less likely to qualify for social security or pensions, have lower incomes, and live longer than men, they are more likely to become part of the elderly poor. As a result women make up 74 percent of aged recipients of SSI. In fact the typical aged SSI recipient is a low-income woman over age 75 who maintains her own household and lives alone.

In hearings held before the Public Assistance and Unemployment Compensation Subcommittee last week, Alice Quinlan, representing the Older Women's League, presented compelling testimony for the need to reform the SSI program as outlined in my bill H.R. 5341.

I would like to submit for the RECORD Ms. Quinlan's full testimony so that my colleagues can appreciate the importance of this program for older women and the urgent need for reform.

The testimony follows:

STATEMENT OF THE OLDER WOMEN'S LEAGUE ON SSI EQUITABLE IMPROVEMENTS AND REFORM AMENDMENTS OF 1984 BEFORE THE SUBCOMMITTEE ON PUBLIC ASSISTANCE AND UNEMPLOYMENT COMPENSATION, HOUSE WAYS AND MEANS COMMITTEE, MAY 9, 1984

Mr. Chairman, members of the Subcommittee. I am Alice Quinlan, Government Relations Director of the Older Women's League. We appreciate this opportunity to share with you our view on improvements in Supplemental Security Income, since income security is a key issue for our members. The Older Women's League, the country's first national membership organization for older women, was founded in October 1980, and now has more than 10,000 members nationally, and chartered chapters in 30 states. Through education, research and advocacy, we work for changes in public policy to eliminate the inequities women face in their later years.

Of all the issues women face in their retirement years, none is more critically important than retirement income. Although income security in old age is theoretically sustained by Social Security, pensions and savings, women depend primarily on Social Security and, as a last resort, Supplemental Security Income.

Since about half of the country's nearly 4 million SSI recipients are aged (including those aged who received benefits as blind or disabled persons), SSI is of concern to aging advocates. And because fully 74% of those aged recipients are women, it is of particular concern to older women.

On the whole, men and women in the United States experience aging very differently. Older women live longer, have lower incomes and higher poverty rates than men. In 1982, the median annual income (total money income from all sources) for persons over age 65 was $9188 for men, and $5365 for women. When poverty data is shown by race-Spanish origin, the special vulnerability of older women of color is particularly evident. For example, Black women are five times more likely to be in poverty in old age than White men are. Nearly one of two Black women and one of three Spanish-origin women over 65 have incomes below the official poverty level.

About 70% of the elderly poor are women. Elderly households headed by women on average have particularly low incomes. Because of greater longevity, women of all races tend to outlive their spouses, and to live alone in their later years. In fact, 85% of all surviving spouses, and to live along in their later years. In fact, 85% of all surviving spouses over age 65 are female, and 80% of the 7.5 million elderly who live alone are women. Data also shows that the "old-old" tend to have lower incomes than the "young-old."

This demographic sketch certainly is congruent with data about aged SSI recipients. As the following tables show, two-thirds of all aged SSI recipients are over age 75, and nearly three-fourths of aged SSI recipients are women.

[Total number = 1,515,400]

Percentage distribution of aged adults receiving federally-administered SSI payments by age, December 1983

Age	Percent
65–69	12.9
70–74	21.0
75–79	27.7
80 or older	38.3

Percentage distribution of aged adults receiving federally-administered SSI payments by race and sex, December 1983

	Men	Women
Total	26.0	73.9
White	13.7	41.5
Black	5.5	17.4
Other	1.9	3.2
Unknown	4.9	11.8

Source: Unpublished SSA data.

In December 1983, over 90% of aged persons receiving federally-administered SSI were living in their own households. (Of the remainder, 4% were in another's household, and 5% were in institutional care covered by Medicaid). Finally, about 80% of aged SSI recipients receive payments as individuals; only about 20% are couples. The typical aged SSI recipient, therefore, is a low-income women over age 75 who maintains her own household and lives alone.

We commend the Subcommittee's interest in making modest improvements in the SSI program on behalf of these aged, along with needy blind and disabled persons. The Older Women's League strongly supports HR 5341, both as an "anti-meanness" measure, and as a much needed update of resource limits and some benefit standards. While OWL supports the entire package of 26 changes, in the remainder of our testimony, I will focus on several provisions of special concern to older women.

PROTECTION AGAINST MEDICAID LOSS

Each month we receive up to 1,000 letters from midlife and older women seeking help or information. No topic comes up more often among women under 65 than the lack of access to affordable health care. Not old enough for Medicare, but unable to pay for private health insurance, these women are typically divorced or widowed and without any coverage.

Among the most tragic are disabled widows receiving SSI disability, who are forced to apply for Social Security (OASI) benefits at age 60. Because of the size of those benefits, very often they become ineligible for SSI, and thus also lose Medicaid. Because they are unable to meet the stricter Social Security disability definition applied to widows, they have a five-year gap in health insurance coverage, from age 60 to age 65, often with terrible consequences.

That is certainly the case for the disabled widow who wrote us earlier this year; she needs total knee replacements and has been on crutches for the past year. The problem hadn't been diagnosed when she was on SSI; at 60, she began receiving widow's benefits and lost Medicaid. With an OASI benefit of $434 per month, she can't afford private health insurance, but even if she could, companies say she has a pre-existing condition, and will not insure her.

She writes, "I need some answers and I just don't know where to get them. I can't get Medicare until March 1985. . . . How can I get an operation on my knees?"

In some states, women like her could be eligible for "medically needy" coverage under Medicaid. But the passage of H.R. 5341 would insure that SSI recipients such as disabled widows would have the option to retain SSI—and with it, Medicaid benefits—although they become eligible for Social Security or Railroad Retirement Benefits.

MORE EQUITABLE TREATMENT OF SEPARATED SPOUSES

As members of this subcommittee are well aware, the current maximum SSI benefit for couples ($472) is 150% that of individuals ($314). Current law requires a period of six months of living apart before SSI benefits will be re-computed on an individual basis. The proposal to reduce this waiting time to one month would help in two significant ways.

For those relatively few jointly eligible SSI couples who separate, a more adequate individual benefit would be available relatively soon. In a second situation, women who are separated and divorced late in life frequently find themselves plunged into poverty. Although they may have no income at all, for SSI eligibility purposes, they are assumed to have full access to the former couple's assets for six months. These women would benefit by being able to establish SSI eligibility five months sooner than under present law.

MEDICAID FACILITY PROVISIONS

Since over 70% of persons residing in nursing homes are women, we want to specially note two provisions of HR 5341 that impact on SSI recipients who are nursing home residents. The personal needs allowance for SSI recipients, which has not been increased since 1974, should surely be increased to $35. In fact, to keep pace with inflation over the past ten years, the allowance would have to be $55. We hope safeguards will be put in place to insure that this allowance is passed through to residents.

Second, we concur that full SSI benefits should be continued through the second full month of institutionalization, if not longer. The current reduction of SSI benefits to $25 after just one month forces residents to give up all hope of returning to independent living arrangements. This is especially true for women, who are much less likely to have a spouse at home to assist them, after a period of hospitalization for instance, than men are.

OUTREACH/SURVEY PROVISIONS

The outreach and survey provisions of HR 5341 are very important. A study contracted by SSA last year showed that almost half of the persons who were eligible for SSI, but not receiving benefits, said they had never heard of the program. Almost 80% of the persons who were eligible but not receiving SSI were women.

There are millions of elderly, a disproportionate share of them older women, for whom SSI was intended, but who are not served by the program. It is essential to try to find out why, and to take appropriate action to remedy this situation. OWL believes that untold thousands of women forego SSI as a source of much-needed retirement income because the thought or the experience of applying for a "welfare" program brings such a sense of failure and humiliation. A survey of current and potential recipients, including their perceptions of the program, and an ongoing SSI outreach effort by the Social Security Administration, is a very good beginning.

CLARITY OF SSI INFORMATION

If half of those eligible but not receiving SSI have never heard about the program, I suspect that half of those who are receiving SSI don't really understand how it works. This can be seen in instances of overpayment based on interest income or gifts.

A letter we received several months ago about a California woman illustrates both problems. The owner of the trailer court where she was a tenant wanted to construct an office building on the site. He provided relocation allowances to tenants as an inducement to vacate, assuring her he had checked, and this was acceptable to Social Security. She became ineligible for SSI, although it was later reinstated. Then the interest she earned on the retroactive payment caused her assets to exceed the $1500 limit. Her daughter wrote that the woman has now become despondent to the point of suicide.

Purging SSI of the worst Catch-22 situations, increasing the resource limits, and providing explanations and notices in clear and simple English will go a long way toward addressing these problems.

The Older Women's League commends you, Mr. Stark, for your leadership on these amendments, and expresses gratitude to the chairman and other co-sponsoring subcommittee members for their support. We urge your colleagues in the House to support the speedy enactment of H.R. 5341. Thank you very much.●

TORTURE TURKISH STYLE

HON. TONY COELHO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. COELHO. Mr. Speaker, it is becoming increasingly clear that the Republic of Turkey, despite its claims of returning to the democratic fold, is engaging in acts of torture one tends to associate only with the most barbarous dictatorial regimes. Amnesty International's recent 263-page report, "Torture in the Eighties," documents the brutal nature in which Turkey deals with some of its dissidents, now numbering between 20,000 to 100,000. The report of widespread torture is only the latest in a series of revelations documenting the press censorship, disregard of the due process of law, and human rights abuses that have marked Turkey since the military coup of 1980.

These revelations are disturbing not only because they are so morally repugnant, but because they also indicate that Turkey is far from becoming the stable NATO ally being touted by the Reagan administration. As we have witnessed countless times before, repression of this magnitude sows the seeds of future instability. The building resentment within Turkey to the brutal policies of the current regime is depicted in columnist Colman McCarthy's article for the Washington Post, May 5, 1984, entitled "Torture Turkish Style."

If stability in the Eastern Mediterranean is a high priority of NATO and U.S. security interests, the administration would do this country and NATO a great service by persuading Turkey to rein in the torture and internment of its citizens at home. Turkey has been formally reprimanded by its NATO allies in the Council of Europe for its human rights abuses. But, ironically, Turkey seems to be pulling the reins in its relationship with the United States.

By shrewdly playing East against West, Turkey has persuaded the Reagan administration to turn a blind eye toward its atrocities, both past and present. For example, the State Department testifies that Turkey is making great strides toward democracy, when at best, it is tip-toeing. Many will argue that Turkey's democracy is a charade designed to wrest $1 billion a year from Congress. Another example is the State Department's muted, almost apologetic testimony in response to Turkey's backing of the so-called Independent Turkish Republic of Cyprus.

The most incomprehensible act of collaboration between Turkey and the State Department occurred recently when the State Department, under Turkish pressure, blocked House Joint Resolution 247, a simple commemorative bill that would designate a national day of remembrance for all victims of genocide, including those of Armenian ancestry who were killed in Turkey between 1915 and 1923. It is sad that Turkey cannot even acknowledge a widely documented historical fact that occurred 70 years ago. However, it is shameful that the State Department succumbs to the pressure exerted by the Turkish Government. We should see by now the sheer folly of allowing a nation with the greatness and strength of the United States to be bullied by an authoritarian regime so dependent upon U.S. aid.

The administration can begin to change its servile relationship with Turkey by speaking out on the continued reports of torture against Turkey's political dissidents. On May 8, Amnesty International began a series called File on Torture with the first report focusing on Turkey. I urge the administration to study the report and use the opportunity to make its views known on this troubling matter.

Columnist Colman McCarthy's article follows:

TORTURE TURKISH STYLE

"Torture in the Eighties" is a 263-page report that Amnesty International published in early April. In the past month, I have been reading it haltingly, incredulously. I know of no other way to go through a book that tells, country after country, how political prisoners of conscience are tortured by nearly 100 governments.

The barbarous punishments reveal that since the last Amnesty report on torture—1973—an anatomical sophistication has occurred. The fashion now is to torture inside the body as well as outside. In Syria, there is the "Black Slave," an electrical device that jams a heated metal skewer into the victim's anus. In the Soviet Union, pain-causing drugs such as haloperidol are injected into prisoner's veins.

As characteristically thorough as the new Amnesty report is, the full story is not told. Families of prisoners also endure an agony, their souls and emotion brutalized by worry about children or parents or brothers or sisters.

While reading the Amnesty report, I came to know the story of one family's ordeal when I met Nursat Aygen. Her anguish concerns the fate of her sister in a Turkish prison, but her torment is shared by families of prisoners in every one of the countries in the Amnesty report.

Nursat Aygen, 29, a native of Istanbul, is a summa cum laude graduate of Sweet Briar College in Virginia and currently is an economist in New York City. She is a naturally ebullient woman whose hopeful outlook on life is light years away from the galaxies of gloom that is Turkey under martial law.

In March 1981, Nursat Aygen's younger sister, Gulsat, was carted off to prison. She was indicted more than a year later for belonging to an illegal organization. After three years of imprisonment and torture, no conviction has occurred. In July 1983, Gulsat Aygen was one of 2,000 inmates in

Istanbul prisons who went on a 29-day hunger strike to protest, among other abuses, torture and limited access to lawyers.

Amnesty International later reported that, "Although promises were made by the prison authorities to the hunger-striking prisoners of some improvement in prison conditions, no improvements have yet taken place. Beatings of prisoners are still reported to continue in Metris military prison." Gulsat Aygen is currently held in Metris prison and is part of another hunger strike which began on April 11. The number of political prisoners in Turkey ranges from a low estimate of 21,000 to as many as 100,000.

The excruciating choice for Nursat Aygen is one that all prisoners' families face: what is the most effective approach to stop the torture, first, and then win release of the loved one? Jacobo Timerman, who once suffered under Argentina's generals what Turkish political prisoners are suffering under their generals, was asked this question. He replied, "Try to find ways to exert political pressure to change things. It's important not to be silent. Speak out. . . . You are going to save lives."

Nursat Aygen would return home to try to save the life of her sister but she knows that under martial law (which rules most of Turkey) subversion charges could be cooked up against her. Instead, with a mix of prudence and bravery, she went to the Turkish Embassy to file a complaint. She spoke with the embassy's No. 2 official.

It might well have been at the Embassy of Chile, China or some other government that believes in torturing dissenters. The Turkish official, at times kindly toward Nursat Aygen and other times insulting to the point of questioning her honesty, took the predictable line that national security is improved with martial law against subversives. But Gulsat Aygen hasn't been convicted of anything, he was reminded. "Yet," he replied chillingly.

Nursat Aygen, like so many others who confront torturing regimes, came away from the embassy feeling as though her ideals for justice were assaulted. One comfort came from being befriended by Rep. Robert Torricelli (D-N.J.), who, as a member of the House Foreign Affairs Committee, visited Turkey last January. Torricelli is currently investigating the case of Gulsat Aygen and the other prisoners on the hunger strike. Whatever the congressman is told by the embassy, he will be learning something on May 8 when Amnesty International begins a new bimonthly series called "File on Torture." The first country is Turkey.

Outside the embassy, Nursat Aygen spoke of her love for her sister, a medical student who hoped to practice surgery among the poor of Turkey. Ironically, medical help was a specific request Nursat Aygen made for her sister—that the International Committee of the Red Cross be allowed into the prison. The embassy official said no.●

THE NEW YORK TIMES PRAISES THE NEW IRELAND FORUM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. MICHEL. Mr. Speaker, the New York Times has editorially praised the report of the New Ireland Forum. I want to bring this editorial to your attention because it raises some interesting questions and takes a realistic approach to the problems of Northern Ireland.

At this point, I wish to insert in the RECORD, "Two Flags Over Belfast," from the New York Times, May 10, 1984.

TWO FLAGS OVER BELFAST?

A salutary document has been signed in Dublin by the leaders of four parties representing three of every four Irish voters, South and North. What distinguishes the New Ireland Forum report is its fresh approach to an old and passionate argument.

Abandoning the all-or-nothing goal of traditional Irish nationalism, the report recognizes the stubborn sense of British identity of Northern Ireland's Protestants and suggests that one way round it may be to let two flags fly over Belfast.

The report proposes three choices for ending Ireland's partition: a unitary state, a federal structure with two parliments and, most promising, a British-Irish "joint authority," with dual citizenship for the North's 1.5 million residents. It envisions political equality for the Catholic minority and Protestant majority, but without diminishing the latter's "Britishness."

The practical difficulties of any such remedy are, of course, formidable, and the report points no way for getting from here to there. It brushes over the vexatious matter of security: would the British police be able to cross the border into the Irish Republic, and vice versa?

Still, the idea of a joint authority marks a conciliatory shift in Irish nationalist doctrine. But hardline Unionists, enjoying a 3-to-2 majority in Northern Ireland, reflexively dismiss the report, seizing on its partisan rendering of the history of the conflict to discredit its generous vision of the future.

By contrast, the British Government has conditionally welcomed this sober document. The Dublin report condemns the violence that has cost 2,300 lives since 1969, provoked 43,000 shootings and bombings and bled the economies of North and South alike. And, crucially, it recognizes that Northern Ireland's status can be changed only by consent.

There lies the difficulty. As long as the Protestant majority can veto any change, Britain feels bound to respect its wishes. But Britain is not bound to be silent about such inflexibility. And it can propose its own ideas, like the active proposal to offer the Irish Republic a joint role in key economic and security functions.

For obvious political reasons, successive British Governments have found it much easier to condemn Irish Republican terrorism than to censure the Protestant attitudes that feed the violence. The significance of the new report is that it records a heartening consensus on one side of the Irish fence. When the other side responds as reasonably, a fruitful negotiation may finally begin.●

A "PRINCE" OF AN IDEA BY A "PRINCE" OF A GUY

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. VANDER JAGT. Mr. Speaker, at a time, when our great Nation faces immense and serious challenges both in foreign and domestic policies, it is truly refreshing—yes, exhilarating—when one hears and learns of a truly positive and long term beneficial action taken on the local scene. In a word, it is an action that really broadcasts what this country really means.

In this instance, Mr. Speaker, I am referring to a recent announcement that a Holland senior citizen center will be a reality in Holland, MI, a unique and lovely community within our Michigan Ninth Congressional District, as well as the Fourth District.

It is a stunning development and one that is being accomplished really because one man—Edgar Prince, chairman of the board of the Prince Corp., Holland, MI—deeply believes such a senior citizen center is greatly needed in Holland and because, as he said, "We think it's a great opportunity for our community to band together."

Yes, there is no question that the Holland community will be brought together even closer as it is a community project being spearheaded by the Prince Corp.'s pledge of $1 milion. The remaining finances for the $2 million facility includes about $500,000 from the community; $375,000 from outside foundations; a $50,000 community block grant; and some $75,000 from local senior citizen projects. Pledges have already been received from over 400 senior citizens.

The new facility, for those 60 years and older, has a most unique design. That is because Ed Prince said the intent is to construct a building that looked not like an institution, but a country club.

There is no question that Ed Prince is a unique individual. But, so is the Holland community. It is a community that the local newspaper, the Holland Sentinel, stated that senior citizens are the heart of our community. Senior citizens, the newspaper proclaims, are the core group that makes this city a unique and special place to live and work.

Joe Jordan, author of Senior Center Design, is quoted as saying:

The philosophy of the senior center movement is based on the premises that aging is a normal development process; that human beings need peers with whom they can interact and who are available as a source of encouragement and support, and that adults have the right to have a voice in determining matters in which they have a vital interest.

Ed Prince, time and time again, has demonstrated that he, too, has a vital interest and concern in the Holland community. He truly cares about people.

The Holland Sentinel, in its May 1 edition, best describes that a Holland senior citizen center will be a reality. I am very, very proud to include at this time two news articles on the center, as well as a very special editorial. May 1 was a very special day for Ed Prince, the Holland Senior Services Advocacy Council but far more importantly for all those Holland and surrounding area residents who are or will be 60 years and over. It is their day in the Sun once again. The news articles follow:

PRINCE DESCRIBES NEW SENIOR CITIZENS' CENTER

(By David Poulson)

With a sophisticated slide show using three projectors and a stereo system, Prince Corp. this morning officially confirmed the rumors and unveiled plans for a senior activities center which when built will be the second largest in the nation.

"We think it's a great opportunity for our community to band together," Edgar Prince, the corporation's board chairman, told about 100 people at the Holland Area Chamber of Commerce Early Bird Breakfast.

Prince said the project grew in part from annual meetings he had with Marge Hoeksema, coordinator of the Senior Services Advocacy Council, about the needs of area seniors.

"A year ago I said, 'it's time to put your shopping list together,' " Prince said.

When the designing began, Prince said, the intent was to construct a "building that looked not like an institution, but a country club."

The proposed facility, to be built within the V formed by the intersection of Michigan Avenue and State Street, will be second in size only to a center in Boston, he said.

Prince Corp. has pledged $1 million—half the total—for the purchase and remodeling of the Holland Christian Middle School site. The rest of the funding is to come from government grants, outside foundations and community donations projected at $500,000.

"The news is we are going to need funds in every amount," Prince told the group. "We need your support."

Holland's Community Foundation, a non-profit group which administers private donations, will serve as a vehicle for private funds. The foundation's non-profit status will allow for tax deductible gifts to be made to the center.

Harvey Buter, a foundation board member, also spoke at the breakfast and outlined foundation activities.

According to the slide presentation, the center will be administered by a board of directors which will employ an executive director, three full-time employees, three part-time employees, and a large staff of senior volunteers.

The center will be supported by revenues from lunch sales, fundraising programs, government funds earmarked for senior citizens and private donations.

Studies have shown that of the 40,000 people in the city of Holland and the surrounding area, 20 percent are 60 years and older, Prince said.

"They are a force to be reckoned with," he said, noting past community projects have been geared toward the youth of the city.

"We want to add healthy years to their life," he said. "Not (just) years to their life, but healthy years to their life."

SENIOR CENTER A REALITY

(By Randall Vande Water)

A Holland Senior Citizen Center will be a reality.

Plans for a $2,000,000 facility for those 60 years and older were revealed today at the Holland Chamber of Commerce Early Bird Breakfast.

Located on the site of the present Holland Christian Middle School on 19th Street, the center will include the triangle between Michigan Avenue and State Street and the existing building on 20th Street.

Spearheaded by Edgar Prince, chairman of the board of Prince Corp., the company has pledge $1,000,000. Major donations of about $500,000 are sought from Holland area resident while $375,000 will be obtained from outside foundations. Also slated is a $50,000 city block grant while local senior citizen projects are expected to raise another $75,000. Pledges already have been received from 400 seniors, Prince reported.

PROPERTY ACQUIRED

Prince will complete acquistion of the middle school in June. Residents will have a "nostalgia" look at the old building, constructed in 1923, Saturday, July 14, followed by the razing starting July 16.

The 20th Street building, constructed in 1952, will be completely renovated to serve senior citizens' needs, including an Adult Day Care Center, while a single story edifice will be constructed on a portion of the triangle adjoining the present building. Entrance to the new facility will be on the east side.

Prince estimates site acquisition, including surrounding properties needed, and building demolition at $500,000 while renovation to the existing building is $450,000. Construction of the multipurpose auditorium, kitchen and lounge addition is $750,000 plus $200,000 for equipment and $100,000 in landscaping and parking area. Parking is planned for approximately 100 vehicles.

The center is expected to be open in May 1985, Prince said. The project totals 44,300 square feet including 15,000 in new construction and 29,300 in renovation.

Holland's facility will be one of any 1,000 Adult Day Care Centers in the United States, according to Marjorie Hoeksema, Senior Citizen Advocacy Council chairperson. It has been designed to meet projected needs until 2020 of functionally impaired adults through an individual plan of care. Mini-health programs presently conducted in a variety of places, will be administered.

ADULT CARE CENTER

The Adult Day Care Center will occupy about one-third of the first floor on the east side of the 20th Street building Emilie Wierda reported. She joined Prince Corp. last summer and has traveled extensively visiting senior citizen and day care centers.

Wierda reports the day care center will consist of health, multipurpose, dining and arts and crafts rooms. The rest of the first floor will house a lounge, dining room, library and a director's office. She envisions new construction of a 70 by 108 foot multipurpose room with a stage plus a kitchen, main lounge and cafeteria. Moderately-priced meals, which will be self-supporting, are planned, Wierda said.

On the second floor of the existing building, seniors will participate in adult education classes. Space is planned for woodworking, including machinery, sewing, health and fitness, arts and crafts, a choir room for the Tulip Town Tuners, and lecture and seminar areas.

Plans call for an executive director who in turn will determine needs for additional help including day care personnel, case management and nutritional direction.

BOARD SELECTED

Prince is in the process of helping to select a board of directors to govern the private non-profit center.

As the center becomes active he anticipates 95 percent of the work will be volunteer. Prince estimates 7,800 people 60 years and over in Holland and the surrounding townships. He sees the hub location as ideal for seniors.

Donations will be handled by the Holland Community Foundation.

HELPING SENIORS: HEART OF COMMUNITY

Senior citizens are the heart of our community, the core group that makes this city a unique and special place to live and work.

Throughout their lives they have given of themselves in many capacities to develop Holland into a community of which we are proud.

Now we, the people of this fine community, have the opportunity to give something back to our citizens over 60.

A multipurpose senior center has been proposed. This will be a facility where older adults can share with each other and with the community.

A bumper sticker reads, "Senior Centers Bring It Together." In the heart of our city, seniors will be able to come together and find needed services and endless activities in which to participate.

Some of the exciting ideas which could become realities as the community gets behind this project include:

A self-supporting nutritional lunch program with well-balanced lunches available Monday through Friday at nominal prices.

An Adult Day Care Program (Center for Independent Living). Aiding in promoting independent living, this program will be established as a form of unique supportive health care for disabled senior citizens and as a source of respite for their spouses and families.

An expanded continuing education program. More than 200 seniors are presently enrolled in courses. This program allows seniors to "go back to school" to take completion courses or enjoy hobby or enrichment classes. Retirement planning seminars are slated.

Numerous recreational opportunities. Large group activities will have spacious quarters plus small groups will concentrate on individual interests. Equipment and leadership will be available.

These are only a few of the innovations that could be incorporated in the new facility, designed to meet the needs of every senior.

The fastest growing segment of our nation's population is the group 60 and above. Holland is ready for a facility devoted to this age group, but everyone's help is needed. Residents must be grateful for Prince Corporation's leadership in the project and should do their part by coming forward with designated contributions to provide an outstanding facility which will serve this community for many years.

Millions are spent each year to educate those from kindergarten through high school. We must be willing to contribute for a center designed to provide needed services and a pleasant environment for older adults.

Joe Jordan, author of Senior Center Design, described the senior center philosophy this way: "A senior center seeks to create an atmosphere that acknowledges the value of human life, individually and collectively, and affirms the dignity and self-worth of the older adult.

"This atmosphere provides for the reaffirmation of creative potential, the power of decision making, the skills of coping and defending, the warmth of caring, sharing, giving and supporting.

"The philosophy of the senior center movement is based on the premises that aging is a normal development process; that human beings need peers with whom they can interact and who are available as a source of encouragement and support, and that adults have the right to have a voice in determining matters in which they have a vital interest."

Our community has been challenged. Let's rise to that challenge.

Help make the senior center become a reality.●

IN TRIBUTE TO FATHER JAMES C. FINLAY, S.J., UPON HIS RETIREMENT AS PRESIDENT OF FORDHAM UNIVERSITY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. BIAGGI. Mr. Speaker, "He who exercises government by means of his virtue may be compared to the North Polar Star, which keeps its place and all stars turn towards it."

It is with a dual sense of regret, and pride, that I rise today to pay tribute, in a small way, to the achievements of a man who I have come to know and respect during the 12 years he has held the post of president of Fordham University in my hometown of the Bronx in New York City.

Proverbs, sayings, and phrases are clearly inadequate to fully describe the respect and admiration that I have for Father James C. Finlay as he completes 12 years of laudable service as Fordham's 30th president.

This university, located in my backyard, has been under the leadership of Father Finlay since 1972 and has reached many milestones during his tenure. He brought to the university his considerable talents—as an academic—and as an administrator.

"Without recognizing the ordinances of Heaven, it is impossible to be a superior man." I believe this phrase best underscores that which has generated his success. It is an unwavering faith in God and a daily reaffirmation of this faith through that role which is most important to him: his life as a Jesuit priest.

As such, James Finlay is a priest who is a superior man. He does not set his mind either for anything or against anything. What is right he will follow. He has approached his mission at Fordham, guided by his devotion to God, his faith in humanity, and his belief that his work on Earth has a much greater role, beyond the walls of Fordham. He has provided leadership at an educational institution, which is a community institution, a religious institution, a cultural institution, and a national and international institution. This leadership has produced one of the most successful tenures in Fordham's 142-year history. During his administration, 40,000 undergraduate and graduate students—over half of the school's total living alumini, received their diplomas.

James C. Finlay was born in County Roscommon in Ireland on August 19, 1922, son of James and Kathleen (O'Connor) Finlay. His Irish roots have really never left him for as a resident of the Bronx, the culture and the lore of Ireland is never far away. I am sure that his Irish ancestry nurtured his calling to the priesthood and his lifelong dedication to the teachings and the traditions of the Roman Catholic Church.

Prior to assuming the presidency, Father Finlay was no stranger to Fordham or the traditions of Jesuit schools of learning. A Fordham undergraduate for 2 years before entering the Society of Jesus in 1943, he earned a B.A. from Loyola University and an M.A. from Georgetown University in 1952 before pursuing his theological studies. He was ordained in 1954 and in 1960 was awarded a doctorate in political science from Duke University.

He came to Fordham as an instructor in the Political Science Department in 1960 and rose to become dean of the Graduate School of Arts and Sciences and chairman of its Political Science Department for 4 years prior to being named president in 1972 at the age of 49.

As a Member of Congress who has proudly represented Fordham University for the entire span of my 15-year career; I have come to appreciate the unique contributions that have been made to our community and higher education policy when a soft spoken but articulate man of Jesus has the ability to set the direction of school that is rich in history and tradition.

Recognizing the critical role of State and local governments in the survival of independent universities and their liberal arts traditions, Father Finlay has played a major role in both State and Federal associations, such as the Commission on Independent Colleges and Universities. These groups have worked to assure equal access; and educational choice, to all students and to remove barriers that stand in the way of educational opportunity.

As New York's senior member of the House Education and Labor Committee and one of the major authors of our Federal student financial aid programs, I worked closely with Father Finlay on a number of pieces of legislation that are key to New York students and their schools. These laws included in landmark 1978 Middle Income Student Assistance Act and the 1980 education amendments. Both these laws stand in testimonial to the continued commitment by the Federal Government to independent higher education in this country.

As a staunch advocate of the obligation of universities to serve the need of their communities, Father Finlay became a forceful figure in initiating policies to improve the northwest Bronx, Fordham's founding Rose Hill campus since 1841. He established an Office of Urban Affairs to involve the University more directly with efforts to stabilize and rehabilitate neighborhoods. He was a prime mover in the development of the Fordham Plaza Office and Shopping Complex, a $60 million project which is the largest commercial development project in the Bronx in 30 years. I was proud to have lent my own offices to assist in this project as well as his most recent initiative to build 115 units of housing for the elderly and handicapped adjacent to the Rose Hill campus. Both of these projects typify the major themes of his dual role as priest and president—service to others and those who cannot help themselves and their communities.

As an original member of the House Select Committee on Aging and chairman of its Subcommittee on Human Services, I am proud to note that Fordham, thanks to Father Finlay, now has an All-University Center for Gerontological Studies which reflects the continued commitment of the university to the expansion and promotion of new frontiers in academic research. Representatives of the center have testified before my committee in Washington and hold a number of distinguished positions in national aging policymaking bodies. When I reiterate the need for increased gerontological research and training for professionals and paraprofessionals, I am comforted by the fact that I can point with pride to an institution in my own district which has played a leadership role in this area.

When James Finlay departs this June, he will leave behind him a legacy, and an institution, which is academically, fiscally and physically sound. Currently, 14,000 students are enrolled in its 10 schools on 3 campuses. The books as they say, are in the black. Endowment funds have risen from $4.4 million to almost $10 million in 8 years. An $8 million addition to the Law School at Lincoln Center will be completed next year.

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The Bronx Press-Review noted Father Finlay's departure by saying,

He has had a tenure notable more for results than longevity. He faced up to the urban problems and kept the faith. He kept standards and performance high on campus unflaggingly. And he moved with vigor and accomplishment into civic activities, especially in the college area and in the drive for improvement of the Fordham shopping area, in which long efforts are now promising good results.

In the words of our mutual and dear, recently departed friend and colleague, Hank Paley, president of the Commission on Independent Colleges and Universities, he is "an important force behind the improved quality and increased accessibility of higher education in New York for more than a decade, a responsible and effective advocate for the State's entire postsecondary system."

In searching for my own words to describe James Finlay, I came across the following verse from the Book of Proverbs, chapter 16, verse 9, which states, "A man's heart deviseth his way" but the Lord directith his steps."

In paying tribute to James C. Finlay, S.J., those words remain in my mind for they capture the essence of this part of his life and his calling to God. Fordham University can be everproud of its 30th President and be assured that any future path that he pursues will continue to reflect the high standards of compassion, decency and virtue, that he brings to all tasks—and will remain with him his entire life.●

INTRODUCTION OF EASTERN CARIBBEAN CENTER BILL

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. DE LUGO. Mr. Speaker, with legislation passed by the Congress last year, the President of the United States has embarked on a new initiative in the Caribbean Basin—a 12-year program designed to enhance the economies of those nations and stabilize the politics of the region. The CBI, as it is known, was developed primarily for the struggling nations of Central America and one or two of the more populous island nations of the region. Almost as an afterthought, the chain of islands from the U.S. Virgin Islands down to the coast of South America, which we call the Eastern Caribbean, were included in the CBI.

That this chain of islands was included is the important point, as subsequent events in Grenada clearly demonstrated. But unquestionably the trade benefits of the CBI will, at least initially, be of far greater potential to the more developed island nations of the region and the countries of Central America than to these small islands where infrastructure to support and attract industry is minimal at best.

One area that could be of vital importance and extremely significant to the future of this island chain was not specifically addressed in the CBI, and the legislation I am introducing today will serve to fill that gap.

That legislation would authorize the creation of an Eastern Caribbean Center at the College of the Virgin Islands to provide cooperative programs of study, research, and training to the people of the Eastern Caribbean region. This center would offer training skills needed by these small developing nations: Tourism and service industry training, medical and disease prevention, administrative and managerial courses, teacher training and special education, communications and computer technology training, vocational skills, agricultural techniques, and training in all the areas for which too often labor must be imported to service in this region of increasingly younger and more unemployed populations. The center would not only offer degreed programs at the CVI, but would also provide extension programs to give technical insight and training where it is most meaningful and accessible.

The College of the Virgin Islands is already an educational center for the region and I have met many entrepreneurs in private enterprise and officials in these governments, many of them newly independent, who have trained in the U.S. Virgin Islands. Over half the population of the U.S. Virgin Islands hail from the neighboring islands of the Eastern Caribbean and we maintain close, constant ties through family relations, the media and travel. The U.S. Virgin Islands is the natural focal point for an Eastern Caribbean Center geographically, culturally, and historically. And, as a focal point for education and training in the region, the U.S. Virgin Islands can be a working partner to the United States in achieving the political and social goals of the CBI.

For we, in the U.S. Virgin Islands, are the United States in the Eastern Caribbean, and American policy is perceived through us in this region. That the Virgin Islands has come so far and achieved so much in the relatively short period of time that we have been a territory of the United States is an American success story that is admired throughout the region.

Just a few decades ago, the total population of the U.S. Virgin Islands was equal the school population of today. We learned to cope with the tremendous pressures this rapid increase posed and we are in an unique position to offer this invaluable first hand experience to our friends and neighbors in the Caribbean to assist them with their development, and to the United States, to assist the Federal Government in the orderly, effective and meaningful enhancement of the economies of the Eastern Caribbean.

Those goals cannot be achieved through trade incentives alone. Training and education are keys to the success of the CBI and the encouragement of mutual cooperation is the only logical route to be followed in this basin of mini-nations and island states. The Eastern Caribbean Center, which would be modeled after the East West Center in Hawaii, would provide those indispensable factors so vital to the future of the area, and would provide them on American soil, with American knowhow. That is U.S. Virgin Islands can offer all this in the Caribbean with a West Indian perspective presents the United States with an ideal opportunity to have a working partner whose active participation will make the CBI a success. This is no overstatement, Mr. Speaker, for I am convinced that the CBI cannot succeed in the Eastern Caribbean unless the U.S. Virgin Islands is encouraged and enabled to play an active role, and I am equally convinced that if that is done, the CBI can and will succeed.

I am grateful to the cosponsors of this legislation and would urge my colleagues, particularly those who strongly support the concept of the CBI to join with us in cosponsoring this legislation which supplements and augments the CBI.●

REMARKS OF MOLLY FUMIA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. EDWARDS of California. Mr. Speaker, this past March, I had the good fortune to take part in a symposium on nuclear weapons organized by Bellarmine College Preparatory in San Jose. About 2,000 students, faculty, and parents took part in the 2-day event which centered around dialog about the May 1983 pastoral letter denouncing war and nuclear weapons written by the U.S. Conference of Catholic Bishops.

The presentations made by various speakers were thought-provoking and insightful. Among the best was the following set of remarks, presented by Ms. Molly Fumia. I am sure my colleagues will find much food for thought in Ms. Fumia's eloquent comments.

The speech follows:

On August 6, 1945, when Mohatma Gandhi heard the news that the United States had destroyed the city of Hiroshima with the world's first atomic bomb, his initial reaction was to, as he put it, "not move a muscle." He sat thinking to himself,

"unless the world rejects the ways of violence, it will spell certain suicide for humankind."

Later, when he reflected on that single most destructive minute in human history, this is what he said:

"So far as I can see, the atomic bomb has deadened the finest feeling that has sustained humankind for ages. There used to be the so-called laws of war which made it tolerable. Now we know the naked truth. War knows no law except that of might, the atom bomb brought an empty victory to the allied armies, but it resulted for the time being in destroying the soul of Japan.

"What has happened to the soul of the destroying nation is yet too early to see."

What has happened to the soul of the destroying nation. Lest we forget, we are that destroying nation. Part of the history, the heritage, of every person sitting in this room is that we are citizens of the nation which first built the bomb, and of the only nation which has ever used it.

And today, almost 39 years later, we gather together to reflect, in a way, on the state of our nation's soul.

Soul is a word that for people of the Church, reflects conscience, depth of human wisdom, integrity, morality.

Soul, for the people of our nation, is a word that might reflect spirit—what is it that is at the core of our being as a nation? What is it that empowers us, gives us life, binds us together in our common humanity?

There is probably not a person sitting in this room who is not a member of both of these groups: Church, and nation. I believe that the imperative, in this nuclear age, is to ponder our nation's soul through both sets of eyes, the eyes of the faithful, and the eyes of the citizens, at once.

It is a question of allowing a dialogue to go on deep within our hearts, in which conscience and spirit, in which faithfulness and partiotism truthfully seek out the path we should take, as individuals and as a nation, which nourishes life and human possibility, and which ensures a future for the children.

That internal dialogue must also be made external. As people of faith and as citizens of our nation we must talk to each other and redefine morality in the nuclear age.

From your study of the American Catholic Bishops' Pastoral Letter on Peace and War, you learned yesterday that there is a way, a process, in which we can arrive at judgements around the question of the morality of war, or the question of the morality of the weapons of war. First, there are certain beliefs and principles that are the history and tradition of our faith and which form the basis of our judgements on present United States public policy on nuclear weapons. This means, specifically, that in considering the question of the morality of such weapons, you ask yourself if they are in keeping with our belief in the transcendence of God, or with our belief in the dignity of the human person whether they make sense when put together with Jesus and his teachings, and then, whether, for instance, they fulfill our obligations to protect or defend the innocent according to the principles of the just war theory. You bring these beliefs and principles together with your Christian conscience, which knows right from wrong, and which seeks to do what is most loving, and you try to make a judgement as to the morality of nuclear weapons or on specific weapons systems and policies—based on both what you know and on what you believe.

This process is an important one, one which the Bishops demonstrated in their letter, one in which they invite us to join them in a dialogue which asks these questions and struggles through the choices.

But in the nuclear age, is it only the Church which should ask, are nuclear weapons moral? Can we ask this question through the eyes of both the believer and the citizen at once?

In 1980, Archbishop John Roach, as president of the National Conference of Catholic Bishops, said that "on a global scale, the most dangerous moral issue in the public order is the nuclear arms race."

To say it in this way, that the nuclear arms race is a moral issue in the public order, was an important step.

The archbishop was saying that the Church has a responsibility to speak to this issue—that in our system in our nation, all points of view come together in the public order. The Church cannot be left out here, because otherwise the public debate around nuclear weapons would be missing an important position.

In the same way, the nation has a responsibility never to leave out the moral dimension of the question. Nuclear arms . . . the most dangerous moral issue in the public order. As all points of view come together, moral choices need to be made as a nation, not just as individuals . . . moral choices based on what the people of the Church might call their faith history and their conscience, and what the people of a nation might call the moral rules of reason. There is a law written on the human heart that affects all of us, which reaches out for the common good, which seeks to nurture and protect the earth, which chooses love as the force most likely to bring us together and make us a joyful people. The moral rules of reason are common to humanity. In this coming together of Church and state, the moral dimension will never again be left out of the public debate on nuclear weapons. It is a dimension none of us can afford to leave out again.

So in this nuclear age we come together, today, in this place, people of the Church and people of a nation, to form a nation's conscience and look into a nation's soul. That is what it means for religion and politics to join; that is what it means, sometimes, to call our nation back to its own best and most moral values, even if it means taking on a critical consciousness and recognizing publically our weaknesses and our failures.

The Bishops, in their letter, state that "to teach the ways of peace is not to weaken the nation's will, but to be concerned for the nation's soul." Our greatest strength as a nation, is our quest for truth, and our willingness to subject our nation's policies to the scrutiny of our nation's conscience, a conscience which we ourselves have formed and called forth.

Dialogue is the only appropriate way for us to learn the facts of our nuclear policies and at the same time, form a nation's conscience. Dialogue is appropriate for what the Bishops call this new moment of unprecedented destructive power and terribly difficult choices.

Dialogue, here today, means that it is not just the legislators in the room who discuss the technical aspects of the MX missile or the economic effects of the defense budget on our nation's poor. It is the rest of us, too, students, teachers, parents, friends of Bellarmine high school, who must become experts on the intricacies of these weapons systems and our country's military policies, because of the profound place these weapons occupy in our lives. It is not just the clergy assembled who must ask, are these weapons moral, but all the rest of us who are concerned for our nation's soul. Our dialogue brings together all of the parts of this terrible puzzle, and helps us to see the truth, and to make judgments based on knowledge, on our faith, and on the moral rules of reason which govern everyone.

Dialogue is what we're about today, and we would do well to remember that the most important half of dialogue is listening to each other—with gentleness and understanding in our hearts; with openness to being changed by another human being. Now, more than any other time, we all need to listen to each other—to our worries and our fears, to our convictions and our questions. We must all be people of faith. We must all be political people. The question of nuclear war is the question for all of us, for our moment in history, and out of our dialogue arises the hope that our history will continue.

Division is the greatest weapon of evil. What separates us, what keeps us from listening to each other, keeps our hearts hardened and our minds closed. What separates nations, whole people from each other, binds us to the fact that especially now, under the nuclear threat which enshrouds all of the earth's peoples equally, we must resist anything that separates us and seek to find whatever is common to all. Despite all temptations, we must resist division and try, simply, to believe in each other.

Today, in this room, we represent several segments of our nation's citizens and different groups within the Church. It is good that we are together. But there is one group that is barely represented, so I'll end with a story that might count as their contribution to our dialog. I almost brought my daughter, who is ten years old. If she had come, she could have helped to represent all of the citizens of our earth under 11!

Not long ago, my daughter Melissa and I were riding home from a gymnastics meet. Melissa had been working hard, preparing for the competition, and in one of my worst moments of motherhood, I had been pressuring her to do well. On the way home that evening, she finally succumbed to the pressure, and she began to cry.

Through the sobs she told me that she was afraid, sometimes, that if she didn't do well, I wouldn't love her as much.

I felt so ashamed. How could I read her that message, when on other days I talked about accepting each other, just the way we are, and about the necessity of nurturing self-respect in every human being?

So, I tried at once to make amends. I told her that I was sorry for pressuring her, and I asked her to forgive me. I told her that she and the other children were the most important people in my life, and that I would never give them up.

And then my ten-year-old daughter, without any hesitation, said to me, "Mommy, would you give me up for a peaceful world?"

I was so stunned that I didn't know what to say. We arrived in the driveway and I stopped the car, continuing to stare at the steering wheel. Could she possibly be afraid that my work and my obviously deep belief was more important to me than her life? Finally, I turned to look at her.

But when I looked into those beautiful brown eyes, the look on her face was not one of fear or sadness. Instead, she was almost smiling, a look of determination, of deep faith, and hope.

I said to her, "Melissa, I wouldn't give you up for anything."

She was glad that I loved her so unconditionally. She had expected as much. But there was so much more going on between us at that moment. Her question acknowledged my sense of urgency, and my desire for peace. While I was affirming the unconditional value of her life, she was seeing her life as part of all of humanity. The look on her face said that she believed so strongly in me, that she could begin to imagine the risks we might take together for the good of the global community. At that moment, we believed in each other in a way we never had before.

The message from her to all of us sitting in this room is: I believe in you. The message is: Go ahead, risk a little, take another step toward peace. Look around—do we believe in each other. We really don't have anyone else but each other—it doesn't matter if you're a student, a teacher, a parent, a legislator—it is the same evil that threatens us and the same belief in each other that will save us. Maybe, as we're listening to each other today, and each time, from now on, when we must struggle with this terrible question together, it might be good to remember that.●

TRIBUTE TO REV. JAMES A. SCOTT AND THE BETHANY BAPTIST CHURCH OF NEWARK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. RODINO. Mr. Speaker, it is a distinct pleasure for me to recognize the Reverend Dr. James A. Scott, who will mark his 21st anniversary of service to Bethany Baptist Church next Sunday, May 20.

Reverend Scott is an outstanding community and religious leader. He has an impressive academic record, having graduated cum laude from Lincoln University in Pennsylvania, and from the Yale Divinity School. In addition, he holds a Ph. D. from Rutgers Graduate School. Dr. Scott has provided excellent leadership to the Bethany Baptist Church and to the greater community as well.

Bethany Baptist Church was the first black Baptist church in Newark. In 1871, a group of concerned Baptists began meeting in the home of Deacon Jackson Watson, and since that time, the church has grown in numbers and in its scope of activities. Presently Bethany Baptist Church is involved in numerous civic activities, including a scholarship fund that assists young people in obtaining higher education. The fund helps nonmembers as well as members of the church. For many years, the church supported a home for the elderly in Montclair. It was a prime force in the early days of the local NAACP and Urban League. Since moving into its new home in 1976, Bethany Baptist Church has increased its civic activities, and now includes preschool, senior arts and crafts, seniors daily lunch, athletics, Bible study, and counseling programs.

For over 100 years, Bethany Baptist Church has been an important part of the religious, spiritual, and civic community of Newark. For 21 years, Dr. Scott has directed the church's activities with distinction. I am very proud to cite Dr. Scott, his wife Beverly, and all of the members of Bethany Baptist Church on this special occasion.●

COMMENDING LYNN LEVASSEUR

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Ms. SNOWE. Mr. Speaker, I want to honor today a high school senior from a small agricultural community in the northernmost area of my congressional district who has earned the National Society Daughters of the American Revolution's Good Citizen Award.

Lynn Levasseur of Van Buren in Aroostook County won the national honor in competition with high school seniors from all other States and was selected for the Maine State award in competition with 100 of her colleagues from across the State.

To be selected for the award, a high school senior must possess the qualifications of leadership, dependability, service, and patriotism. She will receive $1,000 in college scholarship funds and received a commemorative bowl when she was presented to the DAR Continental Congress delegates in Washington last month.

In remarks to the congress, Lynn has a very interesting observation that I would like to share with you:

Through this DAR program, I have been able to analyze my responsibility to preserve my American heritage. But before I could do this, I had to look through the windows of my house that I call America. And as I did so, I saw other nations whose peoples are oppressed and neglected of the liberties I have—nations whose peoples will never really be happy knowing there are no pathways by which they may gain personal fulfillment. So, I thought to myself, if God gave me this wonderful country in which to live, I owe it to America to be a good citizen. Rest assured, there are millions of youth out there who feel the same way.

We are very proud of Lynn Levasseur and the honor she has brought to our great State of Maine.●

OPPOSE EQUAL ACCESS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, equal access is voluntary prayer in public schools by another name. This bill to ostensibly provide for fair, voluntary religious discussion in secondary schools. However, the contention that equal access removes discrimination against student religious groups that are denied the privileges enjoyed by nonreligious groups is simply not the case. It is a fact, established by long experience, that religious activity in public schools discriminates against minority religions. To cherish the precious separation of church and state is to recognize this reality.

The legislation before us strives to inject organized school prayer into the school day, a day which even in its noninstructional moments is supported by all taxpayers' money. By curtailing Federal funds to schools that do not permit religious organizations to meet, while giving no such protection to other organizations, the bill clearly establishes a preference for religious groups over other types of groups.

Painting equal access as a purer form of free speech is deceptive if not dangerous. A secondary school is not an open forum or a public meeting place where the issue at hand is the primary purpose of the gathering. If this legislation were to be enacted, we would be sanctioning Government coercion of public education to accommodate religious meetings even when access is denied to other groups or when the number of participants for a religious gathering is insufficient. We might call this the equal access for majority religions bill.

The first amendment is a fragile principle. Its promise of conferring positive rights to all is no+ ironclad. Whenever that principle threatens to shrink from protecting us all, that delicate balance must be restored.

I urge my colleagues to vote against so-called equal access.●

THE ENVIRONMENTAL IMPACT OF MX HAS NOT BEEN EVALUATED

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. WAXMAN. Mr. Speaker, the MX missile has a list of demerits that are well known to Congress. We have more than enough evidence it is a weapon we do not need and should not build.

But some of my colleagues may not be aware that there are provisions in our environmental laws that are not being met in developing the MX. I therefore commend to my colleagues' attention the following factsheet prepared by Friends of the Earth discussing these environmental provisions:

THE ENVIRONMENTAL IMPACT OF MX HAS NOT BEEN EVALUATED

Congress passed the National Environmental Policy Act [NEPA] in 1969 to insure public scrutiny of the environmental effects of all government actions. But the Air Force has been allowed to develop the MX without fully assessing its environmental impact as required by Congress through NEPA.

In the Defense Authorization Act of 1983 [Sec. 110], Congress insisted:

"The secretary of the Air Force shall prepare a full draft and final environmental impact statement in accordance with all terms, conditions, and requirements of the NEPA on the proposed deployment of 21 operational MXs."

But the Final EIS on "Peacekeeper in Minuteman Silos" failed to assess significant environmental impacts of the MX:

NEPA requires worst-case analysis. The MX EIS failed to assess the likelihood and effects of nuclear exchanges and accidents with this particular basing mode, region and specific site.

NEPA required analysis of the environmental effects of the project being used as designed. The MX is designed to be used in a nuclear exchange, yet the EIS contains no assessment of the environmental impact of such use.

NEPA requires an EIS covering the area affected. The MX EIS does not contain consideration of the impact on Colorado, although most of the proposed missile sites are less than 20 miles from that state's border.

NEPA requires a detailed statement of alternatives to the proposed action. The MX EIS does not study, develop or describe appropriate alternatives to deployment in Minuteman silos.

Over the years, courts have repeatedly upheld the provisions of NEPA for an Environmental Impact Statement (EIS) on government projects, and there is no legal precedent for exempting a government project from NEPA because of national security. Congress waived the NEPA provisions for an EIS [Section 102(2)(C)] for the Scowcroft Commission's Report to the President, but Congress has never excluded the military from NEPA compliance for MX deployment. NEPA applies to nuclear weapon systems as much as highways and dams.

Several lawsuits are pending which challenge the legitimacy of the MX Environmental Impact Statement:

Friends of the Earth and other environmental groups are filing suit to halt MX deployment pending completion of a full Environmental Impact Statement as required by Congress through NEPA. A full EIS must include consideration of accidents, effects should MX be used as designed, and a worst-case analysis.

Governor Lamm and the State of Colorado are also seeking an injunction to stop-MX missile deployment by challenging the adequacy of the EIS. The Air Force ignored repeated requests that Colorado be included in the EIS process and that public hearings be held in the state. The Air Force neglected to consider any impacts to Colorado water, wildlife, geological concerns or social and economic conditions that will be created by deployment of MX missiles in close proximity to the state, and transportation of nuclear and construction materials through the state.

Western Solidarity and a coalition of groups from Wyoming, Colorado, Nebraska, Utah and South Dakota are suing to halt deployment of the MX, claiming the missile violates NEPA, OSHA, and several international agreements. It further alleges that the Air Force illegally proceeded with the MX before an EIS was even prepared.

The Air Force has failed to fulfill its responsibilities under the National Environmental Policy Act. The MX program must not be allowed to proceed until the Air Force has complied fully with the law by assessing the environmental impact of the project.●

TRIBUTE TO DR. DAVID RAUCH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. SCHEUER. Mr. Speaker, I would like to take this opportunity to express my appreciation to Dr. David Rauch, director of the adult education program of the Great Neck Public Schools, and commend him for the fine work he has done over the past 32 years.

Dr. Rauch is retiring next month and his departure will mean a great loss of talent and ability to the New York educational community. A recognized leader in the field of adult education, Dr. Rauch has a long history of service to the public school system. In the past he has served as president of the Nassau County Association of Public School Adult Educators and treasurer of the New York State Association of Public School Adult Educators. He has published numerous articles on adult learning and has represented the United States at international conferences.

In Great Neck, he is a founder of the Great Neck Senior Citizens Center. In addition, he served as president of the North Shore Guidance Association, president of the Adult Long Island Vocational and Educational Counseling Service and was a member of the board of directors of the Great Neck Chamber of Commerce.

Dr. Rauch holds a B.S. and an M.A. degree from the University of Minnesota and an Ed.D. from Teachers College at Columbia University.

Perhaps his greatest accomplishments are in the program he directs now. Adult students outnumber regular students with an enrollment of over 10,000. Courses are conducted during the day and in the evening throughout the year. The range of offerings is from basic education—for those whose schooling is incomplete—English language and Americanization for the foreign born, to subjects which lead to advanced degrees in conjunction with local colleges. These courses are offered at several schools and community centers so that those who want to expand their education have easy access to the program.

A retirement dinner will be held for Dr. Rauch on May 16, 1984, at Leonards of Great Neck on Northern Boulevard. We can never express adequately the sincere debt we owe Dr. Rauch for his invaluable contributions to the Great Neck community. I honor him on the occasion of his retirement.●

A SALUTE TO THE WOMEN'S ARMY CORPS (WAC)

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. MAZZOLI. Mr. Speaker, I join today with my colleagues in celebrating and honoring the 42d anniversary of the Women's Army Corps (WAC). The WAC was organized in 1942. The integration of women into military service was a reflection of the evolving status of women in society as a whole.

By 1948, WAC members had achieved equal status with their male counterparts and were guaranteed the same privileges, securities, and retirement benefits. Although the WAC was not assigned combat duty during the war their lives were often in as much danger as the lives of combat troops. From the very start, high standards of professionalism were demanded and maintained from WAC members and the work of WAC members played a large role in the success the U.S. Armed Forces enjoyed in World War II.

Throughout the years since the war, the WAC has continued to work in behalf of women veterans and has succeeded in opening new doors and creating new opportunities for women in contemporary America.

In addition to representing active servicewomen and women veterans, VA hospitals and facilities owe much to the WAC members who have devoted countless hours of volunteer time and energies to these devoted facilities.

It is a privilege for me to recognize the Women's Army Corps—its members and its accomplishments. Our country, its Armed Forces and its men and women owe this organization a debt of gratitude for the role it has played in expanding and strengthening our armed services and for the contributions it has made to all our veterans.●

THE 17TH ANNUAL DR. MARTIN LUTHER KING, JR., MEMORIAL PARADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. RODINO. Mr. Speaker, in the spirit of brotherhood and Americanism, organizations from New York, Newark, and neighboring cities will march up Fifth Avenue in New York on Sunday, May 20, in the 17th annual Dr. Martin Luther King, Jr., memorial parade.

The parade is sponsored by the 369th Veterans Association, which first organized the parade in 1959 under its own name. It changed the name to honor Dr. King in 1968.

The association takes its name from the famed, all-black 369th Infanty Regiment of World War I. It was the most highly decorated American unit to serve in that war. I have the honor to have recently become a member of the association and to have taken part in a ceremony awarding the Croix de Guerre—France's highest military honor—to one of the regiment's most gallant members, William Ogden Layton of Newark.

Mr. Layton served in the 369th in the First World War when it was attached to the French Army. He received his medal for bravery at that time, but, when he returned to the United States, it was stolen. Working with the French Government, I was fortunate to be able to play a role in having the medal reissued to Mr. Layton.

The Dr. King memorial parade will begin at 1 p.m. at 44th Street and Fifth Avenue. Prior to the arrival of the first unit of the parade, a memorial service will be held at the reviewing stand at 69th and Fifth. Special tributes to Dr. King will be presented by Vice President BUSH, New York Governor Cuomo, New York Mayor Koch, and Coretta Scott King. The parade will also be reviewed by a delegation from the Archdiocese of New York from the steps of St. Patrick's Cathedral and by a delegation from St. Thomas Episcopal Church from in front of the church at 53d and Fifth.

The grand marshal will be the Most Reverend Emerson J. Moore, auxiliary bishop of the New York Archdiocese, and the parade will be led by the 369th Transportation Battalion, the old 369th Regiment. Others in the march will include veterans groups, civil service organizations, fraternal organizations, Boy Scouts, Girl Scouts, high school bands, and other youth groups. Two groups not usually found in parades will be contingents from a camp for the mentally retarded and from the American Foundation for the Blind.

Mr. Speaker, this parade is yet another fitting honor for Dr. King and for all the other valiant American men and women who have served their country and given their lives in the cause of freedom and justice.●

STATEMENT ON THE SAKHAROVS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. FRANK. Mr. Speaker, the Department of State is strongly concerned about press reports that Andrei Sakharov has been on a hunger strike since May 2 and that his wife, Elena Bonner, has been charged with slandering the Soviet state, which could lead to as much as 3 years' confinement. The refusal of the Soviet authorities to reveal any information about the present welfare and whereabouts of the Sakharovs lends credence to these reports. Dr. Sakharov has been trying for many months to obtain permission from the Soviet authorities for his wife to travel abroad for medical treatment, something she has been allowed to do twice before. He has apparently been driven to this extreme action by the continued refusal of the authorities to even respond to his requests.

The Soviet handling of this matter has been inhuman and incomprehensible. Rather than simply allowing Mrs. Bonner to go abroad for medical treatment, they have placed criminal charges against her, threatened her with even more serious treason charges and made totally false allegations about involvement in the current situation by the U.S. Embassy. The circumstances of Dr. Sakharov, a recipient of the Nobel Peace Prize and numerous other accolades, is a legitimate matter of concern for all persons interested in promoting human rights and international peace. Soviet silence about Dr. Sakharov and Mrs. Bonner is totally unacceptable.

We urge the Soviet authorities to provide truthful information about the present situation of Dr. Sakharov and Mrs. Bonner. We also urge them as a matter of simple humanity to end Dr. Sakharov's exile, and allow Mrs. Bonner to travel abroad for medical treatment. Finally, we ask that all like-minded persons in the West press the Soviets for information on the fate of the Sakharovs, and for an end to Soviet persecution of these two brave individuals.●

THE MX: EXPENSIVE AND WITHOUT VALUE

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. HARKIN. Mr. Speaker, we are about to begin debate on an authorization bill for the Defense Department that would allow record military spending, and continue the obscene buildup of nuclear weapons.

Deficits are rising out of sight, relations between the superpowers are at an alltime low, and the Reagan administration has compiled the most disasterous arms control record in the atomic age.

Congress voted to fund the MX missile last year in return for some empty promises that it would be a bargaining chip. There is no bargaining, and the MX is no chip. It is a costly and dangerous boondoggle that must be stopped.

Around the world and across the United States, people are saying, "Enough! Cease this madness, stop this waste and work for peace." Will Congress finally listen to the people? Let us finally say no to weapons like the MX that decrease our safety and the safety of the world.

I commend to my colleagues' attention the following editorial from the Des Moines Register, which calls on us to restore sanity to our Nation's defenses.

[From the Des Moines Register, Apr. 19, 1984]

KEEPING ARMS RACE GOING

The Reagan administration has taken its third annual look at the arms race. There is no surprise in the verdict: The Soviets have a dangerous edge in too many categories.

There is no surprise, either, in the timing: The report came out the day the House Armed Services Committee took up the administration's 1985 budget. And there is no surprise in the administration's accompanying remarks: The Soviets are ahead, their goal is world domination, the only appropriate response is a bigger U.S. military budget.

In a nutshell, that's the Reagan arms policy: The Soviets are rushing forward with an arms buildup; the United States must counter with its own. More arms there make this administration want more arms here; what it forgets is that more arms here make them want more there.

Look at some examples: This country says it will deploy the B-1 bomber in 1986; to counter it, the Soviets will deploy their Blackjack bomber in 1987. The Soviets last year deployed their first Typhoon ballistic-missile submarine—after the United States deployed its Trident submarine. U.S. cruise missiles have spurred development of a new Soviet cruise missile, to be deployed before long. That is what the arms race means:

More arms here . . . more arms there; . . . more arms there . . . more arms here.

The Reagan administration pretends that this dynamic does not exist—and not just in its arms policy. It follows much the same

philosophy in arms control, only there the buildup is called a bargaining chip.

Witness this week's "vital mission in the cause of peace," as Reagan called Vice President George Bush's undertaking. Bush goes to Geneva proposing a ban on chemical weapons; meanwhile, that budget we mentioned earlier asks for more than $1 billion for chemical-warfare.

Trouble is, one nation's bargaining chip is another nation's goad: true for cruise missiles, true for chemical weapons and, if Reagan succeeds in taking the arms race into space, true there as well.

Even more arms on both sides is not the answer; it is the problem. Reports of the formidable Soviet arsenal should make U.S. leaders itch to multiply something, but it's not their own arsenal. It's their efforts to apply the one effective brake on the arms race: arms-control agreements.●

A TRIBUTE TO SACRAMENTO POLICE OFFICERS ASSOCIATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. MATSUI. Mr. Speaker, I would like to call you attention to the outstanding community service record of the Sacramento Police Officers Association and its current president, Officer Richard Lucero. This association provides members of the police force, especially the street officers, with a voice of representation and insures that the legitimate concerns and interests of police officers who risk their lives daily to protect the general public are adequately addressed by city officials.

The association was originally conceived in mid-1969—largely to secure an adequate retirement system and retirement benefits for law enforcement professionals. However, it became clear that police officers needed representation on a number of issues relating to work conditions, health benefits, and compensation. So, the association was officially formed through the efforts of Lt. Richard Gregson and elected its first president, Lt. Blake Koller. The peace officers group established a lasting dialog with the city council—helping to better attune the police force to the community's needs as well as to better represent the officers' own interests.

Under the able leadership of the current and past presidents, the association has set new standards in community relations and has become a vocal and influential voice in guiding the department toward "community-oriented policing." Mr. Lucero himself has set an admirable example as a regular volunteer for the Sacramento chapter of the March of Dimes Telethon and in his involvement in the Big Brother organization as well as in his division assignments, where he develops new crime analysis and coordinates proactive patrol programs with the community.

Amid economic hardship felt nationwide, the Sacramento Police Officers Association and its members have flourished while making the city's police force one of the best in the country. In addition to serving the community well, the association has also secured well deserved improvements in benefits for its members, established stronger and more harmonious ties with the public and encouraged progressive techniques to combat crime and protect the community. Mr. Speaker, I know you will want to join me in applauding the fine contributions this worthy organization has provided and continues to perform for the Sacramento community.●

HARRY S. TRUMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. SKELTON. Mr. Speaker, I would like to include for the benefit of my colleagues proclamations offered in tribute to Harry S. Truman:

PROCLAMATION: CENTENNIAL OF THE BIRTH OF HARRY S. TRUMAN

Whereas, May 8, 1984, will mark the 100th anniversary of the birth of Harry S. Truman, the 33rd President of the United States of America; and

Whereas, the Senator from Missouri became Vice President in November, 1944, and, 83 days later upon the death of President Franklin D. Roosevelt, succeeded to the presidency in April, 1945, and in 1948 was elected to our nation's highest political position; and

Whereas, early during his presidency, Mr. Truman guided the nation through the end of World War II and made the difficult decisions which ushered in the nuclear age while, domestically, he led America's transition from a wartime to peacetime economy, thus prompting an era of growth and stability; and

Whereas, President Truman established the cornerstone of the policy of containment in dealing with the communist threat to Europe and, through the Truman Doctrine and the Marshall Plan, stalwartly assisted free peoples in the effort to stem the tide of totalitarian subversion; and

Whereas, in applying the principles of collective security, he assisted in the formation of the North Atlantic Treaty Organization to help European nations respond to this threat; and

Whereas, although confronted with a series of major challenges throughout his tenure, Harry S. Truman responded with courage, humanity, decisiveness, and wit which have secured his place in the nation's history as one of our most respected Presidents,

Now, Therefore, I, Eileen R. Anderson, Mayor of the City and County of Honolulu, do hereby proclaim May 8, 1984, as the Centrennial of the Birth of Harry S. Truman and urge all our citizens to observe the occasion through remembrance of his many accomplishments and dedication to freedom and democracy.

EILEEN R. ANDERSON,
Mayor, City and County of Honolulu.

SOME OF THE INTERNATIONAL EVENTS COMMEMORATING THE TRUMAN CENTENNIAL

ISRAEL

In late May the Harry S. Truman Research Institute for Advancement of Peace hosts a lecture by Professor William Rochtenberg. The following day the Institute will hold an academic symposium on the same subject. Researchers and lecturers from all of Israel's universities will participate.

Israeli radio and television will take part with broadcasts commemorating President Harry S. Truman.

Israeli television will show a film on President Truman on Israel's Independence Day. This will be the Smithsonian film and other material.

Israeli ministries and government are examining ways of honoring President Truman's 100th birthday—e.g., a special envelope with Israeli stamp of 1975—naming a street in President Truman's honor—the nation's schools will honor President Truman—planting a forest in his name.

On April 30 Prime Minister Yitzhak Shamir sent greetings for the Truman Centennial to Henry J. Talge, President of the HST Good Neighbor Award Foundation.

UNITED KINGDOM

The Royal Institute of International Affairs proposes creating an endowment to fund a continuing study and work on the practical aspects of U.S./European relations. This would provide for a Harry S. Truman Fellowship, working within the existing Atlantic Studies program at Chatham House in London.

March 11-15.—Wilton Park—three-day conference on "The USA and Europe: Partners or Rivals"—British Foreign Secretary Sir Geoffrey Howe and U.S. Deputy Secretary of State Kenneth Dam.

June 15-17.—Ditchley Park, near Oxford, commemorative conference titled, "Thirty Years Since the Truman Doctrine: The Evolution of the Policy of Containment and the Continuing U.S. Commitment to the Defense of Europe."

The editors of the principal British national newspapers have been contacted and encouraged to take note of the Centenary.

The weekly and monthly magazines and the principal television and radio stations have also been urged to cooperate.

The London branch of the English Speaking Union and the Europe/Atlantic group are planning commemorative dinners to celebrate the Centennial.

NATO

May 29-31.—Secretary General Luns will address the opening of the North Atlantic Ministerial Meeting in Washington.

The Thirty-Fifth Anniversary Edition of the NATO Review will contain an article concerning President Harry S. Truman by Clark Clifford.

They will produce commemorative envelopes for distribution by the U.S. Postmaster General to key persons in the United States. NATO will distribute them in Europe.

Film clips from the NATO Library will be available for distribution to television stations in Europe and the United States.

NATO will feature President Truman prominently in the NATO 35th Anniversary Exhibit.

There will be a photo exhibit of the NATO Treaty signing in the press area of NATO Headquarters in Brussels.

TURKEY

May 7.—The Political and Social Research Foundation will meet for a day-long discussion by two distinguished Turkey scholars and two noted Americans. Subjects will be "Harry S. Truman and the Republic of Turkey" and "Truman in World Affairs."

May 8.—Foreign Policy Institute Round Table entitled, "The Truman Doctrine and Turkey."

May 8.—Message from the Turkish Grand National Assembly in commemoration of the 100th anniversary of the birth of President Truman.

UNITED NATIONS

Second week of September.—The United Nations Institute for Training and Research will hold a one-day seminar on "President Harry S. Truman and the United Nations."

AUSTRIA

Vienna, Austria named a new housing project the Harry S. Truman—HOF, and there was established a HST Scholarship for American scientists to study in Austria.

TURKISH EMBASSY,
Washington, DC, May 7, 1984.

Secretary CLARK M. CLIFFORD,
Truman Centennial Committee, Washington, DC.

DEAR MR. SECRETARY: I am pleased to enclose herewith a message from the Turkish Grand National Assembly, in commemoration of the 100th Anniversary of the birth of President Harry S. Truman.

This message from the Turkish Parliament is sent to be conveyed to the Joint Session of the Congress which will memorialize President Truman on May 8, 1984.

Sincerely,

DR. SÜKRÜ ELEKDAG,
Ambassador of the Turkish Republic.

A MESSAGE FROM THE TURKISH PARLIAMENT IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF PRESIDENT HARRY S. TRUMAN, FOR THE JOINT SESSION OF THE U.S. CONGRESS ON MAY 8, 1984

The Turkish Grand National Assembly pays homage to the memory of the late President Harry S Truman on the occasion of the centennial of his birthday.

President Truman has earned a distinguished place in history. In the aftermath of the Second World War; his courage never faltered because of his deep commitment to democratic ideals and to freedom and peace as well as veneration for the principles of sovereignty and territorial integrity of independent states. In an extremely critical phase of East-West relations, President Truman assessed the direction and extent of the threat posed to the vital interests of the Western World and in this vein he evaluated accurately the valuable contribution that Turkey, as an integral part of the Western World, could make to the defense of the West. With this belief he undertook measures to prepare the way for a stronger Turkey. For this reason, this prominent American statesman has held a special standing in the foreign policy of Turkey in the post World War II era.

The Truman Doctrine, as his policy declaration came to be, helped reinforce Turkey's resolute stand against heavy external pressure and outside encroachment in that era. It was instrumental in generating a historic turning point in Turkey's external security concept.

American foreign policy under the leadership of President Truman was both judicious and far-sighted. One of its important ramifications was to avert efficaciously the threat aimed at Western democracies through strengthening of Turkey's defense capabilities and thereby its resistance to outside interference. This was of surpassing importance to Western security.

President Truman rendered unforgettable services to the establishment of an alliance of cooperation and close friendship between two countries that share the same ideals—Turkey and the United States of America.

We, the members of the Turkish National Assembly, believing that Turkish-American relations in many fields can be further developed and strengthened in a mutually beneficial manner and that the responsibilities we jointly shoulder within the framework of our Alliance are an important bulwark for peace and security in the world, today pay homage to the memory of this great statesman, President Harry S Truman.

EMBASSY OF ISRAEL,
Washington, DC, May 3, 1984.

Mr. CLARK M. CLIFFORD,
Clifford & Warnke, Washington, DC.

DEAR MR. CLIFFORD: I have pleasure in enclosing copy of a letter from Prime Minister Yitzhak Shamir to Mr. Kalge, on the 100th anniversary of President Truman.

With best personal regards.

Sincerely,

MEIR ROSENNE,
Ambassador.

JERUSALEM, *April 30, 1984.*

DEAR MR. KALGE: It gives me great pleasure to send you greetings on the 100th birthday of President Harry Truman.

Yesterday, Israel marked the 36th Anniversary of its independence. Today you are commemorating the centennial of "The Man from Independence", the 33rd President of the United States of America, Harry S. Truman.

For us, in Israel, these two events are inevitably linked—for Harry Truman was the first world leader to grant recognition to the newlyborn Jewish State of 14 May 1948.

His actions regarding Israel were guided by his conviction that the rebirth of Israel was a historical event of supreme moral significance, and by his strong belief in the ties of the Jewish people to their Homeland.

Harry Truman once said: "I am proud to have been the first to recognize the State of Israel. I did it because I knew that in so doing I was expressing not only the fundamental wishes of the American people but the high traditions of the USA."

Today, we all know that this trust in history and in the Jewish people has borne fruit.

The legacy of this great American endures through the bonds that link our two nations together which are stronger than ever. Harry Truman has and will always have a special place in our hearts as well as in the hearts of freemen everywhere.

Sincerely,

YITZHAK SHAMIR.

TRUMAN CENTENNIAL COMMITTEE,
Washington, DC, May 4, 1984.

SCHEDULE OF EVENTS

March 29, 1984.—Washington University Law School Alumni Dinner, St. Louis. Speaker: Clark Clifford.

April 5, 1984.—American Ditchley Foundation dinner, New York. Speaker: Clark Clifford.

April 12, 1984.—Kennedy Library Truman Centennial Conference, John F. Kennedy Library, Boston, Mass., 8:30 am—4:00 pm.

April 19, 1984.—Woman's National Democratic Club Luncheon. Speaker: Clark Clifford.

April 24, 1984.—Harvard University, John F. Kennedy School of Government symposium on the international aspects of the Truman Administration, 4:00 pm.

Harvard University, Public Affairs Forum, 8:00 pm. Four or five participants discuss Truman—The Man.

April 29, 1984.—Washington National Cathedral 11:00 am service dedicated to President Truman.

April 30, 1984.—National Academy of Sciences symposium, "Science and the American Spirit", 1:00-5:00 pm, National Academy of Sciences Auditorium, Washington, D.C.

May 4, 1984.—Invitational dinner for scholars and Trumen associates followed by evening of dialogue at the Woodrow Wilson International Center, Smithsonian Institution, Washington, D.C.

Opening of National Guard Association's Truman exhibit at the Headquarters building at 1 Massachusetts Ave., Washington, D.C. preceded by VIP reception, 7:00 p.m. The exhibit, entitled "Captain Harry—A Centennial Salute" depicts Harry S. Truman as a classic citizen soldier and will be open to the public from May 7 to October 1, 8:30 a.m.-4:00 p.m.

May 5, 1984.—Symposium "Harry Truman: The Man and His Years"—Resident Associates Program, Smithsonian Institution, Carmichael Auditorium, 9:30 a.m.-5:30 p.m.

Opening of the Truman farm home, City of Grandview, Missouri.

May 6, 1984.—Services at First Baptist Church, Washington, D.C., 11:00 a.m. Speaker: Senator John Danforth.

May 7, 1984.—TODAY Show (NBC) 7:00-9:00 a.m., segment devoted to tour of the Truman home in Independence.

Opening of National Archives Exhibit "Harry Truman: The Human Side"—4:00 p.m., Washington, D.C.

May 8, 1984.—TODAY Show (NBC) 7:00-9:00 a.m., segment devoted to live interview with Margaret Truman Daniel.

Breakfast, Library of Congress, 8:00 a.m.

Joint Session of Congress, Washington, D.C., 10:00 a.m.

White House luncheon hosted by President Reagan in commemoration of Truman Centennial.

Reception sponsored by the American Association of Community and Junior Colleges, Capitol Hilton Hotel, 6:00-8:00 p.m., Washington, D.C.

Extraordinary meeting of the OAS Permanent Council in honor of President Truman's Centennial, 3:00 pm, OAS Building, Washington, D.C.

Opening of Berlin Airlift exhibit at National Air and Space Museum, Smithsonian Institution, Washington, D.C., to run until August.

Graveside ceremonies: U.S. Army, National Guard, Reserve Officers Association. Truman Library, Independence, 9:30 am.

Good Neighbor Luncheon at 12:00 noon, Muehleback Hotel, Kansas City, Missouri.

May 8-9-10-11, 1984.—National Symphony Orchestra concerts dedicated to President Truman, Washington, D.C.

May 10, 1984.—Concert by Kansas City Orchestra, dedicated to President Truman.

National Press Club Luncheon. Speaker: Clark Clifford.

May 11, 1984.—City of Independence Public Service Award, Truman Library, 7:00 pm—recipient, Margaret Truman Daniel.

May 12, 1984.—Meeting of Truman Library Institute Board, 9:30 am.

Opening of the Truman Home, Independence, Missouri, 1:30 pm

Truman Scholar Alumni group reception for new scholars, evening, Muehleback Hotel, Kansas City, Missouri.

May 13, 1984.—Awarding of Truman Scholarships, Truman Library, 1:00 pm, followed by reception.

May 24-29, 1984.—American Association for the Advancement of Science exhibit honoring President Truman at the Association's Annual Meeting New York.

September 7-8, 1984.—Woodrow Wilson International Center for Scholars, Smithsonian Institution. Two-day symposium on Truman foreign and domestic programs.

September 7-9, 1984.—Presentation of "The Buck Stops Here" by the Arrow Rock Lyceum Theatre, Arrow Rock, Missouri.

September 11, 1984.—United Nations Institute for Training and Research one-day seminar on "President Harry S. Truman and the United Nations", New York.

The CBS documentary, "The Legacy of Harry Truman," narrated by Walter Cronkite, it is to be scheduled.

The Smithsonian Institution has scheduled a number of events during the Spring of 1984, many of them continuing over a period of time, and including a documentary film series which will run for four weeks. Enclosed is a brochure detailing these events.

Activities approved by the Reserve Officers Association of the United States include: (1) dedication of an area of the National Headquarters building as "The Harry S. Truman Hall of Achievement"; (2) the May 1984 issue of the "The Officer" magazine will be principally devoted to President Truman, with his picture on the cover; (3) the 1984 convention in Chicago, June 27-30, will be dedicated to President Truman; observances by all departments and chapters in conjunction with department convocation.

The NAACP has indicated that its members will participate in the Centennial and it is appointing national and regional committees for this purpose.

The AFL-CIO has issued a statement calling upon its affiliates and members to participate in the Centennial. A copy of the AFL-CIO statement is included in a First Day Issue cover put out by the Samuel Gompers Stamp Club, which is enclosed.

The Masons have indicated that appropriate observances will be held by the Grand Lodges in each state. The Shriner organizations throughout the country will also schedule commemorative events.

The American Legion is planning a series of events throughout the country commemorating the life of President Truman and his close association with the veterans' organizations.

There are many other events scheduled in Washington, around the country, and overseas.

There will be major radio and television programming and magazine and newspaper publication in this time frame commemorating the Centennial.

Note.—A 16 mm film about President Truman, which runs a little less than 30 minutes, has been prepared by the Smithsonian Institution. Copies of this film are available from the National Audio-Visual Center, Order Section, Washington, D.C. 20409.●

IN MEMORIAM OF OFFICER KENNETH WREDE, CITY OF WEST COVINA, CA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. TORRES. Mr. Speaker, on August 31, 1983, West Covina police officer Kenneth Wrede was shot to death in the line of duty. The city of West Covina, the county of Los Angeles and the State of California lost an exemplary public servant.

Officer Wrede, a 3-year veteran of the West Covina Police Department, had been cruising in his patrol car when he observed his would be assassin acting in a strange manner. Wrede got out of his patrol car and approached the individual. The would be assassin chased Officer Wrede back to his patrol car. While he radioed for assistance, Officer Wrede was shot. He died at the scene.

Mr. Speaker, on Tuesday, May 15, at 12 noon on the Senate Park, the Grand Lodge Ladies Auxiliary of the Fraternal Order of Police and Law Enforcement Officers' families nationwide will hold the Third Annual National Peace Officers' Memorial Service. I will accompany the parents of Officer Wrede to this event. During the ceremonies at Senate Park we will remember those individuals who served their neighbors and communities with pride and honor.

Mr. Speaker, I ask my colleagues to join me in welcoming the Wrede's and the families of our country's slain peace officers to Washington, D.C.●

WEST VIRGINIA PAYS TRIBUTE TO DU PONT WASHINGTON WORKERS

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. MOLLOHAN. Mr. Speaker, again, I am pleased to bring good news to the House from the State of West Virginia where a long tradition of hard work and dedication by loyal people continues to help America out of its long, hard recession.

West Virginia has been honored to have had opportunities to be first in many fields of industry from the time Peter Tarr established the first iron furnace west of the Allegheny Mountains, to the recent success of the largest employee stock ownership plan (ESOP) in history at Weirton Steel. Today, it is my pleasure to inform my colleagues that West Virginia workers have established yet another record in the field of industry.

Workers at the Du Pont Washington Works in Wood County, WV, have established a national record for on-the-job safety with a cumulative total of 26 million hours without 1 work day lost from an on-the-job injury.

Mr. Speaker, that means the last time a worker at the plant lost a day of work because of an on-the-job accident was 1,641 days ago, or more than 4½ years.

That achievement, which demonstrates the skill and dedication of West Virginia workers and their deep desire and ability to meet the industrial needs of America, should not and will not go unnoticed. Directors of the National Safety Council will join with representatives of the West Virginia Safety Council in paying special tribute to this significant accomplishment.

Mr. Speaker, I encourage America to take note of the accomplishment of the more than 2,700 employees of this hard-working facility on the banks of the Ohio River.

We have heard much debate in this Chamber over the threats that have been posed to the health of industrialized America from unreasonable environmental controls to unfair foreign competition.

It is with great pride that I call attention to this significant record of safety and productivity, so that my colleagues are reminded that the men and women who labor in the plants and factories of America are counting upon us to demonstrate the same hard work and dedication to the future. They are looking to us for help in fending off the threats to their ability to keep this Nation strong and productive, and provide for their families.

Mr. Speaker, I am sure this body will join me in extending congratulations to the workers at Du Pont in Wood County, as well as take heart in the loyalty and skill demonstrated by the millions of workers in basic industries who will continue to work hard for the future of this Nation.●

PROTECTIVE TARIFFS AND QUID PRO QUO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, one of the main reasons that politicians have acquired a bad reputation over the years is because of the all-to-pervasive activity of handing out favors in exchange for votes and political contributions. This type of activity used to be overt, even blatant; elected officials, for example, would often ap-

point friends and supporters to lucrative and easy Government payroll jobs in exchange for continued support. But in the more recent past this type of "you wash my back, and I'll wash yours" relationship has become much more subtle and discreet. It is, nevertheless, every bit as common today as it was a hundred years ago; it has merely taken other forms.

Witness, for example, the ubiquitous "protective tariff." This type of measure is enacted to allow ailing domestic industries to "compete" with foreign corporations that can sell better products at a better price. It is called "protection" and the American public is told that it is a patriotic way to support American industry. What it is, in fact, is just a less overt way of perpetuating a quid pro quo tradition.

Let us use a simple example to illustrate. A given American industry is in trouble. Foreign companies are able to produce the same product more cheaply and efficiently, and the American consumer, always looking for a bargain, buys the foreign product. The American company turns to the Government and asks for help, not in the form of direct financial assistance, but in the form of "protective tariffs" which will raise the price of the foreign good to a level comparable to that of the domestic product. Congress, anxious to please American industry and labor, agrees to pass the needed legislation. The tariffs are implemented and the American company immediately begins to grab a larger share of the market.

Since no direct aid has been given, taxes do not have to be raised. The American public is largely unaware of the tariff, and even less aware of what its effects are: Higher prices for the consumer. What is more, since the U.S. company no longer has to compete with foreign industry, innovation and superior production techniques are less likely to surface. In other words, protective tariffs are nothing more than a hidden tax that incidentally stifles competition and therefore creativity.

A more honest, straightforward way of achieving the same results would be to merely appropriate the amount of money the U.S. company needed to stay afloat. But of course, no politician worth his salt would do a thing like that. He certainly would not last long if he did. So, it is quid pro quo. And the consumer, or the taxpayer if you will, never even knows what happened.

Mr. Walter E. Williams, a noted economist, recently wrote an editorial on this very topic. I hope that every one of my colleagues takes a few moments to read his insightful remarks.

THE COSTS OF POLITICAL BENEFITS

(By Walter E. Williams)

Businessmen know correct decisions require accurate information. The decision on how to produce and distribute a given product requires at least a good guess about the pluses and minuses involved. That's just plain good business sense.

Americans should know the costs and benefits of government programs so, like businessmen, we too can make good decisions. Like any other decision makers, we Americans, through our representatives, need to ask, "What does the program cost?" and "Is there a cheaper way to get the benefit?"

Take the Reagan decision to aid Harley-Davidson by slapping a 49% tariff on imported Japanese motorcycles. We can debate whether Americans should save Harley-Davidson—what if we went to war and couldn't get needed motorcycles from the Japanese?—but like any decision, prudence requires that we ask, "What does it cost? Is there a cheaper way to do it?" But with tariffs and quotas that question is hardly ever asked and debated.

Had I been involved in the Harley-Davidson decision, I would have asked the company, "How much money do you need to survive to compete with the Japanese, whom we utterly defeated in World War II?" Harley's officers might have said they need $200 million. Then that would have been the question put to Americans: "All those in favor of $200 million in aid to dependent motorcycle producers, answer by saying 'aye.' "

There are at least three good reasons why my proposal is better than tariffs. First, because of what economists call "deadweight loss." To get Harley-Davidson $200 million, it might cost American consumers and Japanese producers $300 million. Second, competition always reveals superior production techniques. Third, if you are going to do something, it is always a good idea to know what it costs. As the French philosopher Frederic Bastiat said about tariffs, they are "negative railways" that serve to increase costs rather than lower them. For consistency, supporters of tariffs should also advocate returning to stagecoaches for transportation.

One does not have to ponder long to figure out that my modest proposal would fall on deaf ears in the halls of Congress, the White House and offices of lobbyists. Tariffs provide for a comfy relationship between businessmen and politicians. Congressmen don't have the fortitude to vote for tax increases. They prefer hidden taxes like inflation and deficits; that's why they are trying to repeal tax indexing.

Like inflation, tariffs are a great means to pass out favors in order to get votes and political contributions. You make a handout without the unpleasantness of voting for a tax increase. Recipients of tariff protection like it because it makes their handouts easier to get and less obvious. Workers in the companies involved like it because it enables their wages to exceed their productivity. Hidden taxes, such as tariffs, make everybody's job a bit easier. After all, who could expect an "Aid to Dependent Motorcycle Companies" bill for $500 million to pass Congress without some congressmen losing their jobs?

Now notice that my modest proposal does not even attempt to debate the often stated benefits of tariffs, such as the strategic necessity of having motorcycles, cheese, sugar, etc., in the event of war. If is simply an attempt to determine the costs of political choices so the American people can intelligently choose among them.●

CONGRATULATIONS TO PATRICIA McGOVERN

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. McKINNEY. Mr. Speaker, I wish to congratulate Patricia McGovern, a member of my staff who competed last weekend in the U.S. Olympic marathon trials. She completed the grueling 26.2-mile event in 2 hours and 42 minutes, her best time by over 6 minutes. This was only her second marathon, a fact that makes her 43d place finish in a race involving more than 200 of America's best female competitors at this distance even more remarkable.

Patty's participation in the trials culminated several months of training, much of it in the bitter cold, pouring rain, and stiff winds that frequently blow across the Mall. Since her workload invariably requires her to stay in the office until 6 p.m. or later, her training runs were often done in darkness.

The daily effort of preparing mind and body for competition often goes unrecognized when we extoll athletic performance. This dedication—this desire to excel—is as noteworthy as the achievement it makes possible. I should mention that Patty's pursuit of excellence is not confined to her running but is reflected in her work as well. Her example, therefore, is one that we can all follow.●

FINANCIAL STATEMENT OF MARTIN FROST

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. FROST. Mr. Speaker, as has been my usual practice, I am submitting the balance sheet from my financial disclosure statement for publication in the CONGRESSIONAL RECORD. I am submitting this statement in the interest of full public disclosure of my finances, as I believe this to be an obligation I have to my constituents. Thank you.

Balance sheet: Martin and Valerie Frost

[As of Dec. 31, 1983]

Assets:	
Checking account, 1st National Bank of De Soto	$712.89
Condominium, Dallas, Tex	47,500.00
House and lot, Arlington, Va	185,000.00
Home furnishings and other personal effects	35,000.00
Savings, Wright Patman Federal Credit Union	10,588.91
Checking account, Wright Patman Federal Credit Union	693.76

Retirement, U.S. Congress	24,341.72
IRA's, Wright Patman Federal Credit Union (Martin and Valerie)	4,952.11
Washington Fringe Benefit Investment Club (Valerie)	1,908.70
Certificate of deposit, Wright Patman Federal Credit Union	10,000.00
Subtotal	320,698.09
Automobiles:	
1979 Chevrolet Chevette	2,375.00
1971 AMC Gremlin	100.00
1982 Dodge Aires station wagon	4,800.00
Subtotal	7,275.00
Stocks and bonds:	
200 shares Anchor Hocking [1]	7,000.00
373 shares Central and Southwest [1]	7,273.50
362 shares Exxon [1]	13,529.75
100 shares Federated Department Store [1]	5,362.50
90 shares General Motors [1]	6,692.75
116 shares Greyhound	2,943.50
158 shares Houston Industries [1]	3,061.25
66 shares Eli Lilly [1]	3,819.75
71 shares Texaco [1]	2,547.12
41 shares Texas Eastern Corp. [1]	2,388.25
47 shares Texas Utilities [1]	1,104.50
54 shares Mobil [1]	1,532.25
5 shares Ohio Edison [1]	62.50
16 shares Southern Co. [1]	262.00
179 shares Westinghouse [1]	9,800.25
27 shares Ensearch	607.50
34 shares IBM [1]	4,148.00
629 shares Fundamental Investors [1]	7,654.93
223 shares Massachusetts Investors Trust [1]	2,589.03
217 shares Wellington Fund [1]	2,701.65
139 shares Eaton and Howard Balanced Fund [1]	1,210.69
100 shares Muse Air	1,612.00
40 shares Caressa	845.00
United States bonds	300.00
Subtotal	89,048.67
Total assets	417,021.76
Liabilities:	
Mortgage:	
Alpha Mortgage Corp. (Dallas condominium)	37,500.00
Northern Virginia Savings & Loan (Arlington residence)	135,000.00
Subtotal	172,500.00
Installment loans:	
Open charge accounts (balance)	1,000.00
Wright Patman Federal Credit Union (automobile)	3,965.93
Subtotal	4,965.93
Total Liabilities	177,465.93
Net Worth:	
Total assests	417,021.76
Total liabilities	177,465.93
Total net worth	239,555.83

[1] Inherited from estates of grandparents, Joe and Pearl Frost during 1983.●

JOHN F. VAROZZA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. MATSUI. Mr. Speaker, it is with great pride that I call your attention to the outstanding public service career of one of my most respected and admired constituents, John F. Varozza, who on June 1, 1984, will retire as the Public Works Director for the city of Sacramento.

John, a native of Sacramento, began his career with the city's Public Works Department 31 years ago. In 1953, the then University of California, Berkeley graduate with a bachelor of science degree in civil engineering was hired as an assistant engineer in the city building inspector's office while the ink was still fresh on his diploma. Two years later, John moved to the civil engineering department where he progressed to design engineer in 1956 and assistant city engineer in 1960. In 1982, John rose to the top position of city engineer, which later came to be called public works director.

As public works director, John oversees one of the largest departments in city government with nearly 800 employees who are responsible for the waste removal, water, parking, street maintenance, animal control, and engineering and transportation operations. His distinguished career includes a record of major improvements in street maintenance and flood control. He has also stood firm against the interests of big business over individual rights by becoming the city's principal spokesman against weedkiller chemicals in the Sacramento River and groundwater contamination of residential neighborhoods from toxic waste dumps. In addition, John has always been a tough negotiator on behalf of the city—a trait that helped land the city a profitable contract with natural gas companies operating on city-owned land.

John has served his city and its citizens exceptionally well on a sustained basis spanning three decades. Examples of his public works department projects exist throughout the city. Not only has John gained the unqualified respect of his colleagues for his professional integrity and dedication to serve the best interests of the people of Sacramento, but his profound commitment to the Sacramento community is a shining example to public servants throughout the Nation.

Mr. Speaker, I urge you and my colleagues to join me in paying tribute to John Varozza's exemplary public service career. I know the citizens of Sacramento are grateful to him for a job well done and would want to join me in personally wishing him a very happy and prosperous retirement.●

HOUSTON JUDGE TOUGHEST OF TOUGH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. FIELDS. Mr. Speaker, one of the most pressing issues confronting each of us as a public servant is the alarming crime rate in our country. Further, each of us has a responsibility to our constituencies to enact tougher laws to deter criminals. But it is not only the enactment of a strict criminal code that will insure safety for our citizens. The enforcement and proper administration of our laws is imperative to a society of law and order.

In this regard, I would like to bring to the attention of my colleagues the fine leadership demonstrated by one of the local judges in my district. Ted Poe, a Harris County judge in Texas, has built a reputation for being tough on criminals and tough on crime. He is committed to upholding law and order in our Nation.

A recent article in the Houston Post highlights the fine judicial record of Judge Poe. I commend to my colleagues this article and the fine character of Ted Poe. The text of the article is as follows:

[From the Houston Post, Mar. 1, 1984]

HOUSTON JUDGE TOUGHEST OF TOUGH

(By Ira Perry)

Prisoners chained to the bench outside Judge Ted Poe's chambers have been overheard to thank God there is no longer a gallows in Texas.

For if there were, Ted Poe probably would be using it—frequently.

No Harris County criminal judge can be said to be "soft" on crime, but court records for 1983 prove beyond doubt the 35-year-old Poe is the toughest of the felony criminal district court judges.

Only 5.27 percent of all cases that resulted in a conviction in his court were probated last year—six times fewer than in any other court. Convicts in four of every 10 cases were sent to prison and three more of those 10 to county jail.

Some judges argue those numbers mean little without considering the type of cases or the circumstances. But judges, defense lawyers and prosecutors asked about Poe agreed one indicator proves Poe is Houston's hangin' judge if ever there was one.

In 1983, lawyers in 9.18 percent of his cases that resulted in convictions asked that a jury—not Poe—assess punishment. That was 100 percent more than in any other judge's court.

Poe, a Republican raised in Central Texas under the teachings of the Church of Christ, does not apologize.

Does he consider himself a hangin' judge?

He laugh at the term, but doesn't deny its accuracy except to say, "We haven't done that in years—hang anybody that is."

But with that, he put his head in his hands during a recent interview, paused and said carefully:

"I may be a maverick judge. I try to be innovative and make the system work," he said.

"I wouldn't say I am on a crusade except that I realize that people see the crime problem as serious, and I agree that it is serious and something must be done about it.

"It is not society's fault they (criminals) did what they did. It is not my fault. . . . It is their fault, and they should be punished."

In his third year as a judge, Poe already has jailed hundreds of people that other judges might not have.

Court records show other courts assessed longer sentences or sent more people to prison for some crimes than Poe last year, but he alone was among the harshest of the judges in almost every category of crime for which the Harris County District Clerk's Office keeps cumulative records.

Those records allow for accurate comparison only by the percentage of cases handled because each court did not handle the same number of all types of cases. And, court records do not separate cases handled by juries from cases handled by judges.

Less than one of every 100 burglary convictions were probated in Poe's court—29 times fewer than any other court. Only three of every 100 assault convictions were probated, 10 of every 100 theft convictions, less than 1 of every 100 auto thefts, less than three of every 100 forgeries and no marijuana possession or drug sale cases.

Defendants in more of his convictions—40.13 percent—were sent to prison than in all but one other court. He assessed jail time in a higher percentage of cases than any judge and issued fines alone in the second highest percentage.

Poe sent defendants accused of assault to prison more often than all but one judge. He sent more than 5 of every 10 burglars (the second most) and 48.7 percent of his forgery convictions (the second most) to prison.

He assessed prison time in 30 percent of his marijuana possession cases (the highest percentage) and sent 6 of every 10 convicted drug dealers to prison (the highest rate).

His court assessed county jail time in 1 in 4 burglary cases, the highest percentage; in the highest percentage of theft cases (38.89 percent); the highest percentage of auto thefts (47.54 percent); the highest percentage of forgeries (33.33 percent); and in a whopping 9 out of 10 driving while intoxicated cases.

If Poe has a soft spot, though, it is in his use of deferred adjudication—a practice whereby a judge effectively erases a defendant's conviction if he fulfills certain conditions and does not run afoul of the law within a given period of time. Poe allowed deferred adjudication in 20.63 percent of his convictions.●

JEAN PACE: COMMUNITY LEADER

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. ALEXANDER. Mr. Speaker, volunteer service is one of the oldest and most honorable traditions of our American heritage. Thus, it is with special appreciation that I take this opportunity to give recognition to the voluntarism of an Arkansas woman whose work with the young people of our State and Nation has earned national honor.

Jean Pace of Mammoth Springs, AR, has been a volunteer leader in 4-H Club work in our State for many years. In 1982 she was selected to participate in the Salute to Excellence among 4-H volunteer leaders, an event sponsored by R.J. Reynolds, Inc. The Salute to Excellence is a week-long event during which 4-H volunteers from across our Nation gather participate in workshops directed at improving an already superior program of service to young people.

So excellent was the work of Arkansas' Jean Pace in that first salute, she was invited this year to serve as a resource adviser for the 1984 Salute to Excellence.

Although it was Mrs. Pace's work with youngsters participating in 4-H Clubs for which the Salute to Excellence so justly honored her, she does not limit her voluntarism to this one activity. She has also been a dynamic volunteer leader in the cultural life of here community, county and region.

It is the gift of time, energy, and creativity of Jean Pace and people volunteer in service to humankind that strengthens the fabric and quality of life in communities all across our Nation. Their communities and our Nation owes a debt of gratitude to our fellow citizens who participate as leaders and followers in volunteer programs.●

STAMP COMMEMORATES 100TH ANNIVERSARY OF MEMORIAL SLOAN-KETTERING CANCER CENTER

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. GREEN. Mr. Speaker, on Thursday, May 17, 1984, the Postal Service will dedicate the health research commemorative stamp in the William Paul Hoffmann Auditorium of Memorial Sloan-Kettering Cancer Center on the occasion of the 100th anniversary of the center. The stamp calls attention to contributions of research to the health and well-being of all people, and it is especially fitting and proper that Memorial Sloan-Kettering Cancer Center, the largest private institution in the world devoted to cancer treatment, research and education, was selected to be the site for the first day issuance ceremony.

Memorial Sloan-Kettering Cancer Center is located in New York's 15th Congressional District, which I represent. In this, the center's centennial year, and in anticipation of the dedication of the health research stamp, I would commend this institution to my colleagues in the House.

This is the oldest cancer center in the United States. Founded in 1884 as the New York Cancer Hospital and later renamed Memorial Hospital, Memorial clinicians and scientists have continually been on the forefront of new approaches to the progressive control and cure of the disease. Throughout its history, the center has placed its highest priority on the advancement of care of cancer patients.

Its surgeons have been responsible for the introduction and/or development of many operative techniques used for cancers of the lung, breast, colon, uterus, prostate, and other sites. Memorial surgeons were instrumental in the development of needle aspiration as an alternative to the traditional biopsy procedure. In large part they have been responsible for the excellent results achieved in preserving the limbs of patients with osteogenic sarcoma, and, more recently, in collaboration with radiotherapists and chemotherapists, they are providing more preservative approaches to the treatment of breast cancer.

Memorial was the first hospital in New York to use radiation therapy. Only 6 years after the discovery of radium, the first radiation therapy equipment was installed. Shortly afterward, a group of Memorial physicians developed the first implantable radiation sources, and their successors have continued to lead the world in brachytherapy. The hospital's medical physicists introduced the first computerized radiation treatment planning system and the first medical cyclotron to produce short-lived isotopes for tumor studies.

Memorial clinicians and scientists played a seminal role in the development of the major chemotherapeutic agents for the treatment of cancer. Beginning with the first medical use of nitrogen mustard following World War II, the Memorial staff pioneered the development of chemotherapeutic agents which remain among the most effective in the treatment of cancers. Memorial's physicians were among the first to use combinations of these drugs to yield more effective results than individual drugs alone. In collaboration with their colleagues in surgery and radiotherapy, they have designed treatment plans using variations of all three modalities. In 1984, over 50 percent of all patients with cancer who come to Memorial may expect to have their cancer controlled and probably cured—this would not include cancer of the skin or cervix, where the cure rates are much higher.

To enhance the quality of life of patients with cancer and their families, Memorial has developed new services and approaches to the delivery of care. For example, Memorial established the first psychooncologic program providing support services for patients

and families, including special patient-to-patient counseling and a supportive communication link for patients at home, both of which are being adapted by other hospitals throughout the country. Under the auspices of its neurooncological program (started in 1967, the first in the United States), Memorial established the country's first pain service to develop more effective treatment for patients with acute, chronic and intractable pain associated with cancer.

With an increasing number of cancer patients undergoing long term, intermittent but intensive treatment, Memorial is exploring effective and cost-containing alternatives to traditional inpatient care. The Pediatric Day Hospital, the first of its kind in the country, enables young patients to return to their homes and schools on a daily basis. It has served as a model for similar facilities for pediatric cancer care in a number of sites throughout the country. Of Memorial's total pediatric population—the largest commitment to the care of pediatric patients with cancer in the country—85 percent are treated in the pediatric day hospital.

In part, based on the successful experience with the pediatric day hospital concept, Memorial has embarked on a pilot adult day hospital project, comparing, in a rigorous analytical fashion, the results of day hospital care with the results of inpatient care, including therapeutic outcome, psychological status, and costs of services for each method of delivery of care. The Memorial pilot project is the first comprehensive evaluation of day hospital care for cancer patients.

An important recent advance at Memorial is the development of successful techniques for transplanting bone marrow between genetically dissimilar donors and recipients. This achievement is an example of the value of the intimate relationship between scientific investigation in the laboratory and clinical application at the bedside, which is a hallmark of Memorial Hospital. Memorial's bone marrow transplantation service is the largest in the region and one of the largest in the country. Since its inception in 1975, the service has performed approximately 425 transplants. With the ability to perform transplants between unmatched donors and recipients, the service has increased its potential for effectively treating patients with leukemias and other blood disorders, immune deficiencies, and congenital defects.

Another area of important clinical potential is the application of monoclonal antibodies. Memorial is one of the first institutions to begin clinical applications of the new technology. Physicians are using monoclonal antibodies tagged with radioactive substances to improve tumor diagnosis, and clinical trials using monoclonal antibodies as therapeutic agents have begun.

In 1971, Congress enacted the national cancer program, which called for the establishment of comprehensive cancer centers to expedite the translation of research results into clinical practice, and to guarantee the American public access to the most advanced cancer treatment and diagnosis. At the time of the passage of the legislation, Congress identified Memorial as a prototype of the comprehensive cancer center. Today there are 20 comprehensive cancer centers in the country and Memorial continues its leadership position among them. In 1982, Memorial received the highest amount of funding among all National Cancer Institute grantees, and it was the highest ranked nonuniversity grantee of the National Institutes of Health.

Through the dedication and commitment of its outstanding staff, Memorial Sloan-Kettering Cancer Center, has made great strides over the last 100 years toward the control and cure of cancer. As the Center embarks on its second century, it is a period of great excitement and anticipation in cancer research. With far more rapidity than anyone could have imagined, scientists at Memorial Sloan-Kettering Cancer Center and around the world are deciphering the process by which normal cells may be transformed to cancerous cells. These new understandings are already leading to the development of innovative approaches to earlier diagnosis, to definitive therapies and to strategies for prevention.●

NATIONAL POLICE WEEK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1984

● Mr. SKELTON. Mr. Speaker, as a member of the Crime Caucus and a former prosecuting attorney, I have had the privilege to work closely with local, State, and Federal law enforcement officers and witness the community service and fine work which they perform under often times difficult situations. In recognition of their fine service to their communities, counties, States, and Nation, I am pleased that the week of May 13-19 has been designated as National Police Week. Each and every one of us is protected by their service and dedication to their work. It is only fitting that we recognize them in appreciation of their fine service to make our everyday lives safer.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, May 15, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 16

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 707, to require most automobiles sold in the United States to be manufactured with a certain percentage of U.S. parts and labor.

SR-253

9:30 a.m.

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold joint hearings with the Joint Economic Committee on monetary reform and economic stability.

SD-562

Judiciary

Criminal Law Subcommittee

To hold hearings on S. 804, to reform Federal criminal laws by establishing certain standards and limits for conducting Federal undercover operations and activities.

SD-106

Select on Intelligence

Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.

S-407, Capitol

Joint Economic

To hold hearings with the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Economic Policy on monetary reform and economic stability.

SD-562

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 1913, S.1994, S. 2545, and S. 2599, bills to authorize funds for and to reform certain child nutrition programs.

SD-328A

Appropriations

Defense Subcommittee

To hold open and closed hearings on proposed budget estimates for fiscal

year 1985 for the joint weapons program of the Department of Defense.
SD-192

Armed Services
Ad hoc Task Force of Select Defense Procurement Matters, to hold hearings on S. 2489, to enhance competition in Government procurement, and S. 2571 and S. 2572, bills to improve the procurement practices of the Department of Defense.
SR-222

Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Charles L. Marinaccio, of Maryland, and Aulana L. Peters, of California, each to be a member of the Securities and Exchange Commission.
SD-538

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To resume hearings on proposals to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).
SD-406

Judiciary
To resume hearings on S. 915, to create a limted exception to the Supreme Court's holding in *Illinois Brick Co.* v. *Illinois*, 431 U.S. 720 (1977), that only direct purchasers from antitrust violators may obtain monetary relief under the Clayton Act for overcharges resulting from violations of the antitrust laws.
SD-226

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
S-407, Capitol

4:00 p.m.
Armed Services
Military Construction Subcommittee
Closed business meeting, to markup S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

MAY 17

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings and to receive a briefing on the recent space shuttle mission to repair the solar maximum mission observatory.
SR-253

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1218 and H.R. 2645, bills to revise the boundaries of the Chattahoochee River National Recreation Area in Georgia, and S. 1331 and H.R. 1341, bills to designate the Mono Lake National Monument in California.
SD-342

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on United States-China relations.
SD-419

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

Special on Aging
To hold hearings to review the supplemental security income program of the Social Security Act.
SD-628

10:00 a.m.
Armed Services
Ad hoc Task Force on Select Defense Procurement Matters, to hold a closed business meeting, to consider recommendations to the full committee on certain provisions of S. 2414, authorizing funds for fiscal year 1985 for military procurement programs of the Department of Defense, and S. 2489, to enhance competition in Government procurement.
SR-222

Energy and Natural Resources
To hold hearings on the nomination of Ben C. Rusche, of South Carolina, to be Director, Office of Civilian Radioactive Waste Management, Department of Energy.
SD-366

Environment and Public Works
To hold hearings on the nomination of Jacqueline E. Schafer, of New York, to be a member of the Council on Environmental Quality.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Small Business
To hold hearings on S. 2084, to prohibit the Small Business Administration from denying financial assistance to small businesses whose primary operation concerns the communication of ideas.
SR-428A

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Forest Service, Department of Agriculture.
SD-138

Armed Services
Sea Power and Force Projection Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of S. 2414, authorizing funds for fiscal year 1985 for military procurement programs of the Department of Defense.
SR-232A

2:00 p.m.
Armed Services
Preparedness Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of S. 2414, authorizing funds for fiscal year 1985 for military procurement programs of the Department of Defense.
SR-222

4:00 p.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
Closed business meeting, to mark up those provisions which fall within the subcommittee's jurisdiction of S. 2414, authorizing funds for fiscal year 1985 for military procurement programs of the Department of Defense.
SR-232A

MAY 18

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 1069, H.R. 555, and S. 817, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

MAY 21

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the impact of the Federal tax system on productivity in small business and agriculture.
SD-215

10:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

MAY 22

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2157, to clarify the treatment of mineral materials on public lands.
SD-366

Judiciary
Juvenile Justice Subcommittee
To resume oversight hearings to examine the judicial system's handling of certain child sex abuse cases.
SD-226

Labor and Human Resources
To continue hearings on allegations of corrupt acts and unfair labor practices by officials of the International Union of Operating Engineers.
SD-430

Rules and Administration
Business meeting, to consider pending committee business.
SR-301

10:00 a.m.
Environment and Public Works
To resume hearings on proposals to amend and extend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).
SD-406

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on pending legislation providing for the disposition of certain public lands, including Senate Joint Resolution 277, S. 648, S. 1859, S. 1889, S. 2015 and H.R. 3825, S. 2036, S. 2082, S. 2136, S. 2331 and H.R. 4596, S. 1695, H.R. 3787, and S. 1995.
SD-366

3:00 p.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold oversight hearings on travel for the handicapped.
SR-253

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on Senate Concurrent Resolution 69, expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft.
SR-253

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men.
SD-562

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To continue hearings on proposals to amend and extend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).
SD-406

11:00 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-226

MAY 24

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 707, to require most automobiles sold in the United States to be manufactured with a certain percentage of U.S. parts and labor.
SR-253

9:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on proposed legislation relating to certain wilderness areas.
SR-328A

Governmental Affairs
To hold hearings on cost estimating and cost accounting in the Department of Defense weapons program.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for defense programs.
SD-192

Energy and Natural Resources
To hold hearings on Senate Joint Resolution 286, to approve the "Compact of Free Association."
SD-366

Environment and Public Works
To continue hearings on proposals to amend and extend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on title IX of the Higher Education Act relating to educational equity.
SD-430

JUNE 5

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of John P. McTague, of California, and Bernadine H. Bulkley, of Maryland, each to be an Associate Director of the Office of Science and Technology Policy, and Clyde A. Bragdon, Jr., of California, to be Administrator, U.S. Fire Administration, Federal Emergency Management Administration.
SR-253

Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope of impact of certain occupational diseases.
SD-430

JUNE 6

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on drug and alcohol use on railroads.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review the transfer of information by the Internal Revenue Service and the Social Security Administration to other Federal and State government agencies and the examination of the collection of data by the Internal Revenue Service from private sector sources to identify cases of nonfiling or underreporting of income.
SD-342

Small Business
To hold oversight hearings on the impact of government competition on small business.
SR-428A

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.
SR-418

JUNE 7

9:30 a.m.
Labor and Human Resources
To hold hearings to evaluate the status of health care technology.
SD-562

10:00 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SR-428A

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on Senate Joint Resolution 138, to establish a National Commission on Teacher Education.
SD-430

JUNE 13

9:30 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to examine the impact of drugs on women.
SR-325

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SR-418

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
Finance
To hold hearings on the repeal of the Foreign Investment of Real Property Tax Act (FIRPTA).
SD-215

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
Veterans' Affairs
Business meeting, to markup proposed legislation relating to veterans' compensation.
SR-418

JUNE 21

9:00 a.m.
Office of Technology Assessment
The Board, to meet on pending business.
Room to be announced

9:30 a.m.
Labor and Human Resources
To hold hearings to examine the practice of defensive medicine by the medi-

cal profession in an effort to avoid malpractice suits and its effects on the quality of medical care.

SD-430

JUNE 26

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the status of college athletic programs.

SD-430

JULY 10

9:30 a.m.
Labor and Human Resources
To hold hearings to evaluate competition in the health care marketplace.

SD-430

SEPTEMBER 18

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.

SR-325

CANCELLATION

MAY 16

2:00 p.m.
Judiciary
To hold hearings on pending nominations.

SD-226

SENATE—*Tuesday, May 15, 1984*

(Legislative day of Monday, May 14, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Why do the nations conspire, and the peoples plot in vain? The kings of the earth set themselves, and the rulers take counsel together, against the Lord and his anointed, saying, "Let us burst their bonds asunder, and cast their cords from us."—Psalm 2: 1-3 (KJV)

Jehovah God, Creator of all things, the psalmist asks a penetrating question. Planets in their courses rotate and revolve in strict conformity to Thy order; plants, animals, and sea life function instinctively according to the pattern Thou hast ordained. Why is it that man alone, in all the universe, resists and violates Thy law? Not only does he transgress, but rationalization disobedience, he transposes values, making evil good, sin acceptable; rejecting absolutes, he treats God's law as a relic of the past.

Thank Thee, gracious God, for freedom of choice. Forgive us for abusing that freedom and remind us that freedom without responsibility is anarchy. We pray in the name of Him whose perfect manhood conformed to Thy will. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SENATE SCHEDULE

Mr. BAKER. Mr. President, let me begin by saying, as I did yesterday, that it is the hope of the leadership that we will finish the pending bill this week. Senators should be on notice that any day this week may be a late day. I should have announced that yesterday, but I wish to put Senators on notice of that now.

Also, I hope we can compile a list of amendments and then obtain unanimous consent that only those amendments will be in order. That, I think, will facilitate final passage of this bill, as it has on previous occasions.

Absent that, or even better than that, would be a time for final passage; but until we can establish the number of amendments and the time they are likely to require, I think it is unlikely that Senators would agree to that request by unanimous consent.

It is my understanding that the Bradley amendment will be offered at 11 o'clock this morning, when we resume consideration of the pending measure. That is not new information today. It is based on information I had last evening before we recessed. I hope that is the case. I hope we can get in one vote before the recess at noon today.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TODAY

Mr. BAKER. Mr. President, today is Tuesday. There will be caucuses on both sides of the aisle, outside the Senate Chamber, as there almost always are on Tuesdays. In order to accommodate those quasi-official functions, I ask unanimous consent that the Senate stand in recess from 12 noon until 2 p.m. today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no more immediate need for my time remaining under the standing order, and I ask unanimous consent that I may reserve it for my use at any time today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I offer that time to the acting minority leader, if he wishes, and I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The distinguished acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time normally reserved for the minority leader be reserved for his use later in the day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I understand that I have a special order this morning. Is that correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. PROXMIRE. I will use that special order at the present time.

U.S. ARMING THIRD WORLD A SETBACK TO PEACE

Mr. PROXMIRE. Mr. President, what country was the world's leading supplier of weapons and ammunition to the countries of the Third World last year? Was it the Soviet Union? No. Unfortunately, according to the nonpartisan Congressional Research Service, it was the United States. How much of the foreign-supplied arms and ammunition for the Third World came from the United States? Answer: 39 percent. How much from the Soviet Union? Less than half as much: 17 percent. The Research Service defined Third World countries as all countries except the NATO and Warsaw Pact nations, Europe, Japan, Australia, and New Zealand.

Mr. President, this study did not include commercial arms sales. The Congressional Research Service claimed the data on such sales is too imprecise. On the basis of past experience, however, it would seem likely that if commercial arms sales were included, the United States would be found to provide an even larger share of military hardware than the Soviet Union.

The study does show that non-Communist countries—led by the United States—surpassed Communist countries in supplying arms to Third World countries by a margin of almost 2 to 1. Non-Communist countries provided about 63 percent of military equipment and supplies. The free world led in supplying war material in every section of the world except sub-Saharan Africa.

Mr. President, this study, released by Chairman MARK HATFIELD of the Senate Appropriations Committee, raises very serious moral questions. Should this country supply countries of the Third World, most of which suffer a cruel burden of poverty, and a grievous lack of doctors, hospitals, and other medical facilities, the arms and ammunition to inflict death and destruction upon each other? Virtually all of these arms we send to Third World nations will be used against other Third World nations. Even if the planes, tanks, warships, artillery, and small arms are never used in combat, they impose a burden for maintenance and repair and in the absorption of the rare and precious skilled manpower of these Third World nations to man these weapons.

And who pays for these weapons that are not sold by private arms makers? Answer: The American taxpayer. What was the burden on the American taxpayer? The Congressional Research Service found that in 1983, this country provided $9.68 billion in arms deliveries. Some of this, a

small portion, may be repaid in low-interest loans. Most of it must fall into the category of a Golden Fleece of purest ray serene.

It is hard for this Senator to conceive of a more truly wasteful expenditure. Oh, sure, the Federal Government may waste money in silly and useless psychological tests, in paying a hundred times too much money for a wrench or a bolt the Defense Department needs. The Federal Government throws money away on limousines for bureaucrats and on weapons overruns.

But in the case of military foreign aid to Third World nations, we do something worse than wasting money. We burden these little nations that suffer crushing poverty with an even more impoverishing arms burden. And we supply them with arms to kill and maim civilians as well as soldiers of neighboring Third World nations or, more often, of fellow residents of their own country who are rebelling. We do this in the name of freedom and democracy in earnest opposition to communism. But again and again, we find that the rebels or neighboring Communists also predominantly fight with American weapons, American weapons that they have captured. As a result, we frequently supply both sides.

Mr. President, we have a vital interest in providing the defense of Western Europe and Japan. We also have a critical interest in helping Israel defend herself. But something is very much wrong with a world in which we find ourselves and our free world allies providing twice the arms to the Third World that the Communist world provides. The big problem in the Third World is not communism. It is poverty. Our arms shipments do not heal that poverty. They aggravate it. The Congressional Research Service and Chairman HATFIELD deserve commendation for calling our attention to this cruel and costly policy this Nation is following in pouring $10 billion a year into armament for the Third World.

A small fraction of that sum for Peace Corps activity would not only help in the long hard climb out of poverty, it would do far more to overcome the communism that breeds primarily on poverty.

TERRIBLE REMINDER OF THE NEED FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a mindless act of terrorism which occurred Sunday, April 9, reminds us again that this kind of intolerance and prejudice remains uneradicated even in our society. This most unfortunate reminder was in the form of a senseless bombing of a synagogue.

Boise, Idaho, is the home of this now ruined Jewish synagogue. The incident is even more emphatically brought home by the fact that the bombing was intentionally planted at the very beginning of the week proclaimed by the U.S. Holocaust Memorial Council as the Days for Remembrance of the Jewish Holocaust. April 29 through May 5 marked this year's remembrance period.

People gathered together all over the world during that week to commemorate the wonders of a culture that was nearly destroyed by Nazi wickedness. The Governor of Idaho, during such a ceremony, commented on the recent, distressing bomb blast.

Sunday afternoon's blast at the Congregation Ahavath Israel Synagogue is evidence that Idaho is not immune from the world's appalling acts of violence. We have that element in our society. Idaho is no different than the rest of the world.

The bombing makes us aware that the potential for genocide is not limited to only one country or culture at one point in time. Genocide is a crime against all of mankind and we collectively must take the step beyond memories to protest genocidal acts. That step must be the ratification of the United Nations' treaty declaring genocide an international crime. The Genocide Convention awaits the advice and consent of this body.

I urge my colleagues to see, as the Governor of Idaho has seen, that the United States is not immune from the prejudices which can lead to genocide. Let us join the world's protest against the horrors of genocide. We must ratify the Genocide Convention.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HECHT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I understand the Senator from Pennsylvania is prepared now to claim his special order.

I ask unanimous consent that any time consumed by the quorum call not be charged against his special order time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank the majority leader, and I thank the Chair.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. The Senator from Pennsylvania (Mr. SPECTER) is recognized for 15 minutes.

Mr. SPECTER. I thank the Chair.

WAR POWERS

Mr. SPECTER. Mr. President, those American statesmen who gave us our form of government, the Framers of our Constitution, made a fundamentally wise and brilliant decision to require that before this Nation goes to war, the people's direct representatives in Congress must approve. This power, the war power, they recognized as too important to be left to one man, the President, no matter how wise and prudent he may be. Not even George Washington was regarded as capable, alone, of committing the United States to war.

Since World War II, our country has contravened this constitutional command for congressional concurrence by sending United States troops to war in Korea, Vietnam, and Lebanon.

That these were in fact wars is conceded by authoritative leaders. When I asked the chairman of the Foreign Relations Committee, Senator PERCY, last September in a colloquy in this Chamber if Korea was a war, he responded "If I have ever seen a situation that was war, that was it." I then asked, Was Vietnam a war? Senator PERCY responded "That was a war, no ifs, ands, or buts about it." I then asked, Was Lebanon a war. Senator PERCY said: "Well, they were not shooting BB's".

Secretary Shultz in an appropriations hearing this year agreed that Korea and Vietnam were wars.

What can justify a pattern of admitted acts, each violating the Constitution? We have heard all the excuses: "Nations no longer declare war"; "Only the Executive can decide with dispatch." In my opinion, these are inadequate and inaccurate. Congress sole authority to authorize military intervention amounting to war is not an exercise in semantics, abrogated by a change in terminology. And, as far as the need for dispatch, certainly in Korea, Vietnam, and Lebanon, there was ample time for Congress to deliberate and specifically authorize whatever war activities were thought necessary.

A harsher conclusion is Congress simply abdicated its authority through inaction. Yet abdication, absent amendment, does not alter the Constitution. Our oaths of office obligate us to uphold the Constitution. Like it or not, we in the Congress have been given the war power—with the attendant responsibility—and we must exercise it.

Oddly enough, the principal obstacle for reasserting Congress war power is the very vehicle designed to protect it: The war powers resolution. This measure was supposed to require advance authorization or a declaration of war. The only exception was to be in the event of a sudden attack on U.S. territory or forces. That is what the origi-

nal Senate-passed version, in fact, did. That is what the present version should be amended to do.

As enacted, the war powers resolution, rather than requiring advance approval, empowers the President to conduct military action which amounts to war anytime, anywhere, for any purpose, for at least 60 days. No approval by Congress is needed during the 60-day period, much less before war is commenced.

In theory, U.S. involvement cannot continue beyond 60 days or, with the extension provided for in the resolution, 90 days, unless Congress enacts an authorizing resolution.

In practice, I believe this means that every President can continue any war he chooses to start because Members will not want to undercut him or our forces abroad once fighting has begun. The recent experience with the resolution authorizing the Marines to remain in Lebanon for an additional 18 months illustrates this pattern and the reasons for it. Many Senators said that if they had been President, they would not have sent the marines to Lebanon. But since the marines were there, they did not want to endanger them by cutting off supplies or embarrass them and the Nation by forcing their immediate evacuation.

Consequently, the war powers resolution, instead of inhibiting initiation of war by Executive fiat, has codified the current custom of constitutional contravention.

After a decade of experience, as we assess the act's efficacy, it seems clear: In its present form the resolution is a failure. The provisions prescribing war powers proved powerless.

The Constitution unequivocally granted Congress, and only Congress, the power to commit this Nation to war. To faithfully execute the constitutional command, the war powers resolution should require the Executive to secure congressional approval in advance.

The time has come for Congress to extricate itself from the paralysis of passive policymaking and enact legislative language implementing its inherent authority to authorize armed conflict in advance.

The most compelling reason for such revision is to restore compliance with the constitutional command. After all, we properly pride ourselves on being a government of law, not of men, and a government in which even the President is not above the law.

Moreover, this is not an arbitrary award of authority. It suggests the document's drafters' awareness of a lesson we seem quick to forget. If we learned nothing else from our bitter experiences in Vietnam and Lebanon, we should have learned that the United States cannot wage and win wars unless the people are fully behind the decision to become involved. As the direct representatives of the people, and the officials most frequently and closely in contact with the citizenry, Members of the Congress are inherently better equipped than the President, or any appointed official in the executive branch, to evaluate, express, and enact the people's will.

Does this mean the President is powerless to protect us from an attack aimed at our shores without first obtaining congressional authorization to act? Are our marines abroad doomed to remain defenseless in the face of foreign fire? Shall help for hostages be held back?

"Certainly not" is the answer to all three questions.

Such defensive interventions come within the realm of the President's powers and, thus, should be expressly permitted without the need for advance congressional approval.

The implementing language was aptly delineated over a decade ago by former Senator Jacob Javits, a leader in the original war powers debate, in a proposal adopted by the Senate but defeated in the House. In addition to allowing the President to protect against an attack on the United States, the war powers resolution as Javits proposed it would also have permitted the President to respond militarily to an attack on U.S. Armed Forces outside this country—so our marines could defend themselves immediately—and where there is a need to evacuate U.S. citizens from a country in which their lives were threatened and nonmilitary efforts have failed—such as hostage situations.

I would reestablish these proposed provisions in an amended resolution.

There may be other security interests that rise to the same level. I believe the President has the authority to protect such interests under narrowly defined circumstances where prior congressional approval is impossible to obtain. I would limit such exceptions to sudden emergencies that must be met with military intervention as opposed to diplomatic, economic, or other response, and that require military intervention in less time than the Congress could act to authorize it. I would set up specific time limits for such congressional consideration: 2 calendar days for debate and a vote in each House, with 1 day for conference. Thus, the "emergency" exception would only apply if military intervention is required in less than 5 days, maximum.

Critics of the present War Powers Act, including Secretary Shultz, have complained that mere inaction by Congress can effectively reverse the decision by the President to commit U.S. troops and force a withdrawal. Congressional inaction should not cause Executive inaction. I would change the resolution so that Congress could only require withdrawal by affirmative legislation. Similarly, I would remove the artificial deadline of 60 days that may now encourage adversaries to outwait us or to calculate their actions around a rigid statutory timetable.

The revisions would not in any way change the constitutional powers of the President as Commander in Chief. Even the strongest critics of congressional involvement in war powers matters concede that the Commander-in-Chief powers do not permit a President to initiate an offensive war without congressional approval. Indeed, the revisions proposed today fully preserve the Commander in Chief powers as they have been defined over the years by the Supreme Court. For example, the President's powers to arm or escort U.S. merchant vessels and to rescue, evacuate, and protect U.S. citizens abroad may be exercised without congressional approval.

I am aware that a great many very thoughtful people have considered these issues and testified and written about them.

These revisions proposed today to the existing war powers resolution incorporate aspects of proposals of the past—such as those offered by Senators Javits and CRANSTON, EAGLETON, and STENNIS—but differ from them in significant specific respects. I offer this legislation with the request that the Foreign Relations Committee of the Senate promptly hold hearings so that we can explore this critical issue in the context of situations like Central America and the Straits of Hormuz while we still have the luxury of time for reasoned analysis—an essential element we will lose if we postpone action until we are faced with an emergency. That is why I am offering this proposed legislation now. I believe it is a significant improvement over the current resolution. I am certain that no more important issue faces Congress today.

Mr. President, I ask unanimous consent that the full text of the proposed bill be printed in the RECORD.

S. 2670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

1. In the War Power Resolution, PL 93-148 (1973), strike 5(b) and insert in lieu thereof the following:

"(a) Notwithstanding any other provision of law, United States Armed Forces shall not be introduced into the territory of another state for combat purposes unless—

"(1) the Congress has declared war or enacted specific authorization for such use of United States Armed Forces; or

"(2) the President has determined that such introduction of United States Armed Forces is necessary—

"(A) to repel an attack upon the United States or its territories or possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and

to forestall the direct and imminent threat of such an attack.

"(B) to repel an attack against the United States Armed Forces located outside of the United States and its territories and possessions, and to forestall the direct and imminent threat of such an attack;

"(C) to protect citizens of the United States while evacuating them as rapidly as possible from any country in which such citizens, there with the express or tacit consent of the government of such country are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; Provided, That the President shall make very effort to terminate such a threat without using the United States Armed Forces. And provided further, That the President shall where possible, obtain the consent of the government of such country before using such armed forces; or

"(D) to protect vital security interests of the United States in a sudden emergency that must be met with military intervention as opposed to diplomatic or economic or other response and that requires such military intervention in less than 5 days, the maximum time for Congressional action to authorize such intervention or declare war, as provided in (d) below.

"(b) If United States Armed Forces are introduced into another state pursuant to subsection (a)(2), the President shall describe such grounds in the report required by section 4(a) of The War Powers Resolution (Public Law 93-148).

"(c) For the purposes of section (a) the introduction of United States Armed Forces in another state for combat purposes shall be defined as any United States military organization whose purpose is to deliver weapons fire upon an enemy."

"(d)(1) Any joint resolution or bill introduced at the request of the President pursuant to subsection (a)(1) or passed by the other House shall become the pending business of the House in which it is received and shall be voted on within two calendar days thereafter.

(2) Any conference shall be concluded within 1 calendar day and any report shall be acted on by both Houses immediately, notwithstanding any rule in either House.

2. Strike Section 6 and renumber Section 7 et seq., accordingly.

3. Strike Section 8(c) and redesignate (d) as (c).

Mr. SPECTER. Mr. President, I thank the Chair and I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m. with statements therein limited to 5 minutes each.

U.S. RELATIONS WITH THE THIRD WORLD

Mr. LEAHY. Mr. President, the Overseas Development Council, a private, nonprofit organization which concentrates on the important topic of U.S. relations with the Third World, has just published the first issue in its new series of briefing papers, "policy focus." It is a very timely look at U.S. aid policy entitled "Raising the stakes in Central America." I have found it to be very helpful in sorting out the complex problems of that region and I commend it to my colleagues. I ask unanimous consent that the full report be included in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

RAISING THE STAKES IN CENTRAL AMERICA

Confirmed by the National Bipartisan Commission on Central America (the Kissinger Commission) in its view that vital U.S. interests are threatened by the crisis in Central America, the Reagan Administration is proposing a massive and comprehensive foreign aid package for the region. The Commission's report outlined a program for military victory over guerrillas in El Salvador in the next two years and significant economic and social progress in the region in the next five. Following its recommendations, the Administration is asking Congress for $500 million dollars in military assistance and almost $9 billion in development aid and economic subsidies. If approved, the size of the package and the ambition of its goals would signal a dramatic increase in the U.S. stake in the region. The proposed package presages a level of U.S. involvement in Central America not seen in over half a century and represents an extraordinary U.S. commitment to support economic and social progress in the area. With Congress now taking up the request, U.S. policy in Central America has reached a crossroads.

Decisions on U.S. policy toward Central America, especially concerning the prospects for longer-term economic and social development, should be based on knowledge of the area's history and potential and a clear assessment of U.S.-Central American mutual interests. This paper outlines some of the background of Central American development, assesses the proposals of the Kissinger Commission and the foreign assistance package, and raises major questions that must be faced in deciding among U.S. policy options relating to the region.

KISSINGER COMMISSION ORIGINS

The Kissinger Commission was established as a response to growing controversy about U.S. policy in Central America. The Reagan Administration had come to power in 1981 alarmed by both the Sandinista victory over the Somoza dictatorship in Nicaragua in 1979 and the growing guerrilla movement in El Salvador, and was determined to draw the line against what seemed to be an advancing communist tide in Central America. The Administration stepped up support for the Salvadoran military, and began to finance a covert war—which quickly became public—against the Sandinista government. Overall levels of aid to the region rose dramatically. In the three years since President Reagan was elected, the United States has sent almost as much non-military aid and twice as much military aid to Central America as the previous five administrations had sent over the nineteen years since 1962.

TABLE 1.—REAGAN ADMINISTRATION AID INCREASES

[In million of dollars]

	Economic		Military	
	1962–80	1981–83	1962–80	1981–83
Costa Rica	169	283	7	3
El Salvador	207	545	22	199
Guatemala	205	69	40	0
Honduras	274	209	31	78
Nicaragua	279	66	31	0

Source: Congressional Quarterly, Dec. 31, 1983, p. 2775.
Based on U.S. AID data.

Doubts about the policy, particularly in Congress, grew apace. The Congress conditioned aid to El Salvador on progress on such issues as human rights, land reform, and prosecution of the murderers of several U.S. citizens (apparently slain by members of El Salvador's security forces). Covert funding for the CIA-backed Nicaraguan "Contras" became a matter of much contention. Faced with this situation, the Administration resorted to the idea of a bipartisan commission—as it had done on other controversial issues such as Social Security, the MX missile, and foreign assistance.

The Kissinger Commission began work in July 1983 and released its report on January 11, 1984. Only five weeks later, many of its recommendations reached Congress embodied in the "Central American Democracy, Peace and Development Initiative Act of 1984." The rapid submission of legislation was based in part on a desire to assure passage of the legislation before election year pressures doomed hopes for bipartisan action.

ECONOMIC BACKGROUND OF THE CRISIS [1]

The origins of the current economic crisis in Central America are rooted in the interrelated factors of external economic shock, domestic development failures, and political stagnation.

In the three decades following World War II, Central America experienced rapid economic growth and social change. The six nations of Central America (Nicaragua, Honduras, Guatemala, El Salvador, Costa Rica, and Panama) averaged an annual real rate of growth of 5.3 percent between 1950 and 1978, and real per capita income doubled.

Primarily banana or coffee exporters in 1950, the six nations had multiplied their trade by a factor of eighteen by 1980, and trade was the stimulus for expanding and diversifying their economies. Exports now include a range of agricultural products, manufactures, and services. At the same time, physical infrastructure—roads, telephones, electrical energy, port facilities, mass communications—expanded severalfold, touching the most remote communities of Central America.

The impressive growth rates achieved prior to 1978 could largely be attributed to the creation in 1960 of the Central American Common Market (CACM), to investment in export-oriented agriculture, and to a significant boost from U.S. and multilateral aid, which totalled $5.8 billion in the period 1962-1980. The common market created a regional free-trade zone in manufactures protected against world competition

[1] This section follows the argumentation in Richard E. Feinberg and Robert A. Pastor, "Far From Hopeless: An Economic Program for Post-War Central America," in *Central America: Anatomy of Conflict*, Robert S. Leiken, editor (New York: Pergamon Press in cooperation with the Carnegie Endowment for International Peace, 1984).

by a common external tariff. Vigorous economic expansion was accompanied by substantial progress in health and education. For instance, between 1960 and 1977, the adult literacy rate rose from 44% to 72%.

But there were large differences between countries. Costa Rica and Panama showed much more progress in health and education, while urban residents throughout Central America tended to benefit more than those in rural areas. Moreover, development strategies did not sufficiently confront the persistent problems of population growth, rapid urbanization, inadequate social services, and labor force expansion. Nor did they pay sufficient heed to the simmering conflict over land tenure. Economic success also created a new generation of problems related to: the costs of an import-substitution industrialization strategy, failure to distribute more fairly the gains of regional integration, widening income inequalities, and neglect of domestic compared to export-oriented agriculture. The U.N. Economic Commission for Latin America (ECLA) recently estimated that 42% of the population in the six countries of Central America lives in a state of "extreme poverty."

The expansive years of the 1960s and 1970s also generated new sources of disatisfaction with the political status quo. The demographic boom produced a younger, better educated population. The traditionally passive campesinos of the old latifundia system were replaced with more politically conscious salaried laborers who began to organize. Similarly, new industries led ineluctably to the development of an urban labor movement. In the early 1970s, these groups made peaceful bids for political power in Nicaragua, El Salvador, and Guatemala, and in each case they were blocked by the military and the oligarchy and forced underground or into exile.

The current crisis thus springs not from the lack of change, but rather from the unevenness and incompleteness of the profound social and economic changes that transformed Central America over the last three decades.

Political unrest was given added impetus by the world recession. By the late 1970s, the region relied on international markets to supply it with about one quarter of its goods and services (including petroleum), to furnish trade financing, and to purchase about one quarter of its production.

Either the obsolete political-military institutions or the economic down turn might have been sufficient to precipitate a crisis in the region; together, they virtually guaranteed it—particularly since each negatively reinforced the other.

THE COMMISSION'S VIEW OF THE CRISIS

The Kissinger Commission's central conclusion is that, while the roots of Central America's crisis are to be found in homegrown poverty, repression, and inequity, "outside forces have intervened to exacerbate the area's troubles and to exploit its anguish."

The current crisis, according to the Commission, stems from the persistence into the present of social divisions and inequities introduced during the Spanish colonial period. The Commission maintains that the colonial legacy was a semi-feudal economic system based on large land holdings and exploitation of indigenous labor, and on an authoritarian political system controlled by the oligarchy and the military. "These patterns persisted from generation to generation into our day, with wealth, education, and political power continuing to be shared unequally between the descendants of the conquerors and those of the conquered."

The Commission points out that the Central American economies enjoyed high growth rates in the 1960s and early 1970s, but that the unequal sharing of wealth, education, and power barred growth from resolving the region's pervasive social problems: "About 60% of the population of El Salvador, Guatemala, Honduras, and Nicaragua (before the revolution) remained illiterate. Ten of every one hundred babies born died before the age of five, and, according to reliable nutritionists, 52% of the children were malnourished. Somewhere between four and five million people in the region were unemployed or underemployed. They and their families were often living on the edge of starvation."

The Commission's portrayal of the situation becomes even more somber with the impact of the world economic crisis of the late 1970s and the emergence of inflation, spiralling energy costs, and plummeting commodity prices. This jolting succession of economic events "shattered the rising hopes of Central Americans for a better life." It was this social tinder, the Commission says, that "outside forces" ignited, and it is the intervention of outside forces that makes the crisis one of acute concern to the United States: "These outside forces have given the crisis more than a Central American dimension. The United States is not threatened by indigenous change, even revolutionary change, in Central America. But the United States must be concerned by the intrusion into Central America of aggressive external powers."

The specific accusations of the Commission are that the Soviet Union now prefers revolutionary armed struggle to the "peaceful path" in Central America, and that it has dramatically built up Cuba's military capabilities; that Cuba helped coalesce previously divided guerrilla groups in both Nicaragua and El Salvador and provided them training and weapons; and that Nicaragua, now a "mainland platform" for Cuban and Soviet subversion, also has provided training and communications facilities for the Salvadoran guerrillas and sent them weapons.

THE ECONOMIC PROPOSALS

The Administration now proposes a program combining two approaches: (1) a short-term, $400-million emergency stabilization program to halt economic deterioration, and (2) a long-term, five-year development program involving a commitment of $8 billion in economic assistance, including $2 billion in guarantees.

The $400-million stabilization program—due to begin during the present fiscal year—would be additional to the $477 million that the Administration already had requested in economic assistance for Central America. The Commission's recommendation is that most of these funds be channeled through AID and aimed at providing general balance-of-payments support, job creation, and assistance to governments with implementation of their economic stabilization programs. Besides helping to stop the current decline in economic activity, this program would "signal a U.S. commitment to helping Central America address its deep-seated economic and political problems."

The stabilization program also includes exhortations to regional economic cooperation and increased private sector activity, efforts to reinvigorate the Central American Common Market, U.S. membership in the Central American Bank for Economic Integration, U.S. assistance with solving external debt problems, crucial new trade credits, and labor-intensive construction and housing projects. The hope is that these efforts will "buy time to permit the Central American nations and their friends to build a broader structure of cooperation for the longer future."

Over that longer future, the Kissinger Commission recommends a five-year authorization of $8 billion in economic assistance for such areas as housing, employment, education, agriculture, health, and the fostering of democracy. It proposes channeling one quarter of these funds through a new organization, the Central American Development Organization (CADO), which would involve Central Americans in planning and reviewing development efforts. The Commission also recommends a series of steps including loans, credits, review of non-tariff barriers to trade, and efforts to promote exports and attract investment to expand the Central American economies.

LEGISLATIVE IMPLICATIONS

Translated into a legislative program, the Commission's emergency stabilization proposals appear as supplemental requests for the 1984 fiscal year and as additions to several accounts in the President's already submitted 1985 budget (see Table 2, for updated 1985 requests for Central American countries). Most of the money this year and next would be in the Economic Support Fund. Unlike development assistance, which is tied to specific programs and projects, ESF loans and grants are direct transfers to foreign governments for balance-of-payments support and other purposes with minimal restrictions on the uses to which they can be put. Increases proposed in these funds dwarf increases in development assistance. Of the $400 million in supplemental economic assistance requested for 1984, almost three of every four dollars ($290 million) are in the ESF. The remainder is divided among development assistance ($73 million), P.L. 480 commodities ($25 million), the activities of agencies such as the Peace Corps and USIA, and operating expenses.

For fiscal year 1985, the Reagan Administration seeks a total of $641 million for the ESF, and $273 million in development assistance (see Table 3, for the requests already in the 1985 budget, and the increases based on Kissinger Commission proposals). The Administration expects the stabilization phase of its program to require three to five years and to cost $3.1 billion in U.S. assistance.

Concurrently, the Administration seeks to implement the Commission's long-term proposals to restore economic growth and encourage broad-based development. It has set a target of 6% real economic growth a year to be reached within five years. Also being sought are major efforts in education, including literacy campaigns, and 10,000 scholarships to Central Americans for study in the U.S.; health and nutrition; family planning; financing of land reform; housing; and assistance to refugees and displaced persons.

MILITARY AND DIPLOMATIC RECOMMENDATIONS

Most of the discussion of military assistance in the Commission's report is focused on El Salvador—as is most of the military assistance requested by the Administration. The first priority is to prevent a guerrilla victory, which means breaking the present military stalemate in favor of the government. To break the stalemate, the Commission endorses El Salvador's "National Cam-

paign Plan," a combination of military operations and follow-up civic action programs: "The plan assumes that sufficient security can be established countrywide to reduce the insurgency at least to a low level within two years. But the government's forces must be significantly and quickly strengthened if the plan is to succeed." In the Commission's view, strengthening government forces means equipping them to carry out counter-insurgency techniques developed by U.S. armed forces. These techniques involve creation of local, lightly armed militias backed up by regular units with sophisticated communications.

To enable El Salvador's armed forces to carry the war to the guerrillas using "modern, humane, counter-insurgency methods," the Commission proposes increasing the number of troops, giving them more equipment, supplies, and medical facilities, improving their air and ground mobility with helicopters and vehicles, and training them in the new tactics. These resources would cost $400 million in U.S. military assistance over the next eighteen months, the Commission reports, citing Defense Department estimates.

Looking elsewhere in Central America, the Commission recommends increased military assistance for Honduras and a renewal of military to Guatemala, where it also perceives a need for "humane counter-insurgency."

The Commission recommends making military aid to El Salvador "contingent upon demonstrated progress toward free elections; freedom of association; the establishment of the rule of law and an effective judicial system; and the termination of the activities of the so-called death squads, as well as vigorous action against those guilty of crimes and the prosecution to the extent possible of past offenders." The Administration does not, however, agree with this position and has not included it in the legislative proposals sent to Congress. Instead, it proposes a semi-annual report on human rights progress by the President but reserves for itself total discretion over the flow of military aid.

Backed by the Commission's recommendations, the Administration proposes quadrupling the $64.8 million already approved for El Salvador in fiscal 1984 with a supplemental request for $178.7 million, and it seeks another $132.5 million for 1985. For Honduras, the Administration requests a 1984 supplemental of $37.5 million and $62.5 million for 1985. This would fund training, provide helicopters, planes, boats, artillery, ammunition, and spare parts, some of which would equip two new infantry battalions. Training, boats, communications equipment, and spare parts would go to Guatemala under a $10.3-million program for 1985.

While the Commission's economic and military proposals break new ground—if not in approach, then at least in the magnitude of assistance suggested—its diplomatic proposals are strictly in line with what has been and continues to be current U.S. policy. On El Salvador, the Commission reinforces the current U.S. position that negotiations with the opposition can only be over procedures for elections to be conducted by the existing government. It rejects the opposition's insistence on the formation of an interim government and restructuring of the armed forces as a necessary prelude to elections.

On Nicaragua, the Commission rejects, as does the Administration, direct negotiations between the United States and Nicaragua, and between Nicaragua and its neighbors, Costa Rica and Honduras. It calls instead for broad regional negotiations in which solutions to all the region's security problems would apparently have to be achieved simultaneously. At the same time, it states that the "Sandinista regime will pose a continuing threat to stability in the region," comes very close to supporting continued U.S. backing for the counter-revolutionaries fighting that regime, and warns Nicaragua "that force remains an ultimate recourse."

The Commission also praises the diplomatic efforts of the Contadora nations (Colombia, Mexico, Panama, and Venezuela) for peace in the region, while holding them at arm's length: "The Contadora nations do not have extensive experience in working together, and the Contadora process has not yet been tested in terms of crafting specific policies to provide for regional security. Thus the United States cannot use the Contadora process as a substitute for its own policies." On numerous occasions the Administration has also offered the Contadora process verbal support even while continuing to pursue policies, such as increasing the number of advisors and building military bases in Honduras, that run directly against Contadora suggestions.

THE CHOICES AHEAD

The Kissinger Commission report and the new aid requests bring U.S. policy in Central America to a very important point of decision. The report provides the rationale for greatly intensified American involvement in the region. What is new about the report is that it lays out a comprehensive strategy, a timetable (six years), and a cost estimate (about $9 billion) to achieve the Administration's goals. By embracing a policy that was already controversial at lower, although growing, funding levels, the Commission can contribute to a bipartisan consensus only if its analysis is convincing.

The Commission's central argument is that while the origins of the Central American crisis are indigenous and rooted in a history of poverty repression, and inequity, the revolutionary response to those conditions can only be explained by outside intervention. The Commission repeatedly insists that it is outside intervention that makes the Central American crisis a challenge to the United States. "Indigenous reform movements, even indigenous revolutions, are not themselves a security concern of the United States."

Yet in a discussion of security issues, the Commission appears to define away the existence of any significant indigenous sources of revolution: "Of course, uprisings occur without outside support, but protracted guerrilla insurgencies require external assistance. . . . Without such support from Cuba, Nicaragua, and the Soviet Union, neither in El Salvador such as elsewhere in Central America would such an insurgency pose so severe a threat to the government." It can thus be argued that the Commission seems to hold that uprisings without much chance of success need not concern the United States, but that those which pose a sustained threat must, by definition, depend upon outside support and therefore do threaten U.S. security.

In its discussion of Central American history, the Commission adheres strictly to this logic. It discusses the persistence—since the Spanish colonial period—of authoritarian political systems and exploitative economic systems to the present, and blames these forces for the fact that the fruits of rapid economic growth in the 1960s and early 1970s were unevenly shared. The international economic upheavals of the 1970s complete the picture. "Poverty, repression, inequity, all were there, breeding fear and hate; stirring in a world recession created a potent witch's brew."

Thus the Commission accepts that the conditions are indigenous, but insists that the reaction is externally inspired and directed. The role of Central Americans responding to the rampant misery and injustice of their societies is downplayed.

The policy implications of this viewpoint are serious. The Commission can concede legitimacy neither to the Sandinistas, despite their evident support from at least a significant part of the population, nor to the guerrillas in El Salvador, who have, in the Commission's own words, battled a much larger army to a stalemate. Thus it cannot envision negotiations in either case. In El Salvador, it urges participation in elections by opposition politicians who tried to do so in 1972 and 1977 only to see the results overturned by fraud and violence. And it hinges a massive U.S. assistance effort on social and economic reforms to be carried out by the same powerful groups that have always resisted them.

In the *security* area, the Commission notes several potential threats to U.S. national interests: Threats to our southern border and to Caribbean shipping lanes; increased violence, repression, and waves of refugees in the region; and "the erosion of our power to influence events worldwide that would flow from the perception that we were unable to influence vital events close to home." But these threats, upon examination, lack concreteness:

Our southern border is with Mexico. The specter of a threat to that border posed by events in Central America implies a version of the domino theory in which Mexico would be the last domino. The Commission avoids spelling this out, possibly because Mexico—which is one of the Contadora nations, and is also alarmed about Central American developments—proposes a very different set of policies to meet its own concerns.

If there are threats to Caribbean shipping lanes, they would be unlikely to emanate from Nicaragua, which is far from those lanes, and even less so from El Salvador, whose lack of a Caribbean coast would seem to disqualify it from posing a threat.

Violence and repression are already endemic to the area.

The waves of refugees and displaced persons already exists. Precise figures are unavailable, but it seems clear that the problem is more acute in El Salvador and Guatemala, countries the United States is assisting, than in Nicaragua. Some 15,000 Nicaraguans have applied to the U.S. for asylum, and there may be other thousands in the United States or dispersed in the region. But estimates on the number of Salvadorans in the United States run to half a million, and as many as 400,000 more within El Salvador have been displaced from their homes. Other thousands are in Mexico and Honduras. At least 130,000 Mayan Indians have fled across the border to Mexico because of the violence in Guatemala's highlands. Thus, it is not at all clear that in-

creased U.S. assistance will result in a decreased flow of U.S. refugees.

The worldwide perception of U.S. capabilities to influence events springs largely from U.S. choices about which events to attempt to influence. The Commission itself recognizes that its perception that events in Central America threaten the Western Alliance "is not always well appreciated in Europe."

The Commission's recommendations in the *economic and social* areas likewise raise numerous questions. It must be remembered that this is not the first U.S. attempt to foster development in Latin America. It is predated by the Alliance for Progress. Curiously, the Commission report makes only the briefest references to the Alliance, although the similarities between that undertaking and its own are striking:

As the Alliance was a response to a threat the United States perceived in Castro's revolution in Cuba, so the Central American initiative is a response to the Sandinista revolution in Nicaragua and the guerrilla war in El Salvador.

President Kennedy appealed to a sense of hemispheric unity: "Our continents are bound together by a common history. . . . Our nations are the product of a common struggle . . . our people share a common heritage"—while admitting that "we North Americans have not always grasped the significance of this common mission." The Kissinger Commission proclaims that "history, contiguity, consanguinity—all these tie us to the rest of the Western Hemisphere." It, too, ruefully concedes that the past was not all it should have been: "Perhaps the United States should have paid more attention to Central America sooner."

Like the alliance, the Commission's report perceives the same alien threat to the suddenly rediscovered community of the Americas. President Kennedy observed that "we confront the same forces which have imperiled America throughout its history—the alien forces which once again seek to impose the despotisms of the Old World on the people of the New." The Kissinger Commission states that "the intrusion of aggressive outside powers exploiting local grievances to expand their own political influence and military control is a serious threat to the United States, and to the entire hemisphere."

Only in its optimism does the Commission fail to match the Alliance, which argued that: "If we are successful . . . the close of this decade will mark the beginning of a new era in the American experience. The living standards of every American family will be on the rise, basic education will be available to all, hunger will be a forgotten experience." The Kissinger Commission merely claims: "We believe that the people of the region must at a minimum perceive a reasonable prospect that, with sustained effort on their part, they can reach 1980 levels of per capita economic activity by no later than 1990." Yet the Commission stubbornly maintains that "we can make a difference. Because the nations are small, because they are near, efforts that would be minor by the standards of other crises can have a large impact on this one."

Many observers believe that the Alliance failed to reach its goals because it could not push through its ideas for reform in the face of entrenched opposition from those controlling economic and political power. Unfortunately the Kissinger Commission offers no analysis of the Alliance's shortcomings, and thus no explanation of why its own proposals would have higher prospects for success.

These observations about the Commission's recommendations—largely mirrored in the Administration's legislative proposals—make it urgent to ask and address three questions about the proposed course of U.S. policy in Central America:

1. *Are the development goals realistic?* Based on past performance, there is hope for the economies of Central America. They have in the past achieved significant rates of growth, and could do so again. Many of the Commission's recommendations might well encourage trade and foster development. But the possibilities for significant economic and social progress before the shooting stops seem meager, especially in El Salvador and Guatemala.

2. *Would massive infusions of capital distort the recipient economies?* Some of the potential dangers include depressed interest rates which could result in lower domestic savings, postponement of necessary fiscal reforms and tax increases, and an overvalued currency discouraging exports while domestic production reels under a wave of imports.

3. *Are hopes for reform realistic while traditional elites remain in power?* In most Latin American countries, control of the land is still highly concentrated, which makes more equitable distribution of agricultural land the heart of any reform program. El Salvador has had an ambitious agrarian reform program since 1980, backed by $200 million in U.S. assistance and bitterly opposed by the country's right wing. A report by the AID Inspector General (January 18, 1984) found that despite the redistribution of over 200,000 hectares of land to cooperatives and individuals, most of the cooperatives were not financially viable and that less than half the individuals eligible for property had filed applications to purchase it. About one third of those who did file were found not to be working the land because they had been threatened, evicted, or had disappeared. The Commission favors agrarian reform, but fails to discuss the challenges of implementing it and other reforms against entrenched opposition.

These and other questions are part of the present debate. Reactions in Congress to the Administration's requests for expanded military and economic assistance for Central America suggest that the Kissinger Commission failed in its effort to develop a policy that would command broad bipartisan and public support. Serious doubts have been expressed about all aspects of the package. There are those who wish to reduce the military assistance and/or ESF portions. Others claim that the large amount of development assistance will stifle the growth of free enterprise in the area. And there is considerable doubt that the assistance which would be provided would lead to a resolution of the conflict. The Commission's report does, however, have the virtue of spelling out many of the implications and costs of the present and recommended Administration policy, and the questioning that it provokes may shape a more genuine consensus.

TABLE 2.—U.S. ECONOMIC AND MILITARY ASSISTANCE, COMPARISON OF FISCAL YEARS 1983–85

[In millions of dollars]

	Fiscal year	DA [1]	ESF [2]	Public Law 480		Peace Corps	IMET [3]	FMS direct [4]	FMS [4] loan guarantees	MAP [5]	Total
				I	II						
Belize	1983	6.7	10.0			1.1	0.1				17.9
	1984	4.0	10.0			1.2	.1			0.5	15.8
	1985	6.0	4.0			1.3	.1			.5	11.9
Costa Rica	1983	27.1	157.0	27.5	0.2	1.7	.1			4.5	218.1
	1984	23.1	130.0	27.0		1.9	.2			9.9	192.1
	1985	20.0	160.0	28.0		1.9	.2			9.8	219.9
El Salvador	1983	58.8	140.0	39.0	7.7		1.3		46.5	33.5	326.8
	1984	71.3	210.0	46.0	5.3		1.3		18.5	223.7	576.1
	1985	80.0	210.0	44.0	7.1		1.5		15.0	116.0	473.6
Guatemala	1983	12.2	10.0		5.4	1.9					29.5
	1984	21.6		7.0	5.0	2.3					35.9
	1985	40.0	35.0	16.0	5.3	2.3	.3		10.0		108.9
Honduras	1983	31.2	56.0	10.0	5.5	3.2	.8		9.0	38.5	154.2
	1984	39.8	112.5	12.0	4.6	3.7	1.0			77.5	251.1
	1985	45.0	75.0	15.0	3.9	3.4	1.2			61.3	204.8
ROCAP (regional assistance)	1983	19.4									
	1984	14.9	28.0								
	1985	62.0	136.6								

[1] Development Assistance. [2] Economic Support Fund. [3] International Military Education and Training. [4] Foreign Military Sales. [5] Military Assistance Program.

Source: U.S. AID Congressional Presentation for fiscal year 1985.

TABLE 3.—PRESIDENT'S 1985 BUDGET FOR ECONOMIC ASSISTANCE TO CENTRAL AMERICA AND AMENDMENTS BASED ON KISSINGER COMMISSION PROPOSALS

[In thousands of dollars]

	Fiscal year 1985		
	President's budget	Amendment	Revised
Development assistance:			
Agriculture, rural development and nutrition:			
Central America	56,120	13,680	69,800
Other	682,751		682,751
Total	738,871	13,680	752,551
Population:			
Central America	10,030	4,970	15,000
Other	235,002		235,002
Total	245,032	4,970	250,002
Health:			
Central America	17,420	22,580	40,000
Other	18,138		118,138
Total	135,558	22,580	158,138
Education and human resources development:			
Central America	5,910	58,090	64,000
Other	124,833		124,833
Total	130,743	58,090	188,833
Selected development activities:			
Central America	26,520	57,480	84,000
Other	152,175		152,175
Total	178,695	57,480	236,175
Science and technology	10,000		10,000
Subtotal:			
Central America	116,000	156,800	272,800
Other	1,312,899		1,312,899
Total	1,428,899	156,800	1,585,699
U.S. AID operating expenses	398,097	6,016	404,113
Housing guaranty reserve		10,000	10,000
Other	[1] 241,662		241,662
Total U.S. AID development assistance:			
Central America	116,000	172,816	288,816
Other [1]	1,952,658		1,952,658
Total	2,068,658	172,816	2,241,474
Economic support fund:			
Central America	270,000	370,600	640,600
Other	2,797,500		2,797,500
Total	3,067,500	370,600	3,438,100

[1] Includes $6,400,000 reduction for Foreign Service fund, based on legislation planned for later transmittal.

Source: U.S. Agency for International Development.

SCARCITY OF HIGH-LEVEL CONTACT

Mr. LEAHY. Mr. President, one of the most disturbing aspects of the present stalemate in arms control negotiations is the scarcity of continuous, high-level contact between Soviet and American leaders and arms control experts. This dearth of communication and personal knowledge of each other's societies is dangerous and unnecessary. If we are to live together on this planet safely, Americans and Soviets must talk to each other about the nuclear peril even if it is impossible to discuss anything else in our troubled relationship.

Fortunately, there are those who are attempting to maintain dialog with the Soviets on arms control despite the freeze in official negotiations. For nearly 1 year, representatives of the Lawyers Alliance for Nuclear Arms Control have been meeting with the Association of Soviet Lawyers. These are important, serious groups, well able to understand the problems and prospects of arms control from the political, strategic and technical point of view. The purpose of their meetings in Moscow and Washington is to examine the nuclear arms control process dispassionately, from the perspective of the lawyer and concerned citizen. Of course, we must assume the Soviet representatives hew very closely to the official line, but to my mind that is no disadvantage. It means that through the discussions with LANAC and the Soviet lawyers, we have a means of continued communication with current Soviet official and semiofficial thinking on arms control matters.

I am especially proud that a Vermonter, a distinguished lawyer and good friend, John Downs of Burlington, is participating in the LANAC delegation. Vermont has been a leader on arms control, and John Downs has been in the forefront of citizen involvement. The conference with the Soviets is just the latest example of his leadership on arms control.

The entire LANAC delegation is composed of eminent Americans, including a distinguished former Member of the U.S. Senate, John Culver. It is a group which inspires confidence in its seriousness, professionalism and commitment to pursuit of arms control measures which enhance security and stability.

At the moment, the LANAC-Soviet Association of Lawyers conference is one of the few ongoing contacts with the Soviets as far as nuclear arms control is concerned. The joint papers prepared by the delegations are a kind of window into how the Soviet hierarchy views the possibilities of arms control and what it regards as important. Additional joint papers will be prepared late this year.

Mr. President, I ask unanimous consent that a letter from John Downs describing the LANAC-Soviet lawyers meetings and the joint papers from the second conference of the Lawyers Alliance for Nuclear Arms Control and

the Association of Soviet Lawyers be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DOWNS, RACHLIN & MARTIN,
Burlington, VT, April 23, 1984.

Re: Lawyers Alliance for Nuclear Arms Control and nuclear arms negotiations with Soviet lawyers.

Senator PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR PATRICK: As you know, I am a director of LANAC and founder of its Vermont Chapter. We in Vermont have been particularly appreciative of the time that you and Eric Newsom have spent with us to discuss nuclear arms issues.

A group of nine LANAC lawyers recently concluded in Washington our second meeting on nuclear arms issues with Soviet lawyers. Our first meeting was in Moscow last July. At the Washington meeting we concluded work on three papers the contents of which I hope will be of interest to you and other members of the Senate.

LANAC is an organization with approximately 5,500 members of the legal profession who believe that negotiation is the only way to resolve the nuclear impasse. LANAC believes that, because of their training, education and experience, lawyers are uniquely qualified to work out agreements on complicated matters, including international problems such as nuclear arms control.

In January 1983, the Soviet Embassy inquired if the Lawyers Alliance for Nuclear Arms Control would send a delegation of lawyers to Moscow to talk with Soviet lawyers about nuclear arms problems. After some hesitation, the visit was arranged when it was agreed that the only issue that would not be discussed was who caused the mess we were in.

The American delegation included Erwin Griswold, former Dean of Harvard Law School and former Solicitor General; Shirley Hufstedler, former federal judge and Secretary of Education; Roger Fisher, Professor at Harvard Law School and a recognized expert on international negotiations; George Bunn, former counsel to the Arms Control and Disarmament Agency; John Culver, former United States Senator from Iowa, and Abram Chayes, Professor at Harvard Law School and former counselor to the State Department.

A group of seven went to Moscow in July of 1983 and conferred for a week with legally-trained Soviet experts about every aspect of the nuclear arms problem. The meetings went so well that the Soviets agreed to come to Washington in March, 1984 to try to agree on working papers to be prepared by each group. The LANAC delegation prepared papers on improving the negotiation process and on verifying compliance with nuclear arms treaties. The Soviets prepared papers on a nuclear freeze, no-first use of nuclear weapons and equal security.

The March meeting at the Dupont Plaza Hotel and Airlie House produced agreement on the papers dealing with a nuclear freeze, improvements in the negotiation process and monitoring treaty compliance. Left for a meeting in Moscow in December, 1984 were the papers on equal security and no-first use. The next meeting will concentrate particularly on problems involved with anti-satellite and space weapons.

Perhaps the most significant accomplishment of the Washington meeting was the agreement reached on the nuclear freeze entitled "A Test Moratorium: A First Stage Toward Nuclear Freeze and Reductions." The paper contained several innovations indicating a new flexibility on the part of the Soviets. The paper recommends that a freeze be initiated in stages. First would be similar unilateral declarations that there would be a moratorium on testing nuclear explosives and testing new weapons delivery systems which could be verified independently by each country. No treaty would be necessary to implement this first stage. Thereafter, when freezing production, manufacturing and deployment, verification of compliance would be achieved by cooperative means including on-site inspections where necessary.

The thrust of the paper on compliance with nuclear arms agreements is that the role of mechanisms like the Standing Consultative Commission should be enhanced. Results of the confidential proceedings should be made public so that the world will know that compliance questions are being addressed and resolved in a responsible way.

The paper to improve the climate and raise the effectiveness of international negotiations recognizes the need to improve super-power relations if successful negotiations are to take place. It presents at length innovative suggestions for joint efforts that would enhance the negotiation process and its effectiveness.

The nine LANAC lawyers who met with six Soviets in Washington were unanimous in believing that reasonable agreements can be negotiated with the Soviets if the will to do so exists on both sides.

Professor Vadim Sobakin, Chairman of the Soviet delegation, eloquently expressed the need for such agreements when he said, "If the Soviet Union builds real security for itself, it builds security for the United States. If the United States builds real security for itself, it builds security for the Soviet Union. We are partners in security."

I hope you will find these papers of interest and please give them as broad a distribution as is possible.

As I think you know, we in Vermont are particularly appreciative of your continuing efforts for nuclear arms control and reduction. Nothing is more important to us up here.

Sincerely,

JOHN H. DOWNS.

LAWYERS ALLIANCE FOR NUCLEAR ARMS CONTROL AND ASSOCIATION OF SOVIET LAWYERS—JOINT STATEMENT, MARCH 30, 1984

Delegates of the Lawyers Alliance for Nuclear Arms Control and the Association of Soviet Lawyers are concluding a week-long meeting on ways lawyers can contribute to reducing the likelihood of nuclear war.

The delegations met in Moscow in July, 1983 where it was decided that each group would draft papers on two or three specific issues. These papers were exchanged in the period from December to February and comments and suggested revisions were also exchanged. This work provided the foundation for the current meeting, which has been held in Airlie, Virginia and in Washington.

We share a common desire to improve the process of nuclear arms control negotiations. We are private citizens and do not speak for our governments. However, we believe that it is crucial—especially in the current period of international tension—to do whatever is possible to keep lines of communication open between our societies and to generate fresh, constructive and practical ideas for reversing the movement toward nuclear catastrophe.

Both sides are convinced that, despite the ideological and political differences between the USSR and the USA, both countries can and must cooperate in the areas where their interests coincide. The most important of such areas is prevention of nuclear war and reduction of international tensions. Success can result only from such negotiations which are conducted constructively and with due regard to the legitimate security interests of both sides. Another sine qua non of success is the preservation, strengthening and development of the existing legal basis of US-Soviet relations.

As a result of our meetings, we have reached agreement on some working papers. One of the papers is entitled "A Test Moratorium: A First Stage Toward Nuclear Freeze and Reductions." The other working paper is entitled "Compliance with Nuclear Arms Agreements." Other work is still in progress on the subjects of improving the climate and raising the effectiveness of international negotiations [Following this statement, agreement was also reached on a third paper, "To Improve the Climate and Raise the Effectiveness of International Negotiations"], principles of equality and equal security, and no-first-use of nuclear weapons. We will continue work on these, and other, topics in Washington and at subsequent meetings.

Not every member of each delegation agrees with every word in the attached working papers, but we are all in general agreement with their content. Indeed, we believe that the very fact that we have conducted intense, business-like and highly constructive discussions, and have reached agreement on matters of great substance, are important accomplishments in the context of present relations between the Soviet Union and the United States.

The delegates have agreed also that it is important that they continue the dialogue. A number of issues remain from the meetings that have taken place and other issues of interest have arisen. They have therefore agreed to meet again in Moscow at a date to be determined.

Each delegation will, in its own way, report the ideas developed in their joint talks to the respective governments for their consideration.

[Lawyers Alliance for Nuclear Arms Control/Association of Soviet Lawyers—Joint Paper, Mar. 29, 1984]

A TEST MORATORIUM: A FIRST STAGE TOWARD NUCLEAR FREEZE AND REDUCTIONS

INTRODUCTION

This paper is a result of the combined efforts of the Association of Soviet Lawyers and the Lawyers Alliance for Nuclear Arms Control. The paper was prepared on the basis of discussions in Moscow in July 1983, an exchange of comments in the period from December 1983 through February 1984, and a conference of the delegates of both organizations in Washington in March 1984. Although each participant does not necessarily agree with everything in the document, all are in general agreement with its contents.

I

According to the calculations of specialists, approximately 50,000 nuclear weapons of various types are amassed in the world at the present time. In its destructive power, this arsenal is roughly one million times

greater than the bomb dropped on Hiroshima and 5,000 times greater than all explosives used in the Second World War. Without doubt a nuclear war, should one begin, would result in the destruction of human civilization and perhaps of life on Earth.

Meanwhile, current trends in the military-technological and political fields lead to the continuing build-up of nuclear weapon stockpiles, to futher improvement of the means of their delivery, and to the creation of conditions where the use of nuclear weapons becomes more and more likely. If the nuclear powers, particularly the USSR and USA, do not adopt decisive measures to halt the nuclear arms race very soon, a fatal outcome may become unavoidable.

An adequately verified nuclear weapons freeze as a step to reductions is a concrete, practical and realizable measure that could: reduce the threat of nuclear war, avert the possible collapse of the entire structure of arms control, promote trust between governments, assist in efforts to prevent the proliferation of nuclear weapons, and create favorable conditions for the reduction and ultimate elimination of nuclear weapons stockpiles.

This idea enjoys growing support in both East and West. The delegates of the Lawyers Alliance for Nuclear Arms Control and the Association of Soviet Lawyers fully endorse this idea and recommend that the USSR and USA adopt measures toward its prompt realization.

II

In practice, a complete nuclear weapons freeze as a step to reductions would mean the discontinuation of the manufacture, testing, and deployment of all types of nuclear weapons. In view of the complexity of achieving agreement on the entire range of these problems simultaneously, a useful approach might be to move toward this goal by stages.

In the initial stage, the sides could concentrate on banning tests of nuclear explosives and new types of delivery vehicles, subject to adequate verification by national technical means.

A moratorium on such testing of nuclear explosives and new types of delivery vehicles would play a very important role in damming the most dangerous channel of the arms race—the creation of new types and the modernization of existing systems of nuclear weapons.

Such a moratorium could be initiated not only by agreement, but in the alternative, by means of similar declarations from both sides that they say suspending such tests of nuclear explosives and new delivery systems. It could be stipulated that after the expiration of a specified time, if both sides were satisfied with the situation that emerged, the declarations could be reaffirmed in the form of a bilateral agreement.

The realization of this stage would create favorable conditions for the implementation of more far-reaching measures. This does not mean, however, that other measures of nuclear arms reduction should await the implementation of a moratorium.

III

Each step toward a comprehensive freeze or reduction of nuclear weapons should be accompanied by measures for adequate verification. At the same time, the problem of control should not be used as a pretext for undermining the very idea of the limitation and reduction of nuclear weapons. The forms of verification should reflect the purposes, scope and content of the agreement so as to provide fully adequate assurance of compliance.

While the moratorium on testing of nuclear weapons and new delivery vehicles should be designed to be adequately verifiable by national technical means, the transition to subsequent phases of a freeze or reduction of nuclear weapons would require that such means of control be supplemented with other means. These might include various mutually agree-upon methods of on-site verification of limitations on the manufacture, testing, and deployment of nuclear weapons, including the manufacture of fissionable materials for nuclear weapons.

In addressing the problem of control measures, the parties could work on the basis of accords already reached, for example: points (a), (b), (c), and (d) of the first paragraph of the Protocol to the Treaty between the USA and USSR on the Limitation of Underground Nuclear Weapons Tests; articles II, III, IV, V and VII of the Protocol to the Treaty between the USA and USSR on Underground Nuclear Explosions for Peaceful Purposes; section two of the Joint Statement of Principles and Basic Guidelines for Subsequent Negotiations on the Limitation of Strategic Arms; and paragraphs 13 to 22 of the "Tripartite Report to the Committee on Disarmament" (CD/130) transmitted by Letter Dated 30 July 1980 from the Permanent Representatives of the USSR, the UK, and the USA (reporting on status of negotiations on a comprehensive test ban treaty).

[Lawyers Alliance for Nuclear Arms Control/Association of Soviet Lawyers—Joint Paper, Mar. 29, 1984]

COMPLIANCE WITH NUCLEAR ARMS AGREEMENTS

Although each participant does not necessarily agree with everything in this paper, all are in general agreement with its contents.

It is the unanimous opinion of the delegates of the Association of Soviet Lawyers and the Lawyers Alliance for Nuclear Arms Control that long-term stability and security in the nuclear age are greatly enhanced by agreements to limit and reduce nuclear arsenals and the risk of nuclear war. It is imperative that both the United States and the Soviet Union, by continuing statement and deed, reaffirm their commitment to the obligations and responsibilities of the nuclear arms agreements which they have concluded. To minimize the risk that questions concerning compliance will undercut the regime of arms agreements, there needs to be a forum, with a legal base, in which such questions may be raised.

As lawyers, we recognize that any agreement, particularly one dealing with a subject as complex and technologically dynamic as nuclear arms, is likely to contain provisions that give rise to questions. Not only may the language of an agreement be subject to different interpretations, there may be differences in perception and interest. In these circumstances, problems relating to issues of compliance may arise.

Ensuring compliance with nuclear arms agreements is not a matter of investigation, trial and punishment as under ordinary domestic criminal law. Even within domestic law, the matter of causing governmental compliance with constitutional and other legal restraints on governmental action is not well handled by a criminal law approach focusing on punishment of past conduct. On the contrary, what is most needed is a clear and authoritative determination as to what should be done in the future.

In the case of international treaties relating to nuclear arms, the parties invest substantial time and effort in negotiating an agreement because of their strong self-interests. They should have an equally strong interest in ensuring that the agreement is being observed and will survive.

Bilateral resolution of differences which may arise is greatly enhanced by the existence of an ongoing mechanism in which uncertainties or differences of view can be addressed in a professional manner. The following features of such a mechanism enhance its effectiveness:

(a) A staff of highly trained, experienced and capable professionals with sufficient authority, institutional memory and access to their governments to allow timely and complete consideration of important matters within their competence.

(b) An institution of unlimited duration that meets regularly. Continuity and stability provide the two governments with a forum for resolving differences even in periods of strained relations.

(c) Confidential proceedings. Confidentiality allows the parties to analyze and consider issues carefully while avoiding public accusation and recrimination that are likely to force the parties apart and make resolution more difficult. This process provides each side an opportunity to satisfy the other that it is acting in compliance with the agreement.

(d) Public awareness that the process is working. Particularly in the last few years, nuclear arms have become a matter of wide public concern in both the Soviet Union and the United States. The public is entitled to be sure that nuclear arms agreements are being observed and, just as importantly, that questions regarding compliance are being addressed in a responsible way. Maintaining public confidence that the process is working is not inconsistent with maintaining the confidentiality of internal deliberation.

The Anti-Ballistic Missile Treaty of 1972 established the Standing Consultative Commission (SCC). The Treaty defined the authority of the SCC as being to:

"(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

"(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

"(c) consider questions involving unintended interference with national technical means of verification;

"(d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;

"(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;

"(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty; including proposals for amendments in accordance with the provisions of this Treaty;

"(g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms."

The SCC was formally established by a Memorandum of Understanding signed on December 21, 1972, and has been given responsibilities for dealing with compliance issues not only under the ABM Treaty but

also relating to the Interim Agreement of SALT I and to the SALT II agreement (not yet ratified, but each government has said that it will comply with its provisions as long as the other side does likewise).

The SCC embodies most of the features discussed above as being desirable for a compliance mechanism. It is permanent, has a highly competent professional staff, and holds confidential proceedings. The SCC has in the past resolved satisfactorily questions concerning compliance raised both by the United States and the Soviet Union—the activities in question either ceased or were explained to the satisfaction of the other party.

Compliance with arms control agreements will be enhanced by the full use of such institutions by the two governments, and by public awareness of their effectiveness. Issues regarding compliance with applicable treaties should be raised in the forum provided and discussed confidentially.

The SCC has demonstrated the importance of a regularized institutional framework for considering questions of compliance. But the benefits of such a mechanism need not and should not be limited to the treaties currently within the authority of the SCC. Compliance mechanisms could be properly configured and extended to other appropriate agreements so as to enlist confidence that compliance is taking place while preserving the benefits of confidential resolution of questions raised.

Commitment to compliance mechanisms should not depend on the general state or relations between the parties to the agreement; it is precisely in times of stress that those mechanisms are most valuable.

[Lawyers Alliance for Nuclear Arms Control/Association of Soviet Lawyers—Joint Paper, Mar. 31, 1984]

TO IMPROVE THE CLIMATE AND RAISE THE EFFECTIVENESS OF INTERNATIONAL NEGOTIATIONS

INTRODUCTION

This joint paper is the result of the ongoing collaboration of the Association of Soviet Lawyers (ASL) and the Lawyers Alliance for Nuclear Arms Control (LANAC). The subject of this document was discussed in Moscow in July 1983. Draft papers were exchanged between December and February, 1984. These drafts were discussed and revised at a meeting that took place in Washington in March 1984.

Although every participant is not necessarily in agreement with every word in this document, the participants are in general agreement with it and with the conclusions contained therein.

I. THE PROBLEM

The fundamental danger that causes concern today is the risk of nuclear war, especially war between the USA and the USSR. Although our two countries have different interests and adhere to different values, the task of avoiding nuclear war is unconditionally of the first order and in the interest of both governments. To this end, the participants exchanged views on the elements of a constructive dialogue designed to eliminate reliance on nuclear arms as an instrument of foreign policy and to lead to serious reductions in both nuclear arms and in conventional arms that create a danger of escalation of conflict to nuclear levels.

II. ANALYSIS

The risk of nuclear war has increased. The nuclear weapons race between the major powers has taken ever more dangerous turns. Increasingly, a direct responsibility for the fate of the world rests on the USA and the USSR.

Unfortunately, in recent years there has been a serious deterioration in relations between the two countries. A whole series of bilateral and multilateral negotiations have been adversely affected. Some have been interrupted, and the prospect for others is not promising.

Substantial improvement in the state of our relations will be essential to the restoration of prospects for successful negotiations aimed at a significant reduction in nuclear weaponry and the avoidance of war.

Success in Soviet-American negotiations requires political will on both sides to achieve agreement with significant, tangible results. But given this will, it remains of utmost importance to improve the process of negotiations. Negotiations include not only the exchanges occurring directly at the negotiating table, but all aspects of the process of communication by which one side, intentionally or not, "sends a signal" to the other. From this point of view, the process of negotiation between the USSR and the USA is now clearly distant from the level desired and necessary in the nuclear age. Threats, acrimonious public rhetoric, irresponsible statements to the press, and denunciations of each other impede successful negotiations and prevent the maintenance of good, professional working relations between the two countries.

The Soviet Union and the United States have differing views about the nature of the ideal social system, about the direction in which the world should be going, and about actions and policies of the other. These differences need to be faced and dealt with responsibly. And despite them, the two countries share vital interests of vast importance: avoiding nuclear war, and avoiding the waste on armaments of resources that could better be used to promote economic health and human well-being. Even where substantive interests are directly opposed, the two countries share an interest in preventing their competition from escalating to armed confrontation. They should seek professionalism in their negotiations and prudence in their decisions. The advent of the nuclear age has made this imperative.

It is important to remember that there already exists a legal basis for the conduct of a broad range of Soviet-American relations. Agreements, for example, govern negotiations on reducing the risk of nuclear war and limiting and reducing the nuclear arsenals of the USA and the USSR. A few of the agreed fundamental principles for these relations and negotiations are quoted in the Attachment to this working paper.

The two sides have also reached agreement on many concrete means for the limitation of nuclear arms such as forbidding nuclear tests in the atmosphere, under water and in outer space; nonproliferation of nuclear weapons; limiting anti-ballistic missile systems; limiting strategic delivery vehicles; banning the stationing of nuclear weapons in outer space; and other measures. These achievements, however incomplete, must not be forgotten and indeed must be built upon.

Increasing the effectiveness of negotiations and constructive dialogue requires that both sides base their views on the following principles:

Scrupulously observing and adhering to agreements already negotiated.

Taking into consideration the realities of today's world.

Preventing ideological differences from impairing relations between states.

Continuing communications even in times of tension; encouraging political, economic, scientific, professional, and cultural contacts.

Understanding that the USA and the USSR need not be enemies facing inevitable war; that the competition between them, governed by international law, should be limited to non-military means.

Whenever possible, consulting appropriately with each other on problems of mutual concern before making decisions significantly affecting the other.

Giving priority to avoiding nuclear conflict, solving regional problems on their own merits by means of negotiation.

Keeping in mind that each side's security depends on the other; a threat by one to the security of the other is a threat to both; the security of both can be improved by cooperative efforts; continued stockpiling of nuclear arms threatens the security of both.

Taking joint efforts toward developing and implementing long-range plans to improve the entire international security system.

The USA and the USSR have both the responsibility and the means for the avoidance of nuclear war. By joint efforts they could formulate a code of mutual conduct including rules for mutual restraint, joint undertakings toward preventing escalation of regional conflicts into a nuclear war, working together to avoid proliferation of nuclear weapons, halting the nuclear arms race and sharply reducing nuclear stockpiles to a small fraction of present levels, and improving the process and procedures for negotiating agreements.

III. IMPROVING THE NEGOTIATING PROCESS

The process of international negotiation needs to be improved through joint efforts if we are to be successful in controlling and reducing the threat of nuclear war.

It would be useful to consider the following ways to improve the process of negotiation.

1. Collaboration. Improving the international negotiation process should be understood as a shared task to be undertaken jointly by the Soviet Union and the United States.

2. Joint research. Additional funds should be devoted on a long-term basis to research intended to improve the principles and practice of international negotiation. Arrangements for joint academic research at institutions in the Soviet Union, in the United States, at the International Institute for Applied Systems Analysis in Austria, and elsewhere as might be agreed, should be facilitated and supported.

3. Joint training. The possibility of developing and conducting professional training programs in which U.S., Soviet, and other international negotiators might work side by side to develop skills and common understanding should be explored.

4. Joint staff. It has been suggested that in protracted bilateral negotiations a small joint staff might be established to be concerned with the process of negotiation. This idea merits consideration.

5. Problem-solving approach. The more serious the disagreements between states, the more important it is that collaborative, professional efforts be devoted to resolving those differences. States should be willing to negotiate in good faith and to seek agreement with one another no matter how seri-

ously they may disapprove of past or ongoing conduct.

6. Easy communication. Limiting communication between countries tends to increase the risk of misunderstanding. Broad communication between countries helps each understand the perceptions and concerns of the other.

7. Different levels. In the process of protracted negotiations, some functions are best performed by regular negotiators and their staffs. However, periodic meetings at a higher political level can infuse an important element of flexibility into a negotiations and can contribute to overcoming a deadlock.

EXCERPTS FROM UNITED STATES-SOVIET AGREEMENTS ON AGREED PRINCIPLES THAT FORM PART OF THE LEGAL BASIS FOR UNITED STATES-SOVIET RELATIONS

Declaration on Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics, signed in Moscow, May 29, 1972:

"The United States of America and the Union of Soviet Socialist Republics

Have agreed as follows:

First. They will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence. Differences in ideology and in the social systems of the USA and the USSR are not obstacles to the bilateral development of normal relations based on the principles of sovereignty, equality, non-interference in internal affairs and mutual advantage.

Second. * * *

Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives. The prerequisites for maintaining and strengthening peaceful relations between the USA and the USSR are the recognition of the security interests of the Parties based on the principle of equality and the renunciation of the use or threat of force.

* * * * *

Eleventh. The USA and the USSR make no claim for themselves and would not recognize the claims of anyone else to any special rights or advantages in world affairs. They recognize the sovereign equality of all states.

The development of U.S.-Soviet relations is not directed against third countries and their interests."

Article I, Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Nuclear War, signed in Washington, June 22, 1973:

"The United States and the Soviet Union agree that an objective of their policies is to remove the danger of nuclear war and of the use of nuclear weapons."

Joint Statement of Principles and Basic Guidelines for Subsequent Negotiations on the Limitation of Strategic Arms, signed in Vienna, June 18, 1979:

"The United States of America and the Union of Soviet Socialist Republics

Have agreed as follows:

First. The Parties will continue to pursue negotiations, in accordance with the principle of equality and equal security, on measures for the further limitation and reduction in the number of strategic arms, as well as for their further qualitative limitation. . . .

Second. Further limitations and reductions of strategic arms must be subject to adequate verification by national technical means, using additionally, as appropriate, cooperative measures contributing to the effectiveness of verification by national technical means. The Parties will seek to strengthen verification and to perfect the operation of the Standing Consultative Commission in order to promote assurance of compliance with the obligations assumed by the Parties. . . ."

ART BUCHWALD ON SCHOOL PRAYER

Mr. LEAHY. Mr. President, a few weeks ago we had a major debate on school prayer. In looking back through the file I used to prepare for this, I came across one of the best reasons given for the Senate's position in voting during the school prayer constitutional amendment. It was a column written by Art Buchwald entitled "Almighty Politics."

Mr. Buchwald has the ability, with his brilliant satire, to spell out an issue far better than we Senators do after hours of debate.

I ask unanimous consent that his column be made a part of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALMIGHTY POLITICS

(By Art Buchwald)

I don't talk to God as often as I should because I know how busy He is these days. But every four years, during the presidential campaign, I do check in to make sure what the candidates are saying about Him is true.

The other night after hearing President Reagan say for the umpteenth time that God had been expelled from America's classrooms, I asked Him, "Are You banned from America's schools?"

"Not that I know of," God replied.

"President Reagan said that kids can't pray in school."

"If they can't, they're sure doing it," God said. "I hear schoolchildren's prayers all day long. Of course I hear more from those who haven't done their homework, or have been caught committing some infraction that will send them to the principal's office. And there is a lot of praying when report cards come out, and when college test scores come in. And then I hear from almost every child as graduation gets near. I can't understand why President Reagan said I've been banned from the classroom."

"I think what he was referring to was the Supreme Court decision that forbade organized prayer in public schools at the beginning of the day. Did that decision bother You?"

"On the contrary. I don't believe in people praying if they don't mean it. Fortunately in America people can pray any time, anywhere they want to."

"Well, why would President Reagan say You were banned from public schools, if You weren't?"

"I have no idea," God said. "People are always dropping my name in order to get votes during an election year. Frankly, I wish the president would have checked with me first, before he misspoke."

"Do You believe it's a good idea to have separation of church and state?"

"I believe it's an excellent one. Your country has survived for more than 200 years without getting me mixed up in your government, and when you look around you seem to have more freedom of worship than any other place on the face of the globe. There are certain countries which I'd rather not mention, where the leaders use my name to commit some of the most heinous crimes known to mankind."

"How would You feel about forced voluntary prayer in the schools in the morning, so if kids didn't want to pray they wouldn't have to?"

"It would bother me. All my children are very fragile and it would cause tremendous friction between those who prayed and those who didn't. I would prefer that schoolchildren pray when the spirit moves them, and not when a teacher tells them to. What your president should know is that God is everywhere, and when he states I am no longer in the public schools, he doesn't know what in the devil he's talking about."

"Then You didn't tell him. You wanted prayers officially back in the schools?"

"I certainly did not," God told me. "But I did talk to him about the asbestos problem."

"The asbestos problem?"

"It's very serious. A great many schools have asbestos peeling off the ceilings and walls and it's getting into the schoolchildren's lungs, and they can die from it. I suggested the president institute a crash program to see that the little children were protected from this terrible disease. But to my knowledge he hasn't mentioned it yet. If I were the president of the United States I'd be much more concerned about the health of America's children, than what time of day they could pray."

"Well, thanks for your time," I said. "I didn't want to bother You, but I was afraid if I was against mandatory prayer in public schools You would think I didn't believe in You anymore. Could I put this conversation on the record?"

"Be my guest. There is too much talk by politicians about what I want and don't want, and, as God, it really ticks me off."

HAPPY BIRTHDAY, SENATOR JOHN J. WILLIAMS

Mr. ROTH. Mr. President, on May 17, one of Delaware's greatest sons, Senator John J. Williams, will celebrate his 80th birthday. If the majority of Delawareans had their way, there would be a massive public celebration in honor of Senator Williams and all that he has done for my State and our Nation, for certainly he is one of the most beloved Delawareans in our State's history. But Senator Williams has always been modest to the extreme, and so that grand public occasion will not occur. However, I cannot let this milestone pass without saying a few words about the man they called, "The Conscience of the Senate."

I succeeded John Williams in the Senate in 1970, but there is absolutely no doubt in anyone's mind that had he wished, Senator Williams would still be Delaware's senior Senator today. But Senator Williams' service to his country has not stopped. I often call on John for advice on the tough

issues, and, as Delaware's most revered statesman, he stills plays an influential role in our State. When John Williams talks, Delaware listens.

Not many people had ever heard of John Williams when he first ran for the Senate, and he was given little chance of win. But win he did. And once he got to Washington, he became one of the most diligent, and most effective Members in the history of the great body. From then on, when election time rolled around, there was little question that "Senator John" would continue serving his State and Nation for another 6 years.

John Williams personified the word "integrity." He has conducted both his public and private life with a standard of conduct that many strive for, but few achieve. To those who want to get into public life today, and to those who are now in it, I suggest that the life of John Williams ought to be studied and emulated. He worked doggedly on the things that needed to be done, and he did it with a sense of modesty that is rarely seen. He proved that effectiveness in the Senate comes from hard work, and that when combined with substantive knowledge and parliamentary skill, one becomes a powerful force in government. And make no mistake, whether it was on this floor of the Senate, or in the Finance Committee where he was ranking minority member, John Williams was a powerful force.

I might also say that John Williams had a powerful ally in his work—his lovely wife, Elsie. John and Elsie recently celebrated their 60th wedding anniversary. When Senator Williams served in Washington, Elsie was involved in many worthwhile projects in this city, and also served as president of the Congressional Wives' Club.

So, Mr. President, the celebration of John Williams' birthday will be a quiet one in Delaware, in keeping with the character of this great man. But I submit that this body will rarely see an individual with the kind of attributes that John Williams brought to government—dogged determination, parliamentary skill, modesty, substantive knowledge, an enormous capacity for work and, above all, a commitment to do what was right.

For all this, John, I wish you the happiest of birthdays, and many more to come.

Happy birthday, Senator John.

HAPPY BIRTHDAY, SENATOR J. CALEB BOGGS

Mr. ROTH. Mr. President, on May 15, Delawareans will join together to mark the 75th birthday of one of its most distinguished sons, J. Caleb Boggs. I know of no one in the State of Delaware who is loved more than Cale Boggs, and I want to join with so many other First Staters in expressing my best wishes to an outstanding public servant and wonderful human being.

I was fortunate to serve in the Congress with Cale Boggs for 6 years, the last 2 of which were in the Senate. But even before he came to the Senate, Cale Boggs had already done a great deal in service to his State and country.

In World War II, he served in five European campaigns, including the invasion of Normandy and the battle of the Ardennes, receiving numerous commendations.

Upon his return to our State, he was appointed deputy judge of the family court of New Castle County.

In 1946, he began his long career of elective public service by being elected to the U.S. House of Representatives, and was reelected in 1948 and 1950. In 1952, he was elected Governor of Delaware, and was reelected in 1956.

In 1960, Cale Boggs was called on by the citizens of Delaware to go to Washington as their U.S. Senator, making him one of the rare individuals who have served in both Houses of the Congress, as well as Governor of their State. That should tell anyone what the people of Delaware thought of Cale Boggs.

For 12 years, Cale Boggs served in the Senate, and I do not know of any Senator who fought harder for his State and its constituents than Cale. No matter who you were, or what your problem was, Delawareans knew they had a friend in Cale Boggs. He fought for you, and more often than not, he won. No one has ever served his constituents better than Cale Boggs.

But while working for his fellow Delawareans, Cale Boggs also made substantial contributions to the legislative process. During Senator Boggs' service on the Committee on Public Works, he was the ranking Republican on the Air and Water Pollution Subcommittee, working as a strong advocate for the control of air, water, and solid waste pollution. Together with Senator Muskie, the chairman of the committee, Cale Boggs pushed through landmark environmental laws, and, frankly, many of the major pieces of environmental legislation now on the books are there in large measure because of the commitment and hard work of Senator Boggs. He also had a strong interest in the interstate highway program and helped develop what all of us recognize as the world's best system of high speed roadways.

Since leaving the Senate, Senator Boggs has continued his deep involvement in the community. He is continually assisting worthy charities and causes in our State, and thousands of Delawareans still are being helped, thanks to Cale Boggs.

I might also say that Senator Boggs has always had a great teammate in his work for Delaware—his lovely wife, Bess. A wonderful lady, Bess Boggs has in her own right done much for the people of our State, and has been a great ally in Cale's work.

Cale Boggs is, by nature, a very modest man who does what he does because he wishes to serve his fellow man, and not for any recognition that it might bring. He is revered in Delaware as a man of good humor, hard work, perseverance, and commitment to his fellow man.

We have been fortunate indeed in Delaware to have a man of Cale Boggs' abilities serving our State for nearly four decades, and I want to join with all Delaware in expressing my thanks and appreciation to Cale as he passes this significant milestone.

Happy birthday, Cale.

HONORING FORMER DELAWARE SENATORS JOHN J. WILLIAMS AND J. CALEB BOGGS

Mr. BIDEN. Mr. President, this week, two of my distinguished predecessors from Delaware, Senator John J. Williams and Senator J. Caleb Boggs, will be marking important milestones in their lives.

Today, May 15, my immediate predecessor, Senator J. Caleb Boggs, will celebrate his 75th birthday. During his 27-year career in public service as judge, Congressman, Governor, and Senator, Cale Boggs was widely recognized as the most popular public official in Delaware's history. Along with many others, I have always believed that his popularity was due to the fact that he is so completely representative of the people of Delaware. As a public official, he pursued with equal vigor the interests of his State and the interests of his Nation. I will never forget the kindness that he showed to me during the time that I was preparing to enter the Senate, and I am honored to call Cale Boggs my friend.

On May 17, Senator John J. Williams will celebrate his 80th birthday. During his four terms in the U.S. Senate, Senator Williams' rockbound integrity and total honesty earned him the reputation as the conscience of the Senate. John Williams was unsleeping in his vigilance of the public trust, and he remains a model of responsibility for all public officials.

Mr. President, John Williams and Cale Boggs truly exemplify the American concept of public service. As we wish them well on their special days, let us rededicate ourselves to the ideals for which they stood.

SYNTHETIC FUELS CORPORATION

Mr. COHEN. Mr. President, I am deeply disappointed by the administration's decision to slash the funding for

the Synthetic Fuels Corporation, and I am calling on the President today in the strongest possible terms to review this ill-considered decision.

It has been apparent since this administration took office that its commitment to developing a synthetic fuels program was marginal at best as evidenced by the appointment of a Chairman of the Corporation who had publicly spoken against the Corporation's mission. Sadly, that commitment has continued to erode, making possible the nadir we have reached today. The Corporation's history of management failures, abandoned projects, a lack of planning, and slow decisionmaking has been allowed to continue without receiving proper attention.

Last July, I chaired hearings of the Oversight of Government Management Subcommittee during which some of these problems first were brought to light. The hearings revealed serious deficiencies in the Corporation's operations, including poor communications between the full-time and part-time Directors, the failure of the SFC management to develop an effective plan to govern operations, and cronyism in hiring staff and in awarding consultant contracts. The subcommittee also uncovered disturbing evidence of apparent conflict-of-interest and ethical violations by certain Board members.

Since the Oversight Subcommittee's hearings, new allegations of mismanagement and setbacks for the SFC have captured the headlines. The past two presidents of the Corporation have resigned in the face of allegations of ethical misconduct, and questions continue to be raised about the Corporation's business and ethical practices. Over the past 4 months, four of the seven board members have resigned, bringing the Corporation's work to a virtual standstill.

After my subcommittee's investigation, we issued a variety of constructive and realistic recommendations to get the Corporation back on track, including a program of better internal communication methods, a toughening of the Corporation's conflict of interest regulations, and an overhaul of the Corporation's procurement procedures, just to name a few.

Since that time, we have watched and waited for the Corporation to take action on those recommendations. But little has happened, and the situation has deteriorated further to the present unacceptable situation.

Now we are faced with the administration seeking to abandon its commitment entirely. I believe this is fundamentally wrong, and reflects an attitude of turning back the clock in our Nation's struggle to achieve energy independence.

To some, the long gaslines and home heating shortages of the 1970's may seem like only a distant memory. The current oil supply should not, however, lull us into the belief that our energy problems are over.

I will not take the time this afternoon to point to recent news events of the kind of tragedy that is currently taking place in the Persian Gulf with the firing on ships, and the potential that we might have to deploy forces to keep the Persian Gulf open.

The Middle East is too unstable and our oil reserves are too limited for us to ignore the fact that we are still dependent on foreign oil supplies. To avoid ransoming our country's energy future, we must develop a viable domestic synthetic fuels industry.

My suggestion is not that we give up on the Corporation, as it appears that this administration has done. My suggestion is that the Corporation proceed with those projects it currently has underway, that the President submit to the Senate one new nominee to provide a quorum for the Board. Rather than simply throwing in the towel, I suggest we seize the initiative to give the Corporation a fresh start and move our country closer to development of a synthetic fuels industry and toward greater energy independence.

Obviously, after the November elections, a reassessment can take place, in terms of the scope of the Corporation and, indeed, the entire composition of that Corporation. But in the meantime, it seems to me that we make an absolute fatal mistake to give up on a project that was initiated by Congress in the face of what is certain to be future, continued, threatening interruptions to our energy supplies. We have an obligation to appoint people to that Corporation who are not only qualified but committed to its mission, and to give it as much support as we possibly can. I do not believe that is being done now. The answer is not as this administration has given us, to simply get rid of the Corporation.

AMBASSADOR ARTHUR BURNS ON THE AMERICAN TRADE DEFICIT

Mr. PERCY. Mr. President, it was recently announced that the U.S. merchandise trade deficit rose to a staggering $25.8 billion in the first quarter of 1984, up from an already unacceptable level of $19.4 billion in the fourth quarter of last year. This deficit is a manifestation of a wide range of factors which are threatening to upset the foundations of our international economic policy and disrupt relations with our trading partners.

Last month, Arthur Burns, our distinguished Ambassador to the Federal Republic of Germany, delivered a speech before the Industrie Club in Duesseldorf which, in addition to providing an excellent analysis of the causes and consequences of the American trade deficit, outlined several insightful measures aimed at correcting the imbalance. I would like to take this opportunity to share the highlights of his remarks with the Congress.

Ambassador Burns correctly identifies the principal cause of the trade deficit as the high value of the dollar in foreign exchange markets. Between late 1980 and early this year, the dollar "appreciated on average about 50 percent against the currencies of the 10 major industrial countries." By now, it has become adequately clear that this rapid revaluation of the dollar has severely handicapped U.S. exports.

Another major cause of America's deteriorating trade position is the severe liquidity shortage among developing countries who are paying out high percentages of their foreign exchange earnings to finance burdensome amounts of debt. According to Ambassador Burns, "the dollar value of our exports to Latin America was cut almost in half between the first quarter of 1981 and the final quarter of 1983."

A third factor contributing to America's trade deficit is the uneven cyclical development of the major industrialized countries. Because economic recovery in the United States has outstripped that of Western Europe and Japan, "our exports to those countries have been very sluggish while our imports have soared—as always happens during the expansion phase of the business cycle."

Not coincidentally, Mr. President, these trends converge with a growing tendency to solve trade problems with protectionist measures. This is particularly troublesome in our agricultural trade with the European Community whose member governments fix common prices on their products above world prices. The domestic market of the Community is then protected by variable levies that tend to keep out lower-priced imports. As Ambassador Burns points out, however, the Europeans have some legitimate complaints of their own and agricultural policies in both the United States and Europe are becoming a heavy burden on governmental budgets:

> Programs for supporting farm prices and incomes cost the American Government $28 billion in fiscal year 1983—an enormous increase over the preceding 2 years. The cost of supporting agriculture has also increased rapidly in the European community, reaching over $13 billion in 1983.

Mr. President, protectionism holds little promise as a solution to our growing trade deficit. Rather, trade restrictions are likely to exacerbate problems and spill over into the political arena thereby undermining our

ability to act in concert with Europe and Japan.

In his speech, Ambassador Burns outlines a more constructive approach to reducing the trade deficit. By reducing projected budget deficits, the American Government can begin to reduce the many difficulties that have been caused by high interest rates and the strong dollar. By the same token, he urges European governments to take measures to improve the environment for business risktaking, innovation, and capital investment in order to bring their growth rates into line with those prevailing in the United States.

Mr. Burns recommends combining greater fiscal discipline with a skillful monetary policy that tempers the robustness of economic growth and thus guards against inflationary policies.

Finally, in order to relieve the burden of Latin American debt, he urges continued support for the actions of the International Monetary Fund and the Bank for International Settlements which have staved off what might otherwise have been an international financial collapse.

Mr. President, these recommendations merit careful consideration as we decide how to cope with trade deficits of unprecedented proportions. In my view, they represent important elements of a farsighted international economic policy. I ask, therefore, that the full text of Ambassador Burns' speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE AMERICAN TRADE DEFICIT IN PERSPECTIVE

(By Arthur F. Burns)

I very much appreciate the opportunity to address this distinguished audience today. The topic I have chosen to discuss with you is the merchandise trade of the United States with other countries. My reasons for focusing on this subject are not parochial. In the first place, it is important for Europeans to understand that the strong recovery in America's over-all production and employment has been accompanied by further deterioration in its foreign trade. Secondly, the poor trade performance of the United States in recent years reflects a disequilibrium in the world economy as well as in our domestic economy. Widespread political strains have been the inevitable result. The promises of last year's Williamsburg Summit with regard to international trade and finance have not been fulfilled. If anything, international tensions arising from economic issues have increased during the past year.

Let me begin by reciting some of the essential facts about the foreign trade of the United States. Until 1970, my country enjoyed a surplus in its merchandise trade with the rest of the world. Since then, with oil prices higher and competition from our trading partners keener, trade deficits have been the rule. For a time this served a constructive international role in view of America's surplus on other items in its international accounts. But the trade deficit took a quantum jump towards the end of the 1970's when it reached a rate of about 30 billion dollars per year—a rate that was maintained through the first half of 1982. More recently, the trade deficit has grown by leaps and bounds. It reached an annual rate of 75 billion dollars in the final quarter of 1983, and is expected to exceed 100 billion dollars this calendar year.

To be sure, the deterioration in America's merchandise trade is still being offset by our traditional surplus on trade in services and on investment income from abroad. Even so, the deficit in our international current account—which allows for these items—reached over 40 billion dollars during 1983, and ran at a much higher annual rate in its final quarter. The counterpart of this dramatic current account deficit has been a huge flow of funds from abroad to the United States combined with a sharp contraction in our traditional capital exports. That is hardly a welcome development for a nation with the largest and richest economy in the world.

There is a widespread belief in American circles that many of our industries can no longer compete against more efficient Japanese firms. There is worry as well that American producers are being victimized by unfair competition from low-wage producers in developing countries and subsidized products of European and other foreign enterprises. Such explanations of our foreign trade deficit contain an element of truth, but hardly more than that. The principal causes of America's recent trade deterioration are to be found elsewhere—in the high value of the dollar in foreign exchange markets, in the faster rebound from recession in the United States than in Western Europe or Japan, and in the unavoidable need of debt-ridden developing countries to practice austerity.

The strength of the dollar in foreign exchange markets in the past few years is well known in Europe. Between late 1980 and early this year the dollar appreciated about 30 percent against the Swiss franc, 40 percent against the British pound, 50 percent against the German mark, 100 percent against the French franc. The dollar's appreciation against the Japanese yen and Canadian currency was much less. Nevertheless, taking the currencies of the ten major industrial countries together, the dollar appreciated on the average about 50 percent during that period. The high cost of the dollar obviously has made American goods less attractive to foreign buyers, while the low cost of foreign currencies has made foreign products more attractive to Americans. Although the dollar has weakened since the start of this year, it still retains the greater part of the appreciation against other currencies that occurred after 1980.

Another major cause of America's trade deterioration is the difficulty that many developing countries have been experiencing during the past two to three years in borrowing abroad. By 1982 an increasing number of commercial bankers and other suppliers of credit finally realized that they had been less than prudent in accommodating—in fact, often even encouraging—the eagerness of developing countries to pile up indebtedness. Once lending to these countries was curtailed, one after another of them found it impossible to meet its scheduled debt repayments or even the interest due on its indebtedness. To prevent outright bankruptcy, their governments had to plead for financial assistance from the International Monetary Fund, other governments, and the private financial community; but such help could not remove the need to practice austerity—particularly, to cut imports and expand exports. The nations of Latin America, which have especially close commercial ties with the United States, were foremost among those suffering a shortage of foreign exchange. Not surprisingly, the dollar value of our exports to Latin America was cut almost in half between the first quarter of 1981 and the final quarter of 1983.

A third factor in America's trade deterioration is the uneven cyclical development of the major industrialized countries. Economic recovery began in the United States towards the end of 1982 and gathered momentum rapidly. The economy of Canada recovered about the same time and advanced almost as rapidly. Other industrial countries did not do as well. Japan's economy continued to advance but at a diminished rate. Great Britain and Germany recovered more gradually than the United States, while the rest of Western Europe continued to experience stagnation or recession. Because of the lag of the recovery process outside the United States, our exports to Europe and Japan became very sluggish while our imports soared—as always happens during the expansion phase of the business cycle.

In addition to the several major causes of America's trade deficit on which I have dwelt—namely, the strong dollar, the distress of developing countries, and the rapid rebound of the American economy—a host of other factors played some part. Two of them deserve special mention: first, the world-wide drop in oil demand which forced OPEC members to cut back their imports; second, recent developments in world agriculture—a subject to which I will need to return—which also contributed to the deterioration of America's foreign trade.

The piling up of these unfavorable trade developments has become a matter of widespread concern in the United States. Farm income was already depressed during the late 1970's; and with foreign sales declining, it has plummeted since 1980. Moreover, the shrinkage in exports of our manufactured products resulted in a reduction of both jobs and profits in numerous firms—particularly those engaged in producing machinery, civil aircraft, and other capital goods. Meanwhile, the rise in imports kept adding to the displacement of workers involved in the manufacture of various consumer as well as capital goods.

Professional economists often look upon such vicissitudes of trade as normal workings of a competitive market, and they are apt to express confidence that the difficulties will eventually be corrected through the marketplace. In principle, there is considerable justification for such views.

As the economy of the United States continues to expand, its rate of expansion is bound to moderate. Meanwhile, signs of economic recovery in Western Europe, which have been gradually reemerging, are likely to multiply. With the gap in economic performance between Europe and the United States narrowing, America's trade deficit will tend to diminish. On balance, Latin American developments should also be less damaging to our foreign trade. During the past year, the heavily indebted countries of Latin America have experienced significant improvement in their current account balances with the rest of the world. Hence, the recent sharp reduction in their imports from the United States can hardly be expected to become still larger. Moreover,

since the purchasing power of the dollar over commodities appears to be appreciably overvalued relative to other currencies, it would not be at all surprising if the decline in the foreign exchange value of the dollar that has occurred since its January peak were moderately extended over the next year or two. In short, one can reasonably argue that the marketplace is already releasing forces that before long will diminish the American trade deficit.

Relaxed thinking along these lines, however, is rarely shared by American businessmen, farmers, and workers who happen to have been adversely affected through foreign trade. Nor is it shared by politicians—particularly in an election year. Of late, American advocates of restrictive trade policies have become bolder, and their complaints about trade practices of other countries have become more strident. Their calls for new import barriers are being echoed by similar calls in Europe. After all, numerous European industries have also experienced an economic setback in recent years, and unemployment is now extensive throughout Western Europe. With the virus of protectionist sentiment spreading, the need for economic statesmanship both in the United States and in Europe has become urgent.

America's foreign trade problem is also Europe's problem, and it is important for both Europeans and Americans to try to see from an international viewpoint the trade and financial issues that have caused political tensions among us. In the process of doing that, we are all bound to find that what Americans regard as their special problem involves common international concerns that require better mutual understanding—and often also corrective measures—on both sides of the Atlantic.

One of the problems that has been especially troublesome in the relations between the United States and Western Europe involves agricultural trade. Americans have long complained about the protectionist thrust of the European Community's agricultural policy—a policy that relies heavily on price supports to maintain the income of its farmers. Each year the Community's member governments fix common prices of various agricultural products. These prices run above world prices. The domestic market of the Community is then protected by variable levies that tend to keep out lower-priced imports. In part as a result of this policy, the Community's share of America's total agricultural exports has tended to decline.

The decline would have been sharper if the Community's restrictions had also been applied to soybeans and soybean products—which loom large in American exports. This has been precluded by prior international agreements that permit soybeans and their derivatives to be shipped duty-free into the Community. That access has recently been threatened by the proposal of the European Commission to impose a consumer tax on vegetable oils. Quite obviously, such a tax would have much the same effect as an explicit import barrier.

The American government is also troubled by the commission's proposal to restrict imports of corn gluten—a product used in animal feeds—which now also enters the Community duty-free on the basis of previous agreements. Since American farmers have not shared in the recent economic recovery, concern over restrictive measures against corn gluten and soybeans has become acute in the United States.

These new European proposals have thus intensified a perennial complaint of the United States—namely, that our market is far more open to agricultural imports than the Community's market. There can be no denying, however, that Europeans have some legitimate complaints about American agricultural policies. The United States, for example, has long maintained import quotas on dairy products—a protectionist measure that has hurt European farmers. Again, American wine producers have recently been seeking Congressional limitation on wine imports.

The deplorable clamor for increasing protectionisms in agriculture is not only interfering with the efficient use of labor and capital. It may also release new inflationary pressures—directly by raising food prices, indirectly by repercussions on labor markets. Nor is this all. Agricultural policies in Europe and the United States are becoming a heavy burden on governmental budgets. Programs for supporting farm prices and incomes cost the American government 28 billion dollars in fiscal year 1983—an enormous increase over the preceding two years. The cost of supporting agriculture has also increased rapidly in the European community, reaching over 13 billion dollars in 1983. Indeed, the member governments of the Community are now engaged in an anxious search for ways of limiting the impact of agricultural expenditures on their budgets—a search that has caused severe political strains in Europe.

Foreign trade in agricultural products is thus an intra-European problem as well as a problem involving the United States and Western Europe—for that matter, much of the rest of the world as well. A basic cause of this common problem is the tendency toward excessive production of various agricultural products. Here the Europeans have perhaps been more at fault than Americans, for the agricultural support programs of the United States have usually included some incentives to cut back production while European support programs have not. In fact, the Community's disposal of its surpluses through subsidized sales on world markets has been a source of considerable friction between the United States and the Community.

As we look ahead, the problem of oversupply may become more acute because of continuing advances in agricultural technology—especially in the grain and dairy sectors. This is clearly a problem that Community and American farmers have in common. Although our several governments recognize this, they have not yet tackled together the challenge posed by world overproduction. Fortunately, both the American government and the Community have of late moderated their rhetoric on agricultural trade issues, restrained their actions, and tried quietly to resolve their outstanding differences. The German government, in particular, has expressed firm opposition to a European consumer tax on vegetable oils. It should be a source of some comfort to both Americans and Europeans that powerful voices of reason are being heard at a time when pressures on governments from agricultural interests have become so insistent.

Trade in steel products is another perennial irritant in relations between the United States and the European Community. Problems in this area have recently become more troublesome, largely as a result of declining demand for steel products during the recession, but partly also because of larger production and exports by some developing countries. In view of these changed market conditions, steel firms on both sides of the Atlantic have been forced to curtail production, close some entire plants, and release many workers.

In the early 1980's, American steelmakers petitioned our government for protection against rising steel imports from the European Community. The Americans argued that European firms were benefiting unfairly from export subsidies and that some of their products were being sold in the United States below their fair value. If their complaint had run the full course permitted by American law, the result would certainly have been a sharp reduction in European exports of carbon steel products. Fortunately, mutual good will prevailed over legal contests. After long and difficult negotiations, involving both steel producers and governments, an agreement was reached in October 1982, under which the Community undertook to limit moderately its exports of certain steel products to the United States through the end of 1985.

This agreement has worked reasonably well thus far, but it has by no means quieted the steel trade issue. The specialty steel branch of the American industry, which was not covered by the 1982 agreement, has also suffered declines in profits and employment in recent years. Its urgent appeal for relief under American law led in July 1983 to the President's approval of temporary quotas and extra tariffs for specialty steel imports. This action was severely criticized in Europe—in part, no doubt, because it came so soon after the Williamsburg Summit. At any rate, the European Community responded, as it had the right to do under GATT rules, by limiting certain imports of equivalent value from the United States. At times during the past year, the specialty steel problem threatened to provoke a serious rift in the relations between the United States and Western Europe. Once again, however, the matter was settled amicably thanks to the willingness of the concerned parties to make the necessary compromises. unfortunately, both American producers and their organized workers have now joined in fresh appeals for restricting imports of steel generally. Difficulties over steel trade thus remain with us.

In view of the restlessness that continues to afflict international steel trade, there can be no escape from the conclusion that arrangements such as Americans and Europeans have recently succeeded in working out are merely temporary expedients. The critical fact is that both the United States and Europe face a common problem of overcapacity in their respective areas—a problem that is being accentuated by rising imports from the more advanced of the developing countries. It is only by addressing together these broader issues that we can have a reasonable chance of finding lasting solutions to our perennial problems in steel trade.

Because of limitations of time, as well as of my own knowledge, I shall not comment on other specific trade issues—as in the case of copper, footwear, machine tools, and wines—that are being accorded public attention in this election year. But in view of my past involvement in central banking, I do want to make a few observations about financial questions surrounding America's trade deficit that have stirred wide interest and controversy.

Let us take first the case of the dollar's appreciation. It has served to reduce inflationary pressures in the United States, but it has had the opposite effect in Europe—since a very large part of Europe's imports is denominated in dollars. On the other

hand, the dollar's appreciation has severely hurt America's foreign trade, while it has benefited the trade of other countries—including those in Western Europe. Discerning Europeans recognize that the trade deficit of the United States has served, in effect, to drive the world economy forward. They have not, however, rejoiced over their trade advantage, since they realize that the dollar's strength will not last indefinitely and therefore fear that the industrial structure of their countries could become distorted in the process of responding to a temporary trade advantage.

Europeans naturally prefer a stable dollar to one that oscillates in buying power, and so for that matter do Americans. But neither Europeans nor Americans have as yet found an acceptable method of returning to the kind of stability in exchange rates that existed before the abandonment of the Bretton Woods system. In a world in which capital movements often overshadow trade movements and in which inflation rates of individual countries diverge widely, central bank intervention in foreign exchange markets—a remedy that is still popular in some political circles—cannot accomplish anything beyond smoothing out the very short-run fluctuations of exchange rates.

To be sure, many Europeans feel that the appreciation of the dollar has been largely due to the relatively high interest rates in the United States. Their argument typically runs as follows: first, high American interest rates are damaging European economies by attracting to the United States funds that otherwise would be directed to capital investment at home. Second, European interests rates are also higher than they would be in the absence of the outflow of capital to the United States. Third, the gigantic debt burden of developing countries is being compounded by the high American interest rates. Fourth, the United States could correct these difficulties by bringing down its interest rates, and this could best be accomplished by reducing the enormous deficits in the American government's budget. Finally, the American economy as well as the entire international economy would benefit in the process.

This line of reasoning has not been confined to Europeans. Many Americans have shared it—which is not surprising since the above argument does embody a substantial element of truth. I must nevertheless point out that the above argument is incomplete. It overlooks the fact that the dollar is a haven of safety for Europeans and others in times of international political turmoil such as we have experienced in recent years. It overlooks the fact that there are causes of high interest rates beyond budget deficits. It overlooks the fact that the high American interest rates have not proved an obstacle to a robust recovery in the United States, including a revival of both residential construction and business investment in fixed capital. More important still, the European argument overlooks the fact that profit opportunities in the United States have become distinctly more favorable than in Western Europe. Even with American interest rates remaining as they are, if European governments moved more boldly to improve prospects for business profits in their countries, the chances are that the flow of capital to the United States would be materially checked—indeed, that American capital on balance might well start moving to Europe.

The American government can surely be helpful to the European economy as well as to its own by proceeding resolutely to reduce its projected budget deficits. That is fully recognized by now both by the Reagan Administration and the Congress. I am entirely confident that a significant budgetary correction will be accomplished before long—perhaps even by this summer, but certainly by next spring. As awareness of this forthcoming development spreads through financial markets, current pressures on interest rates will tend to be eased and financial investments in the United States may thus become less attractive to foreigners. But Europe can also do its part—namely, by improving the environment for business risk-taking, innovation, and capital investment. In short, European governments as well as the American government could take actions—as indeed some are already doing—to reduce the many difficulties that have been caused by high interest rates and the strong dollar. To some degree, with prospective profits in Europe beginning to improve, a wholesome process of economic revitalization may already be getting under way.

While the United States will have to emphasize one set of policies in dealing with the dollar's strength and Europe quite another, their approaches can and should be similar in dealing with the indebtedness of the developing countries—again a problem that the United States and Western Europe have in common. Fortunately, this has been recognized on both sides of the Atlantic. Indeed, speedy action by the International Monetary Fund and the Bank for International Settlements working in concert with the governments of the leading industrial countries as well as with their central and commercial bankers, has staved off what might otherwise have been an international financial collapse. These constructive rescue missions have not, however, solved the underlying debt problem of the developing countries, since the debtors are being burdened with interest charges that some—perhaps many—of them may find it impossible to meet.

All concerned parties have some further contribution to make. As governments of the industrial countries continue to work at fostering sustainable growth of their economies, the developing countries will gain opportunities to increase their exports. That, along with efforts to bring down interest rates and curb protectionist impulses, is fundamental. For their part, commercial banks—especially the large institutions that play a leadership role in international finance—need in their self-interest, as well as for the sake of stability in the international financial system, to do more than they have yet done to ease the payments problem of debtor countries.

Typically, of course, when commercial bankers run into a debt problem of one of their business customers, they devise means of scaling down the size of the debt or the interest on it, and at times even accept the debtor company's stock in place of all or part of the outstanding debt. That business approach is suggestive of actions that could be taken in handling the indebtedness of some of the more necessitous developing countries.

One possibility would be for a dozen or so of the major international banks to proceed on their own to cut substantially the interest rates charged to those of the less developed countries that have run into insuperable difficulties in complying with the financial program worked out in their behalf by the International Monetary Fund. Such voluntary interest-rate reductions could not in practice be generalized to cover all banks, since many of the smaller banks would balk at following the initiative of the major banks. That, however, is not a fatal objection, since the relief granted by the major international banks would of itself reduce appreciably the financial burden facing necessitous debtors.

In any event, leadership by the major international banks in interest-rate reductions is not the only possible route to relief. For example, near-term interest payments due from seriously troubled countries could be transformed into debt obligations that extend sufficiently into the future to provide the debtors essential breathing space.

Moreover, the governments of the United States and Western Europe can play a more direct role in helping the less developed countries to reestablish their credit worthiness and resume economic growth. Legislation calling for renewal of our system of trade preferences for developing countries that is now before the Congress is important in this regard. The European Community is likewise involved in renegotiating the Lome Convention which permits duty-free access of raw materials from developing countries. The existing European and American systems of general trade preference deserve extension and some further liberalization.

The developing countries must, nevertheless, be constantly reminded that it is decisively to their own benefit to expose their economies in greater degree to market forces. Continued reliance on preferential treatment is a dead-end policy, and one that will not be accepted indefinitely by the industrial nations. Developing countries must be particularly encouraged to pursue financial policies that will attract foreign investors, besides enticing back some of the enormous amounts of capital that their own frightened citizens and businesses had moved abroad. However difficult such policies may be, there is no other way for the developing countries to achieve the full partnership that they seek in the investment and trading system of the modern world.

In bringing this address to a conclusion, I want—even at the cost of some repetition—to leave several basic thoughts with you. First of all, it is well to keep in mind that prior to last year, the biggest current account deficit that any country had ever experienced in a single year was about 15 billion dollars. The 70 to 80 billion dollar shortfall that my country is headed for this year is awesomely different from anything experienced in the past. Since America's trade problem involves Europe deeply, it is essential that Europeans and Americans seek better understanding of their mutual economic concerns and work together toward their resolution.

Second, as previously suggested, the United States can best contribute to easing the trade and debt problems that now confront the world by moving decisively toward greater fiscal discipline. This needs to be combined with a skillful monetary policy that tempers the robustness of economic growth and thus guards against inflationary pressures. In Europe the foremost need is for confidence-building measures that foster job creation, so that Europe can contribute more significantly to the recovery of world trade.

Third, since the problem of international indebtedness is also without precedent—either as to dimension or disruptive potential—it is highly important to seek ways of

enlarging upon the progress that has been achieved in the current phase of crisis management. We need, in particular, constructive initiatives that will enable the world to ride out difficulties even if economic developments in the years ahead should prove disappointing.

Fourth, the danger of protectionism has been growing despite some improvement in the condition of the international economy. In that regard, both Americans and Europeans must be concerned about the effects of protectionism on the developing world as well as about the weakening of our own economies through further protectionist actions. Even more important than that, we need to keep in mind that enmities created by trade restrictions at times spill over into the political arena, and may even affect the capacity of the partners in the North Atlantic Alliance to cooperate as effectively as they should in meeting challenges to their common security.

Fortunately, the several dangers and needs that I have emphasized are increasingly recognized on both sides of the Atlantic. Indeed, some have already been dealt with or are at present being considered constructively. I see, therefore, ample basis for hope of a better economic future than has been our lot in the past few years.

In the course of my life, I have seen many crises come and go. I have also seen crises that were widely anticipated fail to materialize. It is always unwise to underestimate the capacity of human ingenuity and good will to resolve economic problems—whether they be domestic or international. Let us not underrate that capacity now. As Americans and Europeans we know in our hearts that the ethical, political, and cultural values that we share in common are overwhelmingly more important than the trade or financial issues that now and then excite us.

SAFE DRINKING WATER ACT AMENDMENT

Mr. BAUCUS. Mr. President, I am pleased to join in cosponsoring S. 2649, the Safe Drinking Water Act Amendments of 1984. This legislation represents an important effort to correct deficiencies in the current act and to solve problems that have occurred in the administration of the act.

The Safe Drinking Water Act was enacted a decade ago. Yet there is little evidence to suggest that it has been effective in improving the quality of the Nation's drinking water. Outbreaks of waterborne disease are increasing. The effects of exposure to chemicals and pesticides found in drinking water cannot be accurately measured. It is necessary, therefore, to review the current program to insure that safe drinking water supplies are available in all public water systems.

The goals and objectives of S. 2649 are correct. I support them. Every individual is entitled to a clean and healthful water supply. But, I am concerned about the ability of small communities to meet this objective. Small community compliance is a problem under the current program. New requirements will place additional burdens on these facilities. This is neither an argument for not adopting standards nor a suggestion that small communities should be permanently exempted from compliance.

It does underscore a serious problem in that the balance of compliance is in favor of larger, better funded water supply systems. A GAO report published in 1982 employing Environmental Protection Agency estimates, stated that 13,600 to 65,000 systems could not meet Federal drinking water quality standards without improving their facilities. In many places, the costs of additional treatment requirements are in addition to much needed improvements of deteriorating or inadequate supply and distribution systems. A survey conducted in Montana last year revealed that $86 million is needed to fulfill the water supply requirements of 94 municipal water systems in the State. Of this amount $20 million would go for treatment projects. These results are preliminary and do not include the needs of another 30 towns. I am sure that this situation is even more critical in other areas of the country.

If the objectives of the Safe Drinking Water Act and S. 2649 are to be met, the benefits should be accessible to all public water supply systems. As this legislation progresses, I will be open to comments and suggestions on ways to assist small communities in meeting new and existing mandates.

In Montana, we generally enjoy a cleaner, more pristine water supply than do many populated and industrial States. This situation is changing, however.

Ground water contamination problems, such as arsenic contamination in the Clark Fork River near Milltown, have rendered some water supplies unusable. Stubborn outbreaks of giardia also have struck some areas, particularly Bozeman and Missoula.

S. 2649 will take a significant step toward improving drinking water throughout Montana and the entire country.

THE BAHA'IS IN IRAN

Mr. PERCY. Mr. President, Morton Kondracke, the respected executive editor of "The New Republic," has written a compelling analysis of the plight of the Baha'is in Iran. The Baha'is are Iran's largest religious minority; yet, their rights as a minority are systematically suppressed. More than 160 Baha'i believers have been executed solely on the basis of the fact that their religious faith differs from that of the ruling Islamic fundamentalists.

Mr. Kondracke's article decries the fact that "hardly anyone knows that the Ayatollah Khomeini is waging a systematic and brutal holy war against his country's Baha'is." His article and others like it help keep attention on the plight of the Baha'is, and that can be helpful in putting a brake on the campaign against the Baha'is. Another helpful action is the passage of resolutions in Congress which keep attention on the plight of the Baha'is. I again urge my colleagues to join in cosponsoring Senate Concurrent Resolution 86, a concurrent resolution by Senator HEINZ, before it is brought up for a vote in the Foreign Relations Committee. So far, we have 61 cosponsors.

I ask that the article by Morton Kondracke, which appeared in the "Washington Times" on May 8, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OF IRAN'S TORTURED FORGOTTEN BAHA'IS

Americans are marching against intervention in Central America, plastering up posters condemning actions in Grenada, showing solidarity with trade unionism in Poland and nuclear-freeze groups throughout the world. But who cares about the Baha'is of Iran? Hardly anyone.

Hardly anyone, in fact, even knows that the Ayatollah Khomeini is waging a systematic and brutal holy war against his country's Baha'is—imprisoning, torturing and executing leaders and worshippers—solely for their religious convictions.

Assistant Secretary of State for Human Rights and Humanitarian Affairs Elliott Abrams last week characterized the regime's actions as "sickeningly reminiscent of Nazi Germany" before the Holocaust. A resolution condemning Iran has gathered 140 signatures in the House and 60 in the Senate.

More than 170 Baha'is have been executed since the ayatollah came to power—three last month, 20 in the last year—and today 703 languish in jail awaiting trial or serving sentences. The dead were Baha'i leaders, university professors, businessmen, young women, the elderly.

But most of the world doesn't even know what a Baha'i is, much less the story of their persecution.

Bahaism was founded in Iran in the 1840s, when a prophet named Baha'u'llah, preaching world unity, pacifism and tolerance, split off from the Shi'ite Moslems.

His followers now number about 2 million worldwide, including 300,000 in Iran, 700,000 in India and 100,000 in the United States. The world center for Baha'is is in Haifa, Israel, something the Shi'ites like to emphasize when they accuse members of "crimes against God," "corruption on earth" and "Zionism."

Americans who thought that anything would be better than the ironfisted rule of the shah should know that his regime at least allowed the religion to exist. But in August 1983, Khomeini's Revolutionary Prosecutor General Hojjatu'l Tabrizi announced that "all the collective and administrative activities of Bahaism in Iran are banned . . ." And that was really just an official announcement of what had already been the case for several years.

Here's how the presiding judge of the Revolutionary Court explained death sentences returned against 22 Baha'is a year ago: "It is absolutely certain that in the Islamic Republic of Iran there is no place for Baha'is or Bahaism. . . . before it is too late, the Baha'is should recant Bahaism, which is condemned by reason and logic."

Here's their "logic:" In Islam, Mohammed (A.D. 700) is the last true prophet. Any faith established since Mohammed (like Bahaism) is deemed false. In fanatically religious Iran, false prophesy means death. Take it from there.

Two examples further illustrate how the ayatollah operates his machine of persecution. On April 6 of last year, an Iranian newspaper published the report of a purge in the country's oil ministry. Charges included collaborating with SAVAK, the shah's secret police; immorality; membership in organizations which denied the existence of God; bribery; etc. More than half the total dismissed were charged with belonging to "the misguided group of Bahaism . . . a heretical group outside Islam."

It's one easy step for the ayatollah from meanness to murder. At a congressional hearing last week in Washington, a Texas restaurant operator who left Iran six years ago described getting the news in June 1983 that his father, mother and sister had been hanged.

Said Eshraghi testified that his father, an oil company employee, was charged with spying for Israel—the senior Mr. Eshraghi had once made a pilgrimage to the world Baha'i center there. His mother was charged with complicity. The sister was charged with teaching Baha'i Sunday school. Each was offered clemency if they would renounce their faith; they refused and, after a few months in prison, were hanged.

Baha'is in the hearing room cried openly during the testimony. Later, many expressed concern that their families back in Iran face similar ends. "At any moment someone might come from the Revolutionary Guard to take my parents away," Elahe Nourani, 29, told me. She left Iran with her husband before the revolution, but her parents, whose passports have been confiscated, can't leave.

Of course Baha'is aren't the only group persecuted in Iran—Jews, Christians, Zoroastrians and others have been harassed, jailed and, in some cases, executed (though not explicitly for their religious convictions). Amnesty International estimates that more than 5,500 Iranians have been killed since Mr. Khomeini triumphantly returned on Feb. 1, 1979. Still, the State Department calls the human rights problem of Baha'is in Iran "one of the worst in the world."

What can be done? The Baha'is publicly announced they were obeying the prosecutor general's decree and are no longer assembling. But that didn't stop the arrests or executions; nor did the strong protests by President Reagan last summer, before 17 Baha'is were publicly hanged.

The United States must pressure its friends who have close diplomatic or economic ties to Iran—notably Japan and India—to call on the ayatollah to end the atrocities. And U.S. corporations again trading with Iran (they sold more than $190 million in goods last year) should attach a note with their sales saying the same thing.

Finally, it wouldn't hurt if the same American activists promoting liberation elsewhere put up a few posters or marched a few miles on behalf of the Baha'is.

DR. AUSTIN W. CURTIS

Mr. LEVIN. Mr. President, it is a great honor for me to acknowledge the many contributions of Dr. Austin W. Curtis to the American way of life.

A. W. Curtis was born July 28, 1911, in Institute, WV. A graduate of Cornell University, Dr. Curtis went on to become a protege and assistant to Dr. George Washington Carver, working closely with the world renowned scientist until 1943.

A resident of Detroit, MI, over the last 40 years, Dr. Curtis' civic and community activities have been numerous. He was appointed to the citizens committee to study the needs of the Detroit school system, and vice president and member of the executive committee of the Citizens Redevelopment Corp.—a nonprofit corporation—which had as its function the tasks of expediting, directing, and providing nongovernmental support to the city of Detroit's urban renewal program.

He established the A. W. Curtis Laboratories in 1944 to manufacture products with a peanut base and the company enjoyed an outstanding reputation for products of superior quality.

As a community leader, Dr. Curtis has participated in many and countless ways to better the quality of life for his neighbors. He was a member of the board of directors of the Inner City Business Improvement Forum and president of the Black Manufacturers & Distributors Association.

I am proud to help honor this concerned and active citizen, this talented scholar and educator who stands as an example of accomplishment to those whose lives he has touched.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I believe that the time for the transaction of routine morning business has expired.

The PRESIDING OFFICER. The time for the transaction of morning business has expired.

MISCELLANEOUS TARIFF TRADE AND CUSTOMS MATTERS

The PRESIDING OFFICER. The clerk will now report the unfinished business.

The legislative clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Baker Amendment No. 3027, to further reduce deficits by including reconciliations and appropriations caps for defense and non-defense discretionary spending for fiscal years 1985, 1986, and 1987.

Mr. BYRD. Mr. President, a funny thing happened on my way to the Senate this morning. I noted a UPI wire story which made reference to a distinguished Republican Senator and what he had to say with reference to the pending legislation. I shall not mention the Senator by name or really have much to say about the statement he made, except that I think it is rather silly. He is a candidate, I understand, for the majority leadership on the Republican side. So perhaps some of what was said can be dismissed for that reason.

In any event, the wire story quotes the Senator as saying:

I think there has been a decision by the Democratic leadership in the Senate just to drag this thing out and not do anything this year.

The Senator went on to note that there will be a congressional recess in late May and that by June 29 there will be another recess, for the Democratic National Convention. The Senator also went on to say:

I think the calendar is really working against a deficit reduction this year unless Congress gets on the ball.

Mr. President, I simply want to indicate for the RECORD—inasmuch as the Democratic leadership was mentioned but no one in the Democratic leadership was specifically named—that it all appears to be the personal thinking of one particular Senator, in any event. But I do not think that any Senator can point to evidence that the Democratic leadership in the Senate has made any decision "to drag this thing out and not do anything this year."

The facts will show otherwise. Alternatives have been offered by Democrats on this side—one by Mr. HOLLINGS and one by Mr. CHILES. I did not vote for the amendment by Mr. HOLLINGS, but a good many Senators did vote for that amendment. It was offered in good faith and had been offered heretofore by Senator HOLLINGS on a number of occasions. As a matter of fact, I think he received more votes in this instance than he had received heretofore on the amendment.

The amendment by Mr. CHILES would have reduced the budget amount by more than $50 billion over and above the reduction that is embodied in the pending leadership amendment which was offered by Mr. BAKER, the distinguished majority leader, and there was a very close vote. As I recall, that amendment failed by a 49-to-49 tie vote. So it received some support from the other side of the aisle.

On the amendment which was offered by a group of moderate Republi-

can Senators—I use the words "moderate Republican Senators" because that is the term that has been used a good bit in the press—I believe that all but three Democrats who were present voted for that amendment.

The motion to table that amendment would have failed on a tie vote but for the switching of positions by the distinguished Senator from Illinois, Mr. PERCY, which caused the motion to table the amendment to carry by a vote of 48 to 46.

So there have been amendments on both sides of the aisle, good faith amendments. The Senate is under the control of the Repulican Party. I have a feeling that had the distinguished majority leader thought—and I cannot presume to speak for him—I know what his weapons would have been in the event there was evidence that the Democratic leadership had a calculated plan to drag this matter out. I have a feeling that he would have at least considered keeping the Senate in late and I have a feeling that he would have considered, and he may have considered, offering a cloture motion. But no such motion has been offered.

Now, I cannot presume to know why neither of those actions have been taken except to say that from my experience in dealing with the distinguished majority leader he bends over backwards to be fair and reasonable, but there is a streak of toughness in him. And I have no doubt that had he felt there was a deliberate effort on this side of the aisle to slow this matter down and drag it out and not take any action on it at all, he would have utilized the weapons at his disposal and I would have understood that.

So, Mr. President, I simply call attention again to the fact that serious efforts have been made on this side to develop an alternate package because of a number of things that we feel are wrong with the package that has been offered by Mr. BAKER, one of those being the subject of the effort by "moderate Republicans," and I put those words in quotes, to offer a package which would have given the Appropriations Committee the flexibility that is needed in that committee to determine the priorities of funding.

Mr. President, that is about all I have to say. Regarding the amendments that have been offered on both sides of the aisle, many of which have been bipartisan amendments, I ask unanimous consent to have those printed in the RECORD to indicate that there has been considerable good faith action on the part of both sides and very close votes on legitimate and sound alernative proposals which have been offered by way of amendments to the Baker amendment, which is the pending leadership proposal.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENTS TO H.R. 2163

Date	Number	Author and topic	Disposition	Date
Apr. 24	3027	Baker: Leadership amendment		
Apr. 25	3028	Helms: 10-percent reduction in BA	Rejected 27–68	Apr. 25.
Apr. 26	3031	Symms: No revenue change; reduce nondefense discretionary; President's defense number	Rejected 11–84	Apr. 26.
Apr. 26	3032	DeConcini, Mattingly: Reduce dollars on Government activities	Adopted voice	Apr. 26.
Apr. 26	3033	Mattingly: Establish National Commission on Federal Spending Reform	Adopted voice	Apr. 26.
Apr. 30	3034	Symms: Helms plan at 7.5 percent reduction	Rejected 18–50	Apr. 30.
Apr. 30	3035	Cohen: Government bid procedures—text of S. 338	Adopted voice	Apr. 30.
Apr. 30	3036	Mitchell: Raise in pay for Federal judges	Adopted 67–28	May 1.
May 1	3041	Hollings/E/A: Full plan	Rejected 38–57	May 1.
May 1	3042	Moynihan: Montauk, N.Y. land	Adopted voice	May 1.
May 2	3043	Grassley, Kassebaum, Baucus, Biden: Freeze in fiscal year 1985	Rejected 33–65	May 2.
May 2	3044	Chiles: Reduce deficit; delay indexing for 2 yr	Rejected 49–49	May 8.
May 3	3045	Mattingly: Line item veto; constitutional point of order	Sustained point of order 56–34	May 3.
May 8	3048	Bradley: Deficit reduction package	Tabled 51–43	May 8.
May 8	3049	Gorton: Deficit reduction package	Rejected 23–72	May 9.
May 8	3050	Kennedy: Medicare (part 1) (part 2 withdrawn)	Tabled 58–36	May 9.
May 9	3052	Kennedy: Medicare age qualification	Tabled 59–36	May 9.
May 10	3054	Chafee et al.: Appropriations caps	Tabled 48–46	May 10.
May 10	3055	Wilson: Intergovernmental Relief Act	Withdrawn	May 10.
May 11	3056	Roth: 2 yr. budget cycle	Withdrawn	May 11.
May 11	3057	Warner (Stevens of.): Raise moving expenses for civilian employees of DOD	Adopted voice	May 11.
May 14	3058	Moynihan: Sense of Senate concerning Deficit Reduction Commission	Adopted voice	May 14.
May 14	3059	Stevens: Retirement benefits for Pribilof Islanders	Adopted voice	May 14.

Mr. BYRD. I yield the floor.

Mr. BAKER. Mr. President, let me say this. I have but one desire and that is to finish this bill. I will not point fingers nor make allegations. Indeed, I am not prepared to do that.

What I am prepared to say is I think we ought to begin at this point and look forward to the time when we can finish, because I think it is essential that we do so.

I have consulted regularly, almost daily—I guess, daily—with the minority leader on where we were and what amendments were to be offered.

I would say two things in that respect. They are not said to be in my defense as leader but rather by way of explanation. Some people have asked, "Well, why is this taking so long?" My reply to them is, "Well, how is it in prospect that we are going to do it in such brief time, relatively, because we are dealing with three major pieces of legislation?"

We are dealing with a tax bill—and I can remember spending 6 weeks on a tax bill. We are dealing with a budget resolution, in effect; that is not what it actually is called, but that is what it amounts to. And the statute provides very clearly for 50 hours of debate on that, perhaps more. We are dealing with reconciliation, which is never easy, perhaps. We are dealing with something that is unprecedented, and that is appropriation caps. And unprecedented things always cause problems.

But we are dealing with a great big package. Maybe the leadership on this side made a mistake of putting all of those things in one package, but I do not think so because I think each element of it is interdependent. I think you are not going to get defense reductions—and, by the way, we got $14 billion over 3 years in defense reductions from the administration's initial request. We are not going to get that unless there is a corresponding reduction in domestic expenditures. I do not think you are going to get reductions in domestic expenditures unless there is a corresponding increase in revenues. And I think all three legs of that stool have to support its weight.

So I stood here and fretted and fumed and fussed and carried on about trying to move this huge piece of legislation. But I am convinced we will and that we must.

One other matter, Mr. President, that I am reluctant to mention, but I do so. It is by no means partisan. Almost every day I have compared the attendance notes that I have on my side with those of the minority leader. I have noticed that Mondays and Fridays have almost been eliminated from the calendar, not because I want to eliminate them from the calendar but because we show up with—I was about to say a bare quorum, but I have not had the nerve to find out. We have been working essentially on Tuesdays, Wednesdays, and Thursdays, though

we work hard on those days, I suppose. But that is going to change this week.

Now, once again, I was not able to push that wet noodle yesterday. We are only able to meet in session until midafternoon and go out, as some of you may surmise, as one reasonably does, because a lot of Senators were not here. But, this morning, I put Members on notice that we should expect late evenings any day this week. I hope that will be taken seriously, because I mean that. We are going to drive to try to finish this bill this week. Maybe I will not succeed, but I will certainly try.

But, Mr. President, on the question of who is to blame and who is not, I have the highest regard for my colleagues, my friend, the chairman of the Finance Committee, Senator DOLE. I understand what he means when he expresses the frustration that is quoted on the wire. I understand the response of the minority leader and were I in his chair I would do the same.

But my urgent supplication to all, Mr. President, is that we get on with the business at hand and finish this bill, because we must do so, and get on with the debt limit, get on with bankruptcy, get on with goodness knows how many other things that I perhaps foolishly promised that we were going to do before the Memorial Day recess.

Mr. President, I think that what we have done today is a signal to all Members on both sides of the aisle that we are going to work and now is the time to finish this measure.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, the distinguished majority leader has put his finger on two of the reasons why the progress on this measure has not been hasty, one reason being that this is a very difficult and complex bill.

This is provocative in the sense that it is considerably out of the ordinary for a bill. The majority leader has pointed out that it seeks to blend the tax bill, a reconciliation bill, and appropriations caps—the last of which many of us think is not acceptable. But the distinguished majority leader has pursued that approach, and he has a right to pursue that approach. But that is one of the reasons why progress has not been so rapid on this bill, and I think it is accountable for the fact that considerable time has been taken because of the blending together of those very major and controversial provisions. It is somewhat unique in that we have never done this before on such a scale.

As to the second reason, the absenteeism, the majority leader is correct. We have had a considerable number of Senators absent on both sides of the aisle. He and I have discussed that from time to time.

Third, I think he is preeminently correct in taking the position that there should be action on Mondays and Fridays because we do not have a lot of time left, and, as he says, because this is developing into a 3-day week institution. That would appear to be obvious, certainly on the surface, although committees may be meeting, and many Senators are certainly doing work in their respective States. But the majority leader has that problem. I had the problem. I am glad to see the majority leader putting his foot down and saying we have to get away from that and have votes.

I would be willing to cooperate with the majority leader to have forced votes on Mondays and Fridays—perhaps in the afternoons, early evening on Mondays, or whatever. But the majority leader from time to time in good faith states there will be votes on Fridays and then, as it turns out, he is concerned as to whether or not he even has a quorum on Fridays, and there are no votes.

Insofar as I am concerned, may I assure the majority leader when he states there will be a Friday session, and that there will be votes, I am going to try to help him get those votes. I am sorry about this. Some Senators are being discommoded. But the majority leader is being discommoded, the Senate is being discommoded, and I think it is about time we put the Senate first.

I thank the majority leader.

Mr. BAKER. Mr. President, I thank the minority leader. Let me make an announcement right now. There will be a session on Friday, and there will be votes on Friday. If we do not have a quorum, we will adjourn and recess over, as the rules require, until Monday. I think that would be a great embarrassment to the Senate as an institution if that should happen. I have not enforced that issue in the past, but we simply must.

Mr. President, I hope all Senators hear that. For those who do not hear that, I hope the staff will convey that information to them because we have to do that. If we have to use Saturdays, we will use Saturdays as well. We have spent a lot of time on this.

I have only one other thing to add, Mr. President. I should have added it in my original remarks. Members of both sides have to come to me—at one point, I counted 11—and said we want to go last with our package. We spent about 10 days trying to figure out who was going to go last. Finally, I stood here and said, I am going last. As long as I have priority of recognition, I will attempt to do that. But that finally sort of broke the dam, and we got things going.

Mr. President, all of us on both sides of the aisle are going to be accused of neglecting our duty if we do not get this bill passed. There is enough blame to go around. So I recommend that we look forward instead of backward, get on with passing this bill, and doing so this week.

Mr. MELCHER. Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, my patience is stretched. I listened to the remarks of the leadership on both sides of the aisle, and approve of the idea of having the Senate in session longer in the week so we can get on with this bill and reach a conclusion. I point out, Who wants higher spending and who wants to cut the President's budget which is now called the Rose Garden budget? The time has come to blow the whistle on the inaccurate, misleading, and deliberate political confusion being created at the expense of the public's right to know, about who is causing not only the depths of these deficits but also who is risking economic recovery for our Nation.

The cause lies with the President and his followers here in Congress, particularly in the Senate.

This morning, while watching the "Today Show," I listened to the continuation of the current edition of Republican political propaganda. Senate Republican leadership is protecting the President's agreement for a small budget reduction over the next 3 years and maintain the separate categories of that agreement—one cap for defense spending and a separate cap on domestic spending. This Republican subterfuge goes on without once mentioning that Democratic Senators and some of our Republican Senate colleagues have desperately sought to reduce the disastrously high spending levels that are called for by the Presidential-Republican Senate leadership agreement called the Rose Garden budget.

Already interest rates have been forced higher as a result of pressure of Treasury borrowing and the fears of the Federal Reserve Board (probably unjustified) that this magnitude of combined Federal borrowing and Federal spending will cause another round of inflation. Those fears and the actuality of the huge Federal borrowing going on right now just to meet 1984 Federal spending obligations could bring about the disaster of aborted economic recovery by the end of this year or early in 1985.

Because of that, more sensible budget proposals have been put forward and voted upon in the Senate to substantially reduce spending levels and to give a signal, both at home and abroad, that we will not follow the President's lead on the outrageously high budget of the so-called Rose Garden agreement. For the record, let me list two votes that have been close, but not close enough to win:

The Chiles budget proposal, which trimmed the deficit $7 billion more than the Rose Garden budget, was defeated on a tie vote—49 to 49. And the so-called moderate Republican proposal which reduced 1985 spending by a little more than $2 billion more than the Rose Garden budget and combined all spending under one cap—rather than two as in the Rose Garden agreement—was defeated last Thursday by a vote of 48 to 46.

While the House has approved budget reductions totaling $21 billion from the President's original 1985 budget of $197 billion, which is $6 billion more in reductions than what the President has agreed to in the Rose Garden cut, there is an overwhelming need to face even more stringent cuts.

Two freeze proposals have been rejected by the Senate. The first by Senator HOLLINGS for a freeze for 3 years was turned down 58 to 37. The second freeze proposal, by a coalition of Democrats and Republicans, was turned down 65 to 33. Although bipartisan support was evident for this 1-year freeze to reduce the coming year's spending by $48 billion, President Reagen, to protect his concept of an evergrowing defense budget, called numerous Senators from Air Force One on his return from China to personally secure their votes in opposition to the across-the-board spending freeze.

Mr. President, the Senate process historically has been one of, after a series of votes, eventually arriving at a position on spending levels necessary for the times. That process has not worked under President Reagan. Since his inauguration, even though all of his budgets have been cut, they have not been cut enough to avoid the catastrophic deficits with which we are now faced. Either the President's will wins in the Senate, or a sound and sane spending reduction will be obtained.

Hopefully, more Republican Senators will abandon the President on his wild spending philosophy, joining the solid Senate Democratic bloc, or the country will face the high risk of a stagnating economy with increasing joblessness, sellouts, and bankruptcies.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 3060

(Purpose: To reduce the deficit with the recommendations of the President's Private Sector Survey on Cost Control—the Grace Commission)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) for himself, Mr. SYMMS, Mr. GRASSLEY, and Mr. MATTINGLY, proposes an amendment numbered 3060.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Baker amendment (No. 3027) add the following:

COST SAVINGS BY COMMITTEE

SECTION . (a) Congress hereby determines that not later than September 30, 1984, all authorizing committees of the Senate and House of Representatives shall review and make recommendations to the Budget committees for budget savings to be achieved through the recommendations of the President's Private Sector Survey on Cost Control.

(b) The review and subsequent recommendations should consider changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $4,000,000,000 in budget authority in fiscal year 1985, $6,000,000,000 in budget authority in fiscal year 1986, and $10,000,000,000 in budget authority in fiscal year 1987.

COST SAVINGS BY ADMINISTRATIVE ACTION

SECTION . (a) By September 30, 1984, the Administration shall review the recommendations of the President's Private Sector Survey on Cost Control which require administrative or Presidential action, and commit to adopting a sufficient quantity to achieve cost savings of: $4,000,000,000 in fiscal year 1985, $6,000,000,000 in fiscal year 1986, and $10,000,000,000 in fiscal year 1987.

(b) The Administration shall act to expedite and administer provisions of the recommendations and subsequent changes in laws to implement cost savings pursuant to this legislation.

Mr. KASTEN. Mr. President, this amendment will get us on the road to enacting a number of the recommendations of the President's private sector survey on cost control—the Grace Commission.

The Grace Commission was put together in June 1982, and since then 161 private sector business executives spent 18 months studying the Federal Government. The result of their tireless work is a report with 2,478 ways for the Federal Government to control the cost of Government. The President's private sector survey was funded entirely with private money. And, I would like to express my great appreciation to the men and women who devoted their time, energy, and money to this effort. I also extend my sincere admiration for Mr. Peter Grace—the man who headed this effort to dig out Government inefficiency.

Mr. President, adopting just some of the Grace Commission recommendations will save the American people a great deal of money. Both the Congressional Budget Office and the General Accounting Office have reviewed the major Grace Commission recommendations, and have found that they would save $98 billion over the next 3 years.

This amendment will get us part of the way there by requiring Congress to review the Grace Commission proposals—and make the recommendations to achieve savings of $20 billion. The administration, too, would be required to review and implement a matching $20 billion in Grace Commission savings. This amendment, however, does not force them to accept any specific recommendations to achieve these savings. Both Congress and the administration would have the flexibility to accept and reject recommendations within their jurisdictions that would achieve the specified cost savings.

The amendment I am offering is more limited than the bill I introduced a month ago, S. 2508. This amendment leaves out the more controversial Grace Commission recommendations and the requirement that Senate committees report legislation to achieve cost savings. This legislation is designed to get Senate and House authorizing committees to seriously study the many recommendations of the Grace Commission, and recommend savings that can be made to the Budget Committees.

This amendment requires that by September 30 of this year, all authorizing committees of the Senate and House of Representatives shall review and make recommendations to the Budget Committees for budget savings to be achieved through the recommendations of the Grace Commission.

Specifically, the savings will be $4 billion in fiscal year 1985, $6 billion in fiscal year 1986, and $10 billion in fiscal year 1987—for a total of $20 billion over the next 3 years. The administration is also required to take administrative actions to set Commission recommendations in place that will save the same amount.

I believe that we must adopt the Grace Commission recommendations as part of our current efforts to get the deficits—and the spending that causes them—under control. The Federal Government is the world's largest conglomerate—and one of the worst run. According to the Grace Commission, the level of fraud and abuse in the Government is over $25 billion a year because of serious weaknesses in financial controls and reporting. At the end of 1982, the Commission found that the Government had approximately $93 billion in current receivables—money owed to the Government right now. Of that total, $38 billion—or 41 percent—was overdue. At a time when we are facing deficits of

$200 billion each year, it is essential that the Federal Government collect the money already due.

And, everywhere the Grace Commission looked, it found further evidence of poor management in Government.

Mr. President, a number of people say these savings are difficult or impossible, or Congress can never do them. Let us just look at one or two of the kinds of examples we are talking about.

The Commission found expenditures in the Pentagon of $91 for a 3 cent screw.

The Commission also found the Veterans' Administration, at a new hospital in the Bronx, spending $191,000 per bed in hospital construction costs—while similar private construction at the Duke University Hospital cost $97,000 per bed.

And, the Commission found that the Federal Government cannot even do a decent job in issuing a check. The Army spends $4.20 to process a payroll check, while the same check costs $1 to process in the private sector.

The list goes on, Mr. President. In Mr. Grace's testimony before the Senate Budget Committee earlier this year, he presented a list of 19 reasons why business can advise Government. The examples I just gave came from that list, and I ask unanimous consent that the entire list be published in the CONGRESSIONAL RECORD at this point.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

WHY BUSINESS CAN ADVISE GOVERNMENT

Function/item	Federal Government	Private sector	Federal Government failures relative to private sector
(1) Lending money	$764.6 billion loans outstanding	$1,500 billion loans outstanding	HUD makes only 3 attempts to collect loans versus 24 to 36 tries in the private sector; 41 percent delinquency rate on current Federal receivables.
(2) Timberland management	105 million acres	347 million acres	The U.S. Forest Service gave away $235 million of firewood in 1981; 24.5 percent of total commercial timber harvested.
(3) Grazing land management	163 million acres	587 million acres	Federal grazing program collected $15 million in grazing fees while providing $41 million in services recovering only 36.6 percent of costs.
(4) Hospital management	177,000 beds	1,481,000 beds	VA hospital in the Bronx cost $191,300 per bed, about double the $97,400 per bed spent constructing the comparable Duke University Hospital.
(5) Nursing home management	71,000 beds	1,029,000 beds	The VA spends $61,250 per bed to construct nursing homes—almost 4 times the $16,000 per bed cost of a major private sector nursing home operator.
(6) Automated data processing	250,000 ADP employees	2,000,000 plus ADP employees	Half the government's computers are so old that manufacturers no longer service them. Additional personnel expenses amount to $600 million annually.
(7) Inventory management	$41 billion (over 99 percent in DOD)	$806 billion	Private sector inventory replenishment techniques would save the government $4.5 billion over three years.
(8) Electric power	224 billion KWH	2,019 billion KWH	Government subsidized power, sold at one-third market rates, costs industrial users only 2.45¢ per kwh in the Northwest compared to 12.09¢ per kwh paid in San Diego for power generated by the private sector.
(9) Borrowing money	$1,381.9 billion national debt	$420 billion corporate bonds outstanding	Federal borrowing from the public of $135.0 billion in 1982 was 33.0 percent of the $408.7 billion raised in U.S. credit markets.
(10) R&D funding	$38.5 billion	$36.1 billion	Government R&D bureaucracy requires that Oak Ridge researchers consult 114 DOE offices for funding approval.
(11) Transportation of persons	$5.2 billion	$20.4 billion (non-user operated transportation).	Since 1955 the government has been prohibited from using private sector travel agents and benefitting from their expertise; a 1980 DOD plan for a professional travel service was rejected by Congress. The government did not issue credit cards for travelers until we recommended it.
(12) Payroll	$61.8 billion civilian payroll	$1,090 billion payroll	It costs the Army $4.20 to process a payroll check vs. $1.00 average in the private sector.
(13) Freight handling	$5 billion	$30 billion	The Federal government does not negotiate volume discounts on its enormous freight charges.
(14) Building maintenance	2.6 billion square feet	10 plus billion square feet	The General Services Administration employs 17 times as many people and spends almost 14 times as much on total management costs as a comparable private sector firm.
(15) Pension benefits	$19.5 billion civil service (CSRS)	$300 billion	Pension benefits for the CSRS are 3 times those in the private sector.
(16) Pension fund assets	$96.1 billion civil service (CSRS)	$481.1 billion	CSRS rate of return in 1980 was 7.4 percent compared to 14 percent and over for a majority of private sector plans.
(17) Vehicles managed	436,338 non-military	155,900,000 motor vehicles privately and commercially owned.	Average utilization of Federal vehicles (excluding USPS) is 9,000 miles per year. However, effective utilization, per private rental firms, is considered to be 25,000 miles per year or 2.8 times Federal vehicle utilization. Failure to recondition vehicles prior to resale, as is common in the private sector, lowers the government's resale revenues by $15.8 million over three years.
(18) Procurement	$159 billion	$2 trillion	Lack of competition or control in Federal contracts results in the Pentagon paying $91 for a 3 cent screw, etc.
(19) Foreign exchange	$10 billion	$181 billion	Hedging against foreign currency changes versus other industrial countries could save the government $438 million over three years.

Mr. KASTEN. Mr. President, the Chamber of Commerce and the National Association of Manufacturers have both endorsed this amendment. In fact, the Chamber of Commerce may use this as a key vote in evaluating our fiscal spending habits.

Mr. President, I ask unanimous consent that their letter in support of my amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, April 27, 1984.

MEMBERS OF THE SENATE: On behalf of the U.S. Chamber of Commerce, which is composed of nearly 200,000 companies, I respectfully urge you to support the Kasten/Grace Commission amendment to achieve additional spending restraint. The amendment is an important vehicle for enacting $40 billion of the recommended savings of the President's Private Sector Survey on Cost Control.

While we support the Republican leadership's deficit reduction package, we feel that this amendment is necessary to generate a more favorable ratio of spending cuts to tax increases. It provides the Congress and the Administration with a valuable opportunity to cut the deficit without placing yet another levy on the American taxpayer.

No serious budget resolution can possibly ignore the prodigious savings proposals contained in the Grace Commission's report. We feel that support for the Kasten amendment is a responsible way to ensure additional domestic spending savings.

Sincerely,

RICHARD L. BREAULT,
Group Vice President, Policy.

Mr. KASTEN. Mr. President, the Grace Commission has blown the whistle on the Federal Government, and now it is time for Congress and the administration to take action. The responsibility for Government inefficiency rests at our door, as well as the administration's. This bill takes a two-pronged approach. It is time that Congress and the administration stop blaming each other for the mess we are in. And, start working together to change the way we do business. We have a responsibility to the American taxpayers, and it is time we see that they get the biggest bang for their tax dollars.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. KASTEN. Mr. President, I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I would like to take a few minutes first to compliment my colleague from Wisconsin and to make a few comments in support of his excellent amendment.

Mr. President, the proposal, if adopted, would require our authorizing committees to recommend savings of about $4 billion in fiscal year 1985, $6 billion in fiscal year 1986, and $10 billion in fiscal year 1987 from the Grace Commission study. This amounts to a grand total of $20 billion in 3 years.

Mr. President, the reason I think that is significant is this: I would like

to point out that on page 4 of Mr. Grace's testimony before the Joint Economic Committee on monetary and fiscal policy, he pointed out that the recommended savings of the 2,478 recommendations that the Grace Commission made, in program waste there were 433 recommendations for $169 billion in savings; on systems failures there were 1,152 recommendations for $151 billion in savings; on personnel management there were 422 recommendations and $90.9 billion in savings; on structural deficiencies, there were 211 recommendations for about $13 billion in savings; and other opportunities for $250 billion in savings, making a grand total of $424.4 billion in recommended savings over a 3-year period.

With this amendment, we are asking to try to come up with a simple $20 billion with respect to savings. So I think in many ways it is a very modest amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, some Members of this body have unfairly slurred the Grace work, largely based on claims that is savings potential is not as high as its advocates have stated. I do not see, however, how they can refute the fact that CBO and GAO validated $98 billion in savings of the 396 Grace proposals they recently examined.

As the CBO/GAO report stated, however, "The CBO and PPSSCC estimate * * * are not fully comparable. The CBO estimates were calculated in Federal budget accounting terms, whereas the PPSSCC estimates are characterized as planning figures and do not refer to specific years."

It is also worth mentioning that CBO and GAO could not determine the actual dollar amount of some recommendations without more specifics, such as closing unneeded DOD bases. But not to adopt a savings recommendation because we cannot quantify whether it is worth $50 million or $100 million is foolish.

The 396 Grace initiatives the CBO and GAO studied were only a part of the total 2,478 recommendations the task force put forward. If we are looking for ways to save money in the Federal Government without reducing services to our constituents, the Grace proposals should be of great interest to us all. But we shall not save any money if we play the numbers game, if we do not seek to enact reforms which would cut spending by providing Government services in a more cost-effective manner. The Grace study is voluminous, I admit. To those who have shied away from it because of its bulk, I suggest you read the condensed version that McMillan Publishing Co. has recently released, entitled "War on Waste."

It is interesting to note that is available at your local bookstore for about $9.95, published by McMillan. If you want to get the same product published by the Government Printing Office, stand by to pay about $48.50. I think that is enough to show how we waste so much money and why we should privatize so many of the Government's activities and allow the private sector to handle the delivery of so many of these services to the people of the United States and remove many of these activities from the Government's hands.

The question remains then, how do we tackle such a major undertaking as the President's private sector survey on cost control? I think the proper course of action is to begin with the Kasten amendment. Let's break down the Grace study into areas of jurisdiction and require the committees to analyze the suggestions under their purview. This proposal does not mandate which of the nearly 2,500 suggestions of the Grace study the committees adopt. It only puts some burden on them to selectively incorporate a minimal amount of the Grace savings. I frankly do not believe $20 million is nearly enough, but it's a start in the right direction, and it will keep us from throwing the fine work of the private sector commission into the dust bin of history, like all of the other works when people come to this town and try to recommend ways to save money.

Mr. President, I have listened to hours of debate during our budget process about Federal spending, and realize we all have different ideas about what Government should be spending money on, and how much. But I do not believe any of us honestly think the Government cannot operate more efficiently.

From the time I spend back in my home State—and this past week was one time—and from the many comments I hear from business people and constituents, I know the private sector has had to do some belt-tightening lately. As a result, companies are more streamlined, and provide more customer services or products at lower cost. That is good; it is good for consumers, and eventually it will help us to become more competitive in international trade. I think the Government should be required to do the same thing. I urge my colleagues to vote for this amendment.

Mr. President, I am not one who will stand here before this body and say there is ever any way we can make the Government be efficient. In fact, I think it is an unrealistic goal to make the Government be efficient. But there are numerous ways within the Grace Commission report that money can be saved by the taxpayers without a reduction in the delivery of those same services. We have looked at many, many ways. We have held 2 days of hearings in the Joint Economic Committee just on the subject of some of the areas of privatization that we might be able actually to provide better services.

For example, it was interesting to note that the average chain grocery supermarket of the United States has some 9,000 items on sale for their customers in the stores. Yet similar supermarkets in the commissary system for our military families only provide somewhere between 5,000 and 6,000 items to choose from, some 50 percent less. The average hours the commissary stores are open for the people who are allowed to use those—the military families of the United States—are some 42 hours a week.

Think about the hours that the average supermarket is open. In many parts of the country, they are open 24 hours a day, 7 days a week, to provide services to the public who are their customers.

I think there are many places where we could do things that would be better for the particular group of people who are using certain Government programs and do it through the private sector and provide better service for less money for those people.

Mr. President, it is very popular in this town to say what we can do. I sat here and listened to the debate this morning by the distinguished minority leader and others about how we should have voted for this amendment and that amendment. I happen to be one who agrees this package that is before us is not much of a package, but it is the only one in town that may have a chance. Almost all of the packages call for raising taxes in their efforts to close the budget deficit.

Another part of the Grace Commission which I find very fascinating was where the income stream is to the Federal Government and where the money comes from with respect to the potential income for the Government if we are going to raise taxes.

I think the Senators in this body should take into consideration that if 90 percent of all the taxable income that comes into the Federal Government, that is available to the Federal Government, comes from families who earn less than $35,000, what that is saying is if we are not willing to reduce spending and pass a modest amendment to get started in the right direction, as the Grace Commission has recommended to us, as Senator KASTEN has brought before us today, if we are not willing to vote for measures like this, we should be out telling the public that what will eventually happen is that taxes will be raised on middle-income Americans.

The reason I say that is that in the accounting of the Grace Commission, it was very interesting to see, and I quote from the Grace report, that if the Government confiscated 100 percent of all taxable income beyond $75,000 of tax bracket not already taxed, the income would be sufficient to run the Government for only 10 days, while destroying productive enterprise.

Then, to quote from the report: "Taxing the rich makes more sense as a campaign slogan than as a serious approach to reducing budget deficit. That leaves reducing the cost of Government as one of our best bets to contain the spiraling deficits. That was the purpose of the private sector cost control study."

Then we come back to the question of where we should make the cuts. The real question is that all sectors of the Government are going to have to be looked at very carefully and start applying every single way that we can find to reduce spending in all these areas. This amendment, Mr. President, is a very modest step in the right direction to start trying to apply some good accounting procedures and some good practices to the Federal Government.

I urge my colleagues to vote to adopt this amendment and add it to this package. I think it will strengthen this package somewhat, to at least be saying we are going to take a serious look at some of the Grace Commission proposals.

Mr. President, I yield the floor.

Mr. KASTEN. Mr. President, I thank and congratulate my friend, the distinguished Senator from Idaho (Mr. SYMMS). He is one of those who have been working along with representatives of the Grace Commission and, indeed, with Peter Grace, trying to implement these very important proposals. I thank him for his cosponsorship of this amendment and also for the work he has done.

I think it is important to point out that this is, in fact, just a first step. I mentioned earlier that this does not cover what my legislation covered. In fact, that would have mandated the savings and changed the caps. We are not in the process of doing that today. Let us see how the regular budget process works with the authorizing committees identifying the group of recommendations which are available to them—those which they can carry forward. If, in fact, on September 30, it turns out this kind of process does not work with the authorizing committees, committee by committee, area of responsibility by area of responsibility, then we may have to go forward with, frankly, a stronger amendment. But right now, I am hopeful that this amendment will pass.

I thank the Senator from Idaho for his support and also for his very illuminating comments.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, may I ask the distinguished Senator from Wisconsin just a couple of questions?

Mr. KASTEN. Yes, Mr. President.

Mr. DOMENICI. Is his amendment such that the date for reporting by the committees is no later than September 30, 1984?

Mr. KASTEN. We would require that by September 30, 1984, all House and Senate authorizing committees review and make recommendations to the Budget Committees for budget savings to be achieved with Grace Commission recommendations.

Mr. DOMENICI. Is there any reason that date was picked? I was wondering if some in the institution might want a later date.

Mr. KASTEN. We picked that date because it is the end of the fiscal year.

Mr. DOMENICI. With reference to the budget authority reductions for the 3 years involved, do I understand correctly it is 4, 6, and 10 respectively, for 1985, 1986, and 1987?

Mr. KASTEN. The Senator is correct.

Mr. DOMENICI. And that is from all of Government and all of the recommendations of the Grace Commission, so that anyone voting for this would not be picking any of those, nor deciding that any of those are what they are voting for but, rather, out of the hundreds of billions they are speaking of $4, $6, and $10; am I correct?

Mr. KASTEN. The Senator is correct. We are simply asking them to go into the Grace Commission recommendations in their area of responsibility, authorizing committee by authorizing committee by authorizing committee, and identify from the recommendations that the Grace Commission has put forward specific recommendations and plans to achieve the savings of $4 billion, $6 billion, and $10 billion in fiscal years 1985, 1986, and 1987.

Mr. DOMENICI. Mr. President, I support the amendment offered by the distinguished Senator from Wisconsin.

The President's Private Sector Survey on Cost Control—more usually referred to as the Grace Commission report—submitted to the President last January nearly 2,500 recommendations, and claimed savings of $424 billion over the next 3 years.

Under my direction, the Senate Budget Committee conducted two formal hearings on the report and committee staff held over 15 informal meetings with individual authors of specific Grace Commission reports. Senator CHILES and I also requested CBO and GAO to conduct an extensive review of the Grace Commission report, which they completed and provided to us in testimony last February 28. The CBO/GAO review was able to identify about $98 billion over the next 3 years in possible savings from the Grace recommendations. The CBO is available to provide a detailed breakdown of the report's recommendations by committee of jurisdiction.

This amendment merely directs all the authorizing committees to conduct a review of the Grace Commission recommendations as they relate to programs within their jurisdiction.

I believe this amendment will continue to help committees focus on the critical need to make necessary changes in specific program areas to achieve budget savings. The recommendations they develop will be essential to the preparation of next year's budget resolution.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate stands in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

ORDER TO CONVENE AT 10 A.M. ON WEDNESDAY, THURSDAY, FRIDAY, AND MONDAY

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, earlier today I indicated, I hope forcefully, that it would be necessary for us to be in on Friday and to have votes on Friday and that each night this week might be a late night in order to finish this bill. In order to firm that up, I make the following unanimous-consent request with respect to the convening of the Senate.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Wednesday, May 16; I further ask unanimous consent that when the Senate completes its business on Wednesday, it stand in recess until 10 a.m. on Thursday, May 17; I further ask unanimous consent that when the Senate completes its business on Thursday, it stand in recess until 10 a.m. on Friday, May 18, and, finally, I ask unanimous consent that when the Senate completes its business on Friday, it stand in recess or adjournment until 10 a.m. on Monday, May 21.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there were caucuses on both sides of the aisle, and I do not know whether Senators are ready to proceed now or not. The distinguished Senator from West Virginia, I believe, wishes to be recognized on a matter not related to this bill. If the managers do not object, I am going to ask for 5 minutes as in morning business so that the Senator from West Virginia may proceed in that manner. I make that request, Mr. President.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from West Virginia is recognized.

WASHINGTON AND LEE UNIVERSITY CONTINUES CONSTRUCTIVE TRADITION OF MOCK POLITICAL CONVENTIONS

Mr. RANDOLPH. Mr. President, I am grateful for the majority leader as he provides time for me to counsel with my colleagues on the Mock Democratic Political Convention, conducted at Washington and Lee University in Lexington, VA, this past weekend.

Four of the Members of the Senate spoke at this event: WILLIAM PROXMIRE of Wisconsin, FRITZ HOLLINGS of South Carolina, JOSEPH BIDEN of Delaware, and myself.

During the convention, which lasted for 2 days, there were, of course, the hoopla, the parades, and the demonstrations. On Saturday, came the nominating speeches and the decision of the 1,000 delegates from all the States.

Washington and Lee University began this custom in 1908, and with a few exceptions, the mock conventions have been held every 4 years since. It is held for the party that is not in power.

In 1908, the nominee for President selected at W&L was William Jennings Bryan. It is not wrong for me to say that my father was a very close friend of William Jennings Bryan. I also knew the "Peerless Leader." I remember his spirited speech in 1912 at the Democratic Convention in Baltimore when I sat on the knee of my father. Woodrow Wilson was nominated as the standard bearer of the Democratic Party.

The Washington and Lee experience is very important. The participants are in earnest about placing the political process in perspective. It is not just the spotlights or the window dressings, as it were. They study the issues, listen to the speakers, debate, and vote.

Without attempting to judge the convention's decision, I note that the delegates selected as their nominee for President on the Democratic ticket Walter Mondale, and as their Vice Presidential candidate, LLOYD BENTSEN of Texas, one of our able Senate colleagues.

During my address, I recalled that the convention in 1924 nominated John W. Davis, who became the Democratic standard bearer that year. He was a graduate of Washington and Lee University and a native of West Virginia. I stressed the importance of what they were doing as students, 1,000 of them, with the galleries filled because of the tremendous interest in that area of Virginia. But I also admonished them that this process was valueless if they did not vote on November 6.

The students are 18, they are 19, they are 20, and they are in their twenties in the graduate school. So all of them, Mr. President, have not only the right but the responsibility to vote in the election in November of this year.

It was my privilege to start the process of the constitutional amendment giving 18-, 19-, and 20-year-olds the right and responsibility to vote. I began it in 1942 as a Member of the House of Representatives and worked and continued to work on it until its adoption 30 years later.

It was my belief that this group of young people would use the ballot. Regrettably they are not using it. In the last Presidential election, only 24 out of every 100 eligible to vote in that group actually cast their ballots.

The problem is not only with the youth, however. The problem is with the American people as a whole. This country, based on a comparison with 26 other democracies of the world, is next to worst in the percentage of those who cast their ballots on election day. Only Colombia, in South America, has a worse record than the United States of America.

I urge all Americans to use their ballots. I plead with all citizens to vote.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator is recognized.

THE DEFICIT

Mr. DOLE. Mr. President, I wanted to speak briefly because I am very concerned about the increase in interest rates and the lack of any real urgency on the part of this Congress to deal with the increase in the prime rate.

I point out that I think almost everyone in this body would like to get something done, but it is very difficult to tell if that is the case, because we are not doing anything.

I indicated this morning, when asked the question by someone on a television program, that I thought perhaps there has been a judgment by the Democratic leadership not to have a bill this year. I understand since making that statement that that is not the judgment of the Democratic leadership. I have just read a statement of the Democratic Policy Committee.

I say to my colleagues on both sides, as I have said many times on this floor, that the Senate Finance Committee approved a $74 billion package by a vote of 20 to 0. There are only 20 of us on the committee. Every Democrat and every Republican voted for that package. On this floor, the vote was 76 to 5. But that has been light years ago that we voted on that package, at 5 o'clock in the morning. It was my understanding that we stayed up all night and finished that bill in 3½ or 4 days because there was some urgency, that we wanted to demonstrate to the financial markets and the people of this country that we were going to move on the deficit.

We are now in our fourth week in the numbers game. Half the package was finished over 3 weeks ago.

The Senator from Kansas met with the distinguished chairman of the Ways and Means Committee, Mr. ROSTENKOWSKI. We would like to go to conference. We would like to finish action on the $48 billion in revenues and the approximately $20 billion in spending restraints, but we cannot do that until we finish this package.

All I am suggesting is that it seems to me that either we want to reduce the deficit or we do not; and if we do not, we should go on to something else.

The debt ceiling has to be extended before we leave here on Friday. At least, that is my understanding.

So I certainly applaud those who want to reduce the deficit, but we cannot do it unless we vote. I should think that when we have finished half the package in 4 days, we should be able to finish the other half in 3 or 4 weeks.

So I hope, as the majority leader and the distinguished minority leader, the Senator from West Virginia, indicated later this morning, that we can now wrap up this bill and move on to other areas that I think deserve some attention.

Again I say that we have already started, in an unofficial way, a conference on half the package, at a staff level and by inviting Treasury and others to comment, so that we might

be prepared to move very quickly on that part of the package—the revenues and the spending reductions. I hope we can proceed quickly.

I am sorry I was not on the floor early this morning, but we were in the process of marking up a disability bill in the Senate Finance Committee.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. CHILES. I was looking at a transcript of the remarks of the Senator from Kansas this morning, and those remarks are very interesting to the Senator from Florida.

This morning you said, "I think there has been a decision by the Democratic leadership in the Senate just to drag this out and not do anything this year."

Mr. DOLE. You are certainly dragging it out.

Mr. CHILES. I gather from your remarks now that you do not know whether that is exactly correct. I wonder why you suggest one thing when you are on TV, speaking to 2 million people, then come to the Chamber where there does not happen to be an "eye," and say maybe that was not correct.

I would just like to know how we have been dragging it out. I have been managing this measure on this side for 4 weeks. If there is a formula, I might want to use it at some time to drag things out. I do not think we have had a single night session or a single vote on a Friday or a Monday.

I do not set the schedule here. I do not know of any long-winded debates. About the only occasion upon which I took a little more time on this bill was when I offered an amendment that would have cut the deficit $60 billion more than the rose garden plan. That does not seem to me to be dragging it out, not when I'm trying to cut the deficit $65 billion more than the rose garden plan.

Mr. DOLE. The Senator knows that raising taxes is the general response from that side of the aisle.

Mr. CHILES. We cut spending a little more, too, but is that dragging it out?

Mr. DOLE. You cut defense and raise taxes. That is your prescription for a healthy economy.

Mr. CHILES. We cut domestic spending a little more, too. The charges this morning——

Mr. DOLE. I am sorry you missed the program. It was early, but I understand. Maybe I was still asleep when I said that. But it seems to me that I have been around the Senate for a while, and the leader described it best: If the Senate does not want to act, it does not act. It is like trying to push a wet noodle. I am saying that we should act.

We hear a lot from the other side about interest rates rising, and I think Congress deserves some responsibility, too. How long do we have to wait to pass this deficit reduction package? Why can we not vote on it now? We finished half the package in 4 days. Why should it take 4 weeks to do the balance? All we are seeking is to put caps on, which may not even be enforced, and then we can go to conference. There are some on both sides of the aisle who would like to go to conference.

Mr. CHILES. The last time I looked, the Senate was controlled by the Republicans.

Mr. DOLE. We hope that continues to be the case.

Mr. CHILES. If that is the case, I still would like to know how you think the Democrats have stalled this for 4 weeks.

Mr. DOLE. We know that any Senator can stall for 2 or 3 weeks. It does not take a group. All it takes is one.

I am for moving on. Some members of my committee who voted to reduce spending come to the Senate floor now and want to put it back in.

Mr. CHILES. I am delighted that you are willing to move on. Are you willing to go on the "Today" show tomorrow morning and say, "The charges I made about those old Democrats are not right"?

Mr. DOLE. If we finish today, I might do that, and take you with me.

But I would just point out that the Finance Committee package of deficit reductions was approved by a vote of 20 to 0. Now, some who voted for that want to undo it. We have been doing this so long that everybody wants to undo something.

We can always cut defense more, as the Senator from Florida advocates, and raise taxes.

I think indexing is the best thing we did in 1981, and we should not be trying to defer it. The people who benefit from indexing are the working people of this country.

I also said this morning that we have the calendar working against us, and I think the Senator from Florida will agree to that.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. MELCHER. I thank the Senator for yielding.

The comments the Senator made to the Senator from Florida referred to raising taxes and cutting defense. Another package was voted upon just last Thursday which did not raise taxes but which did cut back on the spending level.

Mr. DOLE. What was that?

Mr. MELCHER. That was the so-called moderate Republican cut to reduce the deficit. That had nothing to do with tax increases. So will the Senator admit that has nothing to do with taxes? It has something to do only with spending—reducing the deficit. Will the Senator admit that in that case there was just a question of spending cuts?

The leadership on your side was very adamant. In fact, the majority leader said that if the moderate Republican Senators budget cutting amendment passed, he was sure he would have to vote against the whole package. The amendment was only spending cuts and the usual unitary cap.

Will the Senator respond to that?

Mr. DOMENICI. Will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from New Mexico.

Mr. DOMENICI. I say to my good friend from Montana, on that amendment, as I told some people this morning, I failed to explain what it was really going to do. That amendment was going to raise domestic spending over 3 years $20 billion over the Baker amendment, substantially more than the distinguished Senator from Florida had in his proposal. Because the amendment assumed money would come out of defense and go into domestic programs, it would spend-out fast, and the deficit savings, over 3 years, would be less than $8 billion—less than $8 billion for $16 billion in savings in budget authority and a cut in defense of $38 billion.

Now, as I said the other day, I do not think that is good fiscal policy. And that is one of the problems with one cap. That is exactly what you are going to end up with—cut defense $38 billion and the whole end product will be only between $8 billion in outlays savings for the whole budget over 3 years.

Mr. MELCHER. Will the Senator from Kansas yield for me to comment on that?

Mr. DOLE. Yes.

Mr. MELCHER. I am only trying, I say to my good friend from New Mexico, to straigthen out whether or not the Senator from Kansas understood that in that amendment there was no increase in taxes. It was all spending cuts.

Mr. DOLE. All defense spending.

Mr. MELCHER. That is right. And a moderate amount in domestic. No, I take that back. It was an amendment for either domestic or defense cuts, no tax increase involved.

Mr. DOLE. Let me suggest that I am flattered by the reference to me in the Democratic Policy Committee statement indicating my interest in the leadership. I only hope that we have something to lead. We want a majority to lead on this side and I am certain that is the wish on the other side.

But I have been critical of my own administration, including some in the White House, for not moving quickly enough on the deficit. I guess the point that I would also make is that we cannot escape responsibility by

doing nothing. We can point at the President and say it is his fault, but if we have not done anything it is not going to be very convincing.

I was in my State over the weekend and people cannot understand why we are not doing anything. And they do not know why it takes us so long to do nothing.

I think if we are not going to do anything, we ought to say so. Then let us pull it down and go on to the debt ceiling.

I did not wish to single out anybody. I said the Democratic leadership. But we are all leaders in this body, so it could be applied to most anyone.

I would just like to go to conference. Maybe we can figure out a way to saw off that tax portion and the spending restraint we have. It is going to be a 2- or 3-week conference, maybe. It seems to me that that part has been finished for 3 weeks.

But I am not going to retreat from what I said. If that is not the case, then we ought to wrap this up today or tomorrow. We have had, I believe, 14 or 15 legislative days, and more than 49 hours on this proposal. So I think that would indicate less than an expeditious action.

I wish to join with the majority leader who had a colloquy earlier today with the distinguished minority leader in which there was some indication that the bill might be finished this week. I would say that $150 billion is a good start. Obviously a lot of people would like to do more. There are a lot of votes around here, but not enough for any larger package.

In addition, the Speaker said no to more domestic cuts and so has the President to more define cuts, so it is sort of an exercise in futility. But if we do $150 billion, it might have some positive impact on what happens in the next few months. But I am willing to bet that if we do not do anything, it will have a substantial negative impact on the economy. And if we do not do anything, we cannot blame the President. If we fail to meet our responsibility, then I think we have, in fact, left the President off the hook.

Mr. KASTEN. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Wisconsin.

Mr. KASTEN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KASTEN. Mr. President, I am hopeful that we can proceed. We have had at least some debate on this issue. I do not have any other Members on this side who wish to debate this matter. Hopefully we can proceed to a vote.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the statement which has been referred to just a little earlier as a statement by the Democratic Policy Committee is a statement by me. It is not a statement by the Policy Committee. It is not a statement by the Policy Committee staff. That statement is by me. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FROM SENATE DEMOCRATIC LEADER ROBERT C. BYRD

This is an election year. Many positions of great power are at stake—the White House, governorships, Congressional seats, and, of course, there is a battle raging on the other side of the aisle for the leadership of their party in the Senate.

In election years, we come to expect assignment of blame. This year, true to form, there is a great deal of that going on. Interest rates go up, and the Administration attacks the Federal Reserve Board. Deficits and debt break all time records, and the Administration, which sent up the budgets that produced these deficits, blames the Congress. The Democratically-controlled House passes the tax bill and spending cuts and budget in rapid order prior to the Easter recess, and Democrats are blamed for stalling in deficit reduction efforts.

This morning, a current candidate for the Republican Leadership took scapegoating to an exquisitely crafted level. After six weeks of extensive discussion on a bill that at this point apparently has no clear majority in the Republican-controlled Senate, this Senator noted, and I quote, "I think there's been a decision by the Democratic Leadership in the Senate just to drag this thing out and not do anything this year." He noted that failure to move against the deficit would result in "a small shock on Wall Street."

Maybe these references were made to some state Senate somewhere. Perhaps they refer to a Senate from another planet. The Minority in this body has spent the last six weeks trying to improve the deficit reduction package which is before us. We have spent our time trying to increase the savings contained in this bill.

On May 8, Senator Chiles offered an amendment which was supported by 100 percent of all Democratic Senators who voted. That amendment would have increased the reduction in the deficit by $56 billion more than the bill before us. On May 10, all but three Democrats voting voted against the Baker motion to table the Chafee amendment which would have cut budget authority by $17 billion more than the bill before us. Approximately half of the Members on this side of the aisle voted in support of the bipartisan one year budget freeze offered by Senators Grassley, Kassebaum, Biden, and Baucus that would have reduced next year's deficit $19 billion more than the Rose Garden Plan. On May 1, 62 percent of the Democrats joined with 23 percent of the Republicans in support of a Hollings amendment which would have reduced deficits by $180 billion more than the White House plan.

These amendments clearly were not offered to delay deficit reduction. Rather, they represent a good faith effort to do more than what the White House, and apparently some Members of the Majority, want to do in this election year.

Scapegoating can be effective. Scapegoating can be fun. But usually to work, it has to have some shred of truth. This current round of scapegoating won't work.

MISCELLANEOUS TARIFF, TRADE, AND CUSTOMS MATTERS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3060

The PRESIDING OFFICER. Is there further debate?

Mr. CHILES. Mr. President, as I read the amendment now—and I wish the Senator from Wisconsin would tell me if I am reading it wrong—it would require that the authorizing committees report back to the Budget Committee by September of this year with recommendations on how they would save $20 billion. Is that broken down according to committee; how would they go about doing that?

Mr. KASTEN. Will the Senator yield?

Mr. CHILES. Yes.

Mr. KASTEN. No; the dollar amounts are up to the authorizing committees as long as they meet the goals. The intent of the legislation is that they choose from among the recommendations of the Grace Commission report in their individual areas of authorizing responsibility. They will then report back to us and we then, in the Budget Committee, will enact those savings for next year's budget.

Mr. CHILES. How much did the Agriculture Committee, for example, report back?

Mr. KASTEN. It is up to the Agriculture Committee to report back to us as to what is doable within their jurisdiction. There is no specifics. We are just going to get the specific numbers. Frankly, if this does not work, we are going to have to do it in a more binding way, changing the caps, et cetera. But this is a first step toward involving the authorizers in the process of implementing the Grace Commission recommendations.

Mr. CHILES. I just wonder how it can work if no committee has a quota or a goal. I think the Agriculture Committee can just say, "Well, we did not happen to find there was anything we could do, and we really thought one of the other committees would report enough savings to take care of it. So

we just didn't think we needed to recommend anything."

Mr. KASTEN. If that is the case, then I think the chairmen of the committees, in general, would not have met their resonsibilities and the Congress will have to enact stronger legislation, either going committee by committee with specific goals committee by committee, or with specific changes that we would suggest.

What we tried to do was involve the authorizing committees in the process. They have the GAO report in front of them. They have the Grace Commission report in front of them. They know the suggestions that have been made within their areas of expertise.

I think the Senator is familiar with this analysis of the Grace Commission's "Major Proposals for Cost Control," which was published. It is organized subject area by subject area, committee by committee. If every committee chairman comes back and says, "We have decided none of these things can be done," then I think we have got a different kind of a problem.

This is a first step, and I am hopeful the Senator from Florida, the ranking member of the Budget Committee, will support us on this first step.

Mr. CHILES. The problem I have is trying to see how it can be enforced, if we do not instruct the committees or give them any idea about how much savings they should come up with. We just cannot say to the overall committees, you are supposed to come up with $20 billion.

Mr. KASTEN. If the Senator will yield further, let me give you an example. Within the Finance Committee, the chairman of the Finance Committee has already started to deal with the Grace Commission report. They found roughly $3 billion of suggested changes, or $3 billion of reductions within the Finance Committee. My strong belief is that each committee chairman will do as the chairman of the Finance Committee has already done, will review these proposals, and say this is what we can come up with. But from the point of view of this amendment, we will not have met the goal of the Senate, if we have not found overall $4 billion in fiscal year 1985, $6 billion in 1986, $10 billion in 1987. If each one of the different committee chairmen come back saying, we can find no changes, then I think, either in the Budget Committee or on the floor of the Senate, we are going to have to start mandating certain changes committee by committee by committee.

I am hopeful that the committee chairmen will respond in a different way, that they will in fact work to find these savings, make these savings and the recommendations so that we can then follow up on it.

Mr. CHILES. How do we hold the administration responsible for their $20 billion? What if they simply say to us, we have established policies that would save in excess of $20 billion?

Mr. KASTEN. We cannot make the administration make any of these savings. But I think, if we pass this amendment, it will be their responsibility, and it will be incumbent upon them to move to find the $20 billion. If we find our $20 billion, and they do not find their $20 billion, I think they would be the subject of a great deal of justified criticism by this body, and the other body, in terms of not implementing the changes that the Grace Commission, their own commission, says can be made. It is my strong feeling—in fact, my understanding—that the administration right now is working to implement these changes.

Let me point out this is not some huge, impossible amount. The Grace Commission report says that they can find some $490 billion in savings over the next 3 years. The GAO has said they can find—they look at the 16 percent—$97 billion. All we are asking for is $40, $20 here and $20 there. It seems to me that we ought to be able to do that.

Mr. CHILES. Does the Senator's amendment change the spending cap in appropriations?

Mr. KASTEN. No.

Mr. CHILES. So we do not have a conflict in the savings? We just go ahead and reduce the spending cap, and go ahead, and expect that will just happen?

Mr. KASTEN. I say to the Senator from Florida that the idea of mandating committee by committee was discussed. The idea of changing the spending cap was discussed, negotiated, and frankly the position that we have taken is to give the authorizing committees the maximum—not the appropriators—opportunity to enact these changes on their own initiative with the broad goals. If it does not work that way, we are going to have to respond in the way that the Senator from Florida has suggested. I understand that we would have a more binding amendment, if in fact we changed the caps, if in fact we gave instructions to the committees, and if in fact we went one step further and itemized point by point by point the cost saving by cost saving by cost saving that each committee ought to work with.

We did not do that. If this does not work after September 30, then we are going to have to do something else.

Mr. CHILES. Mr. President, I intend little further discussion other than I look forward to what happens after September 30. I do not have a lot of confidence that this is going to produce $40 billion worth of savings. The amendment only says we ought to do right.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I am going to support this amendment. Obviously, the distinguished Senator from Wisconsin for a number of months has been serious about trying to achieve savings estimated in the Grace Commission report. We have had a number of hearings in the U.S. Senate. In fact, we had two in my Budget Committee. We asked CBO and GAO, and others to evaluate the report. Frankly, it is very controversial, in some instances somewhat speculative, and in many areas major policy changes were counted as savings.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Wisconsin (Mr. KASTEN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Utah (Mr. HATCH) and the Senator from California (Mr. WILSON) are necessarily absent.

Mr. CRANTSON. I announce that the Senator from Nebraska (Mr. EXON), the Senator from Colorado (Mr. HART), the Senator from Hawaii (Mr. INOUYE), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

The PRESIDING OFFICER (Mr. ARMSTRONG). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—93

Abdnor	Ford	Mitchell
Andrews	Garn	Moynihan
Armstrong	Glenn	Murkowski
Baker	Goldwater	Nickles
Baucus	Gorton	Nunn
Bentsen	Grassley	Packwood
Biden	Hatfield	Pell
Bingaman	Hawkins	Percy
Boren	Hecht	Pressler
Boschwitz	Heflin	Proxmire
Bradley	Heinz	Pryor
Bumpers	Helms	Quayle
Burdick	Hollings	Randolph
Byrd	Huddleston	Riegle
Chafee	Humphrey	Roth
Chiles	Jepsen	Rudman
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Cranston	Kasten	Simpson
D'Amato	Kennedy	Specter
Danforth	Lautenberg	Stafford
DeConcini	Laxalt	Stennis
Denton	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Long	Thurmond
Dole	Lugar	Tower
Domenici	Mathias	Trible
Durenberger	Mattingly	Tsongas
Eagleton	McClure	Wallop
East	Melcher	Warner
Evans	Metzenbaum	Zorinsky

NAYS—1

Weicker

NOT VOTING—6

Exon	Hatch	Matsunaga
Hart	Inouye	Wilson

The amendment (No. 3060) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS FOR 2 MINUTES

Mr. BAKER. Mr. President, it has been brought to my attention by the distinguished Senator from North Carolina that we are favored today by a visit on the floor of the Senate Chamber from a fellow parliamentarian, a Member of the Israeli Knesset.

I ask unanimous consent, Mr. President, that when I yield the floor, the distinguished Senator from North Carolina be recognized for the purpose of introducing our visitor and that at the conclusion of that time the Senate stand in recess for 2 minutes so that we may greet him.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY A MEMBER OF THE ISRAELI KNESSET

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair, and I thank the distinguished majority leader.

We are honored today to have a distinguished Member of the Knesset, Michael Kleiner. I have a biographical sketch which indicates that he was born in 1948. I sometimes envy anybody who was born in 1948, but 1948 happens to be the same year as the creation of the State of Israel. Mr. Kleiner's parents are survivors of the Auschwitz Concentration Camp.

Mr. Kleiner graduated from the Tel Aviv University Law School. From 1970 to 1972, he was the national chairman of the Israeli Student Association. By that time, he was already known as a strong supporter of American involvement in the Vietnam war and of Jews battling for their freedom in the U.S.S.R.

From 1973 to 1978, he was a member of the Tel Aviv Municipal Council. From 1978 to 1981, Mr. Kleiner was director-general of the education department of the Jewish agency. From 1981, he has been an active and respected Member of Knesset, representing the majority Herut Party.

Mr. Kleiner is known for his bills for voluntary prayer in Israeli secular schools and to abolish anti-Government demonstrations in time of war. He has introduced urgent motions in the Knesset supporting the American liberation of Grenada, opposing unconditional restoration of diplomatic relations with the U.S.S.R. and advocating further limitations on legal abortions. He also supports the American mining of Nicaraguan harbors.

Mr. Kleiner will be accompanied by former Moscow underground Jewish teacher Avigdor Eskin, who today is the spokesman for the New Right movement in Israel.

RECESS

Mr. HELMS. I ask unanimous consent, Mr. President, that the Senate stand in recess for 2 minutes so that Senators may greet Mr. Kleiner.

There being no objection, the Senate, at 3:05 p.m., recessed until 3:07 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ARMSTRONG).

MISCELLANEOUS TARIFF, TRADE, AND CUSTOMS MATTERS

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, it is my understanding that there may be an amendment offered shortly, but I do not know which one it is, to be honest about it. While we get our bearings after the caucuses today, reestablish the situation, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have consulted with the chairman of the committee, who is not present on the floor at this moment but has authorized me to say that he is prepared for the Boschwitz amendment to come up at this time, if the distinguished minority manager is agreeable.

Mr. CHILES. I have no objection.

Mr. BAKER. I yield the floor.

AMENDMENT NO. 3061

(Purpose: To direct the Congressional Budget Office and the Office of Management and Budget to study the feasibility of a "Fair Play" formula approach to the budget process)

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposes an amendment numbered 3061.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 12, section 14, relating to elimination of payroll deduction fees on financial organizations, is amended by striking out "respectively." and inserting in lieu thereof the following: "respectively.

"SEC. . The Congress finds that—

"(1) large Federal deficits pose a serious threat to the economies of the United States and the world:

"(2) cumulative Federal deficits have added over $700 billion to the Federal debt since 1969, an amount equal to the accumulation of the previous 180 years:

"(3) high Federal budget deficits pose a serious threat to the nation's economy and to the economic recovery which began in late 1982;

"(4) the entire budget has grown by 450 percent over the last 16 years and yet no single item or group of items can be held solely responsible for that rapid increase;

"(5) while the annual growth of the Federal budget has slowed in recent years, Congress has been unable through the existing process to decrease the growth rate sufficiently to allow revenues to catch up;

"(6) the time to act is now, during a period of recovery and low inflation;

"(7) any approach to reducing the deficit should be effective and equitable, and should treat all Americans fairly.

"SEC. . The Director of the Congressional Budget Office and the Director of the Office of Management and Budget shall each conduct a study of the feasibility and potential impact in terms of effectiveness and equitability of applying a "Fair Play" formula approach to the entire budget process, under which all functions or functions within major categories of the Federal budget are allowed to grow at the same rate (or variations of such an approach) and shall each report the findings of such study to the Congress no later than December 31, 1984.".

Mr. BOSCHWITZ. Mr. President, this amendment is, indeed, binding in the sense that it would require a study of what I call the fair play budget. The fair play budget takes the various elements of the budget, each function of the budget, and applies a formula to each of the function totals. This amendment requires a study by the Office of Management and Budget and also by the Congressional Budget Office of the approach of a formula budget, that is, that every part of the budget would rise during a 4- or 5-year period at 5 percent or perhaps at 4 percent, if that were deemed to be more appropriate. The Congressional Budget Office and the Office of Management and Budget will study this approach to see whether it has any difficulties associated with it and whether or not it can be realistically implemented.

It would Mr. President, reduce some of our leverage for a 4- and possibly 5-year period by applying an increase to all elements of the budget.

I call it a fair-play approach because whether it is in defense or in foreign aid or highways or education or social security or medicaid, each part of the budget would go up at the same percentage in a 4- or 5-year period.

There is some leverage, because each element or each function of the budget is quite large, many millions of dollars; in some cases, hundreds of millions or billions dollars. The appropriate committees, within the function or the subfunctions, could do what they wish with respect to individual programs. That is, in the event that some of the programs are growing very slowly, that would allow other programs to grow more rapidly, so that the functional increase of 4 or 5 percent is maintained.

We would also impose reconciliation. In this way, we would force the authorizing committees to make changes in the programs, and the programs would thereby conform to the growth rate that would be compelled by this formula approach to the budget.

Mr. President, I feel that the principal tool that exists in the Budget Act is reconciliation and that the only way we are going to achieve a slowing of the growth and remain there consistently is by imposing reconciliation over a period of time.

Mr. President, the so-called fair-play approach would be a unique approach and would be one that would bring about a balance in probably a 4-year period. Historically, in the last quarter of a century, the budget revenues have risen at an average of 10 percent. During the last quarter of a century, we have had 2 years in which there actually have been reductions in Government revenues. But even averaging them, the increase is still just under 10 percent, so that in the event that we hold, through reconciliation, the growth of budget expenditures to 4 or 5 percent, revenues will indeed catch up.

Mr. President, the fair-play budget has been submitted to people in the State of Minnesota at great length. I have gone around the State and have tested it with many people in the business community, in commerce, and with others; and I must say that the agreement is almost unanimous that such an approach is a commonsense approach and is one that would be fair to all and could be implemented. As a matter of fact, it sometimes fails to some degree because of simplicity. Yet, the ideas that are direct and perhaps simple are often the most easily adapted and the most easily adopted and the ones for which you can obtain the broadest possible support.

There are problems to implementing this kind of approach. It is an election year, and to make a major change of concepts in an election year is probably not possible. It is with that in mind that the amendment does not compel the adoption of this approach to the budget; rather, it compels OMB and CBO to make a study to see whether or not the approach is practical. The studies would be returned by December 31, 1984, in time to be considered for the next budget cycle in the next Congress.

As I say, Mr. President, it is an unusual approach. It is perhaps a simple approach, but an approach that can bring about a balance.

I have a long paper that I wrote about it, and I ask unanimous consent that the draft I have put together be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FAIR PLAY BUDGET—SENATOR RUDY BOSCHWITZ

The federal budget is the most basic annual document of government. Yet few things are in greater disarray.

Despite what some believe, the Congress does not run the economy. We neither set interest rates, nor can we. If we could we would and immediately reduce them to 4-6 percent (maybe less). Everyone would hail us as heroes, something politicians love to be but seldom are.

While the Congress doesn't run the economy, the area of our greatest influence is the budget—how much we spend, what the deficit is, and how much the government borrows. Unfortunately the deficit at nearly $200 billion is out of control and could remain so "as far as the eye can see," according to David Stockman, Director of the Office of Management and Budget (OMB).

Unless, of course, we do something about it and that's the objective of The Fair Play Budget which within a five-year period would accomplish that most elusive of goals—a balanced budget. It would do so by slowing the growth of government to 5 percent a year—applying the 5 percent to all functions of government so that everyone would be treated fairly and equally—and the slowing in growth would be achieved by a budget tool called reconciliation.

WHY BALANCE THE BUDGET AT ALL?

Obviously we can't spend our way to prosperity—in our homes, businesses, or government.[1] But the government has some advantages that individuals don't: the taxing power, better credit, and the ability to create money. So it can hold off economic disaster longer.

But that doesn't mean that the government deficit as it piles up doesn't impact the economy. It certainly does. The deficit hurts us all.

It drives up interest rates—that could choke off the present fragile economic recovery.

It drives up the value of the dollar so that American made goods are too expensive to export, while imports become cheap and pour in (this year's trade deficit will be about $70 billion) meaning lost American jobs, and higher unemployment costs for every taxpayer.

[1] However, many politicians believe they can at least spend their way to re-election.

Deficits could tempt the Federal Reserve to increase the money supply and "monetize the debt" as it has done before. That would begin yet another round of inflation that has just been so painfully cured.

In short the options to balancing the budget (or coming pretty close) are just terrible.

WHAT'S THE PROBLEM?

I campaigned for the Senate in 1978 pledging to "bend the line of growth." That is, the federal budget could continue to grow but not so fast. Some people feel the budget should just plain be cut (but of course not in any program affecting them!) or frozen into place. Even if this should be done, it doesn't have any bearing on the political reality of what can be done, and we really ougth to stick to the realities of the problem.

When I entered the Senate in 1979 the first budget I worked on grew at a rate of 18 percent. That's a doubling every four years. Now the growth rate is 9 percent (a doubling every 8 years). That's an improvement but at its present rate of growth the budget will not be balanced in the foreseeable future. Indeed, the deficits will get larger.

This has been somewhat complicated by cuts in federal tax rates in the last 2½ years. However, the recession accounted for at least 75 percent or more or the slowdown in tax collections while it (the recession) simultaneously increased unemployment and other social program expenditures.

In the three years of 1981, 1982 and 1983 federal tax revenues stood still, but not expenditures. Expenditures grew rapidly. Note the following chart (in billions):

	Federal expenditures	Federal revenues
1981	$657	$599
1982	728	618
1983	795	601

The result is that the gap between income and expense has become so immense that the normal way we conduct business in Congress won't work. A new approach must be found and there must be the political courage to implement it—now. The Fair Play Budget is such a new approach. It is needed now, not after the '84 elections.

THE FEDERAL BUDGET 1968–83

Chart I shows the budget for 16 years ('68-'83 inclusive). The budget is broken down into 18 numbered functions. A brief description of each function can be found at the end of this article. Four functions comprise 82 percent of net government outlays. They are 050 (Defense), 550 (Health), 600 (Income Security), and 900 (Interest). Defense has grown 265 percent in 16 years, health 900 percent, income security 820 percent, and interest 800 percent. The whole budget grew 450 percent in those 16 years. All parts of the budget must be controlled. Budget answers cannot be found in any single function or group of functions (unless the group includes them all).

10 OF THE LARGEST ENTITLEMENT PROGRAMS (1968–83)

Entitlement programs have changed the face of America. They have provided for the needy and a decent retirement for the elderly. They should continue to grow each year, and under the Fair Play Budget they would grow 5 percent yearly for five years.

Entitlement programs make a periodic (mostly monthly) payment direct to a

named individual . . . a voter! Or it pays medical expenses for a named individual . . . a voter! That's why politicians don't like to fool with those programs.

These ten largest entitlement programs grew 850 percent during the 1968-1983 period. That's not a criticism. They started at a lower level and filled human needs that required pressing attention.

But if we don't slow the growth of these (and all other) programs, we'll never come close to balancing the budget. They should all grow, but for five years not so fast.

The table shows some interesting facts. AFDC, while much criticized, is the slowest growth item. Unemployment reflects the times and goes up and down; without unemployment the growth of the other 9 entitlement programs has been close to 10 percent in the last couple of years.

Under the Fair Play Budget the rules of each program would be changed for five years to restrict annual growth to 5 percent.

ANOTHER BUDGET OVERVIEW

Another way to understand the budget is to divide it into four parts:

[In percent]

Defense	Interest	Entitlement programs	Appropriated accounts
[1] 26	11	48	15

[1] Military retirement has been included in entitlements.

Defense and interest (on the debt) are self-explanatory. Entitlement programs are those that provide a monthly payment directly to an individual (a voter!) as explained above. If individuals qualify for an entitlement, they are "entitled" to payment without regard to what it costs the government. No annual appropriation is required. That's why some people say this part of the budget is on automatic pilot.

Appropriated accounts differ. They are not payments directly to individuals but cover communal types of goals (good roads, education, environmental protection, etc.) and they require annual appropriations by Congress. Because of this annual review, the budget ax (a little dull many maintain) has been applied principally to appropriated accounts in the last three years.

U.S. GOVERNMENT INCOME (1960-82)

Chart III illustrates the sources of government income and how each category of revenue has grown.

The average rate of revenue growth over the 23 years through 1982 was a bit over 9 percent, so the Fair Play Budget's assumption of 10 percent during a period of recovery does not seem unreasonable.

Many economists will say there must be high inflation to experience a 10 percent average revenue growth. This is not so. In the 1960 through 1982 period there were 11 years when inflation grew over 5 percent, for a yearly average of 8.7 percent. Revenues grew at 9.7 percent per year in those years. There were 12 years when inflation was less than 5 percent, for a very low yearly average of 2.4 percent. Yet revenues grew 9.6 percent per year in those years—virtually the same as in years of high inflation.

In 1963 the Kennedy Administration proposed and Congress passed a lowering of individual tax rates. As a result, all rates wee lowered (in 1964 and 1965) and the top bracket went from 91 percent to 70 percent. It's not unlike the Reagan proposal we passed in 1981. All rates were lowered, and the top bracket went from 70 percent down to 50 percent. You'll note there was no real increase in individual income tax collections in 1963, 1964 and 1965 (that's part of our problem again today). But also note how collections took off after 1965.

Excise taxes are taxes levied on the manufacture, sale, or consumption of certain commodities, such as tires, liquors, and gasoline. They may also be levied on "privileges" such as franchises and licenses.

THE TIMETABLE OF GOVERNMENT SPENDING

The government's fiscal year starts on October 1. So the 1984 fiscal year started on October 1, 1983. Planning for the 1985 year begins in February 1984. It would be nice to make changes in the 1984 fiscal year, but as a practical matter it will be very difficult (though efforts with which I agree are being made).

So the Fair Play Budget starts in the 1985 fiscal year (October 1, 1984). Some people will tell you that politics is politics—nothing will get done until after the '84 elections. But wait too long and the question will become whether the recovery will continue. If the recovery falters, the whole business of balancing the budget becomes even more difficult.

The time is definitely now, during a period of recovery and low inflation.

THE FAIR PLAY BUDGET

The Fair Play Budget doesn't cut spending. It merely slows the growth. Every function in the budget is allowed to go up, and at exactly the same rate of growth—5 percent (maybe even 4 or 4½ percent) for a five-year period. Is education more important than roads? Food stamps more vital than Social Security? Perhaps some programs are ineffective and should be cut altogether. But we simply won't make those kinds of decisions. That's what we've been doing all along—establishing priorities.

But the government has a board of directors of 535 people (435 Congressmen and 100 Senators). Unfortunately, most have different priorities. So in the process of working out all those priorities and power plays, we compromise (what a wonderful word). Everyone gets a little ("it must be a good compromise, nobody's satisfied") and we go further into debt.

So for a five-year period the Fair Play Budget treats everyone exactly the same. If we slow the growth of the budget to 5 percent a year for five years, we'll balance the budget. That's why the American people will agree. It's fair and it balances the budget. But only if the "grassroots" agree and then let their Congressmen and Senators know, only then can it become a political reality.

The Fair Play Budget is practical too! When a lobbyist or special interest group comes around, a legislator has the perfect (and perhaps only) defense: we're treating everyone absolutely the same this year . . . in fact for five years!

When I think of the time we'd save in the Senate, I'm absolutely awed.

HOW DO WE DO IT?

We do it through reconciliation.

The Budget Committee, which works and strains through so many months each winter and spring (and gets so much publicity doing it), in reality sets only non-binding goals. While the grand total to be spent by the entire government eventually becomes a binding figure, each committee can disregard the goal set for it. And the committees do just that, rationalizing that other committees will economize to meet the overall budget. In addition, committees feel they understand their own needs far better than the Budget Committee does. They also don't like being told what to do. In the end few—if any—committees economize and since every Senator has worked hard to squeeze out a little more for a favorite program, it's easy to find 51 votes to override the Budget Committee's grand total as well.

But the Budget Committee has a tool called reconciliation. Through reconciliation the Budget Committee can change all those non-binding goals into mandates. That means committees have to change laws governing programs that the reconciled goals now mandate. A reconciled budget must be confirmed by the full Congress. Fifty-one votes must be found in the Senate.

In the last three years we have in fact invoked reconciliation—though not nearly as broadly as I'm suggesting here. If we hadn't utilized reconciliation in the past few years our deficit would have been about $60 billion higher.

To invoke reconciliation so broadly will take considerable political stamina. Only if the American people let their legislators know that this is what they want done, will it get done.

PROBLEMS

Does the Fair Play Budget create problems? Of course it does; but considering the results, the problems are worth it. Some of the problems are:

1. The Committee Process of Government. The Budget Committee by invoking reconciliation on all committees will be accused of "seizing power." That won't be popular because legislators don't like to give it up. Now the process is threefold. First, the Budget Committee sets non-binding goals for each committee. Step two is the authorizing committees. They authorize which programs will operate (Social Security, housing, defense, etc.) and the rules and limits for those programs. The third step is the Appropriations Committee which funds many of the programs. Having the Budget Committee set enforceable limits for other committees won't be easy to sell in Washington. I suspect, however, it will be very popular in the rest of the country.

2. How close can projections of the economy and spending be for five years? Can you really lock things in? Clearly, the answer is "no." Projections most often are wrong. But it's a matter of degree. If we set a five-year course for spending, bind it in through reconciliation, and compel authorizing committees to make changes in entitlement programs, the likelihood of projections being accurate is immensely improved.

3. What about the weather and unforeseen contingencies? Bad weather (a flood, tornado, or drought) is hard to predict. It triggers federal programs. Perhaps it can be predictably averaged out with historical data—but not always. Unemployment, world problems, and a myriad of other unforeseen events may occur. Possibly a contingency fund could be established. For instance, all programs could increase 4 percent (not 5 percent) and the 1 percent laid aside in a contingency fund. The contingency fund would be "fenced in" so only existing programs could get at it. No new program could draw on it. If a surplus in the contingency fund exists at year end, it could be added equally to all programs next year so everything could grow a bit faster in the following year—or it could be used for new programs the following year—or the surplus

could just reduce the deficit—or a contingency surplus could simply be added to next year's contingency fund.

4. Getting it passed in the first place! It won't happen without an aroused constituency that wants a sustained economic recovery, reasonable interest rates, and doesn't want to burden itself and its children with a federal debt of unconscionable proportions. Then passing changes in entitlement and other programs will take a depth of constituency support.

5. All this in an election year? It is always argued that programmatic changes can't be achieved in an election year. It is more difficult. But personally I feel there is no better path to re-election than establishing and locking in the path to a balanced budget. But the grassroots has to agree with that and tell their elected representatives in a clear and certain manner.

IF NOT 5 PERCENT THEN PERHAPS—

Some people say "just freeze everything" until we get things balanced. Certainly we as individuals would find ways to do that in our homes and businesses. We'd actually reduce our family's spending—somehow. But we'd never get 51 votes for an outright freeze, or a reduction. Furthermore, the government does many worthwhile things and helps many in need, so reasonable growth is both compassionate and responsible. Several other formulas—rather than a straight 5 percent—might apply.

1. Perhaps different percentages should apply to different parts of the budget. Many say defense needs faster growth. Perhaps defense should grow 8 percent, entitlements 4 percent, and appropriated accounts 2 percent.

2. The entitlement programs can be divided into two parts: income tested and non-income tested. If you're below a certain income or out of work, you qualify for certain entitlement programs (AFDC, SSI, Medicaid, food stamps, unemployment). For others you qualify by merely fulfilling certain requirements. All retirement programs depend on your reaching a fixed age and having a certain period of covered employment. Your income has no effect on whether or not you receive the benefit. So another option is that income-tested entitlements (those for the needy) should grow faster than non-income-tested entitlements.

3. Another approach could be that instead of the formula being 5 percent for five years—straight across the board, perhaps it would be more realistic to ease into slower growth—7 percent the first year, 6 percent the second, 5 percent, 4 percent, and 3 percent the fifth. But the temptation to change the rules and stay at 7 percent the second year would be just too great in Washington. This is a risky option.

4. Another option is that we could raise some functions and lower others, but reconcile all functions total (but not at a straight 5 percent). This would give some leverage and also recognize that some programs will go down next year (unemployment and farm payments) and some will be hard to manage at 5 percent flat. If we reconcile each function and the total comes to a reconciled 5 percent growth, this would be okay. But, be careful . . . once exceptions are made and Congress is back "exercising discretion" all bets are off.

5. What about raising some taxes and balancing things out that way? I'm wary about that. Whenever we raise taxes, we seem to spend the additional money here in Washington—rather than reducing the deficit. Furthermore, raising taxes to the degree necessary would certainly depress the economy. However, if we first impose spending restraints and also impose reconciliation, and we don't experience the projected growth of revenues, I would support some tax surcharges (which have been imposed in the past and later lifted) and perhaps a deferral or phasing in of tax indexing, a value added tax on consumption or an energy tax. I would be flexible in this area if spending restraints and reconciliation were first applied.

While there are some options worth considering and debating, I prefer adhering to the straight 5 percent rule.

CONCLUSION

Hobart Rowen recently wrote in the Washington Post: "The huge budget deficits, about $200 billion a year, are the main economic problem facing the nation." Virtually every other economist has said the same thing. I surely agree.

Some kind of budgetary discipline simply has to be invoked. If not, we will choke off the recovery, weaken our economy and cause greater stress and misfortune for the poor, the elderly, and the young starting out in life. And, on top of that, we'll create just a terrible legacy of debt for our generation and our children.

The Fair Play Budget would allow everything to grow—equally—and impose reconciliation that would require changes in all programmatic rules so growth would stay within the 5 percent rule. The Fair Play Budget—treating everyone the same—would balance the budget in five years assuming a 10 percent growth in revenue each year. Is a 10 percent growth realistic? In the 23-year period ending 1982—good times and bad—the average revenue increase exceeded 9 percent per year. If we adopt the Fair Play Budget and locked it in through reconciliation, I think there is little doubt that the resulting economic growth and vibrancy would provide the 10 percent growth.

The Fair Play Budget should be adopted. Indeed, it must be.

[In billions of dollars]

	1984 [1]	1985	1986	1987	1988	1989
5 percent fair play budget:						
Outlays	849	891	936	983	1,032	1,084
Revenues	685	753	829	912	1,003	1,103
(Deficits)	(164)	(138)	(107)	(71)	(29)	+19
4 percent fair play budget:						
Outlays	849	883	918	955	993	.....
Revenues	685	753	829	912	1,003	.....
(Deficits)	(164)	(130)	(89)	(43)	+10	.....

[1] The 1984 numbers have already been adopted; the 1984 revenue figure is an estimated amount determined by the Budget Committee.

FUNCTIONS OF THE BUDGET

Chart 1 (U.S. Government Expenditures 1968-1983) shows the major categories of the federal budget. They are called functions, starting with Defense (number 050) and ending with Offsetting Receipts (950). (You can see the function numbers down the left-hand side of the chart.) Here is a brief description of each function.

050 Defense is self-explanatory. The lack of growth of this function in the late '60s and early and mid-'70s, inflation, and our Vietnam involvement which took most of the money, is why many people feel the need for added defense expenditures now.

150 Foreign Aid includes economic and security assistance to foreign countries, the International Monetary Fund (IMF) and the Export-Import Bank.

250 General Science, Space, and Technology: principally the National Science Foundation (research) and the National Aeronautics and Space Administration (NASA) (space travel).

270 Energy: energy research and development (everything from solar to nuclear). The Strategic Petroleum Reserve (SPR) was removed from this category in 1982 so the figures went down.

300 Natural Resources and Environment: pollution control, water resources, conservation, land management, the Environmental Protection Agency, the Forest Service and the National Park Service.

350 Agriculture: farm programs, the Commodity Credit Corporation, the Agriculture Extension Service, 4-H. Low crop prices stemming from the recession, a strong dollar, and the grain embargo caused this to rise. It will fall again this year to $6 or $7 billion.

370 Commerce and Housing Credit: direct loans and loan guarantee programs (Federal Housing Administration (FHA) and the Government National Mortgage Association (GNMA) or "Ginnie Mae", thrift insurance (The Federal Deposit Insurance Corporation (FDIC)), and small business assistance.

400 Transportation: highways, mass transportation, the Federal Aviation Administration (FAA) and the Coast Guard.

450 Community and Regional Development: Community Development Block Grants (CDBG), Urban Development Action Grants (UDAG), the Economic Development Administration (EDA), and some disaster relief.

500 Education, Training, Employment and Social Services: federal education assistance, college student aid programs, job training (CETA)—which was most of the cut you see in 1981—and social service programs.

550 Health: Medicare (health care for the elderly), Medicaid (health care for the poor), and other health services.

600 Income Security: Social Security and other retirement programs (civil service, railroad, military), unemployment compensation, subsidized housing, food and nutrition assistance (food stamps, child nutrition), Supplemental Security Income (for the needy aged, blind, and disabled) and Aid to Families with Dependent Children (AFDC).

700 Veterans: pension, training and medical care.

750 Administration of Justice: FBI, Customs Service, and Immigration and Naturalization Service, federal prisons, federal courts, and the Legal Service Corporation (for legal aid to the poor).

800 Government: Congress, the White House, the Office of Management and Budget (OMB), the Internal Revenue Service (IRS), the Government Printing Office, and so on.

850 General Purpose Fiscal Assistance: mostly revenue sharing to local governments.

900 Interest on the federal debt.

950 Offsetting Receipts other than taxes (e.g. sales of government property, leasing of oil or coal rights, etc.).

CHART 1.—U.S. GOVERNMENT EXPENDITURES (1968–83)

[In billions of dollars]

Budget function number and program	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
050: Defense	79	79	79	76	77	75	78	86	89	98	105	118	136	160	187	210
150: Foreign aid	5	5	4	4	5	4	6	7	6	5	6	6	11	11	10	9
250: General science	6	5	5	4	4	4	4	4	4	5	5	5	6	6	7	8
270: Energy	1	1	1	1	1	1	1	2	3	4	6	7	6	10	5	4
300: Natural resources and environment	3	3	3	4	4	5	6	7	8	10	11	12	14	14	13	13
350: Agriculture	5	6	5	4	5	5	2	2	3	6	8	6	5	6	15	22
370: Commerce and housing	4	1	2	2	2	1	4	6	4	1	3	3	8	4	4	5
400: Transportation	6	5	7	8	8	9	9	10	13	15	15	17	21	23	21	21
450: Community and regional development	1	2	2	3	3	5	4	4	5	6	11	10	10	9	7	7
500: Education and training	8	8	9	10	13	13	12	16	19	21	27	30	31	31	26	26
550: Health—medicare/medicaid	9	11	12	14	16	17	20	26	32	37	41	47	55	66	74	81
600: Income security—social security, etc	34	37	43	55	64	73	84	108	127	138	146	160	193	225	248	280
700: Veterans	7	8	9	10	11	12	13	17	18	18	19	20	21	23	24	25
750: Administration/Justice	1	1	1	1	2	2	2	3	3	4	4	4	5	5	5	5
800: General government	2	2	2	2	2	3	3	3	3	3	4	4	5	5	5	5
850: Fiscal assistance			1	1	1	7	7	7	7	10	10	8	9	7	6	6
900: Interest	11	13	14	15	16	17	21	23	27	30	35	43	53	69	85	88
950: Receipts (other than taxes)	(3)	(2)	(3)	(4)	(3)	(7)	(10)	(6)	(7)	(7)	(7)	(9)	(10)	(16)	(13)	(19)
Total spending	178	183	196	210	231	246	268	324	364	400	448	491	577	657	728	796
Percentage increase over year before	3	3	7	7	10	7	9	21	13	10	12	10	18	14	11	9
Revenues	153	187	193	187	207	231	263	279	298	356	400	463	517	599	618	601
Deficit/surplus	−25	+4	−3	−23	−24	−15	−5	−45	−66	−44	−48	−28	−60	−58	−110	−195

CHART 2.—10 OF THE LARGEST ENTITLEMENT PROGRAMS (1968–83)

[In billions of dollars]

	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
Social security	24	27	30	36	40	48	55	64	73	84	92	103	117	138	154	169
Medicare	5	7	7	8	9	9	11	15	18	22	25	29	35	43	50	57
Unemployment	2	2	3	5	7	5	6	13	18	14	11	11	16	18	24	33
Civil service retirement	2	2	3	3	4	5	6	7	8	10	11	12	15	18	20	21
Medicaid	2	2	3	3	5	5	6	7	9	10	11	12	14	17	17	19
Military retirement	2	2	3	3	4	4	5	6	7	8	9	10	12	14	15	16
Food stamps	(1)	(1)	1	2	2	2	3	5	6	5	6	7	9	11	11	12
Supplementary security income						(2)	2	5	5	5	6	6	6	7	8	9
AFDC	3	4	4	6	7	6	5	5	6	6	7	7	7	9	8	8
Railroad retirement	1	2	2	2	2	3	3	3	4	4	4	4	5	5	5	6
Total	41	48	56	68	80	87	102	130	154	168	182	201	236	280	312	350
Percentage increase over previous year	11	17	17	21	18	9	17	28	19	9	8	10	17	19	11	12
Percent inflation (fiscal year CPI)	3.3	4.8	5.9	5.2	3.6	4.1	8.9	11.1	7.1	7.5	7.1	10.3	13.6	11.1	7.4	3.7
Number of people in social security (in millions)	24.6	25.3	26.2	27.3	28.5	29.9	30.9	32.1	33.0	34.1	34.6	35.1	35.6	36.0	35.8	36.1

[1] Less than $½ billion.
[2] Program started in 1973.

CHART 3.—U.S. GOVERNMENT INCOME 1960–83

[Numbers in billions of dollars]

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
Individual income tax	41	41	46	48	49	49	55	61	69	87	91	86	95	103	119	122	132	158	181	218	244	296	298	289
Corporate tax (including social security)	27	28	28	31	34	34	41	48	42	52	50	45	52	61	69	73	76	97	109	122	129	135	131	122
Social security tax paid by individuals and governments	8	9	10	11	12	13	15	19	21	24	27	29	33	38	45	51	56	64	72	83	94	109	119	126
Excise tax	12	12	12	13	14	15	13	14	14	15	16	16	15	16	17	17	17	18	18	19	24	41	36	35
Estate and gift tax	2	2	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	7	5	5	6	7	8	6
Customs duties	1	1	1	1	1	1	2	2	2	2	2	3	3	3	3	4	4	5	7	7	7	8	9	8
Miscellaneous	1	1	1	1	1	2	2	2	2	3	3	4	4	4	5	7	8	7	8	9	13	13	17	15
Total income	92	94	100	107	113	117	131	149	153	187	193	187	207	230	263	279	298	356	400	463	517	599	618	601
Percentage of increase over previous year (percent)	16	2	6	7	6	4	12	14	3	22	3	(3)	11	12	14	7	7	19	12	16	12	16	3	(3)
Inflation (fiscal year CPI) (percent)	1.4	1.3	1.0	1.2	1.4	1.3	2.2	3.1	3.3	4.8	5.9	5.2	3.6	4.1	8.9	11.1	7.1	7.5	7.1	10.3	13.6	11.1	7.4	3.7
Cumulative inflation index [1]	101	103	104	105	106	108	110	114	117	123	130	137	142	147	160	178	191	206	221	243	276	307	330	342

[1] Using a base of 100 for 1959 and compounding thereafter.

Mr. BOSCHWITZ. Mr. President, now let me comment on the budget situation from a more positive viewpoint than is normally heard today.

I think we are making substantial progress on the path to a balanced budget. I know that is not the commonly accepted wisdom; nonetheless, I think there are many signs that indicate that we are making that kind of progress.

I recently read, during the Easter recess, Milton Friedman's most recent book, "The Tyranny of the Status Quo." In that book he says—and I think quite correctly—that it is only in the first 9 months of a new Presidential term that really definitive changes and directions are made in Government. Perhaps in the case of a new President or a President at the beginning of a new term there is a slightly longer period, but at least in terms of economics, we do have a 9-month window, and by the end of those 9 months, the various groups that want to protect the status quo have figured out what you are trying to do and have figured out how to protect themselves against your proposal. So it is important that the proposal be made and adopted within the first 9 months of 1985 in this case.

Why do I mention that? Because we are taking some interesting steps in 1984. We have before us a bill that will eventually cut spending in a 3-year period by about $100 billion. We have already passed the tax elements of that bill which will increase taxes by $50 billion over 3 years. So it is a package of approximately $150 billion.

Increasing taxes and reducing spending to that degree in an election year, in May of an election year, close to an election, is absolutely unprecedented. I think what that means is that in the

first 9 months of 1985 we will rise to the occasion and we will indeed take the steps that are necessary to bring about a balanced budget within a reasonable time.

So I am very much buoyed by the actions of this body. Even though we are not presently in agreement, we certainly are heading in the right direction. The disagreement is not whether or not we should increase taxes and whether or not we should decrease spending but, rather, where that decrease should come from, how much we should increase taxes, what the total package should be.

As a matter of fact, it is interesting that the Republican leadership package is on the low side of both spending decreases and tax increases that are being considered on the floor. So it is the feeling of this body that we should go forward at this time, and I think we will, and it is an indication of what will happen in the first 9 months of the next Presidential term.

The second reason I am optimistic about the budget outlook is the growth of spending and the growth of income in this fiscal year.

When I first became a member of the Budget Committee, in 1979, we considered the 1980 budget. Spending in 1980 grew 18 percent over the year before. In 1981, spending grew 14 percent. In 1982, spending grew 11 percent. In 1983, spending at the Federal level grew by 9 percent. But this year, in the first 6 months of the 1984 budget year, spending is growing at slightly less than 4 percent. That is a very positive sign, in my judgment. Not only is spending growing at a very slow rate at the present time, in the first 6 months of our fiscal year which ended on March 31, but also, revenues are coming in higher than expected. I repeat: Spending is lower than expected. Revenue is coming in better than expected.

Revenues are growing at just about 10 percent flat. Last year, when we had a 9-percent spending increase, we at the same time had a 3-percent revenue decrease. So the spread became 12 percent. This year we are 6 percent to the good.

It has been quite some time, Mr. President, since we have had an increase in revenues that exceeds the increase in spending and it has been many, many years since we have had a situation in which the increase in revenues is a multiple of the increase in spending.

So I think we are on the right track, first of all, because we have indicated what we are going to do in the first 9 months of 1985; and second, because the results of this fiscal year are proving to be very good indeed.

I have seen some people estimate the budget deficit for 1984 to be as low as $145 billion. I do not believe that is a fact. I think it will be higher than that. But I think it will be a good deal lower than most people anticipate. So that is the second part of the more optimistic scenario.

I think the third element has to be the States, and the fact that they have approximately a $60 billion surplus. The States are more on the leading edge of an economic recovery than is the Federal Government, collecting some of their taxes on sales and other things. We wait a little bit at the Federal level before our tax revenues rise. States have a $60 billion surplus; our deficit and the States surplus must really be taken together. Government accounts must be taken as a whole; so that this year total Government deficits are not as high as they are commonly thought to be, and this year I think we can be optimistic about what lies ahead.

There is another point, also, and that is that this tax package and this spending reduction package that we are putting together on the Senate floor does not end at the end of 3 years; in year No. 4 and year No. 5 it continues to reduce spending and increase revenues by approximately $75 billion a year. So it has a life that goes beyond the third year.

The Congressional Budget Office has projected $200 billion deficits and more for as far as the eye can see. People say, "Look at those projections." Well, look at those projections. In 1981, 2 years before 1983, CBO, the Congressional Budget Office, projected that there would be an $18 billion surplus in 1983. Instead, there was a $195 billion deficit. In 1981, they projected that the rate of inflation in 1983 would be 6.2 percent. Instead, it was 3.2 percent. And, in 1982, when they projected inflation for 1983, they were even further off than they were in 1981.

If you look at their projections on the growth of the gross national product, you must have a sense that they are uneasy with their own projecting skill because it has been so far off. But in their defense, other economists have not been particularly better. The CBO entirely missed the 1982 recession but, on the other hand, so did most other economists.

So when people say look at those projections of $200 billion or $300 billion deficits as far as the eye can see, I remind them that the CBO projections have been way off the mark, have not been reliable, and indeed cannot be taken as doctrine.

So I am somewhat more optimistic about the budget outlook than are many observers today. But to get back to my amendment, Mr. President, it is an amendment to require a study by CBO and by OMB for the purpose of seeing whether a formula approach to the budget will work. If we consider such an approach through the implementation of reconciliation, we could undoubtedly control the growth of the budget and we would also be able to bring about a balance in relatively short order.

So therefore, Mr. President, I submit my amendment and ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BOSCHWITZ. Mr. President, I also ask that the yeas and nays do not have to be called at the present time; they could be delayed and we could vote on it at a later time.

Mr. DOMENICI. Mr. President, we have been waiting for the vote on the amendment offered by Senator BOSCHWITZ. I will support the amendment and will vote "aye."

We previously told the Senators what time we were going to vote. I should like to indicate that in about 5 minutes we will vote. So for the benefit of those who are in a position to hear what I am saying, in 5 minutes we will call off the quorum and then we will have an up-and-down vote on the Boschwitz amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand that the yeas and nays have been ordered. We are ready on this side to vote, and I understand that the minority has no objection.

The PRESIDING OFFICER (Mr. GORTON). Is there further debate on the Boschwitz amendment? If not, the question is on agreeing to the amendment of the Senator from Minnesota. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nebraska (Mr. EXON), the Senator from Colorado (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator Massachusetts (Mr. KENNEDY), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 20, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—74

Abdnor	Armstrong	Baucus
Andrews	Baker	Biden

Bingaman	Hawkins	Pell
Boren	Hecht	Percy
Boschwitz	Heflin	Pressler
Burdick	Heinz	Proxmire
Chafee	Helms	Pryor
Chiles	Huddleston	Quayle
Cochran	Humphrey	Roth
Cohen	Jepsen	Rudman
D'Amato	Kassebaum	Sarbanes
Danforth	Kasten	Sasser
DeConcini	Lautenberg	Simpson
Dixon	Laxalt	Specter
Dole	Leahy	Stafford
Domenici	Levin	Stennis
Durenberger	Lugar	Stevens
Eagleton	Mattingly	Symms
East	McClure	Thurmond
Evans	Melcher	Tower
Ford	Mitchell	Trible
Garn	Moynihan	Tsongas
Goldwater	Murkowski	Warner
Gorton	Nickles	Wilson
Grassley	Packwood	

NAYS—20

Bentsen	Glenn	Nunn
Bradley	Hatfield	Randolph
Bumpers	Hollings	Riegle
Byrd	Johnston	Wallop
Cranston	Long	Weicker
Denton	Mathias	Zorinsky
Dodd	Metzenbaum	

NOT VOTING—6

Exon	Hatch	Kennedy
Hart	Inouye	Matsunaga

So Mr. BOSCHWITZ's amendment (No. 3061) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The majority leader is recognized.

Mr. BAKER. I thank the Chair.

AMENDMENT NO. 3063

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment, I am about to offer an amendment which is a second-degree amendment to the pending Baker amendment. I advised the minority leader, as I have certain other Senators, that it is my intention to offer this amendment at this time.

Mr. President, it is an amendment that I will yield to the chairman of the committee to discuss at greater length. Let me describe it in these general terms, however. The amendment in effect would preserve the double cap proposed in the original Baker amendment. It would leave the defense number at its present level. It would propose to take $2 billion from the synfuels operation, and add it to the nondefense discretionary.

Those numbers, Mr. President, then result in the figures that are in the amendment, which I now send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Mr. Senator from Tennessee (Mr. BAKER), for himself, Mr. PERCY, Mr. DOMENICI, Mr. WEICKER, Mr. CHAFEE, Mr. STAFFORD, Mr. MATHIAS, Mr. MCCLURE, and Mr. HATFIELD, proposes an amendment numbered 3063.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, of amendment #3027, strike subsections (b), (c), (d), and (e), and insert in lieu thereof the following:

(b) It shall not be in order to consider any measure making appropriations in the Senate or House of Representatives, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for non-defense discretionary activities to exceed $139,800,000,000 in fiscal year 1985, $144,300,000,000 in fiscal year 1986, or $151,510,000,000 in fiscal year 1987.

(c) For the purposes of this section, budget authority shall be determined on the basis applicable for fiscal year 1984.

(d) The provisions of subsection (a) or (b) of this section may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by unanimous consent of the Senate.

(e) It is the sense of Congress that the unprecedented magnitude and persistence of current and projected Federal budget deficits must be addressed in a comprehensive strategy to moderate increases in defense spending while continuing the effective constraints on non-defense discretionary programs. To assure the success of such an initiative, the foregoing procedural restraints, in addition to the total aggregate spending limitations pursuant to the Congressional Budget Act of 1974, as amended, are necessary on budget authority both for defense and for non-defense discretionary programs for fiscal years 1985, 1986, and 1987.

(f) Of the amounts provided in P.L. 96-126, the Department of the Interior and Related Agencies Appropriation Act, 1980, for the "Energy Security Reserve," $2,000,000,000 are rescinded.

Mr. BAKER. As I indicated, Mr. President, I will ask the distinguished chairman of the committee to make a more full and technical explanation of the amendment itself. Let me say, however, before I yield that I hope we might be able to get a vote on this amendment tonight. I do not know how long that will take. But I would hope we can do it, and dispose of it. If we can, it would not be my intention to ask the Senate to stay very late tonight. But I would ask the Senate to stay as long as is necessary to try to dispose of this amendment. It may or may not be possible. But I would like to do that.

Mr. FORD. Mr. President, would the distinguished majority leader yield for a question?

Mr. BAKER. Yes. I do.

Mr. FORD. The Synfuels Corporation is a flag. I would have to have some detailed explanation of that before we go much further, and hope that the majority leader would not be too anxious to take that money out.

Mr. BAKER. Mr. President, I think the Senator from Kentucky may like what he hears. But let me yield the floor. I would prefer to do that. Then the chairman of the committee may seek recognation, and I am sure he can answer the fundamental question put by the Senator from Kentucky.

Mr. President, I now yield the floor.

Mr. DOMENICI. Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not know that I can answer every question, but I will tell you what those of us that worked on this amendment intend, and what we think it does. First of all, this amendment is neutral in its spending impact; that is, it saves as much as it spends, which is $2 billion. And the $2 billion that we rescind from the synthetic fuel account is real. Funds for the synthetic fuel account have been appropriated and now reside in the Department of the Treasury.

Mr. JOHNSTON. Would the Senator yield at that point for a question?

Mr. DOMENICI. Let me go through about three items, and I will yield for a question. I would appreciate it, Senator.

I say to Senators that it has become obvious in the last couple of weeks that many Senators in this Chamber see some important national priorities that must be accommodated. I will name a few of them since we have had some amendments that address them, and some concerns expressed: education, health research, environmental research, drug interdiction, veterans' programs, and other critical matters. This amendment says that we will rescind $2 billion in budget authority from the synthetic fuel account which currently has about $14 billion. We will free up that money to meet some of these other national needs. It does not prejudge the outcome of what may be difficult negotiations on the remaining moneys in the synthetic fuel account, nor does it prejudge the disposition of the Synthetic Fuels Corporation.

Those of us who worked on this amendment were of differing views on what should happen to the Synthetic Fuels Corporation. This Senator, as the distinguished junior Senator from Louisiana knows, favors the Synthetic Fuels Corporation. Some who negotiated on it wanted to do away with the entire synthetic fuels account and the Corporation.

Senator MCCLURE, who participated in the negotiations, wants to preserve the Corporation, as do I. Nonetheless, it is obvious that the Synthetic Fuels Corporation is going to be either changed or altered.

So what we did was not prejudge what the authorizing committees, the appropriators, or anyone else might do with the broader issues of that Corporation. The amendment would, however, provide an additional $2 billion in

budget authority for the nondefense domestic accounts compared to the cap figures included in the pending amendment.

As I indicated before, the additional moneys will be split among the domestic discretionary programs when the Appropriations Committee prepares its section 302 allocations.

It seem to the Senator from New Mexico that even the President might be interested in this. He has something that he has said about the Synthetic Fuels Corporation over the weekend. But, in addition, obviously with the Central American votes that have occurred in the House and those that will occur here, it would be difficult to meet the full requirements of the administration for the function 150 account, foreign assistance, both civilian and military. I have conferred with the chairman of the Appropriations Committee and he agrees that unless additional money is available, it might be difficult to meet the Presidential requests with reference to foreign assistance both in the Middle East and in Central America.

To summarize, what we have done is take the original cap on domestic appropriated accounts, we have added $2 billion, and we have said to the appropriators, "It is up to you to decide which account or accounts you add it to, knowing full well that we are talking about four or five accounts: education, the environment, some health research, veterans, and foreign assistance."

They will have to do that within this cap and within the other savings that they might find in other programs.

Having said that, I will be pleased to yield for a question from my friend from Louisiana.

Mr. JOHNSTON. I thank my distinguished friend for yielding. Is it not a fact that there are no outlays in the Synthetic Fuels Corporation for the current year?

Mr. DOMENICI. I cannot give the exact number for the year, but if the Senator wants an estimate of the outlays, the outlay estimate for the next 3 years will be $731 million. The distinguished Senator from Idaho is also familiar with that. I think that is correct.

Mr. JOHNSTON. I believe I am correct when I say that whatever other outlays there are for northern plains, there are no outlays for Synthetic Fuels Corporation. So essentially what is being done is taking budget authority——

The PRESIDING OFFICER (Mr. EAST). The Senator will suspend for a moment. The Senate is not in order. It is difficult tc hear the Senator. This is a very important discussion and Senators have a right to be heard. The Chair will ask those Senators who are conducting business to do so elsewhere, and will ask those who are standing to be seated and remain quiet. The Chair will appreciate the cooperation of Senators in his requests.

The Senator from Louisiana.

Mr. JOHNSTON. I thank the Chair.

It is my understanding, I say to the distinguished Senator from New Mexico, that there are no outlays in the Synthetic Fuels Corporation other than whatever there are in the northern plains, which would not be affected by this amendment. Second, the budget authority which is taken is a fundamentally different kind of animal as contained in the Synthetic Fuels Corporation than in budget authority elsewhere.

We appropriated, I think initially, $17.9 billion, or $16.8 billion, whatever it is.

Mr. McCLURE. Will the Senator yield?

Mr. JOHNSTON. Let me finish my question and then I will.

We appropriated whatever the figure was, $16.8 billion or $17.8 billion, but that was to be $17 billion, if that is the figure, of authority to guarantee loans or to have price guarantees which for every dollar guaranteed was to constitute a dollar of budget authority. So it is not budget authority in its traditional sense. Is it not true, first of all, that what this amendment basically does is simply increase the deficit by $2 billion?

Mr. McCLURE. Will the Senator from New Mexico yield?

Mr. DOMENICI. I will be pleased to, but first let me tell the Senator what I know about outlays. There are $731 million in outlays attributable to the account called synthetic fuels that are found in the current CBO baseline for the next 3 years.

Mr. JOHNSTON. That is money that will not be transferred or affected by this amendment; is that correct?

Mr. DOMENICI. I think what we are going to end up doing here, if we spend enough time, is to go into all the budget authority that the appropriators appropriate, and many of us will find that we appropriate many dollars that are loan dollars, that are guarantee dollars. We appropriate for CCC, and it is basically all guaranteed loans. We put every dollar of those CCC loans into budget authority.

We will also find that the system permits you to take budget authority of that type that you save and within a ceiling under the budget resolution to spend it as budget authority for an ongoing program.

We have never been able to do anything other than estimate outlay as it relates to budget authority.

Mr. JOHNSTON. Really, I think the base of the question is, Does this not simply increase the outlays and increase the deficit by $2 billion?

Mr. McCLURE. Will the Senator yield?

Mr. DOMENICI. I do not think so, no.

I will be pleased to yield.

Mr. McCLURE. I think the Senator is skirting around something that has some truth in it. It is a complex question and I think one that is very difficult to derive absolute clarity on.

First of all, as the Senator from West Virginia, the distinguished Democratic leader, would know, the energy reserve was created by the amendment he offered on the floor, $19 billion to start with. That has since been subject to an appropriation which redirected back some of that money. So what we are dealing with is not the original $19 billion but the unexpended and unobligated balance of that fund.

With respect to how much the liability expenditures will be over the next 3 years, since many of these obligations are contingent liabilities, all you can do is make an estimate. There are loan guarantees, market guarantees, et cetera, and you have no way really of knowing when that fund will be called upon. All you can look at is the unexpended balance or unobligated balance of that fund.

The Senator from New Mexico is correct, that CBO's baseline analysis will indicate that there would be expected to be expended out of that fund over the next 3 years between $700 million and $800 million. That includes the administrative overhead of running the Synthetic Fuels Corporation and the operations that they have now, as well as the oversight of the DOE program that was brought in during the first 5 months of the program. It does not include Great Plains because Great Plains has not yet been moved to contract. There is an intent but there is no contract with respect to it, except for the initial $2 million loan guarantee which is a contingent liability of the corporation.

Mr. JOHNSTON. If the Senator will yield, the basic question which I asked is: Does this not really increase the deficit by $2 billion by transferring some budget authority which may never be called upon to an outlay this year by $2 billion? The answer to that, I think, is surely yes, is it not?

Mr. McCLURE. Mr. President, will the Senator from New Mexico yield?

Mr. DOMENICI. Of course, Mr. President.

Mr. McCLURE. It may be. We have to make some assumptions——

Mr. JOHNSTON. One of the assumptions is that that $100 million in outlays over the next 3 years is not affected by this amendment.

Mr. McCLURE. That is right, and we would have to make some assumption that the balance of that fund would not be obligated during the next 3 years. Because, as a matter of fact, if the balance of that fund were obligat-

ed by the Synthetic Fuels Corporation, it would be counted as a budget authority, use of budget authority, even though it is not in actual outlays.

Mr. JOHNSTON. But not as an outlay.

Mr. McCLURE. It would not be as an outlay.

I think there were various estimates made and that is one of the estimates. But I think in the budget scoring, we directed that every dollar of loan guarantee, every dollar of market guarantee, would be carried dollar for dollar as an offset against that appropriation.

I am not certain, and I think the Senator from New Mexico would have to tell me whether, when we direct that that be a dollar-for-dollar allocation, it is not a contingency reserve which is set there and not obligated until actually—on most contingency reserves you make an estimate and you do not put more in the contingency reserve than you estimate will be outlays. We state that every dollar for contingency reserve will be offset against this fund.

Mr. JOHNSTON. I understand that, Mr. President, but someone has called this money that is appropriated for energy reserves funny money. What we are doing by this amendment is taking $2 of funny money and putting it into outlays.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. CHILES. I think the Senator is not really getting an answer to his question. I think the answer to his question—what does this do to the bottom line—despite the figures about contingencies and everything else, is that the deficits will actually be higher if we approve this amendment.

Mr. JOHNSTON. That is correct.

Mr. CHILES. We are going to add $2 billion to the deficit. That is the bottom line.

Mr. McCLURE. If the Senator will yield, the Senator from Florida can characterize it as he wishes, but that may or may not be the bottom line. The Senator from Louisiana suggested this is funny money, but it is not funny money because the Senator from West Virginia required it in his amendment when it was authorized. It was appropriated to a Treasury account, not only authorized but appropriated and transferred into that account. That money is there.

Mr. CHILES. Well, may I have the floor, Mr. President?

Mr. McCLURE. That may well mean that all the money in the Treasury is funny money. Maybe the Senator from Florida makes that point, but the Senator from Idaho does not.

The PRESIDING OFFICER. The Chair wishes to advise that the Senator from New Mexico has the floor and has yielded for questions.

Mr. DOMENICI. I want to say to the Chair that I shall yield the floor in a moment, but I do not want any Senators listening to this debate to think that budget authority in an appropriation bill or budget authority in a budget resolution, are necessarily going to equal outlays. Some budget authority equals an equivalent amount in outlays, such as entitlement programs, but a lot of the budget authority equals loan guarantees, price supports, and other things.

For instance, emergency loan programs for disaster relief. That is budget authority. You put it in there and you estimate what is going to happen during the year, and if you have to incur it, you use up budget authority.

All these years, the Congressional Budget Office has been gaining expertise in trying to figure out how budget authority affects outlays. In some instances it is 1 for 1 in a year, some of it is only 10 percent for the year; in some instances it takes 9 years to use the budget authority in terms of outlays.

I remind Senators that a huge amount of budget authority is found in the HUD accounts, and, more specifically, in the HUD accounts there are 40-year loan programs. Every bit of it is budget authority, and if you do not spend it for 40 years, it outlays a small amount each year.

I also tell the Senators that if you save money by way of trimming one of those budget authority accounts for 40-year guarantees under one of the housing programs, that budget authority within a ceiling can be spent in another account of Government. We have never had anything around here that says it has to be the exact same kind of spendout program. There is nothing to prevent the Congress from taking $3 billion out of an account that spends over 40 years and putting it in another account that spends out over $3 billion. It is all budget authority, and eventually you do the best estimating you can on outlays.

I do not know whether the appropriators will use this for fast spendout programs or that part of it will be for slow spendout programs; I cannot tell you that. I can only tell you that is their particular responsibility. They assign the budget authority to the subcommittees, and then the best outlay estimates possible are made.

That is exactly what is going to happen here. It is going to be theirs to do. If they spend it on certain education programs, it will not take very long; if they spend it on other, it may take 5 years to spend out.

That is the best I can do. I cannot tell you that the bottom line goes up substantially or a little bit. It may go up a few hundred million dollars. I cannot tell that right now. I shall tell you after 2 or 3 months, after we have allocated it to the subcommittees and we know what programs they use it for.

Mr. BYRD. Mr. President.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, the distinguished majority leader was on the floor a moment ago. I want to suggest that there will be no rollcall vote on this matter tonight.

Mr. President, I yield the floor for the moment.

Who has the floor, Mr. President? I gave it up.

The PRESIDING OFFICER. The Senator has given up the floor.

Mr. ARMSTRONG. If the minority leader is finished, I am seeking recognition.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. ARMSTRONG. Of course, Mr. President.

Mr. BYRD. I wanted to inform the distinguished majority leader that, in view of the lateness of the hour, particularly, and in view of the fact that this amendment, as we can all readily see, is going to evoke some debate, I hope the majority leader will be in a position to announce that there will not be any vote on this matter this evening. I, for one, am very concerned about the Synthetic Fuels Corporation and I have so stated on several occasions.

It is a scandal-ridden corporation, and I will have some more to say about this amendment tomorrow probably. I think we ought to take a good look at it. I have no objection if the majority leader wants to stay in a while and debate the matter, but I would hope he would be in a position to announce there will not be any rollcall votes at this time.

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. ARMSTRONG. Mr. President, I, of course, will yield.

Mr. BAKER. I thank the Senator from Colorado.

Mr. President, no one will be surprised to know that the minority leader and I have discussed this before. He had privately indicated to me that he did not feel we could vote on this measure tonight. I understand that. I would like to vote tonight, as I indicated earlier, but I understand the concern about it and I also understand there is nothing I can do about it. So I am perfectly willing to announce that we will go over to tomorrow with this amendment pending. I would not want to go to something else pending for the time being. So in view of that, I reluctantly must state, Mr. President, but I do now state there will be no rollcall votes this evening.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, if the Senator will yield further for just a moment, I also would like to say I also would not have the temerity to ask to get a time certain to vote tomorrow, but we are coming in at 10 a.m.; the order is already set, and I would hope we could explore in the morning then, after the staff has had an opportunity to examine this matter and Senators to think about it, the possibility of a time certain to vote on this measure some time during the day, perhaps around midday. And if we cannot, we cannot, but I would like to suggest that we explore that possibility.

Mr. BYRD. Will the Senator yield 30 seconds?

Mr. ARMSTRONG. Mr. President, I am happy to yield.

Mr. BYRD. May I say to the distinguished majority leader we will explore that matter on this side and I will be glad to discuss it with him tomorrow.

Mr. BAKER. I thank the Senator. Mr. President, now, finally, if the Senator will yield further, I urge Senators to continue with their debate this evening as long as they feel it is useful and when it has run its course we will go out until 10 o'clock tomorrow.

Mr. ARMSTRONG. Mr. President, before all Senators leave the Chamber, I hope overnight they will reflect carefully on what has been said by the Senator from Louisiana and the Senator from Florida because you can dance around this topic any way you want to but the adoption of this amendment will result in $2 billion more in Federal deficits during the next fiscal year. It will result in net Federal borrowing $2 billion higher than would have otherwise occurred.

Now, maybe over a long period of time, maybe over 15, 20, 30 years, the spending under the Synfuel Corporation will occur and maybe it will not. It is loan guarantee money. It is purchase contract money. As the Senator from New Mexico points out, maybe it will happen, maybe it will not. But the result right now in the real world, at the moment when we are facing a $200 billion plus deficit, when interest rates are going through the roof, is $2 billion in Federal spending.

Mr. President, I think the majority of Members of this body really would like to see a lower limit of spending rather than a higher limit of spending as suggested by this amendment. And so I will just tell you, as one Senator, I do not need to think about it overnight; I am going to vote against this amendment.

Tomorrow when we resume consideration of this matter, I will have some more detailed observations about it. And I also will want to say a word about the energy policy which prompts this amendment and some other shenanigans that are going on in this Chamber and around town, because the fact of the matter is our country has been greatly injured, in my opinion, by an off-again/on-again energy policy which in the last 10 years has seen three basic reversals of direction and which it appears to me is about to result in another basic reversal. It is a zig-zag policy. It is a policy which denied to those of us who sought some level of interest and some degree of Federal support for synthetic fuel any attention at all for a number of years. Then in the wake——

Mr. CHILES. Mr. President, may we have order? I think the Senator is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order so that the Senator from Colorado can be heard.

Mr. ARMSTRONG. Mr. President, I thank the Chair and I thank the Senator from Florida.

I am going to conclude very quickly because I do want to speak about this matter at greater length tomorrow, but I was just pointing out in passing that part of the dynamics at work here have to do with the Synfuels Corporation. Now, I did not favor the creation of the Synfuels Corporation, although I am strongly in favor of support for the development of a viable commercial synthetic fuel industry, but what we have seen in the last decade is a pattern of first neglect, and I do not mean benign neglect; I mean just plain neglect, by a Federal Government that did not think it was important that we develop oil from shale and coal gasification, and so on.

When some of us came pleading for interest on the part of Congress and Federal officials, even to the extent of sweeping away some of the regulatory underbrush, we just could not get anybody to pay attention. Then came the Arab oil embargo and suddenly there was no limit to the amount of commitment which this Congress was willing to make. I remember standing in this very Chamber, and not so long ago, arguing that it was crazy to commit $88 billion to a synthetic fuel corporation. And I come from a State that cares a lot about synfuels. We think that is an important opportunity for the future. But to throw that huge amount of money at it seemed to me to be a great mistake. But, indeed, we plowed along. There was just no disposition really on the part of a majority to curtail our spending for synthetic fuel and we ended up finally appropriating $20 billion.

Well, the gas lines are gone, the oil embargo is off, synthetic fuel is no longer fashionable, and now Senators in this room have threatened to filibuster the appointment of new members to the Synthetic Fuel Board in order to prevent the Synfuels Corporation from doing anything. So we have gone from nothing to $88 billion and now we are back to nothing because literally the Synfuel Board is paralyzed.

Now, in my opinion, the administration by its announcement late yesterday or early this morning has set the stage for another zig-zag in this really irresponsible record of Federal management of synthetic fuel.

Now, what has that to do with this amendment? Frankly, I am not quite sure. I only heard of this amendment about 5 minutes before it was called up, and I am really glad the minority leader and others have insisted we have all night to think about it because to the extent that it borders on energy policy for the future of this country, I think it needs to have some serious consideration. To the extent that it really is just a budgetary issue, it is simple as far as I am concerned. The result will be to spend $2 billion more, to increase the deficit by $2 billion, to add to the national debt $2 billion—and for those reasons I am going to vote against it. But I think the energy questions that tie to it ought to be seriously thought about.

Mr. CHAFEE and Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. Is the Senator from Colorado yielding the floor?

Mr. ARMSTRONG. Mr. President, I do yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I knew the hour is just a little bit late, but I think we might review for a moment where we are and how we got here. This is our fourth week of budget debate. We had some time on the tax bill before that, which is part of this package. For 4 weeks we have been groping around. The Senator from Kansas said this morning on television that the Democrats were stalling. That was the first news I had heard of a claim like that. But that made good copy on television this morning, even though we had not had any night sessions, we had not had any Friday votes, we had not had any Monday votes, and the Democrats, the last time I looked, were not in control of the Senate and do not get a chance to set the schedule. But the Senator from Kansas said that we had some scheme; that we were stalling.

Well, I know some meetings have been going on all day. The Senator from Florida has not been invited to those meetings. I do not know of anybody on this side who has been invited, but I know people have been traipsing in and out all day, and I guess those meetings were about the amendment now before us. But I think the reason we have been here 4 weeks is because there were some basic problems with the rose garden plan. And the basic problem is that the majority

leadership has been trying to get 51 votes for that plan. I know a lot of counting has been going on, and we have had a number of amendments. We had an amendment which the Senator from Florida proposed. It received 49 votes; the other side received 49 votes, so my amendment failed. That amendment would have cut $150 billion off of the deficit. I like to use the CBO figures; I think they are truer. They are taken off the bottom line. It would have been $150 billion according to CBO, but $200 billion if you use the administration's arithmetic.

Now, that did not pass, Yet there still seemed to be some problem finding 51 votes for the rose garden plan. Now we are seeing a rush put on for this new amendment. Some even want to vote tonight. So I assume that this amendment is intended to be the magic attraction that will produce 51 votes.

Mr. McCLURE. Will the Senator yield?

Mr. CHILES. I am happy to yield.

Mr. McCLURE. I appreciate the Senator yielding. I am a cosponsor of this amendment, and I want to add to what some others have said about its impact on the Synthetic Fuels Corporation and the synthetic fuels program. I will have more to say about that later. But I am not enthusiastic about dismantling the synthetic fuels program, and I do not want my cosponsorship of this amendment to be taken by anyone as a change of my own position or commitment and dedication to the development of alternative fuels. But I do believe it is fair to say that the actions that have been taken on this floor, the statements that have been made by Senators on both sides of the aisle, critical of the synthetic fuels program and of the activities of the Synthetic Fuels Board, are sufficiently serious to have signaled to anybody who is following the subject that something is going to happen in terms of congressional action looking at that program, trying to redefine, redirect, and restate what Congress wants to be accomplished through that program.

I say that because I think it is likely, under the current budgetary crunch—and if you can read politics at all around here, and I guess we all try—it is likely that some portion of the money that has been appropriated heretofore and remains unobligated in the fund will not be spent for that purpose.

I think the Senator from Florida and the Senator from Louisiana are frank in saying that the spendout rate, the obligation rate, in that fund probably is slower than it would be by obligating it to the nondefense discretionary accounts which would be spread out much more rapidly.

I believe those are legitimate questions for us to discuss. I will also pledge that we are going to get back to this question of what happens to the synthetic fuels program and the disposition of the moneys in the energy security accounts, because that, too, is a very important separate decision; and it should not be assumed that because this amendment has been offered, there is any foregone conclusion with respect to the outcome of the other debate on that subject.

Mr. CHILES. Mr. President, the Senator from Florida is saying there were some problems with the rose garden plan. I think there were problems on several bases. First, the deficit was not reduced enough. Certainly, that was a problem on our side. It reduced the deficit about $89 billion over 3 years. The deficit numbers went from $181 billion in 1984 to $204 billion in 1987. Yet, it was called a deficit reduction plan. No matter how you dress it up, I do not see how you could call that a deficit reduction plan. It appeared that there were Members on the other side who had problems with that, too.

In addition, the plan had a fairness problem. The plan would have frozen nondefense discretionary programs, an absolute freeze for 1 year, and then 5 percent for 2 years. But at the same time it granted a 7- to 7.5-percent increase above the inflation rate for military spending. Again, there were Members who felt that was unfair. So there were two basic faults.

How does this amendment attempt to correct those? For one thing, it says we are to cut money out of the synfuels program. The Senator from Florida does not think the deficit will be reduced by doing that.

On the other hand, you are going to add that money to the nondefense discretionary programs. So you will end up with a plan that does not improve the deficit. The deficits will still be over $200 billion in 1987. They will still be going up; they will be increasing rather than decreasing. So we will have accomplished nothing there.

At the same time, Mr. President, we will still have an inequity, I think, because we will have military spending growing at the rate of 7.5 percent above the rate of inflation, while cutting other programs, but simply not reducing the deficit enough.

Mr. President, there are people who now think this is a solution. But I wonder whether it is, in fact, a solution or whether it is a hope. It appears to me this simply is, in no way, a solution to the problem. This will not reduce the deficit.

I do not think it does anything about a defense number that is entirely too high. It simply uses a little magic marker to say that we are taking some budget authority out of the synfuels program and putting it somewhere else.

Mr. President, I hope that tomorrow we will be able to have a meaningful debate on this amendment. I hope that any Members who have looked at this draft—most of those on our side have not done so—will really analyze what kind of bargain this is. Is it going to reduce the deficit? Or is it just taking money out of the synfuels program, which many think is important and is something our country should not be sacrificing, and putting it into the defense side.

Mr. President, if I had to give a name to this amendment, I believe I would call it the Esau amendment. Esau sold his birthright for a bowl of pottage. The mother, Rachel, favored Jacob over Esau. Esau was the firstborn, so Isaac would have blessed Esau, and Esau would have inherited.

Esau came in one night and was hungry. He wanted a little pottage. Jacob had a bowl, and Esau said he wanted that pottage. So Jacob sold it to him, he sold it to him for his birthright.

I hope that some Members who are looking at this amendment will realize that they are about to sell for a bowl of pottage. I also hope they will remember that when Isaac was give the blessing, he reached out, and Rachel had again schemed a little and put a lion's skin on Jacob's arm. She had Jacob go in to talk to the aged Isaac. Isaac was almost blind at the time, and she said to Jacob:

> He will think that it's Esau who is there, because Esau is the hairy one. If you go in there and he wants to touch you and he feels that lion's skin, he will think you are Esau.

So Jacob went in.

I am speaking now of Members on the other side of the aisle. I hope they will remember this story.

When the aged Isaac touched Jacob, he said:

> The arm is the arm of Esau, but the voice is the voice of Jacob.

As you listen to this debate, as we get into it tomorrow, the arm may be the arm of Esau, but the voice is the voice of Jacob. I hope that they will not sell their birthright for this bowl of pottage because I think it will be a very, very bitter bowl when it comes to the time that they have to eat the pottage.

Mr. DOMENICI. Mr. President, let me just say to my friend from Florida that I do not know about Esau and Jacob, but let me suggest that what we are really trying to do is to pass a deficit reduction package here, and so there will not be any misunderstanding about it, we on this side think we have that. We think we have the votes for this amendment. We could be wrong. We think when we have this amendment passed we have the vote for the whole package.

Obviously, we are not going to do that this evening but hopefully we will do that tomorrow.

The Senator from Florida is absolutely right. He saw all that moving around, walking around, and meetings here and there. That is what it was about. It was about this amendment.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. DOMENICI. We had a caucus at lunch and the Senator from Florida on that side of the aisle had a caucus.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. DOMENICI. From our caucus we decided we should get on with the deficit reduction package, and we worked together and found that perhaps with this we could get the deficit reduction package.

One further comment, and then I shall be pleased to yield, and I think we are about ready to close the session of the Senate for this evening, of course subject to what the distinguished Senator from Florida wishes to say.

But basically, my friend from Florida has indicated that the so-called rose garden deficit reduction plan would not fly. We have not had a chance to vote on it. It very well might fly. But Senators have had numerous amendments to this point and we are waiting around to see if we could vote on it. From what we could tell it will pass as soon as we run out of amendments, which I think it is going to pass by a big margin.

Likewise, we kind of think looking at the strange crisscrossing and almost unpredictable way that Senators have voted on the four or five packages, we have a strange suspicion that there are some who voted for things they do not want to happen. We think that maybe some of the packages that got 39 votes and maybe the packages that got 49 votes, that there are some who are saying, "We do not like that rose garden package," but they are sitting back hoping what they voted for did not pass also. There has been the most unusual number of Senators who have voted for all kinds of different things over the last 2 weeks that it seems to the Senator from New Mexico that indeed there may be a very large majority hoping that they could finally vote on this leadership package, but just wish an opportunity to vote maybe three or four times some other way.

We think that is going to happen, and we do want a full debate. This amendment is not a difficult one. Over the evening there will be all kinds of estimates of how much we are really saving, how much we are really spending.

I think when we are all through tomorrow we will find that this is an amendment that is going to let the appropriators do a few things they were fearful they could not do. Yet, it is not going to be a very large change in the bottom line from what the leadership package was from the very beginning.

I yield the floor.

Mr. CHILES. Mr. President, I will close in just a moment. I just want to say to my good friend from New Mexico that I find it a little ironic that the Synthetic Fuels Corporation should provide the fuel for this synthetic deficit reduction.

ROUTINE MORNING BUSINESS

(Additional statements submitted and routine morning business transacted during the day, are as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on May 11, 1984, he had approved and signed the following enrolled joint resolution:

S.J. Res. 244. Joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week."

MESSAGES FROM THE HOUSE

At 11:34 a.m., a message from the Houses of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2413. An act to recognize the organization known as the American Gold Star Mothers, Incorporated.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1492) to establish the Christopher Columbus Quincentenary Jubilee Commission; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FORD of Michigan, Mr. GARCIA, Mrs. HALL of Indiana, Mr. TAYLOR, and Mr. COURTER as managers of the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2211. An act to exempt electric and telephone facilities assisted under the Rural Electrification Act from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976;

H.R. 5576. An act to designate certain land and improvements of the National Institutes of Health as the "Mary Woodward Lasker Center for Health and Education"; and

S.J. Res. 198. Joint resolution designating April 26, 1985, as "National Nursing Home Residents Day."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, May 15, 1984, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 198. Joint resolution designating April 26, 1985, as "National Nursing Home Residents Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3200. A communication from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting, pursuant to law, a report on the conversion of various functions at various installations to performance by contract; to the Committee on Armed Services.

EC-3201. A communication from the Secretary of the Army, transmitting, pursuant to law, the report on voluntary agreements entered into by the Army under the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

EC-3202. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the statement of the Commission endorsing the concept of Federal legislation to require a system of rotational health warnings in cigarette advertisements and on packages; to the Committee on Commerce, Science, and Transportation.

EC-3203. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a copy of the report entitled "Annual Report for Fiscal Year 1983, Outer Continental Shelf Oil and Gas Leasing and Production Program"; to the Committee on Energy and Natural Resources.

EC-3204. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the nondisclosure of safeguards information by the Commission of the quarter ending March 31, 1984; to the Committee on Environment and Public Works.

EC-3205. A communication from the Secretary of State, transmitting, pursuant to law, a report of the Department of State's activities related to recruitment and equal employment efforts for fiscal year 1983; to the Committee on Foreign Relations.

EC-3206. A communication from the Secretary of State, transmitting, pursuant to law, a report on the manner in which the national interest has been served by payments during the previous month under loan guarantees or credit assurance agreements with respect to loans made or credits extended to Poland; to the Committee on Foreign Relations.

EC-3207. A communication from the Chairman of the Federal Labor Relations Authority transmitting, pursuant to law, a report on the internal accounting system for the FLRA; to the Committee on Governmental Affairs.

EC-3208. A communication from the Assistant Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on three new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-3209. A communication from the Assistant Attorney General of the United States transmitting, pursuant to law, the 1983 Annual Report on activities and operations against public corruption; to the Committee on the Judiciary.

EC-3210. A communication from the Acting Executive Director of the Pennsylvania Avenue Development Corporation transmitting, pursuant to law, its 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-3211. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report relating to drug abuse in the United States for fiscal year 1982; to the Committee on Labor and Human Resources.

EC-3212. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "States Use Added Flexibility Offered by the Preventive Health and Health Services Block Grant"; to the Committee on Labor and Human Resources.

EC-3213. A communication from the Administrator of the Veterans' Administration transmitting a draft of proposed legislation to authorize appropriations to the Veterans' Administration Loan Guaranty Revolving Fund; to the Committee on Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. 2547. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 98-446).

By Mr. MATHIAS, from the Committee on Governmental Affairs, without amendment:

H.R. 3547. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans (Rept. No. 98-447).

By Mr. HUMPHREY, from the Committee on Environment and Public Works, without amendment:

S. 2517. A bill to amend the Disaster Relief Act of 1974, and for other purposes (Rept. No. 98-448).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 113. Concurrent resolution expressing the sense of the Congress that Elena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Elena Bonner, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Michael Hayden Armacost, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Under Secretary of State for Political Affairs.

(The above nomination was reported from the Committee on Foreign Relations with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. DOLE, from the Committee on Finance:

Joseph F. Dennin, of the District of Columbia, to be an Assistant Secretary of Commerce.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2670. A bill to require specific authorization before the introduction of any U.S. Armed Forces into hostilities in another state, and for other purposes; to the Committee on Foreign Relations.

By Mr. MOYNIHAN:

S. 2671. A bill to establish a 10-year term for the position of Director of Central Intelligence and a 5-year term for the position of Deputy Director of Central Intelligence; to the Select Committee on Intelligence.

By Mr. KENNEDY:

S. 2672. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself, Mr. CRANSTON, Mr. DIXON, Mrs. HAWKINS, Mr. JEPSEN, Mr. EAGLETON, Mr. DENTON, Mr. HATFIELD, Mr. MURKOWSKI, Mr. ANDREWS, Mr. ABDNOR, Mr. BURDICK, Mr. STEVENS, Mr. RIEGLE, and Mr. THURMOND):

S. 2673. A bill to make permanent the prohibition of credit card surcharges; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THURMOND:

S. 2674. A bill for the relief of Reina Estela Olvera; to the Committee on the Judiciary.

By Mr. BOREN:

S.J. Res. 294. Joint resolution to designate the week of July 1, 1984, through July 7, 1984, as "National Softball Week;" to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. SARBANES, Mr. BURDICK, Mr. CRANSTON, Mr. GLENN, Mr. THURMOND, Mr. MOYNIHAN, Mr. INOUYE, Mr. NUNN, Mr. RANDOLPH, Mr. BUMPERS, Mr. STENNIS, Mrs. HAWKINS, Mr. RIEGLE, Mr. WEICKER, Mr. MATSUNAGA, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. DIXON, and Mr. QUAYLE):

S.J. Res. 295. Joint resolution to provide for the designation of the week of October 14 through October 20, 1984, as "Myasthenia Gravis Awareness Week"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 296. Joint resolution to designate June 14, 1984, as "Baltic Freedom Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON (for himself, Mr. WILSON, Mr. BAUCUS, Mr. BENTSEN, Mr. BURDICK, Mr. D'AMATO, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAST, Mrs. HAWKINS, Mr. HOLLINGS, Mr. JEPSEN, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, Mr. McCLURE, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. PERCY, Mr. PRESSLER, Mr. SARBANES, Mr. STEVENS, and Mr. TSONGAS):

S. Res. 389. Resolution to express the appreciation of the Senate to the Screen Actors Guild for 50 years of representing America's film performers; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2670. A bill to require specific congressional authorization before the introduction of any U.S. Armed Forces into hostilities in another state, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. MOYNIHAN:

S. 2671. A bill to establish a 10-year term for the position of Director of Central Intelligence and a 5-year term for the position of Deputy Director of Central Intelligence; to the Select Committee on Intelligence.

ESTABLISHMENT OF TERMS OF SERVICE FOR DIRECTOR AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

● Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to establish a 10-year term for the position of Director of Central Intelligence and a 5-

year term for the Deputy Director of Central Intelligence.

These two positions were created by the National Security Act of 1947. In the words of the act:

There is established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence who shall be the head thereof, and with a Deputy Director of Central Intelligence who shall act for, and exercise the powers of, the Director during his absence or disability.

The statutory duties of the Agency and its leaders include advising the NSC in matters concerning such intelligence activities of the Government as relate to national security; making recommendations to the NSC for coordination of such activities and correlating and evaluating intelligence relating to national security. While the job description is rather simple, the responsibilities of the Director and Deputy Director are anything but. They are the preeminent intelligence advisers to the President, responsible not only for managing the affairs of CIA, but for coordinating the entire intelligence collection and analytical effort. The judgments they make can affect the destiny of our Nation.

Consequently, it is imperative that their judgments reflect not the policy preferences and predilections of the incumbent President, but an independent evaluation of the facts.

There are obviously limits on man's ability to devise institutional arrangements which assure independence, while precluding undue accumulation of power and unresponsiveness to the needs of the President as Commander in Chief and the sole organ for implementing our foreign policy. However, in reviewing the National Security Act, I do not believe we have done enough.

At present, the act requires that: First, the Director and Deputy Director be appointed by the President by and with the advice and consent of the Senate; and; second, these positions may not be occupied simultaneously by commissioned officers of the Armed Forces, whether in active or retired status. In this connection, a commissioned officer who holds either position may not perform any military service function.

The bill I have offered would add a new provision to the act which would provide a single 10-year term for the Director of Central Intelligence and a single 5-year term for the Deputy Director. This requirement would become effective with the first appointments after the bill becomes law.

This bill is modeled on similar legislation enacted in 1976 which established a single 10-year term for the Director of the Federal Bureau of Investigation (Public Law 94-503, October 15, 1976). The 1974 report of the Senate Committee on the Judiciary which accompanied an earlier version of this legislation explained the purpose as follows:

. . . the existing provisions governing appointment of the FBI Director do not strike a proper balance between the need for responsiveness to the broad policies of the Executive Branch and, at the same time, independence from any unreasonable or unjustifiable requests made by the Director's superiors. There is legitimate concern that a Director might build up so much power through long service that he would become, in effect, politically unremovable by the President. It is important to give the Director some degree of protection from dismissal without good reason, as well as to avoid an appointment of a new Director with each new President. No institutional arrangement can guarantee with certainty that any official will exercise governmental authority with integrity and good judgment. Nevertheless, there are especially sensitive positions which require the greatest care on the part of the Congress in creating an environment for the responsible use of power. It is the great value of the FBI as a criminal investigative agency, as well as its dangerous potential for infringing individual rights and serving partisan or personal ambitions, that makes the office of FBI Director unique.

Mr. President, the foregoing considerations apply, I believe, with equal force to the positions of Director and Deputy Director of Central Intelligence. While the sensitivity of the responsibilities and powers of the FBI Director are unique in the domestic life of our Nation, those of the CIA Director and Deputy Director are singular in our Nation's dealings with foreign powers.

I wish to note that my bill is not intended to place any limit on the formal power of the President to remove the Director or Deputy Director within the 10- or 5-year term. In this connection, I quote with approval the explanation of the 1974 report of the Committee on the Judiciary concerning the legislation on the FBI Director's term:

The Director would be subject to dismissal by the President, as are all purely executive officers. However, the setting of a 10-year term of office by the Congress would, as a practical matter, preclude a President from arbitrarily naming a new FBI Director for political reasons without showing good reasons for dismissal of this predecessor since the chances for confirmation by the Senate of a new nominee would be remote. The bill is a cautionary message to the President to the effect that whereas his power to remove a Director of the FBI is formally unlimited, nevertheless, by virtue of its power to ratify the appointment of a successor, the Senate retains a large measure of influence over this removal power and will tolerate its exercise for good reason only.

If this bill is enacted, it would be my expectation that Presidents would make every effort to nominate as Directors of Central Intelligence persons who would be prepared to serve the full 10-year term. The bill should help to assure the selection of highly qualified persons who enjoy the broadest possible bipartisan support.

In this connection, the shorter, 5-year term for the position of Deputy Director is intended to avoid the possibility that qualified military officers might be discouraged from accepting this position if they were expected to forgo line military responsibilities for an extended period.

Mr. President, I believe the measure I offer would make a modest, but nevertheless important, improvement in the National Security Act's provisions concerning the conduct of intelligence activities and I urge my colleagues to support it.●

By Mr. KENNEDY:

S. 2672. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Governmental Affairs.

NEW COLUMBIA ADMISSION ACT

● Mr. KENNEDY. Mr. President, I am pleased to introduce today legislation to provide for the admission of the State of New Columbia into the Union.

Delegate WALTER FAUNTROY has introduced statehood legislation in the House of Representatives; I am proud to introduce companion legislation today in the Senate.

The issue before us is one of simple justice for the 640,000 citizens of the Nation's Capital. Nowhere in America should the principles of democracy be more firmly established than in the District of Columbia. Yet, the second-class citizenship of District residents makes a mockery of the principles of representative Government on which our Nation was founded. The time has come at long last to end the unacceptable status of the District of Columbia as American's Last Colony.

In the past two decades, Congress has approved several measures to increase self-determination for the District. The 23d amendment, the Home Rule Act, and the D.C. voting rights amendment were each designed to enfranchise District residents. These measures were important steps in the right direction, but they have failed to achieve the fundamental goal of full citizenship for residents of the District of Columbia.

The Home Rule Act has been undermined by the courts and Congress, and the voting rights amendment is languishing far short of ratification in the State legislatures.

Part-way measures and half-hearted initiatives in Congress are no longer enough; the time has come for full rights for District of Columbia—and that means statehood and nothing less. The residents of the District deserve to be full-fledged Americans, with the same rights and responsibilities as the citizens of every other State.

I believe that the District of Columbia clearly meets the generally accepted historical standards for the admission of States to the Union. The three preeminent conditions are: Commitment to the principles of democracy, resources, and population sufficient to support statehood, and the will of the people for statehood.

The active local government and the active participation of residents in local elections are ample proof of the District's strong commitment to the democratic process.

The District has a thriving private sector and a sound and diverse economic base. It is time to put to rest, once and for all, the shameful myth that the District of Columbia is nothing more than a collection of Federal monuments, Federal employees, and foreign embassies. Contrary to popular belief, 70 percent of District residents are employed outside the Federal Government.

In addition, the population of the District today is greater than that of four existing States. The District supplies more revenues to the U.S Treasury than 12 States. By virtually every measure of comparison, the District deserves to become a State.

The necessary preliminary steps toward statehood have already been completed. In 1982, in support of statehood, the residents of the District convened a constitutional convention and drafted and ratified a State constitution. Although this proposed Constitution has generated controversy on some issues, I am confident that, in the process of reconciliation already underway, these issues can be resolved fairly by the representatives of the people of the District.

I reject the view that the language of the D.C. clause in the constitution (article I, section 8, clause 17) somehow prohibits statehood as an option for the District of Columbia. The proposed constitution carves out the Capitol, the White House, and other essential parts of the seat of the Federal Government as a completely separate and independent area, over which the Congress will continue to exercise exclusive jurisdiction.

In addition, article IV, section 3 of the constitution clearly specifies, in language completely applicable to the District, the authority of Congress to admit new States to the Union.

For generations, the residents of the District of Columbia have borne the burdens and responsibilities of full citizenship without its rights and privileges. The time has come to remove this unfair cloud of second class status from the District of Columbia. And so I say to the Senate and the country:

If not statehood, what?

If not now, when?

From this day forward, from the District Building to the Halls of Congress to the Oval Office in the White House, let us proclaim our message of statehood—confident that we shall overcome, and confident that the State of New Columbia shall become the 51st State of the American Union.

Mr. President, I ask unanimous consent that statements by Delegate WALTER E. FAUNTROY of the District of Columbia and Congressman WILLIAM H. GRAY III of Philadelphia, the text of the bill, and the proposed constitution of the State of New Columbia may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "New Columbia Admission Act".

ADMISSION INTO THE UNION

SEC. 2. Subject to the provisions of this Act, and upon issuance of the proclamation required by section 7(d)(1) of this Act, the State of New Columbia (hereinafter referred to as "the State") is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the initiative measure numbered 3 for District of Columbia Statehood Constitutional Convention, approved May 29, 1982, by duly elected delegates from the District of Columbia, and adopted by a vote of the people of the District of Columbia in the election held on November 2, 1982, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

CONSTITUTION

SEC. 3. The constitution of the State of New Columbia shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

TERRITORY AND BOUNDARIES

SEC. 4. (a) Subject to the provisions of this section, the State of New Columbia shall consist of all of the territory, together with the territorial waters, of the District of Columbia. As of the date of admission of New Columbia into the Union, the District of Columbia shall consist of the National Capital Service Area.

(b) The State of New Columbia shall not include the National Capital Service Area of the District of Columbia which, subject to the provisions of this section, is comprised of the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (c).

(c)(1)(A) The National Capital Service Area referred to in subsection (b) is more particularly described as follows:

Beginning at the point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east of the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capital Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;
thence west on C Street Southwest to Sixth Street Southwest;
thence north on Sixth Street Southwest to Independence Avenue;
thence west on Independence Avenue to Twelfth Street Southwest;
thence south on Twelfth Street Southwest to D Street Southwest;
thence west on D Street Southwest to Fourteenth Street Southwest;
thence south on Fourteenth Street Southwest to the middle of the Washington Channel;
thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;
thence due east to the side of the Washington Channel;
thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;
thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;
thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;
thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;
thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;
thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(d) Notwithstanding any other provision of this section, the boundaries of the State of New Columbia shall include the District Building.

COMPACT WITH UNITED STATES; CLAIMS TO FEDERAL LANDS AND PROPERTY

SEC. 5. (a) As a compact with the United States, the State and its people disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States.

(b)(1) Nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by applicable laws of the United States.

(2) Nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any applicable law authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act.

(c) No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States.

(d) Notwithstanding any other provision of law, the annual federal payment authorized to be appropriated to the District of Columbia pursuant to section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-3406) shall be authorized to be appropriated to the State of New Columbia.

STATE TITLE TO LANDS AND PROPERTY

SEC. 6. (a) The State of New Columbia and its political subdivisions shall have and retain title to all property, real and personal, title to which is in the territory of the District of Columbia.

(b)(1) Subject to paragraph (2), the State of New Columbia is hereby granted, effective upon its admission into the Union, title to all public lands and other public property within the boundaries of the State of New Columbia, title to which is held by the United States immediately prior to admission of the State into the Union.

(2) Any lands and other properties that, as of the date of admission of New Columbia into the Union, are set aside pursuant to law for the use of the United States under any (A) Act of Congress, (B) Executive order, (C) proclamation of the President, or (D) proclamation of the Mayor of the District of Columbia, shall remain the property of the United States.

(c) Not later than five years after the date of admission of New Columbia into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsection (b) of this section shall submit a report to the President and the Congress concerning the need for such land or property. If the President determines that any such land or property is no longer needed by the Federal Government it shall be conveyed to the State of New Columbia.

(d) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of New Columbia or its political subdivisions pursuant to subsection (a), (b), or (c) of this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of New Columbia into the Union.

ELECTIONS

SEC. 7. (a)(1) Not more than sixty days after the date of enactment of this Act, the President of the United States shall certify such enactment to the Mayor of the District of Columbia. Not more than thirty days after such certification the Mayor of the District of Columbia, shall issue a proclamation for the elections, subject to the provisions of this Act, for officers of all State elective offices provided for by the constitution of the proposed State of New Columbia and for two Senators and one Representative in Congress.

(2) In the first election of Senators from the State (pursuant to paragraph (1)) the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the two senatorial offices, shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b) The proclamation of the Mayor of the District of Columbia required by subsection (a) shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in subsection (a) shall be chosen by the people. Such elections shall be held, and the qualifications of voters shall be, as prescribed by the constitution of the proposed State of New Columbia for the election of members of the proposed State legislature. Election returns shall be made and certified in such manner as the constitution of the proposed State of New Columbia may prescribe. The Mayor of the District of Columbia shall certify the results of such elections to the President of the United States.

(c)(1) At an election designated by proclamation of the Mayor of the District of Columbia, which may be the primary or the general election held pursuant to subsection (b), a territorial general election, or a special election, there shall be submitted to the electors qualified to vote in such election, for adoption or rejection, the following propositions:

(A) Shall New Columbia immediately be admitted into the Union as a State?

(B) The boundaries of the State of New Columbia shall be as prescribed in the New Columbia Admission Act and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

(C) All provisions of the New Columbia Admission Act reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property made to the State of New Columbia are consented to fully by the State and its people.

(2) In the event the propositions under paragraph (1) are adopted in such election by a majority of the legal votes cast on such submission, the proposed constitution of the proposed State of New Columbia, ratified by the people at the election held on November 2, 1982, shall be deemed amended accordingly.

(3) In the event any one of the propositions under paragraph (1) is not adopted at such election by a majority of the legal votes cast on such submission, the provisions of this Act shall cease to be effective.

(4) The Mayor of the District of Columbia is hereby authorized and directed to take such action as may be necessary or appropriate to ensure the submission of such propositions to the people. The return of the votes cast on such propositions shall be made by the election officers directly to the Board of Elections of the District of Columbia, which shall certify the results of the submission to the Mayor. The Mayor shall certify the results of such submission to the President of the United States.

(d)(1) If the President finds that the propositions set forth in subsection (c)(1) have been duly adopted by the people of New Columbia, the President, upon certification of the returns of the election of the officers required to be elected as provided in subsection (a), shall issue a proclamation announcing the results of such election as so ascertained. Upon the issuance of such proclamation by the President, the State of New Columbia shall be deemed admitted into the Union as provided in section 2 of this Act.

(2) Until the State of New Columbia is admitted into the Union, individuals holding legislative, executive, and judicial offices of the District of Columbia, including the Delegate in Congress from the District of Columbia, shall continue to discharge the duties of their respective offices. Upon the issuance of such proclamation by the President of the United States and the admission of the State of New Columbia into the Union, the officers elected at such election, and qualified under the provisions of the constitution and laws of such State, shall proceed to exercise all the functions pertaining to their offices in, under or by authority of the government of such State, and offices not required to be elected at such initial election shall be selected or continued in office as provided by the constitution and laws of such State. The Governor of such State shall certify the election of the Senators and Representative in the manner required by law, and the Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

HOUSE OF REPRESENTATIVES MEMBERSHIP

SEC. 8. The State of New Columbia upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law, except that such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives or affect the basis of apportionment for the Congress.

LAWS IN EFFECT

SEC. 9. Upon admission of the State of New Columbia into the Union, all of the territorial laws then in force in the Territory of the District of Columbia shall be and continue in force and effect throughout the State, except as modified or changed by this Act, or by the Constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within the State as elsewhere in the United States.

CONTINUATION OF SUITS

SEC. 10. (a) No writ, action, indictment, cause, or proceeding pending in any court of the District of Columbia or in the United States District Court for the District of Columbia shall abate by reason of the admission of the State of New Columbia into the Union, but shall be transferred and shall proceed within such appropriate State courts as shall be established under the constitution of the State, or shall continue in the United States District Court for the District of Columbia, as the nature of the case may require. And no writ, action, indictment, cause, or proceeding shall abate by reason of any change in the courts, but shall proceed within the State or United States courts according to the laws thereof, respectively. The appropriate State courts shall be the successors of the courts of the District of Columbia as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with such cases, and award mesne or final process therein, and all files, records, indictments, and proceedings relating to any such writ, action, indictment, cause, or proceeding shall be transferred to such appropriate State courts and shall be proceeded with therein in due course of law.

(b) All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of the State, but as to which no writ, action, indictment, or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Columbia in like manner, to the same extent, and with like right of appellate review, as if such State had been created and such State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of the State shall effect no change in the substantive or criminal law governing causes of action and criminal offenses which shall have arisen or been committed, and any such criminal offenses as shall have been committed against the laws of the District of Columbia shall be tried and punished by the appropriate courts of the State, and any such criminal offenses as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Columbia.

APPEALS

SEC. 11. Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Columbia or the District of Columbia Court of Appeals in any case finally decided prior to the admission of the State of New Columbia into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission. The United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States shall have the same jurisdiction in such cases, as by law provided prior to the admission of the State into the Union. Any mandate issued subsequent to the admission of the State shall be to the United States District Court for the District of Columbia or a court of the State, as appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Columbia and of the Supreme Court of the State of New Columbia, as successor to the District of Columbia Court of Appeals, in any case pending at the time of admission of the State into the Union, and the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of the State into the Union.

JUDICIAL AND CRIMINAL PROVISIONS

SEC. 12. Effective upon the admission of New Columbia into the Union—

(a) Section 41 of title 28, United States Code is amended in the second column by inserting ", New Columbia" after "District of Columbia".

(b) The first paragraph of section 88 of title 28, United States Code, is amended to read as follows:

"The District of Columbia and the State of New Columbia comprise one judicial district.".

MILITARY LANDS

SEC. 13. (a) Subject to subsection (b) and notwithstanding the admission of the State of New Columbia into the Union, authority is reserved in the United States for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of the State, are controlled or owned by the United States and held for defense or Coast Guard purposes.

(b)(1) The State of New Columbia shall always have the right to serve civil or criminal process within such tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the State but outside of such tracts or parcels of land.

(2) The reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over such lands shall not operate to prevent such lands from being a part of the State of New Columbia, or to prevent the State from exercising over or upon such lands, concurrently with the States, any jurisdiction which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority.

(3) The power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for defense or Coast Guard purposes, except that the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been or may be determined to be critical areas as delineated by the President of the United States or the Secretary of Defense.

UNITED STATES NATIONALITY

SEC. 14. No provision of this Act shall operate to confer United States nationality, to terminate nationality lawfully acquired, or to restore nationality terminated or lost under any law of the United States or under any treaty to which the United States is or was a party.

REPEAL OF INCONSISTENT LAWS

SEC. 15. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of the District of Columbia or by Congress, are hereby repealed.

[A bill to provide Statehood for the District of Columbia and on the Statehood Constitution]

U.S. HOUSE OF REPRESENTATIVES—OPENING STATEMENT OF HONORABLE WALTER E. FAUNTROY FOR THE HEARING ON H.R. 3861

SUBCOMMITTEE ON FISCAL YEAR AFFAIRS AND HEALTH OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA, MAY 15, 1984

Today, we launch the most important Congressional inquiry concerning the status of the District of Columbia since it was created nearly two centuries ago. The issue of

"Statehood" for the three quarters of a million Americans who reside in the Nation's capital has broad and far-reaching implications, not only for those who live and pay taxes here, but also for the rest of America.

While the public record reveals that in the past I have raised some concerns and have had some reservations about statehood, I wish to state unequivocably that after a decade and a half in Congress, I have come to believe that while the path to full self-determination may prove difficult by way of the statehood route—if one truly favors freedom, one must favor statehood—and we must vigorously pursue the opportunity that the statehood initiative process now offers us.

When I testified before the convention delegates, I urged the adoption of a simple, straightforward constitution, one which conformed to the greatest degree possible with provisions to which Members of Congress were accustomed. I think it's fair to say that the convention chose not to follow that recommendation. Once the constitution was drafted, despite opposition to it from major media sources, I appealed directly to the voters of the District to support it. I did so with the view that we could call upon thoughtful Members of the Congress to help fashion a constitution that has a reasonable chance of passage. Testimony today should provide a good foundation for that process.

Throughout history, our government has espoused the virtues of democracy to the world. Unfortunately, for 700,000 residents, and for the nation as a whole, that democracy comes to a screeching halt at the borders of the District. The gates to equality are closed within view of the Washington Monument. Freedom is illusory for those who happen to live here.

Instead, we have a colonial-like environment, symbolized by a Congress which serves as overseer and sometimes sits as the largest local government in the United States—from time to time putting aside critical consideration of matters such as El Salvador, Nicaragua, Lebanon, the tax bill, the deficit, the Olympics, and other matters of national and international import—while purely local matters, affecting only the District of Columbia, are bantered about. And the harsh reality is that the law allows any Member of this mammoth 535-Member body, for any reason, or for no reason—indeed even arbitrarily or capriciously—to interfere or intervene in the affairs of the people of Washington, D.C. It is a state of affairs which the Founding Fathers would not and did not tolerate, and it is a state of affairs which inevitably will—one day—no longer be tolerated by the residents of the District of Columbia and the people of this nation.

There is a litany of examples and a trail of items which form a pattern of bondage, gripping the District of Columbia. One of the more recent and vivid is the condition that has resulted since the United States Supreme Court's decision in *I.N.S.* vs. *Chadha*. In the wake of *Chadha*, all District of Columbia laws passed since Home Rule stand in a shadow of doubt, which has prompted a prolition of lawsuits, each case implying that the current government is lawless. The District is unable to access the private bond market and must continue to borrow long-term from the Federal Treasury, a state of affairs which is both expensive and unwanted by the District, as well as the Federal Government. Some criminal cases are not being prosecuted because of the *Chadha* cloud over District laws, and the situation promises to get worse unless legislative action is taken to excise the District from the taint of *Chadha*. The future bodes even more nightmarish scenarios. So long as *Chadha* stands, unchallenged by legislative intervention, the District will be a manacled government. Beginning in Fiscal Year 1985 and beyond, the District will have no source of long-term or short-term financing. While the District has been working diligently to get itself into the municipal bond market, since *Chadha* it can not secure an "unqualified" legal opinion from bond counsel. Housing finance agency bonds and other bonds, ready for marketing, have been stalled by the decision. At the same time, the Federal Government will no longer provide either bridge loans or capital improvement loans to the District.

The District's cloistered presence in the House of Representatives, through its nonvoting Delegate, provided a means by which quick, corrective legislative action was undertaken and accomplished to relieve the District of the *Chadha* burden. The absence of a presence, however, in the Senate has contributed to the delay of a final resolution. It seems that one Senator—for apparently arbitrary and capricious reasons—stands as the principal impediment to a legislative solution to *Chadha*.

This stand-off is more than a battle of wills. For the nearly three-quarters of a million taxpaying citizens of the District of Columbia, it is a bread-and-butter issue. More than 300 capital improvement projects are threatened, including school, health, and housing projects. The new municipal office building cannot be completed if the Congress does nothing. The same is true of the District's crosstown water main project, a project incidentally which also affects the water delivery system to Federal buildings. In short, if Congress does nothing, beginning October 1, 1984, there will be no source for the $150 million short-term borrowing and the $155 million long-term borrowing that the District government has relied upon each year to function. It is a situation, in my view, which Statehood could correct. Indeed, it is a situation, given Statehood, which never would have arisen.

There are other equally dramatic examples and items, including the fact that the President appoints local judges, the Federal Government basically controls the District's criminal justice system, particularly the prosecution arm, and Congress controls the purse strings. Again, however, the second class status to which District residents have been relegated would fall in the face of a passage of a Statehood bill.

To gain the fullest appreciation of the origin and development of this colonial arrangement in our nation's capital, one need transcend the muddy waters of history and research the creation of the District of Columbia:

CREATION OF THE DISTRICT OF COLUMBIA

The purpose for which the Federal District was created—to enable Congress to have exclusive jurisdiction over its surroundings—is not incompatible with Statehood for the people who reside in the Nation's Capital.

History often reveals that minor incidents propel the occurrence of major events. The creation of Washington, D.C. as the permanent seat of government was one such event; the incident which gave rise to this event took place in June, 1783.

Meeting in Philadelphia, the still seat-less Congress (which up to this time had also met at Baltimore, Lancaster, York, Princeton, Annapolis, Trenton, and New York as the exigencies of war demanded) was threatened by a band of mutinous soldiers, dissatisfied because Congress had failed to pay for their military services. Congress requested protection from the Pennsylvania militia but was refused, and for two days was held in a state of siege. Congress was outraged. The glaring inadequacies of the itinerant government were quite apparent. The desirability of a capital controlled exclusively by the Federal Government was emphasized.

Four years later, in 1787, as a direct result of the incident, Congress resolved that:

"The Congress shall have power . . . to exercise legislation in all cases whatsoever over such District (*not exceeding ten miles square*) as may by the cession of particular states, and the acceptance of Congress, become the seat of government of the United States . . ." (Set forth in Article One of the Constitutional Convention, the seventeenth paragraph of Section Eight. Emphasis supplied.)

The issue of who should control the capital settled, there remained the provocative question of where to locate the permanent seat of government. Rivalry for the location was intense, and liberal offers came from many states. New York offered to cede the township of Kingston; Maryland offered the city of Annapolis; Rhode Island, Newport; New Jersey, Trenton. Sectional jealousies—the fear that one section of the country might gain economically or politically over the other—was the principal barrier toward an expeditious selection of a location. Northerners favored a site on the Delaware, the South favored the Potomac. The slavery question had its influence as well.

ESTABLISHING THE SEAT OF GOVERNMENT

While the ensuing debates in the House were acrimonious, the gravity of the situation was not undermined. ". . . the peace of the United States," stated one member, "depends as much on this as on any other question which can come before Congress," Another said, "The existence of the Union depends on this subject." On August 27, 1789 in the House of Representatives, Mr. Scott of Pennsylvania moved "(T)hat a permanent residence ought to be fixed for the general government of the United States at some convenient place as near the center of wealth, population and extent of territory as may be consistent with the convenience to the navigation of the Atlantic Ocean . . ." This motion was agreed to by a vote of 27 to 23. There was then general agreement that the capital would be located no farther north than New York nor south than Virginia. Progress was being made.

Later that year, on September 22, the vexatious question was nearly settled in favor of Pennsylvania. However Congress adjourned on September 29, postponing the matter until the next session, when a different conclusion would be reached. This conclusion was greatly influenced by another burning question for Congress concerning the assumption by the Federal Government of the Revolutionary War debts of the states. Northern states were anxious for the passage of such a bill, while the South was opposed. Alexander Hamilton, then Secretary of the Treasury, saw in the two questions an opportunity for compromise whereby the North and the South would get what they both desired: assumption of the war debts and the seat of government respectively.

Meanwhile, the Assembly of Virginia passed an act ceding to the United States ten square miles of its territory. At the time of the passage of Virginia's act a resolution was also passed asking the cooperation of Maryland in urging Congress to fix the seat of government upon the banks of the Potomac, and promising to advance $210,000 toward the cost of erecting public buildings. The suggestion was also made that Maryland advance two-fifths of that amount. Maryland agreed and later released $72,000.

On June 28, 1979, Congress having reconvened, the bill establishing a permanent seat of government was again brought forth and amended by inserting, ". . . on the River Potomac at some place between the mouth of the Eastern Branch and Connogochegue." Finally, on July 16, 1790, by a vote of 32 to 20, the act was passed entitled "An Act Establishing the Temporary and Permanent Seat of the Government of the United States." The word "temporary" applied to Philadelphia whose disappointment in not becoming the nation's capital was appeased by Congress holding sessions there for a ten-year period, until December 1800. The following month, the funding of the war debts bill proposed by Hamilton became law. At last, after one of the keenest and most prolonged fights in the annals of Congress, which included a series of important compromises, George Washington was able to select the site upon which the capital would be built.

The question of the Franchise for the District received little attention during the drafting of the Constitution or during the debates on the location of the seat of government. The Continental Congress was faced with the awesome responsibility of creating the government of a new nation and had many other problems to solve. The strong concern with freedom from dependence on a state overshadowed whatever concerns Congress may have had about the impact the future location of the Federal District might have on the citizens residing therein. Moreover, the drafters of the Constitution did not know where the district they created would be located. Thus, there was no opportunity to be concerned about an unidentifiable group of citizens.

THE DISENFRANCHISEMENT

Congress accepted the cession of the District of Columbia by Maryland and Virginia in 1790. Each state's cession agreement provided that its respective jurisdiction over District residents and land would continue until Congress accepted the cession and provided by law for their government. In accepting the cession, Congress stated that the laws of the states would continue until the Capitol relocated and "could otherwise by law provide." Consequently, District residents voted in Maryland and Virginia until December, 1800, when Congress moved to the Potomac site.

Less than a month later, Congress passed legislation to freeze the laws of the two states. The bill was intended to "allow Congress at some future period . . . to enter on a system of legislation in detail, and to have established numerous police regulations." The immediate consequence to District residents was their disenfranchisement.

Opponents of this bill said it was superfluous in its supposed addition to District laws, and the price of reducing residents to "the state of subjects, and deprived of their political rights" was too high; but, the passage of the bill served to reduce the uncertainty which existed over the exact laws which would govern the District. This enabled Congress to postpone indefinitely the enactment of legislation affecting the rights of a handful of citizens.

POPULATION IN THE NEW CAPITAL

When Congress moved to the District of Columbia, there where only 3,200 residents. This number was far less than the 50,000 residents required for statehood, and far less than the 30,000 required by the Constitution for the establishment of a Congressional District. The sparse population probably helped justify Congress' lack of attention to the franchise issue; further, the growth of the District could not be foreseen by Congress; it was anticipated that most persons residing there would be connected with the Federal Government and that many of them would return home for part of the year. Certainly Congress did not foresee the eventual disenfranchisement of 700,000 persons—fourteen times the minimum number of persons originally required for statehood.

The lack of full enfranchisement for the District can thus be historically rationalized, but it can no longer be justified. There would be absolutely no threat to continued Congressional authority over the Federal District were the residential part of the District of Columbia made into a state.

TAXATION WITHOUT REPRESENTATION

The District is the only political and geographical entity within the United States whose citizens bear the responsibilities of government without sharing in the appropriate privileges of government.

The importance of "taxation without representation" takes on its fullest significance when considered in light of what the missing representation means. Congress decides on legislation affecting the District as well as the states. However, only the District lacks a respectable share of input in the enactment of the very laws which affect its residents.

Representation by only one non-voting Delegate provides little more than a formal voice. Since 1971, the District of Columbia has been represented in the House of Representatives by one popularly elected delegate, who may vote in committee but not on the floor. This situation provides little more than a formal voice in legislative matters.

Nonetheless, the ability to elect one non-voting delegate is important. Interestingly enough, the very fact of this presence, albeit a somewhat cloistered presence, adds reality to the issue of statehood.

If 700,000 residents are entitled to only one Representative in the House of Representatives, in effect, they are each only one fourth a citizen. The non-voting delegate from the District must represent almost twice as many people as any one of the 435 Representatives. The nearly three-quarters of a million persons living in the District of Columbia is more than the number of persons represented by almost one-fifth of the Members of the Senate. The net effect is that the D.C. Delegate represents, without a vote, more than five times as many persons as any other representative. The result of this gross under-representation is felt daily by the taxpaying Americans of Washington, D.C., who must rely on a single representative to reflect their legislative interests and to provide constituent services.

District residents bear all the burdens of citizenship, but do not share the most cherished right of citizenship—full representation in the Congress. In addition to paying federal taxes, District residents also pay local taxes, and are subject to all the laws of the United States as well as treaties made with foreign governments.

Other relevant facts further pinpoint the contradiction:

Residents of the District pay over a billion dollars annually in taxes to the Federal Treasury—more total federal taxes than eleven states pay.

The per capita tax payment for District residents is nearly $500 above the national average—a payment higher than 49 states.

The population of the District of Columbia is larger than that of seven states.

District residents have fought and died in every war since the War for Independence, and during the Vietnam War. The District of Columbia had more casualties than ten states, and more killed per capita than 47 states.

CONCLUSION

Statehood for the District, as embodied in H.R. 3861, would further the principles of democracy which the Founding Fathers framed for all American citizens and would swing the suffrage pendulum back to where it was before December, 1800, when Congress moved to its Potomac site and inadvertently disenfranchised District residents. H.R. 3861 is in no way incompatible with Congress' continued exclusive jurisdiction over the District because there would still be a seat of government. It does not present difficult constitutional problems concerning its implementation. Most importantly, it would further the principles of democracy that the Founding Fathers intended to have flourish among all citizens.

The 1803 proponents of a return of voting rights to the District of Columbia stated that the disenfranchisement was "an experiment in how far freemen can be reconciled to live without rights." It is simply time to end this unfruitful experiment.

OPENING STATEMENT OF HON. WILLIAM H. GRAY III, CHAIRMAN, SUBCOMMITTEE ON GOVERNMENT OPERATIONS AND METROPOLITAN AFFAIRS OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA ON H.R. 3861, MAY 15, 1984

I thank today's witnesses for taking time from their busy schedules to participate in the consideration of a historical piece of legislation, H.R. 3861. This bill seeks to admit the District of Columbia as the 51st State of the Union.

Many remain uncertain regarding the merits of statehood for the District of Columbia. However, when juxtaposed with taxation without representation, dependency on the congressional budget process for appropriation of local funds, Federal control of the local judicial appointment and prosecutorial processes, and fundamental notions of democracy—the logical and legal basis for statehood are very compelling.

I believe existing constitutional concerns are surmountable and that statehood can be accomplished without offending Federal interests. Statehood merely represents the vehicle by which District citizens—citizens of this United States—are afforded the same citizenship rights as all other United States citizens. No more! No less!

In its present form, the proposed constitution is burdened by constitutional, financial, and other considerations. But the submission of the proposal to Congress and today's hearing are simply the beginning of a process through which the evolution of an improved proposal is inevitable, especially if it receives the proper attention. With this in

mind, I look forward to the comments of today's witnesses.

CONSTITUTION OF THE STATE OF NEW COLUMBIA—MAY 29, 1982

PREAMBLE

We, the people of the free and sovereign State of New Columbia, seek to secure and provide for each person: health, safety and welfare; a peaceful and orderly life; and the right to legal, social, and economic justice and equality

We recognize our unique and special history and the diversity and pluralism of our people, and we have determined to control our collective destiny, maximize our individual freedom, and govern ourselves democratically, guaranteeing to each individual and the people collectively, complete and equal exercise and protection of the rights listed herein.

We reach out to all the peoples of the world in a spirit of friendship and cooperation, certain that together we can build a future of peace and harmony.

Therefore, being mindful that government exists to serve every person, we do adopt this Constitution and establish this government.

ARTICLE I—BILL OF RIGHTS

Section 1. Freedom of Association, Assembly, Expression, and Petition

Freedom of association, assembly, press, speech, and other forms of expression, and petition for redress of grievances shall not be abridged.

Section 2. Freedom of Religion

The State shall establish no religion nor interfere with the free exercise thereof. No person shall be denied any right or privilege because of religious belief or the exercise thereof.

Section 3. Freedom From Discrimination

Every person shall have a fundamental right to the equal protection of the law and to be free from historic group discrimination, public or private, based on race, color, religion, creed, citizenship, national origin, sex, sexual orientation, poverty, or parentage. Affirmative action to correct consequences of past discrimination against women, and against racial and national minorities, shall be lawful.

Persons with disabilities shall have the right to be treated as equal community members and the right to services as defined by law provided in a way that promotes dignity and independence and full community participation.

Youth and seniors shall have the right to the enjoyment of health and well-being and to the services as provided by law necessary for their development and welfare. No adult shall be discriminated against in housing or employment on the basis of age, except that services limited to senior citizens may be provided.

It shall be unlawful to commit or incite acts of violence against persons or property based on race, color, religion, creed, national origin, sex, or sexual orientation.

Equality of rights under the law shall not be denied or abridged in the State or any of its subdivisions because of sex.

This Section shall be self-executing and shall be enforced by appropriate legislation.

Section 4. Privacy

The right of the individual to decide whether to procreate or to bear a child is inviolable, as is the right to noncommercial private, consensual, sexual behavior of adults. Those who exercise or advocate these rights have, in addition, the right to be free from all forms of discrimination.

Political surveillance is contrary to democratic principles. Therefore, unless relevant for prosecution of past, present, or imminent crime, information on any person's exercise of freedom of religion, expression, association, assembly, or petition for redress of grievances, shall not be collected surreptitiously under color of law.

Individual privacy with respect to personal bank accounts, health, academic, employment, communications, and similar records, the disclosure of which would constitute an invasion of the privacy of the individual concerned, is a right, the protection of which shall be provided by law. However, the name, salary, and place of employment of each employee of the State and of any of its agencies or local government units is a matter of public record and shall be available to the public.

Section 5. Due Process

The State shall not deprive any person of life, liberty, or property without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be abridged.

Section 6. Searches and Seizures

Privacy is a fundamental right. Therefore, the people shall be free from unreasonable searches and seizures of their persons, homes, businesses, vehicles, papers, and effects. This right extends to all places and for all circumstances in which the individual has a reasonable expectation of privacy. The fruits of unlawful intrusions, including intrusions by private persons, shall not be used by the State for any purpose in any judicial or administrative proceeding against any individual, whether or not the individual was the target of an unlawful search or seizure, and whether or not the expectation of privacy of that individual was violated.

No search will ensure except under the authority of a valid warrant issued by a judicial officer; such warrant shall be issued only upon probable cause and must be supported by oath or affirmation describing with particularity the place to be searched and the persons or items to be seized. This Section does not preclude warrantless searches or seizures in the following circumstances: searches incident to a valid arrest; exigent circumstances under which officials conducting the search or seizure have no time to secure a warrant; inadvertent discovery of illegal material pursuant to the execution of a valid search warrant; searches and seizures conducted at international borders or their functional equivalent; administrative searches of pervasively regulated businesses pursuant to a general plan; and searches upon the consent of the individual who is the subject of the search or seizure, provided that the individual had been fully informed of the right to withhold consent, and no other exception to this Section is present. The official conducting the search bears the burden of proving fully informed consent.

The right to be secure against unreasonable interception of telephonic, telegraphic, electronic, and other forms of communication and against unreasonable interception of oral and other communications by electronic methods shall not be violated. No such interception shall occur except following issuance of a warrant. No orders or warrants for such interceptions shall be issued but upon probable cause supported by oath or affirmation that evidence of crime may be thus obtained, and particularly identifying the means of communications and the person or persons whose communications are to be intercepted. Evidence obtained in violation of this paragraph shall not be admissible in any court against any person.

Section 7. Rights of Arrestees and Defendants

In all criminal matters, all persons have the right to the assistance of competent counsel from commencement of a custodial interrogation, during trial and appeal, and whenever they are subject to a deprivation of liberty. When arrested they shall be informed of their rights to consult with counsel. Persons charged with a crime have the right to receive an explicit statement of the nature and cause of the accusation, to the discovery of all evidence possessed by the State, and to the presumption of innocence until proven guilty beyond a reasonable doubt. Convicted persons shall have the right to judicial review.

Section 8. Grand Jury

All persons have the right to be free from unwarranted or arbitrary prosecutions. The grand jury shall not engage in fishing expeditions. Grant jury indictments are required for all offenses carrying authorized prison sentence of one year or more. Grand jurors shall be drawn from across section of the community. All grand jury witnesses shall have the right to assistance and presence of counsel, to be informed of the privilege against self-incrimination, and to advised if they are, or many become, targets of prosecution. Criminal defendants are entitled to grand jury transcripts in a timely fashion.

The grand jury shall appoint and the State shall pay non-governmental counsel for independent advice. Indictments shall be issued only on probable cause and shall, upon motion, be dismissed for violations of this Section.

The House of Delegates shall determine the manner and grand jury selection and operation.

Section 9. Bail

The sole purpose of bail is to assure the presence of the accused at trial. Bail shall not be excessive and may take the form of a cash or property guarantee.

Section 10. Trial by Jury

Every person accused of a criminal offense is guaranteed the right to: a speedy, public, and fair trial; compulsory attendance of witnesses; confrontation with adversary witnesses; and trial by a jury of 12 persons. Conviction may be based only upon a unanimous jury verdict finding the accused guilty beyond a reasonable doubt.

Section 11. Punishment

The State shall not require excessive fines, nor impose cruel, corporal, or unusual punishment, or sentence of death. Penal administration shall be based upon the principle of reformation with the objective of restoring the offender to a useful role in community life. Convicted persons shall not be denied any rights specified in this Constitution except as shall be reasonably necessary for the security of a penal institution or the State and its citizens.

Section 12. Imprisonment for Debt

No person shall be imprisoned for inability to pay a debt.

Section 13. Double Jeopardy

No person shall be tried more than once for the same offense; further, the State shall try in a single trail all charges, actual

and potential, arising from the same facts and circumstances. Trial of a person for an offense in any jurisdiction of the United States and subsequent trial under the jurisdiction of the State for the same offense based on the same set of facts and circumstances shall constitute double jeopardy under this Section.

Section 14. Bills of Attainder and Ex Post Facto Laws

Bills of attainder and ex post laws are prohibited.

Section 15. Habeas Corpus

The writ of habeas corpus shall be available promptly at all times, successively, and without limit in all cases of unlawful detention, conviction, or sentencing, whether or not the petitioner is in custody.

Section 16. Abolition of Common Law Criminal Offenses

Every crime shall be defined with specificity in a statute enacted by the House of Delegates, and no person shall be accused, arrested, tried, or convicted for any act not expressly defined as an offense by such statute. This Section shall take effect after the expiration of a time period to be specified by law.

Section 17. Abolition of Sovereign Immunity

Unless otherwise provided in this Constitution, the State and any of its subordinate levels of government, and any branch, agency, and office thereof, and any officer or agent thereof in both official and personal capacity, shall be amenable to suit and liability in the courts of this State or of the United States, with respect to official acts both of commission and omission, including the failure, inability, or refusal by law enforcement agencies of the State to provide reasonable protection by law enforcement agencies of the State to provide reasonable protection to individuals from crimes of violence; except that, no judge of any court may be sued with respect to a decision rendered in any case, but may be questioned and required to testify as to issuance of any warrant.

Section 18. Slavery and Involuntary Servitude

Slavery and involuntary servitude are prohibited.

Section 19. Civil Suits

The right to a jury trial in a civil suit shall remain inviolate. The House of Delegates shall assure access to courts for those litigants unable to pay. Court costs shall not be required of any litigant unable to pay.

Section 20. Right to Employment

Every person shall have the right to employment, or if unable to work, an income sufficient to meet basic human needs.

Section 21. Equal Pay

All employees shall be guaranteed equal pay for equal work and equal pay for comparable work.

Section 22. The Right to Change

The State with its institutions belongs to the people who inhabit it. Whenever a government fails to serve its people, they may exercise their inalienable right to alter, reform, or abolish it.

Section 23. Unenumerated Rights

The enumeration in this Constitution of certain rights possessed by the individual or limitations upon the government shall not be construed to disparage nor deny other rights or limitations not enumerated.

Section 24. Self-Execution

All Sections of this Article shall be self-executing.

ARTICLE II—THE LEGISLATIVE BRANCH

Section 1. Legislative Power

The legislative power of the State shall be vested in the legislature, which shall be called the House of Delegates.

Section 2. Composition of the House of Delegates

The House of Delegates shall have one chamber composed of 40 members who are elected from single-member legislative districts. By majority vote of the Delegates present and voting, the House of Delegates shall elect a President from among its members.

Section 3. Qualifications of Members

A candidate for the House of Delegates must be a citizen of the United States. To become a Delegate, a candidate must receive the highest number of votes on the designated day of election from the qualified voters of the legislative district.

A Delegate must be at least 18 years old, a resident of the State for at least three years, a resident of the legislative district for at least 18 months, and a registered voter of that district. Every Delegate must reside in the legislative district while in office.

Section 4. Disqualifications

While in office, no appointed or elected Delegate may hold any other federal or state elected or appointed public office, position of profit, or employment. During the term of office, no member shall be elected or appointed to any public office or employment which shall have been created, or the salary or benefits of which shall have been increased, by legislative act during such term. This Section does not apply to Delegates seeking re-election, or election to a constitutional convention.

Section 5. Term in Office

A Delegate shall be elected for a four-year term.

Section 6. Time of Election

In general elections, half the Delegates will be elected in every even-numbered year. Following their election, winning candidates shall assume office on the second Monday of January.

Section 7. Vacancies

Legislative vacancies shall be filled as provided by law.

Section 8. Compensation of Members

The members of the House of Delegates shall receive annual salaries and such allowances as may be prescribed by law. However, any increase or decrease in salary or allowances shall not apply to a Delegate serving in the House of Delegates which enacted the increase or decrease until the re-election of that Delegate.

The Governor shall appoint, subject to the advice and consent of the House of Delegates, members of a five-member commission. Every four years, this commission shall report to the public the level of legislative compensation that is appropriate, taking into account comparable compensation in the public and private sectors. The members of the commission shall hold no other public office. Procedures for the establishment and operation of the commission shall be established by law.

Section 9. Sessions

The House of Delegates shall be a continuing body during the term for which Delegates are elected; however, all unapproved pending bills shall expire automatically on the second Monday in January of each odd-numbered year. The House of Delegates shall meet in regular sessions annually, as provided by law. It may also be convened by the Governor, subject to the conditions of Article III, or by the President of the House of Delegates at the written request of a majority of all Delegates.

Adequate advance notice of all meetings of the House of Delegates and of its committees shall be published. The notice shall include the agenda. All meetings of the House of Delegates and of its committees shall be open to the public, to the press, and to radio and television coverage. However, meetings involving confidential discussions of specific staff personnel may be closed by a two-thirds vote of the House of Delegates or the committee.

Section 10. Organization and Procedure

The courts shall be the final judge of the election and qualifications of Delegates. The House of Delegates shall prescribe its rules of procedure which shall be consistent with this Constitution. It may compel the attendance of absent members, discipline its members, and, with the concurrence of two-thirds of all members, expel a member for cause. It shall have power to compel the attendance and testimony of witnesses and the production of books and papers either before the House of Delegates as a whole or before any of its committees.

Section 11. Legislative Immunity

For any speech or debate in the House of Delegates, Delegates shall not be questioned in any other place.

Section 12. Transaction of Business

A majority of all Delegates shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members. The House of Delegates and its committees shall keep journals of proceedings. Each journal shall be available to the public and shall also be promptly published. The journal shall contain all motions made and the votes on those motions. A record vote, with the yeas and nays entered into the journal, shall be taken in the House of Delegates on any vote deciding final passage or defeat of a bill, on any vote to defer consideration of a question indefinitely, and on any vote on the demand of four members. In committee, upon demand of any member, or on any vote deciding final approval of a report, the yeas and nays shall be recorded and entered into the journal.

A verbatim or electronically produced record of proceedings of the House of Delegates and of standing committees shall be made available to the public on request.

Section 13. Committees

The House of Delegates may establish committees necessary for the conduct of its business.

Section 14. Bills

The House of Delegates shall enact no law except by bill. The subject of every law shall be clearly expressed in its title. Each law shall have an enacting clause as follows: "Be it enacted by the people of the State of New Columbia." No bill embracing more than one subject shall be passed except appropriation bills which shall include only appropriations and bills for the codifications or revision of the laws. All laws shall be published. Whenever a law or section of law is amended, it shall be reenacted and re-

published. Every law shall be plainly worded.

Section 15. Passage of Bills

No bill shall become law unless

(a) a majority of the entire House of Delegates has approved it in identical form on two occasions at least 13 calendar days apart and the bill had been printed and distributed at least three calendar days in advance on both occasions; or

(b) the Governor has certified that prompt passage, precluding a time lapse of 13 days, is essential, and a majority of all Delegates approve the bill.

Section 16. Approved or Veto

All bills approved by the House of Delegates, except those relating solely to legislative procedure, shall be presented to the Governor for signature or for veto. The Governor may, by veto, strike items in appropriation bills. The Governor shall veto other bills only as a whole. The Governor shall promptly return any vetoed bill or item of appropriation to the House of Delegates with a statement of objections. A bill shall become law if the Governor either signs it or does not veto it within 15 days of presentation.

Section 17. Legislative Action Upon Veto

Upon receipt of a veto, the House of Delegates shall promptly reconsider passage of the vetoed bill or appropriation item. Such a bill or item requires only one reading. A vetoed bill shall become law by the affirmative votes of two-thirds of all Delegates, except that a veto of an appropriation bill or item shall be overridden by the affirmative votes of two-thirds of the Delegates present and voting.

If the House of Delegates is not in session when a bill or item is vetoed, the House of Delegates may consider the bill or item at its next regular or special session.

Section 18. Effective Date of Laws

No law shall take effect earlier than 90 days after enactment except laws declared to be emergency laws and laws under which this Constitution are not subject to referendum. An emergency law shall contain a preamble setting forth the facts constituting the emergency and a statement that the law is necessary for the immediate preservation of the public peace, health, safety, or convenience. A separate recorded vote shall be taken on the preamble, and unless the preamble is adopted by two-thirds of the members of the House of Delegates present and voting, the law shall not be an emergency law.

Section 19. Auditor

The House of Delegates shall appoint an auditor to serve for six years or until a successor has been appointed. By a two-thirds vote of all Delegates, the House of Delegates at any time may remove the auditor from office for cause. Each year the auditor shall conduct a thorough audit of all State government accounts and operations and shall submit these audit reports to the Governor and to the House of Delegates. The House of Delegates shall make available these reports and distribute summaries to the public.

Section 20. Impeachment

Any executive official elected or appointed with legislative consent is subject to legislative impeachment for cause as may be provided by law.

Impeachment shall originate in the House of Delegates and must be approved by the affirmative votes of two-thirds of all Delegates.

The motion for impeachment shall state the reasons for the proceeding.

Trial on impeachment shall be conducted by the House of Delegates in accordance with procedures provided by law. A Justice of the Supreme Court shall preside at the trial.

Conviction requires the affirmative votes of two-thirds of all Delegates.

The judgment on conviction may not extend beyond removal from office and disqualification to hold and enjoy any state office of honor, trust, or profit but shall not prevent proceedings in the courts on the same or related charges.

Section 21. Code of Ethics

The House of Delegates shall enact conflict-of-interest legislation which shall apply to all elected and appointed State and local candidates for and officials in the executive, legislative, and judicial branches of government. The conflict-of-interest legislation shall include, but not be limited to, requirements for mandatory annual disclosure by public officials of economic interests and sources of income. A Delegate who has personal or private interests, as defined by law, in any proposed or pending bill, shall disclose this fact to the presiding officer and shall not vote on that bill.

ARTICLE III—THE EXECUTIVE BRANCH

Section 1—Executive Power Vested in the Governor

The executive power of the State shall be vested in the Governor, who shall be responsible for the faithful execution of the laws.

Section 2. The Lieutenant Governor

There shall be an elected Lieutenant Governor whose primary duties shall be prescribed by law.

The Lieutenant Governor shall serve as Governor during any period of gubernatorial disability as determined by the Supreme Court. The Lieutenant Governor shall exercise only those administrative duties necessary for the continued and efficient functioning of the State until the Governor either resumes office or is replaced in a special election.

Section 3. The Attorney General

There shall be an Attorney General appointed by the Governor, with the advice and consent of the House of Delegates, for a term of four years. The Attorney General shall be the chief legal officer of the State and shall have responsibility for advising the Governor on legal questions, prosecuting offenders, and representing the State in all legal matters.

Section 4. Election of Governor and Lieutenant Governor

(A) Election.—The Governor and the Lieutenant Governor shall be elected by direct popular vote at the regular elections in Presidential election years. Their term shall be four years, beginning on the second day of January following their election.

(B) Voting.—Candidates for Governor and Lieutenant Governor shall run in pairs for whom a single vote shall be cast. The pair of candidates having the highest number of votes shall be elected Governor and Lieutenant Governor. In case of a tie between two or more pairs of candidates, a runoff election shall be held.

(C) Re-election.—A person who has served two consecutive years of office as Governor or as Lieutenant Governor shall be ineligible for reelection to the same office for the term immediately following.

(D) Qualifications.—The Governor and the Lieutenant Governor must be at least 30 years old upon assumption of office, citizens of the United States, and residents of the State for at least five years. They shall hold no other public office or regular employment.

Section 5. Powers of the Governor

(A) Administration.—The Governor shall control the administration of the Executive Branch. With the advice and consent of the House of Delegates, the Governor shall appoint the heads of all principal departments, and administrative offices and agencies whose appointment or election is not otherwise provided. The Governor may at any time require information, in writing or otherwise, from the officers of any administrative department, office, or agency concerning any subject relating to their offices. The Governor may remove any gubernatorially appointed official of the Executive Branch.

(B) Commander-in-Chief.—The Governor shall be Commander-in-Chief of the armed forces of the State, and may call out such forces to execute the laws.

(C) Executive Clemency.—The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, subject to such procedures as may be prescribed by law. A parole system shall be provided by law.

(D) Legislative Power.—On extraordinary occasions, the Governor may convene the House of Delegates by a proclamation which shall state the purposes for which the session is convened. When so convened, the House of Delegates shall not legislate on any subject not specified in the proclamation, except to provide for the expenses of the session and other incidental matters. The Governor may convene the House of Delegates at some other place if the security of the seat of government is threatened.

The Governor shall present a message to the House of Delegates at the beginning of each session. At other times the Governor may inform the House of Delegates of the affairs of the State and may submit legislative recommendations.

(E) Judicial Powers.—The Governor shall appoint Justices and Judges as provided for in this Constitution.

Section 6. Budget

At a time fixed by law, the Governor shall submit to the House of Delegates a budget for the next fiscal period.

Section 7. Principal Departments

(A) Limitation.—All offices and agencies of the Executive Branch shall be allocated by law among not more than 20 principal departments which shall be grouped as far as practicable according to major purposes. For this limitation the offices of Governor, Lieutenant Governor, Attorney General, and the governing bodies of institutions of higher education provided for in this Constitution shall not be counted.

(B) Reorganization.—The Governor may make changes in the organization of the Executive Branch or in the assignment of functions among its units in order to improve the administration of government. If such changes require amendments to existing law, they shall be set forth in Executive Orders, which shall be submitted to the House of Delegates at least 60 days before the end of the regular session, shall have the force of law, and shall become effective 60 days after submission, unless specifically modified or disapproved by a resolution con-

curred in by a majority of all the members of the House of Delegates.

Section 8. Boards and Commissions

(A) Appointments.—With the advice and consent of the House of Delegates, the Governor may appoint members of boards and commissions. The terms of office and procedures for removal of such members shall be as prescribed by this Constitution or by law.

(B) Establishment.—Boards and commissions may be established by law unless otherwise provided in this Constitution.

(C) Membership.—Not all members of any board or commission shall be members of the same political party.

Section 9. Advice and Consent to Appointments

An appointment subject to the advice and consent of the House of Delegates requires a majority vote of all members of the House of Delegates.

Section 10. Vacancies

(A) State Officials.—The Governor may make an interim appointment to fill a vacancy occasioned by the death, resignation, suspension, or removal of an appointed or elected officer, other than a legislative or judicial officer, until the officer is reinstated or the vacancy is filled in the manner prescribed by law or this Constitution. A person whose appointment to an office has been disapproved by the House of Delegates, shall not be eligible for an interim appointment to that office.

(B) United States Senators.—In the event of a vacancy in the office of United States Senator or Senator-elect, the Governor may appoint a person who possesses the necessary qualifications to hold the office until the next regularly scheduled general election at which the vacancy can practicably be filled or the expiration of the term, whichever is sooner.

(C) Implementation.—The House of Delegates shall implement this Section by appropriate legislation.

Section 11. Compensation

The Governor and the Lieutenant Governor shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during their terms of office. Such compensation shall not be diminished during the term of office.

Section 12. Executive Residence

A suitably furnished executive residence may be provided within the State for the use of the Governor. The Governor shall receive an allowance for its maintenance as provided by law.

Section 13. Succession to the Governorship

(A) Governor.—If the Governor dies, resigns, is removed from office, or is determined by the Supreme Court to be permanently disabled, the Lieutenant Governor and other persons in a sequence prescribed by law shall become Governor for the remainder of the term of the Governor.

(B) Governor-elect.—If the Governor-elect dies, or is determined by the Supreme Court to be permanently disabled, the Lieutenant Governor-elect, and other persons in a sequence prescribed by law shall become Governor at the commencement of the term of the Governor-elect.

Section 14. Great Seal

There shall be a Great Seal of the State, which shall be kept and used officially by the Lieutenant Governor as prescribed by law.

ARTICLE IV—THE JUDICIAL BRANCH

Section 1. Judicial Power

The judicial power of the State shall be vested in a unified judicial system, consisting of a Supreme Court, a Superior Court, and such inferior and appellate courts as may be established by law. All such courts shall be courts of record.

Section 2. Supreme Court

(A) Jurisdiction.—The Supreme Court shall have jurisdiction of appeals from final decisions of the Superior Court or, alternatively, of appeals from final decisions of an intermediate appellate court, if one has been established. The Supreme Court shall also have jurisdiction of other matters, including

(1) appeals from decisions of the Superior Court that are not yet final, as may be provided by law;

(2) appeals from appellate decisions of the Superior Court, as may be provided by law;

(3) appeals from determinations regading disability of the Govenor and of the Governor-elect;

(4) appeals from gubernatorial and other executive branch orders and decisions, as may be provided by law; and

(5) such other jurisdiction as may be provided by law.

(B) Compositon.—The Supreme Court shall consist of a Chief Justice and eight Associate Justices, who shall sit en banc and not by division or panel when determining the merits of appeals. The Chief Justice shall be designated by the Judicial Nomination Commission from among the Justices in regular active service. The Chief Justice shall serve as Chief Justice for a term of four years or until a successor is designated. The Chief Justice shall be eligible for redesignation as Chief Justice.

Section 3. Superior Court

(A) Jurisdiction.—The Superior Court shall have jurisdiction of civil actions or other matters, at law or in equity, brought in the State; criminal proceedings under any statute of the State; and such other jurisdiction, including appellate jurisdiction of cases decided inferior courts, as may be provided by law.

(B) Composition.—The Superior Court shall consist of a Chief Judge and 43 or more Associate Judges, as provided by law. The Chief Judge of the Superior Court shall be designated by the Judicial Nomination Commission from among the Judges in regular active service and shall serve as Chief Judge for a term of four years until a successor is designated. The Chief Judge shall be eligible for redesignation as Chief Judge.

Section 4. Qualifications

(A) Qualifications.—A person nominated as a Judge or Justice must be:

(1) a citizen of the United States;

(2) an active member of the United States Bar who has been engaged in the practice of law in the State for five years preceding nomination but who has not served within the two preceding years as a member of the Judicial Nomination Commission or the Commission on Judicial Disabilities and Tenure; and

(3) an actual resident of the State for at least five years immediately prior to nomination.

(B) Disqualifications.—No Judge or Justice shall hold any other State or Federal paid office, position of profit, or employment. Upon becoming a candidate for any elective office, or upon ceasing to reside in the State, a Judge or Justice shall forfeit judicial office.

Section 5. Vacancies in the Office of Judge or Justice

The Governor shall fill any vacancy in any office of Judge or Justice by appointing one of two or more persons nominated by the Judicial Nomination Commission.

Section 6. Salary of Judges and Justices

The salary and benefits of a Judge or Justice may not be reduced during the term in office of the Judge or Justice.

Section 7. Judicial Nomination Commission

The Judicial Nomination Commission shall consist of nine members, each of whom shall serve for six years and until a successor has been appointed. Each member shall be a citizen of the United States, shall have been an actual resident of the State for at least five years prior to appointment, and shall maintain residency in the State.

Section 8. Judicial Nomination Commission Membership

Members of the Commission shall be selected as follows:

(a) Six members shall be appointed by the Governor, with the advice and consent of the House of Delegates. Two of them shall have been engaged in the practice of law in the State for at least five successive years preceding appointment. The other four shall not be lawyers.

(b) Two members shall be appointed by the Board of Governors of the Unified State Bar and shall have been engaged in the practice of law in the State for at least five years preceding appointment.

(c) One member shall be appointed by the House of Delegates and shall be a lawyer or a retired Judge or Justice of the State.

Members shall receive compensation as provided by law. The Commission shall choose annually from among its members its chairperson and such other officers as are deemed necessary.

Section 9. Tenure of Judges and Justices

Judges of the Superior Court and Justices of the Supreme Court shall be appointed for life, subject to removal by the voters and to removal, suspension, or involuntary retirement by the Commission on Judicial Disabilities and Tenure, as provided for in this Article.

Section 10. Retention Elections

In a manner provided by law, each Judge or Justice shall be subject to retention or removal by the voters, on a nonpartisan ballot, at the first general election held more than three years after initial appointment. An additional retention election shall be held every ten years for a Supreme Court Justice, and every six years for a Superior Court Judge.

Not less than eight months prior to a retention election, a Judge or Justice may file with the Commission on Judicial Disabilities and Tenure a request for official evaluation. If a request is filed, this Commission shall prepare, not less than 90 days prior to the date of the election, a written evaluation of the performance and fitness for continued service of the Judge or Justice, including a rating on a scale established by law. In evaluating the Judge or Justice, the Commission shall collect relevant information from a representative sample of judges, lawyers, scholars litigants, and jurors familiar with the work of the Judge or Justice. The Commission shall make its report and rating available to the Judge or Justice, the press, and the public. If no request for evaluation

is filed, the Commission shall report that fact.

Section 11. Commission on Judicial Disabilities and Tenure

(A) Qualifications.—The Commission on Judicial Disabilities and Tenure shall consist of five members, each serving for a term of six years. A member must

(a) be a United States citizen who is not an officer or employee of the State government or of the legislative or executive branches of the federal government; and

(b) have been an actual resident of the State for at least five years immediately prior to appointment.

(B) Selection.—Two members shall be lawyers appointed by the Board of Governors of the Unified State Bar. Two members, one of whom shall not be a lawyer, shall be appointed by the Governor with the advice and consent of the House of Delegates. One member shall be appointed by the House of Delegates, and shall not be a lawyer. Members who are lawyers shall have the qualifications prescribed for persons appointed as Judges of the Superior Court.

(C) Procedure.—The Commission shall choose annually, from among its members, a chairperson and such other officers as it may deem necessary. It may adopt any necessary rules of procedure. It may conduct studies regarding administration of the Judiciary. It may require the Governor to furnish such records, information, services, and other assistance and facilities as may be necessary to enable it to perform its functions properly, but information so furnished shall be treated by it as privileged and confidential. The Commission shall act only at meetings called by the chairperson or by a majority of the members after notice to all members.

Section 12. Removal, Suspension, and Involuntary Retirement of Judges and Justices

A Judge or Justice of a court shall be removed from office upon the filing in the Supreme Court by the Commission on Judicial Disabilities and Tenure of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under federal law or which would be a felony in the State. A Judge or Justice shall also be removed from office upon affirmance of an appeal from an order of removal filed in the Supreme Court by the Commission on Judicial Disabilities and Tenure (or upon expiration of the time within which such an appeal may be taken) after a determination by that Commission of willful misconduct in office, willful and persistent failure to perform judicial duties, or any other conduct which is prejudicial to the administration of justice.

A Judge or Justice shall be involuntarily retired from office when the Commission on Judicial Disabilities and Tenure determines that the Judge or Justice suffers from a mental or physical disability, including habitual intemperance, which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties, and that Commission files in the Supreme Court an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken has expired.

A Judge or Justice shall be suspended without salary upon proof of conviction, which has not become final, of a crime which is punishable as a felony under federal law or which would be a felony in the State, or upon the filing of an order of removal which has not become final. A Judge or Justice shall also be suspended without salary upon the filing by the Commission on Judicial Disabilities and Tenure of an order of suspension in the Supreme Court. Suspension for either of these reasons shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the Judge or Justice shall be reinstated and shall recover the salary and all rights and privileges of office.

A Judge or Justice shall be suspended from judicial duties with any retirement salary to which the Judge or Justice is entitled, upon the filing by the Commission on Judicial Disabilities and Tenure of an order of involuntary retirement in the Supreme Court. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the Judge or Justice shall be reinstated and shall recover all judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of office.

A Judge or Justice shall be suspended from all or part of the Judge of Justice's judicial duties, with salary, if the Commission on Judicial Disabilities and Tenure, upon concurrence of four members, orders a hearing for the removal or retirement of the Judge or Justice pursuant to this Section and determines that the suspension is in the interest of the administration of justice, and files an order of suspension in the Supreme Court. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Commission) but in no event later than the termination of all appeals.

Section 13. Administration

The Chief Justice of the Supreme Court shall be the administrative head of all courts of the State. The Chief Justice may assign Judges and Justices for temporary service in any court. With the approval of the Supreme Court, the Chief Justice shall appoint an administrative director to serve at the pleasure of the Supreme Court and to supervise the administrative operations of the judicial system of the State.

Section 14. Financing

Before each fiscal period, the Chief Justice of the Supreme Court shall submit to the Governor a budget for the judicial system, including detailed estimates of necessary appropriations and expenditures, full-term operating and capital improvements projections, and a qualitative and quantitative description of court activities. The Governor shall transmit the proposed budget to the House of Delegates without changing it, but may make recommendations with respect to it. The Governor shall not be required to propose revenues to fund the entire submission but must propose revenues to finance that portion of the proposed budget recommended for acceptance by the House of Delegates.

Section 15. Rulemaking

The Supreme Court shall make and promulgate rules governing the administration of all courts, including rules governing practice and procedure. These rules may be changed by law.

Section 16. Vacancies in Judicial Commissions

Persons appointed to fill vacancies arising for a reason other than expiration of a prior term on the Judicial Nomination Commission or the Commission on Judicial Disabilities and Tenure shall serve only for the remainder of the unexpired term. Any vacancy shall be filled in the manner in which the original appointment was made.

Section 17. Definition

The term "practice of law" as used in this Article means the active practice of law, service on the faculty of a law school, or employment as a lawyer by the state government or by the federal government.

ARTICLE V—SUFFRAGE

Section 1. Voting Eligibility

Every citizen of the United States is eligible to vote in any election and to circulate and sign nominating, initiative, referendum, recall, and other petitions authorized by law, provided that the person

(a) resides or is domiciled in the State or the National Capital Service Area as defined in this Constitution and does not claim voting residence or the right to vote in any other state, territory, or country;

(b) will be at least 18 years old on the date of the election;

(c) is not mentally incompetent as determined by a court of competent jurisdiction;

(d) is not incarcerated in a correctional institution as a result of conviction in the United States of a crime which would be a felony in the State; and

(e) has registered to vote at the time of the election or by the time the petitions are filed.

An eligible person may register at any time except that the House of Delegates may prescribe a period of delay of up to 30 days between the date on which a person registers and the date on which that person becomes eligible to vote.

Section 2. Eligibility of Residents Temporarily Out of State

No person shall be deemed to have lost residence or domicile in the State solely because of temporary absence from the State while serving in the service of the United States, while serving as an officer or member of the crew of a merchant vessel, or while attending an educational institution outside the State.

Section 3. Absentee Voting

The House of Delegates shall provide for absentee voting.

ARTICLE VI—EDUCATION

Section 1. Provision for Education

(A) Preamble.—Recognizing the distinct and unique heritage of its diversified population, the State is committed in its educational goals to the preservation of cultural integrity and to the promotion of equality of opportunity for every individual to develop fully.

(B) Equal Educational Opportunity.—The State shall guarantee equality of educational opportunity in public educational institutions to all residents regardless of race, sex, religion, color, national origin, citizenship, condition of disability, and other individual characteristics. The State may be sued for default of this guarantee. The House of Delegates shall provide penalties for any individual who violates this guarantee.

Section 2. Primary and Secondary Education

(A) Primary and Secondary Schools.—The State shall provide for the establishment, financing, and control of a uniform, high-quality, statewide system of free public primary and secondary schools, including specialized schools, for all residents. Education to standards established by the State Board of Education shall be compulsory for all residents between the ages of 6 and 18.

except those who have already completed all secondary school requirements. All public schools shall be free of sectarian or religious instruction. Children of Diplomatic Corps members may attend public schools, as provided by the State Board of Education.

(B) State Board of Education.—The general control and supervision of the public school system shall be vested in a State Board of Education consisting of nine voting members. Eight members shall be elected from separate electoral districts varying by no more than three percent from the average population of all districts, and one shall be a student representative who shall be enrolled in a public senior high school and elected by the public senior high school student population. The duties, qualifications, compensation, term of office, and manner of election of the State Board of Education and the electoral district boundaries shall be as provided by law and by this Constitution.

(C) State Superintendent of Public Instruction.—The State Board of Education shall appoint the State Superintendent of Public Instruction and shall prescribe the length of term, compensation, powers, and duties of the Superintendent.

(D) Budget.—The State Board of Education shall prepare and submit to the Governor detailed estimates of expenditures and appropriations necessary for the maintenance and operation of all primary and secondary schools. For each fiscal period, the House of Delegates shall appropriate a total budget sum for the State Board of Education, but not in a line-item manner. This budget shall include full-term operating and capital improvements projections and qualitative and quantitative descriptions of school activities. The expenditure of this money shall be under the exclusive control of the State Board of Education.

(E) Title to Property.—Any property titled in the name of the District of Columbia or of the State and used by or acquired for the use of the Board of Education of the District of Columbia or of the State Board of Education shall henceforth be deemed to be titled in the name of the State Board of Education.

(F) Control of Property.—The State Board of Education shall control the leasing and renting of its buildings and lands. With the advice and consent of the House of Delegates the State Board of Education may sell and purchase buildings and lands.

(G) Public Involvement in Schools.—To the maximum extent possible, the State Board of Education shall promote parental, administrative, community, teacher, and student involvement in local schools.

(H) Libraries.—Public libraries and other such institutions may be used to enhance public school programs relating to the history and culture of the State.

(I) Minimum Standards.—All private elementary and secondary schools shall be required to meet the same minimum standards for instructors, instruction, and student achievement as may be imposed by the State Board of Education upon the public schools. The State Board of Education may establish equivalent alternatives to the above standards.

Section 3. Higher Education

(A) System of Higher Education.—The State shall provide for the establishment, financing, and control of a public system of higher education which shall constitute a public trust and shall consist of the State University and such other institutions of higher learning as may be established by law. This system shall be supervised by the Board of Higher Education which shall be a body corporate. The Board of Higher Education shall have a general supervision of all state institutions of higher instruction, direction and control of all funds and appropriations, and other powers and duties as prescribed by law.

(B) Board of Higher Education.—The Board of Higher Education shall consist of

(1) eight voting members, of whom one shall reside in each State Board of Education electoral district, who shall be appointed by the Governor, with the advice and consent of the House of Delegates, and who shall serve for staggered terms of six years;

(2) three voting members representing alumnae, alumni, and students, of whom one shall be selected by the body of alumnae and alumni, one shall be a graduate student selected by the entire graduate student body, and one shall be an undergraduate student selected by the entire undergraduate student body; and

(3) three ex-officio members without the right to vote: the Governor, the President of the House of Delegates, and the Superintendent of Public Instruction.

(C) Compensation and Tenure.—Members of the Board of Higher Education

(1) shall receive no salary, but may be reimbursed for expenses incurred in the discharge of their duties; and

(2) shall not be removed except for cause and by due process of law.

(D) Budget.—The State Board of Higher Education shall prepare and submit to the Governor detailed estimates of expenditures and appropriations necessary for the maintenance and operation of its entire system. The budget for the State Board of Higher Education shall include all State colleges and universities and the institutions subject to its control. For each fiscal period, the House of Delegates shall appropriate a total budget sum for the State Board of Higher Education but not in a line-item manner. This budget shall include full-term operating and capital improvements projections and qualitative and quantitative descriptions of school activities. The expenditure of this money shall be under the exclusive control of the State Board of Higher Education.

(E) Title to Property.—Any property titled in the District of Columbia or in the State and used by or acquired for the use of the Trustees of the University of the District of Columbia, or any of its predecessor institutions, or of the State Board of Higher Education shall hence forth be deemed to be titled in the name of the State Board of Higher Education, which shall control the leasing and renting of these properties.

However, no such buildings or lands shall be sold or purchased, except with the consent of the House of Delegates.

Section 4. Restrictions on Financing of Non-Public Education

(A) Prohibition of Financial Support to Schools.—The State shall provide no financial support, either directly or indirectly, unless earmarked for a program of public service, to any sectarian, denominational, or religious school, or to any pre-elementary, elementary, secondary, or post-secondary school which is not owned and exclusively controlled by the State.

(B) Prohibition of Support for Students or Employees.—Except as otherwise provided in this Section, the State shall provide no payment; credits; tax benefit, exemption, or deduction; tuition voucher; or subsidy, grant, or loan of public monies or property, in any way, either directly or indirectly,

(1) to support the attendance of any student at any pre-elementary, elementary, or secondary school or other institution at those levels, which is not owned and exclusively operated by the State; or

(2) to pay the salary of any employee at any non-public school or institution where instruction is offered in whole or in part to non-public school students at any level.

(C) Students With Disabilities.—The State may pay the private school tuition of a student with a disability which renders the student unable to receive an education in the public schools.

(D) Federal Funding.—Nothing in this Section shall restrict the acceptance of funds from the government of the United States, nor the expenditure of those funds in accordance with the terms under which they are accepted.

ARTICLE VII—FINANCE AND TAXATION

Section 1. Fiscal Period

The fiscal, accounting, and budget periods of the State shall be 24 months which shall commence and terminate as provided by law.

Section 2. The Budget

At a time established by law, the Governor shall submit to the House of Delegates a balanced operating budget estimate for the next fiscal period. It shall state all anticipated expenditures and income for the State and for all its departments, agencies, and subdivisions. At that time, the Governor shall also submit a general appropriation bill or bills authorizing all anticipated expenditures and a bill or bills to raise all necessary revenues.

From time to time, the Governor may prepare and submit to the House of Delegates such supplemental or deficiency budget recommendations as in the judgment of the Governor are necessary to serve the public interest.

The proposed budget shall include a budget message, which shall contain multiyear plans for all departments, agencies, and subdivisions of the State, and for capital improvements. The period of the multiyear plans and their specific contents shall be defined by law.

The budget of the Governor shall be available summaries shall be distributed to the public.

The House of Delegates shall establish an independent agency to project revenue estimates for the next fiscal period. These projections shall be published and made available to the public.

Section 3. Adoption of the Budget

After receipt of the proposed budget from the Governor and within a time period established by law, the House of Delegates shall adopt and transmit to the Governor a balanced operating budget for the State.

Section 4. Expenditures

No money shall be withdrawn from the Treasury except in accordance with appropriations made by law, nor shall any obligations for the payment of money be incurred except as authorized by law. The appropriation for each department, agency, or subdivision of the State shall specify distinctly the sum appropriated and the general or specific purpose for which it is made.

Section 5. Borrowing

The State may incur indebtedness only by authorization of the House of Delegates and only by issuing general obligation bonds for

capital projects, revenue notes in anticipation of revenues, and negotiable notes to meet appropriations.

The House of Delegates shall set an overall debt limit for indebtedness through general obligation bonds.

All indebtedness, except general obligation bonds for capital projects, must be retired within the same fiscal period or within the succeeding fiscal period.

Section 6. Debt Service Limitations

Long-term debt shall not be incurred to the extent that it requires debt service of more than 14 percent of the revenues during any biennial fiscal period.

Section 7. Taxation

(A) Taxing Power.—The State House of Delegates shall have the power to tax. This power shall never be surrendered, suspended, or contracted away, except as provided in this Constitution.

(B) Tax Exemptions—Retail Sales.—The State House of Delegates shall not have the power to tax purchases of retail groceries and prescription drugs and other medicines. These terms shall be defined by the House of Delegates.

(C) Tax Exemptions—Real Estate.—Tax exemptions on real property not owned and controlled by the State or its political subdivisions and not used exclusively for a public purpose may not be granted by the House of Delegates except with respect to real property used exclusively for non-profit, religious, educational, or charitable purposes or as required by the United States Constitution. Private leaseholds, contracts, or interests in land or property owned or held by the State, or its political subdivisions, shall be taxable to the extent of the interests.

(D) Tax Bills.—No tax shall be levied, except as provided by law, and every law imposing a tax shall be addressed in a separate bill. No matter not immediately relating to and necessary for raising revenue shall be blended with or annexed to a bill for imposing taxes.

Section 8. Earmarking

Except as required by participation in federal programs or interstate compacts or as needed to secure authorized debt, the State shall not authorize the earmarking of funds for longer than two fiscal periods.

Section 9. Limitations on Appropriations

No appropriation shall ever be made from any public fund in aid of any religious creed, church, or sectarian purpose, or to help, support, or sustain any private school, academy, seminary, college, university, or other institution of learning controlled by any religious creed, church, or sectarian denomination, unless earmarked for a program of public service. No grant or donation of personal property or real estate shall ever be made by the State or any of its political subdivisions for any religious creed, church, or sectarian purpose.

ARTICLE VIII—BANKING AND CORPORATIONS

Section 1. State Banking Commission

The House of Delegates shall establish a State Banking Commission to regulate State chartered financial institutions and to perform such other functions as may be provided by law.

Section 2. State Depositors Insurance Fund

The House of Delegates shall establish a State Depositors Insurance Fund System.

Section 3. State Economic Development Bank

The House of Delegates shall establish a State Economic Development Bank. Its primary responsibility shall be to provide loans to those individuals, corporations, partnerships, limited partnerships, cooperatives, or other businesses and establishments that are unable to obtain loans from any private bank, savings and loan association, or credit union within the State.

Section 4. Corporations

The House of Delegates shall provide by law for the organization, regulation, and qualification of all corporations, credit unions, unincorporated enterprises, mutual and cooperative companies and associations, and foreign corporations doing business in the State.

ARTICLE IX—LAND AND THE ENVIRONMENT

Section 1. Land

(A) Comprehensive Plan—

(1) Plan: Every ten years within a time period fixed by law, the Governor shall submit to the House of Delegates and the public a ten-year comprehensive land use plan. The objective of the plan shall be the use and development of land in a manner consistent with the public welfare. The neighborhoods of the State shall serve as the foci for the development of the plan. A summary of the plan shall be distributed to the public.

(2) Citizen Advisory Planning Commission: In order to ensure citizen participation in the development of the land use plan, the Governor shall establish a Citizen Advisory Planning Commission. The Governor shall determine the size of the Commission and appoint its members including at least one resident from each legislative district. The House of Delegates shall determine the terms of office of members of the Commission and establish their rate of compensation, if any.

(3) Adoption: Within a time period fixed by law, after receiving the proposed comprehensive plan and conducting public hearings on it, the House of Delegates shall consider it, make any necessary changes, and upon adoption transmit the approved plan to the Governor. The plan shall guide the actions of all State agencies and commissions.

(B) Eminent Domain.—Private property shall not be taken or damaged for public purposes without just compensation. Private property shall not be taken in order to transfer it to another private use for profit unless the taking serves a compelling public purpose that clearly cannot be achieved by any alternative means.

(C) Public Land Acquisition.—The State may acquire interest in real property to control future growth, development, and land use.

(D) Zoning.—The House of Delegates shall establish a Zoning Commission to protect the public health and welfare, protect property, and secure the public safety.

Section 2. Environment

(A) Public Policy.—It is the responsibility of the State to protect, restore, and enhance the quality of the human environment for this and future generations.

(B) Preservation.—The State shall provide for the preservation and development of open green space and of sites, objects, and properties of historical or cultural value.

(C) Rights of Individuals.—Each person has the right to a clear and healthful environment and has a corresponding duty to refrain from environmental impairment. Each person may enforce these rights and duties against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.

(D) Legislative Responsibility.—The House of Delegates shall establish an agency and enact other appropriate legislation to carry out the policies of this Section.

ARTICLE X—PUBLIC SERVICES

Section 1. Transportation

Public Transportation performs a function essential to the general welfare of the State. It is policy of the State to provide convenient access to effective means of public transportation at reasonable rates for all of its geographical communities.

Section 2. Utilities

The general welfare of the State requires effective regulation of public utilities through consumer participation and the protection of consumers from excessive rates. To advance these goals,

(a) it is hereby declared that utility service shall be provided at the lowest reasonable rates sufficient to assure adequate, efficient, and reasonable services; and the unreasonably high rates based on excessive capital investment shall not be permitted;

(b) the House of Delegates shall establish one or more commissions to regulate public utilities and provide for the conservation of energy resources within the State, as provided for by law; and

(c) there shall be an Office of People's Counsel to represent consumers before the regulatory commission or commissions.

Section 3. Publicly Owned Utilities

Utilities are works of public necessity and importance the services of which the State may itself provide. The State may acquire, own, or operate public utilities and provide their services to consumers.

ARTICLE XI—HEALTH, HOUSING, AND SOCIAL SERVICES

Section 1. Health

(A) General Provisions.—The State shall provide for the protection and promotion of public health. The State shall have the power to assist residents unable to maintain standards of living compatible with decency and good health care.

(B) Disabled Persons.—As provided by law, the State shall provide treatment, care, and training, including education to their fullest potential, for persons suffering from mental illness, physical disability, or retardation.

The State shall have complete administrative control of state hospitals and other state institutions and centers established to assist these persons and shall administer other programs as provided by law.

As provided by law, the State shall regulate private institutions established to assist these persons.

There shall be a Chief Administrator of Mental Health who shall be responsible for regular, systematic visitation and inspection of all public and private institutions used for the care and treatment of mentally disabled persons.

(C) Public Health Facilities.—The State shall have the power to provide for the establishment and maintenance of a network of comprehensive health facilities which provide for the prevention, treatment and care of illnesses and health-related problems.

(D) State Board of Health.—There shall be a State Board of Health whose responsibilities shall include enforcing, overseeing, and maintaining decent health and nutritional care, and maintaining the vital statistics necessary to improve the health of the people.

The House of Delegates shall determine the size and composition of the Board.

Section 2. Housing

The State shall have the power to provide low- and moderate-income families with assistance in obtaining decent, sanitary, and safe housing and to develop or rehabilitate substandard areas. The exercise of this power is deemed for public use and purpose.

Section 3. Social Services

(A) Unemployment and Workers Compensation.—The State shall have the power to provide an adequate system of unemployment compensation and workers compensation benefits for employees, including provisions for compensating employees absent from work because of pregnancy, childbirth, or the need to care for newborn or young children.

(B) Public Sector Jobs and Welfare.—The State shall have the power to create jobs and to provide transfer payments for the purpose of meeting basic human needs.

(C) Day Care Centers.—The State shall provide and maintain public day care centers as provided by law and shall establish standards for publicly and privately operated day care centers.

(D) Youth Offenders and Criminals.—The State shall provide for the maintenance and support of institutions for the detention of youth offenders and persons charged with or convicted of crimes. Rehabilitation programs shall be developed and maintained for the transition of persons from these institutions to the community, as provided by law.

(E) The Elderly.—The State shall have the power to establish and promote programs to assure the economic and social well-being of the elderly, including provision for their health, security, and access to public buildings. The State shall regulate private and public nursing homes for the elderly and the disabled, as provided by law.

(F) Cultural Resources.—The State shall have the power to preserve and enhance the cultural, creative, and traditional arts of its people and shall maintain an appropriate facility for this purpose.

The State shall preserve historical sites and landmarks.

ARTICLE XII—LABOR

Section 1. Collective Bargaining

Persons in private and public employment shall have the right to organize and bargain collective, through representatives of their own choosing. The right to strike is fundamental and is an inherent part of the right to organize and bargain collectively. The right of public employees to strike shall not be abridged unless the abridgement serves a compelling governmental interest and is narrowly drawn so as to serve that interest, and it is clear that no alternative form of regulation is possible.

Section 2. Minimum Wages, Equal Pay, Health and Safety

The House of delegates shall provide for minimum wages, equal pay for equal work and equal pay for comparable work, and a safe and healthy workplace. Minimum wage established shall apply to all employees covered thereby. The House of Delegates may enact other laws to enhance and promote the dignity and general welfare of labor, but no laws shall be enacted which impair the ability of collective bargaining organizations to carry out their lawful functions.

Section 3. Administration of Labor Relations

The House of Delegates shall establish an agency or agencies within one of the principal executive departments to administer and enforce all laws, regulations, and programs concerned with collective bargaining the general welfare of labor.

ARTICLE XIII—LOCAL GOVERNMENT UNITS

Section 1. Authority

The House of Delegates shall permit areas of the State to elect local officers and to exercise such local authority, other than the authority to tax, zone land, or enact legislation, as it may be law provide. The House of Delegates shall have the ultimate authority for establishing standards and for determining whether the proposed local government unit meets those standards.

Section 2. Charters

The House of Delegates shall establish procedures to permit an area to petition for the election of a Charter Commission. A charter shall include provisions for a charter amendment process and for a process by which neighboring areas may later be considered for inclusion in the local government unit. The House of Delegates shall provide that the charter drafted by the elected Commission be submitted to the voters of the proposed unit for approval before submission to the House of Delegates.

Section 3. Special Districts

The House of Delegates shall have the power to create special districts for public purposes.

Section 4. Advisory Neighborhood Commissions

Advisory Neighborhood Commissions shall exercise the authority which they had at the time the State entered the Union, and any additional authority subsequently provided by law. The House of Delegates may modify this structure but shall always provide for elected advisory neighborhood mechanisms in unchartered areas of the State.

Section 5. Implementation

A law implementing this Article shall be passed by the House of Delegates within two years of the convening of the first House of Delegates and shall be subject to the approval of the voters of the State.

ARTICLE XIV—APPORTIONMENT

Section 1. Reapportionment of Legislative Districts

The State shall be apportioned into 40 legislative election districts of substantially equal population. As soon as practicable after the results of each decennial census are reported, but in any event not later than the calendar year following the taking of the census, these districts shall be revised to maintain districts of substantially equal population. The Reapportionment Commission established by this Article shall conduct the reapportionment, which shall be subject to judicial review upon the application of any qualified registered voter of the State.

Section 2. Reapportionment Commission

(A) Membership.—The reapportionment of legislative districts shall be carried out by a Reapportionment Commission consisting of five members appointed by the Governor in January of the year before the year in which the decennial census is conducted. No member may hold any other public office. The State Committee of each of the three political parties having the highest number of votes in the most recent gubernatorial election shall submit to the Governor a list of three names of registered voters who are members of that party for the consideration of the Governor. The President of the House of Delegates shall also submit to the Governor the names of three registered voters, regardless of party affiliation. The Governor shall appoint Commission members from the combined list of 12 names. No more than two of the five appointees shall be members of the same political party. Any independent candidate receiving one of the three highest totals in the most recent gubernatorial election shall be treated as a state committee for purposes of this Section

(B) Additional Duties.—In addition to establishing legislative districts, the Commission shall establish any districts required for the members of the United States House of Representatives representing this State, establish appropriate single-member districts for any other elective office, and participate with the United States in joint preparations for the decennial census.

(C) Term.—The Reapportionment Commission shall continue in office until the completion of the reapportionment relevant to all offices as a result of the decennial census, including the final adjudication of all appeals.

Section 3. Apportionment Standards

Each district shall have a population which varies by no more than three percent from the average population of all districts. Each district shall respect neighborhood integrity, be contiguous, and be as compact as possible. In reapportioning the State, the Commission may take into account natural features and open spaces, such as rivers and parks, but shall not take into account the addresses of incumbent elected officials, the political affiliations of registered voters, the results of previous elections, or demographic information other than the actual number of persons found by the most recent census to reside in each census tract or other geographical area. No reapportionment shall be effected for the purpose of favoring or harming any political party, incumbent public official, or other person or group.

ARTICLE XV—INITIATIVE, REFERENDUM, AND RECALL

Section 1. Right to Initiative, Referendum and Recall

Although the legislative power of the State is vested in the House of Delegates, the people reserve to themselves the power to propose, adopt, and repeal laws and constitutional provisions. The people also reserve to themselves the power to remove from office elected State and local government officals.

Section 2. Initiative Procedures

(A) Definition, Presentation, and Limitations.—Initiative is the power of the votes to propose laws and amendments to the Constitution and to adopt or reject them.

An initiative may be proposed by presenting to the Lieutenant Governor the text of the proposed law or constitutional amendment.

The proposed law or amendment to the Constitution shall embrace a single subject and related matters.

(B) Obligation and Responsibilities.—Upon receipt of an initiative, the Lieutenant Governor shall submit it immediately to the Attorney General.

Within 20 calendar days, the Attorney General shall provide the proponents of the initiative an advisory opinion on its clarity and whether or not it meets the requirements of this Article for placement on the ballot.

The proponents shall then resubmit the proposal, revised or unchanged, to the Lieutenant Governor.

Within 20 calendar days, the Lieutenant Governor shall prepare an accurate title and summary statement for use on the petition form.

(C) Certification and Circulation.—Upon the receipt of petitions signed by qualified voters equal in number to five percent, in the case of a law, and ten percent, in the case of a constitutional amendment, of the votes cast for all candidates for Governor in the most recent gubernatorial election, provided that the respective percentages for each type of initiative must have been met in at least two-thirds of the legislative districts of the State, the Lieutenant Governor shall submit the measure at the next election held at least 120 days after it qualifies.

The circulation period allowed for an initiative petition shall be 180 days after the proponents receive a title and summary from the Lieutenant Governor.

(D) Effective Date.—An initiative approved by a majority of the voters shall take effect 30 days after certification by the Lieutenant Governor.

(E) Limitation.—No proposal shall be the subject of any initiative if it relates to the appointment, qualifications tenure, removal, or compensation of Justices or Judges; to the powers, jurisdiction, creation, or abolition of courts or any rules thereof; to the appropriation of any money other than new revenues created and provided thereby; or to the diminishment of the rights and protections of any persons as enumerated in this Constitution or as provided by law.

(F) Conflicts.—If provisions of two or more initiatives approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(G) Amendment and Repeal.—The House of Delegates may amend or repeal an initiative law during a two-year period following its enactment only by a three-fourths majority vote of the Delegates present and voting. Repeal of an initiative by another law shall become effective only when approved by the voters unless the law adopted by initiative permits repeal without their approval.

Section 3. Referendum Procedures

(A) Definition.—The referendum is the power of the voters to approve or reject newly enacted laws or parts of laws.

(B) Requirements.—A referendum may be proposed by a voter to the Lieutenant Governor, within 90 days after the enactment of the law which is the subject of the referendum, provided that the petition contains the required number of signatures of voters.

A petition must be signed by registered voters in number not less than five percent of the statewide votes cast for all candidates for Governor of the most recent gubernatorial election, provided that the signature percentage requirement shall have been met in at least two-thirds of the legislative districts of the State.

The petition shall ask that a law or a part of a law be submitted to the voters.

(C) Implementation

(1) Upon verification of the petition signatures, the Lieutenant Governor shall submit the referendum to the voters for approval or disapproval.

(2) The referendum election shall be held 60 days after verification of requirements.

(3) The governor may call a special statewide election.

(D) Limitations.—A referendum petition may not be filed with respect to a law or part of a law that provides human rights or protections or relates to appointment, qualifications, tenure, removal, or compensation of judges; the powers, creation, or abolition of courts; the appropriation of money for the current or ordinary expenses of the State or for any of its departments, boards, commissions, or institutions. Any capital projects may be the subject of a referendum, except for capital projects for public education.

(E) Effective Date.—The result of a referendum election takes effect immediately after the official declaration of the vote by the Lieutenant Governor.

(F) Exception.—Except in the case of an emergency law, the timely filing of a referendum petition and verification by the Lieutenant Governor that it complies with the requirements of this Article shall suspend the operation of the law which is the subject of the referendum unless the Lieutenant Governor finds that it does not comply with all the requirements of this Article.

A majority affirmative vote shall put the law into effect; a negative vote shall render it null and void. An emergency law remains in effect unless there is a majority vote against the law, in which case it shall become null and void.

Section 4. Publicity

The House of Delegates shall provide methods of publicizing all initiative or referendum measures referred to the voters with statements for and against the measures so referred. The Lieutenant Governor shall undertake distribution of the measures to ensure that voters shall have an opportunity to study the measures prior to the election.

Section 5. Recall Procedures

(A) Definition.—Recall is a process by which voters may remove an elected State or local government official.

(B) The Petition Process.—The Lieutenant Governor shall supervise the petition process including certification of the required number of signatures. A maximum of 90 days is allotted for the collection of signatures.

(C) The Petition Statement.—The recall petition shall contain a concise statement alleging the reasons for recall. The wording of the statement shall be determined by the petitioners in cooperation with the Attorney General.

(D) Petition Signature Requirements.—A recall petition shall contain at least 25 percent of the total number of all votes cast in the most recent election for the position in question. In the case of a statewide office, this 25 percent requirement must be met in at least two-thirds of the legislative districts.

(E) Initiation of Recall.—Recall cannot be initiated within the first six months or the last 12 months of the term of an elected official nor upon more than one occasion during that term.

(F) Time of Recall Election.—A recall election shall be held no less than 60 days nor more than 120 days after certification of the signed petition.

(G) Votes Required for Recall.—A simple majority vote shall remove the official from office.

(H) Reimbursement.—Within limits set by the House of Delegates, recall expenses incurred by the official, if retained, shall be paid by the State.

(I) Filing a Recall Vacancy.—When an official is recalled, the vacancy shall be filled by a special election held no more than 90 days after the recall certification or at the next regularly scheduled election if it occurs within 150 days.

(J) Local Government Units.—Any local government unit shall have the power to provide in its charter for recall of its elected officials.

Section 6. Enabling Legislation

This Article is self-executing, but enabling legislation may be enacted.

ARTICLE XVI—INTERGOVERNMENTAL RELATIONS

Section 1. Boundaries of the State

(A) The boundaries of the State shall be subject to the approval of the Congress of the United States and the voters of the State. The State shall include, however, at least all of the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area as defined in this Section.

The outer limits of the boundaries of the National Capital Service area are:

Beginning at the Northwest point on the present Virginia-District of Columbia boundary, running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northeast so as to encompass Union Square;

thence following Union Square to F Street Northeast;
thence east on F Street to Second Street Northeast;
thence south on Second Street Northeast to D Street Northeast;
thence west on D Street Northeast to First Street Northeast;
thence south on First Street Northeast to Maryland Avenue Northeast;
thence generally north and east on Maryland Avenue to Second Street Northeast;
thence south on Second Street Northeast to C Street Southeast;
thence west on C Street Southeast to New Jersey Avenue Southeast;
thence south on New Jersey Avenue Southeast to D Street Southeast;
thence west on D Street Southeast to Canal Street Parkway;
thence southeast on Canal Street Parkway to E Street Southeast;
thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;
thence northwest on Canal Street Southwest to Second Street Southwest;
thence south on Second Street Southwest to Virginia Avenue Southwest;
thence generally west on Virginia Avenue to Third Street Southwest;
thence north on Third Street Southwest to C Street Southwest;
thence west on C Street Southwest to Sixth Street Southwest;
thence north on Sixth Street Southwest to Independence Avenue;
thence west on Independence Avenue to Twelfth Street Southwest;
thence south on Twelfth Street Southwest to D Street Southwest;
thence west on D Street Southwest to Fourteenth Street Southwest;
thence south on Fourteenth Street Southwest to the middle of the Washington Channel;
thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;
thence due east to the side of the Washington Channel;
thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge.
thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;
thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;
thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;
thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary; and
thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the National Capital Service Area is bounded by a street, the street and its sidewalks shall be included within that Area.

(C) The District Building shall, however, be part of the State.

Section 2. Cooperation With Other Governments

With the consent of the House of Delegates, the Governor may enter into agreements or compacts for any public purpose with other governmental entities including other states and the United States. At the request of the United States and with the consent of the House of Delegates, the Governor shall negotiate contracts with the United States to provide police, fire, sanitation, and other services to foreign embassies and chanceries and to federal buildings and other federal property located in the State or in the National Capital Service Area.

Section 3. Acceptance of Federal Funds

No taxes shall be imposed by the State upon any property now owned or hereafter acquired by the United States, unless the property becomes taxable because the United States disposes of it or consents to taxation. The State may accept from the United States grants and other payments, including payments in lieu of tax revenues that would be collected were the federal property in the State subject to taxation.

ARTICLE XVII—AMENDMENT AND REVISION

Section 1. Introduction

Amendments to this Constitution may be proposed by the House of Delegates, an initiative, or a constitutional convention.

Section 2. The House of Delegates

The House of Delegates may propose an amendment by the affirmative votes of two-thirds of all members. The Lieutenant Governor shall distribute the proposed amendment no less than 90 days before the next appropriate election.

The Lieutenant Governor shall then place the proposed amendment on the ballot.

The amendment shall take effect immediately after certification that it received a majority vote, unless otherwise provided in the amendment.

Section 3. The Initiative

The voters of the State may propose an amendment by initiative as prescribed by this Constitution.

Section 4. The Constitutional Convention

(A) Call.—The voters of the State may, by the initiative, call for a constitutional convention at any time. The convention may propose amendments or revisions to the Constitution. The Lieutenant Governor shall distribute the proposed amendment or amendments no less than 90 days before the next appropriate election. The Lieutenant Governor shall then place the amendment or amendments on the ballot. The proposed amendment or amendments shall take effect immediately after certification of a majority vote.

(B) Decennial Review.—If within ten years following the date this Constitution enters into force the people do not file an initiative to call a constitutional convention, the Lieutenant Governor shall place on the ballot at the next general election a referendum consisting of the question: "Shall there be a constitutional convention?" Thereafter, the same requirement shall hold for every succeeding ten-year period.

(C) Preparatory Commission.—After an affirmative vote to hold a constitutional convention, the Governor shall provide for a preparatory commission to assemble information on constitutional issues and to organize administrative support for the convention.

(D) Delegates.—Each legislative district shall elect an equal number of delegates to the constitutional convention.

Section 5. Conflicting Amendments

If provisions of two or more amendments approved at the same election conflict, those of the amendment receiving the highest affirmation vote shall prevail.

Section 6. Disapproval of Amendments

If an amendment is disapproved neither that amendment nor any substantially similar amendment shall be submitted to the voters for a period of two years.

Section 7. Enabling Legislation

This article shall be self-executing, but enabling legislation may be enacted.

ARTICLE XVIII—TRANSITION

Section 1. Effective Dates

The provisions of Sections 1 through 3 of this Article, providing for the establishment of the first government of the State, shall enter into force on a date specified in the federal legislation admitting the State to the Union. The State shall come into being and the remainder of this Constitution shall enter into force at 10:30 A.M., Eastern Standard Time, on the second day of the tenth full month after that date.

Section 2. Initial Apportionment and Elections

(A) Commission.—Immediately following the enactment of legislation admitting this State to the Union, the Mayor of the District of Columbia shall initiate appointment of a Commission and the Council of the District of Columbia shall provide election procedures. The Mayor of the District of Columbia shall issue a Proclamation and shall promptly appoint, with the advice and consent of the members of the Council, nine members of a Commission of Initial Apportionment, including at least one member from each of the eight wards of the District. The members and staff of the Commission shall be compensated as provided by law. The Commission shall, within thirty days after its last member is appointed, apportion the State into 40 legislative districts in a manner consistent with Section 3 of Article XIV of this Constitution.

(B) First Elections.—By law, the Council of the District of Columbia shall provide for the election of the House of Delegates, Governor, and Lieutenant Governor of the State. Regular or special primary and general elections shall be held for these offices within 120 days after the initial apportionment plan enters into force, except that these elections shall not take place during July or August or before September 15th. The 120-day limitation may be extended, if necessary, in order to avoid having to hold these elections during those months.

Section 3. Initial Terms of Office of Delegates, the Governor, and Lieutenant Governor

(A) Staggered Terms for Delegates.—At a public drawing within five days after the initial apportionment plan has entered into force, the Chair of the Commission on Apportionment shall select, at random, half of the legislative districts to be Group A districts. The initial terms of office of members of the House of Delegates elected from Group A districts shall begin 20 days after the date of certification of their elections and shall expire on the second odd-numbered year following their election. The initial terms of office of members of the House of Delegates elected from other districts shall begin 20 days after the date of certification of their election and shall expire on the second Monday in January of the first odd-numbered year following their election;

except that if this provision would result in a term shorter than one year, their terms shall expire on the second Monday in January of the third odd-numbered year following their election.

(B) Governor and Lieutenant Governor.—The terms of office of the first Governor and the first Lieutenant Governor shall begin 20 days after certification of their elections and shall expire on the second day of January following the date of the next Presidential election. If this provision would result in terms shorter than one year, their terms shall expire on the second day of January of the year after the second Presidential election year following their election.

(C) Holdover Term for Mayor.—If the first election for Governor of the State has not been held by the date that the State comes into being, or if for any other reason a Governor cannot assume office on that date, the Executive power of the State shall be exercised temporarily by the person last elected as Mayor of the District of Columbia prior to the effective date of this Section of the Constitution.

(D) Holdover Term for Council Members.—If the first election for State Delegates has not been held by the date that the State comes into being, or if for any other reason the members of the House of Delegates cannot assume office on that date, the legislative power of the State shall be exercised temporarily by the persons last elected as members of the Council of the District of Columbia prior to the effective date of this Section of the Constitution.

(E) No Interim Elections.—No new election for Mayor or Council shall be held after this Section of the Constitution becomes effective. If such an election would ordinarily be scheduled between the date when this Article of the Constitution becomes effective and the date when the other Articles of the Constitution become effective, the Mayor and the Council shall hold over.

(F) Eligibility for Re-election.—The first term of the Governor and Lieutenant Governor shall count as a full term for the purposes of determining eligibility for re-election only if it is of four-year duration or longer.

Section 4. Judiciary and Other Officers

(A) Judges.—The Chief Judge and Associate Judges of the Court of Appeals of the District of Columbia on the date when this section enters into force shall become the Chief Justice and Associate Justices of the Supreme Court of the State. The Chief Judge and Associate Judges of the Superior Court of the District of Columbia on that date shall become the Chief Judge and Associate Judges of the Superior Court of the State. At the general election held in the final year of their terms, such judges shall be subject to retention or rejection by the voters in accordance with the provisions of Article IV. Retired Judges of the Court of Appeals of the District of Columbia and of the Superior Court of the District of Columbia shall become Retired Justices of the Supreme Court of the State and Retired Judges of the Superior Court of the State, respectively. They may be assigned by the Chief Justice for temporary service.

(B) Judicial Nomination Commission.—The terms of seven of the members first appointed to the Judicial Nomination Commission shall be shorter than six years, as provided by law, so that terms of members will expire on a staggered basis. The Governor of the State and the Board of Governors of the Unified State Bar shall determine, for their initial appointments, which appointees shall serve which terms.

(C) Commission on Judicial Disabilities and Tenure.—The persons first selected as members of the Commission on Judicial Disabilities and Tenure shall begin to serve their terms upon the expiration of the terms of corresponding incumbent members of the Commission on Judicial Disabilities and Tenure established by Section 431 of the District of Columbia Self-Government and Reorganization Act (Dec. 24, 1973, 87 Stat. 792).

(D) Marshals.—By agreement between the State and the United States, the United States Marshal may provide services to the courts of the State until the State has appointed its own officers to provide these services.

(E) Other Officers.—Except as otherwise provided in this Constitution, all other officers filling any office by election or appointment shall continue to exercise their duties, according to their respective commissions or appointments, until their offices shall have been abolished or their successors have assumed office.

Section 5. Existing Laws, Rights, and Proceedings

(A) Laws and Regulations.—All laws and regulations of the District of Columbia not inconsistent with this Constitution shall continue in force until they expire by their own limitation or are amended or repealed.

(B) Congressional Legislation.—Legislation passed by Congress applicable only to the District of Columbia and not inconsistent with this Constitution is hereby adopted as state law, subject to amendment or repeal by the House of Delegates.

(C) Legal Continuity.—All existing writs, actions, suits, judicial and administrative proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected except as modified in accordance with the provisions of this Constitution. The State shall be the legal successor to the District of Columbia in all matters.

(D) Residence and Qualifications.—Residence, citizenship, or other qualifications under the District of Columbia may be used toward the fulfillment of corresponding qualifications required by this Constitution.

(E) Debts, Assets, and Records.—The debts and liabilities of the District of Columbia, as of the date that the State comes into being shall be assumed by the State, and debts owed to the District of Columbia shall be collected by the State. Assets and records of the District of Columbia shall become the property of the State.

Section 6. United States Senators and Representatives

(A) Senators-Elect and Representatives-Elect.—The Senators-elect and Representatives-elect chosen by the people prior to admission of the State to the Union shall serve as United States Senators and Representatives in Congress until their successors have assumed office.

(B) First Elections.—New elections for these offices shall be held at the first general election which occurs in an even-numbered year after this Constitution becomes effective.

(C) Staggered Terms for Senators.—At that time, one Senator shall be elected for the long term and one Senator for the short term. Each term shall begin on the third day of the following January and shall expire on the third day of January in an odd-numbered year to be determined by authority of the United States.

Section 7. Agencies With Federally Appointed Officers

Boards, commissions, or other agencies of the District of Columbia, the duties of which are consistent with this Constitution and the membership of which includes persons who hold office because they also hold or were appointed by persons who hold federal office, shall continue to function without those Federally appointed officers. No vacancies shall be deemed to be created by the abolition of the Federal positions.

Section 8. Transfer of Matters to the Attorney General

Upon assuming office, the Attorney General of the State shall assume control of all matters formerly handled by the Corporation Counsel of the District of Columbia.

When the Attorney General is prepared to handle legal matters of the type previously handled by the United States Attorney for the District of Columbia, the Attorney General shall arrange with the United States Attorney for the orderly transfer of such matters to the Office of the Attorney General. The House of Delegates may limit the time within which matters shall be transferred.

The Attorney General may agree with the United States Attorney to enable the United States Attorney to continue to handle any case or category of cases, including any case arising after this Constitution becomes effective, so that responsibility over these matters is transferred in an orderly manner. To facilitate continuity, the Attorney General may also agree to permit the United States Attorney to complete any case.

Until a matter is transferred at the request of the Attorney General, it may be handled by the United States Attorney as if it had been transferred to the Attorney General.

Section 9. Amendments Before the Constitution Enters Into Force

After the voters have approved it and before Article XVII enters into force, amendments to this Constitution may be adopted by the voters of the District of Columbia after affirmative recommendation by a District of Columbia Statehood Constitutional Convention or by a two-thirds vote of the Council of the District of Columbia. This Section shall take effect when the Constitution is approved by the voters.●

By Mr. D'AMATO (for himself, Mr. CRANSTON, Mr. DIXON, Mrs. HAWKINS, Mr. JEPSEN, Mr. EAGLETON, Mr. DENTON, Mr. HATFIELD, Mr. MURKOWSKI, Mr. ANDREWS, Mr. ABDNOR, Mr. BURDICK, Mr. STEVENS, Mr. RIEGLE, and Mr. THURMOND):

S. 2673. A bill to make permanent the prohibition of credit card surcharges; to the Committee on Banking, Housing, and Urban Affairs.

PERMANENT PROHIBITION ON CREDIT CARD SURCHARGES

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to impose a permanent ban on credit card surcharges. It has become evident that many of my colleagues in the Senate are anxious to go on record in support

of the permanent ban, but, due to the delay in further Senate consideration of surcharge legislation, have lacked an appropriate legislative vehicle to document that support. By cosponsoring this legislation, those of my colleagues who wish to see the threat of penalty surcharges permanently laid to rest will have the opportunity to formally declare their position.

Recent Senate action on this issue was based on a flawed Federal Reserve study which assumed that cash customers subsidize those using credit cards. Nowhere did that study compare or even recognize, the costs to merchants of accepting other means of payment such as cash or checks.

In addition, the study did not consider the effect credit card use has on the volume of sales and the resulting economies of scale realized by merchants—savings which reduce the cost of all goods and services to consumers. I have addressed both of these faults of the Fed study, at length, during previous debates on this issue and, therefore, I will not belabor them today. This does not mean, however, that the inadequacies of this study are any less glaring.

The cash discount system has provided, for over a decade, ample opportunity for merchants to pass on any costs of credit card use to those who actually use credit cards. Tampering with this system will be only another example of Congress trying to fix something that is not broken.

It is my firm belief that credit card surcharges will penalize the 7 out of 10 American consumers who carry one or more of the 600 million credit cards now in circulation in the United States. These consumers value the convenience and security of credit cards, which are often used by middle-income Americans to budget, over a period of time, payment for necessary goods and services or, perhaps, an occasional luxury item. These people should not be slapped with a surcharge, which is no more than an inflationary penalty, returning no value to consumers whatsoever.

Consumers across America are rallying for Congress to enact a permanent surcharge ban. I urge you to hear the call of the American consumer by cosponsoring this permanent ban legislation. With your support, we may be able to quickly revisit the surcharge issue, either independently or as an addendum to other legislation pending in the Senate. We must wait no longer: It has now been more than 8 weeks since the prohibition of penalty surcharges expired.●

By Mr. BOREN:

S.J. Res. 294. Joint resolution to designate the week of July 1, 1984, through July 7, 1984, as "National Softball Week"; to the Committee on the Judiciary.

NATIONAL SOFTBALL WEEK

● Mr. BOREN. Mr. President, today I am introducing a Senate joint resolution that will, if passed, proclaim the week of July 1, 1984, through July 7, 1984, as "National Softball Week."

Softball provides a vital means of keeping Americans of all ages, male and female, in good physical condition. It also teaches good sportsmanship, as well as family participation.

The World Softball Championship will be held this summer in Midland, Mich., with 16 countries participating. The Women's International Cup in softball competition will be held this summer in Los Angeles, Calif., with eight countries participating.

Over 30 million Americans annually participate in the sport of softball. Its wide support is evidence of its popularity and the appropriateness of this joint resolution setting aside a week for appropriate ceremonies commemorating one of America's great pastimes. I urge my colleagues to join me in supporting this joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 294

Whereas the sport of softball provides a vital means of keeping Americans of all ages in good physical condition, while advancing good sportsmanship, as well as, family participation;

Whereas over thirty million Americans annually participate in softball;

Whereas the World Softball Championship will be held this summer in Midland, Michigan, with sixteen countries participating; and

Whereas the Women's International Cup will be held in Los Angeles, California, with eight countries participating: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of July 1, 1984, through July 7, 1984, is designated as "National Softball Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

By Mr. METZENBAUM (for himself, Mr. SARBANES, Mr. BURDICK, Mr. CRANSTON, Mr. GLENN, Mr. THURMOND, Mr. MOYNIHAN, Mr. INOUYE, Mr. NUNN, Mr. RANDOLPH, Mr. BUMPERS, Mr. STENNIS, Mrs. HAWKINS, Mr. RIEGLE, Mr. WEICKER, Mr. MATSUNAGA, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. DIXON, and Mr. QUAYLE):

S.J. Res. 295. Joint resolution to provide for the designation of the week of October 14 through October 20, 1984, as "Myasthenia Gravis Awareness Week"; to the Committee on the Judiciary.

MYASTHENIA GRAVIS AWARENESS WEEK

● Mr. METZENBAUM. Mr. President, I am introducing today a joint resolution to designate the week of October 14 through October 20, 1984, as "Myasthenia Gravis Awareness Week."

I am pleased to have Senators SARBANES, BURDICK, CRANSTON, GLENN, THURMOND, MOYNIHAN, INOUYE, NUNN, RANDOLPH, BUMPERS, STENNIS, HAWKINS, RIEGLE, WEICKER, MATSUNAGA, ABDNOR, BOSCHWITZ, BRADLEY, DIXON, and QUAYLE join me as cosponsors of this resolution.

Myasthenia gravis is a neuromuscular disease characterized by spells of extreme sometimes fatal weakness. It can strike anyone at any age. An estimated 100,000 to 200,000 diagnosed, and over 100,000 undiagnosed, Americans of both sexes and of all races and ages are affected by this debilitating disease.

Although myasthenia gravis is called a neuromuscular disease, it is not a disease of either the nerves or the muscles. It literally lies between the two. Communication between healthy nerves and healthy muscles is lacking because the victim's body is deficient in a substance which acts as an electrical conductor between nerve and muscle.

Myasthenia gravis was first diagnosed in the 17th century, but substantial progress in diagnosing and treating this puzzling disease has only been made in the last decade. In its milder forms, the disease's symptoms indicate chronic fatigue, and doctors will often treat for that condition. Other mistaken diagnoses include emotional disturbance, brain damage, or diseases of the throat, eyes, lungs, limbs, or the heart, since the functioning of any of these may be affected by myasthenia gravis.

We face a continuing need to educate the public and to conduct research into the cause, treatment, and cure of this debilitating disease. Myasthenia Gravis Awareness Week is a first step in meeting this need.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 295

Whereas the incidence and prevalence of myasthenia gravis present a significant health problem in the United States;

Whereas myasthenia gravis is a severe neuromuscular disorder, characterized by weakness of the voluntary muscles of the body;

Whereas an estimated one hundred thousand to two hundred thousand diagnosed, and over one hundred thousand undiagnosed, Americans of both sexes, and all races and ages, are afflicted with the disease;

Whereas the Nation faces a continuing need to support innovative research into the

causes, treatment, and cure of myasthenia gravis;

Whereas it is appropriate to focus the Nation's attention upon the problem of myasthenia gravis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 14 through October 20, 1984, is designated as "Myasthenia Gravis Awareness Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

By Mr. D'AMATO:

S.J. Res. 296. Joint resolution to designate June 14, 1984, as "Baltic Freedom Day;" to the Committee on the Judiciary.

BALTIC FREEDOM DAY

● Mr. D'AMATO. Mr. President, I rise this afternoon to express my solidarity with the struggling people of the Baltic Republics of Lithuania, Latvia, and Estonia.

In 1940, these three sovereign states were illegally and forcibly incorporated into the Soviet Union. The Red Army infiltrated the area and occupied these free and independent nations. This blatant act of aggression by the Communist regime of Joseph Stalin brought to a tragic end the independence and prosperity which Lithuanians, Latvians, and Estonians had fought so bravely to attain.

On the evening of June 14, 1941, the Soviets began a massive deportation program which sent hundreds of thousands of Baltic people to the gulags where many perished. Between 1944 and 1949, more than 600,000 Lithuanians, Latvians, and Estonians were forcibly deported to Siberia.

The Soviets have pursued a brutal policy of Russification designed to strip the Baltic people of their rich religious, cultural, and historical heritage.

Since the unlawful incorporation of the Baltic Republics, an illegal act which the United States has never recognized, the freedom-loving people of Lithuania, Latvia, and Estonia have been subjected to some of the most brutal forms of oppression ever instituted by the Kremlin. Under Stalin, Khruschchev, Brezhnev, Andropov, and Chernenko, thousands of Lithuanians, Latvians, and Estonians have been slaughtered, deported, exiled, imprisoned in slave labor camps or committed to psychiatric institutions. These ruthless dictators have pursued a policy which denies the Baltic people even the most basic of human rights, in clear violation of the United Nations universal declaration on human rights and the Helsinki Final Act.

Despite repeated professions of support for the principles embodied in the Final Act, the Soviets blatantly violated the rights to self-determination guaranteed the Baltic people. As the act affirms, "all people always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social, and cultural development."

In recent years, the Soviets have intensified their repression of Lithuanians, Latvians, and Estonians. Dr. Algirdas Statkevicices, a member of the Lithuanian Helsinki monitoring group has been sentenced to compulsory psychiatric treatment for engaging in "anti-Soviet agitation and propaganda." In addition, Fathers Alfonsas Svarinckas and Sigitas Tamkanicias have been persecuted and imprisoned for their defense of believers' rights. Meanwhile, Juris Brimeisters, a Latvian Social Democrat is serving a 15-year sentence in a strict regime camp for his political conviction. We also must not forget the courage of Dr. Juri Kukk, an Estonian human rights activist who died of a hunger strike in a transit prison where he had been sentenced for "anti-Soviet agitation and propaganda."

Despite Soviet denial of basic human rights and civil liberties, the people of Lithuania, Latvia, and Estonia have struggled heroically in their efforts to break the chains of Soviet domination. Their steadfast belief in the principles of independence and their deep rooted love for freedom have enabled them to endure Communist hegemony and oppression.

The free spirit of the Baltic people will not be broken. Their search for self-determination will continue.

In light of our Nation's dedication to the principles of independence and commitment to the protection of civil liberties, it is appropriate that we join in solidarity with the more than 5 million Lithuanians, Latvians, and Estonians who continue to fight for their own independence. It is imperative that the United States send a clear and strong signal that we will not abandon the Baltic people who live under Soviet tyranny. We must continue to champion the cause of independence for the Baltic States.●

ADDITIONAL COSPONSORS

S. 737

At the request of Mr. MATHIAS, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of S. 737, a bill to allow business to jointly perform research and development.

S. 875

At the request of Mr. MATHIAS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 875, a bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes.

S. 1201

At the request of Mr. MATHIAS, the names of the Senator from Missouri (Mr. DANFORTH) and the Senator from Nevada (Mr. HECHT) were added as cosponsors of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

At the request of Mr. BRADLEY, his name was added as a cosponsor of S. 1201, supra.

S. 1369

At the request of Mr. DURENBERGER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1369, a bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household.

S. 1535

At the request of Mr. MATHIAS, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of S. 1535, a bill to amend title 35 of the United States Code to increase the effectiveness of the patent laws, and for other purposes.

S. 1623

At the request of Mr. DOLE, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 1623, a bill to establish a National Commission on Neurofibromatosis.

S. 1676

At the request of Mr. DURENBERGER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1676, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Alabama (Mr. DENTON), the Senator from Alabama (Mr. HEFLIN), the Senator from Vermont (Mr. LEAHY), the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. DOLE), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Iowa (Mr. GRASSLEY), the Senator from Montana (Mr. BAUCUS), the Senator from Nevada (Mr. LAXALT), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Arizona (Mr. DECONCINI), the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. SIMPSON), the Senator from North Carolina (Mr. EAST), the Senator from Florida (Mrs. HAWKINS), the Senator from New Mexico (Mr. DOMENICI), the Senator

from Idaho (Mr. McCLURE), the Senator from Illinois (Mr. PERCY), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2031

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2258

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. DODD), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

S. 2263

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 2263, a bill to amend title 23, United States Code, to reduce the amount of certain Federal aid highway funds for any State in which the minimum age for the purchase or public possession of alcoholic beverages is less than 21 years.

S. 2380

At the request of Mr. HEINZ, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

S. 2395

At the request of Mr. DENTON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2395, a bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence.

S. 2423

At the request of Mr. THURMOND, the names of the Senator from Virginia (Mr. WARNER), the Senator from Wyoming (Mr. WALLOP), the Senator from Colorado (Mr. HART), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2436

At the request of Mr. GOLDWATER, the names of the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Washington (Mr. EVANS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Maryland (Mr. SARBANES), the Senator from California (Mr. CRANSTON), the Senator from Utah (Mr. GARN), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

At the request of Mr. DURENBERGER, his name was added as a cosponsor of S. 2436, supra.

S. 2462

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 2462, a bill to amend title 11 of the United States Code to clarify the circumstances under which collective bargaining agreements may be rejected in cases under chapter 11 of such title, and for other purposes.

S. 2469

At the request of Mr. DENTON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2469, a bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes.

S. 2470

At the request of Mr. DENTON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2470, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 2573

At the request of Mr. WEICKER, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2573, a bill to revise and extend programs for persons with developmental disabilities.

S. 2649

At the request of Mr. DURENBERGER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2649, a bill to amend the Safe Water Drinking Act (title XIV of the Public Health Service Act) to authorize funds for fiscal years 1984, 1985, 1986, 1987, 1988, and 1989, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the name of the Senator from Oregon (Mr. HATFIELD) was added as cosponsor of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 235

At the request of Mr. PELL, the names of the Senator from Delaware (Mr. ROTH), the Senator from Virginia (Mr. TRIBLE), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Joint Resolution 235, a joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a National Law Enforcement Heroes Memorial.

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the name of the Senator from California (Mr. WILSON) was added as cosponsor to Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. THURMOND) was added as cosponsor of Senate Joint Resolution 254, a joint resolution to designate the month of October 1984 as "National Down's Syndrome Month."

SENATE JOINT RESOLUTION 284

At the request of Mr. RIEGLE, the names of the Senator from Illinois (Mr. DIXON), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Joint Resolution 284, a joint resolution to designate the week beginning September 2, 1984, as "National School Age Child Care Awareness Week."

SENATE JOINT RESOLUTION 289

At the request of Mrs. HAWKINS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 289, a joint resolution to designate June 18, 1984, as "National Child Passenger Safety Awareness Day."

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. D'AMATO, the names of the Senator from Utah (Mr. HATCH), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of Senate Concurrent Resolution 101, a concurrent resolution to commemorate the Ukrainian famine of 1933.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. TSONGAS, the names of the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. QUAYLE), the Senator from Illinois (Mr. PERCY), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution expressing the sense of the Congress that Elena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Elena Bonner, and for other purposes.

SENATE RESOLUTION 66

At the request of Mr. MATHIAS, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of

Senate Resolution 66, a resolution to establish regulations to implement television and radio coverage of proceedings of the Senate.

SENATE RESOLUTION 74

At the request of Mr. PELL, the names of the Senator from Nebraska (Mr. EXON), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people on Taiwan.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the names of the Senator from Delaware (Mr. ROTH), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the U.S. and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

SENATE RESOLUTION 385

At the request of Mr. BENTSEN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Resolution 385, a resolution urging continuation of tax deductibility of residential mortgage interest payments.

AMENDMENT NO. 3053

At the request of Mr. GORTON, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of Amendment No. 3053 intended to be proposed to S. 2537, a bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

SENATE RESOLUTION 389—RELATING TO THE 50TH ANNIVERSARY OF THE SCREEN ACTORS GUILD AND DESIGNATING SCREEN ACTORS GUILD DAY

Mr. CRANSTON (for himself, Mr. WILSON, Mr. BAUCUS, Mr. BENTSEN, Mr. BURDICK, Mr. D'AMATO, Mr. DODD, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAST, Mrs. HAWKINS, Mr. HOLLINGS, Mr. JEPSEN, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, Mr. MCCLURE, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. PERCY, Mr. PRESSLER, Mr. SARBANES, Mr. STEVENS, and Mr. TSONGAS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 389

Whereas the Screen Actors Guild, AFL-CIO, is celebrating its 50th Anniversary from June 1983 to June 1984;

Whereas for half a century the Screen Actors Guild has championed the cause of decent wages and working conditions for America's film performers, thus advancing both their art and their livelihood;

Whereas the Screen Actors Guild has helped the American film industry to flourish;

Whereas Screen Actors Guild members are artists who perform a unique social function by holding up a mirror to our individual and collective emotions and aspirations;

Whereas film artists, aided by the Screen Actors Guild, have brought countless hours of entertainment and enjoyment to the American people and to all the people of the world: Therefore be it

Resolved, That June 30, 1984, be designated Screen Actors Guild Day; and that the Senate extend its thanks and appreciation to the Screen Actors Guild for helping to create our rich film heritage under conditions of feeedom and dignity. Further, the Senate calls on all Americans to join together in recognizing and celebrating the unique contribution to American culture by the Screen Actors Guild and its members.

SCREEN ACTORS GUILD DAY

Mr. CRANSTON. Mr. President, today I submit—with my colleague Senator PETE WILSON—a Senate resolution commemorating the 50th anniversary of the Screen Actors Guild, by designating June 30, 1984, as "Screen Actors Guild Day." We are joined by 24 colleagues on both sides of the aisle.

The Screen Actors Guild has championed the economic interests of America's film performers since 1933. It came to life at a time when an actor in motion pictures was lucky to get $66 for a 6-day week that included Saturday nights and often spilled into Sunday mornings. If a holiday occurred during the week, actors worked the following Sunday to make it up.

In 50 years of acting on behalf of its membership, the Screen Actors Guild has fought for and won a humane and decent set of working conditions for America's motion picture actors. Its 54,000 members are represented through 18 offices around the country, protecting the welfare of performing artists in movies, television, commercials, educational and industrial films.

The 54,000 members of the Screen Actors Guild include some of America's most famous names and most admired citizens. They are faces we line up to see at our theaters. They are guests in our homes through the medium of television. They are voices we hear on our radios and recordings. They are artists that have made America laugh, cry, ponder, and dream. They have brought us some of the happiest moments in our lives. They deserve our recognition, and our thanks.

AMENDMENTS SUBMITTED

FEDERAL BOAT SAFETY ACT AMENDMENTS

KASTEN (AND OTHERS) AMENDMENT NO. 3060

Mr. KASTEN (for himself, Mr. SYMMS, Mr. GRASSLEY, Mr. JEPSEN, Mr. PRESSLER, and Mr. MATTINGLY) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes; as follows:

At the end of the Baker amendment (No. 3027) add the following:

COST SAVINGS BY COMMITTEE

SEC. . (a) Congress hereby determines that not later than September 30, 1984, all authorizing committees of the Senate and House of Representatives shall review and make recommendations to the Budget committees for budget savings to be achieved through the recommendations of the President's Private Sector Survey on Cost Control.

(b) The review and subsequent recommendations should consider changes in laws within the jurisdiction of that committee, (A) to require reductions in appropriations for programs authorized by that committee so as to achieve savings in budget authority and outlays, or (B) which provide spending authority as defined in section 401(c)(2)(C) of Public Law 93-344, to require reductions in budget authority and outlays, or (C) any combination thereof, as follows: $4,000,000,000 in budget authority in fiscal year 1985, $6,000,000,000 in budget authority in fiscal year 1986, and $10,000,000,000 in budget authority in fiscal year 1987.

COST SAVINGS BY ADMINISTRATIVE ACTION

SEC. . (a) By September 30, 1984, the Administration shall review the recommendations of the President's Private Sector Survey on Cost Control which require administrative or Presidential action, and commit to adopting a sufficient quantity to achieve cost savings of: $4,000,000,000 in fiscal year 1985, $6,000,000,000 in fiscal year 1986, and $10,000,000,000 in fiscal year 1987.

(b) The Administration shall act to expedite and administer provisions of the recommendations and subsequent changes in laws to implement cost savings pursuant to this legislation.

BOSCHWITZ AMENDMENT NO. 3061

Mr. BOSCHWITZ proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

On page 18, line 12, section 14, relating to elimination of payroll deduction fees on fi-

nancial organizations, is amended by striking out "respectively." and inserting in lieu thereof the following: "respectively.

"SEC. . The Congress finds that—

"(1) large Federal deficits pose a serious threat to the economies of the United States and the world:

"(2) cumulative Federal deficits have added over $700 billion to the Federal debt since 1969, an amount equal to the accumulation of the previous 180 years;

"(3) high Federal budget deficits pose a serious threat to the nation's economy and to the economic recovery which began in late 1982;

"(4) the entire budget has grown by 450 percent over the last 16 years and yet no single item or group of items can be held solely responsible for that rapid increase;

"(5) while the annual growth of the Federal budget has slowed in recent years, Congress has been unable through the existing process to decrease the growth rate sufficiently to allow revenues to catch up;

"(6) the time to act is now, during a period of recovery and low inflation;

"(7) any approach to reducing the deficit should be effective and equitable, and should treat all Americans fairly.

"SEC. . The Director of the Congressional Budget Office and the Director of the Office of Management and Budget shall each conduct a study of the feasibility and potential impact in terms of effectiveness and equitability of applying a "Fair Play" formula approach to the entire budget process, under which all functions or functions within major categories of the Federal budget are allowed to grow at the same rate (or variations of such an approach) and shall each report the findings of such study to the Congress no later than December 31, 1984."

NATIONAL COAL, SCIENCE, TECHNOLOGY, AND ENGINEERING DEVELOPMENT ACT

JOHNSTON (AND FORD) AMENDMENT NO. 3062

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. JOHNSTON (for himself and Mr. FORD) submitted an amendment intended to be proposed by them to the bill (S. 1925) to establish a national coal, science, technology, and engineering development program; as follows:

Section 6 of S. 1925 is amended by deleting section 6(b) inserting in lieu thereof new subsections (b), (c), (d), and (e) as follows:

"(b) In order to—

"(1) identify emerging clean coal technologies that may be commercialized in the near-term for reducing emissions from new and existing coal-burning powerplants and from industrial coal uses; and

"(2) determine what incentives, including any financial assistance, the Federal Government should provide to assure the earliest practicable commercial availability of these emerging clean coal technologies,

the Secretary of Energy shall, no later than sixty days after the date of the enactment of this section, publish in the Federal Register a notice soliciting statements of interest in emerging clean coal technologies in accordance with the provisions of subsections (c) and (d). Such notice shall provide that such statements are to be received by the Secretary at a specified date no later than ninety days after the publication of the notice.

"(c)(1) Statements of interest under subsection (b) shall be solicited for the following emerging clean coal technologies:

"(A) advanced coal cleaning facilities that would be used to process at least 50 tons per hour of raw coal and that are designed to remove at least 50 percent of the total sulfur content of the coal containing at least 2.5 percent sulfur by weight to be processed in the facility;

"(B) limestone injection multistage burners (LIMB) that are retrofitted or installed on new or existing electric generating facilities of at least 100 MWe (megawatts of electricity) in size and that are designed to reduce the potential sulfur dioxide and nitrogen oxide emissions from the coal to be used in the facility by at least 50 percent each;

"(C) fluidized bed combustion boilers, including conversions of existing boilers, retrofits of existing boilers and new boilers, that are included in electric generating facilities of at least 100 MWe in size and that are designed to reduce the potential sulfur dioxide emissions from the coal to be used in the facility by at least 90 percent;

"(D) flue-gas desulfurization (FDG) units that produce only dry discharges when used with coal that exceeds 2.5 percent sulfur by weight in a new or existing electric generating facility of at least 150 MWe in size and that are designed to reduce the sulfur dioxide emissions from the coal to be used in the facility by at least 90 percent;

"(E) retrofits of oil-fired boilers of at least 100 MWe to use deeply cleaned coal;

"(F) regenerable flue gas desulfurization systems of at least 50 MWe;

"(G) combined SOx (sulfur dioxide)/NOx (nitrogen oxides) removal systems of at least 50 MWe;

"(H) furnace retrofits of in-boiler sulfur control technology of at least 50 MWe;

"(I) atmospheric fluidized bed combustion systems of at least 100 MWe;

"(J) repowering applications of pressurized fluidized bed combustors of from 50 to 100 MWe;

"(K) repowering applications of combined cycle coal gasification of from 50 to 100 MWe;

"(L) coal-fueled gas turbines in second generation combined-cycle systems of at least 50 MWe;

"(M) industrial-scale coal-fueled turbines suitable for industrial cogeneration of at least 5 MWe;

"(N) utility phosphoric acid fuel cell systems using coal-derived gas at a size of 10 to 50 MWe; and

"(O) any other coal technology that has not yet been commercialized, if the technology will facilitate the use of coal in facilities that presently use petroleum or will facilitate the use of coal with emissions of sulfur dioxide and nitrogen oxides consistent with current and anticipated environmental standards.

"(2) The statements of interest solicited under subsection (b) shall propose a project that will employ at least one emerging clean coal technology and shall include the following information:

"(A) a description of the emerging clean coal technology or technologies to be employed in the proposed project and a description of the overall project;

"(B) whether any facility similar to the project facility is in operation in the United States or abroad and a description of emerging clean coal techology;

"(C) the proposed ownership of the project facility;

"(D) the projected capital and testing cost of the facility and the schedule for completion and testing of the facility;

"(E) the characteristics of the coal to be used in the facility;

"(F) the amount of emissions reduction that will be achieved in the facility; and

"(G) the proposed financing for the project, including a statement of any incentives (including any financial assistance) that should be provided by the Federal government and the justification for such incentives.

"(d) The Secretary of Energy shall submit to Congress no later than April 15, 1985, a report that analyzes the information received in the statements of interest. The report shall:

"(1) identify and describe those emerging clean coal technologies for which statements of interest were received;

"(2) assess the potential usefulness of each technology in new and existing electric generation facilities, including the number of potential applications of the technology and the amount of emissions reductions that could be achieved through the use of the technology;

"(3) describe the types of Federal incentives, if any, that were requested in the statements of interest; and

"(4) identify the extent to which Federal incentives, including any financial assistance, will accelerate the commercialization of these technologies.

"(e) The program under this section shall be administered by the Assistant Secretary for Fossil Energy of the Department of Energy. The program shall be structured and implemented to assure to the maximum extent practicable that each emerging clean coal technology for which a statement of interest was received under subsection (b) shall be commercially available within five years of the date of enactment of the Act. The program shall be structured and implemented to assure that there are sufficient incentives to attract private sector and other non-Federal participation. Funds appropriated for the program shall be available on a cost-sharing basis between the Federal Government and non-Federal participants in the program.".

● Mr. JOHNSTON. Mr. President, today we are submitting an amendment to S. 1925, the National Coal Science, Technology, and Engineering Development Act that was introduced on October 6, 1983, by our colleague from West Virginia, the distinguished minority leader of the Senate. Senator BYRD has provided outstanding leadership in the area of clean coal technology by introducing his important legislation. Our amendment today is intended to compliment his farsighted initiative.

The Byrd bill establishes a major new Federal commitment to accelerating the commercialization of emerging clean coal-burning technologies. The President of the United States earlier this year, during his state of the Union address, noted the need for additional technologies to facilitate the use of our vast domestic coal resources

in an environmentally acceptable manner. The President pledged his support for increased Federal involvement in this effort.

Events of the past decade have proven to all of us that our national security and economic health require that we make greater use of our domestic energy resources, including coal. William A. Vaughan, Assistant Secretary for Fossil Energy, stated in his April 9 testimony to the Energy Research and Development Subcommitte of the Senate Energy Committee:

Coal comprises more than 88 percent of the Nation's recoverable fossil energy resources, yet supplies less than 25 percent of the country's primary energy, while our least abundant resource—oil—continues to be the Nation's dominant fuel source. Clearly, the United States must make better use of its coal resources if it is to achieve a balanced and mixed energy resource system.

For coal to attain maximum use in our Nation, however, we must develop new technologies that will allow coal to be used with much reduced emissions of sulfur dioxide, nitrogen oxides, and particulates. We have talked about this need for at least 10 years. The time has come to act and that action must include a major, long-term Federal commitment to accelerating the commercialization of a number of emerging clean coal-burning technologies.

Our colleague from New Mexico, Senator DOMENICI, conducted a hearing of the Senate Energy and Natural Resources Committee's Subcommittee on Energy Research and Development on the Byrd bill on Monday, April 9. That hearing revealed broad, bipartisan support for the type of major Federal commitment embodied in S. 1925. Some concerns were expressed, however, regarding the need for more flexibility in determining which emerging technologies that should receive Federal assistance and the nature and extent of that assistance.

The amendment we are submitting today is intended to respond to those concerns. Our amendment modifies the program established by S. 1925 to permit the private sector to nominate the clean coal-burning technologies that should be considered for Federal support under the bill. Thus, our amendment allows the private sector to determine the technologies that are the most promising. Our amendment directs the Secretary of Energy to publish, within 60 days of enactment, a notice in the Federal Register requesting statements of interest on certain emerging clean coal-burning technologies, including the technologies listed in the Byrd bill, several additional technologies, and a new general category of technologies. The statements of interest, which are to be received by the Secretary no later than October 1, 1984, shall specify the types of Federal incentives required to assure the earliest possible availability of the technology.

The Secretary is to report to Congress, by no later than April 15, 1985, concerning the statements of interest that were received and the exent to which Federal incentives will accelerate the availability of these technologies. The Secretary is further directed to structure and implement a Federal program that will, to the maximum extent possible, assure the availability, within 5 years of the enactment of the act, of each technology for which statements of interest were received.

Mr. President, we commend the distinguished minority leader for his leadership in this area and look forward to working with him for the earliest possible enactment of S. 1925. We invite each of our colleagues to join us in this effort.●

● Mr. FORD. Mr. President, I am pleased to join with my colleague, Senator JOHNSTON, today in cosponsoring an amendment to S. 1925, the National Coal, Science, Technology, and Engineering Development Act. This farsighted and important legislation was introduced on October 6, 1983, by our colleague from West Virginia, the distinguished minority leader of the Senate. Both Senator JOHNSTON and I are among the cosponsors of the Byrd legislation.

On April 9, 1984, the Energy Research and Development Subcommittee of the Senate Energy Committee, on which I serve as ranking minority member, held a hearing on S. 1925. Not surprisingly, the April 9 hearing evidenced broad support for the kind of increased Federal commitment to the development of clean coal-burning technology that is provided by S. 1925. During his state of the Union address, the President of the United States pledged his support for increased Federal involvement in the development of clean coal-burning technologies.

In December 1983, a committee formed to review the National Acid Precipitation Assessment Program (NAPAP) published its report. The ad hoc committee report states at page 12:

(6) Control technology is a central component of the acid deposition problem and is currently not included in the NAPAP program. The Federal funding level for development and demonstration of new control technology should be increased substantially to complement ongoing industry commitments. The development of new and improved retrofittable, emission control technologies followed by successful pilot- and demonstration-scale testing, is of key importance in the potential long-term mitigation of acid deposition.

At page 13, the report states:

A major Federal Program (several tens of millions of dollars per year) for development and demonstration is needed in addition to basic research support for longer-term fundamental studies. These studies include the general areas of coal clean up, combustion control, postcombustion monitoring, effluent identification, and novel techniques for cleanup.

And, finally, on page 25:

The review group recommends that DOE be given the task, outside of the NAPAP program, to formulate a comprehensive and aggressive program, in cooperation with industry, for advanced control technology development.

Mr. President, during the early 1970's, the Nation adopted amendments to the Clean Air Act that committed us to a program of reduced emissions from coal use. During the latter 1970's, significant progress was made in reducing the amount of emissions from the use of our domestic coal resources. Until the 1980's, the Federal Government contributed substantially to the development of control technologies through Federal appropriations. In the last few years, unfortunately, that Federal commitment has diminished.

The Byrd bill reestablishes a strong, long-term Federal commitment to the identification and development of new clean coal-burning technologies that will allow us to use our Nation's vast coal resources in an environmentally acceptable fashion. At the April 9 hearing of the Energy Research and Development Subcommittee of the Senate Energy Committee, testimony focused on the need to make the Byrd bill more flexible and the need to allow the marketplace to identify those technologies that are the closest to commercialization. The amendment we are introducing today will retain the Byrd bill's strong Federal commitment to the development of clean coal-burning technologies in an established timeframe. However, the amendment will allow the private sector to identify those clean coal-burning technologies that are the most promising in the near term. In addition, our amendment broadens the description of clean coal-burning technologies that are covered by the Byrd bill.

Mr. President, our amendment will require the Secretary of Energy to publish a notice in the Federal Register within 60 days of enactment requesting statements of interest on certain emerging clean coal-burning technologies, including the technologies listed in the Byrd bill, several additional technologies and a new general category of technologies. These statements of interest, which are to be received by the Secretary no later than 90 days after publication of the notice, shall specify the types of Federal incentives required to assure the earliest possible availability of the technology.

The Secretary is to report to Congress, by no later than April 15, 1985, concerning the statements that were received and the extent to which Federal incentives will accelerate the availability of these technologies. The

amendment retains the Byrd bill mandate that the Secretary shall structure and implement a Federal program that will, to the maximum extent practicable, assure the availability of each technology for which statements of interest were received, within 5 years of the enactment of the act.

Mr. President, I invite all of our colleagues to join us in assuring that we get on with the business of developing the technologies that will allow us to use our vast domestic energy resources in an environmentally acceptable manner. Clearly, the Nation is committed to a future of reduced emissions from coal use. If we are to achieve reduced emissions, we must develop the technologies and the methods that will allow us to achieve those desired emissions reductions.●

FEDERAL BOAT SAFETY AMENDMENTS

BAKER (AND OTHERS) AMENDMENT NO. 3063

Mr. BAKER (for himself, Mr. PERCY, Mr. DOMENICI, Mr. WEICKER, Mr. CHAFEE, Mr. STAFFORD, Mr. MATHIAS, Mr. MCCLURE, and Mr. HATFIELD) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

On page 19, of amendment No. 3027, strike subsections (b), (c), (d), and (e), and insert in lieu thereof the following:

(b) It shall not be in order to consider any measure making appropriations in the Senate or House of Representatives, if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for nondefense discretionary activities to exceed $139,800,000,000 in fiscal year 1985, $144,300,000,000 in fiscal year 1986, or $151,510,000,000 in fiscal year 1987.

(c) For the purposes of this section, budget authority shall be determined on the basis applicable for fiscal year 1984.

(d) The provisions of subsection (a) or (b) of this section may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by unanimous consent of the Senate.

(e) It is the sense of Congress that the unprecedented magnitude and persistence of current and projected Federal budget deficits must be addressed in a comprehensive strategy to moderate increases in defense spending while continuing the effective constraints on nondefense discretionary programs. To assure the success of such an initiative, the foregoing procedural restraints, in addition to the total aggregate spending limitations pursuant to the Congressional Budget Act of 1974, as amended, are necessary on budget authority both for defense and for nondefense discretionary programs for fiscal years 1985, 1986, and 1987.

(f) Of the amounts provided in Public Law. 96-126, the Department of the Interior and Related Agencies Appropriation Act, 1980, for the "Energy Security Reserve," $2,000,000,000 are rescinded.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on cost estimating and cost accounting in the Department of Defense weapons programs on Thursday, May 24, at 9:30 a.m., in SD-342, of the Dirksen Senate Office Building. For further information, please contact Mr. Link Hoewing at 224-4751.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, May 22, 1984, at 9:30 a.m., in SR-301, Russell Building, to receive a recommendation from committee staff concerning installation of office automation systems in Senators' offices.

The committee authorized the release on December 15, 1983, of a request for proposal for office automation systems for Senators' offices. Proposals received from vendors have been reviewed and analyzed by staff of the Rules Committee and the Computer Center, as well as staff of a number of Senators, and a recommendation will be presented to the committee for approval. Following its determination whether there is to be one vendor as the single source of equipment or whether there is to be a list of approved vendors from which Senators will make a selection, the committee will authorize the staff to prepare a contract with the vendor, or vendors, selected.

For further information regarding this meeting, please contact John Swearingen of the Rules Committee staff on 224-9078.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, May 15, to hold on oversight hearing on the Hotel Employees & Restaurant Employees International Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL CREDIT AND RURAL ELECTRIFICATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit and Rural Electrification, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, May 15, at 9:30 a.m., to conduct a hearing on legislation to amend the Rural Electrification Act of 1936, S. 1300.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER PERSONNEL

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, May 15, at 1:30 p.m., to mark up portions of S. 2414, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PEACE ACADEMY

● Mr. HATFIELD. Mr. President, 9 years ago, several of my colleagues and I proposed the establishment of a U.S. Academy of Peace. In 1980, a Presidential Commission was created to study the various proposals aimed at expanding the capacity of the United States to develop and encourage peaceful means of international conflict resolution. S. 564, which currently awaits scheduling on the Senate floor, is a direct result of the Commission's recommendations.

The Peace Academy proposal has been discussed extensively since the Presidential Commission's report. Since 1981, it has been the subject of three congressional hearings. Most recently, the Senate Committee on Labor and Human Resources favorably reported the bill in July 1983. My colleagues on the committee, particularly the chairman, worked very hard to insure the proposed Peace Academy would be responsibly managed. In addition, the bill they reported lays the groundwork for relevant and useful study.

Support of the bill is overwhelming. Strong bipartisan cosponsorship now includes 55 Members of the Senate. An identical bill in the House claims 174 cosponsors from all parts of the political spectrum. Eleven State legislatures and over 50 national organizations and religious groups have endorsed the legislation. The high level of national interest in and commitment to the Peace Academy proposal is heartening.

As a longtime advocate of the teaching of diplomatic skills as an important means to the end of peaceful conflict resolution, I congratulate the Department of State for its work at the Foreign Service Institute's Center for Study of Foreign Affairs. Its tradition of intensive work in foreign languages and concentration on international relations has been a tremendous contribution to U.S. foreign policy successes.

Moreover, I am very pleased by the increasing priority that it places on the training of students in the techniques and practice of mediation and

negotiation. It is no wonder that private universities are beginning to accredit courses at the Center for the Study of Foreign Affairs.

This new State Department initiative demonstrates the legitimacy of conflict resolution study, the willingness of the private universities to work in cooperation with Federal education and training programs, and the usefulness of mediation and negotiation in an effective foreign policy approach. Moreover, the initiative demonstrates the justification of Federal expenditures toward this end.

The Center for the Study of Foreign Policy, however, should not be considered as a substitute for the Peace Academy. Though they would most certainly be mutually reinforcing programs, they would exist as essentially different components of an overall commitment by the United States to developing and advancing peaceful means of conflict resolution.

To preserve academic integrity and to avoid politicization, the Peace Academy would be established as an independent organization. The Peace Academy would work to encourage peace and conflict resolution programs in the private sector in addition to fostering research both at the Academy and across the Nation. Participation in the Peace Academy's programs would include a variety of players, from voluntary organizations to foreign countries.

A majority of my colleagues share my belief that the establishment of a National Academy of Peace would intensify and accelerate the desperately needed study of peace and conflict resolution. Working closely with the Center for the Study of Foreign Affairs, the National Defense University and our Nation's best colleges and universities, the Peace Academy would serve our Nation well in the search for a workable definition of "national security."

The time is ripe for floor debate of S. 564, the National Academy of Peace Act. I ask that an article by Don Oberdorfer which appeared in the Washington Post on May 1, 1984, be printed in the RECORD.

The article follows:

[From the Washington Post, May 1, 1984]

INSIDE: THE STATE DEPARTMENT

(By Don Oberdorfer)

After 36 years, the Foreign Service Institute has begun the search for a permanent campus in the Washington area, according to FSI Director Stephen Low.

Encouraged by a statement of the House Foreign Affairs Committee last year that FSI operations are "conducive to a campus setting," a site selection committee under Deputy Director John T. Sprott is considering three possible locations in the District of Columbia and Northern Virginia.

A consulting firm, Interspace Inc., is due to finish a preliminary study for use by the selection committee in May. Low, however, does not foresee quick action on this far-reaching project, saying in a interview that he hopes to see FSI in a permanent "by the end of the decade."

A "Benjamin Franklin Hall," after the founder of U.S. diplomacy, or a "Cordell Hull House," after the World War II-era secretary of state, could be part of the plan, Low said.

The possibilities, of course, are limitless: How about Vance Vestibule, Muskie Mall, Haig Heliport and Shultz Soccerfield, to say nothing of the Kissinger Kitchen?

But campus or no campus, don't look for FSI to become "Foreign Service University" or "Striped Pants U." Nobody is proposing to make it a school that can award degrees or field a new, mighty and authentic team of "Washington Diplomats."

"We are a training institution, not an educational institution," said Low. "We don't provide basic educataion, but instead we begin with educated people and give them a skill to permit them to perform their jobs better."

Even so, major Washington-area colleges as well as Yale and Tufts' Fletcher School of Law and Diplomacy recently agreed to give academic credit of most courses at FSI.

A permanent FSI campus would be more efficient than the present cluster of rented high-rise office spaces in Rosslyn, said Low. It would also be a tangible demonstration of the continuity and permanence of American diplomacy, and of the value placed on diplomacy by the U.S. government and society, he said.

Low said the challenge is "to make training an integrated and understood part of a career" to a greater degree than at present.

Language training, which long has been the FSI mainstay, needs further improvement, he said.

"We have a lot of people who speak [foreign languages] passably; we need more people who are quite fluent," said Low. FSI's 260 language teachers already provide instruction in 40 languages.

The technique and practice of mediation is an increasingly vital topic in an age of violence, according to Low. His experience in the Zimbabwe negotiations while serving as ambassador to Zambia convinced him that there is much room to do more thinking and teaching along these lines.

The recently established FSI Center for the Study of Foreign Affairs, headed by Leo J. Moser, is giving priority to investigating mediation, Low said. Among the consultants working on the mediation program under the full-time direction of John MacDonald are Harold H. Saunders, former assistant secretary for Near East and South Asian affairs, who now is at the American Enterprise Institute; William Zartman of Johns Hopkins School of Advanced International Studies, and Bryant Wedge of George Mason University's Center for Conflict Resolution.●

THE UNITED STATES AND THE UNITED NATIONS

● Mr. SYMMS. Mr. President, I congratulate my distinguished colleague from the State of Wisconsin (Mr. KASTEN) for providing the Senate with the excellent RECORD entries concerning key voting records in the United Nations.

Not only will this documented record be helpful in consideration of the levels of the U.S. funding to the United Nations, but also in our determination of American foreign aid recipients as well. With limited resources to target abroad, I think it is the duty of the Congress to insure that tax dollars being spent overseas go to countries which share our values—our commitment to democratic government, capitalism, and the freedom of the individual. These selected votes of U.N. delegates are indicative of the allegiances and attitudes of the countries they represent, and should be taken into account, along with other important factors, in foreign aid policymaking.

It is difficult to judge the United Nations as anything but a dismal failure, contributing little to the peace and security of free nations throughout the world. There is growing public sentiment in this country questioning the usefulness of the United Nations in international conflict resolution, and growing recognition of the anti-Western and anti-American bias of the majority of the U.N. delegation. That sentiment showed its force last fall when the Senate adopted overwhelmingly an amendment offered by Senator KASSEBAUM to reduce aid by some $500 million over 4 years in assessed U.S. contributions to the United Nations. Although the amendment was defeated in conference with the House, I do not believe it will be the last attempt to redress the shortcomings of the United Nations. While many of us still profess that the United Nations is a worthy forum for international communications, even the United Nations Association of the United States of America (UNA), a private organization which promotes the United Nations, acknowledged, following its public opinion poll, that a majority of Americans believed we should withhold our financial support when the United Nations takes action with which we disagree.

I suspect public opinion would be even stronger in support of reducing aid if the U.N. activities were to be more publicized. As the Heritage Foundation states:

The U.N. is not just costly and harmless. It has actively supported terrorism, national liberation movements backed by the Soviet Union, and attacked American allies for alleged human rights abuses, while ignoring the atrocities of Soviet-controlled countries.

I share Ambassador Jeane Kirkpatrick's frustration with an organization that eats our tax dollars eagerly, yet spits up venomous anti-U.S. rhetoric. The United States, with a record of human assistance and national compassion that no other country can touch, has become the whipping boy of the Third World and the Soviet bloc.

As former alternate U.S. representative to the United Nations Charles Lichenstein, now with the Heritage Foundation, has commented:

We should answer some questions about the U.N.—do we serve our national interests there, and foreign policy objectives . . . Are the costs involved—money and energy—commensurate with the benefit? Are there better ways of targeting?

Senator KASTEN's voting analyses and the work of well-respected organizations like the Heritage Foundation should help to answer some of these fundamental questions, and to better inform the public about the United Nations and the impact of its actions on U.S. foreign policy goals and world opinion toward our Nation. Mr. President, I ask that the Heritage Foundation paper I previously cited by printed in the RECORD.

The paper follows:

THE UNITED STATES AND THE UNITED NATIONS: TIME FOR REAPPRAISAL

(By Burton Yale Pines)

INTRODUCTION

After two centuries of disdain for international organizations, the United States in the post-World War II era has become one of history's great joiners. In a short time, the U.S. signed on with scores of groups, ranging from the International Monetary Fund (1945) and NATO (1949) to the Inter-American Tropical Tuna Commission (1949), the North Pacific Fur Seal Commission (1957) and the International Agreement Regarding the Maintenance of Certain Lights in the Red Sea (1966). So vast grew this nation's memberships in international groups, that the State Department had to create in 1954 an entire section to deal with international organizations. By early 1983, the Assistant Secretary of State for International Organization had a staff of 172 to monitor U.S. relations with 98 international groups. In addition to those, the U.S. has ties to at least 50 other international agencies or commissions. The exact number of international bodies to which the U.S. belongs, in fact, no one in the government seems to know.

To some, America's readiness to join international bodies seemed like a betrayal of George Washington's Farewell Address warning that "in regard to foreign Nations . . . have with them as little Political connection as possible" To others, U.S. postwar internationalization was welcomed as a tardy but sensible affirmation of the Wilsonian vision. It was, in truth, neither. U.S. participation in international organizations simply was recognition that the civilized world faced extraordinary threats which could be countered only by active U.S. involvement—indeed, by U.S. leadership. In the years following the German and Japanese surrenders, the globe's industrial economies were shattered and in need of repair. Europe's democracies were weary and confronting menacing Soviet troops further westward than Lenin ever could have imagined. And the world's financial institutions were reeling from the two decades of turmoil caused by depression and war.

It clearly was in American interests to offer the security crutch to Western Europe provided by the North Atlantic Treaty Organization and the machinery to encourage world trade provided by the International Monetary Fund and the General Agreement on Trade and Tariffs. Yet what was appropriate in the years following World War II now may be an anachronism. With the contemporary world so different from that of 1946 or even 1955, are there still valid reasons for the U.S. to remain deeply involved in international organizations? It is undeniable, for instance, that the Wilsonian dreams once again seem as hollow as they did a half-century ago. George Washington's admonition, meantime, appears increasingly profound. Yet the United States, as it approaches the 21st century, will find guidance on the question of international involvement neither in Wilson nor Washington. The answers rather are in the lessons learned in the past four decades. Among them:

Universal organizations such as the United Nations and those agencies associated with the U.N., like UNESCO, accomplish so little that the value to the U.S. of membership becomes very doubtful.

On the other hand, organizations of like-minded states with fairly specific purposes, such as NATO, or until recently, the International Monetary Fund, fulfill a number of their most important aims.

The democratic dictum of one man, one vote may work within communities or nations, but apparently cannot be applied to organizations containing large numbers of nations which differ dramatically from each other. Within international organizations, the power to influence decisions should closely resemble the responsibility for carrying out the decisions. At the United Nations General Assembly or in UNESCO, for example, a majority comprised of developing nations which contribute almost nothing to the U.N. budget and bear almost no burden for effecting U.N. programs consistently dictate what those programs should be and even what they cost. It is quite a different matter at the IMF. There the weight of a nation's vote is determined by the extent of the nation's financial participation.

Technical organizations must limit their activities and rhetoric to technical matters. This means that the World Health Organization should deal with fighting diseases; the International Telecommunications Union should keep global communications orderly; the International Atomic Energy Agency should monitor the peaceful uses of the atom. When their agendas and rhetoric become politicized, an organization's value wanes. The matter of South Africa's policy of apartheid or the Israeli occupation of the west bank of the Jordan River are serious political matters but are not appropriate for the WHO, ITU, IAEA or any other technical agency.

It is time for the U.S. to apply these lessons and reevaluate American membership in international organizations. In the case of basically sound bodies—such as NATO, IMF, Organization of American States and World Bank—this reevaluation probably would lead to minor revisions of the organization's structure and the nature of U.S. participation. When it comes to the United Nations and its many affiliated agencies, however, a reevaluation is certain to prompt a fundamental reconsideration of U.S. membership. For more than a decade and one-half, the U.N. increasingly has demonstrated that it is not merely costly and harmless. Increasingly, the United Nations is becoming, as Senator Daniel Patrick Moynihan entitled his 1980 description of his tour as U.S. Permanent Representative at the U.N., "a dangerous place." The United Nations, indeed, is becoming a threat to U.S. national interests.

A list of the U.N.'s failures and shortcomings should puncture the resolve of all but the organization's most blind boosters. The U.N. has failed as a peacekeeper and peacemaker and as a protector of human rights. Its record of caring for refugees is suspiciously mixed, ignoring the legions attempting to flee communist-ruled Viet Nam while allowing the Palestine Liberation Organization to turn refugee camps into armed garrisons. Inefficiency, cronyism, high pay, lavish expense accounts and even corruption and illiteracy have become the all too common characteristics of the Secretariat and other U.N. bureaucracies. Meantime, U.N. agencies in New York, Geneva and Vienna serve as a valuable cover for Soviet, East European, Cuban and other espionage services hostile to the West.

But even this troubling litany omits what now is the gravest danger posed by the United Nations—its role in affecting the way in which nations and their citizens view critical global issues. Like a House of Mirrors at an amusement park, the U.N. distorts reality—exaggerating some things, diminishing others and obscuring most. Unlike a House of Mirrors, however, the U.N.'s distortions, particularly in the General Assembly and its Secretariat, form a predictable pattern. One characteristic of this pattern is the U.N.'s politicization of issues that merely are technical. Certainly the behavior of Israel, Chile and South Africa are not really the most urgent issues confronting the General Assembly, to say nothing of the World Health Organization, UNESCO, the International Labor Organization and a host of other agencies. Yet these ostensibly technical bodies squander an enormous amount of their time and energy dealing repeatedly with a handful of political matters forced into the agendas by a block of nations strongly influenced by the Palestine Liberation Organization and radical leftist states and groups.

Another aspect of the pattern is the U.N.'s globalization of problems. Bringing a local or even regional matter or dispute to the General Assembly forces every nation to take a stand. Issues which could remain local suddenly gain global importance and almost always, therefore, become more difficult to resolve. Nearly 15 years ago, The Netherlands' chief U.N. delegate Carl W. A. Schurmann complained that the U.N. system "forces governments to take a stand (if not by making a speech, then at least by voting) on a great many questions and conflicts that either do not really concern them or on which they would much have preferred to keep their opinions to themselves." This was echoed in 1982 by U.S. Permanent Representative to the United Nations Jeane Jordan Kirkpatrick in an address to the Anti-Defamation League. "Instead of being an effective instrument for conflict resolution," she said, "[the U.N.] serves all too often as an arena in which conflict is polarized, extended and exacerbated, in which differences are made deeper and more difficult to resolve than they would otherwise be."

Politicizing and globalizing issues are two of the dangers created by the U.N.'s distorted pattern of behavior. Dangerous too is the legitimacy conferred on the underserving, while discrediting those entitled to respect as members of the community of nations. Within the U.N. system, for example, the PLO and South West African People's Organization (SWAPO) enjoy near official status and are treated not as the terrorists that they are but as members in good standing of the international community. Israel, South Africa, Chile, and the Shah's Iran, meanwhile, are or have been reviled as parish states.

Most dangerous, however, is the U.N.'s *de facto* (and some times *de jure*) crusade against the free enterprise system. In many respects, the U.N. has become the headquarters, command post and strategic planning center of an anti-free enterprise campaign. In almost every U.N. body and almost always in the General Assembly, seldom is an opportunity lost to attack the free enterprise system. These assaults come as direct attacks on the Western industrial democracies which are the main capitalist nations. They come as attacks on individual industries through increasing attempts to impose international codes of economic regulation. They come too as attacks on the most successful of the capitalistic enterprises, the corporation which has grown beyond the boundaries of the country in which it was founded and in which it is headquartered—the multinational corporation. And the U.N. crusade attacks the very essence and philosophical base of the free enterprise system. It is an assault which condemns almost always, without supporting evidence, the notion that the dynamo of growth and economic expansion is individual initiative, creativity and the incentive provided by the opportunity of making a profit. This kind of attack even repudiates the notion of economic growth, substituting for it the naive and economically self-defeating concepts of wealth redistribution and central planning.

In repudiating free enterprise and by ignoring capitalism's record of success, the United Nations and its agencies have raised to the level of gospel the tenets of what is called the New International Economic Order or, as it is widely known, NIEO. The tenacity with which the United Nations fights for NIEO at every forum, from every rostrum and in every possible publication and statement is awesome. The United Nations Education, Scientific and Cultural Organization (UNESCO), for instance, now deals with educational and cultural matters mainly as a means for promoting the NIEO agenda. A U.N. conference ostensibly called to combat discrimination against women, meanwhile, was transformed into a NIEO pep rally. This obsession with NIEO has converted the United Nations from an organization that might merely have been costly and annoying into a body which threatens those nations committed to democracy, liberty and economic development.

Early critics of the United Nations recognized and predicted the organization's shortcomings. While their warnings then might have been debatable, they now seem only too real. As a result, American public support for the U.N. has plummeted sharply from that heady July 28, 1945, when the U.N. Charter went to the Senate floor for ratification and was approved by a lopsided 89 to 2. This reflected the broad popular backing for the U.N. Support remained high through the U.N.'s first decade and a half. A 1959 Gallup Poll revealed that 87 percent of those surveyed felt that the U.N. was doing a good job. By 1971, however, Americans were having second thoughts and Gallup found that only 35 percent gave the U.N. passing grades. This dropped to 30 percent in 1980, while 53 percent thought that the organization was doing a "poor job." And in March 1981, a Roper Poll discovered that only a slim 10 percent of Americans viewed the U.N. as "highly effective" in carrying out its functions.

Though now disillusioned with the U.N., Americans cannot be faulted for trying to make the international body succeed. Since the U.N.'s birth, the U.S. has been the U.N.'s most enthusiastic and generous booster. Until 1964, for instance, American taxpayers provided nearly 40 percent of the U.N. assessed budget. Even now with its share reduced, as other nations have industrialized and grown wealthier, the U.S. pays about one-quarter of the U.N.'s bills; in 1983, this probably will cost the taxpayer more than $1 billion, bringing to about $12 billion the U.S. contribution to the U.N. since 1945. By contrast, the Soviet Union pays only 13 percent of the U.N. budget (and is $169 million in arrears) and gets much more benefit from the U.N. than does the U.S. Even more striking is the paltry material support from those who control the U.N. The approximately 120 developing nations who command a permanent U.N. majority together contribute less than 9 percent of the organization's costs. Some of those 120 nations, of course, are very poor; yet others are quite rich. In fiscal 1980–81, for instance, Saudi Arabia paid only 0.58 percent of the U.N. budget and Kuwait only 0.20 percent, while relatively poor Britain and Spain paid 4.40 percent and 1.70 percent respectively.

For nearly its first two decades, the United Nations mainly reflected the concerns of the world's industrial democracies. As new nations were formed and admitted to the U.N., in the wake of the dissolution of the world's empires (except that of the Soviet Union), the balance of power within the U.N. inexorably shifted. From 51 members in 1945, the U.N. grew to 82 by 1958, to 115 in 1964 and now stands at 157 member nations. While there is some merit to the argument that a global organization ought to have a universal membership, this has been translated simplistically into a policy within the U.N. (except for the Security Council) of one nation, one vote. As a result, policymaking is divorced from policy responsibility. A majority of today's U.N. members are ill-prepared to address the issues that come before the U.N. for these nations stand only on the threshold of political and economic development. They have no experience in international matters and can boast little knowledge of any history but that of their own transition from colonialism to independence. In almost every case, moreover, the majority of U.N. members have no respect for or faith in democracy. Yet they determine the policies that the U.N. adopts and which the United States and other democracies are obliged to excute and underwrite. To make matters worse, these policies are becoming increasingly opposed to U.S. principles and national interests.

SUPPORTING TERRORISTS

Through its resolutions and, what is more alarming, its agencies and funds, the United Nations has been supporting terrorist groups. The Palestine Liberation Organization, the South West Africa People's Organization, the African National Congress and the Pan-African Congress have been receiving material backing from the U.N. According to a Heritage Foundation study, between 1975 and 1981 the U.N. spent or budgeted at least $116 million to support these and similar groups. This figure was compiled solely from public records. The real U.N. outlay for terrorism, including items camouflaged and hidden in innocent-appearing budget items, surely exceeds by several fold this publicly verifiable outlay. Of this sum, the U.S. taxpayer contributes at least 25 percent.

U.N. support for terrorists takes a number of forms. It ranges from gifts of food, housing and health services to providing radio channels through which a terrorist group can broadcast propaganda. The United Nations Education, Scientific and Cultural Organization has given money earmarked for education to a wide range of terrorist groups. Totalling at least $8 million for 1981-1983, there is no way to account for how the terrorists actually spent the money. To be sure, the public record reveals no U.N. funds used to purchase arms. U.N. accounting and expense monitoring procedures, however, are widely ridiculed as lax, if not deliberately permissive. There is thus valid cause to question how the PLO and similar groups spend UNESCO's "educational" grants. Even by providing food, medicine and training for civilian cadres, the U.N. allows terrorists to earmark more of their own funds for weaponry.

As important as material aid is the political legitimacy that the U.N. confers on terrorist organizations. Official U.N. recognition amounts to a seal of approval which gives the Marxist-oriented PLO, SWAPO, ANC and PAC a definite advantage over their non-Marxist rivals at home. They enjoy U.N. money, aid projects, publicity and international lobbying power not available to their competitors. Example: SWAPO has access to the U.N. Department of Public Information Radio Service which broadcasts worldwide. With this, SWAPO airs special programs on Namibia. The Department of Public Information also provides photographic and exhibition services for special SWAPO events—such as displays which become semi-permanent exhibits at U.N. headquarters in New York and offices in Geneva and Vienna. The U.N. imprimatur makes the terrorists appear to be the sole representatives of their respective peoples. In reality, SWAPO, PLO, ANC and PAC face formidable challenges at home from non-Marxist and non-terrorist groups.

The United Nations excuses its support for terrorists by claiming that it has a responsibility for helping so-called National Liberation Movements battle colonialist regimes. U.N. aid for these movements, however, is curiously selective. No backing, for instance, is given to pro-Western National Liberation Movements such as UNITA, now fighting what appears to be a successful guerrilla war in Angola against the Soviet and Cuban-backed Marxist regime. Nor has the U.N. been willing to recognize the non-Marxist representatives of the Palestinians or the democratic political parties of Namibia. Instead, the U.N. General Assembly grandly declares and treats the PLO and SWAPO as the sole, legitimate representaives of their respective peoples. These two terrorist groups, for example, hold coveted "permanent observer" status at key U.N. agencies and bodies—including the Security Council when questions concerning their areas of the world are on the agenda. And while the General Assembly effectively has barred the sovereign state of South Africa from its proceedings, denying the South African delegations even the right to answer charges against it, the General Assembly has asked all U.N. organs to include the ANC and PAC in their meetings dealing with southern Africa.

No terrorist group enjoys U.N. munificence more than the Palestine Liberation Organization. It has full observer status at UNESCO, the International Labor Organization, the World Health Organization and the International Civil Aviation Organization. Affiliation with the aviation body permits the PLO, whose members are among the most veteran and violent airplane sky-

jackers, to attend meetings called to discuss international air travel security. In 1977, meanwhile, the PLO was admitted to the U.N. Economic and Social Council's Commission for Westen Asia. This was the first full-membership ever granted to a noncountry. Since then, the PLO has been allowed to chair the Commission's sessions.

Two U.N. committees were created for and are dominated by the PLO: the Inalienable Rights Committee and the Special Unit on Palestinian Rights. These committees allow the PLO to use U.N. funds to produce a wide variety of publications and mount a public relations campaign, including an annual "International Solidarity Day with the Palestinian People." PLO booklets lauding Yassir Arafat as a freedom fighter and defending the PLO's use of terrorism are featured at U.N. bookstores—including those in New York. PLO exhibitions, meanwhile, adorn corridors of U.N. buildings. Despite protests from Israel, a PLO U.N. exhibit displayed a map of the Middle East which depicted a state identified as "Palestine" but omitted Israel.

Through its officially sanctioned presence, the PLO gains inordinate influence at the U.N. On many issues, including a good number of personnel matters, the PLO wields a widely recognized veto. This not only adversly affects American and Israeli interests, but undermines the efforts of moderate, democratic Palestinian leaders to find a peaceful solution to the Palestinian problem. By blindly supporting the PLO, the United Nations actually creates obstacles to the achievement of an Arab-Israeli peace.

THE DOUBLE STANDARD

The favored treatment of the PLO, SWAPO and a handful of other groups typifies the corrosive double standard increasingly characteristic of the United Nations. Outrages committed by socialist and communist nations almost always are overlooked by U.N. agencies, while minor or even alleged misdeeds in pro-Western countries warrant unrelenting U.N. attention and denunciation. Not only does this waste U.N. resources and undermine the credibility of the organization, but also seems to provide a U.N. sanction, by its silence, for some of the world's worst contemporary violations of political and human rights.

The double standard pervades most U.N. operations. At UNESCO, for instance, the draft for the 1984-1989 Medium Term Plan dwells at length on a critique of how Western private cultural institutions, because of "short-term amortization, cost factors and profit margins . . . [bring] about a deterioration in the economic and social status of the artists." The Plan is strangely silent about the artistic repression characteristic of Soviet-style and other socialist states. The double standard is most glaring at the General Assembly. There the majority of 120 or so Third World and Soviet-bloc nations consistently castigate the U.S. for such crimes as trading with South Africa. Nothing is said, however, about the flourishing South African trade carried on by Zimbabwe and other black African states.

The U.N. is particularly schizoid in defining wars of national liberation. It is fine for the PLO to attack Israeli towns and for SWAPO to mount an armed insurrection in South West Africa (known also as Namibia). These are acceptable battles of "liberation." But it is not a "war of liberation" according to the U.N. lexicon when Solidarity struggles for liberty in Poland or when Hungarians or Czechoslovaks tried to wrest freedom from Moscow's tight grip. The coveted "liberation" label even is denied to non-extremist black African groups such as Inkatha, led by Gaftsa Buthelese, head of the Zulu nation. The Zulus are mounting what may be the strongest internal opposition to the South African government. As such, it would seem, Inkatha should qualify as a national liberation movement. But not by the U.N.'s double standard.

The U.N.'s judgment is seriously flawed by its obsession with South Africa. In the 1981 General Assembly, for instance, 45 resolutions were adopted against South Africa, while over 400 speeches attacked the Pretoria regime. At the Secretariat, about 200 bureaucrats work full-time against the interests of South Africa, spending some $40 million. At a time when Soviet troops are marching through Afghanistan, Vietnamese forces occupying much of Laos and Kampuchea and Iraqi and Iranian soldiers ferociously battling each other, South Africa's internal affairs surely were not the most urgent item on the U.N. agenda.

Israel too is a major victim of the double standard. Almost nothing done by the Israelis escapes the U.N.'s viligant scrutiny, while very little done to Israel by its enemies seems to warrant U.N. attention. More than a decade ago, for example, the U.N. majority voted to condemn Israel for launching air strikes against terrorist camps in Syria and Lebanon. Nothing was said to condemn those who had provoked the strikes—the terrorists who had massacred Israeli athletes at the 1972 Munich Olympics. At a recent General Assembly session, almost all of the 40 resolutions dealing with the Middle East denounced Israel. Yet no mention was made by any resolution of PLO attacks on Israeli civilians, including women and children. The U.S. routinely is excoriated for supporting Israel, while the U.N. majority says nothing about Moscow's training terrorists who attack Israel. The Israel diamond trade with South Africa is attacked as still another example of the Jewish state's outlaw behavior; the Soviet Union's diamond trade with South Africa is completely ignored.

The General Assembly's Credentials Committee in 1982 condemned Israel as a "nonpeaceloving state." If the U.N. pursues the implications of this, Israel eventually could be denied its U.N. seat since the U.N. Charter specifically states that the organization is open solely to peaceloving nations. While the U.N. has no trouble branding Israel, because of its military actions, a nonlover of peace, the U.N. apparently regards as examples of peaceloving behavior the Soviet invasion of Afghanistan, Viet Nam's invasion of Cambodia, Iraq's war with Iran and Libya's threats to Chad and the Sudan. No attempt has been made by the General Assembly to label these breakers of peace as "non-peaceloving" states.

The U.S. too is victim of the United Nations double standard. Little seems to inhibit the U.N. majority from attacking the U.S. by name. Washington was brutally denounced, for example, for shooting down two Libyan warplanes which had opened fire on American aircraft. Washington also was attacked for "unfairly" treating a Palestinian when the U.S. merely extradited him so that he could stand trial for murder. While the General Assembly works itself into a rage over such American sins, it remains mute in its refusal even to reprimand the Soviet Union by name for invading Afghanistan or for quashing Poland's quest for liberty. Despite mounting evidence of Moscow's use of illegal chemical and biological weapons in Afghanistan, Laos and Cambodia, the General Assembly has had almost nothing to say on the matter. Instead it prefers lambasting U.S. for triggering an "arms race" (ignoring the decade-long Soviet military buildup) and condemning Israeli human rights "violations" (while saying nothing about the persistent and systematic human rights offenses in North Korea, Ethiopia, and the Ayatollah's Iran, scores of other Third World states and the Soviet bloc).

In Latin America, the U.N. routinely condemns Chile, Bolivia, El Salvador and Guatemala for alleged human rights offenses. This amounts to "a particularly egregious example of moral hypocrisy," U.S. Ambassador Jeane Kirkpatrick told a November 24, 1981, session of the Third Committee of the General Assembly. Those four countries are criticized, she complained, while the General Assembly displays "studious unconcern with the much larger violations of human liberty elsewhere in Latin America, by the government of Cuba." Asked Kirkpatrick: "What are we to think of defenders of human rights who ignore the victims of major tyrants and vent all their ferocity on the victims of minor tyrants?" Castro's near-quarter-century of repression has yet to be condemned or even acknowledged by the U.N.

The double standard indeed is most glaring when it comes to the matter of human rights. "No aspect of United Nations affairs," observed Kirkpatrick at the Third Committee meeting, "has been more perverted by politicization in the last decade than have its human rights activities." The U.N. has all but ignored blatant cases of genocide, such as Indonesia's massacre of much of its Chinese population in the late 1960s, Nigeria's persecution of the Ibos in the mid-1960s, Pakistan's action against the Bengalis in 1971, Burundi's attacks on the Hutus in 1972-1973, Iran's devastation of the Kurds in the mid-1970s, and Nicaragua's compaign against the Miskito Indians that continues still. The United Nations is silent on these well-documented atrocities, as it was while three million Cambodians died in Pol Pot's bloody "utopia" and when as many as 250,000 Ugandans died at the hands of Idi Amin. When the U.S. in 1977 proposed a resolution to condemn the Ugandan dictator's actions, the African nations blocked the matter from coming to a vote.

Attempts at less U.N. hyprocrisy in applying human rights standards typically have been overruled. A 1979 Report of the Subcommission on Prevention of Discrimination and Protection of Minorities, for example, originally referred to "the existence of relatively full documentation dealing with the massacres of Armenians [in the Soviet Union], which have been described as the first case of genocide in the twentieth century." The statement was dropped from the Report's final version. Instead of condemning the Soviet Union's human rights record, in fact, the U.N. actually has lauded it—at least indirectly. When it came time to commemorate the twentieth anniversary of the adoption of the Universal Declaration of Human Rights, the U.N. presented a human rights award to, among others, the Soviet Union's Pyotr E. Nedbailo. He is well known in his native Ukraine for publishing anti-Semitic tracts.

THE CRUSADE AGAINST FREE ENTERPRISE

It is not only the United States and other democracies which are treated unfairly by

the United Nations. Cheated more than all others are the poor nations of the Third World which look to the U.N. and its agencies for help in economic development. From the U.N., however, these nations receive biased advice that ignores the sole model for growth with a record of success—the free enterprise market economy. Though the U.N. spends more than $300 million annually on economic research, the data are often altered and the results manipulated to confirm the premises of the New International Economic Order. Thus instead of giving Third World states the bitter but useful advice that they need for economic growth, the U.N. tells them that they need only take the wealth of the industrial nations. The U.N.'s NIEO orthodoxy endorses omniscience of government planners rather than the efficiency of the impersonal marketplace; it champions the idea that all have an equal claim to the fruits of man's output rather than that of rewards distributed according to merit; and it rests on the naive faith that wealth—goods, crops, minerals, technology—simply exists in nature rather than being produced through creativity, risk capital and hard work. NIEO enthusiasts maintain that technology somehow is the "common heritage of mankind"—a resource belonging to no one and to be shared by everyone. Access to technology therefore becomes a right.

The major target of the U.N. crusade against the free enterprise system are the multinational corporations, or as they are sometimes known, transnational corporations. They are denounced for "flying no flag but profit" and for causing the "decay and deskilling" of Third World economies. The pharmaceuticals are attacked, for example, for being "harmful to public health and welfare" and for marketing both the "cause and cure" of illness. The International firms are blamed for causing inflation, unemployment, poverty and political repression in Third World states. So persistently qualified are the large international enterprises that the very terms "multinationals" and "transnationals" have become tainted, burdened with opprobrium. Only rarely does the U.N. look at the record and acknowledge the critically essential contributions which the multinational corporations have made to Third World economic development.

The U.N.'s attacks on the free enterprise system occur with increasing frequency. Among the many instances:

At one time, the World Health Organization was concerned almost entirely with encouraging medical research and planning and executing health programs. In recent years, however, WHO has been pushed by NIEO advocates into the field of regulation and has become politicized on the all-too-familiar lines of the developed North versus undeveloped South or Third World.

Efforts are underway to regulate the international flow of data. The Third World majority at the U.N. is attempting to restrict a company's access to information stored in its own subsidiary or headquarters if they are in different nations. U.N. agencies, moreover, are trying to impose taxes on the movement of data into and out of countries.

The International Telecommunications Union, for decades an agency concerned only with the technical problems of transmitting communications between nations, is becoming increasingly politicized. This is clear not only from a threat at ITU to exclude Israel, but from demands by the Third World majority within the ITU that underdeveloped countries be granted a very large share of the world's radio frequencies, no matter that they do not now have and may never have the technological ability to use them. The Third World majority is also insisting that "rents" be paid for the geostationary orbital slots in which communications satellites are parked.

Under the U.N.'s "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies," a U.N.-affiliated "Regime" has been established to govern exploration and extraction activities in outer space. This Agreement specifically favors state-owned agencies at the expense of private enterprise.

Through its Center on Transnational Corporations, the U.N. is preparing a "register" of corporate profits. This is seen as an important step towards regulating the activities of international firms.

The General Assembly in 1980 approved the Code of Restrictive Business Practices. When enforced, it would compel multinational corporations to sell their technology and know-how at punitively low prices in Third World markets. Nowhere does the Code acknowledge the contributions made by the multinationals in spurring the development of economically backward states.

U.N. agencies recently have been attempting to change international patent regulations. The aim is to limit the force of patents to allow Third World nations to exploit new technology without paying for it.

At the 1982 World Conference on Cultural Policies in Mexico City, UNESCO Director General Amadou-Mahtar M'Bow of Senegal led an unrelenting charge against the U.S., the West and the free enterprise system. He and the Third World-dominated conference called for a New World Cultural Order and a New World Information Order. Among other things, these new Orders would clamp down on press freedoms and repress expressions of Western culture in the Third World. This Mexico City conference mirrored the almost fanatic anti-West and anti-capitalist turn taken by UNESCO under M'Bow's direction. UNESCO publications—printed by the millions, distributed to more than 150 nations and paid for mainly by the U.S. and other Western states—have become an important vehicle for Marxist, anti-American and anti-Western articles. In books ostensibly dealing with education, UNESCO promotes the idea that Western industrial states have acquired their wealth unjustly and thus this wealth may be redistributed to poor nations.

Although there is no carefully coordinated or centrally directed grand conspiracy at the U.N. to undermine the free enterprise system, the NIEO serves as a blueprint or manifesto that is endorsed enthusiastically by just about all of the 120 or so underdeveloped states and even accepted (with reservations) by a number of West European industrial nations. This strategy also was accepted by key Carter Administration officials like Andrew Young. Officially called the Charter of Economic Rights and Duties of States, NIEO was adopted in 1974 at the plenary meeting of the United Nations Conference on Trade and Development (UNCTAD)—the U.N. body which most aggressively attacks the market economy. NIEO is a blueprint for assuring that the free enterprise system never takes root in the Third World. It is designed to penalize not only capitalist firms and capitalist states, but also the citizens of capitalist societies. What NIEO seeks, in short, is to force the transfer to undeveloped countries of the wealth, technology and research from those industrial nations which have created this wealth, technology and research. The transfer is to be mandatory and perpetual; there will be only limited, if any, compensation for the enormous assets involved.

NIEO is not going to be enacted or enforced *in toto* on the industrial West. Its underlying philosophy, however, provides the conceptual rationale and guidance for the U.N.'s attack on the free enterprise system. It is a blueprint providing a checklist of specific anti-free enterprise measures which the U.N. and its agencies individually and gradually can enact.

In at least two critical areas, NIEO already is close to enactment. The first is the New World Information Order. It is an attempt to restrict the operations of the Western press and bestow legitimacy on the state-controlled press of the Communist countries and most Third World nations. At issue is not only the matter of press freedom. The UNESCO Declaration advocating the New World Information Order is explicitly biased against the private sector. It mandates preference for non-commercial forms of mass communication. The reason for this, states the Declaration, is to "reduce the negative effects [of] the influence of market and commercial considerations." The Declaration fails to acknowledge the positive influence of a privately owned press in ensuring the competition of ideas and alternate sources of information.

The second important area in which NIEO has come close to enactment is the Law of the Sea Treaty. The Treaty is a carefully crafted repudiation of the free enterprise system. It established a Third World-dominated cartel; it is designed to control the marketplace; it discriminated against private deep-sea mining ventures; and it declares that those intrinsically valueless metallic nodules on the seabed, which are transformed into useable and valuable resources only through the costly mining technologies developed by private firms, are somehow part of what is called the Common Heritage of All Mankind. As such, Third World nations insist that they are entitled to a large share of the financial proceeds from seabed mining. Third World nations also insist that they be given the pioneering technologies and state-of-the-art know-how of deepsea mining.

There are very many problems with the Law of the Sea Treaty beyond its assault on the free enterprise system. But not the least of its dangers is that it is designed to serve as a model treaty for other issues by which the industrial West is to be coaxed and intimidated into surrendering a portion of its national sovereignty. The Law of the Sea Treaty is a pioneering effort by the U.N. to undermine the West's economic system for the sake of that Third World bloc which prefers to strive to get a share of the West's wealth as a kind of welfare transfer payment rather than work at creating its own wealth.

After nearly a decade of negotiations, during which the Carter Administration made some devastating concessions, the Treaty draft reached a critical stage in early 1982. It was in final form, awaiting approval by all nations, when the Reagan Administration balked at signing the document. Since then, the U.S. has been seeking, with other industrial states, an alternative that would provide a fairer system for encouraging seabed mineral development.

That the U.N. should be greatly concerned about and devote enormous resources to the economic growth of the Third World is understandable and appropriate. What is puzzling is why the U.N. ignores those Third World economic efforts which have been most successful. Why does the majority controlling the U.N. endorse the economically catastrophic model of a Tanzania rather than the economically booming model of a Taiwan or Singapore? Why has the U.N. majority made the free enterprise system its enemy rather than embracing it as the one economic system with a proven record of success?

The answer in large part is ignorance. Daniel Moynihan has written that many leaders of the countries which once were colonies—the majority of U.N. members—were educated in West European universities, such as the London School of Economics, where they learned the economics of socialism. As leaders in their own nation's drive against colonial rule, they found the heady rhetoric of socialism politically useful. They rejected much of what their colonial rulers stood for and swallowed Lenin's contention that imperialism was a direct stage in the development of capitalism—an assertion for which there is no evidence. The major imperial power of the past quarter-century, in fact, has been the Soviet Union.

To a great extent, therefore, the Third World knows little about how capitalism works and how capitalism succeeds. And the U.N. does little to enlighten the Third World. The economic studies and analyses produced by U.N. agencies and departments, such as the New York-based Department of Public Information, have a strong anti-free enterprise and pro-socialist bias. To make matters worse, participating semi-officially in U.N. proceedings are scores of anti-free enterprise groups such as the Interfaith Center on Corporate Responsibility, the Institute for Policy Studies, the World Council of Churches and the National Council of Churches. Among the most active of these groups is the International Organization of Consumers Unions. Founded in 1960, it now includes more than 100 consumer associations from nearly 50 countries. Led by Malaysia's Anwar Fazal, IOCU has cloned a new wave of extremist, anti-free enterprise organizations that include Consumer Interpol, International Baby Food Action Network, Health Action International and Pesticide Action Network. What gives IOCU and similar groups muscle is the legitimacy which they achieve through their association with the U.N. as Non-Government Organizations. These NGO's swell the anti-capitalist chorus and further distort the economic data and guidance available through the U.S. for Third World states.

Particularly distorted are the Third World's perceptions and understanding of the multinational corporations. To be sure, the multinationals are not in the business of altruism. But neither are they necessarily the enemies or exploiters of developing countries. The multinationals-Third World relationship is not zero sum for multinationals have made enormous contributions to economic development. They provide developing states with an integrated package of technology, financial and physical resources, managerial experience, training, entrepreneurial ability and market outlets. Since most multinationals enter a market in a developing country for the long haul, they provide sustained back-up and support services. Multinationals provide technology and make it operational. They take risks. And they account for over half the total fixed capital investment in a great many developing states. Rarely, if ever, is this acknowledged by the U.N. With such skewed information provided by the U.N., it is no wonder that Third World states are ignorant of the free enterprise system's true nature.

U.N. opposition to the free enterprise system also stems from the influence of the Soviet Union and its client states, such as Cuba. The Soviet bloc enjoys an impressive record of successes in shaping U.N. attitudes. During the 1981 General Assembly, for example, the Third World states on average voted with Moscow 84.9 percent of the time, compared to an average 25 percent agreement with Washington.

The most important reason why the U.N. majority wars against the market economy is because the free enterprise system correctly is viewed as a threat to the authoritarian regimes running most Third World societies. Capitalism, after all, has proven to be history's best guarantor of liberty. Observes Irving Kristol: "Never in human history has one seen a society of political liberty that was not based on a free economic system—a system based on private property. Never, never, never. No exceptions."

The free enterprise system permits the emergence of important centers of independent power which rival and successfully check the authority of the state. To regimes whose only legitimacy is their monopoly of the state's coercive power, it is unacceptable that such independent centers of influence as the large corporation, free trade unions and business associations exist. The U.N. opposes the free enterprise system, therefore, because the vast majority of U.N. members would be threatened by the political, economic and social pluralism concomitant with free enterprise.

THE U.S. AND THE U.N.—WHAT NEXT?

As the United Nations grows increasingly hostile to U.S. interests and principles, it is time for Washington to reappraise the merits of continued American membership in the world body. Not only does the U.N. cost American taxpayers $1 billion annually and the full-time efforts of dozens of senior Administration officials and diplomats, the organization rarely fulfills its most basic missions and has embraced an ideology and adopted programs and rhetoric dangerous to the United States and the world's free societies.

The United States cannot continue with business as usual at the U.N. If the U.S. is to remain a member, Washington must begin working for measures designed to blunt the threats posed by the U.N. This means ending or reducing the politicization of the United Nations system, preventing the General Assembly from globalizing local issues, denying terrorists the legitimacy and support they obtain by association with the U.N. and countering the U.N. majority's crusade against the free enterprise system.

Among the reforms required for continued U.S. membership which Washington should consider:

(1) The U.N.'s technical agencies once again must deal exclusively with technical matters. Israeli settlements on the West Bank of the Jordan River, alleged human rights violations in Chile (or, for that matter, the Soviet Union) and the establishment of a New International Economic Order do not belong on the agendas of the World Health Organization, the International Telecommunications Union or the International Atomic Energy Agency. These agencies have been created to resolve critical but non-political problems. The politicization suffered by them in the past decade has eroded significantly their value and even credibility on technical matters and opens to question whether U.S. participation is warranted.

This is also the case with UNESCO, the sprawling bureaucratic empire ostensibly concerned with culture, education and science. Since the U.S. pays more of UNESCO's bill than any other nation, Americans have the right to demand that their costly investment yield some dividends. As such, UNESCO's education program, in poor, developing nations should emphasize literacy, mathematics and basic technical skills. UNESCO instead squanders its resources on teaching the virtues of the NIEO. This cheats not only the nation funding UNESCO, but more so the nation which looks to UNESCO for help. The U.S. should refuse to contribute to any UNESCO project that is prompted by political rather than technical concerns.

(2) The U.N. must stop funding the Palestine Liberation Organization, the South West Africa People's Organization, the African National Congress and similar terrorist groups. If the United Nations refuses to establish the auditing procedures adequate to ensure that terrorists receive no U.N. material support, the U.S. should begin monitoring U.N. expenditures, perhaps through the General Accounting Office. If an audit reveals American funds going to terrorists, the U.S. must halt its contribution to that agency, even if this means unilaterally reducing the American share of the "assessed" U.N. budget. During 1982-1986, for instance, the U.N. Development Program plans to give SWAPO and other terrorist groups $22 million in aid. The U.S. should pay none of this.

(3) The General Assembly's stature must be reduced. Dominated by an intolerant majority which routinely produces a barrage of anti-U.S., anti-West and anti-free enterprise rhetoric and resolutions, the General Assembly should not be allowed to pose as a legitimate and impartial global forum. By participating in the General Assembly, the U.S. becomes an accomplice to that body's mischief. Washington probably should start sending U.S. representatives to only a few General Assembly sessions, boycotting the rest as an expression of American disdain with the organization. At the same time, the U.S. could downgrade its General Assembly delegation; instead of being top-heavy with ambassadors, it should contain solely junior State Department officers. So long as the General Assembly refuses to function responsibly, the U.S. should not treat it as if it were responsible. At UNESCO and other U.N. agencies, U.S. representation and attendance similarly could be downgraded and made more selective.

Even with these changes, Washington still may have cause to reconsider American membership in the United Nations. The U.N. now may well be beyond redemption. If this is the conclusion after extensive, sober analysis, then the U.S. seriously should consider withdrawing from the U.N. and ask the U.N. to vacate its Manhattan headquarters.

Whether the United Nations in such an event would survive is unimportant. A world body which has achieved so little is not going to be missed very much. In its place, the U.S. should fashion a new international network whose aims are less ambitious and more modest than those which inspired the

birth of the U.N. By now the U.S. certainly must have learned that although international cooperation is important, not all (perhaps not even most) nations are willing to cooperate. If a new international body is to be created in the wake of the United Nations, therefore, it should be limited to like-minded states willing to cooperate on a limited number of issues. Washington could propose, for example, a new organization comprising the industrialized democracies and those states committed to building a democratic society. The organization would enable the democracies to exchange ideas and cooperate on specific matters and would create a platform from which the democracies could challenge the anti-democratic rhetoric of the Soviet Union, its satellites and the totalitarian states of the Third World.

As for those useful international technical organizations, the U.S. should attempt to reestablish the most important of them as independent agencies. The World Health Organization and International Telecommunications Union, for instance, need not be part of a U.N. system or of any other global umbrella organization. A number of them, in fact, existed independent of the United Nations. WHO predates the U.N., for example, while the ITU is more than a century old. Once decoupled from a General Assembly or similar global bodies, these independent agencies are much less likely to be embroiled in political conflicts. This would free them to focus almost exclusively on the technical concerns for which they exist.

The funds that the U.S. saves by withdrawing from the U.N. could underwrite bilateral aid programs to those Third World nations serious about economic development. Unencumbered by the self-defeating NIEO obsession with wealth redistribution, the U.S. development programs could teach the principles of wealth creation that have made South Korea, Taiwan, Singapore, the Ivory Coast, Kenya and a handful of other Third World nations the envy of the developing states.

A world without a United Nations—or without U.S. participation in a U.N.—in sum would be a world less hostile to the U.S. and the free enterprise system. More important, it would be a world which offers more hope to Third World nations of democratic development and economic growth.●

CONTADORA GROUP'S MEETING IN PANAMA CITY

● Mr. KENNEDY. Mr. President, the Contadora group's diplomatic efforts hold out the greatest hope for securing a negotiated peace to the conflict in Central America.

Foreign ministers from the four Contadora nations and the five Central American countries met April 30–May 1 in Panama City to consider reports from working groups established in January. The groups were set up to work out the details of implementing the 21-pont declaration of objectives previously agreed to by all parties.

The May 1 communique, approved by all nine foreign ministers, stated that progress had been achieved. However, it also expressed concern over increasing militarization and tension. The communique outlined the accomplishments of each of the working groups or "commissions."

As the next step, according to the communique, the foreign ministers agreed to "Order, systematize and integrate the documents coming from the commissions in order to present them, in the near future, for the consideration of the Central American governments." The ministers also agreed that the viceminister level technical group would draft the "political and legal instruments necessary for making concrete the agreements reached and for establishing the appropriate mechanisms for carrying them out."

The Contadora process now appears headed into the more difficult phase of drafting actual peace agreements. The Panama City meeting was preceded by growing apprehension in the region over the prospects for its success. And Mexican President de la Madrid said May 10 that he was dissatisfied with peace efforts in Central America, blaming the "almost total distrust" between the United States and Nicaragua as the fundamental obstacle.

As the Contadora process enters this crucial phase, it is essential that the United States give it full, unequivocal support. The Reagan administration to date has only paid it lip service, while pursuing military actions that Contadora group members have criticized for harming their efforts. I was especially disturbed that in his May 9 television speech President Reagan made only a passing reference to the Contadora group's important efforts.

I ask that the May 1 communique issued after the Contadora Group's meeting in Panama City, as translated by the Congressional Research Service, appear at this point in the RECORD.

The translation of the communique follows:

TEXT OF THE INFORMATIVE BULLETIN ISSUED IN PANAMA BY THE CONTADORA GROUP

In Panama City, on April 30, 1984, the Ministers of Foreign Relations of Colombia, Mexico, Panama, and Venezuela, Members of the Contadora Group, met with their colleagues, the Ministers of Foreign Relations of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

The VI joint meeting of ministers of foreign relations had as its purpose continuing and going into depth with respect to diplomatic action aimed at preventing the aggravation of the tensions and conflicts in Central America and creating the necessary conditions for achieving a stable peace, generating a climate of confidence, and a perspective of understanding and cooperation among the countries of the region.

In accordance with the respective notice of the meeting, the foreign ministers received the conclusions of the commissions on political affairs, security, and economic and social affairs, foreseen in the norms for the carrying out of the commitments made in the document of objectives of January 8, 1984.

Over the last three months, the commissions held four work session periods, during the course of which different documents and numerous proposals related to the agenda assigned to each of them were analyzed. Their work, accomplished under the supervision of the technical group, has been highly satisfactory.

The Political Affairs Commission received with great interest all of the proposals submitted for their consideration. They divided their work into four large fields: National reconciliation, human rights, electoral processes, and regional distension. Agreements were obtained on topics related to the creation of instruments for the achievement and application of a policy of distension based on confidence among states which would make it possible to effectively decrease political and military tensions. In addition, there was consensus on the adoption of measures aimed at the establishment or perfecting of those institutions in which a representative and pluralist democracy is sustained and the full observance of human rights in order to promote and make effective the national reconciliation process.

Another result was the agreement on the norms for guaranteeing the inviolability of the personal life, liberty, and safety of those receiving amnesty. Consensus was also reached on the need to guarantee the stability and autonomy of the judiciary so that it can act outside of political pressures, and recommendations for free access to electoral processes and the exchange of experiences and information among the corresponding institutions of the Central American countries.

The Security Commission reached a consensus on different themes on its agenda. All of the countries agreed on the need to reestablish a climate of confidence, stability, and safety/security in the region and they examined practical measures for reaching this objective.

Important agreements were reached on this commission with respect to legal principles in the area of security; specific measures for fostering confidence; prohibition of the installation of military bases and any other form of foreign interference.

In addition, there was agreement by consensus on principles of agreement to prevent the use of the territory by irregular forces against neighboring countries, to prevent acts of destabilization, sabotage, and terrorism, and they examined concrete alternatives with respect to mechanisms for the prevention and solution of incidents in border zones.

Although the foreign advisors expressed differences with respect to the most appropriate means of carrying them out, the commission gave careful attention to the problems derived from the weapons buildup and they put together basic standards for determining the levels of military development of the Central American countries, as well as the definition of terms for the preparation of the military inventory of the area.

Finally, they discussed diverse proposals on the most appropriate means and instruments of verification and control; the requirement of the impartial integration of the respective mechanism in this area was expressed.

The Economic and Social Affairs commission, in turn, reached significant agreements in relation to the themes that formed the basis of their mandate. For the best fulfillment of their tasks, they had valuable foreign counseling from various regional and international institutions. In addition to their own program, they held special meetings at which they listened to the opinions

of the representatives of UNHCR, the ILO, PAHO, SIECA, CADESCA, the CABEI, ECLA and UNDP. They formulated precise recommendations related to intergration, intrazonal trade and technical cooperation, on the topic of investments and financing, on labor questions, and in the health field. They examined as a question of great importance the situation of the refugees and in that respect the countries presented diverse initiatives that should be studied in order to obtain a joint treatment of this problem.

The ministers emphasized the contributions of the commissions, which represent a highly positive step in the diplomatic and political negotiation process. They expressed gratitude for the work accomplished by the delegates and expressed their satisfaction with the advancement achieved. The work accomplished makes it possible to identify the areas in which the greatest efforts are required in order to overcome the differences, but above all, in order to integrate a global proposal that corresponds to the complexity and gravity of the problems of a diverse nature that are appearing today in Central America.

After a preliminary exchange of points of view, each of the foreign ministers offered to undertake a very careful review of the materials contributed by the technical group and by the work commissions, in order to facilitate the subsequent phase of the program and to fulfill the conciliatory functions of the Contadora group. They agreed to proceed to order, systematize, and integrate the documents coming from the commissions in order to present them, in the near future, for the consideration of the Central American Governments. In addition, it was agreed that the technical group, once the ordering, systematization and integration work has been concluded, will examine the recommendations and agreements and will propose formulas of consensus. It will complete the agenda and formulate the drafts for the political and legal instruments necessary for making concrete the agreements reached and for establishing the appropriate mechanisms for carrying them out.

The ministers warned that the progress reached contrasts, however, with the increase in violence, the military escalation, the weapons buildup and the foreign military presence in the area, whose most recent manifestations constitute a grave threat to peace and are causing justified alarm in the international community. Therefore, they expressed the determination of their governments to intensify efforts that will prevent the generalization of the conflict and facilitate dialog and negotiation. They renewed their undeclinable commitment to the peaceful solution of regional problems, at the same time that they once again exhorted the countries with ties and interests in the area to give their resolute assistance toward the reduction of tensions, peace and authentic cooperation in the region.

In turn, the ministers of foreign relations of the Central American countries reaffirmed their conviction that the negotiation process fostered by the Contadora group represents the genuine regional alternative and the appropriate forum for the solution of the conflicts that they are currently facing.

It is therefore indispensable that the Central American States continue committed in a serious and sincere political and diplomatic effort, aimed at the negotiated solution to the Central American crisis, strengthening the desire our understanding and agreement, with the proper compliance with the processes and instances of negotiation agreed upon by them themsleves, which will lead to the agreement upon a regional peace treaty.

For the success of this effort, it is unpostponable that there be the definitive consolidation of an institutional regime which in the domestic area guarantees liberty, justice, democracy, and social progress, and that the promotion and maintenance of relations between the Central American countries be subjected to the observances of the principles of international law which govern the actions of states.

Panama, May 1, 1984.●

THE FAILURE OF BILINGUAL EDUCATION

● Mr. SYMMS. Mr. President, it is a rare moment when we receive solid, empirical information on which to base our decisions. More often, the facts are ambiguous, subject to interpretation and spirited debate. But on the subject of bilingual education, I believe the hard facts are in: and they show that bilingual education does not work.

I recently enjoyed a fascinating discussion on this subject with a former colleague of ours, Senator S. I. "Sam" Hayakawa of California. Sam knows that the English language is not just a hobby for immigrants. It is a tool for survival. We must not deny them that tool.

No one places a higher value on cultural diversity than Sam. But Sam also appreciates the need for rapid and efficient language instruction. Anything less than vigorous instruction cheats children of their future.

Mr. President, I ask that an article from the November 30, 1983, edition of the Wall Street Journal be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Nov. 30, 1984]

LANGUAGE LAB: GRADE-SCHOOL PROJECT HELPS HISPANIC PUPILS LEARN ENGLISH QUICKLY

(By Burt Schorr)

MCALLEN, TEX.—Last year, during his first weeks in kindergarten, Xavier Mancias could speak only in Spanish. This year, when his first-grade teacher tells him and his 18 Spanish-speaking classmates to get ready for sentence exercises, the ebullient six-year-old announces impatiently in English, "I'm ready. I'm ready."

Finally, Xavier gets his turn. "A man can jump," he says emphatically. He could be describing his own leap to English.

Xavier is part of a pilot project here on the U.S.-Mexican border. Previously, the school district's transitional bilingual classes were conducted partly in Spanish and partly in English up to the third grade. But the pilot project seems to be showing that youngsters can make a faster transition to speaking, reading and writing English if they are "immersed" in English almost from the start. Xavier and his classmates at Sam Houston Elementary School took part in the first such classes last year.

For Xavier's teacher, Elva Garcia, the effects of the immersion instruction were evident as soon as her students arrived in her classroom at the beginning of the current school year. "These kids know whole sentences already," Mrs Garcia says. "They are ready to read English." With her pre-experiment first graders last year, she recalls, "It was just Spanish, Spanish, Spanish."

FRESH APPROACHES

The experiment's promising start reflects a new willingness in some states with large foreign-language-speaking populations, including Texas and California, to consider fresh approaches to the way local schools help youngsters gain English proficiency. One motivation is that Hispanic students, who constitute about 75% of the students in language-assistance programs nationwide, lag significantly behind majority-group students in achievement-test results. Some educators blame the traditional bilingual approach to teaching English proficiency.

Many Hispanic groups strongly defend the bilingual teaching. Beyond building a bridge to English, such programs are seen as helping to rectify past school discrimination against language minority groups and to preserve Hispanic culture. But a persistent lack of convincing research data makes it difficult for advocates to back claims that bilingual teaching is better than nearly-all English methods to achieve English proficiency.

Some Hispanic parents are questioning what takes place in bilingual classes educators say. The San Diego school system, California's second largest, is a case in point. Since 1981, a coalition of Chicano organizations has been prodding school officials to improve the language-assistance program there. The coalition is troubled by persistently higher dropout and failure rates for Chicano high-school students.

"We started raising questions—if we have all of this great bilingual program in place, why weren't our kids doing better in school?" says Gus Chavez, a San Diego State University official and a member of the Coalition for a Better Education. One response from the local school superintendent's office has been to require stricter supervision by school principals of their bilingual-program teachers. The system also has begun to monitor the performance of bilingual students, both within the language program and after they move on to the regular all-English curriculum.

NEW PRAGMATISM

The new pragmatism also is evident in New York City, which has some 79,000 English-deficient students from foreign-language households in its public schools. Lorraine Monroe, who recently took charge of classroom instruction for the city system, says she wants to speed the pace at which the bilingual program moves its students into regular classes. The four years some students now spend in bilingual classes may be too long, Mrs. Monroe says.

The McAllen experiment grew out of local concerns that children in the district's traditional bilingual classes weren't making the transition to English proficiency soon enough. Last year, McAllen adopted a formal Spanish-to-English transition procedure: first graders who pass reading tests in English and Spanish move onto all-English course instruction within a bilingual program. They continue to read in Spanish, but the Spanish time is reduced to a half-hour daily from a whole hour. Eva Hughes, McAllen's head of bilingual education, says that

about half the students passed the tests when they were first administered four months after the beginning of the school year. Most of the rest passed by the end of first grade.

PROMISING INDICATIONS

The English-immersion experiment here—an outgrowth of a 1981 state law that directs the state education department to study alternative language-assistance methods—goes a step further by exploiting concepts common to both Spanish and English.

As reading preparation, for example, Mrs. Garcia, the first-grade teacher involved in the pilot project, flashes "picture time" cards. When she shows her youngster a suburban scene, they respond, "Houses." When she flashes a picture of nurses, they say, "Nurse." The pictures are intended to provide a bridge between Spanish words the students already know and the English words they are learning in their school readers.

So far, McAllen's experiment seems to be working, though complete results are still several years off. Youngsters in five kindergarten classes at Sam Houston that used the immersion method last year showed gains in oral English proficiency about a third higher than for system kindergartens generally.

The progress is significant because here in the palm-shaded Rio Grande Valley, McAllen's large majority of Spanish-speaking residents and the closeness of Mexico—as a source of new immigrants and as a place to visit Spanish-speaking relatives—have helped to discourage many youngsters from acquiring full English skills. Moreover, the right of Spanish-speaking children to be taught in their own language if necessary is viewed by many here as a cherished political gain.

"We were spanked for speaking Spanish," McAllen School Superintendent Pablo Perez bitterly recalls of his own Valley school days in the 1940s. Such Anglo attitudes contributed to south Texas dropout rates of 80% and more for Chicano youngsters, Mr. Perez says.

The introduction of bilingual education here and in other Texas districts, beginning in the 1960s, contributed to a major reduction in the dropout rate, Mexican-American educators maintain. "That was the first time the kids heard the school say, 'I accept you. I accept your language. I accept your family,'" says Jose Cardenas, a former Texas school-district superintendent who heads a bilingual consulting organization in San Antonio.

Despite the improvement, Mrs. Hughes didn't like what she heard in local schools when she joined the district staff five years ago. Teachers and other school employees "were speaking too much Spanish" in school corridors and lunchrooms, she recalls. Teachers also lacked headquarters guidance on when their students should make the transition to English; consequently, they "flip-flopped" from one language to the other. Kids really were becoming illiterate in two languages," Mrs. Hughes says.

The effects of language, poverty and cultural passivity all came together for pupils at Sam Houston Elementary School. The school serves a low-income, almost 100% Spanish-speaking McAllen neighborhood that receives a steady flow of new arrivals from Mexico. "A lot of teachers came to work convinced that no matter what they taught, nobody was going to learn anything," says Rosemary Miranda, the school's librarian. "When a child speaks in Spanish, it's easier to answer in Spanish, so that is what they did.

For the past two years, though, the staffs at Sam Houston and at the other McAllen schools have been under orders from the central administration office to speak English whenever possible. Mrs. Miranda stopped reading library books aloud in Spanish and switched to English books. "For seven or eight months I wasn't sure whether the kids understood what I was reading," she says. But now she detects "an enthusiasm for finding out about things" in English-language books among first and second graders, an enthusiasm that fourth graders, who didn't benefit as much from the new English tilt, are lacking.

Hispanic groups still stand shoulder to shoulder in support of bilingual classes. Indeed, some maintain that such classes end too soon for many language-handicapped students, who often actually may need five to seven years of instruction in two languages.

A current target is Reagan-backed legislation that would end a prohibition against school districts using special federal language-assistance money for anything but bilingual programs; such funds currently support the schooling received by about 13% of the English-deficient youngsters believed to be getting language help. If enacted, the proposal would open the way for the kind of all-English "submersion" techniques that in past decades caused Hispanic children to "drown" in large numbers, contends Baltasar Corrada, who represents Puerto Rico in Congress.

But bilingual-program supporters see the need for some compromise when the basic bilingual statute comes up for renewal by Congress next year, a House aide says. One idea under discussion: permit some of the federal funds to be used for experiments like the one here in which various alternative instruction methods would be tested.

In addition to the pilot projects under way in McAllen and in other Texas school districts, school administrators are investigating for the first time the success or failure of students who have passed through bilingual programs. Kay Davis, the president of the San Diego school board, says administrators in her district tended to ignore such evaluation previously because "if you criticized any part of bilingual education, you were against everything Mexican-Americans stood for."

One leader in bilingual evaluation, the Dallas Independent School District, has found that promotable second, third and fourth graders do about as well in language-assistance classes that only offer English-as-a-second-language help as they do with instruction in two languages.

The information tends to support the near phase-out of dual-language instruction that Dallas General Superintendent Linus Wright sees for his system by 1990. The 13,500 children currently classified by the district as needing language assistance are a record. But the number of bilingual teachers in Dallas classrooms is dropping steadily.

About half the students eligible for bilingual instruction in Dallas, in fact, already are getting help only in English. "We find it an excellent substitute," Mr. Wright says.●

H.R. 2211, PROVIDING CERTAIN EXEMPTIONS TO RURAL ELECTRIC ASSOCIATIONS AND RURAL TELEPHONE ASSOCIATIONS

● Mr. ARMSTRONG. Mr. President, today I wanted to take time to commend Chairman McCLURE and the Senate Energy and Natural Resources Committee for their work in favorably reporting H.R. 2211, calendar item No. 764, a bill that would exempt rural electric associations (REA's) and rural telephone associations (RTA's) from fees normally charged to any power line or telephone right-of-way crossing Federal lands under the Federal Land Policy and Management Act of 1976. This is an important piece of legislation, and I urge my colleagues in the Senate to give it their support.

In the 1930's and 1940's, people living in sparsely populated areas of this country lived without electric or telephone service, and it became clear that these rural residents would not have access to quality, dependable electric and telephone service without Federal assistance. In 1936, the Rural Electrification Act was enacted establishing a Federal agency to make low-cost loans to nonprofit organizations providing areawide electric service. The act was amended in 1949, providing the same low-cost loans for rural telephone service. Both programs have been extremely successful, and REA's and RTA's still provide essential services in the rural West today.

REA electric and telephone lines cover much of this country, inevitably crossing Federal lands administered by the Bureau of Land Management or Forest Service. This is unavoidable since the Federal Government owns about one-third of this Nation's lands and, in Colorado alone, owns about 35 percent of the State.

For many years, these agencies provided rights-of-way free of charge. However, in 1976 the Federal Land Policy and Management Act (FLPMA) was enacted, requiring the payment of a fee for any use of the Federal lands, including rights-of-ways. FLPMA, however, did not overlook the status of nonprofit organizations, but provided that the Secretaries of Agriculture and Interior have discretionary authority to issue rights-of-way to nonprofit organizations for lesser than fair market value or for no charge at all. Despite this provision, special fee considerations have not been granted to rural electric and telephone lines financed under REA. Since 1980, the Forest Service and the Bureau of Land Management have been assessing rentals at fair market value for REA and RTA rights-of-way over Federal lands, and, as the Senate Energy reports (S. Rept. 98-388 at 2):

Testimony received during the subcommittee hearing on S. 508 (the Senate com-

panion bill), indicated an apparent absence of uniform implementation of the fee policies, and that wide variances apparently exist concerning fee amounts, percentage of fair market value charged, and generally the basis on which the fees are assessed. H.R. 2211, as reported, will establish a uniform fee for those rights-of-way covered in this act.

However, in exempting the REA's and RTA's from FLPMA fees, H.R. 2211 does not preclude the Federal Government from requiring reimbursement for reasonable administrative costs incurred in granting, issuing or renewing rights-of-way.

Again, I would like to say that this bill is very important to my State and others like it that have large rural areas, and I ask my colleagues in the Senate to pass this legislation at the earliest opportunity.●

ROLLCALL OF HEROES

● Mr. HEINZ. Mr. President, today I stand before you with a combination of great appreciation and equal sorrow to pay tribute to the 78 law enforcement officers nationwide who died in the line of duty in 1983. The Fraternal Order of Police comprise individuals of great courage, dedication, and pride. For these officers and all those of previous years who made the ultimate sacrifice—their lives—to protect our country and communities, we express our deepest thanks.

The finest public servants and the most outstanding citizens make up our country's police force. These are the individuals who man the thin blue line that protects law-abiding citizens. I can only hope that this day of recognition will help their families and friends to realize that these officers did not die in vain.

As he has since 1969, National Chaplain Virgil D. Penn, Jr., of the Fraternal Order of Police has conscientiously gathered a list of slain officers from around the country who perished during the previous year. Known as the Rollcall of Heroes, it is our acknowledgement of their sacrifice, and a small way for us to give support to the families that will have to live with their absence.

Mr. President, I ask that the remarks of Chaplain Penn be placed in the RECORD, along with the National Police Prayer and the list of slain officers, the Rollcall of Heroes.

The material follows:

1983 ROLLCALL OF HEROES

In this World of Wars and rumors of Wars, the War against crime is overlooked. The "Soldiers of Peace", The Law Enforcement Officers of America, continue to battle the hoodlums and criminals who kill, maim and rob the citizens of the United States and our territories. Many brave Officers have been lost in this never-ending war on the homefront. In 1983 78 of our Brother Officers have paid the supreme sacrifice. Except for the families and the Officers they worked with, they are soon forgotten. Many of the felons who caused the demise of our Officers are not serving the sentences they should have inflicted upon them. Some are even back on the streets to commit further atrocities. Until the apathetic public awakes and the judicial system levy the proper penalties and see that they are enforced on the perpetrators of these henious crimes the problem will stay with us and even multify.

We thank the Congress of the United States and the Senate for giving the Fraternal Order of Police the opportunity of bringing the hazardous duties of all Law Enforcements Officers to the attention of America. We also appreciate the efforts of Senator John Heinz for rendering the reverence and respect due our Brother Officers. Following is a list of Law Enforcement Officers who gave their all to protect the safety and lives of the good citizens of America.

Respectfully submitted,

VIRGIL D. PENN, Jr.,
National Chaplain.

JANUARY

4—Perry County, Kentucky, Deputy Sheriff, Alex Eversole.

5—Elk City, Oklahoma, Sergeant, Stephen Leroy Mahan.

7—Puerto Rico, Puerto Rico, Officer, Paul Mondonado Coreano.

9—Pine Lawn, Missouri, Detective Sergeant, Charles E. James.

12—Marengo Co., Alabama, Deputy Sheriff, Nathaniel Connor.

12—Bur. of Inv., Georgia, Agent, Frank Ellerbe.

13—Santa Cruz, California, Deputy Sheriff, Michael A. Gray.

13—Memphis, Tennessee, Officer, Robert S. Hester.

15—Kodiak, Alaska, Officer, Gordon B. Bartell.

16—Dallas, Texas, Officer, John R. Pasco.

18—Oakland, California, Officer, Ramon Irizarry.

18—Indianapolis, Indiana, Patrolman, Paul A. Kortepeter.

FEBRUARY

5—Meadville H.P., Mississippi, Trooper, George D. Nash, Jr.

7—Rockingham Co., Virginia, Dep. Sheriff, John E. Rafter.

20—U.S. Marshall, N. Dakota, Marshall, Kenneth Muir.

20—U.S. Marshall, N. Dakota, Marshall, Robert S. Cheshire.

20—San Diego, California, Officer, Kirk Leland Johnson.

24—Albuquerque, New Mexico, Officer, Gerald Eugene Cline.

26—Mass. State Police, Massachusetts, Trooper, George L. Hanna.

MARCH

3—Alameda, California, Officer, Robert J. Davey.

8—Detroit, Michigan, Sergeant, Michael Bossuyt.

15—Puerto Rico, Puerto Rico, Officer, David Perez Valentin.

15—Roane County, Tennessee, Officer, Dennis R. Armes.

16—Lee County, Florida, Corporal, Ronald Lee Fewell.

19—Los Angeles Co., California, Dep. Sheriff, Lawrence M. Lavieri.

29—Collier County, Florida, Corporal, Amedicus Q. Howell.

APRIL

11—Shelby County, Kentucky, Constable, Charles D. Wentworth.

12—West Columbia, S. Carolina, Officer, Donald W. Cogburn.

14—Los Angeles Co., California, Sergeant, Larrell Smith.

25—Montrose, Colorado, Reserve Officer, Larry F. McMaster.

28—Ak-Chin, Pinal Co., Arizona, Chief Indian Police, Milton Paul Antone. Shot on April 14, Died April 28, 1983

MAY

2—Dallas, Texas, Patrolman, Ronald D. Baker.

17—Jacksonville, Florida, Patrolman, Gary Bevel.

28—Avilla, Indiana, Town Marshall, William D. Miner.

JUNE

2—Los Angeles, California, Officer, Paul L. Verna.

2—Lawrence County, Arkansas, Sheriff, Gene Matthews.

4—Puerto Rico, Puerto Rico, Patrolman, Jesus Diaz-Batista.

10—Shamokin Dam, Pennsylvania, Officer, Charles E. Attig, Jr.

11—Prince Georges Co., Maryland, Officer, Carlton X. Fletcher.

12—Mich. State Police, Michigan, Trooper, Tony L. Thames.

JULY

5—Burton Mi, Michigan, Patrolman, Terry L. Thompson.

12—Irondale, Alabama, Sergeant, Rex W. Winchester.

14—Puerto Rico, Puerto Rico, Officer, William Santiago-Pagan.

15—Upton County, Texas, Deputy, Charles A. Renfroe.

16—Will County, Illinois, Aux. Deputy, Steven W. Mayer.

18—Kissimmee Co., Florida, Patrolman, Thomas A. Bartholomew.

20—Spokane, Washington, Detective, Brian F. Orchard.

20—Pima County, Arizona, Deputy, Ernest Cavillo.

25—Alcorn County, Mississippi, Constable, Earnest C. Null.

AUGUST

23—Baltimore County, Maryland, Corporal, Samuel L. Snyder.

5—Cleveland, Ohio, Officer, Benjamin Grier.

23—Will County, Illinois, Aux. Sergeant, Dennis P. Foley. Shot on 8-10-83, died 8-23-83.

30—Farmers Branch, Texas, Patrolman, Lowell S. Tribble.

31—West Covino, California, Patrolman, Kenneth S. Wrede.

31—Johnson County, Tennessee, Vol. Deputy, Ronnal R. Stanley.

SEPTEMBER

—Pittsburgh, Pennsylvania, Detective, Norman A. Stewart.

18—Quinlan, Texas, Patrolman, Billy J. Smelley.

20—Front Royal, Virginia, Sergeant, Dennis N. Smedley.

29—Guam Public Safety, U.S. Terr. of Guam, Officer, Raymond S. Sanchez.

29—New York City, New York, Officer, Joseph P. McCormack.

OCTOBER

11—Dept. Public Safety, Texas, Trooper, Russell L. Boyd.

19—Kern County, California, Deputy Sheriff, Michael J. Bentley.

NOVEMBER

4—Wilson County, Texas, Deputy, Ollie "Sammy" Childress.

6—Poland, Ohio, Patrolman, Richard E. Becker.

13—Shamokin, Pennsylvania, Corporal, David W. Witmer.

19—Fort Worth, Texas, Detective, Robert F. Camfield.

28—Prince Georges Co., Maryland, Captain, Richard J. Beauers.

29—N. Mariana Islands, U.S. Dept. Public Safety, Patrolman, Abraham S. Quitugua.

DECEMBER

4—Tarrant County, Texas, Deputy, Clark M. Rosenbalm.

12—Kansas City, Missouri, Officer, Phillip A. Miller.

20—Gillette, Wyoming, Patrolman, Jon Roy Hardy.

23—San Antonio, Texas, Officer, Gilbertes Q. Ramirez.

24—Metro-Dade, Florida, Patrolman, Robert L. Zare.

NATIONAL POLICE PRAYER

Almighty God Father of all Mercies, we ask Thy Blessing and guidance upon all Law Enforcement Officers engaged in the protection of our citizens. Be with them in their lonely tours of duty while patrolling the busy streets of our cities and the remote areas of our country. Give them the blessing of Your wisdom, to know and do what is right. Temper their actions with mercy and justice. When their tours are completed and the day is over, guide them safely home to their loved ones.

We also ask Thy Blessing and eternal rest to all our Brothers who have sacrificed their very lives in the performance of their duties. Give to their loved ones the peace and strength to bear the anguish of their loss. Remove all resentment from their hearts, knowing that eternal peace and rest will abide over their departed loved ones forever. This we beg in Thy name forever and ever, Amen.●

SENATOR BARRY GOLDWATER

● Mr. SYMMS. Mr. President, Arizona's renowned senior Senator was the subject of a memorable Wall Street Journal editorial on Wednesday, February 15, 1984, entitled "A 'Retiring' Barry Goldwater?"

One of BARRY GOLDWATER'S oft-quoted remarks is "Extremism in the defense of liberty is no vice; moderation in the pursuit of justice is no virtue." No one would ever accuse Senator GOLDWATER of being a moderate. As the late Congressman Ashbrook had commented, "The only thing I have ever found in the middle of the road is a yellow line and dead skunks." Unfortunately, middle-of-the-road positions have a great appeal to many politicians because it keeps them from having to think through a position. Being in the middle seems safe, but striking a position between right and wrong is not safe or sound. BARRY GOLDWATER has never chosen the path of least resistance, nor has he ever acted out of pure political expedience. His political philosophies have never been shifted by public sentiment, opinion polls, or myriad other devices with which politicians ordinarily concern themselves. Rather, his decisions are based upon his sound estimation of what is right and is best for his country.

I disagree with one of Vermont Royster's comments. He said that men like Webster, Clay, and Calhoun were not destined for the White House, that "possibly they would not make good Presidents if elected," and he added that he was not sure BARRY GOLDWATER would have made a good President. That comment made me wonder whether Mr. Royster believes that the qualities of a good President include being an accommodator and/or a pragmatist. If sacrificing principles, opting for political expedience, and choosing the path of least resistance are virtues of a good or successful President, then America is well-served by these men who are not suited for the White House. It is the stubborn, principled determination of men like Calhoun, Webster, Clay, and Senator GOLDWATER that will insure their place in the annals of history. Ironically, there are many Presidents who, lacking those qualities, will not be accorded that same tribute.

Mr. President, I request that this article on the not-so retiring BARRY GOLDWATER be entered into the RECORD.

The article follows:

[From the Wall Street Journal, Feb. 15, 1984]

THINKING THINGS OVER

A "RETIRING" BARRY GOLDWATER?

(By Vermont Royster)

Looking back on it, Sen. Barry Goldwater never had a chance of winning the presidency in 1964.

To begin with, the times were out of joint for a conservative president. The U.S. was still under the spell of the martyred John Kennedy and taken with Lyndon Johnson's promises of the "Great Society." It would be 20 years before disillusionment set in and the political pendulum swung.

Then Sen. Goldwater didn't help himself. He chose for his running mate Rep. William Miller of New York, lifted from total obscurity and destined to return to it. Sen. Goldwater also rejected advice to conciliate his opponents within his party, the so-called moderate wing. Instead he flung down the defiant words, "Extremism in defense of liberty is no vice . . . moderation in pursuit of justice is no virtue."

There was nothing retiring about Barry Goldwater, a trait that left him vulnerable to his enemies. There are many possible selections for the "dirtiest" presidential campaign, but 1964 certainly rivals the 1928 personal attacks on Al Smith.

Remember those "daisy" commercials on TV? They showed a child peacefully pulling petals off a daisy when suddenly the picture dissolved into a mushroom cloud. Sen. Goldwater, you see, had taken a tough stance on Vietnam and the intended implication was that he would casually toss around atom bombs.

Meanwhile, President Johnson scattered promises of peace about that far-off war. We wouldn't get tied down in a land war in Asia. "There can be, and will be as long as I am president, peace for all Americans." A year later, of course, we were mired more deeply in that Asian war. So much for his political promises.

These recollections are sparked by Sen. Goldwater's announcement that he will retire when his term expires in 1987. That's a while off but the news inspires some musings on the part this most unretiring man has played in our national life.

We forget sometimes the major roles played in our political history by men who never reached the White House. Webster, Clay, Calhoun come to mind.

Daniel Webster, who served in Congress from both Massachusetts and New Hampshire, was known as the great expounder of the Constitution and did as much as any man to inspire people to regard that document with reverence. He was twice secretary of state, respected by all, but the presidency eluded him.

So it also eluded Henry Clay, best remembered perhaps for his remark. "I would rather be right than be president." So renowned was he as an orator that one day the Senate adjourned so the members could go to the House to hear him speak on the Seminole War. He too made it to secretary of state but no further.

John Calhoun, a South Carolinian, was in public service for more than 40 years, as congressman, senator, secretary of war and—yes—secretary of state. He was vice president under two presidents, John Quincy Adams and Andrew Jackson. He resigned that office solely because he disagreed philosophically with President Jackson, who favored a more powerful federal government over the states.

No one would put Barry Goldwater down as a great orator, and all his career (save for the abortive run for the presidency) has been as a senator. But that career already spans more than 30 years.

When he first came to the Senate in 1952, he was regarded as one of those oddities—a businessman in politics; he was president of Goldwater's Department Store in Phoenix, Ariz. Before long he was regarded as even more of an oddity, an unashamed conservative in a country still dominated by the New Deal-Fair Deal politics of Presidents Roosevelt and Truman. By contrast, he made even President Eisenhower seem like a liberal.

In the beginning, of course, he was pretty much dismissed by the press and his fellow Republicans as a passing curiosity. But, curiously, more and more people began to pay attention to his views. While not a great speaker, he is a literate writer. He was already the author of two volumes of Arizona portraits and an account of a journey down the river of canyons. Anyway, in 1958 when the Republicans suffered a sweeping disaster, Barry Goldwater bucked the Democratic tide and won reelection decisively.

That propelled him into national attention. In 1960, he published "The Conscience of a Conservative," an articulate and rational presentation of that philosophy that gave it political respectability. That propelled him to the 1964 nomination.

Ever since then Barry Goldwater has been a respected spokesman for the political views that ultimately elected Ronald Reagan. But, as that 1964 campaign illustrated, Mr. Goldwater has also been something of a maverick, a man who has his own thoughts and goes his own way undeterred by what others may say. It's not too much to say that, like Henry Clay, he'd rather believe himself right than be president. He won't trim his opinions to the winds of

public opinion. So he's never been "a good party man."

He isn't today. Though he's generally in sympathy with President Reagan, he doesn't hesitate to differ publicly when he differs. On Lebanon, for example, he says we should never have sent in the Marines and he urged their removal long before the president did so. That this may have aided Democratic critics of President Reagan didn't trouble him. Because that's what he thought, that's what he said.

Such men—the Websters, Clays, Calhouns—aren't destined for the White House. Possibly they wouldn't make good presidents if elected. I'm not sure Barry Goldwater would have. All the same, it will be a sad day when this most unretiring man retires to join the others in the history books. For such men are rare enough to be treasured.●

JULIUS G. SUSSMAN, THE YANKEE FIDDLER

● Mr. MITCHELL. Mr. President, I rise at this time to honor a man from Maine who is most worthy of recognition. Julius G. Sussman has been a resident of Augusta, ME, since July 1934. Throughout these past 50 years he has enriched the lives of those he knew well and brightened the lives of many others. He is committed to making others happy.

Mr. Sussman is nearing 90, and as a friend said, "He has the unforgivable sin of showing his age." A member of my staff grew up in Augusta, across the street from Temple Beth El, Augusta's Jewish Synagogue. She has memories of Julius Sussman, "* * * as a very kind man who dressed up as a clown, entertaining children at events in the community." And Julius Sussman has done much more than that throughout his lifetime.

Celia Risen, a summer resident of Winthrop, ME, and long time friend of Julius Sussman had written a biography entitled "Yankee Fiddler," that tells the story of this great man. To pay deserved respect and honor to Mr. Sussman, I request that the following condensed version of "Yankee Fiddler" be included in the CONGRESSIONAL RECORD.

THE YANKEE FIDDLER

A soothing breeze greeted Julius G. Sussman when he arrived in Augusta, Maine that last day in July, 1934, to start over again at age thirty-nine. He had graduated from Colby College in 1919 and taught in the Waterville High School for three years, but to Augusta businessmen he was a newcomer from Boston.

Long before the stock market crash of 1929, there were people like Sussman who found it hard to earn a living. He had been a substitute teacher in Boston and Columbia, Connecticut; he sold magazines in three towns, ran a lunch counter in a shoe factory; invested ten thousand dollars (borrowed) for a partnership in a shoe factory; clerked for General Electric and even had his own violin school with 104 pupils, yet he could not support himself and his wife, Lil. They moved many times during their first fourteen years of married life.

From his itinerant actor father he thinks he inherited his love for performing, but to whom he is indebted for his talent as a musician he knows not. He learned to play the violin from a member of the Boston Symphony Orchestra. He started to take lessons when he was 8 years old and stopped when he could no longer pay for them when he was 16, but he has never stopped playing the violin. He taught himself to play the viola and mandolin.

When Suss come to Augusta, the few observant Jews walked to Gardiner, six miles away, to attend services. Although his Hebrew education consisted of two years in a Talmud Torah school and a Bar Mitzvah, he was a founder of the only synagogue in Augusta, Beth El, and served as president for 14 years. He has been a godfather to Jews, both resident and transient. On their 50th wedding anniversary, the Jewish community honored the Sussmans at a banquet and presented them with their first television set in 1971.

The Sussmans did not saw lumber, raise sheep, grow potatoes, cure tobacco, or grind corn like the pioneers before them, but they are decidedly part of the folklore of Maine. Throughout the state, people know him as the violinist or violist in the Augusta Symphony Orchestra, the Cecelia Music Club, Blaine House (the governor's mansion), St. Mary's Catholic Church, Green St. United Methodist Church, South Parish Congregational Church, the Greek Orthodox and Spiritual churches, Colby College, University of Maine, the Veterans Facility at Togus, the State Hospital for the Mentally Ill, Pineland Center for Retarded Citizens, as well as private schools and convalescent homes. He accepts no fees; all honorariums are directed to the Pineland Center.

When he was fifty years old, he decided he would like to be a clown like the ones he accompanied. He entertained children in the schools and old people in institutions all around Augusta by dressing as a clown and playing a violin made from a two gallon tin can. The Japanese kimona is held together now with outsized clothes pins, but the red nose still glows brightly as the audience claps to the music.

In between music engagements, the business, illness, attention to his son with Downs Syndrome, wife and sister-in-law Pat, who has been living with the Sussmans since her breakdown 30 years ago, Suss was always available to help any of his "boys" who were in trouble. According to former employees, the police would call Suss day or night when his former or present employees needed bail or other help. He started bank accounts for the boys that gave them a good start as parents or college students.

Suss has never forgotten the people he met at Colby College and apparently they remember him too, for he has been president of the Alumni Association and has been awarded the highest honor, a Colby brick, for service to the college. He has also been honored with 2 gavels because he served as state president of Kiwanis and of the Maine Federation of Music Clubs.

As a humanitarian, Suss has been honored by the American Legion, B'nai Brith, Daughters of the American Revolution, The American Red Cross, Kiwanis, the French Canadian Le Club Calumet, The United States Veterans Facility at Togus, The United Jewish Appeal and the Anti-Defamation League, as well as the State Legislature where he has been opening each session as Chaplain.

Suss, almost 89 years old, is a gracious, witty, optimistic person despite four heart attacks and personal tragedies. He is still 5 feet 9 inches tall, slim and energetic. His tiny wife, Lil, 3 years older, never more than 4 feet 10 inches tall, is now scarcely 4 feet high because her back is bent. They are still very devoted to each other and love to talk about their five-year courtship.

Suss's long association with pastors and congregants as a musician must have helped to dispel the Yankee intolerance that was the defense of the Puritans, and Augusta is a pleasant place for people because Suss lived there for almost fifty years.●

SHOE IMPORTS

● Mr. MITCHELL. Mr. President, the Maine Broadcasting System operates two of the major television outlets in our State, in Portland and Bangor. Maine Broadcasting is characterized by a sense of public service to the community and has a tradition of providing lucid and informative editorial opinion to its viewing public.

This week, Maine Broadcasting will offer an editorial opinion on the need for a program of import relief for the footwear industry, which in Maine employs over 17,000 workers directly, and has a very direct economic effect on the communities in which footwear manufacturing plants are located.

I ask that the test of this editorial be printed in the RECORD following my remarks. It is a well thought-out argument on an issue of direct and potentially grave interest to thousands of Maine residents, and by joining in this public policy debate, Maine Broadcasting is helping give expression to that interest.

The text follows:

SHOE IMPORTS

Maine is a leading shoe industry state. The industry is in trouble.

Look at the figures. In March of 1981 the leather industry in Maine employed 21,600 workers. In March of 1984, 18,500 workers were employed * * * a drop of 3,100 jobs. Unless something is done to provide the industry time and incentive to re-tool and develop new marketing plans, more lay-offs and plantclosings are threatened.

Again, look at the figures. In 1981 foreign shoes accounted for a 49 percent market share. Now, imports take a 70 percent share of the market. Consider the impact of imports on the automobile industry. Today the auto makers appear to be recovering from foreign competition.

Our government placed import quotas on foreign cars to give the U.S. auto makers time to re-tool and develop new marketing plans. We think the proposal advanced by the Maine Congressional Delegation to restore shoe import quotas for a five-year period could lead to the same success story. The plan calls for holding imports at 50 percent of the American market for five years. During that period, the American shoe industry would be expected to raise the capital needed to re-tool and develop new competitive marketing plans.

Five years seems to be a reasonable time frame. In the long run, the consumer would be offered a better choice in the open market. And job stability would be restored for the shoe workers. The protective quota

sought by the Maine Delegation is designed to allow the shoe industry time to get competitive again. We hope the International Trade Commission responds favorably to the delegation's plan.●

OUTSTANDING HELP OF CLINICA PUERTO ORDAZ TO STANLEY AND ELAINE WEINGARDEN

● Mr. LEVIN. Mr. President, in late January, two close friends of mine, Elaine and Stanley Weingarden of Detroit, were taking a Caribbean cruise when Stan Weingarden became ill from unknown causes. He was taken off ship at Puerto Ordaz, Venezuela, where Dr. Castro and the entire Venezuelan community responded magnificently to the urgent need for medical and personal assistance.

The American Embassy in Venezuela, including Joseph Hilliard and Carmin Martinez, was extraordinarily responsive to the emergency. The saga is described in an article from the Correo del Caroni of February 5. The manner in which the Venezuelan community and the American Embassy worked effectively and speedily in an extreme emergency to save the life of an American citizen is a wonderful tribute to cooperation between allies for a humanitarian purpose.

I want to add a personal note of admiration for our Embassy in Caracas and for the magnificent and generous people of Puerto Ordaz who took in a stranger and saved his life.

Mr. President, I ask that the story as printed in the Correo del Caroni be printed in full in the RECORD immediately following my remarks.

The article follows:

THE COMMUNITY NEWS

IT'S NICE TO KNOW . . .

(By Dorothy Cooper)

Stanley and Elaine Weingarten who paid a surprise visit to Puerto Ordaz last week. Their sojourn wasn't exactly the usual delightful round of sightseeing, relaxing around the pool, and dining in splendor which entertain most of our local tourists. Rather, it was an incredible journey, which Elaine still doesn't quite believe, except to acknowledge with profound gratitude some miraculous events which occurred.

Stanley is a lawyer, and Elaine runs an art gallery in Detroit, where their story starts with a decision to get away from Michigan's cold weather for a cruise of a couple of weeks around the sunny Caribbean. Along the way, Stanley became seriously ill, and the ship's doctor ordered him hospitalized as soon as possible. As the ship was moving into the Orinoco River, this was the nearest port of call, and so he ended up in the Clinica Puerto Ordaz, where all kinds of emergency services went into effect—except for translation. Neither Stanley nor Elaine spoke any Spanish, though Elaine has now developed quite an extensive vocabulary.

The Correo del Caroni deserves a generous round of applause for their willingness to publish this column, since it was through the "Community News" that Jean Pierre Brebillet, the local Boulton representative, was able to contact the North American Association and the Community Church. Once the very urgent need was known (and it was certainly a situation which demanded immediate action), help was on the way. The response to the call was nothing short of fantastic. There were blood donors, nurses translators, errand runners, medicine procurors, paper-work helpers, telephone contacts, short-order cooks for catering, hostesses, chauffeurs, and just plain hand-holding comforters. The wonder was that everyone was mobilized in the short space of half a day.

The Weingartens are now on their way back home after four days of intensive care, four more recuperative days in the clinic plus two days of rest at the hotel. They had a heart-warming and reassuring visit from their nephew, Dr. Mark Weingarten, a radiologist, and Eugene Dryker, from Detroit, which didn't last quite long enough. Nevertheless, Stanley had a remarkable recovery, and both of the Weingartens made a host of friends here during their brief visit. They wish to thank all the wonderful people who responded with such obvious concern to their plight, and Elaine says this is truly the most remarkable thing that has ever happened to her, an experience she will never be able to forget.

Elaine and Stanley both give special thanks to Dr. Francisco Castro, whose care extended far above and beyond the call of duty, and to his wife, and all the nurses at the clinic. They also wish to express their deep appreciation to all who helped in so many ways—Adam and Martha Gulacsy, Lu Valentine, René and Vanna Pont, Jim Eilliams, Dorothy Chasteen and Dorothy Miller, David and Pam Taylor, Becki Glenn, Jim Scotlahnd, Felipe and Mary Martha Pazos, John and Jimmy Coper, Jerry Millage, Janie Schuh, Becky Karam, Ron and Ruth Shotton, Lygia and Cleve Owen, Vassi Alvarez, Alice Smart, Susan Lingg, Vernon and Edith Loughridge, Jeanette Baillie, Genelle Snakasingh, Reverend Noel Mora, and Wadene Galantin.

It is also gratifying to all in this area to know that the local Blood Bank helped with its excellent "busca la persona", the Red Cross mobilized its network of ham radio operators, and the firemen, and National Guard also did their best to be cooperative in this emergency. The whole incident was confirmation that the dictationary is right when it defines community as a body of persons with a common interest who share responsibility.●

SEA-LAUNCHED CRUISE MISSILE

● Mr. MATHIAS. Mr. President, the countdown on deployment of nuclear-armed sea-launched cruise missiles continues. It is my view that the security interests of the United States of America would be served by halting the countdown now and pausing for further thought.

If the defense policy of the United States included a nuclear-armed sea-launched cruise missile it might regret it, but I would not object to it. But I am not inhibited by any such consideration because there is no national policy on nuclear-armed sea-launched cruise missiles.

Nuclear SLCM's will clearly have an impact on many subjects of vital national interest. Arms control is only one of them. Command relationship will be altered. Cruising orders for ships will be affected. All of these changes should conform to a national policy.

At this moment no such policy exists, and no deployment should occur until a policy is adopted.●

RECOGNITION OF THE 20TH ANNIVERSARY OF THE COLLEGE OF HUMAN SERVICES

● Mr. D'AMATO. Mr. President, I rise today in recognition of the 20th anniversary of the College of Human Services. The College of Human Services offers higher educational programs linked to career opportunities and advancement. In fact, the college is considered a model performance-based institution of higher education.

The College of Human Services is an originator of paraprofessional programs in law, education, and health care. This pioneering effort led to the paraprofessional movement that has now spread throughout the country. Innovative efforts of the college continue to this day. Graduates of the College of Human Services pursue careers in a wide variety of fields within the human services, nonprofit, and business sectors of the economy.

The students of the College of Human Services are an integral part of a bold and challenging venture. Classroom theory is combined with concrete applications in major service sector corporations. Students are uniquely involved in higher education programs designed specifically to educate students for the increasingly service-oriented economy.

Dedicated students from New York and other parts of the country are represented at the College of Human Services. Campuses are located in New York, Florida, and California for students interested in beginning challenging careers or advancing in their present vocations.

The College of Human Services has experienced substantial growth and expansion. This fact has been recognized in numerous national publications. The college has also received a variety of awards, including an award from the Academy for Educational Development. The College of Human Services merits the highest praise for outstanding contributions to education in the community, in New York State, and throughout the Nation.

The college has exhibited an outstanding commitment to the advancement of higher education. The College of Human Services has gained national recognition in innovative education for the past two decades. Therefore, it is appropriate, Mr. President, that we recognize the College of Human Services on its 20th anniversary.●

MICHAEL "MICKEY" PIERCE, ARKANSAS' SMALL BUSINESS PERSON OF THE YEAR

● Mr. PRYOR. Mr. President, 1984 marks the 20th anniversary of Small Business Week. We observed this significant 7-day period last week from May 6 through May 12, as proclaimed by President Reagan.

Small Business Week affords the opportunity to acknowledge the contributions and achievements of small businesses throughout the country. We pause to reflect on this vital sector which constitutes the backbone of our Nation's economy; we recognize the strength of those small business owners who persevere in the face of economic adversity; and we honor those selected by the Small Business Administration as State Small Business Persons of the Year.

Michael "Mickey" Pierce, the 34-year-old president of Gravis Concrete, Inc., a construction and concrete firm in Stuttgart, AR, is my State's Small Business Person of the Year. Mickey Pierce is known as a modest, soft-spoken, sports enthusiast who purchased Gravis Concrete in his mid-twenties. He has served as president of the Stuttgart Kiwanis Club, as well as director of the Stuttgart Industrial Development Commission, and remains active in a variety of civic affairs.

Gravis Concrete employs 17 people, which is more than a 60-percent increase since 1973, the year Mickey Pierce purchased the company. The firm specializes in the design and construction of commercial, industrial, and institutional buildings, and has developed a method of slip-pouring concrete which achieves a high-quality finish and requires a 24-hour pouring. The city of Stuttgart saved $10,000 through the use of another Gravis innovation, a concrete machine that poured the street and curbing simultaneously. In 1976, the Arkansas Ready-Mixed Concrete Association presented Gravis Concrete with the Concrete Excellency Award for the construction of a rice mill storage complex. The association cited the quality of construction, as well as the innovative use of concrete, in presenting the award.

Mr. President, Michael "Mickey" Pierce has combined intelligence, determination, stamina, and dedication to achieve a healthy, thriving, and much-needed small business for our State. I am proud to honor him as Arkansas' Small Business Person of the Year.●

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF THE LEADERS UNDER THE STANDING ORDER

Mr. DOMENICI. Mr. President, I ask unanimous consent that the two leaders under the standing order be recognized on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS PROXMIRE AND ABDNOR ON TOMORROW

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be two special orders, not to exceed 15 minutes each, for the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the distinguished Senator from South Dakota (Mr. ABDNOR).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS AT 10:40 A.M. TOMORROW FOR JOINT MEETING TO RECEIVE THE PRESIDENT OF THE UNITED MEXICAN STATES

Mr. DOMENICI. Mr. President, I ask unanimous consent that at 10:40 a.m. tomorrow, the Senate stand in recess, subject to the call of the Chair, to assemble as a body to proceed over to the Hall of the House of Representatives to hear an address by the President of Mexico, Miguel de la Madrid.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO APPOINT A COMMITTEE ON THE PART OF THE SENATE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of Mexico into the House Chamber for the joint meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. DOMENICI. Mr. President, following the address by the President of Mexico, the Senate will reconvene, and I ask unanimous consent that there then be a period for the transaction of routine morning business not to exceed 20 minutes in length, with statements limited therein to 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF H.R. 2163, THE FEDERAL BOAT SAFETY ACT

Mr. DOMENICI. Mr. President, I ask unanumous consent that following routine morning business, the Senate will resume consideration of H.R. 2163, the Federal Boat Safety Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DOMENICI. Mr. President, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and the Senate, at 6:43 p.m., recessed until Wednesday, May 16, 1984, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 1984:

THE JUDICIARY

John M. Duhe, Jr., of Louisiana, to be U.S. district judge for the western district of Louisiana vice W. Eugene Davis, elevated.

Tom S. Lee, of Mississippi, to be U.S. district judge for the southern district of Mississippi vice Dan Monroe Russell, Jr., retired.

Paul G. Rosenblatt, of Arizona, to be U.S. district judge for the district of Arizona vice William P. Copple, retired.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Clarence E. McKnight, Jr., [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Emmett Paige, Jr., [redacted], U.S. Army.

FEDERAL COMMUNICATIONS COMMISSION

James H. Quello, of Virginia, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1984. (Reappointment.)

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, sections 601 and 3036, to be assigned as chief of engineers, U.S. Army, a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be chief of engineers, U.S. Army and to be lieutenant general

Maj. Gen. Elvin R. Heiberg III, [redacted], U.S. Army.

HOUSE OF REPRESENTATIVES—*Tuesday, May 15, 1984*

The House met at 12 o'clock noon.

Rev. Joel Schmalz, Trinity Lutheran Church, Jefferson City, MO, offered the following prayer:

Eternal God, precious is Your love and mighty is Your power. You have endowed our life with the highest dignity by creating us in Your own image. You have blessed this land with freedom and opportunity, and You forgive the sin we confess. For this we are deeply grateful.

Lead this Nation, dear Father, and grant wisdom to the men and women who govern. May conscience be their guide and Your word the ultimate voice in the decisions that must be made.

Inspire each person of America with faith and moral integrity to seek Your will and to serve one another for the good of all. May peace and justice prevail everywhere; in the name of the Father, Son, and Holy Spirit. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WEBER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WEBER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 348, nays 33, answered "present" 5, not voting 47, as follows:

[Roll No. 144]

YEAS—348

Ackerman	Aspin	Berman
Addabbo	AuCoin	Bevill
Akaka	Badham	Biaggi
Albosta	Barnard	Bilirakis
Alexander	Barnes	Bliley
Anderson	Bartlett	Boehlert
Andrews (NC)	Bateman	Boggs
Andrews (TX)	Bedell	Boland
Annunzio	Beilenson	Boner
Anthony	Bennett	Bonior
Archer	Bereuter	Bonker
Borski	Gramm	McDade
Bosco	Gray	McEwen
Boucher	Green	McGrath
Boxer	Guarini	McHugh
Britt	Gunderson	McKernan
Brooks	Hall (OH)	McKinney
Broomfield	Hall, Ralph	McNulty
Brown (CA)	Hall, Sam	Mica
Brown (CO)	Hamilton	Mikulski
Broyhill	Hammerschmidt	Miller (CA)
Bryant	Hansen (UT)	Mineta
Burton (CA)	Hatcher	Minish
Byron	Hawkins	Moakley
Campbell	Hayes	Molinari
Carney	Hefner	Mollohan
Carper	Heftel	Montgomery
Carr	Hertel	Moore
Chandler	Hightower	Moorhead
Chappell	Hillis	Morrison (CT)
Clarke	Holt	Morrison (WA)
Clinger	Hopkins	Mrazek
Coelho	Horton	Murtha
Coleman (TX)	Howard	Myers
Collins	Hoyer	Natcher
Conable	Huckaby	Neal
Conte	Hughes	Nelson
Conyers	Hunter	Nichols
Cooper	Hyde	Nielson
Corcoran	Ireland	Nowak
Courter	Jeffords	O'Brien
Craig	Jenkins	Oakar
Crane, Daniel	Jones (NC)	Obey
Crane, Philip	Jones (OK)	Olin
D'Amours	Jones (TN)	Ortiz
Daniel	Kasich	Owens
Darden	Kastenmeier	Packard
Daschle	Kazen	Panetta
Daub	Kennelly	Parris
Davis	Kildee	Pashayan
de la Garza	Kindness	Patman
Dellums	Kleczka	Patterson
Derrick	Kogovsek	Paul
DeWine	Kostmayer	Pease
Dicks	Kramer	Pepper
Downey	LaFalce	Perkins
Dreier	Lagomarsino	Pickle
Duncan	Lantos	Porter
Dwyer	Latta	Price
Dyson	Leach	Pritchard
Early	Leath	Pursell
Eckart	Lehman (CA)	Quillen
Edgar	Lehman (FL)	Rangel
Edwards (AL)	Lent	Ratchford
Edwards (CA)	Levin	Ray
Edwards (OK)	Levine	Regula
English	Levitas	Reid
Erdreich	Lewis (CA)	Richardson
Erlenborn	Lewis (FL)	Ridge
Evans (IL)	Lipinski	Rinaldo
Fascell	Livingston	Robinson
Feighan	Lloyd	Rodino
Fiedler	Long (LA)	Roe
Fields	Long (MD)	Rogers
Fish	Lowery (CA)	Rose
Flippo	Lowry (WA)	Roth
Florio	Lujan	Roukema
Foglietta	Luken	Rowland
Foley	Lundine	Roybal
Ford (TN)	Mack	Rudd
Fowler	MacKay	Russo
Frank	Madigan	Savage
Franklin	Markey	Sawyer
Frost	Marlenee	Schaefer
Fuqua	Marriott	Scheuer
Garcia	Martin (IL)	Schneider
Gaydos	Martin (NC)	Schulze
Gekas	Martinez	Schumer
Gephardt	Matsui	Seiberling
Gibbons	Mavroules	Sensenbrenner
Gilman	Mazzoli	Shannon
Gingrich	McCain	Sharp
Glickman	McCandless	Shaw
Gonzalez	McCloskey	Shumway
Gore	McCollum	Shuster
Gradison	McCurdy	Siljander
Sisisky	Swift	Weiss
Skeen	Synar	Wheat
Skelton	Tauke	Whitehurst
Slattery	Tauzin	Whitley
Smith (FL)	Thomas (CA)	Whitten
Smith (IA)	Thomas (GA)	Williams (MT)
Smith (NE)	Torres	Wilson
Smith (NJ)	Torricelli	Winn
Smith, Robert	Traxler	Wirth
Snowe	Udall	Wise
Spence	Valentine	Wolf
Spratt	Vander Jagt	Wolpe
Staggers	Vandergriff	Wortley
Stark	Vento	Wright
Stenholm	Volkmer	Wyden
Stokes	Vucanovich	Wylie
Stratton	Walgren	Yates
Studds	Watkins	Yatron
Stump	Waxman	Young (MO)
Sundquist	Weaver	Zschau

NAYS—33

Chappie	Goodling	Penny
Cheney	Harkin	Petri
Coats	Hartnett	Roberts
Coughlin	Hiler	Roemer
Dannemeyer	Jacobs	Sabo
Dickinson	Kemp	Schroeder
Dorgan	Lott	Sikorski
Durbin	Lungren	Solomon
Emerson	Michel	Walker
Evans (IA)	Miller (OH)	Weber
Gejdenson	Mitchell	Young (AK)

ANSWERED "PRESENT"—5

Dixon	Oberstar	St Germain
Dymally	Ottinger	

NOT VOTING—47

Applegate	Gregg	Rahall
Bates	Hall (IN)	Ritter
Bethune	Hance	Rostenkowski
Breaux	Hansen (ID)	Shelby
Burton (IN)	Harrison	Simon
Clay	Hubbard	Smith, Denny
Coleman (MO)	Hutto	Snyder
Coyne	Johnson	Solarz
Crockett	Kaptur	Stangeland
Dingell	Kolter	Tallon
Donnelly	Leland	Taylor
Dowdy	Loeffler	Towns
Fazio	Martin (NY)	Whittaker
Ferraro	Moody	Williams (OH)
Ford (MI)	Murphy	Young (FL)
Frenzel	Oxley	

□ 1220

Mr. McCANDLESS changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

31-059 O-87-23 (Pt. 9)

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

REQUEST TO ADDRESS HOUSE FOR 1 MINUTE AND TO REVISE AND EXTEND REMARKS

Mr. SKELTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, I have discussed with the gentleman from Missouri the unanimous-consent request which is usually made at this time to address the House for 1 minute and to revise and extend his remarks. The gentleman understands that he has just asked for unanimous consent to address the House for 1 minute.

I am compelled to object to any unanimous-consent request to revise and extend. I have informed the gentleman so that he would understand.

The SPEAKER. The Chair hears an objection. There will be no 1-minute speeches.

THE REVEREND JOEL T. SCHMALZ

Mr. SKELTON. Mr. Speaker, I am honored that the Reverend Joel T. Schmalz is here today to serve as our guest chaplain. It is a special honor for me as Reverend Schmalz is the senior pastor of the Trinity Lutheran Church in my home district of Jefferson City, MO, which is located, as you know, in the Fourth Congressional District.

Reverend Schmalz is highly regarded in his community. He is a leader in both the church and in civic affairs in the Jefferson City area.

Pastor Schmalz is a gentleman who was born in Jefferson City; however as a young boy he moved to the State of Minnesota. He attended Concordia Seminary in Springfield, IL, and later did graduate work at Luther Seminary in St. Paul, MN.

Mr. Speaker, we are truly fortunate to have Reverend Schmalz here to begin our day with us with his prayer. I am glad that he decided to travel from Missouri to be with us and I know that we all thank him for the courtesy of joining us today.

PRIVILEGES OF THE HOUSE

Mr. GINGRICH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. GINGRICH. Mr. Speaker, yesterday in my absence the Speaker made certain allegations which are inaccurate and which require correction. I seek the time to make the statement of correction.

The SPEAKER. Based upon all the circumstances, the Chair recognizes the gentleman for 1 hour.

The gentleman from Missouri will be seated. The House will be in order. Members will take their seats.

The Chair wants to listen with keen interest to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, if I might under the rules of the House, I should like to extend to the gentleman from Missouri a moment to introduce his very fine chaplain, whom we are all very honored to have here, and unless there is an objection, before I say anything on my part, I would like to yield to the very distinguished gentleman from Missouri (Mr. SKELTON).

The SPEAKER. Does the gentleman mean that the remarks of the gentleman from Missouri (Mr. SKELTON) will be before the remarks of the gentleman from Georgia?

Mr. GINGRICH. Mr. Speaker, I think it would be totally agreeable, if it is agreeable to the House, for Mr. SKELTON's remarks to come first prior to my statement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PRIVILEGES OF THE HOUSE

Mr. GINGRICH. I thank the Speaker for recognizing me and for allocating this time.

The Speaker yesterday, as recorded on pages 12042 and 12043 of today's CONGRESSIONAL RECORD made a series of statements which I think require an answer and, while he did not specifically mention me by name, it is fairly difficult in the context in which he described it not to conclude unequivocally that I was the Member he was referring to.

I fear that the very distinguished gentleman from Massachusetts may have been misinformed, or uninformed, and so I would like to lay out a record if I might.

First of all, on a minor item he said, and I quote:

> Even if a Democrat asks a week in advance, even if there is something coming along special that he wants to talk about, he has to wait until those three gentlemen get out of the way.

It is true that in a House which the Democratic leadership controls the schedule of and in a House in which the Democratic leadership controls the calendar and in which as a tradition we have always started with 1-minute on the Democratic side, that it has been the Republican prerogative traditionally to do special orders. It is true that some of us have systematically, following a lead which last week the Washington Post ascribed originally to the very distinguished deputy whip, Mr. ALEXANDER of Arkansas, on the Democratic side, that we have worked to use the television system; however, I would suggest to the Speaker that there are several occasions when, if he will check in recent weeks with his own Members, he will discover that as often as possible we have always allowed Democrats to go first on those occasions where they have modest requests and where they simply want to put something in the RECORD.

We recognize that we are imposing on the House in a systematic manner and, therefore, we want, in the interests of comity, to always yield if it is at all possible and to allow our colleagues to go first whenever possible.

Second, it is true, as the Speaker said, that we have entered in the RECORD two-thirds of an article, the last third of which it is my intention to presently enter into the RECORD; that article is a serious historical study. It is an effort to say that over a period of time certain things were said and certain things happened and it is a question of the wisdom and of the approach to foreign policy on the part of some people in this body.

At the time we began to enter it into the RECORD, we sent a letter on May 8 to every single Member mentioned and we said as follows:

> DEAR COLLEAGUE: Tonight during special order time we will be reading a Republican Study Committee document into the Congressional Record entitled "What is the Matter with Democratic Foreign Policy?" written by Frank Gregorsky. Because you are specifically mentioned in the document, we would like to invite you to share our special orders on Wednesday and Thursday to discuss the Republican Study Committee study. The basic theme of the study is that today's national Democrats have a pessimistic, defeatist and skeptical view toward America's role in the world. This world view could fairly be called radical, because it violates every U.S. tradition since Truman's time and ignores basic lessons about how the world works. We look forward to discussing this important study with your later this week.
>
> Sincerely,
>
> NEWT GINGRICH.
> BOB WALKER.
> VIN WEBER.

Now, we specifically were asserting two things here. One is that it is our intention, and I make no apologies for it, to put the entire document in the RECORD, to read it aloud, to have the entire document in without debate.

Second, to systematically orchestrate and organize with our colleagues on the left an opportunity to debate whether or not that is an accurate

document, whether or not it is in context.

Let me say unequivocally that the precedent we established, which was established with the very distinguished gentleman from New York (Mr. SOLARZ), when the parliamentarian, according to Mr. SOLARZ, said to him that the first time in the history of the House we had organized a debate about 3 weeks ago, talking about what has been called the "Dear Commandante letter," it was a solid debate. Time was shared equally. The gentleman from New York, as always, was a very able spokesman for his side.

□ 1230

And therefore, we thought we were establishing a pattern by which having placed a coherent document in the RECORD, a document which is a serious document, that at that time we could debate.

I might notice, by the way, that the first date that we talked about this, this House was adjourned precipitously prior to hearing any kind of requests, and therefore, our letter could not be responded to. But I want to assert unequivocally that a letter was sent to every single Member who is mentioned in the document, that it is our intention still today at the convenience of those gentlemen and ladies who are interested in debating it to debate that document, that we recognize that it is going to be a very controversial document and that it is worthy of our taking on.

Mr. DOWNEY of New York. Will the gentleman yield?

Mr. GINGRICH. I will be delighted to yield.

Mr. DOWNEY of New York. Can you tell us the date that you sent the letter to our offices? I have just received—I just called my office and they have no indication that we have received a letter.

Mr. GINGRICH. We checked with the House Post Office and we were told it would be delivered to your office that day before the special order.

Mr. DOWNEY of New York. What day was that?

Mr. GINGRICH. Tuesday, the 8th, I believe.

Mr. DOWNEY of New York. Tuesday, the 8th of this month?

Mr. GINGRICH. We were going to have them hand-delivered by page, and we were assured by the post office that they would get to every office.

Mr. DOWNEY of New York. I would inform the gentleman that on preliminary inquiry to my office we have not received the letter.

Mr. GINGRICH. We sent the letter, we all three signed it and it was sent, and we did inquire of the House Post Office whether or not it would be more appropriate to deliver it by page or by mail.

Mr. RANGEL. Will the gentleman yield?

Mr. GINGRICH. I will be delighted to yield.

Mr. RANGEL. I have a great deal of difficulty on invitations being received late in my office, and I took the liberty of calling the Postmaster last Thursday, and Mr. Rota apologized, but said that he had sent the letter to each and every Member indicating that because of the vast amount of mail that he had been receiving that he needed additional personnel, and that the mail was running 4 to 5 days behind.

I had not seen that letter and I asked my staff whether they had received a copy from the Postmaster, and as a result of my inquiry they produced a letter. So it is rather strange that the Postmaster would tell you that you should deliver mail to him and we would get it when he just told me Thursday that he could not promise me that I could get my mail any earlier than 4 or 5 days, and suggested that if I had any important papers, which I did, coming to Washington, that I should send it by the express service.

Mr. GINGRICH. Let me say to the gentleman all I can report is that my staff inquired, because we were prepared to hand deliver it, and they said since it was Member to Member mail——

Mr. RANGEL. The reason I wanted to have this exchange with you is that I personally had this exchange with the Postmaster, and if what you are telling us is that your staff reported that the best way to get mail to a Member was through the Postmaster, I just would want to share with you that the Postmaster indicated the contrary.

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. Delighted to yield.

Mr. WALKER. It is my understanding that the gentleman from New York is precisely correct with regard to mail that is coming in from the outside or going out, that there is a problem.

It is also my understanding that we have been told that the inside mail is not being handled in that same manner, and so that resolves I think the problem.

I thank the gentleman.

Mr. GINGRICH. If I might continue for just a moment and then I will be glad to yield, let me just say, because I think there is a more serious issue here I want to get to, that in any event we were in fact attempting to inform the Members, and if the Members would look, for example, at the CONGRESSIONAL RECORD on May 4 on a colloquy which involved the gentleman from Oregon (Mr. WEAVER) and the gentleman from Pennsylvania (Mr. WALKER) and myself, on that particular day we had been informed by staff that there was a document in the Speaker's lobby which could I think legitimately be characterized as propaganda for the Nicaraguan Government. And I consciously, and if you read the text of this colloquy, I consciously avoided naming any Member, although we had every reason to believe we knew who put it there, until finally forced by Mr. WEAVER, at which point the gentleman from Pennsylvania checked with the staff and reported what the staff told him. But in fact precisely the opposite of what the Speaker said yesterday, we have not attempted to embarrass or engage Members except in a context where we are inviting them to come to the floor and defend their position.

Now let me continue if I might to one other point and then I will be glad, I believe we will have the time, and I am certain if we were to run out of the time the distinguished——

Mr. WRIGHT. I want the gentleman to yield, if he will, at that point.

Mr. GINGRICH. I will.

Mr. WRIGHT. Did I understand the gentleman to characterize a letter that was signed by some of the Members of the U.S. House of Representatives as a propaganda document?

Mr. GINGRICH. No.

Mr. WRIGHT. For the Communist government, is that what the gentleman said?

Mr. GINGRICH. No.

Mr. WRIGHT. It sounded as though that was what he was saying.

Mr. GINGRICH. I am not quite certain I understand the gentleman from Texas.

Mr. WRIGHT. I am not certain I understand the gentleman from Georgia. But I want to make it abundantly clear that we do understand what we are talking about. When we begin impugning one another's patriotism, then we cross a bar which should not be crossed.

The gentleman has written letters and made speeches, written letters to newspapers throughout the country impugning the acts of Members of this Congress which should not have been undertaken in a civil procedure. This House has always assumed the sincerity of one another whether we agree or not.

One of the great things about democracy is that it assumes our ability to disagree without being disagreeable.

But you know, we have gone through periods in our history——

Mr. GINGRICH. If I may reclaim my time——

Mr. WRIGHT. The gentleman surely may reclaim his time but I would like to have an answer.

Mr. GINGRICH. I want to give you an answer.

Mr. WRIGHT. The gentleman has written some speeches for newspapers.

I thought the gentleman said that he was willing to engage in debate. Now he is willing to engage in debate when the Members are not here whose patriotism he impugns, but he is not willing to engage in debate when we are here. Now that is the question, and the gentleman has raised a question of patriotism.

The SPEAKER pro tempore (Mr. MOAKLEY). The gentleman declines to yield any further.

Mr. GINGRICH. Reclaiming my time for a moment, I will tender to the very distinguished majority leader the simple proposition that I will yield you as much time as you desire if in return you will insure me that this dialog will continue until I am finished. But if your side is determined to yield me only 1 hour, which is the correct rule of the House, for you to turn around and control the calendar as you do, and impugn my willingness to debate has certainly not been our past relationship.

Mr. WRIGHT. If the gentleman would yield on that point?

Mr. GINGRICH. I will yield.

Mr. WRIGHT. I should like to make note of the fact that in the past 30 days the gentleman from Georgia has asked for 27 hours. Now if that is not enough time, I do not know how much time the gentleman needs.

I have asked him to yield for a colloquy so that I might understand exactly what it is that he was accusing Members of this House of having done.

Mr. GINGRICH. I will now answer you. I will now answer you.

Mr. WRIGHT. Very good. That was what I was hopeful of.

Mr. GINGRICH. I am frankly surprised that the very distinguished gentleman from Texas should raise the letter as a possible example of Communist propaganda.

I was referring, and if you will check the CONGRESSIONAL RECORD of May 3, to a very specific document which is referred to I believe by the bishops in their Easter statement as a deliberate effort by the Nicaraguan Government to propagandize using the women of Nicaragua. I was referring to a very specific Nicaraguan document which is covered on pages, I believe it is 10989 through 10998. And I am frankly—I was stunned. I listened carefully to the gentleman from Texas because I was stunned that he would consider anyone who imagined his very legitimate letter, which I disagree with and question the wisdom of, as though it were Communist propaganda.

Mr. WRIGHT. If the gentleman would yield further, I appreciate that elucidation, and I think perhaps the gentleman might understand my misunderstanding his intent, given the fact that he has repeatedly cast aspersions upon the good faith of Members of this House in his repeated 1-hour speeches.

Now, we have not interrupted the gentleman, we have not bothered him, we have allowed him to say whatever he wanted to say. None of us have engaged him in dialog.

But the gentleman just seems intent on repetitiously questioning the good will, and the good faith, and the patriotism of his colleagues.

□ 1240

Mr. GINGRICH. Let me reclaim.

You just made a very serious assertion, which is paralleled by what the Speaker said yesterday, and frankly very helpful, because you lead me precisely into the assertion that I think is the most devastating and which compelled me to rise.

The Speaker said, and I quote: "Giving the thought and the idea that Members of Congress were un-American". The Speaker, I think, raises a question which goes to the very heart of this system and a system which the gentleman from Texas very eloquently described.

Let me make my position very, very clear to the distinguished gentleman from Texas. Whether—we are talking about two different issues here for those Members who have not been engaged. One issue is the letter to Commandante Ortega which I have raised very serious questions about, which appeared as late as yesterday's Washington Post, which I addressed an American Bar Association standing committee on last week and which I think legitimately, as a matter of constitutional law and process deserves to be debated in its own right.

The second is a document written by Frank Gregorsky, which is a Republican study committee study that looks back at the record of 14 years of some Members of this body, projecting what would happen in foreign policy and then what happened in reality.

Now let me be just as blunt and straightforward as I can, because I think this is where the Speaker was totally unfair yesterday and what we are seeing comes all too close to resembling a McCarthyism of the left. We believe it is legitimate in the system of this House to raise two sets of questions; first about the "Dear Commandante" letter.

Is it truly appropriate for Members of this body to write a foreign dictator in a period when the United States is in conflict with the Government and to send that letter saying what that letter said? I happen to think if you read the Logan Act and I would suggest to you there are not many Members who went back and read the debate in 1799. I have.

There is no question but that the Founding Fathers felt strongly that members of the legislative branch should not be involved. That is a structural question; it is not——

Mr. WRIGHT. Would the gentleman yield for a question?

Mr. GINGRICH. Let me finish, and I will yield in just a second.

Mr. WRIGHT. Is the gentleman implying that Members of the Congress—is the gentleman implying that——

Mr. GINGRICH. I do not yield yet.

Mr. WRIGHT. That they have broken the law? Is that what the gentleman is saying?

Mr. GINGRICH. I reclaim my time. Let me continue for a second and then I will yield, but let me focus first on the "Dear Comandante" letter.

There are legitimate structural questions which if you read, for example, the American Law Division's two passages studying the Logan Act, if you go back and read the original debate in 1799, those are legitimate questions; whether or not in fact, not because they are bad people, not because they do not mean well, but in the effect of their action, the gentleman who signed that letter made a serious mistake and a mistake of long-term consequence.

I think that is a legitimate question to raise, it is a question worth debating in its own right.

The second point I raised, which is largely contained in the Gregorsky paper, is the issue when you look at statements of gentlemen in this body, statements about South Vietnam, about Laos, about Cambodia, about Angola, about Afghanistan, about Ethiopia, about Grenada, about Nicaragua, and now about El Salvador, and you see a consistent, what some of us would regard as inaccurate, judgment; not I say to you, and I say this as strongly as I can, not a question of their patriotism, not a question of their good intentions, not a question of their decency.

Mr. WRIGHT. If the gentleman would yield.

Mr. GINGRICH. I will not yield yet.

It is a question of their judgment, a question of the historical record, a question of what they said and what happened in reality.

Now I think those are very serious charges, not as the Speaker would characterize them of charging anyone as being un-American. It is perfectly American to be wrong, it is to have bad judgment; it is perfectly legitimate for people to believe in a philosophy which does not work, I am not in any sense and I resent bitterly the idea that, starting with the gentleman from Wisconsin the night I put this in the RECORD who got up promptly and used the terms, referring to the Senator from Wisconsin, is it wrong for those of us who were 9 or 10 at that time, to ask the question what has happened in the intervening 30 years?

Is it wrong for those of us who have grown up as historians who believe in looking at history to raise questions of history?

Is it wrong for us to go back and do the research and lay it out?

Mr. O'NEILL. Will the gentleman yield.

Mr. GINGRICH. I am always delighted to yield to our distinguished Speaker.

Mr. O'NEILL. Very interesting the way the gentleman talks, as an apologist for the remarks that he made the other day. Let us look at the truth of the thing. Let us look at the truth.

Mr. GINGRICH. I reclaim my time for 1 minute.

Mr. O'NEILL. I want to know why you went back to 1970 and 1971.

Mr. GINGRICH. I reclaim my time, Mr. Speaker, just to make the point.

Mr. O'NEILL. I thought you said you would give to the Speaker the courtesy.

Mr. GINGRICH. I reclaim my time to simply make the point that I am not in any sense apologizing. Had the Speaker been here for this whole dialog, you would understand; I am explaining, I am putting in context. I am not apologizing. He used the term——

Mr. O'NEILL. Would the gentleman yield for just a question?

Mr. GINGRICH. I now yield.

Mr. O'NEILL. The gentleman yields.

As Speaker of the House, I was notified personally, every Member of this House was notified on May 8 by the Postmaster that they were delaying 4 and 5 days, that is No. 1. Were you not informed at that particular time that you were delayed 4 or 5 days that the mail was not coming through because of the tremendous amount of mail?

Mr. GINGRICH. The Speaker was apparently not on the floor a few moments ago when I explained specifically that my staff had asked the Postmaster if a Member-to-Member letter could be delivered internally that day, or if it were better to deliver it by page? And we were assured it was appropriate to deliver it by mail. It would be appropriate.

Mr. O'NEILL. Is not it amazing to you that a staff member would receive one answer and the Members of Congress received another? Particularly a Member?

Mr. GINGRICH. Let me make a point, and then I will yield to my friend from California.

My point to the Speaker is, as you pointed out again to us yesterday, you are in charge of this House. If you are saying to me that your postmaster is incapable of delivering from one Member to another the mail in the system you run, then I think you may want to appoint a commission to look into the Post Office; that is not my job as a single Member.

Mr. THOMAS of California. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. THOMAS of California. I thank the gentleman from Georgia for yielding.

Surely the Speaker is not unaware of what goes on in the committees of this House. And that the chairman of the House Administration or the subcommittee chairman have not informed the Speaker that we have already in the Committee on House Administration voted to have additional staff to deal with the backlog——

Mr. O'NEILL. Now, listen; we are just getting away from the issue.

Mr. THOMAS of California. May I reclaim my time.

Mr. O'NEILL. We are getting away from the issue. The issue comes down to one thing.

Mr. THOMAS of California. Regular order.

The SPEAKER pro tempore. The gentleman from Georgia controls the time.

Mr. O'NEILL. I would like to have a dialog on what happened. You are making accusations——

Mr. THOMAS of California. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. O'NEILL. You are making accusations that I——

Mr. THOMAS of California. Regular order, Mr. Speaker.

Mr. O'NEILL. Will the gentleman yield?

Mr. GINGRICH. In just one moment, Mr. Speaker.

I yield to the gentleman from California, and then I yield to the distinguished Speaker.

Mr. THOMAS of California. I thank the gentleman from Georgia for yielding. And we have already in committee begun to make amends for the backlog which involves outside mail coming into Members and Members mail going to the outside.

I think there can be no question, if the Speaker would inform himself in terms of decisions that have already been made in committees chaired by his party, that the internal mail question was not at issue. It was the external, coming from Members and to Members, that was at issue. And therefore any discussion about the Postmaster's position on internal mail is simply an informed one.

I thank the gentleman for yielding.

Mr. GINGRICH. OK. I would be delighted to yield to our distinguished Speaker, if he wishes to continue this, Mr. Speaker.

Mr. O'NEILL. You yield to me.

I just want to say this.

Mr. GINGRICH. Please use the mike.

Mr. O'NEILL. There is no question in my mind that the arguments and statements that I said on this floor came to me by complaint of the Members.

First, that they had not been notified. I do not believe that they were notified. I believe that truly, that they did not get the mail in their office, No. 1.

No. 2, the sense of your letter here: "I am inviting you to hear a dialog on my perception of what American policy and foreign affairs should be. I am going to go back," you did not tell them you were going to go back to 1970 to get clips, 1972 in the instance of Mr. EDWARD BOLAND, the gentleman whom I have the greatest respect for; chairman of our Intelligence Committee. And you were going to ask him a question as to their policy and how they felt about the Vietnam war and the question of "Did you beat your wife lately?" "I want you to come in and answer the questions of the philosophy that you had then."

You talk about Angola, you did not—you do not talk about Angola, how during the Eisenhower administration we were for the very, very people that later on the Nixon people were opposed to. Change in strategy. You do not say anything about things of that nature. Very interesting.

My personal opinion is this: You deliberately stood in that well before an empty House and challenged these people, and you challenged their Americanism, and it is the lowest thing that I have ever seen in my 32 years in Congress.

□ 1250

Mr. GINGRICH. Mr. Speaker, if I may reclaim my time, let me say first of all that——

Mr. LOTT. Mr. Speaker, I demand that the Speaker's words be taken down.

The SPEAKER pro tempore. Words will be taken down.

The Clerk will report the words.

The Clerk read as follows:

My personal opinion is this: you deliberately stood in that well before an empty House and challenged these people and you challenged their Americanism and it is the lowest thing that I have ever seen in my 32 years in Congress.

Mr. LOTT. Mr. Speaker, has the Chair ruled?

The SPEAKER pro tempore. The Chair has not ruled.

Mr. LOTT. If the Chair would rule, I have a request that I would like to make.

The SPEAKER pro tempore. The Chair feels that that type of characterization should not be used in debate.

Mr. LOTT. Mr. Speaker, I ask unanimous consent at this point that the Speaker be allowed to continue in order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, will the gentleman from Mississippi indicate to me the intent and purpose of that unanimous-consent request.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker's words have been taken down. The Chair has ruled that they were not in proper order or conduct on this floor.

And based on that I now ask that the Speaker be allowed to continue in order so that we can continue this debate and so that the Speaker can more properly state his position.

Mr. THOMAS of California. And that requires unanimous consent?

Mr. LOTT. I am asking for that unanimous consent. Our point has been made. I think that we want to change the tenor of this debate and we should now proceed on a higher plane with this debate.

Mr. THOMAS of California. Mr. Speaker, I shall not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. GINGRICH. If I may reclaim my time for a moment, Mr. Speaker, let me read to this body part of what was put in that night so that you can understand why I am so sensitive and why I am so upset by some of the allegations our friends on the left have made.

And I quote, and this is in the RECORD. This is on page 11426 on May 8:

> The necessary question still gets lost in the rehetorical mud. It's a question national Democrats could answer convincingly in 1955 or 1965, but can't now. That question has nothing to do with motivation or patriotism, and everything to do with results and reality. Conservatives, Republicans and traditional Democrats ought to ask it the right way:
>
> Can the Democrats manage U.S. foreign affairs based on their view of the world? Based on the record of the recent past, will their policies work?
>
> Effectiveness and competence is the standard for judging, not motivation. Any fair-minded (or merely cautious) critic should take as a given the patriotism of any Democrat. Republicans eager to save Central America from Radical blunders must make it a point to endorse the patriotism and sincerity of every Democrat they take to task for being, objectively speaking, blind to reality.
>
> Radicalized Democrats would prefer Joe McCarthy launch every debate. Their opponents must instead make Al Smith the keynote: "Let's look at the record, my friend."
>
> Conservatives, Republicans and traditional Democrats must be instructors in reality, not evaluators of motivation.

Let me just say before I yield, if you think for just a moment of what in a moment of passion our very distinguished Speaker said a few moments ago, you think of what in a moment of passion the other night our distinguished colleague from Wisconsin said.

In many ways it is my patriotism being impugned. I am as sincerely committed to the survival of this country, Mr. Speaker, as you are. I am as sincerely committed as Mr. WRIGHT.

Mr. O'NEILL. I am not questioning the gentleman's patriotism, I am questioning his judgment. I also question the judgment of the Chair.

I was expressing my opinion. As a matter of fact, I was expressing my opinion very mildly, because I think much worse than what I said.

□ 1300

Mr. WEBER. I thank my colleague for yielding.

And as long as the Speaker is on the floor, I would like to ask the Speaker to respond to a question. We are spending a lot of time here discussing very emotionally charged words. I have a strong bias in favor of the position of the gentleman from Georgia, but I would ask the Speaker a question——

Mr. O'NEILL. Will the gentleman yield?

Mr. WEBER. If I can conclude my question. The point is, the Speaker has accused——

Mr. O'NEILL. I do not mind anybody expressing their opinion if there are Members on the floor.

Mr. THOMAS of California. Mr. Speaker, regular order.

Mr. O'NEILL. The gentleman, Mr. WEAVER, could identify him, and the gentleman, Mr. WALKER, if they would express their opinion to the Members on the floor, we would be fine.

PARLIAMENTARY INQUIRY

Mr. WEBER. A point of parliamentary inquiry.

Do the rules of this body apply to the Speaker of the House? That is a serious parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Georgia yield for a parliamentary inquiry?

Mr. GINGRICH. I yield for a parliamentary inquiry.

Mr. WEBER. My parliamentary inquiry, Mr. Speaker, is: Do the rules of the House apply to the Speaker of the House?

The SPEAKER pro tempore. The rules of the House apply to all Members of the House.

Mr. WEBER. Including the Speaker of the House?

The SPEAKER pro tempore. All Members of the House.

Mr. WEBER. I thank the gentleman for answering my parliamentary inquiry.

Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

My question of the Speaker is, since the Speaker has on several occasions accused the gentleman from Georgia, as well as others of us implicity of impugning the patriotism of Members on this aisle, and accusing them of un-American activity, I think we minimally have a right to know the specific statements to which the Speaker is referring.

Mr. OBEY. Would the gentleman yield on that point for an answer?

Mr. WEBER. Would the Speaker be willing to tell us specifically which statements he was referring to when he accused the gentleman from Georgia of calling Members on his side of the aisle un-American?

Mr. OBEY. Will the gentleman yield on that point for an answer?

Mr. GINGRICH. I have the time.

Mr. O'NEILL. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. I would yield to Mr. OBEY.

Mr. GINGRICH. You do not have the right to yield, Mr. Speaker. I yielded to you.

Mr. OBEY. Will the gentleman yield to me to answer that question?

The SPEAKER pro tempore. The gentleman from Georgia has yielded to the gentleman from Massachusetts.

Mr. GINGRICH. I would be glad to hear from the gentleman from Massachusetts. It is his statement in the RECORD yesterday, his statement on the floor, which led me to rise to a point of personal privilege.

Mr. WRIGHT. I wonder if the gentleman would yield to me so that I might respond to that question.

Mr. WEBER. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. The point is, the special orders taken out on this subject, although they were involving primarily the gentleman from Georgia, also included my name, the name of the gentleman from Pennsylvania. I consider it a very high form of criticism when I am accused of impugning the patriotism of another Member. That criticism did not come from the gentleman from Wisconsin or the gentleman from Texas. It came from the Speaker of the House. And I would like the Speaker, not the gentleman from Texas, not the gentleman from Wisconsin, but the Speaker to tell us exactly what he was referring to.

I thank the gentleman for yielding.

Mr. DELLUMS. Will the gentleman from Georgia yield to me?

Mr. GINGRICH. Not for the moment.

Let me say again, just two points, as colleagues—and I will yield to you just a moment, Mr. WRIGHT.

Let me say two things, because we get rather excited here, and this is an exciting topic.

First of all, the Speaker made the allegation earlier that I read my paper into the RECORD when the House was empty and implied that it is because I was afraid to be criticized.

Now, I think we are proving today that we are willing to rise in the House when there are a number of Members in the House, and we are willing to talk with some of the most eloquent and intelligent Members of the Democratic Party and that we are not trying to hide anything. I just wanted to make that point.

Second, we had said in our letter, and I think we are all on our side still committed, to the gentleman from Wisconsin, the gentleman from New York, the gentleman from California, if they wish to arrange a special order, that is fine. We would be delighted, at their convenience, to stand here and to debate in a way which is appropriate. But——

Mr. WRIGHT. I wonder if the gentleman would yield——

Mr. GINGRICH. In 1 second.

Mr. WRIGHT. In order that I might provide a reply to the question——

Mr. GINGRICH. In 1 second I will be glad to yield.

Mr. WRIGHT. Offered to the Speaker by the gentleman.

Mr. GINGRICH. I just want to say that the reason we are trying to focus on the Speaker is because it is the Speaker, with the full majesty and weight of his position, who yesterday made certain allegations, which at this point, at least, he has not yet answered to.

Mr. O'NEILL. Would the gentleman yield?

Mr. GINGRICH. Would you prefer I—I was going to yield to Mr. WRIGHT, but I will yield to you, Mr. Speaker.

Mr. O'NEILL. You have an audience. You do not normally have that in the 26 hours you presented this case to the public. But the interesting fact is, the whole tenor of your remarks, going back to 1970, and DAVE OBEY, and going back to 1972, taking out of context on Mr. BOLAND, you were there for one purpose and one purpose alone, in my opinion, and that was to imply that Members on this side were un-American in their activities. You stopped. You waited. Your motions.

Would you respond? You knew that there was nobody here. You knew that there was nobody here. I have asked you a question about a policy that happened 12 years ago. Do you still feel the same way? It may be wrong today. Governments change; Members of the Congress change their minds. Have you beaten your wife lately? I want you to come to the floor of the House and answer the question that I think——

Mr. GINGRICH. Mr. Speaker——

Mr. O'NEILL. No. Just a moment. That, I think is going to put you in a bad light.

You know, the interesting thing is, we are prepared, I believe, tonight during special orders—you sent the letter out. Tonight during special orders we are going to ask this—signed by three. The majority of the people did not even get it or they got it about 3 days later.

Mr. GINGRICH. Mr. Speaker——

Mr. O'NEILL. Did you do that deliberately?

Mr. GINGRICH. I reclaim my time.

Mr. O'NEILL. I do not know.

Mr. GINGRICH. I reclaim my time.

Mr. O'NEILL. I would just hate to think that a man would deliberately do what I feel that you did.

The SPEAKER pro tempore. The gentleman from Georgia reclaims his time.

Mr. GINGRICH. I reclaim my time, Mr. Speaker, because you just once again made the same points. First, your post office may or may not have delivered the mail we were assured your post office would deliver; second, I have to confess to you, Mr. Speaker, I have a bias in favor of history. I have a graduate degree in history. I think history matters. And since the gentlemen who made the history are still in this body, still voting, still speaking, I think the weight of their record matters.

Mr. LOTT. Will the gentleman yield for a question?

Mr. GINGRICH. I will be glad to yield to the distinguished gentleman from Mississippi.

Mr. LOTT. Since the whole thrust of the questioning on the other side has had to do with notice and whether Members were informed that they would be referred to, I just wonder if the gentleman on yesterday or at any point received notice that he would be referred to on the subject matter which prompted him to ask for this point of personal privilege? Did you receive any notice before or during that your name would be referred to?

Mr. GINGRICH. As the distinguished gentleman from Mississippi knows, the first indication I have that the Speaker would refer to me on the floor of the House—and I must say, Mr. Speaker, that I read with considerable interest the quote of you in this morning's paper, which said: "I have never seen anything so low to attack a man when he is not in the Hall."

Since I was not in the Hall yesterday when you talked, but——

Mr. WRIGHT. Will the gentleman yield for a somewhat serious distinction to be made?

Mr. GINGRICH. I yield to the gentleman from Texas.

Mr. WRIGHT. I do not think anybody in this House would deny to the gentleman from Georgia or any of his colleagues the right to question the wisdom or the judgment of any of us. Sometimes we disagree on the Democratic side and sometimes you disagree on the Republican side on questions of judgment.

Basically, however, whether you write a letter to someone or not, if you rise late at night, after the House's business has been concluded and everybody has gone home and nobody is here, and question that Member's patriotism or his good faith, then I think that——

Mr. GINGRICH. When has that been done, Mr. WRIGHT?

Mr. WRIGHT. That is the point that I wanted to raise. I know the gentleman does not consider the things he has written and said so harshly critical of certain Members of our Congress as questioning their patriotism and good faith, but let me just read to the gentleman, since he read something from the morning paper attributed to the Speaker, let me read from yesterday morning's newspaper, the Washington Post, an article written by Mr. GINGRICH, in which he attempts to characterize a communication signed by 10 Members of the Congress, including the chairman of the Intelligence Committee of the House, and others of us, in the following words. This is from the article written by the gentleman from Georgia, referring to a document written by Members of the Congress:

> Their letter goes on in two places to invite the Nicaraguan Communists to establish their policy with an eye to weakening conservative forces in America. In an election year this letter is a virtual teaching document to bring Third World Soviet colonies into the process of manipulating American politics and politicians.

Now, it seems to me that that is a harsh statement and one which borders upon, if it does not invade, the well placed injunction against questioning one another's patriotism or one another's loyalty.

Mr. GINGRICH. If I may reclaim my time for a second, Mr. WRIGHT.

Mr. WRIGHT. The letter——

□ 1310

Mr. GINGRICH. Let me reclaim my time. I will yield again but let me reclaim my time for a second so I can answer your specific allegation.

Mr. WRIGHT. I want to make plain that what the gentleman said was not true.

Mr. GINGRICH. Let me simply say to the very distinguished gentleman from Texas that, having read the Logan Act debates, having read all the legal documents produced by the Library of Congress on this topic, having talked with two of the leading experts in this country, having addressed the American Bar Association's standing committees on national security law and on executive-legislative branch relations on this very topic, I think that the gentleman from Texas, rather

than attacking me for having raised this issue, should be suggesting that the House form a special task force to look at this very serious question not in any sense—and let me make this very clear: I am fairly certain I know how that letter came to be signed. I am fairly certain the 10 gentlemen who signed it signed it with the best of intentions.

If you will read the January 1799 debate, you will discover that the Founding Fathers talk about precisely that kind of case and they say even if your intentions are of the best, you should not do it because it violates the Constitution. I would simply suggest if the gentleman from Texas would look at the context, as a historian, of what I am trying to say, he will probably join me in being very concerned and hoping those letters are not signed.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will yield to the gentleman from California.

Mr. LUNGREN. The letter that you referred to that you wrote to your colleagues mentioned that you invited them to share your special order on Wednesday. I know the gentleman was here prepared to do that, but could the gentleman inform this body as to why there was no opportunity at that time for a sharing of ideas on that subject, since you had offered that opportunity to other Members?

Mr. GINGRICH. My understanding, and I was on this side of the aisle, of course, talking that evening, and we had had a very lively debate following the President's El Salvador speech, and it is my understanding that although we cannot find this on the video tape, but apparently the very distinguished gentleman from Wisconsin moved we adjourn without going to a microphone, and rather promptly we adjourned prior to asking for leaves of absence, or asking for special orders, or asking for unanimous-consent requests. It all happened with great speed, and in looking at the video tape, it is rather obvious that it is a far different—now, I have not seen the video tape, so this is hearsay—but gentlemen in the body have seen the video tape and can tell you it is a far different adjournment than one we normally have.

I was disappointed because, frankly, we were prepared that night, we were very prepared that night, to have a dialog with any gentleman who wished to participate in the dialog. I think we have not been at all shy, and I think as I said earlier the gentleman from New York (Mr. SOLARZ) would report that we have shared the time equitably during the special orders.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. Let me yield for a moment to the gentleman from Minnesota, and then I will come back to the Democratic side.

Mr. WEBER. I thank the gentleman for yielding.

Despite the fact that I raised this point before, I am going to raise it again. We are debating two, at least two, very serious questions.

First of all, the Gregorsky paper that was submitted into the RECORD is, in our judgment, a penetrating analysis of American foreign policy. Admittedly, it was not very critical of the Democratic side, but nonetheless, an analysis of judgments, not of motivations.

In response to that, the Speaker and other Members on the other side, but specifically the Speaker, have said that our allegations are not a penetrating analysis of foreign policy, but are impugning the patriotism of Members on that side of the aisle.

If we are to make an informed distinction between what is really policy analysis and what actually questions the patriotism or Americanism of Members on either side of the aisle, we need to know exactly which statements the Speaker was referring to. Which statements is it that were out of bounds? What should we not say? Inform us of those statements that impugn the integrity and the patriotism of Members on your side of the aisle.

Mr. OBEY. If the gentleman would like an answer, would he yield to me?

Mr. GINGRICH. I believe the question was directed at the Speaker, but I would be willing very much so to yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

This gentleman would like to give you a couple indications of where I believe that integrity was impugned, and this gentleman felt so strongly about it that I even went to one of your colleagues on the other side of the aisle and asked the gentleman to independently review the words to determine whether my assertion was correct, because I thought the gentleman from Georgia was attributing literally treason to this gentleman.

One, the gentleman did sent a letter to this gentleman saying that you would have a special order on the floor and that in the course of those remarks my name would be dealt with in conjunction with Grenada. I was not able to be here. I was out of town. I dictated a letter over the phone, had it sent to the gentleman 24 hours prior to the time that the gentleman had his special order on the floor.

The gentleman, the course of his remarks, did not even allude to the fact that I had respected his communication and communicated back and laid out as articulately and as honestly as I could what the situation was.

I talked with you. I said to the gentleman from Georgia I felt that it was inappropriate that you did not indicate on the floor that I had received the substance of the letter.

Second, in the course of your remarks, you made the following statement, and I paraphrase. You said that the gentleman from California appears to be more involved in serving the Government of Grenada than his constituency in the Eighth District in California.

I said to the gentleman that in the vernacular I felt that at best that was a cheap shot. And the gentleman said to me, "I agree with you." I said to you that I felt it was also a cheap shot that the gentleman did not even see fit to read into the RECORD the response to the gentleman's assertions that he made.

A final comment, on Thursday, this past Thursday, the gentleman and I had a colloquy together. I indicated my emotion, and my anger, and my frustration at the tactic of the gentleman, but I said, "Let us continue to try to communicate with each other." You and I shook hands on that.

I took a plane out Thursday night to return to the reality that on Thursday, after this gentleman left, after the gentleman from Georgia and I had a good-faith, gentleman's understanding, the gentleman went into the well and said that this gentleman placed Communist propaganda—Communist propaganda—in the lobby. And I want my colleagues to recall, I gave a 1-minute speech on this floor saying that we had received a list of 2,000 names of Nicaraguan mothers who had lost people in their families during the American support of the American CIA-supported Contras in Nicaragua. This was not, in this gentleman's estimation, Communist propaganda, but an effort to try to bring my colleagues to the realization that what we are doing here results in the death of human beings. It had nothing to do with Communist propaganda.

I have served my country well and I find that it is very difficult for me to accept the gentleman challenging my citizenship and my patriotism.

Mr. GINGRICH. Let me reclaim my time. Let me be very clear. Let me respond for a moment.

Mr. DELLUMS. I am not hassling. I am here to be with you. I have said that before.

Mr. GINGRICH. All right. The gentleman once again, though, picked up on the same pattern. I in no way challenge your citizenship. Let me walk through the cases so that this body can decide for themselves because it is a very important charge.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to the gentleman from Illinois.

Mr. HYDE. I think what is going on here is interesting, but we should be

very careful to understand that if a Member of this House may not criticize the consequences of certain activities and remarks made by some people without having to run the gauntlet of being accused of criticizing the motives and the intentions behind which those actions and statements were made, it will be virtually impossible ever to criticize statements and activities of people who are on the far left as against the far right, and criticism and debate will be stultified.

The distinction between un-American, unpatriotic, is there and it is clear, but the criticism of activities which have certain consequences is legitimate. I think the gentlemen on the other side are failing to make that distinction and, therefore, unfairly they are setting up strawmen. They are saying, "You have questioned my patriotism, my loyalty, my Americanism," when it seems to me clear that what has been questioned are the consequences of what you have done from a certain perspective.

Without making that distinction, you are putting a gag over the mouths of those of us who do feel that what is said——

Mr. OBEY. Will the gentleman allow me to make that distinction?

Mr. GINGRICH. Let me first of all respond to the gentleman from California, who has raised legitimate—and he and I have had dialog on this. Let me tell you briefly my version because I think he raises important points, but he also, I think, disproves one of the Speaker's allegations because, in fact, I wrote the gentleman from California.

Mr. DELLUMS. That is true.

Mr. GINGRICH. In plenty of time. I told you at the time, and it may have slipped you, that I specifically did not include your letter in the dialog because you were not here on the floor. I said to you at the time, and I repeat the offer, that at a point when you and I are both available, I think we should have a dialog on Grenada.

Now, to those gentlemen who so cheerfully clapped, let me walk through the case for you to consider, and you need to know this also because I consider you a good and decent friend, although we disagree about ideology.

Mr. DELLUMS. Thank you.

□ 1320

Mr. GINGRICH. First of all, if you read the RECORD, on the date we talked about the document which you had placed in, you will notice, when you read the dialog, I consciously avoided mentioning anyone. I knew you were not here. I did not say anything until Mr. WEAVER on your side of the aisle raises the issue over and over again and makes fun of me, and finally Mr. WALKER checked with the staff. But I consciously avoided naming you because I did not think it was appropriate, given our conversation.

Mr. DELLUMS. I appreciate that.

Mr. GINGRICH. Second, for those of you who think this is all a light game, in all due respect to Mr. DELLUMS, who I think is a very elegant and a very constant advocate of his beliefs, you need to read the documents of the Grenadian Government, because they raise fundamental questions.

This is not an easy or a light thing. And I know full well, Mr. Speaker, what I am doing in this body, and I do not do it any more lightly than you do.

I am not questioning in any sense Mr. DELLUMS' patriotism. He is a good and decent man who believes deeply in the dream for America that he has. But I raise as a long-term question for the survival of freedom the kind of behaviors that are legitimate for Members of the House and whether or not, when you read the documents, you also will share my concern. I think that is a legitimate question.

So on the third points Mr. DELLUMS raises: First, I did write him, contrary to what the Speaker has been asserting; second, I apologize if in your judgment I should have put that letter in the RECORD, I thought it was more protective of you to wait until you could be here physically on the floor; third, I consciously avoided using your name and would not have done so until it was brought to the floor by a Member of your party who insisted over and over again.

So I share with you your concern that we keep this dialog at an intense and passionate but legitimate level.

PARLIAMENTARY INQUIRY

Mr. WEBER. Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WEBER. Could the Chair inform the body how much time is remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 12 minutes remaining.

Mr. WEBER. I thank the Chair.

Mr. OBEY. Mr. Speaker, since the gentleman asked for specific examples, would he yield so I might cite some?

Mr. GINGRICH. Let me yield first to the gentleman from New York (Mr. DOWNEY).

Mr. OBEY. You know I have them. That is why you will not yield.

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. GINGRICH. I yield to the gentleman from New York, and then I will yield to the gentleman from Wisconsin.

Mr. DOWNEY of New York. Mr. Speaker, I thank the gentleman for yielding.

The gentleman has raised some important points here, and I want to deal with the question of basic fairness because the gentleman and I have disagreed. We have disagreed publicly, and I have a cordial and working relationship with the other two signatories to the letter of May 8. My name, along with that of the junior Senator from Connecticut, is mentioned predominantly in the Gregorsky article, and I want to ask you if you think it is fair—first of all, my office has no record of having received this letter—if you think it was fair that the same day that you are to release a document you send late in the afternoon a letter to Members of Congress asking them to respond to questions that have been researched for probably several months.

Why would you not have offered the letter of May 8 and said, "Look, on the 11th, or the 12th, or a week later I intend to bring this matter up, and we will give you a week's notice to come to the floor. Here are some of the things that are going to be said."

It seems to me that a matter of basic fairness here have been violated, and I would like to ask the gentleman why that time was not given us?

Mr. GINGRICH. That is a fair question, and let me again carry you through the letter for a second. And I apologize on behalf of the Speaker for the House Postal System. Let me say to you that our intent, first of all, was to read into the RECORD the entire document.

We have no intention in the opening, on putting the document in the RECORD, or have debate precisely because we felt the document itself deserved serious notice.

Second, we said that night, we said in the letter to you on Wednesday and Thursday night—and again I understand the gentleman's point, but let me say this is 1 week later.

Mr. DOWNEY of New York. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will yield in just one second. I will talk for myself, and others may wish to associate themselves or not.

I am perfectly willing, as I hope I have proven today, to defend the structural questions about the "Dear Commandante" letter in terms of the legality and constitutionality, to defend the historical analysis of the record of this body, and I am perfectly willing if the gentleman—if the gentleman from New York wishes to wait until early June, if you wish to gather all the data, if you wish us to arrange for a series of special orders, we want to accommodate you because we think these are serious underlying questions of the very nature of foreign policy and the ability of the United States of America to survive.

Mr. DOWNEY of New York. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Speaker, I hope we will have that dialog, but I think what the Speaker was responding to was the question that on the 8th the letter arrived late in the afternoon. On the 8th again, my name and the names of others were predominantly mentioned, with specific references to things that we have said, some of which I might add were items on which I have changed my position.

This is not the sort of notice that I think Members of Congress should be giving one another. No. 2, this is not playing fair. It is that simple. It is not fair in the late afternoon to say, "I am going to mention you, and you are going to be specifically referenced to everything you have said for the last 10 years in Congress," and then in the later afternoon—I have to go to New York that day—to not be on the floor to respond.

That is all we are saying. It is simply not fair.

Mr. GINGRICH. Let me now yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

Since we have been asked for specifics, let me cite three.

On page 11428 of the RECORD, you have Mr. GINGRICH saying, among other things:

> Once a Communist regime is in, these Democrats give it unlimited sway to get even with history.

Four paragraphs later, you say:

> Every time a Communist movement battles an authoritarian U.S. ally, Democrats with Radical views believe the promises of the movement.

Then you go on to document which Members of the House in subsequent pages you view as being a radical, including myself. And as long ago as August 1983 you had Mr. LIVINGSTON asking us in his discussion of the Nicaraguan debate and the Barnes amendment:

> Is it naivete? Is it isolationism? Is it partisan politics, or is it worse?

You have Mr. WALKER, who says:

> It sounds like the critics of Nicaraguan policy are more upset about the fact that it has been somewhat successful. They are prepared to accept and accommodate Communist successes. They are unprepared and unwilling to accept successful activities by pro-Western freedom fighters.

If you wonder why some of us think you have had in mind more than a discussion of the issues for the past 8 months, I think those words indicate why.

Mr. GINGRICH. Let me read back. For those who like the purity of the gentleman from Wisconsin, let me suggest you take the same document and you read on page 11436, in which the gentleman from Wisconsin said, and I quote:

> The best friends the Communists and Marxists in Nicaragua have are the people in this country who are trying systematically to dismantle the President's authority to deal with that issue in a rational way.

Wait. At that time you were talking about those of us who were warning that the Nicaraguan——

Mr. OBEY. Mr. Speaker, would the gentleman yield on that point?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Two paragraphs earlier you said:

> Like Dodd, the Carter-Mondale administration was sympathetic to the Nicaraguan Communists.

The fact is at that time the persons who were supporting the position to which you object were being asked to do so by, among other people, the persons today who are heading the Contra movement in Nicaragua, and you know that the argument we made at that time was to prevent the Sandinistas from taking total control from the moderate business community. You know that, but you do not admit it.

Mr. GINGRICH. Let me ask the gentleman from Wisconsin: When he says—and he was speaking at this point of the Republicans in this body and the conservatives in this body—that we are the best friends the Communists and Marxists in Nicaragua have—which I believe you did say?

Mr. OBEY. That is right.

Mr. GINGRICH. All right. Explain to me, then, why—all I am saying to you, if I may——

Mr. OBEY. What is your question?

Mr. GINGRICH. All I am saying to you is this—and I only have 5 minutes left, and in the absence of an eagerness on the part of the Speaker or the majority leader to yield more time, which I could appreciate, I would like to use it to wrap up, and I am sure, as a Member of the majority, you will be able to get time.

Mr. OBEY. I thought you had a question of me.

Mr. GINGRICH. My point is this: Because I watched you and I remember it was last fall—and, frankly, it was that debate——

Mr. OBEY. I know what your point is. We know what your point is.

Mr. GINGRICH. It was in that debate last August, listening to several folks talk in a manner which, as a history student, I found incomprehensible, although totally sincere on their part, that I asked that we begin looking historically at the record to try to understand a pattern which I would characterize, I say to the gentleman from Wisconsin, essentially as one of intellectual self-deception. And if you remember, for example, the sections I have put in the RECORD from Paul Johnson's study of the 20th century, entitled, "Modern Times"——

Mr. OBEY. Mr. Speaker, will the gentleman yield on that point?

Mr. GINGRICH. No. Let me finish.

You will discover that there is a systematic pattern in the Western left beginning in the late twenties, up through the thirties, with people as distinguished as George Bernard Shaw and H. G. Wells, a pattern in which, no matter what Stalin did, no matter what happened under later regimes, somehow it was always explainable.

Mr. OBEY. Are you suggesting that that applies to Members on this floor?

Mr. WALKER. Regular order, Mr. Speaker.

Mr. GINGRICH. It is an historical fact that the intellectual left in the Western World——

Mr. OBEY. Does that include Members on this floor?

Mr. WALKER. Regular order, Mr. Speaker.

Mr. WEBER. Regular order, Mr. Speaker.

Mr. GINGRICH. Would the gentleman care to allow me to have my time, as the rule provides?

Mr. OBEY. If the gentleman wants to discuss it, yes; if the gentleman wants to filibuster for 5 minutes, no.

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. GINGRICH. I thank the Chair. I only have a few minutes, and let me summarize because this issue will be with us for a while, and should the gentleman from Wisconsin wish to debate it at length, I would be glad to share an hour's special order with him.

Mr. OBEY. I would simply like to ask the gentleman one question.

Mr. WALKER. Regular order, Mr. Speaker.

Mr. GINGRICH. I have the time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGRICH) has the time.

Mr. GINGRICH. Mr. Speaker, I want to summarize because I think it is important that you at least understand what it is we are arguing about, and if you wish more time to instruct us more carefully, we are eager to learn.

□ 1330

But I think the central issues, as the gentleman from Illinois said a while ago, are very central to the survival of a free society. There is a historical record. That record is worth looking at.

We have now had some 15 years experience dealing with Communist aggression in the Third World.

Second, there is an intellectual record of trying to understand the Soviet Union. That record goes back to the twenties. It is a very serious intellectual record that imposes enormous problems for the United States in

order to survive and it affects our intellectual community, our news media, and our politics, as a matter of intellectual viewpoint, not patriotism.

Third, there are structural, constitutional, and legal questions involving what is appropriate and what is inappropriate behavior in a free society engaged in a long-term conflict with a totalitarian state.

Those questions were raised in the 1970's by the Founding Fathers dealing with revolutionary France. To a remarkable degree, that debate could be used today, and if you change the word France to the Soviet Union and you change Jakoban Club for Communist Party, that record is remarkably accurate and remarkably wise.

Given that those are serious and difficult issues, I would be delighted, I say to my two very distinguished and intelligent friends, among the most eloquent debaters in this House, to stipulate from our side that we are never in any sense questioning your patriotism if in return we could get you to stipulate from your side that we are not in any sense engaged in McCarthyism, that in fact what is involved is a very passionate, very difficult, very sensitive area; that the history of America over the last 40 years makes it extraordinarily difficult to discuss it and that, in fact, if we are to survive as a country, we have no choice but to learn how to discuss these issues.

I do not take any pleasure in the fact that the gentleman from California is mentioned in the Grenadian documents. I do not take any pleasure in the fact that 10 of us happened to sign a letter which I think was remarkably unwise, but which I can understand. I have certainly signed letters to the Soviet Union asking them to release dissidents and I can appreciate what happened to this body.

I take no pleasure, and frankly am bothered, because we did not use pages, some gentleman may have had difficulties, although the record is clear, they have access to it, and for future protection I am perfectly willing to say to any gentleman or lady who disagrees with our analysis, we are prepared, I am prepared and I think others would be prepared, to arrange time for an intellectual, serious, straightforward debate about the historical record, the constitutional process, and the legal situation.

I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I think it is approprate to go back to the question that the gentleman has asked several times and the gentleman from Minnesota has asked the Speaker several times, and that is what specific words was he looking at.

The SPEAKER pro tempore (Mr. MOAKLEY). The time of the gentleman has expired. All time has expired.

Mr. GINGRICH. I thank the House.

REQUEST FOR TIME TO RESPOND TO QUESTION OF PRIVILEGES OF THE HOUSE

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that on behalf of this side of the aisle, we may have 1 hour to respond to this debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. OTTINGER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PRIVILEGES OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore. The gentleman will state the point of personal privilege.

Mr. WRIGHT. My point of personal privilege, Mr. Speaker, is that in the Washington Post on Monday, yesterday, appeared an article which characterizes a communication signed by 10 Members of the Congress, including this Member, as the Democratic foreign policy establishment writing a letter which states explicitly that it opposes the policies of the American Government and that it amounts to a virtual teaching document to bring Third World Soviet colonies into the process of manipulating American politics and politicians.

The SPEAKER pro tempore. The gentleman has stated a question of personal privilege and is recognized for 1 hour.

Mr. WRIGHT. Mr. Speaker, I certainly have no intention of taking the entire hour and I will try as best I can to return this discussion to a somewhat more genteel pattern.

I think it unfortunate that on occasions when Members have attempted to respond to statements that were being made about them on the floor, they have been shouted down, rather than being heard out.

This precious system of ours exists not to guarantee that any of us will get his way, but rather to guarantee that all of us may have his say.

Now, I think the gentleman from Georgia in a conscious, deliberate, premeditated way, set out some several weeks ago to impugn the reputations, and the intentions, and the motivations, as well as the judgment of Members of the Congress. He wrote numerous letters to numerous newspapers characterizing his view of a letter that some of us had signed to Daniel Ortega, who is the head of the ruling junta in Nicaragua.

On various occasions, he has attempted to get some of us into colloquies and debates about it. I have not risen to that challenge. It has not mattered to me if the gentleman from Georgia disagrees with me. It really has not mattered to me personally if the gentleman from Georgia honestly disagrees with the wisdom of something that I and others have written in an effort to try to prevail upon the Government of Nicaragua to open up its electoral process, to guarantee to its political opponents safe movement, to give to them all the rights and the emoluments of participation in that process.

Now, that is what we wrote about. That letter has been variously characterized as expressing the opposition of the democratic foreign policy establishment to the policies of the U.S. Government, of giving encouragement and comfort to the enemies of the United States, to bringing Third World Soviet colonies into the process of manipulating American politics and politicians.

Now, it was not intended for any of those purposes. The letter was written on March 20, 1984. It has been printed in the RECORD on more than one occasion. Here is what it says. It says:

> Since you in Nicaragua have asserted that you are going to have free elections finally, we write with the hope that the initial steps you have taken—

And I am quoting here—

> we write with the hope that the initial steps you have taken will be followed by others designed to guarantee a fully open and democratic electoral process.

That is consistent with the position that this Member has taken for many years. As early as September 1980, along with several of our colleagues, including the gentleman from Arkansas (Mr. ALEXANDER), the gentleman from Texas (Mr. HANCE), the gentleman from North Carolina (Mr. NEAL), I wrote a letter to the same Daniel Ortega, at that time pointing out that he had not in good faith fulfilled verbal commitments which he had made to us when we had been in his country at the request of then President Carter, attempting to see if there were ways in which we could get a better understanding and a better relationship with that country. He had told us at that time that he would do certain things and we felt that he had not done them.

□ 1340

I ask unanimous consent that at this point in the RECORD that letter of September 4, 1980, may appear.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The letter referred to follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, September 4, 1980.

Commandante DANIEL ORTEGA,
Managua, Nicaragua.

DEAR COMMANDANTE: The public statement as quoted in the news to the effect that elections will be postponed for five years in Nicaragua comes as a major disappointment to those of us in the Congress who have held out hope that Nicaragua, with our understanding and help, could move swiftly toward a truly democratic society. We also are deeply disturbed by reports that restrictions are being imposed upon the freedom of the press and other expression necessary to a free society.

As you and other members of the governing junta are aware, we have taken a leading role in the advocacy of a policy of understanding and friendship for Nicaragua's efforts at self-government, believing that your nation is a vital focal point for freedom in our hemisphere.

To be confronted now, after the verbal assurances we thought we had received during our personal visit to Nicaragua in June, with the dismaying announcement that elections will not be held until 1985 is appalling in the extreme. Our people recall with bitter irony the grand promises made by Fidel Castro in Cuba in 1959 that there would be free elections in due course. Twenty one years have passed from that date. No free electoral system has been established. Cuba remains a dictatorship, its leader having crassly betrayed that solemn promise. In my country, people vote today who were not even born when that promise was made in 1959.

Surely you are aware that many in my country are apprehensive lest Nicaragua abandon its splendid ideals of self-government and follow the Cuban example of oppression and rule by terror. The enemies of Nicaragua in the United States have publicly prophesied that course. The friends of Nicaragua, ourselves included, have sought to convey to our nation and our Congress the reassurances which we felt we had received in good faith from yourselves and others.

We have hoped and believed that the Nicaraguan people can find their own destiny, free from outside domination, while fully respecting private property, judicial procedures, free speech and press, and the other necessary habiliments of a free society which cannot exist without an orderly electoral system in which the people themselves are given frequent and regular opportunity to choose those by whom they will be governed. In a civilized world, that choice must be made by ballots and not by bullets.

Those of us in the United States who want so strongly to be friends of the Nicaraguan people and your beautiful country earnestly hope you will share these thoughts with others in the governing junta and that you will reconsider and give the civilized humanity the reassurance that an orderly system of political democracy will be established through free elections in the near future, much nearer than five years hence.

Very best wishes.

Sincerely,

JIM WRIGHT.
BILL ALEXANDER.
KENT HANCE.
STEPHEN NEAL.

Mr. WRIGHT. So now we wrote on March 20, 1984, in the hope that the initial steps they have taken in calling an election would be followed by others designed to guarantee a fully open and democratic electoral process.

I do not see how that is at variance with what our Government proposes. If I understand the proposition of President Reagan, it is that he would like for that country to have free, open, truly democratic, and fair electoral processes.

We say that, "We note that some who have become exiles from Nicaragua have expressed a willingness to return, to participate in the elections if assurances are provided that their security will be protected, that their political rights will be recognized. Among those exiles are some who have taken up arms against your government, and who have stated their willingness to lay down those arms to participate in a truly democratic process."

That is the gist of the letter. It is not that we are satisfied with what they have done, but quite the reverse, that they need to do more. And that if they would do more it would improve conditions in the hemisphere, it would improve relations throughout the hemisphere.

Now that seems to be objected to on the ground that it is trying to tell them how to manipulate American politics. That was not the intent, nor is it the effect of the letter.

What we say is, "A decision on your part to provide these reasonable assurances and conduct truly free and open elections would significantly improve the prospect of better relations between our two countries, and significantly strengthen the hands of those in our country who desire better relations."

Is there anything wrong with that? Is that suspect somehow? Does that not bespeak the desire of all of us that we might have better relations with all of those in this hemisphere?

So therefore, it seems to me that the repeated criticism emanating from two or three members of the Republican side has been designed to question the motivation and the purposes as well as the judgment of Members of Congress who signed the letter.

It may not avail, it may not do any good. But it seems to me it was worth a try.

Mr. KEMP. Will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I appreciate my friend yielding.

I was one of those who last week rose on the floor of this body and commended the gentleman for what I thought to be one of the great speeches on behalf of a bipartisan foreign policy that I have heard in a long time in these Chambers. The gentleman from Texas gave a speech that literally changed the course of the debate, for which many Republicans and Democrats are very grateful to the gentleman from Texas.

I only rise to say to my friend, for whom I have very high regard, and with whom I served on a bipartisan commission that spent many days, indeed months investigating the issues at stake in Central America, I rise as one of those who is an admirer of the gentleman from Texas, but when he says that the gentleman from Georgia in that article is impugning his motives, I wonder if the gentleman from Texas does not recognize the difference between impugning his motives and questioning his judgment. I ask the gentleman, it seems to me when he stood up a little bit earlier and said we can disagree without being disagreeable it was the right thing to say and at the right time, and again without trying to be disagreeable, the gentleman from Texas has literally on the floor of this House used I think the word "lie" about the President. I mean, is it not true that there have been statements made about this President and our party impugning our motives?

I thought that article written by the gentleman from Georgia, frankly, Mr. Leader, was written with an eye toward questioning the results of a policy that if it were to be followed out was to lead to the eventual effort, successful effort by Nicaragua to then expand its revolution into other parts of Central America. That is a legitimate question, and I wonder why you questioned motives.

Mr. WRIGHT. The gentleman's point of view is a valid one, and certainly the gentleman is entitled, and any Member of this House is entitled to question my judgment. I question it myself at times, and sometimes history has brought it into question.

But it is quite a different thing, it seems to me, in questioning someone's judgment to accusing someone in a printed piece in the newspaper and other Members, the gentleman from Maryland, Mr. BARNES, the gentleman from Arkansas, Mr. ALEXANDER, the gentleman from New York, Mr. MCHUGH the gentleman from New Jersey, Mr. TORRICELLI, the gentleman from Massachusetts, Mr. BOLAND, and Mr. SOLARZ, Mr. OBEY, Mr. GARCIA, Mr. HAMILTON. All these are honored, respected Members of our House, and all I wanted to suggest was that I think it goes a bit far when you suggest in a published document that these people are explicitly opposing the policy of the Government.

It may be we oppose the policy of the administration. I sometimes support that policy, and when I do, I do it as effectively as I can. I believe in a bipartisan foreign policy.

But at the same time, I think it is a mistake to identify what the President himself may desire with the policy of

the United States. It is debatable as to whether or not the Government was following the legal policy.

On the question of the Contras, I happen to believe that if we as signatories of the Rio Treaty wish to be faithful to our trust and to our word, that we must help a country to defend its territorial integrity against outside intrusion when it asks us to do so. But by the same token, as signatories of the Rio Treaty, it seems to me that we have the concomitant responsibility not to be engaged in invading the territory of another country, however distasteful its government may be to us.

The rule has to work both ways, and that happens to be my view of the matter.

Now I am not questioning the gentleman from New York on his patriotism. I recognize that the gentleman feels otherwise.

Mr. KEMP. I appreciate that.

Mr. WRIGHT. But I would recall to the gentleman that the Congress, not just the House, but the Congress on December 21, 1982, adopted Public Law 97-377. That law took effect December 21, 1982.

Part of that law provides as follows:

None of the funds provided in this act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice or other support for military activities to any group or individual for the purpose of overthrowing the Government of Nicaragua.

Now some of those moneys were used to support, to recruit, to equip, to maintain, and to send into battle people who asserted that it was their purpose to overthrow the Government of Nicaragua. Now the CIA took the position, and our administration took the position that whereas that might have been their purpose, it was not our purpose. Yet it seems to me that the effect was plain, and there was a serious question, at least as to whether or not the official legally adopted policy of the Government of the United States was being carried out.

So for some of us to say we have opposed any act of war on the part of this country against the people of Nicaragua is I think a perfectly legitimate position for us to take, particularly if we, as I, are attempting at the same time to provide some measure of defense for the free government in El Salvador to defend its borders against those who would intrude against it. We have to have some rule of law if we are to survive in this role.

Mr. KEMP. Will the gentleman yield.

Mr. WRIGHT. Of course I will yield to my friend. I was hoping to conclude this conversation simply on a note of attempting to point out that while we may disagree with one another, honorably, frankly, candidly, and forcefully on occasion, we breech the bounds of good taste when we begin to bring into question the patriotism of one another, or whether one another are supporting the Government of the United States, or whether one another are abiding by the laws of the United States, in our attempts to bring about those policies which we feel best would influence the future of the United States and our world.

□ 1350

Mr. KEMP. Will the gentleman yield?

Mr. ALEXANDER. Will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Arkansas and then—I am going to yield the floor.

Mr. ALEXANDER. I thank the gentleman for yielding. I take this time to applaud the work of the gentleman from Texas, our majority leader, for the leadership that he has provided to bring about peace in Central America. I traveled with the gentleman from Texas to Nicaragua in 1980, following the revolution.

I was with him when we met with all of the various segments of the Nicaraguan society including the Sandinistas, the clergy, the business community, the labor unions, the chamber of commerce, all of the various component parts, the new parties that sprang up following the revolution.

He patiently met with all of these component parts in trying to bring about a settlement of the break in relationship between the new government in Nicaragua and our present government because of the support that our Government had given the Somoza regime over the previous 50 years.

Representations were made to this gentleman and to me in my presence that the Sandinistas would hold elections, they would abide by the rule of law, that they would permit freedom of assembly, that they would support all of the rights that we discussed with them that people should have and they promised us that in exchange for foreign aid—for U.S. aid—to Nicaragua that they would allow this orderly process of democratization to occur following the revolution.

We returned to Washington; things went on in Nicaragua. None of the commitments were met, not one of them. And the gentleman in the well wrote a letter which I signed and joined him condemning the failure of the Sandinistas to live up to their word.

And of course, a national election ensued in this country, a new President was elected. And the policy toward Nicaragua changed. And that policy included, as we have discussed today, a covert action which some describe as destined to overthrow the Government of Nicaragua.

Since the new policy change, I have kept contact with the various leaders of Nicaragua who have been ousted. One named, Alfonso Robelo, and another, Arturo Cruz, who are leaders in the ARDE party, one of the Contra groups.

I met with Mr. Robelo some months ago and he convinced me that his party would like to lay down its arms upon the assurance that it could participate in an election, in a free election that had been announced by the Sandinista regime, now called for this November.

In a recent trip to Honduras, I met with a leader of the opposite party, the FDN, Mr. Chamorro, who represents the same thing, they would lay down their arms if they could participate in an open election in Nicaragua.

The gentleman from Texas, about a month ago, decided to write a letter to Commandante Ortega communicating the desire of the Contras to lay down their arms for the opportunity to participate in a national election, envisioning, as I envisioned, that war against Nicaragua is unnecessary, a settlement is possible in Nicaragua.

We do not have to go to war in Nicaragua. It is possible to negotiate with those people, it is possible to encourage, that the warring factions in that nation might lay down their arms in hopes that they might participate as political parties in the electoral process.

That is an alternative that is being condemned today. It is being condemned when members of the other side point to that action as one which may be perceived as a lack of patriotism.

I applaud the gentleman from Texas as one of the greatest patriots in America today and the gentleman from Texas has exercised more leadership in bringing about peace in Central America than any citizen that I know of in this country. There is no one that has taken more of his time and devoted more of his energy and his talents to that direction.

Mr. Leader, I applaud you. I signed the letter with you. I am proud to have participated in it. And I want to commend you publicly for the patriotism that you have demonstrated and the leadership that you continue to exercise.

Mr. WRIGHT. I am very grateful to the gentleman from Arkansas for the comment.

Let me please just conclude with a comment or two.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. There are others seeking time, the gentleman from Georgia, the gentleman from California, the gentleman from New York; all are seeking that I yield to them. There will be ample opportunity.

Mr. GINGRICH. Since I yielded to you earlier?

Mr. WRIGHT. Well, all right, I yield to the gentleman from Georgia.

Mr. GINGRICH. I just want to reinforce a point that the gentleman from Arkansas made, because I think it is a very valid point. You are a patriot, you are a distinguished leader. When the history of this House is written there will be a chapter on your eloquence and your courage.

I take very seriously an underlying question which when you reread the text of what the two of you said today will leap out to you again: It is not the business of the legislative branch to be engaged in negotiations, to be given promises by dictators, to be talking directly with people as though they were the executive branch.

The Federalist Papers, the Founding Fathers, Jefferson as Secretary of State, the history is clear over and over that that is precisely what they were terrified of because of the Articles of Confederation.

I intend to continue and would be delighted at some appropriate time if it is appropriate for you to meet with you and discuss how we might change the whole tenor of this dialog.

But I say to you that until we move toward rethinking and redefining the legitimate role of the legislative branch, that I think this is a legitimate issue.

I would ask permission to quote two short paragraphs and then I will yield back. From your own paper which said they found it incomprehensible. They went on to quote:

> It is a very serious breach of governmental activity in that it goes outside normal governmental channels in conducting affairs with foreign governments. We believe the letter to have been a grievous mistake.

From my paper, from a moderate Democrat, Durwood McAlister, who says:

> An overt attempt by Members of Congress . . . to conduct foreign policy negotiations.
>
> What we cannot accept, what we must not accept, are actions which tell our opponents that they can bypass the Government and carry on direct negotiations with individual officials or groups which disagree with Government policy.

So all I plead with you two very distinguished gentlemen is that this is an issue which demands we take the issue seriously, not our personalities.

I thank our distinguished majority leader.

Mr. WRIGHT. I am going to yield to the gentleman from Wisconsin and then I am going to yield to the gentleman from California and I am not going to yield to any others, because I really do want to conclude this conversation.

We can debate the merits of this matter on any number of occasions. The gentleman from Georgia has taken special orders on 27 different occasions in the last 30 legislative days to spend 1 hour each time talking about these things. All I am suggesting is that it really is not fair play for us to come late at night, after other people have gone home and the legislative business has all been completed and Members of Congress do not regard it necessary to sit around in the late hours of the night, lest they be attacked by someone, in order to defend themselves. Members ought to have reasonable assurances that that kind of thing is not going to happen.

If we are to continue the processes of special orders, whereby Members may say whatever they desire, be it self-serving, or be it patriotic, or whatever they may think to say in the free speech of conversation, they really do owe it to one another not to attack other Members in the late hours of the evening when nobody is here and leave the impression with the television audience that there is a huge throng out there just waiting with bated breath to hear the next word that falls from their eloquent lips.

I just think that is essentially a mistake. It is not necessarily a breach of the rules, unless you get to the point where you break the rules by attacking other Members.

□ 1400

But let us see if we cannot follow that injunction of one of the founders of our country, Ben Franklin, who, after they had struggled and labored together to prepare what became our Constitution, pleaded with his colleagues, "Let us each doubt just a bit his own infallibility."

Now, it just seems to me that election year, though this is, and particularly maybe because it is an election year, we owe it to one another not to engage in the kinds of tactics that attack one another before an empty Chamber, late at night. I have been here for all these years and have never made a critical comment of any other Member on a special order. I do not think it is necessary. I hope I have never made a critical comment directed personally toward any Member. And if any Member of the House feels that I have, I would like to apologize to him, because I have not done it intentionally.

But I do believe the gentleman from Georgia and others who have come here night after night, monopolizing this time on 1-hour segments, must realize that ultimately they have to answer for that. Ultimately, you cannot have the kind of cohesion of policy——

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. No, not at this point. I have already said I am not going to yield any more because I am trying to make a statement that I believe all of us ought to be able to embrace and that is that we have a responsibility to maintain a dialog within this Chamber that is to some degree genteel, that at least accepts the purpose and the good motivation of one another and does not try to attack one another, late at night, or at other occasions, so that you could have something to send out to their newspapers and subject them to invidious comparison.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. No, I have already said that I am not going to yield any more. I am not going to yield because I do not think it serves any purpose for this debater to degenerate again into a shouting match or a quarrelsome——

Mr. WALKER. Will the gentleman yield for a question?

Mr. WRIGHT. Oh, I will yield to my friend for a question.

Mr. WALKER. I thank the gentleman for yielding.

And my question revolves around the fact that you indicate how the special order time should be used.

I would suggest to the gentleman the only time that the minority has to discuss subjects that we think are important to us, where we control a block of time in which to do it, is during special order time. That is the reason why that is time during which we have reserved time to discuss the subjects we want to discuss.

My question is: Would the gentleman deny us our opportunity to control a block of time during which we discuss the things that we want to discuss, rather than discuss only those items which the majority deigns to put onto the legislative schedule?

Mr. WRIGHT. Well, now, I am going to answer that question, because I think it is a fair question.

First, I am going to correct the peroration which preceded the question, which says that special orders is the only time that the minority has to control a block of time. That is not true, as the gentleman knows. In all of our debate——

Mr. WALKER. If the gentleman will yield again, that is not what this gentleman said.

Mr. WRIGHT. No, I do not yield further to the gentleman because I do want to respond in a kindly way to what the gentleman has said.

It is not true that special orders account for the only time when the minority has a block of time that it may dispense among its Members to address a subject as it wishes. That is not true and every Member of the House knows it is not true. Every Member of the House knows that on every occasion when we have a bill before the House in the regular legislative process, that is the time to debate these issues, not in the middle of the night when nobody is here. Every Member knows that during those occasions the

time is equally divided—equally divided—and the Members of the minority have exactly the same amount of time as the Members of the majority.

Mr. WALKER. Will the gentleman yield?

Mr. WRIGHT. No, I am not going to yield on that because that is really not a debatable matter.

Mr. WALKER. The gentleman is characterizing my statement and I think that he should yield to me.

Mr. WRIGHT. I am going to answer, if I may. I am going to answer the question of the gentleman from Pennsylvania and then I really am not going to engage in further colloquy with him at this time.

His question was: Would I deny the Members of the minority the privilege of saying whatever they will on special orders when they are recognized?

The answer is: No. Of course I would not deny them that privilege, so long as it is within the rules of the House.

And all that I have said has not been intended to suggest that we ought to rule out their right to have a special order or their right to address the House. What I have said has been in the sense of friendly admonition. I have simply tried to suggest, as a friend, that we would get along a lot better in this country of ours if we did not criticize one another quite so harshly, if we did not abrogate to ourselves the God-like wisdom of judging one another's motives, and if we would accept one another as colleagues and as friends, disagreeing as to the wisdom of events, free to debate those things, but surely not laying in wait to attack one another by name or by implication, late at night, when we are not here and when all the business of the House has already been transpired.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Well, I do not think I want to yield.

Mr. LOTT. We yielded in our hour. Give us a chance.

Mr. WRIGHT. I have tried to give you a chance.

I am not going to yield further because it is apparent that tempers are high, tempers have risen, feelings have become frayed, nerves are tight like a cotton clothesline after a rain.

I rose here to try to assuage that, to try to put it at rest, to try to make Members feel a little more kindly toward one another. It probably was an error in judgment on my part to think that it would avail, because I can tell that Members feel very strongly about this matter, but let us at least—I am not going to yield any further to anybody—I have decided that I have done the best I can and I am going to rest my case on an appeal for goodness' sake to try at least to treat one another in a gentlemanly way and not try and lie in wait for one another and attack one another late at night after everybody else has gone home.

That is all I have got to say. And I think all of us really should agree with that, but if you do not, I cannot force you to and I would not want to have the power to force you to. I would not want any Member to have the power to force any other Member to say or not to say anything, because that would violate free speech.

All I have suggested has been in a sense of admonition, but I do believe that the American people expect and deserve—and deserve—a little higher level of debate from the Congress than has been characterized by those comments to which these last 2 hours have been devoted.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to include extraneous matter following my remarks just previously stated and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. THOMAS of California. Reserving the right to object, Mr. Speaker, is my understanding that the extraneous remarks would be the letters that the gentleman from Arkansas referred to during the debate period?

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Yes.

Mr. THOMAS of California. Mr. Speaker, I have no objection to that portion of the unanimous consent that would include those extraneous materials directly referred to in debate.

I am constrained at this point to object to that portion of the unanimous-consent request which allows for unanimous consent to revise and extend.

I think it is about time that we have truth in packaging from gavel to gavel.

Mr. ALEXANDER. Mr. Speaker, I amend my unanimous-consent request to include only those two letters referred to in the debate to which we referred.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. WEBER. Reserving the right to object, Mr. Speaker, and I do so only for the purpose, as we conclude this debate, of saying, and I think I speak for all the Members, of the Chair, that we appreciate the standup manner in which the gentleman from Massachusetts (Mr. MOAKLEY) has conducted this very difficult debate. I want the gentleman to know that we all appreciate that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

A POINT OF PERSONAL PRIVILEGE

Mr. OBEY. Mr. Speaker, I rise to a point of personal privilege, citing the same letter referred to by the majority leader.

The SPEAKER pro tempore. The gentleman will state his privilege.

Mr. OBEY. Mr. Speaker, I rise to a point of personal privilege because I am a signatory of the same letter which was referred to by the gentleman from Georgia (Mr. GINGRICH) in the press.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 1 hour.

□ 1410

Mr. OBEY. Mr. Speaker, let me assure the Members I will not take more than about 3 or 4 minutes. I simply wanted to complete a thought made by the majority leader, which I think needs completing.

The idea that somehow the involvement of a good many Members of this House in the issue of free elections in Nicaragua is a new idea or is an effort to negotiate exercised unilaterally by Members is patently preposterous, and I simply want to make one point in driving that home.

I have in my hand, as a former Senator from my own State used to say, who is being well emulated on a number of occasions—I have in my hand a book called "Crisis and Opportunity, U.S. Policy in Central America and the Caribbean," published by the Ethics & Public Policy Center, established in 1976. The founding president of the center is Ernest W. Lefever, not exactly a leftwing Marxist. And I would simply note that a good many of us who signed that letter to Commandante Ortega have been involved since the Nicaragua revolution in trying in no uncertain terms to impress upon that junta the requirement for open, fully open and fully free elections.

I would simply point out that the book published by Mr. Lefever carries a memo by Lawrence E. Harrison, who is the former AID Director in Nicaragua, who says as follows:

> At about the same time, a U.S. congressional delegation, led by Representative Dante Fascell, visited Managua at Ambassador Larry Pezzullo's initiative. Fascell was extremely effective, as were his colleagues Lee Hamilton, Matthew McHugh, and David Obey. They pressed hard on the issues of political pluralism and nonalignment in very intense meetings with both the junta, which was increasingly becoming a figurehead, and the Sandinista national directorate, which is where the real power resides. The congressional group was particularly forceful on the question of elections.

I cite that simply to point out that the initial involvement on the part of

a good many Members who signed that letter in this issue came at the request of the executive branch of Government at the request of the State Department. I doubt that any serious-minded person could reasonably conclude that our discussions at that time were in any way related to efforts to negotiate nor could they conclude that signing of that letter related in any way to an attempt to negotiate. It was simply another chapter in a long-standing effort that a good many Members of this House have had to try to impress upon the Nicaraguans the requirement for the fullest and the most open elections possible.

I see no harm whatsoever in continuing that process. I for one intend to do so, regardless of what I feel to be the quaint views of the gentleman from Georgia.

I will respond further at another time on some of the other allegations made.

I do want to make one other point, however, before I close.

I was disturbed to see, on page 11436 of the RECORD of the night in question, a paragraph in the statement of one of the speakers, I believe Mr. GINGRICH, which said:

"Like Dodd, the Carter-Mondale administration was sympathetic to the Nicaraguan Communists * * *"

I simply want to make the point that those who were in this Chamber at the time recall that the question at that time was whether or not it was possible by providing some economic assistance funneled through the private sector, the business community, whether it was possible to preserve some political running room for what remained of the non-Marxist, non-Sandinista faction still in Managua.

And I can recall on that occasion being in the home of one of the officers of one of the chambers of commerce in Nicaragua. Our guide on that occasion was Mr. Collero, who is now one of the leaders of the Contras, and they were begging us for help, for economic assistance at that time, not because they wanted the Sandinistas to control. Quite the opposite. They were asking for help at that time because they wanted any and all opportunities that we could extend to them that would enable them in any way to maintain at least some degree of pluralism to give people like Mr. Robelo and others an opportunity to prevent the Sandinistas from establishing total control over the press, over the church, over the schools, over the business community, and over the economic system of that country. That is what was at stake at that point. And to suggest that the Carter-Mondale administration was sympathetic to the Nicaraguan Communists is at variance with the facts, it is at variance with history, and I think it necessary to point that out.

I would now gladly yield to the gentleman from New York.

Mr. GARCIA. I will be very brief, because I believe, Mr. Speaker, the debate has gone far beyond anybody's anticipation.

I signed that letter as well. I was 1 of the 10 Members who signed that letter, Mr. Speaker, and I would say to you that I would do it again, and I would do it again and again, and I say to my colleagues on the other side of the aisle that, as far as we are concerned, many of us, especially those of us who understand the history of Central America, the history of South America, the history of Spanish-speaking America, that we feel very strongly that there are no bullets or bombs that are going to turn those people around, that the only way we can possibly turn to bring some cohesiveness so that people can live together in a pluralistic society is by diplomacy by elections.

And that is the reason why I signed that letter, and that is the reason why I will continue to sign letters that will bring peace to Central America. And I find it most unusual—I guess the best example I can use is that tonight my colleague and I, JACK KEMP, who for the last 4 years have been sponsoring an enterprise zone bill, we have sent out "Dear Colleague" letters well, well in advance, we have got 60 people tonight coming in, 20-some-odd Democrats, 30-some-odd Republicans, to speak on behalf of enterprise zones.

Now, that is the way to conduct the business of this House, giving everybody ample time.

Mr. GINGRICH. Will the gentleman yield?

Mr. GARCIA. It is not my time.

Mr. OBEY. I would yield to the gentleman from California first, and then——

Mr. GINGRICH. He mentioned my name. I wondered if——

Mr. GARCIA. The importance of what I am saying here is that one has nothing to do with the other. It is just a question of when you conduct the business of this House in an orderly fashion and everybody has an opportunity to participate in issues that affect them and interest them, and it is for that reason that I feel very strongly that what took place last week was the wrong approach.

I thank the gentleman for yielding.

Mr. OBEY. I yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman very much for yielding.

I did not sign the letter in question. I have not been insulted from the floor. So I have no basis for asking for time under a point of personal privilege. But I had been struck by the oped piece of the gentleman from Georgia to the extent that I was preparing a response myself when this interesting debate came up. And, frankly, in the spirit of enlightened debate, which I know the gentleman from Georgia is trying to promulgate, I think that this has been very helpful in establishing some of the parameters under which this kind of discussion should take place.

I take this time merely to try and state my claim to participate in this to some degree, if I can. I know the gentleman from Georgia is a historian, and if he has gone back in history he probably has observed other situations in which the Logan Act has been mentioned, at least by name. It has been mentioned in connection with me quite a few times, because I have gone to other countries and spoken to other parliaments, and I have done my best to get them to oppose the policies of the United States. They happen to be friendly countries and not Communist countries, but nevertheless I was accused of violating the Logan Act. And I will be perfectly happy to appear in any court and defend my right to do what I did or to defend it here on the floor of this House.

There is a reason why the Logan Act in 185 years has never been applied.

□ 1420

That reason is that it is patently unconstitutional. It flies in the face of the first amendment and a number of other amendments. If it were ever tested, it would be so found. There is no way that you can offer a blanket edict against speech and communication under any circumstances, and that is what the Logan Act purports to do.

Now, I hope the gentleman from Georgia will take the time to bring about a fuller exploration of this as it involves the right of any member of the public or of the Congress to communicate his views to members of another government. I have been communicating my views to members of the Soviet Government this week. I have no difficulty in doing that. I assume there were people from the FBI overhearing it. I said nothing that I am ashamed of, but I would resist to the death any effort on the part of anyone to interfere with my right to communicate my views to influence the foreign policy of another country or of this country. I think that we need to explore those parameters a little bit more fully.

Now, the gentleman from Georgia and others have characterized the views of some of us that are generally referred to as the "left." I do not like to have that term used, because I do not like to use the term "right," as it applies to the people on the other side. I do not consider the gentleman from Georgia to be a rightwinger. In my opinion he is an intellectual libertarian, whatever that may mean, and I would like to dignify him with a de-

scription which does justice to the depths of his knowledge and understanding.

I would like to have some similar dignity applied to those like myself who sometimes take positions that are left, sometimes that are right. Once in while, even positions that are moderate. We hesitate to feel that we can be so easily categorized. One of the criticisms that I would make to those that are sometimes described as to the right, just as they have certain criticisms about those who they described as to the left, is that they think that everything that happens in the world that they do not like is a commie plot.

Now, I know that that is oversimplified, but basically that is what they think. They think they can solve all problems with military force. Now, I know they do not really believe that, but that is the way it comes out sometimes. They always seem to feel that no matter how bad the situation is, whether it is in Vietnam or Central America, that the United States never made any contributions to that situation getting that bad.

Now, I know that they really do not understand that; that they do not really feel that; they understand that our previous policies under some administration, probably not their own party, probably helped to contribute to the problems that we have. That is the way they come across. We are going to have this same debate today when we take up the armed services bill, because they are going to say all it is going to take is more money; all these problems are commie plots, and that we have no responsibility for anything that had happened.

So it is good to open up this debate. Maybe it will help us to understand at a deeper level what is going on in the world. I would like to participate in that.

Mr. OBEY. I would like to complete the order point that I was trying to make.

Also on pages 11428 and 11429 of the RECORD of the night in question, Mr. GINGRICH read into the RECORD a number of statements from this report which, as I indicated earlier, said among other things, "Once a Communist regime is in, these Democrats give it unlimited sway to get even with history." A little while later it says, "The people making Democratic foreign policy today from veterans KENNEDY, PELL, CRANSTON," et cetera, et cetera, it lists a number of Democrats on that side and on this side that believes that Stalinism exists only as in historical rhetoric; the world view does not accept it or fear it, they suggest.

Then they go on to say that "every time a Communist movement battles an authoritarian U.S. ally, Democrats with radical views believe the promises of the movement," and then they go on to list a number of Members who, I gather, are described as being radicals, including myself. I was specifically described as so.

I would again like to quote from a not exactly leftwing source. Mr. John McLaughlin, writing in National Review, August 5, 1983, describing a trip to the Soviet Union, which a number of us took, led by the distinguished majority whip, and the distinguished House Republican Caucus chairman.

Mr. McLaughlin says, among other things, "DAVID OBEY, Democrat, Wisconsin, delivered himself good, tough remarks on regional conflicts with the Soviets . . . noted RICHARD CHENEY."

I would simply like to say that anyone who knows my world view, having been a student of the Soviet Union for some 25 years, can be left with no doubt about my skepticism about the nature of the Soviet Union and the nature of its foreign policy. Given that fact, I think we are justified in asking whether more is involved than simply calling into question the legal right of the Member of Congress to communicate his opinion to another government.

In light of the debate which we had on July 28, 1983, and I would urge Members to go back and look at that debate. Because if you do, you will see at least five occasions on which Members on this floor indicated in my judgment, in fairly stark terms, their concerns about our dedication to this country and to its policies.

When a Member says, "It sounds to me like the critics of our Nicaraguan policy are more upset about the fact that it has been successful," when a Member says "They are prepared to accept and accommodate Communist successes, they are unprepared and unwilling to accept such successful activities by pro-Western freedom fighters," I think I have a right to question whether or not that is an effort to describe the outcome of policy or rather an effort to describe our motives.

I think when we were told by another Member that the Barnes amendment was an effort, in effect a vote to unilaterally disarm, given the connotations of that—when we were asked the question by another Member, "Why are a vast number of Members in this body turning their backs, covering their eyes and ears and ignoring their cries and pleas for freedom in Central America."

I thought that is what we were doing when we were urging open elections down there. "Is it naivete? Is it isolationism? Is it partisan politics or is it worse?" Now, I ask you what would be worse? I think that Members knowing the history of at least one Senator from my own State, I think Members have a legitimate right to ask whether or not these questions are being raised because Members have a deep and abiding interest in executive-legislative relations; or whether they are in fact trying to suggest something else.

Now, beauty is in the eye of the beholder.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I will as soon as I have made my point.

In fact, I will use the gentleman's name so that I have to yield.

I do not think this Member has to apologize to anyone. I can recall——

Mr. KEMP. I am not asking the gentleman to apologize; I am just asking the gentleman to yield.

Mr. OBEY. I will, after I have made this statement.

I can recall the gentleman from New York sitting next to me at a table in the Kremlin, and after I gave my speech to the members of the Supreme Soviet, laying out our objections to their expansionism in Afghanistan, and laying out our concerns about their activities in Central America, in the Middle East, in Poland, you name it, I can recall the gentleman indicating how proud he was of all those Members, including this one, and I doubt very much that that indicates that some of the Members of the caucus or rather the House, who have been described by Mr. GINGRICH as having this quaint world view, in fact have the view which he ascribes to them.

I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I appreciate my friend yielding, and I did congratulate the gentleman from Wisconsin in the Supreme Soviet on a day in which he gave a very eloquent speech on behalf of a policy of containment that I considered to be not only eloquent, but bipartisanship of the highest order.

The gentleman from California (Mr. WAXMAN) gave such a beautiful speech that day that I came back to this well of the House several weeks later and suggested that I have never heard a speech which had made me prouder to be an American than to hear Democratic Members of Congress, not the least of which was the gentleman from Wisconsin, the gentleman from Colorado, Mr. WIRTH, Mr. FOLEY, and many Members speaking to the Soviets.

May I just ask a question of the gentleman from Wisconsin, because I have been listening to the points that he has raised, and I wonder if he would not mind me asking a question about something that is on my mind at this point in the debate.

Mr. OBEY. Please proceed.

Mr. KEMP. Is the gentleman not protesting a little too much, I would say to my friend from Wisconsin? I do not think the gentleman from Georgia was questioning the motives as much as he was questioning the judgment, and I think that is clearly within the

bounds of a healthy debate, and the essence of a liberal society is to be able to make some of these judgments.

It seems to me, if I could just take 1 second longer, and I appreciate the gentleman yielding, the gentleman from Wisconsin mentioned isolationism.

Mr. OBEY. No, I did not.

Mr. KEMP. He mentioned unilateral disarmament.

Mr. OBEY. I was quoting an assertion that the Barnes amendment, which provided on the top overt aid against Nicaragua, was somehow unilateral disarmament. Yes, I most certainly do question that.

Mr. KEMP. My question to the gentleman from Wisconsin is about the rules of a good debate. Why is it not possible for a Member on this side of the aisle to raise the issue of unilateral disarmament or isolationism such as has been raised in this body and the other body ever since this country has ever had a foreign policy? Those are legitimate questions about judgment; not a question of challenging motives.

Mr. OBEY. Let me answer that question.

If a speaker wants to specifically assert that an individual Member is, in fact, an isolationist, he, No. 1, ought to have an idea of what that Member's full views are, and I doubt that you can get it by reading one speech 10 years ago in the CONGRESSIONAL RECORD.

I would now yield to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. I appreciate the gentleman yielding.

Back to the issue of judgment. I spent the time during the debate and read the long intercession that was placed in the RECORD and I was struck by three ironies that I think ought to be made clear.

A few years ago, the right in America argued that the Democratic Party was the party of war, and the Republicans were the party of peace. By the interventions that were placed in the RECORD, and by the concerns about nonintervention, the whole series of quotes of nonintervention, the right is now arguing that the Democrats are wrong in not wanting to go to war. That is a profound irony.

Second, if you look at the interventions put in on the quotations about Members, particularly the class of 1974 Democrats, against the war in Vietnam, I was struck with the profoundness of the correctness of the stands that were being quoted, and it was amazing to me that we Republicans were not criticizing, to take a historical perspective, those Democrats—Lyndon Baines Johnson and John Kennedy—who escalated the involvement from 700 troops to 550,000.

Third, I think there is an irony that ought to be pointed out which relates to the Logan Act. The United States of America has diplomatic relations with the Government of Nicaragua. Many of us are concerned that conducting a covert war stretches the Constitution; stretches international law, and indeed, as the gentleman from Texas pointed out, stretched the Boland amendment.

I would just like to stress in my own way that criticism of this country is bipartisan as well as support for policies are now and again bipartisan, and that if I had a point of personal privilege to rise at this time, it would be that I was not quoted in the series of remarks that the Democrats are now objecting to being quoted in.

Mr. OBEY. I thank the gentleman.

Mr. Speaker, I would just like to again quote page 11431 of the RECORD, again Mr. GINGRICH speaking, or I should say reading:

> The themes of the world view should be familiar by now. Communism is not necessarily wrong, but America nearly always is. Our allies are bigger threats to freedom than our declared enemies.

That is the world view which is ascribed to a number of Members who are at various times referred to as McGovernites, or radical Democrats, or radical Members of the House, and I think we have some justification in asking what the true motivation is. I do not know what Mr. GINGRICH's true motivation would be, but if I had any regard at all for him, I would be upset.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

EQUAL ACCESS ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5345) to provide that no Federal educational funds may be obligated or expended to any State or local educational agency which discriminates against any meetings of students in public secondary schools who wish to meet voluntarily for religious purposes.

The Clerk read as follows:

H.R. 5345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Access Act".

SEC. 2. No funds appropriated to the Department of Education to provide financial assistance to State or local educational agencies may be obligated or expended to any State or local educational agency, if the State or local educational agency, or any public secondary school for which the State or local educational agency is responsible, violates the prohibition described in section 3.

SEC. 3. It shall be a policy subject to the penalties in section 2 for a public secondary school receiving Federal financial assistance, which generally allows groups which are initiated by and composed of students to meet during non-instructional periods, to discriminate on the basis of the religious content of the speech at such meetings, if—

(1) the meeting is voluntary and student initiated;

(2) there is no sponsorship of the meeting by the school or government;

(3) employees or agents of the school or government are present only in a nonparticipatory capacity; and

(4) no activity which is in and of itself unlawful is permitted.

SEC. 4. Nothing in this Act shall be construed to permit the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the cost of providing the meeting space for student initiated meetings; or

(4) to compel any school agent or employee to attend a student religious meeting if the religious content of the speech at the meeting is contrary to the religious beliefs of the agent or employee.

SEC. 5. The provisions of this Act shall supersede all other provisions of Federal law that are inconsistent with the provisions of this Act.

SEC. 6. As used in this Act the term "secondary school" means a public school which provides secondary education, as determined under State law.

The SPEAKER pro tempore (Mr. FOWLER). Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky (Mr. PERKINS) will be recognized for 20 minutes and the gentleman from Pennsylvania (Mr. GOODLING) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the first amendment states:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech. . .

This so-called equal access bill guarantees these first amendment rights to the free exercise of religion and to freedom of speech for students in public high schools who wish to meet in noninstructional periods to pray or to discuss religion. Let me say that the States provide the definition of high schools.

The U.S. Supreme Court in 1981 in Widmar against Vincent guaranteed these rights for college students by

holding that it was unconstitutional for public colleges to deny students the right to meet for religions reasons when other student groups were permitted to meet.

Unfortunately, the current Federal law is not as clear as regards the same rights of high school students.

We are only trying to get the same decision to apply to high school students because of so many contradictory lower Federal court decisions in certain parts of the country. We feel that Congress should write the law, instead of letting the courts write the law.

As a result, some administrators have forbidden such meetings even though other student groups are permitted to meet, and some Federal courts have upheld these decisions.

This is discrimination against students on account of the religious content of their speech. All my life I have fought against discrimination in any form—whether racial, sex, age, or handicapped discrimination. I support this bill because it removes discrimination against students on the basis of their exercise of religious free speech.

□ 1440

At first there was very little opposition to this bill, but as time went on, every diversifying tactic in the world was used against this bill, very confusing. We had straightened out the issues by writing letters back and forth.

I well understood the motives of some of our leaders on the Committee on the Judiciary, my good friend, the gentleman from California, DON EDWARDS, and we even had a caucus here on the bill, a very simple bill, but it would take an act of God, in my opinion, to get a rule on this bill and get it programed and have a conference with the Senate during this fiscal year.

I have brought sheets over here so the Members can go back there and get them, to show the program for the rest of this year. This Congress is already half over, and we have two conventions ahead of us. Next week we get on appropriations. There is no way in the world we can pass this bill because of these time pressures unless we pass it on suspension today. I know there are Democrats for the rule on the Committee on Rules, and Republicans for the rule, but as I see this situation, and I think I have surveyed it thoroughly, this is the only vote you are going to get on equal access. No way can we get a rule this year.

So I would ask all the Members to disregard this propaganda that you have heard. I have no objection to a rule if someone could come here and assure us that we would get a rule and bring it to the floor in the next 2 or 3 weeks. No; that is not going to happen.

This is it.

What is wrong with permitting such student groups to meet in high schools during noninstructional time.

True enough, many Americans are not religious. But to many other Americans, including many students, having a belief in a deity, is an important part of their lives. They should be able to meet on school property during their free time to voluntarily share that faith with others in a way that is fully constitutional.

H.R. 5345 does that by requiring that student religious groups be treated in the same fair, evenhanded manner as other student groups.

I know most Americans believe we must raise the moral tone of our lives. In fact, here in Congress we have enacted programs to combat juvenile delinquency, to prevent family violence, and to prevent teenage pregnancies. To my way of thinking, permitting students to voluntarily meet in high schools to pray and discuss religion will go a long way toward achieving the same objective: Raising the moral tone of our society.

As the U.S. Catholic Conference stated last Wednesday in urging Congress to enact equal access legislation: "This support stems from the concern of the Catholic Church for the moral and civic responsibility of all Americans."

In conclusion, the Equal Access Act is constitutional; its fair and evenhanded. And it will lead to a moral uplifting of our young people.

PARLIAMENTARY INQUIRY

Mr. FISH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FISH. Mr. Speaker, I am opposed to this bill. Do I have a right to the full 20 minutes on our side?

The SPEAKER pro tempore (Mr. FOWLER). The Chair will advise the gentleman from New York that his objection is not timely. The gentleman is too late. The gentleman from Pennsylvania (Mr. GOODLING) controls the time.

Mr. ACKERMAN. Mr. Speaker, does the gentleman from Pennsylvania oppose this bill?

Mr. GOODLING. We just ruled on that issue, Mr. ACKERMAN. The Chair just ruled on the bill, but the time will be the same as we agreed to.

The SPEAKER pro tempore. The Chair will state that any gentleman had the opportunity at the appropriate time to make the appropriate challenge. The Chair has ruled that the gentleman from Pennsylvania (Mr. GOODLING) controls the time and is recognized for 20 minutes.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the equal access bill that is before us. Until this moment, Mr. Speaker, this has been a very partisan day. I would ask, and would hope, that this House would set aside the partisanship of the day and to submit that the equal access bill is perhaps the most bipartisan piece of legislation that we have faced this session.

As the chairman of the committee, from the other side of the aisle, stated, this is basically an antidiscrimination bill that would seek to enforce the first amendment to the U.S. Constitution and to extend the free exercise of religion to all persons.

In the limited time that we have left on this bill, I would hope that every Member of this body examines and reads what the bill does do and what it does not do.

What the bill does do is to prohibit, purely and simply to prohibit discrimination against high school students who would be discriminated against because of the religious content of their speeches.

I urge bipartisan support of this piece of legislation.

Mr. Speaker, I rise in support of H.R. 53-45, a bill that will insure that religious student groups receive the same treatment as other youth groups in our Nation's secondary schools.

For too many years, religious student groups have been the victims of discrimination under the guise of observance of separation between church and state.

As a result, the young people in our Nation have been allowed and encouraged to participate in a myriad of extracurricular activities: from Scouting to intramural softball, from guitar and chess to hockey.

But there is one variety of student group which is not treated by the same rules which govern these activities. Religious student groups, for the most part, do not have access to classrooms or other school facilities during noninstructional time.

As a result, our young people are denied basic rights spelled out in our Constitution: freedom of religion and freedom of speech.

H.R. 5345 would help students obtain those rights by insuring that religious student groups have the same access to school facilities and are treated in the same manner as other student groups.

There would be no special treatment, no special regulations—just equality with other student clubs.

I would like to commend the chairman of the Education and Labor Committee, along with the ranking minority member of the Elementary, Secondary and Vocational Education Subcommittee, for carefully crafting a bill that has some important provisions.

These provisions include:

Applicability only to students in public secondary schools,

Voluntary participation in student-initiated meetings,

No sponsorship by the school or government,

The presence of teachers or other school employees only in nonparticipatory roles.

I would like to make one final point. During committee hearings on H.R. 5345, some of the most eloquent testimony came from young people themselves—youths who had been denied the opportunity to meet before or after school in school facilities for religious purposes.

I urge my colleagues to rectify an injustice against those young people and thousands of others in our Nation's public schools by voting in support of equal access, for H.R. 5345.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. I thank the committee chairman for his courtesy in yielding me this time.

Mr. Speaker, I am not going to complain about the debates being limited to 40 minutes.

We all know the issue. It has been debated in this country for 365 years, ever since the Pilgrims landed at Plymouth Rock in 1620.

The Pilgrims fled England because the Government there was involved in religion. One religion got special treatment from the Government, and the rest suffered.

In England, free exercise of religion did not exist as it does in America today. And some English men and women, devout in their faith, made the heartbreaking, life-threatening decision to leave their homeland, forever.

One hundred and sixty-five years later, when the Constitution was written, several States said they would not join the new Nation unless a Bill of Rights was added, guaranteeing to every American certain precious rights, a free press, free speech, free assembly, and freedom from Government involvement in religion.

Our founders added the Bill of Rights to the Constitution. They agreed that these few essential freedoms must be spelled out. They included the guarantee that religion must be free of government interference because they knew that mixing government and religion could destroy both government and religion.

The bill before us today violates the Constitution's prohibition that requires Government neutrality in religion. It injects the imperial power of the Federal Government in Washington, D.C., into every one of the 15,517 school districts in the United States.

This bill licenses, authorizes, encourages religious services, prayer meetings, revival meetings in high school classrooms, before—after—and during the school day. Outside preachers, priests, rabbis, cult leaders, and gurus will conduct the services if invited by students. Discipline will be enforced by teachers paid by the taxpayers. And religions which have only a few children as members will be left out if the principal says there must be 5 or 10 to qualify.

If a group of students ask for a political meeting, or a soccer meeting, or a chess club meeting and is refused, their only remedy is persuasion.

But, under this bill, if a group of students asks for a religious revival meeting and is refused, the bill says that all Federal education funds can be cut off.

Is that Draconian sanction not a massive Government tilt toward religion? It is not a per se violation of the establishment clause of the first amendment?

Mr. Speaker, America's high schools must be run by local people, not by the heavy hand of Federal law.

Our high schools must not be forced by Federal law to make their classrooms available to every religion, subject to the fear that if a single principal refuses to allow a religious service, Catholic, Protestant, Jewish, Moonie, Synanon, or Hare Krishna, the entire school district could lose its Federal education funds.

Do not burden our high schools with the disagreements, indeed the passions of the hundreds of faiths that exist in our country, many of whom devoutly believe that their religion is the only true faith.

Listen, my colleagues. Listen to the words of our Founders who wrote the first amendment. Listen to the Pilgrims, who nearly 400 years ago fled from their homes, their neighborhoods, their friends and jobs, because government, yes the National Government in London, ruled that the people living in the towns and villages, must worship according to the dictates of the Government.

Mr. Speaker, the approval of this bill means that the Federal Government in Washington will have a giant voice in the day-to-day operation of our high schools. Please, please vote no.

Mrs. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentlewoman from California.

Mrs. BURTON of California. I thank the gentleman for yielding.

Mr. Speaker, I will be very brief and I will yield some of my time to the gentleman.

The San Francisco Chronicle on Tuesday, May 2, 1984, had an article "How Cults Reach Youths," and it says that the youths now in the schools are being recruited in the San Francisco area as well as elsewhere in the State of California. There has been a survey by two psychologists in San Francisco made on how many of these students are really being pushed into these cults. Over 1,000 high school students took part in this survey in our bay area alone. Fifty-four percent said they had been approached at least once by recruiters for cults.

Prof. Philip Zimbardo of Stanford University, who directed the survey, said that he was amazed at the contacts these cults are making in the schools. The most successful recruiting has taken place on school grounds, the survey indicated.

The article follows:

[From the San Francisco Chronicle, May 2, 1984]

HOW CULTS REACH YOUTHS

(By Erica Goode)

More than half of the high school students in the Bay Area have been on the receiving end of recruiting drives by members of cult groups, according to an extensive survey by two psychologists released yesterday.

Of the 1010 teenagers from schools in nine Bay Area counties who took part in the survey, 54 percent said they had been approached at least once by recruiters for cults such as the Unification Church, Children of God and Krishna Consciousness.

Fully two-fifths of the students reported from three to five contacts with proselytizing cult members and one-fourth said their involvement with a cult extended to six or more encounters.

"It is surprising the extent to which cults are making contact with kids at this young age," said Stanford University professor Philip Zimbardo, who directed the survey conducted by Cynthia Hatley, a graduate student at San Francisco State University, in 1980.

"But even more surprising," Zimbardo said, "is that a large percentage of these kids—even if they haven't been contacted—report being open to finding out about cults and attending cult functions, meaning they are available for more intensive recruiting.

"There is a curiosity, an openness and a receptivity that we were surprised at, given the amount of negative information about cults the students receive from the media and other channels of communications," he said.

The psychologist said the survey's findings contradict the commonly held notion of a cult recruiter who "swoops down on some innocent victim and through high-powered, subtle techniques seduces that person."

Instead, the relationship between recruiter and target appears to be a reciprocal one, Zimbardo said. Proselytizers for cults—sometimes referred to by group members as "deployable agents"—tend to select people who are themselves actively seeking something, and so already receptive to the recruiter's message, he said.

The popular stereotype of the alienated, disenfranchised, individual—often pictured as coming from a broken home—who is a sitting duck for cult recruitment is also misguided, the researchers found.

"That may have been true in the past, and those may be the ones who end up joining a cult," Zimbardo said. "But the teenagers who are responsive to invitations tend to look very normal and average in many ways. We found nothing deviant, or even qualitatively distinct about them, as compared

with students who said they would reject an invitation."

High school students expressing interest in contact with cult recruiters typically had fathers in higher-status occupations, read more newspapers and watched less television than their uninterested counterparts, the survey found.

They also reported engaging in more spiritual and religious practices, perceived cult members in a more positive light, and had more average grades in school than students who showed no interest in cults.

Sixty-six percent said they prayed regularly and 48 percent said they attended religious services each week.

The most successful recruiting efforts, the researchers discovered, were those taking place on territory familiar to the students—on school grounds, at a friend's house, or a local hangout.

Moreover, the student's decision to accept further invitations from cult members depended heavily on the appearance and sales tactics of the recruiter. When recruiters dressed normally, made eye-contact, spoke in a pleasant voice, and were seen as "wise, honest, friendly, knowledgeable and responsible," the students were more likely to be open to further contact.

□ 1450

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Speaker, H.R. 5345, the equal access bill was passed by the Education and Labor Committee by a vote of 30 to 3—clearly a bipartisan effort.

The bill says that no Federal funds may be provided to State or local education agencies that have a general policy of allowing student-initiated groups to meet during noninstructional periods if student-initiated religious groups are not allowed to meet on an equal basis.

There is no attempt in this bill to influence the form or content of any religious speech or activity. Nor is there any attempt to require any person to participate in religious speech or activities.

More than 570 of my constituents have corresponded with my offices to express their strong support of H.R. 5345. Few issues since I have been in Congress have elicited such a strong outpouring of support from my constituents.

The committee has indicated its strong bipartisan support. My constituents have told me of their intense support. I urge the House to pass this bill today.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. BONKER).

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Speaker, I thank the gentleman for yielding.

I am in opposition to this bill, and for very solid reasons.

Mr. Speaker, I try very hard to be a good Christian. I attend church on a regular basis. I pray to my God often and long. I know that without religion, a person's life is barren and meaningless. This tradition of belief in God and acting out religious beliefs and practices has been a part of my family for as many generations as I can count.

However, today, I must oppose H.R. 5343, the so called equal access bill. When the Congress attempts to intervene in religious practices, it can do grave dangers to individuals and communities.

The legislation H.R. 5343 is flawed in many respects, but at this juncture I shall address only one flaw. This bill would specifically preclude school personnel from influencing the form and content of the religious meeting. School administrations could not control the religious meeting. This would be fine if we define all religions precisely, but unfortunately this cannot be done.

Suppose there were 20 children in a school, all of whom belong to the Church of Scientology, who wanted to use a room in a school to relate their personal faith?

Was what occurred in Jonestown in Guyana, under the almost Satanic leadership of Jim Jones an expression of religious faith?

Could 15 students in a school, all of whom are members of the Church of Satan, be allowed to use school space to express their personal faith? Remember, no teachers or administrators can supervise such meetings.

Schoolchildren, members of the Hanafi Muslims, ask for school space to relate to their religion. Will they be permitted access? What would happen to those children who claim their religion is the American Council of Witches? If local school administrators permit such meetings, will they, by so doing, focus the forces of intolerance and bigotry on these children. If on the other hand, authorities do not permit these schools to use the facilities will they not violate the equal access rights of these students.

In an even more extreme case, a group of students want to form themselves into a junior support group for the Ku Klux Klan, but they call themselves a religious student group—remember under the bill there can be no official scrutiny of these meetings—and then use the meeting to relate their support of the KKK.

I have spoken to only one flaw on H.R. 5343, but that one flaw is sufficiently significant for me, and I must oppose H.R. 5343.

Mr. BONKER. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object to the unanimous-consent request in terms of revising and extending remarks, I am attempting to walk a fine line here in terms of making sure that the CONGRESSIONAL RECORD exactly reflects what occurs on the floor, and in terms of extraneous material, if it is mentioned, certainly it should be allowed to be added in order to understand. If our colleagues have remarks that they want to add to the RECORD, I think that is appropriate, but on the question of revising and extending on an open-ended unanimous-consent request, I will object, because I think, if we are going to have truth in packaging from gavel to gavel, it would be appropriate.

Mr. BONKER. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The gentleman from Washington (Mr. BONKER) withdraws his request, and the gentleman will resume his time.

Mr. BONKER. Mr. Speaker, first, I would like to say what the bill is not. This is not the school prayer issue, nor is it the silent school prayer, nor is it even the grandson of school prayer. It does not require schools to open their doors to religious groups. It does not even put religious groups on a par with other school-sponsored activities.

All it does is say that if a school allows a Young Republicans Club or a Kiwanis Club to meet, equal treatment must be given to religious groups. The legislation is necessary because constitutional rights are being denied to students who want any kind of religious activity.

Let me quote from the Nation's leading constitutional scholar who strongly backs this legislation:

> Indeed for public school authorities to discriminate on the basis of religious content of the speech at such meetings would in my view constitute a violation of the right of free speech and free exercise of religion of the students involved.

The 1962 court ruling did not address this particular issue, and as a result school authorities throughout this country have differing ideas on whether students can voluntarily meet to discuss their personal faith. And the district court decisions have also been without unanimity.

The 1981 Widmar decision in Missouri required equal access on college and university campuses, and this legislation merely extends that concept to secondary schools.

Now, I would like to say something to my Democratic collegues on why I believe they should support this bill. First of all, they ought to be concerned, first and foremost, about first amendment rights. Larry Tribe had pointed out that this is not only clearly constitutional but we risk denying first amendment rights to certain students if this bill does not pass.

It removes discrimination in all forms. Presently some school districts deny access for religious purposes, and that is a form of discrimination that exists in many schools today. It also protects the rights of minorities, and in this case religious minorities.

Our critics say that the bill gives some kind of legislative blessing to majority religions and then turn around and say that it opens the door to cults and other esoteric groups. The fact is that this bill gives equal treatment to all religions, majority and minority, and it insures Government neutrality.

Government must be neutral on this issue of church and state. It cannot establish and promote religion, it cannot prescribe a school prayer, which incidentally I strongly oppose, but, on the other hand, it cannot be hostile to religions. It has got to protect freedom of speech and the free exercise of religion.

Last, it provides that we keep the State out of religious activity. Section 4 of the bill disallows faculty participation in any form of religious activity.

Mr. Speaker, Members have heard some far-fetched tales about what would happen if equal access passes. These horror stories in my judgment are no more believable than what we heard on this floor when the ERA came up for consideration recently. The equal access bill simply removes discrimination against students who want to meet for religious purposes. It is a practical, constitutionally sound, and fair-minded thing to do.

Mr. Speaker, I urge the support of the Members for this bill.

Mr. SMITH of Florida. Mr. Speaker, will the gentleman yield for a question?

Mr. BONKER. I yield quickly for a question.

Mr. SMITH of Florida. Mr. Speaker, I have one question.

The gentleman stated that this would allow for free access and not discriminate.

Can a local school board under this bill make mandatory a minimum number of students for every club, including those religious clubs which would now be capable of being allowed into the schools? Could they theoretically under this bill make a mandatory minimum number of students?

Mr. BONKER. There is no numeric standard in this bill whatsoever, and it protects minority religions.

Mr. SMITH of Florida. But the reality is that a school board could in fact put a number on the minimum number of students in a school club, and, therefore, if the Baptists were only 10 in the school and they made the minimum number 20 before you could have any club, chess club, Latin club, or Bible school, theoretically the Baptists could then be excluded because they would not have more than the 10 people they have in the school; is that not correct?

Mr. BONKER. Practically speaking, there is no numeric standard in this bill, and the fact is that when we get a judicial remedy mechanism, the matter would have to be determined by the courts.

The SPEAKER pro tempore. The time of the gentleman from Washington (Mr. BONKER) has expired.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, for the first time in my 10 years in the House, I am disagreeing with my distinguished chairman. This came out of committee 33 to 3, and I am proud to say I was one of the three in opposition to this.

I am, I think, interested in votes as much as anybody on this floor here today, but let me say that we are dealing here, I think, with a can of worms. Under this proposal, if a local school district wants to permit the Spanish Club to meet, they have to permit every religious group, no matter what kind of a religious group it is, to meet. We take that power away from local school districts.

Now, I happen to think local school districts ordinarily ought to be permitting religious groups to meet, but let us leave it up to the local school districts. Let us not impose from the Federal Government the harsh penalty of taking away all funds if they do not let every group under the Sun meet.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. SIMON) has expired.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding this time to me.

The issue, in my view, is equal access, not special privilege. To permit limited access to public buildings for civic or political purposes, then to exclude access for religious meetings under the guise of separation of church and state, is to discriminate against religious expression and to put Government in the posture of being antireligious.

The bill does not establish religion. It permits freedom of assemblage for the purpose of religious and other expression.

□ 1500

It is contradictory in my mind to argue that access to public buildings favors a majority religion on the one hand, while expressing fear that access would expose students to subcultures on the other. This is a horror story mentality.

This bill is made necessary by the confusion caused from court decisions. To pass it would eliminate that confusion, establish rules of administration, eliminate fear from further court action and, finally, it removes the barrier of Government to the freedom of assemblage for whatever persons for whatever reasons citizens of this country might choose to assemble.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. COATS).

Mr. COATS. Mr. Speaker, I thank the gentleman for yielding. I rise in strong support of this bill to permit voluntary student initiated religious activity in our secondary schools on the same terms and same conditions as other activities are allowed. People have spoken as to the merits of the bill and the protections of minorities.

Let us look at why this bill is needed. It is needed because local school authorities wishing to avoid legal controversy have dramatically restricted first amendment rights of students with respect to freedom of speech, freedom of religion, and exercise of their religious beliefs. The resulting policies of the school boards have gone so far beyond the court accommodated neutrality toward religion that they actually promote Government hostility toward religion. We are trying to bring that neutrality back into focus by allowing participation on a voluntary basis of students on the same basis and same terms as others.

Six hundred thirty-one people from my district have contacted me in just the last 3 days. I want to assure them of my strong support for this and I appeal to Members on both sides of the aisle to support this equal access.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ACKERMAN).

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman.

I rise in opposition to this bill. This is the first time in 20 years on the Education and Labor Committee that I have opposed a bill reported by the majority of that committee. It is the worst clinker the committee has ever handled.

Mr. Speaker, I rise in strong opposition to H.R. 5345, the Equal Access Act.

The bill would require any public secondary school which "generally allows groups which are initiated by and composed of students" to meet during "noninstructional periods," to not "discriminate" on the "religious content" of the speech at such meetings.

Schools not complying would be faced with a cutoff of all Federal funds by the Department of Education. The only restrictions in the bill

are that the meetings must be voluntary, that there be no "sponsorship" of the meeting by the school or Government, that school employees are present only in a "nonparticipatory capacity," and that no unlawful activities take place at the meetings.

H.R. 5345 is unconstitutional under all three tests for the neutrality between church and state of government policy. The legislation does not have valid secular purpose. It does not provide for the study of religion but rather encourages religious proselytizing. It does not have a primary effect that neither enhances nor inhibits religion. Its primary effect is clearly to enhance religion. And, finally, it obviously contains the potential for excessive entanglement between religion and the government.

In addition this bill elevates religious speech and meetings above all other types of expression. Only religious speech is granted special protections by the bill. Other types of student meetings—cultural, political, academic—would not be granted similar equal access protections. If anything, this is an unequal access bill.

The bill provides no protections for religious minorities. Schools would be free to require a minimum number of students before allowing the use of their facilities. An amendment which would have prohibited discrimination based on the number of students desiring to hold a religious meeting was defeated in committee. This bill only advances the interests of majority religions.

The bill would allow outside religious leaders and clergy to participate in or lead student religious meetings. Actual prayer services and other sectarian practices could occur. There is also a substantial risk that all manner of self-styled religions and cults would be granted access to our public schools and to their students.

In effect, our public schools could be turned into places of worship and this bill is a back door of bringing group prayer into public schools. Amendments to prohibit outside participation were defeated in committee.

These religious activities could occur throughout the school day. An amendment to limit the religious meetings to before or after school was defeated in committee.

H.R. 5345 would result in religious divisiveness and segregation along religious lines in public schools. As Justice Frankfurter said in his opinion in McCollum against Board of Education (1948), in which the Supreme Court struck down as unconstitutional religious instruction in public schools:

The public school is at once the symbol of our democracy and the most persuasive means for promoting our common destiny. In no activity of the state is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say fusing, what the Constitution sought to keep strictly apart.

The bill uses the bludgeon of complete cutoff of Federal funds as a penalty for a single violation of its provisions. In effect, the Secretary of Education is given the authority to define what is and is not "religious speech." Judicial remedies would be more appropriate. In order to avoid the possibility of funds' cutoff, some schools may simply deny access to all student groups.

Students as young as 12 years old would be subjected to religious peer pressures and influenced by teacher supervision of religious meetings.

Parental control over their children's religious upbringing would be weakened by allowing young children to attend religious activities without parental permission or knowledge.

Mr. Speaker, I am pained by the necessity of opposing a bill reported by the Committee on Education and Labor and supported by my distinguished chairman and friend, the gentleman from Kentucky (Mr. PERKINS). However, I must oppose this bill as dangerous to public education, and I urge my colleagues to vote against this bill.

The case against the bill was well presented in an editorial that appeared in today's "Washington Post" and I include that editorial in my remarks.

[From the Washington Post, May 15, 1984]

PRAYER MEETINGS IN SCHOOL

Today's the day for House consideration of a bill to allow student religious meetings in public schools. Sponsors of the measure hope congressmen will want to record themselves in favor of a proposal that is supported by some religious groups, and since the Senate defeated the school prayer amendment this bill may present the only opportunity to make a record in this election year. They hope to slip this bill through under a suspension of the rules, a procedure allowing only 40 minutes' debate and no amendments. They shouldn't be allowed to get away with it.

At first glance the idea of allowing youngsters in the seventh grade and older to hold religious meetings at school doesn't sound objectionable. But legislators who accept this simple description and vote to bypass the rules would be making a mistake. The very premise of the bill deserves to be challenged. Why should the public schools be in the business of arranging for the separation of children into groups according to religious belief and providing those groups with meeting rooms, time during the school day and teachers to supervise the gatherings? Surely that's the business of churches, not public schools.

Then look at the details of such an operation. It's relatively easy in a school that is, for example, equally divided among Methodists, Seventh-Day Adventists and Catholics. But suppose, as one representative asked his colleagues during the committee hearings, the school had 97 of one faith, two of another faith and one member of a third. The bill's sponsors refused to add a language that would guarantee equal rights to the minority students; they were perfectly comfortable with the notion that space could be denied to a group that was not sufficiently large. They also rejected an amendment that would have barred outside visitors from participating in such meetings. It is hard to imagine that parents would welcome cult leaders or even proselytizing ministers of mainstream religions into their children's schools.

This bill would not be passed if a full debate were held. That's why it's going to be brought up under a gag rule. It would not even be on the floor if it had been referred to the Judiciary Committee, where constitutional questions belong. Instead, it was written in such a way as to cut off federal funds for school districts that do not allow religious meetings and was referred, as other aid-to-education matters are, to the Education and Labor Committee, where support was stronger. It's time to call a halt to this kind of legislative flimflam. This is not a simple, noncontroversial bill and it does not belong on the suspension calendar. The easy vote today may be "aye." The right vote is "no."

Mr. GOODLING. Mr. Speaker, by arrangement, I yield an additional 2 minutes to the gentleman from New York (Mr. ACKERMAN).

The SPEAKER pro tempore. The gentleman from New York (Mr. ACKERMAN) is yielded an additional 2 minutes and is recognized for a total of 3 minutes.

Mr. ACKERMAN. Mr. Speaker, this bill is not school prayer in sheep's clothing. It is the blatant establishment of religion, naked, and undisguised. This bill mandates the use of public money, public buildings, public heat, public light, public electricity, and public employee supervision to foster religion; not just after school, but before school, during school, in between classes, and throughout the compulsory school day.

This bill opens the door so wide that not only prayer, but the entire church could be moved inside.

Will all religions be given equal access? Will the three Buddhists be given the same keys to the schoolhouse as the 300 Baptists, or will you get around it by requiring 20 students to form a club? Is that not the de facto establishment of a religion?

And what is a religion? You have to know in order to be able to give them access. Is it the Catholics, the Baptists, the Jews, the Muslims? How about the Klan or the Nazis? Would the Demonologists be given a preference to use the gym to have a cult in to worship the anti-Christ?

There is no penalty when you deny access to the basketball team. Would you deny the animal sacrifices, the slaughter of pigs in the classroom? Would you prevent Charles Manson as a guest preacher for a group of 12-year-olds? These are the questions.

When one school administrator guesses wrong, all of Chicago would lose its school funding. Under this bill, students would be so confused that they would not know when that finite

moment is that the church bells stop and the school bells start.

Mr. Speaker, the wall between the church and state is high enough to give us confidence that people can practice their religious beliefs untruded upon by government. It must remain high enough to allow government functions to operate unintruded upon by religion.

Certainly we have enough constructionists in this room to know that you cannot lower a wall from one side only.

Surely we have enough Members who have a clear enough understanding of our Constitution to prevent that attempt; and if we do not, there will be a greater need than praying in our schools, and that will be praying for them.

Mr. HAYES. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Illinois.

Mr. HAYES. Mr. Speaker, I rise to express my reluctant opposition to H.R. 5345, the Equal Access Act. Although I voted for this measure when it was reported out of the Committee on Education and Labor, lingering unresolved constitutional and administrative questions about the bill and the manner in which it is being considered leave me in the uneasy position of opposing its passage and my distinguished chairman, CARL PERKINS.

When this legislation was the subject of a markup session by the Subcommittee on Elementary, Secondary, and Vocational Education, efforts were made to correct what I think are the particularly troublesome constitutional and administrative problems the bill presents. The concept of equal access for voluntary student-initiated religious meetings is one that I find acceptable, as I hope the majority of my colleagues would. However, in my judgment, putting that concept into a legislative framework that is both constitutionally and administratively acceptable has not been accomplished by H.R. 5345.

I think it is quite evident that there is a very legitimate question that this measure may conflict with the establishment clause of the first amendment. Additionally, the very religious nature of the proposal, and potential for entanglement of church and state, are matters that should be resolved by the appropriate House committee charged with that responsibility, the Committee on the Judiciary. We received testimony from Chairman DON EDWARDS of the Subcommittee on Civil and Constitutional Rights in which he indicated that the bill does in fact pose constitutional problems. Efforts were also made by my colleague from Virginia, Representative FREDERICK BOUCHER, to have a sequential referral of the Equal Access Act to the Judiciary Committee for a "limited time period" to have the constitutional questions resolved before it came to the House floor. I emphasize limited time period because his intention was not to prevent the full House from considering the measure, but rather to insure that it received the careful constitutional scrutiny it deserves. Unfortunately, his efforts were ruled out of order by the Parliamentarian.

Administratively, H.R. 5345, if enacted in its present form, would cause numerous problems for school administrators. First and foremost, they would be put in the position of determining what is and is not a legitimate religion or religious activity. I do not think any Member of this body believes that a school official should have the right to determine what is another person's concept of religion. In the event a single school official should err in judgment about a particular religion, that official would put the entire school system in jeopardy of losing its total Federal funding.

If the city of Chicago school system lost all its Federal funding there would be no way possible for thousands upon thousands of schoolchildren to receive an adequate education, or for that matter, an education at all since I suspect the schools would have to close down. Funding for programs such as title I, the school lunch program, vocational education, and a host of other vital elementary and secondary school programs would be lost to any school district or State if just one school or school official was found to violate the provisions of H.R. 5345.

Assurances have been made by supporters of H.R. 5345 that the administrative remedy contained in the bill would be changed to a judicial remedy during the legislative process. However, in view of the fact that efforts have already been made and rejected to include that remedy, I question whether they will be made or supported further down the road. A judicial remedy would not only protect school districts from the discontinuation of Federal funding because of the error of one school official, it would also fully protect the rights of students by giving them the benefit of a hearing before our judicial system.

Again, I want to make it clear that I have no problem with the concept of equal access for voluntary student-initiated religious meetings. I do however, have serious problems with the manner in which H.R. 5345 is being considered by this body, and even more serious concerns that it would create more problems that it corrects. I believe it is the responsibility and duty of all Members of this House to present to the American public sound, responsible legislation. In my judgment, and I hope the judgment of the majority of my colleagues, H.R. 5345 does not fit that criteria and should be rejected.

PARLIAMENTARY INQUIRY

Mr. EDGAR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. EDGAR. Mr. Speaker, I just happen to have a stopwatch and had a stopwatch on the gentleman who was speaking in the well in order to know when to ask the gentleman to yield. According to my stopwatch, we only had a timeframe of less than 4 minutes. I wonder if the Chair could correct that.

The SPEAKER pro tempore. The gentleman only had 3 minutes. The gentleman's stopwatch is accurate. The Chair was also accurate.

Mr. EDGAR. I thank the Chair.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this legislation. This legislation is merely intended to extend the protections and rights extended in the Supreme Court decision of *Widmar* v. *Vincent*, 454 U.S. 263, decided in 1981, the secondary school students.

Very simply in my opinion, the first amendment does not sanitize public school students from religious expression and this bill is designed to guarantee students who wish to express that religion equal access to the public school facilities.

In the hearings that were held before the Subcommittee on Civil and Constitutional Rights on a similar bill, two major objections were raised. First, that this bill is an administrative nightmare. Well, any school principal who is worth his salt will be able to resolve that problem.

And second, that this bill will bring cults into the school building. That also is hogwash, because no cult is going to want to enlist students into a brainwashing session when there is a supervisor from the faculty present. Please pass this bill.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Mr. Speaker, if this bill passes, we will add a fourth "R" to the curriculum of our schools: reading, writing, arithmetic, and religion.

Mr. Speaker, some of the proponents of this bill have brought up very legitimate objections to what is happening in our schools. Students should be allowed to bring a Bible to school. They should be allowed to discuss religion in their schools.

Unfortunately, the Bonker bill goes much further. It would allow three students in many school districts to get together and invite Devil worship, Sun Yung Moon, or any other cult into their school and it could not be stopped.

This bill in many school districts would allow Holy Communion or other full religious prayer services, as long as they are student initiated to occur in our classrooms during lunch hour.

□ 1510

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. CHANDLER).

Mr. CHANDLER. Mr. Speaker, first I would like to congratulate and thank the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), the gentleman from Washington (Mr. BONKER), and the gentleman from Mississippi (Mr. LOTT) for the work that they have done and the leadership they have provided in this bill. I think this addresses nothing more than a gray area between freedom of speech on the one hand and the prohibition of Government's establishment of religion on the other.

We have seen inconsistent court rulings. All this bill does is make it clear that students are allowed to express their spirituality wherever they are, even if it is within a school room.

It does not allow school sponsorship. It must be voluntary. It must be student initiated.

And I agree with the gentleman, my colleague from Washington, that the scare tactics used by the opponents have little validity here. All we are trying to do is take a commonsense approach to allow people to do what the Constitution guarantees them to do, which is the practice of free speech and free expression.

I would like to extend and submit for the RECORD a letter from Laurence Tribe dated April 30, 1984, to the Honorable CARL PERKINS, which will in addition support my view.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The letter referred to follows:

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, April 30, 1984.

Hon. CARL D. PERKINS,
Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN PERKINS: I have your inquiry of April 25 with respect to H.R. 5345, the proposed Equal Access Act. As I testified with respect to H.R. 4996 on March 28, 1984, this legislation seems to me entirely constitutional.

It is clear that public school authorities in some jurisdictions, encouraged by a number of lower court rulings, feel free to discriminate against voluntary student groups in public high schools based solely upon the religious content of their speech. The assumption seems to be that, despite *Widmar v. Vincent*, 454 U.S. 263 (1981), the dangers of official establishment of religion in the public schools warrant, and perhaps require, discrimination of this kind, despite (1) the unconstitutionality of such content-based discrimination against other forms of speech (e.g., political) in public high schools; and (2) the unconstitutionality of such content-based discrimination against *religious* speech in public colleges and universities under *Widmar*.

There is no basis in theory or in Supreme Court precedent for this view. It is entirely appropriate for Congress to repudiate this view, therefore, acting under Section 5 of the Fourteenth Amendment and/or the Spending Power of Article I. The safeguards described in the reported bill (H.R. 5345) provide ample assurance against its invocation to coerce or pressure students; to identify any public school officially with prayer; or to discriminate against minority religions.

Sincerely yours,

LAURENCE H. TRIBE,
Tyler Professor of Constitutional Law.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Speaker, if you are at all interested in the conservation and wise utilization of your resources in public buildings, if you at all for a classification of an issue which has been asked for by our local school boards and school officials, if you are at all for a constitutional right for all people, you will support the bill in front of us at the present time.

This bill simply prohibits discrimination against meetings initiated and composed of students if the content of that particular meeting might include religious speech.

Really what I think we are doing here is restoring the words of the Constitution which say we ought to have in this country freedom of religion, not freedom from religion.

I would suggest that probably this bill does not go far enough, because really what this bill does is it prohibits discrimination by faculty or staff in such a meeting. In other words, we are saying they do not even have the right to practice or say their religious beliefs in school or in public buildings, and perhaps we ought to allow for public buildings to be open for every citizen in this country, not just the high school students.

But this bill does not touch those issues.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. I asked to extend my remarks since not only does this bill trample upon the Constitution of the United States, but this procedure tramples upon the right of debate within this House.

I am terribly sorry, after 14 years in this body, to see the American people so misled by a title called equal access. This bill in fact is unequal access to the Constitution of the United States. It removes funding by the Department of Education for minor things like vocational education and so on and so forth for title I without judicial review.

Now what are we talking about? To the ladies and gentlemen out there that have heard this wonderful term "equal access," do they understand that these religious groups will come in under school rules which could be less than 10 people cannot come? Do the ladies and gentlemen outside there in this country who have been misled by this constitutional trampling that is going on understand that in fact that outside religious leaders can come into the schools of this country if so requested? Some religious leaders but not others.

We have made a real travesty both in procedure and on the Constitution.

Procedurally, the House of Representatives should have had the opportunity to fully discuss an issue with tremendous consequence to every individual, the equal access bill. Instead, H.R. 5345, introduced by Representative DON BONKER was brought up under suspension of the rules, prohibiting any amendments and allowing only 40 minutes of discussion.

While I can certainly agree with the principles behind an equal access bill, I cannot believe the majority of those who have contacted my offices and other Member's offices fully understand the implications of what is now referred to as the Bonker bill. The Supreme Court uses a three-pronged test to determine whether the constitutionally mandated separation of church and state has been preserved: First, the activity must have a valid secular purpose; second, the activity's primary effect can neither enhance nor inhibit religion; and third, the activity must not contain the potential for excessive entanglement between religion and the government. Mr. BONKER's bill fails on each of these criteria by granting religious groups preferential treatment over other types of assembly.

The bill states that a school forbidding religious gatherings would suffer a loss of Federal funds—a penalty which is not applied to any other group or club. This is absurd. The fact that an entire school district could lose its school lunch funds, title I funds, or vocational education money if one of its schools is found in violation of a loosely constructed act is simply intolerable. Some of my colleagues now say that a judicial remedy would replace this provision when the bill goes to conference. However, I cannot support such a risky approach considering that the bill's purpose is "to provide that no Federal educational funds may be obligated or expended to any State or local educational agency which discriminates against any meetings of students in public secondary schools who wish to meet voluntarily for religious purposes."

Several other provisions in Mr. BONKER's bill also disturb me. An amendment offered in committee to prohibit religious leaders from participating in student religious activities was defeat-

ed. This means religious services during school hours would be possible. Another amendment offered in committee to protect minority religions from discrimination was also defeated. Finally, a high school's primary function is education and we must continue to allow the local administrators to exercise their discretion in excluding any groups which they feel disrupt or interfere with school discipline. Because of these concerns, I have been reviewing an alternative approach, H.R. 5439, offered by Representatives DON EDWARDS, GEORGE MILLER, GARY ACKERMAN, and SALA BURTON.

H.R. 5439, the Secondary School Equality of Access Act of 1984, does not elevate religious speech above all other forms of speech. In addition, it provides a judicial remedy for disagreements instead of Federal fund termination; it does not allow a school to require a minimum number for participation, thereby protecting minority views; and it allows the local administrator to exercise discretion in excluding groups that are disruptive or interfere with school discipline. Mr. Speaker, this approach seems to define the ideals of equal access more equitably than does the Bonker bill and it is my sincere hope that the House will have the chance to fully debate this most important issue in a more forthright manner.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FISH).

Mr. FRANK. Will the gentleman yield?

Mr. FISH. I am happy to yield to my colleague, the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Speaker, as a supporter of the concept of equal access, I ask Members to vote against this bill because as drafted it does not carry out the intentions that ought to be carried out. It allows these activities during the school day and does not simply restrict them to before and after.

It does not adequately deal equally with all groups, but singles out religion in a way that I think will cause constitutional problems.

It is a good concept that is done in a bad way, that does not allow us to amend it, and discuss it, so I ask Members to vote it down so that if we do have equal access we do it right.

Mr. Speaker, I ask that my letter outlining my objections to the bill as currently drafted be printed at this point.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 1984.

Hon. DON BONKER,
Cannon House Office Building,
Washington, DC.

DEAR DON: As you know, I support the initiative you have taken in bringing across the equal access bill because I think it, properly drafted, makes an important point in defense of the rights that secondary school students ought to have, and makes it clear that those of us who think it unwise to have officially held school prayers are by no means arguing that the schools ought to be hostile to religion.

Because this is such a delicate area from the standpoint of the Constitution and of individual rights, and of the sensitive relationship between government and religion, we all agree that it is important that this bill be very carefully drafted so that little is left to chance or speculation, and so that those who disagree with the general position we have are not able to read more or less into the legislation than we think ought to be there. Consequently, I believe that the bill as reported out by the Committee on Education and Labor ought to be amended in some form before passage. Obviously this can be achieved in a number of parliamentary ways and I am not here concerned with the procedure under which the House considers it, but rather with the need to be very explicit in this important piece of legislation as to just what it is we seek to accomplish and what it is we do not mean to do. I have read carefully the material prepared by several people with regard to this, including my friend and former law school professor Larry Tribe, and the views I am setting forward here reflect much of what I've read. This does not mean that any of those individuals necessarily agrees with everything I am putting down here, although I must say that I think the version of the bill I am about to outline is one that has an appeal to a lot of our colleagues whom I have been discussing this with over the past couple of weeks.

First, I very much agree with you and disagree with the alternative that has been drafted by my good friend Don Edwards in two important respects. First, I think the use of sanctions to enforce the bill is a good idea and I do not think we should simply restate what we think the existing law is and leave people to enforce their rights by going to court. I believe that a threatened cutoff of federal funds is an appropriate response, and I'm pleased that there is apparently broad support for the notion that it is legitimate for the federal government to cut off funds to local educational authorities who do not respect the rights of secondary school students to engage in free association with each other. Second, because some jurisdictions have discriminated against religious-based groups in providing access, I think it is important that the legislation specifically mention religious-based associations as among those whom we are intending to protect.

On the other hand, as I said when I testified before the Education and Labor Committee, I do think that some of the critics of the bill made a good point when they argued that it would be wrong for us to single out religion as the only form of activity to be protected. I realize that language in the Committee report seeks to offset this idea, but I think it is essential that we make clear in the text of the bill that we are not singling out religion for special protection, because that would undercut the argument that we are simply seeking here to prevent any interference with the free choice of secondary school students. And I think there might be constitutional problems if we put religious-based associations in a preferred status. Therefore—and here I believe I am in agreement with one of the points Larry Tribe made in one of his letters—I think we should amend the bill so that we make it clear that we will invoke sanctions if any political, religious, social, or other legitimate association of students is denied access on an equal basis.

Another point which Larry Tribe made seems to me ought to be written explicitly into the bill. He notes in one of his letters that the courts have already held that actual religious services may not be held in the school buildings. I think it would be very helpful in calming some fears that have arisen here if we made it clear in the legislation that we are not talking about having religious groups use the school buildings for their actual services, making clear that we are talking about meetings of students who may wish to discuss religion and share their religious experiences. Since, as Larry Tribe points out, the courts already have said that actual formal religious services ought not to be conducted in this fashion, we do not lose anything by making this explicit.

Two other points seem to me ought to be included. First, I do not believe that it would be wise to apply this so rigidly to the period during the school day. During the school hours, students are not in the building voluntarily but are there because of the coercive power of the state. I think there is a qualitative difference between those hours before and after school, when student attendance is wholly voluntary, and the school day when students are there because the law makes them be there. I think the argument that students might be subjected to an unfortunate form of coercion has some strength when we are talking about activities during the school day, and I believe the bill ought to explicitly be limited to the before and after school periods.

Finally, again to calm some legitimate fears that have been raised, as well as to pre-empt arguments that may not be as legitimately meant, I think some form of explicit protection for minority religions or political groups ought to be included. That is, I think the argument that students shall not be denied this equal access based solely on the fact that they are too small is an important part of achieving a bill that all of us can agree on.

In summary, I believe we would be in the best possible position if we brought forward a bill which says that no school may deny equal access to any group of students which seeks to use the buildings before or after school for religious, political, social, or other discussion purposes so long as they are not engaging in any illegal or disruptive activity. The bill should allow for federal funds to be denied to any school which engages in the pattern of denial of the rights of any particular group, and it should provide protection against discrimination against minority, political, religious, or social groups. And it ought to make explicit what it is apparently the current state of constitutional law—namely that this is not intended to transform the schools into places where regular formal religious services are held. I think a bill in this form would meet the legitimate concerns we have and have the best chance of passage. Obviously I'll be looking forward to discussing this with you during the next couple of weeks but I thought it was useful for me to put this down on paper to share it with you and others who are concerned.

BARNEY FRANK.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I rise in opposition to this bill. As a Methodist minister and a Protestant pastor for 11 years, I think it is wrong to proceed in this way. I think if you really want access you ought to ask the question of the traditional religions how they use their particular facilities.

I think it is the wrong bill at the wrong time.

Mr. Speaker, let us put education back into the schools. When the House debates the equal access bill today, we will argue about balancing freedom of speech and religion with Government's responsibility not to prohibit or promote religious activity. I believe that freedom of speech and religion are strongly protected by our laws, as made evident by the diversity of freely practicing religious groups in our society. I also believe that the equal access legislation forces the schools to become too deeply involved in religious activities.

Mr. Speaker, why are religious meetings and observances necessary during public school class time? As a Methodist minister, I know that most religious buildings have empty classrooms before and after school. For students who feel strongly about prayer, adequate and available facilities already exist for their meetings—and I encourage students to use them.

Second, look at the practical aspect. How does one divide the time? How does one provide adequate meeting time for Catholics, Baptists, Jews, native Americans, Buddhists, Moslems, Quakers, and Methodists, without offense or favor? Is this how our principals and teachers should be spending their time and effort? Let us put education back in the schools.

I include the following:

[From the Washington Post, May 15, 1984]

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Today's the day for House consideration of a bill to allow student religious meetings in public schools. Sponsors of the measure hope congressmen will want to record themselves in favor of a proposal that is supported by some religious groups, and since the Senate defeated the school prayer amendment this bill may present the only opportunity to make a record in this election year. They hope to slip this bill through under a suspension of the rules, a procedure allowing only 40 minutes' debate and no amendments. They shouldn't be allowed to get away with it.

At first glance the idea of allowing youngsters in the seventh grade and older to hold religious meetings at school doesn't sound objectionable. But legislators who accept this simple description and vote to bypass the rules would be making a mistake. The very premise of the bill deserves to be challenged. Why should the public schools be in the business of arranging for the separation of children into groups according to religious belief and providing those groups with meeting rooms, time during the school day and teachers to supervise the gatherings? Surely that's the business of churches, not public schools.

Then look at the details of such an operation. It's relatively easy in a school that is, for example, equally divided among Methodists, Seventh-Day Adventists and Catholics. But suppose, as one representative asked his colleagues during the committee hearings, the school had 97 of one faith, two of another faith and but one member of a third. The bill's sponsors refused to add language that would guarantee equal rights to the minority students; they were perfectly comfortable with the notion that space could be denied to a group that was not sufficiently large. They also rejected an amendment that would have barred outside visitors from participating in such meetings. It is hard to imagine that parents would welcome cult leaders or even proselytizing minister of mainstream religions into their children's schools.

This bill would not be passed if a full debate were held. That's why it's going to be brought up under a gag rule. It would not even be on the floor if it had been referred to the Judiciary Committee, where constitutional questions belong. Instead, it was written in such a way as to cut off federal funds for school districts that do not allow religious meetings and was referred, as other aid-to-education matters are, to the Education and Labor Committee, where support was stronger. It's time to call a halt to this kind of legislative flimflam. This is not a simple, noncontroversial bill and it does not belong on the suspension calendar. The easy vote today may be "aye." The right vote is "no."

[From the Philadelphia Inquirer, May 15, 1984]

"EQUAL ACCESS" ISN'T EQUAL ACCESS

(By Barry Ungar)[1]

Congress is considering legislation that would require every public school that permits student club activities to provide an equal opportunity for organized groups of students to engage in prayer, Bible reading, and religious discussion. These proposals, known as "equal access" legislation, are beguiling in their apparent fairness. After all, why should religious activity be treated less favorably than other school activity? The answer is that in our public institutions it should, and it must.

"Equal access" presents at least as many dangers to religious liberty and religious pluralism as the proposed constitutional amendment to allow organized prayer in the public schools, recently defeated by the Senate.

It is important first to realize what equal access is not about. It is not about whether public schools that make their facilities available to groups after school hours must make those facilities available to religious groups on the same basis. Of course they must. Rather, the legislation is directed at activities during the compulsory hours of a public school—during the time when the student, under state law, must be in school.

What really will happen in the public schools if this legislation is passed? In actual practice the requirement that religious clubs be sanctioned during such mandatory school hours presents precisely the dangers the First Amendment seeks to avoid and that Supreme Court decisions prohibit: potential divisiveness along religious lines; the appearance of a governmental sanction on religious practices in general, or certain religions in particular; potential religious pressures on youth of impressionable age; substantial risk of proselytization in public schools with the appearance of official sanction, and inevitable entanglement between government and religion.

There are three possible ways in which such clubs will, in fact, function.

First, there is the possibility that the religious clubs will be nondenominational, open to Catholics, Jews, every Protestant denomination, and so forth. From our historical experience with these clubs, and similar arrangements 40 years ago, we know that this picture of religious harmony is highly unlikely.

Religion is, after all, based on faith. It is deprived of its spiritual essence, and transformed into only another secular activity, when it is diluted to please everyone. But even assuming that such a nondenominational club is possible, it cannot last.

Only the naive will refuse to ignore that the club ultimately will come to represent the predominant religious denomination.

The second possibility is that each religious denomination will request its own club. What a marvelous achievement. Congress will have succeeded in encouraging American children to voluntarily segregate themselves along religious lines in the very government institution that is best designed to impress upon our children that they are all Americans.

A religious club is not like the camera club or the drama club. In the latter instances the children are voluntarily segregating themselves by their interests; in the case of a religious club they are included or excluded because of nothing more than who they are and their spiritual beliefs. A sad improvisation on the great American experiment.

Finally, based on our American experience during the "released time" era when children were released from regular classes to attend their respective religion classes on school premises, we know that the most likely result is neither a nondenominational club nor an amalgam of clubs for every religious sect. The most likely result is also the greatest threat to both religious liberty and group harmony.

Because of the vulnerability of young people to peer pressure, one religious club, invariably that which represents the religion of the majority of the students, will emerge as the principal and only religious club. During our national experiment with released time the situation became so bad that some children were bitterly divided along religious lines because of pressure to join the majority.

Other children came in conflict even with their parents over religious issues; the children, over their parents' objections, wanted to attend the religion classes of their friends rather than the religion classes of the faith of their parents. Is this what we want in our public schools?

It is not a coincidence that the United States, which has the most scrupulous separation of church and state, but respects both church and state, also enjoys the most flourishing religious life and liberty in the world. This happy condition should not be tampered with.

As Charles Krauthammer has written (The New Republic, April 9, 1984), "Religious pluralism in America means a celebration of multiple privacies. It means that any group may establish any church anywhere.

[1] Barry Ungar is a partner in the Philadelphia law firm of Mann & Ungar. He is cochairman of the Commission on Law and Social Action of the American Jewish Congress.

It doesn't mean that every sect shall have a chapel in the house of government."

Mr. FISH. Mr. Speaker, no one in this Chamber today would disagree that the intentions of this bill's sponsors are laudable. The desire to insure that religious expression be given equal weight with other forms of free speech is a sensible one. However, all the good intentions in the world will not make sense out of this piece of legislation. The bill before us is seriously flawed.

Mr. Speaker, I have no problem with the concept of equal access, and I speak as a proponent of a moment of silence. But the bill we have before us today does not promote equal access, nor does it promote a contemplative atmosphere for individual prayer. This bill comes before us today with three counts against it. It is bad on procedural grounds, it is bad on policy grounds; most importantly it is a back door attempt to amend the Constitution without benefit of appropriate process.

I stood here on the floor in a similar capacity just 6 months ago when a proposed constitutional amendment was brought to the floor under a similar gag rule. I spoke out on the procedure then, and I do so now. No matter what one's feelings are about the content of this legislation, the fact remains that this is an important issue. This bill is controversial and raises serious constitutional questions, policy and substantive issues. And yet we are not being given the opportunity for full and open debate. We are not able to amend a word in this bill which allows and encourages practices we surely do not approve.

The most important aspect of this legislation that I take issue with is the constitutional questions this bill raises. I cannot support what I perceive to be a back door attempt to amend the Constitution of the United States without full debate and opportunity for amendment.

A strong argument can be made that this legislation violates the establishment clause of the first amendment. This statute is not aimed at assisting the educational function of the schools. In fact, the principal purpose of this legislation is not educational, but rather to mandate the availability of facilities where the principle purpose of the activities involved may not be educational at all. I submit that this legislation may well violate the entanglement doctrine, as enunciated by the Supreme Court.

H.R. 5345 violates the test for establishment set down by the Supreme Court in *Lemon* v. *Kurtzman*, 403 U.S. 602, 612-613 (1971).

First, does the bill have a valid secular purpose?

Second, is the primary effect of the bill to advance religion?

Third, does the bill excessively entangle the Government in religious matters?

H.R. 5345 fails all three elements of the test:

First, its clear purpose is to encourage the use of public school facilities for religious meetings;

Second, it permits clergy and other adults to take part in these meetings; and

Third, states that Federal funds will be withdrawn unless a school district makes the facilities available.

Thus, the Congress is advancing religion and entangling the Department of Education in local school district decisions relating to religious content.

Section 3 of H.R. 5345 does not limit the use of school facilities to the students involved. The language of the bill clearly holds open the possibility that adults and specifically sectarian officials such as ministers, priests, and rabbis could be invited to participate in and lead these activities. This bill will allow and encourage outside religious officials to come into the schools, not just before or after school, but during the schoolday, to lead religious or quasi-religious activities. Everyone who calls himself or herself a religious leader, and has a following, including cult leaders, would be allowed to enter the schools. As long as there are curious students, cults will be able to gain a foothold in our schools.

Proponents of this bill cite the Supreme Court case of Widmar against Vincent which established the right of student-initiated groups to use State facilities of higher education, as a precedent for this bill. This argument is not analogous, however. The decision was based upon the age and maturity of adult college students, and their obvious voluntary attendance. In secondary schools we are faced with mandatory attendance by impressionable minors. More importantly, Widmar did not deal with the issue of whether or not a particular educational institution would lose Federal funds depending upon its policy with respect to equal access.

In addition, this bill raises serious policy questions. This bill goes beyond allowing schools to accommodate religions meetings on its grounds. It grants special privileges and superior rights to religious organizations over other groups and forces the compliance of school districts under the threat of draconian Federal fund cutoff. Is this the policy we wish to express?

This bill also raises the specter of impressionable high school students reasoning that the outside religions coming into their schools are there by the approval of the State government, legitimizing a particular religion. Is this the policy we wish to express?

In addition, section 3(3) of this legislation raises a question relating to administrative control of the students and the ability to discipline the students. Employees or agents of the school or Government can only be present in a nonparticipatory capacity. What if the need arises for discipline or administrative control for the type of activities that the students may want to engage in during these noninstructional periods? Is this the policy we wish to express?

Perhaps, paradoxically, under this bill, a minority religion, an established religion, would be less able to come into the schools than a cult. This bill does not specifically address the right of school administrators to determine the minimum number needed to form a group for meetings on school grounds. For example, a school administrator might set a minimum requirement of 15 individuals. Under this bill, in a predominantly, for instance, Baptist neighborhood there might only be 10 Jewish students, or Mormon students, or Catholic students in the school. They would effectively be denied the right to hold a meeting. This bill protects only the rights of those in the majority to practice their religion during the school day. Is this the policy we wish to express?

We are eroding the quality of our children's education when we encourage outside religious, or cult leaders to constantly interrupt the school day. This bill does not just allow student groups to meet before and after school, but during any noninstructional period. Any time a group of students has a study hall they will be there, establishing a pattern of interference with learning in traditional subject matter.

Mr. Speaker, this legislation was introduced in response to an outpouring of justifiable concern by our constituents over the lack of moral standards in our schools. I hope today we show a little moral courage of our own and vote this ineffective, badly crafted, constitutionally suspect piece of legislation.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, the question of free exercise of speech as it relates to religion especially within our public schools has never been an easy one. Our system guarantees free speech and religion within the context of a separation of church and state.

The equal access bill that is before us today, H.R. 5345, is a carefully crafted piece of legislation that addresses these seemingly overlapping constitutional guarantees in a straightforward and simple way. It maintains Government neutrality in religion while assuring that student religious groups have the same oppor-

tunity to express their beliefs as other voluntary student groups enjoy. It is a responsible, clear bill and one which I support.

Mr. Speaker, opponents argue that equal access is a backdoor approach to prayer in public schools, and will elevate religion to a preferred status in the public schools. That argument is ill-founded and could not be farther from the truth.

In reality, H.R. 5345 will clarify the confusion in public schools and lower courts on the rights of student initiated religious groups by applying the same rationale used by the Supreme Court in its Widmar against Vincent decision. In that decision the Court ruled that colleges must provide the same access to school facilities for such religious groups as is provided for other student-initiated groups. Extending this principle to secondary schools has nothing to do with school prayer, but applies existing court decisions on the free exercise and equal protection clauses. It does not give religious groups preferred status, but rather puts them on equal standing with nonschool sponsored, student initiated groups, be it the poetry club, a French club, or a civil rights club.

It is time that we look at what this bill really does, and stop speculating about what is not there. We are talking about access to classrooms and facilities by voluntary groups in nonclassroom hours. We are not looking at state-sponsored religion.

It seems to me that protecting the guaranteed constitutional right of free speech and safeguarding against discrimination because of religious content is absolutely correct. Therefore I am pleased to support the equal access bill and sincerely hope that my colleagues will join me in so doing.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 5345, the Equal Access Act, which addresses the compelling need to insure equal access for student religious groups to use secondary school facilities for extracurricular meetings under certain carefully prescribed conditions.

Indeed, to deny equal access to student-initiated clubs and extracurricular activities under careful defined stipulations would be denial of first amendment rights of freedom of speech and possibly assembly.

I commend my colleagues from Washington and Mississippi, Mr. BONKER and Mr. LOTT, for their monumental efforts in bringing this matter to the attention of the House and addressing it with the appropriate legislation. I also wish to commend the distinguished chairman of the Education and Labor Committee, Mr. PERKINS, for literally moving mountains in bringing this bill to the House floor today. Finally, my colleague and good friend from Pennsylvania, Mr. GOODLING, has brought to this issue the commonsense and sound judgment that always characterize his leadership on education issues.

Mr. Speaker, this legislation is urgently needed to eliminate the discrimination which has resulted from widespread confusion among school districts and lower courts regarding the treatment of certain student religious groups.

A case in point: In the fall of 1981, Lisa Bender and some of her classmates of the Williamsport area high school requested permission from the school to form a club which would meet during the school's activity period during which various student-initiated clubs and activities took place on school premises. Lisa's group, however, differed from the others because it was intended to be a nondenominational prayer fellowship. The group was entirely student inspired, and would involve no school officials or faculty members except for purposes of supervision. The group was at first allowed to meet, apparently with some confusion as to its purposes. However, after the first meeting, they were told to stop meeting because of the school's inability to determine the constitutionality of allowing the group to meet on school premises.

After considerable review and discussion among the school's attorneys, the Williamsport area school board decided against allowing the group to meet for fear of violating the first amendment's establishment clause. This ruling by the school board occurred 1 month after the Supreme Court had ruled, in Widmar against Vincent, that a university's refusal to allow such student groups was a violation of the "fundamental principle that a State regulation of speech should be content-neutral." Although the rationale behind Widmar appeared equally applicable to secondary school situations, the school took what it apparently believed to be the safe course by refusing permission for the group.

Over the next 2 years, Lisa Bender and her classmates and the taxpayers of Williamsport spent a considerable amount of money fighting this in the courts—only to have the U.S. District Court confirm what had already seemed apparent from the Widmar case: that the Constitution did not merely allow the school district to let Lisa's group meet, it required it.

If this were a typical case, there would probably be no need for the Congress to become involved. Unfortunately, this case reflects what is happening in school districts throughout the country, resulting in considerable expenditures of legal fees and, more unfortunately, a deprivation of constitutional rights.

This necessity for congressional action was underscored by Harvard Prof. Laurence H. Tribe, one of the foremost constitutional scholars, in testimony before the Subcommittee on Elementary, Secondary and Vocational Education. Professor Tribe stated that he has no doubt that Congress has the constitutional authority—and may even have a real if imperfectly enforceable constitutional duty to act in this situation, with authority derived from section 5 of the 14th amendment.

The delicate question posed by this issue involves the tension between first amendment right of free speech and freedom of assembly and the first amendment prohibition against state establishment of religion. The latter—the so-called establishment clause—has frequently been viewed as incorporating Jefferson's admonition that there should be "a wall of separation between church and state." However, it has never been accepted by the Supreme Court that this wall requires an uncompromising separation between church and state. In the Roemer case in 1976, the Court noted that, while there must be a "scrupulous neutrality by the State, as among religions, and also as between religious and other activities," a "hermetic separation of the two is an impossibility" that has never been required by the Constitution. In the Walz case in 1970, Chief Justice Berger characterized the proper relationship as a benevolent neutrality.

I believe that, while the establishment clause clearly does not prohibit congressional action in this area, it does require us to be careful. This bill strikes the appropriate balance.

The Equal Access Act only applies to schools which generally allow groups initiated by and composed of students to meet during noninstructional periods. The bill simply requires the school district to grant student religious groups the same privilege if the following, carefully defined conditions are met: First, the group's meetings are voluntary and student initiated; second, they are not sponsored by the school or government; third, they are not attended by employees or agents of the school or government, except in a nonparticipatory capacity; and, fourth, they do not involve acts that are in and of themselves unlawful.

These provisions were added to insure adherence to the establishment clauses restriction, which was most succinctly described by Justice O'Connor in the recent Rhode Island nativity scene case, Lynch against Donnelly:

> What is crucial is that a government practice not have the effect of communicating a message of government endorsement or disapproval of religion. It is only practices having that effect, whether intentionally or unintentionally, that make religion relevant, in reality or public perception, to status in the political community.

It has been claimed by some that allowing religious groups to meet in the school under any circumstances will have the effect of advancing religion because of the impressionability of high school students. This assumption of impressionability, however, is belied not only by current views regarding the cognitive capacity of adolescents, but it is at odds with other well-accepted first amendment cases concerning high school students.

Studies of adolescent psychology have shown that it is a time of increased cognitive capacity, marked by an ability of the adolescent to differentiate himself from the authority figures he depended upon as a child. Because the adolescent is going through this crucial stage in his formation, it is most important that he be exposed to different viewpoints and become aware of the total marketplace of ideas which characterizes his society.

The Court has been aware of this need for many years, as it formed a crucial underpinning of the landmark 1969 Supreme Court ruling in Tinker against Des Moines, where the Court held that the first amendment's free speech guarantee extends to public school students.

Three years later, the second circuit reinforced this view in James against the Board of Education by ruling that a school board could not, without violating the first amendment, discharge a high school teacher who wore a black armband in class to protest the Vietnam war. The Court concluded that it did not appear that any student believed the armband to be anything more than a benign symbolic expression of the teacher's personal views.

The James and Tinker cases, both roundly applauded by civil libertarians, apparently assumed a degree of maturity on the part of students that seems to be ignored by those who oppose the Equal Access Act on the grounds of student impressionability.

Opponents of the Equal Access Act have attempted to present an alternative bill—H.R. 5439, the Secondary School Equality of Access Act of 1984. One could hardly oppose this bill on its own terms since, in the words of Professor Tribe, it states what is largely a "tautology":

> It adds little or nothing to existing law since any person "aggrieved by a violation of" [the rights listed in the bill] . . . already has a cause of action under 42 U.S.C. 1983.

The point is that H.R. 5439 does nothing more than restate, in the most general terms, existing law without providing the clarification and guidance that is so compellingly needed among the public schools and some lower courts.

It has also been asserted that H.R. 5439 is needed because it goes beyond the Equal Access Act in guaranteeing access for other groups espousing nonreligious viewpoints. In the first place, H.R. 5439, as noted above, goes no further than present law in this regard. Moreover, the Equal Access Act does nothing to disturb present law regarding nonreligious speech in the public schools. The protections that currently exist through the legal system would be unaltered.

In closing, I would like to quote a passage from Professor Tribe's landmark treatise on American constitutional law to respond to those who have anxieties about the Congress passing a bill specifically dealing with religious groups. Professor Tribe begins by quoting Justices Goldberg and Harlan in Abington School District against Schempp:

> The fullest realization of true religious liberty requires that government neither engage in nor compel religious practices, that it effect no favoritism among sects or between religion and nonreligion, and that it work deterrence of no religious belief.

Professor Tribe then goes on to state:

> This approach does, of course, entail a notion of accommodation—recognizing that there are necessary relationships between government and religion; that government cannot be indifferent to religion in American life; and that, far from being hostile or even truly indifferent, it may, and sometimes must, accommodate its institutions and programs to the religious interests of the people.

Mr. Speaker, the Equal Access Act does nothing more than this, and is therefore, both constitutionally acceptable and necessary. I urge my colleagues to suspend the rules and pass this essential measure.

□ 1520

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. PENNY).

Mr. PENNY. Mr. Speaker, the equal access bill clarifies and carries out the intent of our Constitution and protecting the rights of Americans. Under our Constitution, the state is prohibited from establishing religion, from fostering or favoring one religion over another.

However, under our Constitution we are also given certain protections in that we have a freedom of expression, a freedom of speech, a freedom of religion. The equal access measure insures that in our public school buildings if students have access to those facilities for other student-initiated nonacademic group meetings they must also then have access for religious type meetings.

Under our Constitution that is freedom of expression, freedom of speech, freedom of religion, and it is for that reason that we ought to support this bill. It is consistent with our constitutional rights.

Mr. GOODLING. Mr. Speaker, I yield 5 seconds to the gentleman from South Carolina (Mr. CAMPBELL).

The SPEAKER pro tempore. The gentleman is recognized for the full 5 seconds.

Mr. CAMPBELL. Mr. Speaker, I rise in support of the Equal Access Act. In recent months, I have become concerned about what amounts to an attack on the religious liberties of students in public schools. I am talking about the right of voluntary religious organizations to use school facilities on the same basis as other clubs.

While a few courts, including the Supreme Court, have protected religious rights in some places and under some circumstances, many courts have denied voluntary religious groups the same rights enjoyed by others. For instance, the U.S. Court of Appeals for the Fifth Circuit forbade the school board of Lubbock, TX, from permitting voluntary religious groups to use school facilities. In poignant testimony before the Senate Judiciary Committee earlier this year, Lubbock student Bonnie Bailey put it this way:

> We can picket, demonstrate, curse and take God's name in vain, but we can't voluntarily get together and talk about God at school. I can decide whether I want an abortion or use contraceptives, but I can't decide if I want to come to a meeting to talk about religious matters before or after school. To me, that just isn't fair.

Well, I agree with that reasoning. It seems imminently clear to me that a Bible club should be treated just the same as a chess club, or a Spanish club, or any other kind of club. For that reason, I cosponsored Mr. LOTT's version of the bill, and now give my full support to the committee compromise. It is a simple bill which merely provides that public schools receiving Federal funds must grant to voluntary religious groups the same rights regarding extracurricular activities during noninstructional periods that it grants to all other groups. The bill does not require public schools to give special rights to religious groups, nor does it require any school to have extracurricular activities. It says only that, when a secondary school does choose to permit such activities, all clubs must be given the same rights. The issue here is one of equality.

Many Americans, including President Reagan and Education Secretary Terrel Bell have lamented the absence of spiritual and moral values in our public classrooms. Both of these leaders have endorsed the Equal Access Act. In lending his support, Secretary Bell said:

> Since the schools represent the marketplace of ideas in which our future leaders are trained, vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.

I believe it is important for us to give guidance to school administrators at all levels who are now in substantial, and understandable, confusion over the scope of their duties under

the Constitution. To date, no clear guidance has been provided to these school officials who merely wish to follow the law and avoid being sued either by religious groups or by civil liberties groups. If the Supreme Court will not clarify the law, as it has so far failed to do, then it is incumbent upon the Congress to end the confusion and clearly delineate the rights of students in public schools.

That is the purpose of the Equal Access Act. I applaud my colleagues for bringing this bill to the floor in such a timely manner and urge its passage.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for the 4 minutes remaining of his time.

Mr. GOODLING. Mr. Speaker, I can only say that I wish most of my colleagues had read the legislation rather than editorials and rather than what someone might have sent to them from outside of this body, because the things that I heard said in the room today certainly are not in this legislation.

Let me tell you how I deal with issues that come before the Committee on Education and Labor and why I deal in that manner. First of all, I have been a superintendent for 7 years, I have been a high school principal for 10 years, and so any legislation that comes before the Committee on Education and Labor I want to make very, very sure that as a matter of fact it helps local school districts, it does not hinder local school districts.

And I made very sure that this was written in such a manner that, as a matter of fact, we would help local school districts, not hinder them.

Some people have said that as a matter of fact this bill would not allow a Spanish club. That is totally incorrect. This bill allows any club that is school sponsored, it has nothing to do with school-sponsored clubs. This has to do with student-initiated clubs.

So Spanish club or any club of that nature could be a school-sponsored club and would not in any way come under this legislation. There are others who said there is a constitutional question. Well, let me tell you that Laurence Tribe, the distinguished constitutional lawyer from Harvard, would never do anything and endorse any legislation that would trample on the Constitution, and he supports this bill wholeheartedly.

I think we in the Congress of the United States have three areas that we should be concerned about, when we are dealing with education. Most of the others belong to the local and State government.

The three areas that we should be concerned about are nondiscrimination, equal rights, equal access. That is exactly what we are talking about in this piece of legislation.

There are those who are worried about cutting off Federal funds. That will not be part of the final bill that you will eventually vote on. We already have agreement with the Senate that it will be a judicial procedure, not a cutoff of Federal funds.

Let me wrap up simply by saying what the bill does do, because you have heard so much about what the bill does do, which it does not do.

Basically the bill does the following: It applies only to secondary schools; it applies only to student-initiated voluntary meetings, not Spanish clubs, not the chorus, not the band, not anything of that nature which are school-sponsored, school-directed, schoolteachers on duty responsible for the club; approved by the school board, and so forth.

It applies only during noninstructional periods. It prohibits sponsorship of the meeting by the school; employees of schools are only allowed to be present in a nonparticipatory capacity. The activity must be loyal; no student or faculty member may be compelled to attend or to participate.

Tell me how this legislation can possibly allow anybody to come in from the outside and do anything with young minds in the school? They are not invited inside. They are not allowed to come inside. The school makes that determination.

I have just recited exactly what this bill does. And I would ask you to carefully consider the three things that I mentioned; which are definitely a responsibility of the Federal Government. And those three things are, when dealing with school districts: To make sure there is nondiscrimination; to make sure there is equal rights; and to make sure there is equal access.

And I would be happy to yield to the gentleman from Washington (Mr. BONKER), the sponsor.

Mr. BONKER. Mr. Speaker, I commend the gentleman for an excellent statement. And I would point out that for school districts that may encounter this problem of cult religions can always require parental consent, which is the case for those States that have release time so we can avoid that problem clearly.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. NELSON).

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Florida. I yield to my colleague, the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article that appears on page 7A of the Miami Daily News of May 10 supporting my position opposing this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The newspaper article follows:

[From the Miami News, May 19, 1984]

DADE TAKES LEAD IN OPPOSING SCHOOL PRAYER BILL

(By Heather Dewar)

Can Dade public school students get together on their own at lunchtime and say prayers in their school cafeteria?

Well, yes . . . and no, the school board's attorney said.

And a bill before Congress that would guarantee students the right to hold such meetings is a bad law that Florida's congressmen should oppose, the school board said.

Dade is the first school board in the country to go on record opposing the bill, called the Equal Access Act, according to a spokesman for the American Jewish Congress, which also opposes the legislation.

The Equal Access Act would open up the public schools to cultists and would discriminate against members of minority religious groups, opponents say. The bill's simple language is deceptive and its real intention is to bring organized prayer back into the public schools, they say.

And after Dade Schools Superintendent Dr. Leonard Britton told board members he agrees with the opponents, the school board voted 5-1 to urge Florida's congressmen to vote against the bill when it comes up for a vote in the House of Representatives Tuesday.

There's no contradiction between the board's opposition to the bill and school board attorney Frank Howard's ruling that students can get together to pray on their own, Britton said after yesterday's board meeting.

"Any organized group that uses school facilities during school time (for religious meetings) I consider to be a violation of school board policy, especially if there are school staff members involved." Britton said, "As long as it's completely informal, it's all right—but that's a very fine line."

Students can pray among themselves during their free time in school, Howard said in a written opinion, under these conditions:

As long as participation is completely voluntary.

School staff doesn't get involved.

School facilities aren't set aside for their use.

The students don't become an organized school-sponsored club.

They don't seek any converts.

Their activities aren't "disruptive."

But if any of those conditions are violated, the on-campus meetings violate the constitutional separation of church and state as well as school board policy. Howard said.

"It is impossible to lay down a laundry list of rules," Howard told board members, because "each factual situation is a little bit different, and that's why each case is so touchy."

Howard issued his ruling at the request of Jason Poulos, a minister of the born-again First Evangelical Free Church of Miami in South Dade. Poulos accused the school board of violating student's religious rights by denying them the right to pray or read the Bible privately in their free time at school.

"The bottom line is that what you have done is unconstitutional," Poulos told board members. "I want a public statement from the school board that two students can pray together voluntarily."

Board members refused to make such a statement. "Obviously students' prayer is not prohibited," said board member Janet McAliley. "But once some school support or association get mixed into it, I think we have a problem.

The Free Access Bill, sponsored in the House by Rep. Don Bonker, D-Wash., would make it a violation of federal law for any school system that allows student groups to meet on-campus to ban a religious meeting by students, as long as the meeting isn't officially sanctioned by the school and school staffers don't take part.

"There must be something in this bill that I'm missing," said board member Ethel Beckman. "What is it in this bill that frightens you?"

The bill "would raise more questions and problems than it solves," Britton answered.

Britton said he agreed with the American Jewish Congress, the American Civil Liberties Union, various educators' groups and other opponents of the bill who insist that it would force school systems to allow ministers from any religious group, including cults, to visit school campuses.

Mr. MARTIN of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Florida. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, I support the Equal Access Act because I believe in the right of all Americans to express their religious convictions freely, without discrimination and suppression by Government.

In 1981, the Supreme Court of the United States declared that it was not a violation of the first amendment to allow groups with religious affiliations to meet in colleges and universities.

Despite that decision, many secondary school administrators are still not allowing these groups to use school facilities. This occurs in part because of unclear laws and cloudy lower court decisions. Others wish to totally disallow any voluntary religious association on public grounds.

H.R. 5345 will clarify the Supreme Court decision, so that colleges and secondary schools will fall under the same basic standard of fairness. This law would pertain to secondary schools, where a standard of fairness is lacking, by denying Federal funds to school districts that violate the rights of individuals to meet voluntarily for their own religious purposes.

In a day when we are pushing for equal rights for all Americans, should not those whose organizations are based on a belief in God be afforded the same rights and privileges?

I say yes.

In a day when it is perfectly legal for Communist groups to meet on school grounds, should we deny the right of assembly to voluntarily organized religious groups?

The answer obviously is not, we should not deny these rights.

Therefore, I support the bill and I support the concept. It is only fair for all concerned to cut off Federal funds to a school system that prohibits a religion-oriented group from meeting and exercising their rights granted to all Americans in our Constitution.

Article I of the Constitution says "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The courts, while focusing attention on the establishment clause, have created what in practice amounts to a violation of the free exercise clause. The purpose of this legislation today is to provide safeguards for the constitutional right to free exercise of religion.

Mr. NELSON of Florida. Mr. Speaker, to sum up in 1 minute, I would think back to our Founding Fathers when they set forth the course that provided for separation of church and state, but they did not intend the separation of the state and of God.

Over the course of time we have seen a hostility arise that is unhealthy in this country, and a hostility between Government and religion that should be lessened.

The Supreme Court has given us a clue in the 1981 ruling. I urge you to support this legislation.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) has 1 minute remaining.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I rise today in vigorous opposition to H.R. 5345. This bill has a new name, the Equal Access Act, but an old purpose: To allow organized prayer and other religious activities in public schools. Proponents of school prayer have lost in the courts and lost in the Senate. Now they come to this body, in an election year, asking us to cast a vote for prayer—or against it.

Of course, that is not, and never was, the question. You can be in favor of prayer, and I am, and vote against this bill, which I shall do and urge you to do as well.

As Members of Congress, we did not take an oath to support and defend prayer—we did take an oath to support and defend the Constitution, and this bill is so seriously flawed it is clearly unconstitutional. Every final Federal court decision on the constitutionality of a public school policy like that embodied in H.R. 5345 has found that policy to be a violation of the establishment clause of the first amendment. As Norman Redlich, constitutional scholar and dean of New York University Law School, wrote recently, "What this bill amounts to is an attempt to overturn a decision of the Supreme Court by simple legislation."

Congress has an independent and autonomous obligation to assess the constitutionality of legislation.[1] We must not abdicate our role to the courts. The oath we take is the same one taken by Federal judges, and no less sacred. It would be a violation of that oath to vote for this proposal for reasons of political expediency, if you, as I do, have serious questions whether this bill impermissibly crosses a line drawn by our Bill of Rights.

Not only should this bill be opposed on constitutional grounds but on policy grounds as well. This bill, if enacted, will make mischief in your district. Students, parents, school boards, teachers, and religious leaders, will all be pitted against each other. Let me set forth just a few of the potential problems:

School boards and administrators will have to determine what is and what is not a religion;

Religious cults will be free to enter the public schools seeking converts;

Parents will have no voice in determining which religious club their children may wish to belong to;

Teachers will have to determine every day whether religious activities that may occur in a religious club are unlawful;

Students who belong to a religious minority almost certainly will be discriminated against when there are too few to form a club under school rules;

Teachers will be forced to state for the record whether they have a conscientious objection to supervising certain religious clubs;

School boards and administrators who make a mistake will have their Federal funds cut off.

No wonder that this legislation is opposed by virtually all educational groups.

The National Education Association;

The American Federation of Teachers;

The American Association of School Administrators; and

The National Association of State Boards of Education, and others.

I am fully aware that votes on this bill have been targeted by the Moral Majority and others on the religious right. I agree with them in one respect: this vote is an important one. I respectfully urge you to vote "no."

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BEILENSON).

Mr. BEILENSON. Mr. Speaker, I strongly oppose consideration of the equal access bill under suspension of the rules. In its present form the bill is

[1] Mikva, "How Well Does Congress Support and Defend the Constitution?", 61 N.C.L. Rev. 587 (April 1983).

unconstitutional and would put the Federal Government in the position of forcing local school systems to allow religious services in schools during school hours. It is inconceivable to me that we would initiate such a major Federal intrusion into local education—especially in an era of careful scrutiny of the role of the Federal Government—after only 40 minutes of debate and no possibility of amendment.

Mr. Speaker, I believe deeply in religious liberty, and I completely understand the desire of many people to insure that schoolchildren are not prohibited from having a free discussion of their personal religious views with their peers. The Supreme Court's school prayer cases have apparently created in some people—including some school administrators—the mistaken impression that any discussion of religion has been completely banned from our schools at all times. I do not believe that the Court intended that at all, and I think it is clear that local school districts are completely free to allow student religious groups to meet on their own time in school buildings on the same basis as all other student groups, as a matter of local policy. I would wholeheartedly support a congressional restatement of the principle that banning a government establishment of religion is quite different from banning religion itself. But I strongly oppose this bill, which would single out religious speech for special status not afforded to other forms of speech—a clear violation of the Constitution's prohibition of the establishment of religion. This defect in the bill could have been resolved by requiring equal access to all student discussion groups, whether they were for religious, social political, or any other legal purpose, but that approach was not adopted in the legislation before us.

Under this bill, schools would be forced to allow religious services to be conducted during school hours by outside religious leaders, if the services were held during students' free time. Although the meetings would have to be student initiated, there is no protection against these meetings becoming full-scale services led by outsiders invited by the students, during times when students are required by law to be present at the school. If the stamp collectors' club meets during the lunch period, there would be the potential for religious services at lunch hour or during free periods, with the possibility of a coercive effect on students who do not belong to the majority religion. And minority religions could be excluded entirely, if guidelines for student group recognition were used to rule out religious meetings for groups smaller than some minimum number.

Mr. Speaker, Congress could pass legislation reaffirming the principle that all student discussion groups seeking to meet on school premises, before or after formal school hours, for religious, social, political, or other legal nondisruptive purposes, should have equal access to do so. Unfortunately, this bill, by singling out religion and failing to require that the meetings be held outside formal school hours, forces an unconstitutional establishment of religion—the locally predominant religion—on local school districts. I think our school administrators have their hands full, these days, trying to help our schoolchildren learn to read and write. How can we contemplate forcing local schools, under the threat of a total cutoff of Federal funds, to take on the added burden of administering this access requirement, with its certain complications, strife, and litigation? If there were ever a clear-cut case for keeping the heavy hand of Federal intervention off the backs of the people, this has to be it. Let us face the fact that schoolchildren do not need Congress to impose a whole new burden on the local schools. We would do better, in the words of one newspaper, "to keep religion in homes and churches and to spend school time on education."

Mr. PERKINS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee (Mrs. LLOYD).

Mrs. LLOYD. Mr. Speaker, I want to state once again my strong support for the Equal Access Act. If the calls from my district are any indication, this bill has the backing of many, many Americans.

In a series of decisions going back 20 years, the Supreme Court has rejected the majority will for voluntary school prayer. Those of us committed to the cause of religious freedom will continue our efforts for passage of a constitutional amendment protecting voluntary prayer in our public schools.

But what we seek to do today with the Equal Access Act is clarify Federal policy with regard to the first amendment guarantee of the free exercise of religion, and particularly clarify the Supreme Court's Widmar against Vincent decision. The Court held in that case that students at publicly supported universities may meet for voluntary religious activities. In its decision the Court found that allowing student religious groups to meet on the same basis that other interest groups meet does not violate the clause of the first amendment prohibiting the establishment of a religion.

The Equal Access Act extends the protections of the Widmar decision to the high school level. It prohibits school districts from denying privileges to a voluntary student religious organization that it gives to clubs whose members gather together to discuss common interests, chess for example. For many of our high school students, religion is an important part of their lives and they want, and should have, the same opportunity to meet with their peers as do those chess players.

This bill does not require religious activity. Meetings must be voluntary and initiated by the students; they would not be sanctioned by the school or local government. I have talked with many school administrators and teachers who are confused about permissible religious activity on school grounds. The Equal Access Act is a clear guideline and I urge its adoption.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. I thank the committee chairman for yielding.

Mr. Speaker, I rise in support of H.R. 5345. Today we are considering the Equal Access Act, H.R. 5345. As I have listened to the discussion and read the articles about this issue, I have come to realize that some truly amazing semantic and interpretive gymnastics are being performed in an effort to create the impression that equal access legislation would give birth to all sorts of ugly, horrible results. The monster, however, dwells in the fog of knee-jerk reactions, not in H.R. 5345.

The intent of the Equal Access Act is clear: To insure that school officials do not discriminate against religious student-initiated groups, but instead extend the same rights and restrictions to all student groups. The issue at hand, plainly and simply, is the matter of the constitutional right to free speech. Being a member of the party which usually claims to be the champion of this first amendment right, I have been amazed to see the controversy that has been stirred. Our present philosophy, or paranoia, about religion in schools is a perversion of what was intended originally by the Bill of Rights. Whether or not certain folks like it, for some people to have the right to say whatever they choose means that part of what they say may include religion.

The monster in the fog says that H.R. 5345 is simply a backdoor prayer bill, but the bill says nothing about school-sponsored activities during instructional periods. The monster in the fog says that the rights of minority religious groups of students would not be protected, but the students would have available to them action under the equal protection clause. The monster in the fog says that control is being taken from the local school board, but the school board would continue to have every right it currently has, except the right to discriminate.

There is room for improvement in H.R. 5345. I agree that a cutoff of Federal education funds could potentially

be seen as providing a preferential status to religious groups, and therefore I, like Chairman PERKINS, support the judicial remedy which would be substituted from the Senate bill during conference. Also, like Harvard constitutional law professor, Laurence H. Tribe, I would favor the addition of two words to H.R. 5345 so as to make clear that the act is directed against schools that "discriminate on the basis of the religious or other content of the speech" occurring at student meetings. These two matters, however, are easily remedied and certainly do not warrant the paranoia that has developed.

Much has been said about H.R. 5345 giving not equal, but preferential status to religious groups. I feel that the replacement of the fund cutoff by a judicial remedy clause adequately meets any such concern. In 1868, the 14th amendment was ratified, granting all the rights and privileges of citizenship to all persons born or naturalized in the United States. According to the arguments presented by opponents of equal access legislation, we should have never seen any of the civil rights bills of the sixties and seventies, because those rights were already guaranteed by the Constitution in 1868. The fact is, of course, that we did need some civil rights legislation to specifically draw attention to those areas where rights had been abridged. And the fact is that we again need legislation today to specifically draw attention to an area where rights have been abridged.

If schools uniformly had a policy which specifically prevented the Young Socialist Club, or the Gay Youth of America, or Teenagers for Planned Parenthood from meeting at the school facilities during noninstructional time, an outraged cry about the infringement of first amendment rights would be raised in this body. I do not understand, then, why advocating the protection of religious speech is seen as so different or so threatening. I am surprised that so many would display such an overt support of discrimination and censorship.

For a vote in favor of one of our most basic constitutional rights, free speech, vote "yes" on H.R. 5345.

Mr. PERKINS. Mr. Speaker, it would be my hope that the Members in this body would vote for this measure. There has been an awful lot of statements thrown back and forth that are untrue. This just gives students equal access to their own school facilities, right in that particular school and not outside the school.

The initiative must come from those students. They cannot bring any outsider in unless other groups could.

□ 1530

It is carefully monitored. We leave the control within the local school boards and I think that we would be doing a disservice to the youngsters, the majority of them are fighting for this country, 18 years old, to say treat them as though they were infants. And when the colleges have the right for equal access, we are trying to clarify the situation so the high schools can have equal access and that is all we are trying to do here in this bill.

It would be my hope, since this is the last vote, this is the only time we are going to get to vote on this question this year, that we would vote favorably and adopt this bill.

Ms. OAKAR. Mr. Speaker, today we have before us H.R. 5345, legislation which has come to be known as the Equal Access Act. I am certain that the authors and supporters of this legislation are well meaning and have at heart, as I do, the interests of our children and their religious formation. However, I am fearful that in attempting to give equal access to religious groups, we would be allowing an open forum for self-styled religions as well. Many of these groups are known to practice mind control and practices aimed at converting the very young and impressionable. Is this what we want for our children?

Mr. Speaker, I must point out, at this point, that I take great offense to this legislation being considered under suspension thereby denying the Members of this body the opportunity of amending the language of the bill.

Supporters of this legislation state that religious meetings will be given access to school facilities before and after school. This is not the case. The legislation permits use of school buildings during school hours as well as before and after—the measure clearly states noninstructional periods.

Also, the bill misleads us to believe that religious groups will now have the rights equal to those now given to other nonreligious groups. This is not the case. The bill gives preferred status to religious groups.

Supporters of the bill contend that the legislation merely allows students to meet together and that H.R. 5345 will not permit nonstudents to participate. Again, this is not the case. As my colleagues are no doubt aware, the Education and Labor Committee rejected a proposed amendment to ban participation of any church or other religious institution in the student-initiated meetings. However, the legislation permits nonschool agents of religious groups to regularly participate in these religious meetings.

The number of issues in the legislation which are unclear goes on and on. I would, however, like to focus my attention on the one concern which I find to be the most distressing.

As I mentioned before, it is my contention that in passing this legislation we would be providing an open forum for self-styled religions as well. I don't think any one of us wants to be held accountable for the infiltration of so-called religious cults into our schools. It was only 6 short years ago that we, as Members of Congress, experienced firsthand what the infiltration of cults can do to a family. Have we already forgotten the devastation that the so-called Rev. Jim Jones brought to the Ryan family and to the Members of this body?

Those of us who concern ourselves with the elimination of child abuse and child pornography are aware that there are cults in existence today that use the name of God in their titles and at the same time are notorious for the distribution of pornographic literature. These same religions are guilty of urging their female converts to prostitute themselves to encourage young male converts. Is this what we want for our children?

Let us take a closer look at this legislation before we cast our votes. There are appropriate forums for our children to learn about religion—to give a blanket invitation to anyone to preach anything to our youth—particularly during the formative teen and preteen years—is unconscionable. I urge my colleagues to vote "no" on this legislation.

Mr. WEISS. Mr. Speaker, I rise to express my strong opposition to the Equal Access Act (H.R. 5345). I believe that this legislation would entangle our public schools with religious activities in a way that would violate the establishment clause of the first amendment.

H.R. 5345 has several major flaws that deeply concern me. First, it contains no protections for students of minority religions. If a religion has only a few adherents in a particular school, it is unlikely that administrators would provide access to facilities and teacher supervision as they would for larger groups. In effect, this practice would mean discrimination against certain religions.

Moreover, students who are members of religious minorities are likely to feel peer pressure to participate in the activities of the majority religion, since the desire to conform is a powerful motivation for this age group. In addition, this legislation would encourage religious leaders to come into the schools and actively lead prayers, hymns, services, and other religious activities.

Teachers or school administrators would also be present at these activities, since secondary students require supervision on school premises. The legislation prohibits participation in religious activities by school personnel, but the students are more likely to notice that their teachers are present—not that those teachers are refraining from praying or singing.

Another serious problem is that the religious activities could take place

during school hours when the compulsory attendance law is in effect, thus enhancing the appearance of school sponsorship.

The involvement of teachers and religious leaders is one of the side effects that has fostered strong opposition among the professionals who have the most experience in working with adolescents. In addition, they are concerned that school administrators will be forced to adopt a policy of either eliminating all outside groups from meeting on school premises or else allowing all groups that claim to be religious in orientation to use school facilities. Groups strongly opposed to the bill include the National Education Association, the American Federation of Teachers, and the American Association of School Administrators.

Amendments to protect minorities and to prohibit participation by religious leaders were defeated in committee action. However, I would oppose this legislation even if those amendments had succeeded. The fundamental flaw of the bill is that it focuses solely on religion, elevating it above political, ethnic, social, and other types of expression.

Our Constitution places religion in a special category, giving it additional protection but also mandating special precaution, especially government neutrality, in all religious matters. Under H.R. 5345 the Government would no longer be a neutral party but, rather, an active participant in decisions pertaining to religious matters.

The Supreme Court, in McCollum against Board of Education ruled that the establishment clause of the first amendment prohibits schools from permitting religious leaders to enter school buildings to teach religion during the school day. In Lemon against Kurtzman, the Supreme Court established a test for determining whether a governmental policy violated the establishment clause: The policy must have a secular purpose, neither advance nor inhibit religion, and no foster excessive government entanglement with religion. I believe that this bill fails on all three counts.

The case of Widmar against Vincent, in which the Supreme Court struck down a ban on campus religious activities, cannot be considered a guide for secondary schools, since it covered adults attending a university of their own volition, not young people who are required to attend school.

Among the lower courts that have ruled on equal access cases, there is confusion and disagreement.

Thus, I believe it would be wise to await a Supreme Court resolution of this issue. The legislation under consideration has the potential for creating religious divisiveness and dissension in our public schools. I strongly urge my colleagues to vote against it.

Mr. SLATTERY. Mr. Speaker, I sincerely regret that I am unable to support H.R. 5345, the Equal Access Act. Many local school boards and school administrators have misinterpreted the Supreme Court decisions handed down over the past 35 years with respect to religion in public schools. The boundaries of activities that can and cannot take place on school grounds need to be defined more carefully so that the constitutional rights of students can be protected properly.

I believe that there are two fundamental flaws with the Equal Access Act, as it currently is written. First, the bill contains an administrative penalty which would cut off Federal funds to school districts that refuse to allow student-initiated religious groups in secondary schools to meet during noninstructional periods on the same basis as nonreligious student groups. This penalty would hurt students who are most in need. If one high school in a district was in violation of the bill's policy, all Federal funding for all the schools in the district would be cut off. The district would receive no Federal funds for educating the handicapped, or for school lunches, or for vocational education. All students should not suffer because of a decision made by officials in one school.

The sponsors of the bill have suggested that they prefer a judicial remedy, rather than the administrative remedy currently in the bill. However, because the bill was brought to the floor under suspension of the rules, no amendments were permitted, and we were presented with a "take it or leave it" situation concerning a piece of legislation that is very important to parents, teachers, and students in Kansas and across the Nation. This is not responsible legislating. I would have preferred to be able to propose and to debate amendments on the floor of the House, and to be able to have general debate on this bill. The 40-minute limit on debate and prohibitions against all amendments make a mockery of the legislative process.

Second, I fear that there is tremendous potential for abuse of the provisions of this bill, as it is written. Under this bill, student initiated religious meetings are not restricted to meetings held before or after school, when compulsory attendance laws are not in effect. If the school has an activity period during the school day, religious meetings would be taking place side by side with other school activities where attendance is compulsory. This situation presents a serious conflict with the constitutional mandate that the State must remain separate from religious activities. In addition, it is not clear from the language of the legislation whether these student groups would be allowed to bring in outside religious leaders and clergy to participate in and to lead the student religious meetings. I wonder whether those who support this legislation would continue to do so if they realized that it could open the door for representatives of fringe religious groups to enter our schools and, perhaps, recruit our children.

I believe it is possible to develop guidelines granting students the right to engage in religious discussions before and after the school day, on school property, that would not violate the establishment clause of the Constitution. Such legislation will have to withstand careful judicial scrutiny, and should not be rushed through the legislative process. This is not an issue that we can allow to be swept under the rug, and I will support proposals that address it in a fair and workable manner. I want to emphasize again that I do believe there are serious problems in this area. School administrators and school boards across this country have misunderstood the law and have done such things as prohibiting students from carrying Bibles, preventing individual students from praying in the school lunchroom, and refusing to allow groups of students to discuss religious topics while they were in the school parking lot. This situation cannot continue. I will support legislation that is carefully written and contains a fair penalty, so that school administrators and school boards can have clear guidance concerning the state of the law in this sensitive area.

Mr. SMITH of Iowa. Mr. Speaker, since this is the only chance we will get to discuss this issue, as the chairman has said, I ask unanimous consent that each side be given an additional 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa.

Mr. PACKARD. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

● Mr. HARKIN. Mr. Speaker, if groups of secondary public school students are allowed to gather freely for activities that are not related to the curriculum, then they should not be denied that opportunity merely because the nature of the meeting is religious.

Sounds fair enough, doesn't it?

That is what equal access legislation is all about: elemental fairness. For a political or social group to be permitted to caucus in school and religious groups to be forbidden, is patently prejudicial.

Fairness reigns. The bill provides for the ability of secondary students to initiate and lead gatherings in their schools, but not for elementary students. Moreover, the bill allows teachers to absent themselves from any con-

nection with such meetings even as monitors. The bill calls for a religiously oriented group to comply with all of the guidelines applicable to any other non-school-sponsored activity. Finally, the bill provides for the courts, not some arbitrary administrative agency, to pass on the adherence to and constitutionality of the law.

Balance is another objective of those pushing equal access—balance between the no establishment and free exercise clauses of the first amendment. To prescribe religious exercises in the public schools is not only unwise, it is unconstitutional. However, to proscribe any genuinely voluntary expression of a religious nature by students mature enough to decide for themselves is equally wrong, and I believe, unconstitutional.

Many Americans have felt they have been in limbo for 20 years regarding what religious act could or could not be properly carried out under the roof of a public school building. This bill responds to that state of uncertainty. It clarifies the 1962-63 court decisions on this issue. It cuts through confusion. It educates the general public. It offers a tool to school boards and administrators who have had nothing to go on when facing tough decisions about religion.

Faithfulness to the first amendment demands maintaining a delicate balance. The prohibition of State-sanctioned religion and the affirmation of the right of free exercise are held in dynamic tension. It is not easy to keep church and state properly separate and at the same time allow full and free religious expression. It is not easy but it is worth the effort: Effort by the Congress, the courts, the Federal agencies, the school boards, the press, the voters, and the students, themselves.

Commonsense also calls for equal access legislation. The ardent adherents of civil liberties would stretch a valid principle beyond any logical limit and rob pupils and teachers of the right to be themselves in the public school context. Part of being oneself for many Americans involves acknowledging spiritual and religious realities. Those in the Christian nation movement, if they had their way, would turn every public school into a parochial school mirroring the dominant religion of the parish, and/or staking out the battleground for perpetual religious strife. So, we are wise not to allow school-sponsored religious exercises paid for with public funds.

Common sense recognizes that the boundary between religion and the public schools is not symbolized by one vertical line (that is, yes/no), which clearly, universally, and forever establishes the turf of each side. Rather, the boundary is better illustrated by a horizontal line; that is, yes/maybe/no, with some religious activities obviously allowed, others clearly ruled out, and a zone in the middle that demands some exercise of good judgment, commonsense civility, and mutual respect.

This latter view makes life more difficult, of course, but it recognizes the need for flexibility in this pluralistic Nation. This model costs more in work, care, and conscience, but it is far more honest and true to life than a simplistic black and white approach.

Reconciliation is not the least of the goals of those working for equal access legislation. The mainline churches have been charged with being anti-religion by their evangelical brothers and sisters. In the drive for equal access laws, however, the National Council of Churches of Christ have worked alongside and testified in unison with the National Association of Evangelicals for this bill.

The Roman Catholic Church has been accused of not caring about the public schools and the Society of Friends have been seen by some as interested only in the push for peace. Yet the United States Catholic Conference and Friends Committee on National Legislation sent letters to every Member of the House of Representatives on the same day pleading for equal access action: Catholics and Quakers in tandem.

Similarly, other groups have worked together on this issue. The Presbyterians and the Seventh Day Adventists worked together for equal access that would protect high school students from discrimination because of religious activity. Americans United for Separation of Church and State as well as some television evangelists who deny the doctrine of church-state separation have found themselves on the same side of the equal access question. Finally, the Baptist Joint Committee on Public Affairs voted unanimously on March 6, 1984, to back the carefully targeted version of equal access, while some of those most stridently critical of the Baptist Joint Committee have helped in the task of informing Baptists about the concept.

Reconciliation, healing, and harmony are not bad byproducts of a major attempt to find a legal approach for the relationship of religion to the public schools in this country.

I do have reservations about this bill. In particular, the penalty provided in the bill is overwhelming—the denial of all Federal funding to a school district. That could create undue pressure for school administrators to allow abusive situations to occur under the guise of religious liberty. The fear that Federal agencies might rule that school administrators violated this law, might move administrators to act against their better judgment. The penalty provision should be changed in either the Senate or the conference committee.

I also recognize that there is great concern about how this legislation will actually work out in practice. With this in mind, I urge the House and Senate Judiciary Committees to hold oversight hearings during the next school year to assure that the act is nondiscriminatory and is protecting first amendment rights.●

● Mr. SHANNON. Mr. Speaker, for months on end the school prayer advocates have conducted an all-out offensive to try to get Congress to pass a school prayer amendment. Their proposal was defeated in the Senate, fair and square. Now we are faced with another effort to bring prayer to the schools through the so-called Equal Access Act.

On the face of it, the arguments advanced for this bill are perfectly reasonable. The sponsors of the bill say that they are simply trying to prevent discrimination among different types of student groups. They say that it is not fair for a school to allow student chess clubs, French clubs, and drama clubs to meet in school facilities while shutting out student religious organizations. According to the proponents, all legitimate student organizations should have equal access to school facilities with no discrimination allowed.

Fair enough. I think there is a good argument to be made for not allowing schools to discriminate among student organizations based on the subject of their meetings. But that is not what this bill does. The Equal Access Act only says that a school cannot deny the use of its facilities to religious organizations. Religious organizations and religious organizations alone are given the protection of Federal law, backed up by a very stiff penalty, the loss of all Federal funds for any violation. In short, this bill discriminates in favor of religious organizations. That is something that a public school, supported by taxpayers with a wide variety of religious beliefs, should not be doing, any more than it should be sponsoring school prayer. More than that, granting preferred access to religious groups may very well be a violation of the establishment clause of the first amendment, which forbids the granting of such preference to any religion. Not only does it allow discrimination in favor of religion itself, it allows discrimination in favor of certain religions. Under the bill, school administrators may set minimum attendance levels which groups must achieve before gaining access to school facilities. This would work against less popular religions.

The bill also runs afoul of the other test for an establishment clause violation: excessive entanglement. School officials would not only determine which religious groups qualified for meeting space, but would also be required to supervise the meetings. More

than that, they would be involved in the sometimes tricky question of deciding what group qualifies as a religious group—and that brings me to another, more practical objection to this bill.

The penalty for a violation of the Equal Access Act has been termed draconian, and rightly so. A single violation of the act by one school could result in the entire school district losing all its Federal funds. This means that district would receive no school lunch funds, no title I funds to disadvantaged students, no vocational education money. All this because one principal, using his best judgment, made a wrong guess in defining religion—something a public official should not be doing anyway.

Let us be clear about this. The proponents of this bill are not interested in preventing discrimination. They are trying to find a way to conduct religious services inside schools, if not on class time, than outside of it. And this bill would let them do it, even allowing outside religious leaders to come in and conduct the services. If you have any doubt about this, take a look at what Jerry Falwell said on a visit to Philadelphia a couple of weeks ago: "We knew all along we couldn't win on school prayer. But 'equal access' gets us what we wanted all along."

If we truly want to prevent schools from discriminating against student groups on the basis of what they are discussing—and I am sympathetic to the argument that we should—there is a much better way to do it. DON EDWARDS has introduced the Secondary School Equality of Access Act, H.R. 5439. This bill would prohibit a school from discriminating among student organizations on the basis of the content of the speech engaged in by the students. Thus it would protect every sort of club organized to discuss a certain subject, not just religious ones. It would not contain the preferential treatment, the entanglement, the potential for inadvertent error, of H.R. 5435. Furthermore, it would not impose the drastic penalty of a Federal fund cutoff, but instead would substitute a judicial remedy for students who were discriminated against. This is the kind of legislation we should be discussing, not the so-called equal access bill.

But because of the way this legislation is being considered, we do not have the alternative of discussing the Edwards bill. We do not have the chance to add amendments to the Equal Access Act that might alleviate some of the many, many problems it is bound to cause. Instead, we must vote up or down, after only limited debate, on a seriously flawed bill with far reaching implications. I urge my colleagues to vote this bill down. If we are going to provide equal access for student groups, let us do it the right way and not by enacting in haste a solution that is worse, far worse, than the problem.●

● Mr. BEDELL. Mr. Speaker, I am today supporting the Equal Access Act because I believe that the concept of equal access is fair and reasonable. To set forth a policy whereby public secondary schools can allow voluntary student groups to meet during their free time for religious activities, as well as nonreligious activities, seems justified.

The bill I am supporting today pursues this endeavor. H.R. 5345 would prohibit the use of Federal education funds in public secondary schools which discriminate on the basis of the religious content of student meetings, if the school generally allows students to meet for other nonschool activities.

I feel, however, that I must point out several reservations I continue to have about the wording of this specific equal access bill. I have always been of the belief that a student's school day should be restricted only to school related activities. The fact that the wording of this bill refers to noninstructional time periods leaves the door open for greater competition for a student's class and study time during the school day. I believe that nonschool activities, whether religious or not, should be relegated to before and after school hours.

A second reservation I have with the bill is the enforcement mechanism to be used for violators of the act. Under the current wording, all Federal funding to a school district would be cut off if a single school within that school district violated the act. It is my hope that these provisions can be moderated in conference. It hardly seems proper to me to penalize one school for the actions of another in the same school district.

Despite these reservations, I feel the objective of allowing voluntary student religious activities the same access to school facilities as other nonschool activities outweighs the reservations which I currently have about the actual language in the bill.

Mr. Speaker, I urge approval of H.R. 5345, the Equal Access Act.●

● Mr. DREIER of California. Mr. Speaker, I rise in strong support of H.R. 5345, the equal access bill, and on behalf of my constituents I want to thank the sponsor, Mr. BONKER, and the committee chairman, Mr. PERKINS, for their leadership on this issue.

Unfortunately, we have been prevented by the House leadership from debating the merits of the school prayer amendment. The bill before us today is very specific and corrects a particular problem.

H.R. 5345 denies Federal educational funds to State or local education agencies that prohibit students from meeting voluntarily, according to standard rules, for religious purposes. It reaffirms rights recognized by the Supreme Court for public college and university students at the secondary school level.

This is a very simple bill. I do not understand the arguments and scare stories of those in opposition. The legislation does not require schools to permit student initiated activities. The bill is limited to cases where school officials generally allow similar student groups to meet. The same standards—size, funding, and so on—apply to religious groups as to all others. Outside religious groups cannot infiltrate, organize, or control student-initiated meetings. The school remains free to restrict outsiders from entering campus. This bill also prohibits the Federal or State government from influencing the form or content of any meeting or activity.

Once again opponents of this type of legislation are putting up a smokescreen. They move the debate into the realm of theory by addressing the rights of cults to recruit on campus, or by questioning the need for such legislation. What about the rights of students who want to organize a club and meet all school standards? Why is it that their arguments always get lost in this debate?

It is time we addressed this issue. I support the equal access bill and I urge my colleagues to do likewise.●

● Mr. BLILEY. Mr. Speaker, opponents of the Equal Access Act say that schools are for learning to read and write, and that churches and synagogues are for learning about God. No parent with any understanding of children, of human nature, or of prayer and religious commitment would wish such a division of labor for his child.

If religion is reserved for 1 day a week, if God is kept neatly in church, and out of everyday life, then religion becomes empty and hypocritical. It is one thing to separate church from state: It is quite another to separate religion from life.

The Equal Access Act is, first and foremost, a matter of simple fairness and constitutional rights. As such, it should be supported by every Member of this body. Second, it is a matter directly affecting the well-being of children in American public schools. And, as such, it is overwhelmingly supported by parents all across the country.

Therefore, I urge my colleagues to support passage of H.R. 5345, the Equal Access Act.●

● Mr. JEFFORDS. Mr. Speaker, I rise in support of H.R. 5345, the Equal Access Act. Contrary to the assertions of its critics, this bill is nothing more or less than its name implies, a guarantee that students will not be denied equal access to public school facilities based on the religious content of their meetings. This bill is not a backdoor school prayer amendment, it does not

elevate religious speech above other forms, and most importantly, it does not violate the Constitution's prohibition against State establishment of religion.

Just as important as what this bill does not do is what it does do. The Equal Access Act stipulates that any meeting protected by this bill must pass several criteria. It must be student initiated and voluntary; it cannot be sponsored by the school or government; and it cannot be attended by employees of the school or government except in a nonparticipatory capacity.

The first amendment not only prohibits the establishment of religion by the Government, but also spells out equally important rights, enumerating our freedoms of religion, speech, and assemblage. The bill before us today seeks to protect these rights, while not violating the Constitution's important prohibition on the establishment of religion.

Several court cases have been brought over the past few years when public schools have either denied or failed to deny access to school facilities to student religious organizations. The results of these cases have been mixed, hinging on the particular facts in each case. Only one such case has been decided by the Supreme Court. In 1981, in its decision in Widmar against Vincent, the Court held that the University of Missouri could not bar a student religious group from access to school facilities on the same basis as other organizations. The Court was nearly unanimous in its finding, with only Justice White dissenting.

Whether the Widmar decision applies to the secondary school level, and if so how it should apply, has been an issue plaguing school administrators for some time. Regardless of the choice they make, they risk being taken into court for it. Congress to date has given schools no guidance on this issue. I think it is about time that we did.

There is no doubt but that this is a difficult issue. We cannot lightly dismiss the criticisms of this legislation, for fundamental constitutional issues are involved which to a certain extent conflict with one another. Just as the courts have attempted to do, this bill attempts to balance the dictate of the establishment clause against the rights of free speech, assemblage, and exercise of religion. I believe that the Equal Access Act strikes a reasonable balance among these competing interests, protecting the latter while respecting the former.

This bill does not elevate religious speech above other forms of expression. As the report states, "the Committee does not intend to impart special rights or preferred status to religious student groups." The reason these groups are singled out is clear. Protection of nonreligious speech is already available to student groups. For them, equal access should not pose a problem.

Nor do I believe that the remedy in this bill is necessarily draconian. As my colleagues know, there is a good chance that the remedy will be altered before and if this measure becomes law. However, denial of Federal funds to redress discrimination is not unprecedented. The same remedy is found in the Civil Rights Act of 1984, H.R. 5490, which has fairly broad support in both the Congress as a whole and among the critics of this legislation. If it is appropriate to use this remedy to deter discrimination based on sex, age, disability, or race, then I think it is not inappropriate to use it to deter discrimination based on the content of speech.

Despite my belief that this is a good bill, I do not believe that it is necessarily a perfect one. Congress often fails to give enough attention to legislation once it has become law. But in the case of this issue, I think it is absolutely critical that we give careful attention to this legislation should it become law. I would hope that oversight hearings would be held as soon as practicable in the event of enactment to see how this legislation is put into place, so that we can be absolutely certain that our intent here today translates into actual practice on the local level.

Mr. Speaker, the bill before us today is an honest attempt to resolve a difficult constitutional issue. I urge my colleagues to give it their support.●

● Mr. DAUB. Mr. Speaker, the Equal Access Act we are considering on the floor of the House today is a matter of basic fairness. This legislation simply provides that student initiated religious groups will have the same access to public school facilities as nonreligious groups now have.

The impetus for this legislation is the growing injustice suffered by student initiated religious organizations when they are denied equal access to school buildings for extracurricular meetings. The Equal Access Act will provide school administrators and principals, who do not allow student religious groups to use school facilities because of legal concerns, guidelines necessary to allow for the fair and equal treatment of all student organizations.

The Equal Access Act does not, as some opponents have argued, elevate religious speech over any other type of speech. Religious speech is specifically mentioned because it has been the victim of official discrimination. Under this act, religious organizations will be treated in exactly the same manner as any other student initiated group. For example; if other organizations are allowed to meet in school facilities, religious organizations will also be allowed this privilege; if outside resource people are allowed at other student meetings, they will be allowed at religious meetings; if parental consent is required at other group meetings, it will be required at religious meetings; if the local school board establishes times, meeting places or minimum number of members for other student initiated groups, it can make these requirements for religious groups as well. The point, of course, is that every student group will be treated fairly and no group will receive special privileges over the others.

The Equal Access Act is carefully constructed to provide necessary safeguards to all students. This bill specifically allows student initiated organizations that are voluntary in nature to use secondary school facilities. The Government can in no way influence the activities or the content of these student-initiated meetings. All of the activities will also be conducted outside of the instructional periods, thereby not conflicting with the educational purpose of our schools. Finally, the local school board will have immediate control of this policy; therefore, the passage of this bill does not establish a Federal standard that would be administered identically in every school district.

This legislation has received broad-based support from Republicans and Democrats alike. It is time to pass the Equal Access Act and require the fair treatment of every student group.●

● Mr. MOODY. Mr. Speaker, I wish to express my strong opposition to H.R. 5345, the so-called Equal Access Act. Over 15,000 secondary schools would be affected by the Federal mandate of this bill.

Separation of church and state is a hallowed tenet of our Constitution, and introducing organized religion onto public school campuses has been consistently interpreted by the Supreme Court to violate that tenet. To require local school officials, under sanction of lost Federal funding, to allow religious groups to meet on school property at noninstructional periods during the school day would in effect condone organized religions in public schools. Under the bill, clergy would even be allowed to conduct organized services at the schools.

The bill could also have the effect of discriminating against certain religions with small membership since school officials would be allowed to specify membership size limitations and cutoffs, as they do now for other on-campus groups. The potential for the heightening religious strife, divisiveness and for religious favoritism is obvious.

No existing legislation or court decision provides comparable protection or privilege for political, cultural, philo-

sophical, or other organizations as H.R. 5345 would for religious groups. Thus, the bill would elevate religious practice, speech, and association above other forms of nonacademic activities and meetings which take place at public schools.

Finally, insofar as the issue of introducing organized religion onto public school grounds is embedded in H.R. 5345, it is worth noting that the Senate rejected the proposed school prayer amendment to the Constitution on March 20 of this year after one of the most extensive debates in recent years on any subject. That the Senate failed to adopt the school prayer amendment, despite strong appeals by a President of the same party, is a significant indication of the high respect which nation holds for church-state separation.

In summary, I oppose H.R. 5345 because there is no way to introduce organized religion onto public school campuses without piercing the hallowed constitutional separation of church and state wrought by our forefathers. H.R. 5345 would create flawed public policy, and I respectfully urge my colleagues to also oppose this legislation.●

● Mr. KOSTMAYER. Mr. Speaker, let me say from the outset that the idea of allowing children in the seventh grade or older to hold religious meetings at school does not sound objectionable on the surface. I certainly support religious freedom and expression and the rights of students to engage in religious activities.

However, I believe that the effects of this bill if it becomes law would be quite different from its good intentions.

I am disappointed that this important legislation is being considered under suspension of the House rules which only allows for 40 minutes of debate and no possibility of amendments. I believe this measure would be much improved if several amendments could be offered today.

First, Mr. Speaker, I have great fears that passage of this bill will open our public schools to outside cult members—the disciples of Reverend Moon, for example—who may wish to recruit members under the guise of religious study. Under the bill, such groups would be guaranteed access to schools and nonstudent organizers would be able to preach and proselytize young, impressionable students. Parents in my congressional district, I know, want school principals to have the authority to restrict this type of conduct. There is simply too much room for abuse in terms of religious activity.

Contrary to the Widmar against Vincent Supreme Court decision which struck down a university policy that permitted recognized student groups to use university rooms for meeting but prohibited student groups from using university rooms for religious worship or teaching, this bill deals with youngsters at a young, impressionable age. Young teenage junior high school and high school students cannot cope intellectually with issues as well as more mature college age students. Public schools, unlike colleges and universities, are not open forums. Furthermore, high school attendance is mandatory, not voluntary as is attendance at a college or university. This bill permits religious meetings on school premises during the school day and is not restricted to meetings before or after school when the compulsory attendance law would not be in effect.

This fact makes it that much more objectionable that the bill as written permits nonschool agents of religious groups such as the "moonies" to regularly participate in religious meetings on school property.

Second, I do not agree with the concept of cutting off all Federal funds to school districts that refuse to allow student-initiated religious groups in secondary schools to meet during noninstructional periods on the same basis as nonreligious school groups. This provision would have the unfortunate effect of hurting those students who are most in need. If one school in a school district was in violation of the bill, all Federal funding for all schools in that district would be cut off. This would include Federal funds for educating the disadvantaged, for school lunches, and for vocational education. I do not believe that all students in an entire school district should suffer because of a decision made by one school official in one school. Because of this provision, religious groups are given preferential treatment, because denying access to nonreligious groups does not carry such a severe administrative penalty. In effect, students, parents, and educators would be held hostage to the actions of one school official.

Third, I am disturbed that this bill favors majority religions because if a school establishes a minimum number of students to organize a club, that same minimum would apply to religious groups. Surely, this is not fair to minority religions. Unfortunately, an amendment to protect all religions by eliminating the establishment of a minimum number was defeated in the committee. Because of the manner in which this bill has been brought to the House today, we cannot reconsider this amendment at this time.

Mr. Speaker, the issue of access of student religious groups to high school students is now being addressed in the Federal courts. In fact, the U.S. Third Circuit Court of Appeals in my home State of Pennsylvania now has a case before it. I believe Congress should await Federal court decisions on this important issue before rushing to pass the legislation before us today.

If the courts rule that religious access to public schools is unconstitutional, no statute passed by Congress can make such access constitutional.

If, on the other hand, the courts rule religious access constitutional, I believe decisions regulating such access should be left to local school districts which would respond to the desires of their communities. I do not believe that Congress should now impose a uniform, nationwide rule.

For the above reasons, Mr. Speaker, in spite of the good and honorable intentions of the proponents of this measure, I must oppose H.R. 5345.●

● Mr. PHILIP M. CRANE. Mr. Speaker, today we will have the opportunity to address an issue that most Americans support—equal access. This is a relatively new idea that has come about because many constituencies are distraught over the Senate's inability to obtain the two-thirds majority vote necessary to pass voluntary school prayer legislation, and the unwillingness of the House Judiciary Committee to hold hearings on this issue.

Both the House and Senate have introduced legislation on this issue. The Senate bill, S. 1059, by Senator DENTON, makes it unlawful for any State or local education agency that receives Federal financial assistance, and generally allows groups to meet during noninstructional time periods, to discriminate against any student meeting because the content of the speech is religious.

The House bill by Mr. BONKER, H.R. 5345, differs from the Senate version because it imposes a funding restriction instead of a judical remedy for violation of its provisions. The bill states that no funds appropriated to the Department of Education can be provided to State or local education agencies that have a general policy of allowing student-initiated groups to meet if student-initiated religious groups are not allowed to meet on the same basis. To reiterate, the major difference is that the House bill imposes a funding restriction and the Senate a judicial remedy for violation of its provisions.

We are debating, today, the bill introduced by our distinguished colleague, Mr. BONKER, and it deserves our attention. His proposal will allow religious oriented student groups the same right to hold voluntary, student-initiated religious meetings on the same basis as other student groups. It is simply not fair to prevent students from meeting voluntarily for religious purposes when a school allows meetings for virtually all other legitimate reasons. Such a double standard is inconsistent with the principles of free speech and Government neutrality toward religion.

H.R. 5345 is limited to public secondary schools and includes a number of

safeguards to prevent coercion or official involvement in religious student meetings. These meetings and/or activities must be voluntary; student initiated; not be sponsored by the school, the government, government agents or employees; nor interfere with the orderly conduct of regular school activities, or be otherwise unlawful.

There are several concerns and myths surrounding the equal access concept. Opponents believe that children subjected to a religious belief other than their own may be emotionally scarred, or victims of religious dissension. A policy of equal access does not cause religious discord. On the contrary, it creates an atmosphere that teaches tolerance and respect for the views of other people. Children will learn that not everyone shares their beliefs and opinions. They will also learn that freedom means they do not have to participate in an activity they do not believe in—but that they cannot prevent other people from doing so.

Opponents also believe that school prayer and equal access proposals are unconstitutional. The First Amendment, in its historical context, was never intended to separate God from government. It was intended to prevent the Federal Government from requiring attendance at, and support for, a particular church. Simply put, it was designed to protect our religious liberty, not restrict it. When considering constitutional rights, the denial of equal access to religious student groups is in violation of their right to freedom of speech and assembly.

The main thrust of opposition is that equal access would open the door for cults to enter our schools, because outsiders would come in and somehow convince students to be a part of their cult. If I thought that this legislation would be a stepping stone for cults to enter our schools you can be certain that I would not favor this approach. The irony of this opposition is that if cult leaders wanted to establish groups in our schools there is nothing to stop them from forming a group now that is nonreligious.●

● Mr. CLAY. Mr. Speaker, I rise in opposition to H.R. 5345, the Equal Access Act. This bill pertaining to equal access is in reality a misnomer and misleading.

It is important that the concept of equal access as set forth in H.R. 5345 be clearly defined and placed in a proper perspective. All students in our Nation's public schools have the constitutional right to participate in nonreligious and nonsectarian activities.

In this conjunction, I believe that all citizens of our Nation should have equality of opportunity within the framework of our constitution.

However, to argue that equal access in the Nation's public schools germane to religious groups having the same opportunities as secular or nonreligious groups regarding the utilization of public facilities, that is, public schools, is both illogical and improper.

I support this proposition in opposition to H.R. 5345 for the following reasons:

First, there is a constitutional prohibition as indicated in the first amendment to the Constitution respecting the separation of church and state. The Constitution is quite explicit as stated in the first amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *

Second, the use of the ploy equal access would breach, in my view, the constitutional prohibition concerning separation of church and state. In short, if religious activities were permitted in the public schools under the guise of equal access it would establish a beachhead for other religious or ecclesiastical activities of this type. Religious activities belong in places of worship and not in the public schools.

Third, teacher supervision would be required as is now the practice in many local educational agencies as students engage in their religious activities. The very fact that a teacher would be required to supervise a religious activity would constitute, in reality, the expenditures of public moneys or funds for a religious activity. No public employee should be required in a public setting or in any setting in a free society to supervise religious activities.

Fourth, it is misleading to argue that because secular or nonreligious activities are conducted in public schools or nonreligious activities are conducted in public schools that religious activities, therefore, should also take place. It is not the business of our public schools supported by all of the taxpayers to provide a place for religious activities to take place.

Fifth, there is no discriminatory effect because of the first amendment prohibition germane to the separation of church and state. The public schools of our Nation serve all of our young people in a nonsectarian or nonreligious manner. Persons who desire religious or sectarian education for their children are free to pursue these options outside of the purview of the public schools. It is not fair nor reasonable to argue that the prohibition against religious activities in the public schools is a denial of equal access or opportunity.

I believe, as envisioned by the authors of the Constitution of our Nation, that it is in the best interest of all of our people to maintain the separation of church and state.

This principle, long cherished and supported by the citizenry of our Nation, should remain in place and not be breached by the fallacious and unreasonable appeal to equal access.

H.R. 5346 should be consigned to a fitting repository: The legislative scrap heap. I urge my colleagues to oppose this measure.●

● Mr. COOPER. Mr. Speaker, let there be no mistake. I support prayer in our public schools. But I do not support a bill that would allow religious cults to come into our schools during the school day, even during study halls, to influence the impressionable minds of our young people.

The supporters of the bill are good people, and I support their goals. But good intentions do not always equal good legislation. Read this bill very carefully. Read between the lines. This bill would open a Pandora's box that would allow, and in fact require, that any guru, cult leader, or other extremist who had a small following in a high school, be given red-carpet treatment at public expense inside that high school.

The bill could have easily been amended to make it good legislation. I support amending it. But this bill is being considered under a gag rule that prevents any amendment or any real debate. Why cannot we debate such an important topic? Surely it is worthy of debate. In the past I have voted against measures, such as the Equal Rights Amendment, because they were also considered under a gag rule, without amendment and without real debate.

Let us work together to bring prayer back into our public schools. Prayer, not propaganda. Prayer, not proselytizing. Prayer, not a Pandora's box of problems. Our young people are our most important resource. I support prayer in school. That's why I am against this bill.●

● Mr. PORTER. Mr. Speaker, once again we have before us an issue of major importance under a procedure that must be questioned for its obvious lack of fairness and for its obvious assault on the jurisdictions and normal procedures of the House. Yes, it is permitted under the House rules. And yes, we must consider the issue only on its merits, and I do. But, nevertheless, I take issue with the use of the Suspension Calendar to ignore the jurisdiction of the Judiciary Committee and to prevent full debate and an opportunity to amend legislation of this type, which, if adopted, could and undoubtedly would, result in school districts losing Federal support for important educational programs, including special education for handicapped children, aid for school districts impacted by children of the military, education for the economically disadvantaged, vocational education, and many others.

The issue today, while of great moment, is clear: Does the Federal Government by legislative fiat have the right to determine for local school

districts across our country how their properties—owned, operated, and financed to 92 percent on average by the people of the local area and the State—shall be used?

If constitutional rights are involved, as some allege, the courts should and are available to address those questions. But access to school property is not being addressed here today as a constitutional question—if it were, a constitutional amendment would be before us, not a bill—but rather, as a matter of policy. If so, why should Washington, why should the Congress be deciding the content of that policy? Does the 8 percent of total funding that the Federal Government provides for public elementary and secondary education in our country give us in the Congress the right to tell schools who may and who may not use the property—property owned by the local school district and managed for the benefit of the children by the people of the district through their elected school board members? I think not.

The genius of our system of public education has been local control, not centralized, Federal control, but control by the people most concerned—those whose children, or grandchildren, or nieces and nephews are taught in that community. Washington's only role has been—and should be—support for special categorical needs. While the mandates in these specialized areas have sometimes been large, the support has always been modest—around $1 of every $10 spent to educate our children. This legislation, however, would assert Federal control over who can use the classrooms and when. The result would likely be in my district and I suspect, many others, one of two alternatives: Either schools would resist this Federal control and lose categorical Federal funds to the detriment of our children's education, which, after all, is why the schools exist, or, perhaps more likely, the school districts would be forced to decide that no one could use school property for any purpose but classroom teaching, to the detriment of all.

No, this is a matter for the local school boards to decide—who shall and who shall not use local school properties and for what purpose—and not for Washington to impose. I would urge my colleagues in the House to resist the surface appeal of this legislation and view it, as I do, as an extremely unwise precedent for Federal interference in what must remain an essentially local matter.●

● Mr. SMITH of New Jersey. Mr. Speaker, the Equal Access Act represents a vital step toward preventing further confusion among public schools and certain lower courts regarding the rights of student-initiated religious groups. I rise today in strong support of H.R. 5345 as a means to rectify the unfair treatment that many school districts have accorded to student religious groups.

Since the Supreme Court decisions in Engel against Vitale, Abington School District against Schempp, and Murray against Curlette in 1962 and 1963, the court rulings on this issue have been very confusing—so confusing, in fact, that those responsible for making decisions in our public schools have overinterpreted the Court's restrictions in an effort to avoid costly and time-consuming lawsuits.

For example, Mr. Speaker, teachers in a Denver area high school were warned that their jobs were at risk because of their participation in religious activities with students. What were those activities? The teachers had been attending a Bible study, a group which met at night and off-campus.

Another example of overzealous interpretations of the establishment clause took place in Philadelphia where a teacher was told to remove a wreath from his classroom door. Why? Because the wreath represented Christmas, a religious holiday. In a similar case in Ithaca, NY, any carols mentioning Jesus Christ were banned from an annual Christmas program by the school superintendent.

The city of Indianapolis interpreted the intent of the Supreme Court's ruling to include a prohibition against allowing students to get into a car or be picked up at the end of the day by a youth pastor or worker. And according to the assistant superintendent of the Boulder, CO, schools, a group of two or more students may not sit together for the purpose of spiritual or religious discussion.

I could go on and on with such examples, but it should be amply clear to my colleagues that a better definition of what precisely constitutes Government establishment of religion is in order.

Mr. Speaker, in its 1962 and 1963 decisions, the Supreme Court construed the first amendment establishment clause to require strict "neutrality" toward religion. Even "relatively minor encroachments" are indefensible. As the above illustrations point out, the inevitable result of these interpretations of the establishment clause is not Government neutrality toward religion, but rather Government exclusion of religion which, as Justice Stewart noted in his dissent to the Schempp decision, amounts to discouragement of religion and establishment of "a religion of secularism" in its place:

> For a compulsory state education system so structures a child's life that if religious exercises are held to be an impermissible activity in schools *religion is placed at an artificial and state created disadvantage,* Viewed in this light, *permission of such exercise for those who want them is necessary if the schools are to be truly neutral* in the matter of religion. And a refusal to permit religious exercises is thus seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism, or at least, government support of beliefs of those who think that religious exercises should be conducted only in private. (Emphasis added.)

It seems, clear, Mr. Speaker, that under the dogma of "neutrality," one set of beliefs (theistic) is censored from the schools while opposing beliefs (secular) go unchallenged. This preference for "a religion of secularism," in the words of Justice Stewart, often places school administrators in a difficult bind. On the one hand, the students of their school have fundamental rights to freedom of speech, assembly, association, and exercise of religion. On the other hand, small but powerful interest groups, such as the ACLU, place pressure on the administrators by threatening a lawsuit if that school does not eliminate all religious expression.

Being on tight budgets and desiring to avoid controversy and costly legal battles, most school administrators buckle under this pressure and forbid all forms of religious expression in their school. What I find particularly unfortunate is the fact that many of the individuals who ultimately decide to implement such a policy of intolerance do so against their judgment. In their day to day dealings with the student body, they are intimately acquainted with the types of moral issues with which their students grapple individually and yet they are prevented from presenting students with the moral precepts which have guided our Nation and Western societies for centuries.

High school students are continually confronted with a wide array of moral choices and decisions, and although the school is certainly not in a position to advocate one moral framework over another, it is highly unfortunate that students are precluded from hearing every alternative. Instead, Mr. Speaker, the Supreme Court has decided that they may only be exposed to one moral framework, in effect—that which professes that man is an end in himself, or secularism.

Mr. Speaker, I firmly believe, as our Founders believed, that education means the discussion of ideas. Well, that discussion is not taking place in our public schools in its fullest sense today. Religion, and particularly our Judeo-Christian heritage, is not permitted to be included in this discussion of ideas, even on a student-initiated, extracurricular, and voluntary basis.

I think it would be useful at this point to illustrate the "typical" pattern of events surrounding the explusion of the expression of religious ideas from a public school system. I would like to share a portion of testimony by Richard K. Ocker, an elementary school principal in Carlisle,

Pa., before a Senate hearing with my colleagues at this time:

During the 1980-81 school year, a conflict arose bewteen the American Civil Liberties Union and the Carlisle School District concerning three programs which I had initiated at the Crestview Elementary School.

The first involved a Friday morning meditational broadcast which was delivered weekly by a group of my fifth grade students. The broadcast consisted of approximately five minutes of information about the weather, highlights in history, the daily menus, jokes, riddles, etc. The broadcast always concluded with a meditational reading and a thought for the day. The sources for the readings were many and varied. On two occasions, we read from the Bible, specifically the 23rd Psalm and the Second Chapter of Ecclesiastes. I viewed these scriptural passages as other examples of outstanding literature. These were read without comment and there was no silent prayer involved.

The second program was a Bible School activity which was open to all fifth grade students. Approximately forty students voluntarily gave up their noon recess period each Thursday to attend the class. Only fifth graders were invited because their noon recess coincided with the schedule of the leader. Written parental permission had been received before the class began. The students met in the school basement and were led in singing, recitation of memory verses, Bible stories and manipulative activities.

The third program was entitled L.I.F.T. It involved my staff. The title L.I.F.T. was an acronym for "Let Individuals Feel Treasured." In our school, which was a large elementary school, many tragedies occurred throughout the school year. There were deaths, divorces, suicides and accidents. These affected the lives of my students and I felt a responsibility to reach out to the students who were experiencing difficulties and lend them a helping hand. Each Monday morning I invited my staff to participate in Project L.I.F.T. There were no threats or intimidating tactics used. Each Monday from 8:15 A.M. until 8:25 A.M. we met in a first grade classroom and shared the known student problems. We then decided how to help these students through their trying time. Throughout the school year we went the "extra mile" with those boys and girls by writing to them, telephoning them, talking to them, smiling at them and making them feel secure and wanted until their trial had passed.

Somehow the American Civil Liberties Union learned of these school activities and brought a law suit against the school district. The suit threatened to have federal funds cut off from the district. Their contention was that we were violating the First Amendment.

The story was picked up by local newspapers and television stations. Soon I was receiving hundreds of letters and phone calls all supporting my efforts.

The suit was brought against Robert Scanlon, who is the Secretary of Education for the State of Pennsylvania, and three school districts specifically Carlisle, West Perry and Halifax by Francis P. Larkin who is the President of the National Chapter of the American Civil Liberties Union. The suit stated that the school districts should terminate the meeting of Bible Clubs on school property, cease and desist from any and all Bible group meetings and end Bible reading via the public address system. The School District Solicitor, James Flower asked that the case be dismissed after these demands by the American Civil Liberties Union were met. The American Civil Liberties Union was not satisfied and asked that a consent decree be signed by the Carlisle School District. Judge Crumlich denied the request in Commonwealth Court. The suit was then carried to the Pennsylvania Supreme Court where it was heard. To date we have had no further communication about the suit.

Mr. Speaker, I think that the Carlisle case clearly demonstrates the need to specify the intent of the law with regard to which activities constitute government establishment of religion and which activities undertaken by school districts constitute the abridgment of the first amendment rights of students to voluntarily participate in religious groups. H.R. 5345 is the appropriate vehicle for that clarification, Mr. Speaker, and I urge my colleagues to join me in support of this fine legislation.●

● Mr. MARKEY. Mr. Speaker, the issue of access by student religious groups to public school facilities is an important one that deserves thorough consideration. I would like to explain my position on this issue.

I have been a consistent supporter of voluntary school prayer and will never step back from that position. The equal access legislation which we are considering today is supported by many strong and compelling arguments. I support its sponsors' basic premise that student-initiated religious groups should not be denied access to school facilities routinely granted to comparable nonreligious groups.

My concern with the equal access legislation, however, is not with its intent, but in its likely effect. I believe that the Reagan administration has demonstrated quite clearly that it has the intention to use whatever devices it can muster to bring an inappropriate and unconstitutional level of religious activity into the public schools. I believe that this administration would misuse this legislation to further its goals to the detriment of all students first amendment rights.

I believe that many of the bill's primary sponsors are quite sincere about bringing about a fair and equitable open-door policy for the use of school facilities by all types of credible groups. But, because the legislation is somewhat vague on certain key issues, such as the use of school facilities during regular school hours, the role of individual principals in deciding which religious groups are "legitimate," and the involvement of teachers and other school officials in sponsoring these groups, I feel it constitutes an invitation to misuse by those who would abuse the concept of the separation of church and state.

This is the same administration that has consistently shown its disregard for first amendment rights by supporting tax-exempt status for private schools that discriminate, and by strongly and vigorously attempting to instate mandatory prayer in the public schools. Because of the unprecedented role the equal access bill would give the Federal Government in local school activities, a determined administration could potentially deny Federal funds to schools which failed to open their doors to certain religious groups.

While I favor voluntary school prayer, I cannot condone the Reagan administration's views of the Federal Government's role in requiring prayer. Consequently, I am compelled to vote against this legislation because I am convinced that it will rapidly become a vehicle for the Reagan administration to compromise and infringe on the overriding first amendment rights of schoolchildren.●

● Mrs. HALL of Indiana. Mr. Speaker, our schools may be faced with a number of problems if the Equal Access Act becomes law. The principle problems lie in the purpose of the legislation, to make public school facilities accessible to student religious groups. This act, however, offers no definition of what constitutes a religious group, nor how many members the group must have before the act will apply.

Furthermore, faculty members, school administrators, and other agents of the school system would be required to monitor these student religious meetings, but not participate. There is no mention of how these faculty members will be paid for the extra hours that they must work.

A school that refuses to grant space for a meeting to a student religious group because of the nature of the religious group violates the act and this subsequently results in a loss of Federal funds for that entire school system. That could mean the loss of funds for special and disadvantaged childrens' education, school lunch and vocational education programs.

The Equal Access Act fails to define several key terms, provides for unreasonably harsh penalties for school systems, and produces administrative problems. Because of the numerous unanswered questions posed by this legislation, I cannot support the Equal Access Act.●

● Mr. GEJDENSON. Mr. Speaker, I rise at this time to speak in opposition to H.R. 5345, the Equal Access Act. In my view, the bill is at best a hasty, ill-conceived remedy for a very complex problem. At worst, it is unconstitutional.

Let me say, Mr. Speaker, that in no way do I oppose the right of students in our public schools to enjoy the same protections of free speech and free exercise of religion which are enjoyed by the population as a whole. I

am not hostile to religion, and I concur fully with court decisions maintaining that the Constitution prohibits the Government from either aiding or opposing the practice of religion or from promoting one religion over another. As you know, this mandate of government neutrality in religious matters is found in the establishment clause of the first amendment, right alongside the free speech and free exercise of religion clauses.

For a number of years now, the courts have grappled with the issue of how we may best protect the free speech rights of public school students who may wish to engage in voluntary religious discussions, while at the same time preserving the constitutional doctrine of separation of church and State. Court decisions have varied widely, depending on the particular circumstances of each case, but most decisions have held the establishment of religion clause violated by State sponsorship or involvement with particular religious activities in the public schools. Just recently, however, the Supreme Court rules that at the college level, where open debate and a free exchange of ideas are the norm, permitting religious groups to hold their own meetings does not violate the establishment clause. But the Court did not say whether this principle applies to elementary and/or secondary schools as well, so that this case left everything below the college level unresolved. Indeed, within a week of this decision, the Court chose to let stand a lower court decision holding an equal access policy at the secondary school level to be unconstitutional. Since then, the various courts which have heard equal access cases have produced divergent opinions, and one of these cases, in which the court ruled that students be allowed to voluntarily form religious groups, is now pending appeal.

Mr. Speaker, I am not a constitutional scholar, and I do not pretend to have the definitive answer as to whether or not the Equal Access Act is constitutional. I do know, however, that constitutional scholars do not agree on this issue and that the courts have so far arrived at differing conclusions, depending on the circumstances of each case.

Supporters of the Equal Access Act seem to feel that their bill will be the panacea for all of our problems; it will insure that high school students are not denied their right to free speech when that speech is religious in nature, and at the same time it will insure that the Constitution is upheld. This is simply not true. Based on the judicial history of religious speech in the schools, it is doubtful whether any piece of legislation mandating a uniform practice regarding religious speech could be comprehensive enough to address all of the constitutional questions which arise when religious activity is brought into State-sponsored arenas. H.R. 5345 ignores this judicial history and represents an attempt to enact into that which the Congress knows to have been declared unconstitutional by a number of courts.

Currently, local school administrators make decisions every day regarding the content of what is taught and discussed in our schools. Promising a complete cut off of Federal funds if they do not permit religious speech to the same extent as any other, H.R. 5345 would effectively eliminate—only in matters of religious speech—the traditional practice of school administrators to use their discretion in deciding what may be permitted in local schools. Either a local administrator will have to severely curtail the rights of students to form any club, or he will have to permit every group calling itself religious to meet and to invite whatever outside people who call themselves religious leaders to come into the school and address the students.

Mr. Speaker, those persons who feel their right to free speech has been denied in a public school have the option of seeking judicial recourse. This option is as available for problems of religious speech as it is for any other. Is it not more prudent—and more responsible—for the Congress to allow the question of equal access to be decided by the courts, rather than to enact a heavyhanded, ill-conceived piece of legislation which would doubtless create more problems than it would solve and which would severely infringe on our long tradition of local control over education?●

● Mr. McGRATH. Mr. Speaker, I rise today to express opposition to H.R. 5345 as a result of my very serious reservations about the involvement of the Federal Government in dictating to school administrators the types of activities that can be carried on during noninstructional periods.

Local school boards have been elected for the very purpose of deciding what curriculum and activities correspond to the values and priorities of school district residents. It is within the purview and responsibility of the individual boards of education to determine which student group meetings are desirable during noninstructional school hours. Should we in Washington support the intrusion of extracurricular activities during the school day? I strongly believe that such a decision is not the responsibility of the Federal Government.

Additionally, the bill places local school officials in a no-win situation. By requiring decisions as to which student claims to meeting space are appropriate, officials may be held culpable should the U.S. Department of Education hold that a group was improperly denied access, and therefore withhold the entire school district's Federal funding. Equally dangerous would be a determination to allow all groups, including those who preach hate, to hold meetings during the schoolday rather than face a Federal funding cutoff.

H.R. 5345, as we have become aware, is by no means a noncontroversial measure. This is yet another in a series of very controversial bills brought to the floor under a procedure meant to stifle full and open debate, and in turn, the will of the majority of the Members of the House. While we have been attempting to reduce Federal involvement in regulating education, the equal access legislation would once again usurp the decisions of local school boards and supersede State education law regarding the use of school buildings. Regardless of how individual Members may feel about the concept of equal access, I hope my colleagues will oppose passage of the bill under suspension of the rules, for these reasons.●

● Mr. AuCOIN. Mr. Speaker, I am more than a little dismayed at the level of misinformation and rhetoric surrounding H.R. 5345, the Equal Access Act. I know I am not the only Member of Congress who has gotton hundreds of phone calls and letters from well-intentioned people who have been told that, unless Congress passes this bill, there is no protection for religious speech in the United States.

Well, I want to make it clear that there is protection—the first amendment of the U.S. Constitution. And to those Members who assert that the Constitution needs a little improving, I would reply that this bill is anything but an improvement.

Most public school districts in the United States already allow religious groups to use their facilities—under guidelines they draw up with the consent and guidance of the community.

For instance, in Oregon's First Congressional District, the Portland public schools have a careful policy that truly gives religious groups equal access, allowing them the exact same rights as other nonprofit organizations to use public school facilities.

But the Portland schools could not have such a policy if the equal access bill becomes law. Make no mistake about it; if the equal access bill passes, local autonomy will be replaced by a sweeping Federal mandate that would inject the nose of the Federal Government directly into our local schools.

Someone once said that for every complex problem there is a simple solution—and it is usually wrong. Such is the case with the legislation here today. It is important that we take a close look beyond what this legislation intends—I do not think anyone in this body disagrees with the concept of

equal access—and focus on what the bill actually does.

Though most school districts in the United States already open their buildings to religious groups, H.R. 5345 mandates that any public school which allows other student groups to use the building must allow religious groups in. And the bill goes on to state that the only way a religious group can be turned away is if all other student activities are canceled.

The bill does not confine religious meetings to blocks of time before or after regular school hours—but opens the school house doors to religious groups during the day while other students are in regular classes. Not only are the doors open to students, but to outside religious personnel who want to join in or lead the meetings.

Organized religious services during the school day are a far cry from the small student discussions which, I believe, the bill was intended to protect.

Further, who is to say who qualifies as a religious group and who does not? If the equal access bill becomes law, the only way a school board could prohibit a group such as the Moonies, or the Rajneesh, or the Hare Krishna from using a public school as a house of worship—or a place of recruitment—is if the school cancels all other student-initiated activities or forfeits Federal education aid.

Now if you are on a local school board, you tell me what kind of decision you would make. You would take the path of least resistance and simply do away with student meetings, period. A result that does not do much to advance the cause of religious speech.

There are other problems with the bill. Because the bill cuts off Federal education aid if school districts do not comply, it puts the Federal Department of Education in the impossible position of defining religion and religious speech in every school district in the United States.

About the only discretion left to local school districts under the equal access bill is the right to discriminate against minority religious groups. By letting local schools to set minimum standards for student meetings we are, in effect, saying that any cult that can muster a quorum can meet, but minority or underrepresented religions are not assured of safe haven in the schools.

I know the chief sponsors of this bill and I respect them. I know these consequences are not intended. I do not think this is what the people of this country want. Yet it is what the bill would do.

This legislation crosses the careful constitutional boundary separating church and state. For these reasons—and because as a father of two children of my own I am interested in protecting religious freedom and expression, I must vote against the equal access bill.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 5345.

The question was taken.

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. THOMAS of California. I am reserving the right to object, Mr. Speaker.

Mr. PERKINS. My request is for Members to extend their remarks, Mr. Speaker. I will strike out the word "revise."

Mr. THOMAS of California. Reserving the right to object, Mr. Speaker, if it is important enough to change the rules to show when Members are present or not present in this body, I think it is also appropriate that the CONGRESSIONAL RECORD reflect what accurately occurred on the floor.

I would object to that portion of the unanimous-consent request which asks for unanimous consent in the revision of the RECORD.

Mr. PERKINS. Well, the RECORD will show every Member the way it is done.

The SPEAKER pro tempore. For the sake of the Chair, if not the body, will the gentleman from Kentucky restate his unanimous-consent request.

Mr. PERKINS. Yes. I insist on my unanimous-consent request, Mr. Speaker, to extend.

The SPEAKER pro tempore. To extend their remarks and insert in the RECORD.

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PARLIAMENTARY INQUIRY CONCERNING VOTE ON H.R. 5345

Mr. GOODLING. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GOODLING. Mr. Speaker, I was going to demand the yeas and nays and did not hear the question put. I would like to demand the yeas and nays.

The SPEAKER pro tempore. The Chair put the question. There was an objection for lack of a quorum. Under the previous announcement, that vote has been postponed until all suspensions are considered.

Mr. GOODLING. There will be a record vote?

The SPEAKER pro tempore. There will be an opportunity for a record vote at that time.

May the Chair clarify once more to the gentleman from Pennsylvania, that question will be decided when the question is out de novo at that time as to whether or not a quorum is present.

Mr. GOODLING. That is why I wanted the yeas and nays.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO FILE REPORTS ON H.R. 5504, H.R. 5313, H.R. 5530, H.R. 5281, H.R. 3401, H.R. 3402, H.R. 4025, H.R. 2896, AND H.R. 5297

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until midnight tonight, May 15, 1984, to file reports on the following bills:

H.R. 5504. Surface Transportation and Uniform Relocation Assistance Act of 1984;

H.R. 5313. To authorize appropriations for fiscal year 1985 to carry out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes;

H.R. 5530. To amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1985, and for other purposes;

H.R. 5281. Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes;

H.R. 3401. To designate that hereafter the United States Post Office and Courthouse at 245 East Capital Street in Jackson, Mississippi, will be known as the James O. Eastland Federal Court Building;

H.R. 3402. To designate that hereafter the Federal Building at 100 West Capital Street in Jackson, Mississippi, will be known as the Doctor A. H. McCoy Federal Building;

H.R. 4025. To authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes;

H.R. 2896. To amend Public Law 96-432 to increase the authorization for the acquisition of property for addition to the Missile Capital Grounds from $11,500,000 to $16,000,000; and

H.R. 5297. Civil Aeronautics Board Sunset Act of 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so to inquire of the gentleman whether these are the nine bills that the minority has signed off on.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding.

I would say to the gentleman, yes, they are.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 5151

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Tuesday, May 15, 1984, to file its report on the bill H.R. 5151.

This has been cleared with the minority, according to my understanding.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZATIONS FOR U.S. MINT, 1985

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5371) to authorize appropriations for the U.S. Mint for fiscal years 1985 and 1986, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5132(a) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) There are authorized to be appropriated to the Secretary not to exceed $47,758,000 for the fiscal year ending September 30, 1985, to pay costs of the mints and assay offices.

"(3) For the fiscal year ending September 30, 1985, there are authorized to be appropriated to the Secretary for salaries of employees of the Bureau of the Mint such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law and for other nondiscretionary costs.".

(b) Section 5111(b) of title 31, United States Code, is amended by inserting after the second sentence the following: "Expenditures (for any purpose whatsoever) from the coinage metal fund shall not exceed $200,000,000 in any fiscal year.".

The SPEAKER pro tempore. Is a second demanded?

Mr. PAUL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes, and the gentleman from Texas (Mr. PAUL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5371 would authorize a 1-year authorization of $47,758,000 for operations of the U.S. Mint. This is the amount requested by the mint for fiscal year 1985. It also provides a 1-year authorization for any supplemental appropriation needed for cost-of-living adjustments mandated by law. A 1-year authorization provides the Congress with the opportunity to closely oversee and monitor the operations of this important Government agency.

Until fiscal year 1982 the mint was practically immune from effective congressional oversight because it had a permanent, open-ended authorization. That authorization precluded Congress from any input and direction over the mint's operation. By repealing that authorization and imposing a series of 1-year authorizations beginning in fiscal year 1982, Congress has been much more effective in evaluating the operations of the mint.

The bill also limits expenditures from the coinage metal fund to $200 million. The coinage metal fund is an off-budget account of the mint which is used to purchase metal to make coins. It is not funded through the mint's authorization and appropriation, and in fact, it is not even reported for informational purposes in the budget sent to Congress. Despite this, the mint spends more money through the coinage metal fund than it does through appropriated funds. Furthermore, this fund has been used to transfer more and more costs off budget.

Under existing law the coinage metal fund may be used "to buy metal to mint coins." Despite this restrictive language limiting use of the coinage metal fund solely for the purchase of metal, the mint has gradually shifted more and more of the costs of making coins to the coinage metal fund. It has done so by shutting down the mint's melting and coinage strip production operations and shifting these manufacturing processes to the coinage metal fund.

In fiscal year 1981 the mint spent $61 million in appropriated funds. For fiscal year 1985 the mint is requesting an appropriation of less than $48 million, a seeming decrease of 21 percent in cost since 1981. But a look at the hidden budget of the coinage metal fund shows off-budget fabrication costs jumping a whopping 151 percent, from $29 million to $73 million. Overall, the cost of making coins will actually increase 34 percent, from $90 million in 1981 to $121 million in 1985. This increase is hidden in the coinage metal fund.

This amendment imposes a ceiling on purchases of metal using the coinage metal fund. Such a ceiling existed for the first 92 years of the fund, and it worked well because it required congressional approval for additional spending. It is now time to reimpose a ceiling on expenditures from the coinage metal fund.

This bill provides the mint with the authorization it needs, while maintaining effective congressional oversight on Government spending. I urge its passage.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, minority members of the Banking Committee also support the mint authorization legislation as reported by the committee. The U.S. Mint is being run like an efficient business operation, with serious attention being given to improving productivity.

The establishment of a mint was one of the first acts of Congress, and I must say that its operation is one of the few clearly constitutional functions that Congress authorizes. I wish I could similarly support many other pieces of legislation.

In the past year, the mint has produced the first legal tender gold coin of the United States since 1933 and has been successfully producing and distributing the first commemorative silver coins since the early 1950's. A very successful introduction has been completed of the zinc 1-cent coin. We understand the striking of 1-cent coins accounts for 80 percent of the mint's coin production.

In view of all the special procedures and regulations that a Government agency must follow to comply with strict purchasing regulations, personnel rules, and public accountability, we just want to say for the record that Mint Director Donna Pope is doing a magnificent job, and we are pleased to support H.R. 5371 to authorize the mint's operations for fiscal year 1985.

□ 1540

Mr. ANNUNZIO. Mr. Speaker, I want to commend the ranking minority member, the gentleman from Texas (Mr. PAUL) for his dedication and hard work that he has devoted to the committee. I know he is leaving the Congress. I want him to know that I will miss him. He has been an outstanding member of the committee, and I want to wish you well, RON, on whatever your future undertakings are, and I concur with you on the great job that

Donna Pope is doing as Director of the Mint.

Mr. PAUL. If the gentleman will yield, I would like to express my deep appreciation for those kind remarks.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the genteman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the bill, H.R. 5371, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations for the Bureau of the Mint for fiscal year 1985, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on H.R. 5371.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SINGLE AUDIT ACT OF 1984

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4821) to establish uniform audit requirements for State and local governments receiving Federal financial assistance, as amended.

The Clerk read as follows:

H.R. 4821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; PURPOSE

SECTION 1. (a) This Act may be cited as the "Single Audit Act of 1984".

(b) It is the purpose of this Act—

(1) to improve the financial management and accountability of State and local governments with respect to Federal financial assistance programs;

(2) to establish uniform requirements for audits of Federal financial assistance provided to State and local governments;

(3) to promote the efficient and effective use of audit resources; and

(4) to assure that Federal departments and agencies, to the maximum extent practicable, rely upon and use audit work done pursuant to this Act.

AMENDMENT TO TITLE 31, UNITED STATES CODE

SEC. 2. (a) Subtitle V of title 31, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 75—REQUIREMENTS FOR SINGLE AUDITS

"Sec.
"7501. Definitions.
"7502. Annual audit requirements.
"7503. Relation to other audit requirements.
"7504. Cognizant agency responsibilities.
"7505. Regulations.
"7506. Effective date; report.

"§ 7501. Definitions.

"As used in this chapter—

"(1) 'cognizant agency' means a Federal agency which is assigned by the Director of the Office of Management and Budget with the responsibility for implementing the requirements of this chapter.

"(2) 'Federal financial assistance' means assistance provided by a Federal agency in the form of grants, contracts, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, or direct appropriations, but does not include direct Federal cash assistance to individuals.

"(3) 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) 'generally accepted accounting principles' has the meaning specified in the generally accepted government auditing standards.

"(5) 'generally accepted government auditing standards' means the standards for audit of governmental organizations, programs, activities, and functions, issued by the Comptroller General of the United States.

"(6) 'independent auditor' means—

"(A) an external State or local government auditor who meets the independence standards included in generally accepted government auditing standards, or

"(B) a public accountant who meets such independence standards.

"(7) 'internal controls' means the plan of organization and methods and procedures adopted by management to ensure that—

"(A) resource use is consistent with laws, regulations, and policies;

"(B) resources are safeguarded against waste, loss, and misuse; and

"(C) reliable data are obtained, maintained, and fairly disclosed in reports.

"(8) 'local government' means any unit of local government within a State, including a county, borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, and any other instrumentality of local government, and any federally recognized Indian tribal government or Alaskan native village that carries out substantial governmental duties and powers.

"(9) 'major Federal assistance program' means any program for which total expenditures of Federal financial assistance by the State or local government during the applicable fiscal year—

"(A) is greater than $3,000,000; or

"(B) is greater than the larger of (i) $100,000 or (ii) 3 per centum of the total Federal financial assistance expended by such government.

"(10) 'public accountants' means those individuals who meet the qualification standards included in generally accepted government auditing standards for personnel performing government audits.

"(11) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, any instrumentality thereof, and any multi-State, regional, or interstate entity which has governmental functions.

"§ 7502. Annual audit requirements

"(a) Each State and local government which receives a total of $100,000 or more in Federal financial assistance in any of its fiscal years shall have an audit made for such fiscal year in accordance with the requirements of this chapter and the requirements of the regulations prescribed pursuant to section 7505. For purposes of this chapter, a State or local government is considered to receive Federal financial assistance whether it is received directly from a Federal agency or indirectly through another State or local government.

"(b) Each audit required by subsection (a) shall be conducted by an independent auditor in accordance with generally accepted government auditing standards.

"(c)(1) Each audit required by subsection (a) for any fiscal year shall cover the entire State or local government's operations except that, at the option of such government—

"(A) such audit may, except as provided in paragraph (4), cover only each department, agency, or establishment which received, expended, or otherwise administered Federal financial assistance during such fiscal year; and

"(B) such audit may exclude public hospitals and public colleges and universities.

"(2) Each such audit shall encompass the entirety of the financial operations of such government or of such department, agency, or establishment, whichever is applicable, and shall determine and report whether—

"(A)(i) the financial statements of the government, department, agency, or establishment present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles and (ii) the government, department, agency, or establishment has complied with laws and regulations that may have a material effect upon the financial statements;

"(B) the government, department, agency, or establishment has internal control systems to provide reasonable assurance that it is managing Federal financial assistance programs in compliance with applicable laws and regulations; and

"(C) the government, department, agency, or establishment has complied with laws and regulations that may have a material effect upon each Federal financial assistance program from which transactions are selected and tested pursuant to paragraph (3).

"(3) Each such audit shall include the selection and testing, on the basis of the independent auditor's professional judgment, of a representative number of transactions (A) from each major Federal assistance program, and (B) from a sample of other programs.

"(4) Each State or local government which, in any of its fiscal years, receives directly from the Department of the Treasury a total of $25,000 or more under chapter 67 of this title (relating to general revenue sharing) and which is required to conduct an audit under this chapter for such fiscal year shall not have the option provided by paragraph (1)(A) for such fiscal year.

"(5) A series of audits of individual departments, agencies, and establishments for the same fiscal year may be considered to be an audit for the purpose of this chapter.

"(d) Each State and local government which receives Federal financial assistance shall—

"(1)(A) maintain an adequate internal control system for assuring the proper distribution of Federal financial assistance to subrecipients and for assuring that the expenditure of such assistance by subrecipients is in accordance with applicable laws and regulations; and (B) require its independent auditor to review such system in compliance with the audit requirements contained in subsection (c)(2)(B); and

"(2) require each subrecipient of such assistance through such government to permit, as a condition of receiving funds from such assistance, the independent auditor of the State or local government to have such access to the subrecipient's records and financial statements as may be necessary for the State or local government to comply with this chapter.

"(e) The report made on any audit conducted under this section shall, within thirty days after the completion of such report, be transmitted to the appropriate Federal officials and made available by the State or local government for public inspection.

"(f) If an audit conducted under this section finds any material noncompliance with applicable laws and regulations by, or material weakness in the internal controls of, the State or local government with respect to the matters described in subsection (c)(2), the State or local government shall submit to appropriate Federal officials a plan for corrective action to eliminate such material noncompliance or weakness or a statement describing the reasons that corrective action is not necessary. Such plan shall be consistent with the audit resolution, standard promulgated by the Comptroller General (as part of the standards for internal controls in the Federal Government) pursuant to section 3512(b) of title 31, United States Code.

"§ 7503. Relation to other audit requirements

"(a) An audit conducted in accordance with this chapter shall be in lieu of any financial or financial and compliance audit of an individual Federal assistance program which a State or local government is required to conduct under any other Federal law or regulation. To the extent that such audit provides a Federal agency with the information it requires to carry out its responsibilities under Federal law or regulation, a Federal agency shall rely upon and use that information and plan and conduct its own audits accordingly in order to avoid a duplication of effort.

"(b) Notwithstanding subsection (a), a Federal agency shall conduct any additional audits which are necessary to carry out its responsibilities under Federal law or regulation and nothing in this chapter shall be construed to authorize any State or local government (or subrecipient thereof) to constrain, in any manner, such agency from carrying out such additional audits.

"(c) Subsection (a) shall apply to a State or local government which conducts an audit in accordance with this chapter even though it is not required by section 7502(a) to conduct such audit.

"§ 7504. Cognizant agency responsibilities

"(a) The Director of the Office of Management and Budget shall designate cognizant agencies for audits conducted under this chapter.

"(b) A cognizant agency shall ensure, at a minimum, that—

"(1) audits are made in a timely manner and in accordance with the requirements of this chapter; and

"(2) the audit reports and corrective action plans made pursuant to section 7502 are transmitted to the appropriate Federal officials.

"§ 7505. Regulations

"(a) The Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, shall prescribe regulations to implement this chapter.

"(b)(1) Such regulations shall include criteria for determining the appropriate charges to programs of Federal financial assistance for the cost of audits. Such criteria shall prohibit a State or local government which is required to conduct an audit under this chapter from charging to such programs the cost of any financial or financial and compliance audit which is not conducted in accordance with this chapter.

"(2) The criteria prescribed under paragraph (1) shall not, in the absence of documentation demonstrating a higher actual cost, permit (A) the ratio of (i) the total charges to Federal financial assistance programs for the cost of audits performed pursuant to this chapter, to (ii) the total cost of such audits, to exceed (B) the ration of (i) total Federal financial assistance expended by a government during the applicable fiscal year, to (ii) the government's total expenditures during such fiscal year.

"(c) Such regulations shall include such procedures as may be necessary to assure that small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals will have the opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter.

"§ 7506. Effective date; report

"(a) This chapter shall apply to any State or local government with respect to any of its fiscal years which begin after June 30, 1984.

"(b) The Director of the Office of Management and Budget, on or before May 1, 1986, and annually thereafter, shall submit to each House of Congress a report on operations under this chapter. Each such report shall specifically identify each Federal agency or State or local government which is failing to comply with this chapter.".

(b) The table of chapters for subtitle V of title 31, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"75. Requirements for Single Audits . 7501".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. BROOKS) will be recognized for 20 minutes and the gentleman from New York (Mr. HORTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4821, the Single Audit Act of 1984, establishes uniform audit requirements for State and local governments receiving Federal financial assistance. This legislation will help assure greater accountability over the nearly $100 billion in Federal aid provided to State and local governments each year. It will also result in more efficient and effective use of scarce audit resources at all levels of government.

H.R. 4821 would require each State and local government receiving $100,000 or more in Federal financial assistance to obtain an annual, independent, organizationwide audit of its operations. The audit would include a review of recipients' management controls over Federal funds and determine whether recipients have complied with Federal program requirements. Auditors conducting single audits would perform compliance tests on all major Federal programs and on a sample of other programs. The audit would also include a review of recipients' management controls for monitoring Federal aid passed through to subrecipients. The cost for single audits would be shared by the Federal Government and State and local governments.

If a State or local government has not complied with important grant requirements, or has not maintained adequate internal controls over Federal funds, then it must submit a plan for appropriate corrective action.

For State and local governments receiving $100,000 or more per year in Federal aid, the single audit will replace the many narrowly focused audits of individual grants that are currently required. Governments receiving less than $100,000 per year in Federal aid would continue to conduct grant-by-grant audits but would have the option to substitute a single audit.

The single audit requirement does not diminish the authority of Federal agencies to conduct audits. However, to the extent possible, Federal agencies must rely on the information provided by single audits.

Mr. Speaker, the Single Audit Act of 1984 is the result of several years' work by the Government Operations Committee. Hearings held by the committee in 1979 revealed that the traditional grant-by-grant approach to auditing Federal financial assistance is uncoordinated, inefficient, and ineffective. As a result, the committee recommended the adoption of the single audit approach. The Office of Management and Budget responded to the committee's recommendation by trying to implement the single audit through administrative regulations. However, subsequent committee reviews have shown that little progress has been made and that legislative action is necessary to assure implementation of this important management reform.

Mr. Speaker, H.R. 4821 is strongly supported by the Comptroller General and the Federal Inspectors General. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 4821, a bill to establish uniform audit requirements for State and local governments receiving Federal financial assistance. State and local governments have traditionally been audited through separate reviews of individual programs. This grant-by-grant audit approach is inefficient and ineffective. It results in audit gaps, duplication, and undue administrative burdens and costs for State and local governments.

H.R. 4821 would greatly improve the financial management and accountability of State and local governments with respect to Federal financial assistance programs. This bill would require certain recipients to conduct annual organizationwide audits encompassing all Federal grants. Each audit required by the bill would focus on the entirety of the financial operations of the government in question, whether it is at the State or local level. The audit would report on that government's financial position, its internal control systems, and its compliance with laws and regulations that could have a material effect on Federal assistance programs and activities. Furthermore, the single audit would serve as a reliable basis for all future financial analysis.

Mr. Speaker, a 1979 General Accounting Office report exposed the problems and inadequacies with auditing on our current grant-by-grant basis. As a result of these findings, the Government Operations Committee recommended adoption of a single audit approach. The Office of Management and Budget responded to our committee's concerns by issuing attachment P to circular A-102, its guidelines for grants to State and local governments. Although 5 years have passed, little progress has occurred.

Mr. Speaker, the time has come for Congress to require single audits for State and local governments receiving Federal financial assistance. I strongly endorse H.R. 4821 and recommend its approval.

Mr. Speaker, I do not have any additional requests for time, and I yield back the balance of my time.

Mr. CARPER. Mr. Speaker, I rise in support of H.R. 4821, the Single Audit Act. I request unanimous consent to revise and extend my remarks.

As a former State treasurer, I am very aware of the problems State governments face in complying with the audit requirements found in most of our 450 different grant programs. Current audit requirements are neither uniform nor efficient. In fact, studies have shown that 80 to 90 percent of the $70 billion dispersed to State and local governments annually is not now audited satisfactorily.

Detailed hearings, careful study, and hard work by the gentleman from Texas has resulted in the measure we are considering today. I strongly support the single audit approach. It will provide the Government with a more comprehensive and complete analysis of Federal expenditures than now exists. It will relieve State and local governments and nonprofit organizations from burdensome Federal mandates. It will improve public financial management, and it will reduce the heavy costs of duplicative audit requirements that often create more confusion than clarity.

The Single Audit Act will result in a more comprehensive and efficient audit and make the grant process easier to evaluate.

I urge the passage of the Single Audit Act.

● Mr. WYDEN. Mr. Speaker, I rise in support of the bill, and in doing so, I rise in support of reducing the layers of Federal requirements that have turned many solid Government programs to administrative fat.

I have had a longstanding interest in the single audit concept and introduced legislation similar to H.R. 4821 during the 97th Congress.

My legislation was endorsed by the Multnomah Board of County Commissioners meeting in Portland, Oreg., January 14, 1982, and by the Gresham, Oreg., City Council on January 19, 1982. So I can confidently state that two of the major local governments in my district strongly support the single audit concept.

The city of Portland, OR, also has submitted to me compelling evidence that begs the implementation of a single audit for Federal funds.

For example, in 1981, Portland devoted more than 361 man days and 2,888 hours working on audits for Federal grants. For fiscal year 1982, nearly 3 percent of every Federal grant dollar to the city of Portland went to pay for an audit to make sure it was spent correctly.

Portland City officials also have passed along to me individual auditing horror stories.

Once in 1981, an auditor from a private CPA firm in Oakland, Calif., was dispatched to Portland to look over figures relating to a $30,000 minority business grant from the Department of Commerce. The grant went to a consultant to compile a study of economic opportunities for minority-owned businesses in Portland. There was no match requirement and no indirect costs.

This audit cost $2,900 to complete. The city of Portland invested 112 man hours. No problems were discovered.

Also in 1981, seven EDA nonconstruction grants were audited by a Portland auditor. To perform the audits, two separate audit guides were used. Several months later, the Secretary of Commerce issued a final retroactive administrative order that rendered the two audit guides invalid. Thus the audits went into the trashbin.

Nationally, the evidence is also compelling. Federal aid to State and local governments has risen from $3 billion just two decades ago to more than $90 billion today. There are 90,000 Federal grant recipient jurisdictions in the United States, and some 90 percent of all Federal aid flows through 60 agencies.

We all have an interest in assuring that Federal grant moneys are not squandered and are put to use as they were intended. But the administrative burdens associated with auditing Federal grants turn much of the muscle of these programs to administrative fat.

Now, there are those who maintain that OMB regulations address these concerns and legislation is not needed. I strongly disagree with such assertions.

In fact, the President's Council on Integrity and Efficiency reports that only 750 single audits have taken place since the introduction of OMB Circular A-102, attachment P in 1979. This figure is out of a possible total that approaches 20,000.

There are also those who claim that H.R. 4821 would unnecessarily constrain the Office of Management and Budget in evaluating Federal grants. Again, I would strongly disagree.

Under H.R. 4821, the Director of the Office of Managment and Budget is allowed to promulgate regulations, including those prescribing standards for the timely completion of audits and plans for corrective action required under the bill. The regulations would set standards for determining the appropriate charges to Federal financial assistance programs for the cost of audits and I commend Chairman BROOKS for providing the Office of Management and Budget with this authority.

In short, H.R. 4821 would give the Office of Management and Budget the necessary flexibility to carry out its function of overseeing Federal grants, and it would streamline local government requirements that could help make horror stories such as those I mentioned a thing of the past.

The time to act on the Single Audit Act is now. The cost savings can be tremendous. We have had the time to study the issues and the problems and the evidence is in: The Single Audit Act makes sense.

It will save local governments across the country millions of dollars in unnecessary and duplicative audits, whose costs cut into the programs the grants were intended to finance.

It will still provide the Federal Government with adequate information to assure that Federal grants are being put to their intended use.

And, most important, it will relieve some of the burden of the beleaguered American taxpayer, who is forced to support such bureaucratic atrocities.●

● Mr. DAUB. Mr. Speaker, I rise in strong support of H.R. 4821, the Single Audit Act of 1984. As cosponsor of this legislation I am delighted that it has reached the floor and I look forward to its much deserved enactment.

My interest in this area goes back to my introducing H.R. 4465, the Federal Assistance Improvement Act of 1981, which contained in title II a proposal very similar to what is contained in the legislation before us today. My only regret is that we have taken this long to effect the kind of change everyone agrees is necessary.

The problem is the burdensome, duplicative audits required of Federal grant recipients. We are not attempting to reduce the financial accountability of grant recipients but to promote the efficient use of audit resources and to relieve State and local governments as well as nonprofit corporations of costs attributable to duplicative and redundant audit requirements.

The Office of Management and Budget has over a number of administrations worked to achieve both wider use of the single audit concept and greater Federal agency acceptance of recipient conducted audits.

The action by the House today is a positive, responsive step toward economy and regulatory relief. Very often this Congress fails to make the changes and reforms that are universally regarded as necessary because partisanship makes cooperation impossible. I am proud that this body has seen fit to dispense with these roadblocks and bring a sense of sanity and reasonableness rarely witnessed in our Government. This is a change that all of us can applaud.●

Mr. BROOKS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS) that the House suspend the rules and pass the bill, H.R. 4821, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of the Senate bill (S. 1510) to establish uniform single audit requirements for State and local governments who receive Federal assistance and for recipients of Federal assistance from such governments, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Uniform Single Audit Act of 1983".

(b) Subtitle V of title 31, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 75—REQUIREMENTS FOR SINGLE AUDITS

"Sec.
"7501. Purposes.
"7502. Definitions.
"7503. Promulgation of policies, procedures, and regulations.
"7504. Audit requirements.
"7505. Payment for performance.
"7506. Sanctions.
"7507. Small business concerns.
"7508. Relationship to other law.
"7509. Responsibilities of the Comptroller General.

"§ 7501. Purposes

"The purposes of this chapter are to—

"(1) improve the financial management of Federal assistance programs;

"(2) promote the efficient use of audit resources;

"(3) help relieve State and local governments of the costs and paperwork burdens due to conflicting, redundant, and unreasonable audit requirements of Federal assistance programs;

"(4) provide for the establishment of consistent and uniform requirements for financial audits of State and local governments and recipients of Federal assistance from such governments;

"(5) specify standard financial audit requirements for Federal assistance programs established after the date of enactment of this chapter;

"(6) have the requirements of this chapter for the conduct of single audits phased in and met by each entity that receives Federal assistance within three years after the date of enactment of this chapter; and

"(7) have executive agencies, in planning and performing any work in addition to the single audits required by this chapter, to the maximum extent feasible, rely upon and not duplicate work done pursuant to this chapter.

"§ 7502. Definitions

"As used in this chapter:

"(1) 'entity' means a State or local government or a recipient of Federal assistance from a State or local government.

"(2) 'Federal assistance' means any assistance provided by an executive agency to an entity in the form of grants, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, work study programs, or contracts for the procurement of goods and services for the United States, except that such term does not include direct Federal cash assistance to individuals or insurance or assistance provided by the Tennessee Valley Authority.

"(3) 'generally accepted government auditing standards' means the auditing standards for the financial and compliance element of the 'Standards for Audit of Governmental Organizations, Programs, Activities, and Functions', issued by the Comptroller General which incorporates the generally accepted auditing standards issued by the American Institute of Certified Public Accountants.

"(4) 'independent auditors' means constituted State and local government audit agencies who meet the definition included in generally accepted government auditing standards for external government auditors or public accountants.

"(5) 'public accountants' means certified public accountants, or public accountants who meet the definition included in generally accepted government auditing standards.

"(6) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any Indian tribe.

"(7) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established under, the Alaska Native Claims Settlement Act) which—

"(A) is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or

"(B) is recognized as an Indian tribe by the State in which it resides.

"(8) 'local government' means any unit of government within a State, including a county, borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, other interstate government entity, or any other instrumentality of local government.

"(9) 'Director' means the Director of the Office of Management and Budget.

"(10) 'Comptroller General' means the Comptroller General of the United States.

"(11) 'recipient' means an entity receiving Federal assistance.

"(12) 'single audit' means an audit performed by independent auditors to determine and report whether—

"(A) the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles;

"(B) the entity has complied with laws and regulations that may have a material effect upon the financial statements; and

"(C) whether the entity has internal control systems to provide reasonable assurance it is managing Federal programs in compliance with laws and regulations.

"(13) 'cognizant agency' means an executive agency designated by the Director to coordinate for executive agencies the performance of any work described in section 7504(c) of this title which is in addition to the single audit required by section 7504(a) of this title.

"§ 7503. Promulgation of policies, procedures, and regulations

"(a) The President shall prescribe policies, procedures, and regulations to implement this chapter. Each executive agency and each entity to which this chapter applies shall comply with such policies, procedures, and regulations. Policies, procedures, and

regulations prescribed under this subsection shall not impose requirements for audits of entities in addition to the requirements for single audits specified by this chapter.

"(b) The President may delegate the authority to prescribe policies and procedures described in subsection (a) of this section to the Director. The President may delegate the authority to prescribe regulations described in subsection (a) of this section to the appropriate executive agencies. In the preparation of policies, procedures, and regulations, the Director and the appropriate executive agencies shall consult with the Comptroller General.

"(c) Within one year after the date of enactment of this chapter, the Director, in consultation with the Comptroller General and Federal, State, and local officials, shall establish a plan of action to assure that single audits required under section 7504(a) of this title are conducted within three years after the date of enactment of this chapter and thereafter in accordance with the time periods prescribed by this chapter.

"(d) The Director, in consultation with the Comptroller General and Federal, State, and local officials, shall establish a plan of action to coordinate the performance of any work described in section 7504(c) of this title which is in addition to the single audit required by section 7504(a) of this title. The plan shall—

"(1) include the designation of the appropriate cognizant agencies; and

"(2) provide that any additional work described in section 7504(c) of this title which is performed for or by an executive agency with respect to an entity shall be coordinated with, to the extent feasible, and rely upon, the single audit conducted of such entity pursuant to section 7504(a) of this title.

"§ 7504. Audit requirements

"(a)(1) Except as otherwise provided by this chapter, each entity that receives Federal assistance for a fiscal year which is equal to or in excess of $25,000 shall insure that at least biennially, but preferably annually, a single audit covering all of its funds is conducted. The audits shall be made by independent auditors and conducted in accordance with generally accepted government auditing standards.

"(2)(A) The total amounts of Federal, State, local, and other assistance, respectively, received from all sources by the entity shall be used in a single audit for testing compliance with the financial requirements of Federal, State, local, and other assistance programs, respectively. Except as provided in subparagraph (B) of this paragraph, the materiality level selected in a single audit for testing shall be based on the professional judgment of the independent auditor.

"(B) In any case in which the total amount of Federal assistance expended by an entity in any fiscal year for an individual Federal assistance program—

"(i) exceeds $30,000,000; or

"(ii) does not exceed $30,000,000, but does exceed $500,000 or 3 per centum of the amount of Federal assistance expended by the entity for all Federal assistance programs for such fiscal year, whichever is greater,

a single audit shall be conducted of the individual Federal program in a manner consistent and in accordance with this chapter.

"(C) Five years after the date of enactment of this chapter, and every five years thereafter, the Comptroller General shall communicate by letter to the Chairman of the Committee on Governmental Affairs of the Senate and the Chairman of the Committee on Government Operations of the House of Representatives whether the provisions of subparagraph (B) of this paragraph should be modified by increasing the thresholds specified in such subparagraph.

"(3) Each entity shall identify the internal control systems in place within the entity. The significant internal control systems shall be studied, evaluated, and reported on, by the independent auditor. The method of testing of internal control systems shall be based on the independent auditor's professional judgment.

"(4) Each single audit carried out pursuant to this chapter shall be an audit of all funds of the entity, and shall not be an audit of funds used by the entity pursuant to an individual Federal program, unless such individual Federal program is required to be tested individually pursuant to paragraph (2)(B) of this subsection. However, if the entity determines that a single audit of the entire entity is not feasible, the entity may audit by department or agency within the entity. However, such audits shall be consistent with the provisions of this chapter. If single audits are conducted biennially under this chapter, each single audit shall cover the entire two-year period.

"(5) This chapter does not apply to an entity which receives less than $25,000 per year in Federal assistance.

"(6) Copies of completed audit reports covering the results of the single audit required pursuant to this chapter shall be made available to Federal officials upon request.

"(7) Unless restricted by law or regulation, copies of reports containing the results of any single audit performed pursuant to this chapter shall be made available for public inspection.

"(b) Each entity receiving Federal assistance from an executive agency; and subsequently making a portion of the Federal assistance available to another entity, shall have the responsibility of ascertaining whether a single audit has been conducted of the recipient entity, or determining that the expenditures of Federal funds by the recipient entity are in accordance with applicable laws and regulations. This requirement does not apply if the amount made available to the recipient entity is less than $25,000.

"(c) This chapter does not limit the authority of executive agencies to conduct or contract for audits and evaluations of Federal assistance programs. This work includes, but is not limited to, economy and efficiency audits, program results audits, and program evaluations. However, in planning and performing any additional work, an executive agency, to the extent feasible, shall rely upon and not duplicate the single audit performed pursuant to subsection (a) of this section. Additional work performed by or for an executive agency shall be coordinated by the cognizant agency for the entity in order to coincide, to the extent feasible, with the performance of the single audit. An executive agency requesting additional work must arrange for funding the cost of such additional work.

"(d) This chapter does not limit the responsibility or authority of the Federal Government to enforce Federal law, regulations, procedures, or reporting requirements.

"§ 7505. Payment for performance

"(a) Subject to the provisions of this section, Federal assistance may be used to pay for or to reimburse an entity for the costs incurred to conduct a single audit required by this chapter.

"(b)(1) In the case of Federal assistance provided through a project grant, costs incurred to conduct that portion of a single audit required by this chapter with respect to such project grant shall be considered an administrative expense and shall be provided for as a direct or an indirect cost in accordance with the provisions of the grant. Any recipient of a project grant which is audited pursuant to this chapter as part of an entity which includes other agencies and departments shall transfer any funds received pursuant to this paragraph to the entity for which the single audit is conducted for such fiscal year in order to reimburse the entity for the costs incurred to conduct such audit with respect to the project grant.

"(2) In the case of Federal assistance provided through a formula grant, the State or local entity administering the formula grant may use the Federal assistance provided through such formula grant to pay the costs incurred to conduct the portion of a single audit required by this chapter with respect to such formula grant, subject to the provisions of any statute or regulation which specify the percentage or amount of the formula grant that can be used for administrative expenses.

"(3) For purpose of this subsection:

"(A) 'project grant' means a grant of Federal funds, which is not a formula grant, and which is provided pursuant to an application for a specific amount of Federal assistance that includes a detailed schedule of administrative expenses to be incurred in carrying out the grant; and

"(B) 'formula grant' means a grant of Federal funds which distributes such funds to all eligible recipients based on a formula specified in law or regulation.

"(c) Notwithstanding paragraphs (1) and (2) of subsection (b), the amount of Federal assistance used to pay for or to reimburse an entity for the costs of audits taken from any grant cannot exceed, as a fraction of the overall cost of the audit, that fraction which results by dividing the amount of the total grant expenditures by the entity's total expenditures from the previous fiscal year. However, this section shall not apply if some other provision for reimbursement is provided for by agreement between the grantee, entity, and the Federal program manager of the executive agency responsible for the grant.

§ 7506. Sanctions

"(a) Upon a determination by the Director that an entity has failed to comply with the requirement of section 7504(a)(1) of this title, the Director may arrange to have conducted any audit work necessary because of the entity's failure to comply with the requirements of this chapter.

"(b) Notwithstanding any other provision of law, the costs of the audit work performed under this section shall be charged to any Federal assistance otherwise available to the entity which is designated for reimbursement of the entity's administrative costs.

"§ 7507. Small business concerns

"(a) Small business concerns and socially and economically disadvantaged small business concerns shall have the maximum practicable opportunity to participate in the performance of contracts awarded to carry out the requirements of this chapter for the conduct of single audits. Each entity receiving Federal assistance shall—

"(1) assure that small business concerns and socially and economically disadvantaged small business concerns are used to the maximum extent practicable in carrying out the requirements of this chapter for the conduct of single audits;

"(2) make available information on opportunities for participation in contracts to carry out the requirements of this chapter for the conduct of single audits, and arrange schedules for such audits, in a manner which will encourage and facilitate participation in such contracts by small business concerns and socially and economically disadvantaged small business concerns;

"(3) consider, in awarding a contract to carry out the requirements of this chapter for the conduct of a single audit, whether the business concerns which are competing for such contract intend to award subcontracts to small business concerns and socially and economically disadvantaged small business concerns;

"(4) encourage the award of contracts to carry out the requirements of this chapter for the conduct of single audits to small business concerns and socially and economically disadvantaged small business concerns which have traditionally audited government programs, and, in any case in which such an award is not possible, assure that such concerns are given consideration for subcontracts of such contracts;

"(5) encourage the award of contracts to carry out the requirements of this chapter for the conduct of single audits to consortiums of small business concerns and socially and economically disadvantaged small business concerns in any case in which such a contract is too large to be performed by an individual small business concern or an individual socially and economically disadvantaged small business concern; and

"(6) use the services and assistance, as appropriate, of executive agencies such as the Small Business Administration and other appropriate organizations in the solicitation and utilization of small business concerns and socially and economically disadvantaged small business concerns to carry out the requirements of this chapter for the conduct of single audits.

"(b) For purposes of this section—

"(1) the term 'small business concern' has the same meaning as in section 3 of the Small Business Act; and

"(2) the term 'socially and economically disadvantaged small business concern' has the same meaning as in section 8(a) of such Act.

"§ 7508. Relationship to other law

"(a) Notwithstanding any other provision of law, single audits conducted in accordance with the requirements of this chapter shall be deemed to be in lieu of any other financial audit requirement imposed on the entity by the Federal Government, unless the provision of law establishing the requirement for such financial audit specifically refers to, and exempts such financial audit from, the requirements of this chapter. The Comptroller General shall determine the extent to which a particular audit requirement is a financial audit requirement. Nothing in this chapter nor any determination by the Comptroller General shall relieve Federal agencies of their responsibilities to perform other audits, such as economy and efficiency audits or program result audits, or affect their authority to perform audits of Federal assistance recipients and the programs administered by such recipients.

"(b) This chapter does not supersede State or local laws requiring audits of entities to which this chapter applies.

"§ 7509. Responsibilities of the Comptroller General

"The Comptroller General shall monitor bills and resolutions reported by the committees of the Senate and the House of Representatives and shall review provisions requiring financial audits of recipients of Federal assistance, if any, which are contained in such bills and resolutions. If the Comptroller General determines that a bill or resolution reported to the Senate or the House of Representatives contains requirements for financial audits or recipients of Federal assistance which are inconsistent with the requirements specified in this chapter, the Comptroller General shall, at the earliest possible date, report by letter such determination to the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate) or the Committee on Governmental Operations of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives.".

(c) The table of chapters for subtitle V of title 31, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"75. Requirements for Single Financial Audits ..... 7501".

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike out all after the enacting clause of the Senate bill, S. 1510, and to insert in lieu thereof the provisions of the bill, H.R. 4821, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to establish uniform audit requirements for State and local governments receiving Federal financial assistance."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4821) was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION FOR FISCAL YEAR 1985

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight, tonight, May 15, to file a report on H.R. 5604, military construction authorization for fiscal year 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FEDERAL CAPITAL INVESTMENT PROGRAM INFORMATION ACT

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1244) to amend the provisions of title 31, United States Code, relating to the President's budget to require it to separately identify and summarize the capital investment expenditures of the United States, to amend the Public Works and Economic Development Act of 1965 to require the Secretary of Commerce to conduct an inventory and assessment of the Nation's public facilities, and for other purposes, as amended by the amendment recommended by the Committee on Government Operations.

The Clerk read as follows:

H.R. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Capital Investment Program Information Act of 1984".

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to provide budget projections for major Federal capital investment programs;

(2) to provide a summary of the most recent needs assessment analyses for these programs;

(3) to provide information on the sensitivity of the needs estimates to major policy issues and technical and economic variables;

(4) to assist the planning capabilities of State and local governments on the assessment of major capital investment programs; and

(5) to improve legislative oversight over Federal capital investment programs.

FEDERAL CAPITAL INVESTMENT PROGRAM REPORT

SEC. 3. Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) The President shall submit with materials related to each budget transmitted under subsection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public civilian capital investment program and for each major program that may be classified as a military capital investment program, and shall contain summaries of the total amount of such appropriations or new obligational authority and outlays for public civilian capital investment programs and summaries of the total amount of such appropriations or new obligational authority and outlays for military capital investment programs. In addition, the analysis under this paragraph shall contain—

"(A) an estimate of the current service levels of public civilian capital investment and of military capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

"(B) the most recent assessment analysis and summary, in a standard format, of public civilian capital investment needs in each major program area over a period of ten years;

"(C) an identification and analysis of the principal policy issues that affect estimated public civilian capital investment needs for each major program; and

"(D) an identification and analysis of factors that affect estimated public civilian capital investment needs for each major program, including but not limited to the following factors:

"(i) economic assumptions;

"(ii) engineering standards;

"(iii) estimates of spending for operation and maintenance;

"(iv) estimates of expenditures for similar investments by State and local governments; and

"(v) estimates of demand for public services derived from such capital investments and estimates of the service capacity of such investments.

To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data are available.

"(2) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a public civilian capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for a number of years and is not classified as a military capital investment under paragraph (3). Such assets shall include (but not be limited to)—

"(A) roadways or bridges,

"(B) airports or airways facilities,

"(C) mass transportation systems,

"(D) wastewater treatment or related facilities,

"(E) water resource projects,

"(F) hospitals,

"(G) resource recovery facilities,

"(H) public buildings,

"(I) space or communications facilities, and

"(J) railroads.

"(3) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a military capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for purposes of national defense and security for a number of years. Such assets shall include (but not be limited to)—

"(A) military bases, posts, installations, or facilities, and

"(B) military weapons system or other platforms excluding weapons or supplies carried on such platforms.

"(4) Criteria and guidelines for use in the identification of public civilian and military capital investments, for distinguishing between public civilian and military capital investments, and for distinguishing between major and non-major capital investment programs shall be issued by the Director of the Office of Management and Budget after consultation with the Comptroller General. The analysis submitted under this subsection shall be accompanied by an explanation of such criteria and guidelines.

"(5) For purposes of this subsection—

"(A) the term 'construction' includes the design, planning, and erection of new structures and facilities, the expansion of existing structures and facilities, the reconstruction of a project at an existing site or adjacent to an existing site, and the installation of initial and replacement equipment for such structures and facilities;

"(B) the term 'acquisition' includes the addition of land, sites, equipment, structures, facilities, or rolling stock by purchase, lease-purchase, trade, or donation; and

"(C) the term 'rehabilitation' includes the alteration of or correction of deficiencies in an existing structure or facility so as to extend the useful life or improve the effectiveness of the structure or facility, the modernization or replacement of equipment at an existing structure or facility, and the modernization of, or replacement of parts for, rolling stock.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. BROOKS) will be recognized for 20 minutes, and the gentleman from New York (Mr. HORTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

□ 1550

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1244, the Federal Capital Investment Information Act, was jointly referred to, and reported by, the Committee on Public Works and Transportation and the Committee on Government Operations. It is my intention to yield one-half of my floor time to the gentleman from Minnesota, Congressman OBERSTAR, the floor manager for the Committee on Public Works and Transportation.

In recent years, concern has grown throughout the country regarding the deteriorating shape and insufficient capacity of our Nation's infrastructure. There is a growing need to evaluate the condition of the Nation's capital works and set clear priorities for long-term public works investment.

H.R. 1244 will begin this process by requiring the President to prepare an expanded analysis of capital investments in the annual budget process. The special analysis will identify public infrastructure investments and present estimates of the expenditures necessary to operate and maintain capital facilities at specified levels of service for up to 10 years. In addition, it will also include information on alternative funding sources and identify Federal public infrastructure investment priorities.

H.R. 1244 was jointly referred to the Committee on Government Operations and the Committee on Public Works and Transportation. It is similar to S. 1330 recently passed by the Senate.

As originally introduced, H.R. 1244 contained very ambitious information gathering and reporting requirements. As a result of deep concerns expressed by OMB, it was redrafted and the bill before us today is more modest than the original version.

H.R. 1244, as amended by the Government Operations Committee, incorporates the changes made by the Committee on Public Works and Transportation and makes a few other changes as well. It would require the President to provide information on only those capital investment programs that are considered major programs. It would require that information on infrastructure policy issues and estimates of capital investment needs be made a permanent part of the supplemental information accompanying the annual budget, but it would eliminate the mandate for a complete inventory. In addition, it would require that information on military as well as civilian capital investments be reported, but the figures would be displayed separately.

I believe that this is a workable proposal that will provide valuable planning and decisionmaking information on Federal capital investments. I urge you to support this bill.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I yield myself such time as I may consume, and I, too, will yield 10 minutes of my time to the gentleman from Pennsylvania (Mr. CLINGER) who is a member both of the Public Works Committee and the Government Operations Committee, so that he can have some time to talk as far as the public works aspects of this bill are concerned.

Mr. Speaker, H.R. 1244, the Federal Capital Investment Program Information Act of 1984, is a long overdue piece of legislation that promises to be a breath of fresh air to public officials throughout America who have grown increasingly concerned about the decaying state of our country's roads, bridges, water systems, and other infrastructure. This bill, simply stated, seeks to create a planning document that can be used to help us—for the first time—identify and understand our current and long-term infrastructure requirements. As such H.R. 1244 literally transcends regional boundaries and, in fact, is vital to our Nation's future economic growth and expansion.

Rather than replace the unified budget process as some have feared a capital budget would do, H.R. 1244 would require the President to expand an existing analysis section of the annual budget submission. This expanded analysis would identify public infrastructure investments and project the expenditures necessary to operate and maintain capital facilities. It would also identify possible funding sources and investment priorities.

The language of the bill includes a generic definition of capital investments to avoid closing the door on new technologies and on new capital assets as they become available. In addition, the report clarifies the committee's intent that "as other major capital investment programs are established, information on them will be included in the various summaries required by H.R. 1244."

In the process of moving the bill through subcommittee and the full Government Operations Committee, we did make several improvements to the language that had been reported last year by the Public Works Committee. We made those improvements carefully and with the full support and cooperation of the gentleman from Pennsylvania (Mr. CLINGER) who not only serves on both full committees but also is one of the principal authors of the bill.

Mr. Speaker, H.R. 1244 as reported is a very important and constructive bill. It has my firm support, and I recommend its approval here today.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 12 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to commend the gentleman from Texas (Mr. BROOKS), the gentleman from New York (Mr. HORTON), my two Pennsylvania colleagues, Mr. EDGAR and Mr. CLINGER, for the prodigious amount of time and effort they have devoted to this legislation, and to the chairman of the Government Operations Committee, Mr. BROOKS, for indeed, after very thorough and deliberate inquiry into all features of the bill for not only acting promptly and thoroughly on it, but for making some very significant improvements in the bill and adding a new dimension that our committee had not considered and which indeed would have been beyond the purview of our committee.

This legislation has resulted from several years of study and consideration going back to 1978 when, as an initiative of the Northeast-Midwest Congressional Coalition, a very thorough look was given at the need for a Federal capital budget to draw together, in one place, all of the several infrastructure decisions made by the various Federal Government agencies. It had never been done before; it should have been done.

We in the Congress need the broad overview all pulled together in one place so that we can make long-range, long-term and sound judgments rather than, as we have done over a period of time, ad hoc decisions affecting facilities and investments of Federal Government agencies.

This legislation will in fact give the Congress the kind of broad view that it requires; that it needs for decisionmaking and for wise investments. I think we will have, with enactment of this legislation, a long-needed, effective tool for management of our financial resources for the Federal Government.

In the course of hearings conducted by the Subcommittee on Economic Development, 1 year ago, in fact, 2 years ago, and then last summer the witnesses gave very interesting and differing viewpoints, and I would like to refer specifically to Mr. David Mahoney, chairman of the board and chief executive officer of Norton-Simon and Avis Corp.

He said that capital budgeting is a "* * * planning, management and reporting tool."

He said that "using a separate capital budget is a practice common in the business community because it provides the means to measure accurately a company's true fiscal standing."

He went on to say that it would give the Federal Government the same measurement tool, and the same ability to look at the Government's true fiscal standing.

The chief economist of the conference board said that American Telephone & Telegraph, without a capital budget, would show a $5 billion deficit every year, and "that would hardly be an appropriate reflection of the true state of that company."

□ 1600

He said that without a capital budgeting process in the Federal Government, we have an inherent weakness in the budgeting system, a proliferation of programs often bearing on the same objectives that are not constrained or controlled together, and that results in a very weak decisionmaking structure, said Mr. Sommers.

We want to avoid that weak decisionmaking structure. We want to strengthen it. We want to make this process an effective one and the bill that we have today will result in saving the Government money, will result in a better management tool for the Congress, and I am just delighted.

Mr. Speaker, I compliment again our colleagues, the gentleman from Pennsylvania (Mr. EDGAR) the gentleman from Pennsylvania (Mr. CLINGER) for first introducing this legislation and for being very persistent in supporting action on the bill in the Committee on Public Works and Transportation and in the Committee on Government Operations.

I would like to ask the chairman of the Committee on Government Operations, since this is a joint endeavor, that in the event—I would hope we would not have to have a conference with the other body—but in the event that such a conference should be necessary, that we can continue the cooperative spirit that we have so well begun and continued here on the floor, and that members of both committees will be represented in that conference.

Mr. BROOKS. If the gentleman will yield, that is right. I would go further than that and commend the gentleman for his own longstanding efforts to move this legislation, having chaired hearings before the Subcommittee on Economic Development on the Federal Capital Budget Act of 1982 in the last Congress. The gentleman's subcommittee issued a capital budgeting report based on those hearings. You made a firm commitment to hold hearings and take action in this Congress. You acted promptly on that commitment by holding hearings early in the first session, and after we had some initial opposition to parts of it from the OMB, you managed to get their cooperation in developing a substitute and workable bill.

The gentleman then steered it successfully through the subcommittee as well as the full Committee on Public Works and Transportation, and again, I just want to say that we look forward to serving with the gentleman on a conference committee if such is necessary, but certainly I congratulate him for his continuing effort to move this constructive legislation forward. It has been a privilege to work with the gentleman in bringing this long needed and constructive, innovative effort to the House floor. I look forward to continuing to work with the gentleman in the Committee on Public Works and Transportation to see it successfully through the legislative process.

Mr. OBERSTAR. I thank the chairman.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and I reserve the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. THOMAS of California. Reserving the right to object, Mr. Speaker, I reserve the right to object to ask the gentleman from Minnesota if he would revise his unanimous-consent request for extensions only.

It seems to me that if we are going to show what happens on the floor, the record of the proceedings should

accurately reflect what happens on the floor.

The SPEAKER pro tempore. Does the gentleman from Minnesota (Mr. OBERSTAR) revise his unanimous consent to request an extension of his remarks?

Mr. OBERSTAR. Mr. Speaker, I withdraw my unanimous-consent request.

Mr. HORTON. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania (Mr. CLINGER).

Mr. CLINGER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would ask my colleagues to suspend disbelief for a moment and pretend that I am "Mr. Rogers," and that this is Mr. Rogers' neighborhood and that I am about to give you that word for the day.

Boys and girls, the word for the day is "infrastructure." Infrastructure is not a word like "charge," or "excelsior," or, heaven knows, "commandante," or "deficit." It is not a word that really gets the visceral juices flowing. In fact, it is a word that tends to make people's eyes glaze over. It is really a word that has given new meaning to the concept of boredom.

I give speeches, I would tell my colleagues, on infrastructure all the time, and I can tell you that people get bored almost immediately when you start talking about infrastructure. You mentioned infrastructure once, and half your audience gets up for coffee, leaves the room for coffee. Mention it twice, and their eyes roll up in their heads and a majority fall off their chairs.

So it is not the sort of an issue that really is going to galvanize this body, I suspect. But I think there is a need to humanize infrastructure. What are we really talking about? I think the objective here is to put it into personal terms.

So let me tell you that what we are really talking about is about you breaking an axle when you hit a pothole going over the 14th Street Bridge. It is about you trying to take a bath and finding sewage backed up in your bathtub. It is about the mayor of any one of 50 percent of the communities in this country, let us take Paducah, Ky., that has a hot prospect for a new industry to come into that town, into Paducah, and is told that he cannot have them come in because he is at capacity as far as his waste water treatment system is concerned.

It is about the facts, my colleagues, that all of our public facilities—bridges, highways, ports, port facilities, sewage facilities, water systems—are all wearing out faster than we—and by "we" I mean Federal, State, local, and indeed private sector—are replacing or repairing those facilities.

And it is about this bill, Mr. Speaker. This bill is a modest start toward identifying the magnitude of the problem that we are faced with and beginning to sort out the responsibility for how to address this enormous problem.

I would soon use all of my time, Mr. Speaker, if I were to thank all of the people who have worked toward this day, but I have to single out a special few.

Probably the genesis for today rose from a book called "American Ruins" by Pat Choate and Susan Walters, who really first identified what we are talking about and issued a clarion call for a Federal capital budget. My chairman, the gentleman from Minnesota (Mr. OBERSTAR) has mentioned the Northeast-Midwest coalition. I would mention the House Wednesday group, which also played a very active role in trying to develop a consensus for this bill.

But in particular, Members of this body have had a tremendous role to play. The bill could certainly reach the floor without the support of the leadership of the Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. HOWARD), and the gentleman from Kentucky (Mr. SNYDER); and the Committee on Government Operations, my esteemed chairman, the gentleman from Texas (Mr. BROOKS), and my esteemed leader, the gentleman from New York (Mr. HORTON).

Among the 60 cosponsors of the bill, special recognition has to be given to my esteemed colleague, the gentleman from Pennsylvania (Mr. EDGAR), who has worked hand in hand with me, and I with him, to get to this day. He was instrumental in drafting the bill. And I would also refer to my esteemed chairman of the Subcommittee on Economic Development, the gentleman from Minnesota (Mr. OBERSTAR) who, as Chairman BROOKS has indicated, shepherded H.R. 1244 through the labyrinth of the Committee on Public Works and Transportation to get us to this day.

Without question, this legislation is also the product of State and local officials, business, labor and academic and professional groups who support enactment of H.R. 1244 and who have been most helpful in supplying their time and expertise during 10 days of hearings over two Congresses in the Committee on Public Works and Transportation and the Committee on Government Operations.

Investment in our public facilities is essential to economic growth and is a critical component to private-sector investment, productivity, and job creation. Several studies have documented the perilous condition of much of the Nation's highways, bridges, water and sewer systems, ports, waterways, and on and on.

For example, the fact that nearly one-half, as I have mentioned, of the towns are at capacity means that they cannot participate in any economic development. The infrastructure problems is compounded by the lack of capital for necessary and needed investment. Now, and probably into the foreseeable future, because of the overriding concern about the deficit, there are likely to be fewer Federal dollars available to address the escalating infrastructure needs.

So it is imperative, Mr. Speaker, that we develop a more rational basis for selecting public works investments than the piecemeal, project-by-project approach used today, which is too often tainted with pork-barrel politics.

□ 1610

H.R. 1244 does not contemplate a vast increase in public works spending but merely contemplates that available resources are allocated with a better understanding of public facilities priorities than presently exists.

Mr. Speaker, H.R. 1244 does not scrap the unified budget concept as a true capital budget would. It takes what is now a retrospective look at our national investment and adds to it a prospective impact analysis. The new insights from this data will give policymakers from both the executive and the legislative branches a tool for better informed decisionmaking than we have at present. It is a planning tool, Mr. Speaker, not a budgetary tool, and heaven knows it is not a new idea. This concept of capital budgeting was first recommended by the Hoover Commission some 30 to 40 years ago, and we have had, unfortunately, ever since, stop-and-go investment.

Last year infrastructure was chic. It was in. Everybody was talking about it. We passed a bill which was supposed to address both infrastructure and jobs. I question whether it really satisfied either one, but it certainly did not solve the infrastructure problem.

We need predictability and consistency in our public works investment.

How can we, I ask the Members of this body and my colleagues, help solve the infrastructure crisis? Well, you can take a derelict bridge to lunch, but there are not a lot of restaurants that serve derelict bridges, even new ones. Or you can send a get well card to your local sewage treatment plant. Or you could vote for this bill, I say to my colleagues, and I urge them to do so. It is an essential first step toward addressing the infrastructure crisis.

Mr. HORTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time.

I just want to take the time to note that as we proceed with this very important piece of legislation, which I hope will be adopted, we have a total

of 29 people on the House floor for this debate.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BROOKS. Mr. Speaker, I wish to yield some time to the gentleman from Pennsylvania (Mr. EDGAR), but first I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate Mr. WALKER for being for something. I am so proud of him. We appreciate his contribution to this bill. It will be a big help to him. He has joined 28 others in a meritorious endeavor this afternoon which I hope will terminate pretty shortly.

The SPEAKER pro tempore (Mr. PANETTA). The record will reflect the gentleman's comments.

The Chair will inquire, how much time does the gentleman yield?

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, I rise in strong support of this legislation, and I wish in my statement to congratulate my colleagues who have helped in both the Committee on Government Operations and in the Committee on Public Works and Transportation, particularly our subcommittee chairman, the gentleman from Minnesota (Mr. OBERSTAR).

The gentleman from Pennsylvania (Mr. CLINGER) and I started out talking about infrastructure and capital budgeting many years ago. We were able to put together a process through letters and through hearings to get the question raised before the Committee on Public Works and Transportation and the Committee on Government Operations, and I think we have had a full hearing.

One of the most exciting days was a hearing before the subcommittee of the Committee of Public Works and Transportation when David Stockman testified for an hour against the concept of capital budgeting, and then he listened for about 10 minutes to the gentleman from Pennsylvania (Mr. CLINGER) and the gentleman from Minnesota (Mr. OBERSTAR) on what we were talking about within the unified budget.

And when he heard that all businesses and all States do have capital budgeting, when he listened to the comments we made about doing an inventory and understanding the need for a planned process, he began to change his philosophy and his ideas, and within a captured half hour following his testimony it was exciting, I think, for all of us to see that change in his attitude which led us to the compromise bill which is before us today.

I hope my colleagues on both sides of the aisle will support this tool as a first step toward moving this Nation toward a feasible capital budgeting process. We have 1-year budgets, 2-year elections in the House, 4-year elections for the Presidency, and 6-year elections for the Senate, and yet the capital infrastructure needs of our Nation go on and on and we have no way of looking at 1-year, 5-year, 10-year, or 15-year planning. This particular tool will help us understand what the Federal need is, what the State need is, and what the local need is in capital budgeting. I hope my colleagues will support this legislation.

Mr. Speaker, I rise in strong support of H.R. 1244 which represents the culmination of a number of years of effort on the part of my colleague from Pennsylvania, and myself, and a number of other Members interested in basic reform of the public works policy process. I want to especially thank Chairman BROOKS, Chairman HOWARD, and Chairman OBERSTAR of the Subcommittee on Economic Development for their contributions and assistance in bringing this bill to the floor today.

Repair, rehabilitation, and construction of our roads, bridges, water and sewer systems, ports and waterways, hospitals, buildings, and public transit systems is a profound task. My 10 years of service on the Public Works and Transportation Committee have convinced me that the deterioration of our national physical plant is one of the most serious, basic economic problems we face as a nation.

Figures on infrastructure repair to maintain current service levels of our facilities range into the hundreds of billions or trillions of dollars. The most recent cost study, just completed by the Joint Economic Committee of Congress, estimates that such costs could reach $1.16 trillion by the year 2000, while current spending levels for maintenance and repair will leave us about $450 billion short of meeting critical transportation, water, and sewer needs. While figures on repair costs are only estimates, it is absolutely clear that America's investment in public capital facilities, at all levels of government, has been dropping precipitously in the past decade and a half. According to the House Public Works Committee's investigations, such investment fell from 4.1 percent of GNP in 1965 to 1.7 percent of GNP in 1980. This period of declining investment has contributed to an extended period of deferred maintenance to the point where public civilian facilities are wearing out faster than they are being repaired or replaced.

The Congressional Budget Office completed a study last year entitled "Public Works and Infrastructure Considerations for the 1980's" which noted that the most pervasive problem affecting the Nation's public infrastructure is the physical deterioration resulting in mounting needs for repair, rehabilitation, and maintenance. The CBO report states:

> No area of infrastructure has been wholly unaffected by aging and neglect. For example, 8% of Interstate highway mileage is now classified as "poor." * * * Similarly, the treatment and distribution components of many urban water supply systems are nearing the end of their useful lives; leakage losses of up to 40% are not uncommon * * * In the nation's inland waterway system some locks approach 80 years of service * * * and in the area of air traffic control, existing equipment has become outmoded. * * *

In reporting these very real problems to the committee, I do not intend to minimize some of the important, constructive actions Congress has tried to take to arrest the deterioration of our basic public infrastructure. Our achievements over the past 2 or 3 years include such legislative milestones as the 1982 Surface Transportation Assistance Act, increasing funding for the Federal-aid highway and mass transit programs and focusing Federal resources on repair and rehabilitation of our transportation networks. Our airport and airway program was improved in the 1982 tax bill which boosted funding for airport development and the upgrading of the air traffic control system. Also, the House and Senate Public Works Committees have approved legislation to aid rehabilitation of aging water supply systems and to repair existing Federal water resource projects.

I must point out, however, that despite these efforts to deal with rehabilitation and upgrading needs in specific Federal infrastructure programs, budget requests and appropriations have fallen well short of authorized and needed funding levels. This is most notably the case in the transit and aviation programs which have been underfunded even though Congress actually increased user fees to pay for program increases. Very simply, it does us no good to make promises and launch new initiatives and then fail miserably to fund and carry out these initiatives. One of the main reasons why Federal public works programs have often lacked credibility with State and local officials and the public is that we have so often made promises that we have been unable or unwilling to carry out down the line.

We in Congress have no problem with new initiatives, new programs, or new construction projects that we can cut the ribbons on. But we do have a problem with long-term planning and with maintaining the enormous capital investments we make once they are in place. The Congressional Budget Office and the General Accounting Office both have pointed out in recent studies the inadequacies of capital planning at the Federal level, and both suggested reforms in terms

of a framework for rational priorities. We must find a way to get beyond examining our capital investment decisions on a piecemeal, project-by-project, year-by-year basis. The capital investment choices contained in each year's Federal budget should be based on a long-term plan for maintenance, repair, and replacement of our facilities. Such planning should replace our traditional fascination with new construction and politically motivated ribbon-cutting if the foundation of our economy is not to erode out from under us.

It is to address this requirement for planning and rational priorities that the need for our legislation, H.R. 1244, arises. The basic concept of the legislation is simple: That our national public facilities and capital needs be inventoried annually on a consistent basis, our spending priorities weighed across a broad range of investment areas, and decisions made on a rational, nonpolitical basis with regard to funding of operation and maintenance, repair, and construction of public facilities.

The bill that Mr. CLINGER and I originally introduced would amend the 1921 Budget and Accounting Act to require that the President submit each year, within the context of the unified Federal budget, a designation of funding for all public infrastructure investments by function, category, program, and agency. The identification of capital expenditures would be in a consistent form across all Federal agencies and programs, and would be examined within a projected framework of 1-, 5-, and 10-year needs for public infrastructure services. This type of identification is crucial if the administration and Congress are to know whether we are spending enough to maintain in future years our highways, water and sewer systems, and other facilities. Our original bill also provided for a national inventory and assessment of the existence and condition of public infrastructure facilities.

Briefly retracing the history of the legislation thus far, I should point out that the Public Works and Transportation Committee reported H.R. 1244 on May 16, 1983. The committee reported the bill with an amendment in the nature of a substitute. The new version of the bill reported by the committee dropped the requirement for a new inventory and assessment of facilities nationwide and somewhat narrowed the scope of infrastructure items and programs to be included in the annual budget submission. These changes were made at the request of Budget Director David Stockman. After some persuasion, Mr. Stockman agreed that the listing of capital investments in the budget would be valuable both to Congress and to his agency in assessing spending priorities. The basic budgeting requirements contained in our original bill remained, I believe, essentially intact after the bill was amended in response to the comments of OMB.

Under the leadership of Chairman BROOKS, the Government Operations Committee adopted a substitute measure which also addressed the comments of OMB and built on the basic provisions of the amendment adopted by the Public Works and Transportation Committee. One substantive change in the Government Operations version, which is the one we bring to the floor today, is that the committee included military capital investments among the items to be inventoried and reported on in the budget submission. Though the Public Works Committee did not feel qualified to make recommendations on military procurement and investment decisions, the General Accounting Office and Chairman BROOKS obviously believe that the Defense Department could also benefit from the budgeting reforms contained in H.R. 1244. It should also be noted that the other body has acted on legislation which contains several virtually identical proposals for capital investment budgeting reform.

In conclusion, Mr. Speaker, let me say that I realize that this bill, which essentially affects only accounting and planning practices, will not immediately solve either the funding shortfalls or the policy problems which have caused the decline of essential public works investment in recent years. But it is a first step. It is an attempt to move our vision beyond 1-year budget cycles and 2-year election cycles so that we can understand the long-term pattern of declining investment and deterioration of public facilities. Only be taking this first step can we begin to examine policy changes to arrest the erosion of our infrastructure. And only by insuring that we will be confronted in each year's budget with a clear statement of investment needs can we insure that policy and funding improvements in these areas will be carried out year in and year out.

We need to act quickly and place this legislation in law for the next budget cycle. It is clear that the effect of declining capital investment on many local communities has become acute. When communities lack the capacity to provide basic public services, they are constrained in their ability to attract new industry or expand existing enterprises. If the level of public services cannot support economic growth, the potential for job creation and prosperity is severely undermined. Some studies now indicate that the existence of adequate roads, bridges, water, and transit systems, and other facilities are more important to business location decisions and small business success rates than local tax rates, wage costs, or other frequently mentioned factors which affect such business decisions. This bill should therefore be an important tool for local and regional economic development efforts as well as the national effort to restore the basic health of our economy.

The bill has been supported virtually unanimously by the business, labor, State and local government groups, and engineers and planners who are familiar with its provisions. The hearings held by the Public Works and Government Operations Committees indicated strong support for the legislation and an urgent need to put these planning and management tools in place as soon as possible. I believe this bill deserves the unanimous support of the House and should be promptly enacted into law.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON. Mr. Speaker, I rise in strong support of H.R. 1244, the Federal Capital Investment Act of 1984.

At the outset, let me congratulate the chairman of the Subcommittee on Economic Development, Mr. OBERSTAR, and the ranking member of the subcommittee, Mr. CLINGER, for a job well done. I also want to commend the chairman of the full Public Works and Transportation Committee, Mr. HOWARD, and the ranking member, Mr. SNYDER, for their continual leadership and guidance.

As you know, H.R. 1244 simply seeks to require the President to provide more detailed information on major capital investment programs in the supplemental material accompanying the annual budget. The Congressional Budget Office estimates that enactment of this proposal will result in no significant additional costs, and it is my understanding that the administration has no objection to the bill.

As a cosponsor of this bill and a member of the Public Works and Transportation Committee, I am continually working to develop immediate and long-range plans to insure that we properly make the needed investment in capital projects.

Unfortunately, these essential facilities, which include our highways, bridges, railroads, mass transit systems, sewage treatment plants, water supply systems, reservoirs, ports, waterways, locks, dams, and airports are deteriorating faster than they are being replaced. Because so much of this badly needed rehabilitation is deferred, it may cost as much as $3 trillion over the next decade to catch up.

We could take a major step today in addressing the serious problem of infrastructure decay with the adoption of H.R. 1244. I urge my colleagues to vote in support of this measure.

Mr. HORTON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this legislation and commend the two gentlemen from Pennsylvania (Mr. CLINGER and Mr. EDGAR) for guiding it to this point today. It is an important piece of legislation that we must have, and I hope it will receive unanimous support.

Mr. Speaker, I yield back the balance of my time.

Mr. HORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, the Federal Capital Investment Program Information Act of 1984 is designed to require the President to submit to Congress in Special Analysis D of his budget submission more precise qualitative and quantitative information on our Nation's civilian and military capital expenditures, starting with the next budget.

The bill has broad bipartisan support, and is cosponsored by many Members of the House.

This bill was originally introduced in June 1982. With the growing awareness that the Nation, at every level of government, is failing to adequately maintain or repair its priceless investment in public facilities, we recognized the need to bring the issue of a Federal capital budget forward on the congressional agenda. In September 1982, the Subcommittee on Economic Development of the Committee on Public Works and Transportation held 4 days of hearings on this bill and the concept of capital budgeting for the Federal Government. The subcommittee examined capital budgeting as a decisionmaking tool to help Federal, State, and local officials allocate scarce dollars in the most effective, rational, and equitable way to repairing, replacing, and adding to the Nation's investment in public capital such as streets, highways and bridges, ports and waterways, and water and sewer lines. The capital budgeting process would expand the information on capital expenditures and provide a more comprehensive analysis of these investments in the annual budget documents prepared by the Office of Management and Budget.

These first hearings were broad in scope, intended as an introduction to a very complex but needed step to improve the management of the Nation's capital stock and to strengthen our economic development potential.

Throughout the hearings expert witnesses at the Federal, State, and local levels, as well as private industry, endorsed capital budgeting as a practical way to evaluate and set priorities for long-term public works investment. For example, Charles A. Bowsher, Comptroller General of the U.S. General Accounting Office; Dr. Robert C. Wilburn, secretary, budget and administration, Commonwealth of Pennsylvania; Winston C. Evans, director of finance, city of Dallas, TX, and, David J. Mahoney, chairman of the board and chief executive officer, Norton Simon, Inc., testified. In order to provide continuity and to acquaint new members of the committee in the 98th Congress with our work in the 97th Congress, a report was issued on the groundwork covered in these initial hearings.

Following through on our commitment, H.R. 1244 was introduced early in the 98th Congress on February 3, 1983. Hearings on this bill and others referred to the committee were held during April and early May. David Stockman, the Director of the Office of Management and Budget, testified and expressed his agency's concerns over the breadth and scope of information that would be required under H.R. 1244 as introduced. In order to address these concerns, a substitute measure was developed in lieu of the original provisions of the bill. This substitute reduced to a more manageable level the budget presentation of capital expenditures, while responding to the committee's desire to expand the analytical information on civilian public capital facilities and the total costs of these items. This substitute bill was then reported by our committee on May 1983.

In addition, the Committee on Government Operations held hearings of their own in March of this year. As a result of these hearings and action by the Committee on Government Operations, the bill as reported by our committee was further perfected and broadened in scope to include military capital facilities.

The bill being presented for approval today has had the review, study, and analysis of two committees together with the advise and consultations of OMB, the agency that will have the job of carrying out its mandates.

Simply stated, the bill would amend section 1105 of title 31 of the United States Code relating to the President's budget to require it to separately identify and summarize the major capital investment expenditures of the United States in the following manner. Each budget must contain an analysis for the ensuing fiscal year that identifies requested appropriations or new obligational authority and outlays for each major civilian and military capital investment program identified by the bill.

The analysis shall contain an estimate of current service levels of civilian and military capital investment and alternative high and low levels of such investments over a period of 10 years. The analysis is to include investment needs in each major program area over a period of 10 years. An identification and analysis of the principal policy issues that affect civilian capital investment needs is also to be included. The analysis must also identify and include factors that affect civilian capital investment needs for each major program.

This information supplied in the budget document will facilitate long-range capital investment planning. It represents a major initiative in gathering together in one place the Nation's major capital investment portfolio and the estimated needs for these facilities in the future. The bill will require a compilation and standardization of assessment studies by various agencies that will impact on future capital investment decisions. It should enable the committee to look ahead and better determine the long-term levels of service desired for each program under its jurisdiction. This bill is intended to begin a process of supplying data in the budget document of our current and projected needs of our public civilian and military capital investment programs. This informational process is intended to be improved and perfected over the years ahead.

Most data required for the report are available without significant additional work by the Office of Management and Budget or other Federal agencies. Preparation of the report and any necessary data not readily available would require additional effort by the affected agencies, but additional costs are not expected to be significant.

Although initially opposed to the enactment of this legislation as introduced, OMB has informed us that they and the administration do not oppose the passage of the bill in its present form.

I urge all Members to support the passage of this bill.

● Mr. NOWAK. Mr. Speaker, I rise in support of H.R. 1244, the Federal Capital Investment Program Information Act of 1984, which provides urgently needed legislation for the long-range planning and management necessary to rebuild our public facilities and accommodate future growth.

While the infrastructure problem has received a great deal of publicity, I must stress the fallacy of treating it as a new concern or as one which is open to short-term solutions. We have allowed our roads, bridges, water supply, and mass transit systems—most of which, I might add, were built 40 years ago—to deteriorate at an unacceptable rate. Deferring these expenditures in the short term has cost us even more in human and economic terms in the long run.

We are all in agreement on the need to avert further disasters and repair

our public facilities. H.R. 1244 reverses our longrunning tradition of using expedient, short-term solutions instead of addressing the issue squarely. I believe we have not met this problem with resolve because of two main factors: Our failure to note the linkage between our diminished capital investment and potential for long-range economic development, and the Federal Government's inability to come up with a continuous and coherent plan.

We cannot drive home the urgency of the issue with vague references to infrastructure. Quite simply, infrastructure is the basis upon which all our goods and services are delivered. The cold, hard fact is that we will not be able to accommodate future economic growth if our roads are impassable and if waste treatment centers are not operating at full capacity. To further illustrate the practical importance of capital investment, we must recognize the position of the construction industry in the Nation's economy and share of public works investment in all construction activity. According to Bureau of Census statistics, of the $228 billion in new construction activity in 1980, approximately 25 percent was for public works. The Rand Corp. reports that every one onsite construction job generates three others in the economy. These figures show that efficient capital investment can be translated not only into paved roads but increased jobs and GNP. We know there are plenty of workers available to do the necessary work.

Roughly half of all public works investment in the United States comes directly or indirectly from the Federal Government. With States facing increasing difficulties in the bond markets and burdened with rising administrative costs, it is clear that the Federal Government must take the lead in planning our total capital investment expenditures.

This act allows us to revamp our approach to public works investment and build a consensus around a more efficient, long-range plan. Fixing potholes here and there and delaying major overhauls of highways will not solve the problem. Throwing more money into a badly organized system is not the answer either. What we need is a rational, systematic procedure for coordinating and financing public capital investment.

H.R. 1244 will modify Federal budget procedures to allow long-run decisionmaking on public works. This legislation will require the President to submit a capital investment budget within the unified budget each year.

Mr. Speaker, the deterioration of our infrastructure is a problem that will not go away and will not be solved through increased, unplanned expenditures. Although, merely expanding the information available in the President's budget will not solve the basic problem of inadequate funding for capital investment projects, it will provide the information necessary to set clear priorities for funding such projects.●

● Mr. MINETA. Mr. Speaker, I rise in strong support of H.R. 1244, the Federal Capital Investment Program Information Act. This legislation is a much needed and long overdue step forward toward providing the Congress with the tools we need to adequately budget not only day-to-day expenditures, but also long term capital investment needs which are so critical to our Nation's infrastructure.

A few years ago, few of us had ever heard the term "infrastructure," but we all—and especially those of us who served in local governments—know what it means. And we know what it means to be without an adequate infrastructure while trying to promote economic development and job creation.

Those of us from the growing high technology areas are used to being asked "How can my area have the sort of economic growth Silicon Valley has had?" There are many answers to this question, but one of them certainly is build the roads, and the sewers, and the waterlines, and the transportation facilities to support the development you seek.

This bill will provide us with the information we need to better manage the Federal share of infrastructure development. This legislation creates no new agencies, costs only a minimal amount according to the Congressional Budget Office; but it will help.

Yes, there are those of us who want to go even further in expanding our budgetary considerations of capital expenditures. But surely all of us agree on this much needed first step.

I congratulate the sponsors of this legislation, the gentlemen from Pennsylvania Mr. CLINGER and Mr. EDGAR; as well as my own chairman from New Jersey, Mr. HOWARD, and the chairman of the Government Operations Committee, Mr. BROOKS, for their assistance and leadership on this important legislation.

Thank you very much. I urge the adoption of H.R. 1244.●

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 1244.

This bill will provide budget projections for our major Federal capital investments.

It will provide a summary of the most recent needs assessment analysis for the major capital investment programs.

The information required to be supplied by this bill will facilitate long-range capital investment planning at the State and local level and improve legislative oversight over Federal capital investment programs.

This bill is the cumulative product of the Committee on Public Works and Transportation and the Committee on Government Operations over a span of 3 years. I want to take this opportunity to commend JIM OBERSTAR, chairman of the Economic Development Subcommittee, for his dedication and leadership in recognizing the need to bring the Federal capital budget issue before the Congress. Mr. OBERSTAR and other members of the subcommittee are to be complimented for their commitment to the issue of capital budgeting and the need for obtaining better data on our capital investments.

As has been customary on this committee, this bill is the product of bipartisan efforts. BILL CLINGER, ranking minority member of the subcommittee, has been the major draftsman of this legislation. Also, I want to thank my colleague, the ranking member of the Public Works and Transportation Committee, GENE SNYDER, for his cooperation. In addition, I wish to express a special word of appreciation to members of the Government Operations Committee and Chairman BROOKS for moving this bill forward.

Throughout the hearings testimony was received on the present deplorable state of the Nation's infrastructure. The Nation, at every level of government, is failing to maintain or repair adequately its priceless investment in public facilities. There is increasing evidence that the public works needs across the country are vast and growing. Estimates of the capital investment gap range from $450 billion to $3 trillion over the next two decades. However, there is no way to gage the accuracy of these estimates.

Over the past few years, there have been a number of studies and reports that dramatize the need to focus on our aging public facilities that are now suffering from years of neglect, overuse, deferred maintenance, and delayed repairs. Rehabilitation and new construction have also been curtailed.

For example, a report presented by the Associated General Contractors at our hearings highlighted the gravity of the problem as follows:

Some 13 percent of the nation's aging dams are classified as "high hazard."

Municipal water systems require $100 billion by 1990 to keep pace with demand.

Nearly one of every two paved miles of highways needs resurfacing or complete reconstruction.

Nearly half of America's bridges are too old or too weak to adequately and safely handle today's traffic.

Fifty-six of the 184 principal locks on the nation's inland waterway system will require major repairs over the next 20 years.

Deepwater ports, a key to exporting American goods, have insufficient capacity and are stifling trade.

We have a responsibility to provide leadership in improving the management and encouraging the restoration of public facilities throughout the country. This must be accomplished in

cooperation with and in a partnership with State and local governments.

This legislation is a step toward improving the Federal Government's ability to finance and manage its substantial investment in public capital facilities. Its purpose is to give Congress and the administration the informational tools on which sound investment decisions can be made. We expect to work with OMB to assess the information obtained as a result of this bill. We hope that the information supplied in the budget document will allow for more predictable and cost-effective public works investments.

I urge the passage of H.R. 1244.●

● Mr. SNYDER. Mr. Speaker, I rise in support of H.R. 1244.

Speakers on both sides of the aisle have done a splendid job of explaining the nature and purpose of this legislation, which strikes me as a valuable contribution toward a more comprehensive solution to our infrastructure crisis.

At least 50 State governments, 3,042 counties, 35,000 general purpose local governments, and 15,000 school districts are engaged in public works planning and construction. For some time, State and local governments have realized that limited resources can never meet the demand for every public facility. Out of necessity, they have had to survey their investments—an inventory. The next step was to look at their condition—an assessment. The projects are then subjected to a uniform set of community values. After the projects are ranked from highest to lowest priority, they are selected according to available resources from taxes, user fees, and other forms of financing. This is the capital budgeting process—the rational way of making public policy.

Each year, the Federal Government provides one-half of the Nation's funds for public works, either through direct construction financing or grant-in-aid programs. A major flaw in public works policymaking and program administration is the absence of national public works investment priorities and supporting capital budget. By duplicating this process, H.R. 1244 will be the Federal counterpart to State and local capital planning.

I wish to congratulate the gentleman from Pennsylvania (Mr. CLINGER) who has worked so diligently to bring this long overdue and necessary legislation to the floor today. The chairman on the Public Works Committee (Mr. HOWARD) and the leadership of the Government Operations Committee (Mr. HORTON and Mr. BROOKS) are also to be commended for their work on this bill.

It is said that "Good legislation is written best in committee." H.R. 1244 must be twice as well written as most bills, considering the time and effort spent on bringing this measure to the floor by both committees.

I urge my colleagues to support the passage of H.R. 1244.●

● Mr. RIDGE. Mr. Speaker, I rise in support of H.R. 1244, the Federal Capital Investment Act of 1984, a bill designed to rescue our deteriorating infrastructure by requiring the President to submit an expanded, standardized analysis of Federal capital investments along with his annual budget to Congress.

And why not? Nearly all corporations, all State governments, and most local governments use a similar technique when doing basic planning. It only makes sense to compare the demand for something against the supply of funds—a process which has come to be known as capital budgeting.

Yet the Federal Government—which annually spends billions of taxpayer dollars on such things as highway maintenance, transit systems, bridges, and waste water treatment plants—use no mechanism to rationally plan and justify these expenditures.

Certainly the task of maintaining, repairing, and expanding our infrastructure is not an easy one. But the current process does nothing to ease the pain. Our decisions today are based on a project-to-project, piecemeal approach, dragging each proposal through the annual budget, authorization, and appropriation process.

The Congressional Budget Office estimates that this bill will not result in any significant additional costs to the Federal Government. Many believe as I do, Mr. Speaker, that by replacing the haphazard and pork-barrel public works projects with a practical plan for infrastructure investment, this bill will help the Federal Government to spend our money more wisely.

The Federal Government has often been criticized in the past for overemphasizing construction of new facilities, for channeling dollars to projects of local interest but low national priority, and for encouraging States and localities to neglect repair and replacement of existing facilities. However, most essential public works systems are already in place, and emphasis in Federal spending should now shift from new construction to repair. The Federal Government needs to find a better way to expend its resources on truly national concerns while giving States and localities more flexibility in addressing their widely varying public works needs—the Federal Government needs a capital budget.

I commend my colleagues, Representatives CLINGER and EDGAR, for a fine job in drawing attention to this situation and more importantly for doing something about it. I can only hope that the rest of my colleagues will join me in expressing commitment to saving our crumbling infrastructure through this well-crafted capital budgeting plan.●

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas, Mr. BROOKS, that the House suspend the rules and pass the bill, H.R. 1244, as amended.

The question was taken; and on a division (demanded by Mr. WALKER) there were—yeas 26, nays 0.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the provisions of title 31, United States Code, relating to the President's budget to require it to separately identify and summarize the capital investment expenditures of the United States, and for other purposes."

A motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations and the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 1330) to authorize the U.S. Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Public Works Improvement Act of 1984".

TITLE I—NATIONAL COUNCIL

SEC. 101. (a) There is established a National Council on Public Works Improvement to be composed of:

(1) the Secretary of the Army, who shall be Chairman;

(2) the Secretary of Agriculture;

(3) the Secretary of Housing and Urban Development;

(4) the Secretary of Transportation;

(5) the Administrator of the Environmental Protection Agency;

(6) the Chairman of the National Governors Association;

(7) the President of the National Conference of State Legislatures;

(8) the President of the National Association of Counties;

(9) the President of the National Association of Regional Councils;

(10) the President of the National League of Cities;

(11) the President of the United States Conference of Mayors; and

(12) four individuals, appointed by the President, from among persons and organizations knowledgeable and experienced in public administration, planning, architecture, civil engineering, or public investment financing.

(b) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) Ten members of the Council shall constitute a quorum for the transaction of business, but the Council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

SEC. 102. (a) Upon the request of the Chairman of the Council, Federal agencies shall detail a total of not more than thirty full-time employees of the Federal Government or their equivalent to work for the Council, and such agencies shall be reimbursed by the Council for the salaries of such employees.

(b) The Secretary of the Army, acting through the Chief of Engineers (hereinafter in this title referred to as the "Secretary"), shall assign a staff director to the Council, and shall also provide office space, supplies, equipment, and other support services to the Council and its staff, such services to be reimbursable.

(c) The heads of all Federal agencies shall cooperate with the Council to the maximum extent practicable, and shall provide, on a timely basis, such information as the Council may request.

(d) The Council shall convene its first meeting no later than sixty days following enactment of this Act, whether or not by such time the members of the Council described in section 101(12) shall have been appointed by the President, and the Council shall be fully empowered to carry out its responsibilities under this Act notwithstanding any delay in the appointment of the nongovernmental members.

(e) The Council or any member authorized by the Council may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Council or such member may deem advisable. Any member of the Council may administer oaths or affirmations to witnesses appearing before the Council or before such member.

(f)(1) From funds otherwise appropriated to the Secretary for the purposes of civil works, the Secretary is directed to transfer to the Council up to $500,000 in the fiscal year ending September 30, 1984.

(2) There is authorized to be appropriated to the Council the sum of $3,500,000 in each of the fiscal years ending September 30, 1985, and September 30, 1986, such sums to remain available until expended.

SEC. 103. (a) By September 30, 1985, the Council shall transmit to the Congress and the President a report containing an analysis of existing public works improvements by region, State, and major metropolitan areas of the United States and by type of facility. For the purposes of this subsection, the Council shall use existing data and sampling techniques to the maximum extent feasible, and shall include, but not be limited to, an analysis of the following—

(1) the age and condition of the facilities and trends in their conditions;

(2) means used to finance the construction, rehabilitation, and maintenance of facilities, including, but not limited to, general obligation and revenue bonds, use fees, excise taxes, direct governmental assistance (including Federal assistance), and private investment;

(3) trends in public expenditures and other means of financing facilities, including use fees; and

(4) the capacity of public works improvements to sustain current and anticipated economic development.

(b) By September 30, 1985, the Council shall develop and publish criteria and information on techniques for establishing inventories of existing and needed public works investments that will be consistent among Federal agencies, the several States, and units of local government.

SEC. 104. By September 30, 1986, the Council shall recommend specific revisions in Federal laws, regulations, and policies and further recommend alterations in the current responsibilities of Federal, State, and local governments that may be necessary to reverse the pattern of disinvestment in public works improvements; to eliminate duplication, waste, and delay; to encourage consideration of the lowest life-cycle costs in developing and maintaining such improvements; to reverse disincentives for rehabilitation of such improvements, and to correct regional imbalances. The Council shall include analyses and recommendations in accordance with the purposes of this Act concerning the need for and desirability of—

(a) changes in the imposition or allocation of excise taxes, use fees, other sources of public revenue, and borrowing authorities;

(b) statutory or regulatory revisions including changes, increases, or decreases in monetary allocations in existing grants-in-aid, direct construction, or subsidy programs;

(c) changes to increase the flexibility and cost-effectiveness of existing Federal public works improvements programs by redefining the scope of such programs, removing disincentives to maintenance, and streamlining administrative procedures;

(d) new block grant programs together with proposals for allocating such grants for the purpose of assisting State banks or revolving funds or for other purposes; and

(e) Federal assistance for research to improve the cost-effectiveness of construction, rehabilitation, and maintenance of public works improvements.

SEC. 105. (a) For the purpose of this Act, the term—

(1) "construction" means the design and erection of a new structure, including its initial equipment and acquisition of land for such project, and the reconstruction of a project at an existing site or adjacent to an existing site;

(2) "rehabilitation" means the correction of deficiencies in a facility or the modernization of equipment so as to extend the useful life or improve the effectiveness of such facility; and

(3) "maintenance" means regularly scheduled activities, including routine repairs, intended to keep a facility operating efficiently.

(b) For the purposes of this title, "public works improvements" means facilities owned or operated by the Federal Government, a State, local unit of government, or other public agency or authority organized pursuant to State or local law, including, but not limited to, highways, streets, and bridges, mass transit, resource recovery facilities, rail transportation, airports, water supply and distribution systems, sewers, dams, public buildings, docks and ports, waterways, and parks.

TITLE II—IDENTIFICATION OF CAPITAL INVESTMENTS

SEC. 201. Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"e. (1) The President shall submit with materials related to each budget transmitted under subection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public capital investment program and that shall contain summaries of the total amount of such appropriations or new obligational authority and outlays. In addition, the analysis under this paragraph shall contain—

"(A) an estimate of the current service levels of public capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

"(B) the most recent assessment analysis and summary, in a standard format, of capital investment needs in each major program area over a period of ten years;

"(C) an identification and analysis of the principal policy issues that affect estimated capital investment needs for each major program; and

"(D) an identification and analysis of factors that affect estimated capital investment needs for each major program, including but not limited to the following factors:

"(i) economic assumptions;

"(ii) engineering standards;

"(iii) estimates of spending for operation and maintenance;

"(iv) estimates of expenditures for similar investments by State and local governments; and

"(v) estimates of demand for public services derived from such capital investments and estimates of the service capacity of such investments.

To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data is available.

"(2) For purposes of this section, any appropriation, new obligational authority, or outlay shall be classified as a public capital investment to the extent that such appropriation, authority, or outlay will be used for the construction or rehabilitation of any—

"(A) highway, street, or bridge,

"(B) airport or airway facility,

"(C) mass transit system,

"(D) rail transportation facility,

"(E) wastewater collection, treatment, or related facility,

"(F) water supply or distribution facility,

"(G) water resource project,

"(H) resource recovery facility,

"(I) dam,

"(J) waterway or port,

"(K) federally assisted housing,

"(L) Veterans' Administration hospital, or

"(M) other major Federal building or facility.".

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike out all after the enacting clause of the Senate bill, S. 1330, and to insert in lieu thereof the text of the bill, H.R. 1244, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend the provisions of title 31, United States Code, relating to the President's budget to require it to separately identify and summarize the capital investment expenditures of the United States, and for other purposes.".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1244) was laid on the table.

□ 1620

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON VETERANS' AFFAIRS TO FILE REPORTS ON CERTAIN BILLS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs may have until midnight tonight to file reports on H.R. 4694, H.R. 4734, H.R. 5398, H.R. 5617, and H.R. 5618.

Mr. Speaker, this has been cleared with the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the ranking member on the minority side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4103

Mr. ROSE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 4103.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SENSE OF CONGRESS THAT YELENA BONNER SHOULD BE ALLOWED TO EMIGRATE

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 304) expressing the sense of the Congress that Yelena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Yelena Bonner, and for other purposes.

The Clerk read as follows:

H. CON. RES. 304

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatory countries to respect human rights and fundamental freedoms;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law";

Whereas the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion, and expression;

Whereas the International Covenant of Civil and Political Rights guarantees that everyone shall have the right to freedom of thought, conscience, and religion, the right to hold opinions without interference, and the right of freedom of expression;

Whereas the Union of Soviet Socialist Republics signed the Final Act of the Conference on Cooperation and Security in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Principle VII of the Final Act specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights, and Principle IX confirms the relevant and positive role individuals play in the implementation of the provisions of the Final Act;

Whereas Nobel Laureate Andrei Sakharov, leader of the human rights movement in the Soviet Union, was arrested and exiled to Gorky in direct contravention of Principle VII of the Helsinki Final Act, the Universal declaration of Human Rights, and the International Covenant on Civil and Political Rights;

Whereas Doctor Sakharov's wife, Yelena Bonner, has recently been detained and charged with anti-Soviet agitation and is in urgent need of medical treatment unavailable in the Soviet Union; and

Whereas Doctor Sakharov has, as a last resort, begun a hunger strike in an attempt to have the charges against his wife dismissed and so that she may be given the exit visa denied her in the past for the purpose of obtaining medical treatment abroad: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Union of Soviet Socialist Republics should void all charges against Yelena Bonner, issue her an exit visa for the purpose of obtaining medical care outside the Soviet Union, and allow Andrei Sakharov and Yelena Bonner to live in the country of their choice.

SEC. 2. The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the detention of and charges against Yelena Bonner and the continued refusal of an exit visa for Miss Bonner, and to call upon the Soviet Union to meet the demands of Doctor Sakharov's hunger strike.

(2) to call upon all other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join in such protests and urge that the Sakharovs be allowed to emigrate to the country of their choice.

SEC. 3. The Clerk of the House shall transmit copies of this resolution to the Soviet Ambassador to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania (Mr. YATRON) will be recognized for 20 minutes and the gentleman from Iowa, (Mr. LEACH) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. YATRON).

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 304, expressing the sense of the Congress that Yelena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Yelena Bonner, and for other purposes.

I want to voice my strong support for the resolution which calls on the Soviet Government to grant Yelena Bonner, wife of Andrei Sakharov, permission to go abroad for much needed medical treatment. Yelena Bonner, who sustained eye injury on the Soviet front during World War II, has twice been permitted to go to Italy for treatment for her cataract condition. Now, Yelena Bonner's medical situation is compounded by her two recent heart attacks brought on by the relentless persecution which she and her husband have suffered in the last 4 years.

Andrei Sakharov, brought to despair by official Soviet refusal to even respond to his requests that his wife be permitted abroad for medical treatment—and to see her children, mother, and grandchildren in America—has been on a hunger strike since May 2. For Andrei Sakharov, who will be 62 on May 21, another hunger strike could well be fatal. Even now he is at a crisis point—during his 1981 hunger strike, he was hospitalized on day 13. Today is day 13 of his present hunger strike. Have the Soviet authorities decided to let the 1974 Nobel

Peace Prize laureate die in ignoble silence and in illegal banishment in Gorky? Tragically, that cruel decision is not beyond the realm of the possible.

In the face of this tragedy, we must make our voices heard: Let Andrei Sakharov live where he will and let Yelena Bonner out of the U.S.S.R. for medical treatment and to see her family. The solemn Soviet signature on the 1975 Helsinki Final Act promises no less. We must insist that the Soviet Government not do any less.

I want to commend the principal sponsors of the resolution, the gentleman from Massachusetts and the gentleman from Michigan, as well as all of the sponsors, for the leadership they have demonstrated in bringing these deserving cases to the attention of the House and of the American people.

Mr. Speaker, I urge the adoption of House Concurrent Resolution 304.

Mr. Speaker, I yield 2 minutes to the sponsor of the resolution, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I want to thank my friend, the gentleman from Pennsylvania, for yielding to me and I want to thank the ranking minority member, the gentleman from Iowa, and the subcommittee and the membership of the Foreign Affairs Committee for the speedy process by which they brought this resolution to the floor.

Mr. Speaker, all of us wish that we did not have to once again be on the floor of this House begging the Soviet Union to show a little simple mercy and a little compassion toward two very gentle, very distinguished, sick individuals, who simply want to be allowed at this point in their lives to live in peace.

Incredibly for most of us, in the face of all the horrors and all of the torture that the Soviet Union has already inflicted on the Nobel Prize winner, Andrei Sakharov, and his family, last week they turned on his wife. They have detained her, although she is now home, but living under virtual house arrest, not allowed to travel for medical care, not allowed to travel back to Moscow. They have threatened her with imprisonment for the simple crime of loving her husband, for caring about her own individual integrity and the integrity of her husband and the health of herself and her husband.

This is not one of the grander political resolutions of our time. This is not one that seeks entirely to restructure the bilateral relationship. It is an effort to reach the Soviet Union and the Soviet leaders as human beings and say, please. Can we not set aside broader political questions for awhile and treat this couple and, indeed, all individuals with some compassion and with some fairness.

This is not an effort to say to the Soviet Union to stop being the kind of system you are, much as some of us might like to make that plea. We are simply asking here for some justice and some fairness for two individuals, two people getting on in years, who simply want at this point to be able to join their families.

Let me say that Yelena Bonner's son and daughter-in-law live in my district. I know the pain that has been inflicted by this latest activity to all of them.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. YATRON. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I thank the gentleman for allowing me that extra time.

I want to say that I have had a chance to experience firsthand from conversations with Yelena Bonner's son and daughter-in-law the pain and the anguish that has been inflicted on these people by this activity. Many of us, the junior Senator from my own State and many Members of this House, the gentleman from Iowa, and other gentlemen who will speak who are cosponsors of this resolution, went to the Soviet Union last week. We know from our conversations that there is no case to be made against Yelena Bonner. There is no crime of which she is guilty, other than caring and loving her husband.

The gentleman from Colorado corrects me. We went to the Embassy, not to the Soviet Union, although entering that Embassy door, I felt that I had left the United States and we were in some unfortunate other kind of land.

We are simply asking that these people be let alone to enjoy some basic human rights.

We hope that the House will pass the resolution. We appreciate the action the administration has taken. They have been very firm in this, along with the State Department, and will join with the Senate and will jointly beg the Soviet Union to show a little mercy in this case.

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 304, expressing the sense of Congress that Yelena Bonner should be allowed to emigrate from the Soviet Union to seek medical treatment and urging the President to protest continued Soviet mistreatment of Andrei Sakharov and Yelena Bonner, his wife.

As reported in the press over the last several days, Andrei Sakharov, world renowned physicist and Nobel Peace laureate now in exile in Gorky, has initiated a hunger strike in an attempt to compel Soviet authorities to drop charges against his wife Yelena Bonner, and to grant her an exit visa for the purpose of receiving urgently needed medical care. According to the New York Times of last Wednesday, May 9, Dr. Sakharov has been concerned over his wife's heart condition and has indicated that he feels medical treatment in the Soviet Union is inadequate. According to the same news report, Dr. Sakharov has made it clear that he will end his hunger strike only when his wife is permitted to go abroad and that "Her death will be mine as well."

Soviet actions against the Sakharovs once again demonstrate the moral bankruptcy of the Soviet system and the intense sense of insecurity it must feel if, in spite of its massive arms buildup, it feels driven to silence the voices of this courageous couple. These actions stand in stark contrast to the human rights commitments which the Soviet Union has assumed under various international human rights agreements.

Several days ago, I joined a number of my colleagues on the Foreign Affairs Committee in sending a telegram to Chairman Chernenko, urgently appealing for an exit visa for Yelena Bonner. And, as the resolution before us suggests, I would hope the administration would employ its full diplomatic resources in urging other governments which are signatories to the Helsinki accords to also join in forcefully protesting Soviet behavior.

Mr. Speaker, Dr. Sakharov has earned a place of respect among the world's populace as a man of peace. Unlike monuments to man's greatness which are made of iron and stone, he has, by his sacrifice and courage, built a more precious, living monument to mankind's eternal and ever more urgent quest for human dignity. The Soviet Government destroys Dr. Sakharov and his wife at its own peril.

Mr. Speaker, I appreciate the leadership of the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Pennsylvania (Mr. YATRON) on this issue and urge the unanimous adoption of this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I rise in strong support of House Concurrent Resolution 304.

I want to compliment the principal sponsors of this resolution. I think it is extremely important.

Mr. Speaker, I strongly support this important resolution. I call upon the President to do all that he can to convince the Soviet Union to allow Yelena Bonner and her husband to emigrate from that country. This horrible violation of basic human rights has gone on far too long. We must do something about it now.

We all know that the Soviet Union signed the Final Act of the Conference on Security and Cooperation in Europe. That country is also a party to the Universal Declaration of Human Rights. In addition, Moscow ratified the International Covenant on Civil and Political Rights. By signing these binding acts, the Soviet Union commits itself to respect human rights and fundamental freedoms.

After signing the accords, the Soviets arrested and exiled Nobel laureate Andrei Sakharov, the leader of the human rights movement in the Soviet Union. His wife, Yelena Bonner, has recently been detained. She was charged with anti-Soviet agitation and urgently needs medical treatment. She desperately needs an exit visa for the purpose of obtaining this treatment abroad. Her life is in danger.

We all know that the Sakharovs have become a symbol of the unending struggle for freedom in the Soviet Union. Their brave efforts and sufferings have given hope to millions around the world who are struggling for their human rights. They are asking for no more than the right to live, speak, and think freely.

Since Mr. Chernenko came to power, the KGB has been given a carte blanche in operating against human rights groups and Jewish dissidents in the Soviet Union. The new Soviet leadership has vowed to crush all dissident activity. As part of this Kremlin crackdown on Jews in that country, Jewish emigration has been reduced. Under the leadership of Chernenko, only 305 Jews left during the first 4 months of this year. It is quite obvious to me that the Soviets are playing hardball on the emigration issue.

How can a country which has signed solemn agreements ignore its commitments? How can a nation which claims to be a superpower treat an old, sick couple in this fashion? Is this the way a government thanks two of its honored citizens who have contributed so much to physics and scholarship?

I encourage our President to protest the continued violations of the human rights of the Sakharovs. I would hope that Moscow could treat the Sakharovs with the respect they deserve, give them medical treatment which is essential, and allow them to live where they want to live.

I call upon my colleagues to give their support to this resolution.

Mr. YATRON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I have heard these discussions here in the last few minutes condemning the Soviet system and what an inhumane system it is. Certainly I share those views very strongly, as has been reflected in the cruel and inhumane way in which they have treated Dr. Sakharov and his wife.

I just hope those who have expressed the sentiments about just what kind of a nation and society the Soviet Union is will do something to act against it when we have the MX missile before us on tomorrow.

□ 1630

Mr. YATRON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. WIRTH) a sponsor of the resolution.

Mr. WIRTH. I thank the gentleman for yielding me this time.

Mr. Speaker, as we all know, the life of one of the most effective voices in the world is on the line. The Soviets, as pointed out to us last Wednesday, are not providing to the world reliable information about Dr. Sakharov and Yelena Bonner.

They may well allow Dr. Sakharov to die, and if so, I would not be at all surprised to see the Soviets attempting to turn around and blame the United States for this, saying that it is a political act and not a medical act.

The question before us is that this is neither a political act by itself nor medical act. In fact, this is a moral act, one in which we have an obligation to exercise whatever moral authority we have and to act on the obligations that we have in a moral fashion, and what remains in this country we can do by voting for this resolution today, taking one small step.

We should vote yes. We seek humanitarian intervention on behalf of two great people, and we certainly underline I think, all of us, our message to the Soviet Union that they will not be met with foreign indifference. What they do in this situation will not be met with indifference, and what we do here must also be matched with what other people in this country do, with what other organizations in this country do and what other people around the world do, whether that is Mr. Trudeau, or Mrs. Gandhi, or Mr. Mitterrand, Willy Brandt, and others, we hope that they would also join with us in the kind of an international crusade for decency.

We have a lot of problems between this country and the Soviet Union. Those should not be exacerbated at the expense of two people. We cannot be indifferent either.

Let the Soviets know that we care, are deeply concerned. Support this resolution. Think about the other creative steps that we together can take.

I thank the gentleman for yielding.

Mr. LEACH of Iowa. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I want to thank my friend for yielding. I want to rise and thank my colleague from Iowa, the sponsor, as well as the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Pennsylvania (Mr. YATRON) for their leadership in bringing to the attention not only of this body, and indeed our own country, but as the gentleman from Colorado pointed out, the Western World with regard to this issue.

I can remember, Mr. Speaker, a number of years ago when Alexander Solzhenitsyn was writing about the Gulag Archipelago, and there was a debate in London over the BBC being broadcast by satellite into our homes here in the United States. And I remember Malcolm Muggeridge, the great Christian theologian on television. This was 1976—Muggeridge was asked that if he thought that by 1984 there would be room in the world for a Solzhenitsyn. And he paused and he thought for moment and he gave what I consider to be the most beautiful answer that is possible.

He said even if the whole world were encased in concrete in 1984, somewhere in that concrete there would be a crack, and out of that crack a flower would grow. And that flower would be a Solzhenitsyn. And somewhere there will be another crack, and another crack, and another crack. And he was talking about not just Alexander Solzhenitsyn, but the spirit of those men and women behind the Iron Curtain and the spirit of the Gdansk steelworkers, and the spirit of the Soviet Jews, the spirit of the Soviet Christian dissidents, and, of course, the issue that is before us today, the spirit of Yelena Bonner Sakharov and her husband Andrei, who within 1 week of getting the Nobel Peace Prize, in 1 week, in response to the signing of the Helsinki accords, the Soviets, before the ink was dry on the Helsinki accords, violated it by denying Andrei Sakharov the chance to get the Nobel Peace Prize and travel outside the country.

This resolution is of critical importance not just to Andrei Sakharov and his wife, Yelena Bonner Sakharov, and their children. It is of critical importance, as my friend pointed out, to this whole human rights struggle.

If we in the West turn our backs on what is happening to Sakharov, if we turn our back on this whole struggle of human rights upon which Democrats and Republicans, and liberals and conservatives, and Jews and gentiles, and all of the people that we represent agree, then we will be committing the same act of neutrality, the same acts of isolationism and indifference that were committed by the Western Allies in the 1930's.

The other night, I heard the great Elie Weisel at the Memorial to the Holocaust. He said something that I just want to close my remarks with. He said indifference to evil is evil. Turning our back on the struggle of human rights would be an act that would have to go down in history as

less than all this country was meant to be.

I again congratulate the authors. I have cosponsored this. I cannot think of a more important issue right now in the human rights struggle than for us in this body to unanimously support this resolution and send a signal again not just to our allies, but behind the Soviet Union's Iron Curtain that we will not give up this cause and will not turn our backs, will not shut our eyes, that our relationship with them is important, but it cannot be more important than those men and those women and their lives who are desperately seeking our voice.

I thank the gentleman and ask that this resolution be passed unanimously.

Mr. YATRON. Mr. Speaker, I yield 3 minutes to one of the principal sponsors of the resolution, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. I congratulate the chief sponsor of this resolution and those who have worked with him.

I too had the opportunity to join Members of the House and one from the other body in going to the Russian Embassy to deliver the resolution on this matter.

All kinds of arguments, Mr. Speaker, were used to express opposition to any action by the Russian Government regarding Dr. Sakharov and Mrs. Bonner. The representatives of the Russian Government said, first of all Dr. Sakharov had military secrets. That goes back to activities many years ago and did not hold any water.

Then there was the document that they distributed which attributed efforts to help the Sakharovs to reactionary forces in the West. And we said to the representative why do you not check our voting records.

Then they said well, there is medical care available. We said why not let them seek it where they want.

Finally, as a complete diversionary tactic, it was suggested that conditions are bad for the homeless in Massachusetts. The response of the representative of the Russian Government made it clear how bankrupt indeed is the position of the Russians on this matter and other human rights efforts.

We indeed want to build better relationships with the Russians. But that must be build on respect for human rights.

This day is an expression of hope by all of us of conscience. It is fitting on a day of acrimonious debate that we join together to show the common ground that does join us.

Sometimes expressions of conscience carry their weight. I hope that is true today, and again I congratulate the leadership by the gentleman from Pennsylvania (Mr. YATRON), and the others for bringing this before the House and for sounding a volley in favor of freedom that I hope is heard around the world.

□ 1640

Mr. LEACH of Iowa. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. GILMAN) who has been a leader in this particular cause.

Mr. GILMAN. I thank the gentleman for yielding time to me.

Mr. Speaker, I commend the gentleman from Iowa (Mr. LEACH), and the gentleman from Massachusetts (Mr. FRANK), for bringing this measure to the floor at this time. I take this opportunity to rise in support of House Concurrent Resolution 304, which expresses the sense of Congress that Yelena Bonner, wife of Andrei Sakharov, be allowed to leave the Soviet Union in order to obtain medical treatment. This resolution further calls upon the President of the United States to protest continued violations of human rights in the Soviet Union.

Many of us in the Congress have been extensively involved in many different efforts on behalf of refuseniks and prisoners of conscience who have been subjected to mental anguish, persecution, and suffering by the Government of the Soviet Union. We have pursued these issues on behalf of all Soviet citizens wishing to emigrate in search of freedom and in search of their due human rights as well as in the individual cases of Anatoly Shcharansky, Iosef Begun, Mark Nashpitz, and many, many others.

We in Congress must speak out in our combined voice, calling upon the Government of the Soviet Union to stop their deplorable repression of human rights. We must refuse to allow the world to forget the plight and the injustices suffered by our brethren in the Soviet Union whose only crime is their desire for human liberty. This measure necessitates our most fervent support if we are to demonstrate our commitment to human dignity and the human spirit.

Yelena Bonner has suffered from a series of medical ailments; however, her suffering and the suffering of others like her within the Soviet borders permeates more than the body, it batters the human soul. As we profess to support human rights throughout the world, mere lip service is not enough. Let us join together, as a leading institution of freedom, in endorsing this measure and reaffirming our commitment to all persecuted people. Our show of support for Yelena Bonner will help to put us back on the path of human understanding. Accordingly, I urge my colleagues to demonstrate their commitment to human rights and their opposition to the Soviet Union's violation of these basic rights by supporting Yelena Bonner and House Concurrent Resolution 304.

Mr. Speaker, as we consider House Concurrent Resolution 304, I would like to take this opportunity to share with my colleagues the support of the International League for Human Rights in New York and the International Human Rights Law Group for the continued well-being of both Andrei Sakharov and his wife, Yelena Bonner. That group's devotion to the many international human rights cases has been well documented, and I expect that those of us in this Chamber could only benefit from the statement they have prepared on this occasion of our consideration of this important measure.

Mr. Speaker, I ask that their statement be reprinted at this point in the RECORD for review by my colleagues:

The International League for Human Rights and the International Human Rights Law Group wish to express our concern for the well-being of renowned Soviet human rights defender and physicist Andrei Sakharov and his wife, Yelena Bonner.

On May 2, 1984, Mrs. Sakharov was apprehended and taken into custody by Soviet authorities. She was reportedly arrested, subjected to repeated interrogation and finally charged with "defaming the Soviet State" under Article 190 of the Criminal Code, apparently for her determined efforts to go abroad to receive medical care. She is now confined, along with her husband, to Gorky while an investigation proceeds. Because his repeated appeals on behalf of his wife have gone unanswered, Dr. Sakharov initiated an "openended" hunger strike on May 2nd.

The League and the Law Group fear for the Sakharovs' well-being since both have serious and chronic health problems. Mrs. Sakharov suffers from a serious heart ailment which has caused her two heart attacks in the past year. Throughout the past year, she has sought permission to leave the Soviet Union in order to receive medical care. Twice previously she has been permitted to leave for medical reasons and has returned to the Soviet Union.

Dr. Sakharov also has had cardiac problems and has recently undergone surgery for phlebitis. His undertaking of a hunger strike in this weakened condition give cause for grave concern. Since 1980, Dr. Sakharov has been in exile in Gorky, a city closed to foreigners. Mrs. Sakharov has been his constant companion and sole link to the outside world. He recently said that "her death would be my death."

Dr. Sakharov was the Chair of the now-closed Moscow Human Rights Committee and remains an outspoken proponent of human rights. Time is growing short for this brilliant, selfless champion of human rights and his wife. The League and the Law Group urge Congress to intervene so that Mrs. Sakharov may leave the Soviet Union to receive medical treatment abroad and, ideally, that her husband may accompany her. The right to leave and return to one's country is a fundamental human right guaranteed under Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant of Civil and Political Rights, a treaty to which the Soviet Union is a party.

Mr. YATRON. Mr. Speaker, I yield 3 minutes to the gentleman from Cali-

fornia (Mr. LANTOS) a member of the Committee on Foreign Affairs.

Mr. LANTOS. Mr. Speaker, 1984 has truly arrived. The Soviet Union claims to be concerned about the safety and health of its athletes when in point of fact not a single Soviet athlete had his hair bent at any of the Olympics, but seems very little concerned about the safety and health of Soviet citizens in the Soviet Union whose health and safety and very lives ought to be the prime concern of the Soviet Union.

A year ago this January my wife and I visited with Yelena Bonner Sakharov, who at that time was still allowed to serve as a link between her husband and the rest of the world. And this most recent outrage of denying this aging, sick woman the opportunity of seeking medical attention represents Soviet society at its ugliest.

There is no doubt in my mind that long after the tormentors of Sakharov and Mrs. Sakharov will have been relegated to the dustbin of history, the Sakharovs and the Solzhenitsyns of this world will be known throughout this globe for their complement to freedom and human dignity.

And as my distinguished friend and colleague from New York State said a few minutes ago, even if the whole world is covered over with asphalt, there will be cracks in there and flowers will stick their heads out, crying out for a recognition of the human spirit.

This resolution is an important resolution that we shall pass and I hope we shall pass unanimously.

This resolution is yet another opportunity for this parliament of free men and women to stand up and be counted and to tell the Soviet Union and to tell the whole world that we will not go away; that while there may be minor differences amongst us as Republicans and Democrats on other issues, there are no differences whatever in your commitment to a free and open society and the dignity of the individual.

Mr. Chernenko, you had better listen when this resolution is passed by the House of Representatives. We will be standing with Sakharov and his wife on behalf of human freedom, human dignity, the right to seek medical attention and the opportunity to live as a free individual on this planet.

Mr. LEACH of Iowa. Mr. Speaker, I yield 2 additional minutes to the distinguished leader of the Republican conference, the gentleman from New York (Mr. KEMP.)

Mr. KEMP. I thank my friend for yielding. I want to compliment the gentleman from California (Mr. LANTOS) on that wonderful statement and associate myself with his remarks and those that are being made here.

Last night he and I, Senator MOYNIHAN, the Governor of New Jersey, Governor Kean, Senator DOLE, and others, gathered for a reception on behalf of Yelena Bonner Sakharov and her husband to try to rally support in this country on behalf of this very important issue.

And I just want to bring to the attention of my colleagues that in the other body there was introduced a Federal charter for the Sakharov Institute, which is a recognized institute of international scholars named for Andrei Sakharov, concerned about his plight, that calls to the attention of the scientific community the issue, raised by my friend and colleague from Iowa, and I hope that we who are concerned about this issue can take it a step further and give a Federal charter to the Sakharov Institute, which I will be introducing in a few days.

Beyond that, I want to remind my colleagues that Yelena Bonner was in the Russian Army during World War II, fought on behalf of the Russian Army against the Fascists; she happens to be a Jew; the most blatant antisemitism that is going on in the world today is that going on by the Soviet Union attacking the reputation of Elena Bonner, attacking her for her patriotism when she has three medals awarded to her for extraordinary heroism during World War II.

And to all of you who are listening, and as TOM LANTOS pointed out to Mr. Chernenko, who is in one way or another going to know what we are doing, please pass this resolution with total unanimity so that the word will go forth, that we will not stand by and allow the Soviet Union to inflict upon the world another night of darkness as was inflicted in the 1930's.

Mr. YATRON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. FEIGHAN), a member of the committee.

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman for yielding. I salute the gentleman from Pennsylvania, as well as the gentleman from Massachusetts and my colleague, the gentleman from New York, for being so strong in their support for this resolution and bringing the resolution to the floor this afternoon.

Mr. Speaker, I rise in support of the resolution introduced today by my colleague, the gentleman from Massachusetts.

In early March, over 170 of my colleagues in this House joined with me in sending an urgent appeal to the General Secretary of the Soviet Communist Party, Constantin Chernenko. We wrote in an effort to secure adequate medical care for Yelena Bonner, wife of Nobel Laureate Andrei Sakharov. Mrs. Sakharov's condition is well known to many. She has suffered several heart attacks, and is in need of a critical eye operation. Now, however, news comes from Gorki—where her husband is in exile—that Andrei Sakharov has begun a hunger strike to secure an exit visa for his wife.

Last Thursday, I joined several of my colleagues from this House and from the other body outside the Soviet Embassy here in Washington to express our solidarity with Dr. Sakharov and his wife. In a conversation with Soviet officials in the Embassy on that day, I was shocked and appalled by their apparent insensitivity and grotesque lack of concern. Surely the life of any individual should be of graver importance than these men suggested by their comments and attitudes.

Andrei Sakharov and his wife, Yelena Bonner, stand as beacons of strength against the cruel and brutal power of their country's repressive regime. Here in the West, where freedom still flourishes, there is little we can do for those who live in oppression overseas. But we can—and must—speak out. We must object, while there is still time.

In the name of all that is decent, we must say to the Soviet Government that enough is enough. This tragedy has gone on too long already. Let the Sakharovs go.

□ 1460

Mr. LEACH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, it was about 1 month ago when we were on the floor of the House under the sponsorship of the gentleman from New York (Mr. GILMAN) in an effort to plead the cause for the release of Anatole Shchransky.

Anatole Shchransky, for those who are very familiar, understand he was a member of the Helsinki watch group. The Helsinki watch group were a number of Soviets, a number of people within the Soviet Union, who were put in place together in a group to make sure that the Soviet Union paid attention and did not violate the terms of the human rights agreement that was signed by the peoples of this world, by the nations of this world.

Well, Anatole Shchransky's terms has come halfway and under normal Soviet custom he should have been released. He was not. Anatole Shchransky continues to serve a prison sentence for nothing more than hoping some day to be free and hoping some day to be able to express his own thoughts with the kind of freedoms that we have in this country.

We have signed letter after letter after letter calling on the Soviet Union to allow Soviet Jews to emigrate. We have had very little reponse, in fact, virtually no response from the Soviet Union on that accord.

Now we are witnessing another brutal form of treatment in the Soviet Union. We see a woman who needs

medical treatment that can only be received outside of the Soviet Union and because she is the wife, the outspoken wife, of one of the world's most noted scientists, Mr. Sakharov, she is not going to be permitted to leave and she may, in fact, die in the Soviet Union.

These special orders help. I just had some constitutents who were in the Soviet Union and they have told me that the Soviets are sensitive to this kind of activity.

We should pass this unanimously. We have got to continue to raise our voices for the cause of human rights and never shrink from our cause for freedom for people all over the world.

I want to commend the sponsors and all those Members in the House of Representatives and the Senate today. We are going to send a clear signal to the Soviet Union that we will not stop speaking out.

● Mr. FASCELL. Mr. Speaker, I urge my colleagues to join me in supporting the Sakharov resolution before us; 1984 is living up to its Orwellian reputation for Andrei Sakharov and Yelena Bonner. Not content with Andrei Sakharov's illegal isolation in Gorky—ordered by party fiat in January 1980—now the Soviet authorities have decided to prosecute Yelena Bonner for "anti-Soviet slander" or even treason. What has been Yelena Bonner's "crime"? She has always defended her husband against the unfounded charges against him. She was also a member of the now-disbanded Moscow Helsinki Group. In other words, Yelena Bonner heeded her civic obligations to report on human rights problems under the 1975 Helsinki Final Act.

How has the Soviet Government responded to its solemn Helsinki obligations? It has not even deigned to reply to Yelena Bonner's request to be permitted to go to Italy for treatment of her glaucoma condition—as she has done twice before. It has mocked Bonner's request to come to the United States to see her children, mother, and grandchildren—some of whom she has never seen. On May 4, TASS issued a statement which excoriated Yelena Bonner for daring to try to go abroad and falsely accused her and the U.S. Embassy of some farfetched anti-Soviet plot. It is hard to believe that this is all happening in the 20th century. Orwell predicted this in "1984," unfortunately.

Driven to desperation by these callous Soviet actions against his wife, Andrei Sakharov has been on hunger strike since May 2. Yesterday I had the pleasure of talking to an old and dear friend of the Sakharov's, Mrs. Hesse, who told me she thinks only the West can save Andrei Sakharov. Mrs. Hesse, who braved the KGB seven times to get to Gorky to see the Sakharovs, last saw them at Christmas time last year. She fears that Andrei Sakharov and Yelena Bonner are already at the edge of their strength. Only if all Western governments make official protests to the Soviets about their cruel treatment of the 1974 Nobel Peace Prize laureate and his wife, is there a chance that Andrei Sakharov's life may be saved. I call on all Western governments to do all in their power to save the life of Andrei Sakharov who has been called the conscience of mankind. I ask that people of good will everywhere urge the Soviets to live up to their solemn Helsinki obligations.●

● Mr. PORTER. Mr. Speaker, I am pleased to lend my support to House Concurrent Resolution 304, introduced by the gentleman from Massachusetts, (Mr. FRANK). This resolution expresses the sense of the Congress that Yelena Bonner should be allowed to emigrate from the Soviet Union for medical reasons.

According to reports in the Western press, Ms. Bonner is seriously in need of medical attention for her heart condition. She has suffered several heart attacks, and according to doctors in London who have seen a copy of her electrocardiogram, she may be in need of heart bypass surgery.

On May 2, in protest to his government's unjust treatment of his wife, Andrei Sakharov began a hunger strike. Sakharov has vowed that he will fast until his wife is allowed to go to the West and receive the medical attention she needs for her heart condition and for an eye ailment.

As my colleagues are aware, Sakharov, a distinguished physicist, won the Nobel Peace Prize in 1975 for his work. Since 1980, he has been in internal exile in the Soviet city of Gorky. Though isolated and harassed by the authorities, he continues to advocate freedom of emigration, amnesty for all prisoners of conscience, and other rights set forth in the 1975 Helsinki Final Act and other human rights documents.

It is important that we in the Congress continue to do all that we can to express our support for Andrei Sakharov and Yelena Bonner and for their fight for basic human rights. I urge my colleagues to join me in protesting the Soviet Union's blatant abuses of fundamental freedoms and to support this resolution.●

● Mr. FORD of Michigan. Mr. Speaker, I wish to urge my colleagues in the House of Representatives to unite in support of House Concurrent Resolution 304, which calls upon the Soviet Union to drop all charges against Yelena Bonner and issue her an exit visa for the purpose of obtaining medical treatment outside the Soviet Union.

I am a cosponsor of this measure because I feel strongly about the increased Soviet persecution of Bonner and her husband, Andrei Sakharov, a Nobel Peace Prize laureate and prominent nuclear physicist. Bonner has been placed under investigation for defaming the Soviet system and has been barred from leaving the city of Gorky, where Sakharov has been in internal exile for over 4 years. In recent months, it has been reported that Bonner suffered two mild heart attacks. Sakharov began a hunger strike almost 2 weeks ago to protest the refusal of the Soviet Government to allow his wife to seek medical treatment abroad.

It appears as though the harsh public attack against the couple began when the Soviet Government news agency TASS reported that Sakharov and Bonner had planned an anti-Soviet campaign in the West with members of the U.S. Embassy in Moscow. In addition to charges of anti-Soviet agitation and the investigation against her, Bonner has also been threatened with charges of treason which carry a possible death penalty. Further, there is speculation that the announcement of the Soviet boycott of the summer Olympics in Los Angeles was made a month early to overshadow these developments in the Soviet Union. The boycott was ordered on charges that U.S. officials could not prevent protest groups in Los Angeles from staging public criticism of Soviet participation in the Olympics. Although the Soviets also guarantee freedom of speech in their country, it is conditional and based on the premise that it is in accordance with the interest of the people and in order to strengthen and develop the Socialist system. Therein lies the fundamental divergence in beliefs between the two nations. These recent events indicate that the Soviet Government does not ascribe to an individual's right to free speech, whether in Moscow or in Los Angeles.

The continuance of the Soviet propaganda, in addition to further restricting actions of its citizens, clearly shows a fundamental lack of respect for one right which the entire international community recognizes—the basic individual human right to life. The repeated denial of Yelena Bonner's request for medical treatment for a heart ailment only underscores this insensitivity, and it is only through persistent public prodding that the Soviet Government cannot fail to recognize that it cannot be tolerated silently.●

● Mr. CONTE. Mr. Speaker, I rise in strong support of House Concurrent Resolution 304, a resolution expressing the sense of the Congress that Yelena Bonner should be allowed to emigrate from the Soviet Union for medical reasons.

Just 2 months ago, I took the floor of this House, during a special order, and reiterated a widely known charge

against the Soviet Government: "anti-Semitism is on the rise in the Soviet Union." This week, that constantly expanding rise in official, government-sponsored anti-Semitism reached a new peak.

The systematic persecution of Andrei Sakharov and his family has symbolized the plight of many Jews in the Soviet Union. Since 1980, Dr. Andrei Sakharov—a Nobel Peace Prize laureate and a prominent nuclear physicist—has been confined in the Soviet city of Gorky. Despite the harsh treatment he has received from Soviet authorities, Dr. Sakharov is an inspiration to many Soviet refuseniks. His determination to stand by his principles and risk his life for others is nothing less than heroic. In December 1981, Sakharov and his wife started a hunger strike to demand an exit visa for Yelizaveta Alexeyeva to join her fiance, Alexei Semyonov, in the United States.

Dr. Sakharov is at another critical point in his life. His wife, Yelena Bonner, has suffered a series of heart attacks and demands urgent medical attention. In February of this year, Dr. Sakharov requested permission for his wife to visit Italy for treatment and therapy. After delaying the decision, the Soviet Government charged Yelena Bonner with defaming the Soviet state. She is unable to leave Gorky. To protest this inhumane treatment of his wife, Dr. Sakharov has begun a hunger strike. Some sources claim he is close to death.

Mr. Speaker, time is running out for Andrei Sakharov and his wife, Yelena. This barbaric and cruel treatment by Soviet authorities must not continue unnoticed or without consequences. As long as Jews in the Soviet Union face a daily struggle for their basic rights, the United States cannot have full and friendly relations with the U.S.S.R. Let the Soviet Government be advised, the plight of Soviet Jews is important to Members of Congress and to the people of the United States.

Mr. Speaker, I urge my colleagues to support this resolution, sponsored by the gentleman from Massachusetts (Mr. FRANK). I also want to commend the administration, especially Secretary Shultz, for raising this case at the highest diplomatic levels.●

● Mr. GEJDENSON. Mr. Speaker, I would like to join with my colleagues today in expressing the deepest concern over the situation confronting Dr. Andrei Sakharov and his wife, Yelena Bonner.

I am sure we are all aware that Dr. Sakharov on May 2 began a hunger strike in an attempt to secure permission for his wife to travel to the West for a critical eye operation and treatment of a heart condition. Dr. Sakharov is himself in poor health and is certainly endangering his life by the hunger strike which he has vowed to continue "to the end" if necessary. Mrs. Bonner, in the meantime, has been charged with anti-Soviet agitation and threatened with even more serious charges of treason, which carry a possible death sentence. She has been prohibited from leaving the city of Gorky, where her husband has been confined in internal exile since 1980.

Andrei Sakharov and Yelena Bonner are people of singular courage and integrity. Their persecution in this flagrant manner is an affront to all who believe in humanitarian ideals and fundamental civil liberties. I strongly urge the Soviet Government to reconsider its recent actions and to allow Dr. Sakharov and Mrs. Bonner to emigrate from the Soviet Union and seek the medical treatment they need.●

● Mr. McGRATH. Mr. Speaker, I rise in strong support of House Concurrent Resolution 304 urging the free exit of Yelena Bonner.

Yelena and her husband, Nobel laureate and human rights activist Adrei Sakharov, have been under the close watch of Soviet authorities ever since applying for permission to emigrate.

Recently, Yelena was arrested on the preposterous charge of "anti-Soviet agitation." This ridiculous action follows in the path of the long-standing Soviet tradition of manufacturing charges for their own purposes of agitation and intimidation. In addition to the charge which carries a penalty of 3 years in prison, Yelena is also being threatened with the charge of treason. If convicted, a death sentence could be imposed.

These accusations, intended to harass and discourage the human rights activities of Bonner and Sakharov, have only served to galvanize the worldwide community to press for the free exit of Yelena so that she might receive medical treatment, and urge the Soviets to release Bonner and Sakharov so they might join their children and grandchildren in freedom.

In a demonstration of support for his wife, an ailing Andrei Sakharov embarked on a hunger strike 2 weeks ago. The courage of this couple seems to grow stronger as the years of their internal exile build. House Concurrent Resolution 304 expressing the sense of Congress that Yelena Bonner should be freed, is an important statement of our support, one the Soviets cannot help but notice. I urge my colleagues to support passage of the legislation.●

Mr. LEACH of Iowa. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. YATRON) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 304.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR VOTE ON HOUSE CONCURRENT RESOLUTION 304

Mr. WIRTH. Mr. Speaker, on the motion just on the floor for debate we were talking about getting a record vote.

We would like to have a record vote on this.

The SPEAKER pro tempore. The Chair would advise the gentleman that the motion has already been approved and a motion to reconsider has been laid on the table.

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that there be a record vote on the motion just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. PEASE. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PANETTA). Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained, and then on each motion to suspend the rules on which further proceedings were postponed on Monday, May 14, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 5345, de novo; H.R. 89, by the yeas and nays; and H.R. 5505, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

EQUAL ACCESS ACT

The SPEAKER pro tempore. The pending business is the question of su-

pending the rules and passing the bill, H.R. 5345.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 5345.

The question was taken.

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 151, present 1, not voting 11, as follows:

[Roll No. 145]

YEAS—270

Albosta	Duncan	Lagomarsino
Alexander	Dyson	Latta
Andrews (NC)	Eckart	Leath
Andrews (TX)	Edwards (AL)	Levitas
Anthony	Edwards (OK)	Lewis (CA)
Applegate	Emerson	Lewis (FL)
Archer	English	Lipinski
Badham	Erdreich	Livingston
Barnard	Erlenborn	Lloyd
Bartlett	Evans (IA)	Loeffler
Bateman	Fiedler	Long (LA)
Bedell	Fields	Lott
Bennett	Flippo	Lowery (CA)
Bereuter	Fowler	Lujan
Bethune	Franklin	Luken
Bevill	Frenzel	Lundine
Biaggi	Fuqua	Lungren
Bilirakis	Gaydos	Mack
Bliley	Gekas	MacKay
Boehlert	Gingrich	Madigan
Boggs	Goodling	Marlenee
Boner	Gore	Marriott
Bonker	Gramm	Martin (IL)
Boucher	Gregg	Martin (NC)
Breaux	Gunderson	Martin (NY)
Britt	Hall (OH)	Mazzoli
Brooks	Hall, Ralph	McCain
Broomfield	Hall, Sam	McCandless
Brown (CO)	Hamilton	McCloskey
Broyhill	Hammerschmidt	McCurdy
Burton (IN)	Hansen (UT)	McDade
Byron	Harkin	McEwen
Campbell	Harrison	McKernan
Carney	Hartnett	Mica
Carper	Hatcher	Michel
Carr	Hefner	Miller (OH)
Chandler	Heftel	Molinari
Chappell	Hightower	Mollohan
Chappie	Hiler	Montgomery
Cheney	Hillis	Moore
Clarke	Holt	Moorhead
Clinger	Hopkins	Morrison (WA)
Coats	Horton	Murphy
Coleman (TX)	Hubbard	Myers
Conable	Huckaby	Natcher
Corcoran	Hughes	Neal
Courter	Hunter	Nelson
Craig	Hutto	Nichols
Crane, Daniel	Hyde	Nielson
Crane, Philip	Ireland	Nowak
D'Amours	Jacobs	O'Brien
Daniel	Jeffords	Olin
Dannemeyer	Jenkins	Ortiz
Darden	Jones (NC)	Oxley
Daschle	Jones (OK)	Packard
Daub	Jones (TN)	Parris
Davis	Kaptur	Pashayan
de la Garza	Kasich	Patman
Derrick	Kazen	Patterson
DeWine	Kemp	Paul
Dickinson	Kindness	Pease
Dingell	Kolter	Penny
Dowdy	Kramer	Perkins
Dreier	LaFalce	Petri
Pickle	Shelby	Thomas (CA)
Price	Shumway	Thomas (GA)
Pritchard	Shuster	Traxler
Pursell	Sikorski	Valentine
Quillen	Siljander	Vander Jagt
Ray	Sisisky	Volkmer
Regula	Skeen	Vucanovich
Richardson	Skelton	Walker
Ridge	Smith (NE)	Watkins
Rinaldo	Smith (NJ)	Weaver
Ritter	Smith, Robert	Weber
Roberts	Snowe	Whitehurst
Robinson	Snyder	Whitley
Roemer	Solomon	Whittaker
Rogers	Spence	Whitten
Rose	Spratt	Williams (OH)
Roth	St Germain	Wilson
Roukema	Staggers	Winn
Rowland	Stangeland	Wise
Rudd	Stenholm	Wolf
Sawyer	Stratton	Wortley
Schaefer	Sundquist	Wright
Schulze	Tallon	Wylie
Sensenbrenner	Tauke	Yatron
Sharp	Tauzin	Young (AK)
Shaw	Taylor	Young (FL)

NAYS—151

Ackerman	Garcia	Oakar
Addabbo	Gejdenson	Oberstar
Akaka	Gephardt	Obey
Anderson	Gibbons	Ottinger
Annunzio	Gilman	Owens
Aspin	Glickman	Panetta
AuCoin	Gonzalez	Pepper
Barnes	Gradison	Porter
Beilenson	Gray	Rangel
Berman	Green	Ratchford
Boland	Guarini	Reid
Bonior	Hawkins	Rodino
Borski	Hayes	Roe
Bosco	Hertel	Roybal
Boxer	Howard	Russo
Brown (CA)	Hoyer	Sabo
Bryant	Johnson	Savage
Burton (CA)	Kastenmeier	Scheuer
Clay	Kennelly	Schneider
Coelho	Kildee	Schroeder
Coleman (MO)	Kleczka	Schumer
Collins	Kogovsek	Seiberling
Conte	Kostmayer	Shannon
Conyers	Lantos	Simon
Cooper	Leach	Slattery
Coughlin	Lehman (CA)	Smith (FL)
Coyne	Lehman (FL)	Smith (IA)
Crockett	Leland	Stark
Dellums	Lent	Stokes
Dicks	Levin	Studds
Dixon	Levine	Stump
Donnelly	Long (MD)	Swift
Dorgan	Lowry (WA)	Synar
Downey	Markey	Torres
Durbin	Martinez	Torricelli
Dwyer	Matsui	Towns
Dymally	Mavroules	Udall
Early	McCollum	Vento
Edgar	McGrath	Walgren
Edwards (CA)	McHugh	Waxman
Evans (IL)	McKinney	Weiss
Fascell	McNulty	Wheat
Feighan	Mikulski	Williams (MT)
Fish	Miller (CA)	Wirth
Florio	Mineta	Wolpe
Foglietta	Minish	Wyden
Foley	Mitchell	Yates
Ford (MI)	Moakley	Young (MO)
Ford (TN)	Moody	Zschau
Frank	Morrison (CT)	
Frost	Mrazek	

ANSWERED "PRESENT"—1

Vandergriff

NOT VOTING—11

Bates	Hance	Rostenkowski
Fazio	Hansen (ID)	Smith, Denny
Ferraro	Murtha	Solarz
Hall (IN)	Rahall	

□ 1710

The Clerk announced the following pair:

On this vote:

Mr. Hance and Mr. Denny Smith for, with Mr. Solarz against.

Mr. DOWNEY of New York and Mr. SEIBERLING changed their votes from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

PUERTO RICAN PASSENGER SERVICE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 89, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BIAGGI) that the House suspend the rules and pass the bill, H.R. 89, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 25, not voting 18, as follows:

[Roll No. 146]

YEAS—390

Ackerman	Brooks	Dannemeyer
Addabbo	Broomfield	Darden
Akaka	Brown (CA)	Daschle
Albosta	Brown (CO)	Daub
Alexander	Broyhill	Davis
Anderson	Bryant	de la Garza
Andrews (NC)	Burton (CA)	Dellums
Andrews (TX)	Burton (IN)	Derrick
Annunzio	Byron	DeWine
Anthony	Campbell	Dicks
Applegate	Carney	Dixon
Archer	Carper	Dorgan
Aspin	Carr	Dowdy
AuCoin	Chandler	Downey
Badham	Chappell	Dreier
Barnard	Chappie	Duncan
Barnes	Cheney	Durbin
Bartlett	Clarke	Dwyer
Bedell	Clay	Dymally
Beilenson	Clinger	Dyson
Bennett	Coats	Early
Bereuter	Coelho	Eckart
Berman	Coleman (MO)	Edgar
Bethune	Coleman (TX)	Edwards (AL)
Bevill	Collins	Edwards (OK)
Biaggi	Conable	Emerson
Bilirakis	Conte	Erdreich
Bliley	Conyers	Erlenborn
Boehlert	Cooper	Evans (IA)
Boggs	Corcoran	Evans (IL)
Boland	Coughlin	Fascell
Boner	Courter	Feighan
Bonior	Coyne	Fiedler
Bonker	Craig	Fish
Borski	Crane, Daniel	Flippo
Bosco	Crane, Philip	Florio
Boucher	Crockett	Foglietta
Breaux	D'Amours	Foley
Britt	Daniel	Ford (MI)

Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hansen (UT)
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shumway
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Solomon
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—25

Bateman
Dickinson
Dingell
Donnelly
English
Fields
Gunderson
Hammerschmidt
Hartnett
Hunter
Kolter
Livingston
McCain
McKernan
Pursell
Quillen
Schaefer
Sensenbrenner
Shuster
Smith (NJ)
Snyder
Spence
Stangeland
Taylor
Torricelli

NOT VOTING—18

Bates
Boxer
Edwards (CA)
Fazio
Ferraro
Gekas
Hall (IN)
Hance
Hansen (ID)
Mavroules
Moakley
Murtha
Rahall
Rostenkowski
Shannon
Simon
Smith, Denny
Solarz

□ 1720

Mr. LOWRY of Washington changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAR RISK INSURANCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5505.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BIAGGI) that the House suspend the rules and pass the bill, H.R. 5505, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 147]

YEAS—413

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bedell
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Feighan
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
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Mitchell
Moakley
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Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Natcher
Neal
Nelson
Nichols
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Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
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Pashayan
Patman
Patterson
Paul
Pease
Penny
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Schroeder
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Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
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Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
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Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
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Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—20

Bates	Hall (IN)	Rahall
Bellenson	Hance	Rostenkowski
Boxer	Hansen (ID)	Shannon
Fazio	Leach	Simon
Ferraro	Long (MD)	Smith, Denny
Fiedler	Mavroules	Solarz
Gekas	Murtha	

Mr. McCLOSKEY changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1730

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will advise Members that he will take some unanimous-consent requests, and then we will proceed to the rule on the Defense authorization bill, on which there could be a vote.

REPORT ON H.R. 5653, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1985

Mr. BEVILL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-755) on the bill (H.R. 5653) making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MYERS reserved all points of order on the bill.

DEFENSE DEPARTMENT AUTHORIZATIONS, 1985

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolutions, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5167) to authorize appropriations for fiscal years 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and to the amendment in the nature of a substitute made in order by this resolution, and which shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI, clause 5(a) of rule XXI, and section 303(a)(4) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, I will try to be as precise and quick as possible. I know Members have other things to do and, as far as I know, there is little controversy, if any, on the rule.

Mr. Speaker, House Resolution 494 provides for the consideration of H.R. 5167, the Department of Defense Authorization Act of 1985. The resolution provides for 3 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The resolution provides an open rule allowing the consideration of any germane amendments.

House Resolution 494 makes in order consideration of the Armed Services Committee amendment in the nature of a substitute now printed in the bill as original text for the purposes of amendment. The substitute is to be considered by title rather than by section and each title shall be considered as read.

House Resolution 494 waives clause 7 of rule XVI (16) against consideration of the committee substitute. Clause 7 of rule XVI (16) prohibits consideration of nongermane amendments. The committee amendment in the nature of a substitute expanded the scope of the bill as originally introduced and includes several sections which are not germane to the bill as originally introduced. The Committee on Rules therefore waived the germaneness rule to allow for the consideration of the Armed Services Committee substitute.

House Resolution 494 also waives clause 5(a) of rule XXI (21) against consideration of the committee substitute. This rule of the House prohibits consideration of measures containing appropriations which are reported by committees which do not have jurisdiction to report appropriations. There are several sections of the committee substitute which waive the limitations placed on previously appropriated funds for fiscal year 1984 or provide a new use of previously appropriated funds. The Committee on Rules therefore waived clause 5(a) of rule XXI (21) to provide for the consideration of the committee substitute.

In addition, the rule provides a waiver of section 303(a)(4) of the Congressional Budget Act of 1974 against consideration of the committee substitute. This section of the Budget Act prohibits the consideration of measures containing new spending authority, which would become effective in a fiscal year prior to the adoption of the first concurrent budget resolution for that fiscal year. Several sections of the committee substitute provide new spending authority for fiscal year 1985 and as Members well know, the first concurrent budget resolution for fiscal year 1985 has not yet been adopted. Section 601 of the committee substitute provides a 3.5-percent increase in basic pay for nearly all military personnel to take effect on January 1, 1985 and title VII of the substitute authorizes new spending authority through an education assistance program. However, the fiscal impact of the education assistance program in 1985 is negligible and the pay increase is assumed in the House-passed budget resolution.

In order to provide for consideration of the committee amendment the Committee on Rules waived that section of the Budget Act.

Finally, House Resolution 494 provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 5167 authorizes appropriations for fiscal year 1985 for the Armed Forces for procurement, research, development, testing and evaluation, for operation and maintenance, for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense. Mr. Speaker, I leave full explanation of the bill to the very able leadership of the Committee on Armed Services. Let me just say that while H.R. 5167 may be somewhat controversial, House Resolution 494 allows for a fair debate of all the issues raised by the bill. All germane amendments may be considered and the Committee on Rules has granted waivers of House rules to allow for

consideration of the Armed Services Committee substitute. House Resolution 494 is a fair rule providing for expeditious consideration of this complex legislation and I urge its adoption.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the provisions of the rule have been described in detail, there is one waiver which should be noted.

There is a waiver of section 303(a)(4) of the Budget Act. This section was waived in order to allow consideration of new entitlement authority before final action on the first budget resolution.

Mr. Speaker, one of the new entitlements in this bill would provide education benefits payable to certain veterans. The bulk of the entitlement under this program would be for individuals who serve in the Armed Forces after September 30, 1984, for at least 3 years from that date and meet other eligibility requirements.

The cost of the program, while small in the near term, would balloon in the outyears, as is typical of entitlement programs. The Congressional Budget Office estimates that this provision of the bill would cost $106 million in fiscal year 1985, $305 million in fiscal year 1986 and $369 million in fiscal year 1987. But the fiscal year 1995 cost would soar to $778 million.

Mr. Speaker, the Defense Department authorization is one of the most important bills we consider during the course of each year. In this case the Armed Services Committee has cut the authorization level far below the administration's original request, which was for a 13-percent real growth rate after inflation. According to testimony presented in the Rules Committee, this bill provides for approximately a 16-percent real growth rate after inflation.

The authorizations for appropriations for fiscal year 1985 recommended for procurement, research and development, operations and maintenance, working capital funds, and civil defense, total $208.1 billion. This amount is $16.4 billion below the total of $224.5 billion requested by the President.

By major categories, the committee recommendation is $10 billion below the request of the President for procurement of weapon systems; $3.7 billion below the request for research, development, test, and evaluation; $2.6 billion below the request for operation and maintenance; $95 million below the request for working capital funds; and $63 million below the request for civil defense.

Separate recommendations by the committee related to military personnel and compensation would result in an additional reduction from the request of the President of $2.2 billion, for a total recommended reduction of $18.6 billion.

Mr. Speaker, under this open rule, the House will be able to consider each item in this bill on its own merits.

I support the rule so that the House may begin its consideration of this major legislation.

□ 1740

Mr. Speaker, I have only one request for time, from the gentleman from New York (Mr. GREEN) and I yield him 3½ minutes.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, could I hear from the mike the gentleman from New York's request?

Mr. GREEN. If the gentleman prefers that I ask only to extend, I will be happy to ask only to extend.

Mr. THOMAS of California. I appreciate that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GREEN. Mr. Speaker, in the next few days we shall be asked to discuss and vote on one of the most complicated and most important of the authorization bills that come before this body. At stake is not only a growing budget deficit but our very national security, for every defense dollar misspent weakens that security.

In anticipation of this bill, our distinguished colleague from Massachusetts, Mr. MAVROULES, and I organized a special order in March to begin the debate of specific items in the bill as well as of concepts central to this country's defense. One point which I and others made at the time is that we have a grave duty in this year of a potential $200 billion deficit to see that every dollar in the defense spending portion of the budget is spent wisely. Just what is the $208 billion in this bill going for and is it the most effective use of each and every dollar?

The Armed Services Committee and its various subcommittees have already cut $16.4 billion from the administration's proposed fiscal year 1985 budget for national defense. Not long ago I sent around to each Member's office a factsheet prepared by Coalition for a New Foreign and Military Policy which outlined where some of those cuts were made. The title of this sheet was "Who's Paying for the MX? Answer: Army Privates, Readiness, the National Guard."

It has been my contention in previous years, and it is still strongly my contention, that what we have been cutting is too little and in the wrong places. Instead of making some choices among expensive new weapons systems, we cut readiness. That is particularly foolish when we all acknowledge that this year's modest deficit reduction effort is but a downpayment on what must be done next year and the year after. Under those circumstances, it is foolish to plunge ahead with unsustainable procurement programs, when we know that they are inevitably going to have to be stretched out, with higher per unit costs, so that ultimately we shall get fewer and fewer weapons at higher and higher costs.

What we must start doing is cutting bad weapons programs such as the MX, which, sitting in Minuteman silos, cannot fulfill its intended purpose of surviving a Soviet first strike, and the B-1, which provides only a marginal improvement over the B-52 and will soon be made obsolete by the stealth technology. It is only by cutting such big ticket items that we will escape the scalping of our readiness items—the spare parts which were the subject of a very interesting article in yesterday's New York Times on why an Air Force fighter squadron is not combat ready; the depot maintenance facilities which were cut by Armed Services; the military pay increase which was chopped to 3.5 percent rather than the requested 5.5 percent.

It is such cuts as those that make our military readiness bleed. It is the elimination of some big ticket items, as I already mentioned, which will excise the tumor known as "less bang for more buck." I urge my colleagues to join me this year in putting an end to this pattern, which will only present worse problems in the coming years. If not, we shall all be called to account for the bigger defense bills and the reduced state of readiness that is inevitable.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I rise in support of the rule and in support of the bill.

Mr. Speaker, as one who serves on the Procurement and Military Personnel Subcommittees, I am particularly interested in making certain that our troops in the field are well trained and provided with the necessary resources to do their job—probably the most important job in the world—to keep the peace and to maintain the freedom of our fellow citizens and allies.

I have tried to make a point of visiting our military people—whether they be active forces or guard and reserve elements—at many of their farflung locations, including the DMZ in Korea, Europe, or Central America. I can report to my colleagues that you

have every reason to be proud of today's U.S. military forces. They are better trained, better equipped, have higher morale and enjoy better living and working conditions than ever before. And well they should because of their awesome responsibilities.

Their overall readiness and ability to sustain military operations have improved significantly. And the reason they are in better shape today is because the Congress and the administration have been willing to make the necessary financial investments in our national defense effort.

Our improved defense posture has not occurred by accident. We have made a commitment to see that our national security has been strengthened and improved. That commitment must continue; otherwise, all our gains will be lost and our investments will have been wasted.

Clearly, we are at a crossroads. Do we continue to provide the necessary support for a sound national defense or do we stop in midstream and lose the momentum? That is the issue before us today. Make no mistake, an adequate defense structure does not come cheaply. At the same time, we cannot afford to throw money away. We have an obligation to the American public to provide the most cost-effective and realistic national defense system possible.

The House Armed Services Committee has reported a bill that meets these objectives:

First, H.R. 5167 provides for sustained, real growth, although not at the level some of us would prefer;

Second, H.R. 5167 represents a conscientious effort to protect previous readiness and sustainability initiatives;

Third, H.R. 5167 protects and strengthens our conventional capabilities—including modernization of our Guard and Reserve Forces—in my view a key element in maintaining an adequate deterrence against aggression; and

Fourth, H.R. 5167 provides a balanced approach in maintaining our effort to modernize our strategic umbrella and raise the nuclear threshold.

In summary, H.R. 5167 represents a cost-conscious effort to have an adequate national defense posture.

I want to assure my colleagues that the committee carefully scrutinized the administration's fiscal year 1985 national defense budget request. From the time our committee started with its annual defense posture hearings when we heard from the Secretary of Defense, the Service Secretaries, the respective service military chiefs and the intelligence community, through our subcommittee hearings, to final committee markup, we kept in mind the need to maintain a balance between sustaining the momentum of improving our national security system and recognizing the overall budget constraints facing the Congress. In my judgment, the committee has maintained that careful balance.

In particular, I want to comment briefly on the work of the Procurement Subcommittee because it had to recommend the largest amount of cuts in H.R. 5167. It recommended reductions of over $8.4 billion of the total cut of $18.6 billion. This $8.4 billion cut was across the board—from MX to basic logistics equipment. It was not easy but it was done and we believe in a prudent manner that will not damage or hamper our overall readiness efforts.

At the same time, we are aware that programs will be slowed down, some new starts deferred and possibly additional costs incurred down the road. But we have attempted to fashion the reductions in a manner so that our conventional readiness and capabilities would not be unduly damaged. In doing so, we made substantial reductions in major strategic programs: $450 million cut in the MX program; $108.3 million cut in the B-1B strategic bomber program; $104.0 million cut in the Pershing II missile program; $151.2 million cut in the FB-111 aircraft program; and $227.7 million cut in the B-52 aircraft program.

All told, these reductions amount to over $1 billion. In addition, the Research and Development Subcommittee and the Seapower Subcommittee have recommended substantial cuts in the strategic area.

I mention these actions because it is important to understand that H.R. 5176 represents a carefully crafted balance between our strategic requirements and our conventional needs. The committee bill is not topheavy with strategic programs and it does not shortchange our conventional readiness and sustainability.

In closing, I want to encourage my colleagues to support the committee bill. It is a good product that meets the overall budget requirements and it also responds to our most pressing defense requirements. At the same time, I want to caution my colleagues that we cannot and should not fall into the trap of thinking that we can use the defense bill to pay for the staggering budget deficits that we now face. We must continue to provide for meaningful real growth in our defense program. If we do not, we only shortchange our own military people and we will be faced with even larger defense requirements in the future.

Mr. BONIOR of Michigan. Mr. Speaker, I will leave a full explanation of the bill to the very able leadership of the Committee on Armed Services.

Let me just say H.R. 5167 may be somewhat controversial as a piece of legislation, but the resolution we are now considering calls for a fair debate on all issues raised in the bill, all germane amendments may be considered. Also the Committee on Rules has granted waivers of the House rules to allow consideration of the substitute Armed Services Committee bill.

It is a fair rule and I urge its adoption, and at this time I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5167.

The Chair designates the gentleman from Illinois (Mr. ROSTENKOWSKI) as Chairman of the Committee of the Whole and requests the gentleman from Pennsylvania (Mr. HARRISON) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5167, to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, with Mr. HARRISON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 1½ hours and the gentleman from Alabama (Mr. DICKINSON) will be recognized for 1½ hours.

The Chair now recognizes the gentleman from Illinios (Mr. PRICE).

Mr. PRICE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, by direction of the Committee on Armed Services, I bring to the floor today H.R. 5167, the Department of Defense Authorization Act for fiscal year 1985, which is reported in the form of an amendment in the nature of a substitute.

This substitute would authorize appropriations for procurement, research, development, test and evaluation, operation and maintenance, working capital funds, and civil defense. In addition, the substitute prescribes personnel strengths for both active and reserve military personnel.

Also, the substitute provides a 3.5 percent pay increase for military personnel effective January 1, 1985.

DOLLAR AUTHORIZATIONS

H.R. 5167, as reported, contains direct authorizations totaling $208.1 billion for fiscal year 1985, a reduction of $16.4 billion from the dollar totals in the bill requested by the President.

The major categories for the authorization totals recommended in H.R. 5167 are as follows:

Procurement: $97.6 billion;

Research, development, test, and evaluation (RDT&E): $30.3 billion;

Operation and maintenance (O&M): $78.3 billion;

Working capital funds: $1.7 billion; and

Civil defense: $190 million.

Mr. Chairman, as in other years, the reported bill sets the numerical ceiling on personnel but does not actually provide dollar authorization in the personnel accounts. However, we have estimated dollar savings realized by the reduction of the President's request for personnel as noted later in the statement.

Authorization for military construction and for military nuclear activities carried out by the Department of Energy are contained in separate bills.

REDUCTIONS

Mr. Chairman, again this year, the committee made a determined effort to make reductions so that the bill would be consistent with the intent of Congress in attacking the mounting Federal deficit. Thus, the committee has attempted to tailor the authorization bill to the clearly expressed intent of the Congress to reduce the rate of increase in defense spending but also to provide for a steady annual rate of real growth. Although the President has asked for a rate of real growth of 13 percent in his budget request for the national defense function, the committee action reflects a rate of real growth of less than 6 percent.

How did we go about that process?

Having determined the committee would recommend limiting real growth to 6 percent, which would require a cut in budget authority of $16.4 billion from this bill, and $19.7 billion from the national defense function as a whole—finally $20.2 billion—our subcommittee chairmen and ranking members, after careful discussion, proposed an allocation for reductions among the various subcommittee for committee approval. These considerations, however, included a desire to leave adequate real growth in the O&M and personnel accounts so as not to damage the commendable efforts the entire Congress made in recent years to improve military readiness. Although it was extremely difficult for the various subcommittee chairmen and ranking members to recommend cuts in many areas, it was perfectly clear to all involved that reductions were inevitable and that the committee must not abdicate to others the decisions for which the Armed Services Committee has the primary responsibility and expertise.

Thus, Mr. Chairman, the bill we will bring to the floor, in our view, represents the fairest and most realistic authorization for meeting the basic requirements to support a national security posture in a year in which we must all dedicate ourselves to difficult actions to bring a halt to the devastating effects of the Federal budget deficit.

But let me state, Mr. Chairman, that as suggested by the Director of the Congressional Budget Office in testimony before the committee this year, defense spending is only a part of the overall budget pattern involved in deficits. His testimony indicates that even if there were no real growth in defense spending and other tax and spending policies remain unchanged, the deficit in 1989 would still be about $230 billion. Thus, Mr. Chairman, efforts to reduce the deficit requires considerable sacrifice in all areas of the Federal budget.

SPECIFIC REDUCTIONS

The following table summarizes the specific dollar reductions:

[In billions of dollars]

	Requested	Approved	Reduction
Procurement	94.5	85.7	8.8
Shipbuilding	13.1	11.9	1.2
RDT&E	34.0	30.3	3.7
O&M [1]	82.7	80.0	2.7
Military personnel [2]	70.5	68.3	2.2
Civil defense	.3	.2	.1
Total	295.1	276.4	[3] 18.7

[1] These figures include working capital funds.
[2] These figures include the dollar impact of end strength provisions and other personnel matters.
[3] This figure does not include the additional reduction of $349 million in the military applications of the Department of Energy bill the committee has already reported H.R. 5395, and a reduction of $1.23 billion in the 1985 military construction authorization bill reported last week.

The reductions were the largest ever made by the committee. In the 24 years since the annual authorization process began with the fiscal year 1962 bill, the largest previous dollar reduction recommended by the committee was $10.3 billion in last year's budget request.

Among the more controversial issues in the bill are funding for the MX missile, the President's strategic defense initiative (SDI), and the B-1 bomber.

The President had requested $3.2 billion to buy 40 MX missiles, plus spares, operating support equipment, and basing costs. The committee cut that by $450 million and reduced the buy to 30 missiles. The dollar sum did not fall by the same proportion as the number of missiles because much of the request covers overhead and other expenditures for the entire system. The committee still believes the deployment of the MX system is crucial to the maintenance of an adequate strategic deterrent posture.

SUMMARY OF MAJOR COMMITTEE PROVISIONS

PROCUREMENT

As indicated previously, the committee has recommended authorization of $97.6 billion for procurement, a reduction of 9.3 percent or $10 billion from the administration's request of $107.6 billion.

With regard to the MX, the bill would reduce the quantity procured from 40 to 30, which reduces the authorization from $2.939 billion to $2.489 billion. This is a reduction of 25 percent in the quantity but 15 percent in the authorization because a significant portion of the authorization request is devoted to overhead and nonrecurring costs. A review of MX is included at page 11 of the committee report.

The committee recommends adding 120 M-1 Abrams tanks to the 720 requested, but with a reduction in the authorization of $6.1 million. This reduction results from savings achieved in prior years and proceeds from foreign military sales of the M-48A tank to the fiscal year 1985 M-1 tank program.

The committee recommends deletion of the entire request of $110 million to procure 11 CH-47C helicopters from Augusta, an Italian firm.

The committee would reduce authorization for the P-3C Orion antisubmarine patrol aircraft by $188 million, which would reduce procurement from 9 to 5 aircraft.

There is a reduction of $81 million for the KC-10 Extender tanker aircraft. The committee's recommended reduction would have the effect of slipping four aircraft planned for procurement during fiscal year 1986 to the next fiscal year.

With regard to the advanced medium-range air-to-air missile (AMRAAM), the committee recommended a reduction in the authorization of $200 million.

Also, there is a reduction in the procurement program for Lantirn (low-altitude navigation and targeting infrared system for night) from the $190 million requested to $5 million, allowing funds for procurement planning but eliminating any procurement during fiscal year 1985.

With regard to the F-15 Eagle fighter aircraft, the committee recommends reducing the quantity to be procured from 40 to 28, for a reduction of $433 million.

With regard to the F-16 Falcon, the committee recommended no change in the quantity but a reduction of $835 million in the authorization reflecting outcomes of the F-100/F-110 engine competition and the dual role fighter competition.

We would defer procurement of two C-5B cargo aircraft until fiscal year 1987, the final year planned for au-

thorization, for a savings of $309 million.

The requested authorization for procurement of 34 B-1B bombers, 144 AH-64 attack helicopters, 23 F-14 Tomcat fighters, and 120 ground-launched cruise missiles (GLCM's) remains intact.

We are concerned about air defense for U.S. air bases in Europe, and increased the authorization for this program from the $200 million provided in fiscal year 1984 to $350 million.

With regard to chemical weapons, the Defense Department requested $163 million for the chemical warfare modernization program, which was approved.

For shipbuilding, the committee recommends a net reduction of $1.3 billion from the requested $13.1 billion. This recommendation includes the approval of 27 new ships—rather than the 29 new ships requested by the President—and the cancellation of one ship that had been authorized last year, for a net reduction of 3.

The committee recommended approval of the requested four SSN-688-class nuclear attack submarines, one Trident missile submarine, three CG-47 Aegis cruisers, and the lead ship of the new DDG-51 class of guided missile destroyers.

The committee also identified $422.6 million appropriated in previous years for ship programs that is not required because the ships are being built for less than anticipated. These funds would be applied toward reactivation of the battleship *Missouri*, allowing an equal reduction in the fiscal year 1985 request for the *Missouri*.

Finally, there is a single addition of $500,000 to provide the lead ship of the DDG-51-class guided missile destroyer of the new *Arleigh Burke* class.

In the past, considerable attention has been placed on additions that the committee has made to the budget. This year, of more than 300 items for which quantities were requested in the procurement budget, the committee recommends additions to the quantities requested for nine.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The committee would recommend reducing the fiscal year 1985 budget request for research, development, test, and evaluation—RDT&E—by 10.9 percent. Out of several thousand programs and projects in the $34 billion RDT&E budget submission, the committee recommends 224 adjustments for a total authorization of $30.3 billion—a reduction of more than $3.7 billion from the President's request.

Of particular note is the committee's recommended reduction of 23 percent or $407 million from the administration's request for the strategic defense initiative program.

Other major actions in the RDT&E account include:

Terminating the Air Force joint surveillance targeting and attack radar system—JSTARS. This program would provide $95 million to integrate the JSTARS on a Boeing 707 aircraft. The committee instead recommends that authorization be provided to the Army for the development of a radar system for its OV-1 aircraft;

Providing $174 million to the Navy for development of its new attack submarine plus additional authorization of $30 million to advance the state of the art of submarine technology;

Providing $2.051 billion—all but $40 million of the administration's request—for development of the Trident II missile program;

Terminating the high-speed antiradiation missile improvement program, a reduction of $19.6 million, in favor of developing the low cost seeker, a program that could provide similar capabilities at reduced cost;

Adding $15 million to the Navy request to investigate the feasibility of employing avionics from the F-15 Strike Eagle aircraft in the F-14 aircraft for the Navy's projected attack mission;

Providing full authorization—$78.9 million—for the Army joint tactical missile system—JTACMS—only if the Patriot T-16 or Lance T-22 is selected as the missile delivery vehicle.

Adding $30 million to the Air Force very high-speed integrated circuits program.

Reducing the Air Force request of $54.4 million for the advanced air-to-air surface missile by $34.4 million;

Reducing the Air Force ICBM modernization request by $100 million. This recommendation includes full authorization ($1.716 billion) for R&D on the MX missile system but elimination of authorization for the maneuvering reentry vehicle (Marv) and deep underground basing;

Providing $129.3 million for air cargo mobility, of which $127.3 million is available only for development of the C-17 cargo transport aircraft and $2 million is available to complete test and evaluation of the C-5 aircraft. The committee intends that this recommendation provide for certification of such capability as short airfield and unprepared runway operations;

Reducing the Army's antitactical missile program request of $92.3 million by $77.3 million; and

Reducing by $113.9 million the Army's division air defense command and control system request of $129.4 million.

OPERATION AND MAINTENANCE

The committee recommends an authorization of approximately $80 billion for operation and maintenance (O&M), representing 5.9 percent real growth from last year. This recommendation represents a $2.7 billion reduction from the administration's request of $82.7 billion. In recommending adjustments to the O&M account, the committee is attempting to maintain its longstanding support for readiness by protecting core programs like training, depot maintenance, real property maintenance, and quality of life.

A notable difference from last year is the authorization for the first time of defense stock funds—key contributors to material maintenance.

Following are the committee's actions in the O&M account:

A $302.9 million reduction for fuel costs based on a stock fund refund to the fiscal year 1985 customer accounts resulting from lower-than-expected fuel costs in fiscal year 1984;

A $282.6 million reduction based on an 8-percent increase in the value of the dollar on foreign currency markets since the preparation of the President's budget request;

A $776.5 million savings achievable through a price reestimate of stock fund purchases and the implementation of reforms suggested by General Accounting Office, Defense Department, and service audits;

A $97.2 million increase in the overall authorization associated with the Reserve components; and

A $71 million increase in the Navy ship overhaul program to fund the overhaul of two auxiliary vessels.

PERSONNEL

Among a number of actions resulting in a $2.2 billion net reduction to the President's $70.5 billion request for personnel, the committee recommended denial of more than half the requested 29,900 increase in active-duty end strength and approval of a lower pay raise for military personnel—3.5 percent effective January 1, 1985, for all personnel except those in pay grade E-1. The administration has proposed a 5.5-percent pay increase effective January 1 for all pay grades.

In addition, there is authorization for a new educational assistance program designed to attract and retain high quality personnel in the Active and Reserve Forces. The cost of the active-duty program would be shared with the Veterans' Administration. The program would provide authority for additional discretionary recruiting and retention incentives for the Active Force that the Secretary of Defense could elect to use in fiscal year 1986 and beyond.

With respect to active duty end strengths, the committee approved the Army's requested increase of 800 and reductions totaling 16,400 to the other services' requested increases. The committee recommendation allows for a 13,500 increase over the fiscal year 1984 authorization.

With Reserve strengths there are two exceptions: A reduction of 4,983 for the Army National Guard and a reduction of 4,327 for the Army Reserve.

In an effort to achieve further cost savings, the committee recommends denial of the administration's $95.3 million requested increase for additional reimbursement associated with permanent change-of-station moves.

The committee emphasizes its belief that manpower and budgetary constraints anticipated by the late 1980's will require greater utilization of the Reserves and women. Consistent with this belief, the committee recommends a number of no-cost initiatives to improve the effectiveness of the Reserves and to increase the utilization of women.

CIVIL DEFENSE

The committee recommended an authorization of $190 million for civil defense, a $62.5 million reduction from the $252.5 million requested by the administration.

NATIONAL DEFENSE STOCKPILES

The committee recommended authorizing the sale of some of the excess strategic materials stored in the defense stockpile, including 10 million of the 137 million troy ounces of silver in the stockpile. The committee further recommends linking the sale of any stockpile items to the purchase of more critical materials for the stockpile.

The details of the various programs will be addressed by the appropriate subcommittee chairmen and ranking members.

NATIONAL SECURITY OBJECTIVES

Mr. Chairman, the fact that the committee has recommended a substantial reduction in the President's request does not mean the threat to our national security has eased. That is clearly not the case. The military posture hearings conducted by the committee this year, including the review of the threat by the intelligence community, made it abundantly clear that the Soviet Union is relentless in enhancing the capability of both its conventional and strategic forces. In the view of many members, that evidence is frightening.

Thus, Mr. Chairman, despite the efforts of the committee to slow the rate of increase in defense spending in order to contribute to the overall goal of eliminating deficit spending, we cannot lose sight of the absolute necessity for maintaining an adequate defense posture. The bountiful liberties we cherish and of which we boast do not come cheap. Now, with the additional threat of terrorism around the world, which has struck us a devastating blow, we must make clear to all concerned that we have both the means and the will to resist any and all threats to our security.

Finally, Mr. Chairman, as I have stressed several times, it is extremely difficult to recommend reductions in defense programs that should be maintained at higher levels in order to provide a better degree of security against the threat and, therefore, a more comfortable deterrent.

Nonetheless, we must face the realities of a serious deficit economy and present to the Congress a defense bill that will be accepted in the House and also, at the very least, will support an adequate defense posture.

In my view, Mr. Chairman, this bill accomplishes that purpose and I urge my colleagues to give H.R. 5167 their bipartisan support.

Mr. Chairman, there were a number of typographical errors in the committee's report on H.R. 5167 (H. Rept. 98-691). The following is a list of substantive corrections:

Page IX: "Title I—Procurement—Continued" at the top of the page should be "Title II—Research, Development, Test and Evaluation—Continued".

Page 6: In the second paragraph, line 2, "Augusta" should be "Agusta".

Page 6: In the tenth paragraph, line 3, "23 F-14 Tomcat fighters" should be "24 F-14 Tomcat fighters".

Page 19: Under Chemical Modernization Program, first paragraph, line 7, "throat" should be "threat".

Page 48: Under Field Artillery Ammunition Support Vehicle, third paragraph, line 3, "this year" should be deleted.

Page 56: In the Ammunition, Army—Continued table, the "RDX/HMX Facilitation" entry should be "RDX/HMX Facilitization".

Page 56: Under Copperhead, line 3, "3353 Copperhead projectiles" should be "3253 Copperhead projectiles".

Page 57: Under Light anti-tank weapon, line 2, "29 Light Anti-Tank Weapons" should be "29,000 Light Anti-Tank Weapons".

Page 60: The first footnote of the table should be "New Start; reduced or deferred without prejudice", not "New Start; deferred without prejudice".

Page 60: The fourth footnote of the table should be "Fiscal year 1985 request as compared to fiscal year 1984 program level", not "Fiscal year 1985 request as compared to fiscal year program level".

Page 62: Under Night sight infrared, second paragraph, line 8, "4As" should be "-4As".

Page 67: In the second paragraph, line 3, "new decrease" should be "net decrease".

Page 75: Under UGM-96A sea launched ballistic missile, "1984" in the second line should be "1985".

Page 92: In the table under committee recommendation, the "Command and Support equipment", "Computer acquisition equipment" and "Productivity programs" entries should have parentheses to designate them as subdivisons of greater totals.

Page 92: The "Undistributed reduction" entries in the table should be deleted.

Page 132: In the second paragraph, line 5, "near term of face the possibility" should be "near term or face the possibility".

Page 148: Item 66 was inadvertently deleted. It should read "66. Space Communication. . . . . 44,413. . . . . -4,000 . . . 40,413".

Page 173: Under Overview, third paragraph, line 1, "$302.9" should be "$303.1".

Page 175: The word "and" in line 4 should be "are".

Page 189: In the first table, the Naval Reserve entry should be "-5.9" not "-5.7". The Total should be "-303.1" not "-302.9".

Page 193: In the table under Training, medical and other general personnel activities, the net change from request column should be "-106.1", not "106.1".

Page 197: Under Consultants and contract support, the word "sale" in line 3 should be "sole".

Page 205: In the table under Real growth reductions, the total entry should be "-20.2", not "-20.0".

Page 207: In the table under Administration, the "Purchasing base telephones versus leasing" entry should be "Automatic data processsing leasing".

Page 208: In Line 4, "$34 million" should be "$37 million".

Page 211: In the table Operation and Maintenance, Marine Corps Reserve, the Administration fiscal year 1985 request—other support entry should be "27.9", not "7.9".

Page 212: In the table Operation and Maintenance, Air Force Reserve—Continued, the Total, Air Force Reserve Net change from request entry should be "-5.0", not "-0".

Page 219: Under Sale of Certain Articles Financed by Working Capital Funds, line 1, "Section 30" should be "Section 306".

Page 230: Under Navy Force Structure Changes, the first item should be "Commissioning of 2 Ohio-class Tridents", not "Commissioning a 2 Ohio-class Tridents."

Page 239: In the second to the last line from the bottom of page, "Section 507" should be "Section 506".

Page 240: Under Program growth, fourth paragraph, second line, "develop a long-" should be "develop a long-range".

Page 254: Under Military Judges, second paragraph, line 1, "some extent to the Military Justice" should be "some extent in the Military Justice".

Page 255: In the third paragraph, line 16, after "inter-service", insert "(including service academy)".

Page 255: In the fourth paragraph, line 5, "The final reports" should be "The final report".

Page 264: In line 2, "served" should be "serve".

Page 273: Under Section 1005, line 3, "Title VI" should be "Title V".

Page 289: Under Committee Position, "H.R. 517" should be "H.R. 5167".

□ 1800

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to appear today with our distinguished chairman to bring before the House H.R. 5167, the Department of Defense Authorization Act for fiscal year 1985.

As many of my colleagues know, the administration submitted a defense budget that represented a real growth rate of 13 percent over funds appropriated for fiscal year 1984. Given the level of the deficits projected for the next 5 years, the committee came to the conclusion that the rate of growth requested by the administration was unrealistic. We did not believe it was unrealistic because of a lack of any threat facing the United States. In fact, the majority of the members of the committee believe the unrelenting Soviet military buildup and modern-

ization poses a grave threat to the United States. We felt that 13 percent real growth was probably more than this Congress would support in the face of the absolute requirement to reduce those crushing deficit projections.

However, if one looks back on previous periods of our Nation's commitment to defense, we would find, for example, that defense spending in fiscal year 1985 as recommended by the committee in the bill represents about 6.8 percent of the gross national product. This is well below the 8 percent of GNP that defense spending represented during the late 1950's and early 1960's. To further put the committee's recommendations into perspective, the level recommended by the committee for defense spending represents about 29 percent of overall Federal spending, a low figure by the standards of the post World War II period. In 1962, it was 48 percent.

In my opinion, we face no less a threat now than we did then. In fact, the threat is greater now. In the three-plus decades following World War II, we maintained a triad of nuclear systems: The B-52, the Titan and Minuteman, and the nuclear ballistic missile submarines. These systems contributed to deterrence and to stability. Then in about the mid-1970's as our systems matured, we saw the Soviets deploy new types of superaccurate ballistic missiles. Our committee, in 1976, took issue with the national intelligence estimate (NIE) and assessed that the Soviets would have superior missile accuracy by 1980. The committee's assessment was proved correct when the Soviets began the deployment of the large yield superaccurate SS-18's and SS-19's. The Soviets continue to modernize its force through the development of two new solid propellant ICBM's: The SS-X-24 and SS-X-25.

In my opinion, the threat to our security is greater now than at any point since World War II. The world is faced with an escalating arms buildup with no end in sight. The Soviet Union has walked out of the arms control talks at Geneva because the NATO allies are attempting to equalize the staggering implications of the employment of 378 SS-20's—each with three warheads—by beginning to deploy Pershing II's and cruise missiles. The Soviets preemptively rejected the administration's plea for a ban on chemical weapons, and they continue to modernize their conventional and strategic nuclear forces well beyond any requirement for national defense.

What are we to do? Ideally, we hope that the Soviets will return to the arms control talks. We hope they will reconsider their rejection of the chemical weapon ban offered by this country. But what do we do in the meantime? Would we stop the modernization of our nuclear deterrent force—some elements of which are almost 30 years old? Would we slow or halt the modernization of our conventional forces that hold the promise of raising the nuclear threshold?

Of course we will not. This committee will not, and I am sure this House will not. We will take prudent risks to hold down expenditures to the absolute minimum necessary, and we will endeavor to encourage the Soviets to return to the negotiation table. For example, this bill recommends a reduction of 10 MX missiles from the request of 40. We hope that this reduction indicates congressional willingness to resume arms control negotiations in good faith. The reduction of the 10 missiles coupled with the deployment schedule of the missile should provide the United States and the Soviet Union with sufficient time to negotiate a verifiable arms control agreement as only 30 MX missiles are scheduled to be deployed by the end of fiscal year 1987.

We have made other reductions in the President's request, reducing the real growth from the 13 percent requested to about 6 percent by cutting $18.6 billion from the request. The committee believes that a steady, consistent growth rate is preferable to one that varies drastically from year to year. Last year we recommended 6 percent real growth—as we do again this year. This does not mean that 6 percent is the ideal figure. It is our assessment that 6 percent real growth represents the best compromise balanced between the deficit and the capabilities of the Soviet Union.

Mr. Chairman, this was very painful surgery. The committee recognized the impact this level of reduction would have on the modernization of the force, so we structured some guidelines for our actions. Our first priority was to minimize damage to those areas that contribute most to force readiness. To that end we protected an adequate level of real growth in the operation and maintenance and personnel areas and took larger percentage cuts from the investment accounts of procurement and research and development.

With that background, Mr. Chairman, let me detail some of the highlights of the committee's action.

Of the 24 largest programs now in procurement, the committee recommended reduction in 19. I have mentioned the reduction of 10 MX missiles from the 40 requested. We recommend reducing the authorization from $2.939 billion to $2.489 billion.

However, Mr. Chairman, the committee recommends full authorization of the $7.7 billion requested for 34 B-1B multirole bombers and associated spares and long-lead funding. As my colleagues will remember, the Defense Appropriations Act of 1982 made funds available for the B-1B only after the President certified that it was feasible to accomplish the program at a total cost of $20.5 billion—1981 dollars.

In January 1982, the President certified those costs and to date $14 billion has been appropriated for this system.

This year the committee considered reducing the request for this vital system during the process of trying to find $18 billion worth of cuts. We decided against gutting the program and compromising the certified cost which has served as a brake upon those who would have improved and goldplated the aircraft. To date cost control on this system has been remarkable, and we did not want to be responsible for any cost growth by breaking the multiyear contract. It is my opinion that the advanced systems aboard the B-1B will allow it to be an effective system—an instrument of deterrence—well beyond the turn of the century.

The committee recommends a reduction of $200 million in the advanced medium range air-to-air missile (AMRAAM) program. The committee initiated a detailed production readiness review of this program and determined that the contractor had severely underbid the cost of this program and had underestimated the complexity of developing this missile. The committee report puts the Air Force on notice that the subcommittee will consider recommending cancellation of the program if cost and technical problems are not brought under control.

A total of $1.268 billion is recommended for reduction for both the F-16 and F-15 fighters. This is due in part to a reduction of eight F-15's and resolution of the advanced fighter engine and dual role fighter competitions.

The committee recommends authorization of 120 ground-launched cruise missiles and 70 Pershing II surface-to-surface missiles to continue the modernization of the theater nuclear force. The administration requested 93 Pershing II's, but due to budget constraints, the committee recommends deferral of 23 for a cost reduction of $104 million. This deferral will not impact the initial operational capability of the system.

The committee again recommends an increase of 120 for a total authorization of 840 M-1 tanks. The committee believes that the modernization of this element of our conventional force is of top priority.

The committee maintains its interest and concern about air defense for U.S. air bases in Europe. To that end, the committee recommends authorization of $350 million for U.S. purchase of air defense weapons to be manned by Europeans. The committee believes that this is a reasonable method for us and

our NATO allies to share the burden of a common defense.

Of the $1.1 billion requested for the chemical warfare program, only 15 percent or $163 million is for preproduction procurement of offensive weapons. The remainder of the amount is for chemical protective and demilitarization programs. Our bill would prohibit the expenditure of any funds for the production or final assembly of chemical munitions. Further, the bill would require the President to establish a bipartisan commission to determine if the production of chemical weapons should be resumed.

In shipbuilding the committee recommends a reduction of $1.3 billion from the $13.1 billion requested. The committee recommends authorization of 27 of the 29 ships requested including 4 688-class attack submarines, 1 Trident missile sub, the CG-47 Aegis cruiser, and a DDG-51 guided missile destroyer.

Additionally, the committee recommends authorization of the first preproduction and long-lead funding in the amount of $152.4 million for the Trident II (D-5) sea-launched ballistic missile scheduled for deployment on the ninth *Ohio*-class SSBN submarine in 1989. The D-5 missile and the Trident submarine will make a lasting contribution to deterrence and stability as it is a secure and highly accurate strategic reserve system.

The committee also recommends authorization of $589 million for 180 sea-launched cruise missiles capable of being fired from surface ships and submarines against land and sea targets.

As the ranking member on the Research and Development Subcommittee, I would like to summarize our actions in this very vital area of the bill.

The committee reduced the request for research and development by about 11 percent. Out of several thousand RDT&E programs and projects in the budget submission, the committee made 224 adjustments resulting in a net savings of more than $3.7 billion.

Of particular note is the reduction of $407 million from the administration's request for the strategic defense initiative program, a plan to explore potential defenses against strategic offensive nuclear weapons. The committee's recommendation provides about $1.4 billion for this program. The committee's action should not be interpreted as a lack of support for this program; rather, it is a budgetary decision based on the committee's belief that a long-term program of this nature must be reduced in order that shorter term programs receive appropriate authorization for funding.

Other major actions in the R&D account include the following:

Terminating the Air Force joint surveillance targeting and attack radar system.

Providing $174 million to the Navy for development of its new attack submarine plus additional authorization of $30 million to advance the state of the art of submarine technology.

Terminating the high speed antiradiation missile improvement program, in favor of developing the low cost seeker, a program that could provide similar capabilities at reduced cost.

Adding $30 million to the Air Force very high speed integrated circuits program in recognition of its high payoff in terms of improved reliability and maintainability of electronic weapons components.

Reducing the requested Air Force ICBM modernization package by $100 million. This recommendation includes full authorization—$1.7 billion—for the MX missile system R&D but denies authorization for the maneuvering reentry vehicle (MARV) and deep underground basing.

Providing $129 million for air cargo mobility, of which $127 million is available only for development of the C-17 cargo transport aircraft and $2 million is available to complete test and evaluation of the C-5 aircraft. The committee intends that this recommendation provide for certification of such capability as short airfield and unprepared runway operations.

Although this is a sizable reduction in the R&D account, I feel that the committee's actions have minimized any signficant impact on our future defense posture.

In summary, Mr. Chairman, the committee was faced with a very difficult task in reducing the administration request from 13 percent real growth to 6 percent. The committee carefully structured these reductions to protect, as much as possible, the improvements in force readiness that the Congress approved in previous years.

I urge my colleagues to resist further cuts and support this bill. We must maintain a reasonable steady growth and this bill does accomplish that objective.

Mr. Chairman, let me say we will have a debate tomorrow, an extended debate, on whether or not to build and deploy the MX missile. I think that will probably be the most hard-fought and most controversial part of the entire bill.

□ 1810

I would like to just point out the fact that we decided to build the B-1 bomber during the Nixon and Ford administrations, at a cost of about $22.6 billion for 244 bombers. During the Carter administration the decision was made to unilaterally—receiving nothing from the Soviets, no bargaining, nothing in return, we would just cancel the B-1 bomber to show them what good guys we were and knowing in turn that they were going to be such good guys that they would no longer build their intercontinental bombers. The fact is that the Soviets not only went forward with what they were building, in the Backfire bomber, but they came out with a new generation of intercontinental bombers—the Blackjack. They did not slow down. They accelerated. We have since decided under the Reagan administration that we would again revive the B-1 bomber, and this Congress has decided to go ahead and build it, but there is one difference. Instead of buying 244 bombers, at a cost of $20 billion, we are now buying 100, and it is still costing about $20 billion—$20.5 billion. What we are doing is paying more than double the cost while having interrupted the procurement during the Carter administration. We are paying more than double the amount. We are getting half as many. And to what end? The Soviets, continued to build. And if we interrupt the MX production, we are going to be faced with the same dilemma again, with the same results.

I think, Mr. Chairman, that we have done a good job on this committee bill. We have heard the pros and the cons. We did not take a meat-ax approach. We reduced the amounts requested as surgically as possible. I think we have got a good product here. I think it is in the interest of our national security that we have a strong defense, because regardless of NATO and regardless of any other nation in the world, only the United States stands between the Soviets and the rest of the free world. As was said when we met with our counterparts of the North Atlantic Assembly discussing the importance of what we do, one of the European representatives said, "Well, you chaps do not know what it is like to be where we are." He said, "Depending on the United States is sort of like sleeping with an elephant. We are so dependent on you economically and militarily that you could turn over in your sleep and squash us and not even know that you have done it." He said, "Your President, whoever he is, is not just the President of the United States; your President is the President of the free world." France, England, West Germany, Italy, Portugal, all of the NATO Alliance, look to us and look to our capability and look to us for leadership. When we appropriate and when we modernize our defenses, it is not just for the United States, it is for the free world. And to do anything less I think would be criminal.

I would urge the House to support our bill as reported out.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman has consumed 14 minutes.

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and to include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. THOMAS of California. Mr. Chairman, reserving the right to object, I would ask my colleague and my dear friend that, as best I have been able today, I have tried to be consistent, telling Members that in terms of the unanimous-consent requests I believe that, given the changes of the House in terms of televising proceedings to show what the Chamber shows, that the CONGRESSIONAL RECORD should reflect what actually occurs on the floor.

I would ask my colleague and friend if he would revise his unanimous-consent request to ask unanimous consent to extend his remarks, rather than revise.

Mr. BENNETT. Mr. Chairman, I make my request for the extension of my remarks only, not the revision. I really had no intention of revising them anyway. But I am glad the gentleman brought that out.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. BENNETT) asks unanimous consent to extend his remarks.

Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Chairman, I do want to make it as expedient as I can—there will be more in the RECORD than I am saying—so that Members can go home at a reasonable hour.

Mr. Chairman, I rise in support of H.R. 5167, the fiscal year 1985 defense authorization bill. I will address my comments to the shipbuilding portion of the authorization bill, and in addition, I will discuss the national defense stockpiles and the stockpile legislation contained in the bill.

SHIPBUILDING

The President's budget included a shipbuilding request for fiscal year 1985 for 23 new construction vessels and six conversions. In all, the request was for a total of 29 ships and an authorization of $13,141.9 million.

The new construction request included: One Trident submarine, four *Los Angeles* class attack submarines, three *Ticonderoga* class cruisers, the lead ship of the *Arleigh Burke* class (DDG-51) destroyer, two LSD-41 class amphibious ships, four MCM mine warfare ships for the Naval Reserve, three modern oilers, three ocean surveillance ships, and two ocean surveying ships (TAGS).

The conversion request included: A service life extension for the carrier *Independence*, reactivation of the third battleship, *Missouri*, and conversion of four merchant ships to naval auxiliaries. Conversion of these ships would cost considerably less than procuring new ships with the same capability.

As a part of the overall reduction in the defense request that has been made by the Armed Services Committee, the shipbuilding request has been cut by $1.3 to $11.9 billion. This is below the authorization enacted last year of $12 billion. Three ships are recommended to be deleted; and FFG-7 guided-missile frigate that was authorized last year but for which the contract has not yet been let, an ocean surveillance ship and a ballistic missile support ship.

Additional savings were achieved as a result of continuing lower than anticipated inflation and vigorous competition for naval shipbuilding contracts. These trends allowed savings in prior year shipbuilding programs to be used to offset a portion of the cost of construction of the 12th Trident submarine and the reactivation of the battleship *Missouri*.

The shipbuilding program recommended by the committee would commence construction of the lead ship of a new class of destroyers, the DDG-51 *Arleigh Burke* class.

The need for a new class of destroyer is clear—the DDG-2 and DDG-37 class destroyers, built during the 1950's, are now approaching the end of their service life. Commencement of construction of replacement ships is essential to maintain an adequate Navy. The committee has carefully examined the Navy's plans for the proposed replacement, the DDG-51, and has concluded that the ship, with minor adjustment, would represent a prudent balance of capability and cost.

The Navy is conducting the design of the ship with a very stringent cost target, about $700 million in 1983 dollars for follow ships. The committee recommends an increase of $500,000 in the authorization to allow the restoration of speed and endurance characteristics that had been compromised in the design to cost process.

The DDG-51 will incorporate a modified Aegis radar and fire control system. Accordingly, the committee very carefully reviewed the performance of the Aegis system as demonstrated in development and operational tests. We concluded that the system is cost effective and has been adequately demonstrated in realistic tests. That is not to say that the system is without imperfections and that it cannot be improved. However, the committee was convinced that Aegis represents the best choice for a radar and fire control system from among available alternatives for installation in the DDG-51 class ships.

STOCKPILE MATTERS

Mr. Chairman, I will now direct my remarks to stockpile matters.

The purpose of the national defense stockpile is to provide strategic and critical materials that would be needed to supply and sustain the military, industrial, and essential civilian needs in the event of a war or national emergency. The objective for the stockpile is to be able to provide sufficient quantities of materials to meet the Nation's needs during a 3-year war. However, the stockpile is woefully short of the materials necessary to fulfill its purpose. In addition, as a result of changing requirements for materials, there are substantial quantities of materials in the stockpile that are excess to current requirements.

Excess stockpile material is valued at $4.2 billion, while purchases of materials needed to meet stockpile goods would cost $9.8 billion.

The Congress established the National Defense Stockpile Transaction Fund in 1979 to receive funds from the sale of excess stockpile material and to use those funds for the purchase of more critically needed materials to meet stockpile goals. It was intended that the executive branch vigorously pursue the sale of excess stockpile materials in order to generate funds for the procurement of needed materials. This has not occurred.

In order to address the shortfalls in the operation and management of the stockpiles, the committee has incorporated several recommendations in H.R. 5167 affecting the national defense stockpile.

Title IX would: Authorize the disposal of excess materials currently held in the national defense stockpile, including 10 million of the 137 million ounces of silver currently held in the stockpile but determined to be excess to defense requirements; limit the funds that can accumulate in the National Defense Stockpile Transaction Fund to insure that new materials for the stockpile are purchased when sales are made; and require that the President report on the management and operation of the stockpile, including any recommendations to enhance stockpile management and operations.

Mr. Chairman, the shipbuilding and stockpile programs that would be authorized by H.R. 5167 are essential if we are to maintain an adequate defense posture.

I urge my colleagues' support for the bill. I will offer amendments to the bill, notably one with Congressman MAVROULES to end procurement of the MX missile; but the legislation (H.R. 5167), as a whole, deserves the full support of Congress. At this point I include a letter just received today about the MX missile from retired Marine Col. William N. McGill:

COUPEVILLE, WASH.,
May 2, 1984.

Hon. CHARLES E. BENNETT,
Member of Congress, House of Representatives, Washington, DC.

DEAR CONGRESSMAN BENNETT: Secretary of Defense Weinberger argues that cancella-

tion of MX—dubbed "Peacekeeper"—will remove the chief incentive for the Soviet Union to return to the arms negotiations in Geneva. This is pure ridiculous fantasy. It sounds like a last gasp plea for survival from that segment of the all-powerful military industrial complex which has been fattening itself for years on the most egregious boondoggle ever concocted in the name of national security.

MX in vulnerable Minuteman silos becomes strictly a first strike weapon. As such, it is militarily useless because the United States will never launch such an attack which will initiate a nuclear holocaust on each side of the Atlantic Ocean. (It is very doubtful that the Soviet Union will ever do so either). Soviet leaders know they have little to fear from our land-based ICBMs, therefore the bargaining chip value of MX is only a specious theory. It is highly possible that the Soviets are secretly elated that the "Stupid Americans" are willing to waste billions of dollars on the impotent MX monster. They may think that staying away from the arms talks will insure that the United States will continue this insanity.

Those billions could be more profitably invested, to the greater discomfort of the Soviets, to bring the conventional armed forces to a high state of materiel readiness with adequate levels of highly trained personnel; to expand the Trident submarine weapon system; and to modernize the airborne nuclear weapon system. These forces are the true "Peacekeepers". Our defense strategists—the term is used with caution—should be more concerned with the full import of the rapid build-up of Soviet naval and air power, rather than clinging to the myth that our national security is vitally dependent upon some shiny, outdated ICBMs eternally entombed in underground silos that would be much more useful as storage for the thousands of tons of surplus grains than now must be stored in the open.

Nuclear freeze advocates, from the beginning, have cursed MX as a first strike weapon. Its deployment as a stationary missile confirms this assessment. Our defense plannners will do well to consider the full impact of an operational MX system on the growing discontent of the American public over the nuclear arms race in general, and the very costly MX in particular. This so-called Peacekeeper could be more dangerous to the national security than it ever will be the Soviet Union.

Sincerely,

WILLIAM N. MCGILL,
Colonel,
U.S. Marine Corps, Retired.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding, and I will be in support of the gentleman on the MX missile.

Mr. Chairman, I want to express my strong support for the Bennett-Mavroules amendment and my opposition to any substitute that would weaken this extremely important amendment by authorizing the production of any MX missiles in fiscal year 1985.

The most important argument against the MX is simply that it will make our Nation less secure. Former Secretary of Defense Robert S. McNamara has said: "Nuclear weapons serve no military purpose whatsoever. They are totally useless—except only to deter one's opponent from using them." I agree with this view, and I believe that the foremost objectives of our nuclear weapons policy must be to prevent nuclear war and to promote stability so that neither country will have an incentive to begin a nuclear war. Because perceptions are a crucial part of the arms race, we must design our forces to give the perception that we want to prevent nuclear war.

Unfortunately, the MX will create the perception that we want an offensive nuclear war-fighting capability. Because it is accurate enough to threaten hardened targets such as ICBM silos, the MX will add to instability and increase the likelihood that nuclear weapons will be used. The MX erodes our national security by putting a hair trigger on the arms race.

We are told that 100 MX missiles are not enough for a first strike. This argument is misleading because there is no guarantee that we will stop at 100 and because we are developing other first-strike weapons. Taken together, the MX, D-5 and Pershing II will go far toward giving us a first-strike capability with the potential to devastate the Soviet nuclear forces. Basing the missiles in vulnerable Minuteman silos only adds to the danger: Our willingness to deploy them there sends the dangerous signal that we do not intend to leave them in the silos, that we are prepared to "use them or lose them" in a crisis.

The President has been quoted as saying that, without the MX, "the incentive for the Soviets to return to the negotiating table is greatly reduced." This argument is specious. Time after time, the President and other administration officials have told the American people that our existing strategic nuclear weapons are inadequate. They have charged that the United States disarmed unilaterally during the 1970's, even though we upgraded and improved each part of our triad in that decade. They have said that the United States is behind the Soviet Union in every measure of military strength, even though an objective comparision of United States and Soviet strategic forces shows otherwise.

The myth of U.S. weakness is simply not true. The President's new argument is no more valid than the "window of vulnerability" theory which the Scowcroft Commission has discredited. It is absurd to suggest that our thousands of strategic weapons, our unsurpassed scientific and technological skills, our vast economic resources, our allies and friends who ring the Soviet Union, are all meaningless without the MX.

If officials of this administration would for once go to the American people with an objective analysis of the arms balance, showing that we have more strategic warheads and a more evenly balanced triad than the Soviet Union, admitting that these factors are as important as numbers of launchers and throw-weight, it would be clear that cancellation of the MX will in no way force us to negotiate from a position of weakness. We might realize that neither superpower can ever gain more than a temporary advantage in a constantly escalating nuclear arms race and that both nations depend on mutual arms controls for their security.

As we consider the MX issue, I think we are very fortunate to have the benefit of the wisdom and experience of the distinguished gentleman from Florida (Mr. BENNETT). When the House considered the MX last May, it was asserted that only 100 MX missiles would be deployed. I asked the gentleman if, on the basis of his experience, he believed that MX production would stop at 100 missiles. He answered that we would not be assured of stopping, and added: "The pressure would be all on us from [the military] industrial complex which President Eisenhower warned us against."

I believe that there will very probably be intense pressure to deploy more MX missiles if we do not stop the MX now. By the beginning of 1988, according to the Scowcroft Commission's estimates, we will have spent $13.2 billion on the MX. An additional $1.4 billion will be needed to complete the deployment. We will have already spent $2.5 billion on the small, single-warhead Midgetman. For 1988, $2.8 billion more will be needed, if the program is on schedule and on budget, and Midgetman will still have significant costs beyond the 1984-88 period. So, as the MX winds down in its procurement cycle, the Midgetman will be about to wind up. I think all these figures are greatly understated, but my immediate concern is the spending pattern they suggest.

Midgetman could face some of the problems outlined by former Defense Secretary Harold Brown:

> This new system still has many uncertainties, particularly in terms of cost and of the feasibility of hardening truck mobile missiles or superhardening fixed shelters. For example, unless the United States can negotiate severe limits on the level of ICBM warheads, the number of single warhead missiles needed for a force of reasonable capability and survivability could make the system costs, and the amount of land required, prohibitively great.

At that time a thriving MX military-industrial complex will pour on the pressure to build more MX missiles. This lobby will point to the relatively low unit costs of each additional MX missile from a dependable existing production line. We all know how durable military programs are, as the B-1, the C-5, and the F-18 demonstrate.

The MX will be no different. If 100 are deployed, the pressure to deploy another 100 will be immense. That is the issue we will be voting on in a few short years.

In this context, it is clear that the Bennett-Mavroules amendment is the only acceptable option because it is the only one that puts a moratorium on missile production. Without Bennett-Mavroules, more missiles will be built. The actual number authorized in fiscal year 1985, be it 15 or 30, is nowhere near as important as the fact that production will go forward. This vote may decide whether the MX gains enough momentum to proceed for years to come. To characterize any alternative to Bennett-Mavroules as a compromise is therefore inherently misleading. I urge my colleagues to join in making our Nation more secure by passing the Bennett-Mavroules amendment.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. HILLIS).

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. HILLIS. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, when the House proceeds to consider amendments to H.R. 5167, the fiscal year 1985 Defense Department authorization bill, I will be joining with the gentleman from California (Mr. BROWN) and a bipartisan group of cosponsors to offer an amendment to title II limiting the use of funds for antisatellite weapons—ASAT's.

Under the Brown-Coughlin amendment no funds authorized in the bill could be used for testing of an antisatellite weapon against an object in space so long as the Soviet Union continues to abide by its own declared moratorium on testing of an antisatellite weapon. Should the President certify that the Soviet Union has conducted, after the date of enactment of this legislation, a test of an antisatellite weapon, the United States could resume testing immediately.

Mr. Chairman, I rise as a member who has served on both the authorizing and appropriations committees for our space program. Our satellites are indeed critical to both our economy and our defense.

A window of opportunity presently exists for an agreement with the Soviet Union to ban antisatellite weapons from space. The Soviets have a very primitive and unreliable ASAT system that does pose some potential threat to our lower level satellites. However, Soviet technology is far behind our own in this area and they have suspended their ASAT testing program and proposed a mutual ban.

The United States is developing an ASAT system which is technologically far superior to the Soviets but it has not yet been tested against an object in space. Such a test is planned for next fall or winter and will certainly cause the Soviets to rush to improve their own ASAT capability once it is conducted. If the Soviets move ahead with their ASAT program, their weapons could begin to threaten our most militarily critical high-altitude early warning and communications satellites.

An arms race in space, beginning with competition in ASAT's, is in no one's interest and now is the time to negotiate a mutual and vertifiable ASAT ban. The Brown-Coughlin amendment will insure that there is time to pursue these negotiations before either side demonstrates an accurate and sophisticated capability to destroy critical satellite targets of the other.

Mr. HILLIS. Mr. Chairman, I rise in support of H.R. 5167, in general, and in support of the personnel and compensation titles, in particular.

In order to comply with the overall level of spending the committee anticipates that Congress will approve for national defense, the Committee on Armed Services recommends a reduction of $20.2 billion in the President's budget request. The Military Personnel and Compensation Subcommittee's share of that recommendation is $2.2 billion. There are no simple and easy ways to make cuts of that magnitude. The committee has made hard decisions in setting priorities for the limited manpower resources available.

For example, the President's budget sought a 5.5-percent pay increase for military personnel effective January 1, 1985. The committee reluctantly approved a lower pay raise—a 3.5-percent increase in basic pay for all grades except E-1 effective January 1, 1985.

The Subcommittee on Military Personnel and Compensation heard uniformly laudatory testimony in our manpower hearings concerning the men and women serving in the Armed Forces today. They are the best we have ever had, and they should know that we know it. Based on a recent visit to our troops stationed in Europe, I can personally attest to the high quality and dedication exhibited by these military professionals.

If we were operating without fiscal constraints, a larger pay increase would be fully warranted, in my opinion, Mr. Chairman. I personally, would like to see a larger pay raise. But we are constrained to calculate the minimally adequate pay increase. Last year we recommended a 4-percent military pay increase, even though the President had then proposed a pay freeze. This decision was based on our belief that steady increases in pay over time somewhat is keeping with inflation and cost of living, and more efficient that alternating freezes and catchup raises. This year our recommendation is made with the same, long-term view.

The President's budget proposed substantial increases in active military end strengths. Of course, the ongoing modernization of weapons and equipment makes certain increases in end strengths necessary. But the levels of increase requested by the President simply cannot be provided in view of budgetary constraints, and the committee, therefore, recommends lower levels of increase. In response to specific and repeated congressional direction, the services are developing more effective and efficient ways to utilize Reserve forces, thereby refining the Active and Reserve mix in the total force. We commend their efforts in this regard. It is imperative that the Department of Defense continue to strive for the most cost-effective force mix to insure the most cost-effective utilization of our scarce manpower resources.

The committee approved increases in the Reserve strength levels proposed in the President's budget with the exception of a reduction of 9,310 in full-time manning personnel for the Army National Guard and the Army Reserve. The committee supports a sustained rate of growth in the level of full-time support for the Army Reserve components. However, the committee recommends that the desired level of 14 percent full-time manning by 1989 be achieved through steady increments, rather than in the accelerated fashion proposed by the President.

The committee has in recent years questioned whether end strength is the most efficient device for managing civilian personnel levels. We have come to believe that its inflexibility and its redundancy with the authorization of operation and maintenance funds made end strength controls counterproductive to effective management. Civilian personnel levels are probably better managed by dollars and workload constraints, rather than by an end-of-year ceiling. The hypothesis has undergone recent testing. Based on the success of a recent test removing civilian manpower personnel ceilings for industrially funded activities, the committee believes that expansion of the experiment is warranted. We, therefore, recommend removal of all civilian personnel ceilings for fiscal year 1985.

Title VII of the H.R. 5167 embodies a new educational assistance program to assist in recruiting and retaining high quality young men and women in the Nation's Armed Forces. Its basic entitlement of $300 per month for a maximum of 36 months would be funded in the Veterans' Administration budget; its discretionary features would be funded in the Department of Defense budget. In addition, title VII would establish a special incentive for service in the Guard and Reserve. In

exchange for a 6-year commitment, an individual would be entitled—after completion of initial active duty for training—to $140 per month for a maximum of 36 months. Young persons would be able to attend college while fulfilling their Reserve obligations—a substantial benefit both to the individuals and to the Guard and Reserve.

I extend my personal thanks to the gentleman from Mississippi (Mr. MONTGOMERY) for bringing this measure to the committee for inclusion in H.R. 5167, and for marshaling the evidence and arguments in its support. This new educational assistance program will assist in maintaining a quality volunteer force. But equally compelling is that this new GI bill will, as the gentleman so well put it to the committee, help to educate the youth of America in exchange for service to the Nation.

In sum, the cuts that the committee had to recommend were difficult ones. We believe they are the right ones. We have attempted to apply principles of consistency, flexibility, and efficiency in order to maximize the cost effectiveness of spending in the personnel account. I think we have been successful in that effort and urge my colleagues in the House to approve titles IV, V, VI, and VII of H.R. 5167.

□ 1820

Mr. PRICE. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, over the years I have been in this well so many times defending defense programs that I find it ironic to be here now as one of the architects of a record-setting bill. No committee in history has ever reported out a defense bill proposing larger cuts in the procurement budget request than the House Armed Services Committee is recommending in H.R. 5167. This bill would reduce defense procurement budget authority by $9.96 billion, and the cut in the entire bill would represent some $20.2 billion. One of our members was claiming that we had done these cuts at the expense of O&M funds or at the expense of pay increases, but that just is not so.

Mr. Chairman, what is ironic is that having spent months in hearings, weeks in meetings with members and staff trying to establish a balanced, affordable set of defense priorities, and days in markup agonizing over some of the hard choices that had to be made in order to produce the cuts necessary to bring the defense budget into line with our other national priorities, we on the Armed Services Committee as the earlier remarks under the rule have borne out, are still going to be depicted in the upcoming debate as hawks.

Indeed, there were some on the committee who favored a much higher recommendation as a tactical opening position in the budget process. They argued that if the Armed Services Committee bill was at or near the budget resolution target then ultimately the Defense Appropriation Act would be substantially below the budget resolution, as happened in the last fiscal year, incidentally.

Historically, there is a great deal of validity to that argument. However, the majority view on the committee was that the budget process is literally being destroyed by this kind of tactical game playing that consumes the House's energies for the better part of each year.

So what we tried to do, very simply, was to guess where the budget resolution would settle out—if in fact there is an ultimate budget resolution—and to leave 1 to 1½ percent, a cushion of $2 to $3 billion, that could be absorbed through conference on this bill and through the appropriations process. H.R. 5167 represents 5.7 percent real growth, a figure which looks quite compatible with any potential conference agreement on a budget resolution. I would hope, therefore, that debate on this bill will focus on the issues—on the merits of programs—rather than on some subjective arguments about its relationship to a budget resolution which may or may not ever become a reality.

The committee has done a responsible job under very difficult circumstances. Further cuts would not bring about the collapse of the West, but I do believe they would be extremely unwise. The Congress and the American people knowingly and willingly committed themselves to the modernization and revitalization of our Armed Forces in 1980 and that process is not yet complete. And just for once would not it be refreshing for us to finish something we started? The threat has not changed—except to grow more ominous. The only thing that seems to have changed is the will of the Congress to make decisions and stick to them.

We made a decision on the B-1 bomber in 1975, then changed our mind in 1977, then changed our mind again in 1981. And the result of that on-again-off-again approach was that we wasted billions of dollars and seriously delayed an important military capability.

Last year we made a conscious decision to proceed with the MX missile—a program supported by Democratic and Republican Presidents alike. Wednesday we will rerun the same debate we have had every year on the MX because we never seem to come to a final resolution on anything. We have started the MX, and if Congress stops it this year, I guarantee you that next year or 2 years from now or 3 years from now, the mood will change again and we will start it again just like the B-1. And just like the B-1 the result of that on-again-off-again process will be that we wasted billions and delayed capability. Why? Because these programs are not dreamed up for the benefit of defense contractors. They represent a rational set of responses to the threat posed by a relentless adversary that draws comfort from our indecision.

H.R. 5167 attempts to establish a balanced, affordable set of priorities. It assumes that we should continue what we have begun before we begin ambitious new programs if possible. Consistent with this approach, we have funded most ongoing programs although a number of them have had to be stretched out to accommodate fiscal realities. Those stretchouts are not free. Remember that when stretchout costs are depicted as cost growth by the professional defense critics.

We have deferred several important but costly new programs that were proposed for initial procurement this year such as Lantirn, AMRAAM, and the E-6A. And we have recommended disapproval of at least one program—the CH-47C which will be politically embarrassing to the administration. An Italian company contracted to produce CH-47's for the Shah of Iran under license from a U.S. company several years ago. When the hostage situation occurred almost 4 years ago, the United States embargoed delivery of the CH-47's to Iran placing the Italian company in serious financial situation. The Defense Department agreed to purchase, subject to congressional approval, the 11 helicopters and requested $110 million in the budget for that purpose. The committee believes the Secretary's proposal is a proper and responsible solution to a difficult political problem—penalizing an ally for standing by us—but we did not feel that buying marginal items for political reasons should take priority over the purchase of critically needed items for military reasons—that was just one of many difficult choices.

One of the priorities the committee preserved was its continued commitment to the modernization of our Guard and Reserve forces. Procurement of 150 F-16's for the Active Air Force will make 36 older model F-16 A's and B's—two full squadrons—available for release to the Air National Guard. We also recommend authorization of 8 C-130H aircraft which will continue our program of modernizing one Air Guard C-130 squadron per year.

The committee also began or continued several important programs in the Army National Guard, including refurbishment of 29 AH-1S Cobras, and authorization of 8 UH-60 Black Hawks

and 18 AH-64 Apache helicopters for the Guard. These two programs—for the first time—will begin equipping the Army National Guard with modern weapon systems instead of hand-me-downs. The Air Force and the Navy have been providing modern F-16's and FFG-7's to its Reserve Forces in recent years, and the committee believes the Army National Guard should receive equal priority.

I also want to mention, briefly, the NATO cooperative program initiative that our colleague, Mr. RAY, will discuss in more detail later. For some years now the committee has been increasingly concerned about the inadequacy of our airbase defense in Europe. While we spend billions of dollars each year for sophisticated fighter and bomber aircraft, we spend next to nothing on point air defense for the bases that will house those aircraft. In part, this is due to a breakdown in the division of roles and missions between the Army and the Air Force. Neither has the clear responsibility for this mission and, consequently, neither attaches adequate priority to redressing this critical deficiency. In recent years, the committee—and ultimately, the Congress as a whole—have endorsed what has come to be known as the Rapier role model that is, U.S. procurement of European air defense systems under cooperative agreements whereby the European host nations agree to man the systems in defense of our airbases. This unique burden and benefit sharing arrangement enables us to accomplish together what we have been unable—over 35 years—to accomplish separately. H.R. 5167 recommends authorization of $350 million to continue and expand cooperative programs to make our airbases more survivable. It is an area in which Congress is out in front of the executive branch in recognizing a critical problem and proposing a workable solution and I urge your support for it.

After H.R. 5167 was reported out of committee, the administration proposed a $14 billion budget revision in connection with certain agreements worked out with the Senate leadership. Secretary Weinberger stressed that this proposed revision is not a budget amendment, but rather, part of an overall package of proposals and the failure to enact any piece of that package would result in executive opposition to the DOD revision proposal. If the logic of that seems strained and tortured to you, you are in good company.

The committee did not feel any obligation to consider seriously a conditional proposal worked out through a process in which neither the House leadership nor the committee participated. We regard that so-called budget revision as a historical curiosity of only passing interest to the House as it considers H.R. 5167.

Mr. Chairman, I think H.R. 5167 is a sound, responsible bill and over the coming week we will thoroughly debate the issues. At the end of that debate the House will have worked its will. I believe the bill should be adopted in its present form as the package of programs that best meets our national security requirements.

□ 1830

Mr. DICKINSON. Mr. Chairman, before I yield time to another one of our colleagues, I yield myself 1 minute.

Mr. Chairman, I would just like to make this comment. There has been some discussion in the news recently about the number of Members on the floor when bills were being discussed and following the regular legislative business. I do know of any bill more important to this country than the bill that we are discussing right now. It is a great deal of money involved, over $200 billion.

We are discussing weapons systems that are necessary and vital to the security and well-being and freedom of this country, and in looking about the floor, I see three Members present who are not on the Armed Services Committee. So I guess that ought to say something. And I see no one in the press gallery. So I guess that says something.

Is there someone there? No, there is not. That ought to say something about how important some of the Members of the House feel this bill is.

At this time, Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BADHAM).

Mr. BADHAM. Mr. Chairman, I commend my friend and colleague, the gentleman from Alabama, for making that statement because it has been the great frustration of many members of this committee that labors long and hard over putting together the nuts and bolts of the authorization for the defense of our country, and we feel the frustration that too few Members of Congress seem to be aware that any threat exists out there and that the Soviets are indeed engaged in an arms buildup. But I can assure these Members who are here, all of whom know the situation as well as I, that such a threat does exist.

Tomorrow we will take up probably the most talked about amendment to the Armed Services defense authorization bill, the amendment that will have to do with eliminating the MX missile, which, as we know, is one-third of our strategic triad, one-third of our strategic deterrent.

I would like just for a few moments to examine this deterrent. This strategic deterrent has served us well since the early fifties, and we are now contemplating deploying a third-generation strategic intercontinental ballistic missile as one-third of our deterrent posture.

The Soviet Union during this time has deployed—they are not considering it; they are considering the fifth generation—four generations of increasingly accurate, increasingly heavy lift, and increasingly more potent intercontinental ballistic missiles, and, as I said, they are working on their fifth generation, which will be ready soon for deployment.

□ 1840

If we were to eliminate the MX missile at this juncture, if we were to eliminate this part of our deterrent, we would surely have to consider replacing this strategic deterrent, a nuclear deterrent, with a conventional deterrent.

I think it should be pointed out that if we were to do that, the cost would be prohibitive.

In Europe alone, the elimination of the strategic nuclear umbrella provided by the United States of America leaves Europe at risk and our 300,000 people in uniform and dependents in Europe; but what do we face in Europe alone with the Soviet Union and the Warsaw Pact? In the number of divisions in uniformed personnel, the West is outnumbered 2 to 1. In tanks we are outnumbered 3 to 1. In antitank weapons, we are outnumbered 2 to 1. In artillery pieces, we are outnumbered 3 to 1 and in combat vehicles about 2 to 1 and in attack helicopters about 1.5 to 1.

So while it sounds nice and inexpensive for us just to eliminate a costly third leg of our deterrent triad, I would suggest to the Members of this body that the cost to replace it with a conventional deterrent would be indeed prohibitive and I would like to hear some of the Members of this body who do not think that a threat really exists, I would like to hear how much they would be willing to spend of the taxpayers' dollars of the United States of America to replace a strategic triad with a conventional force.

Not only that, and I think perhaps even more important, the original peace movement of the Western World has been NATO, which has preserved the peace in the North Atlantic Alliance and the European theater for decades now. It is a closely knitted alliance on the one hand, but it is a shaky alliance on the other.

We have asked the Federal Republic of Germany, we have asked the United Kingdom, we have asked our Italian allies to place on their soil nuclear-tipped missiles, ground-launched cruise missiles with nuclear warheads and Pershing II nuclear missiles with nuclear warheads, and they have agreed. Now in the Dutch Parliament the question arises whether or not they will accept nuclear-tipped mis-

siles on their soil for the defense of the NATO alliance.

Would it not be ironic after the United Kingdom, the Federal Republic of Germany, and Italy have agreed to put nuclear missiles on their soil if the United States of America said in defense of the free world that we rejected this nuclear-umbrella deterrent of the MX.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BADHAM) has expired.

Mr. DIXON. Mr. Chairman, I yield 3 additional minutes to the gentleman from California (Mr. BADHAM).

Mr. BADHAM. Would it not be ironic, Mr. Chairman, if we were to allow and indeed ask our friends and allies to help defend their territory with nuclear-tipped missiles and then we turned around and rejected the nuclear umbrella of deterrent that the MX will provide, that Minuteman II, and Minuteman III, and Titan II will no longer provide?

Ironic, more than ironic, I think it would cause the unraveling of the North Atlantic Alliance which has been our greatest force for keeping peace for lo those many decades in Europe.

Mr. Chairman, just so it will be on the record, I would like now to provide a summary of the Soviet force improvements that have occurred in the past several years while the United States has been standing around in this Chamber arguing whether or not we will provide deterrent items and systems to preserve peace in the Western World and peace in the West as we know it.

Now, I would like to provide a summary of the Soviet force improvements. The Committee on Armed Services has had extensive classified briefing on this subject, but I feel it is extremely important that all Members of this body be alerted to the massive buildup that is occurring in Soviet military forces.

The committee is greatly concerned over the relentless buildup in the Soviet forces. The persistent Soviet force modernization program remains our greatest near-term concern. In addition, Soviet research and development (R&D) spending continues to grow unabated. It has been estimated that it is increasing in real terms at an average of about 7 percent per year for the past 20 years. In the past 10 years, Soviet R&D activities have been an estimated $185 billion more than that of the United States. Their military R&D has risen to where it now accounts for about half of all R&D conducted in the Soviet Union. This compares to roughly 30 percent of all U.S. R&D which is currently military-related work.

Total revenues committed to military investment—R&D, procurement, and military construction—over the past 10 years has exceeded that of the United States by roughly $450 billion and is a result of a persistent commitment to real growth in defense for over a 20-year period.

The number of known Soviet systems deployed thus far in the 1980's is twice that of the United States. The approximately 80 systems the Soviets have deployed thus far in the eighties include a large number of incrementally improved systems and reflects the Soviet's step-by-step approach in incorporating new technology. Soviets will most likely reach initial operating capability on some 200 additional systems by 1990. This will include by the mid-1980's at least two new intercontinental missiles, both with mobile deployment options; a new submarine-launched ballistic missile; a new B-1 class bomber; cruise missiles—both air and sea launched; continued improvements to their antiballistic missile systems; airborne warning and control system aircraft; improved short-range ballistic missiles; a new attack helicopter; a new air defense system; a long-ranged antiship missile; submarines of all classes; new interceptor aircraft; a space shuttle; a Saturn class heavy lift booster; and an improved antisatellite system.

This output is coming to pass not as a result of what the United States or the Free World might or might not do in the near term, but primarily as a result of earlier Soviet views of their requirements and subsequent planned investment for military forces. The Soviets view a powerful military as essential to insure their national security. Based on what we know of their current programs, the committee sees no letup in the rate of deployment of Soviet systems over the next 10 years.

In the early 1970's, the strategic forces of the Soviets and United States were considered to be in rough parity. Over the past 10-year period, the estimated total cumulative dollar costs of Soviet strategic forces exceeded that of the United States by about $250 billion, a difference that is almost double the total U.S. outlays for strategic forces for the same period. With this disparity, the earlier parity of forces is unlikely to continue.

Major Soviet improvements to their strategic offensive forces include deployment of new solid propellant land-based systems. The Soviet Navy is presently replacing shorter-range SLBM systems exposed to Western antisubmarine warfare in their open ocean patrol areas, with long-range systems that can be deployed close to the Soviet Union. The Soviets are also developing a new heavy bomber, the Blackjack. The new bomber is expected to be equipped with a new air-launched cruise missile which will provide the capability to attack targets from long range.

There is an extensive strategic cruise missile development program underway in the U.S.S.R. The Soviets are developing sea-launched and ground-launched cruise missiles as well as a large number of new and modified platforms for them. To support this large effort there is a significant expansion taking place at Soviet production plants expected to produce these cruise missiles.

About one-third of Soviet procurement for strategic forces has been for procurement of strategic defense systems. The Soviets have installed and maintained a large strategic defense force to defend against a large and diversified threat from many nations. It includes the world's most extensive air defense of the homeland consisting of thousands of radars and interceptor aircraft, and a ballistic missile defense of Moscow. It is estimated that over the past decade the dollar cost of the Soviet strategic defense activities have been more than the cost of U.S. strategic offense activities. Soviet strategic air defense costs have been many times more than U.S. expenditures on bomber forces which, presumably, is one of the major drivers of Soviet expenditures on strategic defense.

The Soviets have been steadily increasing the number of Warsaw Pact nuclear warheads, while NATO has been slowly decreasing. After 20 years of these trends, the Warsaw Pact has roughly twice as many nuclear warheads as NATO.

The Soviets continue to deploy the SS-20 intermediate range ballistic missile system as well as a new generation of the new and modified shorter range systems—the SS -21, -22, and -23. The Soviets have continued their steadily growing program of modernization and expansion for their general purpose forces. The estimated dollar cost of the Soviet general purpose force procurement exceeds that of the United States by approximately $100 billion.

As a result, their ground forces are being constantly strengthened and modernized to improve their capability to fight either a conventional or a nuclear war. The Soviet ground forces are better equipped to conduct chemical operations than any others in the world and they have the largest manpower component of the Soviet Armed Forces.

The tank is a prime element of Soviet Army strength, with nearly 30,000 having been produced for the Warsaw Pact in the last decade. The Soviets have expanded their production capacity at plants producing tanks and self-propelled artillery. The Soviet Union's newest tank, the T-80, is now being fielded. At the same time the Soviets are modifying some tanks already in the inventory. Their expanded production will allow them to

continue to produce tanks and artillery at a greater level than any other nation.

Since 1970, the Soviets have produced an impressive series of armored combat vehicles—an average of one new system every 2 years—and nine new artillery weapon systems ranging in caliber from 85 millimeter to a 240 millimeter self-propelled mortar.

The Soviets have made major improvements in their tactical air forces over the last 15 years. A new generation of fighter/attack aircraft was introduced in the early 1970's that enabled the Soviet tactical air forces to assume new offensive missions extending well into NATO territory. Another generation of entirely new aircraft is about to enter service. Two are fighters, the Mig-29/Fulcrum and the SU-27/Flanker. The Fulcrum is expected to enter operational service this year, with Flanker following later. Both appear to have much improved maneuverability over earlier Soviet aircraft and both have "look-down" radar for detecting targets at low altitudes.

The U.S.S.R. has produced approximately two new series of helicopters every 5 years. A heavy lift helicopter became operational in 1982. It is about twice the size of the largest U.S. helicopter and previous Soviet helicopters. The Soviets are also developing a new attack helicopter which is expected to achieve operational capability in the near future.

The Soviet naval investment strategy differs substantially from that of the United States. Half the estimated dollar value of the Soviet inventory is in attack submarines, whereas half the value of the U.S. inventory is distributed roughly equally between attack submarines and aircraft carriers.

Soviet construction of general purpose naval ships increasingly emphasizes large, sophisticated ships capable of sustained deployments in distant areas. These ships—such as the *Kirov* class nuclear-powered cruise missile submarines—pose an increasing threat to our naval surface forces, even though the Soviets have currently built only a small number of these new type ships. Two of the huge new *Oscar* class nuclear-powered cruise missile submarines are afloat; the first launched in 1980 is now operational. These ships displace 12,000 to 14,000 tons submerged and carry 24 of the long-range SS-N-19 antiship cruise missiles. Two entirely new nuclear-powered attack submarines were launched in 1983.

The Soviets have begun construction of a mid-size, nuclear-powered aircraft carrier intended to operate conventional takeoff and landing tactical aircraft. This will be a major advance in Soviet ability to project military power in distant areas and could be a significant factor in regional conflicts not involving the United States.

The Soviets have substantially increased the production capability for strategic airlift and transports. The expanded Soviet aircraft industry will enable them to build moderate numbers of their new heavy air cargo carriers which are similar to our C-5.

The Soviets attach great importance to their space program. In the past 5 years, the U.S.S.R. has launched approximately 500 spacecraft. More than half of Soviet satellites serve military purposes. Some 85 percent of all Soviet space launches are exclusively military or joint military/civilian missions. Major investments are now being made for production of large, new boosters, new large space stations, and a reusable space transportation system.

Mr. Chairman, thank you for this opportunity to provide this summary on the Soviet force modernization.

Mr. PRICE. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the bill which we debate today is the product of very thoughtful consideration by the Committee on Armed Services. On one hand, our committee had the President's request for a defense budget providing for real growth of 13 percent. On the other hand, we had the tremendous deficit facing our Nation and the need for sufficient funding to continue nondefense programs, many of which have sustained severe reductions in the past few years. in balancing those conflicting demands, we were convinced that defense must shoulder its fair share of any further budget reductions.

Reduction of the defense budget, however, is no simple matter. World conditions and our foreign commitments dictate its size and the programs it contains. Thus, any modification of the defense budget must be weighed against the threat which faces our Nation. And I believe that the members of our committee are especially suited to make the difficult decisions involved. As a result of the special intelligence briefings provided our committee, including detailed photography of Soviet weapon systems, our members have a special insight into Soviet capabilities and the threat we face. For that reason I believe that the Members of the House should hesitate before taking any action which might modify the defense package we have carefully crafted in this bill.

I should note that our recent intelligence briefings have done nothing to lessen our concerns about the continuing progress of our adversaries. Their programs to modernize and expand their forces continue unabated. All the evidence we have seen suggests that they seek to establish superiority in land, sea, and air forces, as well as in missiles and strategic defense. Their increasing resistance to negotiations is also a very disturbing factor.

In the face of the massive force modernization of our potential adversaries, we are convinced that our Nation must be prepared with something more than good will. We must not forget our constitutional duty "to provide for the common defense." Military strength is essential if our Nation is to continue its role of leadership in the free world. Perhaps a great American President, Harry S. Truman, said it best, "We have to be in a position of strength to enforce our agreements with the other members that are on the other side of the Iron Curtain * * *"

After lengthy hearings and a careful examination of all the programs it contains, our committee voted a reduction of $18.6 billion in this bill. The total approved by the committee, $208.1 billion, will provide for a real growth of 6 percent in defense spending. Those reductions were difficult; and I believe there is hardly a member of the committee who does not have some misgiving about the wisdom of the cuts; but, conscious of the needs of the non-Defense programs, we have made these difficult decisions. I am convinced, however, that the total provided in this bill is the absolute minimum budget that we can recommend. We have cut where we believed it was possible. We have preserved only the essential programs. We must resist any further cuts. We must defend the program provided by our bill.

Mr. Chairman, I especially urge the Members to support our committee recommendation for procurement of the MX missile. As you know we reduced the President's request and have recommended procurement of 30 MX missiles.

The purpose of our strategic forces is deterrence. They exist only to deter attack on this Nation and our allies by convincing our adversaries that, if they should initiate an attack, we possess the retaliatory capability to inflict unacceptable damage upon them. Our Minuteman missiles have served as that deterrent for two decades. But because of their age and because of the dramatic increase in the numbers and accuracy of the new Soviet missiles, there is now a serious question concerning the deterrent value of these missiles. Therefore, we must modernize our force by continuing with the MX deployment program which we began last year.

Our adversaries must be convinced that we have the ability to destroy their missiles and their command and control facilities. Continuation of the MX deployment schedule is essential in order to convince them of that fact.

If we should abandon that deployment schedule, or reduce it beyond the committee's recommendation, I fear that we would be sending a message of encouragement to our adversaries.

Adherence to the committee's recommendation for MX procurement would also provide an incentive for resumption of the strategic arms control negotiation in Geneva. If the Soviets perceive that their current advantage can be maintained, or even increased, there is little incentive for them to return to the negotiation table. But, if they are convinced that we have the will to continue our program for missile modernization, thus preserving our deterrent capabilities, I believe that they will recognize the need for resumption of the strategic arms limitation negotiations.

For these reasons, I believe it is absolutely essential that the House support our committee recommendation for the continued deployment of the MX missile.

Mr. Chairman, I am certain that during our debate we will hear criticisms of the Department of Defense for its spare parts procurements. Such procurements will be cited as examples of waste within the Defense Establishment. I must agree with that criticism as there have been some horrendous examples of poor procurement practices. But I want to remind the Members that it was our subcommittee which identified this problem. And it was our committee which has taken action to correct it. I refer you to our bill, H.R. 5064, the Spare Parts Procurement Reform Act, which we recently reported. That bill provides several procedures for obtaining more cost effective and efficient purchases of spare parts. For example, it would require procurement in economic order quantities; it would require review of the procurement history of the item, and a review of alternative procurement possibilities, either through the supply system or standard Government contracts; it would insure that an item might be procured directly from the manufacturer or producer; and, it would establish standards for Government procurement of technical data rights. H.R. 5064 will address many of the procurement problems we encountered during our hearings and should go a long way toward improving spare parts procurement.

Mr. Chairman, I urge my colleagues to move very cautiously in any amendment of this bill. I believe our committee has produced a program which balances the need for improvement of our forces to meet the threat against our recognition that defense must absorb its fair share of budgetary constraints. All of us would rather see our resources devoted to education, eradication of poverty and rebuilding of our cities. but we must not lose sight of the purpose of defense expenditures. I believe that a statement of Sir John Slessor is apt on this subject:

It is customary in Democratic countries to deplore expenditures on armament as conflicting with the requirements of social services. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free.

□ 1850

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I rise in support of H.R. 5167, the fiscal year 1985 Department of Defense authorization bill, and will primarily address those aspects of the bill dealing with naval shipbuilding.

Three years ago, the President presented to Congress a program to strengthen U.S. naval force levels. He said at that time:

Though the Soviet Union is historically a land-power, virtually self-sufficient in mineral and energy resources and land linked to Europe and the vast stretches of Asia, it has created a powerful blue ocean Navy that cannot be justified by any legitimate defense need. It is a Navy built for offensive action, to cut free world supply lines and render impossible the support, by sea, of free world allies. By contrast, the United States is a naval power by necessity, critically dependent on the transoceanic import of vital strategic materials. Over 90% of our commerce between continents moves in ships. Freedom to use the seas is our nation's life blood. For that reason, our Navy is designed to keep the sea lanes open world wide—a far greater task than closing those sea lanes at strategic choke-points. Maritime superiority for us is a necessity. We must be able in time of emergency to venture in harm's way, controlling air, surface and subsurface areas to assure access to all the oceans of the world. Failure to do so will leave the credibility of our conventional defense forces in doubt. We are . . . building a 600-ship fleet including 15 carrier battle groups.

600-SHIP NAVY: A PRUDENT COURSE

While there is no magic number of ships that will insure U.S. superiority on the seas, careful analysis of the likely uses of naval forces in the national interest leads to the conclusion that the goal of a 600-ship Navy is a most prudent cause of action. Counting the number of ships is not nearly as important as having the right mix of ships with the capabilities necessary to carry out national strategic objectives. The strategy is fundamentally driven by some 40 treaty commitments, worldwide, entered into by the United States that are security related in one form or another, and by the nature of the Soviet threat to the maritime lifelines of the free world.

COMMITTEE SUPPORTS 600-SHIP NAVY

The committee continues to strongly support the goal of a 600-ship Navy. According to testimony received by the committee as the year began, there were more than 30 separate armed conflicts around the globe. The U.S. Navy has played a major role as an instrument of national policy in some of these conflict areas, particularly in Central America, Lebanon, and Grenada. These efforts are concrete examples of the use of naval forces in the national interest as compared to other forces, with minimal political cost. The unique capabilities of naval forces include:

No major logistics support needed from overseas bases,

No requirement for access to overseas bases and overflight rights,

Staying power; the ability to remain on station for long periods of time,

Can be withdrawn easily as the circumstance requires, and

Inherent mobility and flexibility.

NEW ACQUISITIONS

Sixteen new combatants were added to the fleet last year: the battleship *New Jersey*, the Aegis cruiser *Ticonderoga*, nine *Oliver Hazard Perry* class frigates, three *Los Angeles* class attack submarines and two *Ohio* class Trident ballistic submarines.

According to the information to the Armed Services Committee, there was not net increase in fleet battle forces this past fiscal year, but there was a substantial increase in ship capabilities. This is made possible because the older, less capable ships that were retired were replaced by far more potent fleet units.

While the aggregate of new ships is vitally important to the Navy, some revitalized ships are also providing added vigor to the Navy's resurgence. Specifically, I refer to the battleship conversions and the service life extension program for the attack aircraft carriers.

SHIP CONVERSIONS

The battleships have unique capabilities to provide fire support for the Navy and Marine Corps' amphibious operations. Secretary of the Navy Lehman recently wrote to Chairman Price and noted that the *Iowa* class battleships can deliver 800 tons of 16-inch and 5-inch fire in 30 minutes. The 16-inch shells weight about 2,000 pounds and on impact, can leave a crater about the size of a football field. These ships are able to neutralize large numbers of armored point targets in a short time with relatively low cost by comparison to using aircraft to deliver bombs on fixed targets. The *Iowa* class battleships are designed to have withstood the impact of a 3,000-pound shell from the 18-inch guns of Japanese battleships. It is unlikely that today's Exocet-type missile would penetrate the battleships 16- to 17-inch hardened steel hull. As I have said before many times, the cost to convert the battleships is about the same as the cost of building a new frigate, yet there is no comparison to the enormous difference in weapon pay-

load and relative invulnerability of the battleship. The battleship has 9 16-inch guns, 12 5-inch guns, 32 Tomahawk long-range, land attack missiles, 16 Harpoon intermediate range surface-to-surface antiship missiles and 4 close-in weapons systems for defense against high speed aircraft and missiles. The battleship can serve as the principal ship of a surface task group for presence and sea control tasks as has been well documented by the performance of the U.S.S. *New Jersey* this past year in Central America and Lebanon.

The aircraft carrier service life extension program (SLEP) is the key to the Navy's plans for 15 aircraft carrier battle groups. The SLEP would extend the life of the *Forrestal* class carriers by about 15 years providing a nominal 45 years of service life for these large deck carriers. The U.S.S. *Saratoga* is the first to have completed the SLEP progam, and the Navy has told us that she is not performing exceptionally well. The U.S.S. *Forrestal* is approximately halfway through her SLEP and is expected to be completed on schedule around May, 1985. The learning curve experience with *Saratoga* has helped to increase the efficiency of the *Forrestal* work. The funding recommended for authorization in fiscal year 1985 includes full funding for the SLEP of the third carrier, U.S.S. *Independence* and long lead funding for the SLEP of the fourth carrier, the U.S.S. *Kitty Hawk*.

U.S. AIRCRAFT CARRIERS: FLEXIBLE OPERATIONS

Everyone in this body should be aware of the enormous contribution the Navy's aircraft carriers make to national security. When U.S. interests are at stake, the carriers are usually the first to be called into action. For emphasis in the versatility of the carrier battle group I will read a portion of the testimony given to the committee by Admiral Watkins, the Chief of Naval Operations, respecting the recent exploits of the U.S.S. *Ranger* battle group.

The odyssey of the *Ranger* battle group provides an important example of that commitment and the value of flexible operational scheduling. Deploying from her homeport on the west coast in July 1983, *Ranger* and her ships in company were diverted, on short notice, to proceed to waters off the coast of Central America in support of national security interests in the region. After successfully completing that mission, the battle group sailed on toward its original destination in the western Pacific.

With the escalation of the Iran-Iraq war and the attendant threat to the Straits of Hormuz, *Ranger* was rushed to the Indian Ocean. There her battle group demonstrated our commitment to maintain the integrity of vital Persian Gulf and Middle Eastern oil Sea Lines of Communication (SLOC's). Of course, the battle group could also have been employed if confronted with any sudden escalation in Lebanon.

After 122 days without a port call, *Ranger* returned again from the Indian Ocean to duties in the South China Sea during the final stages of her eventful deployment, having been relieved in the Indian Ocean by the forward deployed *Midway* battle group. This is but one example of the flexibility of naval forces. I could provide other examples from the 10 battle group deployments in 1983, every one of which was diverted in some matter from its initial deployment schedule in support of national security policy.

NAVAL FORCE READINESS IMPROVEMENTS

The improvements to naval force structure over the last 3 years have been quite dramatic. Whereas, 3 years ago the Navy could only deploy five aircraft carriers with the required spare parts support, in the past year that number has risen to eight, simultaneously deployed, fully equipped carriers. The Secretary of the Navy reported to us that in the past 3 years surface ship combat readiness has improved by 14 percent and aviation readiness by 24.2 percent.

The President's goal 3 years ago was to double the naval shipbuilding program. Together with the Congress, the Navy shipbuilding program has steadily increased. Three years ago the Navy had 479 battle force ships. By the end of fiscal year 1984 the fleet will expand to 524 ships. Plans call for 545 ships by the end of fiscal year 1985 and 600 ships by 1989.

Ironically, the Navy has benefited from the declining order-book rates in the U.S. shipbuilding industry. The scarcity of commercial shipbuilding orders has fostered intense competition among the Nation's shipbuilders. According to testimony, the percentage of ships being competed has risen from 26.3 percent in fiscal year 1981 to 86.4 percent in fiscal year 1984. The result is lower priced contracts for the Navy and better investment return on the defense dollar. Currently there are about 118 naval ships under construction or conversion at 19 different U.S. shipyards. That translates into jobs that are spread throughout a great many States in the Union.

PRIORITY SHIPBUILDING PROGRAMS

I will briefly comment on three priority shipbuilding programs that are essential to the proper balance of the Navy's force mix: the *Ticonderoga* class, CG-47 Aegis cruiser, the new *Arleigh Burke* class DDG-51 guided missile destroyer and the *Los Angeles* class SSN-688 nuclear-powered attack submarines.

AEGIS CRUISER

The first ship of the *Ticonderoga* class (CG-47) was deployed in October 1983. This ship is equipped with the Aegis system, an antiair warfare system designed to cope with the high speed aircraft and missile threat of the 1990's. There is no known system in the world that is as sophisticated and competent. The *Ticonderoga*'s performance in the Middle East area set a new standard for surface ship capability never before attained. The enormous capability of the Aegis system to detect and track air targets is estimated to have saved 40 percent in aviation fuel assets over any previous deployments, because this one ship was able to accurately track and identify and evaluate potential air threats without the necessity of having to scramble fighter aircraft from the carriers to do that kind of search and identification mission.

Most of you are probably aware that some criticism of the Aegis system has been raised on the issues of inadequate overall testing and certain failures in the operations evaluation testing phase. In my view, the allegations concerning the inadequacies of the system are considerably out of proportion to the facts and end results. Certain test failures did occur, but that is to be expected in any testing phase. I doubt that any weapon system could perform 100 percent perfectly in all tests. The Aegis system has been under development for about 20 years and has had a combined 8 years of at-sea testing onboard the U.S.S. *Norton Sound* and the *Ticonderoga*. Some of the test failures were not even related to the Aegis system. Corrective actions have been taken without any major complications.

The latest test results completed on April 29, 1984, reinforce the extraordinary level of effectiveness of the Aegis system. These tests conducted by the Commander, Operational Test and Evaluation Force—a command independent of the Navy's regular chain of command—established a new level of antiair warfare effectiveness that places the ship in a class by itself.

What is most interesting and important is that, as the people operating the equipment become more proficient with the Aegis system, they extract even greater performance from the system. Admiral Carter aptly describes this encouraging phenomenon: "Tough as these tests were, they did not begin to exercise what we believe—based on previous manned raid tests—CG-47's ultimate capabilities are."

These highly successful tests included multiple raid, high diving and sea-skimmer targets at both supersonic and subsonic speeds, and all this was done in a dense jamming environment.

The Aegis system has undergone hundreds of tests over the years, and the system will continue to be tested. I'm sure that each test will result in more being learned on how best to use and/or improve the system, including the capability of the people who operate the system. The bottom line is most certainly that the Aegis system is unsurpassed as a system that can counter the threat imposed by modern weapons.

DDG-51 GUIDED MISSILE DESTROYER

As concerns the DDG-51, *Arleigh Burke* class, guided missile destroyer,

it is a state-of-the-art replacement destroyer for DDG-2 and DDG-37 class destroyers that will reach the end of their useful lives in the early 1990's. It is meant to be a one-for-one replacement for those destroyers that will leave the Navy inventory. In all, the Navy plans to build 29 such ships. The DDG-51 is meant to have capabilities that are between the smaller frigate-type ships such as the FFG-7, and the larger cruiser type ships such as the CG-47. This is not an easy thing to do fundamentally because ship operators most always want more capability. Nevertheless, credit is certainly due Secretary Lehman and Admiral Watkins for their strict holding to the line on costs and characteristics of this new destroyer.

The DDG-51 will be quite formidable. The ship will have a newly designed 90 cell vertical launch missile system. No other ship in the Navy has such a system. The ship will carry the new Seafire 5-inch, guided projectile gun for pinpoint accuracy. The ship will also have the SPY-1D antiair warfare suite; a smaller, but more modern Aegis system. The ship will have an all-steel superstructure and be hardened to take a higher degree of explosive shock than any destroyer in the fleet today. The bottom line again is that the Navy needs to start a new destroyer class, and in relation to the Navy's budget constraints imposed by the Department of Defense and the Congress, the Navy is getting a battleworthy ship fit for the decades ahead.

SSN-688 "LOS ANGELES" CLASS ATTACK SUBMARINE

The fiscal year 1985 budget requests authorization for four SSN-688 class, nuclear-powered attack submarines.

The committee has been on record for the last 4 to 5 years in support of increasing the Navy's nuclear-powered attack submarine fleet to 100 submarines by the early 1990's. It was evident that, in order to achieve such number, the Navy would have to build three to four attack submarines per year. Unfortunately, for a number of years because of fiscal constraints and higher priorities the building rate has been two to three per year. In fiscal year 1985 and for the remainder of the 5-year shipbuilding plan, the Navy has allocated a higher proportion of its budget to submarine procurement at the steady rate of four per year through 1989.

The improved SSN-688, with vertical launch missile capability is the finest attack submarine in the world. Nevertheless, the Navy has informed us of the need to begin development of a new attack submarine design. The new submarine will enter the inventory when some of the first-built SSN-688's will reach service lives of 20-25 years. The new submarine design will take advantage of the rapid advances in technology that have been made in the last 10 years and are expected to be made in the future. The potential for the new submarine is that it will be quieter, carry a larger variety of weapons, dive deeper and go faster than the current SSN-688's.

THE SOVIET THREAT

I think it is appropriate to say a few words about the Soviet Union's huge naval buildup.

The Soviet submarine fleet is the world's largest consisting of about 360 active submarines of all types, including more than 260 attack submarines. By comparison the U.S. attack submarine fleet is less than 100.

The new generation of Soviet surface combatants has begun to be placed in their inventory. The fourth *Kiev* class vertical/short takeoff and landing (V/STOL) aircraft carrier is expected to join the fleet this year. The second unit of the 28,000 ton *Kiev* class nuclear-powered guided missile cruisers has started sea trials, and the third is under construction. The first unit of the new *Slava* class guided missile cruisers has entered service and two more are under construction. The Soviets are building two new guided missile destroyers, the *Sorvremennyy* and *Udaloy* classes. The Soviet naval shipbuilding program considerably exceeds the efforts underway in the United States for naval combatants.

Mindful of the formidable threat to our national security evidenced by expansion of Soviet blue-water naval capabilities, the committee is resolute in its support for the relatively modest, but extremely important, U.S. naval shipbuilding program. I urge your continued support as well.

□ 1900

Mr. PRICE. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL. I thank the chairman of the committee, the gentleman from Illinois (Mr. PRICE).

Mr. Chairman, my remarks will be directed to the authorization of funds for military readiness.

Mr. Chairman, title III of the bill before you recommends authorization of $78.3 billion for Department of Defense operation and maintenance (O&M) activities in fiscal year 1985. This figure is $2.6 billion below the President's request.

Title III also recommends authorization of $1.7 billion in direct appropriations to Department of Defense working capital funds—a reduction of $95 million below the request. This marks the first time that the committee has authorized these accounts which are important contributors to readiness.

As was the case last year, the committee recommendation represents an effort to balance readiness with investments and budget realities. The committee made a clear and conscious decision to come down on the side of readiness to sustain the overall level of improvement achieved over the past several years at the expense of program growth in certain areas. Altogether, the committee recommendations would provide 5.9 percent real growth in the operation and maintenance and working capital fund accounts.

This concern for readiness is also reflected in the committee's adjustments to the O&M request. These recommendations were arrived at only after an agonizing review process attempting to limit the damage to readiness-related and quality-of-life programs.

For example, the committee recommended reductions of $586 million involving changes in fuel and foreign currency assumptions. In the first case, the committee recommends transferring larger than expected fuel savings in fiscal year 1984 to the fiscal 1985 O&M customer, allowing an offsetting reduction of $303 million. In addition, the committee is making an optimistic projection that the strength of the dollar on foreign exchange markets will increase by 8 percent above the rates used in the preparation of the President's request and produce a savings of $283 million.

I would offer a word of caution, however, about economic assumption reductions we are recommending this year. Over the past 3 years, we have been very fortunate in being able to make O&M reductions on the order of several billion dollars due to lower fuel prices, a stronger dollar, and falling inflation. What we have been doing is akin to draining the swamp and it is clear that the swamp is drying up. In contrast to past years when we were dealing with prospective savings, this year we are squeezing out that last few dollars of past savings. We should recognize that it is just as likely that we will experience negative trends in these economic indicators in the years ahead.

In addition, the committee was able to identify other economies and efficiencies amounting to $426 million relating to overbudgeting for stock fund purchases and a corresponding reduction in O&M support due to cuts in the military end strength request. The committee also recommends a $95 million reduction in stock fund requests based on changes in procurement and O&M programs requiring a slower rate of increase in peacetime inventory requirements.

Of special note is the committee's increased emphasis on audit and investigative reports as a source of significant economies and efficiencies. The committee hearings this year examined the role of auditors and investigators and found that all too often the services ignore the findings and recommendations of their auditors. As a

result, some problems are reported repeatedly without being corrected. In other instances corrective actions are taken but the services fail to consider them when formulating their budgets.

The committee strongly endorses the investigative efforts of the Department's organizations. To demonstrate the importance we attach to audit work, and to encourage management's use of auditors to achieve more efficient and effective operations, the committee reviewed numerous General Accounting Office, Department of Defense Inspector General and service audit reports.

As a result of this review and 2 days of hearings, we identified a number of significant problem areas and used the report findings as a basis for reducing the Department's request by about $500 million.

The committee also is recommending a number of increases to improve the readiness of our forces. In accordance with Congress continued emphasis on expanding the role of the National Guard and Reserves, the committee is recommending a $97 million increase to support modernization initiatives and address high priority unfunded readiness requirements. In addition, the committee is recommending a $71 million increase for the overhaul of two additional auxiliary vessels in private shipyards that will eliminate the unfunded overhaul backlog.

Mr. Chairman, I would like to close with some brief remarks about readiness and the adequacy of current and prospective O&M funding. In recent months these matters have been topics of considerable discussion, much of it tending to generate more heat than light.

The committee held five hearings this year to examine the current state of military readiness and what progress has been made since 1980. Although the criteria and data tend to be complex, confusing, and subject to change, there is no doubt in my mind that readiness has improved since 1980.

This is not to say that we do not have serious problems today, but current readiness deficiencies appear to be more manageable or in the process of being addressed.

This positive trend in military readiness, however, is no reason for engaging in an orgy of self-congratulation or complacency.

If I have learned one thing these past 4 years, it is that readiness is a highly perishable commodity, sensitive to small shifts in resources and emphasis.

The experience of the past decade shows conclusively that it is easy to degrade readiness, but extremely difficult to reverse the fruits of cumulative neglect and indifference.

I hope we do not have to learn that lesson again.

I am especially concerned about these recent allegations by Mr. ASPIN that O&M is overfunded and that significant savings are possible over the next 5 years.

Again, if I have learned anything about O&M, it is that it can scarcely be accused of enjoying an embarrassment of riches.

The committee held four hearings to look at O&M funding trends since fiscal year 1981, and they clearly indicate that emerging requirements are outstripping resources.

I see no basis for concluding that O&M's declining share of the defense budget represents overfunding.

Frankly, I have serious doubts about how we can maintain readiness and meet minimum emerging requirements without extraordinary effort in the years ahead.

Mr. Chairman, title III represents a conscientious effort to establish a balance between readiness, investment, and budget realities.

We believe that it is worthy of support.

□ 1910

Mr. DICKINSON. Mr. Chairman, I yield 10 minutes to the distinguished, affable, persuasive gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Chairman, what I would like to do is review just a few things that I think are very, very important that will probably be discussed in some detail, I hope in some detail, between now and the end of the week when we discuss and debate the Department of Defense authorization bill.

First of all, I know that when I go back home to New Jersey and talk to various constituents, there is a concern that we are spending more than ever before on our defense. There is somehow a misguided belief that we are spending as a percentage of GNP, that is gross national product, or as a percentage of all Federal spending, more on the defense of our country now than historically we have ever done before.

Nothing could be really further from the truth. I know perhaps other people have mentioned this, but I think in the beginning of the debate it is important to mention again.

If you compare what we are spending today as a percentage of all Federal spending on defense, we find out that it is approximately 28 to 30 percent of the Federal budget.

Whereas, in 1961-62, under President Kennedy, it was up to approximately 44 or 45 percent.

If you compare what we spend today as a percentage of GNP versus 1961-62 timeframe, you find out that today we spend about 6.8 percent of our gross national product on defense versus approximately 8.5 percent before.

As a matter of fact, if we increase defense spending in real terms 25 percent for the next 3 years, we would be approaching the 1961 level as a percentage of GNP.

And in 1961-62 I think a legitimate question can be asked: Did that level of defense spending ruin the economy?

The economy performed very poorly in 1961 and 1962 because of the percentage high levels of defense spending and that absolutely was not the case.

As a matter of fact, in 1962, the economic growth was approximately 7.7 percent, unemployment was a very admirable 5.5 percent, and inflation was an even more admirable 1 percent.

Also, I would like to mention a couple of other statistics and they perhaps have been mentioned before. When you compare the U.S. arsenal versus the Soviet arsenal in strategic systems, ICBM boosters, for example, you find out that the Soviet Union has an inherent advantage of approximately 2 to 1. When you look at ICBM reentry vehicles, they have an advantage of 1.3 to 1. When you look at throw-weight, that is the ability of them to move hardware from their part of the world to our part of the world, they have an inherent advantage of 3.5 to 1. When you look at megatonnage, that is actually the amount of material that can kill, their advantage if not 2 to 1, or 3 to 1, or 4 to 1, or 5 to 1, it is actually 7 to 1 over the United States.

I also talked to some people and they say that you hear the argument all the time that we are building more weapons, that we are increasing our megatonnage, that we can now kill more people than ever before. We are constantly building, building, and building and when is this insanity going to stop?

Obviously I think both sides, those Members who feel that the level of defense spending is appropriate under this bill that we are debating and those Members who feel it is too high, want to cut back. But that statement that we are constantly building megatonnage on megatonnage, capability of destroying more people on top of that capability, is absolutely myth, it is mythology.

Today the United States has one-third fewer nuclear weapons than we did in 1965. It is a shocking statistic, not many people recognize it, not many people know it. People do not cite it. But we have one-third fewer nuclear weapons today than we did in 1965. That is not the uncontrolled type of growth that some people talk about.

Let us look at megatonnage, that is the kill capability of what we have today versus what we had in 1965.

Today we have one-fourth the megatonnage that we had in 1965 or 1960. That is not unrestrained growth. That is not something that corroborates the myth that we are constantly building more weapons each year.

I think also people often cite the fact that under President Reagan, during the last 3 years, we have totally violated what Mr. Carter and what Mr. Mondale wanted in future projections with regard to the proper level of defense spending. There are people now who say that in this year of 1984 we are spending 20 times, or twice as much, or 20 percent more, or 10 percent more, or 50 percent more, than what was properly suggested by President Carter. There are those who say that under this President we are spending in fact many times more or percentage more than was properly recommended by President Carter a few years ago.

But once again, that is myth. That is folklore. It does not really jive with the facts whatsoever.

As a matter of fact, if you look at what President Carter projected would be the proper level of defense spending for 1982, 1983, 1984, 1985, and 1986 and of course he did so during his last budget message, because what every President must do is project 5 years of budgets into the future you find out that we are spending approximately the same as was requested under that 5-year anticipated growth period of President Carter.

In 1982, under the Carter proposed budget, he had recommended spending of $184 billion. We actually spent $187 billion, only $3 billion more.

In 1983, Carter recommended $210. We actually spent $210.

In 1984, President Carter recommended $238 billion. We will spend about $238 billion.

In 1985, President Carter recommended $268 billion. The recommendation finally is $266 billion.

In 1986, Mr. Carter recommended $299 billion be spent. The recommendation by this President is $295 billion. In fact, $4 billion less than what was recommended by President Carter.

So if you total up what was recommended by President Carter during the past 3 years and during the next 2 years, you will find out that what he recommended is just about what we are spending and just about what President Reagan is recommending today.

Finally, I would like to talk about one other thing. In fact, during the debate tomorrow and the next day, we will be talking about linking the proper level of MX missiles, of Peacekeeper missiles, however you want to describe them, to the arms control process. As a matter of fact, the words "arms control" will probably be used hundreds of times during the next number of hours of debate. I am going to speak about the following. I am going to speak about Soviet violations of existing arms control agreements.

On January 23, 1984, the President of the United States released, without a great deal of fanfare, a statement. That statement said as follows:

And it was a report that was given in unclassified form to the American people. The report examined the evidence concerning Soviet compliance with the 1972 Biological Weapons Convention Agreement, the 1925 Geneva Protocol Agreement and customary international law, the 1975 Helsinki Final Act Agreement, the 1972 ABM, Antiballistic Missile Treaty agreement, and the unratified SALT II agreement and the unratified Threshold Test Ban Treaty agreement.

The report that was issued to the American people clearly spells out seven areas of clear violations of the Soviet Union in already negotiated arms control agreements. I am not suggesting therefore that we do not negotiate for future arms control agreements. What I am suggesting is the fact that if there has been violations before that the American people have a right to know about it, that the Congress has an obligation to discuss it and debate it.

If there is, in fact, or have been violations of arms control agreements, I think that the compliance record of the Soviet Union is something that should be discussed on this House floor as well as future arms control agreements.

What I am saying by virtue of the fact that the Soviet Union has clearly, without any type of concern on my part or hesitation, violated arms control agreements indicates something much more important than the fact that they might have violated an agreement from time to time.

□ 1920

It speaks of whether the Soviet Union is sincere, sincere when they enter into arms control agreements, because if they are not, if they enter arms control agreements with the preconceived knowledge in their own minds that they are going to violate the same, I think that has to be debated on this floor, and that has to be taken under consideration by the American people and Members of this body.

I look forward to the debate during the next number of days, the next number of hours. I am sure it will be very interesting. As I mentioned before, when we talk about arms control agreements, we have to recognize that we are not talking about nirvana, we are not talking about something that inevitably and inherently is going to make the world a safer place. We are talking in terms of agreements that must be lived up to by both sides mutually, or should be rejected.

Mr. KAZEN. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. EMERSON. Mr. Chairman, reserving the right to object, in keeping with the practice that has been established here today, could I ask the gentleman if he would amend his unanimous-consent request to ask for an extension only, and not a revision?

Mr. MONTGOMERY. An extension, not a revision. I accept the gentleman's recommendation.

Mr. EMERSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of H.R. 5167, and I would like to personally thank our committee chairman, Mr. PRICE, and the ranking minority member, Mr. DICKINSON, for their total cooperation in bringing up this bill, and my fellow committee members and the committee staff for the time and effort put forth in bringing this bill to the floor.

We are faced with needed cutbacks, and we have accomplished this difficult task of establishing priorities in those defense programs needed to meet the threat which this Nation faces. So, Mr. Chairman, I believe that we can live with the level of spending established in this bill, and it would be around a true growth in military spending of about 5.7 percent.

As did the other subcommittees, the Subcommittee on Personnel and Compensation faced some difficult choices in deciding how to reduce costs. Although the request for personnel programs was reduced by some $2.2 billion, I do not believe any real harm was done to the essential programs. In fact, a number of significant improvements were accomplished.

One area in which improvements were realized deals with our National Guard and Reserve forces. For many years I and other members of our committee have attempted to insure that the Guard and Reserves get what they need in order to properly fulfill their role as components of the total force. At times it has been an uphill struggle, but the evidence today suggests that the Department of Defense is giving more than mere lipservice to greater utilization of these essential forces.

Guard and Reserve units play an integral part in the military operations around the world. Because of people like Mr. STRATTON, who is chairman of

the Procurement Subcommittee, and Mrs. HOLT on that committee, we are now recipients of some of the most modern equipment going into the Guard and Reserve, and we are beginning to receive the fair share of operational and maintenance and other readiness funding. It is Mr. DANIEL of the O&M Subcommittee who said just a few minutes ago that $97.2 million in O&M will go to support the Guard and Reserves in personnel and in equipment. I am pleased with the recommendations in this bill which continue to emphasize the need for the National Guard and Reserve.

Mr. Chairman, I want to briefly comment on another positive aspect of this legislation. I was particularly proud to join my colleagues on the Personnel and Compensation Subcommittee, as well as those on the full committee, in approving a GI bill for the 1980's, the educational assistance program contained in title VII of this bill.

While procurement of weapon systems is necessary, Congress must also insure recruitment and retention of sufficient numbers of quality personnel able to operate and maintain these sophisticated weapons. The required weapon systems are expensive but we must not let their cost have an adverse effect on personnel expenditures or readiness. We must give first priority to our military people. The educational assistance program contained in title VII reflects that priority.

Such a program is needed for several reasons. Reports from recruiters in the field indicate that recruiting problems are now existing or coming forward. In view of the improving economy, the improving unemployment rate and the declining manpower pool, these problems will only get worse. We cannot afford to be nearsighted and wait until they come before we take action.

Enactment of this program, the GI bill, will also resolve the dilemma faced by many active duty personnel who must decide in the near future whether to continue their military careers or leave the services in order to use the educational benefits earned under the Vietnam-era GI bill. The program provided for in title VII of the bill will allow those service members to continue their military service while earning educational benefits comparable to or even better than those provided under the Vietnam-era program.

While there are costs associated with an educational program of this nature, these costs are extremely reasonable. In this legislation, Mr. Chairman, we repeal the so-called VEAP program and also the Reserve educational program. This measure provides invaluable recruitment and retention tools. It also offers a taxpayer's bonus due to additional taxes from high incomes when we better educate Americans. As Congressman HILLIS said earlier in his remarks, what is wrong with educating our military youth? Under the bill, educational programs would also go to the Guard and Reserve. In the Army Reserve, and also in the Army Guard, strength levels are only at 80 percent as of this date. This bill will certainly help to improve the quality and recruitment in the Guard and Reserve.

Mr. Chairman, I am very proud of our military people, both active and Reserve. I believe they deserve the opportunity to improve the quality of life for themselves and for their families not only in the service but out of the service. I urge my colleagues to help provide this opportunity by lending their support to this GI bill modeled after World War II, Korea, and Vietnam GI bills. It is an excellent investment in America.

In summary, I believe H.R. 5167 is a good bill, one which not only provides adequate hardware but also gives due consideration to our military personnel. I encourage my colleagues' support.

Mr. Chairman, I yield back the balance of my time to the chairman of the Committee.

The CHAIRMAN pro tempore. The gentleman yields back 8 minutes.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. EMERSON. Mr. Chairman, reserving the right to object, would the gentleman limit his unanimous-consent request to extension only?

Mr. BEDELL. To extend my remarks.

Mr. EMERSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. The gentleman requests to extend his remarks.

Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1930

Mr. BEDELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have asked to speak before the Committee because of two amendments that I propose to offer to this particular legislation. These amendments come about as a result of work that my Small Business Oversight Subcommittee has done in regard to some spare parts problems. It came about as we had hearings in our subcommittee, and the Navy appeared before us, along with the Air Force and the Army, and I asked them who it was who was responsible for paying $400 some for a hammer.

The man from the Navy said, "That was my department. I am the one responsible."

I said, "How did it happen?"

He said, "We orderd a repair kit for some flight simulators and when the proposal for the repair kit came in, since it met our guidelines, and seemed reasonable to the buyer, he did not check the individual items."

I said, "How much did the repair kit cost?"

He said, "I do not know, but I will find out."

I said, "I wish you would do that, and also find out for us what each of the individual items cost."

So he said he would. After a significant number of telephone calls, we finally got the cost on the repair kit. The cost of the repair kit was $847,000.

What we found out was that the buying agency in Florida had determined that they should buy this repair kit from Gould supplier; that they then sent the order up to New York, told them, which Gould knew, that they had $1 million with which to buy the repair kit, and asked them to negotiate with Gould, knowing they had to buy from Gould, and with Gould knowing that they had $1 million to spend.

Gould came in at $1,100,000. The people in New York thought this was one of the best bits of negotiation they had ever done when they negotiated it down to $847,000.

Let me give you some examples. This is a 6-inch pair of pliers that I bought at K-mart for $3.77. The Navy paid $430 for a 6-inch pair of pliers.

This is a ⅜-inch socket that I bought at Hechinger's for $1.49. The military paid $456 for this little socket.

I have the list here. I went out and bought some 22 tools that were on this list for this repair kit. I paid $92.44 for those tools that I bought. The taxpayers paid Gould for those same tools $10,168.56.

When we challenged them as to how this could be, the Navy furnished us with the list you see here, as to how they justified the fact that Gould could charge $436 for a $7 hammer. If you will look you will see quite clearly that they started with $7. As they added all of their different overhead to that $7 hammer, they came up with a legitimate, in their opinion, $436 of charge to the American taxpayers.

I am going to offer three amendments to this bill, and the purpose of those three amendments is to open up this system so that there will be some competition so that the taxpayers will no longer have to spend that kind of money.

We went down to Florida to visit the base wherein this toolkit was located so we could look at the tools, and, indeed, we found that was exactly

right. In fact, many of the tools were not even up to what we would have in our toolkit.

This is a kit that I bought here from these two places locally. I can go over it. These are thickness gages. I paid $4.27; the Government paid $436. Here is the hammer you already know about. Here is a pair of vise grips. Their vise grips were not even as big as these. These were $3.97. The Government paid $243.

I can go through the whole list. The thing you should know is, the buyer knew the price of the individual items. It was on the list. He knew how this was appropriated, as to how they figured their costs.

I call upon the members of this Committee, when we have the chance for an amendment, to move forward and say to the taxpayers, "We are not going to sit by and let this continue to happen. We are going to work together to see that this is corrected and this kind of rip-off of the taxpayers no longer continues to exist."

Certainly we can all agree that we in the Congress can ill-afford to condone wasteful and abusive spending practices on the part of the Federal Government. With the United States facing red-ink deficits approaching $200 billion annually for years to come, I submit that it is our obligation to assure that the taxpayer's hard earned dollar is spent as cost-effectively as possible. That is why everyone's blood boils a little bit hotter everytime it is revealed that our military spent $104 for a 4-cent diode, or $9,606 for a 13-cent allen wrench.

Take a look at these items:

PRICE DIFFERENCES ON ORDINARY TOOLS

Tool	Retail price	Contractor's price
Hammer	$7.66	$435.00
Wrench, end box, 1 set	4.99	768.00
Pliers:		
Slip joint, 6	3.77	430.00
Slip joint	5.97	449.00
Vice grip, 2	7.94	486.00
Wrench, socket set, ⅜	12.88	545.00
Bar extension	1.99	430.00
Do	2.19	431.00
Socket, ½ in	1.49	456.00
Screwdriver:		
Square blade, 1 set	1.69	265.50
Jeweler, 1 set	1.97	232.00
Phillips, 1 set	1.69	258.06
Offset	2.79	225.00
Crimping tool	3.96	729.00
Superjust wrenches	4.88	1,150.00
Wrenches	1.57	234.00
Drill set	1.69	599.00
Hex driver	3.99	469.00
Feeler gage	4.27	436.00
Circuit tester	3.39	489.00
Tool box	11.67	652.00
Total	92.44	10,168.56

What makes all this so absurd, is that the Government knew full well that they were paying these outrageous prices for these items before they bought them. Look at this chart supplied by DOD:

Pricing example—Gould, Simulation Systems Division

Purchased item	*Amount*
Item—Hammer, hand, sledge (quantity, 1 each):	
Direct material	$7
Material packaging	1
Material handling overhead at 19.8 percent	2
Spares/repair department (1 hr), program support/administration (0.4), program management (1 hr), secretarial (0.2 hr), engineering support (2.6 hr)[1]	37
Engineer overhead at 110 percent	41
Mechanical subassembly (0.3 hr), quality control (0.9 hr), operations program management (1.5 hr), program planning (4 hr), manufacturing project engineer (1 hr), Q.A. (0.1 hr), manufacturing support (7.8)[1]	93
Manufacturing overhead at 110 percent	102
Subtotal	283
G&A at 31.8 percent	90
Subtotal	373
Fee	56
Facilities capital cost of money	7
Total price	436

[1] Total support hours for lot purchase are divided by number of items in each indicated category to determine "share" applicable to the line item.

These figures are pulled from an accounting sheet provided to the Government before they bought the hammer. The contractor justified these costs and the Government accepted them. How do we explain a system that allows this to happen to our taxpayers?

These are not isolated instances either. Believe me, I have visited Government purchasing posts and I have spent a lot of time with top Pentagon purchasing officials who acknowledge that the problem exists and is very widespread.

The question remains: What do we do about this terrible problem? I ask you—if you were the chief executive of a company that had a purchasing department that operated like the U.S. Government's—what would you do?

I submit that you would demand that changes be made immediately.

You would demand that your purchasing departments carefully examine their relationships with their sole source suppliers.

You would demand that your purchasing agents open the doors to potential suppliers who were previously shut out of your system.

You would demand that your purchasing people take better care of all your purchasing information.

You would demand artificial barriers to competition in your purchasing system be lifted.

You would demand that your company take control of rights to the technical data your business paid for but did not control.

If this is what you would do to put your business back in the black, then this is what we need to do to take control over our Government's runaway spare parts procurement system. My amendments address these demands. My amendments are the medicine we need to cure the patient.

My first amendment limits the use of prequalification criteria, such as qualified products and bidders lists. These lists are now being used as screening devices to deny businesses who are not on the lists the opportunity to even submit bids. This amendment would give businesses the right to submit an offer and have it considered without altering the quality standards for any purchase.

The military would continue to purchase critical items from responsive and responsible bidders. There are, however, many items purchased off qualified lists that could and should be bought competitively. Here are some items that the Government is currently purchasing off qualified lists: household lights; floor wax; flashlights; spark plugs; loudspeakers for shipboard entertainment systems; automotive grease; filing cabinets; laminated wooden boat paddles; and saw chains.

There are approximately 1,291 qualified products lists. Each list may contain one product or a family of products, so these lists may cover hundreds of thousands of items. Can we afford to close off competition for these items?

My first amendment would also prohibit the arbitrary use of sole source, noncompetitive contracts for the purchase of spare and replacement parts. In fiscal year 1982, the military spent $13 billion on spare and replacement parts. Ten billion dollars' worth of these parts, or 77 percent, were purchased through sole source, noncompetitive contracts. In June 1983, the General Accounting Office reported that savings of 30 to 40 percent could be possible if there were more competition on the purchases.

Let me say to my colleagues that it is not as though the Congress has not tried to get this message through to the military people. In 1968, the Defense Appropriations Subcommittee found that "no procedures to coordinate procurement of this type had been established."

In 1969, a congressional report stated that DOD "was not making sufficient and realistic attempts to obtain competition in the procurement of spare parts." The report found that 50 percent of these purchases were negotiated without price competition.

In 1979, a congressional report found that procurement officials were not familiar with the items they were purchasing. The report found items that were grossly overpriced, much the same situation as today.

In 1980, a congressional report directed the establishment of a "break-

out" program for spare parts purchases to correct overpricing.

In 1981, a congressional report pointed out that the procurement of spare parts was an undermanned function at DOD.

In 1982, a congressional report stated that "direct purchase of spares from subcontractors (rather than from the prime) should be pursued."

Let us look at the results of 15 years of congressional jawboning on spares parts procurement. In 1969, 50 percent of the DOD's spare parts purchases were sole source, noncompetitive contract awards. In 1982, the figure has risen to 77 percent. I submit to you that this makes a strong case for my amendments.

My first amendment will for the first time legislate criteria to limit the sole soruce contracting of spare parts. Only when the head of the buying activity determines that one of the following five exceptions to competition exists, may a sole source spare parts contract be let:

First, existence of only one possible source;

Second, there is an urgent need for the parts;

Third, national security considerations dictate a sole source contract be let;

Fourth, only one party has a legitimate proprietary interest; and

Fifth, another statute requires a specific source.

This amendment also addresses other important areas that will help bring more competition to spare parts procurement. It requires the Secretary of Defense to promulgate rules and regulations defining what constitutes a "legitimate proprietary interest" in DOD procurement policy. These rules, to be part of the Federal acquisition regulations, will help the Government increase competition and lower costs by locating alternative sources of supply.

For example, these regulations will direct purchasing agencies to establish reverse engineering programs which provide domestic businesses access to spare parts from the Government's inventory for the purpose of design replications. This I call the freedom to buy provision.

These regulations will define the rights to technical data developed in whole or in part with Federal funds. There will be a mandatory clause negotiated between the Government and its contractors in each production contract for a major systems acquisition, spelling out the rights of all the parties to the technical data associated with the procurement.

My amendment directs DOD to issue regulations that would impose appropriate sanctions on those contractors who improperly designate data as proprietary. Strong measures are needed to discourage contractors from falsely claiming rights as proprietary.

The question of "legitimate proprietary interests" is very critical in our procurement system. A very strict policy toward proprietary rights may cause contractors to withhold their goods and services from the Federal market. Too liberal a policy could allow contractors to benefit unfairly from the procurement system. My amendment strikes a delicate balance in this vital area.

Finally, this amendment requires the Government to catalog, store, and inventory the manufacturing data it owns in a manner to allow its ready access to business concerns. This is obviously important to our goal of involving as many potential suppliers as possible to compete for Federal contracts.

The second amendment I will offer to H.R. 5167 will assure that proper pricing and overhead allocation methods are used by defense contractors when they sell spare and replacement parts to the military. Too many times have we found that the Government paid far too much for commonly available items.

My second amendment requires that contractors must make their products available to the military at prices that do not exceed their lowest commercial price unless there are differences in quantities, quality, delivery, or other terms and conditions that may be imposed as a condition of the contract. This provision applies to items that are sold in commercial markets by the contractor and will not apply when national security is a consideration.

My second amendment also addresses a problem that I pointed out earlier in the example of how a contractor was able to justify a $436 price for a $7 hammer. This amendment will limit the overhead costs a supplier may charge the military on spare parts that are not actually manufactured or modified by the supplier. For items that a supplier merely passes on to the military—items that are manufactured by another manufacturer—the supplier may bill the Government for direct costs, overhead costs that are directly attributable to the item, and a reasonable profit.

Finally, my second amendment will insure that competition is obtained both in quality and price on architectural and engineering services for military construction and housing projects. I want to assure my colleagues that this amendment will assure that the quality of architectural and engineering design proposals and the offerors' qualifications will be the primary considerations for award. This is so stated in my amendment. However, my amendment will modify the current A&E procurement system by requiring that offerors submit a schedule of fees as a part of their original proposal. I am sure you will agree that it is unwise to select potential suppliers without having some advance idea of how much the potential contractor is going to charge.

This amendment also lifts the arbitrary cap of $85,000 that was imposed in the Department of Defense Appropriations Act for fiscal year 1984 on A&E contracts that may be set aside for qualified small A&E firms. In the words of Defense Secretary Cap Weinberger, this cap "is causing problems of significant magnitude for the A&E procurement community as well as small A&E firms that are subject to its restrictions."

I urge you to take a careful, long look at my amendments. I am sure you will agree they are deserving of your strong support. Help send a message to the Nation that this body cares about how the taxpayers' money is spent. Let us put some order in the spare parts procurement system.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I will be glad to yield to the gentleman from Alabama.

Mr. NICHOLS. I thank the gentleman for yielding.

Mr. Chairman, let me say to the gentleman that he has shown me copies of his amendments. He has done me that courtesy and I appreciate that.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa (Mr. BEDELL) has expired.

Mr. DICKINSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. NICHOLS. If the gentleman will yield further, we will certainly take a look at the gentleman's amendments. The Subcommittee on Investigations, which I chair, and I am not sure you were on the floor at that time, my friend from Iowa, we worked on a bill for better than 1 year now. We have prepared a very comprehensive bill. We have gone to the Committee on Rules and asked for a rule on it.

I believe that bill that we are offering will go a long way. I say to the gentleman that his interest in correcting these tremendous shortcomings in purchasing are exactly the same as my own. I appreciate his interest in it.

Competition is the name of the game, and it is our intent that these spare parts and other purchases made by the Department of Defense are competed as far as possible. We want a lot of people to take part in the bidding process.

So I commend the gentleman on his interest in it and certainly we will take a look at his amendments.

Mr. BEDELL. I thank the gentleman. As the gentleman knows, I support the efforts he is making to try to bring about these corrections.

In my opinion, these two proposals are complementary to one another,

and I would hope, above all else, that this body would not be satisfied with halfway measures. There are literally three efforts at this time, one of which is these amendments that I am offering, one of which is the gentleman's amendment, and one of which is an effort by the gentlewoman from California (Mrs. BOXER).

I would hope that we would step forward and make a complete effort to try to correct this issue. I think the taxpayers are entitled to no less than that.

Mr. DICKINSON. I thank the gentleman for his statement, which is certainly impressive. I will certainly take a look at the amendments between now and tomorrow.

Mr. KAZEN. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from California (Mr. DELLUMS), the chairman of the Subcommittee on Military Installations and Facilities.

Mr. DELLUMS. I thank the gentleman for yielding this time to me.

Mr. Chairman, we are in the general debate on the Department of Defense authorization bill for fiscal year 1985. I stand in opposition to the bill as reported to the floor of this Congress.

Earlier today we had a rather spirited and in some instances dramatic debate with respect to the nature of America's role in the world and the role of Members of Congress in shaping the direction of that policy. I hope to be involved with a number of my colleagues on both sides of the aisle as we try to fashion and structure a rational, intelligent, sensitive, and respectful debate on the question of the nature of America's role in the world and the role of Members of Congress with respect to the shaping of that policy.

But I would hasten to add that if there is any point at which the issue of foreign policy and the role of Members of Congress in shaping that foreign policy ought to be debated in a spirited way, it is in the context of this military budget.

As I said, I stand in opposition to this bill, and in so doing I seek to make the following points:

As we view the nature of the world, I do not in any way suggest that there are not differences that manifest themselves on a daily basis in the world as we see it, and that those differences create a number of dangers and tensions at a variety of different levels. I do not argue that. But what I do assert, vigorously and aggressively, is that the decision that you and I must make at this moment is which process do we embrace as the mechanism for addressing the differences that we perceive in the world, whether it is with the Soviet Union or in the Third World, or wherever.

I reject this particular piece of legislation because it embraces a direction that I believe is extremely dangerous and I say that for three reasons.

I believe that this budget is dangerous because it embraces a process that takes us beyond deterrents, beyond verifiability, and beyond reason.

□ 1940

This bill takes up beyond deterrence to the development of a war fighting capability. I use the term "war-fighting" because any time you develop nuclear weapons with greater accuracy, greater range, and greater capacity to kill, you are preparing for nuclear war. The MX missile is a war fighting weapon. The Trident missile is a war fighting weapon. The Pershing missile and the cruise missile are war fighting weapons.

We do not need to go beyond deterrence that has enormous and frightening implications for human life on this planet.

We are going beyond deterrence and I will try to argue that over the course of the next several days. We are developing incredible levels of nuclear technology, my brothers and sisters, that may very well take us beyond the bounds of arms control, never to return again, and if verification is indeed to be the basis of any agreement that we arrive at with the Soviet Union or indeed with any other country, I find it hypocritical and contradictory that we would engage in the development of nuclear weapons that create enormous problems of verification out of one side of our mouths, while we argue vehemently for verification out of the other.

As I said, we are not only going beyond deterrence and beyond verification, but also beyond reason. In that context, over the next several days I will try to argue aggressively and diligently that to deploy the Pershing and the cruise missile further in Europe is to pursue irrationality, is to pursue danger, is to take us to the brink of thermonuclear war, making nuclear war by accident, by provocation, by mistake, et cetera, much more likely in our lifetime.

The second reason why I believe that this budget is dangerous is that it pursues a direction of solving our differences based upon the notion of the cold war. We continue to operate upon the rather simplistic notion that in some way we can prepare for peace by preparing for war.

In that context, we view the world in purely military terms but I would suggest to you in strong and powerful terms that the problems of the world are poverty, hunger and disease, and human rights violations and the people not having land, children dying for lack of food. These are the nature of the problems. The problems are political, economic, and social. They are not a world full of military problems that can be resolved militarily.

I would suggest to my colleagues in that context that there are no more Grenadas. To engage in war is to flirt with total disaster, so I think that we need to move off in a different direction. If we believe that there is an idea in the world that creates a threat to us, then I am simply suggesting to you that the way to challenge an idea is not preparing for war and frightening our children so that they do not believe that they will achieve adulthood, but challenge it with a better idea.

I believe that we should have better ideas than financing the CIA to support the Contras, engaging in secret war that results in the death of human beings. I believe that we can come up with a better idea than mining ports, an act of terror.

I believe that we can come up with a better idea than spending billions of our dollars building a monument to military madness.

The third point that I make as to why I believe that this military budget is dangerous and that we pursue a dangerous course is because we are developing not only a technology of death, we are not only shaping a foreign policy based on tension and militarism and intervention, but these decisions result in a set of priorities that are rendering us impotent—impotent in our capacity to address human misery in our own country in the various forms that it is visited upon the people, in the form of poverty, hunger, unemployment.

I do not know about the cities in your States, but we have school districts in California filing bankruptcy because we do not have the necessary resources to educate our children.

So on the one hand we are frightening them with nuclear war and sabre and missile rattling, and on the other hand we are denying them the resources even if there is a future for them to cope in the world of tomorrow.

So I stand in diametric opposition to this legislation because it embraces the wrong process and there are, indeed, alternatives and in the course of the debate we ought to talk about positive and constructive alternatives.

There is an alternative to arms escalation. It is arms control. It is moving back away from the brink of disaster. There are alternatives to preparing for war, to prepare for peace, to use the power of the spoken word and our ability to come together around the negotiation table to seek peace in clear and unequivocal terms.

We can move away from a foreign policy based on the principles of militarism and intervention, where we are spending taxpayers' dollars in secret wars killing human beings.

There is a better way to do it and let us come to the floor and debate these matters. There is a better way to de-

velop a set of priorities that do not allow us to build massive armaments on the backs of the poor and the underprivileged and the oppressed people in our society, and make no mistake about it, those realities are there. I challenge any Member of Congress on either side of the aisle, irrespective of one's ideology, let us journey around this country and if I cannot show you the human misery that is going begging, the danger that is taking place in this country, whether it is at the economic level or the ecological level, that we are not dealing with because we are building this monument to madness, then I am not doing my job and I challenge anyone on that. Let us travel around the country and see.

In conclusion, Mr. Chairman, it is not easy to always stand here and be 1 of 40 plus Members of Congress standing in opposition to the military budget. The human spirit likes to be embraced. The human spirit does not like to always have to stand at a distance; but principle and integrity and fear forces me to stand at odds with my colleagues on the committee, because I think to pursue this direction is to pursue incredible danger, is to pursue agony.

I believe that there are millions of American people if given the opportunity to understand that there are positive and constructive alternatives posed by those of us who in the progressive wing of our party and in the progressive wing of the body politic, I believe that we can move beyond the absurdity of war and the preparation for war.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague.

Mr. HUNTER. Mr. Chairman, I thank my colleague for yielding.

I just wanted to get my 2 cents worth in during general debate and I figured this was a good opportunity.

I would like to remind my colleague that when we talk about the arms race, the numbers that come to my mind are that since 1972 the Soviet Union has built some 758 SS-17's, SS-18's, and SS-19's.

The CHAIRMAN pro tempore. The time of the gentleman from California has expired.

Mr. DELLUMS. Would the gentleman ask his man to give us 5 minutes and let us talk a little bit?

Mr. HILLIS. Mr. Chairman, I yield 5 additional minutes to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Since 1972, once again the Soviet Union has built some 758 SS-17's, SS-18's, and SS-19's. We have built zero ICBM's.

In the area of strategic ballistic submarines, I believe that the Soviets have built some 38 strategic ballistic submarines. We have built three. So the score there is 38 to 3.

In the area of long range bombers, and I think you have to count the Backfire as being a long range bomber, it is capable of delivering about 26,000 pounds of nuclear payloads to this city, at least if it recoyers in Central America or some other place nearby, the Soviets have built some 200 long-range strategic bombers. We have built zero.

So the arms race since 1972 at least is 758 to 0 for the Soviets, 38 to 3 for the Soviets, 200 to 0 for the Soviets.

I would suggest that this administration and past administrations, including the Carter administration, have made a great many overtures to the Soviet Union. Jimmy Carter killed the B-1 and basically let Brezhnev know that he expected some reciprocity. The reciprocity we see in the Blackjack bomber, which is essentially the same bomber as the B-1 and it is obvious now that the Soviets after we canceled the B-1 went ahead and clandestinely developed their B-1 bomber.

So I would suggest to my friend from California that if in fact there is an arms race, we have not been running it very well.

Mr. DELLUMS. Mr. Chairman, would the gentleman allow me to respond?

Mr. HUNTER. I would love to hear the gentleman's response.

Mr. DELLUMS. Mr. Chairman, the gentleman represents a legitimate perspective point of view. Let me offer this to the gentleman.

First of all, when McNamara was Secretary of Defense, he thought that we would have a credible nuclear deterrent when we had 400 nuclear weapons. As the gentleman and I talk at this very moment, we have 10,000 strategic nuclear weapons, 15,000 tactical nuclear weapons, for a total of 25,000 nuclear weapons, and if this administration's plans are projected to the end of this decade, we will be a nation in possession of excess of 40,000 strategic nuclear weapons.

Now, I think that has some enormous implications and I think we need to debate it. I think to go forward with this increased nuclear technology, we are developing more sophisticated nuclear weapons that I am saying to the gentleman will take us out of the bounds of arms control and if that is an inappropriate argument, then let us have the debate.

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Second, I am saying that because we are developing more fighting weapons with greater accuracy, greater range, and greater capacity to kill, we are preparing for nuclear war. And I think that, in and of itself, has an enormous and frightening set of implications, and I think we ought to talk about that.

So if the Soviet Union is prepared to jump off a cliff, I am saying we should not jump off the cliff also.

Finally, there is one last point I would like to make to the gentleman. Rather than to pursue arms escalation at the cost of billions of dollars on the backs of our people, at the cost of a policy that creates danger and to build nuclear weapons that may ultimately be our doom, I am saying that arms control, getting down around the table in a very serious way to negotiate back from the brink of disaster is something that ought to be within the capacity of the human condition. If the United States and the Soviet Union did not have the rational human capacity to understand we are pursuing danger, and that some kind of way we have to bring ourselves rationally to the table and stop acting like infantile, preadolescent people as we struggle against each other, then you and I are simply waiting for the moment of doom.

Mr. HUNTER. Will the gentleman yield?

Mr. DELLUMS. I certainly yield to the gentleman.

Mr. HUNTER. I appreciate my friend's statements. But now I am looking back over the incidents that have occurred over the last year. I think of KAL 007 and I think of the remarks that I think that then Presidential candidate Mr. McGovern said, which were essentially that it is too bad that we could not have had a President rather than Ronald Reagan who could have dealt with this very fine gentleman, Mr. Andropov, while he was alive. And I do not think that there was a Member in this Chamber who would say that the Soviet Union in 1983, shooting down KAL 007, and then coming in to meet with their representative, Mr. Gromyko, coming in to meet with Mr. Shultz and saying we will do it again, I do not think any Member in this Chamber would say that that was setting the stage for talks that would have been mutually beneficial between the Soviet Union and the United States.

The second point I would make to my friend is that when we had the debate on the nuclear freeze last year, and in fact while we were standing in this Chamber debating that freeze, word came to us that the fifth bomber in so many months, the fifth B-52 bomber had in fact gone down on a routine training mission in Nevada killing the entire crew on a training mission, a fairly routine training mission. We were losing our bombers at that time at an alarming rate. I do not know exactly what the ratio is, but I worked it out at one time, and it was to the effect that we would have, if we had crashes at that time at the same

rate we had had for the last 5 months, we would lose something in excess of 100 bombers by 1989.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

Mr. HILLIS. Mr. Chairman, I can yield the gentleman only 1 more minute.

Mr. KAZEN. I yield the gentleman 1 more minute.

Mr. DELLUMS. You take your 1 minute and then I will take my 1 minute to respond.

Mr. HUNTER. I thank the gentleman.

I think that the question beyond the numbers of weapons that are available is modernization. And again if we do not move, for example, to build the B-1, we are going to see in the 1990's our B-52's, which are already going down at an alarming rate, which are going to be much older than most of the pilots flying them—the youngest B-52 was built about 1962. It is going to be 30 years old in the early 1990's. And our MX missiles which had a projected life at the time of 6 to 10 years are going to be well beyond that. The Poseidon submarines are going to be far beyond their projected life.

And I think it is very bad judgment on the part of this Government should we move into a position in which we allow that very modern Soviet system to be matched up against a very old and antiquated American system through our inaction.

I thank the gentleman for yielding.

Mr. DELLUMS. I thank my colleague. Let me take my 1 minute to make the following comments:

First, I applaud the gentleman for the spirit of the exchange, and I think that is wholesome and terribly important in this body in the context of this budget.

Let me make a few quick points to your statement. First, I am certainly not an apologist for the Soviet Union. And second, I would be the first to say that the Soviet Union certainly does not make it easy for those of us who are advocating peace, and that is probably one of the significant problems that we have. As I have often said sometimes humorously that one of the things they need desperately is a public relations image, because they certainly have a bad one, we all understand that.

But I am simply saying that we should not pursue a process that ultimately will create enormous dangers for ourselves and the entire planet. I think there are rational alternatives.

Finally, to the question of modernization I would simply say, and I hope we can debate it over the next couple of days, that there are some inherent dangers in certain kinds of modernization of nuclear technology. They may yet get beyond our human institution's ability to control, and where will we be then when we are simply in the hands of computers and machines and not the democratic process?

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

The Chair would observe that each side now has exactly 30 minutes remaining.

Mr. HILLIS. Mr. Chairman, the minority would respectfully make the request to reserve the balance of our time at this point.

Mr. KAZEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of H.R. 5167, the Defense authorization bill for fiscal year 1985. I specifically want to address title VIII which contains $190 million in support of the country's civil defense effort.

Arguments to support a meaningful civil defense program which focus on deterrence, strategic considerations, and Soviet civil defense are all well and good, but to me they miss the basic rationale for a U.S. civil defense program—which is prudent and humanitarian insurance. We need civil defense regardless of the scope and expense of the Soviet civil defense program. We need civil defense regardless of who has more bombs or more megatons. And we need civil defense regardless of deterrence considerations—for deterrence can fail.

No. 3 of the Federalist Papers states:

> Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first.

As Laurence Beilenson notes in his excellent book, "Survival and Peace in the Nuclear Age":

> The Founding Fathers assumed that war between nations was normal, an assumption warranted by history and their own personal experience. During 50 of the 67 years of George Washington's life, war was being waged in Europe. In our own day it is still beyond the power of the United States to insure a peaceful world. . . .

Warfare has been a recurrent theme throughout human history and our time is no different. In fact, the 20th century may well be labeled by future historians as "the Century of Conflict." It has seen world wars, brushfire wars, proxy wars, and police actions. Subversion, threats, coups, sabotage, terrorism, and assassinations are daily occurrences. In such an unquiet world, how can we be assured that nuclear weapons will never be used?

I submit that neither a study of history nor a detailed analysis of the current world context lend complete support to the idea that a deterrent posture will reliably prevent a major nuclear war. It is worth recalling that Alfred Nobel believed that his invention of dynamite would make war impossible because it would be too horrible. Similar ideas can be found at least as far back as the invention of the crossbow and as recently as our own time.

Now some commentators tell us that history has become irrelevant because our age is unique. Most ages have fancied themselves unique; ours is especially plagued by this conceit because of the miracles of science. But the fruits of scientific discovery, great though they are, must be administered by human beings; therefore, the uniqueness of our time may be less than we suppose.

Despite all our efforts to prevent nuclear war, it may occur. If so, it will be an enormous and unprecedented disaster, for despite the best civil defense program we could develop, the loss of life and property would be immense. But it would be even larger without civil defense. Civil defense can save lives—in fact, the potential exists that civil defense measures could mean the difference between the utter destruction of our Nation on the one hand, and its survival on the other. So let us do what we can to provide the relatively inexpensive insurance which would reduce our losses should the unthinkable occur.

President John F. Kennedy once said in reference to civil defense:

> It is insurance we trust will never be needed—but insurance which we could never forgive ourselves for foregoing in the event of catastrophe . . . [for] we have a . . . sober responsibility. To recognize the possibilities of nuclear war in the missile age, without our citizens knowing what they should do or where they should go if bombs begin to fall, would be a failure of responsibility. . . .

I urge, therefore, that you approve H.R. 5167, which includes the recommendation of the Committee on Armed Services to authorize $190 million for civil defense for fiscal year 1985. The premium for this insurance is small.

Mr. MAVROULES. Mr. Chairman, I yield 6 minutes to the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. Mr. Chairman, I rise in support of H.R. 5167. I would like to take a little time and discuss the arms control issue as it relates to this bill.

Although the term "arms control" embraces armaments of all kinds, the focus of international arms control efforts during the past 20 years has been on the control of nuclear weapons and their delivery systems, particularly those weapons in the arsenals of the United States and the Soviet Union.

When measured by their effectiveness in actually controlling nuclear arms, the success of the several existing nuclear arms control agreements have been of questionable success. The Limited Test Ban Treaty, for example, has not prevented the development or deployment of a single nuclear weapon since it was signed 20 years ago. The Threshold Test Ban Treaty has not limited the development or deploy-

ment of nuclear warheads in the megaton range. Nor has the Peaceful Nuclear Explosive Treaty limited Soviet activities in that area. Neither of these 1974 agreements have served to reduce the proliferation or destructive power of nuclear weapons.

The interim agreement on the limitation of strategic offensive arms between the United States and the Soviet Union, signed in 1972, followed 2½ years of negotiations. During that period, the Soviet Union overtook the United States lead in land-based ICBM's, increasing those weapons from 1,000 to around 1,500. Soviet ICBM's were being deployed at the rate of some 200 missiles annually. Neither negotiations nor the SALT I Treaty prevented the buildup in Soviet heavy ICBM's while the number of U.S. ICBM's remained the same.

The SALT II agreement followed some 6 years of negotiations and resulted in limitations of strategic weapons at levels far in excess of U.S. plans while accommodating the existing Soviet advantage in heavy ICBM's. While there have been some collateral benefits from SALT II, the destabilizing asymmetry that existed prior to that agreement was preserved.

Some success can be claimed for the Antarctic Treaty that bans nuclear explosions in the Antarctic; the Outer Space Treaty that bans nuclear weapons in Earth orbit, on celestial bodies, and in outer space; and the Seabed Arms Control Treaty prohibiting the emplacement of nuclear weapons on the seabed and the ocean floor.

Informal agreements to control nuclear weapons have been disappointing. A prime example is the 1958 voluntary moratorium on nuclear weapon tests between the United States and the Soviet Union during the Eisenhower administration. As President Kennedy reported to the Nation on March 2, 1962:

> . . . while the United States and the United Kingdom were negotiating in good faith at Geneva, the Soviet Union callously broke its moratorium with a 2-month series of tests of more than 40 weapons. Preparations for these tests had been secretly underway for many months. Accompanied by new threats and new tactics of terror, these tests—conducted mostly in the atmosphere—represented a major Soviet effort to put nuclear weapons back into the arms race.

In the same speech, President Kennedy said:

> As new disarmament talks approach, the basic lesson of some 3 years and 353 negotiating sessions at Geneva is this—that the Soviets will not agree to an effective ban on nuclear tests as long as a new series of offers and prolonged negotiations, or a new uninspected moratorium, or a new agreement without controls, would enable them once again to prevent the West from testing while they prepare in secret.

Finally, President Kennedy said:

> We know enough about broken negotiations, secret preparations, and the advantage gained from a long test series never to offer again an uninspected moratorium. Some may urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep top-flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the undefined future. Nor can large technical laboratories be kept fully alert on a stand-by basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient—we have explored this alternative thoroughly, and found it impossible of execution.

The history of the past 20 years has demonstrated that arms control agreements do not necessarily control arms. In addition, there is growing evidence that past agreements have not sufficiently provided for one of the requisites of arms control—verification of compliance.

The President's report to the Congress on Soviet noncompliance with arms control agreements, submitted on January 23, 1984, as required by the fiscal year 1984 Arms Control and Disarmament Act states, without equivocation, that:

> The U.S. Government has determined that the Soviet Union is violating the Geneva Protocol on Chemical Weapons, the Biological Weapons Convention, the Helsinki Final Act, and two provisions of SALT II.

In addition, the report states:

> We have determined that the Soviet Union has almost certainly violated the ABM Treaty, probably violated the SALT II limit on new types, probably violated the SS-16 deployment prohibition of SALT II, and is likely to have violated the nuclear testing yield limit of the Threshhold Test Treaty.

The basic conclusion of the report is that Soviet Union noncompliance is a serious matter and calls into question important security benefits from arms control. Also, doubt about compliance increases the doubt about the reliability of the Soviet Union as a negotiating partner.

Whether one chooses to believe or disbelieve the findings of the President's report, the fact remains that the uncertainties and distrust arising from Soviet behavior have their roots in the absence of suitable means of verification. Some existing arms control agreements contain no verification provisions whatever; other agreements rely only on verification through "national technical means." Although existing provisions may be difficult to revise for political reasons, the lessons learned from the experience with those agreements should prevent future mistakes of this kind.

The thrust of arms control within the administration and within the Congress appears to be moving away from the observation and counting of highly visible objects and events such as the counting of missile launchers and above-ground testing. Instead, arms control appears to be aimed at more arcane subjects, including attempts to regulate and control technological advances. Examples of these subjects may be gleaned from legislation recently introduced in the Congress. These include:

A freeze on nonstrategic nuclear weapons; restrictions on cruise missile ranges; reductions in battlefield nuclear weapons; geographical limitations on mobile missiles; an unsupervised moratorium on nuclear weapons testing; banning the production of plutonium; an unsupervised moratorium on antisatellite weapons; and an unsupervised ban on production of chemical weapons.

The thrust of arms control activity may be entering areas wherein the crucial elements of proposed agreements cannot be verified with existing means of verification or with technical means that may be developed in the foreseeable future. In many cases, the political and expected national security benefits may well be overcome by the risks to national security inherent in Soviet clandestine violations. In addition, if a primary purpose of arms control agreements is to instill trust and confidence, unverifiable agreements will have the opposite effect.

We must pursue all reasonable efforts to achieve arms control agreements that will, in fact, contribute to national security, reduce tensions, and reduce the likelihood of war. However, the stakes are too high to enter into unverifiable cosmetic agreements that cannot meet this test.

We must pass this bill as drafted to be sure that we have those verifications in our arms control agreement.

Mr. MAVROULES. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise during this general debate to address the House as a member of the Procurement Subcommittee.

The subcommittee spent many hours working on the procurement recommendations contained in this bill. Some of these provisions, I strongly support. In other areas, I have different views.

However, I would first like to express my appreciation to the chairman of the subcommittee, the gentleman from New York (Mr. STRATTON). He is a fair chairman, and a fine member to work with.

The procurement request submitted by the President in January was $107 billion. In fact, nearly one-third of the submitted $305 billion defense budget was for weapons procurement.

Our task in the subcommittee was to fashion an alternative which would meet our national security needs but also recognize our budget deficits.

The subcommittee reduced the procurement budget by $10 billion. An au-

thorization of $97.6 billion was drafted.

I believe a few general observations are in order.

During the 10-year period, fiscal 1976 to fiscal 1985, the procurement request—the dollars in the budget for weapons—increased by 414 percent. Growing from $20.9 billion in 1976 to the current $107.6 billion, real growth in requested procurement spending has increased by 151 percent.

At the same time, spending for strategic weapons has increased by 342 percent in current dollars, or 126 percent in constant, real growth terms.

With $200 billion budget deficits now commonplace, we can no longer afford such unlimited increases in weapons spending.

The Armed Services Committee itself expresses this concern in its report, stating:

Continued increases of the magnitude projected by the Department of Defense are neither fiscally affordable nor politically supportable. If the other national priorities, such as deficit reductions, are not addressed as part of a balanced package that will produce bipartisan support in the Congress, the committee does not believe that the Defense Department's 5-year procurement has any reasonable prospect of being funded.

I agree.

In reducing $10 billion from this bill, the subcommittee was forced to reduce ammunition requests, budgets for spare parts, stretch out procurements into the outyears, and slow aspects of our military modernization.

These reductions in procurement are predicated on additional cuts in each of the next 4 years. However, unless we are prepared to further reduce conventional programs to pay for more expensive strategic programs like MX, we will not be able to pay the bills in future years.

Tomorrow, with my colleague from Florida (Mr. BENNETT) I will join in offering an amendment to stop fiscal 1985 production of the MX missile. This would save $2.7 billion in this bill, and reduce spending in the outyears by another $15 billion.

While MX will be debated in detail tomorrow, I want to express a few thoughts today.

Gen. Bernard Rogers, Supreme Allied Commander of NATO described it best when he told the Armed Services Committee:

In essence we have mortgaged NATO's defense to the nuclear response.

Explaining his thinking further the general stated:

NATO's deterrence is jeopardized by our current heavy reliance on the early use of nuclear weapons to stop a non-nuclear attack. The remedy is for NATO to strengthen its conventional forces which will also raise the nuclear threshold.

If we are to raise the nuclear threshold in Europe; add to the muscle of our forces; and provide a decent quality of life for the men and women who volunteer to serve in our Armed Forces, then we have no alternative but to cancel the highly questionable MX program.

Finally, last year, we were told that the MX missile was the No. 1 priority of the fiscal 1984 defense budget. After two close votes, $2.1 billion in budget authority was approved.

In March, Mr. BENNETT and I asked the General Accounting Office to report on the obligation and expenditure of the fiscal year 1984 MX procurement budget authority.

On May 9, GAO reported that as of March 31, only 23 percent of that MX funding had been put under contract. Additionally, no expenditures were recorded as of that date.

While I understand that the Government procurement process is sometimes slow, it is most unusual that a program which was to begin production in October 1982, is struggling with its contracts and expenditures in May 1984.

Thank you for this time, Mr. Chairman.

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Mr. Chairman, and Members who are present here this evening, I heard a colloquy between two of our distinguished Members referring to arms control. The one thing we ought to keep in mind tomorrow, when we get on to the MX amendment and amendments thereto perhaps, is that think back over the last 4 or 5 years, find exactly the position we are in on arms controls negotiations between this country and the Soviet Union; where we are today, arms control talks in total disarray and where will we be in the year 2000, in the year 2000 when approximately 25 or 30 nations will have nuclear weapons systems.

Tomorrow we think hard on that issue and take the right course and the responsible course.

Mr. Chairman, I yield 6 minutes to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. EMERSON. Reserving the right to object, Mr. Chairman, would the gentleman amend his unanimous-consent request to ask for extension only and not revision?

Mr. AUCOIN. Mr. Chairman, if the gentleman will yield, of course I will.

Mr. EMERSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. AUCOIN. Mr. Chairman, I want to talk about tomorrow's MX debate. Once again we will be told we need to build weapons in order to control them, we have to build MIRV missiles in order to get single-warhead missiles, we have to build sitting duck missiles in order to get survivable missiles.

These and other remarkable feats of logic will be discussed in detail tomorrow. But tonight I want to focus on the bottom line of the MX package, which is the administration's arms control position: Build-Down and START.

This, we are told, is the ultimate objective of MX: to get the Russians to accept Build-Down and START.

Now the probability that this administration will get any strategic arms control at all is so close to absolute zero you would need a microscope to see it. But let us set that aside. Just for the sake of discussion, let us assume the Russian accept Build-Down and START exactly as proposed. And let us assume the administration strategic modernization program is completed as advertised: MX, Trident II, B-1, and so forth.

Where does that lead us?

I have studied this question in some detail—specifically, quantitatively, with the aid of that marvelous tool, the computer. I am going to insert the text of this study later in the RECORD; for now, here's a brief summary of my findings:

First, START and Build-Down combined permit a buildup to substantially increased levels of destabilizing war-starting first strike capability. In contrast, the freeze forces a reduction in real first-strike capability.

Second, the central flaw in Build-Down is that it permits and encourages new nuclear weapons, which, in the net, are destabilizing. In contrast, the freeze prohibits new nuclear weapons.

Third, Build-Down and START are backward looking, in that they focus on the threat from Soviet ICBM's. The freeze is forward looking, in that it forestalls the more serious future threat from Soviet submarine launched ballistic missiles.

Fourth, START and Build-Down deal only with the superficial measures of numbers and weight. by prohibiting flight testing, the freeze attacks missile accuracy and surprise capability, which are the essential keys to first strike.

Fifth, under START and Build-Down, the Soviet ability to destroy our ICBM's before they can be launched will increase more than 500 times above present levels, and by more than 100 times above nuclear freeze levels.

Sixth, under START and Build-Down, U.S. ICBM warhead survivability will be decimated, even with MX, Midgetman, and superhard silos. In contrast, under the freeze our ICBM warhead survivability will at least triple.

Seventh, under START and Build-Down, Soviet ability to destroy U.S. bombers before they can take off will increase many times because of the depressed-trajectory SLBM's they can have in the next decade. Under the freeze, it would not increase at all.

In short, Build-Down and START are not the pot of gold at the end of the rainbow, as some of my colleagues would have you believe. And certainly in no way are they worth spending tens of billions of dollars for 100 fat easy targets labeled "MX." Build-Down and START would lead to a world less secure than that which we face today, and far less secure than that which would exist under the nuclear freeze.

I sent copies of my study to the three House engineers of the MX package: the gentleman from Wisconsin (Mr. ASPIN), the gentleman from Tennessee (Mr. GORE), and the gentleman from Washington (Mr. DICKS). I also sent copies to the three leading Build-Down advocates in the other body.

I invited all of these gentlemen to show me where they believe I am wrong. None of them responded. These people are my friends, I see some of them nearly every day, yet none of them has chosen to take up the issue.

So I believe the conclusion is clear. Build-Down is bogus arms control. START is bogus arms control. If you want a technically elegant, destabilizing, vulnerable first-strike weapon, then vote for MX. But do not delude yourselves into thinking that MX will lead to stabilizing arms control, because it will not.

● Mr. BEDELL. Mr. Chairman, today, we begin our consideration of one of the more controversial bills we shall debate this year—the Department of Defense Authorization Act of 1985. At the outset, I must say that I am firmly in support of a U.S. defense capability that is second to no other power and a defense capacity that permits us to respond both effectively and flexibly to any crisis that could affect or threaten our own or our allies national security interests. Nevertheless, I believe this measure to be controversial as a result of its inclusion of several weapons systems and defense initiatives that do little to enhance our national security interests. In fact, these particular systems may well endanger long-term U.S. national security interests.

Mr. Chairman, specifically, I am addressing my remarks to the committee's approval of $2.7 billion in funding for the continued procurement of the MX missile; $240 million in funding for the procurement of 75 nuclear-armed sea-launched cruise missiles (SLCM's); $95 million in funding for the procurement of components for binary nerve gas weapons, and $83 million in funding for the procurement of antisatellite (ASAT) weapons. Mr. Chairman, there can be no doubt that each of these systems is of dubious value to overall U.S. national security interests. Other systems of questionable value have also been approved by the committee but none compare in folly to the four I have just outlined.

Last year, Congress approved funding for the initial procurement of 21 MX missiles. This approval was secured through a Presidential commitment to begin development of the so-called Midgetman missile and through convoluted arguments that the MX was necessary to insure continued Soviet participation at the START talks in Geneva. Well, today, there are no ongoing negotiations at Geneva and while it is certainly true that the Soviets did leave the bargaining table, I find it hard to believe that additional funding for the MX missile will cause them to have a change of heart.

The issue at stake here is American national security. If the MX is really the best system through which to maintain that security, we should fund it and build it in sufficient numbers that allow it to live up to its name—Peacekeeper. If, on the other hand, MX is bad for American national security, we should cancel it without delay. In my view, the MX is bad for American national security. Its first strike potential coupled with its payload make it an inviting target during a period of crisis or confrontation. Its hard target kill capability serve no purpose other than to cause the Soviets to consider the adoption of a launch on warning strategy. Thus, the likelihood of nuclear war through accident or miscalculation during a period of crisis or confrontation is increased and American national security is further endangered. For these reasons, I intend to support the Bennett-Mavroules amendment and I urge my colleagues to join with me in support of its passage.

SLCM'S

Sea-launched cruise missiles (SLCM's) represent yet another dangerous step toward escalating the nuclear arms race beyond a point where we can control it. In my view, cruise missiles are not automatically destablizing weapons systems. They are, after all, subsonic in speed and retain practically no first strike potential. Nevertheless, in terms of verification SLCM's are an arms controllers nightmare as a result of the inherent similarities in design between the conventionally and nuclear-armed versions of SLCM's.

As a result of these similarities, the Soviets could demand that every SLCM be counted as nuclear for the purposes of verifying a future arms control agreement. For these reasons, I question the wisdom of our going ahead with this system. More importantly, however, a simple look at the map tells me that SLCM's are far more threatening to United States national security than they are to the Soviet Union. Most of our cities, industrial centers and indeed as much as 75 percent of our Nation's population are withing the attack radius of current models of SLCM's.

In the past, the waters that have surrounded our Nation have insulated us from our adversaries. In the future and in the wake of a solid SLCM verification regime, these same waters could provide safe haven to an array of Soviet ships equipped with nuclear-armed SLCM's threatening both the security and survival of our Nation. In my mind, SLCM's may well be the single greatest threat to the future of arms control.

At present, it is virtually impossible to verify whether a SLCM is conventionally or nuclear-armed. For this reason, Congressman GORE and I intend to offer an amendment that will prohibit the procurement of nuclear-armed SLCM's until the President has reported to Congress a method for verifying SLCM configurations. Further, this amendment will require that both the Joint Chiefs of Staff and the Director of the Central Intelligence Agency certify in writing a high degree of confidence in such method.

Once again, the issue at stake here is American national security. I see little value in our pushing ahead into an area in which we have a temporary edge when we know full well that the Soviets will mimic us yet another time and put our security at greater risk and peril than it already is. I see little value in our being instrument to the creation of hundreds, indeed thousands of mini-Cuban missile crises. This is not a question of unilateral disarmament. It is our hope that the Soviet Union will show similar signs of restraint on the further deployment of SLCM's. In my view, the question here is one of our attempting to preclude a unilateral deployment which we know will only gain us a fleeting edge over the Soviet Union. I urge you all to join with the gentleman from Tennessee (Mr. GORE) and myself in supporting this vitally important arms control amendment.

NERVE GAS

I also question the wisdom of the committee's willingness to provide $95 million in procurement funding for binary chemical weapons systems. Over the past 2 years, the House has repeatedly voted against the production of binary nerve gas. Thus, we have reaffirmed our Nation's commitment to the Geneva Treaty of 1925 on the use of chemical weapons. Further, we have reaffirmed our commitment to a voluntary moratorium on the production of nerve gas that our Nation has observed since 1969.

As evidenced on the Iraqi-Iranian front, chemical weapons are among the most vicious and least verifiable weapons known to man. While this Nation does have a need to protect our soldiers from such attacks, we have no need to build those weapons that will allow us to launch such attacks. Once again, the issue at stake is American national security and more importantly, worldwide American leadership. Will any nation take seriously our recent efforts to negotiate stricter bans on the use of such weapons if at the same time, we are forging ahead with the development of such weapons? I think not and for that reason urge my colleagues to join with me in support of the Fascell-Bethune amendment to strike all such procurement moneys.

ASAT'S

Finally, I question the wisdom of the committee's approving the President's request to take the arms race to yet another plateau—outer space. I see no need to allow for the procurement and testing of a workable antisatellite (ASAT) weapons system. It makes absolutely no sense and once again clearly serves to put our national security at greater risk than it presently is. Clearly, we are more dependent upon satellite reconnaissance for the verification of arms control agreements and the monitoring of Soviet activities than are the Soviets in their efforts to know what we are doing. Why then should we allow for the testing of a weapons system that will result in a like development in the Soviet Union? Does this make any sense at all? Although the Soviets have tested a very large and cumbersome ASAT system, our system's present technical superiority could result in a situation in which all United States F-15 fighter bombers could count as ASAT launchers. Thus, it makes absolutely no sense to continue with the development and testing of ASAT weapons.

The United States is treaty bound to the peaceful uses of outer space. Today, as he has in so many other areas, the President suggests that we ignore that commitment and forge ahead with another weapons system that allows us a temporary edge at best and results in the further destabilization of an already precarious arms balance. In this regard, I am greatly encouraged by the leadership that my friend and colleague from California (Mr. BROWN) has exhibited in this area. Several weeks ago, I was pleased to join with him in the formation of a new Congressional Caucus for the Peaceful Uses of Outer Space—a goal our Nation has adhered to since the dawning of the space age. In my view, this goal must be preserved and for that reason, I am pleased to associate myself with him in his efforts to prohibit the testing of ASAT weapons. The best time to put an end to an element of the arms race is before that element is tested. We have that opportunity today. I urge my colleagues to support the Brown amendment.

In conclusion, I do want to reaffirm my commitment to a sound United States defense posture that truly enhances our national security interests. In my view, the four weapons systems that I have outlined above and that have been approved by the Armed Services Committee do not accomplish that purpose. In my view, MX, SLCM's, binary nerve gas and ASAT's do little to better our national security interests. In fact, each of these systems serve to endanger our national security. I urge my colleagues to join with me in support of the amendments I have already discussed. Passage of those amendments enhances our national security interests and after all, that is precisely what today's debate is all about—national security.●

● Mr. BROWN of California. Mr. Chairman, when amendments to the fiscal year 1985 Department of Defense authorization are considered on the floor this week, my colleague Mr. COUGHLIN and I will offer an amendment to limit the U.S. antisatellite—ASAT—weapon testing program. I am very pleased to be joined in this bipartisan effort by my colleagues Mr. MOAKLEY, Mr. ASPIN, Mr. PRITCHARD, Mr. FRENZEL, Mr. GORE, Mr. DICKS, Mr. ZSCHAU, Mr. PURSELL, Mr. LEACH, Mr. SEIBERLING, Mr. MCHUGH, Mr. PORTER, Mr. MRAZEK, and Mr. LEVINE. The amendment would prohibit the use of funds for testing the ASAT weapon against an object in space. This test moratorium would continue as long as the Soviets continue to abide by their own declared moratorium, which was cited in the President's March 31, 1984, ASAT report to Congress. The test moratorium is important if we wish to maintain the option to negotiate a ban on ASAT's. Once the testing program is complete, it will be much more difficult to verify a treaty. This amendment cut no funds, and aside from the testing restriction, the amendment would allow the ASAT program to continue.

The purpose of the amendment is to provide a window of opportunity to explore a mutual and verifiable ban on ASAT's. Until 1979, when negotiations on ASAT's were suspended, the program proceeded in a dual track, combing ASAT development with negotiations seeking a ban on the weapon. Since then, however, the research and development program has proceeded, but negotiations have not resumed. This amendment provides the opportunity to resume negotiations on ASAT's before it is too late to avert an expensive and destabilizing arms race in space.

Finally, Mr. Chairman, the Soviet Union has been working on an ASAT, which, while primitive, is a legitimate cause for concern. Although there are more effective and cheaper ways of negating the Soviet ASAT threat, such as hardening of satellites against attack and increased maneuverability to avoid attack, the U.S. ASAT provides an ideal bargaining chip in negotiations because of the U.S. lead in ASAT technology. We should take advantage of this lead, and begin negotiations to ban the weapon before the Soviets can upgrade their system. The Soviet Union introduced a draft ASAT treaty to the United Nations in August 1983, which, while imperfect, is an indication of Soviet interest. At a time when we are suffering so many setbacks in the area of arms control, it seems to me we ought to be taking these proposals very seriously. We have much to gain if we do, and much to lose if we forego this opportunity.

Mr. Chairman, I urge my colleagues to support the Brown-Coughlin amendment.●

● Mr. EDGAR. Mr Chairman, I rise in support of title VII of H.R. 5167, the Department of Defense authorizations for fiscal year 1985.

This year marks the 40th anniversary of the enactment of the original GI bill of rights one of the most productive and beneficial programs ever designed by the Congress. Title VII of H.R. 5167 follows in that tradition by proposing a replacement GI education program for those who serve in our Armed Forces today.

Mr. Chairman, the concept of a replacement GI educational assistance program has been of major concern to those of us who serve on the House Veterans' Affairs Committee for the past 3 years.

During the 97th Congress I served as chairman of the Veterans' Affairs Subcommittee on Education, Training and Employment which was tasked with the initial review and design for the new education program. With the strong leadership of chairman G.V. (SONNY) MONTGOMERY we designed the original version of H.R. 1400, the Veterans Educational Assistance Act of 1982. My subcommittee conducted a minimum of eight hearings on the bill. We received testimony from hundreds of witnesses within the Armed Forces and the private sector. The legislation received the full endorsement of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard including testimony from nearly 200 witnesses from every rank and service.

The pressing need for a consistent and realistic GI bill has not changed from last Congress to the present time. One year ago, the Veterans' Affairs Committee again approved a new version of H.R. 1400 as amended by certain provisions contained in H.R. 1944, a similar GI education program I introduced in this Congress. This year the Armed Services Committee accept-

ed and adopted a modified version of H.R 1400 which is contained in title VII of H.R. 5167 which is before the House this week.

I believe it is important to make clear that the educational program before us today is not a new GI education program. The program is a replacement GI bill. It will replace and offset the cost of a hodgepodge of inefficient and inequitable education programs currently being utilized by the military that were enacted following the creation of the All-Volunteer Force. It will also alleviate the pressure currently being placed on the military to request costly extension of the projected 1989 termination of the Vietnam-era GI bill by offering a consistent and equitable education program for all those who currently serve in the Armed Forces.

Testimony before my subcommittee clearly showed that education benefits have far more drawing power and influence on potential quality recruits and their families than do expensive cash bonuses. Apart from the substantial return to society and the Treasury by those who actually use those education benefits, a solid GI bill will save hundreds of millions in recruitment costs. A GI bill advertises itself. The tiered benefit levels contained in the program arranged over time and service will also provide a valuable retention incentive for those quality individuals who join the service and wish to stay in the service. Improved recruitment and retention and the subsequent cost offsets in training and retraining costs alone can go a long way in helping this GI bill pay for itself.

Mr. Chairman, our testimony clearly states that the military will be facing severe shortages in the available pool of quality recruits during this decade. As we expand our military forces in hardware and technology we must be prepard to act now to provide the incentives to meet these challenges in the coming years.

Those of us who serve on the House Veterans' Affairs Committee as well as those who helped shape this legislation on the Armed Services Committee will be discussing the particulars of this legislation as we proceed later with debate on the bill. In the meantime, I would like to share with my colleagues just a sample of the hundreds of pages of testimony we have compiled in support of the proposal.

Ronald Reagan before the American Legion National Convention, August 1980:

We must provide the resources to attract and retain superior people in each of the services. We should take steps immediately to restore the GI bill, one of the most effective, equitable and socially important programs ever devised.

Gen. Maxwell Thurman, Chief of Staff and formerly the Army's top recruiter:

The Army must have an education pull mechanism permanently authorized in law which is not subject to change. The education benefits about which we are speaking do two things at once. They are recruitment incentives for us and they are rewards for services to the Nation.

Lt. Gen. C.G. Cooper, Deputy Chief of Staff for Manpower for the Marine Corps:

I have been in the recruiting business and I can look down the pike and know that the talent market is going to become more intense with industry and other means looking for the quality of youngsters we want, and I think that a good education bill in the future will be of great assistance.

Maj. Gen. Kenneth Peek, Deputy Chief of Staff for Manpower and Personnel of the Air Force:

A new GI bill would help us attract and retain the kinds of people we need in the increasingly complex and high technology Air Force that we have today.

I urge my colleagues to support title VII of H.R. 5167 when the proposal is addressed by the House.●

● Mr. CORRADA. Mr. Chairman, I rise in strong support of title VII of the Department of Defense Authorization Act of 1985 which establishes a new educational assistance program for military personnel. It is long overdue that this educational program be updated to meet our present needs.

The measure establishes a new educational assistance program to aid in the readjustment of members of the Armed Forces to civilian life after their separation from military service. This educational program would also promote and assist the All-Volunteer Force program and the Total Force concept by providing additional incentives for the recruitment and retention of personnel. In addition, this initiative propends to improve the quality of life of our servicemen through the best means available, education.

Mr. Chairman, this legislation addresses the present problems in military recruitment and retention in a very positive fashion. It is not an easy task to craft new initiatives for the enrollment in this highly demanding career. It is even more dramatic to make the enlistment attractive when you have to address the issue with a hand tied behind your back by huge budget deficits.

Nevertheless, this initiative is a good effort to solve the problem of the unfortunate low enrollment figures in our Armed Forces. A program that would give us the required manpower to insure national security and at the same time, the prerogative to our young men and women to be part of that institutionalized effort, may never be put together. But we must always strive to achieve our ideals of personal freedom and national independence. We have the resources, the capacity and the vision to make it happen. Let us lend a hand and support this measure which would at least put us a step further away from the selective service program and more in harmony with our national goals and aspirations.

I urge my colleagues to vote for the passage of this new educational assistance program.●

● Mrs. HOLT. Mr. Chairman, I would first like to express my sincere appreciation to our chairman, Mr. PRICE, and our ranking minority member, Mr. DICKINSON, for their outstanding leadership again this year. Their guidance was critical in identifying $16.4 billion in program reductions to the Department of Defense budget request. These program reductions contributed to a reduction in real growth from 13 to 5.7 percent for national defense programs. This was a very difficult task, and I believe the leadership should be commended.

As has been indicated, the lion's share—about $10 billion—of the $16.4 billion in reductions was taken from procurement programs. Therefore, Mr. STRATTON, chairman of the Subcommittee on Procurement and Military Nuclear Systems, should also be commended for his leadership.

THREAT

The Soviet objective to expand its sphere of military and political influence was brought into sharp focus during a recent trip to Eastern Caribbean and South American countries. While in Grenada, I saw grim evidence of the nature and magnitude of Soviet bloc and Cuban involvement in the area: there were Cuban-supplied vehicles and equipment from Russia and Eastern Europe; there was the Point Salines Airport with its Cuban-built 10,000-foot runway; and there were Marxist propaganda signs painted across the walls of buildings previously occupied by members of the Marxist-oriented People's Revolutionary Army. While in Peru, I saw large quantities of new and sophisticated Soviet weapons systems such as helicopters, fighter-bombers, armored personnel carriers, and other systems. I was also advised that the Peruvian debt to the Soviets for military equipment exceeds $1.5 billion, and that there is a substantial Soviet presence in Peru—about 350 officials, including 150 military technicians.

Soviet expansionism is supported by their aggressive equipment modernization program. Did you know that during the past year alone the Soviets have started to field a new Mig-29 Fulcrum aircraft with greatly increased offensive capabilities; reopened production lines for the Bear bombers as the initial carrier of the AS-X-15 cruise missile; accelerated fielding of additional mobile SS-20 missile launchers; continued testing on a new sea-launched ballistic missile; modernized the fourth-generation SS-18 and SS-19 ICBM's and are testing the fifth

generation SS-X-24 and SS-X-25 ICBM's; and in general are implementing a broad base weapon systems upgrade program for Soviet air, sea, land, and missile defense forces?

These facts speak for themselves, and I believe convincingly demonstrate Soviet will and commitment to expand their military and political influence while modernizing their forces. We must, therefore, continue to attempt to deter Soviet military expansion by fostering better relationships with our allies and with other countries, including those in South America and the Caribbean while we modernize our forces to provide for a credible deterrent.

I believe the bill before you, H.R. 5167, is a constructive step toward maintaining a credible defense program. While it does not contain all the funds I personally believe are necessary to effectively meet our national defense objectives, it is a bill which I strongly support and hope that you will join me.

H.R. 5167 was developed only after extensive testimony from Defense Department and other witnesses. The committee painstakingly reviewed every program, recommending program reductions and deletions where appropriate and necessary to meet budget reduction requirements. This process resulted in a recommended authorization of $97.6 billion for procurement programs, a reduction of $9.96 billion from the President's fiscal year 1985 request. I would like to briefly discuss some of the procurement program highlights, including the recommended reductions.

ARMY HIGHLIGHTS

The bill recommends $19.39 billion to support the procurement of Army weapon systems, a reduction of $1.67 billion from the President's request. The $19.39 billion includes $3.75 billion for aircraft, $3.19 billion for missiles, $4.86 billion for weapons and tracked combat vehicles, $2.22 billion for ammunition, and $5.36 billion for other Army procurement programs.

The major investments in Army aircraft procurement this year include $1.29 billion for 144 Apache (AH-64) attack helicopters, $460.8 million for 86 Black Hawk (UH-60H) helicopters, $431.9 million for the CH-47 helicopter modernization program, and $192.3 million for 18 Quickfix (EH-60A) helicopters. These important programs represent about 75 percent of the Army's aircraft budget and are critical to the Army's modernization program.

Regarding Army missile procurement, H.R. 5167 recommends authorizations for several important programs, including $356 million for 70 Pershing II systems, $1.06 billion for the Patriot air defense program, $541.4 million for the multiple launch rocket system (MLRS), $215 million for 5,182 laser Hellfire missiles, $189.6 million for the Stinger missile program, and $269.7 million for the TOW antitank missile program.

H.R. 5167 also recommends authorization of $32 million to procure Chaparral air defense systems for Army National Guard air defense battalions. This is an important initiative to equip our National Guard units with systems to counter the sophisticated air defense threats of the 1980's and 1990's.

Regarding Army weapons and tracked combat vehicles, the committee recommends authorizing 840 M1 tanks in fiscal year 1985, thereby, continuing tank production at the level approved by the Congress last year; recommends authorizing 70 M109 155-mm howitzers and recommends authorizing 180 recovery vehicles. In order to meet budget reduction requirements, the committee recommends reductions in over 50 percent of Army weapons and tracked combat vehicle programs, totaling $229.6 million.

In the Army ammunition area, the committee continued its support of the Army's only so-called SMART munitions program—munitions that can be terminally guided to a target—that is the Copperhead 155-mm artillery program. Also, the committee recommends a $12 million increase in authorization for selected 155-mm ammunition, thus, continuing its support of programs impacting on Army readiness. Further, the committee recommends reductions in several ammunition programs that are being replaced or are in excess to requirements this year.

Although it is not possible to cover each procurement account line by line, I would like to just quickly highlight several other major areas.

NAVY AND MARINE CORPS HIGHLIGHTS

In H.R. 5167, the committee's major recommendations for Navy and Marine Corps procurement programs—excluding shipbuilding programs—include $10.8 billion for Navy aircraft. The recommendations in aircraft procurement include 24 F-14's, 32 AV-8B's, 84 F-18's, 24 Seahawk helicopters, 5 P-3C aircraft, and 6 Seasprite helicopters. In the area of Navy weapons, the committee recommends $4.4 billion for procurement, including 180 Tomahawk missiles, 670 Sidewinder missiles, 600 Laser Maverick missiles, 603 Harm missiles, 400 Phoenix missiles, and 354 Harpoon missiles. The committee recommends reductions totaling $800.3 million in Navy aircraft and weapons programs.

The committee recommends minor reductions in Marine Corps programs of $77.3 million, less than 4 percent of the budget request. Marine Corps authorizations include $410.2 million for tracked combat vehicles, $460.5 million for ammunition, $269.2 million for missiles, $295.9 million for communications and electronics equipment, $27.1 million for weapons, $273.3 million for support vehicles, and $159.2 million for other equipment. I believe H.R. 5167 represents a continuing commitment to the Marine Corps modernization program. A commitment, I am certain, that the Congress will support.

AIR FORCE HIGHLIGHTS

Regarding Air Force aircraft, the committee recommendations include authorization for the 34 B-1B's requested, 150 F-16's, 40 F-15's, 8 C-130H aircraft to address serious tactical airlift deficiencies in Air National Guard and Air Force Reserve units, 8 C-12's, and 10 trainer aircraft. The recommendations contained in H.R. 5167 reduces the Air Force aircraft request by $3.4 billion.

In Air Force missile programs, the committee recommends reducing the President's MX program by 10 missiles and $450 million. Other significant reductions include $195 million for the Maverick missile program, $38.5 million for the HARM program, and $191 million for the AMRAAM—advance medium-range air-to-air missile—program. The harpoon missile; GLCM—ground launched cruise missile; ALCM—air-launched cruise missile; and Stinger missile programs have been authorized at the requested levels.

Mr. Chairman, in conclusion, I believe it is correct to say that H.R. 5167 is a bill which reaffirms our commitment to developing and maintaining a credible conventional deterrent, thus, raising the nuclear threshold.

In summary, H.R. 5167 represents a prudent approach to maintaining a strong national defense, and I urge your support.●

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Mr. MAVROULES. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MAVROULES) has 6 minutes remaining and the gentleman from Indiana (Mr. HILLIS) has 30 minutes remaining.

Mr. HILLIS. Mr. Chairman, I would also at this time renew our request and reserve the balance of our time pending tomorrow.

Mr. MAVROULES. Mr. Chairman, I, therefore, move at this time that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DELLUMS) having assumed the chair, Mr. HARRISON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for work-

ing capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purpose, had come to no resolution thereon.

GENERAL LEAVE

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks and include extraneous material on the debate today on H.R. 5167.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ORDER OF BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia (Mr. GINGRICH) be permitted to proceed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

POLITICS AS USUAL?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to take this special order this evening, which, in anticipation of the House, I take note that there are approximately three Members on the floor, to talk about where we are at as a body and to try to frame the event of recent days in a more historic and I think more appropriate public policy framework.

There has been a lot of turmoil, a lot of confusion. Even this evening, all three major television networks covered the behavior of the House today. The press gallery was packed for part of the day. And one of the questions we have to ask is: Is this just politics as usual? Are these just the fun and games of politicians in the people's House?

I do not think so. I think in fact we are entering a new era. I think we are entering a period of considerable change and that the House will never again be quite the same when we are done with this process. It may take 6 months, it may take 1 year, it may take 5 years. But it is as great a change as the progressive era change from Speaker Cannon in 1910 as the rise of Sam Rayburn in the 1940's and 1950's. And I think during this period of change we are all going to go through a fair amount of turmoil.

Last fall I gave a talk on the House floor, talking about the shift in the society from the liberal welfare state toward what some of us have been calling a conservative opportunity society. And at that time I made the point that as the world changes that the process of change becomes very different, that in fact it is like when you go through a tremendous period of change it is rather like white water canoeing on a river rather like canoeing on a lake where it is easy and it is calm.

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I think in that sense part of today's excitement was one of those white-water periods of rapids, of boulders, of frustrations, a period of some emotional danger, and that those things happen when you go through a period of great change.

Any student of the history of the House knows that there have been periods when a rising new force in America collided with the established older force in America, and for a period there is some turmoil, some confusion, some frustration, even indeed, sadly, some anger.

Part of what happens is that as formerly dominant people see the traditional establishment and the formerly dominant power structure decay, they become nervous, uncertain and uneasy. As people who are accustomed to dominating, who have the habit of giving orders and being obeyed, find themselves challenged they often react emotionally. What we are going through in that sense is a historic process based on change in the real world.

I would like to suggest this evening that there are seven zones of change that we are going to be living through; that these seven zones of change as they affect the House are each going to bring their own problems, their own turmoil, their own confusion, and as they interact they are going to increase the difficulties of dealing with these problems. Let me list the seven and then talk about them at some length.

First, that the ideals and values and perception of reality are changing in the Nation at large as a new generation grows up and begins to come toward power.

Second, that the procedures in the House are often used to thwart that change in the Nation.

Third, that we need far more effective methods for bringing legislation to the House floor that is reflective of the American people rather than of a past power structure.

Fourth, that it is legitimate to discuss the historical record and philosophy or framework of radical Democrats on foreign policy.

Fifth, that the structure of legislative involvement in foreign policy is a very key issue. What are the reasonable roles of legislators in foreign policy and what are the unreasonable roles?

Sixth, that in raising very sensitive foreign policy issues, whether of the effect of a particular foreign policy or of the process as it relates to the Constitution, that the traditionally dominant Democratic left becomes extemely sensitive and resorts to strong language and to what I would even suggest at times distort or confuse the debate rather than focusing on the real issue.

Seventh, and finally, what is the role of televison coverage in the future of self-government.

Let me just for a moment pause and say that the recent minor confusion about the role of television, about whether during the special orders we run something across the bottom of the screen, about showing the House being partially vacant, I think is fine. It is part of growing up, the late adolescent turmoil of a new institution.

The American people have to come to learn that much of the most important business done in this House is done in an almost empty Chamber; that that is one of the great strengths of this House; that those Members who wish to participate can come and participate whenever they want to; that there are committee assignments, there are study programs, there are serious efforts to negotiate, there are a number of things going on; that at any one moment this House may have 60, 70, or 80 different things happening.

I would only note that a little while earlier, during a debate on one of the most important bills we will bring up this year authorizing a larger expenditure of money than almost any other single bill, we had 11 people on the floor. That was fine. The other 424 were not cheating. They were busy doing other things.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be delighted to yield to the gentleman from Pennsylvania.

Mr. WALKER. Is the gentleman saying that there were only 11 people here in the House Chamber during the debate on the Defense Department authorization?

Mr. GINGRICH. That is exactly correct.

Mr. WALKER. If the gentleman would yield further, once again, I think that makes a clear point: that what we need is gavel-to-gavel coverage by the television cameras, showing all the House procedures. This gentleman, and I know the gentleman from Georgia, does not have any problem with them panning the Chamber while we are speaking during special order time. Our complaint was the fact that the rules were changed without notice, but we do not have any prob-

lem with that going on while we are proceeding with special orders.

We do have a problem, though, with the fact that it is selective with special orders; that it ought to be happening all the time in the House Chamber. I think the American people would be interested in seeing the debate on the Defense Department authorization going forward with only 11 Members in the entire House Chamber. I think that sends a message to the American people.

Mr. GINGRICH. I think the gentleman from Pennsylvania is right, and I can say, in agreeing with the gentleman, that I do not fear whatever the television camera may show in this House. I think this House has a long and proud tradition of being the people's House. I think that we have every potential to educate the American Nation in understanding how we behave.

I am even willing to have television coverage while we are voting. I think if gentlemen wish to mill around down here by the Clerk and, if votes wish to be changed after the 15 minutes are up, the American people should be allowed to see that.

I think that we, as Members, belong truly to the people's House, and should be willing to let the people see what we do.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Does the gentleman know that he is suggesting something revolutionary there; that the American people should be able to see when the arms are twisted in the well, and when people go and change their vote during the period of time right at the end of votes; that that would be almost revolutionary to allow the American people to see that process?

Mr. GINGRICH. This may sound naive, I would say to my good friend from Pennsylvania, but I think that we ought to have as an obligation the notion that if we are paid by the people back home to represent them, we should only do those things we are willing to explain to them. If we cannot explain to them why we change our vote, we should not change it. If we cannot explain why we behave a certain way, I am perfectly content to go home and say that this evening there are four very distinguished gentlemen on the floor of the House; that we are having a colloquy and a dialog, and that I think that the importance of the talk is in the talk, not the audience; that if in fact what we say matters, people will read it tomorrow in the CONGRESSIONAL RECORD, other folks will happen to see it on C-Span.

I am confident at this very minute there are more Members in their offices signing mail, or holding a meeting, or doing something, watching us, than there are on the floor. That is fine. I do not require that we have compulsory attendance so that 434 Members sit twiddling their fingers watching one person speak. What I do require is that we recognize that each of us has been elected by our constituents, each of us has a message to bring to this Chamber from our constituents, and that that should be dealt with, as I think the gentleman from Pennsylvania was saying, with a fairness that relates to all of us.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. It seems to me the gentleman is talking about openness; that what he is talking about is an open House of Representatives, one which does do its best, within its rules and procedures, to be truly democratic, and also communicate what it is doing as broadly as possible.

In past generations it was not possible to go much beyond the folks who come in and observe our proceedings from the gallery, but now we have an opportunity to go far beyond that and educate the American people through an open system of government. The American people, it seems to me, require an open system of government which then can be accountable government.

The gentleman, I think, clearly indicates that that is the direction this House should go, and I must tell the gentleman I agree with him thoroughly.

Mr. GINGRICH. I think the gentleman is right, and I would say the technology expands the chance for self-government, just as the printing press allowed us to reach out far beyond handwritten manuscripts, so television allows us to reach out further. I think it is incumbent on us as a free society to lead the planet in the use of television to create the capacity for a national townhall meeting which truly educates us.

I think that there are, as I said, seven zones of change. Let me first talk about what I think are the value changes in the Nation at large, and these changes are partly driven by what is a generational change, as the baby boom generation, that born between 1946 and 1964, is growing up. As they have seen a different reality than their parents had, I think what is happening is that they are learning from reality and that their world, their viewpoint, their beliefs, are very different from those of the traditional liberal Democrats who have historically dominated the House.

They explain part of the problem, for example, that Mr. Mondale has had in seizing the Democratic nomination, because this younger generation faces—and let me give just a few examples.

The younger generation knows that we are spending more in Washington than we are taking in, that that is raising interest rates, that that threatens to crush them, and that is why, by overwhelming numbers, they want a constitutional amendment to require a balanced budget.

The younger generation knows that we have very severe welfare state problems, that the welfare state has a problem in the size of its bureaucracy and redtape, and the welfare state has a problem because of the cheaters, and that is why the younger generation wants some kind of workfare reforms that would require that able-bodied citizens under the age of retirement work if they are going to get money from the Government.

The younger generation has come to understand, I think, that crime is real, that it is not just some fantasy in a movie, that in fact their children are in danger of becoming drug addicts, that in fact they are in danger of being mugged, or raped, or killed, and that they want to see a crime package come out of the House which is strong, which is tough, and which will help fight the very real problem of crime.

The younger generation knows that for the first time in history we are educating our children less than ourselves, and that America cannot compete in the world at large if we do not produce enough young people who are able to do the math and do the science, and to be competitive in engineering and in business with our competitors around the world.

□ 2040

Furthermore, the younger generation, I think, knows there has been an assault on the traditional values by the American Civil Liberty Union and others and that is why there has been a new effort to strengthen traditional values. That is why there was great attention paid to this House today when we tried and failed to pass an equal access bill that would simply have given students the same right voluntarily before or after school to participate in programs that relate to religion on the same grounds that they can now participate in a variety of nonreligious activities. That is why there is tremendous support in the country for a constitutional amendment that would permit voluntary prayer in schools, because there is this feeling that the world is changing and that we have got to reassert and reestablish the right to a decent neighborhood and a decent family structure and a decent set of traditional values.

Finally, the country has a very, very deep sense that we have to have tax reform, that our Tax Code is too complicated, has too many loopholes, is

too expensive, that too many people cheat and that we need a simpler, flatter tax system.

I would say I was very surprised last night back home in a townhall meeting in Morrow, GA, which was on crime, to have fully a third of the people who came want to talk about crimes relating to the Internal Revenue Service and crimes relating to the Tax Code and there was as great a plea last night welling up from this audience that had come out to talk about crime, there was as great a plea for a simplified Tax Code as there was for efforts to stop drug dealers from making our children addicts and to stop violent criminals from getting out again.

So the American people see a world that is changing and they want their Government to change, to be more effective in that world. Again and again the American people want change.

There is a classic model of change which says that we start out sort of as an ice cube and we fall out into water and then we refreeze in a new shape, so we might start out as a triangle and then become water and then refreeze into a cube or into a circle.

A friend of mine has said that in that sense if you have this frozen falling and refreezing model of change, that the last two ice cubes in America are the two political parties. Maybe in that sense, the last frozen core of resistance to change will be in the House of Representatives.

The fact is that the political system is rigged to stop change, that we have gerrymandered seats which are grossly disproportionate. We have all heard a great deal from the Democratic candidate for President, Mr. Jackson, about the fact that he is not getting a fair shake. Well, he has to become a Republican. He ought to look, for example, at gerrymandering in California, where systematically the State was divided up in such a way that it minimized Republican chances for getting votes. He ought to look around the country where it has been estimated that for the Republican Party to get 50 percent of the seats, we would have to get around 57 percent of the votes, because the whole system has been rigged against us.

Furthermore, there is an enormous advantage to incumbents. Incumbents have such a massive advantage in the amount of direct mail they can send, the amount of staff they have, the amount of finances for travel and other things they have got, their ability to raise money, that, in fact, it is a great problem for a challenger to defeat an incumbent. Well, that is to my advantage as an incumbent and I once upon a time ran against an incumbent. I was a challenger twice in 1974 and 1976 and I was defeated both times. I know firsthand the power of the incumbency; but there should be some mild bias toward incumbents. There should be some mild bias toward incumbents. There should be some advantage to having already served and knowing something; but the advantages now are so massive that it has been estimated that on the average 92 percent of all incumbents will get reelected.

Well, that makes it that much more difficult for the country to change. It means that literally you may have only a generational change, that is, if your incumbent does not retire, he or she "ain't leaving," no matter what they do. That makes it that much harder for the American people to change things.

Not only do we have gerrymandering, not only do we have an enormous advantage for incumbents, but the committee structure and the committee staff ratios are all biased against the Republican Party, so if the American people want to elect more Republicans, that will not show up on the Rules Committee. That will not show up on the Ways and Means Committee. That will not show up in the Budget Committee.

In fact, furthermore, the committees tend to be stacked ideologically, so that the most—I will not say the most biased, but certainly among the most biased ideologically of the Democrats will end up on the Foreign Affairs Committee. It will select out to be more leftwing than the House as a whole.

The result is that when we try to set foreign policy, the entire executive branch starts by negotiating with a relatively leftwing Foreign Affairs Committee and then coming back into a House which is relatively more conservative.

We further, I think, have difficulty getting change because of the use of proxy voting in committees. A powerful committee chairman may have so many pieces of paper at his desk that even if every Republican were to show up and try to vote in person, they would be outvoted by pieces of paper, each representing a signed proxy for someone who is not there.

Finally, the traditional liberal Democratic establishment tries to control things by its control of the schedule, by bringing up bills on terms that favor it, on a schedule that favors it, that maximizes its chance of winning.

There is nothing wrong with that. One expects after all those who are in charge to try to rig the rules a little bit in their favor, but what is wrong for the Nation of a whole is that when you add each layer from gerrymandering to committee ratios to the way in which the committees are ideologically stacked, to the way proxies are used, to the way the schedule is set, it makes it extremely difficult for the Nation, for America, to have an impact on the House of Representatives.

Indeed, as I have looked at some of these things, I have concluded that in some ways we resemble the pre-reform period in Britain, a period when they had what were called rotten boroughs, when in effect there were people who were not represented because they had no real impact on the government.

We resemble the period before the progressive movement, the period when Speaker Cannon was so powerful that what happened was what he decided would happen.

I would suggest that anyone who went back and read a series of statements and speeches over the last year or so by some of the key Democratic leaders in this House would discover a pattern of assertion of power over the schedule which one would only find by going all the way back to 1910 and Speaker Cannon and his very powerful centralized speakership.

One of the great challenges to everyone who believes in self-government is how do we make it easier for the American people to have their opinions and their desires, their concerns reflected in the House of Representatives?

This House was designed in the Constitution and explained in the Federalist papers as the people's house. It is designed to reflect the American people's will. That is why we run every 2 years and if it becomes so hard to change the House that in fact no matter what Members do they are likely to get reelected, 90 some percent are likely to get reelected, we then thwart the very constitutional purpose of having elections every 2 years, be cause what happens in fact is that there is no election.

I would say that today for all practical purposes in 60 percent of the seats in this Congress there is no real election. In at least 60 percent of the seats in this Congress, the House of Representatives, the Members, the incumbents, are going to be reelected unless they decide to retire and that means for the, oh, 190 million Americans who are in those particular seats—I am sorry, for the 155 million Americans who are in those particular seats, that they have almost no direct effective way of communicating what they want in terms of election, in terms of the process the Founding Fathers wanted.

So the country is changing faster. That is why we see, for example, the surprise phenomenon of GARY HART back, oh, 2 months ago when he was still the new ideas candidate, everybody said, "My goodness, look how hungry the American people are for new ideas."

Why were not those new ideas bubbling up in the House? Because the House remains in a sense the cap over the caldron. While the country, the pressure cooker of the Nation is changing, the House with a liberal

Democratic establishment tries to hold on to an old order, an old establishment, an old way of doing things.

Second, while the country is changing, even if the country were not changing, we would need to change the procedures in the House. The fact is that proxy voting is a bad policy. We ought to have few enough committees and few enough subcommittees to meet and do our work for real. We ought to demand of Members that they really understand those committees.

All of us today, and I include myself and virtually every Member, all of us are faced with an impossible set of demands in which on some occasions as many as three subcommittees will be meeting simultaneously, all of them theoretically of importance that we should go to.

So first, we should look seriously at ending proxy voting. We should require that the person be there if their vote is going to be there.

Second, we should have a fair division of committee structure and staff. There should in fact be a reasonable allocation based on percentage in the House. The Republicans have 40 percent of the Members of the House. They should get 40 percent of the members of the committee. They should get 40 percent of the staff members. There should be a real equality, a real fairness, so that a district that happens to have one party would have a fair representation and would not be shortchanged.

That would also mean the House would more accurately and fairly reflect the American Nation.

Third, there should be an effort to have the committees reflect the House, instead of stacking the committees ideologically. The more out of touch with the House that these committees get, the more difficult it is for us on the House floor to reach a serious effective agreement. If the executive branch and interest groups have to deal with the committee so ideologically or otherwise stacked that it is not in any sense reflective of the Nation as a whole, then we all participated in doing a disservice to the Nation.

Furthermore, we should have an accurate CONGRESSIONAL RECORD. The gentleman from Pennsylvania has done an extraordinarily effective job of communicating, I think, and today with help from the gentleman from California and the gentleman from Missouri, we continue the process of trying to indicate that the House record should be accurate, that all too often nowadays the House record, the CONGRESSIONAL RECORD, does not reflect what in fact happened in the House itself.

There are occasionally interesting and even ironic differences between the record on video tape and the record in the CONGRESSIONAL RECORD, so we should have an honest and accurate CONGRESSIONAL RECORD.

Let me go to the third principle.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. Let me yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I just rise to make a point that one of the things we have to be concerned about in some of the things that have taken place in the last couple days is the fact that we may be proceeding toward trying to distort the videotape record of the Congress.

□ 2050

I mean that seems to be one of the implications here, is that the TV cameras now will begin to be used politically as well. And one of the accurate records of the House of Representatives is what the videotapes have shown. It would be a shame if we lose that accurate record because of an attempt to politically bias that particular document as well.

Mr. GINGRICH. I would make two points to the gentleman I think on that, I think his very shrewd insight into what is going on.

First I would note if we have to choose between distorting the videotape to make it as inaccurate as the CONGRESSIONAL RECORD, or making the CONGRESSIONAL RECORD as accurate as the videotape, we are far better off in serving the American people to try to make the CONGRESSIONAL RECORD more honest, and more accurate, and not distort the videotape.

Second, I would say it is a grand irony that the original purpose of not allowing the television networks to control the cameras was to avoid partisan politics. And if the cameras should now be used in a manner which is effective primarily for partisan politics, that would be a sad commentary indeed on the way in which that rule managed not to work.

Mr. WALKER. Would the gentleman yield?

Mr. GINGRICH. I am glad to yield.

Mr. WALKER. We were informed the other evening that in a press conference the Speaker held he indicated that what he was going to do was use the process of panning the Chamber on occasion. Now he used that terminology. That would seem to indicate that he was going to make the decision himself as to the utilization of the process. And one has to wonder whether or not there is not some political implication in that. I do not know. I would hope not.

But it really leaves that open. And it does leave to question that same kind of tampering with the videotapes may be the pattern for the future as we have seen massive tampering with not only the CONGRESSIONAL RECORD, but with the committee documents of this body.

I thank the gentleman for yielding.

Mr. GINGRICH. If I may pick up on that, as the gentleman was saying, I think that the television camera and the videotape should be accurate and neutral and clear.

Now my point was first that ideals and values are changing in the Nation at large, that the American people are facing the realities and therefore we in the Congress have to change and have to be responsive to the changing American perception.

Second, that the procedures in the House need to be reformed to be fairer and more equitable.

Third, that we must bring legislation desired by the American people to the House floor. The American people deserve to have their major interests voted on, and voted on fairly and by a fair schedule.

By overwhelming numbers, the American people want a constitutional amendment to require a balanced budget, the American people want a constitutional amendment to permit prayer in school, the American people want a crime package passed that will make life more difficult for criminals and make life more difficult for drug dealers. And on all of those occasions it seems to me that the House Democratic leadership owes it to the Nation to in an orderly, systematic, and open way make sure that on key issues that the American people strongly desire that those issues will be brought to the floor. And that is the third major concern.

How do we get things to the floor? I would suggest one step maybe to go to a public discharge petition.

People have forgotten that the original discharge petition idea, the idea that if a bill is tied up in a committee for a certain length of time, you could go and file to discharge it from the committee and bring it to the House floor, when that was originally passed as a reform by the progressive movement in response to the tyranny of Speaker Cannon in 1910, the original discharge petition only required one Member to file it. Any one Member could bring it up, and if he or she could get a majority vote on the House floor, then the bill would come to the floor for a vote. And I think we should not go back possibly to that kind of a strong change, but instead we should have a public discharge petition to show that on an issue as important as a constitutional amendment to require a balanced budget, or a crime package to stop drug dealers and violent criminals, or a constitutional amendment to permit voluntary prayer in school, on those kinds of issues the American Nation should be able to see who is willing to sign it to bring it to the floor and who is not.

The fourth area we should look at is that we have to look at the historical record and the philosophy or framework or world view of the radical Democrats on foreign policy. This is a different kind of changing reality. Just as our domestic reality has changed, it changed in the sense that we are spending more than we are taking in as a government and we need to balance the budget, and that the Tax Code is too complicated and we need to have a simpler and a flatter tax, and it is changing in that the bureaucracy, that is the Government, has become too big, and just as the domestic realities have changed, so has the foreign policy reality of the world America now lives in. Any citizen who went back and looked at the world of say 1964, or 1959, would be very sobered indeed by how far that world has changed.

In particular, the last 14 years have been 14 years that have not worked. Freedom has lost in South Vietnam. Freedom has lost in Laos. Freedom has lost in Cambodia. Freedom is being crushed today in Afghanistan. Freedom is lost in Ethiopia. Freedom is lost in Ethiopia and in Angola where a Cuban Army of occupation is propping up a Marxist-Communist dictatorship. Freedom is at bay in Nicaragua and in El Salvador it is being threatened, and in Grenada freedom was lost but has been liberated thanks to President Reagan.

In all of those settings we see year after year after year freedom losing. We see refugees fleeing the countries, boat people coming to America. We see tyranny extended with concentration camps in Vietnam, with the use of poisonous gas in Afghanistan, with horror in Ethiopia, with secret police in Nicaragua and Grenada. We see an extension of Soviet power so that American ships at Cam Ranh Bay are replaced by Soviet ships. American influence in Ethiopia is replaced by Soviet influence. Western influence in Angola is replaced by Soviet and Cuban influence. American influence in Nicaragua is replaced by Soviet-Cuban influence.

We see a systematic pattern of Soviet and Cuban terrorism, of inspiration and training and financing by the Soviets and the Cubans of people willing to go out. And there are some accusations, serious thoughts that the Soviets were indirectly responsible for the effort to assassinate the Pope.

There is an anatomy of a takeover that worked in Cuba where Castro posed as a reformer and then imposed a dictatorship as a colony of the Soviet Union.

In Grenada, we have the records, and in Nicaragua where the Marxists in effect have kicked out the true Sandinistas, the true Democrats. We know what the anatomy of a takeover is like.

In Grenada, we have actually discovered, captured the documents of a Communist government, of a country on the verge of becoming a colony of the Soviet Union. We have literally found the contract by which the Grenadian Communists were agreeing to buy arms from the Soviet Union which would be shipped through Cuba. And in the contract, the Grenadians promised to lie about what they were doing. We have actually captured the minutes of the Grenadian Communist government, and we actually have a secret message sent by the head of the Grenadian Army, who is being trained in Moscow, reporting a conversation with the chief of staff of the Soviet military, Marshal Orgarkov, who said, and I quote: "19 years ago we only had Cuba. Today we have Cuba and Grenada and Nicaragua, and the battlefield is El Salvador. We are making progress."

With all of that evidence, with all of that history, with all of that knowledge, I sat on this House floor last August and was absolutely stunned by a debate in which good friends, able men and women, intelligent people who unfortunately believe in a philosophy and a world view and an ideology which I think can only be accurately described as a radical McGovernism or radical Democratic ideology said things I just could not believe and said them over and over, and repudiated 14 years of learning about how the Soviet Union establishes terrorism and establishes colonies and spreads tyranny.

And so I asked that a study be done. And the Republican Study Committee asked Frank Gregorsky to go back and spend 6 months looking at the last 14 years. That study now is available. We have put parts of it in the RECORD, and I hope next week to put the rest of it in the RECORD.

I think it is the most devastating indictment of intellectual self-deception by decent, well-meaning patriotic people who are just wrong that we have seen in my lifetime. And I think that when you have senior politicians, intelligent, competent people who mean well, but in fact who just do wrong, that that has to be looked at.

The best analogy I can give is imagine we were trying to hire a schoolbus driver and somebody applied who had a record once a week or more often of getting involved in drunk driving, and hitting trees and getting in wrecks.

□ 2100

You probably would not hire them as a schoolbus driver, and if you did hire them as a schoolbus driver and they wrecked the schoolbus and you said, I did not want to look at their background because that was not fair, I did not want to look at their past because that was not right, I did not want to look at whether they had accidents before because that would not give them a fair chance. People would be outraged. They would say, Well of course you have to look at their record, of course you have to see what they did in the past.

So we went back partly because of my bias as a former history teacher and we looked at history. That is all we have done, we put in the RECORD the exact words of radical Democrats as they relate to specific issues, specific countries, and then we say here is what really happened.

They promised one thing on Vietnam, something else happened, it went Communist. They promised one thing in Cambodia, something else happened, it not only went Communist but there was a horrible death in which one of every seven Cambodians died.

They said if we stayed out of Angola everything would work out. There are now thousands of Cubans there, it is a Soviet colony. They said if we only worked with Nicaragua, it would all work out. We tried to work with Nicaragua; it is now a Soviet colony. They said Grenada was doing one thing. We captured the records and found they were lying to us, they were doing something different. I think the historical record matters.

Fifth, there is an issue of legislative involvement in foreign policy. There has been a crisis building in this city in Washington since the War Powers Act was passed. Many people at the end of the Vietnam war decided that the real problem was that Lyndon Johnson had cheated and the Presidency had, somehow, gotten us involved in a war and if only Congress were more involved in foreign policy, it would be wiser.

Let me say that that concept theoretically is nonsense. Historically legislative branches, legislative bodies of 435 House Members or 100 Members of the other body are among the most unwieldy, the most difficult, the least responsible and the least effective ways to deal with foreign policy.

Every evidence we have from Alexander Hamilton's writings in the Federal Papers to the structure of the Constitution, to Thomas Jefferson's statement as our first Secretary of State to the debate on the Logan Act in 1799, every evidence we have is that the Founding Fathers had learned the hard way during the Articles of Confederation that there could be nothing more destructive than the legislative branch being involved in foreign policy and that the Founding Fathers were determined that while we should debate foreign policy in the House, we should decide whether or not to pay for foreign policy in the House, we should decide whether or not to authorize foreign policy in the House, we should have nothing to do with implementing foreign policy in the House.

So I have raised a series of questions beginning with the so-called "Dear Commandante" letter which I think are legitimate and relevant issues of the structure of the American legislative process as it relates to foreign policy.

The sixth problem relates back to the fourth and the fifth. As we have discussed the history of the radical Democratic statements and the ideology and their world view and then what really happened, as we discussed the question of legislative involvement in foreign policy implementation, the reaction of many of our good friends from the Democratic Party, particularly on the leftwing or the radical wing of the Democratic Party has been to "leap up," to use a term out of my childhood, and scream McCarthyism, and say in fact that we are questioning or impugning their motives and their patriotism. This is a serious problem at three levels.

First of all, it makes it more difficult to work in the House. The fact is if we start impugning each other's motives it becomes almost impossible to work with each other, to disagree vigorously, passionately about ideas but not about personalities. In a free society, you must remember a point which Winston Churchill made over and over again in the late 1930's when he was desperately trying to stop World War II from happening and he was desperately trying to stop Adolph Hitler, that no matter how passionate he was to fight for freedom, no matter how passionate he was to educate his friends on the left about the dangers of Nazism, that they were still his friends, that they were still Englishmen, that they were still patriots.

So first of all, it is vital that we separate the two legitimate issues of the historical record of the radical Democrats and the historical question of legislative involvement in foreign policy implementation, from any question which in any way would be personal.

There is no question of the decency, of the commitment, of the Americanism, of the patriotism of people who may be unwise, they may be uneducated, they may be just plain wrong, but they mean well. That is the first point.

The second problem is that if we establish the principle that one cannot raise serious questions about the structure of constitutional behavior, that one cannot raise serious questions about the historical record because someone else will leap up and very emotionally use very heavily charged words, then we weaken our capacity to criticize ourselves the way a free society should, to have the very freedom of speech that we need in order to talk about these very difficult, very important issues that relate to the very survival of freedom.

Finally and possibly the ultimate difficulty, and I noticed it last week when, during the debate on El Salvador, I quoted from Andrei Sahkarov, who is the most famous prizewinner in the Soviet Union, the most famous physicist, a great spokesman for humanitarian beliefs and a man who this very day is undergoing a hunger strike so that his wife can get medical attention because the Soviet secret police have sealed her off in the city of Gorky.

I would be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. A man who we passed a resolution on this House floor today in order to try to get the Soviet Government to respond to the emergency case that he is facing.

I thank the gentleman for yielding.

Mr. GINGRICH. Well, the gentleman's point is exactly right. All of us honor Andrei Sahkarov. Last week during the debate on foreign policy, I read into the RECORD his tough, clear, indeed some might say, harsh statements about Western liberals and Western leftists and their ability to kid themselves about the nature of the Soviet Union, the Nazis of the left and the nature of the KGB, the Soviet secret police, the Gestapo of the left. Many of my good friends on the left were uncomfortable, very uncomfortable, they seemed to be very unhappy that I would cite Andrei Sahkarov.

I noticed again today during the debate on the whole issue of discussing foreign policy when I cited Paul Johnson's great study of the 20th century, "Modern Times," and I quoted from Paul Johnson the way in which in the 1920's and the 1930's American intellectuals and English intellectuals deceived themselves about the nature of tyranny in the Soviet Union; people as famous and as sophisticated as George Bernard Shaw, H. G. Wells, kidding themselves, Sidney and Beatrice Webb, just refusing to believe that Stalin was a dictator, that the secret police existed, that they were slave labor camps, that they were purges, that people were being killed. I said this is a serious, deep problem of the Western left that for, beyond my lifetime, since before I was born, almost 20 years before I was born, the Western left in England and America has had a passion for not telling itself the truth about the Soviet Union.

Now that does not impugn anyone's patriotism, that does not impugn anyone's motives. A person can be very well-meaning, very patriotic, but if they deceive themselves intellectually, the information they are operating on is biased and the longer the American left reduces itself to screaming McCarthyism instead of looking at the facts, the longer the American left seeks to shelter itself behind an emotional shield 20, 30 years out of date, the harder it will be for the American left to answer very tough questions about the nature of the Soviet Union, the nature of tyranny and the nature of terrorism.

Finally, seven, there is a legitimate issue about the role of television in the people's House. I say unashamedly to my colleagues in the House, to the Nation at large, I think it is wonderful that we now have an instrument which allows over 7 million American homes, at the flick of a switch to participate in the process of self-government.

I think it is amazing that in Sioux City, IA, there are a group of senior citizens who call themselves the "Watchdogs," who get together every day and watch their Congress and then talk about it.

I think it is tremendous that across this country there are people who are beginning to voluntarily educate themselves on the issues, the process and the procedure. And let me explain why.

With the rise of television and the half-hour national news show and the hourly 5-minute radio news show, the Presidency became too powerful. It became too central. Presidents are simply elected kings and a free society cannot exist if our elected kings become too strong, whether it is President Reagan, or President Carter, or a President Mondale, or whoever.

A free society, and the Founding Fathers understood this and it is in everything they said and did, a free society in the end has to have a strong legislative branch. That is why in the Constitution it is the legislature which comes first and the executive and judiciary which follow. Yet in the age of the short television and short radio, half hour of this, 5 minutes of that, you cannot explain this body. It it too complicated, it is too difficult. It is like trying to explain a French gourmet meal and how you cook it in the length of time necessary to fix a hard boiled egg.

□ 2110

It simply is not doable. And what C-Span is doing for us, what televising the House floor is doing for us, is it is rehumanizing the process. This is a difficult process. Many of my friends today said oh, they were ashamed that on television tonight we looked messy and confused, that we looked chaotic, that we were fighting.

And let me say to all of you, we have no choice. If you want a dictatorship we can give you efficiency. If you want a dictatorship we can give you neatness. Freedom is messy and confused. Disagreements between liberals and conservatives, between Republicans and Democrats, between newer Members and older Members are awkward. It is frustrating. There is human passion. This is a human body. This is not

some machine. This is not some computer. This is not some calculator. This is a gathering of 435 people, young and old, heavy and thin, white, black, yellow, brown, red, male, female, of all persuasions, from the far right to the far left, gathered together of all interest groups, from farmers, to airports, to ports, to steel mills, to talk about, argue over the hopes and dreams of the American people.

Continuous coverage for the first time since the rise of television and radio gives the average American a chance to conveniently, easily, cheaply, to tune in and to learn the process. Politics, self-government, is like cooking. You learn it best in the kitchen. And this is the kitchen of freedom, this is the place you have to learn it in.

So, I can say in closing that I was saddened today. I think frankly we need to work harder at letting everyone know when we are going to a special order that relates to them. I think frankly we need to work harder at focusing attention on the great issues and not the petty passions. I think that many of our colleagues who are angry, and upset, and frustrated are caught up in a very difficult, a very painful process of change. A time when they find their basic beliefs challenged, they find their power challenged, they find their position challenged. This is a difficult time.

I think the gentleman from Texas, the distinguished majority leader, was correct in calling on all of us to say while we go about the very business we were elected for, the very business this House is created for, of arguing, and fighting, and debating passionately on the things that we need to do to change so America can survive, we must do so in a spirit in which all of us recognize that everyone else who came here also won an election, that we all have an equal right to stand and fight for our people back home, and that we all owe each other the basic belief in the tradition of the House which places personal integrity, personal patriotism, and personal commitment above the petty problems of any single, daily fight.

I thank you, Mr. Speaker.

ADDRESSING THE PEOPLE'S AGENDA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I am going to deal, to some extent, with some of the issues raised by the gentleman from Georgia, but I am going to try to, in a short period of time here, look at some of it in a little more detail with a little more specificity. Because it seems to me that the issue that we have been facing over the last several days, an issue that has to be put in the context of building up over a period of some weeks now, is how this House deals with the issues that are before the country.

Now, that the problem was that many of us perceived at the end of the first session of this Congress, as we were moving toward the second session of this Congress, was that we knew from going back home that were a vast variety of issues out in the countryside that the American people were concerned about, but yet we did not seem to be addressing in the House of Representatives.

Some of those issues were dealt with if they were issues that the majority was interested in. If the majority felt that there was good politics in bringing some of those issues to the floor, of course, they got dealt with.

However, many of the issues, issues like balanced budget, issues like the crime control, issues like dealing with drug purveyors, issues like voluntary school prayer, issues like line-item veto, many of those kinds of issues we had not been dealing with because they were issues of primary concern to the minority in this body, but issues where the majority felt that politically they could be devastated by those issues being brought to the House floor.

So we asked ourselves, as well as we could, what are the avenues open to the minority within the rules of this House, proceeding as the rules of this House permit us to, that would allow us to bring those issues to the attention of the House and to the attention of the American people.

We took a look at that and we decided that there were few avenues that were open to us. One avenue was through the unanimous-consent procedure. We could come to the floor and we could ask unanimous consent that some of these matters be considered. We could ask unanimous consent that a bill referring to those matters be brought to the floor for immediate consideration.

Beginning early in this session we did that. We came to the floor in 1-minute speeches during the 1-minute speech period time and began asking unanimous consent that the balanced budget amendment be brought to the floor, that the voluntary school prayer amendment be brought to the floor, that the line-item-veto amendment be brought to the floor. For a couple of days we were permitted to proceed in that direction, which is a direction that has been used around the House for some period of time. I have often sat on the floor and heard whole measures brought up by unanimous consent, which is what we were doing. But then suddenly the rules were changed. Suddenly the Speaker made an announcement that we were going to be gagged on that particular procedure. He announced a new procedure whereby we would have to go to the minority leadership, and the committees on the minority side, and the majority leadership, and the committees on the majority side, and get clearance before we were permitted to bring those unanimous consents to the floor.

We acceded to that. We went to the minority leadership and we got the clearance to bring the issues to the floor.

Of course when we began to ask the majority leadership for their clearance, we got none.

So we acceded. We stopped raising those unanimous-consent requests. We simply started making the statement that we had cleared it with the minority and were looking for majority sponsorship. And, of course, never got it.

But we operated within the rules of the body, seeking to bring issues to the floor that are legitimate issues, but the majority immediately found a way to try to shut down that process.

Another option we knew that was open to us was the option of discharge petitions. As the gentleman from Georgia mentioned earlier, the discharge-petition route is one that we are still exploring and we are looking at the possibility of perhaps finding a way to make public the names that go on discharge petitions so that more force can be put into the discharge petition process. We think public discharge petitions, as a new rule in this House, would be a good thing. So we are exploring that.

But the problem with discharge petitions is that they are dependent upon at least some majority cooperation in order to bring them out. They are not wholly something that the minority can do. A minority of 168 or 169 people does not give us enough numbers to get 218 signatures. So that is a rather iffy kind of process by which we can raise our issues.

The third thing we had available to us within the rules of the House to have our issues addressed was the special order process. The special order process provided for the minority party the only time when we could take a block of time and discuss the issues that we wanted to discuss in the way we wanted to discuss them.

I raised that issue on the floor earlier today and there was an attempt, as far as I was concerned, to distort what I was saying on that. I was told, well, of course the minority always gets blocks of time whenever bills are brought to the floor the minority is given half the time. And that is absolutely true. I do not quarrel with that.

The problem is that what we are doing during those blocks of time is we are discussing the things that the majority has brought to the floor. They control the schedule. They are not necessarily issues we want to discuss.

Many times the issues being brought to the floor are being brought to the floor with the idea of embarrassing the minority, of hoping to get them on the record during that block of time in order to have their statements used.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Kansas.

Mr. GLICKMAN. First of all, I want to say that I was sitting in my office and decided that in all fairness we ought to come down here and engage in dialog with you. I think that the general philosophy of letting you take these large blocks of time at the end of the day and then be upset at ourselves for what you do to us, either politically or substantively—I do not think you do very much substantively—but whatever your intentions are, we have the obligation to share in this process. I think it has been a mistake. It is an abdication of the process.

Now with respect to the special orders that the gentleman talked about, I myself believe that needs to be serious reform in the special order part of this process. As the gentleman and I sit here and talk and as the audience now knows there is nobody here to view this process, although there are lots of people in America listening to it and care about it very much, but as——

Mr. WALKER. We have four Members on the floor right now which is about equal to what we had discussing legislative business earlier this week. There is virtually no one here during this period.

Mr. GLICKMAN. Now wait a second. In all fairness let us not demean the House. We had lots of Members discussing a variety of issues last week when we talked about Central America. This place was jammed. And I assume when we are talking about the MX missile and other related defense issues the next couple of days this place will also be jammed. I do not want the American people to get the misimpression——

□ 2120

Mr. WALKER. If the gentleman will let me reclaim my time for a moment, we made the point a few minutes ago that during the process where we were discussing the DOD bill that the gentleman just referred to a little earlier, we had at one point 11 people on the House floor.

Mr. GLICKMAN. But that was during general debate. Maybe that is framed in the wrong way. But when we talk about amendments, like the MX missile, I am sure there will be a lot of people here.

Mr. WALKER. I would hope so.

Mr. GLICKMAN. I want people in America to know that there are conscientious Members of Congress in both parties who do come here and listen to the debate every single day. When the items are less controversial, there are fewer people here. That happens. But let me get to my point.

Mr. WALKER. But would the gentleman agree with me that during those periods of time when we have those kinds of debates that we ought to be scanning the House Chamber with the cameras and having the same process, the same openness process?

Mr. GLICKMAN. You know, I do not really much care, and I do not think it makes very much difference, in the long term, to whether there is war or peace in America, or whether there is inflation, or lower interest rates, or higher interest rates, whether the cameras scan this place. As far as I am concerned, we could do away with television. Although I think it is useful as a political science experiment, I do not think the country will live or die on the basis of whether the television cameras scan the place.

Mr. WALKER. On that point I think I might say that I disagree with the gentleman. I think it does contribute to the openness of the process, and that is good for us.

Mr. GLICKMAN. I am not saying it is not a useful thing. I am saying that whether the cameras scan or not is not going to make or break this country. There are a lot more important things that we ought to be doing.

Mr. WALKER. No doubt. The gentleman is right on that.

Mr. GLICKMAN. What I am saying is, on the issue of special orders, why not go to a system, possibly, of alternating special orders, perhaps even alternating 1 minutes as well, where we go from Democrat, to Republican, to Democrat, to Republican. It has always concerned me that one could reserve blocks of time many, many days in advance for a long period of time—and I am not saying there are not Members on my side who have started this process. I am not totally blaming the gentleman and his party. But I am saying that there are ways it can be done to make the process a lot more constructive so that we do not have to look as ridiculous as we did earlier today in this body when Member by Member raised points of personal privilege and we got into a scene which I think looked rather childish. So I guess I came down to the House today to do two or three things: One is to let the country know that there are some people listening to this debate; two, that Members of my side of the aisle ought to get involved in discussion with you periodically, because most of the time I do not think you are right.

Mr. WALKER. Fine.

Mr. GLICKMAN. And we can disagree on the substance of the issues.

The gentleman from Georgia, (Mr. GINGRICH)—he is not here I do not think—just got through talking about perceptions and concepts of the American left, which I thought were interesting, and then I was reminded of the piece that Richard Nixon wrote in the Washington Post this last Sunday, which I would imagine that members of the American right would have thought would have been written by a member of the American left, but it was not, it was written by a very astute American President who had very insightful comments about American foreign policy, some of which, by the way, were contradictory to what a lot of Members on the gentleman's side of the aisle are saying right now. But I guess what I am saying is that we all need——

Mr. WALKER. It has been a long time since someone on this floor has used those kinds of nice words about Richard Nixon. I thank the gentleman.

Mr. GLICKMAN. That is right. But, you know, he made some very interesting comments about the future of this country and about foreign policy.

But I am saying, let us do a couple of things here. You know, we have got serious problems in this world. The deficits are so high. I see today that Treasury bills were sold, the interest rates are going higher, I see that we and the Russians are further and further away from talking to each other on any kind of issues, and I see that here were are haggling, just continually haggling over issues like should the cameras scan the House or not, haggling over issues as to who is loyal and who is not loyal, and perhaps again recognizing that not all is the fault of your side of the aisle. After all, we do set the schedule in this place, and we do have control over certain items.

So I guess my point is, why do we not try to reach some constructive approach in the future where we do not have to engage in this kind of rhetoric?

Mr. WALKER. I think maybe the gentleman has some things we ought to discuss. Would the gentleman be willing, for example, if we are going to share the special order time back and forth, which, as I say, is the one block of time that the minority can set aside to discuss the issues that it wants to discuss, would the gentleman be willing to go to some other kinds of reforms? For example, allowing the minority leadership to schedule a few bills on the floor each week, bills that have been reported out of committee.

That would be one way that we could assure, then, that the minority gets a fair hearing on some of the things that are reported out of the committee but are being held, for whatever reason, at either the Speaker's desk, or in the Rules Committee, or elsewhere. If the gentleman thinks it would be fair, and so on, to go back and forth with regard to special order

time, would he also regard it as fair to at least have some ability for the minority leader to choose bills that would appear on the House Calendar each week for debate and discussion in the House?

Mr. GLICKMAN. Well, let me put it to you this way: Power resides in the majority party. It is that way here, it is that way in State legislatures all over the country. So it is not appropriate to have unnecessary delegation of power to the minority side.

Mr. WALKER. Well, the gentleman wants to reform a process by which the minority is able to discuss the issues the way it wants to discuss them. There he is willing to reform. What I am concerned about is that you do not seem willing to reform the process by which the majority imposes its will on the minority.

Mr. GLICKMAN. Wait a second. In the first place, the president of any company, the majority in any organization, rules the show but gives the minority appropriate rights. I recognize that. If you go down this House and you look at most of the committees of Congress, let us take my own committee, the Agriculture Committee, we have passed out lots of bills over the last several years that the minority sponsored. So it depends on the good will of people as much as anything else. And I think that is what you got to have in this place, that you have got to have good will, and if you have that you are going to have the kind of cooperation.

The gentleman and I serve on the same committee, the Science and Technology Committee. The gentleman knows that we do our best to try to work out issues so that there is, to the extent feasible, minority rights involved in the amending process, in the bill process. I mean it may not always be perfect, but it works out if people have good faith.

Mr. WALKER. We do that, I would say to the gentleman, and I think the Science and Technology Committee tends to be one of those committees where that attempt is made. But I would say to the gentleman that in the course of the authorization process this year, we ended up with the minority having a vote against a number of bills that came out of the committee because it could not be accommodated. We had to come to the floor and have those fights on the floor because there was a willingness to use the power of the majority, ultimately, to crush the minority on that committee.

Mr. GLICKMAN. But you were not crushed. You came to the floor of this House and you offered the measures that you wanted, and there were floor votes in this House, and you won some of the battles.

Mr. WALKER. The gentleman is correct. But what I am saying is that proxy votes and a number of things in the hands of the majority were used to crush us in the committe. We did come to the floor and win a couple of those issues. But once again it is the question of whether or not that is really a responsible use of power in the hands of the majority. Obviously, the majority has the obligation to run the place. Obviously they are in control. And no one is suggesting that the control be totally taken away. But what I am suggesting is that a number of things could be reformed here in order to have more of the good will kinds of things the gentleman suggests that he wants. One of those things would certainly be to put some of the scheduling in the hands of the minority leadership and allow them to bring some bills out here. That way we would not have to have some of these kinds of discussions. That way we would be assured that the minority would have a right to——

Mr. GLICKMAN. What kinds of bills would the gentleman suggest that the minority should have power to bring to the floor?

Mr. WALKER. I would suggest that any bill that has been reported out of the committee and is on the calendar of the House would then be eligible for the minority leadership to put onto the calendar in any given week. It would have to be a bill reported out of committee, it would have to exist on the House Calendar for possible action, and then the minority leadership would have a chance to select among those bills, and each week, if it cared to, put a couple of those bills on that we would then debate. It would have had to clear the process. Some of the bills that I am concerned about, of course, would not have cleared that process. But we would be able, for example, to bring out the bill at the present time with regard to the insanity defense. That has been reported out of the Judiciary Committee. It exists on the House Calendar. That would give the minority leader the power, then, to go and pull that bill out and bring it to the floor for debate and discussion.

We would not then have to spend a lot of time criticizing and wondering why that bill is being held off the floor for action. The minority leadership would have the pressure on them, as well. It seems to me that is a very reasonable kind of reform that we could do that would help the comity of the House rather than destroy the comity of the House.

□ 2130

All I am suggesting is that if we are going to reform some of the things that are important to us in terms of discussing our issues, why not have some reforms in how the majority conducts the business of the House as well.

Mr. GLICKMAN. All right. I am not so overly partisan to believe that everything we do around this place is 100 percent correct.

Mr. WALKER. Or everything we do.

Mr. GLICKMAN. I am glad the gentleman makes that confession himself for his side of the aisle.

Mr. WALKER. Sure.

Mr. GLICKMAN. The fact of the matter is that this is a difficult place to operate in, but it also is a very partisan political place and we are going to have our differences anyway. I guess what concerns me is that there seems to be, every year that I have been here, it has just been heightened every year, this incredible sense of partisanship, of deadlock, in the way this place operates and the way the majority and the minority function vis-a-vis each other.

Granted, whoever is fault, let us not worry about that right now. What I am saying is that I see deadlock occurring in many cases. I see that perhaps things are not managed as well as they should be on our side of the aisle. I see on your side of the aisle the kind of petty wrangling which irritates me personally. I am not alleging the gentleman from Pennsylvania necessarily does it all the time. Then what I see, and when I go home, the American people watch this and they say, "Gee, you have so many serious problems in this world, the very serious problems of high interest rates, of unemployment, of nuclear war, of Central American problems, and yet all you people do is wrangle about small things like where the television cameras are and where they are panning."

Mr. WALKER. The gentleman understands, I hope, that the issue with regard to the television cameras is a minor issue in what he talks about; but that the issue there was one of the ways in which the minority again was treated by the majority; that we changed the practice without notification to the Members, and many of us just felt that that was the problem.

I do not have any problem with the cameras panning. It is just that I think that somewhere along the line we, as Members of Congress, elected by 500,000 people, have the right to expect to be treated with a certain amount of dignity and courtesy.

Mr. GLICKMAN. All right, I buy that. I accept that.

Mr. WALKER. And that was not done in this case. In all honesty, one of the frustrations of the minority is that it is not done in many cases.

Mr. GLICKMAN. Did the Speaker though not acknowledge to your leader, Mr. MICHEL, that he should have, in fact, contacted him and he did not with respect to some changes, and he acknowledged that and he apologized for that.

Mr. WALKER. After that fact that that indeed was done. But the problem is that for us in the minority, you may not see those frustrations in the majority, but this is not an isolated incident. This happens time and time and time again, where there may be an apology when it is over, but the fact is that we are the ones who are the victims before the apology takes place.

That is part of the problem of dealing in the minority. Then to deal under a rules system designed by the majority, where the rules in the first place are developed by the majority, with no vote from the minority whatsoever, where our input into it is consistently ignored, and then to have those rules changed, sometimes midstream, in order to accommodate the will of the majority, I am just telling the gentleman from the standpoint of someone who is in the minority, who tends to be an activist on the floor, that it is very, very frustrating.

If you see those frustrations vented from time to time, it is because it is a constant pattern. It is a drip, drip, drip, drip pattern of finding ourselves in a situation where we are trying to operate within the rules, only to have the power of the majority used to attempt to crush us.

Mr. GLICKMAN. If the gentleman will yield further, I think what I am saying is that I would like to see this go beyond what I perceive to be as gamesmanship and partisan wrangling to improving this institutional process so that we can deal with substantive issues in a more effective way.

If I may tell you one thing, the perception on our side is that there sometimes appears to be obstructionist for obstructionist purposes itself, and not with seemingly any end goal to try to deal with underlying subtantive issues. I guess perhaps we both can learn something from the experience, particularly the experience earlier this afternoon which, in my judgment, was a very embarrassing experience for this institution, experience for the Speaker of the House, embarrassing experience for the minority of this House as well. It is the kind of thing I never want to see again, because it belittles us, how we look with respect to the rest of the American people.

So maybe we all have a lot to learn from this experience and I hope that we can grow from it.

Mr. WALKER. Let me talk for just a moment with the gentleman about this business of obstructionism, and so forth, and what the gentleman says.

We made a conscious decision at the beginning of this session that we would not engage in obstructionist tactics. That is one of the ways in which the minority can make its viewpoint known, too; have votes on every procedural question, and so on; when we get angry, and so on, just absolutely shut down the House through procedural debate and by obstructionist-type tactics.

I would challenge the gentleman to point to any day in this session when we have engaged in such tactics. We made a specific decision at the beginning of this session that we were not going to do that. We were going to try something else. We were going to come out here and we were going to use unanimous consents, which the majority had consistently used to pass bills; that we were going to try discharge petitions; that we were going to use special order time to discuss the issues, and that we were going to try, within the rules, to do something different and not engaged in obstructionist tactics, and we have not. We have not.

Yet now when we engage in these tactics, they are regarded as obstructionist. They are regarded as being something which is not something which the majority is willing to accept, either.

The point is that nothing that is done by the minority that begins to communicate a message and frustrates the will of the majority is ever acceptable to the majority. I understand that. You know, we have a political agenda, too, and that political agenda, if it were successful, would probably defeat certain Members of the majority party, and of course the majority party wants the kind of comity of the House that will assure the kind of friendly atmosphere in which everybody on their side will be saved and every body on our side probably will be saved, too, but we still end up in the next Congress with a 2-to-1 majority against us.

We would like to correct that a little bit if we could, and I think the gentleman understands that. That is some of the real world. If we are ever going to become a majority around here, we are going to have to do certain things that distinguish what we want for America versus what the majority wants to America. If we only debate the majority's agenda, we have no opportunity to put across that kind of message.

So we tried to come here and say, OK, after the business of the House is done, when nothing else is going on, we are going to come to the floor and we are going to discuss our agenda. We are not going to prevent the majority from having their agenda on the floor, but when they are done for the day with their agenda, then we will come to the floor and discuss our agenda.

Now what we find out is that that also is totally unacceptable. Once again, that becomes frustrating. It is understandable, but it is frustrating.

Mr. GLICKMAN. If the gentleman will yield further, I do not have anything personally to do with how this House actually operates, but I would make the following few observations.

One is that as a matter of political science, you are right. It is your responsibility to point out the difference between us and try to embarrass us within good taste.

Mr. WALKER. I would not characterize it as trying to embarrass you. I would have characterized is as trying to differentiate.

Mr. GLICKMAN. Well, sometimes it is done with embarrassment purposes, but for whatever purpose, it is to try to differentiate positions. But I would not characterize the gentleman as correct in saying that there has been no effort to obstruct or slow the process down.

Mr. WALKER. Could the gentleman cite me an instance?

Mr. GLICKMAN. I was here the one time—well, not here the one time. I correct myself. I recall I was managing a Judiciary bill on bankruptcy when there was an objection to a unanimous-consent request, when most of the gentleman's minority side on the Judiciary Committee supported the unanimous-consent request, and the gentleman did not, and so it cost us some extra time and delay.

Mr. WALKER. Now, wait. The gentleman is raising a question there of a legitimate issue. This gentleman had gone to the chairman of the Committee on the Judiciary the first time that the bill was brought out here for an extension, and I told them at that time that if they brought it to the floor for another extension under unanimous consent that I would object, because I wanted to be sure that the next time we came for an extension that we had a vote of the House behind it. We would not do it by unanimous-consent procedure.

That was not an attempt to obstruct in any way whatsoever. That was an attempt to address a very legitimate issue in a manner in which we were assuring the Nation that the House at least voted for that extension and did not just do it out here by unanimous consent.

□ 2140

Mr. GLICKMAN. What about the gentleman's own committee in Congress, the gentlman's own representatives on that committee that did not agree with that particular process? What I am saying the gentleman was taking a role independent from what the Republican members on his committee wanted.

Mr. WALKER. I had discussed it with the gentlemen from the committee and told them what I was about to do. Some of them did not agree. I will tell the gentleman that not all of them disagreed with me. A number of them said, "Well, I can't take that position on the floor, but you go ahead."

I would say to the gentleman that we all have to independently stand on

some things. We cannot always agree with even our own minority members on committees from time to time. We all have to make independent judgments. I made an independent judgment at that point that it was time that we settled the bankruptcy issue. The House did not agree with my position at that point. I think the next time the House may agree with that position.

Mr. GLICKMAN. Well, for one thing and then I am going to sit down, because the gentleman has his own special order and I do not want to totally interrupt it.

It looks to me perhaps we are in the middle of an election year when we have about 6 weeks to go before we recess for our conventions, but at some point in time I think it is appropriate for the leadership of my party and the leadership of the gentleman's party, with appropriate grassroots input, to sit down and talk about these issues.

I see ourselves developing into internecine warfare in this place. I do not like it because this place works on consensus. Regardless of the points the gentleman made about differentiating positions on substantive issues, and I see us developing a situation where that consensus is evaporating away. If that happens, the only people to lose are the American people, who need to have action on deficits and related kinds of things.

Mr. WALKER. I agree with the gentleman that we operate on consensus. I think you have to have consensus, but one of our contentions is that there are a number of bills that we would like brought to the floor around which consensus would develop, too, if they were ever allowed out here.

We are convinced, for instance, that if you brought the insanity defense plea to the floor that we would rapidly achieve consensus on that bill and we would pass it in this body, that the only reason why it is not being dealt with is because the majority leadership will not schedule it and it is some of those kinds of things that I am talking about.

I agree with the gentleman. Consensus would be fine. It cannot be just consensus that the majority leadership of this body decides shall be before us for consideration. It has to be a consensus that is developed, it seems to me, amongst all of us who have a responsibility of representing the country.

We Republicans represent tens of millions of people. We have some right, it seems to me, to bring those issues to the floor that those people are concerned about. If you want to vote against them, fine, but it seems to me we do have a right to have those issues addressed.

Mr. GLICKMAN. You do have that right, because the rules of the House permit you to use a discharge petition and get a majority of the Members of the House if you want to.

Mr. WALKER. But the gentleman should have listened to the first part of my special order. I talked about the fact, sure, we have a discharge petition, but we have to depend on part of the majority in order to get that discharge petition out. There are not enough of us, there are not 218 of us, so we would have to get majority people to sign on, so that is not wholly a tool available to the majority.

Mr. GLICKMAN. But it is a partial tool and it has been used before and sometimes successfully.

Mr. WALKER. Would the gentleman agree with me for a reform there? Would the gentleman agree that we ought to make the discharge petitions public, that we ought to be allowed to release the names of the people who have signed the discharge petition, so that we have it public, so that everybody knows who is on that discharge position and who is not.

Mr. GLICKMAN. I do not know, but I would say this, going back to the point that all you need is a majority of the Members of this body; after all, we are elected as individuals, party is secondary to our status as Americans, and you need just 218 people to sign a discharge petition. After all, 218 run this place, so I think that is one of the tools available to the gentleman.

Mr. WALKER. And the gentleman is aware, of course, that in a couple instances where we have had the figure get close to 218, there has been tremendous pressure brought by the majority leadership on Members who had signed on to take their names off, so that we do not get 218, that they do have the power, because it is being held in secret at the desk to go to Members and tell them to withdraw their names and that has been done on numerous instances in the past.

Mr. GLICKMAN. Sure, and I am also aware that Members of the minority side have been cajoled into going down and putting their names on discharge petitions who might not have wanted to do it.

Mr. WALKER. Oh, sure, obviously we have got to get almost unanimous numbers from our side on a discharge petition to have any hope whatsoever of getting 218 names.

Mr. GLICKMAN. My point is, there is real and strong interest in a bill, like on a couple constitutional amendments. Since I have been in this body, on the balanced budget, I think at one time, and on busing at one time, you were able to get the 218 signatures.

Mr. WALKER. After working very, very hard on it, yes, that is true.

Mr. GLICKMAN. But that is the key to the fact that you do not run this place. We do run this place and we give you the tools; granted it requires you to work a little harder.

Mr. WALKER. The gentleman is correct. You run the place and that is a right given to the majority, but I hope the gentleman would recognize that then we have a right to complain about the way you run the place.

Mr. GLICKMAN. Of course, you have.

Mr. WALKER. And that is essentially what this gentleman has been doing now for some weeks. I have been complaining about the way you run the place.

I think one of the reasons why we have the kind of partisan atmosphere that is developing here, the kind of bipartisanship, is because it is badly run, that we do have some rules that are intended not just to accommodate the minority, but to crush the minority; that the rule developed, for instance, earlier in this Congress when we first came in that said that we could no longer just automatically be permitted to stand up and put riders on appropriation bills.

The gentleman knows full well that was a tool for the minority, that one of the ways that we had to address our issues was on appropriation bills to put on fund limitation amendments. That was specifically taken away from us by the majority party. It was a conscious decision to take that tool away from the minority.

Mr. GLICKMAN. That was also very controversial within our Democratic Caucus. I oppose that rules change.

Mr. WALKER. I understand, but the problem is that from our perspective it is something that was very important to the minority that we lost and that is just one of many things that take place.

As a matter of fact, that particular tradition not only goes through the 200 years of the Congress, that tradition goes way back into the whole parliamentary law. There has always been the ability by legislative bodies to do fund limitations.

Mr. GLICKMAN. Let me ask the gentleman this question. I just do not agree that the minority rights are being trampled on the way the gentleman says they are.

Mr. WALKER. The gentleman is not a member of the minority, so I can understand that the majority sometimes has an inability to discern the kind of problems that they are creating for the minority.

I am sure the gentleman sees his side of the aisle as being fair to us in many instances. What he may perceive as fairness may be the precise things we regard as being unfair.

Mr. GLICKMAN. This gentleman is not blind to things that happen around this House, that if this gentleman were running the show, he would change himself.

I have been around this world long enough to see that improvements in

any machinery might be a helpful situation; but I also believe that while the gentleman serves a valuable role and Members of the gentleman's side kind of tweaking at us periodically, that it has gotten to the point where it is creating an atmosphere, and maybe it is partially caused on our side, but it is partially caused on the gentleman's side, where we are not getting anything constructive done.

I would ask the gentleman himself, has he been working through his own party leadership to try to perhaps reach some consensus on some of these changes with our leadership; the gentleman from Illinois (Mr. MICHEL) or the gentleman from Mississippi (Mr. LOTT)? They are representatives of the gentleman's party in dealing with our leadership. I mean, are they actively participating in trying to get some of these things changed? I do not see them very much on the floor talking about these issues.

Mr. WALKER. Well, the gentleman, of course, has his own perception of that. We have been working very closely with them on this.

I would remind the gentleman that it was the minority whip, the gentleman from Mississippi (Mr. LOTT) who rose to the key point today in the House floor when the words were taken down.

□ 2150

That was the minority whip out there, the minority leader was on the floor during the period of time. And those people are, in fact, actively engaged in this.

I would remind the gentleman when we were making the unanimous-consent request for a balanced budget amendment, for the school prayer amendment, and so on, we had the specific agreement of the minority leadership. In fact, they have come to the floor themselves and made those requests on occasion.

And so this is a strategy which is very much not only condoned by them, but actively participated in by the Members of the minority leadership. And yet, we see no accommodation to those kinds of issues. We see only attempts to try to undercut, and I have to admittedly use the word "crush" the minority from time to time on many of the things that we are attempting to pursue

Mr. GLICKMAN. But you see, my theory of the way I see this place being run is that I think once level heads get together and talk about issues, that perceptoin of being crushed is crushed. And the fact of the matter is, as I see around this place, whenever there is a kind of loggerheads reached, maybe the gentleman from Pennsylvania is involved in that, the two individuals get together, and the majority and the minority, Mr. LOTT, Mr. MICHEL, Mr. WRIGHT, Mr. O'NEILL, or Mr. FOLEY, and usually a consensus is reached.

And I guess my point, again I go back to it, again it is that I see a situation developing that will so wrap this House in partisan bickering that not only will we not be able to get the things the gentleman wants to get accomplished done, we are not even going to get the basics done, the appropriations bills, the tax packages, the variety of things we have to do to keep this country running.

Mr. WALKER. I would say to the gentleman that it would not be because of any delaying tactics that we have engaged in thus far. As a matter of fact, this gentleman has come to the floor on numerous occasions raising questions about the fact that we were having half-hour meetings, one-hour meetings, 2-hour meetings early on in this session when we could have been addressing some of the issues we thought were important then so that we did not run some of these things up against the schedule.

I am sure what we are going to be told in the weeks just ahead is that, "Oh, we can't possibly put some of those things you want on the agenda because we are far too busy. We have appropriation bills. We have a debt limit bill. We have all of these things. We can't possibly accommodate them."

But, of course, they could not be accommodated early in the session either when we did have time. That is one of the problems that we perceive. And I would just say to the gentleman what he seems to be saying to me is he wants to see us accommodated on all of this, and I do not have a disagreement with that, but you want to accommodate it within the rules that you set, some of which we regard as being wholly unfair.

And I have suggested here this evening some rule changes that I would like to see take place, that I would think would make it fairer for the minority to deal in that kind of an accommodation atmosphere. And the gentleman has said to me, well, he is not sure whether he would be willing to do those things.

Mr. GLICKMAN. First of all, I assume that the gentleman's leader is going to be sending a letter to the Speaker and the majority leader of the proposed rule changes that they want to see made when we do that at the end of the year, and I assume that the gentleman will put in writing those rule requests; will he not?

Mr. WALKER. Of course. And we have discussed them. But I would say to the gentleman, many of our rule changes were things we raised at the beginning of this Congress, and we were voted down. There was not one vote on your side of the aisle to commit the bill back to the committee. That was the key vote, to commit the bill to committee, to at least study the Republican rule changes. There was not one Democrat who felt accommodating enough to take a look at what it was we were proposing. It was voted down on a straight party line vote without any consideration of some of the things that we regarded as crucial.

That is when that decision was decided. To have us complaining about it now seems to me is something that the gentleman should assume.

Mr. GLICKMAN. In the first place, before the Congress was organized we spent a lot of time studying rule changes.

Mr. WALKER. With the minority?

Mr. GLICKMAN. And we had a lot of minority suggestions at that time that we did that, and we will do the same thing this time as well.

Mr. WALKER. Now wait a minute, wait a minute. What minority suggestion was adopted by your caucus?

Mr. GLICKMAN. In the first place, I was not on the rules change panel. But I am aware, I am aware from the gentleman from Pennsylvania that suggestions were made by the leader of your side, were considered, and some of those may have been adopted in some way.

Mr. WALKER. And I am pleased that they were considered. You know, I am pleased that somebody did consider them.

But the fact is that there was no substantive change proposed by the minority that was adopted, and they were considered in a process where we had no input. It was considered in a process where you take your suggestions, and you look at them and so on, and your caucus makes a decision. Well that is the majority telling the minority what it will accept. That is what this gentleman is saying has become unacceptable in a true democratic tradition.

It seems to me that that is something that ought to come out here. We ought to debate it fairly. It ought not be a bound vote. It ought not be a party line vote. If there is a good rules change being suggested from the minority side, we ought to adopt those things. We ought not have party line votes on something that is going to affect the operation of this body. If we make it party line votes, then it seems to me that you have to accept the consequence that some of us are going to be unhappy about that, and some of us are going to raise questions throughout the Congress then about the procedures under which we are operating, that we regarded it as unfair from the beginning, and we see as being operated unfairly in the course of the session.

That is precisely what I have been doing. I raised questions about those proposed rules changes early on. As a matter of fact, I would say to the gen-

tleman that they were characterized to me by the press as attempts to gag BOB WALKER, that they, some of those things that were suggested——

Mr. GLICKMAN. The gentleman should feel honored that he was a special beneficiary of those things.

Mr. WALKER. It was nice that the Democratic caucus regarded my presence on the floor as being so much of a problem that you had to figure out some way to deal with me.

But I would say to the gentleman that I was not involved in those discussions. And so I just bring up the point that having made those points early in the Congress, then it seems to me that it is not at all out of reason for us to continue to raise those points in the course of the session.

Mr. GLICKMAN. I would just say, and this is my last comment, one, I think it is useful for us to come down here as members of the majority party and talk to the gentleman when he raises these points which are procedural, or when substantive points are raised. I guess one of my concerns is that the gentleman today is raising procedural points. I cannot argue all of that because I do not have all of the facts.

But at the same time, I think that as long as we stay on a level playing field we are all right. It is when we lash out and get involved in personal items, both sides, I think that we do this place a disservice.

There is a story, JOHN GLENN tells this story, the Senator from Ohio, about the man who is a mailman, and he goes to deliver a letter, and he goes to this house. And up on the house is an old man with a mean-looking German shepherd. And the mailman looks at the old man and says, "Does your dog bite?" And the old man at the top says, "Nope."

So the mailman walks up the steps and the dog bites the heck out of his leg. And the mailman is very upset and he said, "I thought you said your dog don't bite." The old man said, "He don't. That ain't my dog."

I think that is what I guess my point is in this whole debate, is that there is so much volleying back and forth as to whose fault procedural items are, whose fault substantive items are—the American people are becoming—they almost would like to have ear muffs so that they would not hear this kind of stuff anymore, and I would just suggest to the gentleman it is time we tried to reach some consensus on some of these issues, and I hope that we can do it in the spirit of not being personally disagreeable.

Mr. WALKER. I hope that the gentleman will continue to come and participate, and I hope he will convince some of his colleagues to come out here and participate. We have wanted that from the beginning. If you will go back to the very beginning of the session, one of the things that we said at the very, very outset of taking these special orders is that we encourage members from the majority to come out and debate these issues with us.

We think it would be far more educational than us standing here talking to the American people via C-SPAN for the majority party to come out and debate the issues. We very much want that and I think it is useful.

I am very much appreciative of the fact that the gentleman from Kansas is here this evening, because I think it is useful for the exchange to take place. It is helpful to me. Hopefully it has been somewhat helpful to him. But I think it is certainly helpful to the people who view the process.

I remember a discussion we had some weeks ago where some of us got involved in a discussion over "Star Wars." I had a number of my colleagues come up to me afterwards and tell me that they learned more from watching TV that evening on that "Star Wars" discussion, from both sides, because there was a debate, than any other presentation they had heard on the subject.

That was almost an ad hoc kind of procedure because a number of us decided to get together and discuss that issue. If we would do more of that out here, this special order time could become very valuable time. And I want to assure the gentleman that any time that I have a special order that I will be very glad to yield to people. I am not coming out here to purely talk about my own agenda. If somebody else wants to come over and talk with me about some of these issues, I want to yield to them because I think it is useful and I very much appreciate the gentleman coming over to discuss it this evening.

Mr. GLICKMAN. I thank the gentleman.

Mr. WALKER. I would say one other thing to the gentleman with regard to his story and so on. I would just tell the gentleman what I was told when I first came to the House, and it is one of the places where I come from in this process. I was told that if you control the rules you control the process, and if you control the process you control the policy.

Now you can see that is the reason why all of the great issues that the gentleman wants to discuss, and I agree with him, that is the bottom line, that is what we should be doing out here, but those are policy issues that can only be settled within the process. And ultimately the rules make the determination of the process by which we set that agenda.

That then to me became a reason why I ought to familiarize myself with the rules, why I ought to find out how it is we operate around here and why it has become somewhat of a passion of mine to follow what we do around here, because I ultimately understand as a member of a minority party that those rules can be used for us, they can be used against us.

□ 2200

If they are going to be used for us, we are probably going to have to do it on our own, if we are going to apply our rules in such a way that we influence the process and then ultimately influence the policy.

That is the reason why some of these issues come up because I think that is fundamentally important for us as a minority. I say to the gentleman, you see, you start off with two things going in your favor as a part of the majority party. You do control the rules and you do control the process and thereby you are pretty much assured that unless something drastic happens, unless there is an aberration in this House, you control the policies that are developed for the country out of this House.

And we have some responsibility to interact within that process, that is what we are attempting to do.

I would be glad to yield to the gentleman.

Mr. GLICKMAN. As long as you mentioned my name, let me say a couple of things.

Mr. WALKER. Sure.

Mr. GLICKMAN. One is that beyond that, we still represent a continuum of history that started 200 years ago and we all must assume some modicum of dignity in the process which I assume we both stand for.

Mr. WALKER. Sure.

Mr. GLICKMAN. And we assume that the rest of our colleagues would also stand for.

The second thing is that the gentleman thinks this House makes its policy in the abstract. We have a President of the United States who under our constitutional system sets and delivers and asks for most of the policy.

Now, right now, that President happens to be Republican, a member of the gentleman's own party.

Mr. WALKER. Sure.

Mr. GLICKMAN. Not the party of mine, not the Democratic Party and that party, your party, also controls the Senate. So two-thirds of this legislative-executive establishment is yours. It is ours because we are Americans, we are all out trying to do the same thing. But it is the Republican establishment, not the Democratic establishment.

So I do not want to make it sound like the gentleman is just a poor, tattered and battered victim in this process. The fact of the matter is that only one-third of the operating Government of the United States today is of my party.

Mr. WALKER. The gentleman is correct. I do not dispute anything that he says. But maybe that explains then why this place has become so partisan, maybe that answers the gentleman's question.

The majority, it seems, has tried to utilize this body as being the place by which it would define the democratic policies for the country.

Mr. GLICKMAN. Perhaps.

Mr. WALKER. If those of us on the minority side respond to that somewhat negatively, I hope the gentleman will understand why. Maybe, you know, he can look at the Senate and say that is controlled by the Republicans, he can look at the Presidency and say "it is controlled by the Republicans, so therefore in the House we have got the obligation to be tough on policy, to make certain the Democratic point of view comes across," fine.

But do not expect us to roll over and accept it.

Mr. GLICKMAN. I do not.

Mr. WALKER. Do not expect us when that kind of partisan attack is made, and that kind of partisan use of the rules is made and that kind of partisan development of policy is attempted, not to respond that we oppose it, and not to respond in a way that tries to define as best we can within our minority status what we think the options are.

And that, it seems to me, is the tradition in which we are trying to do it.

I agree with the gentleman that the long 200-year tradition of this House is something that I treasure. I would not be here if I did not. And I think the more you understand the operations of this institution, the more you come to treasure that tradition.

But on the other hand, the one thing that strikes me, having written a history of this body some years ago, is the fact that it has always been a somewhat contentious body, and the only times it has not been contentious is when we have had a legislative dictatorship of sorts. It was not a very contentious body during the days of "Uncle" Joe Cannon; it was not a very contentious body during the days of Nicholas Longworth, but I would submit to the gentleman that that is not the tradition that this gentleman came here to serve.

This gentleman came to serve in the tradition of the legislative body that has had a pattern over 200 years of being an open democratic process in which individual Members of Congress had an opportunity to make a difference. That is what my constituents expect me to be here doing.

So that what I am attempting to do is to bring about some of those changes that I think are necessary to make it into that kind of process.

I see too much of the attempt to use it as a forum for the partisan politics and too much of an attempt to have singular leadership that tramples on the rights of those of us in the minority.

Mr. GLICKMAN. My first point is, I would like to read the history you wrote of this place, because the gentleman is very scholarly. I am sure it would be an enlightening experience, if he would share that with me.

Mr. WALKER. I will send you a copy of the book. It traces the history of Congress based upon the people who served in the seat that I now serve.

Mr. GLICKMAN. I would love to read it.

The second, this country is founded on one basic principle, majority rule with minority rights; that is a principle that has to be promulgated in this body, as well as every State legislature, as well as every city commission in America.

The third principle which I think is very important because the American people get frustrated with what they see as this constant lack of resolving conflicts in the highest areas of government, it is that we have got to devise a better system to resolve conflicts or else nothing is going to get done in this place.

My fourth point is it cannot be viewed in the abstract. Granted we have tensions between the majority and minority party in this place, but you also have to consider this is one out of three parts of a legislative-executive puzzle; the President, the Senate, and the House.

And all those things together I think explain why we operate the way we do.

I would hope that we could do a better job and I would hope that the gentleman's side could also do a better job.

Mr. WALKER. And you see what makes it difficult for us, you are right, we do not operate in a vacuum, but when we hear leaders of your party, for instance, describe the President as a "liar," describe the President's policies as being "cruelly deranged," use terminology of that kind, being directed toward the person who is in the White House leading our party, that then also plays to the way in which we feel that the majority power is being used as a wedge against the minority in this place.

So the gentleman is correct, but I would tell the gentleman that that is a two-way street, and that insofar as that kind of language is used, as a part of the macropolitics that takes place in this town, then it also gets translated into some of what takes place on this House floor, which in my opinion does undercut some of the comity under which we have to operate for consensus.

But then it becomes a two-way street. You cannot expect, you cannot expect that your leadership can use those kinds of terms to describe the President of the United States and not be expected then as the symbol of the Democratic leadership in the country to hear some of that same kind of language used from the minority side, who are the people who can address them in this body, and that is a shame.

Mr. GLICKMAN. Yes, the language does not belong anywhere. I recall when poor Jimmy Carter was President of the United States, he was the recipient of more ugly language, more directed criticism, harsh as it may be, perhaps more so than the current occupant of the White House, but it does not belong wherever it exists.

Perhaps tonight you and I can begin the process of hearing the rhetoric. As Mao Tse-tung and I am sure neither one of us is are necessarily——

Mr. WALKER. Let us not bring him up too much especially after the discussion on the floor earlier today.

Mr. GLICKMAN. My point is, he said "The long march begins with just a single step."

Perhaps you and I tonight can begin the single step to begin to bring the rhetoric down and try to bring some degree of good-naturedness and responsibility to this place it so desperately needs.

Mr. WALKER. I appreciate that from the gentleman, and I hope that is the case, because as I said, I do appreciate the fact that he came here to discuss the issue this evening.

It is important that we do talk about it, because I think to some extent that some of our complaints, if you will, that might not be the best word for it, but some of the concerns that we have, have not even really been listened to along the way and that is a growing frustration.

And what you saw enacted in the House Chamber today was I think an act of frustration on both sides of the aisle. It was certainly a frustration that has been welling up for some time on our side of the aisle that has to be dealt with.

I gathered it was also a frustration to some extent on your side of the aisle from the fact that, you know, some of us have been challenging the power and that dealt with some frustrations.

I would prefer to see us be able to accommodate some of these things within a different kind of performance than we saw today. But I would say to the gentleman that we also, I think we also must have an atmosphere in which those of us who have concerns continue to address them.

And I would hope that we can address those concerns in the spirit of the kind of byplay we have had here this evening.

But if that cannot be done, I would say to the gentleman that we are

going to try to continue to raise those concerns because we think that they are legitimate issues, not only for this body but for the Nation.

Mr. GLICKMAN. I just appreciate the chance to come down here and talk and I wanted to let the American people know that Members of both parties in this institution are interested in having a good, sound, effective responsible House of Representatives that can go out and try to solve the problems of the world.

Mr. WALKER. I thank the gentleman and with that, Mr. Speaker, I yield back the balance of my time.

□ 1010

HOUSE PASSES HOUSE CONCURRENT RESOLUTION 304 TO PROTEST SOVIET ACTION TOWARD DR. BONNER AND DR. SAKHAROV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, I am pleased that today the House unanimously passed House Concurrent Resolution 304. This resolution calls upon the Soviet Union to honor its commitment to the Helsinki accords and the International Covenant on Civil and Political Rights and to void all charges against Dr. Bonner, to permit her to travel to obtain medical treatment, and to permit Dr. Bonner and Dr. Sakharov to live in the country of their choice. This resolution also calls upon the President to protest the Soviet actions toward Dr. Bonner and Dr. Sakharov, and to call upon other nations to join in our protest.

Senator MOYNIHAN, and I, cosponsors of this resolution, discussed the resolution last night at a reception in honor of Dr. Sakharov. We served as hosts with Representative TOM LANTOS and Dr. Edward Lozansky, director of the Sakharov Institute. As I looked around the room, I was filled with a deep appreciation for all those who had taken the time to attend and demonstrate their support for Dr. Sakharov, a man whom they had never met, and probably never would. It was as much a show of support for the ideal of freedom and dignity for all oppressed people as it was for Andrei Sakharov, the individual.

This reception was planned months ago, and the issue was never more timely than now. Now, when Dr. Yelena Bonner Sakharov has been confined to internal exile in Gorky with her husband. When her health is failing and she has been denied a permit to travel outside the Soviet Union to receive the medical treatment she so desperately needs. When Sakharov is entering his 14th day of a hunger strike in protest of this denial, and his health is failing. The current situation is crucial. Dr. Sakharov cannot last long in a fast, and Dr. Bonner has had a seizure and is going blind.

The situation facing Dr. Andrei Sakharov and his wife, Dr. Yelena Bonner, is one of concern to us all. The treatment being accorded to them is representative of the treatment accorded all "prisoners of conscience" in the Soviet Union, that is ostracism, harassment, charges of conspiracy and treason, lack of access to communication and medical treatment.

That people should be treated thus is a great humanitarian tragedy. Dr. Sakharov will be celebrating his 63d birthday on May 21 in internal exile in Gorky, cut off from friends, colleagues, communication, and medical facilities. He will, however, have the company of his wife, Yelena Bonner, who has also been exiled to Gorky. Neither is in good health, and we can only pray that they will be able to celebrate International Sakharov Day on May 21. His friends and supporters here will be honoring him with a benefit concert at Carnegie Hall in New York, as the kickoff to a European tour which will focus world attention on the plight of the Sakharovs, and others similarly situated.

Dr. Sakharov began a hunger strike on May 2, to protest the fact that Yelena Bonner had been denied permission to leave the Soviet Union in order to seek the medical treatment she so desperately needs. Since Gorky is a closed city, there is no word as to his condition. We can only hope that the Soviets will respond to the action we took in the House today, and permit Yelena to travel outside the Soviet Union to obtain the treatment she so desperately needs. Dr. Bonner has left the Soviet Union three times for medical treatment, and three times she has returned. They are both extremely ill. What danger, what threat could there be in granting her permission to leave for medical treatment? What benefit can be gained by denying her this right? She has proven that she will not leave her husband. This paranoia on the part of the Soviets demonstrates their fear of elemental freedom.

Last week Dr. Bonner was threatened with criminal proceedings for slander against the Soviet Union, and, even more serious, with treason for consorting with named officials at the U.S. Embassy. The State Department retaliated immediately last Tuesday with a strong statement refuting these charges and demanding the release of both Dr. Bonner and Dr. Sakharov. It is an odd coincidence that the publication of this statement was overshadowed by the well-timed announcement of the Soviet withdrawal from the Olympics.

The fact that these noted scientists and humanitarians should be exiled and cut off from communication and needed medical treatment is an outrage and an offense to human decency. The position the Soviets are taking is obvious. They are trying to minimize the importance of these two individuals. Last week some of my colleagues met with Soviet officials at the Embassy in Washington. The message was loud and clear. They professed no knowledge of the Sakharovs' situation; after all, they cannot keep track of all the dissidents exiled within the Soviet Union. It makes one wonder how many dissidents the Soviets have that they are unable to keep track of two such eminent individuals. And their inference was clear; my colleagues felt that the Soviets were implying that if anything did happen, it would be the fault of the United States for causing so much trouble, not the Soviets' for denying them access to proper medical facilities. This type of reasoning is beyond comprehension.

In the United States we believe in human rights and human dignity, and we believed that when the Soviets became party to the Helsinki accords that the situation in the Soviet Union would change for the better. I urge my colleagues and the people of the United States to continue to press this case. I agree with my friend, Ed Lozansky, that the best way to get the Soviets to act is to focus attention on their activities and censure them worldwide. Ed knows from experience. he was reunited here with his beautiful wife, Tatyana, and his lovely young daughter, after a massive publicity campaign. And it worked. Let us make that effort for Dr. Sakharov and Dr. Bonner, and for all other oppressed people.

We in the United States honor Dr. Sakharov with receptions and concerts, and even a Sakharov Day, while the Soviet Union honors him with silence and exile. The Soviet Union has an odd way of showing its appreciation for its Nobel Laureates and its heroes. Dr. Sakharov was already in confinement for his humanitarian activities when he was awarded the Nobel Prize in 1975, and has remained there. Dr. Bonner was a Russian soldier in World War II and was wounded three times and decorated for her activities. Now she too is in confinement.

We must do all that is in our power to take action on behalf of these two individuals, and all others like them. There are numerous victims of civil rights violations in the Soviet Union, and although all are not Nobel Laureates or heroes of World War II, they are each entitled to be accorded the rights guaranteed to them by the Helsinki accords, and by the common human decency which goes beyond any formal agreement.●

CAMSCAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 30 minutes.

● Mr. LOTT. Mr. Speaker, I am taking this special order to elaborate on what Washington Post staff writer T.R. Reid has referred to as "official Washington's latest political scandal: Camscam."

In my 1-minute speech yesterday I charged that the Speaker's new policy of selectively panning the House floor with the TV cameras only during special orders, without prior announcement or consultation with the minority, is blatantly political and partisan. The Speaker confirmed this in his own 1-minute response yesterday when he indicated that the policy was taken in retaliation to certain special orders taken by Members on this side of the aisle. The Speaker also confirmed that this new panning policy would only be undertaken during special orders, and not during the normal legislative business and voting of the House, further supporting our charge that this is a selective and arbitrary policy, aimed primarily at the minority party.

Mr. Speaker, in my earlier remarks I made reference to the Rules Committee's report in February 1978 which gave the Speaker final authorization to make our broadcast feed available to the media. The Rules Committee's majority report recommended that the Speaker establish a House-owned and operated system subject to the Speaker's control. I also made reference to my minority views to that report objecting to a House system in part because of the expense, and in part because I felt "an in-House system will appear to be politically motivated." The Speaker's new policy switch on camera directions is beginning to confirm our worst fears about the House covering itself with its own cameras.

Mr. Speaker, in this special order today, which I am inserting in the RECORD and which will therefore not be subject to the Speaker's new panning policy, I want to review in more depth the historical development of the House broadcast system with special emphasis on the issues of who should control the cameras and what should be shown. I served as the ranking Republican on the Rules Subcommittee which made the final recommendations to the Speaker in 1978, and was the author of the resolution (H. Res. 866) which authorized the Speaker to begin developing the system in the previous year, and am now a member of the Rules Subcommittee which retains oversight jurisdiction over the House broadcast rule.

JOINT COMMITTEE RECOMMENDATIONS IN 1974

Mr. Speaker, back on October 10, 1974, the Joint Committee on Congressional Operations issued a report entitled, "Broadcasting House and Senate Proceedings," in which it recommended that both Houses broadcast their floor proceedings, and, after a 60-day initial test, make the audio and video feed available to the media for a 1-year experimental project. The joint commitee recommended that the test be conducted by the joint committee or by existing House and Senate committees or special broadcast committees to be created for that purpose. While the committee would promulgate general policy and procedures, the joint committee suggested that PBS be invited to provide the equipment and personnel for the test.

The joint committee made clear that what it ultimately had in mind, should the test prove successful, was a permanent system along the lines of the United Nations which owns and operates its own broadcast facilities and makes the feeds available to radio and TV stations.

On the question of what the cameras should show, the joint committee said sufficient cameras should be installed "to provide coverage of the entire floor of each Chamber, so that those intending to speak need not move to designated locations." The report went on:

> As a general rule, the cameras should remain with those who are speaking, and "panning " for reactions while a presentation is in progress should be held to a minimum. This should not preclude variation of the camera angle or "wide" shots, however, particularly during the opening of each day's proceedings, so that viewers may get an accurate picture of the Chamber.

The joint committee went on to recommend that coverage be carried out "in a nonpartisan manner and is fair and equitable in recording the views of Members participating in floor proceedings. Also, the committee or committees involved should provide for receiving and acting expeditiously on any objections by Members pertaining to such coverage."

BROADCAST RESOLUTIONS INTRODUCED

The vice chairman of the joint committee, Representative BROOKS of Texas, introduced a House resolution in 1974 to implement the joint committee's recommendations for House broadcast coverage. No action was taken on that resolution in the 93d Congress.

The resolution was reintroduced by Representative BROOKS at the beginning of the 94th Congress on March 3, 1975, and collected over 100 cosponsors. Another broadcast resolution was introduced by Representative Anderson of Illinois and gathered more than 60 cosponsors.

Under the terms of the Brooks resolution (H. Res. 269) the House broadcast system would be operated by the House Commission on Information and Facilities. The Rules Committee held two hearings on the proposal in April and June 1975, and, shortly after the second hearing, the Rules Committee created an Ad Hoc Subcommittee on Broadcasting, chaired by Representative Sisk of California.

RULES SUBCOMMITTEE RECOMMENDATIONS

In February 1976, the Sisk subcommittee reported House Resolution 875 which authorized gavel-to-gavel TV coverage of House proceedings to be carried by a network pool. In its February 26 report on the resolution, the subcommittee had this to say about its choice of a network pool to carry House proceedings:

> The broadcast media should provide such broadcast coverage because this approach is the least expensive and burdensome for the House, will best protect the House from charges of censoring or otherwise attempting to control the media, and will ensure the most technically professional coverage of House proceedings.

Although the subcommittee further amended the resolution on March 4 in response to concerns raised by the Speaker, and gave the Speaker more supervision over the implementation of the broadcast system and deleted all references to the network pool, the full Rules Committee recommitted the resolution to subcommittee on a 9-to-6 vote on March 24, in part to enable it to provide more information on the other alternatives: an in-House broadcast system and one to permit coverage by the public broadcasting service. On May 27 the subcommittee reported a new resolution to the full committee, House Resolution 1502, reponding to the concerns raised in the previous markup but reasserting its preference for the network pool arrangement. In rejecting the in-House system, the subcommittee report stated the following:

> Even if the House should exercise minimal control over the manner in which coverage is provided, the public perception would still be that it was not getting a true picture if the House operated the cameras. The House broadcast system would be viewed as one more government propaganda organ designed to show its creator in the best possible lights.

No further action was taken on that revised resolution in the 94th Congress.

ACTIONS IN THE 95TH CONGRESS

On March 2, 1977, the Speaker of the House authorized a 90-day test of live coverage of House floor proceedings, to be conducted by the Select Committee on Congressional Operations and the Architect. The actual test began on March 15. On that same day, Representative Anderson of Illinois offered a resolution, as a question of privilege of the House, authorizing and directing the Rules Committee to evaluate the test and report back to the House its findings and recommendations, including whether such broadcast coverage should be made available to the public. The resolution was

adopted by the House on a vote of 398 to 10.

In announcing the initiation of the test on March 15, the Speaker indicated in a letter to all House Members that it would be closed-circuit, carried to the Rayburn Building, that it would cover proceedings from the opening of a day's session to the beginning of special orders, and that it was his "intention to seek * * * approval from the Members before beginning permanent broadcast-media coverage or permitting use of video or live coverage of the House by the news media."

The test was completed in September 1977, at which time the Select Committee on Congressional Operations issued a report to the Speaker announcing the results: "Televising the House," House Document 95-231.

In its report, the select committee recommended that the Speaker devise a permanent system for broadcasting the proceedings of the House gavel-to-gavel; that such coverage eventually be made available to the public and media; that the Speaker be responsible for implementing the system and delegate all or any of the responsibility to such officer, committee or other entity as he deems appropriate; that the appropriate provisions of the suggested resolution be incorporated into the Rules of the House; and that the Architect develop a master plan for broadcasting and purchase the necessary equipment.

On the question of what the cameras should show, the select committee recommended that—

> Permanent broadcast coverage of the House be conducted in such a way as to assure uninterrupted focusing of cameras on those Members and officials of the House actively participating in the debates or other official action in the House Chamber and to obtain a complete and accurate record of the official proceedings.

On October 6, 1977, Representative LONG of Louisiana, together with Representatives Sisk and BROOKS, introduced House Resolution 821, authorizing the Speaker to devise and implement a system subject to his direction and control for the complete and unedited broadcast coverage of the "legislation proceedings" of the House, and to make such coverage available to the public and news media.

The Rules Committee conducted hearings on House Resolution 821 on October 13 and 19, and on October 25 adopted an amendment in the nature of a substitute which was reported as House Resolution 866, which I authored. Instead of amending House Rules, that resolution simply authorized the Speaker to devise and implement a system for the closed circuit viewing of floor proceedings and directed the Rules Committee to conduct a study of alternative methods of providing complete and unedited audio and visual broadcasting of the proceedings of the House, and to report its findings and recommendations not later than February 15, 1978. After receipt of that report, the Speaker was then authorized to develop a system subject to his direction and control "for complete and unedited audio and visual broadcasting and recording of the proceedings of the House * * * (and) provide for the distribution of such broadcasts and recordings thereof to news media. * * *" The Rules Committee adopted an amendment deleting the confinement of such coverage merely to the "legislative proceedings," thus insuring that it would be gavel-to-gavel, and would not exclude special orders. The resolution was adopted on the House floor on October 27, 1977, by a vote of 342 to 44.

THE FINAL REPORT

On February 15, 1978, the Rules Committee issued its final recommendations as required by House Resolution 866 before the Speaker could make the coverage available to the news media. The committee recommended that, "The House should operate its own broadcast coverage system" the Speaker should delegate to a new or existing committee the responsibility for implementing and coordinating the actions recommended in the report and for management, oversight, and improvement of all activities and policies connected with broadcasting; and that the broadcasting should begin only after the committee has tested the new system and has determined it is of sufficient broadcast quality for use by the media.

The majority report went on to explain why it had recommended to the Speaker a House-operated system as opposed to the alternatives of a network pool or public broadcasting operated system. The report said the principal purpose of the TV coverage was to "provide for a complete, uninterrupted, and accurate record of the official proceedings and business of the House, a kind of visual and audio parallel to the CONGRESSIONAL RECORD."

The network pool, on the other hand, was not simply interested in showing the official proceedings of the House, according to the report, but was insisting "on the right to point the cameras as their news judgment dictates." The report goes on:

> Certainly visual variety in television coverage is desirable, and the demand for it is understandable. But the networks want more. They want an absolute right to determine when and where the cameras should point at any spot on the floor, and also in the galleries if the House agrees.

And, to quote further from the report:

> It is because the commercial networks look upon the House solely as a news event that they demand the right to move the cameras away from the principal and official action of the proceedings. * * * To permit that kind of control is subject all the broadcast journalists, and our posterity as well * * * to a single point of view. No print journalist would ever consent to such a situation.

In other words, the Rules Committee majority felt that a House-operated system was necessary to insure an official record of House proceedings and avoid the showing of extraneous shots of the Chamber, be they reaction shots or panning. And it was on the basis of this recommendation that the Speaker has, until last Thursday, directed that the cameras focus only on the person speaking, be it during debate on bills or during special orders.

Ironically, the Speaker's new policy of "wide-angle shots" of the House Chamber during special orders flies in the face of the recommendations made to the Speaker by the Rules Committee majority's report. In reversing that policy, the Speaker is now subject to the same criticisms which the committee leveled at the networks—that is that they wanted to show more than just the person speaking; that they wanted to pan the Chamber at will and impose their editorial judgment on those receiving the feed as to what was worth showing and not showing.

In applying this new panning policy arbitarily and selectively to only special orders, the Speaker is opening himself to the charge that the Rules Committee made of the proposed network pool—that it would "produce coverage that is unbalanced, biased, deliberately, or accidentally unfair to individual Members, and damaging to the dignity of the House."

Finally, the new policy confirms the fears expressed by some that House control of its own cameras would lead to a form of censorship. Our Democratic colleague on the Rules Committee, Representative Sisk, who fought so valiantly for the network pool arrangement in the 94th Congress, offered the following observation in his supplemental views to the February 15, 1978, Rules Committee report:

> We are told that the House must operate its own broadcast system in order to protect the dignity and decorum of its proceedings. I, too, want to protect the dignity and decorum of the House. But, more importantly, I wish to protect its integrity. I fear the public's reaction to a House-owned and House-controlled broadcast system. Will the public, the people we represent, view this as some form of censorship. Will the public believe the House is trying to hide something. Will the public accept the explanation that the House must have its own crews and technicians to prevent broadcasters from turning the House into a circus?

WHAT KIND OF POLICY

Mr. Speaker, I dissented from that February 1978 report of the Rules Committee in part of the expense of a House broadcast system, and in part because I feared the public would perceive our coverage as politically motivated and suspect. I think we managed to avoid such perceptions so long as

there was a uniform policy of showing only the persons speaking, and there was no selective manipulation of the cameras. As I have mentioned earlier, I would have no objection to long shots of the Chamber from time to time so long as it is applied uniformly throughout the day's session and was done in such a way as not to seem to be done for the purpose of embarrassing any Member, detracting from their remarks, or adversely affecting the dignity and decorum of our proceedings. I think the public should have an idea of what the full Chamber looks like as the day proceeds. Moreover, I think the present House rule now requires that the Chamber be shown while Members are voting, since this is part of the complete proceedings which are required to be shown, unedited. It would probably be preferable to provide for such wide-angle shots of the Chamber in between Members' speeches, rather than pulling back in the middle of them.

But, the present, selective policy, which was admitted by the Speaker to have been initiated to discourage special orders on this side, raises serious questions about the political control of the cameras and possible censorship: it is being undertaken with the intent of curtailing such speeches by embarrassing Members, and is therefore subject to the charge of censorship because it is designed to have a chilling effect on free speech in this Chamber.

For these reasons, Mr. Speaker, I have today written to the chairman of the Rules Subcommittee on Legislative Process asking for hearings on House broadcast-related issues such as this. I am the ranking Republican on that subcommittee. We do retain legislative oversight over the House broadcast rule and that is one item in our subcommittee's oversight plans submitted to the House Government Operations Committee on March 1, 1983 (H. Rept. 98-17, p. 204). I think it is far preferable to look at these problems in a responsible, bipartisan fashion, than to turn this over to a partisan task force, as the Speaker has suggested, or his one-man, Democratic Broadcast Advisory Committee which until the 97th Congress at least had a minority party representative.

The integrity of the House and its proceedings are at stake in these broadcast-related issues, and it will not help things by further politicizing this most valuable tool of our democratic system in informing the American people about the operations and issues confronting the Congress. I sincerely hope that some serious hearings and recommendations will emerge from a duly elected committee of this House which does have jurisdiction under our rules over the House broadcast system.

At this point in the RECORD, Mr. Speaker, I include my letter to Chairman LONG, two articles, and an editorial from the Washington Post. The items follow:

COMMITTEE ON RULES,
SUBCOMMITTEE ON THE
LEGISLATIVE PROCESS,
Washington, DC, May 15, 1984.

Hon. GILLIS W. LONG,
Chairman, Subcommittee on the Legislative Process, Longworth House Office Bldg., Washington, DC.

DEAR GILLIS: I am writing to ask that you schedule at the earliest possible time a hearing of our subcommittee on the matter of current problems connected with the operation of the House broadcasting system.

As you know, considerable furor has been raised about the Speaker's recent policy switch on camera directions during special orders. While I do not question the Speaker's right under House Rules to make such changes, I think legitimate questions have been raised about its selective application and possible effects.

Our subcommittee does retain oversight jurisdiction over the House broadcast rule and indeed has listed it as one of our possible areas for further study in this Congress in its March 1, 1983, oversight plan submitted to the Committee on Government Operations. I think the time has come for us to take this responsibility seriously, and on a bipartisan basis. I look forward to your response.

Sincerely yours,

TRENT LOTT.

[From the Washington Post, May 12, 1984]

CHANGE OF FOCUS IN HOUSE—O'NEILL PANS REPUBLICANS

(By T. R. Reid)

Move over, Abscam! Step aside, Debategate! Make room for official Washington's latest political scandal: Camscam.

Skulduggery is afoot around the television cameras that cover the House of Representatives in its daily sessions. According to a group of Republican legislators, someone in high office—to wit, House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.)—has engaged in foul play designed to make Republicans look ridiculous.

What O'Neill did was to order the cameramen to pan the House chamber so that the TV audience can see that no other members are present during a daily period when the Republicans deliver some of their most impassioned speeches. Previously, the cameras focused only on the speaker.

"A cheap political trick," said Rep. Robert S. Walker (R-Pa.), one of the Republicans victimized when O'Neill launched the procedure, without warning, Thursday night. "Underhanded, sneaky and politically motivated," agreed Rep. Trent Lott (R-Miss.), House Republican deputy leader.

O'Neill's gambit is the latest move in an escalating political war centering on a group of conservative House Republicans who have acquired a national following by giving daily floor speeches—addresses aimed not at their colleagues but at the national audience watching Congress over C-SPAN, the Cable-Satellite Public Affairs Network.

C-SPAN currently reaches 17 million homes, and its audience is growing weekly as new communities are wired for cable.

House Democrats have been increasingly agitated about the right-wing Republicans, who spend hours before the cameras denouncing O'Neill and other Democrats. The Democratic leadership has retained a media consultant to help the party fight back; about 100 Democrats held a closed-door meeting this week to discuss tactics.

And then O'Neill stages a solo strike.

The speaker realized that the Republican oratorical forays generally occur under "Special Orders"—a daily speaking time after legislative business is over, when almost all members have left.

Members of Congress speaking under "Special Orders" are usually declaiming to an empty chamber. This was not evident to the TV audience, however, because the cameramen were under orders to show only the speaker.

Thursday night, O'Neill changed the orders. In the midst of a long Walker speech charging the Democrats with "arrogance," someone handed Walker a note.

"It is my understanding," he declared in shocked tones, "that . . . the cameras are panning this chamber, demonstrating that there is no one here in the chamber to listen to these remarks."

The abrupt change was immediately evident to the loyal C-SPAN audience. "Our callers have just been going crazy about it," said the network's Susan Swain. She said audience reaction has been about evenly divided.

Yesterday morning, O'Neill's Republican counterpart, Majority Leader Robert H. Michel (R-Ill.), fired off an angry letter criticizing O'Neill's "act of dictatorial retribution."

O'Neill said he would stick with his new policy. "People have been making charges when there's nobody in the hall to refute it," he said. "It's terribly unfair." With the panning procedure, he said, the audience will get "more perspective" on what really happens on the floor.

However, O'Neill said he had no plans to allow cameras to pan the floor during regular legislative sessions. Few members come to the floor then, either.

[From the Washington Post, May 15, 1984]

O'NEILL, COLLEAGUES TRADE STATIC; SPEAKER DEFENDS PANNING CAMERAS

(By T. R. Reid)

Capitol Hill's newest situation comedy took a serious turn yesterday as Republican and Democratic leaders lectured one another on the House floor about television coverage of Congress and the "Camscam" affair.

House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.), in one of his rare floor speeches, angrily declared that Republican speakers have been "totally unfair" and "totally disgusting" when they attacked House Democrats in a series of long floor speeches this spring.

But Minority Leader Robert H. Michel (R-Ill.) and other GOP members charged again that the Speaker displayed "arrogance" and "dictatorial pressure" last week when he unilaterally changed the five-year-old rules governing television coverage of the House's sessions.

O'Neill has ordered the TV cameramen, who work directly for him, to pan the House chamber to show that it is virtually empty during a period when the Republicans deliver some of their toughest speeches. Until O'Neill's new order was issued last Thursday, the cameras had been required to focus on the member who was speaking.

But the Democrats are also concerned about a group of aggressive conservative Republicans who have decided that their party's traditional posture of friendly relations with O'Neill is ineffective. These Re-

publicans argue that their party would be better served by a policy of constant attack on the Democrats.

Aiming their words at the growing television audience that watches House sessions on C-SPAN (the Cable Satellite Public Affairs Network), these Republicans began reserving large blocks of floor time this spring for speeches denouncing O'Neill and other Democrats.

For the most part, these Republican speeches come under "special orders"—a period at the end of the legislative day, after most members have gone home. House members talking under special order are usually declaiming to an empty chamber—but this was not evident to the TV audience, which saw only the person speaking.

To get back at the Republicans, O'Neill last Thursday ordered the cameras to move away from the Speaker occasionally to pan the chamber. Yesterday, he unveiled a new gambit—a caption running along the bottom of the screen every two minutes, informing viewers that "The House has completed its scheduled legislative program . . . and is now proceeding with special orders."

Despite an angry GOP outcry, the Speaker said he would stick with the new rules. O'Neill said, though, that he will not allow the cameras to show the full chamber during regular floor debates, when the floor commonly is almost empty.

Accordingly, one of the Republican attackers, Rep. Robert S. Walker (R-Pa.), announced that he will stand up regularly during legislative debates to tell the TV audience how many members are present.

It is rare for the Speaker to take the floor to explain one of his decisions. In his speech yesterday, O'Neill said he had responded to complaints from "many, many of my [Democratic] people."

The Speaker said he was angered by a special-order speech last week in which Republicans quoted remarks by two dozen House Democrats and then attacked those Democrats. "I have never seen anything so low, to attack a man when he is not in the hall," O'Neill said.

The Republican speakers said they had written the two dozen Democrats a day ahead of time to tell them of the forthcoming speech.

[From the Washington Post, May 15, 1984]

CAMERASCAM

Surely no one was more surprised last Thursday than Rep. Robert Walker (R-Pa.) when, speaking from the well of the House, he was handed a note that said that the C-SPAN cameras were going to pan out and show the entire floor. And not pleasantly surprised. For Mr. Walker had been orating furiously, and he realized in an instant that the cameras were going to show that he was orating to an empty House. The C-SPAN audience that had been watching him and other Republicans of the Conservative Opportunity Group speaking extensively under the House's special order at the end of the legislative day was going to be awakened suddenly to the awful truth: that no one else was watching. It's as if the camera panned below the coat-and-tie-clad shoulders of the TV reporter to disclose that he was wearing shorts and tennis shoes.

"Our callers have just been going crazy about it," reported an official of C-SPAN, which has been televising sessions of the House gavel-to-gavel for six years now. In the past the cameras always remained fixed on the well, the podium and the microphones; the House members who voted to allow television did so only grudgingly, and on the understanding that the shenanigans—or the empty seats—on the floor would not be shown to the folks back home. But that was just an understanding: the House rules give sole control of the TV cameras to the speaker. And Speaker O'Neill, incensed at what he considered unfair and misleading attacks on Democratic members by the Republicans speaking in the special order period, ordered the cameras to swing around and, for the first time, show the viewing public the emperor's lack of clothes.

This is just an early shot in what we trust will be a continuing video war on the Hill. The speaker has won some points: C-SPAN viewers who thought Mr. Walker et al. were attacking the Democrats so scintillatingly as to render them speechless will understand that they're so ineffective the Democrats don't bother to attend. But Mr. Walker and his friends make the sensible point that the House chamber is often empty, even when legislative business is being conducted. Why shouldn't the cameras pan around the floor then? A good question. Another good question: why shouldn't the cameras show members voting—including those who switch their votes?

Speaker O'Neill has, we hope, started something he won't be able to stop. Some will complain that this kind of television will change the way the House works. We fervently hope it will. As things change, some members will be embarrassed, as Mr. Walker was last Thursday. But they'll recover and the republic will still stand. The difference will be that more people will be able to see how their representatives do business. Is there something wrong with that?●

THE DANGEROUS DRUG DIVERSION CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HUGHES) is recognized for 5 minutes.

● Mr. HUGHES. Mr. Speaker, the purpose of this legislation is to help curb the diversion of legitimate drugs from the channels of legitimate commerce into the hands of drug abusers.

Last June the Subcommittee on Crime examined the serious problem of the diversion of dangerous prescription drugs. The health consequences of the use of prescription controlled substances are staggering. These drugs dominate the statistics on deaths and emergency room admissions for drug use.

As long ago as March 1978, the Comptroller General observed that DEA's efforts to control diversion were severely restricted by inadequate statutory authority.

Last year, the administration prepared a package of amendments to correct the statutory problems that affect diversion. In January this year, HAL SAWYER and I introduced that package in the House as H.R. 4698 to develop an opportunity for public examination and comment on the many issues addressed by the proposed legislation. The bill was referred to the Crime Subcommittee. We held a detailed hearing in February at which many valuable suggestions were provided by the professional associations and the administration. In addition, a number of trade associations and manufacturers have submitted statements or letters for insertion in the RECORD which have discussed various provisions of the bill.

The Subcommittee on Crime took those suggestions into consideration at its markup of H.R. 4698, and adopted an amendment in the nature of a substitute which it ordered reported to the full Judiciary Committee as a clean bill which I am introducing today.

The principal issues addressed by the Dangerous Drug Diversion Control Act of 1984 are as follows:

EMERGENCY SCHEDULING (SECTION 3)

The bill creates a procedure for emergency scheduling of substances which pose an imminent hazard to the public health in cases of substances which have no currently accepted medical use in the United States. It is intended to apply to the problem of "designer drugs" which are chemical analogs of existing controlled substances but have no medical use or value. Examples are PCE and PHP which are clandestinely developed and manufactured analogs of the psychedelic drug PCP, or various substances sold as "synthetic heroin" which have resulted in over 100 cases of Parkinson's disease. Legitimate drugs would not be subject to emergency scheduling.

The bill would allow placement of these nonmedical substances in schedule I of the Controlled Substances Act, and they would be subject to the same controls and penalties currently provided for in that schedule.

The bill requires notification in the Federal Register at least 30 days prior to the Attorney General's scheduling action, and requires 30-day notice to the Secretary of Health and Human Services to obtain the Secretary's comments. The placement in schedule I would be temporary, for a 1-year period.

OVER-THE-COUNTER DRUGS (SECTION 4)

Current law provides a mandatory exemption for over-the-counter drugs from control by the Attorney General. The bill retains current law on this point and clarifies the Attorney General's authority to exempt certain other preparations from control.

REGISTRATION OF PRACTITIONERS (SECTIONS 6 AND 7)

One of the major improvements of the bill is that practitioners who are the source of diversion can be dealt with expeditiously.

The bill provides that the Attorney General can deny, suspend, or revoke registration if he can prove that the registration is inconsistent with the public interest.

The bill takes into account the testimony of the American Medical Association and other professional associations to clarify a fifth "catchall" factor allowing the Attorney General to consider, in determining the public interest, "such other conduct which may threaten the public health and safety."

PLACING DRUGS OF AN OUT-OF-BUSINESS REGISTRANT UNDER SEAL (SECTION 8)

The bill provides authority for the Attorney General to take control of drugs when a registrant goes out of business, with limitations that protect the interests of the registrant or his successor in interest.

PENALTIES (SECTION 11)

The bill includes a section which restructures and therefore raises the penalties for criminal offenses involving manufacturing or distributing schedule II nonnarcotic substances such as amphetamines and barbiturates. The prison term is raised from a 5-year maximum to a 15-year maximum, and the fine is raised from a $15,000 maximum to a $25,000 maximum which is the structure of current law. H.R. 4901, the Comprehensive Drug Penalty Act of 1984, which has been reported by the Committee on the Judiciary, would raise all the fines in the Controlled Substances Act some tenfold.

This bill has been carefully developed, with the assistance of the administration and the private sector, and reflects the improvements suggested by many of our witnesses earlier this spring.

The bill is a significant step forward in providing DEA with the long overdue tools for significantly addressing the important problem of diversion control.

Other provisions of the bill are as follows:

Section 1. Short title.

Section 2. Definition amendments (21 U.S.C. 802).

Section 5. Allows practitioner registrations to be issued for 3 years instead of the current annual reregistration (21 U.S.C. 822).

Section 9. Clarifies recordkeeping requirements for practitioners (21 U.S.C. 827).

Section 10. Requires registrants to notify the Attorney General of a change of address (21 U.S.C. 827).

Section 12. Creates an offense of obtaining controlled substances by use of expired registration number (21 U.S.C. 881).

Section 13. Authorizes seizure of controlled substances possessed in violation of Controlled Substances Act (21 U.S.C. 881).

Section 14. Regularizes import of poppy straw and concentrate of poppy straw—major narcotic raw materials (21 U.S.C. 952).

Section 15. Regularizes import of controlled substances for exclusively scientific, analytic, or research uses—not for use in medicine or commerce (21 U.S.C. 952).

Section 16. Requires import permits to be issued prior to import of schedule III substances (21 U.S.C. 952).

Section 17. Clarifies documentation required for export of controlled substances and strengthens controls on export of schedule III substances (21 U.S.C. 953).

Section 18. Closes a loophole to require registration to export schedule V substances (21 U.S.C. 957).

Section 19. Eliminates cross-reference between Controlled Substances Import and Export Act and the Controlled Substances Act with respect to registration of importers of schedule I and II substances (21 U.S.C. 958).

Section 20. Clarifies the applicability of a registration to import and export (21 U.S.C. 958).

Section 21. Same as section 19 with respect to importers and exporters of schedule III, IV, and V substances (21 U.S.C. 958).

Section 22. First, eliminates cross-reference to Controlled Substances Act for procedures and standards for denial, revocation, and suspension of registrations for importers and exporters (21 U.S.C. 958).

Third, provides bulk manufacturers with an opportunity to comment on applications to register importers, to comment upon the adequacy of existing competition among domestic manufacturers (21 U.S.C. 958).

THE IMMIGRATION ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

● Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill that addresses the real heart of the immigration issue—the lack of opportunities for work in Mexico. Unless there are jobs available in Mexico, it will not matter what kind of immigration control bill the Congress passes later this year, or in any other year.

My bill calls for a mutual, cooperative, coequal, venture with the Government of Mexico; this program recognizes the unique and special relationship between our two countries, recognizes our mutual interest, and treats realistically a situation that concerns both countries in a fundamental way.

My bill does not speak to Mexico's problems alone; it also addresses the vast human and economic needs that are going unmet on the U.S. side of the border—for in truth, huge stretches of the border zone are very much in need of the same kind of assistance required in Mexico. The need does not stop at the border.

My belief is that the United States and Mexico can and must work closely and cooperatively together, to meet human and economic needs on both sides of the border. This is the only way to alleviate the greatest single cause of illegal entry into this country, help meet some of the most urgent needs within Mexico, and at the same time provide a realistic program to revive the economically shattered border zone of our own country.

My bill calls for the creation of a joint United States-Mexico development bank. This bank would operate on the same tried, tested and proven principles of the Inter-American Development Bank, the World Bank, and similar multilateral lending agencies. It would be owned in equal shares by the United States and Mexico, and in every way be a completely mutual institution, dominated by neither side. Its management would be professional, its direction nonpolitical, and its aim strictly to get the maximum economic benefit out of every dollar invested.

The United States-Mexico development bank would have capitalization of 4 billion U.S. dollars, contributed equally by both governments. The actual paid-in capital would be $400 million; the remaining capitalization would be in the form of callable capital. The bank could float securities against the callable capital. Thus, for every $1 actually paid into the bank, the bank could generate $9 more worth of loanable funds. This is the same financing mechanism that has been used for many years by the multilateral development banks. The result is that for a minimal outlay of government funds, we can generate a vast amount of private money for bank projects. For a total cash outlay of $400 million—half of which would be contributed by Mexico—there would be $4 billion in loan resources. What is more, additional capital could be created in the same way, yielding $9 worth of additional loan money for every dollar actually paid into the bank by the Treasury or by Mexico.

The bank could endeavor to finance economic development in those areas of Mexico that are known to be the main sources of this country's illegal immigrants. However, such targeting is not nearly so important as the fact that jobs must be generated in Mexico—since each job generated is one job less that would need to be sought in this country. Moreover, Mexico is changing rapidly from a rural to an urbanized society, so that the sources of illegal immigration can no longer be presumed to be simply the poor villages.

In the United States, the bank could help finance industry and basic infrastructure requirements along the border region—for example, rebuilding the citrus industry, which was devastated by last winter's freeze, or by fi-

nancing entry into farming or business by people in that area who are today without jobs, power, or any real hope for a better future.

The need is urgent, because mass unemployment cannot be tolerated on either side of the border. Realistic action is needed, and needed now.

About half of all illegal entrants into this country come from Mexico. During each of the last 5 years of this century, Mexico will need to produce about 1.1 r llion new jobs, just to take care of labor force growth; but even in its best years, the Mexican economy has never been able to produce more than about half that number. Indeed, even today, the number of new jobs created each year in Mexico falls about 300,000 short of the labor force increase. It should startle no one that this corresponds to the number of illegal Mexican entrants who remain in this country each year. They in fact have no other choice.

As long as the Mexican economy fails to produce enough jobs to absorb labor force growth, the already appalling rate of unemployment in that country will continue to grow, and wage rates there will remain desperately low. The outlook clearly is that unless strong action is taken, millions of people in Mexico will have no chance, no hope at all for a decent life, unless they come to the United States. The bilateral bank bill addresses this vast need for opportunities within Mexico.

Likewise, we must understand that the border zone of the United States desperately needs help. The unemployment rate in the border zone is scandalous; there is an immense need to finance development in the border zone. The bilateral development bank, with its ability to operate on both sides of the border in a coordinated way, can help meet that need. The bank could finance joint water or sewer treatment works; it could finance industrial ventures; or it could finance farm development. With the flexibility it has, the bank could cofinance ventures of any kind with commercial banks or local development authorities—producing very attractive loan rates.

The bilateral development bank would make the maximum use of private capital; like the multilateral banks, it would need very little in the way of actual government outlays, since only 10 percent of the capital is paid in. The callable capital stays in each government's treasury and would only be used in the event of a total failure by the bank, an event that is extremely unlikely. The bank could make loans at attractive rates, because its bonds would be the highest grade—being guaranteed by the callable capital of the bank.

The bilateral development bank address the real problem of illegal immigration—which is the desperate need for human opportunity.

The truth is that the Simpson-Mazzoli bill solves no problem at all. It does not address the causes of illegal immigration, and it does not even effectively deal with the symptoms.

For example, Simpson-Mazzoli would limit legal immigration from Mexico to about 40,000 per year. The waiting list for visas in Mexico today is backlogged by 300,000, and the length grows with each passing day. Under Simpson-Mazzoli, the backlog of visa applications would inexorably grow. Since legal immigration is already all but impossible for Mexicans, and would continue to be so, the typical Mexican would continue to have no choice but to enter without legal permission. After all, 14 of 15 Mexican visa applicants in line today must expect to wait forever; the only real choice in that kind of situation is to swim the river.

Since the immigration reform bill neither addresses the cause of illegal immigration, nor makes it practical for the typical immigrant to enter legally, it is an exercise in futility. The only realistic thing to do is to work on the basic cause of the problem, rather than to throw up a new paper fence. Simpson-Mazzoli would be just that—a paper curtain that would be no more effective in stopping illegal immigration than the so-called tortilla curtain has been.

My bilateral bank proposal is realistic; it is positive; it addresses the real problem; it relies on mechanisms that have been proven over decades, and that have worked throughout the world. It is a program that offers maximum flexibility, that requires very little government outlays and removes development efforts from the realm of politics—local or international. This is a program that is pragmatic, that will produce results, and that can be put in place quickly, since both governments already have vast experience with the techniques and organization involved in the concept. The bilateral development bank recognizes a mutual need, operates on the basis of mutual cooperation, and represents the kind of system in which both governments can place great confidence, because both governments have used the concept for decades, with great success.

Today, illegal immigration is seen as a U.S. problem with a Mexican solution. But for the Government of Mexico, stopping illegal migration would only exacerbate the already great problems of poverty and unemployment within the country. On our side of the border, there can be no hope that the immigrant wave can be stopped or even much affected by a reform bill that in no way addressed the root causes of illegal entry, let alone makes it possible for legal migration to take place. My bill provides the real solution—a cooperative program that helps both countries solve a problem that vexes and embarrasses both, in a way that is acceptable to both, because it gives neither side advantage nor disadvantage.●

PRIVATE OBSERVERS VIEW SALVADORAN ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 15 minutes.

● Mr. MONTGOMERY. Mr. Speaker, I was fortunate to serve as chairman of the House delegation which observed the Presidential election May 6 in El Salvador. Besides the official U.S. delegation, a group of private American citizens paid their way and also got a firsthand look at the Salvadoran election process. Their conclusion was the same as ours: The election was free, fair, and honest.

I want to share their report with my colleagues:

PRIVATE U.S. OBSERVERS AGREE SALVADOR ELECTIONS FREE AND HONEST

SAN SALVADOR.—Twenty-five Americans who visited El Salvador at their own expense to observe the Sunday run-off elections for President today reached the unanimous conclusion that the elections were fair, free, and honest in the best traditions of democracy. The following is their statement, followed by a list of those participating.

STATEMENT

We are 25 Americans who responded to an opportunity to come as private citizens at our own expense to see the Salvadoran elections for ourselves. We include Democrats, Republicans and independents, supporters and opponents of President Reagan's reelection. We speak for ourselves, not for any organization.

We want to express our gratitude for the warm welcome we received from Salvadorans everywhere we went. Our credentials as non-governmental observers made us welcome everywhere we wanted to go.

We will comment only on what we saw and the facts that we have evidence to support. We will not speak about specific policy questions because they depend on much more than the facts we learned. And we certainly take no position on the Salvadorans choice between their two candidates.

Before starting we want to say that what we saw made us proud of our country: first by the demonstration that the Salvadoran people share our democratic faith; and second because 4 million of our tax dollars helped to make the arrangements for this successful election possible. The money could not have been better spent.

The following observations apply to what we were able to see ourselves. We went in eight cars, each with an interpreter and each choosing its own route. We covered the areas of the country where most of the people live, small towns and big cities. We believe that the dozens of polling places we observed, and the hundreds of voters we talked to were reasonably representative of most of the country. But of course we didn't see everything; many things could have happened that we didn't see.

1. For us it is beyond doubt that this was a free and fair election, a shining example of the democratic spirit of which the Salvadorans are justly proud.

2. It was clearly the whole Salvadoran community turning out in an enthusiastic expression of national spirit. The atmosphere was like small towns in the US on the 4th of July, with families bringing the children along.

3. We saw no indications that people were voting because of intimidation or because the law required it. On the contrary, all the signs, subtle as well as direct, were that people voted because they had decided that it was their duty to do so as part of their commitment to democracy and to achieve peace.

4. The imperfections we saw were technical and inconsequential, neither one-sided nor substantial.

5. We were amazed at the number and spirit of the mostly young people working at the polling places, over 30,000 altogether. They worked hard and with good spirit between the parties that was very heart-warming.

6. It was clear that the Army was committed to having free competitive elections. They worked hard providing effective security and they were neutral.

7. The people believed that the Army supported a free election. The people, the government, and the Army all saw themselves as working together in a common strong commitment to a government based on free and competitive elections.

8. The voters knew that the guerrillas rejected the elections—and they overwhelmingly rejected the guerrillas position on this issue. We saw no indication that many people wanted to have an opportunity to vote for the guerrillas or their political representatives. In the places where we saw the count, the number of null votes—the accepted expression of support for the guerrillas—was below the 10% level of the March election.

CONCLUSION

We came to see for ourselves and on two major issues we found things very different than most people we talk to at home believe.

A. Our friends thought we were brave—or crazy—to come to such a "dangerous" place. We felt safe. The Salvadorans were out with their children, so they felt safe. Undoubtedly there is violence and danger somewhere in El Salvador. But we can testify that there are large areas which are peaceful and feel safe.

B. All kinds of doubt has been cast on Salvadoran elections—as propaganda, a climate of fear, etc. etc. These doubts are wrong. The Salvadoran elections are first class free elections. We must ask whether the process by which Americans try to inform themselves about El Salvador is so great a failure on other matters as well.

Finally, we strongly believe that to be true to ourselves our country must support El Salvador so that its brave commitment to government based on free elections is not defeated by those now attacking it.

LIST

Esther Wilson, Washington, D.C.
Sister Camilla Mullay, Columbus, Ohio.
Vicki Thomas, Bethesda, Md.
Kenneth Smilen, N.Y.C.
Francis Carroll, Worcester, Mass.
John Miller, Chicago.
William D. Sindinger Cedar Falls, Iowa.
Mary Temple, N.Y.C.
Penn Kemble, Wash., D.C.
Daniel James, Wash., D.C.
Angier Biddle Duke, N.Y.C.
Joachim Maitre, Boston.
Alexander Singer, Ithaca.
Paul Dietrich, Wash., D.C.
Shari Cohn, Maryland.
Roger Kaplan, N.Y.C.
Harry T. Johnson, Medway, Mass.
John Bennett, Jr., San Antonio, Tex.
William W. Sindlinger, Cedar Falls, Iowa.
Steve Allen, Anniston, Ala.
Peter Flaherty, Wash., D.C.
Philip Lawler, Wash., D.C.
Barbara Perkins, N.Y.C.
Mihalo Mihalov, Columbus, Ohio.
Max Singer, Chevy Chase, Md.●

EQUAL ACCESS FOR ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, the issue of prayer in the public schools has sharpened the debate on the constitutional requirement of separation of church and state as well as on the proper use of school facilities.

Recently, a proposed constitutional amendment to allow verbal prayer in the schools was defeated in the U.S. Senate. A clean vote to allow voluntary silent prayer was not taken. That issue remains unsettled in the Congress.

Now, however, the U.S. Supreme Court has agreed to hear and to decide on the constitutionality of a moment of silence for prayer in the public schools. Should the Court decide in favor, the proponents of school prayer will hail that as a victory, although many would prefer verbal prayer.

Actually the 1962 Supreme Court decision did not ban prayer from public schools. The Supreme Court ruled that the Constitution requires separation of church and state and said there could not be a state-sponsored prayer mandated in the schools. But in the implementation of that decision, school administrators have been reluctant to allow any prayer. Therefore, in practice, prayer was banned in the public schools.

Now a corollary issue has arisen. What are the rights of students to use public school facilities for religious purposes after school hours? Senator MARK HATFIELD, Republican of Oregon, and Congressman DON BONKER, Democrat of Washington, have introduced an equal access bill that would allow student religious meetings after school hours on the condition that the meetings are completely voluntary, student initiated, and do not imply that the State has endorsed the beliefs of the participants.

This proposed law is in response to the fact that some school systems have banned any meetings of a religious nature while allowing nonreligious groups to meet in the school facility. This has happened in several Florida school systems.

I support the Hatfield-Bonker legislation. The Supreme Court has already approved (in 1981) a similar law allowing use of university facilities for religious meetings. Until the Court gives us the final word on public high school facilities, school authorities need direction on how to handle this problem.

Until a clear policy is set, we are allowing a situation to continue where Government is actually hostile to religion. Our Founding Fathers intended to require a separation of church and state, not a separation of the state and God.

Critics of this measure argue that it is a back door approach to prayer in the schools. But I am inclined to view the present ban on use of school facilities as a denial of a student's constitutional right to freedom of assembly and religion. An equal access law can clarify that right.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMERSON) to extend their remarks and include extraneous material:)

Mr. PETRI, for 60 minutes, on May 30.

Mr. PETRI, for 60 minutes, on May 31.

Mr. PETRI, for 60 minutes, on June 5.

Mr. CRAIG, for 60 minutes, on May 23.

Mr. GOODLING, for 60 minutes, on June 5.

Mr. HILLIS, for 10 minutes, on May 15.

Mr. KEMP, for 30 minutes, on May 15.

Mr. LOTT, for 30 minutes, on May 15.

Mr. RAY. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. EMERSON. Mr. Speaker, reserving the right to object, would the gentleman revise his unanimous-consent request to extend only, and not to include revise?

Mr. RAY. Yes, I would.

Mr. EMERSON. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RAY. I would like to include the following names, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HUGHES, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. MONTGOMERY, for 15 minutes, today.

Mr. DE LA GARZA, for 60 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. GARCIA, for 60 minutes, on May 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CARPER, immediately prior to the passage of H.R. 4821 today.

Mr. SLATTERY, to revise and extend his remarks on H.R. 5345.

Mr. WEISS, on H.R. 5345.

Ms. OAKAR, on equal access bill, H.R. 5345.

(The following Members (at the request of Mr. EMERSON) and to include extraneous matter:)

Mr. LENT.
Mr. BILIRAKIS.
Mr. DICKINSON.
Mr. TAUKE.
Mr. CAMPBELL.
Mr. MCGRATH in two instances.
Mr. HARTNETT.
Mr. LUJAN.
Mr. FIELDS in two instances.
Mr. EDWARDS of Alabama.
Mr. PORTER in two instances.
Mr. PARRIS.
Mr. ROBERT F. SMITH.
Mr. LAGOMARSINO in two instances.
Mr. SHUMWAY.
Mr. BLILEY.
Mrs. VUCANOVICH.
Mr. BARTLETT.
Mr. LEACH of Iowa.
Mr. CORCORAN.
Mr. DAUB.
Mr. KEMP.

(The following Members (at the request of Mr. RAY) and to include extraneous matter:)

Mr. SMITH of Florida.
Mr. GAYDOS.
Mr. FRANK.
Ms. OAKAR.
Mr. COLEMAN of Texas in two instances.
Mr. JONES of Tennessee.
Mr. HAWKINS.
Ms. MIKULSKI.
Mr. STARK.
Mr. LEHMAN of Florida.
Mr. LELAND.
Mr. OTTINGER.
Mr. FLORIO in two instances.
Mr. EDGAR.
Mr. WISE.
Mr. STOKES.
Ms. FERRARO.
Mr. CROCKETT.
Mr. BEVILL in two instances.
Mr. BROOKS.
Mr. PEASE.
Mr. CORRADA.
Mr. MOODY.
Mr. GARCIA.
Mr. ERDREICH in two instances.
Mr. KOLTER.
Mr. SHELBY.
Mr. HARRISON in three instances.
Mr. HERTEL of Michigan.
Mr. FORD of Michigan.
Mr. BORSKI.
Mr. BARNES.
Mr. GEJDENSON.
Mr. RANGEL.
Mr. SHANNON.
Mr. SISISKY.
Mr. FEIGHAN.
Mr. KOSTMAYER.
Mr. ANTHONY.
Mr. MARKEY.
Mr. NICHOLS.
Mr. LAFALCE.
Ms. KAPTUR.
Mr. AKAKA.
Mr. LEHMAN of California.

ADJOURNMENT

Mr. RAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 16, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3351. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-129, "Police Regulations of the D.C./Video Arcades and Mechanical Amusement Machines Regulations Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3352. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-130, "D.C. Economic Development Finance Corporation Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3353. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-131, "Eviction Procedures Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3354. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-132, "D.C. Public Transit Vehicle Safety Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3355. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-133, "D.C. Cooperative Housing Association Proportionate Voting Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3356. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-135, "Correctional Officers Meritorious Service Recognition Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3357. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-134, "First Source Employment Agreement Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3358. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-136, "Closing and Dedication of Yuma Street, N.W., and the Dedication of 50th Street, N.W., Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3359. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-137, "D.C. Election Code of 1955 Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3360. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-138, "Prohibition on the Sale of Alcoholic Beverages at Gasoline Stations Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3361. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 1984 to March 31, 1984, pursuant to 2 U.S.C. 104a (H. Doc. No. 98-222); to the Committee on House Administration and ordered to be printed.

3362. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report dated April 19, 1983, from the Chief of Engineers, Department of the Army, on Great River Resource Management Study, Great I and Great II, together with other pertinent reports, pursuant to Public Law 94-587, section 117; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2439. A bill to increase funding for low-income home energy assistance, to improve accountability with respect to the use of funds under the Low-Income Home Energy Assistance Act of 1981, and for other purposes; with an amendment (Rept. No. 98-139, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3289. A bill to establish a commission to

study defense-related aspects of the U.S. merchant marine; with amendments (Rept. No. 98-384, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5391. A bill to extend certain treatment afforded employees in the communications industry who transfer between various telephone companies affected by the January 1, 1984, reorganization, with an amendment (Rept. No. 98-746 Pt. I). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 5620. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes; with amendments (Rept. No. 98-747 Pt. I). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 11. A bill to extend through fiscal year 1989 the authorization of appropriations for certain education programs, and for other purposes; with an amendment (Rept. No. 98-748). Referred to the Committee of the Whole House on the State of the Union.

Mr. SWIFT: Committee on House Administration. H.R. 5606. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1985; with an amendment (Rept. No. 98-749). Referred to the Committee of the Whole House on the State of the Union.

Mr. MITCHELL: Committee on Small Business. H.R. 3832. A bill to establish the National Commission on Women's Business Ownership; with an amendment (Rept. No. 98-750 Pt. I). Ordered to be printed.

Mr. ASPIN: Committee on Armed Services. H.R. 5372. A bill to amend title 10, United States Code, to authorize the United States to collect from third-party payers the reasonable cost of medical and dental care provided through facilities of the uniformed services to certain dependents of members of the uniformed services and to certain former members of the uniformed services and their dependents (Rept. No. 98-751). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 3750. A bill, to provide assistance to local educational agencies and institutions of higher education to promote computer literacy among elementary and secondary school students and their teachers, and for other purposes; with an amendment (Rept. No. 98-752 Pt. I.). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 4628. A bill to establish a National Educational Software Corporation to promote the development and distribution of high-quality, interactive, and educationally useful computer software, and for other purposes; with an amendment (Rept. No. 98-753 Pt. I). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 5609. A bill to authorize a national program of improving the quality of education; with an amendment (Rept. No. 98-754). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEVILL: Committee on Appropriations. H.R. 5653. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-755). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 5221. A bill to extend through September 30, 1988, the period during which amendments to the U.S. Grain Standards Act contained in section 155 of the Omnibus Budget Reconciliation Act of 1981 remain effective, and for other purposes; with an amendment (Rept. No. 98-756). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5220. A bill to protect the national defense shipyards of the United States, and for other purposes; with an amendment (Rept. No. 98-757). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4997. A bill to authorize appropriations to carry out the Marine Mammal Protection Act of 1972 for fiscal years 1985, 1986, and 1987; with amendments (Rept. No. 98-758). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 5468. A bill to authorize appropriations to carry out the activities of the Department of Justice for fiscal year 1985, and for other purposes; with an amendment (Rept. No. 98-759). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5369. A bill to authorize appropriations for the Department of Energy for certain civilian energy programs for fiscal years 1985 and 1986, and for other purposes; with amendments (Rept. No. 98-760 Pt. I). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2889. A bill to amend section 306 of the National Historic Preservation Act, and for other purposes; with amendments (Rep. No. 98-761). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5315. A bill to increase the percentage of national forest receipts payable to States, and to expand the purposes for which such receipts may be expended for the benefit of counties, and for other purposes; with an amendment (Rep. No. 98-762 Pt. I). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4567. A bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes; with an amendment (Rep. No. 98-763 Pt. I). Ordered to be printed.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4307. A bill to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes; with amendments (Rep. No. 98-764). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. H.R. 5604. A bill to authorize certain construction at military installations for fiscal year 1985, and for other purposes; with amendments (Rep. No. 98-765). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5504. A bill to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the relocation assistance program, and for other purposes; with an amendment (Rept. No. 98-768). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5580. A bill to amend the Public Health Service Act to authorize financial assistance for organ procurement organizations, and for other purposes. (Rept. No. 98-769). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5497. A bill to authorize appropriations for the National Telecommunications and Information Administration for fiscal years 1985 and 1986; with an amendment (Rept. No. 98-770). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 2896. A bill to amend Public Law 96-432 to increase the authorization for the acquisition of property for addition to the U.S. Capitol Grounds from $11,500,000 to $16,000,000. (Rept. No. 98-771). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5541. A bill to amend the Communications Act of 1934 to extend certain authorizations of appropriations contained in such act, and for other purposes; with an amendment (Rept. No. 98-772). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5281. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; with an amendment (Rept. No. 98-773). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5530. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1985, and for other purposes; with an amendment (Rept. No. 98-774 Pt. I.). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 5398. A bill to amend title 38, United States Code, to provide a 15 percent increase in the rates of educational assistance paid under the GI bill and the rates of subsistence allowances paid under the Veterans' Administration rehabilitation program for veterans with service-connected disabilities, and to revise and extend the veterans' readjustment appointments program for the appointment of veterans in the civil service; with amendments (Rept. No. 98-775). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 5617. A bill to amend title 38, United States Code, to increase certain dollar limitations under Veterans' Administration housing programs, and for other purposes; with an amendment (Rept. No. 98-776). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 4734. A bill to name the Veterans' Administration Medical Center in Milwaukee, Wis., the Clement J. Zablocki Veterans' Administration Medical Center (Rept. No. 98-777). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4025. A bill to authorize the Administrator of General

Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes; with an amendment (Rept. No. 98-778, Pt. I). Ordered to be printed.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 5618. A bill to amend title 38, United States Code, to revise and improve Veterans' Administration health programs, and for other purposes (Rept. No. 98-779). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5313. A bill to authorize appropriations for fiscal year 1985 to carry out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Safety Act of 1979, and for other purposes; with an amendment (Rept. No. 98-780, Pt. I). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5313. A bill to authorize appropriations for fiscal year 1985 to carry out the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes; with an amendment (Rept. No. 98-780 Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 5525. A bill to amend title 17, United States Code, to protect mask works of semiconductor chips against unauthorized duplication, and for other purposes; with amendment (Rept. No. 98-781). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4829. A bill to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972; with an amendment; referred to the Committee on Public Works and Transportation for a period ending not later than June 29, 1984, for consideration of such provisions of the bill and amendment as fall within that committee's jurisdiction pursuant to clause 1(p), rule X (Rept. No. 98-766, Pt. I). Ordered to be printed.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4249. A bill to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings, to establish a U.S. Marshals Service, and for other purposes; with an amendment; referred to the Committee on Ways and Means for a period ending not later than June 22, 1984, for consideration of such provisions of the bill and amendment as fall within that committee's jurisdiction pursuant to clause 1(v), rule X (Rept. No. 98-767, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 5653. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes.

By Mr. BROWN of Colorado:

H.R. 5654. A bill to provide that the purposes for which the exchange stabilization fund may be used do not include assisting foreign countries to make payments on their domestic or international debts to U.S. banks or to foreign banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FIELDS (for himself, Mr. HUBBARD, Mr. JONES of North Carolina, Mr. YOUNG of Alaska, Mr. DAVIS, and Mr. TAUZIN):

H.R. 5655. A bill to amend the Panama Canal Act of 1979 with respect to the payment of interest on the investment of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HUGHES (for himself, Mr. SAWYER, Mr. SCHUMER, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. SHAW, and Mr. SENSENBRENNER):

H.R. 5656. A bill to amend the Controlled Substances Act to strengthen the authority to prevent diversion of controlled substances, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. KOLTER:

H.R. 5657. A bill to provide equitable treatment for certain hospitals in high wage areas; to the Committee on Ways and Means.

By Mr. ROSE:

H.R. 5658. A bill to direct the Secretary of the Army, acting through the Chief of Engineers to transfer to New Hanover County, N.C., ownership of a surplus dredging vessel, known as the Hyde hopper dredge; to the Committee on Public Works and Transportation.

By Mr. SCHUMER:

H.R. 5659. A bill to improve State criminal justice information systems, including criminal history records, to establish an interstate identification index based on criminal records and to provide assistance to States to use such index; to ensure that criminal history records are accurate and complete; and for other purposes; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 5660. A bill to direct the Administrator of General Services to convey certain real property in Muskegon County, Mich., to the Muskegon County Soil Conservation District; to the Committee on Government Operations.

By Mr. WALGREN:

H.R. 5661. A bill to amend subchapter 11 of chapter 15 of title 31, United States Code, to limit year-end spending by executive agencies; to the Committee on Government Operations.

H.R. 5662. A bill to suspend for a 3-year period the duty on o-Benzyl-p-Chlorophenol; to the Committee on Ways and Means.

By Mr. WORTLEY:

H.R. 5663. A bill to allow an investment tax credit for computerized railroad rail grinding trains owned and operated by U.S. persons notwithstanding the fact that such trains may be used in a country contiguous to the United States; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 5664. A bill to establish a United States-Mexico Joint Development Bank; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. BATEMAN:

H.J. Res. 569. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

By Mr. PATTERSON:

H.J. Res. 570. Joint resolution designating the month of June 1984 as "Hire a Vet Month," in recognition of the cooperation among the Department of Labor, the Veterans' Administration, and the Nation's business community in developing employment and training opportunities for our veterans; to the Committee on Post Office and Civil Service.

By Mr. PARRIS:

H. Con. Res. 308. Concurrent resolution expressing the sense of Congress that the International Olympic Committee should establish a permanent facility for the Olympic games, to insulate the games from international politics; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 493: Mr. SYNAR.
H.R. 897: Mr. SILJANDER.
H.R. 965: Mr. EDGAR.
H.R. 1795: Mr. ASPIN and Mr. KINDNESS.
H.R. 1984: Mr. JONES of North Carolina.
H.R. 2053: Mr. BORSKI, Mr. ROTH, and Mrs. ROUKEMA.
H.R. 2439: Mr. GRAY.
H.R. 2977: Mr. FOLEY.
H.R. 3193: Mr. MARTIN of New York.
H.R. 3642: Mr. WILLIAMS of Ohio.
H.R. 3659: Mr. ROE.
H.R. 4098: Mr. EVANS of Illinois, Mr. MORRISON of Connecticut, Mr. RIDGE, and Mr. O'BRIEN.
H.R. 4162: Mr. GOODLING.
H.R. 4272: Mr. COLEMAN of Texas, Mr. GONZALEZ, Mr. MORRISON of Connecticut and Mr. MINISH.
H.R. 4273: Mr. COLEMAN of Texas, Mr. GONZALEZ, and Mr. MINISH.
H.R. 4274: Mr. COLEMAN of Texas, Mr. HUGHES, Mr. GONZALEZ, and Mr. MINISH.
H.R. 4447: Mr. CHANDLER, Mr. GONZALEZ, Mr. DWYER of New Jersey, Mr. DICKS, and Mr. CLARKE.
H.R. 4459: Mr. VANDERGRIFF, Mr. PHILIP M. CRANE, and Mr. WIRTH.
H.R. 4659: Mr. ACKERMAN.
H.R. 4829: Mr. HUGHES, Mr. CARPER, Mr. DYSON, Mr. STUDDS, Mr. THOMAS of Georgia, and Mr. JONES of North Carolina.
H.R. 4832: Mr. MACKAY and Mr. GEJDENSON.
H.R. 4837: Mr. BOEHLERT, Mr. CORCORAN, Mr. DORGAN, Mr. ENGLISH, Mr. GLICKMAN, Mr. HARTNETT, Mr. MITCHELL, Mr. MORRISON of Washington, Mr. RUDD, Mrs. SCHNEIDER, and Mr. WILLIAMS of Ohio.
H.R. 4853: Mr. CARPER, Mr. BARNES, Mr. MOAKLEY, Mr. FASCELL, Mr. RANGEL, Mr. PRITCHARD, Mr. KASTENMEIER, Mr. SMITH of Florida, and Mrs. COLLINS.
H.R. 4857: Mr. RITTER.
H.R. 5015: Mr. ACKERMAN.
H.R. 5017: Mr. BROWN of California, Mr. DOWDY of Mississippi, and Mr. DOWNEY of New York.
H.R. 5023: Mr. LEACH of Iowa and Mr. MILLER of California.
H.R. 5082: Mr. FAUNTROY and Mr. WEISS.
H.R. 5090: Mr. JONES of Tennessee and Mr. STOKES.

H.R. 5151: Mrs. BOXER, Mr. COELHO, Mr. MCHUGH, Mr. MINISH, Ms. MIKULSKI, Mr. RANGEL, Mr. STARK, Mr. ADDABBO, Mr. KOLTER, Mr. MURPHY, and Mr. COYNE.

H.R. 5185: Mr. HUCKABY.

H.R. 5232: Mr. ST GERMAIN, Mr. ROYBAL, Mr. MCKINNEY, Mr. FROST, Mr. DYSON, Mrs. COLLINS, Mr. SCHEUER, Mr. ACKERMAN, and Mr. EDGAR.

H.R. 5273: Mr. OWENS, Mr. HANCE, Mr. LOEFFLER, Mr. DUNCAN, Mr. HIGHTOWER, Mr. BRYANT, Mr. CORRADA, Mr. STENHOLM, Mr. MITCHELL, and Mr. MRAZEK.

H.R. 5274: Mr. OWENS, Mr. HANCE, Mr. LOEFFLER, Mr. DUNCAN, Mr. HIGHTOWER, Mr. BRYANT, Mr. CORRADA, Mr. STENHOLM, Mr. MITCHELL, and Mr. MRAZEK.

H.R. 5341: Mr. BONER of Tennessee, Mr. OBERSTAR, Mr. MITCHELL, Mr. FRANK, Mr. WEISS, Mr. OWENS, Mr. STOKES, Mr. LEHMAN of Florida, Mr. BERMAN, Ms. OAKAR, Mrs. HALL of Indiana, Mr. AKAKA, Mr. FAZIO, and Mr. TOWNS.

H.R. 5432: Mr. BURTON of Indiana.

H.R. 5438: Mrs. HOLT.

H.R. 5459: Mr. HARTNETT and Mr. YOUNG of Alaska.

H.R. 5460: Mr. HARTNETT and Mr. YOUNG of Alaska.

H.R. 5511: Mr. ACKERMAN, Mr. JACOBS, and Mr. LELAND.

H.R. 5580: Mr. WHEAT.

H.J. Res. 174: Mr. ANNUNZIO, Mr. BENNETT, Mr. BORSKI, Mr. COELHO, Mr. FUQUA, Mr. KOSTMAYER, Mr. LONG of Maryland, Mr. MINETA, Mr. WHITEHURST, and Mr. WORTLEY.

H.J. Res. 272: Mr. MACKAY, Mr. MICA, Ms. MIKULSKI, Mr. BOEHLERT, Mr. D'AMOURS, Mr. HUCKABY, Mr. DAUB, Mr. ROEMER, Mr. SKELTON, Mr. TORRICELLI, Mr. WALGREN, Mr. YOUNG of Missouri, Mr. SNYDER, Mr. SILJANDER, Mr. BORSKI, Mr. BREAUX, Mr. BROWN of California, Mr. DERRICK, Mr. BURTON of Indiana, Mr. MCHUGH, Mr. ROBINSON, Mr. GRAMM, Mr. KOGOVSEK, Mr. WATKINS, Mr. HANCE, Mr. TAUZIN, Mr. DIXON, Mr. GEKAS, Mr. DYMALLY, Mr. SMITH of Florida, Mr. VANDERGRIFF, Mr. RINALDO, Mr. GREEN, Mr. JONES of North Carolina, Mr. MOODY, Mr. WHITTEN, Mr. JONES of Oklahoma, Mr. JEFFORDS, Mr. MINETA, Mr. ERDREICH, Mr. BRYANT, Mr. DREIER of California, Mr. MURPHY, Mr. MORRISON of Connecticut, Mr. DENNY SMITH, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. BOSCO, Mr. EVANS of Illinois, Mr. CORCORAN, Mr. BERMAN, Mr. CONTE, Mr. SIKORSKI, Mr. WHEAT, Mr. OLIN, Mr. DURBIN, Mr. IRELAND, Mr. MAZZOLI, Mr. HUNTER, Mr. PATMAN, Mr. CONABLE, Mr. CARR, Mr. DOWNEY of New York, and Mr. MCKERNAN.

H.J. Res. 309: Mr. BROYHILL, Mr. BENNETT, Mr. BARTLETT, Mr. BILIRAKIS, Mr. COOPER, Mr. CHANDLER, Mr. COLEMAN of Texas, Mr. DERRICK, Mr. DASCHLE, Mr. EDWARDS of Alabama, Mr. FASCELL, Mrs. LLOYD, Mr. LOEFFLER, Mr. MORRISON of Washington, Mr. MCCOLLUM, Mr. MACKAY, Mr. MCDADE, Mr. PERKINS, Mr. QUILLEN, Mr. ROBERTS, Mr. SHELBY, Mr. WINN, and Mr. YOUNG of Florida.

H.J. Res. 340: Mr. ACKERMAN, Mr. ANDREWS of Texas, Mr. BADHAM, Mr. BARTLETT, Mr. BATES, Mr. BEDELL, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BOSCO, Mr. CAMPBELL, Mr. COELHO, Mr. CONYERS, Mr. DANIEL B. CRANE, Mr. DAUB, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. FAZIO, Mr. FRENZEL, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. HORTON, Mr. HYDE, Mr. IRELAND, Mr. LELAND, Mr. LEVINE of California, Mr. MADIGAN, Mr. MATSUI, Mr. MINETA, Mr. MONTGOMERY, Mr. OWENS, Mr. PASHAYAN, Mr. RAY, Mr. RICHARDSON, Mr. ROBINSON, Mr. ROWLAND, Mr. SPRATT, Mr. SUNIA, Mr. SYNAR, Mr. THOMAS of Georgia, Mr. VOLKMER, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, and Mr. WILSON.

H.J. Res. 482: Mr. PHILIP M. CRANE, Mr. MRAZEK, Mr. HORTON, Mr. ADDABBO, Mr. BONER of Tennessee, Mr. DANIEL B. CRANE, Mr. JACOBS, Mr. MURPHY, Mr. LAGOMARSINO, Mr. JEFFORDS, Mr. FLORIO, Mr. WAXMAN, Mr. BORSKI, Mr. SOLARZ, Mr. PURSELL, Mr. SISISKY, Mr. REID, Mr. RATCHFORD, Mr. EDWARDS of Oklahoma, Mr. BRYANT, and Mr. RUSSO.

H.J. Res. 485: Mr. MARTINEZ, Mr. PRITCHARD, Mr. MARTIN of New York, Mr. HYDE, Mr. LOWRY of Washington, Mr. DAUB, Mr. EDWARDS of Oklahoma, Mr. BARTLETT, Mr. SIKORSKI, Mr. CAMPBELL, Mr. NEAL, Mr. LEWIS of Florida, Mr. CHANDLER, Mr. D'AMOURS, Mr. CLAY, Mr. BROYHILL, Mrs. BOXER, Mr. GOODLING, Mr. VENTO, and Mr. ANDERSON.

H.J. Res. 516: Mr. BROYHILL.

H.J. Res. 532: Mr. CARR, Mr. SCHAEFER, Mr. YATRON, Mr. ADDABBO, Mr. MCCURDY, Mr. PERKINS, Mr. REID, Mr. DIXON, Mr. FOLEY, Mrs. HALL of Indiana, Mrs. JOHNSON, Mrs. COLLINS, Mr. WYDEN, Mr. ENGLISH, Mr. STOKES, Mr. MRAZEK, Mr. SCHEUER, Mr. LEACH of Iowa, Mr. RICHARDSON, Mr. HOWARD, Mrs. BURTON of California, Mr. OXLEY, Mr. CAMPBELL, Mr. MINISH, Mrs. MARTIN of Illinois, Mr. VANDERGRIFF, Mr. GREGG, Mr. DONNELLY, Mr. HUTTO, Mr. MCCOLLUM, Mr. BARNARD, Mr. BATEMAN, Mr. BORSKI, Mr. CLARKE, Mr. EDWARDS of Oklahoma, Mr. WEAVER, Mr. COLEMAN of Missouri, Mrs. HOLT, Mr. ARCHER, Mr. ECKART, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. PANETTA, Mr. HANSEN of Idaho, Mr. HANSEN of Utah, Mr. HARRISON, Mr. HAYES, Mr. HILER, Mr. HOYER, Mr. HYDE, Mr. JENKINS, Mr. JONES of North Carolina, Mr. KASICH, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. LEATH of Texas, Ms. FIEDLER, Mr. LEHMAN of Florida, Mr. BROWN of Colorado, Mr. LENT, Mr. LEWIS of California, Mr. LOWRY of Washington, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MACK, Mr. MACKAY, Mr. MARRIOTT, Mr. MAZZOLI, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOODY, Mr. NELSON of Florida, Mr. NICHOLS, Mr. NIELSON of Utah, Ms. OAKAR, Mr. ACKERMAN, Mr. ANDERSON, Mr. ANNUNZIO, Mr. BADHAM, Mr. BARNARD, Mr. BATEMAN, Mr. BATES, Mr. BEILENSON, Mr. BEREUTER, Mr. BIAGGI, Mr. BLILEY, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BREAUX, Mr. BROOMFIELD, Mr. BROYHILL, Mr. CARPER, Mr. CHAPPELL, Mr. CLAY, Mr. CONTE, Mr. CORCORAN, Mr. COURTER, Mr. D'AMOURS, Mr. DANIEL, Mr. DE LUGO, Mr. DICKS, Mr. DOWDY of Mississippi, Mr. DREIER of California, Mr. DURBIN, Mr. DYMALLY, Mr. FOGLIETTA, Mr. GEJDENSON, Mr. GEKAS, Mr. GRADISON, Mr. GRAMM, Mr. GUNDERSON, Mr. RALPH M. HALL, Mr. OTTINGER, Mr. PACKARD, Mr. PATTERSON, Mr. PEPPER, Mr. PORTER, Mr. RAY, Mr. RINALDO, Mr. RODINO, Mr. ROSE, Mr. ROSTENKOWSKI, Mr. SAVAGE, Mrs. SCHROEDER, Mr. SHAW, Mr. SIMON, Mr. SOLARZ, Mr. TALLON, Mr. TAUZIN, Mr. TORRICELLI, Mr. VANDER JAGT, Mr. WALGREN, Mr. WATKINS, Mr. WYLIE, Mr. YATES, Mr. PHILIP M. CRANE, Mr. ANTHONY, Mr. BEVILL, Mr. ALEXANDER, Mr. SKELTON, Mr. LONG OF MARYLAND, Mr. MCCAIN, Mr. NEAL, Mrs. SCHNEIDER, Mr. EDWARDS of Alabama, Mr. MARTIN of North Carolina, Mr. CHAPPIE, Mr. ERDREICH, Mr. BETHUNE, Mr. MARTIN of New York, Mr. PASHAYAN, Mr. ROGERS, Mr. MILLER of California, Mr. O'BRIEN, and Mr. FLIPPO.

H.J. Res. 533: Mr. NELSON of Florida, Mr. FAZIO, Mr. MOLLOHAN, Mr. MARTIN of North Carolina, Mr. RATCHFORD, Mr. GOODLING, Mr. PERKINS, Mr. BILIRAKIS, Mr. JEFFORDS, Mr. LOWRY of Washington, Mr. TOWNS, Mr. RALPH M. HALL, Ms. OAKAR, Mr. SAM B. HALL, JR., Mr. RANGEL, Mr. RITTER, Mr. ERDREICH, Mr. LEVINE of California, Mr. SNYDER, Mr. WHITTEN, Mr. ANDREWS of North Carolina, Mr. BONKER, Mr. CARNEY, Mr. CONABLE, Mr. DELLUMS, Ms. FERRARO, Mr. FLIPPO, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. GONZALEZ, Mr. GRAY, Mr. HARKIN, Mr. JONES of Oklahoma, Mr. KINDNESS, Mr. LONG of Louisiana, Mr. LOWERY of California, Mr. LUKEN, Mr. MARKEY, Mr. MITCHELL, Mr. MOLINARI, Mr. KOLTER, Mr. RICHARDSON, Mr. O'BRIEN, Mr. LELAND, Mr. WON PAT, Mr. AKAKA, Mr. TALLON, Mr. WINN, Mr. DOWDY of Mississippi, Mr. BLILEY, Mr. CORRADA, Mr. LEWIS of California, Mr. ROE, Mr. SAWYER, Mr. STARK, Mr. FLORIO, Mr. BRITT, Mr. OWENS, Mr. FAUNTROY, Mr. MOAKLEY, Mr. SISISKY, Mr. LIPINSKI, Ms. MIKULSKI, Mr. COOPER, Mr. MINETA, Mr. COYNE, Mr. HERTEL of Michigan, Mr. THOMAS of Georgia, Mr. DAUB, Mr. BARNES, Mr. DWYER of New Jersey, Mr. ROBINSON, Mr. RAHALL, Mr. EVANS of Illinois, Mr. LEVIN of Michigan, Mr. HEFTEL of Hawaii, Mr. DIXON, Mr. ANDREWS of Texas, Mr. GUARINI, Mr. LANTOS, Mr. YOUNG of Florida, Mr. HUGHES, Mr. HANCE, Mr. CROCKETT, Mr. FRENZEL, Mr. PATMAN, Mr. SOLARZ, Mr. BONIOR of Michigan, Mr. SWIFT, Mr. BATEMAN, Mr. BERMAN, Mr. WAXMAN, Mr. WILSON, Ms. KAPTUR, Mr. KEMP, Mr. YATRON, Mr. MINISH, Mrs. BOXER, Mr. COURTER, Mr. KASICH, Mr. HAWKINS, Mr. EDGAR, Mr. BREAUX, Mr. HIGHTOWER, Mr. BROYHILL, Mr. BROWN of California, Mr. LONG of Maryland, Mr. WIRTH, Mr. BEDELL, Mr. YOUNG of Missouri, Mr. HEFNER, Mr. BIAGGI, Mr. DURBIN, Mr. SIMON, Mr. MURPHY, Mr. TRAXLER, Mr. CLAY, Mr. SMITH of Iowa, Mr. CORCORAN, Mr. PACKARD, Mr. DE LUGO, Mr. SKELTON, Mr. GORE, Mr. HUTTO, Mr. GRADISON, Mr. HORTON, Mr. MCGRATH, Mr. BATES, Mr. KOSTMAYER, Mr. EARLY, Mr. DE LA GARZA, Mr. FASCELL, Mr. LEHMAN of Florida, Mr. NEAL, Mr. TAUZIN, Mr. VANDERGRIFF, Mr. MADIGAN, Mr. FUQUA, Mr. MARTIN of New York, Mr. IRELAND, Mr. ROWLAND, Mr. BONER of Tennessee, Mr. WISE, Mr. HOYER, Mr. DYMALLY, Mrs. HALL of Indiana, Mr. SUNIA, Mrs. HOLT, Mr. MARTINEZ, Mr. WYLIE, Mr. LAGOMARSINO, Mr. PRITCHARD, Mr. COUGHLIN, Mr. FRANK, Mr. SHARP, Mr. RODINO, Mr. WALGREN, Mr. SCHEUER, Mr. STOKES, Mr. CARR, Mr. MOODY, Mr. HALL of Ohio, Mr. BOEHLERT, Mr. HATCHER, Mr. CONTE, Mr. PRICE, Mr. CHAPPIE, Mr. ROSE, Mr. HAMMERSCHMIDT, Mr. ANDERSON, Mr. YOUNG of Alaska, Mrs. BOGGS, Mr. RINALDO, Mr. DICKINSON, Mr. REID, Mr. MRAZEK, Mr. GREEN, Mr. KILDEE, Mr. DANIEL, Mr. TORRICELLI, Mr. BEVILL, Mr. FEIGHAN, Mr. ADDABBO, Mr. ALBOSTA, Mr. STRATTON, Mr. ROBERTS, Mr. ROYBAL, Mr. ANTHONY, Mrs. KENNELLY, Mr. SMITH of New Jersey, Mr. VANDER JAGT, Mr. WHEAT, Mrs. LLOYD, Mr. GEJDENSON, Mr. BORSKI, Mr. LEWIS of Florida, Mr. HOWARD, Mr. BOSCO, Mr. GEKAS, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. OBEY, Mr. PURSELL, Ms. SNOWE, Mr. SYNAR, Mr. WYDEN, Mr. MCCOLLUM, Mr. ACKERMAN, Mr. DICKS, Mr. REGULA, Mr. CHAPPELL, Mr. COELHO, Mr. TAUKE, Mr. WHITTAKER, Mr. SABO, Mr. GARCIA, Mr. SIKORSKI, Mr. WORTLEY, Mr. DICKINSON, Mr. SMITH of Florida, Mr. VENTO, Mr. CHANDLER, Mr. GEPHARDT, Mr. RITTER, Mr. MCEWEN, Mr. DREIER of California, and Mr. REID.

H.J. Res. 534: Mr. HEFTEL of Hawaii, Mr. LAFALCE, Mr. CARNEY, and Mr. SCHAEFER.

H.J. Res. 547: Mr. MOORE, Mr. MOLLOHAN, Mr. EVANS of Illinois, Mr. TAYLOR, Mr. OLIN, Mr. HAMMERSCHMIDT, Mr. MCEWEN, Mr. LIVINGSTON, and Mr. DENNY SMITH.

H. Con. Res. 226: Mr. BATES, Mr. FRENZEL, Mr. MADIGAN, Mrs. MARTIN of Illinios, Mr. MOAKLEY, Mr. NOWAK, Mr. O'BRIEN, Mr. RATCHFORD, Mr. ROBINSON, Mr. ROYBAL, and Mr. SWIFT.

H. Con. Res. 260: Mr. WINN and Mr. WOLF.

H. Con. Res. 270: Mr. GEKAS, Mr. PAUL, Ms. MIKULSKI, Mr. BADHAM, Mr. DURBIN, Mrs. JOHNSON, and Mr. HUTTO.

H. Con. Res. 284: Mrs. MARTIN of Illinois, Mr. BILIRAKIS, Mr. MICA, and Mr. BLILEY.

H. Con. Res. 285: Mrs. MARTIN of Illinois, Mr. BILIRAKIS, Mr. MICA, and Mr. BLILEY.

H. Con. Res. 294: Mr. ALBOSTA, Mr. ANNUNZIO, Mr. BILIRAKIS, Mr. BIAGGI, Mr. BEDELL, Mr. DE LUGO, Mr. DAUB, Mr. DYMALLY, Mr. FASCELL, Mr. FRANK, Mrs. HALL of Indiana, Mr. HUGHES, Mr. HORTON, Mr. KEMP, Mrs. KENNELLY, Mr. LENT, Mr. LEVIN, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MARRIOTT, Mr. MARKEY, Mr. NOWAK, Mr. O'BRIEN, Mr. RANGEL, Mrs. SCHROEDER, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SOLARZ, Mr. WALGREN, and Mr. WON PAT.

H. Con. Res. 304: Mr. MARKEY, Mr. KEMP, and Mr. ERDREICH.

H. Res. 496: Mr. FRANK, Mr. PATMAN, Mr. DAUB, Mr. WEBER, Mr. PENNY, Mr. FRENZEL, and Mr. CORCORAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4103: Mr. ROSE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4785

By Mr. BIAGGI:

—Page 9, strike out line 25 and all that follows through line 2 on page 10, and insert in lieu thereof the following: "$90,000,000 for fiscal year 1985, $95,000,000 for fiscal year 1986, and $100,000,000 for fiscal year 1987,".

H.R. 5167

By Mr. BEDELL:

—Page 157, at the end thereof, insert the following new section:

"SEC. 1010. (a) Chapter 137 of title 10, United States Code, is amended by adding at the end there of the following new section:

"SEC. 2317. COMPETITION FOR SPARE PARTS.

"SEC. 2317. (a) No domestic business concern shall be denied the opportunity to submit and have considered its offer for any contract to be let by any agency subject to the provisions of this Chapter, solely because such concern—

"(1) is not on a 'qualified bidders list'; or

"(2) does not have its product or products on a 'qualified products list'.

"(b) No agency subject to the provisions of this Chapter shall solicit an offer from only one source or negotiate with only one source for the purchase of spare or replacement parts unless the head of the buying activity certifies, for each such procurement, that—

"(1) the parts are available from only one source and no other business concern is capable of producing the same or like parts which are consistent with the legitimate needs of the agency;

"(2) the agency's need for the parts is of such urgency that the mission of the agency would be seriously injured if it did not solicit or negotiate with only one source;

"(3) the disclosure of the agency's needs to more than one source would compromise the national security;

"(4) a party has a legitimate proprietary interest in the parts or their manufacture and the agency would be legally liable to such party if it purchased the same or like parts from another party; or

"(5) a statute requires or authorizes that the parts be procured through another agency or a specific source.

"For purposes of the preceding sentence, the term 'head of the buying activity' means the highest ranking person within the employ of the activity who is stationed at or near the site where the purchase is to be made.

"(c)(1) Within one-hundred and eighty days after the effective date of this subsection, the Secretary of Defense shall promulgate rules and regulations defining 'legitimate proprietary interest' for purposes of this Act. Such rules and regulations shall be promulgated as a part of the Federal Acquisition Regulations and shall give due consideration to the following—

"(A) statements of policy, objectives, and purposes contained in Public Law 96-517, Public Law 97-219, and section 8(d) of the Small Business Act (15 U.S.C. sec. 637);

"(B) the governmental interest to increase competition and lower costs by developing and locating alternative sources of supply and manufacture;

"(C) directing appropriate purchasing agencies to establish reverse engineering programs which provide domestic business concerns an opportunity to purchase or borrow spare or replacement parts from the Government for the purpose of design replication or modification to be used by such concerns in the submission of subsequent offers to sell the same or like parts to the Government: *Provided*, That nothing contained in this clause shall limit the authority of an agency head to impose restrictions on such a program related to national security considerations, Government inventory needs, the improbability of future procurements for the same or like parts, or any additional restrictions otherwise imposed by law;

"(D) the rights to technical or other data which is developed in whole or in part with Federal funds;

"(E) placing a time limit on rights to technical or other data developed substantially with Federal funds if such data is needed to ensure the use of competitive procurement methods for the future acquisition of parts to which such data pertains;

"(F) a requirement that the procuring agency, with respect to each major system acquisition, negotiate with the contractor and include a clause in the initial development contract and each subsequent production contract pertaining to technical or other data developed in whole or in part with Federal funds. Such clause shall contain provisions specifying, as appropriate, the Government's right to own, license, use or otherwise access such data and the extent, if any, of proprietary interest maintained by the contractor; and

"(G) the imposition of appropriate remedial measures against business concerns which improperly designate technical or other data as proprietary.

"(2) The Secretary of Defense shall—

"(A) consult with representatives of associations representing small business concerns prior to issuing any rules or regulations pursuant to paragraph (1); and

"(B) after the promulgation of such rules and regulations, submit to the House of Representatives and the Senate a report detailing how such rules and regulations give due considerations to the factors described in (c)(1 (A) through (G).

"(d) Except as otherwise provided by law, manufacturing, technical or other data which is the property of the Government shall be catalogued, stored and inventoried in a manner allowing for its ready and timely access by any domestic business concern upon its request.".

(b) The table of sections at the beginning of such Chapter is amended by adding at the end thereof the following new items:

"2317. Competition for Spare Parts.".

—Page 157, at the end thereof, insert the following:

"SEC. 1011. (a) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new sections:

"SEC. 2318. ENCOURAGEMENT OF COMPETITION AND COST SAVINGS.

"(a) Except as provided in subsection (b), no contract awarded pursuant to the negotiated method of procurement for the purchase of spare or replacement parts having commercial application shall result in a cost to the awarding agency which exceeds the lowest price at which such parts are made available to commercial buyers.

"(b) The requirements of subsection (a) shall not be applied to any purchase for which the head of the buying activity certifies that the use of such price would be unjust because of—

"(1) national security consideration; or

"(2) differences in quantities, quality, delivery or other terms and conditions of the contract to be let.

"(c) Any offeror which submits an offer to the Government for the supply of such parts having commercial application shall certify to the awarding agency either its compliance with subsection (a), or submit its written justification specifying the amount of the excess above the lowest commercial price and its request for an adjustment for any reason described in (b)(2).

"SEC. 2319. FAIR DISTRIBUTION OF OVERHEAD CHARGES FOR SPARE PARTS.

"(a) Except as provided in subsection (b), no contract for the purchase of spare or replacement parts shall result in a cost to the awarding agency which exceeds (1) the direct costs incurred by the contractor for such parts; (2) a share of such contractor's overhead that is directly attributable to the direct costs of such parts; and (3) a reasonable profit.

"(b) Notwithstanding the provisions of subsection (a), no amount of any overhead shall be paid by the Government unless such contractor—

"(1) manufactured such parts;

"(2) changed or modified the configuration of such parts;

"(3) tested and evaluated the performance of such parts;

"(4) is a regular dealer in such parts as defined by the Walsh-Healey Public Contracts Act (41 U.S.C. sec. 35 et seq.); or

"(5) otherwise added value to such parts.

"(c) Except as otherwise required by law, nothing contained in this section shall require the submission of cost or pricing data.".

(b) The table of sections at the beginning of such Chapter is amended by adding at the end thereof the following new items:

"2318. Encouragement of Competition and cost savings.

"2319. Fair Distribution of Overhead Changes for Spare Parts.".

(c) Section 2855 of title 10, United States Code, is amended to read as follows:

"SEC. 2855. LAW APPLICABLE TO CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

"(a) Contracts for architectural and engineering services and construction design in connection with a military construction project or a military housing project shall be awarded in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S. 541 et seq.). In determining the most highly qualified firms under such Act, consideration shall be given to the schedule of fees which shall be submitted by each offeror as part of its original proposal to the government: *Provided*, That primary consideration in source selection shall be based upon an evaluation of relative design proposal and qualifications among all offering firms.

"(b) For any contract to be let by any agency subject to the provisions of this Chapter, a small business set-aside pursuant to section 15 of the Small Business Act, as amended (15 U.S.C. sec. 644), or an award pursuant to section 8(a) of such Act (15 U.S.C. sec. 637), shall not be precluded solely because of the anticipated or actual dollar value of the contract to be let.".

By Mr. LEVINE of California:

—Page 10, line 18, strike out "$25,243,200,000" and insert in lieu thereof "$25,253,700,000".

Page 11, strike out lines 19 through 22 and insert in lieu thereof the following:

(c) The Secretary of the Air Force may not make a contract for the procurement for engines for the F-15 aircraft that includes an amount for payment for the warranty required by section 794 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), that is greater than 8 percent of the total contract price.

—Page 10, line 18, strike out "$25,243,200,000" and insert in lieu thereof "$25,251,200,000".

Page 11, strike out lines 19 through 22 (and redesignate the following subsections accordingly).

By Mrs. NEAL:

—Page 10, line 19, strike out "$8,664,600,000" and insert in lieu thereof "$5,942,700,000".

At the end of title I (page 15, after line 5), add the following new section:

MX MISSILE PROCUREMENT AND MORATORIUM

SEC. 110. (a) None of the funds appropriated pursuant to authorization of appropriations in this title may be used for the MX missile program.

(b) It is the intent of Congress that denial of funds for procurement under the MX missile system program for fiscal year 1985 constitutes a moratorium on procurement of missiles under such program but does not constitute a unilateral termination of that program. Continuation of that moratorium should depend on subsequent actions of the Soviet Union in the area of nuclear weapons development, production, and deployment.

(Amendment to the amendment offered by Mr. Bennett and/or Mr. Mavroules.)

—In section 110 proposed to be added by the amendment—

(1) insert "(a)" after "Sec. 110."; and

(2) add at the end thereof the following:

(b) It is the intent of Congress that denial of funds for procurement under the MX missile system program for fiscal year 1985 constitutes a moratorium on procurement of missiles under such program but does not constitute a unilateral termination of that program.

(Amendment to the substitute amendment offered by Mr. Aspin.)

—Strike out the dollar figure proposed to be inserted by the substitute amendment and insert in lieu thereof "$5,942,700,000".

Strike out the section proposed to be inserted by the substitute amendment and insert in lieu thereof the following:

MX MISSILE PROCUREMENT AND MORATORIUM

SEC. 110. (a) None of the funds appropriated pursuant to authorization of appropriations in this title may be used for the MX missile program.

(b) It is the intent of Congress that denial of funds for procurement under the MX missile system program for fiscal year 1985 constitutes a moratorium on procurement of missiles under such program but does not constitute a unilateral termination of that program.

By Mr. PEASE:

—At the end of the bill add the following new section:

SENSE OF CONGRESS CONCERNING DEFENSE EXPENDITURES BY U.S. ALLIES

SEC. . It is the sense of Congress that the President should call on the pertinent member nations of the North Atlantic Treaty Organization to meet or exceed their pledges for an annual increase in defense spending during fiscal years 1984 and 1985 of at least three percent real growth and should call on Japan to further increase its defense spending during fiscal years 1984 and 1985 in furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

By Mr. ROTH:

—At the end of title V (page 61, after line 13) add the following new section:

AUTHORITY TO TERMINATE SERVICES OF PERSONNEL SIGNING DEFENSE CONTRACTS THAT RESULT IN EXCESSIVE COST OVERRUNS

SEC. . Notwithstanding any other provision of law, the Secretary of a military department may terminate the commission of an officer of the Armed Forces under the jurisdiction of the Secretary who signs a defense contract that results in an excessive cost overrun, as determined under regulations prescribed by the Secretary of Defense.

By Mr. SMITH of Florida:

—Page 4, after line 8, add the following new subsection:

"(e) Funds appropriated pursuant to the authorizations of appropriations in this title may not be obligated for the Division Air Defense System until—

"(1) initial production testing of the Division Air Defense System is completed;

"(2) the Secretary of Defense has submitted a report to the appropriate committees of the Congress on the results of such testing and has certified to those committees that continued production of the Division Air Defense System is in the national interest; and

"(3) a period of 30 days has passed following the receipt by those committees of that report and certification.".

By Mr. WEISS:

—Page 5, line 3, strike out "$3,451,900,000" and insert in lieu thereof "$3,299,500,000".

Page 10, after line 13, insert the following new subsection:

(i) None of the funds appropriated pursuant to the authorizations of appropriations in this section may be obligated or expended for the Trident II missile program.

—Page 15, after line 15, strike out "$8,929,757,000" and insert in lieu thereof "$6,878,644,000".

Page 15, after line 3, insert the following new subsection:

(c) None of the funds appropriated pursuant to the authorizations of appropriations in section 201 may be obligated or expended for the Trident II missile program.

EXTENSIONS OF REMARKS

REMARKS BY AMBASSADOR JOHN L. LOEB, JR., UPON RECEIVING THE ANNUAL HUMANITARIAN AWARD OF THE HEBREW BENEVOLENT SOCIETY, CHARLESTON, SC, MARCH 18, 1984

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. HARTNETT. Mr. Speaker, it is with great pleasure that I share with my colleagues the remarks recently made by the distinguished Ambassador, John L. Loeb, Jr., upon receiving the annual humanitarian award at the 200th anniversary of the Hebrew Benevolent Society in Charleston, SC. I am confident that my colleagues will find Ambassador Loeb's statement as enlightening and interesting as I did.

REMARKS BY AMBASSADOR JOHN L. LOEB, JR.

I am grateful to you for this honor you have paid me and for your gracious and generous words. It's not false modesty that compels me to say that the tribute, however gratifying, is exaggerated. But I accept it, not so much for myself, as on behalf of my family and its many ancestors who have instilled in me an understanding of the responsibility and privilege of helping others.

It's a particular pleasure to share in this significant anniversary with you because it gives me the opportunity to revisit this lovely city of Charleston. I have a special attachment to it, for my family's roots go deep into its history. Some of my ancestors lived here and are buried here.

I am a genealogy buff. I have had great fun, and some inspiration, in tracing down my forebears. From scant records, I gleaned the stories of their lives. This research gives me a sense of history; it links me to generations past, and it illuminates the ideals and values which are my heritage.

Judah Touro, perhaps America's first great philanthropist, was an ancestral cousin of mine.

My people first came to America in the latter part of the 17th century. They were among the first of the handful of Jews who settled in the colonies in search of freedom and opportunity.

Seven generations ago, Jacob Phillips, my great-great-great-great-grandfather settled here in Charleston before the Revolution and served in the South Carolina militia during the War for Independence. He was a member of Congregation Beth Elohim, which was then the largest Jewish community in the United States with a total membership of 500 souls.

One of those 500 Jewish citizens was yet another of my ancestors—actually Jacob Phillips' son-in-law, Isaiah Moses; he had married Jacob Phillips' daughter Rebecca. Isaiah Moses settled in Charleston soon after the Revolution. The city and its economy had been badly mauled during the war by the British, but Moses had a gift for business, and he built a successful career as a merchant with a shop on King Street. He also built a large family, and he prospered enough to buy a plantation called Oaks Plantation in Goose Creek from the Middleton family.

Isaiah Moses was the senior trustee for the Beth Elohim Congregation, but he ultimately broke with that synagogue because he objected to the reform modes of worship which it adopted. He joined the new congregation, Shearith Israel, was elected its first president, and led the building campaign for the synagogue which was consecrated in 1847.

Isaiah Moses lived to the age of 85. He died in 1857 and is buried in the Coming Street Cemetery. His widow, Rebecca Phillips Moses, joined him there many years later. She was a devoted daughter of the Confederacy, and family legend has it that she suffered a stroke upon hearing news of Lee's surrender.

One of the many sons of Isaiah and Rebecca was my great-grandfather, Levy Moses.

Levy Moses is mentioned in Bernard Baruch's autobiography, "My Own Story," as being one of the two trustees for his grandmother, Sarah Cohen, in her marriage contract with Saling Wolfe in November of 1845.

Levy Moses was a member of the Hebrew Orphan Society, to be distinguished from the Hebrew Benevolent Society, for more than 40 years and served as its secretary-treasurer for almost two decades, including the years of the Civil War.

During the occupation of Charleston by Union forces, he managed to hide the assets of the Orphan Society from the Yankee authorities.

In recognition of this and his years of service, the Hebrew Orphan Society presented him with a silver cup and a testimonial.

I have here with me, today, a copy of the letter which he wrote the Hebrew Orphan Society in August of 1866.

He writes: "You will however be pleased to convey to the Hebrew Orphan Society my most grateful acknowledgements and my heartfelt desire that the funds so providentially preserved may be greatly increased and never used except for the purposes established by the Founders of the Society."

I will not carry this family history any further but I think you will now begin to understand the reasons for my attachment to Charleston.

In reviewing my ancestral connection and ties to this city and our nation, I could not help but think about my own heritage—my American and my Jewish heritage—both of which are in a sense represented in the Hebrew Benevolent Society.

Nothing in the Jewish heritage is more noble than the concept of Zedakah—of charity. The Hebrew name of your society, Hebra Shel Gemilut Hasidim, as you know, is a rabbinic term which literally means the bestowing of kindness. It suggests something more appealing than the term charity, which merely required the giving of money. It implies something more—compassion, a sense of brotherhood, a feeling for humanity.

The Torah prescribes that the stranger, the orphan and the widow must be cared for. Akiba and Maimonides and other sages and scholars taught the obligation and rewards of helping others. According to Mosaic prescriptions, the duty of chartity is enjoined not only upon the wealthy, but upon all men and women, and not only upon individuals, but on the community acting together. Thus, from the beginning of recorded Jewish history, one finds examples of organized community relief work.

In this, I think that Jews understood something fundamental about the human spirit and the nature of social relations. They understood that the act of helping others is ennobling to those who extend the help, and that when help is extended by a communal effort, it becomes an act which binds and unites the community. To share responsibility for its members gives a community cohesion and strength. Which is why, perhaps, Jewish communities have endured for so long and under such adversity.

And so, wherever Jews have lived in the past, they have created institutions to help the less fortunate among them—the sick, the forgotten, the destitute. The Hebrew Benevolent Society, the first Jewish charitable agency ever created in America, stands in the long line of communal institutions, and the men and women who have supported it over these two centuries have carried on a noble Jewish tradition.

All of you here tonight, members of the Bicentennial Committee, Officers and Trustees of the Society—past and present, members of the Society—can be justly and deservedly proud that you are carrying on such a magnificent tradition.

There is not time to mention each one of you. I wish I could because I know that everyone of you in different ways has done so much; not only for the Hebrew Benevolent Society and the Jewish community, but for Charleston and South Carolina as well.

However, I cannot leave here tonight without recognizing and paying tribute to that wonderful man I met almost a decade ago, who has brought me to Charleston again and again, one of your great leaders and a great gentleman, an outstanding American citizen—Mr. Milton Banov.

It may be too much to claim that the Jews invented charity, but it is true, I believe, that no other people have practiced it so magnanamously throughout the world and especially here in the United States. Indeed, philanthropy—Jewish and non-Jewish—thrives here as in no other country in the world. I think this reflects something in the American character—a neighborliness which is inherent in frontier people, a concern for human dignity, a generosity of spirit which is implicitly in the democratic ideal. Autocracies and dictatorships are no more known for the charity of their inhabitants than for the compassion of their rulers.

But in America, individual and communal philanthropy flourish as nowhere else. Not only have such great fortunes as the Carnegie, Mellon, Ford, and Rockefeller been

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

dedicated to humanitarian purposes and the betterment of society, but the great mass of American citizens regularly contribute to the almost endless roster of religious, educational, cultural, social, scientific, health, and other institutions which are so integral a part of American life. In 1982, it was estimated, more than $60 billion was contributed voluntarily to charitable and other causes by American citizens.

Needless to say, a modern society cannot rely upon private philanthropy to relieve the hunger, illness, and other misfortunes which overwhelm many people through no fault of their own. Obviously, in an enlightened society public funds, in large amounts, are required to relieve suffering and distress. But I submit that the society which relies upon public resources to the exclusion of private charity is the poorer for it. Such a society denies its citizens the sense of social responsibility, the spirit of community which is essential to maintain freedom. And it denies them as well, the expression of brotherhood, which in the last analysis is the most important expression of our humanity.

And so I salute the Hebrew Benevolent Society for two centuries of service to the Jewish community and American society. You have exemplified the highest precepts of Judaism, and you have expressed the very best in the American character.●

LET THE SALVADORANS STAY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. FRANK. Mr. Speaker, the plight of the Salvadoran refugees has been receiving a lot of public attention lately, and this is in very large part due to the tireless efforts of our colleague Mr. MOAKLEY, who has taken a leading role in the movement to alleviate their distress. The Immigration Subcommittee of the Judiciary Committee recently held hearings on the bill, H.R. 4447. All of us on the subcommittee were impressed with his compassion for the these refugees, and his commitment to help them, as well as with his impressive grasp of the complexity of this issue. I have cosponsored his bill and I urge my colleagues to do the same. He recently wrote an editorial in the Washington Post on the subject. I recommend it highly, and I ask that it be made a part of the RECORD.

The debate over the dollar cost of the war in El Salvador is fairly well known, but the human element of the conflict is distant to most Americans. Increasingly, however, we in the United States are confronted with the face of this Central American tragedy through the refugees who have come to our country—into our communities, churches and lives—to wait out the storm.

The response of our government has been to reject the possibility that most of these people are legitimate refugees, or even that they have reason to fear returning to El Salvador.

Nearly every major human rights organization has documented the ongoing atrocities in El Salvador. The civil war has claimed the lives of more than 40,000 civilian noncombatants since 1979. Many thousands of others have had their lives threatened and their homes destroyed.

Today, about 500,000 people have sought protecton inside El Salvador in displaced persons camps. They live in a prison-like situation in their own country. It's easy to understand why so many displaced Salvadorans end up leaving their country.

Approximately a quarter of a million Salvadorans have sought refuge in other countries of the region—Costa Rica, Nicaragua, Honduras and Mexico. These countries, however, have not been able to provide the necessary protection. In February, 12 Salvadorans were found shot to death outside the Mesa Grande refugee camp in Honduras. Other refugee camps in Honduras are going to be moved in the coming months to provide more room for U.S. military maneuvers along the Salvadoran border.

Some 300,000 to 500,000 Salvadorans have come to the United States, having heard that this is the haven of freedom and democracy. If caught in this country, however, Salvadorans are faced with detention—long-term if they cannot raise bond—and deportation. The United States currently deports about 100 Salvadorans a week back to the homeland that they risked their lives to flee.

U.S. immigration law does make provisions for individuals to apply for asylum. Those who are able to clearly prove personalized fear of persecution upon return to their homeland may apply. However, this is very difficult to document, especially since much of the danger in El Salvador is due to the general effects of the violent civil war. In the past year the Immigration and Naturalization Service has seen fit to grant asylum to less than 3 percent of the Salvadoran applications.

Another means of receiving protection in this country is by being admitted by the U.S. government as a refugee. However, in 1983, we admitted no Salvadorans in this way, and plans for 1984 include the admission of only 100 to 200 Salvadoran refugees.

A third option has been exercised for groups similar to Salvadorans who were in need of temporary safe haven: a status called "extended voluntary departure." EVD is simply a temporary stay of deportation and has been used to provide temporary relief to 15 national groups in the past 24 years.

This status has been granted by the attorney general, upon recommendation of the secretary of state, to nationals from countries that were experiencing extreme civil strife and human rights violations. It currently applies to Poles, Ethiopians, Afghans and Ugandans.

It would appear, however, that the Reagan administration has a double standard when it comes to Salvadorans. In the past, the criteria for granting EVD have been based on the dangerous, unstable conditions in the alien's homeland. The grant of EVD for the Poles, for example, is warranted because of the turmoil that exists in Poland. But certainly the internal violence in El Salvador is just as bad—if not worse—as that in Poland. Why will we do it for Poles and not Salvadorans?

Legislation has been introduced in the Senate and the House to halt temporarily the detention and deportation of Salvadorans in the United States. The stay would "sunset" after three years unless Congress wished to resume deportations sooner.

It seems clear that a temporary suspension of deportation for the Salvadorans in the United States is the right policy for a country that regards itself as the great international protector of freedom, democracy and human rights.●

DIALOGS ON AMERICA'S FUTURE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. EDGAR. Mr. Speaker, several weeks ago members of the Congressional Clearinghouse on the Future were treated to a luncheon address by Sir Clive Sinclair, an English entrepreneur and inventor who is helping to lead industry in his country into the next century. Sir Clive is the head of Sinclair Research, located in Cambridge, which seeks to develop marketable ideas and products in artificial intelligence, electronics, and other fields. This enterprise follows on Sir Clive's earlier success in developing inexpensive personal computers, digital watches, electronic calculators, and small flat-screen televisions.

When he spoke to Clearinghouse members, Sinclair described our current technological situation as the beginning of a third industrial revolution, after those brought about by the growth of farming and later by the widespread use of machines for manufacture. He feels that this third revolution will be characterized by the comfort and sophistication which will result from the extensive use of robots and computers to perform tasks now handled by man. His ultimate vision is one which some might call utopian, but others would see as a realistic view of mankind's long-term possibilities. In a year which is dominated by the negative visions of 1984, I urge my colleagues to review the remarks of Sir Clive Sinclair, which I will insert in the RECORD at this point, in order to see the future through the eyes of one of the great inventors of our day.

The remarks follow:

DIALOGS ON AMERICA'S FUTURE

(By Sir Clive Sinclair)

We have been told we are at the start of the second industrial revolution, a concept which seemed radical yesterday, commonplace today. I agree with the idea though it might be more useful to consider the process we are experiencing as the third rather than the second revolution.

By my counting the first occurred when mankind learned to plant and harvest, so ending the nomadic age of the hunter gatherer, who perforce spent most of his time, at least during long parts of the year, in pursuit of food. The farmer, as we have come to think of these first revolutionaries, was able by his husbandry to feed himself and several others, freeing those from the need to feed themselves. They turned to making things, spades for the garden, buckets and bowls for the house, chariots and ships in which to explore the world. They began to

write and record, to frame laws and protect large areas from their enemies. Many must have mourned the loss of a simpler more innocent existence, indeed the story of the Garden of Eden may reflect this, but the change broadened mankind, the population grew and spread. There was no chance of return.

The second great change occurred around the end of the eighteenth century when we learned to make things not with hand-held tools but with machines. In truth, the change was a gradual one, garment making machines, though hand powered, predate the pyramids and many examples can be found in Roman times of large scale industry. So perhaps the essential element in what we call the industrial revolution was the invention of steam power which not only provided the engines for industry, but also the power for transport. The energy in coal replaced the energy in wind. Again population leapt, again men travelled far more, again yet larger territories were defended, again men came to long for an arcadian past which existed more in fancy than in truth. But the simple items of our daily life, the furnishings of our dwellings became immensely more abundant. Many more were freed by this profusion to lead more contemplative, studious lives in our universities to the eventual benefit of the advance of science.

And so we come to the third great change which is seen to be upon us, the second industrial revolution as it may be. Partly this is concerned with the replacement of people in factories by robots and computers. Partly it is the leap made possible in the manipulation and transmission of information. Wholly it is down to the computer in one way or another and once again millions of people will be freed by the change to adopt other pursuits. From a positive viewpoint they are free from the drudgery of the mill. Negatively and realistically they are unemployed and very miserable. This is a sad consequence and we are not so well able to manage our affairs as to prevent it. But it is a temporary pattern, I believe, caused by the incredibly rapid loss of manufacturing employment. Where in the 1940's 50% of the people worked in the factories not 10% will work but half a century later. This revolution will broaden horizons quite as much as the other two.

This then is one way of looking at the way we live that is current and becoming popular. It is probably reasonable. But if we focus on an analogy with the industrial revolution, we will miss a much more dramatic analogy. Instead of looking back centuries and millenia for a comparison with our times, I would draw you back a million times further into the past than the beginnings of civilization.

Four thousand million years ago, when the universe was only half the size it is now and the solar system only five million years old a singular thing happened—life. By some ineluctable process in the primordial soup, stirred by fierce cosmic rays and bolts of lightning, carbon compounds of strange complexity formed and reformed, growing in subtlety until they came to transmute sunlight and to replicate. For a billion years these first bacteria, so mysteriously conjured, clumping together to form living reefs called stromatolites, were the only life. Yet three billion years later they evolved into mankind.

I said that the event that started this process was singlular and so, for all we know, it was. But so it will not long remain. All life is carbon based and carbon is exceptional in the variety of compounds it leads to, providing organisms with a rich choice of building materials. If we ever discover life on other planets we would not be surprised to fine it similarly based on carbon, but it might not be so. When I was a boy I read science fiction stories and in those days a common theme was the discovery of a life form strangely different from ours. A popular idea was for life based not on carbon compounds but on silicon on the grounds, I believe, that silicon too can form a wealth of products, many of them physically useful. Soon, I suggest, those stories will seem strangely prescient, for silicon based life will exist. It will not have emerged from millions of years of trial and error in energetic protoplasm but from a mere century or less of mans endeavor. I am suggesting that the path the silicon based electronics industry is on will lead to life.

The human brain contains, I am told, 10 thousand million cells and each of these may have a thousand connections. Such enormous numbers used to daunt us and cause us to dismiss the possibility of making a machine with human-like ability but now that we have grown used to moving forward at such a pace we can be less sure. Quite soon, in only 10 or 20 years perhaps, we will be able to assemble a machine as complex as the human brain and if we can we will. It may then take us a long time to render it intelligent by loading in the right software or by altering the architecture but that too will happen.

I think it certain that in decades, not centuries, machines of silicon will arise first to rival and then surpass their human progenitors. Once they surpass us they will be capable of their own design. In a real sense they will be reproductive. Silicon will have ended carbon's long monoply. And ours too, I suppose, for we will no longer be able to deem ourselves the finest intelligence in the known universe. In principal it could be stopped, there will be those that try, but it will happen nonetheless. The lid of Pandora's box is starting to open.

But let us look a little closer to the present:

By the end of this decade manufacturing decline will be nearly complete—with employment in manufacturing industries less than 10% in Britain. The goods are still needed but, as with agriculture already, imports and technical change will virtually remove all employment.

Talk of information technology may be misleading. It is true that one of the features of the coming years is a dramatic fall, perhaps by a factor of 100, in the cost of publishing as video disc technology etc. replaces paper and this may be as significant as the invention of the written word and Caslon's introduction of movable type. But talk of information technology confuses an issue—it is used to mean people handling information rather than handling machines and there is little that is fundamental in this. The real revolution which is just starting is one of intelligence. Electronics is replacing man's mind, just as steam replaced man's muscle. But the replacement of the slight intelligence employed on the production line is only the start. The Japanese, with their ICOT program, are aiming to make computers dealing with concepts rather than numbers with thousands of times more powerful than current large machines. This has triggered a swift and powerful response in the American nation. There is a large joint program of development amongst leading U.S. computer companies, there is at least as large a DARPA program, and IBM, though it says nothing, may well have the biggest program of all.

These projects are aimed at what are loosely termed fifth generation computers. These are really a new breed of machine entirely and will be as different from today's computers as today's computer is from an adding machine.

Powerful as these new engines will be, they will not remain inordinately expensive thanks to the progress of the semiconductor industry. Once available they will start to replace human intelligence at ever higher levels of abstraction.

The simple microprocessor provides sufficient intelligence for current assembly line robots. As robots learn to see and feel their brains will grow. Eventually, and not too far in the future, they will make decisions on the production line currently delegated to a supervisor.

Outside the factory we employ men's minds in two principle ways; as fonts of knowledge and as makers of decisions. The former of these attributes is now falling prey to the machine with the development of "expert systems" whereby the acquired knowledge of a man, an expert in mining for example, is made to repose in the memory of a computer. The transfer of data from human to machine mind is neither easy nor swift but once attained it may be copied at will and broadcast. A formerly scarce resource can thus become plentiful.

The ability to reach wise conclusions, as we expect of a doctor or lawyer, from much or scant data will longer remain man's monopoly but not always.

Fifth generation computers will share this prerogative. Tomorrow we may take our ailments to a machine as readily as to a man. In time that machine will be in the house, removing the need to journey to the doctor and providing far more regular monitoring of the state of health than it is now economic to provide.

The computer as surrogate teacher may bring even more benefits. Today, and as long as we depend on humans, we must have one teacher to many pupils. The advantage of a tutor for each child is clear and if that tutor is also endlessly patient and superhumanly well-informed we may expect a wonderful improvement in the standard of education. What, though, is the purpose if, in this imagined future, there are no jobs? Curiously we can find analogies in the past. Freemen of Periclean Athens led not such different lives as we might live for where we will have the machines, they had slaves who served both to teach and as menials. Thanks, perhaps, to their fine education, the freemen of Athens seem not to have found difficulty in filling their time. Just as they did, we will need to educate our children to an appreciation of the finer things of life, to inculcate a love of art, music and science. So we may experience an age as golden as that of Greece.

Machines will be capable of replacing men in tasks requiring complex motor functions. Strangely I think it may be easier to make a machine to teach mathematics or Latin than to make one to play tennis, for the latter task calls for an astonishingly fine and rapid prediction and decision coupled to precise action. But still it can and will be done. Not to relieve us of the pleasure of playing games but to relieve us of the monotony and danger of nearly as complex a task, that of driving a car. We took to cars for freedom they conferred to travel from

any one place to another at any time secure from the elements. We have paid quite a price in the mortality of our peoples and the pollution of our lands. We have chosen to restrain these remarkable vehicles to much less than half the speeds they could readily attain to mitigate these two evils. The future promises a better solution. I anticipate totally automatic personal vehicles still with all the freedom in space and time of today's cars, but guided by machine intelligence. They will be powered by electricity drawn from internal batteries in towns and on minor roads and from a main supply on the highways possibly inductively coupled into the vehicle. These latter day cars will be well nigh silent and clean but, above all, free from human fallibility. They need not then be restricted to 55 or 70 M.P.H. on main roads. Speeds of over 200 M.P.H. should be safely and economically possible. Magnetic levitation might replace wheels with advantages in the quality of ride, in silence and in the longevity of the vehicle which, having no moving parts would need no regular servicing. It is entirely possible that the performance of these vehicles will become such as to obsolete aircraft for all but the longest journeys and those over water.

The linking of the telephone to ever more sophisticated computing machinery is leading to major improvements in the service available.

The latest of these is the cellular radio system of communication now growing in this and certain other American cities. I see this as a partial solution to the general problem of permitting people to telephone one another no matter when or where. It is but temporary economic restraint not technical fundament which bars us from the logical conclusion of truly personal telephones. Carried on or about the person, these wireless devices would allow us to telephone and be telephoned wherever we choose. I would not need to know the whereabouts of the person I was calling, only his number since this would be particular to him wherever he was instead of to a fixed instrument as is usual now. I believe this is achievable by an extension of the cellular principle in area and capacity, the latter requiring much finer granularity in the system. That is to say the controlling transceivers will need to be far more closely spaced.

It often seems that each new step in technology brings misery rather than contentment, but this is because it brings change faster than benefits-and change, though often stimulating, is always disturbing. So it is and will be with the intelligence revolution, but here the benefits to come handsomely outweigh the trauma. Even our most intractable problems may prove soluble. Consider for example the imprisonment of offenders. Unless conducted with a biblical sense of retribution this procedure attempts to reduce crime by deterrence and containment. It is, though, very expensive and the rate of recidivism lends little support to its curative properties.

Given a national telephone/computer net such as I have briefly described an alternative appears. Less than physically dangerous criminals could be fitted with tiny transporters so that their whereabouts, to a high degree of precision, could be constantly monitored and recorded. Should this raise fears of an Orwellian society we could offer miscreants the alternative of imprisonment. I am confident of the general preference.

Intelligent robots will also help to care for the elderly who might even find companionship. Sleeplessly vigilant, the robot could provide for normal physical needs and watch for medical problems.

As the intelligence of robots increases to emulate that of humans and as their cost declines through economics of scale we may use them to expand our frontiers, first on earth through their ability to withstand environments mimical to ourselves. Thus, deserts may bloom and the ocean beds be mined. Further ahead, by a combination of the great wealth this new age will bring and the technology it will provide we can really begin to use space to our advantage. The construction of a vast, man-created world in space, home to thousands or millions of people, will be within our power and, should we so choose, we may begin in earnest the search for worlds beyond our solar system and the colonization of the galaxy.●

VIRGINIA NATIONAL FOREST WILDERNESS ACT OF 1984

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. BLILEY. Mr. Speaker, some of the discussion of the Virginia Wilderness bill, H.R. 5121, which preceded its passage by the House, on May 8, is factually incorrect and totally misleading with regard to a most important controversy surrounding passage of the bill.

Sponsors of the bill sought to assure Members that there is no danger to economic and industrial development by these wilderness designations and their relationship to air quality standards as provided under the Clean Air Act amendments.

It was stated that the Virginia Air Pollution Control Board was asked to ascertain what the impact on Westvaco Corp.'s Covington paper mill might be if several of the wilderness areas contained in H.R. 5121 were redesignated class I air quality areas for purposes of the Clean Air Act.

A preliminary report by the board was cited which indicated that class I designation would not impose any restrictions on Westvaco's recently announced plans to invest $500 million over the next 5 years at Covington.

While this preliminary study was used as the scientific basis for assuring the House that Westvaco's concerns were unfounded, the study was in error. It was noted that the regional director of the State air pollution control board concluded that even in the worst case situation, Westvaco would be violating class II air quality standards around Covington long before class I air at wilderness sites 10 to 20 miles away would impose any restrictions on Westvaco's expansion.

The State air pollution control board on March 30 informed the sponsor of this bill that the preliminary report was in error and apologized for any inconvenience the error might have caused. John M. Daniel, Jr., assistant executive director, cautioned:

Please keep in mind that the information contained in the corrected material is based on a screening model which, at best, is very crude.

The error resulted from reliance on a version of the so-called valley air quality model which the board admitted is imprecise. One of the Nation's most respected environmental consulting firm, Environmental Research & Technology, Inc., of Concord, Mass., states that the valley model has been found to underpredict by as much as 10 to 11 times the impact near the point source and is imprecise at more distant predictions as well.

The March 30 letter also stated:

We are continuing to work here in Richmond on a more sophisticated model with more realistic meteorology. However, even this is not totally realistic. What you must have is on-site meteorology in order to have reasonable confidence in the results of the model. This data will not be available until the Westvaco consultant has installed the necessary weather tower and instruments to obtain the on-site data.

The impact of wilderness designation and its possible redesignation as class I was raised by Westvaco Corp., a world class competitor with a good environmental record. The company's Covington, VA, paper mill is from 32 to 42 miles of four areas designated by the bill, while experienced environmental modelers say anything within 50 miles can be a cause for concern.

Wilderness designation puts the $500 million investment, referred to earlier, in serious jeopardy. This investment is based on certain economic and environmental assumptions and the expansion program. It places a needless cloud of uncertainty over the expansion and the mill. In light of this uncertainty, Westvaco management has a responsibility to ask whether it is reasonable to proceed with the planned investments.

This is not a classic "business versus environment" issue. There is broad-based feeling that the bill is not in the best interests of the State. A poll in a previous State administration indicated that more than 75 percent of Virginia residents are opposed to wilderness.

Mr. Speaker, Virginia enjoys an enviable reputation for having developed and maintained a very positive business climate. However, this reputation could be easily tarnished by virtue of the enactment of this bill. The citizens of Covington and the State of Virginia have reason to be concerned. More than 1,800 permanent jobs and 1,200 construction jobs depend on the continued viability of the mill. House passage of H.R. 5121 with the four areas near this major industrial facility was ill-conceived.

For the record let me share with you the March 30, 1984, letter from the

State air pollution control board with the accompanying impact revision:

COMMONWEALTH OF VIRGINIA,
STATE AIR POLLUTION CONTROL BOARD,
Richmond, VA, March 30, 1984.

Mr. BOB HALL,
Congressman James Olin's Office, Longworth House Office Building, Washington, DC.

DEAR MR. HALL: The previous information sent to you by our Region II office on Westvaco and Wilderness Areas was in error, and the corrected material is enclosed for your information. We apologize for any inconvenience the error may have caused.

Please keep in mind that the information contained in the corrected material is based on a screening model which, at best, is very crude. The results of this model should be considered with a great deal of reservation.

We are continuing to work here in Richmond on a more sophisticated model with more realistic meteorology. However, even this is not totally realistic. What you must have is on-site meteorology in order to have reasonable confidence in the results of the model. This data will not be available until the Westvaco consultant has installed the necessary weather tower and instruments to obtain the on-site data.

If you have any questions or need any additional information, please let us know.

Sincerely,

JOHN M. DANIEL, Jr.,
Assistant Executive Director.

COMMONWEALTH OF VIRGINIA,
STATE AIR POLLUTION CONTROL BOARD

INTRA-AGENCY MEMORANDUM

To: Executive Director.
From: Director, Region II.
Subject: Revision—Impact of Westvaco Emissions on Potential Wilderness Areas.
Date: March 29, 1984.

The purpose of this memo is to correct my memos of January 25, 1984, and January 26, 1984, on the subject. Correction is needed due to an error in our regional Valley model (to be discussed in a later memo).

1. *Westvaco's impact on proposed Wilderness Areas:*

Use of the regional Valley model predicted that the 24-hr impact of present SO_2 emissions from Westvaco is 107 $\mu gm/m^3$ on Barbours Creek, 57 $\mu gm/m^3$ on Rough Mountain, and 51 $\mu gm/m^3$ on Rich Hole. This model usually overpredicts by 2-4 times. The Class II 24-hr PSD SO_2 increment is 91 $\mu gm/m^3$.

2. *Impact of proposed Wilderness Areas on Westvaco:*

If the abovementioned areas did receive Wilderness status, they would receive no extra air quality protection unless they become PSD Class I areas. Under the Clean Air Act, only Virginia could redesignate these areas as Class I.

If the Wilderness Areas did become Class I, the 24-hr SO_2 increment would be 5 $\mu gm/m^3$. This would mean that Westvaco could increase SO_2 emissions by about 5% and not exceed a Class I increment at Barbours Creek, and 10% before exceeding a Class I increment at Rough Mountain and Rich Hole.

3. *Critical Factors affecting Westvaco's Expansion:*

Our modeling indicates that the critical factors affecting Westvaco's expansion would be compliance with the Class II increments and National Ambient Air Quality Standards in the immediate vicinity of the plant, where impacts could be as much as 30 times greater than at Barbours Creek, 15 km distant.

Predicted impacts on nearby Class II areas are about 30 times those at Barbours Creek, and 60 times those at Rough Mountain and Rich Hole. Because the 24-hr SO_2 Class II increment is only 18 times higher than the corresponding Class I increment, the Class II areas still appear to be the limiting constraint.

The nearest point at which ambient impacts would be less than 1/18 of the maximum Class II impact would estimate the nearest distance that a Class I area could be situated without its SO_2 increment becoming the primary constraint. Our revised modeling now estimates this distance at 10-11 kilometers. Of course, this does not consider visibility impacts and other air quality related values.

Because my memos on this subject have a habit of becoming public, I want to emphasize that the model used is a very rough screening model, its primary purpose being to indicate if additional study is needed. The safest conclusion that can be drawn at this point is for the need to run a sophisticated, complex terrain model using on-site metorological data to get a more accurate idea of the situation.●

STATEMENT ON THE SAKHAROVS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. FRANK. Mr. Speaker, last week we were all shocked to learn that Yelena Bonner, wife of Andrei Sakharov, had been denied the right to travel to the West for urgently needed medical treatment. We are told that she will be charged with "spreading anti-Soviet fabrications," which carries a sentence of 3 years, and that she may be charged with treason, which carries a death sentence. The response from the West has been swift and firm. I am glad to see that the Reagan administration has taken a strong stand on this. The State Department issued a lucid summary of the Sakharov's situation which pulls no punches. This outrageous violation of the Soviet Union's international commitment to uphold the rights of its citizens shall not pass unnoticed. I insert the excellent State Department statement:

STATEMENT ON THE SAKHAROVS

The Department of State is strongly concerned about press reports that Andrei Sakharov has been on a hunger strike since May 2 and that is wife, Yelena Bonner, has been charged with slandering the Soviet state, which could lead to as much as three years' confinement. The refusal of the Soviet authorities to reveal any information about the present welfare and whereabouts of the Sakharovs lends credence to these reports. Dr. Sakharov had been trying for many months to obtain permission from the Soviet authorities for his wife to travel abroad for medical treatment, something she has been allowed to do twice before. He has apparently been driven to this extreme action by the continued refusal of the authorities to even respond to his requests.

The Soviet handling of this matter has been inhuman and incomprehensible. Rather than simply allowing Mrs. Bonner to go abroad for medical treatment, they have placed criminal charges against her, threatened her with even more serious treason charges and made totally false allegations about involvement in the current situation by the U.S. Embassy. The circumstances of Dr. Sakharov, a recipient of the Nobel Peace Prize and numerous other accolades, is a legitimate matter of concern for all persons interested in promoting human rights and international peace. Soviet silence about Dr. Sakharov and Mrs. Bonner is totally unacceptable.

We urge the Soviet authorities to provide truthful information about the present situation of Dr. Sakharov and Mrs. Bonner. We also urge them as a matter of simple humanity to end Dr. Sakharov's exile, and allow Mrs. Bonner to travel abroad for medical treatment. Finally, we ask that all like-minded persons in the West press the Soviets for information on the fate of the Sakharovs, and for an end to Soviet persecution of these two brave individuals.●

POLICE MEMORIAL DAY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. LEHMAN. Mr. Speaker, today has been declared Police Memorial Day, and I call upon my colleagues to remember and pay tribute to the 118 police officers killed in the line of duty last year.

The American Police Hall of Fame and Museum is located in the State of Florida, and it is the only national memorial honoring all law enforcement officers.

The chairman of the Hall of Fame and Museum is Mr. Gerald S. Arenberg. Mr. Arenberg is a Dade County law enforcement officer and he has provided me with a list of those police officers who were killed in 1983. I would like to include this list in the RECORD in order to remind all of us of the sacrifices made on our behalf throughout the county by law enforcement officers.

In addition, I urge my colleagues to pass a bill which may save the lives of police men and women in the future. H.R. 953, which was introduced by Congressman BIAGGI and which I have cosponsored, would ban armor-piercing bullets. This is a very positive and tangible step that we can take to protect those who risk so much to protect us.

The list of those police officers killed in the line of duty in 1983 follows:

OFFICERS KILLED IN THE LINE OF DUTY, 1983

ALABAMA

Connor, Nathaniel, deputy sheriff of Marengo County.

Winchester, Rex W., sergeant of Irondale.

ALASKA

Bartell, Gordon B., officer of Kodiak.

ARIZONA

Antone, Milton Paul, chief Indian police of Ak-Chin Pinal County.
Cavillo, Ernest, deputy of Pima County.
Young, Mike deputy of Cocomino County.

ARKANSAS

Matthews, Gene, sheriff of Lawrence County.

CALIFORNIA

Barber, George Edward, security officer of El Cajon.
Bentley, Michael J., deputy sheriff of Kern County.
Davey, Robert J., officer of Alameda.
Gray, Michael A., deputy sheriff of Santa Cruz.
Irizarry, Ramon, officer of Oakland.
Johnson, Kirk Leland, officer of San Diego.
Lavieri, Lawrence M., deputy sheriff of Los Angeles County.
McMaster, Larry F., reserve officer of Montrose.
Parker, Enrique Saivila Cruz, officer of El Cajon.
Sikola, William, officer of Bakersfield P.D.
Smith, Larrell, sergeant of Los Angeles County.
Taira, Stuart, officer of Los Angeles P.D.
Verna, Paul L. officer of Los Angeles.
Wrede, Kenneth S., patrolman of West Covina.

DISTRICT OF COLUMBIA

Bajeck, Donald A., Secret Service agent of Treasury Department, Washington.
Labarge, George P., Secret Service agent of Treasury Department, Washington.
Mumford, Raymond, officer of Washington.
Robinson, Donald W., Secret Service agent of Treasury Department, Washington.

FLORIDA

Bartholomew, Thomas A., patrolman of Kissimmee County.
Benitz, Eddie, agent of Miami.
Bevel, Gary, patrolman of Jacksonville.
Bruce, Charles, officer of Fort Lauderdale.
Corbett, Stephen Owen, patrolman of Metro Dade County.
Dennard, John Steven, officer of Raiford.
Fewell, Ronald Lee, corporal of Lee County.
Howell, Amedicus Q., corporal of Collier County.
Pricher, Gary, Stephen, sergeant of Tampa.
Schnell, Jack H., officer of Titusville, P.D.
Zore, Robert L., patrolman of Metro Dade P.D.

GEORGIA

Brown, Drew, officer of Marietta.
Ellerbe, Frank, agent of Bureau of Investigation.
Langston, Don, Pfc. of Georgia State Patrol.

U.S. TERR. OF GUAM

Sanchez, Raymond S., officer of Guam public safety.

ILLINOIS

Clutts, Merle Eugene, guard of Marion.
Foley, Denis P., Aux. sergeant of Will County.
Hoffman, Robert L., guard of Marion.
Mayer, Steven W., Aux. deputy of Will County.
Mitchell, Steven, officer of Chicago.
Terry, Raymond L., lieutenant of Clinton P.D.
Vincent, Larry, officer of Chicago P.D.

INDIANA

Kortepeter, Paul A., patrolman of Indianapolis.
Miner, William D., Town marshall of Avilla.

KENTUCKY

Eversole, Alex, deputy sheriff of Perry County.
Wentworth, Charles D., constable of Shelby County.

MARYLAND

Beavers, Richard J., captain of Prince Georges County.
Fletcher, Carlton X., officer of Prince Georges County.
Scott, Clifford W., Jr., sergeant of Prince Georges County.
Snyder, Samuel L., corporal of Baltimore County.

MASSACHUSETTS

Hanna, George L., trooper of Massachusetts State Police.

MICHIGAN

Bossuyt, Michael, sergeant of Detroit.
Thames, Tony L., trooper of Michigan State Police.
Thompson, Terry L., patrolman of Burton, Mich.

MISSISSIPPI

Nash, George D., Jr., trooper of Meadville, H.P.
Null, Earnest C., constable of Alcorn County.
Jackson, Thomas, guard of Moberly.

MISSOURI

James, Charles E., det. sergeant of Pine Lawn.
Miller, Phillip A., officer of Kansas City.

NEW JERSEY

Pagano, Lester A., lieutenant of Flemington.
Strickland, Albert 'Bert', sergeant of Willingboro P.D.

NEW MEXICO

Cline, Gerald Eugene, officer of Albuquerque.

NEW YORK

Hamterian, Joseph, officer of Brooklyn
McCormack, Josepth P., officer of New York City.
Parkter, Scott, officer of Port Authority Police Department.
Rovnak, Brian N., trooper of New York State.

NORTH DAKOTA

Cheshire, Robert F., Jr., deputy marshal of Fargo.
Muir, Kenneth B., marshal of Fargo.

NORTH MARIANA ISLANDS

Quitugua, Abraham S., patrolman of U.S. Department of Public Safety.

OHIO

Becker, Richard E., patrolman of Poland.
Grair, Benjamin F., Jr., officer of Cleveland.
Johnson, William L., officer of Springboro.
Mettler, Bruce, deputy of Port Clinton.
Rigoni, Robert, sergeant of Port Clinton.
Sweeney, Mike, deputy of Port Clinton.

OKLAHOMA

Bench, Leon, trooper of Bristown.
Mahan, Stephen Leroy, sergeant of Elk City.

PENNSYLVANIA

Attig, Charles E., Jr., officer of Shamokin Dam.
Duffy, John Francis, patrolman of Philadelphia.
Haduck, Michael, State parole agent of Wilkes-Barre.
Hertzog, Dallas, officer of Oley Township P.D.
Stewart, Norman A., detective of Pittsburgh.
Witmer, David W., officer of Shamokin.

PUERTO RICO

Coreano, Paul Mondanado, officer of Puerto Rico.
Diaz-Batista, Jesus, patrolman of Puerto Rico.
Santiago-Pagan, William, officer of Puerto Rico.
Valentin, David Perez, officer of Puerto Rico.

SOUTH CAROLINA

Beacham, Monty, patrolman of Greenville.
Clinton, John R., officer of Chester.
Cogburn, Donald W., officer of West Columbia.

TENNESSEE

Armes, Dennis R., officer of Roane County.
Glenn, Aaron D., officer of Clarksville.
Hester, Robert S., officer of Memphis.
Stanley, Ronnal R., vol. deputy of Johnson County.

TEXAS

Alanis, Ernesto, trooper of McCallen.
Baker, Ronald D., patrolman of Dallas.
Boyd, Russell L., trooper of Department of Public Safety.
Camfield, Robert F., detective of Fort Worth.
Childress, Ollie 'Sammy', deputy of Wilson County.
Good, Philip, deputy of Sherman.
Norris, Carl, officer of Dallas P.D.
Pasco, John R., officer of Dallas.
Ramirez, Gilbertes Q., officer of San Antonio.
Renfro, Charles A., deputy of Upton County.
Rosenbalm, Clark M., Jr., deputy of Tarrant County.
Smelley, Billy J., patrolman of Quinlan.
Tribble, Lowell C., patrolman of Farmers Branch.

VIRGINIA

Rafter, John E., deputy sheriff of Rockingham County.
Smedley, Dennis N., sergeant of Front Royal.

WASHINGTON

Orchard, Brian F., detective of Spokane.

WYOMING

Hardy, John Roy, patrolman of Gillette.●

IMPORT PROTECTION

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. McNULTY. Mr. Speaker, earlier today I was privileged to appear before the International Trade Commission in support of the petition of 11 major American copper production compa-

nies for import protection. The ITC will complete its consideration of this matter by July 9 and then forward its decision to the President who will have 60 days to reject it before it comes into effect.

Mr. Speaker, the competition from foreign state-owned copper companies in the U.S. market, which is the largest market in the world, has placed domestic copper producers at great risk. We are now halfway through an upward trend in the business cycle and many Americans have regained their jobs. This is not so for the men and women in copper. Even in the first quarter of 1984 jobs continue to decline and this is most discouraging. The State of Arizona is responsible for some two-thirds of American copper production. There has been a decrease of 13,000 employees from the 1981 level. That decline has had numerous and adverse consequences for small business, for schools and local government, as well as for the men and women no longer able to work.

The principal source of unfair foreign competition for U.S. producers is the nation of Chile and its wholly owned production giant, Codelco. Chile has announced to the world that beyond its already strong share of world markets (and the U.S. market), Chile is ready to expand production over the next 10 years. Last week copper prices fell again on the world market to new and historic low levels.

Mr. Speaker, this Nation cannot afford to set new import levels each year of foreign produced copper and retain a domestic copper industry. It is time for action and I urge the ITC to act favorably on this petition for relief. With 5 years of relief the companies can get back on their feet and once again compete in the world market.

TESTIMONY OF CONGRESSMAN JAMES F. MCNULTY, JR., FIFTH DISTRICT, ARIZONA

In support of the petition for import relief under Section 201 of the Trade Act of 1974, as filed by 11 U.S. copper companies.

Members of the International Trade Commission, my name is James F. McNulty, Jr., U.S. Representative from the Fifth Congressional District of the State of Arizona. I appreciate this opportunity to appear before you and urge that you consider favorably the pending request for import relief made by the domestic copper industry under Section 201 of the Trade Act of 1974.

My home state of Arizona historically has counted the copper industry as central to its economy. Indeed, there are some 21 copper mines and seven copper smelters within the state. In more normal industry times, more than 30,000 citizens of Arizona are employed by the copper industry. Thus, my concern is very direct and the motivation for my appearance here today it very palpable.

Even so, this is not a regional issue. Copper remains a strategic metal, and in light of the fact that all Americans will suffer should the U.S. copper industry not survive, the questions presented here today are truly national in scope.

Succinctly put, I believe petitioners have established an overwhelming case for "escape clause" relief. Moreover, I believe this case has been made both in terms of the relevant statutory criteria and the dictates of sound national trade policy.

The domestic copper industry—without serious question—has suffered manifest injury as a consequence of increasing imports. Indeed, unless relief is provided soon, the industry faces the imminent threat of even greater damage. Declines in the use of productive facilities within the industry, plummeting sales and increasing unemployment have been staggering.

In Arizona alone, 16 of our 21 mines have been closed, as well as two of our seven smelters. More than 40 percent of our state's 25,000 copper industry workers were unemployed at the end of last year. Arizona production of copper and recoverable ore content fell from 945,807 metric tons in 1979 to 655,405 metric tons in 1983. And the national figures tell the same story.

Over the same period, imports have surged to record levels. In absolute terms, the United States imported approximately 288,000 metric tons of copper in 1979; by 1983, that figure had risen to more than 500,000 metric tons. These imports, as a percentage of domestic production, rose from 10.1 percent in 1979 to 29 percent in 1983. It is hardly surprising that our domestic copper industry in 1983 recorded significant operating losses—far greater, I might add, than those substantial losses registered in 1977, the worst year of injury analyzed by this Commission in its previous Section 201 determination that the domestic copper industry was suffering injury caused by imports.

In addition to these undeniable and overwhelming indicia of injury suffered by the domestic copper industry as a result of increasing imports, policy considerations dictate that relief should be granted in this case. Indeed, granting relief here serves one of the chief underlying purposes for enactment of the "escape clause"—namely, provision of temporary relief to a domestic industry thrown off balance by surging imports, yet possessing the latent ability and dedication to adjust itself to a competitive position in the world market.

The domestic copper industry plainly has demonstrated its commitment to becoming cost efficient and competitive. If the industry is allowed a temporary respite from the massive imports presently threatening to overwhelm it, further adjustments could be made.

The industry can be saved.

Section 201 relief will allow the generation of increased revenues. These funds are required to further pursue broad programs designed to lead to a viable competitive domestic copper industry in the long term. Our copper industry deserves the chance to establish this viability. With your help, it can.

Accordingly, I strongly urge that you act favorably upon the industry petition.

Thank you for the opportunity to testify.

[From American Metals Market, Apr. 16, 1984]

CODELCO COULD RAISE COPPER OUTPUT BY ONE-THIRD IF ANNUAL GROWTH RATE REACHED OR EXCEEDED 1.5 PERCENT OVER DECADE

(By David Kramer)

LONDON.—Corporacion Nacional del Cobre of Chile (Codelco) could increase its capacity by 300,000 metric tons per year, or approximately one-third, should the copper market show a modest long-term growth rate, according to Raul Contreras, deputy chairman of Codelco's London office.

Speaking to the Metal Bulletin international copper conference here recently, Contreras said the company would expand output by that amount if projected annual copper growth rates over the next 10 years were 1.5 percent or more. At this level of production Codelco would be aiming to increase its market share, he stated.

Financing an expansion project of this size would require about $1.7-billion over the next six years, and Contreras pointed out that its completion would be dependent on the availability of the necessary capital resources. Should the Chilean firm decide there is little growth potential for the metal it will seek to maintain its current output level of about 1-million tons annually.

Codelco figures it will be able to expand its operations at a capital cost of between three and seven times lower than the usual cost per ton for new copper production capacities, he said. This results from the fact that the expansions will be marginal increases to existing facilities.

SUTULOV'S FORECAST

The Chilean copper industry as a whole, both public and private sector, is likely to reach an annual output level of 2-million tons by the end of this decade or early in the 1990s, according to Alexander Sutulov, economist for Intermet Publications, Santiago, another speaker at the conference. This forecast assumes that copper prices stabilize at between 90 cents and $1 per pound, circumstances which favor Chilean producers because of the country's higher ore grades and low costs.

Contreras identified Codelco's average cost of production during the first 11 months of last year as just over 50 cents a pound, including depreciation costs and taxes. He said that any increase in output by the company would be directed in accordance with the present distribution of its markets, while taking into consideration those markets which are now small but have high growth potential.

Codelco plans to invest $600-million over the next six years to maintain its current output level, he said. This follows total investments of $1.7-billion made between 1976 and 1983, of which $974-million went for consolidating production at the 900,000-ton annual output figure established during the 1960s. The remaining funds were allocated to increasing the treatment capacity, which led to the production of 1-million tons in 1982.

While agreeing that the bulk of Chilean copper can now be produced at a cost below 50 cents a pound, Sutulov said that most new mining projects undertaken in the country will require a minimum price of $1 a pound to justify the investment.

"This is still better than in many other cases, and this fortifies our conviction that by having a better competitive edge in world copper output, in present conditions, Chile may improve its international ranking and regain world leadership in copper production," he said.

Codelco, which possesses around 20 percent of world copper reserves, is willing to keep its leadership in world production, Sutulov said. But its expansion program will account for only about 40 percent of the potential Chilean expansion program. The other 60 percent, or roughly 600,000 tons per year, are exclusively in private hands of multi-national mining and energy compa-

nies. Unlike the state-owned sector, their development will obey strictly commercial and market conditions.

SHORT-TERM GOALS

Contreras pointed out that Codelco's short-term objective is to "maximize profits in line with the long-term objective, which consists of achieving optimal efficiency in exploiting and marketing the available resources." The company's second priority is to maintain its market share, and the implementation of expansion programs to achieve this will depend on growth in demand for copper, as well as its geographic distribution and restrictions.

Noting that while Chile wishes to optimize its copper output at an adequate ratio to its reserves so that it can speed up its economic development. Sutulov explained that the capital burden of expanding output is too great for Chile without foreign investment.

"In other words, international sale of Chilean copper supplies requires also international cooperation in investment. This is why the country is wide open to multi-national investment, particularly in the mining business," Sutulov said.

[From the Wall Street Journal, May 14, 1984]

COPPER PRICES' SUDDEN DROP HAS SHAKEN HOPES BY U.S. PRODUCERS FOR A RECOVERY

(By Allanna Sullivan)

NEW YORK.—A sudden tumble in copper prices despite the economic recovery has stunned the troubled U.S. copper industry.

Rising U.S. interest rates, the strong dollar, declining imports by Japan and rising production have torpedoed copper's long-awaited rally. Instead of rising steadily as expected, the metal's price plunged 14% since April to approach its 1984 lows, erasing three months' gains in four weeks. Copper for May delivery fell 0.55 cent Friday on the Commodity Exchange in New York to 62.1 cents a pound, near a life-of-contract low.

The sudden drop has shaken producers' hopes for a recovery, as well as some economists projections earlier this year of 85-cent copper by year's end; some have trimmed those predictions. The low prices will lend vigor to U.S. copper producers' campaign for import protection, set for hearings this week before the U.S. International Trade Commission.

The price decline is a paradox, producers say; prices have been falling at the same time that copper inventories have shrunk 38% since mid-January, to 271,000 metric tons on the London Metal Exchange. But the strong dollar raises U.S. copper prices on world markets, and rising interest rates threaten to choke the recovery in housing, autos and other industries; both have prompted selling on the Comex. "The speculators are governing prices," complained Jack Thompson, president of Newmont Mining Corp.

And the sharp inventory declines in London have slowed recently to several thousand tons weekly, from 10,000-ton weekly declines earlier this year, said Frederick Demler, analyst with Drexel Burnham Lambert Inc. The Japanese, who helped power early-1984 price gains with heavy copper purchases, have withdrawn from world markets except for occasional spot purchases. Also, Iran has boosted production at its Sar Cheshmeh mine close to its capacity of 150,000 metric tons a year.

Most analysts don't expect prices to go much lower. Rochelle Atlas, commodity specialist for Prudential-Bache Securities Inc., said, "We're looking for prices to increase" from current levels.

But prospects dimmed for staunching the copper industry's flow of red ink. Rochelle Atlas sees 1984 prices topping out at 70 cents to 75 cents a pound, perhaps as early as September. Although the most efficient U.S. producers can break even at 75 cents, copper prices of 85 cents to 90 cents are needed for many to break even, analysts say. That may take a while; one analyst said, "Copper needs a stronger world economy for at least one year to get better prices."

The low prices sparked rumors last week of mine closings. Phelps Dodge Corp. denied talk that it would close its strike-ridden Morenci mine in Arizona. Although U.S. producers posted combined losses of more than $360 million last year turning out 60-cent copper, most are sticking with earlier plans to maintain or reopen operations this year. Newmont is proceeding with plans to reopen its Pinto Valley mine in Arizona. And Brenda Mines Ltd. said Friday it would resume full operations at its Peachland, British Columbia, copper and molybdenum mine May 28 to keep the work force together and maintain customer relationships.

Copper producers will line up this week behind steel and other industries seeking import protection by Washington. Producers have complained that loans from the International Monetary Fund, the World Bank and U.S. commercial banks allow Third World countries with nationalized mines to continue operating at capacity regardless of price. Although the ITC recommended import protection in 1978, President Carter rejected it.

The industry claims its plight has worsened since 1978. It said refined copper imports have more than doubled since then, to 460,000 metric tons last year, while U.S. copper mines' rate of operation fell to 58% of capacity from 87%. But many are skeptical that President Reagan will grant import relief, despite election-year pressure.

The ITC is expected by July 9 to make a recommendation to the president, who has 60 days to reject it before it becomes law.●

ALPHABET SOUP

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. OTTINGER. Mr. Speaker, the fear of toxic chemicals is taking over America. The people of this Nation once thought that they could trust their Government to protect them from the dangers of these chemicals. But it still seems like EPA is the fox guarding the henhouse.

The following article is the editorial this month in the Amicus Journal, a publication of the Natural Resources Defense Council. I would like to commend it to my colleagues attention.

ALPHABET SOUP

The dictionary defines "edible" as "anything fit to be eaten; food." But in this chemical age edible has become a euphemism for "eat at your own risk." Unfortunately, the risk is not something temporal, like an allergic reaction or indigestion, but permanent and potentially deadly.

The latest alphabet discovered in our soup is EDB, the pesticide ethylene dibromide. It is in the family of chemicals called halogenated hydrocarbons which includes DDT, chlordane, heptachlor, aldrin, and dieldrin and has been used for thirty-five years to fumigate stored grain and to kill fruit fly larvae and ground worms in the soil. It can be found in virtually all types of bakery and grain products, including cake and muffin mixes, bread, cookies, and crackers, and on raw citrus fruit.

Until February 3, when EPA Administrator William Ruckelshaus announced that EDB causes cancer, sterility, and genetic mutations in laboratory animals and banned any further use of it on grain, the public had every right to assume that the foods on which EDB had been applied were edible. Unfortunately, this is a right the federal government frequently disclaims.

Considering the conflicting information the American people are receiving on this issue, is it any wonder they are angry and confused? Take the federal government. Mr. Ruckelshaus has called for calm. He says that we need only be concerned about the chronic effects of long-term exposure to EDB. But we have already had this virulent carcinogen in our food for thirty-five years, and a recent EPA risk assessment indicated that two- and three-year-old children exposed to traces of EDB in store-bought foods are much more likely to suffer from cancer than the public at large. The study estimated that one out of every 10,000 children exposed to only this one chemical could get cancer as a result.

Several Northeastern states, while accepting Ruckelshaus's ban on the future use of EDB, feel he is gambling with the public's health by not setting lower tolerances or "safe" levels for EDB found in foods still on the shelves or in storage. New York's Commissioner of Health, Dr. David Axelrod, one of the nation's most respected public health officials, points out that EPA's action is based solely on its assessment of EDB's carcinogenicity. But, he notes, relatively short-term and low-level exposure to EDB also can cause sterility and miscarriages. As we go to press, New York has reduced tolerances for EDB residues found in such things as cakes and mixes from 150 parts per billion (ppb) allowed by EPA to 50 ppb. Similarly, New York has lowered the tolerance for ready-to-eat food from 30 ppb to 10 ppb. Massachusetts has gone even further and set an across-the-board standard of 1 ppb for all food products. While we applaud such bold action, we note that by leaving it to the states to decide if lower tolerances of residues should be set, a patchwork of regulation is in the making. There are already reports of food products being shipped out of New York and Massachusetts to states with higher tolerances. While this does not speak well of the food industry, it illustrates the indifference of the federal government toward what should be treated as a national emergency.

It took EPA ten years from the time it knew EDB was a carcinogen to the time it decided to regulate it. Much of the cause of this delay was the combined effort of the grain, citrus and food industry lobbying against regulatory action. They, of course, claim that EDB presents no health risk. Steven Gold, a spokesman for the Grocery Manufacturers of America, states the case plainly: "People have been eating foods with EDB in them for forty years and no one has dropped dead." Yet, three out of every ten Americans will get cancer during their life-

time, and the increasing consensus among scientists is that diet is a major factor.

Nevertheless, scientific controversy persists. Dr. Bruce Ames of the University of California has testified that EDB found in oranges or flour or cake mix is no more harmful than eating a peanut butter sandwich, since peanuts contain "natural carcinogens." Dr. Robert Metcalf of the University of Illinois, vehemently disagrees. He, like Dr. Axelrod, claims the chemical not only causes cancer but it contributes to heritable genetic mutations, male sterility, and birth defects. The data are unequivocal; EDB is roughly 1,000 times more potent than vinyl chloride, a known human carcinogen.

The EDB story is a primer on what is wrong with the way we control the use of pesticides. Consider the following:

A study of California-grown produce just completed by the Natural Resources Defense Council found 44 percent of the samples tested to contain residues of nineteen other pesticides, among them DDT and dieldrin, banned twelve years ago.

Roughly 85 percent of the pesticides widely used in American agriculture have never been adequately tested to determine if they cause cancer.

Two substitutes for EDB, methyl bromide and carbon tetrachloride, are good candidates for being the subject of the next chemical scare. Methyl bromide, a close cousin of EDB, is now used on citrus and grain. It has been around for forty years, yet, until recently it was never tested to determine if it causes cancer, birth defects or other chronic effects. Now test results indicate it too is a carcinogen. Carbon tetrachloride is the most widely-used grain fumigant in the United States. It already is known to cause cancer and genetic mutations by attacking DNA; but like EDB, it was exempted from federal food tolerance requirements based on an earlier belief that no residue would occur in food. Carbon tet has now been found in grain, flour, baked bread, milk, and numerous fruits and vegetables.

Many of the chemicals that have been tested received their seal of approval from Industrial Bio-Test Laboratories. Yet more than 90 percent of the IBT tests are now known to have been invalid, due to shoddy and even fraudulent research. [See The AMICUS JOURNAL, Spring and Fall '83.] Three high-level IBT officials were recently convicted of fraud and sentenced to five years in prison. Yet, purportedly safe levels for residues of IBT-registered pesticides in food remain in effect.

Congress now has before it the two basic laws that theoretically protect the public from these dangerous chemicals: the Federal Insecticide, Fungicide and Rodenticide Act and the Food, Drug and Cosmetic Act. Comprehensive amendments to FIFRA sponsored by Representative Thomas Harkin (D-Iowa) and Senator William Proxmire (D-Wisconsin) (H.R. 3818) would do much to strengthen the law, though they appear at this time to be bottled up in the House and Senate Agriculture Committees, the traditional graveyard for pesticide reform. The administration and Mr. Ruckelshaus could help jar them loose, but EPA is not expected to offer or support pesticide reform this year. Meanwhile, Representative Henry Waxman (D-California) is about to introduce amendments to the Federal Food, Drug and Cosmetic Act requiring full and accurate testing of pesticides. Tolerances or safe levels of pesticides without such data will be rescinded. And chemical industry test data will be made available to the public and for scientific peer review when tolerances are established. This measure goes to the House Committee on Health and Environment where it should receive a fair hearing.●

LATIN AMERICAN PARLIAMENTARY DELEGATION

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. LEACH of Iowa. Mr. Speaker, as ranking minority member of the Subcommittee on International Trade of the Committee on Banking, Finance and Urban Affairs, I recently had the privilege of cohosting with six other House Members—Representatives BONKER, LEVIN, SHUMWAY, PARRIS, LOWRY, and PATMAN—a meeting for a delegation of parliamentarians from Latin America who came to Washington to discuss the debt crisis confronting the region.

For those Members who were unable to attend this most informative meeting, I am submitting for the record a copy of the "Declaration by the Latin American Parliament" presented by the president of the delegation, Senator Nelson Carneiro of Brazil.

This distinguished delegation which also met with Deputy Treasury Secretary Tim McNamar and the Managing Director of the IMF, Mr. J. de Larosiere, included 19 parliamentarians from Brazil, Peru, Mexico, Argentina, Venezuela, Colombia, the Dutch Antilles, the Dominican Republic, and Ecuador.

They came to Washington for the express purpose of warning the administration and the representatives of the international institutions headquartered in this city that economic relations between this country and Latin America have reached a crisis: The external debt of many of the Latin countries has now reached staggering proportions—some $336 billion at the end of 1983, compared with $75 billion in 1975. Most of these same countries cannot afford to pay their principal and interest obligations to the large commercial banks, at least on current terms.

Furthermore, the economic and political systems in Latin America are under unprecedented strains owing to the austerity programs imposed by the International Monetary Fund. In the Declaration it was pointed out that the recent outbreak of violence in the Domincan Republic was, for example, linked to the austerity measures undertaken by the Dominican Government at the urging of the Fund.

The proposals carried to Washington by the delegation of paraliamentarians would neither ignore nor repudiate the large debt payments of the Latin countries. But these proposals would change the orientation and the structure of the austerity programs which are now, in their view, strangling their economies and closing off any real prospects for economic growth.

These suggestions include: First, debt servicings only as a moderate proportion of debtor country's foreign exchange earnings; second, substantial reductions in interest payments and fees; third, a stretch-out of the pay back period; fourth, additional flow of financial resources into the region; and fifth, greater access for Latin exports to world markets.

In presenting these suggestions, the president of the delegation, Senator Carneiro, emphasized his view that it is time Latin America received the priority treatment Europe received at the end of World War II. At issue in Latin America today is not only economic development but political and social stability. Terrorism and drug trafficking, Carneiro noted, directly correlate to levels of poverty and despair.

The Brazilian parliamentarians, Roberto Saturnino Braga and Pratini de Moraes both underlined the need for greater resource transfers to Latin America. They pointed out that the United States as of last year became a net importer of capital and that a significant share of these financial resources was being sucked out of Latin America in the form of debt repayments. While acknowledging that voluntary bank lending for Latin America was probably out of the question for the foreseeable future, they urged that increased resources be committed by the Inter-American Development Bank, the IMF, and the U.S. Government.

Senator Saturnino likened the economic crisis in Brazil to a policy of genocide. As poverty increases dramatically in his country so too does the number of infant deaths from malnutrition. The austerity measures now underway, he noted, are strangling the economy and leaving little or no room for economic or employment growth. The IMF prescription of increasing exports and decreasing imports cannot work so long as it is applied simultaneously to all countries of the region in precisely the same way. There is simply a stark difference between oil exporters and resource dependent countries in Latin America. In short, he stressed the economic medicine of the Fund cannot work under the present circumstances.

Senator Manuel Ulloa of Peru also emphasized the need for a softening of the terms of the IMF conditions imposed on his country, especially in light of the recurrent natural disasters which have struck Peru in the past several years. He noted that throughout his country per capita income has

remained stagnant for the past 8 years. Touching on a theme echoed by many of his colleagues, Ulloa affirmed Peru's commitment to repay its debts so long as there is a reasonable assurance of economic growth. But he warned that unrest in the countryside and the cities is gaining ground in the present atmosphere of growing poverty and rising levels of unemployment.

As Members of Congress well understand, constituent concerns are often felt more immediately by legislators than by multilayered bureaucracies in the executive branch. The warning this distinguished group of parliamentarians bring to us can only be ignored at the peril of all of our countries. To deal with the international financial crisis affecting Latin America, reasoned compromises are in order on the part of the banks, the international lending institutions, countries in the region, and, of course, our Government here in Washington.

The Latin American Parliamentary Declaration follows:

DECLARATION BY THE LATIN AMERICAN PARLIAMENT IN WASHINGTON, DC, MAY 7, 1984

The Delegation of the Latin American Parliament, which organization is participated in by all the freely elected Congresses and Assemblies of Latin America, arrives in Washington inspired by the elevated goal of hemispheric co-existence and to warn that its essential values are in grave danger.

Economic relations between United States and Latin America, which have never been totally satisfactory or balanced, have now reached a critical point whose implications are jeopardizing the institutional stability of our countries.

The international economic crisis and its most telling regional effect: the exorbitant external debt of the countries of Latin America, are cause of great concern. It already surpasses three hundred and fifty thousand million dollars and the high interest rates, the surcharges and fees which further increase it, as well as the International Monetary Fund's conditionality for contributing to the refinancing of that debt, are giving rise in Latin America to situations of uncertainty, desperation and even violence such as witnessed recently in the Dominican Republic.

The exacerbation of this situation will make it impossible for the countries of Latin America as a whole to pay their debt.

Our proposal is neither to ignore the debt nor to renege on its payment. But no debt has ever been collected by strangling the debtor. The Fund's rules mean halting our countries' development, sowing unemployment and plunging them into frustration which is the prologue to chaos.

These principles which have been oft repeated by the Latin American Parliament and its authorized organs, were solemnly reaffirmed by the Latin American Economic Conference, meeting in Quito at the beginning of this year with very highlevel representatives of the Heads of State and Government of Latin America and the Caribbean. That Conference adopted a set of basic criteria which should guide the renegotiation of the external debt of the region's countries and which may be summed up as follows: debt servicing can only commit a moderate portion of debtors countries' foreign exchange earnings; interests, fees and surcharges should be substantially reduced; pay-back periods should be extended so as to be in line with the possibilities of debtor countries; a net and growing flow of new financial resources should be assured so as to guarantee economic and social development or the debtor countries the renegotiation process should be accompanied by trade measures that allow for greater access for exports from Latin America and the Caribbean to world markets, to which end the elimination of protectionist practices by the developed countries is of the utmost urgency.

The Permanent Secretariat of the Latin American Economic System recently formulated a concrete proposal on the renegotiation of the Latin American external debt in which it builds on the basic proposals of the Quito Plan of Action. This proposal is grounded upon the need for the renegotiation process to distribute the responsibility for the solutions to the problem between creditors and debtors in a fair, rational and realistic manner. To this end, it is proposed that a moderate percentage of the respective country's export earnings be devoted to debt servicing in such a way as to be in line with its development needs; that there be an ample grace period during which only interest would be paid; that capital amortization begin only thereafter, also with an adequate time-frame; that if the above-mentined percentage of foreign exchange earnings is not enough to cover the agreed interests, these should not be paid, neither should they be added to the existing debt, but in any case, the creditors are guaranteed a minimum annual rate which avoids harming their interests; and that both this minimum rate as well as the principal be guaranteed by an international entity. Such a scheme is responsive to the possibilities of the debtors and resolves the problem of creditor uncertainty and risk.

We deem it our duty to point out that the legitimate Latin American aspirations towards democratic and stable regimes could disintegrate under the devastating impact which would result from the application, without moderation, of the banks' and International Monetary Fund's demands. A situation in which a set of countries is left in disarray by a crisis of such dimensions would confront the continent with a panorama fraught with dangers. We cannot calmly contemplate this prospect.

The Latin American Parliament considers that the United States Senators and representatives are the most direct and pluralistic channel for dialogue with those of us who have the popular mandate in Latin America. The presence of the Latin American Parliament and its dialogue with United States Congress should be the first step in an institutional relationship which allows for the ventilation of issues of common interest.

We reaffirm, on behalf of over 300 million Latin Americans that the inequitable terms of trade, the high interest rates fixed unilaterally by the United States and the protectionist policies which are hampering our development, are unacceptable, and we call upon Senators and Representatives of the United States, above and beyond the limitations and obstacles deriving from an intransigent and inflexible attitude on the part of the creditors, to understand that what is at stake is not only a matter of problems which are measurable financially, but an essential problem of a fair and peaceful relationship between the developed and the underdeveloped portion of America.

In examining the problems posed by the crisis, the Latin American Parliament has not endeavoured to find explanations only in external factors nor to conceal either internal faults or the new and old shortcomings. We are sure that fully sovereign internal adjustments must be made. Notwithstanding this, the process cannot impose costs which surpass the limits of social tolerance and override the minimum commitments for economic satisfaction.

The interdependence of nations is the guiding light of our times. No-one is strong enough to rule everything and no-one is so weak as to acquiesce to everything. Solidarity is destiny.

LATIN AMERICAN PARLIAMENT

Senator Nelson Carneiro (Brasil), President.
Deputy Humberto Celli (Venezuela), Vice-President.
Deputy Marco Proaño Maya (Ecuador), Vice-President.
Senator Humberto Pelaez (Colombia), Vice-President.
Deputy Andrés Townsend (Peru), Secretary-General.
Senator Celso H. Delgado Ramírez (Mexico).
Deputy Gustavo Tarre (Venezuela).
Senator Luis Austín León (Argentina).
Deputy Onofre Bikker (Netherlands Antilles).
Deputy Guillermo Larco Cox (Peru).
Deputy Roberto Persivale (Peru).
Deputy Gilberto Muñiz Caparó (Peru).
Deputy L. Ambiórix Díaz Estrella (Dominican Republic).
Senator Roberto Saturnino (Brasil).
Deputy Pratini de Moraes (Brasil).
Deputy José Carlos Teixeira (Brasil).
Deputy Patrocinio González (Mexico).●

INTERSTATE ASPECTS OF PROFESSIONAL PRACTICE REQUIRE SUPERVISION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. FLORIO. Mr. Speaker, I am inserting in the RECORD a recent article from the Baltimore Sun by Dr. Robert Derbyshire. As past president of the Federation of State Medical Boards, Dr. Derbyshire is in a good position to point out that there are interstate aspects of professional practice which cannot be well suspervised by any single State. This provides an important reason why the public cannot afford to discard Federal monitoring of the professions. Fortunately, a consensus appears to have emerged in recognition of this fact and supporting continued supervision of the business aspects of professional practice by the Federal Trade Commission. This consensus is reflected in the FTC reauthorization bill, H.R. 2970.

The need to address the interstate aspects of professional practice is a consideration that has not been prominently noted in the debate over FTC professions jurisdiction. Dr. Derbyshire's article is a timely reminder of the importance of this issue.

The article follows:

[From the Baltimore Sun, May 9, 1984]

THE INCOMPETENTS

(By Robert Derbyshire)

WASHINGTON.—In 1976, I stated that, "based upon an educated estimate, 5 percent of physicians in this country are incompetent." After the hue and cry about my washing dirty linen in public had subsided, the medical profession finally admitted there was a problem and that my original estimate missed the mark by 5 percent. Consequently, I have now increased the figure to 10 percent.

In case this seems a small proportion, consider this: Today, based upon the estimate of 450,000 practicing physicians, 45,000 are incompetent.

Assuming that the average doctor sees some 800 patients a year, 36,000,000 patients are being treated annually by incompetent physicians. This does not necessarily indicate mass murder by physicians, as many of the ailments they treat are self-limited. But who knows when they will fail to recognize a life-threatening disease or overtreat a minor ailment?

The situation is serious, however, when we consider that from 1977 to 1982, the state medical disciplinary boards invoked some 1,500 sanctions. This means that only 0.3 percent of the incompetent physicians were disciplined.

Throughout the years the reason for disciplinary actions have remained constant. Narcotics violations have led the list, with 46 to 60 percent of the deviates. These are followed by mental incompetence, fraud and deceit in the practice of medicine and convictions for felonies.

I shall now consider the problems caused by failure of states to take action against doctors who have been sanctioned in other states. There are many physicians who, for various reasons, collect multiple licenses. Consequently, when one state revokes or suspends a doctor's license, he merely moves to another state in which he is already licensed and continues his depredations.

Why does this happen? There are several reasons, not the least of which is lack of communication among the medical boards. The Federation of State Medical Boards has only partially solved this problem by acting as a central repository for all disciplinary actions. But the federation cannot keep complete files if the states do not report; and many of them still do not.

Many hospitals cause complications because they are all too prone to engage in plea-bargaining with errant physicians, saying in effect, "If you will leave, doctor, we will allow you to resign voluntarily," an excellent method of exporting problems.

Another problem is distrust among boards. For example, one board revoked a doctor's license for manifest incompetence. He held licenses in four other states. He practiced in one (Florida) for some two years, obtained a license in Washington, D.C. by perjury (this license was later revoked). He then went to New York where he practiced for 11 months before the board held a hearing and put him on probation because they thought the action of the first board was too severe.

Still another difficulty involves the lack of uniformity of sanctions. For example, in 1980 four doctors were found guilty of exchanging narcotics for sex. Yet for this crime—which I personally believe should result in banishment from the profession forever—three were placed on probation and one was only reprimanded. One case ended in tragedy when a young lady who had been involved died from an overdose of narcotics.

There is a crying need for reform of the state laws. Incredibly, at present only 15 states have laws that will permit the disciplinary board to take action against a doctor who has been disciplined in another state for an offense listed in its statutes. However, if all states passed such laws, it could help prevent state-hopping, which is all too prevalent.

Medical malpractice is another disciplinary concern touching peripherally on state-hopping. Neither lawyers nor doctors are always certain what constitutes malpractice.

There is an old English proverb that says "every dog is entitled to one bite." The question arises: When is the first bite so severe as to prevent subsequent ones? (And to demand immediate action.)

Certainly no board would condemn an internist who for 20 years has been a model practitioner in the community if he misses a diagnosis of acute appendicitis. On the other hand, if a doctor who is operating on varicose veins cuts the femoral artery resulting in the lost of an extremity in a 34-year-old woman, the board would refuse to allow another bite for this bungling, so-called surgeon.

Yet he might have multiple licenses permitting him to bungle in another state.●

WHY BUILD-DOWN DESTABILIZES: BUILDING DOWN TO ARMAGEDDON

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. AuCOIN. Mr. Speaker, in my remarks earlier today I referred to a study I have done of the effects of the administration's build-down and START arms control proposals.

While I regret its somewhat technical nature, this is unavoidable. A close technical reading of build-down and START lead to a number of conclusions which have largely escaped public attention. Because of the vital importance of strategic arms control to the survival of our Nation, I believe it is essential that this study be printed in the RECORD for evaluation by my colleagues.

WHY BUILD-DOWN DESTABILIZES: BUILDING DOWN TO ARMAGEDDON

When the Reagan Administration's "Guaranteed Strategic Arms Build-Down" plan was first proposed several months ago, many arms controllers condemned it as a fig-leaf under which all new U.S. weapons could be erected without inhibition. While Build-Down is indeed that, closer examination shows it and its companion START to have a deeper and more dismal defect.

Anyone with the patience to run the Build-Down/START numbers through a computer will find this fact staring him in the face:

Build-Down-START as proposed by the Reagan Administration would lead to a dramatic increase in Soviet ability to disarm the United States in a first strike, coupled with an equally dramatic increase in Soviet incentive to use this new ability.

Build-Down's central objective is to provide an umbrella under which all proposed new U.S. strategic nuclear technologies can proceed. But this central objective is also its central defect, because it also protects the Soviet Union's ability to do the same thing.

The new weapons technologies expected during the next fifteen years are primarily directed toward improving weapons' accuracy and surprise capability. As I will explain, these children of Build-Down/START will be first-strike technologies. These Rosemary's Babies will be good for starting a nuclear war, not for deterring one. They will make nuclear war more probable.

Let us assume that—

The Administration's Build-Down/START plan is accepted as proposed.

The Administration's military buildup proceeds as planned over the next dozen years, within the confines of Build-Down/START.

The Soviets build strategic weapons that by 1996 are functionally equivalent to our own. That is, they build an ICBM at least as capable as the MX we first deploy in 1987, and a submarine-launched ballistic missile (SLBM) at least as capable as the Trident II D5 we first deploy in 1989.

The Soviets abandon their ICBM-heavy tradition and copy our distribution of weapons between ICBMs and SLBMs. This would drop their ICBM warhead count 50% and ICBM throwweight 80% below present levels.

The following table summarizes the probable 1996 forces under Build-Down/START.

EXPLANATION OF TABLE I.—MILITARY FORCES UNDER THREE BUILD-DOWN OPTIONS

The AuCoin study assumes that the Reagan new-weapons program proceeds as planned within the build-down and START limits. It assumes the Soviets follow in our footsteps and build a force essentially similar to ours. It assumes they scrap and do not replace their heavy ICBMs; if this proves wrong and the Soviets build new heavy ICBMs, the adverse effects of build-down will be even worse than this study finds them to be.

The study considers three variations on the build-down theme:

The middle column on the charts represents the advertised Reagan program of 100 MX, and assumes 500 Midgetman.

The left-hand build-down column represents the course advocated by some congressional build-down supporters in which MX would be held to 50. This plan also assumes 500 Midgetmen.

The right-hand column represents the solution most consistent with past Soviet practice, in which MIRV ICBMs (SS-24s upgraded to MX quality) would be built to the 2500 ICBM warhead limit. This course leaves no room for Midgetman, there is considerable evidence that this is the true preference of the Reagan Administration and its Department of Defense.

In all cases Trident II D-5s, or their Soviet equivalents, are assumed to be deployed up to fill the 5000-warhead START limit on ballistic-missile warheads. In all cases, manned bombers are deployed up to the 8500 standard weapon station limit.

TABLE I.—BUILD-DOWN OPTION, CHART REFERENCE

	Gang of 6 50 MX	Reagan 100 MX	ICBM-heavy 250 MX
MX or SS-24:			
Missiles	50	100	250

TABLE I.—BUILD-DOWN OPTION, CHART REFERENCE—Continued

	Gang of 6 50 MX	Reagan 100 MX	ICBM-heavy 250 MX
Warheads per missile	10	10	10
Warheads	500	1,000	2,500
Midgetman:			
Missiles	500	500	0
Warheads per missile	1	1	1
Warheads	500	500	0
Total ICBM warheads	1,000	1,500	2,500
Trident II D5(9 warheads):			
Ships	14	15	6
Missiles	336	360	144
Warheads/missiles	9	9	9
Warheads	3,024	3,240	1,296
Trident II D5(10 warheads):			
Ships	4	1	5
Missiles	96	24	120
Warheads/missiles	10	10	10
Warheads	960	240	1,200
Total SLBM warheads	3,984	3,480	2,496
Total BM warheads	4,984	4,980	4,996
B–1B	100	100	100
Stealth	100	100	100
B–52H	50	50	50
Total bombers	250	250	250
Standard weapon stations	8,255	8,251	8,222

Even under these assumptions, the most favorable to Build-Down, the Reagan plan would permit the Soviets to neutralize two of the three arms of the U.S. nuclear deterrent.

1. ICBM'S DOWN THE TUBES

The survivability, and hence the deterrent value, of a U.S. ICBM rests almost entirely on the hardness (strength) of its silo. Under Build-Down/START, this deterrent value would be wiped out.

Table II illustrates how Soviet ability to destroy U.S. ICBM silos with a half-hour warning—that is, using a combination of their ICBMs and submarine-launched ballistic missiles (SLBMs)—would build up under Build-Down/START.

TABLE II.—*Soviet half-hour (ICBM plus SLBM) hard target kill (relative measure)*

Present	1.0
Build-down, 50 MX (gang of 6)	1.7
Build-down, 100 MX (advertised)	2.1
Build-down, 250, MX (ICBM-heavy)	5.2

How can Build-Down START allow an increase in the Soviets' ability to destroy hard targets, if it forces their ICBM warhead numbers and throwweight down? Hasn't the Administration told us again and again that Soviet heavy ICBMs are the principal source of strategic nuclear instability?

The Administration has been wrong. It has emphasized ICBM warheads and throwweight for political reasons, because that's where the Soviets are strongest in comparison to us. In so doing, it has overlooked other factors which are far more important strategically.

Build-Down/START's quantitative reduction in Soviet ICBM throwweight and warhead numbers will be more than offset by expected Soviet qualitative improvements in ICBM accuracy, in ICBM explosive power per pound and, more importantly, in all aspects of SLBM capability.

As Table II shows, if we limit Soviet throwweight but fail to limit their accuracy, we lose.

And if we limit their ICBMs but fail to limit their SLBMs, we lose even worse. Since the unique first-strike potential of SLBMs is frequently overlooked, let us now examine it.

An attack by Soviet ICBMs, no matter how accurate and powerful, would still give us 30 minutes' warning. If everything worked as advertised, the U.S. military could use that half hour to analyze the attack and inform the President. He would have time to consider the evidence and decide whether to sit tight or to launch our ICBMs before the Soviet attack arrived. If he decided to launch, there would be time to get our ICBMs away before the Soviet attack arrived.

Since false warning can happen and ballistic missiles can't be recalled, launch under attack is something we would do only in desperation if deterrence had clearly failed. Nevertheless, the ability to launch under attack makes deterrence less likely to fail. It tells the Soviets they can't be sure of disarming our ICBMs—provided we get that vital half-hour warning.

We won't get it under Build-Down/START.

The Soviets can attack with SLBMs instead of ICBMs. SLBMs don't have to fly all the way from Russia. They can be launched from submarines just off the Continental Shelf. Warning would be at best 20 minutes; possibly a good deal less.

The seemingly insignificant difference between 30 minutes' warning and 20 minutes' warning can hold the difference between deterrence and annihilation.

There is no available information to suggest that Presidential launch under attack is possible within 20 minutes. Consider the time needed to (1) awaken the President, (2) explain the evidence in sufficient detail for him to make the most fateful decision any human being has ever had to make, and (3) have him consider the evidence and make the decision. This cannot be done within what's left of 20 minutes after the non-Presidential parts of the process—detection, analysis, communication, and launch.

Unless we're willing to take the day-to-day authority for a nuclear strike away from the President and give it to a military officer or to a computer, which we should never do, there would be no way to launch ICBMs under a "true prompt" attack—one arriving less than 20 minutes after first warning. The deterrent effect of U.S. launch under attack would be gone.

This isn't a problem today; although they're quick, Soviet SLBMs are so inaccurate they're useless as silo-busters.

But technology marches on. In 1989, the U.S. will begin deployment of the very accurate Trident II D5 SLBM, each of which can destroy seven of the hardest silos ever built. We must assume the Soviets will have similar technology by the late 1990s. To see what this would do for their first-strike potential, consider Table III.

TABLE III.—*Soviet true prompt 20-minute (SLBM only) hard target kill (relative measure)*

Present	1
Build-down, 50 MX (gang of 6)	612
Build-down, 100 MX (advertised)	535
Build-down, 250 MX (ICBM-heavy)	384

This table illustrates the dramatic build-up in Soviet true prompt hard-target kill capability we can expect under Build-Down/START. The build-up is so extreme—Soviet capability actually multiplies hundreds of times—that my first inclination was to disbelieve the computer. But the mushrooming Soviet ultra-quick hard-target-killer strength under Build-Down is as plausible as it is unpleasant.

Clearly, the Administration's Strategic Arms Reduction is a massive Soviet strategic arms increase. Its Build-Down is a Soviet build-up. Worse, the build up is most dramatic where it is most dangerous: the ability to strike accurately and with the least warning.

I wish hard-target kill were the whole story. Unfortunately, there are more chambers in the Build-Down/START House of Horrors.

2. BOMBERS MASHED FLAT

Let's look at the survivability of U.S. manned bombers. Contrary to what we read in the news media, the main threat here isn't the Soviet air defense. The Russians have a lot of people and hardware in this enterprise, but every time it's been put to the test it's proven spectacularly incompetent.

The Soviets have a better way to erase our bombers: wipe them out before they take off.

Unlike a ballistic missile, a bomber can be launched safely away without compunction on first warning of a possible attack, and be called back if the warning proves false. Since our bombers can begin to get away in less than ten minutes from the time an attacking missile is first detected, the Russians attack needs to be quick. It needs surprise.

Even a 20-minute-warning accurate SLBM, very effective against ICBM silos takes too long to catch a bomber on the ground. But a depressed trajectory SLBM shot, fired from close offshore and giving well under ten minutes' warning, will do in our bombers nicely.

Since many readers will be unfamiliar with depressed trajectory ballistic missiles—let's call them DTs—here is how they compare with other missiles:

A modern cruise missile flies at treetop altitude at about 500 miles per hour, giving several hours warning before arrival. A standard ballistic missile flies in empty space, arcing several hundred miles up and streaking silently toward its target at speeds well above 10,000 miles per hour.

A DT is a ballistic missile modified to tolerate the air-friction and heat of 10,000-mph-plus speeds only a few tens of miles above the Earth. Because it flies a flatter and shorter course than a standard ballistic missile but moves just as fast, its time from launch to target—and the warning this would give its victim—is less than that of a standard ballistic missile. In some situations, warning could be reduced still further because the DT would not rise above the victim's radar horizon as quickly as would a standard ballistic missile. DTs aren't very accurate, but an airplane is a very fragile target; against a bomber, a miss by a half mile is as good as a direct hit.

In short, DTs will be surprise-attack weapons. They will be advantageous only to the side striking first. They can be used only to start a war, not to deter one.

With typical warning times well under ten minutes, there appears to be no military solution to a depressed trajectory threat. A fast-accelerating bomber such as the B–1 would escape more quickly than the B–52, but not quickly enough.

The Soviets don't have an operational depressed trajectory missile today. Neither do we. Both sides have done sporadic tests—none recently—but about two more years of development and testing would be needed. This Pandora's box is not yet open.

The DT Pandora's box can be kept closed by arms control prohibiting DT flight tests. Since a DT missile is not visibly different

from a standard ballistic missile, DT deployment is not verifiable. But a DT flight test is very different from that of a standard ballistic missile, and is impossible to hide or disguise. We urgently need to ban DT testing. If we don't, the immense sums we have spent and are preparing to spend on our bomber deterrent—B-1, Stealth, strategic cruise air-launched missile—will be wasted.

The Soviets are as afraid of us as we are of them. They have as much stake as we do in shutting the door on DTs. Over the past several years, they've shown considerable interest in a DT ban.

The Reagan Administration has shown none. Under Build-Down/START, which would not limit depressed trajectories in any way, the deterrent value of our strategic bombers would be zero, regardless of what aircraft we build and what missiles we hang on them.

3. MIDGETMAN STILLBORN

Many of my Congressional colleagues support Build-Down/START because of its advertised link with a future small, single-warhead ICBM concept called Midgetman. The attractiveness of Midgetman lies in its hope of survivable basing.

The most promising Midgetman basing mode is called "hard mobile." It involves placing the missile on a large truck-like transporter on military land. Upon warning of Soviet ICBM attack, the transporter would drive on a random course for about twenty minutes. Then, by one means or another, it would "harden" by attaching itself firmly to the ground. Since they wouldn't know where the missile was after its twenty-minute drive, the Soviets would have to saturate the entire area where it might be, and this would use up too many of their warheads.

An alternative basing mode, favored by the Air Force because it can also be applied to MX, is to place Midgetman in superhardened silos.

It doesn't matter which method is used. Under Build-Down/START, The Soviets will be able to wipe out both. Midgetman can't survive under Build-Down/START.

The mobile concept will be immobile much of the year unless it's confined to areas of mild weather such as Nevada. But mild weather means clear weather, which in turn means easy satellite observation of the missile and its transporter. The Soviets will know where each transporter is at any given time.

It's unlikely they'll be so sporting as to attack with ICBMs, when depressed trajectory SLBMs will be far more effective. By attacking with a DT, they'll deny mobile Midgetman the time it needs to run away from the point where their satellites last saw it.

If mobile Midgetman tries to run, before it can go any useful distance the DT will catch it in motion and flip it like a flapjack.

So much for mobile Midgetman. Now let's look at superhard Midgetman.

TABLE IV.—*U.S. deterrent ICBM warheads surviving Soviet attack (attacker uses ICBM's and SLBM's)*

Present	470
Build-down, 50 MX (gang of 6)	65
Build-down, 100 MX (advertised)	62
Build-down, 250 MX (ICBM-heavy)	84
Nuclear freeze with 10,000 psi silos	1,140

Table IV demonstrates the problem with superhard silos: in a race between the defender's hardness and the attacker's accuracy, the attacker always wins. Even if we quadruple the hardness of our silos, Build-Down/START will let Soviet first-strike capability increase so monstrously that we'll have far fewer survivable deterrent warheads than we have today.

Build-Down/START would thus leave us with no ICBM deterrent and no bomber deterrent. We would, of course, still have our very effective and survivable SLBMs. But technology moves in unexpected ways.

Both sides are working hard to find some way of "making the oceans transparent" and finding each other's submarines. They've had little success. But it's not prudent to put all our deterrent eggs in one basket. We don't want to wake up one morning and find the oceans transparent and deterrence at zero. A diversified deterrent is a good thing to have.

Ironically, the Administration's prime rationale for Build-Down/START is protection of its "strategic modernization" plan. Build-Down/START does that, but weapons modernization and security don't necessarily go hand in hand.

Within the current Administration, weapons "modernization" is a motherhood word, unquestioningly accepted as virtuous. It shouldn't be.

In most cases, modern weapons are more effective than their predecessors against a static adversary. But if, in the process of modernizing our deterrent hardware, we allow the other side to improve its first-strike hardware even more, we wind up with less deterrence than when we began. This is the course upon which Mr. Reagan would set us.

If the Administration's plans for "modernization" under Build-Down/START are allowed to run their course, we will find ourselves with a force of costly bombers and ICBMs that will be brand new, technically state-of-the-art, and incapable of serving any deterrent function useful to the American people.

The Soviets, of course, will find themselves in a similar predicament. They, like we, will find themselves with a diminished deterrent facing a radically increased enemy first-strike capability.

What will they do? Faced every day with a U.S. depressed-trajectory threat against their bombers and a U.S. very quick hard-target-killer threat against their bombers, they'll see a choice between using their weapons and losing them. All the evidence says they'll refuse to lose them. This means they must give a computer the authority to launch their missiles, thus escalating the probability of accidental war.

That's the day-to-day problem. In a crisis, the picture will be even scarier. Published Soviet strategic doctrine is vague and self-contradictory on many points. But on one thing, it is clear and consistent: They will strike first if they see themselves about to be attacked.

Under Build-Down/START, in a crisis they will look at our forces and see greatly increased ability to disarm them in a first strike. They will see no reason for us to have built this capability unless we intend to use it. Then they will look at their own forces, and see equally increased ability to disarm *us* in a first strike. They will know that only one side gets to go first, and they will prefer that it be them. Their problem will become our problem.

With advantage thus going to whichever side strikes first, under Mr. Reagan's Build-Down/START we will have fulfilled the classical definition of instability.

In fairness, I must point out that Build-Down/START doesn't cause the problems I've been discussing. It merely permits them to arise. If allowed to run its course, the arms race will take both sides to ever lower stability, ever closer to the nuclear precipice. It's the job of arms control to reverse this course, and the Administration's Build-Down/START isn't up to the job.

On the other hand, it's not hard to concoct a stabilizing Build-Down scheme that really builds down. For example, we could prohibit all new MIRV missiles, and require that for each new single-warhead missile deployed, one MIRV missile must be retired. The throwweight of the new single-warhead missile could be limited to that of our present smallish Minuteman II.

But stability isn't in today's Build-Down/START cards. All Build-Down/START schemes acceptable to the Administration allow large numbers of heavy MIRV SLBMs, with no constraints on either accuracy or DT. So long as these are permitted, other alterations in the weapons mix—for example, exchanging a few dozen MIRV ICBMs for MIRV SLBMs, or counting bombers more heavily—make no significant difference. Any way you mix it, the Administration's Build-Down/START is a stability-killer.

It's not my purpose to disparage the creators of Build-Down/START. They include arms controllers of unimpeachable sincerity and ability. One can sympathize with and envision their desperation at the thought of four more years of an Administration viscerally hostile to arms control. They deserve our thanks for persuading that Administration to endorse a Build-Down/START formula that creates an implicit commitment to SALT II. And bad as Build-Down/START may be, the total absence of arms control would be worse.

4. BETTER TO FREEZE THAN TO START

Fortunately, the choice is not between Build-Down/START and nothing. There's a better alternative: the nuclear freeze.

The mutual and verifiable freeze is not, as its detractors would tell us, a simplistic flight from the complexity of real-life arms control. Nor would freeze negotiations be, as one columnist suggested in this newspaper, "arms reduction negotiations without the arms reductions."

On the contrary, the freeze is what Build-Down/START pretends to be but isn't: a significant, practical reduction in destabilizing first-strike capability. The freeze is the real Build-Down.

As endorsed by the House of Representatives earlier this year, the freeze flat-out prohibits flight-testing ballistic missiles. This is the key to the freeze. It means—

No depressed trajectories. Our bomber deterrent will survive. Old B-52s plus freeze will work a lot better than new B-1B bombers annihilated on the ground by Soviet DTs.

No true prompt hard-target kill from enemy SLBMs. Soviet SLBM hard-target kill will probably rise slightly under the freeze, since some improvements in submarine navigation and maintainability are probably beyond the reach of arms control. But without testing, Soviet SLBM capability can't rise enough to become a significant threat. Our launch-under-attack option will survive.

No rising Soviet half-hour hard-target kill. Instead, this will eventually decline, since their ICBM accuracy and reliability will fall off if they can't confidence-test their missiles to pick up inevitable problems. So our silos will survive. Where the Administration

plans to spend tens of billions of dollars in new ICBMs while losing 80% of today's survivability, the freeze will keep today's survivability and gradually build on it—while spending nothing.

We can superharden our silos. Whether this makes budgetary sense remains to be seen. But if the attacker's accuracy is frozen, superhardening makes strategic sense, as can be seen from Tables II and III.

The freeze cuts both ways, of course. Soviet deterrence will improve as well as ours. Our missiles as well as the other side's will lose accuracy and reliability. But deterrence and retaliation can be done, and done well, with moderate accuracy and reliability. These need be very high only for the more demanding mission of disarming first strike. The freeze helps each side deter the other. That's stability.

Here, then, is the key difference between Build-Down/START and freeze:

Build-Down/START is endorsed by the Administration because it protects our option to bring major new weapons technologies on line. The Administration values this option so highly that it's willing to allow the Russians to have the same option. In contrast, the freeze prohibits new technologies that require flight testing and/or can be verified—which includes the most dangerous of them.

Since the major thrust of these new technologies is toward disarming first strike, here is the key question:

Why is the Reagan Administration protecting both sides' right to a first-strike capability we'll never use but the other side might?

SUMMARY OF AUCOIN FINDINGS ON BUILD-DOWN

1. START and Build-Down combined permit a build-up to substantially increased levels of destabilizing war-starting first strike capability. In contrast, the freeze forces a reduction in real first-strike capability.

2. The central flaw in build-down is that it permits and encourages new nuclear weapons, which in the net are destabilizing. In contrast, the freeze prohibits new nuclear weapons.

3. Build-Down and Start are backward-looking, in that they focus on the threat from Soviet ICBMs. The freeze is forward looking, in that it forestalls the more serious future threat from Soviet SLBMs.

4. START and Build-Down deal only with the superficial measures of numbers and weight. By prohibiting flight testing, the freeze attacks missile accuracy and surprise capability, which are the essential keys to first strike.●

SCHROEDER AND SNOWE ARTICLE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Ms. OAKAR. Mr. Speaker, my congratulations to Representatives SCHROEDER and SNOWE for the excellent piece entitled "Mother's Day Gift Idea: Political Pressure," which appeared in Saturday's New York Times. The article underscores the importance of restructuring programs essential to making life better for American mothers. I ask that the full text of that article be inserted in the RECORD at this point.

MOTHER'S DAY GIFT IDEA: POLITICAL PRESSURE

(By PATRICIA SCHROEDER and OLYMPIA SNOWE)

WASHINGTON.—Instead of sending candy this year for Mother's Day, why not do something useful for mom and write a letter to your Senator or Representative? Several bills that could reshape the lives of American women, especially those who work, are pending before Congress. But without continued public pressure, many of these measures could fail.

Here are some of the proposals:

Pension security for the 16 million mothers in the paid work force when they leave work temporarily to raise a family. Now, the "break in service" can cause a forfeiture of accrued benefits.

Automatic deduction of the wages of divorced spouses who fail to maintain child-support payments. Now, more than two million mothers have to do without.

Increased support for day care. On-site day care at school, before and after classes, would help the working mothers of 62 percent of all school-age children. A bigger Federal tax credit for day-care expenses would ease the hardships of almost 3 million mothers heading families below the poverty line.

Providing a community-based, computerized clearing house for child-care information and referral. Countless mothers don't even know where to go for basic information about day care.

Each of these proposals is within our grasp. The reason we're so close is that Congress is finally addressing the realities of motherhood in the 1980's.

A demographic revolution in the past 30 years has created a new environment for women. Between 1947 and 1980, the number of women working outside the home rose by 173 percent. Most joined the work force out of economic necessity which, increasingly, springs from another striking change—the incidence of female-headed households. Poor families headed by single women have become plentiful, particularly among minority families. We've coined a new description for the problem—"the feminization" of poverty.

One social norm hasn't changed. Child care and the care of dependent relatives remain the major responsibility of mothers whether they work or not. By leaving work for such responsibilities, they could lose the accrued value of both private pension benefits and Social Security. Homemakers are particularly vulnerable in terms of retirement security. Divorce and widowhood leaves many women without pensions, displaced and with few or no job skills.

Thus, Congress is considering steps to make life easier and more equitable for American mothers.

The first step is to remedy the appalling lack of enforcement in child-support cases. This issue has rightfully received enormous public attention in the last year. Moral outrage is justified when studies show that deadbeat parents shell out more for car payments than for child support. New legislation close to clearing Congress will mean that some $4 billion in uncollected payments will be recouped. That's a neat Mother's Day idea.

Another idea whose time has arrived is to provide seed money for communities to set up their own data banks on day care. Before mothers can take advantage of the tax breaks for such care—and new ones proposed to expand tax credits or refund them for poor families—they need to be able to find facilities that offer care or referrals to providers. This concept has been embodied in a bill now working its way through the House that would extend the popular Head Start program.

Making on-site care available to the nation's 5 million to 10 million "latchkey" children before and after the school day is essential for working mothers. A bill that is about to be voted on in the House would help schools get these kinds of programs off the ground.

Finally, closing the loopholes in private pension regulations would help insure the retirement security of women in the paid workforce and homemakers alike. How many wives have lost out on the survivor's benefit of their deceased husband's pension because of his death before the early retirement age? How many have had to begin reaccruing their own pension benefits because they have left jobs to raise families? Too many. A retirement equity bill redressing these problems has passed the Senate, and a stronger version will soon be voted on by the full House.

So if you haven't yet found the perfect gift for your mother, or your grandmother, you may want to write your Representative and ask for immediate passage of these initiatives. A box of chocolates is nice, but doesn't mom deserve a longer-lasting tribute? We think a national policy that recognizes her contributions and meets her economic needs would be the best present she could have today.●

COMMONSENSE ON MEXICO

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, I recently introduced legislation calling for an immediate bilateral summit on trade with Mexico. Such an economic summit meeting would be a major step forward to achieving economic stability and growth in the border economies of both countries, and would help reduce the trade deficit with our third largest trading partner.

A recent article in the Washington Post by the Governor of Arizona highlights the need for a commonsense approach to our economic relations with Mexico. The Governor makes the point that those of us from the border have been stressing all along: That the reality of our special relationship with Mexico must take precedence over abstract trade theories, and I think it will be a useful article for my colleagues.

The article follows:

[From the Washington Post, May 15, 1984]

COMMONSENSE ON MEXICO

(By Bruce Babbitt)

The happy news as Mexico's President Miguel de la Madrid visits Washington is

that Mexico is slowly climbing back from the edge of economic disaster. Painful austerity measures are in place, inflation has been cut, a positive balance of trade established, and Mexico is meeting current interest payments on a stratospheric $90 billion in international borrowing.

The discouraging news is that neither Washington nor the U.S. business community is doing very much to assist the Mexican recovery. The principal problem is a tangled web of trade policies that inhibit imports from Mexico and give the appearance of favoring many less friendly countries, such as Cuba, Romania and Czechoslovakia.

Mexico's non-petroleum exports to the United States are now running into a blizzard of lawsuits filed by American trade associations seeking countervailing duties on products as varied as carbon steel, ceramic tile, fresh cut flowers, glass products, bricks and fresh asparagus. The lawsuits complain that the Mexican government subsidizes its exports through tax incentives and other practices in violation of international trade rules.

In truth, the Mexican government does promote and subsidize exports in ways unfamiliar to our economic system. But if American companies continue to harass Mexican exports and attempt to set trade policy by litigation, we risk economic instability, social unrest and growing resentment in a country whose economic progress and political good will are essential to our national security. And members of the American banking community might well remember that the 434 billion owed them by Mexico can only be paid when Mexico earns foreign exchange by access to American markets.

The current impasse originated in Mexico's 1980 decision not to join GATT, the general agreement on tariffs and trade, which governs trade among most free world countries. The Mexican decision to renounce GATT ended an acrimonious national debate that has now given way to strong national sentiment against any agreements that would limit Mexican "national sovereignty" in economic development and trade matters. (For much the same reason, Mexico has also refused to join OPEC.) Meanwhile, the United States continues to insist that Mexico must adhere to GATT rules as a condition for relief against countervailing duty lawsuits.

Among the benefits of GATT membership is the "material injury" rule, which prohibits countervailing duty lawsuits unless a company can demonstrate the likelihood of real economic injury. For the most part, Mexican imports are so small relative to any given sector of the American economy that it would be difficult to prove any injury to American competitors. Thus, the GATT material injury test applied to Mexico would eliminate most of the lawsuits and restore a normal trading environment.

Yet American trade negotiators continue to insist that Mexico promise to phase out internal subsidies before the material injury test is extended. However logical in pure trade theory, the rigid application of these doctrines to our closest Third World neighbor is shortsighted and risky. We share a 2,000-mile border. We seek Mexican cooperation to solve complex immigration problems. Mexico is our largest oil supplier. And we have a common interest in hemispheric and Central American security, not to mention repayment of bank loans.

The solution is a simple bilateral agreement giving Mexico access to American markets on the same footing as the 90 countries that are GATT members. There will be opposition from trade purists and protectionist groups in the Congress. But, the reality of our special relationship with Mexico must take precedence over the symmetries of trade theory. It is time for President Reagan to personally reestablish that priority.●

W.C. HERNDON

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to pay tribute to a fine person, a sincere public servant, and a close friend of mine, W.C. Herndon of Camden, TN. W.C., as we all knew him, was elected to the Tennessee General Assembly in 1982. Last week, after making a speech on the floor of the Tennessee House of Representatives, he collapsed in his chair with a fatal heart attack.

From his life, we, as public officials, can all learn a little something. W.C. Herndon served his community as its postmaster for many years until his retirement. He then ran for and won a seat in the State legislature. He was a man who dedicated himself to serving the public with no preconceived agenda of his own other than to adhere to his responsibilities to his constituents and the public interest to the best of his ability.

Tennessee has lost a constructive and honorable man. He was honest and never got carried away with the important role that he played as a representative of the people. He was not a backslapper or gregarious kind of person, but went quietly about earning the respect of all who came to know him. When W.C. Herndon shook your hand, you knew it was because of his genuine fondness and respect for you as a person.

W.C. Herndon, though only a freshman in the general assembly, commanded the respect and admiration of a person of much greater experience and stature. I will miss his friendship greatly and his constituents will miss his sincerity and true desire to serve their interests. My deepest sympathy goes out to his family. I would like to insert in the RECORD a recent story that appeared in the Memphis Commercial Appeal regarding Mr. Herndon.

The article follows:

SINCERE HERNDON MADE HIS MARK

(By Philip Ashford)

NASHVILLE.—Representative W.C. Herndon's legislative career probably will be remembered only for the way it ended.

The Camden Democrat had just finished one of his few major speeches Monday night when he collapsed with a fatal heart attack.

He was buried yesterday in Camden, after a service at the First Baptist Church attended by about 550 mourners, including Gov. Lamar Alexander and Herndon's legislative colleagues.

The issue on which Herndon spoke Monday night—whether ham radio operators should continue to receive free auto license plates bearing the radio call signals—is not one that will be long remembered, and there is a temptation to dismiss him as just another back-bench rural legislator.

Such a judgment would be unfair. Herndon's problem was that he was far to public-spirited and not nearly ambitious enough to appear to be in step with his fellow legislators.

Herndon, a first-termer, was elected to the legislature in 1982 at the age of 59. Like most of the smart freshmen, he kept his head down and tried to learn how things worked in Nashville. But because of his age—he was older than most of the House leadership—it was clear he would never amass the seniority to become a mover and shaker in the legislature.

That probably didn't matter. People with ambition usually begin their political careers much earlier. Herndon fell into the small category of sincere people who came to Nashville with no agenda other than a desire to do the best they could to serve their constituents and the public interest. Unlike all but a handful of back-bench legislators, Herndon actually read all of the bills filed.

In a place so filled with ambition, that made W.C. Herndon appear even a little simple. Moreover, he seemed a little bit awed by his own responsibilities.

"He possessed humility, which is not usual in us who are politicians," said Republican Rep. W.A. "Dub" Nance of Memphis, one of the speakers at Herndon's funeral.

Herndon had told one legislator he felt nervous about speaking to the House because he would be addressing so many important people. When he spoke on behalf of the ham radio operators, he delivered a speech he had prepared well in advance.

Even so, he appeared very nervous, a condition that was worsened by the typical confusion of the House, where hardly anyone listens to hardly anyone else.

Still, his legislative career can't just be dismissed as being barely distinguishable from the furniture. Freshman legislators do not reshape the destiny of the state, but Herndon did cast a hard vote for one of the programs that might.

Herndon was one of five freshman Democrats who voted to increase the sales tax by 1 cent on the dollar to pay for Alexander's master teacher plan.

Like the others, Herndon was getting some heat at home for the vote to increase taxes. It was probably that vote that Alexander was referring to this week when he praised Herndon for playing a key role in passage of the better schools program, of which the master teacher plan is a part.

While that may have been the hardest part, he made other contributions.

"He surprised me. He knew a lot more than I expected him to know," said Betty Anderson, lobbyist for the Tennessee Education Association, which initially opposed the school program but later supported it.

Herndon was a member of the House Education Committee, where much of the shape of the final legislation was hammered out. During the cataclysmic afternoon when supporters of the governor's program defeated all of the proposals to modify the plan presented by TEA supporters, Herndon swung back and forth, voting with the governor on

some proposals and the TEA on others, depending on their merits.

Rep. Steve Cobb, the Nashville Democrat who was the leading House sponsor of the education bill, said Herndon's votes reflected the pattern of someone who knew what was going on and was not just passively reacting to what was presented to him.

Similarly, Ms. Anderson said she had expected Herndon was too late in coming to the smoldering controversy over merit pay for teachers to play much of a role. She thought it would be too late to "educate" him to TEA concerns.

Ms. Anderson said she soon discovered that Herndon had taken the time to educate himself.

Cobb credits Herndon with introducing into the discussion of the education program the suggestion that current teachers should be given some faster way to qualify for participation. That idea, which later became known as "fast-track" in the hands of different authors, was one of the key compromises that ultimately won TEA support for the program.

The surprising little man with the courtly manners and the big smile may have come too late to the legislature for his colleagues to notice the kind of job he was doing. Most of the high rollers would have been too embarrassed to acknowledge it.●

SALVADOR AID: SQUEAKING THROUGH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I call to the attention of my colleagues the following editorial from the May 14 edition of the Dallas Morning News. In particular, the editorial gives due praise to the efforts of the distinguished majority leader JIM WRIGHT in his persuasive statement on the need for continued assistance to El Salvador. The editorial puts into the proper perspective the serious security interests of the United States which are at stake in the Central American debate. I urge my colleagues to consider carefully what the Dallas Morning News has to say.

The editorial follows:

[From the Dallas Morning News, May 14, 1984]

SALVADOR AID—SQUEAKING THROUGH

As coaches like to say, any time you win you're happy. Still, the U.S. House's 212-208 approval of military aid for El Salvador reflects something less than overwhelming support for the President.

Two things were paramount in staving off defeat: the President's Wednesday-night address and the influence of Majority Leader Jim Wright of Fort Worth. Wright, who went to El Salvador to observe its election, argued persuasively for approval during the spirited and often outrageous debate. Wright pointed out, among other things, that the money at issue was less than one-tenth of 1 percent of U.S. military spending and just 5 percent of what the Soviet Union spends in Central America.

That's a point worth underscoring. Even in a region so close to our southern border, and even counting the money the House just approved—the final details will have to be worked out in a House-Senate committee—the Soviet Union spends 20 times more than we do. Yet many in Congress persist in decrying American intervention. "The American people don't want another Vietnam," they say, as if anyone does relish the idea of committing American troops anywhere.

These bellowings are outrageous on a number of counts. For one thing, to nickel-and-dime El Salvador—or, as the likes of Gary Hart would do, cut off all military aid—would in time force us into the very situation the peace-loving solons inveigh against.

That is, we'd be left with only two alternatives: acquiescing in the establishment of yet another Cuba, or sending American troops to prevent it. Even now the administration is not going to get all the military-aid funds it believes El Salvador needs, and what it does get it should have been given months ago.

Indeed, look at Vietnam today: savage, totalitarian, pro-Soviet, aggressive. Yet seldom do such as Sen. Christopher Dodd and Rep. Michael Barnes press the Vietnam analogy in that way. They accuse Reagan of seeing Central America in simplistic East-West terms (which he doesn't), yet it is they themselves who specialize in the simplistic.

They seem to feel that supporting military aid to thwart the Soviet-funded guerrillas means you're insensitive to human rights and the need for economic development. Quite the contrary. How in the world are you going to establish democracy and human rights if you give the run of the place to Marxist terrorists bent on destroying those very things? Nor is Marxism what any minimally informed person would call an expressway to economic well-being.

Well, at least we have some cause to applaud 212 representatives (56 of them Democrats). Now let's sit back and wait for the World Court to tell the Soviets to get out of Afghanistan (among many other places), the Cubans to get out of Angola (among many other places) and the Nicaraguans to stop trying to subvert Salvadoran democracy.●

TRIBUTE TO HARRY S. TRUMAN

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1984

● Ms. MIKULSKI. Mr. Speaker, I am pleased to have this opportunity to join my colleagues in paying tribute to Harry S. Truman, the 33d President of the United States, on the 100th anniversary of his birth.

We commemorate an ordinary person who had the vision and the ability to become one of the most effective Presidents to sit in the Oval Office. His decisionmaking ability allowed him to guide the country through numerous crises both at home and abroad. At home, he pushed for civil rights; abroad, he led the country to a position of world power.

Beyond possessing a natural ability to lead, Truman possessed the desire to serve. He did serve and he served us well. Times change and situations change, but the underlying qualities that are necessary to become a leader of a nation remain the same and are personified in Harry S. Truman. This is not to imply that he did not possess weaknesses but only that his weaknesses did not intrude upon his ability and desire to serve the country.

Again, I am proud to be able to honor Harry S. Truman on the anniversary of his birth. His memory and his contributions will always remain alive.●

FAIRNESS AND INCOME EQUALIZING

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. SHUMWAY. Mr. Speaker, during recent months the public has been subjected to extensive political posturing on the subject of economic fairness. It is important for policymakers to soundly reject the irrational and socially bankrupt notion that we can strengthen the weak by weakening the strong. Economic opportunity is enhanced by economic growth, not by blatant income redistribution schemes aimed at providing equality of condition. The needs of the disadvantaged are far greater than cold cash alone, and these needs will not be met through dogmatic egalitarianism—an approach which can create dependency and reduce individual liberty. I urge my colleagues to review the following article authored by Mr. Irving Kristol. It lends some commonsense to this highly emotional debate.

The article follows:

FAIRNESS AND INCOME EQUALIZING

(By Irving Kristol) [1]

On the whole, the level of economic journalism today is distinctly higher than it was 20 or 30 years ago, when it was customary to assign the beginning journalist to writing business news—which, unlike sports news, required little accuracy and understanding. But every now and then, as one witnesses the many ways in which political ideology can and does distort economic reportage, one despairs of the very possibility of progress in this sphere. What is now being called "the fairness issue" is very much a case in point.

The issue has recently been highlighted by a report from the Congressional Budget Office, done at the request several leading Democratic congressmen. The CBO is invariably described as "a professional, nonpartisan organization." The fact that its report demonstrated, as the New York Times put it, that "the rich have gotten richer and the poor poorer" seemed to establish beyond dispute that the Reagan ad-

[1] Mr. Kristol is the John M. Olin professor of social thought at the NYU Graduate School of Business and a senior fellow of the American Enterprise Institute.

ministration was exactly what apprehensive liberals expected it to be: government by the rich, for the rich.

Now, the CBO is indeed a "professional" organization in the sense that it is staffed by professional economists. But nonpartisan? The truth is that the CBO has its full complement of liberal economists, and the Democratic leaders of Congress, when asking for their report on President Reagan's economic policies, had a pretty good idea as to who would write it and what they would say. Would they have asked for it otherwise?

As to the report itself, it is the kind of liberal argument, dressed up in economic jargon and dubious or oversimplified statistics, that is by now familiar enough. No one would be paying any serious attention to its contribution to the essentially political debate over "the fairness issue" were it not for the CBO's presumed authoritativeness and objectivity.

POLICIES INTERACT

In truth, any serious research effort to estimate the differential income effects of this administration's economic policies would be a major enterprise, of immense difficulty, and could not possibly be composed in the relatively few months that the CBO devoted to it. That is because all of those policies—as regards inflation, taxation, employment, entitlement programs, etc.—interact with one another in ways so complex as to be beyond the easy comprehension of any economist's computer. One would have to "tease out" any statistical findings—and then wonder how much emphasis to give to any set of them. Moreover, the administration's economic policies interact, not only with one another, but with an international economy much affected by the weather, by the politics of other countries and by their economic policies. The kind of fine and discriminating economic analysis that can sort all of this out simply does not exist.

But the debate over the fairness issue does not actually revolve around any such arcane points of economic analysis. There are two broad questions that it raises. First, did the administration's tax cuts favor the rich as against the non-rich? Second, what have been the effects of the cutbacks in various social welfare programs for the poor?

The Reagan tax cut was a flat percentage cut for taxpayers in all brackets. Is that a fair way to cut taxes? Well, that all depends on whether one thinks the progressivity of the original income-tax system was fair to begin with. If one is an egalitarian who believes after-tax income should be made more equal, then a simple percentage tax cut is unfair, since it leaves the schedule of progressivity unaffected. If one is not such an egalitarian, and thinks the existing tax schedule is sufficiently progressive, then the tax cut was as fair as fair can be. Obviously, any such tax cut leaves the rich with more dollars in hand than the poor, since the rich have more income and pay a higher rate of tax than the poor—while, of course, those who are so poor as to pay no taxes are not benefited at all.

Since the Reagan administration believes the current tax system is progressive enough, and has no redistributive purpose in mind, it sees the tax cut as eminently fair. Those who complain about its fairness seem to believe that the only tax cut is one that makes the current progressive income tax still more progressive. They are right only if by "fairness" one means a more equal distribution of income. It is interesting, however, that they rarely express this sentiment openly and candidly. In the current atmosphere, apparently, that is not advisable.

Thus, Time magazine informs us indignantly that: ". . . Nearly 80% of last year's tax reductions went to families . . . earning between $20,000 and $80,000 annually. By contrast, roughly the same number of families have incomes under $20,000, and they got a mere 7% of tax breaks."

Yes—since those above the median in income receive, by definition, more income, and pay taxes at a higher rate than those below, a percentage cut in rates will permit them to retain more of their dollar earnings. They do not, it must be stressed, benefit disproportionately, only in abolute dollar amounts. And what would Time like to see done? It recommends, as fairer, "a graduated tax cut"—which is to say, the kind of tax cut that makes our progressive income tax still more progressive. One can understand why it did not put this idea into plain English.

So the fairness issue, as it pertains to the tax cuts, is just another, presumably more palatable, way of arguing in favor of policies that favor a greater redistribution of income, a greater equality of after-tax income. That is an interesting issue in and of itself, but it has nothing to do with fairness—unless one unthinkingly assumes that fairness is equal to and identical with economic equality.

To the second question, as to the effects of cuts in social expenditures on the poor, there is no easy of clear-cut answer. It all depends on which poor you are talking about and what time scale you have in mind. This issue has, fortunately for us, been most acutely—and, I would be so bold as to say, fairly—analyzed by Prof. Nathan Glazer in the Spring issue of The Public Interest, the journal that he and I co-edit.

If by the poor one means those households whose income in cash and kind is statistically below the official poverty line, consisting mostly of people who cannot sensibly be regarded as part of the labor force, then there is no reason whatsoever to think they are worse off under the Reagan administration's social policies than they were before. This administration has not cut their entitlements. It never even tried to do so. Moreover, there are some grounds for thinking that the administration's economic policies, especially the decline in inflation, have been of overall benefit to them.

What the Reagan administration has done is to revise the government's social policies toward the "working poor," i.e., those families above the poverty line, but not by much. A decade or so ago, it became part of the conventional wisdom about social policy that some, at least, of the benefits to the welfare poor should be extended to the working poor, lest they throw in the towel and move over to welfare, where they might actually be better off economically. It was a plausible idea—I found it plausible, I must admit—but it did rest on a hypothesis about the pyschology of the working poor, about how they would respond to short-term economic incentives as against taking a longer view of their economic prospects.

The Reagan administration has rejected this hypothesis, and has moved to exclude many of the working poor from some of the entitlement programs—and not simply in order to effect budgetary savings. It wants to draw a sharper line between those who work and those on welfare, in the belief that this will encourage the welfare poor who can work to escape the stigma of dependency and move up into the working poor, while prodding the working poor to work their way out of poverty. The hypothesis behind this policy is that the work ethic is still alive and well in America, that dependency can corrupt even more than poverty can, and that poor people themselves understand this. There is also the assumption, of course, that economic growth will provide the jobs that will make it possible for the working poor to inch their way up the economic ladder. The administration's social policy cannot be understood apart from its economic policy—which is a policy of growth, not redistribution.

PRELIMINARY RESULTS

It is still too early to tell whether the Reagan approach will work. It is a very old-fashioned policy, one that sharpens the incentives of people to improve their own conditions, rather than having the government make them slightly more comfortable in their near-poverty. It certainly does violate the canons of the prevailing "politics of compassion." But that doesn't mean it won't be successful, over time.

And the very preliminary results are not unfavorable. There has been no significant shift of the working poor out of the labor market on to welfare, and many of the working poor do seem to press on to earn more money, to compensate for those lost benefits. But it will take a couple of more years before all the results are in, before one can say with any confidence that the majority of the poor have suffered or benefited from this new policy. All one can say now is that it is not unthinkable that Ronald Reagan may have a better understanding to poor people in America than do our professional sociologists.

In any case, none of this has anything to do with "fairness," properly (or even popularly) understood. It is only if one begins by assuming that a further redistribution of income by the tax system is desirable, and that social policy should aim only at government giving the poor more money rather than encouraging them to work their way out of poverty, that one can claim otherwise. Whether the majority of the American people share those assumptions is exactly what the next election will be about.●

MONTHLY LIST OF GAO REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The March 1984 list includes:

NATIONAL DEFENSE

How Well Do The Military Services Perform Jointly In Combat? DOD's Joint Test-and-evaluation Program Provides Few Credible Answers. ACC. No. 123686, PEMD-84-3, February 22.

Ensuring Retention of Essential Civilians Overseas During Hostilities. Acc. No. 123646, NDIAD-84-73, March 14.

Army Can Better Use Its Soldiers Trained in Critical Shortage Occupations. Acc. No. 123682, NSIAD-84-17, March 20.

Underestimation of Funding Requirements in Five Year Procurement Plans. NSIAD-84-88, March 12.

Department of the Army's Program to Modify 155-mm. M109 Self-Propelled Howitzers to an M109A5 Configuration. Acc. No. 123712, NSIAD-84-60, March 26.

The Unit Status and Identity Report (UNITREP) System-What It Does and Does Not Measure. Acc. No. 123595, NSIAD-84-39, March 12.

LETTER REPORTS

Impact on the Army's national training center on improving individual soldier and unit abilities. Acc. No. 123605, NSIAD-84-51, March 2.

Alleged waste and mismanagement in Army's test, measurement, and dianostic equipment support group. Acc. No. 123556, NSIAD-84-67, March 5.

Intermediate-level maintenance for Navy tactical missiles can be better managed. Acc. No. 123554, NSIAD-84-64, March 5.

Army and Navy watercraft programs for logistics-over-the-shore operations can be better managed. Acc. No. 123608, NSIAD-84-31, March 13.

Test transfer of consumable supply items to the Defense Logistics Agency from the military services. Acc. No. 123756, NSIAD-84-82, March 28.

SCIENCE, SPACE, AND TECHNOLOGY

Effects on Users of Commercializing Landsat and the Weather Satellites. Acc. No. 123543, RCED-84-93, February 24.

ENERGY

Implementation of the National Minerals and Materials Policy Needs Better Coordination and Focus. RCED-84-63, March 20.

Status of the Great Plains Coal Gasification Project. RCED-84-113, March 22.

NATURL RESOURCES AND ENVIRONMENT

Federal and State Efforts to Protect Ground Water. Acc. No. 123701, RCED-84-80, February 21.

Bureau of Land Management Should Follow Fair Market Value Requirements in Selling Land in Las Vegas, Nevada. RCED-84-127, March 27.

LETTER REPORTS

Repayment of the Bureau of Reclamation's Central Valley Project. Acc. No. 123687, RCED-84-122, March 16.

AGRICULTURE

Improved Administration of Special Surplus Dairy Product Distribution Program Needed. Acc. No. 123706, RCED-84-58, March 14.

More Attention Needed in Key Areas of the Expanded Crop Insurance Program. Acc. No. 123688, RCED-84-65, March 14.

Electronic Marketing of Agricultual Commodities: An Evolutionary Trend. Acc. No. 123647, RCED-84-97, March 8.

COMMERCE AND HOUSING CREDIT

Foreign Trade Zone Growth Primarily Benefits Users Who Import for Domestic Commerce. Acc. No. 123591, GGD-84-52, March 2.

LETTER REPORTS

Excessive assumption fees charged on Federal Home Loan Mortgage Corporation mortgages. Acc. No. 123648, RCED-84-119, March 5.

U.S. Customs Service's import classification operations: staffing and workload changes. Acc. No. 123649, GGD-84-59, March 8.

TRANSPORTATION

Department of Transportation Should Improve Its Policies and Practices on Grant-Related Income. GGD-84-5, March 30.

Types of Work Performed Using Resurfacing, Restoration, Rehabilitation, and Reconstruction Federal Highway Funds. Acc. No. 123699, RCED-84-83, February 29.

LETTER REPORTS

Federal Aviation Administration's process of selecting locations for automated flight service stations. Acc. No. 123550, RCED-84-95, March 2.

U.S. economic assistance to Central America. NSIAD-8471, March 8.

HOUSING AND COMMUNITY DEVELOPMENT

Insights Into Major Development Action Grant Issues. Acc. No. 123557, RCED-84-55, March 5.

SOCIAL SERVICES

New Directions for Federal Programs to Aid Mathematics and Science Teaching. Acc. No. 123634, PEMD-84-5, March 6.

Information on the Senior Community Service Employment Program and the Proposed Transfer to the Department of Health and Human Services. Acc. No. 123645, HRD-84-42, March 12.

LETTER REPORTS

Selected aspects of Howard University's operations and use of federally appropriated funds. Acc. No. 123702, HRD-84-43, March 9.

HEALTH

Assuring Reasonableness of Rising Indirect Costs on NIH Research Grants—A Difficult Problem. Acc. No. 123711, HRD-84-3, March 16.

LETTER REPORTS

Information on Medicare's administrative sanction process. Acc. No. 123505, HRD-84-30, January 30.

INCOME SECURITY

Labor Needs to Adjust Compensation Benefits it Pays Injured Federal Employees to Levels Appropriate to their Disabilities. Acc. No. 123714, HRD-84-29, March 26.

ADMINISTRATION OF JUSTICE

Investigating of Major Drug Trafficking Organizations. Acc. No. 123700, GGD-84-36, March 5.

Federal District of Columbia, and States Future Prison and Correctional Institution Populations and Capacities. Acc. No. 123684, GGD-84-56, February 27.

GENERAL GOVERNMENT

A 2-year Appraisal of Merit Pay in Three Agencies. GGD-84-1, March 26.

Study of Progress Made in Implementing the Single Audit Concept. Acc. No. 123655, AFMD-84-21, March 14.

Information on Historic Preservation Tax Incentives. GGD-84-47, March 29.

Federal Executive Boards Contribute to Improved Field Management But Future Is Uncertain. Acc. No. 123584, GGD-84-31, March 6.

LETTER REPORTS

Examination of financial statements of the House Minority Printing Clerk for the fiscal years ended September 30, 1982 and 1981. Acc. No. 123704, AFMD-84-32, March 22.

Review of activities of the House Office Equipment Service for the year ended June 30, 1983. Acc. No. 123463, AFMD-84-22, February 22.

President's sixth special message proposing rescissions totaling $634,711,454, and new deferrals totaling $143,595,000. Acc. No. 123540, OGC-84-6, February 27.

President's seventh special message proposing seven new deferrals totaling $28,960,700. Acc. No. 123656, OGC-87-7, March 16.

Examination of financial statements of the House Majority Printing Clerk, for the fiscal years ended August 31, 1982 and 1981. Acc. No. 123703, AFMD-84-6, March 22.

Examination of the House Stationery Revolving Fund's financial statements for fiscal years ended June 30, 1983 and 1982. AFMD-84-25, February 27.

Impoundment of $30 million provided for grants for educating immigrant children which the President previously had not reported to the Congress. Acc. No. 123733, OGC-84-8, March 23.

$1.7 million of OSHA FY 1984 budget authority has been released as required by the Impoundment Control Act. Acc. No. 127732, March 26.

President's proposed rescission of $1.7 million which Congress failed to pass. Acc. No. 123732, OGC-84-9, March 26.

The Monthly List of GAO Reports and/or copies of the full texts are available from the U.S. General Accounting Office, Distribution Section, Room 1518, 441 G Street, N.W., Washington, D.C. 20548. Phone (202) 275-6241.●

POLICE MEMORIAL DAY, 1984

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. RANGEL. Mr. Speaker, I rise to honor the men and women of our Nation's law enforcement agencies. I especially would like to give my deepest respect to those who have fallen in the line of duty, because their sacrifice was the greatest sacrifice of all.

Today is Police Memorial Day, and I think that it is fitting for my distinguished colleague, MARIO BIAGGI, to be the leader of this salute from the floor of the House. He served on the New York police force for 23 years, was wounded 10 times in the line of duty, and received 27 medals and decorations. His life is an exemplary symbol of the dedication required of police officers.

We are deeply indebted to our law enforcement officers, Mr. Speaker. The thin line that stands between the common man and those who would prey upon society live lives of stress and danger. Their families worry, they have seen friends injured or killed in the line of duty, and our recognition of their sacrifices is often slow in coming. These men and women are indeed a rare breed.

And so we have come to the floor of the House of Representatives to remember these brave men and women. I am a cosponsor of our colleague's bill to establish a National Law Enforcement Heroes Memorial in Washington, DC, and I urge all members to lend their support to this effort.●

NATIONAL POLICE WEEK

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. SISISKY. Mr. Speaker, in recognition of the dedication and community services performed by our Nation's police officers, I would like to submit the text of a speech I recently gave in Petersburg, VA. The occasion not only commemorated National Police Week, but also Peace Officers Memorial Day:

NATIONAL POLICE WEEK/PEACE OFFICERS MEMORIAL DAY, MAY 13, 1984

It is indeed an honor to have been asked to be here with you today as we join in commemorating National Police Week. It speaks well for your unity as police officers that so many of you from different localities have come today to show your common bond. It is also particularly gratifying to see that your neighbors, friends and fellow citizens are here this afternoon to demonstrate their appreciation.

A little over twenty years ago, President John Kennedy signed a law designating May 15 as Peace Officers' Memorial Day "in honor of those peace officers who, through their courageous deeds have lost their lives or have become disabled in the performance of duty." At the same time, the law also set-aside the week containing May 15th as National Police Week, "in recognition of the service given by the men and women who, night and day, protect us through enforcement of our laws."

Those words are as meaningful today as they were then. And the need to honor and give thanks are as great now as they have ever been. The year President Kennedy signed that proclamation, there were 55 law enforcement officers killed while on duty.

The Federal Bureau of Investigation reports that during the 10 year period from 1973 through 1982, 1,600 law enforcement officers were killed in the line of duty.

During the last two years, 309 officers died while performing their duties. This amounts to nearly one police death every two days. About 90 percent of the officers killed are married and, on the average, have two children. With this in mind, it is estimated that from 1977 through 1983, some 3,000 people have lost either a spouse or a parent as a result of police officer deaths.

These are very sobering figures in any day. They should give us pause each and every day and not just today and next week. There are other numbers that we should notice. The total number of reported crimes in the United States dropped by 4 percent from 1981 to 1982. The number of murders went down by 7 percent, rapes by 5 percent, and burglaries by 10 percent.

As the front line of defense against crime, law enforcement officers at all levels deserve a great deal of the credit for these favorable statistics. And State and local police officers play the biggest part in protecting us from the crimes which are most frequently committed.

It may surprise some, that Federal law enforcement officials have jurisdiction over only 5 percent of all criminal activity. The burden actually falls heavily on State and local police departments to control crime and make our towns and homes safe.

Despite those numbers, we all know that one thing remains unchanged: That every single day police officers try to do their jobs, their lives are on the line. Every single day, regardless of the duty that day, the danger remains.

I know that many in the audience today work or have worked. And, if you are like most of us, you have had jobs that you didn't like, jobs that demanded too much for too little. In my job as Congressman, there are certain demands, certain risks just like there are in any job. But, imagine if you can, what it means to get up and put on your work clothes and know that your life's on the line as a part of your job.

When I go about my work as a Congressman, the most I risk is my reputation. My reputation may get better or worse, but I'm still going to be around to worry about it. When your life's on the line, it's sometimes a luxury and a miracle to be around to worry. And that's a very important thing to remember as we honor those who willingly put themselves in that danger to make our communities safer places to be.

I don't have time to watch a lot of television other than the news. But there is one television show that I encourage you to watch at least once. It's called "Hill Street Blues" and it's about police officers in a big inner city precinct. It's a good show—it's well acted, it makes us think, and it's true to life. Some might think it's too true to life. But I like it because it reminds us of one of the things we most need to remember today and everyday—that police officers are in most respect just like the rest of us.

They are ordinary human beings; they have good days and bad days. They have hearts that hurt and eyes that cry. They have families and friends. They have worries and self doubt. They have full lives outside the police department. You'd like to know some of them and others you'd like to avoid.

And by showing us the very human side of police officers, this show tells us so much more. It tells us that while these are ordinary people, they are also very extraordinary. They have all chosen to compound their ordinary worries with the uncommon burden of laying their lives down to protect others. They have a commitment to duty, to service, to doing what needs to be done.

Those of us who have not taken on that responsibility probably can't imagine what it's like. But, if we are to truly appreciate the police officer's work, we have to try to do that. We owe that to those we gather here to honor today.

But no matter how brave or how committed our police officers are, they cannot alone solve the crime problems we face. We as ordinary citizens must do our share to help, too. We need more citizen participation in preventing crime, in reporting crimes, in helping solve crimes. They need our help still.

Recently, all across the country, neighbors have joined together to help watch out for each other. As we live in larger and more diverse communities, I think we've forgotten what being a good neighbor means. Community programs such as these serve to remind us of what it is and why we will always need it.

We also need to be reminded of something else. Every day we hear various complaints against police departments. But whenever people are in trouble, the first thing they do is call the police. We should show our appreciation to the law enforcers at times other than when we've been robbed or attacked.

It's been said that: "policemen are soldiers who act alone." We ought to think about that, too. As a Nation, we have always paid great respect to our soldiers, to those who have put their lives on the line for our freedom. We honor them, as we should, for protecting this country from foreign intrusion.

But as "Soldiers Who Act Alone", police officers deserve recognition, too. For while it is crucial to protect our shores, it means little if we are not safe in our homes or on our streets. And that safety at home for us and our children and our neighbors comes from the police officers assembled here today.

Certainly, the setting aside of today and this week is one way to give that recognition. But we should do more. We need a more permanent reminder, a more constant reminder of the sacrifices made by those who work to protect all of us.

I recently joined with my colleague, MARIO BIAGGI, in sponsoring a resolution which would establish a national law enforcement heroes memorial in Washington, D.C. Congressman BIAGGI knows firsthand why this memorial is fitting; he was a New York City policeman for 23 years before he came to Washington. No public funds would be required. Instead, this permanent memorial would be funded entirely through private contributions.

As some of you may know, the new Vietnam Veterans Memorial was established in just this way. That memorial honors heroes who were overlooked for much too long. This memorial would do the same. It would remind us that police officers are willing to make the ultimate sacrifice every day. And that they do that so that we can travel safely by day and sleep better by night. And of that, we can never be reminded too much.

Thank you again for allowing me to be with you here today. And to the officers assembled, thank you for everything.●

STATES SUPPORT EXTENSION OF SUPERFUND THIS YEAR

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. FLORIO. Mr. Speaker, I wish to draw my colleagues' attention to a letter I recently received from the Association of State and Territorial Solid Waste Management Officials, urging us to reauthorize the Superfund program this year. The letter could not be more timely because last week, I along with Mr. DINGELL, Mr. HOWARD, Mr. ROE, and others introduced comprehensive Superfund reauthorization legislation—H.R. 5640—which you, Mr. Speaker, have assured us will reach the floor for a vote this summer.

This comprehensive, concensus bill addresses all of the concerns raised by the State environmental protection officials in their recent letter and I commend their views to my colleagues as we proceed expeditiously to consider this important legislation.

ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS,
Washington, DC, April 27, 1984.

MEMBERS OF THE COMMITTEE ON ENERGY AND COMMERCE,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: The Association of State and Territorial Solid Waste Management Officials urges you to reauthorize the Comprehensive Environmental Response Compensation Liability Act (CERCLA), more commonly known at Superfund, this year.

Our membership comprises the directors of State Solid and hazardous waste programs. They are the regulators who are closest to the pollution problems arising from abandoned hazardous waste sites. This letter briefly outlines the proposed Superfund modifications, more formally addressed in our CERCLA position paper (enclosed).

Superfund must be reauthorized with increased funding levels. Although a study recently completed by ASTSWMO revealed that there are 7,113 abandoned hazardous waste sites which require some form of remediary action, to date, EPA has placed only 546 sites on its National Priority List (NPL). At the present pace, this list can reasonably be expected to grow to 1,500 sites over the next five years. The NPL sites, because they pose the most severe health and environmental threats, would cost about $6 million each to clean up. To stabilize 1,500 of them, the Trust Fund would have to be expanded to at least $9 billion plus administrative costs.

The Superfund cleanup process will accelerate with increased State participation. States have been extremely active in site clean up activities. Since 1981, they have completed 350 short term cleanups as compared to 196 done by EPA. While the federal agency has terminated only 6 long term cleanups, the States have accomplished 33. Because health threats to a particular community are, in the final analysis, a State responsibility, States have a keen interest in seeing through a thorough and speedy neutralization of any threat to the surrounding population or environment.

However, a lack of resources and restrictions in the current Superfund law can hold back the States in their commitment to elimination of improperly closed hazardous waste sites. To the extent that resources are available, States are now taking concerted action to clean up hazardous waste sites and spills; yet, present funding and staffing levels are inadequate to address fully the environmental problems facing the States.

States indicate a need to increase technical staff (engineers and scientific specialists) by 84% to achieve optimal staffing levels.

The average State funding available in FY84 per site needing response is $66,836 (an average site clean up costs $6 million).

One third of the States now have no funds whatsoever for hazardous substance clean up programs, including monies for the required 10% match by States.

Specified times for completion of all remedial actions at NPL sites is unrealistic. Such mandated federal timelines for CERCLA may not be met even if USEPA could make the deadlines. Many States would not be able to come up with their 10% share in times outlined by proposed Superfund amendments.

The Association recommends that Superfund reauthorization modifications be directed toward:

Increasing funds available to the States: It is essential that States receive the funding they need to perform their Superfund duties and to take further action when EPA fails to do so. Funds must be made more readily available to the States through direct 90/10 grants or other funding mechanisms. § 114(c), which preempts State taxing authority, must be repealed.

The 5600 sites excluded from the NPL would not be eligible to receive Trust Fund money. Posing less of a threat than the NPL sites, these would cost an estimated $1 million each to clean up. This could be done by the States at a total cost of $5.6 billion. Including the required 10% State match or NPL projects, the total burden on the States would be $6.5 billion.

Reducing costs incurred by the States: States can not continue to be prime movers in the management of site stabilization if legislation forces them to pay penalties for adopting aggressive policies. The State match at sites owned/operated by a State should be reduced from 50 to 10 percent.

The possibility of future contamination at a site doesn't necessarily stop after remedial action is completed. States are responsible for post-action monitoring. The 90/10 funding arrangement should be extended for use to support post-remedial action operation and maintenance costs.

States should not be penalized for initiating site clean ups. When a State initiates a site clean up, it dips into its own pocket for funds. EPA, if it enters the process at all, often only joins with the States midway through the process. By that time, the State may have already spent more than its 10 percent share of the total cost of clean up. To guarantee that States don't lose the excess, they should be extended credit for the money, usable against further clean up at that site or at other sites within the State.

In conclusion, the record of States' accomplishments born out by ASTSWMO data indicates that if given the resources they need, our members are capable of implementing programs that can respond effectively to this nation's hazardous waste site cleanup, and augment the federal Superfund efforts.

Sincerely,
SUE MARKLAND MORELAND,
Executive Director.

CERCLA REAUTHORIZATION

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) has conducted a membership poll to reach a consensus position on provisions which should be included in any federal legislation introduced to reauthorize the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA, or Superfund). The following positions received the widespread support of State hazardous waste management officials.

REAUTHORIZATION AND EXPANSION OF THE RESPONSE TRUST FUND

The Hazardous Substance Response Trust Fund must be reauthorized for at least 5 years.

The amount of the Fund should be increased to at least $9 billion (plus an increment for operation and maintenance as outlined below) so that it can address the sites on the National Priority List, proposed sites and new sites yet to be proposed, as well as administrative cost to both EPA and the states in carrying out cleanup actions.

The Trust must be based on a stable funding source.

STATE PROGRAM SUPPORT

Funds must be made available from the Trust Fund to the states, through direct 90-10 grants or other funding mechanisms, to:

Support efforts to identify, assess, and investigate new sites; develop, implement, and maintain state contingency plans; provide additional staff for administration of a state program and state lead projects; support state health study efforts conducted in concert with or at the request of the Department of Health and Human Services; and support state enforcement activities at National Priority List sites.

Funds for staff support must be provided upfront and separate from site specific cooperative agreements.

50-PERCENT STATE MATCH

The 50 percent state match requirement for removal and remedial actions at sites owned and/or operated by the state or political subdivision thereof must be changed to 10 percent as with all other sites.

This modification must expressly apply to actions already initiated as well as future actions.

OPERATION AND MAINTENANCE COSTS

Authority must be granted for the Response Trust Fund to be used to support operation and maintenance costs at a site after remedial actions have been taken. A 10% state match requirement shall be used to help defray the cost to the fund of these activities.

The cost effectiveness analysis for the project should be based on the whole cost of the remedial alternatives—capital costs for construction plus operation and maintenance—and not just the cost of construction.

Operation and maintenance activities should be evaluated on a regular basis using risk assessment techniques to determine when these activities may safely be discontinued.

STATE FUNDS

The preemptive language of Section 114(c) should be removed.

HOW CLEAN IS CLEAN?

EPA, in close cooperation with the states, must be directed to develop a risk assessment methodology for evaluating hazardous substance facilities.

This methodology should be used as one of the factors for determining the most cost effective remedial alternative.

This effort should be completed in two years and be incorporated in the National Contingency Plan.

STATE MATCH CREDIT

The conditions under which states may generate credits which can be used to offset the state match requirement for remedial actions must be changed.

Changes should include: Extension of the time period during which eligible costs can be accrued to the date of actual initiation of remedial action; and use of excess state credit generated at one site to offset state match requirements at another site.

PETROLEUM EXCLUSION

The petroleum exclusion must be modified to allow the Response Trust Fund to be used to address threats or potential threats to public health, welfare and the environment caused by petroleum products.

HEALTH STUDIES

Funds must be made available under CERCLA to bolster the health study efforts being made at hazardous substance facilities

by the Department of Health and Human Services, Center for Disease Control.

HAZARD RANKING SYSTEM

EPA should be directed to modify the Hazard Ranking System to allow additional emphasis to be placed on environmental damage; and/or,

States should be allowed to add at least one site at which environmental damage has occurred to the National Priority List or a number of sites equal to 10% of the sites that state already has on the list (whichever is greater) regardless of how the site might otherwise rank.

IMMEDIATE REMOVAL

Through cooperative agreements, the states should be given the authority to spend up to $50,000 per incident from the Response Trust Fund for immediate removals.

TIME LIMIT ON CLAIMS

The three year time limit placed on the state's ability to seek damages or compensation from responsible parties for Fund sponsored action [Section 112(d)] should be removed or modified to start after rules or regulations adopted by the Department of Interior for assessing both short-term and long-term injury to destruction of, or loss of any material resources have become effective.

This modification should expressly allow claims initiated in the period after December 11, 1983 until the effective date of this legislation.●

ENTERPRISE ZONES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. GARCIA. Mr. Speaker, the enterprise zone legislation should be given a chance. Former Vice President Walter Mondale says, "lets try it." Senator HART submitted his own version of enterprise zones, and the idea is supported by the President. I have been working on my own enterprise zone legislation for 4 years, and now the time has come to put this experiment into place. I would like to submit for the RECORD a New York Times article entitled "Enterprise Zones Deserve a Test."

[From the New York Times, May 15, 1984]

ENTERPRISE ZONES DESERVE A TEST

The Senate has passed a tax bill that authorizes subsidies for 75 "enterprise zones" in depressed areas. The long nourished hope is that Federal tax relief might encourage industrial expansion where jobs are most needed. Though unproven, the idea is worth trying out at last. It can become law if a House-Senate conference agrees.

The idea, imported from Britain, grows out of an assumption that shaky but promising new ventures can be reinforced if relieved of the normal local and Federal tax burdens. The advantages of starting off in an under-employed community already served by water lines, sewers, power and police and fire protection are often less alluring to investors than untouched, low-tax regions without conspicuous social problems. But the nation and cities with high unemployment share an interest in creating jobs where workers are waiting and costly physical structures need not be built afresh.

If Congress finally moves on the experiment, it would offer substantial income-tax deductions for hiring and training unemployed workers, construction and new equipment in zones designated by states and approved by the Secretary of Housing and Urban Development. State and local governments would also be expected to subsidize the ventures.

Though some contend that this would benefit enterprises that do not really need tax concessions, the sponsors of existing state zones say that they create new and permanent job opportunities even without Federal tax concessions. If that is so, the economies that result from saving existing facilities and not relocating workers should offset the tax expenditures of creating more zones. The only sure way to find out is to try.●

HARRY S. TRUMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. SKELTON. Mr. Speaker, the many proclamations and statements I have received honoring President Harry Truman on the occasion of his 100th birthday illustrate the affection the American people have for this extraordinary man. I submit the following proclamations and statement for inclusion in the RECORD:

CITY OF BUFFALO EXECUTIVE CHAMBER PROCLAMATION

Whereas, Harry S. Truman was born on May 8, 1884, in Lamar, Missouri and moved to Independence, Missouri where he attended public schools, graduating from high school in 1901; and

Whereas, Harry S. Truman married Bess Wallace on June 28, 1919, and they were blessed with a daughter, Mary Margaret, born on February 17, 1924; and

Whereas, Harry S. Truman served our country in World War I as a member of the 2nd Regiment of Missouri Field Artillery, and as Battery Commander of Battery D in that Regiment; and

Whereas, Harry S. Truman first entered politics in 1922 as a Jackson County Missouri Judge and was elected to the United States Senate in 1934; and

Whereas, in January of 1945, Harry S. Truman became the Vice President to Franklin D. Roosevelt and 82 days later succeeded to the Presidency; and

Whereas, as 33rd President, Harry S. Truman brought an end to World War II and spearheaded the recovery of Europe, the formation of NATO and protected the people of South Korea from Communist forces; and

Whereas, Harry S. Truman's contributions to the United States and the world will never be forgotten, nor will his courage, wit, humanity and decisiveness,

Now, Therefore, I, James D. Griffin, Mayor of the City of Buffalo, do hereby proclam May 8, 1984, as Centennial of the Birth of Harry S. Truman Day, in the City of Buffalo and ask all citizens to observe this day in remembrance of his many accomplishments and dedication to freedom and democracy.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS PROCLAMATION ON THE CENTENNIAL OF THE BIRTH OF HARRY S. TRUMAN DAY

(By J. Joseph Garrahy, Governor)

Whereas, May 8, 1984 marks the 100th anniversary of the birth of Harry S. Truman, the 33rd President of the United States; and

Whereas, Harry S. Truman was born in Lamar, Missouri on May 8, the son of John Anderson Truman and Martha Ellen (Young) Truman; and

Whereas, First elected to public office in 1934, Mr. Truman served in the United States Senate and was the author of the Civil Aeronautics Act of 1938. He was reelected in 1940 and is noted for his efforts to alleviate taxpayers from excessive waste and extravagance in the World War II defense program; and

Whereas, In November of 1944, Mr. Truman was elected Vice President of the United States and served only 83 days in that office before he was called upon to succeed President Roosevelt after his death in April of 1945; and

Whereas, President Harry S. Truman saw the nation through one of the most critical periods in history. He guided the nation through the end of World War II and made the difficult decisions that ushered in the nuclear age; and

Whereas, President Truman was a champion in the area of foreign affairs and helped to establish our nation's policy in relation to the communist threat in Europe. Through the Truman Doctrine and the Marshall Plan, he assisted free peoples throughout the world in their pursuit of liberty; and

Whereas, He was also instrumental in the formation of the North Atlantic Treaty Organization which provided a collective security system for the people of Europe; and

Whereas, In 1948, Mr. Truman was elected to the Presidency and served our nation with distinction; and

Whereas, I urge all Rhode Islanders to join me in paying tribute to one of our most accomplished and admired Presidents—Harry S. Truman—in remembrance of his dedication, humanity, courage and leadership as President of the United States,

Now, Therefore, do I, J. Joseph Garrahy, Governor of the State of Rhode Island and Providence Plantations, proclaim May 8, 1984, as Centennial of the Birth of Harry S. Truman Day.

CITY OF SAN JOSE PROCLAMATION

Whereas, May 8, 1984 marks the one hundredth anniversary of the birth of Harry S. Truman, the thirty-third President of the United States of America, and one of this Nation's most respected Statesman; and

Whereas, Harry S. Truman was first elected to the United States Senate from Missouri in 1934; was elected Vice President in November 1944, and succeeded to the Presidency in April 1945 upon the death of President Roosevelt; and

Whereas, President Truman guided our country through the difficult conclusion of World War II, overseeing America's transition from a wartime to a peacetime economy; and

Whereas, President Truman was a master at foreign affairs, remembered for the Truman Doctrine, the Marshall Plan, and his assistance in the organization of the North Atlantic Treaty Organization and the United Nations; and

Whereas, President Truman became known as a firm and quick decision-maker—the man with whom the "buck stopped;"

Now, therefore, I, Thomas McEnery, Mayor of the City of San Jose, do hereby proclaim May 8, 1984, to be the "Centennial of the Birth of Harry S. Truman" and call upon the citizens of San Jose to remember this day and President Harry S. Truman for his many accomplishments and dedication to freedom and democracy.

CITY OF COLUMBUS, OH, PROCLAMATION

Whereas, it is one of the responsibilities of the Mayor of the City of Columbus, Ohio, to recognize occasions of outstanding significance; and

Whereas, Harry S. Truman, the thirty-third President of the United States, met the challenges bestowed upon America with integrity, wisdom and strength; and

Whereas, President Truman anchored the American principles of democracy and freedom by providing leadership with great courage during one of the most difficult and critical periods in the history of the United States; and

Whereas, May 8, 1984, marks the 100th anniversary of the birth of President Truman, it is fitting that we gather to pay honor and tribute to the memory of President Truman, his wisdom and courage:

Now, Therefore, I, Dana G. Rinehart, Mayor of the City of Columbus, do hereby proclaim May 8, 1984, as President Harry S. Truman Day, in Columbus, and urge all members of our community to join in recognition of this significant occasion.

AMBASSADOR OF
THE UNITED STATES OF AMERICA,
Tokyo, April 28, 1984.

DEAR IKE: Thank you for your letter of the 19th—just received.

Harry Truman: A straight shooter. He never passed the buck. When decisions had to be made, he made them. There were no excuses, or alibis; no ifs, ands or buts. He called them as he saw them. He was just an American doing his job as the average American thought it should be done .

We remember him with appreciation.

Sincerely,

MIKE MANSFIELD.

DIPLOMATS IN ATTENDANCE AT THE JOINT MEETING OF CONGRESS FOR THE TRUMAN CENTENNIAL—MAY 8, 1984

Ambassador Roberto Martines O.—Honduras.

Ambassador Peter Laurie—Barbados.

Mr. Fernando Neves—1st Sec., Portugal.

Guillermo Frizza—Paraguay, Dep. Ch. of Mission.

Ambassador Knut Hedemann—Norway.

Ambassador George Papoulias—Greece.

Ambassador Eisil Jorgensen—Denmark.

Ambassador Edison Gonzalez LaPeyre—Uruguay.

Ambassador Rosenne—Israel.

Ambassador Elekdag—Turkey.

Dr. Edison Gonzalez Lapeyre, Ambassador—Permanent Republic of Uruguay to the OAS.

Ambassador Anderson—Iceland.

Ambassador Lak Ednund—Antigua.

Marcella Mukasa, Charge D'Affair—Dominica.

Ambassador Keith Johnson—Jamaica.

Minister Juan Hose—Argentina.

Ambassador Cotton—Australia.

Dr. Fritz N. Cineas—Haiti.

Minister Theodor Wallau—Republic of Germany.

Mr. Jim Taylor—Canada.

Counselor Mark Pellew—United Kingdom.

Minister Murazumi, Dep. Ch. of Mission—Japan.

The U.S.S.R. also had a representative in attendance.●

JAPANESE TRADE THREATENS WORLD ECONOMIES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. FORD of Michigan. Mr. Speaker, last week my good friend and colleague from Michigan, Mr. DINGELL, spoke to key leaders of the United States and Japanese Governments and business leaders of both nations.

It was an address with special insight into the enormous world trade problems caused by Japan's massive and growing trade surpluses.

Entitled, "Japan, a Nation with a Global Strategy," the speech warned that economic structures of the free world face imminent and massive damage unless Japan's trade surpluses are brought under control.

Perceptively, Mr. DINGELL likened Japan to an "elephant in the world trade lifeboat."

I ask that Mr. DINGELL's speech be reprinted in the RECORD so that our colleagues may see how serious this problem has become.

REMARKS BY THE HONORABLE JOHN D. DINGELL, BEFORE THE WASHINGTON EXECUTIVE DEVELOPMENT GROUP, MAY 11, 1984

The title of this conference, "Japan, a nation with a global strategy" is a bold and provocative zone. It invites candid discussion of the big issues. That is highly desirable because I think the world economy and its trading system are in serious danger. One major reason for this is the fact that the second largest western economy, Japan, does not appear to understand that it is an elephant in the world trade lifeboat. Every move it makes affects the stability of the boat. If the boat is rocked too much it will sink—and the offending elephant will drown along with everyone else.

Japan is currently rocking the boat very severely. For the last three or four years it has been running a massive, and growing trade and current account surplus. The industrial bank of Japan has just completed a study projecting that Japan's cumulative surplus on its current account from 1983 to 1990 will be in the neighborhood of $400 billion. That is considerably larger than the surplus accumulated by OPEC during the 8 years from 1974 to 1982 which encompassed the two oil price jumps. There is every reason to believe that Japanese surpluses of this magnitude would have a similar impact on the economies of the rest of the world—and especially the industrialized world—as OPEC's did. In short, Japan's continuing and growing surpluses constitute an extremely aggressive act which is disrupting the world trading system, wrecking whole industries and throwing hundreds of thousands of people out of work around the world.

Whether or not the Japanese government actively seeks or desires these huge surpluses is beside the point: its persistent failure to bring them down constitutes an assault on its industrialized trading partners and on the trading system which binds them together. Sins of omission are just as serious as sins of commission.

So far Japan's trading partners have been remarkably patient—there has been a great deal of complaining and pleading but relatively little hard retaliatory action compared to the damaged which has been sustained. Most patient of all—or most supine—has been the U.S. We seem to have reversed Teddy Roosevelt's advice to speak softly and carry a big stick.

In reply to the world's complaints, the Japanese have offered minor technical or procedural "reform"—things like relaxing safety regulations for baseball bats. And they have also protested innocence—asserting that overt barriers like tariffs and quotas are no higher and often lower in Japan than in its trading partners.

These debating points may or may not be strictly accurate but they, too, miss the point. The point is that it is Japan's surpluses which are endangering the world's economies—not the technicalities of its trade barriers. Changing the technicalities or even reducing the nominal level of Japan's trade barriers is no use if the surpluses continue.

It is said that the great Houdini was once asked which sorts of audiences were the most difficult to fool. He replied that workers and farmers were, "because they don't listen to the words, they only watch the hands." I must confess that I share the same affliction: the camouflaging rhetoric doesn't mean a thing to me. I watch the hands and the bottom line. The bottom line is that Japanese trade surpluses are heading for OPEC like levels with OPEC like results for my district, my state and my country—especially its industrial heartland.

Ultimately an open world trading system cannot survive if one large renegade persists in exploiting it and abusing it at the expense of the other participants.

The time is clearly coming—in my view it has already arrived—when severe disciplinary action must be taken against Japan unless it gets its massive and destructive surpluses under control. European nations are already beginning to take these actions. Recently the British Minister for Trade spoke in Washington. As a strong conservative he discoursed at length about the virtues of free trade. In the question period, however, he was asked why, if his faith was so great, had he supported an explicit limitation on Japanese auto imports to 10% of the British market. Without the slightest hesitation or embarrassment he declared that the Japanese don't buy British goods—especially autos—so why should they be permitted to sell in Britain. An admirably pragmatic attitude, I think—and all the more so since it was voiced by a Minister and a government whose commitment to free market principles is beyond question.

As other countries increasingly take action against Japan, the U.S. market becomes the Japanese safety valve—which will concentrate the damage here.

The sooner we join the other industrialized trading nations and present Japan with a collective proposition—"either get your surpluses under control, or we will do it for you"—the better, not only for us—but for the world trading system as well and, ultimately, the Japanese themselves. No one, including Japan, would gain if the lifeboat

we are all in were to be tipped over by one unruly elephant. Which is what is in danger of happening if we continue to drift toward $400 billion of Japanese surpluses.

The Japanese are exceptionally energetic, inventive and pragmatic people—once they fully understand that the world simply can not and will not tolerate continued surpluses of current, let alone projected, magnitudes and that severe retaliation is in the offing, they will quickly find ways to buy more of our products or sell less of their own—or both.

But until they are convinced that the rest of us—and especially the U.S. which is the largest, most lucrative of Japan's cash cows—are prepared to back up our whining with serious action, Japan will continue to toss us palliatives and red herrings. Unfortunately, there are an awful lot of people in this country who are seduced by Houdini's words, chase his red herrings and don't watch his hands.

We hear lengthy debates about how high Japanese overt trade barriers really are—often concluding that explicit barriers like tariffs and quotas are no higher there than in most other countries, including our own. We hear lengthy discussion of exchange rates with some people accusing the Japanese of manipulating the yen downward, yet being unable to find overt evidence of such manipulation. Others claim the problem is here at home—with policies which keep the dollar overvalued. Undoubtedly there is some truth in all of these points. Certainly the dollar is overvalued, in large part because of disastrous policies pursued by the current Administration. Undoubtedly this is extremely damaging to U.S. trade and we must start doing something about it—hopefully after next November. But I notice that every other industrial country is also having problems with Japan very similar to ours, and their currencies are not overvalued. Further, I note that our deficits with Japan are far larger and more damaging than with any other trading partner—including the entire European continent—in spite of the fact that the dollar is just as overvalued against other currencies as it is against the yen. Our trade deficit with Japan was $19 billion in 1983—one third of our total deficit although our trade with Japan was only 14% of our total trade.

Of course, we understand that getting Japan's surpluses under control does not mean it would or should have perfect balance with every country. We understand the pressures on Japan as a resource-poor island nation which must import $100 billion worth of food, energy and raw materials. To earn this money Japan must have a surplus in traded manufactures. But there is no excuse for a surplus so vast that it far exceeds the need to finance food and raw material imports. Japan today does not merely have a surplus on trade in manufactures—it has a vast and growing surplus on its total current account. Though not quite so much as Japan, Europe is also relatively resource-poor and must import massive amounts of food, energy and raw materials. Yet our trade with this other major industrialized region was in rough balance despite the fact that the dollar is just as overvalued against European currencies as against the yen.

Japan has recently announced with some fanfare another package of allegedly liberalizing measures reducing tariffs on a number of industrial and agricultural products, improving import standards and certification procedures and reducing restrictions on the Japanese market for imported telecommunication services and products. This is all very nice and I certainly welcome these initiatives. But we have seen these sorts of packages before. I for one, have my eyes firmly on Houdini's hands and the bottom line. If her industrialized trading partners see Japan starting to buy more or sell less—and her surpluses decline—we will be pleased. If we see no significant change in Japan's trading habits, and her surpluses continue to grow, then our displeasure will also grow—and it is already getting dangerously close to the point of combustion.●

A SALUTE TO BISHOP CHARLES WATKINS AND THE PENTECOSTAL CHURCH OF CHRIST

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. STOKES. Mr. Speaker, it is a great honor and a pleasure for me to reserve this time to honor both a man of God and a man for all people—Bishop Charles William Watkins. Bishop Watkins is the pastor of the Pentecostal Church of Christ in my congressional district and the bishop of the fourth Episcopal District for the Pentecostal Church of Christ.

My good friend, Bishop Watkins, has used his faith in God and energies on behalf of both his congregation members and the poeple in the Cleveland metropolitan area. For over 20 years, he has been the motivating force in the Pentecostal Church of Christ in Cleveland and has labored unceasingly to make the church responsive to the needs of the community. Bishop Watkins is a teacher, author, preacher, leader, renowned musician, and good friend to people from all walks of life in the community.

On Sunday, May 20, 1984, the Pentecostal Church of Christ will conclude its fundraising drive with a "Victory Sunday" celebration. With that in mind, I think that it would be appropriate to share the achievements of Bishop Watkins and his great church with my colleagues.

Mr. Speaker, Bishop Watkins is a native of Hopewell, VA. However, by virtue of the fact of his 20-year residency in Cleveland and his vigilant efforts on behalf of community residents through the years, many Clevelanders consider him one of our own.

At an early age, Bishop Watkins became a Christian and actively participated in his church under the pastorate of Elder Solomon Sanders. He realized the magnitude of his musical talents also at a young age and began to use them in the church. Bishop Watkins formed many choirs and musical groups which brought his church notoriety on the east coast and throughout the South.

In 1943, he was inducted in the U.S. Air Force. Even though this resulted in a move away from his roots, Bishop Watkins never forgot his Christian upbringing and his commitment to sacred music. While in the Air Force, he formed a musical quartet that sang at the Sunday services.

Mr. Speaker, upon his discharge from the military, Bishop Watkins formed another quartet and while auditioning that quartet, he was discovered by one of the Nation's foremost record companies. His first gospel song, "Up In My Heavenly Home" became an instant hit and catapulted him into gospel stardom.

Today, Bishop Watkins is known as the father of contemporary gospel music. He has written and recorded over 70 songs and has served as the founder of several local choral groups.

Mr. Speaker, he also serves as the International Minister of Music of the Pentecostal Assemblies of the World, Inc., and is the founder of the church's Annual Music Workshop. As founder and principal instructor of this workshop, Bishop Watkins has worked to provide an opportunity for pastors, musicians, recording artists, choirs, and directors to apply their expertise in a ministry geared toward learning, excelling and sharing with others in a fellowship and praise.

Bishop Watkins is a pioneer and leader in the gospel music world. He is a giant in the Pentecostal Church.

In the city of Cleveland, Bishop Watkins has done a yeoman's job in terms of making the church responsive to the needs of the community. For him and for his congregation, the primary purposes are to serve the Lord and the people.

As the church members pause to celebrate their "50th Year Jubilee" and "Victory Sunday" on May 20, they have many reasons to give thanks. In my mind, they can give thanks for a man of the great vision and determination of Bishop Watkins. Through his dedication and initiative, the Pentecostal Church of Christ in Cleveland supports the Aenon Bible College, a crisis and counseling center, creative learning center and a hunger center.

Through these outreach ministries and services for the community, Bishop Watkins and his congregation have made an indelible mark on the community. They should be proud of their achievements. They certainly have been a source of pride for me and countless Clevelanders for many years.

Therefore, Mr. Speaker, I would like my colleagues to join me in saluting Bishop Charles Watkins and the congregation of the Pentecostal Church of Christ on the occasion of their "50th Jubilee Celebration" and "Victory Sunday."●

NASA FUNDING

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. AKAKA. Mr. Speaker, I want to take this opportunity to express my deep concern over the project funding profile and configuration of a program which will be a centerpiece for our space agency for the next decade—the space station initiative.

I am deeply concerned that this program not serve as a source of congressional infighting. I firmly believe that we must, as Members of the U.S. Congress, give a clear signal to the world that we are strongly committed to this new NASA initiative. From my vantage point, this means funding the program at its full startup level of $150 million for fiscal year 1985. I also think it is important that we make it very clear from the beginning that man's presence in the loop is not only desirable, but, in fact, is essential for the program to achieve its goals.

If you have been monitoring any international publications recently, you know that overseas, especially in those countries that cooperate with the United States in space, there is, quite frankly, great skepticism about America's commitment to building a manned space station. In March, the Administrator of NASA, Jim Beggs, visited Europe, Japan, and Canada to secure international commitments to participating in America's space station project. Jim Beggs was looking for a commitment of some $3 billion from our allies; although the concept of space station was met by great enthusiasm abroad, Europe, Japan, and Canada remained skeptical of precisely how serious this country really is about building a manned space station. It is clear that our allies will remain skeptical until they see the Congress support the space station initiative at the 100-percent level. There is real doubt in Europe, Japan, and Canada about whether or not the United States will commit its fiscal resources in the amount necessary to build a manned station.

Our allies remain skeptical and with good reason, for they remember their experiences with the United States on past collaborative space missions. In March 1979, for example, the United States signed a Memorandum of Understanding (MOU) with the Europeans to collaborate on the International Solar Polar Mission (ISPM). According to the MOU signed by the United States, ISPM was to include two satellites—a European spacecraft and an American spacecraft. When the time came to fund the project in 1981, funding for the second spacecraft was eliminated. The Europeans were fit to be tied and word quickly spread that the United States was not to be trusted when it came to promises of space collaboration. In some cases, the Congress undid what the U.S. Government promised to do; in others Congress refused to restore funding which was cut by an ill-advised administration.

We again made the same mistake in our effort to collaborate on the International Halley's Comet Mission. Having discussed possible collaborative missions abroad, we then failed to fund a U.S. effort. Needless to say, the international community saw this as proof positive of our lack of commitment to international collaboration.

This year we secured a commitment from the British to collaborate with us in the development of a new sensor for polar orbiting spacecraft used to monitor weather around the world. Called the Advanced Microwave Sounding Unit (AMSU), the sensor is already accounted for in the British budget process. The British, furthermore, are counting upon U.S. procurement and use of the system which is designed to be used with two polar orbiting spacecraft. According to sources close to the British Government, the status of their program will be compromised if funding for the second polar orbiter is not included in our budget. To date, we have no plans to fund the second polar orbiter.

The facts are very simple: Where international space collaboration and cooperation are concerned, we cannot afford to demonstrate a lack of financial commitment to our new programs.

It now rests in the hands of the U.S. Congress to reinforce the President's decision to pursue a vigorous program of manned exploration and exploitation of the solar system. It rests with the Congress to reestablish our credibility with our allies in the arena of space. It now rests with Congress to show the world that we are, in fact, committed to U.S. leadership in space and that we will not abdicate such leadership to the Soviets.

Essentially, by the action it takes on the space station project, the Congress will, whether we like it or not, send a clear signal to the world. Should the Congress cut funding for the station—a gesture which is largely symbolic, given the size, duration and scope of the project—or place unduly restrictive language in the bill funding NASA's programs, the Congress will be responsible for placing in serious jeopardy the potential for international cooperation in the space station program.

If we do not lead the free world in space, the Soviet Union will certainly try to fill that vacuum. You may recall that the Soviet Union already has a manned station in orbit around the Earth. A recent OTA study on the Soviet space station, as well as an article from Pravda, both bear full witness to the long-term Soviet commitment to man in space.

As you know, there are countless arguments and counterarguments in the debate on the necessity of manned space station. Reasons given for an unmanned station vary from the absurd to the arcane, but a common thread runs through all arguments in support of a manned station: In order to drive the program and to achieve full return on our investment, we need man's presence in the loop. A good example of man's efficiency in space can be found in the recent repair of the solar maximum satellite. Without the physical presence of man, that repair would have been impossible.

The space station will be used for materials processing, and for that man, too, is needed. While in many cases, machines are better suited to tedious and dangerous work, machines are very literal creatures and are, to date, incapable of the kind of creative problem solving, which in many cases, relies on intuitive deduction, rather than brute and unyielding logic routinely practiced by human intelligence.

For my part, after having attended several conferences on artificial intelligence and robotics, I can tell you that we are not even close to achieving a capability of artificial intelligence which even approaches man's ability to analyze and act.

One would never dream of committing oneself to plans to build a car in 1992 with technology which has not been developed yet; on the contrary, were one to begin the design now of a car for production in 1992, one would begin the design of the car with technology we have today, and then develop new technologies during the program's development period. One would make sure that as new technologies came on line, our design would be flexible enough to accommodate those emerging technologies. This is exactly what NASA will do with the space station program. I am confident that the program will spur the development of new technologies, just as all of our investments in aerospace always have.

I strongly believe that the Congress must give the free world a clear signal that we will embark on this exciting new project. As such, the symbolism of funding in fiscal year 1985, the first year of the new program, becomes critically important. Any cut in the program will surely result in a clear message to our allies that they do not have to take our program seriously, because we do not. I am deeply concerned that we not give the free world the message that we are not serious about this new program. Our ability to negotiate significant international participation in our space station program depends upon our ability to convince

our allies that we will fund the program to its completion.

Of course there are questions, and very legitimate questions, about why we want a space station to begin with. Let me take a moment to address these.

I believe that we want a space station because we need a space station if we are to lead the free world in space and high technology. Traditionally, the space program has driven our technology base; investing in our space program has also strengthened our economic base. For every $1 we have invested in space and space-related technologies, we have received a return of anywhere from $7 to $14.

Not only does investing in the space station represent a serious commitment to developing our technology base, but a station is also the next logical step in our space program. A space station, in addition to serving as a materials processing center, will also serve as a vital node in our space transportation system, and will function as a stepping off point for ventures and points well beyond its low-Earth orbit.

These ideas are not new, and perhaps NASA has not done a very good job of explaining why a space station is an essential part of our space program right now. It was as long ago as 1969 that a Presidential advisory panel recommended building a space station as a prelude to a manned mission to Mars. Published in September 1969, the document was called the "Post Apollo Space Program: Directions for the Future." The document called for a space station in Earth orbit as early as 1971 and as late as 1977, a station in lunar orbit as early as 1976 and as late as 1981; and, a manned Mars mission as early as 1981 and as late as 1986. Already, we are behind.

I am convinced that now is the time to start building that future.

In closing, I ask my colleagues on both sides of the aisle to give important project the full-first year funding of $150 million it deserves, unless we are dead set on discouraging international participation in the project.●

THE 41ST ANNUAL COMMEMORATION OF THE WARSAW GHETTO UPRISING

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. GREEN. Mr. Speaker, on Sunday, April 29, 1984, I attended the 41st annual commemoration of the Warsaw Ghetto Uprising held at Temple Emanu-El in my district.

Benjamin Meed spoke at this event. I was deeply moved by his remarks and wanted to share them with you.

Mr. Meed was born in Warsaw, Poland. He is a graduate of the Warsaw School of Business. During World War II, he and his wife Vladka were active members of the Warsaw Underground. They assumed many dangerous missions on both sides of the ghetto walls.

In May 1946, the Meeds arrived in the United States where they have made their home.

As president of the Warsaw Ghetto Resistance Organization (WAGRO) for the past 8 years, Mr. Meed has elevated it to be one of the best known Jewish organizations nationally, around which people from every walk of life rally in remembrance of Jewish wartime sacrifice and heroism. The organization's annual commemoration of the Warsaw Ghetto Uprising has become a major event, attended annually by approximately 20,000 people, and an honored tradition, attended by major civic and communal leaders, irrespective of creed and national origin.

Mr. Meed serves as a member of the United States Holocaust Memorial Council cochairman of the "Days of Remembrance." He was the vice chairman of the World Gathering of Jewish Holocaust Survivors, held in Israel and he was the national chairman of the American Gathering of Jewish Holocaust Survivors. He is a member of the Council of Yad Vashem in Jerusalem and is a member of the Board of Governors of Haifa University.

Mr. Meed serves as president of the World Federation of Jewish Fighters, Camp Inmates & Nazi Victims. He is on the board of the Greater New York Conference on Soviet Jewry and is a member of the board of directors of the Jewish Daily Forward, radio station WEVD. Mr. Meed's principal devotion is to assure the remembrance of those who perished in the Holocaust.

His speech follows:

My dear friends—we are together again! We are here to remember!

For forty-one years, we have gathered on the anniversary of the Warsaw Ghetto Uprising to remember our 6 million Kedoshim. For many years, it was survivors alone who remembered. We kept reliving our nightmares in the hope that the world would pay attention to our past, and now, the world has heard our story.

People have started to understand that what happened was real. They took greater notice of the survivors when we testified collectively. Then the world began to take seriously our tragic experience—and to heed our warning.

Or perhaps it is because all humanity is frightened that in 1984, the tragic lesson which we Jews experienced, can happen again—this time on a cosmic scale—to all people.

It took us a long time—almost an entire lifetime—41 years—but today we are no longer alone.

And it is all because survivors kept faith with the final commandment imparted to us by the Kedoshim! Zachor—Gedenk—remember!

We accepted that obligation and took it with us to our adopted homes throughout the world. In Israel or Argentina—in Sweden or France—throughout the United States and Canada—survivors remember. How can we forgive and forget? How can we allow others to forget? How can we forget how betrayed and isolated we were by the high and the mighty—and the ordinary people?

Today they say they did not know. How could they not have known? On the cattle cars to Auschwitz and Treblinka—throughout Poland, Czechoslovakia and Hungary—for on the way to death, we criss-crossed all of Europe—day after day after day—screaming for help in Yiddish and Polish—Greek and Ukranian—Dutch and Flemish—Russian and French. And the world would not listen as we were herded together from the four corners of Nazi Europe to be murdered—only because we were Jews.

We Jews now speak other languages. And on Yom Hashoah we gather from every part of the world—to remember together! And Jews are united—not by death—but by memory and by a love of Israel.

To us survivors, Israel is not only a political entity—a homeland—but a dream—a haven—a bright beacon of light in a world desperate for hope.

And yet we are still afraid—but it is a different fear. Those who were fortunate enough not to have experienced the Holocaust, do not and cannot understand how we survivors feel when we see how our tragic past is remembered by others. We are deeply hurt when we see the way the Holocaust is portrayed as only dead bodies—piles and piles of corpses and massive graves. We survivors shudder—for in a way we fear that Hitler succeeded because the world is not aware of the vibrant Jewish life that was before the Holocaust—or of the cultural heritage of 1,000 years of Jewish history in Europe. It does not hear the songs of the Sthetl—the theaters of Warsaw—the Yeshivot of Vilna—the Hasidim of Belz—or the poetry of Lodz and Krakow.

All it recognizes is death. Yet we remember the life which was destroyed—the world that is no longer.

And we think of—not only the past—of the future. To you—our children assembled here, we would like to entrust our memories—as part of our last will and testament. You are the last generation to be blessed with the memories of the survivors—the living witnesses to the kingdom of night. This is your heritage which we are transmitting to you. You must know your roots. You must remember that your very birth was testimony of the triumph of hope over despair—of dreams over pain.

We are still asking the questions—How did it happen? Who failed? What failed? Where were the Jewish leaders? But these questions should not distract our attention from the real murderers—the Germans and their collaborators—or from the profound failure of world leaders and church leaders. Their silence has yet to be judged by history.

We also want to protect the truth from innocent and well-meaning people who speak only of the good—of the rays of hope and goodness—the righteous gentiles whose memories we cherish with gratitude. But what was the reality? For every righteous person, there were thousands upon thousands who collaborated or who shared the enemy's desire to murder the Jews—or who at best, stood idly by and did nothing.

Let us remember the Holocaust as it was. It was painful. It was bitter. It was ugly. It

was inhuman. But it was real. Let us not permit it to be diluted or vulgarized. Let us not diminish its meaning by treating every event in human history—every instance of human suffering or discrimination as a mini-holocaust.

You, our children, did not know your grandparents. But we knew them—our parents and our grandparents. We, at the age of 10, had already lived a lifetime. At the age of 15, we were adults—adults with responsibility—for ourselves and for others.

The short time that we had as children in our homes with our families, gave us strength and values for an entire lifetime. It formed the core of our love for the Jewish people and of Israel. It gave us the morality of Yiddishkeit and Menchlichkeit for the rebuilding of our lives.

Over the past three years, survivors have gathered on two occasions—once in Jerusalem, where we took an oath before Jewish history, that the memory of our past would not be forgotten. We proclaimed our link with the State of Israel and the continuity of Jewish history. We demonstrated that Jews are responsible for each other—no matter where they may be.

And the second time we gathered—20,000 strong—in Washington—in the presence of the leaders of our nation—to testify to Americans of all colors, races and creeds, that the Holocaust did happen and to warn that another genocide must not happen again—ever!

We survivors know that time is growing short, we are getting older. We need each other more than ever before, and we need you—our children and our fellow Jews, and gentiles.

For the sake of the future—as well as the past—let us remain together and remember together.●

PUTTING THE STOPS ON THE RUSH TO SPEND

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. WALGREN. Mr. Speaker, now that we have passed the midpoint in the fiscal year with the deficit continuing to mushroom toward $200 billion, it is time to call attention to the annual ritual of agencies racing to spend billions of Federal dollars before the end of the year. Over the years, there have been a stream of reports that Federal agencies hastily spend taxpayer dollars in a use or lose mentality at the end of the year to be able to justify to Congress the need for equal or more funding for the subsequent year. Clearly this is wrong.

Today I am introducing a bill to attempt to put a stop to yearend flurries of spending. There are several things wrong with these practices. First, agencies have a responsibility to manage public funds prudently within the law, spending only such sums that are justifiably in the public interest. By appropriating any amount of money, Congress does not give an agency a blank check or a green light to spend for spending's sake. There is no mandate for agencies to spend their appropriation completely, just to get rid of it.

Second, rushing to spend at the end of the year frequently involves shortcutting standard Federal procurement policies designed to foster careful, thoughtful—and usually, competitive—decisionmaking. Circumventing standard procurement policies often results in noncompetitive awards and thus has the Government paying higher prices. In other words, if an agency does not have time to award grants and contracts competitively, the taxpayer has no guarantee of securing the best product for the lowest price.

Yearend spending has been around for a long time. In 1965 President Johnson cautioned agencies:

When an agency speeds up spending in the last few weeks of the fiscal year, in the absence of clear and compelling reasons, the practice looks like an attempt to use up funds which otherwise would lapse. We cannot expect our employees to believe that cost reduction efforts are serious if they see evidence of opportunistic spending in the last days of the fiscal year.

The General Accounting Office has issued at least eight reports of agency abuses. Last year, the Defense Department unloaded $4.2 billion on the last day alone. The Associated Press reported:

The Defense Department, like other government agencies, hates to have money left over at the end of the fiscal year. So when the Pentagon faced the end of the government's fiscal year at midnight Friday, it went on a one-day, $4.2 billion shopping spree.

Veteran Pentagon observers said it was the largest single-day defense expenditure since American fighting in the Vietnam war ended.

To avoid having to return any of its fiscal 1983 appropriation to the Treasury Department, the Pentagon awarded 234 contracts and wiped out what would have been a surplus. The bare-bones descriptions of those last-minute contracts covered 29 pages.

By contrast, the Pentagon normally announces two dozen to four dozen contracts every working day. For example, the previous Friday, 40 contracts were let with a total value of $777.3 million.

An April 1983 GAO report on several questionable spending projects reported the following fourth quarter surge in spending:

During fiscal years 1980 and 1981, fourth-quarter funding at Langley Air Force Base accounted for over 60 percent of the annual funding for contracted maintenance and repair projects.

At Miramar Naval Air Station, over 40 percent of the annual program funds were obligated in the fourth quarter during both 1981 and 1982.

At the Army's Training and Doctrine Command, 44 percent of the 1982 program funds were obligated in the fourth quarter.

As the GAO concluded, some projects were of questionable need and probably would not have been funded without the administrative pressures of a closing fiscal year. Also, some open-end maintenance and service contracts were increased significantly for work that would not start until well into the next fiscal year:

At Fort Stewart, yearend funding was used to construct a $92,000 bicycle path when backlog projects, such as repairing a rotary wing apron ($25,700), widening and resurfacing streets ($88,900 and $33,500), and upgrading electricity in eight buildings ($38,000), appeared to be more mission essential.

USAREUR received $10.5 million at 9:30 p.m. on September 30, 1982, from Army headquarters to fund several projects for which bids had been received.

A Navy official at the Oceana Naval Air Station told us he expected the end-of-the-year funding and had requested bids for maintenance contracts that were worded so they could be awarded in September of fiscal year 1982 if funds were not received. Those contracts alone totaled $601,409. Included were six open-end service contracts, totaling $274,000, for which 1982 funds were obligated, but from which services will not be received until fiscal year 1983.

There have been several efforts in Congress to change this practice, but none has become law. We need a strong, clear mandate from Congress covering all agencies.

The bill I am introducing today is very simple: It limits the amount an agency can spend during the last 2 months of a fiscal year to 20 percent of the agencies annual appropriation. At the end of each fiscal year, each agency must report to Congress whether this requirement has been met and, if not, why not. The bill would provide for waivers from the 20 percent limitation in the case of entitlement programs like social security and veterans benefits and for emergency expenditures affecting the protection of human safety and property like earthquakes.

As the Reagan administration leads us toward economic ruin with its $200 billion unprecedented deficit—the largest in the Nation's history—it is time to bring some attention to the executive branch's power to control spending and do its part to keep Federal spending under control.●

LAY OFF COSTA RICA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Ms. KAPTUR. Mr. Speaker, for the last 36 years Costa Rica has been an island of relative tranquility in a sea of political and social turmoil. Costa Rica, sometimes referred to as the "Switzerland of Latin America" is a democratic nation which has consistently respected human rights and has made substantial strides toward reducing poverty. Furthermore, Costa Rica dissolved its standing army in 1948 and has since settled disputes by political

means rather than by military coups and death squads.

Recently, events and forces outside of Costa Rica have threatened its stability. It would surely be America's loss, as well as Costa Rica's, if this stable and democratic country became embroiled in the widening war in Central America. Joseph Eldridge of the Washington office on Latin America analyzed some of the events and forces affecting Costa Rica in a recent op ed piece which appeared in the New York Times. I commend this article to my colleagues.

[From the New York Times, May 14, 1984]

LAY OFF COSTA RICA

(By Joseph Eldridge)

WASHINGTON.—Costa Rica is being ensnared in the widening Central American War. Border clashes with Nicaragua combined with considerable pressure from the State Department are pushing this small democracy, which boasts a unique history of civilian government and neutrality, to take sides and fight against its neighbors. In this, the Reagan Administration is pursuing an ill-considered and ultimately self-defeating policy that threatens to destroy the only truly stable and democratic enclave in Central America.

Costa Rica abolished its armed forces 35 years ago in what Don José Figueras Ferrer, the leader of Costa Rica's 1948 revolution, called a gift of "love of civility, democracy and institutional stability" from Costa Rica to a Latin America dominated by military regimes. With a wooden hammer, he struck one of the parapets of the fortress Bella Vista, the country's main army barracks, and gave it keys to the minister of Education.

What has happened now to challenge this neutrality? The activity of anti-Sandinista guerrillas based in Costa Rica has become more provocative in recent weeks. Skirmishes between Sandinista troops and rebels led by former Sandinista fighter, Edén Pastora Gomez, in southern Nicaragua, have spilled over the Nicaragua-Costa Rica border. With tensions mounting between the two Governments, last week the State Department made public what it describes as an emergency request from Costa Rica for more miltiary aid from the United States.

In fact, for some three years now, the Reagan Administration has been pressuring Costa Rica to abandon its non-military tradition and join the White House's anti-Sandinista crusade. In 1981, Jeane J. Kirkpatrick, the United States representative to the United Nations, reportedly told Costa Rican officials that continued United States economic aid would be predicated on the creation of an army. United States military authorities have encouraged Costa Rica to join Condeca, a Central American strategic anti-Communist military alliance, and have urged the country to participate in United States maneuvers in Honduras.

So far, Costa Rica has refused. President Luis Alberto Monge did initially bow to the Reagan Administration's pressure last fall to accept 900 United States "combat engineers," ostensibly to work on needed roads and bridges. But a major political crisis ensued when the Costa Rican public learned that the United States brigade would be deployed along the troubled Nicaraguan border and would carry equipment more suited for combat than road-building. The plan was subsequently vetoed by the Costa Rican legislature.

More recently, this winter, Costa Rica did put in a request for increased military aid. But according to the Minister of Public Security, Angel Solano, it was merely a request for new equipment for the country's small civil and rural guards, and was submitted as early as Feb. 1—not, as the State Department has implied, in response to recent border clashes.

The Reagan Administration's interest in Costa Rica is not hard to understand. As a draft State Department report noted last week, increased military aid for Costa Rica could "help shift the political balance in our favor on Nicaragua's southern flank." With Honduras already a willing United States ally, a militarized Costa Rica would complete the circle of hostility.

In reality, however, the inclusion of Costa Ricans in the ranks of a regional army would enhance neither United States nor Costa Rican security. For the United States, Costa Rica's neutrality is a stabilizing force in a region increasingly shaken by war. For Costa Rica, it would be utter folly to succumb to the pressure to militarize is rural guard and police. Participation in the growing confrontation in Central America would probably destabilize Costa Rica and imperil the legacy of peace and social progress that has given it a unique place in the region.

Instead of arming Costa Rica, the United States should heed Mr. Solano's comment last week: "For the love of God, with $8 million are we going to start a war with Nicaragua, which probably spends $1 billion? We have no interest in creating an army in Costa Rica." The United States should be urging Costa Rica to pursue negotiations with the sometimes reckless Sandinistas. Talks aimed at creating a demilitarized zone along their common border would ease tensions, reduce the threat of war and coincide with the spirit of Contadora's regional diplomacy.

Surely even the Reagan Administration can understand that such an initiative would be another gift of "love of civility, democracy and stability" from Costa Rica to the rest of the hemisphere.●

RENOUNCE THE YALTA EXECUTIVE AGREEMENT

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. CORCORAN. Mr. Speaker, on November 18, 1983, I introduced House Joint Resolution 435 renouncing the 1945 Yalta Executive Agreement. On February 2 of this year, Senator ROBERT KASTEN introduced Senate Joint Resolution 226 renouncing Yalta in the Senate. I have since been informed that thousands of signatures calling for the renunciation of Yalta from all across the country are being sent to the House Foreign Affairs Committee. The distinguished chairman of the House Foreign Affairs Committee, Mr. DANTE FASCELL, can surely confirm the receipt of these petitions.

Actions in support of renouncing Yalta are being organized in various parts of the country—in New York, New Jersey, Massachusetts, Michigan, Illinois, Wisconsin, Washington, California, Ohio, and many other States. During dinners in Illinois and California, I heard one captive nation representative after another call for the renunciation of Yalta. In Cleveland, OH, the city council unanimously proclaimed March 3, 1984, "Renounce Yalta Day" in that city. Six different ethnic groups took part in festivities that day, all calling on the U.S. Congress to renounce Yalta.

To understand how much the renunciation of Yalta means to these freedom-loving Americans one need only look to a few of the many U.S. captive nation publications. These newspapers constantly print articles and editorials calling for the renunication of Yalta.

Anyone even remotely familar with Yalta is well aware that this agreement was a sellout, a tragic error, a disgrace, and a very dark chapter in the history of this country. This blunder is being magnified because now, 39 years later, many still do not have the courage to deal with it. Some of us in this Government have even gone so far as to say that Yalta was a good agreement. Frankly, this shows either a complete lack of knowledge about the agreement, or a complete lack of commitment toward freedom for captive nations.

At Yalta, representatives of the United States and Great Britian recognized governments and borders, according to the wishes of Josef Stalin, for countries that were not represented, whose leaders were not even consulted. For example, at Yalta, a small band of Soviet puppets, with no popular support, was recognized as a base for forming a new government in Poland, and was given the responsibility of expanding and holding free elections. This, in fact, guaranteed that there would be no free elections in Poland, and that instead Poland would be placed under Soviet domination. In the meantime, the protests of freely elected democratic Polish leaders, who served as our loyal allies throughout World War II, were completely ignored. Yalta determined the fate of several countries which were not represented, nor even consulted, and whose protests were completely ignored. For Stalin, indeed this was a good agreement, but not for representatives of democratic countries who believe in the principles of freedom, independence, and self-determination for all nations.

I also understand that some Representatives in the House argue that, while Yalta may have been a bad agreement, we should not cancel agreements. If that is the case then this shows that we do not honor our Constitution, the Atlantic Charter, or basic international law, because Yalta

serves as a complete contradiction to such documents and principles.

If Yalta is to be upheld by our votes, or even by our silence, during this session of Congress, then I submit that the captive nations of this world have been betrayed again. I also believe that it will represent a defeat for all the people of this world who believe in the right to freedom, independence, and self-determination.

As I have mentioned before, I consider House Joint Resolution 435 to be a bipartisan resolution. While it was a democratic administration that signed Yalta, hardly a Republican leader voiced objection to it at that time. Now that the opportunity has come to correct the tragic error committed at Yalta both Democrats as well as Republicans should express support for the fundamental values and principles that all of us share.

Czechoslovakian, Estonian, Hungarian, Latvian, Lithuanian, Polish, Romanian, and many other captive nation Americans—as well as many other freedom-loving Americans—are waiting for our answer. The people presently suffering in these captive nations also await our answer. Freedom-loving people around the world await our answer. They are waiting to see if we truly believe in the principles of freedom, independence, and self-determination, or if we believe in the spirit of Yalta, and the suffering that it has left behind.

The Polish-American community, the struggling people in Poland, the entire American captive nation community, and the people of every captive nation are not asking for our blood or any personal sacrifice. All they are asking for is to hear the U.S. Government say that America believes in freedom, independence, and self-determination for all nations, without exception.

On behalf of the Pomost Socio-Political Movement, and the numerous other political and human rights organizations which have been raising this issue throughout the country, I appeal to each and every one of my colleagues who have not already done so to cosponsor House Joint Resolution 435. I also urge the distinguished chairman of the House Committee on Foreign Affairs to hold hearings soon on House Joint Resolution 435.

At this time, if there are no objections, I request that the Cleveland City Council resolution proclaiming March 3, 1984, as "Renounce Yalta Day" in Cleveland be entered into the CONGRESSIONAL RECORD as an example of sincere concern for the captive nations of the world. Thank you.

CITY OF CLEVELAND

RESOLUTION No. 360-84

For Councilmen John J. Lynch, James Rokakis and John M. Zayac.

By Councilmen Barnes, Bolden, Burten, Cannon, Ciolek, Forbes, Johnson, Jones, D. Kucinich. G. Kucinich, Lewis, Lynch, Miller, Polensek, Rokakis, Smith, Turner, Westbrook, White, Woods, Zayac.

Whereas, Cleveland City Council is most sincerely pleased to note that on Saturday, March 3, 1984, the Renounce Yalta Committee has designated this date as Renounce Yalta Day-Cleveland; and

Whereas, during World War II, representatives of the United States took part in secret agreements and understandings concerning other peoples who were not represented. For millions around the world, especially those residing in Central and Eastern Europe, the 1945 Yalta executive agreement is particularly associated with alleged United States aquiescence in the enslavement of entire nations under a Soviet totalitarian system of government; and

Whereas, Pomost and the Committee in support of Solidarity denounce the negative aspects of the Yalta Agreement and declare it should no longer be recognized or binding; and

Whereas, because, the Yalta Agreement did not bring about peace and security for the peoples of the world instead resulted in Soviet enslavement of the unfortunate peoples of Latvia, Lithuania, Estonia, Hungary, Poland, the Ukraine and Romania; and

Whereas, it is appropriate for the citizens of the United States who, in accordance to the principles upon which this Nation was founded, to express their opinions of Soviet depositm and renounces that which seemingly supports it; and

Whereas, the suppression of the peoples of Central and Eastern Europe, as well as elsewhere around the world is deplored and castigated; and

Whereas, manifestation of this protest to the terms of the Yalta Agreement will be made dear by raising the flags of Estonia, Latvia, Lithuania, the Ukraine, Hungary, Poland and Romania on March 3rd, 1984, at 11:00 A.M., at Public Square; now therefore,

Be it resolved, that Cleveland City Council declares March 3rd, 1984, to be Renounce Yalta Day in Cleveland, Ohio, and wishes Pomost and the Committee to Support Solidarity success in their on-going struggle against the suppression and enslavement of the peoples of the world.

Be it resolved, that the Clerk of Council be and she hereby is requested to transmit a copy of this Resolution of Congratulations to Councilman John J. Lynch for proper presentation.

Adopted February 23, 1984.

GEORGE L. FORBES,
President of Council.●

IN COMMEMORATION OF THE CITY OF DOWNEY'S NEW CIVIC CENTER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. ANDERSON. Mr. Speaker, this Saturday, May 19, a grand celebration will be held in the city of Downey, CA, to commemorate the opening of their new $8.8 million civic center.

The new civic center, in which construction began in July 1982, consists of a three-story city hall, a police department building, and a city council chambers. Combined, these new facilities will provide approximately 80,000 square feet in new office and meeting space.

As briefly described in Downey's community newsletter, "Communicator":

The new City Hall features an open space architectural design. The liberal use of glass and lushly landscaped atriums can be found in both the Police and City Hall facilities. Planning, Building and Safety, Fire Prevention, and Cashier will be conveniently located at public counters on the first floor. Construction and Traffic Engineering, Personnel and Recreation Services will be offered on the second floor. The City Council, City Clerk, and City Manager's offices are found on the third floor.

The Police Department is housed in its own building and will feature a modern law enforcement operation dedicated to the protection of Downey's 84,000 residents.

A City Council Chamber, the site of various public meetings, will seat an audience of 156 and rounds out the new Government Center.

Mr. Speaker, the new Downey Civic Center is a shining example of cooperation and action at the local level. I would like to pay special recognition to Hon. Robert G. Cormack, mayor of Downey; Hon. Theodore H. Jackman, mayor pro tem; Hon. Randall R. Barb, council member; Hon. Bob Davila, council member; Hon. James T. Quinn, council member; and Robert R. Ovrom, city manager. Commendations are also in order for the Second Century Foundation, a citizen's committee, in helping coordinate Saturday's activities and supporting the project through its development stages.

My wife, Lee, joins me in congratulating all of Downey's residents on this special day and we know that the new civic center complex will be a shining jewel in the city's crown for many years to come.●

IN HONOR OF OUR NATION'S PEACE OFFICERS

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. RAY. Mr. Speaker, today marks the start of Peace Officers Memorial Week throughout our Nation. I want to take a few minutes today to pay tribute to the men and women who hold the front line against crime in America—our peace officers.

The increase in crime and the seeming invulnerability of criminals has become a major issue in America as our people see their security in their

homes threatened. Too often, the pages of our newspapers are filled with reports of meaningless and random violence, and fear has begun to stalk the streets of even our smallest communities.

In these times, when the war against crime has escalated, the role served by our police officers must be recognized and appreciated.

The men and women who choose to serve our country by protecting our peace here at home are a special breed. They work long hours under often inadequate conditions; they face constant danger and receive few rewards and little compensation for the great service they perform in our communities.

In this technological era, much attention is given to the new state-of-the-art methods and equipments used by many police departments. However, in the final analysis, it is the hard work, discipline, and expertise of individuals that brings our lawbreakers to justice. We must not forget that plain, old-fashioned police work is still what catches our criminals and keeps our communities safe.

During this week set aside to honor our police officers, I would like to see our Nation pause for a moment and reflect on the great debt we owe those who protect and serve us. It is certainly not an easy life, nor one with many material rewards. However, the gratitude of the community should be apparent every day to our men and women in blue.

Each police force and each department across our Nation deserves to be honored this week. But, I want to highlight for a moment a police department that I am very proud of—the men and women of the Columbus Police Department in Columbus, GA.

Columbus is not a high crime city. However, like any urban area, the war against crime must be constantly fought. The people we have serving in Columbus are of the highest caliber and are truly dedicated to the safety of the community. There is a tremendous sense of camaraderie and appreciation between the citizens and the police force, as should be in every community.

Requirements and qualifications for the officers are kept at high levels, and support from the city is constant. The harmonious relationship between the citizens and the police force is a major deterrent to crime in the area and the record of the Columbus Police Department is well known and highly respected.

In Columbus this week, ceremonies will be held to salute those officers throughout the State of Georgia who gave their lives this year in the line of duty. Among those honored will be Officer Thomas M. Bowen, of Columbus, who was shot and killed while chasing a robbery suspect. Officer Bowen's untimely death was a great tragedy which brought home, once again, to the people of Columbus the tremendous risks which our police men and women face daily.

Officer Bowen's death was a shadow over the entire community and each citizen of Columbus personally felt the loss of this young life. We cannot forget that this man gave his life to protect the security of each one of us, and that this sacrifice is a debt that can never be repaid.

Instead, our gratitude and homage to Officer Bowen, and to the others who died to protect us, must be shown through our commitment as citizens to making the job of peace officers as safe and as easy as possible. Whatever service we can perform for them will never repay the debt we owe for their lives of dedication.

In closing, Mr. Speaker, I want to take a moment to list the other members of the Columbus Police Department who, like Officer Bowen, made the ultimate sacrifice for the citizens of Columbus:

James N. Bowers, died April 4, 1979.

Billy R. Watson, died December 28, 1976.

Robert G. Vining, died April 21, 1976.

Jack Boone, died February 15, 1973.

Sumpter Burns, died November 6, 1946.

Harry C. Gibson, died April 6, 1943.

Ernest S. Evans, died October 25, 1935.

William G. Pate, died February 5, 1921.

Charles B. Harvey, died May 1920.

J. W. Stokes, died May 1920.

N. Harry Gibson, died September 12, 1915.

Marion Marchant, died April 12, 1911.

N. G. Osborn, died January 31, 1901.

Richard M. Adams, died October 14, 1896.

William Jackson, died October 14, 1896.

Charlie Roberts, died October 14, 1896.

Also during this special week of commemoration to peace officers who have given their lives for their communities, I want to pay special tribute to Gary S. Pricher, a police officer with the Tampa, FL, police department who lost his life in November 1983. Gary was married to a dear friend of mine, Cheryl Benson Pricher, who is originally from Savannah, GA.

He was dedicated to his work.

He was dedicated to the end.

To all these men, and to the men and women throughout our country whom they represent, let me offer our Nation's gratitude and honor for their service.●

POLICE MEMORIAL DAY

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. DAUB. Mr. Speaker, today is Police Memorial Day and an appropriate time to recognize the outstanding public service performed by policemen and women throughout the country.

Our successes in fighting crime in this Nation can be credited to the ever-increasing professionalism of our police forces. Our law enforcement personnel are clearly the best in the world. Within the strict parameters established by the Constitution, our police do an outstanding job of protecting our communities, assisting those in trouble, and saving lives.

This is a day to especially remember and honor those police officers who gave their lives in the line of duty. Theirs was the ultimate sacrifice and one that we shall never forget.

It is indeed a privilege to commend our Nation's police men and women for their exceptional efforts in our behalf and to thank them for dedicating themselves to the highest standards of public service.●

FRANCIS SCHAEFFER—A LATTER-DAY PROPHET

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. KEMP. Mr. Speaker, I rise to inform the House of the death of Francis Schaeffer this morning in Rochester, MN, from cancer. He was 72 years old. Dr. Schaeffer was a philosopher/theologian who spent most of his life communicating the Christian message in the midst of the atheism and humanism of the 20th century.

Dr. Schaeffer was a prolific author whose books attempt to give a historical perspective on the fundamental Christian truths, and to contrast these truths with the great philosophical movements of history. But his books are not difficult-to-understand philosophical treatises; they reflect a concern with the quality of life among those who profess the Christian faith.

Some of his books include "Escape from Reason," "The God Who is There," "He is There and He is not Silent," "How Should We Then Live?," "What Ever Happened to the Human Race?," "The Mark of the Christian," "A Christian Manifesto," "Death in the City," "The Church at the End of the 20th Century," and "Back to Freedom and Dignity." His last book, just recently published, is entitled "Evan-

gelical Disaster," and is concerned with the enculturation of the Christian church.

Dr. Schaeffer was not an "ivory tower" theologian. He, along with his wife Edith, founded L'Abri located in Huemoz, Switzerland. L'Abri was an attempt to reach out to young people with a message of hope in an increasingly secular world. The Schaeffers and their staff have counseled young people from all over the world in an attempt to give them a firm foundation in the Christian faith. The L'Abri concept has now spread to several other parts of the world.

Wherever he went, Dr. Schaeffer had a profound influence on people. He lectured frequently on college campuses all over the world, and to government leaders and Members of Congress. In the last few years, Dr. Schaeffer became increasingly concerned with the sanctity of human life. Many individuals have been profoundly influenced by two of his films, "How Should We Then Live," and "Whatever Happened to the Human Race?"

Mr. Speaker, my deepest sympathies go out to his wife, Edith, and their four children: Debbie, Priscilla, Susan, and Frankie. The world may seem to have lost a great prophet and a great Christian leader, but I know that Edith and Frankie, indeed all those whose lives were touched by Francis Schaeffer will help advance the ideas and ideals for which he truly gave his life.

My prayers, and of my wife, and family go out to the Schaeffer and all those who must now pick up his work and make it their own.●

EQUAL ACCESS BILL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. OTTINGER. Mr. Speaker, today the House is scheduled to vote on a very controversial piece of legislation called the Equal Access bill, which proponents argue simply extends to student-initiated clubs the same rights allegedly enjoyed by other student clubs. I am adamantly opposed to this legislation in its present form, and intend to vote against it for several important reasons.

On the surface, the measure does, indeed, sound harmless. However, this bill raises serious philosophical and constitutional questions that would cause more problems than those it was intended to correct. for instance, the bill does not, as it purports, assure genuine equal access; instead it grants preferred access to religious groups. It would appear to grant religious cults equal access rights to our high school students. And minority religions may not be given fair consideration.

The equal access bill states that discrimination on the basis of the religious content of speech is punishable by a complete cutoff of Federal education funds, while there is no such penalty for discriminating against any other category of speech. The bill grants authority to local school administrators to use discretion in deciding which groups should be allowed to meet. To avoid religious controversy, however, and the threat of losing all Federal funding, an unintended result could well be that school administrators will shutdown all but a few carefully designated school sponsored activities, thus limiting the ability of students to meet even more than before the enactment of this legislation.

I also strongly object to the manner in which this legislation is scheduled to be considered by the House of Representatives. Under suspension of the rules the bill cannot be amended, and debate is significantly limited. As we all know, this procedure is normally used to consider noncontroversial legislation that is assumed to have the support of at least two-thirds of the House of Representatives. This legislation is anything but noncontroversial, and therefore should never have been scheduled under suspension.

Finally, and most importantly, this legislation is not necessary. The issue of the access of student religious groups to high schools is now before the Federal courts in three separate U.S. Courts of Appeal. Congress should await Federal court decisions before rushing ill-conceived legislation to enactment. If the courts find religious access to public schools unconstitutional, no statute can make such access constitutional. If the courts rule religious access constitutional, decisions regulating such access should be left to local school districts, which could respond to the specific desires of their communities.

I urge my colleagues to join me in opposing this ill-conceived, potentially dangerous piece of legislation.●

ELIMINATE DUTY ON O-BENZYL-P-CHLORPHENOL

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. WALGREN. Mr. Speaker, today I am introducing legislation to suspend for 3 years the duty on o-benzyl-p-chlorphenol, a compound commonly used as a biocide by the health care industry to fight tuberculosis bacteria.

This compound is widely used by hospitals and nursing homes as the most effective disinfecting agent against TB bacteria. I understand that no U.S. producer currently manufactures this product. Consequently, buyers must turn to overseas suppliers to fulfill their requirements. In the process we pay large duties on imports. This additional cost is, in due course, passed on to consumers in the form of higher medical bills and in increased medical insurance premiums.

Last year, U.S. importers paid nearly one-half million dollars duty on an estimated import of 2 million pounds of this product. This cost is an add-on to the already high cost of health care.

Because the United States has no domestic producer of o-benzyl-p-chlorphenol, the reason justifying an import duty no longer exists.

Mr. Speaker, as Congress tries to hold down health care costs, we should not overlook any potential source of savings. This bill can make a modest contribution to this end, and I urge my colleagues to give this measure every consideration.●

AN UGLY STEREOTYPE AT HUD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. RANGEL. Mr. Speaker, I rise to express my most profound surprise at the recent remarks of Under Secretary Philip Abrams at HUD. He said, in no uncertain terms, that Hispanic Americans choose to live in overcrowded housing because "it is a cultural preference."

This is one of the most bigoted statements I have heard from any member of the Reagan administration. Cultural preferences have nothing to do with the very serious housing shortages we see in urban areas. Poverty, cuts in housing subsidies, and unemployment are proven causes of overcrowding.

Saying that Hispanics prefer overcrowded housing is tantamount to saying that Hispanics prefer poverty and unemployment. This is sheer nonsense, Mr. Speaker.

There has been a tendency within the Reagan administration to justify cuts in aid to the poor by claiming that the poor do not really need this aid. We have seen them try to make ketchup a vegetable in order to justify cuts in school lunches. We have heard them say people prefer to sleep in the streets in order to justify leaving the homeless to be cared for by already overwhelmed private services. And we heard last Christmas that there are no hungry children in America.

What is happening is very clear, Mr. Speaker. President Reagan's people are trying to ignore the needs of the American people by finding spurious reasons for their hardship. Mr. Abrams' statement is just one more instance of this insensitivity.●

SENIOR CITIZEN'S DAY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. FEIGHAN. Mr. Speaker, today marks Ohio's eighth annual senior citizen's day. Each year on the third Tuesday in May, we pause to recognize the enormous contribution our seniors have made to our communities, State and country. Those contributions are commemorated in speeches, parades, luncheons, and tours for our seniors throughout the State of Ohio.

It is appropriate, Mr. Speaker, that on this particular day, we note the difficulties that face many of our Nation's seniors. Too many of them live on incomes that are insufficient to supply the fundamental necessities of life. Many others are burdened by our failure to maintain adequate funding for many of the assistance programs designed to aid the elderly.

As we honor the valuable contribution senior citizens have made to America, I hope each Member of this body will contemplate our responsibility to them. At a time when the administration is proposing cuts in medicare by $18 billion over the next 4 years, it is imperative that those of us in Congress maintain an appreciation for the needs and concerns of our senior citizens.

Thank you, Mr. Speaker.●

A TRIBUTE TO HAROLD D. LEU

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Ms. KAPTUR. Mr. Speaker, on May 20, an outstanding local labor leader in my district will be honored by the State of Israel. That evening, Harold D. Leu will receive the Israel Labor Solidarity Award at the Labor-Management State of Israel Tribute Dinner.

Harold Leu is a leader in our community. Despite demanding responsibilities as president of Teamsters Joint Council 44, Harold Leu makes the time to reach out and contribute to our community in a host of other ways as well. Whether it be through his service to the United Way, the Boy Scouts, the Red Cross, the Zoo, or Riverside Hospital, Harold Leu's dedication is always clearly in evidence.

Those responsible for bestowing this award on Harold Leu are to be commended for recognizing someone who, for so many years, has so brilliantly distinguished himself in his service and commitment to his Nation, his trade union, the State of Ohio, and the State of Israel. I know my colleagues in the House of Representatives join me in congratulating Harold Leu and his family on this important occasion.●

NATIONAL POLICE WEEK

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. BORSKI. Mr. Speaker, this week marks the annual observance of National Police Week, and today is Peace Officers Memorial Day. I rise to pay tribute to the many achievements and sacrifices by our law enforcement officers in their efforts to fight crime and protect the citizens of this country. Too often their important contribution to this Nation's security and well-being is taken for granted.

Law enforcement is not easy work. Hours are long, duties are dangerous, and well-done jobs too often go unnoticed. Despite these problems, the rate of serious crime has declined somewhat since 1981. Our police officers deserve much of the credit for this achievement.

In this era of scarce resources, Federal, State, and local assistance to help our police officers fight crime has been reduced considerably. Our police departments cannot hire the additional officers they need and cannot fully equip existing forces. I intend to lend my full support to increasing the resources available to our law enforcement agencies and making the job of police officer as safe as possible.

There is a critical need to protect those who continue to protect us. With their safety in mind, I have cosponsored H.R. 953, the Law Enforcement Officers Protection Act. This legislation would ban new ammunition capable of penetrating the bulletproof vests now worn by our police officers.

Tragically, 309 law enforcement officers died while performing their official duties during the last 2 years. In tribute to these officers and all Federal, State, and local law enforcement officers killed in the line of duty, I am proud to be a cosponsor of House Joint Resolution 482 which will create a National Law Enforcement Heroes Memorial in Washington, DC.

Police work is one of the noblest professions. During National Police Week, we renew our admiration for the men and women who are our first line of defense against crime. Today, Peace Officers Memorial Day, we remember and pay tribute to those who have been killed protecting our society. The police officers of this Nation deserve a great deal of credit for their achievements and sacrifices. I wish to express my gratitude for their efforts.●

COLUMBIA BANKING CELEBRATES 100TH ANNIVERSARY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. LaFALCE. Mr. Speaker, I rise today to commend and congratulate Columbia Banking Federal Savings & Loan Association of Rochester, NY, on having recently completed 100 years of service to the communities of western New York.

Columbia Banking is a unique institution both in its longevity and in its commitment to serving the citizens of western New York. In addition to a strong record of lending to the home buyers of the area, Columbia has made local involvement a priority in every community that it serves. The institution contributes its facilities, its personnel, and substantial portions of its income to serving senior citizens. Columbia opens its meeting rooms and offices to local groups who need such facilities. And it is a policy at Columbia Banking that every single branch manager become a contributor to the life of the community he or she serves.

Columbia Banking also contributes to the life of the Nation, believing that every good business should be aware of and involved in issues of public policy. Just recently I received a petition sponsored by Columbia and signed by its customers requesting immediate action to reduce the Federal deficit. Very few local businesses are often such active participants in national questions, and I particularly appreciate Columbia's commitment to informing me of the views of local citizens.

Much of the credit for making Columbia Banking the respected institution that it is goes to the president, William B. Mackenzie. Bill has been with the association since 1978, serving as president since 1981. His excellent leadership has assured that the good works of Columbia Banking, and its success institutionally, continue into the second 100 years.

I wish Bill and all the employees of Columbia Banking the very best in the future, and I and the citizens of western New York thank them for the contributions of their first 100 years.●

GULF STATES PAPER CORP. 100TH ANNIVERSARY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. NICHOLS. Mr. Speaker, it is a privilege for me to have the opportunity to recognize an outstanding organization located in my home State of Alabama.

Gulf States Paper Corp. was founded 100 years ago in Illinois, and since that time has developed into one of our States most important companies. The path that Gulf States Paper Corp. has taken on its way to the top of the paper industry is very characteristic of our very own United States of America.

Founded by Herbert E. Westervelt, Gulf States began as a family operation. Today, Gulf States operates plants in eight States and is in its fourth generation of family ownership.

The secret to the success of Gulf States is its understanding of the importance of diversification. When the company began in 1884, its only product was wrapping paper. Today, Gulf States products include school and office supplies, fiberglas reinforcements, molded-wood products, real estate, plus increased concentration on the development of the corporation's land base, minerals, forest products, and other natural resources.

Mr. Speaker, any company, who has survived through two world wars and a depression that almost totally destroyed the industrial base of this great Nation should certainly be held in high recognition and therefore, today, I am proud to congratulate Gulf States Paper Corp. on its longevity and many great accomplishments during the past 100 years and wish them continued success in the future.●

WELFARE TO PAID EMPLOYMENT DILEMMA

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. PEASE. Mr. Speaker, how to "graduate" poor people from welfare to paid employment continues to be a dilemma, and it is a dilemma compounded by health care insurance problems.

Today, there are 493,000 fewer families receiving aid for dependent children benefits than in 1981—due to President Reagan's Omnibus Reconciliation Act. When families drop off of AFDC, they lose their government-paid medical benefits. The abrupt loss of medical benefits is a factor which discourages AFDC recipients from taking low-wage jobs which might bring in roughly the same cash income as their AFDC benefits.

Congress must find some answer to the medical coverage cliff over which families suddenly drop when losing AFDC eligibility. That is the topic that I addressed in my most recent weekly newspaper column. It follows:

WASHINGTON REPORT

(By Don J. Pease)

How to "graduate" poor people from welfare to paid employment continues to be a dilemma, and it is a dilemma compounded by health care insurance problems.

Aid for Dependent Children (AFDC) is the largest federal-state welfare programs, serving mostly children and their mothers. Nationally, AFDC serves 10.6 million people in 3.6 million households.

Today, there are 493,000 fewer families on AFDC than in 1981 due to President Reagan's Omnibus Reconciliation Act which Congress passed in 1981. That act sought to reduce eligibility for AFDC, especially by those collecting partial AFDC benefits while working (usually part-time) at low-wage jobs.

The non-partisan General Accounting Office (GAO) reported to Congress last week on the impact of the eligibility changes based on an in-depth study of AFDC cases in five cities.

The GAO found, not surprisingly, that recipients who lost AFDC eligibility suffered a loss of family income each month ranging from $115 monthly in Boston to $229 monthly in Dallas. On average, these working poor families managed to increased their wage earnings slightly, but not nearly enough to offset the loss of partial welfare benefits.

The reduction in overall monthly income was only of the consequences of losing AFDC eligibility. Another important one was loss of government-paid medical benefits. Families which drop off of AFDC soon lose their Medicaid cards and are on their own for medical expenses.

Thus, their expenses rise significantly at the same time their income drops.

This abrupt loss of medical benefits is a factor which discourages AFDC recipients from taking low-wage jobs which might bring in roughly the same cash income as their AFDC benefits.

In the GAO study, 59 percent of Dallas "working poor" families who had lost AFDC coverage and Medicaid were totally without health insurance coverage. The figure was 45 percent for Memphis, 28 percent for Boston, 17 percent for Syracuse and 14 percent for Milwaukee.

A similar study conducted by a University of Minnesota professor in his state found that those terminated from AFDC were incurring average monthly out-of-pocket medical expenditures of $47.00.

If the goal is to encourage people to work their way off the welfare rolls (and I believe that should be the goal), Congress must find some answer to the medical coverage cliff over which families suddenly drop when losing AFDC eligibility.

For that reason, I continue to promote discussion in Congress and health care circles of my Universal Health Insurance Act of 1984. That proposal, if enacted, would make it possible for any American citizen to purchase an adequate private health insurance policy for 6 to 8 percent of the person's income.●

THE 100TH ANNIVERSARY OF THE GULF STATES PAPER CORP.

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. EDWARDS of Alabama. Mr. Speaker, it is with much pleasure that I rise today to commend and congratulate Gulf States Paper Corp. on their 100th anniversary. This anniversary not only celebrates the past 100 years of Gulf States progress; but marks the beginning of a new century of growth and improvement.

I am most proud to say that the national headquarters of Gulf States is in my home State of Alabama, one of the leading States in production of wood products. The corporate nerve center, located in Tuscaloosa, provides guidance for company operations in eight States. This consolidation of Gulf States was the beginning of the modern paper industry in Alabama.

Gulf States attributes its progress to being the "product of diversity." It has expanded from one original product to a multimarket supplier of products. The Alabama operations alone include landholdings in 21 countries, a variety of forest products and many other hosts of operating companies. Gulf States supplies basic forest products for a wide range of specialized divers markets such as: Fast food, packaging, and school and office products, industrial goods, computer services, erosion control systems, and resort facilities. These services reach people all over the Gulf States area.

Land is a basic resource for Gulf States. Gulf States prepare for the future by planting trees before others are cut. Forest regeneration is a vital activity, for the corporation has over 6 million trees planted on the land each year. Natural resource conservation is a major consideration in all Gulf States manufacturing operations.

Although Gulf States prides itself on diversification, quality has not been overlooked. "Quality counts" is a well-known motto at the corporation. Quality is not considered a goal, but a tradition. Gulf States is very committed to improving the quality of forests, streams, air, wildlife, and the general environment.

On this very important occasion, I take great pleasure in joining with other members of the Alabama delegation in saluting Gulf States Paper Corp. in their first 100 years of fine quality and progress. Their contributions are due to a commitment to excellence, a belief in natural resources, and a sense of responsibility.

As Gulf States' president and chairman of the board stated:

Looking back on a tradition of excellence for 100 years, Gulf States is celebrating its centennial during 1984 and planning for 100 years of growth that will be equally as exciting and demanding.●

COMMONSENSE ON MEXICO

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. BARNES. Mr. Speaker, Gov. Bruce Babbitt of Arizona had a column in today's Washington Post that stressed the importance of reaching a bilateral trade agreement with Mexico that would give Mexico the same access to our market that the GATT countries have. Because of Mexico's importance to the United States, I believe that Governor Babbitt's argument has a lot of merit. On the occasion of Mexican President de la Madrid's visit to the United States, I wish to insert the article in the RECORD at this point.

[From the Washington Post, May 15, 1984]

COMMONSENSE ON MEXICO

(By Bruce Babbitt)

The happy news as Mexico's President Miguel de la Madrid visits Washington is that Mexico is slowly climbing back from the edge of economic disaster. Painful austerity measures are in place, inflation has been cut, a positive balance of trade established, and Mexico is meeting current interest payments on a stratospheric $90 billion in international borrowing.

The discouraging news is that neither Washington nor the U.S. business community is doing very much to assist the Mexican recovery. The principal problem is a tangled web of trade policies that inhibit imports from Mexico and give the appearance of favoring many less friendly countries, such as Cuba, Romania and Czechoslovakia.

Mexico's non-petroleum exports to the United States are now running into a blizzard of lawsuits filed by American trade associations seeking countervailing duties on products as varied as carbon steel, ceramic tile, fresh cut flowers, glass products, bricks and fresh asparagus. The lawsuits complain that the Mexican government subsidizes its exports through tax incentives and other practices in violation of international trade rules.

In truth, the Mexican government does promote and subsidize exports in ways unfamiliar to our economic system. But if American companies continue to harass Mexican exports and attempt to set trade policy by litigation, we risk eonomic instability, social unrest and growing resentment in a country whose economic progress and political good will are essential to our national security. And members of the American banking community might well remember that the $34 billion owed them by Mexico can only be paid when Mexico earns foreign exchange by access to American markets.

The current impasse originated in Mexico's 1980 decision not to join GATT, the general agreement on tariffs and trade, which governs trade among most free world countries. The Mexican decision to renounce GATT ended an acrimonious national debate that has now given way to strong national sentiment against any agreements that would limit Mexican "national sovereignty" in economic development and trade matters. (For much the same reason, Mexico has also refused to join OPEC). Meanwhile, the United States continues to insist that Mexico must adhere to GATT rules as a condition for relief against countervailing duty lawsuits.

Among the benefits of GATT membership is the "material injury" rule, which prohibits countervailing duty lawsuits unless a company can demonstrate the likelihood of real economic injury. For the most part, Mexican imports are so small relative to any given sector of the American economy that it would be difficult to prove any injury to American competitors. Thus, the GATT material injury test applied to Mexico would eliminate most of the lawsuits and restore a normal trading environment.

Yet American trade negotiators continue to insist that Mexico promise to phase out internal subsidies before the material injury test is extended. However logical in pure trade theory, the rigid application of these doctrines to our closest Third World neighbor is shortsighted and risky. We share a 2,000-mile border. We seek Mexican cooperation to solve complex immigration problems. Mexico is our largest oil supplier. And we have a common interest in hemispheric and Central American security, not to mention repayment of bank loans.

The solution is a simple bilateral agreement giving Mexico access to American markets on the same footing as the 90 countries that are GATT members. There will be opposition from trade purists and protectionist groups in the Congress. But, the reality of our special relationship with Mexico must take precedence over the symmetries of trade theory. It is time for President Reagan to personally reestablish that priority.●

GUIDO BARTOLUCCI—ELK OF THE YEAR

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. HARRISON. Mr. Speaker, on Saturday, March 3, 1984, Elks Lodge 109, Wilkes-Barre, PA, honored Guido Bartolucci, of 47 South Grant Street, Wilkes-Barre, as Elk of the Year. This award exemplifies Mr. Bartolucci's service to his lodge and community.

Mr. Bartolucci became an Elks member in 1937 in New London, CN, and later transferred to the lodge in Bronx, NY.

Upon his retirement, he became a resident of Wilkes-Barre, and transferred his membership to Lodge 109. While a member of the New York lodge, he was active in the entertainment and Italian committees. At Wilkes-Barre, he has served on the house committee, building committee, and Italian night group. He has also served with distinction as lodge chaplain.

Mr. Bartolucci was born in New London, CT, where he attended school. He is married to the former Myrtle Roberts, of Kingston, PA. Although retired, he still conducts his promotion and advertising business as a sideline. He is also a member of the Italian American Association of Luzerne County, PA, Blue Lodge Masons, No. 655, Wilkes-Barre, and the Irem Temple.

Mr. Speaker, it gives me a great deal of pleasure to pay tribute to this outstanding citizen of Wilkes-Barre.●

LEGISLATION INTRODUCED TO AMEND PANAMA CANAL ACT OF 1979

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. FIELDS. Mr. Speaker, I am here today introducing legislation to insure that the interest on the U.S. investment in the Panama Canal is paid to the general fund of the Treasury, as we intended all along. Joining me as cosponsors are: Congressmen CARROLL HUBBARD, WALTER B. JONES, DON YOUNG, BOB DAVIS, and BILLY TAUZIN.

This legislation amends the Panama Canal Act of 1979 to mandate that the interest on the U.S. investment in the Panama Canal be paid annually directly into the general fund of the U.S. Treasury as miscellaneous receipts. Because of the wording of the Panama Canal Act, the interest on the investment has been annually deposited by the Panama Canal Commission into the Panama Canal Commission Fund instead of into the general fund of the Treasury. This has not only prevented the use of these funds by the Federal Government, which total approximately $42 million to date, but has also acted to decrease the level of the U.S. investment by $42 million. This means that if the annual interest on the investment continues to be deposited in the Panama Canal Commission Fund instead of into the general fund of the Treasury as miscellaneous receipts, our interest on the investment will be decreased annually. My amendment eliminates the problem.

The bill not only directs that the interest payment on the investment be automatically deposited in the general fund of the Treasury as miscellaneous receipts, but insures that these payments do not have any impact whatsoever on the level of the U.S. investment.

My bill does not mandate that the $42 million be transferred to the general fund of the Treasury as miscellaneous receipts because the Panama Canal Commission has stated on numerous occasions that they need this money as operating capital. If indeed

some method can be found to transfer this money without having a negative impact on the operations of the Panama Canal Commission, I would gladly accept such an amendment.

Thank you Mr. Speaker.

SECTION-BY-SECTION ANALYSIS

Section 1(a)—Section 1302(b) of the Panama Canal Act requires that all tolls and other receipts of the Panama Canal Commission be deposited in the Panama Canal Commission Fund in the U.S. Treasury.

The bill amends Section 1302(b) and directs that the portion of the tolls that represents the interest on the U.S. investment in the Panama Canal be deposited directly into the General Fund of the Treasury as miscellaneous receipts.

Section 1(b)—Section 1603(b)(2)(A) of the Panama Canal Act states that monies deposited into the "Treasury" (which according to Section 1302 is the "Panama Canal Commission Fund" in the Treasury) will decrease the U.S investment in the Panama Canal. When that money is withdrawn from the Panama Canal Commission Fund and deposited into the General Fund of the U.S. Treasury, the U.S. investment would be increased by that amount, thereby nullifying the decrease required by Section 1603(b)(2)(A) (See Section 1603(b)(1)).

This section of the bill strikes the word "Treasury" and inserts in lieu thereof "the Panama Canal Commission Fund". This ensures that the deposit in the General Fund required by Section 1 of this bill will have no impact on the level of the U.S. investment.

Section 2—Section 1302(b) of the Panama Canal Act states that the provisions of this Act became effective upon it being signed into law. Section 2 of my bill simply states that the provisions in this legislation will become effective when it is signed into law.●

EXPRESSION OF CONFIDENCE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. LAGOMARSINO. Mr. Speaker, the historic vote which took place on Thursday, May 10, 1984, on the Broomfield amendment to the fiscal year 1985 foreign assistance authorization, was an expression of optimism for the new President in El Salvador, Jose Napoleon Duarte, and also an expression of confidence in President Reagan's policy toward the region.

As so well stated in the following editorial from the Washington Post, dated May 11, 1984, there is finally an acknowledgement of the need for providing the President-elect of El Salvador with "aid on a scale that will allow (him) a fair chance." The bipartisan support shown for the President's policy or providing sufficient levels of both economic and security assistance to deal with the many crises facing that tiny nation, as the editorial states, is "necessary" to strengthen Mr. Duarte "In his dealings with other elements in his government and in whatever dealings develop with the opposition * * *"

I agree with the Post's editorial, and highly recommend it to my colleagues.

[From the Washington Post, May 11, 1984]

THE CHANGE IN EL SALVADOR

It is a new situation in El Salvador. Partly this is because the Salvadorans finally have, in Jose Napoleon Duarte, the country's first elected president, a man of thoroughly democratic persuasion who has earned wide respect and confidence. (It became clear yesterday, by the way, that the 52 percent of the vote claimed by Mr. Duarte's opponent applied not to the whole count but only to the 10 departments he won.) The new situation also owes something to the fact that the American political calendar is focusing the attention of those President Reagan terms the "new isolations" on whether they wish to enter the elections open to the charge of pulling the plug on a friendly democratic neighbor in need.

As a result, the American debate on El Salvador is changing. Although it was not phrased in these terms, the real issue between the amendment offered yesterday by House Foreign Affairs Democrats and the administration-favored amendment offered by Rep. William Broomfield was how best to strengthen Mr. Duarte to work on his agenda of security, reform, and reconciliation. The committee Democrats would have done it by conditioning most of the aid on a congressional determination of progress in ending the death squads and in beginning negotiations. The Republicans, who—with important Democratic support—carried the day, preferred essentially to dilute the conditionality.

We think Mr. Broomfield and those who voted with him had it right. There has been reason in the past to question whether Salvadorans would or could use American aid well. Now, however, it could only hurt Mr. Duarte, in his dealings with other elements in his government and in whatever dealings develop with the opposition, to be regarded as a figure in whom the Americans have slight trust. The way to strengthen him is not to put him on a conspicuous and short American leash but to start routing American aid directly through his office—no more transfers directly to the Salvadoran military.

In this spirit, it becomes possible and necessary to start providing aid on a scale that will allow Mr. Duarte a fair chance. On the House floor yesterday, Jim Wright, the majority leader, compared the past practice of doling out increments of aid to giving a bleeding friend a third of a pint of blood. There is a case for doing nothing, or next to nothing: a vote on the floor yesterday showed that, fortunately, the House has little heart for it. There is a case for doing what is necessary to enable El Salvador to move ahead. There is no case for allowing El Salvador, in Mr. Reagan's words, "to slowly bleed to death."●

A SALUTE TO 100 YEARS OF PROGRESS AT GULF STATES PAPER CORP.

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. SHELBY. Mr. Speaker, Gulf States Paper Corp., a privately held company with its national headquarters in my hometown of Tuscaloosa, AL, is celebrating its centennial anniversary. I would like to share with my colleagues in the House of Representatives a tribute in recognition of Gulf States 100 years of progress. Following is a fascinating account of the company's history taken from an in-house publication:

GULF STATES—A CENTURY-OLD FAMILY TRADITION OF GROWTH

Gulf States Paper Corporation is a diversified, privately-held company with a century of growth and tradition behind it.

The company had rather modest beginnings when its founder, Herbert E. Westervelt, entered the paper business in Indiana in 1884. Soon thereafter, Westervelt bought a small mill in Marseilles, Illinois, that was powered by a water wheel and made wrapping paper from wheat straw.

Today, Gulf States is in its fourth generation of family ownership and has expanded to have operations in eight states providing a wide variety of products and services.

The intervening years were ones of growth, development and changing product lines.

After several years of operating small mills, Westervelt's invention of the E-Z opener bag machine at the turn of the century signaled the company's first great period of growth. Paper bags made on the newly invented machines opened "with a flick of the wrist" and soon became the standard grocery bag in America.

Pioneering the development of the southern paper industry, the company made the first Kraft paper bags from southern pine in 1912. In 1929, operations which had ranged from New York to Louisiana, Texas and the Midwest were consolidated in Tuscaloosa. This introduced the modern paper industry to Alabama.

In 1938, a new generation assumed leadership of the corporation. The president was Mrs. Mildred Warner, daughter of the founder; her husband, H. D. Warner served as treasurer. Together they guided the company through the difficult years following the Great Depression and the hardships of World War II.

The third generation began to make its mark upon the corporation in 1946 when Jack Warner, grandson of the founder, returned from the war to join the family business. First in production and then in sales, he looked for and found new things to do and new ways to do them, helping the company grow and prosper. Warner also concentrated on land acquisition which established the company's natural resource base.

In 1957, Jack Warner became president and embarked upon a bold program of expansion through the development of new products. Opening the Demopolis mill, which produces pulp and paperboard, was an immediate action in the expansion plan.

The early 1960's saw a major expansion into packaging markets with the opening of a folding carton plant in Maplesvile, Alabama, which was soon followed by plants in three other states.

Diversification into additional areas such as school and office supplies, fiberglass reinforcements, erosion control systems, molded-wood products, real estate, resort and conference facilities resulted from the Warner leadership through the years.

The advent of a fourth generation of management under Jon Warner, who serves as executive vice president, has brought an increased concentration on the development of the corporation's land base, minerals, forest products and other natural resources.

Progress has been a product of diversity at Gulf States with the corporation changing from its early days as a one-product, one-plant operation, to become the dynamic, growing and profitable enterprise that is Gulf States Paper Corporation today.

Mr. Speaker, anniversaries are significant events in the life of a corporation. It is important that they be recognized and celebrated. This extra special event at Gulf States Paper Corp. provides an opportunity to reflect on its history, to assess the company's organization performance, and to reestablish pride in previous achievements.

This 100th anniversary is a happy occasion, because it does not mark the ending of an era, but the beginning of a new one for Gulf States. As the corporation approaches the next century, I am certain that the leadership will remain viable and responsive to the changing needs and conditions faced by the paper industry. With renewed commitment and dedication, I know Gulf States will not only repeat the success of the past, but achieve an even higher level of attainment.

I am privileged and proud to have this fine corporation located in my Seventh Congressional District. Gulf States Paper Corp. has brought outstanding recognition to Tuscaloosa and the State of Alabama.

In closing, I would like to take this opportunity to extend to Jack Warner and everyone associated with Gulf States Paper Corp. my best wishes for many years of success and to offer my warmest of congratulations on this milestone.●

HANDICAPPED AMERICAN OF THE YEAR

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. MURPHY. Mr. Speaker, each year the President's Committee on Employment of the Handicapped chooses an outstanding citizen as the "Handicapped American of the Year." I am very pleased that the winner this year is a Pennsylvanian, Dennis Joyner, the Court Administrator for Westmoreland County, PA.

Mr. Joyner's accomplishments would be outstanding even if he had achieved them without the additional burden of disability. A triple amputee as a result of a landmine explosion in Vietnam, Mr. Joyner has made it his mission to help other disabled people, especially veterans, while pursuing his own successful career goals. Through his role as National Commander of the Disabled American Veterans, he has been a worldwide spokesman on behalf of disabled people. In overseeing the operation of the Westmoreland County civil courts and judges, he has broadened greatly the awareness of the capabilities of disabled persons. When she was recently asked about Mr. Joyner's accomplishments as a disabled person, Shirley Selepchak, the Deputy Court Administrator replied that he is "not handicapped, he just doesn't have legs."

Following his service in Vietnam, Mr. Joyner attended Alleghany County Community College, where he received an associate degree in business administration, and then Robert Morris College in Pittsburgh, where he received a bachelor of science degree in accounting. While in college he worked actively to make the campus accessible.

Called the Judge by his friends, Mr. Joyner has received many awards, including the Pennsylvania and National Disabled Veterans of the Year award in 1977, as well as the Bronze Star and Purple Heart. He is a former member of the Pennsylvania Governor's Committee on Employment of the Handicapped, and in 1981 chaired his county's International Year of Disabled Persons program.

I know my colleagues will want to join me in congratulating this remarkable person. He has served his country courageously and is continuing to contribute through his high standards of service. He is highly deserving of the honor of being the Handicapped American of the Year.●

A MEMORIAL TRIBUTE TO SGT. MICHAEL BOSSUYT

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. HERTEL of Michigan. Mr. Speaker, as today is recognized as "Peace Officers' Memorial Day," I rise to pay tribute to Sgt. Michael Bossuyt who served Detroit, MI, as a loyal police officer for 12 years.

Sergeant Bossuyt was killed in the line of duty on March 8, 1983, while responding to a breaking and entering call at a Detroit video arcade. While protecting the community from crime, Sgt. Michael Bossuyt gave his life.

Michael Bossuyt was a dedicated professional public servant who understood the invaluable role law enforcement officers play in American society. Police officers face a greater risk in their effort to insure public safety than any other profession and we greatly appeciate their dedication and effort in insuring our safety. Recent Federal Bureau of Investigation reports reveal that from 1973 through 1982 a total of 1,600 law enforcement officers were killed in the line of duty and 90 percent of those killed were survived by a spouse and children.

Sergeant Bossuyt epitomized how a police officer should serve his community. It is a common practice for police officers to serve a given community with tremendous patience, diligence, conviction and dedication. Michael Bossuyt possessed an extraordinary level of these qualities, moreover, it was his exceptional integrity that set him apart from other law enforcement personnel. The community of Detroit is forever grateful to Michael Bossuyt for sharing his rare qualities with us. All police officers should strive toward achieving the level of professionalism displayed by Sergeant Bossuyt.

On this occasion of "Peace Officers' Memorial Day," I rise to pay tribute to Sergeant Bossuyt and all law enforcement officers who have given their lives in the line of duty. I join the people of Detroit in paying our highest respect to Michael Bossuyt and we sorrowfully extend our deepest sympathy to his family. We greatly appreciate the outstanding contributions of Sgt. Michael Bossuyt to the Detroit community and he will always be remembered in our prayers.●

THE CONTINUING ADVENTURES OF WILLIAM J. CASEY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. STARK. Mr. Speaker, as you know, there is a colloquial or slang term known as "chutzpah." While its dictionary definition suggests such words as "brazenness" or "gall," most knowledgeable people believe that the real meaning of "chutzpah" is best left to be explained by example.

I would like to put before you a recent situation that I believe illustrates the outer limits of "chutzpah". You may also see in it some other qualities of human behavior, such as selfishness and greed. I refer to an article appearing in the May 13, 1984, edition of the Washington Post, which illuminates the most current battle being waged by CIA Director William J. Casey with the Government he is pledged to serve.

It seems that in 1976, Mr. Casey invested $95 for a 1-percent share in a partnership, and then proceeded to

write off tax deductions of $60,000 from 1977 to 1980—or 600 times his initial cash investment. The IRS has disallowed the deductions. Is this illegal? No. Is this "chutzpah"? Yes. Does this create problems for the IRS in trying to enforce the tax laws fairly, reasonably, and evenhandedly? Of course.

In another activity occurring around the same time according to the Post, Mr. Casey purchased a 30-percent interest in engine patent rights for $10,400. A few months later, he negotiated the sale of the patent to a partnership for $5 million. Only $50,000 was paid to the investors in cash—the remaining $4.95 million took the form of nonrecourse notes. While one of the partners optimistically believes it to be "the engine of the future," this venture has all the appearances of one that may end up generating huge paper tax losses. An investor like Mr. Casey would greatly benefit from offsetting his taxable income by such losses. The IRS is contending that the $5 million price tag "unreasonably exceeded the fair market value of the patents at the time of the purchase." The higher the appraised value of the patent, the more useful this deal is as a tax shelter to Mr. Casey. Is this illegal? No. Is this "chutzpah"? Yes. Does this create problems for the IRS in trying to educate the public that tax shelter abuse hurts our total effort to protect the tax base? Of course.

No one is accusing Mr. Casey of any violation of criminal law. But as a man in public life, he has a responsibility to conduct his affairs in such a way that they form an example for others to follow. The average taxpayer will never be able to play investment games such as these. We should be grateful that probably most would not be inclined to do so even if they could.●

INDUSTRIAL DEVELOPMENT BONDS

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. McNULTY. Mr. Speaker, I rise in support of the industrial development bond program which has meant a great deal to the small towns of America and particularly of Arizona as local authorities plan and build to meet the requirements of a growing population.

I know from discussions which were part of House consideration of our tax bill, H.R. 4170 that industrial development bonds in some parts of the United States had been subject to abuse and that congressional reform was needed. Unfortunately the bill that came to the floor went far beyond reform of the program and established a $150 per person cap on the issuance of the bonds. Despite the strong showing of interest on the part of a number of Members it was not possible to get a record vote on industrial development bonds on the floor. Based on the clear indication that this cap would work to the detriment of Arizona and other Sun Belt States in our Nation's capital markets and provide a clear advantage to Snow Belt States in competition for capital, I voted against final passage of H.R. 4170.

Mr. Speaker, industrial development bonds have played a critical role in making it possible for towns like Casa Grande, AZ, which I have the honor to represent, to begin and sustain a program of economic growth. This has been accomplished without the slightest taint of abuse or misuse of the tax benefits. In Casa Grande this has created 1,120 primary industrial jobs in the community. Mr. Speaker, that is a major accomplishment for a town of 14,971 and the town is to be congratulated for it.

I am hopeful that other Members will join with me in encouraging House conferee's to accept the Senate approach to industrial development bonds when that issue is again before us in a few weeks.

A copy of a news account on economic growth in Casa Grande from the Casa Grande Dispatch follows:

HARD WORK, PLANNING HAVE PAID OFF FOR CASA GRANDE

(EDITOR'S NOTE.—The following speech by Mayor Hugh Guinn on Casa Grande's economic diversification and other programs was delivered Thursday at a meeting of the Arizona Association of Industrial Development. About 230 persons, including AAID members Guinn and Don Kramer Sr. of Casa Grande, attended the meeting in Flagstaff.)

Eddie Cantor once said: "It takes about 20 years to be an overnight success."

In the past couple of years, Casa Grande has received both state and national recognition in: 1. economic development; 2. low income housing; 3. national Gold Medal Award in recreation; 4. the national "Keep America Beautiful" award in city beautification. All of these awards are direct results of our economic development progams.

While many people credit our present successes to efforts in the last few years, our economic development program actually started in 1959. When my father, A.S. "Pappy" Guinn, who served as mayor from 1959 to 1965, gave us our first big push toward economic diversification by bringing in the first big industry, the Casa Grande Cotton Oil Mill. Next came the Francisco Grande Resort Hotel in 1960, a tourist attraction and a training site for the San Francisco Giants baseball organization.

Our civic leaders at that time were farsighted enough to see the need for an industrial park to house our new industrial acquisitions. So, in 1963, the Valley Industrial Park was established. Valley Industrial Park was constructed with private money. A corporation was formed and stock was sold to many of our citizens. Hexcel came to Casa Grande in 1965 and is still one of our biggest taxpayers and employers.

Shortly after all this excitement and flurry we began to hear rumors about some large copper bodies located all around us. Core drilling was taking place all over the Valley with as many as five major copper companies being involved.

Our first town hall started in 1968 to help with the problems of a heavy influx of people expected to descend on our town. The need for housing, additional sewer capacity and building codes were addressed at this first town hall. Our 16th will be held this September.

Hecla opened in 1970 and then Asarco started later. In 1976, both of these began to experience economic problems. There were low prices, over-supply and high labor and pollution control costs for copper; high water cost and high growing cost for cotton.

In September 1977, Black Friday in Casa Grande, Hecla closed down—taking with it about 1,600 primary jobs and a $26 million payroll. But we took our lemons and made lemonade. I had just taken office in April. The Hecla shutdown plus the fact the city manager and four department heads resigned did pose a problem.

In October 1977 we started our present aggressive economic development program that most of you are familiar with today. I appointed a task force of city officials, businessmen, chamber representatives and other civic leaders.

The task force was charged with the responsibility of: 1. Reviewing the economic characteristics of Casa Grande—identifying its assets and liabilities; 2. Then to recommend economic goals for the community and specific programs to implement these goals.

Results were some 50 recommendations. Three advisory committees were established by the council to implement the recommendations. These were:

1. The Greater Casa Grande Economic Development Committee:

A. To address anything that would promote and develop the local economy.

B. Oversee industrial retention program.

C. Develop and present education economic development seminars.

1. The chamber developed an economic development marketing team and entertainment committee. 2. Our community college vocational department formed another team which handles the training of our local work force. 3. The heads of the utility companies form another team to address these needs.

Our goals were to target small growing industries that complemented our assets, industries that would grow with us and not impact our facilities: A. copper related industries: IMR—Capital Wire; B. Agriculture: Frito-Lay, Ross, Oil Mill, Sunland Jojoba Oil; C. warehousing and distribution: Casa Grande Warehouse, Century Paper.

Part of the plan was to strengthen the development of the airport and was important to our overall program. We have invested over $2½ million in the past two years, making it one of the finest nonmetro airports in the state. We have an airport industrial park developed with a $220,000 EDA grant.

2. The reactivation of an already established Industrial Development Authority under Don Kramer. Since 1980, Casa Grande has issued $22.5 million in industrial development revenue bonds. We have pending an additional $12.9 million of bonds for which preliminary applications have been

made. These bonds and our hard work will have created 1,120 primary industrial jobs in our community.

3. Establishment of a Casa Grande Improvement Advisory Committee to improve our lifestyle and appearance.

A. Many cleanup, paint-up and fix-up activities have been sponsored by this committee: 1. Low income housing has been improved (over 150 new and rehabilitated); 2. Senior citizen housing (96 units); 3. Voluntary demolition (over 140 structures removed); 4. Well over 125 autos removed; 5. Fines exchanged for work (over 7,000 hours); 6. Tree program; 7. Casa Grande Cleanup Day. April is Cleanup Month; 8. Landscaping; 9. Sign ordinances. All these efforts resulted in the Keep America Beautiful award.

B. The Parks and Recreation Program has been expanded and has received a first place Gold Medal Award.

C. Cultural Activities Committee: community center, museum, art shows and fine arts.

D. Downtown revitalization including an improvement district for landscaping, paving and parking.

E. South, central and west improvement districts to pave, curb and place sidewalks.

All these projects tend to make citizens more aware of things and take more pride in their community. People are motivated for their own reasons—not yours.

F. New hospital and doctor recruitment programs specialist.

G. Work with our schools. School superintendents and college presidents are part of the team.

Casa Grande's secret weapons for success are:

I. Its leadership, both past and present. Folks have to have a leader.

Leadership is lifting another person's vision to higher sights—the raising of a person's performance level to a higher standard, the building of a personality beyond its limitation. We have had this type of leadership.

Casa Grande has certainly been fortunate to have a man like Don Kramer—he has spend hundreds of hours and his own dollars. You just can't use enough superlatives for him. There have been John Holmes and many others past and present.

II. Casa Grande's citizens:

1. We have never been a city to wait for things to happen. We make them happen.

2. Our citizens always have demonstrated strong civic pride and willingness to donate money to worthy causes: A. The chamber home, $70,000; B. Casa Grande museum, $125,000; C. Economic development foundation, $300,000; D. Golf course clubhouse, $80,000.

3. Community participation:

A. Volunteers: 93 citizens serve on our city advisory boards; B. Donating time: Friends of the Library donate money and time; 26 volunteer firemen; six volunteer police reserve officers; parks and recreation volunteers as leaders. This saves thousands of dollars in salaries; C. The use of Town Hall as an educational process and means of communication. One hundred twenty citizens pay their own expenses to talk about the city's problems.

III. Team coordination approach to economic development: A. A review committee to check progress in implementing our goals; B. Coordinate the actions of each team who are assigned specific duties; C. Review marketing techniques.

1. Our first team makes the first contact and presentation and consists of the city manager, mayor, president of the IDA, city planner and a member of the Manufacturers Round Table.

2. Second visit: Each team has an opportunity to work with the prospect: A. IDA; B. utilities; C. marketing team; D. city staff: city manager, planner, public works, fire chief, police chief, building inspector.

3. Followup contacts.

We've had tremendous success in Casa Grande—some 14 new light industrial companies since 1980. Our present three big building projects: $82 million for Ross Laboratories; $32 million for Frito-Lay; $16 million for the hospital; $130 million—$32.5 million assessed value. Our total assessed value before was $42 million.

You've heard about our successes, but let me tell you we've had our share of failures too. It's a common mistake among many of us to think of failures as an enemy of success; failure is a teacher, a harsh one, but the best. Pick you failures to pieces—look for the reason for that failure and then put it to work for you.

IV. The Manufacturers Roundtable is our most valuable asset retention group. It is made up of the top executives of our industries. They meet once a month to discuss problems, labor, wages, supplies, how cities can be more help to business and how to make this a better community.

These are our best salesmen. Prospects are talking to their peers; they tell it like it is.

V. We'd like to think it's our charming personalities, but we know the primary reason for success is geographic location and transportation: A. half-way between Phoenix and Tucson; B. intersection of I-10 and I-8 (six main trucking lines); C. mainline of Southern Pacific; D. good air facilities.

VI. Cheap land and plenty of it.

VII. Possibly the fact that we got the jump on the competition. Some cities are so far behind—June bugs don't come until after July 4.

A successful good economic development plan has the following characteristics:

1. Leadership (past and present) absolutely essential; economic development doesn't just happen.

2. Good planning (long-range, short term). One of the reasons for having long-term goals is that they keep you from becoming discouraged by short-term failures.

3. Coordination (assign responsibility, review process).

4. Patience and persistence.

5. A lot of hard work. (I just gave you the secret of being successful at anything.)

Another first I should mention: We feel we've taken our economic development program about as far as we can with volunteers. As I mentioned earlier, our citizens have pledged some $300,000 over a three-year period to start an economic development foundation under Don Kramer, with a full-time staff to work with and coordinate our already existing team. This foundation came from the successful Tupelo, Miss., Foundation. We are working with the cities of Coolidge and Eloy.

Our original goal when we embarked on this aggressive economic development program in 1977 was to stabilize our economy and produce jobs for our unemployed.

We didn't fully recognize the full impact it would have on our everyday lives. We not only stabilized the economy and produced more jobs in our area, we enhanced the quality of life for our citizens with better schools, better medical care, better entertainment and recreation, better shopping, and mainly just a plain better all-around city.●

FALLEN HEROES

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. SMITH of Florida. Mr. Speaker, this year's memorial service honoring those police officers who were killed in the line of duty is being held today in Senate Park.

Through their actions, law enforcement officials have earned our respect and admiration. They give of themselves selflessly in order to make our communities better places in which to live. For these courageous men and women, to "protect and serve" have become more than just a phrase—it is a shield that they wear with pride.

It is, therefore, truly tragic and sad when we hear of such courageous men and women who have given their lives in the line of duty. The family of one such fallen hero, Officer Frankie Shivers of the Hollywood, FL, Police Department, has every right to be proud of her. Upon coming to the scene of a crash, Officer Shivers immediately went to assist the driver of the vehicle who was thrown into the back seat. After Officer Shivers climbed into the front seat, the driver reached over the front seat and grabbed her service revolver and fired three times striking the officer twice in the back and once in the abdomen. Officer Shivers died while in surgery as a result of this shooting.

Today, the memory of Frankie Shivers is associated with the ethics of police service and dedication. In her honor an award is being presented each year to the most improved student in each class of the Broward County Police Academy.

More than honoring the memory of slain officers like Frankie, their families would want us to prevent more police deaths. To better protect the welfare of our Nation's law enforcement officers, I would urge my colleagues to cosponsor H.R. 953, Representative BIAGGI's bill to outlaw "cop killer bullets"—armor-piercing handgun ammunition that can penetrate the bulletproof vests worn by police. Last year, former Associate Attorney General Rudolph W. Giuliani said, "I continue to believe that any further delay—in banning armor-piercing handgun ammunition—is a tragic mistake." I am sure that the families of these fallen heroes would agree.

On May 17, the Crime Subcommittee will conduct a hearing on H.R. 953. As a cosponsor of this legislation, I intend to do my part in seeing that it is approved by the House and enacted into law.●

CAMDEN HONORS HERO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding athlete and a fine young man from Camden, NJ, Mike Rozier.

From his playing days at Camden High School, through his career at the University of Nebraska, Mike has truly stood above the rest. The 1983 Heisman Trophy winner, Mike was the first Cornhusker to be honored by the Maxwell Club as its collegiate player of the year, and he was Nebraska's first two-time All-American running back.

In his final season at Nebraska, Rozier had one of the most remarkable seasons ever in college football with 2,148 yards rushing, second highest in NCAA history, and a record average of 7.81 yards per carry. His scoring figures equaled the all-time Division I-A records set by Penn State's Lydell Mitchell in 1971. Through superior talent and determination, Mike led the Cornhuskers to an undefeated season in 1983, and to the national championship game in Miami's Orange Bowl. Now, as a professional with the Pittsburgh Maulers of the USFL, Mike is one of the most highly touted running backs in all of professional football.

Perhaps more important, however, is the fact that through all of his success, Mike is still a family man, maintaining strong ties with his mother, father and five brothers. It is safe to say that all of Camden County and New Jersey is proud of Mike Rozier.

In honor of his many accomplishments, the city of Camden, the Camden Board of Education, and Camden County have proclaimed May 22, 1984, as "Mike Rozier Day," and a public ceremony will be held at the U.S. Wiggins Waterfront Park in Camden, NJ.

Mr. Speaker, I am sure that my colleagues will join me in congratulating Mike Rozier on his outstanding success at Camden High School and the University of Nebraska, and in wishing him the best of luck and success in his every endeavor.●

OUR NATION HONORS ITS SENIOR CITIZENS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. GAYDOS. Mr. Speaker, throughout this month our Nation is taking time to formally pay tribute to a specific segment of its population—the "Senior Citizen." May has been officially designated "Older Americans Month."

The observance is fitting. In addition to recognizing the role older Americans have played in the continuing development of our country, it gives young people the opportunity to look at the senior citizen in the proper perspective.

Our elderly men and women today do not fit the stereotype of yesterday. They are not rocking chair relics, draped in the shawl of antiquity, musing over the past. Far from it.

You can find the senior citizen of today anywhere. On the bowling alley, the jogging track, the aerobic dance class, the golf course. And, they are not decked out like Whistler's mother any more. They look modern, talk modern, dress modern, and act modern. They are modern.

And, they are active politically as well as socially.

They read. They listen. They keep abreast of what is going about them, at home and abroad, and they are prone to let their voice—and their vote—be heard.

In my 20th Congressional District of Pennsylvania, and I suspect it is true across the country—senior citizens are particularly alert as to what the Federal Government is doing, especially as it relates to them.

Whether it be by telephone, letter, or a personal visit to the office, they are not shy about letting me know what my position or vote should be on a specific piece of legislation. They are adept and skillful in translating the legalese of a bill into the bread and butter language of the people.

Mr. Speaker, I am proud of our senior citizens today. Our older Americans are entitled to be singled out for special recognition by our country and our people. Where would we be without them?●

IN SUPPORT OF NATIONAL FAMILY WEEK

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. BEVILL. Mr. Speaker, America's growth and prosperity has come as a direct result of the hard labor and dedication of its people.

Generations of Americans have pioneered and developed the land, and they have fought and died to keep it free. They have battled the elements, conquered diseases, and faced innumerable challenges in their quest to make this land bountiful. Inventing new technologies, they created machines to make their work easier and more productive. From the industrial revolution to the atomic age was but a small step. And with a giant leap, America sent a man to the Moon. But in each conquest, Americans have garnered their strength and courage from the most important element in our country, the family.

I am pleased to join with my close friend and colleague, JOHN MYERS, of Indiana, to cosponsor National Family Week. This most fitting tribute to the American family signifies the continuing contribution which family life plays in the success of our Nation.

In America, the family is much more than a mere part of our socioeconomic structure. The family is a functioning spiritual entity, providing the sustenance which continually renews the American dream in the hearts and minds of our people.

While our country recognizes the individual as an important contributor to the American society, and guarantees each person's rights to life, liberty, and the pursuit of happiness, it is the family which nurtures and protects the individual. And it is through the family that each citizen learns the values and responsibilities which American citizenship holds.

I look forward to the week of November 18, 1984, as the time we set aside to pay special tribute to the family. During that week, throughout America's urban and rural communities, the strengths of the family will be recognized and saluted. And in that Thanksgiving week, the values instilled by the American family will shine most brightly.

No nation is as strong, no individual is as true, no love is as lasting as the American family.●

ITC URGED TO RECOMMEND 5-YEAR LIMIT ON FOREIGN STEEL IMPORTS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. ERDREICH. Mr. Speaker, there was good news following United States Steel's annual stockholders' meeting in Birmingham last week that gives us reason to be hopeful about the resurgence of the steel industry in Alabama's Sixth District, which I repre-

sent, and its impact upon my State and the Nation's economic picture.

The pipe mill plant at Fairfield Works, which has been in operation only since early this year, is already operating above half capacity, and the blast furnace at Fairfield Works is operating once again.

At the stockholders' meeting, it was announced that the plant and pipe mill are expected to continue to be a permanent source of employment for the Birmingham area, with 2,200 already employed at the plant, and 600 working at the pipe mill.

At almost the same time that the United States Steel stockholders' meeting was held in Birmingham, the short- and long-term health of our vitally important steel industry was placed in the hands of six individuals. These six are not Cabinet officers of the executive branch, not Members of the House or the other body, but are members of the U.S. International Trade Commission, which was holding hearings in Washington that could make even brighter the economic picture for our local economy and steel industry.

A petition was before the Commission calling for limits to be placed on the amount of foreign steel imported into the United States. It requests that foreign-made carbon and alloy steel products be reduced for 5 years to 15 percent of the apparent U.S. market consumption. Currently, it is at 26 percent—an all-time high level.

In a statement to the International Trade Commission, I urged them to favorably consider this request, because I strongly believe that relief from subsidized foreign imports is essential if we are to achieve a broader economic recovery in Alabama and across the Nation.

Much of the fault for the lingering depression in the steel industry in Alabama and other steel centers across our Nation lies in our allowing foreign competitors to dump imported steel into U.S. markets at below-product cost. Employment in the steel industry has dropped 40 percent in the past 5 years, while the penetration of imported steel has grown from 10 to 26 percent. The number of workers at United States Steel Fairfield, in my district, has dropped from approximately 25,000 in the 1960's to about 2,800 today.

The International Trade Commission has 6 months from the filing date to complete its study of the petition and make its recommendation to the President. The President then has 60 days to determine if the remedy is in the national economic interest.

I say the petition request is in the national interest. It provides a solution within the framework of our existing trade laws for relief from the illegal market conditions that are impairing our steel industry. It will enable us to begin to change the rules of the game to correct the imbalance that exists and restore true fair trade.

Steel is vital to this Nation's well-being. It is our most important industrial material, and is a major component of almost every item of military equipment.

I urge the members of the International Trade Commission to look favorably on this request to reduce the unlimited access foreign producers have to dump subsidized products in our markets, so that we can continue to provide for a strong national defense and assure a secure economic future for our domestic steel industry and its workers.●

TRIBUTE TO WESLEY VILLAGE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. HARRISON. Mr. Speaker, the month of May has been designated as Older Americans Month. It is a time that we recognize and pay tribute to the skilled and compassionate care that older Americans receive from nonprofit facilities for the aging in Pennsylvania. Through this care, they recognize the dignity and intrinsic human value of these older Americans and provide community support for the aging through their facilities.

In particular, Mr. Speaker, I want to recognize and pay tribute to the Wesley Village, located in Luzerne County, PA, for its continued excellence in the caring for older Americans in the few years since it has been established.

I think it is particularly appropriate that we again, for the second consecutive year, acknowledge Wesley Village and its counterpart nonprofit facilities during the month of May which has been designated as Older Americans Month.

It is an honor for me, Mr. Speaker, to again join with the many municipalities in my congressional district in recognizing homes for the aged and in wishing to Wesley Village and its counterpart facilities many, many more years of continued success in the service of mankind.●

CONGRATULATIONS NORTHWEST BRONX COMMUNITY AND CLERGY COALITION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. GARCIA. Mr. Speaker, I would like to congratulate the Northwest Bronx Community and Clergy Coalition on their 10th anniversary of providing services to the Bronx. It is because of grassroot organizations like this one that the Bronx is rebuilding itself.

The Northwest Bronx Community and Clergy Coalition works directly in the streets helping neighborhoods to fight crime, prevent arson, find jobs for young people, and to encourage investment in the Bronx. Examples of the fine work that the Northwest Bronx Community and Clergy Coalition are involved include programs to get money back into the neighborhoods and make the housing livable for years to come. In 1976, this determined group formed a redlining committee to work on bringing the banks back into the Bronx. The coalition has also worked with other community groups involved with the National People's Action, and won an agreement from a major insurance firm to begin investing in neighborhood projects.

The Northwest Bronx Community and Clergy Coalition also work hard to rehabilitate housing facilities. Unfortunately their work is not getting any easier. In recent testimony before the House Banking Committee, the president of the Northwest Bronx Community and Clergy Coalition, Anne Devenny, shared her concerns on housing. She pointed out that the elimination of section 8 funding makes rehabilitation of empty buildings virtually impossible.

Despite decreases in funding for programs, the Northwest Bronx Community and Clergy Coalition continues to be effective and successful. Their commitment and dedication to the Bronx has made them a well-respected organization. Drawing upon the community's resources such as the churches, community organizations, and individuals, the coalition continues to function effectively.

In this case their philosophy of a community united really works. I must commend the Northwest Bronx Community and Clergy Coalition on their endeavors in the face of adversity.

We should all look to the Northwest Bronx Community and Clergy Coalition as an example for other impoverished areas. If people are willing to help themselves, then we should assist them. We have to realize that there is still much work to be done. The people of the Bronx are taking the first steps to improve their homes.●

DR. JESSIE M. KENNEDY

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. CROCKETT. Mr. Speaker, being a good teacher is hard work. Being a community worker, dedicated

to improving a city's standard of living, is also hard. And so is working to promote racial pride. But combining all three, and excelling at all three, requires someone of very exceptional character, strength, and vision. Dr. Jessie M. Kennedy is such a person.

In Detroit tonight, Dr. Kennedy will be the honored guest at a dinner that epitomizes what she has always stood for. The dinner is to raise the seed money for a new scholarship to send a deserving Detroit high school graduate on to college. This will be the second scholarship fund to bear Dr. Kennedy's name; she already maintains a scholarship at Northwest High School for worthy students who plan to become teachers.

Dr. Kennedy, who currently serves as area G superintendent for the Detroit Public Schools, has had a long and distinguished career in the Detroit Public School System. Starting out as an elementary schoolteacher, she has also served as a secondary school counselor and assistant principal, as Detroit's first black high school principal, and as the first black female regional superintendent. In each of these positions, she has been lauded as an exemplary teacher and administrator.

In 1975, Dr. Kennedy was appointed director of the Detroit Center for Professional Growth and Development by the unanimous decision of the Governance Board for the Detroit Center. There she presided over the development of the Detroit Center into a prototype for teacher centers, winning international recognition for developing and implementing effective, innovative inservice programs for teachers. Always on the crest of new tides, Dr. Kennedy guided the center into developing a future-oriented communications skills curriculum designed to prepare teachers students for a world in which ever more technical literacy skills will be required.

Despite these professional achievements, Dr. Kennedy has also served the community well in other capacities. She holds a lifetime membership in the NAACP, and has worked with the Urban League; the Children's Center of Wayne County; the New Detroit, Inc., Employment/Economic Action Committee; and with projects addressing the needs of teenage parents. She is particularly and rightfully proud of her presidency of the Greater Wayne County Chapter of Links, Inc., a black women's national service organization.

Among the cultural achievements are two record albums of African fables for children which she coproduced, the paper "Making Teachers Computer Literate" which she coauthored, and the chapter "Staff Development: Imperative for a New Direction" in the book "Public Education: Toward Equality, Equity, and Excellence." In 1982 she served as director for a group of 18 educators who received a Fulbright-Hays grant to spend 6 weeks in Zimbabwe.

Although Dr. Kennedy has been honored by many community groups for her outstanding achievements, it is my pleasure to add one more small accolade. Dr. Kennedy has set an example that is hard to live up to, but it is an example that we should all try to emulate.●

THE OLSTEN CORP.—FILLING AMERICA'S NEEDS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. LENT. Mr. Speaker, the Olsten Corp., the 3d largest temporary help service in the Nation, and the 11th largest company on Long Island, recently reached a milestone in service and productivity which could rightly be respected by any organization in the country. Since its founding by Mr. William Olsten in 1950, the firm has provided a total of 300 million hours of temporary work by thousands of individuals to America's business community. This figure represents only a segment of the total number of hours serviced by the entire temporary help industry, which currently employs nearly 5 million workers.

When you think of it, the number itself, 300 million hours, is literally staggering, and somewhat difficult to comprehend. Think of it this way; it would take a company of 1,000 workers 150 years of full-time work to match such a record.

Of course, simply quoting numbers hardly does justice to the true meaning of this achievement—the value of temporary service is best understood by viewing it in human terms. The temporary help industry has provided a dignified alternative to the rigid, 9 to 5, Monday through Friday workweek. In doing so, it has done more than offer freedom and flexibility to millions of workers—its contribution to society in the form of opportunities for greater self-esteem, raised productivity and realistic hope for the future cannot be measured but is without a doubt profound.

Just a brief look at some of the types of people whose lives have been affected by the myriad opportunities temporary work affords shows that the industry is a democratic institution. It takes the young and old of every race, color and creed, male and female and offers them the self-respect of an honest day's pay for an honest day's work.

Women, for example, have had a profound and permanent impact on the business world in the past few decades. The desire for a career and the need for a second paycheck have sent millions of housewives into the larger world of business. The temporary help industry gladly welcomes these workers, and helps to prepare and ease them back into the business world after years at home. For those who are still raising families, the flexible scheduling of temporary work can accommodate parenting needs as well as career needs. A mother can arrange to work in the morning and be home in the afternoon when her children return from school.

Women whose children have grown may experience the loneliness and self-doubt typical of the so-called empty-nest syndrome. But temporary work shows these women that they are needed and valued by society, and that life's challenges do not end when a child departs for college. In fact, such work may even help turn a family's grand plans for sending their children to college or graduate school into a reality and not just a dream.

Retirees are all too often faced with a damaging loss of self-esteem. After a lifetime of service, forced retirement can seem like a death sentence to a still-productive worker. Yet temporary work enables them to maintain the social, interpersonal contact needed at any age, and provides them with renewed dignity. And with today's inflation, the extra money brought in by temporary work can supplement social security benefits or other fixed incomes, making the vital difference between just barely getting by or living the worry-free life most elderly people hope for.

It has been found that what is good for people is usually good for business as well. While the industry's roots are tied to the days when temporary workers were called upon to fill in for sick or vacationing employees, managers gradually discovered that the planned, budgeted use of temporaries could benefit the company as a whole, not just the executive whose secretary was out. Nowadays, hiring a temp is more than a short-term solution to an emergency situation; it is a planned business decision.

The point of acknowledging the Olsten Corp.'s 300 million hours of service is to illustrate that in the case of the temporary service industry, the whole is greater than the sum of its parts. ●

SALUTE TO GULF STATES PAPER CORP.'S CENTENNIAL

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. BEVILL. Mr. Speaker, the Gulf States Paper Corp. is one of America's

most dynamic businesses. While taking pride in a long and rich history of innovation and success, it continues to look to the future with eager anticipation.

During this centennial year of Gulf States Paper, I am pleased to join with my colleagues from Alabama in saluting the workers and management of this most successful Alabama-based corporation. Their achievements have not gone unnoticed. Their accomplishments have brought economic prosperity and progress to each of the 21 Alabama counties in which they have facilities and holdings.

When this corporate giant had its modest beginnings in Indiana in 1884, our country was still considered an infant among the nations of the world. But the groundwork laid by the industrial pioneers of that day served as a foundation for the most explosive revolution in history. And the founders and developers of Gulf States Paper have received their rightful recognition in history as being among the most innovative contributors to America's industrial revolution. Many of their product innovations have become a part of our daily lives.

The Warner family and their relatives have operated this corporation with a zest and style which identifies it as one of America's true success stories. Each generation of this remarkable family adds another giant stride to the corporation's continual march of progress. And each generation leaves its unmistakable imprint of accomplishment on American business history.

Gulf States' president, Jack Warner, has been an energetic leader who has forged ahead with a vigorous program of diversification and expansion for the corporation. Additionally, he has been acknowledged civic leader, lending his wealth of talent and expertise to his community and State. And Jon Warner, who now serves as executive vice president of Gulf States, is following in the same tradition of excellence.

Tc some people, who fail to see the potential our Nation still holds, there are no longer any frontiers left in this land. But to the visionaries of Gulf States Paper, each direction in America holds another frontier which is waiting to be explored and conquered.

I am confident that Gulf States Paper will continue to be at the forefront of American business. And all of us in Alabama are proud that to have its headquarters in our State.●

1984 POLICE MEMORIAL SERVICE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. BILIRAKIS. Mr. Speaker, I was unable to attend the Police Memorial Service in Senate Park today, but I wanted to extend my sentiments and support for this important commemorative event.

Police officers daily risk their lives for our safety. In 1980 alone, over 90 law enforcement officers were killed in the line of duty and 10 more off-duty officers sacrificed their lives while responding to emergencies. During the decade of the 1970's, over 1,100 law enforcement personnel lost their lives in service to, and protection of, the general public.

Today, our words of remembrance cannot hope to describe the magnitude of this loss, or convey the consuming impact of this sacrifice. The entire Nation owes a tremendous debt to its law enforcement personnel. Police officers put their lives on the line so the average citizen can walk the street and feel safe in his or her home. Some of the bravest officers paid for this freedom with the highest price one could ever meet.

As a Congressman, I feel it is our duty to do everything in our power to assist our law enforcement officers. As legislators, I believe we must grant our police the tools to work with. While respecting individual rights and the Constitution, we must insure that our laws take into account the real world that police officers face and we must guarantee that the law serves to protect those who protect.

Therefore, I hope that we can take this time to reflect on the service of our Nation's law enforcement personnel, to extend our condolences and sympathy to the families of those killed in service to the citizens of this country, and to look forward, if we can, and ask what we might do to prevent more needless tragedy.●

TRIBUTE TO GUY VANDER JAGT

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. LUJAN. Mr. Speaker, last Thursday evening at the Washington Hilton, President Reagan spoke about the importance of the vote on El Salvador earlier that day.

As I sat there it occurred to me that one of the ones most responsible for the positive vote that day was GUY VANDER JAGT.

GUY laid the ground work for that victory by his years of working in the trenches and electing new Members who support our President.

We usually come to this floor and speak about a fellow Member after they retire, I think its time we publicly honor sitting Members who make a difference. GUY is one such Member.●

GULF STATES MARKS FIRST 100 YEARS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. ERDREICH. Mr. Speaker, 100 years have passed since Herbert E. Westervelt, founder of Gulf States Paper Corp., first entered the paper business in 1884. Since that time, Gulf States has grown into a major source of jobs in the State of Alabama and a major supplier of paper products used throughout the Nation and the world.

Gulf States' motto, "Quality Counts," applies to all aspects of the corporation, from its products and services, its forests, its spacious and beautiful plant facilities, to the widely acclaimed Warner wildlife art collection.

Progress has been a product of diversity at Gulf States, and its current president and chairman of the board, Jack Warner, has guided the corporation into new areas such as school and office supplies, erosion control systems, real estate, and resort and conference facilities.

As the Gulf States Paper Corp. enters its second century of growth and development, I would like to extend my congratulations to the president, board of directors, and employees of Gulf States Paper Corp. for reaching this milestone in the company's existence, and my hope that the corporation continues the contributions it has made to the economy of Alabama and to the millions of people who have benefited from its products and services.●

IN HONOR OF 25 YEARS OF SERVICE

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. KOLTER. Mr. Speaker, it gives me pleasure today to honor Mrs. Harold E. McEwen, whose work as librarian keeps the minds of both children and adults enlightened as well as entertained. She has headed the First Christian Church's library in New Castle, FA, since its opening 25 years ago. Since then, she helped establish other libraries in area churches. She can also include among her accomplishments her publications as a member of the Church & Synagog Library Association. As a librarian and philanthropist, her work cannot be underestimated in this technological age. Mrs. McEwen's dedication and direction is to be commended: her commu-

nity is certainly richer for her continuing efforts.●

TAX EQUITY FOR NONITEMIZERS

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. CAMPBELL. Mr. Speaker, I, along with my distinguished colleagues from the Ways and Means Committee, Representative HANCE, have introduced H.R. 4305, which would allow a tax credit up to a maximum of $15 for tax return preparation expenses for those who do not itemize deductions on their tax returns. This legislation would provide assistance to lower income taxpayers who really need the same Government help in meeting their tax filing obligations that higher income, itemizing taxpayers now receive through an allowable deduction for preparation expenses.

Although I prefer a simplified tax system which would enable all taxpayers to file their tax returns without professional help, Congress has not yet been able to enact such legislation. In the meantime, I believe we must eliminate the inequity that exists between higher income itemizing taxpayers and lower income nonitemizers.

This bill also has several other benefits, which may not be as obvious, but are also important. First of all, increased assistance from tax experts will increase compliance, reduce errors, and cut processing costs for the IRS. I also believe that public confidence in the system would increase, especially on the part of the lower income taxpayers who do not always understand the Tax Code and the provisions, deductions and exemptions that they may be entitled to use. Since the higher income taxpayers can afford professional assistance, they are able to make maximum use of various deductions, credits and exemptions.

During tax time, I always hear from the people of South Carolina, who ask many questions about our complicated tax system. Many of thse people are nonitemizers who need assistance in filing their returns. I am hopeful that my colleagues will join us by cosponsoring this needed legislation, which would alleviate some of the burden on these people. Mr. Speaker, I would also like to commend the other Ways and Means members who have cosponsored this bill—Mr. VANDER JAGT, Mr. SCHULZE, and Mr. DOWNEY of New York, along with Mr. WHEAT, and Mr. DENNY SMITH.●

JAMES M. DENSON—OUTSTANDING INTERN

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. HAWKINS. Mr. Speaker, I would like to pay special recognition to Jim Denson who has worked in my office performing a varied number of legislative research tasks. Jim joined my staff as part of the Colgate Washington study program, which is designed to enhance students' understanding of the national political experience within the bureaucracy and the Congress. Jim previously worked as an intern at the Department of Transportation.

Jim's duties comprised researching a number of urban development issues, including enterprise zone legislation. He brought to our office warmth, professionalism and a sense of intellectual curiosity that is truly refreshing. I wish Jim well in pursuing his future education and career goals. His talent and warm personality will be missed by myself and members of my staff.●

A SALUTE TO THE CREW OF THE "CHALLENGER"

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. TAUKE. Mr. Speaker, on April 6, 1984, the space shuttle *Challenger* roared off the launch pad at Kennedy Space Center into its highest orbit yet. During this historic 11th mission, a crippled satellite, the solar maximum mission spacecraft, was repaired in orbit, and a large experiment carrier named the long duration exposure facility was deployed. The *Challenger* returned to Earth on April 13 in a spectacular landing.

I had the good fortune to meet the crew of this mission yesterday and would like to pay tribute to the members of the team and their accomplishments: Mission Commander Bob Crippen; Pilot Dick Scobee, and mission specialists George Nelson, Terry Hart, and James van Hoften. I take particular delight in pointing out that Mission Specialist Nelson hails from Clinton, Iowa, in the Second District of Iowa, which I represent in the House. Dr. Nelson received his doctorate in astronomy in 1978 from the University of Washington and was selected for the Astronaut Corps in 1978. I join all Iowans in saluting Dr. Nelson and his fellow crew members.

One of the most intriguing achievements of the shuttle mission was in regard to the long duration exposure facility—LDEF. This facility is a large cylindrical payload housing various and diverse experiments which the shuttle deployed in Earth orbit to remain there for nearly a year; a subsequent shuttle flight will bring it back to Earth. Many of the experiments are basically simple and many are completely passive. All of the experiments require free-flying exposure in space, but no extensive electrical power, data handling, or altitude control systems are needed to conduct these experiments.

The LDEF experiments are divided into four groups: Materials and structures, power and propulsion, electronics and optics, and science. The 57 experiments on the first LDEF deployed by the 11th shuttle mission involve 194 principal investigators, representing 16 U.S. universities, 13 private companies, and 34 research organizations in 8 different countries—Canada, Denmark, West Germany, France, Ireland, the Netherlands, Switzerland, and the United Kingdom. An LDEF experiment costs as little as $10,000 and encourages high risk/high return project. The LDEF makes experiments particularly attractive to students and research groups with no experience in space experimentation.

"The Space Tomatoes Are Coming" is a slogan apt to be heard in many of the country's classrooms in the near future. One LDEF experiment called the space-exposed experiment developed for students—[SEEDS]—is designed to involve several million students in a national project. The shuttle carried aloft 12.5 million tomato seeds—tomatoes were selected for their size, simple germination and growing, and for their familiarity to students in all geographic areas of the United States. NASA is inviting students from fifth grade through university level to participate in the postflight investigations of these space tomato seeds. Students will be provided packets of exposed and control seeds and can conduct classroom experiments of their own design.

The shuttle has truly demonstrated its versatility—a $77 million solar observatory satellite, designed to provide scientists with data to unlock the mysteries of solar magnetic events, was repaired in orbit, and the reality of space technology is being brought to our Nation's classrooms. Although diverse, these missions commonly show that the use of space will make a difference in our future.

Again, I commend and salute the crew of the *Challenger*.●

OLYMPICS RESOLUTION

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. PARRIS. Mr. Speaker, Senator BILL BRADLEY and I are today introducing a resolution that expresses the sense of Congress that the International Olympics Committee seek and establish a permanent site for future Olympic games.

The purpose of the resolution is to insulate these games as much as possible from international politics.

During this century, the games have been subject to political pressures. The games scheduled for 1916, 1940, and 1944 were suspended because of international conflicts. The 1980 Olympics in Moscow were boycotted by the United States and other countries and the Soviet Union and some Eastern bloc nations have announced they will boycott the 1984 Olympic games in Los Angeles this summer.

I believe public opinion in this country and perhaps worldwide supports the creation of a permanent site for the Olympics. The purpose of our resolution is to put the U.S. Congress on record for a permanent site. The resolution specifically does not mention any particular locale, for we believe that such a decision must rest with the IOC, and neither the United States nor any other nation should try to dictate a site.

Several years ago the IOC studied the idea but rejected it, primarily, I am informed, because of the costs of building and maintaining the complex.

I believe this impediment could be overcome, possibly by the joining together of corporations and other benefactors, along with the world's nations, to establish a foundation to raise all or part of the money that would be necessary.

The International Olympics Committee informed me today that a permanent site runs contrary to the Olympic ideal that the game move from country to country. While I share that feeling, I also realize that we live in a world that subjects any Olympics host to political disruption, and this, if it continues, threatens the survival of the Olympic games.

BILL BRADLEY and I believe that Olympic games are worth saving and are hopefully optimistic that the majority of our colleagues agree.●

PERSONAL EXPLANATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. PORTER. Mr. Speaker, My wife, Kathryn, went into the hospital last Wednesday, May 9 and had major surgery on Thursday. The concern and caring of so many of my colleagues has been most heart warming, and Kathryn and I and our children are deeply grateful.

In the course of her hospitalization last week I was forced to miss several votes. For the record had I been present and voting, I would have voted as follows:

On Rollcall No. 135: "No."
On Rollcall No. 136: "No."
On Rollcall No. 138: "Yes."●

CHILD PROTECTION ACT OF 1984

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. PASHAYAN. Mr. Speaker, H.R. 3635, the Child Protection Act of 1984, is now awaiting the President's signature. The House gave final approval to the bill on Tuesday, May 8, 1984. The legislation is very important because of the need to protect children from sexual exploitation. It encourages Federal law enforcement officers and prosecutors to attack this sick trade with new weapons and increased vigor. The size and reach of the child pornography industry is increasing. It is a multimillion-dollar national business.

I introduced one of the original pieces of legislation to strengthen Federal laws against child pornography. My bill, and the bill that emerged from the legislative process, eliminated the requirement that child pornography meet the legal definition of obscene before prosecutors can move against the adults who produce or deal in the material. Under the legislation, the mere fact that children are depicted in sexual situations shall be grounds for prosecution. This implements the Supreme Court's decision in New York against Ferger. The bill also expands who can be prosecuted for violating Federal child pornography law. To find somebody guilty, it will no longer be necessary for the pornographic material to be sold. Persons who just transfer pornographic material without selling or receiving money, by trading, can now be prosecuted in addition to those who sell. And producers of pornographic material will be reached as a result of the bill's broader coverage.

My first concern is to protect children. The potential for permanent damage to youngsters who are exploited for pornographic purposes is becoming well known. Concerned parents, family advocacy groups, the Federal Bureau of Investigation, Women Against Pornography, the U.S. Customs Service, and the U.S. Postal Service all recognize the importance of curbing the exploitation of innocent children, our most important national resource and hope for the future.

I want to thank WILLIAM HUGHES and HAROLD SAWYER, chairman and ranking minority member of the Judiciary Subcommittee on Crime, for their leadership in guiding this legislation to becoming a Federal law. It has been my pleasure to work with them in fashioning sound national policy that has the overwhelming support of my colleagues in the House and the Senate as well as the President.●

EQUAL ACCESS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. FIELDS. Mr. Speaker, later today the House of Representatives will consider H.R. 5345, the Equal Access Act. Its passage is vital if our first amendment right of free speech is to be protected.

The equal access concept is simple and straightforward: Schools with a policy of allowing student-initiated clubs the right to meet and use school facilities cannot deny a student-initiated religious club the right to meet on the same basis. I emphasize, the same basis. Supporters of H.R. 5345 do not seek to establish Government favoritism toward religious groups but merely to reestablish equal treatment.

Mr. Speaker, our Founding Fathers never dreamed that the establishment clause of the Constitution would be so perverted nor the first amendment so ignored that Government-sanctioned religious discrimination would occur in this great Nation. Our courts have perverted the very rights they were established to protect. We teach students that the Constitution guarantees free speech, yet confusion resulting from inconsistent and mistaken court applications of the establishment clause has caused many schools to ban religious activities rather than face possible court litigation.

Congress is duty bound to clarify the issue of equal access. Constitutional protection of free speech is too fundamental to be abandoned to the confusion of conflicting court rulings.

While I will continue to support a constitutional amendment allowing voluntary prayer in our schools, I think the Equal Access Act is a positive step in the right direction.●

THE 100TH ANNIVERSARY OF GULF STATES PAPER CORP.

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. DICKINSON. Mr. Speaker, today I am pleased to join with the Alabama delegation in honoring Gulf States Paper Corp. on their 100th anniversary this year. With a tradition of excellence for the past century, I am certain the next 100 years will be equally as exciting, demanding, and successful.

From a somewhat modest beginning, Gulf States has progressed from one original product to the prominent multimarket position it occupies today. In 1884, the company started as a small paper business in Indiana, and has now expanded to have operations in eight States providing a wide variety of products and services. Markets ranging from forest products to real estate, paperboard to packaging, and resort operations to school supplies are only a few of the Gulf States endeavors.

Gulf States has played a major role in making Alabama one of the leading States in production of wood products, and today their quality products can be found virtually all over the globe. Dedication and commitment to excellence and quality manufacturing has been the hallmark of Gulf States progress over the last 100 years. I wish them the best of success as they continue to expand and grow to the future.●

TRIBUTE TO ANDREW VICTOR

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. HARRISON. Mr. Speaker, on Friday, May 18, 1984, the parents, students and friends of Valley West High School will gather together at a dinner to pay tribute to a gentleman who has, during his career which spans five decades, shaped and molded the lives of countless students, both in the classroom and on the athletic field.

Andrew "Andy" Victor's retirement from the teaching profession while a sad day for all the residents of the Wyoming Valley, does not signal the end of this man's services to the community. A teacher for nearly 35 years, he has left a lasting mark on those he has had the privilege of instructing in his history classes. As a coach of not only football, but also wrestling and track, this fine athlete has been the personification of sportsmanship and fair play. And, as a soldier, fighting in the defense of his country, he has learned firsthand, the lessons that have made this Nation great.

As a first lieutenant, serving in Europe during the Second World War with the 100th Infantry, Andy saw action in France and in Germany, including the Maginot line and the Siegfried line. For his bravery and his leadership in these crucial battles, he was awarded the Silver Star at a ceremony in Spitzberg, France. In addition, he is the recipient of several other military decorations for his service to his country.

Mr. Speaker, I join with the citizens of the Wyoming Valley and thank Andy Victor for his unselfish dedication and his boundless efforts given in the service of his fellow man. We wish him all the success in the world and we are confident that he will continue to make us all proud of him in all his future endeavors.●

RELIGIOUS FREEDOM

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mrs. VUCANOVICH. Mr. Speaker, 40 minutes does not give us much time to consider something as important as granting equal access to student religious groups, or more accurately, giving these groups the same rights as any other legal student initiated group. Yet that is all the time we have so I will be brief.

The constitutional separation of church and state is not an issue here. What is under consideration is a most twisted application of this separation—or more accurately, the necessary clarification of constitutional intent.

Faith, family, and work. These are the pillars of our society. Among them, faith is certainly the strongest, and most significant. It shapes our attitudes and guides our lives. Our forefathers correctly sought to prevent the State from weakening our religious beliefs, or the values they create.

But that separation, designed to guarantee the strength of American religion, has been used in recent years to undermine it, and weaken it. Failure to grant equal access is yet another step in what has become the deemphasizing of our religious beliefs. There in no violation of rights when we allow students to meet for religious reasons. There is no violation of the separation of church and state. There is only the recognition that our efforts to keep the State out of religion must not become efforts by the State to limit religious freedoms. I urge my colleagues to support this most reasonable measure.●

TOP HUD OFFICIAL'S "ALICE IN WONDERLAND" APPROACH

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, a top official in the Reagan administration's Department of Housing and Urban Development recently remarked that Hispanic Americans prefer to live in poverty and substandard housing because of their cultural preference to do so.

The sheer insensitivity and tendency toward racism of such a remark, especially coming from an official affiliated with providing adequate housing for disadvantaged Americans, underscores the "Alice in Wonderland" approach this administration has consistently demonstrated when confronted with human suffering.

Now, Mr. Abrams was a developer in the Boston, MA, area prior to his coming to work for HUD. Maybe he just does not know any better or maybe he has never been to some of the projects that he thinks Hispanic Americans prefer to live in. I think Mr. Abrams should visit my district and personally tour some of the public housing projects in El Paso—and he can explain to those project residents exactly why he thinks they wish to reside in substandard, overcrowded tenements.

I call upon the President and the Secretary of HUD to condemn and demand a retraction of the statement made by Mr. Abrams. Their silence up to now implies that the thoughts conveyed by Mr. Abrams represents the thinking of the administration on this issue.

Mr. Speaker, it is one thing for this administration to ignore the hungry, the homeless, and the disadvantaged low income of this Nation through selected budget cuts in various assistance programs. It is quite another thing to condone, through silence, the narrow minded and despicable comments that were made by Mr. Abrams.●

SENATE—*Wednesday, May 16, 1984*

(Legislative day of Monday, May 14, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Almighty God, Judge of all the Earth and perfect in Thy justice, we beseech Thee for the Members of the Senate and all public servants. Make us aware that our ultimate accountability is to Thee.

Thy word declares that we have no secrets from Thee; that Thou dost know our thoughts afar off and the words yet unspoken on our tongue. Thou dost see not only what we do but why we do it. Put a watch on our motivation. Imbue us with the desire and determination to act in ways pleasing to Thee. Help us to think God's thoughts after Him knowing that as we conform to Thy will we shall most certainly fulfill our responsibility to the people.

Fill our hearts, O God, with a passion for Thy glory, through Jesus Christ the Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. BAKER. I thank the Chair. I thank my colleague and distinguished President pro tempore, who is unfailingly courteous and helpful.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning, after the two leaders are recognized, there will be two special orders. At 10:40 a.m., today, the Senate will stand in recess in order to gather and proceed as a body to the Hall of the House of Representatives to hear the President of Mexico, Miguel de la Madrid, address a joint meeting of Congress. The President pro tempore is authorized to appoint an escort committee.

Mr. President, after the joint meeting is concluded, the Senate will reconvene, and the first order of business will be a period for the transaction of routine morning business for 20 minutes or less, in which Senators may speak for not more than 2 minutes each. At the conclusion of that time, the Senate will resume consideration of the unfinished business.

Mr. President, today is Wednesday of the week before we are to go out for the Memorial Day recess. Between now and May 25, it is the fervent hope of the leadership on this side that we can complete action on this bill, on the budget resolution, on the agent orange matter, and on the debt limit.

Surely, then, Members will not be surprised when I say that, in view of that essential schedule, in the opinion of the leadership on this side, I should reiterate the statement I made yesterday, and that is Members should assume that there will be late sessions for the balance of this week and perhaps next as well. There will be a session on Friday, Mr. President, and there will be votes.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, the distinguished majority leader has stated that there will be a session on Friday and that there will be votes. What I am about to say casts no reflection on the majority leader. He fully intends to have a session and he fully intends to have votes this Friday.

He has said this in the past and in utter good faith so there is no question that I raise, explicitly or impliedly, but Senators on my side—and I would imagine that Senators on the other side—have complained that when statements are made by the leadership to the effect that there will be a Friday session and then on Thursday afternoon it is called off, or that there will be a Friday session and there will be votes and we come in on Friday and there are no votes and we go out early, Senators on my side have complained that they have arranged their schedules as a result of the leadership statements that have been made and then they find that they are short circuited by having no votes and they are unable, by then, to pick up their schedules as they were in the beginning.

This is one reason why I said to the distinguished majority leader yesterday that if he says there will be votes on Friday, I want to do everything I can to help him have some votes. Although, may I say, too, having been majority leader, that even the majority leader cannot guarantee, beyond any semblance of doubt, that in all occasions, there will be votes. And the majority leader has found—if the majority leader will pardon me, I do not want to make a speech at this point, and I ask that it be taken out of my time—the majority leader has sometimes found that when he looks at the attendance checks on Thursday afternoon—that the likelihood of a quorum on Friday is not the very best. And so, rather than have Senators come in, with no quorum, he has felt forced at the last hour to waive the Friday session.

Now, I say that only to say what my colleagues on this side are concerned about and with absolutely no touch of any criticism for the majority leader. I know his problems and I sympathize with him in them. So I simply want to underscore what I have said; namely, that if a Friday session is going to be held—and no one questions the fact that it does need to be held this week because the majority leader has outlined the workload—that there will be votes. I hope that we do have votes.

(Mr. MURKOWSKI assumed the chair.)

Mr. BAKER. Mr. President, I thank the minority leader. I am certainly not offended in the least by his remarks. He has had the same experience I am having now during his tenure as majority leader.

In the final analysis, the leadership can only do what the Senate is willing to do. But I can do one thing that I have not done before, Mr. President, and that is to guarantee that there is going to be a vote on Friday. Now, it may be a vote on compelling the attendance of absent Senators; it may be something more substantial than that. But I am saying now, in my own responsibility, that we have gotten in the habit too freely of taking off Friday and there is too much yet to be done. So Senators should know if they are not here on Friday, they are going to miss at least one vote and, if it is possible for the leadership on this side to do so, they will miss more than one.

If we do not have a quorum, they will not miss more than one vote. But I have been reluctant to have a vote, or a quorum call, on Friday when attendance shows more than 50 absentees, and/or when I am reasonably sure that is the case. I think it does not bring glory to the Senate to have to adjourn for the absence of a quorum, and that is what we would have to do. So I have been unwilling to do that. But I am not unwilling to do that now.

On Friday, if we do not have a quorum, we are still going to have a

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

vote. If we have to adjourn over under the rules, we will do so. There is already an order entered for us to convene on Monday. It may be necessary to be in on Saturday. But I will make a further statement about that later.

I want Senators to know that, and I thank the minority leader for underscoring the statement that we are going to do this now. We are going to try to resume a standard 5-day week.

Mr. President, it is true on this side—as the minority leader has indicated on his side—that Members have complained about being told to be in on Friday with a short session when we cannot do anything. I suppose that is a cul de sac of leadership that you cannot do much about except what I outlined. It may sound punitive to Senators, but that is the case. We are going to be in on Friday. We are going to have votes. I have not put it in that context before, but that is the case.

HIGHER EDUCATION ACT AMENDMENTS

Mr. BAKER. Mr. President, I have one matter that we might have taken up last evening at the request of this Senator, a bill that has been cleared on both sides, I believe. We did not because of the variety of circumstances.

Could the minority leader agree at this time to take up as morning business H.R. 5287, by unanimous consent?

Mr. BYRD. Mr President, that matter has been cleared on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate now as in morning business proceed to the consideration of Calendar No. 844.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The bill clerk read as follows:

A bill, H.R. 5287, to amend Title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multiyear grants.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3064

(Purpose: To authorize appropriations for the Office of Inspector General, Department of Education, for Allen J. Ellender fellowships, for certain legal education programs, for the Urban Education Foundation, and to clarify the definition for "migratory fisherman" under chapter 1)

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Vermont (Mr. STAFFORD) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for the Senator from Vermont (Mr. STAFFORD), proposes an amendment numbered 3064.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Redesignate section 2 as section 7 and insert after section 1 the following new sections:

SEC. 2. (a) Section 510 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) is amendment by striking out beginning with the semicolon in clause (1) all matter through the end of the sentence and inserting in lieu thereof: "for each such year; and

"(2) $12,989,000 shall be available for each of the fiscal years 1982 and 1983, and $14,961,000 shall be available for fiscal year 1984 for the Office of Inspector General.".

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1983.

SEC. 3. Section 5 of the joint resolution entitled "Joint Resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program", approved October 19, 1972, is amended to read as follows:

"SEC. 5. There are authorized to be appropriated $1,500,000 for the fiscal year 1984, $1,500,000 for the fiscal year 1985, $2,000,000 for the fiscal year 1986, $2,000,000 for the fiscal year 1987, $2,500,000 for the fiscal year 1988, and $2,500,000 for the fiscal year 1989, to carry out the provisions of this joint resolution.".

SEC. 4. (a) Notwithstanding any other provision of law, the total amount which may be appropriated to carry out part E of title IX of the Higher Education Act of 1965, relating to law school clinical experience programs, shall not exceed $1,500,000 in fiscal year 1985, $2,000,000 in fiscal year 1986, $2,000,000 in fiscal year 1987, $2,500,000 in fiscal year 1988, and $3,000,000 in fiscal year 1989.

(b)(1) Section 583(b) of the Education Consolidation and Improvement Act of 1981 is amended by striking out "and" at the end of clause (2), by inserting "and" at the end of clause (3), and by inserting after such clause the following new clause:

"(4) the law-related education program as formerly authorized by part G of title III of the Elementary and Secondary Education Act of 1965,".

(2) Such section is further amended by inserting "(or $1,000,000 in the case of the program referred to in paragraph (4))" after "fiscal year 1981".

SEC. 5. Section 555(b) of the Education Consolidation and Improvement Act of 1981 is amended by inserting before the period at the end thereof a comma and the following: "except that such definition shall be modified to include children of migratory fishermen, if such children reside in a school district of more than 18,000 square miles and migrate a distance of 20 miles or more to temporary residences to engage in fishing activity".

SEC. 6. (a)(1) The Secretary is authorized to make grants to the Urban Education Foundation of Pennsylvania, Inc., located in Philadelphia, Pennsylvania, for the purpose of reconstruction and renovation (and related costs) of the combined graduate and undergraduate facilities at the urban research park established as the Urban Education Foundation of Pennsylvania, Inc.

(2) There is authorized to be appropriated $3,400,000 to carry out the provisions of paragraph (1) of this subsection.

(b)(1) Notwithstanding any other provision of law, from any amounts recovered by the Department of Education from prior fiscal year obligations from the Higher Education Appropriation Account for the Department of Education, the Secretary may use not to exceed $1,000,000 to carry out the provisions of subsection (a) of this section.

(2) The amount authorized to be appropriated by paragraph (2) of subsection (a) shall be reduced by any amounts expended under paragraph (1) of this subsection.

TITLE III, HIGHER EDUCATION ACT

Mr. STAFFORD. Mr. President, the Senate will today consider legislation which will correct a technical error in the authorizing statute for title III of the Higher Education Act. Last September, the Congress passed legislation creating a new endowment program as part of the title III program. At that time, we inadvertently knocked out funding for a number of schools in their third year of the challenge grant program. This legislation before us today will correct that problem.

Additionally, I would like to urge my colleagues to accept my amendment which will do the following. First, we would reauthorize the close-up program for 5 years. This important program needs a 5-year extension at this time in order to provide stability for its corporate fund raising and long range planning. Close-up is a program which enjoys great bipartisan support in the Senate, and I have had many Members urge the action we are taking today.

The second item in my amendment would increase the authorization in fiscal year 1984 for the Office of the Inspector General at the Department of Education from $12,989,000 to $14,961,000. This increase in funding is needed now if the Department is to maintain its best efforts to monitor our important education programs.

The third item is an extension of the law school clinical program and the law-related education program, both of which have been strongly supported over the last few years by Senators PELL and RANDOLPH.

The fourth item is a technical amendment clarifying the definition of migratory worker to insure that the children of certain migratory fishermen are included. I understand that Senator STEVENS proposed this amendment, which will affect children in the States of Alaska and Hawaii.

The fifth and final item is one recently considered by the Senate on the supplemental appropriations bill, that is the creation of the Urban Education Foundation of Pennsylvania. As my colleagues will recall, Senators HEINZ, SPECTER, and myself offered an amendment for $3.4 million for the Urban Education Foundation. The authoriz-

ing language contained in this amendment is needed to clarify our actions on the appropriations bill. This is a project which has strongly been supported by Secretary of Education Terrel Bell, and Under Secretary of Education Gary Jones, who see it as a model of business-higher education cooperation.

I thank my colleagues for their courtesy in allowing me to discuss these issues today, and urge the immediate adoption of H.R. 5287 and this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3064) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5287), as amended, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I yield the remainder of my time to the distinguished Senator from Wisconsin, to be added to his special order time.

Mr. BAKER. Mr. President, I yield any remaining time I have to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I wish to thank the majority leader for yielding the balance of his time to me which I will not consume entirely.

DOMESTIC CONTENT

Mr. CHAFEE. Mr. President, the press has been full of articles in the last several weeks focusing on the foreign trade concerns of one of the Nation's most import industries, the auto industry.

There have been articles about the effects of Japan's self-imposed auto quotas, about the economic recovery of the U.S. industry, its enormous profits and its extraordinary levels of executive pay and bonuses. There have been articles about the Japanese industry's not-so-veiled indications that it just might be nice to us and continue the quotas after they expire in March 1985, and about the large investments being made here by Japanese auto companies. And there is much editorial comment, too, about what surely seems to be one of the hottest topics in the economic news.

No wonder. The vitality of the auto industry is important because its employment, its gross sales, its impact on our way of life is so important. Consumers care deeply about the cost, quality, safety, and environmental soundness of their cars, and they care very much.

Well, the existing temporary quotas on Japanese cars are nothing compared to the domestic content bill being heard today in the Senate Commerce Committee.

That protectionist blockbuster—perhaps the worst threat to world trade since the disastrous Smoot-Hawley Tariff Act of 1930—passed the House last November 11 by a vote of 219 to 199, and is said to have about 25 supporters in the Senate. It is a threat to those millions of American consumers who are buying high quality, reliable, fuel-efficient Japanese cars. It is a threat to the economy at large, and a threat to the competitive vitality of our own domestic auto industry.

Fortunately, a large number of private organizations, economists, and newspaper editoralists have grasped the nature of this threat to our collective well-being and responded.

One hundred organizations and companies representing millions of American consumers, workers, farmers, manufacturers, and other business people across this country have joined in opposition to S. 707.

And 100 economists, including 3 Nobel laureates, have joined to urge that we reject S. 707.

At least 50 publications have editorially opposed domestic content legislation, ranging from the Arizona Republic to the Wall Street Journal.

I ask unanimous consent that listings of thse organizations and individuals be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. CHAFEE. Mr. President, now, what is everybody so concerned about; why all the fuss? S. 707, the Fair Practices in Automotive Products Act would require that by 1986 the overall fleet sold by any manufacturer in the United States consist of a fixed percentage of U.S. labor and U.S. parts. That percentage would be 90 percent for manufacturers that sell more than 900,000 vehicles, proportionally down to 10 percent for manufacturers that sell 100,000 vehicles.

It is important to understand that the bill is a very elaborate device to arrive at the imposition of quotas. If a manufacturer fails to meet the prescribed limits, allowed imports could be reduced to as few as 100,000 vehicles. Consumer choice would be severely restricted, particularly for the smaller Japanese cars that restricted, particularly for the smaller Japanese cars that account for about 50 percent of all small car sales, and 26 percent of total U.S. consumption in 1983.

So the reason for all the fuss and worry is plainly and simply that the bill would close the vise on the American auto market. It would dictate to foreign manufacturers that if they want to sell cars here they have to make them here. It is deliberately skewed against the Japanese producers, who among them will in 1984 sell 1.85 million cars here, including about 730,000 Toyotas, and 650,000 Nissans. Very few non-Japanese makers ship us more than 100,000 units. Thus, S. 707 would permit the marginal foreign suppliers—mainly the Europeans—to continue to trade, but close out the major Japanese producers.

Mr. President, this morning a number of my colleagues and I will be discussing the domestic content bill and its harmful implications.

I will begin by making the arguments:

First, that the industry has used the "breathing space" provided by more than 3 years of quotas to recover with great strength from a period of trial; and

Second, that the domestic content legislation would hurt American jobs, consumers, and in other ways damage our economy and weaken our position among our trading partners.

First, auto company sales, profits, salaries, and employment have all increased. The industry had its most profitable year in history in 1983 and will have a much better one in 1984.

Sales of domestic autos increased from 5.76 million units in 1982, the trough of the recession, to 6.8 million in 1983. Based on first quarter performance, CBO estimates sales will be 8.3 million in 1984.

With the increase in domestic production, and partly reflecting the effect of the quotas, the import share of the domestic market is expected to drop from 27.9 percent in 1982 to a projected 22 percent in 1984. Quotas have been one element of the drop in sales of imports. Another important contributor has been the fact that as fuel prices have stabilized, sales of intermediate and large cars increased from 2.9 million units in 1982 to 3.8 million units in 1983, illustrating that the large-car buyer has returned to the market.

Industry profitability is up dramatically. According to Commerce Depart-

ment data, industry profits in the first quarter should be about $2.7 billion. For 1984 as a whole, the industry should earn $9 to $10 billion. Chrysler earned more in the first quarter this year than in any full year in its history.

In 1983, GM's and Ford's earnings were each greater than in the last prerecession year, 1978. While this is nominal income, not adjusted for inflation, it is nonetheless important because it was achieved with sales of almost 1 million fewer cars than in 1978.

This booming profit picture has resulted in some extraordinarily self-indulgent behavior in the form of executive compensation.

Each of General Motors' top five executives broke the million-dollar compensation barrier with their salaries and bonuses last year.

Chairman Roger Smith's compensation package totaled $1.51 million: $625,000 in salary, $433,000 in cash bonus, and the remainder in options. Overall, GM paid 5,807 executives $181.7 million in bonuses last year, and Ford paid 6,035 executives bonuses totaling $80.6 million.

Their timing could not have been worse, because the auto industry is approaching the most important event of the year—renegotiation of the United Auto Workers' contract with GM and Ford. These negotiations will begin in early summer, and are expected to conclude before the contract expires in September.

The wages, fringe benefits, and working conditions that emerge from these negotiations will have a number of major effects on the industry. Labor costs could increase significantly. As a result of the contract it signed in September 1983, for example, Chrysler's labor costs in the United States are expected to rise about 20 percent from $21 to $26 per hour over the next 2 years. Chrysler's settlement was just to catch up to GM and Ford. Their settlements will build upon this base and could be even more generous.

Obviously, the UAW is seeking a reversal to at least the 1979 levels. And why should they not if they follow the examples of the executives? Their war cry is "Restore and more in '84."

The trouble is that these increases will make the auto worker twice as well paid as the average American worker, and much better paid than his Japanese auto industry counterpart.

Profitability has come as the result of stringent cost reduction programs that increased plant productivity enormously. Unfortunately, the revitalized industry performance also came at the expense of jobs. But even here, the picture is looking much brighter. Employment in the motor vehicles and parts industries has been rising steadily from the bottom hit in the fourth quarter of 1982. In the corresponding period in 1983, employment was 827,000. It rose to 875,000 in the first quarter this year. Compared to the peak employment of 1,047,000 reached in the fourth quarter of 1978, the employment picture is not completely bright, but there has been a strong recovery even with the increased output per worker that has been achieved during the last few years.

Now let us look at some of the harmful effects of domestic content, and I would like to start with jobs.

Most often quoted is the finding of the Congressional Budget Office that though domestic content might result in some additional U.S. auto jobs, the net effect on U.S. employment would be a loss of 66,000 jobs.

A more recent study by the Commerce Department shows that S. 707 would increase the price of an average car by about $450. Japanese car sales here would decline by about 1 million units.

But American car makers would not be helped by the shortage of Japanese cars. On the contrary, the study shows that their volume would rise by less than 200,000, the result of negative consumer reaction to higher prices and reduced availability of the types of cars they prefer.

The Commerce Department study shows that the bill would result in gains in auto employment of 30,000, offset by direct losses at U.S. ports, dealerships, and at the U.S. facilities of Japanese auto companies of 23,500. And because imposition of domestic content would affect approximately $5.5 billion worth of Japanese exports to the United States, the Commerce Department estimates that 132,000 U.S. nonauto workers could risk losing their jobs. Thus, at the very worst, the domestic content bill could result in the loss of as many as 125,000 American jobs.

In short, the cost of this industry's greed would be the jobs of many thousands of Americans in other fields.

One important area in which jobs would be lost would be the U.S. facilities of the Japanese producers. These cars are made very substantiall, of parts made abroad. Thus, were domestic content to become law, these plants would have to completely reorganize production or close. Honda and Nissan have indicated that they would close their production facilities were domestic content enacted. This would mean the direct loss of 4,000 jobs in these factories; an additional 3,000 jobs could be lost by their suppliers.

But since the Commerce Department study was made, Japanese producers here have announced further expansion of their domestic facilities. On May 10, Nissan announced plans to build as many as 100,000 subcompact cars a year in Tennessee, adding 1,100 additional workers to the 1,900 already employed there. And in March, Mazda announced a decision to build 250,000 passenger cars a year in the United States. And Honda is now spending $240 million to expand its existing facilities, and to add 700 jobs to its work force of 1,800. And it is well known that Toyota will enter a joint venture with GM to build 250,000 cars a year in California.

The point is that company spokesmen have testified that these job-producing U.S. investments would be terminated and the facilities closed if domestic content were to become law. Economists agree that it would be sensible economic behavior for the Japanese plant owners to close their operations as they have testified they would. Such a move would be consistent with the theory that a company attempting to sell in a permanently restrained market can only be expected to do so from its most efficient production base. The small volumes and higher production cost of U.S. operations under domestic content would disrupt the Japanese production system and would be uneconomic. These companies, it is argued, would therefore retreat from the United States and attempt to sell as much as permitted from foreign bases of operation.

WHAT ABOUT THE EFFECTS OF DOMESTIC CONTENT ON CONSUMERS?

The first and most immediate effect would be an increase in price and a sharp reduction in supply. The Wharton Econometric model predicts a 10-percent increase in price, or $450 a car, and the Commerce Department study agrees.

The cost to the consumer of artificially creating an additional 30,000 auto worker jobs would be about $4.8 billion, or $160,000 per job, a huge charge on the consumer.

The overall effect of domestic content on the consumer price index would be 0.16 percentage points, according to the Commerce Department analysis.

WHAT ABOUT THE EFFECT OF DOMESTIC CONTENT ON OUR WORLD TRADE POSITION?

Trade experts agree that the domestic content legislation would be a blatant violation of our international obligations under articles III and XI of the GATT. S. 707, however, contains a provision that attempts to make domestic content GATT-legal, by declaring that auto imports have caused or threatened to cause injury to the domestic auto industry. This declaration contradicts the finding of the International Trade Commission, which has determined that auto imports are not the substantial cause of injury to the U.S. industry.

Because the cost of lost imports due to domestic content would be $5.5 billion according to the Commerce Department, retaliation in this amount would be a potential result.

The effect of retaliation on farm exports could be especially harmful, because Japan imports $6 billion of U.S. farm products each year from at least 30 U.S. States.

These States would be most likely to be hurt were domestic content to become law.

Far from encouraging the Japanese to agree to our pressing demands that they open their markets to more American products, domestic content would likely make the Japanese even more intransigent than they have been in the past. And indeed they would have good reason to be.

The growing importance of trade to our economy is often overlooked by Americans, but the facts speak for themselves.

The produce of 1 out of every 3 acres cultivated in the United States is shipped abroad, providing over a million U.S. jobs in the agricultural sector of our economy.

One out of every six American manufacturing jobs depends on exports. More telling, between 1977 and the onset of the recession in 1981, four out of every five new jobs in manufacturing in the United State were the result of American products destined for foreign markets.

In 1970, exports accounted for 4 percent of U.S. gross national product; by 1980 that figure had doubled to 8 percent.

Mr. President, domestic content is a dangerous threat. I have explained its threat to jobs, consumers, and to U.S. trade. But it has a much larger significance. It symbolizes a growing restlessness in the United States with the snail's pace of negotiations to knock down foreign trade barriers—especially those of Japan. Furthermore, the bill is a sign of the increasing political appeal of protectionist measures to shut foreign goods out of the market.

It is even more difficult to explain the nature of the import problem, and to resist the temptation of protectionism in the current economic climate. There is wide agreement that huge budget deficits result in high interest rates which have created enormous demand for the dollar. The very highly valued dollar at the same time damages our exports and encourages job-threatening imports.

This situation was reviewed by a task force of the Republican Senate Conference, which I chaired. The task force report, which was adopted by the entire Republican conference, found that:

Because our foreign trade problems stem largely from macroeconomic causes, we reject protectionist initiatives in response to the trade deficit, such as the House-passed domestic content bill. Such initiatives would hurt our economy, destroying more jobs than they create, providing benefits to a few at the expense of the majority and stifling the innovation necessary for increased productivity. Such initiatives would clearly hurt American trade. By raising tariff and other trade barriers we would greatly aggravate the international debt problem thus raising the risk of a severe international financial crisis and further losses in U.S. exports in LDC markets. We would, as well, stifle recovery abroad, precluding growth in U.S. exports to other industrialized nations.

Mr. President, I call for the rejection of domestic content legislation, and further, I suggest now that the existing quotas on Japanese exports be terminated. The fourth year of the quotas has just begun. To wait until next March is to have waited too long. The auto industry's new prosperity is a false prosperity so long as import quotas are in place and the threat of domestic content hangs over the market. The industry should use its new profits to reduce the price of its cars, secure its expanding share of the American market, and let the American consumer share in the good times.

(Exhibit No. 1)

Publications Which Have Opposed Local Content

American Metal Market.
Arizona Republic.
Asian Wall Street Journal.
Atlanta Constitution.
Atlanta Journal.
Baltimore Sun.
Boston Globe.
Canadian Globe & Mail.
Charleston Gazette.
Chicago Tribune.
Christian Science Monitor.
Cleveland Plain Dealer.
Columbus Dispatch.
Dallas Morning News.
Decatur Herald & Review.
Denver Post.
Des Moines Tribune.
Detroit Free Press.
Detroit News.
Honolulu Advertiser.
Indianapolis News.
Indianapolis Star.
Journal of Commerce.
Kansas City Times.
Lincoln Star.
Los Angeles Times.
Louisville Courier-Journal.
Miami Herald.
Milwaukee Journal.
Nashville Banner.
Nation's Business.
National Journal.
Newsday.
New York Times.
Omaha World Herald.
Pittsburgh Press.
Sacramento Bee.
Saginaw News.
San Diego U..ion.
San Francisco Chronicle.
Santa Ana Register.
Seattle Times.
St. Louis Post-Dispatch.
Staten Island Advance.
Times Picayune.
U.S. News and World Report.
USA Today.
Wall Street Journal.
Washington Post.
Washington Times.
Wisconsin State Journal.

NATIONAL INSTITUTE OF ECONOMICS AND LAW,
Washington, D.C., May 11, 1984.

DEAR SENATOR: We, the undersigned economists, urge the defeat of S. 707, the "Fair Practices in Automotive Products Act."

The bill would impose legal restraints on imports of automobiles and parts, primarily of Japanese and European origins. This policy can only lead to long-term reductions in economic growth, employment and consumer welfare.

One immediate effect would be that U.S. automobile producers would be relieved of competitive pressures. There is no justification now for giving the automobile industry any such relief; it is currently enjoying record profits and sales.

The overall, long-term effects of S. 707 can be expected to include:

Relieved of competitive pressures, the U.S. automobile industry would have less motive for solving its problems of low productivity and would be free to raise prices still further against consumers;

Prices to consumers would increase by amounts estimated to range from $300 to $1,000 per vehicle;

Employment and sales of U.S. exports would decline, as the reduction in imports exacerbated the upward pressure on the value of the dollar, tending to increase further the relative cost of U.S. exports;

Our trading partners would retaliate, further reducing the demand for U.S. exports, and, hence, reducing employment and incomes;

Employment would decline not only in export industries but also at foreign car dealerships and at U.S. ports which unload vehicles and parts;

The CBO has estimated a net loss of some 60,000 American jobs;

Any employment and output gains in the automobile industry would not be realized fully until the late 1980's due to the phasing-in of the rules. In the meantime, as Ambassador Mansfield has predicted, our trading partners might well have retaliated, imposing years of losses before even the nominal domestic benefits were realized.

Perhaps more important than these directly adverse effects are the substantial economic and political losses resulting from a potential breakdown in the world economic relationships that have been laboriously fashioned since World War II, largely as a consequence of enlightened American leadership.

There were severe problems in the automobile industry in the recent recession, from which we are only now recovering. As a consequence, great hardship has been imposed on many automobile workers and in many other important segments of the economy. However, the proposed legislation does not go to the root of those problems. For American industries and workers as a whole, the real villain is high interest rates. Interest rates have devastated the automobile and other durable consumer goods industries, as well as housing and capitral goods producers. High interest rates have increased foreign demand for the dollar, raising its value excessively so as to encourage imports and, in effect, to raise an invisible tariff barrier against American exports throughout the world.

For the automobile industry itself, the historical lack of competition, for and among the big three, is another culprit. The bill, rather than solving that basic problem,

would reduce that present major source of competition.

Policy should be oriented toward expanding economic growth and incomes and employment in general and providing for individuals forced out of work through no fault of their own. It should not be directed toward providing special restrictions to benefit particular sectors of the economy at the expense of the nation as a whole.

Based on the above considerations, we urge you to oppose S. 707.

Respectfully submitted,

Henry Aaron, Senior Fellow, The Brookings Institution. Concurrent/past positions: Prof. of Economics, U. of Md., former Ass't. Sec., Dept. of Health, Education and Welfare.

Gardner Ackley, Henry Carter Adams U. Professor of Political Economy, University of Michigan at Ann Arbor. Concurrent/past positions: U.S. Ambassador to Italy; Chairman and member, Council of Economic Advisors.

Walter Adams, Distinguished Professor, Michigan State University. Concurrent/past positions: Pres. Mich. State U.; Prof. Econ., Mich. State U.

Armen A. Alchian, Professor of Economics, University of California at Los Angeles.

Marcus Alexis, Professor of Economics, Northwestern University, Evanston, Former member Interstate Commerce Committee.

Jack Alterman, Resources for the Future.

Kenneth J. Arrow, Nobel Laureate in Economics, Professor, Stanford University, Concurrent/past positions: Prof. Harvard University; Resident Associate, Cowles Commission for Research in Economics.

Francis M. Bator, Professor of Political Economy, Harvard University. Concurrent/past positions: Special Asst. National Security Council, Exec. Ofc. of Pres.; Member Sr. Staff., Nat'l. Security Council, Exec. Ofc. of Pres.

William Baumol, Professor of Economics, Princeton University. Concurrent/past positions: Prof. of Econ., New York U.; Occasional lectr. Stockholm Sch. of Econs.; President of American Economics Ass'n.

Carolyn Shaw Bell, Katherine Coman Professor of Economics, Wellesley College, Wellesley, Mass.

Sanford V. Berg, Associate Professor of Economics, University of Florida. Concurrent/past positions: Resident Fellow, Brookings Institution; Res. Assoc., Nat. Bur. of Economic Res.

Taylor H. Bingham, Head, Environmental Economics, Research Triangle Institute, N.C.

Douglas N. Bohi, Resources for the Future.

Barry Bosworth, Senior Fellow, The Brookings Institution.

Bryan L. Boulier, Associate Professor of Economics, George Washington University.

Blair T. Bower, Resources for the Future.

Gerard Brannon, American Council of Life Insurance. Concurrent/past positions: Prof. of Econ., Georgetown U.; former Dep. Asst. Sec. of Treas.

Ralph C. Bryant, Senior Fellow, Brookings Institution, Washington, D.C.

Susan Capalbo, Resources for the Future.

William Capron, Professor of Economics, Boston University, Boston, Mass. Former Asst. Director, Bureau of the Budget.

Sidney L. Carroll, Professor, University of Tennessee at Knoxville.

Charles J. Cicchetti, Professor of Economics, University of Wisconsin at Madison. Former Chairman, Wisconsin Public Utilities Commission.

Don P. Clark, Associate Professor of Economics, University of Tennessee at Knoxville.

Richard N. Cooper, Professor of International Economics, Harvard University. Concurrent/past positions: Undersecy. of State, U.S. Dept. of State; Prof. of Econs. & Provost, Yale U.

Joseph J. Cordes, Associate Professor of Economics, George Washington University.

Robert W. Crandall, Senior Fellow, Brookings Institution.

Joel Darnstadter, Resources for the Future.

Joel B. Dirlam, Professor of Economics, Emeritus, University of Rhode Island.

Jay Dunkerley, Resources for the Future.

Robert Eisner, William R. Kenan Prof. of Economics, Northwestern University. Concurrent/past positions: Asst. Prof., U. of Ill. at Urbana; Economic Statist. OPA, OWI, OHE.

Alain C. Enthoven, Professor of Public and Private Management, Stanford University. Concurrent/past positions: President Litton Medical Products, Inc.; Asst. Secy., U.S. Dept. of Defense.

Allen R. Ferguson, President, Public Interest Economics Foundation; Chairman, National Institute of Economics and Law. Concurrent/past positions: Coordinator for International Aviation, U.S. Dept. of State; Senior Economist, The Rand Corporation.

J. J. Fletcher, Professor of Economics, Purdue University, Lafayette, Ind.

Michele U. Fratianni, Professor of Business Economics and Public Policy, Indiana University at Bloomington.

A. Myrick Freeman III, Professor of Economics, Bowdoin College. Concurrent/past positions: Fellow, Resources for the Future, Visiting Assoc. Prof., U. of Wis. at Madison.

Edward R. Fried, Senior Fellow, The Brookings Institution.

Errol Glustoff, Associate Professor of Economics, University of Tennessee at Knoxville.

Robert Hall, Professor of Economics, Stanford University.

Arnold C. Harberger, Gustavus F. & Ann M. Swift Distinguished Serv. Professor, University of Chicago, Chicago, Ill.

Winston Harrington, Resources for the Future.

Robert H. Haveman, Professor of Economics, University of Wisconsin at Madison.

George W. Hilton, Professor of Economics, University of California at Los Angeles. Concurrent/past positions: Lectr. on Bus. Admin., U. of Calif. at Berkeley, Asst. Prof. of Econs., Stanford U.

Jack Hirshleifer, Professor of Economics, University of California at Los Angeles. Concurrent/past positions: Assoc. Prof. Bus., U. of Chicago.

Charles J. Hitch. Concurrent/past positions: Pres., Resources for the Future; Pres. University of California at Berkeley; Comptroller of Defense.

Irving Hock Resources for the Future.

Richard H. Holton, Professor of Economics, University of California at Berkely. Former Ass't. Secretary of Commerce.

Janos Horvath, John W. Arbuckle Professor of Economics, Butler University.

Hendrik S. Houthakker, Professor of Economics, Harvard University, Former member, Council of Economic Advisors.

Leland L. Johnson, Economist, The Rand Corporation, Santa Monica, Cal.

Norman H. Jones, Jr., Economist, Tombstone, Ariz.

Alfred E. Kahn, Robert Julius Thorne Professor of Political Economy, Cornell University. Concurrent/past positions: Advisor on inflation, Executive Office of the President, former Chairman of the C.A.B.

David L. Kaserman, Associate Professor of Economics, University of Tennessee at Knoxville.

D.E. Keefe, Chairman, Department of Economics, University of the Pacific.

Joseph A. Kershaw, Professor Emeritus of Economics, Williams College. Former Director, Research Program Planning and Evaluation, Office of Economic Opportunity.

Charles W. King, Vice President, Snavely, King and Associates, Inc.

Allen Kneese, Senior Fellow, Resources for the Future.

Marvin H. Kosters, Director, Center for Study of Government Regulation, American. Enterprise Institute, Washington, D.C.

Alan Krupnick, Resources for the Future.

Lester B. Lave, Professor of Economics, Carnegie-Mellon University, Pittsburg, Pa.

Feng-Yao Lee, Department of Economics, College of Business Administration, University of Tennessee at Knoxville.

Stanford L. Levin, Associate Professor, University of Southern Illinois at Edwardsville, School of Business.

Robert A. Levine, Vice President, Systems Development Corp., Santa Monica, Cal. Former Director, Research Program Planning and Evaluation, Office of Economic Opportunity.

John W. Mayo, Assistant Professor of Economics, University of Tennessee at Knoxville.

Kenneth McLennan, Vice President, Committee for Economic Development, Washington, D.C.

Thomas G. Moore, Senior Fellow, Hoover Institute, Stanford University, Stanford. Cal.

W. F. Mueller, William F. Vivas Resident Professor, University of Wisconsin at Madison. Concurrent/past positions: Exec. Dir. Committee on Price Stability, Exec. Ofc. of Pres.; Chief Econ., Fed. Trade Comm.

Kevin J. Murphy, Ass't. Professor of Economics, University of Tennessee at Knoxville.

Richard Abel Musgrave, Adjunct Professor of Economics, University of California at Santa Cruz. Concurrent/past positions: Prof. Emer., Harvard U., H. H. Burbank, Prof. of Political Economy, Harvard U.

C. E. Nelson, Professor of Economics, University of Utah.

Richard R. Nelson, Professor of Economics, Yale University.

Roger Noll, Professor of Economics, California Institute of Technology. Concurrent/past positions: Sr. Fellow, The Brookings Inst.; Sr. Econ., Council of Economic Advisors, Exec. Ofc. of Pres.

Richard B. Norgaard, Associate Professor of Agriculture and Resource Economics, University of California at Berkeley.

Wallace E. Oates, Professor of Economics, University of Maryland at College Park.

Merton J. Peck, Professor of Economics, Yale University, New Haven, Conn. Former Member, Council of Economic Advisor. Concurrent/past positions: Prof. of Econ., Princeton U.

Joseph Pelzman, Associate Professor of Economics, George Washington University.

Henry M. Perkins, Resources for the Future.

George L. Perry, Senior Fellow, The Brookings Institute.

Walter S. Salant, Senior Fellow Emeritus, Brookings Institution, Washington, D.C.

Warren J. Samuels, Professor of Economics, Michigan State University.

Paul A. Samuelson, Professor of Economics, Mass. Institute of Technology, Cambridge, Mass. Nobel Laureate.

John M. Scheidell, Department of Economics, Florida Atlantic University.

Thomas C. Schelling, Professor of Economics, Harvard University. Concurrent/past positions: Prof. Econ., Yale Univ.; Economist, U.S. Gov't.

Frederic Michael Scherer, Professor of Economics, Swarthmore College. Concurrent/past positions: Dir. Bureau of Econ., Fed. Trade Comm., Prof. Econ. Northwestern U., Prof. Econ., U. of Michigan.

Allan Schlottman, Department of Economics, University of Tennessee at Knoxville.

Anna J. Schwartz, Member Senior Resident Staff, National Bureau of Economic Research.

George Spiva, Professor of Economics, University of Tennessee at Knoxville.

Walter D. Spofford Jr., Resources for the Future.

Lester D. Taylor, Professor of Economics, University of Arizona. Concurrent/past positions: Assoc. Prof., U. of Mich.; Develop. Advisor Gov't of Columbia.

Henry Thompson, Assistant Professor of Economics, University of Tennessee at Knoxville.

Thomas H. Tietenberg, Resources for the Future.

James Tobin, Sterling Professor of Economics, Yale University, New Haven, Conn.

Nobel Laurette, Former member, Council of Economic Advisors.

Philip H. Trezise, Senior Fellow, The Brookings Institution. Former Asst. Sec. of State; former Ambassador to E.E.C.

Gordon Tullock, Professor of Economics, Center for the Study of Public Choice, George Mason University.

Richard A. Tybout, Professor of Economics, Ohio State University at Columbus.

George M. Von Furstenberg, Rudy Professor of Economics, Indiana University. Concurrent/past positions: Sr. Staff Econ., Council of Economic Advisors, Exec. Ofc. of Pres.; Financial Studies Div. Int'l Monetary Fund.

James C. Wade, Resources for the Future.

Burton A. Weisbrod, Professor of Economics, Northwestern University, Evanston. Concurrent/past positions: Sr. Staff Econ., Council of Economic Advisors.

John T. Wenders, Professor of Economics, University of Idaho.

George W. Wilson, Professor of Economic and Business, Indiana University at Bloomington. Concurrent/Past positions: Dean, Coll. of Arts and Sci., Ind. U.; Chair, Dept. of Econ., Ind. U.

Henry Witterzog, Jr., Professor, University of Tennessee at Knoxville.

Anthony M. Yezer, Associate Professor of Economics, George Washington University.

COALITION AGAINST
DOMESTIC CONTENT LEGISLATION,
April 9, 1984.

Hon. JOHN H. CHAFEE,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR CHAFEE: The 100 organizations and companies listed below, representing millions of American consumers, workers, farmers, manufacturers and other business people across the country, strongly oppose S. 707, the automobile domestic content bill.

As you know, domestic content legislation passed the House by a narrow margin in 1983. There will be strong pressure from the bill's proponents for a Senate vote in 1984. If such a vote comes, we urge you to stand up and say "NO" to this misguided proposal.

If enacted, its consequences would be far-reaching.

Automobile prices would rise sharply, and consumer choice would be narrowed, as competition is severely limited. A recent study by Wharton Econometric Forecasting Associates concluded that new car prices would jump 10% if the bill were enacted, costing American consumers $18 billion a year.

American jobs would be lost. The Congressional Budget Office has estimated that by 1990, 104,000 jobs would be lost in the U.S. export sector, while only 38,000 auto jobs would be gained.

Billions of dollars of American exports—in agriculture, forest products, aerospace, electronics and other industries—would be jeopardized. As a blatant violation of our international obligations, domestic content legislation would entitle other nations to retaliate against U.S. goods and services sold abroad.

With record levels of U.S. auto industry profits in 1983 (over $6 billion) . . . with the serious risks this legislation poses for American workers, farmers and other businesses who depend upon expanding U.S. exports . . . with the enormous burden it would place on American consumers, a vote for S. 707 simply cannot be justified. We encourage you to deal with the problems of unemployment in the auto industry, as elsewhere, in a fashion that does not damage far more people than it would benefit.

We strongly urge you to vote against S. 707, or domestic content in any form, and to encourage your colleagues to do the same.

Abbott Laboratories.
Aerospace Industries Association of America.
Air Products and Chemicals, Inc.
Amax, Inc.
American Association of Exporters & Importers.
American Association of Port Authorities.
American Association of Retired Persons.
American Electronics Association.
American International Automobile Dealers Association.
American Paper Institute.
American Retail Federation.
American Soybean Association.
Automobile Importers of America.
Bechtel Power Corporation.
The Boeing Company.
Business Roundtable.
Cargill, Inc.
Caterpillar Tractor Co.
Certainteed Corporation.
Chamber of Commerce of the United States.
Colonial Sugar Company.
Columbia River Freight Forwarders and Customs Brokers Association.
Combustion Engineering, Inc.
Competitive Enterprise Institute.
Computer and Business Equipment Manufacturers Association.
Consumers for World Trade.
Continental Grain Company.
Deere & Company.
Delaware River Port Authority.
Direct Selling Association.
Emergency Committee for American Trade.
Fluor Corporation.
FMC Corporation.
Grain Sorghum Producers' Association.
Honeywell, Inc.
Imperial Sugar Company.
International Apple Institute.
International Association of Ice Cream Manufacturers.
International Business Machines Corporation.
International Hardwood Products Association.
International Terminal Operating Corporation of Baltimore.
Jacksonville Port Authority.
Jacksonville Public Ports Association.
League of Women Voters of the United States. Lockheed Corporation.
Maher Terminals, Inc. (Jersey City, N.J.).
Maryland Port Administration.
Massachusetts Port Authority.
Metropolitan Stevedoring Co. (Wilmington, Calif.).
Midcontinent Farmers Association (MFA Inc.).
Milk Industry Foundation.
Millers National Federation.
Motorcycle Industry Council, Inc.
National Association of Stevedores.
National Association of Wheat Growers.
National Automobile Dealers Association.
National Broiler Council.
National Corn Growers Association.
National Council of Farmer Cooperatives.
National Foreign Trade Council.
National Forest Products Association.
National Grain Trade Council.
National Grange.
National Institute for Economics and Law.
National Retail Merchants Association.
National Soybean Processors Association.
National Turkey Federation.
Oregon Public Ports Association.
Pacific Northwest International Trade Organization.
Pacific Northwest Waterways Association.
Philadelphia Port Authority.
Phillips Petroleum Company.
Phoenix Metropolitan Chamber of Commerce.
Port Authority of New York and New Jersey.
Port of Houston Authority.
Port of Lewiston (Idaho).
Port of Long Beach.
Port of Los Angeles.
Port of New Orleans.
Port of Oakland.
Port of Portland.
Port of Sacramento.
Port of Vancouver, U.S.A.
Portland Chamber of Commerce.
Portland Steamship Operators Association.
RCA Corporation.
Savannah Port Authority.
Scientific Apparatus Makers Association.
Sears, Roebuck and Co.
Semiconductor Industry Association.
Southeastern Poultry and Egg Association.
Teamsters Bakery and Food Processors Local 305.
Tektronix, Inc.
United States Cane Sugar Refiners Association.
United States Council for International Business.
Virginia Port Authority.
Volume Footwear Retailers of America.
Washington Citizens for World Trade.
Washington Public Ports Association.
Xerox Corporation.

Mr. ABDNOR. Mr. President, just as protectionist talk increased during the early days of the depression, resulting in the Smoot-Hawley tariffs, the

notion of protecting domestic manufacturing by requiring all imported cars to contain a certain percentage of domestic car parts came to the forefront during the past recession.

Most cries for protection come from special interest groups unable or unwilling to adapt to the changing international economic environment. In these instances, the price of protection is paid by those industries and firms which offer goods and services at competitive prices, but cannot sell them because their export market has been taken away.

Despite this fact, many Members of Congress have submitted proposals to protect industries from foreign competition. One such bill is the "domestic content" legislation, S. 707. If enacted, this bill would require a certain percentage of imported automobiles to contain a certain percentage of parts made in the United States.

Fortunately, many of my colleagues recognize that S. 707, if passed, would be a blatant violation of international obligations. Further, it would undermine the entire international trading system upon which the vitality of many American industries, especially agriculture, so greatly depends. Its passage would undoubtedly force retaliatory action from our trading partners, and ultimately end in economic disaster for agriculture and other industries.

One need not be a scholar to understand this issue with complete clarity. All it takes is plain commonsense. If Congress passes domestic content legislation, countries which export automobiles to the United States would lose a portion of their market. If they lose a portion of their market, they suffer from decreased sales and revenues.

In addition to having fewer dollars to purchase our exports, these countries would retaliate by halting the purchases of some if not all goods produced in the United States.

The major industry which would suffer as a result of domestic content legislation is agriculture, because Japan and the European Community are the largest agricultural export customers of the United States. In 1982, Japan and the EC bought $13.8 billion of U.S. agricultural products, which amounted to over 38 percent of our agricultural exports in that year.

I should not have to remind my colleagues how important American agriculture is to the economy of this great Nation. And further, I should not have to remind them how important agricultural exports are to the welfare of agriculture, but I will.

Export agriculture has become so vital to the American farmer that the crops from about 2 of every 5 acres he harvests now are sold abroad. An astounding 65 percent of the wheat, 55 percent of the soybeans, and 35 percent of the coarse grains—corn, barley, and sorghum—produced in this country go to buyers overseas.

I do not think anyone will argue, after looking at these facts, that exports are not crucial to the well-being and financial security of the American farmer.

There are some who argue that domestic content legislation will not affect greatly American agriculture or other industries. To these people I simply say: "Wake up and start living in the real world!"

I hope that these same individuals can remember what happened just 1 short year ago, when the textile industry asked for protection from foreign competition and received it.

Did the Chinese turn the other cheek and laugh off the whole episode? Of course not. China almost immediately halted the purchases of all agricultural goods and did not purchase a single bushel of wheat until the matter was resolved.

As a result, total U.S. exports to China in 1983 were reduced to $2.17 billion, down 25 percent from the 1982 level. In addition, the 1982 trade surplus of $628 million became a $17 million deficit in 1983. Bearing the brunt of this sharp decline were agricultural products which were down 64 percent from 1982, and totaled only $544 million compared to $1.498 billion in 1982.

In addition to this short history lesson for the proponents of domestic content, I also would like to point out that of all the U.S. jobs created in the last 12 years, 80 percent are export related. During this same time period, U.S. exports have increased from $25 billion to more than $200 billion. I ask you, Mr. President, why should we jeopardize our export market and, at the same time, pull the trigger on a full-scale trade war?

I do not want to see America firing the gun of protectionism. I support efforts to break down trade barriers in order to allow all Americans to prosper from free trade.

As a Senator from South Dakota, the most agriculturally dependent State in the Nation, which exported $707.1 million in 1981 and $654.8 million in 1982, I will not allow our farmers, ranchers, and all those South Dakotans involved in businesses dependent on agriculture to pay this price in order for $25-per-hour auto workers to have a captive market, hold other Americans hostage, and strike for still higher wages.

I urge my colleagues to think about the interests of all Americans and not just the interests of highly paid auto workers.

Mr. DANFORTH. Mr. President, few have been more deeply concerned about the health of American autoworkers and suppliers than this Senator from Missouri, but I believe that domestic content legislation would do more harm than good. It would not solve the industry's problems and it could do major damage to the U.S. economy.

Representing Missouri, the second largest auto producing State, I am all-too-familiar with the devastating effect of the auto industry's decline on local economies: in 1978, more than 40,000 Missourians worked in auto production and related jobs; 3 years later, almost half those jobs had been lost—with fewer than 21,000 jobs surviving. In that same period, auto production in Missouri dropped by almost two-thirds, relegating it to the rank of sixth in the roster of producing States.

It was for these reasons that I joined with Senator BENTSEN in 1981 in introducing legislation that lead to the current limits on imports of Japanese autos. At the time we recognized that imports were not the only cause of the domestic industry's distress—there was more than enough blame to go around. But our purpose was not to scapegoat, but rather to provide the U.S. industry enough breathing room to get back on its feet; time for management and labor to pull in their respective belts, to cut costs and to retool; and time for interest rates to go down and for the market for cars to strengthen.

Today, we find the U.S. auto industry coming out of its tailspin. Last year found the U.S. auto industry making record profits; car sales are up; unemployment in the auto industry is way down. In my State of Missouri, production is edging upwards, employment has moved from a low of 20,000 in 1982 to almost 28,000 earlier this year, and we have regained our status as No. 2.

These improvements have come about for a number of reasons, but primarily because in the past 3 years we have been able to create a better economic climate in which the industry could recover. The recovery in the auto industry is delicate, and is in great danger of being jeopardized by shortsighted decisions on the part of labor and management and by the burgeoning Federal budget deficit. But if there is one trade proposal less likely to help the U.S. auto industry and more likely to throw a monkey wrench into the rest of the U.S. economy, it is the domestic content bill.

Domestic content legislation would require that up to 90 percent of the cars sold here be made in the United States. On its face, the idea is appealing—but looks are deceiving. I have worked very hard to protect U.S. auto jobs and to help the industry recover. This bill would not help, in my judgment; higher car prices alone would exacerbate the sticker shock problem and depress sales. And in a failed effort to help the auto industry, we

would be dealing a body blow to American exports.

This impact would come about in two forms: imitation and retaliation. Our most competitive export industries would be faced with a proliferation of performance requirements broad—this at a time when we are actively trying to keep other countries from imposing more investment restrictions on U.S. companies. The severe and permanent impact of a domestic content law would guarantee retaliation by our major trading partners. By building a fence around our market, we invite other countries to close off theirs—just as the United States is beginning to take a much tougher approach to open markets abroad, to increase sales abroad, and to create jobs through exports.

That the sectors that would be most severely impacted are our greatest hope for the future is clear: Four of five new manufacturing jobs created between 1977 and 1980 were directly related to exports. Chemicals, aerospace, electrical machinery, high technology, services—these sectors are the ones from which tomorrow's jobs will come—not domestic content legislation. One out of every 3 acres in our country is producing food for others to eat—with more than half of our wheat, soybeans, and rice, and more than a third of our feedgrains, cotton, and tobacco going to foreign markets. Not surprisingly, then, if one takes into account the effects of foreign retaliation, the passage of domestic content legislation could result in a net job loss for the United States of over 60,000 jobs.

Domestic content legislation will not help our auto industry. If the present temporary limits on car imports were needed to enable the industry to retool, then domestic content legislation—a severe permanent quota—is a declaration of surrender by an industry that believes it cannot compete. That is an assumption with which I cannot agree. Many American autoworkers are as dedicated as their foreign counterparts. Our automobile manufacturers are capable of great strides to increase efficiency and quality in the U.S. industry.

Finally, it is worth noting the weakest reason of all for supporting domestic content legislation—the send a signal to the Japanese school of feeble excuses. For those who claim they support content legislation because the Japanese market is closed to U.S. exports, it is worth asking if an open Japanese market would put an end to their push for a content law. Better yet, it is worth asking if passage of domestic content legislation is likely to make one iota of difference in U.S. access opportunities in Japan.

Moreover, the send a signal argument is a poor excuse for starting a trade war. We have been sending signals for far too long—with little to show for our rhetoric. Where there is a problem of access to the Japanese market—and I believe there is a severe one—than we should be acting aggressively to get those barriers removed. Whether the answer is reciprocity legislation, more GATT cases or retaliation is another question. Clearly, domestic content is not the answer.

Mr. CHAFEE. Mr. President, I ask that any additional statements in connection with the domestic content legislation that may be submitted during the remainder of the day be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. GORTON. Mr. President, at first glance the domestic content legislation we are considering appears attractive. It looks like a straightforward way to protect the jobs of American autoworkers. But a closer look reveals a Pandora's box of problems, including higher auto prices for consumers, international trade wars, and the net loss of thousands of American jobs.

S. 707, if it became law, would force foreign automakers to reduce substantially the number of cars they export to this country. This would curtail the availability of foreign-made cars for American consumers and would reduce competition in the U.S. auto industry. Reduced competition along with higher production costs would add at least several hundred dollars to the already-high cost of both imported and domestic cars. As we have already seen with import quotas on Japanese cars, the consumer loses if we give in to protectionists.

Advocates of domestic content argue that these higher prices would be offset by additional taxes paid by newly-employed autoworkers who would no longer collect unemployment. But how can there be a net gain to our economy when S. 707 would cause a net loss in jobs? According to the Congressional Budget Office, S. 707 would, by 1990, cause 104,000 workers to lose their jobs in the export sector of our economy for the 38,000 jobs gained in the auto industry. More than 140,000 people in the United States are employed directly by automobile importers. A cutback in imported vehicles would idle tens of thousands of these workers. The Port of Seattle alone would lose as many as 7,000 jobs when we consider indirect employment.

Domestic content laws pose an even greater threat than unemployment for auto importers and losses for consumers. The moment we enact this kind of protectionist import barrier, our trading partners will retaliate, setting off an international trade war, with dire consequences for the entire economy.

For a State like Washington, where one in every five jobs depends on foreign trade, the effects of such a trade war could be devastating. Total trade between Washington and Japan, the main target of S. 707, climbed to almost $9 billion in 1982. Washington's total international trade that year was $27.5 billion; $11 billion of this total was in exports of agricultural and forest products, aircraft, and high technology manufactured goods. Economists estimate that every $1 billion in exports accounts for 25,000 jobs. In Washington alone, then, 275,000 jobs in farming, forest products, airplane manufacturing, and high-tech firms could be jeopardized by protectionist legislation such as S. 707.

As for the rest of the American economy, the most telling indictment of domestic content legislation came from Alice Rivlin, then director of the nonpartisan Congressional Budget Office, in 1982:

> Our analysis implies that the net effect for the U.S. economy—measured in terms of real economic growth, inflation and employment—would be negative. The benefits accruing to the U.S. automotive industry would be more than outweighed by the costs borned by the rest of the economy.

There is no question that international trade is not as free as it should be. All countries, ours included, use an array of barriers to protect their domestic industries. But, as we all become more dependent of international trade, I am confident that this trend can be reversed. Even developing nations are beginning to realize that these barriers can have the opposite of their desired effect, by stagnating their fledgling industries and cutting off their exporters from world markets. The United States must not fall into this trap. I hope this Congress will keep the lid on this very dangerous Pandora's box.●

● Mr. NICKLES. Mr. President, Congress is on the brink of economic tomfoolery by pushing legislation with the potential to exacerbate America's foreign trade problems. It is called the domestic content bill, and should it become law, U.S. agriculture could be one of the biggest losers.

The legislation mandates that cars sold in the United States in large quantities must contain certain percentages of American parts and labor. It passed the House last year on the notion that it would create jobs for the troubled auto industry.

The domestic content plan makes little economic sense. Studies show that it could add an average of $1,000 to the price of a new car. Now, how could increasing auto prices to consumers, thereby reducing consumer demand, help a troubled auto industry? The bill would also foster a greater regulatory burden adding to its cost.

Aside from its direct effect on the auto and related industries, the domestic content bill would likely do even

greater damage to other industries which rely heavily on exports. Because this legislation puts restrictions on importing goods used in automobile production, other nations would be inclined to retaliate against the United States by cutting their demand for American products. Among our largest exports are agricultural commodities.

This bill is an anti-Oklahoma piece of legislation. As a State which is heavily trade dependent, Oklahoma could ill afford legislation which would restrict world commerce. Such restrictions would send a signal that we do not wish to compete in the international marketplace.

Instead we wish to hide behind the barriers of protectionism. What would the world trade community say to our erecting these restrictions. They would rightly respond that our voices calling for the lowering of trade barriers are voices of hypocrisy. They would ask why should we import Oklahoma wheat when Oklahomans are not allowed to freely purchase our automobiles? Why should we buy Oklahoma manufactured goods when Oklahomans ability to purchase our manufactured goods is squelched?

According to the Census Bureau, Oklahoma exported $1.5 billion in manufactured goods in 1981. According to the Agriculture Department, Oklahoma exported $928 million in 1981 and $781 million in ag products in 1982.

These billions of dollars of Oklahoma exports would be subject to retaliation if S. 707 passed the Senate.

This bill would adversely affect farmers at a time when we are making a concerted effort to reverse the downward trend in agricultural exports and when the U.S. automobile industry is exhibiting a good recovery from its earlier slump.

There are ways to help the auto industry without hurting the rest of the economy. A continuation of economic recovery coupled with decreasing costly regulations will be a far greater benefit to the auto industry and the Nation.●

● Mr. SYMMS. Mr President, I would like to join with my colleague from Rhode Island, Senator CHAFEE, in his remarks about the domestic content legislation that has been passed by the House of Representatives.

This seems to be the season for protectionism in Congress. It is election year and blaming foreign competition for lost jobs is always a congenial formula because it avoids all of the unpleasant questions about our own economic performance.

A U.S. local content law would give strong support to one of the most disturbing protectionist trends now threatening the international trading system. A local content law would balkanize production and prevent manufacturers from taking advantage of world-class economies of scale in their purchasing of supplies. The balkanization of production would be harmful for manufacturers, customers, and workers alike.

Furthermore, a local content law would, I believe, not only fail to achieve its intended results, but would violate our international obligations under the General Agreement on Tariffs and Trade (GATT) and other international obligations.

If a local content law were to be enacted, our foreign trading partners might very well respond to the illegal U.S. trade actions mandated by this legislation by retaliating against our leading exports such as computers, aircraft, semiconductors, and agricultural products, or worse yet, emulate our actions by passing local content legislation of their own. The net result would be devastating long-term effects on U.S. employment and our economic well-being.

Certainly, enactment of such legislation, so obviously inconsistent with our international commitments, would undermine the current drive by the United States to open foreign markets more fully to our products and would damage the international trading system to such an extent that less world trade and fewer jobs would be the eventual outcome.

Recession, slow growth, unemployment and payment imbalances experienced by the trading nations have intensified labor and industry demands for protectionism. At the origin of these pressures are the very real difficulties that a wide range of industries have encountered. However, the problems of certain domestic industries will not be solved by enacting trade barriers. The problems of these industries will only be solved by providing an economic environment in which the U.S. industries can become more productive and competitive domestically and worldwide.

The domestic content legislation is perhaps the worst threat to the international trading system and our own prosperity to be considered by the Congress in a decade. This legislation would mean fewer jobs, less sales, reduced markets, and less economic growth. I would encourage all of my colleagues to reject this legislation should it be seriously considered by the Senate.●

AGAINST DOMESTIC CONTENT

Mr. JEPSEN. Mr. President, the news reports are filled with stories attesting to the strong economic recovery of the automobile industry. The U.S. automobile industry does not need domestic content protectionist legislation.

However, if proponents of domestic content legislation are not convinced that S. 707 is neither necessary, nor advisable, by the dramatic success stories of the automobile industry, I would like to examine the far-reaching effects of a domestic content law.

Domestic content would violate the General Agreement on Tariffs and Trade, and would certainly invite retaliation from our trading partners. This means that our vital agricultural exporting sector would be in danger. Domestic content legislation would, in effect, create an endangered agricultural export list, affecting not only Iowa farmers, but all American farmers and allied U.S. agribusiness.

Many of our major trading partners have already indicated a desire to reduce their dependence on U.S. agricultural imports. A protectionist domestic content law would provide the impetus for such a reaction. Domestic content laws will have the same effect as embargoes. Our farm economy has yet to recover from the devastating impact of the Carter-imposed Soviet Grain Embargo. In retaliation for domestic content our trading partners will go elsewhere for farm commodities, just as they did during the Carter embargo.

Retaliation would be especially severe from Japan and the European Community (EC) which together purchase about $16 billion in commodities from American farmers, or nearly 40 percent of our total agricultural exports.

Domestic content would provide a devastating blow for our farmers who are already suffering from declining exports, high interest rates, and a depressed agricultural economy. Our farmers cannot afford a major surge in world trade protectionism triggered by the passage of domestic content legislation.

At a time when our national officials are working so diligently to open foreign markets to U.S. products, a domestic content law would make a mockery of our effort. We may be destroying 423,000 jobs throughout our economy.

I, for one, am not about to vote to sacrifice our farm economy on a protectionist altar.

I ask unanimous consent that a statement of the National Grange by Edward Andersen, master, the National Grange, and a letter from the coalition against domestic content legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE NATIONAL GRANGE

(By Edward Andersen, Master)

Mr. Chairman and Members of the Committee:

I am Edward Andersen, Master of the National Grange, which represents more than 400,000 members in farm and rural areas in 41 states. Since its beginnings in 1867, the National Grange has been deeply concerned with our national interests as well as with

the special and vital interests of the agricultural economy and rural America.

The National Grange, in concert with many other agricultural groups and with the broad range of consumer, worker and business interests opposing S. 707, has repeatedly pointed out how damaging this bill could be to American farmers, exporters and broad national interests threatened by such special-interest "protectionist" legislation.

On the trade front, S. 707, which would violate our international commitments and our obligations under the General Agreement on Tariffs and Trade, would invite prompt retaliatory action from the European Community and Japan. It would almost certainly speed up a long-standing European desire to justify restriction of our corn, soybean and other exports to the E.C. U.S. farmers and the agricultural community, among the hardest hit of all sectors during our economic downturn, can ill-afford further decline in our vital $35 billion export market.

Even with a decline in these exports, in 1982 Japan purchased $5.7 billion of U.S. agricultural products (including soybeans, $1.1 billion; corn, $1.3 billion; wheat, $.6 billion). Furthermore, in 1982 European Economic Community imports of U.S. agricultural products were nearly $9 billion (including soybeans, $3.9 billion; corn, $1.3 billion; wheat, $.3 billion). These exports, along with other U.S. farm products are extremely vulnerable to retaliatory action by our trading partners if legislation such as S. 707 were to be enacted into law.

Agricultural opposition to S. 707 and its counterpart, H.R. 1234, has been consistently expressed by many farm organizations and commodity groups. The attached letter of December 13, 1983, sent to all members of the Senate, briefly summarized the reasons for such opposition. Our opposition is centered on the short-term dangers it represents for our export markets. However, S. 707 represents long-term threats to the viability of the world trading system which could be even more damaging. A spiral of retaliatory and counter-retaliatory steps could trigger massive trade conflicts which might result in world depression such as that which followed the ill-advised Smoot-Hawley tariffs of 1930.

Farmers and other producers and workers are also consumers, and we again emphasize the obvious increase in automobile costs which would result if S. 707 should become law. The so-called "voluntary" restraints of Japanese car shipments to the U.S. have already greatly increased the price of both U.S. and Japanese cars to U.S. buyers because of the emphasis being placed on bigger cars by both auto industries, while greatly reducing the customer's right to choose a more economically priced car. A "domestic content" law could be expected to add at least another $1,000 to the price of a car, for a national cost of something on the order of $10 billion or more. As that former great of the U.S. Senate, Everett Dirksen, so aptly put it, "A few billion dollars here, a few billion there—after awhile it adds up to real money!"

As a spokesman for many farmers who face loss of farm and livelihood, we are in full sympathy with the urgent need to find effective solutions to the unemployment problems of displaced automobile workers which have instigated the proposals of S. 707. Authors of the bill, however, have not considered the damages from retaliation and other consequences which would cause the loss of far more U.S. jobs than would be gained. Many unemployed automotive workers are permanently displaced by changes in technology, and more appropriate long-term solutions must be found for them—in ways which do not penalize other workers.

S. 707 fails to meet the requirements of constructive legislation on every count:

1. It is a "jobs loss," not a jobs bill; furthermore, it would be detrimental to the long-term interests of the very automotive industry workers whom it aims to help, by reducing incentives for the U.S. industry to become more competitive.

2. It would bring much higher costs to U.S. car buyers, who have already paid a heavy price for the "voluntary" restraints on Japanese car shipments into the U.S.

3. It would invite retaliatory action by two of our best customers for farm exports, the European Community and Japan, which could be a devastating blow to our still-depressed agricultural economy.

4. It could trigger a wave of worldwide protectionist actions, disrupting world trade, bringing on renewed economic crises which in turn would intensify the world political tensions which threaten our very survival.

We urge members of this Committee not to recommend such an unwise proposal. It is particularly ill-conceived because it does not deal with the central problems underlying unemployment in the U.S. automobile industry. And the damage to U.S. farmers, other workers, consumers and to the world economy would be immense.

We appreciate the opportunity to present the reasons for our opposition to S. 707 to this Committee. We trust that, in the interest of our farmers and our nation, this misguided proposal will be rejected.

NATIONAL GRANGE,
Washington, D.C., December 13, 1983.

Hon. HOWARD BAKER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: Among the several trade issues which are of great importance to our national economy as you return to the Senate session of 1984, the so-called "domestic content" auto import bill (S. 707) represents one of the clearest dangers. Farmers, exporters and other businessmen, most of the nation's workers and all American consumers are seriously threatened by this bill. The National Grange, along with fourteen other agricultural groups,[1] has approved the following statement of opposition to such legislation:

"We urge opposition to the 'domestic content' auto import bill. U.S. agricultural, consumer and other groups continue their vigorous opposition to this legislation because they recognize the critical need to encourage more orderly and rational world trade if international economic disaster is to be avoided.

"According to the Congressional Budget Office, passage of such legislation would result in a net loss of jobs. Furthermore, its GATT-illegal proposals would trigger retaliatory actions which could be devastating to U.S. agricultural export market opportunities.

"Sponsorship and support of this bill would be a serious disservice to our farmers, to all export-related industries and to Americans as consumers and as leaders in worldwide efforts to deal with today's critical economic and political threats."

As a proposal which would clearly violate the General Agreement on Tariffs and Trade and other of our international agreements and obligations, S. 707 would almost certainly bring retaliation or demands for compensation which could greatly damage our already declining agricultural exports. Following earlier U.S. government actions that were trade disruptive (such as 1973 embargo on U.S. soybeans), Japan, our largest farm export customer, "retaliated" without formal retaliation by investing in massive production of soybeans in Brazil. Our current confrontation with the European Community over their trade-restrictive means of implementing the Common Agricultural Policy, including threats to tax all vegetable oils and restrict our access to their markets for corn gluten and other products would be further exacerbated by the passage of S. 707.

Claims that S. 707 is a "job bill" are specious and highly misleading. Congressional Budget Office studies have confirmed that the bill would modestly benefit only a limited group of highly-paid workers while depriving far more other workers of employment.

Furthermore, if such an illegal and U.S. unilateral action should prove to be the trigger to the damaging trade war which the world has feared, our economy could suffer critical damage, our recovery could be aborted, and Americans would pay the price along with our trading partners for such an unwise step.

We urge your opposition to S. 707 as a bill which has been properly labeled by many of our national leaders as the most threatening of our current international economics initiatives. Some have called it the most potentially damaging of any trade legislation since the infamous Smoot-Hawley Act of 1930. Our national as well as our agricultural interests require that such a narrow and misguided proposal be rejected.

Sincerely,

EDWARD ANDERSON, Master,
The National Grange.

COALITION AGAINST DOMESTIC
CONTENT LEGISLATION,
April 9, 1984.

Hon. ROGER W. JEPSEN,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR JEPSEN: The 100 organizations and companies listed below, representing millions of American consumers, workers, farmers, manufacturers and other business people across the country, strongly oppose S. 707, the automobile domestic content bill.

As you know, domestic content legislation passed the House by a narrow margin in 1983. There will be strong pressure from the bill's proponents for a Senate vote in 1984. If such a vote comes, we urge you to stand up and say "NO" to this misguided proposal.

If enacted, its consequences would be far-reaching.

Automobile prices would rise sharply, and consumer choice would be narrowed, as competition is severely limited. A recent study by Wharton Econometric Forecasting Associates concluded that new cars prices

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[1] American Soybean Association, Grain Sorghum Producers Association, International Apple Institute, MFA Inc., Miller's National Federation, National Association of Wheat Growers, National Broilers Council, National Corn Growers Association, National Council of Farmer Cooperatives, National Grain Trade Council, National Soybean Processors Association, National Turkey Federation, Poultry and Egg Institute of America.

would jump 10% if the bill were enacted, costing American consumers $18 billion a year.

American jobs would be lost. The Congressional Budget Office has estimated that by 1990, 104,000 jobs would be lost in the U.S. export sector, while only 38,000 auto jobs would be gained.

Billions of dollars of American exports—in agriculture, forest products, aerospace, electronics and other industries—would be jeopardized. As a blatant violation of our international obligations, domestic content legislation would entitle other nations to retaliate against U.S. goods and services sold abroad.

With record levels of U.S. auto industry profits in 1983 (over $6 billion) . . . with the serious risks this legislation poses for American workers, farmers and other businesses who depend upon expanding U.S. exports . . . with the enormous burden it would place on American consumers, a vote for S. 707 simply cannot be justified. We encourage you to deal with the problems of unemployment in the auto industry, as elsewhere, in a fashion that does not damage far more people than it would benefit.

We strongly urge you to vote against S. 707, or domestic content in any form, and to encourage your colleagues to do the same.

Abbott Laboratories.
Aerospace Industries Association of America.
Air Products and Chemicals, Inc.
Amax, Inc.
American Association of Exporters & Importers.
American Association of Port Authorities.
American Association of Retired Persons.
American Electronics Association.
American International Automobile Dealers Association.
American Paper Institute.
American Retail Federation.
American Soybean Association.
Automobile Importers of America.
Bechtel Power Corporation.
The Boeing Company.
Business Roundtable.
Cargill, Inc.
Caterpillar Tractor Co.
Certainteed Corporation.
Chamber of Commerce of the United States.
Colonial Sugar Company.
Columbia River Freight Forwarders and Customs Brokers Association.
Combustion Engineering, Inc.
Competitive Enterprise Institute.
Computer and Business Equipment Manufacturers Association.
Consumers for World Trade.
Continental Grain Company.
Deere & Company.
Delaware River Port Authority.
Direct Selling Association.
Emergency Committee for American Trade.
Fluor Corporation.
FMC Corporation.
Grain Sorghum Producers' Association.
Honeywell, Inc.
Imperial Sugar Company.
International Apple Institute.
International Association of Ice Cream Manufacturers.
International Business Machines Corporation.
International Hardwood Products Association.
International Terminal Operating Corporation of Baltimore.
Jacksonville Port Authority.
Jacksonville Public Ports Association.
League of Women Voters of the United States.
Lockheed Corporation.
Maher Terminals, Inc. (Jersey City, N.J.)
Maryland Port Administration.
Massachusetts Port Authority.
Metropolitan Stevedording Co. (Wilmington, Calif.)
Midcontinent Farmers Association (MFA Inc.)
Milk Industry Foundation.
Millers National Federation.
Motorcycle Industry Council, Inc.
National Association of Stevedores.
National Association of Wheat Growers.
National Automobile Dealers Association.
National Broiler Council.
National Corn Growers Association.
National Council of Farmer Cooperatives.
National Foreign Trade Council.
National Forest Products Association.
National Grain Trade Council.
National Grange.
National Institute for Economics and Law.
National Retail Merchants Association.
National Soybean Processors Association.
National Turkey Federation.
Oregon Public Ports Association.
Pacific Northwest International Trade Organization.
Pacific Northwest Waterways Association.
Philadelphia Port Authority.
Phillips Petroleum Company.
Phoenix Metropolitan Chamber of Commerce.
Port Authority of New York and New Jersey.
Port of Houston Authority.
Port of Lewiston (Idaho)
Port of Long Beach.
Port of Los Angeles.
Port of New Orleans.
Port of Oakland.
Port of Portland.
Port of Sacramento.
Port of Vancouver, U.S.A.
Portland Chamber of Commerce.
Portland Steamship Operators Association.
RCA Corporation.
Savannah Port Authority.
Scientific Apparatus Makers Association.
Sears, Roebuck and Co.
Semiconductor Industry Association.
Southeastern Poultry and Egg Association.
Teamsters Bakery and Food Processors Local 305.
Tektronix, Inc.
United States Cane Sugar Refiners Association.
United States Council for International Business.
Virginia Port Authority.
Volume Footwear Retailers of America.
Washington Citizens for World Trade.
Washington Public Ports Association.
Xerox Corporation.

● Mr. WILSON. Mr. President, I rise to join my colleagues in expressing opposition to domestic content legislation, S. 707. This legislation, should it become law, would be a disaster for the American economy in general and the American consumer in particular.

The American consumer is already suffering the effects of the Voluntary Restraint Agreement on cars which our Government negotiated with the Japanese. One study has shown that VRA added $1,000 to the average price of cars—both domestic and Japanese-made—in just the first 2 years. Indeed, because Japanese cars are now in short supply as a result of VRA, dealers have been able to tack on top of the sticker price of these cars $1,000 to $2,000 of additional dealer markup.

Why should the American consumer be asked to continue to subsidize the American auto workers and the American auto companies in this fashion. Why should the average American hourly worker, who has a total compensation package of $12 to $14 per hour have to cough up an extra $1,000 to $2,000 when auto workers have a package worth over $20 per hour? The answer is that there is no justification for this. Beyond the consumer issue, domestic content legislation would greatly injure our economy.

It would lead to trade retaliation which, in the end, would reduce U.S. employment. Clearly, workers in efficient, export dependent industries would lose their jobs by the thousands— and more Americans depend on making products for exports than depends on the American auto industry. This bill would throw people out of jobs in modern industries while saving many fewer jobs in industries that are much less efficient.

It would cut off what little access we have to Japanese agricultural markets, reversing a slight, but positive trend of increased Japanese imports of American beef and citrus.

It would hurt, both directly and indirectly, our transportation dependent industries—particularly our ports. The direct impact would result from decreased imports; the indirect impact would result from decreased exports on account of retaliation.

And, Mr. President, domestic content legislation would hurt our most productive, developing, state-of-the-art industries. Indeed, progress with the Japanese in such important trade areas as telecommunications, satellites, and semiconductors would be completely washed away by this protectionism.

Mr. President, what I find particularly peculiar is the push for domestic content legislation at the present time. The Members of this body well know that the auto industry has just recorded record profits—some of which came from increased efficiencies and productivity, but too much of which came from the VRA. If VRA is wrong—and it is—then domestic content legislation is very wrong. It is wrong for my State of California, which is the most export-dependent state in the Union, and it is wrong for the country.

Mr. President, I applaud the fine efforts of the management and the workers in the American auto industry for the great changes they have both brought about in the quality of their products and the color of the bottom line. Nevertheless, I cannot support a

policy that seeks to protect a domestic industry for the simple sake of protection. It is just not in America's best interests.●

Mr. CHAFEE. I thank the distinguished majority leader, and also the distinguished minority leader, for this time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. All time having been yielded back, the Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, as I understand it, I have a special order. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes, in addition to which he has the minority leader's time which has been yielded to him.

Mr. PROXMIRE. I will not use all that time by any means. I thank the Chair.

THE ESSENCE OF LIFE

Mr. PROXMIRE. Mr. President, in the years that I have been in the Senate—I have been here since 1957, 27 years—there is no Senator with whom I have served who has greater intellectual capability or energy than Senator Jacob Javits of New York.

Senator Javits, as you know, has been stricken by an extraordinarily debilitating disease. It is a disease which is a paralyzing terminal motor neuron disease known as amyotrophic lateral sclerosis—sometimes called Lou Gehrig's disease. But that has not kept Senator Javits from one of the most courageous and remarkable crusades—to appeal to our Government to work on this illness. He is a man of great intellect, and I am sure even in this case he is dispassionate about it. He is convinced that, if we will devote the resources to this disease, we are on the verge of making some extraordinarily remarkable progress, and we may be able to provide a way of preventing and healing the disease.

An article in the New York Times of yesterday by Sidney Schanberg is so touching that I must call it to the attention of my colleagues. It says about Senator Javits:

He is still the public person, but he is giving us now some glimpses of the man. It may distress him to hear this, but there are those who will remember him better for these glimpses than for all his formidable accomplishments in four terms as a United States senator.

Because, wounded and wheelchair-ridden as he is by a degenerative disease, he is talking these days about optimism, grit and living.

Last week, the patient gave a lecture to the doctors—at New York Hospital at the weekly conference known as medical grand rounds. But the lesson was for everyone, not just doctors.

His driving force, he said, is to "keep my brain in order and functioning. This is the essence of life."

This article concludes by saying:

His talk to the doctors bids a person to pause and think about priorities and about how lucky we are and about what will be remembered of us when we're gone. It probably won't be our secular achievements, our awards, our bank accounts—more likely it will be the quality of our behavior and of our personal relationships.

Mr. Javits said he was speaking out to try to provide inspiration to others afflicted with incurable disease. I think he reached a much wider audience than that.

The former Senator will be 80 years old this Friday. Happy Birthday, Mr. Javits.

Mr. President, I ask unanimous consent that this article by Sidney Schanberg on our former great colleague, Senator Javits, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 15, 1984]

THE ESSENCE OF LIFE

(By Sydney H. Schanberg)

Jacob K. Javits was always the public person—married to his work, serious, single-minded—but in three and a half decades in government office, he rarely let his private self show, he didn't let his public get close to the man.

He is still the public person, but he is giving us now some glimpses of the man. It may distress him to hear this, but there are those who will remember him better for these glimpses that for all his formidable accomplishments in four terms as a United States Senator.

Because, wounded and wheelchair-ridden as he is by a degenerative disease, he is talking these days about optimism, grit and living.

Last week, the patient gave the lecture to the doctors—at New York Hospital at the weekly conference known as medical grand rounds. But the lesson was for everyone, not just doctors.

His driving force, he said, is to "keep my brain in order and functioning. This is the essence of life."

The man who had played vigorous tennis for 55 years delivered his message from his wheelchair. Under the chair sat a mechanical portable respirator that helps him catch his breath and sets the measured cadence of his speech. It pumps air through an opening in his throat that is covered by an ascot.

His illness is a paralyzing terminal motor neuron disease known as amyotrophic lateral sclerosis—sometimes called Lou Gehrig's disease. The nerve-damaging process has not affected Mr. Javits' considerable mental faculties but it has led to progressive weakness of the muscles below his neck. He wears a supportive collar to keep his head from sagging and interfering with his already impaired breathing.

And this man who needs three hours every morning to prepare for the day was telling the doctors: "As long as your brain can function, you can contribute.

"If there is anything I can leave with you in terms of the treatment of patients with a terminal illness," he went on, "it is this: We are all terminal—we all die sometime—so why should a terminal illness be different from terminal life? There is no difference."

In this age of endless debate over the high cost of medical care and the choosing of who gets treatment when it's limited and the decisions about when to let patients die, the former Senator urged doctors to develop criteria based on mental function "to enable us to determine . . . who should live and die.

"The most positive therapy," he said, "is to perpetuate the life force, and whether [the] patient is a mechanic or a U.S. Senator, he or she has a motivation which must prevail over the illness."

Prevailing is something Mr. Javits has been good at. He was a survivor long before now. As a liberal Republican in the Senate, he was a minority within a minority—but over time he earned status and his colleagues' respect. And when he was defeated in his quest for a fifth term in 1980, the year the illness's first signs appeared, he didn't disappear into a musty trophy room.

His present life and his words to the doctors run counter to the hypnotic images that flicker endlessly these days from the television tube—images that suggest life is worthwhile and beautiful only when you're young and healthy and, if possible, tanned.

Mr. Javits may not be healthy, but neither is he crippled in any lifeforce sense. The disease has been with him for four years now and there he was, talking about optimism and humor in dealing with illness and of the value of these attitudes not only to patients but equally to the doctors and nurses who treat them.

Mr. Javits cannot of course keep his old workaholic pace, but he keeps a pace. He writes articles, delivers commencement addresses and testifies before Congressional committees on the many subjects in his area of expertise.

It's not easy to write about what's important in life without getting slushy or pretentious. It's also not easy to write detachedly about those who set examples. Yet one does not have to transform Mr. Javits into a romanticized saint to acknowledge, nevertheless, that he has made a contribution to this process.

His talk to the doctors bids a person to pause and think about priorities and about how lucky we are and about what will be remembered of us when we're gone. It probably won't be our secular achievements, our awards, our bank accounts—more likely it will be the quality of our behavior and of our personal relationships.

Mr. Javits said he was speaking out to try to provide inspiration to others afflicted with incurable disease. I think he reached a much wider audience than that.

The former Senator will be 80 years old this Friday. Happy Birthday, Mr. Javits.

FREEMAN DYSON ON OPTIONS FOR SURVIVING A NUCLEAR WAR.

Mr. PROXMIRE. Mr. President, in his new book "Weapons and Hope," a distinguished physicist, Freeman Dyson, takes on this tough question: What military policies should we adopt to survive a nuclear war, recognizing that mankind has to live from now on with nuclear weapons? Mr. Dyson seems to be asking: Suppose the military establishment that bases our survival on a constantly "improving" deterrent is wrong? And suppose the

peace movement that would rely on a negotiated freeze followed by a reduction of nuclear weapons is also wrong? Suppose neither will work? Is there an alternative that will? Dyson suggests that there is such an alternative. He contends the alternative is more realistic and practical than either the so-called military establishment approach or the peace movement approach. Dyson would not have us base our nuclear weapons strategy on assuring the best chances for a nuclear victory, and not on stopping the nuclear arms race, but on weapons policies that would assure the survival of the greatest number of Americans.

Mr. Dyson does not assume that anyone would necessarily survive a nuclear war. But he believes the trend of nuclear weapons in the past 25 years has been away from nuclear weapons of mass destruction and toward nuclear weapons of remarkably improved precision and mobility. The precision is critical to the Dyson thesis because it means we are moving now in the right direction, that is toward weapons that can destroy military targets without destroying cities. Therefore, Dyson reasons, the weapons would kill fewer people. The mobility is critical because increased mobility makes the weapons far less vulnerable. Why is weapon survivability so important? Because it will have the double effect of making the weapons less vulnerable targets and reduce the motive as it increases the risk of starting a nuclear war by attacking them.

Dyson also contends that the massive city-destroying H-bombs are becoming obsolete as both sides build smaller weapons with much less yield, but greater potency. The old population killing weapons die off, replaced by newer military, target-killing weapons that are much surer to reach and destroy their precise target. As Dyson sees is our chances of survival increase as the weapons keep evolving toward war fighting confined to military objectives. Dyson's thesis is very similar to the argument of General Gallois and John Train set forth in a recent letter to the Wall Street Journal. Gallois and Train argue that precision and miniaturization of nuclear weapons will transform nuclear warfare from a destroyer of civilization and perhaps of all mankind to a military operation much like conventional war. A few days ago I discussed this Gallois-Train thesis at length on the floor.

Some people might construe the revelations about the nuclear winter in a similar way. As we know, the nuclear winter was the revelation by international scientists earlier this year that in the event of even a small nuclear war, we could trigger such a reaction in the environment that we would have a nuclear night that would last for many weeks in which we would be in darkness, and a nuclear winter that would last for months, in which we would have to survive in temperatures of less than 13° below zero. That would be caused by these weapons of mass destruction.

If the weapons were reduced in megatonnage and in yield, made more precise, the argument could be that we would not trigger a nuclear winter and it would be conceivable that mankind could survive and we would not ignite the kind of problem in the general environment that we would with a nuclear war.

In the judgment of this Senator here is precisely the danger in the Dyson thesis. Dyson offers a seductive scenario. He contends that emphasis on survival and the obsolescence of the biggest and dirtiest nuclear weapons will permit us to fight a nuclear war that would be cruel and inhumane but would not result in mankind's final gasp. Will smaller, more accurate, more survivable nuclear weapons lead us out of the danger of a nuclear armageddon? Well, anything is possible. But it seems very unlikely, indeed. This is the same argument we ran into on the floor of the Senate a couple of years ago, when some of us critized the use of tactical nuclear weapons like the neutron bomb to stop the Russians from winning a conventional war in Europe. Once a nuclear war begins, with Dyson's miniaturized and survivable weapons, the loser is likely to raise the ante with ever bigger and dirtier population killers. The more diverse and survivable the weapons on the losing side, the more likely the war would continue to the bitter end of total destruction.

There are two reasons why Dyson's thesis is specially dangerous. First, the new nuclear weapons he hails—the highly accurate, small weapons would lend themselves ideally to proliferation. What a bonanza for Libya or Iran. The small size necessarily means small cost because the big cost in nuclear weapons is in the massive delivery system: the Trident submarines or the Stealth bombers. A miniaturized nuclear weapon might be a low cost dream for a small country. It would be a nightmare for the world. It could be carried and deployed by an individual terrorist. Many nations have or can easily recruit and train terrorists.

The second weakness of the Dyson prescription lies in his general support for the so-called defensive nuclear weapons. Dyson even opposes the Anti-Ballistic Missile Treaty. The death of that treaty would open the way for the kind of endless "star wars" spending that would threaten deterrence by promoting an ever more complex and unstable arms race. It would give one superpower or the other fleeting moments when it or its opponent suffered the illusion that it could win a nuclear war if the war were waged while the temporary advantage held.

Freeman Dyson has written a brilliant book that deserves careful reading. Dyson eloquently rejects reliance on mutually assured destruction and the feasibility of nuclear war. His "live and let live" principle is appealing. But strangely enough he cannot seem to perceive the irony in his sensible rejection of the MX and killer satellites as "technical follies" with this devastating sentence: "The primal sin of scientists and politicians alike has been to run after weapons which are technically sweet." Mr. Dyson, you are absolutely right in that sentence. And this sweetness for nuclear weapons in Dyson's case miniaturized and superaccurate nuclear weapons is just what Mr. Dyson falls for in coming down on the side of a policy of smaller, more precise and more survivable weapons as the objectives we should seek. The answer, Mr. President, is that there is no salvation in nuclear weapons. The nuclear arms race cannot and will not lead us to nirvana. For peace in this nuclear world there is no substitute for mutual, verifiable negotiations to stop their testing, their production, their deployment. There is no substitute: None.

TERROR IN A SRI LANKA CITY

Mr. PROXMIRE. Mr. President, history is filled with countless instances of man's inhumanity to man, of great atrocities committed for the most despicable of reasons. Today, in our advanced, civilized world, however, it is inexplicable and unjustifiable that transgressions of the most basic human rights ceaselessly occur. One of these many modern breeches of civility was recently depicted in a New York Times article which tells of the strife and horrors of day-to-day living for the Tamil ethnic group in the city of Jaffna, Sri Lanka.

Jaffna is a city situated on a narrow sand spit, between two bodies of turquoise water, where 750,000 Tamils live in a land drier than the lushly forested remainder of Sri Lanka. Jaffna is also the center of the Tamil movement for a separate state, the advocacy of which was made a crime by constitutional amendment last year.

The Government of Sri Lanka, controlled by the country's ethnic majority, the Sinhalese, says that in the heightened strife of April of this year, 50 people were killed in Jaffna alone; Western diplomats and residents say as many as 200 were killed.

The Government asserts that the targets of its troops in this isolated town in the far north of Sri Lanka are terrorists who have outlawed themselves by advocating a separate state for ethnic Tamils. But people in Jaffna tell a different story. Unable or unwilling to tackle the terrorists effec-

tively, the armed forces are waging war against ordinary citizens.

Instead of trying to flush out a terrorist from a suspected hiding place, soldiers set fire to Tamil businesses in the immediate area. Soldiers have arrested, beaten and killed Tamil youths who were believed, yet not proved, to be connected in some way with the terrorist movement.

The continued violence against the minority Tamils has been criticized by the United Nations, the United States, and the European Community. But more than words alone will be needed to save the destitute and oppressed lives of the Tamils in Sri Lanka.

One step that we in the Senate can take to strengthen the U.S. stand is to ratify the Genocide Convention, conceived of by the U.N. after the morbid Holocaust of the Jews during World War II. This treaty simply declares the intent to exterminate a national, ethnic, racial, or religious group an international crime. Already approved by 87 nations, it has not, as yet, been ratified by the United States.

Ratification of the convention would underscore our global commitment to the preservation of human rights and reemphasize to the Sri Lankan Government our strong desire to have them stop their persecution of the Tamils. I ask today that this body end its 35-year delay and take a step for the Tamils and other unjustly abused groups by ratifying the Genocide Convention.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the hour of 10:40 a.m. having arrived, the Senate will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:43 a.m., took a recess, subject to the call of the Chair, and the Senate, preceded by the Secretary of the Senate, William F. Hildenbrand; the Sergeant at Arms, Larry E. Smith, and the President pro tempore, Senator THURMOND, proceeded to the Hall of the House of Representatives to hear the address by the President of Mexico.

(The address delivered by the President of the United Mexican States to the joint meeting of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

At 11:38 a.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. WILSON).

ORDER OF BUSINESS

Mr. BAKER. Mr. President, there is a special order in favor of the distinguished Senator from South Dakota. That will be followed by a 20-minute period for the transaction of routine morning business. I estimate then that we shall be back on the bill sometime around 12:10 or 12:15 p.m.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR ABDNOR

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota is recognized.

Mr. ABDNOR. I thank the Chair.

(The remarks of Mr. ABDNOR at this point are printed earlier in today's RECORD when Senators discussed the domestic content bill.)

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 20 minutes, during which Senators may speak for up to 2 minutes each.

ADMINISTRATION POLICY IN CENTRAL AMERICA

Mr. LEAHY. Mr. President, over the past few days, the Burlington Free Press has provided the people of my State with a thorough and most thoughtful analysis of the administration's foreign policy in Central America. Two editorials, written by Leo J. O'Connor, summarize the problems of the region and the failure of the President to address these problems—the death squads, the repression, the lack of political freedom, the poverty.

The logical conclusion from the President's militaristic speech is war, American involvement in a war. Money alone will not be able to buy us out of the problems in El Salvador, foreign aid and covert aid will not reduce the tension.

Mr. President, I ask unanimous consent that two Burlington Free Press articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Burlington (Vt.) Free Press, May 11, 1984]

REAGAN FAILED TO GRASP COMPLEXITY OF ISSUES

In an impassioned speech that brimmed with anti-communist rhetoric, President Reagan attempted to revise the history of Central America in an address to the nation Wednesday night by blaming the region's troubles on Cuban and Nicaraguan Marxists instead of the real culprit: utter and devastating poverty among the people.

His was nothing more than a simplistic assessment of a complex situation that will not be resolved without substantial internal reforms that will alleviate the plight of the thousands of people who live in squalor. To say that the region's problems will be solved only if the United States sends more military aid to El Salvador is to say that outside interference is the principal cause of the government's difficulties. It implies that the nation's leaders will look to the needs of the populace, something that they have failed to do for decades, once armed rebellion is crushed.

While it is no doubt true that the Marxists are making mischief in Central America, it is equally true that the people of the region for years have chafed under the yoke of the ruling oligarchy. The spectacle of a wealthy elite, using and abusing its power to control the populace, has created widespread anger among the millions whose survival on a day-to-day basis is uncertain. How anyone, including a U.S. president, can ignore that fact is astonishing. Either Reagan is incredibly naive or he is supremely indifferent to the problems of the poor.

What was lacking in Reagan's address was much more significant than what was said. Why was there no reference to the Salvadoran death squads that have killed over 40,000 citizens? Why was there no mention of government's failure to prosecute those who killed four American missionaries nearly three and a half years ago even though Salvadoran officials apparently know the identity of the murderers? Why didn't the president link further aid to a requirement that the Salvadoran government put an end to the practice of violating the rights of its citizens? Is it not a travesty to characterize such a government as a democracy?

Surely humanitarian aid would be far more valuable than sending more arms and ammunition that not only will be used to fight the guerrillas forces but also may in many cases be turned against people who are vocal opponents of the regime in San Salvador. Dealing with the essential needs of Salvadorans by providing them with food, clothing and medicine would be a means of dissuading them from joining left-wing guerrilla movements.

During his address, Reagan made no mention of the efforts of the Contadora group of Mexico, Colombia, Venezuela and Panama to work out a peaceful settlement of Central American problems that would put an end to outside interference in the internal affairs of the nations in the region. The United States should be more than willing to lend its support to those initiatives. Should they fail, Washington would still have other options it could exercise in seeking solutions to Central American problems.

What was most alarming about the address was that it reflected Reagan's inability to perceive the shades of gray in the situation and his tendency to view every trouble spot in the world as an arena for a confrontation between the East and the West. Such simplistic thinking could be dangerous in the long run because it heightens the existing tensions between the Soviet Union and the United States and could ultimately bring the superpowers to the brink of war.

Even so, it appears that most congressmen are willing to approve more military aid to

El Salvador, the Democrats for fear of being blamed for losing the country if the government is overthrown and the Republicans on the grounds that they owe their support to the president. The few voices of the opponents of further aid will be drowned out by those of the majority. The public can only hope that Reagan's pledge to keep American troops out of Central America will be kept. Most people do not want the region to become another Vietnam.

However eloquent Reagan's plea for more military aid may have been, his attempt to characterize the Central American conflict as another skirmish in the battle against communism was but another example of his failure to grasp the full import of foreign policy issues and his propensity for oversimplifying complex problems.

[From the Burlington (Vt.) Free Press, May 8, 1984]

CONGRESS SHOULD WAIT ON AID TO EL SALVADOR

With Jose Napoleon Duarte, leader of El Salvador's Christian Democrats, claiming victory in Sunday's presidential runoff election in the central American country, it appears that the Reagan administration's plans for persuading Congress to send more military aid to El Salvador will be put in motion.

White House aides have said that President Reagan will campaign for more aid in an address to the nation, possibly as early as this week, if Duarte's claim proves to be true. Because he is a moderate who is believed to have the capacity to put the troubled nation back together, Duarte had unofficial support from Washington in his bid for the presidency over Roberto d'Aubuisson, his Nationalist Republican Alliance opponent, who was inextricably linked to the death squads. His election would have signalled the ascendancy of the right wing and a return to repressive government in El Salvador. It would mean that Salvadoran guerrillas would have intensified their efforts to overthrow the regime.

U.S. officials apparently think Duarte will better be able to deal with the dissidents in El Salvador because he seems to have the capacity to understand their complaints and is willing to sit down and discuss them. As a former president, he will bring to the office much of the knowledge he gained through the earlier experience.

But Duarte's tenure will depend largely on the amount of backing he receives from other elements of the Salvadoran government, particularly the military leaders who appear to be more sympathetic to d'Aubuisson. Should they refuse to carry out Duarte's policies or openly oppose them, there is a genuine possibility that his government could become a captive of right wing officers in the country's army. It could mean that Duarte would be nothing more than a figurehead as the nation's leader. And there is evidence to indicate that he was nearly helpless during his previous term as president while the real power was wielded by the army.

That is the reason why Congress should be cautious in approving further military aid for El Salvador. Until it becomes clear that Duarte has full control of the government, there is a danger that the aid will be used by the military to intimidate opponents of its repressive policies.

In advocating more assistance to El Salvador, Reagan may be reaching too quickly to the appearance of change in the country. Only in the months to come may he learn that he was deceived by events.

Congress must not surrender to pressure to send more aid to the Salvadoran government until there are indications of fundamental improvements in its approach to the problems that afflict the people of the nation and a renewed respect for the human rights of the citizenry.

NATIONAL DEFENSE

Mr. WARNER. Mr. President, recently, it was my privilege to attend an event sponsored by the Virginia Chamber of Commerce at which the keynote speaker was the Secretary of the Army, the Honorable John O. Marsh.

I should like to take this opportunity to personally commend Secretary Marsh for his exceptionally comprehensive and inspiring remarks.

His long service to our Nation, beginning as a soldier in World War II, reflects credit upon Virginia and is in keeping with the finest traditions of our States heritage in national defense.

Since the American Revolution, Virginia has produced leaders who have kept America strong under the timetested doctrine of peace through strength.

As evidence of this, in the past decade four of five Secretaries of the Navy were Virginians.

Virginia also has had strong representation for over a quarter of a century on the Senate and House Armed Services Committees.

This representation has a direct correlation to Virginia's economy, for approximately 15 percent of the gross income of our State is derived from Department of Defense expenditures.

In the fiscal year beginning October 1, Virginia will receive from the defense budget $17.16 billion to cover pay for active, reserve and retired military personnel and civilian defense workers, and money spent on research operations and construction. This total ranks Virginia second only to California.

Add to this total major defense procurement contracts and the signficance of defense spending in Virginia is clear.

In fiscal 1983, the most recent year for which data is available, Virginia received $7.1 billion in procurement contracts of over $25,000.

Other significant examples of defense spending in Virginia are the following:

Virginia is second among the 50 States in the number of military personnel residents.

Virginia ranks third in military construction.

Virginia ranks fourth in dollar amount of consulting, manufacturing and research contracts from DOD.

Virginia ranks fifth in the number of military retirees.

Virginia ranks fourth in defense procurement contract awards over $25,000.

Virginia has more than 10,000 firms now contracting with the Pentagon.

Virginians are proud of the record of performance of the Commonwealth in support of our Nation's Defense Establishment.

We are proud of the outstanding public servants the Commonwealth of Virginia has produced—men like Secretary Jack Marsh.

As I indicated earlier, Secretary Marsh's remarks were particularly inspiring to all attending the annual chamber of commerce dinner.

He described in vivid detail the Soviet threat hanging over the free world and the necessity of rebuilding our defenses.

I felt his remarks were so astute that I wanted my colleagues to have the opportunity to review them.

I, therefore, ask unanimous consent, Mr. President, that the text of Secretary Marsh's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHAT'S AT STAKE?

(Remarks by the Honorable John O. Marsh, Jr.)

This coming June the 6th marks the 40th anniversary of the invasion of Normandy.

As Virginians, we should remember in the initial assault on Omaha Beach, there were only two National Guard units, both were from Virginia. The 116th Infantry, the Stonewall Brigade, from the Valley, Central and Southside Virginia, and the 111th Field Artillery from Richmond, Fredericksburg, and the Tidewater.

D-Day should teach us we have an interest in what happens in the rest of the world, because what happens there can help or hurt us.

It is to our advantage this planet be a stable place, and that it be a place of peace, with freedom under law.

To that end, we must understand there is a direct relationship between defense, your security, and your economic endeavors.

I was asked to speak to you this evening about National Defense.

It is my hope that I can give you some background that will enable you to better understand the reasons for the President's program.

The Commonwealth of Virginia has played a great role in the building of the Republic. We have a great responsibility for its preservation.

When compared to other national capitals, in the words of "America the Beautiful," Washington seems to be the city of the patriot's dream which "gleams undimmed by human tears."

But for much of the planet Earth, it is a world of tears, of turmoil and conflict.

The stakes are high. America, with its material and human resources, finds its leadership challenged and its vital interests threatened.

This century has seen the birth of a new colossus, one driven by an alien ideology. It draws its strength from the force of arms. It has waged ruthless aggression on its neigh-

bor states. From its Eurasian power base, the Soviet Union now leap frogs its power to the four corners of the globe, and threatens the peace of an insecure world.

Virginians have a respect for history. We know lessons of the past cannot be ignored. Neither in dealing with the Soviet Union can we ignore:

That in 1939 they entered into a non-aggression pact with the Nazis to partition Poland. In that same year they invaded Finland.

In 1940 they seized Latvia, Lithuania, Estonia.

In 1948 they tried to blockade Berlin.

In 1950 they supported the North Korean invasion of South Korea.

In 1953 they put down the popular uprising in East Germany.

In 1956 they brutally crushed the Hungarian Revolution.

In 1961 they built the Berlin Wall.

In 1968 they occupied Czechoslovakia to suppress the freedom being manifested there.

In 1979 they invaded Afghanistan.

And, the most recent flagrant example of their disrespect for human life and rights occurred last September when they shot down an unarmed Korean airliner, taking 269 lives. For those who feel this was a mistake—who think they have remorse or regret—I point out earlier this month. A senior official of the Soviet Government, in a public statement in Moscow, hailed the downing of the Korean airliner.

The Soviets have made Cuba into a Caribbean arsenal. Their intelligence collection station at Lourdes, near Havana, is the second largest they operate in the world.

They are the primary source of arms going into Nicaragua.

Cuban combat troops are their proxies in Angola and Ethiopia.

Soviet military representatives numbering about 20,000 are in nearly 30 nations as a part of their foreign military sales program.

They have supported both Iran and Iraq in a war that could destabilize the Persian Gulf. In the Middle East, they are responsible for the enormous military force developed by Syria.

Approximately 90,000 students from the lesser developed nations of the world study in the Soviet Union. The Bloc countries, or Cuba. Included are 14,000 from Central and South America. They will return to their countries to spread Marxist/Leninist doctrine, and they will be anti-American.

Why do we need a strong defense? Because the world is not at peace. There are 20 to 22 conflicts and insurgencies being waged in the lesser developed countries of the world. There are at least 15 other countries that are politically unstable which might destabilize and become insurgencies.

Latin America, Africa, the Middle East, Southwest Asia and Southeast Asia—These are targets of Soviet intrusion, adventurism and trouble making. These are areas vital to United States and free world interests.

To support these aggressive aims the Soviets have built a gigantic war machine and industrial complex to fuel it. Their army consists of 194 divisions. Our has 24 with 8 in the National Guard.

In the last 25 years they have built a blue water navy for the protection of power to every ocean of the world. This month they conducted the largest naval exercise in their history in the North Atlantic and Norwegian Sea.

They have the world's largest military air force.

The have 371 submarines of which 64 can launch ballistic missiles. Our total submarine force is 133.

We are not dealing with a country with an ox cart technology. There are areas in which they have a technological lead over the United States.

It is estimated they have a 10 year lead in the casting of titanium, enabling them to build a submarine with diving depths well below conventional operations.

They are pressing ahead in the development of nuclear weapons. For example, they have operational 1,398 silo launchers. Their ICBM's are considered to be at least as accurate as our Minutemen III's. Many of these missile systems have Multiple Reentry Vehicles, each of which is a separate atomic projectile. Their SS-18's can carry 10 MIRVs and their SS-19's can carry 6. Our modern Minuteman has three. The SS-18's can neutralize 80% of our land based ICBM's using two strikes per silo. This imbalance is why the President's MX program for a modern missile is so important.

To those who advocate a nuclear freeze, it should be pointed out that our stockpile today is one-fourth less than what it was in 1967.

They have about 50,000 tanks. We have nearly 12,000. Each year they out produce us by 1,600.

For effective deterrence it is not necessary we match the Soviets man for man, or tank for tank, but there are steps we must take to strengthen our defenses.

Significant gains have been made in recent years in the readiness of all of our forces. I can tell you there has been a quantum jump in the readiness of your Army. More remains to be done. These things that remain to be done are at the heart of the President's defense request.

Additionally, to help meet this threat, the NATO Alliance is vital, as well as our participation in it. This Alliance has preserved the peace in Western Europe longer than any time since the Roman Empire.

There is another important dimension to national security. Economic stability is essential for a secure world, and it is necessary for a prosperous America.

For example, the oil embargo of 1973 had a worldwide impact. It contributed to instabilities in the Third World. It helped spawn insurgencies. This has been true in Central America.

Central America comprises the countries of Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama. As President Reagan has observed the objective of the insurgency there is the entire region, not just El Salvador. The insurgent leaders also have said as much.

Backed by Cuba and the Soviet Union, Nicaragua is building the largest military force in Central America. More than 2,300 Cuban military advisers are in Nicaragua. About 7,000 other Cuban advisers are there to help the Sandinistas impose control on Nicaragua—to aid the infiltration of arms and equipment to El Salvador and other areas in the region.

Central America is not half a world away. It is on our doorstep. It is a vital area where nearly one half of all United States foreign trade transits the Panama Canal and the Caribbean Sea.

We are citizens of an interdependent world. Vessels moving to and from the Old Dominion with raw materials and manufactured products have ports of call on every continent of the Earth.

For evidence of the enormous contributions Virginia ports make, look at the "Virginia Port Authority Foreign Trade Annual Report for 1983." The report states the total activity of the port of Hampton Roads generated revenues of $1.8 billion. All Commonwealth port activities created 155,000 jobs, $3 billion in wages, and $307.5 million in tax revenues.

We are inexorably linked to far away places because there are 40 minerals and metals on which a modern industrial society depends. Without them you cannot have assembly lines or manufacture products.

The U.S. is more than 50% dependent on foreign sources for 23 of 40 critical materials essential to the U.S. economic and national security. However, of the same 40, the Soviets are completely independent for 35.

Freedom to transit the oceans of the world—to fly the airways that link continents is essential for reasons not directly related to defense. It is American foreign policy, backed by a strong defense policy that assists a Virginia businessman to move about the face of the earth, to negotiate for raw materials, to sell manufactured products, and to engage in financial transactions that yield vast economic dividends for the Commonwealth.

Part of that defense policy is reflected by the fact that through alliances more than 42% of your Army is stationed overseas in strategic areas.

What really is at stake is not just Soviet military power—a threat we cannot ignore. Rather, it is the ultimate resolution of key social and political issues.

The conflict we are in, but did not choose, is a challenge of ideas and contrasting values.

What is at stake is personal freedom and liberty, the same stakes that Patrick Henry addressed in St. John's Church in Richmond. Governance in the 20th Century is a struggle between the free society and the police state. Do we choose our leaders or are they chosen for us?

Therefore, how do we become more active players in the arena of national security affairs?

How can we better compete in the challenge of ideals?

First, the most powerful force in a democratic society is an informed public opinion.

Second, America is strong. We have available to us an abundance of material wealth and resources.

Third, untapped in the private sector. We have a vast array of human skills and talents that when marshalled are more than equal to the task.

I would like for you to consider two programs which the Virginia Chamber could lead in implementing. They are interrelated.

First, I urge you to sponsor in ccoperation with other civic and trade associations in the Old Dominion, the "Virginia Forum on National Security." Perhaps this might be done in several places across the Commonwealth.

This Forum would assemble a cross section of key leaders for a one-day seminar on Defense issues including economic concerns as well as national values.

The Chamber sponsored such a forum in the 60's where the Governor was a keynote speaker to an audience of about 600 blue ribbon members.

Secondly, in just over two years, America will mark the beginning of the Bicentennial of the adoption of the Constitution and the founding of the Republic. These will be events of enormous consequence, nationally and internationally. This Bicentennial will attract worldwide attention. I urge this or-

ganization to play a key role in its commemoration.

Through the study of national security issues, essential to our survival, and the reexamination of our value system as expressed in the Constitution and the Bill of Rights, perhaps, we can forge an American strategy for human freedom, with an enlightened policy of economic development as we move to the year 2,000.

In slightly more than 15 years, we end a century and close an age.

The die for the image of society in the year 2,000 could well be cast in these few intervening years. Shall it be in the image of the American Republic with individual liberty, economic opportunity, and the pursuit of happiness, or shall it mirror the police state with regulated economies and totalitarian control of people?

How shall we start the Third Millennium? Virginia is the cradle of Freedom. Of the Year 2,000 I believe some historian in another day, and another age, shall write that in a time of national peril, when freedom was again threatened, citizens of America's oldest commonwealth accepted the leadership that was their heritage, and through courage, dedication, and sacrifice, ensured their Country and its blessings of Liberty would be not just the legacy of their children and their children's children, but the birthright of all mankind.

CRS NATIONAL GAS ANALYSIS

Mr. PERCY. Mr. President, it is apparent that there are distortions in the current natural gas market. How to deal with these distortions, however, is not so obvious. Most analyses that have been conducted to date have been on a national basis, not by region or State. When speaking to a citizen's group in Illinois, National People's Action, this past fall, this void became readily apparent. That is why I requested the Congressional Research Service (CRS) to conduct an analysis of various legislative options available with regard to natural gas issues and to show supply, demand, and price effects on a regional basis.

The study uses a model developed by Data Resources, Inc. As with any model, it has its limitations, and we must pay particular heed to the assumptions upon which it is based. Yet, the study illustrates clearly the wide differences in the effects certain proposals would have on various regions of the country.

Mr. President, some have proposed setting gas price ceilings at 1982 levels. This study indicates that this approach could lead to serious gas shortages within the next 2 years—resulting in hardships, lost jobs, and great cost to our economy.

I have always believed in a free market approach to energy pricing, whenever that works to the best interests of consumers. I believe that, in the long run, we must minimize Government involvement in the setting of natural gas prices. The consequences of an overregulated market were readily apparent in the recent gas market. Something was wrong when customers in Illinois had to purchase imported gas at two or three times the price of available domestic gas. I am pleased that, last December, we were able to solve this problem.

At the same time, I have been concerned, that the too-rapid decontrol of old gas could hurt the State of Illinois. Illinois has been hit hard by the recession. As a Midwestern heavy industrial State, we will have to work harder for economic recovery than many other States in the country. Any additional price burden on Illinois consumers at this time would further delay this recovery.

Before I vote on any natural gas legislation, I want to know the impact it would have on Illinois. That is why this report is so useful. I want to commend its authors—Mr. Lawrence C. Kumins, Mr. Alvin Kaufman, and Mr. Donald Dulchinos. The report is available through the Congressional Research Service.

I ask unanimous consent that the summary of this report be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

At the request of Senator Charles H. Percy, CRS has utilized the Data Resources, Inc. (DRI) energy model to analyze the demand, price and supply impacts of several legislative options dealing with natural gas. These include pricing, contract modification and contract carriage options. The selected options, while drawn from specific legislation in some cases, are not representative of any single bill. A bill often contains a number of provisions, some of which are designed to mitigate or enhance other provisions. In our case, each option, as outlined below, was tested as a stand-alone item. Thus, the impact of a specific option can be determined. Further, we have assumed there will be no resource constraint.

The current effort to legislate a solution to natural gas problems results from perceived distortions in the current natural gas market because of the Natural Gas Policy Act of 1978 (NGPA), in combination with recent developments. Two main issues, pricing and contract modification, have emerged from the current policy debate. The pricing issue revolves around the need to protect consumers from erratic or unjustified price increases and sudden price fly-ups, while providing producers with a price sufficient to encourage production as well as an incentive for exploration for additional supplies. The contract modification issue primarily focuses on "take-or-pay" provisions. Several legislative proposals would reduce take obligations in order to lessen overall gas commitments by pipelines and to achieve a lower cost mix of gas.

The legislative options in this study were tested for each of eleven regions, as well as the United States as a whole. The specific options tested are outlined below.

BASE CASE

This case assumes the NGPA remains in effect, but reflects current market conditions. Old gas (section 104-106) remains under regulation until depleted, while new gas (section 102-103) is deregulated as of January 1, 1985 as specified in the NGPA. Contracts are renegotiated as necessary to keep average price at the market clearing level, as is currently happening.

The result of these assumptions is a ten percent per year nominal rise in residential prices nationally in the 1982-1990 period. Six regions of the country suffer increases in excess of that figure.

OPTION 1—PRICE ROLLBACK

In this case all gas prices are rolled back to the January 1, 1982 level as of January 1, 1984, except that the price of high cost gas (Section 107) is set at 150 percent of the Section 103 price. Gas prices are then escalated each quarter at 75 percent of the increase in the GNP Implicit Price Deflator. Price controls on "new" gas are extended by two years, expiring January 1, 1987, instead of 1985.

In option 1, a lower acquisition cost by 1985, compared with the base case, results in an increase in demand, but production remains below that of the base case due to the constraints on new gas prices. This results in projected shortages in 1985 and 1986.

OPTION 2—REDUCTION OF TAKE OR PAY OBLIGATIONS

Option 2 is essentially a deregulation case in which the pipelines are assumed to market out of those contracts that would raise their average cost above the cost of residual oil. The results of this case are similar to the base case.

OPTION 3—MAXIMUM WELLHEAD PRICE

In this simulation, burner-tip gas prices in each region are set 10 percent above the price of competing fuels for industrial/utility users. The resulting field price was computed on the basis of netback to the wellhead (i.e. burner-tip price less the cost of transport and distribution utility tariffs equals wellhead price).

This case, which tests the impact of a price fly-up, results in a significant drop in demand due to higher prices, as well as increasing production, leading to significant gas supply surpluses in each year of the forecast. The average residential price is five percent higher than the base case by 1990, and the average acquisition cost is 30 percent higher in 1985 than in 1982, and 47 percent higher in 1937.

OPTION 4—CONTRACT CARRIAGE

This case assumes that any large purchaser or user can negotiate for its own supply and contract for carriage of that gas. The price to each customer class was computed by assuming industrial/utility purchasers pay the equivalent of high sulfur residual fuel oil prices at the burner-tip.

The acquisition price of gas in this case is the same as the base case, while industrial/utility sector end-use prices drop to the high-sulfur oil price, and residential/commercial prices rise to compensate. The result is an increase in industrial/utility demand, a decline in residential/commercial demand, and an increase in supply.

OPTION 5—RAMP-UP/RAMP-DOWN

In this case, high cost gas is "ramped-down" to a Free Market Price Indicator (FMPI) over a 12 month period. The FMPI is defined as the ceiling price for Section 103 gas. Old gas is "ramped-up" to the FMPI level over the 1984 to 1986 period. Price controls for all gas remain in effect through mid-1987.

The early decontrol of older, cheaper gas is balanced by the recontrol of high cost gas. As a result, average national acquisition cost is virtually the same as the base case.

THE CLEMSON PLAYERS

Mr. THURMOND. Mr. President, I rise today to pay tribute to The Clemson Players and the dramatic arts faculty at Clemson University, my alma mater in South Carolina.

On Sunday afternoon, April 15, 1984, The Clemson Players presented two performances of "American Buffalo" by David Mamet at the Kennedy Center for the Performing Arts here in Washington as part of the American College Theatre Festival. Having advanced through State and regional competitions earlier, they were selected as one of seven national finalists from among 477 schools which participated in the festival, an honor which brought them to the Kennedy Center for these two performances.

Mr. President, I wish to recognize and commend the members of this fine organization and the dramatic arts faculty for the hard work and dedication that made these achievements possible. Their talent and success in their many productions have brought great honor and much deserved recognition to Clemson University and to the people of South Carolina. We are proud of them and congratulate them on their outstanding achievements.

Mr. President, I submit for the RECORD the names of The Clemson Players and the dramatic arts faculty:

CLEMSON PLAYERS

Allan Bomar, Ilene Fins, Graham Frye, Charlotte Holt, Karl Nolte, Robin Roberts, George Suhayda, and Michael G. Tierney.

DRAMATIC ARTS FACULTY

Clifton S. M. Egan, Jere Lee Hodgin, Raymond C. Sawyer, director of "American Buffalo"; Robert A. Waller, dean, College of Liberal Arts.

NATIONAL PEACE OFFICERS' MEMORIAL DAY SERVICE

Mr. BIDEN. Mr. President, yesterday I attended, with many of my colleagues, the National Peace Officers Memorial Day Service honoring the 157 police officers killed in the line of duty in 1983. Although the ceremony was a solemn occasion, I was moved by the pride and sense of esprit de corps that the police officers in attendance showed to their fallen partners.

As the ranking member of the Senate Judiciary Committee, I have worked to see that legislation is passed to help our law enforcement agencies do their job more effectively. But, as those family members and fellow officers of the 157 officers who died in 1983 know, police work is and will always be a dangerous profession.

I believe there is much that can still be done both in the Houses of Congress and in the State houses in the fight against crime and drugs. The ceremony yesterday once again brought home to me the real and unfortunate reality of the statistics and figures we often use in speaking about crime and drugs. As the roll of fallen officers was called out, it was impossible not to think of the price they had paid and of the sacrifice their families will continue to make over the years.

To those Members of the Senate who could not attend the memorial ceremony, I ask unanimous consent that the rollcall of fallen police heroes be printed in the RECORD.

There being no objection, the roll was ordered to be printed in the RECORD, as follows:

ROLLCALL OF HEROES—1983

ALABAMA

Nathaniel Conner and Rex W. Winchester.

ALASKA

Gordon B. Bartel and John D. Stimson.

ARIZONA

Milton P. Antone, Ernest Calvillo, Russell L. Duncan, Thomas P. McNeff, Richard G. Stratman, and James M. Young.

ARKANSAS

Harold G. Matthews.

CALIFORNIA

Michael J. Bentley, James P. Clark, Robert J. Davey, Jack Evans, Michael A. Gray, Ramon Irizarry, Jr., Kirk L. Johnson, Lawrence M. Lavieri, David E. Miller, William L. Sikola, Larrell K. Smith, Arthur K. Soo Hoo, Paul L. Verna, William Wong, and Kenneth S. Wrede.

COLORADO

Larry F. McMasters.

FLORIDA

Thomas A. Bartholomew, Eddie Benitez, Gary Bevel, Charles E. Bruce, Stephen O. Corbett, Ronald L. Fewell, Amedicus Q. Howell, III, Curtis M. Moore, Gary S. Pricher, Joseph F. Solano, Sr., and Robert L. Zore.

GEORGIA

Mary A. Barker, Drew H. Brown, Frank M. Ellerbe, Edward Kitchens, Donward F. Langston, Euel T. Smith, and Charles J. Wright.

HAWAII

Thad F. Sugal.

ILLINOIS

Donald A. Bejcek, Kenneth L. Blunt, Anthony L. Creed, Denis Foley, Wayne J. Klacza, Steven W. Mayer, Raymond Lee Terry, and Lawrence J. Vincent.

INDIANA

Robert S. Grove, Paul A. Kortepeter, William D. Miner, and Paul H. Prater.

KANSAS

George P. LaBarge.

KENTUCKY

Jackie D. Claywell, Rickey A. LaFollette, Alexander Obersole, and Charles D. Wentworth.

LOUISIANA

JoAnne Couzynes, and William M. Kees.

MARYLAND

Richard J. Beavers, Carlton X. Fletcher, and Samuel Snyder.

MASSACHUSETTS

Michael K. Aselton, George L. Hanna, and Walter P. Langley.

MICHIGAN

Michael J. Bossuyt, Tony L. Thames, and Terry Lee Thompson.

MINNESOTA

Brian W. Heikkila.

MISSISSIPPI

George Daniel Nash, Jr. and Earnest C. Null.

MISSOURI

Charles D. Hartman, Charles E. James, and Phillip A. Miller.

NEW JERSEY

Lester A. Pagano.

NEW MEXICO

Gerald E. Cline.

NEW YORK

Paul Ashburn, Joseph P. McCormack, Donald W. Robinson, Brian N. Rovnak, James P. Rowley, Malcolm D. Strong, and Charles J. Trojahn.

NORTH CAROLINA

Donald Wade Allred.

NORTH DAKOTA

Robert S. Cheshire and Kenneth B. Muir.

OHIO

Frederick J. Beard, Richard E. Becker, Benjamin Grair, William L. Johnson, Bruce E. Mettler, Joseph Z. Moore, Sharon E. Moore, Robert B. Rigoni, and Michael L. Sweeney.

OKLAHOMA

Travis L. Bench, Steven Leroy Mahan, Richard Oliver, and Donald W. Smiley.

OREGON

Joseph V. Omlin, III, and Donald E. Smith.

PENNSYLVANIA

Charles E. Attig, Jr., David A. Barr, Frank J. Bowen, Edward M. Butko, Jr., John F. Duffy, William R. Evans, James R. Milcarek, Sr., Norman A. Stewart, and David W. Witmer.

SOUTH CAROLINA

John R. Clinton, Daniel W. Cogburn, and Harold N. Cousar.

TENNESSEE

Dennis R. Armes, Aaron D. Glenn, Robert S. Hester, Ronnal R. Stanley, and Larry J. Tidwell.

TEXAS

Ernesto Alanis, Milton C. Alexander, Ronald D. Baker, Russell L. Boyd, R. F. Camfield, Ollie F. Childress, Jr., Charles R. Coates, II, Daniel M. Higdon, Jr., Robert R. Jones, William Moss, Carl J. Norris, John R. Pasco, Gilbert E. Ramirez, Charles A. Renfro, Clark M. Rosenbalm, Billy G. Smeley, and Lowell C. Tribble.

VERMONT

Arthur L. Yeaw.

VIRGINIA

John E. Rafter, Clifford W. Scott, Jr., and Dennis M. Smedley.

WASHINGTON

Brian F. Orchard.

WYOMING

Jon R. Hardy and Craig L. Schulte.

DISTRICT OF COLUMBIA

Raymond E. Mumford.

GUAM

Abraham Sablan Quitugua and Raymond Salas Sanchez.

PUERTO RICO

Jesus Diaz Batista, Raul Moldonado Coreano, Rafael Cumba Ortiz, Jose M. Ortiz Otero, William Santiago Pagan, and David Perez Valentin.

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADDRESS OF PRESIDENT DE LA MADRID

Mr. MELCHER. Mr. President, at a time when Mexico owes a great number of foreign banks, including U.S. banks, a total of $80 billion and at a time when the Mexican economy is in a very sad situation where it takes about 35 percent of its income to pay the interest, it is indeed refreshing and encouraging to have the remarks of President de la Madrid and to hear those remarks in his address to the joint meeting of Congress just concluded.

President de la Madrid is visiting the United States this week at a time when the future economy of his country is at stake. The President of Mexico has been an ardent and strong spokesman also for the so-called Contadora group, the group of four nations: Mexico, Colombia, Venezuela, and Panama, which have sought over the past year and more to establish the framework for settlement of conflicts in Central America.

It is one thing to have President Reagan speak highly of the Contadora group's achievements and goals and another thing to check on just exactly what those goals are.

Mr. President, I am going to read from the statement of President de la Madrid as he addressed the joint meeting of Congress this morning on this very point:

> Honorable Members of Congress, I wish to convey Mexico's recognition of the unanimous support given by the House of Representatives to the Contadora group's actions.

Previous to that, the President of Mexico said:

> This Congress can most certainly echo the universal demand for disarmament. It is urgent to resume talks leading to a significant reduction in nuclear stockpiles and, finally, to their complete elimination. The superpowers have the unavoidable responsibility of guaranteeing that history continues and of helping to do away with the distressing consequences of backwardness and marginalization.
>
> Regional conflicts, which tend to become generalized, also threaten international peace. Such conflicts provide opportunities for interventionist intentions, which could lead to global confrontation. Thus, responsible efforts to eliminate motives for controversy are urgent.
>
> In our imperfect society of nations, the impossibility of coercive enforcement of international law does not detract fom its legal validity and the obligatory force of its decisions. If we exclude law, our only alternative is anarchy and the arbitrary rule of whoever is able to impose his will. As nations, it is our duty to strengthen the institutions of the international community.
>
> The efforts of the Contadora Group are being made in this spirit and represent Latin American actions to solve a Latin American problem. We maintain that dialogue and a negotiated solution to the conflicts are possible: we therefore reject, without exception, all military plans that would seriously endanger the security and development of the region. This continent must not be a scenario for generalized violence that becomes increasingly difficult to control, as has occurred in other parts of the world. For our countries, it is obvious that reason and understanding are superior to the illusion of the effectiveness of force.
>
> In Central America, politics and diplomacy offer a real possibility of reaching agreements to prohibit the installation of foreign bases, to reduce and eventually eliminate the presence of foreign military advisers, to establish mechanisms against trafficking in arms, to prevent the activities of groups that undermine stability, and to discourage the arms race in the region. It undoubtedly involves feasible commitments that should be assumed by all parties concerned through honorable and secure agreements. The premise for such measures is the political will of the parties.
>
> We are convinced that the Central American conflict is a result of the economic deficiencies, political backwardness, and social injustice that have afflicted the countries of the area. We therefore cannot accept its becoming part of the East-West confrontation, nor can we accept reforms and structural changes being viewed as a threat to the security of the other countries of the hemisphere.

Mr. President, it is obvious that there is a disagreement as to the solution in Central America between President Reagan's policy and that expressed by the Contadora group, but I think the Contadora group has established a firm guideline, and I stress the word firm, for the solution in Central America. The firmness can be noted in the portions of the remarks I have just read where President de la Madrid stressed the prohibition of "the installation of foreign bases, to reduce and eventually eliminate the presence of foreign military advisers, to establish mechanisms against trafficking in arms, to prevent the activities of groups that undermine stability, and to discourage the arms race in the region."

Mr. President, I think those remarks of President de la Madrid should be taken very seriously by both the administration and Congress because we have placed an emphasis in our policy so far under President Reagan's leadership and by majority votes in both the House and the Senate, I am sad to say, on arms flow to Central America as a way to stop the war in El Salvador and turned our CIA loose to foment war in Nicaragua by hiring mercenaries to fight the Nicaraguan Government forces. President de la Madrid is much more practical in his approach. He says keep the armaments out, prevent foreign cou..tries from establishing bases in Central America that lead to instability in the region. I think that is good advice, advice that both the President and Congress should follow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOVIET BOYCOTT OF THE OLYMPICS

Mr. BYRD. Mr. President, in the past few days, I have watched the handwringing over the Soviet decision to boycott the Olympics. I have watched this handwringing with some despair.

This was a decision made without a just cause by a Soviet Government that is intent on using the nonparticipation reason and other ridiculous reasons it has given for the pullout as a propaganda tool.

I supported the Olympics boycott which was recommended by former President Carter, the purpose of that boycott being to indicate to the world that we and other nations were offended and greatly concerned by the Soviet invasion of Afghanistan. It was a just cause, and it was for a moral purpose. I do not use that word very often, because too many actions are cloaked under that word; but in this instance it seems to me to be the right thing to do.

What the Soviet Union wants is legitimacy, and I believe that for us to have participated in those Olympics, in the face of the ruthless invasion and murders of the Afghanistan people, would have been wrong. So we led the boycott.

The reason for that boycott is still there. The Soviets have not gotten out of Afghanistan. I do not know that anyone entertained the hope, during the time that the Olympics were being boycotted in that instance, that such a boycott would cause the Soviets to pull out of Afghanistan. But it was a protest. I think it was a protest for sound reasons, and it made an impact on world opinion. I think it served a good purpose.

The Soviets are still in Afghanistan. We have heard all the stories about the use of chemical warfare, and we know that the press has been excluded from that country, so that we do not

know absolutely, for a fact, what the Soviets are doing there. All we know is that they are pursuing their quest of subjugating a mountain people who fight for liberty and freedom.

The Soviets have caused families by the hundreds of thousands to be separated. They have caused hundreds of thousands of Afghans to flee their country, while other hundreds of thousands of Afghans continue to fight, with inferior weapons, for their liberty and freedom.

I do not think that the world should forget the Soviet invasion of Afghanistan. I do not think we should forget the ruthless destruction of the South Korean airliner by the Soviets and we should not forget that the Soviets callously refused to allow American ships and ships of other friendly countries to try to find the wreckage and the bodies of those innocent people who were so savagely shot down.

I suggest that to run after the Soviets and lie on our bellies and get on our knees and beg them to come to the games reduces the sense of outrage that we properly expressed as a nation over the two events I have mentioned—and over other Soviet violations of any human decency and moral behavior—to mere lipservice.

I am sorry for our young American athletes. I am sorry for young Soviet athletes. There may have been a concern on the part of the Soviet Government that some of those fine, young Soviet athletes would defect and would choose to live in a country that permits freedom of speech in its Constitution, as well as freedom of assembly, freedom of the press, freedom of religion, and so on.

In any event, I am sorry that the young athletes who practiced for years in anticipation of performing in the Olympics are losing an opportunity to test themselves, Americans against the fine Soviet athletes and the Soviets against the fine American athletes. I am sorry that the games will not be truly international as they were intended to be.

But there are principles which have always been important to this country as a nation, principles upon which we have been vocal and principles to which we have been true.

So, it is a great sacrifice on the part of young athletes who have, as I say, spent years in preparation. But we must not forget the young people of Afghanistan who will not be coming to the United States to participate. Why? Well, the Afghan Government, which is a Communist-controlled government, a puppet government controlled by the Soviet Union and run by Afghan puppets of the Soviet Union, has decreed that athletes from Afghanistan will not be coming to the United States. Why? Because the Soviet Government has chosen this as its course. There is a second reason why some young Afghans will not be coming, and that is because they are dead. They have been shot down by Soviet rifles and killed by indiscriminate bombing of men, women, and children and by other means that have been utilized by the Soviet military in the effort to subjugate the highly patriotic, spirited, and courageous Afghan people.

So while many young athletes will be disappointed, and we all regret that the Soviet decision is a sacrifice to their hopes, the greatest sacrifice has been made by the Afghans, old and young, who have persisted in fighting for their freedom in the face of overwhelming odds and who have demonstrated their great courage as they have withstood the pressures of their own Communist government, which is an underling and puppet of the Soviet Government. I think we have to think about their sacrifices. They will continue to sacrifice. Afghans will continue to be maimed, brutalized, and killed. How many young Afghans today are walking on one leg or have one arm or no legs because they refused to be intimidated? They have stood up for principles. They too have sacrificed, and I think we should not lose sight of that sacrifice that has been made by not only the old but also the young in Afghanistan.

Mr. President, I noted a column in today's Washington Post by Carl T. Rowan. The column is entitled "Olympic Wailing," and Carl Rowan says what I have tried to say better than I have said it. I think that the readers of the RECORD should be exposed to Mr. Rowan's fine column. I will merely read the last sentence thereof:

The Olympics are only games, and if the Soviets don't show up this time, let's just play with someone else and wait.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Rowan's excellent column.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OLYMPIC WAILING—I FIND UEBERROTH DISGUSTING

(By Carl T. Rowan)

I am not a "Red-baiter," one of those professional patriots who tried to prove his Americanism by assailing the Soviet Union with regularity. But I confess to feeling shame as I've listened to some Americans wail about the Soviet Union's decision not to compete in the Summer Olympics.

There was John Ferraro, chairman of the Los Angeles City Council Olympic Committee, saying "If I were Mayor Tom Bradley, I'd be on a plane to Moscow right now. I would do everything possible to help them change their minds."

And there was Peter V. Ueberroth, millionaire businessman, president of the Los Angeles Olympic Organizing Committee, soon-to-be commissioner of major league baseball, on the television networks moaning that "we are paying the price for 1980," when President Carter told the Soviets that, unless they got their troops out of Afghanistan forthwith, U.S. athletes would not participate in the Moscow Olympics.

Los Angeles officials say the city won't lose a dime on the Olympics even if the Soviets don't show. But even if the loss might be millions of dollars, why should Bradley go to Moscow to prostrate himself before Soviet officials, begging them to rescind a political decision?

I find Ueberroth disgusting. Jimmy Carter was right in boycotting the Olympics to express America's outrage at the rape of Afghanistan. Even athletes have to stand for something other than high jumps and high fives.

So what if the Russian boycott is payback for 1980? Soviet troops are still in Afghanistan, committing assorted atrocities. Russia's boycott of Los Angeles can only remind the world that we had a moral imperative for refusing to go to Moscow four years ago; the Soviets have only pique and pride for boycotting Los Angeles.

I would never have tried to ban the Soviets from this summer's games, as some American nitwits were trying to do, but I cannot shed even a crocodile tear over the Soviet decision not to show up.

Yes, I hear all the American athletes moaning about how it hurts them not to have the Russians in Los Angeles and complaining about how "politics ought to be kept out of sports." It is as though they never noticed that the politics of race has often been a shadow over the Olympics (white supremacist Adolf Hitler against Jesse Owens in 1936; boycotts over racism in Rhodesia-cum-Zimbabwe and South Africa) and that the politics of the Mideast as well as the East-West struggle have been powerful factors.

American athletes themselves express the ultimate in politics when they confess that their idea of ultimate success is to defeat a Soviet competitor. Not a Chinese, Czech or Rumanian communist, but somebody from "Enemy No. 1," the Soviet Union. The politics of world power lies behind the media preoccupation with counting how many medals each country wins. To political propagandists this is as important as crowing about who launched the first Earth satellite or who got to the moon first. Nothing watched as closely worldwide as the Olympics will ever be devoid of politics.

Now, does all this mean that I want or expect politics to become a "death blow" for the Olympics? Of course not. Given a spell of morality, petulance, Cold War pride or whatever, both the United States and the Soviet Union will be back in Olympic competition, just as the People's Republic of China is coming to Los Angeles for its first "go for the gold."

The development of awesome nuclear arsenals has made it impractical, to say the least, for Moscow and Washington to use a real war to decide who legitimately can claim "superiority." So javelin throwing serves as a healthy substitute for warhead heaving. Sports competition can serve as a release for mental tension and aggressions that build up within us all.

But we all must remember what my opponent said as he collected my money after I missed a two-foot putt: "Hell, Rowan, it's only a game!"

The Olympics are only games, and if the Soviets don't show up this time, let's just play with someone else and wait.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MISCELLANEOUS TARIFF, TRADE, AND CUSTOM MATTERS

The PRESIDING OFFICER. The clerk will report the unfinished business.

The bill clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Baker Amendment No. 3027, to further reduce deficits by including reconciliations and appropriations caps for defense and non-defense discretionary spending for fiscal years 1985, 1986, and 1987.

(2) Baker Amendment No. 3063 (to Baker Amendment No. 3027) of a perfecting nature.

The PRESIDING OFFICER. The pending question is amendment No. 3063 offered by the Senator from Tennessee (Mr. BAKER) to amendment No. 3027 also offered by Mr. BAKER.

The majority leader.

Mr. BAKER. Mr. President, neither of the managers is here at the moment. There is a luncheon in honor of President de la Madrid of Mexico going on at this moment and that, I am sure, is occupying the time of some of our Senators.

I am told that the Senator from Ohio wishes to speak and in view of that I see no reason not to proceed. It is my understanding, if I may ask the Senator from Ohio, that in the absence of the two managers he does not plan to proceed other than to speak on the pending question.

Mr. METZENBAUM. The majority leader is correct.

Mr. BAKER. I thank the Senator from Ohio.

Mr. President, with that in view, I think we might as well proceed. I yield the floor so that the Senator from Ohio might seek recognition.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 3063 TO AMENDMENT NO. 3027

Mr. METZENBAUM. Mr. President, we meet now to take up an amendment that would provide $2 billion over a 3-year period as sort of a sweetener for domestic spending programs.

I rise not to indicate my objection to that add-on, but rather my objection to what lies behind this strategy. For what we have here, according to the published reports, is the deal that was made to placate, if not buy off, the Republican moderates. For $2 billion over a 3-year period, they have agreed to forgo the opportunity to make a meaningful reduction in the budget deficit.

What I say is not merely a figment of my imagination, for it is an accepted fact that plans have been coming to this floor regularly, some of which have been defeated by narrow margins because of absences and some of which have been lost after a Member changed his or her vote.

We had the Chiles plan, which was defeated on a tie vote of 49 to 49. That would have reduced the deficit by $200 billion over 3 years, or $56.3 billion more than the White House Rose Garden plan. So we are now going to forgo any effort to pass the Chiles plan or some modification of it, by adding $2 billion to domestic spending.

I am not opposed to adding $2 billion to the domestic spending programs, but I thought that this Senate was going to have the courage of its professed convictions; that is, its often-repeated objective of wanting to balance the budget.

Nobody claims that we could balance the budget overnight. But a lot of people claim, and a lot of Members of this Senate have indicated, that they were prepared to vote to make a greater dent in the deficit than that which has been proposed under the Rose Garden plan. But the Chiles plan lost on a tie vote.

Then we had the Chafee-Weicker plan, which was tabled on a vote of 48 to 46 after one Member of the majority side changed his vote. That would have reduced the deficit by $16.7 billion more than the Rose Garden plan.

Now, why were these plans defeated? Why was the Chiles plan so opposed by my colleagues on the opposite side of the aisle? What was it that made it so necessary to defeat these plans to reduce the deficit?

Was it that the Republicans in thi body do not want to cut the deficit more? I think not, Mr. President. I assume my colleagues on both sides of the aisle would like to cut the deficit and that they understand that interest rates are now up to 12½ percent prime with every indication that they are going even higher.

I believe they wanted to go further, but they could not. They could not because the President of the United States was not willing to be a party to the action. The President of the United States at this very moment is standing in the way of deficit reduction which goes beyond that contained in the Rose Garden plan.

Now you can slice it any way you want and the President can make his speeches on television as beautifully as he does, but it is a fact that the President of the United States, who promised the people of this country that he would balance the budget, is standing in the way of anything passing this body except the $89 billion in deficit reduction over 3 years which is the Rose Garden plan.

This is the same President who, in his inaugural address, said, "For decades we have piled deficit upon deficit, mortgaging our future and our children's future for the temporary convenience of the present. To continue this long trend is to guarantee tremendous social, cultural, political, and economic upheavals."

Then in a memorandum to heads of executive departments and agencies, 3 days after the inaugural, he stated, "Coping with runaway deficits in the current and pending budgets is one of the most urgent tasks before us."

It was urgent on January 23, 1981, when he sent that memo out. Apparently it is not that urgent on May 16, 1984, when the President is doing all that he can to forestall further deficit reduction. I do not fault him for supporting the additional $2 billion in spending for domestic programs. But I say that is just a matter of buying some votes, prevailing upon the moderates to forego their effort which might have become successful, and avoiding some meaningful deficit reduction.

This is the same President who, in a White House news conference shortly after his election, said, "What we create we ought to be able to control. I do not intend to make wildly skyrocketing deficits and runaway Government simple facts of life in this administration."

Whatever the President's intent "wildly skyrocketing deficits" are a fact of life in America today. A fact of life about which the President of Mexico just spoke to the joint session of Congress. He also spoke of the high interest rates which result from high deficits and burden not only the people of this Nation but people throughout the entire world.

President Reagan made a statement to a joint session of Congress on April 28, 1981, saying, "The massive national debt which we accumulated is the result of the Government's high spending diet. Well, it's time to change the diet and to change it in the right way."

Mr. President, have you forgotten what you said in January of 1981? Have you forgotten what you said when you were a candidate? When you were a candidate you were talking about balancing the budget by 1983, and then you put it back to 1984. But now this Government is running on

the basis of $200 billion a year deficits, and anyone who tries to do anything to significantly reduce those deficits by going beyond the Rose Garden approach is bound to fail because the deal has now apparently been cut. The deal is to add $2 billion to domestic spending. Again, I repeat that I support it. But that is hardly a satisfactory price to pay to forgo our opportunity to reduce these deficits in a significant way. The farmers of this Nation, the young couples wanting to buy homes, and the small business people of this country cannot tolerate these high interest rates that will continue to accelerate, under the weight of these deficits. The 12.5 percent prime rate is not available to those who are of moderate income. It is not available, if you want to buy a new home. It is not available, if you want to borrow money to send your kid to college. It is not available to the farmers of this country who need a mortgage on their farms.

Then the President of the United States has the audacity—and I believe it is audacious—to say, "It's economic nonsense to say that lowering tax rates will add to our deficits."

The major reason that we have the deficits is because we cut taxes $1.1 trillion. You do not have to be a great business person to understand, if you do not have enough money coming in, you are going to wind up with a deficit no matter how much you cut spending.

Let the record reflect the fact that this Congress has met its responsibility in connection with cutting spending. We have already cut spending by $491 billion through fiscal year 1989—according to the CBO. We do not cut spending with respect to the defense area. Oh, no. In the defense area, the sky is the limit. No matter what the parameters are, we want to spend more and more and more. We are not satisfied with enough weaponry to destroy all of the Soviet people many times over. We must have more.

The President of the United States spoke on August 13, 1981. At the time he signed the Economic Recovery Tax Act of 1981 and the Omnibus Reconciliation Act of 1981, he said, "* * * balancing the budget in 1984 has always been our goal and will continue to be our goal."

Well, if it is the goal, then why is the President standing in the way today of this Congress doing anything more than cutting the deficits $89 billion over the 3-year period? I remember when Ronald Reagan had a strong concept of Presidential responsibility regarding the fixing of blame for the deficits. He went on television in 1980 and said the following, "Mr. Carter is acting as if he hadn't been in charge for the past 3½ years; as if someone else was responsible for the largest deficit in American history; and as if someone else was predicting a budget deficit for this fiscal year of $30 billion or more."

Oh, Mr. President—in this instance I say Mr. President of the United States as well as Mr. President of the Senate—what we would not do today for only a $30 billion deficit? I wish the President of the United States would show some of that same responsibility he talked about as a political candidate back in 1980.

Mr. President, he can do that. He does not have to even put his shoulder to the wheel. All he has to do is get out of the way, not be the roadblock. Let the Senate proceed unfettered to produce a real plan to reduce these deficits because the so-called Republican compromise is not a compromise at all. It represents a capitulation to the President of the United States. It is business as usual. It is not a downpayment or installment on the deficit reduction. It is yet another inequitable installment of Reaganomics.

This Senate has been close to doing something meaningful, not only in connection with the Chiles plan. It was also close in connection with the Chafee-Weicker plan. Then there was the Bradley plan which would have reduced the deficit by $5 billion more than the Rose Garden plan with a fair distribution of the burden.

There was the Hollings-Andrews-Exon plan, a bipartisan proposal which lost 57 to 38 and which would have cut the deficit by $179 billion more than the Rose Garden plan. There was the KGB plan, the Kassebaum-Grassley-Biden plan, which would have cut the deficit by $94 billion more than the Rose Garden plan, and there was the Gorton plan which would have cut the deficit by $85 billion more than the Rose Garden plan.

The fact is, that in each of those instances the overwhelming majority of Republicans refused to support further deficit reduction. As I said before, I do not believe it is because all of those Republicans do not want to reduce the deficit further. I think it is because they are doing the President's bidding. I think it is because they are being good soldiers, and the President does not want to reduce the deficit any more than the $89 billion which is provided in the Rose Garden plan over a 3-year period.

Mr. President, we should also take a look and see what the House has done. The House passed a budget resolution with $182 billion in deficit savings, which is $41 billion more than the Rose Garden plan.

They passed a reconciliation tax bill with $47 billion in revenues and entitlement cuts of close to $10 billion.

The House will yet reduce defense, according to indications, by $96 billion and nondefense discretionary programs by about $5 billion.

What are my colleagues on the other side of the aisle proposing to solve the problem? Well, they are proposing a great solution. They are proposing a great campaign tactic, a great opportunity to make speeches. But a very poor excuse for genuine deficit reduction.

I refer to the strong effort by some of the leadership on the other side to have the Judiciary Committee endorse the so-called balanced budget constitutional amendment. What a joke that is. Anyone in his right mind knows that even if it were to pass, it probably would not be effective until the States took a number of years to do their part.

But what a wonderful speech opportunity it provides. You can go out and talk about the fact that you passed the balanced budget constitutional amendment.

But if you really want to balance the budget, then you have to have the backbone to come here on the floor of the Senate and the floor of the House of Representatives and vote now in order to achieve that objective in the future. This body, for the past 4 weeks, has refused to cut the budget an amount in excess of the rose garden plan, because the President will not accept it.

The President talks about no tax increases. Well, Mr. President, you would not have to have any tax increases if you would just close some of the tax loopholes that take care of some of your special friends, and some of the new tax loopholes that were put in this bill—$22 billion worth.

Close those and some of the old loopholes, and you will find that you will get a lot closer to balancing the budget. But, no, that would step on the toes of the select few who are favored by my colleagues on the opposite side of the aisle.

I remember so well the President of the United States indicated his conviction that every corporation in this country that is making money ought to pay its fair share of the tax burden. He came out for a minimum tax. That was a good idea. So a few weeks ago the Senator from Ohio offered the minimum tax—not my proposal, the President's own proposal. With some few exceptions everybody on the opposite side of the aisle voted "No," because they do not want to step on the toes of their crowd and his crowd.

Vote for a minimum corporate tax and you will be doing a lot more than you will by voting for a constitutional amendment to balance the budget, which will achieve nothing. Vote to close some of the tax loopholes that exist in this country or the $22 billion in new ones which were just put into the Finance Committee bill, and you will be doing a lot more than you will by passing a constitutional amendment.

We can achieve our objectives if we quit posturing on the budget.

I have heard it said that if we do not pass the Rose Garden proposal, the President will not sign it.

Why do we not give him an opportunity to veto a bigger deficit-reduction package? Why do we not do that which we are supposed to do, being an independent arm of the Government?

No; the President will not sign it.

Then I hear some prominent Republicans on the other side of the aisle going on national television, and here on the floor as well, talking about the Democrats dragging their feet. I have not seen any evidence of dragging our feet. I have seen continued negotiations while we did not meet on Monday and did not meet on Friday, and did not meet at night, because the other side of the aisle knew that they were in trouble, and if they went too rapidly we were going to cut the deficit more than the President wants it cut. We were going to step on some toes in the defense industry if we cut defense spending, or close some of the tax loopholes or postpone indexing for a year.

And what about the budget for social programs which meet human needs?

The Rose Garden budget we are talking about pretty much provides for a freeze in the domestic area without even the inflation factor being taken into account. Then you go across the street and look at the defense spending and it provides not only the inflation factor but a 7.5-percent increase as well.

What a wonderful way to balance the budget. There is not anybody in this body who is not aware of the wasteful spending that takes place in the Department of Defense, of their refusal to use competitive bidding, of the number of limousines that the military use, of the $139 million a year that we spend on military bands, and so many other areas of wasteful spending in the Department of Defense. The record is replete with instance after instance. Some of my colleagues on the other side of the aisle have been real leaders in speaking out in connection with this subject, and I commend them for doing so.

But then we come back here and increase defense spending 7.5 percent, plus inflation, and with respect to the domestic programs we do not even provide for the inflationary increase.

Meanwhile the deficits climb higher and higher. Where is the Presidential leadership? Where is the Presidential responsibility? As Senator, PROXMIRE has so well informed the Nation, more than half of next year's deficit reduction under the Rose Garden plan will be eaten up by higher interest rates that the Government will have to pay to service its debt.

Mr. President, let us not kid ourselves. The President who ran for office and talked about balancing the budget is the President who is today standing in the way of this body accomplishing anything more than a token reduction in the deficit.

This body would like to cut the deficit further, but there is fear that the President will not approve, because we may touch defense spending or we may touch the whole area of tax revenues. As a consequence, interest rates in this Nation will continue to go up and this Nation will pay, if my recollection serves me right, something like $160 billion in interest on the national debt alone in fiscal year 1985.

The President said, in remarks to the Illinois forum reception in Chicago on September 2, 1981:

> As long as there is a belief that there are going to be huge deficits, the interest rates are going to stay up, because there are too many people trying to borrow too little money, and the biggest borrower of all is the United States Government trying to pay off those deficits.

Mr. President, the votes may be here on that which we understand is the deal that has been cut to provide a pittance, $2 billion more, for domestic spending over a 3-year period, and the price would be that we would then buy the rose garden package. But that is not a deal that was fashioned in any budgetary heaven and it is not a very good deal for the American people.

It is an indication that the Senate is not willing to brace its shoulders and do that which it knows should be done. It is an indication that the Senate will not stand up to the President even when it knows the Nation's welfare is as stake. It is the President's responsibility. But those who have proposed the "deal" which is before us today, I submit, must share that blame.

Mr. President, I suggest the absence of a quourm.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I rise in opposition to the Baker amendment (No. 3063) to the Baker amendment. This is what some might call a flimflam amendment; that is to say, it is a figleaf or a smokescreen for doing one thing under the guise of doing something else. What it purports to be doing is taking $2 billion from one account, the synthetic fuels account, and putting it over into another account; that is, the social spending account.

We all know and understand why it is being done. There are several Members on the Republican side of the aisle who feel, with some justification, that many of these accounts have been savaged by the Reagan budget and that, therefore, they ought to be increased. We understand that and without going into the merits of whether those individual accounts ought to be increased or not, we understand that is the purpose of this amendment.

But rather than do it in a straightforward way—that is, saying we want to increase the deficit by $2 billion—they come up with what I regard as flimflam or legerdemain or smokescreen, or smoke and mirrors or—what was the term?—voodoo economics. This is a classic case of it.

Why is that, Mr. President? Because there are no budget outlays in the Synthetic Fuels Corporation. There are simply no outlays to transfer from synthetic fuels over to these social spending accounts. There are just none there. All we do have is a special kind of what someone has called funny money over in synthetic fuels. That is budget authority but a special kind of budget authority; that is the authority to obligate Federal funds under a loan guarantee or a price guarantee.

Traditionally, when money is obligated under a loan guarantee or a price guarantee, it is costed out on about a 3-for-1 basis. That is to say, for every $3 that are guaranteed, $1 is scored against future outlays. The reason is, quite obviously, that a loan guarantee or a price guarantee does not ripen into an outlay or a real expenditure of Federal money except to the extent that the loan is not repaid or the price guarantee exceeds what the actual price is. That is why I call the budget authority in the Synthetic Fuels Corporation a funny money budget authority. They are not real budget authority, they are a special kind of budget authority. We intentionally did it that way because we did not want the Synthetic Fuels Corporation to spend more than, in the original act, $20 billion in price guarantees or loan guarantees. That is all we wanted the Synthetic Fuels Corporation to be able to do.

Mr. President, there is an ongoing debate right now in Congress and in this administration as to whether we ought to do away with the Synthetic Fuels Corporation. The administration says we ought to reduce the amount of loan authority in the Synthetic Fuels Corporation by $9.5 billion and, most important, it says that they would put limitations on the use of the remaining funds only "to those projects whose products will not cost significantly more than the projected market price of competing fuels."

What that means, Mr. President, is that they wish to abolish the Synthet-

ic Fuels Corporation, really, by smokescreen because the only purpose of the Synthetic Fuels Corporation is to take new technologies which are not commercially marketable at prevailing marked prices and, by an infusion of Government money either through loan guarantees or price guarantees or, in some instances, through a GOCO, be able to prove up technology such as oil shale or liquids from coal or gas from coal or the whole panoply of synthetic fuels technology. The idea of this Congress, clearly expressed, was to make those commercial demonstrations and get them on line, which the Synthetic Fuels Corporation promised to do.

First, Mr. President, this administration has made sure that it would not work. They delayed for months and months the appointment of board members to the Synthetic Fuels Corporation; they delayed it for many months. Then they put the fox to guard the henhouse door because the head of the transition team on the question of synthetic fuels has already recommended that they not have a synthetic fuels corporation, even though the law mandated it. They put him at the head of it.

Then they put a group of well-meaning nice people who did not have a bit of experience in the field of fuels or synthetics or coal or shale or anything closely resembling the job that they were supposed to do. They had been real estate developers or small-town bankers or that kind of person. Then they were put by the administration that did not want it in the first place to do a job that they did not want done. It is no wonder that they have made a grand and glorious mess of it, that they have produced no synthetic fuels for the American public, and only have a project or two; finally, they have gotten a project or two under way.

Now, the administration comes up and says, "Well, cut it way back by $9.5 billion," which is a lot of money if they used it, "but don't obligate anything if it is significantly above market prices."

Well, what do you need it for if it is not significantly above market prices? That is like saying, do away with the corporation but do not say you are doing it. It is just like this amendment—increase the deficit by $2 billion but, for gosh sakes, do not say you are increasing the deficit by $2 billion. Put a smokescreen out there; you can tell the Senators anything about this amendment and they will believe it. That is what this amendment says. If the Senators are not supposed to believe this, then the American public is supposed to swallow this kind of gobbledygook.

Everybody ought to be able to recognize this for what it is: It is just increasing the deficit by $2 billion at a time when everybody in the body has ranted and railed about the deficit. The deficit is going up, going up, continues to do so, while all the while, Secretary Regan says, "Don't worry about the deficit, it has nothing to do with interest rates, it has nothing to do with inflation."

Who believes that in this country other than the Secretary of the Treasury and a small coterie of ideologues who have swallowed the most preposterous economic theory that has ever been foisted on this country? Of course the deficit matters and of course it is connected to interest rates and of course it is increasing the deficit by $2 billion and of course, if the Senate votes for it in order to put together some sort of jerrybuilt compromise, we shall be party to fooling the American people or trying to fool the American people. I think they have more sense than to believe this, but we shall be a party to a smokescreen and to a bit of legislative legerdemain, in this 11th hour of the economic recovery.

Mr. President, I alluded to the history of the Synthetic Fuels Corporation, I guess as much out of frustration as out of relevancy to this amendment, because the fact is whether you are for or against the Synthetic Fuels Corporation does not make a whole lot of difference as far as this amendment is concerned. Taking $2 billion in so-called funny-money budget authority out of the Synthetic Fuels Corporation at this point in the game is really irrelevant because that last $2 billion, even if you had an aggressive, energetic Synthetic Fuels Corporation, would not be spent until the late 1980's anyway, or maybe until the 1990's, and at the rate this administration is going you are not going to spend anything more than has already been obligated anyway. We recognize that if the administration wants to abolish the Synthetic Fuels Corporation, it has the political power to be able to do so. Even though the law requires the President to appoint a board and keep the Synthetic Fuels Corporation going, there is not much we can do about it if he threatens, as indeed has been implied, that he will not appoint the board. And indeed there is a split feeling on the part of the Congress as to whether it ought to be abolished. Just how much of that feeling is in response to the irresponsible way the Synthetic Fuels Corporation has been run and its record of nonproduction and how much is due to the fact that the price of crude has, indeed, gone down and loan guarantees would have to be at a higher level relative to the price of crude oil is, of course, difficult to tell.

There are those free marketers who think that the free market will solve all the problems; that we need not worry about the supply of crude from the Middle East; that the U.S. Navy can keep the Strait of Hormuz open, that the danger of interdiction of those straits either by a blockade or the use of Iranian or Iraqi rockets or whatever cause of political instability is not a real cause for concern; that there is a surplus of oil; that it will last for the foreseeable future; that the price will be stable.

I wish I could share that view. I wish I could hold the view which some seem to have that the supply of crude in this world is infinite; that we will never again have oil shock 1 or oil shock 2 or come to oil shock 3.

But I do not believe the situation is basically any better than it was when we passed the synthetic fuels legislation. I think the situation has not changed at all except that that finite source of crude oil has gone down instead of gone up, as, of course, it must since it is finite and since we are continuing to use it. But, indeed, the price has gone down and almost every observer thinks that that is a temporary diminution in price which will last for a matter of months depending on the political instability in the Middle East to a matter of maybe 2 years, maybe 3 years, assuming that there is no instability and market forces, as best they can be calculated, simply take hold and the shortage, relative shortage begins or, to put it another way, the relative surplus is used up.

In any event, Mr. President, in my view and in the view of many of us the mission of the Synthetic Fuels Corporation persists. It is the same mission that it always had, and that is to prove that you can make commercially viable technologies out of America's vast resources of coal, shale, tar sands, and other sources of synthetic fuels. Those cannot be done through the free market at this time. What we are doing, what we wish to do, the theory of the Synthetic Fuels Corporation is that we would prove up the principal technologies in a commercial way by 500,000 barrels by 1987, 2 million barrels by 1992—and nobody thinks you can conceivably achieve those goals, certainly not now with a moribund Synthetic Fuels Corporation, but the idea was that we would save those many years between the time that we need it, on the one hand, and the time that it takes to develop the technologies on the other hand. Unfortunately, we are fiddling while the supply of fossil fuels burns up around the world. It is unfortunate that we have wasted all that time. I do hope we can get together in a bipartisan way and say, yes, the Synthetic Fuels Corporation does have a mission; that it should be saved; that it ought to be restructured under new leadership with people who know what they are doing. If, indeed, the mission must be altered, then let us do it after a deliberate debate. Let

us not try to kill the Synthetic Fuels Corporation either through lack of expertise or through no expertise, that is, by not having the board appointed, and most of all let us not do it out of a fit of frustration because it has produced nothing so far. There is nothing structurally wrong with the Synthetic Fuels Corporation law. It was a very good law put together by a bipartisan group, I think very well and artfully put together and, if given a chance to work, I think it can work. I hope, Mr. President, that we will do that.

Having spent so much time on the Synthetic Fuels Corporation, I, nevertheless, repeat it is relatively irrelevant to the issue at hand. The issue at hand is, do you want to increase the deficit by $2 billion? There are ways to increase this social spending by $2 billion by taking it from another account, by taking it from defense outlays or by taking it from some other outlays or, indeed, to increase taxes by $2 billion. That in fact would not affect the deficit. But to attempt to do it with funny money is a smokescreen and is in my view unworthy of this Senate. If we need to increase social spending by $2 billion, then let us face up to it, vote for it, and do it, and tell the American people that we need an additional $2 billion in the deficit to accomplish some worthy purposes and some worthy tasks. Indeed, I am sure the $2 billion involved will do a lot of good to a lot of people, and I may be for all of those programs. I have not, frankly, looked at them. I have not got past the fact that this is a smokescreen. The Senate ought not to engage in smokescreens. I hope the Senate will vote this down. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, let me take a minute to compliment my distinguished colleague from Louisiana (Mr. JOHNSTON) for the eloquent manner in which he has defended the Synfuels Corporation and the point that he has made as it relates to the use of this money and to increase the deficit by an additional $2 billion. It must be quite frustrating to those who are trying to put together the so-called Rose Garden deficit downpayment to have to reach into the Synfuels Corporation and transfer $2 billion to satisfy three or four or maybe six or eight individuals to get additional social spending on their side in order to pass a piece of legislation that would increase the deficit over the next 3 years rather than decrease it. It must be frustrating to the leadership to come to the point where I believe that in their hearts they know they are wrong.

I read, I believe the day before yesterday, that if Iran should win the war with Iraq, they then would be the dominant force as it relates to the price of oil, in lieu of the Saudi Arabians. If that occurs, and we see the Strait of Hormuz cut off, and we see our inability to trade at a reasonable price, we will be looking inward, wondering why this country had not built a synthetic fuels operation, why this country had not made a larger and stronger effort to have reserves, why the House of Representatives and the Senate had not moved forward to see that we put these various synthetic operations into place.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. FORD. I yield.

Mr. JOHNSTON. I think the Senator makes a real point when he talks about the danger of a cutoff of oil from the Middle East.

For years, we have talked about a blockade of the Strait of Hormuz and how we can send in the fleet and unblockade what they do. But has the Senator heard anyone in the administration or elsewhere say how they can protect all that shipping, not just in the strait but all up and down the Persian Gulf, from air attacks such as they have been subjected to in the last few weeks, both by Iraq and by Iran?

Mr. FORD. I say to my distinguished friend that I have heard of no comment, no proposal, as to how they would protect our tankers or other ships that would carry the oil supply out of the Persian Gulf, through the strait. If we even attempted to do that, we would have to call on our allies, such as France and England, and all of them would be in there. Even with that, I doubt seriously that they could stop the so-called bombing or strafing or terrorist operations that might be conducted within the Persian Gulf.

Mr. JOHNSTON. The U.S. Navy, with all its might, cannot force Lloyds of London to keep their insurance premiums down to a reasonable rate, can it?

Mr. FORD. Lloyds of London have been in business a long time. They are the insurance company known as the high-risk company. They have been willing to take a chance. But in the last few weeks, or maybe a month or two, they have calculated their risk, and their risks have almost been zap, based on the charges. Those charges are going to be so high that I am under the impression that the cost of oil would accelerate, based on the dangers there and the additional cost to remove that oil from the Persian Gulf.

Mr. JOHNSTON. Does not the Senator think it is possible that the charges for insurance by Lloyds of London may be as high as the kind of price guarantee or loan guarantee the Synthetic Fuels Corporation might have to make, anyway? So it might not cost anything to guarantee, if the price of insurance goes as high as I think it is going right now.

Mr. FORD. Let me make two points to my distinguished friend.

One, the additional cost in order to insure the cargo could put it well beyond the means of the consumer, almost. But if the difference were paid in this country and used in this country, it would be to the benefit of our people, our workers, those who would have an opportunity to earn a living.

Second, there would be an indirect cost to the consumer—or maybe a direct cost—because the expense of defending the area through our military might would increase the military cost, and therefore it would cost additional money. So we might be hit twice: By the increase in the insurance and by our military in there to defend the cargo and protect it as it comes out. We could get hit twice, rather than doing it by accelerating our research and development, by going to demonstration in commercial plants, and we are almost assured that they are there.

We have the methanol project of the TVA. We have the ethanol projects. We have the liquid and solid programs, gas and solar—all these things are available. But we have seen this administration trying to kill the prospects of embargo No. 3.

You know what happens when the threat of embargo comes. They are lined up at the service stations; and then those people who are watching us are going to say, "Why didn't you do something about it?" Some of us are trying.

Then we find, in trying to bring the economy of this country under control and using the funds that were allocated to the Synfuels Corporation, the buying of a few votes to get the Rose Garden package out, which actually increases, as I read it, the deficit over a 3-year period and does not decrease it over a 3-year period.

So I say, Mr. President, that I cannot see how sufficient votes can be garnered for this amendment. I am sure the pressure is on. I can almost feel it in this Chamber—there is so much pressure to now go ahead with it. But I will not vote for it.

I think that those who have no interest in the Synfuels Corporation will vote against it because they see that it is increasing the deficit of this country.

We will vote within the next week or 10 days to increase the debt ceiling. We see two things happening to this country: One, our deficit and balance of trade, at the rate that is running today, will be $120 billion short. Add that to our $200 billion deficit, and that is a $320 billion deficit not only in our domestic budget but also in our balance of trade.

I see that money coming back into this country, buying our best farmland, buying our best office buildings,

buying our best companies, and being loaned to our major corporations so that they might merge, have these corporate mergers or buyouts. In the latest, biggest buyout, the $3 billion merger between two of our major oil companies, almost 50 percent of that is foreign money. It is our money that they are bringing back to us at high interest rates.

If anyone thinks that is right, they should vote for this amendment; but if they think it is wrong, they should vote in opposition to it.

These things are continuing, and we have the highest deficit in our budget in history.

We hear them testify before committees today: "Stay the course" of higher deficits and balance of trade. It does not make sense to this country boy, and I hope it does not make sense to many of my colleagues.

I say again to my distinguished friend and eloquent speaker, the Senator from Louisiana (Mr. JOHNSTON), that I appreciate his defense of the Synfuels Corporation, and I appreciate his honesty and the knowledge he has expressed here today with respect to this new amendment that is proposed, to try to save a few petals from the roses in the Rose Garden.

Mr. JOHNSTON. Mr. President, I thank my distinguished friend from Kentucky for his kind remarks and congratulate him on his. He has long been a leader in synthetic fuels and long made the Senate and the country aware of the great resource we have in coal, a resource which we should use because oil is rapidly being depleted. Oil production is down 17 percent from what it was a decade ago.

Oh, we had a temporary lull in the use of oil caused by a new consciousness of conservation which in turn was brought on by an increase in price, but we have seen the consumption of oil creep up and up while American production continues to creep down and down.

Mr. President, many of us here in the Senate went to hear the distinguished President of Mexico, Mr. Miguel de la Madrid, speak today in the House Chamber.

President de la Madrid, among other things, pointed out that terrible price that other countries, our allies around the world, and particularly in South and Central America, are paying on account of the high interest rates in this country. He pointed out that Mexico is sacrificing, sacrificing in order to meet its debt while our interest rates continue to go up and continue to add hundreds of millions of dollars to their foreign interest bill.

The same thing, Mr. President, can be said of other fledgling democracies, such as Argentina, struggling for its very existence, while our interest rates go up and make it almost impossible, certainly very difficult, for that democracy to survive economically because of our interest rates.

Now, if you believe, as Mr. Reagan, that interest rates and the deficit are not connected, that they are like ships passing in the night, two unconnected phenomena, that you do not need to worry about the deficit because the interest rates are to be all right anyway—if you want to put that rosy face on the economic situation of this country, then I say vote for this amendment.

But if you believe that, in fact, interest rates are directly caused by the size of the deficit and that in turn those interest rates are inflicting very serious difficulty, maybe irrevocable pain to countries around the world such as Mexico and Argentina, if you believe as many do that the size of that deficit causes high interest rates and that high interest rates in turn cause the dollar to be artificially high in value as against other currencies which are artificially low, and if you further believe that in turn constitutes a subsidy of every import into this country in the nature of one-third of the value and an export tax on all of our exports to the tune of about one-third of the value, then you are not going to be so anxious to vote for this amendment because it is a direct increase in the deficit by $2 billion.

Mr. President, if we want to engage in this kind of flimflam by taking from accounts such as the Synthetic Fuels Corporation and adding it over to a real spending account on the other side, I can tell you how you can almost balance this budget, how you can make great progress, and it will inflict no pain at all. For example, you have the airport and airways trust funds. It has an accumulated surplus of $1 billion each year through fiscal year 1987. Now that is not going to be spent. There are no plans to spend it at all. If you want to reduce the deficit, then take that $1 billion a year out of the airport and airways trust fund and either reduce the deficit with it or you have an artificially lower figure over here. Or why not just take it and put it on some needed project? We could spend it on highways or food stamps or school lunches or dozens of very worthy projects and we could say it is not increasing the deficit at all.

Or here is another one, the UMTA funds for the Urban Mass Transit Administration. It has $400 million in accrued interest on certain accounts and this money is legally available. Now it is not going to be spent; there are no plans to do that anytime soon. There are no outlays associated with that. We all know that. But if we are going to do this amendment, why do we not just take $400 million out of that UMTA fund?

There is a whole host of these kinds of accounts that have budget authority but do not involve budget outlays, and if you are going to engage in the game of converting budget authority, which is not going to be spent, maybe never, and certainly not for many years to come, and convert that immediately into budget outlays, convert it into expenditures, Mr. President, we can do wonders. We can have guns and butter. We can have our cake and eat it, too. We can have the Star Wars defense. We can have the MX, the B-1, the F-14, F-15, F-16, F-18, the M-1, tank, the M-60 tank, all of these glorious weapons systems. We can have readiness. We can have medicare without end. We can have all the rest of it and without paying any price for it. All we have to do is just convert budget authority to budget outlays and say that does not count. That is all you have to do.

We can work miracles, magic with this deficit. We can erase the deficit. If we are going to do this, we could even go ahead and put some of these things off budget. Why do we not put the Defense Department off budget? Now, that is an idea, Mr. President. If you are going to think big, if you are going to make funny money changes in the budget, why do we not just put defense off budget? In fact, I do not know why they have not thought of that. We could save billions. Why, we would have a balanced budget overnight.

But for the meantime, Mr. President, if we are going to do this, I do not know why we stop at $2 billion. As Everett Dirksen said, maybe a billion here and a billion there pretty soon amounts to real money, but we know actually $2 billion is not enough to get really excited about in this budget. It is sort of the principle of the thing, just increasing that deficit $2 billion. I would almost rather just increase the budget deficit by $2 billion and say we are doing it, than go through this smokescreen and try to fool ourselves and fool the American people into thinking that we are really doing something.

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. JOHNSTON. I am glad to yield.

Mr. ARMSTRONG. Is it the Senator's view that this is in effect a combination of an unreal or an ersatz savings at a very real expenditure?

Mr. JOHNSTON. It is really a synthetic savings since it is from the Synthetic Fuels Corporation, but it is darn sure a real expenditure and it darn sure increases the deficit by $2 billion.

Mr. ARMSTRONG. I think that is the major point that we are dealing with here, and I just wanted to rise briefly to compliment the Senator from Louisiana on his statement because whether you are for or against synthetic fuel or for or against the expenditures which this $2 billion might go, and we do not know for sure what

those might be—they could be anything within this series of programs that would be covered—we do not know whether it would be for any particular program, but the reality is that the savings which are estimated are savings over many, many years which may or may not occur because of the fact that this is an appropriation for price guarantees and loan guarantees, which may or may not result in an expenditure, and the increase is very real and will undoubtedly go into programs where the money will spend out in the next fiscal year, adding at least $2 billion to the debt.

So I think the Senator is absolutely right, and I did not hear him say how he was going to vote, but I assume based on that, he is not inclined to vote for the amendment, nor am I.

Mr. JOHNSTON. The Senator is correct, and I congratulate him. He puts in few words succinctly and persuasively what it took me many minutes to say. But it is all true.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, I oppose the pending amendment to the debt reduction package. Definite progress has been made by the passage of the Energy Security Act and the creation of the Synthetic Fuels Corporation.

True, there are serious organizational and management problems within the Synthetic Fuels Corporation.

Mr. President, it is also true this administration recommended those persons who in turn caused these internal management problems.

President Reagan must immediately appoint qualified citizens to the five vacancies which now exist on the Board of Directors. I think these positions should have been filled.

We are hearing much about the dismantling of the Synthetic Fuels Corporation. I read in the press and hear media reports of concerted efforts to do away with this program. Unlike the mid-1950's, however, there are many of us, not only in the Senate but throughout the Congress and throughout the land, who are strong advocates of this organization. I believe this current congressional awareness will sustain synthetic fuel development against those who see the abolition of the Corporation as a method for what I call shortsighted deficit reduction.

On April 12, in Cairo, Egypt, Saudi Oil Minister Yamani stated:

By 1987, the Organization of Petroleum Exporting Countries believe oil markets will again favor the seller.

He did go on to say—and I believe this is very, very explicit—

The political importance of oil still exists because the Western World cannot live without Arab oil. We believe by 1987 the picture will change and the strength of oil as a political weapon will return to what it was in 1973.

I believe Mr. President, that in this morning's Washington Post an article indicated Iraqi missiles have hit Saudi and Kuwaiti oil tankers in the Persian Gulf in the last week. Those ships, of course, are carrying oil, which oil is consumed by the United States of America, and in other nations of the Western World.

Mr. President, today the Organization of Petroleum Exporting Countries (OPEC) has the capability to produce 35 million barrels of oil per day with essentially no capital investment. In 1983, OPEC production was less than 15 million barrels each 24 hours. U.S. production is approximately 10 million barrels daily of crude and natural gas liquids. OPEC has idle twice—twice the U.S. capability to produce petroleum.

Mr. President, to produce 8.5 million barrels each day of crude oil and 1.5 million cubic feet of natural gas, the United States has 580,000 oil wells and over 200,000 gas wells. Approximately 80,000 new wells must be drilled annually—I repeat, annually—to sustain this level of production. Saudi Arabia, in contrast, can produce 12 million barrels per day with 750 wells. The Saudis are producing less than 4 million barrels to assure the price of $29 to $30 per barrel.

Now, the difference associated with capital investment is conclusive in competitiveness. Alternate energy technologies requiring large capital investment, such as producing synthetic gasoline from coal, have no opportunity for widespread application under these conditions without Government support.

As an aside, Mr. President, I recall I coauthored with Senator O'Mahoney of Wyoming, the Synthetic Liquid Fuels Act of 1944. It was signed into law at that time by President Franklin Roosevelt.

I recall, also, during 1943, I flew with another young man, Arthur Hyde, in a single-engine Fairchild 24 taking us from Morgantown, W. Va. into the National Airport. That is 175 miles of flying in a single-engine aircraft across the Alleghenies and the Blue Ridge Mountains into Washington, D.C. The trip was made safely on coal-derived liquid fuel, produced in a small station outside of Pittsburgh, Pa., operated by the U.S. Bureau of Mines.

I remind my colleagues that in 1944 the law became the cornerstone of our first synfuels efforts. Using some $85 million, we were able to produce coal based motor and aviation fuel. We were able, in the Rocky Mountain States, particularly in Rifle, Colo., to produce aviation and motor fuel from the shale rock. We were able also to use the waste of the forests, the products of wood, in the production of synthetic fuels.

We had the information to develop a domestic synfuels industry then and we have it now. Yet production of synthetic fuels laggards on the boards and is not being produced in the United States of America.

Do we remember OPEC? Some do and others apparently do not. Yesterday the administrator hinted only synfuels projects, "whose products will not cost significantly more than the market price, now $29 to $30 a barrel, of competing fuels" will be funded by the SFC.

What a sad state of affairs. In 1955, the administration did what? It took the $85 million, the original appropriation and stopped everything that was successful. We returned $3 million of that original appropriation to the Federal Treasury. Few examples in the history of this country can be proved by actual facts to be as wrong as it was to do what was done in that situation. I do not want to say had I been a Member of the Senate or the House at that time the program could have been saved. At least an effort would have been made, a very zealous effort to see that the program was not canceled.

Mr. President, we must as a nation, and as a people, eliminate the ridiculous irony that without oil shortages and soaring prices we systematically abandon synthetic fuels programs designed specifically to protect against the dangers that I pointed out this afternoon.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, first I would like to pay tribute to our distinguished and beloved colleague, Senator JENNINGS RANDOLPH, for his longtime devotion to this field of synthetic fuels and alternate fuel sources. He has done a monumental job, and has been a tower of strength in that area. Generally speaking, I have been fully supportive certainly of his objectives and goals.

In this particular case today, I am a principal cosponsor of this amendment, and I wish to urge my colleagues to support this modest effort to increase funding slightly for nondefense discretionary spending over the 1-year freeze currently provided in the so-called leadership plan.

Our amendment provides for a reduction in funds available to the Synthetic Fuels Corporation of approximately $2 billion and this money would be directed by the Appropriations Committee to education, environment and health purposes and programs. We have been debating the deficit reduction package for nearly 4 weeks now. Alternatives have been proposed and rejected. As Senator DANFORTH pointed out last week, some 68 Senators now have supported at least one of the many alternative plans which have been debated and considered here over the past few

weeks. I believe from listening to the debate that there is a real commitment to finding a way to reduce these massive budget deficits. We disagree as to approach. But there is little disagreement on the ultimate goal.

The leadership proposal we have before us that I support provides for approximately $150 billion in reductions over 3 years. It is not enough. It is only a downpayment. It should be more but there are apparently not enough votes for any one proposal beyond that which we are considering, and in which hopefully this amendment will be incorporated.

My own preference would be to see some additional downward adjustments made in the defense function. In fact, I supported the amendment offered by the distinguished Senator from New Jersey, Mr. BRADLEY, which would have reduced defense, provide a modest increase over the freeze for nondefense, and have made an additional contribution to reducing the deficit.

Unfortunately, that proposal was not acceptable to the majority of the Senate. I know from my own extensive travels throughout Illinois that there is a tremendous concern among our people over the deficit. The people of this country are demanding action because they know the consequences, if we do not take action. I happen not to agree with the Secretary of Treasury for whom I have the highest respect, but I disagree when he suggested that there was no real connection between deficits and interest rates. I think there is a connection between the two. And, unless we pass this legislation now, we are going to see additional upward pressure on interest rates.

The financial community, Mr. President, is watching our actions very closely. The American people are watching our actions very closely. And I believe what we do, or what we fail to do here, will have a major impact. It will have a major impact on the financial communities. It will have certainly a major impact on developing nations. We have just had an extended working luncheon with the President of Mexico in which he has described the excruciatingly painful problems faced by developing nations with the huge mounting deficit they have, and the impact anytime interest rates are raised in this country.

I have met recently with the construction industry. They have expressed deep concern about the effect on construction and its impact on economic recovery if interest rates go back up.

The automobile industry is very alarmed about that possibility because they have been spurred with record sales as a result of declining interest rates, which at one point had dropped from 21½ percent to 11½ percent. Certainly, the housing industry is extremely concerned about interest rates.

We also have one other problem. Yesterday, about 100 representatives of foreign countries—primarily in Europe, but Latin America as well—were here considering investment in the United States of America. It is our national policy to try to attract that investment. These are investment dollars that offset the alarming balance-of-payments deficit which we have exceeding this year $100 billion.

All of this could be offset and discouraged by an increase in interest rates. That could come about as a result of the feeling by the marketplace, and those other observers who are watching actions that we take in the Senate, that we are not serious, that we are not going to do anything about these deficits, the budget process will fail, and we cannot come forward with the kind of cuts that we need. Therefore, I hope we will take the alternative, rather than let the whole package fall apart—even though it is not as much as many would want, and it does not please everyone—do as much as we possibly can in this regard but find a way after all of these weeks of debate to bring this debate to a close, and vote on it.

In conclusion, I urge that the pending amendment be adopted and that the Senate get on with its business of enacting the deficit reduction package.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first of all, I want to apologize to those Senators who have taken the floor in the last couple of hours to address the issue of either the impact of the Baker-Chafee-Domenici amendment on the budget or the impact of the amendment on synthetic fuels.

I think I have an understanding of what has been said and I will take a couple of minutes.

On the second issue first, what impact will this amendment have on the Synthetic Fuels Corporation? I will give my position on the future of the Synthetic Fuels Corporation.

Let me say for those who might not remember, for the Senator from New Mexico and the distinguished Senator from Idaho (Mr. MCCLURE) who chairs the Energy and Natural Resources Committee, the record will clearly reflect that the two of us worked literally months to put together an alternative energy supply amendment for this country.

I can tell you now that I did not cosponsor this amendment out of any desire to kill the Synthetic Fuels Corporation. To tell you the truth, I do not know the background of the basic format for this amendment, but I will review with the Senators a little history.

Some of you might remember that the now deceased former Vice President Nelson Rockefeller was asked by the President of the United States to produce an energy alternative plan for America. He came up with a $100 billion alternative, a nonprofit corporation. He had expert task forces working on how we might do that. Then he was asked to get it passed. Obviously, it did not make it. But if anybody wants to go back and look at what he then suggested by way of the kind of things we would have to do to produce synthetic fuels, lo and behold they will find a very significant similarity in the language between the suggestions and what ended up as being the Synthetic Fuels Corporation of the United States.

I take a little bit of pride in the fact that I legally borrowed the language and provisions of those studies and incorporated them in a bill which I introduced, and which ended up being about 75 to 80 percent of the language of the final Synthetic Fuels Corporation Act. I take pride in this even though I was in the minority. I think it is imperative that the United States produce synthetic fuels. I think it is absolutely imperative that we move far more significantly in the alternative uses of coal. I think the administration is making some headway in tar sands and in other areas, but I am hopeful that we will keep moving to where coal is converted into natural gas and, yes, eventually where we can even turn coal into liquid fuels.

I am absolutely confident that the $2 billion we are removing here from the authority of the Synthetic Fuels Corporation is not going to destroy that corporation's capacity to do what all of us who have argued here on the floor hope it will do.

On the other hand, I want to remind the Senators that whether we take this $2 billion out of that Synthetic Fuels Corporation and put it into other parts of the budget——

Mr. MELCHER. Will the Senator yield?

Mr. DOMENICI. Let me finish this and I will be pleased to yield.

There are a couple of things that the Senate ought to know about and that the record of this debate should reflect. First of all, the Corporation is dormant now because it does not have enough members of the board of directors to conduct business. So, concerning whatever anybody said here about the failure of this Corporation in terms of the impact on alternative fuels development, for the time being, and maybe for a substantial period of time, the Corporation is dead.

I do not want this to continue. I want to get the board of directors appointed. I hope the President sends them up and that will be out of the way.

Second, over the weekend, the administration issued some statements

out of the White House about what they wanted to have happen and clearly, while we may have some latitude to negotiate, clearly taking $2 billion of budget authority out of the Corporation is not what anybody in the White House has or had in mind. They have a much more dramatic proposal in mind—leaving almost nothing in the Corporation and changing its scope and guidelines. I remind everyone of that.

To think that the small savings action proposed here will harm the Corporation's objectives and do away with it, I think, means that some seriously misunderstand the predicament it is in.

Third, there have been a number of Senators who have publicly stated in their home States, here on the floor, and in various committees, that we will never get another quorum on the board of directors because they will not let any members be appointed. There are Senators who have said, "When you bring those appointments down here, we will not let you clear them."

There are other ways, of course, that that can be done. When the Senate goes out they can be appointed, and there are other ways. That is a reality.

Fourth, and perhaps yet on this bill, but not by the Senator from New Mexico, nor by the Senator from Idaho, nor by the distinguished majority leader, there may yet be another amendment that would cancel more budget authority on the basis that now is the time to eliminate all the budget authority because that will lessen the load in terms of borrowing capacity that could be used for loan guarantees and the like. There are a number of Senators who would like to do that. Again, I repeat it is not the sponsors of this amendent that want to eliminate all the budget authority.

Having said that, I hope that my good friends on both sides of the aisle who have worked long and hard and who are aware of the predicament the United States might be in if we do not enhance our capacity to develop tar sands and coal into usable fuels, and to convert other kinds of natural resources into more usable kinds of energy resources as prescribed by the charter for this Corporation, that it is the intention of the Senator from New Mexico to work as hard as he can to preserve to the maximum extent possible the Corporation and its basic energy security objectives.

I say to all we intend to do that. I do not say that in terms of changing anybody's mind in voting on this amendment, but I think the RECORD ought to reflect that that is the case so far as this Senator is concerned, and I think I speak for the chairman of the committee, Senator MCCLURE. If he were here, I am sure he would say the same thing. When he comes here before the vote, I am sure he will confirm that that is the case.

Having said that——

Mr. MELCHER. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. I will yield for a question. In fact, if the Senator cares to speak, I will yield the floor. I want to speak for another 10 or 15 minutes, but I would be glad to yield.

Mr. MELCHER. Mr. President, I would just like to ask a question, if I may.

Mr. DOMENICI. I yield for a question.

Mr. MELCHER. I thank the Senator for yielding.

The question is: If the $2 billion is made available from the Synthetic Fuels Corporation funds for nondefense purposes, is it not true that $2 billion might be used for meeting the President's request for foreign aid, and perhaps that is the intention of some in the Congress?

Mr. DOMENICI. Is the Senator's question whether any of the $2 billion might be used for foreign aid? Is that the question?

Mr. MELCHER. All of it.

Mr. DOMENICI. All of it? I will answer the question as honestly as I can.

The Appropriations Committee of the Senate has appropriately, in my opinion, zealously guarded a very significant prerogative of theirs. That is subdividing among their subcommittees the total pool of budget authority allocated to the full committee for a year.

They will take the budget authority allocated to them for the fiscal year 1985, to which $2 billion would be added by this amendment, and they will take that pool of budget authority and they will subdivide it among their subcommittees.

I have no idea where they will put the additional $2 billion. My suspicion is, knowing their propensity over the past few years and knowing why we are doing this amendment, I would think that most of this additional money will go, along with savings in some other areas that may be realized, to education, environment, medical research, and perhaps a couple of other areas.

I cannot stand here and tell the Senator that for certain, and I do not believe the chairman of the Committee on Appropriations could if he were here.

Mr. MELCHER. I thank the Senator for giving us the best judgment he can. I am sure it is a worthwhile judgment. I think the answer is obvious that there is no way of knowing where these funds will be spent; it will be up to the majority of votes in the House and the Senate. They may go to more foreign aid. I thank the Senator very much.

Mr. DOMENICI. I thank my good friend from Montana.

Mr. President, I want to make two points with reference to the $2 billion we are speaking of. If the inflation rate that we predict for fiscal years 1985, 1986, and 1987 is off by one-tenth of 1 percent—that is, if the Consumer Price Index is off by one-tenth of 1 percent compared to what we have estimated and used to figure our deficits, the outlay impact on the cost-of-living adjustments in this budget would be $1.4 billion over fiscal years 1985–87. I would think everybody here would agree that we could be off by one-tenth of 1 percent plus or minus—or even more. So let us assume we have estimated the CPI one-tenth of 1 percent low and it goes up one-tenth of 1 percent over the 3 years. We would then spend $1.4 billion more than we have estimated. So I assume that anybody who is worried about $1.4 billion in outlays being added to this budget because it may in fact impact on the interest rates of this country had better vote "present" on this budget.

Mr. CHILES. Will the Senator yield?

Mr. DOMENICI. Mr. President, let me just finish my thought and then I shall be pleased to yield.

If those who claim that there will be no outlay savings from the Synthetic Fuels Corporation rescission are correct, and if all the additional budget authority in the amendment were fully spent over the next 3 years, we would add about $2.8 billion to the budget deficit over the fiscal 1985–87 period, compared to what we would spend if we did not have this amendment.

If my arithmetic is right, that amount is twice what I just indicated would be the COLA cost of a one-tenth of 1 percent change in the CPI. We could be off by as much as two-tenths of 1 percent. If so, that equals $2.8 billion and that is exactly the amount that we would add to the 3-year outlay total using a "worst case" scenario for this amendment. Total outlays for the 3 years under the original leadership plan are slightly over $3 trillion. If we added $2.8 billion to a budget total that is more than $3 trillion, I really do not believe anybody can make a case against this amendment on the grounds it is going to make interest rates continue to go up. If anyone wants to vote against the master plan, the so-called Rose Garden plan, because it is not enough of a deficit reduction, that would be understandable. But in terms of this small amendment, I think I have done the best I could to tell my colleagues that there is no effect at all on interest rates or anything else.

I wish to say for those who think the Synthetic Fuels Corporation from the very beginning has been a bad deal—I

have just argued that it has been a very good deal. I want to continue it. But for those who think it is an awful thing, the Synthetic Fuels Corporation——

Mr. CHILES. Has the Senator made his point so I can ask him a question?

Mr. DOMENICI. Mr. President, I want to make this last point because I have been thinking about it for a couple of hours and I do not want to forget it.

Mr. CHILES. Recent memory is the first to go.

Mr. DOMENICI. I thank my friend from Florida. Now he has made me forget it.

To my good friends who argued so dramatically that we never should have created this Synthetic Fuels Corporation, which I said I was involved in its initial development, let me suggest that today, maybe before 6 o'clock, we can all be very happy because the Synthetic Fuels Corporation is going to allow us to produce a budget for the United States. I think that means it has done a masterful feat. If it did nothing else for those who are so opposed—by permitting us to cancel $2 billion of budget authority—it is going to produce a budget. If the Rose Garden strategy were any good, it is not going to be any better for the contribution of the Synthetic Fuels Corporation. If it were not any good, it is not going to be any worse for it.

So I think the Synthetic Fuels Corporation deserves a pat on the back today from all sides. Those who were for it, it is going to be there. Those who were against it, we thank you very much for helping us. We think it is going to work here, perhaps before dinnertime tonight.

Now I am prepared to either yield or answer questions.

Mr. CHILES. Mr. President, I listened with interest to the argument my good friend from New Mexico made about if there were only one-tenth of 1 percent error, it would make up this difference. I think we finally got up to two-tenths of 1 percent error. It reminds me of the old adage that if the frog had had wings, he would not have bumped his behind.

It seems to me that these "ifs" are a little strange here. But I guess my good friend knows that the Congressional Budget Office says that this is going to add to the deficit; it is going to add, in even midrange figures, about $2.2 billion more to the deficit. So we take a plan that is too little and too late and too light to start with, and we have not been able to get it to a vote. And now it appears the only way to get it to a vote is to add some more to the deficit.

I am intrigued by these protestations about how we all love the Synfuels Corporation now. The President hits the daily double with this proposal. He gets to bust the Synfuels Corporation at the same time he gets the Rose Garden plan. I wonder if we can talks some more about the "little error." If we have a few more of these little errors we may not even have to worry about the deficit anymore.

Mr. DOMENICI. Of course, Mr. President, the Senator wanted to ask me a question. I do not know what to say about the frog.

In any event, I think I would say to the Senator with reference to this amendment, I clearly told the Senate that it might spend out at $2.8 billion over 3 years under a worst case scenario. That is slightly higher than CBO says using their standard estimation procedures. They say $2.2 billion, but I used $2.8 billion. Quite frankly, I think CBO says their estimate could be too high or too low depending on how the details are worked out. If that money is used in some slow spendout programs, outlays will be less; if used in fast spendout, outlays might be more.

Mr. CHILES. Would the Senator tell the Senate whether the $150 billion deficit reduction would be better than a $90 billion deficit reduction?

Mr. DOMENICI. Not at all.

Mr. CHILES. Or is that still in the range of the error of the 1.10 percent?

Mr. DOMENICI. No; not at all. As a matter of fact, all I am trying to say to those who think the leadership package is something they want to vote for is that the reduced savings in the pending amendment are insignificant. On the other hand, those who think the leadership plan is insufficient should continue to press for their point of view.

However, I do not think they can prevail, and I really believe we ought to do something. The leadership plan is not a de minimis plan—whether you think it saves $89 billion or $144 billion, depending upon which baseline you use. So I think we ought to adopt the leadership plan, and I do not think this $2 billion change in budget authority ought to be used as a justification for not doing it. I guess that is the best way to say it. I thank the Senator.

Mr. CHILES. I listened to that answer. I think the answer was "Yes,", but it confused me and I could not remember at the end exactly what it was.

Mr. President, we have been at this now for some 4 weeks. Some Senators did not want to vote earlier because they did not think the deficit reduction was enough. Suddenly it seems as though we are now ready to rush to a vote because the deficit is going to be larger when we approve this amendment.

If we pass the plan, I think we are taking a terrific gamble. I think we are rolling the White House dice and we are betting that they are not going to come up snake eyes. But, if the gamble fails, the economy might well find itself snake bit before the election.

The question I asked the Senator from New Mexico is one I still ponder. Would a $150 billion deficit reduction not be better than $90 billion? For the life of me, I cannot understand how less becomes better than more. But then I could not exactly understand, when we enacted the tax cuts back in 1981, how more tax cuts would help balance the budget. But we were told with more tax cuts, the economy would improve faster, so we voted more. And what do we have today but high and climbing interest rates, and huge and growing deficits.

We are down to a deficit plan that was the smallest option to begin with. Although it started off being the smallest option, we are going to make it even smaller, and then I guess we are going to pass it. When I look at this Rose Garden plan, I am reminded a little of the 51st Psalm which said, "Thou desirest truth in the inward parts," but I am afraid what we are looking at is a fiction. The White House claims about twice as much deficit reduction because of the way they calculate their numbers. CBO says we are looking at a deficit reduction plan of $89 billion. The White House likes to talk about $150 billion.

After our discussion last night, Mr. President, I asked CBO if they would review the budgetary effects of this great saving that we are supposed to be making by taking money out of the Synfuels Corporation.

The CBO estimates the proposed rescission of $2 billion in Synfuels would have no effect in outlays projected for the 1985–87 period. So we take nothing off the bottom line, says the Congressional Budget Office, by transferring this $2 billion, but we take a whack at Synfuels. That has been something the administration and other people have been wanting to do. Synfuel is not very popular anymore; we have plenty of oil now. Who needs to worry about another crisis until the crisis comes? We seem to be a Government run by crisis.

But if you buy the fiction that says we are going to save some money, by taking it out of Synfuels, you find that fiction does not work; it does not save anything.

We asked the Congressional Budget Office if they would tell us what effect the increase to the nondefense domestic area proposed by this amendment would have on the deficit. They tell us, assuming the additional $2.21 billion would fund increases to nondefense programs in proportion to the amounts in the CBO's baseline, outlays would increase by $1 billion in 1985, $0.6 billion in 1986, and $0.2 billion in 1987.

The proposed rescission of $2 billion would have no effect on outlays in fiscal years 1985-87, so that the net effect of the amendment would be to increase the deficit by $1 billion, $0.6 billion, and $0.2 billion in 1985, 1986, and 1987, respectively, exclusive of the effects on interest on the public debt.

We would increase the deficit $1.8 billion. The interest cost would be approximately $0.4 billion, so CBO is saying we are talking about a $2.2 billion deficit increase.

So, looking at those figures, we now see that the modified Rose Garden plan will give us deficits of $189.9 billion in 1984, $181.8 billion in 1985, $186.3 billion in 1986, and $203.9 billion in 1987.

Mr. President, I ask unanimous consent that the new CBO letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., May 16, 1984.

Hon. LAWTON CHILES,
Ranking Minority Member, Senate Committee on the Budget, Washington, D.C.

DEAR SENATOR: At your request, the Congressional Budget Office has reviewed the budgetary effects of part of an amendment to H.R. 2163, a bill to amend the Federal Boat Safety Act of 1971, which would rescind $2.0 billion of budget authority for the "Energy Security Reserve". The CBO estimates that the proposed rescission of $2 billion would have no effect on outlays projected for 1985-1987 in CBO's baseline.

Over a longer period of time, however, the proposed rescission of this budget authority from the Energy Security Reserve would reduce outlays by $2 billion exclusive of the effects on interest on the public debt. This assumes that, as under current practice, these funds ultimately would be made available in the form of price guarantees.

Sincerely,

JAMES BLUM
(For Rudolph G. Penner, Director).

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., May 16, 1984.

Hon. LAWTON CHILES,
Ranking Minority Member, Senate Committee on the Budget, Washington, D.C.

DEAR SENATOR: At your request, the Congressional Budget Office has prepared the following illustrative calculation of the budgetary effects of amendment 3063 to H.R. 2163, a bill to amend the Federal Boat Safety Act of 1971. The amendment, which would rescind $2.0 billion of budget authority for the "Energy Security Reserve" and would add a total of $2.21 billion of budget authority for other nondefense discretionary activities in fiscal years 1985-1987, does not identify the budget accounts and amounts that comprise the proposed increases.

Assuming that the additional $2.21 billion would fund increases to nondefense programs in proportion to the amounts in CBO's baseline, outlays would increase by $1 billion in 1985, $0.6 billion in 1986 and $0.2 billion in 1987. The proposed rescission of $2 billion would have no effect on outlays in FY 1985-1987 so that the net effect of the amendment would be to increase the deficit by $1 billion, $0.6 billion, and $0.2 billion in 1985, 1986 and 1987 respectively, exclusive of effects on interest on the public debt.

These calculations, however, should be regarded as illustrative because CBO cannot speculate about the content of future appropriations acts in the absence of specific information about the disposition of the proposed increases. In fact, the Committee on Appropriations could allocate the additional $2.21 billion in widely disparate ways. If the Committee on Appropriations assigned the funds to accounts for which they typical flow of outlays from annual appropriations is faster than the average used by CBO in the illustrative calculation, cumulative outlays from the amendment could equal $2.21 billion by 1987 and the amounts in 1985 and 1986 could exceed those of the illustrative calculation. On the other hand, if the Appropriations Committee were to assign the additional funds to accounts with the slowest rate of expenditures from new budget authority, the total increase in outlays for 1985-1987 resulting from the amendment could be small.

In any event, over a longer period of time, the net effect of the amendment would be to increase the budget deficit cumulatively by $210 million exclusive of the effects on interest on the public debt. The proposed increase to budget authority for nondefense discretionary programs eventually would result in outlays of $2.21 billion assuming that all of the funds are used. This increase, however, would be offset by reductions of $2.0 billion in outlays from the proposed rescission of budget authority for the Energy Security Reserve. This assumes that, as under current practice, these funds ultimately would be made available in the form of price guarantees.

Table 1 shows the effects of incorporating the illustrative budgetary calculation for this amendment, with corresponding increases of $0.4 billion in interest on the public debt, into the first budget resolution for 1985 as reported by the Senate Budget Committee. The table shows the effects on the deficits in both CBO's baseline and the baseline used by the Senate Budget Committee.

Sincerely,

JAMES BLUM
(For Rudolph G. Penner, Director).

Enclosure.

TABLE 1.—SUMMARY OF CHANGES FROM BASELINE IN FIRST BUDGET RESOLUTION AS REPORTED BY THE SENATE BUDGET COMMITTEE, AS ADJUSTED FOR AMENDMENT 3063 TO H.R. 2163

[By fiscal year, in billions of dollars]

	1984	1985	1986	1987	1984-87
Revenues:					
Baseline	663.0	733.0	794.9	863.5	
Proposed increases	+2.4	+10.7	+16.1	+19.1	+48.3
Reported resolution	665.4	743.7	811.0	882.6	
Outlays:					
Baseline [1]	855.7	939.7	1,029.9	1,132.5	
National defense		−6.0	−16.0	−18.2	−40.2
Entitlements and other mandatory programs	−0.1	−4.6	−5.6	−9.2	−19.4
Nondefense discretionary programs	−0.1	−2.1	−5.0	−6.9	−14.1
Net interest	−0.1	−1.5	−5.2	−10.6	−17.4
Offsetting receipts		(*)	−1.0	−1.1	−2.1
Total outlay savings	−0.3	−14.2	−32.8	−46.0	−93.2
Reported resolution as adjusted	855.3	925.5	997.3	1,086.5	
Deficit:					
Baseline [1]	192.7	206.7	235.0	269.0	
Proposed changes	−2.7	−24.8	−48.9	−65.1	−141.5
(Proposed changes assuming CBO baseline for defense)	(+0.6)	(−15.4)	(−30.8)	(−41.3)	(−86.9)
Reported resolution as adjusted	189.9	181.8	186.3	203.9	

[1] Assumes CBO baseline for nondefense and President's budget request (not re-estimated by CBO) for defense, plus interest adjustment to take account of the defense change. This baseline is consistent with the baseline used by the House Budget Committee in its markup of the First Budget Resolution which was subsequently adopted by the full House of Representatives.

[2] Less than $50 million.

Note: Details may not add to totals due to rounding.

DEFICITS

[By fiscal year, in billions of dollars]

	1984	1985	1986	1987
Chiles plan	186.4	173.8	170.7	169.0
Rose Garden plan (original)	189.9	180.7	185.6	203.5
Modified Rose Garden plan (extra domestic spending)	189.9	181.8	186.3	203.9

DEFICIT REDUCTIONS FROM CBO BASELINE

[By fiscal year, in billions of dollars]

	1984	1985	1986	1987	4-year total
Chiles plan	−2.9	−23.5	−46.1	−76.2	−148.7
Rose Garden plan (original)	+0.6	−16.5	−31.5	−41.7	−89.1
Modified Rose Garden plan (extra domestic spending)	+0.6	−15.4	−30.8	−41. 3	−86.9

Mr. CHILES. Mr. President, we are getting less deficit reduction than we started with in this plan which, as I said, is the smallest deficit reduction proposal we have been called to vote upon. We are going to get less. And the trend line—this is what has always disturbed me more than anything else—if this deficit reduction goes from $189 billion up to $204 billion. Is that the kind of signal that we want to send to the markets? Is that the kind of signal that we want to send to the financial people? We are so concerned about this deficit that we are going to make this downpayment and we are going to show how serious we are. We are so serious that we are going from $189 billion to $204 billion in just 3 short years.

So the Rose Garden plan is light on revenues and yet CBO tells us that if no changes are made, the 1989 deficit would be $326 billion and more than two-thirds of that amount would be traceable to the 1981 tax cuts. The prime rate has risen by 1.5 points since March. That is a pretty short time to see the prime rate go up that much. That has been since the Rose Garden plan was disclosed. The market has already been voting on that plan. In the last 18 months, the interest rate on 90-day T bills has gone from 7.35 percent to 10.04 percent, and since November of 1982 the rate on 30-year T bonds has gone from 10.53 percent to 13.11 percent.

U.S. News & World Report tells us that in the middle of next year, our Nation will have the distinction of becoming a debtor nation—a debtor nation. What that means is that we will owe the rest of the nations of the world more than they owe us. So we will get to join all the countries to which we have been lending money, about whose loans we are concerned. We are going to get to join them. So the United States, with its might, with its tremendous gross national product, with all the industrial and technological strength we have, will enter the list of those nations which owe more than they take in.

The trade deficit is going to be $100 billion this year. The Department of Commerce, an instrument of the administration, tells us that for every billion dollar increase in the trade deficit, we lose 25,000 American jobs. They are either lost or are not created. So we are literally exporting jobs rather than goods with this $100 billion trade deficit.

The failure to address deficits will drive interest rates higher. The deficits will force the dollar higher, and that means the trade deficits are going to be higher, and that means that we are going to lose more jobs. All these problems come back to the size of our deficits.

One economist for Shearson-American Express, Eric Heinman, said to USA Today, on April 19, that the Rose Garden plan is chickenfeed. James Soloway, the chief economist at Argus Research in New York, told the Wall Street Journal yesterday that the stock market is feeling the hot breath of the growing interest rate monster on its neck. Mr. President, I found that to be a very interesting quotation, because the interest rate monster breathing on the stock market's neck is the monster that may bring us back here before November.

It seems to me that peace has been made on the other side of the aisle. Probably the Rose Garden plan as modified is going to pass, and it may get us by through the election. It may, but I am not sure. We may be right back here before the election, and I think we would be better off if we were. I think it would be better if we did more before we left here. But if we do not, I think we would be better off to come back either before or after the election, because it might give us a chance to save the economy.

We are beginning to see a credit crunch. Consumer spending is up 17 percent at an annual rate. Business is borrowing to try to take care of the expansion we have been in. But the Federal Government, because of these high deficits, is borrowing over 75 percent of net private savings—over 75 percent of private savings being eaten up to fuel the borrowing for the Federal deficit. Certainly, it is going to drive up interest rates, and we are seeing that right now.

The plan of the Senator from Florida included additional revenue—$32 billion in additional revenue. Most of that money would have resulted from delaying indexing for 2 years.

We have been told that indexing is better than sliced bread, and maybe that is true. But I wonder what great things we are doing to people when we give them indexing and they have not had it before this year. We are giving a husband and wife some dollars by indexing, and we are putting the debt off on their children, because the children will have to pay for it. Every nickel of additional tax cut we make—and indexing is that—adds to the deficit. Every nickel is written with red ink.

I have been around my State a little, and I do not find many people in Florida who want those red ink dollars. They say: "Thanks very much, but don't do me that favor. Don't borrow money to give me a tax cut. I would rather you cut your spending some. I would rather you cut the deficit some. I would rather you take a little of this burden off my children and my grandchildren."

But, no, we are not going to delay indexing in an attempt to reduce this deficit. That would be the wrong thing to do.

The debate began last year, as it began a year ago, with a Presidential call for bipartisanship. I was waiting to be called into that last year, and I am waiting again this year. A lot of meetings are going on down the hall. CHILES is never called. I do not know whether anybody on this side ever has been called, but CHILES has not been called yet.

We have had this plan and that plan, and now we are going to have a plan that looks like it will be passed by a majority on the other side.

I think we have tried to join. I think we have tried to assist. I think we have tried to say that we want to help to make this plan a little better. But so far, it has been: "No thanks. We don't need your help. If you want to help, get on our plan. That's our idea of bipartisanship. Accept what we did in the rose garden. Accept what we did in the majority leader's office. But we don't need any help outside of that. We don't need any of your ideas or any of your help."

I guess we can hope that this plan will be enough, that it will do enough.

Frankly, I do not understand why we are being asked to choose between what is best for the President and what is best for the economy. In fact, nobody at the White House has asked for my advice, but I will give it anyway: I think that what is best for the President would be what is best for the economy. I think that what is best for the economy would be best for every Member of the Senate. What is best for the economy would be best for every Member of the House who is going to run for election. This is an election year, and rather than failing to do what we should do, that is a reason why we should try to do what is best for the economy, and I think that would be the best politics.

It may be we will still come back before November and try to do what is best for the economy. It seems that there are forces at work that are more determined to produce a political victory than a solution here, but I guess that is something we will have to see.

We have seen interest rates go up 1.5 percent. That means $101 a month, or $1,200 a year on an $80,000 house.

Mr. President, I do not know about the States of other Members, but we have reached the point in Florida where we are about to break off housing.

I met with the savings and loan people from Florida who are up here today. They told me that where we are now, at about 14 percent, they cannot be sure whether new starts will continue.

I asked them: "What would another percent mean?"

They said: "We don't know whether a quarter of a percent would break it off. We know that 1 percent more and we would be out of business."

If we stop housing in Florida, we stop the ceremony of our State. We are a growth State. Our jobs are generated by housing. There are jobs generated from all the supplies and everything else that goes into it. We are very close to that stopping point right now.

That pretty well frames the question I think Senators should ask themselves when we start voting on this plan. Is this going to help reduce interest rates or even stabilize them, or are those figures rising from $189 billion to $204 billion going to insure that interest rates will keep going exactly that same way?

Mr. President, I ask for the yeas and nays on the pending amendment to the Baker amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MELCHER. Mr. President, this additional $2 billion in budget authority for the nondefense domestic accounts, of course, raises the first point and that is what is the $2 billion going to be used for?

A few moments ago I asked the Senator from New Mexico to yield to me for a question and the question was, might it be used for foreign aid? The Senator today explained that that would depend upon the will of the Appropriations Committee and the will of both the House of Representatives and the Senate.

The root of my question was in the statement of the Senator from New Mexico yesterday, referring to the RECORD, where he said:

. . . obviously with the Central American votes that have occurred in the House and those that will occur here, it would be difficult to meet the full requirements of the administration for the function 150 account, foreign assistance, both civilian and military.

He goes on to say:

I have conferred with the chairman of the Appropriations Committee and he agrees that unless additional money is available, it might be difficult to meet the Presidential requests with reference to foreign assistance . . .

Mr. President, I think the Senator from New Mexico just a few moments ago gave a very honest and explicit answer, that future events will determine how the $2 billion gained from transferring Synfuels Corporation funds to spending may be made available under the Budget Act and the appropriations to follow that. There are no guarantees in this amendment.

But, Mr. President, this particular amendment is only tapping the synfuels fund and if it does not meet all the needs for foreign assistance or housing or education or for veterans, perhaps another amendment should be considered to tap some other fund that is available, maybe one of the trust funds. We have a very stringent need in medicare, for instance. That fund is under strain now and we should be making some corrections for it. So perhaps we will want to tap some other fund for a couple billion to relieve particular strain there.

That is not, however, the question of this long debate over this bill. The question and the debate on this bill and the test for the Senate is how much are we going to reduce Federal spending? That is the test. The deficits that are facing us for this fiscal year and the coming 3 or 4 fiscal years are staggering. So the long debate has really been an attempt to arrive at an adequate cut in Federal spending.

It is true that the debate has not centered on the current fiscal year. It is centered on fiscal 1985, 1986, and 1987.

What the Senate has been wrestling with itself about is can we not cut it more than the so-called Rose Garden budget figure?

We have not got enough votes to cut it more apparently. We have the votes on our side, that is the Democratic side and we get a few votes from the Republican side for several different formulas to cut it more than what was carried or is projected in spending over the next 3 fiscal years by the Rose Garden agreement. But, we have not quite got enough, a 49-to-49 vote and then a 48-to-46 vote. Proposals to cut the budget failed, very narrowly failed, once by a tie and once by two votes.

What we would like to do is to have a proposal before us that would reduce the spending level.

As the Senator from Florida has just stated on this floor, what is staggering us right now, and the very catastrophic threat that engulfs us right now, is the rising rates of interest.

Indeed they are going up. In my view, they are going up, simply because Federal Treasury borrowing is too much and putting pressure on the money market, and rates must rise.

The Federal Reserve Board has been charged with tightening up the money supply, and I feel that has been damaging also.

But we have to view what the Federal Reserve Board has done in tightening the money supply has been an effort on their part to avoid inflation later on.

But no matter who you want to blame, whether you want to blame the Federal Treasury for pressure on available money supplies as causing the interest rates to rise, or you want to blame the Federal Reserve Board for tightening up the money supply in order to avoid inflation, in both instances what that tells us is that we should reduce Federal spending.

This amendment does not do that. This amendment increases Federal spending by $2 billion in fiscal 1985. It makes no difference where the money comes from. It is an increase in spending and it is contrary to our goal here on this side of the aisle of reducing the Federal spending more than what is contained in the Rose Garden agreement so that we can be more certain that we have done our part in reducing the pressure of Federal borrowing in the marketplace and thereby hopefully keep interest rates from rising.

There is not much of a case here for this amendment. While it may be necessary to compromise to gain sufficient votes on the Republican side of this Senate in order to pass what the majority leader has described as absolutely essential, that is the Rose Garden agreement, it will not do anything to reduce the pressure on the money markets in terms of Federal borrowing.

It will, to the contrary to that, increase the deficit, and I think if it passes it would be a disaster and we would have wasted 4 weeks fighting on this floor for a more sane and sound approach to our economic situation.

I hope it does not gain the necessary votes. I hope that we can vote on the resolution of this problem by reducing the deficit, reducing the Federal expenditures more than is carried in the so-called Rose Garden agreement.

Mr. President, I see no one seeking the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I have not spoken specifically to address any of these plans except the Hollings amendment and the Kassebaum-Grassley-Biden amendment. I was a chief cosponsor of Senator HOLLINGS'

proposal, and cosponsored the Kassebaum amendment as well and I spoke twice for a few minutes when each of them was the pending business. I will not belabor what we are doing here very long. But I would feel remiss if I did not at least relieve myself of some of my concerns about what we are doing here. This is either the fourth or the fifth week that we have been on the deficit reduction plan, the boat safety bill, of which the deficit reduction plan is a part.

It seems to me that we are going through one of the most bizarre periods in the economic history of this country. Even the conventional wisdom has become so convoluted that nobody knows what to believe. I can tell you that the American people are feeling two things: they are frightened and they are confused.

No. 1, they cannot understand why it takes the U.S. Senate 4 or 5 weeks or more to decide whether or not they want to reduce the deficits; and if they do believe that it is a good idea to reduce the deficits, why on earth is it taking 4 to 5 weeks to make the decision. I will come back to another thing that I think is even more confusing to them; that is, that we have taken a series of amendments that have been offered from the most draconian to the one which is the weakest in dealing with the deficits, and we have just almost routinely dispatched those amendments which would actually do something about reducing deficits. And we come down to this moment, today, in the history of the Senate considering an amendment which will do the least, which does not even cut the deficit except for the first year, and then allows the deficits to continue upward. We are anticipating a $182 to $183 billion deficit this year, fiscal 1984, which ends September 30.

If we now adopt the plan that we have before us, in 1987 the deficit will be $204 billion, or $20 billion more than it is this year, and we have the unmitigated gall and nerve to say to the American people this is a downpayment on the deficit. If that is not convoluted logic, I have never heard it.

I have done one thing for my children which I hope will sustain them, if nothing else does; and that is, always challenge the conventional wisdom. I have said to them, "Think for yourself." If you do not learn to do anything else, challenge what you hear and think for yourself. Never accept the conventional wisdom. And I expect them to do just that.

Every morning in coffee shops in cities and towns across the country somebody says something that really on hindsight is palpable nonsense and everybody says, "Aint' it the truth." They then go back to their respective offices and businesses repeating the conventional wisdom for the day, which is erroneous, specious, spurious, and nonsense to begin with.

So that is the reason I say it seems to me we are living in such a bizarre era in the United States, to pretend that we are doing something about an impending economic calamity when all we are doing is waiting for it to happen.

It is almost as though we are saying the Sun is going to rise in the west and the Earth is flat.

Last week I saw in the New York Times and the Wall Street Journal double-page ads—I forget who the authors were—and it seemed to me like there was a pretty good wide spectrum of people who signed the ads, conservatives, liberals, Democrats, Republicans, everybody. The fear in this country crosses party lines. Do not think for a minute it does not. What they were saying is that unless the President and the Congress got together to do something serious and meaningful about the deficits, we face "an economic calamity."

That is stout language. That is stout language indeed.

In my opinion, Wall Street is as jittery as it has been since 1982.

I have been saying on the floor of the Senate, one of these days the Treasury is going to hold a bond auction and nobody is going to show up. I am not at all sure that this has not already happend. Last week the Treasury put up about $4.7 billion worth of 30-year bonds and they just barely got them sold, and they got them sold at 2 points above what they had been sold for before.

I will tell you what I think. This is a suspicion on my part that I cannot validate or verify, but I will tell you what I think. I think that in all probability some of these bonds are in such poor repute with the bond dealers of this country that the Federal Reserve Bank is buying them when they are offered. The other thing I think happens is that a lot of bond dealers in this country are eating those bonds right now.

You cannot get very many people to invest their money for longer than 90 days right now because they see nothing but spiraling interest rates. You ask almost any economist anywhere up or down the spectrum of this country, who do you respect most in predicting interest rates, and the answer will come back, Henry Kaufman of Salamon Bros., in New York.

That is a fact. Henry Kaufman is the most respected man in the country in predicting interest rates, and last week he said that if Congress and the President do not get together and do something soon you will see "startling increases" in the interest rate.

Do you know what has happened to the home mortgage business in the last 6 weeks? I will tell you. Conventional loans are at 14 percent, or 13.5 percent, if you want to pay 12 points. What does that mean? It means that if you are going to buy a $100,000 home, you are going to have to pay 13.5 percent interest on a 30-year loan if you want a fixed rate and you are going to have to pay 12 points or $12,000 on the front end, interest. What has been the result of that? You are going to see at the end of May the new housing starts statistics come out, and at the end of June, and you are going to see what everybody knows is going to happen—that the housing business is going to come to an end just because of the point-and-a-half increase in interest rates in the past 6 weeks.

I had a timberman in my office from my home State the other day. He is in the business of cutting trees and sawing timber into lumber. He told me that the price of 2 by 4's, which is the staple wood product that goes into a home, has dropped $35 in the last 6 weeks. Do you think they do not know what is happening in the timber industry? There is no demand for 2 by 4's because the housing industry is already coming to a screaming halt.

And it is so unnecessary.

Mr. President, we have had four plans here, and I ask anybody in the name of commonsense and good judgment how we have arrived at the point where we are right now.

About 4 weeks ago Senator HOLLINGS, Senator EXON, Senator ANDREWS, and I stood on the floor and pleaded with people to vote for the Hollings amendment. The Hollings amendment would have cut the deficit by 1989 to somewhere between $6 billion and $20 billion. But just so we use the same figures, in 1987 the Hollings amendment would have cut the deficit to $104 billion, almost half what it is going to be this year. We got 38 votes. 38 votes. Some said, "You cannot freeze all that spending." Others said, "Hollings does not give enough for defense. He is cutting defense back to 4 percent. The President says we can't cut it to under 7."

So we got 38 votes for what I still think was easily the best budget-cutting proposition to be submitted to this body.

The next day or so we considered a bipartisan plan, the KGBB plan, Senators KASSEBAUM, GRASSLEY, BIDEN, AND BAUCUS. You cannot find better bipartisan support than those four Senators. There was nothing partisan about that. But they went too far on defense, too. They said, "Freeze everything, including defense."

And if their amendment had been adopted, in 1987 the budget deficit would have been $162 billion. I voted for it because it was the next most drastic measure we were going to get an opportunity to consider, and I believe it got about 30 votes, 8 less than the Hollings amendment.

So then the distinguished Senator from Florida (Mr. CHILES) comes with the Chiles plan, or sometimes called the Democratic alternative. The Chiles plan would have reduced the deficit to $169 billion in 1987. Astoundingly enough, it was defeated on a tie vote of 49 to 49.

Let me digress at this moment and say I was hoping that instead of going through that routine motion to reconsider and tabling that motion to reconsider, somebody would come with some slight variation of the Chiles plan in the hope that we could pick up a couple more votes. We might have prevailed at the time if two of our Members had been here. But we did not.

Then, of course, Senator CHAFEE, Senator STAFFORD, Senator WEICKER and some Members on that side of the aisle offered another amendment, and I voted for that. It was not much but it was all there was left.

Now we are down to the so-called Baker amendment with this second degree Baker amendment pending, and I am not going to vote for it. The reason I am not going to vote for it is that it is one amendment that does not cut deficits; it simply slows the growth of deficits. We have 33 Senators running for reelection this fall and if the economy continues to be reasonably vibrant this fall, these deficits are not going to be a big item in their campaigns. But I can tell you, Mr. President, that if interest rates continue to climb as I anticipate they will, these deficits are going to be a major campaign issue and everybody who has not done his very best to do something about it is going to have to account to his constituents.

If there ever was a nonpartisan issue before the U.S. Senate, it is how we are going to avoid the impending economic calamity caused by these deficits. It is not a question of whether it is going to happen or not, it is now a question of when and whether or not this body has the collective will to keep it from happening. This body certainly has not demonstrated such will so far.

So, Mr. President, let me close where I began: We are looking at a $182 billion deficit this year and the Baker amendment is called a downpayment on the deficit. Yet, in 1987, the deficit will be $204 billion under the Baker amendment—$20 billion more than it is this year. Where is the downpayment? I invite anybody to tell me how we explain to the people of this country that we are serious about deficit reductions and have the nerve to tell our constituents we voted for a downpayment on the deficit, yet the deficit is going to be larger in 1987 than it is right now.

That is the kind of conventional wisdom that I have consistently invited my children to continue challenging. That is not conventional wisdom, that is palpable nonsense.

So, Mr. President, I guess this Baker amendment is going to pass, but I am not going to go home and tell my constituents that I voted for something to reduce the deficit that does not reduce the deficit.

There are those who say, well, we really need to deal with this next year. Next year—after the elections. All I can do is hope and pray that we have any kind of opportunity—after the elections—to do something meaningful.

So, Mr. President, I do not see any reason to postpone this bill. I do not want to open old wounds, but I heard the Senator from Kansas (Mr. DOLE) yesterday morning on the Today Show saying that he guessed the Democratic leadership on this side was going to drag this out so we would not have a deficit reduction package this year. Incidentally, I guess in all fairness, I thought I heard him almost apologize for that on the floor yesterday. I could not tell for sure. But I want to repeat what I just said: If there ever was an issue before this body that is not a partisan issue, this is it.

Mr. President, I yield the floor.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise at this time as a cosponsor of this amendment which in addition to increasing funds for our Nation's education programs, adds $650 million for biomedical research.

The Labor, Health and Human Services Appropriations Subcommittee has just completed 4 days of hearings in which nearly 100 public witnesses, including members of the scientific community and some of the patients that they serve expressed their concern that the budgetary constraints of the past several years would significantly slow recent advances.

These witnesses were unanimous in requesting that a minimum of $650 million be added to the current appropriation. This amount would add a mere 5 percent to the current services level, thus allowing a modest growth in the research and training programs—stabilizing our research efforts and sending a message that Congress will continue its long-time commitment. Not suprisingly, this also equates to the amount which NIH itself requested of the administration for fiscal year 1985.

Mr. President, there are many good reasons why the Federal Government as a whole must start spending less. I myself have enumerated them many times. During the debate thus far, this body has detailed the dangers of big deficits and talked at length about sending the right kind of signal to the financial markets.

But while Government as a whole needs to spend less, this should not be accomplished in some simplistic, across-the-board fashion. We tried that tack in the Omnibus reconciliation Act of 1981 and subsequent budget resolutions. The fallout from our actions is already being felt. A blank check for defense plus pennies for nondefense programs is not a fair or cost-effective formula for Federal spending.

What we do here this week will send a signal, not just to Wall Street, but to individuals and institutions in every field of endeavor. The amendment I offer today would have the effect of assuring the research scientists and physicians whose work is funded at least in party by the National Institutes of Health or ADAMHA that Congress is committed to putting the money where the good medicine is. It will tell them that we want answers to the questions they have dedicated their lives and careers to answering. Because as long as those mysteries remain unsolved, millions of Americans will continue to die and become disabled from diseases we do not know enough about to treat or prevent.

This is not, however, the message the Federal Government has been sending the scientific community in recent years. Federal support for health research and development as a percentage of total U.S. health spending dropped from 2.8 percent to 1.5 percent from 1965 to 1983. Between 1973 and 1983, a decade during which health care costs escalated by as much as 20 percent each year, the budget for the National Institutes of Health increased by just 5 percent in constant dollars terms. Whereas once about 50 percent of all the research proposals rated good to excellent by NIH peer review committees was funded, now the cutoff is down to about 30 percent. And the average research scientist's career spans 7 years, where once it was 14 years or more.

I say to my colleagues who are constantly reminding us of the Soviet threat that we are, in fact, losing the arms race against the major killers and disablers of our time. Ask yourselves this: how many Americans were killed by the Red Army in 1983? So far as I know, none were. Now, ask yourselves how many died from heart disease, cancer, diabetes and the rest? I'm sure that none of us are in doubt that the death toll was high. I believe in a strong defense, Mr. President, but let us not focus on some enemies to the exclusion of others. Where these deadly diseases are concerned, we are fighting with one arm tied behind our backs. We lack the necessary intelligence on their methods of waging war. We lack the necessary arsenal of weapons with which to defend against

them. And we do not have the personnel to man the front.

For fiscal year 1985, the Reagan administration has proposed an increase of 2 percent for NIH, a figure which is simply not enough any way you look at it. It is not enough to do the job. It is not enough to make the most of the explosion in sicientific discovery in the field of human biology. Nor is it enough when you consider that the same budget calls for R&D. increases of 18 percent for NASA, 16 percent for the Department of Energy, and 15 percent for the Department of Defense. In fiscal 1984, the Department of Defense spent just over $26 billion on research and development, with greater than half that amount allocated to weapons R&D. Three weapons systems—the MX, the ICBM, and the Trident II submarine—accounted for $4.5 billion, an amount equal to the budget request for NIH this year.

Likewise, the administration has weighed in with a budget request for its so-called Star Wars defense that would amount to billions. But space is not the only frontier. And Star Wars technology already exists in the form of lasers which can be used to remove cataracts in roughly 2 minutes during an office visit. That technology is already saving the Federal Government $500,000 every year.

Mr. President, it is a documented fact that for every dollar we spend on research, we save $13 in health care costs. This amendment, then, represents perhaps the last chance Senators will have to tackle entitlement spending during this budget debate. Investing an additional $650 million in biomedical research today is sure to yield billions in medicare and medicaid savings in the years ahead. With health care consuming 10 percent of our gross national product, a token increase in research funds is an economy we cannot afford.

Mr. President, every year we as a nation spend about $2 billion on renal dialysis. And while it prolongs life, it is a technological fix, not a remedy. Custodial care for all cases of senile dementia will soon cost more than $40 billion a year. That figure does not begin to factor in the loss of productive years those individuals would otherwise enjoy.

Alzheimer's disease is one of the main reasons why there are more patients in nursing homes in America today than in general hospitals. What do we know about it? Not nearly enough. Progress is being made but I wonder how many of my colleagues realize the extent of our ignorance of this disease. Do you know that a diagnosis—never mind treatment—a diagnosis of Alzheimer's is made only by excluding all other illnesses with similar symptoms? And how does medical science in the year 1984 confirm this diagnosis? Only by means of a post mortem examination of the patient's brain at autopsy. Last year, Congress earmarked $31 million for expanded Alzheimer's research. But if that sounds like a lot to you, keep in mind that at the same time the Federal Government, private insurers, and the families of Alzheimer's victims were collectively spending billions on medical and custodial care.

Scientists tell us we stand on the threshold of remarkable discoveries regarding the brain and its function. Yet, if we are to continue making breakthroughs we must also continue to prime the pump of biomedical research with Federal funds. We did not increase the life expectancy for cancer victims by sitting around wringing our hands about Government spending—Congress, in conjunction with the executive branch, directed NIH to go to it and gave it the funds it needed to work with. It is not any accident that 148,000 fewer people died from coronary heart disease in 1982 than was once expected. It is a direct result of biomedical research begun years ago, with funds appropriated by this Congress years ago.

Priming the pump is perhaps a principle we understand less and less well in the modern age. After all, we are used to turning on the tap and letting the water company do the rest. But unless we keep the pump primed, the day will come—5 to 10 to 20 years from now—when we will turn on that tap and the last few drops will come sputtering out. Tomorrow's discoveries will not come without investments in manpower and basic research today.

I could cite for my colleagues many examples illustrating the need for these additional funds. However, let me simply recount for you the testimony of 2 of the nearly 100 public witnesses appearing before the Subcommittee on Labor-HHS on the subject of NIH funding. One, Mr. President, was Conjie DeVito, a boy not more than 12, who suffers from a rare form of brittle bone disease. During the course of his young life, Conjie has suffered more than 90 broken bones. Yet, he has not given up hope of a normal life. When given the opportunity to speak, he simply said, "I need more research because one day I am going to be President."

The other witness was our beloved friend and former colleague, Jack Javits. During his years of public service, Jack Javits dedicated himself to fighting for the interests of those in circumstances similar to Conjie DeVito's. Today, himself disabled by a degenerative illness, Jack Javits is still fighting—this time on two fronts. Daily he wages his private battle against ALS. But, he also continues to crusade for Conjie DeVito—so Conjie will not lose hope that he, too, can be President.

These are two separate stories, yet, this is what this amendment is all about. I urge your support.

Mr. President, I should like to address myself further if I may, to matters contained in the amendment before us, specifically to explain that aspect of the amendment which relates to the increased funding, which, in turn, could translate into additional dollars for both education and health, my emphasis being on the health side of it.

It is true that I was one of the original sponsors of the Chafee-Weicker amendment. In that amendment, we sought, No. 1, to redirect priorities in the sense of reducing defense spending and upping the funding for health and education—not in the same dollars, or not in the same amount—so that, indeed, what would be effected would be a reduction in the deficit. We would accomplish both a reduction in defense spending, a less than equivalent amount of money then going back into health and education, with the total dollars being less and, therefore, a reduction in the deficit.

The amendment also called for one cap in order that defense would not be isolated in the course of the Appropriations Committee's determination. That is what we lost by one vote.

We went back to the drawing boards and talked to the leadership on this side. That, in essence, resulted in what we have before us, with two notable changes. First, we are back to a two-cap situation; and, second, defense dollars were not reduced.

Am I disappointed in the fact that we still have two caps? The answer is yes, nothing was accomplished on that score. However, on the matter of defense dollars, as a practical matter, I would expect that the conference procedure and the position of the House will have some impact on the Senate numbers.

In other words, during the course of the entire legislative process, I would suspect that the reduction in defense dollars will be even greater than that proposed in the Chafee-Weicker amendment. We are, in effect, doing in two steps what that amendment did in one, with the exception of the cap situation.

Now the question has been raised on the matter of the education and health moneys. How did we ever guarantee that the moneys sought by Senator BRADLEY and Senator STAFFORD and Senator WEICKER, those moneys that relate to education and health, will come forth in the numbers that had been discussed and agreed upon? I shall let Senator STAFFORD speak for himself, but I can address myself to the health numbers. I can also address myself to the general situation as it relates to the Appropriations Committee, the chairman (Mr. HATFIELD), the

chairman of the Education Subcommittee (Mr. STAFFORD), and myself as chairman of the Labor-HHS Committee.

Neither Senator HATFIELD, as chairman of the full committee, nor I as chairman of the Labor-HHS Committee can stand here on the floor and deliver the votes of the members of our committee and subcommittee respectively. We cannot do that. So that, obviously, as a legal technical matter, there is still a question mark there. However, the distinguished chairman of the full committee has given me his word that he will do everything—as indeed he already had before this compromise was ever arrived at—to see that the figures for health funding would be at the level which I had set forth vis-a-vis the preparation of the Chafee-Weicker amendment and as had been envisaged in the amendment of the distinguished Senator from New Jersey.

Nothing has changed. I still have the word of the chairman of the Appropriations Committee. I give my word to my colleagues that I expect to get those numbers out of my subcommittee.

Now, there is no fakery here. I do not want to get my good friend from New Mexico mad because I do not want by implication to indicate there was any fakery in the original figures, but I will say this, that during the negotiating process the administration indicated—if I may have the attention of the distinguished Senator from New Jersey—that the moneys would be supplied by some changes that could be found later on down the line, and that was not satisfactory to either me or to the Senator from the Appropriations Committee because that we have no control over, and I mean none. We are not even a vote in that process.

We rejected that approach. So we specifically received a commitment for $2 billion additional to go into the appropriations process, of which we are a part and where we can vote as individuals.

I want the RECORD to be clear that my position on the $650 million for biomedical research, as stated in the subcommittee hearings, as envisaged in the preparation of Chafee-Weicker, as presented to the chairman and the Republican leadership in the drafting of the Baker compromise, has not changed one iota, will not change one iota in the weeks ahead as the Appropriations Committee does its work.

The Senator from New Jersey and my colleagues within this Chamber on both sides of the aisle have my word as a Senator, as chairman of the subcommittee of Labor-HHS, that those figures will be attained and will be a part of the additional moneys produced out of either synfuels or a transfer of funds. That figure of $650 million holds, and it is not subject to the whims of the executive branch but, admittedly, it is subject to the votes of my subcommittee and the full committee. And I might add those votes are going to come as much from the Senator's side as they are from this side. If the Senator wants any other statement which I can deliver on, never mind speculative, if the Senator wants any other statement to be made in terms of commitment, he has every right to ask it and he will get it on the floor of the Senate from me.

Mr. BRADLEY. Will the Senator yield for a question?

Mr. WEICKER. I yield to the distinguished Senator from New Jersey.

Mr. BRADLEY. Is it the intention of the Senator from Connecticut to also state specifically on the floor of the Senate today that the appropriations will be in the amount of $1.3 billion for education and $650 million——

Mr. WEICKER. That is why I waited for my distinguished colleague. I am waiting for Senator STAFFORD. That is, appropriately, his province. When he makes his statement, I am also prepared as subcommittee chairman to again give that guarantee. I am only waiting now for our colleague (Mr. STAFFORD) to get to the floor. When he does, the answer is, again, yes, the Senator has my commitment as to that amount.

Mr. BRADLEY. So as of this moment the Senator is committed to $650 million for medical research?

Mr. WEICKER. That is correct.

Mr. BRADLEY. There was provision in the amendment also for $600 million for environmental programs, and I know the Senator does not have jurisdiction over that.

Mr. WEICKER. I do not chair that. I would prefer—again, the Senator from Vermont is the one who chairs the authorizing committee—to let the Senator from Vermont speak for himself on that point.

Mr. BRADLEY. I thank the Senator for his degree of specificity on medical research, and I will await the Senator from Vermont.

Mr. WEICKER. And I will be following hard on the heels of the Senator from Vermont; if that $1.3 billion figure is what he commits himself to, I will commit myself on the appropriations side to that figure.

Mr. BRADLEY. I thank the Senator. We will await the Senator from Vermont.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I do want to ask the Senator from New Jersey, if I might, I do not remember the details of the so-called Bradley-Stafford or Stafford-Bradley amendment. Am I correct, however, that the Senator was asking that we add $1.95 billion in budget authority to the cap?

Mr. BRADLEY. We were going to add $1.3 billion for education and as a separate amendment $600 million for environmental protection, at which point the distinguished Senator from Connecticut suggested that medical research also be considered and that there was $700 million in the HUD account, and that that would take care of all three of those expenditures.

Mr. DOMENICI. So the Senator was talking about 1.95?

Mr. BRADLEY. That is correct.

Mr. DOMENICI. 1.95 was the amendment that the Senator offered, as I recall, is that correct?

Mr. BRADLEY. We did not offer the amendment.

Mr. DOMENICI. The amendment the Senator intended to offer, that we were offering to as the Senator's amendment on education?

Mr. BRADLEY. The final number was not determined.

Mr. DOMENICI. I see. Well, I do want to compliment the distinguished chairman of the Appropriations Committee. He is present.

Mr. BRADLEY. If the Senator will yield, I might say that one of the reasons that a final number was not determined was because of the lack of clarity in yesterday's discussion about all of the various functions that could be funded by the $2 billion add-on, including the foreign assistance function. So one of the things we are trying to do is to get sufficient clarity so that we can determine if the needs of education, environmental protection, and medical research can be met. If they cannot, then we will have to reassess it.

Mr. DOMENICI. Let me say to my friend from New Jersey, he has raised the issue of foreign assistance because the Senator from New Mexico listed five or six things. So while we have a minute while we are waiting for my good friend from Vermont, let me tell the Senator what I had in mind.

When you take the entire domestic spending programs and put a freeze on it, to which we are now going to add $2 billion, function 150, which is both domestic and military, foreign assistance, it would be subject to money being reduced from it and put in the other account. Obviously, if you did not have enough for the other accounts, that could happen. I did not intend we spend new money on 150.

Mr. BRADLEY. Will the Senator yield for a question?

Would the Senator say that it would not be additional funds in foreign assistance?

Mr. DOMENICI. I have very great doubts that it would ever be used for that, but I cannot do any better than that. I think the chairman of the Appropriations Committee is going to tell

the Senate that no matter what we put in, $2 billion or the $1.3 billion that the Senator has in mind and stands up and says that it is for education, I do not think the chairman of the Appropriations Committee wants the full Senate before the subcommittees get to debate things to say, "You are going to put specific amounts in." I think he is going to tell us it looks like there is going to be enough for these things and we are committed based on our history to put it in these accounts. I think we would really be in bad shape if we take something like this and mandate certain appropriations on this amendment.

Frankly, I do not think we ought to do that. I do not think the chairman is going to stand by and watch that happen, Senators stand up and say that is where they prefer it, and the subcommittee chairmen say that is where they prefer it and it looks like there is enough for savings in other areas to do the following five things. But I do not believe we can or should do that. Maybe we will, but I do not think the chairman of the Appropriations Committee intends to do that, and I commend him for it. I think he and the subcommittee chairmen need that latitude.

I was going to commend the chairman of the Appropriations Committee. In responding to that question, I have indicated what I thought his position was, and for that I commend him.

Mr. HATFIELD. I thank the Senator from New Mexico.

Mr. President, I should like to make some additional points at this time on behalf of the Appropriations Committee to the Senator from New Jersey and other Senators who are vitally concerned about this particular issue that is now confronting the Senate in the form of the Baker amendment.

Mr. President, the question has been raised whether or not the $2 billion which is incorporated in this amendment would be reduced from the level of expenditure in the $19 billion synthetic fuel account and thereby made available as part of the nondefense cap in this amendment for nondefense expenditures to be applied to certain programs.

Let me just give a little background, because, first of all, you cannot isolate this amendment and the proposals in this amendment from the record of the Appropriations Committee and the authority of the Appropriations Committee.

First of all, if we adopted an amendment here and precisely directed the Appropriations Committee to extend the additional $2 billion—$1.3 billion and $600 million—that would not bind the Appropriations Committee, for the simple reason that under section 302 of the Budget Act, it is the Appropriations Committee action that must make the allocations within whatever caps we operate under in a budget resolution or whatever it may be that has come through the budget process.

So this body, at this time, could not dictate that to the committee. It can contradict the committee's actions at a later time, when the committee brings forth a product.

Second, we have to recognize that there is a record upon which one can make a judgment as to what kind of commitments are being made here by the subcommittee chairman, the Senator from Connecticut (Mr. WEICKER) and myself, speaking here today as chairman of the full committee.

First of all, the Senate Appropriations Committee, under the 302 allocation, in the last 4 years—1981, 1982, 1983, and 1984—through the leadership of Senator WEICKER and the members of the committee, and the working of the will of the Senate itself, has appropriated $14 billion more for education than the President's request level. It is not as if the Senator from New Jersey or any other Senator had to stand on the floor and persuade or convert the Appropriations Committee of the Senate as to the priority of the needs of education. That has been demonstrated.

By the same token, the Appropriations Committee of the Senate has reduced by $42 billion in that same period of time the President's request level for defense spending.

That means, simply that we have set our priorities pretty well in concrete so far as the record of this Appropriations Committee is concerned. That is what led, I am sure, to the negotiations that said we should have two caps; because Members of the Senate said, "We don't like the reductions on the military side and the increases on the nonmilitary side, but it has been the will of the Senate as it has worked its way from the recommendations of the Appropriations Committee."

So I want to assure, in effect, that the Appropriations Committee is very sympathetic to the needs of education.

I reiterate what the Senator from Connecticut has indicated, and that is that if this amendment is adopted, and we have the $2 billion cap increase in the nondefense part of this package, I will do my level best—as I have done over the last 3 or 4 years that I have been chairman of the committee—to add the moneys that are authorized.

Let us not play games. We have had amendments on this floor that have been proposed in the past to add to education appropriations that were not authorized or were over the budget level. That, we should understand clearly, is not a proper procedure, nor is it a procedure to which we will commit ourselves.

When the Senator from Vermont arrives and the Senator from Vermont can give us assurance, as chairman of the authorizing committee, that he will authorize $1.3 billion, if that is the level, I can assure the Senator that I will do everything in my power to fund it.

Let me also make this point clear: There is $400 million in that package now for a math-science program that has not been authorized. It is up to the Senate to authorize it. The Senate Appropriations Committee has resisted—although we have violated it from time to time—appropriations without authorizations, and the Senator from New Jersey knows that.

Second, we have to recognize that in this whole process we have more than education demands on whatever money is going to be added to the cap on the nondefense part of the package. We have $650 million in biomedical research. We have another $600 million in environmental programs. With respect to the transportation requests over the current level, if we were to freeze the program at the moment, the administration has asked for about $1 billion more.

Yesterday, the Senator from New Mexico, the chairman of the Budget Committee, was talking about add-ons and subtractions and so forth. He raised a flag in the mind of the Senator from New Jersey about the possibility of competition for additional money for foreign aid. I say to the Senator from New Jersey that it would have been my proposal—and the procedure is that the chairman makes the proposal to the full committee, and the full committee makes the decision on the 302 allocations—that if there had not been this proposal offered to add $2 billion, I would have proposed, as chairman of the committee, that we would have deducted $1.3 billion from the foreign aid bill in order to make it available for education programs.

Even without this amendment, I would have proposed adding $2 billion, and I had the full support of the subcommittee chairman, Senator WEICKER. We would have jointly made this proposal to the full committee to deduct it from someplace, if not foreign aid. I just use that as an example. I would have added another $3 billion, if I had my own way.

We would have found money from some other accounts, whether HUD or foreign aid or whatever else, to add $1.3 billion for education, because that is my priority, and $600 million for biomedical research, and the other priority of environmental research. Those are my top three priorities—and I would have sought to fund them even if we did not have the possibility or opportunity of adding $2 billion to take care of most of those.

I say to the Senator from New Jersey that I think he brought into focus a very important issue, not only in terms of our priorities, but also in terms of what the record of the Ap-

propriations Committee has been, so that we do not have to depend upon rhetoric here today or verbal promises or possibly vacuous commitments. We are talking now about the record of the Senate Appropriations Committee since the 1981, 1982, 1983, and 1984 budgets came under our purview, under our control.

Mr. BRADLEY. Mr. President, will the Senator yield for a question and a comment?

Mr. HATFIELD. I yield.

Mr. BRADLEY. I appreciate the statement of the chairman of the Appropriations Committee.

It has been the Senate, in the last 2 years, that has increased the amount available in the budget for education. It was in last year's budget, with an amendment that I offered, that a billion-dollar package for education was adopted, by a vote of 55 to 32; and we followed in the appropriations process for nearly that amount in additional aid for education.

I think the issue here is that there is a certain degree of suspicion that, in the battle for scarce funds, somehow or other, defense will get its share, but education and environment and other key programs will not get their share.

It is my understanding that the amendment now before us to add $2 billion for nondefense programs in fiscal year 1985 incorporates the provisions of an amendment I announced I would offer with Senators STAFFORD, PELL, MOYNIHAN, WEICKER, and ANDREWS to add $1.3 billion above the freeze level for education programs, bringing the total to $17.5 billion in fiscal year 1985. Further, the amendment incorporates the provision of a second amendment I announced I would offer with Senators STAFFORD, MOYNIHAN, and LAUTENBERG to add $600 million for the Environmental Protection Agency, bringing the operating budget to $1.35 billion and the Superfund program to $0.75 billion in fiscal year 1985.

I ask the chairman of the Appropriations Committee: Does he feel that $2 billion additional for nondefense meets what is his sense of national priorities? Should we have more than $2 billion?

I realize that we are dealing with $2 billion here. I also notice that the Senator supported other compromises offered by the distinguished Senator from Connecticut and the distinguished Senator from Rhode Island earlier, which added considerably more than $2 billion to the nondefense function.

Mr. HATFIELD. As to the amount of money, no, that is not sufficient. We may be able to pick up another $600 to $700 million out of the HUD account in order to add to this $2 billion.

Remember, if we had a 2-percent increase in this package for the nondefense cap, we would add about $2.7 billion. That is precisely where we are going to end up, I hope, with this amendment adding $2 billion, and a transfer within the cap of another $700 million, in effect creating a 2-percent increase in the cap on nondefense programs in fiscal year 1985.

Mr. BRADLEY. The Senator's assurances were a little less strong than the Senator from Connecticut, but let me ask him once again, is his intention——

Mr. HATFIELD. Excuse me. If the Senator will yield, I hope it is only semantics used by the two Senators, because there is no variation at all in the commitment of the two Senators, I can assure the Senator and the Senator from Connecticut.

Mr. BRADLEY. The chairman of the committee and the chairman of the subcommittee have as their first priority to get through the appropriations process the $1.3 billion for education, taking into consideration the need for the additional $400 million authorization and the $600 million for environmental protection and $650 million for medical research. I understand the Senator to say that he would do his level best to try to obtain the extra money as the chairman of the Appropriations Committee.

Mr. HATFIELD. Yes; again, we have 29 members of our committee, and I am sure the Senator from New Jersey could no better stand here, nor could I today, or the Senator from Connecticut, who has already made the comment, and say to any one of us that we can deliver any committee we serve on. I happen to be chairman of the full committee, and the Senator from Connecticut happens to be chairman of the subcommittee, but we have 2 votes of the 29 members of that full committee.

I think we have some influence. I think we have some ways to do some one-on-one work if we have to persuade as we normally do in this whole process. I will expend every bit of energy I need to expend. I will do all and make all the effort that is required to achieve as one member of that committee in tandem with my colleague from Connecticut to get these moneys allocated to those priorities of education, medical research, and environmental programs.

Mr. BRADLEY. I thank the Senator. If the parliamentary situation allowed, the Senator would have no objection to modifying his amendment so stated, is that correct?

Mr. HATFIELD. The Senator from New Jersey and the Senator from Connecticut and I have worked out language that I have here in my hand that would in effect state a sense of the Senate that priorities be given to education programs, environmental protection, and health research activities in the utilization of the extra $2 billion contained in this amendment, that is correct. We were ready on our side to modify the Baker amendment to accommodate the Senator from New Jersey, but I am told from a parliamentary position because the yeas and nays have been requested by the minority leader, Mr. BYRD of West Virginia, we are foreclosed at this point in time, but I do think there will come a parliamentary situation where we can in tandem with the Senator from New Jersey offer this as a part of the Baker amendment.

I am hopeful we can find that parliamentary situation and I understand we cannot find that parliamentary situation unless the Senator from West Virginia, the minority leader of the Senate, is willing to vitiate the request for the yeas and nays, which then could happen at this moment.

Mr. BRADLEY. I thank the Senator for his colloquy, and again I thank the distinguished Senator from Connecticut for his comments and I am sure, although I have not heard from the distinguished Senator from Vermont, that he feels equally committed to education. In fact, his leadership on this issue predates my arrival in the Senate. So I feel confident that with both the Senator from Oregon and the Senator from Connecticut clearly behind these initiatives we will indeed get what we hope for, for education, environmental protection, and medical research.

Mr. HATFIELD. I will say to the Senator one last thing, that the Senator from Vermont (Mr. STAFFORD) is on his way. He is chairman of the authorizing committee. As soon as he makes his statement as to the prospect of having all of the $1.3 billion authorized so the Appropriations Committee can move ahead with funding that program, in tandem with the Senator from New Jersey, who has given leadership over the years in these programs that we are discussing here now, I am hopeful that he will join us in this sponsorship of this amendment that will increase the amount of money that we can get for education, medical research, and in environmental programs by $2 billion, because I think this is one of those things where we have to cross the aisle, we have to get the support of each other, because these issues transcend the aisle, they are so fundamental to our Nation's well-being, and it would please me a great deal to be in tandem and in harness with the Senator from New Jersey on this very point.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I wish to address again my comments to the distinguished Senator from New Jersey (Mr. BRADLEY), merely amplifying what was said by the distinguished chairman of the committee. I commend the Senator from New Jersey for his efforts in both areas of education and health. Nobody has been a more articulate spokesman for those national priorities than the distinguished Senator from New Jersey. The matter before us is as much his doing as any Member here on the floor and I want to so state and acknowledge.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

Mr. CHILES. Mr. President, I see the chairman of the Appropriations Committee on the floor. I wonder if he may try to answer a couple of questions for me.

I have been trying to follow some of the commitments and pledges that have been made regarding the distribution of this money. If the $2 billion add on is all going for $650 million in health research and the remaining $1.3 billion for education and $600 million for the environment, then are we saying that the President is giving up his proposed funding increases which include, veterans medical, $500 million; law enforcement, $100 million; space and science, $100 million; transportation, including the FAA, $900 million?

Are we saying we are not going to fund those things that the President has requested in his budget? Are we abrogating that?

Mr. HATFIELD. I would respond to the Senator from Florida by saying, no, we have not made that determination. What we are saying, in effect, is that we, as two members of the Appropriations Committee here today, Senator WEICKER and myself, have committed ourselves to giving top priority of using that additional $2 billion, if this amendment passes, to those programs that we outlined, education, medical research, and environment.

We will also have additional funding for dealing with some of these other increased levels of funding. Let me list them for the Senator from Florida.

Mr. CHILES. There is about $2 billion on the list I mentioned, all of which are in the President's request.

Mr. HATFIELD. Yes; first of all, I say to the Senator that I doubt that the President will get all of his request, whether we had the funding available or not. I still think that would still be within the purview of the Senate Appropriations Committee under its 302 allocation responsibility.

But in addition to the $2 billion which this amendment would provide to raise the cap, we have these additional funds that are available for increases in other programs, including those perhaps the President has asked for or which maybe the committee would like to see increased over the President's request level: A possible $700 million from the HUD subcommittee; a partial absorption of the civilian agency pay raise of $300 million; we could advance the Big Hill project in a fiscal year 1984 supplemental of $100 million; we have an increase above the freeze cap—well no, those are additional funds. So that totals about another $2.8 million.

Mr. CHILES. I was trying to add that in my head and I came up with $1.1 billion.

Mr. HATFIELD. I include in that the increase above the freeze cap which we now have which would be about $2 billion and then we have another $1.1 billion which would be for other increases or other adjustments as the committee might see fit to make.

Mr. CHILES. Now foreign aid and aid to Israel, that is another $5 billion we are talking about. Where is that going to come from?

Mr. HATFIELD. That money was an adjustment of off-budget items onto on-budget items. I think there is a difference there of about——

Mr. CHILES. Three of the five was that adjustment, and two on budget, right?

Mr. HATFIELD. I do not recall the exact division now, but the major part of that figure is a movement from off budget to on budget.

Mr. CHILES. Again, it sounds to me like we are talking about having—in addition to the $2 billion already committed, the $2 billion—another $1 billion.

Mr. HATFIELD. $1.1 billion.

Mr. CHILES. $1.1 billion. And we have the $2 billion I have listed and then the additional foreign aid to Israel that is on budget, that is another $2 billion. So we have got $4 billion to be covered by $1.1 billion. And while we are making commitments, I think it would be interesting for the body to know how we cover $4 billion in a request with $1.1 billion. What gets short circuited?

Mr. HATFIELD. I would say the bottom line is simply that there are not enough dollars at this point in time to accommodate all the adjustments or increases that are being requested. But I do not recall a time in the last 3 years when we had such revenues that did meet all those requirements.

The Senator from Florida is a member of the Appropriations Committee. His vote equals mine; my vote equals his. No more, no less. The Senator from Florida will be called upon to make a decision and a set of priorities as a member of the full committee. I have indicated what, as chairman of the committee, will be my recommendation to the committee. It will be at that point in time that we will have to have 15 votes to make that decision whichever way we go, whether it is my recommendations or somebody else's recommendations. But this is part of the appropriation process. It is no different than from any time in the past.

Mr. CHILES. As I recall my reading of Animal Farm, all those pigs are equal, but some of us pigs are more equal than others. I do not think the Senator from Florida is quite equal to the chairman of the Appropriations Committee in any way.

I am still a little concerned if we make some binding commitments for $2 billion and for $1.3 billion and $650 million and $600 million. And yet, there are some pretty important things, according to a lot of the Members of the body, and we are told that there is a request for veterans' medical of $500 million; law enforcement, $100 million; space and science, $100 million; transportation, $900 million, and our aid package of another $2 billion. But $1.1 billion has got to stretch to $4 billion and that is a pretty long stretch.

Mr. HATFIELD. If the Senator would yield for a question, in this new cap, if this amendment by Senator BAKER and others passes, we will have a $139.8 billion cap for nondefense programs. The Chiles budget amendment that was offered, the Chiles budget package that was offered and was defeated by a vote of 49 to 49, had a total cap of $140.5 billion.

I ask, since that package would not have accommodated all of the items that now bother the Senator from Florida, how would he have accommodated those items?

Mr. CHILES. I think the difference is that the Senator from Florida did not say that was going to take care of $1.3 billion, or $650 million. I did not say that. I simply said we were allowing some room for the Appropriations Committee to make those decisions. But now, as I understand it, we are in effect pledging and committing—or the chairman of the Appropriations Committee is—for this amount of funds, and saying to the rest, "Well, there is $1.1 billion to be divided among your $4 billion request."

Mr. HATFIELD. Then I think it is a question of priority, is it not? It is basically a question of priorities, and if the Senator from Florida has a different set of priorities, as I have enunci-

ated as one member of the committee—just one——

Mr. CHILES. One poor little member.

Mr. HATFIELD. One poor little member of the committee, I would certainly be happy to hear from the Senator from Florida as to what his priority list is. Then we can adjust that within the committee.

I yield to the Senator from Vermont.

Mr. CHILES. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I understand this matter has been discussed previously in the Senate with respect to the Baker amendment that is pending at the present time.

If I could go over very briefly the figures with the distinguished chairman of the Appropriations Committee at this time, I would like to do so.

It is my understanding that the commitment has been made insofar as the chairman can do it to recommend $1.3 billion for education from the additional funds that will be made available, $600 million for the Environmental Protection Agency, bringing that budget up to $1.353 billion, and Superfund to $753 million. Am I correct in that? Might I ask the distinguished chairman?

Mr. HATFIELD. The Senator is correct. The colloquy that has preceded the Senator's statement—between the Senator from New Jersey and the Senator from Connecticut and myself—was to state that the Senator from Connecticut recommended to the committee a priority of $1.3 billion for education that is authorized.

Mr. CHAFEE. Mr. President, I support the Baker amendment for several reasons. First, it adds $2 billion for nondefense spending, in order to permit additional amounts of budget authority to be devoted to education, health, and environmental concerns programs. Second, the amendment does not increase the deficit because the amount of additional budget authority for nondefense spending is offset exactly by a reduction in appropriations for the Synfuels Corporation.

Mr. President, I would have preferred that the Senate make a much larger reduction in the deficit. I have voted for proposals that would do so, and these have failed. I and other Senators offered an amendment last week that would have reduced budget authority for all appropriated spending by $17 billion over 3 years, and at the same time have increased nondefense and reduced defense spending. This amendment failed by a vote of 48 to 46 on a tabling motion.

Therefore, I favor the Baker amendment. It contains specific assumptions for increased spending in several high-priority nondefense areas. It is important to recognize that activities in the nondefense discretionary category have undergone significant reductions in recent years as Congress has worked to bring spending under control. In 1980, nondefense appropriated programs accounted for 25 percent of all Federal spending, but today they account for 17 percent. While it is essential for us to continue to restrain unnecessary spending whenever possible, our Nation cannot afford to weaken its commitment in several areas which, if neglected, could result in profound costs for the United States in years to come.

During the past year, Congress and the administration have placed education at the top of the national agenda. Americans have come to understand that our education system faces some serious problems with sobering consequences. Education remains the soundest investment this Congress can make in the future of our country. We cannot afford to jeopardize our prosperity, productivity, and technical invention by shortchanging education.

There are positive signs that Americans are committed to reversing the decline in educational quality. In States across the country, initiatives are underway to improve curriculum standards, raise graduation requirements, extend the schoolday, improve pay for teachers, and introduce performance-based standards. These reforms are costly. They are absorbing greater and greater proportions of State and local budgets. Although the Federal share of total spending for elementary and secondary education was over 8 percent in 1980, today it has declined to 6.4 percent. Funding for programs in the Department of Education has dropped from 2.2 percent of the total Federal budget in 1980 to 1.5 percent today.

Although spending in nominal dollars for education programs has increased by $1 billion since 1980, the value of those dollars has been reduced by over 20 percent due to inflation, according to the Congressional Research Service. The result has been a real deduction in important educational services to thousands of children, in such areas as compensatory education for the disadvantaged, in handicapped education programs, in bilingual education, in student financial assistance, and others. It is time to reverse this trend and to strengthen our national commitment to education. The amendment being proposed today assumes a sufficient increase in nondefense spending to provide additional budget authority for education programs in the next fiscal year.

Health research is another crucial national investment which is among the programs to have borne the brunt of spending reduction efforts in recent years. For every dollar spent on research, we have saved $13 in health care costs. Health care today accounts for a staggering 10 percent of the gross national product. We simply cannot afford to shortchange these vital activities which can save both dollars and lives in our Nation in future years.

Prior to the spending reduction efforts of recent years, the National Institutes of Health were able to provide funding support for 45 percent of health research proposals judged to be "excellent." Today that percentage has slipped to 37. Whereas NIH was previously able to provide research training for 11,000 scholars each year, today the annual number of trainees has dropped to 9,000.

In order to bolster the national commitment to important biomedical research programs, this proposal contains the assumption that an additional amount will be spent on health research in the next fiscal year, to be shared by the National Institutes of Health and the Alcohol, Drug Abuse and Mental Health Administration.

Like health and education, our Nation cannot afford to falter in its commitment to environmental protection. We must maintain vigorous efforts to enforce clean air and clean water programs, to clean up hazardous waste sites, to resolve the acid rain problem, and to continue other essential environmental protection activities.

The amendment assumes an increase in budget authority for environmental protection programs to be available for the operating budget of the Environmental Protection Agency and the Superfund. This would bring spending for these programs to the level which Administrator Ruckelhaus requested from the Office of Management and Budget last fall.

The passage of this amendment will help to assure that in our efforts to reduce the deficit, we do not lose sight of other important national priorities. Programs in the nondefense area have not been the leading contributors to the deficit. They should not bear the brunt of our deficit reduction efforts. Eroding the effectiveness of our education, health research and environmental programs will have damaging and costly consequences for our Nation and its people in future years.

Mr. WARNER. Mr. President, I rise today to address the amendment currently before the Senate.

In 1980, the United States was in the throes of a second severe energy emergency brought on by a disruption in oil from the Mideast due to strife occurring in that area. This followed only 7 years after the first crisis in 1973. These energy emergencies caused enormous economic hardship on the American people.

In order to combat future energy emergencies, Congress passed the Energy Security Act of 1980. Its pur-

pose was to fully utilize the constitutional powers of the Congress to improve the Nation's balance of payments, reduce the threat of economic disruption from oil supply interruptions, and increase the Nation's security by reducing its dependence upon imported oil.

Congress directed that this goal could be obtained by: Demonstrating at the earliest feasible time the practical commercial production of synthetic fuel from domestic resources; providing for financial assistance to encourage and assure the flow of capital funds to those sectors of the national economy which are important to the domestic production of synthetic fuel; fostering greater energy security and reducing the Nation's economic vulnerability to disruptions in imported energy supplies.

Specific targets and dates were set by Congress to be reached for the development of our synthetic fuel industry, and Congress created the U.S. Synthetic Fuels Corporation, a Federal entity of limited duration to provide financial assistance to synthetic fuel projects, to oversee the Government's role in synfuels, and to see that the targets and goals set forth under the bill are obtained. The act directed the Corporation by June 1984 to prepare a comprehensive strategy to achieve the national synthetic fuel production goal and to submit its proposed strategy to the Congress for approval.

To accomplish this monumental task, Congress appropriated $20 billion.

But what has been the performance by the SFC since it was created? One of its first acts was to vote enormous and unconscionable salaries to its officers. Salaries that were more than anyone else in the Federal Government received save that of the President of the United States.

Next, the commission faced months of inaction due to internal bickering, resignations, lack of internal policy guidelines, and general inability to formulate overall policy strategies.

The commission has funded very few synthetic fuel proposals, and those that they have funded quickly went out of existence or were unable to meet the goals and the target guidelines set by the act.

The guidelines set by the act will not be met because of the lack of action by the commission.

Lastly, the deadline for suibmitting to Congress the SFC's comprehensive strategy is only 1 month away. The commission is no closer to finalizing this strategy than they were the day it was created.

Mr. President, the actions of the SFC have been atrocious. Not only have they not met the goals and hopes of Congress when the act was passed, but they have let slip away precious time in which this country could have been strengthening its energy security by the development of its own synthetic fuel industries.

America owns the free world's largest reserves of coal. It was this Senator's intention when he voted for the act that utilization of our coal reserves would be maximized under the auspices of the SFC.

Not only has the SFC not accomplished this, but they have allowed worthwhile projects to languish that would have utilized our domestic coal reserves, put people back to work in the coal fields, and help to move us toward energy independence.

Mr. President, last spring, in a hearing before the Senate Energy Committee, I strongly questioned the lack of progress by the SFC. I urged the SFC to come to grips with their responsibilities. After viewing the accomplishments of the SFC—or should I say the lack of them—I firmly believe it is time to give a redirection to the SFC, reprogram it so that it is in tune with the views of Congress and the vital energy need of the United States. Accordingly, by my vote today in support of the amendment, I am giving the SFC notice that I will no longer tolerate their performance. It is time to reexamine the SFC and take the steps necessary to bring it under control, seeing to it that it undertakes projects that will utilize our Nation's extensive coal reserves and make us free from energy blackmail.

Unless the Corporation seriously considers new ideas and funds such as the development of new coal technologies and new coal fuels, then I will be forced to seek an end to the Corporation's short but definitely unsuccessful life.

It is generally agreed that the budget authority being transferred from the Synthetic Fuels Corporation account will be utilized for education, environmental, health research, veterans, and foreign assistance.

Certainly, these are worthwhile purposes, and this Senator has no general objection to reallocating this authority to these accounts.

But it would be the hope of the Senator from Virginia that if this authority is to be transferred to these accounts, it would be dedicated to, among its priorities, promoting math and science education on secondary and post secondary levels, making the United States competitive with our European and South Pacific trading partners:

To promote the cleanup of the Chesapeake Bay, restoring to America one of its most precious natural resources;

To promote cures for cancer and Alzheimer's disease and promote preventive health care programs;

To provide essential and vital services to America's veterans who suffered a disability or an illness while in the service of their Nation; and

To provide essential foreign assistance aimed at meeting the human needs our neighbors in Central and South America and others around the world.

Mr. President, it is not the goal of the Senator from Virginia to vote for any proposal which would increase our Federal deficit.

Nor is it this Senator's goal to support any measure which detracts from our ability to make America energy-independent.

It is my goal to be sensitive to the conflicting forces of the need to reduce the Federal deficit, the need to provide adequate funding for certain basic and vital human development and human services programs, and the need to provide for world peace.

While not a perfect amendment, the pending amendment in combination with the underlying leadership proposal is a measure which achieves my goal.

Mr. PROXMIRE. Mr. President, the Senate is now considering an amendment which is a political masterpiece but an economic disaster. It increases spending for popular domestic programs while supposedly offsetting those increases by reducing budget authority for the Synthetic Fuels Corporation. This amendment raises "smoke and mirrors" budgeting to a new level of obfuscation.

It is a political masterpiece because our friends in the press gallery will find it difficult to report what the amendment does and, more important, what it does not do. Let us start with what it does not do. First, this amendment increases, that is right, increases the deficit over the next 3 years. Second, even though the deficit goes up, the amendment does provide an offset and therein lies its political attractiveness.

The amendment reduces the budget authority allocated to the Synthetic Fuels Corporation by $2 billion. Here is what the Congressional Budget Office has to say about the Corporation and its budget authority:

> Because it concentrates on financial arrangements that require little or no outlays unless projects fail, the short-term outlays should be relatively low, although the Government would remain exposed to potential high costs. Since synfuels projects require a number of years to build, large budget outlays caused by project failure as default are not likely to occur until after 1987.

The amendment takes this off-budget money, whose actual use is contingent on the failure of synfuels projects, and transfers it to popular domestic programs where it will certainly be quickly spent. By making this comparison, and doing so openly, proponents are conceding a point I have been making for years—synfuels projects are bound to fail. But even I

did not expect those failures to cost $2 billion next year.

Mr. President, this amendment is an economic disaster because this year and early next year are crucial if we are going to sustain this economic recovery. The bond markets have recently developed a bad case of the shakes because investors do not think we are serious about reducing the deficit.

Who can blame them? They see us working a Tuesday-Thursday schedule. They see us vote down plan after plan which would actually reduce the deficit. And now they see us pull this rabbit out of our hat. Who do we think we are fooling?

In the long run this amendment will offset the spending increases it recommends because synfuels projects are doomed to fail. But why stop at $2 billion? Why not abolish the Corporation? If the Senate adopts this amendment, it will be admitting that the Synthetic Fuels Corporation is indeed a fiscal Frankenstein. Let us take the next step and put the Corporation out of business and really save some money.

In the short however, this amendment will increase the deficit. It will further increase pressure on interest rates, which are already on their way up. That is why it is an economic disaster.

● Mr. LEVIN. Mr. President, I will vote against the Baker amendment to transfer budget authority from the Synthetic Fuels Corporation to domestic programs and foreign assistance for several reasons.

First, I believe that although the management of the Synfuels Corporation has clearly been inadequate and must be greatly improved, the concept of the Corporation itself is a wise idea. I can remember during the oil shortages of the late 1970's having people come up to me and ask, "Why aren't we making oil from coal—other countries have been doing it for years." And they were right to ask this question. But a synfuels industry is not something which can be created overnight. It takes time and incentives to develop it. The need to reduce our dependence on foreign oil supplies and reduce our vulnerability to international extortion are real. It is the purpose of the Synfuels Corporation to help to meet these real needs.

In this regard, I want to take this opportunity to urge the President to submit the five nominations for the Board of the Synfuels Corporation as soon as possible. If the President is concerned about the administration of the Corporation in particular and about waste and Government in general, then it is clear that forstering anarchy on the Board by delay in submitting the nominations is not the approach to take.

Second, I am persuaded that transferring budget authority from the Synfuels Corporation to these other programs will result in an increase in deficit, which is already too high under the Republican leadership package to which the Baker amendment is being offered. While it is true that this amendment involves a transfer of $2 billion in budget authority, when the issue is analyzed further, it is clear that there is "budget authority" and there is "budget authority," and the same label does not necessarily designate the same thing in practice. Budget authority for the Synfuels Corporation is best likened to a contingent liability—money has been appropriated, but it may or may not actually be spent, depending on whether certain conditions are met. Only if the partners in the project default, is there an actual outlay of Federal funds as a result of the loan guarantees. Similarly, whether a price agreement is activated would depend on market conditions. However, budget authority for programs in foreign assistance and other matters in the Baker amendment is much more likely to be spent out in a regular and predictable manner. So, what this amendment really does is to transfer budget authority from an account that may never be spent out to accounts which will likely be spent out. The result of these actual higher outlays would be a higher deficit. Therefore, regardless of whether you agree with the ongoing activities of the Synfuels Corporation should not blur what is going on here from a budgetary perspective—this amendment would add $2 billion to the deficit.

Finally, let me say that my vote against this amendment should not be construed as an indication that I do not agree that education or health should be high priorities. They are high priorities. I have voted for transfers of funding to them within the budget. We should make those transfers where there is no shell game of budget authority leading to higher deficits.●

Mr. SASSER. Mr. President, I rise in opposition to the amendment offered by my colleague Mr. BAKER. This amendment is meant to be a compromise and is offered on the behalf of the Republicans as a deficit downpayment plan.

The downpayment, however, is woefully inadequate. Furthermore, the so-called deficit reduction label does not apply. What the plan actually does is increase the annual Federal budget deficit over the next 3 years, from some $180 billion in fiscal year 1985 to more than $203 billion in fiscal year 1987.

The plan does not address the serious deficit dilemma facing the economy and it sends the wrong signal to the Nation's financial markets. Interest rates are rising, affecting investors on both Main Street and Wall Street.

The prime lending rate is currently at 12.5 percent, up some 150 basis points since March. The average annual return for 52-week Treasury bills climbed to 10.64 percent at yesterday's monthly auction from 9.86 percent at the last such auction on April 12. This is the highest level since August, 1982.

The amendment before us today does little or nothing to quell the fears of those expecting interest rates to further rise well into 1985. The consequences of a return to the high interest rate policies initiated by this administration some 3 years ago spell unsettling prospects for the continuance of the current economic recovery. Indeed, by failing to act now on reducing the intolerable deficits projected for the upcoming fiscal year and the next several years, we may well be preparing the economy for a severe economic downturn.

What is most frustrating about this recent turn of procedural events is the fact that on two separate occasions during the past 2 weeks this body came very close to accepting a budget plan which would have effectively addressed the deficit dilemma.

The first vote ended in a 49 to 49 tie, this of course was the Chiles deficit-reduction plan. Under this plan, deficits actually would have shown a downward trend, falling from $174 billion in fiscal year 1985 to $171 billion in fiscal year 1986 to $169 billion in fiscal year 1987.

The second vote was tabled on a vote of 48 to 46. This, of course, was the Chaffee-Weicker and others budget amendment. While this plan was not as significant in its deficit reduction approach as the Chiles plan, it was vastly superior to the current amendment in that it entailed some $13 billion in greater deficit reduction.

More importantly, however, both of these plans addressed a more equitable composition of the Government's budget priorities. In each case, defense growth was held at 4 percent, compared to the Rose Garden 7 percent. In both cases, there was a greater protection of those individuals dependent upon the Government safety net. In both cases, deficits were lower than under the current proposal.

Mr. President, the passage of this amendment will be unfortunate. The mix of spending priorities remains askew. The level of Federal budget deficits threaten the economic recovery. And in essence, the Senate will be adopting the administration's prescription for economic disaster.

What we are attempting to do is take some $2 billion out of the Synthetic Fuels Corporation, $2 billion which can be legimately argued does not exist, and add this money to domestic spending. In reality, we are simply attempting to shift funny

money, money which does not exist, and add to the already accumulating budget deficits.

Now I favor higher spending for education and health research. But in the overall budget context, spending for these programs should be, indeed must be, offset by either reductions from other spending programs or increases in revenues. Under this proposal, that does not happen.

The compromise does not address the serious economic situation which currently exists in this country. The people of this country will not be fooled, and I hope that the majority of this Senate is not fooled. I therefore urge my colleagues to reject this amendment.

Mr. PELL. Mr. President, I am voting, with reluctance, for this amendment to provide an additional $2 billion for high-priority nondefense Federal Government programs, including vitally important funds for education, medical research, and environmental protection.

I vote for it with reluctance because while these funds, under the amendment, technically will be made available by rescinding a previous appropriation of funds for the synthetic fuels, the funds in reality will be provided by increasing the already huge Federal Government deficit.

I believe very strongly that additional funds must be provided, particularly for education programs, to avoid the very serious damage that would result if funding for education programs, along with all nondefense programs, were frozen. But I also believe very strongly that it would have been far preferable to provide the necessary funds for education programs by reducing the very larger increases being provided for military spending.

It is clear, however, that the President and the Republican majority here in the Senate would rather see the deficit increased by $2 billion than accept a $2 billion cutback in the ever-growing military budget, and that they simply will not provide needed funds for education, health and environmental protection except in the way they have proposed—by increasing the deficit.

Accordingly, with real reluctance, I have voted in support of the proposal.

Mr. HATFIELD. Mr. President, once again I find myself in the position of supporting an extraordinary procedure because we have yet another ox in yet another ditch. I support this amendment, for the plain and simple reason that it will provide an additional $2 billion for nondefense programs. Those are programs which I have supported throughout my tenure in the Senate, and I have made clear during this debate that whatever the final result might be on the nondefense "cap" language, it would be my intention to do all I could to see that such programs as education and health research would receive necessary funding increases. This proposal will make the job that much easier, as I stated earlier.

Furthermore, this proposal will provide an additional amount for high priority nondefense programs without increasing the total amount of fiscal year 1985 budget authority, by rescinding $2 billion from unobligated balances of the energy security reserve.

It is that part of this proposal that concerns me, Mr. President. Rescissions are within the jurisdiction of the Appropriations Committee. Were the underlying vehicle an appropriations measure, and this proposal were made from the floor, it would constitute legislation on an appropriations bill and be subject to a point of order. However, no such point of order exists on proposing a rescission in a floor amendment to other than an appropriations vehicle, nor does any jurisdictional point of order lie on a floor amendment. It would appear, therefore, that I have no procedural tools to use to defend the Appropriations Committee's jurisdiction over rescissions. And, as I said earlier, Mr. President, I recognize that we have a difficulty here that requires an unusual remedy.

I would feel better if the majority leader would assure me that this procedure of proposing a rescission on other than an appropriations measure is a one-time proposition, and that he will not support similar proposals in the future.

Mr. BAKER. Mr. President, I am happy to give the distinguished chairman of the Appropriations Committee those assurances. The inclusion of a recission in a bill not originating in the Appropriations Committee, is not, and should not become, a usual practice.

This is an extraordinary procedure on an extraordinary measure driven by the circumstances we find ourselves in. Barring a repetition of these or similar circumstances—and I hope and pray that this situation never recurs—I would not support including recission language in any vehicle other than an appropriations bill.

Mr. BRADLEY. Mr. President, I had intended to offer a comprehensive amendment to increase fiscal year 1985 funding by $1.95 billion for education programs and health research activities. Joining me in sponsoring this amendment were Senators STAFFORD, PELL, MOYNIHAN, WEICKER, ANDREWS, KENNEDY, MATSUNAGA, CRANSTON, and INOUYE. I ask unanimous consent that a table outlining this amendment be printed in the RECORD at this point. I had also intended to offer an amendment to add $0.6 billion for environmental programs. Joining me in this effort were Senators STAFFORD, MOYNIHAN, and LAUTENBERG. Although we all support efforts to reduce the deficits, we also believe that an incease for education, environment, and health research is a fiscally responsible investment in America's future.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BRADLEY/STAFFORD EDUCATION AND HEALTH AMENDMENT

[In millions of dollars]

	1980 actual	1984 actual	1985 freeze	1985 amendment	Amendment increase
SPENDING IN DEPARTMENT OF EDUCATION					
Elementary and secondary education	7.1	6.9	6.9	7.4	+0.5
Program expansion, including science and math bill				.5	+.5
Higher education	4.3	4.6	4.6	4.9	+.3
Other (primarily vocational rehabilitation)	1.4	1.6	1.6	1.7	(1)
Subtotal, all discretionary	12.8	13.1	13.2	14.5	+1.3
Guaranteed student loans	1.6	2.9	3.0	3.0	
Total	14.4	16.1	16.2	17.5	+1.3
SPENDING FOR BIOMEDICAL RESEARCH					
Total health research funding	3.8	4.8	4.9	5.5	.65

[1] Less than $50,000,000.

Note.—Tables may not add due to rounding.

Mr. BRADLEY. Mr. President, I do not need to offer these amendments because the amendment now before us accommodates increases for these programs.

Mr. President, the amendment assumes an increase of $1.3 billion for education programs. For the Department of Education programs as a whole, the amendment provides a nominal increase of 8 percent over the freeze level. For the discretionary programs in the Department of Education, the amendment provides a nominal increase of less than 10 percent over the freeze level.

Mr. President, the Senate is on record for increased education aid. Last year, the Senate overwhelmingly adopted a resolution that I introduced opposing any further cuts in education programs. Adoption of that resolution was the first step in reversing the decline in Federal education aid. Last May, the Senate, by a vote of 55 to 32, voted to add $1 billion for education programs to the budget resolution. Because of our efforts, this year's appropriation for education programs is $750 million higher than last year. Continuing to provide additional education funds is a step in the right direction—a step this country must take in order to maintain our position in the world. We need adequate funding for education in order to compete effectively in an increasingly competitive world environment.

According to recent statistics, the Federal share of funding for elementa-

ry and secondary education this year dropped to 6.4 percent, a 20-year low. Federal funding for elementary and secondary education programs in 1980 was $200 million higher than it will be in 1985 if a freeze is adopted. The recent reports on education have emphasized that education is indeed a critical national priority. Our proposal would provide sufficient funding to continue elementary and secondary education and related programs at their current service level. In addition, our amendment assumes increases of roughly $0.5 billion for program expansion in elementary and secondary education, including initial funding for the science and math bill.

The problems are just as serious in higher education. According to a recent college board study, the total amount of financial aid available to college students, after two decades of growth, has dropped by $2 billion in the 1980's. During this same time period, the median undergraduate tuition has increased by about a third. Our proposal would provide a modest restoration in funding for higher education programs, roughly the amount needed next year to maintain current services.

Why must we increase aid for education? Mr. President, helping all of our children maximize on their potential is essential to our own self-concept of how we think about ourselves as a people. Should we say no to handicapped students? Should we say no to the student who happens to be growing up in the inner city, where the tax base is insufficient to support adequate local services? Should we say no to the low-income family whose son or daughter has the capabilities but not the cash to attend college?

Mr. President, education has been the means in our society for at least the past 50 years, if not longer, for moving up the ladder of success. We need to support our education institutions. Over the past few years much more than fat has been cut out of the education budget; it is time to put some meat back on the bones. We need to restore funding for these valuable programs to insure that future generations of Americans can be as proud, prosperous and free as we are today.

Thomas Jefferson's 200-year-old dictum is no less true today than it was when this country was new: "If you expect a nation to be ignorant and free, you expect what never was and never will be * * *" A truly democratic nation cannot be sustained without a well-educated citizenry. And if we want to maintain our status as the leader of the free world, we will need to improve the quality of education our children receive.

Mr. President, this amendment also assumes an increase of $0.65 billion for biomedical research. Congress has been the major source of funds for biomedical research since 1945. The returns on this investment have been large by an investment standard. Dr. Selma Muskin in her book Biomedical Research Cost and Benefits estimates that the benefits of research are 10 to 16 times the cost of the investment made. The reduction in illness and postponement of premature death have added $1.2 trillion to the economy over the past 50 years. The Nation's expenditure for health care increased by 300 percent to over $300 billion in one decade. In 1975 the burden of illness claimed 12 percent of the Nation's GNP, and that percentage may well double by the year 2000 unless substantial gains are made in our ability to prevent and control disease.

We are on the edge, Mr. President, of major developments in the understanding of brain function, immunity, transplantation, gene mapping, infectious disease, and cancer. Discoveries in these areas can save hundreds of millions of dollars in cost of treatment and loss of productivity, not to mention offering our citizens a better quality of life.

A freeze in the National Institute of Health budget, when we are clearly on the edge of major developments, would move NIH backward. For every 100 grants judged to be excellent and deserving of funding only 30 will be funded. Twenty years ago the average length of a research career was 14 years, now due to the uncertainties of support, it is only 8.5 years. We are losing bright and inquisitive minds due to the reduction of training funds over the past several years.

We are asking that $650 million be added to the NIH and ADAMHA budgets. This modest increase represents the last chance Senators may have to tackle entitlement spending, even directly, during this budget debate. If we invest millions in biomedical research today, we can avoid spending many more billions for medicare and medicaid in the years ahead.

In summary, Mr. President, we believe that the investments that we have made over the years in education and health research have paid off immensely. To reduce support for these activities in an effort to reduce Federal deficits is pennywise but pound foolish. For the sake of future generations, I urge my colleagues to support our efforts to provide modest increases for these valuable activities.

Mr. President, the amendment also assumes increases for environmental protection. The administration's fiscal year 1985 budget request for the Environmental Protection Agency is 41 percent lower in real terms than the EPA budget in 1980. Forty-one percent lower than 1980. Their fiscal year 1985 request represents essentially level funding at the 1984 level, a nominal increase of 5 percent. This nominal increase reflects an administration attempt to make amends for the budget cuts, executive abuse, and overall mismanagement of environmental issues during the first 2 years of this administration. This 5-percent nominal increase—level funding in real terms—is supposed to reassert their avowed deep concern for the environment.

I say that level funding 41 percent below 1980 is outrageous and hardly indicative of a deep concern for the environment; but the Senate is about to acquiesce in funding levels below what even this administration is asking for.

Mr. President, that is exactly what we are about to do. Unless we adopt this amendment, we will be funding EPA at a level 7 percent below what this President asked for.

This amendment adds $600 million, about $225 million for the EPA operating budget, about $343 million for the Superfund and about $30 million for an asbestos removal program in the schools. This amendment brings the EPA budget up to the level recommended by the Environment and Public Works Committee.

This amendment is not force feeding EPA. We know that Mr. Ruckelshaus can put these funds to good and efficient use because this is the level he asked for. Mr. Ruckelshaus requested $1.353 billion for the EPA operating budget and $753 million for the Superfund. OMB trimmed Mr. Ruckelshaus' request. That is to be expected.

But it is not to be expected that the Senate would trim Mr. Ruckelshaus' request. Like we did last year, this amendment would provide Mr. Ruckelshaus with the funds he requested to continue to rebuild EPA.

Mr. President, a large component—$343 million—of this $600 million add-on would not come from general revenues. The Superfund is largely funded by a tax on chemicals. These special tax revenues accumulate in a separate Treasury account. The Congress appropriates Superfund money from this account, not from general revenues. It makes absolutely no sense to arbitrarily limit the Superfund to last year's level.

The Superfund program is beginning to show results. It has taken an excruciatingly long time but it is beginning to show results. In 1983 EPA responded to about 100 emergency spills—about twice as many as in 1982. Of the roughly 17,000 hazardous waste sites, EPA has now completed initial assessments of over 5,000. Remedial cleanup action plans have begun on 138 of the 546 worst sites in the Nation and actual cleanup has began on 21. Six sites have been fully cleaned up and removed from the list.

In my own State of New Jersey the 1985 work plan is extremely ambitious

and encouraging. We plan to conduct feasibility studies on 21 sites, design the cleanup solutions at another 18 and actually cleanup 16 more. That's 55 sites underway next year out of a total of 85 New Jersey sites on the national priority list. This ambitious work plan can only be realized if the Federal Government meets its end of the bargain.

The money is there in the Treasury account, collected for the sole purpose of cleaning up these sites. It makes no sense to arbitrarily limit appropriations out of this dedicated account.

So, Mr. President, I urge my colleagues not to cut the EPA budget below what this administration—no friend of the environment—has requested. I urge my colleagues to repeat the commitment made to Mr. Ruckelshaus last year and provide him the resources he thinks necessary to restore EPA to its position as an effective, credible force for environmental protection. I urge my colleagues to maintain the momentum of hazardous waste cleanup.

In summary, Mr. President, I urge my colleagues to support this amendment because it adds money where it is needed—for education, medical research, and environmental protection.

Mr. STAFFORD. May I say to the chairman that it is the intent of the chairman of the subcommittee to proceed with the authorization and act on a timely basis for the Appropriations Committee.

Mr. HATFIELD. I am delighted to hear that and commit my vote now to the Senator from Vermont in helping him do that. But the Appropriations Committee will have to have the authorization, of course, for such programs. Then our commitment was that we would recommend priority be given to $1.3 billion for education, $650 million for medical research, and $600 million for the environment.

Mr. STAFFORD. I thank the chairman very much.

I am prepared to yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, may I ask the distinguished chairman of the committee a question? Does this amendment that we are about to vote on contain as much money for education as was contained in the Bradley amendment which was to be offered, or was offered?

Mr. HATFIELD. It does.

Mr. COCHRAN. I thank the Senator.

Mr. BRADLEY. If the Senator will yield, the Bradley amendment was not actually offered. So we do not know what the Bradley amendment actually envisioned for education because it was not offered. Personally, I think $1.3 billion is not enough. But to the extent that you anticipate the Bradley amendment would have $1.3 billion in it, it is my understanding that both the chairman of the committee and the relevant subcommittee have stated that it is their priority to see that $1.3 billion in education funding will be there.

The PRESIDING OFFICER. Is there further debate?

The majority leader.

Mr. BAKER. Mr. President, I understand the minority leader is on his way to the floor. I would not wish us to begin to vote until he arrives.

Mr President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, I will be brief.

The PRESIDING OFFICER. The Senate will be in order.

The Democratic leader.

Mr. BYRD. Mr. President, I hope that the Senate will not vote for the pending amendment. There are a number of reasons why I say that. Mainly, I would think that the battle to achieve a more significant reduction in the deficit could then well be over in the Senate. What will the Senate get for throwing in the towel? Two billion dollars over 3 years, which we hear may be spent for education. But in reality, it could be spent for foreign military aid, or in other ways.

Education has no better friend in the Senate than the junior Senator from West Virginia. I believe in it. I have demonstrated that belief. I was out of high school 16 years before I started to college. I went to law school for 10 years at night, not because I ever expected or intended or wanted to be a practicing lawyer, but in order that I might be at least a little better equipped than I was otherwise to serve my people in public office.

I know how difficult it is for some of our families today to send their children to college. I have five grandchildren—two granddaughters and three grandsons. One of those grandsons is attending Princeton University today only because he was fortunate enough to have a grandfather and a grandmother who could give him some assistance.

The brain drain is probably the most insidious weapon that is pointed to the heart of this Nation. I can only speak of my own situation, my own family's. How many other families are there in this country who have exceedingly bright children or grandchildren but who cannot help those bright, young people to develop further their talents and their full potential? One family is all too many, because education is the front line of our national defense.

I am also eager to spend every dollar that the Defense Department needs. I am talking about dollars that are well spent, that are necessary. I am not talking about $44 electric light bulbs or $450 claw hammers. Whatever is needed and can be efficiently spent, I want the Defense Department to have.

I think we all know that the Defense Department is not going to get a 7-percent increase, and as far as I am concerned it does not need a 7-percent increase. It may get a 4-percent or a 5-percent increase.

But under this package of amendments, the Appropriations Committee will not have the flexibility to determine just what the priorities are and to go about funding those priorities accordingly.

I am quite concerned with respect to the two caps that are involved. The cap on defense, to a degree, is meaningless, because there is no likelihood whatsoever that this Congress will appropriate 7 percent for defense anyhow. Under the procedures that we now have, the Appropriations Committee has the flexibility to determine what the priorities are, and under a single ceiling to make whatever adjustments are necessary to meet the needs.

On the other hand, the cap in this bill on nondefense discretionary spending will be solid. It will be there. It is my understanding that inflation has not been factored into that cap, whereas the same is not true with respect to the defense increase.

I am sorry to see us going down the road of putting separate caps on domestic spending and caps on defense. It seems to me that the unitary cap is the feasible and better way to go and the way which in the long run would best serve the interests of this country.

Mr. President, there is no assurance that can be given, however much that assurance may be given in good faith, there is no guarantee that this $2 billion in Mr. BAKER'S second-degree amendment over a 3-year period—$2.310 billion, I believe, over a 3-year period—will really be spent for education.

There have been good-faith statements saying that it will be so spent. But there have also been some very candid statements from the other side of the aisle to the effect that we cannot be absolutely sure that this money will all go into education.

The proponents of the amendment claim that the amendment provides funds for nondefense discretionary spending without adding to the Federal budget deficit. The key item to con-

sider is outlays. If the amendment passes, it is likely that the $2 billion will actually be outlayed by the Federal Government. Should the funds remain in the energy security reserve, only a portion of the $2 billion will be outlayed over the next 3 fiscal years. The difference in outlays will show up as an increase in the deficit.

There is no way to guarantee that the funds transferred by the amendment will be used for any particular purpose—education programs or any other programs. By adding $2 billion to the nondefense discretionary cap, the amendment simply creates room for additional spending. The spending could be absorbed in the foreign assistance program, for example, despite the intentions of the sponsors.

The amendment clouds the issue of what is wrong with the Synthetic Fuels Corporation. The long-term mission of the SFC is to make American energy resources available, and that mission is still vital. The problem with the SFC is the poor quality of its Board of Directors, which has been inept at best. Some members of the Board may have engaged in unlawful activities. The solution is to clean house, and not gouge out funds from the energy security reserve.

In light of the increased instability in the Persian Gulf, the timing of the amendment could scarcely be worse. Although the United States obtains a relatively small percentage of its oil supply from the gulf, this country is committed to oil-shortage agreements with Europe and Japan that will cause major shortfalls here if the gulf is disrupted. The administration has already allowed the opportunity to encourage significant synfuels production to slip away. The amendment further degrades our national commitment to developing a private synthetic fuels industry.

Section 125 of the Energy Security Act (Public Law No. 96-294) establishes a production goal of 500,000 barrels per day of crude oil equivalent by 1987, and of 2 million barrels per day of crude oil equivalent by 1992, from domestic energy resources. The ineptitude of the Corporation's board has put the SFC at least 3 years behind that schedule. The development of synthetic fuels is a long-term policy, and transferring $2 billion at this point will lengthen the time needed to reach the required level of synfuels production, and will increase the eventual cost of attaining that level of production.

The amendment is a long-term slap at coal development. Coal is the most abundant American energy resource, and the synthetic fuels program is geared toward making domestic coal reserves available to our economy.

Synthetic fuels made from coal, or oil shale, or solid waste, or other sources will be usable as gasoline, heating oil, powerplant boiler fuel, or in gaseous form, as a natural gas supplement. The need for such fuels has not diminished. Our economy cannot function without those fuels. Although the supplies of most conventional fuels are adequate at the present moment, it cannot be predicted what the supply of those fuels will be over the next decade and beyond. That is why we made a national commitment to synthetic fuels production. The synthetic fuels program is costly—by definition, as it involves creating new technologies—and it is a very long term effort. The United States needs to be able to sustain protracted energy shortages so that our economy is not damaged and our foreign and national security policies are not compromised.

Opponents of the synthetic fuels effort in the Office of Management and Budget spurred a press release by the White House on May 14 that proposed a rescission of about $9.5 billion from the energy security reserve. With the pending amendment taking $2 billion out of the energy security reserve, and OMB proposing a $9.5 billion reduction, what is left of the national synthetic fuels program? OMB also proposes a new standard for financial assistance from the Corporation—that a project produce fuels close to current market prices. Virtually no project using first-of-its-kind technology can meet that standard.

The Synthetic Fuels Corporation has a strategic mission—to insulate the American economy from fuel shortages and the price shocks that accompany such shortages. The ability to supply its own fuels enables the United States to pursue policies that are in its own best interest, so that it will not be blackmailed into decisions that are calculated to placate foreign energy suppliers. Synthetic fuels production can help prevent any nation from threatening our domestic economic well-being. For example, the Congressional Budget Office has calculated that a cutoff of Persian Gulf oil could reduce annual GNP growth in the United States by 25 percent. This country is still importing over 5 million barrels of oil per day, and spot shortages or sudden price increases spread throughout the world oil market rapidly. It is in our national security interest to be immune from such forces.

By carrying out the statutory commitment to synthetic fuels production that is set forth in the Energy Security Act, the United States will create a long-term insurance policy against future economic and foreign policy reversals.

I shall not impose further on the patience of the Senate except to say that my good friend, the distinguished majority leader, is doing what he thinks he has to do. I do not fault him for that. The truth of the matter is, and I do not say this as a reflection on any Senator, but I do not think there should be any doubt that the basic reason for this amendment is to assure the passage of what many of us have called the rose garden special. If the votes had been here for the passage of that package, I seriously doubt that this amendment would have been offered or would have been even necessary. So I think we need not delude ourselves. The purpose, the one purpose of the amendment basically is to get the votes for the passage of the rose garden special. I would add to that the term "a one-way ticket on that railroad."

Again, I know that the majority leader has had to use his skills, which are considerable, and his persuasiveness, which is not excelled in the Senate. He is doing his duty as he sees his duty as majority leader. If I were the majority leader, sometimes, I would find that I would perhaps have to temper my views from what they would be otherwise as a Senator from West Virginia. So, Mr. President, I salute the majority leader for his perspicacious and adroit use of persuasion and amendments and so on. I hope in this instance he loses, but I seriously doubt that he will.

I yield the floor.

Mr. BAKER. I shall take but a moment, Mr. President.

I used to be a lawyer and I never really got over it, I guess. One of my most painful recollections has been from when my good friend, Judge Robert L. Taylor, was district judge in Nashville. He would sit on the bench and he would nod and smile and I knew I was sunk. Every time the distinguished minority leader compliments me, I know I am in big trouble.

I wish I knew we were going to win and I hope his fears about his losing are well founded. I do not know. I hope it passes, Mr. President. What I am going to say next is not meant to be an expression of weariness or impatience but an expression of fact: We have been on this long enough. I doubt that there is any person in this Chamber who can honestly say they are happy with every aspect of this amendment or the underlying amemdment or the bill or the tax bill or the way it will finally end up if it ends up, God willing. But, Mr. President, sooner or later, we have to do it. The Senate simply cannot abandon its responsibility to act. It must not be seized by inaction.

I plead guilty to the charge of trying—it is not a charge; the minority leader knows I am saying this in good spirit—the charge of trying to put together something that will pass. Of course I am. But, Mr. President, pass it we must because we have to finish the

job we have undertaken. Otherwise, I think we disserve the country.

I do not know what the outcome will be, but I wish now to congratulate the two managers in advance. I especially congratulate the chairman of the Appropriations Committee and the Budget Committee and all those others who have participated—Senator WEICKER and Senator STAFFORD and others who have negotiated in good faith on those items.

Now I have done those things, I congratulate the minority leader and all my opposition but I hope they lose. In good spirit and good faith, not only do I hope we pass this amendment but I hope we shall go on and pass the amendment as amended. I hope we pass the bill and I hope we go on to something else because I have stood about all of this that I can.

On that irreverent note, Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from Tennessee. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Maryland (Mr. SARBANES), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 62, nays 37—as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—62

Abdnor	Hatch	Pell
Andrews	Hatfield	Percy
Baker	Hawkins	Pressler
Boschwitz	Hecht	Quayle
Bradley	Heinz	Riegle
Chafee	Helms	Roth
Cochran	Jepsen	Rudman
Cohen	Kassebaum	Simpson
D'Amato	Kasten	Specter
Danforth	Kennedy	Stafford
Denton	Lautenberg	Stevens
Dole	Laxalt	Symms
Domenici	Lugar	Thurmond
Durenberger	Mathias	Tower
East	Mattingly	Trible
Evans	McClure	Tsongas
Garn	Metzenbaum	Wallop
Goldwater	Moynihan	Warner
Gorton	Murkowski	Weicker
Grassley	Nickles	Wilson
Hart	Packwood	

NAYS—37

Armstrong	Dodd	Long
Baucus	Eagleton	Matsunaga
Bentsen	Exon	Melcher
Biden	Ford	Mitchell
Bingaman	Glenn	Nunn
Boren	Heflin	Proxmire
Bumpers	Hollings	Pryor
Burdick	Huddleston	Randolph
Byrd	Humphrey	Sasser
Chiles	Inouye	Stennis
Cranston	Johnston	Zorinsky
DeConcini	Leahy	
Dixon	Levin	

NOT VOTING—1

Sarbanes

So the amendment (No. 3063) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I am advised that Senator BAUCUS wants to offer his amendment now, and I assume that there will be a rollcall vote on that.

I tell all Senators, while we are here, that I anticipate that there will be another rollcall vote tonight. I will confer with the minority leader and the managers during the debate on that measure to see if we can get a better reading on where we go from there.

While the minority leader is in the Chamber and also the distinguished Senator from Montana, might I inquire, is there some possibility of a time arrangement? It is now 6 p.m. and Senators inevitably will have commitments during the course of the evening. If we could set a time——

Mr. FORD. Mr. President, the Senate is not in order. It is hard to hear the distinguished majority leader, and I want to hear him.

The PRESIDING OFFICER (Mr. DENTON). The point is well taken. The Senate is not in order. The majority leader is not being heard. I cannot hear the majority leader in the chair.

Please desist from conversations in the Chamber and remove them to the cloakroom.

The majority leader.

Mr. BAKER. I thank the Chair.

Mr. President, I thank the Chair for restoring order, but I am reminded of the first time I ever visited my wife's family in Pekin, Ill., just before we were married. I walked in the room and one of them said, "Everett, he is not very big, is he?" Senator Dirksen replied, "No, but he is loud."

As I recall, this is the first time I have not been heard in the Senate.

Mr. President, while the minority leader is here and the distinguished Senator from Montana, since the hour of 6 p.m. is here and the evening is wearing on and Senators inevitably will have commitments that they would like to keep, could I inquire of the minority leader and the author of the amendment to be offered if it is possible to set a time for a vote on this amendment tonight for the convenience of Senators.

Mr. BAUCUS. Mr. President, as far as I am concerned, we can vote in maybe 15 or 20 minutes. I do not expect to take a long time on this. I think the issues are very clear. I do not expect to take much time at all.

Mr. BAKER. I thank the Senator.

It is the medicare amendment, is that correct?

Mr. BAUCUS. The Senator is correct.

Mr. BAKER. Mr. President, the distinguished chairman of the Finance Committee, which has jurisdiction of this subject matter, is not here, but I shall try to reach him and as soon as I do I will put a request in in that respect.

But it looks like we might have a vote then within the next 30 minutes.

I am now told that the Senator from Kansas is agreeable to such an agreement.

Could I inquire, then, did I understand the Senator to say he would be agreeable to 20 minutes equally divided?

Mr. BAUCUS. That is fine.

Mr. BAKER. Mr. President, I ask unanimous consent that on the amendment to be offered by the distinguished Senator from Montana dealing with medicare there be a limitation of debate of 20 minutes to be equally divided and that the control of the time be in the usual form and that at the end of the time the vote occur on or in relation to the Baucus amendment.

Mr. BYRD. Mr. President, reserving the right to object, will the majority leader withhold that request for 5 minutes so we can run the telephones?

Mr. BAKER. Yes. I withdraw the request for the time being.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. Let me say to Senators I do anticipate another rollcall vote fairly soon.

Mr. BAUCUS. Mr. President, I ask the Chair, is there a unanimous-consent agreement pending with respect to this amendment? Is there a time limitation on this amendment?

Mr. BAKER. No, Mr. President, there is not. We are going to work our clearances fast on both sides. I sort of jumped the gun there.

I urge the Senator, however, to go ahead and lay the amendment before the Senate and get started on it and see where we are from there.

Mr. BIDEN. Mr. President, will the majority leader yield for a question quickly?

Mr. CHILES. Mr. President, will the majority leader yield?

Mr. BAKER. I yield to the distinguished ranking minority member.

Mr. CHILES. Mr. President, in the unanimous-consent agreement we had a thing about conserving time. I think if we have an up-and-down vote we will conserve time.

Mr. BAKER. I will clear this with the chairman of the Finance Committee. I will obtain his views on that as well.

I thank the Senator.

Now I yield to the Senator from Delaware.

Mr. BIDEN. Mr. President, will the majority leader indicate to us in line with the original statement that some

are interested in what the remaining schedule will be? Assuming we reach a unanimous-consent agreement between now and 6:30 there will be a vote or at 6:30 thereabouts, what is the majority leader's inclination from that point on?

Mr. BAKER. Mr. President, I discussed this matter earlier with the minority leader and with the distinguished ranking minority member of the committee and at that time I said I would hope that we could go ahead now and finish this bill tonight. I described to the minority leader certain amendments or provisions that I would be willing to support in order to facilitate that. But I do not have an answer yet for the Senator from Delaware. I would hope that we could finish tonight. If we cannot, we cannot. And then I would hope we will finish tomorrow. But I intend to confer further with the minority leader and the managers of the bill on that subject and maybe after we have the next vote we will have a better answer that I can give the Senator from Delaware.

Mr. BIDEN. I thank the Senator.

Mr. METZENBAUM. Mr. President, will the majority leader yield for a question?

Mr. BAKER. I yield to the Senator from Ohio.

Mr. METZENBAUM. This is not exactly on point on this subject, but is a question I have been wanting to ask the majority leader.

Last Friday we were in session and we had no votes. I am frank to confess that I was sort of inclined to force a vote because it seemed to me unfair that a number of Senators were not here and some of us were here, and I wonder whether the majority leader could assure us that, whatever his decisions as to being in session this Friday as well as next Friday, if we are in session there will be votes?

Mr. CHILES. That is the carrot-and-stick approach.

Mr. METZENBAUM. The Senator from Ohio is not inclined to force a vote just for the purpose of doing that but he feels strongly it is not right that half the Senate takes off and the remainder of us wait around here while nothing is done.

Mr. BAKER. Mr. President, I can assure the Senator from Ohio that of all the distinguished Senators in this room, the one who grieves most and is anguished most by the inability to get a vote when we are in on Friday is the Senator from Tennessee, the occupant presently of the floor. I really get pretty upset when I announce we are going to be in and have votes and then I find that we have so many absentees that if I force a vote we may end up with no quorum. I have not done that in the past because frankly I did not want to embarrass the Senate by having to adjourn with the absence of a quorum, but I have recovered from that.

I want to tell you right now that I have discussed with the minority leader this morning on this subject and we are going to be in on Friday and we are going to have votes on Friday and if we do not have a quorum under the rules I have to adjourn, but we are going to have a vote at least and I hope more than one vote on Friday.

Mr. CHILES. Even if we finish this bill?

Mr. BAKER. I might add, parenthetically, I am not prepared to make such a categorical and unpleasant representation about the following Friday.

But we must do, in the judgment of the leadership on this side, this bill, the budget resolution, agent orange, and the debt limit before the Memorial Day recess, and this is a huge burden.

But we will be in on this Friday; we will have votes on this Friday on some of these measures.

But I wish to reserve a further statement about the following Friday. I have not completely abandoned the carrot technique as well.

Mr. METZENBAUM. I thank the majority leader.

Mr. BAKER. I thank the Senator from Ohio.

Mr. BAUCUS. Mr. President, the amendment I am offering is a very simple one. While Senators are on the floor, let me just very briefly explain it. I do not know when the vote will occur.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. BAUCUS. I am glad to yield.

Mr. BYRD. I thank the Senator and apologize to him. I thought for the benefit of the overall membership here—we on our side now are ready to enter into an agreement. If we can clear this, then all Senators will know who are in the Chamber. This side is ready to enter into the unanimous-consent agreement with regard to the vote on this Baucus amendment.

Mr. BAKER. I thank the Senator.

Mr. President, has the Baucus amendment been laid before the Senate?

The PRESIDING OFFICER. It has not been laid before the Senate.

Mr. BAKER. Mr. President, I ask unanimous consent that, when the Baucus amendment is laid down, the time for debate on that measure be limited to 20 minutes, to be equally divided, with the control of time to be in the usual form, and at the end of that time that the vote occur on or in relation to the Baucus amendment.

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object, I say to the leader, if we could have a vote up or down on the Baucus amendment.

Mr. BAKER. I thank the Senator from Massachusetts.

Mr. President, unfortunately, the Senator from Kansas, the chairman of the committee, is not here at this moment. I am not authorized to clear that without consulting further with him. So perhaps it would be better to go ahead with the amendment and as soon as I can get an answer for the Senator I will repropound the request.

Mr. President, let me withdraw the request at this time. I urge the Senator from Montana to go ahead and offer this amendment, if he cares to.

The PRESIDING OFFICER. The request is withdrawn.

The Chair recognizes the Senator from Montana.

MEDICARE

Mr. BAUCUS. Mr. President, I thank the Chair, and I thank the majority leader.

Mr. President, this is a medicare amendment. I wish that the Senator from Kansas, Mr. DOLE, were here so we could vote very quickly on it.

The issue is very clear. Essentially, I am trying to restore some of the cuts we have made in medicare but not restore quite as much of the cuts as was attempted in prior amendments.

I am referring to the tremendous efforts on the part of the Senator from Massachusetts, Mr. KENNEDY, who attempted to restore about $1.5 billion in medicare cuts a few days ago, and also to restore about $600 million in another amendment. Those amendments were rejected by the Senate.

This amendment restores $588 million of the medicare cuts over 3 years. It is a balanced amendment. It is a fair amendment. The purpose of the amendment is to take some of the burden off of senior citizens that we are imposing in the bill that is now before us. This is an attempt to try to restore a little balance, a little equity to this deficit reduction package.

This amendment would cost only a total of $588 million over 3 years. My amendment would:

First, eliminate the proposed increase in the part B deductible, which is paid by sick elderly beneficiaries before medicare kicks in;

Second, reduce the proposed part B premium increase in 1987, so the premium will only increase that year by the rate of general inflation, corresponding to social security COLA adjustments, instead of the rate of medical cost inflation;

Third, and provide for close monitoring of physician behavior under the proposed physician fee freeze so we can protect medicare beneficiaries from unfair cost shifting during the 2-year freeze period.

That is the amendment. We have debated this issue many times and for many hours. We can debate it many more times and for many more hours.

But I think the issues are fairly well drawn. We know what the issues are.

For example, Mr. President, in this package before us we are cutting medicare by about $9 billion. Senior citizens suffer a disproportionate amount of those cuts.

When budget cuts are made, they should be made fairly. They should be made across the board. We should not disproportionately cut one group at the expense of another.

I, frankly, think that we as a body have gone too far in singling out seniors, particularly medicare beneficiaries, compared with other groups. The fact of the matter is that among the $9 billion in medicare cuts in this bill, about $3.7 billion of that are cuts directly imposed upon beneficiaries. Physicians' cuts amount to only about $1.5 billion over 3 years, hospital cuts about $1.4 billion.

I see the Senator from Minnesota is on the floor. He is going to do his duty and tell us why at least Members on that side of the aisle should vote against this amendment. But the fact of the matter is he knows it is a fair amendment and it should be passed.

I yield the floor.

Mr. DURENBERGER. Mr. President, as did the Senator from Montana, I will not be as detailed on the issues that he raised because some of these issues have already been raised here in the last month.

But I hope that our colleagues, all of whom share the concern for the high cost of health care in this country and who are all coming now finally to deal with some of the problems that have caused this rapid increase, are not misled by the Senator's arguments that somehow or other we are loading, in the Finance Committee proposals, the cost of health care reform or the burden-sharing for the increases in the cost of hospital and doctor care in this country on the elderly in America.

In large part, the elderly are being asked to carry not more of a burden than anyone else in this country, and probably, in larger part, a lesser burden. Just look at the medicare savings that have been achieved by the Finance Committee recommendations and by this body in the Congress over the last 4 years. Of the total savings from the predicted increase in medicare savings, hospitals in this country have borne over 50 percent of the amount of reduction in costs, all other providers somewhere in the neighborhood of 20 to 25 percent, and the beneficiaries, if the Senator's amendment were adopted, would be carrying somewhere in the neighborhood of 24 percent, and with the committee provision that he seeks to amend something in the neighborhood of 28 percent.

So it is any one of those recommendations that dumps the whole load of the spending reductions on the elderly in America. In reality, in terms of the fairness argument, to repeat an argument we have made on this floor earlier, the elderly in this country pay no more out-of-pocket today for their health care as a percentage of their income than they did in 1966 when the medicare program was first adopted. The percentages, from all the studies we have had, are roughly in the neighborhood of 15 percent of an older person's average income.

One of the differences between 1966 and 1984 is that the benefits have been substantially increased to elderly Americans under the programs they are purchasing, and that are provided for them under part A of medicare.

In 1966, there was no provision for kidney dialysis; in 1966 there was no provision for artificial hips and other limbs; there was no provision for pacemakers because there were not any; no provision for coronary artery bypass surgery; the sophistication of CAT scanner; and, a variety of other health-saving and life-prolonging equipment was not present in that system.

All of those things have added to the cost, and yes, we have attemped to apportion the burden of that increase cost across everyone in the system.

Mr. President, I say to my colleagues as you look at what is fair, there are a lot of unfair things we could have done other than to bring the cost of the insurance portion in medicare—the part B program—to 25 percent. In 1966, when this insurance program was offered to the elderly Americans, it cost them 50 percent of the program cost. That was their premium. Today, it has slipped down below 25 percent, and we are trying to tell people from now over the next 3 years when you buy your insurance program from medicare you can expect to pay 25 percent of the cost of that program.

Part of the reason for doing that obviously is to get some consistency in that part of the program, and also to alert them to a lot of other reforms which the Senator from Montana and I have jointly participated in for improving this system through more price-sensitive, more utilization-sensitive purchases that medicare beneficiaries can make as the system develops.

Mr. President, I strongly urge, as I have on previous occcasions, that we not look at this as an amendment that takes savings from medicare programs at the expense of the elderly. The Finance Committee proposal is an effort to go across the board and put at least half the burden on the hospitals, another 25 percent of it on doctors and other providers, and yes, you are right, the elderly are asked to pay their 25 percent of the cost increase in this program.

Mr. MITCHELL. Mr. President?

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, when this matter was before the Senate Finance Committee, most of the members of that committee, including myself, commended the chairman of the Finance Committee for undertaking the effort to come up with a deficit reduction package, and to begin to deal with the serious deficit problem that we face in this country. Underlying all of those discussions repeatedly and explicitly was the understanding that we were part of a larger whole, and that, if we exercised restraint in the area within our jurisdiction, comparable restraint would be exercised in other areas of spending.

Specifically mentioned publicly by myself and several members of the committee were defense spending and spending on agricultural price supports; the latter of which have increased some 500 percent during this administration, and the increase in the former which has been debated here so often we are all familiar with it.

So the argument was made that we have to ask the people who are the beneficiaries under medicare to do their share because the other parts of the budget under other committees with jurisdiction, are going to do their share. There will be a shared sacrifice across the board. So the vote occurred in the Senate Finance Committee, and I and other members of the committee voted for it. At the time we voted we repeated the condition and I am sure the Senator from Minnesota recalls that very well. We were voting for this reduction in medicare, difficult as it was, because we could not ask the elderly to stand alone in being unaffected by the reductions that were being made. They had to share in the sacrifice that was being asked of everyone. Once again, explicitly was mentioned at the time of the vote: Defense and agricultural price supports.

What happens when we come to the floor? What is the restraint that has been exercised in those other areas? First, as I understand it, there is nothing in this package regarding the agricultural price support program which—as I said has been stated on the floor many times—have increased 500 percent under this administration. What do we see on defense? As I understand it—I ask the Senator from Minnesota to correct me if I am wrong—it is an increase of $35 billion, over 11 percent before adjustment for inflation and about 7 percent after adjustment for inflation. If that is restraint, what are we doing with respect to the elderly?

What happened once again is that this is a one-sided proposal in which a certain segment of American society are being asked to sacrifice while others are being left out of the sacrifice. It is, therefore, fundamentally defective because it lacks the essential

ingredient of shared sacrifice; of asking everyone to take some pain, and of not just saying to one group who are those who in fact are least able to make the sacrifice to do so.

There has been much discussion in the past 2 weeks about the Finance Committee proceedings, the Finance Committee vote, and how is it that people who in the Finance Committee voted for reductions now on the floor take a different position? Well, this is the explanation for it because the conditions which were expressed clearly, publicly, and repeatedly in the Finance Committee have not been met, indeed, have not been approached in this package, and the restraint in other areas that was offered as the underpinning of the entire package is not present in any other area. Therefore, I say this amendment ought to be approved, unless and until similar restraint is demonstrated in other areas.

When that happens, if we get a package—as we had earlier in this debate with the package offered by the Senator from South Carolina which was the first one we voted on, and the second one, both of which I voted for as did many other members of the Finance Committee even though it asked for restraint of the elderly—that contains within it the principle of shared sacrifice, and that does meet the conditions which many of us feel are essential to any package, then I believe there will be votes for it. But I believe that under the circumstances this amendment is a good, valuable amendment which does provide that the elderly are not again going to be singled out while others are left untouched.

I urge Members of the Senate to support this amendment. I say that as one who voted for the Finance Committee package under the terms which I have just described.

I thank the Chair. I thank the Senator from Montana.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Maine is absolutely correct. As a member of the Finance Committee, he, I, and others voted for the Senate Finance Committee package under the exact stated assumptions we have just heard from the Senator from Maine; that is, that other committees would vote to cut their programs and constituencies in the same way, and in the same amount as we were then doing in the Senate Finance Committee in voting these medicare cuts.

The fact of the matter is that that is not what happened in later weeks. Here we are today. We still have the cuts, $9 billion in medicare. But we do not have the constraints by the other committees who have jurisdiction over the other bills. That is why today I and others are offering this amendment to try to restore some balance.

I must say, Mr. President, that if I say other members of the committee, particularly on the other side of the aisle, stepping forth with further cuts in defense as well as other programs so that we could start to get deficits down in a significant and meaningful way, I would not be here on the floor tonight offering this amendment. But the other side is not willing to bite the bullet to get deficits down. This is a paltry effort they are undertaking. It does not amount to a hill of beans. The financial markets know that.

The Senator from Minnesota is trying to say that the beneficiaries are sharing equally in this bill. Mr. President, that is not true. Here are the figures. Here are the facts. Out of $9 billion in medicare cuts in this bill, $3.7 billion burdens beneficiaries; physicians, $1.5 billion; hospitals, $1.4 billion; laboratories, private insurance companies, et cetera, $2.1 billion.

So it is not true that the Finance Committee package equitably shares the burden. It is just not true at all. Here are the figures. They add up to $9 billion. If someone wants to dispute those figures, that is fine. But I am saying to the Members of this body tonight that beneficiaries are being cut disproportionately, unfairly, compared to other actions we are taking in this bill.

I thank the Senator from Maine because he hit the nail on the head. We would probably not be here if there were equivalent cuts being made in other programs. I must add again that health care providers that are being cut will cost shift to beneficiaries, so the fact of the matter is that the elderly are being cut even more, when all is said and done, than it appears under the figures in this bill.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Members are familiar with the argument but I want to add my voice in support of the amendment of the Senator from Montana. The fact is in this particular proposal, the overall proposal, we will be increasing the defense spending in real dollars by some $35 billion. In this particular proposal, we see significant cuts in the coverage of our elderly people who are already paying too much out of their pockets for the very basic, essential health care needs.

The brutal fact of the matter is, Mr. President, that the Congress of the United States has failed to have the backbone to provide real kinds of meaningful controls on the explosion of health care costs. Rather than dealing with that in an effective and efficient kind of way, we take the easy way out and reduce the coverage for millions of elderly people who need these vital services that are covered in Medicare.

I commend the Senator from Montana and I hope his amendment will succeed.

● Mr. BRADLEY. Mr. President, I rise as a cosponsor of the amendment offered by my colleague from Montana to reduce the impact of the medicare cuts to the elderly.

In the past 5 years the medicare part A deductible has risen 123 percent, the part B coinsurance has increased 100 percent, and charge reductions from unassigned claims passed on to beneficiaries have increased 198 percent. Since medicare covers only 45 percent of the elderly's health care bill, even these reductions understate the elderly's rising health costs. The average elderly person is paying out-of-pocket as much for health today as when medicare began, about 15 percent of their income. Under current policy and trends, the average elderly person will be spending 19 percent of their income for health care by the year 2000.

Mr. President, I am firmly committed to reducing this intolerable deficit. But we cannot ask the elderly to shoulder an unfair burden of the savings to the Federal Government. This package contains almost $9 billion in medicare cuts. Of this $9 billion, elderly beneficiaries are required to contribute $3.7 billion, while physicians contribute only $1.5 billion and hospitals $1.4 billion.

Our medicare amendment reduces the elderly's share of the burden by restoring $0.6 billion of the $9 billion in savings in the bill by first, striking the proposed increase in the part B deductible; second, reducing the proposed part B premium increase in 1987, so the premium will only increase that year by the rate of general inflation instead of the higher rate of medical cost inflation; and third, requiring the Secretary of the Department of Health and Human Services to monitor physician behavior and report periodically to Congress during the 2-year physician fee freeze period so we can examine whether additional costs are being shifted onto medicare beneficiaries. Even with this amendment, beneficiaries will be paying more for their health care as a consequence of this legislation.

I urge my colleagues to support this amendment to alleviate some of the worst consequences to the elderly of this deficit reduction package.●

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, we have been over this ground about three times now. We have already voted on this part B premium proposal once and voted on the deductible at least twice. I might indicate that these cuts were made with the support of the

Senator from Montana, in the committee, along with every other member of the Senate Finance Committee.

We are going to spend $250 billion on medicare in the next 3 years and all we did was trim about $9 billion from that total cost. We could do more on hospitals, but we did that last year. It seems to me that the Senator from Montana was among those who urged me to find ways to cut back some of these entitlement programs, now is here trying to restore the very minimal cut we made. I do not understand what happened.

Mr. BAUCUS. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. BAUCUS. The reason is simple. It is the same reason the Senator from Maine gave when the Senator from Kansas was not on the floor; namely, that we agreed to these cuts with the understanding, on the condition, that this body would make further cuts in other areas. That was the understanding. The Senate is not doing that. The Senate is not making those other cuts in the other programs.

Mr. DOLE. What other cuts does the Senator have in mind?

Mr. BAUCUS. A freeze in spending for a year. Will the Senator support that?

Mr. DOLE. Next year is the year of the freeze.

Mr. BAUCUS. Let us freeze right now. Will the Senator be willing to cut spending now and go for a freeze?

Mr. DOLE. I can play the shell game, too.

Mr. BAUCUS. It is no shell. Vote for it. Vote for it up or down.

Mr. DOLE. Let me get the record straight. I want the record to be perfectly clear, a term that used to be used around here several years ago.

In our committee, many of my colleagues, Senator BAUCUS and others, wanted to go further. We tried to find more cuts than medicare in some of these programs. We were going to raise the part B program to 35 percent by the late 1980's. That vote was 17 to 3. One Republican and two Democrats voted against it, not the Senator from Montana.

Then after looking around awhile and exploring it with the Republicans and Democrats, we decided we were going to kick off a firestorm by going from 25 percent, the present law, to 35 percent. So all we are doing is keeping it at 25 percent. We are just saying we ought to keep it at 25 percent. It used to be 50 percent, it went down to 23, it is back to 25. Our committee voted to go to 35, but the Senator from Kansas offered an amendment to cut it back to 25 percent. That is all it does.

Mr. CHILES. If the Senator will yield, we had a proposal to have a 20-minute time agreement sometime back, 10 minutes to a side. That was 40 minutes ago. We could not find the Senator from Kansas. I hope he is not delaying the passage of this bill. I would hate to go on television and say he was delaying the passage of this bill.

Mr. DOLE. The Senator from Kansas had a meeting with the Committee on Agriculture concerning a number of programs, including the WIC program, which the Senator supports and I support, and certain other programs. I apologize. I am chairman of that subcommittee and I did not know this amendment was coming up.

We do not want to delay this proposal. We want to defeat it. We must demonstrate to the American people we are serious about cutting the deficits. Entitlement programs have to be addressed. All we did was touch them. We did not cut them but we nicked them a little bit over a 3-year period. I do not think anyone can say we went too far. The part B premium is 25 percent now. We keep it at 25 percent. Is that a reduction? I do not think so.

Mr. BAUCUS. Will the Senator yield?

Mr. DOLE. I yield.

Mr. BAUCUS. What we are talking about is 25 percent of program costs. The program costs increase at up to three times the rate of general inflation. We indexed social security to the CPI, the general inflation rate. But this bill will increase part B premiums by requiring senior citizens to contribute 25 percent of the program costs. Program costs rise at two or three times the average rate of inflation, which means you are putting a burden on the senior citizens that they do not deserve.

GAO came out with a good report which explains that one-fifth of the reason medicare costs are going up is due to people living longer; but four-fifths of the reason medicare costs are going up is because of spiraling health care costs in general. That is not the fault of the elderly.

Mr. DOLE. I will not argue with my colleague. It seems to me we did not do very much. We have to go to conference. There is no savings in this area in the House bill. We will have to divide whatever we have with the House. If we begin to reduce our savings, we will not have anything when we come back from the conference. But maybe that is the goal of the Senator's amendment.

I do not know how we can say that we cannot even take the changes recommend by the Committee on Finance. If that is too much to cut, we had better start explaining to senior citizens where this program is going to end up in about 3 years. We are already told by the trustees that it is in deep difficulty.

We can all kid ourselves and put out press releases and say, "Do not worry about it," but I think we ought to face up to reality. So we will not be accused of delaying, Mr. President, I am going to move to table and I ask for the yeas and nays.

Oh, the amendment is not pending? I cannot table it if it is not pending.

Mr. BAUCUS. Mr. President, the Senator may table the pending amendment if he wishes to.

Mr. DOLE. Do we have an amendment pending, Mr. President?

Mr. BAUCUS. The Baker amendment is pending.

The proposal was to have 10 minutes equally divided.

Mr. DOLE. If there is nothing pending, Mr. President, I suggest the absence of a quorum.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. BAUCUS. Mr. President, if the Senator would like to, I can offer the amendment right now, and we can vote on it.

The PRESIDING OFFICER. Does the Senator from Kansas wish to withdraw the quorum call?

Mr. DOLE. No, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FORD. Mr. President, does the Senator from Kansas object to the Senator from Montana introducing his amendment?

Mr. DOLE. Mr. President, no, I must confess I was not here. I thought it was pending.

Mr. FORD. Mr. President, a point of information.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. On the motion to table, would that have been to the pending amendment?

The PRESIDING OFFICER. There are two amendments pending: the amendment of the Senator from Tennessee (Mr. BAKER) and the committee's reported substitute.

Mr. FORD. Which one would the Senator have tabled if he had been given the yeas and nays?

The PRESIDING OFFICER. The Senator would have to specify which amendment would be the object of the motion.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand that the distinguished Senator from New Jersey (Mr. BRADLEY) has an amendment that was referred to in the colloquy on the previous amendment. In fact, it was referred to by the distinguished chairman of the Appropriations Committee as an amendment that would be offered later and would be acceptable to him. It is acceptable to our side, and I understand that it is acceptable to the distinguished Senator from Florida.

Mr. CHILES. Mr. President, I was against that amendment because I thought we were putting pressure on others. I still maintain that I am against the amendment. That is just my position.

Mr. DOMENICI. We are going to agree that the Senator can offer his amendment.

Mr. CHILES. I have no objection.

AMENDMENT NO. 3065

Mr. BRADLEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey (Mr. BRADLEY) proposes an amendment numbered 3065.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, of amendment No. 3027, add at the end of subsection (b) the following: It is the sense of Congress that FY 1985 appropriations be increased for several non-defense discretionary programs. Priority should be given to education programs, environmental protection and health research activities.

(The names of Senators STAFFORD, WEICKER, HATFIELD, and DOMENICI were added as cosponsors of the amendment.)

Mr. BRADLEY. Mr. President, this is simply a clarification of what was discussed earlier on the Senate floor.

My amendment modifies the Baker amendment to specifically state that priority should be given to education programs, environmental protection, and health research activities in the increase in fiscal year 1985 appropriations. The full discussion on this amendment took place just prior to the last vote.

Mr. DOMENICI. Mr. President, as I understand it, this is a sense-of-the-Senate amendment that states what the distinguished Senator from New Jersey has just indicated. Thus, it is not binding in the substantive, legal sense, and we have no objection to it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3065) was agreed to.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, Senator GRASSLEY has arrived on the floor. I understand that he has an amendment that does not require a yea and nay vote. The amendment is acceptable to the distinguished Senator from Florida, representing the minority, and I am willing to accept it if Senator GRASSLEY is prepared to offer it at this time.

AMENDMENT NO. 3066

(Purpose: To require the Director of the Congressional Budget Office to prepare for the Congress periodic analyses of the assumptions underlying the budget requested for departments, agencies, and establishments of the U.S. Government in the budget submitted by the President under section 1109 of title 31, United States Code, for each fiscal year)

Mr. GRASSLEY. I thank the Senator from New Mexico. I am prepared to offer the amendment.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 3066.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following new section:

ANALYSES OF BUDGET ASSUMPTIONS

SEC. . (a) The Director of the Congressional Budget Office shall, in consultation with the Chairman and Ranking Member of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, determine a schedule of phased analyses of Executive Departments, agencies, and establishments beginning with a trial analysis for one or two of such Departments, agencies, and establishments to be determined in such consultation, which would lead to the submission to such Committees of such analyses as may be necessary to provide the Congress with the information necessary to evaluate—

(1) the nature and reliability of the assumptions upon which the revenue estimates set forth in the budget submitted by the President under section 1105 of title 31, United States Code, for each fiscal year are based;

(2) the nature and reliability of the assumptions upon which the requests for budget authority for each Department, agency, and establishment of the United States Government for such fiscal year contained in such budget are based;

(3) the nature and reliability of the assumptions upon which the estimates of the budget authority necessary for each such Department, agency, and establishment for the two fiscal years succeeding such fiscal year set forth in such budget are based;

(4) the adequacy of the amounts of budget authority requested and estimated in such budget for each such Department, agency, and establishment for each such fiscal year to carry out the programs, projects, and activities proposed in such budget to be carried out by such Department, agency, or establishment for such fiscal year;

(5) the estimated amount of budget authority that the historical pattern of funding would provide for each such Department, agency, and establishment for each such fiscal year (based upon a time-series analysis); and

(6) the effect that the provision of budget authority in the amounts specified under paragraph (5) for each such Department, agency, or establishment for each such fiscal year will have upon the programs, projects, and activities proposed in such budget to be carried out by such Department, agency, or establishment for such fiscal year.

(b) In carrying out the analyses determined by consultations required in subsection (a), the Director may utilize any of the resources made available to the office under sections 201 and 202 of the Congressional Budget Act of 1974 (2 U.S.C. 601 and 602) and, notwithstanding any other provision of law, shall have access to any information, forecasting models, data, estimates, and statistics, prepared by or for a Department, agency, or establishment, that the Director determines to be necessary in carrying out such analyses.

(c)(1) At the request of any committee of the House of Representatives or the Senate, or any joint committee, the Director shall testify before the committee with respect to any matter contained in an analysis submitted under subsection (a) that is within the jurisdiction of the committee.

(2) At the request of any Member of the House or the Senate, the Director shall provide to such member any information compiled in carrying out subsection (a), and, to the extent available, such additional information related to the foregoing as may be requested.

Mr. GRASSLEY. Mr. President, the purpose of the amendment is to strengthen the budget enactment process by providing Congress with an independent capability to analyze and evaluate the internal and external assumptions and decisions shaping the President's budget plan each year.

I thank the chairman of the Budget Committee, Mr. DOMENICI, and the ranking minority member of the committee, Mr. CHILES, for their concern about the underlying structural causes of the deficits and for allowing this amendment to become law.

I should like to submit a statement for the RECORD, and that statement is a justification of the amendment; and it was developed cooperatively with Senator KASSEBAUM and myself and our staffs as to the need for this capability.

Mr. President, the purpose of this amendment is to strengthen the budget enactment process by providing the Congress with an independent capability to analyze and evaluate the internal and external assumptions and decisions shaping the President's budget plan each year.

The President's 5-year budget plan is the fundamental statement of his policy; it defines the array of priorities and hard decisions, and it purports to project the future consequences of these decisions. The administration's fiscal year 1985 budget predicted a bright future: Peace, prosperity, economic growth, and rising living standards. The only dark cloud on the horizon is its projection of a continuous stream of large deficits out to fiscal year 1989. The economic implications of these deficits raise a fundamental question concerning the realism of the entire budget plan and its picture of the future.

This impression of an imminent mismatch between plans and reality is magnified by several other considerations. First, both the President and the Congress have developed long-term budget plans that systematically and routinely overestimate revenues and underestimate program costs. Since there is no reason to expect that this structural pattern of behavior has changed, it must be concluded that the deficit picture is likely to be far worse than initially the administration's budget and now Congress budget projects.

Second, the fiscal year 1985 budget plan is based on an economic forecast that appears to contain contradictory assumptions. For example, the economy is projected to expand smoothly and powerfully for the next 5 years; however, as demand increases and deficits remain high, interest rates and inflation are projected to decline. Furthermore, the President has warned Congress that these deficits threaten to drive up interest rates, choke off investment, and ultimately abort the recovery.

Third, the Congressional Budget Office—in a less, but still, optimistic economic forecast—it assumes the same nominal growth in GNP but with less real growth and more inflation; and it assumes relatively level, as opposed to declining, interest rates—predicts that the deficit could grow to $308 billion in fiscal year 1989, assuming no changes in policy. Yet, history would demonstrate that baseline projections have, too, been systematically underestimated.

Fourth, the cost of servicing the U.S. debt is soaring. Debt servicing currently accounts for 14 cents of very dollar the Government spends. Deficits drive up debt-servicing costs in two ways—they magnify the total debt that must be serviced and they increase pressure to raise interest rates which raises the servicing cost of each dollar of debt. Debt servicing costs are extremely sensitive to interest rates. For example, if interest rates rise by 1 percent, the debt-servicing bill will increase the cumulative deficit by $162 billion between fiscal year 1984 and fiscal year 1989. Thus, by driving up deficit-servicing costs, the deficit can create its own uncontrollable momentum.

Fifth, this picture of uncertainty and unreality is magnified by the fact that the President's budget submission does not contain a plan to control the forces generating these destabilizing deficits.

At the present time, the future consequences of a congressional decision to enact the administration's budget are not understood. It is possible that the administration's budget plan embodies a real policy that is very different from its intended policy. This budget crisis threatens to paralyze Government by making it hostage to the unforeseen long-term consequences of today's decisions. If deficits, interest payments, and entitlements continue to mount, there will be less and less money to cover unexpected or discretionary needs, including defense, at home or abroad.

The Congress needs a better appreciation of this critical problem; it needs to determine if the internal assumptions and dynamics shaping the President's taxing and spending plans are realistic.

Currently, the CBO budget analyses provide only a partial evaluation of the budget crisis because they are limited to analyses of the budget's external—economic—assumptions. This proposal aims to expand the CBO role by providing the CBO with the capability and resources to examine the budget's internal planning assumptions as well. The Congressional Budget Office should provide an independent, nonpartisan, capability to each year: First, analyze the internal assumptions shaping the President's budget plans, and second, evaluate the matchup between these plans and the real world.

I. ADDITIONAL FUNCTIONS

First, perform independent macro budget analyses of all Presidential budget submissions to Congress. These macro analyses will:

Determine the realism of the internal assumptions which shape the budget's spending and taxing projections.

Evaluate the long-term consequences of current decisions to enact the budget as submitted.

Second, upon request, perform similar analyses of alternate budget plans considered by both Budget Committees of Congress.

Third, annually analyze the long-term spending plans of each Federal agency to determine the realism of the internal assumptions shaping that agency's projections. In those areas where a mismatch between plans and reality appears to be developing, the evaluation shall include:

An estimate of the actual resources needed to implement the program envisioned by the agency in question.

An estimate of whether or not the needed resources are likely to be made available—that is, how overestimated resources and/or underestimated costs are likely to frustrate the long-term implementation of the program in question.

II. ADDITIONAL RESOURCES

First, congressionally mandated access to the final long-term budget plans and their supporting planning documents, classified or unclassified, of each agency, including those made available to any executive branch planning documents heretofore made available to any committee, organizations, or Member of Congress.

Second, access, as a member of a congressional office, to the clerical and technical resources of:

The Library of Congress and the Congressional Research Service;

The General Accounting Office;

The Office of Technology Assessment.

III. PROCEDURE

First, present the results of its macro budget analysis and its analyses of agency budgets to both Congressional Budget Committees, and any interested committee or Member of Congress.

Second, be available to testify before standing committees of Congress to debate representatives of the executive department for the purpose of clarifying differences with and highlighting fundamental uncertainties in the President's budget plan.

The added responsibilities of the CBO will obviously take time to develop. An evaluation of the external assumptions is already performed, but new techniques must be used or discovered since past predictions have fallen considerably short of desired expectations.

In the initial years, internal assumptions of only the largest departments would have to satisfy the requirement since neither the resources nor the experience exists presently for such undertakings by the CBO. However, it is expected that the CBO would take full advantage of the technical expertise and the data-gathering ability of the General Accounting Office for assistance in program cost evaluation.

Mr. DOMENICI. Mr. President, I commend the distinguished Senator from Iowa for his consistent and persistent efforts to get at the root of our deficit problem. This is another effort on his part. I commend it and have no objection to proceeding with its adoption at this point.

Mr. CHILES. Mr. President, I think this is something that the CBO certainly can see if it works, and so I commend the Senator.

Mr. GRASSLEY. Mr. President, before we move the adoption of the amendment, I thank the Senators for the cooperation. They have been very helpful, and without their support and their belief in this amendment it would not be workable, even if it were part of the law because as the amendment states the chairman and ranking minority Member are an integral part of this process in future years. So I thank them not only for their support of the amendment at this time, but also their support of the philosophical basis of it and the need for it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GRASSLEY. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 3066) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the Senator for his cooperation, and I am delighted we were able to accomplish it this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

The majority leader is recognized.

Mr. BAKER. Mr. President, there will be no more RECORD votes tonight, and there is already an order for the Senate to convene tomorrow at 10 a.m.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business, not past 7:30 p.m., in which Senators may speak for not more than 2 minutes each with the exception of the two leaders, who shall not be restricted by that time limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADMINISTRATION'S ANTI-TERRORIST CAMPAIGN

Mr. PELL. Mr. President, the administration recently submitted to Congress a package of legislation designed to improve its capability to deter and combat international terrorism. According to press reports, the President has also signed a directive providing, among other things, for preemptive military action abroad to thwart terrorism before it occurs.

Terrorism is a contemptible practice, and it must be vigorously opposed. But great care must be taken to insure that, in the process, the rule of law is not undermined, that our actions will have maximum credibility and support abroad, and that raising the visibility of this issue does not serve to increase the terrorist threat to Americans. Let me address each of these concerns in turn.

RULE OF LAW

I am concerned about the broad wording of offenses in the proposed Prohibitions Against the Training or Support of Terrorist Organizations Act of 1984. If, for example, Nicaragua is designated as a country engaged in or supporting terrorism, it is not clear whether someone who went to teach the poor in Nicaragua would be breaking the law.

Even more disturbing, however, is a provision in this bill that prevents U.S. courts from inquiring into the validity of the Secretary of State's list of terrorist groups and governments that triggers the bill's criminal penalties. This limitation is important, because courts and defense lawyers would not be permitted to challenge the Secretary of State's list on the basis of a definition of international terrorism already written into law. This law, the Foreign Intelligence Surveillance Act of 1978, provides that:

(c) "International terrorism" means activities that—(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any States, or that would be a criminal violation if committed within the jurisdiction of the United States or any State; (2) appear to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidnapping; and (3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum

The inability of courts or defense lawyers to force the Secretary of State to justify his list on the basis of existing law concerns me, because the public statement of administration officials suggests that the administration may, in practice, define terrorism in any way that suits its purposes with respect to particular groups or governments. As Humpty Dumpty said in Lewis Carroll's "Through the Looking Glass," "when I use a word, it means just what I choose it to mean—neither more nor less." We must not permit a Humpty Dumpty in the administration to choose what "terrorism" means. The administration should be required, if necessary, to establish to the satisfaction of a court that the legal definition of "terrorism" is being correctly applied.

INTERNATIONAL CREDIBILITY

If the fight against international terrorism is to succeed, we will need the cooperation of other governments. To obtain their full cooperation, we must demonstrate that we are opposed to all terrorist acts, not just those committed by groups or governments whom the administration has chosen to oppose.

If a campaign is to be mounted against Nicaragua for its support to rebels in El Salvador, then South Africa should be similarly singled out for the terrorism it inflicts on its own people and the support it gives to UNITA forces in Angola. Last month, UNITA claimed responsibility for a car bombing that took the lives of 24 Cuban workers and 10 Angolan civilians.

Our credibility would also be enhanced if our hands were clean in terms of terrorism that we support. If Nicaragua is supporting terrorism in El Salvador by arming the rebels in that country, then surely the administration is supporting terrorism in Nicaragua by arming the Contras there.

I question the appropriateness of applying the term terrorism to civil wars. It would be better, in my view, to restrict the use of that term to murders, kidnapings, torture, and other forms of intimidation directed at civilians or other noncombatants. If, however, the meaning of terrorism is to be broadly defined to include support for insurgencies, then the administration should admit that there is no difference between what it is doing in Nicaragua and what the Nicaraguans are doing in El Salvador. In each country, civilians are being killed and buildings,

bridges, and powerplants destroyed. Should not we really debate whether it is wise to fight fire with fire or whether it would be better for the United States to adhere to a higher standard of behavior than our adversaries?

Yet, in the bill to which I referred earlier, there is a provision that exempts from punishment "any activities conducted by officials of the U.S. Government, or their agents, which are properly authorized and conducted in accordance with Federal statutes and Executive orders governing such activities." In other words, "state terrorism," so roundly denounced by the administration when it is practiced by the Libyas and Irans of the world is specifically approved when carried out by the United States.

A perception abroad that we are applying double standards would undercut the credibility of our legitimate interest in combating terrorism. If we selectively attach the terrorist label to adversaries while ignoring the acts of so-called friends, and if we reserve the right to employ the same measures that we condemn when used by others, I doubt that we will receive the kind of support from our friends and allies abroad that we need to stamp out real terrorism.

INCREASED TERRORIST THREAT

I also fear that the application of double standards will cause terrorism to proliferate. It has often been said that one nation's terrorist is another's freedom fighter. As long as we engage in activities that are difficult to distinguish from terrorism, others will be encouraged to resort to violence that they will deny constitutes terrorism.

I am not saying that all U.S. support for covert action abroad should be prohibited, for there are many instances in which it would be justified. What I am saying is that we must make a clearer distinction than we have to date concerning what we condone and what we condemn. We must set an example that clearly differentiates the United States from those we oppose.

In addition, I am concerned that by conducting a high-visibility antiterrorist campaign, we may be waving a red flag that will incite terrorist groups or governments to show that the United States cannot stop them. Talk of preemptive action, in particular, could constitute throwing down the gauntlet that provokes rather than deters terrorism. And it is more likely than not to be Americans who would be the targets.

Terrorism is a serious threat, but we must proceed carefully in defining our objectives and selecting the most appropriate means to achieve those objectives. If we do not, we risk losing not only the support of governments abroad but that of our own citizens as well.

A NATIONAL MEMORIAL FOR "UNSUNG HEROES"

Mr. PELL. Mr. President, this afternoon I had the honor of addressing the annual conference of the National Fraternal Order of Police about the progress we are making toward establishing a National Police Memorial in the District of Columbia.

The police are our first line of defense in the war against crime and those law enforcement men and women who fall or are wounded or injured in that war are our unsung heroes. I urge my colleagues to join with me in support of Senate Joint Resolution 235 to create a national memorial to those heroes.

Mr. President, I ask unanimous consent that the text of my remarks to the National Fraternal Order of Police be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

REMARKS BY SENATOR CLAIBORNE PELL AT NATIONAL FRATERNAL ORDER OF POLICE ANNUAL CONFERENCE, WASHINGTON, DC

It is a pleasure to be with you today at your Annual Legislative Conference. I am especially pleased to have the opportunity to bring you up to date on the progress Congressman Biaggi and I are making on our legislation to establish a National Police Memorial within the District of Columbia. Congressman Biaggi initiated this proposal several years ago, and I was proud to join with him this year in his effort to honor the men and women who have given their lives in the war against crime.

Thanks largely to your own hard work, our legislation has attracted strong bipartisan support in the Congress. In the Senate we presently have 33 cosponsors on the bill, and I am hopeful that it will be scheduled for early consideration by the Judiciary Committee. In the House, there are 66 cosponsors on the Biaggi bill and prospects are favorable for the resolution to be considered this year by the House Administration Committee.

I am especially proud that my own state of Rhode Island has been a national leader on this project. Last year, the Rhode Island General Assembly became the first State legislative body to pass a resolution calling upon the Congress to establish a National Police Memorial. I would like to take this opportunity to commend the Rhode Island Fraternal Order of Police for their initiative in promoting this project.

Certainly no memorial can fully acknowledge the sacrifice made by those men and women in the law enforcement community who have lost their lives in the line of duty. What we do hope to accomplish with this resolution is focus national attention and recognition on the men and women who are our first line of defense in the war against crime. This recognition is especially critical at a time when we are asking the police to do more and more in the war against crime with diminished budgets and smaller manpower levels.

A good example of the increase in police responsibilities is the war against drunk driving. After years of apathy, our citizens have finally demanded an end to the slaughter on our highways that kills 500 Americans every week in alcohol-related traffic accidents. And at no time of the year is our awareness of the problem greater than during the current high school and college graduation season. The leading cause of death in the 16–24 year old age group is drunk driving, and in the weeks ahead many American families will face the tragic loss of a son or daughter in a traffic accident.

In this area, as in virtually all areas of public safety, the police are our first line of protection. The responsibility for waging the war against drunk driving—manning the roadblocks, giving the breathalyzer tests, the hours spent testifying in court—rests entirely with the police. The challenge is especially great because all levels of government, starting right here in Washington with the elimination of L.E.A.A., have reduced the level of resources being dedicated to law enforcement.

I was pleased to have sponsored legislation with Congressman Mike Barnes of Maryland that provides incentive grants to states that adopt model drunk driving codes. This incentive funding may be used by the states for purposes that directly support law enforcement, such as the purchase of either breathalyzer testing equipment or mobile vans to be used in connection with drunk driving enforcement. These incentive grants, which so far have been awarded to 13 states, are a start in the right direction, but we still have a long way to go before the police have adequate resources to wage the war against drunk driving.

Another area where police responsibilities have increased dramatically is drug trafficking. In the past several years our country has been flooded by the illegal importation of heroin, cocaine, marijuana and other drugs. We see the byproducts of this problem daily in our communities: in the stores and homes burglarized by addicts supporting their drug habit, and the innocent citizens who are victimized by muggings, assaults, and other violent drug related crimes. Law enforcement officials estimate that between 40 and 60 percent of all serious crimes are drug-related.

While your members must contend with these daily challenges of arresting drug users and traffickers, this is a problem that—by its very nature—local law enforcement is virtually powerless to stop. Nearly all the dangerous drugs consumed in the United States are smuggled into the country from other nations. Because of this international source of the drug trafficking problem, I have joined with Senator Biden, Senator DeConcini and others in pressing for legislation to provide the central leadership and coordination that is necessary if we are to win the war against drug-related crime. Our legislation would provide the Cabinet-level authority that we must have to marshal resources at all levels of government and enable law enforcement officials to cope more effectively with the $80 billion a year drug trafficking industry.

Despite smaller budgets and the increasing complexity of your mission, there is good news on the horizon. The national crime rate has dropped for 3 years in a row, and there is no doubt that the law enforcement community deserves the full credit for this improvement. Another positive development is the emergence of strong public and media support for campaigns to eradicate drunk driving and drug trafficking. This support, in turn, translates into a stronger level of public understanding and appreciation for the role of the police than has existed, in my view, for several decades.

I commend the Fraternal Order of Police for everything you have done to increase public understanding of police work, as well as to increase public and Congressional support for legislation to better protect the police from hazards like the so-called "cop killer" bullets. A Police Memorial in the Nation's Capital will be a permanent reminder of the dangers that you face in your daily work, and will further increase national recognition of law enforcement professionals. I look forward to working with you in the coming weeks to make the Police Memorial a reality.

MARTIAL LAW ON TAIWAN

Mr. PELL. Mr. President, 35 years ago this month the Government on Taiwan instituted martial law. Chiang Kai-shek's army had taken refuge on the island after bitter defeats at the hands of the Communists on the mainland. He had also moved his Nationalist government to the island in 1949 in hopes that its survival kept alive the dream of one day returning and regaining control of the mainland. His precarious hold on the island, fear of Communist subversion, and the possibility of unrest among the local Taiwanese residents prompted his resorting to emergency procedures in maintaining Nationalist control.

Three and a half decades later Taiwan faces the remainder of the 1980's and beyond much changed from the early years of Nationalist rule. Rural land reform in the 1950's established the basis for the successful economic transformation of the island in the 1960's and 1970's. Few can match the economic progress or balanced growth Taiwan experienced throughout this period. Military modernization also accompanied the changed economic circumstances. Today, Taiwan possesses a highly capable, well-trained and sophisticated defense force.

American analysts assess it as sufficient for deterring outside attacks and capable of conducting a formidable defense of the island. Steps have also been taken to reform the political process. Native Taiwanese dominate local elections and constitute a majority of the dominant Kuomintang party rank and file. At the top, however, key decisions remain in the hands of a small number of the Mailander political elite.

Fundamental social changes on the island generate optimistic hopes that even this situation may change over time. Divisions between the Mainlanders and the majority native Taiwanese have begun to disappear gradually. Mainlanders, particularly the new generations, are becoming more Taiwanese in outlook. The locals adopt many attitudes formally associated with the Mailander elite. A further melding of perspectives and aspirations seems certain over the next few years.

Despite the across the board changes for the better on Taiwan and predictions of an optimistic future, martial law remains a glaring exception to the progress experienced in other sectors. It continues to frustrate Taiwan's quest for a free society. The leadership perpetuates its authoritarian control over the people by denying press freedoms, censoring the mail and severely restricting freedom of speech, assembly, and other political activities. The authorities' preoccupation with Communist subversion and a broad definition of subversive activities combine to constrain political opposition and dissent, and encourage a tendency for the security apparatus to abuse its power. For too long, the Government has by its actions impeded respect for human rights and the growth of a democratic system on Taiwan. Continued delay could begin to undermine seriously the traditional close relationship between the United States and Taiwan. Its friends in America will have a more and more difficult time justifying their support if repression of basic freedoms does not end.

For a number of years, I have urged the authorities on Taiwan to make a start at real reform. I renew my plea today. I recommend that as a top priority the authorities immediately establish a clearly defined timetable for change that includes:

First, an end to martial law;

Second, provision for the organization of new political parties;

Third, freedom of press; and

Fourth, a plan for including a fair representation of Taiwanese in all national-level government offices.

Such a program would greatly improve the human rights conditions on Taiwan and begin the process of opening up the political process to all of the Taiwanese people. Happily, some officials on the island have heard my repeated pleas and have begun to discuss reform along the lines I suggest. Unfortunately I have seen little concrete results so far. Hopefully, the government will begin to move from talking about the need for change to an action program designed to bring real freedom to the people on Taiwan.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to the minority leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

SCHOOL FACILITIES CHILD CARE ACT

Mr. BYRD. Mr. President, I ask that there be a first reading of the House bill, H.R. 4193.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4193) to encourage the use of public school facilities before and after school hours for the care of school-age children, and for other purposes.

Mr. BYRD. Mr. President, I ask for the second reading of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, at the request of another member of the majority, I object.

The PRESIDING OFFICER. Objection is heard. The bill remains at the desk pending second reading. The bill will be read the second time on the next legislative day.

ORDER TO PLACE S. 2678 ON THE CALENDAR

Mr. STEVENS. Mr. President, on behalf of the Senator from Utah (Mr. GARN), I send to the desk a bill to extend the authorities under the Export Administration Act of 1979 until June 28, 1984, and ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER TO HOLD H.R. 5308 AT THE DESK PENDING FURTHER DISPOSITION

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House of Representatives H.R. 5308, a bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MEDAL OF HONOR FOR UNKNOWN VIETNAM ERA AMERICANS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.R. 5515, the Medal of Honor for unknown Vietnam era Americans.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5515) to authorize the President to award the Medal of Honor to the unknown American who lost his life while

serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. No objection.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 5515) was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDING THE CHARTER OF AMVETS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2079.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2079) entitled "An Act to amend the charter of AMVETS by extending eligibility for membership to individuals who qualify on or after May 8, 1975", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That section 6 of the Act entitled "An Act to incorporate the AMVETS, American Veterans of World War II", approved July 23, 1947 (36 U.S.C. 67e), is amended to read as follows:

"SEC. 6. Eligibility for membership in AMVETS and the rights and privileges of members shall, except as provided in this Act, be as provided in the constitution and bylaws of the organization, and terms of membership and requirements for holding office within the organization shall not be discriminatory on the basis of race, color, religion, sex or national origin.".

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SEMICONDUCTOR CHIP PROTECTION ACT OF 1984

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 833, S. 1201.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1201) to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication and for other purposes, reported with an amendment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert:

That this Act may be cited as the "Semiconductor Chip Protection Act of 1984".

DEFINITIONS

SEC. 2. Section 101 of title 17 of the United States Code is amended by adding at the end thereof the following:

"A 'semiconductor chip product' is the final or intermediate form of a product—

"(1) having two or more layers of metallic, insulating, or semiconductor material, deposited or otherwise placed on, or etched away or otherwise removed from a piece of semiconductor material in accordance with a predetermined pattern;

"(2) intended to perform electronic circuitry functions; and

"(3) that is a writing, or the manufacture, use, or distribution of which is in or affects commerce.

"A 'mask work' is a series of related images, however fixed or encoded—

"(1) having the predetermined, three-dimension pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product; and

"(2) in which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.

"A 'mask' is a substantially two-dimensional sheet, partially transparent and partially opaque to preselected radiation. A mask embodies a mask work if the pattern of transparent and opaque portions of the mask is substantially similar to the pattern of one of the images of the mask work. Masks and mask works shall not be deemed pictorial, graphic, or sculptural works. The copyright in a mask work shall neither extend to, nor affect, limit, or impair any copyright in any other work of authorship embodied therein or in a semiconductor chip product.

The provisions of sections 109(a), 401, 405, 406, 501(A), 503, 506, 509, and 602 of this title, applicable to copies of a work shall apply also to a semiconductor chip products.".

SUBJECT MATTER OF COPYRIGHT

SEC. 3. Section 102(a) of title 17 of the United States Code is amended—

(1) by adding after paragraph (5) the following:

"(6) mask works;"; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively.

EXCLUSIVE RIGHTS

SEC. 4. Section 106 of title 17 of the United States Code is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting "; and" in lieu thereof; and

(3) adding at the end thereof the following:

"(6) in the case of mask works, only the following rights—

"(A) to embody the mask work in a mask;

"(B) to distribute a mask embodying the mask work;

"(C) to embody an image of the mask work in a semiconductor chip product;

"(D) in the manufacture of a semiconductor chip product, substantially to reproduce, by optical, electronic, or other means, an image of the mask work on material intended to be part of the semiconductor chip product; and

"(E) to distribute a semiconductor chip product made as described in subparagraph (C) or (D) of this paragraph.".

LIMITATION ON EXCLUSIVE RIGHTS AS TO MASKS

SEC. 5. (a) Chapter 1 of title 17 of the United States Code is amended by adding at the end the following:

"§ 119. Scope of exclusive rights: Right of reverse engineering with respect to mask works

"(a) In the case of mask works, the exclusive rights provided by section 106 are subject to a right of reverse engineering use under the conditions specified by this section.

"(b) It is not infringement of the rights of the owner of a copyright on a mask work to reproduce the pattern on one or more masks or in a semiconductor chip product solely for the purpose of teaching, analyzing, or evaluating the concepts or techniques embodied in the mask or semiconductor chip product, or the circuit schematic, logic flow, or organization of components utilized therein.".

(b) The chapter analysis for chapter 1 of title 17 is amended by adding at the end thereof the following:

"119. Scope of exclusive rights: Right of reverse engineering with respect to mask works.".

(c) Section 106 of title 17 of the United States Code is amended by striking out "118" and inserting in lieu thereof "119".

DURATION OF COPYRIGHT

SEC. 6. Section 302 of title 17 of the United States Code is amended by adding at the end thereof the following:

"(f) MASKS.—Copyright in mask works endures for a term of ten years from the earliest of first authorized—

"(1) distribution;

"(2) use in a commercial product; or

"(3) manufacture in commercial quantities of semiconductor ship products made as described in subparagraph (C) or (D) of paragraph (6) of section 106.".

INNOCENT INFRINGEMENT

SEC. 7. (a) Chapter 5 of title 17 of the United States Code is amended by adding at the end thereof the following:

"§ 511. Innocent infringement of mask works

"(a) Notwithstanding any other provision of this chapter, an innocent purchaser of an infringing semiconductor ship product shall not be liable as an infringer or otherwise be liable or subject to remedies under this chapter with respect to the distribution of units of such semiconductor chip product that occurred before such innocent purchaser had notice of infringement.

"(b) The remedies of the owner of a copyright on a mask work against an innocent purchaser shall be limited to a reasonable

royalty upon each unit of the infringing semiconductor chip product that the innocent purchaser made or distributed after having notice of infringement, if the innocent purchaser establishes the applicability of all of the following circumstances:

"(1) the innocent purchaser, before first having notice of infringement, committed substantial funds to the use of the infringing product;

"(2) the innocent purchaser would suffer substantial out-of-pocket losses (other than the difference in price between the infringing product and a noninfringing product) if denied the use of the infringing product;

"(3) the innocent purchaser's use of the infringing product is and will be for substantially the same purpose that initially gave rise to the innocent purchaser's immunity under subsection (a);

"(4) in the case of an innocent purchaser who, after having notice of infringement, makes the infringing semiconductor chip product, or has it made for him, the copyright owner and the owner's licensees, if any, are unable to supply the infringing semiconductor chip product to the innocent purchaser at a reasonable price; and

"(5) it would be inequitable in the circumstances not to permit the innocent purchaser to continue the use or proposed use of the infringing product.

"(c) The immunity of an innocent purchaser and limitation of remedies with respect thereto shall extend to good faith purchasers for him.

"(d) For the purposes of this section—

"(1) 'innocent purchaser' means one who purchases an infringing semiconductor chip product in good faith, and without having notice of infringement;

"(2) 'notice of infringement' means actual knowledge that, or reasonable grounds to believe that, a product is an infringing semiconductor chip product; and

"(3) 'infringing semiconductor chip product' means a semiconductor chip product which is made or distributed in violation of the exclusive rights of an owner of a copyright in a mask work.".

(b) The table of sections for chapter 5 is amended by adding at the end thereof the following new item:

"511. Innocent infringement of mask works.".

IMPOUNDING AND SEIZURE

SEC. 8. Sections 503(a), 503(b), and 509(a) of title 17 of the United States Code are each amended by inserting "masks," after "film negatives," each place it appears.

SAVINGS CLAUSES

SEC. 9. Nothing contained in this Act shall be deemed to add to or detract from existing rights of owners of copyrights in works of authorship listed in section 102(a) of title 17 of the United States Code, prior to its amendment by this Act. Nothing contained in this Act shall be deemed to detract from any right of the lawful owner of product purchased from the copyright owner, or from a person authorized by the copyright owner, freely to use, distribute and resell the product without liability therefor under the copyright laws.

EFFECTIVE DATE

SEC. 10. The amendments made by this Act shall not create liability for any conduct that occurred prior to the date of enactment of this Act, but shall apply to all acts of manufacture or distribution of semiconductor chip products that occur in the United States after such date, to all acts of importation of semiconductor chip products into the United States that occur after such date, and to all violations of the exclusive rights of the copyrights owner under section 106(6) of title 17, United States Code, as amended by section 4 of this Act, that occur after such date. Notwithstanding the provisions of this section, no alleged infringer shall be liable under this Act with respect to the continued manufacture or distribution of any semiconductor chip product that the alleged infringer commercially distributed in the United States prior to January 1, 1980.

AMENDMENT NO. 3067

(Purpose: To make technical amendments to the committee substitute)

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of the Senator from Maryland (Mr. MATHIAS) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. MATHIAS, proposes amendment No. 3067.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, strike out lines 11 through 14 and insert in lieu thereof the following:

"(3) manufacture in commercial quantities of semiconductor chip products made as described in subparagraph (C) or (D) of paragraph (6) of section 106.".

On page 13, line 23, strike out "infringing".

On page 15, line 7, after "owner of" insert "a".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland (Mr. MATHIAS).

The amendment (No. 3067) was agreed to.

Mr. MATHIAS. Mr. President, today the Senate turns to consideration of S. 1201, the Semiconductor Chip Protection Act of 1984. This bill, which is cosponsored by the senior Senator from Colorado, Mr. HART, and by 22 of our colleagues, would provide copyright protection to the intricate patterns that make up the design of a modern technological marvel: the semiconductor chip.

This bill is not controversial; it has been called up for consideration by unanimous consent of the Senate, and I anticipate that there will be no opposition to its passage. But the fact that this legislation excites little controversy should not lead us to underestimate its importance.

In my view, the Senate's passage of this bill is a momentous event. It marks our recognition of the importance to our economy and to our society of continued technological progress in the field of microelectronics. Furthermore, it exemplifies our willingness to adapt our intellectual property laws to meet the challenges of technological change, change that transforms both the way that creative thinkers express themselves, and the way that others can copy and misappropriate those expressions.

With the passage of this legislation, we express our confidence in the future of a nation whose citizens are as creative and as inventive as any on Earth. As the tempo of innovation in microelectronics continues to accelerate, encouraged by the copyright protection provided by this bill, Americans will reap over greater benefits from technological progress. History may well judge that the passage of this noncontroversial bill was one of the more significant achievements of the 98th Congress.

Mr. President, Senator HART and I introduced S. 1201 just over a year ago, on May 4, 1983. Since then, this bill has been the subject of hearings in the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary. Those hearings were a revelation of the marvels of modern microelectronics.

The first integrated circuit semiconductor chip was produced about 25 years ago—within the lifetime of every member of this body. Since then, these devices have become almost unbelievably sophisticated. Today, engineers have managed to pack hundreds of thousands of electronic components onto a flake of silicon-based material measuring less than one-sixteenth of a square inch. In the space the size of a baby's thumbnail, a microprocessor—a "computer-on-a-chip"—can outperform the room-sized computers of past decades, at a miniscule fraction of the cost and energy consumption of its ungainly ancestors. A memory chip can store, in the same area, more than a quarter of a million bits of information.

These advances in miniaturization make possible the portable personal computer, designed around a single microprocessor chip. But the computer field is not the only one that has been transformed by the semiconductor chip. More than half of all integrated circuits find their way into end uses other than computing. These devices have made possible many of our modern conveniences, from kitchen appliances to fuel-efficient automobiles to video games. The progress in chip design and capability is revolutionizing the way we work, the way we play, the way we travel and communicate—in short, the way we live.

The chip is also transforming our economy. It has given rise to new industries, and to new ways of manufacturing existing products and delivering existing services. The semiconductor chip production industry itself has become an important component of the economy, a sector that is highly competitive in world markets. Accord-

ing to the recent study by the Office of Technology Assessment entitled "International Competitiveness in Electronics," U.S.-based firms in 1982 produced an estimated $9.7 billion worth of integrated circuit chips. That amounts to nearly seven-tenths of the total world output. Since a growing share—now estimated at roughly one-half—of the world market for chips is outside the United States, it is easy to see the importance of the semiconductor industry to American international competitiveness.

While several factors underlie the dominant position of American firms in many sectors of the semiconductor industry, the U.S. edge in chip design is certainly paramount among them. Packing the greatest amount of circuitry into the smallest amount of space is only the beginning of the chip designer's challenge. There are other goals: To maximize and diversify the functional abilities of the chip; to allow signals to travel faster; to consume less electricity; to generate less excess heat. The designer's task is to find the most elegant and practical solution to a complex set of overlapping problems. It is no wonder that the design and layout of semiconductor chips is a costly, time-consuming, and expensive process. And it is also not surprising that, although computer-assisted design techniques have made dramatic advances, no computer program has been able to supplant human creativity as an essential tool in the layout of the most complex and sophisticated chips.

Chip design is a fine and costly art that is indispensable to progress in the microelectronics field. Much of the semiconductor industry's heavy investment in research and development has gone toward improvements in design. The reward for the firms that make these investments is the ability to manufacture chips of unparalleled quality and power. Through the sale of these chips that are on the cutting edge of semiconductor technology, the firm can recoup the enormous R&D investment—sometimes as much as $100 million—that is required.

No single semiconductor firm has a corner on the market of skilled chip designers, and the breakthroughs embodied in one chip are often surpassed by the product of another company within a year or two. That is standard operating procedure in this highly competitive field. Through a process called reverse engineering, engineers can analyze a competitor's product, then go back to the drawing board to design a chip that can do the same job better, more cheaply, or more efficiently. Reverse engineering, like the original development process, requires a big investment in designing the new chip.

But in recent years, the astounding technological advances in the chip industry have been threatened by a different phenomenon: chip piracy. The chip pirate is not interested in reverse engineering. He does not build on the design advances embodied in new chips. The pirate firm simply rips off the design that has been so painstakingly created through the investment of thousands of hours of engineers' and technicians' time. It is an easy matter for the pirate to make a photographic copy of the different layers of a chip, and reproduce those intricate patterns on new stencils. A family of chips that cost $100 million for the innovator firm to design can be copied for as little as 1 percent of that cost. Because a pirate firm has only a minimal investment in the chip it has copied, it can flood the market with chips at prices far lower than the innovator firm, with its high front-end costs, can match.

As chips become more sophisticated and intricate, the problem of piracy worsens. The technical challenges the chip industry is now tackling are more daunting than ever before, and more expensive and time-consuming to solve. But the resulting breakthrough chips are not much more difficult or expensive to copy than simpler ones. The cost ratio in favor of the pirates thus increases dramatically.

The long-range effect of chip piracy is not hard to predict. The threat of piracy will discourage innovation. Funds for research and development will dry up, for no business wants to sow what others will reap. The growth of the industry will be blighted, and the benefits that all of us have gained from advances in microelectronics—new products, greater reliability, lower prices—will start to disappear.

Under existing law, the semiconductor industry is powerless to halt chip piracy. Copyright law does not generally protect the duplication of utilitarian objects such as semiconductor chips, and copyright protection for the layout drawings made by the designers does not, under settled copyright principles, extend farther than to forbid duplication of the drawings themselves. Patent protection is inadequate or inappropriate, because innovations in chip design are generally not sufficiently inventive to satisfy patent standards. Besides, it takes years to obtain a patent, thus nullifying its usefulness in a dynamic industry in which product lifetimes are often measured in months. Thus, current law offers no practical way to protect the prodigious investment of time, effort, skill, and money that underlies every innovation in chip design.

Mr. President, the Semiconductor Chip Protection Act of 1984 is intended to fill this gap in the law. It does so by extending copyright protection to a new category of creative expression: A "mask work," which is the series of related images embodying the pattern of the surface of a layer of a semiconductor chip. The owner of the copyright in a mask work is given the exclusive right, for a limited term of 10 years, to embody or reproduce these images in a mask—the stencil used to etch the pattern on a layer of the chip—or in a chip itself, and to distribute the resulting mask or chip. The effect of conferring this exclusive right on the creator of the chip design is to make chip piracy a copyright infringement, and to bring the power of civil and criminal copyright enforcement procedures to bear on chip pirates.

Mr. President, I believe that there is a consensus within this body, and in the House of Representatives, on the need for legislation to give legal protection to semiconductor chip design. That was not the case when I first introduced legislation on this subject, late in the 97th Congress. I am gratified that there is now general agreement on the nature of the problem. It is not surprising that there is some diversity of opinion on how best to solve it. That is to be expected, particularly since we are venturing into uncharted territory.

In deciding how to fashion the needed protection, we do not tread familiar ground. On the contrary, the challenge is to adapt the framework of our existing intellectual property law to contemporary conditions. These conditions compel us to rethink some of the basic assumptions on which our patent and copyright systems rest.

There is general agreement on the kind of protection that chip designers need. They should be able to obtain protection quickly and inexpensively, without a protracted period of examination of the design for novelty or innovativeness. The protection should accord the owner of the chip design the exclusive right to make and distribute the chip embodying that design. The protection should not be inconsistent with the accepted and beneficial practice of reverse engineering. And the protection should be for a relatively short term. The harder questions concern the method of providing this protection. Should an existing form of intellectual property protection—such as copyright, which already shares some of these characteristics—be adapted to the desired end? Or should an entirely new species of legal protection be called into being to cope with this new form of expression?

The sponsors of this legislation are well aware that it calls upon the copyright system to shoulder a burden that heretofore copyright has not been asked to carry. We expand the bounds of copyright when we use it to protect exclusive rights in chip design. Some of the witnesses before the Subcommittee on Patents, Copyrights and Trademarks agreed that copyright was the most appropriate approach, while

others argued forcefully that copyright protection ought not to be expanded in the manner proposed by this bill. The subcommittee gave careful consideration to the arguments on both sides of the question. It concluded, and the Judiciary Committee agreed, that the copyright system is well suited to the task at hand.

Mr. President, I will not review here all the reasons that led the committee to that conclusion. They are treated in some detail in the committee's report on this legislation. I only wish to emphasize that the burden of persuasion on this question ought to rest with those who advocate the creation of a new form of intellectual property protection.

Our copyright system has proven to be amazingly flexible and adaptable. It has persisted throughout nearly two centuries, during which technological change has continually thrown up new challenges for the legal protection of creative expression. We ignore history if we simply assume that copyright could not be adapted to cope with this latest challenge.

The Constitution authorized Congress to enact copyright laws "to promote the progress of science and useful arts." The first Congress passed a copyright statute within the first months of its existence. That Copyright Act of 1790 protected only books, maps, and charts. Today, copyright protects a long litany of works of authorship: literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, and audiovisual creations are covered, along with motion pictures and sound recordings. Each of these rubrics covers a broad range of works: computer programs are classed as literary works, for example, while many objects of almost purely commercial character enjoy protection as pictorial or sculptural works. The protection accorded each of these types of works, while similar, is far from uniform; the Copyright Act is peppered with provisions modifying the general scope of protection in order to accommodate the particular characteristics of one or another type of creation. While it has lagged behind at some points, the copyright law has, to a great extent, been able to keep pace, or at least to catch up, with changes in technology. We make no break with history when we propose that basic copyright principles, with some modification, provide appropriate protection to semiconductor chip design as well.

Furthermore, if we are serious about the task of providing effective protection to chip design, we would do well to act cautiously before jettisoning the copyright approach. The semiconductor industry needs protection now. It cannot afford to wait the years and years that would probably elapse before the courts had a chance to put a definitive gloss upon the words of a statute creating a new, sui generis form of protection for chip designs. Those who consider copyright protection an inappropriate means for encouraging innovative chip designs ought to consider whether there will still be innovation to encourage by the time the alternative is likely to be effectual. Certainly it would be profligate to toss aside the accumulated precedent of two centuries of copyright experience—including several years under the omnibus copyright revision enacted in 1976—simply because some of that heritage is not opposite to the case of semiconductor chips. Similarly, it would be anomalous if, at the same time that we consider strengthening protection for other forms of intellectual property, such as trademarks, we were to give chip designers less than the full arsenal of civil and criminal remedies available under copyright to deter and punish piracy.

Critics of the copyright approach must also consider that many copyright concepts must be transformed in order to accommodate new kinds of works that are undoubtedly covered by existing copyright law. Will the addition of mask works to the list of protected forms of expression add substantially to these challenges? Given the difficulties of applying settled copyright principles to automated data bases or computer programs, will it be that much more difficult to apply them to semiconductor chip designs?

Finally, I must address briefly one related concern. Some of the witnesses before the subcommittee argued against copyright protection, not because it would be inappropriate for chip designs, but because they perceived that the inclusion of chip designs within the scope of copyright might dilute the full strength of protection for works that are now covered by copyright. For example, it was suggested that to call reverse engineering a form of fair use under section 107 of the Copyright Act might encourage a more expansive interpretation of this limitation on exclusive rights in the case of literary works. Similarly, since a variety of works subject to copyright may be programed into a read only memory semiconductor chip, some have feared that the limitation to 10 years of the term of exclusive protection for chip design might whittle away at the term of protection accorded a computer program or other literary work embodied in such a chip.

It was never the intention of the sponsors of the Semiconductor Chip Protection Act to diminish in any way the rights of existing copyright proprietors, or of future proprietors in the kinds of works now protected by copyright. This bill targets a limited problem—piracy of semiconductor chip design—and proposes a limited solution—copyright protection for mask works. Outside the narrow scope it addresses, its provisions will have no effect on any aspect of the copyright laws. The bill has been amended to make this intent as clear as possible. To cite but one example, S. 1201 as reported would not include reverse engineering within the rubric of fair use; instead, it would treat reverse engineering in a separate new section of the Copyright Act. In sum, while the argument can still be made that copyright protection is not appropriate for semiconductor chip designs, I do not think it can seriously be maintained that coverage for mask works will have any harmful effect on the existing categories of copyright protection.

This legislation has been greatly improved by suggestions received during its consideration in the Subcommittee on Patents, Copyrights and Trademarks. As these changes are summarized in the report of the Judiciary Committee, I will mention just a few of them here. The amended version of S. 1201 does a better job of defining the scope of exclusive rights in mask works than did the original bill. Its provision dealing specifically with reverse engineering, along with the accompanying report language, will clarify more precisely than the original bill where the line is to be drawn between the plagiarism of the chip pirate and the paraphrase of the true reverse engineer. Its effective date provisions are more uniform, and more carefully crafted to provide the maximum justifiable breadth of protection. In these and many other respects, the Semiconductor Chip Protection Act of 1984 owes much to the work of the junior Senator from Vermont, Mr. LEAHY, who, as a valued member of the Subcommittee on Patents, Copyrights and Trademarks, took a lively interest in this bill and made many helpful suggestions for its improvement.

Mr. President, the consensus in support of legislation protecting semi-conductor chip designs is not limited to the Senate. The Judiciary Committee of the House of Representatives recently reported a bill that gives mask works protection generally parallel to that provided in S. 1201. There are some significant differences between the House Judiciary Committee measure and the bill before us today. The chief distinction is that the House bill does not accord copyright protection to chip design; rather, it creates a new form of protection, with similar but not identical characteristics, that applies only to mask works. However, the differences between the two bills, while important, should not be unbridgeable. I am confident that there will be sufficient common ground between S. 1201 and whatever bill the House passes to make possible

a speedy resolution of these differences. If I am correct in this estimation, then the chances are very good that before the end of the 98th Congress we will place on the statute books the kind of protection that is needed to encourage further innovations in semi-conductor chip design. The Senate's action today brings that salutary result one step closer.

Mr. LEAHY. Mr. President, a few weeks ago IBM announced one of the latest products of American ingenuity. In Essex Junction, Vt., IBM produced a 1-million-bit chip, a chip which is capable of storing more than four times as much information as the highest density chips now on the market.

The story of this giant step forward was well reported in the press and excited all of us who know that American technology is still the best in the world.

But what I find equally significant is that few Americans are amazed any more by such news. We routinely expect new breakthroughs in technology, and we are rarely disappointed.

The spacelab mission completed at the end of 1983 experimented with growing silicon crystals far larger than those grown on Earth. We can only speculate where this technology may lead.

The most important news story growing out of our ingenuity with small chips of etched silicon is that they have forever changed the way information is gathered, transmitted, and stored—and perhaps even the way we will think in the future.

With space-age improvements, the computer chip may bring changes that were only science-fiction plots a few years ago.

It is hard to overestimate what a great impact the computer and related technologies have had on our agenda in the Congress. It might be easier to try to name the areas that have not been affected.

But the communications revolution has not been brought about by Congress, but rather by the innovative spirit of our people. You will hear many argue that the best role for Congress is to keep its hands off this revolution—that the deregulation of the communications industry and the vigor of the free marketplace will produce the best social and economic results for the United States.

I wish it were so simple. The marketplace is the engine of our future success in information technologies. But there are many issues where Congress will be indispensable. The Semiconductor Chip Protection Act of 1984 is an important step in demonstrating that Congress is willing to match the scientific and technical innovation of our people with strong and innovative legal protections.

The issues we faced in the bill were formidable: If we failed to provide meaningful protection for those investing millions of dollars each year in the microchips that lie at the heart of the worldwide computer revolution, we risked falling far behind our international competitors; if we ended up with protection that was too broad, we stifled the use of know-how that should be available to everyone.

Defining a clear line between these two extremes in a field that is close to brandnew has been a great challenge.

As I have stated previously on the Senate floor, under the stewardship of Senator MATHIAS, I believe we have met that challenge.

Both the language of the bill and the report offer abundant guidance to industry experts, to attorneys, and to the courts as to what constitutes an infringement and other related issues. No practitioner should be at a loss in building a case that a product resulted from reverse engineering, as opposed to copying. Similarly, opposing counsel should have a clear idea of how to prove infringement—the kinds of evidence needed, the degree of proof, and the key matters at issue.

I am convinced that the bill, as now written, will not result in undue litigation. It will serve as a guide to industry as to the extent of an innovator's reasonable expectations, and in that sense the bill should help to avoid an undue reliance on the courts to settle questions relating to potential infringement.

While I am pleased that the Senate is today passing this important legislation, our challenge is not over. Significant differences exist between S. 1201 and the House version of the Semiconductor Chip Protection Act introduced by Congressmen EDWARDS and KASTENMEIER, H.R. 5525, which was recently approved by the House Judiciary Committee.

Clearly of greatest importance is the House committee's rejection of traditional copyright protection in favor of a sui generis approach. The Senate Judiciary Committee opted for traditional copyright protection after carefully considering the pros and cons of each approach. The arguments which led the committee to adopt the approach embodied in S. 1201 are outlined in the report on the bill. Of particular importance to me is the potential that American semiconductor chip designs will be afforded greater international protection under the Senate's approach than that of the House. It is abundantly clear that we can no longer afford the luxury of worrying about legal protections within our borders with the hope that the rest of the world will take care of itself. We must be prepared to use established conventions and bilateral negotiations to protect America's intellectual property in all of its forms. I believe that traditional copyright protection for semiconductor chip design will greatly enhance our chances of securing international protection in an area which is so vital to our economy.

There are additional differences between the House and Senate versions of this bill which will have to be bridged.

The Senate bill incorporates the Copyright Act's criminal offenses for certain acts of infringement. The House bill rejects this approach.

The House bill does not give protection to those designs which are staple, commonplace or familiar in the semiconductor industry. This additional condition of innovation, which seems to be borrowed from the patent law, is not contained in the Senate bill.

Finally, the bills diverge on the question of where the equities lie with regard to chips developed during the last couple of years, while the Congress was working on this legislation, but before it had a chance to complete its action.

All of these matters are important. None of them should stop us from completing our mission, which is to give this country's innovators legal protections commensurate with the great contributions they make to America. Both committees have put in a lot of hard work on this effort, and I am confident that we will not allow our differences to stand in the way of an effective piece of legislation in this Congress. I am pleased that the Senate is passing this bill expeditiously, so that we can get on with that effort.

In closing, I want to again thank my distinguished colleague from Maryland, Senator MATHIAS, for his great skill in steering this legislation through the Senate. Senator MATHIAS has led the effort in the Senate to recognize and reward America's greatest asset, her authors, artists, and inventors. The Senate and the American public owe him a great debt of gratitude.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is: Shall the bill pass?

The bill (S. 1201) was passed, as follows:

S. 1201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Semiconductor Chip Protection Act of 1984".

DEFINITIONS

SEC. 2. Section 101 of title 17 of the United States Code is amended by adding at the end thereof the following:

"A 'semiconductor chip product' is the final or intermediate form of a product—

"(1) having two or more layers of metallic, insulating, or semiconductor material, de-

posited or otherwise placed on, or etched away or otherwise removed from a piece of semiconductor material in accordance with a predetermined pattern;

"(2) intended to perform electronic circuitry functions; and

"(3) that is a writing, or the manufacture, use, or distribution of which is in or affects commerce.

"A 'mask work' is a series of related images, however fixed or encoded—

"(1) having the predetermined, three-dimensional pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product; and

"(2) in which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.

"A 'mask' is a substantially two-dimensional sheet, partially transparent and partially opaque to preselected radiation. A mask embodies a mask work if the pattern of transparent and opaque portions of the mask is substantially similar to the pattern of one of the images of the mask work. Masks and mask works shall not be deemed pictorial, graphic, or sculptural works. The copyright in a mask work shall neither extend to, nor affect, limit, or impair any copyright in any other work of authorship embodied therein or in a semiconductor chip product.

The provisions of sections 109(a), 401, 405, 406, 501(A), 503, 506, 509, and 602 of this title, applicable to copies of a work shall apply also to semiconductor chip products.".

SUBJECT MATTER OF COPYRIGHT

SEC. 3. Section 102(a) of title 17 of the United States Code is amended—

(1) by adding after paragraph (5) the following:

"(6) mask works;"; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively.

EXCLUSIVE RIGHTS

SEC. 4. Section 106 of title 17 of the United States Code is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting "; and" in lieu thereof; and

(3) adding at the end thereof the following:

"(6) in the case of mask works, only the following rights—

"(A) to embody the mask work in a mask;

"(B) to distribute a mask embodying the mask work;

"(C) to embody an image of the mask work in a semiconductor chip product;

"(D) in the manufacture of a semiconductor chip product, substantially to reproduce, by optical, electronic, or other means, an image of the mask work on material intended to be part of the semiconductor chip product; and

"(E) to distribute a semiconductor chip product made as described in subparagraph (C) or (D) of this paragraph.".

LIMITATION ON EXCLUSIVE RIGHTS AS TO MASKS

SEC. 5. (a) Chapter 1 of title 17 of the United States Code is amended by adding at the end the following:

"§ 119. Scope of exclusive rights: Right of reverse engineering with respect to mask works

"(a) In the case of mask works, the exclusive rights provided by section 106 are subject to a right of reverse engineering used under the conditions specified by this section.

"(b) It is not infringement of the rights of the owner of a copyright on a mask work to reproduce the pattern on one or more masks or in a semiconductor chip product solely for the purpose of teaching, analyzing, or evaluating the concept or techniques embodied in the mask or semiconductor chip product, or the circuit schematic, logic flow, or organization of components utilized therein.".

(b) The chapter analysis for chapter 1 of title 17 is amended by adding at the end thereof the following:

"119. Scope of exclusive rights: Right of reverse engineering with respect to mask works.".

(c) Section 106 of title 17 of the United States Code is amended by striking out "118" and inserting in lieu thereof "119".

DURATION OF COPYRIGHT

SEC. 6. Section 302 of title 17 of the United States Code is amended by adding at the end thereof the following:

"(f) MASKS.—Copyright in mask works endures for a term of ten years from the earliest of first authorized—

"(1) distribution;

"(2) use in a commercial product; or

"(3) manufacture in commercial quantities of semiconductor chip products made as described in subparagraph (C) or (D) of paragraph (6) of section 106.".

INNOCENT INFRINGEMENT

SEC. 7. (a) Chapter 5 of title 17 of the United States Code is amended by adding at the end thereof the following:

"§ 511. Innocent infringement of mask works

"(a) Nothwithstanding any other provision of this chapter, an innocent purchaser of an infringing semiconductor chip product shall not be liable as an infringer or otherwise be liable or subject to remedies under this chapter with respect to the distribution of units of such semiconductor chip product that occurred before such innocent purchaser had notice of infringement.

"(b) The remedies of the owner of a copyright on a mask work against an innocent purchaser shall be limited to a reasonable royalty upon each unit of the infringing semiconductor chip product that the innocent purchaser made or distributed after having notice of infringement, if the innocent purchaser establishes the applicability of all of the following circumstances:

"(1) the innocent purchaser, before first having notice of infringement, committed substantial funds to the use of the infringing product;

"(2) the innocent purchaser would suffer substantial out-of-pocket losses (other than the difference in price between the infringing product and a noninfringing product) if denied the use of the infringing product;

"(3) the innocent purchaser's use of the infringing product is and will be for substantially the same purpose that initially gave rise to the innocent purchaser's immunity under subsection (a);

"(4) in the case of an innocent purchaser who, after having notice of infringement, makes the infringing semiconductor chip product, or has it made for him, the copyright owner and the owner's licensees, if any, are unable to supply the semiconductor chip product to the innocent purchaser at a reasonable price; and

"(5) it would be inequitable in the circumstances not to permit the innocent purchaser to continue the use or proposed use of the infringing product.

"(c) The immunity of an innocent purchaser and limitation of remedies with respect thereto shall extend to good faith purchasers from him.

"(d) For the purposes of this section—

"(1) 'innocent purchaser' means one who purchases an infringing semiconductor chip product in good faith, and without having notice of infringement;

"(2) 'notice of infringement' means actual knowledge that, or reasonable grounds to believe that, a product is an infringing semiconductor chip product; and

"(3) 'infringing semiconductor chip product' means a semiconductor chip product which is made or distributed in violation of the exclusive rights of an owner of a copyright in a mask work.".

(b) The table of sections for chapter 5 is amended by adding at the end thereof the following new item:

"511. Innocent infringement of mask works.".

IMPOUNDING AND SEIZURE

SEC. 8. Sections 503(a), 503(b), and 509(a) of title 17 of the United States Code are each amended by inserting "masks," after "film negatives," each place it appears.

SAVINGS CLAUSES

SEC. 9. Nothing contained in this Act shall be deemed to add to or detract from existing rights of owners of copyrights in works of authorship listed in section 102(a) of title 17 of the United States Code, prior to its amendment by this Act. Nothing contained in this Act shall be deemed to detract from any right of the lawful owner of a product purchased from the copyright owner, or from a person authorized by the copyright owner, freely to use, distribute and resell the product without liability therefor under the copyright laws.

EFFECTIVE DATE

SEC. 10. The amendments made by this Act shall not create liability for any conduct that occured prior to the date of enactment of this Act, but shall apply to all acts of manufacture or distribution of semiconductor chip products that occur in the United States after such date, to all acts of importation of semiconductor chip products into the United States that occur after such date, and to all violations of the exclusive rights of the copyrights owner under section 106(6) of title 17, United States Code, as amended by section 4 of this Act, that occur after such date. Notwithstanding the provisions of this section, no alleged infringer shall be liable under this Act with respect to the continued manufacture or distribution of any semiconductor chip product that the alleged infringer commercially distributed in the United States prior to January 1, 1980.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE USE OF THE ROTUNDA OF THE U.S. CAPITOL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 852, House Concurrent Resolution 296.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 296) authorizing use of the rotunda of the Capitol to honor the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3068

(Purpose: Authority to appoint congressional delegation)

Mr. STEVENS. Mr. President, I send to the desk an amendment in behalf of the distinguished Senator from Maryland (Mr. MATHIAS), chairman of the Rules Committee, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. MATHIAS, proposes an amendment numbered 3068.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, beginning with line 8, strike out all through line 11, and insert in lieu thereof the following:

SEC. 3. The Speaker, after consultation with the Minority Leader, shall be authorized to appoint a delegation representing the House and the Majority Leader of the Senate, after consultation with the Minority Leader, shall be authorized to appoint a delegation representing the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3068) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 296) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF CALENDAR NO. 811, S. 1739

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 811, S. 1739, be referred to the Committee on Finance for a period not to extend beyond Friday, June 8, 1984, and that they be limited to the revenue-raising implications of sections 502 and 1006.

Further, I ask unanimous consent that any conferees appointed by the Senate to represent the views of the Finance Committee on sections 502 and 1006, be limited in their participation to those sections, and that the number of the Committee on Finance conferees be limited to three.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, the Committee on Environment and Public Works has agreed to allow sections 502 and 1006 of S. 1739, the Water Resources Development Act of 1983, to be referred to the Committee on Finance until June 8. A number of my colleagues have sought this referral and believe that the review of revenue-related measures by that committee is necessary.

Mr. President, with this referral, all obstacles to bringing S. 1739 to the floor of the Senate should have been removed. This legislation was reported out of the Environment and Public Works Committee last November, and I have tried since that time to discuss with any interested party potential changes which would improve the bill without adversely affecting the essential budget restraint and cost-sharing reforms which are necessary to allow water resource development to proceed.

In recent days, I have indicated to a number of agricultural interests my sincere desire to work to resolve any concerns they may have, and my willingness to offer specific amendments if such amendments would generate additional support for S. 1739 without destroying its fiscal integrity. I continue to believe that once floor action is scheduled, the controversies surrounding this measure can be quickly resolved.

Mr. President, in order to try to satisfy the concerns of Senators and various interest groups, the Committee on Environment and Public Works has gone out of its way to allow for continued discussion and debate on S. 1739 prior to bringing it to the floor. The time has come to act on this bill. It has been 8 years since the last omnibus water development bill was enacted, and in the interest of the Nation, those of us who support enactment of a water resources bill must come together to insure that the Senate has the opportunity to debate and act on this measure.

In that light, Mr. President, I want my colleagues to know I intend to work in the coming weeks with the majority leader, the chairman of the Environment and Public Works Committee and other interested Senators to arrive at a reasonable time agreement to bring S. 1739 to the Senate floor as soon as possible after the Finance Committee completes its review.

In view of the extended debate on other measures, the abbreviated schedule due to election activities, and the time which will be required to conference with the House, the window of opportunity for Senate action on S. 1739 is becoming exceeding narrow—perhaps only the last 2 weeks in June. I strongly urge, therefore, that any Senator who would like to see action this year on omnibus water resources legislation contact the majority leaders' office in support of a reasonable time agreement and attempt to work out ahead of time as many prospective amendments as possible.

I stand ready to discuss this matter with any of my colleagues and to try to be of all possible assistance in resolving concerns which can be addressed in a fiscally responsible manner. Let us get on with it.

THE CALENDAR

Mr. STEVENS. Mr. President, I would like to ask my good friend from West Virginia, the distinguished Democratic leader, if it would be agreeable at this point to ask the Senate to consider en bloc Calendar Order No. 859, Senate Joint Resolution 165; Calendar Order No. 860, Senate Joint Resolution 285; Calendar Order No. 861, H.R. 4107; and Calendar Order No. 870, Senate Concurrent Resolution 113.

I note that the distinguished Senator from New York is present on the last item.

Mr. BYRD. Mr. President, there is no objection to considering the first three measures en bloc, and then the distinguished assistant Republican leader could go to the consideration of the last item.

The PRESIDING OFFICER. Without objection, it is so ordered.

BICENTENNIAL ANNIVERSARY OF PATENT AND COPYRIGHT LAWS

The joint resolution (S.J. Res. 165) to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 165

Whereas 1987 is the bicentennial year of the United States Constitution;

Whereas a clause in article I, section 8, of the Constitution empowers Congress "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to

their respective Writings and Discoveries;"; and

Whereas this clause is the foundation of all patent and copyright laws and is worthy of special recognition during such bicentennial year: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That special recognition be given during 1987, the bicentennial year of the United States Constitution, to the constitutional foundation for patent and copyright laws, and the President is authorized and requested to issue a proclamation upon the enactment of this joint resolution calling upon the people of the United States to foster such recognition through appropriate programs and activities.

HARMON KILLEBREW DAY

The joint resolution (S.J. Res. 285) to designate June 13, 1984, as "Harmon Killebrew Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 285

Whereas Harmon Killebrew was named to Major League Baseball's Hall of Fame on January 10, 1984;

Whereas Harmon Killebrew was a member of eleven American League All-Star squads and was the first American League player elected at three positions—first and third bases and the outfield;

Whereas next to Babe Ruth, Harmon Killebrew is the most prolific home run hitter in American League history;

Whereas Harmon Killebrew had eight seasons of at least forty home runs and eight years of one hundred and ten runs batted in;

Whereas Harmon Killebrew was the American League's Most Valuable Player in 1969, when he hit forty-nine home runs, had one hundred and forty runs batted in, and had a fielding average of 0.975; and

Whereas Harmon Killebrew hit four home runs in one double header: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 13, 1984, is designated "Harmon Killebrew Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

MAUDE R. TOULSON FEDERAL BUILDING

The Senate proceeded to consider the bill (H.R. 4107) to designate the Federal building in Salisbury, Md., as the "Maude R. Toulson Federal Building."

Mr. SARBANES. Mr. President, I wish to express my strong support for H.R. 4107, a measure to designate the Federal building in Salisbury, Md., as the Maude R. Toulson Federal Building in recognition of the exemplary service this remarkable woman contributed to the Salisbury community, her efforts to remodel and expand the Federal building and her years of service as the postmaster of the U.S. Post Office in Salisbury.

Mrs. Toulson played a significant pioneering role in the life of the Salisbury community through her extensive involvement in the civic and professional activities of the Eastern Shore. As an active member of the Episcopal Church, the Quota Club, and the Democratic Club, Maude Toulson worked tirelessly on behalf of war bond sales, the Community Fund, and the Red Cross. Mrs. Toulson took an active role in the Salisbury business community during the time she operated the family drug store on the plaza following the serious illness of her husband.

Maude Toulson became the first postmistress in Salisbury on the appointment of President Franklin D. Roosevelt in 1937. During the course of her 10 years in that position, Mrs. Toulson successfully led the effort to remodel and expand the Federal building, which was, at that time, the main post office in Salisbury. The Federal building is now one of the most prominent buildings in the city. It is also of interest to note that Mrs. Toulson initiated the landmark deliveries of rural free delivery and air mail to Wicomico County.

Mr. President, in moving forward with this bill designating the Federal building as the Maude R. Toulson Federal Building we pay homage to this remarkable and dedicated woman and to her service as postmaster in Salisbury. In this regard, I wish to extend my appreciation to the distinguished chairman of the Environment and Public Works Committee, Senator STAFFORD and the distinguished ranking minority member, Senator RANDOLPH for their support of this measure and in expediting its consideration.

The bill was ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the votes on the various items.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

REGARDING EMIGRATION OF ELENA BONNER

Mr. STEVENS. Now, Mr. President, I ask unanimous consent that the Chair lay before the Senate Calendar Order No. 870, which is Senate Concurrent Resolution 113, and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 113) expressing the sense of the Congress that Elena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Elena Bonner, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, this is a matter of grave concern to the world, no less than to this body. The distinguished civil rights leader, Andrei Sakharov, is on a hunger strike, asking no more than his wife, Elena Bonner, be allowed to leave the Soviet Union for the purpose of receiving medical care with respect to a condition which is threatening to life.

I ask that the Senate agree to this concurrent resolution.

I would state the prayerful concern of this body is that the Soviet authorities would respond to our concerns not as a matter of a decision between nations, but as a concern for persons.

If I may say to the distinguished leaders of this body, we are in a situation where the House has passed an identical concurrent resolution to the one which I now offer for myself and Mr. DURENBERGER. I would hope that tomorrow, if it were possible, we could simply arrange to have one or the other body adopt whichever of these resolutions is most convenient so that the Congress would, in fact, have adopted a concurrent resolution.

I wonder if I could ask the Senator from Alaska, would that be possible? We have to act concurrently.

Mr. STEVENS. Mr. President, the distinguished Senator from New York has a good suggestion, but we would have to have the papers passed by the House or the House would have to have the papers passed by the Senate to accomplish the passage of a concurrent resolution.

Therefore, it is my suggestion that we go ahead and pass this one. If the House gives us their papers first, we can act on theirs, but if they get ours first, they can act on ours. We are united in purpose.

The distinguished chairman of the Foreign Relations Committee is a cosponsor of this concurrent resolution. I see no difficulty in handling the matter in the most expeditious way possible.

The PRESIDING OFFICER. Is there further debate?

Mr. MOYNIHAN. Mr. President, I move adoption of the concurrent resolution.

Mr. TSONGAS. Mr. President, it is difficult to imagine a more time-sensitive piece of legislation than the concurrent resolution now before us.

Last week, we learned that the world-renowned Soviet Nobel peace laureate, Andrei Sakharov, had begun a hunger strike on May 2. As will be recalled, Dr. Sakharov, distinguished both as a humanist and as a theoretical physicist, has been held by Soviet authorities under strict internal exile in the city of Gorky for several years. He and his wife, Elena Bonner, have endured one previous hunger strike and been the objects of a shameful campaign of vilification and repression by the Soviets. Both Dr. Sakharov and Mrs. Bonner are in need of medical treatment for heart and other ailments.

The immediate precipitant for Dr. Sakharov's now 2-week-old hunger strike was the detention of his wife on charges of anti-Soviet agitation. The gravity of her physical situation was the other major consideration. Dr. Sakharov has for many months been attempting to secure an exit visa for Mrs. Bonner so that she might seek vitally needed treatment in the West. But Mrs. Bonner has not been granted a visa, and Dr. Sakharov's hunger strike is a last-resort attempt to see that the charges against his wife are dropped and that she be permitted to seek medical attention abroad.

This resolution is intended to show that those of us in the world community, and particularly in the U.S. Congress, stand proudly and publicly in support of the Sakharovs at a crucial time. The resolution expresses the sense that the Soviet Union ought immediately to honor the demands of Dr. Sakharov's hunger strike, and further, that Dr. Sakharov and Mrs. Bonner be permitted to emigrate from the U.S.S.R. to the country of their choice.

We have at hand a grave threat to the health of both Dr. Sakharov and Mrs. Bonner. Elena Bonner is known to require urgent medical attention of a kind unavailable in the Soviet Union, and Dr. Sakharov, the victim of two previous heart attacks, is perhaps in even more imminent danger as a result of his current hunger strike. No one will benefit if Dr. Sakharov dies—least of all the Soviet Union. And the world will have lost a great moral leader. While there is still time, Mr. President, we must speak clearly and with one voice—that Andrei Sakharov and Elena Bonner be permitted to exercise their basic human rights.

I ask immediate passage of the resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM FOR THE SAKHAROVS

Mr. BYRD. Mr. President, the plight of Andrei Sakharov and his wife Elena Bonner points out the true weakness of the Soviet Union's political system. The Soviet military might rivals our own. Yet, its leaders apparently so fear the calls for freedom and human rights by the Sakharovs that Elena Bonner is now denied the medical attention she so badly needs. I urge the Soviet leadership to show compassion by allowing the Sakharovs to emigrate so that Elena Bonner may receive needed medical care.

I commend Senators TSONGAS and MOYNIHAN for their work in seeking the Sakharovs' freedom.

Mr. BINGAMAN. Mr. President, I join my colleagues in deploring the way in which the Soviet Government has mistreated Dr. Andrei Sakharov and his wife, Elena Bonner, and in urging the Soviet authorities to allow this couple to emigrate from the Soviet Union.

I have long admired Dr. Sakharov, a man who to me epitomizes the best in human nature: courage, decency, altruism, brilliance, honor, honesty. He has written eloquently of the need for arms control for some 15 years, a goal in which I also deeply believe. He has a vision of a better world which he has tried to share with his scientific colleagues at home and abroad and with the public at large. For this, he has been vilified by Soviet propagandists in truly Orwellian doublespeak. For this he has been exiled to Gorky and deprived of the ability to conduct his scientific work, now concentrated on fundamental questions about our universe.

For 4 years now, the world has been deprived of almost all communication with one of the greatest minds of our time, a winner of the Nobel Peace Prize. At this moment, as we speak, he and his wife may be near death in Gorky.

In the name of humanity, in the name of human decency, I appeal to the Soviet Government to give this couple their freedom. They are old. They are enfeebled. Their health is fading. They have stood against the Soviet Government for 15 years supporting the small and decreasing circle of brave souls willing to stand openly for freedom within the Soviet State.

Why does the Soviet Government tremble so at the voice of one man and one woman? The Soviet security apparatus has proven over the past 10 years that they can crush internal dissent and blot out any hope for systemic reform. Will they only be satisfied with Dr. Sakharov's death? Is that the only freedom the Soviet Government will grant the Sakharovs, the freedom to die and to seek in death a juster world beyond? I hope not. I pray not.

I hope that the great and powerful Soviet State will find it possible to grant this couple their freedom abroad and allow them to live out their remaining years in peace. The voice of one man in exile abroad cannot be so powerful a threat to the Soviet State, which has proven so adept at blocking off normal communication with the world about it.

Mr. PERCY. Mr. President, it is urgent that the U.S. Congress add its unanimous voice to the many around the world now speaking out in protest at Soviet treatment of Andrei Sakharov and his wife, Elena Bonner. On May 2, Sakharov began a fast in protest of Soviet refusal to allow his wife to seek needed medical treatment obtainable only abroad. Given Sakharov's own fragile health, it is probable that he will be in serious danger within the next few days. Senate Concurrent Resolution 113 of Senator TSONGAS', of which I am proud to be a cosponsor, urges the Soviet Union to allow the Sakharovs to seek medical treatment abroad and to live in the country of their choice, and asks the President and other signatory nations to the Helsinki Final Act to protest Soviet treatment of the Sakharovs. The House of Representatives is voting today on a companion resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution Senate Concurrent Resolution 113 was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 113

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatory countries to respect human rights and fundamental freedoms;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law;"

Whereas the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion, and expression;

Whereas the International Covenant on Civil and Political Rights guarantees that everyone shall have the right to freedom of thought, conscience, and religion, the right to hold opinions without interference, and the right of freedom of expression;

Whereas the Union of Soviet Socialist Republics signed the Final Act of the Conference on Cooperation and Security in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Principle VII of the Final Act specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights, and Principle IX confirms the relevant and positive role individuals play in the implementation of the provisions of the Final Act;

Whereas Nobel Laureate Andrei Sakharov, leader of the human rights movement in the Soviet Union, was arrested and exiled to Gorky in direct contravention of Principle VII of the Helsinki Final Act, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights;

Whereas Doctor Sakharov's wife, Elena Bonner, has recently been detained and charged with anti-Soviet agitation and is in urgent need of medical treatment unavailable in the Soviet Union; and

Whereas Doctor Sakharov has, as a last resort, begun a hunger strike in an attempt to have the charges against his wife dismissed and so that she may be given the exit visa denied her in the past for the purpose of obtaining medical treatment abroad: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Union of Soviet Socialist Republics should void all charges against Elena Bonner, issue her an exit visa for the purpose of obtaining medical care outside the Soviet Union, and allow Andrei Sakharov and Elena Bonner to live in the country of their choice.

SEC. 2. The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the detention of and charges against Elena Bonner and the continued refusal of an exit visa for Mrs. Bonner, and to call upon the Soviet Union to meet the demands of Doctor Sakharov's hunger strike.

(2) to call upon all other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join in such protests and urge that the Sakharovs be allowed to emigrate to the country of their choice.

SEC. 3. The Security of the Senate shall transmit copies of this resolution to the Soviet Ambassador to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask my good friend from West Virginia if it would be agreeable at this time to ask unanimous consent that the Senate go into executive session for the purpose of considering the two nominations on page 4 of the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The clerk will state the nominations.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Michael Hayden Armacost, of Maryland, to be Under Secretary of State for Political Affairs.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nomination of Joseph F. Dennin, of the District of Columbia, to be Assistant Secretary.

Mr. DOLE. Mr. President, I was pleased yesterday to report the recommendation of the Committee on Finance that the Senate give its advice and consent to the nomination of Joseph F. Dennin, whom President Reagan has nominated to be Assistant Secretary of Commerce for International Economic Policy.

Mr. Dennin currently is Deputy Assistant Secretary of Commerce for Africa, the Near East, and South Asia. Previously, he served as Deputy Assistant Secretary of Commerce for Finance, Investment, and Services (1981–1982); Deputy Associate Attorney General, Department of Justice (1979–1981); counsel to the Intelligence Oversight Board in the White House (1976–1978); and counsel, Senate Select Committee on Intelligence (1975–1976). An attorney, Mr. Dennin practiced law in New York City with the firm of Simpson, Thacher & Bartlett (1969–1975).

Mr. Dennin graduated with great distinction from Stanford University with a degree in economics, and also received his J.D. degree from the Stanford School of Law. In 1968–1969 he studied comparative law and government at the University of Helsinki, under a Fulbright grant. Mr. Dennin is certainly highly qualified, and it is an honor for me to recommend that my colleagues approve his nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

(Additional statements submitted and routine morning business transacted during the day are as follows:)

MESSAGES FROM THE HOUSE

At 10:28 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bill (S. 1429) to amend the Small Business Act to extend and strengthen the small business development center program, and for other purposes, with amendments; it insists upon its amendments, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. MITCHELL, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. MCDADE, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4193. An act to encourage the use of public school facilities before and after school hours for the care of school-age children, and for other purposes;

H.R. 4810. An act to amend the National Capital Transportation Act of 1969 to direct the Secretary of Transportation to study the feasibility of constructing a rail rapid transit line between the West Falls Church, Va., station of the Washington, District of Columbia, Metrorail system and Dulles International Airport;

H.R. 5119. An act to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1985, and for other purposes;

H.R. 5308. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.R. 5404. An act allowing William R. Gianelli to continue to serve as a member of the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4810. An act to amend the National Capital Transportation Act of 1969 to direct the Secretary of Transportation to study the feasibility of constructing a rail rapid transit line between the West Falls Church, Va., station of the Washington, District of Columbia, Metrorail system and Dulles International Airport; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5404. An act allowing William R. Gianelli to continue to serve as a member of the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense; to the Committee on Armed Services.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5119. An act to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1985, and for other purposes.

MEASURE HELD AT THE DESK

By unanimous consent, the following bill was ordered held at the desk pending further disposition:

H.R. 5308. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia;

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 4193. An act to encourage the use of public school facilities before and after school hours for the care of schoolage children, and for other purposes;

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3214. A communication from the Secretary of the U.S. Senate transmitting, pursuant to law, a report containing a full and complete statement of the receipts and expenditures of the Senate from October 1, 1983 through March 31, 1984; ordered to lie on the table.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-645. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE JOINT RESOLUTION No. 121

"Whereas, the farmers of Virginia have just suffered through the worst drought in recent history; and

"Whereas, although sufficient aid was available, many farmers suffered unnecessarily because of the procedures established to determine relief; and

"Whereas, a change in the base pricing procedure used for Disaster Relief Loans could result in accessibility to much needed aid in a more efficient manner; and

"Whereas, by using a quarterly system, the amount of loan eligibility would bear a more reasonable relationship to the replacement cost of lost crops; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring,* That the General Assembly of Virginia memorializes Congress to change the base pricing procedure for Disaster Relief Loans so that the pricing is done on a quarterly system rather than the existing annual pricing system; and, be it

"*Resolved further,* That the Clerk of the House of Delegates is directed to forward a copy of this resolution to each member of the Virginia Congressional delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Secretary of Agriculture of the United States."

POM-646. A resolution adopted by the City Council of Columbia, S.C. relating to the housing development grant program; to the Committee on Banking, Housing, and Urban Affairs.

POM-647. A resolution adopted by the Council of the Borough of Waldwick, N.J. relating to local control of cable TV franchises; to the Committee on Commerce, Science, and Transportation.

POM-648. A resolution adopted by the Borough of Ship Bottom, N.J. relating to cable television legislation; to the Committee on Commerce, Science, and Transportation.

POM-649. A resolution adopted by the House of Representatives of the Commonwealth of Kentucky; to the Committee on Commerce, Science, and Transportation.

"COMMONWEALTH OF KENTUCKY—RESOLUTION

"Whereas, the Federal Communications Commission has adopted a policy to eventually allow local telephone companies to impose a long distance access charge on all telephone subscribers; and

"Whereas, the uncontrolled and arbitrary imposition of such an access fee has a far greater impact on citizens of the Commonwealth who live on a fixed or limited income than other users and subscribers; and

"Whereas, no consideration has been given to the effect of such an access fee on those citizens most directly affected by such action: Now, therefore,

"Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

"Section 1. That the House of Representatives of the Kentucky General Assembly advise the President of the United States, the United States Congress, the Chairman of the Federal Communications Commission, the Attorney General of the Commonwealth and the Kentucky Public Service Commission that the imposition of an access fee for the use of telephone service will effectively deny such service to those citizens who live on fixed or limited incomes.

"Section 2. That no such access fee should be permitted or allowed unless the public utility involved first identifies that segment of its subscribers most affected because of age, income or other limitation.

"Section 3. That no such access fee be permitted or allowed until the public utility involved presents a comprehensive and acceptable plan for the continuation of service to those subscribers affected by such an access fee because of a fixed or limited income.

"Section 4. That the Clerk of the House of Representatives send copies of this resolution to the President of the United States, the members of the Kentucky Congressional Delegation, all other members of the United States Congress, the Chairman of the Federal Communications Commission, the Attorney General of the Commonwealth and the Kentucky Public Service Commission."

POM-650. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION No. 72

"Whereas, the Federal Highway Administration in 1971 approved the Interstate Route 664 addition from a junction with Interstate Route 64 in the City of Hampton to Craney Island to provide a much needed third crossing of Hampton Roads; and

"Whereas, the Federal Highway Administration found that the addition of Interstate Route 664, the third crossing, to the interstate highway system met the Congressionally mandated purposes of providing an interconnected system of interstate and defense highways in an area heavily inpacted by U.S. defense facilities; and

"Whereas, the Department of Defense determined that it was not feasible to use the crossing at Craney Island because of its future use as a military facility and that a longer route of an additional 1.7 miles across Hampton Roads would be necessary; and

"Whereas, in 1978 the Federal Highway Administration approved the additional interstate funding of 1.7 miles across Hampton Roads to the City of Suffolk, finding that the third crossing was a vital element in the interstate highway system; and

"Whereas, at the time it was recognized that there were no federal funds to construct the road connecting Interstate Route 664 from the shoreline in the City of Suffolk to U.S. Route 17 of the federal aid primary system and to Interstate Routes 64 and 264 at Bowers Hill in the City of Chesapeake; and

"Whereas, the Federal Highway Administration did not have sufficient interstate mileage to provide for this additional allocation, and a commitment was made by the Virginia Department of Highways and Transportation to utilize state primary funds to complete this interstate connector; and

"Whereas, completion of the 2.5 miles of Interstate Route 664 from the touch-down point in Suffolk to U.S. Route 17 is estimated to cost approximately $32 million, and to the next nearest interstate highway, the intersection of Interstate Route 64 and Interstate Route 264 at Bowers Hill, is estimated to cost approximately $72 million; and

"Whereas, the Virginia Department of Highways and Transportation has agreed to complete the remainder of Interstate Route 664 utilizing primary funds; and

"Whereas, these primary funds will be used for completion of this interstate project at the expense of Virginia's primary road funds, seriously depleting these funds for approximately the next ten years; and

"Whereas, the preemptive use of primary funds for this interstate highway project will cause serious delay or deletion of numerous primary projects critically important to the commerce and growth of the entire Commonwealth; and

"Whereas, additional federal funds may be available for a highway on the federal-aid primary system which meets all of the standards of a highway on the interstate highway system and that such highway is a logical addition or connection to the interstate highway system; and

"Whereas, the completion of the total Interstate Route 664 project, as well as the numerous other transportation improvement projects assigned to the primary fund, will make a most significant contribution to the economic well-being of the entire Hamp-

ton Roads area and the Commonwealth of Virginia, in addition to providing defense highway mileage in an area greatly affected by U.S. defense facilities now, therefore, be it

"Resolved by the House Delegates, the Senate concurring, That the General Assembly of Virginia hereby memorializes the Congress of the United States to provide additional federal funds for completion of this interstate highway project from the shoreline in the City of Suffolk through U.S. Route 17 to the Interstate Route 64/264 intersection at Bowers Hill in the City of Chesapeake; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Delegation to the Congress of the United States in order that they may be apprised of the sense of the General Assembly of Virginia."

POM-651. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Foreign Relations.

"HOUSE CONCURRENT MEMORIAL 2001

"Whereas the persecution of the three hundred thousand members of the Baha'i religious community in Iran has received worldwide attention; and

"Whereas the entire civilized world was shocked by the news from Iran of the June 1983 summary executions of six men and ten women, including three teenage girls, without publicly announced charges or public trial, for no other reason than their adherence to their faith; and

"Whereas since the 1979 revolution in Iran more than one hundred fifty members of the Baha'i community of Iran have been slain for their refusal to recant their faith; and

"Whereas reports of attempted forced conversions of Baha'is to Islam and wholesale deliberate starvation of Baha'i communities in Iran, along with confiscations of property, bank accounts and pensions, and the expulsion of all students of Baha'i parentage from all schools in Iran, have been made public; and

"Whereas the actions against the Baha'is by the present Iranian government violate all norms of civilized behavior, internationally promulgated declarations of human rights, and indeed, violate the very principles of Islam itself; and

"Whereas the actions of the Iranian government appear to all fair-minded observers to be a barbaric and genocidal attempt to eradicate the Baha'i Faith in the land of its birth.

"Wherefore you memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress of the United States continue its support for efforts at the national and international levels, to halt the persecution of the Baha'i minority in Iran.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, each member of the Arizona Congressional Delegation, and to the Baha'i International Community and the Spiritual Assembly of the Baha'is of Phoenix, Arizona."

POM-652. A resolution adopted by the "We, the Women of Hawaii" relating to requiring agents from Communist bloc countries to register with the Attorney General; to the Committee on the Judiciary.

POM-653. A resolution adopted by the City Council of Kansas City, Mo., relating to Antitrust Immunity; to the Committee on the Judiciary.

POM-654. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary.

"Whereas, in 1890, Congress enacted the Sherman Antitrust Act, 26 Stat. 209 (15 U.S.C. § 1 et seq.), to prohibit conspiracies "in restraint of trade or commerce among the several States or with foreign nations"; and

"Whereas, the United States Supreme Court has consistently held that among the practices prohibited by the act is that of "vertical price fixing" or "resale price maintenance," wherein manufacturers dictate the price that wholesalers or retailers must charge for their product; and

"Whereas, in 1975, Congress enacted the Consumer Goods Pricing Act of 1975 (Pub. L. 94-145) revoking the authority of the States to allow resale price maintenance under "fair trade laws," further indicating its support for the prohibition against vertical price fixing developed by the courts under the Sherman Antitrust Act; and

"Whereas, despite these indications that enforcement against vertical price fixing should be a priority, the Federal Trade Commission and the Justice Department have reduced enforcement in this area based upon a policy of minimal government interference in the marketplace; and

"Whereas, vertical price fixing, however, infringes upon the right of the retailer to free trade and competition and the consumer's expectation of the best benefits of that competition; and

"Whereas, Congress and the President should renew their support of and belief in the principles of free trade by specifically prohibiting the practice of vertical price fixing; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia, by this resolution, respectfully requests the Congress and the President of the United States to address the issue of vertical price fixing by calling upon the Attorney General of the United States and all other appropriate federal agencies to vigorously enforce the federal antitrust laws, including the prohibition against vertical price fixing; and, be it

"Resolved further, That the Clerk of the House of Delegates is directed to prepare copies of this resolution for transmittal to the President of the United States and the presiding officers of the United States Senate and House of Representatives, and to each member of Congress from this Commonwealth."

POM-655. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

"HOUSE JOINT RESOLUTION NO. 49

"Whereas, Section 11(d) of the Fair Labor Standards Act, 29 U.S.C. § 211(d), empowers the Secretary of Labor and/or the Administrator of the Wage and Hour Division of the Department of Labor to issue orders for the regulation of industrial homework; and

"Whereas, those officials, acting pursuant to that authority, have issued orders categorically prohibiting homeworkers from manufacturing broad categories of goods for sale to distributors; and

"Whereas, the effect of that prohibition has been to deprive untold numbers of individuals who prefer to work at home, such as mothers with young children, of the opportunity to be gainfully employed; and

"Whereas, those who support the prohibition of homework seek to justify that infringement of the citizen's right to work by arguing that homework presents the opportunity for abuse; and

"Whereas, that argument is without merit since there is no instrumentality known to man that cannot be misused, a fact that does not warrant the indiscriminate circumscribing of individual liberty; and

"Whereas, no rational legislative objective is served by, in effect, forcing mothers out of the home and into the factory; and

"Whereas, the prohibition of homework has recently gained national notoriety as a result of litigation, arising in the State of Vermont, that clearly presents the plight of the victimized homeworker; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia memorializes the President, Congress and Secretary of Labor of the United States to rescind or amend the orders and regulations prohibiting industrial homework, thus guaranteeing to those citizens who choose to pursue gainful employment in the home the freedom to do so; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to the Secretary of Labor of the United States, and to the members of the Virginia Delegation to the Congress of the United States."

POM-656. A resolution adopted by the Commonwealth of Virginia; to the Committee on Veterans' Affairs.

"HOUSE JOINT RESOLUTION NO. 4

"Whereas, National Cemeteries are, and of right ought to remain, places of honor set aside for the burial of the nation's veterans; and

"Whereas, it is fully in keeping with the sacrifices which America's veterans have made for their country in peace and war, at home and abroad, that those laid to rest in National Cemeteries should be buried with dignity; and

"Whereas, in October, 1983, it came to the attention of the public that not all veterans being buried in National Cemeteries were being treated with the dignity which they merited; and

"Whereas, it was reported in the press that far from being interred with dignity, some veterans were being buried naked or wrapped in sheets, in plastic bags, and cardboard boxes; and

"Whereas, as least one such burial has been reported to have occurred in the National Cemetery at Quantico, Virginia; and

"Whereas, such burial practices are repugnant to Virginians and to all Americans; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States is hereby memorialized to ensure that the United States Veterans Administration takes appropriate actions to guarantee that veterans being buried in all National Cemeteries are interred with the

dignity, respect, and gratitude which they, as veterans, have earned from the people of the nation which they have served; and, be it

"*Resolved further,* That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Virginia delegation to the Congress of the United States, and to the Administrator of the United States Veterans Administration in order that they may be apprised of the sense of the General Assembly of Virginia in this matter."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDREWS, from the Select Committee on Indian Affairs, with amendments:

S. 2619: A bill to extend programs under the Indian Education Act through fiscal year 1985 (Rept. No. 98-449).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 2584: A bill to provide authorization of appropriations for activities carried out under the Marine Mammal Protection Act of 1972 (Rept. No. 98-450).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2538: A bill to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, and for other purposes (Rept. No. 98-451).

By Mr. WEICKER, from the Committee on Small Business, without amendment:

S. 2069: A bill to amend the Small Business Act (Rept No. 98-452).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN (for himself, Mr. WEICKER, Mr. LEVIN, Mr. CHILES, Mr. RUDMAN, Mr. DIXON, and Mr. BUMPERS):

S. 2675. A bill to amend the Office of Federal Procurement Policy Act to increase public participation in the formulation of Government procurement policies, regulations, procedures, and forms, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MATHIAS (for himself and Mr. SARBANES):

S. 2676. A bill to permit the Secretary of the Army to authorize the delivery of water from the District of Columbia water system to water systems in the Metropolitan Washington area in Maryland, and the purchase of water for the District of Columbia water system from certain systems; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 2677. A bill to designate the Calion Lock and Dam located on the Ouachita River, near Calion, Arkansas, as the "H. K. Thatcher Lock and Dam"; to the Committee on Environment and Public Works.

By Mr. STEVENS (for Mr. GARN):

S. 2678. A bill to extend the authorities under the Export Administration Act of 1979 until June 28, 1984, placed on the calendar, by unanimous consent.

By Mr. THURMOND:

S.J. Res. 297. Joint resolution to designate the month of June 1984 as "Veterans' Preference Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Con. Res. 114. Concurrent resolution calling on the President of the United States to propose a permanent fixed site or sites for the Olympic Games; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S. Con. Res. 115. Concurrent resolution expressing the sense of Congress that the International Olympic Committee should establish a permanent facility for the Olympic games, to insulate the games from international politics; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN (for himself, Mr. WEICKER, Mr. LEVIN, Mr. CHILES, Mr. RUDMAN, Mr. DIXON, and Mr. BUMPERS):

S. 2675. A bill to amend the Office of Federal Procurement Policy Act to increase public participation in the formulation of Government procurement policies, regulations, procedures, and forms, and for other purposes; to the Committee on Governmental Affairs.

PUBLIC PARTICIPATION IN PROCUREMENT POLICYMAKING ACT OF 1984

● Mr. COHEN. Mr. President, today Senator WEICKER and I, along with Senators LEVIN, CHILES, RUDMAN, DIXON, and BUMPERS, are introducing legislation which requires executive agencies to publish proposed procurement policies and regulations for public comment. The objective of this legislation—the Public Participation in Procurement Policymaking Act of 1984—is to open procurement policymaking to public consideration without, however, unduly burdening the process.

This legislation represents another in a series of procurement reforms I have sponsored to improve both the effectiveness and efficiency of the Federal procurement process. The impetus for these efforts, as I have emphasized all along, is to insure that all qualified contractors who want to participate in this process are given the opportunity. The Government, and ultimately the taxpayer, stand to benefit by getting the best product at the lowest possible cost.

Considering the billions of dollars the Government spends each year on goods and services from the private sector—over $200 billion projected for next year—I am confident that significant savings can be achieved through the effective implementation of procurement reforms.

Defense and civilian procurement practices are governed by the Armed Services Procurement Act and the Federal Property and Administrative Services Act, respectively. Within the broad guidelines set forth in these statutes, the Federal Acquisition Regulation (FAR) coupled with agency supplemental regulations provide the actual day-to-day operating procedures followed both by Government and industry. While the statutes have remained largely unchanged since they were adopted nearly 40 years ago, procurement regulations are subject to frequent change.

I feel it is important, therefore, that the public be kept informed of, and be given an opportunity to comment on, proposed procurement policies and regulations which affect the procedures for doing business with the Government. According to the Commission on Government Procurement, which was created by Congress in 1969 to study the Federal procurement process, providing contractors and other interested parties the opportunity to comment on proposed procurement policies and regulations is essential to insure consideration of all available alternatives and information, provide better understanding and relationships between Government and industry, and enhance the acceptability of these policies and regulations when eventually adopted.

The problem, however, is that contractors and other interested parties frequently are not afforded this opportunity because procurement regulations are exempt from the rulemaking provisions of the Administrative Procedure Act (APA). The APA generally requires public notice and opportunity for comment for proposed regulations in nonprocurement areas. The rationale for exempting procurement regulations is that matters relating to contracts involve the proprietary interests of the Government, while general regulatory matters affect primarily the interests of private parties. Moreover, subjecting procurement regulations to APA procedures has the potential for blocking procurement actions through litigation over whether an agency has complied with the rulemaking requirements.

As a matter of practice, agency procedures for soliciting comments on proposed procurement regulations are extremely varied. Some procuring agencies have voluntarily adopted APA rulemaking procedures, while other agencies never solicit comments. Still other agencies, such as the Department of Defense (DOD), solicit comments on a selective basis. Often,

then, the first time the public sees a proposed procurement regulation is when it is issued in final form.

The Procurement Commission stated in its 1972 report to Congress that the varied practices of agencies in soliciting comments on proposed regulations in some cases and not in others do not meet the minimum standards for promoting fair dealing and equitable relationships among the parties in Government contracting. While the Commission did not feel it was fair to unduly burden the procurement process with APA-type rulemaking procedures, it did recommend that criteria and procedures should be established for an effective method of soliciting the viewpoints of interested parties in the development of procurement regulations.

In May 1983, the Administrator of the Office of Federal Procurement Policy (OFPP) implemented the Commission's recommendation by issuing policy directive 83-2 which requires all agencies to publish in the Federal Register notice of significant proposed procurement policies and regulations and to allow interested parties 30 to 60 days in which to submit comments on the proposal. A procurement policy and/or regulation is considered to be significant if it has any effect beyond the internal operating procedures of the issuing agencies or any effect on the costs or contract administration activities of contractors.

Compliance with OFPP's policy directive, however, has been a problem. Perhaps the best example of noncompliance involves the issuance of the Federal Acquisition Regulation itself, which became effective April 1 of this year. The FAR system consolidates all defense and civilian procurement regulations into a Government-wide regulation, applicable to all procuring agencies, with supplemental regulations essential to meet agency-specific needs. While the FAR was published in the Federal Register for public comment on a piecemeal basis as parts of it were developed, extensive changes were subsequently made during an executive agency review period. The revised FAR was then issued in final—without the benefit of any further public comment.

One provision which was incorporated into the FAR during this review period requires that all Federal procurements be set aside exclusively for small business participation if there are two small business concerns available to meet the Government's requirement. This "rule of two" set-aside provision has created controversy in the procurement community among contractors who feel this provision restricts the Government from obtaining goods and services from the maximum practicable number of vendors at the lowest cost. This dispute should have been aired, in my judgment, when the FAR initially went out for public comment.

This provision represents only one of many revisions made to the FAR without public comment. According to a recent study prepared for the May 1984 Eastern Briefing Conference on Government Contracts, these revisions are numerous, somewhat controversial, and many will have a substantive effect on acquisition policy and procedure. This study provides a compilation of over 20 significant changes made to the FAR, dealing with such subjects as contractor qualifications, specifications, small purchase and other simplified purchase procedures, contracting by negotiation, foreign acquisition, bonds and insurance, cost accounting standards, among others.

There have also been some problems with compliance among the agencies in the development and issuance of their supplements to the FAR. Most of the large procuring agencies, including the National Aeronautics and Space Administration, the General Services Administration, and the Department of Energy, published their FAR supplements in the Federal Register for public comment. However, the Defense Department, the largest of the procuring agencies, issued its FAR supplement with only a notice concerning ordering procedures. The DOD subsequently published its supplement in the Federal Register in final and requested comments—less than 1 week before the FAR and its supplements became effective.

Interestingly enough, the procuring agencies initially questioned OFPP's authority to issue policy directive 83-2. According to a May 1983 Federal contracts report article, a DOD official, when asked what sort of impact this directive would have on the Defense Acquisition Regulatory Council's future practices, is reported to have responded: "None, they [OFPP] don't have regulatory authority." Despite the fact that the OFPP has since been reauthorized with regulatory authority, compliance with this policy directive, as evidenced by the examples I have mentioned, nevertheless remains a problem.

The Public Participation in Procurement Policymaking Act would simply codify OFPP's policy directive for the expressed purpose of enhancing compliance. In my judgment, Mr. President, dialog between the procuring agencies and their vendors can only improve the regulatory process. The legislation I am introducing today is designed to facilitate this dialog, and I hope my colleagues will lend me their support.

I ask unanimous consent that the Public Participation in Procurement Policymaking Act, a section-by-section analysis, and the study entitled "New FAR Policies and Changes—Fact or Fiction" be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Participation in Procurement Policymaking Act of 1984".

SEC. 2. The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new section:

"PUBLIC PARTICIPATION IN THE FORMULATION OF PROCUREMENT POLICIES AND REGULATIONS

"SEC. 18. (a) For the purposes of this section—

"(1) the term 'procurement policy, regulation, procedure, or form' includes an amendment to or modification of a procurement policy, regulation, procedure, or form; and

"(2) the term 'significant procurement policy, regulation, procedure, or form' means a procurement policy, regulation, procedure, or form that has any effect beyond the internal operating procedures of the executive agency issuing the procurement policy, regulation, procedure, or form or any effect on the costs or contract administration activities of contractors.

"(b) Each head of an executive agency proposing to issue a procurement policy, regulation, procedure, or form, shall solicit and consider the views of all interested parties, including Government agencies, private organizations and associations, business firms, educational institutions, and individuals, on the proposal.

"(c) In carrying out subsection (b) in the case of a significant procurement policy, regulation, procedure, or form proposed to be issued by an executive agency, the head of the executive agency shall, subject to subsection (e), cause to be published in the Federal Register a notice of the proposal and provide for a public comment period for receiving and considering the views of all interested parties on the proposal. The length of such comment period should be 60 days, but in any event shall not be less than 30 days.

"(d) For the purposes of subsection (b) or (c), any notice prepared for publication in the Federal Register shall include—

"(1) in a format required for publication in the Federal Register, a description of the proposed procurement policy, regulation, procedure, or form, the background and reasons for the proposal, and the intended effect of the proposal;

"(2) the text of the proposal or, if it is impracticable to publish the full text of the proposal, a summary of the proposal and a statement specifying the name and address of the officer or employee of the executive agency from whom the full text may be obtained; and

"(3) a request for interested parties to submit comments on the proposal, including the name and address of the officer or employee of the Government designated to receive such comments.

"(e)(1) The requirements of subsection (c) may be waived by the head of an executive agency or his designee when circumstances make compliance impracticable, such as when there is inadequate time to comply with the requirements by reason of the effective date of an applicable statute, a judicial decision, or an emergency.

"(2) A significant procurement policy, regulation, procedure, or form with respect to which the requirements of subsection (c) are waived pursuant to paragraph (1) may take effect on a temporary basis if—

"(A) a notice of such procurement policy, regulation, procedure, or form is published in the Federal Register and includes a statement that the procurement policy, regulation, procedure, or form is temporary; and

"(B) provision is made for a public comment period of 60 days beginning on the date on which the notice is published.

After considering the comments received, the head of the executive agency waiving the requirements of subsection (c) pursuant to paragraph (1) may issue the final procurement policy, regulation, procedure, or form.".

SEC. 3. The amendment made by section 2 of this Act shall take effect with respect to procurement policies, regulations, procedures, or forms, or amendments to or modifications of procurement policies, regulations, procedures, or forms, first proposed to be promulgated by an executive agency on or after the date which is 30 days after the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1

The short title of this bill is the Public Participation in Procurement Policymaking Act of 1984.

SECTION 2

Section 2 amends the Office of Federal Procurement Policy (41 U.S.C. 410 et seq.) by adding a new section 18 on Public Participation in the Formulation of Procurement Policies and Regulations.

Section 18(a) defines 'procurement policy, regulation, procedure, or form' to include amendments to or modifications of a procurement policy, regulation, procedure, or form, and 'significant procurement policy, regulation, procedure, or form' to mean a procurement policy, regulation, procedure, or form that has any effect beyond the internal operation procedures of the issuing agencies or any effect on the cost or contract administration activities of contractors.

Section 18(b) requires than an executive agency proposing to issue a procurement policy, regulation, procedure, or form shall solicit and consider the views of all interested parties.

Section 18(c) sets forth the procedures for publishing a proposed significant procurement policy, regulation, procedure, or form. An executive agency is required by this section to publish in the Federal Register notice of the proposal and provide for a public comment period of 30 to 60 days, during which time interested parties would be permitted to submit comments.

Section 18(d) provides that a notice prepared for publication in the Federal Register shall include (1) a description of the proposed procurement policy, regulation, procedure, or form, the background and reasons for the proposal, and the proposal's intended effect, (2) the text of the proposal or, if that is impracticable, a summary and the name and address of the agency official from whom the text may be obtained, and (3) a request for interested parties to submit comments on the proposal, including the name and address of the agency official designated to receive such comments.

Subsection 18(e)(1) authorizes the head of an executive agency to waive the publishing requirements set forth in section 18(c) when circumstances made compliance impracticable.

Subsection 18(e)(2) provides that, for a proposed significant procurement policy, regulation, procedure, or form which is waived from the requirements of section 18(c), such proposal may take effect on a temporary basis if (1) a notice of the proposal is published in the Federal Register with a statement that the proposal is temporary, and (2) a 60-day public comment period is provided beginning on the date the notice is published.

This subsection authorizes the head of the executive agency issuing the temporary proposal, after having considered comments, to issue the proposal in final.

SECTION 3

Section 3 sets the effective date of this legislation for procurement policies, regulations, procedures, or forms to be promulgated by an executive agency at 30 days after this legislation is enacted.

NEW FAR POLICIES AND CHANGES—FACT OR FICTION?

(Carl L. Vacketta, Esq., Partner, Pettit & Martin, Washington, D.C. office)

In mid-1978, the FAR drafting committee began the long process of creating a uniform set of the Federal Acquisition Regulation (FAR) that would ultimately govern all military and civilian procurements. As each part and sub-part of the FAR draft was completed by the group, it was published in the Federal Register for public comment. Literally thousands of letters were received from private industry, associations, and government entities commenting on the "Phase One" draft material. After the public comment period for each part or sub-part ended, the FAR drafting committee analyzed the proposed changes and incorporated appropriate revisions into a new FAR draft, known as "Phase Two." The Phase Two revisions, made between 1978 and 1983, were never released to the general public for comment.

A BACKGROUND—THE MODIFICATIONS MADE BY THE EXECUTIVE AGENCIES AFTER PUBLIC COMMENT

On March 17, 1982, the President issued Executive Order 12352 directing the federal agencies to continue their efforts to develop the FAR with a goal to complete their work by December 31, 1982. Pursuant to this authority, the Defense Acquisition Regulation (DAR) Council, NASA and GSA (hereafter the "executive agencies") began an extensive review of the FAR material, which at that time consisted of Phase Two material and some Phase One material that had not yet been revised. The executive agencies determined that a proper review could only be undertaken when the entire Phase Two FAR text has been completed; they therefore extended their examination into 1983.

The executive agencies' review took place between March and June, 1983. Phase Two changes were required by June 30, 1983 to allow for the final FAR text to be published in the Federal Register by the deadline of September, 1983.

Virtually all of the revisions by the executive agencies were incorporated into the final FAR text which became effective April 1, 1984. These revisions, however, were never released to the public for comment. Such changes were numerous, somewhat controversial, and many will have a substantive effect on acquisition policy and procedure. In some instances, the executive agencies revised FAR Phase One language that had not been taken from DAR or the Federal Procurement Regulations (FPR). In other cases, the executive agencies reinstated DAR or FPR language that had been eliminated or revised in the FAR Phase One/Phase Two drafts. The more significant modifications made by the executive agencies to Phase Two are identified below. (A comparison of the Phase Two FAR language with the Final FAR text revisions resulting from the executive agencies' review is set forth in Appendix A.)

B. THE MORE SIGNIFICANT FAR CHANGES RESULTING FROM THE EXECUTIVE AGENCIES REVIEW

1. Part 9—"Contractor Qualifications"

In Subpart 9.5, "Organizational Conflicts of Interest," the executive agencies deleted important Phase Two language directed toward imposing greater Government control over contractor conflicts of interest.

a. Subsection 9.505-1—"[General Rules Re:] Providing Systems Engineering and Technical Direction."

Phase Two (Subsection 9.505-1) contained a statement that a contractor should not be in a position to make procurement decisions favoring its own products or capabilities. It also contained language that the contractor should not be in a position to make procurement decisions also favoring "other firms in which it has a significant organizational, financial, contractual or other interest," where the contractor is providing advice or technical direction concerning specifications development and system acquisition by the Government.

The above-quoted language was deleted by the executive agencies in their review. Read literally, the current FAR language appears to considerably weaken the Government's right to control conflicts and limit its influence to those instances in which the contractor could favor products or services provided by its own company. Many companies have significant indirect financial or other interests in other companies and these relationships may just as easily lead to conflicts of interest in acquisition selections and advice. However, under the current language, the Government's ability to guard against these potential conflicts has presumably been restricted.

b. Section 9.506—"Information Sources"

Phase Two required prospective contractors, upon request, to supply the Government with any information the Government deemed necessary to identify, evaluate, and resolve potential conflicts of interest, or risk denial of contract award. The executive agencies deleted this provision in their review. As a resut of the deletion, the FAR text reflects a shift in policy away from imposing any conflict disclosure obligations on the contractor toward requiring the Government to independently seek such information in-house or to consult "non-government" sources like trade publications and credit rating services. Some government officials believe that the absence of any provision obligating the contractor itself to provide such information greatly hampers the Government's ability to ferret out conflicts.

2. Part 10—"Specifications, Standards and Other Purchase Descriptions;" and Part 11—"Acquisition and Distribution of Commercial Products"

One of the major innovations in the FAR was to place greater emphasis on using "functional" specifications when purchasing commercial or commerical type products or services. Functional specifications are in-

tended to describe the essential product or service required to meet the Government's minimum needs so as to maximize full and free competition and to avoid overly restrictive technical specifications (i.e., "brand name or equal" acquisitions). In the past, these restrictive specifications have often led to unnecessary sole source acquisition or selection from only a few bidders.

The executive agencies' revisions to Phase Two even more strongly emphasize a trend away from "brand name" specifications and toward in-house creation of functional descriptions. For example, throughout Part 10 references to "product descriptions" were changed to "purchase descriptions" and the word "product" was changed to "specifications" to eliminate any commercial connotation or terminology.

The executive agencies also modified Part 11 to reflect this greater reliance on in-house development of specifications and requirements, thereby maximizing competition and avoiding any commercially developed or "brand name" product descriptions. Revisions were also made to emphasize in-house market research and analysis instead of relying on the results of commercial market research. On the other hand, the executive agencies deleted important provisions that would have described the manner in which in-house market research should have been conducted and how market research should have been evaluated in conjunction with pricing.

3. Part 13—"Small Purchase and Other Simplified Purchase Procedures"

The executive agencies made three significant revisions to Phase Two affecting the manner in which small purchasing is conducted by the Government.

a. Section 13.103—"Policy"

Section 13.103 of Phase Two provided that in special circumstances the Government could accomplish small purchases by more formal methods than those set forth in the small purchase FAR procedures. This language was taken directly from FPR (1-3.602) and the "special circumstances" exception had been implicitly recognized in DAR (3-602). In deleting this exception the executive agencies strengthened the Government's obligation to resort to the less formal small purchase procedures in the interest of efficiency and economy.

b. Section 13.104—"Procedures"

It has been recognized by many in private industry and the Government that vendors are frequently not paid promptly after delivery or performance. As a result, many vendors in the past have refused to do business with the Government or have artificially increased their prices in anticipation of late payments. To officially encourage prompt payment when small purchases are made, Phase Two adopted the language contained in FPR 1-3.602(g) requiring Government agencies "with a minimum of paperwork [to] promptly pay contractors whenever small purchase procedures are used." The executive agencies deleted the quoted provision in their review. While the Prompt Payment Act requires the Government to pay contractors within thirty days of receipt of an invoice, the deleted language would have given the Government added incentive to more expeditiously process small vendor invoices then mandated by the Act. (As a result of the Act, Government agencies are apparently paying on time, but as close to the due date as possible.)

c. Section 13.107—"Solicitation and Evaluation of Quotations"

Both DAR and FPR have for years provided that prompt payment discounts would be sought by the Government whenever possible; however, they were not to be considered (for purposes of award) in small business quotations and other solicitation evaluations. The principal reason for not considering the prompt payment discount in a contract award was because it would be difficult for the Government to ensure that it could take advantage of the discount in all circumstances. This was especially true where the contractor offered the discount with such tight time limitations that, as a practical matter, the Government could not avail itself of the discounted price.

Phase Two attempted to change this procedure by providing that the Government would "consider any discounts offered when evaluating quotations." [Emphasis added.] The executive agencies prevented the institution of this policy change by deleting the foregoing quoted language and reinstating the existing DAR/FPR policy against considering discounts in the evaluation process.

4. Part 15—"Contracting By Negotiation"

Significant revisions to Part 15 were made by the executive agencies especially with regard to negotiation procedures and the requirements for certified cost or pricing data.

a. Section 15.609—"Competitive Range"

Phase Two contained a provision—based on NASA PR 3.804.3(b)(4) but not found in DAR or FPR—which would have allowed an offeror to revise a proposal initially included in the competitive range and subsequently dropped from competition, unless it was obvious the proposal never should have been included in the competitive range in the first place. Fortunately, the executive agencies deleted this vague and potentially disruptive new provision. If implemented, the proposed FAR language would have led to a host of protests from disappointed offerors and would have prolonged and complicated contract negotiations.

b. Section 15.804—"Requiring Certified Cost or Pricing Data"

Both DAR (3-807.3(d)) and FPR (1-3.807-3(g)) provide that certified cost or pricing data will not be requested by the Government for negotiated contract awards of $25,000 or less. Phase Two increased the certification exemption floor to contract awards of $100,000 or less. The executive agencies, however, reinstated in Paragraph 15.804-2(a) the $25,000 floor—over "$25,000 and not in excess of $500,000"—where cost or pricing data may be obtained by the Contracting Officer. (Unless otherwise specifically exempted by another FAR Section, any negotiated contract expected to exceed $500,000 requires the submission of certified cost or pricing data.) As a consequence of this addition, many more contracts may become subject to the certification requirements and the consequences of defective pricing than envisioned by earlier FAR drafts.

c. Subsection 15.804-4—"Certificate of Current Cost or Pricing Data"

Consistent with DAR (3-807.6(f)) and FPR (1-3.807-3(k)), Phase Two would have required a contractor to submit an executed certificate of current cost or pricing data in connection with information furnished with final indirect overhead rates under cost type contracts. In an important move, the executive agencies deleted this requirement. This deletion has presumably eliminated potential repercussions of furnishing defective pricing data when negotiating final overhead rates in cost type contracts.

d. Subsection 15.804-6—"Procedural Requirements"

Both DAR (3-807.4) and FPR (1-3.807-3(d)(1)) provide that certified cost or pricing data is not required from prospective subcontractors for subcontracts of $1,000,000 or less. In Phase Two, the FAR attempted to raise the subcontract threshold to $5,000,000 or less. In a reversal, the executive agencies reinstated the $1,000,000 threshold. The outcome is to subject many more subcontracts to certification requirements and the potential for more defective pricing problems than Phase Two contemplated.

5. Part 19—"Small Business and Small Disadvantaged Business Concerns"

The executive agencies made significant revisions to the proposed FAR provisions for small business and small disadvantaged business concerns. In so doing, they reinstated existing DAR and FPR provisions that would have been deleted in the Phase Two draft.

a. Section 19.501—"[General:] Set-Asides For Small Business"

DAR 1-706.5(f) provides that once a government contracting office successfully procures a product or service by small business set-aside procedures, all future requirements of that office for that product or service must also be procured by repetitive set-aside, so long as competition exists at reasonable prices. This procedure, which is both economical and efficient from the Government's standpoint, was deleted in Phase Two. The executive agencies have restored the requirement in Paragraph 19.501(g) of the final FAR version.

b. Subsection 19.502-1—Requirements For Setting Aside Acquisitions"

DAR 1-706.5(a)(1) provides, inter alia, that the contracting officer will set aside an acquisition for exclusive small business participation if the contracting officer determines there is a reasonable expectation that "offers will be obtained from at least two responsible small business concerns offering the products of different small business concerns." (Emphasis added.) FPR 1-1.706-5 took a slightly different approach, providing that there must be a reasonable expectation that offers will be received from a "sufficient number" of responsible small business concerns. In Phases One and Two, the FAR committee adopted the FPR language because of the belief that there is no reasonable assurance of adequate competition in every case simply because two small businesses may be able to bid on the work.

In its review, the executive agencies reinstated the DAR "rule for two" to the disappointment of some Government officials who subscribe to the committee's view that "two may not be enough" in every procurement situation.

c. Section 19.602—"[Procedures Re:] Certificates of Competency and Determinations of Eligibility"

In Phase One, the FAR contained a number of provisions setting forth the actions the Small Business Adminstration ("SBA") would take upon receiving notice from a contracting agency that a small business concern lacked responsibilty. These actions included (a) informing the concern that it has the opportunity to apply for a Certificate of Competency ("COC") and (b)

setting out certain procedures which SBA would follow in responding to the COC request. For some inexplicable reason, these important provisions were deleted in Phase Two. Fortunately, the omission was noted by the executive agencies and properly reinstated in the final FAR text.

d. Subsection 19.705-2—"Determining the Need for a Subcontracting Plan"

Phase One included detailed provisions adapted from DAR 1-707.1 governing the evaluation of a subcontracting plan submitted by a contractor to comply with the Government's policy of maximizing participation of small businesses and small disadvantaged businesses in the acquisition process. These important provisions were dropped in Phase Two, leaving little guidance to Government personnel to ensure proper compliance by contractors with the regulations. The executive agencies apparently recognized the importance of providing specific subcontracting plan guidance to government acquisition personnel and reinstated the deleted provisions.

e. Section 19.810—"Contract Administration [Re: the Small Business Administration (the 8(a) Program)]"

DAR 1-705.5(b)(3) provides that to the extent possible SBA subcontractors are to be afforded any production and technical assistance required for satisfactory performance, including the identification of performance deficiencies and suggestions for corrective actions to rectify problems with the supplied products or services. This provision was never contained in the FPR and was not adopted in the FAR drafts. The executive agencies reinstated the DAR provision. As enacted in the final text, the FAR represents a formal commitment by the Government to assist small businesses and disadvantaged small businesses in any way possible, in both civilian and military acquisitions.

6. Part 25—"Foreign Acquisition"

DAR (18-508.2) and FPR (1-18.603-1) have always greatly differed in their so-called "Buy American" procedures for evaluating domestic construction materials against less expensive foreign construction materials. DAR has traditionally taken the approach that each procurement must be evaluated on an individual basis without the necessity of adhering to inflexible specific guidelines. On the other hand, FPR has determined that a two-step evaluation approach applicable to all construction material acquisitions should be followed in order to ensure objective acquisition results.

In Section 25.203 of Phase Two, the FAR committee chose to adopt the FPR evaluation criteria, including the following:

(i) domestic construction material that does not exceed the cost of foreign construction material by more than 6 percent must be purchased instead of foreign construction material pursuant to the Buy American Act;

(ii) if an offer does not state a price for a comparable domestic construction material, the offer may be rejected; and

(iii) the cost of foreign construction material must include any applicable duty.

In its review, the executive agencies deleted all of the foregoing FAR/FPR evaluation guidelines, and reinstated the case-by-case DAR evaluation procedure. The net result is that Government acquisition personnel have no stated objective criteria available for comparing foreign construction material offers with domestic offers.

7. Part 28—"Bonds and Insurance"

FPR 1-10.206 requires the Contracting Officer to promptly notify the surety on a construction contract when a contractor is performing a contract in a manner that may lead to default. In this way the surety is allowed to take steps to avoid the default. This provision benefitted the Government because it gave the surety the opportunity to remedy any problems in time to allow uninterrupted contract performance. The surety was also benefitted because it was given sufficient early notice to protect its own financial interests.

Phase Two included the foregoing FPR provision in Subsection 28.106-6. The executive agencies deleted the requirement; and a valuable benefit to the Government and to sureties was lost.

8. Part 30—"Cost Accounting Standards"

Two important revisions relating to Cost Accounting Standards ("CAS") were made by the executive agencies in their Phase Two review.

a. Subsection 30.201-4—"Privileged and Confidential Information"

A CAS Disclosure Statement is a written description of a contractor's cost accounting practices and procedures which the Government requires contractors to file in certain acquisition situations. Both DAR (3-1203(f)) and FPR (1-3.1203-1(g)) provide that if an offeror or contractor notifies the Contracting Officer that its Disclosure Statement contains trade secrets or confidential commercial or financial information, the Government will automatically protect it from release outside the Government. The FAR drafters attempted to give the Government some discretion to make its own determination whether the supplied information contained trade secrets or confidential information. If the Government determined that it was not protectable, the Government was required to notify the contractor. In this way release would not take place until the providing contractor had the opportunity to institute legal proceedings to prevent such disclosure.

The executive agencies deleted the new provision and reinstated the automatic protection found in DAR and FPR. If the draft FAR provision had been left intact, a rash of expensive and prolonged litigation would likely have been instituted by companies determined to maintain their secrecy in such financial data. The proposed FAR language may also have resulted in many companies refusing to deal with the Government for fear of losing important trade secrets and/or confidential information to their competitors.

b. Subsection 30.402-1—"Equitable Adjustment for New Standards"

DAR (3-1213) and FPR (1-3.1213) both provide that if the publication of a new Cost Accounting Standard requires a contractor to institute an acounting change to comply with the standard, the contractor will be requested to submit a proposal detailing the cost impact of the change on all of its CAS covered contracts and subcontracts. The Government would then negotiate any price adjustments required to be made to the affected contracts. DAR also provides that if the contractor fails to submit a proposal in the form and time specified, the Administrative Contracting Officer ("ACO") may withhold up to 10 percent of each subsequent payment request under the contractor's CAS covered prime contracts until the proposal has been furnished.

This DAR withholding penalty was never included in FPR and it was not adopted in either FAR Phass One or Two. The executive agencies, however, added the provision to the final FAR text, thus providing strong incentive to the civilian agency contractor to timely submit such proposal. Subsection 52.230-4, which contained the corresponding "Administration of Cost Accounting Standards" clause, was also changed by the executive agencies to reflect the added DAR language.

9. Part 31—"Contract Cost Principles and Procedures"

DAR 14-205.52 provides that any costs incurred in connection with a Government fraud investigation or prosecution are unallowable if such action resulted in a conviction or judgment against the contractor. FPR never contained such a provision; and FAR never incorporated the DAR regulation in its Phase One or Two drafts. The executive agenices added the DAR principle to the final FAR text, as Subsection 31.205-47. This modification formally affirms the unallowability of such costs for all contracts, both military and civilian.

10. Part 34—"Major System Acquisition"

During the drafting stage, members of the FAR committee were given the impression—presumably by Department of Defense (DOD) officials—that DOD desired the FAR to contain comprehensive treatment of major system acquisition. As a result, both Phase One and Phase Two contained extensive language describing policies and procedures for use in acquiring major system acquisitions, consistent with OMB Circular No. A-109, "Major System Acquisitions".

In their review, the executive agencies deleted much of the proposed FAR coverage preferring instead to simply refer readers to the provisions of Circular A-109. The same reference to Circular A-109 is made in the DOD Supplement to the FAR instead of setting out the pertinent policies and procedures.

According to some Government officials, DOD's decision to delete significant coverage of Major System Acquisition in the FAR represents a change in philosophy—away from addressing DOD-peculiar disciplines in the FAR, and instead concentrating only on broad based topics applying to all agencies, military and civilian. Other Government officials believe that this change in attitude is a mistake. Arguably, FAR inclusions of peculiar DOD and other agency requirements offered those without in-depth knowledge of these specialized disciplines an excellent opportunity to acquire the basic understanding of these provisions.

11. Part 39—"Management, Acquisition, and Use of Information Resources"

According to its drafters, the FAR provided an excellent opportunity for incorporating into one central location all of the Automatic Data Processing ("ADP") policies and procedures currently found in a number of different places in the Federal Property Management Regulations and elsewhere. As a result, early FAR drafts contained extensive coverage of ADP procurement.

In an apparent reversal of proposed FAR policy to centralize the source of all ADP procurement information, DOD, NASA and GSA agreed to delete any ADP procurement guidelines from FAR. At least at this time Part 39 consists of but one two sentence paragraph. The first sentence refers FAR readers to 41 CFR Part 150 for information on ADP, telecommunications, and related

resources. The second sentence merely states that contracting for these items will be accomplished in accordance with agency supplements and any applicable FAR parts.

12. Part 48—"Value Engineering"

DOD has had a longstanding policy of encouraging contractors to develop more economical means of performing contract work. Under this "Value Engineering" (VE) program, the contractor and the Government shared in any savings resulting from the contractor's performance innovations.

In Section 48.102, "[VE] Policies," the executive agencies have added an important provision permitting government agencies to exempt themselves from any participation in the VE program. While most military agencies will likely continue to promote VE, those that choose to eliminate the program from their acquisitions will stifle any affirmative efforts by contractors to reduce their contract costs. Morevoer, since FPR never contained a VE provision a valuable opportunity to reduce civilian contact costs may be lost.●

By Mr. MATHIAS (for himself and Mr. SARBANES):

S. 2676. A bill to permit the Secretary of the Army to authorize the delivery of water from the District of Columbia water system to water systems in the Metropolitan Washington area in Maryland, and the purchase of water for the District of Columbia water system from certain systems; to the Committee on Environment and Public Works.

PURCHASE OF WATER FROM THE ARMY CORPS OF ENGINEERS AQUEDUCT IN WASHINGTON, D.C.

● Mr. MATHIAS. Mr. President, the bill I am introducing provides the congressional authorization necessary to enable the Washington Suburban Sanitary Commission (WSSC) to purchase water from the U.S. Army Corps of Engineers Water Aqueduct (WAD) in Washington, D.C. The Commission needs the additional water to provide for the rapidly expanding needs of a growing Washington metropolitan area.

A Congressional Research Service study completed in 1981 predicted that by the year 2020 water supply demands for the Washington metropolitan area would reach 1,095 mgd (million gallons daily), while the population is expected to increase to 8 million. If such trends materialize, the problems of water supply may become serious. Enabling the WAD to sell water to the WSSC would ameliorate the growing problem of water supply in the Washington metropolitan area and would be an efficient use of the water resources of the Potomac River.

The proposed plan entails the construction of an interconnect between the WSSC and WAD. It has been endorsed by both local jurisdictions, Prince Georges and Montgomery counties. The plan would not affect the water supply system of the District of Columbia but would insure an adequate supply to the Maryland suburbs in the event of an accident or water shortage.

The only viable alternative to this plan would be for the WSSC to increase substantially its water capacity at the Potomac plant in Montgomery County. The price tag for expanding the Potomac plant is $60 million—double the amount needed by the corps water aqueduct to provide the WSSC with its extra capacity.

The legislation I am introducing would involve no Federal funds. The total cost of the project would be defrayed by the local users' fees.●

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 2677. A bill to designate the Calion lock and dam located on the Ouachita River, near Calion, Ark., as the "H. K. Thatcher lock and dam"; to the Committee on Environment and Public Works.

H. K. THATCHER LOCK AND DAM

● Mr. PRYOR. Mr. President, I am joined by my colleague the senior Senator from Arkansas (Mr. BUMPERS) in introducing legislation today that will honor one of the great pioneers in river navigation and development, and will commemorate for future generations the leadership and contributions of an Arkansan who has made a difference.

Mr. President, H. K. Thatcher of Camden, Ark., my hometown, has for over 40 years been the single most important factor in the development of the Ouachita River in Arkansas and Louisiana. As a young man growing up in Camden I came to know at an early age that this man, who had devoted his entire adult life to the economic development of the Ouachita River basin, was the most respected authority on river navigation in the area, and perhaps within the State of Arkansas. He is well known by the congressional committee chairmen before whom he has testified for so many years. I should add, Mr. President, that Mr. Thatcher was a very effective spokesman for the interests that he represented, and the development that we now see on the Ouachita River is proof of his influence in the Congress.

The legislation that we are introducing today to honor H. K. Thatcher will authorize the Army Corps of Engineers to name the lock and dam on the Ouachita River at Calion, Ark., the H. K. Thatcher lock and dam. This facility is now known simply as the Calion lock and dam. We were asked by the Ouachita River Valley Association to take this action, and Congressman BERYL ANTHONY will introduce a companion bill.

Mr. President, Mr. Thatcher's colleagues and fellow Arkansans know his place in our State's history and I urge the Senate to approve this bill so the rest of the Nation will know.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That Calion Lock and Dam located on the Ouachita River near Calion, Arkansas, is named and designated as the "H. K. Thatcher Lock and Dam". Any reference in a law, map, regulation, document, record, or other paper of the United States to such lock and dam shall be held to be a reference to the "H. K. Thatcher Lock and Dam".●

By Mr. THURMOND:

S.J. Res. 297. Joint resolution to designate the month of June 1984 as "Veterans Preference Month;" to the Committee to the Judiciary.

VETERANS PREFERENCE MONTH

Mr. THURMOND. Mr. President, June 24, 1984, will mark the 40th anniversary of the signing, by President Roosevelt, of Public Law 78-359, the Veterans' Preference Act of 1944. Today I am introducing legislation to commemorate that important signing and the great success of this act by designating June 1984 as "Veterans' Preference Month."

Since 1865, the veterans of our Armed Forces have been granted preference in Federal employment. The 1944 act consolidated in one basic law then existing laws, rules, regulations, and Executive orders relating to veterans' preference. Today there are 2.7 million employees in the executive branch of the Goverment, and 43 percent are veterans' preference eligibles.

Mr. President, a great debt is owed to those who have contributed to the defense of our Nation. In repaying that debt, it is appropriate that employment assistance be provided by our citizens to the soldiers returning to civilian life. The Federal Government has taken a leadership role in providing such assistance through veterans' preference.

The legislation I offer today will call upon the President to issue a proclamation to departments and agencies of the Government and interested organizations and groups to observe the month of June with appropriate programs, ceremonies, and activities in commemoration of the Veterans' Preference Act.

ADDITIONAL COSPONSORS

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 1651

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1651, a bill to amend title 38, United States Code, to provide for presumption of service connection to be established by the Administrator of Veterans' affairs for certain diseases of certain veterans exposed to dioxin or radiation during service in the Armed Forces; to require the Administrator to develop, through process of public participation and subject to judicial review, regulations specifying standards for the presumptions applicable to the resolution of claims for disability compensation based on such exposures; to require that such regulations address certain specified diseases; and to require that all claimants for Veterans' Administration benefits be given the benefit of every reasonable doubt in claims adjudications, and for other purposes.

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 1938

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1938, a bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, and for other purposes.

S. 2014

At the request of Mrs. HAWKINS, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2118

At the request of Mrs. HAWKINS, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 2118, a bill to establish a Commission on Missing Children.

S. 2436

At the request of Mr. GOLDWATER, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 2456

At the request of Mr. BRADLEY, the names of the Senator from Florida (Mr. CHILES), the Senator from Michigan (Mr. LEVIN), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of S. 2456, a bill to establish a commission to study the 1932-33 famine caused by the Soviet Government in Ukraine.

S. 2540

At the request of Mr. BRADLEY, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 2540, a bill to amend the Age Discrimination in Employment Act of 1967 to exclude from the operation of such act matters relating to the age at which individuals may be hired, or discharged from employment, as firefighters and law enforcement officers by States and political subdivisions of States.

S. 2569

At the request of Mr. HEINZ, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2569, a bill to amend title XVI of the Social Security Act to make necessary improvements in the SSI program with the objective of assuring that such program will more realistically and more equitably reflect the needs and circumstances of applicants and recipients thereunder.

S. 2638

At the request of Mr. MOYNIHAN, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 2638, a bill to provide for research relating to the control of gypsy moths, to assist States and local communities in controlling gypsy moth infestations, and for purposes.

S. 2650

At the request of Mr. KASTEN, the names of the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 2650, a bill to enable the Consumer Product Safety Commission to protect the public by ordering notice and repair, replacement, or refund of certain toys or articles intended for use by children if such toys or articles create a substantial risk of injury to children.

S. 2673

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2673, a bill to make permanent the prohibition of credit card surcharges.

SENATE JOINT RESOLUTION 235

At the request of Mr. PELL, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Joint Resolution 235, a joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a National Law Enforcement Heroes Memorial.

SENATE JOINT RESOLUTION 287

At the request of Mr. D'AMATO, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 287, a joint resolution to authorize and request the President to designate January 27, 1985, as "National Jerome Kern Day."

SENATE JOINT RESOLUTION 288

At the request of Mr. BENTSEN, the name of the Senator from Arkansas (Mr. PRYOR), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. NUNN), and the Senator from Washington (Mr. GORTON) were added as cosponsors of Senate Joint Resolution 288, a joint resolution to designate the week of September 16 through September 22, 1984, as "Emergency Medicine Week."

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. D'AMATO, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Concurrent Resolution 101, a concurrent resolution to commemorate the Ukrainian famine of 1933.

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. HOLLINGS, the names of the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of Senate Concurrent Resolution 109, a concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national storm program.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. BYRD, his name was added as a cosponsor of Senate Concurrent Resolution 113, a concurrent resolution expressing the sense of the Congress that Elena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Elena Bonner, and for other purposes.

At the request of Mr. TSONGAS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of Senate Concurrent Resolution 113, supra.

SENATE RESOLUTION 74

At the request of Mr. PELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people on Taiwan.

SENATE RESOLUTION 360

At the request of Mr. TOWER, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Resolution 360, a resolution to amend rule XV of the Standing Rules of the Senate to provide that no amendment that is not germane or relevant to the subject matter of a bill or resolution shall be in order unless such amendment has been submitted at the desk at least 48 hours prior to consideration.

SENATE CONCURRENT RESOLUTION 114—RELATING TO A PERMANENT SITE FOR THE OLYMPIC GAMES

Mr. MITCHELL submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 114

Whereas the Olympic games were founded to promote the ideal of a sound mind in a sound body and to foster competition between people in athletics instead of conflict between states in arms and politics;

Whereas the Union of Soviet Socialist Republics and several of its allies have announced that their athletes will not participate in the 1984 summer Olympic games to be hosted by the City of Los Angeles;

Whereas the United States of America and several of its allies decided not to participate in the 1980 summer Olympic games which were hosted by the City of Moscow;

Whereas decisions concerning a nation's participation in Olympic games may be influenced by prevailing political attitudes toward the nation holding the games;

Whereas Olympic athletes and supporters of the Olympic games believe that if the Olympic games are to survive, they must be divorced from international politics: *Now therefore, be it*

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that (1) the President of the United States should develop and submit to the International Olympic Committee, for its consideration, a proposal whereby future Olympic games would be held permanently at a fixed site (or sites); and

(2) the President's proposal shall explain that the proposed fixed site (or sites) for the Olympic games is being recommended on the basis of the host nation's (a) physical suitability for the planned athletic events, (b) political neutrality, and (c) willingness to entertain a permanent site proposal approved, and submitted to it, by the International Olympic Committee.

Mr. MITCHELL. Mr. President, I rise to submit a concurrent resolution which concerns the future of the Olympic games.

Members of the Senate are undoubtedly aware that the Olympic games first began in Greece 26 centuries ago and continued at regular intervals for nearly 12 centuries without a major interruption. In those ancient times, the games continued even when participating states were at war with one another. In fact, athletes from warring states were granted safe passage when going to and from the site of the Olympics.

The modern Olympic games began in 1896 and, like the ancient contests, were intended to promote the ideal of a sound mind in a sound body and to foster competition between people in athletics instead of conflict between states.

Unfortunately, we have been unable to emulate the ancients' ability to honor sport by subordinating war and politics. Though this summer's Los Angeles games will be called the XXIII Olympiad, it will, in fact, be only the 20th. Three Olympiads (1916, 1940, and 1944) had to be canceled as direct result of World Wars I and II.

The modern Olympic games, in numerous instances, have become politicized. Host nations have attempted to bar athletes representing nations which they do not recognize, or with which they have disagreements; Adolf Hitler in 1936 used the Munich games as a theater in which he could proclaim his view of the world, display his political power, and propound his racist theories.

In 1980, our Government, in an effort to draw world attention to the Soviet Union's brutal invasion of Afghanistan, decided not to participate in the XXII Olympiad in Moscow. And, of course, last week, the Soviet Union announced that it will not go to Los Angeles this summer. A number of the Soviet Union's political allies have since followed the Kremlin's lead.

The time has come, I believe, to proposes a plan to depoliticize the Olympics to the extent that this is possible. One way to do this is to establish a permanent site—or sites—for the games. Frederic C. Rich, writing in the *Journal of International Law and Politics* (Vol. 15, No. 1, Fall, 1982) points to the merits of a permanent Olympic site:

A permanent neutral site under the control of the IOC would . . . have many advantages. The quadrennial site selection process, which is expensive and divisive, would end. The unique facilities which are necessary for the games would not have to be rebuilt every 4 years and the reduction in costs would obviate the need for the extensive commercial involvement which has so tarnished the competition in recent years. Most fundamentally, a neutral forum in which only the ICO is "host" would eliminate the political disruption which now threatens the survival of the Olympics. The participation of IOC-accredited athletes would not be subject to conflicting foreign policy considerations of a host state, and no state's domestic or foreign policies would be available as grounds on which other nations would feel compelled to boycott the games.

Mr. President, I submit a concurrent resolution which would express the sense of the Congress that our Government should develop and submit to the nongovernmental International Olympic Committee a proposal to establish a permanent site—or sites—for the Olympics. This concurrent resolution has been drafted to give the President the greatest possible flexibility in developing a permanent site proposal.

For instance, it does not specify Greece as the potential site for the summer games as many parties recommended in 1980, and several Members of the House of Representatives suggested last week. Indeed, given the fact that this is simply a sense-of-the-Congress resolution, it does not even obligate the President to act if he determines that the advice of Congress is contrary to the national interest.

At this time I also wish to note that this concurrent resolution recognizes and respects the independent, nongovernmental status of the International Olympic Committee (IOC) and does not impose on that esteemed body any obligation whatsoever. The Congress, in my judgment, must seek not to offend the IOC and should not expect special consideration of the proposal which the President, if he follows the advice of Congress, will submit.

If we act now, we may be able to prevent the modern Olympics from ending as the ancient Olympics did. After the 287th Olympiad, a Byzantine Emperor, Theodosius the Great, ended the famous games after condemning them as corrupt and professional. Historians tell us that the Emperor's action was among the events which marked the end of the Golden Age and presaged the coming Dark Ages.

Mr. President, I ask all my colleagues to read and consider cosponsoring the concurrent resolution.

Mr. President, I further ask unanimous consent that an editorial from the May 12, 1984, Bangor Daily News entitled "Paying the Price," as well as the law journal article by Frederic C. Rich to which I referred earlier in my remarks, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bangor Daily News, May 12-13, 1984]

PAYING THE PRICE

The Soviet decision this week to boycott the Summer Olympics in Los Angeles is an unfortunate, but not surprising decision motivated solely by revenge. Official statements from Moscow notwithstanding, it is a transparent tit-for-tat—an attempt to repay the debt of 1980 when former President Jimmy Carter kept U.S. athletes home from the Olympiad in Moscow.

The Soviet announcement has Olympic representatives scurrying. The International Olympic Committee has asked for an audience with Soviet political leaders. Peter V. Ueberroth, president of the Los Angeles Olympic Organizing Committee, will make a personal appeal for a Soviet change of heart. Even Jesse Jackson, presidential candidate and erstwhile ambassador to Syria, has injected himself into the affair.

The Olympics is like motherhood and apple pie—no public figure can lose by righteously standing in its defense, but there is something troubling and hypocritical in the official statements emanating from Washington.

Immediately following the announcement of the Soviet decision. White House spokesman Larry Speakes mustered enough artificial indignation to condemn the Soviet boycott as a "blatant political act for which there is no justifica-tion." Moscow, he intoned, has "disregarded the feelings of most nations and millions of people the world over that the Olympics be conducted in a nonpolitical atmosphere."

Those same feelings are still sore, having been bruised by President Carter in 1980.

It should be pointed out that there is a wide discrepancy in the political justifica-

tions for the decisions to boycott the Olympic games. Protesting the invasion of Afghanistan certainly carries greater moral weight than the fluffy rationalizations about crime and security being served up by the Soviets.

In fact, if any nation has the corner on moral indignation this year it is the United States, which lost 54 people, including a member of Congress, in the Korean airline atrocity. We would have greater justification if we told the Soviets not to come.

The Soviets may yet change their mind, and come to Los Angeles with their Eastern Bloc entourage and the Cubans and Vietnamese in tow.

They are not concerned that their athletes might defect, as has been suggested by factions in this country. Soviet athletes are pampered and indulged by the state, they travel regularly in non-Olympic years and there is no reason to believe that the delegation plans to defect en masse at Los Angeles.

The Russians want to make us hurt for 1980, and if they can milk enough propaganda value out of forcing L.A. to twist in the wind while Washington stands by helplessly, they may put on a magnanimous front for the rest of the world and give in to the begging of the various Olympic groups.

President Carter's decision may yet stand up under the scrutiny of historians, but it should be very clear by now that if the Olympic Games are to survive they must somehow be divorced from politics. If the summer games of 1980 were a sham and the games of 1984 will be a joke, the world will be groping for adjectives when the 1988 Summer Olympiad kicks off in Seoul, South Korea.

It has been suggested that permanent Olympic facilities and games be established in neutral states: Winter Olympics in Switzerland and Summer Olympics in Greece. These, or othe nations, may have appropriate sites without political entanglements. The idea has great merit and ultimately may provide the best answer.

Nations cannot afford the astronomical expenditures for these one-time events if their investmens are going to be jeopardized by political considerations. Whether such considerations are justified or whimsical is irrelevant to the nation left with empty stadiums and an empty treasury.

The Olympics are too important to the athletes, too valuable as a model for the youth of the world and too vital to the cause of peace and international cooperation to allow them to die a slow political death.

[From the Journal of International Law and Politics]

THE LEGAL REGIME FOR A PERMANENT OLYMPIC SITE

(Frederic C. Rich*)

[Drawings of graphs mentioned in article not reproducible in the RECORD.]

Legal conceptions must be the tools rather than the master of the architects of world institutions capable of responding to the challenge and opportunity of a dynamic age of unprecedented problems and potentialities.—C. W. Jenks[1]

"In the aftermath of the boycott of the 1980 Moscow Olympics, proposals to establish a permanent neutral enclave for the games have received widespread support.[2] This article examines the possible legal regimes for such an enclave and their precedents in international law." After describing the legal devices available to achieve the necessary autonomy, this article will examine the capacity of the International Olympic Committee (IOC) to enter into an agreement which will be binding on the forum state. Three aspects of the problem make it especially interesting for the international lawyer. It presents an opportunity to employ the traditional concepts and devices of international law creatively to achieve a practically obtainable and limited end. It highlights the unresolved issue of the international legal status and capacity of nongovernmental international organizations (NGOs).[3] Finally, the problem provides a unique point of contact between public and private international law and an opportunity to adapt some techniques of the latter to problems traditionally reserved for the former.[4]

I. BACKGROUND

When Heracles established the Olympic games in 776 B.C., he chose the sacred site in part because it was located in the minor city-state of Elis.[5] Because the municipal authorities managing the festival were relatively weak, "Athletes from all over the Greek world could safely compete . . . without building up the prestige of a powerful host-community."[6] The games were placed under "the inviolable law of Olympic Zeus," which included a "sacred truce" for the two months immediately preceding and following the competition.[7] While the truce did not cause the Hellenic states to cease their warfare, it insured safe conduct for the tens of thousands of athletes and spectators traveling to Olympia for the games.[8] The site of the festival acquired the status of a "pan-Hellenic centre" to which official "saced embassies" were accredited.[9] The arrangement was respected by all of the Hellenic states and represented an international legal norm of great potency.[10]

When Baron Pierre de Coubertin reestablished the Olympic games in 1894,[11] he insisted the the quadrennial festival be "ambulatory."[12] It seemed equitable that competitors should share the substantial burdens of international travel and that nations should share the pleasure of convenient spectation and honor of hosting the games.[13] Furthermore, de Coubertin argued that the expenses of staging the competition would be too great for any one country to bear regularly.[14]

However, those involved in the Olympic movement were never unanimous in their dedication to the rotating site scheme. The Greek government lobbied for a permanent site in Athens[15] beginning in 1896.[16] The U.S. athletes participating in the first modern games joined a petition in favor of a permanent site in Greece.[17] De Coubertin's opposition to these efforts was largely circumstantial and strategic. The Greek government was wracked by political and economic turmoil, and its conflict with Turkey effectively foreclosed the possibility of holding the 1900 games in Athens.[18] Furthermore, in the early years of the Olympic movement, the Baron concluded that switching the site every four years would allow him to better control the games and the IOC to consolidate its power.[19]

However compelling the idea may have seemed to de Coubertin, eighty-five years' experience with "ambulatory" Olympics has demonstrated the fundamental flaws of that system. From the beginning, raising the funds to build the necessary facilities has been a heavy burden.[20] The contemporary costs of staging the games—estimated to approach one and one quarter billion dollars in Montreal[21]—limit the possibility of hosting them to the world's wealthiest nations. Also, the selection of various host states has provoked a variety of political impediments to universal participation.[22] The games scheduled for 1916, 1940 and 1944 were suspended due to international conflict, and the Moscow games demonstrated just how vulnerable the Olympics now are to international tensions far short of world war.[23] Finally, the modern revolutions in communications and transportation have eviscerated the original logic of rotating sites. Today, no site is more than a day of jet travel for any competitor, and the pleasure of spectation is as accessible as the nearest television set.

A permanent neutral site under the control of the IOC[24] would, therefore, have many advantages. The quadrennial site selection process, which is expensive and divisive, would end. The unique facilities which are necessary for the games would not have to be rebuilt every four years and the reduction in costs would obviate the need for the extensive commercial involvement which has so tarnished the competition in recent years. Most fundamentally, a neutral forum in which only the IOC is "host"[25] would eliminate the political disruption which now threatens the survival of the Olympics. The participation of IOC-accredited athletes would not be subject to conflicting foreign policy considerations of a host state, and no state's domestic or foreign policies would be available as grounds on which other nations would feel compelled to boycott the games.[26]

Although a variety of sites[27] have been suggested for this permanent Olympic enclave,[28] a site proximate to ancient Olympia is favored by most proponents. The historic tie of that site to the games for nearly twelve centuries is the most compelling argument for Olympia.[29] Repeating his 1976 offer of Olympia as the site of a permanent Olympic enclave,[30] the Greek Prime Minister in 1980 specifically offered 1,250 acres of government-owned land southwest of the ancient precincts.[31]

In the aftermath of the Soviet invasion of Afghanistan, world-wide sentiment for accepting the Greek offer reached unprecedented levels.[32] President Carter,[33] Congress[34] and sixty-two percent of U.S. citizens surveyed[35] supported the permanent site proposal.[36]

The neutrality and autonomy of the Olympic enclave and the powers of the IOC within it are legal elements of the permanent site plan essential to the underlying policy rationales for the change.[37] Adoption of the plan without the full confidence of the IOC that these elements are fully satisfied is inconceivable. Nonetheless, public discussion and private correspondence indicate that these technical issues have not received the close analysis and careful definition that they deserve.[38] Proponents of a permanent site for the Olympic enclave have given that enclave various descriptions: "a sort of Olympic Vatican,"[39] "much as the site of the U.N. in New York"[40] and "neutral international territory."[41] This article seeks to clarify this confusion by offering a systematic analysis of the options and proposing one possible legal regime and its manner of implementation.[42]

II. THE FUNCTIONAL ELEMENTS OF AUTONOMY

All of the options to be explored[43] provide some degree of autonomy. This term, used throughout this discussion, is not a

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Footnotes at end of article.

term of art in international law.[44] In most cases, however, it is understood to refer to the degree of "formal and actual independence" in decision-making and control over internal political and governmental affairs.[45] It is generally invoked in legal regimes designed to grant a degree of self-government to a local population.[46]

The sense in which autonomy is relevant to this inquiry, therefore, is different. The end of autonomy in the case of the Olympic enclave is narrowly defined functional independence, where few of the functions are those involved in government of a population.[47] This distinction is a theme which runs throughout the following discussion of the applicability of various legal devices and precedents.[48]

It would be impossible to examine and choose legal devices to govern the status of an Olympic enclave without a clear sense of what the regime functionally must achieve.[49] As legal architects, our task is to manipulate the concepts at our disposal to design a structure peculiarly suited to the parties, functions and political realities in each instance. In the development of privileges and immunities under customary international law, necessity has been the dominant criterion.[50] "[I[t has been clear from the very birth of the [international] Organizations that the privileges and immunities with which they should be endowed should be those which are necessary for the maintenance of their independent status and the execution of their functions. . . ."[51] Thus, the first step is to identify those privileges and immunities necessary for the Olympic enclave.

The politicization which the permanent site proposal is largely designed to eliminate occurs in two principal instances: when some policy or action of the host state provokes boycotts by other countries[52] and when some policy of the IOC—most probably regarding the accreditation of participating athletes—provokes interference with the games by the host state. To eliminate political incidents of the former type, the new regime must eliminate the concept of a national host. Neither political prestige nor economic advantage[53] should flow to the forum[54] state upon the occasion of the games. There must be no possibility that attendance or nonattendance at the festival has an impact on—and thus expresses approval or disapproval of—the forum state.[55] The IOC must be the only "host" and the only political entity in control of the games.

To eliminate the latter type of politicization, the forum state must be foreclosed from taking any action when conduct of the games would embarrass its relations with another state,[56] be otherwise inconsistent with its foreign policy[57] or have an adverse effect on the government's domestic political position.[58] To prevent action so motivated on the part of the forum state, certain elements of privilege and autonomy must be granted to the Olympics in five principal areas.[59]

The first is access to the site for competitors, spectators and officials. Any exclusions must result from a decision of the IOC;[60] the forum state must not have the power to deny access to the enclave by restricting travel into or across its territory.[61]

Second, the Olympic premises must be protected from forum state interference.[62] Forum state police, military or security personnel must enter the enclave only with the consent of the Olympic authorities.[63] The IOC must be free to construct and maintain the physical premises and must have guarantees that vital supplies, such as water, energy and food will be available without interruption.

Third, both domestic legal capacity and limited immunities from legal process must be granted to the Olympic organization. Neither the forum state nor others acting through the forum state's courts should be able to interfere with the free exercise of the IOC's prerogatives within its area of competence.[64] The selected regime must effectively immunize the IOC from license requirements or other regulations which might be used to interfere with the IOC's complete discretion with respect to management of the games and other activities within the enclave. The IOC should possess the privilege of extending certain personal immunities to certain officials or participants in situations where the integrity or the organization of the games requires it.[65]

Fourth, certain fiscal and financial immunities must be granted. Property within the enclave cannot be subject to requisition, confiscation, expropriation or nationalization. The Olympic organization, expropriation or nationalization. The Olympic organization must be immune from income and property taxation, taxes on its international debt service, foreign exchange controls and all other fees or levies which are potential instruments of pressure for the forum state.[66] Finally, the IOC must have complete control over the sale of television rights to the games,[67] the issuance of press credentials and the flow of information from the Olympic site to the outside world.[68]

Because the essential function of the Olympic enclave—the staging of a quadrennial international sports competition—is a narrow one, these minimum elements of functional autonomy are specific and limited. Based on the sound principle that functional necessity should govern the grant of privileges and immunities under international law,[69] the subsequent analysis will evaluate each proposed legal solution against its responsiveness to these elements of operational necessity.

III. LEGAL DEVICES FOR AUTONOMY: THE OPTIONS AND PRECEDENTS

A threshold question is why the Olympic site cannot simply be established by a grant or lease of land pursuant to municipal law. This is the most common procedure for the headquarters sites of most NGOs.[70] Three principal factors, however, distinguish the Olympic games. First, the functional demands of the games are significantly different from those of any other NGO activity. The Olympic presence in Greece would not simply be for the purposes of adminisitration and decision-making, but to stage an enormously complex—and as presently constituted, political—international event. Second, the Olympic site would be distinguished by the size of the capital investment necessary to establish the facilities. The stakes are quantitatively higher. And third, the history of and motives for forum-state interference in the games make the Olympic organization unique among NGOs. All of these make a simple deed, lease, or agreement governed by Greek law—which the Greek parliament could abrogate unilaterally[71]—unsatisfactory and necessitate the exploration of other options.

A. Fully extraterritorial sovereign enclave

The earliest exercises in the granting of functional immunities on foreign soil concerned the premises of diplomatic missions.[72] The classic solution was the legal fiction[73] of extraterritoriality, "complete independence from territorial authority."[74] This legal device was applied in a variety of situations to protect foreign property and nationals from all domestic jurisdiction.[75] One such use was to guarantee operational independence to the first international organizations.[76] The application of the notion to extraterritoriality to the regime governing legation premises and personnel was subject to substantial criticism[77] and has been largely replaced in international law by the concept of "diplomatic privileges and immunities."[78]

Nonetheless, full exemption of the Olympic site from the territorial authority and jurisdiction of Greece is an intuitively simple and obvious solution and one mentioned by both the popular press and Greek authorities.[79] It seems to provide a solid legal foundation for the autonomy and neutrality of the games, a foundation which would be invulnerable to unilateral change by Greece or to renegotiation at her demand.[80] Additionally, proponents of this option can cite the familiar precedent of the Vatican City.

The Vatican City was created by a 1929 concordat between Italy and the Holy See which gives the latter "exclusive jurisdiction" within the territory of the city.[81] At first, the parallel to the Olympic enclave may seem close. The Vatican City is "proximate" to a state in function,[82] yet it has no population other than its resident functionaries.[83] "[U]nlike other states the Vatican City exists not to support its inhabitants but to provide a base for the central administration of a non-state entity."[84] The nature of the Holy See's "administration," however, distinguishes its functions from those of the IOC, and explains why a fully extraterritorial enclave is appropriate in the case of the former and not in the latter. The function of the Holy See is to exercise its spiritual power over and thus independently from all secular sovereignties. Its functions are carried out world-wide within the territorial jurisdiction of all secular sovereigns. The Vatican City was thus appropriate as "a territorial base for the exercise . . . of the spiritual power of the Holy See" throughout the world.[85]

While a fully extraterritorial sovereignty is appropriate to the broad range of international functions of the Holy See, it would be a blunt and overbread instrument if applied to the Olympic enclave. The cost of that overbreadth would be high. With fully extraterritorial status and sovereignty, the IOC would be forced to establish and maintain the whole apparatus of government.[86] The burdens of establishing a body of law and a judiciary to enforce it, of administering internal policies and foreign relations and of meeting the other responsibilities of "statehood" would be great. Further, these would be beyond the competence or interest of the IOC. These factors, plus possible Greek political resistance to cession and the potential for local opposition, make this first option an unattractive one.

B. International grant, lease or servitude

"A State may grant a right of exclusive use over a part of its territory to another State, retaining sovereignty, but conceding the enjoyment of the liberties of the territorial sovereign."[87] The United Kingdom's ninety-nine-year lease of Hong Kong is a notable example of this concept.[88] Characterization of this sort of arrangement as a "lease," however, is not precisely accurate. Brownlie argues that "where [grants of in-

terest in territory] have been established by agreement the result is more akin to a contractual licence than it is to an interest in land in the English sense."[89] The exact legal effect of these grants and servitudes and the precise nature of the grantor's and grantee's interests can only be determined by reference to the contractual language establishing them.[90] The concept which unifies them as a class and distinguishes them from fully extraterritorial sovereign enclaves is "residual sovereignty." Pursuant to the U.S. lease of Guantanamo from Cuba, for example, the United States recognizes the "ultimate sovereignty" of Cuba, while Cuba consents to "complete jurisdiction and control" by the United States.[91]

Three principal problems impede the usefulness of this device for the Olympic enclave. First, these "international" grants, leases or servitudes are made by contractual arrangement between sovereigns. It is because one state grants land to another that the agreement falls under the purview of international law. As will be discussed at length,[92] the IOC is not a state and does not have the legal capacity to accept this sort of sovereign interest. Second, the status of these agreements under international law is uncertain. If they are interpreted as a simple contractual interest in land, then they may be subject to unilateral termination by the grantor.[93] Third, and most fundamentally, all of the objections against the previous option apply here. This device gives the IOC too much responsibility and requires it to assume the governmental burdens of sovereignty unnecessarily.[94]

C. Internationalized area

A wide variety of juridically distinct entities can be considered "internationalized areas."[95] They include Shanghai[96] and Tangier,[97] both established before World War I, and Alexandretta,[98] Saar,[99] Upper Silesia,[100] Memel,[101] and Danzig,[102] all established under the League of Nations. The concept of an internationalized territory was also used in U.N. proposals regarding Trieste[103] and Jerusalem.[104] Although these legal regimes differ significantly, all involve the creation of certain rights of autonomy vis-à-vis the territorial sovereign from which they are carved and the vesting of those rights in a public international organization or in two or more other states.[105] Among examples of the former, Danzig and Trieste were both created by multilateral treaty and placed under the direct authority of the League of Nations and the U.N. Security Council respectively.[106] The plans were never implemented. Notwithstanding the formal internationalization of the territorial sovereignty, the Permanent International Court of Justice held that Danzig possessed an international personality and the legal capacities of a state.[107]

An example of internationalization which was not made universal through an international organization, but was limited to a smaller group of states, is the international city of Tangier. Under its 1914 statute,[108] the municipality was granted extensive legislative and diplomatic authority, although ultimate sovereignty was reserved to the Sultan. The participating states shared that expanded municipal authority.[109] Although difficult to label, one scholar described the arrangement as "a sort of condominium between the Sultan and the Powers," or as "an international protectorate."[110]

Although interesting academically, none of these precedents is valuable for the design of an Olympic enclave. First, the concept of internationalization was designed for a very different end. The most thorough investigator of international territories concluded that, by definition, they include populated areas.[111] They usually were crafted to bring political autonomy to a persecuted minority or to neutralize a territory for political or military purposes. Second, the historical failure of the device to achieve these ends indicates that the device should be avoided.[112] Some contemporary scholars go so far as to assert that "internationalization" has ceased to be a recognized concept in international law.[113] Finally, the effect of internationalization—bringing the area directly under the control of a highly political international forum similar to the United Nations—is exactly what the neutral site scheme seeks to avoid. The independence and neutrality of the IOC would be severely compromised.

D. Contractual guaranty of limited autonomy

The final device, contractual agreement between the forum state and the IOC, may provide the functional privileges and immunities needed for an autonomous Olympic site. The headquarters agreements of intergovernmental international organizations (IGOs) generally take this form.[114] The site remains under the territorial sovereignty of the forum state. Thus, this arrangement requires neither the fiction of extraterritoriality nor a division of sovereignty.[115] The headquarters of the United Nations in New York, for example, is part of the territorial United States.[116] Title to the property is in the name of the United Nations and is filed and registered pursuant to New York laws.[117]

Within the enclaves, however, these agreements grant complete control to the organizations regarding matters in their areas of competence. Section 7 of the U.N. Headquarters Agreement provides that "the headquarters district shall be under the control and authority of the United Nations."[118] Similar clauses appear in most headquarters agreements. Austria covenanted with the International Atomic Energy Agency (IAEA) that the premises "shall be under the control and authority of the [IAEA]."[119] Italy recognizes the right of the U.N. Food and Agriculture Organization (FAO) to fulfill its essential purpose and undertakes to "take all proper steps to ensure that no impediment is placed in the way."[120] Although forum state civil and criminal laws generally govern within the headquarters district,[121] these agreements often provide that no law inconsistent with a regulation of the organization will be enforced.[122] Thus, these agreements could provide the operational independence which the IOC requires to govern and administer the Olympic games.

The immunities accorded to various IGOs under these headquarters agreements are similar. The agreements establish a "common pattern" which may be assuming the force of customary international law.[123] As early as 1952 one commentator could write, "Particular international law is thus being progressively created along . . . well-developed lines. . . ."[124] There is precedent in the headquarters agreements for each of the functional immunities the IOC requires.[125]

1. Access

An undertaking by the host state that it shall not impose an impediment to transit to or from the headquarters district and that recognizes its positive duty to protect such transit is a standard clause in headquarters agreements.[126] The free transit provisions generally apply to certain enumerated parties and such "other persons invited" by the organization.[127] The U.N. headquarters agreement provides that the United States shall not apply its regulations regarding the entry of aliens in such a way as to interfere with transit to and from the site. When visas are required for such persons, the United States convenants that "they shall be granted without charge as promptly as possible."[128] A provision like section 12 of the U.N. Headquarters Agreement would be especially important for the Olympic enclave: "The provisions of section 11 [regarding free transit] shall be applicable irrespective of the relations between the Governments of the persons referred to in that section and the Government of the United States."[129]

2. Inviolability

Inviolability, based on the traditional rights of franchise de l'hotel and franchise de quartier accorded to diplomatic premises, is a key provision of all headquarters agreements.[130] The first element of inviolability is immunity from search, requisition, confiscation, expropriation or any other form of interference.[131] Officials of the host state are prohibited from entering the premises of the organization without its consent.[132] In the U.N.-U.S., FAO-Italy and UNESCO-France agreements, the host governments undertake to protect the premises[133] and to ensure that they are continuously supplied with the "necessary public services."[134] The former undertaking would be especially important for the IOC, which would require the right to demand from the forum state police and military assistance adequate to maintain the security of the games.

3. Legal Capacity and Limited Immunity from Legal Process

Most host governments recognize the organization as a body corporate and grant it capacity under municipal law to make contracts, buy and sell property and institute legal proceedings.[135] Approaches to immunities from legal process differ. One approach, taken by Italy and the FAO, is to grant complete immunity from all legal process, subject only to specific waiver by the organization.[136] Another is to grant the same immunities from suit as those granted to a foreign sovereign.[137] The latter approach may be an appropriate one for the IOC, which should be left accountable in local courts for the exercise of its powers in ordinary commercial transactions.[138]

4. Fiscal and Financial Immunities

The agreements are uniform in granting a broad tax exemption to the organization, including exemptions from customs duties and levies and other "financial controls."[139] Many provide that the organization shall have the right to hold various currencies and freely to transfer its funds abroad.[140] In view of the anticipated capital demands of the IOC and the importance of financing arrangements to the overall plan,[141] payments of interest to foreign holders of the IOC's debt obligations must be specifically exempted from any present or future Greek withholding taxes.[142]

5. Free Information Flow

A variety of devices have been used to ensure the free flow of information to and from the headquarters site. The U.N. Headquarters Agreement provides that the organization may operate independent communications facilities.[143] Other provisions establish a most-favored-nation standard for

telephone, radio and television transmission.[144] Additional clauses which should appear in the Olympic agreement include a covenant that "no censorship shall apply" to the communications of the organization[145] and that the forum state shall "permit and facilitate entry" of all press accredited by the organization.[146]

All of the terms, therefore, which are required to provide the functional privileges and immunities necessary for the autonomy and neutrality of the Olympic site are represented in the headquarters agreements of IGOs. An agreement between Greece and the IOC modeled on these headquarters agreements would provide the necessary protections without the burdens attached to full or partial cession of territory or sovereignty. This, however, is only the first half of the necessary inquiry. The second is whether such an agreement would be binding and enforceable in accordance with its terms, thus providing effective legal and actual protection to the Olympic games.

IV. AGREEMENT BETWEEN GREECE AND THE IOC: THE PROBLEM OF CREATING OBLIGATIONS THAT ARE BINDING, ENFORCEABLE AND NOT SUBJECT TO UNILATERAL TERMINATION

All of the contractual precedents examined in the previous section were the headquarters agreements of intergovernmental organizations. Since public international organizations generally are accorded the capacity to make contracts under international law,[147] these agreements are considered by most to have the status of treaties[148] enforceable under international law.[149] Moreover, a variety of other circumstances give additional security to organizations which rely on these agreements for protection. First, the host state is usually a member of the IGO, and as such may have additional obligations regarding its privileges and immunities. Article 104 of the U.N. Charter, for example, provides that "[t]he Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes."[150] Second, obligations under both membership and headquarters agreements may be supplemented by a multilateral convention on the privileges and immunities of the organization, as was done in the case of the United Nations.[151] Third, these obligations generally are implemented by municipal legislation.[152]

Together, these arrangements give confidence to IGOs that the obligations of host states to respect their functional autonomy are not only binding and enforceable under international law but will, as a practical matter, deter interference of host states. If the contractual guaranties of autonomy from Greece are to give the Olympic games the same security as do those given to IGOs, the Greek guaranties must rise to the status of obligations under international law.[135] "In simplest terms, once a contract has moved to the international level, it cannot lawfully be affected by unilateral national legal action. . . . [S]tates cannot invoke their sovereignty to abrogate an international treaty. . . ."[145]

The first hurdle facing the IOC in attempting to form such an international contract is that of establishing its status under international law. IGOs have the capacity to enter into agreements enforceable under international law; their headquarters agreements have the status of treaties.[155] If NGOs—and the Olympic organization in particular—have achieved a status similar to IGOs in respect to treaty-making capacity, then the obligations of Greece can be embodied in a bilateral contract with the status of a treaty. Alternatively, the subject matter and the nature of the agreement between Greece and the IOC may bring it under the purview of international law. This possibility is suggested by a series of arbitral decisions that have "internationalized" concession agreements between states and foreign non-sovereign investors.[156] This second approach avoids the problem of determining whether the IOC possesses international legal personality.

A. International legal personality and the capacity to contract under international law; the status of NGOs

1. Introduction

The character of agreements concluded with NGOs largely depends upon the question whether [they] are allowed . . . international competence according to public international law. . . . As the formal elements of agreements concluded with NGO's [sic] are the same as those of a normal agreement, the international character of these agreements will largely depend upon the opinion about the [international legal personality] of NGOs.[157]

"International legal personality" is not a well-defined concept in international law. But the various explanations of what constitutes it seem to share two essential elements. First, international personality is "neither derived from nor limited by the law of any one State."[158] Thus the presence of national character is a useful test. A national charter, for example, "by associating the [entity] with a particular state, detracts from its international status. . . ."[159] Second, an international legal person is one with rights and duties under public international law.[160]

International legal personality was first extended to IGOs on the theory of collective sovereignty.[161] This fiction, that the organizations were the collective instruments of other sovereigns,[162] helped to breach the barrier which had reserved international personality for territorial entities.[163] The contemporary basis for according international legal status to IGOs, and the one upon which the International Court of Justice recognized the status of the United Nations in the Reparations Case,[164] is a functional one: "If it was once the personality which made a function international, it is now the function which confers legal internationality to the entity which is engaged in such activity."[165]

Although the International Court of Justice limited its decision in the Reparations Case,[166] to the capacities of the United Nations, it recognized that the class of international persons was no longer immutable: The subjects of law in any legal system are not necessarily identical in their nature or in the extent of their rights, and their nature depends upon the needs of the community. Throughout its history, the development of international law has been influenced by the requirements of international life. . . .[167]

2. The Olympic Organization

An analysis of whether the IOC is an international person must begin with an examination of the IOC's structure and origin. Rule 11 of the present Olympic Charter states that the IOC "is a body corporate by international law having juridical status and perpetual succession. Its headquarters are in Switzerland."[168] The virtual dictator of the movement in its early days, Baron de Coubertin, conceived of the IOC as "independent, international, [and] sovereign."[169] Although a traditional NGO headquarters agreement was signed with the City of Lausanne on April 10, 1915,[170] when the IOC chose Lausanne as the site of its General Secretariat, the Committee has never compromised de Coubertin's vision and maintains its claim to international legal personality.

The constitutive document for an international organization ordinarily is accorded great weight in determining the legal status of that organization. However, Rule 11 cannot be considered to be so determinative. At least at present, there is no such entity as "a body corporate by international law." This, and the lack of formal incorporation pursuant to the laws of Switzerland,[171] lead some to conclude that the IOC simply has "no legal status."[172]

In light of the developing strength of the functional principle, the exercise of various international legal capacities by IGOs and the arguments for extension of similar capacities to NGOs when warranted,[173] the IOC may yet see its eighty-seven-year old claim accommodated by international law. This is because, more so than ever in its history, the Olympic organization "manifests traits and actions characteristic of international organizations."[174]

The purposes of the Olympic movement are broad and public in nature. They include: "to educate young people through sport in a spirit of better understanding . . . and of friendship, thereby helping to build a better and more peaceful world," and "to spread the Olympic principles throughout the world, thereby creating international goodwill."[175] The organization is truly neutral in character. Political, racial and religious discrimination are explicitly prohibited in the Charter.[176]

With members from over fifty countries, participation in the IOC is nearly universal. Among NGOs, the IOC is a unique example of a membership system in which the members are selected not as representatives of states or other international organizations, but as *the organization's* representatives *to* national and international organizations.[177] Rule 12 provides in part: "Members of the IOC are representatives of the IOC in their countries and not their delegates to the IOC. They may not accept from government or from organizations or individuals instructions which shall in any way bind them or interfere with the independence of their vote."[178]

The political structure of the Olympic organization is truly transnational. Although the IOC is the governing body, the organization also includes the Olympic Congress, the National Olympic Committees and International Sports Federations. National Committees are recognized by the IOC and required to be "autonomous and . . . [to] resist all pressures of any kind whatsoever, whether of a political, religious, or economic nature."[179] These Committees, representatives of the twenty-six International Sports Federations[180] and IOC members constitute the Olymbic Congress.[181]

The Olympic organization makes its own rules, legislates and administrates within its area of competence. The movement has been largely transformed from one which relied upon "discretionary decision-making" to one which uses a "quasi-legal process of rule-creation and supervision."[182] The Charter now contains seventy-one rules, detailed by-laws and instructions to hosts of the games on every aspect of procedure and

administration, all drafted by a "Legislation Commission" appointed by the IOC.[183]

Finally, the IOC enforces its rules through judicial and arbitral proceedings. Rule 23 provides that "The IOC is the final authority on all questions concerning the Olympic Games and the Olympic movement." [184] The by-laws provide for the delegation of authority, hearing procedures and penalties for breach of IOC rules.[185]

Together, these characteristics and activities make the Olympic organization a significant transnational actor.[186] The relationships between the IOC, the international sports federations and the national committees are governed only by IOC regulations. Yet they impose a potent transnational legal order on a distinct area of transnational sporting activity.[187] Functionally, the activities of the Olympic movement make it as much an international actor as most of the narrow purpose IGOs.

3. Current Legal Status of NGOs

Scholarship on the question of the legal status of NGOs is scarce. Many scholars holding a progressive view argue that the requirements of international life are now such that certain NGOs should be embraced as international persons; some maintain that they already are.[188] The great majority of lawyers and scholars, however, have concluded that NGOs are currently governed by their constitutive instruments and by the municipal law of the state pursuant to which they have been established.[189] But those who advance the argument that NGOs should be or are international entities make arguments worth examining.

Scholars holding a progressive view ask how the law can continue to deny international legal personality to NGOs, organizations that are functionally identical to IGOs and lack only the IGO's imprimatur of sovereign membership. These scholars contend that the functional principle requires the disregard of the fiction of collective sovereignty that arises simply from an IGO's sovereign membership. One response is that the fiction of collective sovereignty cannot be disregarded. Its continuing importance is manifested in the positive doctrine of international law that individuals, whether natural or corporate, cannot be the subjects of international law.[190] Although challenged by some scholars in connection with the development of human rights law,[191] the old rule stands and is vehemently defended, especially by socialist international lawyers.[192] One author believes this adherence to the old rule to be the principal barrier to the recognition of the international legal personality in NGOs.[193]

Nonetheless, in advocating international legal status for NGOs, Brownlie notes that "Whilst due regard must be had to legal principle, the lawyer cannot afford to ignore entities which maintain some sort of existence on the international legal plane in spite of their anomalous character." [194] In a similar vein, Lador-Lederer argues forcefully that the existence maintained by NGOs on the international plane reveals functional attributes identical with those which result in international personality for states and IGOs.[195] Based on an examination of NGOs like the Holy See [196] and the International Committee of the Red Cross,[197] he observes: The organizations in question are seen to be within the law by virtue of their doing what constitutes statehood: by legislating within the range of their functions, by administering the law within the range of their authority, by adjudicating subjective rights within their jurisdiction, acting in the spirit of their legislation. . . . Thus, International Law, once a law of inter-State relations only, is seen to have become the law of all those relations which, not being localized nationally and functionally . . . involve intercourse among . . . organizations which exist in the intersticium between States, and are created independently of States.[198]

Lador-Lederer is categorical in his conclusion: "Non-State organizations have been recognized as subjects of International Law, and it would be unrealistic to disregard the dynamic importance of this fact." [199]

Although it may be unrealistic to disregard the arguments of Lador-Lederer, it would be reckless to accept his conclusion, especially insofar as it may imply treaty-making capacity. If the functional principle governs the recognition of international legal personality, it must also control the specific capacities granted to various types of international persons.[200] When only states were international legal persons, it was apparent that all international legal persons possessed all international legal capacities. But now that lesser entities claim international personality, there is no logical reason to suppose that the capacities of the various international legal persons must be equal. Lissitzyn argues, "If an entity has treaty-making capacity, it is an 'international person,' but if we are told that an entity has 'international personality,' we cannot conclude that it has treaty-making capacity, since it may only possess some other capacity." [201]

Treaty-making capacity has been traditionally reserved to states.[202] There is wide disagreement about whether an international person always has the capacity to make treaties.[203] NGOs like the IOC have concluded various agreements which purport to be international in character. Italy, for example, concluded a variety of international "conventions" with the Order of St. Joan of Malta,[204] and the occupation powers in Germany signed formal agreements with the International Red Cross in 1947.[205] Most of the international agreements concluded by NGOs, however, have been with public international institutions.[206] These include agreements between the United Nations and the Carnegie Foundation regarding use of the Peace Palace in the Hague,[207] between the UNRPR and the International Committee of the Red Cross,[208] and between the Organization of American States and the American International Institute for the Protection of Childhood.[209] Although these agreements may be "on the borderline between international law and municipal law," [210] their status is acknowledged by even the most sympathetic observers to be "problematical." [211]

If the progressive view prevails, the IOC may some day become the international person which its Charter declares it to be.[212] But under established international law, NGOs are not fully international persons and the precedential value of NGO "treaty-making" is doubtful. Thus, the conclusion of an international agreement between the IOC and a sovereign state is at present an impossibility.

B. The "international contract"

In his preparatory work for the Vienna Convention on the Law of Treaties, Brierly proposed an alternative analysis for certain types of agreements that does not focus on questions of status and capacity: It is equally indisputable that an international person [*i.e.*, a state] may have relations *ex contractu* with an entity other than another such person. If transactions of this type are not referable to any system of domestic law, it appears that they must be considered to be contracts of international law. They are not, however, treaties.[213]

Another commentator has suggested that the agreement between an NGO like the IOC and a state would not be referable to domestic law—and thus would be this sort of non-treaty international contract—if it were central to the purposes of the NGO, a contract made pursuant to the organization's international responsibilities and made by the NGO acting in its capacity as an international organization.[214] Although Brierly's proposal for these non-treaty contracts was not included in the final language of the Vienna Convention,[215] there is a growing body of international jurisprudence which suggests that international law may take cognizance of certain agreements regardless of the status or capacity of one of the parties.

Just as both public and private international organizations seek to protect their property and to preserve operational autonomy, private enterprises seek to insulate their long-term foreign investments from adverse actions by host governments. Although the environment may be favorable when the investment is made, "Foreign investors desire assurance that they will continue to receive definite protections, as specified 9 in a binding legal instrument." [216] In the eighteenth and nineteenth centuries, states protected the economic activities of their foreign nationals with international servitudes embodied in interstate agreements.[217] In this century, the norm has been for host states to make contractual undertakings directly with the foreign enterprise. These undertakings take three principal forms: concession agreements, guaranty contracts and instruments of approval issued pursuant to national investment laws.[218]

A concession agreement sets forth the general legal framework for the foreign investment. It grants the basic exploration, exploitation or production rights to a project's sponsors and fixes the form and amount of compensation to be paid to the host country.[219] It details tax treatment, exchange, import and export controls, applicability of local labor laws and all other matters relating to the foreign investor's freedom to control and operate the project.[220] A typical term is one in which the host government promises that "no obligation will be placed" on the foreign enterprise that will "derogate from its right to own, operate, possess, use and realize the . . . property held in connection with the project." [221]

When a host country seeks to modify its obligations under a concession agreement, dispute settlement procedures which often lead to formal international arbitration are triggered.[222] The traditional rule applied by arbitrators these concession agreements used to be clear: municipal law governs breaches of contract between alien investors and a host government.[223] There was, of course, no question of "international personality" for the private enterprise party to the agreement. Recently, however, a series of important international arbitrations have held that although concession agreements lack the "wholly international" character of traditional state-to-state contracts, they are "basically international." [224] Because of the nature of the contract—and not because of the status of the non-state party—"[p]arliamentary supremacy and State sov-

ereignty" of the host are held to have ceased to be the "decisive criteria." [225]

In 1958, Swiss arbitrators in the case of *Saudi Arabia* v. *Arabian American Oil Co.* [226] upheld the use of freezing clauses [227] in concession agreements. The panel stated that "[n]othing can prevent a State, in the exercise of its sovereignty, from binding itself irrevocably by the provisions of a concession and from granting to the concessionaire irretractable rights." [228] In a subsequent case, the arbitrator found it "natural" that investors be protected from legislative changes which would alter the character of the contract.[229] The arbitrator noted that such protection could not be guaranteed by the "outright application" of national law, since such law could be unilaterally changed by the state.[230] Indeed, the inclusion of freezing clauses came to be seen as a key factor in removing the agreement from municipal law.[231]

In *Revere Copper & Brass, Inc.* v. *Overseas Private Investment Corp.*,[232] a sole French arbitrator was able to cite sufficient arbitral precedent to call it an "international law rule" that "a government is bound by its contracts with foreign parties notwithstanding the power of [its] legislature under municipal law to alter the contract." [233] He joined previous panels [234] in finding that a governmental contract should be "internationalized" and that the public international law principles, such as *pacia sunt servanda*, applied.[235]

The logic of these decisions seems to suggest that a similar result would be reached if the privileges and guaranties contained in a bilateral IOC-Greece agreement were ever brought to arbitration. The notion of internationalization seems to embody Brierly's suggestion for non-treaty international agreements and would allow the IOC to create international obligations with Greece even though the IOC might lack the status and capacity normally required for international contracts. For several reasons, however, the IOC could not rely on these precedents alone to produce a similar result in case of a breach by Greece.

First, certain characteristics of these agreements other than the presence of freezing clauses were significant to the findings of "internationalization." Some of these would not be present in a bilateral agreement between Greece and the IOC. The most significant of these characteristics is the purely economic nature of the concessions; all were well supported by consideration given by the concessionaires. The contracts were intimately associated with the host states' economic and social development aspirations and were a part of the very public process of North-South cooperation for development.[236] Although locating the permanent Olympic site in Greece would result in substantial benefits to the Greek economy, the revenues produced by the games would not be shared with Greece [237] and the arrangement could not fairly be characterized as an economic development agreement.[238]

Second, the principle of "internationalization" in the case of concession agreements is "by no means representative of an international legal consensus.[239] Recent U.N. Resolutions [240] associated with the "New International Economic Order" that limit the legal protection of foreign investment reflect a contrary view. The international contract doctrine has been called "[a] disregard of state practice, in favor of doctrinal pronouncements and a small number of arbitral awards."[241] The IOC would be ill-advised to rely on that doctrine to bring its bilateral agreement with Greece under the purview of international law.

V. A SUGGESTED SOLUTION: PARTICIPATION OF THIRD PARTY GUARANTORS AND INTEGRATION OF FINANCING ARRANGEMENTS

If the policy ends of the permanent site proposal are to be realized, the obligations of Greece to respect the autonomy and neutrality of the Olympic site must be binding and enforceable in accordance with their terms and not susceptible to unilateral termination. This can be achieved only by making those obligations binding under international law.[243] Since, however, neither the status of the Olympic organization [243] nor the subject matter [244] of the contract bring the agreement under international law, the necessary conclusion is that no purely bilateral arrangement can give the IOC the same security enjoyed by IGOs under their headquarters agreements. The only alternative is to involve some third party which does possess the capacity to bind Greece under international law.

Third parties can be involved through the mechanism of treaties made for the benefit of third parties. Treaties for the benefit of third parties are recognized under public international law.[245] Article 36 of the Vienna Convention provides that "A right arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to accord that right . . . to the third State . . . and the third State assents thereto. Its assent shall be presumed as long as the contrary is not indicated. . . ." [246] These treaties of guaranty have involved the guaranty of "the possession of specified territory," "the demilitarization of a piece of territory" or permanent neutrality.[247] Because these treaties have been made for the benefit of a third international legal person, they are not the best precedent for guaranty by treaty of the autonomy and neutrality of the Olympic site.

The better precedents are the guaranties made by states with respect to the long-term foreign investments of their nationals. States make these guaranties when, although they have no desire to become directly involved in financing or operating a project in a foreign country, they do have some interest in seeing such investment undertaken.[248] Typically, two separate contracts are involved.[249] The guarantor state concludes a treaty with the host state in which each state agrees to protect the foreign investments of the other's nationals.[250] The second contract is between the guarantor state and its nationals, insuring the latter against a variety of host state actions. An example is a U.S. Overseas Private Investment Corporation (OPIC) guaranty contract, which insures nationals against any action by the host state which prevents the enterprise from "exercising effective control over the use or disposition of [a] substantial portion of its property." [251] The guarantor state thus guarantees the foreign project not only against outright expropriation or nationalization, but against actions which constitute "creeping expropriation" and against any breach of the concession agreement between the enterprise and the host state.[252] Both the guaranty contract between the enterprise and the guarantor and the concession agreement between the enterprise and the host state are governed by municipal law, but the guaranty treaty between the guarantor and host state clearly creates obligations under international law.[253]

A. Basic plan for Third-Party State guaranties of the permanent Olympic site

Drawing on both the public treaties of guaranty and national practice with regard to investment guaranty agreements, a basic structure for achieving legal protection for the permanent Olympic site is suggested:

The essential legal framework for the site would be set forth in the Bilateral Agreement between Greece and the IOC.[245] This agreement would be modeled on the headquarters agreements [255] and would provide the privileges and immunities the IOC needs.[256] As a condition precedent to the IOC's performance (principally the construction of the Olympic facilities and the conduct of the games at the site), Greece would enter into a Treaty of Guaranty with two or more other states. In this treaty Greece would convenant to abide by the terms of the Bilateral Agreement with the IOC.[275]

The IOC would be protected from the influence of the Guarantors by the execution of two other agreements. An Agreement Among Guarantors would specify the rights and obligations of the Guarantors as against one another in the event of the repudiation or default of any one Guarantor. Also, the Guarantors and the IOC would conclude a Memorandum of Agreement in which the Guarantors reaffirm their joint and several obligations to invoke the Treaty's dispute resolution procedures [258] on behalf of the IOC and explicitly recognize that their status as Guarantors gives them no special rights in or control over the site or administration of the games.

B. Integration of financing into the basic plan

If the games are moved to a permanent site in Olympia, the IOC will require a large amount of capital to construct the necessary facilities.[259] Lenders of the capital for that initial investment will be relying entirely on the revenues produced by the free and unimpeded operation of the games. Furthermore, the lenders, like all major foreign investors, would demand guaranties from the forum state with regard to the free operation of the games as a revenue-producing enterprise. These guaranties would be the same as those the IOC needs to achieve operational autonomy. Thus, the basic plan and the financing arrangements could be integrated by extending the guaranties made by the Guarantors for the benefit of the IOC's creditors:

Besides allowing the Olympic organization to raise the funds it requires in the private international capital markets,[260] this arrangement strengthens the legal regime for the permanent site. First, it qualitatively increases the real security of the IOC by raising the cost to Greece of abrogation of the Bilateral Agreement by Greece. Participants in the multinational group of Guarantors could include various official creditor and guaranty agencies and perhaps even the World Bank. "The involvement of lenders from a number of countries and official international institutions should minimize the chances of arbitrary or politically motivated action by the host country . . . ." [261] The experience of sponsors and creditors of large foreign projects is that "[h]ost governments . . . cannot afford to ruin their credit with [these agencies]." [262] The integration of financing thus introduces a potent deterrent to Greece's breach of its obligations to respect the autonomy of the games.

In addition, the integration of the financial arrangements provides a method for se-

lecting the Guarantors. The IOC would simply select a lead bank, preferably from a neutral country like Switzerland, to put together the international lending syndicate. A condition to a bank participation in the syndicate would be the execution of a guaranty contract with its own government and the accession by its government to the Guaranty Treaty.

Finally, the focus of state participation as a Guarantor would be shifted from the political to the economic sphere. The apparatus for concluding the necessary agreements exists in many states. Both the United States and West Germany for example, have investment guaranty treaties with Greece.[263] The guaranty contract may take the form of routine contracts like those made by OPIC with U.S. foreign investors. The decision to guarantee would appear to take the form of a routine economic decision—protection of the foreign investment of nationals with only contingent state liability—rather than a controversial political entanglement.

C. Dispute resolution and enforcement

A two-tiered system of dispute resolution and enforcement could be created by provisions in both the Bilateral Agreement and Guaranty Treaty. As a general rule, the IOC and Greece should be given every opportunity to discuss their differences before invoking involvement of the Guarantors. The arbitral provisions of the Treaty would be triggered only if Greece and the IOC failed to resolve their dispute under the procedures set forth in the Bilateral Agreement.

The Bilateral Agreement, like most of the IGO headquarters agreements,[264] should provide that dispute resolution first be attempted by friendly consultation and negotiation between the parties. If this fails, then the parties should agree to submit their differences to binding arbitration. Arbitration has the advantage of being flexible, consensual, and generally fair.[265] It is preferable to adjudication in Greek or other municipal courts for a variety of reasons, the most significant being the possibility of national bias and the difficulty of enforcing foreign judgments.[266]

The Bilateral Agreement should specify exactly on what grounds each party can force the other to go to arbitration. These grounds should include only those which go to the heart of the games' integrity, for example, Greece's denial of a visa to a participant accredited by the IOC. The Bilateral Agreement should also provide for the appointment of judges and the arbitral forum. It is typical in the case of headquarters agreements for each party to appoint one arbitrator, to agree on the third or, in the absence of agreement, to consent to appointment by the President of the International Court of Justice.[267]

Once rendered, there is every reason to believe that the award will be enforceable in Greece. Since 1925 the Greek state and Greek state entities have been authorized by statute to enter into binding foreign arbitration with foreign entities.[268] Article 903 of the Greek Code of Civil Procedure provides that "subject to the provisions of international conventions, a foreign arbitral award is ipso jure final and binding. . . ." [269] Greece is party to a number of bilateral treaties which provide for the enforcement of foreign arbitral awards [270] and has ratified [271] the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.[272]

The New York Convention sets forth a number of grounds for legitimate refusal to enforce a foreign arbitral award.[273] The most troubling of these allows a state to deny recognition and enforcement when the award is contrary to public policy.[274] In the case of international agreements, however, courts have uniformly construed "public policy" to mean the international public order, and not purely domestic public policy.[275] There is substantial precedent to suggest that "contractual commitments between a sovereign state and a foreign investor will be enforce against the state by an international arbitral tribunal," [276] and that the state against which that award is rendered will recognize it.[277]

Nonetheless, if a Greek government refused to recognize and abide by the arbitral award pursuant to the Bilateral Agreement, the IOC would have the additional protection of its sovereign Guarantors. The Guaranty Treaty would specify that (with the exception of a few enumerated extreme actions) the principal event of default under the Treaty is failure to recognize an arbitral award issued pursuant to the Bilateral Agreement. Inter-sovereign binding arbitration pursuant to the Treaty and remedies under international law would, therefore, be triggered only upon failure of the dispute resolution mechanism set forth in the Bilateral Agreement.

The drafters of the Treaty will have a wide variety of possible remedies from which to choose. For example, default by Greece under the Treaty could trigger a substantial financial penalty sufficient to allow re-establishment of the games elsewhere. Since any outstanding debt would accelerate upon default, that amount would be immediately due and payable by Greece. Upon its failure to pay, the Guarantors would fulfill their obligation to the lenders and then proceed against Greek assets in their respective jurisdictions. Additionally, the Guarantors would have undertaken to recognize the standing of the IOC to proceed against Greek assets in their jurisdictions, and the IOC would pursue its claim for the value of the facilities and damages suffered by the Olympic movement.

The basic plan described here is necessarily incomplete. It is not the purpose of this article to identify an exact contractual structure or to propose carefully integrated contractual provisions. Instead, the task has been to suggest those factors which are most relevant to the integrity of the permanent site plan and to demonstrate the tremendous flexibility of the legal tools at the disposal of its drafters.

VI. CONCLUSION

The Olympic Congress may not adopt the permanent site plan in the near future. But eventually, its compelling logic will defeat the dead weight of sentimental adherence to Baron de Coubertin's original scheme. Whenever the decision is made, the ability of lawyers to create a legal regime responsive to the functional needs of a permanent site will be a key factor in that decision. The present exercise reveals that, despite the impossibility or impracticality of many of the regimes mentioned by proponents and despite the formidable doctrinal obstacles still encountered by NGOs like the IOC, the narrowly-defined autonomy which is required can be achieved by the imaginative use of a combination of traditional public and private international law tools.

FOOTNOTES

*Member, New York Bar; J.D., University of Virginia, 1981. The author gratefully acknowledges the assistance of Derk W. Bowett, Q.C., President, Queens' College, Cambridge, under whose supervision this article was prepared.

[1] C. Jenks, The Headquarters of Internation Institutions, A Study of Their Location and Status 75 (1945) [hereinafter "Jenks"].

[2] This article sets forth the basic history and policy goals of the permanent site proposal. *See* notes 5-36 and accompanying next *infra*. Its purpose, however, is not to analyze all of the policy questions, but simply to address one aspect of the proposal, the legal regime for such a site. There may be a variety of non-legal grounds on which the permanent site proposal can be evaluated which are not discussed here.

[3] The legal capacity of the International Olympic Committee (IOC) to conclude agreements cognizable under international law is a fundamental issue. *See* notes 157-212 and accompanying next *infra*.

[4] The proposal made herein depends on the guarantee by a number of sovereign states of both the privileges of the IOC under a bilateral agreement with Greece and its debate. *See* notes 242-63 and accompanying next *infra*.

[5] M. Finley & H. Pleket, The Olympic Games: The First Thousand Years 14-15, 22-23 (1976) [hereinafter "Finley & Pleket"]. *See generally* J. Kieran & A. Daley, The Story of the Olympic Games: 776 B.C.—1960 A.D. (1936).

[6] Finley & Pleket, *supra* notes 5, at 22-23. "Games everywhere were managed by local authorities, not by an international committee, and the weaker that authority the less the risk that the prestige of a great festival would enhance its political power." Id.

[7] *See* Finley & Pleket, *supra* note 5, at 41, 98.

[8] *Id.* at 98.

[9] *Id.*

[10] *Id.* at 1-5.

[11] *See* R. Mandell, The First Modern Olympics 84-91 (1976) [hereinafter "Mandell"]. The games were revived after a gap of about 1500 years. *See generally* de Coubertin, *Le rètablissment des jeux olympiques, Revue de Paris, at Olympic Games*, 170 (June 15, 1894), translated and reprinted in The Re-establishment of the 19 The Chautauquan 696 (1894).

[12] Mandell, *supra* note 11, at 89.

[13] De Coubertin is quoted as arguing that if held permanently in Greece the games "would be Olympic, but we fear, not international." J. Lucas, The Modern Olympic Games 48 (1980) [hereinafter "Lucas"].

[14] Mandell, *supra* note 11, at 89. Revenues which now result from sale of television rights and gate receipts would provide a substantial income to the IOC, making construction and operation of a permanent site by the IOC financially feasible.

[15] The first modern games in 1896 were held in Athens, not Olympia, for logistical reasons only. The lack of convenient transportation and communications facilities at Olympia made revival at the original site impossible. Finley & Pleket, *supra* note 5, at 4.

[16] Lucas, *supra* note 13, at 48. In his parting toast to visiting athletes, King George of Greece announced his hope "(t)hat our guests, who have honored us with their presence, will select Athens as the peaceful meeting place of all nations, as the stable and permanent seat of the Olympic Games." Mandell, *supra* note 11, at 152.

[17] Mandell, *supra* note 11, at 154.

[18] Lucas, *supra* note 13, at 48; Mandell, *supra* note 11, at 154-55.

[19] Mandell, *supra* note 11, at 170. As a result, "(i)n the early years he struggled against proposals to freeze the location of the modern Olympics in Greece, Sweden, or Switzerland." *Id.*

[20] Lucas, *supra* note 13, at 38-40.

[21] *Id.* at 212.

[22] These impediments include host state attempts to prevent participation by certain athletes, use of the games for purposes of political propaganda, and boycotts by other states provoked by the policies or actions of the host. *See, e.g.*, R. Mandell, The Nazi Olympics (1971). The best primary source material for twentieth-century political controversy is the archive of Avery Brundage's papers at the University of Illinois, Champaign-Urbana. *See Generally* R. Espy, The Politics of the Olympics Games (1979) [hereinafter "Espy"]; B. Henry, An Approved History of the Olympics Games (1948).

[23] *See* Vlachos, *Return the Olympics to Greece Permanently. They Started There*, N.Y. Times, Aug. 12, 1979, § 4, at 21, col. 1 [hereinafter "Vlachos"].

[24] Proponents of the proposal contemplate a profit-making Olympic center used for recreation

and a variety of international sporting events between Olympic games. The site also would include the IOC headquarters and archives, and the Olympic Academy, an international training center for sports medicine, technology, and administration. *See, e.g.*, Lucas, *supra* note 13, at 222.

[25] Under the present system, the state in which the games are held is the "host" state. When referring to the state in which the permanent site would be located, the term "forum" state is used. In the later instance, the IOC is the "host."

[26] *See* Lucas, *supra* note 13, at 173, 213–14.

[27] For example, Professor John Lucas of the University of Pennsylvania has argued persistently for central Switzerland or western Scandinavia. *See* Letter from John R. Lucas to Frederic C. Rich (Sept. 20, 1980) (available in author's files).

[28] The Winter Games would be established in another location with a juridically identical status. All the legal arguments made herein apply equally to the permanent winter site.

[29] Furthermore, Olympia is conveniently located in the western Peloponnese, only ten miles from the sea. The area is pastoral, enjoying a mild climate. The ancient remains could be protected, while providing a dramatic backdrop to the modern Olympic village. *See* Finley & Pleket, *supra* note 5, at 14; Vlachos, *supra* note 23. Designs for permanent facilities at Olympia were completed by architects in separate projects at Princeton and Cambridge Universities. *See* Bernstein, *Designing a Permanent Olympic Site*, Princeton Alumni Weekly, May 23, 1977, at 9.

[30] In 1976 Prime Minister Karamanlis proposed a return of the games to Greece at the close of the 21st Olympiad in Montreal. *See* Letter from Prime Minister Karamanlis to Lord Killanin, President, IOC (July 31, 1976), *reprinted in* Greece Proposed as Permanent Venue of the Olympic Games, Embassy of Greece Press Release (July 31, 1976).

[31] The proposal was first mde by Mr. Karamanlis in a speech in Athens on January 7, 1980. Greece Renews Permanent Olympic Site Proposal, Embassy of Greece Press Release No. 2/80, Jan. 9, 1980. The offer was made official in a letter to Lord Killanin dated February 2, 1980. The Prime Minister wrote: ". . . Greece, perhaps more than any other country, is justifiably concerned by the ever-growing tendency to use the Olympic games for political and generally non-athletic purposes. Political, racial and ideological conflicts are rekindled every time the choice of a site for the game arises . . . The Olympic idea . . . has become a means of political rivalry and economic aspirations. It has also become a monopoly for a few countries, since small countries do not have the means to claim the honour and the responsibility." Letter from Prime Minister Karamanlis to Lord Killanin, President, IOC (Feb. 2, 1980), *reprinted in* Olympic Games: Permanent Site Offered by Greece at Ancient Olympia, Embassy of Greece Press Release (undated). *See Back to Olympia*, The Economist, Feb. 23, 1980, at 54 [hereinafter "Back to Olympia"].

[32] The Prime Minister of Australia, the foreign ministers of West Germany and the United Kingdom, the President of the European Parliament, and the Secretary General of the Council of European Communities all have gone on record in support of the plan. The *Olympic Idea*, Greece, Spring, 1980, at 2 (publication of the Greek National Tourist Organization); *Olympic Homecoming*, Greece, Feb.-Mar. 1980., at 1; *World Support Grows, Homecoming of the Olympics?*, Greece, Jan. 1980, at 1, 3.

[33] "I call upon all nations to join in supporting a permanent site for the Summer Olympics in Greece, and to seek an appropriate permanent site for the Winter Olympics." Letter from President Carter to Robert Kane, President, U.S. Olympic Committee (Jan. 20, 1980), *reprinted in* 16 Weekly Comp. of Pres. Doc. 106 (Jan. 19, 1980).

[34] H.R. Con. Res. 249, 96th Cong., 2d Sess. (1980). *See also* 126 Cong. Rec. S499 (daily ed. Jan. 29, 1980) (remarks and reprinted statement of Sen. Bradley). "The first step toward an Olympics freer of politics is to offer full support for permanent placement of the games in their ancient birthplace, the country of Greece. Urging the International Olympic Committee to establish a permanent site in Greece is a constructive approach. The permanent home would come to be identified with the Olympics as an institution. The Olympics no longer would be identified with the nationalistic displays of temporary hosts." *Id.* at S501.

[35] *Olympic Homecoming*, Greece, Apr.-May 1980, at 2. The survey was a Gallup poll.

[36] Washington Post, Feb. 20, 1981, at E1. A commission to investigate the Greek proposal was established and is headed by Louis Guirandou-N'Diaye, Ivory Coast Ambassador to Canada and IOC member for the Ivory Coast. Letter from Julian K. Roosevelt, IOC Member for the U.S. to Frederic C. Rich (Sept. 18, 1980) (available in author's files).

At its 84th meeting in Baden-Baden in October 1981, the IOC deferred its decision on the permanent site proposal. The IOC resolved in part: "Considering all aspects and, above all, the course of events during the next Olympiads for which the IOC has taken a commitment, the Greek proposal is of extreme importance and will be subject of a detailed study in which the IOC will certainly be actively involved." United Press International (Oct. 1, 1981).

[37] *See* notes 52–69 and accompanying text *infra*. Simply establishing a permanent site without taking measures to: (1) establish the IOC rather than the forum country as the host, or (2) prevent that country's interference with the games, would be no improvement over the present system, except with regard to construction expenses saved.

[38] The most official statement on this issue appears in the 1980 Karamanlis letter to Lord Killanin: "This site could be characterised as neutral ground with an international agreement which would safeguard the rights to the installations, establish the inviolability of the area and recognize the decisive role of the International Olympic Committee in its athletic competencies. And, in any event, Greece would be prepared to discuss the arrangements the Committee would deem necessary for this purpose." Letter from Prime Minister Karamanlis to Lort Killanin, President, IOC (Feb. 2, 1980), *reprinted in* Olympic Games: Permanent Site offered by Greece at Ancient Olympia, Embassy of Greece Press Release (undated).

[39] Back to Olympia, *supra* note 31, at 60. *The Economist* also reported that Greece was prepared to "cede sovereignty" over the site at Olympia. *Id.*

[40] *The Olympic Idea*, Greece, Spring, 1980, at 2 (publication of the Greek National Tourist Organization).

[41] *Id.* "[T]here is no suggestion that Greece would exercise any kind of national control." *Id.*

[42] This article assumes that Greece will be the permanent forum state, and uses "Greece" and "forum state" interchangeably. The arguments apply, however, to any forum state selected and to the state in which the permanent Winter Games site is located.

[43] Some options are analyzed only because they have been mentioned in public commentary on the permanent site plan. *See* notes 39–41 and accompanying text *supra*.

[44] 1 Procedural Aspects of International Law Institute, The Theory and Practice of governmental Autonomy 2–3 (Final report for the Department of State 1980)[hereinafter "PAIL Study"].

[45] *Id.*

[46] Hannum & Lillich, *The Concept of Autonomy in International Law*, 74 Am. J. Int'l L. 858, 860 (1980). The PAIL Study summarized by Hannum & Lillich identified three principal categories of autonomous entities: federal states, internationalized areas and associated states. *Id.* at 859.

[47] The PAIL Study did note a variety of precedents for *limited* autonomy. Limited cultural or religious independence was granted in the cases of Greenland, the Belgian linquistic communities, the Aland Islands, and the millet system of the Ottoman Empire. PAIL Study, *supra* note 44, at 2. These examples of limited or restrictive autonomy still involve governmental functions rather than the essentially non-governmental functions which must be guaranteed to the IOC.

[48] Another such theme is the preferability of choosing a device or structure which not only affords technical legal protection, but serves to eliminate the motives for parties to act in the undesired manner. For example, any arrangement which, by giving Greece some stake in the unimpeded operation of the games, makes the political or economic consequences of interference high, is especially desirable. *See* text accompanying notes 260–62 *infra*.

[49] *See generally* Fedder, *The Functional Basis of International Privileges and Immunities: A New Concept in International law and Organization*, 9 Am. U.L. Rev. 60 (1960).

[50] Brandon, *The Legal Status of the Premises of the United Nations*, 28 Brit. Y.B. Int'l L. 90, 94 (1951) [hereinafter "Brandon"].

[51] *Id.*

[52] Examples of boycotts include the 1956 withdrawal of Switzerland and the Netherlands in protest of the Soviet invasion of Hungary; North Korea's sudden pull-out from Tokyo in 1964; the Third World boycott of Montreal in 1976 because of the participation of New Zealand, which maintained close sporting ties with South Africa; and the Western boycott of Moscow in 1980. *See* 126 Cong. Rec. S499 (daily ed. Jan. 29, 1980) (statement of Sen. Bradley).

[53] Economic advantage should not exceed that advantage naturally incident to the spending of spectators every four years en route to and around the permanent site.

[54] *See* note 25 *supra*.

[55] As anticipated by Senator Bradley, "The permanent home would come to be identified with the Olympics as an institution. The Olympics no longer would be identified with the nationalistic displays of temporary host," 126 Cong. Rec. S501 (daily ed. Jan. 29, 1980).

[56] Such embarrassment might be felt, for example, by the People's Republic of China upon the participation of Taiwan.

[57] Examples might include a nation's foreign policy with regard to South Africa or Israel.

[58] An example would be when an element of the games' conduct is a political issue domestically.

[59] The threats to the integrity and neutrality of the games at a permanent site are analogous to the factors of political risk faced by any enterprise doing business in a foreign country. *See generally* P. Nevitt, Project Financing 113 (1978).

[60] Rule 8 of the Olympic Charter provides in part: "Only citizens or nations of a country may represent that country and compete in the Olympic Games . . . . In the final resort, questions in dispute shall be settled by the Executive Board.

"The expression "country" wherever used in these Rules shall mean any country, state, territory or part of territory which in its absolute discretion is accepted by the IOC as constitution the area of jurisdiction of a recognized NOC [National Olympic Committee]." Olympic Charter, Rule 8 (prov. ed. 1980).

[61] There are numerous historical instances of host state attempts to restrict access. In 1956, Australia did not recognize the Soviet Union and wished to ban its athletes. In 1968, NATO regulations did not permit France to issue visas to East Germans. In 1972, U.N. sanctions seemed to require West Germany to ban Rhodesian competitors. In each of these instances, however, "a conflict of laws was settled by the waiver of municipal visa requirements and the issuance of special clearance papers." Nafziger, *The Regulation of Transnational Sports Competition: Down From Mount Olympus*, 5 V and. J. Transnat'l L. 180, 203 (1971) [hereinafter "Nafziger"]. *See also* Comment, *Political Abuse of Olympic sport:* DeFrantz v. United States Olympic Committee, 14 N.Y.U. J. Int'l L. & Pol. 155 (1981).

[62] The concept of the inviolability of the premises of international institutions in international law evolved from the fiction of extraterritoriality with regard to legation premises. Jenks, *supra* note 1, at 41.

[63] Since the IOC will, as a practical matter, depend on Greek personnel for its essential security services, it is equally important that those personnel be available at the request of the IOC.

[64] The Olympic organization would not require immunity from judicial process with respect to ordinary commercial matters.

[65] These personal immunities can be limited to those in respect to official acts, and should extend to Greek nationals serving in the international Olympic organization.

[66] "Historically and technically [the] exemption of official international funds from national taxation derives from the sovereign immunities of the States contributing to such funds, but the essential justification for it rests on broad grounds of national public policy." Jenks, *supra* note 1, at 43 (quoting Jenks, *Some Legal Aspects of the Financing of International Institutions*, The Grotius Society: Problems of Peace and War 87, 122 (1943)). The latter justification would apply, then, to an NGO like the IOC.

[67] Television rights are a major source of revenue and would probably be pledged in part to the creditors to secure financing for the Olympic center. *See* text accompanying notes 259–63 *infra*. Rule 51 of the Olympic Charter provides in part: "The IOC may, subject to payment, grant the right to broadcast and/or distribute reports on the Olympic Games. The total amount . . . shall be paid . . . to the IOC which shall distribute [it], in accordance

with the requirements set out in Rule 21." Olympic Charter, Rule 51 (prov. ed. 1980).

[68] The Charter provides: "In order to ensure the fullest news coverage and the widest possible audience for the Olympic Games, the necessary steps shall be taken to accredit the representatives of the different mass media. . . . The Executive Board of the IOC, whose decision shall be final and binding, reserves the right to grant or to refuse accreditation in the case of any applicant or to withdraw any accreditation already granted." Olympic Charter, Rule 51 (prov. ed. 1980).

[69] *See* notes 50–51 and accompanying text *supra*.

[70] *See* R. Rodgers, Facilitation Problems of International Associations 39 (1960).

[71] *See* notes 147–56 and accompanying text *infra*.

[72] *See generally* E. Adair, the Extraterritoriality of Ambassadors in the Sixteenth and Seventeenth Centuries (1929).

[73] It is a fiction because, in the case of diplomats, "[l]'agent diplomatique est censé n' avoir jamais quitté son propre pays." P. Cahier, Etude Des Accords de Siège Conclus Entre les Organisations Internationales et les Etats où Elles Résident 194(1959).

[74] Kunz, *Privileges and Immunities of International Organizations*, 41 Am. J. Int'l L. 828, 836 (1947) [hereinafter "Kunz"]. *See also* H. Grotius, De Jure Belli Ac Pacis Libri, Tres, chap. XVIII (1689).

[75] *See e.g.*, W. Fishel, The End of Extraterritoriality in China (1952); G. Keeton, The Development of Extraterritoriality in China (1928). The best general survey of the extraterritoriality concept is G. Keeton, *Extraterritoriality in International and Comparative Law*, 72 Recueil des Cours 283 (1948: I).

[76] *See e.g.*, Treaty of Berlin, July 13, 1878, arts. 53–56, *reprinted in* 8 Ministère des Affairs Etrangères, Documents Diplomatiques (1878). Article 53 grants the European Danube Commission "une complète indepéndance de l'autorité territoriale." *Id.* art. 53.

[77] *But see* C. Jenks, The Proper Law of International Organisations 139 (1962) [hereinafter "Jenks, Proper Law"]. Jenks acknowledges the view that extraterritoriality is a harmful fiction and thus that "the concept of extraterritoriality is either a mistake to be charitably ignored or an idle courtesy which can safely be assumed to be meaningless." *Id.* He questions this view: the extraterritoriality fiction "may be practically more satisfactory to both the international organisation and the host State than a functional formula which, while rationally more defensible, has not yet stood in the same manner the test of experience." *Id.*

[78] Brandon, *supra* note 50, at 96–97. Local law and jurisdiction apply except as otherwise provide. *Id.*

[79] *See* note 39 and accompanying text *supra*.

[80] *See generally* Jenks, *supra* note 1, at 44–53 (discussion of advantages and disadvantages of granting to the headquarters of international institutions international status within national territory).

[81] Treaty Establishing the Vatican State, Feb. 11, 1929, Holy See-Italy, art. 4, 130 Brit. & For. State Papers 793 (1929). *See generally* M. Falco, The Legal Position of the Holy See Before and After the Lateran Agreements (1935); B. Williamson, The Treaty of the Lateran (1929); La Bière, La condition juridique de la cité du Vatican, Recueil des Cours 115 (1930: III).

[82] I. Brownlie, Principles of Public International Law 67 (3d ed. 1979) [hereinafter "Brownlie"]. *See* M. Brazzola, La Cité Du Vatican Est-Elle un Etat? (1932).

[83] It is the smallest "state," with a nominal population of approximately 1000. J. Crawford, The Creation of States in International Law 154 (1979) [hereinafter "Crawford"].

[84] *Id.*

[85] Jenks, *supra* note 1, at 72.

[86] *See id.* at 45.

[87] Brownlie, *supra* note 82, at 372.

[88] Convention Respecting an Extension of Hong Kong Territory, June 9, 1898, China-Great Britain, 186 Parry's T.S. 310, 32 Martens Nouveau Recueil 2d 89 (1905). *See generally* L. Mills, British Rule in Eastern Asia 373 (1942).

[89] Brownlie, *supra* note 82, 372.

[90] *Id.* at 115–16.

[91] Agreement for the Lease of Lands for Coaling and Naval Stations, Feb. 16–23, 1903, United States-Cuba, art. III, 192 Parry's T.S. 429, 430. *See generally* Montague, *A Brief Study of Some of the International Legal and Political Aspects of the Guantanamo Bay Problem*, 50 Ky. L.J. 459 (1962).

[92] *See* notes 157–212 and accompanying text *infra*.

[93] Brownlie, *supra* note 82, at 116. "[T]he grantor has a right to revoke the 'contractual license,' and, after a reasonable time has elapsed, force may be employed to evict the trespasser." *Id.*

[94] *See* text accompanying note 86 *supra*.

[95] Brownlie, *supra* note 82, at 63–64.

[96] *See* Rules of Procedure of the International Mixed Court, *reprinted in* A. Kotenev, Shanghai: Its Mixed Court and Council 321 (1925). *See generally* Hudson, *The Rendition of the International Mixed Court at Shanghai*, 21 Am. J. Int'l L. 451 (1927).

[97] Protectorate Treaty, Mar. 30, 1912, France-Morocco, 106 Brit. & For. State Papers 1023, 216 Parry's T.S. 20. The convention was revised in 1923. Convention regarding the Organisation of the Statute of the Tangier Zone, Dec. 18, 1923, France-Great Britain-Spain, 28 L.N.T.S. 541. *See generally* G. Stuart, The International City of Tangier (2d ed. 1955) [hereinafter "Stuart"]; Hudson, The International Mixed Court of Tangier, 21 Am. J. Int'l L. 231 (1927).

[98] *See* Statute of the Sanjak of Alexandretta, May 29, 1937, 18 League of Nations O.J. 580 (1937). *See generally* Basdevant, *La question du Sandjak d'Alex-andrette et de d'Antioche*, 19, Revue de Droit International et de Legislation Comparée 661 (1938).

[99] *See* Treaty of Versailles, June 28, 1919, arts. 45–50, 225 Parry's T.S. 189, 213–15, *reprinted in* Major Peace Treaties of Modern History 1648–1967, at 1296–99 (F. Israel ed. 1967). *See generally* M. Florinsky, The Saar Struggle (1934).

[100] Convention for Establishing a Conventional Regime in Upper Silesia, May 15, 1922, Germany-Poland, 118 Brit. & For. State Papers 365. *See generally* G. Kaeckenbeeck, The International Experiment of Upper Silesia (1942).

[101] *See* Convention Concerning the Territory of Memel, May 8, 1924, 29 L.N.T.S. 85 (1924). *See generally* The Status of the Memel Territory, League of Nations Doc. C. 159 M. 39 1924 VII (1924).

[102] Treaty of Versailles, June 8, 1919, arts. 100–08, 225 Parry's T.S. 189, 246–49, *reprinted in* Major Peace Treaties of Modern History 1648–1967, at 1338–41 (F. Israel ed. 1967). *See generally* J. Makowski, La situation juridique du territoire de la Ville Libre de Dantzig (1925).

[103] *See* Italian Peace Treaty Feb. 10, 1947, Italy-Allied Powers, Annex VI, Permanent Statute of the Free Territory of Trieste, 49 U.N.T.S. 72, *reprinted in* Major Peace Treaties of Modern History 1648–1967, at 2479–90 (F. Israel ed. 1967). *See generally* M. Ydit, Internationalised Territories from the "Free City of Cracow" to the "Free City of Berlin" 231–72 (1961) [hereinafter "Ydit"].

[104] *See* G.A. Res. 181 (II), U.N. Doc. A/519, (1947). The resolution called for the creation of a "special international regime" under the direct control of the Trusteeship Council. *See generally* Ydit, *supra* note 103, at 273–315. The Trusteeship Council prepared a "Draft Constitution" for Jerusalem. *See* Question of an International Regime for ther Jerusalem Area and Protection of the Holy Places, 5 U.N. GAOR Supp. (No. 9). U.N. Doc. A/1286 (1950).

[105] Brownlie, *supra* note 82, at 55. *See* Ydit, *supra* note 103, at 21.

[106] Ydit, *supra* note 103, at 50–51, 71–72.

[107] Free City of Danzig and the International Labour Organisation (Pol. v. Free City of Danzig), 1930 P.C.I.J., ser. B, No. 18 (Advisory Opinion of Aug. 24); Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in the Danzig Territory (Pol. v. Free City of Danzig), 1932 P.C.I.J., ser. A/B, No. 44, at 23–24 (Advisory Opinion of Feb. 4).

[108] *See* note 97 *supra*.

[109] On November 14, 1911, Sir Edward Grey wrote to the French minister in London that "just as France stands for the Sultan's authority in the French zone, and Spain in the Spanish zone, so the Treaty powers collectively shall stand for the Sultan's authority in Tangier and its district." *Documents Diplomatiques Francais* (1871–1914), 3d Series (1911–1914), Vol. No. 348, *quoted in* Stuart, *supra* note 97, at 59–60.

[110] Stuart, *supra* note 97, at 182.

[111] Ydit, *supra* note 103, at 21.

[112] *See id.* at 11.

[113] *See, e.g.*, Crawford, *supra* note 83, at 160.

[114] *See, e.g.*, Agreement Regarding the Headquarters of the United Nations, June 26, 1947, United States-United Nations, 61 Stat. 3416, T.I.A.S. No. 1676 (entered into force Nov. 21, 1947) [hereinafter "U.N. Headquarters Agreement"]; Agreement Regarding the Headquarters of the International Atomic Energy Agency, Dec. 11, 1957, International Atomic Energy Agency-Austria, 339 U.N.T.S. 152 (entered into force Mar. 1, 1958) [hereinafter "IAEA Agreement"]; Agreement Regarding the Headquarters of the Food & Agriculture Organization, Oct. 31, 1950, FAO-Italy, U.N. Doc. ST/LEG/SER.B/11 (1961), *reprinted in* II Legislative Texts and Treaty Provisions Concerning the Legal Status, Privileges and Immunities of International Organizations 187) [hereinafter "FAO Agreement"]; Agreement Concerning the Legal Status of the International Labour Organisation after the Dissolution of the League of Nations Organization, Mar. 11, 1946, ILO-Switzerland, 15 U.N.T.S. 377 [hereinafter "ILO Agreement"].

These agreements generally are implemented through municipal legislation by the host state. *See* D. Bowett, The Law of International Institutions 310 (3d ed. 1975); note 152 and accompanying text *infra*.

[115] *But see* FAO Agreement, *supra* note 114, § 6(a) (Italy "recognizes the extraterritoriality of Headquarters Seat . . ."); ILO Agreement, *supra* note 114, art. 4 ("the Swiss Federal Council recognizes the extraterritoriality of the grounds and buildings of the International Labour Organization and of all buildings occupied by it in connection with meetings of the International Labor Conference . . . .").

[116] Kunz, *supra* note 74, at 850. *See* U.N. Headquarters Agreement, *supra* note 114.

[117] Jenks, Proper Law, *supra* note 77, at 137.

[118] U.N. Headquarters Agreement, *supra* note 114,§ 7(a). *See* Brandon, *supra* note 50, at 97–98.

[119] IAEA Agreement, *supra* note 114, § 7.

[120] FAO Agreement, *supra* note 114, § 15.

[121] *E.g.*, U.N. Headquarters Agreement, *supra* note 114, § 7(b) ("Except as otherwise provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the headquarters district."). *See* Kunz, *supra* note 74, at 850.

[122] Regulations so authorized are those "for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions." U.N. Headquarters Agreement, *supra* note 114, § 8. *See* IAEA Agreement, *supra* note 114, § 8(a).

[123] *See* Brandon, *supra* note 50, at 113. *See also* Convention on the Privileges and Immunities of the Specialized Agencies, U.N. Doc. ST/LEG./SER.B/11, *reprinted in* II Legislative Texts and Treaty Provisions Concerning the Legal Status, Privileges and Immunities of International Organizations 101 (1961).

[124] *See* Brandon, *supra* note 90, at 113.

[125] *See* notes 43–69 and accompanying text *supra*.

[126] *See, e.g.*, U.N. Headquarters Agreement, *supra* note 114, § 11 ("The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district . . . . The appropriate American authorities shall afford any necessary protection to . . . persons while in transit to or from the headquarters district."); FAO Agreement, *supra* note 114, § 22; IAEA Agreement, *supra* note 114, §§ 27(a), 28.

[127] *See, e.g.*, U.N. Headquarters Agreement, *supra* note 114, § 11; FAO Agreement, *supra* note 114, § 22(a)(vi); IAEA Agreement, *supra* note 114, § 27(a)(ix).

[128] U.N. Headquarters Agreement, *supra* note 114, § 13 (free transit guarantee applies to persons "irrespective of their nationality.").

[129] U.N. Headquarters Agreement, *supra* note 114, § 12.

[130] Brandon, *supra* note 50, at 101–03.

[131] *Id. See, e.g.*, Agreement Regarding the Headquarters of the International Civil Aviation Organization, Apr. 14, 1951, ICAO-Canada, §4(2), 96 U.N.T.S. 156 (entered into force May 1, 1951) [hereinafter "ICAO Agreement"]; FAO Agreement, *supra* note 114, §§ 7, 17, 18; ILO Agreement, *supra* note 114, art. 6, para. 2; U.N. Headquarters Agreement, *supra* note 114, § 9(a); IAEA Agreement, *supra* note 114, § 9(a).

[132] The most common exception to this principle disallows use of the site for asylum. *See, e.g.*, ICAO Agreement, *supra* note 131, § 4(3); FAO Agreement, *supra* note 114, § 7(b); U.N. Headquarters Agreement, *supra* note 114, § 9(b); IAEA Agreement, *supra* note 114, § 9(b). *Cf.* FAO Agreement, *supra* note 114, § 33; ILO Agreement, *supra* note 114, art. 25.

[133] FAO Agreement, *supra* note 114, § 8(a); U.N. Headquarters Agreement, *supra* note 114, § 16(a);

IAEA Agreement, *supra* note 114, § 10. *See* Agreement Regarding the Headquarters of UNESCO and the Privileges and Immunities of the Organization in the French Territory, July 2, 1954, UNESCO-France, art. 17, 357 U.N.T.S. 3 (entered into force Nov. 23, 1955) [hereinafter "UNESCO Agreement"].

[134] *See, e.g.*, U.N. Headquarters Agreement, *supra* note 116, § 17 ("necessary public services" explicitly include electricity, water, gas, postal service, telephone, drainage, collection of refuse, fire protection, and snow removal); IAEA Agreement, *supra* note 114, § 12; FAO Agreement, *supra* note 114, at § 10.

[135] *See, e.g.*, ICAO Agreement, *supra* note 131, § 2; IAEA Agreement, *supra* note 114, § 16; UNESCO Agreement, *supra* note 133, § 1.

[136] FAO Agreement, *supra* note 114, § 16.

[137] *See, e.g.*, ICAO Agreement, *supra* note 131, § 3.

[138] In some states the restrictive standard applied to foreign sovereigns is not also applied to IGOs. *Compare* Foreign Sovereign Immunities Act of 1976, 28 U.S.C. § 1605(a)(2) (1976) *with* International Organizations Immunities Act of 1945, 22 U.S.C. § 288a(b) (1976). *But cf.* Broadbent v. Organization of Am. States, 628 F.2d 27 (D.C. Cir. 1980). *See generally* Recent Developments, 20 Va. J. Int'l L. 913 (1980).

[139] *See, e.g.*, FAO Agreement, *supra* note 114, §§ 19, 20; IAEA Agreement, *supra* note 114, §§ 22, 42; UNESCO Agreement, *supra* note 133, art. 15.

[140] *See, e.g.*, ICAO Agreement, *supra* note 131, § 8; ILO Agreement, *supra* note 114, art. 11; IAEA Agreement, *supra* note 114, § 23.

[141] *See* notes 259–63 and accompanying text *supra*.

[142] In the United States, for example, non-resident holders of debt obligations are subject to a 30% withholding tax. I.R.C. §§ 1441–1442 (1976).

[143] U.N. Headquarters Agreement, *supra* note 114, § 4. *See* IAEA Agreement, *supra* note 114, § 4.

[144] *See, e.g.*, ICAO Agreement, *supra* note 131, § 9 ("not less favourable"); FAO Agreement, *supra* note 114, § 11; IAEA Agreement, *supra* note 114, § 13; UNESCO Agreement, *supra* note 133, art. 10 ("at least as favourable").

[145] *See, e.g.*, ICAO Agreement, *supra* note 131, § 10; IAEA Agreement, *supra* note 114, § 15; UNESCO Agreement, *supra* note 133, art. 11; ILO Agreement, *supra* note 114, art. 13.

[146] *See, e.g.*, ICAO Agreement, *supra* note 131, § 27(a); C.N. Headquarters Agreement, *supra* note 114, § 11. *See also* FAO Agreement, *supra* note 114, § 22.

[147] *See* Reparations for Injuries Suffered in the Service of the United Nations (The Reparations Case), 1949 I.C.J. 174, 178–79 (Advisory Opinion of Apr. 11).

[148] *See* P. Cahier, Etude des accords de siège conclus entre les organisations internationales et les étatus où elles résident 208 (1959) [hereinafter "Cahier"]. *But see* Kunz, *supra* note 74, at 848. Kunz argues that the *accords de siège* are not real treaties. With reference to pre-U.N. headquarters agreements, specifically the *modus vivendi* of 1926 between Switzerland and the League of Nations, 7 League of Nations O.J. 1422 (1926), Kunz argues: "The legal nature of such [an] agreement is doubtful; it is not an international treaty; both parties can at any time renounce it in part or as a whole. It leads only to an agreement with a single member State and 'fails to afford a solid legal foundation for the permanent independence of the international organization.'" Kunz, *supra* note 74, at 848 (quoting C. Jenks, The Headquarters of International Institutions, A Study of Their Location and Status 46 (1945)). Cahier rejects this argument which relies on the possibility of unilateral modification, calling it "une distinction de forme plutôt que de fond. Si les accords de siège peuvent être revisés, c'est en vertu d'une clause de révision insérée dans l'accord." Cahier, *supra* note 148, at 208. Modification clauses were inserted in the agreements relief upon by Kunz. Article 14 of the 1926 *modus vivendi* provides in part, "[the] rules of the *modus vivendi* can only be modified by agreement between the organisations of the League of Nations and the Federal Political Department. If, however, an agreement cannot be reached, it shall always be open to the Federal Government or to the organisations of the League of Nations to denounce the whole or part of the rules of the *modus vivendi*." 7 League of Nations O.J. 1422, 1424 (1926). This clause, however, is rare in headquarters agreements concluded after the Second World War.

[149] Vienna Convention on the Law of Treaties, *opened for signature* May 23, 1969, art. 26, U.N. Doc. No. A/CONF. 39/27 (entered into force Jan. 27, 1980), *reprinted in* 8 I.L.M. 679, 690 (1969) ("Every treaty in force is binding upon the parties to it and must be performed by them in good faith."). *See generally* Hassan, *Good Faith in Treaty Formation*, 21 Va. J. Int'l L. 443 (1981).

[150] U.N. Charter, art. 104. *See also* Agreement Establishing the Inter-American Development Bank, Apr. 8, 1959, art. XI, § 1, *reprinted in* II Legislative Texts & Treaty Provisions Concerning the Legal Status, Privileges and Immunities of International Organizations 387, Doc. ST/LEG/SER. B/11 (1961) ("[T]he status, immunities, and privileges set forth in this article shall be accorded to the Bank in the territories of each member."); Constitution of the International Atomic Energy Agency, Oct. 26, 1956, art. 15, 276 U.N.T.S. 4 ("The Agency shall enjoy in the territory of each member . . . such privileges and immunities as are necessary for the exercise of its functions."); Constitution of the United Nations Education, Scientific and Cultural Organisation (UNESCO), Nov. 16, 1945, art. 12, 4 U.N.T.S. 275, 292 (U.N. Charter obligations extended to UNESCO members); Convention on the Intergovernmental Maritime Consultative Organization, Mar. 6, 1948, arts. 50, 51, 289 U.N.T.S. 48, 70; Convention of the World Meteorological Organization, Oct. 11, 1947, art. 27, 77 U.N.T.S. 144, 162; Constitution of the World Health Organization, July 22, 1946, arts. 66–68, 14 U.N.T.S. 186, 200–01; Constitution of the Food and Agriculture Organization of the United Nations, Oct. 16, 1945, art. 15, [1946–47] U.N.Y.B 693, 696; Convention on International Civil Aviation, Dec. 7, 1944, art. 47, 15 U.N.T.S. 295, 328, (obligation to recognize "legal capacity as may be necessary for the performance of its functions"); Constitution of the International Labour Organisation, art. 40, 15 U.N.T.S. 40, 102 (amended as of Oct. 9, 1946); Charter of the Organization of American States, Apr. 30, 1948, art. 103, 119 U.N.T.S. 48, 88 ("The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes"); *[i]d.* art. 105 ("The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them . . . shall be determined in each case through agreements between the respective organizations and the Governments concerned.").

[151] *E.g.*, Agreement on the Privileges and Immunities of the International Energy Agency, July 1, 1959, *reprinted in* II Legislative Texts & Treaty Provisions Concerning the Legal Status, Privileges and Immunities of International Organizations 357, Doc. ST/LEG/SER. B/11 (1961); Charter of the Organization of American States, Apr. 30, 1948, 119 U.N.T.S. 48; Convention on the Privileges and Immunities of the Specialized Agencies, Nov. 21, 1947, 33 U.N.T.S. 262.

[152] Such municipal legislation either applies generally to a group of public international organizations, *e.g.*, International Organisations (Immunities and Privileges of the Council of Europe) Order in Council, 1950, 14 Geo. 6, ch. 14 (U.K.); Act No. 72 of 7 Mar. 1952 Concerning Privileges and Immunities of International Organizations (Denmark), is extended to particular international organizations by regulation or appendix, *e.g.*, International Organizations Immunities Act of 1945, 22 U.S.C. § 288a-288f (1976); Diplomatic Privileges and Immunities Act of 1968, No. 36, N.Z. Stat. 309 (1968), or applies to a single organization, *e.g.*, Privileges and Immunities Act (United Nations Act), Can. Rev. Stat. ch. 219, § 1 (1952); World Health Organization Act (Protection Act), No. 41, Ghana (1958).

[153] If an agreement between Greece and the IOC were implemented either through Greek legislation or as a bilateral contract governed by Greek law, it would not afford the IOC the protection it requires. Any municipal statute adopted by Greece could at any time be amended or repealed by the Greek Legislature. A bilateral agreement under municipal law "can accord an international institution a large measure of independence, but [it] will never make it master in its own house . . . . The contractual arrangements entered into may be honoured when the storm blows, or they may not." Jenks, *supra* note 1, at 52. *See id.* at 47; Kunz, *supra* note 74, at 847 (in the context of a pre-*Reparations Case* agreement).

[154] A. Fatouros, *International Law and the Internationalized Contract*, 74 Am. J. Int'l L. 134, 136–37 (1980).

[155] *See* text accompanying notes 147–49 *supra*.

[156] *See* text accompanying notes 213–41 *infra*.

[157] J. Schneider, Treaty-Making Power of International Organizations 98–99 (1959) [hereinafter "Schneider"].

[158] Jenks, *supra* note 1, at 39. Jenks adds the caveat that "the conditions under which it may be exercised in a particular state may sometimes properly be governed by the local law." *Id.*

[159] Friedman, *International Public Corporations*, 6 Mod. L. Rev. 185, 203 (1942–43) [hereinafter "Friedman"].

[160] Lissitzyn, *Territorial Entities Other Than Independent States in the Law of Treaties*, 125 Recueil des Cours 1, 13 (1968: III) [hereinafter "Lissitzyn"]. If personality is itself a test for treaty-making capacity, then use of "rights and duties under public international law" as criteria for personality leads to a circular analysis. *See also* Schneider, *supra* note 157, at 129–33.

[161] *See* Lissitzyn, *supra* note 160, at 13.

[162] Jenks, *supra* note 1, at 66.

[163] *See* Lissitzyn, *supra* note 160, at 7, 11–12. Less-than-state territorial entities like Danzig, *see* Access to German Minority Schools in Upper Silesia, 1932 P.C.I.J., ser. A/B, No. 44, at 23–25 (Rostworowski, Count, dissenting), and the Saar, *see* Convention Regulating Air Navigation Between Switzerland and the Saar Territory, Aug. 15, 1928, 81 L.N.T.S. 373; Agreement Respecting Telephone Service Between Great Britain and Northern Ireland and the Saar Territory, via France, Nov. 16, 1928, 92 L.N.T.S. 353, did exercise treaty-making capacity. *Cf.* Payment of Various Serbian Loans Issued in France, 1929 P.C.I.J., ser. A., No. 20, at 41 ("Any contract which is not a contract between States in their capacity as subjects of international law is based on the municipal law of some country").

[164] Reparation for Injuries Suffered in the Service of the United Nations (The Reparations Case), 1949 I.C.J. 174, 178–79 (Advisory Opinion of Apr. 11).

[165] J. Lador-Lederer, International Non-Governmental Organizations and Economic Entities 14 (1963) [hereinafter "Lador-Lederer"].

[166] 1949 I.C.J. 174.

[167] *Id.* at 178. One commentator states: "The growing variety, density and complexity of transnational concerns and interactions increasingly involve legal and administrative actions and their consequences on many different levels. Some of these concerns and interactions may be, and already are, most effectively handled on official levels below that of formal diplomatic relations. . . . It is not unreasonable to expect the development of new concepts and devices to meet the needs for greater flexibility and less formality in such interactions." Lissitzyn, *supra* note 160 at 8.

One consequence of this extension is that it is no longer possible to suppose that the capacities of the various international persons must be equal. *See* text accompanying notes 200–01 *infra*.

[168] "It is not formed for profit. . . ." Olympic Charter, Rule 11 (prov. ed. 1980).

[169] Lucas, *supra* note 13, at 137.

[170] *Id.* at 82.

[171] The failure to incorporate or register in the headquarters country is unusal. "La nature jurdique des Fédérations sportives internationales est en général celle d'associations privées douées de personalité de droit interne dans l'ordre juridique de l'Etat où elles siègent." Leyendecker, *Les Fédérations Sportives Internationales dans le Domaine des Organisations Non-Gouvernementales*, Annuaire de l'A.A.A. [Yearbook of the Association of Attenders and Alumni of the Hague Academy of International Law] 41, 45 (1972–73) [hereinafter "Leyendecker"].

[172] Lucas, *supra* note 13, at 136.

[173] *See* text accompanying notes 188–212 *infra*.

[174] Espy, *supra* note 22, at 9.

[175] Olympic Charter, Rule 1 (prov. ed. 1980). The other aims set forth in Rule 1 are "to promote the development of those physical and moral qualities which are the basis of sport," and to "bring together the athletes of the world in the great four-yearly sport festival, the Olympic Games." *Id.*

[176] Olympic Charter, Rule 3 (prov. ed. 1980). *See* Leyendecker, *supra* note 171, at 42.

[177] *See* L. White, International Non-Governmental Organizations 199 (1951).

[178] Olympic Charter, Rule 12 (prov. ed. 1980).

[179] *Id.* Rule 24(C).

[180] *Id.* Rule 45.

[181] *Id.* Rule 17(C).

[182] Nafgziger, *supra* note 61, at 181 n.2.

[183] *Id.* at 190–91.

[184] Olympic Charter, Rule 23 (prov. ed. 1980).

[185] *Id.* By-laws to Rules 16 and 23.

[186] Espy, *supra* note 22, at 16.

[187] Leyendecker, *supra* note 171, at 48.

[188] *See, e.g.,* Lador-Lederer, *supra* note 165, at 14–15.

[189] Leyendecker, *supra* note 171, at 42–43.

[190] *See* 1 M. Whiteman, Digest of International Law 238 (1973). *But see* Brownlie, *supra* note 82, at 69. "There is no general rule that the individual cannot be a 'subject of international law' and in particular contexts he appears as a legal person on the international plane." *Id.*

[191] Dean, *Beyond Helsinki: The Soviet View of Human Rights in International Law,* 21 Va. J. Int'l L. 55, 72–74 (1980). *See, e.g.,* W. Gormley, The Procedural Status of the Individual Before International and Supranational Tribunals 30–31 (1966); H. Lauterpacht, International Law and Human Rights 27–35 (1968).

[192] "[The extension of subject status to individuals] contradicts the very essence of International Law." F. Kozevnikov, International Law: A Textbook for Use in Law School 89 (1957), *quoted in* Dean, *Beyond Helsinki: The Soviet View of Human Rights in International Law,* 21 Va. J. Int'l L. 55, 72–74 (1980).

[193] " . . .[l]e principal obstacle a la reconnaissance de cette meme personalite aux organisations internationales non-gouvernmentales." Leyendecker, *supra* note 171, at 43.

[194] Brownlie, *supra* note 82, at 67. "Furthermore, as elsewhere in the law, provided that no rule of *jus cogens* is broken, acquiescence, recognition, and the incidence of voluntary bilateral relations can do much to obviate the more negative consequences of anomaly." *Id.* at 59.

[195] Lador-Lederer, *supra* note 165, at 59–63. Similar functional attributes are shared by international public corporations. *See generally* Friedman, *supra* note 159. These bodies, like the Bank on International Settlements, *see* Hague Convention, Jan. 20, 1930, 104 U.N.I.S. 441, are international in character, have managerial and financial autonomy, own their own funds, perform an international public service, and are constituted in a multinational convention. It is only in respect to the last characterisitc that they differ from most NGOs. Friedman, *supra* note 159, at 186, 191; Kunz, *supra* note 74, at 850–51.

[196] *See, e.g.,* Lador-Lederer, *supra* note 165, at 29–32, 60, 210–11.

[197] *See generally* Picet, *La Croix et les Conventions de Geneve,* 76 Recueil des Cours, 5 (1950: I).

[198] Lador-Lederer, *supra* note 165, at 14–15. Other functions which characterize both NGOs and international persons are the delegation of authority, consultation with other international persons, technical assistance and propaganda. *Id.* at 64.

[199] *Id.* at 210.

[200] "[R]eference to the functions and powers of the organisation exercised on the international plane, and not to the abstract and variable notion of personality, will alone give guidance on what powers may properly be implied." D. Bowett, The Law of International Institutions 275 (1963).

[201] Lissitzyn, *supra* note 160, at 15. *See generally* Schneider, *supra* note 157.

[202] *See, e.g.,* Case Concerning the Payment of Various Serbian Loans Issued in France (Serbian Loan Case), 1928–1930 P.C.I.J., Ser. A., Nos. 20–21, 41 (Judgment of July 12, 1929). *See also* Wengler, *Agreements of States with Other Parties than States in International Relations,* 8 Revue Hellenique de Droit International 113, 118 (1954) [hereinafter "Wengler"].

[203] Lissitzyn, *supra* note 160, at 5. *See generally* Schneider, *supra* note 157.

[204] Wengler, *supra* note 202, at 113.

[205] *Id.*

[206] *See* Schneider, *supra* note 157, at 94–96.

[207] [1946–1947] U.N.Y.B. 245.

[208] Agreement between United Nations Relief & Rehabilitation Administration and American Friends Service Committee, International Committee of the Red Cross, and League of Red Cross Societies, [1948–1949] U.N.Y.B. 161, U.N. Doc. A/1905.

[209] [1948–1949] U.N.Y.B. 703.

[210] Wengler, *supra* note 202, at 115.

[211] Schneider, *supra* note 157, at 117.

[212] Olympic Charter, Rule 11 (prov. ed. 1980). *See* notes 168–187 and accompanying text *supra.*

[213] J. Brierly, Report on the Law of Treaties 17, [1950] 2 Y.B. Int'l L. Comm'n 222, 229, U.N. Doc. A/CN.4/23 (1950).

[214] Schneider, *supra* note 157, at 121.

[215] Article 3 provides: "The fact that the present Convention does not apply to international agreements concluded between States and other subjects of international law . . . shall not affect: (a) the legal force of such agreements . . . ." Vienna Convention on the Law of Treaties, *opened for signature* May 23, 1969, 8 I.L.M. 679, 681–82 (1969), U.N. Doc. A/CONF. 39/27.

Earlier drafts of the Convention had employed a definition of "treaty" which included international entities other than states. *See* [1962] 1 Y.B. Int'l L. Comm'n 164.

[216] Note, *Arbitration of Economic Development Agreements: The Impact of Revere* v. OPIC, 20 Va. J. Int'l L. 861, 863 (1980) [hereinafter "Virginia Note"].

[217] Wengler, *supra* note 202, at 127.

[218] A. Fatouros, Government Guarantees to Foreign Investors 192 (1962) [hereinafter "Fatouros"]. If the host state participates in the project, then its undertakings are included in a joint venture agreement. *See* Berens, *Foreign Ventures—A Legal Anatomy,* 26 Bus. Law. 1527 (1971); Zaphirious, *Methods of Cooperation Between Independent Enterprises (Joint Ventures),* 26 Am. J. Int'l L. 245 (Supp. 1978).

[219] R. Rendell, *International Project Financing,* in International Financial Law 39, 43 (1980) [hereinafter "Rendell"].

[220] *Id.* at 45.

[221] Concession agreement between Revere Jamaica Alumina, Ltd. and Jamaica, *quoted in* Revere Copper & Brass, Inc. v. Overseas Private Investment Corp., 56 I.L.R. 258, 263 (Haight, Wetzel & Bergan, arbs. 1978).

[222] Virginia Note, *supra* note 216, at 862.

[223] Revere Copper & Brass, Inc. v. Overseas Private Investment Corp., 56 I.L.R. at 258, 271 (Haight, Wetzel & Bergan, arbs. 1978); Texaco Overseas Petroleum Co. [TOPCO] & California Asiatic Oil Co. v. Libyan Arab Republic, 53 I.L.R. 389, 431–36 (Dupuy, arb. 1977).

[224] 56 I.L.R. at 271.

[225] *Id.* at 272. *See generally* Delaume, *What is an International Contract?, an American and Gallic Dilemma,* 28 Int'l & Comp. L.Q. 258 (1979).

[226] 27 I.L.R. 117 1958).

[227] "Freezing clauses" or "stabilization clauses" prohibit the host from changing the investor's rights under the contract by changing or modifying the municipal law of the host country. 53 I.L.R. at 456–57.

[228] 27 I.L.R. at 168.

[229] Sapphire v. Internat'l Petroleum Ltd. v. Nat'l Iranian Oil Co., 35 I.L.R. 136, 171 (1967).

[230] *Id.*

[231] *Id.* at 174. *See, e.g.* 53 I.L.R. at 459–60.

[232] 56 I.L.R. 258 (Haight, Wetzel & Bergan, arbs. 1978).

[233] *Id.* at 282. *But see* BP Exploration Co. (Libya) v. Libyan Arab Republic, 53 I.L.R. 297, 327–29 (Lagergren, arb. 1973–74).

[234] *See e.g.,* 53 I.L.R. at 462; Sapphire Int'l Petroleums Ltd. v. Nat'l Iranian Oil Co. 35 I.L.R. 136, 181 (Cavin, arb. 1963).

[235] 56 I.L.R. at 279–84.

[236] *See* 53 I.L.R. at 456–57.

[237] Indeed, such sharing would undermine the goal of isolating the IOC from the forum state. *See* text accompanying notes 43–69 *supra.*

[238] Furthermore, concession agreements are limited to a term of years and the permanent site contract between the IOC and Greece would probably be open-ended and perpetual. *See, e.g.* Revere Copper & Brass, Inc. v. Overseas Private Investment Corp., 56 I.L.R. 258 (twenty-five year agreement).

[239] Virginia Note, *supra* note 216, at 877.

[240] *See e.g.* Permanent Sovereignty over Natural Resources, G.A. Res. 1803, 17 U.N. GAOR Supp. (No. 17) 15, U.N. Doc. A/5217; Charter of Economic Rights and Duties of States, G.A. Res. 3281, 29 U.N., GAOR Supp. (No. 31) 50, U.N. Doc. A/9631 (1974). The latter provides that "where the question of compensation gives rise to a controversy, it shall be settled under the domestic law of the nationalizing State and by its tribunals, unless otherwise agreed between the parties." *Id.* chap. 2, art. 2(2)(c).

[241] Fatouros, *International Law and the Internationalized Contract,* 74 Am. J. Int'l L. 134, 137 (1980).

[242] *See* text accompanying note 153 *supra.*.

[243] *See* text accompanying notes 157–212 *supra.*

[244] *See* text accompanying notes 213–41 *supra.*

[245] McNair, The Law of Treaties 239–54 (1961).

[246] Vienna Convention on the Law of Treaties, *opened for signature* May 23, 1969, art. 36, 8 I.L.M. 679 (1969). Article 37(2) provides that, "When a right has arisen for a third State in conformity with article 36, the right may not be revoked or modified by the parties if it is established that the right was intended not to be revocable or subject to modification without the consent of the third State." *Id.* art. 37(2).

[247] L. McNair, The Law of Treaties 239 (1961). *See generally* K. Idman, Le Traité de Garantie en Droit International (1913).

[248] P. Nevitt, Project Financing 91 (1980). The United States has had an investment guaranty program in operation since 1948. Fatouros, *supra* note 218, at 102.

[249] These agreements are in addition to a concession agreement between the investor and the host state. *See* notes 219–25 and accompanying text *supra*; note 254 *infra.*

[250] Fatouros, *supra* note 218, at 104–06. *See, e.g.,* Treaty of Friendship; Commerce & Navigation, Dec. 23, 1957, Federal Republic of Germany-Dominican Republic [1959] Bundesgesetzblatt (II) 1168; Treaty of Friendship, Commerce & Navigation, Feb. 2, 1948, U.S.-Italy, 63 Stat. 2255, T.I.A.S. No. 1965, 79 U.N.T.S. 171. *See generally* H.C. Hawkins, Commercial Treaties & Agreements; Principles and Practice (1951); R. Wilson, United States Commercial Treaties and International Law (2nd ed. 1960); Walker, *Modern Treaties of Friendship, Commerce and Navigation,* 42 Minn. L. Rev. 805 (1958); Walker, *Provisions on Companies in U.S. Commercial Treaties, 50 Am. J. Int'l L. 373 (1956).*

[251] Revere Brass & Copper, Inc. v. Overseas Private Investment Corp., 56 I.L.R. 258, 261–62 (Haight, Wetzel & Bergan, arbs. 1978). *See generally* OPIC, Investment Insurance Handbook (1980).

[252] *See* Anaconda Co. & Chile Copper Co. v. OPIC, 14 I.L.M. 1210, 1227–28 (Fuld, Sommers & Vagts, arbs. 1975); Revere Brass, 56 I.L.R. 258, 296. *See generally* Virginia Note, *supra* note 216, at 884.

[253] Fatouros, *supra* note 218, at 191.

[254] In foreign project financing, the concession agreement, or whatever contract is entered into between the sponsors and the host state, sets forth the basic legal framework for the project. Rendell, *supra* note 219, at 43.

[255] *See* text accompanying notes 114–46 *supra.*

[256] *See* text accompanying notes 43–69 *supra.* The IOC should consider negotiating a choice of law clause, similar to that commonly used in concession agreements, providing for application of those principles of Greek law not inconsistent with international law. *See, e.g.,* clause 28 of TOPCO's 1966 deed of concession with Libya.

"This concession shall be governed by and interpreted in accordance with the principles of law of Libya common to the principles of international law and in the absence of such common principles of law, including such of those principles as may have been applied by international tribunals." Texaco Overseas Petroleum Co. [TOPCO] & California Asiatic Oil Co. v. Libyan Arab Republic, 53 I.L.R. 389, 442 (Dupuy, arb. 1977).

[257] These guaranties also could be contained in a multilateral convention to which Greece would be just another party. This would follow the practice of Friendship, Commerce and Navigation treaties where all obligations are expressed as being mutual, even though one party has no prospect of investment or significant commercial activity in the other. See Fatouros, supra note 218, at 96, 98. This format has been rejected here as an awkward legal fiction which fails to reflect the actual arrangement.

[258] The Guarantors would be obligated to bring Greece to binding arbitration in the event it refused to abide by an arbitral award issued pursuant to the Bilateral Agreement. See notes 268–77 and accompanying text infra.

[259] Initial studies of the economic viability of the permanent site proposal indicated that the IOC's revenues—principally from the quadrennial sale of television rights—would be sufficient to support the operation of the Olympic center, including debt service on the initial capital investment. See note 14 supra.

[260] The loan would most probably be an internationally syndicated Eurodollar bank loan with participating lenders from North America, Europe, the Middle East, and the Far East.

[261] Rendell, supra note 219, at 41.

[262] P. Nevitt, Project Financing 111 (1980).

[263] See Treaty of Friendship, Commerce & Navigation, Aug. 3, 1951, U.S.-Greece, 5 U.S.T. 1829, T.I.A.S. No. 3057, 224 U.N.T.S. 297; Treaty of Friendship, Commerce & Navigation, Nov. 11, 1953,

West Germany-Greece, [1953] Bundesanzeiger No. 228.

[264] *See. e.g.*, U.N. Headquarters Agreement, *supra* note 114, § 21.

[265] McLaughlin, *Arbitration and Developing Countries*, 13 Int'l Law. 211, 212, (1979).

[266] *Id.*

[267] See. e.g., U.N. Headquarters Agreement, *supra* note 114, § 21. The Bilateral Agreement also should provide explicitly that all interim arbitral awards shall be observed by the parties.

[268] A. Foustoucos, *Greece*, 5 Y.B. Comm. Arb. 57, 61 (1980). *See* Code of Civil Procedure, bk. VII, arts, 867-903, Law. No. 958, Sept. 15, 1971 (Greece). *reprinted in* A. Foustoucos, L'arbitrage-interne et international en droit prive hellenique, Appendix A, 312-30 (1976) [hereinafter "Foustoucos"].

[269] Code of Civil Procedure, bk. VII, art 903 (Greece), *reprinted in* Foustoucos, *supra* note 268, at 330.

[270] These include treaties with the United States, West Germany, Yugoslavia and Czechoslovakia. Foustoucos, *supra* note 268, at 80-81.

[271] Legislative Decree No. 4220 of 1961 (Greece) Greece agreed to the Convention terms subject to two reservations (allowed under article 1, subsection 3). Like France, Greece has limited application to those awards made in the territory of a contracting state and will only apply the Convention to differences arising under *commercial* legal relationships (under Greek law). *See Foustoucos, supr* note 268, at 182.

[272] New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, June 10, 1958, 21 U.S. T. 2517, T.I.A.S. No. 6997, 330 U.N.T.S. 3 (entered into force Dec. 29, 1970) [hereinafter "New York Convention"].

[273] *Id.* art. V. The grounds include invalidity of the arbitration agreement, inability of a party to present its case, noncompliance with the terms of submission, including terms regarding the appointment of arbitrators, and judicial action setting aside the award in the country in which it was rendered. *Id. See* Sanders, *A Twenty Years' Review of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, 13 Int'l Law. 269, 270-72 (1979) [hereinafter "Sanders"].

[274] New York Convention, *supra* note 272, art V. subdiv. 2(b). The public policy exception also applies if the subject matter of the arbitration is not capable of settlement by arbitration in the country of enforcement. *Id.* at art. V, subdiv. 2(a).

[275] Sanders, *supra* note 273, ag 270.

[276] McLaughlin, *Arbitration and Developing Countries*, 13 Int'l Law. 211, 221 (1979).

[277] In 100 cases applying the New York Convention all over the world, enforcement was denied on public policy grounds only three times Sanders, *supra* note 273, at 271.

SENATE CONCURRENT RESOLUTION 115—RELATING TO A PERMANENT SITE FOR THE OLYMPIC GAMES

Mr. BRADLEY submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 115

Whereas the Olympic games, which were begun more than 2,000 years ago in Greece to foster peace and goodwill among the city states, have more and more frequently become an arena not for sport but for nations to further their own political goals;

Whereas it is the athletes who suffer when nations use the Olympic games for propaganda purposes;

Whereas when nations boycott the Olympics it deprives the participating athletes from pitting their strength, skill, and endurance against all of their competitors to determine the best in the world;

Whereas the participants in Olympic games form friendships that cross political and geographic borders and lead to better world understanding;

Whereas many millions of people across this Nation believe that the Olympic games should be insulated as much as possible from politics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the International Olympic Committee should establish a permanent facility for the Olympic games on a site that is suitable for insulating the games from the unwarranted and disruptive international politics that have plagued the games in recent years.

● Mr. BRADLEY. Mr. President, the recent withdrawal of the Soviet Union from the Olympic games presents a unique opportunity. We have the chance to remove the games from the political arena and return them to their original purpose—to be an international gathering of the world's youth for the purpose of promoting mutual understanding.

Today, Congressman PARRIS and I will seize that opportunity and introduce resolutions in the House and the Senate calling for the establishment of a permanent facility for the Olympic games.

Since the Olympic games first began, they have been buffeted by politics. There were the Nazi Olympics of 1936; the withdrawal of the Swiss and Dutch in 1956 in condemnation of the Soviet invasion of Hungary; the events of 1968 and the assassinations of 1972, followed by the withdrawal of 28 Third World countries from the Montreal Olympics of 1976.

I remember when I participated in the games in Tokyo in 1964 waking up in the middle of the night to a commotion in the next dormitory. It was the North Koreans pulling out of the games.

It is time to remove the games from politics and give them a permanent home. I have proposed that we move the games back to Greece where they were held for nearly 12 centuries. Putting the summer Olympics permanently in Greece and the winter games in their own home would help the Olympics become a strong institution rather than short-lived competitions vulnerable to political or economic exploitation by temporary host countries and other nations.

If the games had had a permanent home in a neutral country, it is probable that neither the United States in 1980 nor the Soviets in 1984 would have withdrawn from the games. Given a stable, enduring setting, the games could take on a special identity on their own, much like the celebrations of old.

A permanent site for the Olympics should also be coupled with an extension of the games from 2 weeks to 2 months. One of the primary purposes of the games has always been to promote mutual understanding and brotherhood.

The way to do this is by expanding the experience of the athlete who lives in the Olympic Village. That was the most enjoyable and memorable aspect of my experience.

I remember the athletes I shared those weeks with, and I remember the sense of pride and achievement. The Olympic games would be more participant oriented. Too often the athlete is lost amid the multimillion-dollar construction projects. Too often, the years of grueling training and individual discipline are overshadowed by extraneous events.

The Olympics should provide the basis for the beginnings of understanding. It requires bold planners to initiate a true permanent site with games that are true to the original goals. It requires the willingness to share financial burden by hundreds of nations. It requires a revision of the rules, and personnel who govern the Olympic movement. It requires the belief on the part of all of us that peace can prevail. The time is now.●

AMENDMENTS SUBMITTED

HIGHER EDUCATION ACT AMENDMENTS

STAFFORD AMENDMENT NO. 3064

Mr. BAKER (for Mr. STAFFORD) proposed an amendment to the bill (H.R. 5287) to amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multiyear grants; as follows:

Redesignate section 2 as section 7 and insert after section 1 the following new sections:

SEC. 2. (a) Section 510 of the Ombibus Budget Reconciliation Act of 1981 (Public Law 97-35) is amended by striking out beginning with the semicolon in clause (1) all matter through the end of the sentence and inserting in lieu thereof: "for each such year; and

"(2) $12,989,000 shall be available for each of the fiscal years 1982 and 1983, and $14,961,000 shall be available for fiscal year 1984 for the Office of Inspector General.".

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1983.

SEC. 3. Section 5 of the joint resolution entitled "Joint Resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program", approved October 19, 1972, is amended to read as follows:

"Sec. 5. There are authorized to be appropriated $1,500,000 for the fiscal year 1984, $1,500,000 for the fiscal year 1985, $2,000,000 for the fiscal year 1986, $2,000,000 for the fiscal year 1987, $2,500,000 for the fiscal year 1988, and $2,500,000 for the fiscal year 1989 to carry out the provisions of this joint resolution.".

SEC. 4. (a) Notwithstanding any other provision of law, the total amount which may be appropriated to carry out part B of title

IX of the Higher Education Act of 1965, relating to law school clinical experience programs, shall not exceed $1,500,000 in fiscal year 1985, $2,000,000 in fiscal year 1986, $2,000,000 in fiscal year 1987, $2,500,000 in fiscal year 1988, and $3,000,000 in fiscal year 1989.

(b)(1) Section 583 (b) of the Education Consolidation and Improvement Act of 1981 is amended by striking cut "and" at the end of clause (2), by inserting "and" at the end of clause (3), and by inserting after such clause the following new clause:

"(4) the law-related education program as formerly authorized by part G of title III of the Elementary and Secondary Education Act of 1965,".

(2) Such section is further amended by inserting "(or $1,000,000 in the case of the program referred to in paragraph (4))" after "fiscal year 1981".

SEC. 5. Section 555(b) of the Education Consolidation and Improvement Act of 1981 is amended by inserting before the period at the end thereof a comma and the following: "except that such definition shall be modified to include children of migratory fishermen, if such children reside in a school district of more than 18,000 square miles and migrate a distance of 20 miles or more to temporary residences to engage in fishing activity".

SEC. 6. (a)(1) The Secretary is authorized to make grants to the Urban Education Foundation of Pennsylvania, Inc., located in Philadelphia, Pennsylvania, for the purpose of reconstruction and renovation (and related costs) of the combined graduate and undergraduate facilities at the urban research park established as the Urban Education Foundation of Pennsylvania, Inc.

(2) There is authorized to be appropriated $3,400,000 to carry out the provisions of paragraph (1) of this subsection.

(b)(1) Notwithstanding any other provision of law, from any amounts recovered by the Department of Education from prior fiscal year obligations from the Higher Education Appropriation Account for the Department of Education, the Secretary may use not to exceed $1,000,000 to carry out the provisions of subsection (a) of this section.

(2) The amount authorized to be appropriated by paragraph (2) of subsection (a) shall be reduced by any amounts expended under paragraph (1) of this subsection.

FEDERAL BOAT SAFETY AMENDMENTS

BRADLEY (AND OTHERS) AMENDMENT NO. 3065

Mr. BRADLEY (for himself, Mr. STAFFORD, Mr. WEICKER, Mr. HATFIELD, and Mr. DOMENICI) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes; as follows:

On page 19, of amendment No. 3027, add at the end of subsection (b) the following: It is the sense of Congress that fiscal year 1985 appropriations be increased for several nondefense discretionary programs. Priority should be given to education programs, environmental protection and health research activities.

GRASSLEY (AND KASSEBAUM) AMENDMENT NO. 3066

Mr. GRASSLEY (for himself and Mrs. KASSEBAUM) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163), supra; as follows:

At the end of the amendment, add the following new section:

ANALYSES OF BUDGET ASSUMPTIONS

SEC. . (a) The Director of the Congressional Budget Office shall, in consultation with the chairman and ranking member of the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate, determine a schedule of phased analyses of Executive Departments, agencies, and establishments beginning with trial analysis for one or two of such Departments, agencies, and establishments to be determined in such consultation, which would lead to the submission to such Committees of such analyses as may be necessary to provide the Congress with the information necessary to evaluate—

(1) the nature and reliability of the assumptions upon which the revenue estimates set forth in the budget submitted by the President under section 1105 of title 31, United States Code, for each fiscal year are based;

(2) the nature and reliability of the assumptions upon which the requests for budget authority for each Department, agency, and establishment of the United States Government for such fiscal year contained in such budget are based;

(3) the nature and reliability of the assumptions upon which the estimate of the budget authority necessary for each such Department, agency, and establishment for the two fiscal years succeeding such fiscal year set forth in such budget are based;

(4) the adequacy of the amounts of budget authority requested and estimated in such budget for each such Department, agency, and establishment for each such fiscal year to carry out the programs, projects, and activities proposed in such budget to be carried out by such Department, agency, or establishment for such fiscal year;

(5) the estimated amount of budget authority that the historical pattern of funding would provide for each such Department, agency, and establishment for each such fiscal year (based upon a time-series analysis); and

(6) the effect that the provision of budget authority in the amounts specified under paragraph (5) for each such Department, agency, or establishment for each such fiscal year will have upon the programs, projects, and activities proposed in such budget to be carried out by such Department, agency, or established for such fiscal year.

(b) In carrying out the analyses determined by the consultations required in subsection (a), the Director may utilize any of the resources made available to the Office under sections 201 and 202 of the Congressional Budget Act of 1974 (2 U.S.C. 601 and 602) and, notwithstanding any other provision of law, shall have access to any information, forecasting models, data, estimate, and statistics, prepared by or for a Department, agency, or establishment, that the Director determines to be necessary in carrying out such analyses.

(c)(1) At the request of any committee of the House of Representatives or the Senate, or any joint committee, the Director shall testify before the Committee with respect to any matter contained in an analysis submitted under subsection (a) that is within the jurisdiction of the committee.

(2) At the request of any Member of the House or the Senate, the Director shall provide to such Member any information compiled in carrying out subsection (a), and, to the extent available, such additional information related to the foregoing as may be requested.

USE OF CAPITOL ROTUNDA TO HONOR UNKNOWN VETERAN OF THE VIETNAM ERA

MATHIAS AMENDMENT NO. 3068

Mr. STEVENS (for Mr. MATHIAS) proposed an amendment to the concurrent resolution (H. Con. Res. 296) authorizing the use of the rotunda of the Capitol to honor the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery; as follows:

On page 2, beginning with line 8, strike out all through line 11, and insert in lieu thereof the following:

SEC. 3. The Speaker, after consultation with the Minority Leader, shall be authorized to appoint a delegation representing the House and the Majority Leader of the Senate, after consultation with the Minority Leader, shall be authorized to appoint a delegation representing the Senate.

PROTECTION AGAINST DUPLICATION OF SEMICONDUCTOR CHIPS AND MASKS

MATHIAS AMENDMENT NO. 3067

Mr. STEVENS (for Mr. MATHIAS) proposed an amendment to the bill (S. 1201) to amend title 17 of the United States Code to protect semiconductor chips and masks from unauthorized duplication, and for other purposes; as follows:

On page 12, strike out lines 11 through 14 and insert in lieu thereof the following:

"(3) manufacture in commercial quantities of semiconductor chip products made as described in subparagraph (C) or (D) of paragraph (6) of section 106.".

On page 13, line 23, strike out "infringing".

On page 15, line 7, after "owner of" insert "a".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 16, in executive session, to mark up S. 2364,

the fiscal year 1985 military construction authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TASK FORCE ON SELECTED DEFENSE PROCUREMENT MATTERS

Mr. BAKER. Mr. President, I ask unanimous consent that the task force on selected defense procurement matters of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 16, to receive testimony on the following bills:

S. 2489—Small Business Competition Enhancement Act of 1984;

S. 2571—Department of Defense Spare Parts Procurement Improvement Act of 1984; and

S. 2572—Defense Space Parts Procurement Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 16, to hold a hearing on S. 707, Fair Practices in Automotive Products Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 16, at 9:30 a.m., to hold a markup on proposed legislation on the fiscal year 1985 intelligence budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 16, at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 16, 1984, in order to receive testimony concerning S. 915, Illinois Brick legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate today, to hold a markup and report H.R. 3903, a bill to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural conservation program in the Colorado River Basin, and to consider legislation to reauthorize expiring child nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL LAW

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Law of the Committee on the Judiciary be deemed to have been authorized to meet during the session of the Senate on Wednesday, May 16, on S. 804, the Undercover Operations Act to continue hearing testimony of public witnesses.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE MEDICARE PROGRAM

● Mr. KENNEDY. Mr. President, the Reagan administration has launched a savage assault on medicare benefits. At the same time, it has failed to present a solution for the medicare funding crisis. Representative EDWARD F. FEIGHAN of Ohio has written a thoughtful editorial on this subject which was published in the Cleveland Plain Dealer on February 2 of this year. I ask that this editorial be printed in the RECORD.

The editorial follows:

[From the Cleveland Plain Dealer, Feb. 2, 1984]

MEDICARE NEEDS DOCTOR-COST CONTROL

(By Edward F. Feighan)

Shortly after his inauguration, President Reagan made an important promise: "Those who must depend on the rest of us—the poverty-stricken, the disabled, the elderly, all those with true need—can rest assured that the social safety net of programs they depend on are exempt from any cuts." Sadly enough, the president has spent the last three years breaking this promise time and time again.

His most recent assault on what he calls "the social safety net" concerns Medicare, a program that helps protect 29 million older Americans and three million disabled citizens against rising health-care costs. When recent protections warned that Medicare would be insolvent by 1990, the president claimed that Medicare is in crisis because its benefits are too generous and the elderly use too much health care. As a solution, he proposed increasing premiums, copayments and deductibles, and cutting the Medicare program by $18 billion over the next four years.

By consistently ignoring the needs and concerns of those without income and health security, the president continues to alienate those of us who favor fiscally and socially responsible solutions to the unnecessarily high deficits that plague our economy.

Medicare's financial difficulties are not due to overly generous benefits and free-loading older Americans. In fact, Medicare pays less than half the health costs of the elderly. Eyeglasses, hearing aids, dental services, prescription drugs and most long term nursing care are not covered. Even with Medicare, the average senior citizen pays well over $1,500 a year in out-of-pocket medical expenses.

Medicare is in financial trouble because it is a relatively small cog in a health-care system that is careening out of control. Health-care expenditures in this country reached $322 billion in 1982, and the health-care industry was ravaged by a 12% inflation rate.

In Cuyahoga County, the cost of medical care has skyrocketed to the point where it is now 26% higher than the national average. Nationally, physician fees have been increasing at a rate 50% greater than the rate of inflation since 1975. To make matters worse, the health-care industry is riddled by waste; we have 100,000 excess hospital beds going unused, two million unnecessary operations each year that cost over $4 billion, duplicative technology worth millions of dollars, too many specialists and not enough primary-care physicians.

Inflation and waste in health care have helped push Medicare to the brink of bankruptcy, and if the president and Congress fail to consider Medicare in its proper context, older Americans will undoubtedly bear the brunt of more myopic budget cuts.

Medicare's financial crisis can also be attributed in part to mechanical failures in its reimbursement system. Medicare reimbursement is based on the amount of service provided—physicians receive a fee for each service provided and hospitals are reimbursed for the cost of providing services. The more services given, the more money received. It is easy to see how this "blank check" approach has fueled high inflation in health care.

Fortunately, Congress has passed legislation to hold down hospital costs. A new prospective payment system reimburses hospitals for 468 different procedures at a fixed rate. Hospitals now know how much they will get from Medicare for heart surgery, a cataract operation, even a broken hip.

If a hospital's costs are less than the fixed amount, it gets to keep the difference. If the hospital spends more than the fixed amount, it must absorb the loss. The goal of this system is to encourage hospitals and doctors to reduce unnecessarily long hospital stays and stop unnecessary procedures.

Unfortunately, Medicare payments to physicians still lack suitable cost controls. Physicians, who make almost all medical decisions, have no real incentive to hold down Medicare costs by prescribing only the necessary testing and treatment.

This part of medicare, the supplementary medical insurance, has seen its cost skyrocket by as much as 20% a year. Doctors are reimbursed by Medicare for 80% of their "reasonable charge" while the patient pays the other 20%. But if a doctor considers a Medicare reimbursement insufficient, the patient can be billed for an additional amount—there is no limit. On the average, this tack-on charge represents 27% of a patient's total doctor bills. In an important move, the House Ways and Means Committee recently approved legislation that would ask doctors to accept Medicare reimbursement as payment in full for each service provided.

Medicare payments to physicians must be made more cost-efficient. Now that hospitals are operating under a prospective payment system, it is the doctors' turn to bite the bullet as we try to contain health care costs and save Medicare from bankruptcy. Creating a prospective payment system for in-hospital physician services is one propos-

al that Congress should carefully consider during its debate on Medicare reform.

To understand the dynamics of this debate, I find it helpful to review the major components of President Reagan's proposed $18 billion cut. The president wants to discourage the use of health care by the elderly by making them pay a much bigger portion of their medical costs.

The Reagan proposal calls for Medicare to become a "catastrophic coverage" plan that would charge patients much more for the first 60 days of their hospital stay while the government would pay all hospital bills after that.

Under this plan, for example, a patient who stays in the hospital 30 days would pay over $1,000 as opposed to $350 under current law. In addition, Medicare's coverage of physician services would be restructured with significant increases in both the premium and the deductible.

This catastrophic coverage would help very few people. Ninety-eight per cent of all hospitalized Medicare patients stay in the hospital less than 60 days and these senior citizens would be severely burdened by the new cost-sharing requirements.

The President's Advisory Council on Social Security has proposed a different version of catastrophic Medicare coverage. The yearly premium for supplementary medical insurance would immediately increase by 250% to $421, but patient liability would be limited to $200 a year in doctors' bills plus $350 for each hospital confinement. Members of the advisory council also want to raise the age for Medicare eligibility from 65 to 67. This would force millions of senior citizens on fixed incomes to pay thousands of dollars a year for private health insurance.

As Congress discusses Medicare reform, it must keep in mind that Medicare faces more than a financial crisis; the program has become increasingly unable to protect older Americans against skyrocketing health-care costs. So I am convinced that any attempt to solve Medicare's financial problems by reducing benefits will fail in the long run. If Medicare coverage is allowed to erode, the elderly will have to dig deeper into their pockets to pay the rising premiums of Medigap policies, and this will create a whole new class of health-care indigents.

Saving Medicare requires immediate action on two fronts. First, Congress must correct flaws in Medicare's reimbursement system, giving doctors and hospitals more incentive to weed out waste and increase their efficiency. Secondly, we must use the Medicare issue to initiate a meaningful critique of the health-care industry as a whole.

We can save Medicare only if we contain the cost of health care in this country. Our health-care system needs to be reoriented toward the delivery of more cost-effective and efficient services.

Senior citizens must not be asked to foot the bill for health care inflation and an inefficient Medicare reimbursement system. This is why I am unalterably opposed to President Reagan's plan to put Medicare on the chopping block. If we allow this to happen, millions of Americans will feel the pain for many years to come.●

ADVANCE NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the offical notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two such notifications have been received.

Interested Senators may inquire as to the details of these advance notifications at the office of the Committee on Foreign Relations, room SD-423.

The notifications are as follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 11, 1984.

In reply refer to: I-02545/84ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

GLENN A. RUDD,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, May 11, 1984.

In reply refer to: I-02224/84ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

GLENN A. RUDD,
Acting Director.●

TENTH ANNIVERSARY OF PORTUGUESE DEMOCRACY

● Mr. KENNEDY. Mr. President, recently, people around the world celebrated the 10th anniversary of democracy in Portugal.

Ten years ago, I traveled to Portugal at the Government's invitation. At that time, I met with a number of leading Portuguese officials, journalists, and ordinary citizens. Two factors made the greatest impressions on me: First, in overthrowing the repressive government that had ruled Portugal for 48 years, the Armed Forces Movement was able to accomplish its objectives without bloodshed; and second, immediately thereafter, the Portuguese Government decided to end 500 years of colonial rule in Africa.

Today, Portugal stands true to those principles.

In the past few years, the role of the military has been reduced by constitutional amendment. Broadly based political parties have taken the lead in consolidating Portuguese democracy. The government of Prime Minister Mario Soares—a coalition of Socialists and Social Democrats—is making its own contribution to that country's well-being.

When elected to office last year, Prime Minister Soares warned the people that, together, they faced a rough road ahead. Austerity measures would be necessary to improve a stagnating economy. A very difficult economic situation has resulted, but the Portuguese people have stuck together, with suprisingly little opposition to the Government's policies. The Portuguese people support their Government and stand behind the democratic process. They remember the repression of the past and are willing to make sacrifices to insure a better future. This is democracy in action: A government and a people who desire the same future for their country and are willing to work together to achieve that goal peacefully.

Mr. President, I commend the citizens of Portugal for their efforts and their achievements; and I congratulate them on the 10th anniversary of democracy in their country.●

ANDREI SAKHAROV AND ELENA BONNER

● Mr. HEINZ. Mr. President, the human tragedy of Andrei Sakharov and Elena Bonner begs for the attention of the Congress, the American people and the entire free world. Today, Andrei Sakharov begins the 14th day of his hunger strike. Whether this great man can survive physically or spiritually without our help is open to question. He has taken this action to mobilize world pressure on the Soviet Government to allow his wife Elena Bonner to travel to the West for medical treatment. Bonner, a pediatrician is known to have suffered two heart attacks which she has been forced to treat herself. According to

Alexei Semyonov, Sakharov's stepson, a London cardiologist who has reviewed Elena Bonner's cardiogram has concluded that she is need of a coronary bypass operation.

Two and one-half years ago, Andrei Sakharov embarked on a similar hunger strike to pressure the Soviet Government into allowing his stepson's fiance Yelizaveta Alexeyava to emigrate. That hunger strike lasted 17 days before Sakharov required hospitalization. Today, in a weakened condition, suffering from heart trouble, the great physicist and peace activist approaches his previous heroic milestone.

There can be no doubt that the Soviet Union is engaging in a calculated plan to destroy the soul of the one man who remains a thorn in the side of their oppressive system of government—the one man who continues to expose the Soviet Union for the morally bankrupt system that it represents.

Mr. President, we cannot let Andrei Sakharov or Elena Bonner perish. We must move their suffering onto page 1 of every free country in the world. We can talk all we want about the Olympics and the nuances of Soviet-American relations. When compared to the destruction of human souls, when compared to the suffering Andrei Sakharov and Elena Bonner have endured, such issues of high policy pale in significance.

That is why I have cosponsored Senate Concurrent Resolution 113, introduced by my distinguished colleagues Senator TSONGAS and Senator MOYNIHAN. It expresses the sense of the Congress that Elena Bonner receive immediate medical attention, that Andrei Sakharov's internal exile in Gorky come to an end and that the Sakharovs be allowed to emigrate to the country of their choice.

This is no time for partisanship, no time for pride of authorship. We are running out of time in our efforts to save the lives of Andrei Sakharov and Elena Bonner. It is my hope that every one of my distinguished colleagues will take up the cause of freedom for the Sakharovs, that the media and the American people will make it the center of their attention, and finally that President Reagan will immediately mobilize the leaders of the free world and their peoples to demand the freedom of Andrei Sakharov and Elena Bonner.

Finally, Mr. President, on Monday, May 14, the Commission on Security and Cooperation in Europe held an informal public meeting with Natalya Hesse, a close friend of the Sakharov's and the last person known to have visited them in Gorky. I have attached an interview with Hesse conducted by Radio Liberty depicting aspects of the oppressive treatment and humiliation suffered by the Sakharovs in Gorky. It is my hope that all of my colleagues will take the time to read this very poignant interview.

The interview follows:

INTERVIEW WITH NATAL'YA HESSE, A CLOSE FRIEND OF ANDREI SAKHAROV AND ELENA BONNER

INTRODUCTION

Natal'ya Viktorovna Hesse an old and trusted friend of Nobel Prize winner Andrei Sakharov and his family, arrived in Vienna from the Soviet Union on February 5, 1984. Hesse, aged seventy, is a journalist and an editor. In a telephone interview with Radio Liberty she said of herself: "I am not a dissident in the sense that I lack a social temperament and I have never engaged in any socio-political activities in any form. . . . I formed views of my own at any early age. When I was 17-18 years old, I visited the Ukraine, which at the time was suffering from a famine artificially created by Stalin. It was then that I formed a very definite attitude towards the Soviet regime and the Communists, completely rejecting all that is going on in our country. . . . The only exception from this rule was the World War II period when I volunteered to join the army and fought as a soldier in 1943, 1944, and 1945."

Natal'ya Hesse has known Elena Georgievna Bonner for more than thirty years and has been acquainted with Andrei Dmitrievich Sakharov himself since 1970. This friendship, as well as her own views, did not appeal to the Soviet regime. Speaking of her decision to emigrate to the United States to join her son and his family, Hesse said: "The pressure against me was intensified: my apartment was searched, I was interrogated, I was called to the KGB many times for all kinds of talks. . . . But this was not the reason for my leaving the country. I was never afraid of them (the Soviet authorities), and I would have been able to resist them further. . . . But there was a change in my personal circumstances, and I decided to leave. And the KGB provided all kinds of "assistance." The purpose of this "assistance" is quite clear: according to Hesse, the KGB is determined to isolate the Sakharovs completely and to deprive them of any help from their friends.

Before her departure from the Soviet Union, Natal'ya Hesse met secretly with Sakharov in Gorky and visited Bonner in Moscow. Hesse has brought alarming news of the deterioration of Sakharov's state of health and of a new heart seizure, suffered in January by Bonner, who had still not completely recovered from a previous one. Upon her arrival in Vienna, Hesse was interviewed by Radio Liberty's research analyst, himself a former dissident and her old friend, Vladimir Tolz. The following is a verbatim translation of the interview, which was recorded in Russian.

TOLZ. Natal'ya Viktorovna, you are someone who has recently seen Andrei Dmitrievich Sakharov. Please tell us about your meeting with him.

HESSE. This was our seventh meeting over the past few years since his forced exile to Gorky. In this case, as also in the case of six other meetings (I will talk about the first one separately), the meeting took place on the street, at a prearranged place and a prearranged time. We didn't have much time. I already knew that I would be going away and I came to say goodbye to him. He has aged much, he is full of worries concerning the state of health of his wife, Elena Georgievna . . . But he is not broken, he is not bending; he is full of worry and he is physically weak, but he is strong in spirit as always. He continues to be the voice of Russia's conscience, which has been awakened and will not quiet down. And he always brings within him the free word and the free thought that our Russia misses so much.

Between incoherent and hurried exchanges—because we had only a few hours at our disposal—between some trivia and important topics—which we touched upon sometimes in more detail, sometimes with laughter and in sorrow—between questions about the life of our dear ones—who have been arrested, whose homes have been searched—we recalled Orwell, and I think this was not incidental. We have lived to see the year, predicted by Orwell—1984. And it may seem strange to a Western person, it may seem that Orwell has nothing to do with real life, that his fearsome utopia still remains a utopia or maybe an anti-utopia. However, the Soviet authorities—our dear KGB—have overtaken Orwell by four whole years: in 1980, Andrei Dmitrievich Sakharov and his wife, Elena Georgievna Bonner, were plunged into a world that surpassed Orwell's nightmarish fantasies.

I can tell you about this in greater detail. I will try to explain concretely what I have in mind. In 1980, I had some luck, having arrived in Gorky on January 25, 1980, immediately after the seizure and forced transportation of Andrei Dmitrievich to Gorky. His routine at that time had not been set yet; the authorities didn't know yet how to organize it, and I was able to stay with them for one whole month. Their whole apartment is bugged, there isn't a corner where one couldn't listen to each sigh, each cough, each footstep, not to speak of conversations. Only thoughts can remain secret, if they haven't been put down on paper, because if the Sakharovs go to the bakery or to the post office to mail a letter, the KGB agents will search the place—they will either photograph or steal the written thought.

Andrei Dmitrievich, with his weak heart, his inability to walk up even five or seven steps without pausing for breath and trying to quiet the heartbeat, is forced to carry a bag that I, for example, can't lift. When once we went into a shop, he asked me to watch over this bag, but I wanted to see what was on the shelf, and I had to drag the bag after me, I just could not lift it. In this bag Andrei Dmitrievich carries a radio-receiver because it would be damaged if left at home, all his manuscripts—both scientific and public ones, diaries, photos, personal notes. He has to carry all this around with him. I think all this must weigh no less than fifteen kilos. And this man with a bad heart—suffering from acute hypertension—is forced to carry this bag every time he leaves his home, even if it is only for ten minutes.

In addition to a normal jamming device, there is, in the apartment, a special generator that creates additional interference over and above the interference caused by conventional jammers in all cities of the Soviet Union. This is a terrible growl that drowns even the jammer's noise. In order to hear at least some Free World voice, one has to go away from the house. It would be better to go out of town, but Andrei Dmitrievich cannot take but even one step beyond the city limit, to go past the sign with the word "Gorky" on it. He is immediately turned back, he is denied such a possibility, although there is no verdict condemning him to such kind of isolation.

This is complete lawlessness on the part of the so-called competent bodies. It is very interesting that the recent law on citizenship uses this term "competent bodies" without any explanation. This is one example of the extent of lack of legality in our state. There cannot exist a judicial term that is not and cannot be explained. However, the law states that some cases must be reviewed by the MVD, while in some other instances, as prescribed by other articles, the same cases are supposed to be dealt with by "competent bodies." It is not clear who these "competent bodies" are. When the term is used in the press, one can only guess who and what they are. But when this is not explained in the text of the law, one may only make a helpless gesture and just wonder.

TOLZ. Natal'ya Viktorovna, you were going to tell us about your first visit to Gorky in greater detail.

HESSE. Yes. At that time I managed to stay there for a month, side by side with Sakharov and Elena Georgievna, who, however, often traveled to Moscow trying to do something there to make Andrei Dmitrievich's life easier. A lot of interesting things were going on. There was a stream of letters, great numbers of them, ten and occasionally a hundred a day. After a few days, I began to sort them out—having decided to take a look—because there were all kinds of letters: some greeting and supporting him, some bewildered, some neutral ones in which people asked him to explain his position—asking whether what the Soviet papers wrote about him were true.

But some of the letters were abusive—there were curses, there were threats. Some letters were, I would say, of an extreme nature. One letter was, in my view, very funny. We all laughed terribly when it arrived: "We, second grade pupils, sternly condemn the position of Academician Sakharov, who wants to unleash an atomic war between the Soviet Union's peaceful democracy and the rotten Western world. Shame on Academician Sakharov! Second grade pupils." Such a letter was obviously dictated by an illiterate teacher.

Another extreme letter was also very interesting and somehow simply touched one's heartstrings. It began with some swear words, but not obscene, no. And further, it said: "I am seventy-four years old. I am a constuction engineer. I live well and have a separate room in a hostel. The water pump is about 300 meters from where I live, and I have to carry firewood from the woods, but still I am a patriot. And your studies were paid for by Soviet money, but you have now betrayed your homeland." This letter was from a woman who represents one of the most terrible types of Soviet patriots. When a person exists at the very bottom level of human life and does not realize it—imagining that he lives well—this is very frightening.

After about a week I said: "Listen, these letters must be sorted out, so that we can see the result. There are already many hundreds of them, I'll review and assess them, and then we'll total them up." When all this was done, I loudly proclaimed: "Well, kids, this is terribly interesting: 70 percent are messages of greeting, 17 percent are neutral or expressing bewilderment, and only 13 percent are abusive ones." The result of this careless remark—made aloud—was very unexpected.

Letters with greetings and voicing approval simply ceased to arrive. From the very next day, we began to receive only abusive letters. This was evidence of very attentive and well-organized monitoring and a very careful analysis of all conversations within the apartment.

The second incident happened when I was already gone. I heard about it from Elena Georgievna. She had walked to the window, and looking at the joyless, empty lot covered with trash, and at the highway beyond with roaring trucks passing by, said: "From the window in Moscow one can see Red Square, but from this window, only a bit of the street, trash, and all kinds of shit. It is better not to look out the window." And then turning to Andrei Dmitrievich, who was standing behind her, she said: "You know, Andrei, I think I'll photograph this, take a picture and send it to the West. Let them look at this wonderful landscape." The next day three trucks arrived and soldiers collected all the trash on the empty lot in front of the windows. Commenting on this, Elena Georgievna used to say jokingly: "Thus I'll bring order to Gorky."

I have already said that Sakharov was not allowed to leave Gorky's city limits, to step beyond the sign with the name "Gorky." But the house itself—although within the city limits—is located near the border line. Then there is a ravine—also still within the city limits; it is a sort of an empty lot and a thick aspen grove. Andrei Dmitrievich and Elena Georgievna once decided to take a walk along a narrow path and—in accordance with the rules—two persons in civilian clothes tagged after them. The Sakharovs exchanged some glances and, having gone separately in different directions away from the path, hid in the thick bushes. Having lost sight of them, the agents began running to and fro. Within three minutes a helicopter arrived on the spot, descended to about five meters above the ground, and the KGBists with scared and fierce faces stared from all windows of the helicopter, trying to locate the Sakharovs. Thus it is impossible to hide from the KGB's "almighty eye" anywhere—even in thick aspen bushes.

The methods used to keep the Sakharovs isolated are sometimes pretty entertaining, I would say. Once, a famous musician—a guest performer from Moscow—visited Gorky, and they decided to go to his concert. They bought tickets beforehand and then came to the concert. It so happened that they had tickets for the fifth row, and they were surprised and amazed to discover that the four rows ahead of them were empty—there was not one person sitting there. Whether the people who had bought tickets for these rows had been reimbursed or had been prevented from attending the concert by some other method was unknown, but Andrei Dmitrievich and Elena Georgievna sat in the fifth row, with five rows around them—four rows in front and their own row—unoccupied. The row behind them was occupied by KGBists. Since then, the Sakharovs have avoided going to concerts. They have confined themselves to going to the cinema—in the darkness little attention is paid to them there.

TOLZ. Natal'ya Viktorovna, a persecution campaign against Sakharov has become especially intensive recently in the Soviet press, as well as in some books—one by Yakovlev, in particular. Please, tell us in greater detail about this stage of Sakharov's persecution that began, I think, about a year ago.

HESSE. First of all, I will tell you about the Yakovlev episode. Yakovlev has expressed himself in the most shocking manner—his writing cannot be called anything but slop. His book, CIA against the USSR, was published, I think, in 300,000 or 400,000 copies and was later reprinted several times with some changes (one should remember that with changes amounting to 20 percent of the original text, one can collect new royalties). He published this in the magazine Smena that has a circulation of 1.5 million copies and, finally, having redone it and having added a good dose of anti-Semitism, he published it in Chelovek i Zakon ("Man and the Law"). This sounds even more paradoxical, as this periodical has a circulation of almost eight million. So, together these two million have a circulation of about ten million.

Well, during our last meeting, Andrei Dmitrievich told me in detail about his encounter with Yakovlev, who, strangely enough, was allowed to come to Gorky. Sakharov was very elaborate in his narration, laughing and, at the same time, expressing horror at the extent of man's downfall.

His doorbell rang. Elena Georgievna was in Moscow at the time. Sakharov was alone and was very much surprised. He decided that it must be a telegram. He opened the door. There was an unfamiliar man standing there with a woman—a man advanced in years ("Of my own age," said Andrei Dmitrievich). Andrei Dmitrievich let them in, and the woman immediately asked whether she could smoke in the apartment. Being an extremely well brought up person, Andrei Dmitrievich showed them to the largest room, right across from the entrance, said "Please go in," and hurried into the kitchen to get an ashtray, as he himself does not smoke.

When he returned, his guests were already seated. He only had time to think: "Maybe some physicians have finally come from the Academy of Sciences in order to have me hospitalized finally." He thought so because a few months earlier, some physicians had come and had concluded that he was urgently in need of hospitalization. But these two were no medical doctors. The visitor by this time had already managed to display a pile of books and said: "I am Nikolai Nikolaievich Yakovlev. As you know, I am a writer. Or maybe you don't know this. But I brought you my books as a present and, if you agree, I will autograph them for you."

Andrei Dmitrievich was taken back somewhat by the unprecedented impudence and said: "I don't need your presents." He waved his hand, and one of the books fell on the floor. Nobody picked it up—neither Yakovlev nor Andrei Dmitrievich. But Yakovlev continued: "Well, I have published, you know, some articles. And so, we have recieved many inquiries, and I am unable to answer them all. Therefore, I came here to ask you some questions and to get answers that we could relate to our readers."

Andrei Dmitrievich retorted that he refused to talk to Yakovlev until the latter apologized in writing for slandering Sakharov's wife—Elena Georgievna Bonner—and her and his own—Andrei Dmitrievich's—family, as well as Andrei Dmitrievich himself. After this he grabbed the book, CIA against the USSR, which was lying nearby and feverishly began turning the pages. "How could you write such slander, such horrible slander? How could you have called our children 'smatterers' when they all have university education?". . . To which Yakovlev replied, unperturbed: "Yes, I know."

To most of Andrei Dmitrievich's angry questions, Yakovlev replied that he was aware of this or that. And only when asked, "How did you dare to write that my wife

beats me?" Yakovlev said, "Well, so I was told in the prosecutor's office." [1] This man (Yakovlev) is so replete with cynicism and is of such moral degradation that he has no idea of either conscience or shame.

They talked a few more minutes. Yakovlev said: "I am not going to write an apology. If you think this is slander, you can refer the matter to court. And, speaking generally, try to understand that we are defending you." Andrei Dmitrievich said: "I don't need your defense, and I am not going to go to court—I will just slap your face now." (It was at this point in the narration that I shuddered. I told Andrei Dmitrievich that this was terrible—that is was a frightful moment. And he said he felt the same way).

Hearing this, Yakovlev, who was sitting at the table, covered his cheek with his hand. This is the utmost level of degradation when a person cannot even face a slap honorably, openly like a man. He covered part of his face with one hand, but Andrei Dmitrievich, who has equal command of both of his hands—the left and the right one—slapped him on the unprotected cheek. At that point, Yakovlev and his companion ran away from the apartment—in the direct sense of the word: they jumped up, overturning chairs, and escaped.

Having finished the story about slapping Yakovlev's face, Andrei Dmitrievich said to me: "You know, I have seen many different people in my life, including many bad ones. But this is something out of Dostoyevsky, this is Smerdyakov. One cannot sink any further."

In Moscow, it is said about Yakovlev that his father had been a general, did some time in Stalin's concentration camps, and was later released, allegedly fought in World War II and even was promoted to the rank of marshal. Yakovlev himself—a student at that time—landed in the camps in the middle or at the end of the war on some, probably, insignificant charge (this was usual in Stalin's days), as he had never been an enemy of the Soviet regime. But when he was jailed, he immediately began to engage in slanderous accusations against all his acquaintances and allegedly dragged a multitude of completely innocent people into the hell of Stalin's camps.

When released, he was already a full-fledged informer and quickly began making a very successful career. He is an expert on America, and it is said that his books on historical topics are not bad at all. But those who know him also say that he is cynical in the extreme, that his motto is that the Soviet regime is so abominable that one can and must be a scoundrel, that everybody must become a scoundrel. Such is Yakovlev's position, and he practices it in real life perfectly well.

TOLZ. Natal'ya Viktorovna, could you say something concerning Soviet citizens' reaction—in Gorky, in particular—to this defamation campaign against Sakharov and his wife Elena Georgievna, which has now been intensified.

HESSE. Yes. The letter by four Academy members, directed against Andrei Dmitrievich, has played a certain role, although not a very big one within the context of the campaign of defamation and slander that has been unleashed around Andrei Dmitrievich and, particularly around Elena Georgievna. I think that the West is of the opinion that it was these four academicians' letter that played the principal part. (However, even among Academy members one can find alcoholics and people who would burden their conscience with heavy sins for their career's sake. And these four academicians, in particular, are known for being go-getters ready to do anything. They are known to have sunk very low and to have drowned themselves in alcohol.)

But in Gorky itself—and the campaign was unleashed mainly in Gorky—it was provoked not by the letter, which was published somewhere in the corner of a newspaper, but the fact that Gorky papers reprinted all of Yakovlev's insinuations concerning Elena Georgievna and, furthermore, added their own commentaries. Since then, at somebody's command, an extremely vicious campaign was organized. The Sakharovs were even afraid to go to the bakery because they would be insulted. People would holler at Andrei Dmitrievich and Elena Georgievna: "Your Yid-wife must be killed."

Their neighbor in the house had been helped by Elena Georgievna, who is a pediatrician (a very good pediatrician, an excellent physician), when the neighbor's child was suffering from an allergy and physicians in Gorky were unable to cure it. Elena Georgievna did help the child with her advice, and the child was cured. And this same neighbor used to cry: "It would have been better for my child to rot than to be touched by your dirty hands."

The Sakharovs' car would be covered with dirty graffiti: "War-monger, get away from here, away from our town!" This seemed to them (and I have discussed this at length with both of them) to be a spontaneous wave of wrath on the part of the people. But whenever I asked Elena Georgievna to describe each incident in detail, her story would always expose some "stage director" who directed each particular horrible act.

It is very easy to arouse indignation in our country. Indignation is fostered by the hardships of everyday life, by lines in front of the stores, by the whole drabness and oppression in Soviet reality, which is very hard. Therefore, it is sufficient to make just a little hole, to open up the valve just a bit, and one can direct the stream of hate and bitterness any way one wants to. When people are standing in a line, it is enough for someone to shout: "It's not his turn!" or "Don't give him two kilos instead of one!" and the crowd will release its anger upon the unfortunate victim. Thus it is a very simple task to orchestrate something like that.

As I said earlier, there was a stream of letters addressed to Sakharov. I did not have a chance to review them all, but I think the number of letters reflecting sincere views of their authors was much smaller in proportion to those dictated and organized by authorities.

TOLZ. Natal'ya Viktorovna, it is known from the letters received from Elena Georgievna and Andrei Dmitrievich that in the course of this persecution campaign, there were some very nasty incidents on the railroad. Could you tell us more about them.

HESSE. Yes, certainly. When this persecution campaign was in full swing, Elena Georgievna had to go to Moscow again in order to bring back some books necessary for Andrei Dmitrievich's scientific work and food and other products unavailable in Gorky. She was forced to carry and bring such products all the way from Moscow. She boarded the train, and when it was under way for two or three minutes, one of her traveling companions in the compartment shouted: "I recognize you! You're Sakharov's wife! I don't want to travel on the same train with you and to breathe the same air!" Another passenger—a man unrelated to this woman—sided with her. A third woman turned her face to the window and remained silent. "But you are Sakharov's wife, aren't you? continued the first woman in a loud voice. Elena Georgievna replied in the affirmative. "Get off the train!"

Elena Georgievna decided that she needed a moment to collect herself and went to the ladies' room. When she came out again, her male companion was already standing at the door hollering: "Stop the train! She has flushed something down the toilet. She is a CIA agent, one must search the tracks to see what she has gotten rid of!" Then the conductor arrived hurriedly at the scene and explained that she sympathized with those present and shared their feelings, but that this (Elena Bonner) was a passenger, she had a ticket and could not be forced to get off the train.

The passengers then demanded to speak to the person in charge, who, in turn, took Elena Georgievna to the service compartment. Passengers from other cars then started an organized pilgrimage to this compartment. They would peek in the door and pour abuse on Elena Georgievna. The woman who had earlier turned her face away was told by other passengers to express her indignation. She did so, although previously she obviously did not want to. When things quieted down and people fell asleep, a grey-haired lady came to the service compartment, embraced Elena Georgievna and said: "My darling, be strong, they know not what they do. They have been taught to act this way." She embraced Elena Georgievna once more and kissed her, and at this point, Elena Georgievna was unable to control her tears any longer and cried all the way to Moscow. And she had made the trip although she had still not completely recovered from a previous heart seizure that, I understand, she had suffered during one of her earlier trips by train as a result of being subjected to a humiliating search.

That these people had been directed to board this particular compartment in order to start a row and to provoke the easily directed wrath—that all this was orchestrated is, I believe, clearly obvious.

TOLZ. Natal'ya Viktorovna, you have now described one instance when Elena Georgievna witnessed a gesture of sympathy. Tell us, please, was this a unique incident as far as Elena Georgievna and Andrei Dmitrievich are concerned, or can one cite other similar cases?

HESSE. Of course, one can. I have witnessed some of them myself. The Sakharovs did not tell me about many things, but I've seen myself that people passing by the windows of their apartment would furtively glance around and, having made sure that no one was noticing, would wave at Andrei Dmitrievich.

Once we took a taxi because we just wanted to go sight-seeing around Gorky, and when Elena Georgievna and Andrei Dmitrievich left that cab for a moment, the driver quickly asked me whether this was Sakharov. I said yes, it was. "Ah, in this case I'll really make an effort and show all the beautiful places." And he took us around Gorky's ancient churches—some of them in

[1] Interviewer's note: At another point Hesse said she had been told that the editor, who had allegedly been working on Yakovlev's books, asked him once: 'Nikolai Nikolaevich, where do you get material for your abominable articles?" And Yakovlev said: "Does one need any sources for this?"

ruins but some of them still holding religious services.

During my next visit (incidentally, this happened to be my last visit; it was alone with Andrei Dmitrievich, Elena Georgievna was in Moscow at the time), the taxi driver didn't want to take on any passengers because he had completed his shift and was driving in a different direction. Eventually, we managed to talk him into driving us to the nearest taxi stop. Suddenly, in the midst of conversation, he, strangely enough, realized who his passenger was. He said: "I know now who you are. Now I'll drive anywhere you want to." "But this is not on your way," we said. "Doesn't matter, of course I'll do it for such a person." And he drove us wherever we wanted to go. First, we wanted to visit an old half-ruined church that was practically impossible to approach in a car because of the knee-deep mud. But this man would not let us get out of the cab. He said, "Oh, no. I will drive Sakharov anywere he has to go."

Sometimes these expressions of sympathy assume curious forms. Once I was returning from Gorky and had to share the compartment with two men on a business trip—apparently they were from the Gorky auto factory. They were grown-up, mature persons, very business-like. They talked about their business affairs, but then noticed me and asked where I was from. "From Leningrad," I said. "Did you stay long in Gorky?" "No," I said, I arrived there this morning." "What, this morning? Then you only spent-meet four hours there?" "Yes." "But what was the purpose of coming for only four hours?" I said that I wanted to visit some friends. "What kind of friends are they to force an elderly woman to come to Gorky on a four-hour visit? Couldn't they go and visit you instead?" I said that they couldn't because they were the Sakharovs.

Their faces turned impassive, and they resumed their business talk as if I wasn't there. After a while one of them said he wanted to go out to smoke a cigarette. Once he had left, the other one turned to me and showered me with questions: "Tell me, how does he live, how is his health? Listen, does he still work? Yes? And we were told that he didn't live in Gorky . . . What, you have seen him? Oh, do I envy you!"

At this moment, his companion returned and he fell silent. They talked among themselves for a while, and then the first one—the one who had talked to me—left the compartment. The second one began asking me the same questions and was full of sympathy. In other words, these are the people who, if told to denounce Sakharov at a meeting, would do it, but they are full of sympathy for him, are interested in him, support him in their hearts . . . They told me so themselves when left alone with me.

TOLZ. Natal'ya Viktorovna, everything you say is very interesting. It is especially interesting because, as you have mentioned earlier, the authorities, prior to unleashing the latest persecution campaign—Yakovlev's campaign, so to say—had been trying to create the impression that Sakharov no longer lives in Gorky. Could you add some details?

HESSE. Yes, of course. The disinformation service, which, I think, is becoming more and more important in Soviet life, now employs, I believe, some pretty intelligent people who understand what kind of disinformation should be fed to the masses. And so, the Gorky disinformation service originated the rumor that the Sakharovs were not living in Gorky anymore. I have met a number of Gorky residents visiting Moscow or Leningrad—sometimes these were acquaintances of my friends, sometimes just incidental encounters—and they swore that they knew what they were talking about; that they had information from, as they put it, dependable sources to the effect that Sakharov and his wife had been transferred to some secret institute—either in Arzamas or beyond Arzamas, or maybe in Ryazan. There are different rumors.

This business of making the Sakharovs "invisible" is monstrous to such an extent that when Liza Alekseeva and I came to Gorky (this was when they had ended their hunger strike and were taken to a hospital for treatment), we could not find them, even hospital employees could not find them, because their names had not been included in the hospital records. However, we insisted on seeing them, claiming that we knew for sure that the Sakharovs were in this particular hospital. Actually, we did not know anything, we had not been told which hospital they were in, and we had come to this one purely intuitively. As a result, the receptionist made some phone calls and then found the name of Belyaeva on one of the lists, and some other name that we were unable to discern but turned out to stand for Sakharovs. Thus even the hospital personnel had no idea who their patients were, even though the Sakharovs were sharing one and the same hospital room at the time. They were allowed to share one room when they ended their hunger strike. But when it suddenly was decided to unleash the defamation campaign, the authorities claimed that the Sakharovs did not live in Gorky anymore.

TOLZ. Natal'ya Viktorovna, it is known that Elena Georgievna Bonner does not stay in Gorky with her husband all the time and that she is obliged to come regularly to Moscow. What is her situation there? What is her general situation now?

HESSE. The conditions at their apartment in Moscow have become quite terrible since Andropov's taking over all the positions and jobs that he assumed. Now, in addition to two policemen posted at the entrance to the apartment itself (and it must be noted that whereas in Gorky they are ordinary policemen, in Moscow there are either senior lieutenants or captains on duty at the entrance to the apartment upstairs), there is also a police car with flashing lights guarding the downstairs entrance, and the man in charge has the rank of a major at least.

It is amusing that these policemen are in turn watched over by KGB agents in civilian clothes who make sure that the policemen dutifully carry out their mission. They all have portable radio sets on their shoulders, and they communicate with each other. All visitors are checked against a special list. If a stranger tries to pass through and his name is not on the list, he must show his documents, and if he does not have any, he is simply not allowed in. No foreigners and no journalists are allowed to visit the apartment. The telephone at the Moscow apartment has been disconnected ever since Andrei Dmitrievich's illegal exile to Gorky, but whenever Elena Gerogievna comes to Moscow, they disconnect even the public telephone in the booth downstairs and, in order to call someone, she has to walk almost a kilometer up a very steep hill, which is practically impossible because of her heart condition. All in all, Elena Georgievna's health is in a terrible state; she has not yet recovered from the first heart seizure; she takes up to forty nitroglycerine pills; her lips and finger nails are of a dark blue color; and she is terrible to look at.

Now, when she came to Moscow the last time, she wanted to come to Leningrad to see me off, but I went to Moscow myself instead because I learned from friends about her condition, and it was clear that no farewell parties were possible. It was at this time that she suffered her second heart seizure, not having been completely cured after the first one. In general, both of them are denied medical help.

Andrei Dmitrievich himself also has been in need of a medical checkup and treatment for a long time, and this was admitted by the physicians from the Academy of Sciences who visited Sakharov in Gorky the one and only time. We had some hope then that things would improve somewhat; but, like all our hopes, this one was also destroyed: Neither she nor he has been admitted to a hospital, although both are critically ill and in dire need of medical treatment.

And they cannot allow themselves to be treated by physicians in Gorky. These physicians displayed their true nature sufficiently during the Sakharovs' hunger strike. Other physicians at the Arsenal Hospital in Leningrad—it's a prison hospital—once proudly said that they are first and foremost "chekists" [2] and physicians only afterwards. Well, those Gorky doctors, not being professional chekists, nevertheless behaved accordingly, and it is therefore impossible to trust them and to be treated by them.

Once Andrei Dmitrievich was forced to go to a doctor because he had a toothache (and in such a case a person is willing to go anywhere), and the head of the dental clinic deceived him: she ordered him to leave his briefcase with his precious documents and manuscripts, and then personally turned the briefcase over to KBG agents. I think this incident is known in the West, but then she denied him medical treatment, claiming that he had insulted her—both as a woman and a citizen. It was naturally very strange to hear such words coming from this particular physician.

As I have already mentioned, Elena Georgievna is actually denied medical assistance in Moscow. A young woman who recently graduated from a medical institute visits her at home. I've been present during many of her visits. She respectfully and, I would even say, piously listens to advice from Elena Georgievna, who is a physician herself. She writes her own prescriptions and decides her own treatment. Nevertheless, she urgently needs hospitalization because her condition is becoming ever more critical and her strength is leaving her—the strength that seemed to be inexhaustible. "Constant dripping of water wears away the stone", as we say in Russia. But in this case there were not drops but heavy blows on the stone and it began to give in. During our last meeting Andrei Dmitrievich said: "The first thing to be done, the most important thing, is to force the authorities to allow Elena Georgievna to travel abroad for medical treatment. Tell the people you'll meet in the West that her death would be the end of me also. And being an eyewitness to all that has been happening, I can state that she is on the verge of dying, this is the truth."

We must do everything possible. I don't know, maybe the general public must appeal to their elected deputies so that they, in

[2] Members of Cheka, as the secret police had been formerly called.

turn, would query their respective parliaments in order to raise this matter at the highest possible level. This is very important, especially now that we'll have a new ruler, a new head of state. He might show his goodwill and prove to the world that the Soviet Union is really ready to be good and not evil.

TOLZ. Natal'ya Georgievna, the persecution campaign against Sakharov has been continuing for a long time, but it was especially intensified during the period that has now come to an end—the "Andropov era." Tell me, in your opinion—in the opinion of a person who left the Soviet Union only days ago—did the situation in the country change during this Andropov period in history?

HESSE. The regime has become extremely harsh. It began with mass round-ups of people in the streets, and in every city indignant people were told by agitators at meetings that these were only excesses on the local level. But the same thing was going on all over the Soviet Union, just like during collectivization. And, in general, the whole moral and spiritual climate in the country has become much harsher. It seems that it is difficult to breathe—just like it was in Stalin's days. This is a frightening feeling and it affects a person's whole being. The good situation in large cities has improved but the province remains hungry. In the large cities—in Leningrad, in particular—one can get meat, not always the kind one wants, of course, but we have become accustomed to this long ago. Sometimes one can get butter without standing in line . . . So, it is somewhat better in this sense. But, on the other hand, there is complete suppression of everything and not a gleam of democracy.●

THE U.S. MARSHAL'S OFFICE

● Mr. KENNEDY. Mr. President, over the years, the responsibilities of the U.S. Marshal's Office have undergone numerous changes. Those changes have not been reflected in the overall structure of the Office or in its hiring practices. A recent article in the Philadelphia Inquirer outlines the liabilities of continuing to make the Office of U.S. Marshal a political appointment. The article is written by Peter Vaira, a distinguished lawyer and former U.S. attorney for the eastern district of Pennsylvania.

As Mr. Vaira points out:

Today the Marshal's duties are complex and sensitive. The job demands a professional with years of specialized training in the agency. Instead, the selection process has produced too many U.S. Marshals who have lacked the necessary qualifications for the job.

Mr. President, I have many of the same concerns expressed by Mr. Vaira. I commend his article to my colleagues, and ask that it be printed at this point in the RECORD.

The article follows:

RID THE U.S. MARSHAL'S OFFICE OF POLITICS

(By Peter F. Vaira)

In each of the 94 judicial districts in the United States the heads of federal law enforcement agencies are professionals. Most of these officers have served in numerous districts, similar to executives of a corporation, working their way from smaller offices to larger ones. Each officer is selected on merit and can be transferred as the needs of the service require. None owe their jobs to any political figure.

There is one major exception the U.S. marshal for each district is appointed by the president upon recommendation by the United States senator from the state who is of the same party as the president.

This procedure inserts a key management person into a professional organization whose job depends upon a political patron—a figure who is usually unfamiliar with the service, and who, after he learns the operation, will depart with the next administration. In addition because the marshal is a direct presidential appointment, he outranks his superior, the director of the U.S. Marshal Service, who is not.

Whatever the historical reason for the current practice, it is time to change it.

In the not-too-recent past the U.S. marshal was regarded by many as a public official whose main function was to provide drivers for U.S. District Court judges and to see to it that order was kept in federal courtrooms. Times have changed.

Today the marshal's duties are complex and sensitive. They include transferring federal prisoners, apprehending fugitives, handling seized property, executing seizure warrants for contraband (often worth millions), acting as the custodian of government funds and administering the very sensitive federal witness protection program. The marshal is also responsible for the growing task of providing security for the federal judiciary.

The job demands a professional with years of specialized training in the agency. Instead, the selection process has produced too many U.S. marshals who have lacked the necessary qualifications for the job.

In the last 15 years, numerous U.S. marshals in every administration have been removed because of a lack of integrity or gross incompetence. The quality of leadership necessarily has an effect on subordinates. The current administration has made a sincere effort to upgrade the quality of marshals; however the selection still comes through the political process and the present marshals will be gone with the next change of administration.

On the other hand, all deputy U.S. marshals are hired and promoted pursuant to civil service rules. The chief deputy marshal of the district is a career law enforcement officer promoted from within ranks of the service. His main job is to manage the office for the political appointee.

In addition to creating management problems, this appointment procedure has a detrimental effect on ambitious, competent deputy marshals who know they will never rise to the top job unless they pick up an influential political patron along the way.

The reason for the present system is that existing law requires the marshal be appointed with the advice and consent of the Senate. By tradition, this gives the senators the right to recommend the appointment. The senator usually relies upon local political figures to recommend candidates.

For example, in the Eastern District of Pennsylvania (Philadelphia): When the Republicans are in office, the marshal is selected from Delaware County; when the Democrats are in office, the marshal traditionally comes from Schuylkill County. A convenient formula but not one geared to pick the best candidate.

The current procedure of requiring Senate approval of U.S. marshals is not mandated by the Constitution but is contained in the Judiciary Act of 1789. It can be changed by an act of Congress. Such a proposal has been suggested numerous times in the past but not actively pursued, presumably because of political opposition.

There is precedent for the change I suggest. In 1952 the district collectors of internal revenue (now called district directors) were removed from political patronage because of a widespread scandal. The change has resulted in a high degree of professionalism in that office. If the sensitive and confidential job of collecting taxes is a career position, there is no reason why the sensitive law enforcement post of U.S. marshal should not be.

It is time to put the U.S. marshal on the same level as other professional counterparts from the FBI, Secret Service, the Drug Enforcement Administration and the IRS. The U.S. marshal should be appointed from within the service by the director of the U.S. marshal service.

In this election year the presidential and senatorial candidates have an opportunity to initiate the necessary change in this old system.●

GENERAL DYNAMICS' FORT WORTH DIVISION RECEIVES DOD AWARD

● Mr. TOWER. Mr. President, recently, the Department of Defense presented its fiscal year 1983 Value Engineering Honorary Achievements Awards to aerospace/defense contractors. I am proud to say that the General Dynamics' Fort Worth Division was selected as the Air Force contractor recipient of the DOD award.

The award made on April 18 in Arlington, Va., during the American Defense Preparedness Association's Conference on Profitability and Resource Management and is another in a long series of accomplishments achieved by the men and women of General Dynamics/Fort Worth in the Air Force's outstanding F-16 program. Not only have the men and women of this company consistently produced F-16's ahead of schedule and under target cost, they have also proposed engineering changes resulting in lower spare parts and maintenance costs.

The DOD award to Fort Worth recognized $13.7 million in F-16 cost reductions, as well as life-cycle cost savings that will exceed $30 million which result from six value engineering change proposals submitted by General Dynamics employees in 1983.

A letter from Deputy Secretary of Defense, William H. Taft IV, to Herbert F. Rogers, vice president and general manager of Fort Worth, was read at the April 18 ceremony. In that letter Mr. Taft said it was a "pleasure to recognize a Department of Defense contractor for making a special effort to identify and eliminate unnecessary weapon system costs. The General Dynamics Fort Worth Divisions value engineering program has most assuredly contributed to the low cost variance of the F-16 air frame."

Accepting the award for Mr. Rogers was Ted S. Webb, Jr., division vice president of F-16 programs. John A. Mittino, assistant deputy under secretary of defense for production support, made the presentation.

Mr. President, I am immensely proud of the accomplishments of all the dedicated men and women of the Fort Worth Division of General Dynamics. I heartily commend them for their efforts to increase the efficiency and reduce the cost of our military aircraft procurement process.●

THE SOVIETS HAVE SEVEN "MX-EQUIVALENT" MISSILES, AND ALL OF THEM VIOLATE SALT I OR II

● Mr. SYMMS. Mr. President, President Reagan stated at his informal press conference on Monday, May 14, 1984, that the Soviet Union is now flight testing two new ICBM's, the MIRV'd SS-X-24 and SS-X-25, and have others under development. President Reagan's last statement is what is most significant. There are now reports that the Soviets have three new ICBM's under development, two previously projected using liquid propellants, and most recently one with solid propellants.

Mr. President, I shall ask that two recent newspaper articles be printed in the RECORD. The first is from the Baltimore Sun of Sunday, May 13, 1984. It was the lead front page story, by Charles Corddry, entitled "Soviet Plans Giant Missile, Report Says." The second is from the New York Times of May 12, 1982, by Wayne Biddle, entitled "MX Basing Reported Linked to Cut in Its Range." These articles make several significant points relevant to the vote on MX today in the other body, and coming soon in the Senate.

First, it is now revealed for the first time that the Soviets have yet another new ICBM, dubbed by some intelligence experts the SS-X-26, which will evidently replace either the huge SS-17, SS-18, or SS-19 ICBM's carrying MIRV warheads. What is most significant about this first report of the new SS-X-26 is the fact that it is believed to use solid propellants. The new SS-X-26 will be the third Soviet new type ICBM, but SALT II allows only one. The Soviets have already told us that their SS-X-24 equivalent is their one allowed new type ICBM, but the SS-24 is being illegally encrypted. Their new SS-25 is their second new type ICBM, and it is illegal in at least three ways under SALT II. The SS-X-26 will be their third new type ICBM, also illegal. It too will probably also be encrypted, still another violation.

It will probably be quite easy to prove that the SS-X-26 is a new type ICBM, because it evidently has solid propellants. Solid propellants reportedly can be detected readily by national technical means of verification, and reportedly, cannot be masked by encryption of electronic missile telemetry signals. SALT II's article IV specifies that a new type ICBM is defined by eight characteristics in distinguishing it from existing ICBM's, including type of propellant. If the SS-X-26 is designed to replace either the liquid propellant SS-17, SS-18, or the SS-19, and if it uses solid propellants, this will be a clear cut SALT II violation which will be readily detected on its first flight test.

Second, the Soviets now already have five MX equivalent missiles. These include 818 SS-19, SS-18, and SS-17 MIRV'd ICBM's, carrying almost 6,000 warheads. There are reports that each SS-18 carries 14 warheads, instead of the 10 allowed by SALT II, which would add over 1,000 more warheads for a total of 7,000 Soviet ICBM warheads. They also have the SS-24 MX equivalent ICBM, each reported to carry 10 MIRV warheads. This missile will reportedly be deployed in both silos and on railroad cars. Thus an initial deployment of about 200, carrying 2,000 warheads, can be estimated. This deployment would make 9,000 Soviet ICBM warheads. And now the Soviets are about to test their huge new SS-X-26, which would be their fifth MX equivalent ICBM and their third new type ICBM, two more than SALT II allows.

The Soviets already have deployed over 3,850 new warheads since SALT II was signed in 1979. The number of their warheads targeted against the United States has increased by a factor of about 75 percent since 1979. Indeed, the Soviets have been deploying over 1,000 ICBM MIRV warheads per year during the last few years, which is more warheads each year than the United States would deploy in its entire program of 100 MX's with only 1,000 warheads, beginning in late 1986 and expected to be completed by as late as 1989. Thus by 1989, the United States would have 2,800 ICBM warheads, compared to as many as 9,000 for the Soviets.

And now we find that critics of the MX are even attacking it on the ground that because its throwweight and range have been constrained in order to comply with the unratified SALT II Treaty, the MX is somehow an inferior missile. This is the height of irony. The U.S. MX is constrained to comply with SALT II, while the Soviets have seven MX equivalent ICBM's, all of which violate SALT II or SALT I.

The SS-25 and SS-X-26 violate article IV of SALT II allowing only one new type ICBM. The Soviet heavy SS-19 ICBM violates or circumvents article II of the SALT I Interim Agreement which prohibits heavy ICBM's from replacing light ICBM's. And the SS-24's full encryption violates SALT II's Article XV. The SS-18 has also been illegally encrypted in tests during 1978 and 1979, and probably carries 14 MIRV's each, when only 10 are allowed. All the new Soviet ICBM's would presumably also be fully encrypted, in violation of SALT II. The SS-17 and SS-19 are likewise being encrypted in violation of SALT II.

There are reports of still more Soviet MX-equivalent ICBM's to come. The latest edition of Soviet Military Power for April 1984 also projects liquid fuel follow-ons to the SS-18 and SS-19. This would make a total of seven Soviet ICBM's which are equivalent to the U.S. MX, and can be seen to violate SALT, either because of their probable or actual encryption or because of their probable or actual characteristics.

Thus it is fair to conclude that all seven Soviet MX equivalent ICBM's violate SALT, while the U.S. MX has been reduced in capability in order to comply with the unratified SALT II Treaty.

In sum, the Soviet MX equivalent ICBM's which violate SALT I or SALT II are as follows:

First, SS-17—encryption.

Second, SS-18—14 warheads and encryption.

Third, SS-19—heavy ICBM and encryption.

Fourth, SS-24—encryption. (SS-25—2d new type, RV to throw-weight ratio, and encryption.)

Fifth, SS-X-26—3d new type and encryption.

Sixth, probable liquid propellant SS-18 follow-on and SS-19 follow-on—both probable encryption and new types.

The editorials follow:

SOVIET PLANS GIANT MISSILE, REPORT SAYS

(By Charles W. Corddry)

WASHINGTON.—The Soviet Union is believed to be developing a gigantic new intercontinental missile, comparable in size to its existing SS-18, that carries up to 10 nuclear warheads, according to an intelligence report circulating in the government.

The report, still subject to further analysis and confirmation, says the missile is believed to have rapid-firing, solid-propellant rocket motors instead of the liquid-fueled engines powering the SS-18, at present the largest missile by far in either superpower arsenal.

The reported new weapon has not yet been flight-tested, according to the analysis circulating in government quarters.

Sources, who confirmed the report's existence and requested anonymity, said such a development would violate the terms of the 1979 strategic arms limitation treaty (SALT II). The pact was never ratified by the United States, but both Washington and Moscow say they abide by its terms.

The treaty allows each side to flight-test and deploy a single new type (the term "new type" being carefully defined) of intercontinental ballistic missile.

The Soviet Union already has notified the United States that its new type, as allowed

by the treaty, is the SS-24, a weapon reckoned here to be the equivalent of the American MX.

The MX missile, expected to face a stiff new challenge soon in the House but not in the Senate, is to carry 10 warheads, as does the most heavily equipped version of the SS-18. But the lifting power of the Soviet rocket is such that it could carry up to 25 warheads.

Sources here said there is some evidence that the Russians are making the SS-24 mobile on rail tracks, somewhat in the way that was once envisioned for the MX.

U.S. analysts believe Moscow also has a second new type in its SS-25 rocket. The Soviets contend that weapon is an upgraded version of the existing SS-13, as permitted by SALT II. But American analysts say it exceeds the allowances for modifications.

Subject to further evaluation of the new report, some government sources said an improved behemoth of SS-18 size may be—or may be claimed to be—a modified SS-18.

MX BASING REPORTED LINKED TO CUT IN ITS RANGE

(By Wayne Biddle)

WASHINGTON, May 11.—The Air Force changed its basing plans for the MX missile last year to make up for shortcomings in its range, according to a General Accounting Office report and Pentagon sources.

Its basing in Wyoming and Nebraska was recommended by the President's Commission on Strategic Forces in April 1983. In its report, the commission said this would help support arms control negotiations, display national resolve and redress an imbalance with the Soviet Union. The commission's report made no mention of MX range problems as a factor in choosing the existing silos.

This and other disclosures of technical difficulties in the MX project come after more than a decade of development and days before a crucial vote in Congress that could decide its fate. House leaders say they believe sentiment is strong enough to cancel the multibillion-dollar project, which has been a cornerstone of the Reagan Administration's military buildup.

Throughout the 1970's, MX basing was planned farther south, in the Great Basin region of Nevada and Utah. But according to Pentagon sources close to the MX program, the missile suffered a drastic decrease in the total distance it could fly when the warhead it was designed to carry was replaced in 1982 by a heavier model.

Because of this shortened range, the sources said, a decision was made to base the missile system in existing missile silos in Wyoming and Nebraska, where it would be closer to Soviet targets on a flight across polar regions.

The sources said that while the missile was still judged to be an adequate strategic weapon, it was already near the limit of performance.

A new report on the MX project by the General Accounting Office that has been circulating on Capitol Hill for several days said that when the original warhead, the MK-12A, was replaced with the heavier MK-21, "not all of the weight increase could be accommodated in the throw weight limits established, by the unratified SALT II treaty."

Throw weight is the total warhead poundage a missile can lift toward its target. The limits were established by the second strategic arms limitation treaty, concluded between the Soviet Union and the United States in 1979.

"As a result, the amount of propellant had to be reduced to keep throw weight within limits, with a further decrease in range resulting," the report explained.

Because the MX has not yet been launched in a live test carrying a dummy of the New warhead, there is uncertainty about its performance.

"Until a design of the MK-21 reentry vehicle has been proven and an operational reentry system fabricated, its final deployed weight will remain uncertain," the GAO report said. The reentry system consists of the MX's nuclear bombs and various devices that control them after they separate from the booster rocket itself.

Pentagon sources said the Air Force had decided to use the new warhead because its design offered a saving on scarce materials needed to create a nuclear explosion. It is also thought to be more accurate than the original warhead. The sources said that both devices had the same explosive power, which is believed to be equivalent to about 300,000 tons of TNT. The Hiroshima bomb was equivalent to about 12,500 tons of TNT.

UNRESOLVED TECHNICAL ASPECTS

The GAO report noted that other basic technical aspects of the MX missile also remained unresolved. For example, the Air Force decided in 1982 to develop a new type of fuel tank for one of the missile's four stages. But it will not be flight-tested until the latter half of 1985, the report said. Congress directed the Air Force last year to begin fielding operational MX missiles by the end of 1986.

In addition, critical parts of the missile's guidance and control systems "are in various stages of redesign and testing," the report said. The first missile incorporating all these changes will not be tested in time to permit alterations in MX's fielded in 1986, the report said.

"To comply with the congressionally mandated initial deployment date, the Air Force developed a tight, success-oriented schedule," the report said. "Testing is out of sequence," it added, with three flight-tests to verify performance coming after the missile is already in the field.

In a statement citing Air Force sources that brought strong denials from the Pentagon, the GAO report said that since 1979, the Soviet Union has strengthened by a factor of three the ability of a majority of its missile silos to withstand nuclear explosions.

REFERENCE TO PROBLEMS

The report added, "Changes in the threat a weapon system is expected to overcome can have a negative affect on the ability of the system to accomplish its mission." It suggested that improvements in the MX's accuracy or explosive power might be necessary to destroy the stronger Soviet silos.

But Joseph Bohan, GAO group director for national security, said today that the report meant to say that Soviet silo strengthening was expected over the lifetime of the MX system, presumably well into the 1990's.

Pentagon sources close to the MX program said that while Soviet silo "hardness" was indeed increasing, the Air Force had anticipated it and felt that the MX remained a capable weapon.

This issue of how strong silos can ultimately be made is one of the liveliest elements in the longstanding MX debate. A Congressional Budget Office study released in March estimated that modern Soviet silos could withstand blast pressures of about 4,000 pounds per square inch. American silos built for the Minuteman missile of the 1960's are believed to be capable of withstanding at least 2,000 pounds per square inch.

In his January report to Congress on missile modernization Secretary of Defense Caspar W. Weinberger said that tests of scale-models suggest that "levels more than 25 times that of current U.S. silos may be achievable."

But many experts believe that even such "superhard" silos may be made obsolete by advances in missile guidance. Maneuverable warheads similar to those used on the Army's Pershing 2 missiles in Europe have the theoretical potential to provide near-bull's-eye accuracy, making all silo-basing of strategic missiles essentially obsolete.●

CENTENNIAL OF WALLACE, IDAHO

● Mr. McCLURE. Mr. President, this Saturday marks a special occasion in the history of the State of Idaho. For it is on this day that the town of Wallace celebrates the 100th anniversary of its founding.

Wallace is a small town in the panhandle region of Idaho, which serves as a community center for several thousand people. While it is small in size, it is large in the Nation's stature, for Wallace rightfully claims the title as the "Silver Capital of the World."

When mining fever hit the Idaho Panhandle in the late 1800's, prospectors throughout the West broke camp and set their sights on the Coeur d'Alene region—one of the last mining districts to be discovered in the 19th century.

One of these prospectors was Col. W. R. Wallace, who worked several mining claims in the area. To serve as his base of operations in the area, Colonel Wallace built a small cabin along the Mullan Road—the main thoroughfare connecting western Montana to the Washington coast. Other prospectors soon followed the colonel's lead, and the town of Placer Center was born.

Newspapers advertised the new town of Placer Center as "a good point for prospectors who intend to put in a summer's work." The strategic location of the town was also appealing, since it sat at the confluence of five major canyons where claims were being staked at a furious pace.

In 1886, Lucy Wallace, the colonel's wife, became the town's first postmistress. Over her husband's objections, Lucy renamed the town as Wallace, since the Postal Service said that Placer Center was too long a name for the town.

As the discovery of silver, gold, and other minerals grew, so too did the town of Wallace. Stores, stables, and saloons sprang up, and in 1896 the town opened its own Masonic opera house.

While Wallace has known its good times and prosperity over the last 100 years, it has also seen the worst of times. Fire gutted the town twice, in 1890 and 1910, and four major floods wrought millions of dollars in damages. And like many other mining communities, Wallace has suffered the terrible tragedy of losing friends and family in mining accidents. Most recently, 91 men died in 1972 when fire swept through the Sunshine Mine.

But like the prospectors who first settled the region, Wallace fended off adversity and always came back stronger.

Four of the world's leading silver mines are located in and around Wallace—the Sunshine, the Galena, the Coeur, and the Lucky Friday. In the 100 years since the first prospectors staked their claims, over 981 million ounces of silver have been produced from the Wallace region.

In addition, the region has produced a total of 503,000 ounces of gold, 8.3 million short tons of lead, and 3.1 million short tons of zinc. The remarkable mineral finds in this region have contributed significantly to our national defense, to our Nation's businesses that rely on these materials, and to the economic vitality of the Gem State.

Mr. President, one of the sayings in my State is that, "Idaho is what America was." And a visit to Wallace never fails to remind me of that. Much of the town looks as it did during the mining heyday of the 1890's, and the people of Wallace are still as hard working and friendly as their ancestors.

It took a lot of hard work, faith, and dedication to build a community in an area where, as one of the region's historians aptly put it, the hillsides are as steep as a cow's face. I will be honored to participate in the centennial ceremonies on May 19, and to celebrate their hearty spirit that keeps the Old West alive today. I hope my colleagues will join with me in saluting Wallace, Idaho, as it celebrates its centennial.●

GOOD CITIZEN FOR 1984

● Mr. MITCHELL. Mr. President, on April 18, 1984, an exciting event took place for the State of Maine and more specifically, for Miss Lynn Lena Levasseur of Van Buren, Maine. Miss Levasseur was honored here in Washington as the National Daughters of the American Revolution Good Citizen for 1984. Lynn has the distinction of being the first national winner from the State of Maine, during Van Buren High School's first year of participation in the contest. She is the daughter of Mrs. Lena Levasseur and the late Gerald Levasseur.

Lynn Levasseur is exemplary of all the qualities expected of the DAR good citizen: Leadership, dependability, service and patriotism to God, home, and country. She is involved in many school and community activities including: soccer, gymnastics, cheerleading, the student council and student senate, math club, high school band, drama club, parish youth group where she is vice president and teaches a sixth-grade religion class, and she writes a weekly article in the St. John Valley Times. Lynn has maintained a 4.0 grade average and is first in a class of 108. She has a part-time job after school at a local pharmacy.

In her winning essay on the subject of "Our American Heritage and My Responsibility to Preserve it," Lynn makes a statement worth repeating.

My American Heritage can be compared to a two-century-old house which I have inherited by reason of birth. One of my responsibilities to this house is to see that its walls always remain sturdy and in top-notch condition. These walls can be compared to the Constitution of the United States, for just as a wall unites its inhabitants and is strong and protective, so too is the Constitution. It has prevailed over the winds of war from outside and within its walls (Civil War). It guarantees freedom and offers protection to all who enter the home.

As a national winner chosen from over 9,000 DAR good citizens in the 50 States and 5 foreign countries, Lynn has reason to be very proud. I congratulate her and wish her the best of luck in all her future endeavors.●

ANTISATELLITE WEAPONS CAN BE EFFECTIVELY VERIFIED

● Mr. PRESSLER. Mr. President, on March 31, 1984, the administration released a report on Asat arms control which contends that Asat's cannot be verified. Those preparing the administration's analysis were directed to address a so-called comprehensive Asat ban. With this as a mandate, there was little doubt from the outset that the administration's study would conclude that a space arms control ban would be unverifiable.

But this point of departure for judging an Asat accord is not fully accurate. By asking government specialists to identify all possible threats faced by U.S. satellites, it was certain that these analysts would identify space threats that are both real as well as remote. At least one of the threats identified, that of space mines, was totally unreal. Given such a broad range of possible threats that would have to be included in a so-called comprehensive Asat ban, space arms control was judged to be an impossible venture.

However, if the same standard of verification used in the March 31 report were applied to nuclear arms control, there would be no hope of ever negotiating an accord or of bringing an end to the nuclear arms race. Let me cite two examples. The March 31 report states that while residual Asat threats exist, such as the potential for transforming a satellite into an Asat by jimmy-rigging it with explosives, there is little hope of effective verification procedures. But if the United States were to refuse to limit offensive nuclear delivery vehicles until residual delivery capabilities were eliminated then there would be no prospect for reducing the nuclear threat until commercial airliners were banned. Any airliner can be used to deliver a nuclear bomb. This is an unnecessary and unrealistic standard of verification, whether it applies to Asat's, as is now the case, or to nuclear weapons.

Second, the report takes the view that until we have resolved all verification issues, the United States cannot enter into negotiations. But such a standard has not been applied in opening START and INF talks. The United States agreed to both nuclear arms control negotiations without having all verification problems resolved in advance. To this day, many INF and START verification issues are still unresolved. But negotiations provide a forum for getting at the answers. Only by directly talking with the Soviets can we hope to learn what is and is not possible in the area of arms control verification.

It is my view and that of many leading experts on arms control and space systems that if we focus our arms control efforts on the most direct threats to U.S. satellites, we can reach an accord that is effectively verifiable. This applies to the Soviet Union's dedicated SS-9-launched Asat system. It is associated with a few known launch facilities. These can be observed by national technical means of verification. If, for instance, the Soviets were to dismantle its SS-9 launch pads, they would be denied the ability to launch the Soviet co-orbital Asat from the one booster with which it has been tested. Destruction of the SS-9 launch pads can be monitored by national technical means of verification.

Concern has also been raised about the Soviet Union's high-energy laser facilities as a potential threat to United States satellites. In the view of some leading specialists, the Soviet Union's high-energy laser Asat potential is today limited at best. But if we can effectively contain these programs by strictly limiting high-energy laser tests, we can hope to prevent advanced development of these systems. Without such strict limitatins, Soviet high-energy lasers will improve and will become a major threat to United State space assets. Arms control is essential if we are to halt, if not reverse, this trend. These facilities are few in number and the United States can effectively monitor activities at high-energy laser sites.

Similar limitations need to be place upon the Soviet Galosh ABM system. The Galosh ABM around Moscow is permitted under the ABM Treaty and is limited to 100 interceptors. Antimissile defense is its primary role. Its potential against satellites is limited. Destroying U.S. satellites with nuclear explosives is a high-risk venture since Soviet satellites in the vicinity could also be destroyed. The use of a nuclear system against United States satellites could backfire on the Soviet Union. It is, however, in our interest to assure that the Galosh system is not improved to effectively attack satellites. One way of doing this is strict limitations prohibiting testing of this ABM system in an Asat mode. Unless such limitations are quickly imposed, the Galosh's Asat potential could become an Asat capability. The way to prevent this is to negotiate an Asat accord.

If Asat arms control can ban the Soviet Union's dedicated Asat and strictly limit the Asat potential of embedded systems, the United States can turn to satellite survivability measures to deal with other threats. Conversely, if there are no Asat bans or strict limitations, our survivability measures may be of little value. In this way, arms control and countermeasures can work hand-in-hand to defend U.S. space systems. Arms control can greatly mitigate the major threats to U.S. satellites and survivability measures can do much of the rest.

The March 31 report postulates additional threats. But in their desire to identify every possible item that can potentially harm satellites, the report fails to separate those threats that are real and are verifiable from those threats that are nonexistent, or remote and manageable by countermeasures.

This view is supported by conclusions reached by a panel of experts convened at my request by the Office of Technology Assessment in January. The OTA panel's report, entitled Arms Control in Space, has just been released. the panel, chaired by President Kennedy's national security adviser, McGeorge Bundy, concluded that some Asat arms control provisions could be verified with "high confidence" and that Asat arms control "can serve to lessen the measures required to protect space systems." Those arriving at these and other judgments came from America's nuclear weapons laboratories, defense industries, strategic think-tanks and universities, and including opponents and proponents of space arms control.

Also, last week a very important article on space arms control verification, space system survivability and the Soviet space threat appeared in Science. Written by R. Jeffrey Smith and entitled "Aerospace Experts Challenge Asat Decision," the article is based upon on-the-record interviews and congressional testimony given by senior defense industry experts, former intelligence community members, representatives from the nuclear weapons laboratories, and top military personnel. Three key points are made in this article: A space arms control accord can be effectively verified; some threats to U.S. satellites exist only in some peoples' imagination; and, survivability measures can effectively counter those lesser threats to satellites, not easily susceptible to verification procedures.

Here are a few of the assessments quoted by Mr. Smith in his science article:

Space mines are presented in the March 31, Asat report as a significant and unverifiable Asat threat. Yet, James Reynolds of Northrop Corp. believes that they exist only in the minds of Asat arms control opponents. He states, "The people who postulate this threat do not know a spacecraft from a frying pan." Reynolds is a leading satellite program manager.

Low-powered lasers are held up as another unverifiable threat to satellites. Yet, Michael May, the associate director of Lawrence Livermore National Laboratory states they are only effective if U.S. satellite designers are remarkably careless in failing to provide readily available counter-measures.

Verification of Asat tests are another supposed barrier to arms control. But, Raytheon Corp.'s Leslie Dirks states: "I'm quite confident that testing things surreptitiously in space is a hard thing to do, and the United States has very robust detection capability in this area." Dirks previously served as the CIA's deputy director for research and technology.

Verification of high-powered lasers is a hindrance to Asat arms control, according to the March 31 report. Dr. May believes the contrary. He asserts "the installation of high-power laser systems would be easily detected."

The possibility of diverting peaceful space systems to an Asat role is held up as another hurdle to arms control. Walter Slocombe, a former senior DOD official, states: "In a crisis involving low-level United States-Soviet hostilities, only high confidence, high precision Asat systems would suffice. Jury-rigged systems are clearly inadequate."

Covertly developed and untested Asat's are another alleged block to arms control. To this, Raytheon's Dirks states, "I know that the Soviet military would be very unwilling to depend on a system that has not been fully tested."

Countering Soviet ocean surveillance satellites is cited as a reason for proceeding with the U.S. Asat in the March 31 Asat report. But Navy Vice Adm. Gordon Nagler told the House Appropriations Committee that the Navy can deal with the Soviet surveillance threat through countermeasures not requiring Asat's. Nagler told the committee in closed session "how we can avoid" the Soviet ocean surveillance threat.

Mr. President, I urge that Senators read the OTA Asat report and Jeff Smith's Science article. These two publications should answer many of the questions raised on the advisability of proceeding toward an Asat arms control accord. There is little doubt that the United States should proceed immediately to talks that would halt the space arms race now, while it is still possible to do so.

Mr. President, I ask that Jeff Smith's Science article and the OTA's press summary of its report on space arms control be printed in the RECORD.

The material follows:

[From Science, May 18, 1984]

AEROSPACE EXPERTS CHALLENGE ASAT DECISION

(By R. Jeffrey Smith)

A major congressional fight is brewing over President Reagan's recent decision to postpone, perhaps indefinitely, any efforts to limit the development of antisatellite weaponry. Some influential Republicans have joined a large group of Democrats in an attempt to force a reversal of the decision, a development that may lead to a major defense policy setback for the Administration.

The vehicle for this campaign is a resolution to be considered on the Senate floor within a week or two, which demands a temporary halt in the ongoing U.S. effort to develop and deploy an ASAT, or antisatellite weapon. It also demands prompt talks with the Soviets on "a mutual and verifiable" ASAT arms control treaty. Introduced by Senator Larry Pressler (R-S.D.) with 20 cosponsors, the resolution won unanimous support from the Senate Committee on Foreign Relations last fall. But the Administration is lobbying aggressively, and its proponents forecast a close vote.

A similar attempt to force the President's hand is planned in the House of Representatives, where a newly formed umbrella organization known as the Coalition for the Peaceful Uses of Space will try to eliminate funding for ASAT testing and procurement during upcoming deliberations on the 1985 defense budget. Membership in the group, which is led by Representative George Brown (D-Calif.), includes representatives of the Union of Concerned Scientists, the Federation of American Scientists, Physicians for Social Responsibility, the Council for A Livable World, and the Arms Control Association. A resolution in the House, similar to Pressler's but sponsored by Representatives Norman Dicks (D-Wash.), Albert Gore (D-Tenn.), and Les Aspin (D-Wis.), has 52 cosponsors.

The rationale behind Reagan's decision is laid out in a 16-page report. *U.S. Policy on ASAT Arms Control,* released by the White House on 31 March. Much of the report is devoted to the elaboration of an argument that arms control advocates already concede: a total ASAT ban is infeasible because Soviet compliance could not be adequately verified. The problem stems from the relatively small size of the existing Soviet ASAT, as well as general U.S. ignorance of

the number produced to date—factors that would obstruct any verification of their destruction. Given this obvious encumbrance, a treaty entirely barring ASAT possession has attracted only slight interest.

More to the point is a brief section in the Administration report devoted to problems associated with potential agreements that fall short of a total ban. Last year, for example, the Union of Concerned Scientists drafted a treaty that would ban ASAT testing, deployment, and use, but not possession (*Science*, 28 October 1983, p. 394). Its guiding principle was the common notion that no weapon is truly threatening until it has been thoroughly, realistically, and successfully tested, and that any significant tests of ASAT systems could be observed by the other side.

In its report, the Administration throws cold water on the proposal by asserting that circumvention of a ban on ASAT testing and deployment would be nearly impossible to detect, because so many legitimate space activities incorporate ASAT technology. As Kenneth Adelman, director of the Arms Control and Disarmament Agency (ACDA), explained in recent congressional testimony, "the fact that many systems not designed to be ASAT weapons nonetheless have inherent ASAT capabilities . . . [implies] that a truly comprehensive ban on tests of all means of countering satellites is simply not possible."

Public debate on this claim, which lies at the heart of the President's decision, is hindered by the President's understandable reluctance to specify, on an unclassified basis, the limits of U.S. intelligence capabilities in outer space. "Our chance of monitoring some potential ASAT tests is 10 percent or less," says Richard Perle, an assistant secretary of defense, "but of course I can't say which ones." He suggests that participants in the debate take his word for it that, with regard to an ASAT treaty, "lack of verifiability is a show-stopper." Many members of Congress are persuaded. For example, Senator John Warner (R-Va.), a former Secretary of the Navy who chairs a key subcommittee on strategic weapons, says that "a careful reading of [the Administration's report] can result in only one conclusion: The prospects regrettably are limited and the pitfalls are plenty."

This assessment is challenged, however, by a host of weapons designers and intelligence analysts with extensive experience in the aerospace industry, who say that the risk of undetected Soviet cheating pales in relation to the overall benefits of an ASAT treaty. William Colby, who directed the Central Intelligence Agency (CIA) during the Ford Administration, for example, claims that "we do a pretty good job of verifying today what the Soviets are doing, and a treaty generally makes the process easier. Verification is not an absolute. We are better off if an activity is essentially stopped, even with a possibility for marginal cheating, than we are if the technology is left unconstrained."

Leslie Dirks, a Raytheon Corporation vice president who retired in 1982 after 6 years as the CIA's deputy director for research and technology, agrees. "I'm quite confident that testing things surreptitiously in space is a hard thing to do, and the United States has a very robust detection capability in this area," he says. "It would be pretty difficult to guarantee absolutely that no testing was going on. But I hope one would take a liberal view of the verification problems, and be prepared to take a few risks, because there are clearly strong U.S. national interests in [signing] a treaty that would deter continued testing of the existing Soviet ASAT or prevent the development of a better Soviet system."

One of the few ASAT technologies advertised by the Administration as a potential outlet for cheating is the laser, which could be deployed either on the ground or in a high-flying aircraft. Construction of a laser capable of striking a swiftly moving satellite poses a formidable technical challenge, particularly if the laser is also moving, as on an aircraft. Nevertheless, the fear is that such a weapon could be used either to burn out the electronic circuitry or to ruin the optical sensors of satellites overhead, following an extensive program of secret testing. According to the Pentagon's latest published estimate, the Soviets could test a ground-based laser by the late 1980's, and begin to operate it by th early- to mid-1990's.

Michael May, the associate director of Lawrence Livermore National Laboratory, agrees that under certain conditions, tests of ground- or air-based lasers would indeed be difficult to detect. He points out, however, that the useful range of such lasers is limited, with the result that many high-powered lasers would have to be constructed in order to mount a significant attack on U.S. satellites. "The installation of a high-powered laser system would be detectable," he says, adding that detectable lasers can also be watched. Low-powered lasers, which could be substantially smaller and thus less easily detected, would be effective against U.S. satellites only if American designers are "remarkably careless" and fail to include various straightforward laser countermeasures, he adds. Citing a need for secrecy, May is vague about what these countermeasures might be. But other experts say that it is easy for a satellite to detect laser illumination, and that it is possible to block the entrance of high-intensity light into optical systems by installing fused shutters.

The Administration also argues that the Soviets could secretly test the technology needed for so-called space mines, or satellites capable of maneuvering near their targets and exploding on command. "Any nation routinely conducting space rendezvous and docking operations, as the USSR does, could, under the guise of that activity, develop spacecraft equipped to maneuver into the path of, or detonate next to, another nation's spacecraft," its report states. Some officials in the Air Force Chief of Staff's office, in particular, are known to be concerned that an attack by secret Soviet space mines could be effectively used in the opening stages of a nuclear attack.

This assessment is challenged by several experts, however, including James Reynolds, a manager of aerospace activities for the Northrop Corporation who formerly managed the Navstar and Satellite Communications System programs for the space division of the U.S. Air Force. "The people who postulate this threat don't know a spacecraft from a frying pan. It is highly improbable," he says. "You are taking about a complicated space system, with multiple rockets, sensors, payloads, and ground control. The mines must be situated next to everything of importance we have in space. And they must be on-line 24 hours a day, ready to detect evasive maneuvers and come after us, even though it takes twice as much fuel to follow as it does to evade. How much do you think the Soviets are willing to spend on this? How many mines will it take to guarantee 98 or 99 percent success? Virtually an infinite number! Now are they dumb enough to spend all their resources on that, or are they likely to build more missiles or put more tanks in Eastern Europe? There's a smarter way to fight a war."

Dirks agrees that a surreptitious space mine attack is improbable. "Any substantial space mine system would be discovered by U.S. ground-based capability," he says, and goes on to make a broader point that with any potential surreptitious ASAT threat, the issue is not whether the Soviets can test components but whether they can test the entire system. "I spent about 20 years engaging the Soviets on this issue, and I know that the Soviet military would be very unwilling to depend on a system that had not been fully tested." Walter Slocombe, who served from 1979 to 1981 as deputy secretary for policy planning in the Defense Department, also makes this point: "In a crisis involving low-level U.S.-Soviet hostilities, only high-confidence, high-precision ASAT systems would suffice. Jury-rigged systems are clearly inadequate."

Beyond the issue of verification, however, the Administration cites several other drawbacks to a treaty banning ASAT testing and deployment. One is that the development of a U.S. ASAT is supposedly needed to deter any Soviet ASAT use. "If, for example, during crisis or conflict, the Soviet Union were to destroy a U.S. satellite, the United States would lack the ability to respond in kind to avoid escalating the conflict. Thus, in present circumstances, a U.S. [ASAT] clearly responds to the need to deter such Soviet attacks," the Administration's report states. Reynolds questions the military wisdom of this strategy, however. "I don't know that a 1-to-1 satellite exchange is that productive to us," he says. "Our satellites are better than theirs, and they can replace theirs more easily."

But Administration officials offer a second justification for the U.S. ASAT, which conflicts with the need to deter any space warfare. It is also needed, they say, to initiate attacks on Soviet satellites that can fix the location of aircraft carriers at sea either by radar or electronic eavesdropping. "In view of the fundamental importance of U.S. and Allied access to the seas in wartime, including [the need] for naval reinforcement by sea, the protection of U.S. and Allied navies against such targeting is critical," their report states. Proponents of a treaty also challenge this assertion, however. They point to congressional testimony last year by Vice Admiral Gordon Nagler, director of command and control for the Navy, in which he sharply disputed claims that aircraft carriers could be targeted by Soviet ocean reconnaissance satellites. "I think I covered that before [in classified testimony], how we can avoid that," he said.

This point is also made by Robert Buccheim, a former chief scientist for the Air Force who served as the chief of the U.S. delegation to ASAT treaty negotiations held from 1979 to 1980. He says flatly that a radar satellite "can be countered electronically," and that other means of surveillance are available to the Soviets anyway. "It continues to be true that long-haul radio-transmissions from combatants at sea can be detected and used for location-fixing purposes by high-frequency direction-finding stations in Soviet territory," he says. Similarly, Richard Garwin, a physicist at IBM with long experience in weapons design, says that Soviet eavesdropping can be defeated by high-frequency, short wavelength, broad-spectrum radio signals, generated by fo-

cused antennas and relayed from one U.S. satellite to another. "The U.S. ASAT is not needed to defeat this threat," he says.

Given the apparent defects in the Administration's stated justification for the U.S. ASAT, there is considerable speculation that its proponents like it because its development offers a convenient cover for antiballistic missile (ABM) research that would otherwise be prohibited by the ABM treaty. This theory was given a boost several weeks ago by presidential science adviser George Keyworth, who said that "in order to leave our successors any options" for ABM systems, the United States should not tie its hands with ASAT limitations.

But others question the Pentagon's need for an ASAT program. For example, Sayre Stevens, a former CIA analyst and current Defense Science Board member who also serves as vice president for strategic intelligence at the Systems Planning Corporation says "I don't know exactly why it is that we're so anxious to build an ASAT system. I can't see that we're all helpless. I also don't think we need it as much as we need some other things, such as a better space surveillance system so we really know what's going on." Albert Wheelon, a former CIA analyst who is now a senior vice president at the Hughes Aircraft Corporation, agrees. "I think it's a good idea and to everyone's net advantage to keep mines and torpedoes and lasers and other weapons out of space," he says.

Administration officials publicly insist the door on ASAT arms control is still ajar, and that several options for a limited agreement remain under consideration. One idea is a ban on tests of ASAT's aimed at high-altitude satellites, which are needed for early warning and communications in the event of an allout war. Sidney Graybeal, a former SALT II negotiator and CIA analyst who is now vice president of the Center for Strategic Policy at Systems Planning Corporation, says that he particularly likes this idea. "The United States has such an overwhelming interest in space assets that a limit on advanced ASAT's—weapons capable of interdicting satellites in geosynchronous orbit—through a ban on testing would be in the net U.S. interest," he says. A second option is to prohibit the trailing of one satellite by another in peacetime, and a third idea is simply to prohibit any peacetime interference with a satellite's operation.

Although the report characterizes the potential for violation of even these limited agreements as troublesome, ACDA director Adelman remains publicly optimistic that one idea or another will prove worth pursuing. "I myself feel there may be possibilities for real proposals for arms control," he said at a recent hearing before the House Committee on Foreign Affairs, adding that a final decision will perhaps be made within the next 6 months.

Few in Congress believe that this continuing review will amount to much. One of the cochairman of the interagency task force is Richard Perle, who says flatly that "I haven't seen a suggestion yet that meets the two tests of verifiability and [protection of U.S.] national security." The other cochairman is Henry Cooper, an assistant director of strategic programs at ACDA who until recently helped direct the ASAT program for the Air Force. He also admits to "reservations as to the bans being studied," although he claims to be somewhat more enthusiastic than Perle.

William Durch, a research fellow at the Harvard Center for Science and International affairs who recently directed an extensive study of space arms control options for Reagan's ACDA appointees, says he feels that after "looking at all the variables, it is still in the net U.S. security interest to pursue some sort of limit on antisatellite capabilities." He hopes the Administration will eventually come to the same conclusion.

PENTAGON NEGLECTS SATELLITE DEFENSES

(By R. Jeffrey Smith)

Several years ago, Colonel James Reynolds, the manager of the Air Force's Navstar satellite program, hit upon an idea that he thought would defeat "any practical ASAT through the next 15 or 20 years." A relatively simple maneuvering system, devised by a Navstar contractor, would enable each of the system's satellites to scoot safely out of harm's way on warning of an ASAT attack, he believed. To his great frustration, however, higher-ups in the Air Force were unwilling to pay for it, with the result that none of the 28 Navstar satellites now under contract will have this capability.

Reynolds and other satellite engineers characterize this decision as a common one in the U.S. military space program. They say that the Pentagon has at its disposal the means or the know-how to defend virtually all of its satellites against a Soviet attack. Yet with few exceptions it is unwilling to invest the money needed to do so. Instead, its managers pour money into development of their own satellite-killing technology, and seek to avoid and arms treaty which in combination with satellite defenses might guarantee the survival of intelligence assets essential to national security.

"It's a generic problem," Reynolds says of the reluctance of high-ranking Pentagon officials to invest heavily in satellite defenses. Albert Wheelon, a former CIA analyst who is now a senior vice president with the Hughes Aircraft Corporation, agrees. "It's been a recurring theme for 20 years: we really ought to do something to fix these things up so they aren't quite so wide open to assault. It always seems like there are more important things to do with the money, however, and we really haven't done anything very effective, so they really are kind of sitting ducks," he says.

Among both satellite designers and intelligence analysts, there seems to be little concern about defending against the existing Soviet antisatellite (ASAT) weapon, a huge explosive device that usually take several hours to approach low-altitude targets. "The latest information I've had is that it doesn't work," says Leslie Dirks, a physicist who retired from a senior post at the CIA in August 1982. "Anybody who has followed it closely would have to agree." Reynolds, who now works on special aerospace programs for the Northrop Corporation, is even more derisive. "It's so weak and cumbersone that I think we litrally have to let them get us in order for it to work," he says.

There are substantial fears, however, that the Soviets eventually might refine their existing ASAT and extend its range, or develop ASAT's of a different character, such as lasers. Reynolds worries in particular about the possibility of a well-designed, high-altitude, direct satellite interceptor, armed with a nuclear warhead. "If a nuclear warhead were used atop the SS-9, that would be a sporty threat for some of our systems," he says. "I would say that if you attribute strong motives to the Soviets they could quickly make this a strong threat." It was to counter exactly this threat that the Navstar maneuvering system was proposed, he adds.

"The problem is that satellite system survivability always has to compete against the traditional Air Force budget priority: winged weapons systems. There is simply only so much money to go around."

Although Pentagon officials boast of spending $900 million on satellite survivability programs in fiscal year 1984, critics point out that much is for research and development that could have been started long ago, or for survivability add-on's to existing satellite programs that should have been incorporated at the start. Only recently, for example, did the Pentagon realize that its new meteorological satellites, which operate at low altitudes and provide information considered critical to ballistic missile targeting, should be hardened against ground-based lasers. As a result, the equipment will have to be added (production began in 1981). On the average, such efforts boost overall satellite system costs by as much as 15 percent, according to official estimates.

The potential for vast improvement in this area is demonstrated by the Pentagon's plans for Milstar, a satellite designed to transmit nuclear war-fighting information in the next decade. According to testimony last April before the House Appropriations Committee, Milstar will be hardened against ground-based laser radiation, and will have the capability for additional hardening against space based lasers. Its command and communications links will be encrypted, and jamming will be prevented by beam hopping antennas, frequency hopping, and burst transmissions. It is supposed to be hardened against a nuclear blast in space and, if the necessary funding is not eliminated, it will be the first U.S. satellite to have subtantial maneuvering capability. Like the Navstar system, which is designed to provide navigation information, the Milstar system will also include spare satellites and spare ground terminals.

Milstar is the exception, not the rule, however. Other programs of substantial importance have been neglected. For example, the Defense Department's communications workhorse for the next 10 to 15 years, a satellite known as DSCS III, has been designed without impact detectors or laser and radar receivers. "If it should suddenly stop working, we'd have a tough time determining why," confesses an executive at General Electric, its principal manufacturer. The low priority attached to virtually all survivability measures became evident again several weeks ago. Faced with an assignment to cut $5.4 billion from the 1985 Air Force budget request, Pentagon officials chose to put off an $18-million expenditure for small, high-volume computers, considered essential to mobile satellite ground terminals. "The remarkable thing is that we really don't have to spend a great deal of money to make some dramatic changes in this area," Reynolds emphasizes.

Michael May, an associate director of the Lawrence Livermore National Laboratory, believes that a substantial new emphasis on satellite survivability would have direct implications for space arms control. "Making space systems survivable would make ASAT's susceptible to negotiation, because it would substantially increase the cost, time, and risk involved in an attack, thereby diminishing the prospect and significance of any cheating." He adds that "the United States is well down the path toward survivable satellite systems, but we still need to develop the same strong, steady support for this that we have for making offensive strategic systems survivable.

ARMS CONTROL IN SPACE WORKSHOP PROCEEDINGS RELEASED BY SENATOR PRESSLER

WASHINGTON, D.C.—Although an arms control treaty could not eliminate every threat to United States' assets in space, it could reduce the threat from sophisticated weapons designed specifically to destroy satellites, according to the Congressional Office of Technology Assessment's (OTA) workshop on Arms Control In Space. The proceedings[1] were released today by Senator Larry Pressler (R-S. Dakota), Chairman of the Subcommittee on Arms Control of the Senate Committee on Foreign Relations.

OTA held the workshop on arms control in space on January 30 and 31, 1984, at the request of Senator Pressler. The workshop brought together technical, diplomatic, military and policy experts to discuss anti-satellite weapons and arms control. In the workshop proceedings, statements are not attributed to specific participants. Instead, the proceedings report the veiwpoints and ideas discussed during the conference and identify areas of controversy and general agreement.

According to OTA's workshop proceedings, an arms control treaty could reduce the requirements for protecting space systems, but it would not totally protect satellites from, for example, modified intercontinental ballistic missiles or maneuverable spacecraft. Many participants agreed that this vulnerability need not prevent the negotiation of a treaty, since space assets can be protected, duplicated or replaced. Other participants, however, believed that a treaty could not provide enough protection to our satellites to be worthwhile.

Panelists agreed that the verifiability of arms control agreements can only be discussed in specific terms. They agreed that some arms control provisions could be verified with high confidence, but the verifiability of others was quite controversial. In particular, there was agreement that tests of space weapons would be easier to detect than possession of such weapons, and many participants believed that a ban of anti-satellite-weapons testing could be adequately verified.

A test ban would make it difficult to develop a reliable, high-performance anti-satellite system. Without testing, participants agreed, no country could be confident that a new system would perform well in a crisis. Developing a new system would be difficult to do with no detectable tests. However, panelists had differences of opinion about the seriousness of the threat posed by a partially tested system.

An arms control agreement banning the development or testing of anti-satellite weapons would also limit most new ballistic-missile-defense systems, said the panelists. Since satellites are generally more vulnerable and are easier targets than missiles, they could be destroyed by effective ballistic missile defenses. Such systems, if deployed, would limit the possibilities for anti-satellite arms control agreements.

Panelists did not support the idea that the United States should have its own anti-satellite weapon in order to deter the use of similar weapons against the United States. The ability to retaliate against terrestial assets would suffice to deter attacks on U.S. satellites, panelists said. However, some panelists believed that the U.S. has other important military reasons for wanting to be able to destroy Soviet satellites.

The air-launched anti-satellite weapons now being tested by the United States will clearly be technically superior to the present Soviet ground-launched anti-satellite weapons, according to the workshop participants. However, some panelists expressed concern that continued testing of the new U.S. anti-satellite system would make worthwhile arms control agreements more difficult to attain.

Neither the existing Soviet anti-satellite weapons nor the U.S. weapon under testing poses a severe military threat to the other side. Many treaty proponents would accept a treaty which would "grandfather" these existing systems.

The space activities of both the United States and Soviet Union have the potential to generate uncertainties and misunderstandings about each other's intentions, according to the OTA proceedings. Some panelists thought that an agreement limiting behavior in space—some type of "rules of the road" agreement—might help reduce tensions. The most valuable feature of this type of agreement could be the establishment of a forum that would facilitate discussion of questioned activities.

OTA is a nonpartisan analytic support agency that serves the U.S. Congress. Its purpose is to help Congress deal with the complex and often highly technical issues that increasingly confront our society.

Copies of the workship proceedings, Arms Control In Space, are available to the public at the U.S. Government Printing Office (GPO), Superintendent of Documents, Washington, D.C. 20402. The GPO stock number is 052-003-00952-8. Copies for Congressional use may be obtained free of charge by calling the OTA publishing office at 224-8996.

WORKSHOP ON ARMS CONTROL SPACE
JANUARY 30-31, 1984

(By Prof. McGeorge Bundy, Chair, New York University, New York, N.Y.)

Mr. David S. Brandwein, System Planning Corp. Arlington, Va.

The Hon. George E. Brown, Jr., Member of Congress, U.S. House Representatives, Washington, D.C.

Dr. Paul Brown, Lawerence Livermore National Laboratory, Livermore Calif.

Dr. Robert W. Buchheim, Phoenix, Ariz.

Prof. Albert Carnesale, JFK School of Government, Harvard University, Cambridge, Mass.

Dr. Ashton B. Carter, Center for International Studies, Massachusetts Institute of Technology, Cambridge, Mass.

The Hon. Cooper Evans, Member of Congress, U.S. House of Representatives, Washington, D.C.

Dr. Richard L. Garwin, IBM Thomas J. Watson Research Center, Yorktown Heights, N.Y.

Dr. John H. Gibbons, Director, Office of Technology Assessment, U.S. Congress, Washington, D.C.

Mr. Alex Gliksman, Senate Committee on Foreign Relations, Washington, D.C.

Prof. Donald L. Hafner, Boston College, Chestnut Hill, Mass.

Mr. Lionel S. Johns, Assistant Diector, Office of Technology Assessment, U.S. Congress, Washington, D.C.

Dr. Robert H. Kupperman, Center for Strategic and International Studies, Georgetown University, Washington, D.C.

Dr. Steven A. Maaranen, Los Alamos National Laboratory, Los Alamos, N. Mex.

Dr. Michael M. May, Lawrence Livermore National Laboratory, Livermore, Calif.

Dr. Keith B. Payne, National Institute for Public Policy, Fairfax, Va.

Mr. John E. Pike, Federation of American Scientists, Washington, D.C.

The Hon. Larry Pressler, Member of Congress United States Senate, Washington, D.C.

Dr. Victor W. Reis, Science Applications, Inc., McLean, Va.

Dr. Peter Sharfman, Program Manager, Office of Technology Assessment, U.S. Congress, Washington, D.C.

Walter Slocombe, Esq., Caplin and Drysdale, Washington, D.C.

Dr. John D. Steinbruner, Director, Foreign Policy Studies, The Brookings Institution, Washington, D.C.

Maj. Gen. Henry B. Stelling Jr., USAF (ret.), Rockwell International, Anaheim, Calif.

Dr. Sayre Stevens, System Planning Corp., Arlington, Va.

[Note: Several participants were originally invited as alternates for others who could not attend the entire workshop.]●

[1] OTA Workshop Proceedings are not reviewed nor approved by the Technology Assessment Board.

ALTRUISM IN MEDICINE

● Mr. QUAYLE. Mr. President, too often today when we in Congress discuss health care issues, we focus only on the dollars. We often believe that everyone else in the health care industry is also focusing only on the dollars. We certainly think this is of physicians and their organizations.

Therefore, it is particularly refreshing to find the journal of a major physician organization, the American Medical Association, publishing an editorial on the humanistic side of medicine.

The editorial, from the January 27, 1984, edition of the Journal of the American Medical Association, points to the altruism that motivates most people to enter medicine. It is good to be reminded that the primary attraction of medicine is the opportunity to help people.

The need to help people in other countries is another important point made in this editorial. The author, George D. Lundberg, M.D., editor of JAMA, points out the need other countries have for good medical care. He urges his colleagues to contribute toward meeting this need.

This fine editorial is quite thought provoking and I recommend it to my colleagues.

Mr. President, I ask that the editorial by Dr. Lundberg be printed in the RECORD.

The editorial follows:

[Editorial]

EXPORTING DOCTORS TO A WORLD IN NEED

On Christmas Eve of 1983, despite mortar attacks on "peace-keeping Marines" in Beirut, terrorist bombing of shoppers at Harrod's in London, and air defense being positioned near the White House, it is easy to write that mankind is one and physicians are brothers and sisters. I believe that giving is still the fundamental common denominator that attracts a person to a medi-

cal career. For hundreds of years people have entered the practice of medicine without regard to economic benefits. Economics need not be the principal driver.

We have been developing the theme of one medical world on these pages. With today's international theme issue, we hope to spark renewed interest in the global practice of medicine for some of our readers, especially current medical students and residents. There is a great mass of medically underserved human beings in need of care. Why not plan to give part of your lives to the medically needy, wherever they are?

What might motivate one to give part of one's life to those in need in other countries? Such motivations can be many and varied: (1) purely idealistic altruism that led most of us to medicine in the first place, (2) seeing, recognizing, and treating classic diseases unaltered by previous diagnostic or therapeutic efforts, (3) becoming a better physician for personal practice in this country, (4) becoming a more interesting person, (5) expanding the influence of American medicine in the third world to balance the very substantial efforts of the Soviet Union of achieving political goals through disease prevention and health promotion, (6) participating in a religious experience of the sort that has motivated medical missionaries for centuries, (7) learning about fascinating diseases in unusual cultural and geographic settings, and (8) returning benefit to society from the enormous resources that were expended in educating each physician. These motivations include something for everyone from the far right through the center to the far left.

For this theme issue we begin with a cover entitled *Plum Flower* celebrating the Chinese New Year, the Year of the Rat, 4682, which begins on Feb. 2, 1984. Steven Fox, MD, has provided a strong analysis of Chinese medical education from his recent personal experiences. George Thorngate, MD, instructs us about an astonishing method of obstetrical delivery he observed when he was a medical missionary in China. Sutnick et al note that as nutrition and control of infectious diseases improve in third world countries, incidence and mortality from diseases from middle and old age, as typically seen in developed countries, burgeon in developing countries. Brucellosis in Spain and schistosomiasis in Africa still exist and have affected recent travelers in Spain and Ethiopia. Our South American offering is a description of elective surgery in a primary medical care program in the Amazon Valley of Brazil by William Dolan, MD, OFM, a missionary surgeon. Myron Schultz, DVM, MD, points out that with modern travel virtually any physician might see infectious disease from anywhere. Baker and co-workers describe opportunities that now exist for US medical professionals in other countries, while noting that less than 0.4 percent of current US physicians are actually in international health. Our "balance of payments" of physicians in this country is heavily positive, with a ratio of almost 50 to one of physicians having immigrated *v.* those sent from here abroad. And finally, E. Grey Dimond, MD, asks precisely the right questions regarding US-USSR medical and political relations.

What should de done? We as a profession should cultivate a mind-set that looks to all humanity. The medical profession itself, academic institutions, foundations, industry, churches, and government should reemphasize this concept of medical internationalism. Richard Egan suggests the idea of a "physician about a "doctor-to-doctor" program somewhat modeled after the people-to-people program. E. Grey Dimond describes exciting new ideas about how to further international relations and peace through medicine and health. This is the kind of creativity we need. I hope many of you will bring these and similar ideas to fruition. It is time for the United States to export physicians to Burma, Guatemala, and Bangladesh. Turnabout is fair play.

GEORGE D. LUNDBERG, MD.●

MR. AND MRS. RICHARD BLANSETT—CONGRESSIONAL SENIOR CITIZEN INTERNS

● Mr. GLENN. Mr. President, I am pleased to take this opportunity to recognize Mr. Richard Blansett of Euclid, Ohio, who came to Washington to serve as my congressional senior citizen intern last week. Mr. Blansett was accompanied to Washington by his wife, Eva, who also participated in the program. It was a successful and worthwile week in Washington for Mr. and Mrs. Blansett, and for my staff and me who benefit from their knowledge and experience concerning senior citizen issues.

Mr. Blansett is chairman of the Ohio State Legislative Committee for the American Association of Retired Persons (AARP), a national organization with 659,000 members in Ohio. He travels around the State of Ohio extensively in his work with AARP chapters and is currently organizing a grassroots campaign against rising health care costs. In addition to his AARP activities, Mr. Blansett is chairman of the senior citizens advisory committee for the Cuyahoga County Auditor's Office.

The wide range of community activities that Mr. and Mrs. Blansett are engaged in serves to demonstrate the tremendous worth and potential of our older citizens. Older Americans have made valuable contributions to the development of our society, and we continue to benefit from their talents, skills, and experience.

As the ranking Democratic member of the Senate Special Committee on Aging, I am pleased to support the Congressional Senior Citizen Intern program. Since the program was established in 1973, over 1,000 active older Americans from across the country have participated in the annual event. Unlike some other congressional internship programs which affect only the individual participant, the senior intern program benefits our constituencies. The insights that the senior interns gain about the legislative process make them more effective advocates when they return to their leadership positions in the senior community. The program is also very helpful to us as legislators in Washington, because the interns help us to identify the most important issues of concern to seniors back home.

I would like to thank Senator ROTH and Representative COELHO, coordinators of the senior intern program, and their staffs for organizing another successful senior intern week.●

ANNUAL FINANCIAL DISCLOSURE OF SENATOR STAFFORD

● Mr. STAFFORD. Mr. President, in each of the last 10 years, I have made public disclosures of my financial holdings, along with summaries of my Federal income tax report.

I have pledged that I would issue a similar report to the citizens of Vermont each year for the remainder of my time in public office.

In keeping with that promise, I am once again issuing a public statement of financial disclosure.

The financial statement shows that my wife, Helen, and I had net assets of $649,000 as of May 14, 1984, when the evaluation was made.

The statement I am making public lists details of our holdings, including bank accounts, cash value of life insurance and Federal retirement fund, real and personal property we own, and stocks and bonds.

The majority of the stocks and bonds listed were owned by us before I entered public office and there has been little real change in our financial condition in terms of real dollars since I entered public office in Vermont 30 years ago. Like most Americans, the Staffords have felt the impact of inflation.

The summary of our joint Federal income tax return shows that Mrs. Stafford and I had an adjusted gross income of $123,000 last year. Of that total, $64,900 came from my salary as a U.S. Senator.

We paid more than $40,000 in Federal taxes and more than $9,500 in Vermont State income taxes. Our total tax bill for the year was $49,707—or 40 percent of our adjusted gross income.

I shall ask that details of our financial statement be printed in the CONGRESSIONAL RECORD, as in the past. And, as I have done in each of the last 10 years, I am making copies of the statement available to newspapers, radio, and television stations and other news services in Vermont.

This information is being made public because I remain convinced that those who serve in Government, as well as Government itself, must be as open and candid as possible with the public.

The net assets of the Staffords increased by more than $55,000 last year, a gain of slightly more than 9 percent. The bulk of that increase is the result of a $25,000 increase in the estimated market value of our home in Virginia and a $10,000 increase in the value of our stock portfolio.

The lion's share of our assets continues to consist of homes in Virginia and Vermont whose estimated total fair market value is $300,000.

One of the best ways Americans have to judge whether their Government and their officials are acting properly is to provide full disclosure of all interests of Government and of those who make decisions in Government.

Thus, I invite all Vermonters—and all other Americans—to examine my financial interests and to match these interests with my record as a public official.

We have made some progress in providing the public with more information about the interests and activities of public officials, but we have some way to go in providing full public disclosure.

I shall continue to support legislation that provides greater ventilation of the way we do business in our Government. In the meantime, I shall continue to make my own full disclosure to my fellow Vermonters.

The financial statement follows:

Summary of 1983 joint Federal income tax return, Robert T. and Helen K. Stafford

Income:	Value
Salary	$64,900.68
Interest	8,758.73
Dividends	5,141.59
Honoraria	38,500.00
Other	14,764.82
Total income	132,065.82
Adjustments to income:	
Allowable congressional expenses not reimbursed	3,000.00
Keough plan	5,775.00
Total adjustments to income	8,775.00
Adjusted gross income	123,290.82
Deductions	13,726.10
Exemptions	4,000.00
Taxable income	105,564.72
Federal income tax due and paid	40,124.02

Statement of financial conditions, Senator and Mrs. Robert T. Stafford, May 15, 1983

Savings account:	Value
Bellows Falls Trust Co	$5,000
Vermont Federal Bank	5,000
Bank of Vermont	5,000
The Howard Bank	5,000
Chittenden Trust-Rutland Branch	5,000
Total	25,000.00
Certificates of deposit:	
Chittenden Trust Co	10,000
First Vermont Bank	10,000
The Howard Bank	10,000
Marble Savings Bank	10,000
Proctor Bank	10,000
Vermont National Bank	10,000
Proctor Bank	10,000
Total	70,000.00
Checking accounts:	
First Virginia Bank	400
Howard Bank	300
Riggs National Bank	13,000
Total	13,700.00
Real estate (estimated market value):	
3541 Devon Dr., Falls Church, Va	$150,000.00
27 Howard Ave., Rutland, Vt	50,000.00
64 Litchfield Ave., Rutland, Vt	100,000.00
Total	300,000.00
Additional assets:	
Contributions to Federal retirement (Dec. 31, 1983)	76,247.83
Law library and office furniture (27 S. Main/Rutland)	2,000.00
Boat and 2 cars	39,000.00
Personal property	25,000.00
Total	142,247.83
Stocks (name and shares):	
NYNX (77 at 61)	4,697.00
AT&T (100 at 16½)	1,650.00
Bellows Falls Trust Co (80 at 60)	4,800.00
Cluett Peabody (20 at 28¾)	575.00
Con Edison of N.Y. (common, 100 at 24¾)	2,475.00
Gillette Co (20 at 47⅝)	947.50
Greyhound Corp (20 at 23¾)	475.00
Howard Bank (1,371 at 25)	34,275.00
International Harvester (20 at 7⅜)	147.50
Manufacturers Hanover Trust (664 at 35⅝)	23,489.00
Monsanto (40 at 72)	2,880.00
N. L. Industries (common, 40 at 15¾)	630.00
National Distillers (40 at 27¾)	1,110.00
Outboard Marine (20 at 47¾)	955.00
Security Pacific Corp (16 at 45½)	728.00
Time, Inc (30 at 37⅝)	1,128.75
Vendo (10 at 5⅜)	53.75
Total	81,016.50
Liabilities: National Permanent Federal Savings & Loan Association (1st mortgage, Devon Dr., Nov. 29, 1983)	2,119.23
Recapitulation:	
Total assets	651,964.33
Total liabilities	2,119.23
Net assets	649,845.10

RELIGIOUS PERSECUTION IN NICARAGUA

● Mr. EAST. Mr. President, in the past few years, I have often met with American Christians who seem to be tragically misinformed about the realities of Nicaragua under the Sandinistas. Recently, I had the opportunity to meet with a young Nicaraguan Christian, Prudencio Baldesano, who tells a very different story about religious persecution under this Marxist dictatorship. Mr. Baldesano, a fundamentalist Christian not connected with the Contras in any way or with any other political group, was falsely accused of aiding the Contras by the Sandinistas. He was tortured and his ears were cut off by a Sandinista officer, and he is now in the United States trying to tell his story. Mr. Baldesano's story is not an isolated one, and the White House Digest of February 29, 1984, contains considerable information on the current state of religious persecution in Nicaragua. I ask that this document be printed in full in the CONGRESSIONAL RECORD, and I commend it to the attention of my colleagues and fellow citizens.

The material follows:

[From the White House Digest]

PERSECUTION OF CHRISTIAN GROUPS IN NICARAGUA

"The religion of the workers has no God, because it seeks to restore the divinity of Man."—Karl Marx.

"Every religious idea, every idea of a god, even flirting with the idea of a god, is unutterable vileness of the most dangerous kind, 'contagion' of the most abominable kind. Millions of sins, filthy deeds, acts of violence, and physical contagions are far less dangerous than the subtle spiritual idea of a god."—Lenin.

History has shown us that Communist regimes inevitably seek to either eradicate the Church or to subvert it. Ideologically, the Church's existence is repugnant to them. Allegiance to God prevents total allegiance to and subjugation by the State, which, according to Marx, is the salvific vehicle for the secular transformation of man into god.

The Communists cannot tolerate this limitation on their absolute power. Thus, in the Soviet Union all but a tiny percentage of churches have been closed and religious affiliation routinely brings the loss of precious privileges and sometimes brings more serious persecution.

In Nicaragua, the self-admitted Marxist-Leninist [1] leaders of the government are following the same path. They are seeking to turn the Catholic Church, by far the largest in Nicaragua, into an arm of the government.

A small number of Catholic clergy have the government's official approval and sponsorship. They are used to generate support for the government, to spread the idea that only Marxists are true Christians, and to defame and divide the mainstream Church.

Meanwhile, the Sandinistas have harassed, persecuted and defamed legitimate church leaders, including Pope John Paul II. Church telecasts are subject to prior censorship and the Sandinistas seek to isolate the Church leadership from the people.

Suppression of minority Protestant groups has been much more brutal. Dozens of Protestant churches have been burned, Protestant leaders have been arrested, beaten, and deported. Certain Protestant churches have been officially denounced as instruments of American imperialism.

THE CHURCH VS. SOMOZA

Under the Somoza dictatorship, which was overthrown in 1979, the Catholic Church had been in the forefront of those forces calling for reform. Indeed, in 1979 the prelate of Nicaragua, Archbishop Obando y Bravo, took the extraordinary step of announcing that the Somoza regime had become intolerable and that Christians could in good conscience revolt against it.

At any time, the revolution against Somoza was broad based and included most of the mainstream leadership of Nicaragua. The revolution was publicly committed to democracy and pluralism. But, shortly after

Footnotes at end of article.

Somoza's ouster, the Communist faction—with the control of the military—began to consolidate its power.

Despite early danger signals, the Catholic hierarchy was initially supportive of the revolutionary government.

THE FIRST STEP

But, in October of 1980, the Sandinistas took their first real step toward the dual Communist goal of a) limiting the Church's influence, and b) co-opting what is left of the influence for the government.

In a publicly promulgated policy on religion, the Sandinistas declared that Christians were not permitted to evangelize within Sandinista organizations. Moreover, only those religious who fully accepted the objectives of the Revolution, as put forth by the Sandinista leadership, were to be permitted to take an active role in public affairs.[2]

The Bishops responded swiftly and firmly, saying that such attempts to limit the influence of the Church were "totalitarian." Totalitarian systems, the Bishops argued, seek to turn the Church into an "instrument" by tolerating only those activities the government finds convenient.[3]

Edgard Macias served the Sandinista government as Vice Minister of Labor, but left Nicaragua when he realized the Sandinistas were intent on establishing a totalitarian Marxist-Leninist regime. Of the Sandinistas' attempt to turn the Church into an "instrument" Macias writes:

"The FSLN (the governing Sandinista organization) has had its plan of action drawn from the beginning, including unremitting harassment and the reduction and suppression of the social programs of the churches. . . . They wish to reduce them [the churches] to a strictly liturgical function, which would be to keep them within their temples . . . the social pastoral of the churches should not exist since it generates an influence that 'interferes' with the unique leadership that the Front pretends to be." [4]

For some time after this exchange between the Bishops and the Sandinistas, the Church went out of its way to say conciliatory things about the regime, hoping to salvage a relationship. The Sandinista leadership is attempting to publicly represent itself as being pro-Church, something the overwhelming majority of the Catholic clergy seriously doubts. The historical record underscores these reservations.

PRIESTS AND POLITICS

In 1981, responding to Pope John Paul II's desire to keep the Church free of political entanglements, the Nicaraguan Bishops called on all Catholic clergy to limit their political activities to something less than full time devotion to the regime, or to any political faction.

A long controversy ensued. The Sandinista clergy refused to leave their posts. The Bishops, stymied, agreed that the Sandinista priests could temporarily remain in government as long as they did not exercise their priestly functions.

These high-ranking Sandinista priests that chose to discontinue their priestly functions while continuing to occupy political office are: Miguel D'Escoto, Minister of Foreign Affairs; Fernando Cardenal, director of Sandinista youth organizations; and his brother Ernesto, Minister of Culture.

Since that time, the Sandinistas campaign to rigorously support church factions responsive to its interests steadily intensified. Priests who have expressed a desire to leave the regime have been told by the Junta that they cannot resign from their posts, according to Edgard Macias.

THE "PEOPLE'S CHURCH"

The first step was to coopt and expand a unique Latin American institution called the Christian base community.

The base community is a neighborhood group of Catholics who meet for prayer and religious services but who also work together for social and political reform. Over the years, most of these groups have not been Marxist, but have worked for reforms that most Americans would recognize as basic.

However, the bishops had long recognized that the base communities have had the potential to become "prisoners of political polarization or fashionable ideologies which want to exploit their immense potential." [5]

The Sandinistas began to exploit that potential. Many base communities have remained loyal to the Catholic hierarchy, but many have been made instruments of the revolution, part of what the Sandinistas refer to as "the People's Church," a church subservient to the government.

The Sandinistas began to speak openly of two churches, one, the "Popular Church" which is the friend of the people, and the other which oppresses the people.

Macias again:

"It is ridiculous to see the 'revolutionary commanders' (who are declared Marxist-Leninists) using Christian terminology and even . . . giving homilies on what the role of religion and the bishops should be. They say that while there is Sandinismo (FSLN) there will be Christianity, letting it be understood that outside of themselves there is no Christianity . . . No better example of how a political group can 'appropriate' religion and model it to its objectives can be found . . . Remember that the structure of the FSLN as a political party is fascist and anti-democratic, where the National Directorate has been artificially mythified . . ." [6]

In reference to the traditional and "popular church", Sandinista junta member Sergio Ramirez stated that one of these "churches" was not revolutionary, but the other church was:

"[A] church of change. This church became the people's ally. This church boosted the revolution and committed itself to this revolution. This church is participating in the revolutionary process and is incorporating the patriotic and revolutionary priests of whom we are very proud into the government." [7]

In response, Archbishop Obando y Bravo has condemned "those who are trying to divide the Church" and spread the idea that there is "one bourgeois church and another church for the poor." The Vatican has become so alarmed at the attempt of the Sandinistas to divide the church in Nicaragua that the Pope issued a Pastoral letter on June 29, 1982 which criticized advocates of the "popular Church" for their ". . . infiltration of strongly ideological connotations along the lines of certain political radicalization of the class struggle, of acceptance of violence for the carrying out of political ends. It is not through a political role, but through the priestly ministry that the people want to remain close to the Church."

THE CHURCH AND THE SECRET POLICE

One of the first steps the Sandinistas took was to combine many of the so-called Sandinista Defense Committees with Christian base communities. The Defense Committees provide a network of informers and neighborhood surveillance, and have the authority to bestow certain privileges, such as internal travel permits or rationed items. These basic units of totalitarian control are also found in the Soviet Union, Eastern Bloc and Cuba.

According to Edgard Macias these "people's churches," made up of the combination of the base communities and the defense committees, are under the supervision of Interior Minister Tomas Borge, whose portfolio includes the internal security/secret police apparatus.

The People's Church accounts for only a minority of Nicaraguan Catholics. But the Sandinista controlled media pays enormous attention to their every action in support of the regime. The government endorses "liberation theology," the doctrine of the People's Church that portrays Christ as a Marxist revolutionary.

An underground publication from Honduras designed for group study, entitled "Reflections of an Honduran Christian Marxist," gives the typical perspective on "liberation theology": "[love for the poor] consists not only in giving them food, but in doing away with the cause of their poverty, that is their capitalist/imperialist system. And in order to do this a Christian not only can be, but must be a Socialist, Marxist-Leninist, violent revolutionary."

Geraldine O'Leary Macias, Edgard's wife, was for many years a Maryknoll missionary in Nicaragua where she worked for social reform. She has seen first hand the Communists' attempt to co-opt genuine Christianity for their own purposes:

"The Marxists have been very astute in using liberation theology to make it appear Marxist, making being a Christian synonomous with being a Sandinista, and defining revolution as Marxism. The only major change in this approach has been brought about by the non-Nicaraguan Marxists. As the Cubans, Bulgarians, and East Germans have taken major roles as advisers to the police, army and militia, their anti-religious fervor has made apparent the very real contradictions between what the people of Nicaragua want and what the Sandinistas want." [8]

CENSORSHIP

While publicizing the People's Church, the Sandinistas, by July of 1981, had begun to cut off the Church's access to the media. Customarily, the Archbishop, or a priest designated by him, had celebrated mass every Sunday on Managua television, giving a sermon in the course of the mass.

But in July 1981, the Sandinistas announced that televised masses would be rotated among Catholic priests. The Archbishop, seeing that pro-Sandinista "priests" would be chosen, refused. The televised masses were cancelled.

According to Macias:

"The Archbishop's television mass was suppressed when Commander Tomas Borge, Minister of the Interior, decided to impose a system that would eliminate his presence, substituting him for Sandino-Christian priests. The strategy was to substitute the authority of the Archbishop and his faculty of leadership of his faithful with the authority of the Supreme Chief of State Security [Borge] and his small group of loyal priests." [9]

Catholic Radio has since fallen under heavy daily censorship. Since March 1982, the independent newspaper La Prensa, through which the Archbishop also communicated with the people, has fallen under censorship at times far more severe than

that of the Somoza dictatorship. However, the Archbishop is still permitted to publish his homily in La Prensa. [10]

By Easter of 1982, church leaders were required to submit their homilies to the Ministry of the Interior to be approved for broadcasting.

CENSORING THE POPE

In June 1982, the Pope sent a pastoral letter to the people of Nicaragua denouncing the government's attempts to establish a parallel Church, but publication of the letter was initially refused.

Archbishop Obando y Bravo has commented extensively on the Pope's letter. His comments shed light on some of the specific groups and mechanisms the Sandinistas have used to create a parallel church:

"I believe that there is a true internal intention of dividing the Church as is mentioned by His Holiness. When we speak of a 'Popular church' we should understand that in Nicaragua there are several centers that support it. Five centers have been created, all very well supplied and organized: Centro Antonio Valivieso, CEPA, Eje Ecumenico, CEPAD, and the Instituto Historico Centroamericano. Their resources are abundant, they have full-time employees, theologians and laity, recording and printing facilities and abundant international aid. These groups enjoy exclusive access to the State communications network which runs 100% of the television channels, 90% of the radio stations and two out of three newspapers. . . ."

"The virulence of their attacks has already reached the extreme of physical violence against some bishops. Externally the promoters of this popular church have mounted vast international propaganda campaigns . . . Vehicles for this are the international editions of *Barricada . . . also their connections with other organs of Liberation Theology and akin religious groups distributed throughout the world.*" [11] (Italic added.)

Several of the Centers the Archbishop mentioned are often cited in this country.

According to Edgard Macias, the Sandinistas are even trying to create a new religious rite, the Sandino-Christian rite, complete with icons to Augusto Sandino, prayers to a new pantheon of martyred Sandinistas who are to be revered as saints, and even the beginnings of a cult of resurrection:

"Hung on the front of the old cathedral in Managua [was] an enormous picture of General Sandino in his most characteristic pose, but drawn within a white host, which is bordered by the red and black colors of the FSLN flag . . . The Nicaraguans were not over being surprised by this when on radio and television the campaign for the third anniversary of the revolution was spearheaded by a short ad in which the dead are no longer simply Sandinista heroes, but are now 'the Sandinista saints.' One named Navarrito, it is said 'died with worms eating his feet but he arose the same day,' thus comparing him with Jesus Christ, who, as we all know, took three days to do the same."

The most brazen use of the "People's Church" was made during John Paul II's visit to Nicaragua when he said Mass at a huge open square in Managua. Film taken by the Sandinista television network clearly shows that the Sandinistas used the occasion to stage a demonstration against the Pope during Mass.

As happens nearly everywhere the Pope goes, he was received with fervent enthusiasm by the crowd. During his homily he was interrupted again and again by friendly applause and cheers and shouts of "Long live the Pope!" The applause was particularly strong during those parts of his homily in which he denounced the "People's Church."

However, as the Sandinistas' own television film makes obvious, the places in the square nearest to the Pope were reserved for Sandinista activists, preequipped with microphones.

As the Pope came to the end of his homily these activists began to chant political slogans. When the Pope reached the most sacred part of the Mass, the Consecration of the bread and wine, the activists equipped with microphones actually began to make speeches, nearly drowning out the words of Consecration. The speakers demanded that the Pope insert into the Mass a prayer for the Sandinista martyrs—perhaps as part of the plan to legitimize the Sandino-Christian rite.

The nine Sandinista "commandantes," who hold the real power in Nicaragua, stood on a platform near the Pope. They urged the demonstrators on, shouting slogans themselves and raising their fists in the air. At one point, uniformed men led the shouting activists in a protest march around the altar. Later, reliable sources revealed that the microphones used by the activists were actually being controlled by the same Sandinista technicians controlling the Pope's microphone.

UNDERMINING THE CHURCH HIERARCHY

The Sandinistas have begun to interfere with the hierarchy's right to assign priests to parishes. There are reports that replacement priests appointed by the Archbishop have been harassed by Sandinista controlled mobs. These mobs, organized by the Sandinista defense committees and the internal security forces, are referred to as *las turbas divinas*—"the divine mobs."

Priests who do not preach or accept Marxist "theology," have been harassed by the mobs. Especially in the countryside, legitimate priests often have their services interrupted. Sometimes the mobs will turn the Mass into a political meeting.

In Managua the Sandinistas have staged physical attacks against the legitimate clergy, including the Archbishop Bosco Vivas, the auxiliary bishop of Managua, who was shoved and pushed to the ground by a Sandinista mob last August. [12]

The Sandinistas have also mounted campaigns to discredit Church leaders, such as Father Bismark Carballo, the director of Catholic Radio and public spokesman for the Archbishop. Having been called to the home of a parishioner, he was forced to disrobe by security force personnel and then forced into the street in front of T.V. cameras and Sandinista mobs planted in advance.

After the pictures of the incident and the story were printed in the Nicaraguan press, the Sandinistas were badly embarrassed by this transparent attempt to frame a major Church spokesman.

By September 1982 the situation had gotten so serious that Archbishop John R. Roche, the President of the U.S. National Conference of Catholic Bishops, issued a statement criticizing the Sandinistas:

"In recent weeks, institutions and persons of the Church, including bishops, have been subjected to attacks of a serious, at times disgraceful nature . . . We cannot fail to protest in the strongest possible terms, the attempted defamation and acts of physical abuse directed at prominent clerics, the inappropriate exercise of State control over the communications media, including those of the Church, the apparent threats to the Church's role in education, and, most ominous of all, the increasing tendency of public demonstrations to result in bloody conflict." [13]

Edgard Macias sums up well the treatment of the Catholic Church by the Sandinistas:

"It [religion] is something to be provisionally permitted because it already exists and despite their wishes, has to be permitted as a 'lesser evil' that cannot be immediately eliminated. But it has been sentenced to a gradual and progressive extinction." [14]

PERSECUTION OF PROTESTANT GROUPS

Persecution of Protestant groups has been even more direct and brutal because their smaller size has left them more vulnerable.

While the Sandinistas were still consolidating their power immediately after the revolution, they did little to harass the Protestant groups. According to Humberto Belli, a former editor of *La Prensa*, the only independent newspaper in Nicaragua, up through 1981 there was little persecution except for harassment of some village pastors.

Says Belli: "the Protestant pastors . . . were conscious of their vulnerability and tried to abstain from any kind of commentaries touching the political field. Some of them even preferred to reassure the government of their loyalty." [15]

Occasionally groups of "revolutionary Christians" published leaflets attacking Protestant denominations as agents of U.S. imperialism. The government controlled media often propagated these charges.

In 1982 these attacks became direct. According to Belli:

"In March, just a few days before the government cancelled all individual rights and decreed a state of emergency, *Barricada*, the official newspaper of the Sandinistas, published two front-page, 8 column reports on the Protestants, entitled: 'The Invasion of the Sects.' . . . In that Report many Protestant denominations such as the Mormons, the Seventh Day Adventists and the Jehovah's Witnesses were protrayed as groups of fanatics and superstitious people who liked to manipulate people's emotions and were part of a world-wide strategy of cultural penetration orchestrated by U.S. imperialism."

"Shortly after these publications the attacks grew more and more vocal and the first physical threats were issued. Commander Tomas Borge . . . said there would be religious freedom for those who were with the revolution, but for those who were deceiving people and preaching negative attitudes their days were numbered." [16]

On July 30, 1982, Radio Sandino covered a speech on the subject by Borge. According to Radio Sandino:

"Borge said that the religious sects—the Jehovah's Witnesses, the Adventists, the Mormons and other groups opposed to the revolution—are under investigation . . . He noted that a bill is being submitted to the State Council that will require religious sects to register with the authorities before they begin operation." [17]

In a speech on July 17 Borge had said:

"There are a large number of sects that are being funded by the CIA . . . Some of them have mother churches in the United States. The most famous sects—and it is best for the people to know their enemies—are: Jehovah's Witnesses, the Mormons and the Adventists . . . Other sects are the Voice

of Acclamation and the Wesleyan Church, whatever the hell that means . . . It is evident that we have a to make a serious study to counteract their diversionist activity financed by the CIA of the United States and take measures of a police nature according to the laws of the revolution in order to control and neutralize certain activities that disrupt the country's internal order. To begin with, a large number of these sects are not registered with the pertinent government offices, thus making them illegal." [18]

Borge encouraged mob action against the Protestant churches. By August 1982 more than 20 Managua Protestant Churches had been seized by the "divine mobs." Some, but not all, of the confiscated properties were returned, but only on condition that the ministers refrain from criticizing the government.

Among the Christian organizations forced out of Nicaragua is the Salvation Army, whose charitable and religious activities there ended in August, 1980 after "ominous verbal threats from authorities, and, finally, instructions to close up the program and leave the country." [19]

Religious persecution has also affected the small Jewish community in Nicaragua. The community has been so intimidated by Sandinista actions and rehetoric during and after the revolution that virtually the entire community has fled the country. An article by Shoshana Bryen in the Wall Street Journal summed up the situation well when it said:

"There are some who believe the actions taken against Jewish citizens were the result of severe Sandinista anti-capitalism, but the death threats, the immediate confiscation of businesses and private property, the torching of Managua's synogogue (and later its confiscation) and the arrest and harassment of Nicaragua's Jews were not examples of burgeoning socialism . . . Other small, politically vulnerable communities in that area may suffer a fate similar to the Jews in Nicaragua, where the PLO is assisting the Soviet Union in the export of revolution and anit-Semitism." [20]

RELIGIOUS PERSECUTION OF THE INDIANS

Perhaps the most tragic case of persecution perpetrated by the Sandinistas is that inflicted on the Miskito, Sumo, and Rama Indians of Nicaragua's isolated Atlantic Coast.

Most of the members of these tribes are members of minority Protestant Churches, especially the Moravian church. Living in isolation from most of Nicaragua, they have had little to do with any government. The Moravian missionaries filled the gap by providing most of the schools, hospitals and support organizations that maintained the area.

The campaign of persecution against the Indians has thus far been directed largely at their religious leaders and institutions. In attacking the Indians' religious leaders, the Sandinistas are attacking their source of unity and strength more than attacking their religion itself.

As Belli explains, "When the Sandinistas came to power in 1979, they immediately announced that their top priority was to 'rescue' the Atlantic Coast." Cuban and Nicaraguan personnel began to flood into the area.

The Sandinistas began a heavy-handed attempt to redesign the lives of the Indians along Marxist lines, and "started to replace the people's own leaders with [the Sandinistas'] own authorities—many of whom were Cuban teachers and strangers." Resentments, repression, and riots followed in short order. Reports Belli:

"The Sandinistas blamed the events on counter-revolutionary and CIA inspired forces, and began attacking the most influential Moravian pastors. Some of them were jailed and others expelled, stimulating new waves of protest and repression. [The government] stepped up its attacks and dismantled the network of charitable organizations that, after a century of work, the Moravians had established." [21]

The Sandinistas sealed off the entire Atlantic coast. Travel to the region was allowed only by special permit. Indians were drafted into the militia. Those who refused were shot or forcibly relocated. Villages were forcibly evacuated and then burned. According to Edgard Macias, by midsummer 1982 the Sandinistas had destroyed 55 Moravian churches.

Ministers who are still allowed to preach in the region must submit their sermons to local Sandinista censors. Indian leaders have been rounded up and jailed. The three-tribe umbrella organization created to represent the Indians' interest to the government was shut down.

Two of the most prominent Moravian leaders, Rev. Norman Bent and Rev. Fernando Colomens had been prevented from staying in the Atlantic Coast area. The Moravian Social Action Committee has been closed by the FSLN.

In November of 1982, the Misurasata Council of Ancients (elders), the legitimate representatives of the people of the three tribes, officially denounced the Sandinista government before the Organization of American States.

In that denunciation the Ancients explained that, despite their "active participation in the struggle for liberation [against Somoza] and our decided support for the revolutionary government headed by the Sandinista National Liberation Front . . . ," their people had been subjected to "intense repression, lack of respect for our religious beliefs and traditions, imprisonment of our leaders, massive captures of peasants, women, the aged and children, rapes, beatings, torture, and the death and disappearance of prisoners . . .

"The situation has progressively worsened . . . They have expelled us from the land we received from our ancestors . . . Thousands of members of our communities are at this time kept, on Nicaraguan territory, in concentration camps under strict military vigilance, while more than 1,500 Indians have been obliged to seek refuge in the sister republic of Honduras . . .

"They live in refugee camps, almost at the mercy of the elements, with grave health and nutrition problems especially amongst the children who walk around practically naked and suffer from parasites and many illnesses."

The details of this persecution are particularly horrifying.

According to the Council of the Ancients, in January and February of 1982: "the FSLN with the pretext of 'spreading national sovereignty' destroyed 49 communities, burning more than 4,000 houses, and then, so that no one could return to their land of origin, cut down the fruit trees, shot all the domestic animals . . . and forced the persons that lived there to begin a forced march that took 11 to 15 days in order to arrive at the different concentration camps . . .

"During the forced march . . . the invalids, lame, blind and paralyzed persons were gathered together in the village of Tulinbilia, they were put inside the Church and they were burned—13 persons thus died."

In February also, Rev. Sandalio Patron, the leader of the Sumo Indians, was imprisoned.

Throughout the year the same story was repeated. In the third week of March, according to the Ancients, four more villages were burned, all the houses, churches, and domestic animals destroyed.

In April, religious leader Rev. Abel Flores and 13 deacons were arrested, mounted into a government helicopter and whisked away. No one is told where they were taken. A community called Suma de Kuahbul was occupied by the military. The villagers were forbidden to leave their homes, making normal life, including food gathering, impossible.

In May all churches in North Zelaya were told they must submit all messages for publication to the approval of State Security. The Indian community of Raity was destroyed; half the population fled to Honduras.

In June the Sandinista troops carried out the massacre of Musawas. Only the direct words of the Council of Ancients can adequately convey what happened in Musawas:

"On June 29, 1982, another military regiment of about 40 men appeared at about 9:00 PM. They captured (abducted) Mrs. Aquilina Robin, Calilda Lopez (and) Virginia Benjamin, and placed them in the church; about 30 minutes after, another group of soldiers brought two girls of 12 years each, (Maria Hernandez and Ledena Lopez) and they too were placed in the church. The women began to scream; about 11 o'clock that night, the relatives of the three women and two girls, filled with indignation and family love, approached the church and asked why they were ill-treating the women. They were also taken prisoners and brutally conducted into the church."

"Sometime around 12 o'clock that night, the Sandinista troop took the women out of the church. The girl, Maria Hernandez, of 12 years, was dragged out; because, after she was violated by the troop, she was unable to walk. . ."

"After the five women were carried outside the church, they were placed face down on the ground; one of the soldiers yelled 'not even as women are they any good; not even satisfaction can they give; I still remain with the desire, stinking daughters of sluts.' Presently a group of soldiers came out of the Church and machine gunned them."

Over the next 24 hours, 15 more villagers were murdered by the troops. "This act dispersed the community of Musawas. They went to the woodland looking how to save their lives. Thirty-three were captured and held hostage."

"The Community of Musawas presently in refugee camp in Mocoron is witness to all that took place at Musawas."

In July martial law was declared in the communities of Tuara, Sisin, Kuaquil, Boomsirpi and Yulotigni. The villagers were not allowed to leave their homes or celebrate religious services. According to the Indian elders, eight armed Sandinistas raped the 12 year old daughter of Rev. Serminio Nicho, a religious leader in Ninayeri Sandebay North.

According to the Ancients, the "months of August, September and October are a true Calvary for the 10 Indian communities of Puerto Cabezas. The communities are put under a state of siege. The villagers are pro-

hibited from fishing in the ocean, communal lands are expropriated, villagers are forbidden to leave the village. Masses and religious services are frequently closed down or can be celebrated only with previous permission."

The tactic of restricting the villagers to the village and of prohibiting them from fishing in the ocean or from using their communal lands is devastating because it can put the villagers on the brink of starvation.[22]

The Indians have given the Organization of American States (OAS) many pages of detailed eyewitnesses accounts of torture and murder by the Sandinistas. There is no need to recount all the gruesome stories here.

CONCLUSION

As the Nicaraguan Defense Minister Humberto Ortega has made clear, "Marxism is the scientific doctrine that guides our revolution . . . our doctrine is Marxism-Leninism."[23] Conforming to that doctrine, the Sandinistas are systematically attempting to coopt religious organizations that might threaten the FSLN's ability to dominate Nicaraguan political and social life.

Due to the strength of the Catholic Church, the Sandinista strategy has been to infiltrate, censor and control, rather than to eradicate outright.

At times, particularly when the weight of foreign opinion has been high, the Sandinistas have backed off, at least overtly, their persecution of the Church. During this five-day period, however, the following actions were taken against the Church:

Midnight, Oct. 29, 1983: Mobs began to demonstrate at twenty-two churches in the Managua area, and at an unknown number of churches outside Managua. The mobs, which ranged in size from 50 to 200 persons, interrupted Masses, chanted at churchgoers, and in several cases threatened priests.

0800 Oct. 30: A mob armed with clubs arrived at Saint Jude church in Managua. According to the pro-government press, the mob was acting against a church planned demonstration against the new national military service law. The mob interrupted Mass, and reportedly struck Father Silvio Fonseca. The mob refused to allow Monsignor Bosco Vivas to enter the Saint Jude area. A second mob prevented the holding of a church bazaar (kermesse) later that day.

1030 Oct. 30: Catholic Church leadership (Curia) decided to cancel Masses for the day. Curia was unable to contact some priests, who carried out scheduled activities.

1700 Oct. 30: A mob armed with clubs interrupted Mass at the San Francisco church in the Bolonia area of Managua, breaking church windows and vandalizing cars.

Night of Oct. 30: A mob gathered in front of the Santa Maria church in the San Juan neighborhood of Managua. Another mob burned a tire on the front steps of the Santa Carmen church.

Oct. 31: The government revoked the residency of two foreign priests, in effect exiling them. The two were Luis Corral Prieto, of Spain, and Jose Maria Pacheco, of Costa Rica, respectively the director and assistant director of Salesian school in Masaya.

Oct. 31: The Government announced the arrest of a Father Antonio (a citizen of Italy) for allegedly preaching against the national military service and advocating counterrevolutionary activities.

Nov. 2: The Catholic Church leadership postponed religious services for November 2, (All Souls' Day), calling instead for a day of fasting and prayer. The postponed masses were held November 3.

Sixty-five years of applied Marxist-Leninist doctrine have shown that communism will not accept co-existence with any religion that does not concede supreme authority to it. To the extent that Marxist-Leninist regimes allow churches to operate they do so because they are forced to, as in Poland, or for tactical reasons aimed at the ultimate objective of eradicating religion from society.

The overwhelming evidence of the widespread persecution of Christian Churches in Nicaragua is a sad reminder of the sometimes forgotten nature of Marxism-Leninism and its total antipathy for freedom of religion.

FOOTNOTES

[1] See for example: August 25, 1981 speech of Humberto Ortega; Managua Domestic Service (Radio) 23 April, 1982 (Foreign Broadcast Information Service (FBIS) 28 April, 1982 p. P9); Managua Radio Sandino 26 February, 1983 (FBIS 28 Feb., 1983 p. P17)

[2] "Communicado Oficial de la Direccion Nacional del FSLN sobre la Religion," *Barricada*, October 7, 1980.

[3] "Contestacion al Communicado del FSLN sobre la Religion (October 17, 1980)," *Revista del Pensamiento Centro-americano*, July-December, 1980.

[4] Macias, Edgard; "The Sandinista Revolution and Religion" presented to the White House Outreach Working Group on Central America; (July, 1983).

[5] "Jesucristo y la Unidad de su Iglesia en Nicaragua," (Carta Pastoral, October 22, 1980), *Revista del Pensamiento Centroamericano*, July-December, 1980.

[6] Macias, op. cit.

[7] Radio Sandino, Managua, June 10, 1981.

[8] Geraldine O'Leary de Macias; "Christians in the Sandinista Revolution," (January, 1983).

[9] Macias, op. cit.

[10] *Washington Times*, July 26, 1983.

[11] Archbishop Obando y Bravo, "Comments on the Papal Letter," *La Prensa*, Managua, August 14, 1983.

[12] Archbishop John R. Roche, comments on the United States Catholic Conference, Washington, D.C., September 9, 1982.

[13] Roche, op. cit.

[14] Macias, op. cit.

[15] Humberto Belli, "Persecution of Protestants in Nicaragua: The Neglected Story," 1983.

[16] Belli, op. cit.

[17] FBIS, Central America, August 2, 1982, p. 7.

[18] FBIS, Central America, July 21, 1982, p. 13.

[19] Letter, September 12, 1983 from Salvation Army LTC Ernest A. Miller.

[20] Shoshana Bryen, *The Wall Street Journal*, August 24, 1983.

[21] Belli, op. cit.

[22] Miskito Indian Council of Ancients of Misurasata. Testimony presented to the Organization of American States, May, 1981-October, 1982.

[23] Humberto Ortega, quoted by Branko Lazitch in *Est et Ouest* (Paris) August 25, 1981.●

Mr. STEVENS. Mr. President, I ask my good friend if there is any further business he wishes to transact.

Mr. BYRD. No, Mr. President; I have nothing.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. tomorrow, Thursday, May 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND SENATOR BUMPERS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time for the two leaders under the standing order, there be special orders for not to exceed 15 minutes each for the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Arkansas (Mr. BUMPERS).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the special orders tomorrow, there be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m. with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 2163

Mr. STEVENS. Mr. President, it is my understanding that, following the period for routine morning business tomorrow, the Senate will resume consideration of H.R. 2163, the Federal Boat Safety Act.

The PRESIDING OFFICER. The Senator is correct.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent, in accordance with the previous order, that the Senate stand in recess until the hour of 10 a.m. tomorrow.

There being no objection, the Senate, at 7:36 p.m., recessed until tomorrow, Thursday, May 17, 1984, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 16, 1984:

DEPARTMENT OF STATE

Michael Hayden Armacost, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Under Secretary of State for Political Affairs.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF COMMERCE

Joseph F. Dennin, of the District of Columbia, to be an Assistant Secretary of Commerce.

HOUSE OF REPRESENTATIVES—*Wednesday, May 16, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, as we ask Your blessings upon us, we are conscious of the needs of our Nation and our world. We are aware of the suffering of too many and the good fortune of too few. Open our hearts of concern to those who are hungry or ill clothed, may we heed the voice of the homeless and the forgotten, the refugee and the powerless. Help us, O God, to devote more of our energy into acts of kindness, our talents to find solutions to conflicts, our time to being reconcilers of understanding and messengers of peace. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WEBER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on the Speaker's approval of the Journal.

The SPEAKER. The Chair intends to have a quorum call before the President of Mexico comes, at about 10:25.

Does the gentleman withhold his motion?

Mr. WEBER. No; I will not, Mr. Speaker.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WEBER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will postpone the vote on the Journal until 10:25 a.m.

The point of no quorum is withdrawn.

The Chair will recognize 1-minute speeches.

The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

INTEREST RATES MUST BE BROUGHT DOWN

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, last week I talked with a young woman who is about to lose her home. She has not lost her job. She and her husband are employed. But the variable rate mortgage on their home, because of rising interest rates, is now costing them $140 more each month than they had anticipated. That amounts to almost $1,700 a year. They do not have it, cannot pay it and still provide food and clothes for their children.

This hidden hand in their pocket—the rise in interest rates over which they are absolutely powerless—is taking their home from them. There are many thousands like them throughout America.

Today the President of Mexico arrives. His entire country—and most of Latin America—is in the very same position as the young family I mentioned. Rising interest rates in the past few weeks have added $900 million to the annual burden of debt service for Mexico—and billions for the hemisphere. That in turn reduces purchases of goods from our country among our best foreign customers. It is a vicious cycle in which we all are the victims.

Unless interest rates are brought down drastically—and soon—our Nation and all our friends in the Western Hemisphere could plunge into a serious economic decline.

THE MESSAGE FROM THE PUBLIC IS CLEAR

Mr. SIKORSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, my understanding is that my colleague asked unanimous consent to revise and extend, and based upon the attempt to have the CONGRESSIONAL RECORD be an accurate reflection of what occurs on the floor, I would ask the gentleman if he would ask for extension only.

Mr. SIKORSKI. Mr. Speaker, my request is to address the House for 1 minute.

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SIKORSKI. Mr. Speaker, it is a cynical view of the world that names the destabilizing first-strike carrier of death a "Peacekeeper." The message from the public is clear; it is resounding. It is a message of survival; it says stop. Stop building the MX, and start talking to the Soviets. Stop using our best minds to research new weapons and turn their research to human ends.

Stop giving our children nightmares about nuclear holocaust; start giving them dreams of a brighter future. Stop believing the lie that our survival depends on the MX, and start listening to the Psalms of David, where it is said, "The war horse is a vain hope for victory, and by its great might it cannot save."

"The war horse is a vain hope for victory, and by its great might it cannot save."

THE REAL ISSUE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, I did not hear the request of the gentlewoman from Ohio.

The SPEAKER. The gentlewoman from Ohio asked unanimous consent to address the House for 1 minute.

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. OAKAR. Mr. Speaker, I am glad the gentleman is interested in accuracy, because on May 8, in the infamous Red-baiting speech, my colleague from the other side of the aisle referred to me and stated that I had an 18-year-old son who would not serve the country in the armed services.

Mr. Speaker, I do not have an 18-year-old son. I realize that all women in this House look alike to my colleague, and I also realize that in these personal attacks, truth is not important to my colleague on the other side of the aisle.

Mr. Speaker, I also realize that the intent of that kind of rhetoric is to impugn one's reputation. Let me say that I will match my personal and professional reputation with his any day of the year. If he wants to start to do that, I am ready.

Let us not skirt the real issue; the issue is Reagan's foreign policy, which is leading us to a path of war.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

VARIABLE RATES/VARIABLE FUTURE

Mr. WIRTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend and verify my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. WIRTH. Mr. Speaker, for the first time in 50 years, rising interest rates are an added burden to hundreds of thousands of Americans who hold variable rate mortgages. The higher market rates are pushing up monthly mortgage payments for a growing number of households that can ill afford another squeeze on their budgets.

The proportion of variable rate mortgages is still small but the trend is moving rapidly in the other direction. Almost 60 percent of new mortgages are being lent at variable rates.

Through this mechanism, the risk of inflation is shifted to the average homeowner. For more and more Americans, the price of buying a home now includes a wager that interest rates and inflation will stay low.

For the holders of variable rate mortgages, the deficits of Reaganomics will no longer be distant abstractions but something that intrudes on the ability of the average family to balance its own monthly budget. Will this lead to valid pressures for deficit reduction or only to pressures on the Federal Reserve Board to increase the money supply? No one is sure.

Mr. Speaker, what is clear is that irresponsible macroeconomic policies are casting another cloud over the American dream of owning a home. It is another example of where we should have looked before we made a financial leap.

□ 1010

LOOPHOLE OF THE WEEK

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, is it my understanding that my colleague has asked unanimous consent to revise her remarks? Is that correct?

The SPEAKER. The gentlewoman said to revise and extend.

Mr. THOMAS of California. I would request that her unanimous-consent request be altered to include only extension, because I believe that the CONGRESSIONAL RECORD should be an accurate reflection of what is done here. If we have changed our policy in terms of the television cameras to show truth in packaging, I think the CONGRESSIONAL RECORD should also reflect that.

I wonder if the gentlewoman would change her unanimous-consent request.

Ms. KAPTUR. I am going to read my statement and request that it be printed exactly as I read it.

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The gentlewoman has 1 minute.

Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. Mr. Speaker, the "tax loophole" this week pertains to "highway robbery"—a tax loophole scheme that robs average taxpayers by giving wealthy investors tax breaks to purchase billboards.

This tax scheme amounts to nothing more than paper shuffling at a great price to the National Treasury. Billboards, once purchased by investors, are not put to new use. They are merely leased back to the previous owner, and after 5 years, are resold to the previous owner.

Why all this nonproductive paper activity? The answer is huge tax breaks. The investors benefit from accelerated depreciation and the special capital gains tax rate to lower their taxes. Original owners of billboards benefit because, after 5 years, they are able to write off supposedly newly acquired assets under the accelerated depreciation laws. And average taxpayers? they lose in this real estate shelter scam.

The next time you drive down a highway and spot a billboard, there is something else you should think about besides the product advertised. And that is your tax dollars pay for what your eye beholds.

WELCOME PRESIDENT DE LA MADRID

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to extend and verify my remarks, and to include therein extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. THOMAS of California. Reserving the right to object, Mr. Speaker, and I shall not object, I would engage the gentleman from Arkansas in a colloquy in terms of his choice of words "to verify" rather than "to revise." Was there a conscious choice of words?

Mr. ALEXANDER. Yes. Yesterday the stenographers as they took down my words and transcribed them made several errors in the transcription and I would like to reserve the opportunity to review that transcription and to correct the mistakes in the recording.

For example, yesterday I made a speech on the equal access bill and I stated in that speech that one of the problems in confusion was caused from court decisions. The stenographer took down the word "church" decisions. So I would like to reserve the opportunity to correct and make those changes in the RECORD which would accurately reflect the statements which I make this morning.

Mr. THOMAS of California. Further reserving the right to object, I congratulate the gentleman from Arkansas in resolving a concern that I have, because clearly in not asking for revision we are not interested in changing the CONGRESSIONAL RECORD; we are simply attempting to make sure that it reflects what we said. To the degree that to verify is to make those changes which accurately reflect what was said, rather than to change the substance or to delete comments that were made, I certainly accept the suggested unanimous consent from the gentleman from Arkansas.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me under his reservation?

Mr. THOMAS of California. I would continue to reserve the right to object and yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think it is important to understand that the way that the rules of the House are constructed, the revision that is accorded Members is supposed to be precisely what the gentleman from Arkansas has outlined as his reason for verification.

There are not supposed to be substantive changes in the CONGRESSIONAL RECORD based upon revision of remarks. That is something which has grown around here which has altered the RECORD and, in fact, the kind of verification the gentleman from Arkansas is referring to is precisely what we ought to be doing under the rules of the House as they presently exist.

Mr. THOMAS of California. If I might reclaim my time, I think what we have decided is that we now have a procedure to make sure that what the CONGRESSIONAL RECORD shows is actually what we have said and that our real intent, when we used to use the phrase "revise" was actually to verify.

There is no attempt to be obstructionist on the part of the gentleman from California because extensions are appropriate, extraneous materials are appropriate, and now we are requesting that we verify remarks rather than to revise.

I appreciate very much the solution of the gentleman from Arkansas and the gentleman from Colorado (Mr. WIRTH) to a problem which I believe

was a growing one and with concern on both sides of the aisle. I appreciate again the choice of words, which accurately reflect what most Members want to do with the CONGRESSIONAL RECORD, and that is to verify their remarks so the CONGRESSIONAL RECORD is an accurate reflection of what takes place on the floor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. WILLIAMS of Montana). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized for 1 minute.

Mr. ALEXANDER. Mr. Speaker, I take this time today to welcome our friend from Mexico, President de la Madrid, who will address a joint session of the Congress within the hour.

I notice in today's paper that yesterday, in his meeting with President Reagan, he stated that peace has been disrupted in Central America and that the risk of general war—the scope and duration of which no one can foresee—is growing.

President de la Madrid warned President Reagan about a month ago that his policies in Central America were causing anger among the Latin American people because of the naval operations and the continued military maneuvers in that region.

I hope that President de la Madrid will call upon the Congress and the American people for a new kind of relationship with the United States among our Latin American allies, one that was envisioned by our Founding Fathers which includes mutual respect for territorial integrity and sovereignty and cooperation among nations of the Western Hemisphere.

ALTERING COMMITTEE TRANSCRIPTS IS NOT A CRIME

(Mr. BROOKS asked and was given permission to address the House for 1 minute.)

Mr. BROOKS. Mr. Speaker, last Thursday evening, proceeding under special orders, the gentleman from Pennsylvania (Mr. WALKER) referred to a request that he and other Members made of the Attorney General to initiate an investigation to determine whether there were grounds for criminal action arising from the unauthorized alterations to committee transcripts. He alleged that the Ethics Committee was in possession of "virtually all of the evidence which would be required for a successful prosecution." He went on:

> Therefore, I am here today to request this committee to make available to the Department of Justice any and all materials in the committee files which would be germaine [sic] to their investigation into possible criminal prosecution, or a civil action for recovery, in this matter.

It is my understanding that over 6 weeks ago, the Department of Justice replied to the request for a criminal investigation and stated, "Based on the committee's extensive investigation and the preliminary investigation of the FBI, we have determined that there is insufficient evidence to warrant further investigation of this matter." The Department went on to say, "Under the law, as it now stands, the simple act of altering such transcripts regardless of intent is not a crime." I would ask the gentleman from Pennsylvania to place a copy of this letter in the RECORD at his earliest convenience.

□ 1020

THE BUCK STOPS WHERE?

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute.)

Mr. LEHMAN of California. Mr. Speaker, last week, Congress paid tribute to President Harry S. Truman on the 100th anniversary of his birth. President Truman was famous for his motto that "The buck stops here."

Our current President should work to follow Mr. Truman's advice in this regard.

As the prime rate has risen steadily over the past few weeks, President Reagan has begun to point the finger of blame at Federal Reserve Chairman Paul Volcker, in effect arguing that "The buck stops over there!"

When he was running for President, Mr. Reagan claimed that the interest rate buck stopped on the desks of former President Carter and Mr. Volcker, a Carter appointee. Last year, President Reagan expressed his support for Mr. Volcker by reappointing him as Chairman of the Fed.

Clearly, the blame for the current interest rate mess should not be placed at Mr. Volcker's doorstep. Even Mr. Volcker's critics admit that, as a Reagan appointee, Mr. Volcker is conducting monetary policies that have at least tacitly been approved by the administration.

It was the President's runaway tax cut program and massive military buildup that caused the Federal deficit to eat up such a huge portion of the Nation's available capital base. By any objective analysis, the President need not look any further than his own desk top to be reminded where the buck truly stops with regard to this Nation's economic distress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that it intends to take one more Member on the Democratic side, and then, because the House intends to vote at 10:25, the Chair will move to the Republican side.

The Chair will recognize the gentleman from Florida.

PARLIAMENTARY INQUIRIES

Mr. LUNGREN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LUNGREN. Mr. Speaker, does this mean that when we come back after we have received the President of Mexico, we will resume 1-minutes?

The SPEAKER pro tempore. That is a possibility.

Mr. LUNGREN. Well, Mr. Speaker, that is really not an answer to my question. Are we or are we not going to do it? Because we have had 20 minutes of Democratic one minutes, and perhaps 4 minutes of Republican 1-minutes.

The SPEAKER pro tempore. The Chair will answer the gentleman that that is a possibility because it will be up to the judgment of the Speaker.

Mr. WALKER. Well, a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, the gentleman in the chair is the Speaker at this point. What we need is a ruling as to whether or not the minority side is going to be accorded the right to 1-minutes, since many of us have been sitting here after, or before members of the majority side were recognized. Now, it seems to us that we deserve our opportunity to have our 1-minutes considered here, too.

Is the Chair going to allow 1-minutes or not?

The SPEAKER pro tempore. The Chair will again tell the gentleman of the minority that the decision as to the earlier gentleman's request as to whether or not 1-minutes will proceed immediately after the recess, the Chair announces that decision will be the Speaker's.

The Chair will also announce that the Republican side of the aisle, as well as the Democratic side, will have an opportunity for 1 minutes sometime during the course of the day.

Mr. WEBER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WEBER. Mr. Speaker, does the Chair mean that the Republicans will be given the opportunity to do the 1-minutes prior to the beginning of legislative business?

The SPEAKER pro tempore. No; some time during the day.

Mr. WEBER. Perhaps at the end of legislative business?

The SPEAKER pro tempore. That will be a decision for the Speaker.

Mr. WALKER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Given the schedule of the House, then, it is possible our 1-minutes will fall some time late tonight? Is that a possibility?

The SPEAKER pro tempore. That is a possibility.

REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. THOMAS of California. Mr. Speaker, I object.

Mr. PEPPER. Mr. Speaker, I move that I have the privilege to address the House for 1 minute.

The SPEAKER pro tempore. The Chair will advise the gentleman that that motion is not in order at this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is 2 minutes away from putting the question on the Journal.

The Chair recognizes the gentleman from Minnesota (Mr. WEBER).

REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. WEBER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. PEPPER. Object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Chair recognizes the gentleman from Indiana (Mr. COATS).

REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. COATS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. PEPPER. Object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. WALKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. PEPPER. Object, Mr. Speaker.

Mr. LELAND. Object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

THE JOURNAL

The SPEAKER pro tempore. The question is on the approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. LUNGREN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LUNGREN. Mr. Speaker, my question is, Will the RECORD reflect that the objections on the Democratic side came from Members who were not on the floor when the Members on the Republican side arrived who have asked to give their 1-minutes?

The SPEAKER pro tempore. The RECORD will reflect what happened.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 91, answered "present" 7, not voting 34, as follows:

[Roll No. 148]

YEAS—301

Ackerman	Clarke	Garcia
Addabbo	Coelho	Gaydos
Akaka	Coleman (TX)	Gephardt
Albosta	Collins	Gibbons
Alexander	Conte	Gilman
Anderson	Conyers	Glickman
Andrews (NC)	Cooper	Gonzalez
Andrews (TX)	Courter	Gore
Annunzio	Coyne	Gradison
Archer	Crane, Daniel	Gray
Aspin	Crockett	Gregg
Badham	D'Amours	Guarini
Barnard	Darden	Gunderson
Barnes	de la Garza	Hall (OH)
Bartlett	Dellums	Hall, Ralph
Bateman	Derrick	Hall, Sam
Bates	DeWine	Hamilton
Bedell	Dicks	Hammerschmidt
Beilenson	Dixon	Hatcher
Bennett	Donnelly	Hawkins
Bereuter	Dorgan	Hayes
Berman	Dowdy	Hefner
Bethune	Downey	Hertel
Bevill	Duncan	Hightower
Biaggi	Dwyer	Hiler
Bliley	Dyson	Hillis
Boehlert	Early	Holt
Boggs	Eckart	Hopkins
Boner	Edgar	Horton
Bonior	Edwards (AL)	Howard
Bonker	English	Hoyer
Borski	Erdreich	Hubbard
Bosco	Evans (IL)	Huckaby
Boucher	Fascell	Hughes
Boxer	Fazio	Hutto
Breaux	Feighan	Hyde
Britt	Ferraro	Jeffords
Brooks	Flippo	Jenkins
Brown (CA)	Florio	Johnson
Broyhill	Foglietta	Jones (NC)
Bryant	Foley	Jones (OK)
Burton (CA)	Ford (TN)	Jones (TN)
Byron	Fowler	Kaptur
Carper	Frank	Kasich
Carr	Franklin	Kastenmeier
Chandler	Frost	Kazen
Chappell	Fuqua	Kennelly
Kildee	Murphy	Skelton
Kleczka	Murtha	Slattery
Kogovsek	Natcher	Smith (FL)
Kolter	Neal	Smith (IA)
Kostmayer	Nichols	Smith (NE)
Kramer	Nielson	Snowe
Lantos	Nowak	Snyder
Leath	O'Brien	Solarz
Lehman (CA)	Oakar	Spratt
Lehman (FL)	Olin	Staggers
Leland	Ortiz	Stark
Levin	Panetta	Stenholm
Levine	Parris	Stokes
Levitas	Patman	Stratton
Lewis (CA)	Patterson	Studds
Lipinski	Paul	Stump
Lloyd	Pease	Sundquist
Long (LA)	Perkins	Swift
Long (MD)	Petri	Synar
Lowery (CA)	Pickle	Tallon
Lowry (WA)	Porter	Tauke
Luken	Price	Tauzin
Lundine	Pritchard	Thomas (CA)
MacKay	Pursell	Torres
Markey	Quillen	Torricelli
Marlenee	Rahall	Towns
Marriott	Rangel	Traxler
Martinez	Ratchford	Udall
Matsui	Ray	Valentine
Mavroules	Regula	Vento
Mazzoli	Reid	Volkmer
McCain	Richardson	Walgren
McCandless	Ridge	Watkins
McCloskey	Rinaldo	Waxman
McCurdy	Robinson	Weaver
McDade	Rodino	Weiss
McEwen	Roe	Wheat
McGrath	Rogers	Whitehurst
McHugh	Rose	Whitley
McKernan	Rostenkowski	Whitten
McNulty	Roukema	Williams (MT)
Mica	Rowland	Williams (OH)
Mikulski	Roybal	Winn
Miller (CA)	Rudd	Wirth
Mineta	Russo	Wise
Minish	Savage	Wolpe
Moakley	Schneider	Wright
Mollohan	Schulze	Wyden
Montgomery	Schumer	Wylie
Moody	Seiberling	Yates
Moore	Sharp	Yatron
Moorhead	Shelby	Young (MO)
Morrison (CT)	Shuster	
Mrazek	Sisisky	

NAYS—91

AuCoin	Frenzel	Packard
Bilirakis	Gejdenson	Pashayan
Broomfield	Gekas	Penny
Brown (CO)	Goodling	Ritter
Burton (IN)	Gramm	Roberts
Campbell	Green	Roemer
Carney	Hansen (UT)	Sabo
Chappie	Harkin	Schaefer
Cheney	Hartnett	Schroeder
Clay	Hunter	Sensenbrenner
Clinger	Ireland	Shaw
Coats	Jacobs	Shumway
Coleman (MO)	Kindness	Sikorski
Conable	Lagomarsino	Siljander
Corcoran	Leach	Skeen
Craig	Lent	Smith, Robert
Daniel	Livingston	Solomon
Dannemeyer	Loeffler	Spence
Daschle	Lott	Stangeland
Daub	Lujan	Vander Jagt
Davis	Lungren	Vucanovich
Dickinson	Mack	Walker
Dreier	Martin (IL)	Weber
Durbin	Martin (NC)	Whittaker
Edwards (OK)	Martin (NY)	Wolf
Emerson	McCollum	Wortley
Erlenborn	Miller (OH)	Young (AK)
Evans (IA)	Molinari	Young (FL)
Fiedler	Morrison (WA)	Zschau
Fields	Myers	
Fish	Oxley	

ANSWERED "PRESENT"—7

Dymally	Obey	Vandergriff
LaFalce	Pepper	
Oberstar	St Germain	

NOT VOTING—34

Anthony	Harrison	Roth
Applegate	Heftel	Sawyer
Boland	Kemp	Scheuer
Coughlin	Latta	Shannon
Crane, Philip	Lewis (FL)	Simon
Dingell	Madigan	Smith (NJ)
Edwards (CA)	McKinney	Smith, Denny
Ford (MI)	Michel	Taylor
Gingrich	Mitchell	Thomas (GA)
Hall (IN)	Nelson	Wilson
Hance	Ottinger	
Hansen (ID)	Owens	

Messrs. MARTIN of North Carolina, LOTT, and SPENCE changed their votes from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that today, when the Houses meet in joint meeting to hear an address by the President of the United Mexican States, only the doors immediately opposite the Speaker and those on his left and right will be open.

Children of Members will not be permitted on the floor and cooperation of all the Members is requested.

The House is going to go into recess, but previous to that, the Chair will make the following announcement:

We hope to come back at 12 o'clock, and we will resume the orders of the day. One-minutes will be in order at that particular time.

RECESS

The SPEAKER. Pursuant to the order of the House of April 26, 1984, the House will stand in recess until approximately 12 o'clock.

Accordingly (at 10 o'clock and 47 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE 98TH CONGRESS TO HEAR AN ADDRESS BY MIGUEL DE LA MADRID, PRESIDENT OF THE UNITED MEXICAN STATES

The SPEAKER of the House presided.

The Doorkeeper (Hon. James T. Malloy) announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the United Mexican States into the Chamber:

The gentleman from Texas (Mr. WRIGHT); the gentleman from Washington (Mr. FOLEY); the gentleman from Louisiana (Mr. LONG); the gentleman from Florida (Mr. FASCELL); the gentleman from California (Mr. ROYBAL); the gentleman from Mississippi (Mr. LOTT); the gentleman from Wyoming (Mr. CHENEY); and the gentleman from Michigan (Mr. BROOMFIELD).

The PRESIDENT pro tempore (Mr. THURMOND). The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United Mexican States into the House Chamber: The Senator from Tennessee (Mr. BAKER); the Senator from Alaska (Mr. STEVENS); the Senator from Idaho (Mr. MCCLURE); the Senator from Utah (Mr. GARN); the Senator from Oregon (Mr. HATFIELD); the Senator from Arizona (Mr. GOLDWATER); the Senator from New Mexico (Mr. DOMENICI); the Senator from California (Mr. WILSON); the Senator from West Virginia (Mr. BYRD); the Senator from Hawaii (Mr. INOUYE); the Senator from California (Mr. CRANSTON); the Senator from Rhode Island (Mr. PELL); the Senator from Texas (Mr. BENTSEN); the Senator from Louisiana (Mr. JOHNSTON); and the Senator from New Mexico (Mr. BINGAMAN).

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock a.m., the Doorkeeper announced the President of the United Mexican States.

The President of the United Mexican States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you His Excellency, Miguel de la Madrid, President of the United Mexican States.

ADDRESS BY MIGUEL DE LA MADRID, PRESIDENT OF THE UNITED MEXICAN STATES

(President DE LA MADRID addressed the joint meeting in Spanish. The English translation of his address follows:)

President DE LA MADRID. Mr. Speaker, Mr. President: I thank you for your generous invitation to address this joint session of the House of Representatives and the Senate. I accept this invitation on behalf of the Mexican people and in their name I express the ardent hope that relations between our two countries will always be characterized by cooperation, friendship, and mutual respect.

Honorable Members of the Congress, distinguished guests: I am honored by this opportunity to visit these Halls, which house the representatives of the people of the United States, to speak to you of matters of interest to the people of Mexico. These legislative chambers constitute a legitimate expression of democracy in the United States. They reflect the unparallelled diversity of a people that maintains a rich political tradition reinforced by their different origins and cultures, which have made respect for pluralism a governing principle of national coexistence.

Congress, above all else, embodies the political and social dynamics of its people. The constitutional system of this great Nation at the same time establishes the foundation for and the limitations to the excercise of power. The legislative body is the source of social order and the ultimate guarantee of civil liberties.

Thanks to the American revolution and the political genius of its Founding Fathers, this country has committed itself, in a form that has become classic, to the division of powers, recognition of the supremacy of law, and the sacred right to self-determination for all peoples. Without these principles, which represent America's great contribution to contemporary political and juridical culture, it is impossible to conceive of the constitutional organization of the rule of law. For the twentieth-century man, these ideals signify an irreversible advance in the march of civilization.

The United States has also contributed to the evolution of international law. From the Declaration of Independence to the Charter of the United Nations, we find institutions that express the thinking of the American people. At the end of the Second World War and in the wake of Nazi barbarity, the hopes of the community of nations rested, to a large extent, on the promise of absolute and immutable respect for the legal order.

Unfortunately, the history of recent decades has not fulfilled the expectations of development and well-being

aroused by the victorious nations. Reality would appear to confirm a hypothesis that has no moral foundation: the expansion of power, under the inexorable law of history, nullifies aspirations for freedom. The requirements of security are supposed to justify spheres of influence and unacceptable limitations on national sovereignty. This is the prism through which is seen the division of today's world into a bipolar system.

Countries should have a memory and a sense of the future. We must avoid the destructive tendency that places circumstantial interests ahead of permanent values and that seeks to negate the legitimate concerns and just aspirations of others. Without understanding and comprehension, it would be impossible to guarantee the peace and prosperity of nations.

Latin America is now awakening to an awareness of its identity. In the past, geographical distances and the structure of the international system separated us. Today, objectives and interests that coincide are distinctive features of the region's political process. We shall make the goal of solidarity a reality.

Above and beyond their similar origins and cultures, the integration of Latin American countries is essential to their development. The events of recent years show unmistakably that, in isolation, we cannot achieve the political and economic security to which we aspire. With one will, we shall forge our common destiny in this era.

Today, Latin America demands a new understanding between its countries and the industrialized countries of the hemisphere. The profound changes that have taken place make it imperative to open new channels of cooperation and trade that will ensure effective political communication and that will meet the development needs of our region.

The countries of Latin America seek, in conditions of equality and mutual respect, a new kind of relationship with the United States. They want to do away with any shadow of subordination, while preserving sovereignties and national identity. The principles of self-determination and non-intervention confirm our ability to govern ourselves autonomously. For us, independence is not a part of our past, but a daily conquest. It is the supreme value of our history.

In spite of imbalances and disparities, legal equality is the basic norm for harmonious order among the countries of the continent. This principle, the highest political achievement of the Americas, underlines the wealth of possibilities for negotiation and diplomacy. Now, more than ever before, we must use intelligence and exercise reason.

Uniformity is a utopian concept in an era of sharp contrasts and rapid change. Promising democratic developments that are evident in various Latin American nations call for the full acceptance of pluralism. A uniform style of democratic life cannot be imposed on anyone. Democracy, by definition, cannot use the arms of tyranny.

For us, peace and development have been and continue to be fundamental issues. The necessary cooperation with the countries of the North should be free of any political conditions, discriminatory criteria or demands for impossible reciprocity. Justice and well-being are the only effective guarantees for warding off the dangers of instability and a widespread conflagration in Latin America.

Unfortunately, there has been a steep decline in the region's economic activity in recent years and the standard of living of the Latin American people has seriously deteriorated. The consequences of the current recession are now added to the accumulation of our traditional unsatisfied needs. Our attention is undoubtedly focused on the deep crisis that we are experiencing.

It is true that our difficulties derive from domestic factors, but there are also decisive elements that lie within the structure of the international economy. It is generally accepted that overcoming the crisis requires new approaches to dealing with inadequacies in the cooperation among nations.

External indebtedness, high interest rates, and the growing protectionism practiced by the advanced economies are, at the same time, the cause and the effect of the crisis. In 1983, Latin America's foreign debt reached approximately 340 billion dollars, one fourth of which corresponded to Mexico. In that year, almost 35 percent of our exports went to pay interest, a proportion that exceeds the reasonable maximum for suitable budgetary management and the balance of payments.

When it recently authorized an increase in the United States contribution to the International Monetary Fund, this Congress itself set forth the need to explore measures to extend the periods set for debt payment and reduce interest rates; it also established the norm of allocating a reasonable percentage of export income to the annual servicing of the foreign debt, so as to alleviate the social impact of economic adjustment programs. Unfortunately, the course of events has taken another direction.

Faced with the crisis, Mexico is making great efforts to reorder its economy; and its notable achievements have deserved recognition by international opinion, which appreciates the courage and responsibility shown by Mexico in subjecting itself to its own project for renewal.

Such efforts are being carried out within a framework of freedoms, which has served to strengthen our institutions and the democratic life of our country, and demonstrates that our Revolution remains in force.

In 1983, success was achieved in checking the upward trend in rising prices, which was leading us to a hyperinflationary situtation; we were able to reduce the public deficit from 18 percent of the product, GDP, in 1982 to 8.5 percent in 1983. The external sector also showed substantial improvement and, for the first time in several decades, we obtained positive results. The above achievements were goals that my government had set itself and point up the consistency between what is said and what is done. We adopted measures to enforce economic discipline and the people have accepted the cost involved, since we believe, using entirely independent criteria, that such measures were necessary to establish sound basis for the future development of Mexico.

Nonetheless, the social cost of the difficult times that we are experiencing has been high. For the first time in 40 years, the Mexican economy regressed and our people saw their standard of living decline.

Countries expect to be treated fairly. How, then, can we explain that developing countries are being told to reduce their public expenditures, while other countries make use of a growing deficit as an essential lever for their recovery? How can we accept that a unilateral increase in interest rates nullifies the great efforts made for economic readjustment, accompanied by a lowered standard of living? Within interdependence, how can we justify the few enjoying prosperity, while the majority are afflicted by limitations and sacrifices?

Developing nations seem to be trapped in an iron circle of indebtedness and the cancellation of progress. High rates of interest decrease investment, reduce export capacity and thus make a greater inflow of foreign exchange impossible. An essential remedy will be for the raw materials and manufactured goods of our countries to have greater access to international markets and for protectionism to be eliminated. In a world that is becoming impoverished, we must jointly establish new bases for financial and commercial exchange.

Furthermore, the crisis paradoxically victimizes not only the least developed economies, but also broad sectors of the advanced countries. Between 1981 and 1983, Latin America stopped buying 32 billion dollars worth of exports from the United States. It is calculated that export losses affected 600,000 jobs in the United States. Ultimately, no one can escape the hard realities of mutual dependence.

By the mandate of its history and the sovereign decision of its people, the foreign policy of Mexico is ruled by unchanging principles that reflect and ensure national interests. On the basis of such principles, my government maintains friendly relations with all the nations in the world and contributes to establishing an order of peace, justice, and equality among all nations.

Faced with urgent development needs, we repeat that it is absurd to squander resources on an arms race that endangers the survival of mankind. Broad sectors of public opinion the world over call for a firm political will to achieve disarmament.

This Congress can most certainly echo the universal demand for disarmament. It is urgent to resume talks leading to a significant reduction in nuclear stockpiles and, finally, to their complete elimination. The superpowers have the unavoidable responsibility of guaranteeing that history continues and of helping to do away with the distressing consequences of backwardness and marginalization.

Regional conflicts, which tend to become generalized, also threaten international peace. Such conflicts provide opportunities for interventionist intentions, which could lead to global confrontation. Thus, responsible efforts to eliminate motives for controversy are urgent.

In our imperfect society of nations, the impossibility of coercive enforcement of international law does not detract from its legal validity and the obligatory force of its decisions. If we exclude law, our only alternative is anarchy and the arbitrary rule of whoever is able to impose his will. As nations, it is our duty to strengthen the institutions of the international community.

The efforts of the Contadora Group are being made in this spirit and represent Latin American actions to solve a Latin American problem. We maintain that dialogue and a negotiated solution to the conflicts are possible: we therefore reject, without exception, all military plans that would seriously endanger the security and development of the region. This continent must not be a scenario for generalized violence that becomes increasingly difficult to control, as has occurred in other parts of the world. For our countries, it is obvious that reason and understanding are superior to the illusion of the effectiveness of force.

In Central America, politics and diplomacy offer a real possibility of reaching agreements to prohibit the installation of foreign bases, to reduce and eventually eliminate the presence of foreign military advisers, to establish mechanisms against trafficking in arms, to prevent the activities of groups that undermine stability, and to discourage the arms race in the region. It undoubtedly involves feasible commitments that should be assumed by all parties concerned through honorable and secure agreements. The premise for such measures is the political will of the parties.

We are convinced that the Central American conflict is a result of the economic deficiencies, political backwardness, and social injustice that have afflicted the countries of the area. We therefore cannot accept its becoming part of the East-West confrontation, nor can we accept reforms and structural changes being viewed as a threat to the security of the other countries of the hemisphere.

Honorable Members of Congress, I wish to convey Mexico's recognition of the unanimous support given by the House of Representatives to the Contadora Group's actions. Your firm backing encourages us to persevere in the peace-seeking efforts and gives hope to the peoples of the region.

Mexico and the United States share a wide range of interests. In the past, our relations have, on many occasions, been difficult. On the basis of mutual respect and understanding, we have now formed firm ties of friendship. An exchange of opinions allows us to surmount differences and to take better advantage of points on which we agree.

Strong social interactions between the two nations enrich the life and culture of both countries. The contact between the people of both countries synthesizes different traditions, provides other experiences, and broadens the horizon of the future. We should therefore increase our scientific, technological, and educational exchanges, bearing in mind that the voice of each nation is a necessary point of reference for the conscience of the other.

Our geographic proximity inevitably gives rise to a number of mutually beneficial interests. Disparity of power and development cannot disguise the need for agreements satisfactory to both parties. In commerce and finance, in the definition of maritime limits, in fishing rights, and in border environmental protection, we should continue our efforts to reach solutions.

In particular, I would like to refer to the problem of undocumented workers. My country is convinced that temporary emigrants who work in the United States make a significant contribution to the development of border states and therefore to the prosperity of the overall American economy. Mexico has an ongoing interest in the full respect for their human and labor rights.

Honorable Members of Congress: The Congress of the United States is in a privileged position to uphold the permanent ideals of this great nation both at home and abroad. It should ensure that the future of your country is based on tolerance, understanding other interests, recognizing foreign identities, and respecting the wishes of others. We are confident that the American people will invariably prefer the limited exercise of power to the use of force, and reason to domination.

The cause of peace and development places responsibilities on all countries. Historically, essential changes have been brought about by the convergence of the sum total of peoples' determination and intelligence. Insofar as they are able, the countries of Latin America have long been fighting for detente and for a halt to the arms race; they have committed themselves to avoid regional conflicts, and they keep their actions within the law. Similarly, they are making efforts toward a fruitful North-South dialogue to establish the bases for a just and equitable international economic order.

Members of the United States Congress can recognize the legitimacy of the demands of Latin American countries and of developing countries in general. Their contribution will be decisive in achieving the well-being of our nations at a time when it is our lot to share crisis and prosperity.

We have said that Mexico is Latin America's border with the industrialized nations of the continent. Cooperation between our two countries shows that honorable and respectful coexistence between the developing South and the developed North is possible. I am certain that both countries will be able to find new formulas for collaboration, to broaden existing mechanisms for consultation and to strengthen the bonds of a fruitful and profitable friendship. Let us hope that this will be the hallmark of the new international community to which all the countries of the world aspire alike.

Thank you very much.

[Applause, the Members rising.]

At 11 o'clock and 30 minutes a.m., the President of the United Mexican States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Charge d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 35 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until 12 o'clock noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

TELEVISION COVERAGE OF HOUSE PROCEEDINGS

(Mr. PEPPER asked and was given permission to address the House for 1 minute.)

Mr. PEPPER. Mr. Speaker, not as a partisan, but as a proud Member of this House for over 20 years, I want to say a few words in great earnestness to my colleagues.

I was the first Member of the Congress to advocate the coverage of the Congress by broadcast radio, when that was the only medium of that character that we had. Later, I introduced the first television broadcast resolution as well.

Now for something over 5 years I have been proud to see the coverage of the proceedings of this House by television, by that miracle of television giving to people in their homes all over America the same privilege to hear and see the proceedings of this Chamber as if they were sitting in the gallery. I thought that was in furtherance of our democracy.

But what I want to say, Mr. Speaker, is up until recently that proceeding has gone forward without controversy. Lately there has developed a very bitter controversy about the proceedings on this floor in respect to that subject.

I want to speak from the heart in telling all my colleagues who care to see the continuity of televised broadcasting of the proceedings of this House that whoever perverts the use of television endangers the continuity of that practice.

It is just a question of time, if that continues, until it will be discontinued. And I hope all the Members will take to heart what I have said.

TIP REPORTING

(Mr. REID asked and was given permission to address the House for 1 minute.)

Mr. REID. Mr. Speaker, possibly, one of the most emotional issues among restaurant owners and culinary employees today is the Internal Revenue Service procedure for tip reporting.

Because of this inequitable tax treatment I have coauthored a letter requesting House conferees to make necessary changes in legislation that has passed both Houses of Congress.

Three important changes are needed. The first, to allow the Secretary of the Treasury the discretion, when conditions exist, to reduce the threshold tip reporting percentage down to a limit of 2 percent.

Next, to allow employees of an establishment to have a voice in requesting a reduced rate. Current law permits only an establishment's owner or operator to seek the reduction.

Third, to require the Secretary of the Treasury to prescribe the necessary recordkeeping measures for tip reporting.

The revenue effects of these modifications would be negligible. Yet, the impact on personal economies would be significant. In terms of equity to people in the restaurant industry these proposed changes are not only important, they are necessary.

THE IRAN-IRAQ WAR

(Mr. PEASE asked and was given permission to address the House for 1 minute and to verify and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, I rise today to express dismay over the continuing carnage of the Iran-Iraq war. As distressed as I am by the war itself, I am also dismayed by the fact that the rest of the world could seemingly care less about what is occurring on the border between those two nations.

Granted, the Governments of Iran and Iraq are both reprehensible. It is very tempting to simply wish a pox upon both their houses. Granted, neither seems receptive to outside advice. But though our ability to influence events there is limited, as compassionate human beings, we must do what we can.

No matter how repressive, proterrorist, or anti-American the regimes in Iran and Iraq are, we ought to hang our heads in shame for casually accepting a situation where wave after wave of 15-year-old Iranian boys is sent to the front to be slaughtered like sheep and where Iraqi pilots drop canisters of poison gas upon concentrations of Iranian troops.

Mr. Speaker, with these brief remarks I include the text of a letter that 14 other Members joined me in sending to President Reagan to urge that no stone be left unturned in attempting to end the Iran-Iraq war:

Hon. RONALD REAGAN,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We are writing from deep concern over the prolonged conflict between Iran and Iraq. Even though our country has very limited influence with either of these countries, there are compelling reasons for you to speak out more visibly and more forcefully for an end to this senseless war.

Our sensibilities have been numbed by continuing accounts of the tremendous loss of life and the immense suffering inflicted by the fighting. Iraq has resorted to the use of chemical weapons against Iranian troops. Iran has seen fit to mount human wave assaults of children, elderly men, and handicapped citizens. We appeal to you on humanitarian grounds to use every appropriate international forum at your disposal to focus attention upon the need to stop the bloodshed.

Furthermore, we believe that it is very dangerous for the future of U.S. foreign policy in the region to allow the slaughter in the Iran-Iraq war to go unabated. When governments are willing to engage in the sorts of atrocities already reported in this conflict, it is quite possible that one side or the other might deliberately undertake actions to engage third parties in the struggle in order to salvage its position.

As we write, Iran has already amassed large numbers of troops and war material on its border for a new offensive against Iraq. It is imperative that you act for the reasons we have cited to ensure that our country has left no stone unturned in attempting to halt the ongoing carnage in Iraq and Iran.

THE HIGH COST OF DEFENSE PROCUREMENT

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to verify and extend his remarks.)

Mr. BEDELL. Mr. Speaker, everyone has heard of the Government paying $435 for a $7 hammer. I want to tell you that that hammer was not an isolated case.

I purchased this pair of pliers for $3.77. The military paid $430 for a similar set of pliers as part of a repair kit.

I purchased a repair kit locally for $92.44. Upon checking, I found that the military had paid over $10,000 for the same items I purchased retail for $92.44.

I plan to offer two amendments to the defense authorization bill this week to help correct this waste and bring some increased competition to defense procurement.

I urge my colleagues to support these amendments and demand that the taxpayers be protected from such a waste of our tax dollars.

LEGISLATIVE SCHEDULING AND TV COVERAGE OF THE HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I would like to talk about a couple of issues during my 1-minute this morning.

First of all, the gentleman from Texas earlier today referred to a speech that I had made last Thursday night mentioning the fact that the Justice Department had indicated that they could not find enough evidence to pursue the case. If the gentleman had read my speech further, he would know that I made mention of precisely that. If the gentleman would go to page 11894 of the RECORD, he will find

that that particular item was mentioned in my speech.

Second, Mr. Speaker, I would like to talk about the equal access bill that was not approved by this House yesterday.

Many Americans are going to ask why, when 270 Members of the House voted for a bill, did it fail.

Well, that is because of the way it was scheduled. The Speaker personally decided the bill would be brought up under a procedure that required a two-thirds vote rather than a majority vote. The reason: The Speaker is quoted as saying he did so because the House is too busy to do otherwise.

I would remind the membership that this busy House finished regular legislative business this week at 2 p.m. just this Monday.

The fact is the equal access was purposely given an extra hurdle to clear in order to defeat it unjustly and unfairly.

And finally, Mr. Speaker, I would like to refer to the remarks just made by the powerful chairman of the Rules Committee, who, it seems to me, made a shocking statement when he threatened the TV coverage of this Chamber could be abandoned.

ALL MEMBERS MUST RESPECT THE RULES OF THE HOUSE

(Mr. WEBER asked and was given permission to address the House for 1 minute.)

Mr. WEBER. Mr. Speaker, yesterday during floor debate I specifically asked the gentleman in the chair, Mr. MOAKLEY, to affirm that the rules of the House do indeed apply to the Speaker of the House.

Mr. MOAKLEY, of course, affirmed that fact.

Later in the day in a virtually unprecedented ruling the Chair ruled that the gentleman in the chair now, the Speaker of the House, had violated the rules in a personal attack on the gentleman from Georgia (Mr. GINGRICH).

□ 1210

It was with great disappointment, Mr. Speaker, that I then read this morning in the New York Times your response to this rebuke. According to this morning's Times, and I quote:

> In an interview later, Mr. O'Neill maintained that he too had made his point and that the reproach to him "was no crime."

Perhaps not, Mr. Speaker. But, Mr. Speaker, the integrity of this institution depends on all Members respecting the rules of the House fully. Unfortunately, Mr. Speaker, your comments in the Times this morning show no such respect.

INSULATING OLYMPIC GAMES FROM INTERNATIONAL POLITICS

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. PARRIS. Mr. Speaker, yesterday I joined with Senator BRADLEY of New Jersey in introducing legislation that we feel could lead to insulating the Olympic games from international politics. I have submitted House Concurrent Resolution 308, expressing the sense of the Congress that the International Olympic Committee should establish a permanent facility for the Olympic games. While several locations have been suggested over the years for a permanent site, we believe the IOC should make that determination.

During this century, the games have been subject to political pressures. The games scheduled for 1916, 1940, and 1944 were suspended due to international conflict. The Moscow Olympics were boycotted by numerous nations and the list of countries boycotting this summer's games continues to grow.

I believe public opinion in this country and perhaps throughout the world supports the creation of a permanent site for the Olympics. While Senator BRADLEY and I would like to continue the tradition of moving the games from country to country, we realize that we live in a world which subjects any Olympic host to political disruption, that now threatens the survival of the Olympics.

There are numerous advantages to a permanent, neutral forum for the Olympics. One obvious advantage is that the unique facilities which are required would not have to be rebuilt every 4 years. The construction and maintenance of permanent facilities could be shared by the nations that participate in the games, in addition to corporate contributions if the International Olympic Committee so desired. I urge the Members of the House to join Senator BRADLEY and me in this effort by cosponsoring House Concurrent Resolution 308.

THE USE OF SCHOOL FACILITIES FOR RELIGIOUS ACTIVITIES

(Mr. COATS asked and was given permission to address the House for 1 minute and to extend and verify his remarks.)

Mr. COATS. Mr. Speaker, many of the millions of Americans who supported the concept of allowing high school students who want to voluntarily use school facilities for religious activities on the same terms and conditions as other voluntary activities, many of these Americans were surprised to hear that even though 270 Members of this House, or 64 percent, voted for this right, the measure was defeated. Why? Why did this bill require two-thirds passage? Why was two-thirds necessary to pass it?

Well, I think the answer is given in today's Washington Post, and I quote:

> House Speaker Thomas P. O'Neill, who opposed the bill, told Perkins—that is CARL PERKINS, the distinguished gentleman from the Democrat side—"That he would not cooperate in finding a spot for the bill on the House's crowded schedule." "I realize my only choice was to bring it up now and hope for the two-thirds vote," PERKINS said.

Too crowded, Mr. Speaker? We have had time this year for Frozen Food Day, we have had time for National Photo Week, we have had time for National Beta Club Week. Too crowded to deal with an issue that addresses the question of religious freedom, freedom of expression for our students in school? Perhaps our priorities are out of line, Mr. Speaker.

AMERICA'S AGENDA

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, let me react briefly to the gentleman from Florida, the chairman of the Rules Committee's statement, to the effect that we should not utilize the television coverage of this House to pervert the workings of the House.

I totally agree, and I am assuming that he is speaking of the times that we take for special orders after the official business is finished.

For myself, and I think I can speak for the gentleman from Georgia and the gentleman from Pennsylvania who have been taking a great deal of special order time, we have been speaking mainly about the balanced budget, the need for this House to just bring up a balanced budget, line-item veto, school prayer, and, finally, the President's 42-point crime package that passed the other body 91 to 1 and has been pronounced dead on arrival and has been bottled up here for almost a year.

So, Mr. Speaker, I think we are talking about America's agenda, and that is what we have been speaking about after hours.

And I would simply say, finally, Mr. Speaker, Mr. GINGRICH's portrayal of Members of the Democratic side and his criticism I think was justified. He challenged their judgment, not their patriotism, and I think his historical analysis was just as justified as would be the report of baseball statistics.

ENERGY DEVELOPMENT

(Mr. RUDD asked and was given permission to address the House for 1 minute, and to include extraneous matter.)

Mr. RUDD. Mr. Speaker, I wish to take this opportunity to insert into the RECORD the following letter to me

from Hon. Donald Paul Hodel, Secretary of Energy. It is a most valuable overview on the status of energy in our country.

Secretary Hodel has spent a good part of his adult life examining and working with the issues of energy development in this Nation. He writes with the experience of being a local manager of energy production as well as someone who has given a great deal of time and thought to national energy policy.

His statement is one of the most concise and clear reports on where this Nation stands with regard to energy resources and where we need to go. I commend this valuable information to my colleagues and to the American people who have an interest in our energy needs:

THE SECRETARY OF ENERGY,
Washington, D.C., May 2, 1984.

Hon. ELDON RUDD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RUDD: During the March 5 hearing of the House Appropriations Subcommittee on Energy and Water Development, you asked me to expand on my comments regarding energy supply projections and energy needs in this country. I am pleased to do that.

The U.S. has made great progress in reducing its dependence on imported oil and in developing a balanced and mixed energy resource base. However, much still remains to be done to assure that the nation is not vulnerable to the potentially severe impacts of supply disruptions. In the near term, our supplies of oil, natural gas, coal and electric generating capacity are adequate; in the longer term, we must assure that energy supplies remain adequate to meet the needs of a growing economy. It is important that we do not become complacent in response to current positive conditions and trends.

Imports of foreign oil in 1983 were down to about 28 percent of U.S. oil requirements from their peak level of 46 percent in 1977. In addition, our sources of supply have shifted away from the OPEC countries. OPEC provided over 70 percent of U.S. net oil imports in 1977. In contrast, OPEC provided 50 percent of 1982 U.S. oil imports and only 43 percent of U.S. imports in 1983. In fact, OPEC production as a proportion of the free-world oil market has dropped from 64 percent in 1979 to 46 percent in 1983.

About 2-3 percent of U.S. oil requirements currently come from the Persian Gulf. However, about 20 percent of the free world's total oil supply moves through the Strait of Hormuz, and our allies are and will remain heavily dependent on Persian Gulf oil. A disruption of supplies to the world oil market would have potentially severe economic consequences on all nations, including our industrialized allies, developing countries, debtor nations that rely on oil, and the U.S. The U.S. could not insulate itself from the effects of a major disruption even if it imported no oil.

As economic growth continues in the near term, oil use will increase. Therefore, it is critically important that we continue to promote efficient production of conventional domestic energy resources and development of alternative technologies, as well as to exploit the resource potential of energy conservation. Within this context, our near-term energy policy actions in connection with natural gas, electric utilities and nuclear power will be particularly important.

In the short run, domestic supplies of natural gas appear to be adequate to meet expected demand for the next few years. Nonetheless, as you know, price controls on natural gas are inhibiting drilling activity and causing distortions in the marketplace. Recent studies estimate that an additional 20 to 50 trillion cubic feet of low cost, domestic gas reserves would be produced under deregulation. However, if current regulations remain in effect, these domestic reserves may never be produced. The deregulation of natural gas would result in an increase in domestic gas production and further reductions in oil imports—benefits similar to those that occurred after the decontrol of oil prices.

Following decontrol of domestic oil prices, U.S. drilling activity reached record levels, and domestic oil production has been 0.5 to 2.0 million barrels per day higher than projections made only 5 years ago. Although drilling activity declined in 1983, wells and footage drilled in 1983 exceeded levels for all previous years except 1981 and 1982. Due to better economic conditions and lower drilling costs, drilling activity in 1984 has increased.

With respect to electricity, the U.S. currently has an excess of generating capacity. This excess capacity results from the combination of slow economic growth in the late 1970's and early 1980's, and unanticipated conservation in response to past increases in real electricity prices. Assuming that growth in the economy and in electricity demand over the next decade will be about 3 percent per year—an assumption I believe is reasonable—we could need 200-300 gigawatts of additional generating capacity by the year 2000. In addition, 25-30 percent of current generating capacity may require replacement due to obsolesence, thus necessitating an additional 180 typically-sized nuclear plants or 250-300 coal-fired plants by 2000 or 2005. The utility industry is not building generating capacity at anything approaching that rate now.

You asked in particular about nuclear energy. No new nuclear plants have been ordered since 1978, and 109 units (totaling 120 gigawatts) have been cancelled between 1972 and early 1984. Utility representatives cite three reasons for the plant cancellations: a decrease in load growth; regulatory uncertainties that have led to open-ended estimates of completion costs; and economic regulation by States which, when combined with the effects of inflation and cost escalation, have made it difficult to obtain needed financing.

I believe that nuclear energy is an imperative, not an option, in securing the nation's energy future with a balanced and mixed energy resource system. The Department projects that nuclear power will generate 19 percent of the nation's electricity in the early 1990's and up to 25 percent by 2010. To allow this to happen, it is crucial that the Congress enact the Nuclear Licensing and Regulatory Reform Act of 1983 proposed by the Administration so that we can improve plant safety and reduce the length of time required to build nuclear plants.

As I said at the hearing, the solution to our longer term energy supply concerns lies in pursuing a balanced and mixed energy supply system. We can best achieve this objective by minimizing federal intervention and control in the marketplace and placing maximum reliance on the private sector for development and production of this nation's abundant energy resources. With the help of Congress, and thoughtful Members like yourself, this nation can and will make the necessary investments to assure our national security and the long-term availability of adequate energy supplies at reasonable costs.

Sincerely,

DONALD PAUL HODEL.

A LACK OF COURAGE

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to verify and extend his remarks.)

Mr. SILJANDER. I would like to define the word "discouragement." The dictionary defines the word "discouragement" as a stealing away of one's courage. I believe this House has had its courage stolen away from it. Fifty-five times we have asked to bring up unanimous-consent requests for prayer in public schools; 55 times it has been denied. And just yesterday we were required by a two-thirds vote, rather than a simple majority as most every other measure in this House is required to obtain, we asked to bring up a moderate compromise of equal access, and we were again denied in an indirect fashion by a two-thirds vote requirement to bring up an issue which American people by an overwhelming majority are demanding.

Yes, discouragement does prevail in this Congress because discouragement, defined again, is a lack of courage.

CRIME CONTROL

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, the priorities of the House Democratic leadership are perhaps best illustrated by their inaction on the subject of crime. It was a full 51 weeks before the President's comprehensive Crime Control Act of 1983 was even referred to its relevant subcommittees. By that time the other body had already acted on all of the other provisions of the bill with the exception of the Federal Torts Claim Act. At the same time, it can be said that the priorities of the Democratic leadership of this body are also evident by their actions. Although we have not found time to deal with criminal justice reform, the leadership has found time to consider dairy price supports and domestic content legislation. This reflects a politization of the process at the expense of the issues for which there can be no narrowly defined constituency, yet which are of paramount concern to our national well-being.

Mr. Speaker, crime is everybody's problem—the rich, the poor, the young, the elderly. Let us go forward and represent the people of this country.

LET THE AGENDA OF THE AMERICAN PEOPLE BE HEARD

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Mr. Speaker, I can understand how pressure must be building on you, both here in this House and within your own party. But frankly, as a new Member, I was surprised and angered by your action yesterday which was an expression of your contempt for the rules of the House.

I believe that the question posed by my friend and colleague from Minnesota, "Do the rules of the House apply to the Speaker of the House?" was a valid one. We would like to follow your good example. Please give us that leadership.

Mr. Speaker, the only pressure that the minority is placing on you is this: Let our people vote. Let the agenda of the American people be heard. You tell us that you will schedule a vote on: First, a balanced budget; second, criminal justice reform; third, prayer in school; fourth, line-item veto; and fifth, reform of the rules of the House. Then we will withdraw. The need for us to use special orders to discuss these matters will no longer exist. We await your decision to schedule these votes.

BAIL REFORM

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to verify and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise to urge my distinguished colleagues in the Judiciary Committee to release the omnibus crime bill so we can debate these very important issues on the floor.

Mr. Speaker, I am concerned about one issue in particular—bail reform. A recent report showed that one out of six defendants out on bail were rearrested during the pretrial period. The point is that these crimes could have been easily prevented with a more conservative approach to bail.

The deficiencies of our current bail laws are especially prevalent in serious crimes dealing with major drug traffickers. In Miami, where a huge portion of drugs enter the United States, the average bond for drug defendents is $75,000 yet 17 percent of those arrested jump bail. In 1981 and 1982 four accused drug kingpins posted bonds of $1 million or more then jumped bail.

Mr. Speaker, title I of the crime bill would take care of the problems that I have mentioned by providing for revocation of release and increased penalties for crimes committed while on release. For those who are willing to surrender a large portion of money in order to continue doing business, title I would authorize courts to inquire into the source of property used to post bond.

Mr. Speaker, it is past time that we took a nonpartisan step to curb crime for the benefit of the people of this great Nation.

□ 1220

WHO STANDS IN THE WAY OF FOUR MOST IMPORTANT LEGISLATIVE ISSUES?

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Mr. Speaker, at this time I would hope to offer unanimous-consent requests calling for consideration of amendment to permit voluntary school prayer, balanced budget, line-item veto, and legislation calling for the passage of the President's Comprehensive Crime Control Act of 1983, H.R. 2151.

The Chair has ruled that in order to make these requests I must have the clearance of the majority and minority leaderships.

This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of these four important issues—the Democratic leadership of this House.

ARE THESE THE PRESIDENT'S VIEWS TOO?

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, last week one of the highest ranking officials of this administration hit America's 16 million Hispanics with a tar brush. Hispanics, we were told, by Housing and Urban Development Undersecretary Philip Abrams, preferred to "double up" and live in overcrowded housing because of "a cultural preference."

This, of course, is simply nonsense. As anybody with any commonsense can tell you the reason why many Hispanics live in overcrowded housing is because they cannot afford anything else. Undoubtedly, Mr. Abrams of his $70,000-plus annual Government salary can afford to live in a spacious, roomy home. And if those Hispanics who are currently jammed into overcrowded housing made that kind of money, they, too, would move into a fancy home.

Today's New York Times contains a story in which Mr. Abrams defends his remarks. Missing is any hint of remorse on his part, nor is there anything that comes close to an apology to those whom he has slighted.

But for an administration which has gone on record charging that: First, destitute people are homeless by choice; second, those who go to soup kitchens do so only because of free food, I think it is altogether fitting to include; and third, Hispanics enjoy living in overcrowded housing because of "a cultural preference."

It is no wonder that this administration is viewed as insensitive.

IN SUPPORT OF THE BENNETT-MAVROULES AMENDMENT

(Mr. BONKER asked and was given permission to address the House for 1 minute.)

Mr. BONKER. Mr. Speaker, as the House takes up the 1985 Defense authorization bill, perhaps the most significant decision we will have to make is whether to fund production of the expensive, vulnerable, and destabilizing MX missile. I rise in support of the Bennett-Mavroules amendment to eliminate all production funds for the MX.

The use of the MX missile system as a "bargaining chip" to force the Soviets to negotiate arms limitations has always been, in my opinion, a specious argument. In the late 1960's we were told that it was necessary to proceed with MIRV research and then production to force the Soviets to the bargaining table. Now both sides have MIRV'd missiles and we are all the closer to nuclear war as a result.

When Congress authorized and appropriated funds for the MX last year, it was told by the administration that MX deployment would give the administration necessary leverage to persuade the Soviets to negotiate an arms reduction and control agreement, based on the START proposals.

The administration has failed to demonstrate good faith in upholding its part of the "compromise package." Not only has no progress whatsoever been made by the administration toward arms control in the past year, but all arms control negotiations have been suspended. Rather than convincing the Soviets that they should negotiate a reduction in nuclear weapons, the MX program has convinced them that the Reagan administration has no genuine interest in arms control.

The best way to convince the Soviets that the United States is serious about arms reduction negotiations is to halt production for a weapon system which is inherently destabilizing and provocative. I urge my colleagues to oppose any funding for the MX missile system.

THE DIFFERENCE BETWEEN GOVERNING AND SPEECHIFYING

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, yesterday I know the Washington Post gave you an excellent editorial applauding your actions in expanding TV coverage of the House by allowing the cameras to pan the Chamber during special orders, after business, but I wanted you to know that in the West we also believe that Government is not a fungus and can thrive in the sunshine.

The Denver Post also printed an editorial applauding your actions in freeing the cameras. They said that the people should be able to see their elected tigers roaring to empty Chambers. That to do otherwise would focus only on the greasepaint of politics, but not measure the crowd's reaction to it.

One of the important distinctions we have to make in Government is the difference between governing and speechifying, and this is one way to do it. Mr. Speaker, the American public can now get a much fairer idea of what is happening here in the Nation's Capital after your actions and I am happy to see both the East and the West agree.

THE WORSENING SUFFERING OF INDUSTRIAL STATES

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to extend and verify his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, last month the Census Bureau released another set of figures which illustrates the tremendous suffering that has been inflicted on industrial States the last several years. These figures are State per capita income levels.

In 1970, Michigan, my home State, ranked 13; in 1980, 16. We have slipped badly the last few years to 20th in 1981, 21st in 1982, and now the figures for 1983 show 22d nationally. Those statistics indicate why so many of us from Michigan and other industrial States are interested in the issue of industrial policy. I think they also answer the question whether the people of Michigan are in better shape today than they were in 1980.

RELATIVELY EASY SOLUTIONS WHEN PEOPLE WORK TOGETHER

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to extend and verify his remarks.)

Mr. THOMAS of California. Mr. Speaker, some of you may be aware that I have been concerned about the fact that the CONGRESSIONAL RECORD does not accurately reflect what occurs on the House floor. It has been a somewhat awkward situation of trying to request Members to not ask for a revision unanimous request.

I would like to compliment the gentleman from Colorado (Mr. WIRTH) and the gentleman from Arkansas (Mr. ALEXANDER) for coming up with what I think is a very appropriate solution. That is that the Members ask to verify their remarks. Clearly, there are oftentimes grammatical errors and factual errors in the taking down of our words, and certainly Members should be allowed to verify their remarks.

This may be a small and insignificant change for many, but it indicates that when people are willing to work together to resolve what they see as common problems, there is always a relatively easy solution.

I thank the Speaker for allowing me to verify my remarks.

SOVIETS' OLYMPIC GAMES ACTION WILL BACKFIRE

(Mr. CRAIG asked and was given permission to address the House for 1 minute.)

Mr. CRAIG. Mr. Speaker, the Soviet Union's decision to boycott the Los Angeles Olympics was not a total surprise to many Americans. I am sure that many of us felt they would take retaliatory action for the U.S. boycott of the 1980 summer games in Moscow.

However, the Soviet propaganda machine states the reason they will not appear in Los Angeles is because the U.S. Government and the Reagan administration were plotting to induce Soviet bloc athletes to defect, through kidnaping and the use of "psychotropic drugs which affect the nervous system."

That has got to be one of the most ridiculous charges I have ever heard from any government, friend or foe. If the Soviets feel they can embarrass our President in the eyes of the American people, they have another thought coming. The American people will not apologize for not placing bars on the dormitory windows in the Olympic village. These are Olympic games of peace, not prison games conducted behind walls, bars, barbed wire, or closed borders.

What the Soviet Union has failed to realize is that our people are free thinking, well-educated individuals, and not simplistic clones of our Government. Their attempt to influence our upcoming election will backfire for them and for the people of their nations.

A CHANCE TO DEAL WITH SUBSTANTIVE LEGISLATION?

(Mr. LUNGREN asked and was given permission to address the House for 1 minute.)

Mr. LUNGREN. Mr. Speaker, yesterday in a rather historic session, we had a rather heated discussion about what has been going on on the floor for some months. Mr. Speaker, I fear we may have lost sight of what it was that we were really talking about. A lot of talk had to do with whether we ought to pan the Chamber to show there are very few people here. I suppose the gentlewoman from Colorado at some point in time is going to make a motion to pan this Chamber at this moment or perhaps during legislation business. If so, I would certainly support her on that.

That is not the point. We were talking about the fact that we have not had an opportunity to deal with certain substantive legislation here. Mr. Speaker, 8 weeks ago, Mr. WRIGHT, our distinguished colleague from Texas, accused the President of having amnesia. Richard Cohen, commenting on this specific speech in the Washington Post said:

> Nothing compares with what the House majority leader said, he called the President a liar 9 times.

Now, I can imagine Mr. WRIGHT was still stinging from the President's words that:

> It is time that we take the handcuffs off law enforcement and put them on the thugs where they belong. Maybe it is time to move some politicians out of office in order to get criminals off the streets.

The President was referring to the fact that we have had very little, if any, action on his comprehensive crime reform package. We have asked on this floor many times to deal with it. Mr. Speaker, that is the question at hand: Are we going to get a chance to deal with substantive legislation?

□ 1230

ANOTHER OPPORTUNITY FOR EQUAL ACCESS BILL

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS of Montana. Mr. Speaker and my colleagues: Again this morning we have heard the minority launch an attack on the established and traditional rules of the House and, worse, they continue their rather rancorous attacks, personal attacks, I believe, on the leadership of this House.

This morning they use as the mechanism for that attack yesterday's vote on the equal access bill. They call the bringing up of that bill under the suspension of the rules unjust and unfair.

What they forgot to mention, my colleagues, is that it was brought up

under the established rules of the House. What they forget to mention is that the supporters of that legislation wanted it brought up under suspension, and what they also neglect to mention is that, like any bill brought up under suspension that is defeated, the supporters of the bill will have another opportunity through the Committee on Rules to bring the bill up under regular order.

AMERICAN PASSBOOK SAVINGS BILL

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, for many years, Americans have relied upon flat-rate, long-term mortgage financing to achieve the American dream of private homeownership. Today, because of high interest rates, Americans are increasingly being required to consider exotic financing techniques such as the variable rate mortgage. Some of these new mortgage instruments provide low rates in the early years and much higher rates in the remaining years of the mortgage. Of growing concern with these new mortgage forms is the possibility of massive foreclosures should interest rates continue to rise. The recent 2 percent jump in prime interest rates has already sent variable rate mortgage payments soaring for many families in America.

The American passbook savings bill, which I and Congressman ECKART are going to introduce on Thursday, provides an opportunity to return to traditional flat-rate, long-term home mortgages. By encouraging Americans to invest in interest tax-free passbook savings accounts again, we can provide banks, savings and loans and credit unions in America with the stable source of low cost funds to make home mortgage money available again, and at decent rates again. It is time to stop quibbling over who is most responsible for high interest rates. It is time to do something about them.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES

Mr. LONG of Louisiana. Mr. Speaker, as chairman of the Democratic Caucus, and at the direction of that caucus, I send a privileged resolution (H. Res. 499) to the desk and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 499

Resolved, That Gerald D. Kleczka, Wisconsin, be, and is hereby, elected to the Committee on Banking, Finance and Urban Affairs; and to the Committee on Government Operations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEFENSE DEPARTMENT AUTHORIZATIONS, 1985

The SPEAKER. Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5167.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, with Mr. HARRISON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, May 15, 1984, the gentleman from Illinois (Mr. PRICE) had 6 minutes of general debate remaining, and the gentleman from Alabama (Mr. DICKINSON) had 30 minutes of general debate remaining.

The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, would it be permissible at this point for me to yield 15 of my 30 minutes back to the chairman? I would like to do that if I may.

The CHAIRMAN pro tempore. Without objection, it would be perfectly permissible.

The gentleman from Illinois (Mr. PRICE) now has 21 minutes remaining, and the gentleman from Alabama (Mr. DICKINSON) has 15 minutes remaining.

Mr. DICKINSON. Mr. Chairman, since I have yielded 15 minutes of my 30 minutes to my chairman, I had agreed with the gentleman from Washington (Mr. DICKS) if time were available, I would yield 5 minutes to him. If the chairman has enough time on his side, would he yield 5 minutes to the gentleman from Washington?

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding this time to me.

Mr. Chairman, all too often as we debate the Defense authorization bill, we focus almost exclusively on dollar levels and individual weapons systems rather than addressing the overall national security requirements of the country, and the role our military forces can play in meeting these requirements.

To be truly secure, the United States must be politically, economically, and militarily strong. The greatest weakness of the Soviet Union is its over reliance on the military component of national strength. While I firmly believe in the importance of maintaining a strong military posture able to deter aggression, I also believe that we must avoid copying the mistakes of the Soviets. Our economic and diplomatic capabilities must be integrated along with our military capabilities to be mutually supportive. When we present the proper balance, the total is greater than the sum of the parts. Many argue that this administration has over emphasized the military component of national strength, and I think that is a fair criticism. It is on this basis that I feel the proper level of defense spending should be debated.

In my judgment, the centerpiece of our national security goals should be to lessen the prospect of nuclear conflict.

Well thought out and coordinated strategic modernization that is designed to promote stability is a required element of reaching such a goal, but it is not by itself sufficient.

Even more important are efforts to manage strategic force levels and characteristics through arms control agreements. Reaching satisfactory agreements with the Soviet Union is not an easy task. But this administration will be the first in 20 years which has not achieved an agreement.

There are many who sincerely question this administration's commitment to arms control, and with good cause. Often repeated statements from a number of administration officials about both past and potential future agreements have fueled this skepticism. They appear to view arms control as more a danger than a benefit.

I welcome recent positive statements from the President on this issue, and I am awaiting positive signs of a true commitment to the spirit of arms control as an integral element of U.S. policy.

A second step to reduce the chance of nuclear war, that builds on arms control efforts, are concrete actions to

insure that we do not stumble into nuclear war.

These include open communications and efforts to resolve disagreements in times of crisis with nonmilitary means. While the initial exploration of improvements in the hot line, or for creation of a crisis control center, are positive steps which I strongly support, they can not stand by themselves. The necessity to avoid miscalculation can not be accomplished in the midst of a name-calling war and poisoned overall relations.

The technical steps to foster better crisis management need to be accompanied by regular and high level cultural, political, and scientific exchanges that can give us a better assessment of Soviet thinking and motivation.

A third step toward reducing the chance of nuclear war is to reduce our reliance on battlefield nuclear weapons in order to raise the nuclear threshold. The committee report language on this issue calling on the Department to develop joint service requirements and long-term funding plans to achieve it has my strong support.

As part of an effort to address this issue I will be joining with Congressman ASPIN in offering amendments to this bill directing the Department to advise the Congress on its plans to address the issue of comingled tactical nuclear weapons in the forward areas of West Germany and to provide details on its planned reduction of 1,400 tactical nuclear weapons from Europe.

I recognize that reducing the chances that we would have to resort to first use of nuclear weapons to defend Europe will require an alliance effort to increase conventional capabilities. I believe there are a number of ways through exploitation of advanced technologies and innovative tactics and doctrine that can move us toward this goal. But there is no getting around the fact that such an effort will cost money However, in my judgment, we will never accomplish this objective if we continue to declare strategic programs totally exempt from funding adjustments and continue to place the lowest priority on sustainability, which General Rogers cites as his greatest weakness.

I am also increasingly concerned about the prospects of nuclear war initiating at sea. The Navy plans to begin deployment of a nuclear armed land attack version of the Tomahawk missile this summer. This system would have the range and accuracy to strike a wide range of Soviet hard targets, and would make every navy surface ship and a submarine a nuclear delivery vehicle. The arms control implications of this new program have not been thoroughly discussed, and until they are, I am very skeptical about proceeding with the program as planned. This bill provides an opportunity to at least begin to focus congressional attention to this issue.

At this point I will not attempt to discuss in detail my thoughts on Asats and the MX. There will be more than ample opportunity during the debate on amendments affecting those systems.

But I would like to make some general comments on the overall level of spending included in the bill. I think the Congress rightfully rejected the unprecedented in peacetime 13 percent real growth originally proposed by the administration. This is clearly not sustainable and in my view only served to help undermine the already eroding support for real growth in defense investment.

The levels presented in this bill are far more realistic, and I believe in the ballpark both for what is required militarily with proper management and prioritization, and to sustain public support. While like any member I may disagree on some specific items in the Armed Services Committee recommendations, overall they have performed a difficult task in making $19 billion in reductions from the President's original request. I commend the chairman, the ranking minority member, and all members of the committee for the effort they have expended to bring this bill to the floor.

□ 1240

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, this morning my colleagues were probably all the recipients of a letter signed by the senior Senator from Colorado and the former Vice President, Walter Mondale. This letter was delivered to every office—at least I got one; I am sure you did—and it said, "We are writing to urge you to vote against all funding for the production of the MX missile."

Now, I find that utterly fascinating because Mr. Mondale, when he was Vice President, was for the MX missile, but then, in explaining that, says his fingers were crossed, he really "didn't mean it."

I have an article written by Walter Mondale that appeared in the Journal of Legislation of Notre Dame Law School, Winter 1983, "Criteria for a Comprehensive Strategy for Nuclear Arms Control, Walter F. Mondale." Now, in part, let me read a couple of sentences:

> We could abandon the MX if the Soviets agreed to major cuts in the missiles that threaten our Minuteman silos. There are many other ways to relate reductions in their forces to reductions in ours. Conversely, we cannot hope to reduce the things the Soviets have that worry us unless we are prepared to discuss seriously the things we have that worry them.

Well, now, back in 1983, just a year ago, the same gentleman, now a viable candidate, reasonably, for the Presidency, was for not abandoning the MX missiles unless the Soviets agreed to major cuts in their missiles that threaten our Minutemen. But this morning as far as the MX is concerned, he is for unilateral disarmament. Now, that gentleman has a capacity to pirouette on these issues that makes Baryshnikov look clumsy.

Now, I suggest to you that the Bennett-Mavroules amendment, however well-intentioned, is a form of unilateral disarmament.

Now, what happened? What has happened to the mood of this House since we debated in 1983 the nuclear freeze?

I have here the statements of the leading initiator, the gentleman from Massachusetts. It is curious how all these things emanate from the Commonwealth of Massachusetts. The gentleman from Massachusetts, who was the initiator of the nuclear freeze, said:

> What can possibly be wrong with halting the nuclear arms race on both sides in a way that can be verified to prevent cheating, and what can possibly be wrong with having major mutual and verifiable reduction in both sides' nuclear arsenals?

Why, then, do we unilaterally give up a major weapons system? I cannot understand that. We have moved from mutual reductions to unilateral reductions.

Why reward the Soviets for playing tough guy? They have walked out of the Olympics, they have walked out of IMF, they have walked out of START, they are carpetbombing in Afghanistan, and to top it off, they have just awarded a medal to the pilot that shot down the Korean airliner.

And what is our rejoinder? Cancel a major weapons system.

The MX is not an ineffective weapon. I guess you pay your money and you take your choice on experts. It is like a personal injury case and you read the x rays. The doctors for the plaintiff say, "This man will never walk again;" the doctors for the defense say, "That leg is stronger than ever. Look at that strong fracture line."

Well, there are experts on MX, too. I choose to believe the Scowcroft Commission which had Democrats of such standing as John Deutch, who is now dean of science at MIT and served in the Carter administration; John Lyons, vice president of the AFL-CIO——

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I have no time. I would if I had time. If you get me the time, I will yield to the gentleman ad infinitum.

John Lyons, vice president of the AFL-CIO and chairman of their committee on defense. Try William Perry, who served as Under Secretary of Defense for Research and Engineering in the Carter administration. Try James Woolsey, who was Under Secretary of the Navy in the Carter administration.

How about Harold Brown, Secretary of Defense in the Carter administration? Or if that does not appeal to you, Lloyd Cutler, who was counsel to President Carter.

Don Rumsfeld, I suppose you partisans would reject out of hand. But then we have James Schlesinger, Jr., who was Secretary of everything under two Presidents. Or Mel Laird. What about Mel Laird? I suggest to you that is a pretty good lineup of experts.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I really have no time.

Mr. AuCOIN. Would the gentleman give him 1 minute to yield, please?

Mr. HYDE. He does not have it. Maybe your chairman will do it.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield, Mr. Chairman——

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. HYDE), has expired.

Mr. HYDE. I have only begun.

The CHAIRMAN pro tempore. Regrettably, the timekeeper has concluded.

Mr. PRICE. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DICKS. Mr. Chairman, will the gentleman yield briefly?

Mr. HYDE. I certainly do yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I know the gentleman from Illinois and I have disagreed about the——

The CHAIRMAN pro tempore. If the gentleman will suspend, is it the Chair's understanding that the gentleman from Illinois is yielding 5 minutes?

Mr. PRICE. The Chair is correct.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

Mr. HYDE. I thank my colleague and the Chair, and I yield briefly to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman and I disagreed on the freeze. I voted for the freeze, I think the gentleman voted against it, and we had a very healthy debate. But in the midst of that debate the Stratton amendment was adopted, and the gentleman from Oregon, who wants to be yielded to, was one of those who spoke eloquently at the time saying, "Yes, we need to have modernization until we reach this mutual bilateral freeze."

I think all of us recognized that modernization would go on until the freeze was adopted because we unanimously supported the Stratton amendment. So I think it is important in the context of this discussion to remember the entire history that led up to the freeze.

Mr. HYDE. Mr. Chairman, if I may reclaim my time, I never bought the freeze because I was never persuaded that the Soviets would permit onsite inspection for verification. There is just no chance that they would open up their society. Now, if they would, I might have bought the freeze.

Now, let me proceed. The MX is an essential near-term fix while moving toward Midgetman as a long-term solution.

I would remind my colleagues that the Soviets already have two sets of MX's. They have got SS-18's and they have got SS-19's which they have and they are developing——

Mr. AuCOIN. Mr. Chairman, will the gentleman yield? Surely the gentleman will yield now.

Mr. HYDE. Please. They are developing SX-24's and SX-25's. And what have we got? A 15-year-old Minuteman.

Mr. Chairman, I yield to my friend, the gentleman from Oregon, briefly.

Mr. AuCOIN. Mr. Chairman, the gentleman knows, does he not, that the Soviet missiles he has cited are not nearly as accurate, compared to that accuracy that the MX would have?

Mr. HYDE. No; that the MX would have?

Mr. AuCOIN. The MX missile——

Mr. HYDE. But we are not going to get the MX if you have your way.

Mr. AuCOIN. I am talking about the MX missile system that the gentleman is advocating. He suggests the Russians have accurate weapons that are equivalent to the MX. There is nothing in the Soviet arsenal that comes close to the accuracy of the MX, and I am sure the gentleman knows that.

Mr. HYDE. I hope you are right. I hope we never find out for sure.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank my friend for yielding, because what the gentleman from Oregon suggested is not so.

The SS-18, which is the Soviet intercontinental ballistic missile, is 20 percent, almost 25 percent more accurate than Minuteman III, which is the most modern missile we have in the arsenal.

□ 1250

Mr. HYDE. And the SS-19 is twice as big as the MX that we may never have if these gentlemen have their way.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield to me for one comment?

Mr. HYDE. No; I want to finish my statement. If I have time, I will yield to the gentleman, but let me finish my statement.

Mr. AuCOIN. I would like to answer the gentleman's question. I was discussing MX, not Minuteman 3.

Mr. HYDE. Survivability—the MX is but one leg of a triad. Each element lends survivability to the other; so do not hang your hat on vulnerability. There is a synergism between all three legs; air, land, and sea.

Yes, our bombers are 20 years old; yes, our Minutemen are 10 to 15 years old, and that is why we need the MX.

Peace is not served by a horse and buggy defense.

Now, as to the Aspin amendment, which I am going to support very reluctantly, and I would advise the Soviets to take it and run; all they need to do to get us to abandon 15—count them, 15 MX's—which are tentatively permitted under Aspin, is to send a clerk from the Soviet Union with a one-way ticket to Geneva to come and sit there at the table and, Zippo, there go 15 MX's. Some trade.

The Soviets are hardening their silos. They are hardening every installation they can, including communication and our Minutemen III's that are ancient and archaic, are not able to cope.

Now, I am sure this is a well-intentioned amendment by the gentleman from Massachusetts (Mr. MAVROULES) and the gentleman from Florida (Mr. BENNETT), but I suggest the Russians will be thrilled if we give up the MX, and I suppose Truman Capote, too; but I surely will not.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. Mr. Chairman, I thank the gentleman for yielding.

I wanted to inform the gentleman that there will be an amendment offered to the Bennett-Mavroules amendment, which would deal with the question the gentleman raised about unilateral canceling of a weapons system.

The amendment will say that we are not unilaterally canceling the system, but instead are postponing it as an attempt at offering an olive branch to the Soviets. The Strategic Arms limitations negotiations have broken.

What this amendment will say is that we, the Congress, will say to the Soviets that we are willing to postpone the MX missile. What we expect from you (Soviet Union) is an appropriate response from your side.

Mr. HYDE. In other words, they keep their missiles and we do not develop ours, if they will just talk to us. Is that what the gentleman is saying?

Mr. NEAL. No; Let me finish the thought. As we know, the Bennett-Mavroules amendment does not strike the 1984 authorization for 21 MX missiles.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois has expired.

Mr. HYDE. We still have a handful. We still have a few.

Mr. NEAL. Mr. Chairman, I ask for an additional 2 minutes.

The CHAIRMAN. The time is controlled by the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I am happy to yield to the gentleman from New York.

Mr. LUNDINE. Mr. Chairman, while our national security was the first and is the foremost function of the Federal Government, as we consider this legislation today we must keep two additional objectives in mind—arms control and budget deficit reduction. The defense projects we support and the overall spending authorized in the defense area for the upcoming fiscal year must be consistent with these goals. Unfortunately, Mr. Chairman, I do not believe that this bill as it comes before us today does what needs to be done to eventually achieve these long term goals.

This bill authorizes $208.1 billion in defense spending for fiscal year 1985, which is an increase of $18.1 billion above last year's $190 billion authorization level. The recommendations in this bill represent a real growth of 6 percent over fiscal 1984 levels, or in other words, about a 10 percent increase in total dollars for the defense function over last year.

When we debated the first budget resolution a few weeks back, this legislative body agreed to real growth in the defense area of only 3.5 percent, or about a 7.5-percent dollar increase for defense. Now here we are, with the first major challenge to our capacity to keep our budgetary word, and we are looking at a committee recommendation of nearly a 10-percent increase in the defense area. We must maintain fiscal discipline. We cannot afford to bust the budget on the largest segment of Federal spending. During the course of debate on this bill we need to make cuts to get us back to the budget resolution ceiling of 3.5 percent real growth.

I realize that this legislation is the annual authorization bill, and that it is not until we adopt a defense appropriation bill that the actual budget authority or outlays in the defense area for fiscal year 1985 will formally be established. Nonetheless, if we cannot adhere to the necessary fiscal restraint when we are developing defense priorities as we are attempting to do with this bill, then we are not making the hard choices we must make to deal with our critical Federal budget shortfall.

I am also concerned that we are not doing what we must do to stop the outrageous nuclear arms race between the United States and Soviet Union. We are spending a larger and larger percentage of our defense dollars on procurement of more technologically sophisticated strategic weapons, while we are spending less on military personnel and readiness needs. Over the last 3 years, spending for procurement, research, development, and military construction have increased by 86 percent, while accounts associated with operation and support have increased only 30 percent.

There is great cause for concern over the status of arms control efforts between the United States and Soviet Union. Negotiations between the two nuclear superpowers have broken down, leaving the destiny of the human race hanging in the balance while each attempts to out modernize the other. There are several amendments which I intend to support to this bill which will contribute both to stabilizing the nuclear arms race and reducing the Federal deficit.

Toward these objectives, I will support efforts to delete authorization in this bill for the MX missile, antisatellite weapons (ASAT), B-1B bomber, nerve gas, and an amendment which will prohibit procurement spending that would exceed the fiscal year 1984 appropriation level by more than 3 percent. The Congressional Budget Office has estimated that canceling the MX missile alone would save $14 billion in budget authority—about 5 percent of total spending on strategic forces over the next 5 years.

For reasons which I will specify in greater detail during the floor debate on individual amendments, deletion of these defense items will not endanger our national security and will help significantly in our struggle to achieve fiscal austerity.

There is one other area of defense policy which I am concerned about which is not addressed in this bill. This is the very serious need for reform of the defense procurement system. The abuses which have been highlighted in recent months where the procurement of spare parts have cost astronomical and unjustifiable sums cannot be ignored.

I believe that greater competition is needed in the defense procurement process. Currently, only 6 percent of Pentagon procurement utilizes a competitive bidding procedure.

We also need to rely to a greater extent on dual sourcing of defense items so that we are not at the mercy of one defense contractor for a given item.

Since these needed reforms are not included in this bill, I urge my colleagues on the Armed Services Committee to move forward with additional legislation to bring these and other innovative reforms to bear on the defense procurement process.

Mr. DOWNEY of New York. Mr. Chairman, let me deal for a moment with the question of restraint, because it is systematically put down, by some as naive, stupid and weak kneed. The two examples where the United States decided to have the courage, and I submit to you that is what it takes, a certain amount of courage, to exercise restraint, have yielded profound results. The first example of that was in 1963 when President Kennedy decided unilaterally, to stop testing nuclear weapons in the atmosphere. Several months thereafter the Soviet Union followed suit and the atmospheric test ban treaty was signed.

In 1969, President Nixon—you all remember him—decided that he would unilaterally prevent the United States from advancing its chemical weapons stockpile and stopping the production of biological agents. It led 3 years later to the multilateral biological weapons convention signed in 1972 and at the 1974 Moscow summit.

So the examples of restraint which some so cavalierly, irrationally, and erroneously put down as not the way to deal with the Soviet Union have in two instances provided us with effective arms control agreements.

Let me deal with one other question. Fred Ilke about a year and a half ago told me at a breakfast—you know Mr. Ilke he is the Assistant Secretary of Defense for International Policy—said, "Don't worry, Congressman, we'll get the Soviets to negotiate on INF, but first we have to deploy the Pershing and the cruise missile. That is the only way to get the Soviets to be serious."

Well, Mr. Ilke's view of Soviet history has been disproved by history. The Soviets are not there. They are not anywhere in arms control, except in multilateral talks on chemical weapons I deplore them for that action; but the reality is the same.

The U.S. and U.S.S.R. are not negotiating on arms. There is no rational bargaining chip. History clearly indicates that once one begins testing weapons, they no longer serve you as bargaining chips. They become weapons in arsenals and both sides are replete with examples of that failed and unfortunate policy.

Later on in the day we will have an opportunity to take a look at the work of Messrs. ASPIN, GORE, and DICKS, and those who have in my view very courageously attempted to move this administration in the direction of

arms control and we will be able to lay out, I believe, very carefully that they were able to have some impact. They did manage to move the administration somewhat, but that progress has stopped cold. There has been no more progress inside this administration.

There is no reason militarily to continue building the MX. I urge my colleagues during this debate to listen carefully—carefully to the military justifications for the MX. Put aside the notion of bargaining chips and how you will move the Russians one way or the other. Listen to the military justification.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

I thank the Chair.

Mr. Chairman, I think that at this point it might be beneficial and helpful to the Members, for the few there are present and whoever might be watching in their offices on closed circuit television, to review the issue of the MX.

Now, the MX missile, I anticipate, will be the first order of business when we get under the 5-minute rule and that an amendment will be offered to eliminate it.

Going back in the history of our Minuteman III, which are 15 to 20 years old, and deteriorating, we attempted to develop a follow-on weapon.

The first scheme was a trench based weapon. We would put it in a trench or trenches and it would go between stations and you would not know at which position in that trench it would be. Therefore, it was supposed to be relatively safe and you could not hit it. Well, for political reasons, that did not sell.

Then we came along with two different schemes. One was horizontal and one was vertical. Politically that was not acceptable.

Then the Department of Defense and the administration, and I really at this point do not remember which administration it was, came up with the multiple protective shelter system. This is when we were going to have some 4,300 shelters in the ground into which we would put 1,000 missiles. They would be put covertly in there and perhaps moved from time to time. Therefore, you would have 4,300 fixed aim points. You would not know in which silos the missiles were and this was supposed to be the best scheme. It was probably killed for political not military and not technical, but for political reasons because of the area of the country involved and the political power of the people representing that part of the State.

□ 1300

So then they came up with another scheme and said we will go to close space basing or the six-pack or Dense Pack. That died aborning.

So there is a continuing building frustration about what are we going to do for an acceptable follow-on missile to the Minuteman III which is aging, and it is inevitable at some point, I do not care whether it is 20 years, 25 years of 30 years, at some point its shelf life is going to be exhausted, and it will not be a credible deterrent.

So this administration got together the most prestigious group that it could, headed by the retired General Scowcroft. It included Democrats, Republicans, labor leaders, and business people. They were to come together and make a recommendation of what would be the most credible basing system for a follow-on missile. They did this, and that was the Scowcroft Commission report.

They recommended three things. They said first we will go forward with the state of the art in the MX and we will build 100 of them. The MX would be put into existing silo holes, recognizing that these would still be subject to being hit by the Soviets because they were fixed points.

They recommended going forward with the development of a small mobile with a single warhead missile that can be deployed and moved from spot to spot, and there is no way that the Soviets would know how to target them because there is no way of knowing the location. The problem is that the initial operational capability of such a missile starting at this time last year would be after 1990 before we could even have the first one built.

And then as a consideration to those who were unhappy with the total program there was an emphasis the Commission put on negotiations. We even got the President to write another letter agreeing to and emphasizing that the arms control negotiation and abolition of nuclear missiles would be the ultimate goal. This was part of the package that we put together and agreed on and voted on last year. This was the package that included the MX, proceeding with the development of the small, mobile, single warhead missile, and go forward seriously and earnestly toward arms control negotiation. These were the three principal elements that we agreed to last year.

The other body subsequently agreed to go forward with the building of 21 missiles. Now that is where we are now.

Since that time the Soviets have walked away from the table. They have said they do not want to negotiate, and they are not negotiating. And there is no reason at the present time for them to come back to negotiate. What possible advantage could they have to come back to the table when they see the House and the Department of Defense threatened with the cancellation of all of the weapons, of all of the MX missiles? What do they have to negotiate? All they have to do is sit and wait and let the opponents of it kill the missile. Then they would have all of theirs deployed and we have zero deployed.

Let me just point out where we stand in relative terms. The Soviets, and these are all ICBM's, have 520 SS-11's with one warhead each. They have 60 SS-13's, one warhead each; they have 150 SS-17's with four warheads each; they have 308 SS-11's. Now this is the super missile that is even bigger than what we would propose to build. They not only have them but they are deployed and they have 10 warheads each and there are 308 of them. There are 360 SS-19's with six warheads each.

Now this adds up to more than 1,400 ICBM's in place today.

We are talking about a paper missile that we are attempting to build, which we have not deployed. We have not built the first MX yet.

In addition to that, the Soviets at the present time are building two new generations of ICBM's, the SX-24 and the SX-25.

And let me point out that the 18, the 19, the 24, and the 25 all have a greater accuracy than our present Minuteman III, and this is one of the urgent reasons we need to go forward and develop and build an MX.

We have come to the point now where we have done everything that we know how to do. The only defense against a missile coming at us is a deterrent capability.

We do not have a shield. We do not have any way to shoot it down. We do not have an antiballistic missile that the Soviets have. The only deterrent, the only defense we have got against the Soviet missile is the fact that we have a credible deterrent, that we can fire back at them if they start it.

If we go ahead and cancel the MX missile we do not have a defense, we do not have a deterrent, and we will ultimately be totally at the mercy of the Soviet Union.

Mr. KEMP. Will the gentleman yield?

Mr. DICKINSON. I am happy to yield.

Mr. KEMP. I thank my colleague for yielding and I agree with him. Not only will we not have a defense deterrent, but we will not have an opportunity to negotiate with the Soviet Union if we unilaterally stop a program which is designed to help restore our ability to act—and negotiate—from a position of strength. It seems to me that to abolish this program or to unilaterally restrain ourselves is in effect preemptively conceding an enormous advantage to the Soviet Union, heightening instability and the risk of war. And I defy anybody to tell us how we can get the Soviets to come back to

the negotiating table if the Soviets can succeed in stopping a program unilaterally without having to give up anything in return?

So I think the gentleman is absolutely on target. He makes the point that this program is part of our deterrent, and that this country's negotiation posture and overall security would be unilaterally weakened by stopping a vital strategic modernization program here in the Halls of the U.S. Congress.

Mr. DICKINSON. I thank the gentleman.

Let me say in the brief time that we have left, we were briefed at one point by Richard Helms, head of the CIA, and he told us in 1962 that we were negotiating with the Soviets on withdrawing their missiles from Cuba. And there was a head-to-head confrontation and the Cubans and the Soviet Ambassador at that time was Kuznetsov, and the now Ambassador, finally said all right, we will withdraw our missiles from Cuba, but I want you to know, Mr. Ambassador, that never again will the United States be able to dictate to us our foreign policy and where we may put missiles anywhere in the world. From that point on they have built to the point now where they have definite superiority.

Mr. STRATTON. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. I thank the gentleman for yielding.

I want to speak briefly to the question of unilateral action on our part.

When the Bennett-Mavroules amendment is offered, there will be an amendment which I authored, offered to it, and I understand that it will be accepted by the authors of the original amendment. It will say that we will not be unilaterally canceling the MX program. We will be postponing it for a year.

Arms negotiations have broken down. There is little likelihood, it appears, that arms negotiations will continue at the earliest until after the election in November.

The purpose of my approach is to offer an olive branch to the Soviet Union. We would not be saying we are going to unilaterally cancel anything. What we would be saying is that we will make an offer in good faith to reverse the trend of the arms race, to deescalate the arms race if we get an appropriate response from the Soviets. And we have some time during which to decide whether or not we have gotten an appropriate response.

I think we will know, as a matter of fact, by early next year. I think the Soviets will be aware of our time schedules around here, and if they take this seriously and want to respond in kind, they will let us know clearly by the time the President submits his budget and the Armed Services Committee starts working on their next year's budget.

I would have to say that the process that we have been following is not working very well. Whose fault is it? It is not clear. I do not think that really makes any difference at this point.

What I am suggesting though is that we take another approach. Remember that the 21 missiles authorized for 1984 will still be in the production line. Research and development continues, and flight testing continues.

□ 1310

And a new President, whoever he may be, will have with the acceptance of this amendment, the same options that are available today.

I especially wanted to say something about this at this time, even though the amendment has not been adopted yet, because I want to make it clear that after adoption of this amendment, it will no longer be accurate to describe what is being attempted today as unilateral in nature.

That is the word that has most often been used in this debate. I just want to make it entirely clear that with the adoption of my amendment it will no longer be accurate for anyone to describe what we are attempting to do with the MX as unilateral.

Mr. STRATTON. Mr. Chairman, how much time does the committee have remaining?

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) has 4 minutes remaining.

Mr. KEMP. Mr. Chairman. will the gentleman from New York yield for a question?

Mr. STRATTON. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. RAY).

Mr. RAY. Mr. Chairman, I rise in support of the defense bill which has been presented by my colleagues on the House Armed Services Committee, and I would ask that the Members of the House give it serious consideration.

I want to point out that many hours of serious review and hearings have been given to the overall bill and it is our majority opinion that it is a sound, adequate and necessary bill.

The Armed Services Committee, as a whole, and its subcommittees are made up of serious-minded people who are dedicated as a group to the security and protection of America and the free world. Let me also take a moment to pay tribute to the highly skilled staff who work on the intricate and highly complex programs of our defense.

Mr. Chairman, it is said occasionally that our committee gives in to the military, gives them what they want, and in effect recommends a blank check.

This is not correct, and I want to assure you that the checks and balances do work, as our subcommittees make recommendations and the full committee in the final analysis does work its will.

Let me review for a minute a problem which our committee has studied long and hard to address, and it is included in our bill.

The problem is the defense and survivability of our foreign air bases in NATO—the southern flank of NATO—Turkey, and around the free world.

Mr. Chairman, included in the DOD bill is $41 million for the Air Force's dual purpose, deep-strike fighter for 1985.

This fighter program would begin in 1985 and would be completed in the year 1989, at a projected cost of approximately $4 billion. Now I support this program because I am well acquainted with the Soviet threat and I realize that the adequate defense of the free world would depend on our superior airpower.

Mr. Chairman, I have taken a special interest in the problem of how to make our airbases in Europe more survivable. I am privileged to sit through the weekly intelligence briefings and listen to witnesses testifying on various aspects of our defense program. One thing has become strikingly clear to me—our airbases are inadequately defended. In most cases they are not defended at all by point air defense systems on the ground.

Along with other members of the House Armed Services Committee, I have, on occasion, asked the experts how it could be that after more than 35 years in NATO this problem has not been addressed. Given the critical role of airpower in the event of a war in Europe, how is it that we have almost totally neglected the defense of our airbases?

The answer is shocking. The Air Force looks upon ground-to-air defense of airbases as an Army mission, so they do not devote any significant resources to the mission. The Army, on the other hand, has never been authorized the force structure to defend airbases and some of our European airbases are located in countries like Turkey and Italy where the Army has little or no physical presence. Thus, the Army feels no urgency to devote resources to airbase defense. What we have is a gap in the division of responsibilities and no one is minding the store.

As things presently stand, it is likely that most of our airbases in Europe would become inoperative in the first few days of a war because of the lack of adequate point air defenses. And since DOD has failed to address the problem, Congress has had to take the lead.

Four years ago Congress established the Rapier role model—an innovative concept under which the United

States would procure European air defense systems, provided the European host nations agreed to man the systems and assume responsibility for point air defense of our bases. As a result of this congressional initiative, I am happy to say that our air bases in the United Kingdom are now defended with Rapier missiles manned by the Royal Air Force.

In the last 2 years congress has authorized and appropriated $250 million to extend the successful Rapier role model to continental Europe. As a result, in December 1983, DOD signed a historic cooperative agreement with the Federal Republic of Germany whereby the Germans will buy and man Roland missile systems in defense of three of our air bases and will man 12 of our Patriot area air defense systems. They will also purchase 14 Patriots through foreign military sales. In exchange, the United States has agreed to provide 14 additional Patriot fire units to the Federal Republic of Germany. This is a classic illustration of how cooperation can provide enhanced capabilities that neither country has been able to provide on its own.

But that is just the beginning. Five of our air bases in Germany will still be inadequately defended. None of our bases in Italy or Turkey are defended. Our air base in the Netherlands is inadequately defended. Our GLCM bases in Europe are undefended.

The committee is recommending a comprehensive $350 million package to continue the initiative which Congress began 4 years ago, and which has yielded such positive results thus far. As a part of that package—and to insure that DOD begins to take this problem more seriously in the future—the committee is recommending statutory language that would prevent the Air Force from initiating the F-15E "deep strike fighter" program until the Secretary of Defense submits to the Congress a master plan for European air defense together with a funding plan. Quite simply, the committee cannot recommend the start of an ambitious program to develop deep strike offensive capability until DOD takes the necessary steps to insure the survivability of such aircraft at air bases which are presently so vulnerable.

Mr. Chairman, I strongly urge the Members of the House to support this air defense initiative. Already, these cooperative programs have done much to improve our political relationships in NATO. But more importantly, they have established a precedent for how we can get more capability for our money by sharing the burdens and the benefits of our common defense.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE. Mr. Chairman, I yield the balance of our time on this side to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL. Mr. Chairman, the House will shortly debate an amendment which would delete authorization for the production of the Peacekeeper. If the House is prepared to accept unilateral disarmament, and this is the first step, then we may as well begin now to give up our institutions of freedom, tear up and throw away what is left of the Constitution; dismantle our Republic and convert the United States into the satellite of the Soviet Union.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman.

Mr. KEMP. I appreciate my friend from Virginia yielding. And he is right about unilaterally disarming. The Bennett-Mavroules amendment would terminate the procurement of the 21 missiles from last year; it would cancel the 30 more that the committee has authorized for 1985, and if that is not unilateral, I do not know what is.

Now is that any way to negotiate with the Soviet Union? Does anybody really think that we can bring the Soviets back to the table by unilaterally stopping a program that is necessary to modernize the defense deterrent of the United States of America?

It is true that the American people want arms control, but they do not want arms control at the price of weakness. They do not want arms control at the price of inferiority. They do not want arms control at the price of accepting Soviet cheating.

They want arms control that will contribute to our security, and to our ability to deter war.

In short, they want arms control—but they want a strong America first.

Apparently, some of our colleagues do not understand how the two are connected.

They seem to have confused arms control with unilateral disarmament. If we cancel the MX—and the Soviets continue to build—that is not arms control; that is appeasement.

If some of our colleagues are frustrated at the lack of progress in arms control negotiations, why do they not address their anger to the Soviets who walked away from the negotiating table? Why do they reserve their indignation for our own President and our own country? Why do they seek to reward Soviet intransigence and bad faith with canceling our ICBM modernization?

If the proponents of the Bennett-Mavroules amendment have their way, soon there will be no hope for arms control negotiations at all. After all, if we unilaterally cancel our defense programs, what do the Soviets have to bargain about?

The President is carrying out the mandate of the American people to restore America's strength. He has started this country down the path of rebuilding our defenses, after a decade of neglect. And in that effort, the MX program has become a symbol of our commitment, as a nation, to fortify and embrace our role as leader of the free world, and keeper of the peace.

If we cancel the MX program, signals of America's weakness and vacillation will rebound throughout the world. Is that the message the sponsors of this amendment hope to send?

I have heard some ask, what difference does it make who is ahead and who is behind in the strategic nuclear balance?

Solzhenitsyn has an answer to this question. In 1976, he warned the West:

> At one time, there was no comparison between the strength of the U.S.S.R. and yours. Then it became equal. . . . Perhaps today it is just greater than equal, but soon it will be two to one. Then three to one. Finally, it will be five to one. With such nuclear superiority it will be possible to block the use of your weapons, and on some unlucky morning they will declare: "Attention. We're sending our troops into Europe, and if you make a move, we will annihilate you." And this ratio of three to one, or five to one, will have its effect: you will not make a move.

If we begin down a path to regain our strength and then falter in our progress, if we undertake a strategic modernization program such as the MX and then cancel that program midstream, then Solzhenitsyn's dire prophecy shall surely come to pass.

Americans know the importance of a strong defense. They agree, as I do, with what President Truman once said:

> We live in a world in which strength on the part of peace-loving nations is still the greatest deterrent to aggression.

And they agree, as I do, with President Kennedy, who said:

> I believe that there can be only one possible defense policy for the United States, a policy summed up in a single word "first".
>
> I do not mean "first, if", I do not mean "first, but", I do not mean "first, when", but I mean "first, period."

This is the democratic legacy of which all Americans can be proud.

But those who would have us disarm in the name of arms control are singing a song of delusion; and they will not find support among the American people. For we are not a people that cowers in the face of challenge. Nor are we a people that hides from our responsibilities.

Do not be deceived. Your vote on the MX is not a vote for or against arms control. For there is no real arms control without strength; there is only appeasement.

Let your vote reflect your vision of the future: whether America will continue to lead the free world, or whether we will relinquish that burden; whether we shall commit the re-

sources necessary to insure an environment where freedom can grow, or whether we are too weary of the struggle.

Simply stated, the question of nuclear arms is in reality the question of America's entire foreign policy and the future of the American experiment in the world. That is the question before us today. Let us stand together, united behind our strength of forces and strength of will, to achieve America's vision for the future.

● Mr. OXLEY. Mr. Chairman, I rise in support of the M-1 Abrahams tank program included in the fiscal year 1985 Defense authorization bill. The M-1 tank, produced in Lima, Ohio, began its production in February 1980, when the first two tanks rolled off the assembly line. Despite its initial growing pains in production and operation, the M-1 today can easily be categorized among our best state-of-the-art arsenal for our Nation's defense. I have personally tested the M-1 tank in Lima and in West Germany, and have talked to many of the soldiers who must operate the tank, and I am pleased to report a satisfactory report card from those personnel.

The House Armed Services Committee has reported out a bill which includes procurement levels of 840 tanks for fiscal year 1985. I commend the members of that committee for their judgment on this particular program and would urge my colleagues to approve the committee funding levels for the M-1.

The M-1 is an integral part of our Nation's defense posture and has a proven record of performance. The program deserves our continued strong support.●

● Mrs. VUCANOVICH. Mr. Chairman, today we begin consideration of one of the most important measures of this legislative session. Our debate today will focus on the security of our Nation, and the differing views we hold with respect to how that security should be maintained.

It is my fervent hope that none of us here seek to weaken our Nation's defenses through our actions today. The events of recent weeks and months have clearly shown us not only the importance of a strong U.S. defense to our own people, but to the other free peoples of the world.

Let us not forget that this Nation is now and has been for decades, locked in a struggle to maintain our freedom. We struggle with the ominous forces of the Soviet Union, not only to protect the innocent peoples of the world, but to guarantee that the world's resources will be put to uses most beneficial to mankind. That struggle is far from over; that struggle is of paramount importance in our Nation today.

It is important, then, that as we consider the measure before us and the numerous amendments that will be discussed, that we not lose sight of the purposes of our defenses, and the real implications of the changes we may seek to make in this bill.

Study of the amendments to be offered today, in light of the committee recommendation that has been made, indicate that this House today is considering a defense package that, if passed, may fundamentally alter the strategy of U.S. defense policy over the coming years. Emphasis and importance, in this measure, are shifted away from cost-effective strategic weapons systems such as the MX missile and B-1 bomber, and are redirected instead toward the more costly conventional forces that already consume the vast majority of our defense layouts each year. Certainly, this Nation needs and must have strong conventional forces. But without the protective umbrella of a technologically advanced and powerful strategic capability, this Nation compromises the security of our people by forcing a serious weakening of U.S. deterrent capability.

In addition, if this body today chooses to erode the strength of our strategic forces, we have conceded military superiority to the Soviet Union without the benefit of even discussing our differences at the bargaining table. Stated simply, this measure gives the Russians that which past administrations have concluded was too high a price to pay for symbolic handshakes and milder rhetoric from the Kremlin.

I urge my colleagues today, to make decisions based not upon the emotional pleas of those who would seek to eliminate individual programs and weapons systems, but rather on the long term strategic implications of this ill-advised shift in U.S. military strategy toward erosion of our strategic deterrent capability. I urge my colleagues to maintain the military balance that has provided peace for this world.●

● Mr. CROCKETT. Mr. Chairman, I rise in strong opposition to the bill, H.R. 5167, the Department of Defense authorization for fiscal year 1985.

Mr. Chairman, last week, this House debated the foreign aid authorization bill for fiscal year 1985. I opposed that legislation for its unconscionable funding emphasis on military assistance to foreign governments, and its relative neglect of the pressing economic and humanitarian needs of three-quarters of the world's population. Now with this Department of Defense authorization bill, we continue the same misguided and shameful policies that were so clearly illustrated by the foreign aid bill—policies which place war production profits before the welfare of our people; military confrontation before negotiation and compromise; and greed and madness before compassion and justice.

There is simply no way that a Defense Department authorization of $208 billion can be justified, given our present offensive and defensive military capabilities.

Arguments which have been advanced here concerning the vulnerability of U.S. strategic forces have a "twilight zone" character to them. We have been debating whether or not to replace Minuteman ICBM's with the MX, or the B-52 bomber with the B-1 bomber, while we have lost sight of the fact that we currently have 25,000 strategic and tactical nuclear warheads with enough destructive capability to destroy the United States, the Soviet Union, and the entire planet many times over. Approval of this bill which would fund $5 billion for the MX, $7.1 billion for the B-1, $925 million for Pershing II and cruise missiles, $2.3 billion for nuclear attack submarines and hundreds of other weapons of destruction, adds an extremely dangerous overkill to America's arsenal of death.

If the House approves of this shopping list of lethal weaponry, it will increase the level of terror in the world and further orient our economy toward nonproductive, death-dealing military production. This legislation does not reflect the priorities of the American people. Instead, it dangerously sanctions the reckless, runaway power of the military-industrial complex that President Dwight Eisenhower warned us against more than two decades ago.

I ask my colleagues to reflect carefully on the implications that approval of this legislation will have; and to recognize that in budget terms and in human terms, this legislation will have a disastrous effect on our country's future prosperity and security.

In support of this observation, I include for the benefit of my colleagues a May 10, 1984, report by the Center on Budget and Policy Priorities entitled, "Controlling Defense Spending: The MX Missile." This report details the most cogent arguments against this costly program:

CONTROLLING DEFENSE SPENDING: THE MX MISSILE

The Administration is seeking $5.0 billion in budget authority in FY 1985 for the MX missile program. MX budget authority between FY 1985 and FY 1989 will total $15.4 billion under the Administration's new plan for land-based missiles, plus an additional $1.4 billion in FY 1985-1986 to develop the smaller, mobile, single-warhead Midgetman.[1] The Defense Budget Project has calculated that outlays for the MX will reach $3.4 billion in FY 1985, and total $15.3 billion over FY 1985-1989.[2]

MX DOES NOT CONTRIBUTE TO SECURITY

These huge sums will not buy the United States greater national security. The MX is a weapon which does not strengthen the U.S. deterrent.

The MX is a destabilizing weapon; its greater accuracy increases the threat to

Soviet ICBM silos, while its ten warheads make it an attractive target to Soviet war planners.

The MX is a poor bargaining chip. A good bargaining chip is one which would strengthen our forces if we had to keep it. However, a Soviet refusal to trade for the MX at the negotiating table would leave the U.S. with 100 expensive, vulnerable missiles poorly suited to their deterrent mission.

Our Minuteman force, which we are currently modernizing at tremendous cost, will fulfill the ICBM deterrent mission for years to come. This extra lead time would allow us both to develop a new missile, if necessary, and to pursue an arms control treaty which would eliminate the need to deploy any new ICBM's.

CANCELLATION OF THE MX WOULD NOT WEAKEN THE UNITED STATES MILITARILY

U.S. defense outlays have grown continuously, in constant dollars, since FY 1976, and will surpass real Vietnam and Korean War spending levels by FY 1985, according to Administration projections.[3]

The U.S. strategic deterrent is less vulnerable than that of the USSR. While 80 percent of U.S. strategic warheads are deployed on bombers and at sea, only 28 percent of Soviet warheads are equally invulnerable.[4]

CUTTING THE MX CUTS THE DEFICIT

Building this unnecessary and expensive weapon contributes to the huge budget deficits.

Outlays for the MX over the next three years will total approximately $10 billion. This equals more than 10 percent of the defense spending savings sought by the House of Representatives in its recent budget resolution. The message is clear: cancelling the MX helps cut the deficit.

U.S. DOMESTIC NEEDS ARE NOT BEING MET

Budget cuts over the past two years have weakened American society. A growing number of major social and economic needs are not being met, and the United States now trails other nations in some significant measures of social and economic strength. America is rated:[5] 8th in life expectancy, 16th in public expenditures per capita for education, 7th in school age population per teacher, 13th in public expenditures per capita for health, 19th in infant mortality rate, 26th in physicians per capita, and 34th in hospital beds per capita.

The Reagan domestic spending cuts have led to dramatic reductions in aid to needy Americans. Since Reagan took office:

One million people have been dropped from the Food Stamps program, and all who remain have had their benefits reduced.

The Child Nutrition program aids three million fewer children.

Three hundred thousand workers, primarily minorities and women, lost their Public Service Employment jobs. Many more were dropped from job training activities.

ONE MX MISSILE COULD MAKE A DIFFERENCE

Even minor reductions in the MX missile program would rescue under-funded domestic programs. A single MX missile, out of the 100 the United States plans to procure, costs $73 million.[6] This money could provide:

One month of average unemployment benefits for 214,000 unemployed workers.[7]

Six months of average food stamp benefits for 286,000 Americans.[8]

Outlay savings from MX cancellation could be used in many ways, including restoring funds to some key domestic programs. With the $3.37 billion that would be saved in FY 1985 by cancelling the MX, funding could be restored to all of the following:

Projected reductions in fiscal year 1985 budget[1]

Program and description:	*Millions*
Subsidized Housing Programs: Assist low-income individuals in purchasing or renting adequate housing	$1,607
Work Incentives Program (WIN): Provides work and self-support opportunities for AFDC recipients	392
Low-Income Home Energy Assistance: Assists low-income individuals with heating bills and home weatherization	459
Community Services Block Grants: Provide funding for community development, rural housing and community facilities, assistance to migrant and seasonal farm workers, and recreational activities for low-income youth	539
Health Block Grants: Federal grants to state to help fund a variety of primary and preventive health care programs	362
Total	3,359

OR

Employment and Training Assistance (excluding Job Corps and Public Service Employment): Includes Block Grants to States, Summer Youth Employment and Training Program, Dislocated Worker Assistance, programs for Native Americans, migrants, and seasonal farm workers, Veterans employment, and the effects of the Emergency Jobs Bill	2,058
Financial Aid to Needy Students: Assists students through Pell Grants, Supplemental Educational Opportunity Grants, State Student Incentive Grants, the Work/Study Program, and National Direct Student Loans	592
Social Service Block Grants (Title XX): Provide day care, legal services, foster care, child protection, homemaking services, meal preparation and delivery, counseling, and transportation for low-income individuals	550
Job Corps: Trains disadvantaged youth for employment	98
Total	3,298

[1] These figures represent the difference between (1) what spending would have been in 1985 if there had been no changes in the laws in the past three years and the program costs had been allowed to rise with inflation, and (2) fiscal 1985 spending levels requested by the Administration.

$3.37 billion would be more than enough to restore funding to any one of the following major programs:

Projected reductions in fiscal year 1984 budget.[1]

Program and description:	*Millions*
Food Stamps: Help low-income households afford a nutritionally adequate low-cost diet	$2,435
Aid to Families with Dependent Children (AFDC) and Child Support Enforcement: Give cash assistance to children deprived of parental support by the death, disability, or continued absence of a parent from the home	2,029
Child Nutrition Programs: Finance school lunches and breakfasts and meals at day care centers and summer feeding sites	1,490
Medicaid: Assists states in financing medical care for low-income families and individuals	1,754

[1] These figures represent the difference between (1) what spending would have been in 1985 if there had been no changes in the laws in the past three years and the program costs had been allowed to rise with inflation, and (2) fiscal 1985 spending levels requested by the Administration.

MULTIYEAR MX COSTS REVEAL COMPARATIVE SIZE OF PROGRAM

Although the MX appears small as a proportion of total National Defense budget authority (1.6 percent in FY 1985),[9] the $21.5 billion expenditure for the entire MX program is significant, particularly when compared to projected spending levels for domestic programs. To illustrate the size of the MX program, listed below are a number of domestic programs and the number of years for which $21.5 billion could provide complete funding (not just restoration of cuts) for each. For example, the whole MX program is equivalent to the entire cost of the AFDC program for three years.

Equivalent in number of years[1]

Program and description:	*Years*
Aid to Families with Dependent Children	3
Employment and Training Assistance: Includes Block Grants, Summer Youth Employment and Training Program, Dislocated Worker Assistance, programs for Native Americans, migrants, and seasonal farm workers, Job Corps, Veterans employment, and the effects of the Emergency Jobs Bill	4
Financial Aid to Needy Students	5
Child Nutrition Programs	5
Compensatory Education (Title I)	5
Social Services Block Grants	8
Feeding program for Women, Infants, and Children (WIC): Provides prescription food supplements and nutritional counseling to pregnant and nursing women and their infants and children	13
Health Block Grants	13

[1] Total national defense figure from Office of Management and the Budget, The Budget for Fiscal Year 1985, February 1, 1984, p. 5-10.

FOOTNOTES

[1] Figures for FY 1985-1989 in "Selected Weapons Costs from the President's 1985 Program" Defense Cost Unit, Congressional Budget Office, Jonathan Tyson and Julia Doherty, March 22, 1984; and Caspar W. Weinberger, *Annual Report to Congress*, February 1, 1984, pp. 186-187.

[2] Defense Budget Project estimates based on Department of Defense data.

[3] *National Defense Budget Estimates for FY 1985*, Office of the Assistant Secretary of Defense (Comptroller), March 1984, p. 111-112.

[4] Arms Control Association, "Fact Sheet on American and Soviet Strategic Forces," Spring 1984.

[5] Ruth Leger Sivard, *World Military and Social Expenditures, 1983*, Leesburg, VA, World Priorities, 1982.

[6] Estimates are based on an MX unit procurement cost of $73.5 million, the official DOD estimate as of February, 1984.

[7] Average weekly benefits were $126 per person in 1983. Source: House of Representatives, Committee on Ways and Means, "Background Material and Data on Major Programs within the Jurisdiction of the Committee on Ways and Means," February 21, 1984.

[8] Average monthly food stamp benefits are expected to average $40-45 per person in FY 1984. Source: House of Representatives, Committee on

Ways and Means, "Background Material and Data on Major Programs within the jurisdiction of the Committee on Ways and Means, February 21, 1984.

[9] Total national defense figure from Office of Management and the Budget, *The Budget for Fiscal Year 1985*, February 1, 1984, p. 5-10.

NOTE.—Calculations are made in budget authority and reflect CBO current services estimates for FY 1985-1989. Since levels after FY 1989 for these programs have not yet been determined, no adjustments have been made for changes in program costs after that year. Figures for the programs which could be funded for more than five years are, therefore, calculated using FY 1989 funding levels for FY 1990 and beyond.●

● Mr. PURSELL. Mr. Chairman, the amendment we are offering is an attempt to provide a creative incentive for resumption of arms control negotiations. Success in reducing nuclear arms is, and has always been, the foundation for my decisions on the MX and other weapons systems.

I am convinced that such success cannot be achieved by unilateral disarmament by the United States. History shows that even unilateral reduction in U.S. forces has not resulted in similar moves toward peace by Russia. Sadly, in fact, just the opposite has been true. The B-1 bomber, which I voted to forgo during the Carter administration, is one recent example.

Our proposal cuts in half the number of MX missiles authorized by the House Armed Services Committee: 15, instead of 30. The Pentagon originally sought 40 new MX missiles.

The key to our proposal is that even these reduced funds would be frozen until April 1, 1985.

If Russia will join the negotiating table, and make a good faith effort to seek a real reduction in nuclear arms, the United States need never build another MX missile. If Russia continues to obstruct arms control talks, while sustaining its longstanding military buildup, then the responsibility for any continued arms race will be crystal clear.

I have seen evidence which clearly indicates that the Soviets are testing and deploying a very advanced generation of land-based missiles.

I hope we can negotiate for both sides to reduce nuclear weapons systems. I would strongly support complete elimination of the MX program in return for a similar reduction by Russia. But Russia must not be allowed to reach a position where they could attempt nuclear blackmail.

I agree with the distinguished Soviet physicist, Andrei Sakharov, who argues that nuclear arms should be ablished, but while they exist, they must exist in parity. Sakharov contends, and I agree, that parity in both conventional and nuclear weapons is necessary to avoid war and to have any chance for success in negotiating arms control and reduction.

If, as some have suggested, the Russians are playing a waiting game until after the U.S. elections, our amendment provides time to put the election behind us. Then, no matter who wins, both the United States and Russia must get on with the essential task of making the world safer for all people and nations.●

● Mr. FAUNTROY. Mr. Chairman, I rise in opposition to H.R. 5167, the fiscal year 1985 Defense authorization bill. This legislation would authorize $208.1 billion for military procurement, research and development, operations and maintenance, and civil defense for fiscal year 1985. This amounts to a 6-percent real growth rate for fiscal year 1985, instead of the 13-percent proposed by the administration in February, or the 7.8-percent increase requested this month. If you believe in and support the nuclear freeze resolution, passed by this body, then opposition to this authorization is in order.

If this authorization would purchase increased national security in our complex world and reflected sound and workable strategic goals and programs then, I would be in support. However, H.R. 5167 would make the world less safe, authorize a host of dangerous superweapons that enhance the threat of nuclear conflagration, encourage those wedded to military solutions, and continue to sink our country in a sea of deficits.

As a member of the Congressional Black Caucus budget team and author of the first two CBC constructive alternative budgets, I have had the opportunity to study with my colleagues in the caucus the benefits, costs, and implications of our defense budgets.

The CBC constructive alternative budgets for the past 4 years have sought to incorporate the provisions of the nuclear freeze, and eliminate destabilizing weapons systems such as the MX missile, Pershing II and cruise missiles, and the Trident II. My colleagues and I in the CBC developed our budget proposals in the "National Defense Function" consistent with our commitment to and involvement in the nuclear freeze movement. We did this for three reasons.

First, the physical survival of our planet and its people are in immediate danger due to the threat of nuclear war.

Second, the global neglect of human needs caused by the billions we spend on nuclear weaponry versus the millions we spend on human needs structures a world in which hunger, poverty, and ill health are the defining reality for two-thirds of the people of our planet. Our world is in danger of exploding because of this human misery which leads to instability and conflict that can all too easily lead to nuclear war between the superpowers.

Third, and most immediately, on the domestic level the escalating development and deployment of nuclear weaponry is destroying our economy and causing us to neglect our people and their basic needs.

ELABORATION OF THE THREE POINTS

I. THE DANGER TO THE PLANET

Mr. Chairman, the uncontrolled buildup of nuclear weapons has resulted in a nuclear arsenal with an explosive force of 3½ tons of TNT for every person on Earth.

The continuing nuclear arms race increases the possibility of nuclear war.

The danger to our planet is real and it is immediate. Under this administration, the Nation has moved far beyond deterrence to preparing to fight, survive, and win a nuclear war.

When he was Secretary of Defense in the Kennedy administration, Robert McNamara defined deterrence as the capacity to destroy 30 percent of the Soviet population and 70 percent of its economic infrastructure. He felt that this objective could be achieved through the use of approximately 400 strategic nuclear warheads. Today, the United States of America possesses more than 10,000 strategic nuclear warheads in its nuclear arsenal, and another 15,000 intermediate range warheads for theater nuclear use.

Mr. Chairman, the second major consequence is even more ominous. This defense authorization would commit our country to the development of nuclear weapons that go beyond our capacity to verify or control. In past years, the necessity for verifiability and control have been integral elements of all previous arms control agreements and negotiations. The development of first-strike nuclear weapons, such as the MX missile, the Pershing II missile, and ground, sea, and air launched cruise missiles, usher us into a new era of the nuclear arms race.

In spite of racial advances in accuracy and power, deterrence has been subject to challenge on two grounds. One is that land-based nuclear weapons are vulnerable to destruction if the enemy strikes first, thus eliminating the power of retaliation. The other is that the use of nuclear weapons in a graduated, carefully orchestrated manner can be an integral part of warfighting strategy. Both theories are dangerous fantasies. The first theory assumes the perfection of a technology which has had a poor record of reliability. The second is in error because it imputes to human beings, under war conditions, a quality of discipline, rationality, and perfection normally attributed to a divine being.

Nevertheless, the departure from a deterrent against war to usable weapons of war is now a feature of nuclear strategy, which is used to justify further escalation in numbers and technology. It also greatly magnifies the possibility that these weapons will be used, and that nuclear war will result.

II. NEGLECT OF GLOBAL HUMAN NEEDS: WORLD INJUSTICE AND THE NUCLEAR CONNECTION

Mr. Chairman, what we are witnessing today is the neglect of human needs on a global scale. This neglect fuels an already dire situation created by social, economic, and political injustices.

The political instability that arises from these injustices, the neglect of human needs, and the lack of food, health care, and employment threatens to bring the United States and the Soviet Union into conflict in the Third World, particularly in Africa, the Caribbean, the Middle East, and Central America. Conflicts arising in these regions due to political, social, and economic factors, can all too easily escalate into a nuclear exchange between the superpowers.

The world's military spending dwarfs resources provided for human development. Global spending on the military is now at the trillion dollar level, with the United States and the Soviet Union accounting for over 50 percent of these expenditures. This represents almost a doubling of global military outlays since 1971. If only a fraction of the money, manpower, and research presently devoted to military uses were diverted to development, the future prospects of the Third World would look entirely different.

There is a moral link between the vast spending on arms and the disgracefully low spending on measures to remove hunger and ill health in the Third World.

For instance, while we are considering a defense authorization bill which involves the expenditure of $208.1 billion, the administration is holding fast to a position that we can only afford $750 million contribution to the International Development Association of the World Bank, an organization which provides concessional assistance to the poorest countries of the world.

The program of the World Health Organization to abolish malaria is short of funds; it is estimated that it will eventually cost about $450 million which represents less than one-thousandth of the world's annual military spending.

The cost of a 10-year program to provide for essential food and health needs in developing countries is less than half of 1 year's military spending.

A modern tank costs about $1 million; that amount could improve storage facilities for 100,000 tons of rice and thus save 4,000 tons or more annually. One person can live on just over a pound of rice a day.

For the price of 1 jet fighter—$20 million—40,000 village based pharmacies could be established.

One-half of 1 percent of 1 year's world military expenditure would pay for all the farm equipment needed to increase food production and approach self-sufficiency in food-deficit, low-income countries by 1990.

Moreover, arms production is not just a matter of spending but of utilizing manpower and skills. It is profoundly disturbing to realize that in both the East and West a very large proportion of scientists and much of the scientific resources of universities and industry are devoted to defense.

The obstacles to reversing these trends are formidable, but they should not be allowed to get in the way of serious discussions of the dangers of the arms race and the realization of the size of the economic burden that it involves. One of the chief enemies of disarmament is the sense of resignation and traditional acceptance that accompanies large defense spending, while the dangers are constantly mounting.

III. DOMESTIC CONSEQUENCES

Finally, Mr. Chairman, this misplaced emphasis on nuclear weaponry also mandates tragic and dangerous outcomes in domestic priorities. The misplaced priorities associated with the escalating development and deployment of nuclear weaponry leads to the same neglect of basic human needs in our own communities.

This buildup in nuclear weaponry is the fuel of an undeclared but real war against the most vulnerable and needy in our society.

If we were rushing to freeze defense expenditures and hold the authorization to a zero level of growth, we could garner $35 billion which could be used to provide a 50-percent increase in our domestic programs designed to address the problem of hunger in America. The food stamp program, the women, infants, and children program (WIC), could obtain a 50-percent increase. Aid to families with dependent children and our medicaid program could also be provided with 50 percent increases.

In 1953, Dwight David Eisenhower warned:

Every gun that is made, every warship launched, every rocket fired, signifies a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

CONCLUSION

It is for these reasons that I cannot support H.R. 5167 as presented. I would urge my colleagues to support the two amendments that will be offered by my friend and colleague, Congressman RONALD V. DELLUMS to strike all procurement funding ($7.1 billion) for the B-1B Bomber and to delay any further deployment of ground-launched cruise missiles or Pershing II missiles in Western Europe until September 30, 1985. Additionally, I would urge my colleagues to support:

The Bennett-Mavroules amendment to delete all production funds for the MX missiles;

The Weiss amendment to delete research and development and procurement for the Trident II/D5 missile;

The Brown amendment to halt antisatellite weapon flight tests in space; and,

The Bethune-Porter-Fascell amendment to delete all production money for chemical weapons.●

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1985".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Army as follows:

For aircraft, $3,751,100,000.

For missiles, $3,196,200,000.

For weapons and tracked combat vehicles, $4,863,100,000.

For ammunition, $2,220,000,000.

For other procurement, $5,359,800,000.

(2)(A) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of weapons and tracked combat vehicles for the Army for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts—

(i) $60,500,000 to be derived from amounts available for fiscal year 1983 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation; and

(ii) $113,300,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation.

(B) There is hereby authorized to be transferred to, and merged with, amounts appropriated for other procurement for the Army for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts, $5,400,000 to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Army remaining available for obligation.

(b) From the amount appropriated pursuant to the authorization in subsection (a) for aircraft for the Army that is available for procurement of AH-64 helicopters, not fewer than 18 AH-64 helicopters shall be provided for the Army National Guard.

(c) The Secretary of the Army may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of UH-60A aircraft, EH-60A aircraft, M-1 tanks or subsystems, TOW missiles, 5-ton trucks, Bushmaster Vehicle Rapid-fire weapon system, and shop

equipment contact maintenance, and for the execution of the CH-47D aircraft modernization program. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(d) Effective on October 1, 1984, the provisions of section 794 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), shall not apply to the procurement of EH-60A and UH-60A aircraft under a multiyear contract.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102 (a) AIRCRAFT.—(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft for the Navy in the amount of $10,824,700,000.

(2) There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts, $132,100,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Navy remaining available for obligation.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $4,400,100,000 for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

For missile programs, $3,451,900,000.

For the MK-48 torpedo program, $33,700,000.

For the MK-46 torpedo program, $256,000,000.

For the MK-60 torpedo program, $128,500,000.

For the MK-30 mobile target program, $21,300,000.

For the MK-38 Minimobile target program, $2,500,000.

For the antisubmarine rocket (ASROC) program, $25,900,000.

For the modification of torpedoes and related equipment, $141,100,000.

For the torpedo support equipment program, $96,000,000.

For the MK-15 close-in weapon system program, $163,900,000.

For the MK-75 76-millimeter gun mount program, $10,900,000.

For other weapons, $68,300,000.

(c) SHIPBUILDING AND CONVERSION.—(1) Funds are hereby authorized to be appropriated for fiscal year 1985 in the total amount of $11,888,700,000 for shipbuilding and conversion for the Navy as follows:

For the Trident submarine program, $1,415,000,000.

For the SSN-688 nuclear attack submarine program, $2,880,000,000.

For the aircraft carrier service life extension program (SLEP), $764,500,000.

For the CG-47 Aegis cruiser program, $3,150,000,000.

For the DDG-51 guided missile destroyer program, $1,173,900,000.

For the LSD-41 landing ship dock program, $489,500,000.

For the LHD-1 amphibious assault ship program, $39,200,000.

For the LPD-4 amphibious transport dock service life extension program, $15,000,000.

For the MCM-1 mine countermeasures ship program, $349,500,000.

For the TAO-187 fleet oiler program, $562,600,000.

For the TAGOS ocean surveillance ship program, $129,900,000.

For the TAGS ocean survey ship program, $245,000,000.

For the strategic sealift ready reserve program, $31,000,000.

For the TACS auxiliary crane ship program, $44,000,000.

For the TAVB aviation logistics support ship program, $42,800,000.

For the LCAC landing craft air cushion program, $230,100,000.

For service craft and landing craft, $93,100,000.

For outfitting and post delivery, $383,600,000.

The sum of the amounts authorized for programs under this subsection is reduced by $150,000,000 in order to meet the total amount authorized to be appropriated set forth at the beginning of this paragraph.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated for shipbuilding and conversion for the Navy for fiscal year 1985 pursuant to the authorizations of appropriations in paragraph (1), to the extent provided in appropriation Acts, amounts appropriated for fiscal years before fiscal year 1985 for shipbuilding and conversion for the Navy and remaining available for obligation in the total amount of $676,200,000 as follows:

(A) For the Trident submarine program, $340,000,000, of which—

(i) $40,000,000 shall be derived from funds appropriated for fiscal year 1983 for the FFG-7 guided missile frigate program and shall be available only for an x-band phased array radar; and

(ii) $300,000,000 shall be derived from funds appropriated for fiscal year 1984 for the FFG-7 guided missile frigate program.

(B) For the battleship reactivation program, $336,200,000, to be derived from funds appropriated for fiscal year 1983 for the CVN aircraft carrier program.

(d) OTHER.—Funds are hereby authorized to be appropriated for fiscal year 1985 for other procurement for the Navy in the amount of $5,339,500,000, of which—

(1) $787,100,000 is available only for the ship support equipment program;

(2) $1,799,800,000 is available only for the communications and electronics equipment program; and

(3) $1,152,600,000 is available only for the ordnance support equipment program.

(e) PROCUREMENT, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,901,300,000.

(f) MULTIYEAR CONTRACTS.—The Secretary of the Navy may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for the purchase of CH-53E aircraft and AN/SSQ-36 sonobuoys. Such contracts may include an unfunded cancellation ceiling. If funds are not made available for the continuation of such a contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as provided in section 2306(h)(5) of title 10, United States Code.

(g) STRATEGIC SEALIFT READY RESERVE PROGRAM.—(1) None of the funds appropriated pursuant to the authorization of appropriations for the strategic sealift ready reserve program under subsection (c) may be obligated or expended for the acquisition of a specific vessel for that program until (A) the Secretary of the Navy has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed acquisition of that vessel for that program, and (B) a period of 30 days of continuous session of Congress has expired following the date on which that notice was received by those committees.

(2) For purposes of paragraph (1), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

(h) DDG-51 DESTROYER PROGRAM.—None of the funds appropriated pursuant to the authorization of appropriations in subsection (c) for the DDG-51 guided missile destroyer program may be obligated or expended until the Secretary of the Navy certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives that the lead ship in that program is capable of being equipped with a Rankin-Cycle Energy Recovery (RACER) system without rearrangement of ship spaces and equipment or other major modification to the ship.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a)(1) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Air Force as follows:

For aircraft, $25,243,200,000.

For missiles, $8,664,600,000.

For other procurement, $8,441,700,000.

(2) There is hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts, $185,200,000 to be derived from amounts available for fiscal years 1983 and 1984 for procurement of aircraft for the Air Force remaining available for obligation.

(b) None of the amounts appropriated pursuant to the authorizations of appropriations in subsection (a) may be used for procurement of subsystems unique to the F-15E Dual Role Fighter program—

(1) until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a comprehensive master plan for acquisition of ground and air defenses for United States airbases in Europe; and

(2) unless a request for funding to implement that master plan is included in the budget request of the Department of Defense for fiscal year 1986 in an amount equal to or greater than the amount requested for that fiscal year for subsystems unique to the F-15E aircraft program.

(c) Effective on October 1, 1984, the provisions of section 794 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), shall not apply to the procurement of engines for the F-15 aircraft.

(d) The Secretary of the Air Force may enter into a multiyear contract for the purchase of F-16 aircraft in accordance with section 2306(h) of title 10, United States Code. Such contract may include an unfunded cancellation ceiling. In the event funds are not made available for the continuation of such contract in subsequent fiscal years, the contract shall be cancelled and the costs of cancellation shall be paid as

provided in section 2306(h)(5) of title 10, United States Code.

(e) The Secretary of the Air Force shall acquire two additional used T-43 type aircraft to be used to augment T-43 national security airlift operations. Such aircraft shall be acquired using amounts which were appropriated for fiscal year 1984 for procurement of equipment for the Air National Guard and which remain available for obligation.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for fiscal year 1985 for the defense agencies in the amount of $1,160,000,000.

AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN NATO COOPERATIVE PROGRAMS

SEC. 105. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for activities of the Under Secretary of Defense for Research and Engineering for acquisition in connection with cooperative programs of the North Atlantic Treaty Organization as follows:

For acquisition of the Patriot missile system for the Federal Republic of Germany, $150,000,000.

For acquisition of point air defense of United States airbases in the Federal Republic of Germany, $100,000,000.

For acquisition of point air defense of United States airbases and other critical United States military facilities in Italy, $50,000,000.

For acquisition of point air defense for ground-launched cruise missile bases in Europe, $25,000,000.

For acquisition of point air defense of United States air bases in Turkey, $25,000,000.

(b) None of the amounts appropriated pursuant to the authorizations in subsection (a) may be obligated—

(1) for implementation of a cooperative program until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a copy of each government-to-government agreement relating to that program; or

(2) for acquisitions in connection with a NATO cooperative program in which the financial obligations of the United States exceed the collective financial obligations of European countries in connection with such program.

EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 106. Effective on October 1, 1984, section 103(a) of the Department of Defense Authorizaion Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1984" each place it appears and inserting in lieu thereof "fiscal year 1985".

LIMITATION ON WAIVERS OF COST-RECOVERY REQUIREMENTS UNDER ARMS EXPORT CONTROL ACT

SEC. 107. The authority of the President under section 21(e)(2) of the Arms Export Control Act may be exercised without regard to the limitation imposed by section 762A of the Department of Defense Appropriation Act, 1984 (Public Law 98-212).

WAIVER OF LIMITATION ON FOREIGN MILITARY SALES PROGRAM

SEC. 108. The Arms Export Control Act shall be administered as if section 743A of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 96 Stat. 1858) had not been enacted into law.

TRANSFER OF CERTAIN MILITARY EQUIPMENT OR DATA TO FOREIGN COUNTRIES

SEC. 109. Section 765(c) of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby repealed.

The CHAIRMAN. Are there amendments to title I?

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 10, line 19, strike out "$8,664,600,000" and insert in lieu thereof "$5,942,700,000".

At the end of title I (page 15, after line 5), add the following new section:

MX MISSILE PROCUREMENT

SEC. 110. None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for the MX missile program.

The CHAIRMAN. The gentleman from Florida (Mr. BENNETT) is recognized for 5 minutes in support of his amendment.

Mr. BENNETT. Mr. Chairman, even the President has recommended that substantial cuts be achieved from his originally requested defense spending for 1985. The most logical and cost effective approach would be to cut out entirely a program of least value; because we all know that just reducing a program is most likely to be followed by later increases with little, if any, ultimate savings. The MX program is the least valuable major arms program we have and it should be ended now by stopping procurement of the missiles.

The MX was planned as a strategic, deterrent weapon. The President has repeatedly said that it is not planned to be a first-strike weapon, but as a deterrent. The trouble with the MX is that it is highly vulnerable in the basing mode that has been chosen for it, the old Minuteman silos and hence is not a credible deterrent.

Hear what our defense authorities have said of the MX if placed in Minuteman silos:

Secretary of Defense Casper Weinberger on October 5, 1981 said:

We have examined literally hundreds of possible options. We have reached the conclusion that there isn't any ground-based system that is survivable. . .

And Gen. Lew Allen, Chief of Staff, U.S. Air Force, on January 29, 1981, said:

. . . an essential feature of the MX deployment is that the basing mode be survivable. One does not obtain that through placing it in Minuteman silos. Therefore, I do not favor such a deployment.

The principal excuse suggested for procuring the MX for Minuteman silos last year was that it was a bargaining chip in arms negotiations. The President on the contrary has repeatedly said that he does not approve the MX to be a bargaining chip.

He said specifically, quoting from the President:

This is not in the sense of a bargaining chip that somebody could say, "well you're building it just to tear it down." No, we need a modernization. Even if we get the reduction of arms which we're seeking and which there's been some indication the Soviets are seriously considering, this would not be the missile that is taken out of circulation.

So the President has ruled it out for that purpose.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Florida would have to yield to the gentleman from New York.

Mr. BENNETT. I do not yield.

Mr. STRATTON. Is the gentleman offering an amendment?

Mr. BENNETT. Yes; I have an amendment, yes.

Mr. STRATTON. Was the amendment read, Mr. Chairman?

The CHAIRMAN. The Clerk has read the amendment. The gentleman offered the amendment and the Clerk has read the amendment.

The gentleman from Florida has been recognized in support of his amendment.

Mr. STRATTON. I thank the Chairman.

Mr. BENNETT. The Russians have stayed away from the arms control tables in the meantime, but they told us even before last year's debate that they had no interest in the MX as a bargaining chip and would respond to it by building a better ICBM of their own.

The President has referred to this in recent speeches, also. They are apparently not even willing to abandon their new missiles if we were to abandon the MX. So the argument last year about how valuable the MX would be to move arms control proceedings is clearly a policy that has completely failed.

Marshal Dmitri F. Ustinov, Soviet Defense Minister said, and I am quoting from the New York Times, December 6, 1982:

If the present White House leadership . . . challenges us by starting MX missile deployment, the Soviet Union will deploy in response a new ICBM of the same class and its characteristics will not be inferior to those of the MX in any way.

□ 1320

Arms control could proceed if we were willing to give up something the Russians felt was worth bargaining for. The MX, they perceive, is not worth their giving up anything of substance for, because it can be knocked out easily in Minuteman silos, which the Scowcroft Commission found to be its best basing mode.

It is to be regretted that no good basing mode has been found for the

MX, but pretending that one has been found will fool no one, particularly the Russians. They know what it is to abandon expensive weapons systems because of discovered fault. We are not alone in that adventure. They have abandoned far more weapons systems than we have because of discovered faults.

I think they produced 11 submarines while we have been producing 1 because they have made so many faults in theirs.

Since the MX is not a first-strike weapon and is also not a deterrent because it can be knocked out because of its vulnerability, about the only affirmative quality it has is hard target kill capability. That would be only if it can be successfully launched. It is not needed for that purpose as the Trident missiles will have that capability in the same time period, launched from submarines in a mode much less vulnerable. Cruise missiles might also eventually have that same capability and even if not, the vulnerability of the MX prevents it from being an effective weapons system in any event. The fact that we would like to have an effective weapons system in the MX does not make it one, nor does it fool the Russians.

The CHAIRMAN. The time of the gentleman from Florida (Mr. BENNETT) has expired.

(By unanimous consent, Mr. BENNETT was allowed to proceed for 5 additional minutes.)

Mr. BENNETT. The greatest peril that mankind has from weapons today comes from an overreliance on nuclear weapons. Gen. Bernard Rogers, our Supreme Allied Commander of NATO in Europe, has told Congress this year and told the world that we would not win a conventional war, in fact we would lose it in Europe today within 2 weeks or 10 days, some period of time of that nature, unless we went to the use of nuclear war.

What a tragedy. What an unnecessary tragedy. No one can win a nuclear war.

Our country is strong enough in its assets and its manpower and its ability, its technology, to win a conventional war. We just have not made the decision we will buy the tanks and the artillery—the tools of conventional war.

Gen. Bernard Rogers said:

If attacked conventionally NATO would face fairly quickly the agonizing decision of escalating to a nuclear response in order to try and convince the aggressor to halt his advance.

I would like to see every penny saved from the MX put into the needed conventional war defenses in Europe as the first priority so that we would not have to go to nuclear war.

It has been suggested that not going through with the MX would show a lack of will on our part. There is no virtue in a determined will to make a mistake. A strong nation can look at reality, and we are a strong nation.

We are the strongest nation on Earth. We should not tremble. We have got wonderful assets. The Russians would be glad to trade our nuclear strength for theirs, because we have the submarines which are invulnerable at the present time. We have other things, like the cruise missiles which they do not have. And things of that nature. They would be happy to trade, if that reality was given to them.

The reality is that the MX is a faulted weapon and if we save these funds by not procuring it, every penny should be spent in putting us in a position where we can win a conventional war so that we will not be leading, this great Nation of ours, leading the world into a nuclear disaster.

The main objection to the MX procurement is that it represents a large expenditure of money for a very faulted weapon. Every penny of it is needed for other defense purposes.

There is another aspect of the MX that others will address in more detail, but which I would like to mention. The additional reason for not having the MX is this: Since the MX is both very lethal and very vulnerable to a first strike, its presence would tend to tip the scales toward nuclear war for that reason alone. People are now talking about launching these weapons before the receipt of an attack that would knock them out. Such a situation clearly increases the chances for nuclear war.

Mr. Chairman, in conclusion, I would like to say that I think there has not been a more important issue before us in many, many a year. And it is really important because it has to do with the destiny, not only of our own Nation and its security, but the security of all mankind.

To pursue a course which is leading us inevitably to a nuclear war when we can be secure by conventional methods is certainly the height of absurdity. A great tragedy indeed.

I certainly hope that the Members will support this amendment.

AMENDMENT OFFERED BY MR. PRICE TO THE AMENDMENT OFFERED BY MR. BENNETT

Mr. PRICE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE to the amendment offered by Mr. BENNETT: Strike out the amount proposed by the amendment to be inserted on page 10, line 19, and insert in lieu thereof "$7,756,600,000".

Strike out the section proposed by the amendment to be inserted at the end of title I and insert in lieu thereof the following:

POLICY CONCERNING ACQUISITION OF ADDITIONAL MX MISSILES

SEC. . (a) It is the policy of Congress not to take any action that would reward the Soviet Union through the unilateral cancellation by the United States of the MX strategic nuclear missile weapon system for which funds are authorized in this title while the Soviet Union continues to act in a manner indicating that it is unwilling to take actions to further the control and limitation of similar types of strategic nuclear missile weapon systems.

(b)(1) Subject to paragraph (3), funds appropriated pursuant to the authorization of appropriations in section 103(a) for procurement of missiles for the Air Force may be used to acquire not more than 15 additional MX missiles, but no funds may be obligated for the acquisition of such missiles until April 1, 1985.

(2) Immediately after April 1, 1985, the President shall determine whether the Soviet Union is acting, as of April 1, 1985, in a manner indicating that it is willing to take actions to further the control and limitation of types of strategic nuclear missile weapon systems similar to the MX strategic missile weapons system authorized for the Air Force by this title and shall immediately transmit written notification of that determination to Congress.

(3)(A) If the President's determination under paragraph (2) is that the Soviet Union is not acting in such a manner, the amount appropriated pursuant to the authorization of appropriations in section 103(a) for the acquisition of 15 additional MX missiles may be obligated, but only if the President also determines, and includes in the written notification to Congress under paragraph (2), that—

(i) the obligation of such funds is in the national interest; and

(ii) as of April 1, 1985, the United States is willing to act to further the control and limitation on the MX strategic nuclear missile weapon system authorized for the Air Force by this title.

(B) If the President's determination under paragraph (2) is that the Soviet Union is acting in such a manner, none of the amount appropriated pursuant to the authorization of appropriations in section 103(a) for the acquisition of 15 additional MX missiles may be obligated. However, if after the determination under paragraph (2) the President makes a further determination that the Soviet Union is not acting in good faith with respect to its willingness to take actions described in paragraph (2) and transmits written notification of that determination to Congress, such funds may obligated after the end of the 30-day period beginning on the date of the receipt of that notification by Congress unless, before the end of such 30-day period, a joint resolution is enacted disapproving the obligation of such funds.

(C) Obligation for the MX missile program of funds appropriated pursuant to the authorization of appropriations in section 103(a) is subject to section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 693).

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. AUCOIN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Oregon (Mr. AuCoin) reserves a point of order against the amendment.

Mr. PRICE. Mr. Chairman, my amendment is the compromise that has been discussed. The amendment would authorize procurement of 15 missiles but not permit the funds to be spent until April 1, 1985.

Mr. Chairman, this and other amendments will be debated at length.

I will not say any more at this time, but I think it is important that the House have opportunity to debate this compromise approach.

Mr. Chairman. I yield to the gentleman from Wisconsin (Mr. Aspin).

Mr. ASPIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the amendment that the chairman has just introduced is the amendment that we have been working on which is a very different concept from the Bennett amendment. And the concept difference is that it depends upon the Soviet Union, the actions by the Soviet Union.

The Bennett amendment, with zero MX's, rewards the Soviet Union for walking out of the talks and does not require them to do anything else.

The amendment that we are offering here is an amendment that says we will vote for 15 missiles, fence the money for 6 months, wait and see if the Soviets come back. If they come back to the bargaining table, the money is not spent. If they do not come back to the bargaining table, the money is released.

It is a very different, in essence, proposition in terms of the incentives that it offers. I think that for that reason it is a better amendment.

(By unanimous consent, Mr. Price was allowed to proceed for 3 additional minutes.)

Mr. PRICE. Mr. Chairman, I yield to the gentleman from Washington (Mr. Pritchard).

Mr. PRITCHARD. Mr. Chairman, the question we have before us is how do we proceed without rewarding the Russians, and undercutting our allies. We should not get it mixed up in the Presidential politics and where it will be debated fully, and have this decision after the Presidential election. Finally, how do we change our strategy so that we tie arms control to our weapons procurement?

□ 1330

The Russians have walked out and no one wants to reward them. On the other hand, I think it is fair to say that many of us are not terribly enthused about the MX. This proposal is not being brought to this House by people who are gung ho MX supporters. But there is a question not only what you do but when you do it. And I for one think that it would be a great mistake to take this action now.

When you have the Washington Post—and I think all of us know that the Washington Post has been no great friend of the MX—one part of the editorial says:

> The notion that yielding it up unilaterally will somehow induce the Soviets to abandon their similar existing and prospective missiles is daffy.

"Daffy" is what the Washington Post said this morning.

So I think there is a good case to be made for a different way to meet this problem.

Now, as the gentleman from Wisconsin (Mr. Aspin) has said, we fence this money off for 6 months. It gets us past the election. And obviously on April 1 we will have a clear indication whether the Russians are coming back. Everyone knows that they are not going to come back until after the election. But after the election there will be this opportunity to judge. And I think April 1 is a reasonable time. If they come back to the table, the money is continued to be fenced off.

And, you know, that is a new strategy for us.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yeild to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I rise in support of the Bennett-Mavroules amendment to strike authorization of procurement funds for the MX and in opposition to the Price/Aspin substitute.

Last year, the House was persuaded by a very narrow margin to fund the initial buy of 21 MX missiles. A number of Members who doubted the utility or necessity of MX were nevertheless swayed by the arms control argument. A vote for MX, we were told, was a vote for arms control. A vote for MX, we were told, would strengthen our bargaining position. A vote for MX, we were told, would give the Soviets an incentive to negotiate.

Those were the claims, Mr. Chairman. What are the realities? Sadly, we are today farther from arms control, not closer. We are no more secure today than we were a year ago; indeed, to the extent that we squander our wealth on unneeded weapons, we are less secure. Finally, the Soviet walkout at Geneva demonstrated the value of the proposition that voting for MX would induce negotiation.

Where do we go from here? Today, we are being told that voting against additional MX procurement rewards the Soviets for not being at the bargaining table. I ask the supporters of MX: If the first buy of MX missiles did not cause the Soviets to negotiate, how will buying more of them help the situation? It defies logic to claim that more of a bad policy will lead to better times.

Mr. Chairman, the fond hopes of those who voted for MX as an arms control tool have been dashed. Continued support for MX procurement will meet the same end. The plain fact is that these arguments were, and remain, untenable. The basic proposition is this: If the United States builds and deploys the MX, the Soviets will be induced to engage in escalation, not negotiation.

Building and deploying the MX will not, in fact, induce the Soviets to do anything at all. If the proponents doubt that, I ask them to explain why the claims they made last year have proved groundless. I ask them why voting funds for MX last year produced the exact opposite result.

MX has failed as a bargaining chip: Not only have all bilateral arms control talks been cut off; but also the concept of build-down has been rejected by the Soviets; and, worse yet, DOD's new Soviet military power reports the Russians have added 550 nuclear warheads to their ICBM force over the past year.

Support for MX may have hardened—not moderated—the administration's approach to arms control, as proven by the record over the past 6 months:

Threats to violate SALT II: Administration officials last month threatened to end compliance with the SALT II limits at the end of next year, and to proceed with deployment of a seventh, Trident submarine whose deployment would place the United States in violation of SALT II.

Soviet "cheating" report: The administration has publicized allegations that the Soviets have cheated on many arms control treaties, even though it admits that absolute proof is not documentable.

Full speed ahead on Asat's: The administration reported to Congress that it will proceed with Asat testing and deployment, while refusing to enter into bilateral Asat negotiations, on grounds that Asat restrictions will not be verifiable.

Threats to violate ABM Treaty: The administration has requested $1.7 billion for its downpayment on a $25 billion "Star Wars" program of ballistic missile defenses, which, if deployed, would violate both the ABM and Outer Space Treaties.

"Arm to disarm" approach to nerve gas: The administration has renewed its drive for binary chemical weapons by linking it to a new draft CW proposal, which is unlikely to be accepted due to its on-demand, onsite inspection provisions.

MX cost is rising: A forthcoming GAO report will apparently warn that the MX will end up costing 66-percent more than the Pentagon estimates; 38 percent of these overruns will result from higher than expected design and production costs.

CBO finds build-down will be viable without MX: A March CBO report on the administration's START proposals finds that cancellation of the MX "would be consistent with the philosophy underlying much of the START/build-down proposal," which aims at moving away from MIRV'd missile deployment in fixed and vulnerable silos.

Strategic spending is still increasing: Funding for strategic programs has increased 81 percent under Reagan—fiscal year 1981–84. This year, under the administration budget, it will increase 11 percent. Even under the armed services bill, which had to cut the budget by $8 billion, it is programed to increase 9 percent.

MX to be deployed without full testing results: Both House appropriations and GAO agree that MX will not be fully flight-tested by the December 1986 IDC date. The appropriations report concludes that even if 10 missiles are deployed by then, their operational capability will be low and unreliable.

Scowcroft Commission fades away: The Scowcroft Commission has issued its last report. Without it, the administration is likely to further harden its approach to arms control.

Mr. Chairman, the same situation holds today. A vote today against MX does not "reward" the Soviets for walking out at Geneva. The MX will have no effect on the Soviets' position, just as it has had no effect in the past. We delude ourselves if we believe that spending more money on MX will lead to arms control.

The first step in reducing the number of nuclear weapons is to stop building new ones. That step will in no way reduce our security. Our strength is overwhleming, as the Soviets well know. To stop the MX is not a sign of weakness; it is a statement of our confidence in that strength. It is a step toward finally getting off this dangerous treadmill.

Mr. Chairman, do we believe that threatening the Russinas with increases in Nuclear Weapons will being them to the bargaining table? Facts have proven different. We would not bend to blackmail, nor will the Russians. We have enough bargaining chips and weapons of resolve without these additional 15.

I urge defeat of the Price-Aspin amendments and passage of the Bennett-Mavroules amendments.

Would the gentleman from Washington (Mr. PRITCHARD) explain to me and the House what happens at the end of 6 months? Supposing the Russians do not go to the table within 6 months. What happens at that point in time?

Mr. PRITCHARD. If they do not come back to the table, then we go ahead with the building of the 15 MX's. Now, we know that President Carter wanted 200. President Reagan asked for 100. And this is 15. It is half of what the committee asked for.

Mr. ADDABBO. Will the gentleman yield further?

Mr. PRICE. I yield to the gentleman from New York.

Mr. ADDABBO. During the 6-month period, who will determine whether the Russians have actually come to the table in good faith or not? Will it be this administration?

Mr. PRITCHARD. Well, it depends. You would have to tell me who you think is going to win the Presidential election.

Mr. ADDABBO. The 6 months, if the bill is signed by June 1, expires December 1. The present administration is still in office at that time.

Mr. PRITCHARD. No. It starts in September. It is the budget period. So it does not start now in June. It starts in September. So it will be the President, whether it is a new President or whether it is the present one. They will make a judgment.

And I know there are skeptics here. I do not think you need to be, but there are skeptics here who say, "Well, you know, the Russians will come back to the table, but, of course, if we have Mr. Reagan, he just will not believe that they are coming back in good faith."

At that point, if he makes a finding that the Russians have not come back in good faith, then both Houses of Congress can then exercise our judgment.

Mr. ADDABBO. If the gentleman will further yield, the gentleman fully knows the House will be out by October, the first week of October. So if they use the same arguments they have been using before about arms control, where they have not been acting in good faith, they will say the Russians have not come in and, therefore, come October 1 or October 15, after the Congress is out, they are out building the missiles again.

Mr. PRITCHARD. No. Let me straighten the gentleman out. The time of decision is April 1, and we are always here April 1. So I do not think you have to worry about the timing. The clock starts running in September, and the 6 months is up April 1. At that time we make the decision.

So I think the time factors are very correct.

I think many of us in this country are tired of always being on the defensive, never coming up with creative ideas, never tossing the ball in the other person's court.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. PRICE) has expired.

(On request of Mr. PRITCHARD and by unanimous consent, Mr. PRICE was allowed to proceed for 2 additional minutes.)

Mr. PRITCHARD. We are not asking for hard conditions. We are not saying they have got to change their position. All we are saying is, Will they come back to the table? I do not think that is unreasonable.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

I have a question to ask, in view of the testimony given on this floor about 1 year ago, when we were talking about the MX missile and how important it was for this Congress to vote the funds for procurement for the MX missile, to make sure we bring the Soviet Union to the negotiating table. Let me ask you, let all of us ask ourselves, what has happened over the course of 12 months? Are we closer today than we were a year ago? Are we further apart? Are we not listening to the very, very same arguments put forth at that time?

Mr. PRITCHARD. I think the gentleman would agree it is the Russians who have walked away, and they are not going to come back until after the Presidential election. I think every international student, and particularly of Russian, has come to that conclusion. So I do not think you can make the case right now that somehow our actions here have chased the Russians out.

What really happened was, the Russians made a big gamble in trying to intimidate Europe and not put the Pershings in. So the Russians walked out of this because our allies stood up and took the votes. And they are not coming back to the table.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. PRICE) has again expired.

(On request of Mr. PRITCHARD and by unanimous consent, Mr. PRICE was allowed to proceed for 5 additional minutes.)

Mr. PRICE. Mr. Chairman, I continue to yield to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. I thank the gentleman for yielding.

Mr. MAVROULES. If the gentleman will continue to yield to me, I appreciate the gentleman yielding to me and perhaps later on, when we get into it, I will be glad to yield to the gentleman.

Let me ask the gentleman this one question: In your judgment, do you honestly believe it is the MX missile that is keeping the Soviet Union away from the table or bringing them to the table versus the cruise missile or Pershing II?

Mr. PRITCHARD. Well, first of all, right now they are not coming back to the table because they are going to stay away until after the Presidential election.

We know there is not one thing that keeps the Russians away or brings

them back. I think all of us would agree on that. There is a variety of things. But any time we can put something out there that is an inducement, any time we can put some carrots out there, we want to do it. And I think this goes in the direction that most Americans want. They want the two countries to get back to the table, and if we can frame this amendment so that we give some incentive, I think it makes a great deal of sense.

You have to realize, I am not a great advocate of the MX.

Mr. MAVROULES. I know.

Mr. PRITCHARD. But I think to do what the gentleman would like to do is bad timing. I think that the proposal that the gentleman from Wisconsin has come up with is very creative and goes in the right direction.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank my colleague for yielding.

As I read the description of the amendment the gentleman is speaking for, it says if the Soviets do not return to the bargaining table, arms negotiation table, the money for the 15 missiles will be released.

Do I read this description correctly that the amendment is contingent upon the Soviets returning to the arms control table?

Mr. PRITCHARD. Oh, yes. They have to come back. It is an inducement for them to come back.

Mr. LOWRY of Washington. So the expenditure of the dollars in this bill for the procurement of the missiles is contingent upon the Soviets returning to the arms control table or not, one or the other?

Mr. PRITCHARD. Well, it is an inducement for them to come back. And I certainly think that is right.

I do not want to take up all the time, because I know the gentleman from Wisconsin would like to participate in this debate, and he is far more able than I to make these arguments.

Would the gentleman from Illinois yield some time to the gentleman from Massachusetts (Mr. MAVROULES) so that he can ask a question?

Mr. PRICE. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I want to thank the chairman, and I want to thank the gentleman from Washington for his kindness.

We continue to talk about arms control, and the gentleman is a very responsible Member of this august body.

Mr. PRITCHARD. I thank the gentleman.

Mr. MAVROULES. Let us go back. If we really and truly want arms control, then what we ought to be doing is having the Senate vote on SALT II, and then we should have some kind of an agreement.

□ 1340

I think what we have to do is make an honest and true comparison of where we were back in 1980, versus where we are in 1984, and where are we going in 1986 and 1988, when you have a third generation of weapons being produced by this country and a sixth generation being produced by the Soviet Union. We have to look at the hard picture. I am not so sure we are doing that because we are further away today than we were 4 years ago.

Mr. PRITCHARD. Let me just respond to two things.

There is not any question that we have got to come up with some new approaches. This amendment is a new approach as to the history since 1980, that will be the debate that goes on for the Presidential election.

In that respect, I think it really does make a lot of sense to set this over for 6 months and allow that Presidential debate to go on.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

I believe the gentleman's intentions toward arms control are sincere. We have discussed this often. What I want to know is where in history the gentleman can cite some examples of weapons that have gone through a test phase that have served as useful bargaining chips? Can any examples come to the gentleman's mind?

Mr. PRITCHARD. I just have to say this: We do not have any successful history in arms control. So it is very hard to go back into history and come up with some examples.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PRICE. Mr. Chairman, I do not seek any further time.

The CHAIRMAN. The gentleman from Oregon (Mr. AUCOIN) has reserved a point of order. Does the gentleman wish to pursue that?

Mr. AUCOIN. Yes, Mr. Chairman. Under the rules of the House I understand I am not required to raise the point of order at this particular point. But I do continue to reserve my point of order.

The CHAIRMAN. The Chair has the discretion to entertain the point of order, and the Chair chooses at this time to have the gentleman state his reservation.

Does the gentleman make a point of order?

Mr. AUCOIN. Mr. Chairman, if the Chair would indulge me for just 30 seconds, I would be ready to make my point of order.

I am standing over here at a microphone without my notes, and I would like to have those notes before I make my point of order.

The CHAIRMAN. Does the gentleman then just wish to strike out the last word?

Mr. AUCOIN. I move to strike the last word, Mr. Chairman.

POINT OF ORDER

Mr. AUCOIN. Mr. Chairman, I make a point of order against the Price amendment on the grounds that its scope is broader than that of the primary amendment, title 1, and therefore is not germane to the primary amendment.

The Price amendment would condition MX missile procurement authorization on a Presidential determination. The exact nature and notification of this action is not specified in the amendment; it is open to various interpretations. A number of those interpretations have been brought out on the floor in the colloquy which just preceded my point of order stated by the gentleman from Washington State.

That interpretation is that the MX procurement authorization would be contingent upon a Presidential report or certification regarding arms control negotiations. This, is in fact the interpretation, as I have indicated it, Members who support the amendment have built into the legislative history just set forth.

Since arms control negotiations involve agencies not charged with procurement of the MX missile, nor with procurement of any weapons, the Price amendment is not germane to the primary amendment according to Deschler's Precedents, chapter 28, section 24, point 23, based on a ruling made February 22, 1978.

The amendment is also inconsistent with rulings made in similar cases on July 8, 1981, and July 9, 1981.

Mr. ASPIN. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, the language of the amendment says that the President shall determine whether the Soviet Union is acting, as of April 1, 1985, in a manner indicating that it is willing to take actions to further the control and limitation of types of strategic nuclear missile weapons systems. It does not mention negotiations. The amendment itself is in line with other types of amendments that we have had, and it is a general finding by the President, and I believe it is within the rules of the House.

Mr. LOWRY of Washington. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, in the colloquy I just had with the gentleman from the State of Washington, he answered the question that this amendment is contingent

upon arms control negotiations. I ask that specifically because on July 8, 1981, I presented an amendment to the floor on Pershing II's that was ruled out of order as stated and that amendment on Pershing II's held the dollars for the expenditure for the deployment until the President has certified that Congress of the United States has forwarded to the Soviet Union initial proposals for arms control negotiations. Essentially the same thing.

That amendment was ruled out of order, the amendment made by this gentleman, was ruled out of order, and part of the reason that it was ruled out of order as stated was the Chair would further point out that the arms control negotiations fall within the jurisdiction of the Committee on Foreign Affairs, and not within the jurisdiction of the committee reporting this bill, and thereby out of order.

In the colloquy, I asked the gentleman, and the arguments made for this amendment, if the releasing of the dollars for the procurement is contingent upon the arms control part of this, and the answer was yes.

Mr. ASPIN. May I be heard again, Mr. Chairman?

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin.

Mr. ASPIN. The difference is of course that the gentleman from Washington's amendment that he referred to, did mention arms control negotiations in his amendment. The amendment which the chairman of the committee, Mr. PRICE, has put forward does not mention arms control negotiations in his amendment.

Mr. AUCOIN. Mr. Chairman, I seek to be recognized further.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I am looking at page 2, and on page 2, lines 5 and 6, it states, lines 4, 5, and 6, it states, "* * * acting in a manner indicating that it is willing to take actions to further the control and limitations of types of strategic missile weapons systems similar to the MX."

Mr. Chairman, my point is this: One cannot define a missile system that is similar to the MX. The amendment does not define it. As this debate has already brought out, it is subject to a great difference of opinion on the floor of the House. I make the point, Mr. Chairman, my point of order is, therefore, that the amendment is broader in scope than that of the MX because it necessarily brings into play questions of missile systems beyond the MX. It is only the MX that is in dispute and subject to debate at this point. So I renew my point of order.

Mr. DICKINSON. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, the amendment is clearly germane and does not exceed the scope of the original bill. It does not introduce a new and different subject than that in the amendment offered by the gentleman from Florida (Mr. BENNETT). Both amendments deal with the procurement of MX missiles. The amendment differs only in degree. The amendment offered by the gentleman from Illinois (Mr. PRICE), does place additional conditions on the release of funds for the procurement of MX missiles, but does not introduce any new or additional subject, and is therefore clearly germane.

The amendment offered by the gentleman from Florida contains a provision providing, "None of the funds in this title" may be used for the MX missile program.

□ 1350

It should be noted that there are other provisions in title I of this bill regarding international treaty obligations. Section 105, for instance, deals with our international obligations with NATO countries. Section 107 of this bill also contains provisions extending certain authorities to the President under the Arms Export Control Act.

So I think neither in enlarging the scope nor on the question of germaneness would a point of order lie.

Mr. FRANK. Mr. Chairman, the gentleman from Wisconsin, when he rebutted the gentleman from Washington who spoke, said yes, the gentleman from Washington had a point if this talked about negotiations, but he says it does not allude to negotiations.

I must say that, I think, would come as a surprise to most of the Members, so I wanted to ask the gentleman from Wisconsin, if I can, when he says that the President shall go ahead with the MX unless he finds that the Soviet has indicated that it is willing to take actions to further the control and limitation of types of strategic nuclear missile weapons systems, and if the Soviet is acting in such a manner, are we to determine that without regard to negotiations? Are we going to do this by reading Pravada and Izvestia, or does the gentleman anticipate that some unilateral Soviet actions will anticipate?

I agree that it does not say the magic word "negotiations," but it clearly assumes that the President will engage in negotiations and make a judgment there. So the gentleman from Wisconsin, it seems to me, having conceded that if this was based on an assessment of negotiations, a point of order would lie, he is simply, by not mentioning the word "negotiations" talking about a process of negotiations.

Is the gentleman saying that in the President's assessment of the Soviet's behavior, he does not assume that there will be any allusion to negotiations?

Mr. ASPIN. If the gentleman will yield, no. The issue is whether they are acting, as the amendment says, in a manner indicating they are willing to take actions to further the control and limitation.

Mr. FRANK. And that would not involve their behavior in negotiations?

Mr. ASPIN. Of course. Of course. It could.

Mr. FRANK. It could.

Mr. ASPIN. If the gentleman would yield for a response, I would be happy to answer the question.

There are a lot of ways in which this can be indicated. Negotiations is but one.

Mr. FRANK. Mr. Chairman, I will take my time back. The gentleman has answered my question, sort of.

The CHAIRMAN. The gentleman from Massachusetts may continue at the Chair's descretion for 1-minutes.

Mr. FRANK. I thank the Chair.

Mr. Chairman, it seems to me the gentleman from Wisconsin has again conceded the point. Obviously the intention of this is that the President would assess the Soviet behavior in negotiations. As a matter of fact, although the magic word "negotiations" is not mentioned, that really makes it an issue on all fours with the point of the gentleman from Wisconsin and the gentleman from Washington.

Simply not mentioning negotiations when you describe a process that can only be assessed through negotiations clearly seems to make it the case. If the gentleman is really saying that the President should assess this important decision without regard to negotiations from the Soviet Union, then the amendment makes even less sense than I though it did, and I did not come here with a high opinion of it.

Mr. DICKINSON. Mr. Chairman, I demand regular order.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule.

The Chair feels the arguments made, to sustain the point of order, are much broader than the Chair would interpret the amendment. The amendment offered by the gentleman from Florida reduces the line-item authorization for Air Force missiles and also adds a section at the end of title I prohibiting the use of any funds authorized in title I for fiscal year 1985 for the procurement of the MX missile.

The amendment offered by the gentleman from Illinois, in lieu of a prohibition on the use of the authorized funds in fiscal year 1985 for the procurement of any MX missiles, would instead reduce the same line-item authorizations for Air Force missiles by a lesser amount and would add a different section at the end of title I stating

a policy with respect to the use of fiscal year 1985 authorized funds in title I for the unilateral cancellation of the MX system, while the Soviet Union continues to be unwilling to take actions to control and limit similar strategic missile weapons systems.

In effect, the amendment would authorize fiscal year 1985 funds for the procurement of not more than 15 MX missiles after April 1, 1985, if the President determines that the Soviet Union is not acting in manner to control similar systems.

In the opinion of the Chair, the issue of the availability of any funds in fiscal year 1985 for MX procurement prsented by the original amendment permits as an alternative approach a conditional restriction on the availability of those same funds dependent upon Presidential determinaiton of procurement of similar systems by the Soviet Union.

It is certainly a related issue to condition of the availability of the funds in the bill upon observed conduct on the part of the Soviet Union with respect to a similar weapons system, and the Chair overrules the point of order

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois, (Mr. PRICE). There was some discussion earlier on behalf of the gentleman from North Carolina (Mr. NEAL), that we would not hear anything more about unilateral disarmament if his formulation, which is largely patterned after the formulation developed by the distinguished chairman, the gentleman from Illinois. But as long as the amendment offered by the gentleman from Florida (Mr. BENNETT), remains in its original form, it is a unilateral disarmament amendment, and then we are going to hear a good deal about unilateral disarmament. But I do not think there are very many Members in the Chamber who really support unilateral disarmament.

On the other hand, the amendment offered by the gentleman from Illinois (Mr. PRICE), is an extremely constructive amendment. We reduce the number of missiles from the figure of 40, which the President requested. We have even reduced it from the figure of 30, which the Committee on Armed Services reduced it to. In the Price amendment we bring it down to the number of 15.

The number of 15 represents a figure that is a reasonably economic rate for production of that missile, so that by reducing the missile we do not also automatically increase the size of the defense budget. By so doing, we continue not only the production of the missile, we not only continue to test it, we not only continue to carry out the research and development; we are also providing for the continuation of one of the very important arms control elements that the House insisted on last year when we supported 21 missiles of the MX variety, namely, the Midgetman missile.

I can remember very clearly in the Committee on Armed Services a number of members insisting that they were not going to support the MX unless the Air Force was forced to go ahead with the development of the Midgetman, a single-warhead missile, which would be mobile and which would, hopefully, shame the Russians into abandoning their own multiwarhead missiles to go along with us.

So this Price amendment does have a very genuine aspect of arms control and, of course, it also recognizes what all of us realize: That whether we are for the MX or whether we are against the MX, this is a decision that is not going to be made, fundamentally, in this particular Congress. Of course we have a national referendum ahead of us in November; and the future of the MX will depend on who is chosen as the leader of our country and who are chosen to be the Representatives who sit in the 99th Congress.

So what we have recognized in the Price amendment is that if the current occupant of the White House is reelected, clearly he will have behind him the support of the electorate for proceeding further with the MX, as he has suggested. But if one of the three Democratic candidates who are now competing should become the President of the United States, all three of them have indicated that they are going to throw out the MX missile.

So we are simply recognizing the political realities, and in a very useful way.

The trouble with the amendment offered by the gentleman from Florida (Mr. BENNETT) as it stands, is that it would reward the Soviet Union for having walked out of the missile talks in Geneva, both the INF and the START talks. Let us not forget that a year ago the Soviets were in Geneva. They were negotiating there.

□ 1400

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. STRATTON was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. Mr. Chairman, when we approved the 21 MX missiles, last year, the Soviets were at the START talks. They were negotiating, they were talking. They were not getting upset over the fact that Congress had approved 21 MX's. As a matter of fact, most of their concern in Geneva seems to have been over the Pershing II and the GLCM rather than over the MX.

But if we now go along with the naked, bare, unilateral disarmament amendment of the gentleman from Florida, we will be rewarding the Soviets for their intransigence, not only in walking out of the arms talks but for even rejecting out of hand in a very obnoxious way a letter from the President of the United States carried by General Scowcroft to the head of the Soviet Union. And would be further rewarding them for having walked out of the Olympics. And I would think that Members from the great State of California would be very much concerned about that kind of walkout because that will surely damage the economy of the State of California as well as bringing a devastating result to a lot of determined and serious athletes who have been practicing long and hard for the Olympics.

Mr. Chairman, I have just one other point I would like to make before I sit down. Yesterday, as we considered under suspension the resolution condemning the treatment of Andrei Sakharov and his wife, Mrs. Bonner, we heard a number of very eloquent denunciations of the Soviet philosophy, of Soviet behavior, and of the nature of their particular empire, whether it was evil or not. As it came out in those remarks yesterday, it certainly sounded like the kind of an evil empire that the occupant of the White House has been talking about. Are we really going to reward the Soviet Union by wiping out this weapon that has concerned them and will reward them with unilateral disarmament after their atrocious treatment of Andrei Sakharov?

Mr. Chairman, I think anybody who participated in that argument yesterday and who voted for the resolution to condemn the Soviet Union over Mr. Sakharov ought to vote overwhelmingly for the Price amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to my friend, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I am glad that the gentleman mentioned Mr. Sakharov, because, as we recall, Mr. Sakharov last year wrote an open letter to Sidney Drell, and in it he suggested that as much as he understood and shared the pacifist views that are very strong in the West, he understood that we needed to show the Soviet Union that we have the will to modernize our land-based forces. And he said that he would prefer to see a negotiation so that we did not have to go ahead, but he felt that until those negotiations were successful, we had to go ahead on some of these missiles.

Mr. STRATTON. The gentleman is correct.

Mr. DICKS. That was Mr. Sakharov's statement last year, and I think it

surprised a lot of the Members who were talking yesterday.

Mr. STRATTON. Mr. Chairman, the gentleman is correct. I am glad that he made that point, and I am sure that if Andrei Sakharov were a Member of this body today, he would certainly support the Price amendment.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I thank my distinguished colleague and the dean of my delegation for yielding.

I am not sure if I caught the gentleman's argument in the early stage of his statement correctly. Was the gentleman suggesting that the elections in November are going to be a referendum on the MX?

Mr. STRATTON. I think they are going to be a referendum on the MX, along with many other things, but clearly the future of the MX is going to be dependent on the outcome of the election.

Mr. WEISS. Mr. Chairman, is the gentleman telling us, then, that he is going to be casting his vote on the basis of which of the candidates is supporting the MX in the Presidential campaign?

Mr. STRATTON. No; I am not getting into the Presidential campaign. I am concerned with the future security of the country.

Mr. WEISS. Mr. Chairman, I thank the gentleman for his response.

Mr. STRATTON. Mr. Chairman, I yield back the balance of my time.

● Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the amendment offered by my colleagues—Mr. PRICE, chairman of the House Armed Services Committee, and cosponsored by Mr. ASPIN.

There needs to be some middle ground between concern for rewarding the Soviet Union for intransigent behavior at the bargaining table in Geneva and a general lack of enthusiasm for the MX system. I believe this amendment achieves that middle ground.

We sometimes forget, in the heat of debate, that the MX weapons system does not exist in a vacuum. The critical question facing the Congress and the United States in this: What combination of dollars, hardware, and strategy can best guarantee our national security and at the same time, maximize the arms control impact to lower the threshold of nuclear war? Surely too few arms create an imbalance just as dangerous as too many. This amendment avoids the twin dangers of too many, and takes into account the stark realities of global politics.

Under the terms of the Price-Aspin compromise, the President's original request for 40 MX missiles would be reduced to 15. It provides a 6-month delay before any of the money may be spent. It requires the money to be frozen for the remainder of the fiscal year if the Soviets return to the bargaining table. If they do not return to Geneva, the money for the 15 missiles would be released.

I am one Member who voted against procurement of the MX during the last authorization process. The concerns I had then are still viable—costs and vulnerability of the system. However, more important than this is my personal commitment to the goal of returning to the negotiations in Geneva to craft an equitable and verifiable arms control agreement. This issue transcends partisan politics and election-year rhetoric.

Two things cannot be forgotten. First, although we are continuing to work on the problem, we still do not have a reliable basing mode for the MX, a factor identified by the Scowcroft Commission as crucial to the entire system. And second, the MX cannot be counted on to be the primary force to change Soviet behavior, despite the administration's promises last year. That is why this amendment, which makes the funds available for additional MX production but does not slam shut the door on arms control, is the best choice given today's strategic situation. It is exactly the bargaining chip that the administration has requested: Either the Soviets return to the negotiating table or we proceed with additional production.

It is thus in humanity's best interest that the President dedicate all of his energies to reopen the arms control negotiations with the Soviet Union, which would negate the need for further production of the MX.●

AMENDMENT OFFERED BY MR. MAVROULES AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BENNETT

Mr. MAVROULES. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MAVROULES to the amendment offered by Mr. BENNETT: Page 10, line 19, strike out "$8,664,600,000" and insert in lieu thereof "$5,942,700,000".

At the end of title I, page 15, after line 5, add the following new section:

MORATORIUM ON MX MISSILE PROCUREMENT

SEC. 110. (a) None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for the MX missile program.

(b) It is the intent of Congress that the denial of funds for procurement under the MX missile system program for fiscal year 1985 constitutes a moratorium on procurement of missiles under such program but does not constitute a unilateral termination of that program.

POINT OF ORDER

Mr. DICKINSON (during the reading). Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DICKINSON. Mr. Chairman, it is my understanding that we are debating a perfecting amendment which is not amendable.

The CHAIRMAN. The Chair will state that the gentleman from Massachusetts is privileged to offer a substitute for the Bennett amendment.

The Clerk will read.

The Clerk concluded the reading of the amendment:

The CHAIRMAN. The gentleman from Massachusetts (Mr. MAVROULES) is recognized for 5 minutes in support of his amendment.

Mr. MAVROULES. Mr. Chairman, I am delighted to have this opportunity to offer the substitute for the amendment, and it is cosponsored at this stage by my dear friend, the gentleman from North Carolina (Mr. NEAL), and it is offered with his full support.

Mr. Chairman, I rise to speak in opposition to further procurement of the MX missile.

To Members who are open minded and undecided; To those troubled by $200 billion deficits; To colleagues concerned over an arms race and the future of their children, today, Mr. BENNETT and I offer you a choice. Today, you can make a difference.

Join us in halting an MX program which is wasteful and unnecessary. The message we will send is one of support for security and stability. No longer will Congress support billion dollar dinosaurs promoting deficits but not deterrence.

We are told by our friend from Wisconsin that no further MX procurement sends the wrong signal; and he is joined by the President in making this claim. This is the same President who 6 months ago claimed bringing our Marines home from Lebanon—removing them from a defenseless position in Beirut—sent the wrong signal. We made the right decision then, and today, you have the chance to make another right decision.

So many words have been written about MX, arms control, and bargaining chips. Yes, it was true there was once a time when American and Soviet missiles were part of an arms limitation ceiling. MX was included. The agreement was SALT II, and it was negotiated by Presidents Nixon, Ford, and Carter.

Yesterday, Members received this volume from the administration outlining all of the President's positions on arms control. You will not find a word on the "window of vulnerability" in the text. You will find the quote that "President Reagan has no higher priority" than an arms agreement.

To the President, to his supporters in this House, to his spokesman on arms control, the gentleman from Wisconsin, I offer this challenge. Mr. President, do not submit notebooks on issues; submit SALT II to the Senate

for ratification. That, will be an arms control start.

For other Members, from California and Connecticut, Missouri and Massachusetts, there is another issue—Jobs, Jobs building MX. Those troubled by this question, I only point out the position we have taken in Massachusetts, the No. 2 State in MX contracts and jobs. Yes, we want our people to work. But, a $20 billion program is too high a price for a few thousand jobs.

Let us be honest on a few points. The United States today operates a modern and capable strategic deterrent. Our goal must be to preserve the strategic balance at the lowest level of risk. The charge is made that not building MX rewards the Soviets. I am astonished each time the gentlemen on the other side raise this issue.

They ignore the billions in this bill for Trident submarines and missiles; the B-1 an advanced technology bomber; two generations of high technology cruise missiles; Pershing missiles; and, a new generation of lethal warheads. These systems are ignored, in favor of constant discussion on an MX program which is far more questionable in capability than any other strategic system in this bill.

It does not send the wrong signal to stop a program which is obsolete before a single missile is deployed, and which will cost billions in the coming years. Quite the opposite, supporting the Bennett-Mavroules amendment will demonstrate that Congress has the discipline and will not fund a marginal weapons program. If you support the Aspin substitute on the grounds that it will slow deployment of the system, I remind you the Senate is unlikely to support his language in conference. And then, where does the White House stand? Is the Aspin substitute the President's position? Or, is it just the President's position for today?

If you want to stop MX; or, if you just want to slow it down, support the Bennett-Mavroules position. Then, at least you will have a bargaining chip with the Senate for conference.

Finally, we have heard so much in this debate about symbols. My colleagues, do not worry about the wrong signal. Instead, just make the right choice. Send a message to millions of worried people. Do not fund the MX missile.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to my friend, the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman yielding. I commend the gentleman for his remarks and I appreciate the leadership the gentleman has shown on this issue.

I, too, am upset with the fact that some Members would say that if we kill a weapons system, that most Members who are supporting the Aspin-Price amendment concede makes no intrinsic military sense, that somehow we are rewarding the Russians.

I remember last year they said:

> We are negotiating with the Soviet Union now. The last thing we need to do is to kill the MX missile, because we will hurt the negotiations. We have got to fund the MX missile in order to keep the Soviets negotiating.

Now we are here after the collapse of the negotiations, there are no negotiations, and now we are being told that we cannot kill the MX missile because of the opposite reasons.

I think the question is this; If we cannot kill the MX missile when there are negotiations, and we cannot kill the MX missile when there are not negotiations, when can we kill a weapons system that everyone agrees makes no intrinsic military sense?

The gentleman identifies the issues. I compliment him for enunciating the issue and hope Members will support his substitute.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman very much for his remarks.

I would be pleased to yield to my friend, the gentleman from North Carolina (Mr. NEAL), the cosponsor of this substitute.

Mr. NEAL. Mr. Chairman, I thank the gentleman for yielding and I thank him for offering this substitute on our behalf.

I would like to say a couple words about it. It has been said many times that the Bennett-Mavroules amendment would constitute unilateral disarmament. I would like to point out that if we adopt this substitute that is now under discussion, that could no longer be said with accuracy.

In essense, the Bennett-Mavroules amendment, with the adoption of this amendment, offers no unilateral disarmament. It offers a postponement. It sends, if we support it, a message to the Soviet Union which says that we want to wind down the arms race. We are not going to do it unilaterally. We demand an appropriate response from the Soviet Union.

Mr. Chairman, I cannot tell you today what that appropriate response would be. Everyone here knows, I am sure, that under all amendments we would continue the development and production of the 21 MX missiles provided for under the 1984 authorization. Research and development continues. Flight testing continues. There is no unilateral cancellation of that program. The program continues.

What we would be saying here is that if the Soviets will give us an appropriate response, there is the possibility that we will not continue with this MX program.

Arms negotiations between our countries have broken down. We are not at the bargaining table. There is an opportunity here for the Congress, this Congress, to send a message to the Soviet Union that we do not want this arms race to continue forever, and if they will respond appropriately, we can begin to deescalate the ever escalating arms race.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. MAVROULES. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. DICKINSON. Reserving the right to object, Mr. Chairman, I certainly have no intention of trying to cut off debate, but I did have a substitute I wanted to offer, if the Chair would protect me at the proper time.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MAVROULES) is recognized for an additional 5 minutes.

Mr. MAVROULES. Mr. Chairman, I would be happy to yield to all of those who are seeking some time, but I have made some commitments to those here, but I will come back when we have some time.

I am pleased to continue to yield to the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. Mr. Chairman, I thank the gentleman for yielding.

I just want to make one other point about the merits of this approach relative to that offered by the distinguished chairman of the committee and authored by the distinguished gentleman from Wisconsin (Mr. ASPIN) and others.

My concern about their approach is that the Soviets will read it as not much of a change. Under the bill we would schedule 30 missiles. Under the approach of the gentleman from Wisconsin (Mr. ASPIN) there would be 15. It seems to me that if I were a Soviet viewing this, I would say, "Well, really, what has happened? They have already got 21 in the pipeline. They are going to add another 15. That is 36 big missiles. Is that really a reduction in the arms race or is it not?"

I do not think I would see it as such, but I think under my substitute approach the Soviets would recognize a very sincere and significant gesture. It would be a real change in course, no doubt about it, and then we would have an opportunity to make our own independent judgment as to whether or not the Soviets had responded appropriately. If they do, the Congress would have made a very significant

first step toward reversing the tend of the arms race. We would have deescalated what has been for many years, an ever escalating arms race. By the implementation of my amendment and an appropriate response on the part of the Soviets we would have reversed somewhat the arms race and help create a somewhat less risky world.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for his contribution.

I now yield to my dear friend, the gentlewoman from California (Mrs. BURTON).

Mrs. BURTON of California. Mr. Chairman, I want to thank the gentleman. I want to compliment the gentleman first on his amendment.

First of all, I would like to know, are there not a number of experts who said that the MX is obsolete as a weapon by the time we build it?

Mr. MAVROULES. As a matter of fact, the experts have so stated that. We are always going to get two sides to an issue.

I think I also stated that in my remarks here this morning, that it could very well be obsolete by the time it is in operation, figuring 1988 or 1990.

Mrs. BURTON of California. I must say as someone who knows the language, the Russian language, and as someone who has lived in that part of the world, I think it is absurd to think that to rebuild the MX if we procure it, if we spend money for it, that the Soviets will come to the table.

I had an opportunity of meeting the Soviets who are doing the negotiating at START with General Rowny, who is a Pole, and we talked and we talked and we talked.

I think that if we stopped the MX, we have an opportunity of getting the Russians to the table. Sure, they are not going to do anything before the election, but right after the election I assure you they are going to come and negotiate, but not if we continue with the MX missile.

□ 1420

I am supporting your position.

Mr. MAVROULES. I thank you very much for your contribution.

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. RATCHFORD. Would the gentleman agree that the fact that we are here this afternoon is evidence of the bankruptcy of our efforts in the diplomatic field?

Mr. MAVROULES. I think all we have to do, my dear friend from Connecticut, is go back to 1980 and find out where we were in arms control negotiations compared to where we are in 1984.

But more importantly I believe the issue cries out: Where are we going to be in 1986 and 1988 after all generations are built?

Mr. RATCHFORD. The gentleman further agrees there is evidence to the fact that our arms control efforts are bankrupt, also.

Mr. MAVROULES. There is no question in my mind, at least in my judgment.

Mr. RATCHFORD. The gentlemen give compelling reasons for the adoption of his amendment. In the matter of which of the options we are looking at this afternoon, I find it very interesting that we have come from 40 to 30 to 15. If this is such a good system, why have we seen these concessions over the past several months?

The reality is that there are many reasons for not going forward. In the areas of cost, if we go forward now with procurement, we are making a down payment on a deficit that will reach $35 billion on this system alone. Would the gentleman agree?

Mr. MAVROULES. Yes; I agree.

The other point, I think all we have to do is go back in the last 30 years, and I challenge anyone to come before us and say to us that we have canceled a major weapons system. We have not. Once the system begins, once it is started, they see it all the way through.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MAVROULES) has again expired.

Mr. MAVROULES. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. BADHAM. Mr. Chairman, reserving the right to object, and I have no reason to pursue this, but I would like to inquire of the gentleman. This is supposed to be a debate, and right now it is a very one-sided thing with only the proponents. I suggest that all the proponents might each get their own individual time so that opponents of this amendment might have their time also rather than the time until we drive ourselves into a request for a limitation of time.

Mr. MAVROULES. Will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I certainly have no argument with that request. I believe in fairness and I think you know that. I know you and you understand me.

But the point is that there are people here who want to get into a very important part of the colloquy relative to the substitute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. BADHAM. Further reserving the right to object, might I ask the gentleman how much longer he would wish to continue?

Mr. MAVROULES. Will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I am going to request further time so long as there are Members on this floor who want to engage in a colloquy and want to debate with me. And I think it is only fair for the system.

I have never in all my years that I have been in Congress objected to any one particular person taking extra time on this floor. So I can only answer you that I want to be fair, but if they are requesting time I intend to yield to them.

Mr. BADHAM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The gentleman from Massachusetts will be recognized for 5 additional minutes.

Mr. RATCHFORD. Will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. RATCHFORD. I thank the gentleman for taking the time because I think colloquy is important, and I do not think it should be a one-sided colloquy either. There is a difference of opinion here.

But is it not true that in the history of the system we have now seen about 30 different options offered, and we have had experts as well known as Secretary Weinberger saying that "there is not any ground based system that is survivable?" Is that not a quote from the Secretary of Defense?

Mr. MAVROULES. You are correct. As a matter of fact, I believe it is correct to say there are 35 different basing modes that they came forward with. That is a good point.

Mr. RATCHFORD. I may be a bit conservative in my quoting of a number. But it is clear that we are talking about a system (1), that is costly and (2), that cannot be defended. And finally, I would say to the gentleman, did you not state in your opening remarks that we are proceeding in other areas, that we are proceeding with the cruise missile, that we are proceeding with the Trident submarine and that we are looking at options relating to the Trident, and that these options are there and they are both less expensive and less vulnerable than what is being talked about today?

Mr. MAVROULES. Not only that, my dear friend, but when you talk about the other parts of the triad system, I think it is only fair that those who take the floor give a true analysis and a true judgment call on the qualitative superiority, qualitative

superiority that we do have in other parts of the triad.

Mr. RATCHFORD. I would thank the gentleman. I think he makes the point and makes it well.

There is a quote from H. G. Wells that really applies here. Wells said that "history more and more is a race between education and catastrophe." I would say this afternoon, based upon all of the information that we have, that we ought to cast an educated vote in favor of the Marvroules amendment, avoid a catastrophe and end this continuing saga of the MX missile.

I thank the gentleman.

Mr. MAVROULES. I thank you very much.

Before I yield to my dear friend from New York and then my dear friend from New Jersey, I just want to once again put to sleep, you know, the term unilateral disarmament which has been used here a number of times. If you read the substitute to the amendment of Mr. BENNETT's we eliminate that argument once and for all here today.

Mr. GREEN. Will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from New York.

Mr. GREEN. I thank my colleague from Massachusetts for yielding, and I rise in support of his amendment.

Frankly, I think I differ from some other supporters of his amendment because I do not think it makes much difference in terms of the arms control negotiation whether we build 40 MX missiles or 30 MX missiles or 15 MX missiles. We know and the Soviets know that this is a weapon that does not do what it was intended to do.

When the Carter administration began this program for the MX missile, it did so because the Minuteman was not survivable in a Minuteman silo. Now we are going to put that MX missile in the same unsurvivable silo.

Plainly it does not work, and I do not think it does much good to build 40 of them, or 30 of them, or 15 of them if it does not do the job for which it is intended.

Now we learn that even the offensive part of its job, if God forbid we wanted a first strike weapon, would not work either. For heaven's sake, when we are facing a $200 billion deficit, why waste the money on this when we have so many other important needs and important needs in the defense area.

I worry that we have no capacity for projecting conventional forces into the Persian Gulf. If it is a choice for me between the MX missile and the C-17 aircraft, I sure would rather have that transport capability and the ability to protect American interests.

So I think that for budgetary reasons and for defense reasons we make a great mistake to waste this money on a weapon that does not work.

I thank the gentleman for yielding.

Mr. MAVROULES. I thank the gentleman for his comments.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

There are a couple of points I would like to make. One is just a legitimate question because I am not sure about the containment of your amendment, your substitute. Does your substitute eliminate the $1 billion, strike the $1 billion that is necessary for the production of the 21 MX missiles that this body approved last year?

Mr. MAVROULES. It is a question of interpretation and that was a question that was brought up here this morning.

Mr. COURTER. It is an important question.

Mr. MAVROULES. Our substitute, the original amendment reduces by $2.7 billion the procurement of the 30 missiles which has been agreed to by the Armed Services Committee.

Mr. COURTER. If the gentleman will continue to yield, you did not really answer the question to my satisfaction. Do I take it from your comments that indeed your substitute does eliminate the $1 billion that would be necessary for the production of the 21 missiles we approved last year?

Mr. MAVROULES. No. There is no straight up or down answer on that.

Mr. COURTER. It may or may not?

Mr. MAVROULES. Excuse me, let me respond. There is no straight up or down answer on that. I think if you want to take into consideration all of the funds that we have voted for the procurement and production——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MAVROULES) has again expired.

(On request of Mr. COURTER and by unanimous consent, Mr. MAVROULES was allowed to proceed for 3 additional minutes.)

Mr. MAVROULES. In order to continue this colloquy, the interpretation given to me by a staff member this morning is that we take $1 billion out of there and you knock it all out. My interpretation is that you get some $3 billion for the procurement and production of the 21 missiles last year. And it is my opinion they can continue with the procurement of those 21 missiles.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman. I want to commend him and my colleague from Florida.

It seems to me we have a couple of fundamental questions. One is, What is the fundamental military need of this country? And that I think the gentleman from Florida has addressed, and that is in the conventional weapon area.

The second question is: What is a deterrent? Do we have a satisfactory deterrent?

Well, if all of the thousands of warheads we have without this particular MX missile is not a deterrent, then there is no one rational on the Soviet side, and the MX is not going to do the trick either.

□ 1430

When you take your children to the toy store, you cannot let them buy every toy in the store. And when you take the admirals and generals to the weapons store, you cannot let them buy every weapon in the weapon store.

We have to be looking at what the real needs, the real defense needs of this country are. And I commend the gentleman.

Mr. MAVROULES. I thank the gentleman.

I yield to my dear friend, the gentleman from North Dakota.

Mr. DORGAN. I thank the gentleman for yielding.

I come from the State of North Dakota and a couple of weeks ago when I was home I was flying in a small plane up in the northern part of the State, and I looked down once again on that concrete pyramid that the Government built in the 1970's. It is the free world's only antiballistic missile system. It cost us, I think with R&D about $5 billion.

The reason I mention it today is it still sits up there on the prairies, but it is just a shell. When it was debated in Congress we were told the ABM was absolutely essential for this country's defense; absolutely essential for the defense of America, they said. We spent the billions of dollars on that ABM system, and within 30 days after they opened the doors, they announced they were dismantling it.

Why? Because they said it was not useful; it was obsolete.

So I understand about wasting money for defense projects over in the Pentagon. We understand it well in North Dakota. We also have 300 underground ICBM Minuteman III with MIRV'ed warheads. So we understand about the Minuteman program also.

Now I want to ask the gentleman a question. There are two parts to this MX debate that puzzle me. One, for a couple of years the President has insisted that these Minuteman missiles imbedded in the prairies in North Dakota and Montana are vulnerable to Soviet attack. Now he is suggesting we build a better missile, a more expensive and more accurate, and put them into those same silos—the silos he said are vulnerable.

Does that suggest they will be less vulnerable to Soviet attack?

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. DORGAN, and by unanimous consent, Mr. MAVROULES was allowed to proceed for 4 additional minutes.)

Mr. DORGAN. If the gentleman will continue to yield for a question.

Does that suggest the silos will be any less vulnerable for the MX than currently exists, according to the President and his advisers, for the Minuteman missile?

Mr. MAVROULES. As a matter of fact, what they are trying to do, I believe, is harden those silos in order for the MX missile to be a little more effective. If you read in your GAO report, even they doubt if we can harden those silos hard enough to take any kind of a hit from a Soviet Union missile.

As a matter of fact they even have doubts about their own accuracy.

Mr. DORGAN. If I may ask the second question, it seems to me the notion behind the building of an MX is that the MX has greater accuracy and they suggest somehow that if we can put at risk the Soviet land-based system, that we will be advantaged. It seems to me you would not want to put at risk an empty silo. So what you put at risk is a silo with a Soviet missile in it.

The only possible reason for wanting to do that would be to develop a first strike capability. Does that not completely depart from existing nuclear strategy in this country?

Mr. MAVROULES. There is no question. As a matter of fact, this was before I came here, in 1979, the reason they wanted the MX system as part of a mobile system is because the present basing mode could not take any kind of a hit from the Soviet missile, and they have come full circle, right around the circle to the same basing mode.

Mr. DORGAN. Let me again congratulate the gentleman. Without levity, I suggest if the Soviets announced tomorrow they were developing a cavalry, some of us in this Chamber would start buying horses. We continue to insist we want to keep up with something being done elsewhere even if it is stupid. That does not make sense to me.

Mr. MAVROULES. I thank the gentleman for his contribution. I yield to my dear friend, the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding and want to expand on what our colleague from North Dakota said, concerning the reason for the MX.

The reason being, to use the short-term phrase, the window of vulnerability. There are many in this country and I count myself among them, who question that window of vulnerability. I believe that the facts amply demonstrate that the American people have been snookered by Defense Department analysts for more than a third of a century now.

We all remember the bomber gap of the 1950's, the missile gap of the 1960's, the ABM gap, and now the window of vulnerability. Let me briefly discuss each.

In the bomber gap of the 1950's, it was projected that the Soviet Union would have 600 to 700 long-range bombers by 1959. So we began to build. In reality, they had not built 600 to 700 by then; they had built less than 200; but in response, we built 600.

And then came the missile gap of the 1960's and to show that this is nonpartisan, the missile gap was the invention of a Democratic administration. The missile gap projected through defense analysts in the Pentagon that the Soviets would have 1,000 missiles by 1961. So we began to build.

We had 1,000 and they had 10; count them, 10. And then came the ABM gap. And it was projected that the Soviets would have 10,000 ABM's by 1970.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. WILLIAMS of Montana, and by unanimous consent, Mr. MAVROULES was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS of Montana. Will the gentleman continue to yield.

Mr. MAVROULES. I yield to the gentleman.

Mr. WILLIAMS of Montana. So in the ABM gap to which I refer, it was projected that the Soviets would have 10,000 ABM's by 1970. When the ABM treaty was signed in 1972, the Soviets had only 64, not 10,000. The American people paid through the nose for those defense analysts' mistakes.

The American people were snookered. And now we have the window of vulnerability. And this administration asks that the American people spend $685,000 a minute for the Pentagon alone to close that window of vulnerability.

Thus, just in the 2½ hours of this debate, this Nation has spent $100 million to close a window of vulnerability which we will find out at the end, of this decade never existed. The American people are being snookered. We should not build the MX. It is not needed.

I thank the gentleman.

Mr. MAVROULES. I thank the gentleman for his contribution.

I yield to my dear friend from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I would like to answer the gentleman from Montana and the gentleman from Illinois and tell them what is real and what has happened.

Since 1972 the Soviet Union has built, emplaced, and targeted on ourselves and our allies some 758 SS-17's, SS-18's, and SS-19's. Since that we have built zero missiles since that time.

The Soviets have emplaced or built and launched 38 ballistic missile submarines; we have built and launched 3. The Soviet Union has built and has operational some 200 strategic bombers; we have built none.

That is the arms race. And I would suggest to the gentleman who said that our arms negotiation policies were bankrupt in the year 1983, that nobody in this House can claim that the atmosphere was conducive to arms negotiations following the KAL 007 incident.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. HUNTER, and by unanimous consent, Mr. MAVROULES was allowed to proceed for 30 additional seconds.)

Mr. MAVROULES. I yield further to the gentleman from California.

Mr. HUNTER. I thank the gentleman for continuing to yield. You know, we had Mr. Gromyko coming back and talking to our Secretary of State and saying the infamous words, "We will do it again." I do not think anybody can lay that at the door of President Reagan and say our negotiating policies were bankrupt in 1983. It was not a year to negotiate arms control policy.

AMENDMENT OFFERED BY MR. DICKINSON TO THE AMENDMENT OFFERED BY MR. MAVROULES AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BENNETT

Mr. DICKINSON. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON to the amendment offered by Mr. MAVROULES as a substitute for the amendment offered by Mr. BENNETT: Strike out the amount proposed by the substitute amendment to be inserted on page 10, line 19, and insert in lieu thereof "$7,756,600,000.

Strike out the section proposed by the substitute amendment to be inserted at the end of title I and insert in lieu thereof the following:

POLICY CONCERNING ACQUISITION OF ADDITIONAL MX MISSILES

SEC. . (a) It is the policy of Congress not to take any action that would reward the Soviet Union through the unilateral cancellation by the United States of the MX strategic nuclear missile weapon system for which funds are authorized in this title while the Soviet Union continues to act in a manner indicating that it is unwilling to take actions to further the control and limitation of similar types of strategic nuclear missile weapon systems.

(b)(1) Subject to paragraph (3), funds appropriated pursuant to the authorization of appropriations in section 103(a) for procurement of missiles for the Air Force may be

used to acquire not more than 15 additional MX missiles, but no funds may be obligated for the acquisition of such missiles until April 1, 1985.

(2) Immediately after April 1, 1985, the President shall determine whether the Soviet Union is acting, as of April 1, 1985, in a manner indicating that it is willing to take actions to further the control and limitation of types of strategic nuclear missile weapon systems similar to the MX strategic missile weapons system authorized for the Air Force by this title and shall immediately transmit written notification of that determination to Congress.

(3)(A) If the President's determination under paragraph (2) is that the Soviet Union is not acting in such a manner, the amount appropriated pursuant to the authorization of appropriations in section 103(a) for the acquisition of 15 additional MX missiles may be obligated, but only if the President also determines, and includes in the written notification to Congress under paragraph (2), that—

(i) the obligation of such funds is in the national interest; and

(ii) as of April 1, 1985, the United States is willing to act to further the control and limitation on the MX strategic nuclear missile weapon system authorized for the Air Force by this title.

(B) If the President's determination under paragraph (2) is that the Soviet Union is acting in such a manner, none of the amount appropriated pursuant to the authorization of appropriations in section 103(a) for the acquisition of 15 additional MX missiles may be obligated. However, if after the determination under paragraph (2) the President makes a further determination that the Soviet Union is not acting in good faith with respect to its willingness to take actions described in paragraph (2) and transmits written notification of that determination to Congress, such funds may be obligated after the end of the 30-day period beginning on the date of the receipt of that notification by Congress unless, before the end of such 30-day period, a joint resolution is enacted disapproving the obligation of such funds.

(c) Obligations for the MX missile program of funds appropriated pursuant to the authorization of appropriations in section 103(a) is subject to section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 693).

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. For the information of the Members, this is in substance and form and in fact the same wording of the amendment that we are already discussing. There was a substitute offered, so I had to offer the same amendment that had been offered on the original. So it is not a deviation.

The same arguments that were applicable before are still applicable.

Mr. DICKS. Mr. Chairman, will the gentleman yield to me?

Mr. DICKINSON. Yes; I would be pleased to yield to the gentleman from Washington (Mr. DICKS).

□ 1440

Mr. DICKS. Mr. Chairman, first of all, I want to say of my friends who have offered the Bennett-Mavroules amendment, I know many of the individuals who are involved in this effort very well and I reject this notion that any one of them supports unilateral disarmament. I think that is wrong.

On the same score, the gentleman from New York made some comments about the group of us who have tried to work with the administration to impliment the Scowcroft recommendations. In some areas, we have succeeded and in some areas we wish we had succeeded more and we find ourselves today in a very difficult situation.

I happen to believe that the amendment that has been offered by Mr. PRITCHARD and Mr. ASPIN is a fair compromise. It gives us an opportunity to fence for at least 6 months the money for 15 missiles.

Last year, Congressman GORE and I offered an amendment to reduce MX from 27 down to 21. This year we are going from 40, in the President's budget, down to 15. We are slowing the deployment of this missile so that we can preserve its negotiating capability in the negotiations, if they are resumed next year. I hope that they are.

But I want to tell my colleagues something else. When we started on this effort to impliment the Scowcroft recommendations, I was convinced that the administration was headed on a confrontational path with the Soviet Union. We hoped that by saying that we would support the recommendations of the Scowcroft report that we could get off that confrontational path and get onto an arms control path, a negotiating path.

We said to the administration that we felt that their position at INF and START were basically nonnegotiable, that they had to be changed. Over the opposition of many in the Defense Department, Mr. Perle, Mr. Ikle, Mr. Weinberger, the President overruled those people and said, yes, we will change these positions to make them more negotiable, to make them have the credibility for honest negotiations.

Now the President also said something that has been overlooked. He said in his letter to us last spring that he would not develop a first-strike potential. And I am very concerned that we not develop a first-strike potential.

In order to decide what that is, one has to look at the Soviet force structure. They have about 1,400 ICBM's, three-fourths of their warheads are held by their ICBM's. I would be very concerned that if, when we added up 100 MX's, or 50—which is where I am going to end this relationship—and the D-5's that we are going to deploy, and the Midgetman that we are going to deploy, that when you added up all those warheads, that we had the capability to take out the 1,400 land-based Soviet ICBM's. I think that would be dangerous and destabilizing.

The challenge for us is to set subceilings on MX, D-5 and Midgetman so that in the totality of the deployment, we do not achieve so much hard target capability to give a first-strike threat.

What we are talking about here today, even with 100 MX's, does not give the United States a first-strike potential. It does not get anywhere near that threshold.

So I reject out of hand this notion that the MX is a first-strike weapon because we do not have enough MX's to have the potential of a first-strike against the Soviet Union.

This was something that the Scowcroft Commission recognized in cutting back from 200 missiles down to 100. They understood that we should not develop a first-strike potential.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. DICKS. If the gentleman will continue to yield, we are caught in a very difficult situation. I understand how deeply many of my friends on the Democratic side feel in opposition to MX, but I also feel that the commitments that the administration has made: one, not to develop a first-strike capability; two, to maintain flexibility in its negotiating positions, and three, and this is very important, the President and Mr. McFarlane have pledged that they will keep SALT I, SALT II and the ABM agreement as long as the Soviets respond and reciprocate. I think those are important things that we want to keep this President's feet to the fire in response to. I think if we break off the Scowcroft Commission agreement that we entered into last year and the President should be reelected—by the way, I am supporting a Democrat, Mr. Mondale, for President. I feel if you want real arms control and people in the administration who are really committed to arms control, the best thing you can do is vote for Mr. Mondale, that is my first position—but if perchance Mr. Reagan is reelected and we have him for another 4 years as President of the United States, then we are going to want these commitments that were made last year to be enforced. If we breach this agreement now, I think we will hand a victory to the people in the Pentagon who want to discard arms control, who want to resort to classical defense, who want an unrestrained arms race.

I think the President is a man of his word. I have trouble with some of his advisers who I do not think support his commitment to the Scowcroft Commission recommendations, but I do believe that the commitments that have been made will be honored. And I think that is a very positive step in the right direction.

Now let us talk about MX as a military system. A lot of disparaging comments are made about it. Yes; I understand those, but for my friends who talked about the window of vulnerability, remember the Scowcroft Commission report said that when you look at the synergistic relationship between the submarines, the bombers, and the land-based missiles, only a fool would try to strike the land-based missiles by themselves, because they would be faced with a devastating response.

So there is survivability because we have a triad. But beyond that and most importantly, we now are on the verge of a technical breakthrough that will allow us to harden our silos so that at least 50 percent of the 100 missiles would survive in a first strike by the Soviet Union.

And beyond that, the Soviets are moving out of vulnerable silos into hardened silos. So the leveraging effect that the Scowcroft Commission report talked about of getting them into more secure silos and getting them to move toward mobile basing modes, those two things are being accomplished. They add to stability. That is what we want. We want both sides to have secure forces.

And the fact of MX has moved them toward mobility and extra hardness which adds to stability.

So MX in my mind now can be reduced to modernization. Minuteman IV, a new system to replace our old ICBM's. And I think in terms of the freeze resolution we all agree that some modernization had to occur before we got to the freeze.

This is the proper form in terms of that modernization.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of these amendments that would continue the development and deployment of the MX missile program.

There are a number of important political, and diplomatic benefits to be gained from deployment of the MX missile. The success of future arms control talks hinge on the determination of the United States to maintain a sufficient deterrence and efforts short of this goal not only fail to provide sufficent incentives to negotiate seriously, but also place at risk the security of the United States and our allies.

Short of deploying the MX, the Soviets have absolutely no incentive to negotiate seriously or even return to the arms talks which were suspended following the Soviet walkout.

The United States has failed over the last 10 years to modernize our ICBM force according to announced timetables.

Retention of the strategic triad, land, sea and air-based forces, upon which our security is based, hinges on improving and modernizing our ICBM force. No other leg of the triad provides the hard-target strike capability and targeting accuracy of the land-based systems.

Failure to make such improvements reduces U.S. deterrence vis-a-vis the Soviets and places at risk other legs of the triad. The proposed small ICBM, so-called Midgetman, will not have the hard target capability of the MX missile and is intended to complement the MX missile, not replace it.

In addition, the MX missile silo can be superhardened. With superhardened silos, the MX missile is survivable and it is the most cost-effective system to strengthen and modernize our strategic forces.

Building the MX missile is the first U.S. attempt to significantly improve our land-based strategic deterrence in over a decade. During the same period of time, the Soviets have deployed over 600 new missiles which have placed existing U.S. land-based forces in jeopardy. These Soviet deployments and corresponding improvements in targeting and guidance, coupled, with declining U.S. land-based strength, is quickly providing the Soviet Union with an assured, first-strike capability.

The MX missile represents not only the most effective means to address this U.S. strategic deficiency in the short term, but also provides a credible land-based deterrence well into the 21st century. The MX missile, with its improved guidance and ability to place at risk-hardened Soviet targets, begins to redress the imbalance and does so at the earliest possible date. The MX, far from acting as a destabilizing weapon system, actually serves to decrease the threat of a Soviet first-strike attack on the United States.

I urge you to support the continued development and deployment of the MX program.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from California (Mr. BADHAM).

Mr. BADHAM. I thank the gentleman for yielding.

Mr. Chairman, we are here discussing how best we might reward the Soviet Union for walking away from the bargaining table. We have one proposal that would suggest that we reward them by ending production of last year's model and of this year's model MX missile, which most experts would agree is a needed weapons system.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has again expired.

□ 1450

(On request of Mr. CHENEY and by unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

POINT OF ORDER

Mr. HERTEL of Michigan. Mr. Chairman, I have a point of order.

The CHAIRMAN pro tempore (Mr. SIMON). What is the point of order of the gentleman from Michigan?

Mr. HERTEL of Michigan. Just to clarify things. We have been at the debate almost 3 hours at this point. My point of order is that the Dickinson amendment presently before us is the same as the Price amendment that was offered before, that the Mavroules substitute to the Price substitute, it was a substitute to the Bennett amendment originally, that the Mavroules substitute is the same as the Bennett amendment originally.

The CHAIRMAN pro tempore. The point of order comes too late if the gentleman is objecting to the Dickinson amendment.

Mr. HERTEL of Michigan. It is more a point of inquiry. If we are having an escalation of amendments, this can go on and on, so far as offering further amendments that are exactly the same.

It has nothing to do with the gentleman making his remarks at this time. It is just an overall question I ask of the Chair.

The CHAIRMAN pro tempore. The final stage in the amendment process has been reached.

First of all, the question will be put on the Price amendment. If the Price amendment should be disposed of, then an additional amendment to the Bennett amendment would be in order at that point.

Mr. HERTEL of Michigan. I thank the Chair.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I continue to yield to the gentleman from California (Mr. BADHAM).

Mr. BADHAM. I thank the gentleman for his continuing to yield.

I might say at this juncture that when the gentleman from Massachusetts (Mr. MAVROULES) was offering another substitute, we let him go on and on and on, and I particularly questioned him as to whether or not he should have the time, and we all agreed, and I withdrew my reservation on the basis that he should have the time. And now the opposite is being taken by the proponents of this amendment.

To continue, Mr. Chairman: Or we are going to offer a lesser reward to the Soviet Union for walking away from the bargaining table by only producing 15 needed MX missiles this year and just halting production for a while, which disrupts the production line, which makes the whole program more expensive, in the hopes that we might be holding out on an olive branch to the Soviet Union in hopes that they might come back to the bargaining table.

We have held out olive branches before, Mr. Chairman and my colleagues. We held out the B-1, a rather large olive branch, and in response did the Soviets come back to the table? No. Did they stay at the table? No. What they did do as we all know they produced the Backfire intercontinental bomber, and they produced the Blackjack intercontinental bomber. That is some response to an olive branch.

But I would like to raise one point that I do not think has been raised in this amendment, and that is the North Atlantic Treaty Organization.

Since the 1940's and the 1950's, in order to promote nonproliferation of nuclear weapons, we the United States, offered to be the free world's safety umbrella of nuclear weapons if other people would not produce them. "We will protect you, citizens of Europe and allies of NATO, with our nuclear deterrent, which we will use if challenged by the Soviets."

So Europe is without a nuclear deterrent.

Only recently, after the installation and deployment of some 372 triple warheaded SS-20 European-range Soviet missiles did we agree to remove our short-range nuclear missiles from Europe and replace them on a build-down basis with Pershing II and ground-launched Cruise missiles.

It has been, like pulling teeth to get our NATO allies to agree, in the case of the United Kingdom, the Federal Republic of Germany, and the Italian Government, to install these nuclear missiles on their soil. If they did not do this, they would put to risk all people in Europe against blackmail, nuclear blackmail. If nuclear blackmail were attempted on the Europeans or one nuclear missile was fired at Europe, the President of the United States would have the choice of letting Europe go, or firing our ICBM force from the United States. Hardly a very good choice.

If we were now to destroy MX, if we were to eliminate the MX program, it would be a clear signal to the Europeans that we do not care about them and we do not care that much about ourselves, and you can bet your bottom dollar that the GLCM's and the Pershing missiles would on request be removed from European soil, and the NATO alliance would go down the drain. That would be the ultimate reward for the Soviets leaving the bargaining table.

I think it is unfortunate that we even have to consider a compromise, but I think the compromise is necessary.

I thank the gentleman, my esteemed colleague from Alabama, for yielding.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding.

(By unanimous consent, Mr. WIRTH was allowed to speak out of order.)

DR. EDWARD TELLER AND DR. CARL SAGAN TO DISCUSS NUCLEAR WINTER AT 3 P.M. IN SPEAKER'S DINING ROOM

Mr. WIRTH. Mr. Chairman, the purpose of taking this time is to remind the Members that 3 o'clock this afternoon in the Speaker's dining room, Congressman GINGRICH and I are sponsoring a discussion of nuclear winter between Dr. Edward Teller and Dr. Carl Sagan. That will be at 3 o'clock this afternoon in the Speaker's dining room, two different perspectives on nuclear winter. The ramifications of that for this debate on the MX I think should be understood by all of us. It is for Members only, at 3 o'clock this afternoon, at the Speaker's dining room.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wyoming.

Mr. CHENEY. Mr. Chairman, I am disturbed by what I see happening here today, not only with some of the arguments I have heard offered, but also because I sense that what we have before us is evidence that the United States is incapable of making a decision—a difficult decision, admittedly—and carrying through with it in any kind of reasonable fashion.

As most of you know, the MX is scheduled for deployment in my State. Certainly my life would have been much simpler in recent months if the decision had been made to deploy it elsewhere. But people in Wyoming were prepared to accept the decision and to move forward and to do their part to enhance the Nation's security.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has again expired.

(On request of Mr. CHENEY and by unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. DICKINSON. Mr. Chairman, I am pleased to continue to yield to the gentleman from Wyoming.

Mr. CHENEY. I thank the gentleman for yielding.

Mr. Chairman, let me briefly for the record again remind my colleagues of what has transpired over the last 12 or 15 years:

In the early 1970's, the Nixon administration decided we would eventually need a follow-on system for the Minuteman and began on the MX.

In the mid-1970's, the Ford administration reviewed all of the issues involving the land-based ICBM force and decided to proceed with the MX.

In the late 1970's, the Carter administration addressed the issues anew and decided to proceed with the MX.

In the early 1980's, the Reagan administration reviewed the issues involving ICBM's and decided to proceed with the MX.

In 1982 and 1983 the distinguished Scowcroft Commission composed of senior defense experts from the past four administrations reviewed the issues and decided to proceed with the MX.

And, finally, this House has debated this issue repeatedly throughout my time here and decided to proceed with the MX.

Now we are faced once again with yet another effort to undo all that has gone before and to reverse all of those earlier decisions and terminate the MX deployment.

You must admit that an objective observer reviewing the history of the MX might reasonably conclude that as a nation we are incapable of making an important decision and carrying through with determination to see that it is implemented.

What I am most concerned about, however, is not just the MX, but the question of whether we will ever be capable as a House of making a decision to modernize and upgrade our land-based ICBM force.

If we fail to upgrade our land-based ICBM force, we will implicitly be supporting an end to one leg of our strategic triad, the foundation of our security for 30 years.

Many of my colleagues today who will vote to shut down the MX program will justify their vote on the grounds that they still support modernization of our force because they support the development and deployment of the so-called Midgetman. I, too, think we should pursue the concept of small, mobile, single warhead missiles, both to improve the survivability of our force and, hopefully, as part of an effort to increase the stability in the nuclear relationship by reducing the ratio of warheads to launchers. But, Mr. Chairman, I am a skeptic. I am a skeptic because I question whether or not this House will ever be prepared to vote to deploy the Midgetman.

I am well aware of the political controversy that surrounds a decision to deploy an ICBM in a congressional district. It is not easy to persuade people that their community should be home to intercontinental ballistic missiles armed with nuclear warheads and

therefore a potential target of the Soviet Union. If we scrap the MX for Midgetman, and given the 10 to 1 ratio on warheads, it will take 1,000 Midgetman missiles to compensate for the MX program. Clearly a decision to deploy Midgetman will involve a decision to locate those missiles in congressional districts all over America. I wonder how many of my colleagues are prepared to step forward today and to announce that they are prepared to have some of those missiles based in their districts.

Quite frankly, Mr. Chairman, I do not believe Midgetman will ever be deployed.

□ 1500

On the subject of arms control, I must say that I have grave doubts that what we do here today will advance the cause of arms control. All the discussion so far seems to assume that we have total control over whether or not there are arms control talks. But obviously, the Soviets have something to say about it as well.

In my opinion, the Soviets have made a decision to resist all blandishments to enter into any arms control agreement. I do not believe the Soviets want an arms control agreement. I think they perceive the whole question of arms control as a device to divide the West, to separate the United States from its NATO allies. They have concluded that their interests are served by walking out of the arms talks, both the INF and the START talks.

Furthermore, there is considerable evidence to indicate that the Soviets are not complying with existing arms control agreements. Some of my colleagues suggest that since the Soviets walked out of the talks we should now cancel the MX. I must say the Soviets appear to be on the verge of achieving far more significant limitations on U.S. military capability than they could have ever hoped to achieve if they had stayed at the bargaining table in Geneva.

A vote for the Bennett-Mavroules amendment, no matter how you might seek to rationalize it, is a vote to reward the Soviets for their contemptuous behavior. Much as I respect my colleagues who offer the amendment, and after listening to hours on the subject, I still fail to understand why we should unilaterally, and I say unilaterally cancel our only near term hope of responding to the Soviet military buildup.

From the standpoint of our European allies, I also fear approval of the Bennett amendment will threaten to unravel all of the progress that has been made over the last few months to implement the two-track NATO decision, to negotiate and to deploy the Pershing II and the ground-launched cruise missile.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has again expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 2 additional minutes.)

Mr. DICKINSON. Mr. Chairman, let me say before I yield, it is not my intent to control the time here. I sought the time so that some who are not on the committee could be heard at this time. I notice though, that most of the people that are standing seeking recognition are members of the committee, and for that reason, I am not going to seek any further extensions of time.

I yield to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. I thank the gentleman for yielding further.

The Dutch are already threatening to renege on their commitment to deploy cruise missiles. The pending vote in the Dutch Parliament next month is likely to go against deployment, especially if we lack the will to carry through on deployment of the MX here in the United States.

The hope that somehow delaying the MX for a year or canceling it altogther will bring the Soviets back to the table or lead to a breakthrough in arms talks is naive in the extreme. It is the worst sort of wishful thinking to assume that somehow the Soviets will now be willing to accept limits on those systems they possess which threaten the United States when we are foolish enough to give up our systems unilaterally without regard to the fact that the Soviets have given up nothing in return.

Mr. Chairman, continued progress on building and deploying the MX Peacekeeper missile is vital to the modernization of our strategic triad; it is essential for continued maintenance of allied unity in responding to the Soviet threat, and it is vital that we not reward Soviet intransigence by unilaterally canceling one of our most efficient and powerful weapons systems.

In the final analysis, Mr. Chairman, I am prepared to support the amendment of the gentleman from Illinois, the distinguished chairman of the committee, Mr. PRICE, as the least worst alternative. But none of the alternatives we are presented with here today is very acceptable.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I commend the President for his arms reduction efforts, and his appeals to the Soviets to return to the talks. Now is the time to move ahead with the MX effort, and the bipartisan program that we approved last year.

I believe that the Aspin approach is both a sound and a sensible one. It is a program that all of us can live with. The plan would authorize funds for a limited number of these missiles, at this time. The funds would not be spent, however, until a later date. It will give all of us some breathing space while we see if future arms reductions talks move along.

Although this approach is less than going full steam ahead with the MX program, it is realistic and deserves our support. The Aspin proposal keeps the MX program alive. It clearly does not reward the Soviets for walking out on the Geneva talks. It gives our future negotiators in the talks leverage. It encourages our Government to continue its serious and active efforts in arms reductions.

Our country has a strong record of carrying out our commitments under previous international agreements. We have supported, and will continue to support, arms reduction efforts. We have encouraged the Soviet Union to join us in a spirit of cooperation to achieve real reductions. We truly want to reduce the risk of nuclear war.

Since 1979, the United States has withdrawn over 1,000 nuclear weapons from Europe. We will continue to withdraw one additional nuclear device for each Pershing and cruise missile deployed. America and its allies have also announced plans to withdraw an additional 1,400 nuclear weapons from the European theater. We even missed our target date for fielding a modernized ICBM system by the end of the 1970's.

In response to our efforts to reduce the levels of warheads, the Soviets undertook a massive buildup of offensive strategic weapons. This response included the deployment of SS-20 missiles which were aimed at European cities. The Soviet effort was clearly excessive. They have deployed over 800 SS-17's, SS-18's, and SS-19's. These missiles are similar to the MX. Now, the Soviets are testing two new ICBM's, the MIRV'd SSX-24, and the SSX-25. The Soviet Union is still pursuing its comprehensive program to strengthen its strategic forces.

Our bargaining position at the Strategic Arms Reductions Talks (START) is flexible and fair. It incorporates the Scowcroft Commission's recommendations to have mutual and guaranteed build-down and tradeoffs for each side.

A few months ago, negotiations at the Mutual Balanced Force Reduction (MBFR) talks resumed. The United States announced a new initiative to break the deadlock over existing force levels. The United States is also promoting a ban of chemical weapons at the Conference on Disarmament. The Soviets, however, have not responded to our MBFR or Conference on Disarmament proposals.

Unfortunately, the Soviet representative walked out of the Intermediate Nuclear Force (INF) talks. The Krem-

lin has yet to resume the START talks. Our Government is prepared to negotiate immediately, without any preconditions. We are determined to reduce the present high levels of nuclear weapons in the world. Despite our Government's initiatives, the Soviets are still refusing to return to the bargaining table.

It is noteworthy that our Government is attempting to conduct serious talks with the Soviets in spite of the U.S.S.R's unfortunate track record in complying with international agreements. The tragic downing of the unarmed Korean airliner last September was a clear violation of both the spirit and the letter of international air accords. After saying that they would participate in the Olympics, the Soviets quickly backed out. I firmly believe that Moscow's refusal to return to the talks, as well as the planned Salvadoran guerrilla "Tet offensive" on the eve of the Presidential elections, are parts of a clever campaign to influence the outcome of the elections.

Now is the time to show our national strength. We cannot afford to wait. We must maintain our determination to achieve significant arms reductions. To get these meaningful reductions, however, our Nation must show strength and resolve.

From a national security point of view, our country truly needs the MX. It is a key part of the overall strategic modernization program. It will serve to counter the buildup of the large, land-based missiles in the Soviet Union.

Stopping the MX program now would damage our national security efforts. It would reward the Soviet Union for its recent arms control behavior. Disapproval of the missile would encourage that country to further stonewall our arms control efforts. We must not reward the Kremlin for their current unacceptable behavior toward arms control.

Let us face the facts. We need the MX for legitimate national security reasons. Should the Soviets fail to negotiate seriously in future arms talks, we can proceed ahead with the full MX program, no holds barred. I am willing to give the Aspin alternative a chance. I call upon my colleagues to join me in support of this effort.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Bennett amendment.

Mr. Chairman, I have always wanted to have a research grant to study what the vote count was before we began congressional debate, and then what the vote count is after the congressional debate to show how effective congressional debate is. Because I often have a feeling that we do not listen to each other and we hear the same arguments over and over and over again without really listening to each other.

Today I would like to bring some new information to shed on the debate and I really hope people will listen. Congresswoman MARY ROSE OAKAR and myself went to the Soviet Union over Easter when they invited all the Congresswomen to come and discuss arms control. We went there and spent 4 intensive days discussing arms control with them during the Easter break. We started early in the morning; we went late at night, and being as to how there are only two of us, we really got into detail. We took our new Defense Department's book showing how they are ahead. They countered with their book showing we are ahead. We went head on, item by item. My 11 years on the Armed Services Committee was very helpful.

We discussed very intently the problems in militarizing space, because that was a very major concern of theirs. We discussed the Pershing II; we discussed the cruise; we discussed the Chemical Weapons Treaty; we discussed the MBFR; we discussed all sorts of areas such as that. We discussed the Comprehensive Test Ban Treaty; we discussed SALT II; we discussed many things that have been laying on the table.

But, we had to bring up the MX. Remember that bargaining chip has been on the table for years. The Soviet Union officials never mentioned it in any of our talks; never mentioned it. It is an old issue. We would say, "What about the MX?" The MX has been funded every year by Congress. And they would say, "You go ahead and build it, that is fine, that is not a concern." They really could not have cared less; we had to mention it and we had to bring it up over and over again to even get a reaction. Even then, it was so be it.

One of the things we keep hearing about is this is modernization. The Soviets agree. They said the MX is modernization, go ahead. Let us do history. The MX did not get started as modernization. The MX got started because someone said, "Oh, my goodness, the Soviets have satellites up there and they have taken pictures of all the holes where we keep our land based missiles." OK?

They have taken pictures of the holes, and we have missiles in the holes, and the holes do not move, and as their targeting gets better, they target the holes. Therefore, our missiles in the holes are vulnerable because they are in nonmobile holes.

Now let me tell you, after you spend all this money on the MX you know what you are going to have? The same hole. You are literally throwing taxpayer's money down the same old vulnerable holes. The Soviets know it, and that is why they do not use night lights, worrying about the MX. They would love to see us throwing more taxpayer money down that hole because it frees them to go spend money on other things. There is nothing more fun than watching your opponent waste money. The thing that makes it even better is instead of having 3 missiles in the hole as we do now, after we have this wonderful modernization program and we will have 10 missiles in the same hole. So they can go after 10 rather than going after 3 missiles and it frees up their missiles to target other things, as long as we are under the limit on the number of missiles on each side.

Ms. OAKAR. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentlewoman for yielding to me.

I am glad the gentlewoman recounted our visit during the Easter recess to the Soviet Union concerning arms control. We are hearing today the old Red sort of baiting cliche that if you vote against the MX missile you are rewarding the Soviet Union. We have heard that for the last couple of weeks, as a matter of fact, in terms of impugning peoples' reputations, but we will not go into that today.

What really astounded me when we had this dialog related to arms control was that they were indeed very concerned. The bottom line of every discussion was the militarization of space. They never once raised the issue of the MX missile. We raised the issue and they said, "Do what you want, we do not feel that is any problem."

The point is, they could care less about our building it. They would like us to build this boondoggle, this $30 billion boondoggle as a kind of reward to bankrupt our own people.

□ 1510

They would like to see us spend 30 times more on this than we do on the older Americans in this country. They would like to see us spend 30 times more on this issue that is a boondoggle—they know it; they never raised it—than we do on educational programs for students who want to pursue education.

It is a drain. It is a boondoggle. This business of saying that we will be rewarding the Soviet Union if we vote against the MX missile is total, blatant nonsense.

The CHAIRMAN pro tempore (Mr. SIMON). The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(On request of Ms. OAKAR and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 5 additional minutes.)

Ms. OAKAR. If the gentlewoman will yield further, as a matter of fact, if you recall, they almost burst out

laughing when we raised the issue. They thought it was almost at the point where they were almost hoping that we would built it, and they certainly did not bring this issue up. They could care less about it.

I am glad I made the trip to talk about areas that relate to arms control. They do not feel this is one of them. We made a tragic mistake in draining our taxpayers at a time when we can least afford it.

I just hope that the Red-baiting and all that nonsense that we have been hearing over the last couple weeks ceases. Let us just talk on the merits of the issue and let us not fool the American people in using these cliches that we are trying to reward the Soviet Union.

They want us to build it. They know it is a drain on the taxpayer, and they also know that it will contribute nothing to our national security. I want to commend the gentlewoman for her remarks today.

Mrs. SCHROEDER. I thank the gentlewoman from Ohio. I think that was exactly what we came away with. They were very diplomatic, obviously, when we brought it up. They said, "If you feel that you should do this, we certainly would not have any opinion about that," but I think you could translate that from diplomatic parlance to, "Sure, if you want to throw money down that hole, throw money down that hole. That is just fine with us."

It is almost like we would be doing them a favor if we would throw money down the hole because we would not have it to spend on other things.

Mr. AuCOIN. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I would be delighted to yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentlewoman yielding, and want to associate myself with many of her remarks.

Mr. Chairman, one of the points the gentlewoman made was how we got into this whole business in the first place.

Mrs. SCHROEDER. That is right.

Mr. AuCOIN. This fear that the silos that our Minuteman missiles are vulnerable to an incoming Soviet rocket and could be blown to smithereens and, therefore, was in jeopardy.

I have some figures here that I think amplify the point the gentlewoman was making in ridiculing this argument because now, of course, we have an even higher prized asset that we are being asked to put in those same silos. That is the MX missile with 10 warheads; not 3 warheads, but 10 warheads.

Mrs. SCHROEDER. Could the gentleman expound on that a bit for people, because I think it is important to put that into context. I think maybe I glossed over it too rapidly.

When you put 10 warheads in the same nonmobile vulnerable hole where you now have 3 in the name of modernization and you have both sides agreeing to abide by SALT I limits, what does that mean if you are a Soviet planner?

Mr. AuCOIN. It means you have a much more inviting target to aim at if you are a Soviet planner. In fact, this is the point I wanted to get and I am glad the gentlewoman started this part of the discussion.

If you take the vaunted arms control offer that the administration has laid on the table in Geneva, and add build down to that, here is what the result would be: Today, minus build down, we have in Minuteman III's and Minuteman II's, 1,000 launchers and 2,100 warheads. But remember, build down is a 2-for-1 replacement. You scrap two for every new one you build. MX's are new, so every new MX you build, you have to scrap two. To build the MX's, then, you would have to scrap virtually all of the Minuteman III's.

What does that do in terms of those holes, the targets the gentlewoman mentioned which caused this whole debate to take place in the first place, those holes that will be the Soviet targets.

That will reduce the number of silos, holes, to about 133, in which some 1,100 warheads would be placed. If we are worried about targets for the Soviet Union, MX will give us fewer targets for the Russians to shoot at. If that is not enough to make Members who are undecided think twice about Aspin, Price, and every other concoction here to try to salvage this turkey of a weapons system, I do not know what is.

But let me add one last thing. I compliment the gentlewoman's leadership on this question.

The Scowcroft Commission mentioned this idea of synergism; it said that our bomber-based capability would be safe from an attack on the land-based leg of our triad, and if the Soviets ever dared attack our ICBM's, we would have enough at sea in warheads and enough warheads on our bombers to blow the Soviets to smithereens; they said that synergism protects our land base.

My question of the gentlewoman is: If that synergism, that the Scowcroft Commission suddenly discovered when it wanted to save the MX, is indeed valid, why is it not valid for Minuteman III's, Minuteman II's, in existing silos? Why does that synergism not protect them, and if it does, why do we need to spend some $60 billion, of the taxpayers' money at a time when deficits are going up, interest rates are rising, when we are trying to bring the deficit under control.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has again expired.

(On request of Mr. AuCOIN and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 3 additional minutes.)

Mrs. SCHROEDER. I thank the gentleman from Oregon for answering that question.

People keep talking about how many more generations of Soviet missiles there have been in a short time, and how few we have had, and on and on and on. The issue is, we could have had more generations of missiles if we wanted to? We could have put chrome on them. We could have played the Detroit game. We could have had a new model every year. We could have played all those kinds of things. We did not because we did not need to.

We were perfectly content with the Minuteman I, Minuteman II, Minuteman III in that progression, and no one is still upset about the missile. No one is saying that the Minuteman III can no longer reach the Soviet Union, that it is not working, and we must modernize. They said it was vulnerable because it was not mobile.

This whole debate began about the holes; not the missiles in the holes.

Mr. AuCOIN. Exactly right.

Mrs. SCHROEDER. And the whole debate was not that we needed a new missile in the hole; it was that we needed something more mobile that moved, because the holes did not move. Now all we have is a bigger missile to stuff in the same hole that still does not move.

People all over this country think we do nothing under this dome except throw money—their money—down a rat hole, and this is the day that we are really showing that is very close to true, because when you go back and look at the debate from day one, and heaven only knows they tried; they tried to come up with all sorts of mobile systems for the MX, but the problem was they built the missile before they built the basing mode and they had too big a missile to make it mobile. So they ended up backing off to save face and this is what we got. That history is important. Remember the history so we do not buy into the silly modernization rationale.

Ms. OAKAR. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I would be delighted to yield to the gentlewoman from Ohio.

Ms. OAKAR. Then if it is not really in the best interest of our national defense and it is an easy target, would the gentlewoman conclude, or should we conclude, that somebody owes some big contractors a little more business? Is that why taxpayers are being asked to foot the bill for a boondoggle of this nature that so many people who have a background in the mili-

tary—I am proud of my Senator, Senator GLENN, who thinks this is a real boondoggle.

What is the purpose, then? What is the point? Who do we owe these contracts to? Why are we draining the American taxpayer for one of the biggest boondoggles that does not contribute to our national defense, and the Soviet people could care less about it. The Government could care less about it. They do not think it is a problem at all. They want us to build it.

Mrs. SCHROEDER. I thank the gentlewoman from Ohio for asking that question. I obviously do not have the answer. They have not confided in me as to why they are going to push for this thing no matter what.

I have never seen a weapons system killed once it gets started. It takes on a whole life of its own.

I must also admit, if I were politically wise, since that missile system will come to my part of the country and be made in my part of the country, and it means jobs in my part of the country, I suppose I should jump up and down and scream, "Pork barrel. Hooray."

□ 1520

But the people in my part of the country have a lot of sense. They know the debt is a problem and there are better ways to create jobs. I know the gentleman from Wyoming mentioned previously the MX divides the West. I think he meant the free world. But it also divides the western part of the United States. My State, Colorado, has been suing, trying to get environmental impact statements about the effect of the basing, even though one of the significant contractors is in Colorado.

The CHAIRMAN pro tempore (Mr. SIMON). The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. Mr. Chairman, my State has taken this position even though the contractor is in Colorado and many of those jobs are there.

So I think that is a very important thing. We are not treating this as pork barrel in our State. We are very worried about the environmental impact, so much so that this State is suing on it.

And when you really look at the whole history of the MX, when you look at how it is viewed on the other side of the free world, in other words, the nonfree world, you really have to shrug your shoulders and say, "Why in the world are you doing this? Wouldn't it be a wonderful victory for sanity if we say, wait a minute, wait a minute, we are going to spend our money in a more efficient manner in which we get readiness?"

The other thing that is so disconcerting is that even the Defense Department is showing, with all this buildup, that procurement is going straight up but readiness is going down.

All wars, if you have them—and heaven help us, I hope we do not have them—are come-as-you-are wars, and it is a little silly to bankrupt our readiness and spare parts and things like that and continue building things like MX. But these systems take on a life of their own, and once you get the lobbying groups going for them, it is very difficult to have a victory for commonsense. You can always come up with a reason to spend taxpayers money and the best reason in the world is to do the Red baiting and do the "Russians are coming," and I think it is so important to point out that "the Russians aren't coming on this one; they're yawning." It has been out there for years and they are not scared. We should have spent the money for spare parts.

Ms. OAKAR. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from Ohio.

Ms. OAKAR. So, Mr. Chairman, the patriotic vote that is really for the American people and our own security at the same time in terms of the quality of defense that we all feel strongly about the biggest reward to the taxpayer is to vote against this boondoggle, the MX missile, that even the Soviets do not care about?

Mrs. SCHROEDER. That would certainly be my interpretation, and, as you know, as we sat there and watched them add 35 percent to the pay of every teacher in the country because they felt that was a very important national security goal, I mean we really have to talk about national security in a broader aspect, as the Soviet Union is.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has again expired.

(On request of Ms. OAKAR, and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentlewoman from Ohio.

Mr. DOWNEY of New York. Mr. Chairman, on that I reserve the right to object.

The CHAIRMAN pro tempore. The permission has already been granted to the gentlewoman.

Ms. OAKAR. Mr. Chairman, the gentlewoman mentioned the education of our own people and how we are cutting those kinds of programs to support boondoggles like this. I was astounded the other day that the Senate Budget Committee cut medicare benefits by the largest amount in the history of our country, $10 billion, which means more out-of-pocket expenses for our older Americans and our disabled Americans, and they can hardly afford their medical expenses now.

This is where our national priorities are going, rewarding a few contractors versus the security and the safety and the quality of life of our own people; namely, in this case the young people who need that education in order to get that job and older Americans who are going to be penalized. We can afford these boondoggles that reward a few of the contractors that apparently are friends of somebody.

That is the real issue, and the issue has nothing to do with the quality of defense. Most people, including the Soviet Union, know that it does not protect anyone.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman for her statement, and I think it proves that too often on this floor we get into national defense as a one-dimensional item.

It is very important. It is very important what we have in our military budget and how ready we are and all that, there is no question about it. But the health of our people, the well-being and the education of our people, and the national debt, which can also destroy us, are also very important components. And I must say the interesting thing is that in the Soviet Union that debate is going on as to how much should be spent, and we should keep that whole thing in focus, too, what kind of balance is needed.

The MX really throws the budget out of balance. It really is not militarily needed, and I really think it is a tremendous waste.

Mrs. HOLT. Mr. Chairman, I rise in support of the Aspin substitute for both of the amendments.

Mr. Chairman, one of the first amendments expected to be offered to this bill will be an amendment to deny authorization for the MX missile. I will oppose that amendment when it is offered, but I want to take the brief time allotted to me today to try to offset some of the misinformation that has been circulated about the MX system.

There are four primary points that are usually made about the MX:

First, we do not need the MX because we already have Minuteman and Trident I.

Second, it is said that deployment of the MX in Minuteman III silos will make them just as vulnerable as the Minuteman III's that they replace.

Third, it is argued that the MX is a first-strike weapon and that it will evoke a nervous response from the Soviets.

Fourth, it is argued that deployment of the MX will somehow harm our strategic arms control objectives.

I will take these arguments up in order.

First, Why do we need the MX? President Carter directed that full-scale engineering development begin on the MX system in 1979 for two reasons. During the 6 years that the SALT II agreement was being negotiated, the Soviets increased the base and scope of their ICBM programs by placing large numbers of SS-17, SS-18, and SS-19 missiles in hardened silos. As reported to the Congress by Hon. George M. Seignious II, the Director of the Arms Control and Disarmament Agency in 1979, these new missiles, carrying multiple high-yield warheads, could begin to threaten U.S. strategic forces with a preemptive attack. The United States has no ICBM's capable of putting Soviet silos and other Soviet hard targets at risk. Mr. Seignious also reported that the perception among U.S. allies that the Soviets had achieved a considerable strategic superiority could cause international political repercussions adverse to the United States.

The conclusion of the SALT II Treaty in 1979 did nothing to alleviate these problems. SALT II left all of these heavy Soviet missiles untouched.

The MX, with its improved accuracy and heavier multiple warheads, was designed to provide the required hard target kill capability to partially restore stability in strategic weapons between the United States and the Soviet Union.

It is not true that the MX will be just as vulnerable as the Minuteman III. In fact, MX silos will be hardened, the missile will be shock insulated, the missile would be much more able to fire through the debris created by a possible attack, and the MX warhead itself would be more survivable.

Certainly, no silo can survive a direct attack or a very near miss by a heavy nuclear warhead; but the probability of direct hits, or very near misses, against a number of silos would cast doubt on the expectations of plans of those who would try to execute a preemptive attack. From the 1,000 MX warheads deployed, a potential planner would have to expect a considerable number to survive and be used in retaliation against his high value hard targets. And each surviving MX missile would have more than three times the number of warheads each with twice the effectiveness of Minuteman III.

Vulnerability of the MX cannot be considered in isolation from other U.S. strategic forces. Although it would be highly desirable for the 100 MX missiles to be deployed so that they would be totally secure from attack—as were the Minuteman forces in the 1960's—this is not possible to do during the decade of the 1980's. The Scowcroft Commission report that the Congress approved last year recommended multiple approach to survivability of strategic forces. This recognizes the reality that the Soviets could not concentrate an attack solely upon ICBM forces and ignore U.S. submarine launched missiles and bomber forces. While the report did not advocate a launch on warning strategy, it did recognize the reality that the Soviets must consider that the MX might be launched on warning, launched under attack, or launched after an attack on other forces. The reality of the situation is this.

No single leg of the U.S. strategic triad is invulnerable to warheads possessing a hard target kill capability.

So long as the U.S. acquires a hard target kill capability, Soviet SS-18 and SS-19 missiles that also possess such a capability will not enjoy a sanctuary.

If sufficient doubt and uncertainty exists in the minds of Soviet planners of a potential first strike, deterrence is served and the problem of short-term vulnerability can be tolerated.

The restoration of a measure of strategic stability through deployment of the MX will permit time to work out more satisfactory arrangements through arms control agreements or movement toward small single warhead missiles in the future.

Is the MX a first strike weapon? In one sense, any weapon is a "first strike" weapon if it is used first. However, "first strike" weapons are those disarming weapons deployed with sufficient accuracy, with sufficiently large yield warheads, and in sufficient numbers to theoretically knock out the opponent's retaliatory weapons. Assuming that the Soviet Union does not add even one more ICBM missile to its arsenal, the 1,000 MX warheads that will not be deployed until late 1989 could not be expected to destroy the 1,400 Soviet ICBM's that are now in silos, nor could they be expected to knock out a considerable number of the Soviet sea launched ballistic missile forces. On the other hand, the 5,000 Soviet SS-18's and SS-19 hard target warheads could do a much more credible job against 1,000 MX, Minuteman III, and Minuteman II missiles. But as Mr. Seignious pointed out in 1979 and as the Scowcroft Commission pointed out in 1983, the planner of a preemptive attack must consider the entire range of retaliatory weapons available to the other side. While a Soviet planner would be faced with a great deal of uncertainty about the total effectiveness of any attack, his problems would not be nearly as severe as those of a U.S. planner under existing circumstances.

How does the MX fit into the arms control picture? The fact is that SALT II was negotiated while the Soviet negotiators had full knowledge that the United States was developing the MX. It was known to U.S. negotiators that the Soviets were also developing at least one new type of ICBM. It now turns out that the Soviets have indeed developed at least two new types, the SS-24 and SS-25.

The role of the MX is to provide an improved measure of crisis stability within a relatively short period of time. During this period of time, the parties will have years to negotiate before even a marginal MX capability can be deployed to partially offset the existing Soviet advantage in ICBM's. It should be noted that during the aborted START negotiations, the Soviets made no attempt to negotiate away the MX program in exchange for reductions in their SS-18 and SS-19 forces. Their stated reason for leaving the table at START was NATO's deployment of intermediate range missiles—not the MX. The assessment made by Mr. Seignious back in February 1979 that the MX could have a stabilizing effect in the strategic area was consistent with the recommendations of the 1983 Scowcroft Commission report on the same subject.

In conclusion, I believe that the MX program represents the highest strategic priority for this country; and if strategic arms control is a primary objective, I do not believe that that objective can be obtained without the MX. If we vote to kill the MX program, the Soviets will know that they can better achieve their objectives away from the bargaining table than at it, and at the cost of absolutely no concessions on their part.

Mr. BURTON of Indiana. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, we have heard a lot of issues raised in the colloquy that just took place, and I would like to respond, if I may, to a couple of them.

First of all, when our friends on the other side go to the Soviet Union and discuss our missile systems, and the MX in particular, the question immediately jumps into my mind: Did you talk to them about the SS-17's and 18's, 19's and 20's that they are deploying?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I will not yield at this time.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield later?

The CHAIRMAN pro tempore. The Chair will state that the gentlewoman from Maryland (Mrs. HOLT) has the time.

Mrs. HOLT. Mr. Chairman, I will not yield at this time. I will allow the

gentleman from Indiana to finish his statement. I continue to yield to him.

Mr. BURTON of Indiana. Mr. Chairman, the point is that time and time again when the gentlewoman was at the microphone, I attempted to get her to yield to me so I could ask these questions, but she would not yield to me, so I will go ahead and proceed with my comments.

I do not understand why our congressional delegations go to the Soviet Union and only talk about our weapons systems to the Soviets and not talk about what the Soviets are doing. We all know the Soviet Union is deploying one new SS-20 intermediate range ballistic missile in the Warsaw Pact countries adjacent to our NATO allies per week. They have five new ICBM systems either in progress or on the drawing boards at the present time. Last year it is estimated they spent $400 billion on weapons systems and defense, and we have not matched that.

The Soviet Union just goes on doing as they please while we debate these issues, and the American people are led to believe that we are the ones who are the aggressors. That simply is not the case.

I hope that the people across this country who are watching this debate realize how important what we are talking about is, and I hope that they will be students of history and think about what happened prior to World War II. It is my feeling, after listening to all this debate over the past several hours, that had the people who control this House and who control this debate been in charge of Great Britain's Government or our Government prior to and during World War II, we would all be speaking German today.

Mr. Chairman, I thank the gentlewoman for yielding.

Mrs. SCHROEDER. Mr. Chairman, will the gentlewoman yield to me?

Mrs. HOLT. No; I will not yield.

Mr. Chairman, I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Price-Dickinson amendment.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. Mr. Chairman, let me finish my spiel, and then I will be happy to yield to anybody. Let me just explain for a few minutes here the situation that we are facing as far as the parliamentary situation goes.

We have the Bennett amendment which has been amended by the Price amendment, which is the amendment that the gentleman from Washington (Mr. PRITCHARD) and I were going to offer. That will be the first vote.

There is also a substitute for the Bennett amendment offered by the gentleman from Massachusetts (Mr. MAVROULES) and there is an amendment to that offered by the gentleman from Alabama (Mr. DICKINSON) which again is the same thing as Mr. PRITCHARD's and mine.

So the first vote will come on the compromise amendment, the 15 missiles, the 6-month pause to see what the Soviets do.

It seems to me that there is one point that ought to be pointed out here, and that is the question about the bargaining chip, the MX missile as a bargaining chip. Unfortunately, what has happened is that the thing has not been tried. The build-down position of the Reagan administration was presented at the Geneva talks in October. Very soon thereafter, the Soviets walked out of the talks. Now, they walked out, having nothing to do with the START talks and having nothing to do with the MX. They walked out because of the deployment of the Pershing and the ground-launched cruise missiles and the issues surrounding the IMF talks.

But what that meant was that we never really had a chance to see whether the Soviets were willing to negotiate to reduce the number of MX missiles or to eliminate the number of MX missiles. It has been asserted off and on here this afternon that the Soviets are not afraid of the MX and would like us to spend more money on the MX. I do not know where anybody gets that notion. From everything that anybody has ever said about this issue and pointed out about this issue, the Soviets know that land-based missiles are good stuff. They would not pour all their energy and their time and their money into big land-based missiles if they did not think they were any good.

□ 1530

The SS-18, the SS-19, and the SS-17, that is the part of the Soviet strategic forces which is really the part where they have the greatest money put in and the greatest amount of effort; so what we are doing is building one like that in the hopes of entering into negotiations.

I would just like to quote Mr. Sakharov, who does know something about the Soviet mind on these issues. He wrote a position, we had a lot of praise for Mr. Sakharov yesterday, but Mr. Sakharov wrote an open letter which appeared in the Foreign Affairs magazine last year. That article talked about United States-Soviet relations. Now, here is a man who knows something about the Soviet Union and what kind of an operation we are up against. Let me just quote a couple of lines from Mr. Sakharov's letter. He says:

While the U.S.S.R. is a leader in the field—

Meaning land-based nuclear weapons, land-based missiles—

while the U.S.S.R. is a leader in the field, there is very little chance of easily relinquishing that lead. If it is necessary to spend a few billion dollars on MX missiles to alter this situtation, then that is perhaps what the West must do; but at the same time if the Soviets in deed and not just in word take significant verifiable measures for reducing the number of land-based missiles, more precisely for destroying them, then the West should not only abolish MX missiles or not build them, but carry out other significant disarmament programs as well.

I would say that the amendment that the gentleman from Washington (Mr. PRITCHARD) and I have embodies this notion, that we will do something if the Soviets do it.

This is the case for the MX as a bargaining chip. It seems to me it is something we ought to try.

I say to the gentlemen on this side of the aisle who say they want zero MX's, what is wrong with getting something from the Soviet Union if we are going to do zero MX's?

Remember, the amendment we are talking about could provide zero MX's in 1985. All the Soviets have to do is come and bargain in good faith. Why not? Why are we giving them zero MX's and not having anything in exchange?

It seems to me that it is not an unreasonable proposition to say, let us ask them to do something in exchange for the zero MX's.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin has expired.

(At the request of Mr. KASICH, and by unanimous consent, Mr. ASPIN was allowed to proceed for an additional 5 minutes.)

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, the gentleman made the point during the debate the last time about the fact that we have to show the will and the resolve to in fact put in place this system. We were joined in that argument by the gentleman from Washington.

Let me just ask the gentleman his opinion on this matter. The argument being that the Soviets in fact want us to spend our money, or the other converse argument, that the Soviets just flat out want us to go ahead and drain ourselves, does the gentleman not think this has not really scared them or frightened them into negotiating? Is it the gentleman's point of view that the Soviets are not yet convinced in their own minds that we have the will and resolve to actually go forward to deploy this weapon and they have not even considered negotiating at the table yet because they do not believe at this point that we really have the will and resolve to deploying a missile that would represent activity that we

have not seen in this country for well over a decade? I wonder if the gentleman would comment on that.

Mr. ASPIN. I agree entirely. I think the gentleman is making a very good point.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Chairman, I thank the gentleman for yielding. I want to take just a minute or maybe a little more. As my colleagues know, I represent a portion of the State of Nebraska. I am very much a supporter of what I consider the MX or Peacekeeper missile system and I do intend to vote in favor of it; but more especially, I intend to vote for the gentleman's amendment. I think it is a reasonable compromise when I consider the following four things:

First, that our ability to deter Soviet forces is the most effective means of preserving freedom and independence in the Western World. Providing for the Nation's defense is not an inexpensive proposition, but we should not seek to achieve false economies by significantly reducing these fundamental securities for Americans.

Second, when you talk about the MX, whatever the numbers are going to be, it is a modernizing and a replacement system, if you will, for certain aging forces that we do have now in our triad.

Third, if you go back to 1946 and study the whole history of negotiations from the Baruch plan through ABM, Vladivostok, SALT I and SALT II, all we have seen occur is the madness of allowing numbers to increase on both sides.

Fourth, when we talk about any President, this one or whoever it might be, come April 1985, I think we have to look at the MX and perhaps its symbolism in a way that should be more restrictive. If we take it to be too all-encompassing, we will end up, I say to my colleagues, forfeiting our ability to deal with issues like the GLCM, the Trident, the cruise missile, the Pershing, our tanks, our strategic and forward force conventional modernization, because there will be no reason for the Soviets to bargain in good faith.

I thank the gentleman for the time.

Mr. ASPIN. Mr. Chairman, I thank the gentleman for his comments.

I yield to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I thank my friend for yielding.

I want to support what the gentleman from Wisconsin said by quoting from the Secretary of Defense under President Carter, Harold Brown. Now, here is what he said, and it just makes imminent good sense:

> We said in the early 1970's that we would modernize with a new missile in the late 1970's. In the mid-1970's we said that we would do so in the early 1980's, and in the late 1970's that we would in the mid-1980's. We have failed so far to do any of those things, even while the Soviets were deploying over 600 new ICBM's, each with a payload equal to or greater than that of MX, and with accuracies now matching those of the most accurate U.S. ICBM's.
>
> To say that the United States will modernize in the early 1990's with a small single-warhead missile will just not be believable. The Soviets would be justified in calculating that any new U.S. ICBM system will be aborted by some combination of environmental, doctrinal, fiscal, and political problems.

Now, I believe that absolutely and I just suggest to my friends over there who used the word "Red baiting," that is a fascinating word, when we are presenting resolutions condemning the Soviet Union for brutality as regards the Sakharov family. That is just a viable realism, but when you talk about defense and criticize the Soviet Union, that is red baiting.

If you want to save money, if money is the big issue here, we just forgave REA loans to a total of $7.9 billion.

To my friend, the gentleman from North Dakota, we have a farm program that pays the farmers about $22 billion for not growing sugar beets. So we can save money all right, but some things are not really worth it.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin has again expired.

(At the request of Mr. HYDE, and by unanimous consent, Mr. ASPIN was allowed to proceed for an additional 5 minutes.)

Mr. ASPIN. I yield to the gentleman from Illinois.

Mr. HYDE. The Minuteman III's we have were deployed under Lyndon Johnson, 1960's technology. Meanwhile, the Soviets have marched on through four new generations of ICBM's.

Our response, a stack of CONGRESSIONAL RECORDS. That is trading chickens for horses.

I thank my friend for yielding.

Mr. DICKS. Mr. Chairman, will my friend yield?

Mr. ASPIN. I yield to the gentleman from Washington (Mr. DICKS.)

Mr. DICKS. Mr. Chairman, I thank the gentleman for yielding.

There is considerable discussion about what the Soviets are concerned about. Obviously, I think any of us who have been to the Soviet Union realize that the Soviets are very concerned about the Pershing II and the INF; but they were also I think interested in the MX as well.

The point is, and the gentleman has made the point and Secretary Brown made the point, that while we have debated this issue for 10 years, the Soviets have deployed 600 SS-18's and 19's, all of which have MX quality warheads. They have deployed 6,000 MX quality warheads.

Now, I believe the reason that they do not appear to make a big fuss over the MX is that they realize we are going to modernize our forces and we are going to upgrade our ability, our capability.

They also recognize, I think, as they move to silos that are harder and less vulnerable, that we are going to do the very same thing, because it is a logical evolution in terms of modernization and increasing survivability.

I think people really underestimate what hardening now can do. I think hardening can answer one of the real questions and that is survivability and vulnerability. It goes beyond just synergism and gives us a valid basing mode.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin has again expired.

(At the request of Mr. MAVROULES, and by unanimous consent, Mr. ASPIN was allowed to proceed for an additional 4 minutes.)

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I thank my dear friend for yielding.

Mr. Chairman, there are different signals coming from many areas, I say to the gentleman from Wisconsin (Mr. ASPIN). I think the gentleman is aware of it.

Let me share a conversation that I had with Ambassador Rowny just yesterday, who did call me on behalf of the Aspin amendment.

I asked him the question, "Is this a bargaining chip?"

□ 1540

Mr. MAVROULES. I asked the question is this a bargaining chip or is it not, because I personally have faith in Ambassador Rowny. He is trying to do a good job. He said to me it is not a bargaining chip.

Let us clear the air. Not once has he offered the MX as a bargaining chip for the United States. As a matter of fact, you yourself stated, and you are correct, we have not offered this at the bargaining talks in Geneva.

Let me share another conversation I had with you, and perhaps we can get in a colloquy. On the one hand we talk about arms control. You are never going to receive, at least in my judgment, any kind of arms control agreement if you seek superiority, and that is exactly what we are trying to do. I would ask the gentleman to let me just finish.

Mr. ASPIN. I would like to answer, but go ahead and whenever you are finished I will go ahead.

Mr. MAVROULES. According to Mr. Richard Perle, who is a spokesman for the administration, when I asked him the question, when Mr. Adelman made

the remark, and you are aware of it, when he said perhaps that the Soviet Union would give up their 18's and 19's, which is a devastating weapon, we might consider the MX missile. I asked this question of Mr. Perle, would you agree with Mr. Adelman.

The response from Mr. Perle. He speaks for the President. Let me say this, he said, "I want the MX missile. I want the B-1 bomber. I want the Stealth bomber. I want the D-5 missile with 10 warheads. I want the Star Wars complex."

Now how can we negotiate an arms agreement with that kind of an attitude?

Maybe you can respond to that.

Mr. ASPIN. I will be happy to respond.

First of all, the problem of saying whether it is a bargaining chip by the chief negotiator I think is a real one. I believe it is a bargaining chip. I can stand in the well of the House and say it is a bargaining chip.

If I am the chief negotiator of the U.S. Government I would not say that it is a bargaining chip. It discounts the value of it. You cannot admit that it is a bargaining chip.

Let us leave that aside. What the administration has presented, and I am not saying that it is a unanimous view in the administration on the issue of the MX, I mean we all know that there are certain people in the Reagan administration who are extremely hawkish, nonenthusiastic I guess is the best way you might say it about arms control. The question though is what do they finally do and what do they propose.

What the administration has proposed at the bargaining table is a build-down concept, which if the Soviets were to pick it up and sign on the dotted line, let us just say that they do not even change our formula, they just sign on the dotted line our proposal, it would be extremely stupid to be building any MX's, and you could not build 100 because the cost in terms of systems that you would have to dismantle in order to put the 10 warheads MX's out there in any significant numbers would be so costly that you would not do it.

If the Soviets were to just take our proposal and sign it, whether Rowny calls it a bargaining chip, whether Perle says he wants it, whatever else, the point is that it would not make any sense to build it.

So I think that the issue that you have out there is a bargaining chip. What the United States is saying is our proposal is build-down. If you do not agree with build-down and negotiate about build-down, we are going to build the MX. But if you accept our build-down proposal and others, it really is that we are accepting also something that is very costly to build, the MX's, and we would not build the MX's.

Mr. MAVROULES. If you would yield for a response I really appreciate this, and if I have time later I will yield to you.

This is the crux of the argument here this afternoon. Put all of this facade aside, just throw it away and let us key in on the ingredients which constitute this amendment.

The Soviet Union is not concerned with the MX missile. The MX missile will not bring the Soviet Union back to the bargaining table. But I think I can tell you what would. The Pershing missile, that will bring them back to the bargaining table, the cruise missile will bring them back to the bargaining table, and maybe the outer space concept would bring them back to the bargaining table.

The MX missile in my judgment, although we differ, will not bring them back.

Mr. ASPIN. I would say that it is a judgment call. The gentleman from Massachusetts believes that. I believe that they are worried about the MX. I think the MX is a bargaining chip.

Mr. ALBOSTA. Will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman for yielding.

I have listened to the discussion this afternoon for some time, and it seems to me to be missing the point. I do not believe that there is any question that the Soviet Union knows that we can destroy them 10 or 12 or 14 times over. We can destroy the whole world 10 or 12 or 14 times overall with a nuclear weapon.

I ask the gentleman in the well do you believe the Soviets know that?

Mr. ASPIN. I believe they do.

Mr. ALBOSTA. Do we believe, the U.S. Government, the State Department, and Members of Congress believe that the Soviet Union can destroy us 10 or 12 or 14 times over besides and they can destroy the world?

Mr. ASPIN. I cannot vouch for everybody, but yes, I think that is generally concluded, yes.

Mr. ALBOSTA. I think the whole point here ought to be how in the world can we stop this crazy madness that we are in. It is not a question that we have to build any more missiles. We do not have to do anything. They know this already I am sure, and I appreciate the gentleman yielding. But this point seems to be so important.

Mr. ASPIN. Let me try to respond. May I try to respond?

Mr. ALBOSTA. We need to go to the negotiating table and start talking about this whole question so that we try to save the world from destruction.

Mr. ASPIN. I agree. And remember that the amendment that I am offering here, that all of us are offering, the point, if I might address the gentleman from Michigan's concerns, is that the point of the whole thing is that what our amendment is trying to do, of course, is to get them back to the bargaining table so they will negotiate. They are not now at the bargaining table, not having anything to do with the MX or having to do with the START proposal of the Reagan administration, but because of things that went on in the INF talks.

So we are trying to get them back to the bargaining table.

But the point you raise about the amount of destruction on both sides, the problem with the arms race is not a quantitative issue, it is a qualitative issue.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ASPIN) has expired.

(On request of Mr. DOWNEY of New York and by unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. The thing that causes the arms race to continue, and MX, and Trident, and B-1's to be built as well as SS-18's, 19's, SS-25's, and SS-24's, the whole panoply of the Soviet system, is not because we do not have enough, but because of a qualitative arms race. It is trying to improve. You are trying to improve the accuracy, you are improving the hardness, you are improving the survivability, and that is what does it. And that is what we have to get at.

The purpose of all of these things is to try and get the arms control negotiations, which will limit and eliminate hopefully the destabilizing weapons systems on both sides, those weapons systems that are more likely to be needed in a time of crisis.

Let me just finish with the gentleman's point.

Mr. ALBOSTA. I do not believe it makes us any more powerful if we can destroy the Soviet Union 14 times over. I think they know that, and I think what we have to find is a different method of trying to go there before we bankrupt ourselves.

Mr. ASPIN. I agree. And if it were just building more Minuteman or something that we already had, the gentleman's point would be a good one. But always there is the qualitative edge, and that is what we are trying to do at the START negotiations, is to reduce the numbers and capabilities, the warheads, the throw-weight of the Soviet land-based missile systems. Basically, unless we are able to do that, we are not able to deal with the land-based vulnerability, which is at the core of the instability of the crisis situation.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. Let me yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman yielding.

I want to say to the gentleman, despite our differences on this issue, which clearly remain and I have high regard for him, I do not have a high regard for his amendment, and I think he understands that.

□ 1550

Mr. ASPIN. I understand.

Mr. AuCOIN. I want to engage in a colloquy with the gentleman, because I have real difficulty understanding how a nice guy like him can make a statement that we ought to have the MX.

In a colloquy I had a few minutes ago with the gentlewoman from Colorado (Mrs. SCHROEDER) we walked through what the numbers would be if we at that time, if we assume sincerity, which the gentleman has accepted, on the part of the administration; take its sincerity for arms control, at face value and believe that they really argue for a build-down and START, let us assume that and let us assume, that the Soviets are going to say "Fine, every "i" dotted, every "t" crossed, we are going to sign." If we do that, what that will do to the land base of the U.S. triad because of the two for one build-down is reduce the number of launchers from 1,000 holes in the ground which are targeted, as the gentlewoman from Colorado mentioned; vulnerable targets, 1,000 of them, reduce them to 133; that means fewer easier targets for the Soviets to shoot at.

Mr. ASPIN. Correct.

Mr. AuCOIN. That, it seems to me, make us more vulnerable; that is not qualitative improvement; that is destablizing, that is an invitation for an attack.

Mr. ASPIN. Yes.

Mr. AuCOIN. How can a nice guy like the gentleman from Wisconsin advocate something like that?

Mr. ASPIN. Yes. But that is why I was, in answer to the question raised by the gentleman from Massachusetts (Mr. MAVROULES) what I am saying is that if you accept build-down you do not build 100 MX's, because you will put yourself in a weaker position.

Mr. AuCOIN. Now, that raises an interesting question, if the gentleman would yield to me further.

Mr. ASPIN. Yes.

Mr. AuCOIN. Because I think all Members ought to contemplate just how many members of the administration understand the trap that the gentleman from Wisconsin believes he has set for the administration.

He believes he has set a trap in which they will not be able to build the weapon that they have said they want—regardless of whether or not there is a treaty.

Mr. ASPIN. No; the gentleman is putting words in my mouth.

Mr. AuCOIN. No, no; I am not putting words in the gentleman's mouth.

Mr. ASPIN. Please, please.

Mr. AuCOIN. I am suggesting.

Mr. ASPIN. I am saying that if the Soviet Union accepts the build-down proposal on the table now, the United States does not build 100 MX missiles. I am not saying they are not going to build any; they could build 50 and in fact 50 probably with the right combination of Trident submarines with D-5 missiles and Midgetman; remember there is a constituency out here, I include myself as one, that want 1,000 Midgetmans, if you get all of those under the 5,000 warhead limit, under the build-down proposal, you can only build about 50 MX's.

Mr. AuCOIN. If the gentleman will yield further, I would like to extend the colloquy for just a few minutes longer.

Mr. ASPIN. I sure do.

Mr. AuCOIN. If the gentleman would continue to yield.

Mr. ASPIN. Happy to, go ahead.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. AuCOIN, and by unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. I yield to the gentleman.

Mr. AuCOIN. I appreciate the gentleman yielding. I know the gentleman believes that this is in effect a trap that would be——

Mr. ASPIN. It is not a trap, it is understood.

Mr. AuCOIN. In which the MX cannot then be built.

Mr. ASPIN. No.

Mr. AuCOIN. But I have talked to the administration officials who have a significant role in this matter.

Mr. ASPIN. No question.

Mr. AuCOIN. And they believe that they can have the treaty they have offered and also have at least 100 MX's.

Mr. ASPIN. MX, but what number of MX's? They can have the MX, the question is the number of MX's. And I think part of the point about bargaining chips is that you might build some, you build none, you might build half of what you want; you might build two-thirds, three-quarters, one-quarter, you do not know yet.

But the point about this thing, let me again emphasize that what we are trying to do is to reduce the number of warheads on the Soviet side and it has got to get down to something like 5,000 or Midgetman is not survivable. Remember, this is a package; and there is no way to deal with the land-based missile vulnerability without a package.

The first package was the Carter racetrack crazy, Rube Goldberg racetrack with SALT II, and the combination would have worked. We had enough AIM points in the racetrack and enough limits on the warheads in SALT II that it would have meant that the land-based missiles were survivable.

The whole thing fell apart for different reasons; SALT II did not pass and the racetrack, people out in the Western States did not like it, so it did not happen.

The next combination to make this thing work is Midgetman running around on military reservations; but in order to make that survivable, you have got to reduce the number of warheads on the Soviet side; otherwise they just saturate the military reservations.

Let me just finish my thought.

"How do you get the Soviets to reduce the number of warheads?" is the name of the game. You cannot do this thing without some combination of deployment plus arms control. The deployment is Midgetman on the military reservations, the arms control is reduce the number of warheads on the Soviet side.

The build-down proposal would have worked just fine if we could get the Soviets to accept it. But how do you get them to accept them? We tried in Vladivostok, we tried in SALT II even harder to get the Soviets to reduce those SS-18's and SS-19's. No luck, no success, very little progress.

Why? Because a whole series of negotiators believed we did not have anything to bargain with.

Remember this MX is something that has been around for three or four administrations; it started under Nixon, Ford, Carter, and Reagan. Lots of people there, many of which are dedicated people to arms control.

Mr. AuCOIN. Will the gentleman yield one more time?

Mr. ASPIN. Happy to.

Mr. AuCOIN. I appreciate the gentleman yielding further.

The gentleman makes a point he has made before, and that is the virtue of a Midgetman, a mobile single warhead weapon system; but the difficulty in buying into the gentleman's argument, that somehow MX is going to coax a reluctant administration into an arms control regime that will ultimately get us to that millenium that the gentleman forsees; is this: That the arms control proposition the administration has laid on the negotiating table in Geneva speaks not at all toward the real threat to Midgetman; which is depressed trajectory technology and capability by Soviet submarine-launched missiles which could, if perfected by the Soviet Union, take out our Midgetman with a small number of warheads.

Mr. ASPIN. If the gentleman would yield, it depends on how many warheads they have. The only threat to Midgetman on land, running around the military reservations is a very large number of Soviet warheads which they have now.

I mean, it would make no sense; I warn the House that I am for the Midgetman missile, if we kill the MX and because we kill the MX we get no arms control agreement with the Soviet Union to reduce the number of warheads that they have; I cannot support the Midgetman.

Midgetman without a reduction in Soviet warheads is as vulnerable as Minuteman in the silos is today.

Mr. AuCOIN. If the gentleman will yield further, I say to the gentleman, if you examine the arms control proposition that our administration has placed on the table, it does not bar the Soviet Union from making use of its satellites locating the Midgetman and using a depressed trajectory missile to wipe out the Midgetman.

The gentleman's arms control he is trying to protect does not do the job.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. PRITCHARD. Mr. Chairman, I ask unanimous consent the gentleman be allowed to proceed for 5 additional minutes.

Mr. McCURDY. Mr. Chairman, reserving the right to object, as a member of the committee and my good friend and colleague from Wisconsin knows that I am not going to object, but there have been a number of committee members who have been seeking time. I understand other Members have the right to get time.

But it might proceed in a more orderly basis if we were to go back to the proposition of getting and using your own time and alternating between the two aisles.

Mr. Chairman, I withdraw my reservation of objection.

(On request of Mr. PRITCHARD, and by unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. The build-down proposal is not the answer to all of the threats of the land-based system, it is not the answer to all of the threats to nuclear war.

We still have ASATS; we still have sea-launched cruise missiles, there is a lot of other issues out there in the arms control area which the build-down does not address.

But it addresses one critical one, which is the number of warheads that the Soviet Union has and of course including the number of warheads that we have and the ratio of warheads to missiles, which is the key.

It seems to me that that is a very, very important thing and that is the most important thing that we ought to be working on. It is not the only thing as we will have other amendments here to deal with later today.

But I think an amendment to kill the MX, if we do not proceed with the MX, we still have to answer the question, How are we going to get the Soviets to reduce their number of warheads, because without the reduction in warheads, all of our other ways of dealing with the vulnerability of the land-based missile system are not working.

□ 1600

We have got to somehow deal with that issue and it seems to me that we ought to give this issue a try and why not. If we are not going to build any MX's in 1985, why do we not just ask and make sure that the Soviets get back to the bargaining table

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman form Washington.

Mr. PRITCHARD. I thank the gentleman for yielding.

Mr. Chairman, I would also like the gentleman to touch on the subject of undercutting our allies because the Germans and the British went right to the wall on standing up in a very tough election for the Pershings and you can get into the argument of how they got into that election, but when they were all done, that was a very tough stand for them to take.

About 2 or 3 weeks from now the Netherlands are going to vote on this.

Mr. ASPIN. I think that is correct.

Mr. PRITCHARD. What bothers me is that I am afraid that we are going to start unraveling that whole NATO structure if we take what would look like a unilateral approach. I just think that this, a very imaginative approach that the gentleman has come with, I think holds a certain amount of integrity as far as our actions and the European actions.

Mr. ASPIN. I agree. The point about the vote in the Netherlands, I think, is critical at this point. They are about to vote on whether to deploy the ground-launched cruise missiles.

Mr. RINALDO. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New Jersey.

Mr. RINALDO. I thank the gentleman for yielding. Mr. Chairman, I do not like the MX, but I voted for it the last time around, because I felt that it provided the incentive the Scowcroft Commission stated in their report was needed for arms negotiations. That did not take place, and I have been listening attentively to the debate, because I was one of those Members of this House that was undecided up to this point.

But I now feel that the best of all of the choices offered here today is the choice offered by the gentleman from Wisconsin's amendment.

As I view the gentleman's amendment, and as I understand it, the essential purpose is to get the Soviet Union back to the bargaining table.

Mr. ASPIN. Correct.

Mr. RINALDO. Certainly I do not know of any better method to get them back to that bargaining table in Geneva and to negotiate seriously on nuclear arms reductions.

These negotiations are crucial to the safety of the entire world. For many years, the Soviet Union has built up its supply of nuclear weapons, and we in the United States have had to maintain parity in order to preserve a credible nuclear deterrent. The nuclear arsenals of both our countries now threaten the continued survival of the whole world.

Killing the MX missile outright will not eliminate the nuclear danger. Both of our countries still have sufficient nuclear strength to destroy the world several times over. Ultimately, our only safety lies in negotiated reductions in nuclear weapons, and we must do everything possible to get the negotiators on both sides back to the bargaining table.

The Soviet refusal to return to Geneva is obviously based on nothing but politics. They want to deny President Reagan's administration any credit for progress in arms control negotiations, and they are probably hoping that the coming election will bring to office a new President less committed to a strong American defense.

Even the most generous offers on the part of the United States would therefore be unlikely to succeed in bringing the Soviets back to Geneva. Our only present recourse is to make nuclear arms reductions a matter of immediate self-interest for the Soviet Union.

The Aspin amendment would accomplish this by letting the Soviets know that funding for more MX missiles will be indefinitely suspended if they return to the bargaining table by next April. There have been many indications that the Soviets view the MX as a major threat. The Aspin amendment would give them the opportunity to avert this danger to their defense by returning to the START talks in Geneva. Our offer not to expand the MX missile program, which has already received preliminary production funding, would also be a substantial concession on the part of the United States.

The fear of a powerful new nuclear weapon must not blind us to its usefulness as a means of forcing the negotiations which are crucial to our survival. We cannot bargain alone, and while our decision to go ahead with the MX missile did not keep the Soviets in Geneva, I am confident that our offer to suspend increased production will bring them back.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ASPIN) has again expired.

(At the request of Mr. RINALDO and by unanimous consent, Mr. ASPIN was

allowed to proceed for 3 additional minutes.)

Mr. RINALDO. Finally, I think that this amendment should help everyone who favors a nuclear freeze. I told the head of the nuclear freeze movement in a recent meeting in my office, that I would like to see them picket the Soviet Embassy. Let us tell the people of this world that the Soviets are the ones that are not bargaining. Let us tell the people of this world that we want to get the Soviet Union back to the bargaining table.

I hope the head of the nuclear freeze movement takes up my call. I will join him on a picket line; I do not believe that there is a person in this Chamber who would disagree with the fact that arms control is one of the most important issues before this Congress.

The Aspin amendment would indefinitely suspend MX funding if they return to the bargaining table by next April. We are not going to build any more missiles. Let them get to the bargaining table and negotiate in good faith.

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentlewoman from Maryland.

Mrs. BYRON. I thank the gentleman for yielding.

Mr. Chairman, I had not planned to get up and speak on this amendment, although I am completely in support of the Aspin amendment. But there have been two points that have been brought up that I think should be reiterated.

In the last colloquy we had, there was a discussion on the GLCM and the Pershing II missile and the concern of the Russians. This is one issue that might get them back to the bargaining table. I think when you look at those issues as has just been mentioned, you find the German public went to the ballot box a year and a half ago on the missile issue, when you look at the face that Great Britain with deployment of the GLCM, had much discussion on the missile and in Sicily with the Italian Government with the deployment of the GLCM, there was much governmental discussion. I have looked at those sites, I know what it means to those countries. I think for this Nation, at this time, to decide not to go ahead with the MX, to let down our NATO allies, to not support the continuation of the modernization of our missile program is a wrong signal.

I think the fact that we have the Dutch Parliament having a very serious debate, one that will be very critical to their whole government, at this time, for this body, to make the decision not to go ahead with the MX is the wrong decision to make.

And I support the Aspin amendment.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, I served as chairman of the Subcommittee on NATO for a number of years and I am aware of sensitivity of this issue. I think this is a terribly important point insofar as the defense of Europe is concerned.

The gentleman from Massachusetts (Mr. MAVROULES), my very good friend, stated a few moments ago, and he is entirely correct, that the Pershing and cruise could very well serve as a deterrent, could very well be the missile that we need to get the Soviets back to the bargaining table.

□ 1610

That is a valid point.

My concern is that if this Congress today decides that we are no longer willing to build the MX, then I think that the Europeans could very well turn around and say, "Well, if the United States is no more concerned about protecting us, as they said they would do, cancel the MX, then why should we be obligated to continue to deploy missiles on our soil?"

And I might add that these gentlemen, these politicians in Europe, agreed to do this at considerable risk to their own survival.

And while I am on my feet, let me make one other point. The gentlewoman from Ohio said that she had talked with the Soviets and they were not concerned about MX. And while this debate is too serious for levity, I would point out that Brer Rabbit said that he would not want to be thrown in a briar patch. I think that is a valid comparison.

She also said that what we need to do is take care of our old people. Well, I am one of those old people, and I want to be taken care of. But I stand with the gentleman from Alabama, who said yesterday that the first responsibility of government is to keep its people alive and free. I believe that is the position that most of those in my district who have lived long would take.

I thank the gentleman for yielding.

Mr. COURTER. I thank the gentleman for his comments, and I think it is important to note the fact that this debate cannot be looked at only in the context of how it affects the United States but also how it affects our allies. I am glad that the gentleman pointed out the fact that what we do here today and tomorrow will, no doubt at all in my mind, affect what happens in Europe, particularly our allies, as they make very important decisions as to whether they will deploy a new land-based system themselves.

I found the dialog a few moments ago very interesting because much was made about the fact that we were going to possibly but not necessarily, under the Aspin amendment, be deploying an additional 15 MX missiles. Much was said about the fact that we are putting the same missiles in the existing silos and therefore we are getting less security because there are fewer targets for the Soviet Union to target.

I think, once again, the fault is the fact that we are not looking at our strategic——

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(On request of Mr. DANIEL and by unanimous consent, Mr. COURTER was allowed to proceed for 5 additional minutes.)

Mr. COURTER. I think it is important to recognize that, just like we cannot take the debate here in isolation as it affects only the United States, because indeed it will affect Western Europe, we must recognize the fact that the debate on the MX, on the Aspin amendment, must be viewed in the context of the other legs of our strategic triad.

There is a synergistic effect between the land-based leg of our triad, the air-based leg of our triad and the sea-based leg of our triad. Each leg has certain properties that are not necessarily the same as legs of the triad, and that is something that is very important. Indeed, if the MX missile is going to be placed in existing Minuteman II and III silos, it is not going to be invulnerable to a first strike by the Soviet Union. But the Soviet Union is not going to be looking at our MX's in isolation. They will be looking at other legs of our triad, the sea-based leg of our triad and the air-based leg of our triad. Indeed, the air leg has properties that are good because, although it is slow, you can call it back. The sea-based leg of the triad is to date invulnerable and therefore very good, but on the other hand, accuracy and command and control and communication to our submarines is not that perfect. The land-based leg of the triad has other types of characteristics. Indeed it may be vulnerable, viewed in isolation. But it cannot be viewed in isolation. So therefore the comments relative to its inherent vulnerability in isolation, are not proper because it cannot be looked at in isolation.

Mrs. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentlewoman from Tennessee.

Mrs. LLOYD. I thank the gentleman for yielding. Mr. Chairman, I rise in support of the Aspin-Price amendment. I think there are basically three reasons for the United States to continue procurement of the MX system,

albeit at a reduced rate from that anticipated in last year's authorization bill, and in the fiscal year 1985 Department of Defense authorization as it was reported from the Armed Services Committee. First, the doctrine of strategic deterrence has served this Nation's security interests well for the past 30 years. That doctrine rests upon the assumption that given a variety of strategic nuclear systems capable of surviving a first-strike Soviet offensive, the risk of massive retaliation will discourage an attack. The key element of this assumption is that sufficient forces would survive the first-strike. In the past limited accuracy of Soviet systems helped insure that survivability. But as Soviet technology has improved their ability to pinpoint targets, great emphasis has been placed upon the diversity of our weapons systems. This has been reflected in the triad concept that, has been discussed here this afternoon. The triad consists of the landbased ICBM's, the submarine launched missiles which are now effectively ICBM's, and the penetrating manned bombers. The fact that we can rely on one particular leg of the triad, say the SLBM's, to remain relatively invulnerable while we proceed to unilaterally dismantle the other two legs, is insufficient to maintain strategic deterrence. Once the Soviet Union is able to focus on only one element of the triad the value of that leg will quickly diminish. By forcing the Soviets to face the full array of potential second-strike weapons we greatly increase the deterrent effect of each individual element. Quite simply, the whole is greater than the sum of its parts.

Beyond this synergism, the second reason for proceeding with procurement of 15 MX missiles is the fact that if we do not we will be clearly rewarding the Soviets not only for walking out of the arms reduction talks, and incidentally boycotting the Olympics, but more important we will be encouraging them to continue with their current arms buildup while we fall farther and farther behind. This too undermines the doctrine of deterrence by increasing the likely success of a first strike.

Finally, whatever the outcome of the election this November, there is likely to be a shift in the MX program. The Democractic contenders have all called for terminaton of the MX. If one of them emerges as President, a reduction from 30 to 15 will reduce the potential loss from termination of the program in January of next year. On the other hand if Mr. Reagan is reelected, then we will have sent a strong message to the Soviets to return to the bargaining table while maintaining full capability to produce and deploy the MX.

There is a far greater risk to be faced, both strategically and economically from the decision to halt procurement today; than will result from the procurement of 15 MX missiles if we decide, either as a result of policy, or because of negotiation to halt production at some future date.

Mr. ASPIN. I thank the gentlewoman for her comments.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, the gentleman is making a very important point here, and I just want to add the comment that as you talk about the synergistic effect of the triad and the invincibility or the invulnerability of the sea-based leg, nowhere has anything been said that I have ever seen in the debates on arms limitations that would ask the Soviet Union to cease and desist the development and the future technology and the study of antisubmarine warfare. It is not without the realm of possibility that in that area some day a technological breakthrough can be made that would take away this ace in the hole that everybody says, "This is why you do not need the MX, because we have got these submarines at sea," and it is because of the triad effect that I think once you dismantle the MX, the other legs can become more vulnerable. I wanted to emphasize that point. I think it is an important point that the gentleman has made.

Mr. COURTER. I thank the gentleman for his comments.

To go on, it was mentioned during the debate earlier that during a conversation with the Soviet Union that some Members of this body had, the Soviet Union did not bring up MX and it was extrapolated from that conversation that they are not worried about MX. It would be my observation that indeed they are concerned about the MX characteristics and capabilities.

It does not bother me that the Soviet Union did not bring it up because they are building, as has been mentioned a number of times in debate, about 750 MX type missiles, so therefore our desire to build, at a maximum, 100 indeed would not excite them.

But during the conversations that the Members from this body had with the Soviets, I wonder whether the Soviet Union brought up during conversation the fact that they are at the present time violating, according to the reports and the best evidence that we have, a number of international arms control agreements at this very moment.

It is clear to me, after having been briefed extensively on the topic, that the Soviet Union at the present time is violating the Geneva protocol of 1925, the chemical weapons agreement of 1975, the SALT I ABM aspect of SALT I, SALT II, the modernization of the SSX-25, and also by the massive encryption that is going on, prohibiting us from actually monitoring Soviet behavior to see if they comply.

What I would like to do is urge my colleagues to get the same briefing that I did. There is a report by the General Advisory Committee on Arms Control, which is a bipartisan organization, that did an objective study, "Twenty-five Years of the Arms Control Compliance Record of the Soviet Union," and I can summarize by saying it is not a good one.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. COURTER) has again expired.

(On request of Mr. DANIEL and by unanimous consent, Mr. COURTER was allowed to proceed for 3 additional minutes.)

Mr. COURTER. I thank the gentleman. I will try to complete my statement in 3 minutes.

Mr. Chairman, it is important also during these debates to keep in mind that the Soviet Union at the very time that they have entered agreements have indeed violated them.

Finally, I would like to mention a couple of other things. I asked the gentleman from Massachusetts (Mr. MAVROULES) whether his amendment deleted funds that were necessary in order to deploy the 21 MX missiles that we voted to procure and deploy last year.

His answer was that he was not sure, and it could be interpreted both ways.

I have checked with counsel for the committee, and there is only one clear interpretation of that amendment, and that is the fact that not only if you voted in favor of the Mavroules amendment are you eliminating and prohibiting the construction and deployment of new MX missiles, but in fact you are undoing what we did approximately 12 months ago. That is very important to keep in mind.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, I am glad the gentleman mentioned the study made on Russian arms control. I was wondering if a study was also made of what the U.S. policy has been on arms control, especially since we passed the last MX-21 missile as a bargaining chip, and if it has not, let me just point out some of the things that have happened as far as U.S. arms control. We have a threat to violate SALT II by deployment of the seventh Trident submarine without the deployment of other missiles. We claim the Soviets are cheating, but we have no proof of that. We are going full speed ahead on Asat's. We threaten to violate the

ABM Treaty by appropriating $1.7 billion this year and $25 billion in the next 5 years on Star Wars, which would completely violate the ABM Treaty, and we go right down the line. Everything has happened since we passed the 21 missiles, which was supposed to have been moving us toward arms control.

Mr. COURTER. If the gentleman will permit me to respond, I will respond in two ways. No. 1, we have not violated any agreements whatsoever.

□ 1620

None whatsoever have we violated. The gentleman talks in terms of our desire to build an Asat weapon or our desire to build a ballistic missile defense system. That would only be done by proper notification to the Soviet Union under the terms of the agreements.

Finally, the gentleman said that we do not have evidence of the fact that the Soviet Union has violated these agreements. You can count them; seven violations. I ask the gentleman whether he has been briefed by the General Advisory Committee. Have you read the report, have you had the codeword top secret briefing as I have? I will ask the gentleman. Has the gentleman received the same briefing that I did so he could definitely say whether the Soviet Union has violated or not? Did the gentleman receive the briefing?

I yield to the gentleman for his reply.

Mr. ADDABBO. I have not received the briefing.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

Mr. COURTER. Mr. Chairman, I ask unanimous consent for 3 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. McCURDY. Mr. Chairman, reserving the right to object, I made the same statement to my colleague from Wisconsin, who is also a member of the committee, that there are members of the committee seeking time, and that in order for this to proceed orderly and perhaps more rapidly, if we could again have each Member seek their own time, perhaps this can move more quickly.

Mr. COURTER. If I could have the 3 additional minutes, because I promised that I would yield to my good friend from Ohio and then I will yield back on my time.

Mr. McCURDY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. COURTER. Mr. Chairman, I yield to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. I appreciate the gentleman yielding to me.

Mr. Chairman, I would like to commend the gentleman for his statement, particularly in the area of the triad. I would have to agree with not only him but Mr. HILLIS. In terms of the effectiveness of the triad it is to confuse the Soviet military planners. It has been a policy that has been effective in keeping the peace since we have entered the nuclear race.

I would like to make a comment in regard to what we have done and what the Soviets have done in the area of arms control. I had a young man call me today who was a student, and he said why do we not take the first step, in terms of delaying this MX missile. I said to him, let us look at the numbers.

Over the period of the last 10 to 15 years, and I am going to try to trace it up as quickly as I can, this country has deployed no new missile systems. While at the same time the Soviets have deployed 150 SS-17's, 308 SS-18's, and 300 SS-19's. We have deployed zero.

In the bomber leg of the triad, since 1962 we have deployed no new bombers. The Soviet started deploying, which has intercontinental capability, the Backfire and probably 250 to 300 of them today.

In submarines, from 1966 to 1981, they have deployed 61 new ballistic missile submarines, we have deployed one. Let us look beyond that. Let us talk about IMF. The Soviets said, Brezhnev at the time, said we need to restore the balance in Europe and we need 100 SS-20 missiles; they deployed 100. They said we have reached rough equivalency. Then the Soviets came back and Brezhnev said, we need to deploy some more, and they deployed 200. They said well we think we are somewhere in the neighborhood of equality.

Right now in Europe the Soviets have deployed somewhere over 340 SS-20 missiles, and how many have we deployed? Just one battery of Pershing II's and GLCM's. Now, at the same time in the long-range talks that were going on, the President suggested a reduction of one-third in the total number of nuclear weapons; the Soviets rejected it.

The President suggested that the Soviets dismantle their SS-20 and we will not deploy Pershing II's or ground-launched cruise missiles; the Soviets rejected it. They not only rejected it, but they left the table. It is the Soviets who left the table, not the United States. It is their chairs that are empty; not our chairs. If we look beyond that and look at chemical weapons, the administration has just placed on the table a ban of all chemical weapons in this world. What did the Soviets do? They rejected the treaty. And why did they reject it? On the flimsy grounds of onsite inspection, something that they use as an excuse consistently.

If we look at the other proposal that was put on the board, the proposal on troop reductions, where this administration and NATO got together, where the administration suggested to the Soviets that we accept their rough numbers in terms of troop reductions in Europe. What did the Soviets do on that front? They rejected it.

So they left the IMF talks, they left the long-range talks, they rejected the chemical weapons proposal that would ban all weapons, they rejected the troop reduction talks. Not to mention the rapid deployment of SS-20's in Europe since 1974 when we have done nothing or the massive buildup in ICBM's and bombers and submarines, and I told this young man, not to mention KAL.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(On request of Mr. KASICH and by unanimous consent, Mr. COURTER was allowed to proceed for 2 additional minutes.)

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Ohio.

Mr. KASICH. I think that when you look at the issue of submarines, bombers, ICBM's, chemical weapons, troop reductions, KAL, Afghanistan, I think the United States has gone miles and miles and miles to ask the Soviets to come to the table and what are we doing now? In this amendment we are saying we will deploy 15 MX's, first new generation of missiles in 10 to 15 years, but we are going to fence them in. We are going to give the Soviets another opportunity to come to the table. We are going to give them another chance to come and enter into solid negotiations that will call for what this administration and those who support a strong defense in this country want, and that is arms reductions. And it has been clear, that as we have assumed a unilateral nuclear freeze for the period of the last 15 years in all these areas, we have had no progress at the table.

Now we are going to give them another opportunity on the MX and we will see if they come back. We will see if they come back on SS-20's. I appreciate the gentleman yielding, and I think this is an absolutely crucial point for where we want to be to get those Soviets to negotiate a reduction.

Mr. COURTER. Mr. Chairman, I thank the gentleman and I yield to the gentleman from Washington (Mr. CHANDLER).

Mr. CHANDLER. Mr. Chairman, I rise today in support of the amendment offered by my distinguished colleagues, Congressmen PRICE, ASPIN, and PRITCHARD. As in past debates on the MX program, we must again decide what message we will send the Soviet Union. Before us are three alternatives.

We can approve the bill as it stands, authorizing the production of 30 more MX missiles, hoping that this aggressive posture will intimidate the Soviets back into negotiations. We can halt production of MX altogether, hoping that the Soviets will accept this feeble bribe as sufficient incentive to come back to the talks. Or, we can support the logical middle ground, as embodied in the proposal forwarded by my colleagues.

The Price-Aspin-Pritchard amendment does the following: It provides funding in fiscal year 1985 for 15 MX missiles. But, the funding will only be released if the Soviets fail to return to serious arms control negotiations. If, after 6 months, when we have either reelected President Reagan or sworn in a new President, the Soviets have begun negotiating again, no funds for the MX will be released.

I believe that this amendment is consistent with the signal we have sent to the Soviet Union to date. Since this time last year, we have seen a number of significant changes in the administration's arms control policy. These changes include endorsement of the Scowcroft Commission's recommendations, which place the MX in the context of a comprehensive, overall arms reduction plan. The President has also acknowledged the importance of pursuing stability by neither procuring nor negotiating first-strike capability. The administration has acted upon the Scowcroft Commission proposal, endorsed by Congress, that development of a small, single-warhead missile begin. Clearly, the administration has accepted the concept of a balanced, multifaceted nuclear strategy, thus challenging the argument that, once it is built, we may not be willing to bargain MX away. Finally, the President has shown, even in the face of continued Soviet provocation, increasing flexibility in his instructions to our START negotiating team.

It has been suggested on the floor of the House today that simply to kill the MX will entice the Soviets to bargain. Frankly, I believe this could not be further from the truth. As Congressman ASPIN has so eloquently pointed out, both the Ford and Carter administrations offered Moscow many inducements to reduce the huge and superior number of MX-type missiles in its arsenal, with no results. The failure was in large part because the United States had nothing equivalent to bargain with.

It has also been argued today that building the MX will accomplish nothing more than to frighten the Soviets and cause them to rush out and build a weapon to match. Please understand that the Soviets already have an MX-type of weapon and that over 300 of them, each with 10 warheads, are in the ground and aimed at us right now. Why on earth should they agree to eliminate or even stop building these weapons if we are unable to even build up to 100 weapons to match what they already have? The answer to that question from the Washington Post is clear: "The notion that yielding it (the MX) up unilaterally will somehow induce the Soviets to abandon their similar existing and prospective missiles is daffy."

Of course, the prospect of an expensive and dangerous arms race is alarming to us all. But we are dealing with a determined and forceful adversary in the Soviet Union. To suggest that somehow all we have to do is be the "good guys" and the Soviets will behave is to ignore the reality of history.

Today we have an opportunity to support an amendment which provides a logical and sensible middle ground between saber-rattling and unilateral disarmament. By voting in favor of the Price-Aspin-Pritchard amendment, we will reward the Soviets not for leaving negotiations, but for returning to them. We will reduce the number of missiles authorized to a level which indicates not belligerence, but rather a prudent desire to maintain an adequate deterrent. And, we will prove once again that this body is able to rise above partisan differences and seek compromise in the best interest of peace and freedom.

I urge my colleagues on both sides of the aisle to join with me in voting in favor of this amendment.

Mr. McCURDY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the outset I would like to commend my colleagues Mr. ASPIN, Mr. DICKS, and the authors of this amendment and the chairman of the full committee. I also want to associate myself with the remarks of the gentleman from Ohio (Mr. KASICH) which I thought was a very eloquent statement.

Mr. Chairman, strategic arms control is not dead. There is no doubt that eventually the United States and the Soviet Union will return to the negotiating table, because both sides realize that arms control reduces the risk of nuclear war. But, as I speak, the Soviet Union is vigorously pressing forward with ICBM modernization. They are testing both the silo-based and mobile versions of the MX equivalent, the SSX-24, and their own version of the Midgetman, the SSX-25. Canceling the MX program would leave the Soviets with virtually no incentive to negotiate reductions in the nuclear systems we find so threatening: intercontinental ballistic missiles.

Mr. Chairman, if we are serious about wanting to negotiate reductions in ICBM's, we must keep the MX program going. But this is not to advocate a continuation of the MX program solely under the rationale that we need it as an arms control bargaining chip. Indeed, to do so is to render it largely ineffective for that purpose. Only when a weapons system can be seen as serving a national security need first can it be an effective bargaining chip second. The MX program will increase the probability of obtaining an arms control agreement on ICBM's, because from the Soviet perspective the MX makes a significant contribution to U.S. national security as a viable and realistic response to Soviet attempts to achieve a significant advantage in land based missiles.

In the late seventies, the Soviets made a key breakthrough in the ability to superharden missile silos, and they applied this new technology to protect their newest ICBM's, as well the key command and control centers from which would come the orders to launch these missiles. This hardening process has been so successful that even our latest version of the Minuteman has, at best, only low credibility as a necessary response to the Soviet initiatives.

At the same time the Soviets were superhardening their best missiles and key command and control facilities, they were deploying enough MIRV'd warheads to target each of our missiles at least twice. In doing so, the Soviets have weakened deterrence and threatened the nuclear balance to the extent that at a time of utmost desperation, when going to war with the United States appears to be a viable option to the Soviet leadership, the knowledge that their most powerful nuclear weapons are virtually invulnerable to U.S. missiles just might embolden them to cross the threshold—a threshold that could lead to a nuclear holocaust.

We can eliminate this option from Soviet planning and restore the nuclear balance by deploying the one weapons system that can negate this Soviet advantage: That system is the MX. Yet even if we were to deploy all 100 MX—and I do not believe we need to do so—we would still not be able to cover all of the superhardened Soviet silos and command centers. Thus, we could not obtain the so-called first-strike capability. And we do not need to hold all of them at risk to be able to negate the Soviet advantage. The knowledge that we can hold at prompt risk some of them will be sufficient from the standpoint of deterrence be-

cause the Soviets will not know which ones.

It is interesting to note that Soviet and United States leaders agree that neither side has, or can achieve, a true first-strike capability. The very real unknowns of attempting a first strike, coupled with the certainty of retaliation, makes such a probability extremely low—certainly low enough as to make the current technical vulnerability of U.S. silos not a sufficient rationale to stop the emplacement of MX in upgraded Minuteman shelters.

Like the Scowcroft Commission, the committee believes we must continue the MX program. But in view of budget constraints and the need to maintain conventional force readiness as the first line of deterrence, it is our judgment that we should reduce the fiscal year 1985 request from 40 missiles to 30 and now to 15. This provides some $908 million that we do not have to cut from conventional forces. Estimates of the total cost of the MX program range from $21 billion to $34 billion. This indeed is a lot of money, and I am not convinced that we need to spend all of it. But I am convinced that we must spend enough on MX to respond to the Soviet's silo hardening and MIRV'd warhead buildup.

This does not change my view that intercontinental ballistic missiles are weapons of mutual suicide. They are useless as fighting instruments. But until we can figure out a way to get rid of them, we must have them to provide a credible deterrent to nuclear war.

□ 1630

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. McCURDY) has expired.

(On request of Mr. MONTGOMERY and by unanimous consent, Mr. McCURDY was allowed to proceed for 2 additional minutes.)

Mr. McCURDY.Mr. Chairman, the need is especially critical because we are now in the process of unilaterally reducing our ICBM megatonnage by one-third with the destruction of the dangerously aging Titan II ICBM. We had 54 of these huge missiles. We are now down to 36, and by 1987 we will have destroyed them all. Without MX, the land-based leg of our strategic nuclear triad will be significantly weakened, and consequently so will our overall capability to deter nuclear war.

From a geopolitical standpoint, it is important for the Soviets to perceive the United States as a strong, resolute nation that can implement measures it believes are necessary for its security. Our last four Presidents have supported the MX system in this regard. If we fail to move forward with MX now, we will be sending a signal to the Soviets that we are irresolute, and unwilling to protect our Nation's vital interests.

If you want to strengthen deterrence, diminish the chance of nuclear war, and improve the prospects for arms control, I urge you to support continuation of the MX program and support the Aspin amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I am glad to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding. I will not ask for 5 minutes, so others can talk on this amendment.

Mr. Chairman, I rise in support of the Price-Aspin-Dickinson-Dicks amendment, and I would like to say that one of the strong reasons that I support the MX is that, quite frankly, the Minuteman, the Titan missile, are worn out, they cannot hit the targets, and to deter the Soviet Union it just makes good sense that we implement and move ahead with the MX. We will never have to use it if we keep our arsenal updated and move ahead to deter the Soviet Union.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has made a very important statement. He has gotten right down to the nub of what the Soviet Union modernization has been about and what they are trying to do to harden their silos, and the implications of that in terms of our existing force structure.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. McCURDY) has again expired.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman be granted 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. HARTNETT. Mr. Chairman, reserving the right to object, the gentleman in the well waited patiently this afternoon to have his time, and then requested that each of us be allowed to attempt to receive our own time, and yet now he goes forth with yielding and sharing time.

I will not object, Mr. Chairman, at this point, but I would ask that the gentleman in the well live up to his request that we attempt to get our own time.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma (Mr. McCURDY) is recognized for 3 additional minutes.

Mr. DICKS. Mr. Chairman, will the gentleman yield further to me?

Mr. McCURDY. Before I yield, the gentleman from South Carolina (Mr. HARTNETT) makes a good point and I will attempt to cut it short.

Mr. Chairman, let me yield to the gentleman from Washington and then I will yield back the balance of my time.

Mr. DICKS. Mr. Chairman, as the gentleman knows, if we went ahead, and the gentleman and I both agreed that something under 100 is probably where we are going to wind up on this deployment, but also as we deploy MX, we are taking our 100 Minuteman IIIs.

I think it is important to make sure that everybody recalls that, and also we are dismantling the Titan missile. So there is a substantial reduction that goes along with this aspect of the modernization.

The gentleman is aware, and we have talked about this somewhat, that there is new data about missile silo hardening based on what we have witnessed the Soviets doing. We have had some demonstrations of that. For a lot of the people who in one breath say there is no window of vulnerability and in the next breath say they worry about MX being in silos that are vulnerable, it seems to me this is a very important point, because if we could achieve the same kind of hardening that the Soviets have achieved, we could, for a while at least, have a more survivable basing mode. I am told that about 50 percent of the missiles would survive if we could get the same kind of hardening the Soviets have.

The point is, if both sides harden and make their land-based forces survivable, does that not add to stability? Is that not the gentleman's understanding, as mine is, that that would enahance stability? So for all those people who have worried for so long about the survivability of the MX, this would be a step in the right direction, if we want to make the investment in that hardening. Is that not correct?

Mr. McCURDY. Yes; I agree with the gentleman and I commend him for his contribution.

Again, living up to my own request that we seek our own time, I am going to yield back the balance of my time.

Mr. HARTNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and my colleagues, I generally rise to speak somewhat tongue in cheek and maybe try to, through some attempt at humor, make a point, but I am compelled this afternoon to try to participate in this debate as seriously as I possibly can.

We have heard a lot this afternoon about the Soviet Union and about the possibility of resuming arms reduction talks with them, from which they have repeatedly walked out.

Mr. Chairman, I do not know that I could eloquently or intelligently add anything to the conversation and to the debate which has taken place here this afternoon, particularly by the very able legislator, the gentleman from Wisconsin, my colleague, the gentleman from Ohio (Mr. KASICH) and others who have preceded me to both of these podia.

But, Mr. Chairman, I do know this, and I think the American people know this: That in order to have serious arms reduction we have to have serious negotiations. To have serious negotiations, we have to have an adversary, a counterpart, who is willing to negotiate.

Make no mistake about it, my friends: We are dealing here with a ruthless potential adversary, an adversary who time and time again has shown absolutely no regard or respect for honor, for human rights, for human life, for human dignity. They have run roughshod over governments and peoples time and time again. I cite to you their invasion of Czechoslovakia, their refusal to let anybody in Poland negotiate through Solidarity, their refusal to let the people of Honduras and El Salvador live in peace by exporting arms and terrorism through their country and through their surrogates in Cuba and Nicaragua.

□ 1640

I submit to you that if John Kennedy in 1963 had opted to negotiate the removal of Soviet missiles from Cuba, we would still be urging the Soviets to come to the negotiating table and to negotiate the removal of the Soviet missiles from Cuba.

They are not a negotiating people, by their very nature, by their government structure, by their doctrine, by their beliefs. There are no two political parties in Russia that negotiate with the Government. They would not permit, through their surrogate country, Poland, a Solidarity Union of people to negotiate with the Polish Government.

They are not a negotiating people. And if we are to have arms reduction negotiations with the Soviet Union, we have to have them be willing to negotiate.

Now, I, by my very nature, object to the compromise amendment, because we are allowing ourselves to be held hostage and we are allowing the defense of this Nation and the defense of our allies to be held hostage by what the Soviets might and might not do between now and next April. So as far as I am concerned, this amendment has a high odor, so as not to use any offensive language, as to say it is rank.

You are either for the MX missile and what it means for our defense, or you are opposed to the MX missile. You either think it is vital to our defense or you think that it is vital to arms negotiations, or you do not.

What is the difference between 40 and 15? You either want the MX missile for our own defense or you do not. And if the MX missile is not a creditable, viable deterrent to nuclear war, then vote against it. But if you feel that it is, then you should feel obliged to vote for it.

We are not in any way going to bring a ruthless adversary like the Soviet Union to the negotiating table. That has been proven throughout history in administration after administration.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. HARTNETT) has expired.

(By unanimous consent, Mr. HARTNETT of Michigan was allowed to proceed for 2 additional minutes.)

Mr. HARTNETT. Mr. Chairman, we have proven throughout history and in administration after administration that the Soviet Union has no interest whatsoever in arms reductions.

Mr. Chairman, if this country is willing to hold our freedom hostage and to hold the potential freedom of our allies to Soviet whim and fancy by passing this amendment, this compromise amendment, I am willing to vote for it if one last time we say to the Soviet Union, not that "Here is an olive branch" but "Here is a whole olive orchard" that we are giving them—the whole orchard, the whole farm.

But if we think and if, in the wisdom of this Congress and this administration, they think that through offering them this olive orchard one last time, we can further insure the hope of this world that there will be a nuclear arms reduction, then I am going to reluctantly go along with this amendment, and I urge my colleagues on both sides of the aisle to please vote for this compromise amendment.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I was just going to say that I think this is the gentleman's finest hour. I agree with him wholeheartedly and thank him for an eloquent and insightful speech.

Under the new Marquis of Queensbury rules around here, we are never supposed to mention anything that might offend anybody in a political floor debate, but under those rules, I just want to say to my colleagues who were clapping a moment ago that there is no doubt in my mind that to deny the Aspin-Pritchard compromise is not just a vote against the Aspin amendment; it is a vote for unilaterally reducing, if not totally withdrawing, our leverage at the bargaining table. It is not a vote for arms control; it is a vote against arms control. It is a giant step toward unilateral disarmament. It undercuts our negotiations and weakens the chances for peace.

Mr. Chairman, the gentleman has just conducted his finest hour on the floor of the House, and I compliment him again for a brilliant speech. I share his disapproval of the compromise, but will vote for it at least to get to conference with the Senate, where hopefully we can ameliorate some of the ill-advised certification requirements contained in the amendment as now written.

Specifically, I would like to state for the record that if the Congress of the United States ever were to tie vital U.S. strategic modernization to Soviet behavior, we would be setting a dangerous precedent indeed. If the language currently in this amendment should ever become law, we would be giving the Soviets veto power over our key defense modernization, for in order to kill the MX, the Soviets would need only to agree to talk. Moreover, we would be setting up an artificial diplomatic confrontation between the United States and the Soviet Union, by forcing the President to certify that the Soviets are acting in bad faith, in order to be able to proceed with the MX program.

But as bad as this amendment is, it is all we have at present. Since I support the President's negotiations at the START talks, and I support his modernization program, I shall vote for the amendment and ask all my colleagues to do so as well.

We must reject the Bennett-Mavroules amendment, which guts unilaterally our modernization program for our land-based ICBM. I urge the defeat of Bennett-Mavroules.

Mr. HERTEL of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the distinguished ranking member.

Mr. DICKINSON. Mr. Chairman, I would just like to make an inquiry.

Certainly the chairman has said in the Rules Committee, and I concur, that we want to do nothing to curtail debate of anyone who wants to be heard. I was just wondering—it is now a quarter of 5—if we could get some indication of the number of Members yet seeking to be heard on this to get some idea how long we might be around here tonight.

Mr. HERTEL of Michigan. Mr. Chairman, I will take back my time at this time, Mr. Chairman.

A lot of these Members have been here for nearly 5 hours with me, and they have quite a bit to say. I know that the gentleman who has asked for time now, the ranking member, early on in this debate said, "Let's try to limit the amount of time Members are taking."

But the fact is that we have had very few Members until the last few speakers dominate the first 4 hours of this debate, taking well over a half hour apiece on the floor, and a lot of the Members who are waiting want their chance to speak and make their points.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, I do not deny what he is saying. I was simply asking as a matter of inquiry in order to get some feel for how long we might want to run tonight. It seems that we will be running a while yet.

Mr. Chairman, I thank the gentlemen for yielding.

Mr. HERTEL of Michigan. I thank the ranking member.

Mr. Chairman, I think the last two gentlemen who spoke in this debate were really starting to clarify it because the point they were making is that you are either for the MX and it is a good weapons system, or it is a bad system.

The Aspin amendment is a copout. As the gentleman from New York just said, it is to keep it alive. It is to keep it alive once again so they can increase it later.

The President asked for 40; the committee voted 30; the Price amendment or the Dickinson amendment makes it 15. Well, let me say that if we pass 15, wait until conference committee. Wait to see what number comes out there, and wait until next year to see how many they bargained for over again.

We have four amendments before us, leapfrogging amendments, because two of the four on each side do the very same thing—Bennett-Mavroules to cut, Price-Dickinson to keep it at 15. It is an escalation of amendments.

Why? Because the last two gentlemen who are for the Aspin amendment pointed out that this is the guts of the issue. If you are for the MX, then you vote for the Aspin amendment. I say, "Don't talk to me about 15 or 40 or 30." If you are opposed to the MX, then you vote the Aspin amendment down, vote the Price amendment down, and vote the Dickinson amendment down, and all the others that they will put up.

We have heard again from many of our colleagues that have given their expertise on Soviet negotiations and policy. Many of them were the same ones who predicted last year: Give us the MX and we will have negotiations. Give the President the MX and we will be successful.

Well, that was last year, and things have gone downhill since then. We do not have a table to fight about. There is no table to negotiate at. There is no progress being made on negotiations, and every time we strike well on one of our arguments they come up with a new argument.

If all the MX missiles are no good to get them to negotiate, all 40 in this case or all 100 overall, then why are the Soviets going to negotiate if we put 15 in this bill? Why would fewer be better? Why would less missiles than the administration has asked for bring the Soviets to their knees to negotiate when the larger authorization last year made no progress whatsoever and we are back in a worse stance in negotiations this year than last?

Then they say that these negotiations or these MX missiles are linked to what goes on in our deployment in Europe. Well, this House has stood firm on deploying those missiles in Europe, and that is in the agreement with our allies in NATO. But there is no agreement regarding the MX with our allies in NATO, and there is no linkage. As hard as they try to say there is linkage, there is no linkage. Our NATO allies have never asked us to deploy the MX. They know it does not add anything to the security of the country.

For 10 years, we have heard about putting the MX on planes, on boats, and today we have had a very long discussion about the vulnerability of the silos. Now, certain Members here can talk about the new methods for hardening and the new techniques for hardening, but we still know they are vulnerable. No one is denying that. We all agree they are vulnerable.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I will yield in a minute to the distinguished maker of the amendment.

□ 1650

The Scowcroft Commission was the commission that pointed out to all of us and reported to all of us that there was no window of vulnerability. That is why we have not heard that in this debate as we did 2 years ago. There is no window of vulnerability and the Scowcroft Commission, General Scowcroft in meeting with a good number of us himself for quite a length of time, only said that we should pass the MX to show resolve. He did not say that it would be a good system.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. HERTEL) has expired.

(By unanimous consent, Mr. HERTEL of Michigan was allowed to proceed for 5 additional minutes.)

Mr. HERTEL of Michigan. He just said, Mr. Chairman, in his final statement, in his final answer to all of us, that would show resolve.

Well, the debate today for nearly 5 hours has shown there are many other ways to show resolve.

We discussed a bit about how we could strengthen our submarine force and how we could speed up the deployment.

We talked about the need to strengthen our conventional forces as a deterrent to nuclear war.

Our policy is not to have a first-strike reaction policy, but as the debate proceeds this year as in past years we see that the MX because it is so vulnerable can only be a first-strike weapon if there are enough MX's deployed. That can encourage the Soviet Union.

If it is not good as a deterrent, if it does not have good vulnerability, if it is easier to target these than our present older missiles, then what are we going to spend $30 billion for? If it is not going to bring the Soviets to the negotiating table as it did not before, then what are we going to spend over $30 billion for?

Very often I hear Members on this floor get up week after week and say that they think that we are living in a period similar to 1939. I would like to say that I am very frightened that the period we are living in might be more similar to 1913–14, the period framed by miscalculation and mistake, our entire world and the problems that we face, because that war was created and our world was changed in this century by miscalculation, by huge armaments increases, by lack of communication, things that we have going on today in our world between the super powers, and finally our world was changed in 1914 by mistake.

I say to the Members, we have many good things in this bill. We have shown our resolve by spending so much on defense, $1 out of $3 by increasing defense, but this system, as Member after Member has spoken out today, makes no sense, does nothing for our security. It only leads to instability.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for yielding. The reason I have asked the gentleman to yield is that I just want to commend him for articulating a poignant point in a position that should be listened to very carefully.

I think the end result is this, and the gentleman has made the point and the previous speaker made the point, that if you truly believe in the MX missile and all that it can do, then I think those who believe in it have an obligation to vote for the 30 missiles, rather than vote for the 15 missiles.

I just want to commend the gentleman on his statement.

Mr. HERTEL of Michigan. Mr. Chairman, I thank the gentleman.

I want to underscore that point. Let us make it clear for those in the middle, and I know many Members are still thinking about this important vote. There is no middle ground. We agree, those who oppose Aspin, and the gentleman from New York and the gentleman from South Carolina who

back Aspin, make it very clear for us, if you are for the MX to be continued, if you think it is a good missile and a good policy, vote for Aspin. If you are opposed to this policy and you think it is wasteful, you think it is going to lead to instability, then vote against Aspin.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would first like to congratulate the distinguished gentleman from Florida and the gentleman from Massachusetts for offering amendments that force us to address this significantly important issue.

Back in 1977, we offered the first amendment to strike all funds for the MX missile. Eleven people stood with us at that moment. It has been a long journey from 1977 to now in opposition to this weapons system.

A number of things have been said this afternoon. I think it is important for us to come back to what this debate is all about, and that is to either support or not support going forward with a significant weapons system. I believe that we should oppose it, but let us go back to the early days of how we got to this point.

A number of people in the Pentagon said that when they evaluated America's nuclear triad, that they came to the interesting conclusion that our land-based missiles would be vulnerable to Soviet attack sometime in the mid-1980's. A number of us, the distinguished gentleman from New York (Mr. DOWNEY), myself and others, took the floor in the 1970's and argued against the assertion.

We said you do not need each leg of the nuclear triad to be independently survivable. To use the argument of my colleague, the gentleman from Washington, we argued that the synergistic relationship among the three aspects of the triad collectively would not allow this country to be vulnerable, that no rational Soviet planner would look at America's ICBM's and say, "Aha, they are now vulnerable to attack," because they knew what we knew. We had two other legs of the triad that could wreak havoc on the Soviet Union, so we said the argument in support of the MX missile is a falacious, absurd, shallow argument. You do not need each leg to be independently survivable.

But nevertheless, the proponents continued to go forward. They went forward over a number of years trying to find the elusive survivable basing mode for the MX missile.

Now, I have only done this a couple times on the floor. It has been a long time since I have done it. I would like to now cite for you the litany of lunacy as the Pentagon attempting to find, with support of this Congress, the survivable basing mode for the MX missile.

They started off with a basing mode known as Launch Under Attack, or LUA.

Orbital based, but then they found that was vulnerable to attack in orbit.

Shallow Underwater Missile, euphemistically referred to as SUM. That was vulnerable.

Then Hydra. That was vulnerable.

Then they came up with another basing mode, ORCA. Negative features, cannot check status without revealing location, so clearly that was vulnerable.

Ship—Inland. Did not work.

Ship—Ocean. Would not work.

Sea Sitter. That did not work.

Wide Body Jet basing mode option, euphemistically referred to as W.B.J.

Short Takeoff and Landing. Did not work.

Vertical Takeoff and Landing, VTOL. Did not work.

Dirigible. Negative features. Easy to track and attack. Vulnerable.

Midgetman. Excessively costly. Violates interim SALT II. So we dropped that.

Hard Rock Silo. Negative features. Defeated by evolutionary accuracy improvements. So we dropped that.

Hard Tunnel.

South Side Basing.

Sandy Silo.

Commercial Rail. That almost got over.

Dedicated Rail.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Dedicated Rail. Had a number of negative features.

Off-Road Mobile.

Then we came up with the GEM, literally Ground Effect Machine, GEM. Negative features. It was vulnerable.

Road Mobile (Minuteman).

Road Mobile (New Missile).

Covered Trench.

Hybrid Trench.

Dash to Shelter.

Mobile Front End.

Mobile Back End.

Pool.

Then we came down to Minuteman/MPS.

MX/MPS.

Continuous Airborne Aircraft.

Deep Underground Basing.

Ballistic Missile Defense, and finally, Dense Pack.

□ 1700

All of these were rejected. The country is now wreaking havoc so the President said we must do something, we must save the MX missile, we must find the elusive survivable basing mode for the MX missile.

So we did what we often do when we cannot solve problems. We created a committee. But at the Federal level you do not call them committees, you call them commissions. And we said we will have a Scowcroft Commission.

The Scowcroft Commission went forward seeking the elusive survivable basing mode for the MX missile.

And then it was interesting. They went forward, labored diligently, and guess what they come up with? A mobile missile system? Survivable basing mode?

No. They said let us put 100 missiles in existing Minuteman vulnerable silos.

After all those months, thousands of dollars, brilliant minds, they could not come up with a survivable basing mode for the MX missile.

My colleague from New York, Mr. DOWNEY, PAT SCHROEDER of Colorado, and others, we had said that for a number of years. We gave it to you cheap. But they had to have the commission to give us this.

And then an interesting thing. When we said wait a minute, you mean you are coming in with a vulnerable basing mode? We said how can you now justify a vulnerable basing mode?

Then guess what argument we heard? The synergistic relationship among the various legs of the triad collectively does not render us vulnerable. And what I am saying is it took them years to then take our argument away from us and present it after spending thousands and thousands of taxpayer dollars. That is the absurdity. They took the very argument that we had offered them free on the floor of Congress many years before, and the Scowcroft Commission comes forward with this.

Now that we have then challenged them and said well, we told you the Soviet planners would be absurd to try to attack one leg when they knew that we could respond with two other legs, they then said but aha, the issue is not now survivability, the issue is modernization.

So the gentleman that preceded me in the well from Michigan was perfectly correct. This whole thing is all about trying to save a weapons system, not because we need it. I am now one of the senior members of the committee. When the inner sanctum meets, I am in the room. And when the inner sanctum meets, what they have been talking about is saving the weapons system.

We know this is not needed. And in trying to modernize it what are we modernizing? We are placing a highly accurate, extremely powerful weapon in a vulnerable basing mode.

Now, what does that generate? It generates the potential of attack, because the Soviet Union is sitting there saying you are placing a highly accurate land-based missile in a vulnerable silo. The only thing we can interpret from that is a first strike weapon, be-

cause if it is in a survivable basing mode maybe you could make the argument that it is not first strike.

Mr. DICKS. Will the gentleman yield?

Mr. DELLUMS. In a minute.

Mr. DICKS. You just said it was survivable. They bought the Dellums-Downey argument about synergism. How did we get it now into an unsurvivable base?

Mr. DELLUMS. I take back my time. What I am saying is if you agree with what I said there is no need for the MX in the first place. That is the major argument that this gentleman is trying to make, because all along I kept saying that the only reason to pursue the MX was to pursue a new missile. And to pursue a new missile for what reason? For deterrence?

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Not to get a new missile in the arsenal for deterrence. We already had deterrence and we ought to be at the negotiating table trying to negotiate back from the brink of nuclear disaster.

We are frightening our children to death. If all of you tested your children here and asked do you think you are going to survive to the year 2100, over half of them would say I do not believe I am going to grow up because some tired old people are going to destroy the world in a thermonuclear war.

And that is all this weapons system is about. And this tap dancing about 30, 40 or 15 is nothing but a cop-out. All it is is trying to save a weapons system.

We are not here to negotiate a treaty. What we are here to do is to determine whether we need a weapons system or not. And I am saying to you, brother and sister, we do not need this weapons system. It is dangerous. It is expensive. It is unnecessary.

Mr. DICKS. Will my colleague yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. DICKS. The gentleman from California has made I think a very important point and he has emphasized that the Scowcroft Commission eventually came back with all of these top military experts and former Secretaries of Defense, former Secretaries of State, and they came back with the conclusion that the synergistic relationship does in fact work.

But the gentleman from California, and he knows that I have the greatest personnel respect for him, and I think he is a very valuable Member of the Congress, should remember one thing, even though it is vulnerable now, and even though we can rely for a while on the synergistic relationship, eventually we want to get the missile into a survivable basing mode. And that is where we talked about a mobile single warhead system or potential hardening, because of the fact that someday our bombers or our submarines may become vulnerable, just like the missiles have. And you cannot then rely on the other aspects of the triad.

So I think it is important to state that though the synergism works for a while, eventually we would want to get this into a survivable basing mode, if possible.

Mr. DELLUMS. Let me make this comment, or let someone else through me make this comment in response to you so that it is not, you know, left of center, RON DELLUMS making this argument.

Adm. Stansfield Turner makes the following comment with respect to the Scowcroft Commission, and I think it goes directly to your point:

> The Scowcroft Commission makes three recommendations to you: two of them would move us towards the policy of deterrence; the other towards a policy of war-fighting. Let me take them up individually. . .
>
> The first recommendation is that we proceed deliberately to develop a single warhead, small, mobile intercontinental ballistic missile. I think this is a good move because it emphasizes survivability of the missile, an essential part of a deterrence strategy. . .
>
> The second recommendation of the Scowcroft Commission is to shift the basis for counting in our arms control. . .
>
> The third recommendation of the Scowcroft Commission, however, to build the MX missile and to place it in existing silos, is not consistent with these other two, and points toward a war-fighting strategy. . .
>
> Now why would the United States, or the Soviet Union, want or need that kind of a swift reaction, hard-target capability? I believe primarily because they would want to use it in a surprise first attack on the other. . .
>
> Worst of it, if the MX does come into being, Mr. Chairman, it would send a signal to the Soviet Union that we are embarking on a war-fighting strategy by building a vulnerable missile for which there is very little logic other than use in a first-strike surprise attack. . .
>
> We now are all agreed, the Commission, everybody, that the MX, the Minuteman are all vulnerable. It makes no sense whatsoever to replace a vulnerable mode of the triad with a more or equally vulnerable mode.

I think that those are remarkable statements that go right to the center of the argument that simply says, the bottom line, because I believe and I assert this aggressively, I do not think that this MX missile system has anything to do with the negotiation or whatever. I think politically what many of the supporters of the MX missile understand is that if those of us who are talking about arms control and nuclear disarmament are ever able to stop the madness of the MX missile, we may very well begin to unravel this entire insanity. And I think the reason why there is so much pressure on this MX missile is because if the MX missile is defeated, then we have the potential for the integrity of the freeze, and the integrity of the movement to move totally back from the brink of nuclear disaster.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(On request of Mr. WOLPE and by unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. WOLPE. Will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Michigan.

Mr. WOLPE. I want to commend the gentleman on the extraordinarily incisive critique that he has presented this afternoon.

One of the things that has been most fascinating about the debate over the MX missile is the shifting ground of the arguments.

We originally were told that the reason for building the MX was because of the insufficiency of our deterrence. Then, when that was challenged, we were told that the MX was a bargaining chip.

And just a moment ago we heard the gentleman from Washington acknowledge that the present synergistic relationship of the triad is indeed a sufficient deterrent, but now the argument is that we have to be looking toward the future.

□ 1710

I want to address just very briefly and ask the gentleman if he might assist in responding, the issue of the sufficiency of the deterrent. If tomorrow the Soviet Union were to launch a first strike, and succeeded in destroying every single one of our land-based missiles, all of our aircraft that carry nuclear warheads, and all of our nuclear submarines in port at any one time, the United States would still retain at sea at least 20 nuclear submarines, each one of which has the capability of taking out 160 Soviet cities and collectively destroying the Soviet Union three times over.

Mr. DELLUMS. Exactly.

Mr. WOLPE. There is more explosive power within one nuclear submarine today than all the munitions combined that went off on both sides in all of World War II.

Mr. DELLUMS. Exactly.

Mr. WOLPE. Is it not sufficient? Is it not appropriate at this point that we ask when is enough enough?

Mr. DELLUMS. I think the question is a terribly important question. Obviously it is a judgment question. Some people on one side of the aisle will say it is not sufficient. But I believe very strongly we do have enough weapons.

As I have said on this floor a number of times, when McNamara tried to

define nuclear deterrent in some quantitative fashion, he talked about having the capacity in 400 nuclear weapons. We now have 10,000 strategic, 15,000 tactical, moving rapidly toward a nuclear arsenal by the end of this decade, somewhere in excess of 40,000 nuclear weapons. That is certainly many times more than the 400 we envisioned back in the 1960's.

We are moving toward disaster and at the same time we are rendering ourselves impotent in our capacity to address human misery in our various constituencies as we continue to pursue this absurdity. We are not throwing nuclear weapons at this moment, and in the climate of not engaging in nuclear exchange, the highest and best use of both sides' time is to come back around the negotiating table.

We do not need to go forward with more weapons. My colleagues made a statement on a number of occasions that once you deploy a weapon, it ceases to become a bargaining chip; it then becomes a complicating factor to be dealt with negotiations.

I yield to the gentleman.

Mr. DOWNEY of New York. I congratulate my colleague; when we first took up this fight in 1977, we were alone. We are joined by many more of our colleagues who understand, over the years, the absurdity of the arms race.

I want the gentleman to address some of the points that our colleagues, Mr. ASPIN and Mr. GORE made over the course of this debate.

One of the points Mr. ASPIN has made is the fact that the MX is the necessary bridge to Midgetman; indeed, without MX and without the Soviets making some adjustment in their land-based missiles, we will not have Midgetman; Midgetman will be vulnerable.

I would point out to the gentleman in asking this question, that as long as you have MX, you will never have Midgetman because MX will crowd Midgetman out. But is there any validity to the Aspin contention that in order to get the Soviets to move toward bargaining, toward reducing their SS-18's and SS-19's, is to threaten their land-based missiles with our land-based missiles? That, distilled, is the argument that Mr. ASPIN continues to make; that you can only move them by threatening their land-based missiles.

Mr. DELLUMS. Yes. All right. Let me give you this response: First of all, that is the argument the gentleman made last year. We are not at the bargaining table, we did not bring them to the table in fear and trembling. Look, we are the two most powerful nations in the world; we have between us the collective capacity to destroy all life on this planet, and it would seem to me dangerous, absurd, and ignorant to continue to try to threaten each other with greater capacity to destroy life.

At some point we are going to lock step, locked toward confrontation, and that is all this Aspin approach gives us; continued movement toward triggering a nuclear confrontation, because the weapon system is vulnerable and highly accurate.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. DOWNEY of New York, and by unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman.

The gentleman from Wisconsin (Mr. ASPIN) made the point earlier in his debate that we needed to pay attention to the Soviets' land-based missiles development. It is a point that I would like both the gentleman from Wisconsin and the gentleman from California who are present to comment further on.

The Soviets have decided to build lots of land-based missiles because it is an extension of their artillery force. They also did that because they got to Peenemunde before the allies did and managed to get more German scientists who understood propulsion before we did.

So the Soviets have decided to place their nuclear eggs in a land-based basket for reasons of physics, for reasons of expediency, for reasons of geography.

Does it make sense to follow the mistake they made in placing some of their nuclear eggs in potentially vulnerable baskets by our mirroring their mistake? Because it is the inescapable conclusion that we will have mirrored the Soviet mistake in placing missiles in vulnerable land-based silos.

Mr. DELLUMS. The single answer to that question is, have you heard any of the advocates of this position suggest that we trade our nuclear force with the Soviet's nuclear force? No, because they realize our nuclear force is a much more balanced capability.

To move down this road is to pursue absurdity.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield briefly to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding. Following up on the point of the gentleman from New York, which was that the MX is being offered to us as a way to threaten the Soviet ICBM's, I would ask the gentleman from California if he does not agree that the only way an MX missile can threaten Soviet ICBM's is if we use them in a first strike, because if we do not they are vulnerable to Soviet attack?

Mr. DELLUMS. That is the belief of this gentleman.

Mr. AUCOIN. Will the gentleman yield further, for one further observation?

Mr. DELLUMS. Sure, then I want to make one final comment.

Mr. AUCOIN. I want to compliment the gentleman for an outstanding statement this afternoon, and I hope Members everywhere were paying attention to it. He is in the inner circle club that produced this bill, and brings it to the floor; I have respect for every member of the club and every member of the committee.

But I would say the gentleman is right, the emphasis here has been, "How on God's Green Earth can we save this Missile?" That is, that has been the effort. One scenario after another has been concocted in order to save this bill.

If anyone thinks this is an exercise in trying to achieve arms control, pay heed only to the chief strategic arms control negotiator who said just last week, "We have tried in the Reagan administration to distance ourselves from making arms control the centerpiece of our foreign policy. To some extent we have succeeded," he said.

Well, ladies and gentleman, what those of us who oppose the Aspin-Price amendment are saying is we want to distance the American people from the risk of a first-strike assault between the two superpowers and this headlong race toward first strike; let us distance the American people from that risk.

That is what the gentleman from California is arguing and I join him in that argument.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

I just want to make one final argument. The gentleman from Wisconsin is an advocate of the build-down concept. And all of my colleagues are aware of the term oxy-moron, which connotes ability in contradiction and the oxy-moron that comes quickly to my mind is right wing intellectual; I think that is a build-in contradiction.

But build-down in my estimation is a nuclear oxy-moron, build-down.

Let me tell you the game that they run. They say, "Look, you are interested in arms control? Hocus-pocus, we are going to give you arms control. You give us two old missiles and let us give you one shiny brandnew missile and if you buy the concept of build-down within a relatively short time we will reduce the nuclear arsenal by 50 percent."

Now if you are not thinking very profoundly, you might buy that argument. If you are thinking at a rather shallow effort you may buy that argu-

ment. But if you really—I would like to have some order, Mr. Chairman.

Disrespectful, particularly when I am trying to address your argument—the concept of the build-down, one new missile for two tired old missiles, yes. What do you get with the new missile? And that is the question you must ask and that is the question the American people must ask.

And I am saying to you that you may be sowing the seeds of your own despair by buying the concept of the build-down, because each new missile is more accurate, each new missile has greater range, each new missile has greater capacity to destroy life.

Question: Why do you need greater accuracy, greater range, greater capacity to destroy? Is it for defense?

□ 1720

Obviously not. Is it for war fighting? I believe the answer is "Yes."

And so to me the concept of the build-down is to embrace the principle of a war fighting nuclear strategy that we ought to be challenging on this floor, that we ought to be going forward saying to the American people, we are not going to place your life in the hands of this kind of absurdity.

So the principle of the build-down, in my estimation, is something we ought to debate because I think it is dangerous. It is a recipe for despair, and it is a recipe for disaster.

I thank my colleagues for the time that they have given me. I hope my colleagues will join the gentleman from Florida and the gentleman from Massachusetts in rejecting this weapons system.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been very attentive during this debate. I have been here all afternoon, because I recognize that this is very important work we are doing. I want to compliment my colleagues because I think they have done this institution proud by the high level of debate, whether it has been on the part of the coauthors of this amendment—and I happen to support their position—or it has been my distinguished colleague from California, who has just left the well. They do our House proud by the seriousness with which they approach this very important topic.

But I would like to make a few observations, Mr. Chairman, on some of the things that have been mentioned today.

We hear that it is foolish to build the MX because it will be vulnerable from day one. We all know that there is ongoing research and development and probably it will not be too long in the future before the silos are hardened.

But that is not our primary interest to make the MX invulnerable. Our primary interest is to make it unnecessary.

We are told it is costly. Of course it is too costly. Every weapons system we buy is too costly. And I would prefer that we spend our very limited resources on those systems and things that are designed to build, rather than spend money for things that might some day destroy.

But my observation is this: What is the price we are willing to pay to preserve freedom and to promote world peace?

Then, I must admit I was really disturbed when, during the debate, perhaps an hour or so ago, it was suggested that you are patriotic if you vote one way, but you are unpatriotic if you go the other way. That is unmitigated baloney. There are true patriots in this Chamber. Every single person here who is going to cast a vote wants the same thing, peace for the world. We may disagree on how best to get it, but this is a patriotic institution and an institution of patriots.

I do not like the MX any more than any of my colleagues who are most eloquent in speaking in opposition. I did not work and vote for the MX last year and I am not working and voting for the MX this year.

What I am working in support of and what I have voted in support of is something that gives promise of ending this maddening arms race.

Last year I bought the Scowcroft Commission recommendations and I bought the bargaining chip theory. Here we are months later, no progress. Why? I think that is easy to explain. For at least half of the time of the 15 months that Mr. Andropov was in charge over there he was probably non compos mentis. It scared me to think about possibly the President of the United States needing to pick up that "hot line" telephone and make an emergency call. Who would he have talked to?

But Mr. Andropov is gone now. And now we have a new guy on the block, Chernenko. It is probably a little too early to expect anything dramatic from him. He is still trying to get his feet on sound ground. We all also know the reality of our being in a Presidential election year. Nothing is going to happen before that election. It is foreordained we all know that.

But there is hope. And I think the Aspin-Pritchard amendment offers the best hope that we will realize our dreams. It is not the administration's request for 40 MX's or even 30 MX's as requested by the House Armed Services Committee, but just 15, with a 6-month moratorium, taking us from October of this year to April of next year, a period during which we will do nothing but give the Soviets the opportunity to come back where they belong, to the bargaining table so that we can continue to pursue what some view as the impossible dream.

I was a strong supporter of the freeze resolution, but a freeze would not make me happy in and of itself. I have no comfort for myself or my family or for generations to come when we talk in terms of freezing mutual assured destruction. Mad indeed it is.

I want a reduction. I want fewer weapons of war for this world.

The CHAIRMAN. The time of the gentleman from New York (Mr. BOEHLERT) has expired.

(By unanimous consent, Mr. BOEHLERT was allowed to proceed for 2 additional minutes.)

Mr. BOEHLERT. I think we will all sleep a little more easily with fewer and fewer nuclear arms on both sides.

I think also the Aspin-Pritchard bipartisan compromise offers us the best hope of getting us where we want to go.

I urge its approval, not because it is absolutely right and everything else is wrong. Mr. Chairman, I urge its approval because upon close examination it appears to offer the best of all the alternatives.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we debate more than just the MX missile today, we debate the very essence of the Reagan build-up and the insanity of the arms race. That is why we have spent the last 6 hours debating it.

Consider what has been said in the past in defense of this system. My colleague, the gentleman from Wisconsin (Mr. ASPIN), the gentleman from Tennessee (Mr. GORE), the gentleman from Washington (Mr. DICKS) and others have privately told us that we needed the MX to convince the Reagan administration to be serious about arms control. Indeed, they made some progress on that score in forcing the Reagan administration from a basically preposterous initial proposal to the Soviets to one that made marginally more sense.

Nobody disputes that. That was accomplished.

Now we hear a different argument: Let us not reward the Soviets for walking away from the table. Indeed, my colleague, Mr. ASPIN, said on television the other day this is a bad time because the Soviets have walked out of the Olympics.

There are a whole host of reasons that might be offered, but certainly I do not think that anyone is seriously proposing that we build weapons systems because it would undermine our athletes.

There will always be a justification. As the great philosopher, Rosanne Rosannadanna said, "It will always be something." And that is true with the

MX as it is with most of the weapons systems that this administation wants.

Let me deal with the question of the bargaining chip because we have heard about this over and over and over again. My colleagues have already heard that Ambassador Rowny, our principle START negotiator, does not believe it is a bargaining chip.

Let us assume that Mr. ASPIN is right, that indeed it is a bargaining chip. What is the history of the bargaining chip argument in favor of this missile?

I stated in general debate that in the history of East-West negotiations that whenever a weapons system has been tested it has been entered into the force. It is not a bargaining chip, it is a weapon. That goes as far back as the naval disarmament conferences of the twenties and the thirties.

So do not say you can bargain away a system that you are testing, that has enormous momentum. You cannot. The momentum, the inevitability of continuing a system has a gigantic weight that cannot be overcome by reason or anything else. You are not going to bargain this system away.

Now let us deal with the question of in whose arms we are throwing ourselves, because despite the fact that Ronald Reagan has been converted to the idea that nuclear war cannot be won and must never be fought, that seething below the surface of the Reagan administration, turning the cauldron of the weapons are Richard Perle, Caspar Weinberger, General Rowny, and Fred Ikle.

□ 1730

And if you scratch their surface, you know you will find this conviction: "Real men don't control weapons; real men build them."

That is what they have always believed. That is what they will continue to believe. And you will have Ronald Reagan, who has made a virtue of not knowing detail on anything, saying, "Well, I listen to my advisers, and they do not want arms control."

Take a look at the history of this administration on the entire question of arms control. The vast majority of the American people wanted the freeze; the administration fought the freeze. The administration fought the ratification of the SALT II agreement which would immediately provide us a 10-percent reduction in the Soviet arsenal. The administration walked away from the work of six former Presidents on the Comprehensive Test Ban Treaty. No, they did not want to take a look at it. And now, on space weapons, the final leap into the unknown into the arms race, we have the President's science adviser telling us, "We don't want agreements; we want weapons in space."

These are the people that you are going to reward with the MX. These are the same people who have walked away from every meaningful idea on arms control in the past. And you are going to say to them, "It's OK, go ahead, you can have this destabilizing system."

Now, let me take one quick look at what this Government should be doing for itself. Let us assume the Soviets do not come back to the negotiations for a while. What sort of deterrence, what sort of system is best for the United States? Forget what the Soviet Union wants. What is best for us?

Now, that has always been difficult to determine because we have had two very divergent philosophies between ourselves and the Russians.

The CHAIRMAN. The time of the gentleman from New York (Mr. DOWNEY) has expired.

(By unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 5 additional minutes.)

Mr. DOWNEY of New York. The Russians have learned at last the lesson of World War II. Remember that Stalin's generals told him that there were German troops marshaling on the border, and that with the superiority that the Russians had at the time in tanks and manpower, that they should preempt the German advance. But Stalin said, "No, I have got this agreement with Hitler, I do not have to do that." But inevitably the Germans betrayed them and attacked; the Russians fought World War II on German terms for the first year and a half of that war, and lost 20 million people in the war.

Clearly, the strategy of the Soviet Union, with their SS-18's, with their hard-target capabilities, is to preempt the United States in the next war. If they believe we are going to go first, they are not going to make the mistake that Stalin made at the outset of World War II. They will try to preempt us. That is why they have decided to have hard-target capability.

What should our response be to that? How do we counter it?

Well, the history of postwar planning has left us in a schizophrenic state. It initially said that we do not have to worry about war fighting, it was simple enough to kill lots of Russians and to destroy their society. That was mutual assured destruction. Then some bright people in the Pentagon began to ask moral questions—should moral questions ever arise in the Pentagon—about the notion of indiscriminately killing Russians, about indiscriminately trying to destroy the Soviet Union.

And out of that discussion came Presidential Directive 59, which gives us now the ability to wage nuclear war if we should so choose.

So now some of us believe we should just destroy the Russians if they attack us. And there are others of us who believe we should have the ability to wage nuclear war.

I say to you, we can structure our arsenal that makes sense for us, and sense for arms control, without the MX missile. We can have a survivable, accurate, second-strike force without the MX missile, so that the Russians will know that if they attack first, we will have a credible second-strike capability. We do not need the MX missile to do it.

That is the bottom line. Not the maneuvering, the dancing on the head of a theological pin, but an arsenal that makes sense for the United States.

I hope that ultimately we can have arms control negotiations that will lead to more stability on both sides. But it is clear to me—and it should shout itself from the mountaintops to the Members here—that the MX missile is the last thing we need. It is the wrong system for stability, and it is the wrong system for arms control.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding, and let me commend the gentleman for his eloquent statement.

Does the gentleman recall, back when we heard the same arguments on the floor here about 1 year ago, maybe a little short of that, when we were discussing the Pershing II deployment? I think I recall at that time statements being made by the administration that we had to do that, deploy the Pershing missile, so that we could get the Soviet Union to take arms control more seriously. I think that debate took place on the floor of this House.

What just happened this past week? It has been reported that the Soviet Union has responded in kind by now putting up more missiles in East Germany. Am I correct in making that statement?

Mr. DOWNEY of New York. The gentleman is correct.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman's yielding, and I certainly appreciate the point the gentleman has made. I hope the gentleman will amplify on it a bit for the Members who may not have been paying careful attention.

It seems to me that what the gentleman is saying is that if the United States has a survivable retaliatory capability, we then can send a message to the mind of the Soviet leader, that if he should ever dare strike us first, it is over for him, his industry, his society, his civilization absolutely reduced to a stone age state. We can say that

with a retaliatory capability. Is that not what the gentleman is saying?

Mr. DOWNEY of New York. That is correct. But I would go one step further. I would concede the argument of some of the hawks who have said in the past that you do not want to limit your force in a way that only allows you the option of the destruction of the Soviet Union or no response at all.

The difference between my view and those who want to build a prompt hard-target capability is that I do not believe in the probability of escalation control or anything like that. I believe once these weapons start going off, that you are in big trouble.

The CHAIRMAN. The time of the gentleman from New York (Mr. DOWNEY) has again expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 3 additional minutes.)

Mr. DOWNEY of New York. I do not believe that once a nuclear war is started that you could control it. But I may be wrong.

So given the fact that I may be wrong, I want to be able to know in my arsenal that I have the ability to hit some hard targets, if in fact this insanity becomes a reality. We have that ability with the cruise missile, and we have that ability with the existing Minuteman. So it is not something that we need to build the MX or Trident II missile to have. We have it now. We will be getting more of it later. So we have hedged our bets.

Mr. AUCOIN. If the gentleman will continue to yield, what the gentleman is saying is: With this mix in our arsenal today, with a solid, survivable retaliatory capability, and with some hard targets, preferably not promptly delivered but still a hard-target kill capability built into it, we do not need the MX and some of the follow-on weapons that have such war-inciting first-strike capability, because then you move into a total first-strike hard target counterforce capability. And what message does that send to the mind of the Soviet leader?

Mr. DOWNEY of New York. Of course there will be our hawkish colleague who say, "I don't care what the Russians think."

Mr. AUCOIN. I care. I care very much what they think.

Mr. DOWNEY of New York. I am a little worried about the fact that they have 9,000 warheads aimed at us, and I do not want them to by accident or miscalculation start World War III because they believe we are about to start World War III. I want to make sure that we move further and further away from the beginning of World War III.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. No, I will not.

Mr. KEMP. The gentleman refuses to yield? After all that talk yesterday about debate?

Mr. DOWNEY of New York. Regular order, Mr. Chairman.

I continue to yield to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. I appreciate the gentleman yielding, and this is the last time I will ask him to yield. The gentleman is making the statement, then, that we have run fewer risks by having a basic survivable retaliatory capability with some hard-target capability mixed in, but that if we move to the D-5 missile, and the MX missile, this will give us massive prompt counterforce; it raises possible confusion in the mind of some future Soviet leader that we may be preparing a first strike. If he thinks so, we can conclude, based on their history, that he will decide he better attack before he is attacked.

□ 1740

That is not deterrence; that is the collapse of deterrence.

That is an invitation for the outbreak of hostilities.

Mr. DOWNEY of New York. I think the gentleman is absolutely correct. We know that World War IV will be fought with sticks and stones; we are beginning to learn that World War III might be fought with the weapons in this budget.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman.

Mr. DICKS. I thank the gentleman for yielding.

I do not think the gentleman from Oregon meant to suggest that we are rushing to judgment here. We have been in a 10-year debate over the MX. We are not going to deploy one MX until late 1986 or 1987 at the earliest date.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman have 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. KEMP. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to congratulate the gentleman from South Carolina, who is not on the floor right now, for his intellectual honesty and I mean that very seriously. What he did was to take a good shot at the figleaf, and what he said was we are talking here about whether you are for or against the MX.

I am not going to add to what a lot of others have said about the weapon itself. Let me just recount where we are parliamentarily and politically. The MX lost, it seems to me, the battle. The supporters of the MX knew they were losing, so they came up with the Aspin amendment in its various permutations as the Price amendment and the Nichols amendment. We ought to be very clear about that. This brilliant scheme for punishing the Russians, bringing them to the table. The gentleman from Wisconsin said this was not necessarily to make them negotiate, so the table in question may be the breakfast table or the multiplication table or the table of contents or the water table, or perhaps the table of elements. But the table, that is ex post facto. There is one constant in here, the commitment of the gentleman from Wisconsin and a few friends to the MX.

Now we had last year's rationale which is let us vote for the MX to bang Ronald Reagan. Now we have got this year's rationale, we are going to vote for the MX to bang the Russians. I am tempted to ask the gentleman from Wisconsin for the preview of coming attractions. I want to know what next year's rationale is going to be for the MX. I can tell what it will not be, it will not be from the gentleman from Wisconsin a description of the military use of the weapons. That has been conceded. It is not to protect against what we are told is the Dutch tilt, that was in the letter we got, we are going to have the Dutch tilting. We are going to have the West Germans and Europeans, the West Germans and the British are going to get all upset, I am not aware that they are asking us to build it.

What is the new figleaf? Let us be very clear. They are not talking about the MX on its merits. They got committed to being for it. They said if we voted for it last year, Ronald Reagan would be for arms control. They got some people to believe that. Now they have got a new argument: If we vote for it, the Russians will come to the table. I guess we do not mean tables, we means fables. It is going to be "Aesop's Fables," and they will have a new one next year. Maybe they will get some of you not to believe it, some of our moderate friends. Because you do not believe it, but you are hoping some other people will believe it, because this is the figleaf for voting for the MX.

The fact is that it does not have any merit. Let us look at the Aspin amendment as it is proposed. Talk about the separation of powers. You know who gets to decide if we build the MX under this? The Russians, because it is right in here that they see April 1, 1985, is coming, and they say, oh, according to the Aspin amendment, if we are good boys, and if we look good to the Americans, not necessarily with

negotiations, the gentleman from Wisconsin said, but if we look flexible, they will not build the MX.

Now, they will decide, do they want us to build the MX or do they not? If they do not want us to build the MX, then they will look very reasonable. April 1 will come, and the President will say, we do not build the MX. Then they will wait a month, and then they will get bad again. And then we will have to build it again, and then they will be good. It is like, remember when Harpo Marx of the Marx Brothers was looking in the mirror and trying to anticipate the other guy? They will go like this, and we will go like that. And they will go like this, and we will go like that. They will turn that pipeline on and off and on and off until, of course, the summer of 1985 because then the gentleman from Wisconsin will have a new rationale for the MX. Then it will be to get the Chinese to behave.

The gentleman from South Carolina was absolutely accurate. We have two choices here. Do we build a weapon which has no real use. The Scowcroft Commission said it was a test of national will. All that is, it seems to me, is a test of my pronunciation and a few of the others, because none of us can get the man's name right. But I do not think he got the missile system right either.

We are back, as the gentleman from California (Mr. DELLUMS) pointed out, to where we were again. We are back trying to put these in the holes that were the reason, their vulnerability, for building them in the first place. Some of our colleagues are for any weapon, and they have a right to be, they have never met a weapon system that they do not like, and they are entitled.

Some of us think it is a great waste of money, and the only serious thing we are going to do to reduce the deficit is not to build it if we do not need it. Then we have got about 20 people in the middle who have been keeping the House in turmoil over this for a couple of years. Last year they told people they were going to vote for it because they were going to make Ronald Reagan negotiate. This year they are going to vote for it because they are giving the Kremlin the power to decide to build it.

Mr. Chairman, I want to say one thing: If the Russians want to come in here and decide American military policy, let them run for Congress like the rest of us. Why should we go and put up with all the aggravation of elections, and all the PAC money, and all the speeches, and all the people that interrupt you at dinner, and then Chernenko and Gromyko and whosis and whatsis just because of the gentleman from Wisconsin's amendment can say in March: OK, do we want the Americans to build the MX, or do we not? And if we do, we will look unreasonable. If we do not, we will look reasonable. You talk about the separation of powers, this thing gives to the Kremlin the power to decide whether we build the MX or not. We are going to have the division of Kremlinology trying to figure out whether they should or whether they should not.

Now, of course, the gentleman from Wisconsin said that the President last year complied with his agreement.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 5 additional minutes.)

Mr. FRANK. I thank the Chairman and the membership.

Last year, you see he made a deal with Mr Reagan. The only arms control agreement that Ronald Reagan has ever signed, he signed with the gentleman from Washington, the gentleman from Tennessee, and the gentleman from Wisconsin. But they made a mistake, because they did not listen to Richard Perle and they did not get verification. They took his word for it. Very big error. Very big error.

But they told us that agreement was OK. Now, I have to say, Mr. Chairman, by the standards that they used to find Ronald Reagan a dedicated arms controller, the Russians are going to pass that test easily. So then the MX will not get built. Now I have to ask them, do they think it is a serious weapon or not. If you really believe, as they say, that it is important for the synergism of the triad, a phrase I am sure will be tripping off all of our tongues as we take to the campaign trail this October, if you believe it is essential to the synergism of the triad, then you want to build it. If you think that America does not need it, that it is wasteful, that the single best thing we can do to control the deficit is to not spend this money, then you will not build it.

Can they seriously believe, those who have offered this amendment in its various forms, the gentleman from Wisconsin, the gentleman from Washington, the gentleman from Illinois, and the gentleman from Alabama, and everybody else, they are telling us that they believe this weapon is necessary, but they will give to the Kremlin the power to stop us from building it. That is simply intellectually incoherent.

If you believe, as the gentleman from South Carolina had the courage and the honesty to say that you need it because the Russians are by race not negotiators, as he said, then you vote for it. If you believe, as many of us do that it is a first-strike weapon if it is useful at all, and that it costs too much money, you vote against it. But please, figleaf me no figleaves. Do not try to hide behind this piece of transparency because you are going to get bagged for being lewd and lascivious.

This has no cover; this gives you no cover. What it says is, this terribly important weapon that we need to protect ourselves against the Russians, if the Russians read it, and in the months of February and March act accordingly, on April 1, 1985, the most appropriate date in an amendment I have ever seen, we will not build it.

You really mean to tell us that you think this is essential for American defense, essential to show our resolve, but you are going to give to the Russians the power to push the self-destruct button. This is not a first-strike weapon or a second-strike weapon, this is a no-strike weapon. The Russians, all they have to do is balk and they are going to get rid of this one, they do not have to throw a pitch at all, because all they have to do is appear to be reasonable, and even if we do not use the lenient standards of the trio from Wisconsin and Washington and Tennessee, another synergistic traid, if we just use their standards, then the Russians are going to pass the test.

The gentleman from South Carolina, I know is right. We have a very simple question here. We have got a terrible deficit. We also have a very strong defense. We have got nuclear submarines and air-launched cruise missiles and an absolutely strong defense which we are all glad we have. Should we for political reasons, should we for reasons of demonstrating our national resolve, for preventing the Dutch tilt, and the British waffle, and the German who knows what, and should we so Members can look consistent, commit ourselves to about $20 billion at best and more like $30 billion through a weapon which will be useless if we are lucky, and dangerous if we are not?

□ 1750

Seriousness about the deficit, seriousness about the legislative process, seriousness about the American Constitution and not allowing the Soviet Union a major piece of our national security decision is what is going to be riding today. I hope the membership will vote against the amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. Yes; I would be happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I thought I would like to try just one more time to get some consensus of the amount of time that might be required this evening, to make some reasonable offer. I see 10 Members standing.

I wonder if we could get an agreement to end debate at 8 o'clock. That is 2 hours and 10 minutes from now. I think we might wind up before then, but could we put that limitation on it?

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. DICKS. Mr. Chairman, reserving the right to object, is that to each amendment and all amendments thereto?

Mr. DICKINSON. That is correct.

Mr. DICKS. We would vote in order?

Mr. DICKINSON. To the Bennett amendment and all amendments thereto, and that time will cease and arguments desist at 8 o'clock.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. LEVITAS. Mr. Chairman, reserving the right to object, I do so to pose a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. LEVITAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVITAS. Mr. Chairman, as I understand it, at the present time the first vote would be on the Price amendment.

The CHAIRMAN. That is correct.

Mr. LEVITAS. If the Price amendment should be defeated, would the Bennett amendment be open to further amendment at that time?

The CHAIRMAN. The gentleman is correct.

Mr. LEVITAS. And if this unanimous-consent request were agreed to, there would be no debate on any further amendments?

The CHAIRMAN. Depending on whether the time had expired.

Mr. LEVITAS. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The gentleman from Minnesota (Mr. OBERSTAR) is still recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield to the gentleman from New York (Mr. WEISS).

Mr. WEISS. I thank the gentleman for yielding.

Mr. CHAIRMAN, I rise in strong support of the Bennett-Mavroules amendment and in opposition to any funding for the MX missile system.

Whatever the rationalizations of the Reagan administration, the MX is not a bargaining chip, nor will it do anything but further destabilize United States-Soviet relations.

Deploying cruise and Pershing 2 missiles has not brought the superpowers any closer to arms control. Nor has this administration's massive arms buildup. Can we really expect that deploying 100, or 60, or 30, MX missiles—the most accurate nuclear weapons now produced by either superpower—will make the Soviets more willing to reach an agreement on arms reductions?

The President believes that by outspending the Soviets he can force them to the negotiating table, and scare them into accepting arms reductions. Earlier this month, the administration's chief arms negotiator, Edward Rowny, candidly stated that the Reagan administration has tried "to get away, to distance ourselves, from making arms control the centerpiece of our foreign policy."

They have succeeded beyond their wildest dreams.

There are no arms control talks today. There are no START talks. There are no INF negotiations. And as a result the world is more tension-filled than at any time since the 1962 missile crisis.

Our task today is to return arms control to the center of our country's foreign policy, and to restore sanity to superpower relations. Now is the time for this Congress to demonstrate that we have come close enough to the precipice of nuclear war. Now is the time to draw back, before it is too late.

Mr. OBERSTAR. Mr. Chairman, today the House has the opportunity to avoid further waste of billions of dollars in continued production of the MX missile. It is an opportunity which commonsense, fiscal responsibility and a minimal concern for arms control, for a responsible, consistent program of arms control requires this body to take.

Last year the House regrettably approved production of 21 MX missiles. This year the President asked the Congress for 40 missiles. The Committee on Armed Services has cut that back to 30, and now we have an amendment pending that says, "Let us do only 15."

I support the Bennett-Mavroules amendment for all the reasons the gentleman from Massachusetts (Mr. FRANK) suggested a little while ago, and for some additional ones. It gives the Russians the opportunity, in fact, to dictate the future of U.S. arms control, the future of our defense policy, and because I think we really do not need this missile.

To do less than to strike the entire $2.8 billion funding would be to avoid the hard choice that the House must make either this year or next year. We had better make it now. The people who sent us here expect us to make those kinds of hard choice decisions.

Are we going to decide whether to go ahead with production of a first-strike strategic weapon which, in its basing mode is vulnerable, as has been demonstrated many times over in debate here on the House floor, or are we going to stop production of that weapon system and stop it now, while we have an opportunity to avoid further waste of billions of dollars and time?

That is a decision that has to be made in the context of international negotiations which are underway; but it also has to be made in the context of what is in our best national security interest and what is in our best national economic interest. In my judgment, the MX missile is a threat to our national security, it is a threat to our fiscal security. Its reliability is questionable, its ultimate cost is uncertain, and it makes sense as a strategic weapon only if the United States contemplates a first strike.

I have always thought that if ever there was a nation on the face of this Earth that were to contemplate and have as a matter of its national policy a first-strike use of nuclear weapons, we would not be that nation. We did it once. We certainly would want to avoid doing it again.

Much of the MX debate has shifted away from the focus that it should have. It should be focusing on the effectiveness of this weapon system, on its economic impact upon our national economy, on it destablizing consequences for internatonal security. Instead the focus has shifted to whether we are going to spend billions of dollars to establish something in our national arsenal that only is going to be a bargaining chip with the Soviet Union, and this latter seems to be the strongest argument that the advocates of the MX missile can possibly make.

That focus obscures the fundamental weakness of our military policy, which is that in approving these 15 or 30 MX missiles, we would be approving production of a weapon system that will be a total flop as a matter of national security and as a defensive system.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 3 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, we ought to make it clear that the MX missile system makes sense only if we in the United States intend to use it as a first-strike weapon system. The bargaining-chip idea literally avoids the ultimate decision of whether we are going to negotiate seriously with the Soviet Union for a freeze on weapons and reduction of those that are in the system, or at best, the bargaining-chip idea postpones that ultimate decision until some time in 1985, when we hopefully have a new President, a new leadership in charge of the national security of this country. But I think it is incumbent on us to make that decision today.

It is illusory for this body to believe that the Reagan administration's com-

mitment to arms control will be strengthened by adding 15 or 30 more MX missiles to our arsenal. It is illusory to think that 15 more missiles are going to make the Soviet Union any more willing to negotiate than they are now.

If Congress is serious about cutting waste in the military budget, we will not vote another $2.8 billion for a missile system whose basing mode is vulnerable and whose first use is questionable, at least by the United States. We should not give a new weapon system to a President who is indifferent to arms control and expect that arms control will result from it.

If the House approves funding for these 15 or 30 missiles, we will be saving the MX missiles, but we will not be strengthening international security or the national and economic security of the United States, and that ought to be our first and only consideration.

Mr. SHANNON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last summer when President Reagan needed Congress to approve the production of the first 21 MX missiles, he told us that a "no" vote would "send the wrong signal to the Soviet Union * * * and pull the rug out from under the negotiators in Geneva." In other words, the President said that we need the MX to successfully complete negotiations.

Today, we could rename the START talks the STOP talks, the INF talks are indefinitely in recess, the President has refused to resume the comprehensive test ban negotiations, there are no antisatellite weapons negotiations underway, and the SALT II Treaty remains in limbo.

And President Reagan tells us that we need the MX now because without it, and I quote: "the incentive for the Soviets to return to the bargaining table is greatly reduced."

So depending on what time it is, we need the MX because we are negotiating or we need the MX because we are not negotiating. By this tortured logic, the MX cannot lose. In this world of mirrors, the Reagan administration could justify every weapons system which the Pentagon dreams up.

The MX reflects an economically wasteful and intellectually lazy approach to defense. For $15 billion over the next 5 years, this chip is no bargain. The $2.7 billion we are invited to donate today is just one more downpayment on a layaway plan that could tie this economy in deficit knots for decades to come. As a weapon, the MX is laughable. The Air Force has shown that by 1996, only 1 percent of the MX's would survive a surprise Soviet attack. And because of its extreme vulnerability, the MX is only useful as a first-strike weapon, which makes it profoundly destabilizing.

Either the MX is a defensive weapon, in which case it is useless, or it is a first-strike weapon, in which case it is provocative and dangerous. America does not need a sitting-duck system for missiles, and it does not need a first-strike weapon whose first victim is the health of our economy. The MX spells destruction all around.

Most Americans are now extremely discouraged about the commitment of this administration to progress in arms control and disarmament. It seems that the only time we hear the President speak of arms control in a serious fashion is when he is attempting to justify his extravagant requests for unjustifiable weapons systems. I have a hunch that the administration does not expect us to see what is really going on here, that it expects us to remain in the dark.

But the truth is that the Members of this body perceive precisely what is going on here. The President says that the MX is a bargaining chip in the arms-control process with the Soviet Union. The truth is that the arms-control process with the Soviet Union is a bargaining chip in the President's effort to get the MX from Congress. The Reagan administration wants the MX, not arms control. That set of priorities does not accord with the will of this body, so we must defeat the MX.

I urge my colleagues to vote for the Mavroules-Bennett amendment. Let us not bury the MX, let us bury the MX proposal.

□ 1800

Mr. Chairman, let me just say that the Aspin amendment, the Price amendment, whatever we call it here, is a clever trick. It is just that, a trick. It is an opportunity for Members to go home to their constituents and say: "I am really not for it, I am really not against it."

I think the American people deserve better than that. Let us have a clear vote up or down on this missile system. We have had a good debate here today. Let us not obfuscate the result for the American people. Let us get the vote that we need, a vote on the Bennett-Mavroules amendment.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. SHANNON. I am happy to yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, I thank my friend and colleague, the gentleman from Massachusetts, for yielding.

I detected in his remarks that somehow the reason that we have not moved toward substantial arms control is because of the Reagan administration; that somehow it is not the Soviets who are responsible for the lack of progress but it is the Americans, that somehow we walked out of the arms-control talks and not the Soviets. Well, the record is precise on who has exhibited intransigence on arms control and it certainly has not been the Americans.

I would just make one additional point. There are a number of reasons why the Soviets are not at the arms-control table today. One big reason, which has not been mentioned today, is that nobody really knows who is in charge there at the present time. As we know, Andropov was very sick, and the leadership was not solidified, and Chernenko is just at the point of solidifying his leadership. Perhaps they do not feel ready to enter into any concrete arms-control arrangements.

Mr. SHANNON. Mr. Chairman, if I may reclaim my time from the gentleman, I am sorry to cut the gentleman off, but I do want to respond to the gentleman.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. SHANNON was allowed to proceed for 1 additional minute.)

Mr. SHANNON. Mr. Chairman, let me just say that I understand that arms-control talks are always going to be difficult, but I also believe that the United States can take the lead and can do a better job than it has done in leading the world toward peace. I also would say to the gentleman that——

Mr. RITTER. But it takes two to tango on arms control, and you cannot dance by yourself, except if you are a ballerina——

Mr. SHANNON. Mr. Chairman, let me reclaim my time. I have not yielded to the gentleman.

Let me say that the world is looking to the United States to take that lead. We are strong enough and we have the will and we have the ability to do it.

Mr. RITTER. And we have been trying to do that, if the gentleman will yield.

Mr. SHANNON. Twenty years ago, when the question of atmospheric tests came up, President Kennedy took the lead and unilaterally, if you will, suspended atmospheric tests. I would like to see this administration and this Government jointly show that same type of commitment today. I think the time is ripe and the world is looking for that leadership.

Mr. RITTER. But we showed we were committed, and they walked out. They walked out not us.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. SHANNON) has expired.

Mr. McKERNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. I yield to my friend, the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

I would like to read just a very brief statement to the body, if I might.

"The Nation has moved to modernize its strategic deterrent through the MX, Trident, and cruise missile systems. The MX missile deployment will enhance the survivability of our land-based intercontinental ballistic missile force."

That, I say to my friends and colleagues, is from the Democratic platform of 1980.

Mr. Chairman, I rise in support of the Aspin amendment to provide adequate funding for the 15 Peacekeeper missiles, and to give a 6-month breathing space, and against those amendments which reduce procurement funds for this much-needed program.

As stated by the House Armed Services Committee:

The Soviet Union continues to modernize its (ICBM) force through the development of two new solid propellant and mobile ICBM's—the SS-X-24 and SS-X-25. The Soviet strategic offensive and defensive buildup strongly suggests that the Soviet Union believes that a nuclear war can be fought and won.

In addition, the report language states, "The deployment of MX missiles in Minuteman silos—although vulnerable—obviates the Soviet ICBM sanctuary and contributes greatly to restoring the strategic balance." From the committee's own language it should be clear that while the United States once enjoyed nuclear superiority, those days are now gone. Indeed, from the available evidence, one conclusion can be drawn—the United States is now in a position, or dangerously close to one, of strategic inferiority.

Mr. Chairman, let me briefly remind the Members of the four important conclusions of the bipartisan, blue-ribbon Scowcroft Commission. First, the Commission stated:

It is illusory to believe that we could obtain a satisfactory agreement with the Soviets limiting ICBM deployments if we unilaterally terminated the only new U.S. ICBM program that could lead to deployment in this decade * * * Abandoning MX at this time would jeopardize, not enhance, the likelihood of reaching a stabilizing agreement. It would also undermine the incentives to the Soviets to change the nature of their own ICBM force and thus the environment most conducive to the deployment of a small missile.

Second, the Commission stated that deterrence is in no small fashion linked to the perception in the minds of Soviet leaders. Canceling the MX at this point would effectively demonstrate a lack of national will and cohesion needed to address the previously mentioned problem of a Soviet ICBM sanctuary.

Third, the Commission pointed up the serious imbalance between the Soviets' massive ability to destroy hardened U.S. land-based military targets with their ICBM force, and our lack of such capability. "In the interest of the alliance as a whole," the report stated, "we cannot safely permit a situation to continue wherein the Soviets have the capability promptly to destroy a range of hardened military targets and we do not." The Commission's report goes on to state, "We must have a credible capability for controlled, prompt, limited attack on hard targets ourselves." I remind my colleagues that today, the United States does not possess weapons in its inventory which, like the Soviets' SS-18 and SS-19, can alone destroy hardened targets.

Fourth, and finally, the Commission noted the significant age of our ICBM force. We have a tangible need to modernize this important leg of the strategic nuclear triad. We do not need to match the overall capability of recent Soviet deployment of over 600 modern ICBM's of MX size or larger.

Mr. Chairman, the buzzword of today's debate seems to be unilateralism. The Soviets have walked away from the negotiating tables in Geneva. They have deployed over 600 modern ICBM's as large or larger than the MX in the past decade. The Soviets have deployed several hundred SS-20's aimed at our allies. What would some here have us do? Reward them for these actions. Terminate the MX. I fail to see the logic, Mr. Chairman.

There is a lot of talk here today as to what will or will not cause the Soviets to bargain in good faith on arms control.

Let me relate my own experience. In a meeting with the presiding of the supreme Soviet I asked them how they were going to reciprocate for President Carter's cancellation, deferral, and delay of a number of strategic weapons systems. The reply was short and concise and, submit, very significant. "We do not believe in unilateral disarmament."

Mr. Chairman, I submit there is political hypocrisy on the part of some MX opponents.

When President Carter proposed 200 MX missiles—not 110—as proposed by President Reagan—many of the same people who are opposing the MX today supported him. It was contained in the 1980 Democratic platform.

I urge my colleagues to support the Aspin amendment.

[From the Washington Post, May 16, 1984]

ANOTHER MX VOTE

A year ago Mr. Reagan and Congress made a bargain: the president made his approach to strategic arms control more negotiable and Congress voted to start building the MX missile. Since then, however, Soviet-American relations have gone from bad to worse; the Soviets have walked out of both the talks on strategic arms and those on missiles in Europe (INF). As a result, strong elements in the Democratic-controlled House now want to go back on the 1983 bargain and stop funding the MX.

It's a shortsighted idea. The MX is the same unlovely missile, controversial but supported in its various stages of development by four administrations, that it's always been. It's also the same potential bargaining lever that it's always been meant to be. The notion that yielding it up unilaterally will somehow induce the Soviets to abandon their similar existing and prospective missiles is daffy. The three Democratic presidential candidates say no, and they are wrong.

There is, however, a real problem, which is that no negotiations are going on or are on the near horizon. The country is in the early stages of an interesting and necessary debate about the extent to which this is Ronald Reagan's fault. Certainly it is so that he has not persuaded everyone that he is serious about arms control. This important consideration however, is whether the person who is president when the Soviets decide to come back to the table will have the MX available to him as a bargaining counter. It is startling again, that a Democratic presidential candidate could ask to weaken his own prospective position.

Rep. Les Aspin has a sensible suggestion (on the op-ed page today) for keeping considerations of arms control and considerations of arms building in reasonable balance for the duration of the current cold spell. Vote the money for a certain number of MX missiles, he advises, but don't spend it until a few months have passed in order to see how the American elections and the first stage of a resumed negotiation go. It's a bit complicated, and it puts Congress more directly into the business of negotiations than any president would prefer. But it ensures that the American president, when he finally sits down again with the Kremlin, does so with a decent hand.

HOW MANY MX'S?

The House today will again vote on the MX missile—and once again, there are good arguments on both sides. On one side is the concern that we should not reward the Soviet Union for walking out on the arms talks in Geneva. To kill the MX is hardly an inducement for them to return to the talks; in fact, it is an inducement to avoid the talks, to continue with the tactics that got them what they wanted for free.

But there are also good arguments against giving Ronald Reagan all the MXs his heart desires. When the Scowcroft Commission pressed successfully for the MX compromise last year, it said the MX gave the United States leverage with the Soviets—but, importantly, it also gave arms control supporters leverage with the Reagan administration. We lose a good deal of that leverage with Reagan if we press full steam ahead with the MX program.

What are we to do? The defense bill on the floor of the House today provides 30 MXs for 1985. An amendment (the Bennett-Mavroules amendment) will be offered to make MX procurement zero for next year.

There are essentially two reasons why we should not go ahead with 30 missiles and two reasons why we shouldn't vote for zero missiles.

Don't go full steam ahead:

First, there is the presidential election. All three candidates for the Democratic presidential nomination are opposed to the MX. If we go ahead with the MX and the eventual Democratic nominee wins, one could

expect the MX program to be ended. It makes no sense to begin production of 30 missiles only to have the program canceled on January 20.

Second, we don't want to lose that leverage with Reagan, if by some strange quirk of history he is reelected. It is popular to say that Reagan is opposed to arms control; I find that a bit of an exaggeration. But certainly there are those in the Reagan administration who are less than enthusiastic for arms control. To go full steam while there are no talks going on would suit them just fine. But we would lose leverage with them. The closer we get to approving the full 100 MX program, the less leverage we have.

On the other hand, don't kill off the MX:

First, to reward the Soviets for leaving the Geneva talks (and only days after boycotting the Olympics to boot) is shooting ourselves in the foot, if we really want to see more arms talks. It tells the Moscow they can win by going into a blue funk. In only a few weeks, the Netherlands is due to decide on deploying the Pershing missile. Dutch politicians who would rather avoid the unpleasant constituent complaints the deployment would generate will be overjoyed if the House votes no on MX; it will allow them to vote no to Pershing with a clear conscience, arguing that they aren't letting the NATO alliance down but merely following the American lead. That will further reenforce the Soviets view that there is much to be gained by forgetting negotiations.

Second, the MX is still good negotiating leverage in the talks. Unless we are totally pessimistic about the future of arms control, the talks will one day begin again. When that happens, the Scowcroft recommendations will still be valid. We need some leverage to get the Soviets to talk seriously about their MX equivalents—the SS 18s and the SS 19s. The Ford and Carter administration offered Moscow many inducements to lower the numbers of those missiles. But as the history of these talks indicates the going was pretty tough—we had nothing equivalent to bargain with.

The MX is the equivalent, and it is so viewed by many with arms control credentials. The decision to go ahead with MX was not made by Ronald Reagan, staunch critic of SALT I and SALT II. The decision to develop the MX was made by Richard Nixon, architect of SALT I, and the decision to procure the MX was made by Jimmy Carter, architect of SALT II. Whatever one may think of those two presidents, it is impossible to criticize their fundamental dedication to arms control.

What do we do if we don't like either 30 MXs or zero MXs in the 1985 budget? One option is to make the MX contingent on a Soviet return to the bargaining table. We could vote for 15 missiles but lock the money up for six months until after whoever wins the election is inaugurated. If the Soviets have not then returned to the bargaining table, the money would be released. But if they come back to the table, and bargain in good faith, the money remains locked up.

I will offer this third alternative as an amendment on the House floor today. Voting for zero MXs rewards the Soviets for not being at the bargaining table. Voting for this amendment rewards them if they return to the bargaining table.

Mr. McKERNAN. Mr. Chairman, as I listened to the debate today, I was reminded of the words of H. R. Mencken who said that "Every complex problem has a simple solution, and it is usually wrong."

I think it should be clear from the debate today that this is a complex problem. That should be clear from the fact that there have been inconsistent arguments, frankly, on both sides of this issue. Members are opposing the MX for certain reasons that are inconsistent with other Members who are opposing the MX. The same thing is true of those of us who are supporting the Aspin-Pritchard amendment.

What I would like to do is talk about why some of us are supporting the Aspin-Pritchard amendment. I talk about that because there may only be 20 of us in this House who are holding the balance between whether or not we continue with the MX program or whether we do not. But as somebody who feels very strongly that we ought to have a mutual and verifiable freeze, who feels that is in the best interest of this country, who voted for a mutual and verifiable freeze, and who agrees with the Scowcroft Commission report that there is no present window of vulnerability, I think we need to also be concerned about the signals we send to the Soviet Union.

Frankly, I would be willing to trade off the MX for the SS-24. And I point out to my friends who oppose the Aspin-Pritchard amendment, who want us to abide by the SALT II agreement, that those two missiles would be allowed in that agreement.

But that is not the issue here today. There is an old Maine story about a fisherman who was asked how to get to East Vassalboro. After thinking for a while, the fisherman said, "Come to think about it, you can't get there from here."

Without the talks going on in Geneva, the same thing is true with arms control. We cannot get to an arms control agreement from where we are today.

The question is, What do we as the people who set policy in this country do about it? I am convinced that killing a program that we have been developing for 10 years certainly is not the first step. In fact, it would be counterproductive. But I think we ought to also realize, those of us on my side of the aisle especially, that our adminstration has spoken with a number of different voices about our seriousness about arms control and what our policy is on arms control, because that has caused this amendment to be offered today.

Frankly, I think everyone in this body realizes the votes are not there to pass the MX missile without this kind of conditional language. Frankly, I would not vote for the MX missile without this kind of conditional language, because I think what has happened over the past year or year and a half is that the contradictory statements coming out of this administration have sent some signal to the Soviet Union that probably should not have been sent.

What this amendment does is send a signal that the United States is serious about arms control, and to demonstrate that seriousness we are willing to say that we will not build any new MX missiles until 1985 if the Soviet Union comes back to the table.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield on that point?

Mr. McKERNAN. I am happy to yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this ties in precisely with the remark made by the last speaker, the gentleman from Massachusetts (Mr. SHANNON) who addressed the issue in a serious vein and made the point that President Kennedy was successful in getting the Soviet Union to negotiate a test ban treaty. And how did he do that? He did it precisely the same way that the Aspin amendment is proposing. He said that we will declare a moratorium for a certain period of time on atmospheric testing in order to assess the Soviet Union's response.

He did that, and they responded. Averill Harriman went to Moscow and negotiated that treaty in 13 days.

If it worked for President Kennedy, it can work for this administration. I think we ought to adopt the moratorium proposal of the Aspin amendment.

Mr. McKERNAN. Mr. Chairman, I thank the gentleman from Georgia (Mr. LEVITAS).

I hardly have a need to finish my speech, because that was my big conclusion.

Mr. LEVITAS. I am sorry about that.

Mr. McKERNAN. That is all right because I am glad that we are in agreement, and I think it is important to point that out, and that is that we want to demonstrate our good faith, the good faith of the United States to enter into a serious arms control agreement that is going to result in reductions of nuclear weapons in this world.

The CHAIRMAN. The time of the gentleman from Maine (Mr. McKERNAN) has expired.

(By unanimous consent, Mr. McKERNAN was allowed to proceed for 1 additional minute.)

□ 1810

Mr. McKERNAN. I think that the Aspin amendment allows us to demonstrate our good faith and it also allows the Soviet Union to demonstrate its good faith. If the Soviet Union is not willing to do that, we ought to reconsider what we are going to do on the MX missile and we ought to reassess our whole arms control program.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. I would be happy to yield.

Mr. RITTER. Mr. Chairman, I thank my colleague from Maine for yielding.

Again getting back to this issue of who is responsible for lack of progress in arms control and what we are trying to do in order to encourage arms control, I think it needs to be pointed out that in October of 1983, the U.S. position included a draft treaty which would relax the former limit of 850 on ballistic missiles. The Soviets were very concerned about that. They wanted to have a higher number. It offered flexibility on missile throw-weight. Of course the throw-weight of the Soviet missiles is far more than that of the American missiles. It reduced the air-launched cruise missile loading limit on heavy bombers, which was again a kind of limitation on us with respect to them.

In October, the United States offered further concessions.

The CHAIRMAN. The time of the gentleman from Maine has expired.

(At the request of Mr. RITTER, and by unanimous consent, Mr. McKERNAN was allowed to proceed for an additional 2 minutes.)

Mr. McKERNAN. I yield to the gentleman.

Mr. RITTER. I think, Mr. Chairman, it is important to realize that we have made steps forward. In October, the United States offered a mutual guaranteed build-down of ballistic missile warheads and bombers, a proposal for a build-down working group, a willingness to further limit the size of the ALCM forces and a willingness to negotiate tradeoffs between Soviet advantages and United States advantages.

Now, the record is clear. What I keep hearing from certain Members on the other side of the aisle is that somehow the impasse in arms control is due to the United States of America. I think that is a basic misunderstanding of the Soviet Union today.

I mentioned in my previous comment that the leadership of the Soviet Union is as yet not solidified. In the final 6 months of Andropov's tenure, he was out of commission. Chernenko is still in a position of solidifying his own position and even he is said to be ill with emphysema. It is not known who is wielding the power in the Soviet Union today. Is it the party, the military, the KGB—who knows?

I think we have to also realize that if the Soviets feel that by hostility, and certainly they have exhibited a kind of rare degree of hostility over the last 8 months or so, the litany of which has been brought out earlier in discussion of the civilian airliner downing and the recent award, to the pilot of the fighter plane that downed the airliner, of a medal. Recent carpet bombing in Afghanistan; vast shipment of weapons into Cuba, Nicaragua, and the Caribbean; the rejection of each and every American arms control proposal show an extraordinary level of Soviet militarism. If we kill MX, are we rewarding Soviet intransigence? Are we rewarding Soviet belligerence? Are we retreating from the modernization of our own deterrent forces? Are we rewarding the behavior of the Soviet Union over the last 8 months? Will the Soviets get a message that the more belligerent they become, the more concessions they can get? Do we violate the mutual bilateral considerations which even the nuclear freeze movement has advocated?

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. PRITCHARD. Mr. Chairman, I ask unanimous consent that the gentleman from Maine may have 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. MONTGOMERY. Reserving the right to object, Mr. Chairman, I certainly will not, and I am the acting chairman over here, but if we could limit where Members would not go much over 5 or 6 or 7 minutes, then we only have about six Members over here who would like to speak, maybe we could have a vote sometime in the next 40 or 50 minutes around 7 o'clock on this one amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. I yield to the gentleman from Washington.

Mr. PRITCHARD. Mr. Chairman, I just want to thank the gentleman for all of his work on this amendment. He was a key player on our side of the aisle. The gentleman comes to the issue as I do, not a strong supporter of the MX, but wanting to come up with a better system than just giving it up here in this Chamber and he thinks it is a better way to do it. So I want to compliment the gentleman from Maine for all his leadership. He has played a key part in this action.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. I would be happy to yield.

Mr. DICKS. Mr. Chairman, I, too, want to compliment the gentleman from Maine, who has been very steadfast and very moderate, very balanced, and I think his statement today reflects a tremendous amount of preparation of work and knowledge and understanding of this issue.

I know it is very difficult to be questioned, as we all have been questioned, about why we are trying to see if there is a way to get this administration into a posture where negotiations can succeed.

I think because of the work of the gentleman from Maine and the other group of moderates, that we have gotten the administration into a much better position in terms of negotiations, and I think this amendment as crafted will contribute to that, but I want to compliment the gentleman from Maine for his courage and his steadfastness.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, as a point of clarification, under the SALT II agreement, I believe, although the SS-18's and 19's are not precluded from it, I think they are limited as to the number of warheads, the same as the MX missile would be limited as to the number of warheads.

I thank the gentleman very much.

Mr. McKERNAN. I think that is accurate.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate has been an important debate because I think it focuses on the difficult choices that face this Nation at this time and into the years in the future, between diminishing resources, between growing deficits and between our priorities, be they military, security, or human needs.

The bottom line, I think, is that we simply no longer can afford everything we want without asking the question whether it works or not, what is the cost of it, what are its implications, what are it consequences in terms of our fiscal situation, in terms of our military situation, in terms of our diplomatic situation. That is the reality of our budget, the Federal budget. It is the reality of the defense portion of that budget and it is the reality of the MX system.

A few weeks ago here in this House we debated the budget resolutions. It was recognized at that time that the nature of our deficits crisis is such that if we are to deal with these growing deficits, we simply have to deal with the 85 percent of the Federal budget that is virtually uncontrollable. There is 30 percent going for defense, 46 percent going to entitlements, and now almost 12 percent going for payment of interest on the national debt; 85 percent of the Federal budget that is virtually uncontrollable. We have got to deal with those areas.

Every proposal, every alternative that we voted on here on the floor of the House recognized the need to pro-

vide some control on the growth of defense spending, every alternative that we voted on. Indeed, the House adopted a proposal which set a 3.5-percent limit on real growth in the defense area.

Now, whether you agree with that or not, if you agree with 3.5 percent, if you agree with 4-percent real growth, if you agree with 5-percent real growth, 6-percent real growth, the reality is that unless you are willing to gut the maintenance, personnel, readiness, transportation, training portion of the defense budget, you simply have to deal with the procurement problem. That is the reality. If you are going to limit defense at the level and you do not want to gut readiness, or any of the other areas that deal with our conventional preparedness, then you have to deal with the procurement budget.

Procurement is the fastest growing part of the Federal budget next to interest rate growth. It is the fastest growing part of the defense budget. Between 1980 and 1984, the procurement budget increased by 140 percent. Between 1976 and 1985, it increased by almost 151 percent. It is growing at a rate that is second only to interest on the national debt and interest is obviously the most uncontrollable portion of it because we cannot stop the interest payments on the debt.

Eighty percent of the procurement budget is determined by prior-year contracts and obligations. We have locked in almost $64.1 billion into the 1985 budget by virtue of procurement and contracts.

□ 1820

In this bill we are dealing with, we have 170 major weapons systems. We are talking about trying to stop the MX. But there are 170 major weapons systems that are included in this bill.

Even the Armed Services Committee, let me say, recognized this, and let me quote from the Armed Services Committee: "Continued increases of the magnitude projected by the Department of Defense in the procurement area are neither fiscally affordable nor politically supportable."

The point is this: If we are serious about the need to control the growth in the defense area, then we have got to be serious about making judgments on weapons systems that are either duplicative, that are not effective, that are costly and that do not do the job.

Surely, surely the $21 billion involved in the MX system qualifies as one of the most questionable weapons systems that we are now embarked upon.

Aside from the arguments that have been presented on destabilization and first strike, I think all of us recognize the convoluted logic we have gone through with regard to the MX system over the last 20 years: 35 different basing modes from mobile to stationary, from 100 MX's to 30 to 15.

The CHAIRMAN. The time of the gentleman from California (Mr. PANETTA) has expired.

(By unanimous consent, Mr. PANETTA was allowed to proceed for 3 additional minutes.)

Mr. PANETTA. The GAO and the proponents admit that it is vulnerable, and so the arguments now, instead of turning to the viability of the weapons system, are turning to the bargaining chip, they turn to the fact of whether we should reward or punish the Russians for their behavior.

The final reality is that this proposal that has been offered by the gentleman from Wisconsin will never in and of itself bring the Russians to the bargaining table. The Pershing did not do it, the cruises did not do it. That is a lesson we should have learned long ago.

What is happening is that in our effort to try to trap or force the Russians to the bargaining table we are in essence trapping ourselves into having to make a decision on a system that can be legitimately questioned in terms of its value. We are paralyzing ourselves out of fear, out of frustration, out of a lack of willingness to make the tough decisions.

I am not going to be blackmailed. We talk about blackmailing the Russians or blackmailing others into decisions. I am not going to be blackmailed. It is not a question of who I am punishing or who I am rewarding. I just do not think we ought to spend this kind of money on a system that cannot be justified at the present time, and that is the basic reason why I feel that we ought to eliminate this system.

I urge you to recognize the realities of the present, to reject the fear and reject the arguments that really are driven out of weakness, and to assert the strength of our will and good judgment and commonsense that ultimately is essential to both our fiscal security and our national security.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman.

Mr. GRAY. I would like to compliment the gentleman and identify myself with his remarks, as well as the gentleman from California (Mr. DELLUMS), who spoke earlier, who was the first to introduce an amendment to cut the MX.

I think the gentleman from California (Mr. PANETTA) has made a very strong argument for many of us who struggle on the Budget Committee in dealing with these deficits, that we cannot continue going at the same rate that we have been. And I would like to join with him in urging that we look at these particular systems based on their merits.

We have heard three arguments over the last 3 years. First, we must close the window of vulnerability with the Soviets. Second, we need a bargaining chip in negotiations with the Soviets. And now we hear the argument, do not reward the Soviets. All these arguments are wrong, simplistic, and absurd.

But it seems to me that the gentleman has brought another very good perspective; and that is the whole question, not only of the strategic need and the appropriateness of the system, but also what it is doing to the whole process of our fiscal priorities.

I just want to identify with what the gentleman has said.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the perfecting amendment of the chairman of the committee.

(By unanimous consent, Mr. MICHEL was allowed to proceed for 2 additional minutes.)

Mr. MICHEL. Mr. Chairman, I rise in support of the perfecting amendment introduced by the distinguished chairman of the committee Mr. PRICE.

If a visitor from another planet had been listening to the arguments of the opponents of the MX these past years, he would have a strange idea of this weapon.

The critics have told us for years that we should not have the MX because it is dangerous, deadly, and destabilizing, a first-strike monster.

But now we are told by the same people we should not have the MX because it "has questionable military value."

We are now told we should not have the MX because it is vulnerable to a Soviet first strike.

But the same people who are saying this now denied the concept of vulnerability when the President raised it. They used to tell us the Soviets would never dare to attempt a first-strike and that vulnerability was not a real issue.

So this visitor from another planet could only conclude that the MX is a dangerous weapon that does not work and that it is terribly vulnerable even though it is in no danger of attack.

Consistency has never been the hallmark of the antimodernization crowd. But this time they have outdone themselves.

The critics tell us the MX is not a bargaining chip because although we have provided funds for some MX's the Soviet Union walked away from the bargaining table.

The critics say this proves the MX will not get the Soviet Union to negotiate.

There is one little part of the equation the critics conveniently leave out.

The Soviet Union knows there is a chance the MX can either be crippled

or eliminated by what we do here in the Congress.

So the true reason they do not see the MX as an inducement to return to the table now is that they are waiting for us to eliminate the MX from the bargaining table before we ever sit down again and talk.

The true test of the bargaining power of this missile can be discovered only when the Soviets are convinced we in Congress are going to fund the MX. Give them even a tiny doubt on that score, and they will stay away forever.

And speaking of the fact that it is the Soviet Union that walked away from the table—have you noticed President Reagan is blamed for that?

It is the old game of "Blame the Victim."

Why are the Soviets deploying SS-20's?

It is Reagan's fault for saying all those nasty things about them. They feel threatened, the poor dears.

Why have they boycotted the Olympics?

It is Reagan's fault—he has been unkind and spiteful by pointing out their human rights record.

Why did they walk away from arms-reduction negotiations?

It is Reagan's fault he is not trying hard enough. If only he would stand on his head they just might be persuaded to come back.

The report of the President's Commission on Strategic Forces, March 21, 1984, just 2 months ago said the MX has a "crucial task" to perform in creating "an arms control environment."

Stripped of the jargon of the arms controllers, that means that with an MX program we can get the Midgetman and without the MX program we cannot.

On March 16, 1983, I pointed out to our colleagues that the freeze debate we were engaged in was only one part of a larger debate dealing with our national security.

I said, paraphrasing Winston Churchill: "This freeze resolution is only the first sip of the bitter cup that will be proffered to you. Again and again you will be told cut funds for one weapon and then another and then another."

Forgive me for quoting myself.

But it is irresistible to do so because today, little more than a year after I made that prediction, it has been vindicated—with a vengeance.

Here we are, being asked to eliminate one entire strategic weapon system. Soon it will be another. And then another.

And at each step, the proponents of these moves will tell us that such eliminations strengthen our security, foster the cause of world peace, and make it more likely the Soviet Union will come back to the bargaining table.

Such geostrategic fantasies seem to have been created in a collaboration between the "Wizard of Oz" and "Alice in Wonderland."

In my office, I have displayed a copy of two headlines. One from the Washington Post, the other from the Baltimore Sun.

They are dated December 9, 1982.

The Sun headline says: "Soviets Cheer House for Rejecting MX Missile Appropriations."

The Post headline says: "Soviets Voice Satisfaction on MX Rejection."

Mind you, what I have read is not the opinion of some Reaganite hardliner who believes cutting the MX plays into the hands of the Soviet Union.

No, what I have read are headlines from newspapers who never have been found guilty of practicing conservatism with consenting adults.

These newspapers simply reported the facts. And when we said "no" to funds for the MX back in 1982—the major issue then was the "dense pack" basing mode—they accurately reported the Kremlin's reaction.

I hope there is not one of us who wants to see similar headlines tomorrow morning.

But our free press will report the facts.

What facts will they report?

The answer to that is up to each of us.

□ 1830

I yield back the balance of my time.

Mr. NEAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to remind my colleagues that there is a third option to be considered today. It is my amendment which was introduced for me by my colleague Mr. MAVROULES.

Mr. Chairman, my amendment would add an important provision to the Bennett amendment. It would declare that deleting funding for the MX missile for fiscal year 1985 does not constitute a unilateral termination of the program but, rather, a moratorium on procurement of the missiles. The amendment presents a challenge to the Soviet Union to demonstrate its commitment to arms control by responding in an appropriate fashion before the next Congress decides on defense funding for the 1986 fiscal year. As a practical matter this means that we must be fully aware of their response by the spring of 1985.

Mr. Chairman, last year support for the MX missile seemed a key to progress on arms control negotiations, which at that time did not seem high on the administration's agenda. In exchange for congressional support for the missile, the President promised to be more forthcoming and serious concerning his negotiating position on nuclear weapons. I became convinced that this compromise could result in real progress at the negotiating table. It was worth a try. Therefore, I supported the MX missile each time it was considered on the House floor. Nonetheless, the year ended with a disturbing deterioration in both the INF and START talks.

The administration maintains that the Soviets are responsible for the breakdown in negotiations. Critics of the administration, of course, claim the reverse is true. No doubt there is at least a bit of truth in both arguments. Regardless of who is wholly or partially to blame, we must not allow the situation to deteriorate further without some effort to break through the impasse in negotiations. It concerns me, too, Mr. Chairman, that the Soviets may have decided not to negotiate with a Reagan administration—not just for the remainder of the election year, but even extending into the next term, should Mr. Reagan be reelected.

Arms control, Mr. Chairman, is vital to our existence. We simply cannot afford to wait another 4 years for progress. However, we might yet use the MX to further arms control. By placing a moratorium on procurement funding of the MX missile, my amendment may serve as a catalyst to overcome the deep mutual distrust that has hindered progress thus far.

Mr. Chairman, the MX is an important nuclear weapons system that has been supported by the last four Presidents. By delaying funding, practically on the eve of deployment, Congress would be sending a clear signal to the Soviet Union that the American people want to end this senseless race toward destruction. It is our hope that the Soviets, who have as much to gain as we do by reducing world tension and the threat of nuclear war, would respond appropriately to this gesture.

There are those who would argue that killing the MX missile program would send the same signal to the Soviets as would a moratorium. I do not believe that this is time, Mr. Chairman. In fact, I would argue that unilateral cancellation of the MX—particularly if the administration is correct and the Soviets are not interested in arms control—would reward the Soviet Union for leaving the bargaining table, and possibly remove any incentive for the Soviets to bargain.

But what of the substitute offered by the gentleman from Wisconsin? It purports to be a third option between the Reagan buildup and those who want to kill the program. With all due respect, Mr. Chairman, the substitute, in my opinion, is little more than a continuation of the Reagan policies. It extends production authorization and provides little value as a tool for bringing the Soviets back to the bargaining table for meaningful negotiations. A

moratorium, if it is to have any value, must send a clear and unmistakable signal to the Soviets.

I am concerned—no matter what the intention of the authors and supporters of the Aspin amendment might be—that it would put congressional intent in doubt. The Soviets might logically assume that the amendment is simply an attempt by MX supporters to keep the program alive and to skirt this sensitive issue during an election year. The Aspin substitute is profoundly different from that of my own amendment. My moratorium on production represents an olive branch, whereas the substitute is a Damoclean sword held above Soviet negotiators. Why would the Soviets respond to that approach any differently than they have responded to Mr. Reagan's threats?

Would we be taking too great a risk by stopping production of the MX for an entire fiscal year, Mr. Chairman? The answer simply is that there is very little risk involved. After all, Mr. Chairman, it is not as if we do not have nuclear weapons. Our strategic arsenals are formidable. Our invulnerable sub forces represent a very high percentage of our nuclear arsenal. One sub alone could destroy every major city in the Soviet Union. Moreover, under my amendment research and development, flight testing, MX production lines, and the 21 MX missiles authorized for fiscal year 1984 remain in place and the new President—whoever he may be—will have the same range of options as is now available.

Mr. Chairman, I urge my colleagues to support my perfecting amendment and to vote for an alternative approach to the current policies which have not succeeded in reducing the threat of nuclear war. Most Americans, I believe, feel less secure than they did 4 years ago.

I would caution those who would simply eliminate the MX system entirely without gaining anything from the Soviets in return. The arms race is a two-way street. The Soviet Union is a major player in this terrible race and we simply cannot afford to ignore that reality if we are ever to bring the arms race under control.

Mr. Chairman, Mr. ASPIN asks the question of what do we do if we do not want to vote for 30 missiles, but also do not want to eliminate it entirely. His solution to vote for 15 hardly provides an alternative that offers much leverage for future arms talks. It is not a new approach, but a variation on the same theme. I submit, Mr. Chairman, that my approach is the best alternative. It is truly a moratorium that clearly and unmistakably signals to the Soviet Union that we want to begin a new chapter in arms control.

Another copy of my amendment follows these remarks, and again, I urge my colleagues to adopt this perfecting amendment:

AMENDMENT AUTHORIZED BY MR. NEAL OF NORTH CAROLINA TO THE AMENDMENT OFFERED BY MR. BENNETT OF FLORIDA

In section 110 proposed to be added by the amendment—

(1) insert "(a)" after "SEC. 110."; and

(2) add at the end thereof the following:

(b) It is the intent of Congress that denial of funds for procurement under the MX missile system program for fiscal year 1985 constitutes a moratorium on procurement of missiles under such program but does not constitute a unilateral termination of that program.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman.

Mr. DICKS. I appreciate the gentleman's amendment and I think that he, himself, genuinely believes that this is an alternative. I guess I understand how you are going to start the moratorium.

What I do not understand is how you are going to stop the moratorium? I do not hear a lot of your colleagues saying they are going to be prepared in 6 months, 9 months to start up the MX. Their argument is MX makes no sense in the first place.

So I am afraid you may be kind of lonely when it comes time to trying to start the process again. The Aspin approach is a better approach because it suspends for 6 months and gives the Soviets an opportunity.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. PRITCHARD and by unanimous consent, Mr. NEAL was allowed to proceed for 2 additional minutes.)

Mr. DICKS. I would end by saying that I know the gentleman is sincere about a moratorium but I have to question whether many of the people on the gentleman's side on this issue are going to be there when the moratorium comes to an end.

Mr. NEAL. Let me respond to the gentleman.

There have been a lot of attempts here today to read the Soviet mind. Some say they will bargain seriously only if we build many MX missiles; others say they will respond better if we do not build the MX missile.

I do not know; I certainly do not know how to read minds. What I will say is we can try by adopting this amendment, to begin deescalating the arms race. If the Soviets do not respond appropriately, I think those who favor many more MX missiles would have the overwhelming argument on their side. They say now that the Soviets will not respond in an appropriate way to our offer and if they prove to be right they will have a very strong argument for building more MX missiles and I could agree with them.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman.

Mr. PRITCHARD. It seems to me your proposal is really more strict than ours. You are saying next spring you will have a chance to look at it.

Mr. NEAL. Yes.

Mr. PRITCHARD. Under our proposal, it is April 1st, which is spring. In your case, you are saying there has to be concrete proposals, concrete evidence of progress.

Mr. NEAL. Appropriate response.

Mr. PRITCHARD. That is right. Under ours, we say they just have to come back to the table.

Mr. NEAL. Exactly.

Mr. PRITCHARD. In all fairness, I think yours is a more restrictive condition than ours is.

Mr. NEAL. Yes.

Mr. PRITCHARD. I would say I doubt if the people you have been talking with really support that, because if they support that, they support something more strict than what we are offering.

Mr. NEAL. May I say to the gentleman, the people I have talked to from both sides of the argument, support my approach because they see it as resulting not in words but in deeds. We make an opening offer, the Soviets must respond in deed, not in words.

They do not have to come back and sit down at a table. They have to go do something. What might that be? It could be any number of things. It might be that they would destroy some of their SS-18's, an MX-comparable missile system. Would they do that? I do not know. But I am convinced it is worth a try. If the Soviets do not respond with action that is appropriate to our action all the options we have available now will still be available next year. We have much to gain and nothing to lose.

Mr. PRICE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me explain what is and what is not in this amendment.

First, some of the phraseology may strike the ear as curious. Quite frankly, this is because of the House rules of germaneness. We are linking funding for procurement of this fiscal year 1985 buy of MX missiles to Soviet presence and conduct at the START negotiations in Geneva. But an amendment that discusses arms control and negotiations with a foreign power is not germane to the defense authorization bill. Therefore, you see the terminology used in this amendment, with its references to the Soviets "acting in a manner to further the control and limitation of types of strategic nuclear missile weapon systems similar to the MX." For the record, let me make plain that these references are to Soviet presence and conduct at the START talks in Geneva.

Second, the amendment provides funds for 15 missiles but locks that money up until April 1. That allows the President elected this November to make the determinations of Soviet compliance mandated in this amendment. The funds that are locked up for the first 6 months of the fiscal year are the funds allocated specifically for the 15 missiles. In other words, the obligation of funds for advance procurement of missile components could go forward during that period. This is permitted specifically to avoid a wrenching disruption to the production program which would result in a substantial monetary penalty to the Government.

Third, the amendment provides $1.8 billion in funds for MX procurement. This includes authorization for appropriations for 15 missiles and for the support and procurement of mechanical, electrical, and other components required to prepare for the deployment of 20 of the 21 missiles approved by the Congress in fiscal year 1984. In other words, if this amendment is approved, the bill will deny authorization for 25 of the 40 missiles requested and for the entire $233 million requested for initial spares.

Fourth, this amendment allows the money fenced off until April 1 for buying 15 additional missiles to be released after that date under either of two conditions: either the Soviets have not returned to the START talks or they have returned but are stalling and not negotiating in good faith. It will be up to the President to make any determination that they are not bargaining in good faith. If the Congress disagrees with the President's determination, it always has the authority to reverse the President's decision and lock up the money once again. Subsequent to April 1, should the President notify Congress that he wishes to unlock funds that have remained locked away, the Congress will have 30 days in which to approve a joint resolution of disapproval and the President may not obligate any of the missile funds during that time period.

Mr. Chairman, I also ask unanimous consent that all debate on the Price amendment cease at 7 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois, on the Price amendment alone?

Mr. LOWRY of Washington. Reserving the right to object, make it 7:30, Mr. Chairman. We have more Members standing.

Mr. PRICE. Mr. Chairman, I ask unanimous consent that all debate on the Price amendment end at 7:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Members standing at the time of the request will be recognized for 2½ minutes each.

The Chair recognizes the gentlewoman from California (Mrs. BOXER).

□ 1840

Mrs. BOXER. Mr. Chairman, I rise in opposition to the Dickinson amendment and support the Bennett-Mavroules-Neal approach.

I think it is very important that I note that with my support I join 112 organizations across our great country—patriotic organizations, grassroots organizations, who want to see our country on the right track.

But I also want to say, Mr. Chairman, that this debate has been a fantastic one. I have heard Members from both sides of the aisle be eloquent.

However, one thing has occurred that has disturbed me greatly and I would like to tell my colleagues about it.

One of our colleagues is walking around talking to Members whose districts would receive jobs if the MX goes forward. He is telling those Members they better vote for the MX. I hope that Members will rise above that because at worst, it is blackmail; at best, it is logrolling. I do not think we can afford that when we are talking about an issue of survival.

Mr. MATSUI. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. MATSUI. I thank the gentlewoman for yielding.

I had not realized that that situation was a pattern. I was also approached on the floor and advised that in my district there be a $250 million contract let or one has been let that would cost some 1,900 jobs if, in fact, the MX is turned down.

I am somewhat surprised that the gentlewoman also had been approached. I would suspect perhaps other Members were. I am very surprised that the proponents of the MX missile and the Aspin amendment would engage in that kind of activity that we would vote for it on the basis of jobs in our districts, when we are really talking about strategic weapons, when we are talking about the issue peace and survivability. I am also disappointed as well that this has become a pattern rather than a matter that was an isolated incident.

Second, I have to believe that perhaps the Pentagon provided this kind of information and that leads me to even have a greater concern about what happened.

I thank the gentlewoman.

Mrs. BOXER. I thank the gentleman.

I think this issue is of utmost importance.

A child in my district wrote me a note and he said: "One bomb wipes out all memory." One bomb wipes out all memory. Let us remember, let us not lose our memories. We know that the MX is not a deterrent. We have information that shows that. We know the MX is a first strike weapon. We have to remember that the MX is adding billions of dollars to the deficit, brilliantly explained by my dear friend and colleague from California (Mr. PANETTA). We have to remember that we need to change the course of this arms race. We need to do it in a sound way. That way is offered to us by the gentleman from Massachusetts (Mr. MAVROULES).

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, as I listened to the debate one thing that is patently clear is that the hawks and doves are living in two different worlds. They seem even to have completely different gray matter in their minds. Their facts are completely different, the logic is different.

The interesting thing is that personally we do not fit our types. Many on our side, doves are pugnacious, as the Members can see and many hawks are as charming and gentlemanly as the gentleman from South Carolina (Mr. HARTNETT) and our dear friend, the gentleman from Mississippi (Mr. MONTGOMERY).

President Reagan is good natured and friendly and yet an out-and-out hawk, a complete hawk. It is the way he thinks. He wants every weapon he can get, no matter what it is or how much it costs. And he does not want arms control. We know President Reagan has no desire and no earnest wish for arms control at all. Arms control is repugnant to him. He wants complete and utter superiority by this country and that is fine, if it were not for one thing. And being a hawk is fine, if it were not for one thing, and that is we have nuclear weapons today.

I like hawks. We need them. But with nuclear weapons they can lead us to perdition. They can destroy this world.

I am led to the conclusion, however, that the hawks are going to win. And only when the generals finally realize that they cannot fight a war with nuclear weapons, that it would destroy the world completely, as we know any setting off of any nuclear weapon would do, when the generals finally realize that and realize the nuclear weapon is unusable, that they themselves will do away with the nuclear weapons.

Until that happens and unless that happens, the world creeps ever closer to complete destruction and the end of all we know in civilization.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Chairman, I rise in opposition to the Aspin-Pritchard et al. amendment. It is an amendment to continue the procurement of the MX missile. It is not an amendment that is at all conditioned on future arms control.

There have been many excellent Members of this House stand today to say that they have chosen to go for the Aspin-Pritchard amendment because it holds out the future of arms control.

It specifically does not or it would have been ruled out of order this morning when the gentleman from Oregon made the point of order against the Aspen amendment because it could not contain conditionality of arms control and be in order.

And when the chairman read the chairman's finding on that ruling, it said specifically that this amendment is for fiscal 1985 funds for the procurement of 15 MX missiles after April 1, 1985, if the President determines that the Soviet Union is not acting in a manner to control similar systems. Nothing on arms control.

If you vote for the Aspin amendment, you are voting for the procurement of 15 more MX missiles and no conditionality on arms control period.

Now, what does the Aspin amendment say? It says that after April 1 the President will send up a declaration as to whether the Soviets have been acting in the manner required to stop the building of the 15 missiles, the President will send up a declaration and we have 30 days from that time to pass a joint resolution of Congress which, as my colleagues know, must be signed by the President. A joint resolution of Congress and we have 30 days to disapprove his finding to build the MX missile.

Do my colleagues remember the El Salvador conditions by which the President would have to certify improvement in controlling the death squads by the government?

What this amendment does is say the President will determine, we will have 30 days to pass both Houses of Congress, a joint resolution, disapproving the President's declaration which the President must sign.

This is no conditionality at all on arms control. This is a vote for 15 MX missiles and do not tell any of your constituents differently.

If you are opposed to the MX you will vote against the Aspin, Pritchard, and Dickinson amendments and for the Bennett and Mavroules amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Chairman, many of us on this floor have studied carefully the defense issues that we are faced with. I have been in a Minuteman silo, I have been up in the bomb bay of a B-52, I have been in a nuclear submarine. I have really tried conscientiously to study what our nuclear policy ought to be, what our nuclear strength ought to be.

It seems to me that if you take a look at programs like Stealth or cruise or the Trident I which I have supported, they make sense for this country's nuclear policy.

But the MX missile does not make a bit of sense at all for this country's nuclear policy.

It seems to me it is a military hood ornament that No. 1 is expensive and No. 2 is dangerous.

Let me just make two points that have been made over and over again this afternoon. They are points that the sponsors of the Aspin amendment have been unable to respond to.

First, they want to put the MX missile in silos the President says are vulnerable. Why on Earth would we want to build a new expensive missile and put it in a Minuteman silo that the President has spent 2 years telling us is vulnerable?

No. 2, the only conceivable reason to build an MX missile, which is more accurate, is to put at risk the Soviet land-based missiles. The only reason to put at risk a Soviet land-based missile is not to put at risk an empty silo—it is to put at risk a silo with a missile in it and that spells a first strike capability for this country. That means that the MX is a destabilizing weapon.

□ 1850

We have a term up in the ranching country of North Dakota for the Aspin amendment. We would call it—All hat and no saddle. It does not make a bit of sense. It is a useless and impotent weapon system we should not buy and that we cannot afford.

Finally, I want to ask one question of those who so fervently support this weapons proposal. Where on Earth are you going to get the money for a weapon system that does not make any sense? With a $200 billion Federal deficit, we better start thinking about internal security as well as external security. Those Federal deficits that come from buying all of these gold plated weapons programs are going to bankrupt this country.

Let us scrap this missile program—we do not need it, and we cannot afford it.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, the issue of avoiding nuclear war is perhaps the most grim and important question that faces this planet today. Part of that solution is to achieve a mutual and verifiable nuclear arms reduction of dramatic proportions. But the truth is that you do not achieve that simply by wanting it to happen. It has to be a result of very tough decisions that need to be made. And our adversaries must be aware of the fact that we are willing to make the commitment to action and at the same time be willing to make the negotiated agreement that will make the world a safer place.

The proposal of the gentleman from Wisconsin, Mr. ASPIN, is the opportunity for us to have real arms reduction negotiations. His amendment keeps the MX program alive but imposes a moratorium for a period of about 10 months. Simply, to give the Soviet Union everything they want without bargaining for it is no way to induce them to engage in negotiations. In effect, the amendment that is being proposed creates a moratorium. It keeps the production line open but says to the Russians, "If you respond, we will not go forward."

That is precisely the way President Kennedy was able to bring about the successful treaty that was negotiated banning atmospheric nuclear tests. He made a proposal, a moratorium, and indeed the Soviet Union did respond and we did achieve the treaty.

How did we get the Anti-Ballistic Missile Treaty? The Soviets had ABM capability and would not negotiate. But, immediately after Congress voted for our ABM System, the Russians agreed to negotiate a treaty and we achieved one.

Without adopting the Aspin amendment what we will have done is say to the Soviet Union, "Obviously, you should not come back and negotiate, wait long enough, Congress will give you what you want to begin with."

Some have criticized the MX as being a first strike weapon and, therefore, destabilizing. These people never refer to the destabilizing nature of the Soviets' hundreds of land-based, MIRV'd, SS-18's and SS-19's. But, nevertheless, it is clear that the MX is not a "first strike" weapon.

No single weapon—or even a hundred—constitutes a "first-strike" capability. First-strike capability is based on the overall ability of an attack to destroy the enemy's retaliatory capability.

Both sides already have enough weapons to kill the world's population many times over. And, I have deep concerns about the enormous destructive capacity of the United States and Soviets nuclear arsenals. But I think it is important to recognize that, for centuries, there have been enough guns and bullets and bows and arrows to kill every person in the world. The question before us today is not: Do not we already have the capability to blow up the world? Instead, the question is: Do we permit a situation to develop that would give the Soviet Union such

enormous capability and nuclear superiority that they can merely blackmail us into submission? The Soviet capability of launching a first-strike against our counterforce retaliatory capability and still having enough weapons to launch a second massive attack after our retaliation is what we must guard against. The massive Soviet military buildup presents a great threat to the peace-loving nations of the free world. If we cannot respond to this threat, the Russians can eliminate our ability to continue to live in peace.

Some other critics have argued that there is no military value to the MX. That, also, is not true. While I have some concerns about the silo basing-mode of the MX, the fact is that only the MX has the accuracy and power to pose a threat to the hardened Soviet ICBM silos. That type of capability is needed to deter the Soviets.

The de-MIRV'd single-warhead Midgetman missile that is now under development is the best way to proceed. But that is almost a decade away. The MX development and the Midgetman are linked together and we need to go forward to enhance our security, to create a climate for negotiation and to have an arms reduction threaty that will make the world a safer place.

Finally, Mr. Chairman, let me say that we make an important step toward negotiation of nuclear arms reductions by adopting the Aspin amendment. But in the last analysis we must go beyond even that. We must work toward creating a world arms relations in which the need for nuclear weapons and nuclear deterrent is not needed. That goes beyond the number and type of missiles and warheads, for a very few can still destroy our civilization. We must avoid nuclear war and we must create a situation between the superpowers that makes living together on planet Earth not an uncertain prospect.

(By unanimous consent, Mr. ECKART yielded his time to Mr. MARKEY).

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) for a total of 5 minutes.

Mr. MARKEY. I thank the gentleman from Ohio for yielding me his time.

Mr. Chairman, soon we are going to vote on the Edsel of missile systems, the MX. This is a weapon that we do not need at a price we cannot afford.

This week President Reagan told us that he needs the MX to get progress in arms control. But last year President Reagan also told us that he needed money for the MX to achieve progress in arms control.

President Reagan, we gave you the MX money last year. In return, you promised glowing achievements in arms control. Last year we asked you, "Where's the beef?" This year we ask, "Cut the bull." We do not need any more phony arguments. We do not need any more doubletalk. You talked about progress at the bargaining table, but now you are not even sitting at a bargaining table. We are not talking about strategic arms control with the Soviets; we are not talking about arms control in Europe; we are not talking with the Soviets at any level on anything. If we could not communicate with the Soviets about the Olympics boycott, how will we communicate about a nuclear crisis?

My colleagues have been bamboozled if they ever believed that the Reagan administration would use the MX to achieve progress in arms control. Do you really believe that President Reagan is committed to arms control? Let us look at the record.

Ronald Reagan opposed President Kennedy's Test Ban Treaty in 1963; he opposed President Johnson's efforts for nuclear nonproliferation in 1967; he opposed President Nixon's SALT I treaty in 1972; he opposed President Ford's restrictions on the sale of weapons-grade material in 1975; he opposed President Ford's Zladivostok agreement in 1976; he opposed President Carter's SALT II treaty in 1979. Ronald Reagan has opposed every effort for arms control in the past 20 years.

And since taking office, President Reagan has maintained his sterling record on arms control. He refused to seek ratification of SALT II. He walked away from the negotiations on the Comprehensive Test Ban Treaty. He turned over every key arms control position in his administration to people who are philosophically opposed to arms control. He frittered away 18 months before he even came up with an arms control proposal. And when he finally did get to the bargaining table with the Soviets, his proposals were mainly public relation ploys.

As Ronald Reagan ends his term, he is the first American President since Eisenhower not to conclude an arms control treaty with the Soviets. And he is the first President since Herbert Hoover not to have met with the leadership of the Soviet Union.

Is this the kind of person who wants the MX so that he can achieve arms control?

And if you think building the MX is going to bring the Soviets whimpering to the negotiating table, you are living in a dream world. The history of the last 30 years has shown that the new weapons we have deployed have driven the Soviets to the production line, not to the negotiating table. When we deployed MIRV's, the Soviets deployed MIRV's; when we developed a long-range cruise missile, the Soviets started developing a long-range cruise missile; and when we deploy a first-strike missile like the MX, the Soviets will not rest until they deploy their own counterpart first-strike weapon.

Will that make us more secure?

Let us be direct. The MX is needed only if we want to fight a nuclear war. We already have thousands of nuclear warheads aimed at the Soviet Union. The Minuteman missiles we have in the ground are just as lethal as they ever were. The fact is, the MX is not a shoot-back missile. It is a shoot-first missile. The MX is designed to fight a nuclear war, not to prevent one. To build the MX is to tighten a finger on the nuclear trigger that could end the world as we know it. In a crisis, the MX would not be a Peacekeeper, it would be a war starter.

It is time to move back from the brink of nuclear extinction and toward national security.

Two years ago the White House and the Air Force were telling us that we need to deploy the MX because we have a window of vulnerability problem. Now the Air Force and the White House are telling us we can deploy the MX because we do not have a window of vulnerability problem.

Talk about double-talk, talk about a carnivorous vegetarian, talk about twisting the facts into a pretzel.

I say it is time to put a halt to all these phony arguments and to defeat the MX missile.

(By unanimous consent, Mr. DICKS, and Mr. MCKERNAN yielded their time to Mr. GORE.)

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. GORE).

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the Members of this House face a seeming dilemma in addressing the issue of MX missile procurement. I think all of us are reluctant to be seen as rewarding the Soviets for their intransigence and refusal to return to the bargaining table. As the President has stated, such an action would "dramatically undermine our efforts" to maintain incentives for concrete positive arms reductions.

At the same time, we recognize that based on the recommendations of the Scowcroft Commission the rationale for proceeding with MX is closely tied to arms control efforts. Negotiations on strategic weapons have been suspended and it is unclear when they will resume. Thus there is an understandable reluctance to go forward in an unconstrainted manner on MX for fear that by the time negotiations resume it will have proceeded so far as to be realistically immune to any "bargaining chip" role.

A careful reading of the Scowcroft Commission report, however, indicates that MX is seen not just as a useful

bargaining chip in the classical sense. It also provides leverage on the Soviets to alter their current course of heavy investment in large, highly accurate multiple warhead ICBM's. To date, the Soviets have deployed over 600 ICBM's of MX size or larger. By demonstrating to the Soviets that the long-term survivability of such forces has to be considered questionable, the MX can help shape Soviet force developments and encourage them to reach an arms control agreement that limits these weapons. The fact that the Soviets presently place nearly three quarters of their nuclear forces in land based ICBM's compared to our one quarter only increases the incentives for the Soviets to reach such an agreement.

If on the other hand, the United States unilaterally terminates the MX, our overall commitment to prudent strategic modernization will come into question. The hardliners in the Kremlin will argue that they should just sit back and see which system is next to be terminated, rather than return to negotiations.

Some would argue that the precise balance of land based ICBM's is irrelevent in an age of massive nuclear overkill. They may in fact be technically correct. But deterrence is fundamentally based on perceptions. To the extent that the present ICBM balance brings into question the resolve of the United States to respond in certain scenarios, stability is undermined, and nuclear blackmail, if not nuclear war, becomes more likely.

Andrei Sakharov, in his now famous open letter to Dr. Sidney Drell, sums up this argument well when he states:

> No less important a problem is that of the powerful silo-based missiles. At present the U.S.S.R. has a great advantage in this area. Perhaps talks about the limitation and reduction of these most destructive missiles could become easier if the United States were to have MX missiles, albeit only potentially (indeed that would be best of all).

Others have argued that we should proceed directly with the single warhead missile without the interim step of the MX. However, I agree with the analysis of the Scowcroft Commission. An affordable, survivable single warhead ICBM is only possible in an arms control environment that puts controls on MIRV'd ICBM's and provides disincentives for their proliferation. And such an agreement is much more likely if we do not act to unilaterally terminate the MX. It is in this way that the three elements of the Scowcroft recommendations work together. Without any one element, the others lose their rationale.

Another issue of contention involves the survivability of the MX in existing silos. I would note first the irony of many Members, who have consistently opposed MX, arguing this point fervently when only a few years ago when we were debating the MPS basing system they consistently dismissed the vulnerability argument. Clearly they cannot have it both ways.

When one views the totality of our strategic triad, the survivability of our ICBM leg, when viewed in isolation, can be put in perspective. The synergistic relationship between the legs of the triad, and the fact that unlike the Soviets we maintain over half our warhead inventory in survivable submarines, make this question less critical for us than for the Soviets.

A recent GAO report has raised the issue of silo hardening. Indeed preliminary U.S. tests have shown promise for "superhardening" silos, and we have a research program underway to determine if this could be applied at some future date to any MX force we deploy. The report also raises questions about the Soviet hardening effort. Personally, I hope that both sides can achieve hardness levels that will enhance survivability, and hence stability. But again, the incentive for the Soviets to go to the high expense of such an action is enhanced by the potential of MX on the horizon.

In my view the two most troubling arguments surrounding MX are the question of first-strike capability and the commitment of this administration to pursue "vigorous" arms control, as advocated by the Scowcroft report.

I share the concerns of many on the first-strike issue. That is why I joined with others to specifically receive an administration commitment on this question. In his letter of May 11, 1983, the President stated very clearly:

> Let me emphasize that we do not seek a first strike capability. To this end, we have constrained the number of MX missiles we plan to deploy to the minimum number needed to assure the effectiveness of our deterrent, and no more.

But there are widely differing definitions about what in fact constitutes a first strike capability. I am convinced that 100 MX, by themselves, come no where near giving us an even theoretical first strike capability. But there are legitimate concerns about what the cumulative impact of the MX, the D-5 Trident II missile, and the single warhead missile, all hard target accurate, will be.

It is for this reason that I am joining with my colleague from Tennessee, Mr. GORE, in offering an amendment requiring the President to report on the long-term plans for accurate ballastic missile systems and what in his view would constitute a "first strike capability." Such a report will provide some valuable guidance as the Congress considers future requests for not only the MX, but the D-5 and SICM as well.

Finally we come to the question of the administration's vigorous commitment to arms control. I believe that the President has made important adjustments in the U.S. START position to make it more negotiable and bring it in line with the Scowcroft recommendations. And clearly the bulk of the blame for the present impass must rest with the Soviets.

But the administration is not squeaky clean on this issue. I believe they missed an important opportunity to resolve the INF issue, which was central to the Soviet walkout, by its failure to aggressively pursue the so-called walk in the woods solution developed by Ambassador Nitze.

The administration's unwillingness to do anything more than indefinitely "study" arms control options for space also undercuts the credibility of their commitment to negotiated solutions.

And recent press statements by a wide range of administration officials questioning the rationale behind the ABM treaty, speculating on whether we will continue to adhere to SALT II, and rhetorically suggesting we may have to abandon treaties and resort to "classical defense" have combined to seriously undermine the administration's credibility on this issue.

The recent statements from the President reaffirming his intention to adhere to existing treaties in addition to seeking further agreements have been helpful, but the doubts remain.

Ironically, the MX program can also serve to provide leverage on the administration on this issue. It has already helped shape positive adjustments in our START position and it holds the administration to following the full range of Scowcroft recommendations.

How do we resolve the dilemma of providing the kind of leverage we desire both on the Soviets and on reluctant actors in this administration? I do not believe it is by terminating procurement of the MX with the Bennett-Mavroules amendment. Regardless of the arguments that the R&D funds would remain, I do not think there is anyone in this Chamber that would deny that what we are really saying with that amendment is that MX should be immediately terminated.

I believe the approach of the Price-Dickinson amendment presents a better balance. It slows the MX planned procurement substantially so that we do not become overcommitted before arms control negotiations have a chance to resume. But it clearly signals that we are not willing to reward the Soviets with unilateral termination of the program.

In addition, it provides a positive reward for Soviet good behavior, through the extension of the 6-month fencing mechanism if they are taking steps to help control these forces, primarily by a return to serious arms negotiations.

The fencing mechanism also allows whoever is elected President in November to make the decision on proceeding with MX, and if he does it also gives Congress a chance to determine whether in fact the parties are bargaining in good faith.

As was repeatedly stated last year by those of us who have tried to forge a bipartisan consensus on strategic modernization, the Congress will have frequent opportunities on annual authorization and appropriations bills to control the direction of the MX program. We have already voted to reduce the number of missiles procured last year, limited the number of them that could be deployed to 10, and have tied MX progress to that of the small missile.

With this amendment we are again modifying the program toward a more constrained and prudent pace. We are indicating a willingness to hold off if the Soviets do in fact decide to seriously bargain. This is the essence of the Sakharov statement on the United States having the potential of the MX as an incentive to the Soviets.

For all these reasons I urge support of this amendment.

Mr. GORE. Mr. Chairman, the heart of this issue is whether the United States has a political system which is capable of supporting an arms control process. It is a serious question, the answer to which hangs in the balance today. The stalemate which we now have in strategic arms control does indeed owe a great deal to misconceptions and ill will on the part of the Reagan administration during its first 3 years. It is also true that there are continuing deep divisions within the administration on the general question of arms control, and it is true that the President has not disciplined his administration as effectively as he should have to speak with one voice.

But it is also undeniably true that the President of the United States and his administration has kept the bargain he made by revising our Nation's position in the START talks and pursuing a position which the arms control community concedes is a reasonable and good position, and they pursued it vigorously and in good faith.

The deepest causes of the arms control stalemate lie in the obstinacy and the ambitions of the Soviet Union. It is the Soviet Union and not the United States which walked out on the arms control negotiations.

I had the experience of personally asking President Reagan to privately and without publicity send Gen. Brent Scowcroft to the Soviet Union as a private emissary, with authority to talk to the Soviet leaders and deliver a message from the President about his desire to get these talks back on track. For 4 days the Soviet leaders refused to see him, they refused to accept delivery of the letter. The administration has tried hard and in good faith to get those negotiations back on track and to pursue meaningful arms control and the START negotiations.

There is no more excuse of the Soviet boycott of the START talks in Geneva than there is for the Soviet boycott of the Olympic games. Both are tactics based on a calculated intention to intimidate and thereby influence the policies of our Government and even the Presidential election.

The raw fact of the matter is that if the Congress of the United States cancels the MX because the Soviets have suspended the arms control process, we shall have given the Soviets for free what ought to be available to them only in a fair exchange of values.

□ 1900

We have before us in the Bennett-Mavroules amendment what purports to be a compromise measure designed to create merely a hiatus in the MX program. But all of us on all sides of this issue know that the purpose of the amendment is to abolish the MX missile once and for all; that is the intent.

We also have before us the Price amendment or the Pritchard-Aspin amendment, which seeks for the second time, to continue to link the MX missile with the arms control process. Such a linkage was established for the first time early last fall when the administration bowed to pressure from Congress and undertook a major renovation of its approach to strategic arms control.

If we pass Bennett-Mavroules, the Soviet Union's decision to treat that development with contempt, will have paid off for them. If by contrast we pass the Price amendment, the Soviet Union must again confront a choice in which it has something to gain as well as something to lose. The Price amendment or Pritchard-Aspin amendment gives the Soviet Union 6 months to think things over. For these 6 months, funds otherwise intended for the production of the MX missile will be fenced in. If the Soviets return to the negotiating table, and bargain in good faith, the possibility of an additional delay exists. If the Soviet Union refuses to return, then the missile will be produced.

Vote for arms control; vote for the Price amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Chairman, this has been an excellent debate, and here is the import of what I have heard from the proponents.

No. 1, anything we do not build constitutes unilateral disarmament. That is patent nonsense.

Second, MX is not essentially a bargaining chip; I heard Ambassador Rowney say that this morning. But then the President says, "Without it, the incentive for the Soviets to return to the negotiating table is greatly reduced." That is patently inconsistent.

Third, any rejection of more military strength is weakness; some have implied that. That kind of thinking, if it is adopted universally, is a likely ticket to mutual doom.

The fourth argument we have heard: the process is more important than the product. Or, another form, if the other side walks out of negotiations, we have to automatically go ahead, because otherwise we would be rewarding intransigence. Well, there is more weight to that argument than the other three. But if it is applied universally, regardless of the merits of the issues underlying the walkout, it is likely to lead to escalation after escalation.

Keep the MX alive at any price—that is the purpose of the Aspin amendment. But there is no price worth the cost of keeping MX. The longer any governmental program goes on, the harder it is to terminate it. For MX, the time to terminate is now. I urge opposition to the Price amendment, and that we support the Bennett-Mavroules amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I yield to the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, the silo-based intercontinental ballistic missile (ICBM) force has been and continues to be a mainstay of both the U.S. and U.S.S.R. strategic deterrent. This leg of the triad has the unique qualities of being visible, verifiable, controllable and has low operating and maintenance cost.

Each side has the ability to monitor and assess the changes in this force. The missile, and warhead count is known; the modification/capability improvements are known. There is great assurance of being able to communicate with and therefore fully control this system at all times.

The silo vulnerability issue has received more than its share of criticism. We have never lost a silo-based missile in conflict. Planes have been shot down, submarines sunk but we only lose silos in negotiations. The United States has not upgraded its silo-based ICBM force since 1970. The Soviets have deployed 1,238 ICBM missiles since 1970. Only 160 of their missiles were deployed prior to 1970. Our ICBM force, while still effective as a deterrent, is in need of modernization and will in fact be 20 years old before the MX is fielded. Our present force of Minuteman, 450 Minuteman II's, and 550 Minuteman III's, were designed for a 10-year operational life. Major action has begun to correct the

deteriorating physical condition of the missiles and the launch facilities.

The eventual breakdown of propellant in the upper stage of the missiles had been predicted and has now come about. Second stages are being repoured and nose tips are being replaced. The silos and launch control facilities have been eroded by water seepage and are in need of general renovation. This work will begin in 1985.

The big concern about Minuteman is the shortfall in hard-target kill capability.

Since the mid-1970's, the Soviet Union has hardened or superhardened most of its ICBM silos and control facilities, and it appears that most of them will be superhard by the 1990's. The Minuteman warhead, based on technology developed in the early 1960's, was never designed to attack targets hardened to these levels.

Soviet hard-target capability, however, has been improving by leaps and bounds. Late model SS-18 and SS-19 systems have significant destructive potential against U.S. ICBM silos.

The MX missile is designed to fill this U.S. gap primarily through improved accuracy and starting last June, MX flight tests, "have been" meeting the extreme high accuracy that was expected.

Altogether, 20 such tests are scheduled through the end of 1987. The first nine from above-ground test stands, the remainder from silos replicating those in which the ICBM's will be emplaced at F. E. Warren AFB, Wyo. Construction of 15 base-support buildings will begin at Warren this spring. MX will start going into silos there in 1986 and the first 10 missiles will be operational by the end of that year. The full complement of 100 MX's is expected to be operational by the end of 1989.

There are now 200 Minuteman III ICBM's on alert around Warren, with silos in adjoining corners of Wyoming, Colorado, and Nebraska. Modifications of half of those silos for the MX will be relatively minor. The silos will not be hardened above present levels. But the MX will be given added protection in the form of new shock isolation systems, and by means of the canisters in which they are designed to repose.

MX is a four-stage missile configured to deliver 10 reentry vehicles (RV's) to disparate targets at ranges of more than 5,000 miles. Its first three stages use solid propellants. Its fourth stage—the postboost vehicle embodying up to 10 RV's—gets its power from a liquid propellant, axial-thrust engine. Eight small engines provide attitude control. The postboost vehicle also contains the missile's guidance and control system and a deployment module.

The guidance system is the prizewinner. MX classified circular error probable (CEP) will be significantly tighter than the Minuteman III CEP, which is believed to be about 700 feet. Such accuracy, together with the MK 21 RV's payload, will make MX the unrivaled hard-target destroyer in the U.S. strategic arsenal.

Mr. Chairman. The defense of this Nation must not be predicated on emotion.

I hope the House will support the amendment offered by the committeeman from Wisconsin.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the Price amendment, and if not adopted, in effect this kills the MX program. We end up with a bunch of old, outdated missiles that cannot hit the target.

We found in the Carter administration, when we slowed down military spending, the Soviets speeded up. So if we stop here tonight, the Soviets are not going to stop building missiles.

President Eisenhower had a gentleman's agreement with the Soviets; no testing of nuclear weapons and we were negotiating in Geneva. All of a sudden the Soviets started exploding nuclear weapons all over the place. They caught us short; we fell behind in nuclear testing and equipment and we cannot let this happen again.

We have a hard time catching up with the Soviets; so let us stay in the ballgame, my colleagues, let the Soviets walk out but not us. Let us support the Price amendment.

Mr. LOWERY of California. Mr. Chairman, today I rise in opposition to the proposed amendment which would delete the fiscal year 1984 funding authorization for the MX missile.

For over 20 years, the United States has relied on a combination of land-based missiles, sea-based missiles, and bombers to deter Soviet aggression. This strategic triad insures that the U.S. forces will be able, under all conditions, to retaliate after a Soviet first strike.

Intercontinental ballistic missiles (ICBM's) offer a unique contribution to the effective deterrent value of the strategic triad. They are accurate, responsive and reliable, and they offer alert rates approaching 100 percent. These high alert rates and excellent supporting communications systems make ICBM's the most responsive element of the triad. The ICBM's ability to put hardened Soviet targets at risk is essential to effective deterrence. ICBM's, therefore, make it more difficult for the Soviets to plan and execute a successful attack on all three triad components.

We face growing asymmetries, however, with respect to our capability against hardened targets. Since the late 1960's, the Soviet Union has engaged in a massive and destabilizing strategic arms buildup that threatens the survivability and retaliatory effectiveness of the triad.

Specifically, the Soviets have developed and deployed numerous large and highly accurate weapons. The Soviets have also taken steps to reduce our ability to retaliate. They have hardened their ICBM silos and critical command and control facilities to the point that our Minuteman missiles have only limited capabilities against them. This imbalance is such a critical component of strategic capability that it seriously undermines the strength of our nuclear deterrence. The MX is essential to redress these asymmetries as soon as possible and to encourage the Soviet Union to negotiate arms reductions.

As reported from committee, H.R. 5167 authorizes $2.5 billion for procurement of 30 MX missiles—10 missiles and $400 million less than the President argued was necessary in his budget request.

However, Mr. Chairman, the proposed Bennett-Mavroules amendment calls for the elimination of funds authorized for the MX, maintaining that MX funds would better be used for the modernization of conventional forces and for rebuilding the U.S. Navy. The two gentlemen offering this amendment also argue that the MX is destablizing because they believe it is not survivable and hence promotes launch on warning.

Mr. Chairman, the Bennett-Mavroules amendment must be rejected by this body because it relies on unsound fiscal, military, and diplomatic reasoning. The Bennett-Mavroules amendment is nothing short of unilateral disarmament.

First, decrying the rise in military procurement and overall defense spending because of its impact on the deficit and then arguing that the moneys deleted from MX funding should be used for the modernization of our conventional capability does absolutely nothing to reduce the deficit. Obviously, the simple transfer of $2 billion from nuclear arms to conventional forces does nothing to subtract from total spending.

To the contrary, the loss of hard-targetting capability as a result of this amendment would pose serious threats to our overall deterrence and would require vastly increased conventional defense expenditures to provide for the defense of the Western alliance. Mr. Speaker, this amendment does not save money. On the contrary, its long-term consequences would be greater deficits.

Second, deleting the MX funding now would do great harm to our strategic posture.

According to the bipartisan Scowcroft Commission, America's ICBM force has three main strategic purposes: one, serving as a hedge against possible vulnerabilities in our submarine force; two, introducing complexity

and uncertainty into any plan for Soviet attack because of the different types of attacks that would have to be launched against our ICBM's and our bombers; and three, helping to deter Soviet threats of massive conventional or limited nuclear attacks by the ability to respond promptly and controllably against hardened military targets.

However, our current ICBM force lacks the requisite yield and accuracy to threaten retaliation against hardened Soviet assets, and are vulnerable themselves to a Soviet first strike. It was for this reason that administrations of both parties saw the undeniable need for a modernization of our ICBM forces.

In its report on the U.S. strategic posture, the Scowcroft Commission recognized that no single weapons system or basing mode would be able to solve all of our problems and meet all of our requirements for both the near and the longer term. The Commission's recommendations, which the President accepted and Congress approved, calls for the deployment of 100 MX missiles in Minuteman silos as one element of an overall strategic force modernization and arms control package. Deployment of the MX will eliminate the Soviet monopoly of prompt hard-target capability.

Although the authors of this amendment have professed great concern about the possible vulnerability of the MX missles based in silos, the Scowcroft Commission asserted that silo vulnerability "is not a sufficiently dominant" part of the ICBM modernization problem. While silo-based MX's are vulnerable when viewed in isolation, the entire U.S. strategic force must be taken into account. The Soviets could not destroy all U.S. strategic forces, so would face an unacceptable retaliation even if they did destroy the MX force.

In addition, tests last year of steel-clad and steel-reinforced concrete structures reveal that structural hardness levels of over 25 times that of current silos may be achieved.

Third, the Bennett-Mavroules proposal amounts to nothing more than unilateral disarmament and rewards the Soviets for abandoning the negotiating process. Our support for the MX at this time is crucial to the development of a solid foundation for progress in arms control and is key to the conduct of an effective foreign policy.

In the words of Secretary of State Shultz:

> Dilution or abandonment of our strategic modernization goals would be a concession that rewards the Soviets for their withdrawal from arms control negotiations. It would also add a large measure of success to Soviet efforts to limit the U.S. force modernization without negotiating and without concessions of their own. The only way to achieve the reductions we seek is at the negotiating table. In view of the Soviet refusal to resume nuclear arms control negotiations, full implementation of the Scowcroft Commission's recommendation is even more important today to provide an incentive for the Soviets to return to arms control negotiations.

Before we attempt to somehow persuade the Soviets to disarm by offering to do it unilaterally, we must ask ourselves why it was that the Soviets left the strategic arms reduction negotiations in Geneva.

Mr. Chairman, we must not forget what has transpired in the last year which led up to the Soviet walkout. The Soviets have replaced one aging decrepit leader with another, paralyzing their decisionmaking process and making any kind of bilateral negotiations difficult, if not impossible.

During its transition period, the lack of clear command in the U.S.S.R. contributed to the decision to shoot down an unarmed Korean air liner. Soviet attempts to influence the German elections were rebuffed and the Soviets were unable to prevent the scheduled deployment of Pershing missiles in Europe. It was in the context of a leadership crisis in the U.S.S.R. and an across-the-board failure of the Soviet policy of intimidating Western Europe, that the Soviets first abandoned the Geneva negotiations.

The Soviets stalled in Geneva in an attempt to prevent the deployment of Pershings and they stalled in Geneva in an attempt to prevent the deployment of the MX. The Soviets withdrew from those talks when the West remained firm. To adopt the Bennett-Mavroules amendment would be to give them unilaterally what they refused to negotiate, rewarding them for their intransigence.

Mr. Chairman, even some of my colleagues from across the aisle have stated what a diplomatic blunder this amendment would be: "The result would be to give the Soviets what they want without the bother of going back to the INF talks in Geneva * * *. The fundamental question is whether we are prepared to reward the Soviet Union for leaving the negotiating table. A vote for zero MX's rewards Moscow for leaving the table."

In conclusion, Mr. Chairman, the Bennett-Mavroules amendment is the wrong action at the wrong time. It sends the wrong signal, and it undermines all legitimate attempts to persuade the Soviets to reduce their own forces.

● Mr. RICHARDSON. Mr. Chairman, the question of whether to continue funding production of the MX missile system is unquestionably the most important and fateful issue to come before the 98th Congress.

This is not simply just another weapon system. If we continue to proceed down this MX path, we will have entered new territory for which we have no known road maps. We will have crossed the threshold into the world of first-strike capability and launch on warning.

Air Force studies still concede that the Minuteman silos, in which our MX missile would be placed, are vulnerable to Soviet attack. All the evidence indicates that by the time we deploy the MX in the late 1980's, Soviet improvements in missile accuracy could result in their ability to destroy 99 percent of our fixed silo-based missiles, including the MX. Not only does this add nothing to our retaliatory capability, indeed it forces us, in violation of all American principles and declared official policy, to use the MX as a first-strike weapon. If the Soviets attack us first, there won't be any MX's left, so the MX would have to be launched first if it is to do the job it is intended to do—knock out the Russian ICBM's.

Additionally, I do not believe that procuring weapons as bargaining chips is the best way to either accumulate leverage or to achieve negotiations. We have ready in our arsenal D-5 missiles in our invulnerable Trident submarines in addition to our retrofitted Minuteman III missiles as well as our ground- and air-launched cruise missiles. Those forces provide us with the power to insure not only effective deterrence but bargaining leverage as well in arms control talks.

So let us take one small step back from the brink. Deployment of the MX is a needless escalation of the arms race that can only make genuine arms control even more remote than they seem today. Let us return to the path of sensible strategic weapons policy and serious arms control.●

● Mr. SHUMWAY. Mr. Chairman, I rise in strong opposition to the Bennett-Mavroules amendment which deletes the authorization for the procurement of the MX missile. While I recognize the complexity of the issues regarding MX production, I strongly believe a vote for zero MX missiles is a vote to limit U.S. force modernization without negotiation and to reward the Soviet Union for walking away from the negotiating table in Geneva.

Mr. Chairman, less than 1 year ago, this body concluded that it was in the national interest to go forward with the immediate deployment of the MX missile as recommended by the President's Commission on Strategic Forces, commonly known as the Scowcroft Commission. At that time, we reaffirmed the importance of the MX as an essential element of an overall modernization program that includes development of a small, single-warhead ICBM and ambitious arms-control proposals directed at achieving greater strategic balance between the United States and the Soviet Union. In my view, support for the deployment of the MX indicates the urgent need to strengthen not only our military

posture, through modernization of the U.S.'s aging land-based leg of the strategic triad, but our negotiating posture as well. I firmly believe that the United States cannot expect to negotiate with the Soviets for meaningful reductions from a position of weakness; clearly, the Soviet's strategic advantage in ICBM forces must be addressed if we are to negotiate successfully.

Yet while 1 year ago our vote in favor of the MX demonstrated the resolve of our Nation to address the existing imbalance in ICBM capabilities and to improve our arms-control leverage, a vote today to abandon the MX will demonstrate our willingness to unilaterally limit U.S. force modernization and to reward the Soviet Union for its withdrawal from arms control negotiations in Geneva.

Let us not forget, Mr. Chairman, that it was the Soviet Union which walked out of both the intermediate nuclear forces (INF) and strategic arms reduction talks (START) talks in Geneva last December, not the United States. Since that time, the United States has made it clear that it stands ready to resume negotiations without preconditions. Despite our appeals, however, the Soviet Union has shown no interest whatsoever in resuming negotiations.

Mr. Chairman, I certainly agree that the United States must pursue all reasonable and appropriate avenues to bring the Soviet Union back to the negotiating table. I submit, however, that a decision by the United States to unilaterally kill the MX is hardly an effective inducement for the Soviet Union to resume meaningful, good-faith negotiations. Unilateral strategic arms reductions and limitations by the United States have not persuaded the Soviets in the past toward similar action. Rather, the defeat of the MX at this time would undermine our negotiating efforts and encourage continued Soviet intransigence by giving the Soviet Union what it sought to gain at the Geneva talks, without the United States securing commensurate concessions.

We should not be rewarding the Soviet Union for leaving the negotiating table. Rather, we should be encouraging their return to these vital talks, for it is only through negotiation that we will achieve the reductions which we all seek. I therefore believe the alternative offered by Congressmen ASPIN and PRITCHARD represents an option far preferable to the abandonment of the MX program.

I therefore urge my colleagues to join me in supporting continued funding for the MX missile. As the Soviet Union continues its aggressive policy to achieve relative superiority in ICBM's, the United States cannot afford to delay the MX program any longer. We must follow through on the implementation of the Scowcroft Commission's recommendations, of which the MX is an integral element, if we are to maintain incentives to encourage the Soviet Union to return to the negotiating table. Mr. Chairman, to limit unilaterally the U.S. strategic modernization program and to reward the Soviet Union for suspending arms control negotiations is not the way to achieve the effective and mutually verifiable arms control agreements which we all seek to achieve.●

● Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of the amendment offered by Congressman CHARLES BENNETT and NICK MAVROULES to H.R. 5167, the Department of Defense Authorization Act for Fiscal Year 1985. this amendment would delete $2.8 billion in procurement funding for the next 30 MX missiles. It is time for the House to put a stop to the production of this expensive and destabilizing weapons system.

Last year a majority of the Congress agreed to authorize production of the first 21 missiles as part of a package of recommendations issued by the President's Commission on Strategic Forces—the Scowcraft Commission. This three-part package consisted of deployment of the MX, development of a new Midgetman missile, and new arms control initiatives in Geneva. President Reagan's commitment to follow the Scowcraft Commission's proposals for arms control lasted only as long as it is necessary to open the production line for the MX missile.

As we are well aware, last year the Reagan administration touted the MX missile as a "bargaining chip" for use in arms control negotiations with the Soviets. Now that the strategic arms reduction talks [START] are suspended, the administration has found a new role for the MX as a means to encourage the Soviets to return to the bargaining table. The administration has been unwilling to use the first 21 MX missiles as a means to convince the Soviet Union that it should negotiate reductions in nuclear weapons. In fact, each of the Reagan administration's START proposals has included deployment of the MX missile. The MX missile never was intended to be and never will be bargained away by this administration.

In the MX, the United States is constructing a missile system that will profoundly reshape the nuclear strategy of our Nation. With its hard-target capability and multiple warheads, the MX is a destabilizing missile that provides an all too inviting target for Soviet ICBM's. Even supporters of the MX acknowledge that these missiles will be vulnerable targets when deployed in Minuteman silos. The Air Force itself admits that by 1996, only 1 percent of the MX's would survive a Soviet surprise attack. Since these missiles would be destroyed by such an attack, the only viable strategic role for the MX would be as part of a U.S. first strike attack on the Soviet Union or as a part of a launch-on-warning retaliatory attack against the Soviets. Such a nuclear defense strategy not only substantially increases the chances of an accidental nuclear war, but also severely limits the options of the President. If the United States is relegated to the adoption of launch on warning to save the MX missiles, the last human link in the chain of nuclear war decisionmaking will be eliminated.

The U.S. strategic arsenal is replete with less vulnerable nuclear weapon systems. Among others, air-launched cruise missiles (ALCM) and submarine-based missiles provide accurate and nearly invulnerable nuclear deterrents and are more attractive options than the MX. As a result of their survivability, these weapons are not destabilizing systems that serve as an incentive for a Soviet first strike. These systems are also part of an ongoing effort to modernize our nuclear arsenal. This modernization includes retrofitting of Minuteman missiles with new warheads, deployment of additional Trident submarines, new cruise and Pershing II missiles, and development of the Midgetman. With these new systems, we simply do not need a dangerous and ineffective missile such as the MX. Cutting the MX missile will not weaken our national defense, but will instead lessen the likelihood of a nuclear war.

Aside from the strategic shortfalls, the authorization for these missiles should be deleted because of their excessive cost. When annual budget deficits continue to hover near the $200 billion level, we cannot afford to purchase such an ill-advised missile. It is estimated that the total cost of 100 MX missiles will exceed $15 billion from fiscal years 1985 through 1989. Let us not fool ourselves; every dollar spent on these missiles adds a dollar to the Federal deficit. Deficit control has become synonymous with moderating increases in military spending. We simply cannot continue to lavish money on the Pentagon when important education and social programs have been reduced in recent years. I urge my colleagues to support this crucial amendment and halt the procurement of the MX.●

● Ms. KAPTUR. Mr. Chairman, I rise in support of the Bennett-Mavroules amendment to delete funding for production of the MX missile. Passage of this amendment would constitute a crucial step in halting the escalation of the nuclear arms race. Further, production of the MX diminishes our national security and would be a wasteful expenditure of billions and billions of dollars at a time when our Nation confronts the largest budget deficit in

its history. Such an expenditure only undermines our economy, the health of which is the true bedrock of our security. The MX, Mr. Speaker, is both an economic and defense policy mistake—a mistake our country cannot afford to make.

Last year, President Reagan was able to garner support for the missile by claiming that it was necessary to achieve arms control, a so-called bargaining chip. As many of us predicted then, the MX has not advanced arms control—negotiations have been suspended and an intensive arms buildup continues. According to former CIA Director, William Colby:

> The "bargaining chip" theory upon which prior decisions to go ahead with the MX were taken, has little relevance in the current stalemate of the U.S. and U.S.S.R. nuclear negotiations.

In fact, Mr. Colby believes that—

> Suspension of the MX could serve as a useful signal to encourage a reopening of arms control negotiations between the Soviet Union and the United States.

Mr. Colby states:

> While I do not believe in unilateral concessions to the Soviets, I do believe that abandonment of this useless and dangerous weapon can be justified in our own interest independently of the Soviets. This step, accompanied by vigorous diplomacy, could provide the Soviets the face-saving positive move by the U.S. that they have demanded after the defeat of their campaign to block the deployment of Pershing and cruise missiles to Europe.

The MX continues to be a missile in search of a purpose. It remains no less vulnerable to attack today than studies demonstrated it was last year. In fact, the evidence grows.

Repeatedly, experts in the defense establishment have warned that if the MX is deployed in existing silos, it would not survive a Soviet first strike. Yet, we have decided to put the MX in those very Minuteman silos which have been deemed to be too vulnerable. An Air Force study showed that by 1996 only 1 percent of MX's would survive a Soviet surprise attack, thus adding virtually nothing to U.S. retaliatory capability. No nation in history has proposed to spend so much money on such a vulnerable weapons system.

Given that it is so vulnerable to attack, the MX will undoubtedly be perceived by the Soviets as a first strike weapon. As such, it will only lead to a further fueling of the nuclear arms race. A recent GAO study states that according to information supplied by the Air Force, the Soviet Union has already increased the hardness of its silos threefold since the MX missile entered full development in September 1979. The study goes on to say, "The ability of the Peacekeeper to accomplish its mission may have been impaired because a major change has occurred in the threat it was initially designed to overcome." Because the MX Peacekeeper is vulnerable, it could lead to a launch-under-attack response to a Soviet threat, thereby, increasing the probability of accidental nuclear disaster. The real danger of preparing a showpiece to dissuade the Russians is that this showpiece will lead to destabiliation, threating world peace, not enhancing it.

Futhermore, we must not dismiss the exorbitant cost of the MX. While budget deficits threaten economic recovery, are we in the Congress going to proceed with the production of a controversial missile with a total price tag of over $30 billion? The GAO report previously mentioned has further indicated that there are serious technical difficulties with the MX. The Air Force, for example, will not be able to adequately test various key MX components before the missiles are scheduled to be deployed, and problems with other components have yet to be solved.

Over 30 years ago, President Eisenhower stated the costs of unnecessary military spending, such as the MX, on our citizens:

> Every gun that is made, every warship launched, every rocket fired signifies a theft from those who are hungry and are not fed, those who are cold and not clothed. This world in arms is not spending money alone. It is spending the sweat of its labors, the genius of its scientists and the hopes of its children.

The United States has redundant firepower in its nuclear arsenal to wipe out the Soviet Union many times over, without building and deploying the discredited MX at enormous cost. At best, the MX is a foolish project; at worst, it will dangerously escalate the nuclear arms race. I urge my colleagues to stop this ineffective missile now before much more money is wasted. Support the Bennett-Mavroules amendment to strike all MX procurement funding.●

● Mr. COYNE. Mr. Chairman, I rise in support of the amendment offered by Mr. BENNETT and Mr. MAVROULES which would strike all funding for procurement of the MX missile.

The MX is a weapons system which makes little sense from the military or the economic perspective.

If we are to measure its utility by asking whether the system adds or detracts from our national security, I would suggest that by the nature of the weapon, it most certainly detracts.

A weapon of this sort can indeed make us less secure rather than more secure. Air Force studies indicate that by 1996 only 1 percent of the MX's would survive a surprise Soviet attack. A weapon of such vulnerability clearly does not rank as a defensive weapon. This suggests a more probable use as a debilitating, first strike weapon.

I do not need to remind my colleagues that it has never been the policy of this Nation to launch a nuclear first strike. Nor should we develop weapons systems which must be launched on warning of a Soviet attack, as some have suggested the MX should be used. This option sharply reduces the amount of response time a President needs to avert a nuclear war.

The administration was able to secure approval of the MX in Congress last year by arguing that the weapon was needed as an arms control bargaining chip with the Soviet Union.

In terms of reducing the chances of nuclear war, are we better off now than we were a year ago?

We are not. We promote an upward spiral of arms building, matched by the Soviet Union, when we commit ourselves to a new weapons system such as the MX missile.

If we are interested in progress at the bargaining table, let us take a step toward arms limitation. We can do it by eliminating the $2.7 billion request for procurement of 30 MX missiles, as this amendment provides. We can then challenge the Soviets to take a similar step, moving away from the war rooms toward the bargaining table.

We have much to gain from such an action and very little to lose in our defensive capability. As I have pointed out, only 1 percent of the MX missiles will survive a surprise attack by the mid-1990's. We can do without this vulnerable weapon without lessening our ability to deter attack. While 75 percent of the Soviet nuclear force is land-based, only 25 percent of the U.S. force is based on land. Our nuclear submarines and nearly invulnerable B-52's assure our deterrence.

This amendment, if approved, could be a turning point in national defense, reversing an unfortunate trend toward more spending on nuclear weapons, often at the expense of more legitimate needs. Strategic weapons spending over the last 10 years has increased 125 percent in constant dollars. Weapons procurement has increased 151 percent in constant dollars. Spending on personnel needs has gone up only 14 percent in real terms. It would be wiser for this Congress to direct attention away from increasing the amount of nuclear firepower toward the readiness of our personnel.

One simple observation should be kept in mind as we are asked to vote on such items as the MX: More nuclear weapons do not lessen the chances for nuclear war, fewer weapons do. By refusing to add another weapon to the arms race, we add not only to our national security, but to the world's security.

I urge a yes vote on the Bennett-Mavroules amendment.●

● Mr. EDGAR. Mr. Chairman, I rise in support of the Bennett-Mavroules amendment.

It is ironic—though altogether appropriate—that the debate on the MX in Congress should begin now. Just yesterday, the Arms Control and Disarmament Agency released a study of world military expenditures.

As the study notes, such expenditures grew substantially in the last decade, from $300 billion in 1972 to over $800 billion in 1982. And they are projected to exceed $1 trillion by next year.

Are these data trying to tell us something here today? How can it be that since we started on this arms spiral Peacekeepers have taken us further away from peace, and bargaining chips have only succeeded in raising the ante in nuclear confrontation? Are such systems as MX more the problem rather than the solution?

What makes this growth in arms particularly troublesome is that the true costs are often hidden. They are best indicated by the resources which have to be diverted from the civilian to the military sector. President Eisenhower understood well the opportunities given up when he once commented that the real costs of increased arms were the hospitals we could not build and the schools we could not support.

The MX has similar costs: A single MX missile could provide 1 month of average unemployment benefits for 145,000 unemployed workers, or 6 months of average food stamp benefits for 286,000 Americans.

Yet the contribution of the MX to our national security is questioned by many defense experts, even as it erodes our economic strength at home.

It is questioned because it is a destabilizing weapon—its greater accuracy increases the threat to Soviet ICBM silos, while its 10 warheads make it an attractive target to Soviet war planners.

It is questioned because it is a poor bargaining chip—a Soviet refusal to trade for the MX would leave the United States with expensive, vulnerable missiles poorly suited to their deterrent mission.

And it is questioned because it is wasteful—our Minuteman force, which we are currently modernizing at tremendous cost, will fulfill the ICBM deterrent mission for years to come.

At a time when we are confronting deficits as far as the eye can see, and when we will be asked almost daily over the next several months to balance budget priorities, spending $15 billion over the next 4 years for MX is unconscionable. Even maintaining MX production at low rates will only create additional pressure for higher spending in the future and make deficit control a much more difficult task.

Our defense dollars can go for more needed areas—particularly a revitalized conventional force, operationally ready, and with incentives designed to recruit and maintain skilled personnel.

As we progress in this debate, let us keep these priorities clear.●

● Mr. BEDELL. Mr. Chairman, I rise in support of the Bennett-Mavroules amendment and urge my colleagues to join with us in support of its passage. Mr. Chairman, in my view the amendment before us now is vital to the long-term national security of the United States and its allies. The purpose of this amendment is straightforward—the amendment strikes the $2.7 billion in procurement funding for the MX missile that was approved by the Armed Services Committee. Why should we do this?

Quite simply, the MX remains a missile without a mission and more importantly, despite the present plan to deploy MX missiles in existent Minuteman silos, a missile without a home. We all know the justifications for the MX but I would like to review two of them.

First, during the Carter administration, we were told that the MX was absolutely necessary to offset certain Soviet advantages in heavy missiles. Thus, MX would serve to close the so-called window of vulnerability and preserve the balance of strategic forces that was established in the SALT II Treaty Agreement. Many of us here today questioned the logic of that argument. Many of us contended that the MX was unnecessary and wasteful. Many of us pointed to other ongoing defense efforts such as improvements in the sea-based leg of the strategic triad that were better investments to insure the long-term national security interests of the United States. Many of us maintained that those defense efforts were the best way to close the window of vulnerability. Many of us argued that there was, in fact, no window of vulnerability and that brings me to my second point.

During his campaign for the Presidency, candidate Reagan contended that the United States had negotiated a bad deal with the Soviets in agreeing to the SALT II Treaty. However, I find it interesting to note that the United States continues to abide by this so-called bad deal agreement and I, for one, am pleased that we do. Candidate Reagan also contended that U.S. missile silos were vulnerable to a preemptive Soviet attack. In this regard, I find it even more interesting to note that the President has determined to deploy the MX in the same silos that only 4 years ago were vulnerable to Soviet preemptive attack. Upon entering office, President Reagan committed his administration to the largest peacetime buildup of U.S. defense capabilities and last year, was extremely successful in persuading the Congress to approve funding for the first batch of MX missiles which were now known as the Peacekeeper. Why did Congress approve this funding?

Well as I recall, the mission of the MX had changed. The MX was no longer necessary to close the window of vulnerability. Its new mission was far more important. The MX would not be used to accomplish two even more important tasks than it had been previously assigned. First, MX would not be used as a bargaining chip that would induce the Soviets to agree to "deep cuts" in their strategic missile forces. Second, MX would permit the development of a new small ICBM—Midgetman—that would lessen the likelihood and risk of nuclear war and provide for greater stability in superpower strategic relations. Well, in my mind, if we do determine the need to build a new small ICBM, let us do it. We do not need to build the MX in order to secure the construction of the Midgetman. These are separate issues. There is no room for linkage here. But it is on the first point Mr. Chairman—that MX would serve as a valuable bargaining chip—that I take umbrage with. MX has never been nor will it ever be a valuable bargaining chip.

The last time I looked around, there were no negotiations going on in Geneva. As a matter of fact, both sides seem bent upon building more and more and newer and more lethal versions of nuclear weapons. The Soviet Union is in the process of developing a missile similar in characteristic to the MX—a missile that is capable of carrying out a first strike. Thus, both sides move closer and closer to the adoption of launch on warning strategies that serve to preclude the loss of strategic assets in the event of a preemptive attack. Launch on warning strategies also lead us one step closer to a nuclear war through accident or miscalculation. Thus, MX does not close the window of vulnerability or preserve the relative strategic balances that were established in the SALT II Treaty Agreement. As a matter of fact, the MX may well serve to open the window of vulnerability and for the life of me, I fail to see where the MX has contributed to greater stability in strategic relationships between superpowers.

Mr. Chairman, I know that it is 1984, I know that the President is telling us that the best way to achieve less is by building more, I know that the President is telling us that the best way to get the Soviets back to the negotiating tables is by threatening them even more and I know that the President is telling us that the most lethal weapons system even designed is the best insurance policy against the outbreak of nuclear war, Mr. Chairman, try as I might, I cannot accept the complete illogic of these advisements. If the MX is really the best system through which to secure the long-term national

security interests of the United States, we should fund and build it in sufficient numbers that will allow it to live up to its Orwellian name—Peacekeeper. If on the other hand, MX is bad for long-term U.S. national security interests—and I think that it is—we should support the Bennett-Mavroules amendment and strike all funding for the procurement of the MX. In my mind, our path is clear. The MX is the wrong missile, at the wrong time. We have only one choice before us and that choice is the Bennett-Mavroules amendment. I urge my colleagues to join with us in support of this imminently valuable national security and arms control amendment.●

● Mr. DURBIN. Mr. Chairman, along with many of my colleagues, I have detailed the reasons for my opposition to this missile system. It is worthwhile to review the recent legislative history of this weapons system.

The argument that persuaded enough Members to eke out a victory in last year's fight on the MX was that the missile represented an important bargaining chip in arms control negotiations.

Now that we are not engaged in any formal arms control talks with the Soviets, or even much informal contact, it is difficult to make that same argument in this year's debate. However, this argument has resurfaced in a slightly different form. MX supporters contend that when we do resume arms control talks, the MX can be used as leverage. We have also heard the argument that canceling the MX will ease pressure on the Soviets to come back to the bargaining table.

I am not persuaded by these points. A vote in favor of the MX last year has clearly done little to promote arms control talks, and there is little reason to think that the outcome will be any different this year.

Another reason to oppose the MX has come to light over the past year. We have now begun to hear reports from the military about the growing imbalance in our combat capabilities as a result of the President's unprecedented peacetime military buildup.

The military has documented many cases of its readiness problems. All of our Armed Forces reportedly lack enough ammunition for both training and prolonged combat. They lack spare parts for our planes and other weapons; they lack noncommissioned officers to provide vital frontline leadership; and they lack sufficient transport to get troops and material to where it is needed in times of war. All of this occurred while we were shattering spending records on our military budget.

One of the major reasons for these readiness problems under the President's military buildup is the emphasis on procurement of new weapons systems at the expense of the maintenance of our Armed Forces. As one example, the budget for ammunition, spare parts and other items in war reserve stockpiles has risen from $8.3 billion in 1981 to $10.8 billion in 1984—which is a much slower rate of growth than that for weapons and equipment.

With the MX's questionable strategic value and with its lack of success as a bargaining chip, it is one weapons system that can easily be eliminated from this year's defense budget. Deletion of fiscal year 1985 production funds for the MX missile would both contribute to our effort to enforce budgetary restraint in all areas of Federal spending and encourage the efficient allocation of funds within the defense budget. I urge my colleagues to keep this in mind while casting their vote. Let us vote for a strong defense, but not for a wasteful and questionable missile system.●

● Mr. WOLF. Mr. Chairman, the issue we are considering today is a very difficult and complex one. Because I am concerned about the ability of the United States to participate in meaningful arms-reduction negotiations, which insure the best interests of this country and peace in the world, I rise in support of continued development of the MX missile with the conditions provided in the Price-Aspin-Pritchard amendment to the defense authorization bill.

The Soviets are relentlessly continuing to move forward with their ICBM modernization programs. Recent Soviet treaty violations of both SALT I and SALT II, through the testing of two new ICBM's (the SS-24 and SS-25) and the construction of a battle-management radar system—giving the Soviets antiballistic missile breakout capabilities—are a strong indication of a significant shift in the balance of nuclear power.

To attempt to counter that unprecedented buildup, we voted last year to add the MX missile to the U.S. arsenal and begin production. Recently, however, United States-Soviet relations have become strained. Specifically, the Soviets have left both the talks on strategic arms and those on missiles in Europe. I do not, however, believe these events justify elimination of the MX peacekeeper. On the contrary, we must continue a course which gives the United States the MX as the necessary bargaining tool. The Price amendment achieves this goal by continuing production of the MX, but giving the Soviets incentive to come to the bargaining table by delaying release of funds for the MX if the Soviet Union will negotiate.

This amendment would decrease the number of MX missiles authorized for procurement in fiscal year 1985 to 15, from the 30 approved by the Armed Services Committee and the 40 requested by the administration, and would delay availability of funds for 6 months, until April 1985, after which the funding will be released only if strategic-arms-reduction talks with the U.S.S.R. have not resumed by that date. If the Soviets return to the bargaining table, the money would be frozen for the remainder of the fiscal year; if they do not return to the table, the money for the 15 missiles is released. I believe this amendment is a demonstration of a good-faith effort on the part of the United States to negotiate a meaningful arms reduction and is a signal that the United States is serious about reducing arms. What we want in return is a good-faith effort on the part of the Soviet Union to meet us at the negotiating table and this amendment gives the Soviets time to do just that.

I believe the arguments in support of this amendment were well made today in an editorial in the Washington Post and an op-ed article in the same edition by Mr. Aspin. I include those with this statement.

The Price perfecting amendment is a reasonable and responsible approach to arms control and I urge my colleagues to support this amendment.

[From the Washington Post, May 16, 1984]

ANOTHER MX VOTE

A year ago Mr. Reagan and Congress made a bargain: the president made his approach to strategic arms control more negotiable and Congress voted to start building the MX missile. Since then, however, Soviet-American relations have gone from bad to worse; the Soviets have walked out of both the talks on strategic arms and those on missiles in Europe (INF). As a result, strong elements in the Democratic-controlled House now want to go back on the 1983 bargain and stop funding the MX.

It's a shortsighted idea. The MX is the same unlovely missile, controversial but supported in its various stages of development by four administrations, that it's always been. It's also the same potential bargaining lever that it's always been meant to be. The notion that yielding it up unilaterally will somehow induce the Soviets to abandon their similar existing and prospective missile is daffy. The three Democratic presidential candidates say so, and they're wrong.

There is, however, a real problem, which is that no negotiations are going on or are on the near horizon. The country is in the early stages of an interesting and necessary debate about the extent to which this is Ronald Reagan's fault. Certainly it is so that he has not persuaded everyone that he is serious about arms control. The important consideration, however, is whether the person who is president when the Soviets decide to come back to the table will have the MX available to him as a bargaining counter. It is startling, again, that a Democratic presidential candidate could ask to weaken his own prospective position.

Rep. Les Aspin has a sensible suggestion (on the op-ed page today) for keeping considerations of arms control and considerations of arms building in reasonable balance for the duration of the current cold spell. Vote the money for a certain number of MX missiles, he advises, but don't spend it until a few months have passed in order to see how the American elections and the

first stage of a resumed negotiation go. It's a bit complicated, and it puts Congress more directly into the business of negotiations than any president would prefer. But it ensures that the American president, when he does finally sit down again with the Kremlin, does so with a decent hand.

[From the Washington Post, May 16, 1984]

HOW MANY MX'S?

(By Les Aspin)

The House today will again vote on the MX missile—and once again, there are good arguments on both sides. On one side is the concern that we should not reward the Soviet Union for walking out on the arms talks in Geneva. To kill the MX is hardly an inducement for them to return to the talks; in fact, it is an inducement to avoid the talks, to continue with the tactics that got them what they wanted for free.

But there are also good arguments against giving Ronald Reagan all the MXs his heart desires. When the Scowcroft Commission pressed successfully for the MX compromise last year, it said the MX gave the United States leverage with the Soviets—but, importantly, it also gave arms control supporters leverage with the Reagan administration. We lose a good deal of that leverage with Reagan if we press full steam ahead with the MX program.

What are we to do? The defense bill on the floor of the House today provides 30 MXs for 1985. An amendment (the Bennett-Mavroules amendment) will be offered to make MX procurement zero for next year.

There are essentially two reasons why we should not go ahead with the 30 missiles and two reasons why we shouldn't vote for zero missiles.

Don't go full steam ahead:

First, there is the presidential election. All three candidates for the Democratic presidential nomination are opposed to the MX. If we go ahead with the MX and the eventual Democratic nominee wins, one could expect the MX program to be ended. It makes no sense to begin production of 30 missiles only to have the program canceled on January 20.

Second, we don't want to lose that leverage with Reagan, if by some strange quirk of history he is reelected. It is popular to say that Reagan is opposed to arms control; I find that a bit of an exaggeration. But certainly there are those in the Reagan administration who are less than enthusiastic for arms control. To go full steam while there are no talks going on would suit them just fine. But we would lose leverage with them. The closer we get to approving the full 100 MX program, the less leverage we have.

On the other hand, don't kill off the MX:

First, to reward the Soviets for leaving the Geneva talks (and only days after boycotting the Olympics to boot) is shooting ourselves in the foot, if we really want to see more arms talks. It tells the Moscow they can win by going into a blue funk. In only a few weeks, the Netherlands is due to decide on deploying the Pershing missile. Dutch politicians who would rather avoid the unpleasant constituent complaints the deployment would generate will be overjoyed if the House votes no on MX; it will allow them to vote no to Pershing with a clear conscience, arguing that they aren't letting the NATO alliance down but merely following the American lead. That will further reinforce the Soviet view that there is much to be gained by forgetting negotiations.

Second, the MX is still good negotiating leverage in the talks. Unless we are totally pessimistic about the future of arms control, the talks will one day begin again. When that happens, the Scowcroft recommendations will still be valid. We need some leverage to get the Soviets to talk seriously about their MX equivalents—the SS18s and the SS19s. The Ford and Carter administrations offered Moscow many inducements to lower the numbers of those missiles. But as the history of these talks indicates, the going was pretty tough—we had nothing equivalent to bargain with.

The MX is the equivalent, and it is so viewed by many with arms control credentials. The decision to go ahead with the MX was not made by Ronald Reagan, staunch critic of SALT I and SALT II. The decision to develop the MX was made by Richard Nixon, architect of SALT I, and the decision to procure the MX was made by Jimmy Carter, architect of SALT II. Whatever one may think of those two presidents, it is impossible to criticize their fundamental dedication to arms control.

What do we do if we don't like either 30 MXs or zero MXs in the 1985 budget? One option is to make the MX contingent on a Soviet return to the bargaining table. We could vote for 15 missiles but lock the money up for six months until after whoever wins the election is inaugurated. If the Soviets have not then returned to the bargaining table, the money would be released. But if they came back to the table, and bargain in good faith, the money remains locked up.

I will offer this third alternative as an amendment on the House floor today. Voting for zero MXs rewards the Soviets for not being at the bargaining table. Voting for this amendment rewards them if they return to the bargaining table.●

● Mr. STARK. Mr. Chairman, well here we are again ladies and gentlemen. Another MX deal. Once again we are being asked to buy a bill of goods by several of our colleagues. "Strike another deal with the Reagan Administration." they ask. "We'll make this missile a bargaining chip yet," they say. Well, let us take a look at the history of the deals we have made with Ronald Reagan, and their results.

This body passed the President's 1981 tax cut and budget package because many Members took the President at his word. The President said his trickle-down tax cut and budget package would result in a balanced Federal budget and prosperity by 1984. Look around. Look at the President's deficit, his interest rates, his unemployment lines.

I should not have to remind anyone of Secretary Regan's creative spreading of the blame for the effects of the President's deficit. But I will. Mr. Regan claims that it has been our failure to deal with the deficit that has increased interest rates. Our budget resolution would reduce the deficit by $182 billion over 3 years. The President's original proposal would have reduced his deficit by only $86 billion over the same period. Yet we in Congress are blamed for the results of the President's policy.

And who in this body has forgotten our ill-fated deal concerning the President's policy in Lebanon? We authorized the President to keep our troops in Lebanon for 18 months in exchange for a backhanded Presidential recognition that, yes, the War Powers Act does exist. The President's policy was unfortunately a failure. Once again, we in Congress were blamed. We gave the President what he asked for, and he gave us the blame for his failure.

And what of the social security compromise? Yes, that has been adhered to thus far. But already some Reagan administration officials are chomping at the bit, talking about making radical changes in the social security system in a hypothetical Reagan second term.

Fortunately, there is still time to prevent the social security deal from being unilaterally abrogated by the President.

And there is still time to avoid another disastrous deal with the President on the MX missile. That time is now.

Last year we were told that the MX should be approved as a bargaining chip, because its military justifications are ludicrous. A chip for the Russians, and a chip for the President. Well, somehow while we were busy negotiating an arms-control agreement with our own President, the Soviets did exactly what they said they would do: they left the negotiations. There is no bargaining with the Soviets today, but our negotiations with Ronald Reagan continue.

I refuse to buy another Reagan deal. Open your eyes. The track record of our dealings with this President is abysmal.

What we have here is a Presidential compliance problem. Call it Presidential breakout, if you like. And, reelected, Ronald Reagan will break out of this year's MX deal. In this area, Ronald Reagan is consistent.

The MX deal of last year did not keep the Soviets at the negotiating table. The deal being proposed this year will not bring them back. What will bring the Soviets to the table, and keep them there, is an American arms-control policy. That, my friends, we do not have.

The only thing that can be said in favor of a deal with the President on MX is that he will not be able to blame us for the failure of his nuclear-arms policies. That failure will be final, and there will be no one left to blame.●

(By unanimous consent, Mr. CHENEY yielded his time to Mr. DICKINSON.)

(By unanimous consent, Mr. MAVROULES yielded his time to Mr. BENNETT.)

Mr. BENNETT. Mr. Chairman, we have had a lot of conversation here about rewarding the Soviets if we should pass the Bennett-Mavroules amendment. This statement assumes that MX is a valuable strategic

weapon that will enhance our national security. However, this is clearly not the case. I believe that halting funding of such a costly program that is of so little military value, and putting this money into that, when there are so many better places to put it, is a very foolish thing to undertake.

We have had some observations here just recently about what the Russians feel about this. The Russians told us on December 6, 1982, Dimitri Ustinov, Soviet Defense Minister said:

> If the present leadership challenges us by starting MX missile deployment, the Soviet Union will deploy in response a new ICBM of the same class, and its characteristics will be inferior to those of the MX in any way.

That is not really a bluff; that is just exactly what they have done on every other weapon that has come down the pike. President Reagan said this is not in the sense of a bargaining chip that somebody could say, well, you are not going to build it, just tear it down. No, we need a modernization. Even if we get the reduction of arms, which we are seeking, and which there has been some indication the Soviets are seriously considering, this would not be the missile that is taken out of circulation.

In looking at this matter, the defeat of the money to buy 30 or more MX missiles would represent a return of some commonsense to our defense procurement policy. We are currently undertaking a number of valuable strategic modernization programs. The development of the B-1 bomber, which I support, as well as others, a new Stealth bomber, a cruise missile program, new Trident submarines. Trident II missile, as well as Midgetman land-based missile program.

Strategic spending has increased 342 percent over the last 10 years. That is 125 percent in constant dollars. These programs are needed and I strongly support them. However, we should not continue to waste valuable defense dollars on questionable strategic programs such as the MX. But instead use the money to rebuild our conventional forces, and if we have anything left over after that, which I doubt, but if we do, then to go into producing more Trident missiles or other types of strategic power.

Strategic spending, as I said, has increased 125 percent when adjusted for inflation over the last 10 years. Another area of Government spending where this is the case I do now know of. I do not know a place where we have gone up that much. We have deployed 550 Minuteman III missiles, with 1,650 warheads from 1970–75. These missiles are the world's first MIRV'd missiles by over 5 years, and some Minuteman III missiles were built as late as 1978 with new guidance and warheads installed on some 300 of these in the late 1970's.

We have also continued to upgrade other areas of our strategic forces as the Trident missiles with some 2,200 warheads began to enter service in 1979 are still in production. The truth is of the 8,000 warheads on ballistic missiles, only 500 are on missiles 15 years of age or older.

It is true that the Soviets enjoy some advantages in land-based forces, but they have chosen to concentrate their strategic forces on land, while we have chosen to concentrate ours in the air and at sea. Their reason for going to the land instead of going to sea is because they have not been able to produce a submarine which was not detectable by our forces. We are stronger than they are because of the invulnerability of our submarines today.

The United States has no shortage of accurate hard-target killers. Our Minuteman III missile, with the Mark 12-A warhead has this capability as well as thousands of additional hard-target killers on submarines and on bombers. This certainly provides us with more than enough hard-target kill capability. In fact, currently over 60 percent of the Soviet's total strategic force is susceptible to a first strike, while only 25 percent of the United States force is so susceptible.

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(By unanimous consent, Mr. NEAL yielded his time to Mr. MORRISON of Connecticut.)

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. Mr. Chairman, the logic that has been used in support of this weapon system today could support any weapon system, regardless of its value. Proponents of the MX say that we have got to have it, because if we vote to eliminate the MX, we will be rewarding the Soviet Union.

This is no way to set priorities in our defense spending. Our decision should be made on the basis of whether or not this system advances the interests of the United States, whether it will benefit our defense and add to our security. The fact is that this vulnerable, dangerous weapon system is not only expensive, but cosmetic as well. As a military system, it does not have any value.

As in the debate last year, proponents argue that the MX is valuable as a bargaining chip, notwithstanding the fact that our votes on MX have thus far failed to bring the Soviets back to the bargaining table. Even so, they want to try it in a new way that suggests that it is up to the Soviets to decide whether or not we will have this weapon. It is not their decision to make.

The vote today is about whether this Congress and this country will decide whether we need this weapon system. I say we do not. I say that it is destabilizing. I say that it is a first-strike weapon. I say that it endangers our security and undermines prospects for advances in arms control. We should stand up and say "No" and stop fooling ourselves and the American people with talk about bargaining chips and other illusions.

The MX missile should be put to rest on this floor this day.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I was interested to realize that there is one Member in this body who apparently does not care about jobs in her home district when voting on legislation. The gentlewoman from California (Mrs. BOXER) was offended that somebody should point out the number of jobs that are involved when you wipe out a major weapons system.

Certainly in New York, in my State, we are concerned about jobs, and I would think that they would be concerned about jobs in the State of California. But apparenty she does not care. We are going into all of this strategic analysis that has been given us by all of these experts here in the well in the last couple of hours, but nobody has bothered to find out what the elimination, the wiping out of the MX, is going to do to human beings who are employed in legitimate jobs.

In 13 districts of California, for example, there are 15,770 jobs connected with the MX. If those are wiped out, does that not concern the Congressman from that district?

In the State of Massachusetts, for example, if the MX is wiped out, as the gentleman from Massachusetts (Mr. MAVROULS) wants, 11,864 jobs are going to be wiped out and 11,864 people are going to be out on the unemployment rolls.

Even in the State of Florida there are 2,146 jobs tied in with the construction of the MX.

This is the action that we took last year. These jobs have been produced by the approval of the 21 MX's that we funded last year, but there is not going to be any MX on the Christmas tree if this amendment by the gentleman from Florida and by the gentleman from Massachusetts prevails.

I think we ought to at least have the sense and the wisdom to find out what is going to happen to your district, and if anybody is interested in jobs, if anybody is interested in the economic health of his constituency, I would be very happy to show him this list.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, I rise in strong support of the substitute offered by the gentleman from Massa-

chusetts (Mr. MAVROULES), and in opposition to the amendment by the gentleman from Wisconsin (Mr. ASPIN). As so many of my colleagues have pointed out today, the MX is a failed weapon. Just this week, the GAO released a report that said the MX would need a substantial increase in power and accuracy to accomplish its mission. It added that these improvements would lead to even higher costs, which have already jumped by 36 percent since the program began.

Even more disturbing, the Minuteman silos which house the MX are as vulnerable now as they were when they were rejected as a basing mode some 6 years ago. And this problem will get worse as Soviet missiles improve, making the MX—at best—a temporary and expensive solution to an enduring problem.

But today's debate is not ultimately about the Christmas tree of the MX, the military and strategic arguments against the missile: that is does not address the "window of vulnerability;" that it is destabilizing; that it will lead both sides to a suicidal "launch-on-warning" posture—are clear to many Members on both sides of the aisle.

What today's debate is about however is how the Nation is going to deal in the future with the Soviet Union. Are we going to continue down the path that has led to the suspension of all serious arms control talks? Are we going to approve yet another flawed and frightening weapon on the dubious promise of bargaining it away at some later date?

In short, the fate of the MX now rests on two very time-worn words: bargaining chip.

President Reagan and the Scowcroft Commission would have us believe that weapons deployments are the only way to pry concessions from the Soviets. To support their theory, they point to the successful use of bargaining chips in the antiballistic missile negotiations of SALT I, arguing that the Soviets pursued an agreement only after the Senate voted to deploy the safeguard ABM system. But this claim is simply not true. As SALT I negotiator, Gerard Smith, has pointed out: the Soviets expressed strong interest in an ABM agreement throughout the negotiations. And they made a significant secret offer on limiting defensive missiles over a month before the Senate vote on safeguard.

A more telling example of how bargaining chips work comes from that same era. In 1971, Deputy Defense Secretary Packard pushed MIRV'd missiles on Congress by calling them a very important bargaining chip. Today, we and the Soviets have deployed over 15,000 MIRV'd warheads.

The MIRV experience highlights the irony of today's vote. The Scowcroft Commission has now determined that MIRV'd missiles—like the MX—are dangerous and destabilizing. And they have recommended that we shift our strategy to rely on the small, single-warhead Midgetman missile. But first, they insist, we must demonstrate our national will by deploying the MX.

Using a logic worthy of the "Mad Hatter" from "Alice in Wonderland," they tell us that we must approve an admittedly ineffective weapon—MX—in order to buy an allegedly useful weapon—Midgetman—that will create the stable strategic environment we might have had, if we did not invest in bargaining chips to begin with.

Well Alice was not swayed by the Mad Hatter, and I hope this House does not bow to the Scowcroft Commission. The bargaining chip theory has always given us more than we bargained for: More weapons, with more warheads, that add up to more danger.

We are kidding ourselves if we think the so-called Peacekeeper is some sort of olive branch that will make the Soviets see the light and convince them to be serious and faithful negotiators. Instead, as we have seen time and time again, they will keep quiet at the bargaining table, and we will be no closer to a stabilizing arms control pact. During crises, fingers will tighten on the nuclear trigger, as each side is faced with the dilemma of using its weapons first or losing them to enemy attack.

Mr. Chairman, weapons systems that enhance our national security can stand on their own merits. But the MX falls flat on its face. Let us not prop up a bad weapon with a bankrupt theory.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's statement. I rise in favor of the Mavroules-Bennett amendment and just remind Members that this is a $2.7 billion ante in this particular bargaining chip which become deployed weapons throughout history. That is the history of it. They go through an evolution of research, development, bargaining chips, failed negotiations, and the end result is that they are deployed weapons.

I commend the gentleman from Ohio for his statement.

Mr. Chairman, this has been a long debate, an important debate. I rise in opposition to the Aspin amendment and in favor of the Bennett-Mavroules amendment to strike out all MX procurement funding, some $2.7 billion.

Where is the United States going with current nuclear arms policy in 1984? Down the path of a full blown, out of control nuclear race to the next generation of ICBM and INF weapons, even into space with nuclear weapon development and research.

This amendment to strike the funding of MX is more justified today than ever before. The past policies concerning forcing the Soviets to the bargaining table have resulted in utter failure. Today there are no nuclear arms discussions much less new agreements to consider. The United States does not share the responsibility alone for this dismal state of affairs, but the question to the Congress, as policymakers, and to the administration, is what can we do, what should we do to get nuclear arms talks and agreements on reductions back on track?

It is not a question of which nations are culpable, but a question of whether the United States is going to lead.

The research and development in the United States goes forward with all good intentions. The United States develops new more powerful, more accurate, and just plain more nuclear weapons. We say it is for parity for deterrence for negotiation purposes. We refer to these nuclear weapons as bargaining chips.

It is apparent that this is a profoundly risky nuclear game that, for indeed all mankind is subjected to live or die according to its outcome; to the real risk and foolish gamble it represents. The evolution from research, testing, development to bargaining chip, and failed negotiation has been played over and over and the end result is always new generations of more effective more risky deployed nuclear weapons.

It is imperative that Congress call a halt to the betting and the MX missile as the $2.7 billion ante. At some time, commonsense ought to prevail, these weapons do not make us safer, they do not make us stronger, rather they run the very real risk that they will make irreversible changes in the balance of nuclear power.

Once developed and deployed, the history of nuclear weapons is that they stay in service until something more effective, more accurate, and more powerful take their place.

The United States military is not much different than the Soviets in holding on to nuclear weapons and only trading for even more dangerous and more risky nuclear systems.

These are difficult choices and votes—but necessary. Today I hope my colleagues in the House will agree to an important step toward reducing the risks that mankind faces, and vote to stop the MX.

(By unanimous consent, Mr. PRITCHARD yielded his time to Mr. O'BRIEN.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Chairman, I keep thinking of the statement made by a mute but not inglorious man who said,

"He tired the sun with talking and he walked him down the sky." I do not know whether the pro-MXers are right or the anti-MXers are right; but I know that GORE, PRICE, ASPIN, and DICKS are not wrong.

This is the only chance we have. I simply think it is hedging your bet. It is insurance, and we are not in a presidential debate; we are doing our own thing right here in the House, irrespective of party. There is no place else to go.

The Russians give nothing for nothing. They are not attuned to the joy of giving. They are not philanthropists. That is all we know about them. But this is our only best shot to say, "Look, we are in earnest. We are offering something that would be of value to get rid of from your standpoint." The gentleman may be very right. Perhaps the Russians will decide. But what I admire about this particular group is they are willing to go after it, and the protagonists on one side or the other are totally wrong, but these people are not.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, before I conclude with my few remarks, I thought I would perhaps review quickly for my colleagues here the voting procedure that we anticipate.

There are four items pending. The first was the Bennett amendment. The second was the Price-Aspin amendment to that, to which there was the substitute by Mr. MAVROULES, to which I offered a substitute. The Price-Aspin substitute and my substitute are identical.

I am told by the Parliamentarian that the vote will be, first, on Price-Aspin, second on my substitute, third on the Mavroules substitute, and fourth on the Bennett, assuming that they all go down. If there are no intervening amendments offered, that is the order in which they would be offered, so I am told.

Mr. Chairman, I would just like to say in conclusion, how can anyone say, how can anyone possibly think, that the Soviets would voluntarily return to the bargaining table for arms control talks when they get more than they could possibly get by not returning if we cancel the MX missile today?

□ 1920

This amendment is designed to do two things. One, to go forward with the MX, the procurement thereof, or to enter into serious arms control and hopefully we will get the arms control.

One of the earlier speakers made fun of the fact that the Soviets will make the decision for us. I have no apology for that. That is true. If they want to negotiate, all they have to do is come and meet us in Geneva and we will sit down and negotiate. If they are unwilling to do that, then, yes, we are going forward with it and the ball is in their court. I have no apology for that. I think it makes sense. It shows our good faith, our good will. If they want to negotiate, we are ready, willing and able. If they do not want to negotiate, there is no need of us waiting any longer. We will go ahead and build ours, even though they are about 3 years ahead of us in deploying.

It is just like the B-1 bomber was back 4 years ago. We put a hold on it in the Congress waiting to see who the new President was going to be. We did change Presidents and it was canceled.

A group of us were in Geneva and we met with the delegates at the disarmament talks there at that time and we asked one of the Russian generals, "Well, now, we have canceled the B-1 bomber. What are you going to give us in return?"

And the general said, "Gentlemen, we are neither fools nor philanthropists."

Nothing is what we got in return and that is exactly what will happen with the MX. We cancel it and what do we get in return? They are neither fools nor philanthropists. We get zero. We continue to live right under the gun. They continue to build and to deploy as they have for the past umpteen years.

Their attitude is just to wait. Let their propaganda and let their misinformation work on the fear and the ignorance of the American people and it will fall into their hands just like a ripe plum because we have neither the intelligence or the nerve to go forward to do what is in our best interests and that is to deploy the MX if they will not negotiate.

For the Soviets, it is a wonderful proposition. For them it is heads I win, tails you lose. They cannot lose the way we are going now if we do not go forward with the amendment offered by the gentleman from Illinois (Mr. PRICE).

Let me add one thing, too, that I do not know everybody understands. There is about $1 billion, $990 some million in this bill for the basing money of the 21 missiles that were approved last year, so while we are talking prospectively shall we build 15 more missiles if they do not come to the table, by this one act offered by the Bennett-Mavroules amendment, we are also killing the basing of the 21 missiles we approved last year, so we are taking out the entire program.

I think it is shortsighted. I think it is anything but in our best interests that we take out the 15 missiles plus the money from before.

I would urge my colleagues, please support the Price-Aspin amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. Mr. Chairman, I might respond to my distinguished chairman, the gentleman from New York, that when we start taking jobs away from our communities it takes a little intestinal fortitude and you have to dig down deep and dig hard.

In my opinion and in my judgment, this is the wrong missile for arms control. I believe we have a pair of deuces trying to call the bluff of the Soviet Union and they know it.

The correct vote today is to support the Mavroules-Bennett amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PRICE) to close the debate.

Mr. PRICE. Mr. Chairman, I want to discuss the MX issue by directing my remarks to my Democratic colleagues.

In doing so, I want to make a couple of initial points.

First, I respect the right of any Member in the House to express his or her views and vote his or her convictions on any issue that comes before us.

Second, I have always approached issues of national security in a nonpartisan manner. To me, there can be no partisanship over the conduct of this country's national security policy.

Having said this, I want to make it clear that I am proud to be a member of the Democratic Party and have been an active member throughout my career. I believe in the Democratic party, its principles and its efforts to protect the well-being of the American people.

These principles embrace a strong national defense system. Without such, we would undermine the basic security of our people. A strong national government must protect its people.

Looking at the MX then, I want my Democratic colleagues to consider the position that they intend to take on the amendment that would strike all of the procurement funds for the MX.

In all candor, we accomplish nothing but to open ourselves to political hyperbole and demagoguery. If we want to be able to debate national defense policy in a positive nonpartisan manner, then we should not put ourselves on the defensive at the outset.

Mr. Chairman, I urge my colleagues to think in the interest and only in the interest of our national defense. I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE) to the amendment offered by the gentleman from Florida (Mr. BENNETT).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. MAVROULES TO THE AMENDMENT OFFERED BY MR. BENNETT, AS AMENDED

Mr. MAVROULES. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MAVROULES to the amendment offered by Mr. BENNETT: At the end of the section proposed to be added by the amendment add the following:

MORATORIUM ON MX MISSILE PROCUREMENT

SEC. 111. (a) Notwithstanding section 103(a) of this title, the maximum amount that may be appropriated for fiscal year 1985 for missiles for the Air Force is $5,942,700,000.

(b) None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for the MX missile program.

(c) It is the intent of Congress that the denial of funds for procurement under the MX missile system program for fiscal year 1985 constitutes a moratorium on procurement of missiles under such program but does not constitute a unilateral termination of that program.

Mr. DICKINSON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. DICKINSON) reserves a point of order.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Mr. Chairman, did the Chair rule that the Price amendment was adopted?

The CHAIRMAN. The gentleman is correct.

Mr. MAVROULES. Mr. Chairman, my amendment is very plain and the reason that I offered the amendment is because we have been debating this issue now for the last 5 or 6 hours and the importance of the issue demands fairness. We demand an up-or-down vote on the amendment. There are those of us who could have asked for a recorded vote on the chairman's amendment. We did not do that.

We have raised the public awareness of this issue. We have millions of people watching it and they deserve an up-or-down vote on the amendment put forth by the gentleman from Florida (Mr. BENNETT) and the gentleman from Massachusetts (Mr. MAVROULES) and that is the reason I offered the amendment.

I ask for your cooperation. I ask for fairness among both sides, proponents and opponents, and give this thing a chance to work. Let us vote it up or down.

□ 1930

Mr. NEAL. Will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman.

Mr. NEAL. Could the gentleman tell me if the amendment that I had offered earlier is included in your amendment?

Mr. MAVROULES. It is inclusive.

Mr. NEAL. So the amendment now says that we will not produce the MX missile for a year, awaiting an appropriate response by the Soviet Union?

Mr. MAVROULES. That is correct.

Mr. NEAL. I thank the gentleman and commend him for his efforts.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Alabama (Mr. DICKINSON) insist on his point of order?

Mr. DICKINSON. The gentleman will insist on the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DICKINSON. Mr. Chairman, without having had an opportunity to study it, and I have not, but let me attempt to, it appears that this is broader then the scope of what we have just worked on. And I think it takes out missiles for more than just the MX. At this point it affects 1984 money, and at this point, without having any prior notice, there is no chance for me or staff to study it. I am just doing the best I can.

So I respectfully submit that it is not germane, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. MAVROULES) desire to be heard on the point of order?

Mr. MAVROULES. I just feel that the amendment is pertinent to the issue at hand and I will follow your recommendation and your ruling.

The CHAIRMAN. The Chair would rule that the amendment offered by the gentleman from Massachusetts is germane to the Bennett amendment as amended and the Chair does not rule on the consistency of amendments and, therefore, rules that the amendment is in order.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to ask my friend from Wisconsin (Mr. ASPIN), I want to make sure that everybody understands the parliamentary situation before we get to this vote. As I understand it, and maybe the chairman or the gentleman from Wisconsin can help me, the Aspin-Pritchard amendment has been adopted.

Mr. ASPIN. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

Mr. ASPIN. The gentleman is correct.

Mr. DICKS. And so that is done. Now we are on an amendment to this.

So for those people who believe, as we all do here in this little colloquy, that the Aspin-Pritchard amendment is the way to go because we reserve the funding for 15 missiles, contingent upon how the Soviets proceed, that this is an amendment then, if we were following the regular order we would just defeat this amendment and move back to the Aspin-Pritchard amendment. Is that a fair understanding of the situation?

Mr. ASPIN. That is correct.

Mr. DICKS. I yield back the balance of my time.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

I will not take long, but since there has been some discussion about the pertinence of this to the amendment of the gentleman from Massachusetts (Mr. MAVROULES) which he and I introduced to begin with, I must say that I really had it planned at the very beginning to have the gentleman from North Carolina, Mr. NEAL's provision in it. It was just the parliamentary procedure that caught me off base, and I offered the Bennett-Mavroules amendment without this, because even before we came here today I thought that the gentleman from North Carolina (Mr. NEAL) had made a good point. I think the debate has shown that it would be a good idea to have this type of a moratorium. So I myself have no opposition to this amendment.

Mr. DOWNEY of New York. Will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

I think it is very important for Members who are just tuning in for the first time to understand what this amendment that we will be voting on consists of. This is not the Aspin language for 15 missiles. This is the Bennett-Mavroules amendment on the zero missiles, and it is amended, and improved in my opinion, by Mr. NEAL's language which further states, as the gentleman has done, that this is not a unilateral action.

So this is the Bennett-Mavroules language as amended by NEAL that Members will be voting on.

Mr. BENNETT. I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is not my intent to go to the merits. I think we have discussed the merits sufficiently today.

I say even though an explanation has just been offered, there was a great deal of confusion in the Chamber. And also there was some who watching on closed circuit television, some who will not know the parliamentary procedure when they arrive.

I am asking a no vote because when the vote was taken on the Price-Aspin amendment it carried by voice vote. The gentleman from Massachusetts (Mr. MAVROULES) was on his feet, got to his feet having lost that vote. I thought he was going to ask for a rollcall vote and I did nothing to intervene. Instead he fooled me. He did not

ask for a rollcall vote. He offered this substitute which we are about to vote on, which in effect, if this is voted down, then we will have a vote again on the Dickinson amendment, which is the same as the Price-Aspin amendment.

So I am asking for a no vote on this, which will retain the 15 missiles and give us until next April to force the Soviets to come to the negotiating table.

Mr. DICKS. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman.

Mr. DICKS. It is fair to say if you want to sustain the Aspin-Pritchard amendment we vote no, is that correct?

Mr. DICKINSON. I thought that was what I said.

● Mr. BROOMFIELD. Mr. Chairman, I rise in opposition to the amendment offered by Mr. BENNETT and Mr. MAVROULES which prohibits the authorization of any appropriations for the MX missile program.

Moreover, Mr. NEAL's amendment to the Bennett-Mavroules amendment is a curious one. In short, the Neal amendment eliminates Bennett language which conditions the moratorium on subsequent Soviet actions in the area of nuclear weapons development, production, and deployment. In short, under the Neal amendment, U.S. defense decisions need not be predicated whatsoever upon Soviet strategic activities. Moreover, it appears that under Mr. NEAL's language, there is little if any difference between a moratorium and a unilateral termination and I would ask the gentleman from North Carolina to define these differences under his amendment.

These amendments are simply unilateral freeze proposals that would eliminate our ability to modernize our land-based ICBM's. Unless our 1960 vintage ICBM's are eventually replaced, we will find our systems failing due to normal aging, while the Soviets' ICBM's still will be in prime condition. Seventy-seven percent of U.S. strategic nuclear vehicles are more than 15 years old. Seventy-seven percent of Soviet strategic nuclear vehicles are less than 5 years old and the Soviets are presently developing a new generation of ICBM's including a gigantic new missile which is their equivalent of the MX.

As was stated by Mr. MARKEY in the last historic debate on the nuclear freeze, "The objective of the freeze is to preclude the necessity of any further force modernization."

Mr. MARKEY also stated during the freeze debate that, "In the eyes of the Broomfield supporters modernization means construction of the MX and the Trident II and all of the first-strike nuclear weapons that are on the design board of the Pentagon." Note he never discusses Soviet weapons.

I urge my colleagues to vote against these unilateral freeze amendments.●

● Mr. ACKERMAN. Mr. Chairman, I rise in strong support of the Bennett-Mavroules amendment to delete $2.5 billion for the procurement of 30 MX missiles. Once again, the Congress must decide between options with vastly different ramifications. Do we continue to travel down the path of instability by producing a first-strike system, or will the Congress utilize its authority to withhold funds for the deadly MX, which could provoke a Soviet attack because of its enormous destructive potential and its vulnerable basing mode?

Mr. Chairman, I do not think there really is a choice here today. We must cut through the rhetoric and the public relations gimmickry which has been so skillfully employed by the President for his escalation of the arms race with the Soviets. Mr. Speaker, it is incumbent upon this House to exert some control over this administration which continues to advocate tremendous increases in our nuclear arsenal while failing to advance arms control negotiations whatsoever.

We are all weary of comparisons of life in America today with the society created by George Orwell in his famous novel, 1984. But in what language is President Reagan talking, if not Newspeak, when he has the audacity to call the MX the Peacekeeper. The MX is the most dangerous, most destabilizing, weapon ever created. Its deployment would threaten world peace as no nuclear bomb ever has before. Its combination of huge payload and pinpoint accuracy poses an obvious threat to the Soviet Union. It is the weapon the Kremlin would most like to rid us of. And by basing the MX in silos that were too vulnerable for even the smaller Minuteman missiles, we provide a most inviting target to the Russian bombers. If we go ahead with this insane weapon, we might as well paint a bullseye around Wyoming, Colorado, and Nebraska, because the MX certainly invites the Soviets to attack us before we can get them.

Mr. Chairman, as we stand on the floor today, we hear the same arguments which were used last year about the need for the MX as a bargaining chip with the Soviet Union. For those in this Chamber who might have a spell of temporary amnesia, it is now 1 year later and there has been not one iota of progress in either intermediate-range or strategic nuclear weapons negotiations. In fact, there are not any negotiations taking place at all. One must wonder exactly where this country is going and what leverage the Congress can apply on the President to once and for all get serious about achieving meaningful progress on arms control.

Let us all recognize that the American people and the Congress are now receiving another dose of hypnotic rhetoric from President Reagan and his supporters, who tell us that building this 10-warhead missile is essential for maintaining peace. We are told that if the Congress does not continue to fund the MX, we will be responsible for unilateral disarmament. Mr. Chairman, I would really like to know exactly what progress this administration has made in arms control. It is with sadness for the people of this country and for the future of all people on this Earth that an honest assessment of the past 3 years reveals that under President Reagan we have regressed in arms control as we have embarked on program after program for the development of new nuclear weapons, including highly destabilizing space war technology.

If the Congress wishes to allow the President to seek cover for his dismal arms-policy failures by bowing to his demands for the MX missile, the burden for this error will rest upon our shoulders. We have the opportunity here today to take a firm stand for maintaining a policy of deterrence and real protection for the American people, or we can continue to fund the MX and a variety of other weapons systems which increase the vulnerability of our country. Mr. Chairman, we must take concrete action to preserve peace, and stop wasting the hard earned taxpayers dollars on the development of a system which brings all people on this Earth another step closer to nuclear annihilation.●

● Mr. LEVINE of California. Mr. Chairman, the vote we will cast on the Bennett-Mavroules amendment to strike all procurement funding for the MX missile will be one of the most important votes of this session. I urge my colleagues to support this important effort to stop construction of this wasteful, destabilizing, and vulnerable weapon.

We are now living in a time of unprecedented danger of nuclear holocaust. The Reagan administration has asked Congress to approve the most massive peacetime build-up of our armed forces in history. We are now embarked on a defense build up which will result in deployment of the MX, the Trident D-5 missile, a new generation of chemical and biological warfare weapons, the placement of Pershing and cruise missiles in Europe, and futuristic, "Star Wars" weapons in outer space.

The administration claims that we need these weapons to bring the Soviet Union to the negotiating table. Yet, today there are no negotiations in progress between the two superpowers on limiting or reducing strategic or

theater nuclear weapons. In addition, relations between the United States and the Soviet Union are at an all-time low.

It is in this atmosphere that the administration and its allies in Congress now are attempting to win funding for construction of the MX. Predictably, MX supporters continue to market this weapon as an arms control tool. They must know better.

At a time of unprecedented budget deficits, a decision to continue construction of the MX is fiscally irresponsible. A recent Air Force study found that 99 percent of all MX missiles would be destroyed by a Soviet first strike. As a result, the MX would add little or nothing to our retaliatory capabilities. This has caused many to view it as a first strike weapon which either must be used before the Soviets launch a nuclear attack or fired "on warning" of a Soviet first strike. Such a policy would significantly increase the danger of an accidental nuclear war.

This administration has also claimed that the MX is needed to offset a Soviet advantage in strategic weaponry. Yet, representatives of the Joint Chiefs of Staff have repeatedly told Congress that they would not trade our existing strategic arsenal for the Soviet Union's.

Even if all of our land-based missiles were to be destroyed, the missiles on just two Poseidon submarines have the capability to destroy every city in the Soviet Union with a population in excess of 100,000.

Mr. Chairman, the MX is a weapon without a purpose or justification. It will increase the danger of nuclear war, and will not add measurably to our nuclear deterrent. I urge my colleagues to join with me in supporting the Bennett-Mavroules amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MAVROULES) to the amendment offered by the gentleman from Florida (Mr. BENNETT), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MAVROULES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 218, not voting 3, as follows:

[Roll No. 149]

AYES—212

Ackerman	Bedell	Borski
Addabbo	Beilenson	Bosco
Akaka	Bennett	Boucher
Albosta	Bereuter	Boxer
Annunzio	Berman	Brooks
Anthony	Biaggi	Brown (CA)
Applegate	Boggs	Bryant
AuCoin	Boland	Burton (CA)
Barnes	Bonior	Carper
Bates	Bonker	Carr
Clarke	Jeffords	Rahall
Clay	Jenkins	Rangel
Coelho	Jones (NC)	Ratchford
Collins	Jones (OK)	Richardson
Conte	Kaptur	Ridge
Conyers	Kastenmeier	Rodino
Coughlin	Kennelly	Roe
Coyne	Kildee	Rostenkowski
Crockett	Kleczka	Roukema
D'Amours	Kogovsek	Roybal
Daschle	Kolter	Russo
Dellums	Kostmayer	Sabo
Derrick	LaFalce	Savage
Dingell	Lantos	Scheuer
Dixon	Leach	Schneider
Donnelly	Lehman (CA)	Schroeder
Dorgan	Lehman (FL)	Schumer
Dowdy	Leland	Seiberling
Downey	Levin	Sensenbrenner
Durbin	Levine	Shannon
Dwyer	Long (LA)	Sharp
Dymally	Long (MD)	Sikorski
Dyson	Lowry (WA)	Simon
Early	Luken	Sisisky
Eckart	Lundine	Slattery
Edgar	MacKay	Smith (FL)
Edwards (CA)	Markey	Smith (IA)
Evans (IA)	Martinez	Smith (NE)
Evans (IL)	Matsui	Solarz
Fascell	Mavroules	Spratt
Feighan	Mazzoli	St Germain
Ferraro	McCloskey	Staggers
Florio	McHugh	Stark
Foglietta	McKinney	Stokes
Foley	McNulty	Studds
Ford (MI)	Mica	Swift
Ford (TN)	Mikulski	Synar
Fowler	Miller (CA)	Tauke
Frank	Mineta	Torres
Garcia	Minish	Torricelli
Gaydos	Mitchell	Towns
Gejdenson	Moakley	Traxler
Gephardt	Moody	Udall
Gibbons	Morrison (CT)	Vento
Glickman	Mrazek	Volkmer
Gonzalez	Murphy	Walgren
Gradison	Natcher	Waxman
Gray	Neal	Weaver
Green	Nowak	Weiss
Guarini	Oakar	Wheat
Hall (IN)	Oberstar	Whitten
Hall (OH)	Obey	Williams (MT)
Hamilton	Olin	Wirth
Harkin	Ottinger	Wise
Harrison	Owens	Wolpe
Hawkins	Panetta	Wright
Hayes	Paul	Wyden
Heftel	Pease	Yates
Hertel	Penny	Young (MO)
Howard	Perkins	Zschau
Jacobs	Petri	

NOES—218

Alexander	Coleman (TX)	Frost
Anderson	Conable	Fuqua
Andrews (NC)	Cooper	Gekas
Andrews (TX)	Corcoran	Gilman
Archer	Courter	Gingrich
Aspin	Craig	Goodling
Badham	Crane, Daniel	Gore
Barnard	Crane, Philip	Gramm
Bartlett	Daniel	Gregg
Bateman	Dannemeyer	Gunderson
Bethune	Darden	Hall, Ralph
Bevill	Daub	Hall, Sam
Bilirakis	Davis	Hammerschmidt
Bliley	de la Garza	Hansen (UT)
Boehlert	DeWine	Hartnett
Boner	Dickinson	Hatcher
Breaux	Dicks	Hefner
Britt	Dreier	Hightower
Broomfield	Duncan	Hiler
Brown (CO)	Edwards (AL)	Hillis
Broyhill	Edwards (OK)	Holt
Burton (IN)	Emerson	Hopkins
Byron	English	Horton
Campbell	Erdreich	Hoyer
Carney	Erlenborn	Hubbard
Chandler	Fazio	Huckaby
Chappell	Fiedler	Hughes
Chappie	Fields	Hunter
Cheney	Fish	Hutto
Clinger	Flippo	Hyde
Coats	Franklin	Ireland
Coleman (MO)	Frenzel	Jones (TN)
Kasich	Moorhead	Shuster
Kazen	Morrison (WA)	Siljander
Kemp	Murtha	Skeen
Kindness	Myers	Skelton
Kramer	Nelson	Smith (NJ)
Lagomarsino	Nichols	Smith, Denny
Latta	Nielson	Smith, Robert
Leath	O'Brien	Snowe
Lent	Ortiz	Snyder
Levitas	Oxley	Solomon
Lewis (CA)	Packard	Spence
Lewis (FL)	Parris	Stangeland
Lipinski	Pashayan	Stenholm
Livingston	Patman	Stratton
Lloyd	Patterson	Stump
Loeffler	Pepper	Sundquist
Lott	Pickle	Tallon
Lowery (CA)	Porter	Tauzin
Lujan	Price	Taylor
Lungren	Pritchard	Thomas (CA)
Mack	Pursell	Thomas (GA)
Madigan	Quillen	Valentine
Marlenee	Ray	Vander Jagt
Marriott	Regula	Vandergriff
Martin (IL)	Reid	Vucanovich
Martin (NC)	Rinaldo	Walker
Martin (NY)	Ritter	Watkins
McCain	Roberts	Weber
McCandless	Robinson	Whitehurst
McCollum	Roemer	Whitley
McCurdy	Rogers	Whittaker
McDade	Rose	Williams (OH)
McEwen	Roth	Wilson
McGrath	Rowland	Winn
McKernan	Rudd	Wolf
Michel	Sawyer	Wortley
Miller (OH)	Schaefer	Wylie
Molinari	Schulze	Yatron
Mollohan	Shaw	Young (AK)
Montgomery	Shelby	Young (FL)
Moore	Shumway	

NOT VOTING—3

Hance	Hansen (ID)	Johnson

□ 1950

Mr. D'AMOURS changed his vote from "no" to "aye."

So the amendment to the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. DICKINSON) to the amendment offered by the gentleman from Massachusetts (Mr. MAVROULES) as a substitute for the amendment offered by the gentleman from Florida (Mr. BENNETT), as amended.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 199, not voting 5, as follows:

[Roll No. 150]

AYES—229

Alexander	Britt	Cooper
Anderson	Broomfield	Corcoran
Andrews (NC)	Brown (CO)	Courter
Andrews (TX)	Broyhill	Craig
Applegate	Burton (IN)	Crane, Daniel
Archer	Byron	Crane, Philip
Aspin	Campbell	Daniel
Badham	Carney	Dannemeyer
Barnard	Chandler	Darden
Bartlett	Chappell	Daub
Bateman	Chappie	Davis
Bethune	Cheney	de la Garza
Bevill	Clarke	DeWine
Bilirakis	Clinger	Dickinson
Bliley	Coats	Dicks
Boehlert	Coleman (MO)	Dreier
Boner	Coleman (TX)	Duncan
Breaux	Conable	Edwards (AL)

Edwards (OK)	Lloyd	Roberts
Emerson	Loeffler	Robinson
English	Lott	Roemer
Erdreich	Lowery (CA)	Rogers
Erlenborn	Lujan	Rose
Fazio	Luken	Roth
Fiedler	Lungren	Rowland
Fields	Mack	Rudd
Fish	Madigan	Sawyer
Flippo	Marlenee	Schaefer
Franklin	Marriott	Schulze
Frenzel	Martin (IL)	Shaw
Frost	Martin (NC)	Shelby
Fuqua	Martin (NY)	Shumway
Gekas	McCain	Shuster
Gilman	McCandless	Siljander
Gingrich	McCollum	Skeen
Goodling	McCurdy	Skelton
Gore	McDade	Smith (NJ)
Gramm	McEwen	Smith, Denny
Gregg	McGrath	Smith, Robert
Gunderson	McKernan	Snowe
Hall, Ralph	Michel	Snyder
Hall, Sam	Miller (OH)	Solomon
Hammerschmidt	Molinari	Spence
Hansen (UT)	Mollohan	Spratt
Hartnett	Montgomery	Staggers
Hatcher	Moore	Stangeland
Hefner	Moorhead	Stenholm
Hightower	Morrison (WA)	Stratton
Hiler	Murphy	Stump
Hillis	Murtha	Sundquist
Holt	Myers	Tallon
Hopkins	Neal	Tauzin
Horton	Nelson	Taylor
Hoyer	Nichols	Thomas (CA)
Hubbard	Nielson	Thomas (GA)
Huckaby	O'Brien	Valentine
Hughes	Olin	Vandergriff
Hunter	Ortiz	Vucanovich
Hutto	Oxley	Walker
Hyde	Packard	Watkins
Ireland	Parris	Weber
Jenkins	Pashayan	Whitehurst
Jones (TN)	Patman	Whitley
Kasich	Patterson	Whittaker
Kazen	Paul	Williams (MT)
Kemp	Pepper	Williams (OH)
Kindness	Pickle	Wilson
Kramer	Porter	Winn
Lagomarsino	Price	Wise
Latta	Pritchard	Wolf
Leath	Pursell	Wortley
Lent	Quillen	Wylie
Levitas	Ray	Yatron
Lewis (CA)	Regula	Young (AK)
Lewis (FL)	Reid	Young (FL)
Lipinski	Rinaldo	
Livingston	Ritter	

NOES—199

Ackerman	Coughlin	Gaydos
Addabbo	Coyne	Gejdenson
Akaka	Crockett	Gephardt
Albosta	D'Amours	Gibbons
Annunzio	Daschle	Glickman
Anthony	Dellums	Gonzalez
AuCoin	Derrick	Gradison
Barnes	Dingell	Gray
Bates	Dixon	Guarini
Bedell	Donnelly	Hall (IN)
Beilenson	Dorgan	Hall (OH)
Bennett	Dowdy	Hamilton
Bereuter	Downey	Harkin
Berman	Durbin	Harrison
Biaggi	Dwyer	Hawkins
Boggs	Dymally	Hayes
Boland	Dyson	Heftel
Bonior	Early	Hertel
Bonker	Eckart	Howard
Borski	Edgar	Jacobs
Bosco	Edwards (CA)	Jeffords
Boucher	Evans (IA)	Johnson
Boxer	Evans (IL)	Jones (NC)
Brooks	Fascell	Jones (OK)
Brown (CA)	Feighan	Kaptur
Bryant	Ferraro	Kastenmeier
Burton (CA)	Florio	Kennelly
Carper	Foglietta	Kildee
Carr	Foley	Kleczka
Clay	Ford (MI)	Kolter
Coelho	Ford (TN)	Kostmayer
Collins	Fowler	LaFalce
Conte	Frank	Lantos
Conyers	Garcia	Leach
Lehman (CA)	Obey	Smith (FL)
Lehman (FL)	Ottinger	Smith (IA)
Leland	Owens	Smith (NE)
Levin	Panetta	Solarz
Levine	Pease	St Germain
Long (LA)	Penny	Stark
Long (MD)	Perkins	Stokes
Lowry (WA)	Petri	Studds
Lundine	Rahall	Swift
MacKay	Rangel	Synar
Markey	Ratchford	Tauke
Martinez	Richardson	Torres
Matsui	Ridge	Torricelli
Mavroules	Rodino	Towns
Mazzoli	Roe	Traxler
McCloskey	Rostenkowski	Udall
McHugh	Roukema	Vento
McKinney	Roybal	Volkmer
McNulty	Russo	Walgren
Mica	Sabo	Waxman
Mikulski	Savage	Weaver
Miller (CA)	Scheuer	Weiss
Mineta	Schneider	Wheat
Minish	Schroeder	Whitten
Mitchell	Schumer	Wirth
Moakley	Seiberling	Wolpe
Moody	Sensenbrenner	Wright
Morrison (CT)	Shannon	Wyden
Mrazek	Sharp	Yates
Natcher	Sikorski	Young (MO)
Nowak	Simon	Zschau
Oakar	Sisisky	
Oberstar	Slattery	

NOT VOTING—5

Green	Hansen (ID)	Vander Jagt
Hance	Kogovsek	

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So the amendment to the amendment offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from Massachusetts (Mr. MAVROULES) as a substitute for the amendment offered by the gentleman from Florida (Mr. BENNETT), as amended.

The amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT), as amended.

The amendment, as amended, was agreed to.

PERSONAL EXPLANATION

Mrs. JOHNSON. Mr. Chairman, I was unavoidably away from the Chamber during rollcall No. 149. If I had been here, I would have voted "yes," and am pleased I was able to be here for this succeeding vote.

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, had come to no resolution thereon.

WAIVER OF COTTON DUST STANDARD

(Mr. VENTO asked and was given permission to address the House for 1 minute and to extend his remarks, and include extraneous matter.)

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I am very concerned that OSHA (the Occupational Safety and Health Administration) is soft-pedaling its enforcement responsibilities regarding accepted cotton dust standards as well as lead standards and other health and safety standards.

The Washington Post reported on May 13, 1984, that the Reagan administration's OSHA has endorsed and encouraged officials in the State of Virginia to waive the cotton dust standard at the Dan River textile company as part of an experiment to determine the cause of brown lung disease, thereby permitting a business which has a questionable history of complying with worker health and safety standards, to further postpone the installation of a dust reduction ventilation system. Ironically, most of the workers at the Dan River mills are unaware of this proposed test and the fact that the Virginia Department of Labor has decided to waive the cotton dust standard in this instance. Dan River mills will be seeking Federal funding for this experiment through NIOSH (the National Institute for Occupational Safety and Health).

Mr. Speaker, this story points out the need for strong workers' right to know laws, such as those that have been enacted in 14 States including my home State of Minnesota, which OSHA is attempting to preempt. It is very disturbing that OSHA has chosen to endorse this experiment with the health of American workers. OSHA's position on this cotton dust waiver and other waivers in other work places is highly suspect based on the track record of OSHA over the past 3 years.

What are the rights of workers? Are they to be subjects in experimentation without their full knowledge and consent? Clearly workers have the right to expect Federal regulatory agencies such as OSHA to uphold and enforce health and safety standards instead of helping businesses find ways to avoid complying with these standards when their health is being jeopardized in

the name of research. OSHA has failed this test.

I ask that the Washington Post article of May 13 be printed in the RECORD at this point.

Article follows:

[From the Washington Post, May 13, 1984]

VA BACKS FIRM'S RESEARCH, LETS IT EXCEED DUST STANDARD

(By Sandra Sugawara)

Virginia officials have approved a proposal by Dan River Inc., the state's largest textile firm, that would allow the company to exceed federal state and cotton dust standards as part of an experiment to find the exact cause of brown lung disease.

The project has provided strong protests from the United Textile Workers of America and other labor groups, who call it "human experimentation," although officials of the UTWA local in Danville, where the plants involved in the experiment are located, have not objected.

"We don't think Virginia workers should be used as guinea pigs," said Virginia R. Diamond, research director for the Virginia AFL-CIO.

"This is just a convenient excuse to delay investment in ventilation equipment" that will cost Dan River millions of dollars if it is forced to meet current cotton dust standards, said Eric Frumin, safety director of the Amalgamated Clothing and Textile Workers Union.

The experiment has been endorsed by the federal Occupational Safety and Health Administration, and will be paid for by federal funds. Both federal and state safety officials have been assured by Dan River that it will move swiftly to install the ventilation equipment should there be any indication that the experiment is not obtaining the results researchers are seeking. In the meantime, Dan River workers will continue to wear safety equipment that OSHA has said provides adequate protection from cotton dust.

Cotton dust consists of particles that get into the air during the processing and handling of raw cotton in textile manufacturing. Some particles in airborne cotton dust are small enough to enter the lung and they appear to cause brown lung disease or byssinosis, which causes breathing problems, saps energy and can result in death.

In 1978, OSHA set regulations designed to cut sharply workers' exposure to cotton dust. The deadline for meeting those standards, which required firms to install millions of dollars worth of new equipment, was March 27.

Dan River, which has textile operations in Virginia, South Carolina and Alabama, has 10 work places with 633 workers that do not meet these cotton dust standards. All are located in Danville.

A few months before the deadline, Dan River asked Virginia for permission to waive the requirement in order to test a theory that byssinosis is caused by bacteria. Cotton dust levels have to be kept high in order to conduct the test, which is designed to determine the precise agent in cotton dust that causes byssinosis, and thus ultimately improve worker protection, according to Dan River.

The study, to be conducted by Russell Harley of the Medical University of South Carolina and J.D. Hatcher of Clemson University, will be financed by the National Institute of Occupational Safety and Health.

"They [Dan River] have come up with a better way of protecting the workers," said Marshall Coleman, the former Virginia attorney general and Republican gubernatorial candidate who now represents Dan River, "and they have demonstrated that there is no current danger to workers."

But state and national labor groups have countered that the experiment is merely a back-door attempt by Dan River to avoid installing the ventilation equipment required by the new federal and state laws—equipment that the firm estimates will cost about $7.5 million or $12,000 for each worker affected. Labor groups argue that allowing cotton dust levels to exceed the standards will endanger the workers' health.

The Dan River experiment is the latest chapter in the controversy over brown lung that has spanned several decades. The textile industry has argued that a vast number of lung ailments identified as brown lung are really caused by smoking. Given such scientific uncertainties, industry representatives argued in a two-year court battle against the new regulations, saying the cost of compliance is far too high.

Despite the court ruling, the Reagan administration has remained sympathetic to those arguments, and the Office of Management and Budget lobbied for several months last year to have the engineering requirements dropped. OMB eventually backed down after a public outcry and opposition from OSHA.

However, OSHA chief Thorne G. Auchter has enthusiastically endorsed the Dan River experiment. "Virginia's encouragement of such studies would appear to be in the best interest of OSHA and the health of textile workers," said Auchter, in a letter to Virginia Commissioner of Labor and Industry Eva S. Tieg.

State rather than federal approval was needed because Virginia is one of 22 states that has assumed responsibility for the enforcement of OSHA regulations.

Auchter also has recommended that NIOSH finance the study, which will cost an estimated $414,314, according to a preliminary proposal. That has prompted protests from national and state labor groups that the grant would merely be rewarding Dan River for failing to meet the standards.

One reason the Dan River experiment, and particularly OSHA's vigorous endorsement of it, has sparked such concern among labor groups is that it comes on the heels of OSHA's approval of another experiment, allowing a Tampa, Fla., battery manufacturer to exceed federal OSHA limits for the maximum acceptable amount of lead in workers' blood.

Under the six-month Tampa experiment, which was approved March 16, a worker with lead levels in excess of the standard will continue to work but will be given a special type of fresh air respirator. Such workers will be tested monthly, and if their lead levels continue to rise or if there is evidence of kidney malfunction, the workers will be removed, according to Roy Resnick, an OSHA industrial hygienist.

"The two efforts to try to do an experiment to see if there are any adverse health effects on people from lowering standards comes close to human experimentation," said Peg Seminario, health and safety specialist for the AFL-CIO in Washington "It's a cause for concern."

OSHA technical support director Edward Baier responded that experimental variances are granted only if the project could benefit a large segment of the population, is designed to safeguard workers' health, and has been agreed to by the workers.

Kim Meeks, business manager of United Textile Workers of America Local 248 in Danville, said union representatives have told state and Dan River officials that the union currently has "no plans" to oppose the variance. The UTWA is the only union at the mills, but it represents fewer than 1,000 of the 10,000 Dan River textile workers.

Meeks said local union officials have "not endorsed" the experiment and may protest in the future. But he said they are interested in the project, because they have been told it might result in better worker protection.

Alice Adkins, a member of the Virginia Brown Lung Association in Danville, said last week that most workers at the Dan River mills were unaware of the test. "This makes me so mad," said Adkins, who does not work at the mills, but whose husband worked there for more than 30 years until he died March 1. She said he died of brown lung.

Under the state order, issued May 4, Dan River will have until July 1 to submit a grant proposal to NIOSH. If NIOSH does not fund the experiment by Nov. 1, the firm must install new ventilation.

Dan River must also submit to the state by Oct. 15 a preliminary study that must corroborate the theory that brown lung is caused by bacteria.

If the funds are allocated, the experiment will take an estimated 18 months to two years to complete. Dan River has assured state officials it is prepared to move swiftly to install the ventilation equipment should the data not support the bacteria theory.

In approving the Dan River proposal, Tieg said the specific agent in cotton dust that causes brown lung has never been identified. She also noted OSHA's endorsement of the project.

Because byssinosis cannot be detected by X-rays, it can be confused with other lung disorders such as chronic bronchitis or emphysema.

Usually symptoms of byssinosis, or "Monday Fever" as it's known in the mills, are evident at the beginning of the week, when a worker has a cough and severe attacks of breathlessness. In its mildest form, byssinosis can make activities like work, walking or sexual relations difficult. In its most severe form, it can cause heart ailments and death.

Estimates of the frequency of brown lung in the textile industry vary widely. A private study done for OSHA two years ago found that about 7.6 percent of textile workers develop byssinosis. Industry puts that figure at 0.68 percent, while some public interest groups say the figure is closer to 20 percent.

The researchers plan to study the relationship between cotton dust, weave room dust, bacteria and endotoxins, by selectively reducing particular elements of dust and studying the effect on workers, according to the research proposal. Their objective is to test the theory that bacteria found in textile dust—thermophilic actinomycetes—are the cause of byssinosis.

The proposal said that the concentration of that bacteria may vary widely within the dust, meaning that even low levels of dust could contain enough bacteria to cause problems. If that were true, according to Dan River officials, lowering the dust level with ventilation equipment may not offer workers much protection, and high dust levels may not be more of a threat.

Thus, said the Virginia Labor Department decision: "Requiring compliance with the engineering requirements of the cotton dust

standard would defeat the purpose of the proposed study."

The project requires that 210 volunteers—who will be paid $25 for participating—be monitored in areas that do not meet the cotton dust standards. Studies will be repeated on most of those volunteers after "atmospheric conditions" are altered. Those participating in the second round of tests will get an additional $25.

"Some studies will be repeated more than once in selected individuals after trends are established," the proposal said.

"If the experiment is successful it will be possible to design new, more effective procedures to protect workers against lung impairment, perhaps obviating the need for the required engineering controls," B.C. Dungan, assistant general counsel for Dan River, said in a letter to Tieg.

Under OSHA regulations, workers in areas with high levels of cotton dust are required to use respirators. Dan River, federal OSHA and state officials believe that the respirators will provide adequate worker protection during the experiment.

State and national labor groups, however, disagree. Frumin, of the Amalgamated Clothing and Textile Workers, said that OSHA said in 1978 that respirators should be used only in emergencies or as a temporary tool, while engineering controls were being put in place.

"Respirators are simply not as effective," said Seminario. She said it is difficult to fit the mask well enough to keep out impurities, particularly as workers move around or as they sweat. In addition, she said for those with lung impairments, respirators make breathing more difficult.

A vast majority of textile firms in the country have already met the cotton dust standards, according to OSHA.

Many industry officials now believe that the new equipment required by the OSHA cotton dust regulations improved productivity, thus diminishing industry hostility toward the requirement, according to a recent article in Dun's Business Month.

"We thought we settled this issue," said Seminario. "Now we have this company trying to get in through the back door."

CLUBB-CONGRESSIONAL LEADERS UNITED FOR A BALANCED BUDGET

The SPEAKER. Under a previous order of the House, the gentleman from Idaho (Mr. CRAIG) is recognized for 60 minutes.

Mr. CRAIG. Mr. Speaker, I have taken this special order this evening to discuss an issue that to many of us in this body remains a critically important topic which we should all be well aware of. I took a special order out several months ago to discuss the formation of an organization here in the Congress called Congressional Leaders United for a Balanced Budget.

The purpose of this organization was to work for the passage of and the placement in the Constitution of the United States, a balanced budget tax limitation amendment. Few things have changed since the beginning of the formation of CLUBB. In fact, activities occurred today that convince more and more of us here in the House of the critical necessity of placing in the Constitution of this country a tax limitation balanced budget amendment.

Let me talk about some of the things that have changed that I think are important and continue to emphasize the need for this kind of action. First of all, prime interest rates have begun to move up slightly since I took this well several months ago to talk about a balanced budget amendment. Why is that happening? In large part because of the inability of this body or the body across the rotunda from us to deal with the critical budget issues of the day.

To deal with them in such a way that the private sector of this country can see that we will build in a long-term declining deficit, and finally arrive, some day, at a point where we can balance revenues and expenditures. We simply as a Congress have not been willing to come to grips with the real issue of the deficit. We are talking about a deficit downpayment. But as we talk about a deficit downpayment, we are also talking about increasing taxes and expenditures at the same time. Of course, that sends the private sector of this economy into great frustration as to how we will get our House, in fact, how we will bring the budget under control.

CLUBB, that organization that I chair here in the House, is now 75 Members strong. Seventy-five bipartisan Members who believe as I and others do that we simply must grasp this issue with a kind of firmness that will lead us to the constitutional amendment.

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My colleague from Georgia, ELLIOTT LEVITAS, said recently it may not be the best idea, but it is the only idea, if not the only alternative to bringing our fiscal house in order. And he said this body, this Congress, will not pass that amendment without the kinds of pressures that can be brought through the second portion of article V of the Constitution. That, of course, is to have the necessary States, 34 States, to force the real issue of a balanced budget amendment here in the House.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

Mr. Speaker, I will be very brief. I would like to thank the gentleman in the well for the initiative he has taken on this issue. I happen to think it is critically important.

I personally believe that it is necessary for the Members of this body and the other body, as well, to accept some responsibility for limiting the free exercise of judgment which, in the past, has led us into fiscal excess with the result that there has been great damage to the economy, and greater damage pends unless we react responsibly.

There is, in my view, very little justification for forcing the State legislatures to impose on us from outside, via the instrumentality of a Constitutional Convention, the kind of limitation on our judgment which we should accept ourselves in the light of our fiscal history. The American people are going to get some restraint in fiscal matters one way or another, and I would like to see this body behave responsibly and impose the kind of restraint on ourselves that would permit us to live with the final resolution.

We do not know what will come out of a Constitutional Convention, but in my view, we are playing a dangerous game in forcing the people to take this issue away from us by failing to answer the call, the responsible voice, of the gentleman in the well.

As a man in a terminal legislative condition at this point, I have to say it is very reassuring to find some of the younger Members of this House coming forward and accepting responsibility willingly for what we all know has to be done one way or another. I am very proud to see this act of renewal going on, and I believe we will all benefit from the initiative that you are taking on it. I would like to thank the gentleman and to express my confidence that eventually we are going to do what is necessary to impose greater presumptions in favor of fiscal restraint through such an amendment as the gentleman is advocating.

Mr. CRAIG. Let me thank my colleague from New York who, for many years, has been the leader here in the House and across the country for congressional action and an amendment crafted by this Congress that would be sent to the States to create that constitutional amendment to balance the budget. I have to concur with his thoughts that it is this body that should be responsible for issuing forth that amendment for State ratification, and yet we know that that amendment has year after year resided in the Committee on the Judiciary without action, a willingness on the part of that committee to act, while this House, by its actions, and this Congress by their actions, drive us, this country, our taxpayers, deeper and deeper in debt.

So let me thank my colleague from New York for the tremendous leadership that he has offered throughout the years on this issue, and I thank him for joining us tonight in this special order.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from New York.

Mr. BOEHLERT. I thank the gentleman for yielding.

Mr. Speaker, I would like to commend my colleague for having this special order on this very important topic.

I would like to remind my colleagues that following this colloquy, there will be another very special special order to talk about a nationwide campaign that deeply concerns me, one that is frightening and deceiving millions of senior citizens across this country.

I asked permission, and have had that permission granted, to have a special order to address the subject of the mailings of the National Committee to Preserve Social Security and Medicare, and I would urge my colleagues to stick around, because this is a very important subject that I would like to discuss once you have completed your important colloquy on this subject.

Mr. CRAIG. I thank the gentleman very much.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I would be happy to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Speaker, I just want to take a moment, I guess, to put again what we are doing here this evening into the proper perspective, and that is, the last several days there has been a lot of controversy about the use of special orders and what those in the minority are attempting to use those special orders for.

I think it has been misinterpreted. The real purpose of why we are here tonight, and I would remind the Members that it is 8:30, it has been a long day, it has been an active day, but we are here this evening because it is our only opportunity to talk about a balanced budget amendment. We have not yet been fortunate enough to get that type of legislation to the floor of the House to debate.

So the Members we are going to hear here this evening are Members who are willing to stay around and talk about this issue because they only have one other time to talk about it, and that is in 1-minutes. I would suggest that those people who talk about the possibility of eliminating special orders are once again talking about limiting the right of the minority to voice its opinion.

So I just want to again put it into perspective. We are here because it is our opportunity, the only real opportunity that we have, to talk about something that is meaningful to us and meaningful to the people we represent. I want to compliment the gentleman for his special order, and thank him for the time.

Mr. CRAIG. Let me thank my colleague from Florida for bringing up what is truly a most important point. For the last several days here in the House, the issue of special orders has in fact been an issue. I took a special order out on the most critical issue of the day, in my opinion, and that, of course, is our deficit problem and the budgetary crisis that I believe this Congress currently resides in.

It is that whole issue that the American public has continually said time and time again in the polls across this country, that 75 to 80 percent of them agree that the Congress of the United States ought to balance expenditures and revenues in what we call a balanced budget, but strangely enough, we have not been allowed to debate that here on the floor. We have not been allowed, other than through one minutes at the beginning of the day, or a special order at the end of the day, to talk about this issue that such a large majority of Americans want addressed by this Congress, because that very issue, that very amendment, has stayed locked up in the Committee on the Judiciary of this House while the Senate has gone ahead to have hearings on a constitutional amendment to balance the budget and limit taxes.

So let me thank my colleague from Florida for bringing that point up. It is most critical.

Mr. MACK. If the gentleman will yield further, let me just clarify a point.

What the gentleman mentioned was that the other body has held hearings on the question, on the matter of a balanced budget amendment.

Mr. CRAIG. That is correct.

Mr. MACK. Could the gentleman tell me how many hearings have been held here in the House on this particular matter? Have there been any?

Mr. CRAIG. To my knowledge, none to date, and we have continually over the last 4 to 5 months consistently asked for the opportunity not only through unanimous consent, but through direct appeals to the chairman of the Committee on the Judiciary, and that opportunity simply has not come forward.

Mr. MACK. I realize the gentleman is referring to the floor of the House, that we have not had hearings. Certainly one of the committees in the House has been having hearings about this very important subject.

Mr. CRAIG. No.

Mr. MACK. There have been no hearings in any of the committees?

Mr. CRAIG. None at all. No, my colleague from Florida is correct. Even with the urging of a large number of Members in this House, that opportunity has not been granted us in the Committee on the Judiciary.

Mr. MACK. I thank the gentleman.

Mr. ROBERT F. SMITH. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. At this time I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. I thank the gentleman from Idaho for yielding and I want to commend him, as others have, for this opportunity to discuss what I consider to be likely the most important issue facing this Nation, and that is the issue of a constitutional amendment to balance the budget of this country.

I do not want to discuss at great length the connection between deficits of $200 billion and the high and ever growing higher interest rates in this country, but I think others will, and the connection obviously is there, for the people in this country believe, as I believe, that deficits are crucial to the question of higher interest rates.

I come to support the balanced budget issue as a result of eliminating all the alternatives that seem to be present, or at least have been discussed by this Congress.

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Let me go through them with you just to show you that the alternatives to this issue are certainly not apparent to me.

First of all, there is the myth and misconception about how we might grow out of this predicament that we are in, how the country might grow. For instance, given these very conservative scenarios of 8 percent interest rates for the next 5 years, of 7 percent unemployment for the next 5 years and of a growth of 6 to 8 percent in the gross national product for the next 5 years, we find we are still facing deficits of nearly $600 billion in that time.

Obviously, we are not going to grow out of it. Therefore, doing nothing about the economy, doing nothing about spending, means that we will be in the predicament from now on.

What about some of the other alternatives? We have discussed the freeze on many occasions, freezing the budget. That has failed in this Congress.

We have discussed the pay-as-you-go plan. That has failed in this Congress. We have discussed the Roemer plan and eight other plans that were discussed when we had the downpayment on the deficit discussion here on the floor and, by the way, the downpayment idea of $150 billion is a charade in my opinion. Any time that you have to combine 3 years of savings and spending into a 1-year identity, you know it is a charade. Therefore, the downpayment, I think, does very little to correct the problem of the huge deficits we are facing in the next 3 years.

Well, Congress did not implement any of these alternative plans and, of course, those are the alternatives that are available to a balanced budget. However, some believe that we can change the composition of the Congress and, therefore, provide some sort of control on spending.

Well, I suggest practically that I think we can all agree that the Senate likely is not going to change composition; likely the House is not going to change composition, or for that matter leadership. Therefore, we can expect the same philosophies to continue on next year and the year after likely as we have this year.

Well, I think there is a mindset that has developed over the past 50 years in the Members of Congress, certainly, and that simply is that if you want to be reelected to this place, and by the way, the most important issue to me and to the Members of the Congress is to be reelected; the country will fail unless we are returned to office; the most important issue is to be sure that we are reelected and to do that I must dig in the pocket of Uncle Sam as deeply as I can to find enough money to send to my district in Oregon so the people will pat me on the back and say, "Bob, you have done a nice job. Congratulations. We are going to return you to Congress." That mindset for the past 50 years has worked and that is the old spend, spend, elect, and elect philosophy.

Now, unfortunately, that has worked and the Congress today is operating under that mindset.

I suggest that rather than people thinking that the Congress is not responsive, I suggest that the Congress is too responsive. I think it is so responsive to people's needs that at any time a person in my district or any other district in this country has a problem, the Congress corrects it. We spend money. That is why we are in trouble. That is why we have a $200 billion deficit.

Well, it is not an easy problem. Certainly with the fact that within the budget 42 percent of this total budget is involved in entitlements, 29 percent of the budget is involved in defense. If you would eliminate the rest of the budget, protecting entitlements and defense, you would have a little more than necessary to correct the $200 billion deficit. Therefore, unless we address these issues of entitlements and defense in the total scenario, we are never going to get to the area of reducing deficits in this country.

I do not mean to say that is easy. It is not easy. That is why I think that rather than allowing Democrats to blame Republicans or allowing Republicans to blame Democrats, the President blames the Congress, the Congress blames the President and we go on and on chasing our tail, everybody hiding, everybody blaming someone else and the deficits rise.

I suggest that we need a higher goal, a higher goal for all of us in the Congress, rather than just the sensitive area of specialities of electing BOB SMITH to the Congress.

I think we ought to go for a constitutional amendment which will require the first duty of a Congressman is to balance the budget and to follow the Constitution of this country. If that were true, I believe in the next few years we would begin a trend toward a balanced budget and upon the passage of a constitutional amendment to balance the budget, we would have reduced impact on short-term and long-term interest rates, the markets would respond, the country would see a light at the end of the tunnel and I think we would begin to move this economy.

I do not believe the great enemy of this Nation lies across the borders or across the ocean. I believe the great enemy of this country lies with the insatiable desire of the Congress to spend money for its own constituency and I suggest a higher goal would be the passage of a constitutional amendment to balance the budget.

Mr. CRAIG. Mr. Speaker, let me thank my colleague from Oregon for what I think is a very cogent observation of the kinds of problems that we face here in the U.S. Congress.

I do not know how many times I have heard someone say, "Well, Congressman, why don't you just balance the budget? That is the responsible thing to do. Can't you just bring expenditures and revenues into line? Surely you don't need a constitutional amendment to do that. You people ought to be responsible enough back there to do that which we perceive—" we being the voters out there—"as being a responsible act."

I do not know how many times we have heard, "Well, we have to do it in our businesses. We have to do it in our households."

My State government in Idaho and some 43 other State governments must balance their budgets. Now, surely, Congress can do that.

The gentleman from Oregon (Mr. ROBERT F. SMITH) mentioned a mindset and I think those of us who have served any time here in this Congress can recognize the very thing the gentleman is talking about, that there are some 4,200 special interest groups and there are a myriad programs that we call entitlement programs that continually work at gaining a portion of their benefit from the largess of the Public Treasury.

So just to be able to say no when there are 435 of us in this House, when there is probably at least one special interest that is of vital concern to our particular congressional district that we find it very difficult to say no to, when we have those kinds of pressures vying on this Congress every day of the week and there is no law, there is no constitutional requirement, there is no parameter in which we must operate that brings revenues and expenditures into line, then the very kind of problem that the gentleman speaks of continues to perpetuate itself year after year and, of course, that is what has ultimately led us to a Congress that in large part has allowed its budget to run away from it, that now is over $185 billion in deficits and as the gentleman speaks of nearly 75 or 80 percent of it is totally out of control unless this Congress were to go in and substantively change the law, that requires a cap and/or forces each one of those kinds of programs to be looked at on an annual basis on the budgetary process.

In other words, there is a legal, statutorial, driving force behind over 80 percent of the expenditures of our budget that we can shrug our shoulders about and say, "Well, that is out of my control."

The reason we say that in large part, or a good many Members say it, is because they simply do not want to control that process.

So let me thank the gentleman again.

Mr. ROBERT F. SMITH. Mr. Speaker, will the gentleman yield further?

Mr. CRAIG. Yes; I yield to the gentleman.

Mr. ROBERT F. SMITH. Mr. Speaker, I thank the gentleman.

The gentleman made a point which I want to amplify because I think it is so important, and that is simply that the people watching and listening and conerned about their family budget, balance their own budgets. They must do that or they go broke.

The facts are that 43 States in the Union have balanced budget amendments to their constitutions. They balance their budgets, they must by constitution.

I think that given the fact to allow the American people an opportunity to answer this issue, I think the people are way ahead of the Congress on this question. In fact, the polling that I have done shows that between 70 and 80 percent of the people in this country to the question, "Do you believe that the Federal Government should balance its budget?" will say yes, because that is the frugal means by which we have existed all these years.

So I think the gentleman made a good point and I believe the American people are ahead of the Congress, and given a chance the American people will be heard and I urge them and urge us to continue this effort, because it is only going to be through a grassroots kind of effort, hearing from the people, pressuring the Congress to act on this issue, that it will ever be accomplished.

Again, I thank the gentleman.

□ 2040

Mr. CRAIG. Let me thank you once again, my colleague from Oregon, and not only for his time here this afternoon on this special order, but for becoming a member of Congressional Leaders United for a Balanced Budget,

and taking the leadership role that you have taken on this most important issue that is not an Oregon issue or an Idaho issue. It is truly a national issue. Let me once again thank you for the strength you have dealt in support of this organization.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I am happy to yield to my colleague from California.

Mr. HUNTER. I thank the gentleman for yielding and for taking out the time for this special order.

I was listening to the chairman of the Rules Committee today, the gentleman from Florida (Mr. PEPPER) speak about television coverage and about our special order time. And he said essentially that we have to use this time and the coverage that we have of this Chamber during that time in a responsible manner. And I can think of no more responsible agenda for this House during special order time than to debate and discuss a balanced budget.

For the last 55 days in this House, and I believe we have missed 1 or 2 days perhaps, but basically for the last 55 days of session we have brought up on the floor of the House the request of the Democratic leadership to allow us to even ask unanimous consent to bring up a balanced budget, along with a line-item veto, along with school prayer. And now the 1983 President's comprehensive crime control package. All of these issues are very important to the American people. This is America's agenda and I know the gentleman has been traveling throughout America trying to succeed in this national crusade to put through a constitutional amendment to balance the budget.

I would like to ask the gentleman from Idaho what has happened in the most recent weeks and how close are we now to securing passage of a constitutional amendment to balance the budget?

Mr. CRAIG. I appreciate that question, because what the organization, Congressional Leaders United for a Balanced Budget, is really all about, is the effort to use the second part of article V of the Constitution. And in essence what that says, or what it means and what our Founding Fathers meant when they crafted it, was that if there were a time when the Congress of the United States chose not to be responsive to what was a majority will of the people, that the people could by their own expression work together toward the change in the Constitution or a change. And it says that when two-thirds of the States of this Nation petition this Congress that this Congress shall convene a convention for the purpose of crafting an amendment to the Constitution of this country.

Of course, we believe the Congress itself, which is in fact a continual seated convention to deal with the Constitution, could issue forth that amendment.

With that in mind, starting in about 1976, States began to recognize that if they did not become involved in this process that Congress would probably never bring forth a balanced budget. And since that time, up to the current day, we have 32 States that have requested of this Congress that we balance our budget, and they have done so through resolutions coming out of those State legislatures.

We only lack two more States in the Nation, must two more States of forcing this Congress vis-a-vis the Constitution to issue forth that amendment or allow the convening of a Constitutional Convention for that purpose.

As a result of that, the organization that I chair, that my colleague from California is a member of, has been intent on causing those States that have not petitioned the Congress to do so. As I mentioned, there are 32 to date who have.

California has now qualified on the ballot through an initiative drive to vote on that critical issue in November of this year. We are working in the State of Montana at this moment and the State of Washington through the initiative drive. We have been active in the State of Michigan through the legislature route. That State's senate recently passed by nearly a 2-to-1 vote a resolution requesting Congress for an amendment to the Constitution on a balanced budget and tax limitation. It is now in the House of the Michigan Legislature.

In the State of Ohio another initiative drive goes forth.

So this is very much a live issue in a variety of States across this Nation. And I believe it is truly one of the strongest grassroots issues that we have seen sweeping this country in a good long time.

The only thing that now stands between the wishes of the people and a constitutional amendment that would require this Congress to be fiscally responsible is the Congress itself.

So I want to thank my colleague from California for bringing up that most important point and what our CLUBB and other organizations are now doing to try to stimulate the legislative State route to cause this Congress to respond to its constitutional mandate.

Mr. HUNTER. I thank the gentleman.

Mr. MARLENEE. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I will now be happy to yield to my colleague from Montana (Mr. MARLENEE). He has been actively involved in the initiative drive that is currently underway in the State of Montana and is an active and an aggressive member of the Congressional Leaders United for a Balanced Budget. I thank you for joining me in this special order this evening.

Mr. MARLENEE. I would like to congratulate my colleague from Idaho, one of the great leaders of a grassroots movement, perhaps the most significant grassroots movement to take place in this country in the last century. And I want to congratulate him on being a leader here in Congress of Congressional Leaders United behind a balanced budget. Your leadership is an example to all of us, and I know there are a number waiting to speak here this evening, among them BILL DANNEMEYER who has been very active in California on this particular issue and has been an inspiration to me in trying to put together the initiative on the ballot in Montana.

When I was invited to join with my colleagues in this effort, and then I was asked to head the effort in Montana, I was elated. It took me about as long to accept as it takes me to accept a cold beer after branding all day in Montana. Not very long.

Montana I am very proud of. It is the 34th State to attempt to get this particular initiative on the ballot. For that reason it plays an extremely historic role in this particular movement.

I believe that if Montanans are given the opportunity they will overwhelmingly approve this balanced budget amendment or initiative on the ballot. We need 36,000 signatures in the State of Montana, and I think that it will be an easy effort.

But once we get those signatures, it has been indicated to me by my polling that 78 percent of the people in my State will approve this balanced budget. They know that they have to balance their checkbooks and they believe that the U.S. Government should balance theirs also. What is fair for them certainly ought to be fair for the Congress of the United States of America.

Of course, there are a lot of allegations that are being made, and perhaps my colleague could help enlighten the people. These allegations are being made in the State of Montana that this will hurt the elderly, and the needy and the poor people of this country.

That is a myth in my opinion and a misrepresentation. It is irresponsible spending, irresponsible spending by the Congress of the United States that creates the inflation, that erodes the buying power of the elderly who are on fixed incomes. It is that inflation that devastates the poor people of this country.

They are wise enough to know that this balanced budget initiative, and if it is passed, and if it is forced on Congress, will bring responsibility back and will hold that inflation down. That means that they will continue to have jobs. We have to control inflation

before we have the creation of jobs in the marketplace.

Another myth that seems to be quite prevalent in the State, and they are trying to misrepresent that issue with, is that the Constitutional Convention could get out of control. I do not believe that this is true because there are several safeguards and processes that it goes through, the last of which is that it must be ratified by the States, by 38 States, and that that is a position where one State counts as much as any other State.

□ 2150

And I do not think that the Eastern Seaboard States are going to run away with this convention. I think controls can be put on it. And I would solicit a comment from our leader on this particular issue.

But in closing, I would like to say that I think Montanans will overwhelmingly approve this initiative when it gets on the ballot and I think that they will be proud to have played a historic role in the future of this country of ours, bringing responsibility back to Congress.

I again wish to thank my colleague, Congressman CRAIG from Idaho, and my colleague from California, BILL DANNEMEYER, both of whom have been to Montana to assist us out there in formulating the direction we need to take, both Westerners.

I think you know our people as well as I do. Again, I thank you both for your participation. I am proud to be part of this effort.

Mr. CRAIG. Let me thank my colleague from Montana for participating with us in this most important special order this evening.

I have to concur with a good many of the things you have said. Montana, your State, plays a most critical role in causing this Congress to move for the first time in its history toward addressing the issue from a constitutional point of limiting its expenditures to its revenues, in other words, a balanced budget.

And the gentleman is absolutely right, if Montanans participate in that initiative drive and vote for that initiative with the percentages that they agree on through the polling that we have seen in the State of Montana, of those endorsing the concept of a balanced budget, then we will have those 34 States by November of this year.

Then this Congress will not be able to duck the issue, the most critical issue of the balanced budget amendment.

So once again, let me thank you for your leadership not only here in the Congress, as a Member of Congressional Leaders United for a Balanced Budget, but by wrapping up that initiative drive out in your State of Montana, bringing it to the people, giving them the opportunity to express themselves and to participate in what I think, something the gentleman said is absolutely right: a most important historical event and opportunity.

Mr. MARLENEE. Will my colleague yield briefly?

Mr. CRAIG. Glad to.

Mr. MARLENEE. Another allegation that has been made and we know this is a historic time and we should press forward with this; another allegation by the opponents, the big spenders is, "Well, we have to do something right away, and this is meaningless."

Can you shed some light on that particular allegation? I think that the impact, personally, I think the impact will be immediate. The people have expressed their will in 34 States in this United States of America, and Congress will take heed. They certainly should after that many States pass that type of a referendum.

Mr. CRAIG. Let me respond briefly to that and then I will be happy to yield to my colleague from California, who is here with us this evening. There are some who say to me oftentimes when I talk about it, "Congressman, how possibly can you today balance a budget that is $185 billion in deficit?"

And I look at them and have to very honestly say "You can't, you can't do that today or tomorrow or the next day." But what you must do, what we must do, is put in place a process and therefore put in place a movement, a motion that will cause this Congress to move in the direction of a balanced budget as quickly as they can get there; knowing that at a given point they must balance the budget.

In fact, I am so bold as to say, and I firmly believe that we would not, based on current budget levels, see major cuts in the budget.

What I think we would see and what I believe this Congress would so is slow down the rate of growth while the private economy of this country, recognizing that at some point out there, probably 1988 or 1989, that Congress would, by constitutional requirement, have to balance the budget, once the private economy of this country saw that, we would begin to see some very exciting kinds of things begin to happen.

By that I mean a declining interest rate, because they would not be fearful that Congress would spend them back into inflation and as a result of that we would see the kind of productivity that we saw in the last quarter of this economy.

Those kinds of things, being able to sustain them on a progressive basis, in my opinion allows us to make the assertion and I think it is a responsible one, that we would not see major cuts in the budget; we would simply see a slowing down of the growth rate at a time when the private economy of this country would be allowed to catch up and surpass us.

Mr. MARLENEE. This passage would inject into the economy, a confidence and an inspiration that would push the economy forward and it would be a great thing for this country.

Mr. CRAIG. Well, the gentleman is absolutely right. Many people have said to me, "Congressman, do you know why interest rates are as high as they are today?" Of course I have my thoughts and reasoning and explanation. They said: "Because the financial community of this country are scared to death that you are not going to be able to stop your spending back there and you are going to send us back into an inflationary cycle which will drive up interest rates."

So there is about a two-point margin in there, as a hedge against inflation. It is that kind of activity, that kind of banking practice, if you will, out there in the private sector today that would disappear. If those people were convinced that this Congress was going to balance its budget some time in the near future, not just because we said we were going to, but because the people knew we simply would have to and that we would not balance it simply by raising all the taxes or the revenues necessary to do it.

But we would be able to restrict the growth of revenues while at the same time restrict the growth of spending as this budget came into balance.

Once again, let me thank my colleague from Montana for joining me and especially once again for taking the kind of leadership he has here and in his State in pushing this most important initiative drive.

I would now like to respond to my colleage from California (Mr. LOWERY) who has been a major leader in this with us in our drive toward a constitutional-mandated balanced budget.

Mr. LOWERY of California. I appreciate the gentleman from Idaho yielding and commend him for asking for this special order this evening.

Mr. Speaker, the economic harm of routine Federal deficits is commonly acknowledged. Government deficits crowd out private borrowers from capital markets in the process of driving up interst rates. Employment in the housing, durable, and investment goods industries especially is depressed by high interest rates, and the costs of resulting idle labor include sluggish economic growth and the tens of billions of dollars of goods and services never produced.

Unfortunately, we have very recently seen a manifestation of this crowding out theory. The interest payments on the debt now amount to 12 percent of the current budget. During the last month, interest rates on conventional, fixed-rate mortgages have climbed to

around 13.78 percent, approaching last year's highest rate and a full percentage point above the average rate a year ago. Meanwhile, the Veterans' Administration announced that it was raising the interest rate on its guaranteed mortgages to 13.5 percent, the second half-point rise in the last 2 months. The prime interest rate was increased to 12.5 percent last week. And so it goes.

In addition to the situation we find ourselves in today, the outlook for the future is grim indeed. Annual deficits in the $200 billion to $250 billion range are projected through 1988, even assuming economic growth stronger than any since the early 1960's. Annual deficits will total 5 percent to 5.6 percent of domestic GNP through 1988. This contrasts with deficits which averaged 0.3 percent of GNP during the Eisenhower years and 2 percent of GNP during the Nixon/Ford years. Federal credit demands are projected to absord 50 to 70 percent of the Nation's net savings over the next 4 years. This would nearly double the percentage of net savings absorbed by the Federal Government in earlier years. Interest on the national debt will approach $200 billion by 1988 and account for $1 in $6 in the Federal budget.

There have been efforts to control Federal spending in the past, but a lack of self-discipline rendered these efforts ineffective. The congressionally imposed spending ceilings of the 1960's and 1970's could be modified or waived. The process under the current Congressional Budget Act seems to have largely fallen apart, leaving spending to a series of continuing resolutions. The time has clearly come for a balanced budget amendment.

I am particularly pleased, as a Representative from San Diego, that the voters of California will have the opportunity to vote on the balanced budget amendment this November. This initiative qualified for the November ballot in February, with an estimated 600,000 signatures. If approved by the electorate and approved by the State legislature, California could be the 33d State, of the required 34, to call for enactment of the tax limitation/balanced budget amendment.

I strongly urge my colleagues to support this effort. There is no more important issue before us.

Mr. CRAIG. Let me reclaim my time to congratulate the gentleman at the moment for what I think is already a bit of making history. I have been told that a good many people said in California, following initiative 13, I believe, which limited property taxes in California that never again would Californians move through the use of the initiative effort to in any way limit controls on expenditures, that that is a monstrous task in a State the size of California, to get enough signatures to qualify an issue on the ballot, some 345,000, I believe.

Mr. LOWERY of California. Well, they received in excess of 600,000 signatures to qualify.

Mr. CRAIG. Thank you. That is what I think is so important. Californians responded when they were given the opportunity to respond, over 600,000 strongly; nearly double the State requirement for qualifying an issue on the ballot, which just shows to me not only what Californians think of this issue, but I think as a cross section of the American public, what the American public thinks.

Happy to yield further.

Mr. LOWERY of California. I just want to say that with California and one other State, we will make history for the first time since the original Constitutional Convention, the people undertake to themselves the power that we have neglected so in terms of getting our fiscal affairs in order.

□ 2100

Mr. CRAIG. Let me thank my colleague from California for joining with me this evening in this special order on the issue of a constitutional amendment to a balanced budget.

Once again, let me thank the gentleman for the leadership role the gentleman has played here in the House and in the gentleman's State on this vital issue.

Mr. LOWERY of California. CLUBB.

Mr. CRAIG. Yes; that is CLUBB, Congressional Leaders United for a Balanced Budget.

My colleague from Montana spoke of some myths that are now being used across the United States by certain organizations in their accusation that if we are to move toward a convention that would be responsible for crafting an amendment, a constitutional amendment for the balanced budget, that we would see that convention spiral out of control and it could be possible, the argument is used, that you would see other major changes in the Constitution.

That fear is used by some who I think truly believe that that could happen. And certainly that fear is used by a variety of very strong national organizations who are now so dependent on receiving a certain amount of their largesse from the Public Treasury that they simply do not want the Government to have that requirement and therefore assume that kind of fiscal responsibility because they feel that in some way the revenues that they benefit from, that flow from the taxpayers of this country, might be cut off.

The myth of a runaway constitutional convention is something that I think is important to address here this evening.

I think there are eight check points that need to be understood, not only by Members of this body, but by the American people when we talk about the potential for a constitutional convention.

First of all, Congress itself could avoid the convention and I think that is the hope of a large majority of the Members of this body. But, first of all, I think demonstrated by the inability of this Congress to act in the late summer of 1982 to ratify a convention and send it out to the States and we missed that two-thirds requirement by several votes, that Congress must be forced. Now Congress, I think once forced by the States, will be able to draft and put forth that amendment for State ratification.

But let us assume they do not. Let us assume the worst scenario, the second part of article 5 of the Constitution, which in fact Congress would then allow the convening of a convention.

First of all, Congress must establish the procedure by which that convention could be convened. In other words, there are no laws on the statutes of the United States today that has within it a procedure by which to convene and therefore conduct a constitutional convention. So Congress itself would have to create that procedure. I am convinced that because of the pressure that the American people would put on them that we would write that procedure in such a way that would limit that convention to address specifically the issue that was brought about by those 34 States who had presented the resolution and therefore the call.

There is a third point and that is, if you will, the oath that the members of that convention would have to take. And from that oath I think there would not only be a moral obligation, but clearly a legal obligation to send that convention through the process of crafting the single amendment that it was charged with the responsibility of crafting when the convention was convened. And that of course is what the legislatures of the States have done by demanding that we deal with the single issue through their resolution call of a constitutional amendment and a tax limitation tied to that.

So there is clearly another check.

I think probably the final check and the most important check is that 38 States, three-quarters of the States of this Nation, would have to ratify a constitutional amendment to balance the Federal budget once the convention had crafted it and sent it back to the States for their approval.

Now I think a good example of how difficult that process is, because of how discerning our State legislatures are, is an example of the equal rights amendment. Whether you agree or

disagree with that amendment, the point was that legislatures had some 7 years to deal with that issue and we could never gain the necessary 38 States by which to ratify it and put it into the Constitution of this country. In fact, this body, this Congress, gave the States an extension of 2 years to try to get enough States to ratify the equal rights amendment.

So I think the idea of a runaway convention is just that, a myth, that there are clearly enough checks and balances now, along with those that we would craft through the procedural process of making the law that would convene the convention, to clearly protect the Constitution as it is today and to force that convention to address the single issue, the single most important issue of crafting an amendment that dealt with a balanced budget requirement.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think that the gentleman would agree with me though that far preferable to that would be to have this House act, to have this Congress act and get it done right away rather than to have to go that route.

Mr. CRAIG. Absolutely.

Mr. WALKER. And I think the gentleman would also agree with me that one of the problems that we have in getting that done is just the fact that this place realizes that once you pass a constitutional amendment on the balanced budget, once we have to really begin to discipline ourselves around here, we would have to begin to make the tough choices that so far we really have not been willing to make, that somehow along the line we just have not been able to tell ourselves that when we are spending other people's money we ought to do it with some degree of reasonableness and with some degree of understanding.

The constitutional amendment would basically force that on us and the question, I guess, around here is whether we are willing to accept the discipline that most State legislatures have to accept, that virtually every family in the country has to accept, and that this Congress should be willing to accept.

Mr. CRAIG. Well, let me thank my colleague from Pennsylvania who, as a member of CLUBB, and clearly a leader in this body has stressed for such a long time, the importance of fiscal responsibility and on numerous occasions has challenged this Congress to adhere to laws that it put on the books time and time again over the years, laws that said this Congress will balance its budget only to have one Congress after another deny what the Congress before had requested of it. And that of course is the important reason why we must have that constitutional requirement.

Mr. WALKER. If the gentleman would yield further, we still do have a law on the books that we tend to ignore around here that says that we are supposed to be balancing the budget, that we should have started balancing the budget in the early 1980's and we passed a law. But the problem is that Congress also has the unique view of the laws of this land that they apply to everybody else but the Congress.

So having passed a law for almost purely political reasons, we now have decided that, well, we did not really mean it, it is not really a law that we have to obey, and we go about our way disobeying the law and passing more and more unbalanced budgets.

Mr. CRAIG. Let me thank the gentleman once again. The gentleman mentioned something that I think is most important when he said Congress would have to, for the first time, begin to make the tough choices to establish priorities of how we are going to spend our money. In other words, when I am talking to citizens that are concerned about the balanced budget, I say that for the first time in a long time this Congress is going to have to be politically honest with the American people. And I say that because out of one side we have the ability to say we will give you all we need for your programs, while on the other side we are willing to say, but we want to cut taxes. It makes it very difficult for me to be able to understand how we can promise everything on the side in the form of money and promise tax reductions on the other side and, of course, that in part is what has got us into the problem we have today and that is why I say it makes us politically honest.

Let me address another issue that I think is most important and that we do not hear talked about a lot today. My colleague from Montana spoke of the senior citizen community of this Nation and the kind of difficulties they have living on a fixed income in an inflationary environment. And of course there are a good many of us who believe that one of the prime chargers of inflation is Federal deficit spending and the kind of money supply that is basically created by those kinds of large deficits.

□ 2110

And all that he said was true. But there is the other side of the coin that is just as important. When I look at my two sons and my daughter today, I say, "Look at the kind of debt that I am passing on by the actions of this Congress to future generations." In other words, we are spending, if you will, today money that we are going to ask our children and our grandchildren to pay for. In other words, that is like your father going out and spending out of control all of his life, building up a monstrous debt, and when he died the law would require that that debt be transferred to his children and his children would have to pay for it. And yet he received total benefit of the ability to spend in his lifetime, but his children are going to be asked to pay for it. And that is exactly what this Congress is doing today.

I know of no act more immoral than charging the young people of this country with $1.7 trillion growing debt that they are going to be asked to be paying interest on at the rate of over $100 billion a year and growing, year after year, all of their lives, and yet it was not them but their mothers and fathers and their grandparents that received the benefit of those expenditures. And yet they are saddled with the responsibility of paying off that kind of monstrous debt that past citizens and therefore past Congresses allowed to be generated.

That is one of the great immoral acts of constantly causing the Federal budget of this country to be in perpetual deficit and to build up the kinds of huge Federal debts that this country now has that causes this economy of ours to struggle at the rate that it is to attempt to come alive.

It is for these issues and a good many others that I and nearly 78 other Members, bipartisan, of this body and of the U.S. Senate have agreed that the only avenue left, the only possible way that we are going to be able to bring fiscal responsibility to this Congress, is to force the issue through an amendment to the Constitution of this country requiring that that budget be balanced and that we have tax limitation tied to it so that we merely do not try to spend our way out of the kinds of deficits that we have built through increasing revenues through taxation.

I am convinced, a good many others here are convinced, and, of course, we know that a large majority of the American people are convinced that there is no other opportunity left, that we must by the constitutional route force the issue that then builds the framework inside the procedures of this Congress as to how they will deal with fiscal matters and how they will deal with, therefore, revenues and expenditures and bring them into balance so that we quit generating this monstrous Federal debt and realize at some point a balanced budget that begins to move the economy of this country to the kinds of dynamics that brings us to full employment, that holds interest rates down, and, of course, that brings the kind of prosperity that all Americans are asking for and that all Americans deserve.

I would like to thank my colleagues for joining with me in this special order this evening on this most important national issue.

● Mr. PAUL. Mr. Speaker, I want to thank my colleague, Mr. CRAIG, for taking this special order today to discuss the merits of a balanced budget/tax limitation amendment to the Constitution. We in CLUBB are committed to such an amendment; moreover, we are committed to putting an end to the irresponsible practice of deficit spending which jeopardizes the very survival of our Republic.

I support a balanced budget amendment; however, I realize that it is only a first step toward solving our budgetary problems. A balanced budget/tax limitation amendment is only a mechanism by which, we hope, we can force Congress to put our Nation's finances in order; it imposes a limitation on Federal spending, but it offers no suggestions as to how and where we will cut. And, as the title of the amendment implies, Federal spending will have to be cut to meet this mandate. I strongly believe that if Congress is to exercise the fiscal responsibility which the people demand, and a constitutional amendment would require. Then there are going to have to be some major changes made.

For too long Americans have been led to believe that deficits do not matter; that we must spend hundreds of billions of dollars defending our wealthy allies to insure our own national security; that it is the Federal Government's responsibility to house, feed, educate, train, and employ every individual. Americans have had to stand by and watch as the Federal Government, ever-increasingly, usurps their liberties and prerogatives, as well as those of our State and local governments. It is past time to change these perceptions, and to impose a limitation not only on Federal expenditures, but on illegitimate and costly governmental functions. I believe we already have such a limitation, it is called the Constitution. I dare say that if we had honored the parameters which it imposes, then we would not be in the mess we are today.

While a balanced budget amendment is a positive step, it is worthless unless the perceptions of the people—and the attitude of elected officials who perpetuate these perceptions—change. The root of the problem is that the Federal Government has grown too big, it has tried to do too much; this growth threatens to bring our Republic down. It also brings us to where we are today, at a crossroads; down one road lies freedom and prosperity, the other leads to more Government control of our lives and our economy and, perhaps, to financial ruin.

It is imperative, I believe, that we act now to change our course, and readopt a policy of fiscal responsibility. A balanced budget/tax limitation amendment to the Constitution offers a chance to again reemphasize our commitment to sound, fiscally responsible Government, and to move foward from this mandate to reducing the size of our overgrown Federal Government.●

GENERAL LEAVE

Mr. CRAIG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE MISLEADS SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 60 minutes.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, when someone upsets my grandmother, I am upset and I try to do something about it. And when someone upsets millions of grandmothers across this great country, we should all be upset and collectively resolve to do something about it.

I requested this opportunity to address the House this evening after a very long legislative day—we have been in session 10 hours, and I am willing to stay 10 more—because I want to focus attention on a national campaign which is frightening and deceiving our senior citizens. When there is an organized national campaign which is frightening and deceiving millions and millions of our senior citizens, we must all be concerned and we must recognize an obligation to do something about it.

I am referring to the fundraising drive by the noble sounding National Committee to Preserve Social Security and Medicare. This drive has consistently rested upon misrepresentation of both the nature of the social security program and system and of national committee itself. I will be backing up that statement in great detail. But first let me make my own goals clear, because the national committee has begun questioning the motives of its critics.

I am not here out of any animosity toward the national committee's chairman, James Roosevelt. I have the utmost respect for the Roosevelt name, and I admire FDR's awesome and enduring achievements and legacy to the American people, the social security system. Nor am I an opponent of either social security or medicare. My statements and my voting record demonstrate that long before the national committee came on the scene I was a champion of both programs and an opponent of efforts to cut benefits to current recipients. Indeed, I doubt that there are many issues on which the national committee and I would disagree. And when I met with Mr. Roosevelt in March I told him, "Clean up your act, and I will be glad to join your organization and work cooperatively with you." I said that because I am deeply committed to the preservation and strengthening of social security and medicare. And so, too, is the overwhelming majority of this body, Democrat and Republican alike.

I have no quarrel with the national committee's goals, but I take strong offense to its behavior. That is what the issue is. Not James Roosevelt, not social security, not medicare, but the activity of an organization that is acting like a rogue elephant. This is a group that has found the perfect pitch to exploit the ever-present fear of senior citizens that the benefits they worked so hard for will be swept away. And this pitch has been alarmingly effective.

Congressional offices, State agencies and senior citizens advocacy groups have been swamped by calls from senior citizens who were upset or bewildered by the national committee's fundraising letter. The Washington Post reported that some seniors who had received the letter were showing up at Social Security offices asking to pay the $10 they thought was needed to save their benefits.

Is this the reaction an organization dedicated to protecting senior citizens would want to provide? I do not think so. The many Congressmen who have called my office, Republicans and Democrats alike, to find out more about the national committee do not think so, and advocacy groups that have an established record of providing real help to senior citizens, groups like the American Association of Retired Persons, the National Council of Senior Citizens, Save our Seniors, and the Association of Retired Federal Employees do not think so either.

Let us take a look at the tactics the national committee has used to inspire such widespread concern. They are a textbook example of how not to form a credible organization.

First, the national committee has cloaked its mailings in the trappings of official documents. This has only one

conceivable purpose: To deliberately mislead the recipient of the mailing.

This exploitive disguising begins with the envelope. The organization's first letter mailed in early 1983 came in an envelope marked "Urgent. Important Social Security and Medicare information enclosed. Attention Postmaster: Time dated legal documents enclosed."

The Postal Service requested that the committee change the envelope because, as the Postal Service said, and I quote, "It suggested to the recipient that the envelope contains official information pertaining to his or her individual benefits."

□ 2120

The national committee did make one change on the envelope, the envelope now reads, "Time-dated official documents enclosed." Needless to say, this minor revision clarified absolutely nothing. It is the ultimate example of a difference without a distinction.

The committee's reply to this charge has been to argue that the envelope violates no laws. That is a great attitude; it violates no laws. Is this the group's goal, to exploit the elderly by staying one step ahead of the law? The misleading appearance of officiality is maintained once the envelope is opened. The final item inside the envelope is also falsely presented as being official. The petition includes an, officially certified petition number. What on Earth does that mean? The misleading appearance of the group's mailings is matched by their misleading tone and content.

Here again we see a pattern that dates back to the group's first fundraising letter. That first letter of 1983 offered to send those people who paid $10 to join the national committee, a copy of their social security records. The letter neglected to mention that those records are available for free at any time to any citizen from the Social Security Administration.

That letter caused such an uproar that the organization agreed to a followup mailing clarifying the matter and offering to return the $10 to anyone who felt misled. The committee now tries to trivialize this episode, referring to the letter as a test mailing. I am sure that designation would come as a surprise to the unfortunate guinea pigs around the country who received the letter and sent in their $10. But the primary reason the incident is not trivial is that it reflects the devil-may-care attitude that continues to mark and mar the national committee's operations.

For example, a letter the national committee mailed last fall stated the medicare fund has borrowed $12.4 billion from the social security fund. Medicare is in so much trouble, says the committee, it has been unable to even pay the interest on the loan. In November, the Social Security Administration alerted the national committee that this statement was just plain wrong. Social Security has borrowed from the medicare fund, and will be able to pay that loan back when it is due in 1989.

What was the reaction of the national committee? Nothing. Absolutely nothing. When the next fundraising letter from the group went out, it started arriving in mailboxes in February of this year, the letter still contained the gross misstatement of fact in precisely the same words. Only after congressional offices began complaining in March did the group even talk about correcting the error, and I have yet to hear of anyone receiving a corrected version of that letter.

The committee now refers to pointing out this mistake is nitpicking. What a cavalier attitude toward truth, to call it nitpicking. The organization felt the point about interfund borrowing was significant enough to give it prominent play in the letter and to highlight it with exclamation points and underlining. Yet, when the group is told that statement is false, blatantly untrue, the paragraph suddenly becomes of minor importance.

But there are still more problems with the winter's mailing. The letter that has elicited so much concern from those who are committed to helping the elderly; let me emphasize, it has elicited so much concern from all of us in this Chamber, Democrats and Republicans alike, to those of us who are committed to helping the elderly.

We have in this Chamber the distinguished chairman of the Subcommittee on Social Security, and at any time he wishes to be recognized, I will be privileged to yield to him.

Mr. PICKLE. I thank the gentleman for yielding to me, and I appreciate the time he has taken to discuss this problem.

I think we all should be careful not to impugn the integrity of many organizations who are engaged in dissemination of information, whether it is in the field of retirement or medicare or social security or health. Many of these organizations serve a very worthwhile purpose. We have to applaud them for their interest.

But in this particular case that the gentleman has been discussing, I would say that I too am concerned about some of the statements and activities of the national committee to preserve social security, a group lead by our good friend and former colleague James Roosevelt.

I am disturbed and disappointed that this organization has engaged in a national fundraising effort sometimes based on arousing fear in the public mind about the solvency of our social security retirement funds. It is irresponsible to use scare tactics to arouse concern and mobilize the public to defend our social security system against a false threat. All the responsible economic reports, including that of the actuaries in the trustees report, indicate that our OASDI trust funds are in balance and that benefits will be paid on time and in full. Certainly we in Congress must watch carefully to insure that this balance is maintained, but at the present time there is no justification for alarm.

For anyone to suggest otherwise, be they the National Committee to Preserve Social Security, the Committee on Economic Development, Secretary of the Treasury Donald Regan or President Reagan, is unfortunate and does a great disservice to the American public. I have in the past and I will continue to condemn such scare tactics. Only last week Secretary Regan made unnecessary statements that has caused alarm and fear—and his statements were unwarranted, as well as inaccurate.

I am also concerned about the true nature and purpose of any group which sends out millions of letters soliciting money and memberships. We in Congress seldom see very little to suggest what has been done with all the money rasied. While this organization originally raised money as the National Committee to Preserve Social Security, it is now calling itself the National Committee to Preserve Social Security and Medicare. This represents a shift in position and I have to ask myself will their position shift again, and who will make that decision?

I am also disturbed by the numerous complaints that my colleagues have brought to me about this organization. These stem largely from the nature of the fundraising letters which have been mailed out. Their envelopes, petitions, and solicitations have been criticized as sometimes being misleading or containing incorrect statements. Questions have been raised with the Department of Justice, the Post Office, the IRS, and the Social Security Administration.

Because of my concerns and all the controversy in this area I have been carefully following this organization. I have met personally with Mr. Roosevelt and have made formal written inquiry about many aspects of his organization asking such questions as:

What is the organization's IRS classification?

Who are the members of the governing board?

Who are the executive officers?

What expenditures has the organization undertaken in the area of educational and lobbying activities?

What are the present and past fundraising activities?

I have made these and other concerns known to Mr. Roosevelt and I

have his assurance that changes have and will continue to be made.

I would hope that no former colleague or any other official would lend his or her name to any organization which engaged in purposefully or even unintentionally misleading the public. While this is a relatively new organization such newness provides no excuse for making unreasonable charges regarding the financial solvency of the social security funds or maligning Congress commitment to this program.

As the chairman of the House Subcommittee on Social Security, I am and will continue to closely watch the actions of this organization and other organizations such as this. I assure my colleagues that I will take whatever further steps prove necessary to protect the public interest, including holding public hearings, should they be warranted. I look forward to working with my colleagues in the House to insure that the debate over the role of social security in meeting our Nation's needs is not clouded by misleading or sensational claims from whatever quarter.

□ 2130

And, Mr. Speaker, I also feel we should be entitled to see how is being paid in these organizations, what amounts they are being paid, and if, indeed, someone is profiteering. I certainly do make that accusation about Mr. Roosevelt, but I do feel that there may be others in other kinds of organizations, and perhaps that organization, who should be held accountable. We ought to encourage organizations to be interested in social security and the program and its future, but we ought not to just let them have a free hand to say any and all things they want to while they are raising funds for the purpose of just getting membership primarily for fund purposes. I think social security is too important to let these things go unnoticed.

So I am glad the gentleman is making these comments. I think his statements have been measured and have been reasonable. We are not trying to stop any organization, but I think we ought to say that this can be served as a notice that the Congress is not going to be unmindful or organizations that specifically lobby for the sake of carrying out the purposes of an organization that is primarily based on fundraising. I think the public is entitled to better protection.

Mr. BOEHLERT. I want to thank the distinguished chairman of the Subcommittee on Social Security for his support for this effort. There is no Member of the Congress of the United States who works harder or more effectively in the interest of our senior citizens than the distinguished subcommittee chairman from Texas, and I want to thank him for his participation.

Mr. PICKLE. I thank the gentleman.

Mr. BOEHLERT. The gentleman is so correct. We are after corrective action. We have no interest in impugning anyone's character. This is extremely important.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I would be glad to yield to my colleague, the gentleman from Nebraska.

Mr. DAUB. I thank the gentleman for yielding.

Mr. Speaker, I do not want to take a lot of time from this very important special special order, as I heard the gentleman refer to it earlier in the proceedings, but I do want to say a few things about the seriousness of this matter and in so doing commend the gentleman, my good friend and distinguished colleague from New York for his interest in fairly presenting the matter to his colleagues and to those who may be informed of these proceedings.

Mr. Speaker, the so-called National Committee to Preserve Social Security and Medicare, led by former Member of this body, Congressman James Roosevelt, is generating confusion and uncertainty among about 9 million elderly citizens regarding their social security and medicare benefits. Mr. Roosevelt's mailings take the form of newsletters that present misleading half-truths about social security and medicare and ask for a $10 contribution from the recipient.

Many of our elderly constituents believe that their benefits will be threatened if they fail to send in the $10 to this fundraising organization or that this committee is the only source of information about social security and medicare benefits. The Social Security Administration, however, has always provided the most clear and up-to-date information on these Federal benefits and continues to prepare and distribute information about these programs to everyone—free of charge.

I first became concerned about the activities of this committee in January when I was contacted by one of my constituents. The first paragraph of his letter demonstrates the concern of many elderly people in my Second Congressional District in Nebraska. He wrote, and I quote:

> My mother is an 81 year old widow on Social Security. She recently got this letter from what I assume is some kind of senior citizens lobbying group. What I want to bring to your attention is the way that the envelope and so-called petition are captioned so as to mislead people that these are official matters from the Social Security Administration. I think that this kind of thing should be stopped. As you know, old people are sensitive about Social Security matters and this kind of junk mail styled as official business is bad practice which can easily confuse elderly people.

My constituent is absolutely correct. Although he intercepted this letter for his 81-year-old mother, many other elderly people receiving this and other misleading mailings will be and still are confused and upset.

I moved immediately on the concerns of my constituents and others and wrote to Mr. Roosevelt on February 20 urging him to make revisions in his mailing. I made it quite clear to Mr. Roosevelt that as a member of the House Select Committee on Aging, I have a special interest in working toward solutions to protect social security and medicare that have been earned by my constituency and that his organization's support of bipartisan efforts in the Congress to strengthen the solvency of the social security and medicare systems would be greatly appreciated.

Indeed, I pointed out that petitioning the Congress is a practice that I wholeheartedly encourage; however with references made to "official documents" on the envelopes from some of those mailings, and a return address that reads "National Administrative Office" in Washington, D.C., many elderly people are led to believe that these mailings are official documents from an agency of the Federal Government.

I have also contacted the U.S. Postal Service whose inspection service have informed me that they are now in the process of again redetermining whether a full investigation into the possibility of mail fraud is warranted.

The Social Security Administration, too, is aware of the problems these mailings have created. For example, some of the statements on Mr. Roosevelt's mailings lead elderly people to believe something is true when it is only true under certain circumstances.

The format and innuendo of Mr. Roosevelt's mailing is, I must say to my colleagues in the House, a disservice to older Americans who merit very accurate and very clear information about their Government benefits. We should all be encouraging our constituents to contact their congressional representatives with the concerns they might have about the solvency of the social security and medicare programs.

I would hope that Mr. Roosevelt's group would reassess their efforts and redesign their fundraising mailings in an effort to work in the best interest of our elderly in this country, the very interest that Mr. Roosevelt and these mailings proclaim that he is trying to help.

I want to thank the gentleman again for his insight, for his very hard work on this matter. I have read of his continuing effort to correct these things in a number of national publications, and I want to say to him that I, for one, as a member of the Select Committee on Aging, and particularly the

Subcommittee on Long Term Health Care, that the watchfulness of the gentleman in the well and his alertness to these kinds of things will indeed help to not only perhaps cure some of the deficiencies that he is pointing out in his special order, but maybe put others on guard, to put them on awares, that the Congress will not tolerate this kind of misinformation being sent to citizens and constitutents across the country not only for fundraising purposes, but indeed for the kind of consternation and, I guess, just plain metabolism that gets upset when somebody who is dependent upon these programs reads this kind of information. I want to thank the gentleman again for all of his work.

Mr. BOEHLERT. I want to thank my colleague from Nebraska. As I said at the outset, when someone upsets my grandmother, I am upset and I want to do something about it. But when millions of grandmothers across the country are upset, we should all be concerned and resolve collectively to do something about it.

Mr. DAUB. Might I say one more thing to my good friend, and that is, I am not only upset when someone upsets my mother or my grandmother; I am upset when someone upsets the sons and daughters of those mothers and grandmothers.

Mr. BOEHLERT. By all means, and I thank my colleague for participating in this very important discussion.

Mr. McCAIN. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I am glad to yield to my colleague, the gentleman from Arizona.

Mr. McCAIN. I thank the gentleman for yielding.

Mr. Speaker, I would first like to thank both my colleagues here, including my colleague, the gentleman from Nebraska (Mr. DAUB), who I also serve with on the Aging Committee and the Subcommittee on Health and Long Term Care. I think he has highlighted some of the problems. I would particularly like to thank my colleague, the gentleman from New York who, because of his efforts, we are here tonight in trying to bring attention to this very serious issue. I know he has worked tirelessly on it and I think that this and many of the other efforts that will be made hopefully to bring a stop to this kind of thing not only on this particular issue, but on others that we are aware of that are somewhat similar, that we can bring people's attention to it and bring it to a stop. I think the gentleman deserves a tremendous amount of credit.

I would like to make my remarks very brief. It is late and we have a long day, a long session, and another one tomorrow, but I think the fact that we are here is an indication of how important this issue is.

□ 2140

I was particularly gratified to see our colleague from Texas who probably knows more about the social security system than any living American give those words of reassurance to our senior citizens, that the social security system at this time is solvent and they do not have to be concerned about any immediate threat to their social security payments and I think that is an important message that has to be repeated again, and repeated again, and again.

The first time I ran into this problem I was having a townhall meeting a few months ago. An elderly lady came up to me and said: "Mr. McCAIN, how much money do I have to give and do I have to send it to you or do I have to send it to the committee?"

I said: "What do you mean?"

She showed me the petition that we are all familiar with and that the gentleman has described earlier here tonight. It had my name on it, unbeknownst to me, and the names of the two Senators from my State, that somehow this petition, as it was said was going to be sent to me and I would be contacted, with the clear inference at least so many of my constituents have received that they would be required to send money in order to see that their social security was saved.

Now, that may not be what is printed, but that is certainly the inference that many of my elderly and senior constituents receive.

Expenditures. Let us talk about where this money went. I was astonished and I think that my colleague from New York has already mentioned this, that $1.73 million was raised last year, of which according to the figures I have, and I certainly would be proud to be corrected if necessary, one-fourth of this sum was spend on administrative and solicitation purposes, and even more alarming than that is the fact that more money was spent on solicitation than on legislative and research efforts.

This committee, by the way, has not contacted anyone that I know of in the Congress. Does the gentleman know of anyone, I ask my colleague?

Mr. BOEHLERT. No; my colleague is absolutely right on target. As a matter of fact, in the first 16 months of the committee's existence, reports indicate it has spent millions of dollars to raise millions of dollars, ostensibly for the purpose of lobbying the Congress of the United States in behalf of social security and medicare programs, and yet chairman after chairman in both the House and the Senate report to us their committees have not been contacted, their committees have not had an appearance from any representative of this committee to lobby in support of any legislation.

That is why I got involved in this, not that I want to stifle individual opinion, not that I want to discourage anyone from doing anything possible constructive in support of social security or medicare, but I want people to be honest and up front and do exactly what they say they are going to do and not use deceptive practices to scare our senior citizens out of their hard-earned money.

Mr. McCAIN. Well, if my colleague would yield further, it would not be unfair to describe this fundraising effort as at least deceptive, because the people that gave that money believed that Members of Congress, including the gentleman, and me, and other colleagues here, were going to be contacted on behalf of their social security and the solvency of it and the medicare funds; so I do not think it is too harsh to describe it as deceptive. Maybe there are others that could be used.

I would like to just mention if I could and discuss with the gentleman the overall philosophy of this kind of fundraising efforts. It appears to me that this is not the first time that something like this has gone on. In fact, political parties have indulged in this kind of activity, but I think it is important for us to try to bring a stop to the kinds of solicitations of senior citizens, and by the way, I will bet that if we took a poll to see who gave the most money it would be at the lowest end of the economic scale, because those are the least educated of our citizens and these kinds of solicitations, in my opinion, if necessary, maybe we should consider some kind of legislation. I am not one who believes, nor do I believe my colleague from New York, that we have to pass specific legislation to cure evils; but if the senior citizens of America are being taken advantage of in this kind of fashion and being deceived, then possibly maybe the Congress of the United States should act in order to being it to a stop.

Again, as the gentleman has so eloquently stated, I say to my colleague from New York, this is not in any way trying to prevent people from using the U.S. mails for purposes of information, education, and others, which is an important way of our life, but what seems to be taking place is exploitation of certain segments of our society in sensitive subjects which mean a great deal to them, their livelihood in this case, and therefore finding a way of soliciting money.

One of the great names in the history of America is the name Roosevelt. It evokes an era of our country and our memories of greatness of America, of caring for the poor, the elderly, the handicapped, a name which I am sure will go down as one of the great names of this century.

I am sorry to see the name Roosevelt attached to this kind of solicitation. I

would hope that we might be able to prevail upon this organization to change, and change rather dramatically.

Again, I would like to express the appreciation of many, many people who appreciate the efforts that the gentleman is making on behalf of, I think, a very important issue.

I would like to add, Mr. Speaker, that during the winter months of 1983, Members of Congress worked together on a compromise package designed to address the financial solvency of the social security trust fund. Admittedly, the package was not perfect. It was, however, a landmark piece of legislation which provided necessary changes to maintain the financial solvency of the trust fund. If additional changes need to be made, there is ample time to do so through the legislative process. Most recently, the social security trustees reported that "benefits can be paid on time well into the next century" even under the most pessimistic set of assumptions.

It was during the first few months in 1983 that I received hundreds of letters from senior citizens who were frightened and concerned about the loss of their social security benefits. For many senior citizens, this is their only source of income. Just when I thought their fears had been laid to rest, I received more letters. However, this time they stated where they received their facts—from former Representative James Roosevelt's letter for his nonprofit National Committee to Preserve Social Security and Medicare.

I have to question the tactics of Mr. Roosevelt's committee. The committee's inaccurate and deceptive statements, found in their direct-mail campaign letters, forecast the immediate collapse of the social security and medicare trust funds. Through the misrepresentation of facts, half-truths, and the distortion of material contained in envelopes labeled: "time dated legal documents enclosed," the elderly are frightened into contributing money to the committee. If Mr. Roosevelt's committee was truly concerned and dedicated to helping the elderly, I do not believe they would mislead senior citizens into thinking that they may not receive their next social security check.

Additionally, I examined Mr. Roosevelts' 1983 committee budget. I was alarmed at the expenditure outlays. The income from membership dues totaled $1.73 million. One-fourth of this sum was spent on administration and solicitation costs. Even more alarming was the fact that more money was spent on solicitation costs than legislative and research efforts. If the committee was actively working for senior citizens, I would have expected more of the budget to be targeted on legislative efforts than the solicitation of additional funds.

On a matter which affects so many Americans, I do not believe that payments or contributions to organizations using tactics such as Mr. Roosevelt's committee are productive. Rather, concerns should be shared directly with Members of Congress. The circulation of inaccurate and misleading information, in an attempt to garner frantic financial responses of desperate hope, will not result in the appropriate corrective legislation.

As a Member of Congress, it is part of my job to represent our Nation's elderly. Mr. Roosevelt's committee is unnecessary and possibly unethical. I believe the American people should speak out against this type of hypocrisy.

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for his remarks. I know he has been deeply concerned about this whole issue and he has been very actively involved in efforts to guarantee that what the House of Representatives and the Congress of the United States do with respect to programs affecting our senior citizens is responsible action and in their best interests.

So I thank the gentleman once again for participating.

It has been mentioned here throughout this discussion that millions of millions of senior citizens across the country have received a solicitation letter and I have that solicitation letter and most of my colleagues have also received copies from their constituents.

Let me go over this letter in some detail. This letter which has apparently been mailed to 10 million Americans, the wording of the letter is needlessly inflammatory. It implies that social security and medicare are in danger of collapsing immediately, not in a decade, not in a few years, but right now.

The panic reaction of senior citizens who have received the letter is ample proof of that.

The letter also implies that the only way medicare costs can or have been reduced is by cutting benefits. This, of course, is just not true.

Finally, the letter implies that Congress is unconcerned about the future of social security and medicare and is poised to slash benefits. That is absurd.

The National Commission on Social Security Reform which did a magnificent job for this system and for the American people last year, the membership of this commission reads like a who is who in America: CLAUDE PEPPER, Congressman from Florida. Senator PEPPER was the U.S. Senator the year I was born. I know of no one in all 50 States out of 220 million Americans who is more concerned about the needs of our senior citizens and about the need to guarantee the integrity of social security than CLAUDE PEPPER and he was part of this magnificent job done by the committee last year and Congress responded to those recommendations and took actions to guarantee that social security is sound well into the next century.

And yet if you read this letter, you have the impression, and senior citizens are given the impression, that social security is on the verge of collapse, it is going over the edge at any minute. That just is not so.

It is not just Senator PEPPER. One of my own constituents served on that National Commission on Social Security Reform. The senior Senator from the State of New York, a Democrat, Senator DANIEL PATRICK MOYNIHAN. He, too, is concerned about the future of social security. He, too, proudly identified with this report and recommendations that the Congress of the United States approved and that was signed into law by the President of the United States.

There is Lane Kirkland, president of the AFL–CIO, and right down the list.

There is BARBER CONABLE, senior Republican on the Committee on Ways and Means.

JOHN HEINZ, Senator from Pennsylvania.

ROBERT DOLE, Senator from Kansas.

WILLIAM ARMSTRONG, Senator from Colorado.

Alexander Trollbridge, president of the National Association of Manufacturers.

Alan Greenspan, chairman and president of Townsend, Greenspan & Co. of New York.

The list goes on and on, a who is who in America, Republicans, Democrats, concerned Americans, and yet this letter says that what they did is not enough, does not even come close to addressing the problem.

The letter is just inaccurate. It is misleading.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I would be glad to yield to my colleague from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Up in Pennsylvania Dutch Country, we have a term up there that is often used when things like this are being looked at. The term is shyster. It sounds to me as though we almost have a case here of shysters who are preying on older people using the Social Security Administration's good name as a way of getting money. That comes awfully close to being consumer fraud.

□ 2150

Is the gentleman aware that some of these activists around the country like Ralph Nader have done anything to look into this matter of almost a consumer fraud situation?

Mr. BOEHLERT. Let me respond to the gentleman by saying this: No. 1, I have asked the Justice Department to look into this. No. 2, there are some States attorneys general looking into it. There are a number of people going over this with a fine tooth comb to see just what response is appropriate.

Let me also make clear one very important point. I am not impugning the motives or the integrity of the chairman of this organization. I met personally with Mr. Roosevelt. I think that he is deeply committed to preserving the integrity of the legacy his great father left this Nation.

But I am deeply disturbed that people using his name are misleading elderly Americans, and in the process collecting millions of dollars of hard-earned money, ostensibly for the purpose of lobbying the Congress of the United States to do what the Congress of the United States is determined to do: Guarantee the future of the medicare system, just as we did with the social security system.

Mr. WALKER. Will the gentleman yield further?

Mr. BOEHLERT. I will be glad to.

Mr. WALKER. I think the gentleman has made very clear that he feels that Mr. Roosevelt is sincere about the project, and I think he has made that clear on the record.

The fact is, though that the additional record is out there in the country that these letters that are mailed to my constituents, mailed to most people's constituents here, have been I think properly characterized by the gentleman, too, as being very, very misleading.

Mr. BOEHLERT. Nearly 10 million of these letters have gone out.

Mr. WALKER. And the bottom line is people are sending in an awful lot of money to this organization in order to do something which we have reason to believe that the organization may not be able to deliver on.

Can the gentleman give us some idea as to what this money is being spent for?

Mr. BOEHLERT. I am glad the gentleman brought that up. Let me talk about the worst trick which I refer to as the worst trick, the cruelest distortion of all. It seems the national committee has been misleading potential members about the activities and accomplishments. Get this. For example, both the fundraising letters mailed late last fall and this winter state that paying the $10 will mean "Most importantly, you will be helping to make it possible to continue our work here in the Capitol." Capitol with an "o" meaning this very building. And they are referring to this very building.

This is a cruel joke. Continue the group's work? What work?

This group which was formed in November of 1982, and immediately began writing to seniors about the "urgent" action needed to save social security did not even register to lobby until 2 months ago, more than a year after it was organized, more than a year after it began collecting money, not just $10 at a time, but literally thousands of dollars at a time, well over $1 million already.

Mr. WALKER. If the gentleman will yield further, what were they doing in the meantime? Do we have any idea what they were doing for that year when they were telling people were lobbying on their behalf, and it edoes not seem there was any kind of legal activity going on of that type?

Mr. BOEHLERT. To the best of my ability, I have tried to answer that very question. And the conclusion I have reached, after asking a number of questions of a number of people, the committee has used the hundreds of thousand of dollars it has collected to send out more mailings to collect more money. So what started as tens of thousands quickly became hundreds of thousands and now we are talking in terms of millions. And when I started this effort in early March, they had not registered as lobbyists. They had not appeared before any committee of the Congress to lobby in behalf of anything.

Mr. WALKER. If the gentleman will yield further, a lot of the people who are sending this group $10 are people who are getting $300, $400, $500 a month in social security checks. Do we have any idea what they may be paying the people who are running this organization?

Mr. BOEHLERT. I have a lot of questions about that, and as you were here a little bit earlier, you heard the distinguished chairman of the Subcommittee on Social Security of the Ways and Means Committee tell this body and the American people that he has asked for this information. Where is all of this money going? Who is being paid what? What is the $10 bill that some senior citizen, solely dependent on a modest social security check, what is that $10 bill being used for?

I cannot answer that question yet.

Mr. WALKER. If the gentleman will yield further, we know in this town that there are an awful lot of $100,000 and $200,000 lobbyists in this town. I mean it is possible that this is, what we have here, is that these people are sending in all this money, and what it is really going for is to pay $100,000 salaries in this organization.

Mr. BOEHLERT. Circumstantial evidence would lead one to conclude that a considerable amount of money is being paid to a number of people to help collect more money from millions of elderly Americans.

Mr. WALKER. If the gentleman would yield further, is any of this money going into political campaigns of any kind?

Mr. BOEHLERT. We are still in the process of our investigation on that. But we are also told that this organization has formed a political action committee and is in the process of soliciting.

Mr. WALKER. One of the notorious PAC's is being formed here?

Mr. BOEHLERT. It has already been formed, I am told. And I am told they have collected in excess of $100,000 for so-called political activity. And I am also told, and we are in the process of verifying this, that there has only been one substantial payment made from that political action committee, and that is to an attorney.

Mr. WALKER. Wait a minute. If the gentleman would yield further, we have a political action committee being formed that has raised $100,000. We are in a campaign year and the only payment it has made so far is to an attorney? Is he running for office?

Mr. BOEHLERT. No; not that I know of. The only substantial payment has been made to an attorney. There have been other payments, I am told, and we are in the process of getting the documented information.

Mr. WALKER. That sounds typical of what goes on in this town in terms of lobbying organizations and so on, and the attorneys always seem to get the money. But it is disturbing when we know, in fact, that we are doing this on the backs of hundreds of thousands of older citizens across this country who can ill-afford that kind of money coming out of their meager paychecks to go to what they think is a worthwhile cause, which is obviously just another Washington name on the door that raises a lot of money but does not really do many of the things, at least very influentially, that they claim to do.

We have a lot of things around here like that. It is not just this organization. There are many organizations that are doing mailings into my district, many of them going to those same elderly citizens who are telling them if you send in this card and send us some money, and so on, we are going to get the budget balanced for you next week. Or if you send in this card and send in this money, we are going to bring school prayer back next week and so on. And a lot of those kinds of things are in the same manner.

But this one is very disturbing because in this case it is obvious that what they were attempting to do was to use the social security system as a basis on which to raise the money. And really I thank the gentleman for yielding to me and for the information he has disseminated here, and for taking this special order so we might all learn.

Mr. BOEHLERT. I want to assure my colleague from Pennsylvania that

this effort will not end with this special discussion this evening. I intend to pursue it, as do a number of my colleagues, Republican and Democrat alike.

Those offering up their $10 in response to this letter have not received much lobbying bang for the buck. In fact, the only substantial lobbying the National Committee has undertaken appears to be its Herculean effort to persuade Congress that the group is legitimate. Judging by the private comments of many of my colleagues, the group has not been very successful.

The fundraising letter is not the only place where the National Committee has tried to cover up its woeful lack of activity. Let me cite a more recent example.

In a May 2, letter to one of our colleagues, the chairman of the committee wrote, "We are producing our first legislative newsletter 'Senior Focus on Washington.'" Keep in mind, more than a year after the committee was formed, a couple of million dollars later, or near a couple of million dollars later in fundraising and they are talking about their first legislative newsletter in the production stage. But 2 days earlier, 2 days prior to this May 2, announcement in a letter to a nationally syndicated columnist, the chairman wrote: "We publish a legislative newsletter 'Senior Focus on Washington.'"

So one day they are telling the world that they are just going to put out their first legislative newsletter in the production stage, but 2 days prior to that, to a nationally syndicated columnist who would give exposure to this idea across this Nation to millions of Americans, they point out that they have already published the legislative newsletter.

□ 2200

Boy, that is playing fast and loose with the facts.

Some of the materials prepared for members of the National Committee have been misleading as well. For example, one issue of the chairman's report—none of the issues are dated—says, "I put my entire staff onto the notch year issue." What staff? The group does not even have an executive director.

The report goes on to state, "I am pleased to report to you that I have received a written commitment from the Social Security Administration that no person born during the notch years will ever receive less than a similarly situated person born later." That pledge should not have been very difficult to extract. It is simply a statement of current law.

Some of the group's so-called research projects and educational materials are also misleading. A prime example is an April 7, 1983, report entitled, "Analysis of the Social Security Amendments of 1983 as Reported to the National Committee To Preserve Social Security." In his letter last week to the columnist, Mr. Roosevelt referred to this analysis, saying, "We put together a blue ribbon panel of experts to take a look at the legislation."

The group did no such thing. What it did do, apparently, was lift material from other reports without authorization and then arrange the material to look like the transcript of a symposium. The AARP staffer who is quoted in the report, for example, said he knew nothing about it. Why would any legitimate organization practice this sort of deception?

In some cases, the National Committee is not even following through on its promise to send materials to people who send in their $10. Several people have complained that they sent in their money, got back their canceled check and then received nothing—not even the worthless membership card—for months. AARP has received a number of such complaints, I have received one and the Illinois State Attorney General's Office is investigating a similar complaint.

But while many of the group's activities verge on fantasy, the National Committee's impact on senior citizens has been all too real. Real people, who, the committee will tell you, are financially strapped, have been exhorted to pay $10 to a group that has done virtually nothing for them. Real people, who, the committee will tell you, rely on their benefits to survive, have been caused to panic because of misleading and incorrect information arriving at their homes.

What can we do to protect our senior citizens from this and other scare campaigns spawned by the growing direct mail industry?

I think our first step must be to hold congressional hearings. Let us find out just what the goals of groups like the National Committee are and what they plan to do to achieve them.

I have written to Chairman PICKLE and to Chairman ROYBAL, requesting such hearings. They are looking into the matter as Mr. PICKLE revealed here tonight and I look forward to their response.

Again, the purpose of such hearings would not be to stifle debate on social security and medicare, both of which are vital programs. They would simply insure tht such a debate is carried on without resorting to distortion and fear mongering.

I have put out mailings about medicare. Those newsletters have said that the fund may very well be out of money by the end of the decade. And the newsletters outlined the various proposals that have been made to deal with the problem—including those that would cut benefits. But my mailing relied on straightforward facts, not on misstatements, or exaggeration or innuendo.

The elderly cannot continue to be just so much prey for organizations trying to raise some money. Groups cannot be allowed to don a mantle of respectability just by claiming to help senior citizens.

We had better make that clear to the National Committee or it may never carry out any of the "educational activities" about which it talks so nobly.

This is very important business we are about this evening as we discuss this sensitive topic. We are doing it because we care about our Nation's elderly, because we are committed to preserving for them the benefits that they have worked for so many years to earn.

We care and we are going to do something about it.

● Mrs. JOHNSON. Mr. Speaker, I wish to join my colleagues today in condemning the activities of an organization which is misleading millions of our Nation's senior citizens into believing that our national retirement system is on the brink of disaster.

The National Committee To Preserve Social Security and Medicare, a group which claims to lobby on behalf of older Americans, has been conducting a direct-mail fundraising effort that preys on the fears of retired people. Through factual errors, innuendo, and pernicious scare tactics, this committee to "preserve" social security is, frankly, defrauding the elderly of money they cannot affort to spend.

Last year, Congress passed the Social Security Amendments of 1983. Based on the recommendations of the President's National Commission on Social Security Reform, Congress acted to protect Americans' investment in the future. And we did a good job. Current actuarial projections estimate that the system will remain solvent beyond the year 2000. But the solicitation from the committee to "preserve" social security denigrates this important measure as "stopgap."

Many of the reforms enacted last year were tough, it is true, but not as tough as the committee wants its victims to believe. The letters state, "social security payments are now going to be taxed for the first time in history." It neglects to mention that only those seniors with incomes in excess of $25,000 will be taxed, and even then, the tax only applies to one-half of benefits. The letters state, "The medicare fund has borrowed from the social security fund." In fact, it was the other way around, and repayment with interest is insured by law.

And what of the committee's claim to be working in behalf of senior citizens, so "the investment of so many Americans" will not go to waste? The

Washington Post reports that the committee, which raised $1.73 million last year, has only $15,034 left, but registered as a lobby only last March.

Many of the residents of Connecticut's Sixth District have contacted my district office, concerned, and rightly so. They know that they do not need to pay $10 and receive a gold embossed card to contact me and protect the social security system we all value. All they need to pay is the price of a phone call or a 20-cent stamp.●

● Ms. SNOWE. Mr. Speaker, I would like to join my colleagues today to indicate my own concern with the alarmist tone and statements made by the National Committee To Preserve Social Security and Medicare (NCPSSM).

Many of my constituents were so confused by the NCPSSM petition that they wrote or visited my district offices to inquire into the future of the social security program. They also wanted to know how the NCPSSM intends to spend the $10 requested of social security recipients.

I will have to admit that I am also confused by the tenor and text of the NCPSSM petition, especially in view of the recently issued annual report by the trustees of the social security system saying that the trust fund was in good financial condition, capable of paying all benefits well into the next century.

In an effort to better understand NCPSSM's intent in circulating such a pessimist assessment of social security's future, I have joined many Members from both parties on the House Select Committee on Aging who recently wrote NCPSSM Chairman Roosevelt requesting answers to these and other question raised by the petition. I am hopeful Chairman Roosevelt will accept Members' invitation to appear at a future hearing so all misunderstandings can be cleared up as soon as possible.

We in Congress have continuously and steadfastly shown our strong commitment to the future solvency of the social security program as we understand its undisputable importance to each of its 36 million beneficiaries. I wish to assure my constitutents of my own firm support for the program and of my intention of only supporting those proposals which would further strengthen—not weaken—the system for future beneficiaries.●

● Mrs. LLOYD. Mr. Speaker, I want to take this opportunity to voice my disapproval of the tactics now being used by the National Committee To Preserve Social Security and Medicare. I certainly have no quarrel with the committee's professed concern about the social security and medicare programs. I have always worked to insure the continuation of these important and very necessary programs. I strongly disagree, however, with the group's methods.

By using misstatements and half truths, the committee has created a great deal of fear and concern among the elderly citizens of this country. This committee is now sending a letter all over the country which intimates that the social security and medicare programs are on the brink of collapse, that benefits are being severely cut, and that medicare has borrowed $12.4 billion from social security. The letter has been signed by former Congressman James Roosevelt to give it increased legitimacy.

I know these facts to be wrong. First, the social security and medicare programs are not on the verge of collapsing and in fact, have enough funds to last until the years 2000 and 1922, respectively. This certainly provides Congress with enough time to make changes within the programs to solve the current problems. Second, nowhere does the letter mention that the cuts in the programs affect the providers—doctors and hospitals—not the beneficiaries. Third, the committee is plainly wrong in stating that medicare has borrowed funds from social security. In fact, it is the social security program which has borrowed money.

I am astounded by the blatant use of half-truths that the committee has incorporated in its letter. It goes even further by stating that social security payments are now being taxed. It neglects to mention that this policy will only apply to elderly with substantive incomes of which only half of the benefits will be taxed.

Both the Social Security Administration and the Postal Service have been investigating the Committee To Preserve Social Security and Medicare and Mr. Roosevelt's connection with it. They have requested that specific changes be made in the letter. Additionally, the Justice Department has requested that the facsimile of the U.S. Seal be removed from all correspondence in order to avoid any impression that the Federal Government is sponsoring this mailing.

These investigations have resulted in changes being made in the letter. Greater efforts are needed however. These mailings are instilling fear within our Nation's elderly—fear that their benefits will be reduced or completely cut off. We cannot allow this to continue. It is the responsibility of this body to further investigate this matter and to insure that this situation is not allowed to continue.●

● Mr. MATSUI. Mr. Speaker, I would like to join my distinguished colleague, Representative SHERWOOD BOEHLERT, in objecting to this unfortunate mail-order, fundraising appeal that has played on the fears of million of senior citizens.

In Sacramento, senior Americans have been confused, frightened, and misled by this organization and its claims that the social security system is on the brink of bankruptcy.

Social security and medicare are not on the verge of disaster and Mr. Roosevelt knows it. Only recently, the social security medicare trustees' report revealed that the three social security and hospital insurance trust funds will be sufficient to meet all of their obligations for the next 25 years. Actuarial estimates show social security remaining healthy well beyond the year 2000 and medicare not running out of money until 1992, enough time for Congress to solve this problem.

What most disturbs me about this appeal, however, is the organization's tactics. I, therefore, join in requesting congressional hearings to investigate this committee and the manner in which it has conducted business.

There is simply no excuse for an organization preying on society's most vulnerable citizens by claiming erroneously that their very lifeblood will soon be running out. There is no excuse for stamping "urgent" on an envelope when that is clearly not the case, or stamping "time dated legal document" when that is also blatantly false.

Such a callous campaign breeds fear, mistrust, and distress. We in Congress must not allow these tactics to continue.●

● Mr. BILIRAKIS. Mr. Speaker, I wish to commend my colleague from New York (Mr. BOEHLERT), for requesting this special order on the National Committee To Preserve Social Security and Medicare—an organization that has presented misleading information to millions of older Amercians.

Somehow this organization has led our seniors to believe that they are in danger of losing their social security and medicare benefits. Regretfully, a former Member of Congress is largely responsible for this—one, who certainly knows that this body has no intention of ever taking any action which would be destructive to the social security and medicare benefits which have been solemnly promised to our people, as he states in his mailing. I commend my colleague and those that have joined us for taking the time to clarify this matter.

Recently, our offices have been flooded with phone calls and letters from concerned seniors who are often panic stricken, and who are trying to find answers to the confusion that this organization has caused.

I am proud to say that a letter from Members of the Select Committee on Aging is being sent to Mr. Roosevelt, requesting clarification on the national committee that he heads, as well as it is goals and activities. It is our purpose, in sending this letter, to not only

gain a better understanding of the committee, but also to protect the citizens we represent. Hopefully, Mr. Roosevelt is watching this evening and will take the time to prepare a proper and responsible response to Congress and the citizens of this Nation—something, I believe he owes us.

The growing awareness and concerns over this national committee seem to increase each day. Several major newspapers have carried feature articles on this issue. The National Council of Senior Citizens has requested a congressional hearing on the matter. And now, Members of Congress have brought the matter to the floor of the House. Certainly something must be done.

I believe that it is important that our seniors remember that their elected officials will defend and protect their rights. The doors of the Members of this Congress are always open, and we are ready and willing to listen. It does not take a membership fee to any type of national organization to express ones thoughts on matters. We are elected to represent these people and I, personally, am offended by the deceiving language that this organization uses, especially with the words "The politicians say we can't afford Social Security and Medicare." I represent the Nation's fastest growing areas of older Americans. And, believe me, there is no way I would ever make statements of this sort. In fact, I have already cosponsored legislation, along with Congressman PEPPER, in addition to having written the President, to form a bipartisan Commission on Medicare, as was done with social security, to insure its financial stability and solvency. In closing, I again wish to commend my colleague and hope that the older Americans of this Nation are watching and know that this Congress is ready to take action on this matter. I also challenge Mr. Roosevelt, if he really cares about the elderly, to come forth and clarify his position and the work and activities of his organization.●

● Mr. WISE. Mr. Speaker, I, too, have received many inquiries in my district from anxious senior citizens who are concerned that their social security and medicare payments are in danger. This anxiety is a direct result of the mass mailings sent by Mr. James Roosevelt by his group—the National Organization to Save Social Security and Medicare—to elderly Americans throughout my State of West Virginia and across the country. This mailing contained dire threats that social security and medicare were on the verge of bankruptcy. In actuality, social security, as a result of the recent reform legislation passed by Congress, is secure beyond the year 2000 and medicare is not expected to run out of money until 1992, allowing Congress adequate time to find a solution to its problems.

Upon receiving a copy of one of these mailings, I was not only shocked but outraged at the misleading and confusing nature of the material. The alarming tone of the letter would lead many senior citizens to be unnecessarily concerned that these programs were facing imminent collapse. In addition, the official tone of the mailings confused many of my constituents. Not only was the enveloped marked, "Urgent! Important Social Security Information Enclosed," but it also inaccurately stated that "Time Dated Legal Documents" were enclosed. Many of my constituents, under the mistaken assumption that somehow they were contributing directly to the social security trust fund in order to save it, gave money to Roosevelt's organization.

Not only were many of the statements in the letter inaccurate, but the fact that this organization made so little effort to check its facts and deliver a precise explanation of how the contributions would be spent only leads me to suspect its intentions. As a member of the House Aging Committee, I strongly support the instigation of hearings to investigate this organization and its mailings. My own investigation has revealed that although this group claims to be a lobbying organization, it has actually made little if any visible effort to express its views on senior citizen issues. So far, the organization has not spent any of the $1.73 million it raised last year in any perceivable manner which would save social security and medicare. This is one of the concerns raised by both the American Association of Retired Persons and the National Council of Senior Citizens.

I am deeply concerned that such scare tactics might be repeated again by some other organization for some other cause. If this organization is sincere in its effort to help senior citizens then it can stand up to a closer investigation. In addition, a genuine effort should be made by this organization to retract the insensitive and inaccurate reports it has issued.

To date, it seems Mr. Roosevelt, despite national attention on this issue and repeated appeals from Members of Congress, has made very few changes in his methods of soliciting money for his organization. Since this organization persists in frightening our senior citizens, I think, in representing those senior citizens, it is our responsibility to bring this issue to the attention of every elderly American who has been affected by it.●

● Mr. STENHOLM. Mr. Speaker, I would like to commend the gentleman from New York (Mr. BOEHLERT) for calling this special order for the purpose of receiving comment from other Members concerning the National Committee To Preserve Social Security and Medicare, and the information they have been sending out to the elderly of our Nation alleging the imminent collapse of the social security and medicare programs, and the Congress apparent disinterest in this regard.

The 17th District of Texas, which I represent, has an elderly population of 22 percent. Many of these folks depend almost entirely on social security and medicare benefits for their well-being and livelihood. The communications they have received from the National Committee To Preserve Social Security and Medicare have frightened them, and this has got to stop.

I first began hearing from my constituents regarding this matter last autumn. Some of my constituents could see through this scam, but others were not quite so astute. This is not surprising, given the official format which these communications take. Some constituents have contacted their local social security offices in confusion; some are frightened because they cannot spare the $10 annual membership fee charged by the National Committee To Preserve Social Security and Medicare—a membership fee which these constituents feel they must pay in order to guarantee receiving future social security benefits.

On November 7, 1983, I wrote to former Congressman James Roosevelt, the chairman of the National Committee To Preserve Social Security and Medicare. In my letter, I acknowledged that the hospital insurance trust fund, medicare, was facing financial difficulties, but that this funding crisis, like the social security crisis of 1983, would be resolved by the Congress because of the importance of the social security and medicare programs to our Nation. I said then, and I say again, now, that the information generated by the National Committee To Preserve Social Security and Medicare amounts to nothing less than scare tactics. This type of approach is harmful and wrong, and instills fear into the hearts and minds of the elderly and those who depend on these programs.

It was not until the end of January of this year that I received a written response from Mr. William Wewer, executive director of the National Committee To Preserve Social Security and Medicare. Mr. Wewer did not bother to sign the letter, but he did give me a glowing report expressing the committee's concern for the elderly and an outline of some very laudable goals and objectives. I responded to Mr. Wewer's letter and agreed with one of the objectives he had mentioned in his letter: the need to provide the elderly, and those planning for their retirement, with information about how various entitlement programs work and what to expect from them. I em-

phasized again that there could be no place for scare tactics or the politicizing of issues as important as health care for the elderly and continued social security benefits. Mr. Wewer did not respond to my letter.

The distorted and inaccurate information generated by the National Committee To Preserve Social Security and Medicare is accompanied by a very official-looking stationery, complete with an emblem not unlike the seal of the House. The most recent communication I received from one of my constituents contained this individual's plastic membership card; this card came complete with a number and an expiration date, and bore a disturbing resemblance to a social security card. By what rights is the National Committee To Preserve Social Security and Medicare using these emblems? Is it any surprise that some of our senior citizens are alarmed and have both called and visited their local social security offices, expressing worry and confusion about these communications?

I would like to join my colleague from New York (Mr. BOEHLERT) in encouraging the Ways and Means Social Security Subcommittee or the Select Committee on Aging to hold hearings on this matter. As for the National Committee To Preserve Social Security and Medicare, I would encourage Mr. Roosevelt and company to cease and desist from continuing to frighten our senior citizens about the alleged destruction and collapse of the social security and medicare programs.

Let us not kid ourselves. There is a threat to the long-term fiscal soundness of the social security trust funds, and changes are necessary to guarantee benefits to current and future beneficiaries. Let me also express my sincere conviction that the Congress will meet this challenge with legislation which is equitable, reasonable, and which will take into consideration the needs of current and future beneficiaries. This much I know; this issue will not be resolved through the use of scare tactics and political demagoguery but instead will require honest, straightforward, sincere, and bipartisan cooperation. The National Committee To Preserve Social Security and Medicare would do well to keep this in mind.●

● Mrs. MARTIN of Illinois. Mr. Speaker, I join with my colleagues today in calling upon the chairmen of the Select Committee on Aging and the Social Security Subcommittee to schedule hearings in order to get to the root of problems caused by an organization called the National Committee To Preserve Social Security and Medicare.

In Rockford and northwest Illinois, as throughout the Nation, senior citizens have been bombarded with letters of financial solicitation, signed by former Congressman James Roosevelt, requesting membership dues of $10 to join the national committee. There is nothing inherently wrong with asking for money to support an organization, but Mr. Roosevelt's group appears to have done everything possible to confuse and frighten seniors into sending money.

Official-looking envelopes, bearing a likeness of the Great Seal of the United States of America, insists "Urgent—Important Social Security and Medicare Information Enclosed." Readers are presented with misleading, deceptive, and false information which presents an unrealistically gloomy picture of imminent social security and medicare collapse. Financial support is requested for lobbying and educational efforts to "save social security and medicare. Many seniors, believing that the letters are from the Social Security Administration, have shown up at regional social security offices throughout the Nation, $10 donation in hand, scared that their retirement benefits are going to be terminated.

Even seniors who fully understand that the national committee is in no way connected with the Federal Government complain that they never have received promised membership cards, legislative newsletters, or in any way heard again from this organization after they have mailed in their dues.

Where has the $1.75 million collected over the last year by the national committee been spent? In what educational and lobbying activities have Mr. Roosevelt and his fellow board members been involved? Why have not seniors who have invested their scarce dollars not heard back from the national committee? New questions about this organization continually crop up, and congressional hearings could provide an appropriate forum in which to get some answers. Mr. Speaker, the questions have been far too many, the answers far too few.●

● Mr. YOUNG of Florida. Mr. Speaker, I have appealed many times to those, who for political reasons, scare our Nation's retired citizens to death with threats that the future of the social security system is in jeopardy. No one in this Chamber would stand idly by and allow the social security system to stop paying benefits.

Congress has repeatedly demonstrated its concern and willingness to act to preserve the integrity of the social security system and all retirement programs. To enhance congressional oversight of these programs, Congress in 1974 approved my initiative to create the House Select Committee on Aging. Under the chairmanship of my distinguished colleague from Florida CLAUDE PEPPER, the committee in a truly bipartisan manner during its first 8 years advanced many significant reforms and improvements to various legislation affecting older Americans.

In a similar bipartisan effort, President Reagan appointed a commission to develop a series of legislation proposals to insure the financial solvency of the social security system. The commission's recommendations were the basis for legislation approved last year by the Congress that the actuaries of the Social Security Administration assure us will guarantee the financial stability of the social security trust funds and payments into the next century.

Despite our efforts in this regard and the positive reassurance of the Social Security Board of Trustees in its latest report, there are organizations that continue to use scare tactics concerning the stability of the social security system as a means to raise funds. One such organization is the National Committee To Preserve Social Security and Medicare, which continues to frighten our Nation's senior citizens with rumors that the social security system is not financially sound.

This group has mailed millions of alarming letters to social security recipients throughout our Nation. These letters solicit contributions from the recipients under the guise that the money will be used to preserve their social security benefits. Some people who received these letters were so upset that they contacted me to ask if they would lose their social security benefits if they did not contribute. In response to these inquiries, I have assured my constituents that the financial integrity of the social security system will be preserved regardless of whether or not the Committee To Preserve Social Security and Medicare receives any contributions because, as their elected Representatives in Congress, we are firmly committed to protecting the future of the social security system and their earned benefits.

The U.S. Postal Service reviewed the mailings by this group and requested that its stationery and envelopes be changed since they too closely resemble official Government mail and callously frighten recipients with bold lettered warnings on the envelopes saying "Urgent" and "Time-dated legal documents."

It is beyond belief to this Member that anyone would attempt to raise money by needlessly scaring our Nation's senior citizens with threats that their financial lifeline—social security and medicare benefits—are in jeopardy. It is my hope that any future mass mailing campaigns of this sort are prevented. No responsible group would deliberately mislead older Americans; no responsible organization would deliberately attempt to confuse older Americans to justify its existence; and, no responsible associa-

tion would deliberately misrepresent facts to help it raise money. For these reasons, I question the sincerity of the National Committee To Preserve Social Security and Medicare, and I take this opportunity to assure our Nation's older Americans that this Member will always stand up for their rights and for the preservation of the integrity of the social security system.●

● Mr. HORTON. Mr. Speaker, traveling through my district the past several months, I have spoken with many senior citizens. All have expressed their consternation over receiving the letter being mailed out in the name of former Congressman James Roosevelt. These senior citizens are being led to believe that this is an official document, sent out by the Federal Government, to raise money to save the social security and medicare systems. This letter is causing unnecessary fear among the elderly, and many of them are sending in their hard-earned money, which they can ill afford, in response to the mailing, wishing to do their part to save the system.

These are people who have worked hard all their lives, and contributed to the social security system. They are receiving, in many cases, the minimum monthly payments with which they must budget. There is very little left over to use in support of a fund that supposedly will go toward maintaining the solvency of social security and medicare.

Mr. Speaker, I believe that a committee hearing is in order. The situation requires investigation. The letters being sent out are extremely misleading and our senior citizens are being deceived. There have been numerous attempts to obtain direct information but none have produced any significant or meaningful results. It is time for the issue to be examined thoroughly, and for the objectives of this organization to be brought into the open. In my view, the only way to accomplish this is to conduct hearings, consider the questions raised by Mr. Roosevelt's group, weigh the explanations and testimony, and then, put the matter to rest.●

Mr. BOEHLERT. I yield back the balance of my time.

MAKING THE FEDERAL RESERVE BOARD MORE ACCOUNTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 60 minutes.

● Mr. KEMP. Mr. Speaker, today I testified before the Joint Economic Committee on the crucial issue of reforming our Nation's monetary policy. I wanted to share my remarks with my colleagues, and urge them to read the editorial from the New York Post on the importance of making the Federal Reserve Board more accountable to the public.

The testimony and the editorial follow:

Testimony on Federal Reserve Monetary Policy Submitted to the Joint Economic Committee, U.S. Congress, Washington, D.C., Wednesday, May 16, 1984

(By Congressman Jack Kemp)

Mr. Chairman, I appreciate the invitation to testify before the Joint Economic Committee on legislation designed to improve both the policy and policy-making of the Federal Reserve System.

The need for such a reform was made clear recently, Mr. Chairman, by an incident involving Frank Morris, the President of the Federal Reserve Bank of Boston. According to the Washington Post of May 2, 1984, Mr. Morris disclosed to a group of business economists that the Federal Reserve tightened monetary policy at the March 26-27 meeting of the Federal Open Market Committee, because it is concerned that the economy is growing too fast.

This disclosure created something of an uproar. The next day, the Wall Street Journal reported one "Fed official" as saying: "I almost choked when I opened my paper this morning." Federal Reserve Board Governor Henry Wallich declined comment, saying, "I would only be compounding the indiscretion."

Randal Forsyth put the reaction more pungently in Barron's (May 7):

Frank Morris got a lot of his colleagues at the Federal Reserve mad at him last week by doing what central bankers are never supposed to do: saying loud and clear what the monetary policy makers are up to.

"The President of the Boston Fed told a meeting of economists in Beantown that the Federal Open Market Committee voted unanimously to tighten policy at its March 26-27 meeting in order to slow the economy. That revelation wasn't supposed to be made until minutes of the confab were released on May 25, just before Wall Street and everybody else breaks away for the Memorial Day weekend. And, if FOMC decisions are to be leaked before their appointed time, that's the job of a certain tall, bald, cigar-smoking officials who calls favorite reporters, not Reserve Bank heads who blab."

This incident is significant for two serious reasons, Mr. Chairman. In the first place, it highlights the fact that the 12-member Federal Open Market Committee, which meets in secret, does not even disclose its decisions for a long time after they are made, unless a member of the FOMC should happen to leak the results to some favored party, like Mr. Morris's business economists. There is not even a legal requirement to release the decisions, ever. What purpose does secrecy about decisions already made serve, except to churn speculation about policy and increase the opportunity for insider trading? And why do we have to piece together a guess about what the Fed is doing by reading between the lines of the newspapers?

Second, the incident brings into question the propriety of the policy itself. Why in the world is the Federal Reserve trying to slow down the economy? Put another way, what on earth is wrong with strong economic growth if it is accompanied by low or no inflation? If its concern is with price stability, why isn't the Federal Reserve targeting price stability, instead of economic growth?

I believe that there is something wrong, Mr. Chairman, both with the process of Federal Reserve policy-making, and with the recent policy itself. Together with many colleagues I recently introduced two pieces of legislation designed to address these two concerns, H.R. 5459 and H.R. 5460. In my testimony, I would like to explain these two bills and the reasoning behind them.

PROCESS

When the Federal Reserve System was established in 1913, the discretion of its executives was limited, both by its charter and by the system within which it operated. We were under a gold standard, which meant that the Fed had no monetary powers, and the Fed was originally given a very limited control of credit and banking. Over the years, the first constraint was weakened and finally eliminated, while the Federal Reserve's regulatory powers and control of credit were steadily expanded. In the past decade, for the first time in its history, the Federal Reserve has enjoyed sweeping powers over both money and credit. Yet the Federal Reserve continues to formulate policy under conditions of relative secrecy and lack of accountability which have long since become obsolete.

There is a manifest need to allow the markets and the American people more—and more timely—information about policy decisions which affect them. Today there is not even any legislative requirement for the FOMC to release minutes or publicize its policy decisions, although it has become customary for the Committee to release a selected summary after an irregular interval of one or two months.

Recently, this delay has engendered extreme uncertainty in the world's stock, bond, commodity and currency markets, as they have reacted to each rumor and perception of monetary policy changes. It is axiomatic that the efficiency of markets depends on the general availability of accurate information. The recent uncertainty has undoubtedly damaged the stability which is necessary for economic and investment decisions. This benefits no one but those who trade upon rumor and real or imagined inside information. The continuation of Fed secrecy under these circumstances is an anachronism, as many respected economists, such as Milton Friedman, have pointed out.

All agencies of the government have undergone similar democratic reforms in the last ten or fifteen years. Disclosure naturally tends to be resisted at first by those within the institutions themselves. But "sunshine" and freedom of information measures have been applied to countless other agencies, with positive effect. Clearly, it is a positive benefit where no overriding national security interest is involved. The time has come for the United States' central bank to participate in the general openess. Its decisions are too important to be held from the knowledge of the American people.

Our first bill, The Federal Reserve Reform Act of 1984 (H.R. 5459), contains several provisions which would open the decisionmaking process of the Federal Reserve. However, it is important to note that the traditional relationship between the Federal Reserve and the Congress would be unchanged. The bill's provisions are as follows:

1. The Federal Open Market Committee shall announce changes in its policy on the day the decisions are adopted.

This measure, advocated over the years by many economists, including Milton Friedman, would end volatile speculation in the

financial markets due to rumors and uncertainty over Federal Reserve policy.

2. The four-year term of the Chairman of the System shall begin in February of the calendar year after the year in which the President's term begins.

This makes the President's and Chairman's terms concurrent except for a one-year lag. The provision is supported by Chairman Paul Volcker, the Reagan Administration, and the House Banking Committee.

3. The Secretary of the Treasury shall be made an *ex officio* member of the Federal Open Market Committee.

The Treasury Secretary was a member of the Federal Reserve Board for many years, until the mid-1930s. This provision would restore his earlier status. This would increase the input and understanding of the Administration with regard in formulating monetary policy. It would also make it impossible for the Administration to disclaim responsibility for a monetary policy in which it had no part. When I questioned him before a House subcommittee recently, Treasury Secretary Donald Regan supported the idea.

4. The terms of the seven members of the Board of Governors would be reduced from 14 to 7 years each.

This would permit a somewhat faster turnover of membership. However, a 7-year term would still provide continuity in policymaking—which was apparently the original idea behind the 14-year term—since it is longer than terms of U.S. Presidents, Senators, or Congressmen.

Taken together, these measures would modernize the Federal Reserve, bringing its practice of decisionmaking to the threshold of the twenty-first century.

POLICY

Just as important as the way in which policy is made, is the effectiveness of the policy itself. Much of the current uncertainty over Federal Reserve policy reflects the unlimited discretion of the Federal Open Market Committee, and the absence of an established rule for guiding its policy.

This is partly a failure of the law. Surprisingly, the legislation authorizing the Federal Reserve contains no direction stating that the integrity of our currency should be the central bank's overriding goal. Our second bill, the Balanced Monetary Policy and Price Stability Act of 1984 (H.R. 5460), corrects this omission by instructing the Federal Reserve, for the first time, to make long-term price stability its overriding objective. Thus it would avoid inflationary as well as deflationary swings in prices.

Also, in the absence of a firm monetary standard like the precious metals, the Fed needs stricter guidelines for its discretion in setting intermediate policy. Accordingly, our second bill would direct the Fed to abandon its on-again, off-again policy of "targeting" measures of the money supply which are constantly being shifted, changed, and redefined. Nor would it be permitted to "peg" interest rates, as it did for many years, without reference to its overriding goal of price stability.

If the central bank's objective is price stability, we believe it should actually target some proxy for the general price level, and not something else. H.R. 5460 directs the Federal Reserve Board Chairman and the Treasury Secretary to devise a price index for this purpose; to set a target range for the index; and to conduct FOMC policy according to this target. Under the current monetary standard, no other guide can possibly determine whether monetary policy is too loose (inflationary) or too tight (deflationary).

Specifically, H.R. 5460 does the following:

1. The bill makes it clear for the first time that of all the desirable goals mentioned in the authorizing legislation, price stability is paramount. The bill states that "it shall be the policy of the [Federal Open Market] Committee to maintain low interest rates and stable exchange rates, and to encourage strong economic growth, to the extent that such policy is consistent with long-term price stability."

2. The bill establishes a "price rule" for conducting monetary policy.

(a) The Federal Reserve Board Chairman and the Secretary of the Treasury are directed to develop a price index to assist the FOMC in conducting its policy.

(b) The index shall contain one or more commodities, such as the precious metals, which are chosen for their sensitivity primarily to secular or long-term trends in inflation and deflation, rather than to the business cycle or supply disturbances.

(c) The Chairman and the Secretary shall establish a target range for the price index which, in their judgment, will not result in a decline in the general price level.

(d) If the index rises above the target range, the FOMC shall tighten the cost and/or availability of bank reserves; if the index falls below the target range, the FOMC shall ease the cost and/or availability of bank reserves.

(e) In case of a serious threat to domestic or international financial stability, the Chairman and the Secretary together may, after a joint declaration of the extraordinary circumstances, set a new target range.

A word of explanation is in order about the price index, Mr. Chairman. While there are many existing price indexes which could conceivably be used, none of them was specifically designed for conducting monetary policy. Many of the indexes go back three or four decades, or even more. By permitting the adoption of a new index, our legislation permits the monetary authorities to take advantage of the latest research on the subject.

Having said that, though the bill does not require it, I am personally convinced that the best proxy for the price level is also the oldest—the precious metals, and specifically the price of gold. The purchasing power of gold over long periods has remained remarkably constant. It is the most "monetary" and forward-looking of all commodities. Indeed, I think we must eventually restore a modern gold standard. But that goes beyond my purpose here today.

If the "price rule" policy outlined in H.R. 5460 had been in place, it is likely that we would have avoided the wild swings in prices, interest rates, unemployment, exchange rates, and economic growth, of the past dozen years.

3. The Secretary of the Treasury is directed to seek the establishment of a new international advisory task force, and ultimately an international monetary conference, consisting of representatives of the major industrial nations. The purpose of the task force and the conference is to explore reforms of the international monetary system which would improve world-wide price stability, stability of exchange rates, and the prospects for liberal trade and strong, non-inflationary economic growth.

This provision lays the groundwork for reform of the international monetary system. It would address many of the root causes of the international debt crisis of pressures for protectionism, and of debilitating currency swings like the fall of the dollar in the 1970's and the rise of the dollar since 1980.

In summary, Mr. Chairman, the time is long overdue for a reform of the Federal Reserve—both concerning the process of policymaking, regardless of the content of policy; and concerning the nature of the policy itself. Our two bills. H.R. 5459 and 5460, are designed to address both problems. I am firmly convinced that these bills would result in much better Federal Reserve policy, while increasing the stability of the markets by providing more accurate and timely information about policy decisions.

Our ultimate goal is not merely better monetary policy, Mr. Chairman, but hope for those Americans whose lives are touched in any way by the value of money. Greater certainty of policy, and greater confidence in price stability, will mean lower interest rates, higher economic growth, and more jobs for working men and women like my Buffalo-area steelworkers. While monetary policy often seems to be obscure, it really translates into a bread-and-butter matter for most Americans. That is why we must go ahead and undertake the necessary reforms of monetary policy and continue the progress which has begun, toward full employment without inflation.

Thank you again, Mr. Chairman, for permitting me to bring this legislation to our Committee's attention.

FEDERAL RESERVE'S SECRECY ONLY HARMS THE ECONOMY

The Reagan Administration has only itself to blame for what it condemns as an overly tight grip on the money supply by the Federal Reserve Board, which is now pushing up the prime rate.

It had the opportunity to install its own man last July when Fed chairman Paul Volcker's six-year term ended.

Instead, it opted to reappoint Volcker and must now live with the bizarre situation whereby the most secret operation in Washington is not conducted by the CIA but by the Federal Reserve Board.

Volcker's Open Market Committee meets every month behind closed doors to review the economy and decide whether the money supply should be eased or tightened, and determine the level of interest rates and bank reserves.

But the committee's policy decisions and the evidence on which its decisions are taken are available only after a delay of six weeks—and by then, of course, the committee has held another meeting and could have adopted a different policy which, again, will be kept secret for six weeks.

Indeed, the White House's only evidence that the Fed recently adopted a tighter money policy is the result of a breach of this secrecy.

Frank Morris, a president of the Federal Reserve Bank of Boston, unwittingly revealed last week that at the board's March meeting it decided to tighten its monetary grip to counter what it viewed as inflationary growth of the economy and of total credit.

Clearly, this is a self-defeating process which regularly does enormous damage.

The Open Market Committee is the most important financial policymaking body in the world. Its judgments affect every aspect of the U.S. economy and the decisions of business executives, international traders, investors and governments everywhere.

It is a contradiction in terms that a so-called Open Market Committee should function secretly.

The secrecy generates intense speculation by the entire financial community which must chase telltale, often unreliable, indicators of what might have been decided—whether the Fed is buying or selling securities, for example, or changes in the interest rate which banks charge each other for overnight money.

Like all bureaucrats, Volcker and his board members do not want to reveal how they reach their decisions. They want to go on pretending that they have no influence on the financial market—or the economy.

Rep. Jack Kemp (R-N.Y.) is right on target with his proposed legislation to make the Open Market Committee's deliberations truly open.

This is an open society. There is no justification whatever for the most important influence on the cost of money—the operations of the Open Market Committee—to be a closed secret.

If Congress really wants to spur the economy and help reduce the budget deficits, it will order the Fed to publish the Open Market Committee's decisions on the day they are made—together with the evidence which went into making those decisions.●

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. I thank the Speaker.

Mr. Speaker, I assure you that I will not take the 60 minutes. But we have had quite a bit of controversy develop in recent days over the whole business of special orders. So I thought that this evening I might, even though the hour is late, try to for a few moments anyhow put the special orders into some kind of perspective because of all the controversy.

In fact, the controversy has grown so much here in the last couple of days that I understand I am now being referred to back in the cloakrooms as Wide Angle Walker, as a result of all this.

I guess that is an honor; I am not certain. But this is not something which has just come about; you know, during the days that the television cameras have been here or even since the time that the television cameras have been panning the floor here in the evenings.

Special orders are a rather long tradition in this House. They have been here for some time. They are a way in which Members have of communicating on issues that otherwise would not be brought to the House for debate and discussion. And to some extent it is now a shame to hear them disparaged. Because we have had a number of statements made in recent days that somehow the special order time is not real time in the House, that in fact the Members who are here are speaking only for consumption back home or speaking for some other purpose.

Well, if that is the case, I would submit that it has been the case for a long, long time because of course you do not even have to come to the House floor in order to have a special order included in the CONGRESSIONAL RECORD. Something a lot of people do not seem to really understand, that you can if you want to, for instance, take out special order time or bring a statement to the House floor, put it into the RECORD and not even have been here to deliver it.

I will say that is something for those of us who are here delivering the remarks that at least we wait around, we come and we talk the issue and we do not hide behind the fact that we have long discourses in the RECORD that were never delivered on the floor.

The only reason why I raise that is obviously if you put some long discourse in the CONGRESSIONAL RECORD, you have to assume that maybe that is going to be used for home consumption as well.

So that that has been going on around here for years. One has to assume that it is not unusual for home consumption to be done here.

But it still, it seems to me, is a shame to disparage this time because it just might be, it just might be that those of us who take this time in order to discuss issues that we regard as important are really sincere.

Now, I grant you that a lot of people would find that a little hard to grant from time to time. You know we have heard an awful lot of things here on the House floor recently that indicates that there is a lack of sincerity on it. But you know, it just might be that some of us who come out here and wait to take this time and wait to discuss these issues really are sincere about wanting to have on the record of this House and to communicate insofar as we can to the country some of the things that are of deep concern to all of us.

□ 2210

And despite empty chairs and despite all other things, we really do have something that we want to communicate.

For example, here tonight on the House floor, we have had Members come to the floor, a number of Members, come to the floor talking about issues like balanced budget and issues like the one just discussed here, the protection of our senior citizens from what appears to be a case bordering on consumer fraud.

I must tell you that those are issues that probably will not get onto the floor for discussion in any other way. The Members who came here to discuss those tonight I think did so with a great deal of sincerity, hoping to communicate that message.

But it is also important to recognize that despite the fact that there has been a lot of partisan wrangling over the last couple of days about this whole business of special orders, the fact is that both parties use special orders rather extensively. As a matter of fact, the use of the special orders by those of us on the minority grew out of something which the Democratic leadership put together last year in which they decided that special order time could be used as a way of replying to a Republican President. And they put together a series of special orders here on the floor in which they targeted certain things that the President was doing and they used the special order in which to reply.

We thought that was a pretty good idea. The more we looked at it, the more we saw that that was something that maybe we could use successfully ourselves. So we began to schedule, at the beginning of this session, some special order time.

I am pleased here this evening that my colleague, the gentleman from Texas, is here, because he has used special orders very successfully in many instances over the year. We had a conversation earlier this evening where he was telling me as a result of a series of special orders that he did that he was able to bring about some change in a crime situation that he had discussed extensively in his home State of Texas.

I remember once in the course of all of that that for some nefarious purpose around here, we of the minority had some problem on the floor one day and we tried to cut the gentleman off and tried to take his special order away from him one night. His Democratic colleagues, probably rightfully, I mean, as I think back on it, they were probably right, they came to the floor and they voted to make certain that the gentleman from Texas could take his special order that evening. We had a recorded vote of the majority party saying that they wanted that special order to go forward.

It seems to me that we have, from time to time, in instances like that held that this time is important, that Members do have the right to come to the floor and discuss certain things of major importance.

It seems to me rather interesting then that now that the majority has adopted a strategy, based around utilizing special orders, that we hear a somewhat different story. We now hear it called a misuse of the time, now it seems as though something is wrong when it is our message that is being communicated here, rather than a message from the majority.

One has to guess that it is the message rather than the means of bringing the message that is the real problem. One has to guess that the message that we have been communicating is beginning to chaff a bit, is begin-

ning to have some political impact out across the country, maybe is even having some political impact here in the Chamber where some Members of Congress do stay in their offices and watch these special orders on their televisions.

But the idea that we limit debate in this House to prevent certain messages from being communicated is most disturbing to me and I think to many other Members.

The issue here, as it has been developed over the last few days, is not whether or not the cameras should pan across the Chamber while we speak. From my standpoint, that is just fine. I just wish we would do it day in and day out, from gavel to gavel, so that we see the House in the proper perspective not only during this special order time, but during all time.

But that, as I say, is clearly not the issue that we are involved in here. The issue is whether we are now suggesting that some discussion on this floor should be relegated to a secondary status. If that is the issue, then the attempted degradation of special orders is worth noting. It is worth noting for this reason: When the minority utilizes this time, it is the only time when we can get a blocked period where we control the subject matter, where we decide what the issue will be and where we can discuss the issue on our own terms. That is the only time that we have during the day when that would be true.

For the majority, they have all kinds of time that they can get. They can bring bills to the floor and discuss precisely what they want to discuss on those bills. Oh sure, they yield us some time. We get half the time, but getting half the time to discuss the subject they want to discuss is not exactly time that the minority really controls.

Here we control the time. Here we can discuss the things that we want to discuss.

So, when you have this time then relegated to a secondary status, when you have the Speaker of the House and others disparaging this time, it is really an attack upon time that the minority has as an opportunity to make its points felt.

Our fear is that the minority is being systematically denied its opportunity to bring its concerns to this floors. Not only through special order time, but in many, many other ways as well. That kind of dictatorial pattern is disturbing to many Members, I think, both in the majority party and in the minority party.

But over the last few days, we have seen it revealed as extending to something as longstanding a tradition in this House, as this period of special orders.

I think that that is what we are concerned about. Wide angle or not, what we really are talking about is whether or not the minority should be granted its right to talk to the American people about what it regards as being important.

I yield back the balance of my time.

CENTRAL AMERICA: A PLEA FROM THE HEART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CROCKETT) is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker, I recently received from one of my constituents a copy of her most eloquent and touching letter to President Reagan, seeking a new direction in U.S. foreign policy toward the nations of Central America.

My constituent, Ms. Barbara Whitney, is only one of many individuals who have written to me about their frustrations over the Reagan Central American policy. Many, like Ms. Whitney, have been strong supporters of the President on other issues, and are frustrated and angry at the direction of foreign policy toward Nicaragua, El Salavador, Cuba, and other nations of Central America. Ms. Whitney puts it quite succinctly: "I am convinced that you misunderstand the reasons for the conflict (in Central America), and your solution of military control of the guerillas will never work over the long haul."

Mr. Speaker, I commend to my colleagues the heart-felt plea from my constituent for a change in Central American policy:

APRIL 23, 1984.

Hon. RONALD REAGAN,
The White House, Washington, D.C.

DEAR. MR. PRESIDENT: I have supported and admired your domestic policies over the past three years. The trend back toward individual self-reliance and local control of essential programs is wise. I also respect you as an older person who is still vital, healthy, good natured, and a fine role model for all Americans. Your obvious love of country and old-time American values is touching. I believe you are a decent, fine man.

On a less positive note, I must very strongly protest your present actions in Central America. I have done much research on the long-standing problems of this area, and I am convinced that you misunderstand the reasons for the conflict, and your solution of military control of the guerrillas will never work over the long haul.

While it is certainly true that the Russian leaders will take every opportunity to cause trouble for us anywhere in the world and are guilty of barbaric acts against freedom-seeking people, Central America is an area that was ripe for change. The Russians have not caused the conflict. It is because of long-standing policies of repression of the many by few. A government that allows impoverished people no option to improve their situation in the world, other than by taking up arms, is a government that needs to be changed. Successful governments are not static. Governments must change as events and times dictate. The situation in Central America has been simmering for too long with no visible improvement for the majority of the people. Too many people were living under hopeless conditions. Since the ruling families saw no advantage to changing the status quo, the impetus for change had to come from the bottom.

Our role, as the large, powerful, intensely interested neighbor should have been to exert economic pressure on the ruling families to gradually allow for greater sharing among all strata of society. Had we done that, we would now have an immensely strong North America with thriving industry, agriculture, education—in short—a busy, prosperous, happy populace. That is the way to fight against "communist inroads." The communists would not be able to get even a toe-hold on such a continent. It is not too late. If we would seek to act as mediator between the two sides, a solution without further bloodshed could be worked out.

Can you not see this? I feel angry and frustrated because you treat this as an East-West conflict and you appear to want to control the guerrillas at all costs. Does that mean sending American Troops? Rather, we should be working to see that a "revolution" does occur but a "peaceful revolution" resulting in a better life for all.

Re: Nicaragua. From my readings, it seems that the majority of the people are reasonably satisfied with the new government even though it is not to our liking. After all, it is only four years old. It's understandable that strict controls initially be put on. As the leaders become more secure in their roles, I believe they will allow for a more pluralistic society to evolve.

As good neighbors, we should be working to build ties. Let us help them get on a strong economic footing. Through connections between our two countries, we will be able to show them they have nothing to fear from us. By our acceptance of them, we can make it to their advantage to encourage peace and prosperity to flower in all of Central America. Gradually, they will realize it is better for them to be our friend than our enemy. I do not believe this is a simplistic policy but rather one of common sense and self-preservation. Surely, if we can have friendly relations with a communist country of 1,000,000,000 souls, we should be able to have a workable policy with a communist nation of only a few million. I would include Cuba also in this strategy.

Please consider the points I have offered above. This letter is sent from my heart. I just do not want to see any more mistakes made in foreign policy that cause the loss of one more young American life. A precisely-folded American flag handed to a grieving mother cannot substitute for a living, loving son.

Even though it will be a new and unsettling experience for me to vote for a Democrat, I can assure you that I will withhold my vote from you unless I see a change of direction in Central America.

Best Wishes to you and Mrs. Reagan for continued good health.

Respectfully,

BARBARA A. WHITNEY.●

H. K. THATCHER LOCK AND DAM

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Arkansas (Mr. ANTHONY) is recognized for 5 minutes.

● Mr. ANTHONY. Mr. Speaker, I am today introducing legislation to designate the Calion lock and dam on the Ouachita River as the H. K. Thatcher lock and dam.

Mr. H. K. Thatcher provided the inspired leadership to encourage development of the Ouachita River. His vision and dedication to the goal of navigation on the Ouachita has almost been realized. It is particularly appropriate that this honor be bestowed on him at this time.●

LEE IACOCCA IS RIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, I would like to bring to the attention of my colleagues an extraordinary speech given yesterday by Mr. Lee Iacocca, chairman of the Chrysler Corp., to the League of Women Voters National Convention.

In his speech, Mr. Iacocca called upon Special Trade Representative William Brock to convene a summit conference of the U.S. auto manufacturers and the United Auto Workers Union to begin to develop an industrial policy for the American auto industry rather than the disjointed, irrational, ad hoc industrial policy we have now. In addition, he listed several proposals he would bring to the bargaining table. He would freeze Chrysler's U.S.-built small-car prices now, for as long as it takes, in return for Reagan administration action to bring the dollar/yen differential into line and to reduce Japanese subsidies of its auto exports. He also offered to freeze Chrysler's use of imported auto parts at current levels if the United Auto Workers agreed to modify some of its work rules, to tie wage increases to productivity and quality improvements, and to trim the costs of its medical plan. In addition, he offered to limit bonuses for Chrysler's top management to 50 percent of what Ford and GM paid.

While there is obviously room for negotiation over the specific bargaining proposals made by Mr. Iacocca, his call for a conference of labor, management, and Government to begin to address the long-term problems of the auto industry is long overdue. The time has come for the Federal Government to begin to develop a more coordinated, strategic set of policies for all of American industry, and to make sure we get something back for the assistance we provide. The Council on Industrial Competitiveness and its industry subcouncils, which I have proposed and the House Banking Committee has passed, would be a mechanism for achieving that end without having to rely on ad hoc conferences which farsighted leaders such as Mr. Iacocca of necessity must resort to.

I would like to congratulate Mr. Iacocca for asserting some desperately needed leadership in this area, and urge the Reagan administration to pay heed.

At this time, I would like to share with my colleagues the full text of Mr. Iacocca's remarks.

REMARKS BY L. A. IACOCCA

Thank you Ms. Robbins. And good morning, ladies . . . and ladies.

I was tempted to open this talk by thanking all of you for coming to Detroit to visit me. But that seemed a little presumptuous, so I'll just say, "welcome to Detroit. The city is honored and privileged to have you here." And for those of you who follow the great game of baseball—I hope you'll come back again in October for the World Series!

It's the right time, and the right place, for you to be meeting. The right time, because we're in the midst of a Presidential election campaign; the right place, because "Smokestack America" has an awful lot at stake in this election, and Detroit's right smack in the middle of Smokestack America. And yours is a forum uniquely qualified to hear out the issues, and I want to raise a few today. Because what our government does, or chooses *not* to do, will be critical to the lives of millions of Americans over the next four years.

Your founders were not cynics or fatalists. They knew government was *important.* They knew that government policies made a *difference.* They knew that if these policies were intelligent and effective and fair, that government could be a positive force—that it could help create a better future for everyone.

In the 65 years since the League was founded, you've helped give milions of women the tools to get involved and choose a better future.

But you've done even more than that. By registering voters, by helping voters understand the public issues, by promoting discussion of government policies, by sponsoring televised debates among Presidential candidates—you've helped give all Americans more meaningful choices. You've helped improve American democracy.

You've helped all of us cast our votes on the basis of something more than a family habit, or a candidate's haircut—on something more than clever symbols or empty slogans.

Nothing could be more important because the very essence of democracy is that the voters make an informed choice.

They can't just accept what the so-called experts tell them. They've got to deal with the facts in the real world.

Well, the real facts about Detroit and the auto industry and government policies that affect us are pretty hard to get these days. On the surface, things look just great. This is a city that has literally risen from the ashes over the past 18 months. And we are all proud of—and grateful for—that fact.

We at Chrysler are particularly proud.

We had a brush with death; the Wall Street Journal, along with a lot of others even said we should die with dignity. Right or wrong, we chose not to. That we made it through the graveyard is due to the efforts of a lot of people, our suppliers, bankers, dealers, employees, cities, states, our federal government.

But, mostly to the goodwill and the support of the American people. Given a chance and given a choice—they opted to help save a company and a lot of jobs by buying what they believed to be pretty good products, even though the company that built them might not be around.

So we should be pretty pleased, as we meet here today. But we're nervous, and the laughter is restrained, because some major issues remain unresolved. One of them is the subject of industrial policy, which you asked me to speak about today . . . which must mean it's on your minds as well. But, before I get into that, I think I should set the record straight and get rid of some of the phony issues, first.

Let me get to the ones that are on the front pages and the TV screens right now, and put them aside. The first one we read and hear about is that Detroit's profit levels are excessive, and due only to "voluntary" Japanese restraints. The next one is that Detroit's prices have gone up 40-60 percent (pick your number), due to the same restraints. The third one is that we're lining our pockets with over-the-moon bonuses, as a result of the first two.

Well, I'm not going to devote a lot of time to defending the auto industry today . . . you've got more important things on your agenda. But let me get the record straight, and then get on with it.

First, prices. Chrysler didn't get healthy (and I didn't get rich) because we jacked up prices while protected by a shield against Japanese products. We got healthy because we got efficient; we built good products and the market improved. Period!

For the record, Chrysler's prices (equipment adjusted) in the subcompact, small specialty and compact segments . . . where the Japanese do 94 percent of their volume . . . went up, during the first three year restraint period by three percent. Three percent! Over three years! (McDonald's hamburgers went up 9 percent during that period!)

Our total car prices, in aggregate, went up eleven percent, because we brought in some new, higher priced models like the front-wheel-drive New Yorker, which doesn't compete with Japanese cars—just GM cars.

During that same period, the auto industry's aggregate prices went up by 12 percent. Japanese car prices went up by 15 percent. The consumer Price Index went up by 17 percent. Newspaper prices by 24 percent, fuel prices by 27 percent, and a ticket to the Tiger games by 28 percent (although I have to admit the quality improved).

And our 3 percent on small cars didn't include the cost of our five-and-fifty warranty or the cost of our free automatic transmission offer on our subcompact and compact cars at $439 a pop. So anybody who says we're gouging in our pricing is just plain wrong.

Sure, consumers are buying a heftier mix of luxury cars, and automatic air conditioning and six-speaker stereos . . . and average purchase price has gone up from the recession period . . . but that's not Detroit's pricing, folks—that's the beloved free market at work! (I can't let the free traders work both sides of the street on me!)

Then there's profits. I used a chart at my last press conference—I call it the "Red Sea" chart, and I didn't part it, believe me, I just tried to swim through it. The chart is full of red ink, and it covers my five years at Chrysler. What it says is that even after the $700 million profit we turned in last year (a record), and the $706 million profit in the

first quarter of this year (a real record!), I'm still in the hole $1.9 billion!

So, if we can keep flying high, by mid 1985, Chrysler will have managed to break even for the entire six-and-one-half year period of my peerless leadership!

Big deal . . . I saw Boone Pickens on TV, he raided an oil company, lost the take-over struggle, and came on the tube with his drawl and said "I guess I lost." He made $700 million that night!

What will we use these "obscene" profits for? First, we've got to fund a UAW wage settlement of $1.1 billion over the next 18 months, as a payback, if you will, for some of the sacrifices our workers made. And I have to come up with $9 billion in capital investments in new products and facility modernization over the next five years—just to stay competitive, to retool for the highest quality products in the world.

And we'd like to pay our shareholders a modest dividend, for their patience over the past few years. I've always thought that's what you're supposed to do with profits in a free enterprise system. . . reinvest in the business, increase your productivity, improve your products and give the owners a return on their investment.

I'm not going to touch executive compensation with a ten-foot pole. But I have to wonder if the so-called auto moguls are at the top of the heap even in this town. A couple of years ago the Detroit Red Wings were bought for $10-12 million by a pizza king, and last year the Detroit Tigers were bought for $43 million. . . by another pizza king. And they ain't even Italian!

The truth is, we're walking on eggs. We don't know whether we're supposed to be proud, or ashamed, of the turnaround. We got clobbered when we lost money and we get clobbered when we make a profit. The other day I suggested that "maybe we should have a long range plan to break even. . . then nobody would get mad!"

But I'm not mad. . . I'm worried. I'm worried about the real issues. What are they: isn't the recession over?

Well, there are some ominous clouds on the horizon.

Interest rates, which brought the housing industry, the auto industry and the whole economy to it knees, are inching up again. If the prime goes past 12-14 percent, watch out!

The United Auto Workers are gearing up for the most critical labor negotiation this country has seen in many years. They'll hit GM and Ford this fall, at a time when the industry's profits are at record levels. If all sides forget the bitter lessons we're supposed to have learned over the last five years, watch out!

The twin badges of our economic shame . . . . the budget deficit and the trade deficit . . . continue out of control. We're shipping our jobs overseas and hocking our kids' futures. And, in my opinion, we're chipping away at the Federal deficit boulder with a blunt chisel!

The truth is, our national deficit is our national scandal. We're heading for a trillion dollar deficit—give or take a few billion—in the next five years. We picked up a deficit that big once before. It took us a few years—1776 through the fall of 1981 (I looked it up).

Think of it. It took us 206 years—during eight wars, two depressions, a dozen recessions, two space programs, the opening of the West, and the terms of 39 Presidents!

And now we're going to duplicate that feat in (5) years, while we're at "peace" and during a period of so-called economic "recovery." And the Administration and the press are busy doing a war dance about car prices and auto bonuses! Talk about recognizing your priorities!

That trillion dollars comes to $15,000 in new debt for every one of America's 13 million working families. Every one of them could buy a pretty fancy new car for that . . . and at least they'd have the car! In my book, the boys in Washington—and I mean all of them—get an "F," a flunking grade, on the deficit. If they don't get serious about it and I mean right now—watch out!

And then there's the trade deficit. Did you know that America, in the 15 years from 1956 through 1970, accumulated a $60 billion trade surplus! People were buying American products, from American workers, around the world. It was a golden decade . . . and a half.

Well, last year we set a new kind of record. We achieved a $60 billion trade deficit—in one year! And now we're on the way, this year, to double that record . . . while "restraining" the Japanese to a measly two million cars!

And what are we doing about it? We're talking about turning them loose for another million or so cars in 1985, while we negotiate about a little extra access to their protected markets! Talk about recognizing your priorities! Have we all gone crazy? Do we understand the price we pay for those kinds of imbalances?

Since 1974, we've lost two-and-one-half million American jobs to foreign competition. If this year's trade deficit goes past $100 billion—and I guarantee it will; it's hitting $10 billion a month like clockwork—another million jobs will bite the dust in one year. In April alone, the Japanese trade surplus was $3 billion with the U.S.—mostly from car and truck exports. And that's before the quotas get lifted and the Japanese really turn up the ratchet. If that happens . . . watch out! So the government gets another "F" or flunking grade for its trade policies.

I have to ask: what was all the suffering of the last (4) years all about? Not for just a one-or-two-year uptick (I hope) and then back to the same old habits of sky-high interest rates and double digit unemployment. Did we go through all the pain, all the misery, from '79 to '83 just to wind up starting out down the same road again . . . and continuing to lose our basic industries, and their jobs, to unfair foreign competition?

Let me be specific about that unfair competition in the car business. It's the result of industrial policy . . . somebody else's industrial policy. It amounts to $1600 per car on every Japanese car sold in this country.

The sixteen hundred-dollar advantage is not because of greater Japanese efficiency. It's not Japanese workers doing calisthenics and then marching to the factory singing the national anthem. It's not even Japanese "cheap labor;" that's largely a myth anyway.

No. That sixteen hundred-dollar advantage is just two things; currency . . . and taxes.

First: the Japanese yen is under valued by at least 15 percent (and everybody agrees on that). That alone gives every Japanese car an automatic cost advantage of at least nine hundred dollars.

Second: when a Japanese car is put on a boat for the U.S., the Japanese Government rebates the commodity tax to the manufacturer; that's about another seven-hundred dollar advantage for every car. (That means a Tokyo housewife pays $700 more for her Toyota than the San Francisco housewife for the same car—its price drops like magic as soon as it hits the dock.)

Now, all of this adds up to a lot of money.

During the period of so-called restraints, the Japanese auto companies made $9 billion. By the way, the U.S. auto companies lost $6 billion during the same period, but forget that.

Do you know how much of the Japanese auto profit came from the U.S. market? Nine billion dollars—or 100 percent. Do you know how much of it came from the funny yen-dollar ratio and the commodity tax rebates? Nine point four billion dollars . . . more than 100 percent. Some "restraint," huh? Talk about picking a chicken clean.

Last month the Japanese Agriculture Minister said he could not expand U.S. beef and citrus exports to Japan. He said "the Japanese beef and citrus industry is vital to the country's food supply," (and, get this) "and vital to our national security."

If I got started on the subject of who's paying for their defense, I could go on all day. And that, by the way, is the root of the problem of the two country's tax structure and the reason Japan can rebate their commodity taxes on automobiles.

Our forefathers, in Europe, play hard ball on this issue. England and Germany allow the Japanese 10 percent of their markets. France allows three percent. Italy—I love those Italians—says 2,000 per year, any kind you want to ship. Why? Because they think it's fair.

Now, I'm a realist: I know we can't go that far . . . and I know you're against the quotas. Let me tell you something that may surprise you—so am I. All I've said . . . all I've ever said . . . is get rid of the $1,600 per car unfair Japanese advantage . . . what I call the unlevel playing field in Japanese American trade . . . and we'll play them straight up.

Now, that would be an Industrial Policy . . . to neutralize Japanese industrial policy. And it wouldn't be our first one. Anyone who's familiar with Washington knows that Washington is "Subsidy City." And each subsidy adds up to an "Industrial Policy." We've got hundreds of them.

Start with the Federal Loan Guarantees (I'm sort of expert in this area). We weren't the first; there were $409 billion in loans, guaranteed, before I went to Washington to ask for my measily billion-five guarantee. And now, under a conservative Republican, we're up to over $500 billion in guarantees (off the balance sheet) just four years later. That's an industrial policy.

Defense—the military. I used to be in this business. Military contractors are a 100 percent protected industry. (And they're the only ones left, by the way.) The Japanese can't play in this, by law; no bids from foreign countries accepted. Profits—lots of profits—even spare parts profits—guaranteed. Hell, I sold my protected battle tank business and kept cars. I should have sold the car business and kept the tanks . . . it was easier. That's an industrial policy. Eisenhower even warned us of that one. He called it the military-industrial complex—beware!

Then take agriculture—my favorite. Taxpayers pay $50 billion a year to help private farmers, many of whom are large, rich corporations. In the Thirties, United States agriculture was an unmitigated disaster. Now it's the marvel of the world. In fact we feed much of the world.

What made the difference? It wasn't just good climate and good soil and hard working farmers—we had all those in the Thirties and we still had Okies and dust bowls. No—it was the government's conscious decision to make agriculture a winner at whatever the cost.

It was rural electrification, and irrigation, and TVA's, and county agents, and agricultural schools, and land banks, and credit programs, and PIK payments—$10 billion last year just for that, to pay you not to plant. But man, did it work! (I mean woman, did it work!)

Now all our government policies have one thing in common: they daily affect the industrial life of America. But they are confusing. They are uncoordinated. And they're very often conflicting.

So let's be honest. We don't want to admit it but we do have industrial policies. We have them all over the map. We have them for farmers and bankers and defense and even for housing. But what we don't have is an industrial industrial policy.

As a result, we're moving too fast to write smokestack America off, without any conception of the human and social consequences. There are 155 thousand laid-off auto workers outside this building who havn't been called back, and probably won't be; and 60 thousand more rubber workers in towns like Akron and 266 thousand more steel workers in places like Lackawanna, New York, and Johnstown, Pennsylvania, in the same boat.

Their jobs, and their lives, have been ripped out from under them, and it's a cruel hoax to be talking to them about high-tech and service industries.

We cannot afford to become a nation of video arcades, drive-in banks and McDonald's hamburger stands . . . we can't just take in each other's laundry and sell microchips to the world. And, by the way, the biggest microchip customers of all are right here, in Detroit, in good old smokestack America.

Did you know that IBM's (3) biggest customers (ex-defense) are GM, Ford, and Chrysler? That we use more robots, CAD-CAM) and computers than anybody else. There is an onboard computer on every car we build, and in our more exotic models there are (5) computers!

So you obviously can't sell silicon chips by the pound in your local supermarket. They're worthless unless you put them to work, to reduce emissions, or give you more miles per gallon, or give you precision and quality in the way you build a car.

So, you see, there is no such thing as high-tech versus low-tech, or winners versus losers.

I'm sorry, but I don't have much time for the economists and futurists sitting comfortably in some think-tank telling us about structural adjustments and readjustments. And I get damn mad when I hear them say that the whole industrial workforce has got to be retrained, because the country's got no choice but to let our basic industry and its jobs move offshore.

There has to be a better answer.

I've tried to use the Chrysler turnaround as a good, constructive example of an industrial policy that worked. . . that added to choice and competition in the marketplace and saved a few hundred thousand jobs. I thought it was a good example, because it worked; because it showed that when everybody got together and contributed something, a minor miracle could be pulled off.

There was what we called "equality of sacrifice" from all the constituencies—in this case, the government. . . labor. . . management. . . dealers. . . suppliers. . . banks—and because there was an objective, and a plan, and tough running rules, and apparently irreversible situation was reversed.

I still think it's a good example of sound industrial policy. And most of the audiences I've spoken to seemed to agree. But the bottom line is that it hasn't seemed to make any difference. The term "industrial policy" is still considered to be a dirty word—another phrase for socialism—by too many people who remain concerned about ideology, and not about results.

Well, I'd like to try again. I have a suggestion. I suggest that we drew from the Chrysler experience. . . from the lesson of equality of sacrific. . . and we try to apply it on a broader scale.

I think the time has come for Mr. Brock, and the other trade and economic experts to call the domestic auto manufacturers and the UAW together for a little conference on whether we want to get this thing off dead center. We've had enough rhetoric and enough finger-pointing. It's time for some action!

To get some, I'm prepared to bring some specific proposals to the party. Let me tick them off for you. I'll start with prices and executive compensation, since Mr. Brock chose to make these the centerpiece of his industrial policy for the auto industry.

First, prices. I'll freeze Chrysler's U.S.-built small-car prices now, for as long as it takes, if the Administration will commit to leveling the playing field.

Second, compensation. That's not really an issue with me. We don't even have a bonus plan yet; in fact Chrysler management hasn't had a bonus in seven years. But if our stockholders do approve a plan, I'll commit to restraint. What's restraint? I don't know: maybe 50 percent, for top management, of what GM and Ford paid themselves. I think that's pretty responsible given the fact that our management worked to generate almost a billion dollars in operating profit last year.

Now, let me throw out a third—because it's not just consumers that need to be protected. . . but jobs. To compete, we're going to have to send them offshore like there's no tomorrow. I would say to our union; "if you'll show some restraint in your demands, I'll freeze the buying I do outside of North America—at the current level right now, (and I'm using less than the others).

In our business, that's called outsourcing. And a moratorium for a year or two would slow down the shipping of jobs overseas.

I would expect, in return, that UAW agree to modify some of its work rules that keep us from being more competitive. I would expect it to agree to tie wage increases to productivity and quality improvements. I would expect it to get serious about trimming medical costs that now are averaging about $600 a car. I'm not talking about concessions or roll-backs. I just want to know what labor will bring to the party.

And then comes the biggest challenge of all, and that one I make to our government. Are you willing to address the unfair playing field . . . yes or no? Are you willing to take on the $1,600 year/tax disadvantage as the price for eliminating quotas, moderating prices to the consumer and preserving American jobs?

I'd like to find out. I'd like to find out where the Administration, and the leaders of both parties, really stand on jobs and prices and fair trade. And where GM, Ford and UAW stand—and what they're willing to contribute. Maybe we should all get together and talk it over. I'm ready, if you are.

This is not a protectionist proposal. This is a fix-the-fundamental-problems-that-got-us-into-the-soup-proposal.

I think the American people deserve to know where everybody stands. We're talking about 2 million jobs, and the people whose jobs are at stake really deserve to know.

Haven't we had enough talk? Haven't we had enough posturing? Haven't we had enough confusion? Don't we want something to happen?

I don't know what would happen . . . I don't know if everybody would come. But I'd like to find out who would, and who wouldn't. I'd like to either get the rhetoric toned down and get something underway, or really pin the tail on the right donkey, once and for all.

The League can help. You'll be sponsoring the Presidential debates this summer, for which I applaud you. I urge you to ask the President and the Democratic candidate, point blank, where they stand on the issue of automotive jobs and automotive-related jobs . . . and the Japanese trade situation and the tilted playing field.

If they're not ready to address these issues, let them say so now . . . so the voters of this country will know, before the election. We can't let them cop out, or say it's much too early—that we should wait till after the election. Baloney! That's what an election is for—to choose between alternative plans.

And let me add one more thing: if the candidates for this country's next Administration are not ready to stand up and say what they think on the subject—if they really believe that jobs are irrelevant—then the hell with it. Let the quotas come off, now—I'll compete.

Because I'm ready to compete. That's exactly what we've been doing at Chrysler for the last (3) years.

And, let me put the record straight on what we did do during those (3) years.

We paid off the loan guarantees seven years early, and we paid the government a profit of $311 million!

We called back 36 thousand workers, and we averted the possibility of 600 thousand more being put out to pasture permanently.

We led this industry's conversion to front-wheel-drive; as a result, we improved our average fuel economy to 27 miles per gallon. Today's we're the only one of the Big Three who's meeting the fuel economy standards, which are the law of the land.

We improved our quality by over 24 percent, and we offered the American consumer a 5-year, 50,000-mile warranty. No charge.

We improved our productivity; we used to build 10 cars per employee; now we build 19 cars per employee.

We cut our costs by $2 billion and cut our break-even point in half in the process. We got rid of our deficit!

We've been busy as beavers. So, I'd like to walk into the next Congressional leadership meeting and ask, "Hey, what have you guys been doing for the last (3) years?"

Have you cut your deficits? On April 1, 1981 (when voluntary restraints were started) your budget deficit was still $43 billion. Now, as of 1984, it's $177 billion. The trade deficit was $19 billion . . . now it's $93 billion.

Has the undervalued yen problem been fixed? No way. Today, the yen is at 230 to the dollar—in the spring of 1981 it was 226 to the dollar.

Has the Japanese commodity tax rebate problem been fixed? No, the issue isn't even being discussed.

In other words, gentlemen, has Washington done a single damn thing to level the playing field and get rid of the $1600 per car unfair Japanese advantage—in (3) years? The answer is no!

I think I should turn to Mr. Brock and say, "Mr. Ambassador—I think we've been had!"

So, how much additional time does this Administration and Congress need to get its problems straightened out? I'm willing to give them some breathing room, just as they gave this industry some breathing room. How much do they need? A year? Three years? What's the plan? What is their position on jobs in smokestack America?

I'm tired of the ideological debate . . . of the abstractions . . . of the finger-pointing. I'm tired of disjointed, irrational, ad hoc industrial policy. Where does everybody stand? What are we waiting for?

I'm ready, Mr. Reagan and Mr. Brock. I'm ready, Mr. Bieber. I'm ready, Ford and GM. Let's get on with it.●

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Veterans' Affairs, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., May 10, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Section 5004 of Title 38, United States Code, requires that the Committee on Veterans' Affairs adopt a resolution approving major medical construction projects and leases of $500,000 or more proposed by the Veterans' Administration for each fiscal year. The House Committee on Veterans' Affairs met on May 10, 1984, and authorized the construction and leasing of various projects in fiscal year 1985.

A copy of the Resolution adopted by the Committee and a listing of the projects authorized are attached.

Sincerely,
G. V. (SONNY) MONTGOMERY,
Chairman.

MAY 10, 1984.

RESOLUTION OF THE COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES

Resolved by the House Committee on Veterans' Affairs, That pursuant to the provisions of Section 5004, Title 38, United States Code, the attached listing of major medical construction projects and leases is approved. This approval is by project and includes funds authorized in Fiscal Year 1985 and future fiscal years.

G. V. (SONNY) MONTGOMERY,
Chairman.

There was no objection.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include therein extraneous material on the bill, H.R. 5167, Department of Defense Authorization Act, which was debated earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REBUTTAL AND DENIAL OF JACK ANDERSON ALLEGATIONS REGARDING PRESIDENT OF MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the occasion of the visit of the President of Mexico today was a very historic accomplishment.

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But unfortunately it was clouded by a very, very unfortunate incident of the publication of a column by Jack Anderson, the columnist, which appeared throughout the United States and in the Washington Post, in which the President of Mexico was accused of having amassed riches and had opened a secret Swiss account. This has aroused great consternation in our neighboring country, among the group accompanying the President, among the Government officials representing that Government here in the Capitol.

I am inserting in the RECORD the Anderson column at this point, followed by clarification by way of a letter on the editorial page in today's Washington Post by the spokesman for the Mexican President, in which each and every allegation made by Mr. Anderson is specifically denied, rebutted, and absolutely clarifying the integrity of the President of Mexico:

[From the Dallas Morning News, May 15, 1984]

DE LA MADRID AMASSES RICHES

(By Jack Anderson)

WASHINGTON.—Mexican President Miguel de la Madrid, who meets with President Reagan in the White House today, has amassed a multimillion-dollar fortune since he took office, according to highly classified U.S. intelligence documents.

Self-enrichment is a tradition among Mexican presidents; it may also be perfectly legal under Mexican law. The presidential salary is secret, and the single political party's only rule, according to one insider, is: "Don't rock the trough."

Perhaps in deference to his country's precarious financial situation and the extreme poverty of its people, de la Madrid is believed to have collected a secret "salary" far more modest than his predecessors'. It is, nevertheless, huge.

One high-level administration source with regular access to ultra-secret intelligence reports told my associate that in one series of transactions in the four months after he took office in December 1982, de la Madrid salted away $13 million to $14 million in a Swiss bank.

Another source with access to CIA and National Security Agency data cited one report last fall, based on cable intercepts of international bank transactions, that put the total of de la Madrid's "take" during his presidency at $162 million—minimum. At the CIA, the six-year presidential term is referred to jokingly as the "golden parachute" that carries every president safely to a sizable fortune.

Efforts to reach de la Madrid for comment were unsuccessful, but a spokesman at the Mexican Embassy said the U.S. intelligence information was wrong—"absolutely out of the question." He pointed out that de la Madrid had been mounting an aggressive anti-corruption campaign.

That too is an honored presidential tradition in Mexico. De la Madrid's immediate predecessor, Jose Lopez Portillo, went through the same ritual, calling corruption "the cancer of Mexico." Yet Lopez Portillo, who ruled during the heady days of Mexico's short-lived oil prosperity, amassed a personal fortune. By the CIA's estimate he salted away a staggering $1 billion to $3 billion.

The symbol of Lopez Portillo's wealth is the luxurious, 32-acre estate he built overlooking Mexico City. It is nicknamed "Dog Hill," in mocking reference to Lopez Portillo's statement that he would "fight like a dog" to defend the shrinking value of the peso.

While many of his countrymen live in adobe or corrugated metal hovels, Lopez Portillo and his family have bathrooms of marble and gold, according to Mexican press accounts. Some floors are made of jade; one is transparent, with a detailed model of the Acropolis visible through it.

The Mexican government installed a power plant for what a Mexican magazine called the "walled medieval fortress overlooking the capital." The public works agency spent $33 million on the access road, sewage and water lines for Lopez Portillo's estate.

The ex-president's largesse reportedly extended even to a high-level government official who was his alleged mistress. Her house is said to be so large one of the closets measures 27 feet by 100 feet and has a mezzanine.

Despite the blatancy of Lopez Portillo's self-enrichment in office, U.S. and Mexican sources doubt he will ever be a target of his successor's cleanup campaign. Instead, de la Madrid has moved against some officials of the former president's regime, including the former head of the national oil monopoly and the former chief of Mexico City's police.

Safety debate: The Consumer Product Safety Commission will decide today whether U.S. manufacturers should be allowed to export articles that have been banned from the market in this country as dangerous.

At least one commissioner, Terrence Scanlon, favors allowing such exports. He cites a recent court decision which ruled the sale of products abroad is a matter for the importing nations to handle. An internal commission memo notes that allowing unsafe products to be exported would help the manufacturers recoup their losses, though the price they'd get "in all probability will be substantially less than for complying goods."

Consumer groups oppose the export permission, on grounds hazardous goods will cause harm wherever they are sold.

Some companies whose products have run afoul of the commission have indicated

they'd sell the faulty items abroad if it were legal to do so. One of these had manufactured silver baby rattles the commission decided were "too small and too long" to be safe. Another had produced painted shirts that contained lead.

[From the Washington Post, May 16, 1984]

MEXICO'S "MILLIONAIRE PRESIDENTS": A REPLY

Jack Anderson's article ["Mexico Makes Its Presidents Millionaires," May 15], regarding President Miguel de la Madrid, is inaccurate and biased.

President de la Madrid has no bank account in any foreign country and has never transferred any amount of money outside of Mexico. His salary is precisely defined by the Law on Expenditures of the Nation, approved by Congress and in compliance with the Law of Responsibilities of Public Official—which President de la Madrid himself amended to make more stringent and to fight public corruption. He has duly and promptly submitted his statement on assets and properties with a detailed list of all his properties and economic resources.

Likewise, his tax return file is up to date, perfectly well in order, and information has recently been provided to the Mexican public on the submission of President de la Madrid's tax return for 1982-1983, which is absolutely in keeping with the law.

It is most unfortunate that the sensationalism shown by Mr. Anderson stains the pages of such a serious and prestigious newspaper as The Post. He does it with completely false imputations, which he attributes to "American intelligence sources," without giving specific names. A responsible and professional journalist would not act to offend the head of state of a friendly nation with the lightness and lack of responsibility shown by Mr. Anderson.

MANUEL ALONSO M.,
Press Secretary to the President of Mexico.
WASHINGTON.

It so happens that this President of Mexico is one of the most real reform Presidents in recent modern Mexican history. He is a man of absolute integrity. It was most unfortunate that this happened. I am asking that the RECORD reflect the clarification so that in some small way this can be interpreted as an apology on our part, some of us Members of the House of Representatives, to this visiting dignitary.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BILIRAKIS) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. MCEWEN, for 60 minutes, May 22.

Mr. MCEWEN, for 60 minutes, May 23.

Mr. FRENZEL, for 60 minutes, May 22.

Mr. FRENZEL, for 60 minutes, May 23.

Mr. FRENZEL, for 60 minutes, May 21.

(The following Members (at the request of Mr. TAUZIN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. ANTHONY, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, on May 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LOWERY of California, immediately preceding the vote on the MX, on H.R. 5167, in the Committee of the Whole today.

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. LENT.

Mr. JEFFORDS.

Mr. YOUNG of Alaska in three instances.

Mr. PORTER.

Mrs. VUCANOVICH.

Mr. LAGOMARSINO.

Mr. BROOMFIELD in three instances.

Mr. SHUMWAY.

Mr. GEKAS.

Mr. MCGRATH.

Mr. DAUB.

Mr. WORTLEY.

Mr. WILLIAMS of Ohio.

Mr. KEMP in two instances.

Mr. MARTIN of North Carolina.

Mr. WOLF.

(The following Members (at the request of Mr. TAUZIN) and to include extraneous matter:)

Mr. PEASE.

Mr. HAMILTON in two instances.

Mr. ROYBAL.

Mr. HERTEL of Michigan.

Mrs. BYRON.

Mr. FLORIO.

Mr. DORGAN.

Mr. FASCELL.

Mr. COLEMAN of Texas.

Mr. ACKERMAN in four instances.

Mr. SKELTON in two instances.

Mr. SCHUMER.

Mr. STOKES in two instances.

Mr. ROSTENKOWSKI.

Mr. LAFALCE.

Mr. GEJDENSON.

Mr. LONG of Maryland.

Mr. MOAKLEY.

Mr. OBEY.

Mr. LEVINE of California.

Mr. MURPHY.

Mr. EDWARDS of California.

Mr. LANTOS.

Mr. TOWNS.

Mr. WIRTH.

Ms. FERRARO.

Mr. ADDABBO.

Mr. STARK.

Mr. SOLARZ.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, May 17, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3363. A letter from the Under Secretary of Defense (Research and Engineering) transmitting the 1983 annual report on the defense industrial reserve, pursuant to the act of July 2, 1948, chapter 811, section 5 (87 Stat. 618); to the Committee on Armed Services.

3364. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize waiver of application of any provisions of law in connection with the acquisition of petroleum products during periods of petroleum shortages, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

3365. A letter from the Acting Commissioner, Social Security Administration, transmitting notification of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3366. A letter from the Secretary of the Interior transmitting notification of a proposal received under the Small Reclamation Projects Act, pursuant to the act of August 6, 1956, chapter 972, section 10; to the Committee on Interior and Insular Affairs.

3367. A letter from the controller, Boys' Clubs of America, transmitting a copy of the Boys Clubs' audited financial report for the year ending December 31, 1983, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

3368. A letter from the Director, National Legislative Commission, the American Legion, transmitting statements describing the financial condition of the American Legion as of December 31, 1983, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

3369. A letter from the Secretary of Transportation transmitting the fourth annual report on the status of the development of collision avoidance systems in the national air traffic control system, pursuant to Public Law 96-193, section 401; to the Committee on Public Works and Transportation.

3370. A letter from the Acting Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting the eighth annual Interagency Geothermal Coordinating Council report for fiscal year 1983, pursuant to Public Law 93-410, section 302(a); to the Committee on Science and Technology.

3371. A letter from the Executive Secretary, Department of Defense, transmitting a report on DOD procurement from small and other business firms for October through November 1983, pursuant to SBA, section 10(d); to the Committee on Small Business.

3372. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting a report on emigration and human rights policies of the Government of Haiti and its cooperation with U.S. efforts in halting illegal emigration for Haiti and with U.S. development assistance progams with Haiti, pursuant to Public Law 98-151, section 101(b)(2) (97 Stat. 971); jointly to the Committees on Appropriations and Foreign Affairs.

3373. A letter from the Secretary of Energy transmitting a copy of the seventh annual report on Federal energy education, extension, and information activities, pursuant to Public Law 95-39, Section 509(c) and Public Law 96-294, Section 404; jointly, to the Committees on Energy and Commerce and Science and Technology.

3374. A letter from the Acting Comptroller General of the United States transmitting a report entitled "An Assessment of SES Performance Appraisal Systems," (GAO/GGD-84-16, May 16, 1984), pursuant to 5 U.S.C. 4312(c)(2), jointly, to the Committees on Government Operations and Post Office and Civil Service.

3375. A letter from the Comptroller General of the United States transmitting a report entitled "Examination of the Financial Statements of the Export-Import Bank of the United States for the Fiscal Year ended September 30, 1983," (GAO/AFMD-84-48, April 26, 1984), pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

3376. A letter from the Acting Comptroller General of the United States transmitting a report entitled "Assessment of Special Rules Exempting Employers Withdrawing from Multiemployer Pension Plans from Withdrawal Liability," (GAO/HRD-84-1, May 14, 1984), pursuant to Public Law 96-364, Section 413(a); jointly, to the Committees on Government Operations, Education and Labor, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of May 15, 1984]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 5151. A bill to alleviate hunger in the United States by strengthening Federal nutrition programs; with an amendment (Rept. No. 98-782, Pt. I). Ordered to be printed.

[Submitted May 16, 1984]

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5665. A bill to provide for a temporary increase in the public debt limit, and for other purposes. (Rept. No. 98-785). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of May 15, 1984]

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 4694. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to waive mandatory reductions in military retirement pay of certain retired military officers recruited for employment by the Department of Medicine and Surgery; referred to the Committee on Post Office and Civil Service for a period ending not later than June 15, 1984, for consideration of such provisions of the bill as fall within that committee's jurisdiction pursuant to clause 1(o), rule X (Rept. No. 98-783, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself and Mr. CONABLE):

H.R. 5665. A bill to provide for a temporary increase in the public debt limit, and for other purposes; to the Committee on Ways and Means.

By Mr. ANTHONY:

H.R. 5666. A bill to designate the Calion lock and dam located on the Quachita River, near Calion, Ark., as the "H. K. Thatcher Lock and Dam"; to the Committee on Public Works and Transportation.

By Mr McKINNEY (by request):

H.R. 5667. A bill to establish the Mental Health Corporation, and for other purposes; to the Committee on the District of Columbia.

By Mr. OTTINGER:

H.R. 5668. A bill to amend title 18, United States Code, to exempt certain individuals, persons and organizations from the prohibition against depositing in residential letter boxes nonprofit, noncommercial mailable matter on which no postage has been paid; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. STARK:

H.R. 5669. A bill to increase the column 1 rates of duty on certain structural units of iron or steel, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. DAVIS):

H.R. 5670. A bill to require construction contractors for the Coast Guard to employ local residents in areas of high unemployment; to the Committee on Merchant Marine and Fisheries.

By Mr. MOAKLEY:

H.J. Res. 571. Joint resolution designating July 28, 1984, as "First United States Olympic Team Day" in honor of the U.S. participants in the 1896 Olympics; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

393. By the SPEAKER: Memorial of the General Assembly of the State of Colorado, relative to preferential treatment to cash paying customers; to the Committee on Banking, Finance and Urban Affairs.

394. Also memorial of the Senate of the Commonwealth of Massachusetts, relative to congratulating the State of Israel on the 36th anniversary of its founding year; to the Committee on Foreign Affairs.

395. By Mr. RUDD: Memorial of the Legislature of the State of Arizona, relative to the restriction of travel by Soviet diplomats in Arizona; to the Committee on Foreign Affairs.

396. Also, memorial of the Legislature of the State of Arizona, relative to the persecution of the Baha'is in Iran; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1657: Mr. SOLARZ and Mr. HANCE.

H.R. 2053: Mr. KLECZKA.

H.R. 2262: Mr. BADHAM, Mr. HUNTER, and Ms. MIKULSKI.

H.R. 2468: Mr. GOODLING.

H.R. 2960: Mr. MCHUGH, Mr. DOWNEY of New York, and Mr. SCHEUER.

H.R. 2976: Mr. LEVIN of Michigan.

H.R. 3200: Mr. GREGG, Mr. BOUCHER, Mr. DIXON, Mr. ROYBAL, Mr. CARPER, Mr. BROWN of California, Mr. CROCKETT, Mr. SABO, Mrs. COLLINS, Mr. OWENS, and Mr. WEAVER.

H.R. 3750: Mr. EDGAR, Mr. SAVAGE, Mr. HEFTEL of Hawaii, Mr. GUARINI, Mr. GORE, Mr. SKELTON, Mr. BIAGGI, and Mr. SIKORSKI.

H.R. 3775: Mr. STARK.

H.R. 3821: Mr. MARTINEZ and Mrs. SCHNEIDER.

H.R. 4360: Mr. ACKERMAN, Mr. SHANNON, and Mr. DONNELLY.

H.R. 4440: Mr. BATES, Mr. BORSKI, Mr. HOWARD, Mr. HUGHES, Mr. SIKORSKI, and Mr. WISE.

H.R. 4760: Mr. LELAND and Mr. STOKES.

H.R. 4773: Mr. PATMAN, Mr. MOODY, Mr. PURSELL, Mr. BOEHLERT, Mr. ROTH, Mr. MCDADE, Mr. MCKERNAN, Mr. FRANK, and Mr. DAVIS.

H.R. 4832: Mr. CLINGER and Mr. WEISS.

H.R. 4966: Mr. SOLARZ.

H.R. 4988: Mr. STANGELAND.

H.R. 5032: Mr. YOUNG of Alaska, Mr. EDWARDS of California, Mrs. BURTON of California, Mr. PASHAYAN, Ms. MIKULSKI, Mr. AUCOIN, Mr. LUKEN, and Mr. GEJDENSON.

H.R. 5098: Mr. FEIGHAN, Mr. STARK, Mr. HOWARD, Mr. BATES, Mrs. BOXER, and Mr. HEFTEL of Hawaii.

H.R. 5196: Mr. WHITLEY and Mr. ACKERMAN.

H.R. 5261: Mr. ST GERMAIN.

H.R. 5310: Mr. KINDNESS, Mr. FRENZEL, Mr. SMITH of New Jersey, Mr. RANGEL, Mr. GILMAN, Mr. ST GERMAIN, Mr. RAHALL, Mr. BADHAM, Mr. HYDE, Mr. VOLKMER, Mr. THOMAS of California, Mr. GOODLING, and Mr. PASHAYAN.

H.R. 5335: Mr. WEISS, Mr. TOWNS, Mr. HUGHES, and Mr. SEIBERLING.

H.R. 5377: Mr. LAFALCE, Mr. LEVIN of Michigan, Mr. GEJDENSON, and Mr. D'AMOURS.

H.R. 5440: Mr. DOWNEY of New York, Mr. HUGHES, Mr. LUKEN, Mr. MITCHELL, Mrs. HALL of Indiana, and Mr. WEAVER.

H.R. 5486: Mr. GOODLING and Mr. BLILEY.

5496: Mr. SIKORSKI.

H.R. 5511: Mr. DEWINE and Ms. KAPTUR.

H.R. 5538: Mr. SIKORSKI.

H.R. 5568: Mr. ADDABBO, Mr. SCHUMER, Mr. HERTEL of Michigan, Mr. MCKINNEY, and Mr. MITCHELL.

H.R. 5569: Mrs. SCHNEIDER, Mr. HOYER, Mr. WOLPE, Mr. DYMALLY, Ms. FIEDLER, Mr. RATCHFORD, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. LONG of Louisiana, Mr. RANGEL, Mr. FRANK, and Mr. CONABLE.

H.R. 5571: Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. WYDEN, and Mr. LEHMAN of California.

H.R. 5591: Mr. STOKES, Mr. CONYERS, Mr. MITCHELL, Mr. EDWARDS of California, Mr. MRAZEK, Mr. WEAVER, Mr. EVANS of Illinois, and Mr. GARCIA.

H.R. 5601: Mr. SIKORSKI.

H.R. 5602: Mr. SIKORSKI.

H.R. 5640: Mr. HUGHES, Mr. PRITCHARD, Mr. ADDABBO, Mr. SIKORSKI, and Mrs. JOHNSON.

H.J. Res. 153: Mr. HANCE, Mr. SHANNON, Mr. BRYANT, Mr. LEATH of Texas, Mr. HOYER, and Mrs. JOHNSON.

H.J. Res. 272: Mr. LONG of Louisiana, Mr. LAGOMARSINO, and Mr. MCEWEN.

H.J. Res. 389: Mrs. ROUKEMA.

H.J. Res. 497: Mr. CHAPPIE, Mr. BURTON of Indiana, Mr. GREGG, Mr. SCHEUER, Mr. PANETTA, Mr. COLEMAN of Texas, Mr. ALBOSTA, Mr. CLINGER, Mr. OXLEY, Mr. WEAVER, Mr. LIVINGSTON, Mr. BARTLETT, Mr. YATRON, Mr. IRELAND, Mr. LOEFFLER, Mr. ANTHONY, Mr. DAVIS, and Mr. ALEXANDER.

H.J. Res. 512: Mrs. ROUKEMA, Mr. HYDE, Mr. GREEN, Mr. RANGEL, Mr. LEVIN of Michigan, Mr. ANDREWS of Texas, Mr. WEISS, Mr. WOLF, Mr. FEIGHAN, Mrs. SCHNEIDER, Mr. MARRIOTT, Mr. GRADISON, Mr. RATCHFORD, Mr. PORTER, Mr. ST GERMAIN, Mr. VANDERGRIFF, Mr. MADIGAN, Mr. REID, Mr. LOEFFLER, Mr. YATRON, Mr. LUKEN, and Mr. OTTINGER.

H.J. Res. 526: Mr. ANDREWS of North Carolina, Mr. KEMP, Mr. STOKES, Mr. KASTENMEIER, Ms. KAPTUR, Mr. SNYDER, Mr. HIGHTOWER, Mr. BREAUX, Mr. FISH, Mr. CARNEY, Mr. HYDE, Mr. FAUNTROY, Mr. DENNY SMITH, Mr. BLILEY, Mr. OXLEY, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. GINGRICH, Mr. FUQUA, Mr. TOWNS, Mr. BROYHILL, Mr. RINALDO, Mr. WORTLEY, Mr. TORRICELLI, Mr. DIXON, Mr. BONER of Tennessee, Mr. SKEEN, Mr. NEAL, Mr. PRITCHARD, Mr. RIDGE, Mr. RICHARDSON, Mr. GEKAS, Mr. ADDABBO, Mr. SHUSTER, Mr. BARNES, Mr. CHANDLER, Mr. FLIPPO, Mr. SUNIA, Mr. THOMAS of California, Mrs. BOXER, Mr. STAGGERS, Mrs. MARTIN of Illinois, Mr. BROWN of Colorado, Mr. ROEMER, Mr. MOLINARI, Mr. HILER, Mr. CRAIG, Mrs. VUCANOVICH, Mr. DEWINE, Mr. HUCKABY, Mr. STUMP, Mr. IRELAND, Mr. MCCOLLUM, Mr. NICHOLS, Mr. KASICH, Mr. NIELSON of Utah Mr. SAM B. HALL, JR., Mr. KAZEN, Mr. PICKLE, Mr. BARTLETT, Mr. ROGERS, Mr. RUDD, Mr. PACKARD, Mr. MORRISON of Washington, Mr. GUNDERSON, Mr. MCGRATH, Mr. MCCAIN, Mr. GILMAN, Mr. SPENCE, Mr. SHAW, Mr. SUNDQUIST, Mr. PETRI, Mr. GREGG, Ms. SNOWE, Mrs. JOHNSON, Mr. FRANKLIN, Mr. SLATTERY, Mr. BENNETT, Mr. PARRIS, Mr. HILLIS, Mr. BROOMFIELD, Mr. ROSE, Mr. PERKINS, Mr. WIRTH, Mr. ROBINSON, Mr. LUNGREN, Mr. MYERS, Mr. WEAVER, Mr. DORGAN, Mr. CONABLE, Mr. YOUNG of Alaska, Mr. VANDER JAGT, Mr. EVANS of Illinois, Mr. COELHO, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. ANDERSON, Mr. LUNDINE, Mr. DURBIN, Mr. MCCURDY, Mr. SYNAR, Mr. AUCOIN, Mr. BEILENSON, and Mr. DOWNEY of New York.

H.J. Res. 533: Mr. MCKERNAN and Mr. EMERSON.

H.J. Res. 543: Mr. BARNARD, Mr. TORRICELLI, Mr. FAUNTROY, Mr. KOSTMAYER, Mr. CHAPPIE, Mr. LELAND, Mr. SHELBY, Mr. EDWARDS of Alabama, Mr. FLIPPO, Mr. REGULA, Mr. BENNETT, Mrs. BOXER, Mr. PACKARD, Mr. DICKINSON, Mr. LEWIS of Florida, Ms. OAKAR, Mr. KILDEE, Mr. MOLLOHAN, Mr. D'AMOURS, Mr. DOWDY of Mississippi, Mr. TAUKE, Mr. OWENS, Mr. ALEXANDER, Mr. FRANKLIN, Mr. SMITH of Florida, Mr. MCDADE, Mr. FASCELL, Mr. MURPHY, Mr. CLARKE, Mr. DWYER of New Jersey, Mr. STANGELAND, Mr. WEAVER, Mr. YATRON, Mr. RAHALL, Mr. ERDREICH, Mr. CORRADA, Mr. SAWYER, Mr. OLIN, Mr. DYSON, Mr. EMERSON, Mr. DYMALLY, Mr. BADHAM, Mr. ANTHONY, Mr. TALLON, Mr. TRAXLER, Mr. YOUNG of Florida, Mr. PASHAYAN, Mr. PURSELL, Mr. WINN, and Mr. QUILLEN.

H.J. Res. 563: Mr. GREEN, Mr. YOUNG of Missouri, and Mr. SIKORSKI.

H. Con. Res. 219: Mr. WYDEN and Mr. ANDREWS of Texas.

H. Con. Res. 226: Mr. HOPKINS, Mr. MARKEY, and Mr. SEIBERLING.

H. Con. Res. 260: Mrs. KENNELLY.

H. Con. Res. 265: Mr. ACKERMAN, Mr. DIXON, Mr. KILDEE, Mr. KOGOVSEK, Mr. MARTINEZ, Mr. MCHUGH, and Mr. WAXMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

364. By the SPEAKER: Petition of the Township Council of Bridgewater, N.J., relative to cable legislation; to the Committee on Energy and Commerce.

365. Also, petition of the City Council of Norfolk, Va., relative to municipalities liability under the Federal antitrust laws; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5167

By Mr. GREEN:

—At the end of Title II, add the following new section:

LIMITATION OF FLIGHT TESTING OF MX MISSILE

SEC. . None of the funds appropriated pursuant to authorizations of appropriations in this or any other Act may be obligated for flight testing of the MX missile during fiscal year 1985 unless the president has certified to Congress that the Soviet Union, after the date of enactment of this Act, has flight tested a new type of intercontinental ballistic missile as defined under the provision of the SALT II agreement.

By Mr. LEVINE of California:

—Page 10, line 18, strike out "$25,243,200,000" and insert in lieu thereof "$25,253,700,000".

Page 11, strike out lines 19 through 22 and insert in lieu thereof the following:

(c) The Secretary of the Air Force may not make a contract for the procurement for engines for the F-15 aircraft that includes an amount for payment for the warranty required by section 797 of the Department of Defense Appropriation Act, 1983 (set forth in section 101(c) of Public Law 97-377), that is greater than 8 percent of the total contract price.

By Mr. OTTINGER:

—Page 131, line 5, insert "(a)" after "SEC. 801."

Page 131, after line 8, insert the following new subsection:

(b) None of the funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used for civil defense programs to prepare for, or respond to, nuclear attack.

By Mrs. SCHROEDER:

—At the end of title I (page 15, after line 5) insert the following new section:

FREEZE ON TOTAL AMOUNT AUTHORIZED AT FISCAL YEAR 1984 APPROPRIATION LEVEL

SEC. 110. The total amount that may be appropriated pursuant to authorizations of appropriations in this title may not exceed the amount equal to 103 percent of the total amount appropriated for procurement for fiscal year 1984 in title IV of the Department of Defense Appropriation Act, 1984 (Public Law 98-212).

By Mr. SENSENBRENNER:

—At the end of title III (page 29, after line 14), insert the following new section:

TRANSPORTATION TO CENTRAL AMERICA OF SUPPLIES FOR HUMANITARIAN ASSISTANCE

SEC. 310. The Secretary of Defense shall provide that during fiscal year 1985 supplies furnished by a source outside the Department of Defense that are intended for humanitarian assistance in a country in Central America shall be transported by the Department of Defense to that country on a space-available basis and (notwithstanding any other provision of law) at no charge. Any assistance transported pursuant to this section shall be distributed under the control of an agency of the United States government or its designee.

EXTENSIONS OF REMARKS

PRESIDENT KENNEDY ON UNINSPECTED MORATORIA

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mrs. BYRON. Mr. Speaker, much of the thinking and response to arms control issues of late involves the institution of moratoria. That is, let us declare a self-imposed halt to certain defense systems and then wait to see if the Soviet Union follows suit.

While these simple, uncomplicated proposals are easily portrayed to the public they are not new. In fact, in 1962, President Kennedy made a televised speech on the discouraging results of uninspected moratoria. I insert President Kennedy's speech for all to read.

RADIO AND TELEVISION ADDRESS TO THE AMERICAN PEOPLE: "NUCLEAR TESTING AND DISARMAMENT." MARCH 2, 1962

[Delivered from the President's office at 7 p.m.]

Good evening:

Seventeen years ago man unleashed the power of the atom. He thereby took into his mortal hands the power of self-extinction. Throughout the years that have followed, under three successive Presidents, the United States has sought to banish this weapon from the arsenals of individual nations. For of all the awesome responsibilities entrusted to this office, none is more somber to contemplate than the special statutory authority to employ nuclear arms in the defense of our people and freedom.

But until mankind has banished both war and its instruments of destruction, the United States must maintain an effective quantity and quality of nuclear weapons, so deployed and protected as to be capable of surviving any surprise attack and devastating the attacker. Only through such strength can we be certain of deterring a nuclear strike or an overwhelming ground attack, upon our forces and our allies. Only through such strength can we in the free world—should that deterrent fail—face the tragedy of another war with any hope of survival. And that deterrent strength, if it is to be effective and credible when compared with that of any other nation, must embody the most modern, the most reliable and the most versatile nuclear weapons our research and development can produce.

The testing of new weapons and their effects is necessarily a part of that research and development process. Without tests—to experiment and verify—process is limited. A nation which is refraining from tests obviously cannot match the gains of a nation conducting tests. And when all nuclear powers refrain from testing, the nuclear arms race is held in check.

That is why this Nation has long urged an effective worldwide end to nuclear tests. And this is why in 1958 we voluntarily subscribed, as did the Soviet Union, to a nuclear test moratorium, during which neither side would conduct new nuclear tests and both East and West would seek concrete plans for their control.

But on September first of last year, while the United States and the United Kingdom were negotiating in good faith at Geneva, the Soviet Union callously broke its moratorium with a two month series of tests of more than 40 nuclear weapons. Preparations for these tests had been secretly underway for many months. Accompanied by new threats and new tactics of terror, these tests—conducted mostly in the atmosphere—represented a major Soviet effort to put nuclear weapons back into the arms race.

Once it was apparent that new appeals and proposals were to no avail, I authorized on September fifth a resumption of U.S. nuclear tests underground, and I announced on November second—before the close of the Soviet series—that preparations were being ordered for a resumption of atmospheric tests, and that we would make whatever tests our security required in the light of Soviet gains.

This week, the National Security Council of the United States has completed its review of this subject. The scope of the Soviet tests has been carefully reviewed by the most competent scientists in the country. The scope and justification of proposed American tests have been carefully reviewed, determining which experiments can be safety deferred, which can be deleted, which can be combined or conducted underground, and which are essential to our military and scientific progress. Careful attention has been given to the limiting of radioactive fallout, to the future course of arms control diplomacy, and to our obligations to other nations.

Every alternative was examined. Every avenue of obtaining Soviet agreement was explored. We were determined not to rush into imitating their tests. And we were equally determined to do only what our own security required us to do. Although the complex preparations have continued at full speed while these facts were being uncovered, no single decision of this Administration has been more thoroughly or more thoughtfully weighted.

Having carefully considered these findings—having received the unanimous recommendations of the pertinent department and agency beads—and having observed the Soviet Union's refusal to accept any agreement which would inhibit its freedom to test extensively after preparing secretly—I have today authorized the Atomic Energy Commission and the Department of Defense to conduct a series of nuclear tests—beginning when our preparations are completed, in the latter part of April, and to be concluded as quickly as possible (within two or three months)—such series, involving only those tests which cannot be held underground, to take place in the atmosphere over the Pacific Ocean.

These tests are to be conducted under conditions which restrict the radioactive fallout to an absolute minimum, far less than the contamination created by last fall's Soviet series. By paying careful attention to location, wind and weather conditions, and by holding these tests over the open seas, we intend to rule out any problem of fallout in the immediate area of testing. Moreover, we will hold the increase in radiation in the Northern Hemisphere, where nearly all such fallout will occur, to a very low level.

Natural radioactivity, as everyone knows, has always been a part of the air around us, with certain long-range biological effects. By conservative estimate, the total effects from this test series will be roughly equal to only 1 percent of those due to this natural background. It has been estimated, in fact, that the exposure due to radioactivity from these tests will be less than $\frac{1}{100}$ of the difference which can be experienced, due to variations in natural radioactivity, simply by living in different locations in our own country. This will obviously be well within the guides for general population health and safety, as set by the Federal Radiation Council; and considerably less than $\frac{1}{10}$ of 1 percent of the exposure guides set for adults who work with industrial radioactivity.

Nevertheless, I find it deeply regrettable that any radioactive material must be added to the atmosphere—that even one additional individual's health may be risked in the foreseeable future. And however remote and infinitesimal those hazards may be, I still exceedingly regret the necessity of balancing these hazards against the hazards to hundreds of millions of lives which would be created by any relative decline in our nuclear strength.

In the absence of any major shift in Soviet policies, no American President—responsible for the freedom and the safety of so many people—could in good faith make any other decision. But because our nuclear posture affects the security of all Americans and all free men—because this issue has aroused such widespread concern—I want to share with you and all the world, to the fullest extent our security permits, all of the facts and the thoughts which have gone into this decision.

Many of these facts are hard to explain in simple terms—many are hard to face in a peaceful world—but these are facts which must be faced and must be understood.

II.

Had the Soviet tests of last fall merely reflected a new effort in intimidation and bluff, our security would not have been affected. But in fact they also reflected a highly sophisticated technology, the trial of novel designs and techniques, and some substantial gains in weaponry. Many of these tests were aimed at improving their defenses against missiles—others were proof tests, trying our existing weapons systems—but over one-half emphasized the development of new weapons, particularly those of greater explosive power.

A primary purpose of these tests was the development of warheads which weigh very little compared to the destructive efficiency of their thermonuclear yield. One Soviet test weapon exploded with the force of 58 megatons—the equivalent of 58 million tons

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

of TNT. This was a reduced-yield version of their much-publicized hundred-megaton bomb. Today, Soviet missiles do not appear able to carry so heavy a warhead. But there is no avoiding the fact that other Soviet tests, in the 1 to 5 megaton range and up, were aimed at unleashing increased destructive power in warheads actually capable of delivery by existing missiles.

Much has also been said about Soviet claims for an anti-missile missile. Some of the Soviet tests which measured the effects of high altitude nuclear explosion—in one case over 100 miles high—were related to this problem. While apparently seeking information on the effects of nuclear blasts on radar and communication, which is important in developing an anti-missile defense system, these tests did not, in our judgment, reflect a developed system.

In short, last fall's tests, in and by themselves, did not give the Soviet Union superiority in nuclear power. They did, however, provide the Soviet laboratories with a mass of data and experience on which, over the next two or three years, they can base significant analyses, experiments and extrapolations, preparing for the next test series which would confirm and advance their findings.

And I must report to you in all candor that further Soviet tests, in the absence of further Western progress, could well provide the Soviet Union with a nuclear attack and defense capability so powerful as to encourage aggressive designs. Were we to stand still while the Soviets surpassed us—or even appeared to surpass us—the Free World's ability to deter, to survive and to respond to an all-out attack would be seriously weakened.

III.

The fact of the matter is that we cannot make similar strides without testing in the atmosphere as well as underground. For, in many areas of nuclear weapons research, we have reached the point where our progress is stifled without experiments in every environment. The information from our last series of atmospheric tests in 1958 has all been analyzed and re-analyzed. It cannot tell us more without new data. And it is in these very areas of research—missile penetration and missile defense—that further major Soviet tests, in the absence of further Western tests, might endanger our deterrent.

In addition to proof tests of existing systems, two different types of tests have therefore been decided upon. The first and most important are called "effects tests"—determining what effect an enemy nuclear explosion would have upon our ability to survive and respond. We are spending great sums of money on radar to alert our defenses and to develop posible anti-missile systems—on the communications which enable our command and control centers to direct a response—on hardening our missiles sites, shielding our missiles and warheads from defensive action, and providing them with electronic guidance systems to find their targets. But we cannot be certain how much of this preparation will turn out to be useless: blacked out, paralyzed or detroyed by the complex effects of a nuclear explosion.

We know enough from earlier tests to be concerned about such phenomena. We know that the Soviets conducted such tests last fall. But until we measure the effects of actual explosions in the atmosphere under realistic conditions, we will not know precisely how to prepare our future defenses, how best to equip our missiles for penetration of an anti-missile system, or whether it is possible to achieve such a system for ourselves.

Secondly, we must test in the atmosphere to permit the development of those more advanced concepts and more effective, efficient, weapons which, in the light of Soviet tests, are deemed essential to our security. Nuclear weapons technology is a constantly changing field. If our weapons are to be more secure, more flexible in their use and more selective in their impact—if we are to be alert to new breakthroughs, to experiment with new designs—if we are to maintain our scientific momentum and leadership—then our weapons progress must not be limited to theory or to the confines of laboratories and caves.

This series is designed to lead to many important, if not always dramatic, results. Improving the nuclear yield per pound of weight in our weapons will make them easier to move, protect and fire—more likely to survive a surprise attack—and more adequate for effective retaliation. It will also, even more importantly, enable us to add to our missiles certain penetration aids and decoys, and to make those missiles effective at high altitude detonations, in order to render ineffective any anti-missile or interceptor system an enemy might some day develop.

Whenever possible, these development tests will be held underground. But the larger explosions can only be tested in the atmosphere. And while our technology in smaller weapons is unmatched, we now know that the Soviets have made major gains in developing larger weapons of low-weight and high explosive content—of 1 to 5 megatons and upward. Fourteen of their tests last fall were in this category, for a total of 30 such tests over the years. The United States, on the other hand, had conducted, prior to the moratorium, a total of only 20 tests within this megaton range.

IV.

While we will be conducting far fewer tests than the Soviets with far less fallout, there will still be those in other countries who will urge us to refrain from testing at all. Perhaps they forget that this country long refrained from testing, and sought to ban all tests, while the Soviets were secretly preparing new explosions. Perhaps they forget the Soviet threats of last autumn and their arbitrary rejection of all appeals and proposals, from both the United States and the United Nations. But those free peoples who value their freedom and their security, and look to our relative strength to shield them from danger—those who know of our good faith in seeking an end to testing and an end to the arms race—will, I am confident, want the United States to do whatever it must do to deter the threat of aggression.

If they felt we could be swayed by threats or intimidation—if they thought we could permit a repetition of last summer's deception—then surely they would lose faith in our will and our wisdom as well as our weaponry. I have no doubt that most of our friends around the world have shared my own hope that we would never find it necessary to test again—and my own belief that, in the long run, the only real security in this age of nuclear peril rests not in armament but in disarmament. But I am equally certain that they would insist on our testing once that is deemed necessary to protect free world security. They know we are not deciding to test for political or psychological reasons—and they also know that we cannot avoid such tests for political or psychological reasons.

V.

The leaders of the Soviet Union are also watching this decision. Should we fail to follow the dictates of our own security, they will chalk it up, not to goodwill, but to a failure of will—not to our confidence in Western superiority, but to our fear of world opinion, the very world opinion for which they showed such contempt. They could well be encouraged by such signs of weakness to seek another period of no testing without controls—another opportunity for stifling our progress while secretly preparing, on the basis of last fall's experiments, for the new test series which might alter the balance of power. With such a one-sided advantage, why would they change their strategy, or refrain from testing, merely because we refrained? Why would they want to halt their drive to surpass us in nuclear technology? And why would they ever consider accepting a true test ban or mutual disarmament?

Our reasons for testing and our peaceful intentions are clear—so clear that even the Soviets could not objectively regard our resumption of tests, following their own resumption of tests, as provocative or preparatory for war. On the contrary, it is my hope that the prospects for peace may actually be strengthened by this decision—once the Soviet leaders realize that the West will no longer stand still, negotiating in good faith, while they reject inspection and are free to prepare for further tests. As new disarmament talks approach, the basic lesson of some three years and 353 negotiating sessions at Geneva is this—that the Soviets will not agree to an effective ban on nuclear tests as long as a new series of offers and prolonged negotiations, or a new uninspected moratorium, or a new agreement without controls, would enable them once again to prevent the West from testing while they prepare in secret.

But inasmuch as this choice is now no longer open to them, let us hope that they will take a different attitude on banning nuclear tests—that they will prefer to see the nuclear arms race checked instead of intensified, with all the dangers that that intensification brings: the spread of nuclear weapons to other nations; the constant increase in world tensions; the steady decrease in all prospects for disarmament; and, with it, a steady decrease in the security of us all.

VI.

If the Soviets should change their position, we will have an opportunity to learn it immediately. On the 14th of March, in Geneva, Switzerland, a new 18-power conference on disarmament will begin. A statement of agreed principles has been worked out with the Soviets and endorsed by the U.N. In the long run, it is the constructive possibilities of this conference—and not the testing of new destructive weapons—on which rest the hopes of all mankind. However dim those hopes may sometimes seem, they can never be abandoned. And however far-off most steps toward disarmament appear, there are some that can be taken at once.

The United States will offer at the Geneva conference—not in the advance expectation they will be rejected, and not merely for purposes of propaganda—a series of concrete plans for a major "breakthrough to peace." We hope and believe that they will appeal to all nations opposed to war. They will include specific proposals

for fair and enforceable agreements: to halt the production of fissionable materials and nuclear weapons and their transfer to other nations—to convert them from weapon stockpiles to peaceable uses—to destroy the warheads and the delivery systems that threaten man's existence—to check the dangers of surprise and accidental attack—to reserve outer space for peaceful use—and progressively to reduce all armed forces in such a way as ultimately to remove forever all threats and thoughts of war.

And of greatest importance to our discussion tonight, we shall in association with the United Kingdom, present once again our proposals for a separate comprehensive treaty—with appropriate arrangements for detection and verification—to halt permanently the testing of all nuclear weapons, in every environment: in the air, in outer space, under ground and under water. New modifications will also be offered in the light of new experience.

The essential arguments and facts relating to such a treaty are well-known to the Soviet Union. There is no need for further repetition, propaganda or delay. The fact that both sides have decided to resume testing only emphasizes the need for new agreement, not new argument. And before charging that this decision shatters all hopes for agreement, the Soviets should recall that we were willing to work out with them, for joint submission to the United Nations, an agreed statement of disarmament principles at the very time their autumn tests were being conducted. And Mr. Khrushchev knows, as he said in 1960, that any nation which broke the moratorium could expect other nations to be "forced to take the same road."

Our negotiators will be ready to talk about this treaty even before the Conference begins on March 14th—and they will be ready to sign well before the date on which our tests are ready to begin. That date is still nearly two months away. If the Soviet Union should now be willing to accept such a treaty, to sign it before the latter part of April, and apply it immediately—if all testing can thus be actually halted—then the nuclear arms race would be slowed down at last—the security of the United States and its ability to meet its commitments would be safeguarded—and there would be no need for our tests to begin.

But this must be a fully effective treaty. We know now enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some may urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep top-flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the undefined future. Nor can large technical laboratories be kept fully alert on a stand-by basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient—we have explored this alternative thoroughly, and found it impossible of execution.

In short, in the absence of a firm agreement that would halt nuclear tests by the latter part of April, we shall go ahead with our talks—striving for some new avenue of agreement—but we shall also go ahead with our tests. If, on the other hand, the Soviet Union should accept such a treaty in the opening month of talks, that single step would be a monumental step toward peace—and both Prime Minister Macmillan and I would think it fitting to meet Chairman Khrushchev at Geneva to sign the final pact.

VII.

For our ultimate objective is not to test for the sake of testing. Our real objective is to make our own tests unnecessary, to prevent others from testing, to prevent the nuclear arms race from mushrooming out of control, to take the first steps toward general and complete disarmament. And that is why, in the last analysis, it is the leaders of the Soviet Union who must bear the heavy responsibility of choosing, in the weeks that lie ahead, whether we proceed with these steps—or proceed with new tests.

If they are convinced that their interests can no longer be served by the present course of events, then it is my fervent hope that they will agree to an effective treaty. But if they persist in rejecting all means of true inspection, then we shall be left with no choice but to keep our own defensives arsenal adequate for the security of all free men.

It is our hope and prayer that these grim, unwelcome tests will never have to be made—that these deadly weapons will never have to be fired—and that our preparations for war will bring about the preservation of peace. Our foremost aim is the control of force, not the pursuit of force, in a world made safe for mankind. But whatever the future brings, I am sworn to uphold and defend the freedom of the American people—and I intend to do whatever must be done to fulfill that solemn obligation.

Thank you—and good night.●

THE FIRST REFORMED CHURCH OF JAMAICA, N.Y., DEDICATES ITS FOURTH BUILDING

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. ACKERMAN. Mr. Speaker, on May 20, 1984, a historic event will take place in Jamaica, N.Y., when the congregation of the First Reformed Church of Jamaica will relocate to the fourth building in its 282-year history.

A service of dedication and thanksgiving to open the new church hall will mark the culmination of many years of good faith and hard work by the congregants.

The members of the First Reformed Church are part of the oldest Protestant denomination in America. From its beginning in 1702, the Jamaica Church has sought an ethnically and racially integrated congregation. The church operates the country's oldest theological seminary program for ministers, and also offers a master's program in theology for clergy and lay people alike.

The newly renovated church building will serve as a hall of worship, and will house the congregation's notable community outreach programs. The First Reformed Church has received an award from New York Mayor Edward Koch for its special efforts to house and feed the community's homeless. In the coming months, the church plans to expand its wintertime overnight shelter to include a soup kitchen, and a food and clothing "closet," for people in need.

I ask my colleagues in the Congress of the United States to join me in marking the opening celebration of the fourth building of the First Reformed Church of Jamaica, by congratulating Rev. John Charles Engelhard, who serves as both minister and parish council president; Anthony Baker, the parish council vice president; and the entire congregation, which will share in the dedication ceremony.●

VIETNAM: ANOTHER LESSON

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. LAGOMARSINO. Mr. Speaker, there are many lessons to be learned from the Vietnam conflict. Some would have us believe that the lesson to be inferred from U.S. participation in the war is simply, "no more"; the United States should never again become involved in so-called "wars of national liberation" and stand in the way of the will of the people. But, I submit, these are not at all the correct lessons to be learned from that trying, divisive period in U.S. history.

The following article from the Economist, February 26, 1983, I believe, sets the record straight on what we have learned from our involvement in that conflict. Was the decision to take up arms against the U.S.—and French-backed government in South Vietnam a spontaneous, autonomous movement—a "popular uprising"? According to North Vietnamese political and military leaders, no. Did this "movement" have its origins in the South? Again, no. Was the Ho Chi Minh Trail established in response to an American military or troop buildup? Hardly. Did the Ho Chi Minh Trail bring only supplies and not North Vietnamese troops across it into the South? No.

Why were not the massive U.S. bombing raids against the trail successful? Among other reasons, poor planning by the civilian leadership in Washington as, according to one high-ranking North Vietnamese officer, the raids were planned to come in the same patterns at the same time each day.

Was the ultimate aspiration of the North Vietnamese merely to "unify the country"? No, says General Giap. "It was not only for Vietnam but for the war theater of our brother peoples." So much for the idea that the domination and destruction of Laos

and Cambodia was not in the North's "plan" for the region.

Mr. Speaker, the United States must never forget the conflict in Vietnam that gripped this mighty Nation for many, many years. But we should not remember the conflict as the North Vietnamese would have us do so. No; the leaders of today's Socialist Republic of Vietnam have given us over 1 million boat people, tyrannical domination of Laos and Cambodia and the withholding of the remains of our servicemen.

[From the Economist, Feb. 26, 1983]

VIETNAM: WE LIED TO YOU

Vietnam has at last come clean. In half a dozen sentences in a French television documentary, the North Vietnamese military commander, General Vo Nguyen Giap, and his colleague, General Vo Bam, have demolished some of the myths which helped to swell the anti-Vietnam-war movement from San Francisco to Stockholm.

According to General Bam, the decision to unlease an armed revolt against the Saigon Government was taken by a North Vietnamese communist party plenum in 1959. This was a year before the National Liberation Front was set up in South Vietnam. The aim, General Bam added, was "to reunite the country". So much for that myth that the Vietcong was an autonomous southern force which spontaneously decided to rise against the oppression of the Diem regime. And General Bam should know. As a result of the decision, he was given the job of opening up an infiltration trail in the south.

The year was still 1959. That was two years before President Kennedy stepped up American support for Diem by sending 685 advisers to South Vietnam. So much for the story that the Ho Chi Minh trail was established only to counteract the American military build-up. From what General Giap told the television reporter, Mr. Jérôme Kanapa, it is clear that the North Vietnamese had been trying to infiltrate men and supplies into the south even earlier, but had been stopped by the blockade of the frontier.

General Bam got his orders on May 19, 1959. "Absolute secrecy, absolute security were our watchwords", he recalled. Given the long life of doubts about the very existence of the trail, he succeeded. The North Vietnamese army worked its way across the demilitarized zone between the two Vietnams in June, 1959. It was, according to General Giap, "a modest track". Still, the North Vietnamese told Mr. Kanapa, 20,000 men, including thousands of political cadres, moved along it into the south in its early years. So much for the legend that the trail handled only supplies, and that the North Vietnamese left the Vietcong to do their own fighting.

In 1961, four years before the first American marines splashed ashore at Danang, North Vietnam decided to open a bigger trail to the west of the original route. This cut through Laos and Cambodia, with dozens of spurs running off the main trail. It ended at An Loc, 75 miles west of Saigon, and was linked by secret routes to the main Vietcong base at Cu Chi, nearer the capital.

According to army officers who worked on the main trail, 30,000 men were involved in building it. Fully developed, it contained several thousand kilometers of surfaced roads which could carry artillery and tanks. There were air-raid shelters every 100 yards. One of the chief officers on the trail, Colonel Hoang Zuan Dien, said the subsequent raids by American B-52 bombers were less of a problem than they might have been because they came in the same patterns at the same time each day, "so we knew when to shelter".

When the first trail opened, it took six months to travel from one end to the other. In 1975, when Saigon fell, the journey lasted a week. By then, the trail had taken on an international character. "It was not only for Vietnam but for the war theatre of our brother peoples", General Giap told Mr. Kanapa. So much for the North Vietnamese protestations that they never intervened in Laos or Cambodia.

The French film, broadcast on February 16th, showed Mr. Kanapa and his crew taking the long jeep ride down the trail, the first westerners to do so. Everyone he spoke to seemed quite relaxed about overturning some of Hanoi's pet fictions. General Giap, in his four-star general's uniform, was particularly at ease. A quarter of a century after the original events, Hanoi's men evidently feel that the west's desire to forget all about the war is strong enough to allow them to come clean at last.●

SURGEON SUPPORTS FEDERAL MINIMUM DRINKING AGE BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. FLORIO. Mr. Speaker, the large number of letters I have received in support of H.R. 3870, a bill to establish a nationwide minimum drinking age of 21, indicates to me the widespread public concern about drunk driving. Among the many noteworthy letters I have received from across the country, is one from Dr. Charles R. Sachatello, M.D., a practitioner and a professor of surgery. As a physician who has seen the tragic results of drunk driving first hand, Dr. Sachatello's comments deserve special attention:

UNIVERSITY OF KENTUCKY,
Lexington, Ky., April 26, 1984.

Hon. JAMES FLORIO,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FLORIO: I want to congratulate you on having the courage and foresight to introduce "House Bill 3870" to Congress. It is an extremely important piece of legislation and I wish you every success in getting in passed.

I am enclosing copies of notes that I have written to my Congressman, Larry Hopkins, as well as our local surgical and medical societies.

I know that this legislation will not only reduce fatal auto accidents in youngsters but will actually tend to reduce medical expenses which are a serious concern to our society.

Congratulations again to you on introducing this Bill!

Sincerely,

CHARLES R. SACHATELLO, M.D.
Professor of Surgery.

UNIVERSITY OF KENTUCKY,
Lexington, Ky., April 26, 1984.

Hon. LARRY HOPKINS,
Vine Center, Room 207,
Lexington, Ky.

DEAR CONGRESSMAN HOPKINS: I am writing to you to encourage you to vote "yes" on the passage of "House Bill 3870" which would effectively raise the minimum drinking age to 21 years of age nationwide.

I have been a surgeon here at the University of Kentucky now for 15 years and during this time have had the opportunity of caring for innumerable young people who were either hurt seriously or eventually succumbed to accidents directly the result of alcoholic inebriation.

I have actually had the opportunity once of caring for a patient who killed three people in a car accident. He was drunk! Years before the same individual was said to have killed several others in a car accident.

There is little doubt in my mind that raising the drinking age to 21 would have an enormous impact on reducing auto accidents. An equally important but secondary benefit would be a reduction in medical expenses and suffering associated with these accidents.

You would be doing the young citizens of this state a great justice by voting in favor of this bill.

Sincerely,

CHARLES R. SACHATELLO, M.D.,
Professor of Surgery.●

A NEW ECONOMIC POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, May 16, 1984 into the CONGRESSIONAL RECORD:

A NEW ECONOMIC POLICY

The present economic recovery will not continue without prompt action to save it. As a nation, we face the highest deficits in history and the highest interest rates in history for this phase of the business cycle. According to the Congressional Budget Office, there will be a deficit of $197 billion in 1985, climbing to $308 billion in 1989, for a five-year total of $1,239 billion. These deficits provide a temporary stimulus to the economy, but if they persist we soon will see rising interest rates, slower growth in productivity, higher prices, and renewed pressure for another recession to check inflation. The prime rate is already 12% and rising.

The key economic issue today is whether the recovery now underway can be sustained without renewed inflation. My view is that it cannot be under present economic policy. I believe that we can keep the recovery going only if we take immediate action to cut the deficits. A tighter fiscal policy would reduce inflationary dangers and permit the monetary authorities to keep interest rates in line. The principal question is how to reduce the deficits to accomplish this.

I suggest an integrated, four-part program of economic responsibility and restraint. The program is based on progress toward a balanced budget and low interest rates, so it

is the opposite of what we are experiencing today.

The first element is a lower rate of growth in military spending. We must have a strong military establishment to defend ourselves and our allies. Toward this end, a coherent, well-funded defense program, one that fits into a balanced, growing economy, is essential. Such a program takes account of the effects of defense spending on the economy, the nature of the Soviet threat, the savings that are possible if arms control is actively pursued, and the efficiencies that reform makes available. But we do not need, cannot afford, and cannot administer a military buildup on the scale that the Pentagon desires. President Reagan wants to increase the Pentagon's real spending authority 13% next year and 9 percent in 1986. Coming hard upon military increases already enacted, these new ones would yield total defense spending of $420 billion by 1989. I propose instead that we raise Pentagon spending no more than an even 4% per year in real terms over the next five years, a rate of growth that would trim $115 billion off the deficit while allowing us to meet our most pressing military needs.

The second element is a lower rate of growth in entitlement spending. Social security, civil service pensions, veterans' disability, and supplemental income for the elderly poor make up half of all entitlements and one quarter of the budget. The remaining entitlements are divided between health care measures, mainly medicare and medicaid, and income support for the jobless and the needy. These initiatives cost $400 billion in 1983, but their cost may be $570 billion by 1989. Funding of entitlements and other social initiatives intended for the poor has been cut by 25 percent in real terms since 1981, more sharply than and other part of the budget, so while I support a thorough review of all entitlement programs I want to start with those benefits paid without regard to need. I wonder whether billions of dollars can be saved every year if cost-of-living adjustments reflect more closely the effects of inflation and the buying habits of the public. I also wonder whether cost-of-living adjustments compensate for inflation or induce it. I am sure that billions of dollars can be saved if we adopt proven rate-setting and prospective-payment systems and use incentives, competition, and preventative medicine to curb rising health care costs.

The third element of the program is income tax reform. Even with fiscal restraint and steady economic growth, we will need more revenue to correct the fundamental imbalance between expenditures and taxes created by the 1981 tax cuts. Other problems stemming from that tax cut should be addressed as well. Corporations carried 16% of the tax burden in the 1970's, but the figure is 8% now. People making $200,000 or more will get a tax break averaging $40,000 next year, but those making $10,000 or less will see their 1985 tax bill drop only $250 on the average. Because the present income tax is unfair and very complicated, I am seriously considering the merits of a complete overhaul. I am increasingly coming to the view that there is no way to repair the numerous defects of today's tax code, so we should seek a new income tax that is simple, fair, progressive, and broad-based. The basic rate for individuals would be about 15%, and there would be a few higher brackets for wealthier taxpayers. Most people would pay at the lowest rate, the top individual and corporate rates would be lower than they are today, and the personal exemption and standard deduction would be raised. Most credits, deductions, and exclusions, except those generally available to most taxpayers, would be repealed.

Thus, I want to see a combination of spending cuts and tax increases that will produce a sharp reduction in the deficit each year, beginning right away.

The final element of the program is a change in monetary policy. If we reduced the deficits substantially, the Federal Reserve would have enough room to keep the recovery going with minimal risk of inflation. A more accommodative monetary policy, combined with a much tighter budget, could push interest rates down and generate billions of dollars in interest savings, not to mention the greater added savings from higher growth. If we count on the savings stemming from a change in monetary policy, we can envision that by the end of the decade the deficits would be manageable, and that the budget would be on a steady path toward balance.

This program of economic responsibility and restraint reverses the current approach by tightening fiscal policy and loosening monetary policy. My feeling is that this common-sense reversal, though by no means all that is necessary to strengthen the economy, is the most important step we can take to achieve sustained, noninflationary growth in the economy.●

FIRST ANNIVERSARY OF THE CHINESE-AMERICAN VOTERS ASSOCIATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. ACKERMAN. Mr. Speaker, on May 19, the Chinese-American Voters Association of Queens, will celebrate its first anniversary. This remarkable organization serves the unique purpose of educating Chinese-Americans in Queens County, N.Y., about voting and election processes, and the intricacies of local, State, and Federal politics.

The Chinese-American Voters Association strives to help new arrivals in Queens attain greater political awareness of local and national issues. Many of the association's members explain life in America as regular contributors to the 10 major Chinese-language newspapers and other publications in New York City. The group itself conducts massive voter registration drives to add new citizens to the election rolls.

Since its founding just 1 year ago, the association has grown dramatically to 500 members, most recently emigrants from Taiwan who continue to speak in their native Mandarin language. The association hopes to attract even more of Queens' 70,000 Chinese-American residents, and to help them become politically active on the local level.

Mr. Speaker, the Chinese-American Voters Association is to be commended for a job well done in its first year. Special congratulations should go to this organization's officers, who have selflessly given their time to educate the voters of the Chinese-American community in Queens. I know that my colleagues in the House of Representatives of the United States join me in saluting the association's president, Richard Ou, and the other members of its board of directors: Bany Yi Chang, David Chang, Jerry Cheng, Henry Cheng, Victor Chiang, Yang Shang Fan, Jack Han, Sherman Hsieh, Tung-Po Lee, Fu-Ching Lo, Han-Yun Peng. Susan Rathbone Wu, Richard Shaw, and Wen-Schoen Tsai.●

SOVIET OLYMPIC WITHDRAWAL WITHOUT JUSTIFICATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. PORTER. Mr. Speaker, the Soviets and their puppet states have withdrawn from the 1984 summer Olympics, citing failure of the United States to insure sufficiently the safety of their Olympic team.

Perhaps the Soviets expected us to round up all those who take umbrage at their continual trampling of human freedoms and commit them to mental institutions or to jail as they did with Soviet dissidents in 1980. If so, in the 65 years since the revolution, they have not learned very much about America at all. Here we—all of us—can breath free and speak free and freely assemble to protest peacefully and there is nothing any government in Washington or anywhere else on Earth can do or ever will be able to do to change that.

Perhaps the Soviet withdrawal was an inevitable retaliation for our withdrawal from the 1980 summer games because of the Soviet's invasion of Afghanistan. More likely, however, it was concern over the strong possibility of defections by some of their athletes. Americans of Baltic descent and others have actively planned to solicit Soviet defections and the chances were high they might succeed.

Regardless of the reason, their withdrawal, like ours in 1980, is a real blow to the Olympics and the ideal of competition on an athletic field rather than a geopolitical or military one.

Recently, nonparticipation in the Olympics has become the rule rather than the exception. In 1976, many African nations boycotted the Olympic games to protest South African apartheid policies; in 1980 and 1984 we and the Soviets declined to participate in the games hosted by each other; and I believe the 1988 games scheduled to be held in 1988 promises more of the same.

Perhaps a neutral, permanent location for the Olympics could be found to reduce the potential for political withdrawals. Switzerland—beautiful in both summer and winter—easily comes to mind. But economic considerations weigh against a permanent location and withdrawals from the summer or winter competitions could occur for political reasons anyway, quite unconnected with the identity of the host country.

More likely will be the splitting of the games into a number of different segments conducted at different times in different places. This has the advantage of defusion and makes any withdrawal for political reasons seem more petty. But it also denigrates the Olympic ideal of the world's nations coming together on a grand scale to reaffirm the essential brotherhood of man in contests of strength and skill, not the murderous contest of war. We must always remember our quarrel is with the Soviet Communist masters, not with the people who deep down—though prevented from saying so—perhaps think little more of their oppressive system than we do.

It would be a grave loss to the world to lose the only place—outside the U.N., where all is politics—where people from all over the globe regularly assemble in peace.

I remember my opponent in the 1980 elections criticizing me so strongly for my initial reaction of disappointment at the U.S. withdrawal from the Olympic games. He was right, of course, in a sense; there was no better way, short of warfare, to express our outrage at the Soviet's slaughter of innocent Afghans. And yet, an ideal that many hold high was dashed on the rocks of politics as it has been dashed again, this time without justification of any sort, and that is a loss to all of us.

The people of our country and, I suspect, of all countries yearn for peace in a world where people and nations respect their differences and emphasize the common ties that bind us together as humans on this small planet.

But let the Soviets and all others—those who profess to be our friends as well as those who do not—know that the ties we most value—indeed the sine qua non of our friendly relationship with any people or nation on Earth—is a true commitment to self determination and basic human rights that is the foundation stone and hallmark of our free society since the first settlers set foot on the shore at Jamestown in 1607. When that is understood and respected by the Soviets and their puppets and by some, too, who profess to be our friends but do not value what we value, then the Olympics will stand on solid ground. Until then, Olympic political upheaval will remain a symptom of the human condition.●

AGENT ORANGE

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. DASCHLE. Mr. Speaker, Philip Geyelin, a columnist with the Washington Post, has written an excellent article on the recent agent orange settlement and the lack of a good faith response over the years from our Government to the legitimate health concerns of Vietnam veterans. I share Mr. Geyelin's views that the Federal Government's track record on this issue is marred by deceit, foot dragging, and obfuscation. Unfortunately, the present administration has seen fit to further the dismal record first established by its predecessors by opposing a modest, but symbolic step to assist some of these veterans, in the form of H.R. 1961. My colleagues in the House of Representatives acted responsibly in approving H.R. 1961 by voice vote this past January. I hope that the Senate will yet take positive action on this issue as well. Following is the text of Mr. Geyelin's article:

A STATE OF MIND

(By Philip Geyelin)

Now that the seven manufacturers of Agent Orange have settled out of court with the thousands of Vietnam veterans and their families who claimed toxic damage from use of the defoliant in the Vietnam War, the next move is up to the federal government.

Why? It's a long, sorry story—much too long, in fact, which is why the government has an urgent obligation to redress its shabby record of deliberate dissembling, artful dodging and calculated indifference to a dilemma that, by its very nature, cried out for an extra measure of compassion and responsibility.

Much has been made, and still is, of the Vietnam Syndrome: the divisive and debilitating effects of the war on American society and, not incidentally, on the current conduct of foreign policy. In all sorts of ways, a whole generation was scarred—physically, emotionally, psychologically. In this context, the Agent Orange issue is not just a metaphor on the war; it remains an open wound.

In fairness, the government's dilemma is real. Scientific discipline requires exhaustive study to determine the causal relationship between toxic elements and disease. The problem is all the more complicated when you are attempting to demonstate cause and effect involving a million-and-a-half fighting men.

Some may have been exposed under an infinite variety of conditions to dioxin, the deadly element in Agent Orange, as long ago as 1965. That's when U.S. forces first began spraying millions of acreas of South Vietnam to destroy enemy cover or food supplies.

Ignorance of the potential dimension of the problem—and the potential volume of damage claims—would be grounds for prudence in the award of precedent-setting compensation. Thus, even while agreeing on a $180 million settlement of the veterans' lawsuit, the chemical companies admitted nothing. And yet the potential harmful effects of dioxin were conceded, at least implicitly, in 1970, when the use of Agent Orange and comparable domestic herbicides was abruptly halted both in the United States and in Vietnam after tests indicated they were harmful to animals.

The first Agent Orange lawsuit was filed in September 1978; the claimant died of cancer within four months. In 1979, several thousand veterans joined in the class-action suit that led, after five torturous years of litigation, to last week's pretrial agreement. By 1980 newspaper clips made available to me by the Veterans Administration told grim stories of hundreds of veterans across the country who believed themselves to be suffering from Agent Orange-induced illnesses or feared they might father children with birth defects, another suspected consequence of contact with the defoliant.

That the connection could not be proved beyond a doubt is not the point. Neither could it be disproved. So Agent Orange was not just a physical threat; it was an agonizing state of mind.

For this, there never was a quick fix. That is precisely why what was desperately needed was a plain demonstration that the government of a nation that had sent these men to serve in Vietnam—and welcomed them back from a cruel and losing enterprise with something less than open arms—was, in this instance, acting in good faith.

The opposite was the case. In congressional hearings as recently as four years ago, senior military witnesses testified that combat troops never came into contact with Agent Orange. That cover-up was quickly and easily discredited.

The first supposedly reliable study was limited to the Air Force crews that actually sprayed the stuff. Though its findings were ambiguous, it was hailed as "the first good news" by Dr. Alvin Young, rated the leading expert on Agent Orange in the military. Combat veterans were unimpressed. The so-called Ranch Hands who did the spraying returned to base, showered and discarded contaminated uniforms. Troops in the field bathed in contaminated water, filled their canteens with it, and slept in Agent Orange-soaked fatigues.

In 1979, the Veterans Administration figured the least it could do would be to find out which veterans were in an area where Agent Orange was used. This would identify those who need no longer worry about the Agent Orange scare, as well as those who might need help. There were logs of Ranch Hand missions, and the Marine Corps had careful records of troop deployments.

But when the Army was asked for the same records, the reply came back that it would be "a long and costly task." It took heavy pressure, largely from the General Accounting Office, to convince the Army that it could do no less than the Marine Corps had already done.

Making the court settlement work will not be easy. The chemical companies' fund (largely covered by insurance) may be inadequate. A House-passed bill, which would give veterans the benefit of the doubt in compensation for an acute form of acne, a liver ailment, and "soft tissue" cancer, would be a step in the right direction—preferable to a less generous alternative now before the Senate. Whatever the immediate remedy, what the real or suspected victims of Agent Orange are owed is far more compelling evidence that their government gives a damn.●

HANDLING THE PHILIPPINE DILEMMA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. PORTER. Mr. Speaker, I call the attention of my colleagues to an April 26, 1984 editorial in the Wall Street Journal entitled "Ferdinand Somoza?" which aptly portrays the dilemma we face there and suggests some possible methods to break the impasse by drawing on our experience with Nicaragua.

By pointing out the mistakes in our treatment of the Somoza regime, the editorial provides some answers with which I agree. We should apply friendly but firm pressure now, when there is still time for sensible change to take place. We should bring our diplomatic influence and our control over the IMF, which Marcos desperately needs, to push for honest elections and some basic economic reforms. There are, of course, inherent risks in our trying to influence the domestic policies of a sovereign nation, but they must be measured against the danger that if nothing is done now, the economic problems will get worse and the radical opposition will get stronger. By pushing for freedom now, we can at the same time promote U.S. strategic interests and spare the Philippine people the disasterous consequences of living under a Sandinista-style leftist dictatorship.

The following is a full transcript of the Wall Street Journal editorial.

REVIEW AND OUTLOOK—FERDINAND SOMOZA?

It all sounds too familiar. One man, Ferdinand Marcos, has ruled a strategic U.S. ally, the Philippines, for 19 years. Popular at first, he has lost support as he has monopolized political power and passed out economic favors to friends and relatives. The economy has stagnated. And the political opposition, including a Communist insurgency, has grown. Yet Mr. Marcos seems unwilling to compromise.

This Philippine stalemate raises anew a persistent dilemma of U.S. foreign policy: How to do business with leaders who are friendly to the U.S. and anti-Communist, yet are also authoritarian and out of touch with their own citizens. U.S. policy makers are asking that question again as Filipinos prepare to vote in May for their national congress. The key issue is whether to accept the limitations on U.S. ability to influence events in a sovereign nation or to bring important pressure to bear. Clearly, the Philippines would benefit from greater political and market freedom, but the U.S. foreign-policy establishment has not shown itself very adept in the past at promoting such anti-statist goals.

The recent record is dismal. Religious fanatics seized Iran. Communists seized Nicaragua. The U.S. itself replaced free enterprise with statist socialism in El Salvador. Yet the problems don't just evaporate if left untouched. Authoritarians usually remain in power too long, while dissent festers. The U.S. gets pilloried for "propping up" these allies, when in fact the problem is usually the lack of U.S. influence.

As scholar Mark Falcoff noted last fall in an article in This World magazine, Nicaragua's Somoza family resisted U.S. pressure to reform throughout the postwar years. When the U.S. stopped selling the Somozas arms, they bought them elsewhere. When the U.S. withheld diplomatic recognition, it was ignored. By the time President Carter withdrew all support, Anastasio Somoza Debayle was under siege. The Communists took advantage of the wartime disorder to grab power.

It isn't useful to carry the parallel too far. Mr. Marcos is a far better politician than Somoza, and Ronald Reagan is far less susceptible to the seductions of the left than Jimmy Carter. The U.S. surely has learned by now how things can backfire when it tries to topple a friendly leader. President Marcos, for all his faults, has been America's friend, allowing the use of military bases, and for now his opposition is both too divided and too weak to oust him.

This is not an argument, however, that the U.S. should never, or can never, encourage change by allies. The important point is to promote sensible change early enough, before an economy is in ruins and while nonviolent political evolution is still possible. Mr. Falcoff argues that such an opening existed in Nicaragua 20 or 30 years ago, and it probably exists today in the Philippines. That country badly needs to build political institutions that will both tolerate more dissent and develop potential successors to the 66-year-old Mr. Marcos. And it needs a strong dose of free enterprise to help cure more than a decade of state economic meddling.

The Philippines today isn't as polarized as Nicaragua was in 1979. The Communists, though they've grown in the last decade to a few thousand armed guerrillas, don't appear to be an imminent threat. They are hampered by the Philippines' island geography and a conservative rural population. The Roman Catholic Church, to which 85 percent of Filipinos belong, is also a source of stability. Much of the opposition to Mr. Marcos is moderate, pro-Western and favors free enterprise. These people want democracy as a way to prevent a revolution, not to promote one.

Another reason for optimism is America's unique historical relationship with the Philippines. The U.S. fought with Filipinos against the Japanese in World War II and bequeathed them democratic institutions in 1946, willingly granting independence. Culturally, too, the ties are close. Some Filipinos want to make their country the 51st state. Most expect Americans to take an active interest in their country's welfare.

There are a couple of ways the U.S. can make these points to Mr. Marcos. We like how U.S. Ambassador Michael Armacost has quietly lobbied Mr. Marcos since political unrest erupted again in Manila last fall. But another, stronger card to play is a credit card: Poor economic policies have sunk the Philippines $25 billion in debt. The country is asking the U.S., the IMF and the big commercial banks for $3.2 billion more so it can start repaying that debt and begin to pull out of its severe recession.

That money should be withheld until Mr. Marcos allows more political freedom, including honest elections next month, and makes some basic economic reforms (especially the breakup of the agricultural monopolies). This is pressure, true, but it's also more than that. It is good business for the IMF and U.S. bankers to demand policies that will offer incentives for renewed economic growth.

Even this modest intervention carries risks, of course. But those risks must be measured against the danger that, if nothing is done now, the Philippines' economic problems will get worse and the radical opposition stronger. The U.S. needs to convince its longtime friend in Manila that by allowing more freedom now, he can avoid becoming the next Anastasio Somoza.●

DR. MANOLO REYES—CUBAN PATRIOT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. FASCELL. Mr. Speaker, Sunday, May 20, marks the 91st anniversary of Cuban Independence Day, one of the proudest days in Cuban history. After many decades of colonial rule, in 1893, the eloquent and heroic freedom fighter, Jose Marti, changed the course of history and declared Cuba's independence from Spain. Marti's struggle for freedom and liberty still burns brightly in the hearts of Cuban exiles in the United States and elsewhere.

Many who were driven from Cuba in the wake of the Castro takeover arrived in the United States with little more than they could carry. Today, the Cuban-American community is a vital, successful community which has made a significant contribution to the economic health and well-being of south Florida. They have worked hard and long to achieve their success and deserve our congratulations and thanks.

I call our colleagues' attention to the remarkable efforts of Dr. Manolo Reyes, an heir to Jose Marti's legacy of freedom. Now living in Miami, Fla., Dr. Reyes was a respected newsman in his native Cuba who fled the suffocating repression of the Castro revolution.

To this day, his tireless struggle in behalf of justice and freedom for his people serves as an inspiration to those in the Cuban exile community and to American citizens as well.

On January 23, 1966, Manolo Reyes and 1,500 of his fellow Cuban exiles, adopted the "Declaration of Freedom" in Key West, Fla. This document contains the ideological program by which Cuba can be freed from the yoke of international communism and totalitarianism and transformed into a representative democracy. To this day, the "Declaration of Freedom" remains a stirring tribute to the love of country and freedom which Reyes and many others still hold close to their hearts.

Mr. Speaker, as the anniversary of Cuban Independence Day draws near, I am sure that our colleagues will join me in commending Dr. Reyes for his perseverance and unceasing work to insure that freedom, liberty, and justice will flourish once again in his homeland. I wish him success in his efforts and extend him my heartiest congratulations.●

SHERIFF CHARLES HICKEY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. LONG of Maryland. Mr. Speaker, I wish to pay tribute to the memory of a good friend and loyal associate, the late Charles Hickey, sheriff of Baltimore County, who died at age 57 on Monday, May 14 in Clearwater, Fla. Active as ever, Charlie Hickey was in Florida, with this wife Mary, to attend a conference on correctional standards. Only 2 weeks ago, I sat with Charlie at his own annual political bull roast, and I marveled at this man who never let illness stand in the way of his devotion to public service. Victimized by an earlier stroke and abdominal surgery, Charlie nevertheless maintained an active pace and worked hard every day since his election in 1974.

Charlie Hickey grew up in Sparrows Point, in Dundalk, in the heart of my district. After a tour of duty in the Marines, he returned home and worked briefly in the Bethlehem Steel plant in Sparrows Point, and still found time to get a degree from Towson State University. When Charlie joined the county police force in 1951, he made a career decision and he never regretted it: corrections was his life. It was my pleasure to help him in his 1974 election campaign and I was proud to see the work he did in improving Baltimore County's correction system. With a $5.8 million annual budget and a staff of 234, Charlie Hickey created a modern, professional correctional system. He was so successful that in 1979 the county executive turned over to the sheriff's office the operation of the county jail, formerly the bailiwick of the police department.

Two months ago, I stood with Charlie and his wife Mary at the annual Congressional reception hosted by the National Sheriffs' Association. Charlie Hickey was vice president of the NSA and scheduled to become its president in 1987. Tragically, he will never serve in the post for which he trained all his life. But he has left us a memory of which we can all be proud. To his wife Mary and daughter Patricia Dawn, I extend my sincere sympathy on my own behalf and on behalf of my constituents in Baltimore County who were so well served by this kind and competent man.●

OFFSHORE OIL LEASING—A CRITICAL ASSESSMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, the Congress, in response to the energy crisis, is doing nothing. The temporary world oil glut, which looks more precarious with each plume of smoke from a burning tanker in the Strait of Hormuz, has shown those of us who care to look how facetious this energy crisis really is. The real culprit is a crisis of will on behalf of Members of Congress, who parrot rabid environmentalists on a daily basis.

Now, in absolute defiance of this Nation's commitment to energy security, some are attacking this Nation's brightest conventional energy future: our OCS program.

While no one is more concerned than me about insuring that OCS development is conducted properly, I recognize that my children, and my children's children's futures, depend on oil found today. In a recent Los Angeles Times article, Mr. Kevin Ott presented a provocative assessment of the current dilemma. I offer the article for the Members' edification, and ask that it be placed in the RECORD.

Thank you, Mr. Speaker.

[From the Los Angeles Times, May 10, 1984]

FULL SPEED AHEAD ON OFFSHORE OIL LEASING

(By Kevin Ott)

The future of offshore oil and gas leasing is fueling a flap from Congress to California. Environmentalists are screaming *halt!*—and with not a thought to billions of dollars in revenue, thousands of jobs and the possibility of another energy shortage.

At the center of the controversy is the question of who should control the Outer Continental Shelf, the submerged federal lands lying more than three miles offshore. It is a controversy that could spell boom or doom for America's last energy frontier: Estimates are that these offshore waters have 43 billion barrels of undiscovered oil and 230 trillion cubic feet of natural gas.

In the wake of former Interior Secretary James G. Watt's aggressive leasing program, coastal states such as California, Oregon, Washington, Massachusetts and Florida sought leasing moratoriums, fearing the fouling of their offshore waters. Congress granted them through the end of 1984, but then as now, the fears were unfounded.

The greatest concern is the one deserving the least worry: oil spills. In the 40-year history of American offshore development—yielding 6 billion barrels of oil and 58 trillion cubic feet of natural gas—there has never been an offshore mishap that caused permanent damage to coastal or marine ecologies. And of the 26,000 wells drilled in the Outer Continental Shelf, there has been only one mishap (the 1969 Santa Barbara spill) that resulted in any significant amounts of oil reaching shore. It caused no permanent or long-term environmental damage, but it did spur changes in technology and regulation that virtually eliminated any chance of a recurrence.

Since 1970, when the new safety and environmental controls were implemented, more than 4 billion barrels of oil have been produced offshore, with a loss of only 791 barrels at the wellhead. These dramatically low spill figures are the result of not only new regulations but also hundreds of millions of dollars spent by industry to study environmental effects.

Because of increased federal regulation, pre-development activities take from five to seven years to complete, and lease-to-production timetables now run between eight and 12 years—which underscores the need for uninterrupted planning at all levels of government and industry.

Many environmental fears are rooted in myth. Consider accusations that offshore oil and gas activity leads to the aesthetic ruin of the ocean, increased pollution and a decrease in the fish population. By federal statute, development occurs at least three miles offshore and as far away as 120 miles. Few federal offshore rigs are visible from the shore; it is the state-approved rigs that dot the shorelines and cause the "blight."

In 1982 in California, for instance, there were 3,784 offshore wells, of which only 444 were in federal waters. There are currently only 14 platforms in federal territory off the 843-mile California shoreline. And new technology is such that one platform houses as many as 50 producing wells.

Like other coastal states, California profits in innumerable ways from oil and gas production. Today, it ranks fourth among states in crude oil production, and seventh in natural gas production. Some 156,252 Californians work in the petroleum industry, and the revenues generated from this industry are sizable. In 1982, industry paid the state $5.1 million in taxes, and the state received more than $35 million from the federal government as its share of revenue from mineral leasing and production here.

Other myths need clarification: For instance, stories that fish will be driven from the areas near oil and gas platforms simply are unfounded. The fact is that schools are attracted to offshore oil and gas platforms, which serve as artificial reefs. Fishermen report increased catches where oil rigs are built. Studies now show that U.S. offshore operations are responsible for only insignificant amounts of ocean pollution. River and urban runoff, marine transportation, tanker mishaps and natural seeps account for 75% of the world's ocean pollution.

It is time to balance our nation's energy needs against the minuscule amounts of energy pollution created by offshore oil and gas leasing. Waters off the coasts of California, Florida, Alaska, Oregon and Washington are the new energy frontiers. Who should control the development of these federal waters that promise energy and jobs? The system is now carefully designed to weight the interests of the individual states; there are procedures in place that give the states input at every level of development.

Congress is considering amendments to the Coastal Zone Management Act, which would essentially give the states ultimate control over everything from leasing to development. Industry fears that these changes will result in litigation, stalls and political maneuvering, which will in turn paralyze a process that takes more than a decade of planning and billions of dollars of

research. The oil and gas industry has already made a $7.5-billion commitment for new drilling rigs and additional billions for seismic surveys and other oil-field services and equipment.

Moratoriums are just one setback for the planned development of offshore reserves. But if Congress passes a bill giving the states some unquantified control over offshore leasing, industry will have little choice but to reassess its investment in this costly exploration process. Let's hope that we don't have to wait for a national crisis or an energy shortage to decide that long-range planning is the hallmark of successful domestic energy programs.

(Kevin Ott is director of natural resources at the National Assn. of Manufacturers.)●

IN HONOR OF MRS. ROMONA GUTIERREZ

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. ROYBAL. Mr. Speaker, it is with great pleasure that I rise to commend an outstanding member of my district, Mrs. Romona Gutierrez. She has served her community in every capacity possible, as wife, mother, and for the past 46 years has established herself as a vital volunteer in the Greater East Los Angeles area. Mrs. Gutierrez has a rare ability to find the good, the beautiful, and the inspirational qualities of her community and enhance them. Her various volunteer activities exemplify her unselfish devotion to making the lives of those around her better.

Presently, Mrs. Gutierrez is involved with providing more accessible health facilities that cater more sensitively to the specialized needs of people in her community. As secretary-treasurer of the Los Angeles County Edward R. Roybal Comprehensive Center Advisory Council, she has led successful fundraising events and food drives on behalf of the center's patients. She has also volunteered for the East Los Angeles Public Health Center Advisory Council from 1938 to 1979 and has concentrated her efforts to improving the conditions of the elderly in Lincoln Heights.

Besides effectively changing health outreach programs, Mrs. Gutierrez has been a great asset in local school and volunteer organizations. For 22 years, she has been an enthusiastic and productive volunteer for the Humphrey Avenue Elementary School. In addition, she is currently president of the Omaha Woodman Society, a nationwide organization that is committed to initiating volunteer projects in the community.

Mrs. Gutierrez has undoubtedly been a key figure in promoting east Los Angeles as a great place for people to live. Her unrelenting support for the community has made a difference in the way people feel about east Los Angeles. Her excellent contributions will serve as reminders to all citizens of this Nation to continue their efforts to help their neighbors in any form possible. I extend my warm congratulations to her on her award, Volunteer of the Year for Ambulatory Care Services Division, and wish her the best in the future.●

RIGHTS IN HONDURAS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. JEFFORDS. Mr. Speaker, last fall a delegation of private citizens visited Honduras to examine the progress that country had made in the 2 years since the 1981 elections. As we debate the foreign aid reauthorization bill, I think it is particularly appropriate that we reflect on some of its findings.

FREEDOM OF EXPRESSION

The mass media in Honduras enjoy substantial freedom. There are no prior censorship laws or official restrictions on freedom of the press or electronic media. There are four national daily newspapers which present a relatively broad spectrum of political opinions and ideas.

There are some concerns, however, that the mass media engage in some self-censorship as a preventive measure. As in many countries the outlook of the press reflects the attitudes of its owners. One of the four national papers, Tribuna is owned by Carlos Flores Facusse, Minister to the Presidency in Suazo Cordova's government. Two of the papers, La Prensa and Heraldo are owned by a businessman Jorge J. LaRach, a man viewed as having very close ties to the Honduran military. The fourth paper, Tiempo, regarded as the most independent media voice in Honduras, is owned by Jaime Rosenthal, a businessman from San Pedro Sula. Together these papers have a circulation of approximately 110,000. Tiempo is the smallest of the 4 papers, with a daily circulation of between 20,000 to 25,000 readers.

Many Hondurans, particularly those living in rural areas, rely on radio as their primary source of news and information. The largest radio network in Honduras and three of the country's television stations are owned by two men, Manuel R. Toledo and Jose Rafael Ferrari, who also have very strong ties to the military.

Honduran journalists must belong to a professional association, the Honduran College of Journalists (CPH). The president of that association is the director of La Tribuna. Though no domestic journalists have been denied press credentials, at least one member of the international press corps, John Lantigua of United Press International, was accused of working without credentials and expelled from the country. In fact, Honduran law does not require foreign journalists to belong to CPH to obtain a press license.

In the last year several journalists working with Tiempo have been subjected to an increasing campaign of Government harassment. The editor and assistant editor of this newspaper are currently facing administrative charges filed by CPH for not being duly licensed. These charges could result in their disbarment and heavy fines against Tiempo. To our knowledge, no journalists of other newspapers have been harassed.

THE EPISODES IN OLANCHO

To the extent that military abuses are acknowledged by the Honduran Government, they are justified as national security measures made necessary by the threat of subversion posed by Cuba and Nicaragua.

In our discussion with Government officials and U.S. Embassy personnel, a recent "clean-up" operation against a guerrilla force in the province of Olancho was often cited as evidence of this threat. Our investigation of this incident raises serious questions about the Government's position with respect to both the factual basis for its actions and the nature of its response to those facts.

While the details of the Olancho incident remain sketchy, certain facts are relatively clear. In August of 1983, a rural guerrilla force entered Honduras from Nicaragua and attempted to establish a base in the Province of Olancho. It was apparently formed by 93 men, although the Honduran Armed Forces said that some 200 others were supposed to follow after the first group was settled in. According to accounts of the Government of Honduras (GOH), 23 members deserted the force and surrendered to the army, providing information about the location of the rest. In a series of skirmishes, the army claims to have killed another 40 guerrillas; 10 others are said to have starved to death. A group of perhaps a dozen guerrillas are said to be still at large in the mountains of Olancho.

According to the statements of those who surrendered, the group was largely comprised of peasants who were promised technical training in Nicaragua. Upon arrival, however, they were instead recruited for the guerrilla effort and given military training in Cuba and Nicaragua.

These events seem to provide credibility to GOH's claim that it faces a subversive threat. However, it also indicates that this threat is minor and is substantially disproportionate to the extent of militarization it is cited to

justify. The early and speedy elimination of the largest part of the guerrilla contingent, including its leaders, suggests that unlike the situations in neighboring countries, the Honduran authorities have little difficulty exerting control.

The Olancho incident fails to support the frequent assertion by the Honduran Government that those who have been listed as disappeared have actually gone abroad to receive military training. Significantly, none of those captured or killed in these episodes was ever listed as "disappeared" by domestic human rights organizations.

In the public information available on these episodes—and unfortunately there is very little not originated by official sources—many questions arise about the counterinsurgency operations and the degree to which they were carried on with respect for human rights standards. For example, although the rebels that surrendered were shown to the press, for several weeks after their surrender the army held them in custody without acknowledging their identities. These detainees are still being held in remote military headquarters, where they are said to be still offering assistance to the military, and so prosecutions have been initiated. Officials at the U.S. Embassy told us that military authorities had said they would not be prosecuted because they had not committed crimes against Honduras before surrendering.

The fate of Dr. Jose Maria Reyes Mata, the leader of the guerrilla group, and of the American Catholic priest James Guadalupe Carney, is also in doubt. At first, newspapers reported that Reyes Mata was in custody and providing useful intelligence to the Army. Later, the army provided pictures of his dead body that newspapers published widely. When relatives of Reyes Mata requested the body, the army told them that it had been left behind in the mountains and was not retrievable.

The authorities claim that the guerrillas who surrendered said that Father Carney had died of exhaustion and hunger while traveling with the guerrillas. The press was shown a chalice and religious vestments said to have been found buried with an arms cache. Yet when Father Carney's relatives traveled to Honduras, they were told by a former guerrilla, presently in custody, that he had seen the priest alive. They were not able to find anyone who had witnessed his death. They received Father Carney's possessions and they say that these items had never been buried.

These events suggest that some deaths may have occurred while the prisoners were in custody. The GOH should initiate a thorough investigation and publish its results as soon as possible.

Finally, the area of Olancho is said to be under an undeclared state of siege. Neighbors complain that meetings are not allowed unless permission is obtained in advance, and after explaining the nature of the meeting and agenda. Many citizens of Olancho have been arrested for short periods under suspicion of collaboration with the guerrillas. Travel near the areas is subject to stops and searches by military personnel. To our knowledge, none of these restrictions has been authorized specifically by any governmental decree or statute.

MILITARY ABUSES

Nevertheless, clear patterns emerge from growing reports, torture, disappearances, arbitrary arrests and extrajudicial executions perpetrated by Honduran security forces. These events are new to Honduras and, while they are certainly not occurring at rates comparable to those in neighboring countries, they are a major development for the internal political situation of the country.

Disappearances, torture, arbitrary arrests and political killings were the focus of our inquiry. However, our delegation also heard reports of several other largely new phenomena. Warrantless searches of households have occurred, in which security forces conduct systematic searches of all houses in a given neighborhood. In 1982, the Government urged the creation of Civil Defense Committees, with the purpose of "heightening civically patriotic fervor," "collaborating with the authorities in any national emergency" and "contributing to the vigilance and conservation of vital installations" (Tiempo, August 11, 1982). These committees were strongly condemned by the Honduran Conference of Catholic Bishops in a pastoral letter of October 1982, because of their potential to promote fear and mutual distrust. Since then, the authorities' insistence on the civil defense committees has been diminished, although in many rural areas they are still active, either at the initiative of local military authorities or of the local units of the Liberal party.

In another effort to enlist the population in law enforcement, the GOH organized, in 1983, a Center for Emergency Information (CIE), consisting of a series of telephone hot lines that citizens were asked to contact, throughout the country, in case of any suspicious activity. The public announcements about this program encouraged citizens to make anonymous calls. This idea soon came under heated controversy, since there were cases of arrests of innocent people in response to such calls allegedly arising from personal vendettas.

HUMAN RIGHTS

Because a pattern of serious military abuses is relatively new to Honduras, efforts to monitor the extent of these practices are also new and precise figures covering several years are simply not available.

DISAPPEARANCES

Since the election of a civilian government in 1981, hundreds of Hondurans have disappeared after allegedly being abducted by security forces. Of these, 80 people have never been located. The others who were abducted were later located, some in prison and others when they were released or referred to the courts.

This is an almost entirely new phenomenon for Honduras. The Government of Honduras offers no explanation or information regarding the fate of those who are still missing. To our knowledge there has been no official investigation in any of these cases.

In May 1983, several detainees "reappeared" after being captured and held incommunicado by Government security forces. Since May 31, approximately 12 persons have been produced alive, and either released or submitted to the courts, after spending 30 or more days in clandestine detention. In the same period other persons were arrested by security forces and are now listed among the "disappeared." Estimates we heard on the number of these cases in 1983 range from 10, according to the State Department, to 22, according to COFADEH, the Honduran Committee of the Families of the Disappeared Persons.

Recurring patterns emerge from interviews with missing persons who have surfaced. Most of the disappeared were abducted by heavily armed men driving unmarked vehicles. Others were arrested by regular Government security forces personnel at border checkpoints. In a number of cases the captors were stalking their victims for long hours. Although few of the victims were arrested in their homes or workplaces, in many cases those places were searched without a warrant shortly before or after the arrest was made.

Following their arrest, detainees often are taken to clandestine detention centers where they are subjected to interrogation and highly sophisticated torture. These "safe houses" are generally secluded and hold several prisoners at a time. Some have been identified as military facilities.

At this stage in their detention, prisoners seem to be under the control of special branches of the armed forces. When the decision is made to produce the prisoners or make him or her "reappear," they are generally transferred to the Direccion Nacional de Investigaciones (DNI), the investigative arm of the Fuerza de Seguridad Publica (FUSEP), the national police.

Reports do not suggest that those who have disappeared are systematically killed. In several cases, however, the bodies of missing persons have been found. For instance, in early 1982, several months after the abduction of Roman Isaias Escoto, his corpse was identified along with several others in a clandestine cemetery near Tegucigalpa.

Until May 1983, the Government of Honduras refused to acknowledge that these disappearances were occurring. Instead government officials repeatedly explained that those listed as disappeared had actually left the country voluntarily and were receiving guerrilla warfare training in Nicaragua, Cuba or the Soviet Union. This explanation, reminiscent of similar claims made by the Argentine Government to dismiss cases of thousands of people who disappeared during that country's dirty war, is equally unconvincing. As in Argentina, the GOH has been unable to provide even a single example of such a case.

In an interview at his office, Lic. Oswaldo Ramos Soto, the rector of the National University (UNAH), repeated the position taken by the GOH. When asked for an example, he referred to the case of university professor Efrain Duarte Salgado. Our research of this case, however, lends no confirmation to Prof. Ramos Soto's theory. On May 29, 1983, several weeks after his arrest had been denounced, Professor Duarte made public statements in Guatemala, confessing to be a member of an armed revolutionary organization, claiming that he had deserted it, and calling on his former comrades to lay down their arms. We received firsthand testimony, however, to the effect that Professor Duarte had been seen at one of the clandestine detention centers where he is said to have "rehearsed" his statement with his kidnapers.

Despite repeated promises by President Suazo Cordova and Honduran military leaders to conduct investigations of these cases, there have been none, not even in the few cases where there are individual witnesses willing to testify and provide information.

Far from moving ahead on past promises to push investigations, the Honduran Government has grown increasingly brazen in its defense of these abductions. Indeed, on June 10, 1983, Maj. Juan Blas Salazar, chief of the DNI, admitted that his institution had another 18 persons in clandestine custody and that they would be produced in due course after investigations were completed. Major Salazar acknowledged that this constituted a violation of the Honduran Constitution and criminal procedure but justified the method as necessary to protect the security of the nation.

In response to building domestic and international pressure, the DNI issued a press statement on November 10, 1983, listing 78 persons it had detained under suspicion of subversive activity in the course of 1983. According to this statement, 42 of them had been released after their innocence had been verified, 12 had been deported and the other 24 had been turned over to ordinary courts for prosecution. According to Major Salazar, this list is the only information the DNI can give to the human rights organizations, and that those not found in the list must be sought in other countries "where they are probably preparing themselves to come and promote guerrilla warfare in this country" (La Prensa, November 10, 1983). COFADEH, which monitors disappearances, maintains that none of the 22 persons on its list of "disappeared" after their detention in 1983 were included in the DNI statement.

The Honduran Government's failure to account for the numerous arrests and subsequent disappearances in the past constitutes a continuing violation of human rights that merits the strongest condemnation by the U.S. Government. Such criticism has not been forthcoming. Instead, the U.S. Government has followed the Honduran Government's lead in defending or denying the disappearance of numerous Hondurans following their abduction by security personnel.

Until very recently, representatives of the Reagan administration emphatically denied that any disappearances were taking place at all. When the State Department finally acknowledged a pattern of disappearances in Honduras, it claimed that such incidents had decreased in recent months. Officials of the U.S. Embassy dispute whether these episodes can be classified as "disappearances," stressing that these incidents involve relatively minor extensions of time limits imposed by Honduran law, which permits police to hold prisoners for 48 hours before they must be presented to judicial authorities.

These assertions do a great injustice to Honduran prisoners who are held in clandestine detention centers following their violent abduction, without proper identification or warrants, by Honduran security forces. They gloss over the fact that the detention of these prisoners is denied by police authorities both publicly and in response to official judicial inquiries. And they disregard the Honduran Government's wholesale failure to take action against those responsible for this practice even when detention is later acknowledged.

ARBITRARY ARRESTS

Reports from several of the people who "reappeared" in 1983 make it clear that they were arrested without any due process protections and apparently without orders by any legitimate authority. They charge that military officers were responsible for their arrests and incommunicado detentions. In most cases the DNI was allegedly involved either during their initial arrest and detention, or in receiving them in to custody from their original captors. The statements of Major Salazar, the Director of DNI, leave little doubt that these violations of the prohibition against arbitrary arrest are being conducted pursuant to a deliberate policy that involves governmental acquiescence, if not complicity, at the highest levels.

Honduran judges seem to be compounding the abuses committed by police. We learned of several cases in which courts have furthered the detention and prosecution of persons clearly arrested in violation of basic rights. If this is true judges must bear a large responsibility for the continuing pattern of arbitrary arrest that afflicts Honduras. As we have noted elsewhere, the judiciary in general and the supreme court in particular bear special responsibility for the continued ineffectiveness of habeas corpus procedures in Honduras. Without this vital check against executive excesses, abuses such as arbitrary arrests and disappearances have proliferated in recent years.●

SAINTS JOACHIM AND ANNE SCHOOL CELEBRATES ITS 60TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. ACKERMAN. Mr. Speaker, I ask my colleagues to join me in commemorating the 60th anniversary of Saints Joachim and Anne School in Queens Village, N.Y. This educational institution was founded in 1924 at the request of the parishioners of Saints Joachim and Anne Church, who wanted their children to receive both Catholic and secular teachings in their home community.

The church was formed in 1896 by the canonical decree of the Right Reverend Charles E. McDonnel, bishop of the diocese of Brooklyn. Twenty-eight years later, Father Frederick Dotzauer, the founder and parish priest of Saints Joachim and Anne Church, invited an order of nuns, the Sisters of Notre Dame de Namur, to teach in the school. In its first year, classes in only the first five grades were held, so the school's second floor served as a convent for the sisters. But by 1957, it was necessary to add a third floor to the school.

Throughout its history, Saints Joachim and Anne School has striven to maintain academic excellence. Today, under the direction of Principal Sister Mary Suplee, it has an enrollment of

600 students in classes from prekindergarten through eighth grade. The academic program stresses the basics, math and reading, but also boasts a new computer center, a primary learning center, a television documentary studio, an after school center, and a physicial education program that features intramural sports. In addition, Assistant Principal Josette Paris teaches English to the school's adult evening classes.

On Sunday, May 20, a special liturgy will be held in the church to celebrate the school's anniversary.

Mr. Speaker, I ask that all the Members of the Congress of the United States join me in commending Sister Mary Suplee and the other faculty members at Saints Joachim and Anne School; Father Garvey Meade, the parish pastor; and the many parents and students who have helped Saints Joachim and Anne School maintain a strong academic program and achieve academic excellence over the past 60 years.●

NATIONAL FEDERATION OF THE BLIND MONTH

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. DASCHLE. Mr. Speaker, the Governor of South Dakota, the Honorable William Janklow, recently proclaimed May, as National Federation of the Blind Month in the State of South Dakota. I am most pleased that the Governor has taken this opportunity to recognize this organization's valuable efforts to make known and address the needs and concerns of this special population. I salute the National Federation of the Blind, and their South Dakota president, Karen Mayry, for their excellent and unparalleled service to the visually handicapped. Following is the text of the Governor's proclamation:

EXECUTIVE PROCLAMATION, STATE OF SOUTH DAKOTA, OFFICE OF THE GOVERNOR

Whereas, The National Federation of the Blind of South Dakota is a vital advocacy group that represents the interests of thousands of blind citizens statewide; and,

Whereas, This invaluable organization is an effective voice of the blind for it seeks to enhance the dignity and increase the independence of our state's visually handicapped; and,

Whereas, As the largest organization of the blind in America, the NFB strives to educate the public about the capabilities of the visually impaired; they are a group of individuals who see themselves not as blind people, but as people who just happen to be blind; and,

Whereas, The National Federation of the Blind of South Dakota is a group whose blind members don't ask for sympathy, but for empathy . . . they wish not to be pampered, for they only desire to be given a chance to prove how much they can do and how little they can't do; and,

Whereas, The NFB not only seeks to educate the sighted, but works as well to inform the visually handicapped of their rights and of the many services available to them:

Now, therefore, I, William J. Janklow, Governor of the State of South Dakota, do hereby proclaim the month of May, 1984, as National Federation of the Blind of South Dakota month in South Dakota. As citizens of this great State, it is important we all recognize the blind as fellow human beings who desire only to live full, rich lives in dignity and equality.●

CONGRESS PAYS LIPSERVICE TO AMERICAN CONSUMERS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, yesterday's Washington Post carried an interesting editorial entitled "Unplugging the Generator." I ask that it be inserted in the RECORD because of this body's continual lipservice to the energy consumers of this Nation.

The American people are quickly growing tired of a Government that spends most of its time in the energy arena rationing and creating scarcities. The Post editorial points out what happens when an industry of national interest suffers a decade of abuse whenever it attempts to develop a conventional resource-fueled electrical generating capacity. Some of my colleagues whose only response to cost increases due to Government-created shortages of energy would do well to read the editorial. And, next time we vote on offshore oil leasing, coal leasing, or matters of interest to energy security, I hope the American people concerned about utility bills remember.

Thank you Mr. Speaker.

[From the Washington Post, May 15, 1984]

UNPLUGGING THE GENERATORS

Having built too much generating capacity in the 1970s, the American utilities are building too little in the 1980s. The demand for electricity is no longer rising as fast as it did a decade ago, and that has left the utilities with more capacity than they need—for the present. But that cushion won't last long.

Having been scorched by their financial and environmental troubles, the utilities are rapidly canceling plans for new generating plants. It is the retreat from the big nuclear reactors that gets most of the attention, and the legal structure of these cases treats each one as a separate issue. But if you pull them together you will see a clear pattern—and it's not limited to nuclear power. As the secretary of energy, Donald Hodel, pointed out the other day, the cancellations of coal plants have outnumbered those of reactors over the past two years.

Each utility seems to be telling itself that there's no risk in underestimating future requirements since, if it runs short of power, it can always buy from its neighbors. That makes sense for each utility separately, but not for all of them taken together as a national power system.

This summer there will be a safety margin of about 15 percent between the peak demand for electricity and the generating capacity available to supply it on a hot afternoon. But as years pass, the demand will rise faster than the plants now under construction come on line. How much time is there until demand rises above capacity? The utilities are assuming that demand will continue to rise at the slow rate of recent years, and their projections imply that it will be about seven years until the margin of safety is gone nationally—although some regions may begin to bump against the local limits before that. The Energy Department thinks that demand for electricity is beginning to accelerate, and will exceed generating capacity in three to five years. It takes longer than that to build a coal generator, let alone a nuclear reactor.

One obvious answer is energy conservation. But this country has already made impressive progress in conservation. And it's important to keep in mind that conservation means, among other things, shifting from less efficient forms of energy to the most efficient—usually electricity. Total energy consumption in this country last year was 5 percent less than a decade earlier: But electricity consumption was 26 percent higher.

Secretary Hodel said last week that his department intends to begin appearing at the federal and state regulatory agencies when new power projects are under consideration. He wants to be sure that the regulators focus on the broad national interest in avoiding the kind of conservation that is enforced with brownouts.●

MEXICAN PRESIDENT WELCOMED

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, I would like to extend a warm welcome to His Excellency Miguel de la Madrid Hurtado on behalf of the Congressional Border Caucus. The people of Mexico have reason to be proud of the strong leadership that has brought them from the brink of economic disaster to a renewed promise of a bright future.

Mexico's decisiveness is commendable. The domestic austerity program has taken a severe toll of the people but because of their support the results have been positive. As we in the Congress survey this country's economic problems we cannot help but be impressed by the example set by Mexico.

The relationship between our two countries is strong and positive. We are tied to each other so closely that both nations are affected by the internal problems of the other and must flexibly respond to fluctuations in the other's economy. Our trade relationship, in fact, has grown to such impor-

tance that it colors our political, social, and security ties as well.

Despite the manner in which our relationship with Mexico blends on many levels, in a policy sense we tend to oversimplify. Our policy is decided by a confusion of machinery that defies analysis. In the House of Representatives, different committees handle legislation on trade, on bilateral aid, and aid given through multilateral channels. In the executive branch, there is a similarly disjointed structure.

There are many examples of inconsistencies. It is wrong when the Agency for International Development is carrying out its mandate of promoting the production of a given product or agricultural commodity while other agencies are at the same time seeking to restrict the export in question. Commodity issues are handled by different governmental entities as are trade-related issues. As a result, the effect of our foreign economic policy is often confused.

With this inefficiency built into our system, it is no wonder that our trade relationship with Mexico is sometimes strained. This is a growing problem because Mexico is one of the most important of the nations with which we trade. Its economic growth will increasingly influence the U.S. economy through the level and composition of trade and through changes in the rules of the game under which trade is carried out.

Because of their interdependent relationship, the border regions of the United States and Mexico have been especially hurt by the trade and currency problems the two countries are experiencing. With the advantage of an already well developed manufacturing base and a large and relatively well educated labor force there is no reason why the borderlands of both countries could not develop into a manufacturing and trading center of international importance. Indeed, such a venture would insure mutually supportive policies in trade as opposed to the increasingly protectionist stance both countries may feel forced to take.

Stress in the relationship between the United States and Mexico is ultimately linked to problems in trade. The United States is often portrayed as an overwhelming force with the capacity to inundate Mexico's internal markets. The United States on the other hand, feels that Mexico tends to focus on the problems in the two countries relations and is unwilling to compromise during negotiations on trade issues.

The next few years will be especially important in the development of United States-Mexico relations. The size of our trade deficit, the strength of our currency, the aging of our industrial infrastructure and problems with labor and unemployment will make it progressively more difficult to deal with Mexico as we must. Likewise, as Mexico struggles to deal with its huge debt, social unrest due to the IMF austerity program, and a huge number of people reaching working age without good prospects of finding jobs, it will be less able to meet us on our own terms. It is time to formally acknowledge and accommodate for the changes that will be taking place.

Economic issues are not the only problems that need to be addressed. The Mexican Government has taken a leadership position in Latin American affairs, it membership in the Contador group and its temporary loan to Argentina being two good examples. An attempt to acquire closer alinement of our foreign policies could have positive results. Concerns with transboundary pollution are mounting and a compromise between Mexico's legitimate development needs and our own concerns over clean air and water needs to be struck. Trucking and transportation problems are well known in daily cross-border commerce. In fact, the sheer number of issues that need to be addressed are justification enough for both nations to set forth an agenda at the highest levels of our two governments.●

EQUAL ACCESS ACT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1984

● Mr. DORGAN. Mr. Speaker, I believe that Congress should pass legislation that allows for equal access to public school facilities for religious organizations provided that the equal access is after the regular school hours.

However, H.R. 5345, the legislation that was presented to the House and which supporters portrayed as an equal access bill, was not an appropriate way for Congress to address this issue.

H.R. 5345 would have required local school boards to allow religious organizations to claim time for religious meetings during the school day on the same basis as the school might now allow the Spanish club, the drama club, or the glee club to meet. It also provided that if the school did not comply with that, then Federal funding for programs for education of the handicapped, language programs, and others would be terminated.

I believe that we ought to give religious organizations the same opportunity for the use of school facilities after the school day as other organizations are given. That is, in my home town where the Boy Scouts or the 4-H club might request the use of the school gymnasium for an after-hours event, I believe that a Luther league or a Catholic youth group, for example, should be allowed to request the use of the school gymnasium on the same basis and have equal access to it.

But H.R. 5345 went far beyond that and created, I believe, Federal interference with local school districts in a way that was unwarranted and unwise.

I want to make it clear that I voted against H.R. 5345 because I felt it was bad legislation, but I do support the equal access concept and I am hopeful that another bill that represents a more sensible approach to solving this problem will be presented to the House so that I and others who support the concept will be able to vote in favor of it.●

A TRIBUTE TO HENRY DAVID PALEY, A LEADER IN EDUCATION

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. LENT. Mr. Speaker, I rise today to bring to the attention of my colleagues the accomplishments of a truly outstanding American and an exceptional individual whose untimely death on April 16, 1984, shocked and saddened his many friends and colleagues. I refer to the late Henry David Paley whose commitment to excellence and unceasing efforts for quality educational opportunities established him as an outstanding leader in the field of education in New York State. Henry David Paley's career and academic activities were dominated by his concern for human rights, fair treatment and equitable opportunity.

Since 1975, Henry Paley had served as president of the Commission on Independent Colleges and Universities (CICU), which serves as the statewide coordinating body and public policy forum for 116 of New York's independent colleges and universities. He devoted his energies and human insights toward the creation of State policies that would assure students with affordable choice among high quality postsecondary institutions. His dedication to these admirable goals has been the hallmark of an illustrious career and is worthy of the highest tribute.

Prior to joining CICU, Henry Paley was deputy to the chancellor and director of university relations at the City University of New York from 1968 to 1975. In that position, he was responsible for overall university relations, including legislative activities at the State and Federal levels.

His many activities include a position as trustee at Antioch College, 1974–1984, and as cofounder and director of the State Legislative Institute of Baruch College, City University of

New York, 1973-84. He was also a member of the New York State Education Committee's Advisory Council in Higher Education, 1975-84. These are but a few accomplishments in a long and distinguished career. Few individuals have had a greater influence on New York's educational advancements than Henry Paley.

Henry Paley was a wonderful and talented man who did not confine his talents to the field of education. In fact, he deserves much of the credit for my successful campaign for Congress in 1970 when he worked tirelessly at my East Rockaway home creating unique, clever campaign mailing pieces. It was a most pleasant experience, years later, to be able to work with him again here in Washington, D.C., during his visits to Congress, on behalf of CICU. We shared a warm friendship over these many years.

Henry David Paley will long be remembered as a man admired and respected by so many. I will miss him deeply.

His lovely wife, Cabot, and the Paley family have my most sincere sympathies.●

SENSE OF CONGRESS THAT ELENA BONNER SHOULD BE ALLOWED TO EMIGRATE

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mrs. BURTON of California. Mr. Speaker, I am very pleased that the House passed House Concurrent Resolution 304, urging the Soviet Union to allow Elena Bonner, the wife of Soviet dissident Andrei Sakharov, to emigrate.

The latest action of the Soviet Government to silence Andrei Sakharov, Elena Bonner and other Soviet dissidents is inhuman and totally unacceptable. As I stand here, Andrei Sakharov is engaged in a hunger strike to press demands for badly needed medical treatment for his wife, who has suffered two heart attacks in recent months. It has now been reported that Mrs. Bonner has joined her husband's hunger strike. Not only has the Soviet Government prevented Mrs. Bonner from receiving medical treatment, they have placed her under investigation for false charges of defaming the Soviet state.

This is yet another example of the Soviet Union's continued denial of the most basic human rights and liberties to its Jewish citizens. We in the Congress are profoundly concerned about the health of Dr. Sakharov and Elena Bonner. I call upon the Soviet Government to cease the mistreatment of its Jewish population and immediately allow Dr. Sakharov and Mrs. Bonner to leave the Soviet Union to receive medical treatment and live in the country of their choice.●

DISPOSITION OF U.S. FORCES IN CENTRAL AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. HAMILTON. Mr. Speaker, on April 26, 1984, I initiated a correspondence with the Department of Defense concerning the disposition of all U.S. forces now in Central America. My letter, the Defense Department reply of May 4, 1984 and enclosure 1-4 and enclosure 6 from the Defense Department reply follow. Enclosure 5, which discusses military construction activities in Central America, will appear in a subsequent issue of the RECORD:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 26, 1984.

Mr. RUSSELL A. ROURKE,
Assistant Secretary for Legislative Affairs, Department of Defense, The Pentagon, Washington, D.C.

DEAR MR. ROURKE: I would like a complete and detailed summary of the disposition of all U.S. forces now in Central America.

This description should include the number and location of U.S. troops, their specific military missions, the dates on which they were introduced and whether their mission is of temporary or continuous duration. I would also like to know what facilities, airfields, listening posts, etc., the military has in the region, what facilities the U.S. military has access to, and what facilities the United States has helped to build or upgrade. Countries which I am interested in would include all the countries of Central America, from Guatemala in the north to Panama in the south. Finally, I would like to know the size, mission, and intended duration of U.S. naval deployments off the Pacific and Atlantic coasts of Central America.

As a point of departure for your own analysis, I include a map [1] of "U.S. Forces in Central America" which accompanied an article by Mr. Hedrick Smith in the New York Times on Monday, April 23, 1984. Please comment on the extent to which this map is accurate, and please include in your analysis those military activities which this map has omitted.

I understand that some positions of your written reply will need to be classified. Any classified response will be treated appropriately by the Committee.

I appreciate your consideration of this matter.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

[1] Graphs not reproduced in Record.

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 4, 1984.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary of Defense has asked me to respond to your letter of 26 April, requesting information on U.S. troop disposition in Central America, military construction in the region and naval deployments along both the Pacific and Atlantic Coasts of Central America.

The four countries of Guatemala, Costa Rica, Belize and Nicaragua have no troops, construction projects or exercise activity other than the normal, routinely assigned personnel for Embassy security, and very limited Security Assistance and Defense Attache offices. Specific data on these countries is included in Inclosure 1. The remaining countries of Panama, Honduras and El Salvador are addressed separately in Inclosures 2, 3 and 4 respectively. A summary of military construction activities is provided at Inclosure 5. At Inclosure 6 is a summary of recent military activities in Honduras.

In reference to the New York Times map which you provided and asked us to verify its accuracy, we can only say that it is reasonably accurate with regard to U.S. military forces with some exceptions such as the number of aircraft and their missions and the number, location and implied mission of naval vessels. While these vary on a daily basis and are normally classified, we would be happy to arrange a briefing at your convenience on these items. We cannot comment on CIA activities in the region.

I trust this information will serve to clarify any questions regarding U.S. military activity in Central America. If I may be of further assistance, please do not hesitate to call on me.

Sincerely,
NESTOR D. SANCHEZ,
Deputy Assistant Secretary of Defense, Inter-American Affairs.

Guatemala:	
U.S. military group (Security Assistance Office)	4
Defense Attache Office	6
AmEmbassy support (Primarily U.S. Marine Guards)	17
Total	27
Costa Rica:	
Military Liaison Office (Security Assistance Office)	3
Defense Attache	1
AmEmbassy support	9
Total	13
Nicaragua:	
Defense Attache Office	4
AmEmbassy support	8
Total	12
Belize:	
Security Assistance Office	2
Defense Attache Office	2
Total	4
Panama:	
Headquarters USSOUTHCOM	220
193d Infantry Brigade	5,541
USAF South	1,895
U.S. Navy South/U.S. Marines	463

Tenant units (Panama area military schools, U.S. Army Communications Command, U.S. Army Tropic Test Center and various administrative support units)	1,139
U.S. Military group Panama (security assistance)	6
Defense Attache Office	5
AmEmbassy support	9
Total	[1] 9,278

[1] The exact number varies daily with rotations, changes in temporary duty assignments, etc.

NOTE.—These personnel are all permanently assigned.

HONDURAS

Permanent U.S. military personnel in Honduras consist of those assigned to U.S. Military Group, Defense Attache Office and the Marine Security Guard at the American Embassy in Tegucigalpa. Additional personnel to support the security assistance program, the Regional Military Training Center, operational deployments and exercises are in Honduras only on temporary duty. The number of these augmentees varies constantly to meet changing security assistance requirements and exercise schedules. As of 30 April, 1984 these personnel totalled 224.

Following the completion of Ahuas Tara II in February 1984, the United States Government and the Government of Honduras agreed that approximately 700-850 non-exercise personnel would remain in Honduras to provide support and planning for the next combined exercise scheduled later in the year. This residual force was augmented to support regional intelligence functions. The total of non-exercise personnel in country following Ahuas Tara II is approximately 1700. This number will be reduced by about one half in May.

Exercise Granadero I began on 1 April and will terminate on 30 June. Phase I of the exercise involves approximately 800 engineers who are improving existing Honduran airstrips at Cucuyagua and Jamastran to provide temporary C-130 assault strips Phase II of the exercise. Phase II is the employment phase and will involve approximately 1000 US military personnel in a series of counter-insurgency and airborne/air mobile assault exercise.

El Salvador:	
U.S. military group (Security Assistance Office)	13
Defense Attache Office	25
AmEmbassy support	17
Mobile training teams	[1] 33
Humanitarian assistance (medics)	23
Total	[2] 111

[1] These represent the military trainers on which there is a self-imposed limit of 55 in-country. This number also changes frequently as the number and composition of training teams change. These personnel are on temporary duty as are the medics. All others are permanently assigned.

[2] This total is as of the end of April 1984.

U.S. MILITARY ACTIVITIES IN HONDURAS

INTRODUCTION

The permanent U.S. military presence in Honduras consists of a Defense Attache Office of four officers and four NCOs and a Military Assistance Group of five officers and one NCO. The number of military personnel in military training teams on temporary duty under military assistance agreements varies; however, over one hundred Special Forces personnel on TDY compromise the American faculty at the Regional Military Training Center.

THE MILITARY ASSISTANCE PROGRAM

In light of the extraordinary military build-up of Nicaraguan military forces in recent years, Honduras has embarked upon a force modernization program which seeks to establish a minimal deterrent force for national self defense. Honduras does not plan to match Nicaragua's massive build-up of ground forces; rather, the Honduran Armed Forces (HAF) would concentrate on mobility and firepower in order to be able to move forces to wherever an attack were to occur. A mobile force such as in planned would also be effective, of course, in a counterinsurgency role.

The Honduran Force Modernization Plan was developed with U.S. participation. Given the extensive needs of the HAF, the US military assistance program has concentrated on training and basic equipment. No sophisticated weapons or systems have been transferred to Honduras. The Force Modernization Study called for an assistance level of some $100 million per year over four years.

U.S. Military assistance levels are as follows:

[In millions of dollars]

	1981	1982	1983	1984	1984 [1]	Total 1984
MAP		11.0	27.5	40.0	37.5	
FMS	8.4	19.0	9.0			
IMET	.7	1.3	.8	1.0		
Total	9.1	31.3	37.3	41.0	37.5	78.5
Total economic assistance	47.3	87.0	102.7	84.4	84.5	168.9

[1] Proposed supplemental.

THE MILITARY CONSTRUCTION PROGRAM

In May 1982, the U.S. negotiated an agreement with the Government of Honduras to improve two airfields in return for U.S. access for various contingency uses including transit, search and rescue and reconnaissance. The military construction package approved by Congress provided for $13 million to improve runways, ramp space and fuel facilities at Palmerola airbase near Comayagua, and $8 million to build taxiways and ramp space at Goloson airbase at La Ceiba. The improvements to Palmerola field are scheduled for completion in June 1984; the La Ceiba project has been delayed by Congress pending administration submission of overall Milcon requirements for the region. The following Milcon projects are in the FY-85 budget:

	Millions
Palmerola Airbase:	
Pre-stock ammunition depot	$2
Airplane hangar and living facilities for 100 men	4
San Lorenzo: Pre-stock ammunition depot	2

The ammunition pre-stock points would contribute to the capability to respond rapidly to the common defense of the region. The hangar and living facilities would be in support of regional reconnaissance programs.

The possibility of U.S. participation in the construction of a Honduran naval and air facility at Puerto Castilla on the Caribbean coast has been discussed informally with the GOH. The U.S. is analyzing how U.S. access to such a Honduran facility might complement U.S. defense needs in the Central American and Caribbean region. Before such a decision were taken, we would undertake appropriate consultation with Congress and enter into formal negotiations with the GOH. It should be emphasized that no such decision has yet been taken.

THE REGIONAL MILITARY TRAINING CENTER

The RMTC was established in order to offer training to military units of Honduras, El Salvador, and other friendly countries in the region. The Center is a Honduran facility; with over one hundred U.S. Special Forces comprising the majority of the training staff. The establishment of the Center was approved overwhelmingly by the Honduran Congress in June 1983 with a vote of 78-0. Training at the Center offers instruction of the quality given at training schools in the U.S., but at a far reduced cost and under austere but realistic Central American conditions. In 1983, 700 Hondurans and 1500 Salvadorans were trained at the RMTC; projected figures for 1984 are 3000 Hondurans and 3400 Salvadorans.

TEMPORARY RADAR FACILITIES

Air traffic and safety requirements prompted the installation of two radars in Honduras. The first radar, a long range early warning surveillance system (AN/TPS 43), was established at Cerro la Mole near Tegucigalpa in January 1983. The second, a short range surveillance radar (AN/TPS 63), was established on Tiger Island in the Gulf of Fonseca during the Ahuas Tara II exercises in the fall of 1983. In addition, the radars are capable of detecting aerial infiltration. The GOH intends to purchase through the military assistance program a replacement for the Cerro la Mole radar. The Tiger Island radar will likely be redeployed to the U.S. in the near future.

THE EXERCISES

The U.S. has conducted exercises with Honduras since 1965. In early 1983, Ahuas Tara I was conducted, primarily in the northeastern Mesquitia region. Ahuas Tara II was conducted on a larger scale from August 1983 to February 1984. A smaller exercise, Granadero I, is being planned during June 1984.

This latest series of exercises, and the accompanying naval maneuvers off both coasts of the isthmus, were conducted to demonstrate U.S. resolve and willingness to support our regional friends. In addition to the training benefits for U.S. forces, Ahuas Tara II had the political effect of reducing the anxiety felt by Honduras because of tension on the border with Nicaragua. The level or border incidents with Nicaragua declined markedly following the initiation of the naval meneuvers and the Ahuas Tara II exercise.

The high points of Ahuas Tara II were:

An amphibious landing on the north coast where a U.S. marine amphibious unit deployed from several points in the U.S. incorporated a Honduran battalion, and conducted a joint landing with supporting air and armor.

A joint field training exercise where various Honduran units and U.S. special Forces conducted a counterinsurgency exercise in a remote areas of Honduras; and

The joint artillery exercise on the north coast where a 101st Airborne artillery unit made a rapid deployment and conducted live firing with the Honduran army.

To support the widely-placed exercise forces in infrastructure-poor Honduras, it was necessary to construct or upgrade three airfields to receive C-130 transport aircraft: (1) a blacktop airfield at Trujillo on the north coast was extended to support the artillery unit from the 101st Airborne Division; it also serves as transportation link for

the Regional Military Training Center; (2) a dirt airfield at San Lorenzo was constructed to support the Special Forces units conducting joint anti-infiltration exercises with various Honduras battalion, the headquarters of the 46th engineer battalion, and the radar on Tiger Island; (3) dirt airfield at Aguacate was extended to support the final field training exercise of Ahuas Tara II.

In addition, engineering units built about three hundred seahuts to house exercise troops. The seahuts are more cost effective than canvas tents, and a good deal healthier and more comfortable in the local climate.

The Exercise has received universal praise as a unique training opportunity from the American officers and units which participated. In the United States, constraints on the engineering units limit greatly the possibilities of exercise which include actual construction. The Ahuas Tara II exercises included the actual building of facilities in remote locations in conditions more realistic to an actual combat deployment. Likewise, the artillerymen and aviators of the 101st Airborne Division practiced a rapid deployment overseas. The medical units had a unique opportunity to perform medical services in tropical field conditions at the only field hospital currently operated by the U.S. Armed Forces. Experience with tropical medicine was gained and doctors were rotated through the hospital for training. The Special Forces were able to exercise in their precise mission by training with foreign troops. All units participated to the extent possible in civic action projects. The medical civic action program was especially active.

THE INTERIM PRESENCE

The timing of the Salvadoran elections and the Granadero I exercise in June have dictated an administrative presence in Honduras between exercises to maintain exercise assets and prepare for Granadero I, and to support reconnaissance activities during the Salvadoran election period. The reconnaissance activity and the administrative support will require up to 1700 personnel, mainly located at Palmerola airbase.

THE POLITICAL ENVIRONMENT

The U.S. exercise activity in Honduras was universally welcomed by the Government and people of Honduras. Relations between the American exercise forces and the Honduran people were excellent, and the many civic action projects won widespread praise. The Honduran Armed Forces have welcomed the opportunity to enhance their capabilities and professionalism through joint-exercise activity. Diplomatically, Honduras has seen the exercises as a reassuring factor in the regional political equation, and President Suazo has expressed the desire for continued exercise activity pending a long-term solution to regional political tensions.●

ALLEN F. FLEISCHMANN, JR., BECOMES AN EAGLE SCOUT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. LONG of Maryland. Mr. Speaker, it is a great honor for me to award a congressional commendation to Mr. Allen F. Fleischmann, Jr., who will become an Eagle Scout on May 17, 1984.

Allen, as a member of Scout Troop 124, has demonstrated through his deeds what scouting exemplifies—in the process, receiving 26 merit badges. In particular, Allen has received the Citizenship Badge, the Life-Saving Badge, and the First Aid Wilderness Survival Badge. In addition to his fine accomplishments in the Boy Scouts, Allen has been a participant in community service activities. Working with his troop members and the Catholic Charities, Allen collected toys for needy children throughout his neighborhood during Christmas time so that on Christmas day those children could wake up to gifts under the tree.

Allen deserves special recognition as a student in Parkville Senior High School's ninth grade "gifted and talented" program and as an active member of the St. Issac Jogues Church Youth group.

I am extremely proud to join Allen's parents, Patricia and Allen, Sr., as well as his brother Craig, in congratulating Allen not only on his investiture as an Eagle Scout, but on his many outstanding achievements.●

BISHOP GALLAGHER ALUMNI ASSOCIATION CELEBRATES ITS 20TH GRADUATING CLASS

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. HERTEL of Michigan. Mr. Speaker, on May 30, 1984, the graduating seniors of Bishop Gallagher High School, in Harper Woods, Mich. Will retrace the footsteps of the first graduating class 20 years earlier, as they come forward to receive their diplomas. For the 5,989 alumni this graduation ceremony will have special signifiance. To celebrate the 20th anniversary of the initial graduating class, the Bishop Gallagher Alumni Association will hold a commemorative mass, followed by dinner and dancing on June 9, 1984.

As the past graduates reflect on their experiences at Bishop Gallagher, they will undoubtedly remember moments unique to their class. However, over the years, common themes have been apparent. For, since its inception two decades ago, the staff has been dedicated to instilling Catholic values, fostering a sense of social responsibility, and promoting scholastic achievement. A particularly noteworthy program, in which many Bishop Gallagher students participate, is the Christian Services Center, a voluntary program which aids the elderly, handicapped, and remedial students. Not only does Bishop Gallagher offer a well-rounded intellectual and moral education, but it also boasts a strong coeducational athletic department. The success of those affiliated with this archdiocesan institution is evident in the contributions to the community made by its students and alumni.

I would like to extend my warmest congratulations on this special occasion to the members of the Bishop Gallagher Alumni Association and its distinguished faculty. As they celebrate, they can look back with pride at their school—a school predicated on the realization that education entails far more than than imparting knowledge; a school founded on the belief that education protects the integrity of American society.●

THE NEED FOR AN INDEPENDENT SOCIAL SECURITY AGENCY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. ROYBAL. Mr. Speaker, I would like to call my colleagues' attention to an important matter that affects millions of people every year, and which will come to the attention of this body shortly. Next month the Congressional Panel for Creation of an Independent Social Security Agency will release its report.

This panel was created last year by the 1983 social security amendments. Its purpose was to formulate a plan for the implementation of an independent social security organization governed by a bipartisan board.

We have had several examples in the last few years of the need for an independent Social Security Administration. The disaster that befell hundreds of thousands of terminated disability beneficiaries could certainly have been avoided if SSA had been more concerned with its historical mission and less worried about short-term budget savings. The egregious errors of the disability process have been so severe that SSA's own employees rallied against them and its association of administrative law judges have sued their employer alleging they were forced to deny benefits to certifiably disabled beneficiaries.

It is also highly unlikely that the retroactive elimination, and subsequent restoration, of minimum benefits could have been avoided had high SSA officials had the independence to advise the Congress of the true nature of this proposal. Also the method by which the administration has frightened old and sick people who are inadvertently overpaid brings no credit to anyone.

Future problems such as these can be avoided by the establishment of an independent Social Security Administration. Such a truly independent or-

ganization must include a board of directors who have a professional commitment in the social security area. Board members should be nominated by the President for staggered terms of more then 4 years so that both historical perspective and long-range concerns are represented in the establishment of current social security policy.

It is important to remember that social security involves a long-term commitment to the American people which begins with the filing of an application card and continues with the payment of FICA contributions for which taxpayers expect to receive promised benefits. A free standing social security agency, insulated by a bipartisan board, will give the American people the guarantee of independence which this Congress intended in last year's amendments.●

THOUGHTS ON THE BROOMFIELD-MURTHA SUBSTITUTE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. BROOMFIELD. Mr. Speaker, I want to thank my colleagues in the House for their support of the Broomfield-Murtha substitute. I believe that bipartisanship and a sense of America's long-term national interests made passage of the substitute possible.

I realize that there are differences of opinion on Central America. I was encouraged, however, to see that so many of my colleagues and I were united in our views of El Salvador and its long-term importance to the United States. We all agree that there are fundamental issues which all of us believe in and support.

We Americans want democracy to survive, not only in El Salvador, but throughout Central America. El Salvador is a nation on the road to democracy. We should do our part in helping that struggling nation achieve its objective. To show their strong commitment to democracy, the Salvadorans braved guerrilla intimidation to cast their vote. They elected an honest and strong leader, Jose Napoleon Duarte. El Salvador wants peace, justice, and economic stability. These are goals which all of us share.

Should democracy fail in that critical region, America's vital southern borders would be threatened. Another Cuba could be established on the banks of the Rio Grande and the Cubans and Soviets would quickly dominate the region.

These are the fundamentals which all of us agree on. After we peel away politics, and stop nitpicking, all Americans realize that we are united on basic principles. I believe that this realization made the bipartisan vote on the substitute possible.

In essence, the substitute supports the basic findings of the bipartisan Kissinger Commission. The substitute does set forth conditions which El Salvador must meet. The conditions are, however, realistic and can be met. I believe that the substitute's greatest strength is that it is reasonable. El Salvador can live with it and we can live with it too. I believe that our vote in support of the substitute was the right choice both for our country and for El Salvador.

The comments made in the following editorial capture the essence of what happened on the floor last week. It was a turning point and a historic moment for all of us.

[From the Washington Post, May 11, 1984]

THE CHANGE IN EL SALVADOR

It is a new situation in El Salvador. Partly this is because the Salvadorans finally have, in Jose Napoleon Duarte, the country's first elected president, a man of thoroughly democratic persuasion who has earned wide respect and confidence. (It became clear yesterday, by the way, that the 52 percent of the vote claimed by Mr. Duarte's opponent applied not to the whole count but only to the 10 departments he won.) The new situation also owes something to the fact that the American political calendar is focusing the attention of those President Reagan terms the "new isolationists" on whether they wish to enter the elections open to the charge of pulling the plug on a friendly democratic neighbor in need.

As a result, the American debate on El Salvador is changing. Although it was not phrased in these terms, the real issue between the amendment offered yesterday by House Foreign Affairs Democrats and the administration-favored amendment offered by Rep. William Broomfield was how best to strengthen Mr. Duarte to work on his agenda of security, reform and reconciliation. The committee Democrats would have done it by conditioning most of the aid on a congressional determination of progress in ending the death squads and in beginning negotiations. The Republicans, who—with important Democratic support—carried the day, preferred essentially to dilute the conditionality.

We think Mr. Broomfield and those who voted with him had it right. There has been reason in the past to question whether Salvadorans would or could use American aid well. Now, however, it could only hurt Mr. Duarte, in his dealings with other elements in his government and in whatever dealings develop with the opposition, to be regarded as a figure in whom the Americans have slight trust. The way to strengthen him is not to put him on a conspicuous and short American leash but to start routing American aid directly through his office—no more transfers directly to the Salvadoran military.

In this spirit, it becomes possible and necessary to start providing aid on a scale that will allow Mr. Duarte a fair chance. On the House floor yesterday, Jim Wright, the majority leader, compared the past practice of doling out increments of aid to giving a bleeding friend a third of a pint of blood. There is a case for doing nothing, or next to nothing: a vote on the floor yesterday showed that, fortunately, the House has little heart for it. There is a case for doing what is necessary to enable El Salvador to move ahead. There is no case for allowing El Salvador, in Mr. Reagan's words, "to slowly bleed to death."●

THE 100TH ANNIVERSARY OF THE BIRTH OF HARRY TRUMAN

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1984

● Mr. ECKART. Mr. Speaker, I appreciate the gesture made by the gentleman from Missouri to take the time to honor a very special man on the floor of the House this evening.

On this day, the 100th anniversary of the birth of Harry Truman, it is important for us to recall how important Harry Truman has been to our Nation. He was a great President and a gifted politician who greatly influenced the course of our history.

Harry Truman thrived on his work and the Nation thrived under his leadership. He had the guts and the courage to make tough decisions and stand by them. Harry Truman's wisdom, strength, humanity, and humor made his Presidency both meaningful and memorable.

On this day, in remembrance of the century that has passed since Truman's birth, it is right that all statesmen and Americans should pay homage to this man and his Presidency. We can all learn much from Harry Truman and I continue to be inspired by him. Harry, I'll give 'em hell for you.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 17, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 18

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 1069, H.R. 555, and S. 817, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

10:00 a.m.
Select on Intelligence
Business meeting, to resume markup of proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

MAY 21

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings to examine the impact of the Federal income tax system on productivity in the economic areas of small business and agriculture.
SD-215

10:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

MAY 22

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2157, to clarify the treatment of mineral materials on public lands.
SD-366

Judiciary
Juvenile Justice Subcommittee
To resume oversight hearings to examine the judicial system's handling of certain child sex abuse cases.
SD-538

Labor and Human Resources
To continue hearings on allegations of corrupt acts and unfair labor practices by officials of the International Union of Operating Engineers.
SD-430

Rules and Administration
Business meeting, to consider pending administrative business.
SR-301

10:00 a.m.
Armed Services
Closed business meeting, to mark up S. 2414, authorizing funds for fiscal year 1985 for military procurement programs of the Department of Defense.
SR-222

Environment and Public Works
To resume hearings on proposals to amend and extend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).
SD-406

Judiciary
To resume hearings on S. 1680, to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.
SD-226

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on pending legislation providing for the disposition of certain public lands, including S.J. Res. 277, S. 648, S. 1859, S. 1889, S. 2015 and H.R. 3825, S. 2036, S. 2082, S. 2136, S. 2331 and H.R. 4596, S. 1695, H.R. 3787, and S. 1995.
SD-366

3:00 p.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold oversight hearings on travel for the handicapped.
SR-253

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. Con. Res. 69, expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite directed navigational aids developed by the Department of Defense for the guidance of aircraft.
SR-253

Judiciary
Constitution Subcommittee
To resume hearings on S.J. Res. 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men.
SD-562

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To continue hearings on proposals to amend and extend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).
SD-406

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings on S. 1405, proposed Federal Neutrality Act of 1983.
SD-226

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on proposals to broaden the Federal tax base and reduce tax rates.
2212 Rayburn Building

MAY 24

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 707, to require most automobiles sold in the United States to be manufactured with a certain percentage of U.S. parts and labor.
SR-253

9:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on proposed legislation relating to certain wilderness areas.
SR-328A

Governmental Affairs
To hold hearings on cost estimating and cost accounting in the Department of Defense weapons program.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for defense programs.
SD-192

Energy and Natural Resources
To hold hearings on S.J. Res. 286, to approve the "Compact of Free Association."
SD-366

Environment and Public Works
To continue hearings on proposals to amend and extend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund).
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on Title IX of the Higher Education Act relating to educational equity.
SD-430

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To continue hearings on proposals to broaden the Federal tax base and reduce tax rates.
2203 Rayburn Building

MAY 25

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine future prospects for the U.S. footwear industry and its role in the foreign market.
SD-215

JUNE 1

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for May.
SD-106

JUNE 5

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of John P. McTague, of California, and Bernadine H. Bulkley, of Maryland, each to be an Associate Director of the Office of Science and Technology Policy, and Clyde A. Bragdon, Jr., of California, to be Administrator, U.S. Fire Administration, Federal Emergency Management Administration.
SR-253

Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

10:00 a.m.
Joint Economic
To resume hearings on monetary reform and economic stability.
SD-562

JUNE 6

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on drug and alcohol use on railroads.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review the transfer of information by the Internal Revenue Service and the Social Security Administration to other Federal and State government agencies and the examination of the collection of data by the Internal Revenue Service from private sector sources to identify cases of nonfiling or underreporting of income.
SD-342

Small Business
To hold oversight hearings on the impact of government competition on small business.
SR-428A

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.
SR-418

JUNE 7

9:30 a.m.
Labor and Human Resources
To hold hearings to evaluate the status of health care technology.
SD-562

10:00 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SR-428A

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S.J. Res. 138, to establish a National Commission on Teacher Education.
SD-430

JUNE 13

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 2205, to eliminate the provision of the Federal Criminal Code allowing for one party consent to certain interceptions of wire and oral communications by requiring consent by all the parties.
SD-106

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to examine the impact of drugs on women.
SR-325

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SR-418

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review Government and community programs to combat drunk driving.
SR-253

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies' ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
Finance
To hold hearings on S. 1915, to repeal the capital gains tax on disposition of investments in U.S. real property by foreign citizens.
SD-215

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies' ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation relating to veterans' compensation.
SR-418

JUNE 21

9:00 a.m.
Office of Technology Assessment
The Board, to meet on pending business.
Room to be announced.

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the proposed sale of Conrail by the Department of Transportation.
SR-253

Labor and Human Resources
To hold hearings to examine the practice of defensive medicine by the medical profession in an effort to avoid malpractice suits and its effects on the quality of medical care.
SD-430

JUNE 26

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the status of college athletic programs.
SD-430

JULY 10

9:30 a.m.
Labor and Human Resources
To hold hearings to evaluate competition in the health care marketplace.
SD-430

SEPTEMBER 18

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

SENATE—*Thursday, May 17, 1984*

(Legislative day of Monday, May 14, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Loving Father, this is a place of great power, and powerful people usually suffer in silence. They grieve alone; they weep alone; they confront personal need and inadequacy alone. Our culture does not permit people of power to admit to weakness or vulnerability. So we pray for those in our large family who may be hurting—where there is alienation, bring reconciliation; where there is illness in body or emotion, bring healing; if there be a child or youth in trouble, restore that one to the family; where there is financial difficulty, provide out of Thy resources; where there is grief, give comfort.

It would be out of place for us to go around asking each other if he or she is hurting, but we can be kind to one another. We can be sensitive and loving to one another. Let Thy love be shed abroad, and Thy peace rule in our hearts. In the name of Him who healed with touch. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I congratulate our learned Chaplain once more for his prayer this morning. I caution against using such technically accurate words as "reconciliation." I saw my friend, the minority leader, flinch—a prayer for reconciliation.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. I know that our great and wonderful Chaplain will understand that I say this in jest and probably ought not say it because this has to do with the prayer and the Chaplain has been so kind to me and my family, but he had one line in that prayer that bears examination: "We know that powerful people suffer in silence." I have never seen the majority leader suffer in silence.

The able majority leader told us only yesterday that when he visited his wife's father before he married that pretty little girl, who was the daughter of the late Everett Dirksen, illustrious leader in the Senate, the family said, "He is little but he is loud."

Mr. BAKER. I caught that line, too, that those in power suffer in silence, and I thought that means either we are not very powerful or the Chaplain is awfully wrong. I have not seen a soul in this place be silent in weeks. They are the noisiest bunch I ever saw, many times to the point of absolute frustration.

But seething silence, I understand that. I confess to that. I had a particularly raucus conference with my Republican Members on Tuesday, and I did that. That is a childish reaction on my part. That is the last vestige of childhood left in me, I guess. Sometimes I feel that I am put upon and I sit there and just seethe, and I am always ashamed of myself when I do, but I do that. That is as close to suffering in silence as I have seen the Senate get or that I get, but most often they suffer loudly and vocally. I would not presume to correct our friend the Chaplain, but we better get the Parliamentarian to go over the prayer from now on. I do not want to see words such as "reconciliation." Maybe his prayer is divisible. Maybe we could pass on his prayer in parts and get the yeas and nays on certain aspects of it.

Mr. President, the Chaplain knows I am saying these things in good spirit, because he is a unique and special person. He is a minister that people listen to, and not every minister can say that.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I hope we finish the Federal Boat Safety Act today. I talked informally with my friend, the minority leader, on the telephone about that, and I hope it can be arranged on both sides so that we can finish this bill today. Once again, we will be in session tomorrow and there will be votes tomorrow. It is my hope as well that we can finish the first concurrent budget resolution this week also.

To recite the litany of responsibilities and duties that lie before us before the recess for Memorial Day, we need to do this bill, we need to do the first concurrent resolution, we need to do agent orange, we need to do debt limit, we need to do bankruptcy, and there are other things we might do—for instance, the Wilkinson nomination is still a matter with which we must deal.

I may say on that score, since I have made such a thing of saying we are going to be in session tomorrow and have votes tomorrow, I hope Senators who are listening will note that while I hope it is not necessary to be on this bill tomorrow, since I hope we can finish it today, and perhaps even the budget resolution, on tomorrow we may have the budget resolution to deal with or other matters including bankruptcy perhaps or even the Wilkinson nomination.

I am saying this now so Senators can be aware of that possibility in advance, and I once more will consult with the minority leader before I make any final judgment in that respect.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. I am happy to hear the majority leader lay out the measures that are coming up. I am particularly glad to hear him say something about agent orange. On my side, I think we would be willing to have the majority leader get consent to lock that in following action on the pending measure.

Mr. BAKER. The agent orange matter?

Mr. BYRD. Yes. I believe we could.

Now that I have interrupted the majority leader, may I ask what his prognosis is with reference to the math-science legislation?

Mr. BAKER. Yes. Mr. President, it is still the intention of the leadership on this side to call that bill up, but I think it is clear we cannot do that bill before the Memorial Day break. Sometime after we return, I will confer once more with the minority leader to try to set a time in June if possible to do that.

Mr. President, on the matter of the agent orange bill, the distinguished chairman of the Veterans' Affairs Committee, of course, must be consulted, and I will do so. the last word I heard was that they were making good progress perhaps on a time agreement which would greatly facilitate the sequencing of that bill.

My earlier announcement was, and I guess my preference still is, to follow this bill with the budget resolution, but, like most things in life, that is negotiable, too. However, I will pursue

that. I thank the minority leader for the additional information.

Mr. President, I believe that is all I have. I anticipate that the Baucus amendment will be called up shortly after we resume consideration of this measure, which should be around 11 a.m.

I ask unanimous consent that I may reserve, from the time I have remaining, 30 seconds for my further use before the commencement of special orders.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader, the Senator from West Virginia, is recognized.

Mr. BYRD. Mr. President, does the Senator from Wisconsin need additional time?

Mr. PROXMIRE. No.

Mr. BYRD. I give my time to the majority leader.

Mr. BAKER. I thank the minority leader. I have no need for time beyond this.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the remarks I am about to make relating to SALT II appear in the RECORD after the remarks to be made later in the day by Senator BUMPERS and Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. PROXMIRE's remarks relating to SALT II are printed later in today's RECORD, by unanimous consent.)

THE MAYAN INDIANS STRUGGLE FOR SURVIVAL

Mr. PROXMIRE. Mr. President, amidst the fury and fire in Central America, one of the oldest cultures of the world is struggling for survival, that of the Mayan Indian. The rich heritage of these proud people dates back to 1500 B.C. They have endured European colonization and repression in a unique battle to preserve their heritage. Today in Guatemala, a new set of struggles confronts the Mayan people. There are massacres. There is torture. There is discrimination. The Guatemalan military dictatorship has adopted a policy of repression, treating the Indian as a second-class citizen.

"The Indians are even accused of being Communist," says Domitila Canec, a 26-year-old Mayan woman, social worker, and teacher, who has been forced to seek refuge in the United States.

In a recent article of the Witness, a journal published by the Episcopal Church, Domitila goes on:

> In March 1981, you could feel the repression in Guatemala spreading like fire. The military massacred 50 to 100 people daily. Where I worked, in Quiche, you could see dead bodies every day. My older brother was seized and never returned. I suspected that at any moment they would seize me because I had worked very closely with the people. Many of my friends and catechists had been killed. Over one year's time, about 100 teachers were killed. I felt if I stayed where I was and continued my work, I was going to die.

Domitila Canec's story is not unique among the Mayans. Hundreds of Indian villages have been destroyed in recent years by "scorched Earth" tactics. The military has encircled many villages like concentration camps, burning fields, entering homes, and often taking one family member at random. The young are taught a military consciousness in the schools and are instructed to spy and inform on family members.

The cultural inheritance of the Mayan Indian is slowly being destroyed. Domitila tells a story in the article reflecting the Mayan pride and respect for life:

> When I was young we were very poor, so we all slept together in one room. One night as I was jumping over my baby brother to get to my place in bed, my mother reprimanded me. "Your brother has life and you must respect him." We cannot even walk over the clothes of another person. It would be a violation of that person. Imagine what the tortures and massacres in Guatemala today do to the soul of my people.

The gentle demeanor of the Mayans obscures the sometimes violent struggle they have waged to maintain their culture, their worth, and their dignity as a people. Domitila summarizes the intense feelings of the Mayans when she states:

> Within ourselves we have a strong consciousness of being Indian. We are not moved, like others, to adapt because this system is better than that one. The land is ours. We only want the right to live.

As a longtime champion of human rights, the United States should do all it can to aid oppressed peoples of the world, such as the Guatemalan Mayans. One step the Senate can take is to ratify the Genocide Treaty. It guarantees the right for any religious, racial, or ethnic group to live free from the specter of elimination.

Mr. President, the Mayan Indians want the right to their heritage, their culture, their traditions. Most of all, they want the right to live free from oppression. Let us make a statement in in support of the Mayans. Let us ratify the Genocide Convention.

RECOGNITION OF SENATOR BUMPERS

The PRESIDING OFFICER. Under the previous order the Senator from Arkansas (Mr. BUMPERS) is recognized for not to exceed 15 minues.

NUCLEAR WEAPONS

Mr. BUMPERS. Mr. President, last month I introduced a resolution in the Senate, along with my distinguished colleague from Vermont (Mr. LEAHY). We put in the RECORD this resolution, which I think deals with the most important issue of our times: limiting nuclear weapons and trying to reduce the threat of nuclear war.

At the time Senator LEAHY and I introduced the resolution, Senate Concurrent Resolution 105, we were joined by Senators CHAFEE, HEINZ, GLENN, INOUYE, and BIDEN as chief cosponsors.

Today I am pleased to add the names of 14 additional colleagues and cosponsors of this resolution: Senators BINGAMAN, STAFFORD, SARBANES, KASSEBAUM, PROXMIRE, HART, MATHIAS, LEVIN, RIEGLE, DANFORTH, CRANSTON, BURDICK, FORD, and PELL.

Mr. President, this resolution is a simple sense of the Congress resolution that calls upon the President of the United States to continue his policy of not undercutting, in effect continuing to abide by, existing strategic arms agreements that we now have with the Soviets whether ratified or not as long as the Soviets show similar restraint.

This is not a lot. But in comparison to nothing, it is a lot.

It is all we have in place that constrains both the United States and the Soviets in this arms race which continues unabated.

It is not just an idea. It is something that is in place.

We believe that this resolution is in the interest of the United States.

In complying with the numerical limits of SALT I, the Soviets have already dismantled literally hundreds of missiles which they otherwise could have kept had it not been for the fact that they too were abiding by the "no undercut" policy.

The current volume of "Soviet Military Power," the recent publication put out by the Defense Department, confirms that since 1978 the Soviets have dismantled 10 Yankee-class missile-firing submarines.

For some reason or other this has never been publicized.

And in all the brouhaha that I have read and heard recently about how the Soviets are violating the terms of these agreements, no one has pointed out that they have scrupulously complied with the terms of both SALT I and II so far as the limitations on missile launchers and warheads are concerned. They have not broken through

any of the SALT numerical limits since the treaties were signed.

Our satellites have watched them dismantling. We are not asking the Soviets whether they have dismantled or not and we are not taking their word for it. We have witnessed it through satellite photography.

And the Soviet nuclear threat is certainly smaller today than it otherwise would have been had they not been so constrained.

Next fall, around September 1985, we are going to send our seventh Trident submarine to sea and unless we are willing to dismantle some of our ICBM's, or SLBM's, the launching of the seventh Trident submarine will put us over the SALT II limit of 1,200 MIRV'd missiles.

The reason Senator LEAHY and I have introduced this resolution, and the reason so many Senators are cosponsoring it, is because the administration has now indicated an ambivalence about whether or not we are going to continue our "no undercut" policy.

The Soviet Union is right up against the SALT II limit of 820 MIRV'd intercontinental ballistic missiles. They have 818. They are only two short of the SALT II limit. And, with active ICBM production lines, they could break through that limit in a very dramatic way any time they see us ignoring these SALT limits.

Now, they are limited in the Soviet Union; we are both limited to a total of 1,200 MIRV'd missiles with no more than 820 land-based MIRV'd missiles. They are at 818. But if SALT constraints break down, the Soviets could add hundreds of extra warheads to their force of 308 SS-18 ICBM's, each of which is now permitted no more than 10 warheads under SALT II. Yet the SS-18 is capable of carrying 30 accurate warheads, and it is probably capable of carrying 20 warheads of sufficient megatonnage to destroy hardened military targets now with no improvement in accuracy.

So, in short, if they see us next fall breaking through the SALT II limit of 1,200 MIRV'd missiles, because the seventh Trident submarine will put us at 1,214, and if we do that, then the arms race will really take off. Not only will this shock our NATO allies, who already have their hands full politically with trying to deploy the Pershing II and cruise missiles on their soil, but we endanger our own security. And certainly we weaken the NATO alliance.

Mr. President, let me read into the RECORD a few quotes that I think need to be restated for the benefit of my colleagues.

On May 11, 1982, Secretary of State Haig said: "We intend to comply by those provisions"—he was referring to the SALT agreement—"We intend to comply with those provisions (of SALT), providing the Soviet Union does likewise."

Twenty days later, on May 31, 1982, President Reagan said: "As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint."

On January 23 of this year, 1984, President Reagan said: "The United States is continuing to carry out its own obligations and commitments under relevant agreements."

And in March 28, 1984, Secretary of State Shultz: "We undertake to live by the provisions of SALT II in a general way and expect the Soviets to do likewise."

Mr. President, I ask unanimous consent that a fact sheet which I will shortly send to the desk be printed in the RECORD pursuant to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. I further ask unanimous consent that a series of columns and editorials from around the country be printed in the RECORD. One is from the Baltimore Sun, dated March 12, 1984 with the headline: "Saying Soviets Exploited Arms Pacts, Shultz Casts Doubt on U.S. Renewals"; "U.S. May Face Arms Pact Violation," an article by Bernard Gwertzman in the New York Times on Friday, March 30, 1984; an article from the Washington Post by Don Oberdorfer, "U.S. May Drop Limits of SALT at the End of '85"; an editorial from the Atlanta Constitution, April 2, 1984, "Toying With SALT Limits Dangerous"; an editorial from the Chicago Tribune, dated April 10, 1984, "SALT as a Preservative"; and from the St. Louis Post-Dispatch, April 2, 1984, "The Trident Threat to SALT."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BUMPERS. Mr. President, the reason we have introduced this resolution is because of increasing evidence that the administration is ambivalent, if not downright opposed, to continuing a policy that they announced to the world 2 years ago which is strongly supported by our NATO allies.

In a recent Appropriations Committee hearing, I asked the Secretary of State whether or not we were going to continue complying with the announced "no undercut" policy of the President of the United States. And the answer was certainly less than reassuring and it is the thing that led me to start pursuing this resolution.

I think this resolution is important for the Senate and the Congress because I think we ought to send a message to the administration that, as the old saying goes, "It ain't much, but it's all we've got." If we violate that, then what we have got will be gone.

[Exhibit 1]

FACTSHEET: CONTINUING THE CURRENT NO-UNDERCUT POLICY

I. Reagan administration policy has been, in effect, to observe existing strategic arms agreements.—"As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint."—President Reagan, May 31, 1982.

"The United States is continuing to carry out its own obligations and commitments under relevant agreements."—President Reagan, January 23, 1984.

"We intend to comply by those provisions [of SALT], providing the Soviet Union does likewise."—Secretary of State Alexander Haig, May 11, 1982.

"We undertake to live by the provisions of SALT II in a general way and expect the Soviets to do likewise."—Secretary of State George Shultz, March 28, 1984.

II. U.S. policy toward existing strategic arms agreements has maintained important restraints on nuclear forces.

SALT I TREATY

Under the terms of the SALT I Interim Accord on Strategic Offensive Weapons, the Soviet Union has dismantled several hundred operational nuclear weapons which otherwise would have remained in the Soviet arsenal, including: 190 SS-7 ICBMs, 19 SS-8 ICBMs, and 160 SS-N-6 SLBMs on 10 Yankee I SSBNs.

The Soviet submarine dismantling began in the 1970's and has continued during the Reagan Administration. As the Soviet Union continues to introduce Typhoon class submarines, they will be forced to dismantle older submarines and the missile launchers they carry. It is important to keep in mind that the submarines which SALT I forces the Soviets to dismantle are newer than all the missile-firing submarines the U.S. has except for our four newest Trident subs.

As long as the policy of mutual observance of existing agreements continues, Soviet submarine dismantling to remain within SALT I limits must continue. In the absence of the restraint policy, no such dismantling would occur. The Soviet nuclear threat to the United States and our allies could be much greater if the current policy is abandoned.

The SALT I Interim Accord has had almost no impact on U.S. forces. The four Trident submarines (each with 24 missiles) launched so far have required us to dismantle six other Polaris submarines, each capable of carrying 16 missiles. However, all 10 of our Polaris submarines have already been withdrawn from our strategic forces and none have been armed with missiles for several years. Deployment of the fifth and sixth Tridents will require the U.S. to reduce additional launchers. The Administration will meet this reduction through deactivation of old Titan II ICBM launchers. However, this deactivation has already been decided on safety and other grounds.

SALT II TREATY

Although SALT II was not ratified, both the U.S. and the Soviet Union have not exceeded any of the treaty ceilings on multiple warhead missiles. The Soviets were above the overall ceiling of 2400 on missile launchers and bombers when the treaty was signed. They are not obligated to reduce to this level.

The MIRV subceiling of SALT II have appreciably constrained Soviet force deployments since 1979. Specifically, the Soviets

have built up to, but have not exceeded, the SALT II limit of 820 MIRVed ICBM launchers, as shown in Table 1. The Soviets also remain below the MIRVed missile and MIRVed missile/ALCM bomber limits.

TABLE 1.—SALT II MIRV LIMITS AND UNITED STATES/SOVIET DEPLOYMENTS: APRIL 1984

Category	SALT II limit	Soviet deployments	U.S. deployments
Launchers of MIRV'd missiles	820	818	550
Launchers of MIRV'd ICBM's and SLBM's	1,200	1,082	1,142
Launchers of MIRV'd ICBM's and SLBM's and ALCM-equipped bombers	1,320	1,082	1,216

TABLE 2.—UNITED STATES/SOVIET MIRV BALANCE, 1984

	U.S.S.R.	United States
ICBM's:		
SS-18 (10 RV's)	308	
SS-19 (6 RV's)	360	
SS-17 (4 RV's)	150	
MIRV'd ICBM's	818	
Minuteman III (3 RV's) MIRV'd ICBM's		550
SLBM's:		
SS-N-18 (3-7 RV's) on 14 Delta III subs	224	
SS-N-20 (MIRV'd) on 2 Typhoon subs	40	
MIRV'd SLBM's	264	
Poseidon (10 RV's) on 19 Poseidon subs		304
Trident I (8 RV's) on 12 Poseidon subs		192
Trident I (8 RV's) on 4 Trident subs		96
MIRV'd SLBM's		592
ALCM-equipped bombers: B-52G with ALCM		74
Total:		
MIRV'd ICBM's	818	550
MIRV'd ICBM's and SLBM's	1,082	1,142
MIRV'd ICBM's and SLBM's and ALCM-equipped bombers	1,082	1,216

III. The United States will soon exceed the 1,200 Ceiling on launchers, of MIRVed missiles unless offsetting actions are taken.—As Table 2 shows, the U.S. currently has 1,142 deployed MIRVed missiles, 96 of which are on our first four Trident submarines. Each additional Trident submarine deployed moves us closer to the 1200 limit. When the seventh Trident submarine goes out to sea trials in August—October 1985, it will put us over the 1200 limit, as shown below in Table 3:

TABLE 3.—U.S. MIRV'D MISSILE LEVEL, 1984–89

Approximate sea trials date	MIRV'd missile level	Comment
April 1984	1,142	Counts 4 Trident subs.
May 1984	1,166	U.S.S. Jackson (5th Trident sub) goes out on sea trials.
January 1985	1,190	U.S.S. Alabama (6th Trident sub) goes out on sea trials.
September 1985	1,214	U.S.S. Alaska (7th Trident sub) goes out on sea trials.
May 1986	1,238	U.S.S. Nevada (8th Trident sub) goes out on sea trials.
July 1988	1,262	SSBN 734 (9th Trident sub) goes out on sea trials.
March 1989	1,289	SSBN 735 (10th Trident sub) goes out on sea trials.

Note.—MX is scheduled for deployment in Minuteman III silos. Thus, MX deployment will not increase our MIRV'd ICBM launcher level.

The 820 limit on launchers of MIRVed ICBMs constrains the Soviets in several ways. For one, it keeps the Soviets from converting more of their single warhead SS-11 silos to 6 warhead SS-19 or 4 warhead SS-17 silos (all existing SS-19 and SS-17 silos are modified SS-11 silos). In addition, when the Soviets deploy their 10-RV SS-X-24 ICBM, currently being flight-tested, the 820 limit will again constrain them. This limit will force the Soviets to take out existing MIRVed missiles, such as the SS-7 or SS-19, instead of single warhead missiles such as the SS-11.

IV. U.S. security interests would be endangered by changing our policy of observing existing strategic arms agreements.—If the U.S. chooses to ignore the 1,200 limit, we would add relatively little to our strategic force capabilities. The seventh Trident submarine would put us only 14 missiles over the 1,200 limit. Additional Trident submarines are being built at a rate of less than one per year, so that from Trident production alone we would be less than 100 over the limit for the remainder of the 1980's.

Presently, the U.S. has deployed 74 ALCM-equipped B-52s. The program of equipping B-52s with ALCM will not begin to reach the 1,320 ceiling (1,200 MIRVed missile launchers plus 120 ALCM-carrying heavy bombers) until mid-to-late 1986. The United States will not complete the planned 195 ALCM-equipped heavy bomber program until about 1990.

Under current plans, the U.S. deployment of MX will not affect our levels of deployed MIRVed ICBMs. MX will be deployed in existing Minuteman III silos, which is permitted. We could deploy additional Minuteman III missiles, each with three warheads, in silos currently containing single-warhead Minuteman II missiles, but we would only gain a net of two warheads per additional missile. Deployment of the remaining spare Minuteman IIIs would deprive U.S. of missiles for essential operational testing purposes. With only about 120 Minuteman IIIs currently in storage and 100 freed up by the deployment of MX, and keeping at least 70 for testing, we would be able to add at most only 150 Minuteman III, or 300 warheads (450 less than 150 dismantled Minuteman II) by the full operational capability of MX in 1990.

V. The Soviets, on the other hand, could far exceed the MIRVed missile ceilings by 1990 if they choose to.—If the Soviets saw the U.S. ignoring the 1200 limit on numbers of MIRVed missiles, it is unlikely that they would feel constrained by the other numerical limits of SALT II. Given the fact that they are right next to the 820 limit on MIRVed ICBMs (with 818), they could far exceed this limit in a no-holds/barred arms race environment in several ways.

SS-24 deployment.—If the Soviets chose to, they could deploy their new 10 warheads ICBM in modified single-RV SS-11 or SS-13 silos instead of MIRVed SS-17 or SS-19 silos, as the 820 limit would require. *The Soviets could add over 5,000 more accurate warheads in this manner than currently permitted:*

$(520+60)\times(10-1)=5{,}200$ extra warheads

Add warheads to the SS-18.—The giant SS-18 ICBM currently is credited with carrying 10 large warheads, the maximum number permitted under SALT II. Without contraints, the Soviets could change the SS-18 payload to 20, 30, or more warheads. This could add over 6,000 more highly accurate warheads to their arsenal:

$308\ \text{SS-18s}\times(30-10)=6{,}160$ extra warheads

Build more silos.—Both the SALT I Interim Accord and SALT II ban the construction of new fixed launchers, i.e., silos. But in an unconstrained environment, the Soviets could construct new hardened silos and deploy additional MIRVed ICBMs. the possibilities here are endless, but even assuming the Soviets build silos no faster than they did in the late 1960s (about 300 per year) they could have the launch capability for thousands of additional warheads by 1990.

[Exhibit 2]

[From the Baltimore (MD.) Sun, Mar. 29, 1984]

SAYING SOVIETS EXPLOITED ARMS PACTS, SHULTZ CASTS DOUBT ON U.S. RENEWALS

(By Henry Trewhitt)

WASHINGTON.—Looking ahead, Secretary of State George P. Shultz said yesterday the administration would not necessarily favor extending present nuclear arms restraints when they expire, partly because the Soviets have exploited them to U.S. disadvantage.

He showed dissatisfaction with present terms for limiting long-range nuclear weapons and with practice under the treaty limiting defenses against such weapons. In the latter case he did not blame the Soviets. But he did say they had benefited by pushing ahead with a defensive system while the United States chose not to do so.

The issues are not acute in either case. Current voluntary limits on long-range weapons do not expire until the end of 1985. The treaty restraining anti-ballistic missile (ABM) systems is open-ended, subject to periodic review.

But the secretary's remarks at a congressional hearing yesterday reflected uncertainty at a time when East-West negotiations over nuclear weapons are frozen. A State Department official remarked later that the issues could become acute "very quickly" if President Reagan is reelected. The administration is exploring weapons developments that would force abandonment or revision of present understandings in both areas.

Mr. Shultz responded cautiously when he was reminded that the launching of a seventh Trident missile submarine next year would give the United States more than the 1,200 multiple-warhead missiles permitted by the SALT II treaty.

Would the administration dismantle enough old missiles to stay within the limit?

"I don't want to say precisely what we will do," the secretary said. "I do think that the SALT II provisions have time limitations on them. It's not forever."

He went on to say that the Soviets have exploited the 1979 agreement—which both governments are pledged to honor though it was never ratified—in ways "not in the spirit of the treaty at all." Earlier the administration had complained of Soviet "violations or probable violations" in seven areas of arms control.

As for ABMs, he said, the Soviet Union had deployed a system and was learning from it. The United States, after years of research and development, elected not to proceed with such a system although one is permitted under a 1972 treaty.

"You learn by doing something," Mr. Shultz said. "And then after you've done it, you can figure out how to do it better and so on." The Soviets were "continuing to experiment with it, continuing to learn about it and we quit on the job."

Had the SALT II treaty been ratified by the United States, it would expire at the end of next year. The Soviet Union has suspended negotiations for a formal agreement to replace it. In the meantime, the Soviets have complained that current U.S. weapons

developments violate the informal understanding.

The administration argues no, that the forthcoming MX land-based missile is the one new weapon permitted by the agreement. Another planned missile dubbed the Midgetman is subject to negotiation in a follow-on agreement, it says.

Separately the administration is exploring the possibility of basing an ABM system on space platforms, the "star wars" approach to nuclear defenses. It agrees that a decision to go ahead—which could only be made years in the future—would require renegotiation of the ABM treaty.

An administration arms control specialist declared privately yesterday that "all of these questions about the future could be debated if the Soviets would reenter negotiations." But so far there has been no indication of their interest, partly, he suggested, "because they may not want the help Ronald Reagan get reelected."

In the meantime, he said, the future of U.S. weapons systems may be debated more vigorously between the administration and Democrats during the campaign year than between the United States and the Soviet Union.

[From the New York Times, Mar. 30, 1984]

UNITED STATES MAY FACE ARMS-PACT VIOLATION

(By Bernard Gwertzman)

WASHINGTON, March 29.—The State Department left open the possibility today that the United States might decide not to abide by the limits set in the 1979 strategic arms treaty with the Soviet Union.

In a statement issued in response to testimony given by Secretary of State George P. Shultz, the department said the Administration had not yet decided what to do when the scheduled sea trials of the seventh Trident-class submarine would give the United States more multiheaded missiles than permitted under the 1979 treaty.

Until now, the Reagan Administration has been adhering to a policy of not undercutting any arms accord even if, in the 1979 pact, it has not been ratified or, in the first arms pact of 1972, it has long since expired.

The State Department said United States policy was set by President Reagan in 1982 when he stated: "As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint."

ONLY 1972 PACT AFFECTED IN PAST

But the statement today pointed out that, until next year, the only accord germane to this policy has been the 1972 accord on freezing offensive land-based and submarine-launched ballistic missiles for five years. In 1977, the Carter Administration and the Soviet Union agreed to continue to abide by those limits, and the Reagan Administration has done the same.

As a result of the 1972 strategic arms limitation treaty, known generally as SALT I, the United States is limited to 42 missile-carrying submarines and 656 ballistic missiles on those submarines, all with multiple warheads. In addition, the United States is permitted some 1,000 land-based ballistic missiles, of which some 550 are able to carry multiple warheads. Everytime the United States has introduced a new Trident-class submarine, older Polaris-class class boats have been dismantled.

Another 1972 arms agreement, limiting antiballistic missiles, is still in effect, although the Reagan Administration is said to have it under review.

The State Department statement today said the United States continued to carry out its policy of not undercutting arms control agreements. The statement continued:

"In keeping with this policy, compensating dismantlements for new Trident launchers in excess of SALT I interim agreement limits have been completed or are programed using Polaris and Titan II strategic ballistic missile launchers that have been deactivated, and we have programed sufficient money through the end of fiscal year 1985 for continued dismantlement of these launchers in accordance with SALT I procedures."

PROVISIONS OF 1979 TREATY

Under the 1979 treaty, known as SALT II, each side is limited to no more than 1,200 ballistic missiles able to carry multiple warheads, known as MIRV's. A spokesman for the Arms Control and Disarmament Agency said today that the United States now had 1,142, the Soviet Union 1,100.

The American total includes the missiles on four Trident submarines. When the fifth Trident begins sea trials, the total will rise to 1,166, he said. The sixth will lift the total to 1,190, and the seventh will push the total to 1,214.

The State Department said that "it is the seventh Trident that will bring into play the possible applicability of both SALT I and SALT II limits."

It said that sea trials for the seventh Trident were not scheduled to begin until late 1985, after the 1985 fiscal year ends on Sept. 30, and "no decision need be taken at this time regarding compensation for the seventh Trident."

"The United States will carefully evaluate both the international situation and our own national security requirements in reaching a decision," the statement said.

If the United States were to agree to keep to the 1,200 limit, it would have to dismantle either a Poseidon submarine, carrying multiple-warhead missiles, or 14 land-based Minuteman 3 missiles, each with three warheads. Some military people are averse to making such cuts so long as the 1979 treaty remains unratified.

The issue has been pressed by three Democratic Senators—Dale Bumpers of Arkansas, J. James Exon of Nebraska and Patrick J. Leahy of Vermont—who last November wrote to Mr. Reagan expressing concern then that "the United States may be heading for a major violation."

"If we go over the 1,200 missile limit, it would be an open invitation to the Soviets to follow suit and break out of the SALT II limits on multiple warhead missiles, which they are currently observing," the Senators said.

An aide to Senator Bumpers said today that the State Department statement was similar to a letter received last month from Defense Secretary Caspar W. Weinberger, replying to the three Senators' letter to Mr. Reagan.

On Wednesday, Senator Bumpers raised the matter with Mr. Shultz, who said that "our official policy is that we undertake to live by the provisions of SALT II in a general way and we expect the Soviet Union to do likewise."

But when he was asked about the 1,200 limit that the seventh Trident would exceed, Mr. Shultz said, "I don't want to say what we'll do."

He noted that the treaty was due to expire Dec. 31, 1985 and that it was not decided whether the United States would continue to comply with the accord, which was signed in June 1979. President Carter withdrew it from Senate consideration after the Soviet military intervention in Afghanistan in December 1979. Mr. Reagan has rejected the treaty as not going far enough in reducing each side's nuclear arsenal and has sought a treaty with significant cuts.

At present, the Soviet Union has refused to return to the negotiating table, as a result of its unhappiness with the Western deployment of new American medium-range missiles in Europe.

[From the Washington Post, Mar. 30, 1984]

UNITED STATES MAY DROP LIMITS OF SALT AT END OF 1985

(By Don Oberdorfer)

The Reagan administration yesterday raised the possibility that it may cease observing previously agreed U.S.-Soviet strategic arms limitations at the end of next year, depending on "the international situation and our own national security requirements" at the time.

A statement released by the State Department indicated that decision would be made late next year before planned sea trials for the seventh Trident ballistic missile submarine.

The launching of that submarine with 24 nuclear-armed ballistic missiles could place the United States arsenal above the agreed limits of both the ratified SALT I treaty and unratified SALT II treaty with the Soviets, the statement said.

U.S.-Soviet negotiations on a future strategic arms agreement have been stymied since December, when the Soviets refused to set a date for a new round of talks following the deployment of new U.S. medium-range missiles in Europe.

Failure to continue observing the SALT I and SALT II limits would be an even more serious development which could eliminate the remaining rules of restraint between the superpowers in the nuclear arms field.

Until now, according to the statement, the United States has been dismantling enough older Polaris and Titan II missiles to stay within the limits agreed with the Soviets in the 1972 SALT I treaty despite deployment of new U.S. missiles. This is in line with a policy of President Reagan that the United States will refrain from actions which "undercut" strategic arms agreements so long as the Soviet Union "shows equal restraint."

Yesterday's statement laid the groundwork for possibly abandoning this position by saying that "no decision need be taken at this time" whether to continue to dismantle older weapons when the seventh Trident submarine is launched late in 1985.

The statement noted that the unratified SALT II treaty, which Reagan opposed but he has not been "undercutting," would expire in December, 1985, if it had been ratified.

"The United States will carefully evaluate both the international situation and our own national security requirements" in deciding what to do about the future limitations, the statement said.

The first indication that the administration was not determined to continue observing strategic arms limits came in testimony by Secretary of State George P. Shultz Wednesday before a Senate Appropriations subcommittee.

Questioned about administration intentions regarding the scheduled late 1985 Trident launching, Shultz ducked a precise

answer but said of the arms control limit, "I's not forever, and that's as true for us as it is for them."

[From the Atlanta (Ga.) Constitution, Apr. 2, 1984]

TOYING WITH SALT LIMITS DANGEROUS

The Reagan administration is playing with fire when it toys with the idea of fudging, even ever so slightly, with the limits of strategic-arms treaties with the Soviet Union.

SALT I expired in 1977 and SALT II was never ratified, but President Carter agreed to abide by their terms, as did President Reagan, "as long as the Soviets show equal restraint." In both instances, Moscow and Washington have done so.

The United States may not continue to do so. Next year it will put into operation its fifth, sixth and seventh Trident submarines, each with 24 MIRV'ed missiles. The seventh Trident, scheduled for sea trials late in 1985, would exceed multiple-warhead launcher limits in SALT II. Additionally, as the Trident deployment program stretches into 1986, it will begin to strain provisions of SALT I.

In the past the Defense Department stayed within SALT parameters by dismantling outdated Polaris subs as it added newer Poseidons and Tridents. But by next year, the United States would have to begin deactivating Poseidons or Minuteman 3 missiles to stay within the limits on warheads, and this is something that elements within the Pentagon seem unwilling to do.

Alarmed by the possibility the Reagan administration might slip into technical violation of the treaties, Sen. Dale Bumpers (D-Ark.) raised the question with Secretary of State George Shultz earlier this week. The secretary allowed as how the United States will live by SALT II provisions "in a general way," but when pressed about the seventh Trident sub he grew evasive: "I don't want to say what we'll do."

In other words, for the sake of putting one new submarine on line the president may be willing to disavow his earlier assurances of SALT compliance, giving the recalcitrant Russians a handy excuse to resist any return to Geneva.

It seems inconceivable that he could think that a single extra Trident could tip the strategic balance so much in America's favor that the risk of destroying arms-control equilibrium would be worth taking.

[From the Chicago Tribune, Apr. 10, 1984]

SALT AS A PRESERVATIVE

One area of accord between the United States and the Soviet Union that has survived the deterioration of relations may be destroyed in 1985 when sea trials for the seventh Trident submarine are scheduled.

The State Department has raised the possibility that the United States might not abide by provisions of the SALT I and SALT II arms-control agreements when that Trident joins the fleet. Simply put, the added force will provide the United States with more multiheaded nuclear missiles than the two agreements allow.

Although the SALT I treaty has expired and SALT II remains unratified by the Senate, the United States has been adhering to a policy set by President Reagan of refraining from actions which undercut either of them as long as the Soviet Union shows similar restraint.

Hard-line American organizations have been urging President Reagan to scrap the agreements, asserting the Soviets have been violating the agreements in recent years. In January the Reagan administration briefed some Congressmen on a classified report that accused the Soviets of several specific violations of arms accords. The briefing, however, was politically motivated to satisfy a clamoring from the right, and the listing of infractions did not result in any widespread concern.

To stay within the framework of the arms accords, the United States will have to dismantle either one of its Poseidon submarines or 14 land-based Minuteman 3 missiles, which carry three warheads each. In the absence of progress toward a new arms-limitation agreement, efforts must be made by both sides to preserve the restrictions that have already been set. As long as the Soviets commit no major violation of the accords, the United States should not either. Two battered agreements are better than no restrictions at all.

[From the St. Louis Post-Dispatch, Apr. 2, 1984]

THE TRIDENT THREAT TO SALT

If the Reagan administration is sincere about putting an end to the nuclear weapons race and getting strategic arms negotiations going again with the Soviet Union, the last thing it needs to do is hint that it may abrogate the informal agreement between the superpowers to abide by the totals of the two previously negotiated strategic arms limitation treaties (SALT I and SALT II). Yet that is precisely what the State Department is doing.

The issue arises because the seventh Trident submarine is scheduled to begin sea trials late next year. The addition of that submarine to the nation's strategic forces would place the United States above the missile and warhead limits set forth in SALT I and II. Whenever the Navy has put into service a new Trident, older Polaris-class submarines or Titan II land-based missiles have been dismantled. The State Department notes that the sea trials will begin after the 1985 expiration date of SALT II and, hence, "no decision need be taken at this time regarding compensation for the seventh Trident." The international situation and national security requirements will be evaluated before a decision is made, the agency says.

SALT II's expiration date is a phony issue. SALT I expired seven years ago; yet both the U.S. and U.S.S.R. still observe its provisions. Raising the expiration date of SALT II plainly was intended to suggest that the U.S. has no legal obligations to abide by that treaty's limits. That hint, too, is spurious, inasmuch as the unratified treaty has never imposed a legal obligation on either nation.

If the U.S. decides to break through the SALT II missile limits with the seventh Trident, it will incite the U.S.S.R. to do the same. SALT I and SALT II serve as a frail but effective firebreak against a resumption of the arms race. That is why both superpowers submit to them. Publicly flirting with the idea of breaching that barrier is irresponsible.

Mr. LEAHY. Mr. President, that so many Senators from both sides of the aisle are joining us in cosponsoring Senate Concurrent Resolution 105 is heartening. This growing support demonstrates how strongly many Senators feel that neither side should unthinkingly abandon the last remaining restraints on the nuclear arms race at this critical moment in United States-Soviet relations. The policy of not "undercutting" the SALT I interim accord and the SALT II treaty is all that prevents the collapse of an arms control regime which imposes limitations on Soviet strategic forces important to the security of the United States and its allies, and provides the only negotiated brake on an all-out arms race.

Senators should understand that existing policy of observing or not "undercutting" existing strategic agreements is nothing more than an executive branch policy. It has no sanction from Congress, and it can be dropped by the President at any time. Recently, there have been disturbing signals from high administration spokesmen, including Secretary of State Shultz, Secretary of Defense Weinberger, and Assistant Secretary of Defense Perle, that the administration may in fact consider scrapping the no undercut policy next year whether or not there is a new strategic arms treaty. One need only be a realist, not a pessimist, to doubt that there will be a START agreement before the end of 1985.

I urge all Senators who have not yet decided whether to support our resolution to consider very carefully what the impact would be of a sudden termination by the President of the present informal observance of SALT I and II. Coming on top of a breakdown in the nuclear arms talks in Geneva and all the growing tensions in United States-Soviet relations, the consequences would be devastating. I cannot imagine productive negotiations resuming in Geneva or anywhere else under such conditions. There would be powerful shock waves throughout Europe at a moment when our allies are struggling to maintain unity and to carry out the decisions of December 1979. Ceilings on Soviet forces, especially on MIRV'd ICBM's, materially valuable to U.S. national security would be lost.

I understand and share serious, legitimate concerns about Soviet compliance with several arms agreements. Nevertheless, there are mechanisms and channels established for the specific purpose of seeking satisfactory solutions to such issues. We should continue to make use of them, although I fear that to date efforts have been halfhearted. Our resolution encourages the President to employ these institutions and means, and extends our strong support to his efforts. It would be completely senseless to destroy the whole arms control process while we are still seeking resolutions of our concerns and before we have fully concluded how serious and valid the issues may be. In my opinion there is little chance of reasonable resolutions of our concerns and questions in

the SALT Standing Consultative Commission or other compliance mechanisms unless the Soviet Union perceives some incentive for it to cooperate. Abandonment of the only limitations left on strategic offensive weapons would destroy hopes of rebuilding a viable negotiating process and of injecting new life into compliance diplomacy.

Our resolution will give the Senate, and we hope, the entire Congress, an opportunity to tell the President that we believe the current "no undercut" policy is important and valuable to this Nation, and that Congress expects to be consulted before any decision to change that policy is made.

U.S. ABANDONMENT OF SALT II WOULD BE A DISASTER IN NUCLEAR ARMS CONTROL

Mr. PROXMIRE. Mr. President, today, Senators BUMPERS and LEAHY introduce a critical nuclear arms control resolution that would call on our country to adopt three policies:

First, it would ask the two superpowers to comply with arms control agreements through the Standing Consultative Commission and other diplomatic channels.

Second, it would declare that this country should continue to abide by the terms of existing strategic agreements as long as the Soviet Union does the same, including treaties that the Senate has not ratified.

Third, it asks the President to weigh any changes in current strategic arms control policy in relation to the long-term security interests of the United States and its allies. It also asks the President to consult with Congress before making any changes in current policy.

Mr. President, every day for the past 2 years, I have been rising on the floor of the Senate to plead with my colleagues to recognize the overwhelming danger of the nuclear arms race and to take steps to stop it. We have devoted hundreds of billions of dollars to building a colossal nuclear arsenal, and we plan to spend hundreds of billions more in the next few years to make our nuclear military power more lethal, more accurate, more unstoppable than ever. The Soviet Union speeds along the same nuclear build-up path. So the nuclear arms race rushes on. I have repeatedly called for a comprehensive, mutual, verifiable freeze on the testing, production, and deployment of all nuclear weapons in the future. I am convinced, Mr. President, that if we do not take this step, nuclear war will certainly come, and will come within the next few years.

What Senators BUMPERS and LEAHY provide in this resolution is even more immediate. The Bumpers-Leahy resolution anticipates the grim prospect that even the limited, slender, fragile arms control agreements now in place with the Soviet Union are in peril. This body has not ratified the 1974 150-kiloton limit on underground nuclear tests that was negotiated by a Republican President. We have never ratified the SALT II treaty. In both cases, our President and the leaders of the Soviet Union have agreed to abide by the treaties as long as the other side abides by it.

What does that mean? Does it mean the President may change his mind and decide that this country will walk away from the treaty? Might the President make his decision at any moment—this year or next year? Might the President do this without any sign of congressional approval?

Unfortunately, Mr. President, the answer to each of these questions is: Yes. The President might this year or more likely some time next year decide that we would no longer abide by SALT II. As the Bumpers-Leahy resolution specifies, such a decision would both terminate existing restraints on strategic nuclear weapons and could make the resumption of negotiations more difficult. It would end the limitations honored by both sides on numerical limits on nuclear weapons. It might end the dismantling of operational missile firing submarines. The nuclear arms race could rush on without restraint.

Mr. President, it would be a sad day for Congress if any President should take such action in part because no one in the Congress had done what Senators BUMPERS and LEAHY are doing today—to wit, make an effort to call for continued support of existing arms control measures in the national interest.

Which side stands to lose the most or gain the most from a U.S. decision to abandon these treaties? Mr. President, it would be against the interests of our country from every standpoint for us to abandon these agreements. As Senator BUMPERS has made clear, SALT II serves our competitive interest in the nuclear weapons competition with the Soviet Union. If we chose to ignore the 1,200 limit on deployed MIRV'd missiles, we would add little to our already colossal strategic force. A seventh Trident submarine would give us 1,214 such missiles. So we would violate the SALT II treaty for what purpose? For a 1-percent increase that would have no military significance? And on air-launched cruise missiles and the deployment of the MX, we can proceed without violating the SALT II limits.

Now, how about the Soviet Union? What effect would our abandoning the restraint of SALT II have on our potential adversary? The Soviet Union is constrained by the numerical limits of SALT II. On MIRV'd ICBM's, on SS-24 deployment, on warheads on the SS-18, and on silos, the Soviet Union could—if freed from SALT II constraints—rapidly build up.

Mr. President, six Presidents—three Republican and three Democratic—working with Congress have in the past 32 years painstakingly made a modest but critical beginning in nuclear arms control. In the judgment of this Senator, we should build on that modest beginning with far more comprehensive nuclear arms limitations—an effective end to the nuclear arms race. I hope and pray that in the future we can do exactly this. But, meanwhile, Mr. President, to walk away from these painstakingly constructed beginnings in nuclear arms restraint by refusing to abide by SALT II or the 150-kiloton limit on nuclear test explosions would be a serious tragedy.

Just a few days ago, General Abrahamson, who is now in charge of the administration's so-called Star Wars defense program, appeared before the Defense Appropriations Subcommittee of this body. The general defended the administration's ambitious program that would call for $2 billion of Federal spending in 1985 and $25 billion over the next 5 years on Star Wars research. When I questioned General Abrahamson, he admitted that the program could only work in tandem with a carefully negotiated arms control program with the Soviet Union, relying on the observance by the Soviets of strict limits on offensive missiles.

If we did not get that agreement, if we were not able to negotiate that arms control agreement, then the Soviet Union could overwhelm our so-called Star Wars defense, as Roger DeLauer, the administration's top official on research, has stipulated.

Mr. President, this Senator intends to oppose this Star Wars initiative vigorously under any circumstances. But if the administration decides to lift the restraints imposed by SALT II on our nuclear weapons production, it would chill and probably kill arms control agreements for years to come. Under those circumstances, the Star Wars scenario would become a transparently impossible dream even on the basis of testimony by its prime champion.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m., with statements therein limited to 5 minutes each.

UNITED STATES EXCEEDS SOVIET DEFENSE EXPENDITURES

Mr. BUMPERS. Mr. President, there is so much information that passes through this Chamber, some relevant,

some irrelevant, some credible, and some incredible. But one of the most confusing debates that has gone on in this country for many years is the debate over the Soviet military buildup. Is it real, or is it not? If it is real, how big is it? Does it really respond to the kinds of increases that the President continuously asks for in this country, which, in my opinion, are virtually bankrupting our economy which in the long run probably leaves the country weaker overall than stronger?

But that is another debate which I am not going to get into here. But recently, the U.S. Arms Control and Disarmament Agency, known also as ACDA, put out this publication: "World Military Expenditures and Arms Transfers, 1972-1982." It is a very copious compendium of figures on arms expenditures and arms transfers by every nation on Earth. It virtually verifies and confirms what both the CIA and NATO said 2 or 3 months ago, which never received enough publicity in this country to wet a whistle; that is, that the giant Soviet military buildup is largely mythical. It is not that the Soviets are not increasing their defense budget every year because they are. But to suggest that somehow or other there has been this massive Soviet buildup, the CIA and NATO both say is wrong.

As a matter of fact, the CIA did something that I thought was the rarest thing I have ever seen for an agency of its kind; that is, they said we have been mistaken in the past in estimating Soviet defense expenditures; that instead of going up on an annual basis of between 4 and 5 percent in real dollars, Soviet defense expenditures from 1976 through 1982 actually increased at a rate of only about 2 percent.

It is awfully strange to me that the Agency we rely on more than any other for this kind of information, namely the CIA, never gets any credit when they say, "No, the Soviets have not been spending as much as we thought." But if they happen to come out and say "Attention, the Soviets have been spending 1 or 2 percent more than we thought," it is headlines in every newspaper of the United States. I daresay there is only 1 in 1,000 people in this country who is aware of the fact that the CIA made that statement a couple of months ago. And I daresay there would not be 1 in 1,000 that would not know it if it had been the other way around.

Here is the U.S. Arms Control and Disarmament Agency putting out a detailed study of defense expenditures and arms transfers from 1972 to 1982. What it shows ought to be headlines, though I am sure it will not be. This study shows that from 1976 to 1982, NATO—the United States and its NATO allies—increased its real defense expenditures by an annual rate of 4.35 percent; and our counterpart, the Warsaw Pact, which is the Soviet Union and its Eastern European satellite nations, has increased its real defense expenditures at a rate of 2 percent. In short, Mr. President, from 1976 through 1982, the NATO alliance increased its defense expenditures over twice as fast as the Warsaw Pact. I will give you the real annual percentage increases in defense spending by year. From 1976 to 1977, NATO's increase was 3.6 percent, and the Warsaw Pact was 1.3 percent; 1977-78, 1.5 percent NATO, 1.5 percent Warsaw Pact; 1978-79, 2.6 percent NATO, 1.8 percent Warsaw Pact; 1979-80, 6.3 percent NATO, 2.4 percent Warsaw Pact; 1980-81, 5.5 percent NATO, 1.4 percent Warsaw Pact; 1981-82, 6.8 percent NATO, 3.7 percent Warsaw Pact. In every year since 1976, NATO's defense spending grew as fast or faster than the Warsaw Pact, including while Jimmy Carter was President.

Those figures ought to mean something when we are debating authorization and appropriations for defense.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

REMARKS OF ARNAUD DE BORCHGRAVE ON SOVIET DISINFORMATION

Mr. SYMMS. Mr. President, I ask unanimous consent to insert into the RECORD at this point an article from the April 19, 1984, Freeman Digest, entitled "The Extraordinary Success of Soviet Disinformation."

The article is by Arnaud de Borchgrave.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EXTRAORDINARY SUCCESS OF SOVIET DISINFORMATION

(By Arnaud de Borchgrave)

As a student of the media, I have to conclude after thirty-seven years in the media that George Orwell was an optimist.

Most frightening of all, as we've seen in Beirut, Grenada, Nicaragua, Cuba, Afghanistan, and elsewhere, is what I call censorship by omission—the suppression of inconvenient facts—stories that are deliberately ignored or buried because they might change perceptions in a way that the opinion molders disapprove of. That's otherwise known as the view from left field. The latest manifestation of this is the contention of our best heavy hitters in the disarmament field who say that even if we have evidence that the Kremlin is engaged in systematic violations of arms treaties, it should not be made public because it only serves to further poison the atmosphere between Moscow and Washington.

As Norman Podhoretz pointed out, George Orwell was "prophetic about many things, but he never anticipated nor could have imagined the use of his own work to blur the essential distinction between the democratic and communist worlds." [Washington Times, January 2, 1984, p. 1C.] Orwell thought that as long as freedom of speech was preserved, the people he called the new aristocracy—journalists, bureaucrats, union officials, sociologists, teachers—could never dictate what was true and what was untrue; for with freedom their lies could be countered by evidence and by argument.

Yet, as Podhoretz reminds us, even without controlling the government, Orwell's new aristocracy has managed, through the media and in our schools and colleges, to exert a decisive influence over what is seen as true and untrue, real and unreal. What Orwell never anticipated was that such an effort could succeed even when the people remained free to look and to think for themselves.

Nineteen Eighty-Four, that classic, has been twisted around by many academics and many writers to portray the dangers allegedly inherent in our own society, not in the Soviet Union. In Minneapolis this week [January 22-28, 1984] Channel 11 is airing a segment to draw, as they portray it, the parallels between Nineteen Eighty-Four and our own free society.

THE KGB AND TERRORISM

For years the liberal media has scoffed at anyone who suggested that there were connections between the KGB—the Soviet secret service—and its proxy services on the one hand and international terrorist groups on the other. Anyone who wrote or spoke about these matters was excoriated as a mindless anticommunist.

Yet Andrei Sakharov, Russia's leading dissident and a hero to every liberal in the Western world, warned in his political testament smuggled out of Gorky to this country in the spring of 1980, not to overlook Soviet proxy terrorism, and to take it very seriously, indeed. Well, the media never did and still doesn't.

Professors Ray Cline and Yonah Alexander of the Center for Strategic and International Studies, at Georgetown University, have just published a new, scholarly work titled Terrorism: The Soviet Connection. Cline is a former head of intelligence at the State Department and Alexander, a recognized authority all over the world on terrorism, spent months in south Lebanon studying thousands of documents captured by the Israelis in 1982. This book doesn't contain one smoking gun but dozens of smoking guns.

A month ago I was the last witness before the Kissinger Comission on Central America. My testimony dealt with the DGI, the Cuban secret service, which happens to be the Spanish-language branch of the KGB, and is the third largest secret service in the world after the KGB and the GRU (which is Soviet military intelligence), even though Cuba is an island nation of only ten million people. With the exception of United Nations Ambassador Jeane Kirkpatrick and Lane Kirkland, the president of the AFL-CIO, no one among the commissioners and other people present during my testimony, knew anything about the DGI because our

major media outlets have never tackled the subject.

On May 11, 1978, I had access to a top-secret, French intelligence report which documented in great detail the links between the DGI, the KGB, and various international terrorist groups when operating in west European countries. We're talking about the Red Brigades in Italy, the Baader-Meinhof Gang in Germany, ETA Basque terrorists in Spain, Corsican separatists,and so on and so forth. And the infamous "Carlos the Jackal" was, of course, part of this network.

Newsweek killed my story because it did not fit the conventional wisdom at that time. Imagine our reaction in this country if a communist power had assassinated simultaneously Secretary of State George Shultz, Secretary of Defense Casper Wineberger, U.N. Ambassador Jeane Kirkpatrick, and Attorney General-designate Edwin Meese. That is precisely what happened to South Korea when North Korean commandos planted that bomb in Rangoon, Burma, killing twenty-one people, including half the upper echelon of the South Korean cabinet.

There is a terrorist training camp near Damascus, the capital of Syria, which the liberal French paper Le Monde wrote about last summer. The cadres in this camp are members of the Bulgarian secret service, the DS, which is another branch of the Soviet KGB, and the whole thing is supervised by Rifaat al-Assad, the brother of President Hafez al-Assad, who happens to be the head of Syria's secret service. These are the people ultimately responsible for the slaughter of some three hundred U.S. and French peace-keeping troops in Beirut on October 23. So much for the "Mr. Nice Guy" image of President Assad managed to cultivate in our media by releasing Navy Lieutenant Rober Goodman to Jesse Jackson.

What I'm suggesting by these vignettes is that the Soviets and their proxies have been extraordinarily skillful in pursuing their objectives by all means short of war—objectives that are more traditionally pursued, at least in Western minds, by war itself. And here I'm referring to subversion, terrorism, and disinformation, the three principal vehicles for collapsing these societies that they wish to be rid of.

SECRET WEAPON OF THE FUTURE

Always bear in mind that the main enemy (as we are referred to in KGB training manuals), is the United States. And the new secret weapon of the future is not the laser beam, or the particle beam, or the B-1 bomber, or the Stealth bomber. The new secret weapon of the future is the five-ton truck loaded with explosives and driven by a kamikaze pilot. Terrorism not nuclear war, is the danger.

There is one constant of Soviet foreign policy we should always bear in mind, given the fact that we speak two different languages. Regardless of who the Soviet leader, we are dealing with a system whose principal article of faith is that peace is a continuation of war by other means. Ever since the creation of Moscow's World peace council back in 1949, set up as a Soviet front organization, the Soviets have manipulated the slogan "peace" as a weapon of war to induce surrender on the installment plan. V.I. Lenin said that it was better to get inside the citadel of capitalism waving a white flag than to be left outside the ramparts waving a red flag. And that is how you should see the present demnads of Nicaragua, Cuba, and the Salvadoran guerillas for power-sharing arrangements between the communists and the government in El Salvador.

SOCIALIST DISINFORMATION

The ideological obfuscation generated by so-called socialist countries, and that other great historical misnomer, progressive regimes, has produced first, confusion; and then, the corruption of thought and language. The Soviets and their proxies have succeeded in identifying themselves an their expansionism in the world with the idea of progress—diabolically simple and diabolically clever. And scores of prominent intellectuals have fallen for it as evidenced by Paul Hollander's book titled *Political Pilgrims: Travels of Western Intellectuals to the Soviet Union, China, and Cuba, 1928-1978.*

Soviet disinformation operatives are well trained in the use of slogan terms—catchy oversimplifications that have the effect of automatically influencing the thinking of those who use them. Some of the many slogan terms now in use include two superpowers, which replaced, of course, two camps; and it purposefully equates the motives and objectives of the USA with those of the USSR and vice versa in many ways beyond just numbers of missiles. Other examples include cold war versus détente, hawks, and doves, conservatives and liberals—labels designed to oversimplify and distort our free world politics. National liberation movements, imperialism, colonialism, even disarmament and freeze are used to distort and overgeneralize critically important issues.

The Soviets, for their part, have adopted many traditional terms from our system and turned them upside down—unions, democracy, republic, elections, etc. Incidentally, terms like capitalism, proletariat, bourgeoisie, and class struggle have absolutely no meaning outside of Marxist-Leninist theory. But using them, as we do, tends to assume and accept their validity.

All of us, especially those of us in the media, should avoid using such slogan terms. Expressing what we mean precisely each time improves our thinking and our total understanding of modern realities.

It is very hard to believe that the Harvard law school faculty unanimously sent a telegram to President Ronald Reagan after our intervention in Grenada condemning it because the signatories claimed that it was one more demonstration of the American suppression of progressive movements—the same line taken by the radical, alternative press in this country all the way from the Village Voice to Nation magazine.

Colonel Muammar al-Qaddafi, your friendly neighborhood dictator in Libya, put it more bluntly. In a speech following the Grenada operation he said, "Only a world alliance that would invade the United States to establish principles of humanity, liberty, and justice and root out the evil spirit and nazism, can save civilization that is being buried at the present time because the United States has become a threat to the freedom of all the peoples of the world and therefore the peace of the world." Well, not one story that I've read in this country reminded its readers that Qaddafi's secret service, al-Mukhabarat, has been run by the East German intelligence service, another branch of the KGB, since 1974.

THE LIBERATION OF GRENADA

Some editorial voices, notably the New York Times, said that the Grenada operation squandered the moral high ground that we occupied against the Soviet Union for its invasion of Afghanistan. Comparing Grenada to Moscow's ongoing genocide in Afghanistan, now entering its fifth year, including the use of chemical warfare, is not only absurd, it is obscene.

Other voices suggested there was no evidence that Grenada was about to become a full-fledged satellite. Well, let me remind you that the same voices spouted the same nonsense about Cuba twenty-years ago. And the same voices said the same thing about Nicaragua in '78, '79, '80, '81, '82, and '83, and to this very day: To make this kind of error-judgment once could perhaps be put down to sheer ignorance or intellectual blindness. But what do you call it when the same error is made over and over again and by the same people? I submit to you that it is willful, intentional distortion.

We have captured thousands of documents in Grenada and they are fascinating reading—the first case study that we have ever had in almost seventy years of how the Soviet Union, working hand-in-glove with a proxy, in this case Cuba, seeks to absorb a foreign country into its own system. Georgie Anne Geyer, who is a liberal columnist and one of the very few journalists who has bothered to study these documents, wrote, and I quote, "We can see with dramatic clarity how the Soviets, through the Cubans, use romantic revolutionaries like Maurice Bishop to take over small innocent countries like Grenada. The patent is utterly clear." Writes Georgie Anne Geyer, "Denial after this presumes guilt."

The media has virtually ignored these documents, even though three enormous batches have been released to the media, I don't know why. But having read them, I can tell you that these documents are proof positive of how our own Congress, our media, and the social democratic parties of western Europe have been brazenly manipulated by Cuban agents.

The CIA has known since February of 1982 that every new Cuban ambassador in the world must henceforth be an officer of the DGI, the Cuban secret service. And the Cuban ambassador to Grenada, Julian Torres Rizo, was the former DGI station chief in New York City. The Soviet ambassador on this tiny island was a four-star general in the Soviet GRU, military intelligence—his name Genadiy Sazhenev, a man with long-standing ties to various Marxist-led guerrilla groups in Latin America.

And if this tiny island of Grenada was as insignificant as our media made it out to be, how then do they explain that there were 130 East bloc, North Korean, and Libyan diplomats in this island nation of less than 100,000 people?

Well, it would seem that President Reagan's message in Grenada has already had an impact where it counts, namely in Surinam, Nicaragua, and Cuba itself. Yes, perceptions of power do indeed count in the real world. The Saninistas are now clearly worried that Cuba might not come to their aid if the U.S. intervenes directly in Nicaragua.

FIRST DENT IN THE BREZHNEV DOCTRINE

In the historical perspective, the way to look at this is that this is the very first time in the almost seventy years since the Soviet revolution that a communist regime in full control of army, police, media, and unions has been overthrown. This administration has demonstrated that communist revolutions are not irreversible, the very first dent that has ever been made in the Brezhnev doctrine.

And if you've studied your history books I'm sure you've come to the conclusion, as I did a long time ago, that safety is not obtained by doing nothing. The media tells us that this is a confrontational policy, but how on earth do they think that the Soviets view the world? Reagan, like Harry Truman but unlike Franklin Roosevelt, is not blind to the expansionist designs of the last, great colonial empire in the world, the Soviet Union.

Our book, Monimbó, deals with Cuban-sponsored terrorism, the Cuban drug-connection in the United States, and the DGI. Judge William Webster, the man Jimmy Carter appointed to run the FBI for a ten-year term, described Monimbó, even though it's a novel, as devastatingly accurate. It's extraordinary how one now has to turn to fiction in order to raise the level of awareness of what is happening in our own country.

MEDIA RIDICULES REAGAN

For almost three years the media has ridiculed Ronald Reagan and his contention that the domino theory is applicable to Central America. In its September 1983 issue, Playboy interviewed Tomás Borge—the strong man of Nicaragua, minister of the interior, head of the secret police, Cuban-trained, and Castro's closest friend in that country. Borge was asked to respond to Reagan's assertion that Nicaragua was the first domino in Central America and that, if we don't watch out, El Salvador will be next, followed by Guatemala, and then Honduras, and then eventually Mexico. Tomás Borge replied, "That is one historical prophecy of Ronald Reagan's that is absolutely true."

So even though the Marxist leader of Nicaragua was confirming precisely what Ronald Reagan was telling us, his remark was almost totally ignored by the media. Instead, the media, led by the New York Times, the Washington Post, and the three networks, continued to assure us that Nicaragua is not run by a Marxist-Leninist regime, that it is not a Cuban puppet, that it is not spreading revolution in Central America, and that all it wants is a peaceful, negotiated settlement in El Salvador. Tom Wicker even wrote in the New York Times last summer, after a visit to Nicaragua, that the Reagan administration was wrong to believe that the Sandinista regime had perverted the genuine, democratic revolution of '78 and '79 into a communist dictatorship, or that it was even moving in that direction.

Well, I put far more store in a French, left-wing reporter I've known for many years who works for the liberal paper Le Monde in Paris, a great specialist on Central America for the last twenty years. After a trip to Nicaragua last summer he wrote that it doesn't really matter how many Cuban advisers are in that country, and what they're doing, or how many Bulgarians are there, or East Germans, or PLO types—he said what really matters is the bottom line, and the bottom line is that the Sandinistas have hoisted their true colors, and those colors, he said, are Leninist.

Well, they have been Leninist from the very beginning, but the media misled us—deliberately so, according to Shirley Christian, who won the Pulitzer Prize for her international reporting on Latin America for the Miami Herald back in 1981. She wrote a devastating piece about her own colleagues and their coverage of Central America in the Washington Journalism Review in March of 1982.

LARGE STAKES IN CENTRAL AMERICA

As the introduction to the Kissinger commission's report makes clear, the crisis in Central America is real and acute. The United States must act to meet it and act boldly. The stakes are large, says the report, large for the United States, for the hemisphere, and, most poignantly, for the people of Central America. Unchecked, the Marxist-led guerrillas can destroy faster than the reformers can build. The worst possible policy, said the report, is to provide just enough aid to keep the war going but too little to wage it successfully, which is what the Democrats have been doing. Mere containment of the Marxist regime in Nicaragua, the report argues, and I fully concur, will not suffice to guarantee the security of Central America and U.S. interests there.

Regimes created by the victory of Marxist-Leninist guerrillas become totalitarian—that is their purpose, their nature, their doctrine, and their record. Therefore, there can be no power-sharing between the government of El Salvador and the Marxist guerrillas seeking to overthrow it. The second conclusion, unstated this time, is that there can be no real peace in Central America until the Sandinista regime in Nicaragua is overthrown or at least drastically altered. Central America is too close and too vital to our security to make selling out a viable option. Kissinger and his colleagues have made clear, therefore, that there are two options—victory or defeat. Which shall it be?

CENSORSHIP BY OMISSION

We hear an awful lot these days about the Reagan administration's management of the news but seldom do we have a word from the media about the media's own management of what it is that it considers news. Using the technique of censorship by omission, the media becomes a very powerful instrument of illusion in defiance of basic geopolitical, political, and historical realities. Disinformation operations, confirmed by Vietnamese defectors, changed the course of the Vietnam war and of history since then.

The Central American scenario has been almost identical, but I think you would agree with me that the stakes there are so much larger than they ever were in southeast Asia. There is every indication that the U.S. media and the U.S. Congress do not support Ronald Reagan's policies in Central America, but there is every indication that disinformation and Soviet active measures in general have once again played a crucial role in this crisis. It is straight disinformation—Soviet and Cuban disinformation—to contend that we are militarizing the problems of Central America and bringing the East-West conflict into the region. The East has been there for a long, long time.

Cuba today has the second largest army in all of Latin America, after Brazil. In fact, it has 300 more tanks than the entire Brazilian army and Brazil, as you know, has twelve times Cuba's population. Cuba has almost as many tanks as the entire French army today—950 versus 1200. And the Soviets are giving ten times as much military assistance to Cuba and to Nicaragua than the United States is providing to all of Latin America. But you certainly don't get that impression reading the media. Why not?

Because a well-orchestrated, international network of disinformation fronts continues to deluge the media and the Congress with materials designed to generate support for Marxist-led guerillas and to discredit U.S. policies. In this connection take a very close look at the activities of CISPES—which stands for Committee in Solidarity with the People of El Salvador—on Capitol Hill, on five hundred college campuses, and in the media. CISPES was created by the Cuban secret service back in 1980, as documented by one of our recent issues of "Early Warning", a confidential, intelligence digest that Robert Moss and I publish monthly. So far the media has not investigated CISPES because there is a mindset that is tantamount to thought control, which of course is very fertile ground for Soviet disinformation operations.

SPREADING THE PLAGUE OF SELF-HATRED

Many journalists and assorted intellectuals (and of course I don't include journalists among intellectuals, heaven forbid!), make it their duty to transform our sworn enemies into misunderstood innocents and to portray our own leaders as the foes of democracy and freedom. There is a new school of journalism that has bred reporters who believe they are right on everything they decide to be right on, provided, of course, that it's on the "left"—right to use our skills to speed our demise in Vietnam (and we did; and I was there on twenty-eight separate tours of duty over the course of thirty-years, spanning the French period and our own involvement); right to use our skills to encourage unilateral disarmament. These are the people who William Safire recently described in a New York Times column as "losers incorporated." These are the people who are spreading the plague of self-hatred about our country.

Representatives of the Nicaraguan Sandinistas and the El Salvadoran revolutionaries have a free run of Capitol Hill these days, as do Castro's agents of influence. And the media tends to give more credence to communist sources than it does to our own government. Radicals are taken at their word, while pro-western governments are, of course, viewed with contempt. When our media give equal time to our self-avowed adversaries under the doctrine of fairness as our TV shows do all the time with the likes of Georgi Arbatov and Vladimir Posner from Moscow, they forget, assuming that they ever knew, that Lenin once said that to tell the truth is a petty, bourgeois habit; whereas for a revolutionary to lie, and to lie convincingly, is not only a sign of intelligence but an imperative when furthering a revolutionary cause.

According to Marxist doctrine, no statement can be judged true or false on its intrinsic merits. If it advances the cause of communism it is true. If it retards communism it is untrue. It's as simple as that. This is their doctrine and they proclaim it in their theoretical journals without shame. Yet when President Reagan acknowledges the existence of this doctrine by stating quite truthfully that communist morality permits them to lie and cheat in order to further a revolutionary cause, he is accused by our media pundits and editorial writers of being provocative and stimulating the cold war.

FRESH AMMUNITION

We've got fresh ammunition coming to the front line very shortly—a book by France's most important media voice, Jean-Francois Revel, a man of the "left" who spent most of his life in the socialist party, and who edited the most important magazine in France for ten years, the magazine L'Express. His book has been on the best-seller list in France for thirty weeks. It is coming out here in April under the title How Democracies Perish. Remember that

title because I think it's going to be a watershed book like Nineteen Eighty-Four—How Democracies Perish. Revel documents far more dramatically and eloquently and effectively than we ever did in The Spike how disinformation poisons the lifeblood of democracy. How does disinformation do that? By distorting the data and corrupting the process of understanding in such a way that it compels western democracies to react differently than if we understood the true nature of reality. That is disinformation.

The State Department recently said that KGB forgeries were increasing in intensity and sophistication and growing bolder. The State Department has issued eight separate reports of Soviet disinformation operations inside the media in the last two years, and yet when I traveled all over this country in September and October promoting Monimbó, I couldn't find one journalist anywhere in this country who had heard of even one of these eight reports.

Lawrence Eagleburger, our country's most senior diplomat, the undersecretary of state for political affairs, wrote a piece about Soviet active measures that encompasses all forms of Soviet disinformation and subversion in a recent issue of the NATO Review, and the media didn't pick up a single word of this very important story. It is quite remarkable how many experts we have on every conceivable aspect of foreign policy, strategy, defense, international security, and yet extraordinarily few people seem to understand the mechanics of disinformation and how disinformation in turn contributes to the reluctance of western democracies, a reluctance which at times seems to border on the paraplegic, to face certain unfashionable facts about the Soviet Union and its proxies.

CULTURAL POWER SEIZED

Armando Valladares, the Cuban poet and writer who spent twenty-two years in Castro's prisons and whose release was negotiated by the president of France in 1982, told me recently that the only thing that had surprised him after twenty-two years in Castro's prisons was the degree to which our cultural power in the western world, but particularly in the United States, is now in the hands of people who seem to sympathize with our self-avowed foes. By cultural power, of course, he meant television, movies, theater—mass media in general. Valladares was astonished to discover that Castro has more friends in the western world than he does in Cuba itself; and these are the assets that the Cubans use to make Castro look like the good guy in Grenada.

If you think I'm exaggerating, read the January 9, 1984, issue of Newsweek—a ten-column interview with Fidel Castro [pp. 38-41], more space than that magazine has given to any head-of-state interview in at least a decade, and not a single, tough, challenging question in response to Castro's answers that were riddled with disinformation.

Again, lest you think that Valladares is exaggerating, the former head of the French intelligence service, a man who had that job for eleven years until 1981 and who is, in my judgment, the world's leading expert in Soviet disinformation, told thirty-three out of one hundred Senators up on Capitol Hill at a private lunch (which I was privileged enough to attend), that the seizure of cultural power in the Western world by Marxist sympathizers was the single, most critical problem facing us today because military hardware and a $250 billion-a-year defense budget are not going to do us much good if we don't understand how the war of words and the war of ideas is being conducted. Mr. Reagan is absolutely right when he accuses the media of deliberate distortion in their coverage of Central America. And the liberation struggle we should all be waging, and I know that you are already waging this struggle, is the liberation from self-delusion.

Michael O'Neill, who resigned in 1982 as the editor of the New York Daily News, America's largest daily-circulated newspaper after the Wall Street Journal and the outgoing president of the American Society of Newspaper Editors, said the media now weighs so heavily in the scales of power in our country that they dilute the authority of Congress, disassemble political parties, make or break presidents, and upset the checks and balances invented by our forefathers.

Kurt Luedtke, the former editor of the Detroit Free Press, and the man who wrote the screenplay for "Absence of Malice," told the American Newspaper Publishers Association that we have bred a whole new generation of news people who can hold simultaneously in their minds the twin notions that they are armed with a mandate from the people and are accountable to no one save themselves. And to that I can add, based on my thirty-seven years in this nutty business called the media, as a foreign correspondent and as a foreign editor, that the media does indeed shade, embroider, and distort the truth for its own leftwing agenda while excoriating anyone else who is less than truthful.

Time magazine's recent cover story on the media [December 12, 1983; pp. 76-93], even though highly critical, did not come close to the real problem. If the media routinely play down the constant Soviet military buildup, as they have over the last twenty-two years, or depict Soviet and Cuban-supported, Marxist-led guerrillas in El Salvador and elsewhere as freedom-fighters against a facist regime, then it can only be expected that even died-in-the-wool "conservative" will start wondering whether the deployment of Euro-missiles in Europe is really necessary, for example, or whether we're even backing the right side in Central America.

HOSTILE U.S. ADMINISTRATIONS

Apologists for communism in Cuba, Angola, Ethiopia, Mozambique, Nicaragua, and elsewhere have argued that these revolutions were originally democratic but they were driven down the communist path by the hostility of various U.S. administrations. This is sheer, unadulterated disinformation confirmed by many communist dissidents and defectors, and yet it is still easily swallowed up by the entire liberal estabishment on both sides of the Atlantic. How does one explain that so many intelligent people have come to accept these dangerous misconceptions as the geopolitical gospel? I think that Charles Péguy, the famous French poet and philosopher, supplied part of the answer back in 1910, seven years before the Soviet revolution, when he wrote, "It may never be known how many acts of cowardice have been committed throughout history out of fear of not looking sufficiently progressive."

Robert Moss and I have debriefed most of the major defectors from eastern secret services since the end of World War II, and they unanimously decry strong media prejudices in the West encouraged by Soviet disinformation activities, which have given birth to a very dangerous blindness, a self-deluding interpretation of the contemporary world situation.

By way of conclusion, let me just tell you that the adversaries of our free, democratic world have assigned themselves the task of destroying it by all means short of war. Nuclear war, that ABC special "The Day After" notwithstanding, is not the danger. Let me remind you that these means include subversion, penetration, disinformation, and terrorism—all of which are designed to destabilize our society and paralyze any means we may have to react.

Just look at our reaction after international terrorists supervised by Syria, and manipulated from the wings by the Soviet Union, blew up 241 Marines in Lebanon. How many people began saying, "Let's get out and hang the consequences."

I'm sure you've all noticed how those who've experienced the communist system from the inside, either as officials or secret agents who subsequently defected—Mstislav Rostropovich, the famous musician, or Andrei Sakharov, or Alexander Solzhenitsyn, all lesser mortals—never tire of warning us, and of begging us to snap out of our complacency if we wish to remain part of the free world. (And Soviet disinformation has already managed to turn the expression "free world" into a mythical object of derision.)

That is why I believe that Grenada was a very important turning point for the better for what you and I believe in, regardless of our political affiliation.

Mr. SYMMS. Mr. President, the article is a transcript of a speech made by the noted German lecturer Arnaud de Borchgrave given at a Freeman Institute Century Club banquet in Salt Lake City, Utah, on January 26, 1984.

Mr. President, I find this a most fascinating article. I hope that not only my colleagues will peruse this article, but I hope that some of the members of the news media will take a look at this article.

The thrust of the article is the extraordinary successes of Soviet disinformation and what impact it can have on free nations and what an impact it can have on the disintegration of the form of government we have in this country and in other free countries of the West.

I hope my colleagues will take a careful look at this and I hope members of the media will look at this, not as a direct criticism but maybe as one way of self-policing with respect to their responsibilities in a free society.

THE FED AS ALIBI

Mr. BUMPERS. Mr. President, in this morning's Washington Post, there is a column by George Will entitled "The Fed as Alibi."

I thought it was one of the most perceptive and pointed articles I have read on what is going on in this country. I will just read a part of the article, even though this does not deal with the main thrust. The main thrust of the article is you cannot have it both ways. You cannot think the Fed is wonderful when things are going

well and interest rates are stable, and then jump on the Fed because interest rates start going up for reasons totally out of the control of the Fed and that have absolutely no relationship to what the Fed is doing.

Mr. Will states:

The administration is inhibited (a bit, briefly) from attacking the "big spending" Congress because last year Congress spent just $5 billion more than the administration requested; because the president has not found even one regular appropriations bill to veto; and because the president's fiscal 1985 budget called for 13 percent real growth in defense spending, and for domestic spending cuts of less than 1 percent.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FED AS ALIBI

(By George F. Will)

Administration attacks on the Federal Reserve Board are as colorful as stained glass but as transparent as cellophane. They are the politics of the preemptive alibi. Utterly destitute of ideas for deflecting blame for one consequence of the deficit—rising interest rates—some Reaganites say: blame the Fed.

Anti-Fed hawks, who are doves in the war on inflation, say the Fed may choke the recovery by restricting the growth of the money supply, thereby causing interest rates to rise. But since the recovery began in 1982, expansion of M1 (a key measure of the money supply) has been at about a 10 percent annual rate, slightly above the target range. In April, as a result of several quirks, expansion dropped to the bottom of that range. Those persons who were looking for a pretext to attack the Fed pounced.

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Ask Democrats how their nominee, whoever she (you must talk carefully to Democrats) is, will beat Reagan, and they say: first, the prime rate hits 15 percent. They subscribe to the axiom that to a nervous person, everything rustles. That is, once people are worried about the economy, they can be made nervous about everything—Central America, the arms race, the lot. The deep thinkers in the White House agree that rising interest rates could radiate trouble.

But the Fed can barely define, let alone fine-tune, the money supply. And White House hectoring cannot fine-tune the Fed. Nevertheless, Donald Regan, the Treasury secretary, recently favored the multitude with a bit of Fed-bashing, and the multitude, including portions yet unborn, will pay for it.

A Washington Post editorial calculates that Regan's attack, coming on the eve of a Treasury sale of $4.75 billion worth of 30-year bonds, aroused fears of inflation. Those fears translated into increased rates for the bonds. The increases will cost the country $11,875,000 a year for 30 years ($356 million). Regan occasionally calls to mind Winston Churchill's description of John Foster Dulles—a bull who carries a china shop around with him.

Martin Feldstein, the president's chief economic adviser, is returning, on schedule, to the social dusk called Harvard. Fed-bashers are tickled because Feldstein is given to (in a Saul Bellow phrase) molesting people with facts. But now the market is doing that, underscoring this fact: rates are rising because some naughty chickens are coming home to roost, without consulting the electoral calendar.

The collision between government borrowing to finance the deficit and private borrowing to finance the recovery is at hand. Supply and demand (of and for capital) are speaking; the market is working.

The administration respects the wisdom of market forces and decries the folly of trying to talk away or legislate away those forces. But it now is in the ironic (and, were the currency not at stake, the comic) position of acting cross and stamping its foot because the market is saying something inconvenient.

Until recently, business borrowing was light because business liquidity was strong, and inventories were being liquidated. But now utilization of industrial capacity is up to 82 percent, inventories are being rebuilt and borrowing is rising rapidly. The Fed-bashers would accommodate the surge of borrowing by pumping out money. They subscribe to what one economist calls the Bunker Hill approach to inflation: don't worry about it until you see the whites of its eyes. But if (the jury is still out) American conservatism means anything at all in domestic policy, it means this:

Inflation is a permanent problem in a democracy because of the perennial mismatch between the government's spending and taxing capacities. Therefore conservatism must be especially emphatic about conserving the currency's function as a store of value.

It is anti-conservative to suggest that if the central bank can be broken to the saddle of politics, the nation will no longer yearn for heaven.

Every political party should have an anthem. Democrats have "Happy Days are Here Again." If in 1984 Republicans march to Billy Joel's "Easy Money," in 1985 there may be rising inflation and recession. That is the year when, 'tis said, we are all going to get serious.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I anticipate it is going to be another 20 or 30 minutes before the chairman of the Committee on Finance can get here. He is in the Judiciary Committee at the moment offering an amendment. I just talked to him on the telephone and my best estimate is that we shall not be able to proceed with the Baucus amendment before about 11:30 a.m. I regret that, but that is the case. I am sure all Senators will understand.

In view of that, I ask unanimous consent that the time for the transaction of routine morning business be extended until 11:30 a.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. MATHIAS. Mr. President, pursuant to the provisions of rule VI of the Standing Rules of the Senate, I ask leave of the Senate to be absent tonight and tomorrow so that I may join Mrs. Mathias in attending the graduation of our son Robert at the University of Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEA-LAUNCHED CRUISE MISSILE

Mr. MATHIAS. Mr. President, today I would like to address a rarely discussed aspect of the deployment of nuclear sea-launched cruise missile (SLCM): the diplomatic consequences of U.S. nuclear SLCM deployments. Although the implications for verifiable arms control agreements have been clearly stated, the diplomatic consequences of nuclear SLCM deployments have been virtually ignored. The United States would be remiss if it did not give some thought to the reaction of our allies to the deployment of these missiles.

Buried deep in last Saturday's Washington Post an article, entitled, "Weinberger Moves To Ease Japanese Anxiety Over New Missiles," described the hastily arranged appearance of Defense Secretary Weinberger before the Foreign Correspondents Club of Tokyo designed to allay Japanese fears about the impending arrival of the nuclear SLCM on U.S. warships. The extent of Japanese concern is reflected in the fact that a May 27 demonstration there against a nuclear SLCM presence on Japanese territory is expected to attract 100,000 people.

While the Japanese are naturally and understandably more sensitive to the presence of nuclear weapons in their territorial waters than others, the United States should think twice before provoking even minor confrontations over a missile of such marginal military utility. Similar protests could occur in any number of friendly ports where U.S. ships have traditionally been granted access.

Let me bring the point even closer to home. After these deployments, imagine the controversy surrounding a U.S. battleship steaming into Long Island Sound, or San Francisco Bay, or the Port of Galveston. None of us would know for sure if that battleship were carrying SLCM's, nor if those SLCM's

were nuclear-tipped. Such uncertainty is an open invitation for trouble.

Remember, too, that the diplomatic considerations will be unique to U.S. nuclear SLCM deployments, even though the Soviet Union will certainly also deploy. The USSR's relationship with its allies is characterized by enforced consent; there will be no placard-carrying Cubans or North Vietnamese awaiting the Feodor Chalyapin as she steams into port. And we can be sure the Soviets will exploit any rumblings among American allies as the nuclear SLCM works its way around the world on our warships.

I would ask, then, that my colleagues and officials in the Pentagon and the executive branch give some thought to the diplomatic consequences nuclear SLCM deployments could create. Is it sensible to deploy this missile before the President has enunciated a national policy for its use?

There is still some time, 44 days, to seek an alternative to deployment. We should use those days wisely.

A TRIBUTE TO JUNE M. COLLIER

Mr. HEFLIN. Mr. President, it is an honor and a privilege for me to rise today to pay tribute to an outstanding Alabama business leader, June M. Collier.

Mrs. Collier is president and chief executive officer of National Industries, Inc., a company based in Montgomery, Ala. National Industries produces wiring assemblies for automobiles, appliances and aerospace equipment, or, as she says, for everything "from cars to cruise missiles." The company's sales for 1984 are projected to reach $100 million, and National Industries is Montgomery's largest manufacturing employer with some 2,200 people on its payroll. Needless to say, this business is an incredible asset, not only to the Montgomery area but to the entire State of Alabama.

Mrs. Collier was born in East Prairie, MO, and grew up in a four-room log cabin, a picture of which still hangs on the wall of her study. She and her husband Ben, who has served in the cabinet level post of director of the Alabama Development Office and is currently developing oil wells and shopping malls, founded National Industries in 1964 with seven employees in the back of a Greyhound Bus terminal.

I have known June for several years and have seen the determination, stamina, and intelligence that she possesses. I am not in the least surprised at her accomplishments in the business world. National Industries has not expanded from that Greyhound Bus terminal to a $100 million business because of luck. June Collier has guided its growth at every crossroad along the way.

In the last 5 years, Mrs. Collier has become increasingly visible in public affairs, trying to alert Americans of what she sees as a threat to our national security. She points out that, each year, a greater number of American businesses are moving their manufacturing operations to places like Taiwan and Mexico, where labor costs are as low as 85 cents an hour.

June believes these businesses are relocating because it is impossible for them to compete against cheap foreign goods, when domestic labor costs at least $3.35 an hour. What she warns of is the high unemployment and eroding industrial base that she sees as the long-term result of this overseas relocating. As manufacturers move their operations out of the United States, there will be fewer available jobs and a sharp rise in unemployment. The irony is that these future unemployed workers will not have money to spend, and the companies that do relocate will end up with an overabundance of cheap, but unsold products. Our economy, she says, will be devastated.

The other threat, Mrs. Collier has warned of is more directly related to our national security. For the first time in U.S. automotive history, we are importing more vehicle parts than we are exporting. If this trend continues, then the United States may someday become completely dependent upon foreign manufacturing centers. This reliance upon other manufacturers could greatly compromise our positions in the international arena. Mrs. Collier fears that the United States could become a passive rather than dominating participant in international commerce.

Mrs. Collier has suggested a way to prevent the destruction of the American working force. To enable American corporations to compete with foreign products and cheap foreign labor, June believes that an "across-the-board" tariff on foreign products must be imposed. She says rates such as the 2.9-percent tariff on foreign cars are far too low. Other nations maintain much more stringent limits on American-made products, and she thinks it is time we "evened up" the international trade system. Her ideas deserve consideration.

I am glad that June Collier is an Alabamian, and a very patriotic American. Not only does she participate in the public debates which are essential to our decisionmaking process, but she also offers alternatives, and, in effect, puts her money where her mouth is. Despite suggestions from business associates and foreign governments, she has refused to relocate. Spurning incredible profits, she vows not to "export" her operations and deprive her employees of their jobs.

I admire and respect June Collier for her constant drive to improve our system by ironing out its imperfections. As a legislator, I believe we need suggestions from the public, and June offers not only suggestions but workable alternatives. Her achievements have not been unnoticed.

Mr. President, I ask unanimous consent that an article from USA Today concerning Mrs. June Collier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IF WE EXPORT JOBS, WE IMPORT WELFARE

USA TODAY. You're leading a grass roots movement to change our foreign trade policy, and protect American jobs by imposing a 20 percent tariff on all goods made abroad. How is that movement being received?

COLLIER. I have made just hundreds of speeches. Unfortunately, I just can't talk to as many people as I'd like to. But I really have yet to find anyone, when it was presented properly, that really disagreed with it—unless they had a conflict of interest. If they have a plant in Mexico or in Taiwan, or if they have a division in Japan, they generally disagree heartily. But good old grass roots Americans don't have those things. I don't have those things.

USA TODAY. How do you feel about President Reagan's policies and record on trade?

COLLIER. The Reagan administration has forced some trade concessions, but there has not been a change in philosophy in this country, as long as I can remember. But I think there is going to have to be, and I'm hoping that President Reagan will see that.

USA TODAY. Why do we need a change in philosophy?

COLLIER. It bothers me that we are begging Japan to buy our beef and citrus—which is much, much cheaper than theirs—and they're giving us the great concession to buy that. Beef and citrus are not labor-intensive items. We're wanting to sell them non-labor-intensive items—things that really don't create a lot of jobs—and in return for that, they are taking all of our jobs with manufactured products.

USA TODAY. What's going to happen to the American industrial base?

COLLIER. The American industrial base is going to erode to the point that we can't even defend ourselves. Right now, I can tell you that so much manufacturing has gone off-shore (moving to other countries) in the last three years that it's ridiculous. I mean, what do you do when you can't build your steel here; you can't build your automobiles here? If you don't have a screw to put an airplane together, you're in real trouble. So, even with the largest defense budget in history, I see us unable to be self-sufficient in protecting ourselves.

USA TODAY. What's your solution?

COLLIER. I would propose a 20 percent tariff on any manufactured product coming into this country. The thing you hear is that Japan has to revalue the yen. Actually, what we have to do is realize that that's really not any of our business. It's a country's inherent right to control its currency, to subsidize employment rather than unemployment. Now, if we will decide that we can't do that and shouldn't do that—and probably make a lot of friends in the meantime—we should equalize labor rates, and we can only equalize labor rates with a tariff.

USA TODAY. What would that do to the industries and the nations that now ship us products?

COLLIER. Well, they would either have to get more competitive, like we've been told to be, or it would create jobs for Americans. The first thing we've got to do is get our American jobs back. We've got to quit exporting jobs and importing welfare.

USA TODAY. Isn't this an admission that we just can't cut it in the international arena?

COLLIER. No. There is no international arena, No. 1, except right here in this country. No. 2, the United States still does things, and does them well. But we don't do them at 85 cents an hour. For instance, our competitors can spend four or five times as much time on a product as we can in this country, and it's going to be big. But the thing is, even when they do that, they can't buy what we produce.

USA TODAY. What's basically wrong with a U.S. company wanting to go outside the country to make its goods, to earn higher profits? Isn't that the American way?

COLLIER. Well, it is, and I think American business has been criticized—and rightfully so—for that. I'll give you an example. National Industries—our company—has 2,000 people in Alabama and Mississippi. Now, I am not a good manager because I could go tomorrow to Mexico and just make millions of dollars. But where is the American business person's loyalty to the people that work for them? Can you tell me how it would help this country? Sometime or another, we have to put our country first, or we're going to be in real trouble. Can you tell me how it would help this country for me to lay off 2,000 people and go to Mexico?

USA TODAY. You've said that exporting goods creates only one job in 100, instead of the old axiom of one job in eight. Can you explain that?

COLLIER. If you'll check the U.S. Commerce Department figures and see what things are sold, you will find that the things that are sold are non-labor intensive—food, natural resources, and medicine. They don't create a lot of jobs. Why I'm saying only one out of every 100 is because we send cotton, for instance, to Taiwan or Korea and it's made into shirts and skirts that we buy back. The things we buy back are not true exports. The only thing that I consider a true export is something that stays sold.

USA TODAY. Last year the federal trade deficit was almost $70 billion. This year, economists expect it to go to $80 billion. Why can't we close the gap—not by restricting imports, but by increasing our exports of things we do well, like hi-tech products?

COLLIER. This is where the United States is screwing itself again. Actually, hi-tech is research and development. There really is no hi-tech manufacturing. It's something that people use, thinking that the United States has got to have a dream to cling to—we're all going to walk around in lab coats with thick glasses and use lasers and all that stuff. It's just not in the cards.

USA TODAY. As a woman at the top of the manufacturing industry, do you get any pressure from women's groups to take a more active role in fighting for women's rights?

COLLIER. Well, I almost hide when someone says anything, because there are two very active groups—one extremely conservative and one extremely liberal—and I don't happen to be a part of either one of those groups.

USA TODAY. How do you feel about the Equal Rights Amendment and efforts to get that passed?

COLLIER. Personally, I don't think the Equal Rights Amendment amounts to anything. I mean, it only gives you the right to sue, as I understand it. I don't have degree in Equal Rights Amendment, now. I travel the ground. I've been working for a long time. Our company is 20 years old, and I did a lot of work when there was some discrimination around, and I welcomed the Equal Employment Opportunity Commission. The EEOC does provide equal opportunity—and it's legislated opportunity very effectively.

USA TODAY. So you feel like we may be going too far toward quotas of women?

COLLIER. Well, I'm just saying, "Is it right for me not to even look at your application, if I have a woman applicant of the same age?" You just don't have a chance.

USA TODAY. Do you feel like you've paved the way for other women to make it to the top of the corporate world?

COLLIER. The way is there. This is the day of the woman. There are more opportunities for women than ever before in history. Women have got brains; they've got stamina; they've got staying power, and they can do anything they want to. I personally would love to see more women be active in something that's not a feminine issue, if you know what I mean—either pro or con. I mean, what's wrong with women who stand up and say, "Hey, this international trade thing is for the birds."

USA TODAY. Did you encounter any discrimination as you were coming up through the ranks?

COLLIER. Yes, I did. I really did. When I first started, I had a small child, which allowed me to do a job, but it was very difficult for me to have a career. It wound up with my mother helping to take care of my child, when I decided I really wanted a career. After that, I invested five years of my life into doing nothing but making enough money to pay someone to be with my children full time so that I could go on for a career.

USA TODAY. A recent Conservative Digest column ends with the line, "Watch out, Washington. Here she (Collier) comes." Has June Collier arrived?

COLLIER. I'm talking to everyone I can. I bang on doors at the Congress. I think that Congress has got to be in there somewhere. Everyone wants to lay this at the president's feet, but, you know, bills really are started in Congress. I've been thrown out of some of the nicest offices in the city (laughs). I really intend to do my best to make sure that this government hears grass roots America, because that is the backbone of this country.

USA TODAY. Do you have any inclination down the road to run for elective office?

COLLIER. I don't know. I don't know where I can be the most effective. Office, as an ego thing, doesn't do a lot for me. If I thought I could accomplish some of the things that I'm talking about right here, I would run for something. If it was dog catcher, I would do it. But I'm not sure that I can't help more by stirring up people—I don't know.

THE SEMICONDUCTOR CHIP PROTECTION ACT OF 1984

Mr. KENNEDY. Mr. President, I was proud to be part of the bipartisan effort in the Senate Judiciary Committee and the Senate to develop S. 1201, the Semiconductor Chip Protection Act of 1984, which passed the Senate last night. I particularly commend Senators MATHIAS, HART, and LEAHY for their impressive work on this act. Legislation to afford Federal legal protection against piracy of semiconductor chips was originally proposed almost 5 years ago, but it was met initially with diverse and conflicting views among the affected industries.

The bill approved by the Senate has broad-based industry support and strong bipartisan sponsorship. I am pleased to have worked with the principal sponsors to strike the right balance between the interests of our Nation's high technology industries in protecting their innovation and investment in semiconductor chip products, while also protecting the interests of users and consumers of those products.

Semiconductor chips are all around us; they have become the new building blocks of our modern society. From the digital wristwatches we wear to the computers we use in the Senate for tracking legislation and constituent correspondence, the chip is an indispensable element.

Yet, despite the importance of chips, their contribution to society, and the immense expense involved on the part of industry in developing them, it has become far too easy for unscrupulous pirates to open the chip and copy its contents. As the Judiciary Committee's report on the act reveals, development of an innovative chip can cost a company millions of dollars, while piracy can be carried out for a tiny fraction of that amount.

Without legislative protection, there is a genuine danger that our important high-tech industries will continue to be ripped off by those who would reap the profits without taking the risks. More important, the level of research and development investment in chip innovations in the future will be adversely affected if the surge of piracy is not rolled back. This legislation is well balanced, significant, and timely to achieve that goal.

Last week, the House Judiciary Committee reported its own version of a semiconductor chip protection bill. Congressman EDWARDS and Chairman KASTENMEIER have worked hard to make this legislation a reality, and I am pleased to see both Houses working within the same time frame to make enactment of this legislation a reality this year.

The legislation which the Senate has adopted has extremely important features that should be preserved as the bill moves forward. Businesses that manufacture and use chips, workers employed in plants manufacturing these products, and consumers all benefit from strong and broad Federal

protection. The only ones who suffer are the pirates.

The Judiciary Committee report makes clear the committee's intent that the copyright protection afforded semiconductor chips in S. 1201 is to be recognized under the Universal Copyright Convention and applied internationally. Certain testimony that was presented in subcommittee hearings raised questions about applicability of the UCC, but, on balance, I believe that the most effective protection we can provide to chip products is through the UCC channels, and I was pleased to see the Senate bill strongly adhere to this position. It is very essential to secure international recognition of U.S. chip copyrights, and the UCC is the best route to that goal.

The bill applies to chips developed after January 1, 1980, and allows the owner of the mask work copyright to enjoin distribution or importation of chips that were first pirated after that date. At the same time, the bill contains effective protection for innocent infringers; we are certainly not talking about catching the unwary in the net of legislative remedies provided by this bill.

S. 1201 does not make it retroactively unlawful for a party to have pirated or knowingly purchased a pirated chip in the past; it does, however, make it unlawful for a party to pirate or distribute a pirated chip in the future. As the committee report clearly explains in its discussion of the Andrus and Wickard cases, this legislation involves only a permissible restriction to be applied in the future—albeit to products manufactured in the past—and does not make unlawful any action already taken in the past.

Finally, I strongly support the overall approach of S. 1201 to the problem of semiconductor chip piracy. Its use of the Copyright Act as a framework for creating new rights and remedies provides a ready body of intellectual property learning for guidance in applying provisions of the new law in the future. The range of remedies, from criminal penalties through injunctive relief to the novel and imaginative compulsory royalty provision, will provide a broad and appropriate range of remedies against the chip pirate.

S. 1201 is a good bill and a reasonable bill, and I hope to see it signed into law at the earliest date.

THE WILKINSON NOMINATION—NEED FOR FURTHER HEARINGS

Mr. KENNEDY. Mr. President, I understand that the majority leader may decide next week to ask the Senate to proceed to consideration of the nomination of J. Harvie Wilkinson III to be a judge of the U.S. Court of Appeals for the Fourth Circuit, whose jurisdiction covers the States of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

I believe that this nomination is not yet ready for Senate action, and I intend to join other Senators at the appropriate time in offering a motion to recommit the nomination to the Judiciary Committee for a further hearing, with a time certain for reporting the nomination back to the Senate.

In order that the Senate may be fully informed about the issues surrounding this nomination, I ask unanimous consent that certain materials may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 17, 1984.

DEAR COLLEAGUE: We are writing to express our concern over the nomination of J. Harvie Wilkinson III of Virginia to be a judge of the U.S. Court of Appeals for the Fourth Circuit. Mr. Wilkinson is currently Associate Professor of Law at the University of Virginia Law School, and briefly served as a deputy attorney general in the Civil Rights Division of the Department of Justice during this administration.

The nomination was reported favorably to the Senate by the Judiciary Committee by a vote of 11-5 on March 15 and is now on the Senate calendar. The Majority Leader has announced his intention to proceed to the consideration of the nomnination shortly.

This nomination is not ready for action by the Senate.

The nomination was submitted to the Senate on November 10, 1983. A Judiciary Committee hearing was held on November 16, at which Wilkinson was the only witness. The nomination lapsed at the end of the First Session of the 98th Congress, and was resubmitted to the Second Session on January 30, 1984. A further hearing was held on February 22, 1984, at which Wilkinson also appeared and at which numerous public witnesses testified in opposition to his nomination.

At the second hearing and in subsequent published reports, substantial and disturbing questions were raised for the first time about the nomination, including the procedures used by the American Bar Association's Standing Committee on Federal Judiciary to evaluate Mr. Wilkinson, and the role of the Justice Department, the nominee himself and others in the evaluation process.

The initial confidential in-depth investigation of Wilkinson by the ABA Committee member for Virginia assigned to carry out the investigation raised serious concerns about his qualifications. Under the Committee procedures, a second member was then named to assist in the investigation. A single formal report was prepared for the 14-member Committee, with the first investigator concluding that Wilkinson was "Unqualified" and the second investigator finding him "Qualified."

Wilkinson has zero trial experience. If confirmed, he would become the first judge to take a seat on a Circuit Court of Appeals with no trial experience.

A double standard is being applied by the ABA Committee for the benefit of Wilkinson. During the previous Administration, the Committee guidelines on trial experience were enforced inflexibly to disqualify women and minority candidates who actually had substantial trial experience. Two cases illustrate the point:

(1) Carin A. Clauss was the Department of Labor Solicitor responsible for supervising the litigation of the Department's three hundred attorneys. In a preliminary finding, she was rated "Unqualified" by the ABA to be a federal district judge and her nomination was not submitted.

(2) Joan Krauskopf, a member of the bar for 20 years, had been in private practice in Colorado, had supervised a legal aid clinic in Missouri, and had handled cases as a court-appointed attorney and in a pro bono capacity. After an initial investigation, she was rated "Unqualified" by the ABA to be a federal appellate judge for the Eighth Circuit, and her nomination was not submitted.

Wilkinson, who was admitted to the bar in 1972, in fact has fewer years as a member of the bar than any Circuit Court nominee from the creation of the Circuit Courts of Appeal in 1891 through the end of 1980. And three of those years were actually spent outside the field of law, as an editorial writer for the Virginian-Pilot newspaper. In an editorial of July 29, 1983, the Virginian-Pilot opposed the nomination.

Numerous requests by several Senators for an additional Judiciary Committee hearing on the nomination to clear up these allegations have been unsuccessful. A proposed hearing on ABA procedures, tentatively scheduled for May 17, 1984, by the Judiciary Subcommittee on Courts, was indefinitely postponed on May 10 to avoid addressing the Wilkinson nomination prior to consideration of the nomination by the full Senate.

The Senate has a responsibility to have the full record on this nomination before it, in advance of the vote on whether Wilkinson should be confirmed as a judge with life tenure on the Fourth Circuit Court of Appeals. Also, the nominee has the right to refute the allegations and answer the questions—set out fully in the attachment hereto—which have been raised about his qualifications and fitness since the Committee hearing. It would be extremely embarrassing if negative answers to the questions surrounding this nomination were revealed after the nominee is sitting on the federal appellate bench. We believe that the record can be completed by a one day hearing at which Wilkinson, ABA Committee members, and Justice Department officials would be invited to testify.

There is no doubt that J. Harvie Wilkinson III, who is 39 years old, is a bright young lawyer and a popular professor at the University of Virginia Law School. But the unanswered questions that have been raised about his nomination cast grave doubts on his fitness, maturity, and temperament to serve as a judge of the Fourth Circuit Court of Appeals.

The Senate's duty to advise and consent means more than rubber-stamping a nominee. The Senate should not be bound by the investigation or the recommendation of the ABA. Until the many questions surrounding the Wilkinson nomination are responsibly addressed, the Senate should withhold action on the nomination.

For these reasons, when and if the Senate turns to the consideration of the Wilkinson nomination, we intend to offer a motion to recommit the nomination to the Judiciary Committee for the purpose of holding another hearing.

The integrity of the judicial selection process is fundamental to the integrity of our judicial system. We must not abdicate

our responsibility to assure that the Senate confirmation proceedings are full, fair and unbiased. We urge you to join us in supporting the motion to recommit the Wilkinson nomination to the Judiciary Committee.

Sincerely,

EDWARD M. KENNEDY.
JOSEPH R. BIDEN, Jr.
HOWARD M. METZENBAUM.

ATTACHMENTS TO KENNEDY, BIDEN, AND METZENBAUM LETTER

1. Allegations of Questionable Activities Relating to the Wilkinson Nomination and Unanswered Questions on the Wilkinson Nomination.
2. Editorials—Asheville (North Carolina) Citizen, Norfolk (Virginia) Virginian-Pilot.
3. ABA Letter Rating Wilkinson.
4. Excerpts from ABA Guidelines for Judicial Nominees.

ALLEGATIONS OF QUESTIONABLE ACTIVITIES RELATING TO THE WILKINSON NOMINATION

Officials of the Justice Department obtained and improperly divulged the results of the confidential investigation to the nominee, informing him that the ABA investigating committee members were in disagreement, that a vote was about to be taken by the Committee, and that his approval by the Committee was in jeopardy.

The nominee used the information improperly obtained from Justice Department officials to organize an intensive lobbying campaign on his behalf to persuade the ABA Committee to rate him "Qualified."

Officials of the Justice Department who were supporters of Wilkinson conducted their own lobbying campaign to secure enough votes for a rating of "Qualified" by the ABA Committee.

Supreme Court Justice Lewis F. Powell, Jr. was also part of the lobbying campaign. Wilkinson served in the 1970's as a law clerk to Powell, who had known the Wilkinson family well for many years. Powell has initially been contacted by the two ABA Committee investigators. The second investigator told Powell that the first investigator was compiling a negative report on Wilkinson. Powell then contacted a third member of the Committee whom Powell knew, and lobbied for Wilkinson.

Key votes on the ABA Committee were changed because of the lobbying campaign and telephone calls directed by the nominee and others. The Chairman of the Committee stated that "it was the timing of these calls which was objectionable."

The ABA Committee was concerned enough about the lobbying campaign on Wilkinson, that it summoned Justice Department officials to the ABA midwinter meeting in Las Vegas in February, 1984 to reprimand them.

Notwithstanding the ABA Committee's written guidelines which recommend substantial trial experience and specify at least some trial experience as a minimum requirement for approval, the ABA Committee found Wilkinson to be "Qualified." The Committee has never before given a "Qualified" rating to such a nominee.

Other academics nominated for federal appellate judgeships and found "Qualified" by the ABA Committee in fact had far more distinguished credentials than Wilkinson, far more years at the bar, and at least limited trial experience.

In addition to his improper activities during his confirmation process, Wilkinson participated in interviewing at least one candidate for the Fourth Circuit vacancy he has been nominated to fill, after he expressed interest in being nominated to fill that vacancy.

UNANSWERED QUESTIONS ON THE WILKINSON NOMINATION

The questions which the Senate needs answered before it votes on the Wilkinson nomination include the following:

What did Wilkinson do with the information that his nomination was in trouble, which he obtained improperly from Justice Department officials?

Whom did Wilkinson ask to contact ABA Committee members?

What effect did Wilkinson's lobbying have on the ABA Committee decision to find him qualified?

What do Wilkinson's actions in furtherance of his nomination reveal about his suitability to be a federal appellate judge?

Why was Wilkinson's nomination in trouble with the ABA Committee before the intensive lobbying campaign was launched by Wilkinson and others?

What effect did lobbying by Justice Department officials and Justice Powell have on the decision of the ABA to find Wilkinson qualified?

Why did the ABA discard its guidelines concerning time at the bar and trial experience to find Wilkinson qualified?

How would the ABA have rated Wilkinson absent the lobbying campaign?

Can it be fairly said that Wilkinson is qualified to be a federal judge?

[From the Asheville (NC) Citizen, Apr. 3, 1984]

REAGAN COURT CHOICE LACKS QUALIFICATIONS

One of the enduring measurements of a president is the quality of his judicial appointments. So if President Reagan's choice of J. Harvie Wilkinson III to fill a vacancy on the 4th Circuit Court of Appeals is indicative of this chief executive's record, then he and the public are in deep trouble. The court hears cases from the Carolinas, the Virginias and Maryland.

Wilkinson, a University of Virginia law professor, should not have been appointed. He lacks the basic credentials of an appeals court judge.

His lack of qualifications is staggering. He has no judicial experience. He has never had a private client. He has yet to argue a case in court. He has never drafted a legal brief by himself. He has been in the law for only eight years. He is not even entitled to practice before either the appeals court or any of the trial courts it supervises.

What happened to the American Bar Association standards that appointees to the appellate courts have at least 12 years of legal experience and "substantial" trial experience?

Some powerful people are asking that question. They should ask it.

Fact is, there is just enough evidence available to believe the ABA, self-appointed guardian of the nation's courts and law, caved in to political pressure on the Wilkinson nomination. ABA screening committee members now admit to being contacted by two of Wilkinson's friends prior to the panel's vote on the nomination. The committee decided to waive the requirements cited above regarding legal and trial experience.

What do you think would have happened if a woman or black with Wilkinson's lack of legal credentials had come before the august ABA? The ABA would have found the woman or black unqualified. The Senate Judiciary Committee would have balked. The president would have been forced to withdraw the nomination.

A double standard is at work in this case. There is one standard imposed for women, blacks, and most white nominees to appellate courts. There is another standard for nominees in the Reagan ideological mold. A Washington lawyer did not exaggerate much when he said: "This nomination is symbolic of a con game. The administration talks of merit selection, but Mr. Wilkinson is probably the least experienced appellate nominee ever seen."

Wilkinson's nomination brings to mind the story involving House Speaker Sam Rayburn's visit to the Kennedy White House and his introduction to "the best and brightest."

Mr. Sam returned to his protege, Lyndon Johnson, and offered, "Lyndon, I'd feel a lot better if one of those fellas had run for sheriff."

If Wilkinson becomes a member of the 4th Circuit bench, some lawyers and clients appearing before him may harbor thoughts similar to Mr. Sam's: "If only this guy had tried a case . . ."

A scholarly temperament indeed is a necessary requirement for an appellate judge. Wilkinson, because he teaches law, may possess that ability. But his lack of judicial experience disqualifies him for this position. President Reagan should withdraw the nomination, or the Senate Judiciary Committee should reject it. This man has no business on a court that is one heartbeat away from the Supreme Court, and one heartbeat away from a trial court to which he is a stranger.

[From the (Norfolk) Virginian Pilot, July 29, 1983]

WILKINSON AS JUDGE?

News reports indicate that the Reagan administration is going to nominate J. Harvie Wilkinson III, a former editor of The Virginian-Pilot, for the vacant judgeship on the U.S. 4th Circuit Court of Appeals. If so, it is further evidence that the administration, in selecting federal judges, does not place judicial experience high on its list of criteria.

What should those criteria be? Certainly an administration would want to consider a potential judge's (1) judicial philosophy, (2) age, (3) intellect and (4) experience.

As far as the Reagan administration is concerned, Mr. Wilkinson fits categories (1), (2) and (3) perfectly. He is a conservative. He is young enough, 38, to serve on the bench for many years and thus inject his philosophy into the federal judiciary. And he has shown a powerful intellect in his years as author, law-school professor and editorial writer.

On experience, however, Mr. Wilkinson comes up short. As a law clerk at the U.S. Supreme Court and as a professor of law, he has learned the legal process. But that is not the same as actually participating in trials.

This is the same drawback that faced the administration's first choice for the judgeship, Kenneth W. Starr, who was opposed by Virginian Sen. John W. Warner and now has been nominated for a seat on U.S. Court of Appeals for the District of Columbia.

In March, writing about the possibility of the Starr nomination, we noted his limited experience and added: "Obviously, he is a bright young man in a hurry, and no doubt his time will come—but what's the rush?

The same question applies to Mr. Wilkinson. His credentials are substantial. Without a doubt, the Reagan administration could make a far worse choice. The question that should be considered, however, is whether the administration can find a judge with all Mr. Wilkinson's attributes—plus experience in the courtroom.

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON FEDERAL JUDICIARY,
January 31, 1984.

Re James Harvie Wilkinson III, C.A., Fourth.

Hon. STROM THURMOND,
Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR THURMOND: Thank you for affording this Committee an opportunity to express an opinion pertaining to the nomination of James Harvie Wilkinson for appointment as Judge of the United States Court of Appeals for the Fourth Circuit.

A substantial majority of our Committee is of the opinion that Mr. Wilkinson is qualified for this appointment. The minority found him to be not qualified.

With kind regards, I am

Sincerely,

FREDERICK G. BUESSER, Jr.,
Chairman.

AMERICAN BAR ASSOCIATION—STANDING COMMITTEE ON FEDERAL JUDICIARY

Chairman and Member-at-Large: Frederick G. Buesser, Jr., 4190 Telegraph Road, Bloomfield Hills, MI 48013.

John M. Harrington, Jr., 225 Franklin Street, Boston, MA 02110.

Robert B. Fiske, Jr., One Chase Manhattan Plaza, New York, NY 10005.

Lewis H. Van Dusen, Jr., 1100 Philadelphia, National Bank Bldg., Broad & Chestnut Streets, Philadelphia, PA 19107.

James A. Howard, Sr., 1700 First Virginia Bank Tower, 101 St. Paul's Blvd., Norfolk, VA 23510.

Gene W. Lafitte, One Shell Square, 50th Floor, New Orleans, LA 70139.

Stuart J. Dunnings, Jr., Duncan Building, 530 South Pine Street, Lansing, MI 48933.

Steven E. Keane, Suite 3800, 777 E. Wisconsin Avenue, Milwaukee, WI 53202.

James W. Hewitt, P.O. Box 80268, Lincoln, NE 68501.

Victor E. Chavez, Suite 575, Beneficial Plaza Building, 3700 Wilshire Boulevard, Los Angeles, CA 90010.

John Gavin, P.O. Box 2249, 120 N. Naches Ave., Yakima, WA 98907.

John S. Pfeiffer, 1200 American Natl. Bank Bldg., 818 17th Street, Denver, CO 80202.

M. Roland Nachman, Jr., P.O. Box 668—8 Commerce St., Montgomery, AL 36101.

John D. Lane, 1666 "K" Steet, N.W., Washington, D.C. 20006.

Board of Governors Liaison: Marion Edwyn Harrison, 6th Floor, 1000 Thomas Jefferson St., N.W., Washington, D.C. 20007.

Staff Assistant: Diane Livingston, 33 W. Monroe Street, 7th Floor, Chicago, IL 60603, 312/621-9576.

EXCERPTS FROM EVALUATION CRITERIA OF THE AMERICAN BAR ASSOCIATION ON APPOINTMENTS TO THE DISTRICT COURTS, THE COURTS OF APPEALS AND THE OTHER LOWER FEDERAL COURTS

* * * * *

As to experience, the Committee believes that ordinarily a prospective appointee to the federal bench should have been admitted to the bar for at least twelve years. Substantial trial experience (as a lawyer or a trial judge) is important for prospective nominees to both the appellate courts and the trial courts. Additional experience which is similar to court trial work—such as appearing before or serving on administrative agencies or arbitration boards, teaching trial advocacy or other clinical law school courses, etc.—is considered in evaluating a prospective nominee's trial experience qualifications. In exceptional cases, when there is significant evidence of distinguished accomplishment in the field of law, an individual with limited trail experience may be found qualified.

In evaluating experience, the Committee recognizes that women and members of certain minority groups have entered the profession in large numbers only in recent years and that their opportunities for advancement in the profession may have been limited.

The Committee believes that political activity and public service are valuable experience, but that such activity and service are not a substitute for significant experience in the practice of law.

* * * * *

Recognizing that an appellate judge deals primarily with records, briefs, appellate advocates and colleagues (in contrast to witnesses, parties, jurors, live testimony and the theater of the courtroom), the Committee may place somewhat less emphasis on the importance of extensive trial experience as a qualification for the appellate courts. This same contrast in day-to-day experience may also cause the Committee to evaluate temperament for the appellate courts in slightly different terms.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 5, 1984.

Mr. FREDERICK G. BUESSER,
Chairman, Standing Committee on Federal Judiciary, American Bar Association, 1800 M Street, NW., Washington, DC.

DEAR MR. BUESSER: We are writing as members of the Senate Judiciary Committee to inquire about the method by which the Standing Committee on Federal Judiciary has interpreted the American Bar Association's guidelines in assessing the qualifications of Mr. J. Harvie Wilkinson III, who has been nominated to be a member of the United States Court of Appeals for the Fourth Circuit.

As we understand it, the ABA guidelines suggest that nominees for federal appellate courts should have been admitted to the bar for at least 12 years and should have substantial trial experience. We are concerned about two issues relating to the application of these guidelines in the Wilkinson case.

First, there is the appearance that the Standing Committee's action in this case is unprecedented, and that the committee has applied a double standard in rating Mr. Wilkinson "qualified." We are particularly concerned about testimony that, on numerous occasions in recent years, the committee has applied the guidelines inflexibly, and has advised Administrations that women and minority nominees who do not meet the twelve year/trial experience tests would not be found "qualified" by the ABA, with the result that such candidates were not even considered for nomination to the federal judiciary.

Second, we are concerned about published reports of lobbying activities designed to influence members of the Standing Committee in their application of the ABA guidelines and in their assessment of Mr. Wilkinson's qualifications.

We would appreciate your detailed response to these concerns, so that as we consider Mr. Wilkinson's nomination, we may have a complete understanding of the procedures followed by the Standing Committee.

Sincerely,

EDWARD M. KENNEDY.
JOSEPH R. BIDEN, Jr.
HOWARD M. METZENBAUM.

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON FEDERAL JUDICIARY,
Chicago, IL, March 12, 1984.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: I respond to the March 5 letter from Senators Kennedy, Biden and Metzenbaum with reference to the pending nomination of Mr. James Harvie Wilkinson, III. In doing so, it may be helpful to review the Committee's standard operating procedures.

The process begins when the Justice Department asks the Chairman that a candidate be investigated for a particular vacancy. Ordinarily the matter is referred to the Committee member for the circuit in which the vacancy exists, assuming that such member is readily available and not already overburdened. At the same time the Justice Department sends the Personal Data Questionnaire to the candidate with instructions to complete it and furnish a copy to the Chairman, the circuit member and the Justice Department.

The circuit member conducts an in-depth investigation. If in the course of that investigation concerns develop, he advises the Chairman and suggests that a second Committee member become involved to assist in the investigation. This is not an uncommon occurrence.

Such was the case in the Wilkinson matter and a second Committee member was designated to assist in the investigation. The two members worked together and interviewed the candidate. A single report on his qualifications was prepared. It was accompanied by separate statements of the two investigators in which each cited the conclusions he had reached. One member found the candidate qualified. The other found him not qualified. The report was circulated to all members together with the differing opinions of the two circuit members. A substantial majority of the Committee found Mr. Wilkinson qualified; a minority found him not qualified. When Mr. Wilkinson was nominated both the Senate Judiciary Committee and the candidate were advised of the ratings. The Committee does not reveal how its members voted but the term "substantial majority" has been adopted to indicate that the candidate has strong, but not unanimous, endorsement.

It must be understood that when a Formal Report has been prepared by one or more circuit members and circulated to the entire Committee, each circuit member considers the matter privately and makes his own decision as to the rating he believes appropriate. Such ratings are promptly conveyed to the Chairman and tabulated. Decisions are a matter of individual judgment and it is impossible to know the precise rationale which prompted each one.

Our guidelines provided "that *ordinarily* a prospective appointee to the federal bench should have been admitted to the bar for at least twelve years" (emphasis added). Our records indicate that Mr. Wilkinson was admitted to the Bar of the State of Virginia on February 1, 1972. When his name was sent to us for investigation at the end of July of 1983, he then had virtually, and certainly by now has, satisfied the 12 year requirements.

Your letter states that "We are particularly concerned about testimony that, on numerous occasions in recent years, the Committee has applied the guidelines inflexibly, and has advised The Administration that women and minority nominees who do not meet the twelve year/trial experience tests would not be found 'qualified' by the ABA. . . ." Several years ago the Committee, in recognition of the relatively recent influx of substantial numbers of women and minorities into the legal profession, amended its standards to provide:

"In evaluating experience, the Committee recognizes that women and members of certain minority groups have entered the profession in large numbers only in recent years and that their opportunities for advancement in the profession may have been limited."

The suggestion that in recent years the Committee "has applied the guidlines inflexibly" to the detriment of women and minority nominees is not borne out by the facts. Of the eleven candidates with less than twelve years at the bar who were rated qualified or better by our Committee during the Carter Administration, time at the bar ranged from five years in one instance to eleven years in six instances. Two candidates had been admitted eight years, one nine years and another ten years. These included four women, one of whom was a member of a minority; five men who were members of minorities and two Caucasian men.

During the Reagan Administration there have been five candidates admitted to the bar less than twelve years who the Committee found qualified. Two of these were women, one was an Hispanic male and two were Caucasian males.

Our evaluation criteria further provide:

"Substantial trial experience (as lawyer or a trial judge) is important for a prospective nominee to both the appellate courts and the trials courts. Additional experience which is similar to court trial work . . ., *teaching trial advocacy* or other clinical law school courses, etc.—is considered in evaluating a prospective nominee's trial experience qualifications. *In exceptional cases, when there is significant evidence of distinguished accomplishment in the field of law, an individual with limited trial experience may be found qualified.*" (emphasis added).

Our records, indicate that Mr. Wilkinson taught at the University of Virginia Law School from 1973 to 1978 and again in 1981/82 and that he regularly taught the following courses:

Federal Courts—Subjects covered include case or controversy, federal question jurisdiction, implied remedies and rights of action, federal common law, pendent jurisdiction, abstention, adequate and independent state grounds, section 1983, and federal habeas corpus.

Criminal Procedure—Topics covered are Fourth, Fifth and Sixth Amendment rights at different stages of the criminal process—search, arrest, interrogation and line-up, bail and preliminary hearings, grand jury proceedings, and trial.

Constitutional Law—Subjects included the reach of congressional authority under Article I, Section 8, substantive and procedural due process, the equal protection clause, state action, and the speech and religion clauses of the First Amendment.

In addition thereto the experience of clerking for a Justice of the United States Supreme Court has to be given much weight, and in the opinion of prominent appellate justices, makes up for a lack of practice experience. A clerk to an appellate judge sees the best and the worst briefs and listens to some of the finest and some of the poorest arguments. In this process he should learn quickly to distinguish those things that are important and critical to the decisional process.

The guidelines further state—

"Without demeaning the scholarly qualities necessary for the trial courts, the Committee nonetheless looks for an especially high degree of scholarship and academic talent in prospective nominees for the appellate courts. The abilities to write lucidly and persuasively, to harmonize a body of law and to give guidance to the trial courts in future cases are matters of great concern for the evaluation of prospective nominees for the appellate courts.

Recognizing that an appellate judge deals primarily with records, briefs, appellate advocates and colleagues (in contrast to witnesses, parties, jurors, live testimony and the theater of the courtroom) *the Committee may place somewhat less emphasis on the importance of extensive trial experience as a qualification for the appellate courts.*" (emphasis added).

Mr. Wilkinson's extensive writings were furnished to the Committee and show him to be an unusually able writer and legal scholar with the apparent capacity to become an outstanding appellate judge. A number of law professors were among those whose views were solicited with respect to this nomination, and they were uniformly of the view that his legal scholarship was of a very high order.

It is apparent that all of the criteria set forth in the Standing Committee's brochure were taken into account by a substantial majority of the Committee in reaching the decision that Mr. Wilkinson was qualified. I want to assure you that I do not personally believe the Committee applied a double standard in rating Mr. Wilkinson nor that its action was unprecedented. In support thereof we have reviewed recent nominees to the various courts of appeal whom we have found qualified or better who had very limited trial experience. At least four of these had teaching backgrounds and had demonstrated intellectual accomplishment and writing ability. I believe that the action of a subsantial majority of the Committee in finding Mr. Wilkinson qualified was entirely consistent with our action in the cases of the academics referred to above.

You have also expressed concern about reports of lobbying activities on behalf of Mr. Wilkinson. It is important to know that in this case there was only one vote taken. At about the time the Formal Report was circulated to the Committee, several Committee members called me in accordance with our practice to advise that they had received telephone calls on behalf of the candidate. I was personally concerned that it had apparently become known that the investigating Committee members were not in agreement and that vote was being taken. I took up that concern with The Justice Department. I'm convinced that such calls made on behalf of the candidate did not influence any vote in his favor. It is not unusual for individuals with special information about a candidate under investigation to voluntarily supply this to the investigating Committee members. The members of the Committee are experienced in the handling of this kind of information and indeed welcome it. In this particular case, it was the timing of these calls which was objectionable.

It should be made clear that the investigating Committee members sought the views of several members of The Supreme Court, including Justice Powell for whom Mr. Wilkinson had clerked. These gentlemen had a unique opportunity to judge his performance and his abilities. The Justices contacted were uniformly enthusiastic.

In closing, let me say on behalf of the Committee that for more than thirty years it has sought to bring the independent good judgment of knowledgeable lawyers to the judicial selection process. We never have candidates. Our sole responsibility is to evaluate those names sent to us. The integrity of the process depends upon the integrity of each Committee member, and I am proud to be associated with thirteen people of great character.

Respectfully,

FREDERICK G. BUESSER, Jr.,
Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 9, 1984.

Hon. LEWIS F. POWELL, Jr.,
Associate Justice, U.S. Supreme Court, Washington, DC.

DEAR MR. JUSTICE POWELL: We are writing as members of the Senate Judiciary Committee, which is currently considering the nomination of one of your former law clerks, Mr. J. Harvie Wilkinson III, to be a judge of the United States Court of Appeals for the Fourth Circuit.

According to published reports, you were contacted by two members of the ABA Standing Committee on Federal Judiciary in the course of its review of Mr. Wilkinson's qualifications, and you in turn contracted a third member of the ABA committee.

In light of the issues raised about Mr. Wilkinson's nomination and the procedures followed by the ABA committee in applying its guidelines to this case, we would appreciate your assistance in informing us of the specific contacts in circumstances of those contacts.

We are enclosing for your information a copy of the letter we sent earlier this week to the ABA committee.

Respectfully,

EDWARD M. KENNEDY.
JOSEPH R. BIDEN, Jr.
HOWARD M. METZENBAUM.

SUPREME COURT OF THE UNITED STATES, CHAMBERS OF JUSTICE,
Washington, DC, March 12, 1984.

Senators KENNEDY, BIDEN, and METZENBAUM,
Committee on the Judiciary, U.S. Senate, Washington, DC.

GENTLEMEN: This is in response to your letter of March 9, received by me at about 4:30 p.m.

The press reports I have seen are substantially accurate as to my conversations with three members of the ABA Judiciary Committee. It also is true that Mrs. Powell and I have known the Wilkinson family well for many years.

Mr. James Howard, a Committee member from my state of Virginia, called me last summer and asked my opinion as to the qualifications of J. Harvie Wilkinson, III, who clerked for me here. I responded favorably, noting the difference in the qualifications appropriate for a District Court judge and those for a Circuit Court Judge.

Mr. Lane, the Committee member for D.C., called me later (in November, I believe). As I recall, he stated he was calling me as a Virginian, and because of the negative report from Mr. Howard. I repeated the substance of what I had said to Mr. Howard. Also, responding to Mr. Lane's inquiry, I agreed that my name could be used. I wrote Mr. Howard informing him of Mr. Lane's call.

I was concerned by what Mr. Lane had said about the report from my state. This prompted me to call Gene W. Lafitte, of New Orleans, on my own initiative. Mr. Lafitte is a Committee member and friend with whom I have been associated in the American College of Trial Lawyers. In a brief conversation with him, I told him of Mr. Lane's call, and repeated my view as to the qualifications of Mr. Wilkinson. I did not inquire where he stood; nor do I know how he voted.

I have had no other occasion to speak to members of the Committee. It is, of course, not unusual for federal judges to be asked their opinion as to the qualifications of persons under consideration for appointment to the federal bench.

In view of your inquiry and your proper interest in Mr. Wilkinson's qualifications, I can say with confidence that of the some 45 fine clerks I have had in my 12 years on the Court, J. Harvie Wilkinson, III, ranks among the best. He is an exceptionally gifted legal scholar, and a compassionate and thoughtful human being. In my opinion, he is fully qualified to serve on a Court of Appeals.

Sincerely,

LEWIS F. POWELL, Jr.

[From the Washington Post, Feb. 28, 1984]

WILKINSON, RACING FOR TOP, REACHES KEY HURDLE TODAY

(By Philip Smith)

When J. Harvie Wilkinson III was editorial page editor of The Virginian-Pilot in Norfolk, his colleagues noted that Wilkinson wrote his articles longhand on legal pads and had a secretary type them into the newspaper's computer system.

That practice led some to conclude that a man who did not type also did not intend to stay long in the newspaper business. "He had no experience as a newspaper editor and seemed disinclined to learn it," says former Virginian-Pilot editorial writer A. Robert Smith.

Indeed, Smith says, Wilkinson once confided to him a desire to succeed his old Richmond family friend, Justice Lewis F. Powell Jr., on the Supreme Court—"in no uncertain terms."

The impression that the 39-year-old Wilkinson is a young lawyer in a hurry is likely to be reinforced today when the Senate Judiciary Committee is expected to approve President Reagan's nomination to make Wilkinson one of the youngest federal appeals court judges in the nation.

Driven by social ties, wealth, educational distinction and old family connections that reach with ease into the Supreme Court itself, Wilkinson's campaign for a seat on the 4th Circuit Court of Appeals in Richmond is likely to clear the GOP-controlled Senate Judiciary Committee.

It appears unlikely that a host of bitter complaints by spokesmen for minorities and women—that Wilkinson's premier qualities are that he is bright, rich, Republican, white and male—will do more than dent Wilkinson's prospects.

"He's a wonderful teacher," says fellow University of Virginia law professor Steven Salzberg, "and a fine, traditional constitutional scholar." Wilkinson's boss, law school dean Richard A. Merrill, said, "Students berate us when we move him into a smaller classroom. His leaving would be a major loss for us."

Wilkinson's critics concede his intellect—he graduated magna cum laude from Yale—but they have protested that he falls short of the American Bar Association's guideline that federal appeals court judges should have at least 12 years' experience in law-related activities. Wilkinson, who won the ABA's backing anyway, has nine.

"It is a formidable combination of inadequacies," testified Elaine Jones, an NAACP Legal Defense Fund lawyer and former law school classmate of Wilkinson, at Senate hearings last week. "If a minority or a woman, with the amount of experience Mr. Wilkinson has, had been interested in an appellate judgeship, she/he would not have gotten to first base."

Since graduating in 1972 from law school in Charlottesville, he has clerked for Powell in Washington; served three years at The Virginian-Pilot; taught law at Virginia for six years and served a year in the Reagan Justice Department as deputy assistant attorney general in the Civil Rights Division. In 1970 he ran for Congress as the GOP's nominee in the conservative Richmond-area district, but was overwhelmed by incumbent Rep. David Satterfield, a Democrat.

He wrote speeches for Republican Linwood Holton's successful 1969 campaign for governor, and as recently as 1982 he worked with a Virginia group promoting former Fairfax County legislator Wyatt B. Durrette, another Republican, for governor in the state's 1985 elections.

Still, his bid for the appeals court lacks the strong endorsement of Sen. John W. Warner, Virginia's senior Republican, who initially supported older and more judicially experienced candidates for the position.

Warner said last week that if the Judiciary Committee backs Wilkinson, he will vote for his confirmation. The senator has said the White House wanted Wilkinson because it has wanted to name young lawyers to appeals court seats.

In a 1979 Virginia-Pilot editorial being circulated by his critics, who say it demonstrates hypocrisy, Wilkinson wrote that "the [Virginia] Bar Association took the correct position when it insisted . . . that merit should rule judicial selections . . . It is never too soon to begin stressing merit over connections. . . ."

When it came time for Wilkinson's bid for the bench, his opponents note, connections, including Powell, were not entirely absent. Powell—a wealthy ex-Richmond lawyer and longstanding friend of Wilkinson's father, a former chairman of United Virginia Bank—acknowledges that he told two members of the ABA rating committee who called him that he "strongly favored Jay." When asked by one of the callers to contact a third committee member, Powell did so.

Wilkinson ultimately won a luke-warm rating of "qualified."

[From the Washington Post, Mar. 8, 1984]

BAR ASSOCIATION'S STANDARDS DISPUTED

(By Philip Smith)

Three Senate Democrats, accusing the American Bar Association of a double standard in rating judicial nominees, have asked the ABA to explain why it found a University of Virginia law professor qualified for a federal appeals court judgeship.

Sens. Edward M. Kennedy of Massachusetts, Howard M. Metzenbaum of Ohio and Joseph R. Biden Jr. of Delaware said in a letter to the ABA they were concerned that J. Harvie Wilkinson III was rated qualified even though he does not have 12 years' legal experience, the standard that the organization recommends for appellate judges.

"We are particularly concerned about testimony that, on numerous occasions in recent years, the [ABA] committee has applied the guidelines inflexibly and has advised . . . that women and minority nominees who do not meet the [standard] would not be found 'qualified,'" the legislators said.

The three senators also said that they were "concerned about published reports of lobbying activities designed to influence members" of the ABA's Standing Committee on the Federal Judiciary, which investigates and rates White House nominees for the bench.

Supreme Court Justice Lewis F. Powell Jr. told The Washington Post recently that he had been approached about Wilkinson by two ABA committee members and assured them that he "strongly favored Jay." Powell said that he was asked by one of the callers to contact a third committee member and did so.

"I have no apologies whatsoever for supporting [Wilkinson]," Powell told The Post.

Powell is a longtime family friend of Wilkinson, 39, a wealthy Republican attorney and teacher whose father is a former chairman of United Virginia Bank in Richmond.

It was unclear whether the Democrats' request for more details on Wilkinson's ABA endorsement would delay a Senate vote on his nomination by President Reagan to a vacancy on the 4th U.S. Circuit Court of Appeals.

The GOP-controlled Senate Judiciary Committee, of which Kennedy, Metzenbaum and Biden are members, is to take up the Wilkinson nomination today. Detroit attorney Frederick G. Buesser Jr., chairman of the ABA committee, said yesterday that it will take at least a week to reply to the letter.

[From the Washington Post, Mar. 9, 1984]

SENATORS WANT ABA WORD ON JUDGE CHOICE

The Senate Judiciary Committee won't vote on the nomination of University of Virginia law professor J. Harvie Wilkinson III to a judgeship on the 4th U.S. Circuit of Appeals until the American Bar Association explains why it found Wilkinson qualified for the post, congressional aides say.

Three Democrats on the panel—Sens. Edward M. Kennedy of Massachusetts, Joseph Biden of Delaware and Howard M. Metzenbaum of Ohio—have asked why Wilkinson apparently was not held to the ABA's standard that nominees for federal appeals courts have substantiated trial experience.

Wilkinson has no trial experience.

The Virginia State Bar Association pronounced Wilkinson "qualified" for the nom-

ination, despite the fact that he does not meet the ABA's minimum standard for federal judicial nominees of 12 years of legal experience.

[From the Washington Post, Mar. 13, 1984]

POWELL SAYS HE LOBBIED MEMBER OF ABA PANEL FOR WILKINSON

(By Philip Smith)

Supreme Court Justice Lewis F. Powell, Jr. acknowledged yesterday that he telephoned a member of an American Bar Association investigating committee last fall to voice support for the controversial nomination of his former law clerk, J. Harvie Wilkinson III, to a federal appeals court judgeship.

The action is considered unusual for a sitting judge and is likely to become an issue Thursday when the Senate Judiciary Committee is scheduled to vote on the nomination of Wilkinson, a University of Virginia law professor, to the 4th Circuit Court of Appeals.

Separately, a Capitol Hill source said yesterday that Reagan administration lobbying on Wilkinson was so intense that it angered some members of the ABA committee and later drew an apology from a former senior Justice Department official.

The source said Jonathan C. Rose, former assistant attorney general in the Reagan administration, delivered a "semi-mea culpa" at the ABA's midwinter convention in Las Vegas last month to irritated members of the organization Standing Committee on the Federal Judiciary.

Rose could not be reached yesterday for comment. Wilkinson declined to comment.

Sources also said that a surge of last-minute lobbying by Wilkinson backers in the Justice Department, where Wilkinson once worked, may have cost the 39-year-old former newspaper editor some votes among ABA committee members who were annoyed by the administration's telephone campaign.

Spokesmen for women's and minority groups have charged that Wilkinson lacks sufficient legal experience to meet the ABA's guidelines for appellate judges and have accused the ABA of employing a double standard for white male nominees.

Powell's statement yesterday came in response to a request for details about his role from three Democratic members of the GOP-controlled Senate Judiciary Committee. It is common for ABA investigators to contact judges who know a nominee, but it is considered questionable practice for a sitting judge to initiate such contacts, according to several lawyers.

In a letter to Sens. Edward M. Kennedy (D-Mass.), Howard M. Metzenbaum (D-Ohio) and Joseph R. Biden Jr. (D-Del.), Powell called press reports that he had initiated such a call "substantially accurate."

Powell said he became concerned about the prospects for Wilkinson, a family friend from Richmond, after he learned that an ABA investigator, lawyer James Howard of Norfolk, was compiling a "negative report."

"This prompted me to call Gene W. Lafitte of New Orleans [another ABA committee member] on my own initiative," Powell said. "In a brief conversation with him, I . . . repeated my view as to the qualifications of Mr. Wilkinson. I did not inquire where he stood, nor do I know how he voted."

Powell said he had been queried last year by Howard and another ABA investigator, District Lawyer John D. Lane, about Wilkinson's qualifications before he contacted Lafitte.

The 14-member ABA committee, which investigates and rates judical nominees, subsequently found Wilkinson "qualified" to fill the 4th Circuit vacancy. The vote tally that led to that rating has not been disclosed.

The ABA committee chairman, Frederick G. Buesser Jr. of Michigan, confirmed yesterday that Rose attended last month's convention at the committee's invitation.

[From the Washington Post, Mar. 15, 1984]

ABA PANEL COMPLAINED JUSTICE AIDES LOBBIED FOR WILKINSON

(By Philip Smith)

An American Bar Association screening committee complained to the Justice Department last fall after two senior Justice officials pressured committee members to rate a former colleague "qualified" for a federal appeals court judgeship.

The ABA said this week the complaint came after the two officials—former deputy attorney general Edward C. Schmults and former assistant attorney general Jonathan C. Rose—divulged details of a confidential ABA investigation of J. Harvie Wilkinson III during their contacts with committee members.

Some committee members found the timing of the officials' lobbying—on the eve of balloting on Wilkinson—objectionable, the ABA said. The committee subsequently rated Wilkinson qualified.

Supreme Court Justice Lewis F. Powell Jr. said earlier this week that, in an unusual action for a sitting judge, he also contacted a member of the ABA committee to encourage a favorable vote on Wilkinson, his former law clerk.

Details of the lobbying efforts are likely to fuel attempts by Democrats on the GOP-controlled Senate Judiciary Committee to scuttle the White House's nomination of Wilkinson, 39, a conservative University of Virginia law professor, for a vacancy on the 4th U.S. Circuit Court of Appeals in Richmond. The committee has the nomination on its agenda today.

Sens. Edward M. Kennedy (D-Mass.), Howard M. Metzenbaum (D-Ohio) and Joseph R. Biden Jr. (D-Del.) have held up Wilkinson's nomination pending explanations of the lobbying from Powell and Frederick G. Buesser Jr. of Michigan, chairman of the ABA's Standing Committee on the Federal Judiciary.

Wilkinson was investigated last year by two members of the ABA committee. One, James Howard of Norfolk, submitted a negative recommendation. The other, John D. Lane of the District, rated him qualified.

Those confidential findings were circulated in a 75-page report to the 14 ABA committee members nationwide prior to balloting.

In a letter this week to the three Democrats, Buesser said he became "personally concerned that it had apparently become known that the investigating committee members were not in agreement and that a vote was being taken. I took up that concern with the Justice Department."

Buesser said he also complained to Justice that several committee members had received telephone calls, timed to coincide with the secret ballot, urging approval of Wilkinson. "In this particular case, it was the timing of these calls which was objectionable," Buesser said.

Former deputy attorney general Schmults said yesterday that he was the Justice official to whom Buesser complained. Schmults also acknowledged that he and Rose had made calls to several committee members, mentioning the fact that Howard and Lane were split on Wilkinson's qualifications for the bench.

"I regretted that and I wrote that to Buesser," Schmults said. "How they [the two investigators] were leaning should be confidential."

Schmults said he and Rose made the telephone calls because they had not been consulted by the ABA investigators on Wilkinson's qualifications. Wilkinson served from 1982 to 1983 as deputy assistant attorney general under the two men.

"We were surprised," Schmults said. "We had worked with Jay a long time and had a good idea of his qualifications . . . . We did no more than give [the committee] additional information so they could make a better decision."

One former Justice official, who asked not to be identified, said yesterday that there was "a rather inbred Virginia view" that the judgeship should be filled by a member of the Virginia bar. That would have excluded Wilkinson, whose nomination has been attacked because he lacks courtroom experience.

Schmults yesterday praised Wilkinson as someone who would make "a fine federal judge." The ABA's Buesser also said that several judges, including members of the Supreme Court, were "uniformly enthusiastic" about Wilkinson.

In a letter to the Democratic members of the Judiciary Committee, Justice Powell said he had found Wilkinson, an old family friend from Richmond, "an exceptionally gifted legal scholar and a compassionate and thoughtful human being."

[From the Washington Post, Mar. 16, 1984]

SENATE PANEL APPROVES WILKINSON FOR U.S. JUDGESHIP

(By Philip Smith)

The Senate Judiciary Committee approved the embattled nomination of J. Harvie Wilkinson III to a federal appeals court judgeship yesterday amid renewed complaints by Democrats that the 39-year-old Virginia law professor is unqualified for the post.

The 12-to-4 vote followed unsuccessful attempts by Sen. Edward M. Kennedy (D-Mass.) to persuade the committee's Republican majority to reopen hearings on Wilkinson, who has been attacked by minority and women's groups in Virginia as much less experienced than some female and black lawyers.

"What's very clear is that there's a dual standard," Kennedy said angrily. "[Wilkinson] has never had one client, never. By ramming this through, you're sending a message to women in this society, as well as countless minorities. It's a dual standard, my friends."

If the chairman, Sen. Strom Thurmond (R-S.C.), "wants to hammer this through," Kennedy added, "he has the ability to do it."

Thurmond rejected Kennedy's request for further delay, noting that Wilkinson has been waiting for Senate confirmation since November. The nomination, for a vacancy on the 4th U.S. Circuit Court of Appeals in Richmond, now goes to the Senate floor. Once approved by the Judiciary Committee, such nominations are rarely rejected by the Senate.

Wilkinson, on the faculty at the University of Virginia law school, is a former news-

paper editorial writer and served from 1982 to 1983 as deputy assistant attorney general in the Justice Department's civil rights division. He declined to comment yesterday.

One of Wilkinson's harshest critics, Edythe Harrison of Norfolk, an official of the National Women's Political Caucus, blamed Sen. John W. Warner (R.-Va.) for yesterday's pro-Wilkinson vote. Harrison is a Democratic candidate for the seat held by Warner, who is up for reelection this fall.

"I don't admire Senator Warner's lack of courage," Harrison said. "His silence was consent. As long as he gave tacit approval [of Wilkinson], the die was cast."

Warner, the state's senior Republican, has had no comment on the Wilkinson controversy and has said he would vote for Wilkinson if the nomination reached the Senate floor.

The fight over Wilkinson has centered on charges he was found qualified by an American Bar Association screening committee even though, his critics say, he does not meet ABA standards for appeals judges. The ABA recommends a minimum of 12 years' experience. Wilkinson joined the bar in 1972, but spent three years as editorial page editor of The Virginian-Pilot in Norfolk.

"The bar obviously changed the rules for Mr. Wilkinson," Harrison said yesterday. "If we [women's groups] had put forward such a candidate, you can imagine the outcry."

Kennedy yesterday cited the cases of two female attorneys who he said were more qualified than Wilkinson but who were rated as unqualified by the ABA for other court seats. "It would appear there is one set of standards in this case," Kennedy said, "and a different set with regard to women."

In his request for more hearings, Kennedy also recalled recent statements by Supreme Court Justice Lewis F. Powell Jr. and former deputy attorney general Edward C. Schmults that they contacted ABA committee members on Wilkinson's behalf before the voting.

Sen. Arlen Specter (R-Pa.), saying he was concerned about those actions, called on Thurmond yesterday to hold hearings on the ABA's procedures in investigating and rating federal judicial candidates. Thurmond promised to do so.

Sen. Orrin G. Hatch (R-Utah) joined in the criticism of the ABA, accusing the organization of waging a "vendetta" against the late Sherman E. Unger. The ABA rated Unger unqualified in his bid last year for a seat on the U.S. Court of Appeals for the Federal Circuit, touching off a bitter fight in the Judiciary Committee.

"Senator Kennedy's point was well taken against the ABA," Hatch said yesterday. "It was not well taken against this nominee," referring to Wilkinson.

The 4th Circuit has jurisdiction over Virginia, West Virginia, Maryland and North and South Carolina.

[From the New York Times, Apr. 1, 1984]

CRITICS QUESTION EXPERIENCE OF REAGAN'S CHOICE FOR JUDGESHIP

(By David Margolick)

WASHINGTON, March 31.—J. Harvie Wilkinson 3d, President Reagan's choice to fill a Federal appellate court vacancy in Virginia, is in many ways an unorthodox candidate for the bench.

Mr. Wilkinson, a 39-year-old law professor at the University of Virginia, has worked in jobs related to his profession for only eight years. He has never had a private client, argued a case in court or written a legal brief by himself. He has no judicial experience and is not entitled to practice before either the court he hopes to join or any of the trial courts it supervises.

An American Bar Association screening committee, despite sharp internal disagreements, found Mr. Wilkinson, a onetime law clerk for Justice Lewis F. Powell, Jr. of the Supreme Court, "qualified" for the seat.

Earlier this month the Senate Judiciary Committee voted 11 to 5 in favor of the appointment of Mr. Wilkinson to the United States Court of Appeals for the Fourth Circuit, which hears cases from Virginia, West Virginia, Maryland and the Carolinas.

CRITICISM OF THE NOMINATION

Normally, the Senate would ratify the Judiciary Committee's choice. But in the past few weeks, criticism of the nomination has both intensified and broadened beyond groups representing women and minorities who are critical of what they perceive as his limited legal experience, insensitivity and parochialism.

In a brief appearance before the Judiciary Committee last November, Mr. Wilkinson cited a yearlong stint in the Justice Department under Mr. Reagan, scholarly activities and three years as editorial page editor of a Norfolk newspaper as experiences that qualified him for the appellate bench. Other law professors, he observed, had been named to the bench and made "marvelous" contributions despite their limited legal practice.

At least two Senators, Edward M. Kennedy of Massachusetts and Howard M. Metzenbaum of Ohio, both Democrats, have temporarily blocked a vote by the full Senate on the nomination. In addition, Mr. Kennedy, joined by Senators Charles McC. Mathias Jr., Republican of Maryland, and Patrick J. Leahy, Democrat of Vermont, have called on Senator Strom Thurmond, a South Carolina Republican who is chairman of the Judiciary Committee, to hold additional hearings on the nomination bench.

The senators critical of the Wilkinson nomination hope to scrutinize his performance as a Deputy Assistant Attorney General as well as the role played by the Justice Department and Mr. Wilkinson's former mentor, Justice Powell, in lobbying for his nomination.

At the same time, they want to examine the role of the bar group's standing committee on the Federal judiciary, which screens candidates for Federal judgeships. Critics of the nomination have charged that the criteria normally used, notably that candidates be lawyers for at least 12 years and have "substantial" trial experience, were unjustifiably waived for Mr. Wilkinson. The critics say the same criteria sometimes disqualify women and members of minority groups.

"This nominaton is symbolic of a con game," said Armand Derfner, a Washington lawyer who testified against the nomination. "The Administration talks of merit selection, but Mr. Wilkinson is probably the least experienced appellate nominee ever seen."

While the Republican-controlled Senate still seems likely to confirm Mr. Wilkinson, some people are hedging their bets.

"It's too early to say what the final outcome of the Wilkinson nomination will be," said Peter Loomis, press secretary to Senator John W. Warner, Republican of Virginia. "It could dangle for a month or two and die on the vine."

Mr. Warner, whose own choices for the vacancy were rejected by the White House in favor of Mr. Wilkinson, has offered him only token support.

But a Reagan Administration spokesman, who requested anonymity, said, "We're confident that he'll be confirmed after this thing plays out."

BORN TO AFFLUENT SURROUNDINGS

The term most frequently used to describe Mr. Wilkinson is "to the manner born." His father, J. Harvie Wilkinson Jr., was president of one of Virginia's largest banks, and he grew up in Richmond's affluent West End, long a seat of power in the state.

A graduate of Lawrenceville School and Yale University, Mr. Wilkinson harbored political ambitions, and while a student at the University of Virginia Law School in 1970 he ran unsuccessfully for Congress.

Two years later, however, he won a clerkship with Justice Powell, also from Richmond and a longtime friend of the Wilkinson family. Mr. Wilkinson spent the next five years teaching law at the University of Virginia in Charlottesville, when he left to become the editorial page editor of The Norfolk Virginia-Pilot. He served as Deputy Assistant Attorney General in the civil rights division of the Justice Department from 1982 to 1983, when he returned to teaching.

At hearings in February, witnesses from the NAACP Legal Defense and Educational Fund, the National Women's Political Caucus and several other groups said Mr. Wilkinson was insensitive to minority concerns and had less experience than some women and minority candidates that the bar screening committee had found unqualified.

"If a minority or a woman with the amount of experience Mr. Wilkinson has had been interested in an appellate judgeship she/he would not have gotten to first base," Elaine R. Jones of the legal defense fund testified.

Senator Kennedy and others have suggested that in finding Mr. Wilkinson "qualified" the bar screening committee may have bowed to political pressure. The other designations are "exceptionally well qualified," "well qualified" and "not qualified."

Two former high-ranking Justice Department officials, Edward C. Schmults and Jonathan C. Rose, made telephone calls to committee members before the vote on Mr. Wilkinson. The two admit, moreover, that they divulged details of a confidential, negative, preliminary report on Mr. Wilkinson to others. They said they had hoped that, by demonstrating the nomination might be in jeopardy, they could enlist supporters of Mr. Wilkinson to petition the committee on his behalf.

Frederick G. Buesser Jr. of Bloomfield Hills, Mich., chairman of the bar screening panel, said Mr. Schmults and Mr. Rose "used poor judgment on behalf of a friend." He asserted, however, that "not one vote" had been altered by their action.

Moreover, earlier, this month, Justice Powell acknowledged that he had grown concerned over Mr. Wilkinson's prospects and called one committee member on his own initiative. He has described his former clerk as "an exceptionally gifted legal scholar and a compassionate and thoughtful human being" who is "fully qualified" for the court seat.

Mr. Wilkinson's critics have based their judgments largely on the editorials he wrote for The Virginian-Pilot. Last July the newspaper, which had been one of the state's more liberal organs before Mr. Wilkinson's

tenure, came out against his appointment. Mr. Wilkinson, it said, "came up short" on experience.

"Obviously, he is a bright young man in a hurry, but what's the rush?" it said in an editorial titled "Wilkinson as Judge?"

NATIONAL WOMEN'S POLITICAL CAUCUS,
Washington, DC, September 9, 1983.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am writing to express the National Women's Political Caucus' serious concern over the probable nomination of J. Harvie Wilkinson III to the U.S. Fourth Circuit Court of Appeals.

Mr. Wilkinson's lack of experience in the legal arena is well known. In the 11½ years since graduating from law school, he has never practiced law, and has been involved in legal matters for only about eight years. This background falls short of the minimum 12 years experience recommended by the American Bar Association. Surely you will agree that this country, and the State of Virginia, deserves better than that.

In November, 1982, the National Women's Political Caucus forwarded to the Justice Department the names and resumes of four highly qualified women for this position. Each of our recommended nominees has broad experience in the court system, and any one would be an admirable choice for the position under consideration.

It is unfortunate that not one of these women, nor any other of the many equally qualified women attorneys in your state, was included in your list of recommended nominees sent to the president. Your failure to choose a single woman is all the more disturbing in light of the fact that, of 21 Circuit Court nominations made by President Reagan as of September 1, 1983, not one has gone to a woman.

I strongly urge you to bring your influence to bear to see to it that Mr. Wilkinson is not nominated and that a qualified woman is named for this very important post.

Sincerely,

KATHY WILSON,
National Chair,
National Women's Political Caucus.

TESTIMONY AT A HEARING OF THE SENATE JUDICIARY COMMITTEE ON THE NOMINATION OF JAMES HARVIE WILKINSON III, FEBRUARY 22, 1984

STATEMENT OF EDYTHE C. HARRISON

Mr. Chairman, I am Edythe C. Harrison, a resident of Norfolk, Virginia, speaking for the National Women's Political Caucus. I am a past member of the Virginia General Assembly, and have been a community activist in a variety of projects in the arts, education, and community development for many years.

I came to know Mr. Wilkinson personally when he resided in Norfolk as the Editorial Page Editor of the Virginia-Pilot. I am well acquainted with his beliefs and modes of expression through his writings and personal conversations. I am here to comment on Mr. Wilkinson's judicial temperament as believed in his own writings while at the newspaper and in his books.

It is with some uneasiness that I testify due to what I consider a good personal relationship with Mr. Wilkinson. However, as the Chair of the 2nd District Women's Political Caucus and as a concerned citizen, I feel obligated to share with this committee my knowledge on this appointment.

Mr. Wilkinson lacks experience representing clients whether in or out of court. He lacks experience either as a lawyer sweating out a case with a client whose life, liberty, or fortune are at risk, or as a judge called upon day after day to render discriminating opinions about often difficult matters. In view of these facts, it is more than relevant to consider his performance as an editorial writer to glean insight into this man as a journalist, lawyer and as a person. This is essentially so, in view of the fact that Mr. Wilkinson cites his three years as an editorial writer in support of his experience for this appellate judgeship. I must ask if he was temperate in his judgments? Did his editorials reveal the writer as a person of depth, learning, and mature insight, or someone deficient in these qualities? Was he arrogant? Was his language precise and thoughtful? Did he enlighten as well as provoke? Did he liken his responsibilities in the post of Editor to those of a judge, who must give due weight to all sides of a controversy, examine and state carefully the arguments on all sides of a controversy, and make his decision from the best evidence available to him?

Unfortunately, my conclusion is that Mr. Wilkinson falls short in all aspects. An editorial writer does what a judge does. Editorial writers, like judges, confront controversial issues and both should be fair minded, look at both sides of the question, and pose reasonable solutions. Since Mr. Wilkinson is relying heavily on his editorial experience as a basis for his appointment, it is appropriate that we look at his editorial writings for the qualities that would indicate judicial temperament. In evaluating his editorials we look for evidence of fair mindedness, compassion, and one who understands complexities and practical implications inherent in legal disputes.

A judge may be a political appointee but judges are not politicians. Mr. Wilkinson's style has the forensic tone of a campaigning politician or of an adversary lawyer in front of a jury, not the mediating tone of an impartial judge. His discourse suggests a prejudgment that would obstruct his ability to judge fairly. Mr. Wilkinson obviously is intelligent and aware of the problems of this society. In his editorials he asks all the provocative rhetorical questions—often inflammatory in style but he offers no solutions to these problems. This is acceptable for a teacher or writer who can deal in hypotheticals, but it is not appropriate for a judge—or even an editorial writer who must feel a responsibility to the community who looks to him for enlightenment—but it is certainly not appropriate for a judge who must take responsibility for his words knowing they will become law.

His editorials cover a number of highly controversial subjects. A look at his editorial language tells us something about his ability to be fair minded. The issues are arguable. Mr. Wilkinson does not argue the case if arguing means weighing the arguments for and against and coming to one's own conclusions. His adversarial style forces the argumentation to move exclusively between two absolute extremes. I give a couple of examples: Through emotionally laden lexical choices such as, and I offer as direct quotes from his editorials the following language: "nightmares of the Holocaust; malignant mobs; stalking presidents; sanctity of innocent life; heinous crimes," he forces the reader into these extremes and then concludes that there is no other choice. This crystallization into two irreducibly opposed viewpoints is more the discourse of a lawyer than that of a judge. In fact, his adversarial rhetoric repeatedly defies logic. Indeed he deals ruthlessly with the very principles of logical argumentation, all the while maintaining a facade of logical structure.

Mr. Wilkinson is given to extravagant, misinformed, intemperate, inflammatory, stereotypic statements. For example: Regarding one minority group, Mr. Wilkinson very unsympathetically writes, "their rhetoric was that of the maligned. The march urges an end to all social economic, judicial, and legal oppression of lesbian and gay people. Their demands," said Mr. Wilkinson, "should be resisted because the last thing we need is a fresh wave of lawsuits whenever some employee is allegedly dismissed or passed over because of 'sexual preference.'" Does Mr. Wilkinson define justice in terms of a reduced caseload? Is justice a matter of convenience for the judges? Is this what we mean by judicial economy? All that most people ask of government is that they be accorded the same legal rights as other citizens, being held accountable for what they are as individuals, not because of their minority differences. This is a point that should not have to be explained to a man who may sit on the bench.

It should also not have to be explained that while it may be appropriate to support capital punishment, it is inappropriate to support capital punishment because, quoting Mr. Wilkinson, "I just don't trust parole agencies." That kind of injudicious statement casts aspersions on a whole class of hardworking public servants and is certainly a dubious reason for supporting this issue.

We all know what the problems are. As an editorial writer, he inflamed us with the problems but never enlightened us with solutions or even attempts at solutions. A judge does not have the luxury of avoiding solutions to important, complex legal problems. Professors and editorial writers, for all the useful work they do, have the luxury of approaching problems from an ivory tower perspective. I am not an attorney but I understand why the American Bar Association requires a particular number of years out of school—and legal practice for a number of years. I understand the reasons for this standard. Mr. Wilkinson's youth, lack of experience and immaturity are impediments to wise decision making.

On the most agonizing questions of race, education, and equal opportunity, Mr. Wilkinson offers not enlightenment, but empty rhetoric with a scholarly intellectual gloss which is useless as a guide to reasonable resolution of fundamental social problems.

"Compulsory busing is madness, compulsory busing betweeen city and suburb is madness mutiplied," writes Mr. Wilkinson. Is this the best thinking of a legal scholar who has explored the complex issues involved in dismantling separate but unequal racially identifiable schools? Is all busing "madness"? Is busing in conjunction with paired and magnet generally upgraded schools, teaching and educational programs "madness"? Is busing to remedy state caused inequities in the financial support of schools invariably "madness"? Is judicious busing, not for the purpose of racial balance but for the purpose of good libraries, good order, and good learning programs in all of a city or regions schools "madness multiplied"?

In the controversial and highly emotional subjects of busing, capital punishment, bilingual education, and in vitro fertilization Mr. Wilkinson used the editorial page to

confuse and inflame rather than explain. These are issues that beg for discourse and reason and not inflammatory rhetoric that never solves problems. Unfortunately these are not the only subjects that received the same type of treatment.

As if Mr. Wilkinson's lack of judicial temperament were not enough, there is some serious question as to how he achieved this nomination. Achieved is the right word because he engaged actively in the process of getting himself nominated. He lobbied for his own position. A Congressional aid was quoted, "he did everything except take out a billboard." This is especially distressing when in editorial after editorial, Mr. Wilkinson has been harshly critical of the role of politics in judicial appointments. But even all this lobbying does not explain the American Bar Association endorsement. By their own rules he is clearly not qualified but he received the endorsement anyway. It is generally understood that Justice Powell "permitted his name to be used" in support of Mr. Wilkinson's nomination and this may have turned the tables in so far as the ABA endorsement is concerned.

I am not saying there is anything improper, but the Committee should be aware there is a long standing connection between Justice Powell and Mr. Wilkinson. He was clerk for Justice Lewis Powell. The relationship of these two men is well known. Justice Powell's law firm represented the bank that Mr. Wilkinson's father headed. Mr. Wilkinson even worked at the Powell law firm in high school. After clerking, Mr. Wilkinson wrote about Mr. Powell in his book "Serving Justice" and said in that book that when Mr. Powell was appointed to the Supreme Court Mr. Wilkinson felt the Supreme court had been saved and "I could not help thinking my chances for clerkship."

This inside track to a judicial nomination runs counter to everything Mr. Wilkinson has written about merit appointments to the bench. Writing on the theme of merit versus raw political selection of judges was a recurrent theme during his editorship. Concerning the selection of judges by the Virginia General Assembly he writes, "Judges ought to be selected on the basis of merit, not on the basis of political ties. At present, the choice of new judges rests, in practice, with the legislative delegations from jurisdictions involved. The temptations are great—at times irresistable to elevate to the bench the law partners, colleagues, and cronies of legislators." Mr. Wilkinson expressed hope that the proposed Bar Judicial Nomination Commission which would have been appointed by the Bar Association would provide a "high grade and less political review of the character, temperment, intelligence, mental and physical fitness, education, legal ability, experience, general interest and past conduct of each person considered." Mr. Wilkinson said, "It is never too soon to begin stressing merit over connections." We agree.

TESTIMONY OF ELAINE R. JONES OF THE NAACP LEGAL DEFENSE FUND

Mr. Chairman, my name is Elaine R. Jones and I am an associate counsel with the NAACP Legal Defense Fund. I am a native Virginian; I attended law school with Mr. Wilkinson, and I have practiced law in the federal courts, including the Fourth Circuit, for over thirteen years.

I have testified before this Committee several times on subjects of mutual interests, subjects ranging from the voting rights act to procedures for evaluating judicial nominees.

Yet at no time have I been more reluctant to appear than today. But as a matter of fairness and principle I have little choice.

Since he has been President, Mr. Reagan has nominated more than 125 persons to the Federal bench, many of whose philosophy and views on fundamental social issues might differ from mine. However, prior to this appearance I have not appeared before this Committee to testify on a single one of Mr. Reagan's nominees. Mr. Wilkinson's is my first appearance on a judicial nominee during this administration.

After having read Mr. Wilkinson's submissions, having interviewed and talked with people with whom he has worked and reviewing his overall record, I have concluded that it would be fundamentally unfair for this committee to confirm Mr. Wilkinson.

There is a fundamental question of fairness here that must be raised. And that is the issue of fairness with regard to the judicial selection process. It is a question that runs to the American Bar Association's Standing Committee on the Federal Judiciary.

We have before us a nominee who, when viewed objectively, is facially unqualified for appointment to the appellate bench.

At the time of his nomination he had been in the field of law barely eight years, six of those as a law professor. Even adding the three years of his newspaper experience, at the time of nomination Mr. Wilkinson did not have twelve years at the bar which is the requirement of the American Bar Association (ABA). A very strong argument can be made that 12 years at the bar, which is the ABA standard, means for an appellate nominee 12 years of law-related work, in which case Mr. Wilkinson has only 8. For the six years that he has taught law school we understand that Mr. Wilkinson is highly regarded as a law professor, yet we do not think that that qualifies as "significant evidence of distinguished accomplishment in the field of law," which is the applicable language in the ABA standards when one has limited trial experience (p. 3). However, Mr. Wilkinson has no trial experience, nor any out of court experience representing the interests of a client. Nor, we understand, is he even a member of the Circuit court to which he has been nominated to serve. It is then quite confusing to see how, if one uses principles of merit selection, that Mr. Wilkinson merits this appointment. In his testimony before this Committee on Wednesday, November 16, 1983 Mr. Wilkinson refers to the nomination of Stephen Breyer (1st Circuit), Ralph Winter (2nd Circuit), Antonia Scalia (D.C. Circuit) and Richard Posner (7th Circuit) for the proposition that academics can serve ably on the appellate courts. That is true.

However, the issue is not whether academics can serve (they certainly can and should), the issue is the qualifications of Mr. Wilkinson to serve, with 8 years of law-related experience and only 6 years in academic life with no advocacy experience whatever.

At the time of his nomination, Stephen Breyer had 16 years of law-related experience, 12 of those as a law professor at Harvard; Ralph Winter had 22 years teaching experience and taught at Yale Law School; Antonio Scalia had been a member of the bar over 20 years, had taught law for nearly 12 years at the University of Chicago, Stanford and the University of Virginia, an additional 6 years in the actual practice of law and 6 more years in government service. Richard Posner had over eighteen years at the bar, 11 years in academic life and more than six years in government service. Mr. Wilkinson's comparisons simply do not hold up when one reads the record. Much as been made by Mr. Wilkinson himself of his similarity to others "academics" who were successfully appointed to the bench. A survey of those appointed in the last few years to the appellate bench shows that there is no other member of any Circuit Court of Appeals who has been out of law school such a short period of time, has so little law-related experience, and who has no courtroom or advocacy experience. It is a formidable combination of inadequacies.

Minorities and women have often been reminded that as a general proposition they do not have the requisite experience to serve on the appellate bench because they have only graduated from law schools in significant numbers over the past 10–15 years. Every minority and woman appointed to the appellate bench in the last two administrations has objectively met and/or exceeded the applicable ABA standard.

If a minority or a woman, with the amount of experience Mr. Wilkinson has, had been interested in an appellate judgeship she/he would not have gotten to first base. First, they would have most certainly been found unqualified by the ABA; secondly, they would not have received the nomination; and thirdly, if they had received the nomination, I do not believe they would have ever passed the scrutiny of this Committee.

If no advocacy experience and limited teaching experience is enough to earn a qualified rating for the appellate bench, then the ABA standard is meaningless, as is the selection process.

The Committee now considers the nomination of a white male from a privileged background who has connections of power and who does not meet the qualification standards now met by every federal appellate jurist in the Country. We urge the Committee to act on principle. If Mr. Wilkinson is confirmed it will tell the world more clearly than anything else, that there is a double standard: one for minorities, women and all other appellate judges and another for Mr. Wilkinson.

We ask now only for fairness: that the standard that applies to all other federal appellate jurists in the Country be applied to Mr. Wilkinson. If that is done, this nominee will not be confirmed.

STATEMENT OF BOBBY B. STAFFORD, PRESIDENT OF THE OLD DOMINION BAR ASSOCIATION

Mr. Chairman, I am Bobby B. Stafford, President of the Old Dominion Bar Association ("ODBA"). The Old Dominion Bar Association (ODBA) is a statewide bar organization which has existed since 1941 in the Commonwealth of Virginia. I am pleased to have this opportunity to appear before the committee; however, it is with significant pain and reluctance that the ODBA expresses its opinion respecting the nomination of Mr. J. Harvie Wilkinson as a judge for the United States Court of Appeals for the Fourth Circuit. However, as attorneys who practice before the U.S. Court of Appeals for the Fourth Circuit, it is ODBA's obligation to come forward and speak up on this nomination. The ODBA firmly believes that the appointment of Mr. Wilkinson to the United States Court of Appeals for the Fourth Circuit would diminish the respect

of the bench and bar for the quality of judicial experience on the court and for the appointment and selection process for judicial judges.

As practitioners before this court, we are keenly aware of the need for and the expectation that the judges who adjudicate our cases will possess exemplary judicial qualifications who have been carefully selected from the most experienced and able members of the bench or bar. We again wish to emphasize that there are tremendous risks for a bar association to oppose a lifetime judicial appointment. However, in the event the Senate confirms Mr. Wilkinson for appointment to the Fourth Circuit, the high quality of the judiciary could be seriously compromised.

The constitutional importance of an independent and able federal judiciary is unquestioned. And, the Senate's duty to confirm each nominee for the federal judiciary is clear evidence of the profound public interest in assuring that qualified persons are entrusted to the powerful position of a federal judgeship.

To facilitate the public interest, the American Bar Association Standing Committee which evaluates judicial nominees, long ago established minimum evaluation criteria a nominee for the federal bench should possess. The ABA criteria clearly require (1) admission to the bar at least a minimum of twelve years, (2) substantial trial experience as a lawyer or federal judge, and (3) in exceptional cases limited trial experience will suffice where the nominee has distinquished accomplishments in the field of law. Mr. Wilkinson is believed not to possess any of these qualifications. The ODBA has recently learned that Mr. Wilkinson is not even admitted to practice before the U.S. Court of Appeals for the Fourth Circuit for which he seeks an appointment, nor any of the federal district courts in the Circuit. This is alarming.

Notwithstanding its evaluation criteria, the ABA has expediently and miraculously found Mr. Wilkinson qualified for appointment as a federal judge. In your consideration of the ABA's departure from its evaluation criteria, it should be noted that the ABA evaluation criteria and its recommendation are merely an aid to the Senate and not a supplement nor substitute for the judgment of this committee or the United States Senate. The ODBA considers the ABA's finding that Mr. Wilkinson is qualified to be a federal judge an affront to deserving and qualified practitioners and jurists of all races and both sexes in the Commonwealth of Virginia. Mr. Wilkinson has not had any practical legal experience to carry to the bench. Practical legal experience is not limited to trial experience, but may be derived from client contact, motion practice, administrative proceedings, or other advocacy experience.

Attorneys who argue cases before judges of the Fourth Circuit must have unquestioned confidence in the ability of the judges to understand quickly, soberly and intelligently the issues presented. Attorneys generally have only thirty (30) minutes to argue their cases, whether legal issues raised are procedural or substantive or whether such issues involve preservation of life, liberty or property. The judges must often resolve issues presented based on the law cited in a short brief as well as based on their prior experience as a jurist and/or practicing attorney. There is no time—and there should be no need—to explain to the judges the exigencies of a legal practice, whether plaintiff's or defendant's counsel or as a defense attorney or prosecutor in order to assure that the judges evaluate the issues in the proper framework. Accordingly, in view of Mr. Wilkinson's lack of practical experience at the bar or on the bench, he would be substantially disadvantaged as an appellate judge and this would inure to the profound detriment of the lawyers who will appear before him. It must not be forgotten that these lawyers will be representing clients who have important legal and factual disputes.

At the time of his nomination, Mr. Wilkinson has been a member of the bar not quite twelve years, he also has not had the benefit of having attorney-client relationships. An attorney derives significant growth through the wide breath of attorney-client relationships. The attorney-client relationship critically affects the decisions that counsel makes and directly influences and shapes the posture of counsel's case as it appears before the appellate court. Absent practical experience derived through attorney-client relationships, Mr. Wilkinson would be required to make his decisions by vicariously considering or hopelessly speculating about practical considerations that affect legal issues and inferences. These practical considerations which are so vital to the appellate bench in the fair resolution of important controversies would be "second nature" to an experienced lawyer or judge. Such a glaring deficiency in Mr. Wilkinson's qualifications can only lead him to apply mechanically principles of law to resolve legal issues, while failing to comprehend or perceive practical considerations that will impact on his opinions. The federal bench, the bar and the public deserve and expect a truly qualified appointment who has the requisite experience and depth to consider justly those disputes which will come before the bench.

In conclusion, having had no attorney-client relationships, no trial experience, no distinguished accomplishments in the field of law and/or no judicial experience, Mr. Wilkinson is clearly unsuited for the federal appellate bench. Given his record of achievement in various and sundry endeavors, with time Mr. Wilkinson may be able to obtain the requisite legal experience to qualify for appointment to federal bench.

Mr. Chairman, the ODBA respectfully requests this committee on behalf of its members and all the trusting citizens of the Fourth Circuit to give Mr. Wilkinson an opportunity to obtain the requisite legal experience before being thrust into the position of a federal appellate judge. It is our considered opinion as practitioners in the Circuit that this nomination should not be confirmed.

Thank you.

TESTIMONY OF HELEN C. GONZALES, ASSOCIATE COUNSEL, MEXICAN-AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

Good afternoon, I want to thank the Chairman and the distinguished members here today for allowing me to testify on behalf of the Mexican American Legal Defense and Educational Fund (MALDEF). My name is Helen Gonzales and I am the Associate Counsel for the Washington, D.C. office. MALDEF is a national legal and educational organization devoted to protecting the civil rights of close to fifteen (15) million Mexican Americans and other Hispanic Americans. Currently, we have offices in San Francisco, Los Angeles, Sacramento, Denver, San Antonio, Chicago and here in Washington, D.C.

I appear before you today to express our opposition to the nomination of J. Harvie Wilkinson to the U.S. Court of Appeals for the Fourth Circuit. Our opposition, Mr. Chairman, is based on the fact that Mr. Wilkinson does not meet the threshold qualifications for appointment as a federal judge. Thus, it becomes clear that the nomination is premised solely on the conservative political philosophy which Mr. Wilkinson shares with this Administration. If this nomination is approved it will be but another slap in the face to minorities and women alike who are repeatedly told that they cannot be given judicial or other appointments because they lack the qualifications necessary for those positions.

Federal appellate judges serve a very important role in our society. Their decisions can have a tremendous impact on individuals and communities. It is, thus, critical that individuals appointed to these positions be of the highest professional caliber.

In order to promote this goal, the American Bar Association (A.B.A.) has developed minimal criteria for evaluating a nominee to the federal bench. An individual should be admitted to the Bar a minimum of twelve years, have substantial trial experience as a lawyer or federal judge, and, in exceptional cases, limited trial experience will suffice where the nominee has distinguished accomplishments in the field of law.

Since leaving law school J. Harvie Wilkinson served one year as a U.S. Supreme Court law clerk, six years as a law professor, and one year in the U.S. Department of Justice. He also spent three years as an editorial page editor for the Virginian-Pilot. Thus, Mr. Wilkinson has only a total of eight years of legal experience, none of which includes trial work. While the A.B.A.'s minimal criteria calls for "substantial trial experience," this standard has been broadened, in its application, to include advocacy work, generally. However, even under this broader view, Mr. Wilkinson fails to meet the A.B.A. standard. He is not even admitted to practice before the Court of Appeals to which he has been nominated nor to any of the federal district courts within that Fourth Circuit.

Mr. Wilkinson's positions at the University of Virginia Law School and at the Justice Department left him completely unexposed to either client representation or practical advocacy experience. Thus, the record clearly shows that he lacks the experience necessary for appointment to the appellate bench.

It is also interesting to note that during Mr. Wilkinson's tenure as an editor to the Virginian-Pilot, a number of editorials were published which criticized the judicial selection process for being unduly political.[1] One such editorial concluded that, "it is never too soon to begin stressing merit over connections."[2] In this case, however, since "merit" is lacking one must presume, as a recent editorial by the Virginian-Pilot did, that Mr. Wilkinson's greatest qualification to serve on the bench is his conservative philosophy.[3] Based on this lack of practical,

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[1] "Choosing Judges on Merit," The Virginian-Pilot, Feb. 9, 1979; "Change It," The Virginian-Pilot, Feb. 21, 1980; "Was It Really Racist," The Virginian-Pilot, March 8, 1980.

[2] See, e.g. "Politics Behind the Robe," The Virginian-Pilot, Jan. 18, 1979.

[3] "Wilkinson as Judge?" The Virginian-Pilot, Jul. 29, 1983. Mr. Wilkinson's published views on a

legal experience even his former employer had to admit that his nomination should not be confirmed.

It is ironic, then, that Mr. Wilkinson would seek a position for which he lacks sufficient credentials to meet his own "merit" standard. In the selection of judges he, understandably, supported review of such criteria as legal ability and experience.[4] As indicated above, however, he falls short on these two key prerequisites.

It is also ironic that despite Mr. Wilkinson's insistence that appointments be based on merit and not political considerations, he has apparently been lobbying extensively on his own behalf.

This point is reflected in the comment attributed to a Virginia congressional aide who described Mr. Wilkinson's political lobbying for the judgeship: "He's made phone calls, visited Congressmen's offices, and done everything except take out billboards and airplanes with streamers." [5]

Thus, one has to surmise that Mr. Wilkinson believes that he need not follow his own advice.

The Reagan Administration has consistently denounced the use of affirmative action on the ground that it leads to the appointment, or hiring, of unqualified individuals. Mr. Wilkinson, himself, wrote, or approved, editorials during his tenure as an editor, strongly raising this same implication.[6] Yet, both he and the Administration, now appear willing to subvert their own "merit selection" philosophies when it concerns the appointment of a white male.

Therefore, allowing Wilkinson to become a federal judge is fundamentally unfair to the many qualified Hispanics, Blacks, and women who have been repeatedly denied federal judgeships because they, allegedly, failed to meet the A.B.A.'s minimal standards. Appointment of Mr. Wilkinson, despite his current lack of more than eight years of legal experience, would create a double standard. Clearly there must be others including, women and minorities, who are, in fact, qualified under the A.B.A.'s standards for this appellate judgeship. The A.B.A.'s minimum standards, under which others are judged, should not be waived merely because a candidate is of the correct political philosophy.

TESTIMONY OF JOSEPH MICHAEL TREVINO, DIRECTOR OF LEGISLATION, LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC)

Good afternoon, Mr. Chairman, distinguished members of the Senate. First, I would like to thank you on behalf of the League of United Latin American Citizens (LULAC) for allowing me, Joseph Michael Trevino, LULAC Legislative Director, to present our views regarding the judiciary generally and Mr. J. Harvie Wilkinson's nomination to the 4th Circuit Court in particular. LULAC is the oldest and largest Hispanic organization with a membership of over 100,000 members in 43 states recently established councils in Mexico, Central America, West Germany, and Okinawa. Founded in Corpus Christi, Texas, LULAC's central concerns are for full social, political, economic, and educational rights for Hispanics in the United States.

Mr. Chairman, let me begin by stating that the League's interest in the certification process is longstanding and in keeping both with the responsibilities of an informed citizenry and advocating for an independent judiciary which administers the law in a fair, evenhanded and effective manner. Speaking about the judiciary system in this, our country, brings to mind a conversation I had with Mr. Jim Range, formerly legislative director for Senator Howard Baker. Mr. Range recounted to me conversations he had had with persons whom he encountered while traveling abroad. Mr. Range was surprised to hear that the one aspect of American life which was most respected and was admired in fact the U.S. judicial system, which in their mind was and continues to be free, independent, and above all, just. We, at LULAC, actively support and advocate for a free, independent and just judiciary. Regarding Mr. J. Harvie Wilkinson's nomination to the bench for the 4th Circuit Court, LULAC urges this body to reject his nomination on the following grounds:

Mr. Wilkinson is guilty of "intellectual dishonesty," while the nominee was editor of the editorial page of the Virginian-Pilot during 1979 through 1981 a public debate ensued regarding the selection of judges for four newly created federal judgeships. It can be assumed that the editorials published during that time carried the approval of the nominee. Several editorials referring to the then present day procedure for selecting judgeships were published (attachments 1,2, & 3).

Among the conclusions reached by these editorials was the fact that "the secrecy of the whole process darkens public distrust." (attachment 1) But of particular interest is the editorial entitled "Choosing Judges on Merit" (attachment 2). This editorial supported the notion of a Judicial Nominations Commission in the hope "that the Commission will provide a high-grade and less political review of 'the character, temperament, intelligence, mental and physical fitness, education, legal ability, experience, general interest, and past conduct of each person considered."

Were we to hold Mr. Wilkinson to the same standard the editorial suggested, we must conclude that the nominee does not meet those standards. For example, with respect to the criterion of experience Mr. Wilkinson does not nearly meet the level of experience which most nominees to the appellate level bench. Mr. Wilkinson does not have any significant or noteworthy advocacy experience which could compensate for not meeting the American Bar Association's minimum of 12 years post-law school experience for judgeship nominees. While Mr. Wilkinson is an author and editor for the editorial page, neither of these literary experiences could be construed to compensate for the absence of evidentiary, procedural, trial or advocacy experience. At best, his literary interest, as reflected in the editorials, is one of posing present day social problems and criticizing the government and courts for implementing alternatives and solutions where he has not supported one solution over another, much less pose an alternative himself.

With respect to his character, Mr. Wilkinson's activities in pursuit of his self-interest cast a shadow of doubt on this most important of judicial traits. For example, Mr. Wilkinson in a published comment attributed to a Virginia congressional aide has "done everything except take out billboards and airplanes with streamers." (Attachment 3.) If accurate, this report raises serious questions about Mr. Wilkinson's perception of a federal appellate level judgeship. LULAC asks, does the nominee perceive the bench as a position to be lobbied for, or one which is deserved on the basis or merit?

Of all the editorials attributed to Mr. Wilkinson during his tenure at the Virginian-Pilot, which were researched, the one entitled "Capital Punishment Is Necessary," April 23, 1981 is particularly troubling. Mr. Wilkinson supports capital punishment on the basis that "I just don't trust parole agencies." (Attachment 4.) The nominee supports capital punishment and questions whether this irreversible penalty serves as a deterrent. His response, "Maybe it does. And maybe it doesn't. But let's at least give the innocent the benefit of this doubt." Mr. Wilkinson is prepared to sentence people to death despite studies which indicate that the murder rate per 100,000 population in non-death penalty states has been consistently lower by about 100% than in states which have the death penalty. (Congressional Record, February 9, 1984 at 2459 attachment 5.) On the grounds that the nominee distrusts parole agencies, he supports capital punishment despite the "Bureau of Justice Statistics reports that for all of calendar year 1982, 'about half the 64 persons who left death row by means other than death had both their convictions and their sentences vacated.'" (Congressional Record, February 9, 1984 at 2462 attachment 6.) Given this example of the danger of error and that almost six percent or 66 of the 1276 men and women on death row are Hispanics, it is troubling to seek support for a nominee that has exhibited a pre-disposition of opting for such dire and irreversible punishment on such grounds.

Finally, from LULAC's perspective and with respect to bi-lingual education, Mr. Wilkinson has displayed both ignorance and a callous disregard for the contribution of Hispanics both to this country's industrial development and military efforts. Mr. Wilkinson, in the editorial "Bilingual Madness," September 5, 1980, asks, "What feelings and loyalties will they [Spanish-Speaking Americans] develop toward a country whose dominant tongue many but dimly understand." (attachment 7). It seems Mr. Wilkinson is unaware that Hispanics have the highest number of medal of honor winners of any ethnic group in our country. Is Mr. Wilkinson unaware that during each of the major world conflicts it is the Mexican of yesterday who is the Hispanic-American of today that has and does work where most Americans wouldn't. Further, it seems that Mr. Wilkinson is unaware that the 1980 census report found that well over 75% of the Hispanic-American families claim English as the language spoken at home. Clearly, Mr. Wilkinson's opposition to bi-lingual education does not reflect a well informed nor well reasoned opinion, both skills considered pre-requisites to a judicial appointment.

In summary, Mr. Chairman, Mr. Wilkinson has, through his editorials, provided us a window into his mind. From our vantage point, Mr. Wilkinson is a bright man, but he lacks the advocacy experience which con-

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number of issues parallel those of this Administration. See, e.g. "Busing Embers," The Virginian-Pilot, Sept. 15, 1978; "Busing Blues," The Virginian-Pilot, Feb. 11, 1980 (editorials during Wilkinson's tenure at The Virginian-Pilot opposing busing); See also Former Pilot Editor Named To Top U.S. Civil Rights Post, The Virginian-Pilot, June 6, 1982 (quoting Wilkinson for his opposition to court-ordered busing and numerical quotas).

[4] "Choosing Judges on Merit," The Virginian-Pilot, Feb. 9, 1980.

[5] "J. Harvie Wilkinson's Inconsistencies," The Virginian-Pilot, Nov. 15, 1983.

[6] "Politics Behind the Robe," Supra, and "Hire Faculty for Quality," The Virginian-Pilot, Dec. 22, 1980.

tributes to the overall requirements of an appellable level judge. While he must be given and fairly deserves credit for his accomplishments, LULAC questions why someone with Mr. Wilkinson's credentials has been chosen above other white males, minorities, and women who are qualified and should be considered by this committee?

In closing, it is LULAC's position that confirmation of this nominee would be tantamount to implementing on-the-job training at the Federal appellate level bench.

Thank you.

TESTIMONY OF ARMAND DERFNER

For most cases in the federal courts, the circuit courts of appeal are effectively the law of the land. They decided 28,000 cases last year. In about 2500 of these cases, the Supreme Court was asked to hear a further appeal, but it could so in only about 100.

The responsibility of the circuit courts is carried out by fewer than 150 judges in thirteen circuits. J. Harvie Wilkinson III, of Virginia, has been nominated to fill one of those seats. He would sit on the Fourth Circuit, which hears all the appeals from the States of Maryland, Virginia, West Virginia, and North and South Carolina. Last year the Fourth Circuit decided 2700 cases.

Mr. Wilkinson is 39 years old and has been out of law school for 11-plus years.

The American Bar Association's standards for federal judicial nominees call for a minimum of 12 years experience. No person in recent memory has been nominated for the appellate bench with less. The ABA has three levels of acceptable recommendation—exceptionally well qualified, well qualified, and qualified. Mr. Wilkinson received a rating of qualified, the lowest acceptable rating. It is reported that even the decision to give Mr. Wilkinson the rating of "qualified," rather than "not qualified," was a subject of considerable controversy on the ABA committee.

The problem with Mr. Wilkinson is not simply the short time he has been out of law school, but his dearth of experience since that time. His résumé may be that of a bright young man with promise for the future, but there is nothing to suggest that he is ready now for a judgeship, especially on the United States Court of Appeals. Such positions, as the ABA points out, should be reserved for those men and women who meet not only the stringent criteria required of any federal judges but in addition "have an unusual degree of overall excellence that would provide an inspiration and an example to trial judges."

Since leaving law school, Mr. Wilkinson's 8 years of legal experience consists of a year as a Supreme Court law clerk, 6 years as a law professor, and a year in the Justice Department. The other 3 years since law school graduation were spent as a newspaper editor in Norfolk.

During his 8 years of law-related work, it does not appear that he has ever represented a client, tried a case, written a brief, or argued an appeal, whether for a paying client or in a pro bono matter. Indeed, it appears that even today he is not admitted to practice in the very court on which he is to sit, nor in any district court in the circuit (or any other district court).

His sole experience came during his single year in the Justice Department. There he screened the work of lawyers engaged in cases, but could hardly do any real supervising, and took virtually no active role in any cases himself. The closest he got to a case appears to have been a simple motion he presented in the Baton Rouge school desegregation case.

Of course there have been first-rate judges who had little litigation experience before going on the bench, but these others at least had experience in other types of law practice, whether in advising clients, negotiating transactions, engaging in administrative proceedings, or any of a large number of other ways that lawyers can gain experience.

Likewise, some of our finest judges have had academic backgrounds, but they have been distinguished teachers of long-standing, and have generally leavened their academic experience with exposure to other aspects of the law. For example, the Fourth Circuit has another judge who came from a law school, U.S. Circuit Judge J. Dickson Phillips. Phillips had been Dean of the School of Law of the University of North Carolina for 15 years at the time of his appointment in 1978. He had been admitted to the Bar for 30 years, and in addition to his eminence as a teacher, had also been in private practice a dozen years. At the first hearing on Mr. Wilkinson's nomination, a comparison was made to Justice Felix Frankfurter—but of course there is no real comparison. When Justice Frankfurter was nominated in 1939 he had been a law professor for a quarter of a century, and in addition to his nationwide preeminence in the academic world, his other experience was extraordinarily varied, beginning with his five years as an Assistant United States Attorney in the Southern District of New York, and never stopping after that. Finally, Mr. Wilkinson mentioned several other former law teachers—Judges Winter, Posner, Scalia, and Breyer—but again a short look at their careers shows just how far different their situations are from Mr. Wilkinson's.

The paucity of Mr. Wilkinson's experience is all the more curious in light of his own steadfast insistence on pure merit selection of judges—in the past. His newspaper editorials include at least a dozen repeatedly criticizing the selection of judges on any basis other than merit. His criticism extends not only to appointment for political reasons, but also to appointment of people without sufficient experience, particularly women and blacks. In light of these editorials, perhaps it is not surprising that his own newspaper, the Norfolk Virginian-Pilot, has criticized his nomination.

The lack of experience is not a technical issue. We appoint our judges not to be theoretical philosophers of the law, but to decide cases, great and small, that raise live issues between live litigants. We also insist that those cases be decided not on the basis of abstractions, but on factual records consisting of evidence produced at trials. Circuit judges, especially, need to be sensitive to that fact because they will not see the witnesses, but will be confronted with cold records and will have to try to put themselves in the shoes of the district judges who have been there. While litigation experience may not be absolutely essential for a judge, some awareness of the problems of proving and defending a case is essential. That awareness can be gained in many ways, none of which Mr. Wilkinson has ever gone through.

His Justice Department service—essentially reviewing drafts of briefs and memoranda to make certain they did not contradict the policy goals of the Attorney General—illustrates the problems created by his inexperience. Apart from displaying a great unfamiliarity with the problems of presenting cases, two good, specific examples of his failure to understand the realities of litigation involve the questions of remedies and intervention.

Remedies. The Administration claims that it has sought more effective remedies for discrimination—for example, dealing with employment discrimination by emphasizing recruitment of qualified minority applicants rather than specific hiring goals. Yet Mr. Wilkinson has consistently blue-penciled efforts in specific cases that are necessary to make recruitment an effective remedy. Any litigator knows that recruitment will not work unless there are incentives such as recruitment goals (not to be confused with hiring goals), or reporting provisions. Such provisions were and remain a standard approach in cases in other sections of the Civil Rights Division, and they do not raise whatever philosophical problems some people have with hiring goals; yet Mr. Wilkinson refused to allow their use, even when a school district was willing to agree. The net result is to make it impossible for recruitment to do the job claimed for it, which means either going to a more stringent remedy or more likely (since Mr. Wilkinson is apparently unwilling to adopt any stronger remedy under any circumstances) just giving up on any remedy of any kind.

Intervention.—In many areas of the law, enforcement suits can be brought by both the Justice Department and by private citizens. Frequently, the Justice Department will intervene in an ongoing private suit, or vice versa. Until two years ago, it was virtually unheard-of for the Justice Department to oppose intervention by private citizens where those citizens had a direct interest in the controversy (for example, black parents intervening in a Justice Department suit to desegregate their school district). Yet, in recent cases supervised by Mr. Wilkinson, the Department has adopted the position that intervention by black parents should be denied on the ground that the Department adequately represented their interests—even while Department personnel said privately the reason they opposed intervention was because they regarded the intevenors as their adversaries. These cases have resulted in great embarrassment to the Department because, in addition to the transparency of the claim that the Department was adequately representing the intervenors' interests, there were several cases about the same time where the Justice Department supported the intervention of white petitioners for intervention. Moreover, in one of Mr. Wilkinson's cases (Charleston County, South Carolina) the Department stood alone in its anti-intervention position because even the school board defendants did not oppose intervention; in the other case (Choctaw County, Mississippi) Mr. Wilkinson redrafted a memorandum, turning it from one supporting intervention into one opposing it on the ground that the Department could do everything the intervenors were complaining about. The net result is that (1) the intervenors have been kept out of the case, (2) they have been prevented from filing their own case, under a fifth circuit rule—which Mr. Wilkinson was either unaware of or unconcerned about—providing that only one lawsuit may be filed in such circumstances, and (3) more than a year later, not one thing has been done in the case.

Mr. Wilkinson's editorials reflect the same attitude: a preoccupation with opposition to remedies for problems. He says he is op-

posed to certain remedies—school busing and hiring quotas. If that were all he was opposed to, he would obviously have some company. In fact, though, there is little sign that he has ever supported any remedy. Thus, he has written editorials saying hiring goals should be scrapped in favor of encouraging recruitment—only to oppose effective recruitment when the opportunity came his way in the Justice Department. Likewise, among his editorials and his Justice Department tenure, the list of his dislikes includes bi-lingual education and effective remedies for discrimination against handicapped people.

How he would propose to solve any of these problems he does not say. Yet these are precisely the problems that a federal judge, especially a circuit judge, must grapple with.

Mr. Wilkinson is probably the least experienced appellate nominee ever seen. For many years, efforts to appoint qualified minority people and women to the federal bench were stymied by claims that there were few potential nominees with enough experience. Only in the past few years have numbers of blacks and women had the experience necessary to meet the exacting standards of the ABA and the United States Senate. Ignoring the standards for Mr. Wilkinson, after al the talk over the years, is simply unfair.

If a black or a woman with his qualifications were nominated, Mr. Wilkinson would be the first to write an editorial insisting on merit selection rather than "affirmative action." Mr. Wilkinson does not meet the standards for confirmation as a United States Circuit Judge. If he is confirmed, that will send us all a clear message that the standards don't really mean anything after all.

ARMAND DERFNER,
ATTORNEY AT LAW,
Washington, DC, November 25, 1983.

Re J. Harvie Wilkinson.

ELAINE R. JONES, Esq.,
NAACP Legal Defense Fund, Inc.,
Washington, DC.

DEAR ELAINE: Enclosed is a copy of a 33-page letter of resignation (with 36 documents attached), dated October 18, 1983, by a Justice Department lawyer named Timothy Cook. It is a long list of recent Justice Department actions to undermine civil rights enforcement. It goes into detail about the internal decision-making process, and refers at a number of places to J. Harvie Wilkinson.

It goes into most detail about matters involving handicapped people (which is apparently the section that Cook was in), but there are numerous descriptions of situations in other areas. To get a real assessment of Wilkinson's role, each of the incidents would have to be looked at by someone who is familiar with the particular area of the law. Also, it is not always clear just what his role in a particular incident was, because there are a number of incidents where he may have been involved but in which he is not mentioned by name, and there are others where his name comes up but he may not have done anything other than receiving a memorandum or passing on a message. As a start, though, the following are the places in the resignation letter where Wilkinson is mentioned by name:

(1) Page 6—W explains Reynolds' decision not to intervene in St. Louis State Hospital case involving mistreatment of mentally retarded patients.

(2) Page 12—W hopes for a way to get out of the *Baylor* case ("I recall vividly the sadness I felt at seeing Deputy Assistant Attorney General for Civil Rights J. Harvie Wilkinson rejoice at the news that the federal judge for the case had threatened to rule against the government for failing (due to intentional delay in the front office) to file pre-trial papers on time—it was a way out, and it could be blamed on the judge.")

(3) Page 14—W explains Reynolds' decision to delete a citation in a brief to a Supreme Court case which supports agency powers to adopt broad regulations.

(4) Pages 21-22—W opposes use of recruitment goals in employment discrimination cases.

In addition, Wilkinson's name comes up in a number of the appendices:

(1) Appendix A, an earlier memo from Cook to Attorney General Smith, refers to W several times in discussing enforcement of laws protecting handicapped people. See especially pp. 4-5n.3, suggesting that Reynolds and W were jointly responsible for certain policy proposals.

(2) Appendix D, a memo from a department lawyer to W, asks whether it is true that a settlement conference was held in a case without the knowledge of the line lawyers on the case. (The significance of this memo depends on whether W participated in or was responsible for the secret settlement conference, or whether he just happened to be the Deputy to whom this inquiry went.)

(3) Appendix E, a memo from W to Reynolds, recommends certain provisions in a proposed settlement.

(4) Appendix K-1, a memo from a Department lawyer to W, objects to a draft brief in which a twisted legal argument is advanced in order to undercut agency enforcement regulations. (Was W responsible for the twisted legal argument?)

(5) Appendix Q, a set of documents drafted by W to oppose intervention by black parents in a school desegregation case which had been brought by the government some years earlier, may be very significant. It argues against intervention on the grounds that the parents cannot show their interests are not being adequately represented by the Justice Department, even if the Department and the parents differ as to relief. Essentially, this is a slick pleading designed to keep black school children and their parents from interfering with the Justice Department's efforts to make sure that the relief afforded them is sharply limited in keeping with the ideology of current Justice Department officials. Wilkinson is certainly entitled to hold those views, as he does, but pretending that that position adequately represents the interests of the school children and parents is not very honest.

(Appendix Q, should be read together with Appendix P, a similar document filed a short time earlier in the Charleston, S.C., school case, and also arguing against intervention on the grounds that the Justice Department adequately represents the interests of the school children and parents. The Charleston case is the one where Reynolds is reported to have instructed the line lawyers to make "those bastards . . . jump through every hoop" because he regarded the intervenors as adversaries; it is also a case where the Department has been guilty of the worst foot-dragging, which is what prompted the motion to intervene in the first place. Arguing in court that you adequately represent the interests of people whom you privately refer to as adversaries is a fraud on the court. Was Wilkinson involved in the Charleston case, or in the development of a general approach to intervention petitions?)

In addition to the specific references to Wilkinson cited above, the resignation letter and appendices refer to a number of legal and enforcement debates within the Department, including the debate over whether particular anti-discrimination statutes or regulations require proof of discriminatory purpose; whether agencies have the authority to adopt anti-discrimination regulations; whether the sanctions for violations should be program-specific or institution-wide; whether certain forms of financial assistance trigger coverage under anti-discrimination laws: whether particular laws authorize private rights of action; and finally, recurring disputes over the scope of remedies appropriate in particular cases. In most of these issues, it is not clear whether Wilkinson played a major role, but it is likely enough to make it worth looking into.

Overall, this material suggests some serious questions about J. Harvie Wilkinson's qualifications to sit on a court that plays a critical role in the interpretation and enforcement of this Nation's civil rights laws.

First, a serious question is raised about the way he treats legal authority in dealing with the interpretation of civil rights laws. It is not simply a question of his views; he is obviously entitled to believe what he wants. The question is what he will do to make those views seem like the law of the land. The attached material shows a willingness by someone to twist precedent, legislative history, and other source of statutory construction in order to cut the heart out of civil rights statutes. The people who have been involved in this process were essentially using tricks to smother the law, and seem to believe that they were perfectly free to ignore the law—a hypocritical view coming from people who claim to believe that legislation is the job of Congress. We do not know from these materials what role Wilkinson played in these matters but if he was involved to any significant degree, he is certainly not the kind of person we ought to trust to be a judge.

Second, a serious question is raised about his apparent opposition, in case after case, to virtually any remedy that is likely to be effective. He is of course entitled to oppose specific remedies (such as bussing or quota hiring), but if so he has an obligation to find other remedies that will work. He apparently recognizes this, because he has been quoted as saying he prefers other remedies. Yet the enclosed pages show him repeatedly opposing other remedies, such as numerical recruitment goals, reporting requirements, and basically any remedy other than a Biblically simple "thou shalt sin no more" injunction. I do not see any indication of his support for any remedy except in one case where he argues in favor of including a remedy because the State of Connecticut has agreed to. The question is whether his opposition is just to bussing and quotas or whether it is to all effective remedies.

This issue also relates to Wilkinson's lack of experience, because it appears that his complete lack of experience has left him with no sense of the frustration of trying to get an effective remedy. Instead, he simply rejects remedy after remedy, without ever saying what the remedy ought to be or what remedy will work.

As I noted at the beginning of this letter, the enclosed materials are too skimpy to

form final judgments, but they raise some alarming questions and tell us where we ought to look deeper.

Because I borrowed someone's only copy, I would appreciate your copying whatever you need and returning the set.

Sincerely,

ARMAND DERFNER.

THE KNESSET'S MICHAEL KLEINER: A WORLD VIEW ON WESTERN SECURITY

Mr. HELMS. Mr. President, I had the pleasure on Wednesday of introducing on the Senate floor Mr. Michael Kleiner, a distinguished member of the Israeli Knesset. Yesterday, Mr. Kleiner participated in a White House briefing to the Latin American Outreach group. Mr. Kleiner was asked to speak to the White House group particularly because of his forthright and wise analysis of the dangers which face the free world in Central America.

Mr. President, I am sure that many of our colleagues have had the experience of talking to foreign parliamentarians and diplomats who had very little understanding of the stakes in Central America—not only for the United States, but for the free world as a whole. It was refreshing, therefore, to talk to Mr. Kleiner and find that he has a world perspective that places the freedom and survival of his country in the context of the survival of the free world.

In his discussions with Senators, Mr. Kleiner pointed out that the future security of Israel is intimately related to the strength of the United States, as the free world leader. He explained to us that Soviet-sponsored terrorism and Soviet backed revolutionary guerrilla movements create an environment in which Israel will be unable to survive. He said this very forcefully in his speech at the White House yesterday:

We all know exactly what the Kremlin's master plan is. It's not a coincidence that Cubans are active in Angola and Mozambique, that the PLO advisers are active in Nicaragua training the communist terrorists of El Salvador, that Soviet-controlled Bulgarians attempted to murder Pope John Paul II, and that the Soviet sponsored Syrian army is attempting to destroy the Christian community of Lebanon.

Mr. President, Mr. Kleiner has made a careful study of conditions in the Caribbean. He was a strong supporter of the U.S. liberation landings in Grenada. He understands the nature of the Communist regime in Nicaragua, and whom it is serving. He points out that the PLO camps in southern Lebanon, now destroyed by the Israeli Army, were the training center for the Sandinistas. Above all, he understands the consequences for the West if El Salvador falls to a Marxist regime. To illustrate, consider this important quotation from his White House address:

As this is my sincere belief, I must state without a doubt that those who support supplying Israel with the sophisticated military equipment which we need to defend ourselves against the enemies of freedom in the Middle East, must also support the U.S. defense budget necessary to produce this equipment. And just as you support Israel's use of this much appreciated equipment in defense of our freedoms, so you must support its use in defense of the United States.

Mr. President, I congratulate Mr. Kleiner on his fine statement and on his initiative in coming to the United States to support our President and his policies, and I ask unanimous consent that his entire statement be printed in the RECORD at the conclusion of my remarks.

However, our discussions with Mr. Kleiner were wide-ranging and covered a broad number of topics. We found that we agreed not only on the nature of the Soviet threat, the institutionalization of human rights violations in the Soviet Union, the need for a strong U.S. defense posture, and the insidious nature of Soviet terrorism, but also upon the need to use free enterprise for the development of the underdeveloped nations instead of wasteful government-to-government aid programs that simply drain the taxpayer's purse. I pointed out to him that the need for supporting our defense allies abroad had been obscured in Congress by combining military sales and programs with outright giveaways.

At home, Mr. Kleiner pursues a program that opposes abortion, advocates prayer in the schools, and supports family virtues. He is in favor of free enterprise, democracy, and biblical values. He is a patriot for his country, and an ardent exponent of a strong defense for Israel. I think that he has done a service for his country by coming to the United States and seeking cooperation on issues of common concern.

Among those issues, we spoke of Jerusalem. In my view, Jerusalem is the capital not only of a country, but of the three great faiths, Judaism, Christianity, and Islam. As such, it is preeminent as an important symbol to all who look upon Biblical Israel as the Holy Land. An undivided Jerusalem must be the ultimate aim of our policy.

I told Mr. Kleiner that the United States should never pursue any plan that envisions a separation of the West Bank from Israel. The people of the Holy Land must be brought together under one roof, for the prophets of the Scriptures are common to all. Moreover, for the purpose of defense, the West Bank, all the way to the Jordan, must always be secure.

Given the deep attachment of the Israelis to Samaria and Judean, they need, from the deepest spiritual motives, free access to those Biblical lands. However, the Palestinians also have a long history with these lands. I could envision a solution in which the Palestinians could be granted full political, civil, and economic rights, with proportional representation in the Knesset, and with both Hebrew and Arabic as official languages. On the other hand, another solution might be for the Palestinians to have an autonomous unit within a confederal state, with an undivided Jerusalem as a common capital.

What we cannot accept, is a Soviet-backed PLO state in the heart of the Holy Land.

An undivided Jerusalem is the indisputable basis of a Solomonic solution for the problems which face us in the Middle East.

Although legislation to move the U.S. Embassy from Tel Aviv to Jerusalem has been introduced in the Senate, I do not believe such a bill is the solution. For one thing, it raises grave legal questions under our own Constitution. Article II, section 2 places the power to receive and appoint Ambassadors squarely in the hands of the Executive, with the participation of the Senate limited to advice and consent on the nominees. I believe that the proposed legislation would be an infringement upon the President's authority to conduct foreign policy, since it mandates an action within the President's jurisdiction.

I told Mr. Kleiner that I have written to President Reagan expressing my deep feelings about Jerusalem as the capital. I suggested that the President should consider preempting the mischief which this legislation might do by acting now to recognize Jerusalem in the sort of context I have described. The moving of the Embassy could be a first step in the process.

I look forward to Mr. Kleiner's next visit to Washington. His presence here has been the basis for exploring new ways of cooperation for the fight for freedom and democracy. He is a thoughtful and impressive gentleman.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MICHAEL KLEINER

Good morning, I am Michael Kleiner, member of the Knesset of Israel, representing the Herut party of the ruling Likud bloc.

I am visiting your country as a guest of the USA Foundation. I am here to announce a new understanding and cooperation between the people of my country and yours.

1984 is the literary year of "Big Brother". It is also the political year of "Big Brother". As the peoples of our country enjoy the freedoms which were granted to us by God, international movements dedicated to destroying those freedoms are advancing around the world.

Our world is full of "internationals" dedicated to the furtherance of the cause of repression and totalitarianism. There is the Socialist International, the Communist International, the international movement

of "third world liberation groups" and many others.

I am here today with leaders of the American conservative movements—the leaders in the fight to preserve freedom and liberty in America and throughout the world—to announce that there is a new understanding and cooperation afoot.

A new movement to promote liberty and to defeat the forces of totalitarianism.

I am here with our American friends to announce that the conservative movement of Israel and the conservative movement of America will join together to combat the forces of totalitarianism and internatinal communism around the world.

We believe that it is high time to unite all the forces who believe in freedom, democracy, righteousness, and biblical values.

What unites us also is the fact that we are determined not to let the world become one big Orwellian "People's republic".

We all know exactly what the Kremlin's master plan is. It's not a coincidence that Cubans are active in Angola and Mozambique, that the PLO advisers are active in Nicaragua training the communist terrorists of El Salvador, that Soviet-controlled Bulgarians attempted to murder Pope John Paul II, and that the Soviet sponsored Syrian army is attempting to destroy the Christian community of Lebanon.

If the world ever needed any proof about the nature of the communist regime in Nicaragua and whom it is serving, it was provided by the fact that the Sandinistas were trained in the PLO camps in southern Lebanon.

If supporters of America and Israel need additional proof, consider that Nicaragua and Cuba are the only countries in the world that give the P.L.O. an embassy in their country.

These anti Western forces would have people believe that the threat to freedom and peace in Central America as well as the threat to freedom and peace in the Middle East is coming from the supporters of America and Western values. Through their propaganda, they try to put the freedom loving people of the world to sleep.

Those who respond to this deception with policies of appeasement destroy any chances for true peace.

Just as Chamberlain's policies of appeasement caused the rise of dictatorship in Europe, appeasement in the eighties will allow the continued spread of communist dictatorship in Central America.

Appeasement will leave the Middle East in flames, and permit Soviet controlled totalitarianism to spread throughout the region.

As this is my sincere belief, I must state without a doubt that those who support supplying Israel with the sophisticated military equipment which we need to defend ourselves against the enemies of freedom in the Middle East, must also support the U.S. defense budget necessary to produce this equipment. And just as you support Israel's use of this much appreciated equipment in defense of our freedoms, so you must support its use in defense of the United States.

Just as you support Israel's need to defeat the P.L.O. and its allies in the middle east, so you must understand that you must support President Reagan's efforts against the P.L.O. and its allies in Central America.

These issues are not separable.

I expect those who understand that it is impossible to calm down an aggressor by appeasement in Central America, Europe and elsewhere, it is also impossible and unwise to try this foolish policy in the Middle East.

This is the message I bring to you today.

I am an Israeli, but I also feel very much that I am citizen of the free world. As such, as much as I am against turning El Salvador into a communist state, or permitting the murderous dictators of Nicaragua to continue to enslave their people, I am against legitimizing the Soviet Union as part of civilization as long as she denies human rights and forbids free emigration.

As a citizen of the free world, I am proud that my country Israel is a stronghold for democracy in the Middle East.

I am proud that my country Israel is the one that eliminated the base of international terrorism in Southern Lebanon.

I am proud that my country Israel is an example that one can have democracy even while fighting for independence and one's very existence.

I proudly led a demonstration outside the American embassy in Tel Aviv in support of the liberation of Grenada, shouting God bless America.

I hope to be demonstrating very soon outside the American embassy in support of the liberation of Nicaragua, but this time in front of the US embassy in Jerusalem . . . shouting with all our hearts: God bless America.

AMBASSADOR ELLSWORTH BUNKER

Mr. LEAHY. Mr. President, Vermont is extraordinarily proud of a foremost citizen, Ambassador Ellsworth Bunker, of Dummerston, VT. Ambassador Bunker recently celebrated his 90th birthday and was honored here in Washington at a gathering, with his wife Ambassador Carol Laise, and many of his friends and associates.

All Vermonters are especially proud that this Renaissance man, able to be at home in any part of the world or any city, returns consistently to his home in the Green Mountains.

As one of his friends and admirers, I wish to ask unanimous consent that an article from the New York Times of Friday, May 11, 1984, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELLSWORTH BUNKER AT 90: STILL THE AMBASSADOR

(By B. Drummond Ayres)

WASHINGTON, May 10.—He has been retired for six years and on Friday he celebrates his 90th birthday. But Ellsworth Bunker is still very much a diplomat, still the Ambassador.

His suit is dark, cut with a European flair that does not rumple as he bends slightly at the waist and extends his hand in warm greeting. His shirt has a starched white collar, subtly offset by blue pinstripes. His shoes glisten.

All around his apartment, situated in a high-rent high-rise building in Northwest Washington, are the objects d'art collected in 35 years of diplomatic service—vases, screens, paintings, side tables, books. They come from Argentina, Italy, India, Nepal, Vietnam, Latin America, places where he served as Ambassador or Presidential trouble-shooter or both. It is hard to picture him living in a place furnished otherwise.

REALLY RETIRED THIS TIME

Has he been anywhere else for the Government or done any work for it since retiring at the age of 84? "No," he replies. "I really am retired this time."

There were five other retirements, the first in 1951 from a lucrative sugar-refining business and the others from Government jobs. One way or another, duty to country kept pulling him away from that 600-acre dairy farm in his native Vermont, the place of his dreams.

Retired or not, however, at 90 years of age Ambassador Bunker remains surprisingly busy. He is seen at dinners and receptions around town with his wife, Caroline. He converses with former State Department colleagues and reads widely, and is pulling together some documents and reflections for a book on his stint in Vietnam, perhaps his bitterest career disappointment. Meantime, he still travels, which is what he has done most of his life.

Recently he went off to Nepal, where he and Mrs. Bunker, who was once Ambassador to Katmandu, were honored by the Nepalese Government. He also made a quick trip a few weeks ago to that farm in Vermont and while there participated in a town meeting at which a Presidential "beauty contest" was held. "I voted for Walter Mondale," he reports, remaining a good Democrat even though he was an ambassador under Administrations that both Democratic and Republican.

He looks good: spare, lanky, a blush of red in his cheeks. "I feel pretty good," he says.

Would he care to comment on some of the headlines, say, the situation in Central America? The region used to be one of his diplomatic specialities. He helped broker an end to the civil war in the Dominican Republic in 1965 and, in perhaps the greatest tour de force of his career, was point man in the late 1970's in the acrimonious struggle for the treaty that gave the Panama Canal back to Panama.

"Well," he finally begins after saying he no longer has access to the facts, "my feeling is that we ought to have made more use from the start of the Contadora group," the four countries—Colombia, Mexico, Panama and Venezuela—that are trying to negotiate a regional settlement. "They know the layout and the psychology down there better than we do."

What about sending in American combat troops? "I'm against that," he replies. "But the troop exercises are a way to indicate our concern. Still, my real hope is that we'll be able to use the Contadora countries and the negotiating process to straighten things out."

OF TRUST AND INTEGRITY

The negotiating process. In his day, Mr. Bunker was one of its masters.

"The essential element," he explains, "is integrity. You have to convince the other fellow he can trust you. Then you have to be able to put yourself in his shoes to determine what's important to him. And then you have to have flexibility, patience and perseverance. But the essential element is trust, integrity."

He provides an example.

"Once," he says, "I was helping mediate a dispute between King Faisal of Saudi Arabia and Egypt's Nasser. It was primitive shuttle diplomacy, with me using a DC-3 to go from one side to the other for negotiations. At one point, Faisal told me, 'I don't trust Nasser but I trust you.' There you have it. We worked it out."

Vietnam, where he was Ambassador from 1967 to 1973, the hard time, is 11 years behind him now. Any reflections?

There is no hesitation. He has been over it and over it and over it. The answer is in his mind for moments like these. The words tumble forth, unimpeded.

"I think," he says, "it was a great tragedy. I feel very strongly that by the end of 1972 we had achieved our objective, made it possible for the South Vietnamese to defend themselves. They proved that in the next enemy offensive, which is why the North came to talk seriously in Paris. We were committed after that to provide material support for the South so that it could remain strong. But with the North continuing to violate the peace agreements, Congress decided not to put up any more money. The result was inevitable."

"THERE'S ONE MORE THING"

A few minutes later, in a conversation about the Panama Canal treaty, the Ambassador suddenly jumps back to Vietnam. "There's one more thing," he says. "I think experience has shown that in the age of television you have to have some sort of press control, as the British did during the Falklands War. Television, naturally enough, goes after the dramatic. And that's what the American people saw from Vietnam. After the Tet offensive in 1968, I reported back to Washington that we had won a military victory. But I feared a psychological defeat."

As for the Panama, the Ambassador has mixed feelings. Without the treaty, he contends, Panama would be in great turmoil today, with the canal possibly in jeopardy. "Any terrorist with a hand grenade can shut the canal for a while," he says. "It's not really defensible except through a partnership where everybody works together, and that's what the treaty achieved."

But to win approval of the treaty, he suffered opprobrium that to this day scars him. "Everywhere I went to speak out for it," he recalls, "I caught the very devil."

Some of the worst came in a letter that closed: "You don't know what you're talking about, you old fool." After studying the letter, which was unsigned the Ambassador concluded that it was from a farm neighbor in Vermont.

CONGRESSIONAL AWARD PROGRAM

Mr. WALLOP. Mr. President, in 1979, the Congress established a very special scheme for the recognition of the creativity, achievements, and leadership of the young people of America. In creating the Congressional Award program, the Congress of the United States sanctioned only the second award to bear its name, the first being the Congressional Medal of Honor. It is, however, the only award which Congress itself awards.

The Congressional Award program was designed to promote and recognize initiative, achievement, and excellence in our youth in the areas of public service, personal development, and expedition, and physical fitness. The program, which is funded exclusively from the private sector, tolerates no barriers to achievement, whether they be cultural or social, racial or physical. With the help of adult, volunteer advisers, young people of any background or race, whether whole or handicapped, may test themselves as individuals against difficult standards of accomplishment and earn bronze, silver, and gold medals.

As the Senate sponsor of this program and as a member of its National Advisory Council, I have watched the Congressional Award become a reality in the life of our country. I have watched America's youth respond quickly to its challenge. In September 1982, the pilot program in Minnesota concluded with the awarding of the first bronze and silver Congressional Awards. Then, last January, 11 exceptional young people, representing congressional districts in Minnesota and Illinois, received the first gold Congressional Awards here in Washington.

And the program continues to grow. At present, there are 25 separate Congressional Award Councils either formed and operating or in the final stages of organization, in 13 States, the District of Columbia, and Guam.

Today, it is with great pleasure that I report to you that the Congressional Award Council of Wyoming, under the strong leadership of Jim Helzer of Cheyenne, president of the Wyoming council, was the first council in the Nation to satisfy all requirements and receive its charter from the board of directors of the Congressional Award.

I also take immense pride in reporting that on Saturday, May 19, 1984, the first of Wyoming's young men and women to earn Congressional Awards will be presented with their bronze and silver medals. Receiving the bronze award will be: Hollee Ann Busskohl and David K. Hair of Midwest; Dale Brown of Edgerton; Justin Mercer of Hyattsville; Eddie Mueller of Manderson; Kristi Feusner of Cheyenne; and John A. Kornkven, Elmer Bowen, and Tedd Michael Maxfield of Casper. Receiving the silver award will be: Rex John Hanks of Wheatland; Wendy Johanna Kaufman of Kaycee; and J. Patrick Wozny of Cheyenne.

We will also honor this Saturday Kevin J. Utter of Wheatland and T.J. Wyatt of Sundance, who are scheduled to receive their gold medals in Washington next winter, as the first Wyoming youth to earn the prestigious gold medals.

These truly outstanding young men and women are representative of the many thousands who, through their discipline, determination, and perseverance, will earn Congressional Awards in the years ahead and I extend to them, and to those previously earning awards, my admiration and my congratulations.

Yet, even as we recognize the progress of the Congressional Award program and honor those outstanding young pioneers who are among the first to earn the bronze, silver, and gold, it is necessary that we scrutinize that progress and determine if the program is on the course that was intended by Congress. Having studied the award program at this State in its development, I find I have some concerns.

I am concerned that the program may be drifting away from the requirement that program participants demonstrate initiative, achievement, and excellence in the area of expedition fitness. In the original bill to create the Congressional Award program the achievement areas were designated as expedition fitness, personal creative development, and public service. The bill as passed lists the program areas as public service, personal creative development, and physical and expedition fitness.

By amendment in committee, the sections on public service and expedition fitness were switched and physical fitness was added to expedition fitness. However, we must note that the program area of expedition fitness did not disappear. The law calls for achievement in physical and expedition fitness.

As I have studied the qualifications of those who have earned medals, I have noticed too often that expedition fitness seems to have been overlooked or ignored. Perhaps, in practice, it simply has not been well defined. If that is the case, it is easily correctable.

Whatever the reason, the Congress, the board of directors of the Congressional Award, and the district councils must be reminded that expedition fitness is an area in which participants must still test themselves and that it differs mightily from simple physical fitness. Making great progress in running, walking, swimming, or other athletic and healthful pursuits is desirable and commendable. But physical improvement may have little bearing on how a young person from rural America might fare traveling in the inner city or on some comparable expedition as contemplated in testimony given when the bill was considered and as contained in the enabling statute. At the time the legislation was discussed I noted that:

> The aim of the expedition section is to foster the spirit of adventure and self-discovery that spans the history of our country. The cultivation of this aspect of everyone's life and its meaning in American culture cannot be emphasized enough. After training, journeys are planned or undertaken by one of several modes of travel.

I believe that expedition fitness remains a central prerequisite for earning a Congressional Award. Physical fitness alone does not satisfy award requirements. I believe it is proper that we ask the board of directors to see to it that this section of the law be acknowledged as a vital qualifying standard for a Congressional Award.

I am also concerned that the Congress itself not set a bad precedent as

to its own involvement in the award. I am not talking about reviewing annual reports or other duties called for in the statutes but rather our involvement as individual Members of Congress. Our award deserves our attention.

When the first gold medals were awarded in January, Member of Congress were given the opportunity to attend three events and honor those who had earned awards. I was disappointed and troubled to see Congress so thinly represented at the evening reception, the awards ceremony the next day and the luncheon which immediately followed.

While it may be unrealistic to think Senators or Congressmen whose States or districts are as yet without a program might set aside time to attend these gatherings, I was dismayed to find Members missing whose States and districts had sent young people to be honored.

I was also saddened that none of the young men and women had the chance to see or meet the Speaker of the House of Representatives or the majority leader of the Senate. It is not that I do not recognize the scheduling demands of both men or that the leadership was not ably represented by Minority Leader BYRD and Minority Leader MICHEL. Furthermore, I know very well that those four men, as the joint leadership committee of the Congressional Award, have given greatly of themselves to help the award program reach its present stage. Still our award demands our efforts to sustain our commitment to its excellence and to the outstanding youth who earn it.

But the gold medal ceremonies in Washington, and indeed all the medal ceremonies held in the various congressional districts, should be special occasions for us all. I would like to see the joint leadership committee expanded to include all members of the leadership of both the House and Senate, so as to expand that committee's role in Congressional Award events. I would like to see each State's Senators present when a young man or woman from home receives an award, not just the Congressman from the district.

As the program grows, we must look for ways to lend encouragement and support, as Members of Congress and as people. We must provide guidance to see that the intent of the law is followed and that the program evolves as we have envisioned. We must care about the young men and women who strive so hard to achieve, and excel, and about the volunteer advisers without whom there would be no program. We must provide all the inspiration we can when opportunities arise for us to do so and honor those who ultimately earn the awards we have created and given the name of the Congress of the United States.

The Congress must be interested and involved in the Congressional Award program. We, as Members, must do our part to see it grow and succeed. If we cannot find the enthusiasm and interest the program needs, then it should be restructured and renamed. If we cannot do that, let us abandon a program which is meaningful only if it demands excellence from the participants and devotion from its patrons. We cheapen the award and the Congress with any less. I do not believe this to be the will or the intent of Congress. I hope, as Members, we will start now to establish a solid precedent of support for others to follow.

NOMINEES OF NATIONAL COUNCIL ON THE HANDICAPPED

Mr. HATCH. Mr. President, the National Council on the Handicapped (NHC) was originally established by the 95th Congress through title IV of the Rehabilitation Act of 1973, as amended in 1978. On February 22, 1984, President Reagan signed into law Public Law 98-221, which had been passed by the 98th Congress. This legislation established the NCH as an independent council within the Federal Government to monitor programs affecting handicapped individuals. Its 15-member committee has become the voice of disabled citizens seeking to better represent their needs before Congress and the President of the United States.

To continue the exemplary work of the Council, I today recommend that we reconfirm the appointment of four current members of the National Council on the Handicapped. I refer to four outstanding citizens: Mrs. Sandra Swift Parrino, New York; Dr. H. Latham Breunig, Virginia; Alvis Kent Waldrep, Texas; and Dr. Michael Marge, New York.

Sandra Swift Parrino of Briarcliff Manor, N.Y., has been actively involved in serving the handicapped population, which includes one son who is physically handicapped and another who has a learning disability. Mrs. Parrino devotes most of her work in the field as a representative of parents of disabled children. She serves as panelist, speaker, lecturer, lobbyist, and liaison for symposia and meetings.

Mrs. Parrino serves on numerous boards and councils, including past director for the Office of the Disabled in Ossining and Briarcliff Manor, NY; Westchester County Transportation Council; Westchester Advisory Board to Group Homes for the Retarded; and the New York State Assembly Task Force on the Disabled, which reviews pending legislation.

Through her efforts many advances have been made to improve accessibility for the handicapped, such as setting up transportation services and installing voting machines for the disabled; fundraising for the purchase of interpreter services for the deaf in the community; and supervision of the school district compliance with HEW regulations.

Mrs. Parrino is a member of the Board of Rehabilitation International U.S.A. and served as representative to the United Nations and UNICEF for the International Year of Disabled Persons (IYDP). As chairperson of the International Rehabilitation Film Festival in New York, she organized the film festival awards ceremony at the United Nations and the reception in honor of the International Year of the Disabled Persons at the U.S. Mission, hosted by our Ambassador to the United Nations, Dr. Jeane Kirkpatrick.

Mrs. Parrino has served as the National Council on the Handicapped's vice chairperson and is now acting as the Council's chairperson. She is also a member of the Executive Committee and the Committee on Services.

H. Latham Breunig, Ph.D., who resides in Arlington, VA, is a retired scientist with Eli Lilly & Co. At age 3, Dr. Breunig had a 25 percent hearing loss, and at age 7 his loss of hearing increased to 95 percent. He attended Wabash College, IN, and earned his Ph.D. in chemistry from Johns Hopkins University. Dr. Breuning also studied at Purdue University, Ind., in the field of statistics and quality control.

Among the many organizations in which Dr. Breunig has been active are the President's Committee on Employment of the Handicapped, the American Statistical Association, the Clarke School for the Deaf, and the Alexander Graham Bell Association for the Deaf, where he served on the board of directors for the past 24 years, 2 of them as president. He currently heads its governmental relations committee. He founded Telecommunications for the Deaf in 1968, being its chief executive officer until 1978.

Dr. Breunig has served on the National Council on the Handicapped's Committee on Services. He chaired the Annual Report Committee, which recently submitted their report to Congress.

Special awards presented to Dr. Breunig have included the President's Committee on Employment of the Handicapped Commendation in 1967; Sertoma International, Midwest Region, Service to Mankind, 1968; Sagamore of the Wabash, 1968—from the Governor of Indiana; and Telephone Pioneers, Honorary Member, 1973. In 1977, Teletypewriters for the Deaf, Inc., made him the first recipient of its H. Latham Breunig Award.

Mr. Alvis Kent Waldrep, Jr., of Plano, Tex., is the president of the American Paralysis Association, a nonprofit organization dedicated to find-

ing a treatment and cure for spinal cord injury. He is responsible for all phases of daily operations, which includes budgeting, fundraising, and education conducted by its national office, which is in Dallas. He oversees the management of the research division office and a San Francisco office. From January 1982 to September 1982, Mr. Waldrep was executive vice president of the American Paralysis Association.

From June 1979 to December 1981, Mr. Waldrep was chief executive officer and founder of the Kent Waldrep International Spinal Cord Research Foundation, Inc., a nonprofit organization which became the American Paralysis Association. He was responsible for planning and implementing all programs designed to meet the foundation's objectives and goals.

Mr. Waldrep served as assistant sports information director for Texas Christian University from April 1977 to June 1979, where he worked on sports promotion programs, including media communication, brochure preparation, compilation of statistics, and advertising sales. The achievements succeeded 3 years of intensive physical therapy following paralysis caused by a cervical spinal cord injury from a football accident in 1974 which left Mr. Waldrep a quadraplegic with mobility disability due to paralysis from the neck down.

Mr. Waldrep is a member of several community and professional groups, including the board of the Dallas Rehabilitation Institute and the National Society of Fundraising Executives. He has been the recipient of many awards honoring him for his achievements in the areas of disability and handicapping conditions.

Mr. Waldrep is currently serving as vice chairman of the National Council on the Handicapped. He has been a member of the research committee and the Committee on Disability Prevention.

Mr. Michael Marge, Ed.D., of Syracuse, N.Y., is professor of special education and rehabilitation—communicative disorder—and professor of child and family studies, Syracuse University, since 1974. He was dean of the College for Human Development from 1974-79. He has been active in special education and rehabilitation for more than 30 years.

He began his career as director of the upstate New York speech and hearing therapy project for the Easter Seal Society. He developed the Glens Falls, NY, Cerebral Palsy Clinic and the Northeastern New York Cleft Palate Center. He was director of speech therapy services for the Mount Carmel Guild programs for the handicapped, Newark, NJ, which provided services for more than 200 elementary and secondary schools. He also founded and served as cochairman of the Department of Communicative Disorders at Seaton Hall University from 1960-64.

In 1964, he served as the U.S. Office for Education program coordinator for speech and hearing services in the Division of Handicapped Children and Youth. He later become Director of Program Planning and Evaluation for the Bureau of Education for the Handicapped. He was Deputy Commissioner of Education for Planning Research and Evaluation, 1960-71 and Deputy Director of the Bureau of International Studies 1971-74.

Dr. Marge is a member of numerous professional organizations, serving as an officer and chairperson of selected committees. Currently, he is chairman of the ASCH Committee on Prevention of Communicative Disorders and the Central New York Committee on Disability Prevention. In 1980, he received a Mary E. Switzer Fellowship award for his contributions to disability prevention. He is the author of a textbook on language disability in children and more than 30 publications in communicative disorders, special education, and rehabilitation.

Dr. Marge has served as the National Council on the Handicapped's chairperson of the Committee on Services and Cochairperson of the Committee on Disability Prevention. He was a member of the Annual Report Committee and the executive committee.

All four of these highly qualified individuals are eager, able, and willing to continue serving as members of the National Council on the Handicapped. I encourage my colleagues in the Senate to expedite confirmation of these nominees. It is in the best interest of the handicapped of our Nation, Congress, and the President to vote to reappoint Mrs. Sandra Swift Parrino, Dr. H. Latham Breunig, Mr. Alvis Kent Waldrep, Jr., and Dr. Michael Marge to the National Council on the Handicapped.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I believe the time for morning business has expired.

The PRESIDING OFFICER. Morning business is closed.

MISCELLANEOUS TARIFF, TRADE, AND CUSTOM MATTERS

The PRESIDING OFFICER. The clerk will report the unfinished business.

The bill clerk read as follows:

A bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Baker Amendment No. 3027, to further reduce deficits by including reconciliations and appropriations caps for defense and non-defense discretionary spending for fiscal years 1985, 1986, and 1987, as amended.

AMENDMENT NO. 3069

(Purpose: To make technical corrections in provisions relating to medicare, medicaid, and estate tax)

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I send to the desk a technical amendment in behalf of Senator DOLE with an explanation attached. This has been cleared on both sides. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. DOLE, proposes amendment No. 3069.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 1842(b)(11)(A) of the Social Security Act, as added by section 904(a) of the bill, strike out "physicians' services" and insert "services". (Page 1206, line 24, of the DOLE amendment.)

In section 1886(b)(3)(B)(11) of the Social Security Act, as added by section 905(a) of the bill, strike out "; and" at the end of subclause (II) and insert a period, and strike out subclause (III). (Page 1210, lines 1 through 4, of the DOLE amendment.)

At the end of section 925 of the bill add the following:

(e) Section 1886(e)(3) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The Commission shall also make a preliminary report of its recommendation for fiscal year 1987 to the Secretary prior to April 1, 1985.".

In section 1833(h)(2) of the Social Security Act, as added by section 906(d) of the bill, strike out "and extremely skilled personnel" and insert "or extremely skilled personnel". (Page 1213, line 14, of the DOLE amendment.)

In section 1833(b)(2)(A)(11) of the Social Security Act, as added by section 916(a) of the bill, insert before the semicolon at the end thereof the following: ", determined without regard to section 1842(b)(4)". (Page 1227, line 16, of the DOLE amendment.)

In section 1886(d)(5)(C)(i) of the Social Security Act, as amended by section 919(a) of the bill, strike out "shall include wages" and insert "may include wages". (Page 1, line 12, of the QUAYLE amendment.)

In section 1886(d)(2)(D) of the Social Security Act, as amended by section 919(b) of the bill, strike out "Standard" each place it appears (twice). (Page 2, lines 7 and 11, of the QUAYLE amendment.)

In section 1886(d)(8) of the Social Security Act, as amended by section 919(c) of the bill, strike out "October 1" and insert "April

20". (Page 2, lines 16, of the QUAYLE amendment.)

In the section heading of section 933 of the bill, add at the end "OR HOSPICE PROGRAMS". (Page 1242, line 6, of the DOLE amendment.)

In section 936(a) of the bill, strike out "section 202" and insert "section 904". (Page 1246, line 16, of the DOLE amendment.)

At the end of section 805(c) of the bill, add the following new paragraph:

(3) Unless the Secretary of Agriculture determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this section, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code of 1954 shall be deemed to be waived by reason of the provisions of this section.

Mr. DOMENICI. Mr. President, I ask that the explanation which I sent to the desk be made a part of the RECORD. It is my understanding that this has been cleared with the distinguished Senator from Florida.

I ask that the amendment be adopted.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF TECHNICAL CORRECTIONS TO FINANCE COMMITTEE PROVISIONS

The corrections have no budgetary nor policy implications.

1. Clarifies that the participating provider program created by the bill applies to all Part B providers, not simply physicians.

2. Corrects drafting error which would have mandated a specific rate of increase in the payments to NON-DRG hospitals.

3. Clarifies that the Prospective Payment Commission is expected to file the reports required by the Social Security Amendments of 1983 notwithstanding the fact that this legislation places a limit on the rate of increase in payments to hospitals.

4. Clarifies that the Secretary may make an adjustment to the fees paid for lab tests in the case of certain low volume high-cost tests where highly sophisticated equipment *or* extremely skilled personnel are necessary to assure quality.

5. Clarifies that the freeze on physician fees contained in this bill does not effect the indexing of the Part B Deductible.

6. Clarifies that a hospital may be classified as a rural referral center if certain of its characteristics are similar to certain characteristics of urban hospitals.

7. Corrects reference to Metropolitan Statistical Area.

8. Corrects date so that hospitals located in counties that were redesignated from urban to rural in June of 1983 are covered under the provision.

9. Corrects title of section of the bill to reflect content of that provision.

10. Corrects erroneous cross reference.

11. Restores language that was incorrectly deleted.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I understand my friend and valued member of the Budget Committee, Senator KASSEBAUM, and with Senator PACKWOOD, a valued member of the Finance Committee, have a few comments they would like to make with regard to the aviation facilities and equipment program financed through the airport and airway trust fund.

I ask that the colloquy be made a part of the RECORD at this time.

● Mrs. KASSEBAUM. I would like to take this opportunity to ask the chairman of the Budget Committee a question about how the House-passed budget resolution treats the aviation facilities and equipment program which is financed with trust fund receipts from user fees. Is it true that the House has exempted this program from their so-called freeze on domestic discretionary programs?●

● Mr. DOMENICI. My friend, and valuable member of the Budget Committee, is correct. The House, in their budget resolution, has chosen to exempt spending from certain trust fund financed programs from 302(a) crosswalk allocations and from the aggregate totals enforced under section 311 of the Budget Act. The House trust fund exemption allows spending for these programs to completely escape budget scrutiny and avoids the rigors of the budget process.●

● Mr. PACKWOOD. Is it not true that the aviation facilities and equipment program is quite different from other trust fund programs, since it is subject to annual appropriations review?●

● Mr. DOMENICI. The aviation facilities and equipment account is somewhat of an anomaly among transportation trust fund programs. It is virtually the only transportation program which is financed with user fee receipts, yet subject to annual appropriations. The majority of transportation programs which are financed with trust fund receipts are funded with contract authority and not subject to annual appropriations.●

● Mrs. KASSEBAUM. I would like to ask the distinguished chairman of the Budget Committee how he plans to resolve this issue in conference with the House. May we have his assurances that the aviation facilities and equipment program will not be subject to the freeze at fiscal year 1984 levels for nondefense discretionary appropriated programs which is part of the leadership package?●

● Mr. DOMENICI. I understand the concerns of my distinguished colleagues, the chairman of the Aviation Subcommittee, Senator KASSEBAUM and the chairman of the Commerce Committee, Senator PACKWOOD. It is clear to me that the House feels strongly that certain trust fund financed programs should be treated as a special case and be totally exempted from the budget process. While I do not believe that the aviation facilities and equipment program should be exempted from budget controls, I understand that this program is unique.

In order to modernize the air traffic control system, as proposed by the Federal Aviation Administration's national airspace system plan, the administration has requested an increase in fiscal year 1985 spending above the fiscal year 1984 appropriated level. My intention in conference with the House would be to propose to continue to subject trust fund programs to normal budget controls while assuming that spending for aviation facilities and equipment could increase to the level requested by the President.●

● Mr. PACKWOOD. I thank the distinguished chairman of the Budget Committee for his assurances of how he will address this issue in conference with the House. In order to keep the FAA's modernization plan on schedule, it is essential that the aviation facilities and equipment program be financed at the administration's requested level.●

● Mrs. KASSEBAUM. I would like to join in thanking the chairman of the Budget Committee and the chairman of the Commerce Committee for their efforts in securing appropriate funding for the aviation facilities and equipment program. Adequate funding for this program is the cornerstone of the FAA's long-term plans to completely upgrade the currently outmoded air traffic control system. The 1982 Airport and Airway Improvement Act raised aviation user charges to help finance critical aviation improvements, including modernization of the air traffic control system. I am pleased that our budget deliberations will enable the FAA to proceed expeditiously with their plans.●

The PRESIDING OFFICER. The Chair informs the Senator that the amendment before the Senate is not in order. The Senator's amendment amends an amendment which has already been introduced. Therefore, it will take a unanimous-consent request for the Senate to consider the amendment from the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would ask unanimous consent that it be in order. However, I will not do that at this time because the other side is attempting to confirm an objection to

this amendment. Until we get that, I will withhold.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I wonder if I might ask the distinguished chairman of the committee a question with regard to the colloquy just entered into.

The distinguished Senator said:

My intention in conference with the House would be to propose to continue to subject trust fund programs to normal budget controls while assuming that spending for aviation facilities and equipment could increase to the level requested by the President.

Would the effect of that be that we would be adding another $900 million to the deficit? I agree with the distinguished Senator that we should not put the trust funds off budget. Again, the distinguished chairman can certainly express his intention of what he would do in conference. I just wonder, though, is this a signal that he is saying that he would suggest that we just go up another $900 million more in the deficit?

Mr. DOMENICI. I am hopeful that will not be the case. I am simply expressing my intention that I will do the best I can do in conference to address the concerns of the Senator from Kansas (Mrs. KASSEBAUM) and the Senator from Oregon (Mr. PACKWOOD). There are major differences between the House and Senate in terms of how this particular trust account is treated. It is hard for me to envision exactly how we might compromise this with them. I do not think it is automatic that it increases the total.

Mr. CHILES. I just do not know where the money comes from. If we do not go along with the House and say that we are going to count it, spending for aviation facilities and equipment could increase to the level requested by the President. And yet the Senator says he is trying to assure the Senator from Wisconsin that it is his intention that room be made for this provision.

It seems to me that he is suggesting that we would add that amount.

Mr. DOMENICI. It could be added to the bottom line and it may increase the deficit. That is correct. I cannot answer better than that. We have approximately $140 billion in the nondefense discretionary accounts we are talking about.

Mr. CHILES. Now we have the assurance of the chairman of the Appropriations Committee that he is going to take care of education at $1.3 billion; take care of medical research at $650 million; take care of the environment at a certain level, and now we are taking care of aviation.

We still have a few hanging out there. Law enforcement has not been taken care of yet; veterans' medical has not been taken care of yet; aid to Israel, $2 billion, has not been taken care of yet.

Are we going to have a few more colloquys and agree that we will take care of these? I think there might be some Members on our side who will want to take care of these other items.

Mr. DOMENICI. I thought that that side had been made aware of our intention to enter into the discussion.

Mr. CHILES. We were trying to read it, but I did not have a chance to finish reading it. I had a chance to read it after the colloquy was done. I cannot keep the distinguished chairman from expressing what he wants to do in conference; that is his right. I just wanted to know what the effect of that was.

Mr. DOMENICI. I think I have done the best I could to explain it.

Mr. CHILES. I think I have expressed myself the best I could.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I wonder if I might have the attention of the chairman of the committee.

Mr. DOLE. Yes, Mr. President.

Mr. BAUCUS. I wish to ask the chairman of the committee a question. It is the intention of this Senator to offer a medicare amendment at this time. I wonder if we could take care of this matter expeditiously with a very short debate.

Mr. DOLE. With a voice vote?

Mr. BAUCUS. A voice vote is fine with this Senator.

I ask the Senator another question: Is the Senator willing to accept this amendment?

Mr. DOLE. Willing to accept it, Mr. President? I do not know what it is.

Mr. BAUCUS. Let me tell the Senator it is the same amendment I discussed here last night, one which changes the part B premium provision and which also eliminates the increase in part B deductibles.

Mr. DOLE. Mr. President, I have discussed this with the majority leader. I am not certain what the lineup is, but I am willing to have an up or down vote. I prefer to table the amendment, but I think it is a real test of whether we are really going to do anything around here. If that is the amendment and the Senator would offer it and we could dispose of it very quickly, we could do it on that basis. I would like to avoid a rollcall, but if the Senator insists, we can have a rollcall.

Mr. BAUCUS. This Senator will not insist on a rollcall if the Senator from Kansas will accept the amendment.

Mr. DOLE. Mr. President, I accept the fact that the Senator wants to introduce it.

Mr. BAUCUS. Will the Senator accept the amendment?

Mr. DOLE. No; oh, no, Mr. President, I cannot do that. If it is the amendment I am thinking of, no. I did not think there was any doubt about that. I did not know we were discussing that.

Mr. BAUCUS. If that is the case, Mr. President, this Senator feels constrained to ask for the yeas and nays on it.

AMENDMENT NO. 3070

(Purpose: To modify certain medicare provisions)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Montana (Mr. BAUCUS), for himself, and Mr. BOREN, Mr. BRADLEY, Mr. CRANSTON, Mr. GLENN, Mr. HART, Mr. KENNEDY, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. PRYOR proposes an amendment numbered 3070.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike on p. 19, line 8, the date "1987," and insert the following new sections:

PART B PREMIUM

SEC. . (a) Notwithstanding the provisions of section 901 of this Act, the amendments made by such section 901 shall not become effective, and the provisions of the Social Security Act shall remain as though such section 901 had not been enacted.

(b) Section 1839(e) of the Social Security Act is amended by striking out "1986" each place it appears and inserting in lieu thereof in each instance "1987".

(c) Section 1839 of such Act is amended by adding at the end thereof the following new subsection:

"(f)(1) If no cost-of-living increase becomes effective under section 215(i) in December of any year, the monthly premium of each individual enrolled under this part for the succeeding year shall (except as otherwise provided in subsection (b)) be the same as the monthly premium (disregarding subsection (b)) of the individual for such December.

"(2) If paragraph (1) does not apply to the monthly premiums for a year, if an individual is entitled to monthly benefits under section 202 or 223 for November and for December in that preceding year, and if the monthly premium for that December and

for the following January is deducted from those benefits under section 1840(a)(1), the monthly premium for that individual for that January and for each of the succeeding 11 months for which he is entitled to benefits under section 202 or 223 shall (except as otherwise provided in subsection (b)) be the greater of—

"(A) the monthly premium amount determined under subsection (a)(2) or (e) for that January reduced by the amount (if any) necessary to make the monthly benefits under section 202 or 223 for that January after the deduction of the monthly premium (disregarding subsection (b)) for that January at least equal to the monthly benefits under section 202 or 223 for the preceding November after the deduction of the premium (disregarding subsection (b)) for that individual for that November, or

"(B) the monthly premium (disregarding subsection (b)) for that individual for that December.

For purposes of this subsection, retroactive adjustments or payments and deductions on account of work shall not be taken into account in determining the monthly benefits to which an individual is entitled under section 202 or 223.".

PHYSICIAN FEES

SEC. . (a) Section 1842(b) of the Social Security Act (as amended by section 904 of this Act) is further amended by adding at the end thereof the following:

"(13)(A) During the 24-month period beginning July 1, 1984, the Secretary shall monitor physicians in order to determine—

"(i) the proportion of physicians, by specialty and geographic area of practice, whose claims under this part are not pursuant to an assignment under paragraph (3)(ii), grouped as follows: fewer than 25 percent, 25 percent to 49 percent, 50 percent to 74 percent, 75 percent to 89 percent, 90 percent to 99 percent, and 100 U.S., of the claims submitted by such physicians, or for such classifications of physicians as the Secretary may deem to be more informative;

"(ii) the average difference between the actual charges and the reasonable charges recognized for purposes of this part, for each classification of physicians referred to in clause (i); and

"(iii) any changes in the per capita volume and mix of services provided to beneficiaries under this part by each classification of physician referred to in clause (i).

"(B) Information on changes in the elements monitored pursuant to subparagraph (A) shall be provided to Congress every sixth month beginning with January 1985 and ending with January 1987.

"(C)(i) The report which the Secretary of Health and Human Services shall submit to Congress on January 1, 1987, shall include recommendations in sufficient detail to serve as the basis for legislative action which Congress can take to assure that any burden of effectively constraining the growth of costs in the medicare part B program, which Congress intends to be borne by providers and physicians, is not transferred (in whole or in part) so as to become an additional burden on part B beneficiaries in the form of increased out-of-pocket costs, reduced services, or reduced access to needed physician care.

"(ii) Such report shall also include analyses of other methods of payment which might be utilized under part B to constrain the costs of the part B program, including prospective payment systems such as fee schedules (both global and per service), capitation payments, case management, and the use of preferred provider organizations.".

(c) In addition to any funds otherwise provided for fiscal years 1985, 1986, and 1987 for payments to carriers under agreements entered into under section 1842 of the Social Security Act, there are transferred from the Federal Supplementary Medical Insurance Fund such additional amounts for payments to such carriers under such agreements as may be necessary to conduct monitoring of physicians under section 1842 (b)(13) of the Social Security Act.

PART B DEDUCTIBLE

SEC. . Notwithstanding the provisions of section 916 of this Act, the amendments made by such section 916 shall not become effective, and the provisions of the Social Security Act shall remain as though such section 916 had not been enacted.

Mr. BAUCUS. Mr. President, I wish to make it clear at this point that by offering this amendment, I am not using up my right under a previous unanimous consent agreement to offer a medicare amendment to this bill.

I am doing so, Mr. President, because this amendment is in order even without that unanimous-consent agreement.

Mr. DOLE. Let me confirm that. It is my understanding that when we finished the tax bill this amendment was made in order, is that correct?

Mr. BAUCUS. No. This is an amendment to the Baker amendment. The amendment referred to in that unanimous-consent agreement some time ago would be another amendment, if I should so choose to bring one up.

Mr. DOLE. I do not recall that. We cannot keep stretching the rules or we will never finish the bill.

Mr. BAUCUS. Mr. President, I might tell the Senator from Kansas this Senator at this time has no intention of bringing up a medicare amendment under that unanimous-consent agreement. But it is also this Senator's understanding of the rules that he has a right at this time to bring up a medicare amendment to the Baker substitute without unanimous consent to do so.

Mr. DOLE. I thought we were operating in good faith; that there would be three medicare amendments, two from the Senator from Massachusetts and one from the Senator from Montana.

Mr. BAUCUS. Mr. President, if I might soothe the Senator from Kansas, I say that if this amendment is given an up-or-down vote, then barring unforeseen circumstances, this Senator will operate in good faith and not bring up another medicare amendment.

Mr. DOLE. Mr. President, as I indicated, I have discussed it with the majority leader, and we are agreeable to having an up-or-down vote if we can do it quickly. And I ask if that is the intent of the Senator from Montana, to get it up and have a vote on it up or down and move on so we can maybe finish the bill today?

Mr. BAUCUS. The Senator is correct.

Just so there is no misunderstanding, it is the intention of this Senator to bring up this amendment under the right of this Senator to bring up an amendment, not using unanimous-consent provision that the Senate agreed to a few weeks ago concerning the right of this Senator to bring up a medicare amendment.

Mr. DOLE. I am not certain the Senator from Kansas understands that. I assume the amendment is germane and probably will be offered. It is my understanding it was agreed in this Chamber about 4 o'clock in the morning, whenever it was, that there would be additional medicare amendments in order and they would be the amendment of the Senator from Montana and two from the Senator from Massachusetts. But I guess what the Senator from Montana is suggesting is if we are willing to permit an up-or-down vote on this amendment, this will be the only amendment. Is that correct?

Mr. BAUCUS. In all likelihood. I cannot give a 100-percent guarantee but I can give close to a 100-percent guarantee that that is correct.

Mr. DOLE. Then how does the Senator expect me to guarantee he will have an up.or-down vote?

Mr. BAUCUS. We operate in good faith around here.

Mr. DOLE. Some of us do. That is the point.

Mr. BAUCUS. That is the point the Senator is making.

Mr. DOLE. So I cannot give the Senator assurance we are going to have an up-or-down vote then.

Mr. BAUCUS. Let me say to the Senator, if we get an up-or-down vote, I can assure the Senator that I have no intention of offering any other medicare amendment.

Mr. DOLE. Mr. President, we can reach that agreement. I think we both understand each other. We would like to have a vote. We are willing to have an up-or-down vote. As I understand it, the Senator has a two-part amendment, part B deductible and part B premium?

Mr. BAUCUS. That is correct.

Mr. DOLE. If that is the amendment that is pending and there is an up-or-down vote, if it is defeated or approved, either way, the Senator would not offer another amendment?

Mr. BAUCUS. The Senator is correct. Without being too technical about it, the amendment has a third part, which is the monitoring provision. It does not cost any money.

Mr. DOLE. The monitoring part we do not have any objection to. I will accept that portion of it. We could maybe accept that and voice vote the other two pieces.

Mr. BAUCUS. I would rather have the entire amendment as a package.

Mr. President, I think we have an understanding.

Mr. DOLE. We do not object to the monitoring part. The Senator can offer that now separately or have it in the package or whatever.

Mr. BAUCUS. Mr. President, the amendment at the desk includes all three parts.

This is a fairness amendment. This amendment will restore a small amount of the medicare cuts borne by medicare beneficiaries that are made in this deficit reduction package.

This amendment would cost only a total of $588 million over 3 years. My amendment would:

First, eliminate the proposed increase in the part B deductible, which is paid by sick elderly beneficiaries before medicare kicks in;

Second, reduce the proposed part B premium increase in 1987, so the premium will only increase that year by the rate of general inflation, corresponding to social security COLA adjustments, instead of the rate of medical cost inflation;

Third, and provide for close monitoring of physician behavior under the proposed physician fee freeze so we can protect medicare beneficiaries from unfair cost-shifting during the 2-year freeze period.

The Finance Committee package contains almost $9 billion in medicare cuts. Of this $9 billion, elderly beneficiaries are required to contribute $3.7 billion. Physicians contribute $1.5 billion, and hospitals only $1.4 billion. Others, including medical laboratories and private insurance companies, contribute about $2.1 billion.

Elderly medicare beneficiaries are being forced to dig into pockets for more than twice as much money as physicians and more than twice as much money as hospitals.

This is not fair. This is not balanced.

The effect of this amendment would be to reduce medicare spending over the next 3 years by about $8.4 billion; that is, this amendment reduces the savings achieved by the Finance Committee by about 6 percent only.

It is the same amendment we discussed here last night. Essentially it has two major parts. Eliminating the part B deductible provision amounts to $225 million; scaling back the part B premium increase amounts to about $363 million. The total effect of the amendment is $588 million over 3 years.

Mr. President, I do not intend to take much time. The issue is fairly clear. Essentially I am offering this amendment because I believe that as much as we have to cut Federal spending to get deficits down and reduce interest rates, we also have to make sure those cuts are fair.

DEDUCTIBLE

This bill proposes to index the part B deductible to the medicare economic index. That means that while their social security checks are only keeping pace with inflation, measured by the Consumer Price Index, the out-of-pocket deductible paid by sick elderly beneficiaries will go up as health care costs go up—lately, twice the rate of inflation.

The part B deductible would increase from $75 to $78 in calendar year 1985, $82 in calendar year 1986, and $86 in calendar year 1987.

This portion of my amendment restores $225 million to beneficiaries over 3 years.

PREMIUM

This bill will also increase the part B premium, which is deducted from senior citizens' monthly social security checks. Under current law, the monthly premium can only increase as fast as the social security cost-of-living adjustment, which is based on the Consumer Price Index (CPI).

Under the Finance Committee proposal, the premium would be fixed at 25 percent of part B program costs. Since medical costs are rising at about twice the rate of inflation, this means that the buying power of those social security checks would be seriously eroded.

It is unfair, Mr. President, to penalize the elderly for something they have no control over. It is unfair to penalize the elderly for spiraling health care costs. Instead, we should come to grips with the problem and get those costs under control.

My amendment would not eliminate this additional premium increase. The premium would increase according to the increase in part B costs for 1986. But in 1987, my amendment provides that we return to current law. The premium would go up no more than the rate of general inflation.

This portion of the amendment only reduces the savings in the package by $363 million. Between now and 1987, I would hope that we could come to grips with the real problem and do something to reduce the rate of increase in part B expenditures.

PHYSICIAN FEE FREEZE

Finally, Mr. President, my amendment provides for close monitoring of physician behavior under the physician fee freeze contained in the Finance Committee package.

Under current law, part B of medicare pays for physician services on the basis of medicare-determined "reasonable charges." The amounts recognized by medicare as customary and prevailing charges are increased annually, on July 1, to reflect changes in physician charging practices. Increases in prevailing charge levels are limited by an economic index which reflects changes in the operating expenses of physicians and earning levels in general.

Under the Finance Committee provision, all customary and prevailing physician fees will be frozen for 1 year, from July 1, 1984 to June 1985. Further, for nonparticipating physicians, meaning physicians who do not take assignment, prevailing fees will be frozen for an additional year.

The Congressional Budget Office estimates that the Federal Government will save almost $2.8 billion over 4 years from this restriction on payments for physician services.

Mr. President, medicare does not make direct payments to physicians who do not take assignment. So what this freeze provision really does is freeze reimbursement payments to beneficiaries who, then, must pay these physicians whatever they charge for their services.

In case anyone listening is a little hazy on the difference between assignment and nonassignment under medicare part B, let me try to explain the difference.

Medicare pays 80 percent of physicians' reasonable charges. If physicians accept assignment under medicare, they receive 80 percent of this reasonable charge from medicare and 20 percent from the elderly patient. Medicare does not pay physicians who do not accept assignment directly because, by definition, these physicians do not participate in medicare. Rather, medicare must reimburse patients for the costs that they incur when they go to a physician and the physician charges them directly.

So the labeling of this provision as a freeze on physicians' fees is largely a misnomer. In fact, we are freezing the amount medicare gives patients whose physicians do not accept assignment. Physicians may choose whether to accept assignment on a case-by-case basis.

On the average, only about 50 percent of part B claims submitted nationwide are under assignment. For the others, patients are billed by their doctors and must pay the difference between the bill and what medicare is willing to pay. If their physicians do not voluntary freeze their fees, those patients will bear the burden of the medicare savings.

And, furthermore, if some physicians stop accepting assignment because they consider the frozen medicare payments too small, even more costs will be shifted to beneficiaries.

So at least half of the medicare savings assumed by this provision, at least half of $2.8 billion, will probably be paid, in fact, by elderly medicare beneficiaries.

Mr. President, I do want to give credit where credit is due. The American Medical Association has endorsed a 1-year freeze on physician's fees, and is encouraging its members to comply. In my own State of Montana, I know many physicians who have voluntarily restricted their fees in recent years be-

cause they recognize the economic problems that are facing their patients, whether elderly or not.

And the Finance Committee proposal contains some important incentives that are designed to encourage physicians to accept assignment, by streamlining billing and other administrative changes.

But I am still concerned about the impact this freeze may have on medicare beneficiaries. And that is why I propose that the Congress direct HHS to closely monitor the part B program during this freeze period. My amendment directs HHS to increase its part B claims monitoring efforts, using data already collected by medicare carriers, on:

The proportion of medicare claims which are not assigned;

The average difference between actual charges and medicare-recognized charges on claims which are not assigned;

And changes in the per capita volume and mix of services provided to medicare beneficiaries.

My amendment further provides that HHS shall report periodically to Congress and to medicare beneficiaries to provide information on significant increases in physicians' cost shifting and cost increase behavior, if any exists.

This will make it possible for us to monitor this situation and take steps, if warranted, to protect medicare beneficiaries from unfair cost shifting.

In addition, my amendment directs the Secretary of HHS to analyze other methods of payment which might be utilized to constrain the cost of the part B program, including prospective payment systems such as fee schedules, capitation payments, case management, and the use of preferred provider organizations. Instead of continuing to impose arbitrary payment limits and increased cost sharing, we must look for ways to reform the part B program to solve the long-term cost problems, and the Department of Health and Human Services should provide some guidance to Congress in that regard.

It is the opinion of this Senator, and I am sure of many other Senators, that the $9 billion medicare cut, compared with other cuts in other agencies and other programs, is unfair because it places a disproportionate burden on the backs of senior citizens. There were other medicare cuts that applied to hospitals, physicians, laboratories, and other health care providers, but those cuts are not as great as the cuts that are directly placed on the backs of senior citizens.

Again, I think it is a very fair amendment. It just barely nicks the cuts we have taken in the committee.

To repeat, this bill cuts medicare about $9 billion over 3 years. This amendment reduces that reduction by only 6 percent. So that if this amendment is adopted the Senate will be reducing medicare payments by about $8.4 billion instead of $9 billion.

This amendment really is midway between what the Finance Committee has done and amendments that were offered here last week. The Senator from Massachusetts (Mr. KENNEDY) offered an amendment which would have reduced the cuts by about $1.5 billion. There was another amendment offered by the Senator from Massachusetts which reduced the medicare cuts, too. The Senate rejected that amendment also.

This is a compromise amendment, it is a balance amendment, and I think it is very fair. Mr. President, I urge my colleagues to adopt it so that the cuts are more fair and more proportionately distributed among various groups of Americans.

I might add, Mr. President, that in the view of this Senator we probably should have gone further in cutting Federal spending for everyone, all Americans, all groups, all programs. We have so far chosen not to do that, and if I see the handwriting on the wall we probably will not do that. That is why I am here today. I am here trying to restore some balance and equity to this deficit reduction effort.

Mr. President, I am committed to working to reduce the deficit. I have done my best to work with the distinguished chairman of the Finance Committee, Mr. DOLE, and the ranking Member, Mr. LONG, to put together a meaningful deficit reduction package.

When the Finance Committee assembled this package, we did so with the expectation that other committees would carefully examine the programs within their jurisdictions and come up with comparable savings. I do not believe that spending in other areas, particularly military spending, is being constrained as severely as the Finance Committee has constrained medicare.

If this is the case, then these medicare cuts are out of proportion. And as usual, the beneficiaries of medicare, our Nation's senior citizens, are being asked to pay more than their fair share.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, if we are here to do anything it is to provide a reasonable, balanced approach to reducing the Federal deficit. Balanced, in that we have included spending reduction as well as revenue raising provisions in our package. Reasonable, in that we have addressed those program areas where we have seen rapid growth, where we can influence beneficiary behavior, and where we could spread the burden over as wide a base as possible.

As you have heard me state before, the supplementary medical insurance or part B portion of the medicare program has grown by over 960 percent since 1970. It is the fastest growing portion of the program and is expected to remain so under current law. From now until 1988, it is expected that the cost of part B services will increase by over 15 percent per year. That increase is not entirely the result of growth in the number of beneficiaries needing services. For those that will use part B services, the per capital cost of services will grow by 11½ percent per year over the same period.

The part B deductible and premium provisions are intended to bring the financial stake of part B enrollees in line with the cost of the benefits provided. While the cost of care has increased dramatically, user sensitivity to the price of the services demanded has declined. The part B premium as a percent of the elderly's income has declined to three quarters of what it was in 1970. For the deductible, the decline has been even greater, it now amounts to less than one-half of the 1.4 percent of income it represented in 1970.

Medicare beneficiaries, along with other patients, should be made sensitive to the high cost of care. Price sensitivity makes sense where the decision to seek medical care is his or hers to make and it does not cause needless dely in seeking needed care. Cost sharing can be useful and is appropriately applied in the premium and deductible provisions.

Mr. President, through these proposals we spread the greatest portion of our cost savings over the broadest possible base. The part B premium proposal produces a substantial savings at relatively little expense to some 29 million individual enrollees who participate in part B. Of those enrollees, from 13 to 15 percent are dually eligible for medicare and medicaid. That means that for up to 4 million low-income elderly, any premium and deductible increases would be absorbed by medicaid.

As Senators, know, the part B premium proposal contains a hold harmless provision so that an individual's social security check will not be reduced as a result of a premium increase.

While the part B deductible provision is applied to fewer beneficiaries, the incremental increase in the deductible is small on an individual-by-individual basis. In 1985, the deductible would increase by $3, or less than 4 percent, while part B program costs are expected to increase by 16 percent. It does however, result in significant cost savings to the program as a whole.

Mr. President, there are additional arguments I could use to defend these cost-sharing proposals. But I know the Senator from Montana recognizes how these provisions fit in with our efforts to reduce the deficit. He supported them in committee and I thank him for that. I also know that my colleagues here in the Senate have heard the arguments and statistics before. What needs to be emphasized is how our efforts to reduce the deficit vary with those of our colleagues in the House. While we both include medicare and medicaid in our spending reduction proposals, the levels of effort are indeed different. We have proposed almost $10 billion in spending reductions for medicare and medicaid while the House proposes to reduce spending by less than $200 million.

This is not the place to give away that differential. There will be time and pressure enough for that during conference. If we are to be in any position at all to ask greater spending discipline of the House we must maintain our position.

MONITORING THE PHYSICIAN FREEZE AND ASSIGNMENT DEMONSTRATION

The Senator from Kansas is well aware of the concerns of those who believe that physicians will simply pass on to the beneficiary the impact of the freeze. This Senator is equally skeptical of promises of voluntary restraint. Having been given that commitment with respect to hospitals, I am well aware of the potential for failure. Given the reaction of Congress to that failure among the hospitals, and the imposition of cost-containment measures contained in TEFRA as a result, I would hope the physicians of this country realize the seriousness of our resolve that patients not be asked to shoulder additional costs as a result of this provision.

While I do not agree with the Senator's amendment as it effects the part B premium and deductible, I do find myself in agreement with his proposal to monitor the reaction of physicians to the fee freeze. If we could agree to anything it would be the monitoring provision.

CONCLUSION

Mr. President, the cost-sharing provisions we have proposed are reasonable. Moreover, they are an integral part of our deficit reduction package and provide us with means to bring the minimal spending reductions proposed by the House closer to the balanced approach we have taken to achieve deficit reduction.

Mr. President, we have been over this territory at least three or four times. How long have we been on this bill? I guess 3 or 4 weeks—however long we have been on this package. We have defeated it two or three times, and it keeps coming up again in some other form or some other package.

I hope that the Members who vote on this issue can be reminded that this was part of a package that came out of the Senate Finance Committee after a careful study, alteration, and modification, by a vote of 20 to 0.

As I reflect on what happened in the committee, there was some concern about going to 35 percent on the part B premium, concern by Senator MITCHELL, concern by Senator BAUCUS, concern by Senator HEINZ. The chairman of the committee offered a modification on behalf of all the Senators, particularly those who had that concern. So I want the RECORD to reflect that we attempted to be evenhanded. Some may not share that view.

If we in the Senate are not willing to shave about $10 billion off a $250 billion medicare program over the next 3 years, I am not certain what is going to happen to medicare. We can all make speeches and can all defend senior citizens, and we should, but there comes a time when we also have to face the facts, and the fact is that medicare is in difficulty.

I have never been one to ask that we should have a commission, but I have about reached the point of recognizing that Congress may not have the will to focus on medicare. We could do so if we had secret votes, closed meetings. We would probably recognize that we had to do something. We do not have that in the Senate Finance Committee. But it may be that now we have reached the point that we are going to have to ask somebody to come in and do our work for us, appoint a commission of outstanding people on both sides, experts in the field, so that we can save the medicare program from disaster.

I know that the Senator from New York and others have so indicated. I think the Senator from Montana has indicated a similar interest.

I am not certain Congress will ever face up to its responsibility in this area. It is a tough issue. It is a hot political button. It is like yelling, "Fire!" in a crowded theater. Mention medicare in a committee meeting, and half the members jump out the window. It is difficult to come to grips with.

It is easy to play on the fears of senior citizens. But we should spell out to those recipients the fact that medicare started off with an estimated cost of $4.7 billion in 1967, and we were told it was going to be $9 billion by 1990. It is $76 billion in the budget now, and it is going to $115 billion by 1990. There is a big difference between $9 billion and $115 billion.

Many people have a lot of ways to solve it: Just raise the taxes on the working people. Most of the working people are now paying more in payroll taxes than any other tax. So we will have to reform the system: A little more cost-sharing; the way to reimburse hospitals has to be addressed again; and the way to reimburse physicians has to be addressed.

I think there are enough of us in the Senate and the House who could work with some outstanding commission to pull it all together. We have a little time. It should not be politicized. That was not the effort of the Senate Finance Committee. That is why we did so little, to keep it from becoming a big political football, as happened in 1982.

I am prepared to vote. It seems to me that the little, modest savings we make are not a burden. We can make all the arguments we want on this side or the other side, but the problem is, that it is a hot political button, and some people do not want to touch it.

Mr. President, I am prepared to vote.

Mr. BAUCUS. Mr. President, I compliment the Senator from Kansas.

The Senator is correct that on down the road we have to make some very difficult decisions. This Senator does not want to raise payroll taxes, and I think most Americans do not.

Congress has made deep cuts in medicare during the last few years. I estimate that in recent legislation we have reduced medicare $22 billion below the fiscal years 1982–86 baseline.

But we have not made comprehensive reforms in medicare. Except for the new prospective payment system for part A, or hospital insurance, we have not yet come to grips with spiraling health care costs or the future solvency of medicare.

I do not want to belittle what we have done. Some worthwhile policy steps have been achieved. I do want to emphasize, however, that much of the budget cutting being done to medicare is simply that—budget cutting. It is not problem solving. And I regret that state of affairs.

The budget process is not the appropriate place in which to reform medicare. Yet, that is what we are continually asked to do.

We all know that medicare is facing insolvency within the next decade. In fact, the Health Care Financing Administration currently projects that the hospital insurance trust fund will be completely depleted by 1991.

The accumulated deficit will be over $200 billion by 1995.

What is the reason for this huge deficit? One-fifth of the problem—that is, one-fifth of the reasons why medicare outlays are rising—is because people are living longer. The program has to cover more people for a longer period of time. But four-fifths of the problem, the lion's share, is due to rising health care costs in America.

During each of the last 10 years, health care costs generally have increased as much as three times the average general inflation rate. Medicare costs have risen at about the same rate.

There are not any magic solutions to the problem of medicare's approaching insolvency. We have three options: First, raise taxes to pay for it; second, require the elderly to pay more for health care and third, control costs.

Unfortunately, the proposals that have been presented to the Congress in the past several years have been proposals that nickel and dime senior citizens and try to peck away at the problem with little—and sometimes not so little—cuts in payments to the elderly. That kind of budget cut does nothing to address the heart of the problem. That kind of tinkering does nothing to solve the long-term problem.

The purpose of this amendment is to deal with what we have before us, and that is with tinkering. We have been tinkering because we have been trying to solve the hospital insurance trust fund solvency crisis and to reduce the number of Federal dollars being spent for part B of medicare by cutting medicare benefits to senior citizens, when the fact is they are really not responsible for the problem.

Right now while we are tinkering, we should make sure that we tinker in a fair, evenhanded, and balanced way, as part of our efforts to get deficits down and interest rates down.

This is not a gutting amendment. It is a tinkering of a tinkering. This bill cuts $9 billion from medicare, and the effect of my amendment would be to cut $8.4 billion. It is a 6-percent reduction. Instead of a $9 billion medicare cut over 3 years, it would be an $8.4 billion cut.

I am just nicking what we did in committee. I hope the Senate will restore some balance and equity and will agree to the amendment.

Mr. President, I understand that another Senator wishes to speak on this matter, and I feel constrained either to put in a quorum call or——

Mr. DOLE. Mr. President, my understanding is that we were going to bring up the amendment and vote. If we are going to spend a couple of hours on this, I will reserve my right to make a motion to table.

Mr. BAUCUS. It is my understanding that the Senator from West Virginia (Mr. BYRD) wants to speak for a few minutes.

Mr. DOLE. The interest rate will go up another half point while we are tinkering around on the Senate floor. We have been tinkering around for 3½ weeks on this package. I hope we can vote, finish the package, and go to conference. I think people have forgotten we are here, by the best news we have.

Mr. DOMENICI. Mr. President, it was the original intent of Congress in creating the SMI program that the Federal Government pay half of the SMI program cost and that the beneficiary pay the other half.

Federal costs for the SMI program continue to skyrocket. Between fiscal years 1978 and 1983 the Federal contribution to the SMI program grew by 21.2 percent per year. In fiscal year 1984 the cost was $17.7 billion; in fiscal year 1985 the cost is estimated to be $19.8 billion.

The Finance Committee package assures that no one's social security check will be reduced as a result of the premium increase.

The Finance Committee package, if adopted in total, will actually reduce the premium by 70 cents per month over currently projected levels for 1985. In 1986, the total package increases monthy premiums by only 50 cents over baseline projections.

The part B deductible will increase by less than $3 per year under the Finance Committee package.

The deductible was initially set at $60 in 1965 and raised to $75 in 1982. In real terms, the beneficiary deductible cost has declined 62 percent since 1965

The package is fair. Of the total $8.2 billion savings including offsets, only $2.4 billion or 30 percent are from beneficiary changes. Over 65 percent, $5.4 billion are from providers. The vast majority of all medicare and medicaid reforms have affected providers and States.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

Mr. BUMPERS. Mr. President, will the Senator from Kansas yield while we are waiting?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BUMPERS. Will the Senator from Montana yield?

Mr. BAUCUS. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, we might get unanimous consent to do about 10 or 15 minutes of colloquy on the medicaid things. I am not going to offer the amendment. I did want to get into that colloquy and get that out of the way if the proponents of the amendment are willing to set that amendment aside for a few minutes while we do that.

Mr. DOLE. I prefer to vote on the amendment.

Mr. BUMPERS. All right.

Mr. DOLE. I told a number of Senators to stick around here and not to leave, that we are going to have a vote. That is what was presented to the Senator. We wish to follow the vote with a colloquy. We are prepared to do that.

Mr. BUMPERS. That is what I am planning to do.

Mr. DOLE. Fine.

Mr. BUMPERS. I thought if we do that it might save us time.

Mr. DOLE. I think a number of Senators were alerted not to leave before we have the vote.

Mr. BAUCUS. My understanding is Senator BYRD is on his way.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I support the Senator's amendment, and I hope the Senate will adopt it.

Mr. President, when the distinguished senior Senator from Massachusetts (Mr. KENNEDY) offered his amendment on this subject to the legislation on May 9, I stated my views in some detail on the unfairness of the medicare provisions that now are a part of the legislation before us. I will not take the time of my colleagues to repeat all those comments today.

Suffice it to say that this legislation will place a huge additional financial burden on the elderly and disabled for medical care, but fails to take necessary steps to control the continued staggering increases in medical costs—constant increases that are driving Government health care programs to bankruptcy, while also impoverishing hundreds of thousands of citizens unable to pay those rising costs.

For these reasons, I feel it is vital to reduce the impact of this legislation on beneficiaries. The amendment of the distinguished Senator from Montana (Mr. BAUCUS) is a worthy step in this direction, and I am pleased to offer my full support to it. It deletes an increase in the amount the elderly and disabled must pay out of their pockets each year before medicare will cover any of their doctors' bills. It also holds a substantial increase in the part B medicare premium to 1 year, instead of instituting the change permanently as the legislation before us would do.

The amendment takes the additional step of requiring the Department of Health and Human Services to monitor physicians' charges to medicare patients—and report to both the Congress and to medicare beneficiaries concerning those who violate the intent of the physicians' fee freeze contained in this legislation by passing on higher charges to medicare patients.

The amendment of the Senator from Montana makes the legislation we are considering fairer. It will reduce the additional financial burden the bill imposes on the elderly and disabled. It will assure that the Congress and elderly and disabled citizens have badly needed information concerning which doctors are honoring congressional intent by not increasing charges to medicare patients.

I urge my colleagues to support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. JEPSEN) and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. PRYOR), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER (Mr. MATTINGLY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 50, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—44

Andrews	Dodd	Melcher
Baucus	Eagleton	Metzenbaum
Bentsen	Ford	Mitchell
Biden	Glenn	Moynihan
Bingaman	Hatfield	Nunn
Boren	Hawkins	Pell
Bradley	Heflin	Pressler
Bumpers	Hollings	Randolph
Burdick	Huddleston	Sarbanes
Byrd	Inouye	Sasser
Chiles	Kassebaum	Specter
Cohen	Kennedy	Stennis
Cranston	Lautenberg	Tsongas
DeConcini	Leahy	Zorinsky
Dixon	Levin	

NAYS—50

Abdnor	Gorton	Packwood
Armstrong	Grassley	Percy
Baker	Hatch	Proxmire
Boschwitz	Hecht	Quayle
Chafee	Heinz	Roth
Cochran	Helms	Rudman
D'Amato	Humphrey	Simpson
Danforth	Johnston	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Tower
Durenberger	Lugar	Trible
East	Mathias	Wallop
Evans	Mattingly	Warner
Exon	McClure	Weicker
Garn	Murkowski	Wilson
Goldwater	Nickles	

NOT VOTING—6

Hart	Matsunaga	Riegle
Jepsen	Pryor	Stafford

So Mr. BAUCUS' amendment (No. 3070) was rejected.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

Mr. BAKER. Mr. President, will the Senator let me be recognized for just a moment?

Mr. KENNEDY. I will be glad to yield to the majority leader.

Mr. BAKER. Mr. President, let me say that it is the hope of the leadership to finish this bill today, and we are prepared to stay and attempt to do that. I am preliminarily encouraged to think we can do that. I urge Senators to offer their amendments, if they have amendments.

AMENDMENT NO. 3071

(Purpose: To permit additional appropriations for the Primary Care Block Grant, the Alcohol, Drug Abuse, and Mental Health Block Grant, migrant health centers, the Maternal and Child Health Services Block Grant, childhood immunization programs, and child abuse prevention and treatment programs)

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), proposes an amendment numbered 3071. At the appropriate place in the Baker amendment, add a new section as follows:

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following new subsections:

(g) Notwithstanding any other provision of this Act (or any amendments made by this Act) the amounts specified in subsection (b) of this section shall be increased by—

(1) $88,400,000 for fiscal year 1985,

(2) $108,200,000 for fiscal year 1986, and

(3) $125,400,000 for fiscal year 1987,

in order to permit additional appropriations to carry out sections 317(j)(1), 329, and 330 of the Public Health Service Act, parts, B and C of such Act, and title V of the Social Security Act.

(h) Notwithstanding any other provision of this Act (or any amendments made by this Act) the amounts specified in subsection (b) of this section shall be increased by—

(1) $1,100,000 for fiscal year 1985,

(2) $1,500,000 for fiscal year 1986, and

(3) $1,800,000 for fiscal year 1987,

in order to permit additional appropriations for child abuse prevention and treatment programs under the Child Abuse Prevention and Treatment Act.

Mr. KENNEDY. Mr. President, my amendment would raise the spending cap for domestic spending programs by $326.4 million over 3 years. This modest increase will provide sufficient funds to accommodate the House budget resolution levels for five domestic health programs and for child abuse services. I believe fairness and a decent sense of national priorities makes this modest increase essential.

HEALTH PROGRAMS

The five health programs affected by my amendment are community health centers (CHC's), migrant health centers, the national and child health block grant (MCH), the childhood immunization program, and the alcohol and drug abuse block grant. Under my amendment these programs would be allowed to increase 7 percent per year, the same level already approved by the House for a much broader range of programs. Total increases under my amendment would be $88.4 million in 1985, $108.2 million in 1986, and $125.4 million in 1987, a total of $322 million over the 3 years.

These increases need to be put in the perspective of the savage and disproportionate Reagan budget cuts that have already been enacted, the high need for these services, and the miniscule impact on the deficit that would result from my amendment.

SAVAGE CUTS

Since the Reagan administration has been in office, funding for these five programs has been cut an average of 55 percent since 1980 after adjustment for inflation. By 1987 under the Republican plan, these programs will fall to 51 percent of their 1980 level—from $1.5 billion in 1980 to $749 million in 1987 in 1980 constant dollars.

I do not regard this as fairness by any standard. Since 1980, overall discretionary spending has declined only half as much. These vital programs and defense has grown 32 percent. By 1987, under this Republican plan, defense will have grown 62 percent. This is the Republican proposal: A 62-percent increase for defense; a 49-percent cut in health programs for poor children and adults, for the mentally ill and alcoholics, and for childhood immunizations.

NEED

While funding for these programs has been cut almost in half since 1980, the need for these services remains high and the Reagan administration failed economic and social policies have made the problems these programs address even worse. Let us look at the record:

There are 8 million more people in poverty today than there were when President Reagan took office.

More than 700,000 poor children have been denied eligibility for medicaid as a result of Reagan policies.

By the latest CBO estimates, about 5 million unemployed workers are without health insurance.

In 1982, members of 1 million families were refused care for financial reason; 4 million families said it was more difficult for them to obtain needed health care than in the past. In 1983, 5.5 million families had members who needed health care but did not seek it because it cost too much or

because of inadequate health insurance coverage.

A 1983 survey showed that among 35 States surveyed, 22 recorded an increase in the proportion of pregnant women receiving no prenatal care or late prenatal care; 20 showed a decline in the percentage of women receiving care during the first trimester. Yet we know that women receiving late or no prenatal care are three to four times as likely to have low birthweight babies who are three times as likely to die in the first year of life.

Despite these shocking statistics, 47 States have cut back on maternal and child health clinic services and eligibility.

Under the Republican plan, childhood immunizations funding will be cut 30 percent below 1980 levels by 1987, more than even the President's proposal. What does this mean? It means an additional half-million children exposed to the risk of polio and 180,000 children exposed to measles, mumps, and rubella.

Mr. President, my amendment will not solve the terrible health problems facing our Nation's poor children and adults, it will not meet the extensive needs of the mentally ill and of alcoholics, and it will not provide a fully adequate childhood immunization program. But it will be at least a small step toward meeting these basic human needs and toward reversing the backward budget priorities in this Republican package.

If my amendment is adopted, funding for community health centers will increase $87 million over the next 3 years, funding for migrant health centers will increase $10 million, funding for maternal and child health will increase $97 million, funding for childhood immunization will increase $8 million, and funding for the alcohol, drug abuse, and mental health block grant will increase $118 million; 200,000 people per year will be served by CHC and migrant health programs. Some of the pressure on State maternal and child health programs will be at least slightly reduced; 500,000 more children will receive polio vaccine; 180,000 more children will be vaccinated against measles, mumps and rubella.

Mr. President, I urge my colleagues to vote for this modest attempt to improve the health of the most dependent and deprived segments of our population.

CHILD ABUSE

Let me now turn to the problem of child abuse.

Child abuse is one of the most painfully distressing problems facing American families in the United States today. Its effects can be seen throughout every social stratum of society, regardless of race or economic status.

Last year alone, as many as 2 million children were victims of child abuse; 45 States reported an increase in the number of child abuse incidents; 38 States reported an increase in the number of cases involving more severe types of abuse; 43 States reported an increase in the number of cases of sexual abuse.

In my own State of Massachusetts, almost 100 children a day are reported to the State Department of Social Services as being abused or neglected. Over 20,000 reports on child abuse and neglect were received in Massachusetts last year, a 6-percent increase over 1982.

No one can deny these cold, hard statistics. And no one can deny the traumatic effects of abuse and neglect on our Nation's children. We know that some of these children become runaways, some of these children turn to prostitution and pornography, some of these children turn to drugs and alcohol, and most of these children become child abusers themselves.

The greatest tragedy of all, Mr. President, is our inability to prevent the 5,000 deaths that occur each year as a result of child abuse. In 1983, more than one in every four States reported an increase in the number of deaths from child abuse. Among those States, some reported an increase of up to 44 percent of these tragic deaths due to child abuse or neglect.

Congress has long recognized the tragic problem of family violence. In 1974, we enacted the Child Abuse Prevention and Treatment Act in order to focus national attention on the increasing incidence of child abuse. Through this legislation, we have provided Federal assistance to States, localities, and private agencies to work with families in the prevention and treatment of abused and neglected children. The success of this program is well known. Thousands of parents and children have received counseling and other needed assistance in order to recognize and cope with the severe emotional stress that accompanies this problem.

Congress has acknowledged the critical need for this program by providing gradual but steady increases in funding. appropriations for child abuse increased from $4.5 million in 1984 to $22.9 million in 1981. Although this appears to be a substantial increase in funding, the child abuse program has never been fully funded to the levels authorized by Congress in 1974. I would also like to remind my colleagues in the Senate that when President Reagan took office, authorizations for this vital program were literally cut in half and appropriations were reduced by 30 percent.

The timing of the administration's cutbacks in the child abuse program is particularly disturbing. These cuts came at a time when unemployment was at an all time high and the recession was in full swing. Studies over the last few years reported that families faced increased emotional stress from loss of jobs, loss of income, and the loss of one's self image. As a result of overwhelming despair by these family members, child abuse increased dramatically.

But now we are told that unemployment is down and the recession is over. Yet, Mr. President, the number of child abuse and neglect cases has not decreased, they continue to increase.

My amendment will raise appropriations for this program by $4.4 million over the next 3 years. Admittedly this is a meager allocation given what the program would be receiving now absent this administrations devastations in 1982.

The great need and sense of urgency for increased support of this program is a situation we can not ignore. The American family is one of our greatest resources. We must continue to recognize the family as one of our highest priorities and I call my distinguished colleagues in the Senate to vote favorably on this amendment.

Mr. President, this amendment is a small step to redress the lopsided budget priorities of the current proposal that is before the Senate.

My amendment will raise the funding for community health centers, migrant health centers, childhood vaccinations, maternal and child health block grants, the alcohol, drug abuse, and mental health block grant, and the child abuse program.

Funding under this amendment would be raised to the level already endorsed by the House, 7 percent growth per year. This will result in a total increase of some $326 million.

The health programs covered by this amendment have been savagely and disproportionately cut by the Reagan administration. After adjusting for inflation, these health programs have been cut about 45 percent since 1980. By 1987, if the Baker amendment is adopted, they will be only one-half of their 1980 level, and under the Baker amendment, the constant dollar funding will have declined from $1.4 billion in 1980 to only $749 million in 1987. These cuts are among the most severe in the entire budget. Domestic discretionary programs as a group have declined only half as much as these health programs, defense has increased 32 percent, and under the Baker amendment, defense will be two-thirds above its 1980 level by 1987.

The need for these programs was great in 1980. It is even greater today. There are 8 million more people in poverty than when this administration took office. There are more than 700,000 poor children that have been denied eligibility for medicaid as the result of the current policies, and by the latest CBO estimates, 5 million workers and their dependents are un-

employed and without any health insurance.

The number of pregnant women receiving no prenatal or late prenatal care has risen. Studies have shown that women receiving late or no prenatal care are three times as likely to have children who die in the first year of life. Despite these shocking statistics, 47 States have cut back on maternal and child health care services and eligibility.

Under the current budget proposal reductions, immunization funding cutbacks will mean an additional half million children each year exposed to the risk of polio, and 150,000 additional children each year exposed to measles, mumps, and rubella.

Under the current budget proposal, approximately 200,000 fewer people will be able to get needed care in community health centers, and 40,000 people will have access to migrant health centers.

Priorities that produce these kinds of statistics, I believe, are callous, shortsighted, and wrong. The adoption of this amendment will increase the number of people with access to community health centers and migrant health centers by half a million a year; increase the number of children receiving the polio vaccinations half a million a year and those receiving measles, mumps, and rubella vaccinations about 150,000 per year; provide additional funding for maternal and child health programs so that poor children will have better access to health care and few women will face the risk of pregnancy without timely prenatal care; and bring hope to families and individuals afflicted by the tragedy of mental illness, alcoholism, and drug dependency.

The administration clearly believes that the needs of pregnant women for adequate prenatal care is not a priority, believes that the needs of poor children and adults for access to primary care is not a priority, must believe that the need of children for vaccination against polio and other diseases is not a priority, and that treatment for mental illness, alcoholism and drug abuse is not a priority. But I hope that the Senate will send a message today that these health needs are priorities for our people and for my colleagues.

Turning to the second part of my amendment, Mr. President, the funding for child abuse must also be a national priority. Last year alone as many as 2 million children were victims of child abuse, 45 States reported an increase in the number of child abuse incidents, 38 States reported an increase in the number of cases involving the more severe types of abuse, and 43 States report an increase in the number of cases of such abuse.

On average, 5,000 deaths a year are attributed to child abuse. More than one in every four States report an increase in deaths attributed to child abuse last year.

In my own State of Massachusetts, almost 100 children a day are reported to the State department of social services as being abused or neglected. Over 20,000 reports of child abuse and neglect were received in Massachusetts last year, a 6-percent increase over 1982.

No one can deny the traumatic effects of child abuse and neglect. We know that some of these children become runaways, some of these children turn to prostitution and pornography, some of these children turn to drugs and alcoholism, most of these children become child abusers themselves.

The increased funding for the child abuse program is critical. In 1982 this administration cut the authorization for this vital program in half and reduced appropriations by 30 percent. This amendment will raise appropriations for this program by $4 million over the next 3 years. This is a meager allocation in light of the past dramatic cuts in the program, but I hope it will be accepted.

Mr. President, I am prepared to move to a vote. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I am told that Senator HATFIELD and one or two other Senators are on their way to the Chamber to speak. For that reason, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I rise to oppose the amendment of the distinguished Senator from Massachusetts. I certainly do not rise to oppose the spirit of the amendment. Indeed, I have always welcomed the insistence of the good Senator on many of the matters covered in this particular piece of legislation.

I can assure him, I can assure my colleagues, that every last penny that it is possible to obtain for both education and for health will be sought vigorously by this Senator, the Senator from Oregon, the Senator from Vermont, and others who, along with the Senator from Massachusetts, have made these matters of priority in the expenditure of our national dollars.

Indeed, at this time, I am in the process of meeting with staff. The public hearings having been concluded on Labor-HHS appropriations, I started 2 days ago to meet with staff to review recommendations that we shall present to the full subcommittee within the next few weeks. I can assure the distinguished Senator from Massachusetts and also my other colleagues that the moneys will be considerably more than requested by the administration. We shall have a Labor-HHS bill for the second time that will be substantially more in the areas of education, health, and science than the amounts requested by the administration.

I am not here, Mr. President, to stand and argue against the Senator from Massachusetts on any one of these issues. I am here to try to see what it is that we can do to the maximum extent possible in a practical and reasonable way. I think we effected such a compromise among ourselves in the actions of yesterday.

I might add I had occasion to read press reports today and I note some of the remarks made on the other side of the floor—not the Senator from Massachusetts—to the effect that this is something that is all being done with mirrors and so on. That is not the case. There are going to be $2.5 billion of new money going into these programs from other areas of the budget. I hope when this measure goes over to the House, there might be some trimming of defense dollars. That was not possible here, on the Senate floor.

I think that everybody, Republican and Democrat alike, can be proud of what it is that we will produce, especially in this area. The dollars that will be expended will specifically be for the education or our young people, in terms of secondary education, higher education, graduate education, student loans—we will be advocating they go up to $2,000 per student. I think, when the final product of the Subcommittee on Labor and Health and Human Services comes out, it will be something very dramatic and dramatically different from the budget proposed by the administration.

We are going to need help when it comes to the floor of the Senate. But that is the time to be registered in favor of these matters and not at this moment when, indeed, the whole budget process hangs in a very fragile balance.

The health moneys, again, the health moneys that are being determined at this juncture, that go into the National Institutes of Health and the National Institutes of Mental Health, relate to the tremendous advances that have been made in the conquering of multiple diseases. Again, it will be something that I think the Members on this floor will take great

pride in voting for when the matter is before us in a very short period of time. We have to deal with the practical. Both the Senator from Massachusetts and I myself are always working on the same side of the street. I do not want to stand up here and speak against the spirit of what he proposes, because the spirit is correct.

And, yes, it can be argued that $2 billion is too small. I would agree. The balance—or, rather, the proportions that the money is being spent are still out of whack, even with that $2 billion. But the Senator convinced even the Members on this side that the security of the Nation rests as much in the health of the people and the minds of the children as it does in the weapons systems which have no difficulty breezing through here with both Democratic and Republican support.

He knows as well as I do that we have yet to effectuate a majority for the things both he and I believe in—I mean both a Democratic and Republican majority. It is not here. It has not been for several years. That is the problem.

So, when I say that it is with reluctance that I say to vote against the amendment, I hope the day will come—and it will many times over because it has in the past—when we can stand together and carry the day not for $320 million—my gosh, here we have to fight among ourselves over that pittance compared to the billions that go through without question for the various hardware systems. The day will come when we shall be able to vote this type of matter in the billions as there is a true shift in our priorities and as we have a redefining of security and of strength insofar as the United States is concerned.

I think as much was done as I can certainly feasibly do or, indeed, the Senate can do when we voted through yesterday's amendment. I hope this matter will improve even more as it goes to conference.

The difficulty obviously with this amendment is that it is going to be politically embarrassing to some of my colleagues, but I want the RECORD to show that those who gave us their support yesterday are truly committed to the caused of education, to the cause of science and health care of all Americans.

Mr. President, I have no further remarks on this matter. I have a message here from the leader that he wishes to move to table this amendment. I do not want to foreclose anybody from speaking here. I might add that if need be, I shall do it. I have no problem with stepping into that particular role, because I am not the leader and, as I say, in spirit obviously, there is probably more agreement between the Senator from Massachusetts and myself. But fair is fair. We have the obligation on our shoulders to get this legislation along. I am more concerned, quite frankly, with getting that Labor, Health and Human Services bill to the floor of the Senate and I cannot get that Labor, Health and Human Services bill on the floor until we dispose of this business.

Mr. President, I shall join with the Senator from Massachusetts in working on anything that is reasonable within both of our feelings toward the national priorities when that happens. But in terms of legislative calendar and having the process move, I am forced to express my opposition to this amendment and I hope it is defeated.

Mr. KENNEDY. Mr. President, it is very difficult to debate the Senator from Connecticut on this issue, with the exception of his last line. That speech could have been made with the last line being that he is going to support the amendment. I know from my service in the Health and Human Services Committee of his dedication not only to the programs included in this amendment but to many other items that affect the quality of life of the American people.

Mr. President, reference was made during the discussion to the add-ons, the $2 billion add-ons of yesterday. I am also mindful of the debate and discussion yesterday during which the chairman of the Appropriations Committee (Mr. HATFIELD), in his colloquy with the Senator from New Jersey (Mr. BRADLEY) indicated the allocation of $2 billion. Mr. HATFIELD's words are on page 12409 of the May 16 RECORD. The chairman of the Committee on Appropriations indicated that the agreement was $1.3 billion for education, $400 million to $600 million for EPA, and $600 million for medical research.

I think those are going to be important commitments, but that still does not cover any of the programs that are the heart of the amendment which I offer today, which have seen a very dramatic reduction in both current dollars and constant dollars to date. The Baker proposal provides significant additional reductions for these vital programs. There is no question but that the needs, Mr. President, are there. I made that case earlier. I am prepared to move to a vote on this amendment now that I think the amendment is understood. It affects existing programs which have been debated and discussed in this body. The amendment is a simple question of priorities. I hope we would adjust the Reagan administration's backward, callous priorities to meet these vital needs of the American people by supporting this amendment.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I might add that there is an additional difficulty, and I have not had a chance to go over it program by program, but it is the same difficulty I am encountering in the Appropriations Committee, I think. And the Senator from Massachusetts can certainly correct me if I am wrong. It is very difficult to pinpoint the various programs that are suggested for increase, but many of these programs have yet to be authorized. That is one of the problems I am having in the Appropriations Committee.

Now, that is something that I hope would be checked out because by the time I come to the floor with that appropriations bill—and I am going to be coming to the floor with it in a matter of weeks—I hope all of these programs are authorized. If they are not, I am going to have my legs cut off just on that basis.

So again, this is certainly far from satisfactory to either the Senator from Massachusetts or myself so far as the way things are set, but it is the best we can obtain at this time. We will still have time to fashion the shifts in priorities to which the Senator refers.

Mr. KENNEDY. Mr. President, included in this amendment are items which have been unanimously reported out of the Human Resources Committee and await Senate action, as the Senator from Connecticut has stated. They were reported out of our committee with the exception of child and maternal care, which is included in the legislation being considered today. The amount of resources that I am talking about in this amendment a 7-percent and increase, identical to what the House has already done and below the authorization levels of the legislation which had been reported out with bipartisan support from the Human Resources Committee. But I think the Senator is correct in his earlier observations.

Mr. WEICKER. I do not intend to continue the debate because, quite frankly, I need the voice, the mind, and the spirit of the Senator from Massachusetts in whole condition. I think we do not care to do a number on ourselves. We have enough of our colleagues to do battle with day in and day out.

Having said that, Mr. President, unless somebody else cares to speak—I do not want to cut anybody off—I move to table the amendment of the Senator from Massachusetts.

Mr. BAKER. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. JEPSEN), the

Senator from Maryland (Mr. MATHIAS), and the Senator from Vermont (Mr. STAFFORD), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from Arkansas (Mr. PRYOR), are necessarily absent.

The PRESIDING OFFICER (Mr. COCHRAN). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 63, nays 32, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—63

Abdnor	Garn	Nunn
Andrews	Goldwater	Packwood
Armstrong	Gorton	Percy
Baker	Grassley	Pressler
Baucus	Hatch	Proxmire
Bentsen	Hatfield	Quayle
Boschwitz	Hecht	Roth
Chafee	Heflin	Rudman
Chiles	Heinz	Simpson
Cochran	Helms	Specter
D'Amato	Humphrey	Stennis
Danforth	Johnston	Stevens
DeConcini	Kassebaum	Symms
Denton	Kasten	Thurmond
Dixon	Laxalt	Tower
Dole	Lugar	Trible
Domenici	Mattingly	Wallop
Durenberger	McClure	Warner
East	Mitchell	Weicker
Evans	Murkowski	Wilson
Exon	Nickles	Zorinsky

NAYS—32

Biden	Ford	Matsunaga
Bingaman	Glenn	Melcher
Boren	Hawkins	Metzenbaum
Bradley	Hollings	Moynihan
Bumpers	Huddleston	Pell
Burdick	Inouye	Randolph
Byrd	Kennedy	Riegle
Cohen	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Tsongas
Eagleton	Long	

NOT VOTING—5

Hart	Mathias	Stafford
Jepsen	Pryor	

So the motion to table Mr. KENNEDY's amendment (No. 3071) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3072

(Purpose: To modify certain medicare provisions)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) for himself and Mr. DOLE, proposes an amendment numbered 3072 to amendment numbered 3027.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike on p. 19, the last unamended line, the date "1987." and insert the following new sections:

PHYSICIAN FEES

SEC. . (a) Section 1842(b) of the Social Security Act (as amended by section 904 of this Act) is further amended by adding at the end thereof the following:

"(13)(A) During the 24-month period beginning July 1, 1984, the Secretary shall monitor physicians in order to determine—

"(i) the proportion of physicians, by specialty and geographic area of practice, whose claims under this part are not pursuant to an assignment under paragraph (3)(ii), grouped as follows: fewer than 25 percent, 25 percent to 49 percent, 50 percent to 74 percent, 75 percent to 89 percent, 90 percent to 99 percent, and 100 percent, of the claim submitted by such physicians, or for such classifications of physicians as the Secretary may deem to be more informative;

"(ii) the average difference between the actual charges and the reasonable charges recognized for purposes of this part, for each classification of physicians referred to in clause (i); and

"(iii) any changes in the per capita volume and mix of services provided to beneficiaries under this part by each classification of physician referred to in clause (i).

"(B) Information on changes in the elements monitored pursuant to subparagraph (A) shall be provided to Congress every sixth month beginning with January 1985 and ending with January 1987.

"(C)(i) The report which the Secretary of Health and Human Services shall submit to Congress on January 1, 1987, shall include recommendations in sufficient detail to serve as the basis for legislative action which Congress can take to assure that any burden of effectively constraining the growth of costs in the medicare part B program, which Congress intends to be borne by providers and physicians, is not transferred (in whole or in part) so as to become an additional burden on part B beneficiaires in the form of increased out-of-pocket costs, reduced services, or reduced access to needed physician care.

"(ii) Such report shall also include analyses of other methods of payment which might be utilized under part B to constrain the costs of the part B program, including prospective payment systems such as fee schedules (both global and per service), capitation payments, case management, and the use of preferred provider organizations.".

(b) In addition to any funds otherwise provided for fiscal years 1985, 1986, and 1987 for payments to carriers under agreements entered into under section 1842 of the Social Security Act, there are transferred from the Federal Supplementary Medical Insurance Fund such additional amounts for payments to such carriers under such agreements as may be necessary to conduct monitoring of physicians under section 1842(b)(13) of the Social Security Act.

The PRESIDING OFFICER. I ask the Senator to please suspend for a moment until order is restored in the Chamber. The Senate will please be in order.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senator from Arkansas and the Senator from New York for their indulgence.

I understand the Senator from Kansas, Mr. DOLE, is a cosponsor of this amendment and, obviously, agrees to it. It is one of the three portions in the last medicare amendment, which the Senate did not accept. This portion simply requires the Secretary of HHS to collect data and report to the Congress during the 2-year physician fee freeze period that is imposed in this bill. This amendment requires monitoring and the collection of data to see whether there is cost shifting or any other change during the physician fee freeze.

Mr. DOLE. Mr. President, the Senator is correct. We support this provision. I am happy to accept it as part of this proposal.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Montana (Mr. BAUCUS).

The amendment (No. 3072) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

Mr. DOMENICI. Mr. President, let me ask the distinguished Senator from Arkansas how long he contemplates the colloquy that he has will take.

Mr. BUMPERS. I would not contemplate more than 15 minutes, depending on if other Senators want to speak on it.

Mr. DOMENICI. Mr. President, we have an amendment that we need a vote on and the distinguished chairman of the Appropriations Committee wishes to speak in opposition to the amendment. I wonder if we could take that up right now. There will be a very short time and the Senator would be next with the colloquy.

Mr. BUMPERS. Mr. President, I certainly am reluctant to resist that proposition. I have been waiting patiently here since last evening trying to get to this colloquy. It is not very sexy, admittedly, because it is not going to require a vote, but it displaces an amendment that would take a very long time.

How long does the Senator expect the amendment will take?

Mr. DOMENICI. Would the distinguished junior Senator from New York tell us how long the sponsors think they would need for their amendment?

Mr. SPECTER. Mr. President, I think we could handle it in the course of 20–25 minutes, on our side.

Mr. DOMENICI. And then 10 minutes on our side.

Mr. BUMPERS. Is it going to require a rollcall vote?

Mr. DOMENICI. It is going to require a rollcall vote.

Mr. BUMPERS. So we are talking about an hour.

Would the Senator mind asking unanimous consent that I be first after the next rollcall, then?

Mr. DOMENICI. Mr. President, I put that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank the Senator from Arkansas.

AMENDMENT NO. 3073

(Purpose: To earmark funds for correctional facilities to alleviate Federal, State and local overcrowding)

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of myself, Mr. D'AMATO, Mr. BUMPERS, Mr. MOYNIHAN, Mrs. HAWKINS, Mr. STEVENS, Mr. TSONGAS, Mr. JOHNSTON, Mr. MATSUNAGA, Mr. MURKOWSKI, and Mr. INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER), for himself, Mr. D'AMATO, Mr. BUMPERS, Mr. MOYNIHAN, Mrs. HAWKINS, Mr. STEVENS, Mr. TSONGAS, Mr. JOHNSTON, Mr. MATSUNAGA, Mr. MURKOWSKI, and Mr. INOUYE, proposes an amendment numbered 3073 to amendment numbered 3027.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of page 19, add the following new subection:

(f) Notwithstanding any other provision of this Act (or any amendments made by this Act), of the amount specified in subsection (b) of this section for fiscal year 1985, not less than $200,000,000 shall be used to alleviate prison and jail overcrowding in Federal, State, and local facilities.

Mr. SPECTER. Mr. President, this amendment does not add to the budget amount in Senator BAKER's amendment but it earmarks $200 million for the central priority of prison construction, as the Federal contribution on a 3-to-1 match of State and local funds for every $1 of Federal funds. There are places in the fiscal year 1985 budget where funds are presently going to far less critical ventures.

This problem of law enforcement is a very grave one in the United States today and a significant issue has arisen because of the lack of prison space.

This is not just a threat of what might happen down the road. We are in the midst of a crisis on the shortage of prison space right now. Last year prison gates were opened and some 21,421 prisoners whose sentences had not yet expired walked out onto the streets of this country—some 7,000 in Texas, some 4,000 in Michigan, approximately 3,000 in Illinois, over 250 in Tennessee. All across the country sentenced criminals were set free because there was literally nowhere to keep them.

Thirty-nine States in the United States are now under court orders or consent decrees requiring those States to reduce their prison population. This means that even after these release reduce the prison population to the required level, no new criminals can be sentenced to prisons unless another criminal is released.

According to a GAO study initiated at my request, prison overcrowding is now so serious that in State prisons the population exceeds the cell space by some 60,000 prisoners. Within 6 years, even with all the approved facilities not yet built or completed, there will be almost 110,000 prisoners without cells.

Federal prisons are also vastly overcrowded. Today there are some 6,000 more Federal prisoners than we have space for, an overflow of some 24 percent, and by 1990 that overflow will be projected to exceed 10,000, at an overcrowding rate of some 40 percent.

The situation in the Nation's jails is even worse, largely because of the overflow from State prisons, where the overflow often winds up in local jails. Over 8,000 convicted criminals who should be in secure State prisons are being held instead in county jails that were never meant for long-term incarceration. As a result, officials are forced to release those who have been arrested and who are awaiting trial. And many of those who are released are never found again, and do not show up for their trials.

The problem is one of enormous magnitude across the entire United States, Mr. President. During the course of the past month in preparation for the submission of this amendment, I have visited a number of prisons, I have visited Western State Penitentiary in Pittsburgh; Camp Hill State Prison outside of Harrisburg, PA; the county prison in Erie, PA; the Philadelphia County Jail and Retention Center; the Lehigh County Prison; the Lackawanna County Prison in Scranton, PA; and, the Lorton Prison which services the District of Columbia in nearby Virginia. Senator D'AMATO and I visited Riker's Island, a subject Senator D'AMATO will discuss at some length.

The State of Pennsylvania is in somewhat better shape than many States because the Thornburgh administration has allocated a $160 million prison constuction program. Still, in Pennsylvania there are many, many problems as exemplified by the Philadelphia County prison where there is overcrowding and deplorable situations.

What we fail to realize, Mr. President, is that as a result of these decrepit, serious prison conditions, we are greeting a tougher, more violent category of criminal. In talking about prison reform, we are not talking about a subject simply to help those who are in jail, although in the interest of basic humanitarian treatment we should not have jails where three men are crowded into one small cell as is the case in so many jails in this counrty without a window, without a skylight, and without ventilation. But we are talking very fundamentally about a real threat to public safety when those men and women are returned to the streets.

Where it is possible, our jails and our prisons ought to be directed toward rehabilitation. Certainly, we have a vast insufficiency of rehabilitation facilities in this country for juveniles, and there are many first offenders and second offenders who could be rehabilitated.

Where someone becomes a repeat offender, a career criminal, and by that I mean someone who has committed two or more major felonies, then we simply have to separate that kind of person from society for protected periods of time in the range of 15 years to life, and to accomplish that we need many more prisons in this country.

As a result of an extensive series of hearings in the Judiciary Committee, the experts estimate that there are between 200,000 and 400,000 career criminals, many at large in the United States. We need at the present time a minimum of 200,000 additional jail cells to hold those career criminals who unfortunately are not in detention at the present time.

If those career criminals were detained and incarcerated, the reliable estimates suggest that we could reduce violent crime in this country by some 50 percent. Just today a congressional caucus announced its formation, consisting of some 21 Senators and some 59 Members of the House of Representatives, dedicated to the proposition of putting pressure on legislation now pending in the Congress, and putting pressure on measures such as this to get necessary Federal funding as seed money for the expansion of prison space in this country.

Mr. President, what is being proposed here today is merely the start of what Congress ought to do by way of directing significant Federal resources to the problem of violent crime in this country. S. 889, which I introduced in February 1983, would allocate 1 percent of the Federal budget to crime control. I would suggest that is a realistic allocation in light of the seriousness of the problem of crime in this country, in light of the seriousness of the need for domestic defense, contrasted with the very substantial ex-

penditures which are, necessarily, for defense from potential foreign enemies.

Mr. President, I ask unanimous consent that a series of letters be introduced into the RECORD, evidencing the statements by prison officials from a variety of States, including the Commonwealth of Massachusetts, the State of New Hampshire, the State of New Mexico, the State of Washington, the State of Maryland, the State of Alaska, the State of New York, the State of Kansas, the State of Georgia, the State of Minnesota, the State of Missouri, the State of Oklahoma, the State of South Dakota, and the State of West Virginia.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL SHERIFF'S ASSOCIATION,
Washington, DC, April 13, 1984.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: As Executive Director of the National Sheriffs' Association I welcome the opportunity to echo the support of our Association for your proposal to increase the budget ceiling that will permit the expansion of State and Federal prisons.

Our nation's Sheriffs have the responsibility for operating the overwhelming majority of the country's jails. So naturally my interest is in what way will the increased spending help local facilities.

In 1982 we conducted a survey of 2,664 of the nation's jails. A report was subsequently published entitled The State of Our Nation's Jails—1982. Those jails queried were asked to identify the five foremost problems facing their institution. Antiquated and overcrowded facilities ranked two and three respectively. Inadequate staff ranked number one. A contributing factor to these conditions is overcrowding at the state level, which means that more state prisoners are incarcerated in the 3,493 local jails, thus placing a financial burden on localities, as well, to increase their housing capacity. Many of these prisoners are serving their state time in local jails.

The Correctional Justice Institute's 1982 annual report notes that 11,137 state prisoners were backed up in local jails due to overcrowding on the state level. This number is up from 7,130 in 1980 according to a bulletin published by the Bureau of Justice Statistics entitled "Prisoners in 1981".

Much of the public, and its leaders, seem attracted to the current trend of longer sentences, no good time, abolishing parole, mandatory incarceration for drunk drivers and mandatory minimum sentences as a way to combat crime. They have all increased the burdens placed on the local facilities. To make matters worse, courts are no longer taking a hands off approach when it comes to poor jail conditions.

Ten percent of the jails responding to our jail survey indicated that they were currently under court order, and the number one reason was because of overcrowded conditions in their jails. So there is no doubt that the lack of adequate prison space on the state level has a profound effect on conditions in a county jail.

At the February 1984 Executive Board meeting of the National Sheriffs' Association, the members adopted a proclamation identifying key issues of concern to the nation's sheriffs. First on the list was a concern that federal intervention in the operation of county jails has mandated changes, and there is no provision for federal funds at the county level to allow these changes to be made.

Any contribution the Congress makes in the way of funding that will address the overcrowded condition in our local jails will be appreciated. Your proposal to provide funds to expand the federal system and (most important) provide seed money to the states to encourage new construction, would be a step in the right direction to alleviate overcrowded conditions.

I commend you for your effort. If my testimony will help you in any way please give me a call. I have enclosed a copy of The State of Our Nation's Jails—1982 for your review.

Very truly yours,

L. CARY BITTICK,
Executive Director.

U.S. CONFERENCE OF MAYORS,
Washington, DC, April 4, 1984.

Senator ARLEN SPECTER,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR SPECTER: The crisis in our prisons, which has led to dangerous overcrowding and improper releases, is of great concern to the nation's mayors. The shortage of adequate prison space impacts every facet of our criminal justice system, including municipal law enforcement.

The Conference of Mayors supports your efforts to expand the federal prison system and to provide seed money to the states to encourage new construction, starting with a $650 million increase in FY 85. We are ready to work with you in anyway we can to achieve passage of this badly needed legislation.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

Hon. ARLEN SPECTER,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter of March 20, 1984 and the opportunity to respond to your March 6th testimony before the Budget Committee. The presentation is another reflection of your continuing effort to address specific problems of our corrections system at the federal and state levels.

I must also caution against committing such funds for prison construction without also accepting the fact that continuing funds for staff and inmate programs are also a vital component of correctional improvement. In addition, it is also wise to explore the use of any surplus properties that might be available for more immediate use a correctional facility.

Our colleagues from the nation's correctional systems have been writing to you to let you know firsthand the plight they face every day.

We appreciate your efforts sincerely.

Peace,

ANTHONY P. TRAVISONO,
Executive Director.

APRIL 3, 1984.

Hon. ARLEN SPECTER,
Washington, DC.

DEAR SENATOR SPECTER: I am acknowledging receipt of your March 20th and 22nd, 1984 letters requesting input from APPA with respect to "support for a new federal program to help enlarge and improve the nation's prisons . . .," and the invitation to have an official from APPA speak before the bicameral Congressional Crime Caucus when it is established.

Before you are given a definite answer, my organization's president and board chairman must be contacted in connection with these matters. I trust that word will be forthcoming very soon, as our interest in the matters you have brought to our attention is quite keen.

Please be assured of our continued cooperation.

Sincerely,

DONALD ATKINSON.

CITY OF PHILADELPHIA,
DEPARTMENT OF PUBLIC WELFARE,
Philadelphia, PA, May 4, 1984.

Senator ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I fully endorse the program you have recommended to enlarge the nation's prisons. As you observed on your tour of Holmsburg Prison the overcrowding situation is a critical issue. The current population in the Philadelphia Prisons is 3,808, and the rated capacity is 2,744. The system is operating at 139 percent of capacity. Although we are in the midst of a large expansion program it is certainly not too late for the City to benefit from the program as designed.

If I can be of assistance to you in your efforts to have the Budget Committee approve the recommended program, please feel free to call upon me. Should you require my testimony before the Committee, I will gladly appear and discuss the Philadelphia Prisons overcrowding problem and my endorsement for the expansion program.

Thank you for your continuing interest in the Criminal Justice system.

Sincerely,

DAVID S. OWENS, Jr.,
Superintendent of Prisons.

THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF CORRECTION,
Boston, MA, April 11, 1984.

ARLEN SPECTER,
Senator, U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: This is to acknowledge receipt of your letter informing me of your request for $650 million to expand the federal correctional system.

I applaud this effort and am hopeful that the U.S. Senate and Budget Committee recognizes the seriousness of prison overcrowding. The entire nation is suffering from too many inmates, rising commitment rates, antiquated facilities and minimal resources to provide reintegration programs for offenders. All too often, these matters receive little recognition until tragedy and violence occur.

I am informing Senator Kennedy and Senator Tsongas of my support and will urge them to act favorably in this matter.

Sincerely,

MICHAEL V. FAIR,
Commissioner.

DEPARTMENT OF CORRECTIONS,
STATE OF NEW HAMPSHIRE,
Concord, NH, March 30, 1984.

Senator ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Thank you very much for calling to my attention the legisla-

tion you have sponsored to increase the ceiling capacity of the Nation's prisons. Our experience in New Hampshire very much supports the need for additional prison construction. New Hampshire, with the lowest incarceration rate of any state, has increased its state prison inmates from 270 in 1980 to 510 today. This increased prisoner population occurs as a result of many variables, including New Hampshire's growth rate, its increasing urbanization especially in the southern part of the state, the public's increased demand ro provide confinement for offenders, and the Judges' and Legislators' response to the concern of the public. As a result, more people are being sentenced for longer periods of time in New Hampshire.

In response to this growth in prisoner population, New Hampshire has committed in the last two bienniums more than $23 Million Dollars to rehabilitate, refurbish, and enlarge New Hampshire's single century-old state prison. This sum of money is huge by New Hampshire standards and is a major commitment on the part of the State to attempt to deal with the problem. Whatever assistance might be made available from the Federal government would greatly assist New Hampshire in discharging this terribly expensive responsibility.

In New Hampshire, as in other states, the situation is further aggravated by Federal authorities' inability to house federal prisoners in federal facilities. This is particularly true in the State of Massachusetts where the State Prisons are essentially full and there are no Federal confinement facilities. As a result, Federal prisoners from Massachusetts are confined at the New Hampshire State Prison thereby adding to our population compression. Federal prisoners housed in New Hampshire are usually temporary prisoners or in-transit prisoners who are the responsibility of the U.S. Marshal Service or the Immigration Service rather than the Bureau of Prisons, although we do also house a small number of Federal Bureau of Prison inmates.

I support you and your efforts to have the Federal government assist us in this endeavor, both as it relates to increasing the capacity of the Federal government to house its own prisoners, and to assist the States in building suitable confinement facilities for state as well as local jurisdictions.

Respectfully,

RONALD L. POWELL, Ph.D.,
Commissioner.

STATE OF NEW MEXICO,
CORRECTIONS DEPARTMENT,
Santa Fe, NM, April 18, 1984.

Hon. JEFF BINGAMAN,
U.S. Senator, State of New Mexico, Hart Building, Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to urge your support for the new federal program to enlarge the nation's prisons. The $650 million requested to immediately expand the federal system will also provide seed money to the states to encourage three for one matching funds for new construction. Three-quarters of the funds would go to the states. I don't have to tell you that with New Mexico's rapidly growing prison population, the reality of building new prisons is a large monetary problem faced by our state.

Our correctional institutions will be at full capacity by early 1986. New Mexico's prison population grew at almost three times the national rate last year, according to a U.S. Justice Department study.

Unless the legislature agrees to a change in the Determinate Sentencing Law as it stands now, an additional $25 million to $30 million will be needed in January, 1985 to build a new prison to be ready in 1986.

Federal funds for state prison construction would be beneficial to the State of New Mexico. Again I urge your support for these funds.

Yours truly,

MICHAEL FRANCKE.

STATE OF WASHINGTON,
DEPARTMENT OF CORRECTIONS,
Olympia, WA, April 10, 1984.

Hon. ARLEN SPECTER,
Senator, U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter of March 26, 1984 outlining the crushing overload of prisoners in prisons and jails throughout the country.

Your efforts to obtain federal funds for prison construction are commendable and most appreciated.

I am attaching a copy of the April 9, 1984 Washington State Institutional Daily Population Report that speaks volumes concerning the unbearable overpopulation that continues to grow at 30 prisoners per month, in spite of:

The early release of over 1000 prisoners for an average reduction of prison stay of 171 days per prisoner released;

The Washington court system placing 80% of sentenced felons on probation;

The extensive use of forestry camps, work release, intensive parole supervision caseloads; and

The addition of 1121 prison beds to the rated capacity since January, 1981.

Two 500-bed prisons are under construction and another 300-bed prison addition is going to contract. In response to instructions from the Legislature, a new presumptive sentencing format was developed by the Sentencing Guidelines Commission, to go into effect on July 1, 1984. Its impact is uncertain although similar moves in other states have resulted in increased prison populations.

Thank you, again, for your personal significant efforts to help corrections.

Sincerely,

AMOS E. REED, *Secretary.*

CORRECTIONS INSTITUTIONAL DAILY POPULATION REPORT, APR. 9, 1984

	Revised rated capacity [1]	Revised emergency capacity [2]	In residence (count)	Furlough	Escorted leave	Court order	Special detention [3]	Total population	Percent rated capacity
Maximum close medium custody:									
McNeil Island Corrections Center	580	800	851		2	2	1	856	148
Washington State Penitentiary inside [4]	868	1,300	1,247			14	38	1,299	150
Washington State Penitentiary medium security building	288	338	328			3		331	115
Washington State Reformatory	654	910	900			6	5	911	139
Special Offender Center	144	144	144				1	145	101
Washington Corrections Center R units	200	400	457			20		477	239
Washington Corrections Center training [5]	600	1,200	1,076			5		1,081	180
Purdy Treatment Center	150	220	196			1	2	199	133
Clallam County unit	30	30	31					31	103
Subtotal	3,514	5,342	5,230		2	51	47	5,330	152
Minimum custody:									
McNeil Island Corrections Center farm annex	99	100	96					96	97
Washington State Penitentiary minimum security unit	114	114	105					105	92
Washington State Reformatory honor farm	62	80	77					77	124
Purdy Treatment Center minumum annex	21	32	24					24	114
Larch Corrections Center	114	130	125				2	127	111
Indian Ridge Treatment Center	81	110	97					97	120
Firland Corrections Center	50	50	40			1		41	82
Clearwater Corrections Center	113	125	112					112	99
Olympic Corrections Center	111	125	126					126	114
Pine Lodge Corrections Center	84	84	78			1	3	82	98
Cedar Creek Corrections Center	104	125	122					122	117
Subtotal	953	1,075	1,002			2	5	1,009	106
Total	4,467	6,417	6,232		2	53	52	6,339	142

[1] Defined by a space standard of approximately 60 ft² per inmate housed in a cell; 50 ft² for inmates in dormitories.

[2] Temporary housing adjustments required to manage extremely large numbers of inmates beyond rated capacity; MSB double bunked [50 cells, June 1983; PTC doubled 34 single cells and converted 8 sewing rooms to 2-bed cells, completed September 1083; WCC–RC] doubled 200 cells, October 1983; WSR ceiling adjusted by modification of consent decree March 1984, allowing up to 60 additional beds through February 1985; WCC–TC doubled all single cells, completed April 1984.

[3] Inmates housed in county jails or out-of-State facilities who remain our responsibility.

[4] Includes death row count: 4.

[5] WCC–TC eliminated temporary dormitory in education/vocational building, April 1982, reducing rated capacity to 600.

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, DIVISION OF CORRECTION,
Baltimore, MD, April 13, 1984.

Hon. ARLEN SPECTER,
U.S. Senator, Pennsylvania,
Washington, DC.

DEAR SENATOR SPECTER: In response to your letter of March 26, 1984, I fully support your proposal to establish a federal program to increase this nation's prisons. I am prepared to lend whatever assistance you feel might be helpful in securing the necessary approvals.

Like most other states, the Maryland prisons are severely overcrowded despite the construction of 3 new permanent facilities and 2 temporary facilities during the last 5 years. Presently a fourth permanent facility is under construction with a fifth being designed. Recent inmate population projections reveal that the numbers will continue to increase until 1990 when, at best, the population will level off at 14,000. Today the count stands at 12,300.

I should also like to mention the local jails of Maryland, for they, too, are overcrowded. Maryland provides 50% of the funding for improving existing local facilities or for constructing new ones. While the program has been quite successful in terms of providing better jails, the problem of overcrowding continues at the local jails.

Recent crime statistics indicate that the rate of crime in Maryland is decreasing. One primary reason given for this is that the criminals are doing time, i.e. they are incarcerated. Programs to identify, charge, prosecute, convict and sentence the repeat offenders are proving successful. But this means more people are in prison and these people are serving longer sentences. The net result is a need for more prison beds to accommodate the swelling population. Maryland, along with most other states, is having a difficult time shouldering the fiscal burden.

The Legislature of Maryland is faced with some difficult choices; build more prisons or improve the school systems, build more prisons or clean up the Chesapeake Bay, build more prisons or provide recreational facilities, build more prisons or repair the roads and bridges, build more prisons or allow criminals to return to the streets. The state alone can no longer shoulder the fiscal responsibility for combating crime alone. As you know, construction represents only a small faction of operating a prison system.

I have heard it said that there are many people incarcerated who should not be in prison. For Maryland, we do not feel that to be true. With few exceptions, Maryland incarcerates only those who have committed very serious crimes or the person has an extensive criminal history. The less serious offenders are seldom incarcerated. Those who are in prison should not be in the community because of their serious criminal behavior.

Lacking an adequate number of beds and/or cells, Maryland has found it necessary to double cell most of its facilities. While double celling may not be in and of itself unconstitutional, it does present many problems and thus should be minimized if not eliminated. Both staff and physical plan are devoted to managing the population and consequently little can successfully be done to prepare the inmate for a successful crime-free return to society. A sincere effort to rehabilitate the offender is in the best interest of all concerned.

I would urge Congress to consider the reduction of crime a very high priority. Constructing new prisons is only part of the answer but it is an essential element. A federal program to assist states in building new prisons would allow the states to construct new prisons and also allow them to maintain or expand the current level of services to law abiding citizens.

Should you desire any specific information regarding capacity, conditions, current population, or projected population, please feel free to contact me.

Sincerely yours,

JON P. GALLEY,
Commissioner.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, AK, May 7, 1984.

Hon. ARLEN SPECTER,
U.S. Senate, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR SPECTER: I wish to take this opportunity to express my strong support for your efforts to seek federal funds for desperately needed prison construction.

I am familiar with your recent testimony before the Budget Committee. I found your comments to be precisely on the mark in analyzing the nation's current crisis in corrections. While the public has been correct in insisting that we must be tough on crime and criminals, it is apparent that correctional systems cannot much longer provide assurances of public safety through both secure facilities and sound reintegration programs without substantial assistance.

Your plan to authorize $650 million this year to immediately expand the federal system and to provide seed money to the states to encourage 3 for 1 matching funds for new construction would provide the critically needed catalyst for the secure correctional facilities we must have.

Although ours is a small correctional system in relationship to those systems of the other states, we too have very serious problems with regard to the need for additional correctional space. Please consider:

1. I have been forced to periodically commute the sentences of prisoners because our system has insufficient capacity to hold more.

2. We have acquired two former military sites and are retrofitting the facilities into correctional institutions.

3. We are currently awaiting a judicial decision on a comprehensive lawsuit brought by our prisoners against the state. A major part of this case is based on overcrowding in our correctional system.

4. We have expanded three of our correctional centers, have opened two new ones in the past year, and have another due to open later this year in rural Alaska.

5. We have 200 of our Alaskan prisoners placed with other prison systems out of state.

6. We have the design in hand for a cost saving prototypical housing unit which we can use for small rural jails as well as for a larger new long term facility which is desperately needed.

7. We have quadrupled our halfway house space.

8. With the concurrence of the Alaska Legislature, I have created a Cabinet level Department of Corrections, have provided a 50 percent increase in its operating budget, and have slightly more than doubled its size, all in just two years.

9. While we have elected not to rehabilitate through only the mechanisms of building with concrete and steel, we can find no real alternative to construction of additional high security prison space.

These points, and many others not listed, represent a substantial effort to cope with the increasing flow of prisoners into our system as a result of reforms to the criminal law and the increasing effectiveness of our law enforcement, prosecution and court systems. Our substantial correctional effort is not enough. We have added 1000 prisoners since 1980, and continue to grow at the rate of 300 new prisoners per year over releases.

While I speak only for the State of Alaska, I know that other states across the nation view your efforts as extremely important. I urge you to continue and to let us know how we might be of assistance. Alaska appreciates your leadership in this important matter.

Sincerely,

BILL SHEFFIELD,
Governor.

STATE OF NEW YORK,
DEPARTMENT OF CORRECTIONAL SERVICES,
Albany, NY, April 20, 1984.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I am writing to express, on behalf of the New York State Department of Correctional Services, our deep appreciation of your continuing efforts to address issues of critical concern to corrections departments nationwide. This Department strongly supports your initiative to provide federal funding for the capital expansion of federal and state correctional facilities.

As you correctly noted in your recent testimony before the Senate Budget Committee, dramatic increases in inmate populations have far outstripped the existing capacities of federal and state correctional facilities. The resultant overcrowding in prisons and jails has already had profoundly deleterious consequences many of which extend far beyond the prisons' walls.

It is well established that overcrowding makes prisons:

Increasingly difficult to humanely and effectively administer;

Increases the danger to inmates and staff by increasing the level of intra-prison violence; and

Decreases the probability of positive changes in inmates' behavior.

Moreover, the pressure to create available space by prematurely releasing inmates who would be held longer if resources permitted undermines the efforts of police, prosecutors, and the courts and endangers the public at large.

Once again, thank you for your effective leadership on issues of concern to criminal justice professionals in general and correctional administrators in particular. I trust that you will feel free to contact this Department to answer any questions you may have and to keep us apprised of any legislative development which could have significant consequences for corrections.

If you have any questions or wish additional information, please do not hesitate to contact Assistant Commissioner Martin Horn. Thank you.

Sincerely,

THOMAS A. COUGHLIN III,
Commissioner.

KANSAS DEPARTMENT OF CORRECTIONS,
Topeka, KS, April 16, 1984.

Senator ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your recent letter urging my support for a new federal program to enlarge state and federal prisons.

While I appreciate your willingness to attempt to assist states in dealing with this very critical problem of prison overcrowding, I am concerned that prison construction alone may not be the answer. Quite a number of states have already attempted to manage and control prison population growth by expanding capacity. Yet, I am unable to find a single state that was less crowded after completing a major building program than when it started. Yet, as you point out, construction is necessary in some cases. We in Kansas will expand prison capacity by 33% between now and July 1985, in an attempt to house the growing number of inmates at a whopping $25 million in capital costs alone.

All of this suggests that we should seek innovative non-construction alternatives to incarceration and re-examine our sentencing structure, while using prison construction as a last resort. This offers a safe and very economic approach to managing prison populations. Such changes can be made.

The Kansas Senate has just passed a major sentencing bill which would roll back statutorily set minimum sentence lengths for property offenders (which were lengthened in 1982), reclassify downward four offenses (two of which make a major contribution to the prison population), and establish a presumptive probation sentence for first-time Class E property offenders. (Class E offenders are the lowest level felony class in Kansas.)

The passage of this bill was a recognition by the legislature that Kansas, like most states, has adopted sentencing policies that cannot be implemented except at a very high cost.

Again, I appreciate your concern and offer my assistance provided a comprehensive plan is established addressing overcrowding prisons in line with my thoughts herein.

Sincerely,

MICHAEL A. BARBARA,
Secretary of Corrections.

GEORGIA DEPARTMENT OF
OFFENDER REHABILITATION,
Atlanta, Ga., April 6, 1984.

Hon. ARLEN SPECTER,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR SPECTER: I am writing in support of the proposal to provide federal seed money to the states to encourage three-for-one matching funds for new prison construction. This funding would greatly enhance Georgia's ability to construct new prisons in view of the competing priorities for the state dollar of highway construction and education. Although four prisons are currently in the planning stage, competition for funding makes the possibility of construction remote. The three-for-one matching funds would allow for the addition of more prison beds greatly increasing our ability to manage those sentenced to prison.

The current Georgia system was designed to house 12,565 inmates, however, 15,384 are actually incarcerated at this time. There are 450 state inmates awaiting transfer in county jails. To insure that the number of inmates back-logged in county jails stays as low as possible, Georgia has been forced to place the responsibility on the Board of Pardons and Paroles for controlling the prison population. The Parole Grid System is designed to allow the release of inmates, some convicted of serious crimes, in order to provide bedspace for newly sentenced inmates and those convicted of violent crimes. If the number of newly sentenced inmates increases, then the number of months to serve is adjusted in the Grid System to insure that the prison population remains constant. This method of controlling prison population is dictated by the critical lack of funding available for the construction of additional prison beds.

This proposal would greatly enhance the strength of Georgia's prison system by providing a much needed commodity for insuring the appropriate incarceration of inmates and protection to the citizens of this state.

Sincerely,

DAVID C. EVANS,
Commissioner.

THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF CORRECTION,
Boston, MA, April 11, 1984.

PAUL E. TSONGAS,
U.S. Senator, John F. Kennedy Building, Boston, MA.

DEAR SENATOR TSONGAS: At the request of Senator Arlen Specter, I am writing to urge your support of the recent Senate appropriation request of $650 million for a new federal program to enlarge the nation's prisons.

The need for prison expansion is imminent at all levels as a result of severe prison overcrowding and continually rising commitment rates.

As experienced in Massachusetts, overcrowding, places a tremendous strain on facilities and greatly impairs the Department's ability to provide resources which effectively meet the needs of our inmate population. To further emphasize this statement, I would like to point out that as of April 9, 1984, our total inmate population count was 4,817 which represents an average institution occupancy of 155% or 55% above rated capacity. Also, occupancy levels at several of our larger facilities approach or exceed 200% of their rated capacities.

Thank you for your attention to this matter.

Sincerely,

MICHAEL V. FAIR,
Commissioner.

MINNESOTA DEPARTMENT OF
CORRECTIONS,
St. Paul, MN, March 28, 1984.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter requesting support of your efforts to provide federal dollars to states for the expansion of prisons.

You may or may not be aware that the long term public policy in this state has been to develop an extensive system of community corrections, which coupled with a Sentencing Guidelines Commission has resulted in an extremely low incarceration rate and a resulting system in which our prisons are not overcrowded. Consequently, at this point in time the state would not be seeking federal assistance in expansion of its prison system. It also has been an established policy that the counties in this state have the historic responsibility of providing appropriate jailing facilities for the counties without the need for state funds. Because of this responsibility the citizens of this state have consistently accepted this as their longstanding responsibility, and bonding has taken place to construct new jails even during difficult economic times.

It would, therefore, not be consistent with the longstanding tradition of Minnesota to support at this time a bill providing federal funds for state prisons. In certain states there may well be a futility in attempting to build themselves out of the problem rather than addressing the fact that other sanctions can be imposed other than prison especially for low risk property offenders.

I do, however, strongly support the need for expansion of the Federal Bureau of Prisons which I am sure, as you well know, is extremely overcrowded and requires assistance from Congress. It is my feeling that in the person of Norm Carlson the Federal Government has a very competent and outstanding correctional person, and I would strongly encourage that members of Congress provide him the necessary tools to perform his job.

Thank you for your leadership and support in this vital matter.

Sincerely,

ORVILLE B. PUNG,
Commissioner.

DEPARTMENT OF CORRECTIONS
AND HUMAN RESOURCES,
Jefferson City, MO, April 4, 1984.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: Your letter regarding support of a federal program to provide supplemental federal funding to assist state prison construction programs has been received in my office.

Our state is currently involved in the renovation of existing juvenile and mental institutions and the planning and design for newly constructed correctional facilities. Planning and design funds have been made available by the Legislature for these projects, however, construction funds are still pending in legislative process.

Our inmate population continues to expand and exceed the design limits of our present correctional facilities by approximately 2,100 inmates. Our present population of incarcerated inmates is 8,084 and we expect this number to exceed 11,000 by 1990 according to the Corrections Master Plan that has recently been conducted for our state.

Due to the financial condition of the state of Missouri and our inability to obtain adequate financing for prison construction, we certainly support the possibility of a federal program to provide federal funds for prison construction. The opportunity of obtaining federal funds on a 3 for 1 matching basis would certainly provide our department an opportunity for construction fund support from the Missouri General Assembly. We support this type of approach to resolve the funding issues involved with new prison construction.

Sincerely,

LEE ROY BLACK,
Ph.D., Director.

OKLAHOMA DEPARTMENT OF CORRECTIONS,
Oklahoma City, OK, April 6, 1984.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: We are in receipt of your material regarding issues before the Budget Committee.

My office strongly endorses any legislation that provides federal matching funds for state prison construction/renovation.

Our state, like most state correctional systems, has an overcrowded prison population. State funds are difficult to obtain for prison construction/renovation. With the availability of matching federal funds, new construction/renovation projects would be greatly enhanced.

We support your efforts.

Sincerely,

LARRY R. MEACHUM.

SOUTH DAKOTA
BOARD OF CHARITIES AND CORRECTIONS,
Pierre, SD, April 2, 1984.

Senator ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: In response to your letter of March 26, 1984, I would offer the following comments:

South Dakota's prison is a territorial prison, built in the late 1800's. The prison is indeed old, but we have, and continue to spend, monies renovating the facility.

The prison has a design capacity of 440 cells—one inmate per cell. As of this date, we have an "inside" count of 581 inmates. Our total "inside" "outside" count is 822 inmates (male inmates only).

We were of the mind our numbers would begin to flatten; so far this has not happened. Our count continues to climb.

Thank you for the chance to respond to your letter and hopefully the above will be of some benefit.

Sincerely,

JIM P. SMITH,
Executive Director.

WEST VIRGINIA DEPARTMENT
OF CORRECTIONS,
OFFICE OF THE COMMISSIONER,
Charleston, WV, April 2, 1984.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I am writing in support of your efforts to increase federal funding to expand state and federal prisons. Your proposed program addresses a major need of correctional agencies throughout the nation.

Overcrowding is a serious concern in prisons today. Your attempt to relieve this problem is laudable.

The $650 million you have requested for enlargement of the nation's federal prisons and the seed money to be dispensed to states on a matching funds basis will be welcomed by our correctional systems.

The need for funding to finance prison construction is well reflected in the condition of West Virginia prisons. Our maximum security facility, the West Virginia Penitentiary at Moundsville, is over one hundred years old. At the present time, we are attempting to comply with court rulings within budget constraints to make needed renovations.

At the proper time, I would be happy to testify before the appropriate committee on the need for such funds in our state correctional system.

Please contact me if I can be of further assistance.

Very truly yours,

W. JOSEPH MCCOY,
Commissoner.

Mr. SPECTER. I thank the Chair, and I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, first of all, I recognize that the Senator from Pennsylvania has been very deeply concerned about prison problems. They are of great, serious proportions today. I join with him in expressing that same concern.

I might comment that one of the first public bodies, or public associations, I joined in my adult years in Oregon was the Oregon Prison Association which was a citizens group to try to bring focus upon the problems of prisons in my State. That was some 35 years ago. As a State legislator, it was my privilege to help give leadership to the establishment of an intermediate institution as part of the program of prison reform in my State. I do not take a back seat to anyone on this floor as to my long and dedicated concern for prison problems.

But, Mr. President, I am mindful of what Mahatma Gandhi once said: "The means are the ends in the making." Too frequently in this body we have a very noble goal or objective, and we pay very little attention to the means by which we obtain that goal. This very bill here on this floor today is an example of that type of procedure. We always have some very legitimate excuse and we always are dealing with some crisis problem that permits us to set aside the normal procedures of an orderly legislative process in order to accomplish the goal. I have participated in it under the exigencies of time, and I am doing so now. But that amendment is absolutely without precedent in the sense that it does all kinds of mischief beyond the necessary amount and within the whole scope of this bill that we have on the floor.

There is not a program today that deals with this problem at this point. There is not a program to which this money would be added. We have an authorizing process. We might as well resolve this body to the committee of a whole, abolish the authorizing committees, abolish the Appropriations Committee. A number of these sponsors are on the Appropriations Committee.

What we are doing is taking section 302 of the Budget Act and trying to do that, not as assigned in the Budget Act to the Appropriations Committee, but with a Committee of the Whole on the floor of the Senate. We resisted that yesterday when Senator BRADLEY of New Jersey wanted to get—earmarking commitment for $1.3 billion for education under this cap. We did so when Senator WEICKER wanted to get $650 million of earmarked money for biomedical research. We resisted that. We resisted the desire on the part of Senator STAFFORD, whom I would like to have had a greater commitment than just a verbal commitment, for $650 million for environmental protection programs. But the wisdom of the Senate body prevailed recognizing that there is an orderly procedure by which these moneys must be allocated. It is under section 302 of the Budget Act, not here on the floor.

Mr. President, this raises all sorts of opportunity for mischief. We hear that this in no way violates our caps, in no way violates the amount of money.

No, not at all. But we can come to this floor and put $13 million here, $15 million here, and $50 million there, and we can say that it does not violate anything, but we are making this commitment on the floor. "Now, Appropriations Committee, you go find it."

You will be destroying the appropriations process. This is a precedent without precedent.

I cannot understand. Maybe we ought to go back to a political science lecture on 101 about the legislative process. We have to have an orderly procedure here. We cannot permit this kind of continued setting aside of normal legislative procedures.

We do not get locked up in procedure for procedure's sake. Of course not. But what I am saying again in the words of Gandhi is that you better look at the means no matter how noble your goal is.

I remember a President of the United States who thought that any means were justified as long as it was in the name of national security.

So here we are again trying to violate what is basically orderly legislative procedure. If we do not like this procedure, let us change the rules and develop rules upon which we can agree about procedure. I will give all the support I can anytime to enhancing the present programs through resources, through modification or reform programs, through the authorizing process, or the appropriations process. But this is neither the time, nor the place, and not the vehicle in order to try to accomplish that very noble cause.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, the amendment we introduce today is not a total solution to a problem, but it is a responsible first step. The safety of our people can only be assured by swift and severe punishment of those

who terrorize and brutalize them. But today, instead of facing the punishment they justly deserve, an army of chronic offenders—career criminals—has been released from our prisons and jails to prey upon us again, and again, and again. To put it simply, Mr. President, we have a criminal justice system that has completely broken down.

Much of the reason for that, Mr. President, stems from the fact that we simply do not have adequate prison facilities for those who are convicted of the most heinous crimes.

We have been making nice statements about our war on crime, but that is about all. We are making a lot of nice statements.

We should be ashamed of ourselves, for our failure to act responsibly to insure domestic tranquility and the safety of our people.

It is incredible that we have lost our sense of priorities. We can vote for an MX, for a B-1, for a Trident, but can we not set aside $200 million for the construction of prisons that are necessary?

Last year, 21,420 prison inmates were released from prison, not because they had served their time, not because they were rehabilitated, but simply because there was no space to hold them. The GAO now estimates that today's prison overcrowding level of 60,000 will grow to 100,000 by the end of the decade. Overcrowding will worsen, despite multibillion-dollar expansion programs by the States that will increase prison capacities by almost 90,000 spaces.

States and localities, despite their best efforts, cannot keep up. Unless we help, more and more mass prisoner releases will result, more and more innocent Americans will be victimized—robbed, raped, beaten, and murdered—by repeat, violent felons let loose among us because we did not have the foresight to build adequate prison facilities to hold them.

Mr. President, this amendment will not increase the deficit. We accept the cap on nondefense discretionary budget authority for fiscal year 1985. We merely seek to provide $200 million of the more than $139 billion in the leadership proposal for prison construction. If you ask what program this will come out of, I say I am prepared to work with the authorizing committees and the appropriations committee to find the money.

Mr. President, I know there are those who will say that it is not the Federal Government's responsibility to build State prisons and local jails. There is some merit to this argument: States and localities should bear a greater share of the law enforcement burden. But, Mr. President, this so-called federalism argument has its limits.

The Federal Government has a grave responsibility, too. It has the responsibility to control our borders—to exclude, for example, violent criminals released from Castro's prisons. And when it fails in that responsibility, it cannot simply turn to the States and say: "You deal with the crime that results because that is a local responsibility."

The Federal Government has the responsibility to protect our citizens from a flood of crime-producing narcotics smuggled in from Latin America. The Golden Triangle, and the Golden Crescent. But when it fails to do so, and when a university study on 237 heroin addicts reveals that they committed 500,000 crimes in an 11 year period, it cannot turn its back and say to local government: "You deal with the aftermath."

Because thousands of tons of heroin, cocaine, and other drugs are smuggled into this country each year, we have half a million heroin addicts and countless thousands of others hooked on cocaine, synthetic drugs, and pills. More than half of the crimes committed in this country are drug related.

Where does the heroin and cocaine come from? They do not grow it on Long Island. They do not produce it there. But they have an impact there.

They do not grow it and produce it in factories in Florida, in Philadelphia, or in the other crime plagued areas of our country. But these drugs certainly have a terribly adverse impact on our people.

The violence sweeping this country is the result of our failure over the years to pressure other countries to stop the drugs at their point of origin, to interdict them at our borders, our failure to aid local governments, and help them in providing one absolutely essential ingredient: the facilities in which to place violent criminals. Does it make any sense to put one violent criminal in and let another go?

The recent rash of murders that have been committed against law enforcement officers is incredible.

On February 14, a 38-year-old policeman was gunned down by a vicious killer, shot in the head at a range of only a few feet. The accused killer is not an exception. He is a career criminal, arrested nine times, once before on murder, convicted of manslaughter, sentenced to 5 to 15 years, paroled after only 3½ years. He killed someone and is out on the street in just over 40 months. Then what does he do? He kills a 38-year-old police officer.

On February 20, another police officer was nearly killed in New York with a shot in the head. Again, another parolee is charged with attempted murder.

Just days ago, a New Jersey State trooper was murdered by a convicted murderer who had served only 12 years of a 50-year-to-life sentence at the time of his death. This murderer was wanted in connection with two other murders.

Our police officers are being gunned down by people who should be in prison, who have been convicted, and who are being released because of prison overcrowding.

There are those who say this may not be the appropriate vehicle. How long are we going to have to study this? How long are we going to have OMB say, "Oh, no, we do not have the money for that."

How long are we going to get tied up in one committee after another? Should we not say that this frustration is justified and that the people of this Nation should have a Senate that comes together and says, "Take the responsible course of action."

We voted for a Justice Assistance Act that establishes a new Bureau of Criminal Justice Facilities. The report states:

> The committee believes that our dangerously overcrowded prisons and jails represent a serious threat to the stability and integrity of the Nation's law enforcement and justice systems. A Federal justice assistance effort must include direct and substantial aid to States struggling to renovate and rebuild a failing prison and jail infrastructure that represents their last line of defense against violent crime.

The proponents of this amendment now seek a minimum level of budget authority to support this Bureau.

Almost exactly 1 year ago, by vote of 55 to 40, the Senate approved my amendment requiring the Federal Government to reimburse States for the cost of incarcerating illegal aliens. Granted that this is not yet law, because the House has not acted. But, it still is appropriate now to provide budget authority—we are not appropriating here, after all—so that if this Senate-passed amendment becomes law, then the budget authority will be there.

If we do not put in the money to back up our war on crime what are we doing? We are going to go home and say to our constituents, "I voted for severe penalties: We are going to get the rapists, the robbers, the muggers. We are going to see to it that they have long-term incarceration."

But then how can we say: Do not build prisons, do not help local governments?

To those who say that the crime rate is down and the population of the crime-prone age group is declining, let me say that, as we hire more police, pass stricter sentencing laws, and increase our efforts to combat drug-related crime, we will need more prison space.

The undeniable fact is that last year, while the crime rate declined, we released over 21,000 violent felons onto our streets merely because we lacked the prison space. Add in the number

released from our jails and the 8,000 prison inmates held in jails because the prisons cannot take them, and you are faced with a public safety crisis that the Federal Government must not run away from.

It is time to say "no more." We have proven with a joint Federal, State, and local task force called Operation Pressure Point that if we lock up all the drug dealers we can cut robberies by more than 50 percent and burglaries by more than 35 percent. That is the kind of federalism we can all be proud of because it works.

I urge my colleagues to vote for this amendment to make more operation pressure points possible. This is our opportunity to vote against the absurd situation in which we now find ourselves. As we pass tougher sentencing laws, we are supposed to be keeping offenders in prison longer. But, because we lack the space to hold those we sentence, we have to turn them loose. We become a paper tiger when we accelerate incarcerations only simultaneously to accelerate releases.

Build the prisons to hold those we arrest and convict and you will cut crime in half. Mr. President, that is what this amendment will help us do.

Mr. President, I am proud to cosponsor this legislation with my distinguished colleague from Pennsylvania, Senator SPECTER, who is knowledgeable in the area of law enforcement, who has studied this. This has been a major part of his career, not only here in the Senate but before, when he served as district attorney in Philadelphia.

Senator SPECTER and I went to the Rikens Island House of Detention 3 weeks ago, and had a tour of that facility. Let me tell you what the results were after a Federal judge ordered the release of 613 of its inmates last November because of prison overcrowding.

To date, more than 60 percent of those released have either been rearrested or become fugitives; 217 have been rearrested: for homicides, 13 for robberies, 28 for burglaries, 7 for assults, and 6 for weapons possession.

All these brutal crimes and the millions of others like them have in common one thing: they could have been prevented. Those people who were murdered, raped, robbed, and assaulted were victims of our indifference, our failure to address the problem. Until we build the necessary cells, then we should all stand accused.

We need more action, more substance, and less rhetoric. That is what this vote is about. If we cannot find $200 million to assist local governments in the construction of these prisons, let us not once utter a word that we want it to stop, that we are opposed to the jungle atmosphere our people live in, that we are opposed to the criminal element that has seized so much of our life and say that, indeed, we have contributed to the loss of domestic tranquility here in the United States. Mr. President, I urge my colleagues to vote "aye" when their names are called.

Mrs. HAWKINS. Mr. President, I commend the Senator from Pennsylvania, the Senator from New York, and all Senators who are interested in this most serious problem that we are facing in the United States today. We are wringing our hands, saying what are we going to do about these drug traffickers? Drug traffickers are mass murderers. You have to get that mindset changed about these traffickers as though they are legitimate businessmen and find someplace and keep them there forever.

I just stepped out to have my picture taken with a 14-year-old girl whose father is a policeman in Daytona Beach. I asked her, "Do you live in Daytona Beach, with the beautiful white sands, lovely area? We are talking about a prison building amendment on the floor. What would you like me to do?"

She said, "I want to tell you, you have to build some prisons, put those prisoners in there, and throw away the key."

I introduced a bill last month which increases the penalties for major drug traffickers, 10 kilos or more of heroin or cocaine—10 kilos is 22 pounds. Arrested with 1 kilo of heroin or cocaine, 30 years; for 10 kilos of marihuana you get 30 years. The only thing that scares me, and we have had testimony after testimony in the Drug Abuse Subcommittee, is that young children 18, 19, 21, after they went to prison found this was serious business and they straightened up and they are telling other people. They say nothing would have impressed them except going to jail. They had all the education programs in school, one came from a beautiful family, another came from a broken family—this crosses all socioeconomic lines. I was amazed that the girls and the boys said once they went to prison, they decided it was serious, they are lucky because they were arrested and put in prison and it changed their lives.

It is the drug traffickers I am concerned about. In 1980, Florida was the host State to 130,000 at one time, about 80,000 at another time, refugees from Cuba, handpicked by Castro. He emptied every prison he had, he emptied every insane asylum he had and put them on boats and sent them to the nearest State. Florida was the host State; 33,000 of them were criminals, hardened criminals.

Where are they today? They served a little time. We finally ferreted them out by one person saying the other person was a pretty bad criminal. They had a little tattoo on their thumb, or their ear, or some crazy place. We had a hard time sorting out the good ones from the bad ones. A lot of good people came, but mixed among them were hardened criminals.

Miami jails were overflowing—city jails, county jails, State jails. We had no place to put them. Florida has one Federal penitentiary. New York is lucky, I think they have two. We sent them to Atlanta where we have heard this judge the last 12 months, maybe 18, talk about he is going to really seize criminals who have committed horrendous crimes—not political prisoners; hardened criminals he did not want to tolerate. They have committed despicable crimes. Now we have a Federal judge saying, one, they did not commit a crime in the United States, two, they have served a little time, maybe they will behave.

We had a murder last month in Miami, a lovely policeman, a marvelous policeman. I happened to know him well. Every night we would go through Miami and pick up the people sleeping on the streets, a little different from here in Washington. We treat them nice, put them in a van, take them to jail, they can sleep in jail, we let them out in the morning, so people can sleep at night and not worry about these fellows. This policeman on his regular round, picking up his regular customers, the people sleeping in the streets, was shot and killed by a Marielito prisoner that had been released from jail.

We all went out, I believe on Tuesday of this week, and stood on the center steps of the Capitol and stood beside widows and families of slain policemen. Everybody had a tear in their eye while we heard taps blow. Seven Florida women came up here—and we had many more than seven, but only seven came. Young children holding their mother's hands crying because they lost their daddy—every one of them killed by a criminal. What are we doing letting these guys out in the first place?

The Senator from New York and Senator SPECTER and I talk often that we were promised domestic tranquillity in this country. Our Founding Fathers meant for us not to have bars on our windows. There are a lot of ways we can punish people but right now we have another class of criminal.

We have an epidemic of drug users in this country. We had hearings last Thursday in my Subcommittee on Drug Abuse. We had testimony of two doctors that for 11 years have traced the criminal activity of 243 heroin addicts. Heroin is one of the lesser drugs when it comes to your behavior. You are not quite as violent but you steal a lot of money. This study shows, the only complete study we have, that those 243 heroin addicts committed, over an 11-year period, 500,000 crimes. Absolutely staggering numbers. Now,

the Justice Department has announced that they are going to try to track cocaine users and PCP users and maybe 10 years from now, we shall come back and get an accurate study of how many crimes they commit.

I tell you, Mr. President, that the users of these drugs testified at the same hearing that cocaine makes you feel invincible. You do crazy things. It does not last long, maybe 20 or 30 minutes. That is why they are all out looking for another fix. But while the effects are in the body, they do crazy things. The kids that have used PCP said it just makes you crazy while it is in your body.

The U.S. attorneys who testified said that the crimes that are being committed today by PCP users and cocaine users are so violent that it is shocking even to a hardened prosecutor compared to criminals 10 years ago for other reasons.

Pick up your Washington Post of this morning and you will read that part of Washington, DC, has been described as a combat zone. I sometimes think this is the combat zone, but there is a combat zone not far from here. If you watched the news last night, you saw body after body being carried out of the apartment house where they had several murders last night connected with cocaine. I do not know why we are even discussing this. That 1984 study I told you about, where the 500,000 crimes were committed, was in Baltimore. That is not far from here.

They have two Federal penitentiaries. These guys should have been picked up the first year.

We talk about New York. New York has 500,000 registered heroin addicts. One out of 20 in New York City, therefore, would be a heroin addict. If 200 of them are committing 500,000 crimes, you have problems in New York City. We have problems in Miami. We do not have any more serious problem. I do not think balancing the budget is more serious than the threat that strikes America daily, savagely, and that is the threat and strife and savage response to illicit drugs. We see its impact in failed education. We see it in failed homes. We see it in domestic violence. We see it in an impaired national defense. We are now having to test the military very regularly to make sure it is not in their bodies. It has impaired our national defense, lowered productivity. We are passing laws giving tax incentives, doing all kinds of things trying to keep up with the Japanese and, indeed, if you are on drugs you have lower productivity. Every attorney testified you have increased violent crimes. They have never seen crimes like they are seeing committed now by cocaine and PCP users which, when mixed with alcohol, makes you crazy.

The link between crime and drugs is undeniable. Even my lovable, liberal friend, TIP O'NEILL, said yesterday that he is for the death penalty for drug traffickers. I never thought I would ever read that, let alone think that he thought it. And that may be the solution to this problem.

While we are arguing on that, someone has to put up the buildings to house these criminals. It should not be a geographic accident as to which State has to be the host State. You are talking about a Tet offensive from Cuba in the fall. The escapees are going to come. Castro is a clever fellow. I guarantee you he has some more criminals he would like to send up here, and probably has more people in insane asylums. It is very difficult down there to be normal.

We are talking about this just before the election. We do not have anyplace to put them, to parcel them out—Arkansas, Oklahoma, Mississippi. It will cause a political backlash like you have never felt in your lives. They work their way to New York. The only way we are going to get control of our States again is by giving these drug traffickers and those who commit crimes along with the drugs severe penalties and put them away for a long time. We put out a bulletin to that effect in every letter.

Come to my office. I get a million letters a year, but after this particular inquiry, they are sending back tons of mail saying, "Lock them up and throw away the key. Nothing is too bad for these guys that are getting our children hooked on these drugs and in the meantime are committing so many terrible, terrible crimes."

I say this bill is on the right track. We have not said that we are going to spend a lot of Federal money to build some fancy prisons at $50,000 a room. You can put them in a motel cheaper than that. We have a low-occupancy rate occasionally in Florida.

We are saying to those States that want to participate in this, "You put up $3 and we will give you $1."

A lot of States maybe do not need it. I do not know. I can tell you Florida desperately needs it. Florida has one Federal prison with a capacity of 519. What are we going to do with the 33,000 that we had? New York has three Federal prisons with a capacity of 1,260.

I do not like talking about this particular subject, but we have an epidemic. It is affecting every family in the United States and in the world today. We have countries that have just signed a death penalty law. Pakistan just signed a death penalty law for traffickers.

We are leaning on Colombia's Justice Ministry: "You all be really true, get in there and get those drug traffickers, wipe out the cocaine." We are leaning heavily on the foreign countries. We have passed amendments in—saying eradicate the illicit drugs. And what is the United States doing? In some States they have increased their domestic production of marihuana 38 percent.

I do not mind telling you, Mr. President, that I am offended at that. I called the Governors together and told them to eradicate their illicit crop. It is all we can do for this nationally. The only sure cure is to put these mass murderers in a prison and treat them like prisoners, not like coddled students. Then, indeed, you can restore some sense of tranquillity and our children can grow up and live a normal life; we will be able to walk our streets again and not have to lock up everything we own or may have our eye on, and at least the burglary business would not be as remarkable a growth industry in the United States.

I am embarrassed by our attitude toward criminals. Mr. President, I want you to know that, again, a drug trafficker is a mass murderer and should be apprehended and put away. I certainly support this amendment, and I ask all my colleagues, when they go out and campaign this year—and we have a bunch who want to be reelected and come back to this place—it is the No. 1 issue on everybody's hit list. I absolutely guarantee you, if you are going to take a poll "What are you most interested in?"—we just finished one in Florida—the No. 1 issue is crime, the fear of going to the grocery store, fear of catching a cab because they may have some cash in their bag or pocket and they are scared somebody is going to take that cash and go buy drugs.

I think it is disgusting when we come back and say we do care for you.

We have a lot of women, we have a lot of widows, we have a lot of senior citizens who have worked hard all their lives, who want to retire in dignity, and they cannot go out of their homes because of these criminal activities on each and every street. It is not just Florida and it is not just New York and it is not just Pennsylvania. We have an epidemic in South Dakota, too. So it finds its way across this country. The only solution is to send out a message that we are going to get you and we are going to keep you and do not try this again.

I urge my colleagues to have some guts and vote for this amendment.

● Mr. JOHNSTON. Mr. President, I am pleased to join as a cosponsor of this needed amendment which will earmark within existing caps $200 million for prison construction to reduce serious overcrowding conditions in our Nation's prisons.

The Senate has time and time again expressed its deep concern about this issue in crime measures we have passed. Each year that we fail to take

action, the problem gets worse as prison populations continue to swell and State and local governments are unable to shoulder alone the burden of financing additional prison facilities.

Right now, for example, the State of Louisiana is under court order to reduce its overcrowded prisons. Between 1982 and 1983, Louisiana's prison population increased over 18 percent while the national average during this same period was 5.9 percent. At the national level, Louisiana ranks seventh among States with the largest number of State prisoners held in local jails because of overcrowding.

This problem is so critical that in June 1983, the city of New Orleans was forced to erect several outdoor tents to deal with the overcrowded prison condition. Today, these tents remain in existence and house approximately 200 inmates.

It is obvious that this problem can no longer be ignored. We must build more prisons. While our amendment will not serve as a panacea, it is the first step in limiting the early release of prisoners which unfortunately has become the answer to the problem of overcrowding.

I strongly urge my Senate colleagues to approve this most important measure.●

● Mr. BIDEN. Mr. President, I rise in support of this amendment. The current status of our prisons and jails is in such bad shape that we must take immediate action. There is clearly not enough money asked for in this amendment to drastically change the severe prison overcrowding problem that most of our States are facing.

But, the earmarking of $200 million in the existing budget and the sponsor's proposal of requiring the States to pay $3 for every $1 of Federal funds for prison construction could certainly initiate the expansion and construction of additional prison space.

As the ranking member of the Senate Judiciary Committee I have had the opportunity to focus on this problem in depth. In 1978 I had my own bill calling for prison construction funds for States under Federal court order to relieve overcrowding.

As you are well aware, the President's own Task Force on Violent Crime recommended in its report, that we should be spending $2 billion over the next 4 years on assisting States with prison construction. Since 1980, we have seen an increase in our U.S. prison population from 329,821 to 431,829; an increase of 31 percent.

Most encouraging, we have seen a decline in both reported crime and victimization studies in the last year. Reported crime dropped by 7 percent in 1983 and the total number of households touched by crime in 1983 fell from 29 to 27 percent. In commenting on these reductions the director of the Bureau of Justice Statistics, Steven Schlesinger attributed the drop in household exposure to crime to tougher sentencing, citizen crime prevention efforts and increased arrest rates.

This reduction in crime is a clear indication that more people are going to prison and serving longer terms. However, this has resulted in severe overcrowding and must be addressed. Because this amendment is not calling for additional expenditures, but simply earmarking funds in the current budget, I would encourage all my colleagues to join with us in responding to our severe prison overcrowding problem.●

AN AMENDMENT TO PREVENT THE EARLY RELEASE OF PRISONERS

Mr. MOYNIHAN. Mr. President, I rise today as a cosponsor and strong proponent of this amendment to add $200 million to the fiscal year 1985 budget for prison construction.

The control of crime ranks as one of the Nation's foremost priorities. On February 2, 1984, the Senate approved one of the most important anticrime measures in the country's history, the Comprehensive Crime Control Act. That bill, S. 1762, addresses many of the deficiencies in our criminal justice system: Loose bail requirements, insufficient penalties for child pornography offenders, inadequate forfeiture provisions, and many others. I cosponsored S. 1762 and was quite pleased that it passed, 91 to 1.

The primary objective of S. 1762 is to protect society by putting more violent criminals behind bars. That requires prisons and jails. America's correction facilities are badly overcrowded, to the degree that, just to alleviate the overcrowding, convicted criminals frequently receive shortened, suspended, or commuted prison sentences. According to the Justice Department's Bureau of Prisons, Federal penitentiaries house a total of 31,729 inmates in facilities designed for only 24,398 prisoners. Despite current plans for prison construction, the Bureau of Prisons estimates a shortage of at least 4,000 spaces at the end of this decade.

New York State prisons suffer from such overcrowding. In the State's three Federal facilities, 2,137 prisoners are living in spaces designed for no more than 1,366 prisoners—an occupancy rate of 156 percent. The State's own prison system houses 32,197 prisoners in facilities designed for a maximum of 27,747.

Two serious problems arise from such severe overcrowding. First, prisoners who must live under such conditions may be deprived of basic civil liberties guaranteed by the constitutional prohibition against cruel and unusual punishment. Judges in all parts of the country have been releasing prisoners from jail prematurely, because of this abridgement of their constitutional rights. And that leads us to the second problem: law-abiding citizens are being exposed to thousands of convicts who, due to overcrowding, are escaping punishment and imprisonment. The Department of Justice reports that 21,420 inmates were released in 1983 before they had served their time—not because they were rehabilitated or had met parole, but because there was no room for them in prison.

New York City residents recently were exposed to the problem of mass prison releases. On October 31, 1983, Federal district court Judge Morris E. Lasker ordered the release of 613 prisoners from New York City jails, citing the overcrowding as an abridgement of these prisoners' civil rights. Kenneth Conboy, the criminal justice coordinator for New York City, estimates that 35.5 percent of the released prisoners have subsequently been rearrested for new crimes, while an additional 33 percent became fugitives.

The fault lies not with Judge Lasker, but with the inadequate prison facilities in New York and across the Nation. When the constitutional rights of prisoners conflict with society's responsibility to protect its members, something must be done. In light of the Senate's recent commitment to crack down on crime, it is incumbent on this body to take the next necessary step—build more prisons to contain the additional numbers of criminals who we should and must imprison. Indeed, $200 million seems a small sum to pay, considering the costs of allowing felons to return to society prematurely. I urge all of my colleagues to vote for the adoption of this amendment.

Mr. BUMPERS and Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Will the Senator yield for 30 seconds?

Mr. BUMPERS. I yield to the majority leader.

Mr. BAKER. Mr. President, I will not take very long.

I sat and listened to every word of the Senator from Florida and most of the remarks of the Senators from Pennsylvania and New York. I do not think I disagree with anything they have said in terms of need.

Mr. President, I want to tell you how much I admire especially the Senator from Florida for her moving remarks. Obviously, she speaks from experience and speaks from the heart. I commend all of them. But, Mr. President, I urge that this matter not be placed on this bill at this time. There is ample opportunity for this at a later time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, everybody knows my profound respect for the majority leader and for the

chairman of the Appropriations Committee. I understand the logic of their argument, too. But I understand the compelling, overwhelming need for this legislation. I have cosponsored this same amendment with the Senator from Pennsylvania ever since he came to the Senate. In the last Congress, I cosponsored a bill by the distinguished chairman of the Finance Committee (Mr. DOLE) which would authorize $6.5 billion for prison construction over a 7-year period. And here we are talking about a total of $200 million, with $150 million of that matched by State and local governments on a 3 to 1 basis.

It is virtually impossible to get anybody's attention about what is one of the most troublesome problems in this Nation, and that is prison overcrowding. I might even say it is difficult to get people's attention on the crime rate, except as a matter of coffeeshop talk. The crime rate in this country is the most serious indictment of this great Nation, in my opinion. There probably are countries in the world which have a higher crime rate than we do, but I do not know who they are. It is unbelievable that a free society, living under an organic law like the Constitution of the United States—certainly with more or as many freedoms than any other nation on Earth has—tolerates, for example, such a high homicide rate. There are more firearms homicides in the city of Washington every year than there are in the entire nations of Japan and England combined.

We stand on the floor of the Senate—as the Senator from Florida just did, as the Senator from New York, and the Senator from Pennsylvania have just done—and we fight out all these things; and everybody says: "Amen. Ain't it awful?" But when it comes down to dealing with the problem, we cannot take the action that is necessary.

I was inaugurated Governor of my State in January 1971, and I inherited a prison system that was under Federal court jurisdiction. It had been declared unconstitutional, as a violation of the eighth amendment. For 2 years before I was elected Governor, our prisons were on the front page every day. They were generally overcrowded. If I am not mistaken, the year before I was elected, we had 32 homicides inside the prisons. So, going to the prison, looking it over, and trying to decide what we needed to do was something I was not looking forward to. But I did it. Sure enough, I found inmates stacked in there like pack rats: 200 men in a barracks that had been designed long ago for 100. So we undertook to do something about it, and we began to appropriate money for more prisons.

I want you to know that, politically, if you are looking for any kudos back home because you favor upgrading the prisons and building more prison space, you can forget it. Nobody wants to spend money on prisons.

Oliver Wendell Holmes once said that taxes are what you pay in order to have a civilized society. Prisons are what you build in order to try to reduce the crime rate so that people can walk the streets free of fear.

So we undertook, under my administration, to build more prisons. We did it. Senator PRYOR succeeded me. Governor Clinton, and Governor White and now Governor Clinton succeeded him. It has been an ongoing program in my State. We now have one of the best prison systems in the United States. But last year we released 180 inmates prematurely in Arkansas because of overcrowding, because we were about to get in trouble with the Federal courts again.

There are civil libertarians in this country, who certainly have a role to play in our society, who will say: "You're just hacking away at the branches. You're not getting at the roots of the problem."

I know there is something to be said for that. But my philosophy, I think, is very simple and easily understood. It is this: It maybe true that you cannot reform a criminal by putting him in prison, but you at least take him out of society if he has shown repeatedly that he cannot cope with freedom.

Last year, the violent crime rate in this country was down 8 percent. It was down in 1982, also. In my opinion, one of the reasons why the crime rate is down is that judges are sending more people to prison, even though they are already overcrowded.

Let me tell you what we did last year, and this ought to be the most overwhelming reason to vote for this amendment. Last year, in the United States, we released 21,420 inmates prematurely, long before they had served their time, because the prisons were so overcrowded. I just stated that we released 180 in Arkansas last year. That was peanuts. Florida released 2,400 prematurely. Texas released 7,000 inmates prematurely. Michigan released 4,200 prematurely. Illinois released 2,400 and Washington released 800. I invite each Senator to check the statistics in his or her State.

The way I convinced the people of my State that we ought to build more prison space and we ought to upgrade what we have is by two arguments. No. 1, sending somebody to prison does not mean that you have to condemn him to a subhuman existence. Prisons ought to at least be a relatively safe place for an inmate. But the point I continually hammered on is that the cost of building a prison to put that person away is not one-tenth the cost to a family losing a breadwinner to a murder.

I have always said about education that it is true that spending $1,000 per student may seem high, but if you do not educate him, maybe he will ultimately wind up in the penitentiary, and then you get to spend $10,000 a year on him as long as he lives.

So, as to the cost of this amendment, for Pete's sake, do not vote against the amendment because of the economics of it. Our study showed that about 13 percent of people released on bail commit additional crimes.

How often do you pick up the paper and read about the most heinous crime, and you read that they have captured this person who was either on parole or who was not on parole but had a long, long history of criminal activity?

Here, we are talking about $50 million for Federal prisons and $150 million for States and localties—which is matched by them 3 to 1—try to keep these people from being released prematurely. We released 21,400 last year. You figure out what the economic cost is to society by turning that many criminals loose prematurely on the streets of this country every year.

The inmate population was up 5.9 percent last year in this country. In my State, it was up 6.6 percent. We have well over twice as many inmates in my State now as when I was Governor.

Just the other day, I read in the Times that the Judicial Council of New York, I believe it was, said that judges had an ironclad duty to send these people to the penitentiary and to quit worrying about how crowded the penitentiary was or whether they had room for them. Get them off the streets.

Use any criteria you want to in determining how you are going to vote on this amendment. If you want to say that this ought to go to the authorizing committee, that argument is used on every bill I have heard come through here that even remotely touched on an appropriations bill. It depends on whose ox is being gored and through whose eyes it is being viewed.

I applaud the Senator from New York and the Senator from Pennsylvania for their tenacity and dedication in doing more than just lamenting the crime rate but actually trying to do something about it. I am convinced that we have never really attacked this problem in earnest in this country. Every time I see these drug-related crimes, I think about how young the drug culture is in this country. And it has become the indictment of our society, and we are not serious about it. If we were serious about it, what we are doing here would be considered to be peanuts.

So I strongly urge my colleagues to start putting their money where their

mouth is on the crime rate in this country and at least make a small, embryonic beginning about doing something about it.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I commend the able Senator from New York, the able Senator from Pennsylvania, the able Senator from Florida, and the able Senator from Arkansas for the remarks they made on this subject. They have presented their case quite well.

But, Mr. President, I must rise in opposition to the amendment. To coin a phrase, "this is not the way to run a railroad." While I agree firmly that the overcrowded condition of our prison system deserves immediate attention, there is a long established, well accepted, and clearly utilized method for the consideration and passage of legislation by this body. The committee that has jurisdiction of a subject should first report authorization legislation before the Senate attempts to fund it.

Prison construction is a matter which is clearly within the jurisdiction of the Committee on the Judiciary. The Judiciary Committee is charged with the responsibility of considering, amending, and reporting legislation on prisons. The amendment offered by Senators D'AMATO and SPECTER is not reflective of any legislative inititatives agreed to, or reported by the committee.

This matter has, in fact, been considered by the committee and the resulting legislation is pending in the House of Representatives new under the justice assistance provisions of the comprehensive crime bill. All we have to do is get the House of Representatives to pass it.

In February, this body passed the Comprehensive Crime Control Act by a vote of 91 to 1. There are provisions in that legislation that would apply surplus Federal property toward solving any immediate shortage of prison space. This alternative, in addition to providing an instant remedy, could be implemented with a great savings to the Government.

Associate Attorney General Jensen reiterated these points in a hearing before the Committee on the Judiciary on May 7, 1984, just a few days ago.

The committee also addressed the prison construction issue in its consideration of the justice assistance provisions of the crime package. The committee concluded, in its deliberations over the creation of a Bureau of Criminal Justice Facilities, that highly targeted, but limited, Federal funding would provide the most productive use of available resources. The committee set the funding level at $25 million a year for 4 years. The amendment offered today is clearly contrary to the alternatives offered by the committee and passed by this body.

All too often, some people feel the answer to any problem, be it of local or national concern, is to appropriate Federal funds. This amendment is such an effort. Acknowledging the existence and magnitude of the prison and jail problem does not lead, necessarily, to the conclusion that the solution lies in more Federal funding for construction. If there is one lesson to be learned from the LEAA experience, it is that Federal spending is not a cure-all. Indeed, massive funding has been, and is being, devoted to prison and jail construction—and yet the problem remains, and Statistics, the $3 to $4 billion budgeted for corrections construction capital expenditures by State and local government for 1983 to 1985, is the highest level ever. Clearly, the availability to construct correctional facilities.

Finally, I have in my hand a Statement of Administrative Policy; it is quite clear on the position of the administration. It also makes a strong case for voting in opposition to this amendment. It is very short, and I shall now read it:

> The Administration opposes the D'Amato/Specter amendment earmarking $200 million for correctional facilities for FY 1985.
>
> Best estimates show that over $2 billion has been committed by the states for constructing correctional facilities in 1982 and 1983. It is the Administration's understanding that manufacturers are unable to meet the present construction needs in a timely fashion. Therefore, additional funding within the same time frame would not produce new prison space quicker.
>
> The Bureau of Prisons currently has seven ongoing projects, the largest construction program in its history. Over 5 thousand beds will be added. The current expansion program is adequate to meet federal prison needs.
>
> Furthermore, H.R. 2163 is not the appropriate vehicle to earmark funds. It is the Appropriations Committee which has jurisdiction to allocate funding for specific programs.

So, Mr. President, this is an amendment that has not come to the Senate because of the appropriate committee having authorized the funds. This is an attempt to bypass the Appropriations Committee and fix the amount of funds. This is clearly the responsibility of the Appropriations Committee.

I say further that this amendment does not raise the ceiling, and I wonder where they are going to take this money from. It is a nondefense item. It will have to come out of some nondefense allocation. Where is it coming from? Is it coming from education? Is it coming from help to colleges of various kinds? Is it coming from some other source that is needed? Is it coming from medicare health programs? Where is it coming from?

The $200 million has to be found and taken away from someone else to fund it here.

Mr. President, we think, in summary, in the first place, the Judiciary Committee has acted on this in the proper way and sent a bill to the House of Representatives. The next thing is, if there is any further action, it should come through the Judiciary Committee and through the Subcommittee on Criminal Law of which the distinguished Senator from Nevada, Senator PAUL LAXALT, is the chairman.

We think, further, that the Appropriations Committee should not be circumvented in this way. We should not have an amount fixed here when it is the responsibility of that committee.

And we think, also, to take this money by approving this amendment we are going to deprive some other nondefense expenditure that might be more badly in need than this.

I remind the Senate, in closing, of what the administration recommendation said, that over $2 billion has been committed by the States—money that will be used by the States—for constructing correctional facilities.

Now, it is the administration's understanding that manufacturers of prison used materials are unable to meet the present construction needs. How can they meet other needs?

Also, I remind the Senate that the Bureau of Prisons at the Federal level has seven ongoing projects, the largest construction program in the history of this country for prisons, with over 5,000 beds to be added.

So, Mr. President, why this amendment? No one opposes crime more than I do. We have passed through the Senate the finest crime package that has ever been passed in the history of this country. We are waiting on the House of Representatives to take action on that. We think that we have followed the proper procedure and we think that is the way to do it.

But when Senators rise and offer amendments here and there without due consideration that is not the proper way to do it and it is a great mistake to follow this procedure.

The PRESIDING OFFICER (Mr. WALLOP). The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I am not going to belabor this any longer. I think everyone is ready to vote.

I say I voted for that crime package that the Senator from South Carolina just alluded to. I voted for everything in it except for one, the exclusionary rule. I did not believe that bill was constitutional.

But as a matter of fact, I have worked for 4 years to try to get the Federal law changed so that judges could take into consideration the violent nature of a person on bail and deny bail if that person has demon-

strated a violent tendency. I am really sorry the House is not going to take the crime package up. I thought it was a good bill. But I cannot for the life of me understand how anybody can say they are serious about trying to deal with the crime rate in this country in light of the statistics I just give you.

In summary, I would say if you think you are dealing with the crime rate in this country in a serious way by releasing over 24,000 inmates a year prematurely, long before they are even eligible for parole, then vote against this amendment.

If you believe that we can make an impact on the crime rate by keeping those people in prison, by taking people off of the streets, then vote for it. I admit it is not the complete solution. But I am telling you the first thing we need to do to get at the crime rate is to take people off the streets and put them in prisons. That is the reason I support this amendment. I strongly urge my colleagues to do likewise.

Mr. HATFIELD. Mr. President, I would like to make a motion as soon as everyone has been heard. I would yield to the Senator from New York, but I would like to make a tabling motion shortly.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I only urge my distinguished colleague to let the Members of the body vote up or down on this. But obviously each Member has to do what he feels is in the best interest of the body. I thought we were going to have an up or down vote on it. I think the people of this country have a right to see where the Members stand on this issue.

Let me suggest to you that I do not think there is another domestic program that needs as much help as the criminal justice system in the United States of America.

I was not going to belabor the point, but I am now. If you want to make a motion to table, make the motion to table.

I am going to relate to you a story about my first employer. His name was Freddie Durr. He gave me a job when I was 13 years old. He paid me 75 cents an hour. It was just about a quarter of a mile from where I live.

On February 2 of this year, Freddie Durr, a delicatessen owner whose little deli is located 300 yards from my house, closed up his place of business at about 11:15, after working 14 hours. He got into his van to go home, and there waiting in the back was an assailant with a tire wrench. He clubbed him to death, and took the day's receipts. He was someone who had been arrested approximately 10 times, received about 10 years in prison, for possession of drugs, assault, a whole long list of crimes.

The story of Freddie Durr is repeated time and time again. But we say, you know, "We have time. We have another process. Slow down."

Mr. President, right here in the Bureau of Justice Statistics Bulletin—prisoners in 1983—more than 30 States are under Federal court orders or consent decrees to cap the number of prisoners they can keep in their prisons and jails. It is absolute nonsense to say that we do not have a need for more prison space in this Nation.

The statement that current building efforts are falling behind, that they cannot find contractors, has never been substantiated. The fact of the matter is this is OMB speaking. This is not the Justice Department that says, "Don't do this"; it is OMB.

You cannot find a better use for this money, to see to it that the criminal justice system becomes more than a sham, more than a revolving door. And that is what we have. People have lost faith in the process. They say, "It doesn't work; it has broken down." And they are right.

And when the Federation of New York State Judges, and its president, Justice Murphy, says: "Send the violent prisoners who have been convicted to prison. Don't worry about prison space because that is the function of the legislator," they are right. That is the function of legislators on the State and, yes, my friends, on the Federal level, as well.

Mr. President, I do not believe the yeas and nays have been ordered. At this time, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I believe I had the floor and I yielded to my friend from New York for a closing comment.

Mr. President, I now move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, will the Senator from Oregon withhold his motion to table and let me speak briefly?

Mr. HATFIELD. Mr. President, I ask unanimous consent that I might yield the floor for a brief statement from the Senator from Pennsylvania without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator LEVIN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I wish to reply very briefly to the comments which have been made by the distinguished chairman of the Appropriations Committee and the distinguished chairman of the Judiciary Committee.

In offering this amendment for $200 million, it was done after very considerable thought and after working through both the Judiciary Committee and the Appropriations Committee and, as it is known, I serve on both of those committees.

Since February 1983, there has been pending in the Judiciary Committee S. 889, which addresses the issue of prison construction in a much broader and a much more extensive way than does this amendment. In working on the Judiciary and Justice Subcommittee of the Appropriations Committee, again, substantial efforts have been made to find, through the appropriations' process, some funding. But the funds are divided as the Appropriations Committee works and it was my judgment that this matter is of sufficient importance that this body ought to consider it at this time on this bill. It is obviously an amendment well within the purview of the rules of the Senate.

In outlining the number of prisoners who have been released because of prison space—some 7,000 in Texas, 4,000 in Michigan, and 3,000 in Illinois—if we were to go around the country and add up the number of prisoners who have been released outright, who have been ordered released because Federal judges have concluded that prisons were overcrowded, where defendants have not been sentenced by judges because of the shortage of prison space, the number would exceed—in my professional judgment, having worked in this field for some 14 years—would exceed 200,000 people who are at liberty in this country today.

So I think this is a very important matter. I think it entirely appropriate that this body make a determination at this time for a priority by passing this amendment.

I thank the Chair and I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I had announced that I planned to make a tabling motion on this amendment following the closing remarks by the Senator from New York and the Senator from Pennsylvania. Subsequent to that, I learned that there had been a commitment made for an up-or-down vote.

I will not now make my tabling motion, but on the basis that we will go to an up-or-down vote on the amendment, I am willing to withhold the tabling motion provided that we could put the amendment to an up-or-down vote at this time.

Mr. SPECTER. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. JEPSEN) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—36

Armstrong	Hawkins	Packwood
Biden	Heflin	Pell
Boren	Huddleston	Percy
Bumpers	Johnston	Pressler
Cranston	Kasten	Pryor
D'Amato	Kennedy	Sarbanes
DeConcini	Leahy	Sasser
Dixon	Levin	Specter
Dole	Long	Stevens
Eagleton	Matsunaga	Trible
Evans	Moynihan	Tsongas
Ford	Murkowski	Warner

NAYS—60

Abdnor	Exon	Metzenbaum
Andrews	Garn	Mitchell
Baker	Glenn	Nickles
Baucus	Goldwater	Nunn
Bentsen	Gorton	Proxmire
Bingaman	Grassley	Quayle
Boschwitz	Hatch	Randolph
Bradley	Hatfield	Riegle
Burdick	Hecht	Roth
Byrd	Heinz	Rudman
Chafee	Helms	Simpson
Chiles	Hollings	Stafford
Cochran	Humphrey	Stennis
Cohen	Kassebaum	Symms
Danforth	Lautenberg	Thurmond
Denton	Laxalt	Tower
Dodd	Lugar	Wallop
Domenici	Mattingly	Weicker
Durenberger	McClure	Wilson
East	Melcher	Zorinsky

NOT VOTING—4

Hart	Jepsen
Inouye	Mathias

So Mr. SPECTER's amendment (No. 3073) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas was to be recognized.

Mr. BAKER Yes, Mr. President, I understand. Will the Senator yield to me for a moment?

Mr. BUMPERS. Yes; I yield, Mr. President.

The PRESIDING OFFICER. Let us have order in the Senate so the majority leader may be heard.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I am trying to ascertain how many more amendments there are. I guest I am trying to find out what time we can finish this bill. I think we are sort of coming down the homestretch; I hope we are.

I know the Senator from Arkansas has a colloquy, and he has yielded to me so I may make these inquiries. May I inquire of the chairman of the committee if he knows of other amendments that must be dealt with?

Mr. DOMENICI. Mr. President, there are two colloquies that will take about 20 minutes. There are two technical amendments and one small amendment that we are prepared to accept. That will not take any time at all.

Then I understand the distinguished Senator from Florida (Mr. CHILES) is inquiring of one other Senator on his side. If that Senator has no amendment, there are no others. If he does, it is one amendment and I understand he will agree to a reasonable amount of time.

Mr. BAKER. Mr. President, it is a quarter to 4 now, and I am not going to ask for any sort of agreement. Let me say it is the hope of the leadership on this side that we can finish this bill yet today and that we can do so by about 6:30 p.m., earlier if possible. If we can do that, it is not the intention of the leadership on this side to ask the Senate to turn to consideration of another matter tonight.

Once again, we will be in session tomorrow, we will have votes tomorrow, and once again, the list, the menu of things from which we may choose, is ponderous indeed.

We have the first concurrent resolution that must be dealt with, the time for passage of which has already been extended. We have the bankruptcy bill which may be available. We have the Wilkinson nomination, perhaps. We have the agent orange bill that must be done before we go out for the Memorial Day recess. So there will be votes tomorrow, Mr. President.

Mr. President, I urge Senators to consider that we need to finish this bill tonight in order to get on with the business at hand.

Mr. BYRD. Mr. President, will the distinguished Senator from Arkansas (Mr. BUMPERS) yield to me that I may propound a question or make a comment?

Mr. BUMPERS. I am happy to yield to the minority leader.

Mr. BYRD. May I say to the distinguished majority leader, I do not know of any reason why we cannot finish this bill this evening. As far as I know, there are only a couple—two or three amendments on this side. I hope we can do that.

I hope that we can be on the debt limit by Monday of next week because I do not want to see us backed up against a weekend with only 1 day or 1½ days to consider the debt limit bill.

May I say to the majority leader I think it looks good to finish this bill today. The manager on this side has indicated in the affirmative, and I have talked with him also. I hope that will be an encouragement to the majority leader.

Mr. BAKER. If the Senator from Arkansas will yield to me one more moment, I agree with the minority leader that we need to be on the debt limit on Monday. However, I understand that the House will not have that bill to us until Wednesday. It is the intention of the leadership on this side to ask the Senate to turn to the Senate bill and when we get the House bill, we shall deal with it in an appropriate way.

If we finish this bill before 6:30 tonight, I shall be happy to do the first concurrent tonight if we could. I would like to see us do that if possible, and ask the two managers and the minority leader to consider that.

Mr. BYRD. Mr. President, we are checking on this side and it will be dependent on the hour.

Mr. DOMENICI. Mr. President, if the Senator will yield for just a moment, for those Senators listening, the first concurrent resolution most probably will be voted out by the Senate in conformity with what we have voted on for the past 3½ or 4 weeks. For that reason, it is assumed that it would not take a lot of time.

We are asking if any Senators have any amendment, they would obviously be different from what we have voted on already here, because we shall conform the resolution to what will have happened here in the U.S. Senate.

Mr. BAKER. Mr. President, let me say one more thing, just to throw a ball up in the air and see who hits at it. I shall shop on our side through our procedure to see if we can get consent on this side to have a total of 2 hours equally divided and only listed amendments in order to the resolution.

Mr. BYRD. We shall try that on this side also.

Mr. EXON. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. EXON. The majority leader said earlier in the week that we would have a vote Friday. Is he holding to that? If we finish this bill today and if the first concurrent resolution can be disposed of this evening, would that likely

mean no votes on Friday, or is he still planning votes on Friday?

Mr. BAKER. No, Mr. President, I must say in all sincerity to the Senator from Nebraska that we will be in tomorrow and we will have votes tomorrow. If we finish the two measures I have spoken of, I assume it will be on one of the three other measures I have described, but I do fully expect rollcall votes tomorrow.

Mr. EXON. I thank the leader.

Mr. SARBANES. Mr. President, will the majority leader refresh our recollection on what those three measures are?

Mr. BAKER. Yes. Mr. President, if we finish this bill tonight, and I believe we will, and if we have not finished the first concurrent budget resolution, we would be on that. If we finish the first concurrent tonight, and I hope we will, then tomorrow we would either be on agent orange, bankruptcy, or the Wilkinson nomination. There may be other matters. The reason I had to turn away from the room a moment was to see if my distinguished colleagues had bills they wanted brought up, perhaps reciprocity or the like, but the principal ones are agent orange, bankruptcy bill, or the Wilkinson nomination. Mr. President, I thank the Senator from Arkansas for letting us have this colloquy.

MEDICAID FUNDS

Mr. BUMPERS. Mr. President, first of all, let me also say I am deeply indebted to the majority leader because about 4 weeks ago late in the evening he arranged for me to offer an amendment to this bill which otherwise would have been out of order. It was a great concession on his part and I appreciate it. It was an amendment to restore some of the medicaid funds that have been cut by the Finance Committee in this bill.

Discretion being the better part of valor and knowing that I cannot prevail with that amendment, I do not choose to take up the Senate's time with a lengthy debate. But I do want to take this opportunity to call to the attention of my colleagues both on and off the floor the magnitude of what is happening.

Mr. President, the Senate Finance Committee has deleted $1.3 billion from State medicaid budgets for the following 3 years: 1985, 1986, and 1987. The genesis of this was in 1981, when we passed the Budget Reconciliation Act, we cut Federal funds for State medicaid programs by 3 percent in fiscal year 1982, 4 percent in 1983, and 4.5 percent in 1984. That was intended as a temporary, stopgap measure to expire on September 30, 1984. Instead of allowing it to expire, as the House has done, the Finance Committee continued those reductions at a rate of 3 percent each year for another 3 years. It provides for the reduction to be withheld from all States, even those which expect to meet their target expenditures or qualify for offsets. States can regain part or all of their losses but only by cutting back their medicaid services or reducing the number of program eligibles.

Now Mr. President, since I am not offering an amendment and I am not going to ask my colleagues to vote on this. However, I do want to say that medicaid, simply stated, provides health care for people who would not otherwise be eligible for any kind of health care. There are 38.6 million people in this country who have no health insurance coverage. Most of those people are at the mercy of medicaid. Now, in my State we have been able to cope reasonably well with those original cuts, but let me tell you what has been going on for the past 3 years, because we get so absorbed in what we are doing here that we do not realize the trauma that many people in this country are experiencing.

Half of the States in this country had to dramatically reduce medicaid services. Alabama has restricted the number of hospital days covered per year to 2. Now, you think about that. If you happen to be poor and on medicaid and you go into the hospital with a congenital heart failure, you go into the hospital with cancer of the lung, you go into the hospital with any kind of dramatic condition and you are limited to 12 days in the hospital.

Now, that is as a result of the cuts we made in 1981. Florida reduced reimbursable hospital outpatient costs from $500 to $100 a year. Now, you think about it. You can hardly go to a doctor's office for $100 any more. Florida has reduced 400 percent what they will pay for outpatient visits. Tennessee cut the medically needy population so that it only covers children and pregnant women, knocking elderly recipients completely off the roll. And West Virginia imposed a $75 deductible for inpatient hospital services.

In the last 2 years, 16 States adopted limitations on coverage of inpatient hospital services while only 4 States liberalized limitations already in place. South Carolina, for example, reduced coverage from an 18-day maximum to a 12-day maximum per admission. By the end of 1983, 18 States had implemented a moratorium on new nursing home beds. While these policies are intended to reduce costs of excessive utilization, they make access to care very difficult in areas with high occupancy rates.

Thirty States have eliminated or restricted eligibility for children and pregnant women. That is on top of the restrictions we placed AFDC which threw 700,000 children in this country off the medicaid rolls and prevented hundreds of thousands more from even qualifying for medicaid; 27 States have eliminated coverage of all children—now, listen to this—27 States have eliminated medicaid coverage for all children 16 years and older.

Federal program cuts and the economic downturn substantially reduced the proportion of poor persons covered by medicaid. The number of children in AFDC families eligible for medicaid dropped from 62 percent in 1981 to 53 percent in 1982. Elderly and disabled individuals are also at risk. The Department of Health and Human Services reports that on the average the elderly and disabled make up 72 percent of the national medicaid expenditures.

Mr. President, you say: "Well, the States have surpluses and they can pick up these differences." The problem with that is that it is just not so.

Forty-nine States have a constitutional or statutory mandate for a balanced budget. An aggregate reserve fund or balance totaling 5 percent of States expenditures is the minimum generally considered prudent by Wall Street analysts. According to the 1984 National Governors Association/National Association of State Budget Officers "Fiscal Survey of the States," the 50 States will close their books on fiscal year 1984 with an aggregate balance of $3 billion—less than 2 percent of current expenditures. Of this meager surplus, over 50 percent came from only seven States. The last time States had balances equaling at least 5 percent of expenditures was in 1980.

Mr. President, I want to insert a number of things in the RECORD, in a moment, but I want to make the Senate aware of a letter from 62 groups. It is called "Sixty-Two Groups Say 'No' to Medicaid Cuts." It is addressed to Senator DOMENICI, chairman of the Budget Committee. I will read one excerpt. It says:

> Medicaid covers only a small percentage of the poor and near poor, and income eligibility standards for the program are often well below the poverty level. The number of children now living in poverty is 13 million, or 20 percent of the population under 18 years of age; this reflects the largest number of children in poverty since the Census Bureau began keeping those statistics. In addition, one of the fastest growing population groups in the country is comprised of those over age 75. These older Americans are most likely to suffer from serious chronic illnesses and disabilities, often resulting in the need for extensive long-term care services.

They close by saying:

> Clearly, continued federal reductions shift the costs of providing care for the poor to the localities and public providers of care. Our country's publicly-financed health care facilities and programs will be damaged without a strong federal commitment. We therefore again strongly urge you to oppose any efforts to continue the Medicaid penalty.

Some of the 62 groups are American Academy of Pediatrics, American Association of Homes for the Aging, American Association for Retired Persons, American Nursing Home Association,

American Public Health Association, American Psychiatric Association, the Children's Defense Fund, the city of Chicago, the city of New York, U.S. Conference of Mayors, United Church of God, United States Catholic Conference, U.S. Conference of Local Health Officers, National Governors Association, Association of Retarded Citizens, National Council of Senior Citizens.

The list goes on and on. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

62 GROUPS SAY "NO" TO MEDICAID CUTS

MARCH 13, 1984.

Hon. PETE V. DOMENICI,
Chairman, Senate Budget Committee,
Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our deep concerns regarding any efforts to extend the present reductions in federal financial participation in Medicaid beyond fiscal year 1984. The undersigned are strongly opposed to any continuation of this so-called "Medicaid penalty," which was originally included in the 1981 Omnibus Budget Reconciliation Act as a short-term, three-year reduction in the normal federal "match" for Medicaid. The impact of the continued reduction in federal payments for Medicaid would be to shift a greater portion of the burden for Medicaid expenditures to the states, local governments, and providers, altering the long-standing division of responsibility for the program between the federal government and the states.

We continue to support efforts to develop fair and truly effective cost control measures for publicly-financed health care programs. Over the past few years, the States have introduced a wide variety of Medicaid cost control measures, saving both federal and state dollars; from fiscal year 1981–83, State cost control initiatives have restricted federal Medicaid cost increases to only 13.8 percent. The current proposal, however, would simply result in an arbitrary reduction in federal fiscal responsibility for Medicaid without addressing the fundamental problem of health care cost containment.

Given these stringent cost control measures and continued economic and fiscal problems, further reductions in federal Medicaid support would seriously threaten the availability of health care for low-income individuals. At present, Medicaid covers only a small percentage of the poor and near poor, and income eligibility standards for the program are often well below the poverty level. The number of children now living in poverty is 13 million, or 20 percent of the population under 18 years of age; this reflects the largest number of children in poverty since the Census Bureau began keeping those statistics. In addition, one of the fastest growing population groups in the country is comprised of those over age 75. These older Americans are most likely to suffer from serious chronic illnesses and disabilities, often resulting in the need for extensive long-term services. Medicaid is the major funding source addressing both the health care needs of children in poverty and the long-term care needs of the elderly.

Clearly, continued federal reductions shift the costs of providing care for the poor to the localities and public providers of care. Our country's publicly-financed health care facilities and programs will be damaged without a strong federal commitment. We therefore again strongly urge you to oppose any efforts to continue the Medicaid penalty.

Sincerely,
American Academy of Pediatrics.
American Association of Homes for the Aging.
American Association of Retired Persons.
American Federation of State, County and Municipal Employees.
American Health Care Association.
American Public Health Association.
American Public Welfare Association.
American Psychiatric Association.
Arkansas Nursing Home Association.
Center for Law and Social Policy.
Children's Defense Fund.
The City of Chicago.
The City of New York.
The Commonwealth of Kentucky.
The Commonwealth of Massachusetts.
The Commonwealth of Pennsylvania.
The Health Task Force of the Leadership Conference on Civil Rights.
Interfaith Action for Economic Justice.
Louisiana Nursing Home Association.
National Association of Area Agencies on Aging.
National Association of Community Health Centers.
National Association of Counties.
National Association of Public Hospitals.
National Association of Social Workers.
National Association of State Units on Aging.
National Conference of State Legislatures.
National Council on Aging.
National Easter Seal Society.
National League of Cities.
NETWORK, Catholic Social Justice Lobby.
Oklahoma State Nursing Home Association.
Service Employees International Union, AFL-CIO.
Southern Governors' Association.
The State of Alaska.
The State of Delaware.
The State of Florida.
The State of Georgia.
The State of Illinois.
The State of Maine.
The State of Maryland.
The State of Michigan.
The State of Minnesota.
The State of Mississippi.
The State of Montana.
The State of New York.
The State of North Carolina.
The State of Ohio.
The State of Oklahoma.
The State of South Carolina.
The State of Texas.
The State of Utah.
United Church of God, Office for Church in Society.
United States Catholic Conference.
United States Conference of Local Health Officers.
United States Conference of Mayors.
The Washington Office of the Unitarian Universalist Association of Churches.
National Council of Senior Citizens.
Association for Retarded Citizens.
Older Women's League.
Villers Advocacy Associates.
National Governors' Association.

Mr. BUMPERS. Mr. President, I have other letters here which I wish to insert in the RECORD. One is from the National Conference of State Legislatures, one from the U.S. Conference of Mayors, and one from the National Governors Association. I ask unanimous consent, that these letters, strenuously objecting to these medicaid cuts, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
May 3, 1984.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUMPERS: Senator Robert Dole, the Chairman of the Senate Finance Committee, has circulated a "Dear Colleague" letter seeking your support for a proposal, currently incorporated in the Finance Committee's Deficit Reduction package, which would extend for three years a three percent reduction in the federal matching payment to states for the Medicaid program. The House of Representatives did not include this provision in its deficit reduction proposal. The National Conference of State Legislatures (NCSL) urges you to oppose the extension of the Medicaid penalty and to recede to the House conferees on this issue.

This "Medicaid penalty" enacted as part of the Omnibus Reconciliation Act of 1981 was originally adopted, not as a deficit reduction proposal or health cost containment measure, but rather as a temporary savings proposal that was to expire this fiscal year. The Medicaid penalty was not to affect a fundamental change in the historical and traditional division of responsibility between the states and the federal government for the provision of health care to the nation's poor. The extension of this funding reduction represents an arbitrary shift of cost to the states from the federal government and does not represent a credible proposal to contain escalating health care costs or permanently contribute greatly to the reduction of the federal deficit.

State legislatures have aggressively pursued the reduction of health care costs in the Medicaid programs. Responding to federal reductions in the last three years, states have reduced or eliminated reimbursement for certain services and/or limited eligibility for assistance. States have also instituted a number of long term health care cost containment strategies both regulatory and competitive. While costs in the federally administered Medicare program went up 34.5 percent from FY 1981 to FY 1983, state cost control incentives have constrained total federal and state Medicaid expenditure increases to 17.0 percent and, indirectly, federal Medicare cost increases to just 13.8 percent.

During the 1984 state legislative sessions, approximately 145 bills dealing with various aspects of the Medicaid program will be considered. Anticipating the expiration of the Medicaid penalty states introduced some of these bills to restore services to eligible categories that were previously eliminated or to provide preventive services to forestall increased program costs in future years. A prime example of the latter is the extension of coverage for pregnant women and children being considered in some states. The restoration of these services or the extension of coverage, should not be mistaken to represent the improved fiscal status of the states. Such actions indicate an effort on

the part of states to direct resources at targeted groups.

Some will argue that extending this funding reduction will not create a fiscal hardship on the states due to the continuing decrease in the nation's unemployment rate. This is not the case since a majority of state Medicaid expenditures are permanent, serving the low income elderly, the severely mentally retarded and developmentally disabled, and children. Long term care expenditures for these beneficiaries have impacted state budgets greatly and there is no relief in sight due to the growing numbers of elderly. Continued reductions in federal support for Medicaid threatens the visibility of the state programs for these groups.

In testimony recently given in a hearing before the Senate Finance Committee on health care for the medically disadvantaged, it was estimated that 38.6 million Americans, 19 percent of the nation's population, have no health insurance. This group, the medically indigent, is one of the fastest growing groups in the country. Many states have moved in recent years to provide some basic services to this population. The "strong economic recovery during 1983 and state tax raising activities," cited in Senator Dole's letter, have not provided relief or health benefits to these individuals. Further federal reductions in the Medicaid programs will hamper most state's efforts to address this growing need.

Transferring program cost from one level of government to another is not a solution to health care cost containment and shifting Medicaid cost is an inappropriate method of reducing federal expenditures. Continued reductions in payments or shifting cost to the states will thwart government's mutual goal of providing health care to the neediest of our population.

Finally, NCSL believes that the budget process is not the ideal vehicle for implementing substantive changes of this magnitude in such an important program. If Congress intends to make a fundamental change in the traditional division of responsibility between the federal government and the states for Medicaid, states should be given an opportunity to present testimony and to participate in the legislative process. We believe that members of Congress should be fully apprised of the impact of proposed changes on their states, and the citizens that live in the states.

On behalf of the 50 state legislatures and the 7,438 state legislators NCSL represents, we urge you to oppose the extension of the Medicaid penalty. NCSL looks forward to working closely with you and your staff on this and other issues in the coming months.

Yours truly,

MILES "CAP" FERRY,
President of the Utah Senate,
President, NCSL.

U.S. CONFERENCE OF MAYORS,
Washington, DC, April 4, 1984.

DEAR MEMBER OF CONGRESS: The U.S. Conference of Mayors calls upon you to reject any proposals to further reduce funding for Medicaid services. In particular, we are opposed to extension beyond Fiscal Year 1984 of the present reduction in federal financial participation in the Medicaid program. Continuation of the "Medicaid penalty" imposed under the 1981 Omnibus Reconciliation Act would result immediately in shifting of costs to local governments, the states, and providers. The ultimate result of a continued reduction in the federal match for Medicaid would be fewer available services for Medicaid recipients.

The Conference of Mayors is on record in support of strong health cost containment measures. We remain committed to development of a feasible, just, and rational system for slowing the rise in health care costs. However, the singling out of one group in the health system—the poor—fails to satisfy any of our cost containment goals.

The old, the young, and the disabled look to Medicaid for provision of needed medical care. Twenty percent of the population under 18 years of age lives in poverty. Those over 75 years of age make up one of the fastest growing population groups. People who fall into these categories have serious health problems that must be met. Already, funding reductions have limited Medicaid's ability to provide needed health services. Continued, further reductions will impair even more seriously Medicaid's impact on the health of the very young, the very old, and disabled individuals.

We strongly urge you to consider carefully and reject continuation of the Medicaid penalty. In the absence of sufficient support, the Medicaid program cannot do the job for which the Congress created it.

Sincerely,

RICHARD H. FULTON,
Mayor of Nashville, President.

NATIONAL GOVERNORS' ASSOCIATION,
March 9, 1984.

To: Members of the House Committee on the Budget; Members of the House Committee on Ways and Means; and Members of the House Committee on Energy and Commerce.

The National Governors' Association urges you not to extend federal Medicaid fund reductions past this fiscal year. We strongly believe that federal deficits must be reduced if our nation is to realize sustained economic growth, and we are willing to do our fair share in achieving this objective. Our policy position on the federal budget, which is attached for your information, outlines budget measures we support towards this end. It reflects, however, our strongly felt view that basic income support programs for the poor, which include Medicaid, are a fundamental federal responsibility and should not be cut any further.

The proportion of poor persons covered by basic federal means tested income support programs, i.e. AFDC, SSI, Food Stamps and Medicaid, has dropped significantly in recent years. The number of children in AFDC recipient families eligible for Medicaid has dropped from 62 percent of poor children in 1981 to 53 percent of poor children in 1982. In our critical effort to reduce the federal deficit, we must not impose further cuts on the poor.

Instead of further cuts in medical care for the poor, we recommend that Congress limit federal tax expenditures on medical care for relatively wealthy individuals. The current annual tax-subsidy for employment-based health plans of those with relatively high incomes is estimated to be $30.1 billion, which far exceeds the $20.3 billion in federal Medicaid expenditures for the poor. Limiting this tax exemption would not only make significant contribution to reducing the federal deficit, it would also help reduce medical cost increases.

From 1981 to 1982 alone, health care costs went from 9.8 to 10.5 percent of GNP. If this rate of increase were to continue, in just 20 years health costs would constitute 40 percent of our total economic output, a level we clearly cannot afford. We must reduce health care cost escalation if resources are to be available for other critical priorities such as retooling and reindustrializing America, and bringing a renaissance to its education system. This will require that we restructure medical care financing mechanisms so that providers, third-party payers, employers and consumers will make cost-conscious decisions regarding medical care.

The tax exclusion of employer contributions to health insurance plans provides substantial incentives for the choice of more costly health benefit plans over more income, which is taxed. We believe a "cap" on these tax exemptions would improve incentives to seek cost-effective health care plans, because the additional expense associated with the choice of a more costly health care plan would be taxed on the same basis as additional income. The relatively small costs of such a tax change would fall largely on middle and upper-income households who enjoy a substantial tax subsidy under current law. In 1984, the annual average cost of a $2,100/year limitation for those with adjusted gross incomes of under $10,000 would be only $7, while for those with adjusted gross income of between $50,000 and $100,000, the average cost would be $96. Exempting the population with incomes of under $10,000 from any new tax would reduce federal revenue-increases by only 7.8 percent. The administration's proposed $2,100 limit on this tax exemption would reduce the federal deficit by $18 billion over the 1985-1987 period, while the proposed cut in federal funding of medical care for the poor would reduce the deficit by only $1.2 billion.

The state share of Medicaid costs constitutes the largest and, along with other medical care financing programs, most rapidly rising component of most state budgets. Because our rate of Medicaid cost increases are equal to federal increases under normal federal matching requirements, we do not need reductions in federal funding to encourage program efficiencies. The Governors are aggressively pursuing Medicaid cost containment initiatives that have dramatically lowered the rate of expenditure increases. However, these Medicaid-only strategies are inherently limited by the fact that this program constitutes under 10 percent of medical care expenditures. Because Medicaid is too small to alter the overall structure of the medical care financing and delivery system, the cost of that system inevitably influences Medicaid outlays. Further, efforts to constain Medicaid financing levels alone can exacerbate cost increases to other payers within a state, which are also of concern to the Governors. Systemic reform that would be encouraged by a limit on tax exemptions for costly health plans is needed to effectively address the health care cost problem.

As you know, in 1981 we agreed to temporary federal Medicaid matching fund reductions as an alternative to the Administration proposal to delimit federal participation this essential program for the poor. It would be unfair to continue these reductions. As you know, the fiscal condition of the states has been at an unprecedented low due to the national recession. The economic recovery is affecting states unevenly and slowly. In most states, finances are severly constrained. Those funds that are available must be used to meet pressing obligations deferred because of the recession, including infrastructure repair and education.

We said in 1981 that we needed greater latitude to control Medicaid costs, which are

a far greater proportionate burden on state budgets than on the federal budget. We pledged to slow Medicaid budget increases if given that latitude. The states have lived up to our part of the bargain. While costs in the federally administered Medicare program went up 34.5 percent from FY 1981 to FY 1983, state cost control initiatives have constrained total federal and state Medicaid expenditure increases to 17.0 percent and federal Medicaid cost increases to just 13.8 percent. Thus, states have constrained total and federal Medicaid cost increases to rates that are far under the comparable federal program, Medicare, and substantially under the growth in overall federal outlays, which increased by 23 percent in the 1981 to 1983 period. However, federal cost shifts caused the state share of Medicaid to increase by 20.9 percent, while total state general fund expenditures for all programs rose by only 12.7 percent during that period.

The law was presumably structured so that states holding Medicaid cost increases within specified tragets would recoup federal fund reductions. While this policy has somewhat mitigated the impact of the federal cuts, several serious problems make an extension of Medicaid fund reductions unfair. In fact, most states cannot meet these targets despite aggressive initiatives that have contained medicaid cost increases. Federal estimates show only 13 states within federal "targets" for Fiscal Year 1985. The proposed 3 percent federal funds reduction cannot be accurately portrayed as a positive incentive to contain costs; for most states it is simply a cost shift from the federal government that realistically cannot be avoided.

Even where states have consistently been under their expenditure "targets," the federal penalty is imposed and then lost funds are not reimbursed until the following fiscal year. This has created serious cash flow difficulties for states that are most successfully containing Medicaid costs. Further, the 1981 expenditure bases used to determine 1982, 1983 and 1984 targets were estimates routinely submitted by state agencies in March 1981. A number of these estimates were significantly below actual 1981 expenditures because, for example, they were based on under budgeted state appropriations or did not include certain categories of expenditure targets from the first year. While such problems were troublesome in the context of temporary three-year federal cuts, they would be intolerable in the context of further extensions of these cuts.

States face a number of difficult constraints in their efforts to control Medicaid costs. For example, a number of states desiring to pursue prepayment and risk-sharing reimbursement strategies find themselves frustrated by unrealistic constraints in current law. In particular, the well-intentioned monthly client choice requirement and 75 percent Medicare/Medicaid enrollement ceiling in many cases effectively preclude financing strategies that have great potential to reduce unnecessary costs. We urge Congress to adopt alternative quality assurance provisions that will allow more states to adopt such cost-effective financing policies.

We greatly appreciate your ongoing interest in our concerns over federal Medicaid policy and look forward to a continued cooperative effort to reduce overall health care cost escalation as well as federal and state Medicaid costs and the federal deficit.

Sincerely,

GOV. RICHARD D. LAMM,
Chairman,
Committee on Human Resources.

Mr. BUMPERS. Mr. President, I am tempted to list all the things that my good State has been enduring as a result of what we have had in the past and what we are going to endure in the future but I will only list a few. We have limited hospital stays to 9 days. Furthermore we have cut the number of prescriptions that poor people can have filled in the State of Arkansas from four to three; and even on those three, we have imposed a $1 copayment.

Bear in mind that we are talking about the poorest of the poor. They cannot make a copayment. You can put a dollar prescription on them if you want to, but they will not buy the prescription because they do not have the dollar.

This year, the hospital reimbursements per day was reduced by approximately 20 percent. Furthermore, as a result of the provisions in the Omnibus Budget Reconciliation Act of 1981, we have cut 34,835 people in my State from the medicaid rolls. The beneficiaries, the hospitals, the private insurance companies, and the health care providers are the ones who are suffering most.

The University of Arkansas Medical School, which I consider to be the center of excellence in medicine in my State, is sort of an indigent care center and it is also the primary health center for most poor people in central Arkansas. The University of Arkansas Medical School lost $5.4 million as a result of the original cutbacks. Medicaid patients compose 21 percent of their total patient load, compared to 4.5 percent statewide. Think about that. The medical school's caseload is 21 percent medicaid, as compared to 4.5 percent in all the other hospitals in the State.

What are the poor people to do? That is the question. What are the poor people to do?

When I ran for Governor the first time, having come out of a little rural community which had one doctor, I was acutely aware of the need for rural health care, but very few people had it. The polls showed that 50 percent of the people in my State did not even know where to go in case of an emergency.

I remember in my own case the situation with my daughter when she was 2 years old. Do you know what we did because we had the money? We took her to Boston. I must say that Boston Children's Hospital in a magnificent facility. They saved her life.

All I could think about during and after that was, what do poor people do who cannot afford airplane tickets to and from Boston, or a 6-week stay in a hospital in Boston? I will tell you what they do a lot of times—they die.

Nobody is going to take care of the health care of the people who would otherwise not get it unless we do. Even though I know I could not get an amendment adopted to do anything about this, I wanted to make these points, and several other Senators have told me they wanted to do so, also.

One of the reasons I wanted to have this colloquy and get some other Senators involved was to let the House know, in conference, that there is quite a bit of sentiment on this side not to continue with the reductions we passed in 1981.

It is going to cost my State $27 million next year, and the Governor tells me that he does not know where the money is going to come from, and I certainly do not know where it is going to come from. Some States are not hurt that badly. According to a lot of State budgets, $27 million does not sound like much, but in my State $27 million is a double ton.

Look at the number of people who have been kicked off the AFDC rolls and therefore disqualified from medicaid, and look at the number of hospital days that are covered by medicaid in my State—9 days. It does not make any difference if you have terminal cancer—9 days, and that is it. Unless you happen to go to the University of Arkansas Medical School, where the State sort of finances it and picks up the tab. I don't know what those poor people do when they are kicked off the rolls or kicked out of the hospital.

Mr. President, are there other Senators here who wish to comment on this?

Mr. SASSER. Mr. President, will the Senator from Arkansas yield?

Mr. BUMPERS. I am happy to yield.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Tennessee.

Mr. SASSER. Mr. President, I rise today to add my voice to that of the distinguished Senator from Arkansas. He has made a very eloquent statement today, as he characteristically does, about this problem that is facing the country.

I rise to express my concerns over section 921 of the Finance Committee tax package. This section extends the existing reduction in the Federal matching rate for medicaid to the States for an additional 3 years.

States all across this country are slashing their medicare services in order to compensate for Federal reductions which have been in effect since fiscal year 1982, and as usual those who can afford it the least are getting hurt the most. It is the low per capita income States like Tennessee, Arkansas, West Virginia, and other States that have a large portion of their population living at the poverty level or close to it that are really taking it on the chin.

The savings achieved by the measure included in the Finance Committee

bill are, I submit, Mr. President, at the expense of the poorest people in this country and those who can least afford it.

Take, for example, Mr. President, my own State of Tennessee. It has cut its medicaid program by over $40 million since 1981 and that is, indeed, big bucks for our State. In 1981, 20,000 low-income individuals were cut entirely from the program because of changes implemented in the AFDC eligibility requirement, and equally disturbing, an estimated 5 percent of the elderly population in my State once covered by medicaid for nursing home care are no longer served by the program.

Also, since 1981, approximately 5,000 souls have been dropped from the medically needy program, operated by medicaid funding. The number of hospital days covered by medicaid each year has been dropped from 20 per person to 14, and the number of physician visits allowed each year has been drastically reduced and now covers only 24 visits per year.

Finally, Mr. President, in 1982 the hospitals in my State provided an estimated $171 million in uncompensated health care. The Finance Committee medicaid provision is asking these hospitals to provide an additional uncompensated care, although Congress itself is not willing to provide funding for the care at all.

Mr. President, the director of medicaid in my State reports that if the Federal reductions are extended, the people of my State will suffer greatly. In fiscal year 1985, the State of Tennessee may suffer a net loss of an additional $10 million, and this loss of funds, added to the service cuts made in the State since 1981, will further erode the value of the Tennessee medicaid program.

Mr. President, it goes without saying that the medicaid programs in many if not most of our States have been weakened significantly since 1981. Further cuts in these programs will undermine the purpose of medicaid, which is to provide medical care to the neediest persons in their respective communities.

So I join today, Mr. President, with the distinguished Senator from Arkansas who has spoken so eloquently on this subject in urging the Senate conferees to defer to our colleagues in the House of Representatives on this very important and vital matter.

Mr. SARBANES. Mr. President, I commend the distinguished Senator from Arkansas for initiating this colloquy on this very important subject of medicaid cuts.

The proposal that is now before us includes further cuts in the Federal matching payments to the States for the medicaid program, cuts of 3 percent in each of the next 3 fiscal years.

This action obviously will have a severe impact on many States and more importantly a very severe impact on may beneficiaries or potential beneficiaries of the medicaid program.

This proposed further cut over the next 3 years follows on the previous cut in medicaid in the current and the past 2 fiscal years—cuts in the medicaid program of 3 percent in fiscal 1982, 4 percent in fiscal 1983, and 4.5 percent in the current fiscal year.

The current House action on this matter does not include a continuation of this medicaid penalty, and I would hope that our colleagues in the conference would be prepared to accept the House position and to recede to it on this important subject.

The reduction in the Federal funds portion of the medicaid program has placed a great strain on the ability of the medicaid program to provide health care to needy individuals.

In my own State of Maryland, medicaid presently covers less than half of the poor and near-poor individuals who could be served by the program. In fact, income-eligibility standards for medicaid are less than half the poverty level which means that many people who are too poor to afford medical care are ineligible for the medicaid program and therefore go without needed medical services.

Over the past 3 fiscal years, Maryland has lost more than $14 million in Federal medicaid funds, despite the fact that Maryland received offsets for its hospital cost review commission, one of the best if not the best in the country, and for its program of fraud and abuse recoveries.

Maryland instituted strict cost containment measures in light of the earlier medicaid cuts in 1982-1984, including limitations on hospital stays, limitations on preoperative care, the requirement that many services be received on an outpatient basis only, and strict admission review requirements.

Maryland is considering now lowering reimbursement for some outpatient and nursing home services, even though the costs of those activities continue to rise, and stricter requirements on the use of drugs.

Further reductions in Federal matching funds for the medicaid program will only exacerbate an already serious situation.

Even with offsets, for cost containment, for recoveries of fraud and abuse, Maryland has lost money and will continue to lose money, and in each instance what that means is that needy individuals are stricken from the program.

The Governor of my State has written in a very thoughtful and comprehensive way about this program, and I ask unanimous consent that two letters from Governor Hughes be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Annapolis, MD, February 24, 1984.

Hon. ROBERT J. DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

Dear SENATOR DOLE: I am writing to express my concerns regarding efforts to extend the present reductions in federal financial participation in State medicaid programs. I am strongly opposed to the recent action of the Senate Finance Committee to extend the reductions in federal payments for Medicaid, which were originally included in the Omnibus Budget Reconciliation Act of 1981, by 3 percent in fiscal years 1985-1987. The impact of such a continued reduction would be to shift the burden of medicaid expenditures to the States and to alter the federal-state cost-sharing arrangement which has existed since the program's inception.

At a time when States continue to face economic and fiscal problems as a result of the recession, any reduction in federal medicaid support threatens to reduce the ability of State medicaid programs to offer quality health care to low-income individuals. A 3 percent reduction in Federal medicaid funds in fiscal year 1985 would cost Maryland $9 million in State general funds; this is equivalent to program expenditures for covering about 6,000 needy individuals in the State.

Even if the percentage offsets which are included in current law and the administration's proposal are continued, the fiscal impact of the percentage reduction in Federal funds would be large. If Maryland qualified for offsets for our rate-setting system and for attaining the specified level of fraud and abuse recoveries and avoidance—as we have in each of the past 3 years—the State would be still liable for an estimated $3 million loss in Federal funds.

Reductions in Federal funds have already placed considerable strain on both the State budget and the ability of the Medical Assistance program to provide health care to low-income individuals. Medicaid presently covers less than half of the poor and near poor individuals in Maryland; at least one-third of the poor are uninsured or inadequately covered by individual policies which offer limited benefits at high expense. In addition, because of State financial restrictions, Maryland's income eligibility standards for medical assistance are less than half the poverty level.

From fiscal years 1982-1984, Maryland has lost some $14.2 million in Federal Medicaid funds, and currently faces a $32.5 million deficit in the program for Fiscal Year 1984. The program will need to generate offsetting savings to fund this deficit over a 2-year period. While every effort is being made to identify savings that will not reduce eligibility or coverage, it will be difficult to generate this amount of savings without some detrimental effect on individuals served by the program. Further, extended reductions in federal financial participation in medicaid will only exacerbate an already serious situation.

The Administration has argued that a percentage penalty will encourage States to undertake cost containment activities. However, the States over the past 3 years have taken major efforts to bring Medicaid costs under control, with the result that this program is now growing at a much lower rate

than the federally-administered medicare program. In addition, Maryland's unique all-payers sytem has been highly successful in controlling rising health costs across the board. The current proposal, however, would simply result in a reduction in federal fiscal responsibility for Medicaid without addressing the fundamental problem of containing the cost of publicly-financed health care programs.

I recognize that Congress is facing great pressure to reduce the Federal deficit. The problem we all face, however, in financing medical assistance will not be solved by arbitrarily and drastically reducing the amount of federal dollars supporting the Medicaid program. Instead, States need the support and flexibility to manage our programs efficiently and to implement rational cost-containment measures that are most appropriate and effective in our own State.

Sincerely,

HARRY HUGHES,
Governor.

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Annapolis, MD, April 26, 1984.

Hon. PAUL SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: You soon will be faced with the difficult decision of adopting a budget resolution which will set the pattern of spending for fiscal 1985. As you do so, I urge you to consider the following observations.

I continue to believe that reducing the Federal deficit must remain one of the Congress' top priorities, but it must not continue to be done at the expense of the States and their citizens. The reasons for reducing the deficit are compelling. During the period 1981 to 1984, we have seen massive cuts in all areas of program spending, except for military and defense programs, yet the deficit continues to grow at an alarming pace.

The Congressional Budget Office estimates that the deficit under administration policies will grow to $248 billion by fiscal year 1989. Most economists agree that deficits of this magnitude will keep interest rates artificially high. This will, in turn, make other forms of borrowing more costly and may severely retard growth in productivity, the major source of rising living standards.

During the same period (1981-1984) Federal grants to States and localities—including all major health and welfare programs—declined from $105 billion to $98.7 billion. Conversely, defense spending increased by more than 38 percent.

The impact in human terms has been enormous. In the Department of Human Resources programs alone, Marylanders have lost a total of $175 million in Federal support for welfare and social services programs since the passage of the Omnibus Budget Reconciliation Act of 1981. Social services funds alone were cut $13.2 million in the first year. This translates into a loss or reduction of social services benefits for 35,000 clients; 221,000 clients lost or had reduced benefits in AFDC and/or food stamps; 82,500 clients received reduced energy assistance benefits, and the Department of Human Resources' staff was reduced by over 800 positions. These cuts were not taken from budgets that had grown "fat" over the years, but from budgets already financially starved. The impact on health and education programs run by the State has been equally severe.

I urge you to adopt a budget resolution which will take into account these sharp reductions over the past 4 years and will enable States to provide essential services to their citizens. I offer as a guideline the recently-approved budget policy of the National Governors' Association. It calls for limiting increases in nondefense discretionary spending to three-fourths the rate of inflation; providing full funding for selected means-tested entitlement programs (AFDC, food stamps, title XX, medicaid, SSI, child nutrition and child welfare services); restraining the growth in other entitlements; limiting national defense to between 2 percent and 4 percent real growth; and increasing revenues by approximately 5 percent over the 1985-1989 period.

In your consideration of the different budget plans, I hope you will give particular consideration to those which will protect the medicaid program from further cuts. As you know from my earlier correspondence, a continuation of reductions in Federal payments for medicaid will place considerable strain on both the State budget and the ability of the Medical Assistance program to provide health care to low income individuals. To date, Maryland has lost several million dollars in Federal medicaid payments, and the State's program is currently operating under severe fiscal restraints. A further reduction in Federal fiscal responsibility for medicaid will only exacerbate an already serious situation.

I recognize that you are facing great pressures to reduce Federal deficit. The problem we all face, however, will not be solved by reducing the amount of Federal dollars that support such programs as medicaid and AFDC. Instead, States need the support and flexibility to manage these programs efficiently and rationally. As always, I am sure you will have the best interest of Marylanders in mind as you consider these important issues.

Sincerely,

HARRY HUGHES,
Governor.

Mr. SARBANES. Mr. President, it is asserted in defense of these proposed medicaid cuts that the States are in a position to pick up this burden. That does not square with the fiscal reality in many, many if not most of our States.

Second, it should be understood that the States even before the 1982 to 1984 mandated reductions were not meeting the need which then existed. In every State there were and are literally thousands and thousands who do not meet the low-income eligibility standards but whose financial position does not allow them to meet their medical care needs. And, of course, in effect, what happens is that these people fall through the famous or infamous safety net and end up not receiving medical care or receiving insufficent and inadequate medical care.

So the States were falling short of what needed to be done even before the 1982-84 cuts. These 1982 to 1984 cuts were imposed in part as a way of encouraging cost containment measures. In other words, the States were being told, "Tighten up your program; institute cost containment measures; institute fraud and abuse recovery programs," and many States, including my own went ahead and did that and did it in a very successful manner.

But how much blood are you going to squeeze out of this turnip? At some point the opportunity for achieving significant savings is exhausted. The States have squeezed the program down. Beyond that point, further cuts—and I submit we are at that point now—further cuts are transferred directly through as cuts in beneficiary programs.

The point is made that a number of States are proposing to change eligibility for next year in order to expand coverage or to add certain groups. Most States which are undertaking to do this have done so under the assumption that the medicaid penalty will expire, not on the assumption that they are going to confront further reductions, 3 percent over end of the next 3 years under this proposal, in the amount of Federal participation in the medicaid program. In many States it is essential to bring back on the rolls categories that they were forced to drop during previous cuts. In other words, they went into the substance of the program. It is not cost effective, and it certainly is not addressing the problem of providing health care for poor people.

In many States, they want to increase preventive care measures in order to avoid future high costs. For example, proposals to include coverage of pregnant women and children in a number of States.

At some point, the squeeze becomes so intense that it becomes counterproductive and, instead of saving money, you are simply building costs. Failure to obtain needed health care at the proper time results in a worsened position and higher costs later. And I submit that we have reached that point with the proposal that is now before us.

In extending the cuts for another 3 years, you are talking about more than a 20-percent cut over a 5-year period in the Federal participation in the medicaid program. More than a 20-percent cut. And what we are hearing from our Governors and from the people in our States responsible for administering these programs is, in effect, a loud scream, because it is going right into the very substance of providing medical care for the people who are least able to afford it and, in many instances, need it the most.

So I join my colleagues in trying to send a very strong message that this medicaid penalty ought not to be continued into the next 3 fiscal years. We have been through a squeezing and contracting period over the last 3 years. Many, if not most, States have responded to that with cost containment measures, with improvements in their program. But, very simply put,

what we are now doing is either dropping from coverage those who badly need it or failing to restore to coverage people who must have it, and we simply are compounding our medical care problems in the future.

I commend the distinguished Senator from Arkansas for raising this issue and for speaking so eloquently to it. Thank you, Mr. President.

Mr. DOLE. Mr. President, I do not believe I have any quarrel with any of the statements made about the need to address the concerns of poor Americans, the elderly, and others who need medical care. I think we have been very careful to make certain that we have avoided any such severe impact.

But I would also suggest that a tax dollar is a tax dollar. We stand up here and act like we have all the money in the world in the Federal Government and somehow we are depriving the States of the money they need for this program that is costing the Federal Government over $20 billion a year. We have a very large investment in medicaid at the Federal level and that investment is going up each year. It has gone up even though we have had these small reductions.

I was not impressed to hear the National Governors Association support this. They support every spending measure in Congress. But when they have a convention or when they meet in Washington, the first thing they do is have a press conference; all the Governors, I assume every Governor represented here today. And most of them stand up and the first thing they do is denounce the Federal deficit. The last time they were here it was headlines in all the papers—Democrat and Republican Governors joining together in a bipartisan attack on the Federal deficit.

The next thing they do is send us a laundry list of areas we ought to increase spending. Whether it is revenue sharing or medicaid or food stamps or anything where they have any interest, they want more money. We do not have any new Federal money. We have to increase the debt ceiling this week or next week just so we can pay our bills. A large number of the States do not have that problem.

In fact, in an article in Business Week, dated April 16, entitled "An Embarrassment of Riches for the States." It is pointed out that so many States have surpluses. They are cutting taxes. They are doing all kinds of things. And while they are cutting taxes for political purposes, they are writing their Senators saying, "Don't let them touch medicaid. We can't stand that 3-percent freeze."

It just seems to me we ought to be realistic. We are trying to reduce the cost of Government for the American taxpayer. The only person who has not been mentioned all afternoon is the American taxpayer. What about the burden on the taxpayer? Are you going to shift them all to the Federal Government and we give the money back to the States?

Certainly, I hope I am sensitive to the needs of the handicapped, the poor, in the State of Kansas, the State of Maryland, the State of Arkansas, the State of Tennessee and all the other States.

Perhaps we ought to have a meeting with the Governors. They cannot have it both ways. They cannot come back to Washington and denounce the Federal Government for our big deficits and what it is doing to their States and their economy and, at the same time, ask us for another $4 billion or $5 billion for spending programs. And that is what they do every time they meet. And it is always bipartisan. It is always get one Republican and one Democrat to go out and face the microphone and denounce the President, denounce the Congress, and all the wild spending going on in Washington. And we are not hard to convince. We are willing to spend more taxpayers' money that we do not have.

Let me repeat, the debt right now is about $1.5 trillion—trillion dollars. The interest on that debt is $130 billion a year or more. We are told the debt is going to go up to $2.5 trillion in the next few years. And everyone in this Chamber has been denouncing the deficit.

We make that speech with one hand and, on the other hand, we are getting ready to offer an amendment to take a billion dollars or add a billion dollars.

So I do not quarrel with a thing that has been said when you are talking about the need to address the needs of poor people. But are the States helping us to address those needs? I do not think Arkansas lost any money. I do not believe Tennessee lost any. They earned it all back. They do not have any cut in what they receive.

I ask unanimous consent to have printed in the RECORD the article referred to dated April 16 entitled "An Embarrassment of Riches for the States."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN EMBARRASSMENT OF RICHES FOR THE STATES

After years of raising taxes to plug budgets running deep in the red, governors and legislators across the nation are beginning to call for tax cuts as a rising tide of revenue pours into state coffers. In a typical turnaround, Governor Rudy Perpich promises that "personal income tax reductions are a certainty in Minnesota." Early in April, Perpich found himself with a projected surplus of $900 million for the two years ending in June, 1985—$250 million over projections of just two months earlier.

But the states' new wealth is also whetting the appetite of state employees and organizations representing education and the poor to make up for cutbacks of the past few years. And added taxes are still coming in a number of states, particularly to pay for increased aid to education, while others with weak tax bases struggle to balance budgets.

ROLLBACKS

The strengthening recovery, however, and the impact of sharp tax increases over the past three years are easing the critical squeeze on budgets in many states. Taxes were raised in 38 states last year by a record $7.5 billion. But this year, says Gerald H. Miller, executive director of the National Association of State Budget Officers, major increases "have all but vanished." Revenue growth, at 9.7% this year, is outpacing a 7.2% growth in expenditures, according to Data Resources, Inc. From a $1.9 billion deficit in 1982, DRI estimates that the states will have a $26.1 billion operating surplus by yearend.

The bounty has led governors and legislatures in at least seven states—including Pennsylvania, Delaware, Michigan, Minnesota, and Wisconsin—to propose rolling back temporary tax increases or cutting taxes outright. In others, such as Illinois, temporary increases will expire this year rather than be extended.

Minnesota's Perpich, for example, quickly found backing for a $357 million package that removes a 10% surcharge on personal income taxes retroactive to Jan. 1 and reduces some business taxes. Wisconsin is dropping a surcharge and made other cuts that slash a projected $553 million surplus to about $200 million. Perpich and Wisconsin Governor Anthony S. Earl are holding down spending and promise further reform of personal income taxes next year. "We have charted a course, and we're not going to get off it," says Perpich.

After five years of tough financial straits in Delaware, the rush is now on to see "who can give away the most," according to Secretary of State Glenn C. Kenton. With a projected surplus of $26 million, Governor Pierre S. du Pont IV is proposing to slash income taxes across-the-board by 9%. Democrats and even du Pont's fellow Republicans are pushing for bigger cuts. A similar scramble is on in once-beleaguered Michigan, which expects to end fiscal 1984 this September with an unexpected $156 million surplus. Democratic Governor James Blanchard is proposing a $138 million tax cut for fiscal 1985 that would speed up a rollback of previous increases, but Democrats and Republicans are feuding over whether that is enough.

EMERGENCY RESERVES

Not all of the state revenue windfall is being used for cutbacks. A number of states, including Minnesota, Wisconsin, California, and New Jersey, plan to increase emergency reserves substantially. In others, such as New York, with a 10% increase in projected revenue in the fiscal year beginning Apr. 1, funds are being sopped up by big spending increases.

The new spending measures being proposed are largely for education and infrastructure. New York's new budget includes $500 million for increased aid to education. Other states, including Tennessee, South Carolina, and Arkansas, have passed or are proposing tax increases for education, while a committee headed by H. Ross Perot in Texas is recommending public education improvements that would cost $19 billion in five years starting in 1985.

Businesses face some $100 million a year in higher taxes in Massachusetts to finance rebuilding bridges, roads, and sewers. But

companies could gain from efforts to limit the impact of unitary taxes under way in Massachusetts, California, Florida, and Minnesota.

LINGERING TROUBLE

However, in some states whose economies are based on oil, the recession lingers—along with pressure for tax increases. Louisiana has enacted a huge tax boost: Governor Edwin W. Edwards succeeded in getting a special session to raise taxes by 19%, or $728 million. This includes a sales-tax increase, to 4%, for the coming year.

Nonetheless, the sentiment for holding down taxes remains strong. In California, Howard Jarvis, co-author of the controversial Proposition 13 tax revolt in 1978, is pushing another initiative that would cut property taxes by $510 million if approved by voters this November. In late March, Kentucky Governor Martha Layne Collins was forced to withdraw a proposal to raise state revenues by $326 million in the next two years, largely for education, because legislators feared passing new spending increases in an election year. And in Oklahoma, despite serious budget troubles that have forced cuts in district attorneys' hours and suspensions in university classes, the legislature has trimmed back modest tax increases proposed by the governor.

That sentiment puts heavy pressure on states to keep spending in line. "State fiscal conditions are getting better, but they're nowhere near as good as they were" before the recession, notes Steven D. Gold, a fiscal expert at the National Conference of State Legislatures. Wisconsin's Earl, for one, is worried that the states' sudden financial health could be short-lived. His major concern is the federal deficit. Action to cut the deficit, he says, is likely to mean reductions in aid to states, while inaction is likely to keep interest rates high and put a squeeze on state access to financial markets. "Whether there is action or not, we're going to feel some bump out of Washington," says Earl, "and we've got to have a cushion for that."

Mr. DOLE. I would like to quote from that article for just a moment.

The bounty has led governors and legislatures in at least seven states—including Pennsylvania, Delaware, Michigan, Minnesota, and Wisconsin—to propose rolling back temporary tax increases or cutting taxes outright. In others, such as Illinois, temporary increases will expire this year rather than be extended.

Minnesota's Perpich, for example, quickly found backing for a $357 million package that removes a 10% surcharge on personal income taxes . . .

And on it goes.

I am glad the States are reducing taxes. But they cannot reduce taxes and shift more of their burden to the Federal Government.

Unlike the situation at the Federal level, from 1982 to mid-1983, State-local receipts grew 9.6 percent, nearly twice as rapidly as the 4.9-percent increase in Federal receipts.

On the other side of the ledger, State-local spending grew by only 5.5 percent, less than one-half of the 11.3-percent increase in Federal expenditures.

In 1984, State revenues will grow by an estimated 9.7 percent while there will only be a 7.2 percent growth in expenditures.

Clearly, some of the most important factors responsible for the healthy fiscal status of the States include the many statutory tax hikes that States have implemented since 1982 following a decade (1972–82) in which State-local tax growth lagged behind increases in personal income. Nationwide, general taxes at State and local levels of government dropped from $128 per $1,000 of personal income to $111 per $1,000—down about 13 percent for the decade.

The Business Week article began by pointing out that many Governors and legislators are beginning to call for tax cuts because of the surplus situation in which they find themselves. But not all of the State revenue windfall is being used to justify tax cutbacks. Some States are expanding emergency reserves and others are again increasing expenditures for certain services.

If we agree that all of these things ought to be done, then maybe everyone will suggest that we let the States do some of those things. Why is it, when we put up 55 percent of the money and the States put up about 45 percent, there is fault in the Federal Government wanting to tighten up the program a little bit by shifting a little burden to the States?

It seems to me the closer it is to home the closer the taxpayers are going to be able to watch their expenditures, and make certain changes.

The Governors are all friends of ours. They are all good people. They are all good politicians. They do not want to do anything that upsets anybody. They do not want to cut spending. They came to my office. They talked about all of these things we were doing at the Federal level. But the point is we have a big deficit. Interest rates are going up. Somebody has to stop the clock, or stop, and say, OK we have gone far enough in defense, in education, in agriculture, or whatever it may be.

It comes as no surprise that the NGA is opposing our reductions. They were back here wanting to add $1 billion to revenue sharing. We do not have any revenue. All we have is a deficit. They have the revenue. But they want us to increase revenue sharing. Fortunately, the Senate did not do that, and the House reluctantly agreed.

RESULTS OF PREVIOUS REDUCTIONS

As it has been noted by my colleagues, reductions in Federal medicaid payments to States, with certain offset and incentive rebate allowances, were mandated by OBRA, and were intended to encourage States to control health care costs and increase administrative efficiency.

The offset and incentive rebate allowances enacted under OBRA have met their goals as evidenced by first, streamlined administrative practices in the States; second, the interest of more States in the creation of rate-setting commissions; and third, the movement of States toward capitated payment systems and away from the traditional fee-for-service system for health care providers. In fact, 19 States, including Arkansas, California, Georgia, and New Mexico, qualified for offsets and rebates that completely compensated for the gross reduction in Federal funds that were mandated for these States.

However, even with these medicaid reduction provisions in place, Federal medicaid payments to States have continued to grow. The Federal funding required to match the States medicaid expenditures is expected to grow by an estimated 6 percent between fiscal year 1983 and fiscal year 1984. Because the current law reduction provision will expire, expenditures are expected to grow by an estimated 15 percent between fiscal year 1984 and fiscal year 1985. The intent of the OBRA provisions was to continue to allow an increase in medicaid costs, while slowing the rate of growth. A total of $316 million was saved in fiscal year 1983, and savings of $546 million are expected in fiscal year 1984 as a result of current law.

Between 1977 and 1980, medicaid grew at an average annual rate of 15 percent. This rate of growth could not be explained by either an increase in utilization of services or an increase in the number of people served. Rather, it was explained primarily by medical care inflation. We are not getting more for our money. The measures mandated by OBRA have finally begun to release the medicaid program from the grip of this inflation. Between 1980 and 1983, the annual rate of increase in medicaid expenditures dropped to 10 percent.

The Finance Committee provision contained in this bill would extend the existing medicaid reductions and offset provisions for 3 years. The reduction rate would be 3 percent for fiscal year 1985, fiscal year 1986, and fiscal year 1987. Under this proposal in the coming 3 fiscal years: six States are expected to qualify for hospital cost control offsets—Connecticut, Maryland, Massachusetts, New Jersey, New York, and Rhode Island; two States—Michigan and West Virginia—are expected to qualify for offsets under the unemployment provision; and a number of States representing 25 percent of expenditures would qualify for the fraud and abuse offset.

Contrary to earlier dire predictions, the medicaid reductions that States have absorbed since 1982 have not resulted in a weakened medicaid program nationwide. Of the 20 States considering some changes in eligibility in 1984, two-thirds will probably expand

coverage or add certain groups. Clearly when the OBRA reductions were first implemented, the States reacted quite strongly by limiting either benefits, eligibility or reimbursement. By 1982 however, changes were made to both expand and limit the program.

For example, 11 States put limits on hospital length of stays, 13 States reduced or limited the amount, duration and scope of services, 8 States tightened eligibility criteria, and 6 States eliminated coverage for 18- to 21-year-olds. On the other hand, 13 States added new services—primarily the waivered home and community based services, and 5 States, including Georgia and New Mexico, extended coverage to pregnant women or certain categories of children.

In 1983 the number of changes were moderate. Three States restricted eligibility, while 14 States expanded eligibility; 15 States added some new services, while 8 States reduced previously imposed limits on services.

There has also been no decline in the number of States who participate in medicaid's optional medically needy program. As of March 1983, only five States have used the flexibility under OBRA to target medically needy coverage by eliminating coverage of caretaker relatives.

According to the National Conference of State Legislatures, five more States may consider the adoption of a medically needy program in 1984. Three States also have provided futher protection for the medically needy by ruling that providers may not refuse to furnish emergency care based on inability to pay or other nonmedical factors, and many States increased the income limitations for certain individuals.

States are also making changes in the way that they pay for long-term care services. The introduction in many States of prospective payment systems for nursing homes already has begun to bear fruit. For the first time ever, the growth of medicaid expenditures for long-term care services grew more slowly than average medicaid expenditures. In addition to changing the way in which nursing homes are reimbursed, at least three States may require nursing homes to provide indigent care as a condition of licensure.

In response to States concerns regarding the reduction of Federal medicaid matching funds, the Congress also included in OBRA two sections which gave States greater flexibility, through waiver authority, in the administration of their programs. Section 2175 gives States a new flexibility to negotiate with provider groups who will treat medicaid recipients, and section 2176 allows States to cover, under waiver authority, a broad array of home and community-based long-term care services not previously reimbursed under medicaid.

States have responded enthusiastically to the waiver authority granted under OBRA. By the beginning of March, 1984, 24 States had requested so-called freedom-of-choice waivers under section 2175, and 15 States received approval of their waiver applications. The majority of these approved programs will bring a primary care case management system to medicaid recipients. Medicaid recipients are allowed to select a provider from whom they would receive primary care, and in turn, this provider would be responsible for coordinating all other care the individual requires.

State medicaid administrators report significant satisfaction with the freedom-of-choice waiver authority because it allows them to make a more efficient use of limited program dollars while providing recipients with increased access and continuity of care.

The home and community-based waiver provisions of OBRA have also been energetically embraced by States. By March 1984, 67 waivers had been granted; 42 States have programs in place under waiver authority that offer a wide range of long-term care services including case management, adult day care, respite care, and homemaker services. The home and community-based waiver program has the potential of both reducing costs in the fastest growing component of State medicaid budgets, nursing homes, while at the same time providing services in a setting that is preferred by both elderly and physically disabled persons.

I do not disagree with much of what the Senator from Arkansas said. I am not here to take issue with his sensitivity and compassion. I admire that. I know it is expressed by other Senators on both sides of the aisle.

I hope we have not gone overboard in merely extending a 3-percent reduction for these additional years. The House does not believe in cutting spending. They believe in raising taxes, and spending more money. As I understand, they add $800 million to the program. So even though we will be very sensitive to the comments of all Senators, as we should be in the conference, I would not expect we would adopt the House provision which would cost an additional $800 million.

Again, I commend the Senator from Arkansas, the Senator from Maryland, the Senator from Tennessee, and others. I hope that we are not insensitive to the needs. The problem is how we are going to share the sacrifice, and the burdens between the States and the Federal Government. Right now it is about a 55–45 matching program with Federal Government putting up $20 billion, and the States about $13 billion. The cost of that program is going up each year. Notwithstanding the 3-, 4-, or 4.5-percent cap, it will still continue to go up. So it is not that we are not spending more money.

We are facing a serious problem in medicare, and a serious problem in medicaid. I assume there is going to be an effort to overhaul many of these programs if not next year, the following year in Congress. We will be working with the Senators on both sides. We will be working together, I hope, to find some reasonable way to address the concerns of this growing health care cost, the inability for some to have health care, the inaccessibility of health care to some—certainly some in Baltimore, Wichita, or Little Rock—because there is a problem. There is no doubt about it. It is one we are going to have to address.

CONCLUSION

Mr. President, we are asking all other aspects of the economy to bear the burden of cost reductions. Why should the States be exempt? We, through this amendment, are not asking a great deal from the States, particularly at a time when their financial houses are in better shape than the Federal Government's. The provision we are discussing was one agreed to by the Finance Committee on a vote of 20 to 0. There were no partisan differences.

When we complete action on this bill, we will be going to conference with Members from the House who have taken a very different approach to deficit reduction. Rather than reducing the rate of growth in medicaid expenditures, they have suggested an increase of $800 million. Clearly we will have our work cut out for us without additional pressure from those in this body to reduce our savings proposals.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to take a moment to address the point just made that the Governors in pressing the medicaid issue are acting irresponsibly or without full appreciation of all of the fiscal ramifications. I would like to insert in the RECORD a letter of April 26 to me from the Governor of Maryland, Harry Hughes, at this point. I ask unanimous consent that that letter be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Annapolis, MD, April 26, 1984.

Hon. PAUL SARBANES,
Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: You soon will be faced with the difficult decision of adopting a budget resolution which will set the pattern of spending for Fiscal 1985. As you do

so, I urge you to consider the following observations.

I continue to believe that reducing the Federal deficit must remain one of the Congress' top priorities, but it must not continue to be done at the expense of the States and their citizens. The reasons for reducing the deficit are compelling. During the period 1981 to 1984, we have seen massive cuts in all areas of program spending, except for military and defense programs, yet the deficit continues to grow at an alarming pace.

The Congressional Budget Office estimates that the deficit under Administration policies will grow to $248 billion by Fiscal Year 1989. Most economists agree that deficits of this magnitude will keep interest rates artificially high. This will, in turn, make other forms of borrowing more costly and may severely retard growth in productivity, the major source of rising living standards.

During the same period (1981-1984) Federal grants to States and localities—including all major health and welfare programs—declined from $105 billion to $98.7 billion. Conversely, defense spending increased by more than 38 percent.

The impact in human terms has been enormous. In the Department of Human Resources programs alone, Marylanders have lost a total of $175 million in Federal support for welfare and social services programs since the passage of the Omnibus Budget Reconciliation Act of 1981. Social services funds alone were cut $13.2 million in the first year. This translates into a loss or reduction of social services benefits for 35,000 clients; 221,000 clients lost or had reduced benefits in AFDC and/or food stamps; 82,500 clients received reduced energy assistance benefits, and the Department of Human Resources' staff was reduced by over 800 positions. These cuts were not taken from budgets that had grown "fat" over the years, but from budgets already financially starved. The impact on health and education programs run by the State has been equally severe.

I urge you to adopt a budget resolution which will take into account these sharp reductions over the past four years and will enable States to provide essential services to their citizens. I offer as a guideline the recently-approved budget policy of the National Governors' Association. It calls for limiting increases in nondefense discretionary spending to three-fourths the rate of inflation; providing full funding for selected means-tested entitlement programs (AFDC, food stamps, Title XX, medicaid, SSI, child nutrition and child welfare services); restraining the growth in other entitlements; limiting national defense to between 2 percent and 4 percent real growth; and increasing revenues by approximately 5 percent over the 1985-1989 period.

In your consideration of the different budget plans, I hope you will give particular consideration to those which will protect the medicaid program from further cuts. As you know from my earlier correspondence, a continuation of reductions in federal payments for medicaid will place considerable strain on both the State budget and the ability of the Medical Assistance Program to provide health care to low income individuals. To date, Maryland has lost several million dollars in Federal medicaid payments, and the State's program is currently operating under severe fiscal restraints. A further reduction in Federal fiscal responsibility for medicaid will only exacerbate an already serious situation.

I recognize that you are facing great pressures to reduce Federal deficit. The problem we all face, however, will not be solved by reducing the amount of Federal dollars that support such programs as medicaid and AFDC. Instead, States need the support and flexibility to manage these programs efficiently and rationally. As always, I am sure you will have the best interest of Marylanders in mind as you consider these important issues.

Sincerely,

HARRY HUGHES, *Governor.*

Mr. SARBANES. In that letter, Mr. President, you will note that the Governor says:

During the same period (1981-1984) Federal grants to States and localities—including all major health and welfare programs—declined from $105 billion to $98.7 billion. Conversely, defense spending increased by more than 38 percent.

The impact in human terms has been enormous. In the Department of Human Resources programs alone, Marylanders have lost a total of $175 million in Federal support for welfare and social services programs since the passage of the Omnibus Budget Reconciliation Act of 1981. Social services funds alone were cut $13.2 million in the first year. This translates into a loss or reduction of social services benefits for 35,000 clients; 221,000 clients lost or had reduced benefits in AFDC and/or food stamps; 82,500 clients received reduced energy assistance benefits, and the Department of Human Resources' staff was reduced by over 800 positions. These cuts were not taken from budgets that had grown "fat" over the years, but from budgets already financially starved. The impact on health and education programs run by the State has been equally severe.

He goes on to say:

I urge you to adopt a budget resolution which will take into account these sharp reductions over the past four years and will enable States to provide essential services to their citizens. I offer as a guideline the recently-approved budget policy of the National Governors, Association. It calls for limiting increases in non-defense discretionary spending to three-fourths the rate of inflation; providing full funding for selected means-tested entitlement programs (AFDC, food stamps, Title XX, medicaid, SSI, child nutrition and child welfare services); restraining the growth in other entitlements; limiting national defense to between 2 percent and 4 percent real growth; and increasing revenues by approximately 5 percent over the 1985-1989 period.

You may not agree with the mix of priorities contained in that letter, but it is certainly a responsible proposal. One critical difference in the National Governor's guideline and the Rose Garden plan is the real red defense increase 2 to 4 percent versus the 7 percent which is called for here.

The real question is, What is the set of priorities which the budget is going to reflect?

Are we going to become a garrison State? Are we going to say to the ailing elderly, "Well, that is too bad. You are sick and you have a problem but we just cannot address it. We have to keep these tax cuts in for the very wealthy. You are not able to meet your most basic human needs in terms of medical treatment, but we are not going to recover some of those tax breaks or we cannot help you because we have to give a blank check to the Pentagon." It is a simple question of the kind of priorities you are setting as a society.

The thrust of this colloquy is to try to raise to a higher level in terms of priorities the need to address the problems of people who are so poor that they cannot afford medical care, and to add weight to the balance when that need is compared to the argument on behalf of wealthy people who receive large tax concessions, or the argument for a defense budget with a hefty 7-percent real increase. It is a question of looking at those matters and reaching a judgment as to what kind of society we want to have, what kind of priorities we want to set, and what kind of needs must be met. I submit that the health needs we are talking about here are fundamental to a decent and just society.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I shall only take a couple of minutes.

Let me say that I agree with a good deal of what the Senator from Kansas said about the States. I used to be a Governor and I know what it is like to come to Washington with your hand out and plead and tell the Congress all the dire things that are going to happen in your State if you do not get some relief, and then go back home and deplore the budget deficits.

I want to clean my skirts by saying that I have voted for the most draconian amendments on this floor to deal with the deficit in the most realistic way. The amendment we passed last night has nothing to do with budget deficits. It does not deal with them in a meaningful way at all.

Let me say one other thing, and I am no defender of the States and their embarrassment of riches, as it has been called. I am informed by the National Governors' Association that their balance this past year was $3 billion, and over half of that was with seven States. So if you just took these cuts alone, $1.3 billion, that would wipe out the surplus of the other 43 States.

I can tell you one thing: the States have been acting a lot more responsible than we have about their problems. Almost every State in the Nation has raised their taxes to try to cope not only with the depression of 1982, but with the cutbacks in all of these programs, which we imposed on them in the first place. The States never asked for medicaid. The States never asked for a whole lot of these programs. I used to get so mad when I was Governor I could not see straight.

Every time I turned around, Congress would impose a new program on us.

Once they are imposed, we say, "We are going to cut you loose and let you swim or sink."

I feel sorry for the taxpayers of this country. That is the reason I voted for the Hollings amendment, to try to do something about these deficits. While the States were raising their taxes, we were not only cutting taxes but we were telling people that was the way to balance the budget.

You talk about convoluted logic. We promised a balanced budget if you will just cut taxes and raise defense expenditures 100 percent. Soon we are going to be taking up the armed services authorization, and you will see $30 billion and $40 billion weapons procurement programs go through here like that, and you will never hear the taxpayer mentioned one time. It is only when you are talking about medicaid that takes care of the poorest of the poor that we hear about the poor, lamented taxpayer.

We will build the MX and we will build the B-1 at a cost of about $60 billion to $70 billion, and neither one of them gives this country any additional military strength. On the contrary, they weaken the country. And there will not be one cry during the process on behalf of the poor taxpayers of this Nation.

Harry Truman used to say, and he was very unpopular for saying it:

It is the President's responsibility to lead, and it is the responsibility of the President to look after those who do not have paid lobbyists on this Hill.

When the MX is brought up on the floor of the Senate, I promise you that hallway out there will be so full you will not be able to walk through it.

When the B-1 is brought up, if it is, that room and that hallway out there will be so full you will be lucky to be able to get in here to vote either way on it.

But when we bring up something that deals with 21 million people in America who are the poorest of the poor, there is not one soul out there. The only persons in the world they have to represent them are you and I.

I yield the floor.

● Mr. MOYNIHAN. Mr. President, certainly the establishment of the medicaid program has helped improve the health of many low-income Americans. Just as certainly, problems remain under the current program. We now have before us a proposal to extend the 3-percent reductions in Federal payments for medicaid through fiscal years 1985 to 1987. I would suggest that before more harm is done to this program, we should look at the facts. First, the medicaid program is the Federal Government's major effort to provide health care to the Nation's poor and near poor, providing services for more than 21 million Americans annually. Second, State programs vary considerably in the coverage and scope of services they provide. Third, marked progress has occurred, such as the decline in infant mortality rates since 1965. The facts also show, however, that nearly two-thirds of the Nation's 32 million poor citizens are not covered by any insurance plan, and that many areas of the country lack sufficient health-care providers. Under these conditions, the medicaid entitlement simply cannot be carried out.

Over the past 3 years, we have seen this program become more inequitable, not less so, as a result of reductions in Federal support. Indeed, those States with the fewest resources have been forced to do with still less, while those States who have prided themselves on doing more have had to struggle just to maintain their programs. I have listened to officials from many States, including my own, describe the special economic and fiscal hardships due to our most recent recession. These hardships have made it increasingly difficult for State medicaid programs to offer quality health care to low-income individuals and families.

The reductions in Federal support since 1981 have placed considerable strain on State and county governments. Now, the administration and the Senate propose to extend this burden, of a 3-percent annual reduction in the Federal share of medicaid, for an additional 3 years. Those who support this provision argue that a percentage penalty will encourage States to undertake cost-containment activities. My State, as well as several others, have been providing leadership in medicaid cost-containment efforts for over a decade. This proposal can only result in a reduction in the Federal Government's responsibility for medicaid, while leaving the basic problem of containing costs untouched.●

● Mr. HEINZ. Mr. President, I commend the distinguished Senator from Arkansas (Mr. BUMPERS) for his interest in the provision that extends the 3-percent reduction in Federal medicaid matching payments to States for 3 additional years—through 1987. I, too, am concerned about this provision and expressed some reservations about it in committee. The reduced payments to States will save the Federal Government approximately $1.3 billion over 3 years but will result in a significant increase in cost to States and providers—those on whom we rely to provide necessary medical care to the indigent. But this is not cost saving, it is merely cost shifting.

Mr. President, I fully support this body's effort to control rising Federal deficits. Indeed, I commend my distinguished chairman, Senator DOLE, for his commitment and leadership in this area. I also recognize the need to control rising Federal expenditures in health care—expenditures that are increasing faster than any other component of the Federal budget. We have made significant progress in reducing these rising medical costs. The new DRG prospective pricing system that was approved by Congress last year has already begun to reduce the rate of increase in medicare outlays. And further reimbursement changes for other providers of health care, specifically physicians, are now being debated and will likely be enacted early next year. Congress has and will continue to refine the medicare and medicaid programs and develop new incentives to help control exorbitant increases in the cost of health care.

Mr. President, continuation of the 3-percent reduction in medicaid matching grants appears to achieve a short-term Federal budget savings but fails to recognize both the cost shifting to taxpayers elsewhere and the long-term consequences of such an action. Since 1981, when this provision was first enacted, the Federal Government has been asking States to provide medical and long-term care to the indigent—in spite of a reduction in the share paid by the Federal Government. States have had to continue to provide needed health services to all eligible individuals and cope with the expansion of the medicaid-eligible population. Tragically, we are beginning to see low-income families, pregnant women, and senior citizens without the care they need.

In my home State of Pennsylvania, where we stand to lose approximately $35 million because of this reduction, the number of medical-assistance beneficiaries has increased by 80,000 people, rising from 1,118,500 in 1979 to 1,198,325 people today. Only 5 years ago, the State of Pennsylvania dedicated 1 of every 11 State tax dollars to the medical assistance program. Today, due to Federal cuts and a growth in the eligible population, that proportion has reached 1 in 8 State tax dollars dedicated for that purpose.

Mr. President, the medicaid program may need a significant overhaul. Costs are continuing to escalate at approximately 10 percent a year while expenditures for long-term care services—nursing homes and intermediate-care facilities for the mentally retarded—are devouring a significant portion of medicaid budgets. Medicaid now finances 90 percent of all public funds spent on long-term care. Over 55 percent of this is State money. State legislatures have good reason to be concerned—since nursing costs, for which they pay a significant amount, are expected to double in the next 5 years.

Mr. President, continued across-the-board cuts in medicaid will jeopardize the viability of many State programs that make up our Nation's health care

safety net. Or simply result in cost shifting, higher State and local taxes, and therefore false savings. I urge Members of the House and Senate Conference Committee to review this matter closely. I also hope the Congress will make the reform of the medicaid program one of its highest priorities.●

● Mr. DODD. Mr. President, I understand that the bill before us would extend the so-called medicaid penalty for another 3 years. Enacted as a temporary measure in 1981, this 3-percent Federal funding reduction was due to have expired by fiscal year 1985.

I am gravely concerned about the effect such an extension will have on the health of low-income children, pregnant women, and senior citizens across the country.

As cochairman of the Senate Children's Caucus, I can report that one out of every five younger Americans now lives in poverty, the largest number ever recorded by the Census Bureau. In my State of Connecticut, every other child in the cities of Hartford and New Haven lives in poverty. Medicaid is the major program addressing the all-important health-care needs of these children, from Connecticut to California.

Low-income pregnant women and senior citizens are also dependent upon medicaid for critical health-care services. Half of all medicaid funds are spent on long-term care for frail, older Americans. And, medicaid funds spent on prenatal care have proven to be extremely cost effective.

The House budget resolution wisely, in my judgment, allows the 3-percent medicaid penalty to expire. I wanted to call this to your attention and express the hope that the Senate will recede to the House during conference on this important issue.●

● Mr. BRADLEY. I support the statements made by my colleague from Arkansas.

I am firmly committed to reducing this intolerable deficit. But we cannot ask the poor to shoulder an unfair burden of the savings to the Federal Government, and the $1.3 billion savings in medicaid will surely result in significant losses of health services to the poor.

Mr. President, 30 million older Americans rely on medicaid as a major source of support for long-term care. Of those 75 years and older, 90 percent suffer from at least one chronic illness. For these individuals, medicaid services are not optional.

Medicaid cuts will also negatively affect the 13 million children living in poverty in this country. This is the largest number of children in poverty since the Census Bureau began those statistics. Thus, cuts are coming at a time when the need for services is higher than it has ever been. And it is folly to believe that States will be able to maintain services at the same level while the Federal contribution diminishes.

For the poorest children in America, the medicaid program is the only way to pay for checkups, medical treatment, dental care, hospitalization, and needed drugs. For hundreds of thousands of pregnant women, the program pays for prenatal care and delivery services.

Medicaid is an extremely cost-effective investment for mothers and children. Studies show that babies born to mothers who received medicaid services through pregnancy are 25 percent less likely to be low birthweight and therefore require less hospital care. Average maternity costs for women who get care through medicaid during their pregnancy are hundreds of dollars less than for women who did not receive medicaid services during pregnancy.

Medicaid cuts over the last few years have already had negative effects on the health of America's poor. In 1983 the infant mortality rate in Jersey City, NJ, was 24.5 deaths per thousand infants born. Preliminary evidence suggests that infant mortality rates is on the rise in some New Jersey cities.

Mr. President, a policy that can result in poor children being denied medical services can only lead to unnecessary health problems and high costs in the future. This penny-wise, pound-foolish policy simply makes no sense.●

● Mr. NUNN. Mr. President, I thank my distinguished colleague from Arkansas, Mr. BUMPERS, for raising the issue of medicaid reductions as contained in the Finance Committee deficit reduction package. I would like to add to his comments by expressing my serious reservations about the extension of the existing medicaid reductions and offset provisions known by many as the medicaid penalty.

I am concerned about the medicaid penalty because of its adverse and punitive effect on Georgia where State officials have significantly reduced both State and Federal costs since the medicaid target-penalty system was enacted in 1981. The medicaid program in Georgia has met the Federal expenditures target all 3 fiscal years.

Georgia has cut over $100 million in medicaid since 1981 even though the State had a very limited program to begin with. Georgia has restrained the growth rate in reimbursements through steps that have affected all provider groups. In some cases, reimbursement—not just growth—was reduced. The State has implemented measures to discourage overutilization, to encourage the delivery of care in the least costly setting, and to promote only medically necessary care.

During 1980 and 1981, prior to the passage of the medicaid penalty, Georgia pursued prospective reimbursement for hospitals when it was politically unpopular. For their actions, the State was ultimately taken to court. It was not until within the past year that it became possible for the Federal Government to implement prospective payments in the medicare program.

As I mentioned a moment ago, Mr. President, Georgia implemented the cuts in medicaid in an already limited program. While some States continue to provide up to 31 optional services beyond basis medicaid coverage, Georgia funds only 13 services and does not cover the medically needy. The continuation of the medicaid target-penalty system beyond fiscal year 1984 will freeze inequities in the current program.

The target-penalty system is unnecessarily complex to administer. The allowable growth targets are firmly established until the close of each fiscal year, so the State must administer the program during the year without even knowing the final budget.

Like many of my colleagues, I am very concerned about the rapidly rising cost of health care for all segments of the population. We must continue to take steps to curb the growth in the cost of medical care. But while the extension of the medicaid penalty will save the Federal Government money, it is not true cost containment. It is cost shifting.

We need to review the facts and discuss what should be the national goals and objectives for medicaid and then enact fair and effective measures toward that end.

I thank Senator BUMPERS and the chairman for the opportunity to join in their discussion of this matter of importance to Georgia.●

● Mr. MATTINGLY. Mr. President. One of the major cost-saving provisions in health care programs included in the Finance Committee deficit reduction amendment we passed recently is the 3 year extension of the so-called medicaid penalty. The newly approved provision continues reduced Federal medicaid payments to States based on a complicated spending target system originally mandated by the omnibus Budget Reconciliation Act of 1981. While I understand the need and, in fact, generally support efforts for cost containment for health care, I am somewhat concerned by this particular provision. I am concerned because of the potentially adverse effect extension of the penalty will have on many of the citizens of my home State of Georgia and of other States which have similar medicaid programs.

My State has responded to the Federal Government's challenge to reduce both the State and the Federal costs of the medicaid program. Because of its earnest effort, Georgia has met the Federal expenditures target in all 3

fiscal years covered by the 1981 reconciliation bill. While Georgia has avoided the penalty by implementing over $100 million in cuts, it cannot continue to do so. Put plainly, Georgia has reduced its program to a level of bare bones.

Program reductions have been accomplished in a variety of ways. The first is in the area of reimbursements. Georgia has restrained the growth rate in reimbursements to all provider groups and, in some cases, has actually reduced the rates themselves. In 1980 and 1981, prior to the passage of 1981 reconciliation package, Georgia pursued prospective reimbursements for hospitals. This was done despite the fact that it was extremely difficult politically. Because of its actions in this area, the State of Georgia ultimately was taken to court. But the State prevailed, and prospective hospital reimbursements were implemented in Georgia before a similar payment system was instituted nationally in the medicare program. In addition to moving to a prospective reimbursement system for hospitals, my State implemented measures to promote only medically necessary care, to promote the delivery of care in the least costly setting, and to discourage overutilization of services.

All of this was accomplished despite the fact that Georgia already had a limited medicaid program. While other States currently provide up to 31 optional services beyond basic Medicaid coverage, Georgia funds only 13. Many other States cover medically indigent populations, but Georgia does not have a medically needy program. Many other States still have before them a number of cost-saving options to consider in order to reduce expenditures sufficiently to meet target levels without harming beneficiaries, Georgia has virtually exhausted its options. This concerns me, as it does many others in Georgia.

The health of the Federal budget and the economic health of the Nation require that we reduce the growth of Federal spending. They require that significant reductions come in the area of health care spending, and specifically in spending for medicare and medicaid programs. My colleagues know that I am a strong advocate of spending reduction and reform. They know that I am an advocate of slowing the rate of growth of Federal expenditures in these health programs. I understand that the extension of the 3 percent reduction was an honest effort to reach that end, and to do so equitably. I did not advocate the removal of the provision from the deficit reduction package without the substitution of another provision which would result in the same $1.347 billion in savings the penalty produces. I honestly do not know what that other provision should be. But I believe that there must be an approach which will achieve savings without requiring lean programs like that in Georgia to cut into the bone, while allowing States with more generous programs only to trim the fat. When programs reach minimal levels, beneficiaries, like the elderly and disabled population to whom 73 percent of Georgia's medicaid spending goes, need to be protected.

I appeal to my colleagues, particularly those who serve on the Finance Committee, to look toward another approach—perhaps one that embodies the basic principle of reduced Federal match payments, but one that insures that no States are required to reduce services beyond minimal levels. In short, an approach that is fair and equitable. I believe we need to initiate, as soon as possible, a thorough examination of the issue and to discuss in detail our national goals and objectives for the medicaid program in the future.●

● Mr. PRESSLER. Mr. President, I join my colleagues today in addressing the crisis in medicaid funding. As a member of the Senate Aging Committee I have long been concerned about this issue.

Attempts to further cut medicaid must be avoided. I am deeply concerned by the proposal to cut this program by another 3 percent. If this is done, it will endanger the safety net we have created for elderly medicaid recipients.

This budget will reduce Federal matching rates by 3 percent for all persons classified as "medically needy." Unless the States pick up the additional cost, medically needy individuals will be required to spend down to the medicaid eligibility levels to receive medicaid assistance.

Medicaid cuts directly impact every State. When Federal funds do not cover medicaid costs, State governments are forced to either pick up the remaining costs or make cuts. One method State governments use is to tighten eligibility requirements for medicaid patients.

For example, in South Dakota since 1982 the copayment for drugs has increased from 50 cents to $1, the number of covered hospital days has been reduced, the reimbursement for reserved bed days has been reduced to 59 percent, and the hours of care in intermediate care facilities for the mentally retarded have been reduced. These are serious cuts for a State like South Dakota to be forced to make.

I am pleased to join my colleagues in addressing this problem and I hope this situation will be further addressed when H.R. 2163 is sent to conference.●

● Mr. HEFLIN. Mr. President, as you of course know, when the Congress adopted the Omnibus Reconciliation Act of 1981 (Public Law 97-35), a provision was included to require that Federal matching funds for State medicaid programs would be reduced by 3 percent in fiscal year 1982, 4 percent in fiscal year 1983, and 4.5 percent in fiscal year 1984. Under the act, a State would be allowed to earn back a part or all of the reduction if expenditures remained below specific target amounts.

The purpose of this provision was to reduce total health care costs, but the actual result of the program has been a shifting of more of the funding burden to the States. For example, the medicare part B buy-in premium which State medicaid program must pay or face massive Federal financial penalties was increased from $12.20 to $14.60 per month which was effective January 1, 1984, has caused the medicaid expenditures in my State to increase by $3.6 million a year. Since part B buy-in premiums are tied to medicare program costs, this reflected a 19.7 percent increase in the federally administered medicare program while a decrease in Federal matching funds was mandated for the State administered medicaid program over the same period of time.

I am opposed to extending the reduction in Federal matching payments for the State medicaid programs. If the Congress continues to reduce Federal matching medicaid funds for the States, the burden will simply shift the cost from the taxpayers' Federal tax obligation to their State tax obligation and nothing will be accomplished. These proposals have resulted in arbitrary reductions in Federal fiscal responsibility for medicaid without addressing the problem of soaring health care costs for the poor and elderly.

The Senate Finance Committee proposals pertaining to medicaid which were adopted in the Federal Boat Safety Act legislation should not be enacted into law. The committee amendment would extend the reduction of Federal matching payments to State medicaid programs for an additional 3 years at a rate of 3 percent each year. Under the committee proposal, my State would lose $9.7 million in fiscal year 1985 and even more in the outyears. To further reduce Federal support for medicaid threatens the availability of adequate health care for the poor.

I urge my Senate colleagues to join me in opposing the extension of the reduction in Federal matching payments for the State medicaid programs and put an end to this inequity which reduces the Federal matching medicaid funds.

Mr. President, I ask that a letter which I recently received from Hon. George C. Wallace, Governor of Alabama, be printed in the RECORD.

The letter follows:

STATE OF ALABAMA,
GOVERNOR'S OFFICE,
Montgomery, AL, April 17, 1984.

Re, medicaid penalty legislation.

Hon. HOWELL HEFLIN,
Senate Office Building,
Washington, DC.

DEAR SENATOR HEFLIN: Public Law 97-35 provided that federal matching funds, in the Medicaid program, for each state, would be reduced by 3 percent in fiscal year 1982, 4 percent in fiscal year 1983, and 4.5 percent in fiscal year 1984. This effort was sold to Congress and the public, and was allegedly designed to reduce the cost of health care. In actuality the result was merely a reduction in federal funding and a shifting of more of the funding burden to the individual states.

The Senate Finance and Taxation Committee has recently agreed to a proposal that would extend this reduction of federal matching Medicaid payments to State Medicaid Programs, for an additional three years, at 3 percent per year. The passage of such legislation would be catastrophic to Alabama's Medicaid Program and to the most needy citizens of our state. I am sure other states would be similarly adversely affected. It is my opinion that the penalty provisions for this third year should be rescinded by Congress so that many states, Alabama included, will not face a multi-million dollar penalty for exceeding our target during the fiscal year.

Further, I request that you oppose any extension of this Medicaid funding reduction and I request that you support the position that the Congress should discontinue efforts of this type, which merely shift the burden of cost from the taxpayers federal obligation to their state obligation. It is my understanding that the National Governors' Association is also actively opposing this continued program of federal reductions.

Thank you for the opportunity of expressing my views on this matter of such urgent importance to the citizens of Alabama. I will appreciate your affirmative action in these regards.

Sincerely,

GEORGE C. WALLACE.●

● Mr. BENTSEN. Mr. President, I would like to take this opportunity to express my concern over the medicaid provision included in the pending bill which would extend for three years the Federal payment cuts originally enacted with the 1981 Omnibus Reconciliation Act. Specifically, I am concerned that the 3-percent cap provision does not account for growth in population, or shrinkage in some State programs, but instead retains the 1981 expenditure target levels. The net effect of this approach is that existing differences among State medicaid programs are perpetuated, which works to the disadvantage of low benefit States. For instance, today in Texas, medicaid covers about 25 percent of those below the poverty level compared to a national average of more than 50 percent. State officials and community leaders in Texas have been working for over a year to develop a plan for expansion of medicaid services to certain of the most needy groups. Coverage of prenatal and other such preventive services will be recommended to the legislature as cost effective and compassionate strategies that will bring Texas closer to the national standard of care.

In my judgment, the target system and Federal match reduction included in this bill should not prohibit States from taking on additional responsibility for providing access to health care for all families—irrespective of income. While I think we can agree that Federal medicaid laws and regulations should encourage cost efficiencies, inequities among States should not be locked in place by imposing penalties on States that seek to improve their programs. It has been suggested that permitting States to expand medicaid coverage is an irresistible inducement to spend Federal funds. That is simply not the case in the area of medicaid financing because States must bear half the cost of any increases in coverage—and can therefore be expected to proceed cautiously within the parameters of available State resources.

I understand the Finance Committee chairman's interest in approaching conference with the House from as fiscally conservative a position as possible, and for that reason will defer action on this issue. However, I want to state for the record that during the course of conference I will seek to mitigate the disproportionately harsh treatment of low-benefit States that would be inflicted by enactment of this provision.●

● Mr. BINGAMAN. Mr. President, I urge my colleagues to give serious consideration to the concerns that Senator BUMPERS has raised.

A 3-percent reduction in Federal financial participation in my State of New Mexico would result in a Federal revenue loss of $2.25 million in fiscal year 1985. Since the New Mexico Legislature has already determined the general fund appropriation for that year the loss of Federal dollars would have to be made up with existing revenues. The loss of those State revenues, originally intended for Federal matching purposes, would require reductions in services of about $7.5 million. These service reductions would be in addition to the cost containment initiatives already undertaken or planned by the Department of Human Services to compensate for the shortfall in the State appropriation for the coming fiscal year.

All cost containment initiatives thus far taken by the Department are aimed at reducing the level of reimbursement to providers. Further cuts using this approach may jeopardize the level and quality of care now being provided to medicaid recipients. The only choice remaining in order to achieve the necessary savings is to severely curtail or eliminate optional medical services such as, dental care, prescription medications, hearing aids, eyeglasses, durable medical equipment and prosthetic appliances, podiatrists, and audiologists. It would also impose cost-sharing requirements on as many remaining optional services as possible. The State of New Mexico no longer imposes any copayment requirements for any services. The minimal savings generated was heavily outweighed by their administrative difficulties and the feelings that many of those most in need were not receiving needed medical services because they could not afford the 25 cents or 50 cents required to obtain the service.

In addition, Mr. President, mandatory services would have to be limited. These would include measures such as allowing a maximum of two visits per month to physicians and limiting the number of covered days in the hospital. The limitation on physician visits may have serious effect on the prevention of health-care problems and promotion of well-being among a population which experiences frequent heart problems. As a result of this change, the very poor may see a physician only when their condition has deteriorated or become acute.

Mr. President, 84,000 New Mexicans depend upon medicaid for health care. This reduction would force eligibility requirement changes adversely affecting children in foster care and nursing home residences. The proposal to cut funds by 3 percent would force immediate reduction in services or catagories of individuals in the absence of options.

I urge my colleagues to consider the major problems involved if a drastic cut would be made to the medicaid program.●

● Mr. JOHNSTON. Mr. President, the 1981 Omnibus Budget Reconciliation Act provided that whatever Federal matching funds a State is otherwise entitled to receive under the medicaid program must be reduced by 3 percent in fiscal year 1982, 4 percent in fiscal year 1983 and 4.5 percent in fiscal year 1984. When these reductions were enacted, they were meant to be a temporary cost savings measure that would expire at the end of fiscal year 1984. However, during Senate Finance Committee consideration of the deficit reduction package, a provision was added to the Senate bill which would extend the existing reduction program for an additional 3 years. The reduction rate would be 3 percent. Contrary to the Senate action, the House agreed to let this reduction expire.

Medicaid expenditures increased at an average annual rate of 15 percent over the fiscal years 1975-80 period. Many States were therefore experiencing severe fiscal pressures prior to the enactment of the 1981 Omnibus Budget Reconciliation Act and Federal cutbacks have only exacerbated their problems. Consequently, I urge the Senate conferees to accept the House

position on this issue and thus eliminate any further reductions in the Federal medicaid match.

Mr. President, the severity of this situation can be seen by looking at the medicaid program in Louisiana. In fiscal year 1984, Louisiana was entitled to receive Federal matching medicaid funds of 64.45 percent. However, with the 4.5-percent reduction, Louisiana's effective match rate was actually much closer to 60 percent. Translated into dollars, in fiscal year 1984, the 4.5-percent reduction meant that the State received almost $20,359,000 less in Federal financial participation for medical vendor payments. However, under the medicaid program, a State must spend money to make money. Consequently, if the State had not substituted general funds for the loss in Federal funds, the overall loss of money to the State medicaid program would have been much closer to $53,000,000.

This reduction in Federal medicaid funds also applies to the Federal match for program administrative costs. In fiscal year 1984, this translated into a loss of $640,000 to Louisiana. Unlike the funding for vendor payments, the State did not substitute general funds for this loss of Federal moneys. As a result, the State lost funding for 70 staff positions and there is no hope of ever funding these positions again.

Mr. President, at the end of fiscal year 1980, the year before the 1981 Omnibus Budget Reconciliation Act reductions were enacted, the State of Louisiana had a budget surplus of $251 million. At the end of fiscal year 1984, the State is expected to have a budget deficit of up to $60 million. The reduction of Federal medicaid moneys to the State has contributed to this unhealthy economic picture and it will continue to do so if the reduction is extended for an additional 3 years.

For example, a 3-percent reduction in fiscal year 1985 means Louisiana will receive approximately $16 million less in matching Federal vendor funds. If the State does not makeup this loss with State general funds, the actual loss of moneys to the medicaid program will be almost $40 million.

Mr. President, in previous years the State has been able to assist where the Federal Government has stopped. Furthermore, Louisiana has adopted a number of measures intended to contain program costs and reduce services. However, in order to restore fiscal responsibility to the State budget process, the legislature recently increased taxes by $734 million and it is currently considering $50 million in spending cuts. Given this situation, it is not likely the State will continue to pick up where Federal funds end.

Mr. President, I have outlined the impact of this provision on Louisiana. I am sure the situation is equally onerous in other States. If Federal medicaid moneys to the States are reduced, the only alternative will be to compromise the scope and quality of health care available to the truly needy. Consequently, I strongly urge the Senate conferees to adopt the House position on this matter.●

● Mr. CRANSTON. Mr. President, I share the concerns of my colleague from Arkansas (Mr. BUMPERS) and others that the massive budget cuts proposed for medicaid by the administration and those adopted by the Senate Finance Committee would serve no one well. They are not based on and they would not achieve efficiencies and economies that would lead to long-term savings. They would not maintain the program's objective of providing vital medical care to those who are poverty stricken.

Mr. President, I strongly disagree with the assessment of the chairman of the Finance Committee, as stated in his April 24 dear colleague letter, that the $3.9 billion in medicaid reductions that States have absorbed since 1981 have not resulted in a weakened medicaid program nationwide. Indeed, the effect of those cuts has been to reduce health services to those who are poor and to reverse the gains we have made over the last decade in improving their access to needed health care and in improving the quality of care they receive. The additional $3.3 billion proposed to be cut from the program over the next 3 fiscal years would only exacerate the problems many States are facing due to soaring health-care costs and an increasing number of persons in need of assistance.

The California medicaid program—Medi-Cal—once the most progressive among the State programs, has been hard hit by these cuts. Although the State legislature, faced with less funds available to meet growing and increasingly costly medical needs, enacted a number of innovative reforms that substantially curtailed expenditures the State has been forced to restrict Medi-Cal eligibility, reduce benefits, and cut back on payment amounts to hospitals and physicians. The results have been restricted access to care for those in need of services and a serious adverse effect on the quality of care available to patients.

In January 1983, the California Center for Health Statistics reported that the number of persons eligible for Medi-Cal was down 12.7 percent from the year before. The California Hospital Association has reported that the Medi-Cal average patient census in the few hospitals which accept Medi-Cal patients, declined 9.6 percent in the third quarter of 1982, followed by a 16.3-percent decline in the fourth quarter. The decline in patient days in the first quarter of 1983 was even steeper—22.6 percent. At a time when unemployment in California was at an all-time high and the overall number of poor people in this country had significantly increased, the State transferred to the counties the responsibility but not the financial resources to care for that population, thereby virtually eliminating the medically indigent adult category of the Medi-Cal program, which served unemployed and working poor persons.

According to an article published by the Institute of Government Studies at the University of California at Berkeley in 1983, fewer physicians reported accepting Medi-Cal patients and those who do provide services to Medi-Cal recipients are reporting that they are seeing sicker patients. This strongly suggests that the patients whom they are seeing have delayed seeking care. All evidence points to the increased cost the patient must bear as a major reason why these individuals have delayed seeking the care they need.

Ninety percent of the population served by Medi-Cal is aged, blind, disabled, or are children, or members of families with dependent children. It is not surprising, therefore, that the cuts in medicaid funding are hurting those who are most in need and least able to find other resources.

Unfortunately, elderly persons tend to use the most those services that are no longer covered under the Medi-Cal program—hearing aid services, prosthetic devices, nonemergency transportation, and certain medications. And they are being required to pay more for fewer benefits. Prior to the medicaid budget cuts and consequent Medi-Cal changes, a 65-year-old person with a heart ailment receiving $479 a month from social security and paying rent of $225 would have been automatically eligible for complete Medi-Cal coverage. Now that elderly person has to pay $106 toward his or her medical care before becoming eligible for Medi-Cal coverage, leaving little less than $5 a day to live on and with which to purchase such medications as may be needed.

Mr. President, perhaps the most damaging and disgraceful consequence of the medicaid cuts has been the nationwide cutbacks in services to children. In every State, maternal and child health benefits have been reduced as a result of 3 years of medicaid cuts. Forced cuts in welfare assistance have also restricted eligibility under the medicaid program—and the majority of those cut off from services have been children.

The health and well-being of the children of this country is of utmost importance. Essential immunizations and basic health services for infants and children, and prenatal, delivery, and postnatal services in connection with pregnancy are vital to the future of our children and the future health

of our Nation. When children do not receive adequate health care, their potential to take their places as productive members of our society can be severely limited. Lack of care critical for healthy child development simply increases the need for remedial, more costly health services later on.

The children who depend on medicaid are, in general, exceedingly poor. They are restricted in their activities, bedridden, and absent from school more often than are children in families with higher income levels and greater access to quality health care. The lowest rates of immunization and the highest rates of infection are too often found among children in poverty areas.

Large gaps already exist in coverage for health-care services. Medicaid is so restricted in most States that the program covers little more than half of all persons considered to be poor. Medicaid eligibility varies from State to State, and in some States medicaid covers only about 10 percent of all poor children and pays only about 10 percent of the medical expenses for even that small minority.

Yet, we are being asked to cut funding for the most important public health program helping to meet poor children's needs for primary medical care, complete immunizations, dental care, mental health services, and prompt and early treatment of disease. We are being asked to cut funding at a time when the Robert Wood Johnson Foundation reports that more than 12 percent of all Americans—21 million adults and 7 million children—have trouble obtaining care when they need it due to a lack of health insurance and other financial resources. We are being asked to cut funding at a time when fully one-fifth of Hispanic adults—2.6 million—and 15 percent of black adults—2.5 million—are also included in this category. We are being asked to cut funding when, in 1982, more than 8 percent of all families in the United States believed that a family member needed care but had not obtained it because it cost too much or because of inadequate insurance.

Mr. President, the medicaid program is currently an entitlement program under which persons who meet basic criteria with respect to income eligibility are to receive medically needed services covered by the program. Thus, as the population grows, as welfare caseloads grow, as the aging population increasingly needs long-term care, the demands for services under medicaid continually increase. The Congress must be responsive to these demands on State medicaid programs and share with the States the responsibility for caring for poor and needy individuals. We must not turn our backs on the fact that the proposed medicaid cuts would hurt people seriously and would unfairly hurt children and elderly, poor, and disabled persons—by making it impossible for many of them to get the care and treatment they need.

Mr. President, I know that the chairman of the Finance Committee (Mr. DOLE) recognizes the importance of the medicaid program and that he would not want to jeopardize the health of the millions of individuals who depend on medicaid for access to needed health care. Thus, I would hope that, in conference with the House on this legislation, he will be receptive to the House position on medicaid.●

● Mr. NUNN. Mr. President, I thank my distinguished colleague from Arkansas (Mr. BUMPERS) for raising the issue of medicaid reductions as contained in the Finance Committee deficit reduction package. I would like to add to his comments by expressing my serious reservations about the extension of the existing medicaid reductions and offset provisions known by many as the medicaid penalty.

I am concerned about the medicaid penalty because of its adverse and punitive effect on Georgia where State officials have significantly reduced both State and Federal costs since the medicaid target-penalty system was enacted in 1981. The medicaid program in Georgia has met the Federal expenditures target all three fiscal years.

Georgia has cut over $100 million in medicaid since 1981 even though the State had a very limited program to begin with. Georgia has restrained the growth rate in reimbursements through steps that have affected all provider groups. In some cases, reimbursement—not just growth—was reduced. The State has implemented measures to discourage overutilization, to encourage the delivery of care in the least costly setting, and to promote only medically necessary care.

During 1980 and 1981, prior to the passage of the medicaid penalty, Georgia pursued prospective reimbursement for hospitals when it was politically unpopular. For their actions, the State was ultimately taken to court. It was not until within the past year that it became possible for the Federal Government to implement prospective payments in the medicare program.

As I mentioned a moment ago, Mr. President, Georgia implemented the cuts in medicaid in an already limited program. While some States continue to provide up to 31 optional services beyond basic medicaid coverage, Georgia funds only 13 services and does not cover the medically needy. The continuation of the medicaid target-penalty system beyond fiscal year 1984 will freeze inequities in the current program.

The target-penalty system is unnecessarily complex to administer. The allowable growth targets are firmly established until the close of each fiscal year, so the State must administer the program during the year without even knowing the final budget.

As many of my colleagues are, I am very concerned about the rapidly rising cost of health care for all segments of the population. We must continue to take steps to curb the growth in the cost of medical care. But while the extension of the medicaid penalty will save the Federal Government money, it is not true cost containment. It is cost shifting.

We need to review the facts and discuss what should be the national goals and objectives for medicaid and then enact fair and effective measures toward that end.

I thank Senator BUMPERS and the chairman for the opportunity to join in their discussion of this matter of importance to Georgia.●

Mr. DOLE. Mr. President, I would like to say to the Senator from Arkansas I understand his frustration. In addition to chairing the Finance Committee, I chair the Nutrition Committee. I can tell him he is exactly right. When we had Nutrition Committee hearings there was nobody there, no powerful lobbyists, no political action committees, maybe a few public interest people. We argued about whether we ought to have the reduced-price luncheon at 45 cents or 40 cents, which is not a matter of very great moment unless you are out of a job and have kids in school.

You move from that committee to chairing the Finance Committee. You are dealing with the powerless people in one area and the powerful in the other. Since the Senator is right down the hallway, he can verify that when we have a markup of the Senate Finance Committee, it is wall-to-wall Guccis, as far as you can see up and down the hallway. You have the powerful, the political action committees, the expert lobbyists, and I say that kindly; they are outstanding men and women.

You have a lot of muscle up and down the hallway. In fact, I think the Senator may have quietly complained about all the noise. But when you are looking at somebody's tax breaks, you are bound to wince now and then.

It is not that I am not in sympathy with anything the Senators have said, Mr. President. I hope we have not demonstrated by our actions an insensitivity to the needs of the recipients of medicaid, food stamps, or WIC, because there are vulnerable groups in this country who rely, as the Senator just said, on those of us in Congress or the legislative bodies to protect their interests. There are not many other people out there protecting their interests. We do not intend to sacrifice their interests in the Senate Finance Committee. That has never been the

policy of my colleague (Mr. LONG). In fact, he is the author of a number of programs and probably had as much to do with medicaid as any other Senators.

It is not that we are hostile to the concerns of the Senator from Arkansas. We support the concerns. But I do think the States are in a position now to help with some of the burden.

Also, if we can make some savings in administrative costs and other areas, I believe we ought to do that.

We will keep in mind a number of other statements made by Senators as we go to conference on this issue.

● Mr. DURENBERGER. Mr. President, I supported this provision in the Finance Committee not because I believe the States should shoulder a greater burden of medicaid costs. To the contrary, I believe that providing financing access to quality health care for all the medically indigent of this country is primarily a Federal responsibility. This does not mean access through Federal programs, however. I supported this provision only because I fully expect to reassess and revamp the way in which Federal funds assist State and local governments and the private sector in the provision of care and our involvement in medicaid next year.

No one disputes that medicaid expenditures are growing. What was a $4.5 billion program in 1969 is now a $40 billion program. But that money is not doing what many people think it is.

We think of medicaid as our program of health care for the indigent. But it is not nearly that broad. Medicaid really boils down to two basic programs. Three-fourths of the money goes for institutional care—essentially nursing home care—for the disabled and the elderly. The other big piece of medicaid provides acute care services for the AFDC population.

But there remains a large indigent population whose health care needs are not being met by existing public and private programs. By some estimates, there are up to 38 million Americans who lack public or private insurance. This includes the unemployed, those who work for employers that do not offer group insurance, and the working poor. About one-third of the uninsured people in this country are below the poverty line.

When these people need medical services, they are sometimes picked up by general assistance programs. In other cases, they are carried as bad debt by hospitals and physicians or they are channeled into a public hospital system which is slowly sinking under the financial burdens of high cost medical services. This is a slipshod way to meet a very real need. And hospitals in particular are finding it more and more difficult to pay for uncompensated care by charging private patients more. Price-sensitive patients simply take their business elsewhere. The emerging price competition in health care is a very promising development. But it does serve to eliminate a hospital's ability to cross-subsidize indigent care.

For all of these reasons I have made it a primary objective of the Health Subcommittee to identify the problems faced by economically disadvantaged persons in receiving health care, and to outline a solution to these problems. We have spent a lot of time in the Congress recently puzzling over how health care can become more affordable for the average American. And we have made some progress in that direction. We have set into place a payment system under medicare that will make hospitals more price conscious. We have allowed State medicaid programs to experiment with competitive contacts for primary care providers in the community. We also are encouraging the expansion of capitated systems such as HMO's, and we have worked closely with business and industry to learn from their efforts at cost containment.

Once we better understand why people are unprotected against medical risk, we can then use the public and private sector experiences to develop appropriate remedies to assure them access to care when they need it. We have already held hearings on the magnitude of the problem, and in upcoming hearings we will look at where the economically disadvantaged receive care when they do require it, and how the services they receive are provided and financed.

The bottom line is that a better safety net is needed; not necessarily a more expensive safety net, but a better designed one. I am convinced that the Federal Government should assume primary responsibility for financing the net, and I am convinced these reforms will come soon—hopefully next year. That is why I can support the 3-percent reduction in medicaid. Because I know more comprehensive reform is just around the corner.●

Mr. DOMENICI. Mr. President, I wish to have a colloquy with the distinguished Senator from Kansas (Mr. DOLE).

I want to discuss with my friend, the chairman of the Finance Committee, the issue of fiscal liabilities in the aid to families with dependent children (AFDC) program. As many of my colleagues already know, 28 States currently are liable for nearly $74 million in erroneous payments. These liabilities are due from States which make excessive erroneous AFDC benefit payments. My own State of New Mexico, for example, faces a penalty of $2.5 million for erroneous payment.

Mr. President, this Senator believes that the American people should not tolerate excessive error rates in AFDC or any other Government programs. The taxpayers money should not be wasted by inefficient program administration. More importantly, payments to ineligible persons or overpayments to eligible persons deprive truly needy beneficiaries of the full amount of benefits which the public could otherwise afford to pay.

Let me review some of the issues that representatives of my own State have raised with the Senator from New Mexico about the error-counting process. First, they question whether the Federal Government should penalize States for so-called technical errors that do not directly involve actual mispayments, or whether it should penalize States for client caused errors over which the States have little control.

Second, they are concerned about the validity of a uniform national quality control system which may not adequately reflect State program differences, and social, economic, and geographic differences.

Third, the States suggest that error rate data may be available too late to be useful to help a State correct its management problems. The liabilities owed by the States in 1984 reflect payments made in error in 1981.

Mr. DOLE. Mr. President, I thank the distinguished chairman of the Budget Committee for raising this important issue. I am well aware of the serious controversy surrounding the error rate sanctions in three of our largest public assistance programs—medicaid, food stamps, and AFDC. I agree that it is possible that the quality control mechanisms used to determine the level of error in each program may be flawed. However, I do believe that it is important for the States and the Federal Government to once and for all take the appropriate steps to demonstrate some State responsibility for these continuing high error rates.

I wish to remind my colleagues that there is already a long history of delay in the imposition of error rate sanctions. For example, in the AFDC program, the first departmental regulations on quality control were issued in 1972 and effective on January 1, 1973. Republican and Democratic administrations alike have waived or suspended penalties on the States. The current administration, in fact, has granted significant waivers to individual States and waived all errors associated with AFDC changes which were a part of the 1981 reconciliation bill and the 1982 tax bill. Not one penny has been collected by the Department of Health and Human Services as a part of the error rate sanction program.

This year it appears that the administration will impose sanctions in a number of cases. I understand a substantial number of waiver requests are currently being considered and some

may in fact be granted by the Department.

I do not oppse this waiver process. However, I do oppose the provision contained in the House deficit reduction legislation which would grant the States yet another reprieve from the payment of error penalties. Given the history of delay which marks the Federal-State relationship in this area, I believe that the Congress will grant further delays in the future. We must convince the States that the Federal Government is serious in its efforts to collect these liabilities. We all have an interest in reducing the Federal deficit. The Nation's Governors frequently remind the Members of this body that we have the responsibility to take actions which will reduce Federal spending and bring the Budget closer to balance. I say that the Nation's Governors can help in this effort by improving State Administration of programs in which the Federal taxpayer either shares the cost—as in AFDC and Medicaid—or pays the entire cost—as in the food stamp program.

The Finance Committee has been receptive to State requests for Federal relief in a number of areas over the last three years. Many of the Governors urging us to reduce the deficit are the same Governors who came to the Finance Committee seeking relief from the interest and repayment requirements for unemployment compensation loans and now from the error rate sanctions. At some point, we must take the interests of the taxpayers into account.

Mr. DOMENICI. The staffs of the Finance Committee and Budget Committee have held discussions with representatives of the States to find some reasonable middle ground on this issue. It seems clear that many States may be willing to consider a compromise downpayment plan. The plan might include substantial payments by the States, as required under current law, to show good faith, and some partial and temporary Federal relief while Congress examines the claims made by the States. Any liabilities which are delayed should, of course, accrue interest.

The Senator from New Mexico believes that we have spent the last 10 years talking about error rates, and doing very little to insure that the country does not waste its limited resources on ineligible recipients. It is very important at this time for the States to signal their acceptance of the concept of fiscal liabilities for making payments to ineligible recipients or overpayments to eligible recipients.

Does the chairman of the Finance Committee believe the conferees might consider such an approach?

Mr. DOLE. Yes, Mr. President, such an approach to address the concerns of the State of New Mexico could be considered. I am aware that discussions have taken place on this issue at the staff level. While it is my intention to oppose the House delay provision, it is possible that some middle ground could be found. At a minimum, such a position would necessarily have to include payments by the States of a significant portion of the penalties that have already been assessed. For my part, I want to make it clear that any compromise which may be reached should not be construed as a statement by the Senate that States no longer have the responsibility to make good on liabilities to the Federal Government.

Again, I thank my distinguished colleague for raising this issue and I pledge to continue to work with him and others to find some acceptable proposal for the conferees to consider.

Mr. DOMENICI. I thank the senior Senator from Kansas. It is my sincere hope that the conferees are successful in resolving this issue. Then we can get back to the proper business in the AFDC program, which is providing help to needy Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I note that the distinguished Senator from Montana is on his feet seeking recognition. I just want to say to him that I have two technical amendments that have been cleared that I want to offer at this point.

Mr. MELCHER. That is all right, Mr. President.

AMENDMENT NO. 3074

(Purpose: To place the Federal tax exemption for the Central Liquidity Facility in the Internal Revenue Code of 1954)

Mr. DOMENICI. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration. It is a modification to the credit union provisions.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment numbered 3074.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out section 13 of the matter following title IV in the amendment and insert in lieu thereof the following:

SEC. 13. (a) Title III of the Federal Credit Union Act (12 U.S.C. 1795 et seq.) is amended—

(1) in section 303 by inserting ", an instrumentality of the United States," after "Central Liquidity Facility" in the second sentence; and

(2) by adding at the end thereof the following:

"STATE AND LOCAL TAX EXEMPTION

"SEC. 312. (a) The Central Liquidity Facility, and its franchise, activities, capital reserves, surplus, and income, shall be exempt from all State and local taxation now or hereafter imposed, other than taxes on real property held by the Facility (to the same extent, according to its value, as other similar property held by other persons is taxed).

"(b)(1) Except as provided in paragraph (2), the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility and the income therefrom shall be exempt from all State and local taxation now or hereafter imposed.

"(2) Any obligation described in paragraph (1) shall not be exempt from State or local gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.

"(c) For purposes of this section—

"(1) the term 'State' includes the District of Columbia and

"(2) taxes imposed by counties of municipalities, or any territory, dependency, or possession of the United States shall be treated as local taxes.".

(b)(1) Section 501 of the Internal Revenue Code of 1954 (relating to organizations exempt from tax) is amended by redesignating subsection (k) as subsection (l) and by adding after subsection (j) the following new subsection:

"(k) GOVERNMENT CORPORATIONS EXEMPT UNDER SUBSECTION (c)(1).—The organization described in this subsection is the Central Liquidity Facility established under title III of the Federal Credit Union Act (12 U.S.C. 1795 et seq.).".

(2) Paragraph (1) of section 601(o) of such Code (listing exempt organizations) is amended to read as follows;

"(1) Any corporation organized under Act of Congress which is an instrumentality of the United States but only if such corporation—

"(A) is exempt from Federal income taxes under such Act, as amended and supplemented, or

"(B) is described in subsection (k).".

(c) The amendments made by this section shall take effect on October 1, 1979.

Mr. DOMENICI. The modification deals with the provision creating an exemption from certain Federal, State, and local taxes for the Central Liquidity Facility of the National Credit Union Administration.

The modification clarifies that the Federal tax exemption does not allow the facility to issue obligations that are exempt from Federal taxation.

In addition, the modification places the Federal tax exemption for the facility itself in the Internal Revenue Code, rather than in the banking laws.

It has been cleared by both sides, Mr. President.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3074) was agreed to.

AMENDMENT NO. 3075

(Purpose: To make technical corrections in provisions relating to medicare, medicaid, and estate tax)

Mr. DOMENICI. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) for Mr. DOLE, proposes an amendment numbered 3075.

Mr. DOMENICI. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 1842(b)(11)(A) of the Social Security Act, as added by section 904(a) of the bill, strike out "physicians' services" and insert "services'. (Page 1206, line 24, of the Dole amendment).

In section 1886(b)(3)(B)(11) of the Social Security Act, as added by section 905(a) of the bill, strike out "; and" at the end of subclause (II) and insert a period, and strike out subclause (III). (Page 1210, lines 1 through 4, of the Dole amendment).

At the end of section 925 of the bill add the following:

(e) Section 1886(e)(3) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The Commission shall also make a preliminary report of its recommendation for fiscal year 1987 to the Secretary prior to April 1, 1985.".

In section 1833(h)(2) of the Social Security Act, as added by section 906(d) of the bill, strike out "and extemely skilled personnel" and insert "or extremely skilled personnel". (Page 1213, line 14, of the Dole amendment).

In section 1833(b)(2)(A)(ii) of the Social Security Act, as added by section 916(a) of the bill, insert before the semicolon at the end thereof the folllowing: ", determined without regard to section 1842(b)(4)". (Page 1227, line 16, of the Dole amendment.

In section 1886(d)(5)(C)(1) of the Social Security Act, as amended by section 919(a) of the bill, strike out "shall include wages" and insert "may include wages". (Page 1, line 12, of the Quayle amendment).

In section 1886(d)(2)(D) of the Social Security Act, as amended by section 919(b) of the bill, strike out "Standard" each place it appears (twice). (Page 2, lines 7 and 11, of the Quayle amendment).

In section 1886(d)(8) of the Social Security Act, as added by section 919(c) of the bill, strike out "October 1" and insert "April 20". (Page 2, line 16, of the Quayle amendment).

In the section heading of section 933 of the bill, add at the end "OR HOSPICE PROGRAMS". (Page 1242, line 6, of the Dole amendment).

In section 936(a) of the bill, strike out "section 202" and insert "section 904". (Page 1246, line 16, of the Dole amendment).

At the end of section 805(c) of the bill, add the following new paragraph:

(3) Unless the Secretary of Agriculture determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this section, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code of 1954 shall be deemed to be waived by reason of the provisions of this section.

The PRESIDING OFFICER. This amendment seeks to amend a previously agreed-to amendment, so it will take unanimous consent to proceed.

Mr. DOMENICI. I ask unanimous consent that it be in order.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. I have no objection, but which amendment is this?

Mr. DOMENICI. This is the technical corrections to the Finance Committee provisions that the Senator has seen.

Mr. METZENBAUM. Is this on the insurance?

Mr. DOLE. It includes an insurance provision of Senator HUDDLESTON's, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, the corrections have no budgetary nor policy implications.

The amendment does the following:

First, clarifies that the participating provider program created by the bill applies to all part B providers, not simply physicians.

Second, corrects drafting error which would have mandated a specific rate of increase in the payments to non-DRG hospitals.

Third, clarifies that the Prospective Payment Commission is expected to file the reports required by the Social Security Amendments of 1983 notwithstanding the fact that this legislation places a limit on the rate of increase in payments to hospitals.

Fourth, clarifies that the Secretary may make an adjustment to the fees paid for lab tests in the case of certain low-volume high-cost tests where highly sophisticated equipment or extremely skilled personnel are necessary to assure quality.

Fifth, clarifies that the freeze on physician fees contained in this bill does not effect the indexing of the part B deductible.

Sixth, clarifies that a hospital may be classified as a rural referral center if certain of its characteristics are similar to certain characteristics of urban hospitals.

Seventh, corrects reference to metropolitan statistical area.

Eighth, corrects date so that hospitals located in counties that were redesignated from urban to rural in June 1983 are covered under the provision.

Ninth, corrects title of section of the bill to reflect content of that provision.

Tenth, corrects erroneous cross reference.

Eleventh, restores language that was incorrectly deleted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3075) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3076

(Purpose: To add additional funds for the Job Corps)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk on behalf of myself and Senator HEINZ and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM), for himself and Mr. HEINZ, proposes an amendment numbered 3076.

At the appropriate place insert the following new subsection:

(g) Notwithstanding any other provision of this Act (or any amendments made by this Act), the amount specified in subsection (b) of this section for fiscal year 1985 shall be increased by $35,810,000, in order to permit additional appropriations for the Job Corps under part B of title IV of the Job Training Partnership Act.

Mr. METZENBAUM. Mr. President, this amendment expands the appropriations caps for discretionary programs in the Baker amendment by $35 million in fiscal year 1985 for the Job Corps program. These funds should be used to assure that the Job Corps program is at least kept at CBO baseline levels in fiscal year 1985.

This does not mean that the Authorization and Appropriation Committees cannot provide funding above CBO baseline. I certainly hope and encourage them to do so. The $35 million contained in this amendment is merely to insure that, at a minimum, CBO baseline levels for the program are maintained in fiscal year 1985.

Mr. President, there may be an economic recovery occurring in this country, but someone has been left behind—someone we, as a society, cannot afford to leave behind.

I refer to America's teenagers—whose unemployment in April reached 19.4 percent.

The unemployment problem is most striking among minority teenagers. During the first quarter of 1984, the rate of joblessness among Hispanic teenagers was 26.6 percent; for black teenagers the rate was an astounding 46.7 percent. For the past year and a half, black teenage unemployment has hovered at approximately 50 percent.

When Janet Norwood testified before the Senate Budget Committee, she indicated that only one out of every six black teenagers was holding a full-time job. I find this situation scandalous. I also find it alarming.

Many young people and adults are struggling in their efforts to find jobs because of their inability to read want ads and fill out job applications. The National Commission on Excellence in Education found that 13 percent of all 17 year olds are functionally illiterate. A study by the Department of Defense found that 7.2 million young people, 28 percent of the young population, were reading below the eighth grade level.

And, in addition to lacking the basic academic skills, young people growing into adults, without the experience of ever having worked and understanding what is expected of them find it very difficult to survive in the job market.

We are not without solutions to these problems: There are programs which have been demonstrated to work. The Job Corps is a program which works.

Job Corps centers throughout the country provide an alternative learning environment providing basic education, vocational training, preemployment services and life-skills training.

Corps members are young, economically disadvantaged Americans, with an average reading level below the sixth grade at the time of their entry into the program.

The past work histories of most participants are typified by high unemployment, few work hours, low wage rates, and low earnings.

The Job Corps gives these young people a second chance by providing them with the skills necessary to obtain and hold a job. The Job Corps experience demonstrates that those who are the most disadvantaged can be helped.

Approximately 85 percent of Job Corps graduates are placed into jobs and at wage rates averaging $4.65 per hour. Future earnings ability of participants in the program were enhanced as a result of obtaining a diploma, more attendance at vocational or technical school, and more enrollments at college.

At a time when unemployment among our young people is reaching crisis proportions, we should be expanding successful programs to allow greater numbers of people to benefit.

This amendment is in fact modest in the extreme. It is the amount which CBO deems necessary to keep the Job Corps in pace with inflation. It provides $35.8 million for this purpose. We should do more—much more. But this at least maintains the very basic level of services provided to young people under this very successful program.

This $35 million increase represents a mere one-tenth of 1 percent of the increase proposed for defense in 1985 under the Baker amendment. Or look at it another way.

If we can afford $139 million for military bands, we should be able to afford $35 million for this Nation's youth.

Mr. President, the Washington Post today included an article on the consequences of black unemployment and the tragic prospects this Nation faces with black teenage unemployment of close to 50 percent.

I ask unanimous consent that the article be printed in full in the RECORD following my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COURTLAND MILLOY—CONSEQUENCES

There is a problem in the black community that is not going to be a black community problem much longer. It's called unemployment. And while many people frown on talk about jobs programs, it seems that if something is not done soon to reduce black unemployment, the prospects for this society will become nightmarish.

The facts speak for themselves: the rate of unemployment among black teen-agers exceeds 50 percent—more than twice the rate of unemployment among white teenagers.

How are all the white youths getting work? some will ask. But that is not the question. What is going to happen to all those black youths when they become men? is more appropriate.

The consequences could be devastating. Already, the winds of a self-propelling maelstrom are being felt. According to the Center for the Study of Social Policy, the rise in unemployment among black men has been directly correlated with the phenomenal rise in black female-headed households.

With the increase in female-headed households come more black families living in poverty, as well as crime among young men who lack adequate role models. It can all stem from not having a job.

To many middle-class people, black and white, this may seem like a specious argument. After all, they are having troubles, too. But members of the black middle-class should think twice before divorcing themselves from the problems of their impoverished neighbors.

For one, white, middle-class, divorced women are getting remarried, while most black divorced women are not. For the middle-class black woman the problem is essentially the same as for poor black women: unavailability of men.

In 1960, about 75 percent of all white and black men in this country were working—and black female-headed households were 18 percent of all black households.

By 1982, while the number of employed white males remained unchanged, the number of employed black males had fallen to 54 percent. The other 46 percent were unemployed, in jail, or worse, unaccounted for. And the number of black female-headed households had shot up to 41 percent.

The study sheds light on a component of the jobs issue that seems to have been lost in the controversies over misspent federal funds. A job is not just a job, but a means of pride, dignity and self-respect. It is a way to maintain a household, hence, to keep a family.

"If 46 percent of all black men are jobless, it is little wonder that an increasing number of black women are raising families alone," says Tom Joe, director of the center. "For young black women, the choice of a husband is extremely circumscribed by the poor economic prospects of black men."

Eleanor Holmes Norton, former head of the U.S. Equal Employment Opportunity Commission, says, "Men in urban areas just won't live in a household unless they have something to contribute. Furthermore, in areas of chronic unemployment, a woman may have a baby by a man and not even expect marriage. Over a period of time, you develop poor models for behavior."

This society has many ways of dealing with its undesirables. But for black men, the choices are all too often demeaning—short-term labor, the underground economy of drugs and stolen goods, usually followed by prison.

Never in history have there been so many black youths about to become adults without an iota of job experience. Ill prepared, arrogant, and with unusually high expectations, they can be expected to create social and political problems that cause havoc in their neighborhoods first, then spill over to take a toll on the system.

Historically, the black family has stayed together come hell or high water. But a peculiar set of economic circumstances, including structural unemployment and lack of skills, have combined to produce a new chapter, one in which the backbone of black survival—the family—is being written out.

With jobless fathers nowhere to be found, without positive male role models on which to pattern their behavior, the unemployed youth of today are almost certain to become madmen—without jobs or families—tomorrow.

Mr. METZENBAUM. Mr. President, this amendment has to do with the Job Corps. It is my understanding that the managers of the bill are prepared to accept the amendment. If they are, I shall certainly find no reason to speak at length on the subject.

Mr. DOMENICI. Mr. President, we have reviewed this with the distinguished Senator from Ohio. We have no objection. It will not change the budget totals and we concur in the adoption of this as expeditiously as possible.

Mr. CHILES. That is correct, Mr. President, we concur with it, also.

(The name of Mr. HATCH was added as a cosponsor.)

Mr. HATCH. Mr. President, it is a rare occasion on which I am able to join the Senator from Ohio on an amendment, particularly on a proposal to increase the Federal budget. But, I am happy to cosponsor his amendment to provide funds to accommodate the needs of the Job Corps.

I support the Job Corps because, by all accounts, it is a program that works. It will cease to be effective, however, if the facilities fall apart, residential and instructional staff must be laid off, or training slots are reduced for insufficient funds.

The amount Senator METZENBAUM has proposed is reasonable and appropriate in these times of tight budgeting, though it will preserve the viability of this important training program for disadvantaged youth through fiscal year 1985.

I urge all Senators to support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3076) was agreed to.

Mr. DOMENICI. I move to reconsider the vote by which the amendment was agreed to.

Mr. CHILES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I express my appreciation to the managers of the bill for their cooperation.

Mr. LONG. Mr. President, there are provisions in this bill relating to employee stock ownership. I believe that even though, on balance, they represent a net saving to Government, they will make employee stock ownership a more effective program than it is today. I am strongly in favor of what is in the bill on that matter, even though it does result, over a 3-year period, in a net saving to the Treasury of $394 million.

I had thought, Mr. President, of asking for a separate vote on this matter and asking that the yeas and nays be ordered. However, my only purpose in doing that would be that I would like to demonstrate a strong position for what is already in the bill in order to strengthen our position in conference. The chairman of the committee discussed my thought with me and he indicated that, in his judgment, that would not be necessary because he thought the conferees would stand very strongly and firmly in favor of the employee stock ownership provision. Therefore, Mr. President, I think I shall settle simply for asking that an explanation of what the provisions now provide appear in the RECORD at this point, together with a computation showing how, over a 3-year period, this works out to a net saving of $94 million to the Treasury.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMPLOYEE STOCK OWNERSHIP PLAN (ESOP) PROVISIONS

(1) ESOP Rollover. Provides for the tax-free rollover of the proceeds from the sale of a business to an ESOP or to a worker-owned cooperative, provided the proceeds are reinvested in the securities of another business within one year.

Rationale: Provides for parity with the current tax-free exchange provisions of the Internal Revenue Code. Also promotes small business continuity (vs. selling to a conglomerate) or liquidating (e.g., in order to generate estate tax liquidity). Also opens up a new source of capital for other businesses (because the funds must be reinvested in order to qualify for the rollover).

Explanation: The stock sold must have been held for more than one year and must have been issued by a domestic corporation which has no readily tradable securities outstanding. The basis in the replacement property is reduced by the gain not recognized due to the rollover.

The stock acquired cannot be allocated to the seller, family members of the seller or 25% shareholders. In addition, the stock must stay in the ESOP or co-op for at least 3 years after the sale; if distributed before that, the company must pay an excise tax equal to 10% of the gain realized on the sale.

(2) Dividend Deduction. Allows a corporate deduction for dividends paid on ESOP stock, provided the dividends are paid out currently to employees or are applied to repay an ESOP loan.

The dividends may be paid directly to the employee or may be paid to the ESOP and passed through to the employee. Because the dividends are deductible to the corporation, they do not qualify for the partial exclusion from income.

Rationale: converts corporate taxable income into either taxable employee income or a more rapid accumulation of capital for employees (i.e., if the dividends are used to repay an ESOP loan). This provision should also help to bring home the reality of stock ownership to employees, thereby fostering motivation and productivity. It also provides employees with a second source of income, thereby helping to moderate wage demands. In addition, this provision represents an equitable approach to integration of corporate and individual income taxes. According to the Joint Economic Committee, 47% of dividends flow to only one percent of the population. Thus, any integration proposal that is not linked to more widespread ownership is simply a tax cut for the already well-to-do.

(3) Interest Exclusion. Provides that a bank, insurance company, or other commercial lender may exclude from income 50 percent of the interest received on loans to ESOP companies, provided the loan proceeds are used to finance an ESOP's acquisition of company stock.

Rationale: to encourage the use of ESOPs as a socially-preferred technique of corporate finance.

(4) Assumption of Estate Tax Liability. Provides that the liability for estate tax may be assumed by an ESOP or a worker-owned co-op in return for a transfer from the estate of stock of an equal value, provided the sponsor company guarantees payment of the tax and agrees to pay such tax on an installment basis over a 14-year period (interest only for the first four years). This installment payment arrangement is currently available to any estate more than 35% of which is comprised of an interest in a closely held business (Internal Revenue Code Section 6166).

Rationale: adapts the rationale of the current installment payment provision (i.e., to help family-owned companies) in such a way as to benefit the "employee family" of closely held companies. Also promotes small business continuity (an original rationale of Internal Revenue Code Section 6166 when enacted in 1958).

(5) ESOP Contributions. Permits an ESOP or a worker-owned co-op to be treated as a charitable organization for income, gift and estate tax purposes, provided donated stock is not allocated to the donor, family members of the donor or 25 percent shareholders.

Rationale: encourages shareholders to leave their wealth to those who helped them create it. This provision will also strengthen the tax base because amounts contributed to charity are forever lost to the tax system whereas amounts contributed to an ESOP will eventually be restored to the tax base as the stock is distributed to employees.

(6) Capital Gain Exclusion. Increases the capital gain exclusion (from 60 percent to 80 percent) for investments that are held for at least three years in companies in which 50 percent of the stock is owned by at least 50 percent of the nonmanagement employees. Thus, the highest tax rate on such investments would be 10 percent (50 percent top tax rate on the 20 percent includible capital gain). In order to qualify, the stock must have been acquired within 5 years of the date of incorporation.

In testing for 50% employee ownership, not less than 25% of the stock must be owned by not less than 50% of the non-management employees (i.e., excluding stock owned by officers and members of the board of directors). Stock held by an ESOP is included, stock owned by a selling employee is disregarded, and all stock owned by family members is treated as owned by a single employee. The test for employee ownership is made after the sale, and the test must continue to be met for three years thereafter, otherwise the corporation must pay an excise tax equal to 10% of the gain.

Rationale: to attract investment capital to new companies (tax incentives for new companies are of little use because they generally pay no taxes). By linking the investor incentive to employee ownership, the provision should also help the business to attract motivated employees. This provision also encourages employee ownership, at the outset, thereby enabling employees to benefit from the company's growth. It also provides an incentive to investors by providing a way for them to get their investment back out of the company (e.g., by selling to an ESOP)—an attractive alternative to "going public". It should also promote small business continuity (vs. the initial investors turning to a conglomerate for a tax-free exchange).

(7) Estate Exclusion. Permits exclusion from an estate of one-half of the proceeds realized on the sale of employer securities to an ESOP or to a worker-owned cooperative. The exclusion is disallowed to the extent that the sale results in ESOP allocations to the taxpayer (or decedent), family members of the taxpayer (or decedent) or 25 percent shareholders.

Rationale: promotes employee ownership.

(8) Freeze of ESOP Credit. Postpones until 1986 the increase in the tax credit available for ESOP contributions. Thus, through 1985, the tax credit would be limited to 0.5 percent of payroll, increasing to 0.75 percent for 1986 and 1987.

Effective date: December 31, 1984.

EMPLOYEE STOCK OWNERSHIP PROVISIONS

(1) Provides for the tax-free rollover of the proceeds from the sale of a business to its employees, provided the proceeds are reinvested in the securities of another business within one year.

(2) Allows a corporate deduction for dividends paid on ESOP stock, provided the

dividends are paid out currently to employees or are applied to repay an ESOP loan.

(3) Provides that a bank or an insurance company may exclude from income 50 percent of the interest received on loans to ESOP companies, provided the loan proceeds are used to finance an ESOP's acquisition of company stock.

(4) Increases the capital gains exclusion (from 60 percent to 80 percent) for investments in companies that are held for at least three years in companies in which 50 percent of the stock is owned by at least 50 percent of the non-management employees.

(5) Provides that liability for estate taxes may be assumed by an ESOP in return for a transfer from the estate of stock of an equal value, provided the sponsor company guarantees payment of the taxes and agrees to pay such taxes over a period of years.

(6) Permits exclusion from an estate of one-half of the proceeds realized on the sale of employer securities to an ESOP.

(7) Permits an ESOP to be treated as a charitable organization for income, gift and estate tax purposes, provided donated stock is not allocated to the donor, family members of the donor or 25 percent shareholders.

Effective date: December 31, 1984.

REVENUE ESTIMATES

	1985	1986	1987	1984–87
(1) ESOP rollover	−19	−50	−81	−150
(2) ESOP dividend deduction	−55	−110	−95	−260
(3) Bank interest on ESOP loans	(1)	−15	−25	−40
(4) Increased capital gain exclusion for ESOP company investments	(1)	(1)	(1)	
(5) Deferral of estate tax payments	(1)	(1)	(1)	
(6) Estate tax exclusion	(1)	(1)	(1)	
(7) Contributions to ESOP's	(1)	(1)	(1)	
Total	−29	−85	−123	−237
1-year freeze of tax credit ESOP	+375	+325	+134	+834
Net	+301	+160	−67	+394

[1] Equals less than $10 million.

Mr. DOLE. Will the Senator yield?

Mr. LONG. I yield.

Mr. DOLE. I have discussed this with the distinguished Senator from Louisiana. I share the views he has expressed. I have also discussed the amendment with my counterpart on the Ways and Means Committee, Representative ROSTENKOWSKI. He has indicated some concern with some of the amendments including a piece or two the Senator just alluded to. They have a right to be concerned; we have a right to insist on our position. I do not really believe a rollcall vote would make any difference. I am willing to do what I can to preserve the Senator's position.

Mr. LONG. Mr. President, the chairman of the committee (Mr. DOLE) has been most helpful to us in seeing that the Senate agrees to the employee stock ownership provisions. In view of the fact that the chairman and, I am sure, the Democratic Members strongly support this, and in light of the fact that some of the Republican Members of the conference are cosponsors of the amendment—in light of the fact that I believe it will have very strong support on the Senate side, I am persuaded by the distinguished chairman that a rollcall vote could not put us in any stronger position than we are in already. Therefore I am not going to ask for a rollcall vote. That would just further delay the Senate. I know the chairman and the majority leader are anxious to reach a vote on the pending amendment, as amended, so I will simply settle for the information that is in the RECORD.

Mr. DOLE. I thank my colleague. I think that is an accurate reflection. We do hope to go to conference early next week. My attitude is to stick with the Senate position. Of course, the Senator from Louisiana will be there, and we will be there, and we will be trying to protect his interests.

Mr. LONG. Mr. President, the chairman of the committee has provided us with magnificent leadership in helping to bring this bill to the Senate and to drastically reduce the Federal deficit. I wish we could reduce it more, but without the leadership of the Senator from Kansas (Mr. DOLE) this package would never have been possible. I will be pleased to work with him in conference to help achieve the kind of savings and fiscal responsibility that he is trying to accomplish.

Mr. DOLE. I thank the Senator.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, the proposition we have had before us for 4 weeks has ground on a long time and still is not complete. The efforts to reduce the deficits have been unsatisfactory in my judgment and a deterrent to economic recovery as indicated by the increasing interest rates during the past several weeks. That is a most serious failure on the part of our responsibility and the increasing interest rates during the past several weeks. That is a most serious failure on the part of our responsibility and exercising prudent judgment in terms of what the overall budget figures should be for the coming fiscal years.

There have been attempts at, first, a freeze by the Senator from South Carolina (Mr. HOLLINGS), which failed, and then a bipartisan effort for a 1-year freeze, which also failed. The effort of the Democratic side to have a reduction in spending during the coming 3 fiscal years failed very narrowly on a 49-to-49 vote. The amendment offered by the so-called moderate Republican group with very strong Democratic backing also failed by a 48-to-46 vote I believe was the count. So we are left with an inadequate overall proposal for nondefense spending and for defense spending for the coming fiscal years.

In addition, we have before us in the proposal the startling, innovative but I think very treacherous idea of putting into the statute that there will be two caps imposed, one for defense spending and one for nondefense spending and they cannot be intermingled.

Now, there is always a feeling that we ought to try to improve the package and keep coming back with additional amendments, but I think we have had, while they were close votes, very much the broad spectrum of attempts made to reduce the spending levels and thereby reduce the deficits during the coming 3 fiscal years. So I do not propose an amendment to make another effort at reducing the deficit and will not speak on this matter more than a moment longer. But I do want to make it clear that when the budget resolution is offered category by category, function by function, I will want to review it carefully before making any agreement on time or amendments that will be offered.

With that, Mr. President, I add my regrets that we have not done better with the proposal before us at this moment at reducing spending levels.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DANFORTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I do not want to go back and open up the tax portion. There are about 10 or 11 transition projects on tax-exempt leasing that were not considered on the Senate floor. Four were brought up at the last minute. We could not work out clearance on the floor. Since that time, a number of others have been called to my attention and to the attention of the committee.

In addition, there are about 25 to 30 IDB development bond transition rules; and rather than try to put those all in the package, which would take some time and some clearance and probably some rejection, I will place in the RECORD at this point a list of all the Senators who called these to our attention, and then do the best I can in conference.

What we are going to do is come up with some generic rule that will cover all these projects.

The following additional transitional projects for the tax-exempt leasing portion of the bill have come to my attention during the last few weeks. The House does not have any comparable list of grandfathered projects. It would be my hope that the conferees can come up with a set of generic rules that will take care of all the legitimate cases for transitional relief where there has been substantial detrimental reliance.

I ask unanimous consent to have printed in the RECORD a statement

with the tax-exempt leasing transition rules.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Project and location	Qualifying action	Date of action
Michigan Technological University Arts and Humanities Center (Senator Levin), Houghton, Mich.	Architectural feasibility report completed.	January 1983.
Heritage Foundation Building (Senator Armstrong), Washington, D.C.	Transaction completed.....	Before Jan. 24, 1984.
Essex County Court House (Senator Bradley), Newark, N.J.	Negotiations begun.....	Before Dec. 31, 1982.
Elon College (Senator Helms) Elton, N.C.	Resolution of agreement....	Mar. 7, 1984.
Villa Victoria Center (Senator Kennedy), Boston, Mass.	Planning and design complete, construction begun.	Before May 23, 1983.
University of Virginia fraternity houses Charlottesville, Va.	Official approval of historic district designation.	Jan. 10, 1984.
Fort Wayne Civic Center project (Senator Quayle), Fort Wayne, Ind.	Construction begun.....	Apr. 7, 1983.
Harlem Third World Trade Institute (Senator Moynihan), New York, N.Y.	Environmental impact study completed.	Before 1982.
Rolling Green Village Retirement Community (Senator Thurmond), Greenville, S.C.	Submitted of capital financing proposal.	November 1983.
University Diagnostic Tower (Senator Grassley), Des Moines, Iowa.	City ordinance passed.....	Apr. 14, 1984.

REAL ESTATE PROVISIONS

Mr. DOLE. Mr. President, a number of Senators have contacted me about the need for clarification of the effective dates of the bill's provisions affecting depreciation and rehabilitation tax credits. For example, Senator COCHRAN has brought to my attention a problem involving a renegotiated contract, and Senator DOMENICI has brought to my attention a concern regarding St. Joseph's Hospital in Albuquerque, NM. Let me assure my colleagues that the Senate conferees will look carefully at the issues they have raised.

IDB PROVISIONS

Finally, Mr. President, there have been several requests by Senators to exempt various projects now substantially underway from the IDB restrictions of the tax bill. Although these projects cannot be added to the bill now as a technical amendment, it is my hope that the effective dates adopted in conference with respect to IDB's can take these projects into account. I should indicate that there is a possibility the conferees may take a different approach to transition problems, other than a list of specific projects. Whatever approach is taken, I believe, should recognize the hardship that can result when the tax laws change without adequate adjustment for projects where substantial investments have been made in reliance on existing law.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum relating to IDB transition role requests.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

IDB TRANSITION RULE REQUESTS

Desert Fashion Plaza, Parking Structure, Palm Springs, CA, Senator Glenn.

Strawberry Square Completion Project, Hamsburg, PA, Senator Specter.

Ballston Parking Facility, Arlington, VA, Senator Warren, Senator Trible.

Eight Parking Garages, Baltimore, MD, Senator Mathias, Senator Sarbanes.

El Monte Center Redevelopment Project, El Monte, CA, Senator Wilson, Senator Cranston.

Phoenix Square One, Project Phoenix, Ariz., Senator DeConcini.

Portland Performing Arts Center parking facility, Portland, OR, Senator Packwood.

One Imperial Plaza, Allentown, PA, Senator Specter.

Downtown Project, Wichita, KS, Senator Dole.

Central Mall Project, Salina, KS, Senator Dole.

Oakwood Professional Joint Venture, Fort Worth, TX, Senator Bentsen.

Southeast Texas Surgical Center, Beaumont, TX, Senator Bentsen.

The Eye Clinic, Beaumont, TX, Senator Bentsen.

Amarillo Health Facilities Corp. (two projects), Amarillo, TX, Senator Bentsen.

Mead-Phoenix Transmission Line Project, Senator Wilson, Senator Cranston, Senator Goldwater, Senator DeConcini.

Solid Waste Project, Hillsborough County, FL, Senator Hawkins.

Providence-St. Margaret Health Center Joint Venture, Kansas City, KS, Senator Dole.

Harlem Third World Trade Institute, New York, NY, Senator Moynihan.

North Suburban Clinic Project, Hoffman Estates, IL, Senator Dixon.

Iowa World Trade Center, Des Moines, Iowa, Senator Grassley.

University Diagnostic Tower, Des Moines, Iowa, Senator Grassley.

Central Iowa Racetrack Corporation, Des Moines, Iowa, Senator Grassley.

Petersburg Office and Warehouse Building, Petersburg, Alaska, Senator Stevens, Senator Murkowski.

Mr. DOLE. The first one on the list, I say to the Senator from Michigan, who has just inquired about adding his to the bill, is by the Senator from Michigan. I am satisfied that we can take care of his problem in conference.

Mr. LEVIN. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. LEVIN. Mr. President, I thank the Senator from Kansas. His assurance certainly meets my needs, and I will not offer a separate amendment on this project.

I do note, however, that this project for Michigan Technological University is included on the list of the Senator from Kansas, and his assurance that the generic arrangement they are expecting to work out in conference will cover this particular situation is certainly adequate for me. I thank him very much for that assurance.

Mr. DOLE. I thank the Senator from Michigan. I assure him that we can take care of that project, and we will keep in touch with the Senator's staff.

Mr. LEVIN. I thank the Senator.

Mr. THURMOND. Mr. President, I wish to commend the distinguished chairman of the Finance Committee, Senator DOLE, for his efforts to produce a fair and balanced transition through the changes in real estate leasing enacted by the Senate. Part of this transition included a list of projects upon which varying degrees of progress had been made in reliance on existing law.

Mr. President, Rolling Green Village Retirement Community, now under development in Greenville, S.C., is one of those projects which deserves inclusion in the leasing transition rule. This is a residential complex for senior citizens, developed by the Greenville Baptist Community. As early as 1979, architects had prepared a master plan for this comprehensive facility which is to provide central apartment housing as well as single-family structures. Certainly, this worthy project ought to be included in the leasing transition rule.

I thank the chairman of the Finance Committee for his willingness to do what he can in conference with the House to develop a transition rule which will allow worthwhile projects such as this one to go forward as planned.

Mr. DOMENICI. Mr. President, I yield to the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. I thank the distinguished Senator from New Mexico.

Mr. President, I was on duty downstairs at a conference on the supplemental appropriation bill and did not hear all the remarks of the Senator from Arkansas (Mr. BUMPERS) with respect to the current problem of medicaid. He did not offer an amendment, but he made some very relevant and pertinent remarks.

I particularly want to approve and underscore the way he explained the situation about the variation among the States as to the amount of medical care that is provided through medicaid. The percentage of those who would be eligible is large in a State such as the one I have the privilege of representing. We have a large number of people who ordinarily would be qualified and eligible; and the State legislature, with limited resources with reference to tax sources cannot put up the money, percentagewise or otherwise, to the same extent as some other States to compensate for Federal reductions in this program. That is nobody's fault, and no one is blamed here, but it is a condition I should like to underscore.

I was not in favor of trying to offer an amendment to do anything about the Finance Committee proposal at

this point. But I do feel it should be a matter of discussion in conference.

I want to thank the Senate Finance Committee for their concern about the medicaid program as a whole and am sure they have tried to be fair in the proposals they made for reduction.

However, my point is that with a State like mine, there are not as many things that can be left off as in some other States. Our medicaid program is very lean to begin with. Therefore, any reduction on it applies as a double dose. We have to do the very best we can in that situation. I have been among the people and talked to them about it, and I just want to reflect that point here.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Kansas.

Mr. DOLE. I say to the Senator from Mississippi that we certainly are aware of his concern. We understand the problem in Mississippi and other States where they do not have the tax base and where it is more difficult. So if there is something we can do to ease that problem, obviously we will be consulting with both Senators from Mississippi.

Mr. STENNIS. I thank the Senator very much. He has been concerned about it and has shown that concern.

AMENDMENT NO. 3077

Mr. DOMENICI. Mr. President, I note that the distinguished minority leader is on the floor, and I say to him that the distinguished majority leader will be along shortly. He asked me to proceed.

I am prepared now to send to the desk an amendment which I offer on behalf of Senator BAKER.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. BAKER, proposes an amendment numbered 3077.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the language proposed to be inserted by amendment No. 3027, on page 8, line 24, beginning with "fund,", strike all through the end of page 9, and insert in lieu thereof "fund."

Mr. DOMENICI. Mr. President, I will explain briefly to the Senate what this is. It has been cleared on both sides.

This amendment modifies the subject matter before the Senate such that it no longer will be considered a reconciliation bill, as a matter of parliamentary ruling. There has been concern that perhaps this entire measure would become a reconciliation measure as a matter of interpretation and parliamentary order. There would have been certain ramifications of such an interpretation that some Members of the Senate did not desire to have happen.

Therefore, the distinguished majority leader seeks this amendment to prevent such an interpretation. I understand it is acceptable on both sides. With this amendment, there will be no reconciliation interpretation to the pending measure before the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3077) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3027, AS AMENDED

Mr. MITCHELL. Mr. President, the Senate began debate on this bill almost 6 weeks ago. This is clearly a measure of the overriding need to bring down projected Federal deficits to more reasonable levels.

This urgency is twofold. First, large budget deficits threaten both short-term economic growth and long-term prosperity. Much has already been said in this debate on the effects of substantial Federal borrowing requirements during an economic recovery. Since there is no precedent for this situation, we cannot predict with certainty what will happen. But it is clear that the risks are great.

Second, we must move expeditiously on meaningful deficit reduction because the public demands it. Our inability to devise a solution calls into question our capacity to govern effectively. In my travels around Maine I have talked to many people who find it incredible that Congress cannot come to grips with the most important economic issue facing the Nation. Public confidence in Congress is at stake.

Unfortunately, the unusually lengthy debate on this bill is also a measure of the obvious lack of enthusiasm for the pending budget proposal.

Many imaginative proposals have been offered that would go a long way toward an acceptable solution. In evaluating the various alternatives that were presented in the Senate, I considered two factors. First, would the alternative reduce the projected deficits substantially? Second, are the burdens imposed by the deficit reduction measures shared in an equitable manner?

I think it is regrettable that only the Republican alternative received majority support, because that alternative makes no progress in reducing the deficit and embodies an unacceptable set of priorities.

According to the independent Congressional Budget Office, Federal deficits from fiscal years 1985 to 1987 will total $660 billion. The pending budget cuts only $89 billion from this amount, the least of any of the alternatives offered in the Senate. In fact, these deficit-cutting measures do not even offset the expected growth in the deficit. In 1983, the budget showed a deficit of $195 billion. According to the CBO, the 1987 deficit under the pending plan would be $204 billion.

This budget has been sold to the public as a downpayment on deficit reduction, on the assumption that serious action to reduce the deficit will not be approved by Congress in an election year. Unfortunately, this became a self-fulfilling argument, as the Republican majority has repeatedly turned down more ambitious budget packages. Downpayment has become merely a euphamism for an unwillingness to tackle seriously the deficit problem.

The modesty of this package is largely a reflection of the President's own reluctance to engage in serious deficit-cutting action this year. This amendment is the result of negotiations between Republican congressional leadership and the administration. The President's initial position was contained in his 1985 budget proposals, which recommended only $23 billion in deficit reductions, according to the CBO, compared to current policy. As long as President Reagan refuses to face up to the risks posed by massive budget deficits, bipartisan support for meaningful budget savings is highly unlikely.

Not only does the pending budget make no progress in lowering the deficit, but its priorities are completely out of line with what I believe the public desires. Last year, after lengthy debate and difficult negotiations, Congress approved a bipartisan compromise budget, which I supported, that limited real growth in defense spending to 5 percent per year. Given the contentiousness of the defense spending issue, this compromise was significant.

Rather than build on this agreement, however, the President and Senate Republicans chose to revert to the excessive defense spending policies that have contributed so heavily to the magnitude of the deficit. The pending budget actually calls for 7 percent real growth in defense spending over the next 3 years.

Virtually everyone in this body agrees on the need to improve our defense capabilities, so there is no dispute on the need to raise defense spending. But a decision to increase the planned defense expenditures beyond those contemplated in last year's agreement, in the context of a worsened budget outlook, cannot be justified in a package that cuts medicare and freezes domestic spending

programs. The public will recognize the imbalance in priorities in this budget, and I am confident the public will not support it.

I voted for three major alternatives to the pending budget, all of which were superior in terms of the size of the deficit reduction and the manner in which the cuts would have been made. None of these reflects exactly my preferred budget priorities, but we do not have the luxury of refusing to compromise on such an important issue.

The first of these alternatives was the freeze proposal by Senator HOLLINGS. This proposal offered the greatest amount of savings of any budget we have considered—$268 billion over 3 years. In other words, for every $1 that the pending budget saves, the Hollings budget would save $3. By fiscal year 1987, the deficit under this proposal would be $104 billion, about half of what the pending proposal would produce.

Of course, such savings can be accomplished only by addressing all areas of the budget. Defense would be scaled back to more reasonable growth rates, and revenues would be raised to recoup some of the taxes lost in the excessive 1981 tax cut.

The Hollings budget would also achieve sizable savings in entitlements. This is the source of my greatest concern, that the elderly may be burdened by the reductions in the cost-of-living adjustments included in Senator HOLLINGS' amendment. Yet I am convinced that the elderly are willing to accept their share of budget cuts if, and only if the sacrifices are shared by all. I believe this description applies to the Hollings budget because of the defense reductions and the revenue increases that it contains.

I also voted for Senator KASSEBAUM'S amendment. The strength of this proposal is that it does not contain vague promises of future action; it achieves savings immediately by freezing both defense and domestic spending for 1 year. Over 3 years, the Kassebaum amendment would reduce the deficit by more than $200 billion.

Much was made of the potential impact of the defense freeze contained in this amendment on our defense posture. But focusing on only 1 year can give a highly misleading picture. In just 3 years, since 1981, defense spending has grown by almost 50 percent, from $160 billion to $235 billion. Even after adjusting for inflation, this is a substantial growth. Our national defense would not suffer from a 1-year budget freeze.

Finally, I also supported the Senate Democratic budget offered by Senator CHILES. This was a better alternative than the pending plan because it contained greater budget savings, $60 billion more over 3 years, and because it had a much better balance among defense spending, nondefense spending, and revenues.

In conclusion, Mr. President, during this debate a number of thoughtful and ambitious proposals were offered by Members of both parties. It is unfortunate that the President's reluctance to engage in any serious action on the deficit in this election year has constrained the Senate's willingness to move forward.

● Mr. BIDEN. Mr. President, when we began consideration of the pending measure, I had strong hopes that we could finally take the actions necessary to stop the upward climb of deficits that we are experiencing today. I know now that such actions were not in the cards.

In seeking to realize my hopes for action on deficits, I offered, along with Senators KASSEBAUM, GRASSLEY, and BAUCUS a 1-year budget freeze. I also supported the freeze offered by Senators HOLLINGS, ANDREWS, and EXON. I voted for the proposal offered by Senator CHILES. But the Senate was not ready to take definitive action on deficits, it seems.

However, in this situation, even a little action on this major problem is better than no action at all. For that reason, I intend to support the so-called Rose Garden plan, offered in the Senate by the Republican leadership, even though it offers only about $140 billion in deficit reduction over 3 years. That is the least deficit reduction offered by any budget plan voted on by the Senate. But it is the only deficit reduction action that can pass in the Senate.

Mr. President, let us look for a minute at the size of the deficit problem and the consequences of not dealing with it.

The Congressional Budget Office has contributed materially to our understanding of Federal fiscal problems in a series of three tables included in its annual report to Congress published in February of this year. These tables show what deficits are likely to be from now until fiscal year 1989, and what those deficits would have been if no changes had been made in policies in effect in January 1981.

As these tables clearly show, the deficit for the current fiscal year (1984) would have been $111 billion, rather than the nearly $200 billion that now seems possible.

Instead of grappling with a deficit of similar proportions in fiscal year 1985, Congress would be worrying about how to deal with a $83 billion deficit.

And by fiscal year 1989 there would be a slight surplus, instead of the continuing deficits "as far as the eye can see" that now seem likely.

The tables show clearly why we are staggering under the burden of such large deficits. Between 1981 and 1989 there will have been cumulative increases for defense purposes of $317 billion. Much of that increased defense spending is needed, but it should be planned as part of a fiscal program that diminishes, not increases deficits. Revenues during the same period will be reduced by $1.1 trillion. To offset the resulting deficits, the President has proposed, and Congress adopted, reductions in nondefense spending totaling $491 billion. That leaves a cumulative net deficit of $926 billion over that period. That figure is then increased by $283 billion in increased interest payments resulting from those huge deficits, a wholly nonproductive use of the taxpayers' money.

It was not difficult to see these deficits coming. The budget resolution reported by the Budget Committee in the spring of 1981 relied upon $48 billion in unspecified savings to show a balanced budget in fiscal year 1984. It is really quite clear that when you have not identified $48 billion in savings needed to balance the budget, you are a long way from actually realizing a balance budget. It was because of the obvious danger of seriously unbalanced budget, that, on May 11, 1981, I joined with Senator HOLLINGS to tailor the 1981 tax reductions to an amount that would still permit the Federal Government to balance its budget by fiscal years 1984. Unfortunately that effort failed, as did several subsequent efforts.

Perhaps it is not too surprising that those early efforts to avoid future deficits failed. Today, 4 years later, with record-shattering deficits an every day reality, many persons still fail to appreciate the danger posed by these deficits and to act against them.

During deliberations on this deficit reduction legislation, I offered, along with Senators KASSEBAUM, GRASSLEY, and BAUCUS, a budget freeze proposal, that could have stopped deficit growth in 1 year. An immediate budget freeze is, I believe, the only way to bring under control deficits as deep and pervasive as the Congressional Budget Office tables show present deficits to have become.

The freeze which I offered with others dealt with all Federal program as package. And it froze that entire package.

Our budget freeze held defense activities to the same budget they had in fiscal year 1984 with no allowance for inflation. It similarly proposed no cost-of-living adjustments for all indexed programs. It froze reimbursements for health care providers, doctors, and hospitals, for 1 year. It held farm target prices and loan levels at the 1984 crop year levels. It froze budget authority for all discretionary, appropriated programs at 1984 levels for a year. It included no pay increase for Federal employees in fiscal year 1985.

The bipartisan budget freeze was designed as a 1-year action to allow time to take further decisive action on budget deficits. All of the other major plans that were offered would have taken 3 to 5 years to implement. In fiscal year 1985 the bipartisan budget freeze made spending reductions of $35.2 billion compared with $15.2 billion in the proposed Republican leadership plan. By fiscal year 1987 the effect of our 1-year cuts in 1985 would have reduced the deficit to $162 billion as compared with $203.5 billion under the leadership plan. To accomplish this, by fiscal year 1987 the bipartisan freeze would have reduced cumulative spending by $157.4 billion, compared with $95.4 billion for the Republican alternative.

The unwillingness of the Senate to take effective action against deficits is evidenced by the Republican leadership budget proposal. Deficits over the next 3 years will not decline under this proposal. They will actually rise, from $181 billion in fiscal year 1985 to $204 billion in fiscal year 1987. No one can describe that as stopping the growth of deficit financing. I am convinced that one certain result of the Senate's failure to act effectively will be a decline in the economic health of the country.

Thanks largely to the stimulative effects of hundreds of billions of dollars of deficits, we are experiencing a dramatic economic recovery today, after nearly sinking into depression earlier in the decade. As the recovery continues, those same deficits may well feed another recession. Interest rates have moved up sharply of late. The prime rate has risen 1½ percentage points since the first of the year, to 12½ percent. Mortgage rates are rising also, which undoubtedly accounts for the drop in the level of housing starts recently. Plant capacity is edging over 80 percent, where it may soon cause upward pressures on interest rates and inflation. And even the President has now conceded that a fear of renewed inflation is rampant in the financial markets. As interest rates continue their upward climb, they will tend to choke off the recovery. If this is combined with increasing inflation, we could well be headed for the same combination of weak economic activity and high inflation that paralyzed our economy in the 1970's.

Mr. President, in conclusion, I am not optimistic that the pending deficit reduction plan will avoid the serious consequences that I foresee flowing from deficits of over $200 billion. However, there is some hope that the proposal can be improved in conference with the House of Representatives. And the result of passing this proposal is surely better than the message that would be sent by defeating it. For that reason I will reluctantly support the pending budget proposal.●

Mr. SASSER. Mr. President, the amendment before us today does not address or remedy the economic problems at hand. The so-called downpayment deficit reduction plan offered by the Republican leadership will not accomplish reduction of the monumental deficits facing the economy through the end of the decade. And I sincerely doubt that the financial markets will be placated by the action we are about to take here today.

Mr. President, lets look at the facts. Fact one, interest rates are rising. The current prime lending rate is at 12.5 percent, up 1½ points since March. Further, it is anticipated by no less an authority than Henry Kaufman that interest rates will continue to rise through the end of this year and may reach historic levels in 1985.

The attitude of the current administration, and in particular Treasury Secretary Regan, with regard to the inconsequence of high budget deficits is to say the least confounding. The administration's apparent rejection of interplay between huge budget deficits and high interest rates defies conventional economic wisdom and commonsense.

Fact two, under this administration's economic policies the Federal debt has exploded. It took this country 203 years to accumulate $1 trillion of debt. Under current projections, the Reagan administration will double this in 6 years. In fact, interest on the national debt is the fastest growing component of the Federal budget. This Nation is for the first time in its history facing the prospect of becoming a debtor Nation.

Fact three, the tax and spending policies of this administration have been unfair and have adversely impacted upon the most needy in our society. Further, these policies have disproportionately benefited the least needy in our society. Spending reductions enacted since January 1981 will result in $491 billion less for domestic programs by the end of this decade. During this same period, defense spending will increase by nearly $1 trillion.

My home State of Tennessee has borne a considerable brunt of these social spending cuts. During the fiscal years 1982–85, it is estimated that Tennessee will lose over $1.6 billion in Federal aid. Of this amount, $1.1 billion comes from grants to State and local governments, and the remaining comes from payments to individuals. Including social security and medicare payments.

Fact four, the number of people out of work because of the Reagan economic policies still remains a problem in States like Tennessee. Despite the current economic recovery, unemployment is still higher than when the administration assumed office. Furthermore, while the national average is under 8 percent, unemployment in Tennessee is still close to 10 percent. What is perhaps even more disturbing is the fact that in each of the post World War II recoveries, there has been a general upward drift in unemployment plateaus. Thus, each recovery has tended to leave the economy with higher unemployment than the preceding one.

Fact five, given the seriousness of the current economic crisis, the Senate has refused to enact the drastic measures needed to curb mounting Federal budget deficits. During deliberation on this amendment, several proposals were offered which would have significantly and effectively made a dent in the looming deficits.

These plans, and I specifically refer to the Kassebaum/Biden freeze and the Hollings freeze, contained tough medicine. I did not necessarily agree with all the components of these bills. The depth and scope of the problem before us, however, prompted me to swallow this medicine. The Senate rejected these measures.

Also the distinguished ranking member of the Senate Budget Committee, Mr. CHILES, fashioned a proposal which would have gone much farther than the measure before us today. I supported this measure and it was rejected by a vote of 49 to 49.

I also supported a measure offered by the so-called moderate group of Republicans, the Chafee-Weicker, and others plan. Even this plan was more acceptable in its deficit reduction than the plan before us today. Again, it was rejected by a vote of 48 to 46.

Thus, what we have arrived at, after 4 weeks of frustrating delay, is a measure which is neither fair in its application of sacrifice nor effective with respect to deficit reduction.

The plan offered by the White House and the Republican leadership, the so-called Rose Garden plan, is not a deficit reduction plan. The plan actually increases the Federal deficit from a projected $180 billion in fiscal year 1985 to more than $203 billion in fiscal year 1987.

The plan also disregards the concept of shared sacrifice. While freezing most discretionary domestic spending, it allows defense spending to rise at a 7-percent clip in real terms.

The plan does not adequately address the inequities which have arisen from the passage of the Reagan cuts. It effectively leaves intact the gross disparities which amount to windfalls for the rich and hardships for the middle-class American. The most needy Americans continue to be neglected.

Mr. President, I oppose this measure and I am saddened at the prospect of its passage. History will record the future success or failure of this administration, as mere policymakers, how-

ever, we must analyze the past and the present. From my vantage point, the Senate has neglected to adequately gage what has happened over the past 3 years and what is happening at this moment. I fear we shall reap the whirlwind in the near future.

● Mr. LEVIN. Mr. President, I will vote against the Baker amendment which embodies the budget plan that has been referred to as the Rose Garden plan or the Republican leadership plan. One name, however, which can only barely be applied to it is a deficit reduction plan, and that is one of the primary reasons why I must oppose it.

According to the nonpartisan Congressional Budget Office, the deficit in fiscal year 1984 will be about $190 billion. Under the Rose Garden plan, CBO estimates that by fiscal year 1987 that deficit will rise to over $200 billion. It is understandable, then, why someone would want to pause before calling the Rose Garden plan a deficit reduction plan since after its being in effect 3 years the deficit will be higher than it is today. Now, it is true that CBO estimates if no actions are taken, then the deficit in fiscal year 1987 will even be higher that $200 billion. So, it is not technically inaccurate to call the Rose Garden plan a deficit reduction plan in the narrow sense. But in the broader picture, this is not a deficit reduction plan which will head us toward a balanced budget and take the pressure off of interest rates. It is not a deficit reduction plan which will bring prosperity to the housing industry and the auto industry and let it endure. It is not a deficit reduction plan which will ease the burdens on small business or on the farm.

So, let us be honest about it. The Rose Garden plan is just a holding action in which we take several steps backward. But we in the Senate should not settle for that, even if the President is willing to be satisfied with it. Almost every day on the financial pages of the newspaper there are new warning signals about the rise of interest rates. The prime interest rate has climbed over 1.5 percentage points in the past few weeks. Only yesterday, the average annual return on a 52-week Treasury bill climbed to 10.64 percent, which was the highest level since August 5, 1982. Therefore, the holding action which is represented by the Rose Garden plan is simply not good enough. The President may be willing to take a chance and wait until after the election to deal with the deficit in a meaningful way, but it is not at all clear that the economy will be as patient. The victims of delay may be the same people who already have suffered through unemployment during the past 2 years. The victims of delay may be the same States in which unemployment reached depression levels during the same time period.

I have voted for the Hollings plan which represented real, immediate, and substantial deficit reduction. It would have reduced the deficit to about $100 billion in fiscal year 1987 as compared with the Rose Garden plans $200 billion plus deficit in that year. This would have been done through a program of shared sacrifice. It would have reduced spending as much as it would have raised revenues. It would have limited the growth in defense spending in a way which would be consistent with our military needs and our economic prosperity. I voted for a similar Hollings plan 1 year ago, and was 1 of only 16 Senators to support it. This year, the Hollings plan received 38 votes. Clearly, there is a growing recognition that only through a fair plan of shared sacrifice can we address the deficit problem in a meaningful way.

Finally, I must also vote against the Rose Garden plan because of its inadequate restraints on military spending. I believe that we must have a strong defense. Indeed, I believe that the defense budget should increase faster than the rate of inflation in order to achieve that strong defense. But at a time when we are asking for sacrifice from those who benefit from health and education programs, for example, it is inappropriate to envision for fiscal year 1985 a rate of defense spending which is higher than what we projected for fiscal year 1985 last year in the budget resolution. But in now calling for a 7-percent increase in defense spending for fiscal year 1985 after taking into account inflation even though last year we projected a 5-percent increase for fiscal year 1985, that is exactly what the Rose Garden plan is asking us to do. At a time of overal budget restraint, allowing the military budget to grow in this manner will breed cynicism and starve the spirit of self sacrifice which is essential for any true deficit reduction plan to be accepted by the public and effective for the economy.●

IN SUPPORT OF CREDIT UNION PROVISIONS OF LEADERSHIP AMENDMENT

Mr. GARN. Mr. President, as chairman of the Banking Committee, I rise today in support of the amendment offered by the leadership, which contains language identical to S. 2522, a bill which deals with credit unions, their central liquidity facility, and the insurance of their members' share accounts. The bill was polled unanimously out of the Banking Committee and reported to the full Senate on April 2, 1984. It is a combination of two bills which Senator PROXMIRE and I introduced on November 17, 1983, numbered S. 2120 and S. 2121; and of S. 2122, which I also introduced on that date.

The bill as reported provides for a large increase in the funding of the national credit union share insurance fund, (NCUSIF) with a corresponding decrease in the Federal deficit, exempts the NCUA's central liquidity fund from Federal, State and local taxation, and eliminates the fee imposed by the Treasury Department on financial institutions which receive payroll deductions from Federal employees. The measures have been revised to a minor extent since they were introduced.

These proposals were the subject of Banking Committee testimony by the Credit Union National Association (CUNA) and the National Association of Federal Credit Unions (NAFCU) on February 28, 1984, and by Chairman Callahan of the NCUA during the Banking Committee's banking deregulation hearing on March 21, 1984. The bill as reported has the support of the above organizations and the Treasury Department, all of which have been very helpful in moving the legislation forward. I understand that Chairman ST GERMAIN and ranking member WYLIE of the House Banking Committee are supportive of the measures contained in the bill. Moreover, Congresswoman MARY ROSE OAKAR introduced H.R. 3874, which exactly parallels the fee allotment language in S. 2522, and was instrumental in the House's passage of H.R. 3874. H.R. 3874 has been sent to the Senate and remains on the Senate Calendar.

I must also express my thanks to Chairman DOLE of the Finance Committee for his favorable consideration of my recommendation that a Finance Committee proposal to tax credit unions, estimated to gain $300 million in revenues over the next 3 years, not be pursued in light of the $1 billion contribution to the Federal Treasury that credit unions will make in a shorter period and in no event in more than 3 years, under the provisions of the NCUSIF recapitalization plan in this bill.

The following is a description of the three components of the bill:

1. TAX-EXEMPT STATUS FOR THE CLF

Established in 1978 by Public Law 95-630, the Financial Institutions Regulation and Interest Rate Control Act, the CLF is the "central bank" for credit unions. The CLF is a mixed ownership corporation (stock owned by credit unions), is on-budget and is located within and managed by the NCUA. The bill would correct an oversight in the enactment of P.L. 95-630 which provided that the CLF be similar to Federal Reserve Banks and Federal Home Loan Banks but did not explicitly exempt the CLF from taxation.

For the past few years, the CLF pursued a tax exemption directly from the IRS and in October of last year received a ruling denying the request and stating that specific legislation was necessary to correct the situation. During the past four years, the CLF has made payments of $1.3 million to the IRS, with the bulk of the taxes, $1.1 million, incurred in 1983. In addition to the inequity of taxing one federal liquidity facility and not taxing other similar governmental enti-

ties, the result is that reserves and individual earnings of the CLF suffer.

This past month, twenty-nine corporate central credit unions joined the CLF, contributing capital of over $200 million to the CLF. With this addition, more than 18,000 credit unions (approximately 90 percent of all credit unions) will have access to CLF financing. With enactment of the bill as reported, credit unions and their members can be assured that the CLF will continue to be able to increase its capital and reserve accounts.

2. RECAPITALIZATION OF NCUSIF

The bill would increase the capitalization of NCUSIF by authorizing NCUA to impose a capital assessment on insured credit unions equal to 1 percent of their insured share accounts. The NCUSIF currently has approximately $250 million in capital, equal to 0.3 percent of insured shares, whereas its statutory normal operating capital level is set at 1 percent. The FDIC and FSLIC funds are both funded at about 1.3 percent of insured deposits.

CBO estimates that the NCUSIF proposal, in fiscal year 1985, would increase its capital to $1.25 billion through credit union capital transfers of $1 billion. (This assumes a growth rate in insured shares of 10 percent per year over the next 18 months.) This would bring NCUSIF up to an appropriate capital level which is comparable to that of the FDIC and FSLIC.

Under the present system, NCUA increases NCUSIF's capital through undivided earnings and reserve accounts. Revenue to accomplish this, as well as to operate the fund, flows from annual premiums charged to credit unions. Because of the rapid growth in credit union insured deposits in the past two years (19 percent in 1982 and 18 percent in 1983), NCUA has charged a double insurance premium, equal to 1/6 of 1 percent of a credit union's insured shares; but since this has not increased NCUSIF capital enough (NCUSIF's equity/insured shares ratio has been between .25 percent and .32 percent for the past 5 years), NCUA developed the recapitalization plan to assure itself and credit unions of the stability and soundness of NCUSIF.

Under the 1 percent capital contribution program, credit unions would be required to deposit 1 percent of their insured shares and maintain that percentage permanently. With its existing equity, NCUSIF's capital would total 1.3 percent. If the total insured shares dropped, NCUA would decrease the deposit and, if NCUSIF's equity exceeds the 1.3 percent level in any year, distribute the excess to credit unions. The capital contribution would be refundable to credit unions upon leaving NCUSIF. NCUA would have the authority to phase in the 1 percent transfer and it is expected that it will consider such a course in order to accommodate the specific financial needs of many credit unions.

While the recapitalization plan would require credit unions to sell liquid asset, the overwhelming majority support this proposal. Both CUNA and NAFCU have expressed their support for it. The major concern expressed has been that there be a phasein and, as indicated above, there is language in the bill authorizing that. In addition, in response to suggestions from credit unions, NCUA recommended that minor revisions be made to S. 2121 to assure credit unions that, if the recapitalization plan is adopted, there would be no double insurance premium, the 1 percent capital deposit would be refunded if NCUSIF is ever transferred out of NCUA, the liquidation payout priority provision affecting state laws be eliminated, NCUA would be required to submit an annual audited report to Congress regarding NCUSIF's operating level, and the title of the bill reflect that credit unions themselves are strengthening NCUSIF. These revisions have been made in the reported bill.

Another reason why NCUSIF's capital (.3 percent) is low relative to the FDIC and FSLIC (both approximately 1.3 percent) is that the FDIC and FSLIC each received initial capital from the Treasury Department. Thus, NCUSIF began in 1971 and has continued with premiums and investment income as the underlying sources of increased equity.

3. ELIMINATION OF TREASURY CHARGES OF PAYROLL ALLOTMENTS OF CIVILIAN FEDERAL EMPLOYEES

The bill would end the present fee of 6¢ per transaction which Treasury charges financial institutions for depositing payroll allotments of civilian federal employees. The fee is not charged for federal military employees or for civilian employees overseas. Treasury supports this provision because the fee brings in less, approximately $2 million, than its costs to collect, about $4 million. Thus, in addition to removing a fee imposed on only certain federal employees, this proposal would save the government $2 million. This part of the bill is not controversial and all financial institutions support it. Moreover, the House passed the bill in 1982, although the Senate did not, and the House passed a similar bill, H.R. 3874, within the past few weeks.

4. BUDGET EFFECTS

The $1 billion being transferred by credit unions to NCUA to recapitalize the NCUSIF would, for budget purposes, be counted as reducing the federal deficit by a like amount (primarily because all NCUSIF funds are maintained in an account with the Treasury Department). (In addition to the $1 billion, it should also be noted that the $200 million which credit unions contributed to the CLF this past February also counts as a deficit reduction.) If credit unions deposit growth continues, this amount would increase annually as credit unions maintain their 1 percent capital investment in NCUSIF.

The CLF tax exemption would result in $1.3 million in taxes already paid being refunded to the CLF. The effect of the refund would be to transfer the 1.3 million from the general Treasury to the CLF capital account at Treasury. CBO estimates that the refund would have no net budget impact.

The allotment fee elimination would result in an annual operating cost savings to Treasury of about $2 million. (This figure would increase if institutions, benefiting from the elimination of the fee, encourage more federal employees to use the direct deposit payroll system.)

With the relatively minor impact of the CLF and allotment fee issues included, CBO estimates that the overall impact of the bill would be a deficit reduction of $1 billion.

Mr. RIEGLE. Mr. President, I am pleased to rise in support of S. 2522. In my estimation, it is a reasonable and well-thought-out approach to the needs of credit unions—that segment of the financial industry which remains dedicated to its tradition of providing credit through cooperative saving.

The three components of this bill address specific issues which, once resolved, will help stabilize and enhance the operation of credit unions throughout this country.

The first and perhaps most salient aspect of S. 2522 establishes a plan to strengthen the national credit union share insurance fund, the fund through which the accounts of each credit union shareholder are protected up to $100,000.

Mr. President, those of us who serve on the Banking Committee appreciate those unique characteristics of credit unions which distinguish them from other institutions in the financial services industry. The national credit union share insurance fund is one example of that distinctive difference.

Unlike the other deposit insurance funds, the credit union fund received no initial capitalization from the Federal Government. It is capitalized through premiums paid into it by participating credit unions and managed by the National Credit Union Administration (NCUA).

In 1982, expenditures of the fund exceeded income for the first time in its history. Although the fund was not jeopardized and the situation was temporarily alleviated by additional premium payments in 1982 and again in 1983, the condition pointed out the need for a more permanent funding arrangement.

The first provision of this bill represents that remedy.

I find it significant that this plan came to the Banking Committee by way of the credit unions. It is a responsible action designed to prevent a possible disruption to the fund by those credit unions who voluntarily participate to safeguard the accounts of their members.

In addition to raising the equity of the fund to 1.3 percent, the plan will improve credit union management by eliminating the burden of unpredictable double premium payments. Under this legislation, all insured credit unions will be required to maintain a 1-percent deposit in the share insurance fund. However, in recognition of the fact that credit unions have recently weathered one of the more stormy periods in their history, the NCUA Board has been granted the authority to extend the initial deposit period to avoid any adverse consequences.

This portion of the bill is responsive to the needs of credit union members as it strengthens the insurance fund. Yet, it is also cognizant of the condition of credit unions themselves by allowing the NCUA to tailor the initial participation period to the needs of each. Mr. President, as a member of the Banking Committee, which unanimously reported this bill to the floor, I commend the authors of this bill, Senators GARN and PROXMIRE, for their foresight in affording NCUA the flexi-

bility to phase in the 1-percent deposit. I urge NCUA to use this authority freely. It is our intent that the 1-percent deposit be phased in so as to avoid undue or unnecessary hardship for the affected credit unions.

The second major provision of S. 2522 is one which clarifies the tax status of the Central Liquidity Facility (CLF).

In many respects, the CLF is to credit unions what the Fed is to banks. It is a source of favorable financing available for the short-term needs of credit unions. Unlike its counterpart, however, the CLF was inadvertently overlooked in tax legislation providing exemptions to this type of corporation. As a result, the CLF has accumulated a tax bill which the IRS is now looking to collect.

The retroactive effective date contained in S. 2522 will correct this discrepancy and will allow the CLF to operate free of tax liability as was the original intention when the corporation was constituted.

The final provision of S. 2522 removes the fees charged by the Treasury to financial institutions which receive payroll allotments for Federal employees. Eliminating this fee will improve Government efficiency and will aid the Department of the Treasury in making full use of electronic fund transfer.

Mr. President, each of the provisions of this bill are well considered and will effect changes which will fortify all credit unions. I know of no significant opposition to this legislation and urge its immediate passage.

Mr. D'AMATO. Mr. President, I rise in support of S. 2522.

Many in this Chamber are aware that this year is the 50th anniversary of the signing of the Federal Credit Union Act. As we mark a half century of existence for Federal credit unions, it is significant that we are called upon today to consider legislation which will authorize a plan to increase the equity of the national credit union share insurance fund.

The Federal Credit Union Act made the nationalization of credit unions a reality. Instead of being restrained in their service by State charter, the act gave credit unions the authority to follow the common bond of their membership across State lines. With this freedom, Federal credit unions have been able to provide services to their members throughout the world.

Today, 50 years after the enactment of that landmark legislation, we are being called upon to approve another credit union bill. Although S. 2522 does not possess the profound characteristics of the National Credit Union Act, it does contain several provisions of significance to Federal credit unions and their members. It is likely that this legislation will substantially effect the operations of credit unions during the next 50 years.

Clearly, the most significant aspect of S. 2522 is the positive impact it will have on the national credit union share insurance fund.

The Fund, which is managed by the National Credit Union Administration (NCUA), is unique from other federally administered deposit insurance funds, such as those of the FDIC or the FSLIC, in that it received no initial capitalization from the Federal Government. Revenue for the fund is currently obtained from the contributions of participating credit unions. Yet, similar to the deposit insurance provided at other financial institutions, the national credit union share insurance fund guarantees the accounts of credit union members up to $100,000.

S. 2522 contains provisions which will strengthen the fund. Instead of relying upon periodic premium payments as a source of capitalization, this bill requires all insured credit unions to maintain a 1-percent deposit in the share insurance fund. This plan will raise the equity level to 1.3 percent, a level comparable to that of the other federally administered deposit insurance funds.

Mr. President, I feel a point here deserves emphasis. The national credit union share insurance fund was started by credit unions to insure the accounts of their members. Although it is administered by the National Credit Union Administration, no Federal funding has been involved. The plan embodied in S. 2522 came to the Banking Committee as a proposal from credit unions themselves, motivated by an interest to raise the equity level of the fund.

Like many financial institutions, credit unions have recently been through a difficult period. Perhaps the proposal to strengthen their insurance fund is reflective of that experience. It was certainly something the Banking Committee recalled as it considered this legislation.

In S. 2522, regarding the capitalization of the insurance fund, there is a provision authorizing the NCUA Board to extend the initial time period in which credit unions would have to place 1 percent of their deposits in reserves. It is the clear intent of this provision that the 1-percent deposit be phased in where necessary; any other arrangement might result in hardship for the affected credit unions. I would commend NCUA to take note of this provision and anticipate to use its authority freely.

Just as we must remain responsive to the needs of credit union members by legislating a plan which will bring stability to their insurance fund, we should also direct the agency administering this fund that no precipitous steps should be taken to achieve the 1.3-percent equity level if an alternative plan is available which will alleviate any difficulty for the credit unions themselves.

Mr. President, as a member of the Banking Committee, I commend Senators GARN and PROXMIRE for their diligent work on this bill. It is responsive to the needs of both credit unions and their members.

This bill was unanimously approved by the Banking Committee, and I hope the full Senate will take similar action.

Mr. CRANSTON. Mr. President, I rise in support of the leadership's amendment containing identical language to S. 2522.

This is a good piece of legislation because it will improve the future stability of the national credit union share insurance fund—the fund which insures the accounts of credit union members up to $100,000.

As a member of the Banking Committee, I must commend the chairman, Senator GARN, and the ranking minority member, Senator PROXMIRE, for their efforts in bringing this amendment to the floor. In my opinion, S. 2522 is characterized by foresight and realistic good judgment.

The amendment is forward thinking in that it proposes a plan to bring permanent stability to the share insurance fund without the prompting of a crisis situation. Under the present arrangement, the fund is capitalized by periodic contributions from participating credit unions. Although the share insurance fund is administered by the National Credit Union Administration (NCUA), it receives no funding from the Federal Government. During recent years, demands upon the fund have necessitated that the NCUA levy double premium payments upon member credit unions. Instead of continued reliance on an increasingly irregular system of periodic payments, this bill requires all insured credit unions to maintain a 1-percent deposit in the share insurance fund. As a result, the equity level of the fund will be increased to 1.3 percent, which is comparable to that of the other federally administered deposit insurance funds.

S. 2522 is also characterized by a quality of good judgment. As those of us who follow the financial industry know, credit unions have recently been through some trying times. For this reason, some do not as yet possess the capital liquidity necessary to immediately deposit 1 percent of their assets into the share insurance fund. The amendment before us has included a provision that will enable the NCUA to accommodate credit unions which might have difficulty meeting a 1-percent deposit requirement. It is the clear intent of this bill that the 1-percent deposit be phased in over an extended period of time where necessary.

The NCUA should not hesitate to use this authority.

Mr. President, this amendment is responsive to the needs of credit unions and most importantly responsive to the concerns of their members. I urge the Senate to vote favorably.

Mr. GARN. Mr. President, the Banking Committee reported S. 2522 on April 2, 1984, dealing with recapitalization of the credit union share insurance fund. I thought it would be useful to include in the RECORD comments supportive of the plan which I have received in the last few months from two associations for credit unions, the National Association of Federal Credit Unions (NAFCU), and Credit Union National Association (CUNA). I ask unanimous consent that these letters from those two associations be printed in the RECORD in full.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CREDIT UNION NATIONAL ASSOCIATION, INC.,
Washington, DC, February 28, 1984.

Hon. JAKE GARN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GARN: This letter has two purposes: (1) to thank you for recommending to Senator Dole that the Senate Finance Committee not consider taxing credit unions at this time and (2) to reiterate that with the changes in S. 2121 that you announced today CUNA unreservedly endorses this legislation and supports your efforts to assure its prompt passage.

Enactment of S. 2121, the bill to capitalize the Share Insurance Fund, is a priority matter for the credit union movement, which has been discussing how best to meet its long-term capital needs for nearly five years. CUNA formed the National Credit Union System Capitalization Commission for this purpose in 1981. In April, 1982, the National Credit Union Administration, after lengthy consultation with credit unions, formally adopted a policy goal of raising the equity of the Share Insurance Fund to the 1% operating level set by Congress. CUNA, too, endorsed this goal and thereafter set about studying plans for its attainment, including the one detailed in S. 2121. CUNA sent its 17,698 affiliated federal and state chartered credit unions a special background paper explaining the legislative proposal. It was examined at league and chapter meetings and discussed with the more than 1,000 credit union executives who attended CUNA's recent Governmental Affairs Conference.

NCUA also devoted its resources to making certain that credit unions understood the proposal and had ample opportunity to comment upon it. The agency produced a video tape on the plan and sent it to all 50 credit union leagues, trade groups, its six regional offices, its examination force and any credit union that requested a copy. In addition, the agency mailed the managers and boards of all federally insured credit unions a letter requesting that they verify the plan's impact on their individual credit union's balance sheet. Over 1,800 credit unions responded to this mailing, and the overwhelming majority endorsed the plan.

This review is meant to underscore that the capitalization plan has been thoroughly discussed with credit unions and that it has broad based support at the grassroots level as well as among credit union leadership. We hope that Congress will enact S. 2121 quickly so that credit unions can get about the business of putting the capitalization plan into operation.

Yours sincerely,
HAROLD T. (TOM) WELSH,
Chairman.

NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS,
Washington, DC, March 19, 1984.

Hon. JAKE GARN,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During testimony on S. 2121 before your Committee on February 28, 1984, I reported that the National Association of Federal Credit Unions was surveying membership as to their desires, concerns or recommended position on this important legislative proposal. You commented that day that you hoped we would continue to review proposed changes with our membership and "communicate to the Committee what their feelings are."

We are satisfied at this time that sufficient membership response has been received to give us a positive position on the bill. NAFCU's membership supports the capitalization of the share insurance fund as proposed in S. 2121. There is enough concern expressed by our members, however, for the NAFCU Board of Directors to ask for a phase-in of the capitalization. This would allow time for credit unions to liquidate or adjust investments and to plan their cash flow to provide the amount required to further capitalize the NCUSIF.

Fortunately, S. 2121 includes a provision for a phase in. It states:

"The Board (NCUA) may, in its discretion, authorize insured credit unions to initially fund such deposits over a period of time in excess of one year, if necessary to avoid adverse effects on the condition of the credit union."

NAFCU's Board, acting for its membership, asks for a three-year phase-in for all credit unions. Such an arrangement would infuse approximately $270 million in new capital into the NCUSIF in each of the next three years. This would reach the goal of capitalizing the fund at 1.0% of insured shares above the present equity of 0.3% of insured shares in a manner less burdensome than would be a single deposit. At the same time, credit unions would help to reduce the federal deficit each year at a rate nearly three times the amount anticipated in recent proposals to tax credit unions.

We are pleased to support the legislation that will make the NCUSIF stronger than ever. We applaud NCUA for developing this bold and straightforward plan. We also thank you, Mr. Chairman, for your continuous interest in a strong credit union system in the United States. Your foresight in offering S. 2121 at this time is commendable.

NAFCU stands ready to offer all assistance we can to see that S. 2121 becomes law of the land with those conditions we have asked for being fully considered.

Sincerely,
JOHN J. HUTCHINSON,
President.

Mr. HATFIELD. Mr. President, I find myself in the uncomfortable position of supporting an amendment which places a statutory cap on appropriations for the next 3 years. My agreement with this unprecedented action is based solely on the enormous magnitude and persistence of anticipated Federal deficits for the current fiscal year and for the next several years.

These deficits will occur despite the remarkable achievements of the Committee on Appropriations in restraining the growth of nondefense Federal spending. The committee has done what I would have believed impossible only a few years ago. Let me recite the record.

In 1981, Congress passed the Supplemental Appropriations and Rescission Act which cut previously enacted fiscal year 1981 budget authority by $14.7 billion. Those were the first savings achieved in the deficit reduction effort. Total budget authority for that year was $2.9 billion below the budget resolution allocation for the committee. In the next fiscal year, the Committee on Appropriations enacted bills which totaled $2.2 billion less than the allocation under the budget resolution. In fiscal year 1983, final action on all appropriations bills was again within the ceiling on total budget authority in the budget resolution, this time by $8.4 billion. So far in fiscal year 1984, total appropriations are running $9.3 billion below the committee's allocation of budget authority under the budget resolution now in effect.

In fact, the only waivers of binding ceilings imposed by a budget resolution were required for two supplemental appropriations bills in 1983. One was the jobs bill which was not contemplated under the budget resolution but enjoyed bipartisan support in Congress and endorsement by the President. The other was the regular spring supplemental for the same fiscal year, which required a waiver because the revised budget resolution had been delayed over 1 month beyond the statutory adoption date.

Mr. President, the Congressional Budget Office, in its February 1984 report to the Congress on the budget baseline, analyzed the shifts in Federal outlays since 1981. That report shows that nondefense discretionary spending has been cut by $76 billion in the past 3 fiscal years. These changes will yield additioned outlay reductions of $171 billion from the 1981 baseline projection over the next 5 fiscal years, for a total savings of $247 billion. This is more than the savings made in any other component of the budget. Despite all the public and acrimony surrounding changes in entitlement programs, for every $9 of savings achieved there, the Committee on Appropriations cut more than $10 from nondefense discretionary programs. Furthermore, nondefense discretionary spending is only about a third of the amount consumed by entitlement pro-

grams, and is projected to increase at less than a quarter of the rate expected for entitlements.

While this record clearly demonstrates that further procedural constraints on the appropriations process are unwarranted and unnecessary, I am nonetheless willing to support the cap at this time.

One reason, to put it plainly, is that there are those who have failed to look at the record of the Committee on Appropriations and who do not believe that the committee is committed to holding down Federal spending. These persons would refuse to join in any meaningful strategy to reduce the deficit unless further constraints on annually appropriated funds are imposed. While I disagree with the underlying perceptions of these Members, their support is needed to move the entire deficit reduction debate out of the current deadlock.

The other reason, of course, is that despite all our efforts, and the fact that nondefense discretionary funding has been virtually frozen at the levels provided for in fiscal year 1980, we are still confronted with massive deficits which will continue into the foreseeable future.

The existence of these deficits is intolerable, whatever their cause. The Nation cannot accept such a drain on the vitality and health of our economy. For this reason I have agreed to the extraordinary measures included in the leadership amendment.

One aspect of the cap language that helps assuage my concerns about the procedure is that it places a ceiling on the growth in military spending. Over the 3 years of the cap, defense spending will be reduced $56.8 billion below that which has been requested by the administration. Perhaps more importantly, it reflects an agreement by the administration to an expenditure plan which provides for a modernization in real growth for defense over the next 3 years. So, when Congress makes the reductions in this plan, we will not find those reductions added to a subsequent year's defense request. The reductions called for under this plan will be made, and the Pentagon will have to live with them.

As one who has labored long and hard to restore some semblance of reality and balance in the debate over massive military expenditures in the past few years, I cannot emphasize enough the importance of a binding, statutory cap on defense spending. By any standard, this portion of the agreement represents a major breakthrough with the White House. I would prefer larger reductions. That is why I voted for the Kassebaum amendment, which would have frozen defense spending at fiscal year 1984 levels, a savings of $49.3 billion in 1 year alone. But in the spirit of consensus politics, a slightly larger defense spending level seems a fair trade for a binding cap which is nearly $57 billion below the President's 3-year request. In fact, in terms of outlays, it is below the fiscal year 1985 and 1986 projection in President Carter's last budget submission of January 1981.

I am far less comfortable with this package as it affects nondefense discretionary funding. It would be disingenuous to say that the Committee on Appropriations can easily operate within the cap on nondefense discretionary programs. But by the same token, had I been asked 3 years ago if we could freeze discretionary nondefense programs at fiscal year 1980 levels, I would have had similar misgivings.

Members should understand that the cap applies to aggregate total budget authority, not to individual programs. While specific line-item assumptions were used in the technical calculation of this number, these assumptions are irrelevant to the determination of funding needs within the total. The decisions on individual line-item funding levels will be made in the course of the committee's normal consideration and markup process. Not all programs will be frozen at their fiscal year 1984 levels. Indeed, I intend to work very hard to obtain significant increases in funding for some programs.

The proposal before us is one to which I could not agree except for the extraordinary economic and budgetary crisis confronting us. Even under the current circumstances, I would choose a very different strategy and set of priorities were it my decision alone. But that is not the case and we cannot afford the luxury of engaging in that type of speculation. What we must do is to move ahead now, with a plan which can work, despite our own particular objections to parts of it. For all of us, the worst we can do is to fail to agree to do anything.

Mr. DOMENICI. I yield myself 1 minute.

Mr. President, we are going to vote now. I ask for the yeas and nays on the Baker leadership amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, as I understand it, if this amendment is adopted, we will then move to the boat bill, with a rollcall vote on it to follow immediately after disposition of the Baker amendment.

Mr. BAKER. Mr. President, if the Senator will yield, as I just described to the minority leader, what I propose to do, I say for the benefit of all Senators, is a procedural move that I believe will facilitate the conference with the House on this measure.

If we adopt the Baker leadership amendment and if we then have third reading, it would be the intention of the leadership on this side to ask the Senate to proceed to the consideration of another bill, H.R. 4170, a House-passed revenue measure, and then to strike all after the enacting clause in that measure and add to it our work product on this measure.

After that, we will have third reading on H.R. 4170, it is hoped, and we will have a vote on final passage of that measure as amended with the boat bill.

After that, I say to my friend the minority leader—I did not discuss this with him—it would be my intention to ask that the boat bill go back to the calendar.

Mr. President, that is the procedure that the leadership on this side would propose. The yeas and nays have been ordered on the Baker amendment in the first degree, as amended, and I am prepared to vote on that measure at this time.

Mr. DOMENICI. Mr. President, I shall take 30 seconds. While we have been here for many, many days, perhaps longer than many of us assumed, the Senator from New Mexico first wishes to thank the distinguished Senator from Florida for his cooperation. I also wish to thank the Budget Committee staff, from both sides of the aisle. We have had some very good debates on a number of difficult issues. We have had some very good votes. I am delighted that we are finished and obviously hope that the Baker leadership amendment will pass and that we will then pass the underlying bill and go to conference. We will have established, in my opinion, a very significant deficit reduction package, well balanced, and I believe, considering the nature of things, a good package. This is particularly true when you consider how so many thought we would never get this far. I hope we pass the Baker amendment before us, and then the final bill. I thank everyone for their cooperation.

I yield the floor.

Mr. BYRD. Mr. President, this amendment would seriously tamper with the regular legislative process and alter the carefully crafted balance of powers that mark the congressional budget process. Under the regular legislative procedures, the budget resolution agreed to by Congress contains an overall limit on spending under the jurisdiction of all committees, including the Appropriations Committee. But this amendment would single out the Appropriations Committee for special attention. It writes defense and nondefense caps into law for the next 3 years. No other committee receives this treatment.

The framers of the Budget Act decided, wisely in my view, that the setting of spending priorities should be the business of the Congress through

its committees. This amendment would throw out that judgment and substitute for it the product of negotiations among the members of only one political party, the majority party. To me, that is an unwise and ill-considered action.

Mr. President, in addition to these important procedural considerations, there are substantive defects with the amendment as well. The amendment treats nondefense discretionary spending as though it were the cause of runaway Government spending by imposing a tight cap that fails even to allow a full inflation adjustment for these programs.

But nondefense discretionary spending is not the source of our current deficits. In fact, such spending will be a lower share of our gross national product this year than in any of the past 3 years—the years, by the way, when we have experienced the largest deficits in our history. It will even be lower than in 1975, than in 1970, and even lower than in 1965. That, Mr. President, is not what I would call runaway growth. Even Budget Director David Stockman conceded, when questioned by Budget Committee Chairman DOMENICI, that the total levels of spending agreed to by Congress in the budget resolution last year and those contained in the President's budget were very close.

The Congress has had different priorities than the White House, but we have not spent more than the White House would. But this bill would not let the Congress set its own priorities. The two-cap scheme imposes the White House's priorities on the Congress. This is one Senator who does not entirely agree with the spending priorities of this administration. And, therefore, I will vote against this amendment.

Last year, the Congress limited defense spending growth to about 4 percent above the rate of inflation for fiscal year 1984. This amendment would seek to cap such spending at about 7 percent above the inflation rate, nearly doubling the level or real growth we provided last year. I do not think that with the state of our budget deficits, many in Congress believe we can afford such an increase next year. Nor are there many who believe that Congress will actually appropriate more than 4 or 5 percent above the rate of inflation for defense next year.

The two caps prevent Congress from using money—which may be found from savings in Pentagon waste—to prevent cuts in nondefense programs which are advocated by the White House.

Yesterday, the nondefense discretionary cap was increased by $2 billion in fiscal year 1985 to accommodate additional funding. But that amount will be insufficient to fund adequately high priority programs, such as education, when the President's request for foreign aid assistance is $5 billion more than was appropriated in fiscal year 1984.

There were numerous assurances made yesterday that this money will go to education, health, and environmental programs. But this administration is a formidable lobbying force, and its history of drastic cuts in these very areas leads me to believe that it may be a tough fight.

In addition, this amendment rescinds $2 billion from the Synthetic Fuels Corporation at the very moment that we are faced with the prospect of another possible disruption in oil supplies from the Persian Gulf. The events of the last few days in the Persian Gulf should stand as a sobering reminder of our vulnerability, and the vulnerability of our allies in Western Europe and Japan, to a severe disruption in oil supplies and should remind us of the reasons that the Congress established the Synthetic Fuels Corporation. I believe we should be making every effort to strengthen the Synthetic Fuels Corporation at this time, not to weaken it.

It is for these reasons, Mr. President, that I will cast my vote in opposition to this amendment.

Mr. President, as I understand it, there will be a vote up or down on the amendment by Mr. BAKER. That will be a rollcall vote. Is the second rollcall vote to be on the boat bill as amended?

Mr. BAKER. Mr. President, since I described the procedure just a moment ago I find that there may be some slight difference of opinion between two committees involved on how to proceed. It may be that what we will do is not adopt the substitute but rather add all of the amendments to the substitute that have been adopted to the House measure and then pass the House measure and return the boat bill together with all of the amendments not related to this procedure to the calendar. So the boat bill with all the boat safety provisions would remain on the calendar.

If the Senator will give me just a moment to converse with the chairman of the Finance Committee and the chairman of the Budget Committee I will try to give him an answer on that subject.

Mr. BYRD. I thank the Senator.

Mr. BAKER. But I guess the underlying answer the Senator is seeking is I had anticipated that the second vote would occur on H.R. 2163 which is the House-passed tax measure as amended by either the substitute or by the provisions adopted in these deliberations.

Mr. BYRD. I thank the majority leader.

I had promised Mr. CHILES that I would put in a quorum before we voted. Would it be helpful to the majority leader if we put in the quorum?

Mr. BAKER. Yes; it would, Mr. President. I would be grateful to the Senator if he would do that.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I understand we are ready to vote very shortly on the Baker amendment. I would just like to say that we have had a lot of debate on this and we have had many votes. I intend to vote against the Baker amendment which will have the spending caps only. There will be no tax or medicare in that.

If that amendment is adopted, Mr. President, I probably will vote for the next vote, that being the last hope for having any spending reduction. I know efforts have been put in by both sides in trying to do that. I am disappointed we were not able to do more. The Senator from Florida and others have offered amendments in an attempt to do that. We simply only got 49 votes and when the other side got 49 that is a tie and it was not sufficient.

I will express myself in voting "no" against the Baker amendment, that I do not think it goes far enough, but then on the final vote on the House revenue bill, as amended by the Baker amendment and the finance, tax, and medicare package, I will vote for that.

Mr. BAKER. Mr. President, I hope we are ready now for a vote. There is one other Senator who sent word he is on his way to speak. I think he should be here momentarily. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, would the Chair please state the question before the Senate?

The PRESIDING OFFICER. The question is on amendment No. 3027, offered by the Senator from Tennessee, as amended.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I would like to correct an earlier statement that I made regarding the procedure the leadership on this side would like to follow, assuming that the Baker amendment is adopted.

Instead of then adopting the committee substitute as previously stated, presently it appears more desirable, al-

though no final decision has been made, to turn to H.R. 4170, and add the amendments that have been added to the committee substitute as an amendment to H.R. 4170, and then ask the Senate to consider passing H.R. 4170, in which event the boat bill, which is H.R. 2163, would be returned to the Calendar.

I say that only for the advice of the Senators so they will know that the leadership on this side contemplates it slightly differently than that originally described.

Mr. President, I am prepared to vote now on the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the amendment of the Senator from Tennessee, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. JEPSEN) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—65

Abdnor	Goldwater	Packwood
Andrews	Gorton	Percy
Armstrong	Grassley	Pressler
Baker	Hatch	Proxmire
Baucus	Hatfield	Pryor
Biden	Hawkins	Quayle
Boren	Hecht	Roth
Boschwitz	Heflin	Rudman
Chafee	Heinz	Simpson
Cochran	Helms	Specter
Cohen	Huddleston	Stafford
D'Amato	Humphrey	Stevens
Danforth	Kassebaum	Symms
Denton	Kasten	Thurmond
Dodd	Laxalt	Tower
Dole	Long	Trible
Domenici	Lugar	Wallop
Durenberger	Mattingly	Warner
East	McClure	Weicker
Evans	Murkowski	Wilson
Exon	Nickles	Zorinsky
Garn	Nunn	

NAYS—32

Bentsen	Ford	Metzenbaum
Bingaman	Glenn	Mitchell
Bradley	Hollings	Moynihan
Bumpers	Inouye	Pell
Burdick	Johnston	Randolph
Byrd	Kennedy	Riegle
Chiles	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
DeConcini	Levin	Stennis
Dixon	Matsunaga	Tsongas
Eagleton	Melcher	

NOT VOTING—3

Hart	Jepsen	Mathias

So Mr. BAKER'S amendment No. 3027, as amended, was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, ordinarily I would have followed the plan I described earlier to take up another measure, a House-passed tax bill, and put this work product on it. I have conferred with the managers and the minority leader, but I still have a little bit of negotiating to do on that. It should not take more than a few minutes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, since I have done it twice before, I think I ought to try the third time. Let me try to describe for the Senate what the leadership on this side proposes to do, so that no one will be taken by surprise. It is a regular procedure. I have discussed it with the managers, with the chairman of the . jurisdictional committees, and with the minority leader.

In a moment, it would be my intention to ask the Senate to proceed to the consideration of H.R. 4170, which is a House-passed tax bill.

Then it would be the intention of the leadership on this side to ask that all after the enacting clause be stricken and that we insert in lieu thereof the language of the committee-reported substitute to H.R 2163, as amended, which will carry all we have done into H.R. 4170.

When that is done, and if it is appropriate to do so, I will ask for third reading of H.R. 4170. If third reading is granted, I would anticipate that would have a rollcall vote on final passage of H.R. 4170. There would be an amendment to the title, which is routine; and after the passage of the bill, if it is passed, the Senate would be asked to return H.R. 2163 to the calendar. That is the procedure sought to be followed.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4170.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4170) to provide for tax reform, and other purposes.

The PRESIDING OFFICER. Is there objection to present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I move that all after the enacting clause be stricken and that the committee reported amendment to H.R. 2163, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am prepared now for third reading on H.R. 4170.

Mr. METZENBAUM. Mr. President, as I understand the status of the legislation before the Senate at the moment, H.R. 2163 is the Boat Safety Act, and it contains three paragraphs that have not been discussed and were not at issue at any point in connection with the floor debate. I think they are all tariff matters having to do with various portage projects, agricultural products, fish netting. It is my understanding that by reason of the majority leader's amendment, those would now become a part of the legislation.

It is my further understanding, having discussed this matter with the chairman of the Finance Committee, that, although those provisions will be included in the Senate-passed bill, it is intended and definitely represented that they will be dropped in conference.

Is the Senator from Ohio correctly advised?

Mr. BAKER. I yield to the Senator from Kansas.

Mr. DOLE. Could we make that "disposed of in conference"?

Mr. METZENBAUM. I am sorry.

Mr. DOLE. I would rather say "disposed of in conference." I have indicated to the Senator from Ohio that we will certainly consider these carefully in conference before they are disposed of. [Laughter.]

Mr. METZENBAUM. I think I understand the choice of language of the chairman of the Finance Committee, and I thank him for his response.

Mr. BAKER. I thank the Senator from Ohio and the Senator from Kansas.

Mr. EXON. Mr. President, the RECORD clearly shows that this Senator has consistently supported every budget reduction proposal offered in this process, going back to the early vote weeks ago on the measure offered by the Senator from North Carolina (Mr. HELMS) for a 10-percent, across-the-board cut.

My votes have been based on the vital need for action to reduce the horrendous deficits and curtail the bulging national debts which are driving up interest rates and ruining the economy in my State.

None of these proposals has been perfect, but they have honestly addressed this very real and crucial problem.

These efforts of consistency and fiscal responsibility all failed, and we are left with this Rose Garden plan as the only train leaving the station.

It is by far the poorest plan to really do anything about deficit reductions. In fact, it is misbilled as a $144 billion deficit reduction over 3 years. But it has never been explained as to what figure the assumed reduction will be from. The fact is that under this essentially phony plan, the national yearly deficit will be higher than it is currently, at the end of the 3-year period.

The national debt will simultaneously skyrocket further to over $2 trillion. That is a further record establishment in the next 3 years of both higher deficits and higher national debt. Not many people in the country understand that, but it is the truth and will eventually be understood.

Since all the plans I supported for really courageous and meaningful action have been defeated by this Republican majority, I am voting for this "turkey" because to do otherwise would only allow the deficits and national debt to rise even further.

I cast this vote with no enthusiasm but have no other option. It is this fiscal "turkey" or nothing. It is no way to run the fiscal business of our country.

Mr. DIXON. Mr. President, we started considering how to address the overwhelming budget problems facing us on April 5. Since April 12, when the tax amendment passed, the Senate has been considering a number of comprehensive solutions to the budget crisis: Proposals designed to make a downpayments on the deficits. Many of the alternatives presented were good ones. They would have demonstrated the Senate's willingness to take the tough actions necessary to bring the Federal budget back into balance.

For example, a comprehensive freeze proposal offered by Senator HOLLINGS would have reduced deficits by more than $336 billion over 3 years, more than double the amount claimed in the Republican leadership proposal. The Kassebaum-Grassley-Biden-Baucus freeze would have reduced deficits in fiscal year 1985 by more than $40 billion, as opposed to only $16 billion in the Republican leadership plan.

The alternative offered by Senator CHILES would have cut deficits by more than $200 billion over 3 years. It would have held defense spending to 4 percent real growth, rather than the 7 percent plus in the Republican leadership proposal. It recognized that it is impossible to solve our budget problems if any major area of the budget is exempted from sacrifice.

Senator GORTON offered a proposal to cut deficits by $174 billion over 3 years, holding defense to 4 percent real growth, and cutting cost of living adjustments for most entitlement programs to 3-percent less than the inflation rate.

I supported each of these proposals because I believe any of them would have made a real difference: Any of them would have been large enough to put significant downward pressure on interest rates that have risen by 1½ percent in just the last several weeks. None of these proposals was perfect. All of them called for action that is distasteful; action I wish we did not have to take. However, I do not see how we can reverse a stream of ever-increasing deficits without taking the kind of hard and distasteful steps these alternatives proposed.

Unfortunately, the Senate defeated every one of these proposals. Sometimes the vote was close—the Chiles alternative lost on a 49-49 tie vote—but none of them commanded majority support. So what we are left with is the Republican leadership proposal.

This proposal, the result of the so-called Rose Garden compromise with the President, purports to decrease deficits by approximately $144 billion over 3 years. However, the Congressional Budget Office indicates that its actual impact would be a reduction of less than $90 billion over that period. And as I stated earlier, only about $16 billion of that reduction would be achieved in fiscal 1985.

Further, the proposal calls for increased military spending—real growth of over 7 percent—at a time when domestic spending would be essentially frozen. Military spending has been greatly increased in the last few years, as domestic social programs have been slashed. This proposal is designed to continue that trend. However, it is worth remembering that discretionary domestic spending could be reduced to zero and there would still be huge and increasing deficits. The simple truth is that it is not possible to make real deficit reductions if an area of the budget as large as defense is to be exempted from serious review.

Because of the failure to seriously address defense spending questions, and because the resulting package is relatively small, the Republican leadership package projects increasing not decreasing deficits over the next 3 years, according to the Congressional Budget Office. As a downpayment, therefore, it is a failure. It leads to higher, not lower, deficits in 3 years.

Mr. President, I support strong action to reduce our deficits. I therefore cannot support the Republican leadership amendment. It is not big enough, and allows too great an increase in defense spending. It does not result in lower deficits, but only slows the rate of deficit increases. It is not the kind of package that will lead to lower interest rates. If this is all we do, interest rates will surely continue to climb.

I do not believe we should try to deceive the American people by enacting what is merely a cosmetic package. I think we should defeat the Republican leadership amendment, go back to the drawing board, and produce a deficit reduction plan that means something.

I do not take this step lightly or easily. I want to vote for a package that has a chance of becoming law. I do not believe Congress can afford to do nothing. However, I am convinced that only if the Republican leadership amendment is defeated will the President begin to take the action he needs to take, and only then can there be the kind of bipartisan action necessary to address our deficit problems in a serious and realistic way.

Mr. HATCH. Mr. President, my support for the Republican leadership amendment and reconciliation package is less than enthusiastic. As a Member of the Senate for 8 years and the Budget Committee for 6 of those years, I have witnessed several unfortunate trends in Federal fiscal policy. This proposal does not take a clear stand against those negative trends, but at least provides a better solution than many of the alternative proposals.

My preferred solution would refuse to raise taxes once again and would more drastically restrain the growth in domestic spending, particularly in the open-ended entitlements programs. It is the rapid growth in this segment of spending, usually funded by increased taxes, which is responsible for our large deficits. I also believe that national defense must continue to be funded at a level which overcomes years of neglect, and so would not attempt to reduce the deficit by once again reducing these programs critical to protecting all our benefits of American citizenship. At the same time, however, I would work to insure that each defense dollar is effectively spent.

Among the several negative tendencies which I have seen, and which I believe are not fully corrected in the leadership amendment, are: Excessive Federal spending, particularly on domestic programs; a continued increase in the Nation's tax burden; and inadequate expenditure on our national defenses. There are some modifications of these trends in this proposal, but it is not a clear renunciation of decades of poor fiscal policy.

One of the greatest problems in the last few decades has been Congress's tendency to use the Federal budget to create and expand domestic programs as a method of buying constituent support. It is almost as if the old citywide machines have been reincarnated at the national level. New promises, new programs, and new initiatives inserted in congressional budgets have, I fear, replaced the old "machine tradition" of placing political supporters on the municipal payroll. The result has been a massive expansion of domestic

spending, which, despite real reductions in defense spending in the last decade, has meant that 25 cents out of every dollar spent in the United States is funneled through Washington.

I do not disagree that many of these domestic programs are necessary. I support many of them myself. Nevertheless, the total volume of domestic expenditures has grown over the years since the passage of the Congressional Budget Act at a higher rate than in the equivalent period before the passage of the act. In the 8 years prior to initiation of the budget process, Federal outlays grew in constant 1972 dollars at a 3.19-percent annual compound rate. Yet, in the 8-year period since the Budget Act, Federal outlays have grown at a 4.48-percent annual compound rate. This is a rate 40-percent faster than before the act. More importantly, the growth rate of these programs has been higher than that of the economy which must support them.

The significance of this growth in Federal spending is that we are reducing incentive in our economy by funneling ever greater numbers of dollars through Washington. This cross-subsidization, which is implicit in Federal domestic programs, discourages the initiative, innovation, and hard work necessary to keep our economy moving. While a certain amount of assistance and subsidy is appropriate for the permanently disadvantage in our society, we should be careful not to remove the incentive which helps to rescue many people from the disadvantage category and precludes many others from falling into this condition.

A second portion of this proposal increases taxes, based on the rationale that greater revenues will bring us closer to a balanced budget. This will not occur—increased taxes have failed to balance the budget in the past, and they are unlikely to do so in the future.

The results of our 1982 effort, the Tax Equity and Fiscal Responsibility Act or TEFRA, which raised taxes in an effort to bring us closer to a balanced budget is proof. We were promised at that time that a dollar's worth of tax increase would lead to three dollars' worth of spending reductions. To me, at the time, this seemed a reasonable tradeoff in the necessary effort to reduce Federal spending, which I believe to be a better measure of the burden on our economy than any particular revenue level which may be achieved by the IRS. But, the unquenchable thirst of Congress for spending money on domestic programs actually prevented the tax increase of 1982 from having any deficit-reducing impact. It has been said for some time that an additional dollar of revenues in the hands of Congress means an additional dollar's worth of programs. This was precisely the case with the 1982 tax increase. Current estimates claim that as much as $1.14 in additional domestic spending took place as a result of each dollar of tax increase in 1982. Not only was there no spending decrease, but rather the increased taxes in 1982 only encouraged more spending.

I can only hope that this will not occur once again, and must admit to little confidence in the certainty of the domestic appropriations cap contained in this proposal. The willingness of many of my colleagues to find ways around this limitation does nothing to quell my skepticism we have, indeed, committed ourselves to limit the excessive growth in Federal spending. As a measure of my skepticism, I voted against the tax increase portion of this proposal.

My final concern is that we provide sufficient funding for our national defense. The current insufficiency in our national defense programs was created, in large part, by years of neglect during the 1970's. The Congress, and various administrations, chose to focus on the political popularity of various defense issues rather than looking toward the real basis for defense spending—the Soviet threat and the problems we might face in various unstable areas of the world, particularly were those problems to be exploited by the Soviets. It would be nice to pretend, as some continue to do, that the requirements for maintaining the peace are not great, or, on the other hand, that we do not really have the resources to meet those requirements. The demands of peace and security are great; but we do have the resources to meet them—if we do not squander them elsewhere. It would also be nice to pretend, as some still do, that the growing Soviet threat and the threat of Communist subversion and guerrilla warfare throughout the world do not exist. It would be easy to pretend that the spreading Communist influence throughout the world is simply a matter internal to the nations involved—but it would be erroneous. To anyone who really looks, it is clear that the growing Soviet capability to project power around the world is not being created so the Soviets can defend their own borders.

From 1980 through 1984, the Soviets spent an average of 32 percent more on defense than the United States. Investments over the last decade by the Soviet Union, plus those of its Warsaw Pact allies, were over $105 billion more than the combined efforts of the United States, NATO, and Japan. The Soviet Union is currently developing a very capable and technically sophisticated high-seas fleet. For example, the principal surface warships of the Soviet Navy today have the range, firepower, and electronics systems that make them ideal tools for power projection. The Soviet Navy's ships are among the fastest and most heavily armed in the world. Similar advances have taken place in the areas of intercontinental and intermediate-range missiles, tank warfare, aircraft capability, and chemical and biological warfare.

I would have supported the level of defense spending in the President's original budget proposal. After all, for fiscal 1985, the recommended spending was only 1 percent above that proposed in the last Carter budget—and no one ever called Jimmy Carter a hawk! I am assured, however, that the lesser amount in the leadership plan is minimally sufficient to fund our national defense effort. Thus, I do support that plan, but only because I also have been assured that the level of defense funding it specifies is intended as the floor below which defense appropriations will not drop as well as the ceiling above which these appropriations will not rise. I have agreed to the ceiling; I expect my colleagues to respect the coordinate floor on defense appropriations. The 3-year certainty in defense spending to be gained by compliance with the leadership plan's defense numbers is also necessary for efficient spending of the taxpayer's defense dollar. That is a fact those of my colleagues who are always complaining about the cost of defense should remember.

During the course of this floor debate and in the previous Senate Budget Committee markup, I voted for packages which would have more adequately fit my criteria of refusing to raise taxes, adequately funding national defense, and cutting excessive Federal spending growth in domestic programs. Unfortunately, such proposals were defeated. Thus, I will support this proposal, the Republican leadership plan, as the best attainable. I expect my colleagues with differing criteria to abide by the promises imposed on them by this agreement.

● Mr. PELL. Mr. President, reducing the awesome budget deficits that confront the Federal Government and our Nation is essential to the future of the U.S. economy and to the well-being of every American.

Four years ago, I was seriously concerned when the Federal Government deficit approached $60 billion. A new administration then took office with the promise of balancing the Federal Government budget by this year—1984—with the assistance of a new U.S. Senate with majority Republican control.

My concern over the Federal budget deficits grew when the administration presented its new economic policies to the Congress in 1981. Those policies included immense tax cuts, immense increases in military spending and deep cuts in nondefense programs. The administration claimed that these

policies would produce simultaneously, immediate and rapid economic growth combined with an immediate and rapid decline in inflation.

In February 1981 I said here in the Senate that the administration policies were seriously flawed—that the military spending increases were too large, the tax cuts too large, and the domestic spending cuts too drastic. And, in a statement in the Senate on May 21, 1981—almost exactly 3 years ago today—I warned that, faced with economic reality, the administration's economic policies would collapse. I warned then that out of the debris would raise huge Federal Government deficits.

And that is exactly what has happened. Instead of a balanced budget in this year, as promised by the administration, we face budget deficits approaching $200 billion—more than three times the level 4 years ago.

The burden of these deficit-producing policies is now beginning to be felt in the form of rising interest rates that threaten to choke off further economic growth and undermine international financial stability.

I have voted repeatedly against the economic policies that have produced these record deficits, these rising interest rates, and this danger to our economy.

Today we are faced with a proposal by the White House and the Republican majority to reduce the deficit during the next 3 years by a total of $142 billion, out of more than $600 billion in deficits projected for those years.

In my view, this proposal is inadequate, and reflects misplaced national priorities. If this proposal is enacted, deficits during the coming 3 years will not decline but will continue to increase—just not as fast. This proposal continues to allow for extravagantly large increases in military spending.

During the past several weeks while this measure has been before the Senate, I have supported efforts to improve this deficit-reduction legislation.

I have voted for amendments that would have provided a significantly larger reduction in the deficits over the next 3 years.

I have voted for an amendment offered by my distinguished colleague from Rhode Island, Senator CHAFEE, that would have cut the deficit significantly be deferring the indexing of Federal income tax brackets.

I have voted in support of an amendment offered by Senator CHILES on behalf of the Democratic caucus that would have produced a larger, and fairer, deficit reduction by slowing the large increase in military spending.

I have voted in support of another amendment offered by Senator CHAFEE that would have reduced the deficit by an additional $17 billion, by slowing the rise in military spending while providing some necessary increases in nondefense spending.

Each of these efforts has failed. Each of these efforts has been rejected because of the unyielding insistence of the White House and the Republican Senate majority that its proposal for excessive military spending and its feeble revenue-raising proposals cannot be changed. With the defeat of all of those proposals to make a larger and fairer reduction in the Federal deficit, we are now left with no alternative but the White House-Republican leadership proposal.

It does not reduce the deficit enough. It does not reduce the deficit as fairly as it should. For all these reasons, I shall vote against this with the hope that negotiations with the House of Representatives will produce legislation that makes a larger and fairer reduction in the deficit.●

● Mr. LEVIN. Mr. President, I intend to vote in favor of final passage of the overall deficit reduction package. It is not enough. I voted for substantially more defict reduction. But at this point it is clear, it is the best we are going to do.

It is the smallest of downpayments on deficit reduction. It will not result in us having a lower deficit 3 years from now than we have today. But it will allow us to have a lower deficit over the period then if we did absolutely nothing. And on that ground I will vote for it.●

● Mr. LAUTENBERG. Mr. President, the Senate has spent the last month debating how to control the runaway Federal deficit before it destroys all hope for sustained economic expansion. Since 1980, the public debt has skyrocketed to $1.49 trillion. Under current policy, over $25 million in additional debt is added every hour. This flood of Federal red ink, if it is allowed to continue, will convert the present recovery into an economic Armegeddon. Make no mistake. The dangers are real and they are rapidly mounting. The economic realities we face, unless we bring Federal fiscal policy under control, are anything but pleasant. Already our system is showing the signs of growing financial and economic strain and distortion.

Interest rates are again rising. The prime rate has gone from 11 to 12.5 percent since last March.

Mortgage rates are already approaching 14 percent and are expected to top 15 percent by the end of the year. Not many young people will be able to buy homes at these rates. Worse yet, many homeowners now have variable rate mortgages or balloon arrangements. What's going to happen to these families as rates continue to escalate? The dollar, although already overpriced, just rose again in the foreign exchange markets, putting even more pressure on our international trade position.

Our trade picture is bleak. Last year, we had a record trade deficit of $70 billion. This year imports will exceed exports by more than $110 billion.

The United States is now borrowing abroad to finance our capital and credit requirements. Last year, we were net borrowers in the international markets by almost $40 billion. This year our net foreign liabilities could well exceed $80 billion. At this rate, the United States will be a net debtor nation by the end of next year for the first time since World War I.

What this means, in practical terms, is that we are promising foreigners a share of our future economic output in return for their assistance in meeting our credit needs now. When those claims against our real economic product will be cashed in is anybody's guess. But if it happens all at once, our economy would be in very deep trouble.

As our exposure to international shocks increases, our own policy threatens the stability of the international system. The less developed countries are burdened with $800 billion in external debt, much of it at floating interest rates. Every one point increase in U.S. rates adds $3.5 billion to $4 billion to their debt service requirements.

A substantial part of this debt is held by U.S. banks. A major international debt crisis in the world would rapidly be transmitted to the U.S. financial system, creating a Hobson's choice between rampant inflation and sharp economic contraction.

Yet after weeks of protracted deliberation, the Senate is about to pass the plan that—of all the alternatives considered—does the least to reduce the deficit. Under existing policy, the Federal Government will have to borrow an additional $660 billion over the next 3 fiscal years. The plan which we are about to adopt will cut that amount by a total of $89 billion—a very small drop in a very big bucket. What is more, the deficit, under this scheme, does not decline. It continues to rise—from $180.7 billion to $203.5 billion in fiscal year 1987. All but the most obtuse will see that a $30 billion solution does not do much for a $200 billion problem. The financial markets are not fooled. That is why the yields on Government securities are now higher than at any time since the depths of the recent Reagan recession.

The tragedy, of course, is that we could have done better. The plan offered by Senator CHILES, ranking Democrat of the Senate Budget Committee, would have cut about $150 billion from the 3-year deficit. Chairman Volcker of the Federal Reserve Board has testified before the Banking Committee, on which I serve, that a $50

billion bite in the annual deficit would make a significant difference. It would begin to relieve financial stress and help to relieve pressure on interest rates. The Chiles proposal, which I supported, failed on a tie vote of 49-49.

Now, why, Mr. President, if our fiscal situation is so desperate, were these more significant reductions in the deficit rejected? The answer is not hard to find. The administration absolutely refused to accept anything less than a 13-percent increase in the defense budget and was able to twist enough arms to have its way. That is also why the Chafee proposal, which would have cut the deficit, but left it up to the Congress to decide how to distribute limited Federal resources between the defense budget and other vital national needs, was defeated. I supported this proposal, which was crafted by a Member of the President's own party.

Thus the priorities in the budget we are about to approve are clear—defense, defense, and more defense. The Rose Garden plan, in other words, would continue to underwrite every item on the Pentagon's wish list. At the same time, it would curtail real investment in the social and physical requirements for a growing, prosperous and equitable society.

Mr. President, a vote for this package is a vote for continued and growing deficits. It is a vote for a 13-percent increase in the defense budget. It is a vote for a freeze on all other Federal programs—a freeze on education, health, senior citizen, law enforcement and environmental programs—many of which have already suffered cuts of up to 30 percent or 40 percent since President Reagan took office. That, Mr. President, is a vote I cannot cast.●

Mr. BYRD. Mr. President, I oppose this Rose Garden deficit reduction plan. The reasons are many, but let me briefly mention some of them.

First, it does not reduce the deficit. Despite the several alternative budgets that were offered, this bill results in increasing deficits each year.

Democrats tried to do more. The amendment by Senator CHILES, which lost on a tie vote, would have put us on the path to a balanced budget by actually reducing deficits in each succeeding year. That is what we should be doing to stop the rise in interest rates and preserve our economic recovery. Unfortunately, the majority party said, in effect, that rising deficits were acceptable and voted to defeat the Chiles amendment. These deficits add inexorably to the public debt, which we will be asked to increase, again, next week.

This bill also raises taxes by some $48 billion over the next 3 years. But these tax increases do not go to reduce the deficit. Instead, they finance continuing Pentagon spending increases that have given us $44 light bulbs and $90 screws. Under this plan, by fiscal year 1987, we will be adding nearly $93 billion more for Pentagon spending than we are this year—nearly twice the tax increases in this bill. Without more discipline and cost controls at the Pentagon, the spending permitted by this bill will lead to more waste of the taxpayers' dollars.

The bill also rescinds $2 billion in funds for the Synthetic Fuels Corporation at a time when Persian Gulf tensions are again increasing. The Synthetic Fuels Corporation was designed to foster additional energy supplies for our country independent of foreign suppliers. Cutting funds for synthetic fuels at this time is truly a penny-wise-pound-foolish approach. Furthermore, if we are concerned with national defense, we should recognize that making the energy, that fuels our plans, tanks, and ships, more dependent on foreign sources is an ill-advised step.

In addition, this bill makes a $9 billion cut in the medicare program. It will place a huge additional burden on the elderly and disabled for medical care. But it fails to take the steps necessary to control the continued staggering increases in medical costs.

The bill establishes a substantial increase in the part B medicare premium while raising the amount beneficiaries must pay out of their own pocket before medicare takes over. As a result of this bill, medicare beneficiaries can expect to shoulder $2.2 billion in indirect cuts and part of some $3 billion in indirect costs.

Mr. President, as if these reasons were not enough, the bill also establishes an unprecedented intrusion into the workings of the Appropriations Committees by placing separate caps on the level of appropriations for defense and nondefense activities for the next 3 years. Not only does this restrict the ability of the committee and the Senate to respond to changing priorities by shifting spending between categories while staying within the overall limit, but it prevents funds in one category from being transferred to other programs.

With all these faults, I must oppose this bill. The financial community will not be reassured to see the Senate pass a bill condoning higher deficits each year. The average American will not be pleased with higher taxes going to finance Pentagon waste.

Those concerned about our energy security will worry about the cut in funding for the Synthetic Fuels Corporation. And the elderly and disabled will certainly be upset with the one-two punch of a rise in their medicare premium and an increase in the amount they must pay before medicare will cover their health-care bills.

In all, Mr. President, this bill represents a continuation of the unsound and unfair policies that have marked this administration since its inauguration.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BAKER. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, there is the possibility of another rollcall vote on another matter after this vote.

I yield the floor.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. JEPSEN) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 23, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—74

Abdnor	Ford	Nunn
Andrews	Garn	Packwood
Armstrong	Goldwater	Percy
Baker	Gorton	Pressler
Baucus	Grassley	Proxmire
Bentsen	Hatch	Pryor
Biden	Hatfield	Quayle
Bingaman	Hawkins	Randolph
Boren	Hecht	Roth
Boschwitz	Heinz	Rudman
Burdick	Helms	Simpson
Chafee	Huddleston	Specter
Chiles	Inouye	Stafford
Cochran	Johnston	Stennis
Cohen	Kassebaum	Stevens
D'Amato	Kasten	Symms
Danforth	Laxalt	Thurmond
Denton	Levin	Tower
Dodd	Long	Trible
Dole	Lugar	Wallop
Domenici	Mattingly	Warner
Durenberger	McClure	Weicker
East	Melcher	Wilson
Evans	Murkowski	Zorinsky
Exon	Nickles	

NAYS—23

Bradley	Heflin	Mitchell
Bumpers	Hollings	Moynihan
Byrd	Humphrey	Pell
Cranston	Kennedy	Riegle
DeConcini	Lautenberg	Sarbanes
Dixon	Leahy	Sasser
Eagleton	Matsunaga	Tsongas
Glenn	Metzenbaum	

NOT VOTING—3

Hart	Jepsen	Mathias

So the bill (H.R. 4170), as amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I now send an amendment to the desk to the title and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Amend the title to read "The Omnibus Deficit Reduction Act of 1984".

The PRESIDING OFFICER. The question is on agreeing to the amendment to amend the title.

The amendment was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 2163 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at this time I express my deep gratitude to all Senators who have been involved in consideration of this matter. I could prolong the session of the Senate unduly if I were to name them all, or to describe all of the events. But this has been a historic bill. It has consumed 20 days of the Senate in session; 111 hours of deliberation. We have disposed of a total of 86 amendments. We have agreed to 86 amendments, rejected 15, and tabled 14 of them, 11 amendments were withdrawn and 1 not disposed of, and 2 were ruled not in order. That is a heavy legislative agenda, and an effort to have gone into this measure. The tax section of this bill, so-called, Mr. President, consumed more than 40 hours, and the balance of the measure, which was the appropriations section, and the budget section consumed almost 17 hours of debate. In any event, Mr. President, it is a splendid achievement.

I wish to pay my respects once more to the Senator from Kansas (Mr. DOLE) whose good work I commented on previously; the Senator from New Mexico (Mr. DOMENICI) whose very excellent work I will comment on later and in greater detail; and, the distinguished chairman of the Appropriations Committee, Senator HATFIELD, all three of whom bore a heavy responsibility in the movement of this matter.

Mr. President, I will speak at greater length on that matter a little later.

ORDER FOR CONFEREES ON H.R. 4170

Mr. President, the next step, of course, is to go to conference with the House.

I ask unanimous consent that the Senate insist upon its amendment, request a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, the motions are agreed to.

The clerk will report the conferees.

The assistant legislative clerk read as follows:

From the Committee on Appropriations, to consider those matters dealing with appropriations: Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. STENNIS, and Mr. BYRD; from the Committee on Finance, to consider those matters within that committee's jurisdiction: Mr. DOLE, Mr. PACKWOOD, Mr. ROTH, Mr. DANFORTH, Mr. CHAFEE, Mr. LONG, Mr. BENTSEN, Mr. MATSUNAGA, and Mr. BAUCUS; from the Committee on the Budget, to be general conferees: Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. TOWER, Mr. CHILES, Mr. HOLLINGS, Mr. BIDEN, and Mr. JOHNSTON.

Mr. BAKER. I thank the Chair.

Mr. President, I believe that concludes our actions at the moment.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business not past the hour of 7 p.m. in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON OFFSHORE SAFETY AND HEALTH REGULATIONS AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT—PM-140

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 21(a) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1347), I herewith transmit a report on Offshore Safety and Health Regulations and Technology prepared jointly by the Department of the Interior and the Department of Transportation.

RONALD REAGAN.

THE WHITE HOUSE, *May 17, 1984.*

YOUTH EMPLOYMENT OPPORTUNITY WAGE ACT OF 1984—MESSAGE FROM THE PRESIDENT—PM 141

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to transmit to you proposed legislation entitled the "Youth Employment Opportunity Wage Act of 1984."

One of the Nation's most serious and long-standing problems is providing adequate employment for our young people. The purpose of this proposal is to remove a government-created impediment that makes it difficult for young people who want to work to find jobs.

Studies over the past decade have repeatedly demonstrated that the minimum wage has reduced job opportunities for large numbers of our youth. This is particularly true for jobs involving considerable initial training. The restricted job opportunities for youth, especially minority youth, due to the minimum wage have contributed to the growing consensus on the value of a lower minimum wage for youth as a means of expanding their employment. Many organizations, large and small, including the National Conference of Black Mayors, have formally endorsed the concept of a youth employment opportunity wage.

A business cannot be expected to hire a youth unless it can reasonably anticipate that the work done by the youth will be worth the required wage. While some businesses can afford to hire unskilled youth and provide the training and experience expected to pay off in future productivity, such expectations are often unreasonable over a short summer employment span. This proposed legislation would permit employers to pay wages equal to 75 percent of the minimum wage to young people under 20 years of age hired to work between May 1 and September 30.

The proposal would enable employers to expand job opportunities for youth during the summer months. It would enable many young people to find jobs, earn money, and gain the experience and skills needed for future work and higher wages. The bill would not prevent those with work skills from getting the higher wages they

are worth. It prohibits discharge, transfer, or demotion of any adult, or youth employed in order to hire a youth at the summer wage.

I urge the Congress to speedily enact this legislation.

RONALD REAGAN.

THE WHITE HOUSE, *May 17, 1984.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on May 15, 1984 he had approved and signed the following enrolled bill and joint resolution:

S. 1212. An act for the relief of sixteen employees of the Charleston Naval Shipyard; and

S.J. Res. 232. Joint resolution to authorize and request the President to designate the month of May 1984 as "National Physical Fitness and Sports Month".

MESSAGES FROM THE HOUSE

At 4:42 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, with amendments, in which it requests the concurrence of the Senate:

S. 1330. An act to authorize the United States Army Corps of Engineers to provide grants to the several States to encourage and foster the construction of necessary public capital investment projects.

S. 1510. An act to establish uniform single audit requirements for State and local governments who receive Federal assistance and for recipients of Federal assistance from such governments, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 89. An act to permit the transportation of passengers between Puerto Rico and other United States ports on foreign-flag vessels when United States flag service for such transportation is not available.

H.R. 5371. An act to authorize appropriations for the Bureau of the Mint for fiscal year 1985, and for other purposes; and

H.R. 5505. An act to amend title XII of the Merchant Marine Act, 1936.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 304. Concurrent resolution expressing the sense of the Congress that Elena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Elena Bonner, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5371. An act to authorize appropriations for the Bureau of the Mint for fiscal year 1985, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5505. An act to amend title XII of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON CALENDAR

The following concurrent resolution was read; and placed on the calendar:

H. Con. Res. 304. Concurrent resolution expressing the sense of the Congress that Elena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Elena Bonner, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 89. An act to permit the transportation of passengers between Puerto Rico and other United States ports on foreign flag vessels when United States flag service for such transportation is not available.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3215. A communication from the Governor of the Farm Credit Administration, transmitting, pursuant to law, the 1983 Freedom of Information Report; to the Committee on the Judiciary.

EC-3216. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of May 1, 1984; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-3217. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics, transmitting, pursuant to law, the decision to convert the administrative support services function at the Naval Air Engineering Center, Lakehurst, N.J., to performance under contract; to the Committee on Armed Services.

EC-3218. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on a foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-3219. A communication from the Acting Assistant Secretary of the Army, transmitting, pursuant to law, a report on the study of numerous potential conversions from in-house operation to commercial contract of various base activities; to the Committee on Armed Services.

EC-3220. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize acquisition of petroleum in real or anticipated time of shortage and to authorize acquisition through exchange; to the Committee on Armed Services.

EC-3221. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of the Financial Statements of the Export-Import Bank of the United States for the Fiscal Year Ended September 30, 1983"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3222. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-3223. A communication from the Secretary of Transportation, transmitting, pursuant to law, the fourth annual report on collision avoidance systems; to the Committee on Commerce, Science, and Transportation.

EC-3224. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on an application for a loan by the Amity Mutual Irrigation Co., Colo.; to the Committee on Energy and Natural Resources.

EC-3225. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on Federal energy education, extension, and information activities; to the Committee on Energy and Natural Resources.

EC-3226. A communication from the Secretary of the Interior, transmitting, pursuant to law, financial exhibits of the Colorado River storage project for 1983; to the Committee on Energy and Natural Resources.

EC-3227. A communication from the Acting Assistant Secretary of Energy for Conservation and Renewable Energy, transmitting, pursuant to law, the annual report of the Interagency Geothermal Coordinating Council for 1983; to the Committee on Energy and Natural Resources.

EC-3228. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report on the urban park and recreation recovery program; to the Committee on Energy and Natural Resources.

EC-3229. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the administration of the Black Lung Benefits Act; to the Committee on Finance.

EC-3230. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting, pursuant to law, a report on emigration and human rights policies of the Government of Haiti; to the Committee on Foreign Relations.

EC-3231. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into the United States in the 60-day period prior to May 9, 1984; to the Committee on Foreign Relations.

EC-3232. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-138, adopted by the Council on April 30, 1984; to the Committee on Governmental Affairs.

EC-3233. A communication from the Chairman of the Council of the District of

Columbia, transmitting, pursuant to law, copies of D.C. Act 5-137, adopted by the Council on April 30, 1984; to the Committee on Governmental Affairs.

EC-3234. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-136, adopted by the Council on April 30, 1984; to the Committee on Governmental Affairs.

EC-3235. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-135, adopted by the Council on April 30, 1984; to the Committee on Governmental Affairs.

EC-3236. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-134, adopted by the Council on April 30, 1984; to the Committee on Governmental Affairs.

EC-3237. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-133, adopted by the Council on April 30, 1984; to the Committee on Governmental Affairs.

EC-3238. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-132, adopted by the Council on April 30, 1984; to the Committee on Governmental Affairs.

EC-3239. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-131, adopted by the Council of April 30, 1984; to the Committee on Governmental Affairs.

EC-3240. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-130, adopted by the Council of April 30, 1984; to the Committee on Governmental Affairs.

EC-3241. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-129, adopted by the Council of April 30, 1984; to the Committee on Governmental Affairs.

EC-3242. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during the month of April 1984; to the Committee on Governmental Affairs.

EC-3243. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3244. A communication from the director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, the annual report on the financial condition of the American Legion as of December 31, 1983; to the Committee on the Judiciary.

EC-3245. A communication from the controller of the Boys Clubs of America, transmitting, pursuant to law, the audited financial report of the Boys Clubs of America for the year ended December 31, 1983; to the Committee on the Judiciary.

EC-3246. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Assessment of Special Rules Exempting Employers Withdrawing From Multiemployer Pension Plans From Withdrawal Liability"; to the Committee on Labor and Human Resources.

EC-3247. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report for employment and training programs for 1982; to the Committee on Labor and Human Resources.

EC-3248. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for October through November 1983; to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2483: A bill to rename Dulles International Airport in Virginia as the "Washington Dulles International Airport" (Rept. No. 98-453).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2526: A bill to authorize appropriations for the Coast Guard for fiscal years 1985 and 1986, and for other purposes (Rept. No. 98-454).

H.R. 5154: A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes (Rept. No. 98-455).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2688: An original bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1985 and 1986, and for other purposes (Rept. No. 98-456).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2537: A bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes (Rept. No. 98-457).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 5155: A bill to establish a system to promote the use of land remote sensing satellite data, and for other purposes (Rept. No. 98-458).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 451: A joint resolution designating the month of November 1984 as "National Alzheimer's Disease Month".

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 390: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2537; referred to the Committee on the Budget.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 254: A joint resolution to designate the month of October, 1984 as "National Down's Syndrome Month".

S.J. Res. 288: A joint resolution to designate the week of September 16 through September 22, 1984, as "Emergency Medicine Week".

S.J. Res. 289: A joint resolution to designate June 18, 1984, as "National Child Passenger Safety Awareness Day".

S.J. Res. 292: A joint resolution to designate the week of May 27 through June 2, 1984, as "National Animal Health Week".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary: Carol E. Dinkins, of Texas, to be Deputy Attorney General.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Patricia A. Goldman, of the District of Columbia, to be a Member of the National Transportation Safety Board for the term expiring December 31, 1988; and

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board for a term of two years.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly appointed committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. MATTINGLY, Mrs. HAWKINS, and Mr. CRANSTON):

S. 2679. A bill to amend title IV of the National Housing Act and the Federal Deposit Insurance Act with respect to brokered deposits; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DANFORTH (by request):

S. 2680. A bill to provide the President with authority to accelerate certain staged rate modifications to the Tariff Schedules of the United States; to the Committee on Finance.

By Mr. GLENN:

S. 2681. A bill to amend the act commonly known as the Second Morrill Act to repeal statutory language purporting to permit racial segregation in colleges financied under such act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BURDICK:

S. 2682. A bill amending the conveyance of property to Mountrail County Park Commission, North Dakota, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STEVENS (by request):

S. 2683. A bill to amend title XII of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

S. 2684. A bill to require tonnage measurement of vessels engaged on international

voyages and within the jurisdiction of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. 2685. A bill to prohibit the sale or transfer of certain Federal lands located in Baxter and Marion Counties, Ark.; to the Committee on Governmental Affairs.

By Mr. WEICKER (for himself and Mr. D'AMATO):

S. 2686. A bill to amend the Small Business Investment Act of 1958 to create the Corporation for Small Business Investment and to transfer certain functions of the Small Business Administration to the Corporation; to the Committee on Small Business.

By Mr. PERCY (for himself, Mr. HATCH, Mr. ABDNOR, Mr. ANDREWS, Mr. COCHRAN, Mr. DENTON, Mr. EAST, Mr. GRASSLEY, Mrs. HAWKINS, Mr. HUMPHREY, Mr. SYMMS, Mr. THURMOND, Mr. TOWER, and Mr. WILSON):

S. 2687. A bill to authorize an employer to pay a youth employment opportunity wage to a person under 20 years of age from May through September under the Fair Labor Standards Act of 1938 which shall terminate on September 30, 1987, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

S. 2688. An original bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1985 and 1986, and for other purposes; placed on the calendar.

By Mr. ROTH:

S. 2689. A bill to amend title 31, United States Code, to provide for certain additional experts and consultants for the General Accounting Office, to provide for certain positions within the General Accounting Office Senior Executive Service, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DURENBERGER:

S. 2690. A bill to amend part A of title XVIII to provide for an alternative liability system for medical malpractice in the case of injuries under medicare and other Federal programs if States fail to provide for alternative liability systems; to the Committee on Finance.

By Mr. HUDDLESTON (for himself, Mr. HELMS, Mr. LEAHY, Mr. COCHRAN, Mr. ZORINSKY, Mr. DOLE, Mr. PRYOR, Mr. LUGAR, Mr. BOREN, Mr. BOSCHWITZ, Mr. DIXON, Mr. JEPSEN, Mr. HEFLIN, Mr. WILSON, Mr. HATCH, Mr. BAKER, Mr. BENTSEN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. BYRD, Mr. CHAFEE, Mr. CHILES, Mr. COHEN, Mr. CRANSTON, Mr. D'AMATO, Mr. DENTON, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAGLETON, Mr. EAST, Mr. EXON, Mr. FORD, Mr. GRASSLEY, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LEVIN, Mr. LONG. Mr. MATSUNAGA, Mr. MCCLURE, Mr. MOYNIHAN, Mr. NICKLES, Mr. NUNN, Mr. PERCY, Mr. PROXMIRE, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. STENNIS, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, and Mr. TSONGAS):

S.J. Res. 298. A joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

S. RES. 390. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2537; to the Committee on the Budget.

By Mr. DODD (for himself, Mr. MELCHER, Mr. CRANSTON, Mr. MOYNIHAN, Mr. PELL, Mr. GLENN, Mr. BINGAMAN, and Mr. LAUTENBERG):

S. CON. RES. 116. A concurrent resolution expressing the sense of the Congress that the Reagan administration and succeeding administrations express to the People's Republic of China, as a continuing concern, the importance the American people attach to religious freedom, and to strongly urge that government to release from prison the five elderly Roman Catholic priests, a number of Protestant pastors and layworkers, and others of various faiths, reportedly being held on charges related to religious activities; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. MATTINGLY, Mrs. HAWKINS, and Mr. CRANSTON):

S. 2679. A bill to amend title IV of the National Housing Act and the Federal Deposit Insurance Act with respect to brokered deposits; to the Committee on Banking, Housing, and Urban Affairs.

BROKERED DEPOSITS ACT OF 1984

● Mr. D'AMATO. Mr. President, I am today introducing legislation which is designed to resolve a controversy which has arisen between Federal bank and thrift regulators and deposit brokers over a rule to limit deposit insurance on brokered accounts.

As chairman of the Senate Subcommittee on Securities, I have listened carefully and patiently since last January to the arguments put forth jointly by the FDIC and FHLBB in support of their actions to curtail abusive money brokerage practices. Similarly, I have heard from the regulators' critics who contend that the rule will unjustifiably eliminate all deposit brokerage activities.

If ever there was a situation which demanded compromise—this is it.

Mr. President, the evidence presented to me tends to support the conclusion that money brokers and recipient institutions have taken advantage of recent increases in deposit insurance in a way which reflects a careless disregard for the safety and soundness of the deposit insurance system. These brokers have substituted their keen desire to earn a quick fee for sound and prudent investment judgments. Such conduct can neither be excused nor condoned.

But it is also clear from the available evidence that the problems as well as the abuses do not permeate the entire brokered funds industry. The problems are really confined to a handful of unscrupulous brokers dealing mainly in short-term accounts. For the benefit of my colleagues, a short-term account is defined as one which matures in less than 1 year or within an unspecified period of time. This kind of account can be reinvested many times in institutions around the country paying the highest interest and at virtually no risk to the broker depositor.

The legislation I am introducing today deals specifically with these short-term accounts and basically represents a balance between the regulators' and brokers' positions.

My bill does not alter the existing deposit insurance scheme. However, it establishes a test for banks and thrifts to pass in order to accept any brokered funds. In addition, the legislation limits short-term deposits of an institution to 15 percent of its total insured deposits. These limitations may be waived by the appropriate regulatory agency on a case-by-case basis.

Mr. President, the regulators have erected a broad protective shield. They have judged all money brokerage activities to be inherently dangerous or threatening to the deposit insurance system. That simply is not the case. Brokered funds serve a legitimate, useful purpose. Many communities in which these funds have been invested have benefited from brokered funds. Moreover, individual consumers, businesses, home buyers, and other borrowers have utilized these funds.

Clearly, Congress must do something to shut down the abusive practices which have been uncovered by Federal bank and thrift regulators. But at the same time, we should not penalize legitimate brokers who have invested their client's money in sound financial institutions. If we were to allow the regulators' rule to take effect on October 1, the only ones who ultimately would be penalized would be the consumer—the individual depositor who now reaps the benefits of competitive rates on deposits.

Accordingly, I urge my colleagues to join with me in supporting this compromise legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Brokered Deposits Act of 1984".

AMENDMENTS TO THE NATIONAL HOUSING ACT

SEC. 2. (a) Section 401 of the National Housing Act (12 U.S.C. 1724) is amended by adding at the end thereof the following:

"(e) The term 'deposit broker' means any person, other than an insured institution or an affiliate thereof in respect of funds placed with that insured institution, which, for a fee, places funds or facilitates the placement of funds of third parties in accounts issued by an insured institution.

"(f) The term 'short-term account' means any savings account which is (1) payable on a certain date less than one year after the date of deposit, (2) payable at the expiration of a specified period less than one year after the date of deposit, (3) payable upon written notice to be given less than one year before the date of repayment, (4) payable upon demand, or (5) a savings account which has no fixed maturity and with respect to which the insured institution must reserve the right to require notice (or the account holder may be required at any time to give notice) of less than one year before any withdrawal is made.".

(b) The National Housing Act is amended by adding at the end thereof the following:

"INSURANCE OF BROKERED DEPOSITS

"SEC. 415. (a) The Corporation may not promulgate any rule or regulation or issue any order or interpretation which would have the effect of causing the deposit insurance available to a person for deposits or accounts placed by or through a deposit broker to differ from the deposit insurance available to such person for deposits or accounts not placed by or through a deposit broker. The Corporation may issue rules and regulations in connection with the deposit insurance available pursuant to this section.

"LIMITATIONS ON BROKERED DEPOSITS

"SEC. 416. (a)(1) On and after the date of enactment of the Brokered Deposits Act of 1984, an insured institution may not accept or maintain short-term insured accounts placed by or through a deposit broker in excess of the lesser of—

"(A) two hundred percent of such insured institution's unimpaired capital and unimpaired surplus; or

"(B) fifteen percent of such insured institution's total deposits.

"(2) An insured institution the unimpaired capital and unimpaired surplus of which is less then three percent of such insured institution's liabilities shall not have or maintain any insured accounts placed by or through a deposit broker.

"(b) Any accounts held by an insured institution as of the date of enactment of the Brokered Deposits Act of 1984 in excess of the limitations set forth by this section may be held by such insured institution until their stated maturity. For purposes of this section, an account without a fixed or stated maturity shall be deemed to have a maturity of one month from the date of enactment of the Brokered Deposits Act of 1984.

"(c) The Corporation may grant permission to any insured institution, upon notice and application, to have or obtain short-term insured accounts placed by or through a deposit broker in excess of the limitations established by this section. Such permission shall be granted by the Corporation in a flexible manner giving equal weight to both competitive factors and safety and soundness considerations.".

AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT

SEC. 3. (a) The Federal Deposit Insurance Act (12 U.S.C. 1813) is amended by adding at the end thereof the following:

"(u) The Term 'deposit broker' means any person, other than an insured bank or an affiliate thereof in respect of funds placed with that insured bank, which, for a fee, places funds or facilitates the placement of funds of third parties with insured banks.

"(v) The term 'short-term deposit' means a deposit which is (1) payable on a certain date less than one year after the date of deposit, (2) payable at the expiration of a specified period less than one year after the date of deposit, (3) payable upon written notice to be given less than one year before the date of repayment, (4) payable upon demand, or (5) a deposit which has no fixed maturity and with respect to which the insured bank must reserve the right to require notice (or the depositor may be required at any time to give notice) of less than one year before any withdrawal is made.".

(b) The Federal Deposit Insurance Act is amended by adding at the end thereof the following:

"INSURANCE OF BROKERED DEPOSITS

"SEC. 28. (a) The Board of Directors may not promulgate any rule or regulation or issue any order or interpretation which would have the effect of causing the deposit insurance available to a person for deposits placed by or through a deposit broker to differ from the deposit insurance available to such person for deposits not placed by or through a deposit broker. The Board of Directors may issue rules and regulations in connection with the deposit insurance available pursuant to this section.

"LIMITATIONS ON BROKERED DEPOSITS

"SEC. 29. (a)(1) On and after the date of enactment of the Brokered Deposits Act of 1984, an insured bank may not accept or maintain short-term insured deposits placed by or through a deposit broker in excess of the lesser of—

"(A) two hundred percent of such insured bank's unimpaired capital and unimpaired surplus;

"(B) fifteen percent of such insured bank's total deposits.

"(2) An insured bank the unimpaired capital and unimpaired capital and unimpaired surplus of which is less than three percent of such insured bank's liabilities shall not have or maintain any insured deposits placed by or through a deposit broker.

"(b) Any deposits held by any insured bank as of the date of enactment of the Brokered Deposits Act of 1984 in excess of the limitations set forth by this section may be held by such insured bank until their stated maturity. For purposes of this section, a deposit without a fixed or stated maturity shall be deemed to have a maturity of one month from the date of enactment of the Brokered Deposits Act of 1984.

"(c) The appropriate Federal banking agency may grant permission to any insured bank, upon notice and application, to have or obtain short-term insured deposits placed by or through a deposit broker in excess of the limitations established by this section. Such permission shall be granted by such agency in a flexible manner giving equal weight to both competitive factors and safety soundness considerations.".●

● Mr. MATTINGLY. Mr. President, I am today introducing legislation to insure the continued insurability of brokered funds deposited in the Nation's banks and thrifts. The legislation is cosponsored by several of my colleagues of the Senate Banking Committee.

The issue of Federal deposit insurance on brokered deposits has been the subject of widespread debate in recent months.

Last January, the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board jointly proposed a regulation to severely limit deposit insurance on funds placed by money brokers. The regulators claimed that brokered deposits were the principal cause of the collapse of several financial institutions and that only strong measures would curb abuses in this area.

Shortly after the rule was published in the Federal Register, I wrote to Chairmen Gray and Isaac and urged them to modify their proposal. I felt that the regulators had failed to recognize the real economic benefits which consumers and businesses have realized from brokered deposits. In addition, I expressed my concern that the available evidence did not support broad and sweeping changes in the deposit insurance system. Despite my pleas and those of other Members of Congress and the public for a compromise solution, the regulators in late March went ahead and adopted the rule with only minor changes.

Accordingly, the legislation I am introducing today seeks to modify the regulators' decision with respect to insurance coverage for brokered deposits.

The legislation amends the Federal Deposit Insurance Act and the National Housing Act and is intended to preserve the current system of deposit insurance for brokered funds.

The bill seeks to establish a test for banks and thrifts to pass before accepting any brokered deposits. The legislation prohibits financial institutions from accepting any short-term insured brokered accounts in excess of 200 percent of the institution's unimpaired capital and unimpaired surplus. Moreover, insured institutions whose unimpaired capital and unimpaired surplus is less than 3 percent of the institution's liabilities are prohibited from accepting any funds placed by or through a deposit broker. Insured short-term deposits, which are defined as maturing within 1 year or less or within an unspecified period, could not exceed 15 percent of the total deposits of an institution. An insured institution may, however, apply to the appropriate Federal banking agency for a waiver of these limitations.

The legislation also precludes the appropriate Federal agency from pro-

mulgating any rule or regulation which would have the effect of limiting deposit insurance on funds placed by deposit brokers.

The legislation does not affect long-term insured deposits placed by brokers.

Mr. President, the legislation I am offering today represents a middle ground between those who wish to shut down deposit brokerage activities altogether and others who desire no change.

Clearly, there have been some abuses, but they have mostly involved short-term insured accounts. Thus, some formal mechanism to monitor and regulate this type of deposit brokerage activity is necessary to prevent unscrupulous brokers and deposit-starved institutions from taking advantage of the Federal deposit insurance system. Congress must, therefore, take immediate action to protect the insurance system but at the same time permit the continuation of deposit insurance for brokered accounts. My legislation will accomplish these twin objectives.●

By Mr. DANFORTH (by request):

S. 2680: A bill to provide the President with authority to accelerate certain staged rate modifications to the Tariff Schedules of the United States; to the Committee on Finance.

ACCELERATED MODIFICATIONS TO TARIFF SCHEDULES

● Mr. DANFORTH. Mr. President, at the request of U.S. Trade Representative Bill Brock, I am introducing today legislation that will authorize the President to proclaim tariff reductions 1 year in advance of the time such reductions are scheduled to occur between now and 1987. The Congress authorized negotiations leading to these tariff reductions in the Trade Act of 1974, and pursuant to that authority, President Carter proclaimed them in 1979 at the conclusion of the Tokyo round of multilateral trade negotiations. The tariff reductions are being phased in according to a schedule that will be completed in 1987. A letter from Ambassador Brock further explains this proposal; and I ask unanimous consent that the letter and summary of the bill be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATIVE,
Washington, DC, February 24, 1984.

Hon. JOHN C. DANFORTH,
U.S. Senate,
Washington, DC.

DEAR JACK: I am pleased to transmit to you for introduction in the Senate a proposed bill to accelerate the scheduled reduction of the staged rate modifications of the Tariff Schedules of the United States in order to promote greater liberalization in the international community.

The purpose of the proposed legislation, "The Reciprocal Tariff Reduction Acceleration Act of 1984", is to more quickly bring about the trade benefits which were secured by the Tokyo Round trade negotiations which were concluded in 1979. As part of those agreements the major participating nations adopted a schedule of annual tariff reductions on enumerated items. For most products the annual reduction will be completed in 1987.

At the time they were instituted the staged tariff reductions by the leading trading nations were a significant step forward for free trade. The intended result of the proposed legislation is to accelerate these benefits by speeding up the already scheduled reductions in order to establish a new breakthrough in the liberalization of world trade. The United States would pursue this goal in concert with its major trading partners. At this time Japan has begun the process of accelerating its tariff reductions and the European Community and Canada have indicated their intention of doing the same.

The United States has long been a champion of free trade. Our dedication to its principles was reaffirmed at last summer's Williamsburg Summit where the United States, along with other nations similarly dedicated, stated: "We commit ourselves to halt protectionism, and as recovery proceeds to reverse [protectionism] by dismantling trade barriers." In an international environment of growing protectionism the proposed legislation would further promote world wide economic recovery and provide a means for the United States to articulate its commitment to free trade.

The enclosed legislation would enable the President to accelerate, on an annual basis and not for more than a year at a time, the staged rate modification set out in the Tariff Schedules of the United States. This would be effected by Presidential Proclamation upon the President's determination that appropriate concessions of benefit to the United States have been made by other trading nations. The legislation does not provide that the acceleration of the rates of one year would also accelerate the scheduled rates for the following year. Each annual step in the acceleration of staged reductions would be considered on a case-by-case basis.

The legislation would work in the following manner: on the date of passage in 1984, the President would be able to proclaim the immediate application of the rates scheduled to be effective January 1, 1985. On January 1, 1985, the President would be empowered to proclaim the rates effective January 1, 1986, depending upon whether he determines that appropriate concessions have been made. On January 1, 1986, the President would again be empowered to proclaim the rates scheduled to be effective on January 1, 1987. The same procedure would obtain until the completion of all scheduled tariff reductions. In effect, the legislation provides the President with the authority to proclaim a series of one year accelerations of the tariff reductions if worldwide trading conditions merit increased liberalization, until all scheduled reductions have been completed.

Most tariff reductions provided for by the staged rate modifications are scheduled through 1987. Some 130 TSUS items have reductions scheduled beyond 1987. Other reductions were conditioned to begin after certain events had occurred and have not yet begun. The proposed legislation would provide for all scheduled tariff reductions currently proclaimed.

The Administration believes that this legislation provides an important opportunity for the United States to reinforce its commitment to free trade and to take the lead in an issue of great significance to the international trading community.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal and its enactment would be in accord with the President's program.

Very truly yours,

WILLIAM E. BROCK.

S. 2680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. SHORT TITLE.

This Act may be cited as "The Reciprocal Tariff Reduction Acceleration Act of 1984".

SEC. 102. PURPOSE.

The purpose of this Act is to accelerate the scheduled reduction of the staged rate modifications of the Tariff Schedules of the United States in order to promote greater trade liberalization in the international community.

SEC. 103. AUTHORITY TO ACCELERATE STAGED RATE MODIFICATIONS.

If the President determines that appropriate concessions of benefit to the United States have been made, he may, notwithstanding subsections 109(a) and 124(c)(3) of the Trade Act of 1974, proclaim the acceleration, by not more than one year, of the effective date of each of the staged rate modifications of the Tariff Schedules of the United States which has been proclaimed to carry out agreements entered into under the authority of sections 101, 102 and 124 of the Trade Act of 1974.●

By Mr. GLENN:

S. 2681. A bill to amend the act commonly known as the Second Morrill Act to repeal statutory language purporting to permit racial segregation in colleges financed under such Act, and for other purposes; to the Committee on Labor and Human Resources.

AMENDMENTS TO SECOND MORRILL ACT

● Mr. GLENN. Mr. President, today marks the 30th anniversary of the Supreme Court's landmark decision in Brown against Board of Education. This historical decision sounded the death knell for the notion of "separate but equal" and, thus, racial segregation in our public schools. However, the decision marked the beginning and not the end of a very long and difficult journey toward equality of opportunity for all Americans. We have traveled far in 30 years, but we have not yet arrived at our final destination.

Mr. President, on the 30th anniversary of the Brown decision, it is befitting that I introduce a bill to repeal obsolete language in the United States Code which purports to permit racial segregation in agricultural and mechanical arts colleges financed under the Agricultural College Act of 1890, commonly referred to as the Second Morrill Act. The bill is identical to leg-

islation introduced by my friend and colleague in the House of Representatives, Congressman MICKEY LELAND. It will eliminate the language in the 1890 act which on its face authorizes the use of Federal funds for agricultural colleges that are maintained:

Separately for white students and colored students * * * if the funds * * * be equitably divided * * * between one college for white students and one institution for colored students.

This language stirs up the ugly memories of a troubled time in our Nation's history. Although the language was rendered meaningless by the decisions of Brown against Board of Education and Bolling against Sharp, it is important that we set the record straight. This legislation will signal that Congress will not countenance the anachronism of separate but equal.

My bill will eliminate from the act express references to racial segregation and thereby dispel the notion of separate but equal. However, the bill will not affect the continued funding for the Tuskegee Institute or other institutions established under the act.

Mr. President, I hope that my colleagues in both Houses of Congress will join Congressman LELAND and me in obtaining swift committee action and enactment of this legislation.●

By Mr. STEVENS (by request):

S. 2683. A bill to amend title XII of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

EXTENSION OF MERCHANT MARINE ACT

Mr. STEVENS. Mr. President, I am introducing today, at the request of the administration, a bill to extend for 5 years the existing language in the Merchant Marine Act of 1936 which provides war risk insurance for vessels, cargoes, crew life, and personal effects, when commercial insurance cannot be reasonably obtained. This is a standby program which is self-financed through premiums paid by participants. The only cost to the Government are for very minor administrative costs.

I ask unanimous consent that the administration's statement of purpose and need and the text of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1214 of the Merchant Marine Act, 1936, as amended, (46 App. U.S.C. 1294), is amended by striking "1984," and inserting "1989."

STATEMENT OF PURPOSE AND NEED FOR THE DRAFT BILL "TO AMEND TITLE XII OF THE MERCHANT MARINE ACT, 1936"

Title XII of the Merchant Marine Act, 1936, is stand-by legislation which authorizes the Secretary of Transportation, with the approval of the President, to provide war risk and certain marine and liability insurance for the protection of vessels, cargoes, and crew life and personal effects, when commercial insurance cannot be obtained on reasonable terms and conditions. Commercial war risk insurance policies now in effect contain automatic termination clauses which cause such insurance to terminate upon hostile detonation of a nuclear device of war or upon the outbreak of war (whether there is a declaration of war or not) between any of the following countries: United States of America, United Kingdom (or any other member of the British Commonwealth), France, the Union of Soviet Socialist Republics, and the Peoples Republic of China. Without Government war risk insurance, American vessels would be without protection against loss by risks of war after termination of the commercial policies. Ships and cargoes could not be moved without adequate insurance coverage.

War risk insurance was provided by the Government in both World Wars I and II, and proved both necessary and effective in protecting the United States and its waterborne commerce, with total premium receipts in excess of loss paid. At the present time, this Title XII authority is scheduled to expire on September 30, 1984. The Department proposes to extend this authority for an additional five years in order to ensure the continuation of United States oceangoing commerce.

COMPARATIVE TEXT SHOWING THE CHANGES THE DRAFT BILL "TO AMEND TITLE XII OF THE MERCHANT MARINE ACT, 1936" WOULD MAKE IN EXISTING LAW

Deletions are shown by brackets; new material is shown by underlining.

MERCHANT MARINE ACT, 1936

* * * * *

SEC. 1214. The authority of the Secretary to provide insurance and reinsurance under this title shall expire September 30, [1984] *1989.*

By Mr. STEVENS (by request):

S. 2684. A bill to require tonnage measurement of vessels engaged on international voyages and within the jurisdiction of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TONNAGE MEASUREMENT OF VESSELS ACT

Mr. STEVENS. Mr. President, I am introducing today, at the administration's request, a bill to establish a standard system of vessel admeasurement that conforms the International Convention on Tonnage Measurement of Ships, 1969, which was ratified by the President, with advice and consent of the Senate on October 28, 1982.

I ask unanimous consent that the administration's statement of purpose and need and the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tonnage Measurement of Vessels Act."

SEC. 2. DEFINITIONS. As used in this Act—

(a) "Convention" means the International Convention on Tonnage Measurement of Ships, 1969;

(b) "existing vessel" means a vessel that is not a "new vessel";

(c) "Great Lakes" means the Great Lakes and the St. Lawrence River as far east as a rhumb line drawn from Cap des Rosiers to West Point; Anticosti Island, and on the north side of Anticosti Island, the meridian of longitude 63°W;

(d) "new vessel" means a vessel the keel of which is laid or which is at a similar stage of construction on or after July 18, 1982, the date the Convention came into force;

(e) "overall in length" means—

(1) on a vessel on an international voyage or a foreign vessel, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on the waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

(2) on any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, bumpkins, rudders, outboard motor brackets and similar fittings and attachments;

(f) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(g) "ship of war" means a ship belonging to the armed forces of a nation and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the Government and whose name appears in the appropriate service list or its equivalent, and manned by a crew who are under regular armed forces discipline; and

(h) "vessel engaged on international voyage" means a vessel which—

(1) arrives at any port or place within the jurisdiction of the United States from a foreign port;

(2) makes a voyage between foreign ports (except foreign vessels enaged in such voyages);

(3) departs from any port or place within the jurisdiction of the United States for a foreign port; or

(4) departs from a port or place within a territory or possession of the United States for another port or place within the jurisdiction of the United States not within the territory or possession, or conversely.

ENFORCEMENT; REGULATIONS; DELEGATION

SEC. 3. The Secretary shall enforce the provisions of this Act and prescribe regulations to carry out its provisions. The Secretary may delegate powers conferred by this Act to any officer or employee of the Coast Guard.

APPLICABILITY; EXCEPTED VESSELS

SEC. 4. (a) This Act applies to a vessel that is documented or is required to be documented under the laws of the United States,

or which is engaged on an international voyage and is—

(1) a new vessel;

(2) an existing vessel that has undergone alterations or modifications that are determined by the Secretary to cause a substantial variation in its existing gross tonnage;

(3) an existing vessel, if the owner requests; and

(4) any other existing vessel after July 18, 1994, except that the vessel may retain its existing tonnage for purposes of the application of relevant requirements under other international treaties and conventions and other laws of the United States.

(b) This Act does not apply to—

(1) a ship of war;

(2) a vessel of less than twenty-four meters (seventy-nine feet) overall in length;

(3) a vessel that is navigated exclusively on the Great Lakes, except that, upon request of the owner, such a vessel may be measured in accordance with this Act; or

(4) measurement of a vessel for the purpose of assessing tolls for the use of the Panama Canal, in accordance with section 1602(a) of the Panama Canal Act of 1979, Pub. L. No. 96-70, 93 Stat. 489.

(c) A vessel voluntarily measured under paragraph (3) of subsection (a) of this section may not subsequently be remeasured except as provided by this Act.

(d) This Act is not intended to abrogate any provisions of international treaties or conventions in effect that are not in conflict with the Convention and to which the United States is a party.

MEASUREMENT OF VESSELS; ISSUANCE OF CERTIFICATE

SEC. 5. (a) A vessel subject to this Act shall be measured by the Secretary in accordance with the Convention and this Act. Except as provided in section 4(b)(4) of this Act, a vessel so measured may not be required to be measured under any other provision of law.

(b) Upon completion of the measurement, the Secretary shall issue the vessel an International Tonnage Certificate (1969) which shall be delivered to the master or owner and carried onboard.

REMEASUREMENT

SEC. 6. When a vessel measured under this Act undergoes a change affecting its tonnage, or its owner or the Secretary alleges error in its tonnage, the vessel shall be remeasured to the extent necessary and its tonnage redetermined under the Act.

REGULATORY TONNAGE

SEC. 7. Upon the request of the owner of a vessel that is measured under this Act, the vessel may also be measured and issued regulatory tonnages in accordance with the measurement systems set forth in sections 4148, 4151 or 4153 of the Revised Statutes of the United States, as amended, (46 App. U.S.C. 71, 75 or 77) and to the extent applicable, Public Law 89-219, September 29, 1965 (79 Stat. 891; 46 App. U.S.C. 83-83k) for the purpose of determining the applicability—

(a) of statutory requirements relating to vessel inspection, manning, licensing or certification of merchant marine personnel, and the shipment and discharge of seamen when the vessel is not on an international voyage;

(b) of the Officers' Competency Certificates Convention, 1936, under section 8304 of title 46, U.S.C. Code, when the vessel is navigating on the high seas but is not engaged in an international voyage;

(c) of the International Convention for the Safety of Life at Sea as provided by IMCO Resolution A.494 (XII) of November 19, 1981;

(d) of the International Convention of Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, as provided by IMO Resolution A.540 (XIII) of November 17, 1983; or

(e) of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating to the International Convention for the Protection of Pollution from Ships, 1973, as provided by IMO Resolution A.541 (XIII) of November 17, 1983.

DELEGATION OF AUTHORITY TO MEASURE VESSELS AND ISSUE CERTIFICATES; REVOCATION

SEC. 8. (a) The Secretary may authorize the American Bureau of Shipping or other person to measure a vessel and to issue an International Tonnage Certificate (1969) under this Act.

(b) The Secretary may revoke a delegation made under this section at any time.

(c) The Secretary may authorize another nation that is a party to the Convention to measure a vessel in accordance with this Act and to issue an International Tonnage Certificate (1969) for a vessel that is intended to engage in international voyages.

RECOGNITION; NONAPPLICABILITY

SEC. 9. (a) When the Secretary finds the laws and regulations of a foreign country relating to tonnage measurement approximate those of this Act and the regulations issued hereunder, or when a foreign country is a party to the Convention, the tonnage and certificate of a vessel of such a country shall be accepted as complying with the provisions of this Act and regulations issued hereunder.

(b) Subsection (a) shall not apply to a vessel of a foreign country that does not recognize tonnage measurements prescribed under this Act. The Secretary may apply whatever tonnage measurement standards he deems appropriate to such a vessel subject to provisions of applicable treaties, conventions, or other international agreements to which the United States is a party.

INSPECTION

SEC. 10. (a) The Secretary is authorized to inspect any vessel of a country that is a party to the Convention as well as vessels of any other foreign country. The purpose of this inspection shall be to verify—

(1) that the vessel has been issued a valid International Tonnage Certificate (1969) and that the main characteristics of the vessel correspond to the data contained therein, or

(2) in regard to a vessel of a country which is not a party to the Convention, that it has been measured under laws and regulations which approximate those of this Act and the regulations issued hereunder.

(b) In the case of a vessel of a country that is a party to the Convention, if the inspection reveals that it does not have a valid International Tonnage Certificate (1969) or that the main characteristics of the vessel differ from those shown on the Certificate or other papers in a way which increases the gross or net tonnage of the vessel, the Secretary shall promptly inform the country whose flag the vessel is flying.

(c) In the case of a vessel of any other country, if the vessel has been measured in accordance with laws and regulations that, in the opinion of the Secretary, approximate those of this Act and the regulations issued hereunder, the vessel shall be treated as if it had been issued an International Tonnage Certificate (1969); if it has not been so measured, the Secretary may measure the vessel.

(d) An inspection under this section shall be conducted so as not to delay a vessel of a country that is a party to the Convention.

PENALTIES FOR VIOLATIONS

SEC. 11. (a) Any person who makes a false, fictitious, or fraudulent statement or representation in any matter in which that statement or representation is required to be made under this Act or regulations issued hereunder, is subject to a civil penalty of not more than $20,000 for each such statement or representation.

(b) In addition to any other penalty prescribed by law, the owner and master of a vessel found in violation of this Act or the regulations issued hereunder are each liable to a civil penalty of not more than $20,000 for each day the vessel is in violation.

(c) A vessel operated in violation of this Act or regulations issued hereunder is liable in rem for any monetary penalty imposed under this section. A penalty imposed under this section shall constitute a maritime lien upon the vessel, which the United States may enforce in a civil action in the United States district court for any district in which the vessel may be found.

(d) The Secretary may, after notice and an opportunity for a hearing, assess and collect any civil penalty and may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section, until the Secretary refers any penalty claim to the Attorney General in accordance with subsection (e) below.

(e) If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in any appropriate district court of the United States under section 2461 of title 28, United States Code.

EXISTING LAW

SEC. 12. (a) Section 4148 of the Revised Statutes of the United States, as amended (46 App. U.S.C. 71), is further amended as follows:

(1) Subsection (a) is amended to read—

"(a) Before a vessel that has not been measured under the Tonnage Measurement of Vessels Act is documented or recorded under the laws of the United States, or where the application of a law of the United States to such a vessel is determined by its tonnage, the vessel shall be measured under this section by the Secretary of the department in which the Coast Guard is operating. The Secretary may, by regulation, provide for the temporary documentation of a vessel prior to the measurement required by this section.".

(2) Subsection (b) is amended by eliminating the wording: "—(1) it engages or intends to engage in an international voyage by sea; or (2)" and by inserting "(seventy-nine feet) overall" after "twenty-four meters."

(3) The last sentence of subsection (d) is amended to read: "Except as provided in this subsection or the Tonnage Measurement of Vessels Act, a vessel that has been measured is not required to be remeasured to obtain another document.".

(b) Section 2110 of title 46, U.S. Code is amended by striking the words "measurement or".

STATEMENT OF PURPOSE AND NEED

This proposal, entitled the "Tonnage Measurement of Vessels Act," will implement the International Convention of Tonnage Measurement of Ships, 1969 (the Convention) which entered into force on July 18, 1982. The Convention was ratified by the President, with the advice and consent of the Senate, on October 28, 1982. It was deposited with the International Maritime Organization (IMO) on November 10, 1982 and came into effect in the United States on February 10, 1983.

This proposal, serving as an implementation mechanism, will also establish a standard system of vessel admeasurement which conforms to the requirements of the Convention for vessels which are documented or required to be documented under the laws of the United States. Once in place, it will provide the primary measurement system for documented vessels twenty-four meters (seventy-nine feet) and over, excepting those which operate exclusively on the Great Lakes.

Vessels of less than twenty-four meters (seventy-nine feet) will continue to be measured under existing statutory systems. Similarly, other currently available systems for determining tonnages for regulatory purposes will still be available upon the request of the owner.

The proposed legislation also makes two incidental amendments to existing vessel admeasurement provisions; both amendments are intended to allow for greater flexibility and efficiency in the way the Coast Guard fulfills its statutory duties. The first of these amendments changes section 4148 of the Revised Statutes (46 App. U.S.C. 71) to expand the applicability of simplified admeasurement procedures to smaller commercial vessels, whether or not they engage on international voyages by sea. The enactment of this proposal will result in substantial savings to both the public and the Coast Guard. The second amendment changes 46 U.S.C. 2110 by removing the prohibition against charging or collecting fees for measurement of vessel tonnage performed by the Coast Guard or by any other Federal or civilian entity to which this function might be delegated. Upon enactment of this proposal, section 9701 of title 31, U.S. Code, will enable the Coast Guard to charge fees adequate to cover the costs of the services provided.

Enactment of this proposal will entail implementation costs of approximately $20,000 associated with the production and distribution of International Tonnage Certificates. The expanded availability of simplified vessel admeasurement will result in annual savings of approximately $120,000 due to reduced manpower requirements. Amendment of 46 U.S.C. 2110 will allow the Coast Guard to delegate most of the admeasurement function to the private sector, while retaining sufficient personnel to oversee it. This delegation will result in further annual savings of $1.2 million, due to decreased administrative and operational costs.

By Mr. PRYOR:

S. 2685. A bill to prohibit the sale or transfer of certain Federal lands located in Baxter and Marion Counties, AR; to the Committee on Governmental Affairs.

PROHIBITION ON SALE OR TRANSFER OF CERTAIN FEDERAL LAND

● Mr. PRYOR. Mr. President, by letter dated January 9 of this year I was notified of the intentions of the U.S. Army Corps of Engineers to declare as excess some 850 acres of publicly owned land on Bull Shoals Lake in northern Arkansas pursuant to Executive Order 12348. Executive Order 12348, dated February 25, 1982, was designed to help reduce the Federal deficit by selling lands in the public domain to private investors, thereby enhancing Federal revenues. This action at Bull Shoals Lake will now open the doors for the eventual sale of these lands to private interests.

In February I wrote a letter to the Assistant Secretary of the Army for Civil Works to express my concerns about the effects that this proposed sale would have on the lake and on the people who live around the lake. I also expressed my doubts about the miniscule effect this sale would have on any effort to reduce the Federal deficit. It is my opinion that this sale would lead to commercial development in the area and has the definite potential for resulting in pollution of the lake. I am convinced that the people who have already purchased homes on the lake for retirement and recreational purposes would feel a breach of faith has occurred if lands that they were assured would remain in public ownership and in their natural state were suddenly cleared and readied for condominium development.

I also expressed my concern for another group of persons who will be affected by this action. I am speaking of the people who had to give up their lands when the Army Corps of Engineers built the Bull Shoals Lake project. Should the Federal Government take these lands and then decide 30 years later that they are no longer necessary to the project and sell them to private development companies?

The answer I received in reply from the Assistant Secretary indicated that he intended to proceed with the sale.

Mr. President, I do not oppose all sales of Federal land to private investors. Perhaps we do have too much land lying fallow in public ownership. Maybe some sales could be advantageous in reducing the Federal deficit. I am very much in favor of that. But I do not want to make a judgment on that issue here.

The 850 acres on Bull Shoals Lake will not make even a small dent in the Federal deficit. The Army has already spent $69,095.98 in surveys alone preparing for this sale.

The real issue is the future of this lake, the inevitable pollution, and the effects this will have on Arkansas tourist industries. The people of Marion and Baxter Counties have already told me they do not want to see this land sold. Accordingly, Mr. President, the legislation I offer today is very simple. My bill will deny the right of any Federal agency to transfer title to these lands to any private owner. I do not intend that an agency of the Government be denied the right to alter its use of the property or to transfer title to another agency of the Government for purposes of the public interest. I would see no problem with the development of public parks or wildlife management areas for example.

I believe the people of Arkansas and the United States will be better served by retaining Government ownership of these lands and I call on my colleagues in the Senate to support me in this effort.

I ask that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Federal Property and Administrative Services Act of 1949 and Executive Order No. 12348 of February 25, 1982 (47 FR 8547), the real property described in section 2 may not be sold or have title transferred to any person or entity other than a department or agency of the United States.

SEC. 2. The real property prohibited from sale or transfer by the first section of this Act contains the following tracts:

(1) The tract of land situated in the County of Baxter, State of Arkansas, being a part of the SW ¼ of the SE ¼ of Section 8 and a part of the NW ¼ of the NE ¼ of Section 17, Township 20 North, Range 14 West of the Fifth Principal Meridian, and containing 12.00 acres, more or less, being a portion of Tract No. C 210, Bull Shoals Lake.

(2) The tract of land situated in the County of Baxter, State of Arkansas, being part of the SW ¼ of the SW ¼ of the SW ¼ of Section 16, part of the SE ¼ of the SE ¼ of Section 17, part of the N ½ of the N ½ of the NE ¼ of the NE ¼ of Section 20, and the W ½ of the NW ¼ of the NW ¼ of the NW ¼ of Section 21, Township 20 North, Range 14 West of the Fifth Principal Meridian, and contining 36.50 acres, more or less, being a portion of Tracts Nos. C 210, C 211, C 212 and C 213, Bull Shoals Lake.

(3) The tract of land situated in the County of Baxter, State of Arkansas, being part of the SE ¼ of the NE ¼ and part of the SE ¼ of Section 7, and part of Section 8, township 20 North, Range 14 West of the Fifth Principal Meridian, and containing 58.00 acres, more or less, being a portion of Tract Nos. C 210, C 214, C 217, C 218 and C 219, Bull Shoals Lake.

(4) The tract of land situated in the County of Baxter, State of Arkansas, being part of the S ½ of the SW ¼ of the NE ¼ and part of the N ½ of the N ½ of the N ½ of the NW ¼ of the SE ¼ of Section 8, Township 20 North, Range 14 West of the Fifth Principal Meridian, and containing 19.50 acres, more of less, being a portion of Tracts Nos. C 214 and C 219, Bull Shoals Lake.

(5) The tract of land situated in the County of Baxter, State of Arkansas, being the W½ of the NE¼ of the NW¼ of the NW¼ of the NE¼, the NW¼ of said NW¼ of the NW¼ of the NE¼, the W½ of the SW¼ of said NW¼ of the NW¼ of the NE¼, the NE¼ of said SW¼ of the NW¼ of

the NW¼ of the NE¼ the NE¼ of the NE¼ of the fractional NW¼, the N½ of the N½ of the NW¼ of said NE¼ of the fractional NW¼, the NW¼ of the NW¼ of said fractional NW¼, the W½ of the NE¼ of said NW¼, of the fractional NW¼, the N½ of the NE¼ of said NE¼ of the NW¼ of the fractional NW¼, the SE¼ of said NW¼ of the fractional NW¼, the E½ of the NE¼ of the SW¼ of said fractional NW¼, the NE¼ of the SE¼ of said SW¼ of said fractional NW¼, the W½ of the SW¼ of the SE¼ of said fractional NW¼, and the W½ of the NW¼ of the NE¼ of the fractional SW¼ of fractional Section 18, Township 20 North, Range 14 West of the Fifth Principal Meridian, and containing 60.50 acres, more or less, being a portion of Tract B and a portion of Tracts Nos. C207 and C216, Bull Shoals Lake.

(6) The tract of land situated in the County of Marion, State of Arkansas, being the N½ of the NE¼ of the NE¼ of the SW¼, the SW¼ of said NE¼ of the NE¼ of the SW¼, the NW¼ of said NE¼ of the SW¼, the W½ of the SW¼ of said NE¼ of the SW¼, the W½ of the NW¼ of the SE¼ of the SW¼, the NE¼ of the SW¼ of said SW¼, the NE¼ of the NW¼ of said SW¼ of the SW¼, the N½ of the SE¼ of said SW¼ of the SW¼, the E½ of the SW¼ of said SW¼ of the SW¼ of Fractional Section 2, the S½ of the SE¼ of the NE¼ of the NE¼ of Section 10, and part of the NW¼ of the NW¼ of Section 11, Township 20 North, Range 15 West of the Fifth Principal Meridian, and containing 69.00 acres, more or less, being a portion of Tract B and Tract No. D349, Bull Shoals Lake.

(7) The tract of land situated in the County of Marion, State of Arkansas, being the SE ¼ of the NE ¼, the SE ¼ of the NE¼ of the SW ¼ of the NE ¼, the E ½ of the SE ¼ of the said SW ¼ of the NE ¼, the E ½ of the NE ¼ of the NW ¼ of the SE ¼, the N ½ of the NW ¼ of the NE ¼ of said SE ¼, the NE ¼ of said NE ¼ of the SE ¼, the N ½ of the SE ¼ of said NE ¼ of the SE ¼, the SW ¼ of said SE ¼ of the NE ¼ of the SE ¼ of Section 9, Township 20 North, Range 15 West of the Firth Principal Meridian, and containing 75.00 acres, more or less, being a portion of Tract B, Bull Shoals Lake.

(8) The tract of land situated in the County of Marion, State of Arkansas, being the N ½ of the N ½ of the SE ¼ of the NE ¼ of the SW ¼, the S ½ of the NE ¼ of the SW ¼, the NE ¼ of the NE ¼ of the NE ¼ of the SW ¼, the N ½ of the NW ¼ of the SE ¼, the SE ¼, the NW ¼ of the SE ¼, the N ½ of the N ½ of the SW ¼ of the SW ¼ of the SE ¼, the SE ¼ of the NE ¼ of said SW ¼ of the NW ¼ of the SE ¼, the E ½ of the SE ¼ of said SW ¼ of the NW¼ of the SE ¼, the E ½ of the NE ¼ of the NW ¼ of the SW ¼, of said SE ¼, the S ½ of said NW ¼ of the SW ¼ of the SE ¼, the E ½ of the NW ¼ of the SW ¼ of said SW ¼ of the SE ¼, the NE ¼ of said SW ¼ of the SW ¼ the NE ¼ of said SW ¼ of the SW ¼ of the SE ¼ of the N ½ of the SE ¼ of said SW ¼ of the SE ¼, the W ½ of said NE ¼ of the SE ¼, the W ½ of the W ½ of the NE ¼ of the NE ¼ of the SE ¼, the N ½ of the NW ¼ of the SE ¼ of said SE ¼, the N ½ of the S ½ of said NW ¼ of the SE ¼, of the SE ¼, of the NW ¼ of the SW ¼ of said SE ¼ of the SE ¼, the S ½ of the NE ¼ of said NW ¼ of the SE ¼ of the SE ¼, part of the S ½ of the S ½ of the S ½ of said SE ¼ of Section 6, and part of the NW ¼ of the NE ¼ of Section 7, Township 20 North, Range 15 West of the Fifth Principal Meridian, and containing 130.00 acres, more or less, being Tracts Nos. D 370, D 371, D 372, D 373, D 374, D 376, D 377, D 378, D 379 and D 380, portion of Tracts Nos. D 367, D 375, D 381, and G 685, Bull Shoals Lake.

(9) The tract of land situated in the County of Marion, State of Arkansas, being part of the SE ¼ of Section 7, Township 20 North, Range 15 West of the Fifth Principal Meridian, and containing 63.00 acres, more or less, being a portion of Tracts Nos. D 366 and D 368, Bull Shoals Lake.

(10) The tract of land situated in the County of Marion, State of Arkansas, being part of the S ½ of the SE ¼ of Section 26, Township 20 North, Range 16 West of the Fifth Principal Meridian, and containing 44.00 acres, more or less, being a portion of Tracts Nos. R 721 and H 746, Bull Shoals Lake.

(11) The tract of land situated in the County of Marion, State of Arkansas, being part of the SW ¼ of Fractional Section 1, Township 20 North, Range 16 West of the Fifth Principal Meridian, and containing 10.00 acres, more or less, being a portion of Tract No. E 439, Bull Shoals Lake.

(12) The tract of land situated in the County of Marion, State of Arkansas, being part of the SW ¼ of the Fractional SW ¼ of the fractional NW ¼, the S ½ of the SE ¼ of said fractional SW ¼ of NW ¼, the S ½ of the S ½ of the fractional SE ¼ of said fractional NW ¼, the S ½ of the SW ¼ of the fractional SW ¼ of the fractional NE ¼, the SW ¼ of the SE ¼ of said fractional SW ¼ of the fractional NE ¼, the S ½ of the SE ¼ of said SE ¼ of the fractional SW ¼ of the fractional NE ¼, the S ½ of the S ½ of the SW ¼ of the fractional SE ¼ of said fractional NE ¼, and the S ½ of the SW ¼ of the SE ¼ of the said fractional SE ¼ of the fractional NE ¼ of Fractional Section 2, Township 20 North, Range 16 West of the Fifth Principal Meridian, and containing 37.50 acres, more or less, being a portion of Tract B, Bull Shoals Lake.

(13) The tract of land situated in the County of Marion, State of Arkansas, being the NW ¼ of the NE ¼ of the NE ¼ of the NE ¼, NW ¼ of said NE of the NE ¼, the W ½ of the SW ¼ of said NE ¼ of the NE ¼, the W ½ of the SE ¼ of said NE ¼ of the NE ¼, the W ½ of the SE ¼ of said NE ¼, and part of the E ½ of said SE ¼ of the NE ¼ of Section 33, Township 21 North, Range 16 West of the Fifth Principal Meridian, and containing 54.00 acres, more or less, being a portion of Tract B and a portion of Tract No. E 489, Bull Shoals Lake.

(14) The tract of land situated in the County of Marion, State of Arkansas, being the W ½ of the SE ¼ of the NE ¼, the W ½ of the E ½ of said SE ¼ of the NE ¼, the NE ¼ of the NE ¼ of said SE ¼ of the NE ¼ of Section 22, the N ½ of the NW ¼ of the SW ¼ of the NW ¼, the NE ¼ of said SW ¼ of the NW ¼, and the NE ¼ of the SE ¼ of said SW ¼ of the NW ¼ of Fractional Section 23, Township 21 North, Range 17 West of the Fifth Principal Meridian, and containing 50.00 acres, more or less, being a portion of Tract B, Bull Shoals Lake.

(15) The tract of land siutated in the County of Marion, State of Arkansas, being the W ½ of the W ½ of the NW ¼ of the SW ¼, the SE ¼ of the NW ¼ of said NW ¼ of the SW ¼, the NE ¼ of the SW ¼ of said NW ¼ of the SW ¼, the N ½ of the SE ¼ of said NW ¼ of the SW ¼, the S ½ of the NE ¼ of said SW ¼, and part of the S ½ of Fractional Section 23, Township 21 North, Range 17 West of the Fifth Principal Meridian, and containing 43.00 acres, more or less, being a portion of Tract B and a portion of Tracts Nos. J 936 and J 971, Bull Shoals Lake.

(16) The tract of land situated in the County of Marion, State of Arkansas, being the SE ¼ of the NW ¼ of the NW ¼, part of the SW ¼ of the NW ¼, part of the NW ¼ of the SW ¼ of Section 29, Township 21 North, Range 16 West of the Fifth Principal Meridian, and containing 34.00 acres, or less, being a portion of Tract B and a portion of Tracts Nos. L 1129 and L 1130, Bull Shoals Lake.●

By Mr. WEICKER (for himself and Mr. D'AMATO):

S. 2686. A bill to amend the Small Business Investment Act of 1958 to create the Corporation for Small Business Investment and to transfer certain functions of the Small Business Administration to the Corporation; to the Committee on Small Business.

CORPORATION FOR SMALL BUSINESS INVESTMENT CHARTER ACT

● Mr. WEICKER. Mr. President, I am today introducing legislation to amend the Small Business Investment Act of 1958 to create the Corporation for Small Business Investment. This new institution would be a Government-sponsored, private corporation which is designed to provide access to the private capital markets for small business investment companies (SBIC's) so they, in turn, can provide a stable and continuing flow of venture capital to small business.

At the outset, I would like to point out that this legislation is being introduced in order to stimulate public discussion and comment on a proposal which could have a significant impact on small business. Despite evident obstacles, small business continues to play a vital role in preserving and improving our Nation's economic health. Small business has been our unquestioned leader in job creation, product innovation, and the development of new technologies, and the small business sector of our economy represents the most productive entrepreneurial system in the world.

If newly established small firms and young companies with prospects for growth are to continue to flourish and play a major role in our economy, they must have access to an adequate flow of equity capital and long-term venture financing. These small, high-risk companies have traditionally found it difficult to obtain needed capital from conventional financing sources, and their access to sources of venture capital has been restricted. In addition, even though this country's pool of venture capital has increased substantially over the past few years, a huge gap between the small business sector's critical need for growth capital and the availability of this type of financing continues to exist.

I believe that this legislation presents a very creative and intriguing approach to the problem of making

available a reliable and stable source of venture capital. At the same time, the legislation is complex and it raises a number of policy and technical issues which should be open to public discussion and comment. Consequently, while I fully support the objective of improving the flow of venture capital to small business, I have introduced the legislation in an effort to initiate public dialog on the proposal, and it does not carry my endorsement at this time.

The proposed legislation was developed through a joint effort of the National Association of Small Business Investment Companies (NASBIC) and the American Association of Minority Enterprise Small Business Investment Companies (AAMESBIC), which are, respectively, the national trade associations for the SBIC and MESBIC industries. SBIC's are privately capitalized, owned and managed investment firms that provide equity capital, long-term financing, and management counsel to new and expanding small business concerns. MESBIC's are a specialized group of SBIC's that invest exclusively in small firms owned by minorities and other disadvantaged persons.

Authorized by Congress in the Small Business Investment Act of 1958, SBIC's are licensed and regulated by the Small Business Administration (SBA), and they can borrow funds from the Government on a long-term basis for reinvestment in small business. In 1972, MESBIC's were authorized by Congress as a specialized type of SBIC and were provided certain funding benefits in return for restricting their market for investments to disadvantaged firms. The primary benefits are that a MESBIC can sell its preferred stock to SBA on attractive terms and can borrow funds on a long-term basis from SBA at below-market rates.

The SBIC industry has been a major source of venture capital for small business for more than 25 years. SBIC's and MESBIC's have invested more than $5 billion in over 66,000 small growth firms during the past quarter-century. Today, over 500 SBIC's and MESBIC's, with assets in excess of $2 billion, are actively engaged in the financing of emerging growth companies. Industry investment activity rose to record-setting levels in 1983 when SBIC's invested $413 million and MESBIC's invested $60 million in small businesses.

In the industry's view, the SBIC program faces very serious problems despite its successful 25-year track record. In order to plan, operate, and invest effectively, SBIC's need a reliable source of funds and a stable regulatory environment. It is the position of NASBIC and AAMESBIC that the current leverage and regulatory process no longer adequately serves the needs of the SBIC industry and the small businesses they invest in. They feel that continued uncertainties of annual Congressional funding and restrictive allocations of scarce dollars have made the financial process unreliable. In addition, they believe that the frequent changes in Government regulatory policies have created an unreliable and unstable operating atmosphere which is counterproductive to sound investment and business practices. In their view, these funding and regulatory policy problems have been materially compounded by rapid expansion of both the SBIC industry and its level of investment activities over the past few years.

NASBIC and AAMESBIC believe that the SBIC industry has reached a critical stage in its development. From their perspective, the industry needs greater access to capital markets through a financial intermediary designed to meet the unique requirements of SBIC's. The proposed Corporation for Small Business Investment would, in their opinion, give SBIC's that facility.

Mr. President, the legislation I am introducing today has the following basic features. The Corporation for Small Business Investment would be chartered by the U.S. Congress as an institution designed to attract capital investment into the small business sector of the economy. The new Corporation would have characteristics similar to those of other congressionally chartered institutions such as the Federal National Mortgage Association and the Student Loan Marketing Association.

The Corporation's initial capitalization, consisting of $20 million of common stock, would be provided by the users of the facility; that is, the SBIC's and MESBIC's. The Corporation also would be authorized to raise additional capital through the issuance of common stock to SBIC's as a condition of doing business with the Corporation, as well as through the sale of stock to the investing public as the Corporation matures.

The securities of the Corporation would be exempt from SEC registration, eligible for purchase by depository institutions and many State and local governments authorities, and as such would most likely be considered U.S. "agency" securities. The Corporation would be exempt from State taxation—except real estate taxes—but subject to Federal income taxation. The U.S. Treasury would be authorized to purchase up to $1 billion of obligations issued by the Corporation. This investment authority is entirely discretionary on the part of the Secretary of the Treasury. This power has been consistently viewed by the investment community as a Treasury "backstop," serving as a symbol to investors that the U.S. Government has a vital interest in the financial solidity of the Corporation.

The Corporation would be managed by an interim board of directors, consisting of the Administrator of SBA and four other members appointed by the President. The interim board would arrange for a $20 million initial stock offering to SBIC's. Upon completion of the sale of stock to the SBIC's, a permanent 15-member Board of Directors would be selected: 10 elected by the shareholders and 5 appointed by the President.

The U.S. Government's sponsorship of and interest in the Corporation would manifest itself in several ways. The five Directors appointed by the President would give the Government an effective voice in the management and operations of the Corporation. The Small Business Committees of the Congress would have continuing oversight over the Corporation. The timing and terms of the debt obligations issued by the Corporation would be subject to consultation with the U.S. Treasury. The Corporation would make an annual report on its activities to SBA, the President, and the Small Business Committees of the Congress. Likewise, an annual audit of the Corporation, performed by an independent certified public accountant, would be supplied to the Treasury, the President, the SBA, and the Small Business Committees of the Congress.

The Corporation would negotiate an agreement with SBA and the Federal Financing Bank (FFB) to purchase the approximately $1 billion in SBA-guaranteed SBIC debentures held by FFB. The purchase of these debentures would assist the Corporation in establishing its identity in the capital markets, giving the Corporation an initial asset base upon which to begin its operations. The Corporation would make public offerings of its debt to finance the purchase of the debentures from FFB as soon as feasible. The successful completion of these offerings and subsequent paying for the debentures held by FFB would reduce the Federal budget deficit by an equal amount.

In recognition of the volatility of the capital markets, the legislation grants the Corporation flexible authority to carry out its function of financing SBIC's. The Corporation would establish lending programs under which it could make direct loans to SBIC's in such amounts and upon terms and conditions as it determined. The Corporation would also have authority to institute other investment programs, such as pooling SBIC loans and issuing participation interests therein, or guarantying debentures or other securities issued by SBIC's.

The legislation provides for a transitional phasing-out of the present SBA subsidy programs for MESBIC's over a specified period of time. All outstand-

ing MESBIC preferred stock and debentures held by SBA would be transferred from SBA to the Corporation and held in a separate liquidating trust, apart from the assets of the Corporation. All dividends on the preferred securities and interest on the debentures, together with proceeds from any retired preferred securities and maturing debentures, would be used to provide a 3 percent, 5-year subsidy on the interest rate of debentures issued by MESBIC's to the Corporation. For a period of 25 years, the Corporation would continue to seek necessary annual appropriations for the purchase of MESBIC preferred securities, taking into account any unused funds the Corporation has received from interest on MESBIC debentures and dividends from preferred securities. All preferred securities purchased by the Corporation from MESBIC's would have a 25-year redemption provision, and 50 years after the effective date of the legislation any preferred securities or debentures held by the Corporation would be transferred to the U.S. Treasury. Thereafter, there would be no preferred security purchases or debenture subsidization for MESBIC's.

All presently licensed SBIC's in good standing with the SBA would automatically qualify to do business with the Corporation once they have purchased the requisite amount of stock in the Corporation. The legislation also provides that the present system of licensing new SBIC's by SBA would be replaced by an application and approval process between the SBIC's and the Corporation. Agreements between the Corporation and the SBIC's which set forth in detail the Corporation's requirements for operation of SBIC's would replace the existing extensive regulatory framework of SBA. These agreements would cover financial reporting by SBIC's; audit requirements; and specific rules regarding such regulatory-type matters as the size of small business the SBIC may invest in, restrictions on SBIC control of small firms, and prohibited conflicts of interest transactions.

Mr. President, this proposed legislation represents a dramatic redesign of the SBIC and MESBIC programs. It is conceptually attractive because its features include the transfer and conversion of a Government-operated program to the private sector and the simultaneous reduction of Government involvement in a private-market financial process. The SBIC and MESBIC industry also claim that the new system created by this legislation will provide enormous public benefits in the form of a major increase in the flow of private capital to small business; the generation of thousands of new jobs in a wide variety of industries; an eventual reduction in the Federal deficit in the range of $1 billion; the production of millions of dollars of new tax revenues; thousands of new product innovations and new technologies; and the elimination of a complex financial and regulatory system now operated by the Government.

Mr. President, the proposed legislation also raises a series of public policy questions relating to such areas as: the manner and degree of the Federal Government's intervention in the capital markets on behalf of small business; the Government's oversight responsibility for federally chartered corporations; and the balance between self-governance, deregulation, and protection of the interests of small business. In addition, because of the complexity of this proposal, there are a great number of other policy and technical issues which will require thorough analysis, discussion, and resolution.

I hope my colleagues, small business persons and trade groups, financial institutions, and other parties interested in the important subject of capital formation for small business will take part in the dialogue on this proposed legislation, and I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Corporation for Small Business Investment Charter Act".

PURPOSES

SEC. 2. Section 661 of title 15, United States Code, is amended to read as follows:

"The Congress hereby declares that the purposes of this Act are—

(1) to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for loans to and investments in small business investment companies, including loans guaranteed by the Small Business Administration, and will provide liquidity for small business loans and investments;

(2) to stimulate and supplement the orderly and necessary flow of private equity capital and long-term loan funds to and improve the distribution of investment capital available for small business concerns as defined in the Small Business Act;

(3) to amend the Small Business Investment Act of 1958 to provide for an orderly transfer of certain functions of and securities guaranteed by the Small Business Administration to the Corporation for Small Business Investment as constituted under this Act."

TECHNICAL AMENDMENTS

SEC. 3. As of the effective date of this Act, sections 681, 682 and 685 through 687j, inclusive of title 15, United States Code, are repealed and are replaced by sections 6, 7, and 9 through 15, inclusive, of this Act. All specific references to small business investment companies operating under the Small Business Investment Act of 1958 in any law of the United States, or regulations promulgated thereunder by an agency of the United States Government, or any law of any State in effect on the effective date of this Act, shall be deemed to refer to and include small business investment companies operating under the provisions of this Act.

DEFINITIONS

SEC. 4. (a) Section 662 of title 15, United States Code, is amended—

(1) by striking out "paragraph (3)" and inserting in lieu thereof:

"(3) The term "small business investment company" means an organization qualified to conduct business with the Corporation pursuant to section 7 of this Act and shall include small business investment companies licensed and approved by the Administration to operate under the provisions of section 681 of title 15, United States Code, prior to the effective date of this Act;"

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The term "Corporation" means Corporation for Small Business Investment, as constituted under this Act. The Corporation shall be classified as and considered to be a corporate instrumentality of the United States;

(10) The term "Board of Directors" means the Board of Directors of the Corporation;

(11) The term "law" includes any law of the United States or any State (including any rule of law or of equity);

(12) The term "organization" means any corporation, partnership, association, business trust, or other business entity;

(13) The term "security" has the meaning ascribed to it by Section (2)(i) of the Securities Act of 1933;

(14) The term "small business investment security" shall include—

(a) Debentures, bonds, promissory notes, obligations or securities issued by small business investment companies and

(b) Such other small business investment company securities as determined by the Corporation;"

EQUITY CAPITAL, LONG-TERM LOANS AND ADVISORY SERVICES FOR SMALL-BUSINESS CONCERNS

SEC. 5. (a) Section 684 of title 15, United States Code, is amended—

(1) by striking out "regulations of the Administration" in paragraph (a) and inserting in lieu thereof "rules of the Corporation."

(2) by striking out "paragraphs (b) and (d) and inserting in lieu thereof the following new paragraphs:

"(b) Equity investments and loans made under this section may be made directly or in cooperation with other investors or lenders on a participation or guaranteed basis.

(c) Each small business investment company may provide consulting and advisory services on a fee basis and have on its staff persons competent to provide such services."

ESTABLISHMENT OF THE CORPORATION

SEC. 6. (a) There is hereby created a body corporate to be known as the Corporation for Small Business Investment (hereinafter referred to as the "Corporation"). The Corporation shall have succession until dissolved. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue and jurisdiction in civil actions, to be a resident and citizen thereof. Offices may be established by the Corporation in such other place or places as it may deem necessary or appropriate for the conduct of its business.

(b) The Corporation, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, or by any county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

(c)(1) The Corporation shall have a permanent Board of Directors which shall consist of fifteen persons.

(2) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of five members, two of whom shall be representative of small business, two of whom shall be representative of small business investment companies, and one of whom shall be the Administrator. The interim Board shall arrange for an initial offering of common stock and take whatever other actions are necessary to proceed with the operations of the Corporation.

(3) When $20,000,000 of common stock of the Corporation has been purchased by small business investment companies, banks, financial institutions or other organizations interested in small business investments, as determined by the Corporation, the holders of common stock shall elect ten members of the Board of Directors. The President shall appoint the remaining five directors, who shall be representative of the general public.

(4) At the time the events described in paragraph (3) have occurred, the interim Board shall turn over the affairs of the Corporation to the permanent Board so chosen or appointed.

(5) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Corporation, and shall serve until their successors have been elected and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

(6) The Board shall determine the general policies which shall govern the operations of the Corporation. The Board shall select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Corporation and shall discharge all such executive functions, powers, and duties.

(d) The Corporation shall have power—

(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification, licensing or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Corporation;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such attorneys, officers, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their compensation, require bonds for them and fix the penalty thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(e) The Administration shall furnish to the Corporation all books and records of the Administration necessary to carry out the provisions of this Act.

LOAN AND INVESTMENT OPERATIONS

SEC. 7. (a) The Corporation is authorized, subject to the provisions of this section, pursuant to commitments or otherwise, to make advances on the security of, purchase, or repurchase, service, sell or resell, offer participations or pooled interests or otherwise deal in, at prices and on terms and conditions determined by the Corporation, small business investment securities.

(b) Notwithstanding the provisions of any State law to the contrary, including the Uniform Commerical Code as in effect in any State, a security or ownership interest in small business investment securities created by the Corporation or by any eligible small business investment company may be perfected either through the taking of possession of such securities or by the filing of notice of such interest in such securities in the manner provided by said State law for perfection of security or ownership interests in accounts.

(c) The Corporation is authorized to guarantee securities based on or secured by pools or trusts of the small business investment securities eligible for purchase by the Corporation under this section and to act either as issuer of such securities or as guarantor of such securities issued by eligible small business investment company. Such securities shall bear interest at a rate equal to the rate on the underlying small business investment securities less an allowance for servicing and other expenses as determined by the Corporation.

(d) Securities issued pursuant to subsection (c) of this section may be in the form of debt obligations secured by pools of loans, or trust certificates of beneficial ownership in such pools of loans, or both. Small business investment securities set aside pursuant to the offering of participations or pooled interests shall at all times provide for payments adequate (in the reasonable judgment of the Corporation) to ensure the timely principal and interest payments on such securities.

(e)(1) The Corporation shall establish appropriate criteria for the qualification of small business investment companies to conduct business with the Corporation. Such criteria may include, among other things, a need and availability for the financing of small business concerns in the geographic area in which the small business investment company operates, the general business reputation and charter of the owners and management of the small business investment company and the probability of successful operations of such small business investment company, including adequate profitability and financial soundness.

(2) Each small business investment company authorized to operate under this section shall have a combined private paid-in capital and paid-in surplus in an amount adequate to assure a reasonable prospect that the company will be operated soundly and profitably, and managed actively and prudently.

(3) Notwithstanding the provisions of section 371c of title 12, United States Code, shares of stock in small business investment companies shall be eligible for purchase by national banks, and shall be eligible for purchase by other member banks of the Federal Reserve System and nonmember insured banks to the extent permitted under applicable State law; except that in no event may any such bank acquire shares in any small business investment company if, upon the making of that acquisition the aggregate amount of shares in small business investment companies then held by the bank would exceed 5 percent of its capital and surplus.

(4) Each small business investment company shall have authority to purchase stock issued by the Corporation and to borrow money and to issue its debenture bonds, promissory notes, or other obligations under such general conditions and subject to such rules as the Corporation may prescribe.

(5) Small business investment companies licensed and approved by the Administration to operate under the provisions of section 681 of title 15, United States Code, prior to the effective date of this Act, which elect not to qualify as small business investment companies under section 7 of this Act and do not make capital contributions and acquire common stock of the Corporation pursuant to section 10 of this Act, shall cease being "small business investment companies," as defined in this Act. The Administration is authorized to prescribe regulations governing the continued operations of such former small business investment companies, in accordance with the purposes of this Act. The administration of such regulations shall be carried out by the Corporation through an agreement with the Administration.

SPECIAL SMALL BUSINESS INVESTMENT COMPANIES

SEC. 8. Section 683 of title 15, United States Code, is amended as follows:

(1) by striking out "subsections (a) and (b)" and inserting in lieu thereof:

"(a) The Corporation shall adopt reasonable criteria regarding the qualification of a special type of small business investment company, the investment policy of which is that its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages."

(2) by striking out subsection (c) and inserting in lieu thereof:

"(b) Subject to the following conditions, the Corporation is authorized, to purchase preferred securities, and to purchase, or to guarantee the timely payment of all principal and interest payments as scheduled, on

debentures issued by small business investment companies operating under this section. Such purchases or guarantees may be made by the Corporation on such terms and conditions as it deems appropriate.

The Corporation may purchase—

(1) shares of nonvoting stock (or other corporate securities having similar characteristics), provided—

(i) dividends are preferred and cumulative to the extent of 3 per centum of par value per annum;

(ii) on liquidation or redemption the Corporation is entitled to the preferred payment of the par value of such securities; and prior to any distribution (other than to the Corporation) the Corporation shall be paid any amounts as may be due pursuant to subparagraph (i) of this paragraph;

(iii) the purchase price shall be at par value and, in any one sale, $50,000 or more; and

(iv) the amount of such securities purchased and outstanding at any one time shall not exceed—

(A) from a company licensed by the Administration on or before October 13, 1971, 200 per centum of the combined private paid-in capital and paid-in surplus of such company, or

(B) from any such company licensed by the Administration after October 13, 1971, and having a combined paid-in capital and paid-in surplus of less than $500,000, 100 per centum of such capital and surplus, or

(C) from any such company licensed by the Administration after October 13, 1971, or a qualified small business investment company and having a combined private paid-in capital and paid-in surplus of $500,000 or more, 200 per centum of such capital and surplus.

The amount of such securities purchased by the Corporation in excess of 100 per centum of such capital and surplus from any company described in clause (A) or (C) may not exceed an amount equal to the amount of its funds invested in or legally committed to be invested in equity securities. For the purposes of the subsection, the term "equity securities" means stock of any class (including preferred stock) or limited partnership interests, or shares in a syndicate, business trust, joint stock company or association, mutual corporation, cooperative or other joint ventures for profit, or unsecured debt instruments which are subordinated by their terms to all other borrowings of the issuer.

The Corporation may purchase or guarantee—

(2) debentures which shall be subordinate to any other debentures, bonds, promissory notes or other debts and obligations of such companies unless the Corporation in its exercise of reasonable investment prudence and in considering the financial soundness of such company determines otherwise, provided—

(i) such debentures are issued for a term of not to exceed fifteen years;

(ii) the effective rate of interest during the first five years of the term of any debenture purchased by the Corporation under authority of this section, shall be 3 percentage points below a rate determined by the Corporation to be the rate of return on comparable small business investment securities purchased by the Corporation; plus such additional charge, if any, toward covering other costs of the program as the Corporation may determine to be consistent with its purposes;

(iii) the amount of debentures purchased or guaranteed and outstanding at any one time pursuant to this paragraph (2) from a company having combined private paid-in capital and paid-in surplus of less than $500,000 shall not exceed 300 per centum of its combined private paid-in capital and paid-in surplus less the amount of preferred securities outstanding under paragraph (1) of this subsection, nor from a company having combined private paid-in capital and paid-in surplus of $500,000 or more, 400 per centum of its combined private paid-in capital and paid-in surplus less the amount of such preferred securities.

(3) debentures purchased and outstanding pursuant to subsection (b) of this section may be retired simultaneously with the issuance of preferred securities to meet the requirements of subparagraph (2)(iii) of this subsection (b).

(4) the Corporation may require, as a condition of the purchase or guarantee of any securities in excess of 300 per centum of the combined private paid-in capital and paid-in surplus of a small business investment company, that the small business investment company maintain a percentage of its total funds available for investment in small business concerns invested or legally committed in venture capital determined by the Corporation to be reasonable and appropriate. For purposes of this subsection, the term "venture capital" includes such common stock, preferred stock, or other financing with subordination or nonamortization characteristics as the Corporation determines to be substantially similar to equity financing."

(3) by adding the following new subsections (c), (d) and (e) as follows:

"(c) The Corporation is authorized to extend the benefits of this section to any small business investment company operating under authority of this section, and which is owned, in whole or in part, by one or more small business investment companies, in accordance with rules promulgated by the Corporation.

(d) The Corporation and the Administration are authorized and directed to enter into an agreement whereby the Corporation will acquire all of the right, title and interest to preferred securities and debentures issued by small business investment companies operating under authority of section 681(d) of title 15, United States Code, and held by the Administration. Such preferred securities and debentures shall be transferred from the Administration to the Corporation as of the effective date of this Act. The Corporation shall hold such securities and debentures in trust and administer and account for such preferred securities and debentures as follows:

(1) For a period of fifty years from the effective date of this Act, all of the dividends on the preferred securities and interest on the debentures together with the proceeds from retired preferred securities or maturing debentures shall be applied by the Corporation—

(i) to reduce the interest rate on debentures purchased by the Corporation in accordance with the provisions of subsection (b)(2) of this section; and

(ii) to the extent that there are funds remaining at the end of each fiscal year, to apply such funds to reduce the amount of funds necessary to be appropriated to the Corporation in the next fiscal year for the purchase by the Corporation of preferred securities under the provisions of subsection (b)(1) of this section.

(2) After the effective date of this Act, all preferred securities purchased by the Corporation from small business investment companies operating under the authority of this section shall be redeemable after twenty-five years. Fifty years after the effective date of this Act, all preferred securities issued after the effective date of this Act and then outstanding by the Corporation, together with unredeemed preferred securities and dividends, shall be transferred by the Corporation to the Treasury for covering into miscellaneous receipts.

(3) For purposes of this subsection (d), the Corporation will establish separate accounting for all such preferred securities and debentures acquired and the application of funds for the purposes specified in this subsection. An annual accounting of the Corporation's operations under this subsection shall be made to the Secretary of the Treasury pursuant to the provisons of Section 13 of the Act.

(e) The Corporation shall, before the beginning of each fiscal year, transmit to the President and the Congress its estimate of funds necessary to be appropriated in order for the Corporation to carry out the administration of the functions and operations of the Corporation under subsection (b)(1) of this section. Such amounts as become due to the Corporation incident to the administration of the functions and operations of the Corporation under the subsection (b)(1) of this section shall be appropriateed annually to the Treasury."

OPERATIONS OF SMALL BUSINESS INVESTMENT COMPANIES AND CONFLICTS OF INTEREST

SEC. 9. (a) The Corporation is authorized to enter into agreements with small business investment companies governing the operations of such companies, and to carry out the provisions of this Act, in accordance with the purpose of this Act.

(b) For the purposes of controlling conflicts of interest which may be detrimental to small business concerns, to small business investment companies, to the shareholders or partners of either, to the Corporation, or to the purposes of this Act, the Corporation shall adopt rules to govern transactions with any officer, director, shareholder, or partner of any small business investment company, or with any person or concern, in which any interest, direct or indirect, financial or otherwise, is held by any officer, director, shareholder, or partner of (1) any small business investment company, or (2) any person or concern with an interest, direct or indirect, financial or otherwise, in any small business investment company. Such rules shall include appropriate requirements for public disclosure (including disclosure in the locality most directly affected by the transaction) necessary to the purposes of this section.

COMMON AND PREFERRED STOCK

Sec. 10. (a) The Corporation shall have common stock, having such par value as may be fixed by its Board of Directors from time to time, which shall be vested with all voting rights, each share being entitled to one vote with rights of cumulative voting at all elections of directors. The Corporation is authorized to issue nonvoting common stock having such par value as may be fixed by its Board of Directors from time to time. The free transferability of the common stock at all times to any person, firm, corporation, or other entity shall not be restricted except that, as to the Corporation, it shall be transferable only on the books of the Corporation.

(b) The Corporation may accumulate funds for its capital surplus account from private sources by requiring each small busi-

ness investment company to make payments of nonrefundable capital contributions, as determined from time to time by the Corporation, taking into consideration conditions in the capital and money markets and the general economy.

(c) The Corporation shall issue from time to time, to each small business investment company, its common stock evidencing any capital contributions made by such seller or borrower pursuant to subsection (b) of this section. In addition to the shares of common stock issued under the foregoing sentence, the Corporation may issue additional shares in return for appropriate payments into capital or capital and surplus. Such dividends as may be declared by the Board of Directors in its discretion shall be paid by the Corporation to the holders of its common stock.

(d) Notwithstanding any other provision of law, any depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act, as amended (title 12, United States Code, section 461(b)(1)(A)) shall be authorized to make payments to the Corporation of the capital contributions referred to in subsections (b), (c) and (e) of this section, to receive stock of the Corporation evidencing such capital contributions, to purchase additional shares of such stock, and to hold or dispose of such stock, subject to the provisions of this Act.

(e)(1) The Corporation is authorized to issue preferred stock, having such par value as may be fixed by its Board of Directors from time to time. Any preferred shares issued shall be freely transferable, except that, as to the Corporation, it shall be transferred only on the books of the Corporation.

(2) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid. The Corporation may prescribe that any class of preferred stock of the Corporation may be converted into voting or nonvoting common stock of the Corporation.

(3) In the event of any liquidation, dissolution, or winding up of the Corporation's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

OBLIGATIONS AND SECURITIES

SEC. 11. (a) The Corporation is authorized to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Corporation. Such obligations shall be issued at such times, bear interest at such rates, and contain such terms and conditions as the Corporation shall determine, after consultation with the Secretary of the Treasury. Such obligations may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein. The Corporation shall insert appropriate language in all of its obligations issued under this subsection and under section 7 clearly indicating that such obligations, together with the interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the Corporation. The Corporation is authorized to purchase in the open market any of its obligations outstanding under this subsection at any time and at any price. Any obligation or security of the Corporation may be issued and sold in definitive form, in book entry form or in such other form, with or without delivery of physical evidence of ownership, as shall be prescribed by the Corporation.

(b) For the purpose of this section, the Corporation is authorized to issue obligations which are subordinated to any or all other obligations of the Corporation, including subsequent obligations. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as may be determined by the Corporation and may be made redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations. Any of such obligations may be made convertible into shares of common stock in such manner, at such price or prices, and at such time or times as may be stipulated therein.

(c) The Secretary of the Treasury is authorized in his discretion to purchase any obligations issued by the Corporation pursuant to subsection (a) as now or hereafter in force, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force are extended to include such purchases. The Secretary of the Treasury shall not at any time purchase any obligations under this subsection if such purchase would increase the aggregate principal amount of his then outstanding holdings of such obligations under this subsection to an amount greater than $1,000,000,000. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States of comparable maturities as of the last day of the month preceding the making of such purchase. The Secretary of the Treasury may, at any time, sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

LEGAL INVESTMENTS AND EXEMPT SECURITIES

SEC. 12. All obligations issued by the Corporation pursuant to sections 7 and 11, all preferred stock issued by the Corporation pursuant to section 10 and all obligations guaranteed by the Corporation pursuant to section 7 shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Corporation shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Corporation shall, for the purposes of section 355(2) of title 12, United States Code, be deemed to be an agency of the United States. The obligations of the Corporation shall be deemed to be obligations of the United States for purposes of section 3124 of title 31, United States Code. For the purpose of section 101(30) of title 11, United States Code, the Corporation shall not be a governmental unit, but shall instead be a corporation.

AUDITS AND REPORTS

SEC. 13. (a) The accounts of the Corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States. A report of each such audit shall be furnished to the Secretary of the Treasury. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

(b) A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Small Business Committees of the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Corporation, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Administrator and to the Corporation.

(c) The Corporation shall, as soon as practicable after the end of each fiscal year, transmit to the President, the Small Business Committees of the Congress and the Administrator a report of its operations and activities during each year.

EXEMPTION FROM STATE USURY LAWS

SEC. 14. (a) The purpose of this section is to facilitate the orderly and necessary flow of long-term loans and equity funds from small business investment companies to small business concerns.

(b) The provisions of the Constitution or the laws of any State expressly limiting the rate or amount of interest, discount points, finance charges or other charges which may be charged, taken, received, or reserved by lenders shall not apply to any business loan made by a small business investment company pursuant to the provisions of this Act. This section shall apply to business loans made by a small business investment company in any State on or after the effective date of this Act, unless such State adopts a law or certifies that the voters of such State have voted in favor of any provision, constitutional or otherwise, which states explicitly and by its terms that such State does not want the provisions of this section to apply

to business loans made in such State. In any case in which a State takes an action described in this paragraph, such State law or constitutional or other provision shall not apply after the date such action was taken with respect to any business loan made by a small business investment company pursuant to a commitment to make such loan which was entered into on or after the effective date of this Act and prior to the date on which such action was taken.

TRANSFER OF SMALL BUSINESS ADMINISTRATION GUARANTEED SECURITIES TO THE CORPORATION

SEC. 15. (a) To carry out the purposes set forth in section 2 of the Act, the Corporation, the Administrator, the Federal Financing Bank (the "Bank") and the Secretary of the Treasury are authorized and directed to enter into an agreement whereby the Corporation will acquire the right, title and interest to all small business investment company securities guaranteed by the Administration and held by the Bank. In exchange for such securities, the Corporation will assume all indebtedness of the Bank under the obligations issued by the Bank to the Secretary of the Treasury to fund the Bank's investment in such small business investment company securities. Upon the consummation of the transactions contemplated by this section, the Bank shall be discharged from all liability on the indebtedness assumed by the Corporation. The terms and conditions of the agreement between the Corporation, the Administrator, the Secretary of the Treasury and the Bank should assure that the Corporation will, as rapidly as possible, substitute private financing for the obligations issued in accordance with this subsection on a basis that will permit the Corporation to be self-sustaining and financially sound. For purposes of this section, the Corporation will establish separate accounting for all of such securities acquired and obligations issued and will maintain such separate accountability for the management and orderly liquidation of such assets and liabilities as provided in this section. To provide to the maximum extent and as rapidly as possible for the substitution of private financing for the financing provided by the Secretary of the Treasury pursuant to this section, the Corporation may use its authority under section 11 to issue and sell in the private capital markets securities based on or secured by the small business investment company securities acquired by it under this section. The proceeds of any such private financing shall be paid to the Secretary of the Treasury in reduction of the indebtedness of the Corporation to the Secretary of the Treasury under this section.

TERRITORIAL APPLICABILITY

SEC. 16. Notwithstanding any other law, this Act shall be applicable to the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories, possessions and dependencies of the United States.

EFFECTIVE DATE

SEC. 17. This Act will be effective upon enactment thereof.

CONSTRUCTION AND SEPARABILITY

SEC. 18. Except as otherwise provided in this Act, or as otherwise provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of provisions of this Act, the powers and functions of the Corporation and of the Board of Directors shall be exercisable, and the provisions of this Act shall be applicable and effective, without regard to any other law. Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.●

By Mr. PERCY (for himself, Mr. HATCH, Mr. ABDNOR, Mr. ANDREWS, Mr. COCHRAN, Mr. DENTON, Mr. EAST, Mr. GRASSLEY, Mrs. HAWKINS, Mr. HUMPHREY, Mr. SYMMS, Mr. THURMOND, Mr. TOWER, and Mr. WILSON):

S. 2687. A bill to authorize an employer to pay a youth employment opportunity wage to a person under 20 years of age from May through September under the Fair Labor Standards Act of 1938 which shall terminate on September 30, 1987, and for other purposes; to the Committee on Labor and Human Resources.

YOUTH EMPLOYMENT OPPORTUNITY WAGE ACT OF 1984

Mr. PERCY. Mr. President, a summer job for a teenager means more than just spending money for the summer months. It means pride, self respect, and even greater earning power in later life. Too many men and women today are not getting their chance at those benefits.

Today I am introducing the Youth Employment Opportunity Wage Act of 1984, which will give these young people a fighting chance to have a summer job. President Reagan fully supports this legislation. I am pleased to have as my principal cosponsor Senator HATCH, whose leadership as chairman of the Labor and Human Resources Committee will be crucial in securing its passage. I am also delighted to have as cosponsors Senators ABDNOR, ANDREWS, COCHRAN, DENTON, EAST, GRASSLEY, HAWKINS, HUMPHREY, SYMMS, THURMOND, TOWER, and WILSON.

I am sponsoring this legislation for one simple reason: to create jobs for young people. The statistics on youth unemployment speak for themselves. Nearly one out of every three teenagers will be unable to find employment this summer. The unemployment rate among black teenagers is an astounding 40 percent. According to the Conference of Black Mayors, black unemployment has reached 75 percent in some areas.

Even with economic recovery and a drop in the overall unemployment rate, youth unemployment has continued to increase. While other Government programs are important, they are simply not enough. Over an 8-year period, the Federal Government spent over $53 billion to provide jobs under the CETA program. We have enacted, with my support, the Job Training Partnership Act, the targeted tax credit program, and the emergency jobs bill. Just last month, I cosponsored a measure restoring 16,000 summer jobs in Chicago which were slated to be cut under the summer youth job program. There is no question that these programs have helped many find work, but they have failed to solve the tragedy of youth unemployment. In spite of these programs and billions of dollars spent, youth unemployment has continued to plague our cities, small towns, and rural areas.

It is time to try something new. The youth opportunity wage would allow employers to pay teenagers a lower minimum wage during the summer months. Specifically, those aged 16 to 19 could be paid $2.50 per hour—75 percent of the current minimum wage—from May 1 to September 30.

Many have raised concerns that this legislation might displace adult workers. This legislation addresses these concerns in several ways:

The bill sets stiff penalties for employers who discharge adult workers to hire eligible youth, including a $10,000 fine and a 6-month prison term.

It applies only to the summer period. Workers who were employed at the establishment within 90 days prior to May 1 could not be paid below the minimum wage.

Finally, the legislation calls for the program to be on a test basis, expiring in 1986.

Those who argue that adult workers—only 2 percent of whom work for the minimum wage—will be displaced assume that there are a finite number of jobs available. This is simply not true. Surveys of some industries, such as the printing industry, have found that many businesses would, indeed, hire additional workers if a youth opportunity wage were available. There have been numerous studies estimating the number of jobs this bill would create. The estimates range from 185,000 (CBO) to over 400,000—Minimum Wage Study Commission. In my opinion, however, we need the youth opportunity wage whether we create 4,000, 50,000 or 400,000 jobs—because by passing this legislation we will help reduce youth unemployment at no cost to the taxpayers.

I have sponsored youth employment opportunity legislation since 1980. I am extremely gratified now, however, to have the support of the Black Mayors, Opportunities Industrialization Centers (OIC), the National Association of Minority Contractors, the American GI Forum, the National Federal of Independent Businesses, the Chamber of Commerce, the National Cuban-American Women & Men's Association, the National Small

Business Association, the Organization of Chinese-American Women, and other groups. Their support is crucial to our efforts to enact this legislation. They have endorsed this legislation because they know that for hundreds of thousands of teenagers a job at $2.50 is better than no job at $3.25.

It is time to stop arguing over whether the youth opportunity wage would or would not work—why not see if it does work. While we argue, hundreds of thousands of teenagers remain unemployed. With black youth unemployment at 40 percent, 75 percent in some areas, there is little to lose in trying this new approach.

I ask unanimous consent that the letter of transmittal from President Reagan, a section-by-section analysis, and the Youth Employment Opportunity Wage Act of 1984 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Youth Employment Opportunity Wage Act of 1984".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress hereby finds that one of the Nation's most serious and long-standing problems is providing adequate employment opportunities for our young people; the Congress finds, as well, that many youth are unemployed because they lack the job skills to earn the minimum wage which has the effect of pricing unskilled youth out of the job market.

(b) The Congress finds that a youth employment opportunity wage could make it possible for employers to expand job opportunities for young people during a period of special need—when young people are looking for summer jobs. The Congress also finds that such a program has never been adequately tested and that there should be a demonstration period for a youth employment opportunity wage in order to allay any doubts as to the ameliorative impact of the youth wage. The purpose of this legislation is to provide a period during which a youth employment opportunity wage can be paid by employers, and evaluated for its effectiveness in creating employment opportunities and helping young people develop job skills.

SEC. 3. Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding a new subsection at the end thereof to read as follows:

"(g) Notwithstanding any provision of this Act (except for the first sentence of section 18(a)), during the period from May 1 through September 30 of each year, an employer may employ any person who is under 20 years of age at a wage not less than $2.50 per hour or 75 per centum of the otherwise applicable wage rates established pursuant to this section, section 8 or subsection (e) of section 5, whichever is less. No special certificate shall be required under section 14 for an employee who is employed in accordance with this subsection. All references in any other law to the Federal minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938 shall be interpreted as referring to the wage established by this subsection (g) with respect to the employment herein covered. This subsection shall not affect requirements for compliance with applicable child labor laws or recordkeeping requirements. This subsection shall only be applicable to hours worked by eligible employees in compliance with applicable child labor laws. This subsection shall not, with respect to any year, be applicable to any youth who has been employed by the employer at any time during the 90-day period prior to May 1 of such year. No employer shall discharge, transfer or demote any employee of such employer who is ineligible for the wage established by this subsection, on account of such ineligibility, for the purpose of employing a person eligible for such wage, and any such discharge, transfer or demotion shall be deemed a violation of section 15(a)(3)."

SEC. 4. Subsection (a) of section 142 of the Job Training Partnership Act (29 U.S.C. 1552) is amended by adding a new paragraph after paragraph (3) to read as follows:

"(4) Notwithstanding paragraphs 2 and 3 of this subsection, individuals who would be paid wages during the period from May 1 through September 30 of any calendar year who have not attained 20 years of age before May 1 of the year shall be paid at not less than the higher of (A) the minimum wage provided under section 6(g) of the Fair Labor Standards Act, or (B) the minimum wage under the applicable State or local minimum wage law.".

SEC. 5. The amendments made by this Act shall not apply with respect to hours worked after September 30, 1987.

SEC. 6. The Secretary of Labor shall monitor the implementation of this Act and shall prepare and submit to the Congress a report concerning the employment effects of the youth employment opportunity wage, and such other information and recommendations as the Secretary of Labor determines to be appropriate.

YOUTH EMPLOYMENT OPPORTUNITY WAGE ACT OF 1984—SECTION-BY-SECTION ANALYSIS

SECTION. 1. This section provides that this bill may be cited as the "Youth Employment Opportunity Wage Act of 1984."

SEC. 2. This section provides the Statement of Findings and Purposes. It sets forth the Congressional determination that there is a need to increase the participation of youth in the workforce and to upgrade their job related skills. It also states that a youth employment opportunity wage could help to achieve this objective; that this approach has never been given an adequate opportunity to be tested, therefore such a period would demonstrate its effectiveness in combating youth unemployment.

SEC. 3. This section amends section 6 of the Fair Labor Standards Act (FLSA) by adding subsection (g) which permits an employer to employ a youth under 20 years of age from May 1 through September 30 at a wage of not less than either 75 percent of the otherwise applicable minimum wage or $2.50 per hour, whichever is less, with out certification. The section states that any references in other Federal laws to the Federal minimum wage under 6(a)(1) shall be interpreted to refer to this subsection with respect to this type of youth employment. The section also states that the subsection shall not be applicable to any person who has been employed by the employer at any time during the 90-day period before May 1. The section provides that no employer shall discharge, transfer or demote any employee of such employer who is ineligible for the wage established by this subsection on the basis of such ineligibility, for the purpose of employing a person eligible for such wage. The section prohibits not only discharges, but transfers or demotions which adversely affect the ineligible employee and which are effected for the purpose of employing an eligible youth. If a discharge, transfer or demotion is made on the basis of ineligibility and is for the purpose of employing an eligible youth, it is prohibited even if the hiring of eligible youth precedes the date of the discharge, transfer or demotion of the ineligible employee. The section also provides that an improper transfer, demotion or discharge shall be deemed a violation of section 15(a)(3) of the FLSA.

SEC. 4. This section amends the Job Training Partnership Act to provide that individuals who receive wages pursuant to programs under JTPA who have not attained age 20 by May 1 shall, for the period from May 1 through September 30, be paid not less than the minimum wage established in the new section 6(g) of the FLSA or the minimum wage under State or local law whichever is higher.

SEC. 5. This section provides that the amendments made by this Act shall not apply with respect to hours worked after September 30, 1987.

SEC. 6. This section authorizes a Congressional report by the Secretary of Labor on the employment effects of the payment of the youth wage during this period.

To the Congress of the United States:

I am pleased to transmit to you proposed legislation entitled the "Youth Employment Opportunity Wage Act of 1984."

One of the Nation's most serious and long-standing problems is providing adequate employment for our young people. The purpose of this proposal is to remove a government-created impediment that makes it difficult for young people who want to work to find jobs.

Studies over the past decade have repeatedly demonstrated that the minimum wage has reduced job opportunities for large numbers of our youth. This is particularly true for jobs involving considerable initial training. The restricted job opportunities for youth, especially minority youth, due to the minimum wage have contributed to the growing consensus on the value of a lower minimum wage for youth as a means of expanding their employment. Many organizations, large and small, including the National Conference of Black Mayors, have formally endorsed the concept of a youth employment opportunity wage.

A business cannot be expected to hire a youth unless it can reasonably anticipate that the work done by the youth will be worth the required wage. While some businesses can afford to hire unskilled youth and provide the training and experience expected to pay off in future productivity, such expectations are often unreasonable over a short summer employment span. This proposed legislation would permit

employers to pay wages equal to 75 percent of the minimum wage to young people under 20 years of age hired to work between May 1 and September 30.

The proposal would enable employers to expand job opportunities for youth during the summer months. It would enable many young people to find jobs, earn money, and gain the experience and skills needed for future work and higher wages. The bill would not prevent those with work skills from getting the higher wages they are worth. It prohibits discharge, transfer, or demotion of any adult, or youth employed in order to hire a youth at the summer wage.

I urge the Congress to speedily enact this legislation.

RONALD REAGAN.

THE WHITE HOUSE, *May 17, 1984.*

Mr. HATCH. Mr. President, I am pleased to join my distinguished colleague from Illinois, Senator PERCY, in introducing the "Youth Employment Opportunity Wage Act." I believe this legislation represents one solution to the disgraceful national problem of youth unemployment, and I want to commend President Reagan for his leadership and the Secretary of Labor for his role in developing this important bill.

We currently have a youth unemployment rate of 19 percent and almost 50 percent for blacks. Mr. President, I find this situation reprehensible. It is time we recognized that the minimum wage is in large part responsible for diminishing youth employment opportunities. We should ask ourselves just how these young people are supposed to get the on-the-job training and experience they desire and which they need to be successful in life if we deny them the flexibility to negotiate a beginning wage with a potential employer. The minimum wage ties the hands of both the employer and the young job seeker. We have removed the bottom rungs from the ladder of employment by making it economically infeasible for an employer to hire anyone without the skills, experience, or maturity to immediately earn the minimum wage in terms of productivity. How do young people get jobs without experience and how do they get experience without jobs?

Economic evidence bears this out. Study after study has shown that increases in the minimum wage lead to decreases in teenage employment. It is obvious that the minimum wage is pricing young people out of the job market. Even with all other factors being equal, a teenager, simply by virtue of his or her age, cannot compete with the age advantage held by adults.

It has been alleged that a youth opportunity wage would displace older, adult workers from employment. Mr. Chairman, we can consider this argument only so long as we believe there are a finite number of jobs in America. For displacement to be a significant, negative ramification of a youth opportunity wage, the situation would have to exist whereby first, for every person who obtained employment, another person lost it, and second, a youth was a perfect substitute for an experienced adult worker. This argument reflects unsubstantiated pessimism as well as misunderstanding of the way our economy responds to incentives. Given the positive correlation between increases in the minimum wage and decreases in youth employment, there is no reason to believe that, if employers were given the incentive to hire and train young people they would not take advantage of the opportunity to improve their customer services or their production capability.

The bill provides two specific protections as additional insurance that adult displacement would not take place. First, the bill limits the period for which the youth wage may be paid through the summer months, May 1 through September 30. This is the time during which youth unemployment is highest, but dependable adult workers would not be laid off for only a 5-month period. Second, the bill contains harsh sanctions against employers who would abuse the youth opportunity wage, including $10,000 fines, prison terms, and back wages. These sanctions would apply to employers who laid off adult workers, laid off youth workers to hire youth at the lower wage, or lowered the wages of any current youth employees.

Mr. President, as an enthusiastic supporter of the Job Training Partnership Act (JTPA), I recognize the efforts that are being made through that program to provide valuable training opportunities for our Nation's disadvantaged youth. I fully appreciate JTPA's potential and will continue to support that program wholeheartedly. However, Mr. President, we cannot rely on JTPA, or any other Federal initiative, to fully address the alarming problem of youth unemployment. The National Conference of Black Mayors, a national organization with a firsthand view of the tragedy of youth unemployment in our cities, has endorsed the experimental program proposed in this legislation. They endorsed it because they are unwilling to overlook a youth differential as a solution to a problem deeply felt by the young people in their cities. The National Conference of Black Mayors, one of America's oldest Hispanic organizations, the American G.I. Forum, the Opportunities Industrialization Centers, Inc., and the National Federation of Independent Business are the current members of a growing coalition of Americans in support of the youth employment opportunity wage. I am grateful for their efforts and support and will do all I can as chairman of the Labor and Human Resources Committee to work with them toward enactment of this legislation.

Mr. Chairman, it is disheartening to see young people become discouraged and cynical of our free enterprise system when they are unable to find jobs. It is disturbing to think that these teenagers may become the hard-core unemployed of the future unless we do something about it. We cannot afford to sacrifice the talents and ambition of our young people in this way. The youth employment opportunity wage will provide greater opportunities and incentives for employment and training as well as a chance for young people to start up the ladder to economic self-sufficiency and personal self-esteem.

Mr. ABDNOR. Mr. President, I am pleased to join with the distinguished senior Senator from Illinois, Mr. PERCY in introducing the "Youth Employment Opportunity Wage Act of 1984."

I commend Mr. PERCY for his long-standing concern about the issue of youth unemployment and his untiring efforts to address the problems which accompany it.

Our youth unemployment situation continues to be critical throughout our Nation. From rural areas and small towns to central cities and suburbs our youngsters are unable to find employment opportunities. As summer nears, thousands of young people will enter the job market hoping to earn money for next year's schooling or to assist in supplementing family income. The opportunities which await them are few. In our cities our minority youth face dismal prospects which only leads to greater alienation and cynicism.

For far too long we have ignored this problem. We have given lip service to the cause, but given little attention to finding a solution.

The legislation which we introduce is a major step toward addressing the employment needs of American youth. I know there will be loud cries of opposition and charges of insensitivity by those that oppose this measure.

However, are we so arrogant and uncaring as to be unwilling to offer these deserving young people a chance to find employment?

I had the opportunity to participate in an interview in the American Legion magazine last December regarding my support for similar legislation which I have supported during my service in both the House and Senate. As a result of this article I received hundreds of letters from small businessmen, parents, and youngsters—the majority of which supported such legislation.

The legislation which we introduce today will make a difference. The National Conference of Black Mayors believe it will and their perspective on this issue is certainly greater than many of ours.

I urge my colleagues to review this measure. It is my belief that we owe the youth of our Nation an opportunity to have a job, earn a wage and experience the pride that comes with a job well done.

If enactment of this legislation provides only a handful of employment opportunities for our youth it will be a success. I believe that this legislation provides sufficient safeguards to meet the criticism that has been made of previous proposals. I urge my colleagues to support it and give 400,000 youngsters across our Nation jobs this summer.

By Mr. DURENBERGER:

S. 2690. A bill to amend part A of title XVIII to provide for an alternative liability system for medical malpractice in the case of injuries under medicare and other Federal programs of States fail to provide for alternative liability systems; to the Committee on Finance.

ALTERNATIVE MEDICAL LIABILITY ACT

● Mr. DURENBERGER. Mr. President, today I am introducing the Alternative Medical Liability Act of 1984. The number of medical malpractice claims and the size of each settled award is increasing every year. Between 1977 and 1982, the number of malpractice claims brought to verdict in favor of the plaintiff grew 95 percent—from 120 to 234. In addition, the average size of awards in 1977 was about $364,000 and ranged from $700 to $3 million. In 1982, the average award was $962,000 and ranged between $531 and $29 million. Together, health care providers spent more than $1.7 billion on malpractice premiums in 1982.

The cost of medical malpractice is shared by all of us. Higher insurance premiums force hospitals and doctors to raise their charges. And the practice of defensive medicine results in patients frequently paying for tests and procedures that have only marginal value. It is estimated that the practice of defensive medicine costs over $15 billion annually.

The costs associated with medical malpractice have grown to crisis proportions in part because of a health care system that is relatively insensitive to price. When the buyers of health care—including the Federal Government, insurance companies, and patients themselves—do not care much about price, it is easy to tack on an extra test or an extra charge on the theory it protects against malpractice.

Times, however, are changing. The new medicare prospective payment system for hospitals will force both hospitals and physicians to pay more attention to the services they provide and to their costs. The need for additional tests and procedures will be carefully reviewed and it will no longer be easy to add the extra charge or provide the additional procedure as protection against malpractice.

Rapidly growing competitive medical plans—like health maintenance organizations and preferred provider organizations—have their own built-in incentives to keep costs down. They also have an incentive to maintain top quality standards for their physicians so that they do not get hit with a malpractice suit. The growth of these competitive medical plans should help to reduce the cost of malpractice.

The medical malpractice issue needs to be addressed before it reaches the crisis proportions it did in the 1970's. In 1975, many liability insurance carriers were forced out of the market and many were forced to raise their premiums by as much as 750 percent.

Although I do not agree with all the provisions in the Alternative Medical Liability Act, I do feel that the bill will provide an important focus for national discussion on the medical malpractice issue. I look forward to working with Representatives MOORE and GEPHARDT, who have introduced the bill in the House, and with other Members and outside experts who are interested in the issue.●

By Mr. HUDDLESTON (for himself, Mr. HELMS, Mr. LEAHY, Mr. COCHRAN, Mr. ZORINSKY, Mr. DOLE, Mr. PRYOR, Mr. LUGAR, Mr. BOREN, Mr. BOSCHWITZ, Mr. DIXON, Mr. JEPSEN, Mr. HEFLIN, Mr. WILSON, Mr. HATCH, Mr. BAKER, Mr. BENTSEN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. BYRD, Mr. CHAFEE, Mr. CHILES, Mr. COHEN, Mr. CRANSTON, Mr. D'AMATO, Mr. DENTON, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAGLETON, Mr. EAST, Mr. EXON, Mr. FORD, Mr. GRASSLEY, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUMPHREY, Mr. INOUYE, Mrs. KASSEBAUM, Mr. KASTEN, Mr. LEVIN, Mr. LONG, Mr. MATSUNAGA, Mr. MCCLURE, Mr. MOYNIHAN, Mr. NICKLES, Mr. NUNN, Mr. PERCY, Mr. PROXMIRE, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. STENNIS, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, and Mr. TSONGAS):

S.J. Res. 298. Joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day"; to the Committee on the Judiciary.

NATIONAL ICE CREAM MONTH AND NATIONAL ICE CREAM DAY

● Mr. HUDDLESTON. Mr. President, I am pleased to introduce a joint resolution to designate July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day." The resolution would honor the ice cream industry, which provides employment to thousands and enjoyment to millions throughout the United States.

Since the time of George Washington and Thomas Jefferson, ice cream has been a favorite dessert of Americans. Today, the United States leads the world in its production. In 1983, sales of ice cream in the United States totaled approximately $3.5 billion.

The ice cream industry uses nearly 10 percent of the Nation's milk production, making a substantial contribution to the economic well-being of our dairy farmers, and the production and distribution of this delicious and wholesome product creates jobs for many others.

Ice cream is enjoyed by persons of all ages and incomes. Over 98 percent of households in this country consume ice cream at least once a year, with 84 percent purchasing ice cream at least once a month. Last year, Americans ate over 887 million gallons of this delightful dairy product.

Consumption of ice cream is highest in the month of July. More ice cream is consumed on Sunday than on any other day of the week. Therefore, it is appropriate that July 1984 be designated as "National Ice Cream Month" and Sunday, July 15, 1984, be designated as "National Ice Cream Day."

I urge my colleagues to join me in supporting the resolution to pay special tribute to this important agricultural product. I ask unanimous consent that the text of the resolution be printed in the RECORD.

S.J. RES. 298

Whereas ice cream is a nutritious and wholesome food enjoyed by over 90 percent of the people of the United States;

Whereas the ice cream industry with approximately $3,500,000,000 in annual sales provides jobs for thousands of citizens and uses nearly 10 percent of the milk produced by United States dairy farmers, thereby contributing substantially to the economic well-being of the Nation's dairy industry; and

Whereas ice cream enjoys a reputation as the perfect dessert and snack food, and over eight hundred and eighty-seven million gallons of ice cream were consumed in the United States in 1983; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 1984 is hereby proclaimed as "National Ice Cream Month", and July 15, 1984, as "National Ice Cream Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe ice cream month and ice cream day with appropriate ceremonies and activities.●

● Mr. HELMS. Mr. President, I am proud to join the ranking member of the Senate Agriculture Committee, Mr. HUDDLESTON, in being a sponsor of

this joint resolution. The resolution would proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day."

This resolution salutes a most important and appreciated agricultural product, and honors the dairy farmers and others responsible for making ice cream so readily available to Americans.

Every year, the ice cream industry rings up approximately $3.5 billion in annual sales, and provides jobs for thousands of people. In 1983 alone, 857 million gallons of ice cream were consumed by Americans.

Honoring ice cream at this time is of importance to all involved in the dairy industry. With the national dairy promotion program scheduled to go into effect shortly, it is appropriate that efforts be made to highlight dairy products. This is especially the case with ice cream since nearly 1 our of every 10 gallons of milk produced by our dairy farmers goes into ice cream.

Although ice cream is important to our economy, one must not lose sight of the fact that ice cream has brought great pleasure to generations of Americans. As we enter the summer months, I believe that it is only befitting that ice cream and the industry which provides us with it be honored with a national month and day.●

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a joint resolution introduced by the distinguished Senator from Kentucky (Mr. HUDDLESTON). This joint resolution would designate the month of July as National Ice Cream Month and July 15, 1984, as National Ice Cream Day.

Mr. President, in my home State of New York, dairy farming is one of our most lucrative and productive industries. Ice cream production uses nearly 10 percent of the milk produced by dairy farmers. The ice cream industry employs thousands and its sales total over $3.5 billion.

Not only is ice cream loved by 90 percent of all Americans, but also it is typically American. It symbolizes the United States.

Therefore, in honor of the ice cream industry's sparkling economic performance and its nationwide appeal, I urge my colleagues to join me in recognizing the role that this nutritious and wholesome food has played in America's life by adopting this resolution without delay.●

ADDITIONAL COSPONSORS

S. 476

At the request of Mr. LEVIN, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 815

At the request of Mr. HATFIELD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 815, a bill to provide that it shall be unlawful to discriminate against any meetings of students in public secondary schools and to provide the district courts with jurisdiction.

S. 1816

At the request of Mr. THURMOND, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 2026

At the request of Mr. PERCY, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 2026, a bill to prohibit diversions of Great Lakes water, except as approved by all the Great Lakes States and the International Joint Commission, for use outside of a Great Lakes State and to prohibit federally sponsored studies involving the feasibility of diverting Great Lakes water.

S. 2053

At the request of Mr. CHAFEE, the names of the Senator from Rhode Island (Mr. PELL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2053, a bill to promote the full participation of severely disabled individuals in community and family life.

S. 2166

At the request of Mr. ANDREWS, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Colorado (Mr. HART), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2166, a bill to authorize appropriations to carry out the Indian Health Care Improvement Act, and for other purposes.

S. 2430

At the request of Mr. STEVENS, the names of the Senator from Colorado (Mr. HART), the Senator from Mississippi (Mr. STENNIS), the Senator from Arkansas (Mr. BUMPERS), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 2430, a bill to provide for a family violence prevention and services program.

S. 2436

At the request of Mr. GOLDWATER, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 2488

At the request of Mr. BURDICK, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 2488, a bill to terminate the effect of provisions of the Voting Rights Act of 1965 that require bilingual ballots and election materials.

S. 2675

At the request of Mr. COHEN, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 2675, a bill to amend the Office of Federal Procurement Policy Act to increase public participation in the formulation of Government procurement policies, regulations, procedures, and forms, and for other purposes.

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 240

At the request of Mr. INOUYE, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Oklahoma (Mr. NICKLES), the Senator from Vermont (Mr. STAFFORD), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Joint Resolution 240, a joint resolution relating to the 40th anniversary of the liberation of Rome.

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the names of the Senator from Idaho (Mr. MCCLURE) and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 273

At the request of Mr. HEFLIN, the names of the Senator from Delaware (Mr. ROTH), the Senator from Maryland (Mr. MATHIAS), the Senator from Mississippi (Mr. STENNIS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Ohio (Mr. GLENN), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week of

May 13, 1984, through May 19, 1984, as "Smokey Bear Week".

SENATE CONCURRENT RESOLUTION 105

At the request of Mr. BUMPERS, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. STAFFORD), the Senator from Maryland (Mr. SARBANES), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Maryland (Mr. MATHIAS), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Mr. RIEGLE), the Senator from Missouri (Mr. DANFORTH), the Senator from California (Mr. CRANSTON), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. FORD), the Senator from Rhode Island (Mr. PELL), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Concurrent Resolution 105, a concurrent resolution expressing support for the United States to pursue vigorously any outstanding arms control compliance concerns through appropriate confidential channels, and at the same time to continue to carry out its obligations and commitments under, and otherwise continue to abide by, the provisions of existing strategic arms agreements.

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. HOLLINGS, the names of the Senator from Louisiana (Mr. JOHNSTON), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Concurrent Resolution 109, a concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national storm program.

SENATE CONCURRENT RESOLUTION 115

At the request of Mr. BRADLEY, the names of the Senator from Tennessee (Mr. SASSER), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Concurrent Resolution 115, a concurrent resolution expressing the sense of Congress that the International Olympic Committee should establish a permanent facility for the Olympic games, to insulate the games from international politics.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

SENATE RESOLUTION 360

At the request of Mr. TOWER, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of Senate Resolution 360, a resolution to amend Rule XV of the Standing Rules of the Senate to provide that no amendment that is not germane or relevant to the subject matter of a bill or resolution shall be in order unless such amendment has been submitted at the desk at least 48 hours prior to consideration.

SENATE RESOLUTION 385

At the request of Mr. BENTSEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Resolution 385, a resolution urging continuation of tax deductibility of residential mortgage interest payments.

AMENDMENT NO. 3053

At the request of Mr. GORTON, the names of the Senator from Idaho (Mr. SYMMS), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from California (Mr. WILSON), the Senator from Washington (Mr. EVANS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of amendment No. 3053 intended to be proposed to S. 2537, a bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

SENATE CONCURRENT RESOLUTION 116—RELATING TO RELIGIOUS FREEDOM IN CHINA

Mr. DODD (for himself, Mr. MELCHER, Mr. CRANSTON, Mr. MOYNIHAN, Mr. PELL, Mr. GLENN, Mr. BINGAMAN, and Mr. LAUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 116

Whereas at least five Roman Catholic priests, and possibly thousands of Protestants, Buddhists, Daoists, Muslims and others have been, and continue to be, imprisoned in the People's Republic of China on religious-related charges;

Whereas the United States of America has a longstanding policy of upholding human rights, including the right of religious freedom;

Whereas the United States has established full diplomatic relations with the People's Republic of China;

Whereas the United States government continues to seek improvements in its relations with the People's Republic of China;

Whereas the Reagan Administration has requested that Congress remove the People's Republic of China from the list of Communist countries in Section 620(f) of the Foreign Assistance Act of 1961 to which foreign assistance and other economic relationships are prohibited;

Whereas improving the relationship between the United States and the People's Republic of China should not be done at the expense of our basic principles; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that it is the sense of the Congress that the Reagan Administration and succeeding Administrations stress to the People's Republic of China, as a continuing concern, the importance the American people attach to religious freedom, and to strongly urge that government to release from prison the five elderly Roman Catholic priests, the number of Protestant pastors and layworkers, and others of various faiths, reportedly being held on charges related to religious activities.

● Mr. DODD. Mr. President, the United States must neither abandon nor ignore our fundamental principles in evolving a relationship with the People's Republic of China. As Deng Xiao-Ping likes to point out, we must "seek truth from facts."

China's political and economic institutions continue to develop, but many principles and practices, which in our history have been basic to progress, have yet to take root in China. For example, China is even now attempting to construct an effective legal system, to establish rule by law and institution instead of force and faction. There has been significant progress, which provides reason to hope for the future of Sino-American relations. But we must not seek a relationship with China at the expense of our values. That would not be in our interest, and ultimately, it would not further our bipartisan goal of a sound, healthy relationship with China, based upon a mutual understanding and respect that was so lacking for a large part of the modern era.

Thus, the Chinese must know the importance the American people place on religious liberty. It is part of our founding covenant, in the Bill of Rights. It is also guaranteed in the 1982 Chinese Constitution, so that U.S. concern for human rights in China is not only a matter of our most sacred values, but a cold-eyed assessment of China's own ability to adhere to Chinese law, as well.

Accordingly, I am submitting today a Senate concurrent resolution, which expresses the sense of the Congress that religious liberty, as a basic principle of our Government, must be a continuing concern in Sino-American relations. Respect and advocacy for human rights, including freedom of religion, is a foundation, not a frill, of U.S. foreign policy. To that end, individuals held in Chinese prisons on charges related to their religious practices ought to be released.

Reportedly, there are a number of people, including many Protestant ministers and lay workers, at least five Roman Catholic priests, and perhaps many others, who are now imprisoned in China on charges directly related to religious activities. These five Catholic priests, in particular, are all very old men. Their release would be a fine humanitarian gesture of good will on the part of the Chinese Government.

The Reagan administration, indeed, any administration, should express continuing concern to the Chinese regarding the basic human right to religious expression. The text of this concurrent resolution is identical to one introduced last week by Congressman NEAL.●

SENATE RESOLUTION 390—ORIGINAL RESOLUTION REPORTED WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 390

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2537. Such waiver is necessary because S. 2537 authorizes the enactment of new budget authority which would first become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

Section 207 of S. 2537 authorizes appropriations for fiscal year 1984 for the National Railroad Passenger Corporation. On May 9, 1983, the Committee on Commerce, Science, and transporation reported S. 1117, the Rail Passenger Service Act of 1983, which authorized appropriations for fiscal year 1984 for the Corporation. S. 1117 was not considered by the Senate, and the Corporation is operating without an authorization of appropriations for fiscal year 1984. The authorization contained in S. 2537 is necessary to ensure that sufficient funds are available for the Corporation to carry out its activities. The appropriations Committees of the Senate and the House of Representatives have made provision for the Corproation in their appropriations bills. Thus, congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

Section 301 of S. 2537 authorizes appropriations for fiscal year 1984 fot the Railroad Accounting Principles Board. The Staggers Rail Act of 1980 (Public Law 96-448; 94 Stat. 1935) authorized the Board for the purpose of developing principles governing the determination of economically accurate railroad costs directly and indirectly associated with particular movements of goods. Appropriations for the Board were not made before the expiration of the authorization of appropriations for the Board at the end of fiscal year 1983. After such expiration, funds for activities of the Board were included in the Supplemental Appropriations Act, 1984 (Public Law 98-181; 97 Stat. 1290), but such funding was made contingent on the enactment of an authorization of appropriations for such activities. S. 2537 provides such authorization. Therefore, this contingency would be removed and funds would become available for such activities. Since appropriations for such activities have been enacted, congressional consideration of this authorization will facilitate, rather than hinder, the appropriations process.

AMENDMENTS SUBMITTED

FEDERAL BOAT SAFETY ACT AMENDMENTS

DOLE AMENDMENT NO. 3069

Mr. DOMENICI (for Mr. DOLE) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163) to amend the Federal Boat Safety Act of 1971, and for other purposes; as follows:

In section 1842(b)(11)(A) of the Social Security Act, as added by section 904(a) of the bill, strike out "physicians' services" and insert "services". (Page 1206, line 24, of the Dole amendment).

In section 1886(b)(3)(B)(ii) of the Social Security Act, as added by section 905(a) of the bill, strike out "; and" at the end of subclause (II) and insert a period, and strike out subclause (III). (Page 1210, lines 1 through 4, of the Dole amendment).

At the end of section 925 of the bill add the following:

(e) Section 1886(e)(3) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The Commission shall also make a preliminary report of its recommendation for fiscal year 1987 to the Secretary prior to April 1, 1985.".

In section 1833(h)(2) of the Social Security Act, as added by section 906(d) of the bill, strike out "and extremely skilled personnel" and insert "or extremely skilled personnel". (Page 1213, line 14, of the Dole amendment).

In section 1833(b)(2)(A)(ii) of the Social Security Act, as added by section 916(a) of the bill, insert before the semicolon at the end thereof the following: ", determined without regard to section 1842(b)(4)". (Page 1227, line 16, of the Dole amendment).

In section 1886(d)(5)(C)(i) of the Social Security Act, as amended by section 919(a) of the bill, strike out "shall include wages" and insert "may include wages". (Page 1, line 12, of the Quayle amendment).

In section 1886(d)(2)(D) of the Social Security Act, as amended by section 919(b) of the bill, strike out "Standard" each place it appears (twice). (Page 2, lines 7 and 11, of the Quayle amendment).

In section 1886(d)(8) of the Social Security Act, as added by section 919(c) of the bill, strike out "October 1" and insert "April 20". (Page 2, line 16, of the Quayle amendment).

In the section heading of section 933 of the bill, add at the end "or hospice programs". (Page 1242, line 6, of the Dole amendment).

In section 936(a) of the bill, strike out "section 202" and insert "section 904". (Page 1246, line 16, of the Dole amendment).

At the end of section 805(c) of the bill, add the following new paragraph:

(3) Unless the Secretary of Agriculture determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this section, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code of 1954 shall be deemed to be waived by reason of the provisions of this section.

BAUCUS (AND OTHERS) AMENDMENT NO. 3070

Mr. BAUCUS (for himself, Mr. RIEGLE, Mr. PRYOR Mr. BOREN, Mr. BRADLEY, Mr. CRANSTON, Mr. GLENN, Mr. HART, Mr. KENNEDY, Mr. MOYNIHAN, and Mr. MATSUNAGA) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

Strike on page 19, line 8, the date "1987," and insert the following new sections:

PART B PREMIUM

SEC. . (a) Notwithstanding the provisions of section 901 of this Act, the amendments made by such section 901 shall not become effective, and the provisions of the Social Security Act shall remain as though such section 901 had not been enacted.

(b) Section 1839(e) of the Social Security Act is amended by striking out "1986" each place it appears and inserting in lieu thereof in each instance "1987".

(c) Section 1839 of such Act is amended by adding at the end thereof the following new subsection:

"(f)(1) If no cost-of-living increase becomes effective under section 215(i) in December of any year, the monthly premium of each individual enrolled under this part for the succeeding year shall (except as otherwise provided in subsection (b)) be the same as the monthly premium (disregarding subsection (b)) of the individual for such December.

"(2) If paragraph (1) does not apply to the monthly premiums for a year, if an individual is entitled to monthly benefits under section 202 or 223 for November and for December in that preceding year, and if the monthly premium for that December and for the following January is deducted from those benefits under section 1840(a)(1), the monthly premium for that individual for that January and for each of the succeeding 11 months for which he is entitled to benefits under section 202 or 223 shall (except as otherwise provided in subsection (b)) be the greater of—

"(A) the monthly premium amount determined under subsection (a)(2) or (e) for that January reduced by the amount (if any) necessary to make the monthly benefits under section 202 or 223 for that January after the deduction of the monthly premium (disregarding subsection (b)) for that January at least equal to the monthly benefits under section 202 or 223 for the preceding November after the deduction of the premium (disregarding subsection (b)) for that individual for that November, or

"(B) the monthly premium (disregarding subsection (b)) for that individual for that December.

For purposes of this subsection, retroactive adjustments or payments and deductions on account of work shall not be taken into account in determining the monthly benefits to which an individual is entitled under section 202 or 223.".

PHYSICIAN FEES

SEC. . (a) Section 1842(b) of the Social Security Act (as amended by section 924 of this Act) is further amended by adding at the end thereof the following:

"(13) (A) During the 24-month period beginning July 1, 1984, the Secretary shall monitor physicians in order to determine—

"(i) the proportion of physicians, by specialty and geographic area of practice,

whose claims under this part are not pursuant to an assignment under paragraph (3)(ii), grouped as follows: fewer than 25 percent, 25 percent to 49 percent, 50 percent to 74 percent, 75 percent to 89 percent, 90 percent to 99 percent, and 100 percent, of the claims submitted by such physicians, or for such classifications of physicians as the Secretary may deem to be more informative;

"(ii) the average difference between the actual charges and the reasonable charges recognized for purposes of this part, for each classification of physicians referred to in clause (i); and

"(iii) any changes in the per capita volume and mix of services provided to beneficiaries under this part by each classification of physician referred to in clause (i).

"(B) Information on changes in the elements monitored pursuant to subparagraph (A) shall be provided to Congress every sixth month beginning with January 1985 and ending with January 1987.

"(C)(i) The report which the Secretary of Health and Human Services shall submit to Congress on January 1, 1987, shall include recommendations in sufficient detail to serve as the basis for legislative action which Congress can take to assure that any burden of effectively constraining the growth of costs in the medicare part B program, which Congress intends to be borne by providers and physicians, is not transferred (in whole or in part) so as to become an additional burden on part B beneficiaries in the form of increased out-of-pocket costs, reduced services, or reduced access to needed physician care.

"(ii) Such report shall also include analyses of other methods of payment which might be utilized under part B to constrain the costs of the part B program, including prospective payment systems such as fee schedules (both global and per service), capitation payments, case management, and the use of preferred provider organizations.".

(c) In addition to any funds otherwise provided for fiscal years 1985, 1986, and 1987 for payments to carriers under agreements entered into under section 1842 of the Social Security Act, there are transferred from the Federal Supplementary Medical Insurance Fund such additional amounts for payments to such carriers under such agreements as may be necessary to conduct monitoring of physicians under section 1842 (b)(13) of the Social Security Act.

PART B DEDUCTIBLE

SEC. . Notwithstanding the provisions of section 916 of this Act, the amendments made by such section 916 shall not become effective, and the provisions of the Social Security Act shall remain as though such section 916 had not been enacted.

KENNEDY AMENDMENT NO. 3071

Mr. KENNEDY proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill (H.R. 2163), supra, as follows:

At the appropriate place insert the following new subsections:

(g) Notwithstanding any other provision of this Act (or any amendments made by this Act) the amounts specified in subsection (b) of this section shall be increased by—

(1) $80,400,000 for fiscal year 1985,

(2) $100,200,000 for fiscal year 1986, and

(3) $125,400,000 for fiscal year 1987,

in order to permit additional appropriations to carry out sections 317(j)(1), 329, and 330 of the Public Health Service Act, parts B and C of such Act, and title V of the Social Security Act.

(h) Notwithstanding any other provision of this Act (or any amendments made by this Act) the amounts specified in subsection (b) of this section shall be increased by—

(1) $1,100,000 for fiscal year 1985,

(2) $1,500,000 for fiscal year 1986, and

(3) $1,800,000 for fiscal year 1987,

in order to pemit additional appropriations for child abuse prevention and treatment programs under the Child Abuse Prevention and Treatment Act.

BAUCUS (AND DOLE) AMENDMENT NO. 3072

Mr. BAUCUS (for himself and Mr. DOLE) proposed an amendment to amendment No. 3072 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

Strike on p. 19, the last unamended line, the date "1987" and insert the following new sections: "1987.

PHYSICIAN FEES

SEC. . (a) Section 1842(b) of the Social Security Act (as amended by section 904 of this Act) is further amended by adding at the end thereof the following:

"(13)(A) During the 24-month period beginning July 1, 1984, the Secretary shall monitor physicians in order to determine—

"(i) the proportion of physicians, by specialty and geographic area of practice, whose claims under this part are not pursuant to an assignment under paragraph (3)(ii), grouped as follows: fewer than 25 percent, 25 percent to 49 percent, 50 percent to 74 percent, 75 percent to 89 percent, 90 percent to 99 percent, and 100 percent, of the claims submitted by such physicians, or for such classifications of physicians as the Secretary may deem to be more informative;

"(ii) the average difference between the actual charges and the reasonable charges recognized for purposes of this part, for each classification of physicians referred to in clause (i); and

"(iii) any changes in the per capita volume and mix of services provided to beneficiaries under this part by each classification of physician referred to in clause (i).

"(B) Information on changes in the elements monitored pursuant to subparagraph (A) shall be provided to Congress every sixth month beginning with January 1985 and ending with January 1987.

"(C)(i) The report which the Secretary of Health and Human Services shall submit to Congress on January 1, 1987, shall include recommendations in sufficient detail to serve as the basis for legislative action which Congress can take to assure that any burden of effectively constraining the growth of costs in the medicare part B program, which Congress intends to be borne by providers and physicians, is not transferred (in whole or in part) so as to become an additional burden on part B beneficiaries in the form of increased out-of-pocket costs, reduced services, or reduced access to needed physician care.

"(ii) Such report shall also include analyses of other methods of payment which might be utilized under part B to constrain the costs of the part B program, including prospective payment systems such as fee schedules (both global and per service), capitation payments, case management, and the use of preferred provider organizations.".

(c) In addition to any funds otherwise provided for fiscal years 1985, 1986, and 1987 for payments to carriers under agreements entered into under section 1842 of the Social Security Act, there are transferred from the Federal Supplementary Medical Insurance Fund such additional amounts for payments to such carriers under such agreements as may be necessary to conduct monitoring of physicians under section 1842 (b)(13) of the Social Security Act.

SPECTER (AND OTHERS) AMENDMENT NO. 3073

Mr. SPECTER (for himself, Mr. D'AMATO, Mr. BUMPERS, Mr. MOYNIHAN, Mrs. HAWKINS, Mr. STEVENS, Mr. TSONGAS, Mr. JOHNSTON, Mr. MATSUNAGA, Mr. MURKOWSKI, Mr. INOUYE, and Mr. LEVIN) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

At the end of page 19, add the following new subsection:

(g) Notwithstanding any other provision of this Act (or any amendments made by this Act), of the amount specified in subsection (b) of this section for fiscal year 1985, not less than $200,000,000 shall be used to alleviate prison and jail overcrowding in Federal, State, and local facilities.

DOMENICI AMENDMENT NO. 3074

Mr. DOMENICI proposed amendments to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

Strike out section 13 of the matter following title IV in the amendment and insert in lieu thereof the following:

SEC. 13. (a) Title III of the Federal Credit Union Act (12 U.S.C. 1795) et seq.) is amended—

(1) in section 303 by inserting ", an instrumentality of the United States," after "Central Liquidity Facility" in the second sentence; and

(2) by adding at the end thereof the following:

"STATE AND LOCAL TAX EXEMPTION

"SEC. 312. (a) The Central Liquidity Facility, and its franchise, activities, capital reserves, surplus, and income, shall be exempt from all State and local taxation now or hereafter imposed, other than taxes on real property held by the Facility (to the same extent, according to its value, as other similar property held by other persons is taxed).

"(b)(1) Except as provided in paragraph (2), the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility and the income therefrom shall be exempt from all State and local taxation now or hereafter imposed.

"(2) Any obligation described in paragraph (1) shall not be exempt from State or local gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.

"(C) For purposes of this section—

"(1) the term 'State' includes the District of Columbia; and

"(2) taxes imposed by counties or municipalities, or any territory, dependency, or possession of the United States shall be treated as local taxes.".

(b)(1) Section 501 of the Internal Revenue Code of 1954 (relating in organizations exempt from tax) is amended by redesignating subsection (k) as subsection (l) and by adding after subsection (j) the following new subsection:

"(k) GOVERNMENT CORPORATIONS EXEMPT UNDER SUBSECTION (c)(1).—The organization described in this subsection is the Central Liquidity Facility established under title III of the Federal Credit Union Act (12 U.S.C. 1795 et seq.).".

(2) Paragraph (1) of section 501(o) of such Code (listing exempt organizations) is amended to read as follows:

"(1) any corporation organized under Act of Congress which is an instrumentality of the United States but only if such corporation—

"(A) is exempt from Federal income taxes under such Act, as amended and supplemented, or

"(B) is described in subsection (k).".

(c) The amendment made by this section shall take effect on October 1, 1979.

DOLE AMENDMENT NO. 3075

Mr. DOMENICI (for Mr. DOLE) proposed an amendment to amendment 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

In section 1842(b)(11)(A) of the Social Security Act, as added by section 904(a) of the bill, strike out "physicians' services" and insert "services". (Page 1206, line 24, of the Dole amendment).

In section 1886(b)(3)(B)(ii) of the Social Security Act, as added by section 905(a) of the bill, strike out "; and" at the end of subclause (II) and insert a period, and strike out subclause (III). (Page 1210, lines 1 through 4, of the Dole amendment).

At the end of section 925 of the bill add the following:

(e) Section 1886(e)(3) of the Social Security Act is amended by adding at the end thereof the following new sentence: "The Commission shall also make a preliminary report of its recommendation for fiscal year 1987 to the Secretary prior to April 1, 1985.".

In section 1833(h)(2) of the Social Security Act, as added by section 906(d) of the bill, strike out "and extremely skilled personnel" and insert "or extremely skilled personnel". (Page 1213, line 14, of the Dole amendment).

In section 1833(b)(2)(A)(ii) of the Social Security Act, as added by section 916(a) of the bill, insert before the semicolon at the end thereof the following: ", determined without regard to section 1842(b)(4)". (Page 1227, line 16, of the Dole amendment).

In section 1836(d)(5)(C)(i) of the Social Security Act, as amended by section 919(a) of the bill, strike out "shall include wages" and insert "may include wages". (Page 1, line 12, of the Quayle amendment).

In section 1886(d)(2)(D) of the Social Security Act, as amended by section 919(b) of the bill, strike out "Standard" each place it appears (twice). (Page 2, lines 7 and 11, of the Quayle amendment).

In section 1886(d)(8) of the Social Security Act, as added by section 919(c) of the bill, strike out "October 1" and insert "April 20". (Page 2, line 16, of the Quayle amendment).

In the section heading of section 933 of the bill, add at the end "OR HOSPICE PROGRAMS". (Page 1242, line 6, of the Dole amendment).

In section 936(a) of the bill, strike out "section 202" and insert "section 904". (Page 1246, line 16, of the Dole amendment).

At the end of section 805(c) of the bill, add the following new paragraph:

(3) Unless the Secretary of Agriculture determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this section, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code of 1954 shall be deemed to be waived by reason of the provisions of this section.

METZENBAUM (AND OTHERS) AMENDMENT NO. 3076

Mr. METZENBAUM (for himself, Mr. HEINZ, and Mr. HATCH) proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

At the appropriate place insert the following new subsection:

(g) Notwithstanding any other provision of this Act (or any amendments made by this Act), the amount specified in subsection (b) of this section for fiscal year 1985 shall be increased by $35,810,000, in order to permit additional appropriations for the Job Corps under part B of title IV of the Job Training Partnership Act.

BAKER AMENDMENT NO. 3077

Mr. DOMENICI (for Mr. BAKER) proposed an amendment to amendment No. 3027 proposed by Mr. BAKER (and others) to the bill H.R. 2163, supra; as follows:

In the language proposed to be inserted by amendment No. 3027, on page 8, line 24, beginning with "fund,", strike all through the end of page 9, and insert in lieu thereof "fund."

NOTICES OF HEARINGS

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. JEPSEN. Mr. President, I wish to announce that the Subcommittee on Soil and Water Conservation, Forestry, and Environment of the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on Thursday, May 24, 1984, at 9:30 a.m. in room 328-A Russell Senate Office Building.

The purpose of the hearing is to receive testimony on legislation to designate various areas in several States as components of the National Wilderness Preservation System.

The bills before the subcommittee are: S. 2598 (H.R. 3788), the Texas Wilderness Act of 1984; S. 2590 (H.R. 4263), the Tennessee Wilderness Act of 1984; and S. 2551 (H.R. 5076), the Pennsylvania Wilderness Act of 1984.

Anyone wishing further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

AUTHORITY FOR COMMITTEES TO MEET

TASK FORCE ON SELECTED DEFENSE PROCUREMENT MATTERS

Mr. BAKER. Mr. President, I ask unanimous consent that the Task Force on Selected Defense Procurement Matters of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 17, in executive session to mark up portions of S. 2414, the DOD authorization bill, and S. 2489, Small Business Competition Enhancement Act of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 17, at 10 a.m., to hold a hearing to consider the nomination of Ben C. Rusche, of South Carolina, to be Director of the Office of Civilian Radioactive Waste Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEA POWER AND FORCE PROJECTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Sea Power and Force Projection, of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 17, in executive session to mark up portions of S. 2414, the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 17, at 10 a.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TACTICAL WARFARE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Tactical Warfare of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 17, at 8 a.m., in executive session to continue mark up of S. 2414, DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet

during the session of the Senate on Thursday, May 17, in executive session to mark up portions of S. 2414, the fiscal year 1985 DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PREPAREDNESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 17, in executive session, to mark up portions of S. 2414, the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 17, at 9:30 a.m., to hold a hearing on S. 1218, and H.R. 2645, to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia; S. 1331, to establish the Mono Lake National Monument in the State of California, and for other purposes; and H.R. 1341, to establish the Mono Lake National Forest Scenic Area in the State of California, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LABOR

Mr. BAKER. Mr. President, I ask unanimous consent that the Labor Subcommittee of the Committee on Labor and Human Resources be deemed to have been authorized to meet during the session of the Senate on Thursday, May 17, at 9:30 a.m., to hold a hearing on S. 2329, the Multiemployer Plan Termination Insurance Act of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMONSENSE ON MEXICO

● Mr. KENNEDY. Mr. President, President de la Madrid's visit to Washington this week has focused attention on our trade and financial relations with Mexico. Those relations are important. Mexico is our third largest trading partner and our largest foreign oil supplier; the American banking community has made $34 million in loans to Mexico.

In a thoughtful analysis of that relationship, Arizona's Governor, Bruce Babbitt, has observed that "neither Washington nor the U.S. business community is doing very much to assist the Mexican recovery." He recognizes that the Mexican Government does promote and subsidize its exports, but concludes that "if American companies continue to harass Mexican exports and attempt to set trade policy by litigation, we risk economic instability, social unrest and growing resentment in a country whose economic progress and political good will are essential to our national security."

Governor Babbitt proposes a solution to the impasse that has arisen from Mexico's refusal to join the GATT and U.S. insistence on adherence to GATT rules as a condition for relief against countervailing duty lawsuits. The solution is "a simple bilateral agreement giving Mexico access to American markets on the same footing as the 90 countries that are GATT members." I believe that this proposal merits full and prompt consideration by the administration.

I ask that the full text of Governor Babbitt's analysis appear in the RECORD.

The article follows:

[From the Washington Post, May 15, 1984]

COMMONSENSE ON MEXICO

(By Bruce Babbitt)

The happy news as Mexico's President Miguel de la Madrid visits Washington is that Mexico is slowly climbing back from the edge of economic disaster. Painful austerity measures are in place, inflation has been cut, a positive balance of trade established, and Mexico is meeting current interest payments on a stratospheric $90 billion in international borrowing.

The discouraging news is that neither Washington nor the U.S. business community is doing very much to assist the Mexican recovery. The principal problem is a tangled web of trade policies that inhibit imports from Mexico and give the appearance of favoring many less friendly countries, such as Cuba, Romania and Czechoslovakia.

Mexico's non-petroleum exports to the United States are now running into a blizzard of lawsuits filed by American trade associations seeking countervailing duties on products as varied as carbon steel, ceramic tile, fresh cut flowers, glass products, bricks and fresh asparagus. The lawsuits complain that the Mexican government subsidizes its exports through tax incentives and other practices in violation of international trade rules.

In truth, the Mexican government does promote and subsidize exports in ways unfamiliar to our economic system. But if American companies continue to harass Mexican exports and attempt to set trade policy by litigation, we risk economic instability, social unrest, and growing resentment in a country whose economic progress and political good will are essential to our national security. And members of the American banking community might well remember that the $34 billion owed them by Mexico can only be paid when Mexico earns foreign exchange by access to American markets.

The current impasses originated in Mexico's 1980 decision not to join GATT, the general agreement on tariffs and trade, which governs trade among most free world countries. The Mexican decision to renounce GATT ended an acrimonious national debate that has now given way to strong national sentiment against any agreements that would limit Mexican "national sovereignty" in economic development and trade matters. (For much the same reason, Mexico has also refused to join OPEC). Meanwhile, the United States continues to insist that Mexico must adhere to GATT rules as a condition for relief against countervailing duty lawsuits.

Among the benefits of GATT membership is the "material injury" rule, which prohibits countervailing duty lawsuits unless a company can demonstrate the likelihood of real economic injury. For the most part, Mexican imports are so small relative to any given sector of the American economy that it would be difficult to prove any injury to American competitors. Thus, the GATT material injury test applied to Mexico would eliminate most of the lawsuits and restore a normal trading environment.

Yet American trade negotiators continue to insist that Mexico promise to phase out internal subsidies before the material injury test is extended. However logical in pure trade theory, the rigid application of these doctrines to our closest Third World neighbor is shortsighted and risky. We share a 2,000-mile border. We seek Mexican cooperation to solve complex immigration problems. Mexico is our largest oil supplier. And we have a common interest in hemispheric and Central American security, not to mention repayment of bank loans.

The solution is a simple bilateral agreement giving Mexico access to American markets on the same footing as the 90 countries that are GATT members. There will be opposition from trade purists and protectionist groups in the Congress. But, the reality of our special relationship with Mexico must take precedence over the symmetries of trade theory. It is time for President Reagan to personally reestablish that priority.●

SIX PENNSYLVANIANS HONORED AT STEEL VALLEY BRANCH NAACP HUMAN RIGHTS DINNER

● Mr. HEINZ. Mr. President, I would like to congratulate six outstanding Pennsylvanians for being named awardees at the "Steel Valley Branch NAACP Human Rights Dinner for 1984."

The six dedicated members of the branch who are honored this year are: Mrs. Hannah F. Alexander, Mrs. Lucy M. Basley, Mrs. Esther Franklin, Mrs. Mary Franklin, Mr. Joseph Moorefield, and Mrs. Alice Williams. All are charter members of the branch, and, even though all are beyond the age of retirement, they continue to be actively involved.

It is, indeed, an honor for me personally and on behalf of the Commonwealth of Pennsylvania to recognize the achievement of these outstanding citizens, whose decades of unflagging dedication to the cause of social justice is a model for us all.●

TRIBUTE TO DR. GEORGE LEVITT

● Mr. BIDEN. Mr. President, several weeks ago, I was pleased to attend a

ceremony honoring four outstanding U.S. inventors. The event, sponsored by the Nonprofit Intellectual Property Owners, Inc. (IPO), singled out the four inventors for their science and technological advances.

One of the honorees, Dr. George Levitt, is from Delaware—a State that continues to point the way toward important new ideas and products that are making a positive difference in society.

Dr. Levitt, a Du Pont Co. scientist who discovered a class of highly active herbicides that are safe to human health and the environment, was named a "Distinguished Inventor of 1983." At the awards ceremony, Donald Banner, IPO President and former Commissioner of the U.S. Patent Office, said:

George Levitt represents the finest tradition of American invention. That is, he has the insight to see a problem, the intelligence to find a solution and the patience to refine his work.

The sulfonylurea herbicides, a new class of compounds discovered by Dr. Levitt, are indeed a special breakthrough in agricultural technology. In fact, their discovery is said to be pointing the way for the agricultural chemical industry in terms of effectiveness, safety, and low application rate—about one-tenth to one-hundredth of other herbicides.

The first of these impressive products was "Glean" for weed control in cereal crops. Its first full year of commercialization was 1983. Also in 1983, patents were issued on two additional sulfonylurea herbicides, "Oust" for industrial weed control for highways and railroad rights-of-way, and "Ally" a weed killer to protect cereal crops. Patents were issued this year for two more products based on related chemistry. They are "Londax," commercialized in Thailand in 1984 for use on rice crops, and "Classic" weed killer, which is undergoing field tests in major soybean-producing countries.

I would like to thank Mr. Levitt and the many other inventors who are truly pointing the way to the future, and are examples of American ingenuity.●

THE FEAT OF THE SOLAR MAX MISSION

● Mr. HEFLIN. Mr. President, today Comdr. Robert Crippen and the crew of the last space shuttle mission (STS-13) appeared before the Senate Commerce Committee's Science, Technology, and Space Subcommittee to give a briefing on the last shuttle flight.

I can only say that the accomplishments of STS-13 are truly incredible. I only wish that each and every Member of the Senate could have been present to hear the details of the real-life cliffhanging rescue of the solar maximum satellite. Without a doubt, the last shuttle mission proved the ability of man in space to turn potential failure into success.

Mr. President, so impressive was the feat of the solar max mission that I ask permission to print in the RECORD my opening remarks from this morning's hearing and a series of newspaper and magazine articles that discuss the accomplishments of the solar max mission and its meaning to the space program and the scientific community.

The material follows:

STATEMENT OF SENATOR HOWELL HEFLIN

Mr. Chairman, I think that I can best express my gratitude and that of the American public for what these astronauts did on the last shuttle flight with a simple "We knew you could do it!"

By all standards, the fifth flight of the orbiter Challenger was a truly remarkable success that once again proved that ability of man in space to capture the hearts, minds and attention of the world. As noted in the Newsweek account of this mission:

"The script could have been lifted from a grade-B thriller: spacemen blast off to save a dying satellite, a daring Buck Rogers rescue fails and then, with fuel running low and time running out, a human-guided robot plucks the satellite to safety. But plots that are hackneyed on the screen sparkle with high drama against the real backdrop of space, and last week America's astronauts kept the Nation in suspense with a real-life cliffhanging rescue."

Mr. Chairman, as I look at our distinguished witnesses today, I think Commander Crippen's now memorable words best describe the Nation's sentiment: "We've got it!" We've got the best and most dedicated team of people associated with our space program. We've got the best and most advanced space program in the world. Now as a result of the last shuttle mission we find out that we also have the best and most reliable service repair company in the universe. Congratulations to the members of the "Ace Satellite Repair Company!"

Mr. Chairman, if the last shuttle mission proved one thing beyond all doubt, it proved the ability of man in space to turn potential failure into success. It also proved that the shuttle is quickly evolving into a commercial vehicle capable of performing all sorts of chores in space. The retrieval and repair of the Solar Max satellite points to a new era of space operations and to a new breed of satellites. The last mission also points to the amazing skills and capabilities that exist within the NASA space family.

We also witnessed an amazing degree of cooperation and interdependence which exists between the NASA space centers and the NASA research centers, as well as between NASA and private industry. In particular, Grumman, Fairchild, Martin Marietta, OAO, Computer Sciences Corporation, and CPL played major roles in the success of the Solar Max mission. Without a doubt, the success of the last shuttle was the result of a "team" effort and all the members of the "team" are to be congratulated.

Finally, I would be remiss if I did not congratulate the crew for the successful deployment of the Long Duration Exposure Facility (LDEF), for the amazing film footage that they took, and for taking such good care of the honey bees. In my opinion, the LDEF satellite opens the door for a whole new series of low-cost space science experiments. It should do much to increase participation in the Nation's space program, and to prove the benefits of a permanently-manned space station. The LDEF also should further intrigue our Nation's youth, the future space scientists of tomorrow, with the mysteries and wonders of space.

Mr. Chairman, I look forward to the shuttle crew's presentation today and to the film that we are going to see. I know that I speak for all of the members of the Committee when I say "thank you" to the crew and to the members of the NASA team for all they've done to make the shuttle a success and to help pave the way for the next step into space—a permanently manned space station.

[From the New York Times, Apr. 15, 1984]

NUTS AND BOLTS OF INTERSTELLAR REPAIR

(By William J. Broad)

CAPE CANAVERAL, FL.—Space agency officials hailed the repair last week of the Solar Max satellite as the advent of a new age in space technology, now that humans can toil in the void with the tools of the mechanic's trade.

With Solar Max, the orbiting solar observatory, at first the toil spelled only trouble. Over the weekend, a free-flying astronaut failed to capture the malfunctioning satellite, making matters worse when he sent it into an end-over-end tumble. Ground controllers were able to stabilize the craft, however, after which the astronauts stretched out the shuttle's mechanical arm and brought Solar Max into the cargo bay for the first major in-orbit repair job.

It was a triumph for the National Aeronautics and Space Administration shuttle program. But as Lieut. Gen. James A. Abrahamson, the outgoing head of the program, noted, "The mission's significance is that it will change the way designers around the world think about satellites."

Solar Max was the first of a new breed of satellites. While their predecessors were akin to handcrafted customized cars, members of this new generation are more like assembly-line automobiles, built of standardized parts and self-contained units of modules that can be easily repaired or replaced. Three of these MMS or Multimission Modular Spacecraft are currently circling Earth, including, in addition to Solar Max, Landsat 4 anf 5, whose photographs help scientists monitor land resources.

While the upper half of each MMS differs, their modular bases are the same—three box-like units that control power, communications and positioning. The module replaced on Solar Max last week was the positioning box, which helped the satellite point its instruments by fixing the positions of certain stars with tiny telescopes. Other such spacecraft scheduled for launching over the next decade include the Space Telescope, the Gamma Ray Observatory, the Advanced X-Ray Astrophysics Facility and the Upper Atmospheric Research Satellite. There will also be Leasecraft, whose payload bay will be leased for use as an orbiting factory and for other commercial and government enterprises.

This does not mean that every malfunctioning machine orbiting Earth or soon to orbit Earth can be routinely repaired. "Quite frankly, the United States has few satellites in low Earth orbit that can be fixed," said Nicholas Johnson, an engineer at Teledyne Brown, a company that helps the Federal Government track objects in space. According to Thomas Karras, the head of satellite control for the National

Oceanic and Atmospheric Administration, which operates the nation's weather satellites, "Most of our satellites are just plain out of reach."

The space shuttle's maximum range outward is about 350 miles. It can get to the relatively few satellites in low orbit, but the majority of satellites are higher. These include the commercially and military popular communication satellites in geosynchronous orbit, the point 22,300 miles above Earth where a spacecraft moving at the speed of Earth's rotation seems to hang motionless. And few out-of-reach satellites have the thruster jets and fuel needed to maneuver themselves into the shuttle's range.

FUEL IS CRITICAL

Even if a repairman could get to them, most satellites would be impervious to in-orbit repair, particularly when the repair needed is in fact a refueling. Fuel is critical for pointing a satellite's solar power panels at the Sun, for keeping the spacecraft spinning on its axes and thus stable, or for maneuvering it. "There are no gas caps," Dr. Karras said, referring to the fact that the fuel tanks are sealed. "so the satellites would have to be redesigned in order to get a fill."

Future rescue missions will also depend on whether saving a satellite is worth the expense. "It no longer makes economic sense to walk away from a satellite that breaks down," said Dr. Frank Cepollina, head of NASA's satellite servicing program. That was the case with Solar Max. The bill for last week's rescue was about $50 million. By agency calculations, the satellite's replacement cost would have been $235 million. For cheaper spacecraft the economic considerations might be less compelling. The two communications satellites that were launched during February's shuttle mission and failed to achieve proper orbit, Westar-6 and Palapa B-2, were valued at $75 million each. In this case, there would be the cost of a rescue; an overhaul on Earth, which might run to $20 million each; and the cost of launching them again.

Despite such down-to-earth considerations, space agency officials say they are confident that the scope of such efforts will expand and that the lessons of this shuttle mission will help cut costs in the future, particularly when several satellites are repaired during one shuttle flight. Said Dr. Cepollina: "You wouldn't throw away your automobile after the first breakdown."

[From the Washington Post, Apr. 16, 1984]

THIS IS YOUR SPACE GARAGE CALLING

Where on earth could you find better garage mechanics than the astronauts who towed in that broken-down 1984 Solar Max the other day, worked to all hours to repair it and had it moving smoothly before breakfast Friday morning? True, they didn't call first with an estimate, but what would we all have said, anyway? Never mind, we'll buy a new one? Besides, the crew says the satellite is better than new now—and ready for all sorts of engineering tests to be conducted by flight controllers at the Goddard Space Flight Center in Greenbelt. Parts and labor are guaranteed for 90 days or untold light years, whichever occurs last.

There is the matter of the bill, of course, which runs about $48 million. (We think that is the same as the last one we received for minor repairs to our car here in town; however, they don't take Visa, that being the principal difference.) But talk about payments: list price on a new Solar Max, from factory to delivery in space, runs about $235 million with accessories. The one just out of the shop should do fine. It is for sun-watching, which may someday tell us all a little more about the weather around the world than even Willard Scott does.

So marvelously routine are these space feats now, in fact, that we'll no doubt see Willard doing a remote from the space shuttle some morning. Already the astronauts can hold press conferences there; and they have all sorts of interesting missions in mind for shuttle runs to come.

So quite aside from the gee-whiz aspects of space shorts, America's considerable investment in space is starting to yield significant dividends. You'll know it has peaked when all you can find on a Sunday in space is gas-and-go stations that never have mechanics on duty.

[From the Christian Science Monitor, Apr. 16, 1984]

CHALLENGER—SKY-HIGH REPAIR

The Challenger astronauts' service call in space has been a triumph of success-oriented thinking. Even when the Solar Max satellite temporarily eluded capture, the shuttle team gave little heed to the possibility of failure. Neither did the US public, which sent a flood of phone calls and letters saying, in effect, "We knew you could do it."

Now, with Challenger back on the ground and a rejuvenated Solar Max observatory orbiting 308 miles overhead, a new era of space operations seems definitely to have begun. Throwaway satellites are no longer practical, except, perhaps, for some special purposes such as communications. These latter satellites are in an orbit 22,300 miles high and beyond the reach of the shuttle. But one day they, too, will likely be serviced by vehicles that will bring them down to the level of the shuttle or a space station.

Meanwhile, most scientific satellites have become too costly and complex for a throwaway economy. Solar Max cost some $100 million in 1979 dollars. About $77 million was US-funded. The balance is the value of instruments contributed by European countries. The next generation of satellites—such as the space telescope or a gamma ray observatory—will cost several times as much. To abandon one of these, or use less than its full capacity, just because a few parts fail would be as foolish as giving up on a automobile because a tire wears out or the fuel pump quits.

Whether the service-call strategy can be applied to satellites which, unlike Solar Max, were not designed for it, is unclear. But studies are under way to see if repairs can be made to the Western Union and Indonesian communications satellites which failed to reach proper orbit during the previous shuttle mission.

[From the Christian Science Monitor, Apr. 9, 1984]

SATELLITE OPENS SPACE SCIENCE TO MILLIONS OF CHILDREN

(By Robert C. Cowen)

HOUSTON.—Rescue and repair of the Solar Maximum satellite has caught the spotlight for the current shuttle mission. But that other satellite that Challenge has launched is of equal importance.

It too opens a new phase of space activity—a phase in which low-cost space science will be widely available. That includes active participation by millions of students in elementary and high school classrooms throughout the United States.

The National Aeronautics and Space Administration (NASA) calls the satellite LDEF (long duration exposure facility). It has fittings for dozens of experiments—57 on the current mission. These are simple experiments, often passive, that take advantage of the space environment. They include such projects as seeing how solar cells and other materials survive long exposure in space, capturing cosmic ray particles, and growing crystals in space.

LDEF—a product of the NASA Langley Research Center in Hampton, Va.—is the first satellite specifically designed for shuttle operation. It is placed in orbit by the shuttle, drifts in orbit for many months, and is later retrieved by the shuttle.

Experiments range in cost from $10,000 or $20,000 for simple exposure tests to about $1 million for more sophisticated payloads. Eventually, several LDEFs may be in orbit with typical missions lasting as long as 10 years. Meanwhile, the present LDEF, which will be used repeatedly, is pioneering this new type of space science with a mission expected to last about 10½ months as it drifts along some 340 miles above Earth's surface.

The payload that may have the most far-reaching impact is called Seeds in Space. Some 13 million tomato seeds are being flown. When returned to Earth, experimenters will study them to see if they have undergone mutation or otherwise been affected by the space environment.

Among the investigators will be millions of students in 130,000 U.S. classrooms. NASA officials plan to distribute packages of the space seeds, along with comparable seeds that have been kept on the ground for comparison. Teachers and students will grow both types of seeds as class projects and carefully note any differences.

LDEF chief scientist William H. Kinard says he expects many students who are intrigued by these projects will become the space scientists of tomorrow.

[From the Sun, Apr. 11, 1984]

THE SHUTTLE: PAYING FOR ITSELF

It would cost about $235 million to build and launch a new Solar Max satellite of the kind astronauts aboard space shuttle Challenger rescued yesterday. The cost of the rescue was $48 million. That's why the shuttle is such a marvelous vehicle.

Astronauts may be able to repair the Solar Max in orbit today or they may have to bring it back to earth on Friday for more extensive repairs. Either way, the savings will be immense. That, of course, is the purpose of the shuttle—to be a truly commercial vehicle capable of performing all sorts of chores in space. Shuttle critics who used to say that revenues would never pay development costs grow increasingly silent these days.

After technicians at Maryland's Goddard Space Flight Center near Washington partly stabilized Solar Max Monday night by using computer commands to slow its rapid lopsided spin to a more manageable slow roll, astronauts guided Challenger alongside. One of them, Terry Hart, used remote controls to grab the satellite (on his first try) with the wire fingers of the ship's 50-foot bionic arm. He carefully berthed it in the cargo bay.

Solar Max (full name: Solar Maximum Mission observatory) is a 2.5-ton sun-watching satellite which was partly disabled in 1980 when its attitude control system failed.

Also disabled was a telescope with attached video camera for taking pictures of the sun's outer atmosphere. A flow of data which might have answered many questions about the relationship of solar "storms" to Earth's weather and climate ceased. If astronauts succeed today in repairing Solar Max, it will be transmitting the data again on Friday. If not, it will take a little longer.

Commercial production of a medically useful protein using a separation technique which is possible only in outer space, where there is no gravity, will begin on a June shuttle flight. NASA's promise, that the shuttle would become an all-purpose commercial vehicle comparable in value to the once ubiquitous old two-engine Douglas DC-3 airplane, is coming to pass. Humankind's adventure in space is starting to pay off.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit George R. Tyler of the staff of Senator JEPSEN to participate in a program in Taiwan, sponsored by Tamkang University, from May 24 to June 1, 1984.

The committee has determined that participation by Mr. Tyler in the program in Taiwan, at the expense of Tamkang University to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit David Morey of Senator GLENN's staff to participate in a program in Taiwan, sponsored by Tamkang University, from May 25 to June 1, 1984.

The committee has determined that participation by Mr. Morey in the program in Taiwan, to participate in cultural and educational tours, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Jimmie Powell of the staff of Senator DURENBERGER to participate in a program in Taipei, Taiwan, sponsored by Tamkang University from May 25 to June 1, 1984.

The committee has determined that participation by Mr. Powell in the program in Taiwan, at the expense of Tamkang University, to participate in cultural and educational tours, is in the interest of the Senate and the United States.●

COMMENDATION OF 100 YEARS OF GULF STATES PAPER CORP.

● Mr. DENTON. Mr. President, this year, 1984, marks Gulf States Paper Corp.'s centennial. I would like to take time to officially congratulate Jack Warner, president and chairman of the board, the other officers, and many employees on this exemplary Alabama company and its 100 years of progress.

Gulf States, home based in Tuscaloosa, introduced the modern paper industry to Alabama and continues to play a major role in making Alabama one of the leading States in the production of wood products. Among Gulf States' Alabama operations are land holdings in 21 counties; forest products such as lumber, timber, poles, Christmas trees, and other forest products, a pulp and paperboard mill in Demopolis, a folding carton plant in Maplesville, and a host of operating companies including Westervelt Land Co., Moldwood Products Co., Log Industries, Timber Managers Co., Westervelt Hunting Lodge, Loper Lumber Co., Westervelt Tree Co., Cosmos Tablet Co., the North River development, and other interests, all of which employ thousands of Alabamians and generate millions of dollars in the State's economy.

Gulf States is widely known for its tradition of excellence and responsibility. It is a diversified, privately held company that is in its fourth generation of family ownership. The history of Gulf States is a prime example of American ingenuity, hard work, and our Nation's free enterprise system.

In 1884, Gulf States founder Herbert E. Westervelt bought a papermill powered by a water wheel and made wrapping paper from wheat straw. At the turn of the century, Gulf States reached a boon era when its new inventions modernized the paper industry. Similar to many American businesses, Gulf States experienced the difficult years following the Great Depression and the hardships of World War II, but due to the changes in the economy and the leadership of Jack Warner, recently back from the war, Gulf States once again began to prosper with a bold expansion program due to the development of new product lines. In 1984, Gulf States is increasing its concentration on the development of the corporation's land base, minerals, forest products, and other natural resources.

The economy of the United States is based on and driven by the individual desire for self-government, whether it be the artist who paints a picture for his own enjoyment or the corporate president who manufactures and sells goods for the use of the public. Progress has been a product of diversity of Gulf States with the corporation changing and growing from its early days as a one-product, one-plant operation to becoming the dynamic and profitable enterprise that it is today. Gulf States incorporates all that is good about American free enterprise.

I am proud to recognize Gulf States' centennial in 1984 and hope that their next 100 years will be equally as progressive and prosperous.●

THE FIGHT FOR HUMAN RIGHTS IN KOREA

● Mr. KENNEDY. Mr. President, this week we commemorate the fourth anniversary of the Korean military authorities' bloody suppression of student protest in Kwangju.

It was 4 years ago this week that students and other Korean citizens took to the streets in Kwangju and elsewhere in Cholla Province to protest a military coup and the imposition of martial law in Korea. A weeklong military siege of the city left hundreds killed, and many hundreds more injured, arrested, or forced into hiding.

Over 100 graves in an unmarked corner of the main public cemetery east of Kwangju remain as a solemn reminder of that repression. Bitterness continues to run deep. "There is a lot of pain and hurt that has not healed," Kwangju's Roman Catholic Archbishop observed recently.

Earlier this month, Pope John Paul II paid an important visit to Kwangju. The Pope spoke of "the deep wounds that pain your hearts and souls from personal experiences and from recent tragedies, which are difficult to overcome from merely a human point of view, especially for those of you from Kwangju."

There have been some welcome developments in Korea over the past year. The Korean Government released several hundred political prisoners—mainly students. The civil rights of several hundred former political prisoners were restored. And the Government released over 200 politicians from the 8-year ban on participation in political activities which it imposed in 1980.

The South Korean Government also modified its tactics for countering student protest. The Government, according to press reports, offered to let students expelled for anti-Government demonstrations return to classes, removed official police from campuses and turned campus discipline over to university authorities.

But these moves do not constitute fundamental improvement in the human rights situation. Let us not forget the several hundred political prisoners who remain in jail under difficult conditions. Let us not forget the 99 persons who are still banned from

political activity—including such prominent political leaders as Kim Dae Jung, Kim Young Sam, and Kim Jong Pil. Let us not forget reports that the Korean Government has pressed some of the more outspoken student critics into military service, six of whom reportedly died during military training. And let us not forget that freedom of expression remains suppressed.

Nor can we forget the much more severe conditions of repression that prevail in North Korea. Not only are human rights and democracy anathema to the totalitarian regime of Kim Il Sung, but that regime persists in its terrorist policies against South Korea—including last October's appalling assassination of numerous South Korean Government leaders in Rangoon, an action that confirms the North's standing as an international outlaw.

Nevertheless, we can and we must continue to press for progress in democracy and freedom in South Korea—for which over 30,000 Americans lost their lives during the Korean war.

Steps taken over the past year fall short of the true goal we all must have in South Korea: The climate of repression must end, and respect for human rights and democracy must be strengthened. South Korean authorities should carry out their professed intention to lift restrictions on a broad range of freedoms, including political activity by opposition leaders. This is the path toward healing the pain in Kwangju.

Mr. Kim Young Sam, the former leader of the now-outlawed New Democratic Party, staged a hunger strike last year "to show we must expand our fight for democracy." And Mr. Kim Dae Jung, South Korea's most prominent political exile, stated in a recent speech in New York:

> We need legal guarantees for the democratic rights of assembly, academic freedom, freedom for labor to organize, and freedom for farmers to form cooperatives. Of all freedoms, the freedom of speech and the freedom to have fair elections are the most essential core elements in guaranteeing human rights.

Pope John Paul II began his visit to Korea earlier this month by expressing the hope that South Korea's economic progress would lead to "a more humane society of true justice and peace." The Pope set as a goal to which South Korea should aspire a country "where to govern is to serve, where no one is used as a tool, no one left out and no one downtrodden, where all can live in real brotherhood."

On this anniversary of the Kwangju uprising, let us reflect upon the Pope's message. And let us express our hopes that these goals will be realized in Korea without further delay.●

A TRIBUTE TO PROGRESS: THE 100TH ANNIVERSARY OF GULF STATES PAPER CORP.

● Mr. HEFLIN. Mr. President, this year the Gulf States Paper Corp. is celebrating their 100th year of prosperous operation. With their national headquarters in Tuscaloosa, AL, Gulf States Paper has been a model corporation for the State and the Nation. I would like to commend this corporation, not only for their past achievements, but also for the promising future they present to the people of the State of Alabama.

Gulf States Paper has been and continues to be a progressive and environmentally conscious corporation. For example, each year the number of trees planted by Gulf States Paper exceeds the number harvested. It is this type of concern for the State that makes Gulf States Paper such an outstanding and valued corporation in our State. Their concerns, however, are not limited to an arboreal nature. Their concerns for wildlife and other resources has earned them various accolades from the National Wildlife Federation, the U.S. Environmental Protection Agency, and other State governments.

As I mentioned earlier, the corporation is known for its diversity. Gulf States Paper conducts operations in eight States and its products are used around the Nation and throughout the entire world. From utility poles to fast food packages, Gulf States Paper plays a vital role in the lives of many people. The company diversifies on a large scale producing numerous varieties of wood products. This diversification has helped the Gulf States Paper make Alabama one of the leading producers of wood products in the Nation.

In conclusion, I would like to personally congratulate President Jack Warner and his outstanding corporation for 100 years of growth and prosperity. Their success not only benefits the Gulf States Paper Corp., but it greatly enriches the lives of all Alabamians. I hope the next 100 years show great promise to Gulf States Paper, for they are a great credit to our State and the Nation.●

S. 2253—HEALTH INSURANCE PREMIUM DEDUCTIONS

● Mr. PRYOR. Mr. President, I am pleased to be a cosponsor of S. 2353, a bill introduced by the distinguished Senator from Iowa (Mr. GRASSLEY) on February 27, 1984. S. 2353 is a measure that would allow people not covered by employer-paid health plans to deduct one-half of their health insurance premiums for Federal income tax purposes. Mr. President, this bill is an excellent starting point for the Senate, and the Finance Committee, to begin a discussion of the difficult position faced by self-employed people, like farmers and small businessmen, as they try to provide quality health-care coverage for their families.

Under existing law, Mr. President, if a person is covered under an employer-paid health plan, the premiums paid by the employer are deductible, and the amount of the premiums are excluded, for income tax purposes, from the employee's income. Therefore, the employee is essentially getting health-care coverage with dollars that are not subject to the income tax. With a self-employed person, however, they have to pay for their health-care coverage with after-tax dollars. They get no deduction for the premiums paid.

Prior to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) every individual taxpayer was allowed to deduct one-half of their health insurance premiums, subject to a maximum of $150, as an itemized deduction on schedule A. This provision was in addition to the rule that medical expenses in excess of 3 percent of adjusted gross income could be taken as a deduction.

However, Mr. President, in TEFRA the separate deduction for one-half the medical insurance premiums—subject to the $150 limitation—was repealed, and the floor for deductibility of medical expenses was increased from 3 percent of adjusted gross income to 5 percent. Even though medical insurance premiums can now be taken into account in determining whether the 5 percent of AGI is met, this is still a very high threshhold, and I believe that the legislation that has been introduced should be seriously considered so that self-employed people are put on equal footing with other people who work, but are covered by employer-paid plans.

Mr. President, this legislation is simply a matter of tax fairness. It would resolve a problem faced by thousands of farmers, ranchers, and small business men and women. I hope we can have hearings on this issue, and I urge my colleagues to support this effort.●

IN RECOGNITION OF THE 200TH ANNIVERSARY OF THE TOWN OF WHITESTOWN, NY

● Mr. D'AMATO. Mr. President, I rise today to recognize the 200th anniversary of the town of Whitestown, NY, to commemorate its founder, Judge Hugh White, and to congratulate the citizens of Whitestown on this joyous occasion.

Whitestown, located near the scenic Mohawk River, was once a massive tract of land occupied by American Indians.

Judge Hugh White, a Revolutionary War hero, along with several sturdy sons and an eager group of settlers, lay claim to this fertile region. White was

instrumental in making peace with the local Indians, as well as in establishing an efficient court system. In fact, he entrusted his own baby granddaughter to the local Indian chief as a show of good faith. Hugh White's perseverance resulted in the establishment of 28 counties and more than 400 townships, formed from Whitestown's original 12 million acres.

Whitestown today, the living embodiment of Hugh White's dream, is a well developed metropolitan area. With three highly rated public school systems, education in Whitestown is excellent. Whitestown is also the center of industrial development throughout Oneida County. It is the location not only of the Oneida County Industrial Park, but also of a branch of the Federal Reserve System and the Oneida County Airport.

It was said at the centennial celebration of Whitestown that "there is no prophet now who can lift up his voice and tell what will be here when another century has passed." Today's bicentennial celebration demonstrates how fortune has favored this beautiful town.

Again, I extend my deepest congratulations to the people of Whitestown on the occasion of their bicentennial, June 5, 1984.

Thank you, Mr. President.●

SPACE SHUTTLE CREW

● Mr. EVANS. Mr. President, this morning, I had the distinct pleasure of visiting with the crew of the 11th space shuttle mission here in Washington. The pilot of this flight, Francis R. (Dick) Scobee, is a native son of the State of Washington, hailing from the town of Cle Elum.

In 1957, Dick Scobee joined the U.S. Air Force where he earned his commission after graduating from the University of Arizona. As a U.S. Air Force pilot, he served a combat tour in Vietnam and graduated from the Air Force Test Pilot School. Mr. Scobee joined the NASA astronaut corps in 1978; he has logged more than 6,500 flying hours in 45 types of aircraft.

Although not a native of my State, another member of the crew, George D. Nelson, took his master of science and doctorate in astronomy at the University of Washington. Dr. Nelson also joined the NASA astronaut corps in 1978. He was directly involved in the development of the space shuttle extravehicular mobility unit (space suit) and piloted the unit beyond the shuttle *Challenger* during the last mission.

The 11th shuttle mission, known in NASA terminology as 41-C was launched from Kennedy Space Center on April 6, 1984, and returned 7 days later on April 13 to Edwards Air Force Base. I had the distinct privilege of seeing the launch from the Kennedy Space Center. The shuttle *Challenger*, on its fifth voyage, was placed in a direct insertion ascent for the first time, enabling the spacecraft to attain its highest orbit to date for rendezvous with a crippled solar science satellite called the solar maximum mission.

Launched in February 1980, the solar maximum mission is an elaborate solar observatory designed to collect a wealth of information about energetic events of the Sun. In repeating 11-year cycles, the frequency of Sun spots and other related solar happenings rises to a maximum and then begins to wane. The solar maximum mission was scheduled to coincide with the peak period of activity in the current cycle.

Our Sun is not quiet or changeless; rather, the solar orb is moody and unpredictable and often erupts in solar flares—enormous explosions of superhot gas that can cover 1 billion square miles on the Sun and send debris millions of miles through space. Solar max is dedicated to the study of these solar flares. Flares create shock waves and gusts in the solar wind, the electrified and magnetized gas that originates near the Sun and flows through the solar system past the orbits of Neptune and Pluto. When these shock waves jolt the Earth's magnetic field, dramatic environmental effects are triggered—radio communications are silenced or garbled, surges in powerlines can cause outages that darken entire cities and the safety of orbiting satellites and astronauts is jeopardized. Prediction and understanding of solar flare activity and its concomitant effect on Earth's environment are the aims of the solar max mission.

Just 9 months after launch, the solar max mission was severely crippled when fuses in the attitude control system failed and the satellite lost its ability to point with fine precision, thus rendering useless most of the onboard instruments. To the dismay of solar scientists around the world, a spectacular mission abruptly faltered.

In one of the most exciting events of the shuttle program, the 11th mission succeeded in retrieving this crippled solar max satellite with the remote manipulator arm. Once inside the cargo bay, the blown fuses were replaced and several of the other instruments were checked out. On April 11, the satellite was dropped off into orbit, thus, returning to full service for several years to come. The 11th shuttle mission vividly demonstrated the value of orbital servicing. Already NASA is exploring the possibility of repairing a crippled Landsat satellite.

As with all shuttle flights, the mission had multiple objectives. Flight 41-C also deployed in orbit an experiment pallet named the long duration exposure facility, specially suited for carrying dozens of diverse, passive experiments. The payload will be left in space for nearly 1 year, then retrieved, and brought home for study.

I salute and commend the astronauts of 41-C: Mr. Scobee, the pilot; Robert Crippen, the commander, and mission specialists George Nelson, Terry Hart, and James van Hoften. We all can be justifiably proud of their achievements on this 11th mission of the space shuttle.●

A GREAT AMERICAN WOMAN

● Mr. ABDNOR. Mr. President, it is my pleasure to commend to the attention of all my colleagues the fine career of a South Dakotan who without question is one of America's great women.

The Honorable Gladys Pyle is a former U.S. Senator from South Dakota. She was the first woman in South Dakota elected to the State legislature and to a State constitutional office. At 94, she is still actively giving to her community and tending the insurance clients she has served through the years.

On April 28, the South Dakota Federation of Republican Women saluted Gladys Pyle in ceremonies during their State convention. Earlier this year, First Monday interviewed this great lady who likes to think of herself "as an ice breaker. It just took somebody to break the ice in the harbor so that the more important ships could come in."

Thanks to Gladys Pyle and those like her for pioneering careers for women in politics. There leadership has been an inspiration to all of us.

Mr. President, I commend both tributes to Gladys Pyle to my colleagues and ask that they be printed in the RECORD.

The tributes follow:

MISS GLADYS PYLE

The Beadle County Federated Club is proud to have its own home-grown GREAT AMERICAN WOMAN—Miss Gladys Pyle—widely revered as the first lady of politics in South Dakota, and perhaps the entire nation, Miss Pyle gives a new meaning to the word "pioneer".

She entered politics after a year lecturing women's groups on civic responsibility and the need to get involved in politics, believing women have a natural responsibility to become involved in government (quote) "There are so many issues that directly affect the hearts of women, such as family issues, education, the quality of life."

In 1922 she became the first woman to be elected to the South Dakota State Legislature and was re-elected in 1924. Throughout these two terms she fought vigorously for ratification of the Child Labor Amendment to the U.S. Constitution.

In 1926 she was the first woman elected to a State Constitutional office—Secretary of State—a position no man has been elected to since her term expired in 1931. During this term she set up South Dakota's first Certificate of Title to prove car ownership.

In 1930 her political career suffered a setback when she was defeated in her bid as

Republican nominee for Governor. Although she led a field of five candidates, no one person received the necessary 35 percent majority, resulting in the race being decided at the Republican State Convention. The top three vote-getters behind her threw their support to the last place candidate hoping to defeat her, and she lost on the last ballot. Gracious even in such a bitter defeat, Miss Pyle counsels "If a person decides to enter politics, then they must risk both success and failure—you have to take both with a smile." Miss Pyle does not believe her sex had a major impact in her defeat. (We could have—should have—had the first woman Governor.)

It certainly did not affect her Senatorial bid in 1938, which she won with a 43,000 vote margin, becoming the first Republican woman to become a U.S. Senator without being appointed.

In 1940, she became the first woman to nominate a Presidential candidate at a National Convention.

Miss Pyle served on the South Dakota Board of Regents from 1937 to 1951—was a Commissioner on the State Securities Commission—and served several years as Secretary on the State Board of Charities and Corrections. She is justly proud of the work she did to establish a school at the State Prison.

In 1947, 25 years after introducing a bill for women to serve on jury duty, she was called and served a week as Foreman on the Federal Grand Jury at Deadwood, the first jury in South Dakota to have women.

Throughout the years Miss Pyle has been an active participant in the many activities associated with her alma mater—Huron College—as did both her parents who were instrumental in its founding and who actively campaigned for women's right to vote.

Her varied career also includes high school teaching—Supt. of Schools—life insurance sales person.

Visit her home—a Queen Anne style, listed in the National Registry of Historic Places—and she will provide you with a history lesson few can match in Huron, or South Dakota, or the entire nation—And she can present a most educational and thought-provoking Bible study—Then, on the other hand, no one can tell a joke better than Gladys.

Her contributions to South Dakota have been of singular high quality and have earned the esteem and respect of all of us. Moreover, everything she has done—and continues to do—is accomplished with warmth, integrity, and a sincere concern for the well-being of all. She has indeed lived up to her lifelong personal motto: "CITIZENSHIP IS SERVICE"

GLADYS PYLE: FIRST LADY OF GOP POLITICS

When Gladys Pyle was six years old, she joined her first grade classmates for a walk to the town's railroad station, small American flags in hand, to greet the President of the United States.

After singing songs and welcoming their honored guest, the children watched as the President waved to the crowd before returning to his car. Several moments later, he emerged with his wife in his arms so that she, too, although an invalid, could see and greet the crowds.

The President was William McKinley. He had arrived, by coincidence, in Huron, S.D., the same day the town prepared to honor its veterans of the Spanish-American War.

More than 85 years later, Miss Pyle, as she likes to be called, still remembers the occasion vividly. She even recalls the lyrics to the song the children sang. For the event left a profound impression on the child, who later would become the first Republican woman elected to the U.S. Senate.

"What struck me about this incident was how a man of such high position cared so much so as to make sure his wife was by his side to share the moment," Miss Pyle recalled in a recent interview with FM.

In a way, this same care and concern are the hallmarks of Miss Pyle's incredible career as an educator, politician and businesswoman—a career nearly spanning an entire century.

She is widely revered as the "first lady" of politics in South Dakota, and perhaps the nation. Indeed, at a time when most women were busting sod for the family homestead, Miss Pyle was breaking into the field of politics, giving the word "pioneer" a new meaning.

She entered politics after a year lecturing women's groups on civic responsibility and the need to get involved in politics. "I suppose you could say I finally decided to take my own advice."

In 1922, she became the first woman to be elected to the South Dakota State Legislature. Later, she would become the first woman to be elected to a state constitutional office—secretary of state—a position no man has been elected to since Miss Pyle's term expired in 1931.

Her political career suffered a setback when she was defeated for her bid as Republican nominee for governor in 1930. Although she led a field of five candidates, no one person received the necessary 35 percent majority. As a result, the race was decided by a party convention.

The top three vote-getters behind Miss Pyle threw their support to the last place candidate, hoping to defeat her. She lost on the last ballot.

Nearly 50 years later, this race is still remembered as one of the most bitter in the state's history. Yet Miss Pyle was gracious in defeat. "If a person decides to enter politics, then they must risk both success and failure. You have to take both with a smile," Miss Pyle says today.

She is equally certain her sex did not play a role in her defeat. "I think the issue may have been on some people's minds, but it did not have a major impact," she recalls.

It certainly did not affect Miss Pyle's senatorial bid in 1938. She won with a 43,000 vote margin, becoming the first Republican woman to become a U.S. Senator without being appointed to the position. Two years later, she became the first woman to nominate a presidential candidate at a national convention.

Throughout Miss Pyle's impressive political and civic career, she has remained a staunch Republican. "I was born a Republican and I never saw any reason to change," she says.

She has been active in party politics throughout her life and today serves as a committeewoman for the local GOP organization. Miss Pyle says she never had a burning ambition to star in the field of politics. She instead was motivated by her strong belief in civic responsibility.

It was a lesson learned from her family. At his death, Miss Pyle's father was the state's attorney general. He was instrumental in a number of community projects, including the founding of the college all four of his children attended. Her mother actively campaigned for women's right to vote, as did her father.

As a child, Miss Pyle says she and her brother and sisters were imbued with need to be involved in the community. "Public issues were always the topic of conversation at the dinner table," Miss Pyle recalls.

She sees politics as "simply a matter of public activity." As a result, she believes women have a natural responsibility to become involved in politics. "There are so many issues that directly affect the hearts of women—such as family issues, education, the quality of life—that it only makes sense they should be involved in the process," she says.

If women decide to enter politics, however, Miss Pyle feels they should be prepared to work for their rewards.

"Women will have no difficulty in getting political recognition when they are willing to step in at the bottom and work up—when they insist and demand that political honors be meted out as rewards for service and not bouquets," she told one reporter.

Miss Pyle has been duly honored over the years for her service and accomplishments. Recently, her portrait was hung in the state capital's rotunda in a special ceremony.

In a message congratulating Miss Pyle on the occasion, President Reagan told her, "This is a special and much-deserved tribute to your many years of dedicated service to the people of this state and the entire nation."

In looking back on her career, Miss Pyle does not feel she accomplished anything "world-shaking." She points to her efforts to reform the state's banking system and her fight to see women named to serve jury duty (in 1947, she served on the first jury in South Dakota to have women) as some of the highlights of her work.

But with characteristic modesty, she prefers to compare her so-called political pioneering to a more common metaphor.

"I like to think of myself as an icebreaker. It just took somebody to break the ice in the harbor so that the more important ships could come in."●

WILLIAM A. POWELL

● Mr. DANFORTH. Mr. President, William A. Powell is one of the finest individuals I have been privileged to know. In December 1981, he was sworn in as Regional Administrator of the Small Business Administration in Kansas City. His appointment as the SBA's Region VII Administrator availed SBA of the considerable talents of one of Missouri's most successful farmers and businessmen. The SBA's recent evaluation of the operations of the region under Bill Powell's guidance is a tribute to his ability and his dedication.

The SBA only recognized what many of us have known for many years when it rated his performance as "exceptionally successful." I was very impressed to learn from SBA that Region VII employees, on average, carry more loans than any other region. Region VII's delinquency rate is the lowest in the United States. In the fields of management assistance, training, and programs for minority-owned small businesses, the region's performance compares very favorably with other regions.

It was a special privilege to support Bill Powell's appointment. I am proud to see SBA's clients in Missouri, Kansas, Iowa, and Nebraska benefiting from his ability to get good performance from his staff. As a dairy farmer, as president of Mid-America Dairymen, as a spokesman for agriculture, as an individual—Bill Powell has always set high standards for himself. I am very pleased to learn that he is meeting his own standards and motivating his staff to do likewise.●

TRANSPORTATION ON NON-U.S.-FLAG VESSELS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate H.R. 89, which has been received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 89) to permit transportation of passengers between Puerto Rico and other United States ports on foreign-flag vessels when United States flag service or such transportation is not available.

Mr. STEVENS. Mr. President, I ask that the bill be read for the second time.

The PRESIDING OFFICER. Is there any objection?

Mr. BYRD. I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

Mr. BYRD. Mr. President, for the record, the distinguished acting Republican leader (Mr. STEVENS) indicated he wanted to proceed under rule XIV to get this measure on the calendar. There is nothing I could do except to object to second reading.

Mr. STEVENS. Mr. President, I thank the Senator for stating that for the record. As usual, he has clearly stated the parliamentary situation.

CRIMINAL PENALTY FOR ROBBERY OF A CONTROLLED SUBSTANCE

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 422

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 422) entitled "An Act to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance", do pass with the following amendment:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Controlled Substance Registrant Protection Act of 1984".

SEC. 2. Chapter 103 of title 18, United States Code, is amended by adding at the end the following:

§ 2118. Robberies and burglaries involving controlled substances

"(a) Whoever takes or attempts to take from the person or presence of another by force or violence or by intimidation any material or compound containing any quantity of a controlled substance belonging to or in the care, custody, control, or possession of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) shall, except as provided in subsection (c), be fined not more than $25,000 or imprisoned not more than twenty years, or both, if (1) the replacement cost of the material or compound to the registrant was not less than $500, (2) the person who engaged in such taking or attempted such taking traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such taking or attempt, or (3) another person was killed or suffered significant bodily injury as a result of such taking or attempt.

"(b) Whoever, without authority, enters or attempts to enter, or remains in, the business premises or property of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) with the intent to steal any material or compound containing any quantity of a controlled substance shall, except as provided in subsection (c), be fined not more than $25,000 or imprisoned not more than twenty years, or both, if (1) the replacement cost of the controlled substance to the registrant was not less than $500, (2) the person who engaged in such entry or attempted such entry or who remained in such premises or property traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such entry or attempt or to facilitate remaining in such premises or property, or (3) another person was killed or suffered significantly bodily injury as a result of such entry or attempt.

"(c)(1) Whoever in committing any offense under subsection (a) or (b) assaults any person, or puts in jeopardy the life of any person, by the use of a dangerous weapon or device shall be fined not more than $35,000 and imprisoned for not more than twenty-five years.

"(2) Whoever in committing any offense under subsection (a) or (b) kills any person shall be fined not more than $50,000 or imprisioned for any term of years or life, or both.

"(d) If two or more persons conspire to violate subsection (a) or (b) of this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be fined nor more than $25,000 or imprisioned not more than ten years or both.

"(e) For purposes of this section—

"(1) the term 'controlled substance' has the meaning prescribed for that term by section 102 of the Controlled Substances Act,

"(2) the term 'business premises or property' incudes conveyances and storage facilities; and

"(3) the term 'significant bodily injury' means bodily injury which involves a risk of death, significant physical pain, protracted and obvious disfigurement, or a protracted loss or impairment of the function of a bodily member, organ, or mental or sensory faculty.".

SEC. 3. The table of sections for chapter 103 of title 18, United States Code, is amended by adding at the end the following new item:

"2118. Robberies and burglaries involving controlled substances.".

SEC. 4. For each of the first three years after the date of enactment of this Act, the Attorney General of the United States shall submit an annual report to the Congress with respect to the enforcement activities of the Attorney General relating to the offenses created by the amendment made by section 2 of this Act.

Mr. THURMOND. Mr. President, I urge my colleagues to join me in strong support of our effort to make it a Federal crime to rob pharmacies and other registered dispensers of controlled substances. We have been trying to enact such legislation for many years. Indeed, provisions were included in S. 1762, the crime package which this body passed by a vote of 91 to 1 in February. Today, at long last, we can send a bill to the President.

Mr. President, although I urge my colleagues to adopt the House amendment to S. 422, I have some reservations about one provision. Unless there were interstate travel, interstate facilities, or significant injury involved, the House amendment would require that the theft involve at least $500 worth of controlled substances at the wholesale price. I believe that this figure is much too high. However, I understand that some of our counterparts felt very strongly that the figure should be that high. Since it is imperative that we send this long overdue legislation to the President, I will accept this figure for now. However, we will be closely monitoring its effect to determine if changes are needed in the future.

I want to commend Senator JEPSEN, whom I joined as an original cosponsor of S. 422, for his leadership on this issue. I also want to commend Congressman BILL HUGHES for agreeing to process this important bill. Finally, I would like to congratulate Congressman HENRY HYDE, who has pursued this often elusive goal for many years, and never gave up.

Mr. JEPSEN. Mr. President, I rise in support of S. 422. I am pleased to report to my colleagues in the Senate that this bill, which I first introduced over a year ago, was unanimously passed by the House of Representatives.

I believe this represents a significant step forward in our fight against the abuse and misuse of controlled substances. In addition, it is another weapon in the arsenal in the fight against robberies and burglaries of pharmacies for the purpose of obtaining controlled substances.

Mr. President, I would be remiss if I did not mention the tremendous efforts of Congressman HENRY HYDE in getting this legislation passed. Congressman HYDE has been working with me on this issue for several years now.

Indeed, I believe he has been working on this issue longer than any Member still serving in the House or Senate.

In addition to the work of Congressman HYDE, I would like to mention the support I have had of the National Association of Retail Druggists. Their staff, in particular, Mr. William Woods, the executive director, has been trying to get legislation such as this passed by the Congress for close to 15 years. At times, I am sure this goal appeared far away but now it is reality.

Mr. President, as you recall, earlier this year, we favorably considered and sent to the House two bills addressing the need to assure a Federal role in the investigation and prosecution of robberies and burglaries to obtain dangerous drugs from pharmacies and others required to register with the DEA. This body unanimously approved both measures; on February 2, part J of title X of S. 1762, and on February 23, S. 422. At that time, I expressed my concern that our colleagues in the House had not been supportive. Today, I am pleased to report that progress has been made.

During the past 4 months, the situation in the House has evolved from pronouncements that there would be no bill reported by the Judiciary Subcommittee, to House passage of the measure before us today, the House-amended version of S. 422. In my judgment, the Senate should accept the House amendment.

Much has happened since February. In fact, several versions of a House bill, including H.R. 5105, H.R. 5222, each more akin to the Senate bill, were considered before the House amended S. 422 with its broadest language to date.

Progress toward the Senate approach has not been without controversy. The National Association of Retail Druggists, for example, has fought steadfastly, at each step in the legislative process to broaden the House version of the legislation. Even today, there is strong sentiment to further amend the measure by lowering the $500 trigger for Federal jurisdiction or including the wholesale value of all goods taken, including the controlled substances which have such incredibly high street value.

It is my judgment, however, that any further amendment would prove fatal to our efforts in that the very delicately derived support for the improvements made to date, as reflected in the bill before us, would be destroyed. All organizations representing pharmacy interests, including the National Association of Retail Druggists, share my concern and concur in my judgment.

The bill before us would permit the prosecution of a significant number of robberies and burglaries of pharmacies to obtain controlled substances. Justice Department officials testified before the House Judiciary Committee that it would not be unreasonable to expect prosecution of 200 such cases annually. I would like to take a moment to highlight the provisions of S. 422 as amended by the House.

Like the Senate version, the taking of all controlled substances, not merely those assigned to schedule II or schedule III of the Controlled Substances Act, are included.

Like the Senate version, attempt to commit either the robbery or burglary is subjected to the same criminal sanctions as is the actual taking. The attempt provision takes on special significance in light of the fact that the House bill limits Federal prosecution of such cases to three circumstances: Namely, when the replacement cost of drugs taken exceeds $500; when the criminal engaged in such taking, or entry, or attempt travels in interstate or foreign commerce or uses any facility of commerce to facilitate the attempted entry or taking; or when a person other than the criminal is killed or suffers significant bodily injury as a result of such taking, entry, or attempt. The $500 base of jurisdiction is a distinct improvement of H.R. 5105 which established $1,000 as a standard. The bodily injury requirement is decidedly broader than the language earlier passed by the House in H.R. 5222. "Significant bodily injury" was substituted for "serious bodily injury". This is a real broadening in jurisdiction. Of course, "serious" is narrow in that it means "grave" whereas "significant" means "meaningful" which is far broader. Additionally, the earlier definition of bodily injury was further expanded to read injury which involves a "risk of death" as distinguished from a "substantial risk of death" and further the definition was modified by substituting "significant physical pain". Certainly numerous injuries that would not have triggered Federal jurisdiction under the H.R. 5222 definition of bodily injury would clearly be included in this amended approach. Examples of these would be a bullet wound in the hand, leg, or shoulder or a bloody painful pistol whipping, or for that matter, a pistol whipping.

Likewise, trauma suffered by a pharmacist so that he or she is psychologically prevented from again practicing pharmacy in public or at least for a period of time, would be included under the new version of injury.

Like the Senate version, the provisions which limit Federal prosecutions do not limit the investigation of cases where the Federal Government deems its involvement appropriate. At a bare minimum, review and investigation of the details of pharmacy thefts required under DEA form 106 21 U.S.C. 843(a)(4)(A) would be necessary to determine whether Federal prosecution would be appropriate.

Like the Senate version, penalties of 10 years and/or $25,000 are provided for conspiracy to violate the provisions.

Like the Senate version, enhanced penalties of 25 years and/or $35,000 are provided in the case of assaults or where life is put in jeopardy by the use of dangerous weapons or devices.

Like the Senate version, enhanced penalties of $50,000 or life imprisonment are provided when an innocent person is killed in connection with such crimes.

Like the Senate version, the Attorney General is required for each of the first 3 years after the date of enactment to submit to Congress an annual report detailing the activities of the Department of Justice relating to the offenses established by the legislation. In this regard, we would expect a detailing of the cases investigated, the cases considered for prosecution, the cases prosecuted, the outcome of such prosecutions as well as the budget, priorities, and operations and management of this new Federal effort to curb pharmacy related crimes, especially robbery. We would expect the Justice Department to allocate resources to the investigation and prosecution of such cases at a minimum, equal to present efforts focused on diversion of controlled drugs by nonviolent means such as forgery or intentional diversion by registered practitioners or their employees. As mentioned, the Justice Department has already indicated the prosecution of approximately 200 cases. Relatedly, vigorous oversight of the implementation of these new provisions has been pledged by the chairman of the House Subcommittee on Crime and by Chairman THURMOND and subcommittee Chairman LAXALT.

As I mentioned, a number of people have expressed the concern to me that perhaps the dollar amount is too high and that we should set that limit at a lower level. Frankly, Mr. President, I, too, believe the dollar amount is too high and would have preferred to get that amount lowered. Unfortunately, many of our colleagues on the House side were rather insistent on this point and it did not appear as if there was much opportunity to get this lowered.

Now Mr. President, I would be the first to argue that perhaps there should not have been any limits. In fact, I want to state right now that I am fully prepared to come back next year and see that those limits are either lowered or removed completely. But I believe this is a very important step forward in our fight, Mr. President.

For the first time, Congress will be going on record as determining that these crimes are in fact serious. That

the Federal Government does have an interest in seeing them stopped. In addition, Mr. President, we will be establishing a benchmark. If, next year, we find that only a few cases were brought by the justice Department, we will be able to bring them in and ask them why? What needs to be changed so that you can investigate more cases? What should be amended so that you can prosecute more criminals? If we do not have a law, we cannot do that.

I honestly believe the Justice Department will be able to investigate a significant number of cases as a result of this new law. I also believe they will be able to get a number of convictions and that next year at this time, there will be criminals behind bars who otherwise might have gone free.

Mr. President, pharmacists need this protection. Drug wholesalers need this protection. Every day, they put their lives on the line to serve the public and get little in return for that sacrifice. I believe that passing this bill is the least we can do.

In closing, Mr. President, I would just like to say that there is a provision in this bill which requires the Justice Department to report to Congress on its enforcement activities in this area. I, for one, intend to examine that report very closely and see that the Justice Department is fulfilling its obligations under the law. I do not intend for this bill to be a new law that just gets lost in the maze of criminal law and is never heard from again. I expect to see some cases investigated and brought to trial.

Finally, Mr. President, I want to thank a few people who have been very involved in this issue at the staff level. First of all, I would like to thank Fran Westner, who serves on Congressman HYDE's staff. Fran's work was invaluable and she did an excellent job of marshaling the troops in the House. I would also like to thank Charlene Vanlier, minority counsel for the House Subcommittee on Crime. Charlene worked very closely with my staff and was a key to getting this legislation passed by the House.

Mr. President, a number of organizations representing pharmacists have also been very influential in this issue and I would like to mention them as well. First, the National Association of Retail Druggists, as I mentioned, has been very helpful in getting this bill passed. In addition, I have received the strong support of the National Association of Chain Drug Stores, the National Wholesale Druggists Association, and the American Pharmaceutical Association.

All of this support has been backed up by the fine work of American Druggist magazine and its editor, Stanley Siegelman. Through his stimulating editorials and excellent articles, Mr. Siegelman has been a prime motivator in the fight to get this legislation enacted. I cannot think of a single individual who deserves more credit for us being at this point than Stanley Siegelman.

I appreciate the support I have received on this issue from my colleagues and I strongly urge the Senate to agree to the House amendments.

Mr. LEVIN. Mr. President, I wonder if I could ask the distinguished Senator from Iowa a few questions about this bill so that we might clarify the intent of the language?

Mr. JEPSEN. I would be happy to respond to the questions of my good friend from Michigan.

Mr. LEVIN. Would the Senator please take a moment and explain how he intends the attempt provision to work, particularly as it relates to the $500 criterion?

Mr. JEPSEN. Certainly. As the Senator knows, the amended language provides that one basis for prosecution is if the replacement cost of the material or compound to the registrant was not less than $500.

In the case where a person attempts to commit a robbery or burglary for controlled substances, but is unsuccessful, the prosecution need only show that $500 or more of controlled substances were on hand and could have been taken. Likewise, if a robber or burglar succeeds in taking controlled substances which cost less than $500, but more than $500 of controlled substances were on hand, the robber or burglar may still be prosecuted for attempted robbery or burglary of the required amount. The prosecution need only show the amount and cost of the controlled substance on hand. If the defendant wishes to contest the charge on the ground that he intended to take less than $500 worth of the controlled substance, then he will either have to take the stand and testify to that effect, or submit other competent evidence to show that he did not intend to take $500 of controlled substances.

Mr. LEVIN. I appreciate that explanation. Could the Senator also tell me how he intends the interstate commerce provision to be applied?

Mr. JEPSEN. I would be happy to explain that provision. It is my belief that this provision should be broadly defined. Thus, this bill would not only reach persons who traveled from State to State committing or attempting these crimes, but those who traveled in interstate commerce, for example, on an interstate highway or transit system on their way to or from committing or attempting such a crime.

It is also intended that use of any facility in interstate or foreign commerce to facilitate such taking or attempt be read to include use of the telephone or mails in planning or committing such a crime. I would point out to my colleague that equally important is where a weapon is acquired in interstate commerce and is used or threatened to be used in taking controlled substances, that weapons acquisition is to be viewed as use of a facility of interstate commerce to help commit the crime. In order to prove acquisition of a weapon in interstate commerce, the prosecution need only show where the weapon was manufactured, if the State is different than where the crime occurred.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was ageed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ROLLCALL VOTE ON H. CON. RES. 304

Mr. BAKER. Mr. President, I can state for the information of the Senate that in the early hours of tomorrow's session, if it is possible to call it up, here will be a rollcall vote on the Sakharov resolution. H. Con. Res. 304, which subject was previously considered by the Senate.

Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the Sakharov resolution when it is called up tomorrow morning, pursuant to the comment I just made. We do not have a precise time, but it will be in the early hours of tomorrow's session that it will be called up.

Mr. President, I ask unanimous consent that it be in order now to order the yeas and nays of H. Con. Res. 304.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask for the yeas and nays on that concurrent resolution when it is presented.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDER FOR RECESS UNTIL 8:30 A.M.

Mr. BAKER. Mr. President, it is my intention to ask the Senate to stand in recess tonight until a very early hour tomorrow. We have an agreement. We have an order for 10 o'clock in the morning. But in light of the heavy workload we have, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, I wish to announce that we cannot do the agent orange bill tonight. Therefore, there will be no more record votes tonight.

Mr. President, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of the first concurrent budget resolution.

I have consulted with the two managers, as well as the minority leader, and it is my hope that either this evening or in the morning first thing we can get a time limitation, and a limitation on amendments that may be in order to the resolution. One has been circulated, and I understand it is still under consideration. Mr. President, if we can get that agreement, then of course that would be very helpful.

Mr. President, if we can get to the first concurrent budget resolution, I hope we can do so not later than 8:45 a.m.

I inquire of the minority leader if, on tomorrow, he would be agreeable to reducing the time of the two leaders under the standing order to 3 minutes each.

Mr. BYRD. Mr. President, I would be glad to do that.

Mr. BAKER. I thank the Senator. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I hope we can get to the resolution by 8:45 a.m. and could finish consideration of that measure by say 11 o'clock tomorrow. There may be other matters after that. I do expect rollcall votes.

Mr. President, it is also possible that we will turn to other matters as I have indicated previously. There are a number of them on the calendar. There is a nomination on the Executive Calendar, and there is the bankruptcy bill. I do not believe we can do the agent orange bill tomorrow because some of the principals involved will not be quite ready in the morning. There are other matters as well. But, Mr. President, the principal business tomorrow I hope will be the disposition of the first concurrent budget resolution.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, there being no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 7:03 p.m., recessed until tomorrow, Friday, May 18, 1984, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 1984:

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. David E. Grange, Jr., XXX-X... [redacted], age 59, U.S. Army.

HOUSE OF REPRESENTATIVES—*Thursday, May 17, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Deliver us, O God, from any attitude of the spirit that keeps us from understanding or growing in love. As we seek to be open to Your spirit may our hearts be open to others, help us to see that all life is Your gift, a gift to people of every state and nation, race or creed. May we honor Your gift to us, by committing our lives to support and protect all people from that which would harm or destroy. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On May 7, 1984:

H.R. 3867. An act to amend the Perishable Agricultural Commodities Act, 1930, by impressing a trust on the commodities and sales proceeds of perishable agricultural commodities for the benefit of the unpaid seller, and for other purposes; and

H.J. Res. 478. Joint resolution designating the week of April 29 through May 5, 1984, as "National Week of the Ocean."

On May 8, 1984:

H.R. 5298. An act to provide for a White House Conference on Small Business.

On May 9, 1984:

H.R. 3555. An act to declare certain lands by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York.

On May 14, 1984:

H.R. 3376. An act to declare that the United States holds certain lands in trust for the Makah Indian Tribe, Washington.

On May 16, 1984:

H.R. 2733. An act to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4107. An act to designate the Federal building in Salisbury, Maryland, as the "Maude R. Toulson Federal Building"; and

H.R. 5515. An act to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery.

The message also announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 165. Joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws;

S.J. Res. 285. Joint resolution to designate June 13, 1984, as "Harmon Killebrew Day"; and

S. Con. Res. 113. Concurrent resolution expressing the sense of the Congress that Elena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Elena Bonner, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 296. Concurrent Resolution authorizing use of the rotunda of the Capitol to honor the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2079) entitled "An act to amend the charter of AMVETS by extending eligibility for membership to individuals who qualify on or after May 8, 1975."

The message also announced that the Vice President, pursuant to the provisions of sections 1928(a)-1928(d) of title 22 of the United States Code, as amended, appoints Mr. RANDOLPH, Mr. EAGLETON, Mr. ROTH, Mr. CHILES, Mr. ZORINSKY, Mr. HATCH, and Mr. GRASSLEY as Members of the Senate delegation to the North Atlantic Assembly Spring Meeting, to be held in Luxembourg, May 24-28, 1984.

THE RISING INTEREST RATES

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, it seems apparent, particularly after yesterday's speech by the President of Mexico, that the biggest single economic problem confronting the entire hemisphere is the problem caused by rising interest rates.

There are at least three things that could be done very quickly to abate and relieve that problem. The first would be for the other body, the Senate, to act quickly and favorably upon the three bills already passed by the House prior to the Easter recess. The budget reconciliation bill, the budget itself, and the tax bill that makes it a reality.

The second would be for the International Monetary Fund to do what this Congress mandated that it should do, and bring influence to bear upon lenders to lower interest rates for borrowers throughout the hemisphere.

The third could be the passage of a bill which is being introduced today by the gentleman from Louisiana (Mr. TAUZIN) called the American Passbook Savings Act. This bill would have the effect of increasing savings in the United States, and of reducing mortgage interest rates substantially.

AMENDMENTS TO DEFENSE AUTHORIZATION BILL TO CORRECT ABUSE OF TAXPAYERS' MONEY

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to verify and extend his remarks.)

Mr. BEDELL. Mr. Speaker, yesterday I talked of this set of pliers for which I paid $3.77 at a local store, and for which the Government paid $430 for a similar set of pliers. Let me tell you how this all came about.

One Department of the Navy in Florida decided that they should have a repair kit for flight simulators. They specified that it should be purchased from Gould Corp., and allocated $1 million for the kit. They then sent the order up to the Government Purchasing Department in New York to negotiate the purchasing with Gould. Gould knew that the kit could only be

purchased from them, and that $1 million was allocated for the purchase.

The New York Purchasing Department negotiated a price down from Gould's original $1,100,000 proposal to $847,000, and felt it was one of the best jobs of negotiating that they had ever done.

This $430 set of pliers is typical of the prices of the items in that kit. When my subcommittee investigated this, we found that this was not an isolated case; the Navy thinks this system is just fine. I will offer two amendments to the Defense authorization bill to correct this abuse of taxpayers' money.

I ask the support of my colleagues in correcting this serious abuse.

PRESERVATION OF MOUNT CHARLESTON, NV

(Mr. REID asked and was given permission to address the House for 1 minute.)

Mr. REID. Mr. Speaker, for most people the visual image of southern Nevada ranges from 24-hour casinos, trimmed in neon, to untouched deserts, dotted with cacti.

Yet, 1½ million people each year visit and enjoy still another important territorial landmark—Mount Charleston.

This 62,000-acre recreational area, part of the Toiyabe National Forest, is located only 35 minutes from Las Vegas.

The 12,000-foot mountain has become a virtual year-round haven offering recreational opportunities for camping, hiking, skiing, and relaxation.

For these reasons, I am seeking authorization for the purchase of nearly 1,100 acres of privately owned lands on Mount Charleston. This acquisition would guarantee that the additional acreage, so badly needed for recreational expansion, will not be used or developed in other ways.

More than 10,000 petitioners and community leaders, including Nevada Gov. Richard Bryan, agree with me that Mount Charleston is a precious resource we must preserve and protect for Nevada and the Nation.

THE DEFICIT MUST BE CUT

(Mr. OLIN asked and was given permission to address the House for 1 minute.)

Mr. OLIN. Mr. Speaker, next Thursday, May 24, the U.S. Treasury will again run out of money and Secretary Regan wants us to raise the limit on the national debt. The other body has already pushed it up $262 billion, enough to take us to the end of June 1985. The Ways and Means Committee would raise it $30 billion, taking us only to June 15.

Mr. Speaker, is it not time finally to force additional action on a real deficit-reduction package? The downpayment we enacted was a good first step, but we all know it does not reduce the deficit 5 cents.

Do we not need a national commission now—to develop policies to balance the budget and keep it balanced—a commission that is bipartisan, fully backed by the President and both Houses of Congress—a commission that could go to work right away, in parallel with the election campaign, and report back before yearend?

I call on this House to step up to the deficit—require that a proper commission be established—get the President and the other body to cooperate—make this a condition on the debt-ceiling increase.

The deficit must be cut. Let us get on with it.

EMERGENCY IMMIGRANT EDUCATION FUNDS

(Mr. ORTIZ asked and was given permission to address the House for 1 minute.)

Mr. ORTIZ. Mr. Speaker, it is with great pleasure that I rise to speak today on funding for emergency immigrant education assistance.

Yesterday, the administration announced its decision to release the $30 million which Congress had appropriated at the close of last year's session for the emergency immigrant education assistance program. I commend the decision to make this money available to the many school districts which educate illegal immigrant children.

Mr. Speaker, this money is desperately needed by school systems such as the Brownsville School District, which is located in my congressional district.

During the 1981-82 school year, 791 undocumented immigrant children were enrolled in Brownsville schools; 461 during the 1982-83 school year; and 352 during the present school year. Mr. Raul Besterio, superintendent of the Brownsville schools, estimates that the cost to educate each child is $1,350. This figure, however, does not include the cost of paying teachers to teach these children or the cost of textbooks. Superintendent Besterio further estimates that he will need 12 additional classrooms to house the new students, at a cost of $40,000 per classroom.

The $30 million will go a long way toward helping financially devastated schools, such as those located in Brownsville. I sincerely hope that funding for illegal immigrant education will be addressed in a more responsible manner every year by this Congress.

In my judgment, funding to educate illegal immigrant children should be permanent. We should not have to worry about financing the program every few years. This is a band-aid approach and causes greater problems in the long run.

The immigrant education program must be funded until we have resolved the problem of illegal immigration.

□ 1010

CALL FOR BUDGET SUMMIT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I would like to again draw my colleagues' attention to another very alarming fact.

During the next 12 months, the Federal Government will have to finance or refinance $1 trillion in debt. Let me say that again. Put another way, the Federal Government is going to have to borrow $1 trillion in the next 12 months. This is certain to cause enormous upward pressure on interest rates.

Mr. Speaker, I believe the President and the Congress must shoulder the responsibility in this country for rising interest rates. We must reduce the deficit. I would like to call on the President and the leaders of Congress to convene another budget summit. The Rose Garden plan is just not enough. We need a 3-year deficit reduction plan of $200 billion to $250 billion based on CBO projections.

If this President and this Congress fail to address the deficit issue this year, Mr. Speaker, we have miserably failed our country.

THE AMERICAN STAKE IN ENDING THE IRAN-IRAQ WAR

(Mr. PEASE asked and was given permission to address the House for 1 minute and to verify and extend his remarks.)

Mr. PEASE. Mr. Speaker, earlier this week, I made a humanitarian appeal for our Government to step up its diplomatic efforts to facilitate an end to the Iran-Iraq war. Today I make an appeal based on hardheaded national security grounds. In a letter to the President on May 7, 14 Members of the House joined me in warning about the very real possibility that one side or the other might deliberately attempt to involve other nations in the conflict.

Our worst fears are being realized, and then some. Today's newspapers report that both Iran and Iraq are attacking oil tankers in the Persian Gulf. Insurance rates and oil markets are already responding to this ominous turn of events.

The Iran-Iraq war is clearly entering a new and more dangerous phase that poses direct threats to vital Western

interests. The cutoff of millions of barrels of oil per day to the Middle East oil is threatened, not to mention the destabilization of moderate Arab nations like Saudi Arabia.

Our national interests dictate that a major diplomatic effort be mounted to end the Iran-Iraq war. Only then will the safe passage of oil exports through the Persian Gulf and the Strait of Hormuz be assured.

DELETE FUNDING FOR NERVE GAS

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to extend and verify his remarks.)

Mr. EDGAR. Mr. Speaker, in light of yesterday's action where we funded 15 MX missiles, and the other strategic systems that we have included in our defense authorization bill, I think an important question has to be asked as to who is going to pay for the MX, the Trident II, and such things as nerve gas and other procurement items.

I think the answer to this question is: Army privates, readiness, and the National Guard's readiness capability are in fact going to pay this cost; that is, we are going to reduce our military personnel and the funding for our military personnel. We are not going to fully fund our readiness and sustainability capabilities within this budget, and we are not going to fully fund the needs of our National Guard and Reserve forces.

What we plan to do is simply focus on strategic items and not on readiness capability. I think it is time for us to look at our priorities within the defense budget and for the hawks not to continue to buy ever defense system that comes down the pike, and for those of us who are considered doves, to look very critically at each of the items within the defense budget, fund those things that are necessary and worthy, and delete those things which make no sense.

I call on the House to delete the funding for nerve gas today in the important debate which will take place in a few moments.

SALUTE TO KRISTINE HOLDERIED

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and verify her remarks.)

Mrs. BYRON. Mr. Speaker, so often we stand here and take 1 minute to address the House on things that are very serious and of a very unhappy nature. It gives me a great deal of pleasure today to take this means to address the House and recognize one of my constituents, Kristine Holderied, of Woodbine, MD, who has just become the first woman to graduate at the top of her class at one of the Nation's service academies, what a pleasant subject. Ms. Holderied will graduate from the U.S. Naval Academy first in the class of 1,005 midshipmen with a grade-point average of 3.88.

Kristine was one of my service academy nominees 4 years ago, after compiling a very distinguished high school record, graduating at the top of her class. Her outstanding achievements at the U.S. Naval Academy, which include a National Science Foundation scholarship, being named a Trident Scholar, and serving as deputy commander of the Midshipmen Brigade, are results of a very dedicated young woman, and the support and love of her parents, Mr. and Mrs. Robert Holderied, of Woodbine, and the support of her faculty and the guidance that she has had through her career that has made it possible to achieve this.

As her Representative and as a fellow Marylander, I would like to pay tribute to Kristine. Also, as a woman member of the Committee on Armed Services, as a member of one of the academies' Board of Directors, I congratulate her on being the first, but I am sure not last, woman to achieve this distinction.

DELETION OF NAME OF MEMBER AS COSPONSOR HOUSE JOINT RESOLUTION 473

Mr. BATES. Mr. Speaker, I ask unanimous consent that my name be deleted as a cosponsor of House Joint Resolution 473.

The SPEAKER pro tempore (Mr. MITCHELL). Is there objection to the request of the gentleman from California?

There was no objection.

ISSUES TO BE CONSIDERED BY HOUSE THIS YEAR

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, it really concerns this Member, and I think the American people, that many of the issues that they are most concerned about are not even going to be considered on the floor of the House of Representatives this year.

Therefore, at this time I would hope to offer unanimous-consent requests calling for consideration of amendments to permit voluntary school prayer, balanced budget, line-item veto, and legislation calling for the passage of the President's Comprehensive Crime Control Act of 1983, H.R. 2151.

The Chair has ruled that in order to make these requests I must have the clearance of the majority and minority leaderships.

This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of these very important issues—the Democratic leadership of this House.

TIME FOR ACTION ON CRIME

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, this Chamber is supposed to be a place of deliberation and debate. Yet, there is almost a deafening silence when it comes to consideration of criminal justice reform. Since a primary responsibility of Government is to protect its citizens from violence, such inaction on the crime issue constitutes a failure of the Democratic leadership to fulfill an essential obligation to the American people.

To the contrary, the other body has enacted an omnibus crime package that includes most all of the provisions of the President's comprehensive bill.

While the other body was voting by a margin of 91 to 1 to pass the "core package", the various provisions of the President's crime bill had not even been referred to their relevant subcommittees in this House. In fact it was 51 weeks before the legislation would even be referred for subcommittee consideration, which in light of the de facto moratorium on crime legislation in this body is unlikely to happen at all.

The American people have the right to know Mr. Speaker, why this Congress has failed to address the crime problem. The responsibility does not rest with the other body. It does not lie with the administration. The only roadblock to comprehensive criminal justice reform has been the posture of the leadership of this House. Such dilatory treatment of the crime issue can convey no other message than that they simply do not care.

□ 1020

NOTICE OF RESUMPTION OF GREGORSKY REPORT

(Mr. WEBER asked and was given permission to address the House for 1 minute.)

Mr. WEBER. Mr. Speaker, I rise to inform the membership that next Monday, May 22, I intend to take out a special order and read into the RECORD the final third of a study done by Frank Gregorsky for the Republican Study Group entitled "What's the

Matter With Democratic Foreign Policy?"

As the membership will recall, the first two-thirds of that study were entered into the RECORD on May 8 by Messrs. WALKER and GINGRICH, and, of course, they have been the source of great controversy; 49 Members' names were mentioned in the Gregorsky report, and they have complained they did not receive adequate notice the first time that their names were mentioned.

Today I am taking this opportunity to inform those Members. In addition, written notice will be delivered to those Members' offices by page. It is my intention to read the final third of the report into the RECORD, following which I will be glad to discuss it with any of those Members or other Members who are interested. Other Members on our side of the aisle will take out special order time to continue the discussion, and we will be glad to stay and participate in that discussion in addition special orders taken out by Members on either side of the aisle.

Mr. Speaker, I invite Members, whether their names are mentioned or not, to participate in this important discussion next Monday.

A THREAT TO TV COVERAGE IN THE HOUSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I believe that the openness of this House may be further endangered. I believe the TV coverage of this Chamber is under a threat. The very powerful chairman of the Rules Committee came to the floor yesterday and said, and I quote:

> I want to speak from the heart in telling all my colleagues who care to see the continuity of televised broadcasting of the proceedings of this House that whoever perverts the use of television endangers the continuity of that practice.
>
> It is just a question of time, if that continues, until it will be discontinued. And I hope all the Members will take to heart what I have said.

Mr. Speaker, I believe that that is a pretty explicit threat, and that all Americans who value being able to see what this Congress does firsthand should view it as a threat. Apparently the majority may be deciding that "If you can't stand the heat of the television lamps, shut them off."

A NEW MARKET ECONOMY FOR MAINLAND CHINA

Mr. SCHULZE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER pro tempore (Mr. OWENS). Is there objection to the request of the gentleman from Pennsylvania?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, did I understand that the gentleman from Pennsylvania asked unanimous consent to revise and extend his remarks?

Mr. SCHULZE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHULZE. Mr. Speaker, throughout the history of mankind the beginnings of events which have great influence over the lives of millions or billions of people often go unnoticed. In my opinion, such an event occurred this week.

Premier Zhao Ziyang of mainland China told his legislature that they are moving toward a market economy. In many of the newspapers around the country this was a relatively small article, but it stated that under Zhao's proposals managers of China's 400,000 industrial enterprises will be given greater operating authority and will be free from State regulation. The new powers will permit them to sell products outside the Government, set quotas, invest their development funds as they think best, choose their suppliers, start joint ventures with other companies, appoint their own assistants, award bonuses, and fire incompetent workers.

Mr. Speaker, 10 or 20 years from now we will look back on this and we will realize what a momentous event it was. The business community had better be on notice. This will revolutionize the market economy of the world.

THE FLAT RATE INCOME TAX

(Mr. SILJANDER asked and was given permission to address the House for 1 minute, and to verify and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, the 10-percent, flat, fair tax bill, H.R. 5432, the countdown to fair taxes, is a jobs bill. It creates an incentive to work. by giving the average American worker—and, according to the Republican Study Committee, 90.4 percent of all the gross taxable income are those under $35,000 income—it gives them an incentive with their take-home pay. In fact, studies indicate that productivity is directly related to one's working net take-home pay.

So we have an option. The Government can continually squeeze the net take-home pay, squeeze more out of the average working man to collect more taxes, or we can pass the flat rate, fair, simple income tax and stimulate the economy, thereby creating more jobs, thereby increasing the productivity, and thereby increasing the gross national product, which brings in more revenues to the Federal Government.

So, Mr. Speaker, that is our option: Squeeze the American taxpayer or stimulate the economy by a fair, simple 10-percent flat rate income tax. The vehicle is H.R. 5432.

TELEVISION COVERAGE AND THE AMERICAN AGENDA

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Mr. Speaker, yesterday Mr. PEPPER, a colleague, a fellow Floridian, and an old friend of this gentleman's family—Mr. PEPPER and my grandfather, Senator Morris Sheppard, served in the U.S. Senate together, so there is great fondness and respect for the gentleman from Florida—spoke, but I must express some outrage at his remarks yesterday.

As chairman of the Rules Committee, his remarks take on even more meaning. He said, and I quote—and I know this was mentioned earlier—

> I want to speak from the heart in telling all my colleagues who care to see the continuity of televised broadcasting of the proceedings of this House that whoever perverts the use of television endangers the continuity of that practice.
>
> It is just a question of time, if that continues, until it will be discontinued.

We are using special orders and 1-minutes because it is the opportunity, the only opportunity, for the minority to talk about what we consider to be the American agenda. We plan to continue to use these 1-minutes and special orders to talk about the American agenda. Once we have the opportunity to debate those during the day, we will be glad to withdraw.

ACTIVISM OR OBSTRUCTIONISM?

(Mr. CRAIG asked and was given permission to address the House for 1 minute.)

Mr. CRAIG. Mr. Speaker, I have before me this morning the May 12 edition of the Congressional Quarterly weekly report. This is an independent bipartisan overview of the activities of the U.S. Congress.

The front page speaks of the chairman of the Judiciary Committee and says that he has moved from activism to obstructionist. What does that mean?

As a servant, as we all are, of the people of this country, if you are an activist, you are working in the citizen's behalf; if you are an obstructionist, you are denying them the opportu-

nity for the kinds of legislation they want to see moved through this body.

The chairman of the Judiciary Committee in this House now has had bottled up for months the amendment to be offered on this floor to give 80 percent and more of the American people their wish to see this body balance the Federal budget through a constitutional amendment. It is the chairman of the Judiciary Committee that is now the obstructionist to the wishes of the American people.

THE COMPREHENSIVE CRIME CONTROL BILL

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, in New York City earlier this year a State supreme court justice found a man—who had confessed to shooting a policeman, whom he shot in the mouth at point blank range—not guilty of attempted murder because she did not believe he meant to kill him.

The defendant and two others formed a semicircle around the policeman. He then pulled out a pistol and shot the officer. He later confessed on videotape that he fired because he was afraid the policeman would find the gun on him and connect it to other crimes he had committed.

Mr. Speaker, this is the kind of loose thinking and wrong-headedness on the bench from which we and the State legislatures should protect the American people. Criminals run loose on our streets because of decisions like this one.

Insanity pleas, interminable delays, early paroles, short sentences that do not fit the crime—all have reduced our system of justice to a mockery of what it once was.

It is time that this Congress take up the subject of judicial reform in a serious and determined manner. We owe the American people more than just lip service.

Mr. Speaker, please bring the comprehensive crime control bill out of your Judiciary Committee to the floor for a vote.

□ 1030

S. 1762, FORFEITURE REFORM

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, boats seized from drug traffickers by the Federal Government have ceased to float in the Miami River. Long before these boats were sunk, you can be sure they were stripped of every valuable asset by assorted villains. The hundreds of seized and rotting vessels, aircraft and autos is a national embarrassment.

Forfeiture reform, which would correct the current problems in our law enforcement tool of forfeiture, are contained in S. 1762. Forfeiture reform is the single most important legislative tool before us to reduce drug trafficking in every congressional district.

The only way to reduce drug trafficking is to take the profit out of crime. To reach this result, forfeiture allows the Government to seize the assets used to commit the crime and those assets which are the criminals illegal profits.

We cannot enforce this punishment correctly as long as current procedures are so inefficient and time consuming that the assets rot in the interim.

Forfeiture reform is just one of the many desperately needed reforms that are in the President's Comprehensive Crime Control Act of 1983.

The American people deserve this reform measure. Let us free the crime bill in the House of Representatives, Mr. Speaker.

TO THE CHAMP, HARRY ARROYO

(Mr. WILLIAMS of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS of Ohio. Mr. Speaker, the city of Youngstown, OH, in my district does not have any MX missiles or B-1 bombers or any other weapon systems, but we do have our weapons. I cannot think of another city of similar size in the United States that can boast two world boxing champions. In fact, it is probably the first time in boxing history that one city has produced two reigning world lightweight champions. Youngstown is very proud of Harry Arroyo, International Boxing Federation lightweight champion, and Ray "Boom Boom" Mancini, World Boxing Assocation lightweight champion, as so am I.

On April 15, 1984, in Atlantic City, NJ, Harry Arroyo fulfilled his dream. In a 14-round bout, he defeated his opponent and won a second championship for Youngstown, OH. With this win, he joined his former stablemate, Ray "Boom Boom" Mancini, as champion of the world.

In winning his boxing title, Mr. Speaker, Harry Arroyo has won not only for himself but also for the people of the Mahoning Valley in the State of Ohio.

In recognition of Harry's outstanding achievement, a reception will be held in his honor today. I encourage all my colleagues to join me in congratulating Harry Arroyo this evening at a reception.

S. 1762, THE PRESIDENT'S COMPREHENSIVE CRIME CONTROL ACT

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, this body has in the most deplorable, casual manner simply ignored the President's Comprehensive Crime Control Act, S. 1762, which is designed to protect all Americans by updating our criminal law.

The most important measures of the bill are to improve the efficiency of existing resources. For example, bail reform, sentencing reform, and forfeiture reform improve the existing procedures now in place. the current processes in these areas are in shambles and negatively impact on the entire criminal justice system:

What good are 1,000 police when a person arrested is immediately released to the streets and commits additional crimes?

What good are stiff sentences enacted by this Congress if criminals are soon released on probation or parole?

What good is the forfeiture of drug trafficking assets when they are vandalized or fall apart during the many years the process takes?

This budget-conscious body should be favorably disposed toward any effort to improve the efficiency and effectiveness of existing resources. The President's Comprehensive Crime Control Act is just such a bill and we should be allowed to seriously consider it now.

KEEP TELEVISION COVERAGE

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, I share the concern of the gentleman from Pennsylvania and the gentleman from Florida who talked about cutting off the television coverage. I would hope that that would not be done.

I take this opportunity to renew my plea to the Speaker that the television focus in on the faces of those who speak during their special orders. If you have not seen them speak, it is a marvelous performance. Their brows are furrowed in righteous indignation. Their eyes flash with Messianic zeal. Their lips scowl as they hurl out Jeremiahs—thunderous Jeremiahs—to an empty House, and we should not deny the American people the right to see that.

I am willing to wager that the public would rather see that than the most dramatic scenes of the movie "V." I am convinced that the people in my district would rather see that theatrical performance than the climax of the "Last Days of Pompeii." Do not

cut off the television. Keep it focused on the faces of those one, or two, or three who sort of dominate the special orders. I do not know who they are, but I think we ought to focus in on their faces, get the full value of their performance, and most importantly, listen to what they have to say, because they have so much——

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

Mr. MITCHELL. The Chair saved me. I could not think of what they had so much of.

IMPACT OF SUBMINIMUM WAGE

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, the Reagan administration plans what they term a full court press on behalf of subminimum wage legislation. I am here to reiterate in the strongest possible terms my opposition to any subminimum wage legislation.

As a member of the Congressional Black Caucus, I am particularly concerned about the impact of subminimum wage legislation on the elderly, blacks, Hispanics, and women. According to the Reagan administration, a subminimum wage would create 400,000 new jobs. Those who believe that are either deluding themselves or attempting to delude others.

Jobs are created as a result of demand for goods and services. Demand for goods and services is dependent upon disposable income. The present minimum wage does not provide for an adequate income. If we are seriously interested in increasing demand for goods and services, and thereby creating jobs, then we should be considering increasing the minimum wage. Undermining existing wages is exactly what we should not do.

To the extent that a subminimum wage would create any jobs for youth, those jobs would come at the expense of the 13 million Americans who currently hold minimum wage jobs. The Reagan administration assures us that their legislation prohibits the displacement of minimum wage workers by subminimum wage workers. However, if Reagan is to be judged by his deeds rather than his words, there is no reason to believe that assurance. The minimum wage law has never been adequately enforced. Despite this, the Reagan administration has reduced the funding devoted to enforcement of that law by 15 percent. Given this record and current enforcement levels, there can be little doubt that one consequence of a subminimum wage would be the displacement of minimum wage workers.

Nor will a subminimum wage be of particular benefit to minority youth. White and minority youth are currently subject to the same minimum wage, yet the unemployment rate for minority youth is more than twice that for whites. Enacting a subminimum wage will not change this discrepancy. If the same wages are to be applicable in the suburbs, is the ghetto any more attractive?

The problem of youth unemployment, especially for minorities, has been at crisis proportions for some time. Under the Reagan administration the unemployment rate for black youths has reached the 50-percent level. To address this problem the Reagan administration proposes to provide relief for McDonald's and Burger King. I suggest that if this administration is serious about addressing the problem of youth unemployment, Reagan should endorse the bill introduced by my colleague, GUS HAWKINS. Unlike Reagan's subminimum wage proposals, the primary beneficiaries of that legislation would be the unemployed youth of this country.

Three-fourths of minimum wage to address the problem of black youth unemployment is all too reminiscent of another racial fraction—three-fifths of a person for the purpose of counting.

WHO ARE THE BIG SPENDERS?

(Mr. LUNGREN asked and was given permission to address the House for 1 minute.)

Mr. LUNGREN. Mr. Speaker, in February of this year on this floor the distinguished gentleman from Oregon (Mr. WEAVER) stated, "The Republican party is today the most reckless spending party in our Nation's history."

Well, Mr. Speaker, now the National Taxpayers' Union has released their 98th Congress 1st session, 1983 congressional spending study. In the study they have analyzed every vote, some 202, that affected the amount of Federal spending and rated each Member.

And how did the Democratic Party rate? In the 19th percentile, well within the range of the category of big spender.

The Republican Party's median average, by the way, is 60 percent, just below their top rating.

The second fantasy was offered by the gentleman from Arkansas (Mr. ALEXANDER) in stating that, "President Reagan has won the gold medal for producing the highest deficits ever recorded in the history of humankind."

Well, Mr. Speaker, the President is going to have to step aside for a new Olympic hero.

The National Taxpayers' Union analysis has given the President a score of 64, a score that places him just below the good range when it comes to big spending gymnastics. However, when one studies Mr. ALEXANDER's spending regime, we are shocked and dismayed. Mr. Speaker, his score is 8 percent.

Yes, folks, it is lonely there at the top. It is rare to find another Member of Congress with the same ability to spend, spend, and spend.

ANTICRIME LEGISLATION—REPUBLICANS AT IT AGAIN

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS of Montana. Mr. Speaker, this morning the Republicans, at least some of them, are at it again. In particular, they have specifically accused the leadership of this House of simply not caring about the passage of anticrime legislation. That speech, made by one particular Republican, really casts some innuendo, because it indicated in its shadings that the leadership of this House in effect did not care about the crime that many believe is running rampant in America.

What that speaker and others who addressed that topic in their 1 minute speeches today forgot to mention was this: This Congress, both House and Senate, passed that crime bill, one very, very similar, almost identical, and it was vetoed by the President of the United States.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield for a clarification?

Mr. WILLIAMS of Montana. Yes.

Mr. LUNGREN. Is the gentleman saying that passing a bill that has 4 elements out of 42 elements is identical?

Mr. WILLIAMS of Montana. Is the gentleman indicating that the Congress did not pass a crime bill which has the major acceptable parts?

Mr. LUNGREN. Absolutely. It had 4 elements out of 42.

Mr. WILLIAMS of Montana. The gentleman is wrong.

YOUTH EMPLOYMENT OPPORTUNITY WAGE ACT OF 1984—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Education and Labor, and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, May 17, 1984.)

□ 1040

REPORT ON OFFSHORE SAFETY AND HEALTH REGULATIONS AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries:

(For message see proceedings of the Senate of today, Thursday, May 17, 1984.)

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

The SPEAKER pro tempore. Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5167.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, May 16, 1984, title I was open for amendment at any point.

Are there any further amendments to title I?

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: Page 2, strike out lines 21 through 24 and insert in lieu thereof the following:

(i) $60,500,000 to be derived from amounts available for fiscal year 1983 for procurement of weapons and tracked combat vehicles for the Army remaining available for obligation resulting from the sale of M48A5 tanks under a letter of offer issued pursuant to section 21(a)(1) of the Arms Export Control Act that would otherwise be deposited in the Special Defense Acquisition Fund; and

Page 10, strike out line 21 and all that follows through line 3 on page 11 and insert in lieu thereof the following:

(2)(A) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement of aircraft for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in paragraph (1), to the extent provided in appropriation Acts—

(i) $99,000,000 to be derived from amounts available for fiscal years 1983, 1984, and 1985 for procurement of aircraft for the Air Force remaining available for obligation resulting from the sale of aircraft under a letter of offer issued pursuant to section 21(a)(1) of the Arms Export Control Act that would otherwise be deposited in the Special Defense Acquisition Fund; and

(ii) $86,200,000 to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Air Force remaining available for obligation.

Mr. STRATTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Chairman, H.R. 5167 authorizes the use of $60.5 million derived from the sale of old M-48 tanks for procurement of new M-1 tanks, and $99 million derived from the sale of old Air Force aircraft for procurement of a portion of the fiscal year 1985 Air Force aircraft program. In both cases, the use of such funds is authorized to the extent provided in appropriation acts.

Under the provisions (sections 51-52) of the Arms Export Control Act, the proceeds from the sale of items such as M-48 tanks and F-4 aircraft not intended for replacement are deposited in the special defense acquisition fund which procures items for prospective foreign military sales. This fund allows the temporary use of such items by our armed services.

The committee bill and the accompanying report (H. Rpt. 98-691) contemplated the use of special defense acquisition funds in this instance for procurement of M-1 tanks.

The chairman of the Foreign Affairs Committee has advised us that he has no objection to the use of these funds for the procurement of new M-1 tanks and Air Force aircraft, but that the Foreign Affairs Committee would prefer that the proceeds from the sales be authorized directly for that purpose rather than procuring them through the special defense acquisition fund.

This amendment, worked out in consultation with the Foreign Affairs Committee, simply provides that the proceeds from the sale of certain items of equipment not intended for replacement shall be available to the Army ($60.5 million) and the Air Force ($99 million) to finance a portion of the fiscal year 1985 procurement program instead of being deposited in the special defense acquisition fund. We have received a letter from the chairman of the Foreign Affairs Committee, which I include here, stating that this amendment is acceptable to them.

I urge the adoption of the amendment.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., May 15, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, Washington, D.C.

DEAR MR. CHAIRMAN: With further reference to my letter of May 4, I am pleased to support an agreed upon amendment to be offered by Mr. Stratton, chairman of the Subcommittee on Procurement and Military Nuclear Systems, concerning the Special Defense Acquisition Fund (SDAF) and the use of receipts from foreign military sales from Defense Department stocks.

Under the proposed amendment to section 107 of H.R. 5167, sales from stock may be used to procure weapons, tracked combat vehicles and aircraft for the Army and the Air Force. Such an approach is consistent with the authorization in section 37(a) of the Arms Export Control Act for the use of receipts from sales from stock. However, none of these receipts will be deposited in the Special Defense Acquisition Fund. This preserves the objectives of the Committee on Foreign Affairs that the SDAF not be used to procure and sell highly sophisticated defense articles, but be used instead to procure basic high demand items such as artillery, ammunition, anti-tank missiles, etc. In addition, authorization for the SDAF is already adequate and thus the earmarks in the amendment will not affect the functioning of the SDAF.

I appreciate the efforts of our two Committees to resolve this issue. I would request and anticipate that this letter be placed in the Record at the point at which the amendment is offered on the House floor.

With best wishes, I am,

Sincerely yours,

DANTE B. FASCELL,
Chairman.

Mr. PRICE. Mr. Chairman, I move to strike the last word.

I have had an opportunity to study and review this amendment and I accept it on behalf of the committee.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite numbers of words.

We, on this side, have no problem with the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURTHA: Page 2, line 10, strike out "$3,751,100,000" and insert in lieu thereof "$3,763,100,000".

Mr. MURTHA. Mr. Chairman, in the committee report that accompanies this bill (Rept. No. 98-691), it states the Army utility aircraft fleet has only 60 percent of its fixed wing aircraft requirement (page 31). It is a well known fact that most of these shortages occur in the inactive forces. It is also well known that the Congress favors and encourages greater utilization of

the Guard and Reserves. It is for this reason that for the past 2 years, Congress has seen fit to add C-12D aircraft in an effort to properly equip and modernize the Army National Guard.

In order to maintain our momentum regarding this important task, I propose this amendment to authorize six C-12D aircraft to be delivered directly to the Army National Guard. This will bring the number of C-12D aircraft in the Guard to 18 and more will be required to offset current shortages. For this reason, one of the six aircraft should be dedicated to initial aircrew training of Army guardsmen.

This amendment does not reduce or in any way affect any C-12 aircraft currently contained in the bill and committee report.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from New York.

Mr. STRATTON. I have had a chance to examine the gentleman's amendment. The proposal that he makes would contribute to the effectiveness of the National Guard and the Reserve and the committee will accept the gentleman's amendment.

Mr. MURTHA. I thank the gentleman.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I certainly support the gentleman's amendment. I wish it could be more and I appreciate the gentleman offering the amendment.

Mr. MURTHA. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BETHUNE

Mr. BETHUNE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BETHUNE: Page 2, line 14, strike out "$2,220,000,000" and insert in lieu thereof "$2,165,000,000".

Page 8, line 14, strike out "$5,339,000,000" and insert in lieu thereof "$5,319,000,000".

Page 10, line 20, strike out "$8,441,700,000" and insert in lieu therof "$8,421,700,000".

Page 15, after line 5, insert the following new section:

PROHIBITION OF SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

SEC. 110. None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for procurment of binary chemical munitions, including advanced procurement of long-lead components or for the establishment of a production base for such munitions.

Mr. BETHUNE. Mr. Chairman, once again, we have before us the question of nerve gas and whether or not this Congress is going to break a 15-year moratorium, a freeze that we have had on these weapons since President Nixon declared it in 1969.

First, I would like to bring Members' attention to the fact that all we have heard since the first of the year, in fact for the most part of the last 2 years is that the deficit in this country is out of control. There has been a good deal of breast-beating all across Capitol Hill about how we are going to reduce the deficit in this country. As a matter of fact, many people are fond of saying that one of the places that we ought to be able to save money is in the area of military spending.

We have organized commissions which have fanned out across the city of Washington and across the country to find ways to save money and nearly all of them have said that we ought to find some way to cut military spending.

Members have talked extensively about the need to have a downpayment on the budget. And that is one of the things that has currency on Capitol Hill today.

Much breast-beating about cutting the budget, much talk, much smoke; not much action.

You cannot cut the budget without cutting the budget. And so far in the 3 years that the President has been in the White House, he has sent up a request for military spending with a great number of different programs in that request. So far, each and every weapons system that the President has asked for has been approved by this House of Representatives, and in spite of the fact that it has a 100-seat majority on the other side of the aisle.

□ 1050

Pretty interesting when you have all of this talk about cutting military spending that so far the House has only reduced military spending in one instance; it has only cut out one weapon system that the President has asked for and that is the nerve gas weapon system.

I happen to think that the reason that is the case is that it makes sense to cut out the nerve gas system that the President and Department of Defense and the moribund Chemical Corps have been requesting.

It must make sense because this House has for 2 years given overwhelming votes to do just that. I have supported all of the other systems that the President has requested but on this particular system I have looked at it closely, and I cannot support this one because I do not think we need the weapons and I do not think the weapons that they are asking for work.

Let me elaborate on that point just a little bit, because many Members have the feeling that if we do not start right away with the President's request that somehow we are not going to have an adequate deterrent and we are going to fall way behind the Soviet Union.

You would think that this request encompasses a great many exotic and different sorts of nerve gas weapons. The truth is the request is for only two types of weapons, the 155-millimeter artillery shell and the Bigeye bomb. That is all this request is for and the administration and the advocates of this program are willing to break up the moratorium that we have had for 15 years to get these two single weapons—that is all they are talking about.

Well, let us examine the request just a little bit. The 155-millimeter artillery shell that they are requesting we do not need. The Department of Defense itself has said that the ones we have right now are perfectly good, they are good in quality and quantity into the 1990's.

In other words, we have got a decade left before we even have to think about replacing the 155 artillery shells.

They have been found to be serviceable. In fact, the stockpile that we have of 155 artillery shells is increasing, not decreasing. Now, let us take a look just a moment at the Bigeye that they say they need.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I will in a moment.

Mr. STRATTON. I just wanted to establish one factual point the gentleman made. Did the gentleman say that the Secretary of Defense has assured us that the stockpiles are usable and effective into the 1990's, did I understand the gentleman to say that?

Mr. BETHUNE. With respect to the 155-millimeter artillery shell, that is precisely what the Secretary of Defense has said on several occasions.

Mr. STRATTON. Does the gentleman have that citation?

Mr. BETHUNE. Yes, I do, I will find it for the gentleman but I will need to finish my statement first. But we have talked about this in past years. I had a chart last year which I put up here on the floor which had a direct quote from the Secretary to that effect.

(By unanimous consent, Mr. BETHUNE was allowed to proceed for 5 additional minutes.)

Mr. BETHUNE. Now, moving to——

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

The Secretary of Defense has addressed to the chairman of our committee a letter dated May 15 and it says this in paragraph 3, "With our current stockpile of chemical weapons, the United States cannot deny the Soviet Union a significant military advantage in initiating chemical warfare."

The reference that the gentleman must have must be several years old. it

certainly does not square with what the Secretary of Defense has indicated to the chairman.

Mr. BETHUNE. I will recover my time to make this point: the gentleman is once again parroting the very general commentary of the Secretary of Defense, which is misleading commentary.

They have used that argument over and over and over again where they say that only 10 percent of our existing stockpile is usable. And then they try to convey the impression that 90 percent of it is out of date; 90 percent is leaking and all of that, and gloss over the fact that the 155-millimeter artillery shells that we have on hand are perfectly good; in quantity and in quality, and that the number of those is increasing, not decreasing; because the Department has a few years ago put into effect a program to treat those weapons and bring them back up to standard.

So the number of 155 shells is adequate.

The point I am making with the gentleman is that when they tell you that the stockpile is diminishing and that the stockpile is going out of date, they are talking about the whole stockpile, the bulk, the old M-55 rockets, the old BZ munitions—all of that stuff.

We are all for getting rid of all of that.

The question is, What is it that we have on hand that is good? What we have on hand that is good is 155-millimeter artillery shells; they are tested, they are effective, they are good weapons and deployed right now and in the hands of our allies.

So why would the gentleman want to replace just those? That is what you are asking to replace, the 155 artillery shell. Let me finish my statement because—and I will yield in just a moment—but I have a couple of points I want to make as an introductory comment to this very important debate.

That is on the issue of the Bigeye bomb. For several years, I have taken to the well of this House now, once way back 3 or 4 years ago, to suggest that the Bigeye bomb was fraught with difficulty; that it is a complicated piece of machinery and that it is in fact a mechanical nightmare and that we are going to continue to have problems with that weapon again, and again, and again.

Each time that I have done it, the Department of Defense has said, "The gentleman is so far out of line, this is a good weapon, it is going to work." I came down here a year before last and pointed out that they had a little trouble with the weapon out at Aberdeen; that they tested it and when they got up to 60° F., which is not a very hot day, the weapon simply exploded on them, blew the rear end out of the weapon with such force that it dented a steel container in which it was resting.

Then they said they overcame that problem. Now we learn they got another problem already in January 1984.

The problem with the Bigeye bomb is it is ill conceived to begin with. We have been pointing this out for 3 years.

If you want to put some money out there for R&D, to continue research and development, that is one thing. But to start production when a bomb has done nothing but fail I think is a misadventure. The burden is not on me to establish that the Bigeye bomb works; the burden, it seems to me, is on the Department of Defense and on the committee to establish that the bomb works; that has not been established.

It has not been established because we continue to have trouble with it, and it has not been established because there has been no dynamic testing to make sure that this weapon will work.

So all we are talking about here is 155-millimeter artillery shells which you do not need, and Bigeye bomb, which has not proven effective and which is not working at this time. That is all this request is about.

I say, let us cancel this request, the administration should not have been asking for it. This House has defeated the request 2 years in a row.

Let us take this weapon system out. It is the only way that you can go home to your people and say, "Yes, we did find one thing in that defense budget that was improvident; we found one place where we could save money and we had the courage to stand up and take it out."

Now these weapons would be produced, part of them in Arkansas, it would mean millions and billions, ultimately, of dollars for the State of Arkansas. I am from the State of Arkansas and I get a little pain and a little anguished when I go back home and have people beat up on me.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. EDGAR, and by unanimous consent, Mr. BETHUNE was allowed to proceed for 5 additional minutes.)

Mr. BETHUNE. So, I think if we are ever going to overcome this inertia that the Defense Department has to just keep asking for one weapon system after another, we have got to somewhere, we have to break that mindset, and we have to say, "You cannot have everything that you want. There are a few things that do not make sense. Not everything that you ask for adds up to be a constructive addition to the military spending budget."

So this is the chance, the only chance, and if you put this one in now, if you let them have this one, then you can go home and say proudly to everybody that the President got every weapon system that he was asking for and stop all of this talk about big military spending and how you are going to save money out of the budget by cutting military spending.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman.

Mr. EDGAR. I thank the gentleman.

Mr. Chairman, I would like to commend the gentleman in the well for his leadership this year and his leadership of the last several years in focusing attention on the issue of deleting from the President's request the funds for this nerve gas and chemical weapon production.

□ 1100

The gentleman in the well joined with the late Clem Zablocki, who was chair of the International Relations Committee, in providing leadership and last year we were able to be successful in deleting funds for nerve gas and nerve gas production.

The gentleman in the well's leadership has helped us to articulate a message that the President has gotten every weapons system that he has wanted. Yesterday we funded 15 MX missiles. We have a budget that is over $200 billion of funding for defense. And here is a weapons system that we can clearly delete because of the merits, not simply for either political reasons or for budgetary reasons, but for the issues that the gentleman has suggested.

I would like to remind my colleagues that Clem Zablocki, the late Member from Wisconsin, said some important things about this issue. Let me share just a couple of quotes. He said:

> The first priority of our chemical program should be the correction of long-standing deficiencies in U.S. chemical warfare doctrine, training, and offensive equipment. Production of binary nerve gas weapons will not improve the U.S. chemical warfare deterrent posture in the face of serious deficiencies.

And he went on to say this which I think is important:

> But our allies will not allow them to be deployed in their countries. Only one country at the present time has chemical weapons on its soil. If we do not have a place to keep them, the question in my mind is why are we spending so much money on the binary program and not spending money where we really need it, which is on chemical defensive programs.

These are the words of our distinguished former colleague. These are the words of someone who stood with all of us in the well last year. We should repeat our action of last year, and vote to delete the funds.

I just want to commend the gentleman's leadership on this issue. I hope

that we can have an active debate today and I hope the House will join us in deleting the funding for this weapons system.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I want to commend the gentleman. He and I have worked together over the past 4 years on this subject.

To go back to the gentleman's question of where the Department of Defense stands on this. The gentleman referred to the Department of Defense and the Secretary of Defense. I would suggest to the gentleman that as recently as February 1, 1983, before the Senate Armed Services Committee, this Secretary of Defense acknowledged in written testimony that there was no need for more artillery shells because we already have a usable, deliverable, and safe stockpile of chemical artillery shells. And that is practically a quote.

In October of this year, a Department of Defense report that was established to investigate the physical conditions—again we are going back to deterrence and the stockpiling question—of the present stockpile and I quote:

> In general, components of munitions appear to be in good shape except for rare instances of imperfections in brazed joints. These appear to be related to manufacture rather than to aging.

Now this is extremely important, as the gentleman from Arkansas knows, because one of the primary arguments that has been used over and over again as this issue has been revisited by the Congress is that our stockpiles are in disrepair or deteriorating. The fact is, they are not.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. BETHUNE) has expired.

(At the request of Mrs. ROUKEMA and by unanimous consent, Mr. BETHUNE was allowed to proceed for 1 additional minute.)

Mrs. ROUKEMA. And yet the Defense Department, including Mr. Gold of the Defense Department, has spoken on both sides of the issue when actually confronted with the problem of documenting their assertions. They have not been able to document their assertions.

Mr. Chairman, I rise in strong support of this amendment to delete authorization of $95 million to prepare for the production of nerve gas.

When I sought election to the Congress in 1980, I endorsed the need for a stronger national defense because of my strong belief that our defense capabilities have so deteriorated that we could not effectively deter international aggression and defend our vital national interests.

A few weeks ago I spoke to this body about the need to take a hard look at our defense priorities and start making more rational decisions about how we spend our defense dollars. The fact is that only through thoughtful analysis of the facts can we restore our military security, establish a credible defense posture and get the most benefit from the recent growth in defense allocations.

I believe those of us who campaigned for a platform of a stronger national defense have a special obligation to review with the greatest care, each and every defense proposal. I have done so with regard to chemical weapons, Mr. Chairman, and I am deeply concerned that we make a serious mistake and face some serious dangers if we approve part of our limited defense resources for the production of chemical weapons. Reduced to basics, the plain fact is that a chemical weapons buildup would not help to restore our military security; it would be harmful to a credible U.S. defense posture; and it would present the American taxpayer with a costly new weapon entitlement program.

Mr. Chairman, let us look first at the damage this program would do to American credibility in the world community. We cannot ignore the fact that the United States has signed two treaties concerning chemical and biological weapons. The first is the Geneva Protocol of 1925, which bans first use of chemical weapons. The second is the Biological Weapons Convention of 1972, which calls for a complete ban on the development, production, stockpiling or use of biological weapons. The United States has produced no biological or lethal chemical weapons since the moratorium that President Nixon proclaimed in 1969.

Just last month, to his credit, President Reagan sent to the U.N. Committee on Disarmament a new U.S. initiative banning chemical weapons worldwide. As the President noted, the shortcomings of existing treaties have been made clear in recent years through the alleged use of chemical weapons in Afghanistan, Southeast Asia, and in the Iran-Iraq conflict. The President is correct to seek a worldwide ban.

Yet, with the ink barely dry on the President's ban proposal—and despite seven votes in the past 2 years in which the House soundly rejected the production of new binary nerve gas—we find ourselves again being asked to provide the authorization for this costly and unjustified weapon. Does that kind of "do as I say, not as I do" posture harm our credibility in the international community? Of course it does. Is it likely to be detrimental to future arms control effort? I believe it is—and that is not in the best interest of anyone.

I am aware that supporters of chemical weapons argue that $95 million authorized in this bill is for procurement of weapons components—the Bigeye bomber, 155-millimeter projectile—and that they claim that the bill does not authorize funding for actual production of nerve gas weapons. Do not be deceived, this is the first step toward renewed production chemical weapons. Even the committee report includes language station that these long-lead parts are the prerequisite for production possibly as soon as 1986. Mr. Chairman, preparation of the production facilities and parts essential for production of the nerve gas bombs can only mean one thing, and let us be candid about it—a vote for this request is a vote to embark on the production of deadly new chemical weapons.

One argument made by supporters is that producing chemical weapons is necessary to deter their use by others. But is that really true? After all, as a July 1983 GAO report stated, "the United States has a large stockpile of toxic chemical munitions to deter other countries from using chemical warfare and retaliate—if deterrence is necessary."

A satisfactory case has not been made for the production of these weapons. The United States has enough lethal chemical munitions for at least 30 days of war that would result in millions of civilian deaths—quote from Julian Perry Robinson or Matt Meselson. In fact, the Department of Defense last fall issued a report stating that our present stockpile of chemical weapons is in good shape. I quote, Mr. Chairman, "the fraction of leakers is small—less that 6 percent per 10,000 artillery projectiles—and in most cases, the leaks seem to occur at improperly fitted joints or brazed joints.* * * Regular surveillance indicate the bursters/detonators perform normally." By the Pentagon's own accounts, deficiencies that may exist in our present chemical weapon stockpile are not a result of aging, but rather are related to manufacture.

Further, the Secretary of Defense acknowledged in written testimony last year that there is no need for more artillery shells because we already have a useable, deliverable, and safe stockpile of chemical artillery shells—February 1, 1983, before Senate Armed Services Committee. Why then are we asked to embark on a new generation of this insidious weaponry?

The fact is, as a recent Congressional Research Service (CRS) study demonstrates, binary production makes the proliferation of chemical weapons more, not less, likely. I refer not only to production of chemical weapons in this country, but to the foreign implications as well. Unfriendly nations and

terrorist groups who do not have access to nuclear weapons could easily turn to lethal binary chemical weapons which are relatively easy to manufacture—easier than unitary chemical weapons—and require little technological capability. Can any one of us think about that for even 10 seconds without shuddering? The mind spins at the horrible thought of helping, even inadvertently, to open this particular Pandora's box even a little wider. By not producing this new generation of weapons, as the CRS study pointed out, we can restrict other countries' access to the dangerous binary technology involved.

The CRS study goes on to illustrate that there are other misperceptions regarding binary weapons. First, it is not accurate to assume that the components of binaries are harmless. The study points out the fact that the component DF has a chemical structure similar to that of many phosphorus-based insecticides and is toxic. Second, the argument that binaries are just as efficient as the unitary weapons, if not more so, is not accurate. Their reaction conditions and length of time that a binary munition or bomb is in flight can effect its overall military efficiency. In addition, a binary system has to carry a higher volume of chemicals than its unitary components to deliver the same amount of nerve gas.

Nor can we ignore the fiscal impact of launching into a new defense entitlement system. By defense entitlement I mean that, once new weapons are initiated, they take on a life of their own just like many of the runaway Great Society programs created in an earlier decade but paid for by today's taxpayers. With gathering momentum, these elaborate, expensive weapons programs force expenditures in future years. Some people refer to this as "bootstrapping"—using one authorization as leverage for a later one. Theodore S. Gold, Deputy Assistant to the Secretary of Defense, has estimated that the cost of components over the next 5 years will be $1.5 billion. And with overtime and with cost overruns $6 billion to $12 billion.

We cannot ignore the fact that chemical weapons are much less efficient to use than conventional weapons. They are of dubious military value primarily offensive weapons which would kill more innocent civilians than Soviet soldiers, since the Soviet Army has the best defense against chemical attack.

The production of new chemical weapons is a perfect example of the procurement explosion which, if left unchecked, could hurt our defense readiness later in the decade. I have time and again tried to press this point on my colleagues. If the Pentagon must spend billions of dollars to secure our national safety, it would be wiser to focus more sharply on the real heart of our military deterrence—operations and maintenance. This means manpower, training, conventional weapons, spare parts, and defensive measures against chemical weapons—essential components of readiness, without which we are badly vulnerable. We need not choose between a defense that is wasteful and one that is weak if we use our dollars more wisely.

Mr. Chairman, we must defend this Nation—but we simply cannot afford the bills for every new weapon requested by the Pentagon—particularly a weapon that is technically, politically, and morally flawed. It is a weapon the use of which we have absolutely renounced for over 14 years. On our scale of defense priorities, production of new binary nerve gas should be at the bottom. We cannot afford it; we cannot use it; we cannot justify it; and there are far better places in the defense budget where the money could be put to use.

I urge my colleagues to join in support of the bipartisan effort to delete authorization for chemical weapons production and support the Bethune-Porter-Fascell amendment.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Arkansas.

Mr. ANTHONY. I thank my friend for yielding.

Mr. Chairman, I wanted to ask the gentleman in the well one specific question because the gentleman indicated that there was trouble with the Bigeye back in 1982, which we readily admitted in debate last year, but put forth in the RECORD successful tests since that time.

Then the gentleman mentioned that there was some trouble with the Bigeye in January. But I ask the gentleman if he is not aware that since May 1983 the Bigeye has had four successful safe separation tests, vehicle tests; a successful release from a multiple bomb rack; a stable flight; ballistics, as predicted a successful mission of chemical stimulant; and a good dissemination.

It has also had four successful offfacing mixing and drop tests and it has also had five successful toxic chamber tests, August, September, October, Nobember 1983.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. BETHUNE) has again expired.

By unanimous consent, Mr. BETHUNE was allowed to proceed for 5 additional minutes.)

Mr. ANTHONY. If the gentleman will yield further, and then there were two unsuccessful tests, January 18 and February 14, 1984, due to what was called bionic impulse cartridge failure, but it was followed by a successful test of a modified component on March 10, 1984, and then two successful toxic chamber tests, one on March 14 and one on April 8, using the modified component.

So I just ask if the gentleman is aware of all of the very successful flight tests and various research and development that is going on with the Bigeye?

Mr. BETHUNE. Well, it is fun to talk about successful testing. That is an opinion, whether the tests are successful and what they show and what they do not show.

As the gentleman well knows, there is a lot of testing yet to be done on the Bigeye bomb. They have not proved that it disseminates properly, otherwise they still would not have some dissemination tests scheduled. Certainly on the question of the problem which arose in January-February of this year, the impulse cartridge problem, they have testing on into 1985 on that before they will be able to satisfy themselves that that is working.

The point I want to make is that the problems keep cropping up. They try to convince us that they have had a successful test and that they have overcome the high pressure generation that results from the mixture of the chemicals. As I raise the problems, they say they have got it solved. They say they had a successful test and then they have to admit that they have encountered yet another problem.

All I am saying is that they continue to have problems. The gentleman himself has ratified the fact that they had a problem just in January-February of this year.

By what reason should we approve a weapons system, a complicated weapons system that has yet to succeed and which continues to have problems. That is your Bigeye bomb. It is a bad weapon. I do not think it is ever going to work. And if it ever is going to work, then they ought to come in here and tell us it works and there are no problems. But they have yet to do that and it is going to be a costly boondoggle.

And besides that, Ted Gold himself, who is the head of this outfit over there at the Chemical Corps, said one time, "I believe we would go for different types of delivery systems. The Bigeye is not a perfect solution," he said, "but it is the only solution we can have before the early 1990's."

He says himself it is not perfect. They know it is not perfect. As a matter of fact, it does not even work, has not worked yet, and is not going to work and they have not even finished testing it yet. And yet everybody here wants to be stampeded into putting some money to do that. We are talking about the Bigeye bomb and the 155 shell.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

Mr. Chairman, in light of this exchange, I think it is worth reading to my colleagues some excerpts from a letter that has been circulated by former Secretary of Defense McNamara, former Secretary of State Vance, and retired Adm. John M. Lee. They state:

As former defense and foreign policy officials, we are writing today to express our concern over the request in the fiscal year 1985 Department of Defense authorization for $95 million for the production of binary chemical weapons.

At the outset, we wish to emphasize that we would not question binary chemical weapons production if we thought such an action would put the United States at a disadvantage militarily. However, it is our view that U.S. national security interests will be ill-served by producing binary weapons at this time.

Secretary of Defense Casper Weinberger addressed the issue of the adequacy of our current chemical artillery stockpile in a February 1, 1983 written response to questions from Senator Sam Nunn. Secretary Weinberger wrote:

"For procurement of new artillery shells, the need is not one of redressing a clear lack of military capability. The U.S. possesses a stockpile of chemical nerve agent artillery shells, similar to the proposed M-687 binary round, that are compatible with modern 155 mm. and 8-inch artillery pieces. The quantity is in the range of sufficiency (at least for U.S. forces) and actually is higher than the planned acquisition quantity for the binary projectile.

We are concerned that the proposed binary chemical munitions may actually be militarily inferior to the unitary weapons in our existing stockpile. Because the binaries have never been open air tested in their actual configuration, their reliability is far from certain. Test failures involving the proposed Bigeye binary bomb, which led both the House and Senate Armed Services Committees to delete part of the administration's fiscal year 1984 request for this program, underscore the importance of not proceeding with the production of binary munitions until they have been fully tested.

Binaries also create greater logistical problems compared to existing chemical weapons because there are two separate components which must be assembled on the battlefield. An April 29, 1983 General Accounting Office report to the Congress, entitled *Chemical Warfare: Many Unanswered Questions,* considers these factors and concludes:

"The available data do not sustain the argument that binaries offer substantial technical and operational advantages over existing weapons. . . . Army estimates indicated that nearly four times the space is required for transporting and storing binary munitions, compared to unitary."

It is also far from clear whether our friends and allies in Europe would be positively disposed toward the prepositioning of binary weapons on their soil. We are concerned that an attempt to forward deploy binary chemical weapons will not only be rejected by our European allies, but could also trigger a request for the removal of currently deployed unitary chemical weapons from West Germany.

The foregoing points certainly suggest that spending billions of dollars on the procurement of binary munitions does not constitute a judicious allocation of our defense dollars. In our opinion, the adequacy of our existing stockpile of chemical munitions, and the technical, operational and political uncertainties surrounding the proposed binary chemical weapons program thus argue strongly against funding binary weapons production at the present time.

We urge you to support the upcoming effort to delete the $95 million request for binary production from the fiscal year 1985 defense bill.

□ 1110

And that is dated May 15, 1984.

So I think the fact that these distinguished experts very much document the point that the gentleman in the well is raising, shows that the gentleman knows whereof he speaks.

Mr. BETHUNE. I thank the gentleman.

I want to make one point before I yield to my two colleagues here.

Somebody is going to come down here in this well in a few minutes from the Defense Committee and, with a straight face, they are going to look out to Members here and those watching back in their offices, and they are going to say: "This is not a request for production. This is simply to build the parts of the bomb. These will be assembled later somehow. This is not a request for production."

Friends, this is a vote on production, pure and simple. I mean when they get through with the binary weapon, there are going to be two parts to it. If they build all of the parts to the 155 artillery shell and do not stick them together, they are going to have five parts; they are going to have the shell casing, they are going to have two canisters, a fuse, and a burster. So they are going to have five parts sitting on the table, and all they are going to do then is stick five parts together, and they have got themselves a binary weapon.

What is the difference in that and winding up with two parts? This is a vote on production.

So I would hope that the members of the committee would be straightforward enough to come on out and not use this sort of disguise, this fig leaf, for members; but let us talk about whether we ought to produce it or not produce it. Let us not try to cover our tracks to make it look like something that it is not. We could have done that with the MX missile yesterday—"Let us build all of the parts to the missile but let us save the bit where we stamp the name on the side of it and therefore it is not production. Let us build all of the parts of the 155 shells but let us not stamp the name on the side of it, and that keeps it from being production. Then we can go home and tell our people that we have it both ways, that we are not producing."

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding, and I think the gentleman makes an excellent point about the issue of production.

I would also remind my colleagues that on April 4, the President of the United States, President Reagan, had a press conference, calling on all nations to ban the production of chemical weapons; and on April 18, Vice President Bush in Geneva presented a very comprehensive treaty that he wanted other nations to buy into, which would have in fact called upon all nations to stop the production of binary weapons.

I think it is important to recognize that this is a production vote today, and this amendment would delete production funds. I think the gentleman has articulated it very well.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank my colleague for yielding.

Going back to the point about production, I am glad that the gentleman from Arkansas has indicated that our colleagues should not be deceived about what this vote means. And if anybody has any lingering doubts about it, they should know that the committee report itself includes language that leaves no question about the fact that this is leadtime necessary for the production. This is a production vote and nothing else.

In addition, the cost factor: The first vote, the leverage, so to speak, or bootstrapping, of course, is leverage not only for the $1.5 billion that this production is really going to cost, but also for the cost over time for the next several years, estimated with cost overruns to be anywhere from $6 to $12 billion.

The point is, we are creating another defense entitlement program here, and our colleagues should make no mistake about it. They are voting for increased defense expenditures and increased deficits.

Mr. BETHUNE. I thank the gentlewoman.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Illinois.

Mr. HYDE. I am a little confused, and I confess I am far from even knowledgeable, much less an expert on this very important and difficult subject.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. BETHUNE) has expired.

(On request of Mr. GREGG and by unanimous consent, Mr. BETHUNE was allowed to proceed for 5 additional minutes.)

Mr. HYDE. If the gentleman will yield further, I am looking at the report of the Defense Authorization Act, and it says—and I quote from page 21:

Section reaffirms the policy that the United States does not desire to resume production of chemical weapons. The provisions contained in section 1003 would require that any change in policy that potentially would lead to the production of chemical munitions could occur only after the President completed his review of the findings and recommendations of a special bipartisan Chemical Warfare Review Commission (to be established) and determined that national security considerations dictate resumption of production and then only after the approval of the United States Congress.

Now, you can discount the plain meaning of those words, but I suggest they mean what they say. I do not agree with discounting these words. They seem pretty clear. But the gentleman in the well is one of the leaders in this Chamber for what I call incentive economics. He understands that the incentive to work to save and to invest has followed the providing of an increased after-tax reward. And I have often said Democrats do not really understand the word "incentive" when it comes to tax policy. But here it seems to me some of them understand "incentive" when it comes to arms control policy. You got to give the Soviets an incentive to negotiate a chemical warfare treaty.

Now, if our chemical weapons are obsolete, vintage 1969, what incentive will they have to negotiate?

I would love to hear from my friend.

Mr. BETHUNE. The gentleman knows that I am a supporter of that nation and have been, and supported the MX yesterday and supported every other weapon system the President has requested.

The fact is, however, if we will all step back from our work just a little bit here, not get too close to the trees so that we can see what is happening, nothing is happening in the area of nuclear weapons. Zero. No progress. That was established here yesterday. There is movement in the area of chemical weapons. At least treaties are being laid on the table. There are responses to that.

Now, some say that what happened was that the Senate approved the binary last year and that is what promoted that, you see. Well, if that is the case, let us not change that circumstance, because the evidence is that if both Houses agree to build more, nothing happens. If one House over there signs off on it, then we have got a little movement. So let us not disturb that status quo.

I am saying this: There is something else working in the world out there on this issue. There is a distinction between nuclear and chemical weapons, and the distinction is this: In the case of nuclear weapons, both sides, the Soviets and the Americans, are building up, and the people of the world cannot see the difference. There is no distinction. We are all building, we are all particeps criminis, partners in crime, in this mad race. Nobody can see the difference. In the case of chemical weapons, we have the high ground. For 15 years we have not produced them. We do not need these. We have got the deterrent. They do not work. Why give up that high ground? I will tell you this: There is an element working in that area that is not present in the other, and it is this: The small countries are the ones who wind up being victims of chemical weapons, and they are very interested in this ongoing process, and they constitute a leverage and a force politically in the diplomatic circles that is not present elsewhere. And that is why you are getting progress in the area of chemical weapons and no progress in other areas, and we are going to disturb that, and I think it is a big mistake on the part of this administration.

Mr. HYDE. If the gentleman will yield further, I just want to say that I think the gentleman expresses his position as well as it could possibly be expressed. But until the day comes we get linkage between INF, START and chemical weapons, and these things are all tied in to arms control negotiations together, I just do not think the gentleman's position is logical.

Mr. BETHUNE. Let me have my time back and let me answer that point. I think to the contrary. We have an example here for the world of what this country is doing. We get credibility for that, it is something that we can say to our allies, when we go into those talks and they bang us around by saying, "You all are just as bad as the Soviets when it comes to nuclear weapons," we can say, "Look, friend, our heart is in the right place, take a look at the chemical weapons issue, we have not produced them, we have not used them, we have not deployed them. The Soviets are producing, they are doing other things, they are deploying them and they are using them in Afghanistan." I say to you, my friends, if America ever has a piece of evidence that shows indisputably that we are trying to do the right thing in this world, this is it. And you want to throw it away for a dumb Bigeye bomb that is blowing up on us, or you want to throw it away for a 155-millimeter artillery shell, which we already have a stockpile of, I say it is nuts, I say let us save the money, let us get the deficit down and let us do something constructive in this Chamber and let us make the point that we can resist at least one program.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. BETHUNE) has again expired.

(On request of Mr. GREGG and by unanimous consent, Mr. BETHUNE was allowed to proceed for 5 additional minutes.)

□ 1120

Mr. GREGG. I thank the gentleman for yielding to me.

First, I would like to congratulate the gentleman from Arkansas for having led this battle on this issue over the last 4 years, and I hope the people of Arkansas recognize that when you began this battle the gentleman was sort of a voice in the wilderness and you have taken it to the point where I think there is a national consensus now which acknowledges those points that you are making.

Those points are essentially, and I understand them and I believe them to be, that morally and financially this weapons system does not fit into what the United States wants to project. Specifically, morally, we should not be in the position of putting forward a new chemical weapons warfare weaponry or piece of equipment. It is our job as a nation to take the high ground on this issue. We have been on the high ground on this issue for the past 30 years, and it is our job as a nation to show the world community that we are going to continue to assert this high ground, and that we are not going to go into the production of a new chemical weapon.

Second, and really secondarily, but also important, this is a spending issue. We are running a $200 billion deficit, and if there ever was an opportunity for Members of this House to cast a vote which was both morally correct and financially correct, this is the vote.

Let us support the Bethune amendment.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman.

Mr. BATEMAN. I thank the gentleman for yielding to me.

May I say at the outset that if sincerity and articulateness were the resolution totally, of this issue, I would feel very fearful for the outcome because in candor, I believe the gentleman in the well is wrong.

Let me say that I hope the United States of America has been on the high ground not just for 15 years, but for a lot more years, and that it has been on the high ground in a lot of respects other than its failure to have produced any chemical weapons over the past 15 years.

The gentleman suggests the time has not yet come when we should break that 15-year moratorium. There is certain information that is in my hand, and I believe is generally available, that leads me to a question I would like to ask of the gentleman.

The Soviet Union has trained 80,000 officers and enlisted specialists in

chemical warfare; they have established chemical military academies; they have more than 200 sites for education and training; have more than 30,000 special vehicles for reconnaissance and decontaminations, elaborate depots, and delivery systems. They have done all of this over the 15 years that we have abided by our self-imposed moratorium.

Their capability is overwhelmingly greater than is ours. How long before the gentleman would recognize in the absence of their coming to a meaningful agreement; how long should we continue a moratorium?

Mr. BETHUNE. As the gentleman knows, we are spending great amounts of money on many of those very same things. We have a Chemical Corps; they go through training exercises; our people in the field are being trained. We have the finest and best defensive equipment, and we are devoting about $1 billion to that. None of us are suggesting that we ought to terminate that money; that is not what this argument is about.

This argument is purely and simply about the question of whether we ought to replace weapons that we have now that are working with weapons that arguably would not work, that have not been dynamically tested. This argument is about whether we ought to replace or come up with some scheme for the Bigeye bomb when it is not working. That is all this debate is about. We are for those other moneys and we are for R&D to try to get the Bigeye working; might as well keep those people busy, they are going to be working a long time to get that bomb to work. But let them go ahead with some R&D money if they want to, we are not even trying to stop that.

What we are saying is that the 155 shells that we have on hand are adequate into the 1990's, and we have read you statements from the Department of Defense saying that. We are saying that the Bigeye does not work, go ahead and do your R&D, but do not break your moratorium and lose all of these other advantages, that is all we are saying. Save the money. You all are coming around saying this is not a request to produce, let us get started, everybody in the world, it is going to be in the press tomorrow, Congress votes to produce nerve gas or not produce nerve gas. People around the world are going to see it that way and the reason they are going to see it that way is because that is what it is. It is pure and simple, they vote to request.

One final point. You know, you can sell something by the weight of logic or you can sell it by the weight of authority. I have talked here, I think, in terms of the record and in terms of logic. But just on the weight of authority, if you want to go outside the Defense Department, if you want to go outside moribund Chemical Corp., if you want to go outside of the Defense Committee, look at the record, all of these various things. GAO, CRS, all of them that look at it say "no."

Mr. LEATH of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, you know, I want my colleagues today, wherever they might be, to keep one thing in mind: You have got to keep your eye on the ball today. You have got to keep your eye on the facts.

You have seen the old shell game where the guy takes the three little shells and he shuffles one here and one there, and you try to find out which one the pea is under. Well let me tell you what, if you consider that that little pea to be the facts, then you are not going to find those facts today if you listen to these arguments.

Now, I have often said that if I ever get in trouble in Arkansas, I sincerely hope that the gentleman from Arkansas, my good friend, ED BETHUNE, is my attorney. That is because ED learned early down there in Arkansas something a lot of you city folks probably do not recognize, but we country boys do. That is the plain and simple fact that if you get up before the jury and the facts are not on your side, and the truth is not on your side, then you snow them with everything you can find.

Now, down home where I come from we call that BS and gunsmoke. So, ED is going to shoot a lot of that stuff at you today. He is going to try to get you bogged down in Bigeye's and bogged down in 155's, and all of these things. But no matter what else you hear today in this Chamber, I simply invite you to get the bill and read it.

As our colleague HENRY HYDE pointed out a while ago, it is very clear what it says. No only in the language of the bill itself, but in the report language. Not matter what you hear here today, there are no production funds in this bill. This bill contains, as far as I know, in the 6 years that I have been here, the strongest proarms control language that I have ever seen written into any bill, let alone a defense bill.

Third, the fact is that we cannot produce one, single round of anything without this Congress first approving it. So the bottom line is, is that you are not voting for the production of nerve gas here today; what you are doing is you are continuing the facilitization that we started 3 years ago, of a program that we may conceivably need at some point in the future, if, after 16 years of attempting to get the Soviet Union to come to a meaningful agreement, that we cannot do it.

That is what you are voting on. As my friend from Pennsylvania (Mr. EDGAR) mentioned earlier, when quoting our friend and departed colleague, Clem Zablocki, about what we should spend this money on. I would point out to my friend that we are spending 73 percent of what we are requesting this year on protective measures. We are spending an additional 13 percent on demilitarization of these terrible unitary chemical weapons. We are spending a massive 14 percent of this request today to buy a little insurance to make sure that we are not caught out here in a terribly short situation if we should ever need to use chemical weapons. That is what we are doing.

Now, I would like to yield to our colleague from California (Ms. FIEDLER).

Ms. FIEDLER. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to raise a few issues with the Members of the House that I think are extremely important. We have been hearing a lot about technicalities, but this chart shows the membership the real threat and potential threats that we face in the Middle Eastern part of the world.

What you see here is that the people who have had chemical weapons used against them are shown in the pink. Down here, and here, Iran, Afghanistan. So that you see that right now, in today's world, there are chemical weapons being used. This is a reality of life, because what we are talking about is not technicalities, but the possibility of the use of chemical weapons in a conflict. It is the only reason why we have them. We recognize that they are an effective deterrent.

□ 1130

The Iraqis have used chemical weapons against Iran in 1984.

The Yemenis, the Egyptians have used chemical weapons in Yemen in 1965.

The Eritreans, the Ethiopians are using chemical weapons against rebels in Eritrea and have been doing so since 1980.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. LEATH) has expired.

(By unanimous consent, Mr. LEATH of Texas was allowed to proceed for 5 additional minutes.)

Mr. LEATH of Texas. Mr. Chairman, I yield further to the gentlewoman from California.

Ms. FIEDLER. The Afghans: The Soviets have been using chemical weapons against the Afghans since 1980.

Now, the countries in yellow have been evidenced to have chemical weapons. They are Iraq. They are using chemical weapons against Iran today, and I might add that while Iran does have offensive means to deal with the chemical weapons, the equipment, that has not stopped the use of chemical weapons because they have no deterrent. They do not actually have the weapons themselves.

Egypt has used them in Yemen. Ethiopia used them in Eritrea. Syria. The Israelis captured Syrian chemical

weapons in 1973, and the PLO, I might add, the Israelis also captured PLO chemical weapons in Lebanon in 1982.

Note that no one used chemical weapons against any countries that had a chemical warfare capability. Note also that Israel, which is in orange over here, is right in the middle of an area of extensive chemical weapon deployment. Also, the current conflicts in the area are noted here by these bursts and they show that there are conflicts which they are dealing with right now in Lebanon, conflicts between Iraq and Iran, conflicts going on over there in Afghanistan, Libya and Sudan, Ethiopia and Eritrea, in the Ogaden Desert down in this area.

Where the U.S. forces are: Are we concerned about the potential impact against the forces of the United States. I think that this Congress absolutely should be concerned about the potential impact on forces when we see the tremendous amount of chemical weapons that exist in that part of the world. Obviously we have our forces up here in the Mediterranean, just off the Lebanese coast. We have deployed AWACS to Saudi Arabia, to Egypt, to the Sudan, so we have a very serious concern about the potential threat to our Armed Forces in that area, and further, in case the Members are not aware, the United States would have bases, in the event of a conflict, in Egypt, Oman, Somalia, Kenya, Saudi Arabia because we have agreements with those countries in the event of an emergency that would permit us to go into that part of the world.

Also, as we are all well aware, based upon the news that is taking place just in the last few days, there are continued hostilities that are threatening oil ships in the Persian Gulf and we continue to have American ships moving around in that area, both merchant as well as warships.

So we do have a very serious concern. I raise these issues to my colleagues because I think it is important that we move away just from the rhetorical arguments pro and con but that, in fact, we recognize that chemical warfare is a reality of modern war and that we need to make certain that the men and women that we ask to serve in our Armed Forces are adequately protected, and in my opinion, based upon the opinions of those who are directly dealing with the military, who have the responsibility for the military, we are not adequately protected to provide the deterrence that is necessary.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, if the gentlewoman would stay in the well, I would like to commend the gentlewoman in the well for making the argument that those of us who are supporting the Bethune amendment have made, and that is our effort ought to be on defensive postures because of the proliferation of chemical warfare in the sites that she has mentioned, and not on the production of chemical weapons, and this amendment deletes the funding for production and draws our attention to the need for protection.

I want to thank the gentlewoman for making exactly the opposite argument that the gentlewoman was trying to make.

Ms. FIEDLER. The gentleman may believe that I have made the opposite argument, but I do not think that I have. I think that I have raised the issue that it is a real and serious problem, and I think it is something that we have to deal directly with here.

Mr. LEATH of Texas. I thank the gentlewoman. I can assure her that I understood what she was pointing out, the fact that there is a proliferation of chemical weapons today, and that we may be called on at some point in our history, immediate history most likely, to be facing that chemical threat in places other than in Europe.

I thank the gentlewoman.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. Let me yield to the gentleman from Indiana (Mr. HILLIS) which I agreed to do, and then if it is all right with the Members, I will let the other Members get their own time.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. LEATH) has again expired.

(On request of Mr. HILLIS and by unanimous consent, Mr. LEATH of Texas was allowed to proceed for 5 additional minutes.)

Mr. LEATH of Texas. I would like to say, Mr. Chairman, that I will accept the time, but I really do not want to get into that, so after Mr. HILLIS, I will ask that Members get their own time because that is the way I think we should do it.

Mr. Chairman, I yield to my colleague, the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman, I would like to commend my colleague, the gentlewoman from California (Ms. FIEDLER), for her presentation here because I think it highlights a problem that we are addressing, and it is a most serious problem.

Chemical warfare is something that no person in his right mind, and certainly this House, really wants to see happen. What the debate is about here today, and it is a very high-level debate, is how are we going to prevent this terrible tragedy from befalling or being any more advanced in the usage of the military in the world than it is today.

This problem has been addressed by treaty. Looking back, there was the Geneva Convention of 1925, which was an aftermath of World War I, in which all of the major powers of the world came together and agreed that this would never happen again. Among those signatories were the U.S.S.R., and also Iraq and Iran.

There is very positive evidence that the people in power in those regimes today do not consider that treaty of any significance or importance, and there is definite evidence that advanced chemical weapons have been used, particularly in the Iraqi-Iranian war.

As the gentleman from Texas has earlier stated, the language of this bill is quite clear as to what can be done here, and there can be no production of these weapons until Congress so provides. I do not think that we should be caught up by the trees and not see the forest. By the trees, I am talking about this particular weapon system not working, or whether the .155 shells that are old and nonbinary are adequate, and that sort of thing.

The basic situation today is, if there has ever been an example of deterrents working, it was in the chemical warfare field between World War I and and World War II. In World War II, the weapons were not used because there was an adequate supply on both sides, each knew what they would do, each knew there would be retaliation.

That situation is changing in the world today and we begin to see these people using them in spite of the treaty. Where are we today? We are in a defensive posture. We are in a posture where our troops will wear gas masks and protective clothing and try to defend themselves against very advanced chemical warfare.

I recently went on Operation Quick Look to NATO in the Federal Republic of Germany, and I had the chance to observe a tank firing on the range at Grafenwoehr. The accuracy of that tank crew on the range was very, very poor, in my opinion. I am not going to quote the number of shots, but there were very few hits for the rounds fired.

When I made inquiry why, I was told the crew was buttoned up. They had on their gas masks. They had on their protective equipment, and this is about as well as they can do. The first thing any enemy would do against us there, I think, would be to fire just a few chemical rounds and force us to go into this defensive gear, because we lose roughly 50 percent of our fighting ability trying to fight buttoned up.

We have ships which have no filtration systems which could be called

upon to go up into the Strait of Hormuz today, or in the coming weeks, because of the situation that exists with the firing on tankers and our commitment to try to keep the strait open. Those ships are very, very subject to chemical warfare and have no filtration systems and could be attacked and that tactic used against them.

□ 1140

I just point out that I think in the world of today and with what is going on, we should at least consider this language. Now, we can talk about high moral ground, and I wish it were effective, but I am pointing out the violations of the treaties in the usage of these weapons, and the high moral ground of these uncommitted countries has not kept the usage from occurring that is shown right on this chart that our colleague, the gentleperson from California, just went through for us.

I think that the only case we can really make here, if we want to negotiate and get a meaningful treaty, is that we are going to have to stick with the language that is in the bill at least and see if that will work. We have tried the other, and I do not know that you can point to contructive results. I am not convinced that you can.

Mr. Chairman, I thank the gentleman for yielding.

Mr. LEATH of Texas. Mr. Chairman, I appreciate the gentleman's remarks, and I yield back the balance of my time.

Mr. BADHAM. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman, I am concerned, as is everyone in this body, on this issue. I would like to commend the gentleman from Arkansas, the author of the amendment, for his sincere desire to bring to the House's attention and to the public's attention the magnitude of this issue and the fact that the use of chemical and biological weapons, as technology permits today, is absolutely despicable. It is something that we would not have befall ourselves, our civilians, or our troops. It is something that could possibly be as bad as nuclear war. It is one of the worst things that we could contemplate.

Now, there are other people in this world who are also afraid of such kinds of weaponry and the devastation that gas and chemical and nerve and biological weapons can cause a society to suffer. They are equally afraid of the use of this sort of material, and I for one—I have said this in regard to nuclear weapons, and I say it now in regard to chemical and biological weapons—would be a much happier person if there were no such weapons anywhere in the world. So I commend the gentleman for his thoughts.

Now, that other society which has probably better reason than the gentleman from Arkansas to be deathly afraid of the use of these kinds of weapons is the Soviet Union. In World War I, when poison gas was freely used by both sides, some defensive and some retaliatory, practically half, if not slightly more than half, of all the gas casualties in World War I—and those were crude kinds of gases compared to what we have today in chemical and biological warfare—practically half, if not more than half of the casualties were suffered by the people of Russia, in World War I. They are so dead set against their people being assaulted by chemical and biological weapons, that they have determined that this will never happen again.

So what do they do about it? They do not hide their heads, they do not bury their heads in the sand. What do they do? Since 1921, I say to the Members of the House, they have produced more and more in quantity, better and better and more toxic in quality, poisonous gas and chemical and biological weapons, constantly since 1921, with no letup.

Now, the question we face here is, Do we hide in fear, or do we acknowledge that certain facts do exist?

My distinguished colleague and good friend, the gentleman from Arkansas, said in this well that small countries are the ones that are victimized. Well, you had better believe that they are the ones who are victimized because they have no retaliatory capability, they have no weapons, supplies, or stockpiles. The United States has never been and probably never will be so victimized as long as we have a deterrent, and retaliatory capacity.

The gentleman said that our clothing is the best and that we should be defensive. We had briefings to which the gentleman was invited—and I did not see him in attendance. All the other people who have an interest in this issue were invited, and I did not see many in attendance.

I asked the question: "Is our clothing the best? Do we have the best defensive capability?"

The answer from the generals of the Army who are involved in these programs of defense was: "I don't know whether ours are the best or not, but I would hate to put them to the test for several reasons: First, they don't work forever, and sooner or later you have to come up for air; second, the isolation factor psychologically is that when people are in this kind of defensive clothing and defensive gas mask, no matter for how long, their efficiency drops to almost 20 percent."

If there is a casualty amongst the leadership of a platoon and the people are in the open and breathing clean and fresh air, in over 80 percent of the cases leadership is taken over by the second or by the third in command when their leaders are fallen. When they are isolated in these kinds of uniforms and gas masks where they can only see barely out the front, with no peripheral vision, the leadership takeover ability declines to below 20 percent because of the psychological feelings of isolation.

The CHAIRMAN pro tempore (Mr. LEVITAS). The time of the gentleman from California (Mr. BADHAM) has expired.

(By unanimous consent, Mr. BADHAM was allowed to proceed for 4 additional minutes.)

Mr. BADHAM. Mr. Chairman, in these briefings we were apprised of statements by General Rogers, who as our commander of the European forces on the European Continent said that he would almost rather see anything than our people going to war in Europe today, with the minimal defenses we have and the poor quality of weapons systems as pertain to chemical and biological warfare.

To say that we have a chemical and biological deterrent, I am sorry, is just plain bunkum. This is like saying that once we invented the model T truck, we should never have to produce a newer, better truck.

Our weapons are worn out, they will not work, and the Soviets do not even target them because they are in such a poor state now as to be virtually unusable.

We are asking not for production funds, not a penny for production funds. We are asking that the facilities might be put together so that if we need them, if we cannot bring the Soviets to the bargaining table on this as well as other things, we might be ready, if need be, to produce these binaries, which are much safer weapons for our troops than the same unitary weapons that we have.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am happy to yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I want to compliment the gentleman on his statement. I think he has made many of the points that the House should consider in this debate.

On the issue of the defensive units, my understanding is that the basic chemical clothing will last about 48 hours and then it has to be changed because it begins to be saturated. It is the same way with the mask. So they are very temporary.

The point I wanted to bring out—I do not know whether the gentleman experienced this in the briefings or not—is that my understanding, particularly in the NATO environment, is that the civil defense, as far as the civilian population is concerned, against chemical weapons is much, much lower than it is, say, if nuclear weapons were introduced. In civilian casual-

ties, while our defenses are minimal, theirs is practically zero and heavy, heavy losses could be taken in the civilian population as well as in the military.

Could the gentleman comment on that?

Mr. BADHAM. Mr. Chairman, I thank the gentleman for his contribution.

Yes, as I understand it, our defensive capability for civilians is zero.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am happy to yield to my friend, the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, does the gentleman know what kind of artillery shells the Soviet Union has?

Mr. BADHAM. Yes.

Mr. BETHUNE. What kind are they?

Mr. BADHAM. They are chemical and biological.

Mr. BETHUNE. Are they binary, or are they unitary?

Mr. BADHAM. I am not exactly sure, but ours is not a concern of safety for Soviet troops, so unitary or binary does not affect us or our decision.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I would say to the gentleman it does not make any difference for several reasons. One, because theirs are new; the second is because they constantly undergo testing; the third is because they have every form of delivery system that we can use to deliver any conventional weapon. They can deliver with rocket tubes, with artillery tubes, with tank weapons, with grenade launchers, with mortar tubes, and every other kind of projectile launcher. And theirs are new, and are constantly being updated.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am happy to yield to the gentleman from Arkansas.

Mr. BETHUNE. The Soviets only have the unitary weapon, the ready-mix weapon. They do not have a binary weapon at all. We also have a unitary weapon, the 155 artillery shell. So we have got a weapon just like the Soviets and the Defense Department says it is good into the 1990's.

Mr. BADHAM. I would like to reclaim my time.

The 155's are no longer any good. They are wearing out. They are not being updated, and they are not being produced.

□ 1150

Mr. BETHUNE. The gentleman is incorrect on that point.

Mr. BADHAM. The gentleman himself, I would say to the gentleman from Arkansas, the gentleman himself said in this well that we have not produced any of these weapons for over 15 years.

Mr. BETHUNE. Please, will the gentleman yield to me? Let us get the record straight. I mean, I think it is important that Members have the information so they can make good judgments, so let us get the record straight.

Mr. HUNTER. Mr. Chairman, will the gentleman yield to me.

Mr. BADHAM. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman. I would like to answer a question that was posed by the gentleman from Arkansas. In fact, it is my understanding that the Soviets are developing a binary system.

The CHAIRMAN. The time of the gentleman from California (Mr. BADHAM) has expired.

(At the request of Mr. HUNTER, and by unanimous consent, Mr. BADHAM was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman.

Mr. HUNTER. It is my understanding that the Soviets are developing a binary system, not to make it safe, but to make it doubly lethal, if you will. In fact, that is on their agenda. My understanding is that that is in development right now, so it is not accurate to say that the Soviets are not working to develop a binary system.

Mr. BADHAM. I thank the gentleman for his contribution, and my lack of recollection at that point, but yes, I do recall that.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. My time is just about expired, but yes, I will be happy to yield.

Mr. BETHUNE. I just want to make two points. We have said it over and over. No one can dispute it. The Secretary of Defense himself has said that the 155-millimeter artillery and the 8-inch pieces are in good condition. They are sufficient in quality and quantity into the 1990's.

Now, that is right here in the reports.

Second, then someone said, oh, but they are leaking and all that. There are leakers out there, but not the 155 shells. We are all for getting rid of the ones that are leaking; so the DOD commissioned a group of people to go out and take a look at that. Here is their own report, which says that only 6 out of 10,000 have any problem and those are the points that need to be made. Our shells are in good shape. They are the same kind the Soviet Union has.

Mr. BADHAM. I would like to reclaim my time, because others want to speak on this subject. The gentleman can get his own time.

I would just say that is fine. Let us get rid of the leakers. Let us get rid of the corrosive ones. Let us get rid of the bad ones, but I would ask the gentleman rhetorically only, because my time is expiring, what are we going to replace them with? There is nothing to replace them with.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I think one point that has not been emphasized clearly here today in this debate is the fact that the President of the United States has made a very major contribution to arms control by having the Vice President travel to Geneva to lay on the table there in the disarmament committee a treaty that would ban chemical weapons on both sides of the Iron Curtain. That treaty that the President laid before the disarmament committee was immediately criticized and ridiculed by the Soviet representative, Ambassador Issraelyn and as a result nothing has transpired in that committee in connection with the proposals made by the President of the United States. He has made an effort, but there has been no response, just as there has been no response in a number of other aspects of arms control, and that was a matter that was gone into in great detail on yesterday.

We have basically the same situation. How do we get the Russians to respond? How do we get the Russians to talk about a treaty?

The have all the capabilities, as the gentlewoman from California (Mrs. FIEDLER) has outlined in great detail, but we have nothing. The Soviets are well aware of the fact that we have no modern chemical equipment and no modern chemical capability in this particular field. So they have no incentive to negotiate because they can use their own weapons, as they are doing, and providing them to their allies. We have no such weapons at all.

The Ambassador who is handling this situation in the disarmament committee is Ambassador Fields. He appeared before the Armed Services Committee on the 10th of May. We asked him what would be the impact of the proposal that has been offered by the administration and that is contained in this legislation that is before us today.

He said this.

If we had such a capability, as a negotiator, I would have to say I will have more chips on my table. The President said, when he first proposed the modernization program, that he is doing so because of the imbalance that exists between the Warsaw Pact and the Soviet Union—the Warsaw Pact and NATO. But he also said that he did so to provide an incentive to the Soviets to negotiate in good faith.

I think we ought also to bring the record a little clearer into reality. The gentleman from Arkansas (Mr. BE-

THUNE) would appear, on the basis of his remarks, to be an expert on the Defense Department and on the views of officials in the Defense Department. But I think it is important that we not be misled that the gentleman from Arkansas, while he gets enthusiastic in some of his remarks, is not in any sense reflecting the views of the Department of Defense or of our military leaders.

Secretary Weinberger in a recent letter to Chairman PRICE has said:

With our current stockpile of chemical weapons, the United States cannot deny the Soviet Union a significant military advantage from initiating chemical warfare. This unpleasant reality is the factual basis from which we must act. How then are we to deter the Soviets? Retaliate against civilians? Surely not. Retaliate with nuclear weapons? We wish to decrease, not increase, our reliance on nuclear weapons to deter nonnuclear conflict. What then are alternatives to restoring a militarily effective chemical weapons stockpile? Opponents of modernization offer no answers.

The Chairman of the Joint Chiefs of Staff, General Vessey, a highly respected officer, has this to say in another letter to the chairman of our committee:

Our policy of chemical deterrence is sound and humane. However, we must be capable of supporting that policy with the appropriate weapon systems. Our current stockpile has several shortcomings which have been reviewed in detail during congressional hearings. Those shortcomings reduce the credibility of our retaliatory chemical policy and, indeed, may lower the nuclear threshold if we are to avoid defeat by an enemy's widespread use of chemical weapons.

The FY 1985 modernization program represents a measured response to the chemical imbalance and simply provides for an enhancement of the binary chemical munitions production base. Actual production will require additional decisions from the Congress in the future.

I think that General Vessey is a little bit more knowledgeable about our military situation than the gentleman from Arkansas.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. LEVITAS, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for yielding.

I would like to say that the gentleman's analysis of the Soviet capability is absolutely correct.

I would like to just share this personal experience. Earlier this year I had the opportunity to travel to our advanced troop deployments in Germany as part of our NATO commitment. I spent time with our U.S. troops who are 5, 6, 7 kilometers away from the East German border, the people who are on alert, the people who are ready to go if the balloon goes up. I was struck by the fact that every single one of our soldiers was wearing protective chemical clothing. They had boots on for chemical protection. They had treatment kits that they wore and they had their masks, because every scenario is that the Soviet Union is prepared to use chemical agents from day 1, hour 1, of any conflict. They are going to use it unless we have a credible deterrent and if we do not have a credible deterrent, we will suffer the same consequences as the people in Afghanistan have suffered where the Soviets have not hesitated for a moment and their maneuvers in Eastern Europe demonstrate clearly that it is based upon a reliance on chemical weapons and we had better stop kidding ourselves about this. We need a deterrent.

□ 1200

Mr. GLICKMAN. Will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Kansas.

Mr. GLICKMAN. In the first place, I was one of those that opposed binary weapons last year. But I would like to ask the gentleman a couple of questions.

One, is there a difference between this bill and last year's bill in that it is absolutely clear that no moneys are being authorized to produce the weapons? Is that correct?

Mr. STRATTON. That is absolutely correct. And not only are no moneys available to produce the weapons, but we could not even get started on them without a certification from the President of the United States.

Mr. GLICKMAN. Let me just ask one more question then.

The CHAIRMAN pro tempore (Mr. HARRISON). The time of the gentleman from New York (Mr. STRATTON) has expired.

(On request of Mr. GLICKMAN and by unanimous consent, Mr. STRATTON was allowed to proceed for 3 additional minutes.)

Mr. GLICKMAN. Let me just get in one more question. The other question I would like to ask is would it take an action of Congress in addition to a Presidential certification in order to complete assembly and actually build the weapons?

Mr. STRATTON. The gentleman is absolutely correct. Congress would have to make a decision. But time is running out, and certainly by the time that these facilities are assembled, maybe we will begin to understand a little more clearly what the gentleman from Georgia, Mr. LEVITAS, has said.

I think it is important that we hear more of the actual words of our military leader, because the impression has been made that the military do not want this new binary weapon thing. It is a worn out capability.

Here is what General Wickham, the Army Chief of Staff, says in a letter to Chairman FASCELL of the Foreign Affairs Committee:

The United States, in contrast, has an aging stockpile—90 percent of which would be unusable or ineffective on today's battlefield; delivery systems with limited ranges; and munitions with the wrong agent for desired effect. It is not adequate to convince the Soviets to move toward a verifiable chemical weapons ban, deter the use of these weapons against our forces, or allow us to fight successfully on a chemical battlefield.

Mr. RAY. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Georgia.

Mr. RAY. I just want to quote from the law, I would say to the gentleman from New York:

The President shall submit to Congress the report of the Commission, together with the President's comments on the report, not later than January 1, 1985.

The Secretary of Defense may not carry out the final assembly or the production of any binary chemical munition unless such assembly or production is specifically authorized by law after the date of the enactment of this act.

That is H.R. 5167 as presented right there by the gentleman.

Mr. STRATTON. I thank the gentleman.

Let me make another comment from an outstanding gentleman, General Kroesen, who recently stepped down as our U.S. commander in Europe. He is one of the people who are on the firing line. These are the people who knows something about what our military situation really is.

General Kroesen, in testimony to the Armed Services Committee on May 10, said:

In recent months, I was privileged to head a study group of 21 senior retired military officers, all generals and admirals from all the services, who were asked to evaluate the chemical warfare posture of the United States and NATO forces which might be employed to oppose a Soviet/Warsaw Pact attack which was supported by chemicals.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. STRATTON) has again expired.

(On request of Mr. RAY and by unanimous consent, Mr. STRATTON was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. Mr. Chairman—

We completed a narrative text of nearly 500 pages describing the impact of chemicals on the battlefield, the advantages and disadvantages associated with such employment, and the conclusions drawn when the Soviet threat is matched against the United States and NATO chemical capabilities programed for the year 1990.

The report was classified "secret" because the specific weaknesses of our posture are too sensitive to be revealed. We are in such bad shape, we

have to make it secret or else the Soviets will understand how bad we are.

So I think we ought not to be subdued and lulled into a false sense of security by the gentleman from Arkansas who assures us that everything is fine, everything is great, we have got all that we need.

Let us listen to the people the are employed to protect us and to protect our security.

Mr. BETHUNE. Will the gentleman yield? He mentioned by name.

Mr. STRATTON. I am happy to yield.

Mr. BETHUNE. I thank the gentleman for yielding. Once again, I want to make the point that the gentleman has brought out about 90 percent of our stockpile being no good. We agree with that.

But the 10 percent that we do have is good, in quality and quantity. Let the gentleman persist in bringing that point up.

Mr. STRATTON. I do not think the gentleman would want to rely on an automobile on a difficult trip if it was only 10 percent up to snuff. Ten percent is no passing mark. It ought to be up to 60 or 70 percent. I imagine that the gentleman never got below 90 percent on his law examinations. And the gentleman would not be in the body if he were operating only at 10 percent efficiency.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding because we have been hearing a lot about the capabilities of the 10 percent of what we have in the arsenal. I would like to read just a few statements.

This was made by Dr. Gold who testified before the House and Senate Armed Services Committees. He is the Deputy Assistant Secretary of Defense and he was right on the point. I think the gentleman would like to hear what Dr. Gold said.

> The present inventory of artillery projectiles is inadequate in type and capability.

They did recognize the fact that there are some 155 millimeter rounds that you can use. But the problem is that you cannot use it with the tactics we have today and it cannot be effectively deployed in the type of artillery that we are going to use. So his statement is that we have to modernize, we have to build the capability such that we will have a credible deterrence.

I would like to go on. He said in his testimony "the current stockpile of artillery projectiles was produced between 1955 and 1968." That was the production period of time.

> During this long life, the agent fill has deteriorated, and it is expected to continue to do so.

As the gentleman from New York knows, there was an eminent group of distinguished experts in chemistry and metallurgy and explosives that provided an assessment of our chemical warfare capabilities that we have today. One of the statements that this eminent group of individuals, not politicians, not Republicans, not Democrats, said was as follows:

> There is the possibility of catastrophic agent decomposition, and that would render the munitions almost useless by 1990, and concerns over flashing; that is, agent burning during dispersal, which reduces or eliminates its effectiveness.

He goes on and on. The point is that the 10 percent that may be usable between now and 1990 really cannot be used given the tactics that we now employ and given the type of projectiles that we now use.

Mr. STRATTON. The gentleman is absolutely correct. And this is like suggesting that we ought to fight the Warsaw Pact with one hand tied behind us. I do not think that is the kind of strategy we want to follow.

I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words and I rise to oppose the amendment.

Mr. Chairman, to begin with, let me say to my colleague from Arkansas that we have fought this battle before, and in my estimation never has a Congressman fought so hard for what he perceives to be the interests of his constituents.

However, I think that there are several fatal flaws in this argument. And in watching the last several debates on this, on chemical weapons and the binary system versus the unitary system, it comes to my attention that many Members of this House have not paid much attention to one of the most important elements of this debate. A lot of people do not realize what binary means.

Binary means two elements. I would like to ask a question of the Members of the other side, the Members who support the Bethune amendment to answer this question, and I am going to give them ample time to answer it. Disregard all of the other concerns about effectiveness whether the stockpile is up to snuff, whether it is degrading. If you only look at the safety aspect; if you have a unitary weapon, it means you have nerve gas which is held in a container. And you always have the possibility for accidents, just like we experienced in Utah several years ago when large numbers of livestock were killed because of an accident with unitary gas.

If you presume that this glass holds nerve gas and the only thing between it and the death of the people around it is a container, then I think we all have to agree it is a very dangerous situation.

If you are thinking logically, and if you have the choice between having that deadly nerve gas ready to go, ready to kill, held only by that container, and you are given the choice of having as an alternative a binary system in which you have two elements, which like epoxy glue do not work unless they are mixed together, and subject to a catalytic reaction, and you are able to store those two inert, safe elements apart from each other, which would you rather have?

□ 1210

I would like to ask the gentleman from Pennsylvania first, Mr. EDGAR, if he would like to answer that question? I think that is a basic question in this debate.

Mr. EDGAR. Will the gentleman yield?

Mr. HUNTER. I yield to the gentleman.

Mr. EDGAR. I thank the gentleman for yielding.

The gentleman from Arkansas who has introduced the amendment would like to respond to that question. I have another question for the gentleman.

Mr. HUNTER. I would be happy to yield to my friend, the advocate and proponent of this amendment.

Mr. BETHUNE. And I hope the gentleman will give me time enough to respond to the question, and not let me get out my initial comment and cut me off.

Mr. HUNTER. I will give him plenty of time.

Mr. BETHUNE. Thank you. The question the gentleman raises is a very, very important and good question. Certainly this is the binary concept; you have two separate components, you mix them together and you get nerve gas.

The problem with that is that has not been dynamically tested. We do not know what it will do out in the field. There are lots of problems it has.

For instance, in the case of the Bigeye, one of the components is sulfur, so you can smell it, that alerts the people in the field.

Second part of the problem is you can hear those rounds coming in, that alerts people in the field. Those are some of the things. We do not know that it has been dynamically tested.

Another point is the binary concept in the artillery round since it does require mixing you cannot hit people in the short range.

I remember the gentleman from Georgia (Mr. LEVITAS) a moment ago making the point about our troops looking over there, 5 or 6 kilometers away. The fact of the matter is that the binary has to mix, so you are not going to be able to do anything to those people 5 or 6 kilometers away.

With the unitary, the ready mix, you can.

I want to make a couple of other points now. We have tested that unitary mix. We know we get a charge that spreads that weapon out low to the ground, very effectively, very lethal.

Second, it is exactly the weapon the Soviet Union has. They do not have binary weapon, they have the unitary.

Third, we have a very good safety record on this weapon, no incidents with it.

Finally and most importantly, the unitary is already deployed in Europe. We have already crossed that hurdle. They know that that is the reason over there that, I mean the Europeans have already accepted that. They do not want the binary. To a country, they have resisted.

So my point is there are many good reasons why we ought to stick with unitary.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. HUNTER was allowed to proceed for 5 additional minutes.)

Mr. HUNTER. Is the gentleman from Arkansas finished?

Mr. BETHUNE. For now.

Mr. HUNTER. OK. Let me respond very briefly to the gentleman from Arkansas' statements. The gentleman from Arkansas has not addressed the question that I asked. I am not talking from an effectiveness standpoint regarding how many enemies, members of the opposite armed forces, it will kill.

I am talking about safety, from a safety standpoint for our people and the question again is: If you have an E-5 and a bunch of E-4's and E-1's working in a forward airfield and that airfield is an airfield that might take an incoming round, and you have a stockpile of weapons, would you rather have stored at that airfield in a munitions storage area, nerve gas which is only protected by a thin shell that an incoming round could explode, that would immediately be lethal to your people on the base or, would you rather have the binary system where you have two inert elements that are not in and of themselves dangerous until they are mixed in a catalytic reaction which would not be initiated by a hit on that particular munitions stockpile, which would you rather have?

The answer has to be an overwhelming yes for the binary system. That is the safe system. The gentleman is essentially talking about the points that were made by earlier speakers to the effect that maybe the unitary system is more deadly and therefore we should stick with it because we are not going to kill as many enemy soldiers with the binary system.

I would suggest and argue that if we, even if we were not going to kill as many enemy soldiers with the binary system, it would still be in our best interest to have that binary system because that is the safe system for American soldiers and for American civilian personnel who are operating those storage areas.

Mr. COURTER. Will the gentleman yield?

Mr. HUNTER. Let me yield briefly to my friend from New Jersey, and I will come back to my friend from Arkansas.

Mr. COURTER. I thank the gentleman for yielding. I think I will answer, everyone seems to be rather reluctant to answer your question directly and I think that is because they would concede your point.

The point of the matter is very well taken that most people that were rationed would want to have the binary weapons, because viewed separately they are nondangerous.

One other item is extremely important here that has not been discussed that shows the difference between the binary agents that eventually, provided there is another future vote of the Congress, perhaps we would like to produce for deterrence, and those capsules, those 155 millimeters, the unitary type of chemical weapons that are in the arsenal now.

The fact is the 155-millimeter chemical weapon capsules contain highly persistent agents, whereas the binary does not.

What does that mean, highly persistent agents? What it means is the fact that if all we have in the arsenal for deterrent are those that we have now, unitary and 155-millimeter rounds, it means once they are used the agent persists and stays and we cannot, nobody else can use the territory.

The beauty, if you want to call it that, of the binary round is the fact that it is nonpersistent. You can, after a period of time, use the ground.

So by definition, there is an inherent qualitative difference between the chemical weapons that we have now in storage that are being degraded rapidly and the binary weapons we would like to go forward with.

Mr. HUNTER. I thank the gentleman for his statement and I would yield to my friend from Arkansas, and then I want to give every proponent of this amendment a chance to answer that basic question.

So I yield to the gentleman from Arkansas first.

Mr. BETHUNE. I thank the gentleman.

The gentleman who was just speaking about persistent/nonpersistent has had the opportunity to look at the classified material as have you, and as have I, and we all know we have both persistent and nonpersistent, so that is not in dispute here. So Members should not be fooled by that.

The gentleman has talked about which is better, binary or unitary; which would I rather have? Based on judgment and the facts that are there, I would rather have the unitary, and I will tell you why. Because in World War I, people got all worked up about a new concept, new weapons, new chemical concept called lewisite. This country fooled around with that for quite some time. We deployed it over to Europe and everything only to discover it did not work.

You know, if I were a troop on the front lines, there has been a lot of drama here today about that, I have been in the Marine Corps, buck sergeant. If I were on the front line, believe you me, I would rather have a weapon that has a good safety record already for some 20, 25 years and I would rather have a weapon that has been tested dynamically.

I do not want to shoot one out that will fizzle.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 5 additional minutes.)

Mr. HUNTER. Is the gentleman from Arkansas finished?

Mr. BETHUNE. For now.

Mr. HUNTER. OK. Let me simply answer the questions raised by the gentleman and I will move ahead and let every gentleman have a chance to answer that basic question.

Once again, the basic question has not been answered because if you assume that you have storage stockpile of unitary nerve gas, you have nerve gas only enclosed in a thin shell, and you take an incoming round and you are surrounded by American personnel at a foward base, you have to presume that that shell is going to rupture, and the people around that shell are going to be killed, the American personnel.

If you have a binary round, there is nobody here who can say that the sulfur, for example, one of the elements in the binary round, is by itself deadly. It takes a catalytic reaction, a mixing of these elements, to make them deadly.

So again from the point of view of the forward commander or a person on the ground, if I was making the decision and I had the choice between having a round that I thought had a better history of killing enemy soldiers, but was not as safe as the binary round or having the binary round which would keep my troops safe, I would always go with the binary round for safety reasons, even if the unitary round was more effective.

Now I would like to yield to the gentleman from Iowa and give him a chance to answer that basic question.

The basic question again is, if you had the choice of having two elements

which in and of themselves are harmless or having that very dangerous unitary round which has in fact gone awry in some cases and killed at least livestock in the United States, which would you choose?

Mr. LEACH of Iowa. I would like to respond and be given a minute to respond to that question.

Mr. HUNTER. You have the minute.

Mr. LEACH of Iowa. First let me say it is a close decision. One of the things that has not been brought out on this floor is that if we go back in the history of chemical weapons, mustard gas was discovered in 1887. Since then there has been no pronounced new technique in the development of chemical weapons that is profoundly more lethal or more safe than mustard gas—more safe in handling, more lethal in its utilization.

□ 1220

The reason I stress this is that there have been a number of very subtle improvements. Binary is one, but by no means is it the most subtle. Some of the toxins the Soviets have developed are substantially subtle in terms of their chemical makeup, but they are not that much more effective than mustard gas.

So the implication that something is profoundly better than a past weapon is an implication that I think ought to be put aside.

Now, as far as the handling is concerned——

Mr. HUNTER. Now, on that point though, and I will let the gentleman continue, would the gentleman agree that from a safety viewpoint binary; that is, two elements which in and of themselves are harmless unless mixed in a catalytic action are safer than the unitary round where you have only a thin shell between you and death.

Mr. LEACH of Iowa. Surely. I think the gentleman raises a fair question and I want to respond to that as well.

Mr. HUNTER. But as to that question, the gentleman would agree.

Mr. LEACH of Iowa. If the gentleman would give me time to respond in my way I would be appreciative.

As far as the dual or binary weapon is concerned, first I think we should recognize it is not that much more lethal than the system that is unitary.

As far as safety is concerned, as members of the committee particularly understand, some of the experimentation with the Bigeye, which is a binary weapon, has not proven to be overly safe. Intriguingly when the question of safety is raised, one ought to ask: Is there a major safety problem in the weapons we currently have? Despite the large quantity of unitary weapons in our arsenal and despite the fact that they have been stockpiled for four, five, six decades, there has not been a great problem of safety.

That brings us to the question and I would like to be very forthright with the gentleman, there are some advantages to binary. There are also some advantages to unitary. They are not that great in distinction. There are a whole series of other issues that I would like to take some time to talk about, but not directly in response to the gentleman's question because I think it would be going beyond his intent in yielding to me.

But I would only stress to the gentleman that on safety grounds there is a case to be made for his binary approach; there is also a case to be made for the unitary approach. It is not overwhelming on either side. Therefore, there are a whole series of other considerations, such as cost, such as diplomacy, such as the implications for arms control, that must also be taken into consideration.

Mr. HUNTER. I thank the gentleman for his statement.

Simply to make a last response to that, I would say that as a person who has seen, for example, in the statistics from the Vietnam conflict the number of Americans killed, in accidents. As an American then, I think from our perspective of wanting to provide safety and security for our troops—the binary round must be considered the preferable munition.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. HUNTER) has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 5 additional minutes.)

Mr. HUNTER. Let me simply make my statement and then I will yield to the gentleman once again and then go right down the line and let everybody have a chance to respond to this question.

I think that the safety factor is overwhelming. Once again, the problem with the Bigeye that has been brought out by Members who oppose production is not that it is not safe but rather that it is not dangerous enough, because the only time the Bigeye becomes dangerous is in flight when those two elements mix. We have had problems like the lanyards not working, the lanyards being the mechanisms that start the washing machine action that mixes the two elements in flight.

So what you are saying is you have had some Bigeyes which have landed on target which would not hurt anybody because they have not been dangerous enough. They have not mixed their elements adequately.

So in my estimation the security and safety of our Armed Forces is more important than getting the 100-percent kill.

I thank the gentleman for his remarks.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Two small points and I do not want to go into classified information, but I would suggest to the gentleman the problem with the Bigeye is slightly greater than he described.

But beyond that, I do not think the gentleman wants to imply that in terms of safety that we lost any lives in Vietnam because of chemical weapons accidents.

Mr. HUNTER. No; the point I was making to the gentleman is this: A great many American lives in any conflict are lost not because the soldiers are shot at by enemy on the battlefield, but because of accidents, military accidents. I am saying again if I was in charge of an airfield and I had the choice of having two elements that in and of themselves were harmless, or having one very deadly element that was only separated from my people by a very thin skin, I would take the two harmless elements.

Mr. BONIOR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Michigan.

And I would once again ask the gentleman to address at least initially my first question and that is: If you had the choice of having two elements in the binary system that in and of themselves are harmless until mixed by a catalytic reaction or having deadly nerve gas, which we have right now, enclosed only by a thin skin which could be destroyed and that nerve gas released by an incoming round, which would you take?

Mr. BONIOR of Michigan. I wish to address that question specifically.

First of all, I would like to thank the gentleman for yielding and to preface my remarks by stating that I think the statements that the gentleman from Iowa has just made are very important. Both systems, obviously, are dangerous to our troops.

But let me point out a study that was done by the CRS that refutes the argument of binary proponents that chemicals used to produce binary chemical weapons are harmless. The study points out that one of the chemical's precursors, DF, and I quote: "Has a chemical structure similar to that of many phosphorous based insecticides"—which the gentleman from Arkansas mentioned—"and is toxic and lethal in relatively large amounts. Those working with it need to take safety precautions."

The point I am trying to make, in answering the gentleman's questions about concern about our own troops taking incoming rounds, is that these things are dangerous, whether you are dealing with unitary or binary, and to base the argument that we should go

to binary on this issue, I think, does not consider the important issues that were raised by the gentleman from Iowa, the other important issues regarding diplomacy, efficiency, and other issues.

Mr. HUNTER. I thank the gentleman for his statement.

Let me remark very briefly before I recognize the next gentleman to answer that question. As a farmer who has worked with insecticides and perhaps not always with the right type of gloves or equipment, I would say if the choice is between having two elements, which are relatively not dangerous, that is, having the choice between two elements, one of which is insecticide and having the possibility of that insecticide being exposed to my troops or having nerve gas, which instantly kills, being exposed to my troops, once again, I would go with the risk that thousands of American farmers, perhaps imprudently, take every day and that is to be exposed to the insecticide.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding.

I also will try to answer the gentleman's question.

I think the responses of the gentlemen from Iowa and Arkansas have adequately made the point that there is really relatively little difference between the two.

The gentleman keeps coming back to the point if you have one that is separate and one that is unitary which would you rather have. I think what any fighting man at the front would agree is that he rather have neither, he would rather have neither unitary nor binary.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. HUNTER) has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. PEASE. What any fighting man would rather have is neither binary nor unitary.

An important question here, which really rises far above the specific point that the gentleman raises, is what is likely to lead us to the situation where neither one is being used.

□ 1230

We would argue on our side that the production of binary weapons is likely to increase the possibility that one or the other will be used in battlefield situations, and that I think is the question that really needs to be keyed in on.

Mr. HUNTER. I thank the gentleman. Once again, let me make a comment on his comment about those little difference between the two types of weapons.

The difference between having unitary rounds, which again has nerve gas encased by a very slim shell, and the binary system is the difference between life and death. The thousands of livestock that perished in Utah in the accident we referred to earlier would never have perished if we had had binary weapons. And that consideration should be an overriding consideration. I would say to every Member in the Chamber and every colleague who is concerned about this issue, you can make a very rational, logical decision to go ahead with binary production solely because of the safety factor. And I think that the gentleman from Iowa was very honest when he said, yes, looking at it strictly from a safety standpoint, having the two harmless elements instead of the one very dangerous element is of course preferable.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield, since he used my name?

Mr. HUNTER. I yield the last few seconds to the gentleman from Iowa.

Mr. LEACH of Iowa. I do not think the gentleman thoroughly characterized my comment. My comment was intended to say that it is about an even draw.

Mr. HUNTER. Let me ask the gentleman once again, then, if you had two harmless elements which in and of themselves are harmless until mixed, and you had that, and you compared that to having a deadly nerve gas encased only by a slim shell, which would you prefer, from a safety perspective?

Mr. LEACH of Iowa. Based upon the experimentation that has so far taken place with the binaries, I would feel uncomfortable with their total safety at this time. I think it is about a draw.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to our colleague, the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding, and I rise in opposition to this amendment.

I might say that what we have on the bill in chemical warfare that has been brought out by the gentleman from New York (Mr. STRATTON), and others, is really a total compromise. Actually we are only asking—I am repeating what has been said before, but I think it is important—for long lead items, no production. As has been stressed over and over again, you would have to come back to the Congress to ask for authorization to construct or link these different long lead items.

If there is a weakness in our military preparedness—and I have been on this Armed Services Committee for a number of years—it is in chemical warfare. We have got our heads in the sand when we will not come forward with items that are on chemical warfare.

Now, I in World War II lugged a gas mask, as many people here today, all the way across Europe. Fortunately, we did not have to use our gas masks. And the reason we did not is because Hitler knew that we had chemical warfare units right with our infantry divisions, that we could strike back if Hitler, who did have nerve gas and who had other types of gases, if he would have used those gases, we could have implemented ours.

The same situation works in the Soviet Union. If you are going to deter, you have to have the weapons to deter. And that is what we did in World War II with Hitler.

So, I certainly am opposed to the amendment, and I hope we will vote it down and move ahead with these long lead items.

I appreciate very much the gentleman yielding.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Maryland.

Mr. MITCHELL. I thank the gentleman for yielding, and I am going to request that he be given some more time.

I asked the gentleman to yield because unless you are a member of the committee it is awfully difficult to get an opportunity to speak, and I understand that.

I am constrained to speak on this issue, not knowing all of the technicalities involved. But it seems to me that we are embarking on a very, very dangerous kind of path for mankind, moving ahead with newer and better and more destructive weapons, and at the same time going back to perfect chemical weapons which the civilized world agreed the use of those chemical weapons would just be an unthinkable kind of thing.

And now we are talking about going ahead with chemical warfare capability as a method of deterrent. I want to say to the Members of this House that I believe it is about time we started moving from that position of total militarism, where we talk incessantly about how much kill power is in any one given weapon system. I am a veteran, just like many of you in this room. I do not like forces that would destroy this country. But I think we erode the spirit and soul of this Nation when our argument centers on how much more capability do we have to have in order to kill how many more people.

I know the gentleman is supporting the amendment. I thank him for yield-

ing to me. But in my heart I could not sit through this debate without rising to my feet and attempting to point out the utter folly, the utter destructiveness of attempting to solve world problems through militarism, and particularly through the use of chemical weapons.

I thank the gentleman for yielding.

Mr. Chairman, I ask unanimous consent that the gentleman from Missouri (Mr. SKELTON) may have 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. DICKINSON. Reserving the right to object, Mr. Chairman, I do not intend to object, but let me just comment, for the edification of all interested, that we are still on the second amendment to title I. We spent a productive day yesterday, a hard-fought day, as a matter of fact. But we have many items that will be discussed, even under title I, before we can go forward with the bill. I would hope that both the opponents and proponents of the amendment would show some restraint——

Mr. EDGAR. Mr. Chairman, will the gentleman yield under his reservation?

Mr. DICKINSON. If the gentleman does not mind, I do not mind yielding if I am allowed to finish my statement. This is the first time I have been on my feet. I think the gentleman has been heard before.

But I would hope under my reservatin that those of us who want to participate, on whichever side, would show some restraint and realize that we have been told by the leadership, the Speaker, that we will rise today at 5 o'clock. We will be back to the floor next Tuesday, that if the bill is not finished by Thursday, we will not be back to the floor perhaps for a month, 2 months, we do not know, we do not control the scheduling. This impacts on the appropriations bill. They are waiting to follow us. It has ramifications going out in several directions. What I am asking is that the Members show some cooperation and concern and not be repetitive and limit their remarks as much as possible.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield 30 seconds to me?

Mr. DICKINSON. I will yield to the gentleman in just a moment, as soon as I finish my statement.

This would allow us to move along as expeditiously as possible, and it would be appreciated by the Members. We are not asking to limit debate on either side but just asking for restraint, trying to point out the problem of the time we have, because if we do not get through the bill by next Thursday, we are told, it probably will be a month or more before it can even come up again, which impacts appropriations, impacts other bills, and so that is why it is important that we show restraint where we can.

I am very pleased to yield to the gentleman from Maryland.

Mr. MITCHELL. I thank the gentleman. I only need 30 seconds.

The schedule was laid out in the whip meeting, and I am well aware of the enormous demands to move in a timely fashion. I felt a little guilty, really, because I am not a member of the committee.

Mr. DICKINSON. There is no reason why the gentleman should.

Mr. MITCHELL. Let me just finish. I felt a little guilty to ask for time. But honest to God, I just feel so strongly about the course that this Nation is on, and I have no other vehicle through which I could express myself. I do not intend to speak again on this.

Mr. DICKINSON. I did not mean to imply that anyone who thought they needed to speak should feel in any way guilty or that they should not speak. I am just asking for the cooperation of the Members.

Mr. MITCHELL. And I am buttressing your position by saying I am aware of the legislative demands.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I share the gentleman's concern and comments, and I think the gentleman makes a good point with restraint. Some of us who do not serve on the Armed Services Committee and have an inability to get recognized until the Members who have talked about this in committee get fully recognized find it very difficult to be heard on the House floor on this important issue. So I commend the gentleman for his comments, and I, for one, will respect his comments and look for some reservation of the request to have additional time, but I would also urge the gentleman and other Members who do serve on the Armed Services Committee to let those of us who represent the same number of people and have the same constituencies have an opportunity to make our voices heard.

Mr. DICKINSON. Further reserving my right to object, let me just respond by saying that if the gentleman will review yesterday's debate, even though members of the committee were given preference in recognition, noncommittee members spent as much or more time in the general debate by being yielded to by who controlled the time. So they were pretty well represented. It was not to cut off debate.

□ 1240

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. DICKINSON. I yield to the gentleman.

Mr. EDGAR. I think that is true except that it is an inappropriate way to offer your basic comments. You are normally responding to the dialog in the well, and I would simply say that some of us have some new ground to cover that we would like to cover in our written statements.

Mr. DICKINSON. I appreciate that, but in a spirit of comity and in trying to conclude, and give everybody an ample opportunity, I just wanted to make the observation and make people aware what our constraints are because it is a serious subject.

Further reserving the right to object, I yield to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. It is this gentleman's amendment that is up for consideration, and I have been through this some 3 years in a row—most of us have—and I think I have got a sense of what has been covered and what has not been covered. I would not be adverse to trying to wind up debate on this by 1:30 and splitting the time between the two sides.

It would seem to me to be an adequate amount of time to finish the points that we have and a good way to resolve any dispute about who has got field advantage insofar as controlling the time.

I would propose, Mr. Chairman, that debate on my amendment would be terminated at 1:30.

The CHAIRMAN pro tempore. The Chair would observe that we already have one request for unanimous consent pending by the gentleman from Maryland.

PARLIAMENTARY INQUIRY

Mr. MITCHELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MITCHELL. Mr. Chairman, I certainly do not want to get into the issue of limiting the time, but I want to make sure that the gentleman's time is protected because he was kind enough to yield to me. So that if you are going to limit time, let his 5 minutes not be included in that limitation.

The CHAIRMAN. Pending is the original request by the gentleman from Maryland that the gentleman from Missouri be granted 5 additional minutes.

Mr. DICKINSON. Mr. Chairman, under my reservation I do not object, and I would hope that the gentleman would yield to the gentleman from Arkansas for his request now.

The CHAIRMAN pro tempore. Pending is the unanimous-consent request of the gentleman from Maryland that the gentleman from Missouri be granted 5 additional minutes.

Is there objection?

Mr. STRATTON. Did I understand the gentleman's proposal to be that the time would be divided between both sides?

Mr. DICKINSON. Yes.

The CHAIRMAN pro tempore. The Chair will again observe that, first, the pending business before the House is the unanimous-consent request of the gentleman from Maryland that the gentleman from Missouri be granted 5 additional minutes.

Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) is recognized for 5 additional minutes.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I will yield briefly, very briefly.

Mr. BETHUNE. Mr. Chairman, I ask unanimous consent that after the time of the gentleman in the well, the gentleman from Missouri (Mr. SKELTON), has expired, there be an additional 50 minutes of debate to be divided by the proponents and opponents of this particular amendment, with the committee to control one-half of the time and I to control one-half of the time.

The CHAIRMAN pro tempore. Does the gentleman's unanimous-consent request include this amendment and all amendments pending thereto?

Mr. BETHUNE. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection?

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, our friend from Maryland commented in his eloquent remarks that this is a dangerous path for mankind. I might point out that this is not the path we have chosen. For 15 years, the United States of America has not produced chemical weaponry. Yet, all during that 15 years the Soviet Union has produced dangerous, modern, chemical weaponry. Also they have produced modern defensive equipment for their military.

Were this an earlier day, back in the days of knights in shining armor, to simplify this particular issue, in light of the fact that the gentleman from Arkansas said that we are spending some considerable amount of money on defensive suits, but that we should not proceed with the chemical weaponry whatsoever.

Putting it in a simpler day and time, the gentleman from Arkansas, were he in the councils of war in that era, would let us arm our soldiers in suits of armor but not give our soldiers bow and arrows with which to fight the enemy.

That is what this is today. We have a situation where we are, hopefully, trying to modernize against and prepare them for such a chemical attack, but if we are to have a deterrence and to put our soldiers on equality on the battlefield, we must arm them with the deterrence, and that is weaponry.

Now, what does this bill say? This bill does not provide funds; this bill also is in light of the treaty proposal that has been on the table. I might say that the Soviets, on two different occasions, once in June 1982 and another in August 1983, have shown an interest in discussing this issue, each time after the United States has said it has voted either in an authorization or in an appropriation for binary chemical weaponry.

So we must recognize the fact that this does, this does lead to an interest in negotiations. You have to have something to negotiate. If we do not adopt what is in the bill, if we adopt this amendment, we are putting this country on a unilateral disarmament in the area of chemical weaponry that I think is dangerous and unwise.

The controversy surrounding the chemical warfare program generally tends to focus on the issue of whether the Congress should authorize and appropriate funds to start modernizing our chemical munitions stockpile. There are those who argue that if we have a strong chemical defense that is all we need in order to deter the Soviets from initiating chemical warfare. Therefore, they say, we do not need to modernize our stockpile. That simply, Mr. Chairman, is not true. The bill before us contains about 72 percent of the funding and authorization of this chemical program to help save the lives of our young troops by providing adequate chemical defense. But even though protective measures are vital, such passive defenses alone do not deter chemical attacks from our Armed Forces.

The CHAIRMAN pro tempore. Pursuant to the unanimous-consent agreement previously entered into, all debate on the Bethune amendment and all amendments thereto will conclude in 50 minutes, the 50 minutes of debate to be equally divided; 25 minutes to be controlled by the gentleman from New York (Mr. STRATTON) and 25 minutes to be controlled by the gentleman from Arkansas (Mr. BETHUNE).

The Chair recognizes the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the amendment. Carrying on the tradition of my predecessor as chairman of the Foreign Affairs Committee and pointing out the foreign policy considerations that we consider very important while discussing this particular proposition.

First, I would like to just touch on a couple of things. One, if I was the commander of an airfield, I would not have unitary or binary chemical weapons on my airfield. So, it would not make any difference as to which was safer or which was not safer unless I was required to carry something in my aircraft from tactical or strategic reason. I sure as heck would not have any chemicals that I did not need. I would have enough logistical problems at a forward air base without worrying about those items.

I think as far as the question which is safer or which is not safer is really a red herring in a tactical situation. The point is either one of them is going to kill, and the question is whether or not it is going to kill you or the enemy or both of you, from a military standpoint.

The other is strictly from a moral standpoint which the gentleman from Maryland raised, and I think appropriately so. That is, whether or not as a matter of sheer philosophy or policy that we have to have in the United States every single lethal weapon that the opposition has just because the opposition has that lethal weapon. The implication is that it in some way gives us greater security on the battlefield. I doubt that in every which way.

We have in this House turned this issue down now several times. The point is that we are again being asked to authorize the procurement of long-lead binary items or initial base production as the Navy calls it. Ultimately, the whole thing is production, pure and simple. The chemicals for binary production are commercially available throughout the world.

□ 1250

What we are talking about is the procurement of the component parts in order to be able to use whatever it is that is going to come off the end of that production line.

We have turned that down. As my predecessor said in the debate the last time this came up, this is a difference without a distinction. It is like trying to determine the difference between 25 cents and a quarter. There is none. What is in this bill is $95 million for the procurement of parts and components for the production of binary chemical weapons. If you are against that, then you ought to vote for this amendment because that is what the fight is all about. Otherwise, we would not have any need for this discussion here on the floor.

In seven votes over the past 2 years, a bipartisan majority in the House has consistently said "No" to binary production moneys.

We have said no to binary production for sound, well-documented foreign policy, arms control, and national security reasons.

Ever since President Nixon halted the U.S. production of deadly nerve gas some 14 years ago, the Committee on Foreign Affairs has had an active

interest in our country's chemical warfare policy. Since that time it was our late colleague, Clem Zablocki, who was the leading force in Congress to rid the world community of deadly chemical weapons. The Bethune amendment represents a continuation of Clem's efforts.

The United States already has an adequate stockpile of nerve gas munitions that have been fully tested and that would result in millions of deaths—mostly civilian.

That fact was reaffirmed just last year by a blue ribbon panel established by the Secretary of Defense. The panel found that the current U.S. chemical stockpile provides a credible chemical retaliatory deterrent into the 1990's.

Our NATO allies have consistently rejected new U.S. deployments of binary nerve gas.

The administration sidesteps this fundamental issue by saying that we have not asked our allies to store binaries in their countries.

We have not asked our allies for good reason. Their answer would be, "No thanks, we are barely able to implement the NATO decision to deploy theater nuclear weapons."

What deterrent value do binaries offer if they cannot be deployed in Europe to deter the Soviet threat?

The answer is obvious, none.

The bitter irony of the administration's prochemical weapons production policy is that it unwittingly serves Soviet interests. It gives the Soviets yet another propaganda advantage in the world community.

Our refusal to embark on a binary chemical weapons production program distinguishes the United States from reprehensible Soviet chemical warfare activities. Let us preserve not blur that distinction.

In a comprehensive study on the proliferation impact of the U.S. binary production program, a CRS report for my subcommittee demonstrates that binary production makes the proliferation of chemical weapons more not less likely.

The report points out that binary components are technically easier to produce than unitaries and that the raw materials needed for production are readily available in commerical markets worldwide.

That same report also concludes that the potential use of chemical weapons by terrorists would be encouraged by a U.S. decision to produce binary chemical weapons. The report succinctly concludes: "From the terrorist perspective, there are technical advantages to binary chemical weapons."

It seems that whenever a defense program gets into trouble in Congress, we are told we need it as a bargaining chip to get the Soviets to negotiate. Binaries are no exception. As often is the case, binaries are ineffective bargaining chips.

In addition to its other problems, binaries have not been fully and successfully tested. It is that very conclusion which prompted the GAO last fall to recommend to Congress that we not fund the program. Furthermore, binary production undermines the administration's effort to negotiate a ban on chemical weapons production.

During the 1980's the binary chemical weapons program has been the only defense program which has been rejected by Congress. During the same time, the Soviets have made a potentially significant concession relative to the verification of a ban on chemical weapons production.

This is in stark contrast to other defense programs that impact on arms control. For example, Congress has agreed to those defense programs that impact on the START and INF talks. The reality today, however, is that we no longer have ongoing negotiations with the Soviets in those areas. Both sides are building weapons, not negotiating their elimination.

In the chemical weapons area, however, we have said "No" to resuming chemical weapons production. Meanwhile, the Soviets have agreed to discuss for the first time the principle of onsite inspection. Specifically, the Soviets have called for continuous onsite inspection by international inspectors on their soil—something which they have consistently rejected in the past.

Let us pursue that potentially significant Soviet concession in negotiations with the Soviets. Let us determine how committed they are in implementing their call for onsite inspections.

To embark now on a binary production program would be counterproductive to the administration's effort in negotiating an effective ban on chemical weapons production.

For these many sound foreign policy and arms control reasons, I encourage the House to reaffirm its consistent bipartisan opposition to authorizing binary production moneys by supporting the Bethune amendment.

If you vote for the Bethune amendment you are saying yes to preserving our present retaliatory capability. If you vote for this amendment you are saying yes to the President's effort to negotiate a verifiable ban on the production of chemical weapons. If you say yes to this, you are saying yes to keeping our R&D chemical efforts. The Soviets have for the first time indicated they are willing to accept some type of on-site inspection.

I think we ought to call their hand on that and not destroy this potential opportunity to negotiate a ban on the production of chemical weapons. Therefore, I urge you to support this amendment.

Mr. STRATTON. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment. However, before I discuss the reasons for my opposition, I think it might be useful, since we have been into this debate for several hours, to recap exactly what is included in H.R. 5167 for the chemical modernization program.

The bill contains $813 million for chemical protective programs, $150 million to support the chemical disposal program, and $163 million to maintain the current stockpile of weapons, to continue research on potential systems, to procure long-lead parts for the Bigeye bomb and the 155-millimeter artillery shell, and to start preparing for the production base.

Therefore, 72 percent of the 1985 chemical program is to help protect our troops, to save lives; 19 percent is to handle the existing stockpile, and only 8 percent is to start preparing the production base and the long-lead parts.

Furthermore, the bill also explicitly prohibits the production or final assembly of any chemical munitions. It requires the President to establish a special bipartisan Chemical Review Commission to examine whether the United States should resume production of chemical munitions, and to report the Commission's findings and their recommendations to Congress by January 1, 1985.

Therefore, there is no way this bill could be interpreted as recommending authorization for the production of binary chemical munitions. The language in the bill prohibits final assembly or the production of any binary chemical unless otherwise specifically authorized by law after the date of enactment of the DOD bill.

Now, why do I oppose this amendment? First, because the United States has not produced a single chemical munition in 15 years, a virtual unilateral disarmament.

Second, as long as we remain reticent regarding the modernization of our existing stockpile, there is no clear incentive for the Soviets to sincerely negotiate a verifiable chemical arms ban. We have just tabled such a document in Geneva.

A vote for the chemical modernization program contained in this bill is a vote for the arms control, and not for resumption of chemical munitions production. That is a vote we must defer until later.

The other gentleman from Arkansas who keeps referring to a blue ribbon panel. This blue ribbon panel addressed the physical conditions of some of our current artillery stocks. It

did not address the larger issue of the military adequacy of the stockpile.

With regard to the physical condition of the artillery projectiles, the panel confirmed evidence of decomposition of chemical agents and stated that the condition of these munitions by 1990 cannot be predicted with any reliability.

Therefore, I oppose this amendment.

Mr. BETHUNE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to commend the gentleman (Mr. BETHUNE) for his great leadership in offering this amendment, and his obvious expertise in this area.

It seems to me, Mr. Chairman, that against a background of obvious use of chemicals in the Iranian-Iraqi war and a long background of the Soviet Union's evident use of chemical weapons in Afghanistan and Laos, the initiative of Vice President BUSH in going to Geneva in April to offer a new treaty to the Soviet Union was one that the Members of this House and the American people applauded greatly.

That same day, however, the Pentagon announced that they would again seek funding for a new generation of deadly poison gas bombs here in the Congress. Even though they lost on seven straight votes over the past 3 years, the Pentagon coincided their announced request for these new binaries with the tabling of a treaty in Geneva for the Soviet Union's consideration. It seems to me that we shot ourselves in the foot by asking for new nerve gas on the same day we tabled treaty. We have world opinion on our side. We have had it on our side for years. Why kick it away at a time when we could have capitalized upon it?

There is only one reason, in my judgment, to break our 15-year commitment to a moratorium on not producing new chemical weapons, and that would be if we needed new weapons to provide an adequate deterrent to keep the Soviets from using their chemical arsenal in a first strike.

So the issue remains: Do we have a sufficient deterrence? Our Secretary of Defense, Cap Weinberger, thinks we do. He testified before the Senate Armed Services Committee to that effect in 1983. I agree with Secretary Weinberger. We do have a large and usable stockpile of unitary chemical weapons. We, in fact, have enough gas to kill every human being on Earth. There is no doubt about that. And the Soviets, if they were to make first use in Europe of these weapons would not only have to suit up; they know that they would die like flies if we were forced to counterattack a Soviet chemical attack with our chemical weapons. That, also, is fact.

People say: "Well, our chemical weapon stockpile is old." I suggest that lots of Members in this Chamber are old but, Mr. Speaker, the issue is not whether it is old, the issue is whether it is good and useful. Our stockpile is substantial and usable.

A 1983 blue-ribbon panel was commissioned by the DOD to study our chemical stockpile. The panel concluded that only 6 of every 10,000 artillery shells are leakers. This small number of leakers is destroyed in the process of normal maintenance.

With regard to safety of our stockpile Senator JAKE GARN of Utah where most of our chemical warfare stockpile is stored repeatedly states that our existing stockpile is not deteriorating. In fact, the stockpile is very safe and is in excellent shape.

> The question about our current stockpile as far as it being leaky, unreliable, or whatever, I do think I may know more about than anybody in the room, because virtually all of the stock happens to be in my state, 35 miles from Salt Lake City. I have viewed it personally. I have been in the shelter where they have been stored. I have gone through the emergency procedures that are used. We have had that stock there for more than 35 years. There has simply been no accident of any kind to anyone under any circumstances during that period of time.

Let me make one final point. If we were to produce these new binary poison gas weapons at this time, what would we do with them? I quote from a letter that I just received from Robert McNamara, former Secretary of Defense, Cyrus Vance, former Secretary of State, and retired Adm. John M. Lee:

> It is also far from clear whether our friends and allies in Europe would be positively disposed toward the prepositioning of binary weapons on their soil. We are concerned that an attempt to forward deploy binary chemical weapons would not only be rejected by our European allies, but could also trigger a request for the removal of currently deployed unitary chemical weapons from West Germany.

It seems to me, Mr. Chairman, that we have nothing to gain from the production of binary chemical weapons, and a great deal to lose. We can save the money, and I would urge the House to adopt this amendment to delete funding for this costly, unnecessary, and possibly counterproductive weapons system.

Mr. PRICE. Mr. Chairman, I yield 7 minutes to the gentleman from Arkansas (Mr. ANTHONY).

Mr. ANTHONY. I thank the gentleman for yielding this time to me.

Mr. Chairman, unfortunately, when you sit back and are the 30th or 40th person to stand up, many of the things you have to say are somewhat repetitious, but there are some points that I think that need to be made, and some points that need to be reemphasized.

My good friend, the gentleman from Arkansas (Mr. BETHUNE), has led the fight to try to stop a modernization of our chemical weapons system in the United States, but I want this body to realize that there are four members of the Arkansas delegation. The other three do not support his position. The other three support the position of the committee of trying to modernize our capability so that we can insure that our troops will never have to face that dreaded day when the enemy will drop some type of chemical weapon upon them.

□ 1300

I would like to try to take some of the arguments that have been made and hopefully set the record straight. The gentleman from Florida (Mr. FASCELL) made a statement awhile ago that under this particular piece of legislation the chemicals are on the shelf, leaving a terribly wrong impression that if we defeat the Bethune amendment and the facilitization goes forward, we can just reach out and take these chemicals off the shelf and suddenly we can have the binary.

That is not correct. That is incorrect. We will have to have additional moneys appropriated and authorized by additional Congresses before we can complete the facilitization to even make the chemical QL that will go into the Bigeye. We will have to have additional authorization and we will have to have additional appropriation before we will be able to finish the facility located in my district at Pine Bluff to transform purified DC into the chemical DF. So that statement is incorrect.

What we are asking you to do is to say that 15 years is long enough to wait, that we are going to put a facility in place, we are going to ask the contractors to provide the metal parts and the plastic parts so that we can at least have them available, and that we are going to continue to negotiate with the Soviets in the hopes that we can totally eliminate the fear of chemical warfare.

There are two very important things that are happening this year that did not happen last year. I could not come into the well and say the bill last year contained no production funds because there was a small amount of money in there to complete that facility for a test run. I can honestly come to the well today and I can tell you there is no money in this bill for even a test run.

So if you say that this is a vote for production, that is a misstatement of fact. It can be your personal opinion as to what may happen next year or the following year, but that is incorrect today.

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to my friend, the gentleman from Montana.

Mr. WILLIAMS of Montana. Mr. Chairman, I thank the gentleman for yielding.

I get the sense from listening to this debate that many Members, perhaps Members in their offices watching television, have, because of last year's debate and because of the emotionalism of this issue, made up their minds and perhaps we do not have their full attention. I hope that they are listening because I want to address just a couple minutes of remarks and questions, if I may, for the gentleman in the well to those Members who last year voted as I did on this issue. I and a significant number of Members in the House voted against the offensive preparation for chemical warfare; Members that voted as I did yesterday on MX, and that is those who voted against it; Members who voted as I have several times in the past against the defense authorization and appropriation bills. I say to those Members that you should pay more attention to this issue and not vote emotionally because this issue requires study.

If we are really going to be able to bring the Soviets to the negotiating table, if the Soviets are going to properly focus on the treaty which the President of the United States has been forced to place in front of them in regard to chemical warfare, I suggest that the Bethune amendment must be defeated, and that the gentleman in the well and others who support moving an inch, only an inch, to try to convince the Soviets to come to the table, are correct.

Let me ask my friend, the gentleman in the well, a couple of questions. I understand that there is procontrol language in the legislation as it came out of committee, that is, treaty-type control language. Could the gentleman enlighten me on that?

Mr. ANTHONY. Mr. Chairman, the gentleman is absolutely correct. And in fact I personally told the President of the United States, along with my good friend, the gentleman from Texas, Mr. LEATH, that we would not go into the well of the House and defend his program if he did not specifically link it to arms control.

He did that. He has done that, and specifically, by language in the committee report and in the committee bill, there is language that ties the President to this particular arms control position. that was not in last year's bill; it is in this year's bill.

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield further?

Mr. ANTHONY. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I also understand that the difference between last year and this year is that while we are discussing this year's legislation, a treaty has been laid upon the table by the United States. That was not done last year; is that correct?

Mr. ANTHONY. The gentleman is absolutely correct. Not only do we have the authorization specifically linked to a chemical arms treaty, a treaty now has been tabled.

Mr. WILLIAMS of Montana. Mr. Chairman, if the gentleman will yield further, last year's vote was a vote against some production of chemical weapons for the purpose of a test. On this year's vote, whether the amendment offered by the gentleman from Arkansas passes or the committee bill passes, there is no production money for chemicals in this legislation or in the amendment; is that correct?

Mr. ANTHONY. Mr. Chairman, my good friend, the genetleman from Montana, can go back to his State and he can answer his press and he can answer his hostile constituent, and he can look him in the eye and honestly say, if he votes against the Bethune amendment, that he did not vote for production of nerve gas.

Mr. WILLIAMS of Montana. Mr. Chairman, I thank the gentleman.

Mr. BETHUNE. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, all the objections we in the United States have to chemical weapons are felt, I think, even more acutely in Europe, where these weapons are to be deployed and where a nerve gas war would be fought. The immorality of this weapon, the tremendous loss of life to unprotected civilians that nerve gas warfare would entail, and the handing over of a propaganda tool to the Soviets, are all of very great concern to our European allies.

No European government has evidenced any interest whatsoever in possessing binary nerve gas weapons. The governments of Norway and Holland have stated that they would not allow their forces to use nerve gas or permit nerve gas to be deployed on their territory. Germany's policy is not to train its troops in the use of chemical weapons "now or in the future." Our NATO allies are acutely aware of the reality that a chemical war would cause millions of civilian casualities, a catastrophe of strategic proportions for Western Europe.

I fear that our administration continues to ignore the effect that binary production would have on the delicate consensus of the NATO alliance on a number of critical strategic questions.

The sensitivity to the Pershing II and cruise missile deployment we see in Europe today may be quickly aggravated by U.S. pressure for forward deployment of nerve gas.

Recognizing the sentiment of a great many Europeans regarding arms control and disarmament, I would be surprised if chemical weapons did not fuel this fire. European governments, now involved in NATO's nuclear force modernization program, would be additionally burdened by their public's protest of chemical weapons on their soil. Congress has repeatedly directed the administration to provide a "country-by-country report from our NATO allies with respect to their official views on U.S. chemical weapons production," first in the defense supplemental appropriations for fiscal year 1981 and again in the Defense appropriations for fiscal year 1982.

Congress remains concerned about this aspect of our chemical weapons program and I would urge the administration to be more forthcoming with this report. There is no military utility in storing chemical weapons in the United States, they would have to be deployed in Europe. To deny this linkage, as Secretary Weinberger has done, is to again put the cart before the horse, much as the administration has tried to do with the MX missile.

In my opposition to chemical weapons I can at least feel safe in knowing that these horrendous weapons will never be used in my frontyard. Our allies in Europe can take no such comfort. Their concerns in this regard are of vital concern to us all. If they continue to reject the deployment of new stocks of nerve gas, as I expect they will, we will have spent an enormous amount in dollars and in political good will.

Mr. PRICE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. RAY).

Mr. RAY. Mr. Chairman, I rise in opposition to this amendment.

It is clear from the amendment that at least a few of my colleagues still doubt that the Soviet Union is serious about developing and maintaining a credible offensive and defensive chemical war-fighting capability. Intelligence estimates indicate without doubt that the Soviets have continued to expand their chemical arsenals despite a 15-year unilateral freeze in U.S. production of chemical munitions.

How do we explain this? The explanation is that the Soviets are deadly serious about developing and maintaining a credible and superior chemical war-fighting capability.

Mr. Chairman, we should all be convinced that the Soviets have long range, worldwide and patient goals which are not in the best interests of the free world. The best that we can hope for is that they do not want to engage in a nuclear or conventional conflict, including the use of chemical weapons.

But let me repeat and emphasize that in my opinion this is the best we can hope for.

But, Mr. Chairman, we know from qualified reports that the Soviets are quite capable of being inhumane and

ruthless in achieving the goals they have in mind and want to achieve, and once they get the advantage they move forward in pursuing these goals.

The point we are trying to make today is that we cannot allow them to gain the advantage. We must always maintain a strong deterrent. The question before us today is whether we can accomplish this objective with our current unitary stockpile or whether it is necessary to modernize and upgrade the stockpile with more effective, safer binary munitions.

Mr. Chairman, a good case has been made today regarding the need for an upgrading of our chemical capability, and in my opinion and in the opinion of the experts we should proceed with this development.

Mr. Chairman, I urge the defeat of the Bethune amendment.

□ 1310

Mr. BETHUNE. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Chairman, I would like to stress five points. The first is the issue of proliferation. If legitimized through new production and stockpiling, chemical weapons could all too easily become a poor man's weapon of mass destruction. Nuclear weapons, as we know, are beyond the financial and technical capacity of most countries to produce, but as the Vietnamese and Iraqis are demonstrating today, many are willing to go forth with obtaining deadly chemical weapons. The question, therefore, this body has to address is whether we want to head in the direction of legitimizing these weapons for countries like Cuba, Syria, and India.

The question we also have to address is whether we want to head in the direction of legitimizing these weapons for terrorist groups like the PLO.

The second point relates to our stockpile. It is not insignificant. If we uniformly distributed the chemical weapons we currently have stockpiled in Europe, and I do not pretend that we have the capacity to perfectly deploy them, we would, however, have the capacity to destroy the majority of the population in Eastern European cities.

We may not have a perfect deterrence, but it is also not trivial.

Proponents of binary weapons are making two arguments today. One of the arguments is that they are safer, and yet ironically it cannot be demonstrated that the current generation of unitary weapons have produced profound safety problems, nor can it be demonstrated that the binary weapon is that much more safe than the unitary weapon.

The second argument proponents make is that of modernization. Here it has to be stressed that to be modern does not necessarily mean to be more effective or lethal. In the chemical weapon area we have not progressed much further than we did in developing mustard gas prior to World War I.

As for the issue of defensive equipment, there is no dispute in this body: We need better defensive equipment and the Bethune amendment does not preclude such development.

The third point I would like to make relates to deployment. Weapons are simply not credible unless they are deployed, yet none of our allies in Western Europe are beseeching us to place these new chemical weapons on their soil. To seek such deployment will simply place another wrench in the Western alliance and may in fact jeopardize our current deployment of older systems.

My fourth point relates to the distinction between biological and chemical weapons. We do have a very strong case today not to legitimize chemical weapons, but it is far more important not to legitimize biological weapons. These are first cousin weapons systems. In the lexicon of mass destruction systems, we have chemical, nuclear, and biological, with chemical being the least awesome, nuclear being the second most awesome, but by quantum magnitude the most awesome sysem is biological.

We have a profound obligation not to go forth with anything that legitimizes this genre of chemical and biological weapons systems.

My fifth point relates to the negotiations of arms restraint. We cannot expect arms control unless we are willing to take the lead. The treaty the Vice President submitted in Geneva deserves respect. It is a first good step, but let us not complicate arms control with a new weapons system that will fuel rather than retard the arms race.

There is simply no greater testament to man's irrationality than for us to press forward with a new generation of chemical weapons based on the ratinale of the bargaining chip. The bargaining chip theory must at some point be put aside or we will never have responsible arms control and this planet will become an ever more vulnerable place to inhabit.

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I am in receipt of a letter dated May 16, 1984, which I would like to share with the membership here. The address at the top is the White House, Washington, D.C.

Hon. WILLIAM L. DICKINSON,
House of Representatives,
Washington, DC.

DEAR BILL: With the goal in mind of abolishing chemical weapons from the face of the earth, I directed Vice President Bush last month to table a treaty on chemical weapons at the meeting of the Committee on Disarmament in Geneva. A comprehensive draft treaty was tabled on April 18, 1984. In addition, this Administration has initiated an effort to reach a bilateral agreement with the Soviet Union which is generally considered a prerequisite to a multilateral treaty.

To obtain such a bilateral agreement, I submit that it is essential that the United States continue its program of chemical modernization in order to provide an incentive for the Soviet Union to negotiate a meaningful agreement. I assure you that I personally share your revulsion toward chemical warfare and pledge the vigorous and unceasing efforts of this Administration to obtain both a bilateral and multilateral ban on the development, production, possession, transfer and use of these weapons. Obviously success in obtaining an effective agreement cannot be guaranteed, but I submit that our chances of success will be appreciably diminished if we fail to proceed on schedule with the above chemical modernization program. That program specifically provides a preponderance of resources for the protection of our forces and for preparedness. No funds are provided for the production of binary chemical munitions and no production can or will occur in the future without the authorization and appropriation of funds by Congress.

Despite certain misinformed statements to the contrary, our present stockpile is inadequate. It is inadequate in militarily usable munitions and has been inadequate as leverage in our arms control efforts. This modest offensive modernization effort is needed to keep the pressure on the Soviet Union to negotiate a meaningful agreement. However, the situation is growing more serious each day as our deterrent capability continues to deteriorate, and it is absolutely essential that we act now with determined bipartisan support on this very critical defense issue.

Our efforts at arms control are inextricably linked to our chemical modernization program. If you share my hopes that our arms control initiatives succeed, I urge your support for these modernization efforts.

Sincerely,

RONALD REAGAN.

In addition to that, Mr. Chairman, I have a series of letters which I hereby include in the RECORD.

Mr. Chairman, each and every one of these sets out in essence what the President has said in his letter. What we have on hand is inadequate, either as to a weapon that is militarily effective or as a deterrent.

There are no production funds in here. We are seeking an earnest all out effort, as evidenced by the actions of the Vice President when he tabled an agreement hoping that the Soviets would agree.

It has been pointed out in the past where we unilaterally abandoned chemical warfare, the production of weapons for chemical warfare about 15 years ago. Since that time the Soviets have not only continued to produce, they have indigenous units in each division of their army. They practice with it and not only that, they have used it.

So our forbearance has done nothing except to cause the Soviets to go forward with their efforts. Only by an

agreement will we be able to control this with the Soviet Union.

I would contend, as does the President of the United States, that the only way we are going to get the Soviets to come and negotiate is to give them something to negotiate about, because if they have something and we have nothing, there is nothing to talk about.

The requirement for modernization of the chemical retaliatory stockpile remains essential to the national interest as stated by President Reagan. The attached letters and testimony to the House of Representatives from the below listed military experts and leaders of the United States have emphasized the inadequacy of our current stockpile and the urgent need to modernize.

Mr. Weinberger, Secretary of Defense;

General Vessey, Chairman, Joint Chiefs of Staff;

General Wickham, Chief of Staff, U.S. Army;

Admiral Watkins, Chief of Naval Operations;

General Gabriel, Chief of Staff, U.S. Air Force;

General Kroesen, (retired), former Commander in Chief, U.S. Army Europe;

General Nutting, Commander in Chief, U.S. Readiness Command;

General Kingston, Commander in Chief, U.S. Central Command; and

General Rogers, Supreme Commander Allied Powers in Europe.

THE SECRETARY OF DEFENSE,
Washington, DC, May 15, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am taking this opportunity to reemphasize the extreme importance the Department of Defense attaches to our request for modest steps to reestablish a credible chemical warfare deterrent.

We in the Department share the national aversion to chemical warfare; our military has no desire either to face chemical weapons or to employ them. We also share the desire for a complete ban on these weapons, and I am particularly proud of our role in supporting the nation's chemical arms control initiatives including the draft treaty and the international workshop on verification of chemical weapons destruction. However, we do not have a chemical weapons ban today and the potential for chemical warfare is a fact of life that we cannot continue to ignore.

With our current stockpile of chemical weapons, the United States cannot deny the Soviet Union a significant military advantage from initiating chemical warfare. This unpleasant reality is the factual basis from which we must act. How then are we to deter the Soviets? Retaliate against civilians? Surely not. Retaliate with nuclear weapons? We wish to decrease, not increase, our reliance on nuclear weapons to deter nonnuclear conflict. What then are alternatives to restoring a militarily effective chemical weapons stockpile? Opponents of modernization offer no answers.

I urge members of Congress to support the Defense Authorization Bill which does not provide funds to produce chemical weapons, but does allow preparation for production. Failure to take this modest step not only undermines the chemical arms ban initiative that the Vice President delivered in Geneva, but also increases the likelihood that the men and women of our armed forces will someday face this weapon in combat. There is no more serious deficiency in our defense posture today.

Sincerely,

CAP WEINBERGER.

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, DC, May 4, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate begins consideration of the FY 1985 Department of Defense Authorization Bill, I again express my concern for a critical program—modernization of our chemical retaliatory capability. Last year, the requested funding for modernization was authorized; however, the appropriations were denied.

The requirement for chemical modernization has not gone away. We have seen no decline in Soviet chemical programs, and the asymmetry in modern chemical weapons continues to favor the Soviets. Further, we have now seen chemical weapons proliferate into the third world.

Our policy of chemical deterrence is sound and humane. However, we must be capable of supporting that policy with the appropriate weapon systems. Our current stockpile has several shortcomings which have been reviewed in detail during congressional hearings. Those shortcomings reduce the credibility of our retaliatory chemical policy and, indeed, may lower the nuclear threshold if we are to avoid defeat by an enemy's widespread use of chemical weapons.

The FY 1985 modernization program represents a measured response to the chemical imbalance and simply provides for an enhancement of the binary chemical munitions production base. Actual production will require additional decisions from the Congress in the future. This approach signals increased US resolve to redress the existing asymmetry while allowing the Soviets a limited period of time to transform their arms control rhetoric into action. The proposed chemical treaty presented by Vice President Bush in Geneva and measured progress in our chemical deterrent posture are mutually supportive of our legitimate defense and arms control objectives.

I urge your support, and the support of your colleagues, to insure that our chemical modernization program continues to move forward.

Sincerely,

JOHN W. VESSEY, Jr.,
Chairman, Joint Chiefs of Staff.

U.S. ARMY,
THE CHIEF OF STAFF,
May 15, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request your continued support for our chemical weapons modernization program. In looking over the recent improvements in our total military readiness, it is distressing to find that they could be negated on the future battlefield by a single factor—the lack of a meaningful chemical retaliatory capability. In view of an extensive, offensively oriented Soviet chemical warfare capability, plus the proliferation of chemical weapons in the third world, this situation is cause for deep concern.

The Soviet chemical warfare capability today is unmatched in the world. They have fully equipped their forces to fight on a chemical battlefield. Their doctrine and training stress extensive chemical weapons use with special emphasis on striking deep against airfields, logistics centers, nuclear delivery systems, and ports. The Soviet chemical weapons stockpile is deployed so that weapons are readily available to all of their major commanders. Therefore, they can force us to bear the burden of operating in chemical protective gear throughout the theater of operations.

On the other hand, our forces lack the means to impose a similar burden on them. Our current chemical stockpile does not meet even the most conservative requirements estimates. Ninety percent of it would be unusable or ineffective on today's battlefield. Thus the modernization program is essential to rebuilding a credible chemical weapons posture. The FY85 defense budget allows for continuing the work on the production base for binary weapons and buying time-sensitive components for the munitions. While it does not permit us to start actual weapons production, it will be a step toward reestablishing a meaningful chemical weapons capability.

The ability to effectively retaliate in kind against a chemical attacker is fundamental to deterring chemical weapons use and basic to supporting our national policy. Our modernization program must be allowed to proceed if we are to restore the deterrent value of the stockpile and develop the leverage necessary to move the Soviets toward a chemical weapons ban treaty.

Recognizing our current military vulnerability in this area, the potential for increased proliferation of the use of chemicals, and the general desire for rapid completion of a verifiable ban on chemical weapons, I ask your continued active support of this program. It is truly critical to our Nation's defense.

Most sincerely,

JOHN A. WICKHAM, Jr.,
General, U.S. Army, Chief of Staff.

U.S. ARMY,
THE CHIEF OF STAFF,
May 15, 1984.

Hon. DANTE B. FASCELL,
Chairman, House Foreign Affairs Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request your support for our chemical modernization program. In reviewing our national defense posture and the recent improvements in our total military readiness, it is disquieting to find that our effort could be largely negated by a single factor on the modern battlefield—the lack of a credible chemical retaliatory capability.

While the chemical warfare threat has been growing, the U.S. deterrent and retaliatory capability has seriously eroded. Consider these facts. The Soviet Union possesses an extensive arsenal of chemical weapons; delivery systems which can hit targets at any depth on the battlefield; protective equipment comparable in quality to ours; and an extensive force structure which ex-

ceeds reasonable defensive requirements. Additionally, the Soviets have repeatedly demonstrated a willingness to use such weapons and to support their proliferation to the third world. The United States, in contrast, has an aging stockpile—90% of which would be unusable or ineffective on today's battlefield; delivery systems with limited ranges; and munitions with the wrong agent for desired effect. Thus, our supply of useful chemical munitions does not meet the most conservative requirement estimates. It is not adequate to convince the Soviets to move toward a verifiable chemical weapons ban, deter the use of these weapons against our forces, or allow us to fight successfully on a chemical battlefield.

The binary modernization program now before the Congress offers a restrained response to this critical situation. Funding is requested to do two things: continue work on chemical weapons production facilities and buy time sensitive weapons parts. No weapons production is included. These actions will provide a prudent step in the direction of improving our readiness. At the same time, the existing chemical weapons production moratorium is maintained while current arms control efforts are pursued.

In view of our military vulnerability in this area, the increasing use of chemical weapons across the world, and the general desire for rapid completion of a viable ban on chemical weapons, I solicit your support for the chemical weapons modernization program. It is crucial to our Nation's security.

Most sincerely,

JOHN A. WICKHAM,
General, U.S. Army, Chief of Staff.

U.S. ARMY,
THE CHIEF OF STAFF,
May 15, 1984.

Hon. JAMIE L. WHITTEN,
Chairman, House Appropriations Committee, House of Representives, Washington, DC.

DEAR MR. CHAIRMAN: As the House considers the Fiscal Year 1985 Defense Program, I want to highlight an issue I consider to be of critical importance—modernization of our chemical retaliatory capability.

Because of the large scale capacity of the Soviet Union to attack with chemical weapons, recent efforts to improve the protection provided our troops against the effects of chemical agents have been well supported. But, the one-sided use of chemical weapons can defeat even the best protected defenders. If our defensive measures are not coupled with an effective retaliatory capability, we will not deter chemical attack.

United States chemical weapons are old and 90% of our stockpile is not militarily useful. In fact, we cannot meet our most conservative estimates of what is needed for effective retaliation by our forces. Modernization with the new binary weapons is needed to restore our ability to retaliate. This modernization program would eventually give us weapons that are more effective; safer on the battlefield; and safer to make, store, move, and destroy when no longer needed. By placing a potential chemical attacker in jeopardy of a reprisal in kind, we reduce the incentive for use of these weapons at all and reduce the probability that we would have to resort to nuclear weapons to avoid quick defeat.

The arms control implications of modernization are no less apparent than the military need. Since 1969 the United States, as a demonstration of good faith, has not made any chemical weapons. This restraint has been paralleled by serious attempts to negotiate a comprehensive, verifiable ban of these weapons. So far the Soviets have been unwilling to move measurably toward a meaningful, verifiable treaty. In view of their increasing dominance in chemical weaponry, they have little incentive to give up their advantage either by negotiation or voluntary disarmament under the circumstances that have prevailed over the past 15 years.

The modernization program now before the Congress is a carefully measured response to this critical situation. Funding ($105M) is requested to do two things: continue work on chemical weapons production facilities and buy time sensitive weapons parts. No weapons production is included. These actions offer a significant step in the direction of improving our readiness while maintaining the current chemical weapons moratorium as arms control efforts continue.

To achieve our deterrent and arms control objectives, the Nation must move ahead with chemical weapons modernization. I ask your support for this vital program.

Most sincerely,

JOHN A. WICKHAM, Jr.,
General, U.S. Army, Chief of Staff.

U.S. ARMY,
May 15, 1984.

Hon. EDWARD P. BOLAND,
Chairman, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request your support for our chemical modernization program. In looking over the recent improvements in our total military readiness, it is distressing to find that they could be largely negated on the future battlefield by a single factor--the lack of a meaningful chemical retaliatory capability. In view of an extensive, offensively oriented Soviet chemical warfare capability, plus the proliferation of chemical weapons in the third world, this situation is cause for deep concern.

During the past 15 years, the United States has maintained a self-imposed moratorim on the production of chemical weapons while the Soviet Union has continued to improve its chemical warfare arsenal. The Soviet chemical warfare capability today is unmatched in the world. They have fully equipped their forces to use chemicals on the battlefield. Their doctrine and training emphasize extensive chemical weapons use with special emphasis on striking deep against airfields, logistics centers, nuclear delivery systems, and ports. The Soviet chemical weapons stockpile, although not precisely quantifiable by current intelligence, is deployed so that weapons are readily available to all of their major commanders.

On the other hand, the U.S. chemical stockpile does not meet the minimal need for countering, and thus deterring, Soviet use of these weapons. About 90 percent of what we have is unusable or would be ineffective on today's battlefield. In an effort to improve our situation, the FY85 defense budget provides for continuing the work on production facilities for binary chemical weapons and obtaining time-sensitive components for the munitions. While no actual chemical weapon production will be authorized, this program will be a prudent step toward restoring a credible chemical deterrent.

Our ability to deter chemical warfare, and to fight successfully should deterrence fail, is of the highest importance. A retaliatory capability is basic to this deterrence and moving the Soviet Union toward a complete and verifiable ban on chemical weapons. The proposed chemical weapons modernization program is crucial to the achievement of such a capability. I ask you to support the program we have put forward to redress this critical national security deficiency.

Most sincerely,

JOHN A. WICKHAM, Jr.,
General, U.S. Army, Chief of Staff.

CHIEF OF NAVAL OPERATIONS,
May 14, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I urge you to support the chemical weapons modernization program during the FY-85 budget process. The deficiencies of our 25-year old unitary stockpile have been well documented. I consider that it no longer provides a meaningful deterrent to Soviet initiation of chemical warfare. Indeed, in comparison to the Soviet's offensive chemical capability, our posture almost invites the use of chemical warfare against us.

With our existing stockpile, we lack any credible capability to threaten retaliation to Soviet use of chemical weapons by delivering persistent chemical agents beyond artillery range. Modernization of our chemical warfare stockpile with binary-type weapons, such as the BIGEYE bomb, will partially redress this deficiency.

The inherent safety of BIGEYE would provide the flexible capability to deploy chemical munitions aboard aircraft carriers in a deterrent posture without the serious operational and safety concerns we now have with existing stocks of unitary munitions.

I am very pleased with the progress we have made in the development and testing of BIGEYE, and am confident of our ability to produce this weapon. I believe that providing for the earliest production base for BIGEYE is vital and I respectfully ask your support for the chemical weapons modernization program.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
U.S. AIR FORCE,
Washington, DC, April 6, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request your continued support for the much needed binary chemical weapons modernization program. Last year your efforts were most helpful in securing authorization for this program; however, we were unsuccessful in obtaining appropriation authority in the Joint Conference. We can expect the binary chemical issue to be a difficult one again this year, but the need to modernize our aging and ineffective chemical munitions stockpile has never been more urgent. The following points underscore the need for this program.

The threat is real and growing. The Soviets have the world's most developed chemical warfighting posture.

The present U.S. stockpile does not constitute a credible deterrent and does not give the Air Force a capability to strike long range targets with persistent chemical agents.

Bigeye is the only near term offset to the Soviet long range chemical warfare capability. Bigeye generates the right chemical agent and it is compatible with modern aircraft tactics.

The FY85 DOD budget does not involve production of any full-up chemical weapons; however, our requested program does allow the Services to respond quickly if Congress authorizes such procurement in the future.

CHARLES A. GABRIEL,
General, USAF, Chief of Staff.

TESTIMONY, HOUSE ARMED SERVICES COMMITTEE, MAY 10, 1984

Mr. CHAIRMAN. I appreciate very much this opportunity to discuss the subject of chemical warfare, perhaps the greatest weakness in the posture of our Armed Forces today, one that reveals a potentially decisive flaw in our ability to defend ourselves against an enemy attack.

In 1979 Congressman Richard Ichord wrote an article, published in Readers Digest entitled, "The Deadly Threat of Soviet Chemical Warfare," in which he observed that, and I quote: ". . . the Soviet Union has perfected and stockpiled the most frightening array of chemical weapons in history." He described a sophisticated catalogue of destructive chemical compounds that kill or incapacitate by attacking respiratory, blood, or central nervous systems against which we have only a rudimentary defense. He concluded that the Soviet forces are immersed in chemical weapons tactics, doctrine, equipment development and training that, and again I quote, ". . . it would be odd if they did not employ them," and further, "we are whistling past the graveyard" if we fail to develop and reestablish our chemical employment capabilities.

In recent months I was privileged to head a study group of 21 senior retired military officers, all generals and admirals from all the services, who were asked to evaluate the chemical warfare posture of the U.S. and NATO Forces which might be employed to oppose a Soviet/Warsaw Pact attack which was supported by chemicals. We were asked to ascertain how NATO commanders might respond to such an attack and how NATO forces would survive and function in a chemical environment.

We completed a narrative text of nearly 500 pages describing the impact of chemicals on the battlefield, the advantages and disadvantages associated with such employment, and the conclusions drawn when the Soviet threat is matched against the U.S. and NATO chemical capabilities programed for the year 1990. Our report is classified, SECRET, in view of the specific weaknesses of our posture that are revealed.

In our study we learned that Congressman Ichord was quite correct in his 1979 assessment, that now the threat is even more formidable and that our defenses are still rudimentary. We believe that his observation, that it would be odd if they do not employ chemicals, should be supplanted by an even stronger statement—that Soviet commanders would be militarily foolish not to employ chemicals in any military encounter with NATO forces.

The Soviet Forces have a versatile collection of chemical agents and delivery means, and a stockpile which assures that every field commander will have sufficient means to employ chemicals in any concentration needed to achieve the objectives assigned to him. Against unwarned and unprepared targets, he is assured of immediate devastating results as the combat effectiveness of attacked units is virtually destroyed. Against warned, protected targets he causes an immediate operational degradation as troops encumbered with their protective gear lose 50-80% of their operational effectiveness. We emphasized our recognition of the asymmetry of the battlefield which occurs when one side is encumbered with defensive gear while the other, not faced with a retaliatory attack, can be selective in offensive employment and thereby assure that the bulk of his forces do not suffer the same degradation in dexterity and the psychological trauma associated with being sealed in protective clothing. It is quite apparent that there would be no contest between two football teams if one of them had to play dressed in chemical protective uniforms.

We were impressed by the potential for selective or "surgical" employment of chemical agents with a few missiles or a special forces team with chemical rockets or mortars or only grenades, the enemy could eliminate a major headquarters or a signal communications note in conjunction with, or only minutes after, launching an offensive.

The possibility of winning militarily while inflicting no major collateral damage to the infrastructure certainly commends chemical warfare to the attention of a nation bent on conquest and subjugation. This feature alone has to be attractive to Soviet decisionmakers who would like to have Western Europe's industrial complex intact.

The study team highlighted the increased pace of operations expected if chemicals are used in support of conventional operations. Earlier breakthroughs and more rapid exploitation can be predicted. General Bernard Rogers, Supreme Allied Commander, Europe, in his public speeches urging the improvement of NATO's conventional forces, has stated that he believes he will have only seven to ten days before he will have to request authority to employ tactical nuclear weapons. In our opinion, if the Warsaw Pact Forces employ chemicals in support of their conventional attack, General Rogers will have even less time, much less.

The weakness of our position is our retaliatory capability. No other factor has anything approaching the influence of retaliation as a means of eliminating asymmetry, of balancing the operational effectiveness of the troops employed. No defensive measure or mechanism, unless one believes in the possibility of immunization against nerve gas and cyanide and mycotoxins, no defensive measures can begin to redress the operational imbalance that occurs if one side can employ chemicals and the other cannot.

These observations point to the conclusions of the study: that the Soviet Union is ready, willing, and able to employ chemical warfare in support of military operations; that NATO and the U.S. Forces cannot fight successfully in the asymmetrical environment created when the enemy has all of the initiative and the options of employing chemicals. Perhaps most importantly, we concluded that the current imbalance of chemical capabilities lowers the nuclear threshold.

Finally, we concluded that all of the current efforts to modernize our forces, i.e., to see the battlefield in greater depth, to move more rapidly, to shoot faster and further, to improve command and control and communications, to strike deep against second echelon forces, all of these things are hostage to our refusal to modernize our chemical delivery capabilities and to the asymmetry in US-Soviet capabilities. We believe that to ask soldiers, sailors, airmen or marines to go to war facing this situation should be unthinkable.

FREDERICK J. KROESEN,
General, U.S. Army (Ret.),
Burdeshaw Associates, Ltd.

U.S. READINESS COMMAND,
MacDill AFB, FL, May 15, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The subject of chemical warfare is an important item, although admittedly not a very popular one, in terms of our national defense. During the upcoming Congressional discussions of the Military Authorizations Bill for FY85, several key points should be considered.

First, although we have made some progress in our ability to defend against an enemy's chemical or biological attack, we still do not present a credible chemical deterrent to the Soviet Union. An improved U.S. chemical delivery capability can provide such a deterrent without the risk of a lowering of the nuclear threshold. If we do not continue recent efforts to modernize the U.S. retaliatory chemical munitions stockpile, the Soviet Union will continue to possess a distinct military advantage in that area.

Second, we do not need a large stockpile of chemical weapons, but we must have one which is modern. The current unitary assets present a significant hazard to the soldiers and airmen who may eventually employ them. That danger is of equal significance to the crews who may be required to move the munitions by air, land, or sea from our storage sites in the United States to the delivery forces wherever they may be.

Finally, the use of chemical munitions as a conventional warfighting capability is an integral part of Soviet doctrine. Chemical weapons can, and probably will, be used to support a Soviet attack unless they perceive no military advantage for themselves in such a situation.

Funds are needed in FY 85 which will allow us to prepare for the production of 155 mm non-persistent binary nerve agent filled artillery munitions. Should production become necessary these munitions would provide us usable, relatively safe, easily transportable weapons for retaliating against an enemy chemical strike. Until then their potentiality will provide a much needed deterrent value.

Similar funds are needed for the continued preparation for production of the Bigeye persistent nerve agent bombs. These weapons, if eventually produced, will provide U.S. forces with a persistent chemical agent which can be delivered deep into enemy territory with a reasonable measure of aricraft survivability—something we do not now have.

Along with General Vessey, I solicit your support on these matters as a key part of the President's Weapons Modernization Program. Firm Congressional backing of this action will aid deterrence and will send a clear signal to the Soviet Union concerning the resolve of this nation to protect

itself if the Conference on Disarmament fails to produce the desired result.

Sincerely,

WALLACE H. NUTTING,
General, U.S. Army, Commander in Chief.

U.S. CENTRAL COMMAND,
MacDill Air Force Base, FL, May 7, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congress will soon begin discussions on the budget request for the Chemical Weapons Modernization Program. The specific request will be for money to fund production base items, facilities, equipment, and munitions components. Funding for these production base components is time-critical if we are to prevent significant delays in the Modernization Program.

As I emphasized in my May 1983 letter to you and the Honorable John Warner this Modernization Program is critical to providing our operational forces with a modern usable chemical stockpile. The current stockpile contains many unserviceable and deteriorating munitions. Presently available chemical weapons systems offer few options in a chemical warfare conflict. A considerable discrepancy exists between U.S. and Soviet warfighting capabilities. Further, the lack of a deep strike persistent agent retaliatory capability is a vulnerability that must be corrected.

I appreciate your efforts in supporting chemical defense programs. However, I must submit that a purely defensive chemical program is inadequate in light of the potential Soviet capability and their demonstrated willingness to use such weapons. The Chemical Weapons Modernization Program, if approved, will insure state-of-the art, munitions which are safe to store and handle, and provide a broad range of retaliatory options. The attainment of a flexible modern chemical stockpile is critical to the achievement of a positive deterrent posture for this nation.

While supporting the Administration's efforts to achieve a total ban on chemical weapons, we must press on with this effort, which will create an incentive for negotiations, while providing protection to U.S. forces. I strongly urge you to gain the support of the Congress for the funding of the production base.

Sincerely,

ROBERT C. KINGSTON,
Lieutenant General, Commander in Chief.

U.S. EUROPEAN COMMAND,
APO New York, 10 May 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As I have communicated in the past, I am extremely concerned about the status of our ability to deter initiation of chemical warfare. The requirement for an effective deterrent is greater now than ever before as evidenced by continued growth of the Soviet chemical capability and use of chemical weapons in the Middle East. Although our defensive capabilities have improved and must continue to improve, our retaliatory capabilities are still deficient. Reliance on defenses alone would leave our forces at a decisive disadvantage to the Warsaw Pact which can launch seriously degrading chemical attacks against our airfields and support facilities without risk of effective chemical retaliation.

To retaliate effectively, we need modern systems that can deliver chemicals anywhere on the battlefield. While our present artillery projectiles provide a short range capability, they are aging and lack military usefulness due to obsolescence of delivery means. Our most critical need is for the survivable, deep-strike, persistent agent delivery capability that would be provided by the Bigeye binary bomb. Only with such a capability can we hope to convince the Soviets that initiation of chemical warfare would not result in significant military advantage.

Much is said about the probability that modernization of our chemical stockpile would impede chemical disarmament talks. In my opinion, the opposite is much more probable. Constraint on our part for the past fifteen years has not been effective in convincing the Soviets to do likewise. While holding the upper hand they are unlikely to negotiate earnestly.

Our objective, to develop a credible chemical deterrent and to strive toward chemical disarmament, will raise the threshold of chemical warfare. To help us reach that objective, I encourage you and other members of the House of Representatives to approve funding in the FY 1985 Department of Defense Budget which will result in preparation for production of binary artillery projectiles and the Bigeye bomb.

With gratitude for your continuing support and all good wishes.

Sincerely,

BERNARD W. ROGERS,
General, U.S. Army, Commander in Chief, Europe.

Mr. BETHUNE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, if there could be a greater evidence of how restraint makes sense in controlling weapons, there is no greater example than in the area of chemical and biological agents.

The notion that you have to build more chemical weapons, open a new facility to get the Soviets to the bargaining table, is absolutely fraudulent. The only place on this planet that they are talking to the United States of America about arms control is in Geneva, where they are discussing in a multilateral way the control of these chemical and biological agents.

□ 1320

Fact No. 1. Fact No. 2, all during the period of time that the Congress of the United States has been denying administrations the new production capabilities for binary, the Soviets have continued to negotiate. So those of you who make the argument that you have to build this to get the Soviets to the bargaining table are not living in the same world that the Soviets are apparently living. They want to talk about it. They want to reduce these weapons because they realize they have to.

Mr. BETHUNE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, let there be no mistake about it, we are talking about production of binary weapons in this bill, and this amendment would strip out the production.

I have in my district a rather unique facility for making Ford vans. One plant makes the chassis, another plant about 12 miles away makes the cabs, and trucks carry those cabs back and forth all day long. The analogy it seems to me with this bill is very important.

The way the bill came out of the committee, we are being told that we are going to build all of the parts for a binary weapon and we are just not going to put them together. That is like taking one factory in my district and making truck chassis by the tens of thousands, and the other plant making truck cabs by the tens of thousands, and then somebody asks the question: Are you making trucks? The answer comes back: "Why, no, we are making chassis and we are making cabs. We are not making trucks." How ridiculous can we be?

Under this bill we will be building all of the parts for binary weapons. They only need to be put together.

What will the Soviet Union think when it sees us into a production schedule for all of the parts that simply can be put together with no fuss at all?

Let us not kid ourselves. We are talking about production of binary weapons in this bill.

The House has rejected production every year for the last several years. We ought to do that again this year.

I yield back the balance of my time.

Mr. BETHUNE. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. I want to reiterate one of the points stressed by the gentleman who spoke before me.

Let there be no mistake about what we are doing here today. We are leveraging today for production tomorrow.

This is the same vote that we have taken on seven different occasions in this House. It is a production vote.

I want to know how the Members of this House are going to explain to their constituencies the difference? Everybody understands the tactic. As sure as night follows day, next year this vote will be used as the justification for outright production.

I say that we must stop it. We must vote no again as we have on seven votes on this issue of production, and I urge my colleagues to give their support to the Bethune amendment.

Mr. SMITH of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to my colleague, the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentlewoman for yielding.

I rise in favor of this amendment and would just urge my colleagues to just think about one thing. If somebody throws acid in your face, is your first tendency to throw it back?

Must you have acid to combat acid? Must you have chemicals to combat chemicals?

There is no real deterrent effect in having chemical weapons. They need to be rid from the face of the Earth. They do not do anything to deter chemical warfare.

We had better start thinking about that before we start plugging in more of these weapons.

Mr. BETHUNE. Mr. Chairman, could the Chair advise how much time is remaining on either side?

The CHAIRMAN. Each side has 8 minutes remaining.

Mr. BETHUNE. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I rise today in support of the Fascell-Bethune-Porter amendment which would delete the $95 million requested by the administration for preproduction procurement of parts necessary for the production of binary nerve gas weapons.

Let me comment briefly on two arguments that have been made, which are the same arguments made last year.

One is that our negotiators need binary chemical weapons to bargain with. The argument is a familiar one and it is one that we have heard about before.

Ambassador Louis Fields, our emissary to the chemical weapons talks, our chief negotiator, was here to give a staff briefing on the Hill and I attended that briefing. I asked Ambassador Fields specifically: "Did you seek this startup of new chemical weapons production in order to strengthen our bargaining position," in Geneva? He said he had not.

I asked him further: "Were you consulted last year about binary production or the Leath amendment?" And again he said that he was not consulted.

Last week Ambassador Fields appeared before the Armed Services Committee, and once more I asked him if he had recommended or sought, or if he had even been consulted about the fiscal year 1985 authorization for binary chemical weapons. And again he said that he had not sought this and that he had not been consulted, nor had his advice been sought. But he said that after all, that is not my office, and I agree with that.

But it is curious to me how the proponents of new chemical weapons assert with such authority that we must acquire production capacity to bargain credibly with the Soviets, and yet the ambassador who conducts these negotiations has not actively sought or recommended production. Indeed, he has not even been consulted on the question.

In fairness, let me make clear that Ambassador Fields, when given the opportunity by Mr. STRATTON, did state that he "would have more chips on the table" if the United States resumed production of chemical weapons. But if it is so critical to his credibility, so necessary to his bargaining posture, why hasn't he actively sought production of these weapons?

Not only will approval of this funding not strengthen our hand at Geneva, it could impair our negotiating position. Negotiations on chemical weapons are taking place at the 40-member Conference on Disarmament at Geneva. The United States has worked diligently to win the support of the nonaligned nations present at Geneva. These nations understand that they stand to gain the most from a treaty on such weapons, for they have neither the protective devices which would allow their military to operate in a chemical environment nor the weapons to deter a chemical attack in the first place. Furthermore, they realize that it is in Third World nations that such weapons are currently being used.

The nonaligned nations present at the conference for a change, have been supportive of our position at Geneva, largely because we hold the moral high ground. Unlike the Soviet Union, the United States has not produced chemical weapons during the last 15 years. Unlike the Soviet Union, the United States is not perceived as attempting to gain an advantage in chemical weapons. The United States won additional support when it invited representatives of the member nations to visit the U.S. chemical weapons destruction facility at Tooele, Utah, in order to demonstrate on-site verification procedures.

All of these measures have served to gain the support of the nonalined nations for our position at Geneva, and conversely, to place pressure on the Soviet Union. According to Ambassador Fields, and I paraphrase from my notes, "the Soviets are taking a lot of heat and are clearly in a position of disadvantage" because of Third World support for our position.

Last October Ambassador Fields stated "The active and constructive role of the United States delegation has persuaded others that we are serious and that our approach is sound and reasonable. I feel safe in saying that at present we enjoy a strong measure of support for our positions and the confidence of our colleagues." They support us because we have the morally superior position. Let us not give up that position before making every effort to prevail with the treaty we have recently laid on the table.

The weapons we are debating today, the Bigeye bomb and the 155mm artillery shell, are tactical weapons. In order to be of any military utility, they must be stored near the battlefield where they would be used. That battlefield would most likely be Europe.

A second argument used last year, and repeated today on the floor, was that the Europeans, on whose soil these weapons would be stored and deployed, would not welcome their deployment. Indeed, an attempt at deployment of new weapons could provoke questions about the chemical munitions we now have in Europe.

During the past year, I attended a meeting with NATO defense parliamentarians. Among them was Peter Petersen, a West German, and a noted spokesman on defense issues in the Bundestag. Mr. Stratton was there too, and he asked Herr Petersen how the Germans would receive binary chemical weapons if they were produced in the United States and sent to Germany for storage. Petersen said, according to my notes, "I would hate to have a debate coming up on deployment of additional chemical weapons—I'd rather not bring this chemical warfare stuff up in Europe just now." He further said: "I would strongly advise that we coordinate the timing. This is a very hot issue. We don't need another emotional outcry after Pershing II."

General Rogers, Commander-in-Chief of NATO, in testimony before the House Armed Services Committee, acknowledged that it could be politically difficult to attempt to place new chemical weapons in Europe at this time, and stated that they might have to be stored in the United States, thousands of miles away from any possible targets, for the foreseeable future.

Last month Dr. Gold, Deputy Assistant Secretary of Defense for chemical matters, testified before a Senate Armed Services subcommittee. When asked whether there were any plans to store binary chemical weapons in Europe, Dr. Gold responded that the allies had "not yet been consulted."

In short, this body is being asked to approve possible production of a weapon which has no home. These binary nerve gas weapons would have to be stationed on European soil in order to be of any military use. It would take weeks to transport them from the United States to Europe in a period of crisis.

I am not arguing that we should forgo for all time the right to build chemical weapons. At some time in the future, if the Soviets continue to refuse to enter into a reasonable treaty, the United States may need to renew production of these terrible

weapons in order to maintain an adequate deterrent.

But our Ambassador is not actively promoting production capacity to bolster his bargaining position. Our NATO allies, in whose theater these weapons would be deployed, are not asking that we build new chemical munitions. And this should tell us something about the merits of the chemical munition provisions in the bill before us.

Sometime in the future, we may need to resume production, but not yet, not today.

Mr. BETHUNE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, as we wind down this debate, let me make five quick points and then focus on what I think is the critical issue.

First, the United States already has an adequate offensive chemical warfare capability.

Second, the U.S. production of binary carries grave foreign policy implications. We heard that from DANTE FASCELL.

Third, the U.S. production of binary is a waste of the taxpayers' money.

Fourth, the U.S. production of binary weapons undermines arms control efforts.

Fifth, chemical weapons are militarily ineffective.

The central point of this debate is whether or not the language of this bill and the dollar amounts committed are focused on the issue of production. I remind my colleagues that when the Defense Department came in for their request in 1982 they asked for "binary production." Congress said no.

When they came in in 1983 they labeled it "binary production base" and Congress again said no.

Just last week the Navy characterized this request as "low rate initial production." I believe that Congress ought to again say "no."

By any of the standards, as we look at this issue everyone must understand that this request is the same as last year. We are requesting again in this bill Bigeye bomb bodies for the Navy, Bigeye bomb bodies for the Air Force, equipment for Bigeye production facilities, Bigeye metal parts facilities; the same as last year.

What we do is we put all of the parts together in the installment plan, and next year this committee will be before the House asking for $50 million, $60 million, $70 million, $80 million, $100 million to put those items together.

We are establishing a low rate, to use the Navy's term, a low rate production line. All we are simply saying is we ought to stop it now. We ought to stay in Geneva and talk for the elimination of chemical and binary nerve gas capabilities throughout the world.

The gentlewoman from California was in the well earlier with a giant map saying this is where nerve gas is being used. It is being used by Third and Fourth World nations.

We who are the superpowers ought to set a super example and ought to work very diligently to reduce the threat of the proliferation of these weapons. We can do that by supporting the Bethune amendment. We can do that by cutting out production funds within the legislation. We can do that by understanding the security implications for ourselves, for our children and their children of continuing the insanity of chemical weapons.

PARLIAMENTARY INQUIRY

Mr. BETHUNE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BETHUNE. Mr. Chairman, as the maker of the amendment, do I not have the right to close the debate?

The CHAIRMAN. The opposition has the right to close the debate.

Mr. BETHUNE. The opposition to the amendment has the right to close the debate?

The CHAIRMAN. The gentleman managing the bill, the committee manager, has the right to close the debate.

Mr. BETHUNE. I am the only speaker I have left on my side and we only have 4 minutes.

The CHAIRMAN. As the Chair understands it, the majority has only one speaker left as well.

Mr. BETHUNE. Then I will yield myself the remainder of our time.

The CHAIRMAN. The gentleman is recognized for 4 minutes.

□ 1330

Mr. BONIOR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Chairman, once again, the House finds itself addressing the issue of chemical warfare, in spite of the fact we have voted repeatedly and by overwhelming margins to reject funding for the production of a new generation of binary chemical weapons.

For over 15 years, through both Democratic and Republican administrations, the United States has upheld a moratorium on chemical weapons production. There continues to be a bipartisan consensus across the country, and in Congress that opposes the production of new chemical weapons.

This request for $95 million is a dangerous attempt to polarize this issue. It serves to heighten the tensions surrounding what is becoming a worldwide problem of weapons proliferation. And it threatens to doom the prospects for negotiations on chemical weapons to the same impasse that is how blocking nuclear arms control.

We are told by the administration that we need to approve funds for the production of chemical weapons as a bargaining chip to bring the Soviets to the table. Let us look at the record:

We were told that the MX was a bargaining chip, we voted funds for the MX, and there are no strategic arms limitation talks today.

We were told that cruise and Pershing missile deployment was necessary to pressure the Soviets, deployment has begun, and there are no intermediate nuclear force talks today.

Now we are told that binary chemical weapons production will strengthen the prospects for negotiations—is Congress going to swing at a third bad ball?

Escalation is not a precondition to arms negotiations. It does not enhance our credibility as an advocate of arms control. It has not brought the Soviets to the table.

Throughout this century the world has recoiled in horror at the prospects of chemical warfare. The indiscriminate civilian deaths and lingering effects of the poisonous gases used in World War I led to the Geneva protocol of 1925, and a commitment by war-ravaged nations to renounce the use of chemical weapons. So strong was that commitment, that neither side used them during World War II.

Yet, today we face new challenges. Chemical weapons have been called the poor man's atom bomb. A recent CRS study documented the dangers of proliferation, dangers that would increase with the production of binary chemical weapons because they are easier to produce than the current unitary weapons.

The threat of chemical warfare is not merely an East-West phenomenon, it is expanding to the Third World. At this delicate moment, it would be a grave mistake for the United States to signal to the world our endorsement of the production of new chemical weapons.

There are no new arguments in favor of the production of binary chemical weapons. Indeed the arguments that led us to vote against production have been strengthened in the past 2 years by the findings of the GAO, CRS, and others.

Our existing stockpile is adequate, even Secretary of Defense Weinberger has acknowledged as much.

Binary weapons are less relible than existing weapons, indeed the GAO study recommended against funding them because they have not been adequately tested.

Production of binary weapons will jeapordize our relationship with our NATO allies, who have rejected U.S. deployments of new chemical weapons.

There is probably no greater testimony to the strength of the argu-

ments against production of binary chemical weapons than the efforts by the proponents this year to paint the finding request as something other than production.

Make no mistake about it, we are being asked to fund the same Bigeye bomb bodies, the same Bigeye equipment and parts, and the same artillery components that we were asked to fund last year, and the year before.

We voted to reject this request before, and I urge you to vote today for the Bethune amendment to prohibit production of binary chemical weapons.

Mr. BETHUNE. Mr. Chairman, only four points, very quickly.

First of all, this is the beginning of a new age of chemical weapons, the binary system. It will ultimately work its way up as all systems do, to the point where it will cost anywhere from $6 to $14 billion, according to the estimates that have been made.

It is a very important decision that we will make here today. This is the only weapons system that the President of the United States has asked for in the 3 years that he has been in office that he has not gotten through this House of Representatives. For three successive occasions we resisted this program because it does not make sense.

We have an adequate deterrence. That has been established repeatedly, year in and year out. The weapons they are requesting: we do not need, or they do not work. The 155 millimeter artillery shell will simply replace weapons we already have in our arsenal which are good in quality and quantity.

The Bigeye bomb, which is not working, has not worked. It is pretty interesting to note that on the specifics of this debate today that in every instance the committee pulled back; I did not hear them talking about the Bigeye bomb and how it is working; did you?

I did not hear much talk about that at all. In fact, they have gone to the figleaf and the crutch. Right away they take reliance upon the language in the bill which says we are not going to be producing; this is not production.

Well, friends, this is production. If it is not production, why are they resisting my amendment which simply stops production? But the fact of the matter is they are resisting this amendment because they want to produce. They are starting all of the parts that are necessary for production with this particular amendment.

If you vote for this amendment, you are putting in place all of the parts, all of the shells, all of the casings, all of the buildings, everything else that you need to produce. If you need further evidence of that, take a look at the bill last year and the bill this year.

Last year money was requested for Bigeye bomb bodies for the Navy. Is money requested this year? Yes. Last year Bigeye bomb bodies for the Air Force last year, yes; this year, yes. Equipment for the Bigeye production facility, last year, yes; this year, yes. Bigeye metal parts facility, last year yes; this year yes.

QL chemical production facility, yes last year; yes this year. Production of artillery shell parts, yes last year; yes this year. D.C. chemical production facility, yes last year; yes this year. Everything that was in last year's bill is in this year's bill.

The only thing in this year's bill that was not in last year's bill is that phony language that is the figleaf for everyone who now wants to do a pirouette and come out in support of this system. If you decide to do a pirouette on this particular issue, let me assure you you will have a number of questions to answer in your constituency and if you try to hit them with a figleaf and say, "We have language in the bill," someone will ask you, "Isn't that the case in Congress anyway? Can't you undo, each time you sit, something you did in the preceding year? Don't you always have the veto right?"

Was that not what the debate here was all about on the MX? You have been approving that system for years and years and years. But yesterday you had the very same prerogative you had last year on this system, whether that language is in there or whether that language is out. That language is phony, it is a figleaf.

That is why the debate this year on the part of the committee focused on that because that is the only thing they have got to sell. I do not think it will sell. I do not think it ought to sell.

I think if you will look at the facts in this particular debate, carefully scrutinize the arguments, you will see that they are simply asking for weapons that do not work and weapons that we do not need. Same debate as last year.

Mr. PRICE. Mr. Chairman, I yield the balance of the time on this side to the gentleman from Texas (Mr. LEATH).

The CHAIRMAN. The gentleman from Texas (Mr. LEATH) is recognized for 8 minutes.

Mr. LEATH of Texas. Mr. Chairman, you know, strangely enough, no one has ever taken this floor to my knowledge and denied that we need some degree of chemical warfare capability. So what this argument really breaks down to, is purely and simply do we today have a credible chemical warfare capability that would in fact discourage a potential adversary from unleasing a chemical warfare attack on our forces for fear that we would retaliate in kind.

Well, my friends, I think the answer to that is so clear that anyone who looks at it realistically can in no way deny the truth. I suppose it is popular now days for some Members of Congress to stand in this Chamber and rant and rave about the lack of credibility that the Pentagon has. I suppose that it is popular in some quarters to denigrate our generals and admirals, and talk about how greedy and insensitive they are, but I have to tell you, my friends, that all of that rhetoric and political conversation aside, I believe the American people would agree with me that if we can not trust those whom we have placed in a position of responsibility to conduct our most important function—national defense—we are indeed in trouble. If I were going to have to go to war today, I sure as thunder do not believe I would want the gentleman from Arkansas directing the battle. If I had to choose between him and General Vessey, there is not a whole lot of doubt in my mind which one I would choose. Why should this decision be any different? It is in fact a military decision—not a moral decision.

So if I am going to make a decision today based on a military threat and based on what needs to be done in order to assure that in any battlefield situation that my troops are going to win, I believe it is pure and simple logic that I am going to listen to the Chairman of the Joint Chiefs of Staff, and the Joint Chiefs collectively, and I am indeed going to rely on what I consider to be the finest military minds in the world, when I make that decision.

The very foundation of the argument against modernizing our chemical weapons capability is totally and completely based on the assumption that the United States today possesses a chemical warfare capability that is satisfactory on the modern battlefield. Ladies and gentleman, that is absolutely not true. All the facts support clearly that his assumption is sheer fantasy—over 90 percent of our stocks are of no danger to the Soviets—they are only dangerous to the people of Arkansas, Utah, Colorado, and other storage points.

As has been done so many times in this debate—there are tremendous volumes of information available to clearly indicate that a vast majority of the chemical stocks that we have are a much greater hazard to us than they are to the Soviet Union or any other potential enemy, and that as far as any military potential is concerned, it just purely and simply does not exist. The bottom line then simply has to be that if the adequacy of the stockpile is in fact the issue, and if you in fact believe as even the opponents of this measure admit, that it is important to have a chemical weapons capability, then it certainly appears to me that

you have to go with the overwhelming evidence as the record shows that every responsible professional authority in this country clearly states that our stockpile is totally and absolutely inadequate.

I know that there are many Members today who are going to say to themselves that yes, this argument of Mr. BETHUNE's is a phantom argument, and I know in my heart of hearts that this country desperately needs to rebuild and to modernize our capability in chemical weapons—but how in the world am I going to explain to my constituents when I go back home and some uninformed, biased reporters crams a microphone in my face and says, Congressman, why did you vote for nerve gas?

Well, I totally understand that there is no way that anyone can tell any of us how we can react to any issues when it comes to discussing that issue with our people. But I can tell you what I did and I can further tell you that an overwhelming majority of those I represent now understand why we have to address this horrible issue whether we want to or not. They know that I hate chemical weapons as much as they, but they also know that it is a hard decision I am compelled to make based on the facts. That is why they sent us here—to make the hard decisions, too—not just the easy ones.

Several months ago I went to the Pine Bluff Arsenal in Arkansas and even though I am fully aware that every precaution is taken to make sure that these stockpiles are totally secured I have to tell you it is an eerie feeling. The old artillery rounds and weapons, and so forth, we have are obviously stored in reinforced bunkers, but all of the massive bulk supply that our friends who are opposed to the binary program love to talk about as being available, sitting out in the open in canisters that have dates of production stamped on them that go back to 1940, 1941, and 1942. I have got to tell my friend from Arkansas that if I were him, every time a thunderstorm or tornado alert came through or was issued for the State of Arkansas, I believe I would have extreme concern. I have seen, as I am sure many of you have, what a twister can do and to think about one that might come down right through the center of that arsenal, and spread those unitary nerve agents all over that countryside would make me think long and hard before I would stand on the floor of this House and tell those people in Pine Bluff, those people in Colorado, Utah, and the other areas where these horribly dangerous chemicals are stored, that I was opposed to producing a replacement that was totally safe would take a whole lot more nerve and a whole lot more courage than this Member can muster.

So if you are serious about arms control, if you are serious about nuclear confrontation, if you are serious and concerned about the safety of our troops and the safety of those civilian areas where those dangerous unitary supplies are stored, then why do you not summon up the courage today and summon up the good judgment and defeat this amendment so we can buy a little insurance. You know even if we approve this $100 million today, it would still be a minimum of 2½ years before we could produce one single chemical weapon of any type. And there is no way in the world that those weapons could be produced without this Congress once again voting to approve those actions. We, not the administration, are in total control.

THERE ARE NO PRODUCTION FUNDS

I do not think there is a thinking person in this body who cannot support this effort and totally justify the logic and rationale of that support to anyone who might question his or her actions.

Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of the amendment to H.R. 5167, the Department of Defense Authorization Act for Fiscal Year 1985, sponsored by Congressmen DANTE FASCELL, JOHN PORTER, and ED BETHUNE. This amendment would delete $95 million earmarked for the procurement of items required for the production of binary chemical weapons.

After being rebuffed in its attempts to receive funding for the outright procurement of chemical weapons, the Reagan administration requested funding for production of the components of binary gas. As reported from the Committee on Armed Services, H.R. 5167 would restrict production of nerve gas until a Chemical Warfare Review Commission determined that national security considerations warrant resumption of nerve gas production. I am fearful that this provision will be a repeat of the MX experience with the Scowcroft Commission and lead to the ultimate approval of procurement of new supplies of nerve gas. If the pattern holds, the Commission will rubber stamp the wishes of the President, and the Congress will be persuaded to approve a dangerous and unnecessary weapon.

There is simply no need to start down the road of production of chemical weapons and end the 15-year moratorium on U.S. procurement of these weapons. The United States already has an existing stockpile of approximately 30,000 to 40,000 tons of effective lethal chemicals that is estimated to be comparable to the Soviet supply. This is more than sufficient to serve as a deterrent to the Soviet use of chemical warfare. In addition, aside from a small, battle-ready supply in West Germany, our NATO allies have refused to accept further chemical weapons within their borders. Without such forward storage capabilities in Europe, there is simply no need for the United States to amass further supplies of these weapons. One can hardly blame our allies since the use of such weapons would result in the indiscriminate deaths of innocent civilians while soldiers in protective gear remained safe.

In addition, a recent Congressional Research Service (CRS) report raises serious questions over the development of binary chemical weapons. Stating that "binaries are inefficent," the report notes that a plane carrying armed Bigeye bombs must jettison its unused bombs before returning to base. the CRS report also raises the specter that U.S. production of binaries "could well promote proliferation" of such weapons among Third World nations.

Furthermore, there has been real progress in negotiations with the Soviets on eliminating existing stockpiles of chemical weapons. The United States recently submitted a draft treaty on banning chemical weapons to the U.N. Committee on Disarmament, and the Soviet Union has agreed to onsite verification of weapons supplies. The resumption of production of chemical weapons would slam the door on these talks in Geneva. In each of three floor votes over the past 2 years, the House has refused to allow for production of chemical weapons by a margin of nearly 100 votes. I urge my colleagues to defeat this thinly veiled attempt by the Reagan administration to procure chemical weapons.

Mr. BATEMAN. Mr. Chairman, I rise in opposition to the amendment.

A strong national defense is the most effective method of achieving and maintaining peace. It is the goal of all Americans to pursue a lasting peace. Nothing is more likely to achieve this than having the strength to deter the use of arms by potential enemies.

This amendment does not bring the world closer to a lasting peace. It adds uncertainty and instability to American defense policy, and deprives us of an indispensable deterrence to the use of chemical weapons. The Soviet Union has been conducting a massive military buildup since the early 1960's. A major aspect of this buildup has been the creation of the largest chemical force on Earth. The Soviet's currently have trained 80,000 officers and enlisted specialists in chemical warfare. They have established chemical military academies and have more than 200 sites for education and training. In addition, the Soviet Union has more than 30,000 special vehicles for reconnaissance and decontamination. Depots for chemical munitions, as well as gas masks, protective suits, decontamination solutions and decontami-

nation vehicles are located across the Soviet Nation.

The American response to this Soviet buildup has been a 15-year unilateral chemical weapons freeze. Most of the weapons currently in the American arsenal could not be used effectively on the modern battlefield. Certainly we all hope and pray that these horrible munitions will never be used. Our desire is not to achieve a numerical advantage over the huge Soviet forces. The cause of peace is served by an American chemical capability which will deter any Soviet use of their stockpile against our forces.

I personally deplore the use of these weapons. I support this amendment not because I want to see chemical weapons used. Rather, I oppose it because it offers the greatest hope for their nonuse. History shows us that when a country has had a credible capability to retaliate with chemical weapons, chemical weapons were not used against it. Hitler did not use these weapons during World War II for precisely this reason. During the Korean and Vietnamese wars, there was no use of chemical weapons simply because the opposing forces recognized a credible American capability to retaliate. This ability is the essence of deterrence to the use of chemical munitions.

The key to any American chemical weapons policy must be sincere negotiations to halt their production, stockpiling and use. I applaud the President's recent efforts to arrive at such an agreement with the Soviet Union. Only through fair, verifiable agreements of this sort will the world achieve security from chemical attack.

One point must be emphasized. In order to successfully negotiate with the Soviets, they must know we will go forward after 15 years to develop a credible chemical capability. Just last summer, the Congress authorized funds to begin construction of manufacturing facilities for binary weapons. The Departments of State and Defense reported that in August, the Soviets seemed more willing than ever to seriously negotiate a ban on these munitions.

To summarize my points thus far, the United States needs a credible chemical capability to deter Soviet use of their massive chemical forces, and to keep the Soviets at the bargaining table. Only by showing American resolve to defend against the Soviet chemical threat, will this happen and a reliable, verifiable ban on any use of these weapons be achieved.

There is one additional important aspect of this bill which needs to be emphasized. This bill does not authorize funds for production of actual chemical weapons. It provides only for long lead procurement of components for the 155mm projectile and the Bigeye bomb. However, in order for the Department of Defense to assemble or deploy any modern chemical weapons, Congress will have to authorize the project and appropriate the money in the future. By voting against this amendment, you will simply be establishing a basis from which the Armed Forces can build these weapons in the future. To actually assemble and then deploy the weapons, future congressional approval is needed.

We all desire peace and hope and pray for the day when weapons of destruction are no longer needed by man. In the interest of peace and disarment, vote down this amendment. In the interest of national security, support the creation of an American chemical deterrent capability. If we do so, the Soviets will recognize America's resolve to defend against their chemical threat and therefore will be convinced that an agreement to control these horrible weapons is in their national interest. Negotiations are the key, and adoption of this amendment will lessen the chance for success in these talks.

● Mr. KASTENMEIER. Mr. Chairman, I rise in strong support of the Bethune-Porter-Fascell amendment to delete $95 million from the Department of Defense authorization bill for the production of lethal binary chemical weapons.

The production of nerve gas is an extremely dangerous area for our Nation to leap into. At a time when we should be devoting our full energies to making progress in chemical arms control negotiations, we have this proposal to begin what will certainly and ultimately be a massive reconstruction and modernization of our chemical weapons stockpile. The $95 million which the Pentagon seeks is but a downpayment for a multibillion dollar binary chemical weapons program.

We should question if the risks which accompany the binary chemical weapons program, in terms of the potential and dangerous proliferation of chemical weapons, have been fully evaluated by the Department of Defense. In fact, there is good evidence to suggest that the production of binary chemical weapons by the United States will unleash a chemical weapons proliferation. The last thing we need is to get into a chemical weapons race.

We have been told that the United States must improve its retaliatory capabilities in order to deter chemical warfare. But, our current stockpile of chemical weapons is sufficient many times over. Secretary of Defense Weinberger, last year, stated that—

The United States possesses a stockpile of chemical nerve agent artillery shells, similar to the proposed M-687 binary round, that are compatible with modern 155mm and 8-inch artillery pieces. The quantity is in the range of sufficiency—at least for U.S. forces—and is higher than the planned acquisition quantity for the Binary projectile.

Furthermore, every major ally in the NATO alliance has made it perfectly clear that they will not store or deploy our chemical weapons. Thus, binaries will have absolutely no deterrence value if they cannot be deployed where they presumably are to be used, and that is in Europe.

The Department of Defense maintains that we must produce new shells in order to guard against future deterioration of the current stockpile. But, last year, the Blue Ribbon Panel on Chemical Stockpile Status concluded that "in general, the components of the munitions appear to be in good shape."

We are not now producing chemical weapons. We have not done so since 1969 when President Nixon unilaterally decided to place a moratorium on chemical weapons production. To resume the production of poison gases would be a serious mistake. There is absolutely no military justification for new binary chemical weapons and the breaking of the 1969 moratorium.

Mr. Chairman, we should reject the proposition that the only way to obtain a treaty with the Soviets on banning chemical weapons is through increased production of the lethal nerve gas. Rather than challenge the Soviets to a chemical arms race, we should continue to challenge the Soviet Union to negotiate a verifiable ban on the production and deployment of chemical weapons.

Chemical weapons are one of mankind's most repulsive inventions. They are horror weapons. Lethal nerve gases kill in a particularly ghastly way. Their recent use by Iraq, for example, has brought world outrage.

To begin production of nerve gases is unworthy of our Nation. The binary chemical weapons program should be brought to a complete halt, and as we have done on past occasions, the House should reject the Pentagon's latest poison gas ploy.

Mr. Chairman, I urge my colleagues to give overwhelming support to the Bethune-Porter-Fascell amendment.●

● Mr. BEDELL. Mr. Chairman, I rise in support of the Bethune-Porter-Fascell amendment to delete the $95 million in funding for the procurement of components necessary for the production of binary chemical weapons. Mr. Chairman, there can be no doubt that chemical weapons are one of the most obscene and vicious weapons ever conceived of, or designed. We need only to look to the Iraqi-Iranian front for firsthand evidence of the ultimate wickedness and brutality of these devices.

To me, the issues at stake here are long-term U.S. national security interests, as well as the overall credibility of U.S. leadership in our efforts to achieve an effective treaty regime prohibiting the production, stockpiling,

acquisition, transfer, and use of chemical weapons. While I have no problems supporting those funding levels within this bill that are intended to protect our military forces from chemical attacks, I cannot support a funding proposal that calls upon us to renounce our support for a voluntary moratorium on the production of chemical weapons that our Nation has observed since 1969.

As stated, I believe the central issue here to be one of long-term U.S. national security interests. It seems to me that as a nation, we already possess an ample stockpile of chemical weapons. The head of the Defense Department's chemical warfare program testified to this effect just last month. As I understand it, our present stocks provide us the ability to wage chemical warfare for at least 30 days and that these stocks will remain usable at least into the 1990 timeframe. Clearly then, we have no need to forge ahead and initiate construction on yet another generation of chemical weapons. Binary weapons serve absolutely no purpose and in my view are a waste of valuable taxpayer dollars.

I also believe that approval of this funding request will undermine present U.S. arms control efforts that are aimed at the achievement of a chemical weapons treaty. Will any nation—our allies, nations in the Third World and most importantly the Soviet Union—take seriously our recent efforts to negotiate a stricter regime controlling these weapons? I think not. A U.S. decision to go ahead with binary weapons will send the opposite signal.

Our purported aim is the elimination of chemical weapons. How then does the resumption of chemical weapons production contribute to the accomplishment of this goal? It does not. Our allies are questioning us on a full series of U.S. weapons decisions. They have rejected new U.S. deployments of binary chemical weapons on their territory. Why should we approve another Pentagon request that serves to undermine our leadership of the NATO alliance? We should not. Third World nations are seeing chemical weapons as an inexpensive, nonverifiable weapons system that permit them advantages over their adversaries. How seriously will they take our claim to want to eliminate these weapons? They will not. The Soviet Union already eyes our arms control motives with deep skepticism. Will they trust the sincerity of the treaty proposal that Vice President BUSH offered last February? They will not.

Thus, our choice is plain and simple. We already possess sufficient chemical weapons stockpiles to deter a chemical attack against our military forces. Nevertheless, we should support those ongoing efforts at the Pentagon that are designed to protect our military from such attacks. At the same time, we should not support the resumption of chemical weapons production because it represents a dangerous, costly and ominous escalation into yet another aspect of the arms race from which there may be no turning back. For all of these reasons, we must support the Bethune-Porter-Fascell amendment.●

● Ms. SNOWE. Mr. Chairman, I rise in support of the amendment. I commend my colleagues for offering it.

Seven times in the past, the House of Representatives has voted to oppose the procurement of binary nerve gas. We agreed to do this because we recognized that there is no military justification for breaking the moratorium on nerve gas production that the United States has observed for the past 15 years. We did it also because we are all aware of the horrifying possibilities posed by the use of poison gas.

The Congressional Research Service released last month a study on binary weapons, and the implications of the U.S. chemical stockpile modernization program for chemical weapons proliferation. Essentially, they concluded that the production of binary chemical weapons by the United States would increase the likelihood of chemical weapons proliferation in other countries. As the Chairman of the Foreign Affairs Committee, on which I serve, said in his foreword to the study: "A decision to modernize present U.S. offensive chemical warfare capability * * * undermines a variety of military, technical, political, psychological, and moral constraints that to date have generally inhibited countries from producing or using chemical weapons." At the same time, we should remember that last year, Secretary Weinberger acknowledged in written testimony that the United States already had a usable, deliverable, and safe stockpile of chemical artillery shells.

There has been widespread condemnation of Iraq for its use of chemical weapons in its war against Iran. I shared the concern, and joined with my colleague from Arkansas to offer a bill to deplore the use of chemical weapons; to condemn Iraq for its use of chemical weapons in contravention of international law and the practices of civilized nations; and to call for continued and increased efforts at the Conference on Disarmament to negotiate a mutual and verifiable ban on chemical weapons. I believe a decision to produce these weapons would be contrary to the goals of the United States and contrary to the wishes of our constituents.

I urge you to support the amendment.●

□ 1340

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arkansas (Mr. BETHUNE).

The question was taken and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BETHUNE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 179, not voting 7, as follows:

[Roll No. 151]

AYES—247

Ackerman	Frenzel	Minish
Addabbo	Frost	Mitchell
Akaka	Fuqua	Moakley
Albosta	Garcia	Molinari
Anderson	Gejdenson	Moody
Andrews (NC)	Gekas	Morrison (CT)
Annunzio	Gephardt	Mrazek
Applegate	Glickman	Natcher
Aspin	Gonzalez	Neal
AuCoin	Goodling	Nowak
Barnes	Gore	Oakar
Bates	Gradison	Oberstar
Bedell	Gray	Obey
Beilenson	Green	Olin
Berman	Gregg	Ottinger
Bethune	Guarini	Owens
Biaggi	Gunderson	Panetta
Boehlert	Hall (IN)	Parris
Boggs	Hall (OH)	Patterson
Boland	Harkin	Paul
Bonior	Harrison	Pease
Bonker	Hawkins	Penny
Borski	Hayes	Pepper
Boucher	Hertel	Perkins
Boxer	Hiler	Pickle
Britt	Hopkins	Porter
Brown (CA)	Horton	Pritchard
Broyhill	Howard	Pursell
Bryant	Hoyer	Rangel
Burton (CA)	Huckaby	Ratchford
Carper	Hughes	Regula
Carr	Jacobs	Reid
Clarke	Jeffords	Richardson
Clay	Jenkins	Rinaldo
Clinger	Johnson	Roberts
Coats	Kaptur	Rodino
Collins	Kastenmeier	Roe
Conte	Kennelly	Roemer
Conyers	Kildee	Rose
Cooper	Kleczka	Roukema
Coughlin	Kogovsek	Roybal
Coyne	Kolter	Russo
Crockett	Kostmayer	Sabo
D'Amours	LaFalce	Savage
Daschle	Lantos	Schaefer
Daub	Leach	Scheuer
Davis	Lehman (CA)	Schneider
Dellums	Lehman (FL)	Schroeder
Derrick	Leland	Schumer
Dicks	Levin	Seiberling
Dingell	Levine	Sensenbrenner
Dixon	Lewis (FL)	Shannon
Donnelly	Lipinski	Sikorski
Dorgan	Long (LA)	Simon
Downey	Lowry (WA)	Slattery
Durbin	Luken	Smith (FL)
Dwyer	Lundine	Smith (IA)
Dymally	MacKay	Smith (NJ)
Early	Markey	Smith, Robert
Eckart	Martin (IL)	Snowe
Edgar	Martin (NC)	Solarz
Edwards (CA)	Martinez	Spratt
Evans (IL)	Matsui	St Germain
Fascell	Mavroules	Stokes
Feighan	Mazzoli	Studds
Ferraro	McCloskey	Swift
Fish	McGrath	Synar
Florio	McHugh	Tallon
Foglietta	McKernan	Tauke
Foley	McKinney	Tauzin
Ford (MI)	McNulty	Torres
Ford (TN)	Mica	Torricelli
Fowler	Mikulski	Towns
Frank	Miller (CA)	Traxler
Franklin	Mineta	Udall

Vento	Weiss	Wortley
Volkmer	Wheat	Wright
Walgren	Whittaker	Wyden
Walker	Whitten	Yates
Watkins	Williams (OH)	Yatron
Waxman	Wirth	Zschau
Weaver	Wise	
Weber	Wolpe	

NOES—179

Alexander	Gramm	Nelson
Andrews (TX)	Hall, Ralph	Nichols
Anthony	Hall, Sam	Nielson
Archer	Hamilton	O'Brien
Badham	Hammerschmidt	Ortiz
Barnard	Hansen (UT)	Oxley
Bartlett	Hartnett	Packard
Bateman	Hatcher	Pashayan
Bennett	Hefner	Patman
Bereuter	Heftel	Petri
Bevill	Hightower	Price
Bilirakis	Hillis	Quillen
Bliley	Holt	Ray
Boner	Hubbard	Ridge
Bosco	Hunter	Ritter
Breaux	Hutto	Robinson
Brooks	Hyde	Rogers
Broomfield	Ireland	Rostenkowski
Brown (CO)	Jones (NC)	Roth
Burton (IN)	Jones (OK)	Rowland
Byron	Jones (TN)	Rudd
Campbell	Kasich	Sawyer
Carney	Kazen	Schulze
Chandler	Kemp	Shaw
Chappell	Kindness	Shelby
Chappie	Kramer	Shumway
Cheney	Lagomarsino	Shuster
Coleman (MO)	Latta	Siljander
Coleman (TX)	Leath	Sisisky
Conable	Lent	Skeen
Corcoran	Levitas	Skelton
Courter	Lewis (CA)	Smith (NE)
Craig	Livingston	Smith, Denny
Crane, Daniel	Lloyd	Snyder
Crane, Philip	Loeffler	Solomon
Daniel	Long (MD)	Spence
Dannemeyer	Lott	Staggers
Darden	Lowery (CA)	Stangeland
de la Garza	Lujan	Stenholm
DeWine	Lungren	Stratton
Dickinson	Mack	Stump
Dowdy	Madigan	Sundquist
Dreier	Marlenee	Taylor
Duncan	Marriott	Thomas (CA)
Dyson	Martin (NY)	Thomas (GA)
Edwards (AL)	McCain	Valentine
Edwards (OK)	McCandless	Vander Jagt
Emerson	McCollum	Vandergriff
English	McCurdy	Vucanovich
Erdreich	McEwen	Whitehurst
Erlenborn	Michel	Whitley
Evans (IA)	Miller (OH)	Williams (MT)
Fazio	Mollohan	Wilson
Fiedler	Montgomery	Winn
Fields	Moore	Wolf
Flippo	Moorhead	Wylie
Gaydos	Morrison (WA)	Young (AK)
Gibbons	Murphy	Young (FL)
Gilman	Murtha	Young (MO)
Gingrich	Myers	

NOT VOTING—7

Coelho	McDade	Stark
Hance	Rahall	
Hansen (ID)	Sharp	

□ 1350

The Clerk announced the following pair:

On this vote:

Mr. Stark for, with Mr. Hance against.

Mr. CAMPBELL and Mr. MARLENEE changed their votes from "aye" to "no."

Mr. LANTOS and Mr. WALGREN changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1400

Mr. WEISS. Mr. Chairman, I ask unanimous consent that the amendment that I have at the desk, which addresses title I, be coupled with an amendment that I also have which would be in title II, and discussed jointly. It is on exactly the same subject—on the Trident II missile.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DICKINSON. Mr. Chairman, there was so much confusion in the Chamber that this Member was unable to hear the request. Was it a unanimous-consent request and, if so, I reserve my reservation of objection and ask the gentleman to restate it.

The CHAIRMAN pro tempore. The Chair asks the gentleman from New York (Mr. WEISS), in that request, does he wish to have those en bloc amendments done at this time?

Mr. WEISS. Mr. Chairman, that is right. The unanimous-consent request is to have two amendments both addressing the same subject, that is, the Trident II missile, one of which is an amendment to a provision of title I, the other an amendment to a provision in title II, be considered together even though one of them is in title II, which would not normally be in order.

Mr. DICKINSON. Mr. Chairman, reserving the right to object, let me say, what the gentleman is asking if I understood his request, is to combine both the Trident money in title I and in title II, which is procurement money, and in research and development money.

If that is what I understood the gentleman to ask, I would object, because they are two separate items; one does not necessarily deal with the other. One is procurement, one is research. I would not agree to combining them, and I object.

The CHAIRMAN pro tempore. Objection is heard.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEISS: Page 5, line 3, strike out "$3,451,900,000" and insert in lieu thereof "$3,299,500,000".

Page 10, after line 13, insert the following new subsection:

(i) None of the funds appropriated pursuant to the authorizations of appropriations in this section may be obligated or expended for the Trident II missile program.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I should say that although I fully appreciate the gentleman's right in objecting to the consideration of these items together, the reason that I had asked that it be done was to try to save some time on the part of the House. We are going to be utilizing basically the same arguments in discussing these two items.

Mr. Chairman, I think that sometimes there is a tendency when discussing provisions of the Defense Authorization Act to think that the world really is only what occurs within these Halls, rather than the great universe which is impacted by what happens in these Halls. We have had occasion in the course of these last few days to address issues regarding arms policies of the United States, and of the Soviet Union as well, which will ultimately determine whether humanity will survive or not. That is really what the discussions are all about.

They are not about a dollar more or a dollar less of our budget; they are not about who is in a better bargaining position. They are about the survival of the human race. We had occasion yesterday to debate the MX missile system which was considered by almost 50 percent of the Members of this body to be so destabilizing an arms system to encourage the commencement of nuclear war, rather than to provide additional safety or security for the people of the United States.

My amendment addresses the point that the Trident II missile system makes the MX missile pale by comparison as far as its destabilizing consequences are concerned. What we seek to do in this amendment is to remove from the budget the first procurement moneys for that very, very expensive missile system.

There are $152 million in procurement funds in this bill; the first procurement funds for the Trident II missile. The actual deployment of these missiles would not occur until 1989. So, there is no urgency at this stage to provide procurement funds when there are as many as 5 years of research and development to be completed before production will begin in full scale.

We will be discussing later some $9 billion more just in research and development funds that are also included in title II of this bill.

□ 1410

So we have a chance to slow down this process if only this amendment is adopted, and if only these $152 million are deleted. Regardless of what this body ultimately decides to do on the research and development funds for the Trident II missile, we now have the opportunity to step back and take a hard look before we decide to move forward with it.

It has been suggested that this weapons system may be the most expensive of all weapons systems, running as much as $37 billion—but more and worse than that, it is a submarine-based missile system with first-strike

capabilities, unlike the Trident I missile which, within the context of nuclear strategy is truly a retaliatory or deterrent weapons system.

The CHAIRMAN pro tempore (Mr. RUSSO). The time of the gentleman from New York (Mr. WEISS) has expired.

(By unanimous consent, Mr. WEISS was allowed to proceed for 3 additional minutes.)

Mr. WEISS. What we have with the Trident II missile, the D-5, is a system for some 20 submarines which will be carrying 24 missile launchers on each of these, each missile launcher capable of having anywhere between 8 and 14 warheads. Each of those warheads can have 1-kiloton capacity of up to 475 kilotons, larger than the MX by almost 50 percent.

We have the capacity to construct anywhere from 4,000 to 6,000 of these missiles as it is projected currently. We have a system which is accurate, as accurate as the MX. In fact, it will provoke the Soviets into going on a launch-on-warning system to protect their ground-based, land-based missiles, because one of the advantages that this system has, and the word "advantage" is in quotation marks, is that because the submarines can get very close to the shoreline and because of the speed and accuracy which, within 15 minutes from launch, these missiles will land.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I am delighted to yield to my colleague, the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, I congratulate and compliment the gentleman from New York on offering this very important amendment.

Mr. Chairman, I rise in support of the amendment being offered by the honorable gentleman from New York, Mr. TED WEISS, to delete funds for the Trident II missiles.

This is the first year that funds are to be appropriated for the procurement, research, and development of this new weapon system. After yesterday's debate on the MX missile, we are all very aware of how difficult it is to cancel a weapon system, once production and procurement begins.

There is no need for this new system. It will only increase the likelihood of a nuclear exchange between the Soviets and the United States. With the deployment of the Trident I, the Trident submarine system is more than adequate for strategic deterence. The Trident I cannot be used as a first-strike weapon, yet because of its basing mode, it is invulnerable to a preemptive attack. However, the Trident II not only has first-strike capabilities, but also will be accurate enough to threaten any Soviet silo or airfield.

This system by itself may be as large as the MX, the Pershing II, and the cruise program combined. During these times of heightening tensions between the United States and the Soviet Union, to begin deployment of the system such as this is lunacy. It will only increase the Soviets' determination to refuse to return to the negotiating table. I urge you to support this noteworthy amendment.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

Mr. Chairman, the gentleman is wrong in his facts on a number of items that he mentioned. What is most important in connection with this amendment is that on yesterday when we were discussing the MX, there was a good deal of discussion that we really ought not to fund a vulnerable type of missile like the MX; we should put the missiles in submarines instead where they would be invulnerable.

That has in fact been the policy of the Nation, for a number of years. In fact, the original Polaris submarines were built in the 1950's and the 1960's. We had 31 of those. Most of those are not actually operational. They match the B-52's in age. So we then went on to build a more effective submarine, and a more effective missile, the Trident I submarine and the Trident missile. The Trident I submarines will be delivered prior to 1989 and they will be replacing the older Poseidons at that time. But those Trident I's can fire only the Trident I missile, and already the Trident I missile is out of production. The Trident submarines that have been delivered recently, such as the U.S.S. *Henry M. Jackson*, are the the Trident II submarines. And the Trident II submarines will be outfitted with Trident II missiles. The Trident II missile is the only one that can match the land-based missile with any kind of accuracy.

The problem of submarine-launched missiles has always been that you can never determine with precision exactly where you are at sea in a submarine and; therefore, you cannot get complete accuracy when the missiles lands on the target. Only with the Trident II missiles have we achieved a measure of accuracy that could provide the kind of capability and accuracy that applies to the MX.

For that reason, it would be a disaster for us, having already begun the construction of some three submarine, the Trident 9, the Trident 10, and the Trident 11, all of which are included in this bill, incidentally, and with long-lead time items for 12, 13, and 14, we would leave these submarines that are already authorized or under construction without any weapon whatsoever.

The Trident II missile will be an important part of our major nuclear deterrent, and because of its accuracy and its yield, for us to withdraw this weapon, and thereby to wipe out our submarine-launched deterrent would, I think, be foolish in the extreme.

The gentleman from New York (Mr. WEISS) said that these missiles were going to have 10 or 12 warheads. They are going to have only 8 warheads, and only 734 missiles are called for, rather than the thousands that he had referred to.

I think it is much better for us in terms of our strategy these days not to continue the existing Trident I missile because that is a city buster. We do not want to destroy cities. We want to destroy the enemy's military targets. That is the special effectiveness of the Trident II missile, which can fire destructive attacks at the Soviet military arsenal from as far away as 6,000 nautical miles.

Mr. Chairman, I urge the amendment be overwhelmingly defeated.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my concern about the Trident II, or D-5, missile program may take a slightly different angle from that of my colleagues who have spoken today, because I am concerned with both the first-strike capability of this new missile and the threat it poses to the integrity of the Trident submarine program.

The Trident II missile is unneeded, unwanted, and prohibitively expensive. Conservative cost estimates for the life of this program start at $37 billion; $37 billion for a tremendously destabilizing new weapon that the Trident submarine program does not need. The cost of continuing to equip the Trident submarines with the Trident I missile, in contrast, will be no more than $4 to $5 billion.

It simply makes no sense to put a $37 billion weapon that will lessen our national security on the Trident submarine. The Trident submarine outfitted with Trident I missiles is a critical component of the strategic triad. With eight MIRV'd warheads with 100 kilotons of explosive yield each, the destructive power of the Trident I missile is awesome. As a second-strike force, the current Trident program is capable of wreaking utter devastation upon the Soviet Union. This, of course, is the essential requirement of deterrence—the ability to retaliate after the enemy's worst attack. We have that now with the Trident I equipped Trident submarines.

To put a Trident II missile on the Trident submarine would radically alter the whole Trident program. It would take us into a whole new realm of nuclear terror. By reducing the attack warning time to only 15 min-

utes—as compared to 30 minutes for the MX—we would force the Soviets to remove the safeguards and civilian control of nuclear attack decisions. Since there would be no time for a civilian element in the decision to authorize a massive nuclear response, a computer would have to be given the authority to launch ICBM's—an annihilating force that cannot be called back once fired. The Soviets would, in essence, be compelled to attack the United States on the slightest provocation—perhaps a computer error or a misreading of the radar screen. With only 15 minutes warning time, they would not have the time to do anything but fire away—the use-it-or-lose-it scenario. Putting the Soviets on this kind of launch-on-warning strategy has no value for the United States. Everyone would be on hair-trigger alert. The possibility of accidental nuclear war would increase dramatically.

We cannot allow this radical alteration of the most secure leg of this Nation's strategic triad. I urge my colleagues to vote for this amendment to delete funding for the Trident II missile and preserve the integrity of the Trident submarine program.

Mr. WEISS. Mr. Chairman, will the gentleman yield to me?

Mr. GEJDENSON. I am happy to yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I want to compliment the gentleman for his very effective factual presentation.

One of the things that the gentleman from New York (Mr. STRATTON) suggested was that adopting this particular amendment as it applies to the procurement of the Trident II missile would in some way affect the Trident submarine.

Absolutely not. It has no impact on the submarine at all, nor is there any question but that that same submarine, the Trident submarine, can be utilized to handle the Trident I missile, which is what it was built for to begin with.

Can it be argued accurately that the Trident submarine is obsolete or that the Trident I missile is obsolete. Most of them have not become operational. Some of the submarines now have been launched. I think the third or fourth one has been launched. There are significant numbers scheduled to be built yet. There will be a total of some 20 when they are all built.

It seems to me that the gentleman from New York ought to be better advised to talk about the factual situation as it exists rather than to try to confuse this thing so that people will not know the difference between the submarine and the missile or between the Trident I and the Trident II.

The CHAIRMAN pro tempore (Mr. RUSSO). The time of the gentleman from Connecticut (Mr. GEJDENSON) has expired.

(By unanimous consent, Mr. GEJDENSON was allowed to proceed for 1 additional minute.)

Mr. GEJDENSON. Mr. Chairman, I would just like to add to my good friend and colleague, the gentleman from New York, that, the D-5 missile system actually will delay deployment of the Trident submarine, the D-5 missile, because of the changes that are necessary will slow down our deployment of Tridents. There is no debate about the Trident submarine in the House at this point.

What there is a debate about is whether the D-5 missile is destabilizing and puts us all in a hair-trigger situation, which is what it does. It will put the Soviets and eventually us in a situation where we cannot wake up the President and ask him what to do.

We have had at SAC bases glitches in our system for as much as 2½ to 3 minutes. We will no longer have the security of waiting to see if that is an accurate reading of an incoming missile. We will simply have to turn it over to computers to launch on warning, and we will destroy both our countries.

Mr. WHITEHURST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to this debate, and I just want to say a very few words about this.

What this missile is designed to do is to increase the survivability of the Trident submarine—nothing more, nothing less. It will have an increased range of from 4,000 to about 6,000 miles. Therefore, what it does is to take the submarine into those areas where it cannot currently operate and, by doing that, increase its survivability.

The Soviet Union is unquestionably improving its ASW capability, but it is not so improved that all the oceans of the world will be covered. All we are doing is putting this submarine further out to sea.

Bill Perry, who was the Under Secretary of Defense back in 1979, made this comment. He said:

> I cannot insure the survivability of our submarines beyond the next decade because of Soviet advances in antisubmarine warfare.

We need the Trident II to insure the survivability of our submarines, not to create a hair-trigger situation, not to make for destabilization, but simply to take the weapon we have and insure that in the years to come it will be able to effectively operate and, therefore, be a sufficient deterrent.

Mr. Chairman, I yield back the balance of my time.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

First of all, Mr. Chairman, I want to congratulate my colleague, the gentleman from New York (Mr. WEISS) for offering the amendment. Regardless of the outcome, I think it is healthy that we have discussion on the whole question of nuclear strategy.

My good friend, the gentleman from Virginia, discussed, very carefully the merits of the Trident II missile. There is no doubt that it has a heavier payload. But it does not have longer range. It does not allow our Trident submarines to hide in more ocean. That is a misconception.

What he neglected to say, of course, is that we cannot build a lot more Trident submarines because the Trident II missiles and the retrofit of the Trident submarines will cost us a lot of money.

It is my hope that if in the future we adopt either the Weiss amendment or the Downey amendment, we will stop production of the Trident II missile and build more Trident submarines because there is a great virtue to hiding more points in the ocean.

I might add for some people who are worried, as they should be, about advances in Russian ASW, that there have been a number of arms control proposals that would effectively deal with that question. The idea of safe zones in the ocean where missile submarines could go without strategic ASW; standoff zones, where off our coast, and off the coast of the Soviet Union, submarines could not go for short-warning sneak attacks.

Having said all that, the reason the Weiss amendment should be adopted is because, the Trident II missile has the virtue of being more survivable, infinitely more suvivable than the MX, it has the dubious distinction of being a first-strike weapon. Now, I know the Navy does not like to think of it as a first-strike weapon, but the fact remains that the Trident II, with its accuracy, will be able to, with short warning, successfully strike Soviet hardened targets.

I know there are a number of you who just leap up and love the idea that we could, with a short-warning attack, destroy Soviet hard targets. But what makes me less enthusiastic is the fact that the probability of war by accident or miscalculation is not something that should thrill anyone. It seems to me that we should have a force that is survivable, which the Trident submarine certainly is, and nonthreatening. I say this not out of liking for the Soviets; it is out of desire to avoid World War III.

It seems to me as well that the more Trident submarines we have, the more likely we are to have a survivable force of Trident missiles. If we forgo the Trident II missile, we could have five or six more Trident submarines with Trident I missiles, enchancing and offsetting the payload improvements that are afforded by the Trident II missile.

Here we have a classic example of the modern theory that is currently in vogue in this administration—and it started in the last administration—of developing a war-fighting capability without any real understanding of where that leads us.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I am happy to yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman's yielding.

Will the gentleman refresh my memory for me? My understanding of the initial design for the Trident II missile was that it was going to be a long-range deterrent missile. Was that not originally what the idea was, that it was going to be a long-range missile, and then somewhere along the line we found that it changed, and now we have it with a short-range capability, with hard-target-kill capability instead, which raises all the problems the gentleman from Connecticut mentioned and the gentleman from New York mentioned? Did it not start as a long-range deterrent missile?

Mr. DOWNEY of New York. Mr. Chairman, I would say to the gentleman that the missile was intended to be a long-range missile, but as inevitably is the case, we build the very best things we can build, and the idea that you can do without super accuracy is something that is unmentionable to many planners.

□ 1430

The idea was, I suspect, all along for the Navy to have a missile that would rival the ability of the Air Force to go after hardened targets.

What is the purpose, what is the need for the United States of America, and I am not talking about the Soviet Union because I do not sit as a member of the Politburo and I cannot make their decisions for them, why do we need to have the ability to strike Soviet hardened targets promptly?

Some people say, well, because you want to be able to fight a nuclear war and win it. Well, that is preposterous nonsense.

I would like to hear from some of my colleagues who defend the Trident II missile if they could engage in a dialog. What is the need for the United States to have a prompt hard target kill capability? Can I hear it? Or is the collective lagging of the wagging of tongues testimony to the fact they have no answer?

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 3 additional minutes.)

Mr. DOWNEY of New York. Is there anyone in the Chamber who would like to defend the ability of the United States to have a prompt hard target kill capability?

Nobody responds.

I will be happy to yield to the gentleman from Oregon.

Mr. AuCOIN. Well, I appreciate the gentleman yielding.

I certainly cannot answer the gentleman's question. I am glad the gentleman posed it. I am interested in the fact that he can get no answer.

Mr. BENNETT. Mr. Chairman, I will do it on my own time.

Mr. DOWNEY of New York. Well, I see our friend from yesterday, the gentleman from Florida (Mr. BENNETT) wants to do it on his own time and I certainly respect that.

I continue to yield to the gentleman from Oregon.

Mr. AuCOIN. Well, I appreciate the gentleman yielding.

I am certainly going to be listening with interest to the remarks of the gentleman from Florida. I agreed with him yesterday on his position on the MX.

I suspect I am going to disagree with him on his position on this.

It seems to me that the only thing worse you could add to a heavy payload, high accuracy, hard target kill weapon would be a prompt delivery capability, because that then begins to leave no warning time, no time for analysis; the Soviets will fire on warning, launch on warning, put the whole mode on that basis. There is almost a virtual guarantee that deterrence will collapse. I thought what we were supposed to be doing is insuring deterrence. Trident II and its presumed Soviet equivalent, spell the collapse of deterrence, in my opinion.

I appreciate the gentleman's remarks.

Mr. DOWNEY of New York. Let me just say that what I fear the most is that both sides unwittingly will not be the masters of technology, but rather will allow their technologies to master their own military strategies. That is happening in this country and I suspect it is happening in the Soviet Union as well; because we can do something, then we do it. We do first, and examine the consequences of the actions later.

That was clearly the case with MIRV. We went ahead with MIRV because we thought it would provide us the elusive notion of superiority. People warned at the time in the late sixties that when we had MIRV it would inevitably be followed by a Soviet MIRV, land-based missiles would be vulnerable as a result of it over time, and that is precisely what has happened.

I would make the point today that a few years after we get high accuracy short warning missiles, the Russians will also have high accuracy short warning missiles and we will both be closer to nuclear war as a result. If we can prevent the testing of the Trident II and a depressed trajectory variant, and their Soviet counterparts, sometime in the future, we can obviate the need for both sides to be on a hair trigger.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the author of the amendment, the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding to me.

I simply want to commend the gentleman for having done all of the earlier research and development of the information on this particular matter and of carrying the fight against the Trident II in its very early stages. All the rest of us are doing at this point is building on the information the gentleman has already developed.

What should be distressing to all of us is that those who are supporting the Trident are supporting this hair-trigger nature of nuclear arms.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. WEISS, and by unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, if the gentleman will yield further, what is most distressing is that at a time when there is increasingly more information available as to the hair-trigger nature of the nuclear arms race that has been developing on both sides, when there is more information that errors on computers have already taken place—and we have survived by the grace of God—that there is a thrust to go even further and further with an automated, nonthinking response toward the commencement of nuclear war.

There is a deliberate closing of one's ears and eyes and mind to the fact that the initial firing of nuclear weapons will result in mutual suicide for everyone. Further, it should bother us that there is an effort to pass the Trident II off as another acceptable weapons system. We should all be grateful to the gentleman from New York for his development of this thesis.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman for his compliments and I just suggest to my colleagues who will have an opportunity to reread this record 10 years from now, they will go back and wonder why it was that no one realize we were repeating the same mistake that we made in the late 1960's with MIRV.

For those who are submarine freaks, and I know there are a number of them here, I tell you that if you want more submarines, more Trident submarines, and I do, that the best way to

get them is with the Trident I missile, to build more Trident submarines, put more Trident I missiles in. That is the way to have a deterrent.

It is not to build fewer Trident submarines with Trident II missiles. That is the way to ease over the precipice toward nuclear war.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, this procurement does not come out of the committee of which I am chairman, but I do know a good deal about it. Having taken part in the debate yesterday about the MX, I was spurred to take the well at this point because it was said that this, somehow or other was even worse than the MX because it was more destabilizing.

Well, the MX is destabilizing because of the fact that it is a very potent weapon which is very vulnerable and we have to shoot it before we receive a weapon ourselves in order to make it viable, which means it starts wars. It starts nuclear wars.

This is not true of the Trident. The Trident is not vulnerable. It has not been able to be attacked. Therefore, it does not have that difficulty.

So yesterday when in my opinion a great mistake was made in going forward with the MX because of its destabilizing aspect, that certainly is not comparable to this vote today, because this is a viable, invulnerable missile.

Now, having said that, I would like to say something about the weapon itself. Trident submarines No. 1 through 12 have already been authorized and appropriated for.

Does the gentleman from New York (Mr. STRATTON) want me to yield to him?

Mr. STRATTON. No, no.

Mr. BENNETT. The House approved the action first in 1982 during consideration of the fiscal year 1983 authorization bill.

A submarine built to carry Trident II missiles can be converted to carry the Trident I missile only at very great expense, but we would have to cancel the contracts. That could run into billions of dollars and with substantial modifications.

We are no longer buying Trident I missiles. Deleting Trident II missiles would leave submarines authorized in 1981, 1982, 1983, and 1984 and the Trident submarine recommended in the fiscal year 1985 authorization bill without any missiles. The only way you could get back at them would be to very expensively change these Trident submarines, which would be a disaster as far as dollars are concerned.

The Trident II missile would carry a larger payload to a larger range than Trident I, allowing the submarine to operate in larger ocean areas. This provides added assurance that the submarine will remain secure and safe from attack.

The Trident II is a second strike weapon and so designed. The higher accuracy of Trident II is not destabilizing in the fact that it is not a weapon which is capable of being taken out.

Inherent limitations in communications with submarines make them unsuited as first strike weapons.

But I will say to you that first strike means the ability to take out weapons of the other side after having made the original strike. That is the usual definition of it. So actually any weapon you have has some first strike capability to it and on that basis we have more first strike capability than do the Russians today.

But why should we, after doing the dumb thing we did yesterday in approving the MX missile, a very faulty weapon, now turn our backs on something we are very superior in? We are very superior in this weapon. Dollar for dollar, we have a real punch with regard to this weapon. We can protect our country. We can protect the freedom of the world with this weapon. We will never do it with the MX, but we will with this weapon. The money we could save out of the MX should have been put in the Trident submarine, because the Soviets have not found a way to do anything about it.

□ 1440

The dollars put in the MX are just temptations for war and temptations for us to start a nuclear war.

So I want to say to you, having done what we did yesterday, it would be absolute idiocy, absolute idiocy, for this country to turn its back on Trident II missiles. It would be just the height of folly for this country to do such a thing in the context of having done what we did yesterday.

So Mr. Chairman, I hope this amendment will be defeated.

Mr. STRATTON. Will the gentleman yield to me?

Mr. BENNETT. I yield to the gentleman. I always respect your views.

Mr. STRATTON. I think the gentleman, who is our No. 1 authority on ships, and shipbuilding, and submarines, has made a very important statement.

Discussions both by the gentleman from New York (Mr. WEISS) and the gentleman from Connecticut (Mr. GEJDENSON) focused on the idea that there is some kind of short warning situation created with a submarine.

The CHAIRMAN. The time of the gentleman from Florida (Mr. BENNETT) has expired.

(On request of Mr. STRATTON and by unanimous consent, Mr. BENNETT was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. The whole purpose of using submarines is that they cannot be readily found. So the idea of a submarine firing its missiles because it is under direct missile attack is totally absurd and totally ridiculous. In fact, in terms of the firing of a missile, there is no real difference between the Trident I missile, which flies 4,000 miles, and the Trident II missile, which flies 6,000 miles. The only way that it could be a surprise weapon would be if the submarine commander fired it from 2 or 3 miles offshore.

But the whole point of having an invulnerable submarine force is because the submarine can remain tied up at the pier in Charleston and still hit a target in the Soviet Union.

So we are being asked to vote against this very important and very essential weapon on irrelevant information. I want to congratulate the gentleman from Florida for putting this debate on a more reasonable basis.

Mr. BENNETT. I thank the gentleman.

Mr. WEISS. Will the gentleman yield to me?

Mr. BENNETT. I yield to the gentleman.

Mr. WEISS. I thank the gentleman for yielding. Let me say at the outset that there is no one in the House whose integrity I have a higher regard for than the gentleman in the well.

I am interested in the point made by the gentleman from New York, and I would appreciate a comment by the gentleman from Florida. As I read the literature on the Trident II missiles and the Trident submarine, it was my understanding that the purpose of this kind of submarine-based missile was not that the submarine could stay in port—whether it be in the State of Washington or in the State of Georgia—but that the greater flexibility of both the submarine and the missile made available vast ranges of the seas, especially the Pacific.

Mr. BENNETT. That is correct. You are correct.

Mr. WEISS. Therefore, the concern about short warning time occurs because those submarines can approach very close to the Soviet Union. The closer you are, obviously, the shorter the time it takes for those missiles to arrive.

The gentleman has spoken about the MX's vulnerability. I agree that the MX has a dual vulnerability, both because of its destabilizing effect on the Russian weaponry, and because the weapon is a very vulnerable weapon.

The Trident II may not itself be a vulnerable weapon, but because of its quick arrival time, because of its accuracy, because of the 15-minute gap from launch to arrival, it puts the Russian commanders in a position where they have to get rid of those weapons before they can even be certain of a launch having been made

against them. That is what is destabilizing.

Would the gentleman agree that that is a destabilizing factor?

Mr. BENNETT. Let me just address this and then I think probably I ought to sit down after that. I am a very simplistic individual. I greatly admire people who can talk at length about destabilizing weapons. Frankly, it is much over my head, and that is the reason yesterday when I made my speech about the MX I said that I am going to leave it to others to talk about destabilizing.

What you are talking about here is the worry of the other side and there is a difference about the MX. You see, in the case of the MX you have a situation where we ourselves are tempted to fire the weapon because we know it is going to be wiped out if it is hit. That is quite different from this, an invulnerable weapon.

In this case I am willing to go by the mores of our country and say that I do not think that our country is going to try to start a nuclear war.

The CHAIRMAN. The time of the gentleman from Florida (Mr. BENNETT) has again expired.

(By unanimous consent, Mr. BENNETT was allowed to proceed for 2 additional minutes.)

Mr. BENNETT. It all sums up to the fact that I think there is a difference in destabilization. The MX destabilization worried me because that was a temptation on our part to get our rounds off before we had ever received one. That worried me quite a bit.

In case of the Trident we have nothing like that involved. We have with the Trident just the basic mores of our country, and I do not think our country is going to fail in our morality, as we will not be imperiled in the case of the Trident.

Mr. STRATTON. Will the gentleman yield?

Mr. BENNETT. I am going to yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. I appreciate the gentleman indulging me with just one further question.

The gentleman from New York (Mr. WEISS) said he is concerned that the submarines will be coming too close to the Soviet mainland. Actually, the Poseidon, because of the short range of its missiles, would have to come quite close to the Soviet mainland to be effective. A Trident I submarine would be able to fire from 4,000 miles away because it has a much longer range missile and, therefore, would not have to come close to the Soviet Union. And the Trident II has a 6,000-mile missile.

So the idea that these ships are going to be involved in a hair-trigger situation because they would have to go in close to the Soviet Union in order to fire their missiles is a total misunderstanding of the employment of the submarine.

Does the gentleman not agree with that?

Mr. BENNETT. I do agree with that.

Mr. LOWRY of Washington. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, first I would like to say after sitting through at least 10 hours of debate on this floor that the chairman and the ranking members on the Democratic side and the ranking minority member and other ranking members on the Republican side have done a tremendous job in facilitating the discussion of this bill. You really have done it excellently, and many of us appreciate the fact that we have had our opportunity to participate.

I stand in strong support of the amendment offered by the gentleman from New York. I think it is one of the most important amendments to this bill.

There are three weapons systems that I do not believe this world can survive. That is the MX, the D-5 and the Pershing II's. That is because those three weapons systems have the speed and the accuracy by which to play so badly upon the paranoia of the Soviet Union that we greatly gamble that the extremely paranoid Soviet Union may make the biggest mistake in the history of the world and fire their missiles because they think our rapid, accurate MX, D-5 and Pershing II's are on the way to knocking their missiles out before they can use them.

The Korean airliner disaster was an outrage, every Member of this House agrees it was an outrage. There is a big difference between the Soviet Union and the United States. We would not have shot down that airplane.

□ 1450

But after acknowledging the outrage of the shooting down of the Korean airliner, there is another very important point and that is that it was primarily an act of paranoia by the Soviet Union, an act of paranoia that they were afraid that we were in some way taking pictures of submarine pens or other military installations.

Now the reason I have become so opposed to first strike weapons that will push the Soviet Union to launch on warning, that greatly endangers the survivability of this world, is primarily because of the paranoia of the Soviet Union.

And I ask my friend, if the Soviet Union is so paranoid that they will shoot down an airplane because they think it may be taking pictures of submarine pens, what will they do when we have the D-5 15 minutes away and the MX 30 minutes away, and the Pershing II 8 minutes or 10 minutes away with the capability of knocking out the majority of their retaliation? And remember that it took them 2 hours and they could not even communicate as to whether to shoot down that Korean airliner or not.

Now, can we afford to have the world in the position of making that decision in the Soviet Union? The answer is "no."

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. LOWRY of Washington. I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding.

I think the gentleman is making an excellent statement. I wish more Members were on the floor to hear the gentleman's statement because he speaks to the substantial risk of a preemptive surprise attack with hard target kill weapons.

Now the gentleman from Florida believes that the MX runs the risk of a first strike because it might cause American military planners to be tempted to use it ourselves. I suppose the gentleman from Florida is right; it might cause such a temptation on the part of a future Commander in Chief of the United States. No one knows who that Commander in Chief might be. But I have got to say that I think that is the smallest risk.

I have always thought that the real risk of the MX is that its first strike potential would cause suspicion in the mind of the Soviet leader that we might strike and therefore, because of the military doctrine of the Soviet Union, that he would launch and try to preempt that strike, whether or not it actually had been contemplated.

And the very same risks exist here with the Trident II missile; only these risks are greater. In this instance not only do we have hard target capability, pinpoint accuracy and high explosive power, but it is promptly delivered. This promptness of delivery is altogether different than what the gentleman from New York was trying to soothe us with just a moment ago when he described the Poseidon submarine.

We are talking here about the accuracy equivalent of the MX—the pinpoint accuracy and explosive power.

Now I say to you, given the mindset of the Soviet Union, given the mindset of us even in this society we would be very upset if some adversary had that capability aimed at us.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. LOWRY of Washington was allowed to proceed for 2 additional minutes.)

Mr. LOWRY of Washington. I will yield to the gentleman, but first his point is absolutely accurate. I want to add within the gentleman's comments the Soviet's communication systems, their early warning systems are much

less accurate than ours. So put their ineffective early warning systems together with the point you are making.

I yield to the gentleman.

Mr. AuCOIN. I absolutely agree with the gentleman. I appreciate him yielding again.

With a highly centralized, paranoid society, the last thing you would want to do is to reduce the time in which such a hard target kill warhead would be delivered, because when you do that you are running major risks that people over there are going to say, "That is such an awsome capability that we have got to take a preemptive strike and knock it out first."

Again, our purpose should be to gain and build deterrence. Instead, what we are seeing are people who are proposing MX missiles and now Trident II missiles which will have soon enough warheads to theoretically give a total first strike posture to the United States. That will build an attitude on the part of the Soviet Union in which it may feel it will pay them to launch a preemptive surprise attack against us before we use our theoretical first-strike capability against them.

I compliment the gentleman for making the point.

Mr. LOWRY of Washington. That is the exact point.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. LOWRY of Washington. I yield to the gentleman.

Mr. COURTER. I thank the gentleman for yielding.

Just a very quick observation and question. It seems to me that some of the gentlemen here debating today were here debating yesterday. Yesterday, they were saying that the problem with the MX land-based missile was the fact that it was vulnerable.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. COURTER and by unanimous consent, Mr. LOWRY of Washington was allowed to proceed for 2 additional minutes.)

Mr. LOWRY of Washington. I yield to the gentleman one minute.

Mr. COURTER. And if there was a good attribute to the sea-based leg of the triad, it was the fact that the Soviet Union could not detect it and could not destroy it. Therefore, I ask the question to whoever wants to answer: How could the Soviet Union engage in a first strike, as you say they would be tempted to do, by the deployment of a submarine that cannot be found and located.

Mr. LOWRY of Washington. Our concern is the Soviet Union's being fearful of us lanching on them and their paranoia making them launch before their missiles are hit by our extremely accurate capability of knocking their land-based missiles out.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. LOWRY of Washington. I yield to the gentleman.

Mr. SEIBERLING. I thank the gentleman.

Mr. Chairman, I think this conversation has taken a very interesting turn, particularly with the point raised by Mr. AuCOIN. On Monday I believe it was, "Front line" PBS-TV programed a 1-hour program on the new effort to develop more nuclear aircraft carriers and a strategy by the Navy of going into the area between—well, the so-called Norwegian Sea and bringing a naval war to the Soviet Union, home to the Soviet Union. That of course did not deal with nuclear war.

But the statement was made by the Secretary of the Navy interviewed on this program, and I may be not using his exact words, but it was to this effect: We are going to win World War III.

What kind of a signal does that send to the Soviets? That our military, including our civilian defense people, have already made up their mind that we are going to fight World War III. And if I were a Soviet military planner, maybe some of them have the same state of mind, I would be saying, "Well, if that is the case, then let us get the jump on them before they get it on us."

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. LOWRY of Washington was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield further?

Mr. LOWRY of Washington. I yield to the gentleman.

Mr. SEIBERLING. I thank the gentleman.

I happen to think that a rational Soviet leader and I think that they are still in control of the civilian side over there, more or less, at least as much as we are; a rational Soviet leader is not going to launch a nuclear war, even a preemptive strike simply because if they succeed, it is going to bring down total catastrophe on the Soviet Union, if the theory of deterrence means anything at all.

But there is always the possibility that the closer you get to the hair trigger, to the short warning time, there can be computer errors, human errors as there were probably in the case of the shooting down of the Korean airliner; then you get past the point of return and you are off to the nuclear races.

Mr. LOWRY of Washington. I thank the gentleman for his contribution. He is absolutely correct.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. LOWRY of Washington. Very briefly.

Mr. AuCOIN. I appreciate the gentleman yielding. I want to add to what the gentleman from Ohio stated so well. What a first-strike capability on both sides really comes down to—and do not make any mistake about it, if we develop a first-strike posture they are going to develop a first-strike posture—and I say to the gentleman from Ohio, what that means is this: It is like you and me standing here on the floor of the House with loaded revolvers pointed at each other at point blank range, hammers cocked, known adversaries, suspecting each other's motives, and staring at each other knowing we cannot miss.

What is the only defense in a situation like that? The only defense is to shoot before you are shot.

That is what the gentleman in the well (Mr. LOWRY of Washington) is trying to say; that is what we are trying to avoid and if we do not stop counterforce first-strike weapons, we are going to be on that basis. There is no return from that situation.

Mr. LOWRY of Washington. I thank the gentleman for his contribution.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. DELLUMS and by unanimous consent, Mr. LOWRY of Washington was allowed to proceed for 5 additional minutes.)

Mr. LOWRY of Washington. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

And I think an answer to the question posed by the gentleman from New Jersey is that the Trident II missile is clearly a missile that contemplates a war fighting strategy, and it is precisely for that point that we perceive this weapon system to be exceedingly dangerous.

□ 1500

We have attempted to suggest to the American people that we are operating within the context of a nuclear deterrent strategy.

I am saying that this is a war fighting weapon. It means that we are moving beyond the principle of nuclear deterrent to the development of a war fighting strategy.

Question: What is the difference between a war fighting weapon and a deterrent weapon? The war fighting weapon is a weapon where you have increased the accuracy, this is done. You have improved the range, this is done. You increase the capacity to destroy, this is done. The Trident missile is a time urgent, hard target, silo killer. In the vernacular of the Pentagon all that means is that this is one weapons system that gets on the target very quickly with extreme accuracy, capable of bringing with it megadeath. And that is a war fighting strategy.

The final qualification of a war fighting weapon is that you bring it

into extraordinarily close proximity to your ostensible adversary. This weapon is being brought within a matter of minutes of the Soviet Union. You have got to ask the question and I think we have to ask this question of all of these new missile weapons systems. Why do you need to improve the accuracy, why do you need to increase the range, why do you need to improve the capacity to destroy and why are you pushing to deploy this weapon in closer and closer proximity to the Soviet Union?

The only answer and the only honest answer is that we contemplate war fighting. I believe anyone who believes that we can fight a nuclear war is by definition certifiably mentally disturbed. I think that this weapons system fits into that psychotic mentality. We do not need the Trident missile. What we need to do is begin to talk peace. You cannot have peace preparing for war and you certainly cannot have a survivable planet the more we move toward nuclear weapons that contemplate a war fighting strategy.

For that reason I think the gentleman's argument is rational and sound and intelligent and the gentleman's amendment to strike this weapons system is extraordinarily urgent, vital, and necessary.

I thank the gentleman.

Mr. LOWRY of Washington. I thank the gentleman for his comments and his leadership for years on the importance of understanding the danger of these particular weapons systems.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. LOWRY of Washington. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Very quickly and I will not take very long. I know we will probably be debating this issue and other similar issues during the next number of days.

But I would like to make two observations and they are very simple.

First of all, unless you have the capability or the apparent capability of fighting a war, how are you going to deter it? If you unilaterally have a position such that you cannot fight war, it seems to me that deterence is not possible. So that argument, I think, is very frankly, nonsensical.

Second, it seem to me ironic that those who would take the well to argue against some of the weapons systems that we have because they are offensive are the very ones in this body who constantly oppose a ballistic missile defense system. It is those Members like myself who want to go toward a defensive system who are castigated for doing so.

It seems to me that they cannot have it both ways.

I thank the gentleman.

Mr. LOWRY of Washington. I thank the gentleman for his comments.

I would like to state that I am a supporter of the C-4 and opposed to the D-5. I am for the retaliatory capability of the Trident I, opposed to the Trident II because the difference between the retaliatory necessary capability and the offensive capability of the D-5 or Trident II which very likely will drive the Soviet Union to a very dangerous launch on warning policy.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. LOWRY of Washington. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for the nature of the debate that he has engendered and the gentleman from California for his eloquent statement.

With 50,000 nuclear weapons on both sides it is hardly going to deprive the world of sufficient nuclear weaponry to destroy all humanity if we do not build the Trident II missile.

We have been fortunate, we meaning humanity, for 39 years because we have skirted on the razor's edge and nuclear war has not taken place.

Can anybody here or any place else assure us if this race continues that we can survive another decade, or another year, or another 20 years? Somewhere along the line all of us, on all sides, have to recognize that we are driving ourselves to extinction.

What we are trying to do here is take one small step or half step back from the precipice.

I hope my colleagues will remember that as they come to vote in favor of this amendment.

Mr. LOWRY of Washington. The gentleman is totally correct. The combination of first-strike launch on warning cannot be survived.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take much time. I think there have been a number of my colleagues who have spoken eloquently in support of the amendment offered by the distinguished gentleman from New York.

I would simply say in response to my colleague from New Jersey with respect to his assertion regarding deterence. Again, at the risk redundancy, we now have in our nuclear arsenal 10,000 strategic nuclear weapons, 15,000 tactical nuclear weapons.

I might add this observation. We are not now throwing nuclear weapons at each other. It seems to me that that is some reasonably pedestrian evidence to connote the notion that deterence is working, at least at some level.

And what we are saying is that there is an option to moving forward, developing more sophisticated technology that moves us in the direction of war fighting and that moves us outside the confines of arms control. And that option is to say we have enough nuclear weapons now. Let us come back to the table and begin to negotiate back from the brink of nuclear war. Let us move back from the brink of disaster.

The alternative is disarmament and arms control as opposed to arms escalation.

I continue in the course of this debate, to challenge very powerfully that we can prepare the world for peace while we prepare for war, particularly in preparing for war we develop and embrace very sophisticated nuclear weapons that minute by minute are getting beyond our ability to control.

Again, no one has argued effectively on this floor that we are not moving beyond deterrence to war fighting. No one has taken the well and effectively argued that we are not at this very moment moving beyond nuclear verification by virtue of the sophisticated nature of our technology.

I am saying we do not need all these nuclear toys. They may end up thoroughly annihilating all human life on this planet. We have enough nuclear weapons now. We do not need to complicate our nuclear arsenal with more sophisticated capability compounding the problems of arms controllers. We may very well now be beyond the pale. I think a number of our colleagues on the Armed Services Committee, if you challenged them in the quiet recesses of their minds, not in the public, they probably would say to you, "I believe that we may very well be beyond the pale at this moment."

But my hope and my dream and aspiration is that we can bring this madness in some kind of control and come back around the negotiating table.

But to develop more sophisticated weaponry and to develop weaponry that contemplates war fighting, the only bottom line is that eventually we will engage in war fighting.

And just as many of us argued against the MX, I think that it is important for us to challenge the absurdity and the danger of this Trident II missile.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but there is an observation that I feel compelled to make as we debate this very significant amendment.

It has been said by the gentleman from California that you cannot talk peace while preparing for war. That makes powerfully attractive rhetoric perhaps, but it is the lousiest history I have heard uttered on the floor of this House in some time.

I would call to mind 1938 when the Prime Minister of England, Mr. Neville Chamberlain's visit to Munich,

where he talked peace while they did not prepare for war in Great Britain, nor did they prepare for war in France, nor did we in the United States.

And what did we have in 1939, a conflagration that spread worldwide.

The notion that this country can forsake the capability to rival the military capability of the Soviet Union or any other potential power or threat and that we must only talk peace and disarm, and fail to keep up with what they have introduced, is to me not the way to keep the peace. Certainly not the way to keep the peace with any security for the freedom of the United States and other freedom-loving people of the world for whom we have some responsibility.

□ 1510

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from California.

Mr. DELLUMS. I appreciate the gentleman yielding, and I can appreciate the fervor and even the integrity of the assertion of the gentleman's argument.

But let me suggest this, and I would like the gentleman to respond:

One of the traps, it seems to me, for students of history is attempting to assume that what took place 20 or 30 years ago is always applicable at this moment. The difference, as I see it, as you talk about World War II history, we are standing at a moment where we are talking about sophisticated nuclear technology, my friend, and there are people much more eloquent than I who have said that once we developed the capacity to destroy human life with nuclear weapons, everything changed except our ability to think about it. And I am trying to say, and I think my colleagues are trying to say, we have to begin to rethink how we think about war. We talk about war as if it is M-1 rifles and tanks. We are talking about war in the 1980's, with nuclear weapons, war that can end all life on this planet, my friend. We cannot, it seems to me, go forward aggressively in that situation.

If you are talking about conventional 1940 war, that is one thing. We are talking now about 1984. We are sitting here talking about thermonuclear war. We are sitting here talking about sophisticated nuclear weaponry. And I am saying that you cannot just flip the pages 30 years later and assume that the statement you made 30 years ago is applicable now. That is the point I am making. If we were simply here talking about firing slingshots at each other, then maybe we could prepare for peace by preparing for war; but not with nuclear weapons.

Mr. BATEMAN. If I may reclaim my time before it expires, this Member——

Mr. DELLUMS. I ask unanimous consent that the gentleman may have an hour additional time. It does not matter to this gentleman. I want to engage in a colloquy. I am not here to take your time, my friend.

I ask unanimous consent that the gentleman may have 5 additional minutes.

The CHAIRMAN pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BATEMAN. May I inquire as to how much of that 5 minutes I will be permitted?

Mr. DELLUMS. You can have all of it, and then after you finish, I will ask for some more time and we will have at it again. It is about talking with each other here. It is not talking at each other. I am willing to stand here with you, my friend.

Mr. BATEMAN. I yield to the gentleman.

Mr. DELLUMS. I have made my statement. I want the gentleman to respond.

Mr. BATEMAN. I am delighted to have the opportunity to respond.

This Member does not need to be reminded that the weaponry of 1984 is different, significantly different, quantum leaps in difference between the weaponry of 1940. I do not need to be reminded of that. It is precisely because the weaponry is so much different, so much more devastating, and our most likely and potential adversary has that sophistication and weaponry. We are here talking about the deployment of missiles on submarines. I have not heard any reference made to the fact that our potential adversary has more of them prowling the seas than we have, or the capability of the missiles on those submarines. To me the issue here joined is still one of whether or not this Nation will do those things, as much as we regret the necessity of doing so, that will be a clear measure of deterrence against the likelihood of someone miscalculating because of their incredible military buildup, their likelihood of success if they strike at us.

Maybe I may err on the side of excessiveness of deterrence. But what this Member calls for and what this Member does in voting against this amendment is to make sure that if there is a quantum of doubt on the side of whether or not we have that capability, then I am going to err on the side of clearly having it.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield to me?

Mr. BATEMAN. I yield to the gentleman from California.

Mr. DELLUMS. I appreciate the position of the gentleman, and I would simply suggest that there is an honest difference between the two of us. And I think that perhaps our positions, yours and this gentleman's, are the clear and honest positions here. I think it needs to be reflected, and I think the American people need to understand that there are two different approaches.

All I am saying is that you and I are equal in our passion for our country and our passion for peace. Where we disagree is that I believe that the way to peace is not to continue to proliferate this plant with more sophisticated and dangerous thermonuclear weapons. I think the way to prepare this planet for peace is to begin to move toward the power of the spoken word and move toward the negotiating table and move toward a political solution.

It seems to me that the whole notion of war in general and the notion of nuclear war specifically are very frightening and dangerous and insane concepts that no longer are applicable in the world of the 1980's. As we rush toward the 21st century, it seems to me that we have to think in very different terms.

Mr. BATEMAN. Mr. Chairman, if I may reclaim my time—and I do not choose to ask for any more—I could continue the dialog and colloquy with my colleague from California at great personal pleasure and satisfaction.

Mr. DELLUMS. Same here, my friend.

Mr. BATEMAN. I do not, however, want to abuse the other 432 Members of the House.

Let me only say that nothing that came from my mouth or that nothing that is in my mind impugns the honesty of the gentleman's convictions. I think the gentleman is terribly wrong, as he thinks that I am. I am almost flabbergasted. Perhaps the gentleman protested too much if he thinks I have attributed any unworthy motive or dishonesty.

Mr. DELLUMS. I never said that.

Mr. BATEMAN. I do not.

I would close only by saying that I would stand by my initial statement that brought me to the floor, that there are lessons in history to be learned here, and conclude only by the quotation from Oliver Wendell Holmes that an ounce of history is oft worth a pound of logic. And certainly the lesson of history demonstrates to me that if the other side arms to the teeth, indeed we better be preparing, even as we seek to get them to the negotiating table on every form of disarmament that serves the best interests of the national security of these United States and the peace of the world.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield for a question?

Mr. BATEMAN. If the question is one of a specific nature.

Mr. SMITH of Florida. It is one of a specific nature.

I understand the dialog that you and the gentleman from California entered

into, but I want to move away from that to something you said specifically, because I think it is the crux of the heart of this debate that is being unfortunately moved away from consistently, even by the gentleman from California to some degree.

You said that if you were to err you would prefer to err on the side of increased deterrence. My question to you is: Do you understand—and I mean that in the positive rather than in the negative sense—that in fact this weapons system which the amendment seeks to remove is not a deterrent weapon, it is a first-strike-capable weapon, it is a hard target, much more rapidly deployed and quicker to the target, first-strike kill capability. And that is, I think, the heart of what the argument is all about.

If you err on the side of this weapon, you are erring on the side of a first-strike capability, not a deterrent capability.

If it were so as you state, believe me, I would agree with you. However, it is not.

Would the gentleman respond to that particular question?

Mr. BATEMAN. I would be happy to respond very quickly on behalf of this gentleman, and if there is a moment longer, I would like to yield to a member of the committee.

To this Member, if the Soviet Union, as I believe is the case, had developed a capability that is a significant first-strike capability, I want them deterred from using that capability or misjudging the strength of that capability by our having a capability of the same order and kind.

I would further suggest to the gentleman that you can characterize and debate on the floor of this House a given missile or weapon as being a first-strike or a second-strike; my experience, my judgment, my instincts tell me that whoever has a weapon and controls the capability of utilizing it will utilize it first, second or otherwise, in keeping with their national policy and their perceived national interests.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia has again expired.

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent that I may proceed for 2 additional minutes, and I would yield that time to the gentleman from New Jersey (Mr. COURTER)?

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. STRATTON. Mr. Chairman, reserving the right to object, we have a bill before us here, a very important bill, the Arms Service Committee Authorization Act. I think we have spent well over an hour on this particular amendment. We are going to be spending some additional time next week, and I think it would be helpful to the Members who are staying here to participate in the debate and to offer amendments that we ought not to carry on these cataclysmic, philosophic discussions but address ourselves to the hope that we may get this bill passed before the 25th of the month when the House goes out into a district work period.

The CHAIRMAN, pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. WEISS. Reserving the right to object, Mr. Chairman—and I will not object—I appreciate the concern of my distinguished friend and colleague, the gentleman from New York, about moving with the legislation. At the same time, I have not heard anyone in this body on this floor suggest that this has been a trifling debate for the purpose of delaying or wasting people's time. What we are discussing here is perhaps the very future of humanity. Now, if it takes an extra half hour to debate that, so be it, and I believe the gentleman from New York would be glad to spend that extra half hour.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. BATEMAN) is recognized for 2 minutes.

Mr. BATEMAN. Which I cheerfully yield to the gentleman from the committee, the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. I thank the gentleman for yielding.

□ 1520

I have heard the point made that one weapons system is an offensive weapons system; another weapons system is a first-strike weapons system. A third weapons system is deterrent, and therefore not a first-strike weapon; does not have first-strike capabilities.

It seems to me, very frankly, when you look at the system that the Soviet Union has, when you look at the system that we have, that basically all of them have first-strike capabilities. Indeed, you can first strike with a rifle, you can first strike with a gun, you can first strike with a howitzer, you can first strike with a theater ballistic missile that has nonnuclear capabilities. They are all capable of initiating conflagration; they are all capable of starting wars. They are all first-strike weapons.

I think the distinction sometimes is blurred. I think it is highly ironic, as I said before, that those people that are now so concerned about "first-strike capabilities," and my contention is, any weapon has first-strike capabilities, are constantly those people that seek the well of this House, that rant and rave and constantly debate against a ballistic missile defense system, which is truly the only defensive system that this body has ever talked about, ever debated about in the last 2 or 3 years.

But you are against a truly defensive system. I find that type of logic to be illogical, and that type of debate not to make a great deal of sense. I again thank the gentleman for yielding.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the long debate about the MX missile we discussed many subjects, including one that tended to get obscured because of our focus on the "bargaining chip" issue.

The danger that is becoming more and more apparent with respect to our nuclear arsenals on both sides and which we have failed to concentrate on in the last two days is the danger of an accidental nuclear war. We all believe, I think, that nuclear war is irrational. How can we believe that any rational people would expect to start one and have it come out OK? I do not think anyone on this floor believes that; I do not think anyone in this government believes that, and I would hope the people in the Soviet Union do not believe it either.

The accidental occurence of war has many precedents in the history of the world, and an accidental nuclear war will be no less awful than one that is started by design. The D-5 missile system, a highly accurate, highly mobile system makes accidental nuclear war more likely. Because they could be launched from the very shores of the Soviet Union and destroy the weapon upon which the Soviet's most rely, the ground-based intercontinental ballistic missile, deployment of D-5 missiles will force the Soviet Union to move to a launch-on-warning pattern of response. Putting our missiles on hair triggers will not make us any safer.

If people believe in deterrence, and believe that deterrence is what has kept us from nuclear war for the past 40 years, they should be concerned about the D-5, because deterrence is what will be endangered if we deploy these highly accurate weapons. The MX is bad enough, but the D-5 is far more dangerous. It is just as accurate, but far more mobile. And there will be many more of them.

There is a tendency in these debates to think of this as a zero-sum game. If we threaten the Soviets with something that is very dangerous and frightening to them, then we must be stronger. That is not the case. If we frighten them so much that they move to a launch-on-warning form of response, it is our own security which is endangered, and that, it seems to

me, ought to be kept very much in mind.

To date, submarines have been a plus in terms of deterring nuclear war. Because they are mobile and hard to detect, they are relatively invulnerable. Existing missiles are not fast or accurate enough to wipe out hardened silos, but pack plenty of punch as a retaliatory force. These characteristics make our submarine fleet a force for stability. By increasing the speed and accuracy of submarine-based missiles, we will gain first-strike capability, but will lose much of the real advantage our submarine fleet provides. In fact, we should favor more Soviet Union investment in submarines rather than in land-based missiles, because submarines provide a more stable environment than the one toward which we are quickly moving with first-strike weapons on land being threatened by equally fast and accurate missiles that must be launched quickly or lost.

It seems to me that this decision is every bit as important as the decision on the MX because the same question is being raised: To what extent are we going to avoid the next generation of the arms race by refusing to add first-strike weapons to our arsenal. Because we are better off without these destabilizing weapons, I very much support the amendment of the gentleman from New York. I commend him for offering it, and I hope that it will be adopted.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. WEISS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. WEISS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 152]

Ackerman	Badham	Bevill
Addabbo	Barnes	Biaggi
Akaka	Bartlett	Bilirakis
Albosta	Bateman	Bliley
Alexander	Bates	Boehlert
Anderson	Bedell	Boggs
Andrews (TX)	Beilenson	Boland
Annunzio	Bennett	Boner
Applegate	Bereuter	Bonker
Aspin	Berman	Borski
AuCoin	Bethune	Bosco
Boucher	Gekas	Markey
Boxer	Gephardt	Marlenee
Breaux	Gibbons	Marriott
Britt	Gilman	Martin (IL)
Brooks	Gingrich	Martin (NC)
Broomfield	Glickman	Martin (NY)
Brown (CA)	Gonzalez	Martinez
Brown (CO)	Goodling	Matsui
Broyhill	Gore	Mavroules
Bryant	Gradison	Mazzoli
Burton (CA)	Gramm	McCain
Burton (IN)	Gray	McCandless
Byron	Green	McCloskey
Campbell	Gregg	McCollum
Carney	Guarini	McCurdy
Carper	Gunderson	McEwen
Carr	Hall (IN)	McGrath
Chandler	Hall (OH)	McHugh
Chappell	Hall, Ralph	McKernan
Chappie	Hall, Sam	McKinney
Cheney	Hamilton	McNulty
Clarke	Hammerschmidt	Michel
Clay	Hansen (UT)	Mikulski
Clinger	Harkin	Miller (CA)
Coats	Harrison	Miller (OH)
Coleman (MO)	Hartnett	Mineta
Coleman (TX)	Hatcher	Minish
Collins	Hayes	Mitchell
Conable	Hefner	Molinari
Conte	Heftel	Mollohan
Cooper	Hertel	Montgomery
Corcoran	Hightower	Moody
Coughlin	Hiler	Moore
Courter	Hillis	Moorhead
Coyne	Holt	Morrison (CT)
Craig	Hopkins	Morrison (WA)
Crane, Daniel	Horton	Mrazek
Crane, Philip	Howard	Murphy
Crockett	Hoyer	Murtha
Daniel	Hubbard	Myers
Dannemeyer	Huckaby	Natcher
Darden	Hughes	Neal
Daschle	Hunter	Nelson
Daub	Hutto	Nichols
Davis	Hyde	Nielson
de la Garza	Ireland	Nowak
Dellums	Jacobs	O'Brien
Derrick	Jeffords	Oakar
DeWine	Jenkins	Oberstar
Dickinson	Johnson	Obey
Dicks	Jones (NC)	Olin
Dixon	Jones (OK)	Ottinger
Donnelly	Jones (TN)	Owens
Dorgan	Kaptur	Oxley
Dowdy	Kasich	Packard
Downey	Kastenmeier	Panetta
Dreier	Kazen	Parris
Duncan	Kemp	Pashayan
Durbin	Kennelly	Patman
Dwyer	Kildee	Patterson
Dymally	Kindness	Paul
Dyson	Kleczka	Pease
Early	Kogovsek	Penny
Eckart	Kolter	Pepper
Edgar	Kostmayer	Perkins
Edwards (AL)	Kramer	Petri
Edwards (CA)	LaFalce	Pickle
Edwards (OK)	Lagomarsino	Porter
Emerson	Lantos	Price
English	Latta	Pursell
Erdreich	Leach	Quillen
Erlenborn	Leath	Rahall
Evans (IA)	Lehman (CA)	Rangel
Evans (IL)	Lehman (FL)	Ratchford
Fascell	Leland	Ray
Fazio	Lent	Regula
Feighan	Levin	Reid
Ferraro	Levine	Richardson
Fiedler	Lewis (CA)	Ridge
Fields	Lewis (FL)	Rinaldo
Fish	Lipinski	Ritter
Flippo	Livingston	Roberts
Florio	Lloyd	Robinson
Foglietta	Loeffler	Rodino
Foley	Long (LA)	Roe
Ford (MI)	Long (MD)	Roemer
Ford (TN)	Lott	Rogers
Fowler	Lowery (CA)	Rose
Frank	Lowry (WA)	Roth
Franklin	Lujan	Roukema
Frenzel	Luken	Rowland
Frost	Lundine	Roybal
Fuqua	Lungren	Rudd
Garcia	Mack	Russo
Gaydos	MacKay	Sabo
Gejdenson	Madigan	Savage
Sawyer	Solomon	Vucanovich
Schaefer	Spence	Walgren
Scheuer	Spratt	Walker
Schneider	St Germain	Watkins
Schroeder	Staggers	Weaver
Schulze	Stangeland	Weber
Schumer	Stenholm	Weiss
Seiberling	Stokes	Wheat
Sensenbrenner	Stratton	Whitehurst
Shannon	Studds	Whitley
Shaw	Stump	Whittaker
Shelby	Sundquist	Whitten
Shumway	Swift	Williams (MT)
Shuster	Synar	Wilson
Sikorski	Tallon	Winn
Siljander	Tauke	Wirth
Sisisky	Tauzin	Wise
Skeen	Taylor	Wolf
Skelton	Thomas (CA)	Wolpe
Slattery	Thomas (GA)	Wortley
Smith (FL)	Torres	Wright
Smith (IA)	Torricelli	Wyden
Smith (NE)	Traxler	Yates
Smith (NJ)	Udall	Yatron
Smith, Denny	Valentine	Young (AK)
Smith, Robert	Vander Jagt	Young (FL)
Snowe	Vandergriff	Zschau
Snyder	Vento	
Solarz	Volkmer	

□ 1540

The CHAIRMAN. Four hundred six Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. WEISS) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will make the observation that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 93, noes, 319, answered "present" 1, not voting 20, as follows:

[Roll No. 153]

AYES—93

Ackerman	Gray	Penny
Addabbo	Hall (IN)	Rahall
AuCoin	Harkin	Rangel
Bates	Hayes	Ratchford
Bedell	Howard	Rodino
Beilenson	Kastenmeier	Rostenkowski
Berman	Kennelly	Roybal
Bosco	Kildee	Russo
Boxer	Kogovsek	Sabo
Burton (CA)	LaFalce	Savage
Carr	Leach	Scheuer
Clarke	Lehman (FL)	Schneider
Clay	Leland	Schumer
Collins	Levin	Seiberling
Conte	Levine	Shannon
Conyers	Lowry (WA)	Sikorski
Coyne	Markey	Smith (FL)
Crockett	Martinez	Solarz
Dellums	Mavroules	Stokes
Dixon	McHugh	Studds
Dorgan	Miller (CA)	Torres
Downey	Mitchell	Towns
Dymally	Moody	Vento
Early	Morrison (CT)	Waxman
Edgar	Mrazek	Weaver
Edwards (CA)	Nowak	Weiss
Evans (IL)	Oakar	Wheat
Feighan	Oberstar	Williams (MT)
Frank	Obey	Wolpe
Garcia	Ottinger	Wyden
Gejdenson	Owens	Yates

NOES—319

Akaka	Applegate	Bateman
Albosta	Archer	Bennett
Alexander	Aspin	Bereuter
Anderson	Badham	Bethune
Andrews (TX)	Barnes	Bevill
Annunzio	Bartlett	Biaggi

Bilirakis	Gunderson	Myers
Bliley	Hall (OH)	Natcher
Boehlert	Hall, Ralph	Neal
Boggs	Hall, Sam	Nelson
Boland	Hamilton	Nichols
Boner	Hammerschmidt	Nielson
Bonker	Hansen (UT)	O'Brien
Borski	Harrison	Olin
Boucher	Hartnett	Oxley
Breaux	Hatcher	Packard
Britt	Hefner	Panetta
Brooks	Heftel	Parris
Broomfield	Hertel	Pashayan
Brown (CA)	Hightower	Patman
Brown (CO)	Hiler	Patterson
Broyhill	Hillis	Paul
Bryant	Holt	Pease
Burton (IN)	Hopkins	Pepper
Byron	Horton	Perkins
Campbell	Hoyer	Petri
Carney	Hubbard	Pickle
Carper	Huckaby	Porter
Chandler	Hughes	Price
Chappell	Hunter	Pritchard
Chappie	Hutto	Pursell
Cheney	Hyde	Quillen
Clinger	Ireland	Ray
Coats	Jacobs	Regula
Coleman (MO)	Jeffords	Reid
Coleman (TX)	Jenkins	Richardson
Conable	Johnson	Ridge
Cooper	Jones (NC)	Rinaldo
Corcoran	Jones (OK)	Ritter
Coughlin	Jones (TN)	Roberts
Courter	Kaptur	Robinson
Craig	Kasich	Roe
Crane, Daniel	Kazen	Roemer
Crane, Philip	Kemp	Rogers
Daniel	Kindness	Rose
Dannemeyer	Kleczka	Roth
Darden	Kolter	Roukema
Daschle	Kostmayer	Rowland
Daub	Kramer	Rudd
Davis	Lagomarsino	Sawyer
de la Garza	Lantos	Schaefer
Derrick	Latta	Schroeder
DeWine	Leath	Schulze
Dickinson	Lehman (CA)	Sensenbrenner
Dicks	Lent	Shaw
Dingell	Lewis (CA)	Shelby
Donnelly	Lewis (FL)	Shumway
Dowdy	Lipinski	Shuster
Dreier	Livingston	Siljander
Duncan	Lloyd	Sisisky
Durbin	Loeffler	Skeen
Dwyer	Long (LA)	Skelton
Dyson	Long (MD)	Slattery
Eckart	Lott	Smith (IA)
Edwards (AL)	Lowery (CA)	Smith (NE)
Edwards (OK)	Lujan	Smith (NJ)
Emerson	Luken	Smith, Denny
English	Lundine	Smith, Robert
Erdreich	Lungren	Snowe
Erlenborn	Mack	Snyder
Evans (IA)	MacKay	Solomon
Fascell	Madigan	Spence
Fazio	Marlenee	Spratt
Ferraro	Marriott	St Germain
Fiedler	Martin (IL)	Staggers
Fields	Martin (NC)	Stangeland
Fish	Martin (NY)	Stenholm
Flippo	Matsui	Stratton
Florio	Mazzoli	Stump
Foglietta	McCain	Sundquist
Foley	McCandless	Swift
Ford (MI)	McCloskey	Synar
Ford (TN)	McCollum	Tallon
Fowler	McCurdy	Tauke
Franklin	McEwen	Tauzin
Frenzel	McGrath	Taylor
Frost	McKernan	Thomas (CA)
Fuqua	McKinney	Thomas (GA)
Gaydos	McNulty	Torricelli
Gekas	Michel	Traxler
Gephardt	Mikulski	Udall
Gibbons	Miller (OH)	Valentine
Gilman	Mineta	Vander Jagt
Gingrich	Minish	Vandergriff
Glickman	Molinari	Volkmer
Goodling	Mollohan	Vucanovich
Gore	Montgomery	Walgren
Gradison	Moore	Walker
Gramm	Moorhead	Watkins
Green	Morrison (WA)	Weber
Gregg	Murphy	Whitehurst
Guarini	Murtha	Whitley
Whittaker	Wise	Young (AK)
Whitten	Wolf	Young (FL)
Wilson	Wortley	Zschau
Winn	Wright	
Wirth	Yatron	

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—20

Andrews (NC)	Hansen (ID)	Sharp
Anthony	Hawkins	Simon
Barnard	Levitas	Stark
Bonior	McDade	Williams (OH)
Coelho	Mica	Wylie
D'Amours	Moakley	Young (MO)
Hance	Ortiz	

□ 1550

The Clerk announced the following pairs:

On this vote:

Mr. Hawkins for, with Mr. Young of Missouri against.

Mr. Bonior of Michigan for, with Mr. Ortiz against.

Mr. WEBER, Mr. LEWIS of California, and Mrs. SMITH of Nebraska changed their votes from "aye" to "no."

Mr. DORGAN, Mr. TOWNS, and Mrs. HALL of Indiana changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. SIMON. Mr. Chairman, because of a commitment to speak to the Seafarers International Union here in Washington DC, I narrowly missed returning in time on the vote on the Trident submarine.

My vote would have been to support the Trident.

While I believe we must cut back on many weapons systems, modernization of the submarine missile system seems to me from a military and fiscal viewpoint the wisest investment of any part of our triad system of defense.

It has the advantage of being a moving target, and if an accident should occur, or should the submarine become a target, while the damage would be devastating, the devastation would be less than for a land-based target or an air-based target.

The Trident is not a substitute for vigorous pursuit of arms control negotiatons. I regret this administration's retarded approach to arms control. But until we have adequate arms control we must maintain deterrence; the best, from my point of view, is the submarine-based missile.●

AMENDMENT OFFERED BY MR. SMITH OF FLORIDA

Mr. SMITH of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Florida: Page 4, after line 8, add the following new subsection:

"(e) Funds appropriated pursuant to the authorizations of appropriations in this title may not be obligated for the Division Air Defense System until—

"(1) initial production testing of the Division Air Defense System is completed;

"(2) the Secretary of Defense has submitted a report to the appropriate committees of the Congress on the results of such testing and has certified to those committees that continued production of the Division Air Defense System is in the national interest; and

"(3) a period of 30 days has passed following the receipt by those committees of that report and certification.".

Mr. SMITH of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SMITH of Florida. Mr. Chairman, contrary to the previous amendments which have taken place both yesterday and today, I think that this amendment is rather more clear and more easily understood. This amendment would require that before the obligation of the fiscal year 1985 funds for the Sergeant York Division Air Defense System, also known as the DIVAD, be obligated, three things must occur. First, initial production testing must be completed.

Second, the Secretary of Defense must submit to Congress the results of the tests and a certification that continued production of DIVAD is in the national interest.

Third, Congress must have a 30-day period to review the test results.

Last year Congress responded to the growing concern about inadequate testing of new weapons systems. We passed legislation creating an independent test and evaluation office in the Pentagon. Those of us who support that new office hope that it will stop problematic programs before production. Unfortunately, since DIVAD already is being built, this new office will not be able to deal with the problems that have arisen so far with this system.

I will not list every problem that has occurred to date in the development of this system. Fault lies both with the Pentagon and the contractor, but several points need to be stressed.

Testing to date on DIVAD has been unrealistic and incomplete. In a report issued in February 1984, just three months ago, the GAO cited DIVAD as an example of a system for which test results were not properly considered. The system failed to meet requirements for mission performance, survivability and reliability, but it went into production nonetheless.

Also in February 1984, the Army advised the contractor that its performance to date on the system was totally unacceptable. The seldom used cure-notice sent by the Army to the contractor cited delays in every aspect of the program, including delivery of the

test equipment, training materials and hardware.

Many of you have heard about DIVAD's target acquisition radar focusing on a latrine fan. During one test this system, which works on the Doppler theory, which is supposed to shoot down helicopter and fixed wing aircraft, in fact wheeled around and targeted on a latrine fan which was running at the time.

Before that in a previous test during one of the early tests, it wheeled around and locked on a reviewing stand as a target.

The system's radar could be a beacon for antiradiation missiles. The contractor believes that the system could protect itself against such threats, but there never has been a test to determine whether the system in fact would be able to survive such an attack against antiradiation missiles, and this is a radar guided system.

Finally, I have been told that protecting the system against damage from fragmentation, shells, et cetera, is not part of the specifications, yet this weapon will be used in advance position battlefields, with artillery shells, rifles, and grenades exploding all around the weapon.

Should we not know if the weapon will be able to withstand this kind of function? Without its radar it is almost a useless duplicative weapon and the radar has never been tested against fragmentation on the battlefield.

Both the Army and the contractor insist that whatever problems the system may have will be corrected. That may in fact be true at some point, but I see no reason to fund yet another year of DIVAD until Congress has something more than mere assurances while we are procuring this weapon.

The Army now is conducting design verification tests on the system. In October, the Army will begin initial production testing on the DIVAD. These tests will run until February 1985. Only after these tests are completed will there be sufficient data available on which further production could be justified. That is why my amendment would not delete and it does not delete funds for this system. It merely places a hold on further production until that production is justified.

□ 1600

That is why we believe that we should wait until the testing and the receipt of the test results by the Armed Services Committee and by the Congress.

In addition, the GAO is expected to complete its own report on the DIVAD as a followup by that time. And the Inspector General of the Department of Defense should have released its own report by then.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 1 additional minute.)

Mr. SMITH of Florida. With this information, Congress could then make a truly informed decision on whether to continue production of the DIVAD.

In a May 7, 1984, editorial entitled "Military Cuts Miss Right Targets," the Milwaukee Journal cited DIVAD as an example of a weapon that "should be debugged before the Pentagon commits itself to buying them."

You have read and heard about the other newspaper and magazine articles. You heard the problem.

My amendment seeks to achieve, if the Army and the contractor can correct the numerous problems that have arisen in the program today, then Congress can permit the obligation of the more than $530 million in this bill for DIVAD. If they canot correct these deficiencies, then we have the duty and the obligation to save the taxpayers, but we would not know until February 1985.

Let us not procure until then. But if it is a good system, then let us have it on line. It is worth the extra wait to not waste this money.

Mr. BADHAM. Mr. Chairman, I rise to speak in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to this amendment which is virtually identical to an amendment we had last year on the same issue.

Since that time, several things have happened. The program has been somewhat restructured, and today under the revised schedule briefed to the committee in March, the contractor is 3 weeks ahead of schedule, the fixes are in the system and the system is working well.

The same gentleman that offered the amendment last year has offered this amendment this year to virtually discontinue this program. It is strange to me because the same gentleman that authored the amendment last year and authored the amendment this year was sitting in the subcommittee when the testimony was given by the Army this year that refuted every point that the gentleman made last year, and every point the gentleman makes this year. And in fact, the gentleman sat right there and asked the questions and heard the answers.

The reason that this program had some difficulties at the outset was very simple. It is a high concurrency program, which means that the development and production are done simultaneously to save, in the words of the Army program engineers, 5 to 6 years on putting this needed program into the field. It has already saved over $1 billion, I believe between $1.5 and $2.5 billion by this high concurrency rate.

The program now is on the schedule and so forth.

The latrine fan, which makes great propaganda talk here on the floor is as follows, and General Maloney was asked and he said, "I know the test you are referring to, and unfortunately that got reported incorrectly."

"Why was there a target?"

"Well, I—rarely, sir, but he said—the reporter then said, 'What was this target,' And he said, 'Well, it was pointing toward a building and there was a fan in the building.' The reporter said, 'What kind of fan?' He said, 'Well, kind of—you know, the kind of fan that you might have in a bathroom, a bathroom fan.'

"Now, the reporter used a little license to say it was a bathroom fan, which it was not, it was a technical building of some kind, but it wasn't a bathroom fan."

So that is what has been thoroughly refuted in the press, in the committee and the gentleman, I respectfully suggest, was sitting in the committee at the time that contention was refuted.

It was brought up that this gun system could not knock down a wildly jinking or wildly maneuvering helicopter. That is absolutely true.

That is also in the testimony. Unfortunately, however, no wildly maneuvering helicopter or wildly jinking aircraft system can crank off its weapons to do any damage if it is wildly maneuvering, so the job is done without even having any gun fired.

But most of all, I think I should quote from the testimony these simple things. This is from the testimony: "General, how would you say in your official capacity that this program's development stacks up with other development programs as far as time on schedule and quality and that sort of thing?"

General Maloney, "In my opinion the DIVAD program is not running into any more difficulties than those programs, and in fact, fewer difficulties than most programs.

"I believe that the program, technically, is moving reasonably well."

And there I think, my colleagues, you have it. And I asked the general further, "Why are you getting all the bad press then, general?" And the general said, "I can only give you an opinion, sir. I believe it is sort of DIVAD's time in the barrel.

"The pattern of attack seems to be very similar: Reach back into the past and find things that may have been wrong in tests which were, of course, designed to find out what is wrong with the system, and bring those facts into the public eye, with no regard to whether that thing has been corrected or not."

The gentleman sat there and heard this testimony, and I think it is an ill-advised amendment.

This system is desperately needed by our forces in Europe, as according to General Rogers and according to all our personnel.

Mr. SMITH of Florida. Will the gentleman yield?

Mr. BADHAM. I am happy to yield to the gentleman.

Mr. SMITH of Florida. I thank the gentleman very much for yielding. I understand what the gentleman said and you are absolutely right. Apparently a little license was taken and I am sorry that I called it a latrine fan. It was only a fan.

You admitted that it targeted on the side of a building where a fan was running. I do not consider that to be the kind of weapon that we should be procuring right now without the tests having been done.

Would the gentleman agree with me that the general did admit, and we did hear while I was sitting at the committee meeting, the letter that was sent by the Army to the contractor because the weapon in the letter was called totally unacceptable?

The CHAIRMAN. The time of the gentleman from California (Mr. BADHAM) has expired.

(By unanimous consent, Mr. BADHAM was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. Would not the gentleman agree we did hear the letter read to us and that in the letter the weapon was called only 2½ months ago totally unacceptable?

Mr. BADHAM. I would agree that the letter, and I have that in my file, was totally refuted by the Army, by the gentleman who appeared before the committee.

I would also say that in manual mode the radar did lock on a building that had a fan in it, and not lock on the fan. They did not know what it locked on.

Those problems, if they were, have been corrected. But it demonstrates the efficacy of the radar system which is straight out of the F-16 incidentally, straight out of the F-16 and working on a Doppler effect that catches things moving, and it does not fire at the building, and it did not fire in that case.

Mr. SMITH of Florida. Would the gentleman yield further for a question?

Mr. BADHAM. Sure, if you will guarantee that I have sufficient time to answer it.

Mr. SMITH of Florida. The testing of the weapon itself is now scheduled to be completed approximately February 1985, is that correct?

Mr. BADHAM. Approximately.

Mr. SMITH of Florida. And during that period of time is it not a fact that the Army is going to do the test on what you say the Army already says has been cured? I mean, if in fact all of those are cured, then why are they testing this weapon?

Mr. BADHAM. If the gentleman will allow me to respond, and this is the end of my time, it is a highly concurrent program, meaning that testing and production are going on at the same time.

Every one of the tests that has been done that found any slight thing wrong has not only been corrected, but at the contractor's expense has been built back into the system, so that every production model, every accepted model, and they are ahead of the revised schedule, has been worked into the production model. So anything that the tests come up with, and that is why we do it concurrently, to save 5 to 6 years of testing and then production, every single fix that has been found to be necessary has been worked into these mature systems, and the system is on time, on schedule, and the costs are guaranteed by the contractor.

I yield back the balance of my time.

Mr. NICHOLS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment. Just about this time last year the gentleman from Florida offered an amendment to the 1984 authorization bill to terminate the DIVAD program. The House overwhelmingly rejected the gentleman's amendment by a vote of 283 to 134—a margin of more than two to one.

This year, in deference to the gentleman's concerns about this program, the procurement subcommittee invited him to sit in on the Army air defense hearings and gave him an opportunity to question the Army's air defense expert, Maj. Gen. James Maloney, specifically on the DIVAD program.

I point this out because the gentleman had ample opportunity to question the Army experts if he had concerns about DIVAD. He asked only three questions and he offered nothing in response to General Maloney's answers. Nothing that came out of that hearing justifies any action such as the gentleman is proposing.

There were minor start-up problems in the production of DIVAD that have caused a 5 to 7 month slip in the delivery schedule, but I would remind you that those were to be expected. It was the Congress that directed that the DIVAD development and production schedule be compressed in order to field this urgently needed system at the earliest possible date. Well we have saved millions of dollars by accelerating this low-risk program, a fact I think we can all point to with pride. No knowledgeable expert—Republican or Democrat—seriously suggests that there is not an urgent need to replace the obsolete Vulcan air defense system and no one has proposed a cheaper or more cost-effective system.

What we have here is nothing more than a back door effort to kill DIVAD. The gentleman knows full well that if he tried to do it openly—as he did last year—his amendment would be overwhelmingly defeated.

Frankly, I am at a loss as to what the gentleman could be trying to accomplish with his amendment other than to kill the DIVAD program.

The amendment calls for delaying award of the fiscal year 1985 program until completion of the initial production testing and submission of the results of that test to the Congress.

If his purpose is to make sure the system works, then it is obvious that he does not understand the purpose of initial production testing.

We have already established that the system meets the specifications—that was proven in the development and operational testing a year ago. Initial production testing is designed to verify the transition from R&D to production—that is to prove out the production tooling and processes before we go to full scale production.

If there are any deficiencies in the production hardware, they have to be corrected at the contractor's expense under the warranty—a warranty which, incidentally, was negotiated by the Army several years before the adoption of the warranty requirement in last year's Appropriations Act. So the Government has no risk.

Last year, Congress authorized and appropriated long-lead funds for the fiscal year 1985 program in the amount of $38 million. Does the gentleman from Florida suggest that we should stop work on those contracts until the conditions of his amendment has been satisfied? If so, we risk a break in the production line.

With respect to the requirement that the President certify that "continued production of DIVAD is in the national interest", I submit to you that the President of the United States has already done that, in fact, when he included funds for DIVAD in the fiscal year 1985 budget request. We may not agree with everything he asks for, but I do not think any of us believe he is in the habit of requesting programs that he does not believe are in the national interest. Make no mistake, this amendment is designed to look innocuous but its purpose is to create the impression that congressional support for this vital program is lessening. I believe nothing is further from the truth. Every vote on it has produced a margin of support of more than 2 to 1.

I urge the defeat of this amendment.

□ 1610

Mr. Chairman, I yield back the balance of my time.

Mrs. HOLT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment.

As I understand Mr. SMITH's amendment, it would prohibit obligation of all funds authorized for DIVAD until three conditions are met, and they are:

The completion of the initial production testing phase;

The Secretary of Defense certifies the test results and confirms that continued production is in the national interest; and

The Congress has a 30-day review period of the test results. The apparent motivation for this amendment is based on newspaper articles and reports associated with the performance of the DIVAD system.

However, the initial production testing phase is primarily designed not to test the design or performance characteristics of the system but to test the production process to include production tooling, quality control procedures, and the overall manufacturing process.

How do you test the effectiveness of the manufacturing process? You produce systems and then test those systems to see if they meet system performance specifications. Therefore, in this case DIVAD performance evaluation is used as a measurement of the effectiveness of the manufacturing process.

What happens if during the initial production testing a system malfunction is identified? In the case of DIVAD, the current contract is written such that:

If DIVAD does not meet performance and reliability specifications, the contractor has to repair the problem at no cost to the Government—this amounts to a performance and reliability warranty.

Furthermore, each DIVAD system has a 6-month workmanship warranty which means if after acceptance testing a system experiences malfunctions then the contractor will repair those malfunctions at no cost.

Now, how will this amendment contribute to the delivery of a quality product to the Government. It will not. In fact, it will not only add to the cost of the program, but it will needlessly delay the deployment of this vitally needed system.

My colleagues, it seems that every year there is a new attack on the DIVAD program. This particular attack is clearly not warranted. The committee has encouraged the Army to restructure the program, and I believe that the restructured program—as outlined in H.R. 5167—represents a prudent acquisition strategy.

I urge your vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. COLEMAN of Texas. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment of the gentleman from Florida.

Mr. Chairman, I would say to the membership that the gentlewoman who just spoke (Mrs. HOLT) is absolutely correct. The real issue here is really one of how much do we gain or how much do we lose if this amendment were adopted.

I want to reiterate the point she made because I do not think it should be lost on anyone. The fact of the matter is that the test results as the gentlewoman stated, in this case are designed to check the manufacturing processes for purposes of full scale production.

With respect to the performance and reliability of the product, the contract is written so that the prime contractor, the prime contractor, not the taxpayer, not the Government, has to absorb all costs, all costs associated with insuring that the system meets design specifications. No costs are passed on to the Government. And that is the real issue concerning this amendment.

I understand from the gentleman from Florida that it is a simple amendment; that does not make it any less ill-advised. I would only point out I think it is high time that with respect to the past 2 years when we have heard the problems with DIVAD, we begin to point out what is good about a division-level gun.

A conventional force in the battlefield forward area, our infantry and armor have to be provided protection with assistance from the artillery. This is really and truly an air defense artillery piece to provide that protection.

The DIVAD program is an accelerated program that cut 5 to 8 years off the normal development and fielding time for any major weapon system. Did you know that the DIVAD program has resulted in a cost avoidance of more than $500 million because of the use of mature components? Did you know that the DIVAD current procurement unit cost in constant fiscal year 1978 dollars is 4 percent below the original estimate, which means that each DIVAD is approximately $140,000 less expensive than originally estimated? Did you know that the DIVAD is currently beating or exceeding design specifications for engaging all classes of targets?

There is one statement made by the gentleman from Florida that does need a response. The radar on this particular weapon system has such high sensitivity that it will detect small, high speed objects at very close range. That is the purpose of this particular weapon system, a low close-in helicopter, a tactical helicopter, attempting to take out any of our armored forces can be detected by this radar.

The crew can also visually confirm the absence of a threat such as an electric fan and electronically black out the return. The fan was never locked on in that test, nor was it ever shot at.

The Pulse Doppler radar is designed to detect those helicopters from ground clutter at extended ranges as well as close-in ranges and the weapon is so far meeting that criterion.

The point about being able to detect the weapon system while on the ground is one that I think is erroneous. The Sergeant York is one of many emitters on the battlefield. Emission control can be exercised in cases where necessary and we can still make use of the vastly improved optical system on the DIVAD.

I would only suggest it is time we began to talk about good things we have done with these particular weapon systems. As the gentlewoman from Maryland stated earlier, it is not the Government that pays for those problems. In this contract, one that was written properly and correctly, it will indeed be the contractor that will need to meet all these design specifications.

Mrs. BYRON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I shall not take my full 5 minutes, but I do rise in opposition to the amendment.

I would like to focus debate on DIVAD's unique acquisition strategy which was developed by the Defense Department and encouraged and supported by Congress. This strategy, simply stated, said let us attempt to design, develop, test and deploy a major system as quickly as possible while meeting cost control parameters.

Now, has the DIVAD accomplished this objective? The answer is "yes."

DIVAD went from a concept statement in 1977 to the production phase in 1982—just 5 years—while it usually takes from 10 to 15 years to reach this same point.

The cost to procure a DIVAD system today, in constant dollars, is $140,000 less than the original fiscal year 1978 estimate.

It sounds like a very good story. As you know, however, most major sophisticated weapon systems encounter some growing pains as they transition from low rate initial production into full rate production, the DIVAD, in spite of its overall success as a program is no exception. These growing pains resulted in more extensive testing than originally planned which has

caused about a 6-month delay in schedule.

All the major shortcomings have been corrected, and the Army has testifed that there are no significant hardward or software problems remaining.

Furthermore, if any additional malfunctions are subsequently surfaced, the contractor has to eat the cost of repairing all DIVAD systems including retrofitting systems already accepted by the Army. With that type of warranty, the Government should not incur any cost for correcting deviations from DIVAD design specifications.

This amendment, in my judgment, is unnecessary and will do more harm than good.

We should defeat this amendment, and I ask you to join me.

□ 1620

Mr. FEIGHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like if I could to address some questions to the proponent of the amendment so it would be clear to the House as to exactly what it is we are voting on.

Do I understand correctly that the gentleman is not proposing that we terminate this program?

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Florida.

Mr. SMITH of Florida. That is correct. This amendment does not seek to terminate the DIVAD at all. Merely just to hold the testing period to February like the Army is calling for in its contract before we obligate and purchase the weapon.

Mr. FEIGHAN. Well, I am reviewing the gentleman's amendment and would like him to tell us whether or not it is correct that the amendment would freeze the funding of the DIVAD program until this Congress had an opportunity to review the test results to see if the problems that have been discussed in the past hour or so that have arisen with the DIVAD have been corrected; is that a fair interpretation of the impact of the amendment?

Mr. SMITH of Florida. That is exactly correct.

Mr. FEIGHAN. Now I understood from the gentleman's presentation that he had attended some of the committee hearings on this program.

Is the gentleman convinced from those hearings that the Army itself has had some doubts about the capability of the DIVAD?

Mr. SMITH of Florida. I am very glad the gentleman asked that question and I would like to respond to the question by saying that I have my own feeling that the Army has severe doubts about the ultimate capability of this weapon, but has more doubts right now about its present capability.

Let me embellish that slightly. The gentleman has heard some Members take the floor and say that the Army has said that they want this weapon and that it is going well and that, in fact, all the bugs have been ironed out.

The hearing was held some time in March. The Army wrote to the producer of this weapon, Ford-Aero Space, on February 6, stating that the weapon was totally unacceptable. At the hearing the Army did not indicate, after reading that letter, that anything had changed other than that the contractor had agreed to make changes and that they were going to submit the first of the production models for testing by the Army.

So the rhetoric that we have heard with reference to the fact that this weapon has been totally cured of its problems is absolutely untrue. How that could have taken place, given this letter of the Army within 30 days, I think no one would know.

Second of all, the GAO did a report in 1983 on this weapon. The GAO followed it up with a report of February 1984 where it again indicated that this weapon does not work in its present form. The contract calls for testing of the weapon. Yes, it was an accelerated contract. Yes, it did R&D and then did production immediately.

The problem is that the weapon because of the very fast track on which it was put has major flaws.

All I am asking in this amendment is that the contractor correct the flaws before it goes into production and we procure a large number of the units which may have flaws in them.

This is a very fast track weapon. It may be a very important weapon in the Army's arsenal. If we have circumvented, as one of my colleagues has said, maybe 6 years off the whole process of R&D production and procurement, another few months should not be of any real consequence to insure that the weapon in fact will be a useful weapon when it is procured.

I think it is very important to remember and let us be totally clear, the Army itself said on February 6, this weapon is totally unacceptable, in a letter, not a magazine article, not a newspaper article, not a leaked piece of paper, but a letter to the prime contractor that the weapon was totally unacceptable.

I think that will answer all the gentleman's questions.

Mr. FEIGHAN. I appreciate the gentleman from Florida's responses to my questions and I will yield after I have had one moment to speak to the statements that the gentleman from Florida has just offered, because I think that in the response to those questions, the gentleman from Florida has very clearly laid out the impact of this amendment. he has furthermore very clearly indicated that the DIVAD program is an example of the Army rushing to buy a weapon before they are sure that it can work.

I think that all too often this Congress has been willing to believe the Pentagon when it says that the kinks in a particular system will be worked out before the system is fielded.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. FEIGHAN) has expired.

(At the request of Mrs. HOLT and by unanimous consent, Mr. FEIGHAN was allowed to proceed for 2 additional minutes.)

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman for yielding.

Mr. Chairman, I just want to make the point that the statement was made that the letter from the Army said that the weapons system was totally unacceptable.

I know that the gentleman knows that that letter was written by a contracting officer who was trying to get the best reconstruction out of the contractor that could possibly be gotten.

Also, I want to ask the gentleman, what are we going to accomplish by doing this? If the contractor has agreed to perfect any difficulties that we have with the weapons system, if that is written into the contract now, if we have that kind of warranty, if we hold this thing up, if we delay it, it is going to simply cost the taxpayers more money. What in the world are we accomplishing by going the route that this amendment would require?

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

First, on the idea that a contracting officer is any less an agent of the Army than some four- or five-star general. I am very, very disturbed that anybody would believe that a contracting officer, who sits with the program on a daily basis, would have less understanding of what this weapons system is than some general who comes before the committee and says, "We think it is a good weapon." That contracting officer, in my estimation, knew more about this program than anyone else.

Calling it totally unacceptable is correct.

As to the gentlewoman's second question regarding what would be the effect of waiting a few months, may I suggest to the gentlewoman that in fact waiting would provide us with procurement possibly of weapons that do not need to be debugged, that could be placed directly into the hands of

our Armed Forces, the Army, so that they could train immediately on a weapon that worked, on a weapon that is usable in the field, and a weapon to which the hardware, the software, and the training manual have all been made accurate, which is not now the case.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. FEIGHAN) has again expired.

(By unanimous consent, Mr. FEIGHAN was allowed to proceed for 2 additional minutes.)

Mr. FEIGHAN. Mr. Chairman, let me just add I think we should know that in addition to the evaluation from the Army itself that the DIVAD weapons system is totally unacceptable.

The General Accounting Office had added that the gun has failed to meet requirements in mission performance, reliability, and survivability.

And clearly there have been many independent critics who have noted that the DIVAD cannot withstand battlefield jolts, that it has a hard time hitting rapidly moving targets, and that a larger number of cheaper guns would be much more effective against helicopters.

I think in summation, the DIVAD is the most expensive and quite possibly the least effective antiaircraft gun known to man.

I would urge adoption of the amemdemnt.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Let me quickly point out to the gentleman from Ohio, as well as the gentleman from Florida, that I have heard that statement that there are a lot more and cheaper weapon systems that are just as effective against helicopters. We are not talking, however, about standard helicopters any more. This is not the Vietnam-era where we had large helicopters moving slowly. New attack helicopters have been built by the Soviet Union.

□ 1630

In addition, I would like to point out to the gentleman that those statements with respect to whether or not the contractor is going to provide a design with integrity for the troops to properly utilize is not at issue here. We already have that commitment from Ford Aerospace. They have it in the contract that they will do so. So it only seems appropriate to me that we not cost the taxpayers the delay of 4 to 6 months, which is what this amendment would require, in all probability, but rather we go ahead and permit the testing to continue on. We are using the 40-millimeter caliber weapon today because of the proximity fuse. It does not have to hit to kill. That is a distinction between this particular weapon system and the one that the gentleman has suggested.

Mr. REID. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I compliment and applaud the gentleman from Florida for bringing this to the attention of the House.

Sergeant York, during the dark days of World War I, during the days of the trench warfare, became an American hero because he captured himself 150 Germans and killed 20 of the enemy. For this he was awarded the coveted Medal of Honor. After him, this real American hero has been named a gun that is far from heroic in its development and performance, this gun which is supposed to protect tanks from aircraft, fixed wing and helicopters as they move into combat and engage in battle. The development of this weapon is somewhat suspect. The chassis of this weapon is from a tank. The radar is from an F-15 jet. It has already been established that very likely it cannot withstand the jarring inherent in ground operations, totally different from flying around in air. The engine is not capable of moving this vehicle quickly enough. Tests have shown that it probably cannot keep up with the tanks that it is supposed to be protecting. The tests show that it likely breaks down much too often.

Interestingly enough, no one has noted that the computer performance is real bad. But among other things, some tests show that this computer will not operate in temperatures of less than 25°, that it needs to be preheated. So I think that probably we should have a weapon that would work if the temperature is below 25°.

I think this is a perfect example of why procurement before development is bad.

In 1973, the Israelis captured a Soviet radar-controlled gun, the Shelka. It proved to be a poor weapon, not capable of hitting enemy aircraft. But our military was envious. Ten years later it has produced a high technology armor-plated lemon of its own. This weapon can probably hit enemy aircraft only if they fly in straight lines, and then of course only if they are close enough, because the Soviets have developed a helicopter now that is outside the range of this weapon, and not only must it be close enough, but of course if there are no latrine fans close by.

I would also indicate that in response to the statement of the gentleman from Ohio, I agree with him that maybe we should look at a different type of weapon. For example, we do know in Vietnam that helicopters, some 4,000 in number, were brought down by small arms fire.

So in summation, Mr. Chairman, I say that the American people certainly demand a good national defense. But I think this is ridiculous, and I ask each of you in the name of good government to support this amendment.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from California.

Mr. BADHAM. I hope that the gentleman does not purposely mean to misstate the facts, but the fact is that the Hind helicopter, which is supposed to be one of the best Soviet, one of the world's best, ground attack helicopters, has a line of sight range of about 4 to 5 kilometers. This system has proven out to 6 kilometers. The latrine fan caper I think has been sufficiently laid to rest. And I hope the gentleman would not wish to misspeak that, because the system does not do that. The ground commanders in Europe say that the system which we have now simply does not work.

Mr. REID. In reclaiming my time, because my time is about gone, I would summarize by saying that I am here not defending the contractor who is building this weapon, but I am here trying to convince this Congress that the American people should be protected, not the contractor.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I would like to clear up, if the gentleman will allow me, just one I think, misunderstanding. I do not, contrary to what this gentleman from Texas may believe, want to see this weapon system scrapped if it is going to be a valuable weapon system. To use the analogy of the gentleman, if in fact there are flaws, the contractor has a contract that mandates under the warranty that he fix them.

Well, let me put the reality to the gentleman in the well and see what he feels about this. If you were to buy a new car and after you drove it out of the showroom——

The CHAIRMAN. The time of the gentleman from Nevada (Mr. REID) has expired.

(On request of Mr. SMITH of Florida and by unanimous consent, Mr. REID was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. If you bought a new car and drove it out of the showroom and when you got it home the bumper fell off, and then when you went out the next morning and put it in reverse to get out of the driveway, the rear bumper fell off, and as you drove down the street the muffler fell down, would you then be very happy that you had a warranty, or would you much have preferred, because it might take a week to fix it,

the dealer, when you take it back and he has to fix it, would you have preferred that you did not have a car that the bumpers fell off from or that the muffler fell off from? Would you have preferred not to have lost the time with that vehicle after you bought it and paid for it, or would you much rather have a warranty so that you could go down the street dropping parts as you went but in fact know, in the consolation of your mind, that there is a dealer who will fix it, only taking a few week days, or a week, or two. Which would you rather have?

Mr. REID. The gentleman's question is obvious. The answer is quite clear also.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. The gentleman from Nevada, I think, understood the question of the gentleman from Florida as well as anyone else. The problem is—and I want to continue to point this out—this is not a Ford or a Chevrolet. What this is is a new weapon system that is going to take hands-on operation by the soldiers in the field who can properly understand what is going on with that weapon system, and I think it needs to be pointed out that all we are asking, all the entire Armed Services Committee is asking, in this proposal is that we be permitted to make those decisions, do the testing on schedule, not a delay, which will cost only one group of people in this entire country, not Ford but the taxpayers of the United States. I think it is time, also, that we understand that before we offer ill-advised amendments.

I thank the gentleman from Nevada for yielding.

Mr. REID. In reclaiming my time, I would summarize by saying that I would agree that this is not a Chevrolet or a Ford, and that is why we have to be very serious with our deliberations, and I think the amendment of the gentleman from Florida is in keeping with what this Congress is trying to establish by spending reasonably and well, even in the defense area.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words.

I also would like to rise in support of the gentleman's amendment, and I think that the debate we have had on the House floor thus far if anything underscores the wisdom of the amendment if we focus precisely on what the amendment does.

What we have heard from both proponents and opponents of the amendment has been a thoughtful, I think, and constructive debate with regard to this weapon system. I think very good points have been made by people on both sides of the debate. But the gentleman from Florida, with regard to his amendment, is not getting to the ultimate issue of this weapon system at all. He is simply getting to, as I read the amendment—and I have it in my hand—initial production testing requiring that funds appropriated not be obligated until initial production testing is completed and until the Secretary of Defense has submitted a report to the appropriate committees of the Congress.

This is much more a procedural amendment than it is a substantive amendment. Enough questions have been raised with regard to the substance of the particular weapon system we are discussing to at least speak to the wisdom of pursuing this procedural approach.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman from California yield?

Mr. LEVINE of California. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Does the gentleman understand that what he wants to have happen is so that we can delay, so that we can decide whether or not the manufacturing process is appropriate? It is not the weapon system and its component parts that were in question; in other words, whether or not the radar necessarily works, if the design was correct or not. What we are talking about is the manufacturing process. Does the gentleman understand that to be what the gentleman wants to delay?

Mr. LEVINE of California. What this gentleman is supporting and what I believe this amendment is doing is simply pursuing tests that can begin almost immediately, that will be completed within a matter of months, and will resolve the issues that have been discussed on the floor of this House and in so many other areas and in so many other arenas.

□ 1640

The tests have commenced, as I understand it, and what we are attempting to do is simple insure that this weapon performs in the manner that it is expected to perform.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEVINE of California. I yield to the gentleman.

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Let me quickly tell you what the intitial production testing is. It is designed to verify that the production tooling and processes work. We already know that the system design meets the specifications. The intitial production testing simply verifies that we can build the system to the design specifications on a production line.

Does the gentleman understand that?

Mr. LEVINE of California. That production testing, I would think if the production testing is what I anticipate that it will be, will answer a number of the substantive questions that have been raised with regard to the weapons system itself.

Mr. COLEMAN of Texas. If the gentleman will yield further, I want to make this statement, if you will permit me.

Nothing we learn from the test that will have any bearing on whether the systems meet the specifications. That is not the intent of the initial production testing, and I just wanted to be sure that the gentleman from California understood that to be the case.

Mr. LEVINE of California. I appreciate the clarification from the gentleman from Texas. I would suggest that it is extremely important, in light of the questions that have been raised in the course of this debate and beyond this debate, that such testing as would respond to the questions that have been brought up on this floor be pursued. If initial production testing is not adequate to respond to those issues that have been raised, perhaps this should be broadened.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. LEVINE of California. I yield to the gentleman.

Mr. SMITH of Florida. I thank the gentleman for yielding to me.

If I can respond to the gentleman from Texas, the statement that the gentleman has made with reference to that from out of the contract talks in terms of the manufacturing process. Some of the problems relating to this, as they relate to design specification, are not addressed by this production method. Yet, the Army is taking those tests to determine the manufacturing process. That is part of what is our ultimate goal; to determine that the manufacturing process is appropriate for this weapon. There is no reason to procure the weapon even under the gentleman's theory of what the contract says, until those tests have been completed, and until the Army is satisfied that those manufacturing processes are appropriate. That is what this amendment gets to as well.

Yes, in my statement I highlighted the problems as they relate to some degree in the design specifications, but there are also the problems with reference to the manufacturing process for which the Army is now testing these vehicles and there is no reason to spend the money of the United States taxpayer prior to the time that there has been a decision by the Army that the manufacturing process is also correct.

● Mr. RAY. Mr. Chairman, I rise in opposition to the amendment.

I appreciated Mr. SMITH's participation in the committee's recent hearing on DIVAD. I believe the questions he raised provided interesting insight as to the nature of his concerns regard-

ing the DIVAD program. As I recall, most of his questions—if not all—dealt with the performance of DIVAD. Therefore, I would assume that Mr. SMITH is primarily concerned about whether DIVAD'S system design specifications are sound. He does not appear to be as concerned about the capability of the manufacturing process to consistently produce a quality product.

If may assumption is correct, then delaying funding until after the initial production testing is completed will not be helpful to the taxpayer or the Army. In fact, this delay will most certainly result in some program cost increases.

I base my statement on the following:

Fact: The initial production testing of a weapon system early in the production phase is designed primarily to ensure that the manufacturing process is effective and efficient. Therefore, if problems are identified in these early production models, action can then be taken to correct the manufacturing process before too many systems are delivered to the Army.

Fact: The DIVAD program is currently doing well in terms of cost.

As the gentleman from Texas pointed out the current contract requires the contractor to pay for correcting all problems which result in DIVAD not meeting design specifications. This is essentially a performance and reliability warranty. Furthermore, a workmanship warranty on "all parts and labor" is given on every DIVAD—this warranty is good for 6 months.

The bottom line is that the contractor has to pay for his manufacturing mistakes, not the Government. Therefore, Mr. SMITH'S amendment is not necessary if we want to insure that each DIVAD accepted by the Army will perform in accordance with design specifications. The contractor has the incentive—by the profit motive—to minimize the DIVAD rejection and return rates.

If, however, my assumption about Mr. SMITH'S concerns is incorrect and he is more concerned about the capability of the contractor to use a sound and effective manufacturing process as the rate of DIVAD production increases, then his amendment is still not necessary because the contract penalizes the contractor for this mistakes, and he has to correct them at no cost to the Government. The taxpayer does not have to pay.

Mr. Chairman, this system will become a part of our joint air defense plan and I am placing a memorandum in the RECORD regarding the plan.

My colleagues, it would appear that under either assumption the amendment is not necessary and can only add to the cost of the program. Therefore, I urge your support in defeating this amendment.

MEMORANDUM IN REFERENCE TO AIR BASE DEFENSE AND SURVIVABILITY

The United States has maintained a presence in the NATO countries of the free world for 39 years. This represents the longest period in recorded history in which some portion of Europe has not been engaged in warfare.

American investment represents billions of dollars, and many believe that our presence must be considered to be eternal, not only in Western Europe, but also in Turkey, the Southern flank of NATO, as well as in Southeast Asia and South Korea.

The 1984 and 1985 military construction budgets contain massive sums of money for new construction in foreign countries, as well as for military hardware.

The Soviet threat is well known and includes sophisticated plans to immobilize our air defense by a first strike conventional missile attack, followed by fighter aircraft and bomber strikes.

Overall plans for air base survivability and defense do not exist and are spread among the Army, Air Force and our allies in a disjointed manner. Part of the reason for this deficiency is understandable. Ground-to-air defense has traditionally been an Army function. However, the Air Force has bases in several European countries where the Army has no forces assigned. DOD has not moved to fill this gap.

A number of witnesses representing all levels of DOD who appeared before the House Armed Services Committee and its subcommittees have been unable to satisfy the committee that any such overall plan exists, or is being given a priority by DOD or the Administration.

Congress in 1983 requested DOD to provide a comprehensive master plan for air defense of U.S. air bases in Europe by February 1, 1984. Due to internal disagreements between the Army, Air Force and DOD, no master plan was provided.

The House Armed Services Committee believes that a lack of adequate air base defense, including point air defense, is an Achilles Heel, which weakens our deterrent and might in fact invite aggressive action by enemy forces. The House Armed Services Committee also believes that there is no serious constituency in DOD for such an overall plan.

Last year, Congress directed the Department of Defense to submit a master plan for defense of U.S. air bases in Europe. No one in the Department of Defense appears to have overall responsibility for pulling the different pieces of such a plan together, deciding between conflicting recommendations, and formulating specific plans. Pieces of jurisdiction are apparently divided between the Army, the Air Force and the policy and research and engineering offices in the Department of Defense.

Consequently, the Department failed to comply with the requirement for submission of a master plan and no funding was requested to correct this critical deficiency. In this vacuum, the committee regrettably finds it necessary to address requirements that the Department is either unwilling or unable to address adequately and to provide specific program direction in the absence of a department master plan.

In an effort to break the jurisdictional logjam that seems to have paralyzed the Department, the committee recommends authorizing $350 million for a cooperative air defense program under the control of the Undersecretary of Defense for Research and Engineering. The committee is proposing specific solutions to specific problems. The committee expects that the conditions of this program will expand the framework for cooperation between the United States and its NATO allies. The objective is to enhance our combined military capabilities by finding ways to do together what we have been unable to accomplish separately.

Therefore, the House Armed Services Committee believes that dual role fighter bombers should not be deployed in Western Europe without adequate air base protection. For that reason, the plans need to go forward jointly.

Therefore, H.R. 5167 provides that the Air Force cannot begin its F-15-E dual role (deep strike) fighter program until the Secretary of Defense submits a master plan for ground and air defense of U.S. air bases in Europe, and unless the funding for such a master plan is equal to or greater than F-15-E funding in the FY 1986 budget.

The intent is that the House Armed Services Committee will not fund new fighter attack aircraft programs until DOD gets serious about defending air bases.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SMITH).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. SMITH of Florida. Mr. Chairman, I demand a recorded vote and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 154]

Ackerman	Britt	Craig
Addabbo	Brooks	Crane, Philip
Akaka	Broomfield	Crockett
Albosta	Brown (CA)	D'Amours
Alexander	Brown (CO)	Daniel
Anderson	Broyhill	Dannemeyer
Andrews (TX)	Bryant	Darden
Annunzio	Burton (CA)	Daschle
Applegate	Burton (IN)	Daub
Archer	Byron	Davis
Aspin	Campbell	de la Garza
AuCoin	Carney	Dellums
Badham	Carper	Derrick
Barnes	Carr	DeWine
Bartlett	Chandler	Dickinson
Bateman	Chappell	Dicks
Bates	Chappie	Dixon
Beilenson	Cheney	Donnelly
Bennett	Clarke	Dorgan
Bereuter	Clay	Dowdy
Berman	Clinger	Downey
Bethune	Coats	Dreier
Bevill	Coleman (TX)	Duncan
Bilirakis	Collins	Durbin
Bliley	Conable	Dwyer
Boehlert	Conte	Dymally
Boggs	Conyers	Dyson
Bonior	Cooper	Eckart
Bonker	Corcoran	Edgar
Borski	Coughlin	Edwards (AL)
Boucher	Courter	Edwards (CA)
Breaux	Coyne	Edwards (OK)

Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hayes
Hefner
Heftel
Hightower
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leach
Leath
Leland
Lent
Levin
Levine
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (NC)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Paul
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rangel
Ratchford
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zschau

□ 1700

The CHAIRMAN. Three hundred eighty-three Members have answered to their names, a quorum is present, and the committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Florida (Mr. SMITH) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind the membership that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 229, not voting 47, as follows:

[Roll No. 155]

AYES—157

Ackerman
Addabbo
Akaka
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Bilirakis
Boehlert
Bonior
Bonker
Borski
Breaux
Brown (CO)
Burton (CA)
Clay
Collins
Conyers
Cooper
Courter
Coyne
Crockett
Dannemeyer
Daschle
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Eckart
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Garcia
Gejdenson
Gekas
Gingrich
Goodling
Gore
Gray
Guarini
Hall (IN)
Harkin
Harrison
Hayes
Heftel
Hopkins
Jacobs
Jeffords
Kaptur
Kastenmeier
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Leland
Levin
Levine
Lipinski
Lowry (WA)
Luken
Lundine
Lungren
MacKay
Markey
Martinez
McHugh
McKernan
McNulty
Miller (CA)
Miller (OH)
Mineta
Minish
Moody
Nelson
Nielson
Nowak
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Paul
Pease
Penny
Porter
Rangel
Reid
Ridge
Gray
Guarini
Hall (IN)
Harkin
Harrison
Hayes
Heftel
Hopkins
Jacobs
Jeffords
Kaptur
Kastenmeier
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Leland
Levin
Levine
Lipinski
Lowry (WA)
Luken
Lundine
Lungren
MacKay
Markey
Martinez
McHugh
McKernan
McNulty
Miller (CA)
Miller (OH)
Mineta
Minish
Moody
Nelson
Nielson
Nowak
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Ridge
Ritter
Rodino
Roemer
Rose
Roth
Roukema
Roybal
Russo
Sabo
Savage
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sikorski
Simon
Smith (FL)
Smith, Denny
Snowe
Solarz
Staggers
Stokes
Studds
Swift
Tauke
Tauzin
Thomas (CA)
Torres
Torricelli
Walgren
Waxman
Weaver
Weber
Weiss
Wheat
Williams (MT)
Wolpe
Wyden
Yates
Yatron
Zschau

NOES—229

Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Applegate
Archer
Badham
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Bliley
Boggs
Boucher
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coleman (TX)
Conable
Conte
Corcoran
Coughlin
Craig
Crane, Philip
D'Amours
Daniel
Darden
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dowdy
Dreier
Duncan
Dyson
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Fields
Flippo
Foglietta
Fowler
Franklin
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gradison
Gramm
Green
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Hartnett
Hatcher
Hefner
Hightower
Hillis
Holt
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hyde
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kazen
Kemp
Kennelly
Kramer
Lagomarsino
Lantos
Leach
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Mack
Madigan
Marlenee
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McKinney
Michel
Mikulski
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
O'Brien
Oakar
Oxley
Packard
Parris
Pashayan
Patman
Perkins
Petri
Pickle
Price
Pritchard
Pursell
Quillen
Ratchford
Ray
Regula
Rinaldo
Roberts
Robinson
Rogers
Rostenkowski
Rowland
Rudd
Sawyer
Schulze
Sensenbrenner
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (NE)
Smith (NJ)
Smith, Robert
Snyder
Solomon
Spence
Spratt
St Germain
Stangeland
Stenholm
Stratton
Sundquist
Synar
Tallon
Taylor
Thomas (GA)
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wise
Wolf
Wortley
Wright
Wylie
Young (AK)
Young (FL)

NOT VOTING—47

Andrews (NC)
Anthony
Barnard
Biaggi
Boland
Boner
Bosco
Boxer
Coelho
Coleman (MO)
Crane, Daniel
Early
Fiedler
Gregg
Hance
Hansen (ID)
Hawkins
Hertel
Hiler
Howard
Hughes
Hutto
Latta
Lehman (CA)
Lehman (FL)
Levitas
Martin (IL)
Mica
Mitchell
Moakley
Morrison (WA)
Ortiz
Patterson
Pepper
Rahall
Richardson
Roe
Sharp
Shaw
Smith (IA)
Stark
Stump
Towns
Traxler
Vento
Wirth
Young (MO)

The Clerk announced the following pairs:

On this vote:

Mr. Hawkins for, with Mr. Hance against.

Mr. Vento for, with Mr. Pepper against.

Messrs. BROWN of Colorado and KOGOVSEK changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore, Mr. BROWN of California, having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, had come to no resolution thereon.

□ 1710

CORRESPONDENCE RELATING TO DEBATE ON THE MX MISSILE SYSTEM

Mr. PRICE. Mr. Speaker, I ask unanimous consent that I be allowed to insert in the body of the RECORD extraneous material relating to the debate on the MX missile system consisting of letters I received from the President, the Secretary of State, and the Chairman of the Joint Chiefs of Staff.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, the letters referred to are as follows:

THE WHITE HOUSE,
Washington, DC, May 14, 1984.

Hon. MELVIN PRICE,
House of Representatives,
Washington, DC.

DEAR MEL: Last year, the bipartisan Scowcroft Commission correctly laid the foundation for U.S. arms control proposals that could lead the way to a more stable and equitable nuclear balance at significantly lower force levels. We have discussd arms proposals with the Soviets that would, for the first time, bring about significant reductions. The Soviets are keenly following our Peacekeeper debate, however, and are unlikely to offer or accept proposals which would result in such reductions and stabilize the nuclear balance if we fail to follow through on our modernization program.

There is a strong positive link between our strategic modernization program and the Soviets' attitude toward arms control. Recognizing this link, the Congress made a commitment last year to the Peacekeeper and small ICBM programs as essential elements of a rational and equitable arms control posture. As a part of this bipartisan program for stability through both modernization and arms control, we have tabled trade-off and build-down proposals at the START talks in Geneva. These actions have been taken in the best tradition of bipartisan support for national security.

In my recent letters to President Chernenko, I urged him to rejoin us in the negotiations. I remain committed to the arms control process and we are ready to negotiate now. My Administration is dedicated to achieving arms reductions and reducing risks of nuclear war through equitable and verifiable arms control agreements. We need your continued support for this vital effort.

The Soviet Union walked out of the INF talks to test the strength and unity of the North Atlantic Alliance. In connection with this, they have not agreed to resume negotiations in START. We have taken every reasonable step towards resuming negotiations. Our negotiators are ready to return to Geneva tomorrow without preconditions, and are waiting only for the Soviets to agree to resume these essential talks. But we cannot begin to make concessions by halting programs unilaterally in a misguided effort to entice the Soviets back to the table. This is not the way to achieve meaningful mutual reductions.

The reductions of concrete, positive arms reduction results consistent with our goals of stability and equality requires meaningful incentives. Defeat of the Peacekeeper program would dramatically undermine our efforts to maintain these incentives. In particular, the near-term effect would be to *reward the Soviet Union* for suspending the arms control negotiations and remove incentive for them to return. Through breaking off the talks, they would have contributed to the destruction of a major U.S. program without a single concession of their own.

I urge your active support in our bipartisan program for stability through arms control and modernization. A crucial step will be continued funding of the Peacekeeper program.

Sincerely,

RONALD REAGAN.

THE SECRETARY OF STATE,
Washington, DC, May 14, 1984.

DEAR REPRESENTATIVE PRICE: This week, you will be considering various aspects of the FY-1985 Defense Authorization Act, including procurement of the Peacekeeper missile. Your support for the Peacekeeper program is crucial to the reestablishment of a strong deterrent and to the development of a solid foundation for progress in arms control. Continued bipartisan support for Peacekeeper will be key to my ability to conduct an effective foreign policy and direct our competition with the Soviets into peaceful channels.

The rationale for the Peacekeeper missile remains as valid now as it did when the Scowcroft Commission published its initial report in 1983. The three elements of their recommendation—Peacekeeper, a small single-warhead ICBM, and an arms control strategy designed to enhance strategic stability—are mutually dependent. Dilution or abandonment of our strategic modernization goals would be a concession that rewards the Soviets for their withdrawal from arms control negotiations. It would also add a large measure of success to Soviet efforts to limit U.S. force modernization without negotiating and without concessions of their own.

The only way to achieve the reductions we seek is at the negotiating table. In both START and INF we have balanced, flexible positions and, as the President has said, we are ready to meet the Soviets half-way and to resume negotiations without preconditions. In view of the Soviet refusal to resume nuclear arms control negotiations, full implementation of the Scowcroft Commission's recommendations is even more important today to provide an incentive for the Soviets to return to arms control negotiations.

I urge your support on this matter which is so critical to our national security.

Sincerely yours,

GEORGE P. SHULTZ.

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, DC, May 15, 1984.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This week the House of Representatives will consider the military necessity for the Peacekeeper missile. I believe that your deliberations should have the benefit of the military advice of the Joint Chiefs of Staff.

The most dangerous threat to this Nation is evident in the Soviets' strategic build-up. The Soviets have made massive strategic deployments which exceed their legitimate defensive needs and which have upset the balance so necessary for world stability. The United States is now faced with the necessity to modernize all three legs of its strategic TRIAD at the same time. Also, should the United States fail to demonstrate that it has the resolve to modernize its force as necessary, the Soviets will have little incentive for serious arms control negotiations. It is important that the entire strategic modernization program remain on track. In particular, we need to modernize our aging ICBM force with the Peacekeeper missile.

The Joint Chiefs of Staff support the Peacekeeper as a necessary component of our strategic modernization program. The Peacekeeper has demonstrated in successful tests the capability to place Soviet hardened targets at risk. It is a system essential to our country's deterrence strategy. There is no other near-term solution and the Joint Chiefs urge that you support the Peacekeeper program.

JOHN W. VESSEY, Jr.,
Chairman, Joint Chiefs of Staff.

PERMISSION TO FILE CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 492, URGENT SUPPLEMENTAL APPROPRIATIONS

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. KEMP. Reserving the right to object, Mr. Speaker, I do so to inquire of the distinguished chairman of the Appropriations Committee if it is his understanding there is some final agreement on the conference report with regard to assistance to El Salvador.

I yield to the gentleman.

Mr. WHITTEN. May I say, we are still in conference and I am not certain that we will get enough, but in case we do, I have asked unanimous consent to have until midnight tonight to file a conference report. Hopefully, we will reach an agreement. If not, this will do no harm.

Mr. KEMP. Continuing my reservation, Mr. Speaker, if I might require of the chairman if it is his understanding that the conferees have come to any resolution with regard to providing some assistance to El Salvador.

Mr. WHITTEN. May I say to the gentleman, that matter is up for discussion in the conference at this moment. Whether there be agreement or not, I do not know, but in case we were to reach an agreement, I was asking unanimous consent that in case we were ready, that we may file a conference report by midnight tonight. Of course, I cannot say whether we will reach agreement or not, but in case we do, this will expedite handling of the matter.

Mr. KEMP. It is my understanding, Mr. Speaker, that we are not waiving the 3-day rule.

Mr. WHITTEN. We are not, but if we get through, we want to file it tonight.

Mr. KEMP. Let me say to the distinguished chairman that I am deeply concerned about the approach of the conference to thwarting the will of the House last week when we voted for a small amount of security assistance to El Salvador and the conference does not seem to be able to come to grips with the fact that the House spoke on this, the Senate has spoken on this and very frankly, Mr. Chairman, I am constrained to ask these questions because I just cannot imagine how it is possible for the conferees to come to an impasse over that degree of assistance which is so necessary to El Salvador.

Mr. WHITTEN. May I say, I am disturbed, too, but not for the same reasons as the gentleman is. We did pass an authorization bill here mainly for next year and it carried by three votes. This is a supplemental to take effect now and there is no necessary connection. However, personally I hope we can resolve this matter, making an effort to see that it is resolved; but whatever we do, we will expedite the business of the House if we can get permission to file the report by midnight tonight.

Mr. KEMP. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5653, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1985

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 98-788) on the resolution (H. Res. 501) waiving certain points of order against consideration of the bill (H.R. 5653) making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5504, SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1984

Mr. WHEAT, from the Committee on Rules, submitted a priviledged report (Rept. No. 98-789) on the resolution (H. Res. 502) providing for the consideration of the bill (H.R. 5504) to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the relocation assistance program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5665, PROVIDING FOR A TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 98-790) on the resolution (H. Res. 503) providing for the consideration of the bill (H.R. 5665) to provide for a temporary increase in the public debt limit, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4784, TRADE REMEDIES REFORM ACT OF 1984

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 98-791) on the resolution (H. Res. 504) providing for the consideration of the bill (H.R. 4784) to reform the remedies available to U.S. producers regarding unfair import competition, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBER TO A STANDING COMMITTEE

Mr. KEMP. Mr. Speaker, by direction of the House Republican Conference, I offer a privileged resolution (H. Res. 505) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 505

Resolved, That Representative Jack Edwards, of Alabama be and is hereby elected to the Committee on Banking, Finance and Urban Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF ROTUNDA OF THE CAPITOL TO HONOR THE UNKNOWN VIETNAM-ERA AMERICAN SELECTED FOR BURIAL IN ARLINGTON NATIONAL CEMETERY

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 296) authorizing use of the rotunda of the Capitol to honor the unknown American who lost his life while serving in the Armed Forces of the United States in Southeast Asia during the Vietnam era and who has been selected to be buried in the Memorial Amphitheater at Arlington National Cemetery," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 2, strike out lines 4 to 7, inclusive, and insert:

SEC. 3. The Speaker, after consultation with the Minority Leader, shall be authorized to appoint a delegation representing the House and the Majority Leader of the Senate, after consultation with the Minority Leader, shall be authorized to appoint a delegation representing the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of this week and what the gentleman has in store for us next week.

I yield to the distinguished majority leader.

Mr. WRIGHT. Responding to the request of the distinguished minority

leader, Mr. Speaker, we are almost finished with legislative business for this week. There are several commemorative resolutions which will be brought to the floor by the gentlewoman from Indiana (Mrs. HALL). Upon their completion, the legislative business for the week will have been concluded.

It is my purpose to ask unanimous consent that when we adjourn, we go over until Monday.

On Monday we have the Consent Calendar and 10 bills to be considered under suspension of the rules. Votes will be postponed, if required, until the following day, Tuesday.

The list of those bills is in the possession of the minority leader and I ask unanimous consent that that list of bills appear at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, the list of suspensions is as follows:

H.R. 4209, to provide SBA Breakout Procurement Center representatives;

H.R. 5517, to provide additional senior executive positions for GAO;

H.R. 5221, amendments to U.S. Grain Standards Act;

H.R. 5618, improve Veterans' Administration health programs;

H.R. 4734, to name VA Medical Center in Milwaukee the "Clement J. Zablocki Veterans' Administration Medical Center";

H.R. 5617, increase certain dollar limitations under Veterans' Administration housing programs;

H.R. 3979, cigarette labeling bill;

H.R. 4145, State Justice Institute Act;

H.R. 4307, Criminal Justice Act revision; and

H.R. 4249, U.S. Marshals Service and Witness Security Reform Act.

□ 1720

Mr. WRIGHT. On Tuesday we would consider one additional suspension, Women's Pension Equity Act, and then have recorded votes on that, if requested, and on any others debated on Monday, if requested.

Following that, we would take up the debt limit extension under a modified 1-hour closed rule. Having done that, we would take up consideration of House Resolution 5653, the energy and water development appropriation. This is the first of 10 appropriation bills which we hope to conclude in the House before the end of June. There will be two more the following week.

On Wednesday and Thursday we will meet at 10 o'clock. After having finished the energy and water development appropriation bill we would return to consideration of the Defense Department authorization, and we would hope to complete that consideration next week.

If time remains, we then would take up H.R. 5580, the National Organ Transplant Act, subject to the granting of a rule.

Conference reports, of course, may be called up at any time.

At the close of business on Thursday next the House will adjourn for the Memorial Day recess and district work period. The House will reconvene from that Memorial Day period on Wednesday, May 30, at noon.

Mr. MICHEL. I thank the gentleman.

Might I inquire, I noted with a great deal of interest his observation that we would hope to finish the Defense Department authorization bill Thursday night. I would hope that would be the case.

Has the gentleman any feeling as to how late we would go on that evening to finish that piece of legislation?

Mr. WRIGHT. Those things have to be somewhat flexible. If it appears likely that by going an additional hour or two we might conclude it, then that is what we would try to do.

Mr. MICHEL. But it definitely is the intention of the majority side to conclude consideration of that measure next Wednesday, is it not?

Mr. WRIGHT. That is our program. That is what we intend to do.

Mr. MICHEL. The ranking member of the Armed Services Committee on our side wanted me to specifically ask that question.

Second, you know we are coming down to the end of the month again. As I recall, the Bankruptcy Act or the extension would also be expiring while we were gone for our Memorial Day recess. Is there any intelligence as to what we might have to do on that before we leave for the Memorial Day recess next week?

Mr. WRIGHT. I am sorry to respond that I do not have any information as to what the committees are planning to bring forward.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I appreciate the gentleman yielding.

Often when a bill we have is defeated on the Suspension Calendar we get that bill back under the regular procedures of the House almost immediately. That was true of the equal access bill this week, and I do not hear that announced as a possibility for next week.

Is there any chance at all that we could get that scheduled under the regular business of the House and bring it out here under a rule and consider it?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. WRIGHT. So far as I know, the chairman of the committee has not made any request for a rule at this time.

Mr. WALKER. I thank the gentleman.

Mr. MICHEL. I have no further requests of the majority leader and I yield back the balance of my time.

ADJOURNMENT TO MONDAY, MAY 21, 1984

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, May 21, 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. LUNGREN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NATIONAL DIGESTIVE DISEASES AWARENESS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 228) to designate the week of May 20, 1984, through May 26, 1984, as "National Digestive Diseases Awareness Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I do not intend to object, but I rise just to inform the House that the minority has no objection to the House considering this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 228

Whereas such diseases cause more Americans to be hospitalized than any other, necessitate 25 per centum of all surgical operations, and comprise one of the most prevalent causes of disability in the working force;

Whereas digestive diseases cause a yearly expenditure of over $17,000,000,000 in direct health care costs and a total economic burden approaching $50,000,000,000 annually;

Whereas at least one hundred different diseases and disorders of the gastrointestinal tract cause more than two hundred thousand deaths every year;

Whereas research into the causes, cures, prevention, and clinical treatment of digestive diseases and related nutrition problems should become a national concern, and the people of the United States should recognize diseases of the digestive system as a major health priority;

Whereas national lay and professional digestive disease organizations, individually and collectively, through the Coalition of Digestive Disease Organizations and the Federation of Digestive Disease Societies, are committed to heightening awareness and understanding of digestive tract disorders among members of the general public and the health care community;

Whereas the National Digestive Diseases Advisory Board and the National Institutes of Health, through its National Digestive Diseases Education and Information Clearinghouse, are committed to encourage and coordinate these educational efforts; and

Whereas the week of May 20, 1984, through May 26, 1984, marks the first anniversary of the national digestive disease education program, a coordinated effort to mobilize and focus the activities of the digestive disease community to educate the public and health care community as to the seriousness of digestive diseases and to provide information relative to treatment, prevention, and control: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 20, 1984, through May 26, 1984, is designated as "National Digestive Diseases Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the week with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL FAMILY WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 211) designating the week of November 18, 1984, through November 24, 1984, as "National Family Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I do not intend to object, but I use this as a means of advising the House that the minority has no objection to the House considering this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 211

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 18, 1984, through November 24, 1984, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MISSING CHILDREN DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 252) to designate May 25, 1984, as "Missing Children Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, and I do not intend to object, I advise the House that the minority has no objection to the House taking this resolution up at this time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 252

Whereas on May 25, 1979, six-year-old Etan Patz disappeared from his home in New York City and is still missing;

Whereas over one million eight hundred thousand children disappear from home annually;

Whereas children who are missing from home and are not living in a family environment are frequently the victims of sexual and physical exploitation;

Whereas an estimated 60 per centum of missing children are sexually abused while away from home;

Whereas the search for missing children is frequently a low-priority investigation in many law enforcement agencies;

Whereas efforts between Federal and local law enforcement agencies in child abduction cases are usually uncoordinated, haphazard, and ineffective; and

Whereas the problem of the missing child has been plagued by misinformation and there is a need to increase public understanding and awareness of this problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 25, 1984 is designated as "Missing Children Day", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LUPUS AWARENESS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 239) designating the week of October 21, 1984, through October 27, 1984, as "Lupus Awareness Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, and I do not intend to object, I use this opportunity of advising the House that the minority has no objection to this resolution being taken up at this time.

● Mr. BORSKI. Mr. Speaker, I rise in support of Senate Joint Resolution 239, designating October 21-October 28, 1984 as "Lupus Awareness Week." I am proud to have sponsored this resolution and I am pleased that my colleagues in the House have demonstrated their overwhelming support for it.

Lupus erythematosus, or lupus, is a serious disease of the body's immune system for which there is no known cause or cure. A breakdown in the body's immune system allows antibodies to attack normal cells, resulting in severe inflammation and scarring of healthy tissue. Lupus may only affect the skin in some victims, while in others it may damage major body organs. Lupus can cause kidney and heart disease, pleurisy, and pneumonia. In some cases, the disease may result in death.

Lupus affects over 500,000 Americans, with more than 50,000 new cases diagnosed every year. While the disease can affect people of all ages, over 70 percent of lupus victims are women, often in their child-bearing years.

Lupus is largely unknown among the general public, even though it is more common than multiple sclerosis, muscular dystrophy, or leukemia. Further, it is often misdiagnosed, preventing victims from receiving the treatment that could possibly reduce the severity of the disease.

For these reasons, it is critical to increase the awareness of the general public to the symptoms, diagnosis, and possible prevention of lupus. Lupus Awareness Week is an important component in the effort to increase public awareness and promote early diagnosis and improved treatment.

I want to thank the Lupus Foundation of America for their leadership in bringing this issue to the attention of the Congress. In particular, I want to acknowledge the efforts of Mrs. Goldie Simon of Philadelphia, who is chairperson of National Lupus Awareness Week, for her activism on behalf of lupus victims.●

Mr. DANNEMEYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 239

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 21, 1984, through October 27, 1984, is designated as "Lupus Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAMILY REUNION MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 94) to authorize and request the President to designate May 8, 1983, to June 19, 1983, as "Family Reunion Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, and I do not intend to object, I use this means as an opportunity to advise the House that the minority has no objection to this resolution being taken up at this time.

● Mr. RAY. Mr. Speaker, I rise tonight in behalf of Family Reunion Month which not only recognizes the importance of family unity and its value to our society but also encourages those who are separated or estranged to make contact again.

Family Reunion Month is particularly important to me, not only as the sponsor of the bill, but because two families in my district, John and Louise Clinkscales of Lagrange, GA, have a son, Kyle, who has been missing for 8 years, and Howard Sowers of Warner Robins, GA, whose son, Mark Leroy, has been missing for 9 years. They have experienced the heartaches that families run up against in searching: Bureaucratic redtape, no national clearinghouse of information, few leads, and lack of guidance of how to proceed. They have to live every day with the uncertainty of what happened to their loved ones.

Further, this bill has national implications in that there are efforts in each of the 50 States to fill some of these needs because there is no national clearinghouse to provide assistance. Our country is just beginning to realize the depth of this problem—realizing that, as a nation, we spend more on finding missing dogs and even missing cars than on missing people—and taking action to correct this inequity.

I would like to thank the more than 220 of my colleagues who joined me in cosponsoring Family Reunion Month and making known their commitment to reuniting families across this great land.●

Mr. DANNEMEYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 94

Whereas the family is and has traditionally been recognized as the foundation of our society;

Whereas thousands of families in our Nation experience sorrow each year because of runaway, missing, or estranged members;

Whereas organizations exist which can assist families and missing members in establishing contact with one another;

Whereas estranged and missing individuals should be encouraged to use the services furnished by these organizations or to contact their families directly;

Whereas families should be encouraged to honor the individual member's efforts to communicate and to respect the individual's right to privacy;

Whereas the strength of our Nation can be increased through the reunion of families and the reaffirmation of family ties; and

Whereas Mother's Day and Father's Day are times when our citizens celebrate the importance of families: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating Mother's Day, May 8, 1983, to Father's Day, June 19, 1983, as "Family Reunion Month", and calling upon the people of the United States to observe the day with appropriate programs and activities.

AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. HALL of Indiana: In the resolve on page 2, line 4, strike "designating Mother's Day, May 8, 1983, to Father's Day, June 19, 1983,"; insert in lieu thereof, "designating Mother's Day, May 13, 1984, to Father's Day, June 17, 1984,".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. HALL).

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The title of the Senate joint resolution was amended so as to read: "Joint Resolution to authorize and request the President to designate May 13, 1984, to June 17, 1984, as 'Family Reunion Month'."

A motion to reconsider was laid on the table.

□ 1730

NATIONAL ANIMAL HEALTH WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 526) designating the week of May 27, 1984, through June 2, 1984, as "National Animal Health Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, and I do not intend to object, I advise the House that the minority has no objection to this resolution being taken up and voted upon at this time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 526

Whereas tremendous progress has been made in the past one hundred years to advance the health and productivity of America's livestock industry and protect America's animals and pets through research, cooperative endeavor, and the use of sound scientific, and humane principles;

Whereas the commemoration of one hundred years of commitment to animal health by the United States, dating from May 29, 1884, when Congress created the former Bureau of Animal Industry, is appropriate;

Whereas achievements by the Bureau and its successor organizations within the United States Department of Agriculture and their cooperators in several States have contributed im measurably to America having the healthiest livestock in the world;

Whereas the Bureau and its successor organizations have a proud history of working with producers, cooperating State agencies, the veterinary profession, and the scientific community to wipe out animal plagues and to assure an abundant supply of safe, wholesome animal protein for American consumers; and

Whereas it is desirable to give the American public a better appreciation of the advances in animal health that contribute to the well-being of man as well as beast and likewise give them an appreciation of the role of healthy animals and pets in this country's past, present, and future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating the seven-day period beginning on May 27, 1984, as "National Animal Health Week" and to invite the Governors of the States, officials of local governments, and the people of the United States to observe that week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

COMMUNICATION FROM KIRK O'DONNELL, GENERAL COUNSEL TO THE SPEAKER,

The SPEAKER pro tempore laid before the House the following communication from the General Counsel to the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House, that I have received a deposition subpoena issued by the United States District Court for the Eastern District of Virginia in Lyndon Larouche, Jr. and the Larouche Campaign v. Donald T. Regan, Secretary of the Treasury.

Sincerely,

KIRK O'DONNELL,
General Counsel to the Speaker.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT AMENDMENTS OF 1983

Mr. SIMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2751) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 8, strike out all after line 24 over to and including line 14 on page 9 and insert:

SEC. 14. (a)(1) To the extent of the availability of funds for such purpose, the Secretary of the Interior shall:

(A) enter into a thirty-year agreement with the College of Santa Fe, Santa Fe, New Mexico, to provide educational facilities for the use of, and to develop cooperative educational/arts programs to be carried out with the postsecondary fine arts and museum services programs of, the Institute of American Indian Arts administered by the Bureau of Indian Affairs; and

(B) conduct such activities as are necessary to improve the facilities used by the Institute of American Indian Arts at the College of Santa Fe.

(2) The provisions of this subsection shall take effect on October 1, 1984.

(b)(1) The Secretary of the Interior, acting through the Bureau of Indian Affairs, is directed to conduct a study for the purpose of determining the need, if any, for a museum facility to be established for the benefit of the Institute of American Indian Arts, the feasibility of establishing such museum, and the need or desirability, if any, to establish any such museum in close proximity to the facilities currently being used by such Institute at the College of Santa Fe.

(2) On or before February 1, 1985, the Secretary of the Interior shall report the results of such study, together with his recommendations, to the Congress.

(3) Should the study recommend establishment of a museum, and should the College of Santa Fe be selected as the best site, any agreement entered into by the Secretary of the Interior for construction of such museum shall contain assurances, satisfactory to the Secretary, that appropriate lands at the College of Santa Fe will be available at no cost to the Federal Government for the establishment of a museum facility.

Mr. SIMON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Illinois?

Mr. GUNDERSON. Mr. Speaker, reserving the right to object, I have no intention of objecting, but, rather, state on behalf of the minority that not only the amendment but the entire bill in conference is acceptable to us on this side.

Mr. Speaker, I rise in support of H.R. 2751. This legislation is essentially the same bill passed by the House earlier this year. The only change is a minor difference to the provision relating to Indian Art at the College of Santa Fe.

The legislation before us makes small but significant changes in the National Foundation on the Arts and Humanities Act. First, the bill brings the authorization levels for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum Services in line with the appropriations bill signed by President Reagan as Public Law 98-146. Second, the legislation makes the transfer of the Institute for Museum Services to the Foundation official. This transfer actually took place over 2 years ago.

I believe that the increases in Federal support for the arts and humanities called for in H.R. 2751 are justified. Federal dollars provided under the endowments are essential in leveraging State, corporate, and private dollars supporting the arts in most areas of this country. In many rural and suburban areas, cultural activities would be virtually nonexistent without the help of the National Endowments.

I would also like to note that the legislation includes the Presidential Medals for the Arts provisions which was offered as an amendment to the bill during initial House consideration of H.R. 2751. The Presidential medals are enthusiastically supported by the administration, and their inclusion in the bill strengths this legislation.

In supporting H.R. 2751, I would emphasize that appropriations for the endowments and the Institute for Museum Services are only slightly more than they were in fiscal year 1981. I believe that the Congress has been fiscally responsible in providing funding for the endowments and that to ask for appropriations to be reduced now would be a mistake. I am also happy to note that the administration has informed us that they have no objection to the passage of the bill.

In closing, Mr. Speaker, I would like to thank my friend, the gentleman from Illinois (Mr. SIMON) for his leadership on this legislation.

I urge all my colleagues to support H.R. 2751.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Illinois.

Mr. SIMON. The Senate amendment to H.R. 2751 modifies the House provisions in section 14 of the bill. Section 14 was added on the House floor during debate on February 8, 1984. Section 14 required the Secretary of the Interior to enter into a long-term relationship to continue an excellent cooperative education/arts program between the College of Santa Fe and the Institute of American Indian Arts.

Section 14 of the House bill included the phrase "a long-term agreement," while the Senate amendment specifically provides for "a 30-year agreement." The Senate amendment also changes the House authorization of facilities improvement and the provision of museum facilities in Santa Fe, N. Mex. Instead, the Senate amendment authorizes a study of the need for such museum facilities and requires the Secretary to report the results of the study and any recommendations the Secretary wishes to make to the Congress by February 1, 1985.

If the study demonstrates the need for a museum facility, and that that museum should be located at the College of Santa Fe—then the Secretary and the College of Santa Fe are to enter into an agreement to provide the necessary land at the College of Santa Fe to the Federal Government at no cost. This provision is acceptable to the College of Santa Fe, which has excess property that could be made available for this use.

The text of the Senate amendment has been discussed with my colleague, Mr. KILDEE, the House sponsor of the amendment, and I believe it is acceptable to all on both sides of the aisle and is noncontroversial.

● Mr. PERKINS. Mr. Speaker, I rise in support of H.R. 2751, as amended by the Senate, to reauthorize the National Foundation on the Arts and Humanities Act of 1983 for 2 additional years. I wish to commend both Mr. SIMON, the chairman of the Subcommittee on Postsecondary Education, and Mr. COLEMAN, the ranking member of the subcommittee, for their hard work in bringing this bill to its successful conclusion.

This important bill will bring the reauthorization levels for the arts and humanities endowments and the Institute for Museum Services more in line with the actual funding levels already set by the Appropriations Committees. Also, it will recognize the transfer of the Institute from the Department of Education to the Foundation as a full fledged member of the agency. These changes should provide the necessary clarification between the authorizing statute and the appropriations process. This bill recognizes that important additional support the Congress has already given to the Endowments and the Institute. An important amendment was added by Mr. COLEMAN which establishes a national medal of the arts. This new provision will allow the President each year to award up to 12 individuals or groups this medal for outstanding contributions to the arts of the United States.

This bill is an important contribution toward acknowledging the increasing value of the arts, humanities, and museums in our society. However, even with these increases the United States is far behind many other countries in support of these endeavors. We have a wealth of talent and resources in this country which need to be encouraged and nourished for the betterment of us all.

I am pleased that H.R. 2751 is before the House today for final passage, and that we have this opportunity to take a leadership role in acknowledging that not only is it appropriate for Government to provide the means to stimulate cultural growth and greatness, it is a necessary and proper role. I urge all of you to join the Committee on Education and Labor in passing this beneficial legislation for the preservation of our cultural heritage as well as to provide opportunities for our continued growth in artistic development.●

Mr. GUNDERSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the intitial request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. RAY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks, and to include therein extraneous material, on the bill, H.R. 5167, the Department of Defense Authorization Act, which was debated earlier today.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Georgia?

There was no objection.

RECOGNIZING LEADERSHIP, PATRIOTISM AND FORESIGHT OF THE MAJORITY LEADER

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to verify his remarks, and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, yesterday the President of Mexico, Miguel de la Madrid, admonished the American people and the Reagan administration that it is better to talk than to shoot. That it is better to negotiate than to escalate militarily.

Quoting from the President's speech, he said:

We maintain that a dialogue of a negotiated solution to the conflicts are possible. For our countries it is obvious that reason and understanding are superior to illusion of the effectiveness of force.

Commenting on the leadership and patriotism of JIM WRIGHT of Texas, Arturo Cruz, a dissident and exiled Sandinista, stated in a letter to the Fort Worth Star-Telegram:

With a great deal of sophistication [he] simply told the Nicaraguan ruling party that it should hold fair elections and not a travesty of them. Those of us who desire to see democracy become a reality in Nicaragua are comforted by your Congressmen and some members of European parliaments who are sending unequivocal signs to the Sandinistas that they must reverse their totalitarian tendency and establish a democratic system.—Letter from Arturo Cruz, former Nicaraguan Ambassador to the United States, dated May 9, 1984, to the Fort Worth Star-Telegram.

Mr. Speaker, I applaud the leadership, the patriotism and the foresight of our majority leader, JIM WRIGHT, for showing America the way to peace in Central America.

The following are excerpts of President de la Madrid's statements at the White House and address to a joint session of the Congress:

EXCERPTS FROM REMARKS BY PRESIDENT DE LA MADRID AT THE WHITE HOUSE, MAY 15, 1984

The United States and Mexico should be concerned as well about the specially serious difficulties that Latin American countries are experiencing. Peace has been disrupted in Central America and the risk of a generalized war, the scope and duration of which no one can foresee, is growing. Every country on the continent must do its utmost to restore peace and avoid war by respecting and upholding the sovereign of its people to decide their own destiny and by rejecting interventionist solutions of any kind.

PRINCIPLES FOR CENTRAL AMERICA

In peacetime, we must also support the Central Americans in their social and economic development programs and encourage their efforts to build democracy and respect human rights. To that end, let us apply the principles and rules of international law established by the countries of the American continent: self-determination, non-intervention, equality of states before the law, peaceful solution of conflicts, and international cooperation for development.

EXCERPTS FROM THE ADDRESS DELIVERED BY MIGUEL DE LA MADRID, PRESIDENT OF THE UNITED MEXICAN STATES, BEFORE THE JOINT SESSION OF CONGRESS, MAY 16, 1984

Thanks to the American revolution and the political genius of its Founding Fathers,

this country has committed itself, in a form that has become classic, to the division of powers, recognition of the supremacy of law, and the sacred right to self-determination for all peoples. Without these principles, which represent America's great contribution to contemporary political and juridical culture, it is impossible to conceive of the constitutional organization of the rule of law. For the twentieth-century man, these ideals signify an irreversible advance in the march of civilization.

The United States has also contributed to the evolution of international law. From the Declaration of Independence to the Charter of the United Nations, we find institutions that express the thinking of the American people. At the end of the Second World War and in the wake of Nazi barbarity, the hopes of the community of nations rested, to a large extent, on the promise of absolute and immutable respect for the legal order.

Unfortunately, the history of recent decades has not fulfilled the expectations of development and well-being aroused by the victorius nations. Really would appear to confirm a hypothesis that has no moral foundation: the expansion of power, under the inexorable law of history, nullifies aspirations for freedom. The requirements of security are supposed to justify spheres of influence and unacceptable limitations on national sovereignty. This is the prism through which is seen the division of today's world into a bipolar system.

Countries should have a memory and a sense of the future. We must avoid the destructive tendency that places circumstantial interests ahead of permanent values and that seeks to negate the legitimate concerns and just aspirations of others. Without understanding and comprehension, it would be impossible to guarantee the peace and prosperity of nations.

Latin America is now awakening to an awareness of its identity. In the past, geographical distances and the structure of the international system separated us. Today, objectives and interests that coincide are distinctive features of the region's political process. We shall make the goal of solidarity a reality.

Above and beyond their similar origins and cultures, the integration of Latin American countries is essential to their development. The events of recent years show unmistakably that, in isolation, we cannot achieve the political and economic security to which we aspire. With one will, we shall forge our common destiny in this era.

Today, Latin America demands a new understanding between its countries and the industrialized countries of the hemisphere. The profound changes that have taken place make it imperative to open new channels of cooperation and trade that will ensure effective political communication and that will meet the development needs of our region.

The countries of Latin America seek, in conditions of equality and mutual respect, a new kind of relationship with the United States. They want to do away with any shadow of subordination, while preserving sovereignties and national identity. The principles of self-determination and nonintervention confirm our ability to govern ourselves autonomously. For us, independence is not a part of our past, but a daily conquest. It is the supreme value of our history.

In spite of imbalances and disparities, legal equality is the basic norm for harmonious order among the countries of the continent. This principle, the highest political achievement of the Americas, underlines the wealth of possibilities for negotiation and diplomacy. Now, more than ever before, we must use intelligence and exercise reason.

Uniformity is a utopian concept in an era of sharp contrasts and rapid change. Promising democratic developments that are evident in various Latin American nations call for the full acceptance of pluralism. A uniform style of democratic life cannot be imposed on anyone. Democracy, by definition, cannot use the arms of tyranny.

For us, peace and development have been and continue to be fundamental issues. The necessary cooperation with the countries of the North should be free of any political conditions, disciminatory criteria or demands for impossible reciprocity. Justice and well-being are the only effective guarantees for warding off the dangers of instability and a widespread conflagration in Latin America.

Regional conflicts, which tend to become generalized, also threaten international peace. Such conflicts provide opportunities for interventionist intentions, which could lead to global confrontation. Thus, responsible efforts to eliminate motives for controversy are urgent.

In our imperfect society of nations, the impossibility of coercive enforcement of international law does not detract from its legal validity and the obligatory force of its decisions. If we exclude law, our only alternative is anarchy and the arbitrary rule of whoever is able to impose his will. As nations, it is our duty to strengthen the institutions of the international community.

The efforts of the Contadora Group are being made in this spirit and represent Latin American actions to solve a Latin American problem. We maintain that dialogue and a negotiated solution to the conflicts are possible: we therefore reject, without exception, all military plans that would seriously endanger the security and development of the region. The continent must not be a senerio for generalized violence that becomes increasingly difficult to control, as has occurred in other parts of the world. For our countries, it is obvious that reason and understanding are superior to the illusion of the effectiveness of force.

In Central America, politics and diplomacy offer a real possibility of reaching agreements to prohibit the installation of foreign bases, to reduce and eventually eliminate the presence of foreign military advisers, to establish mechanisms against trafficking in arms, to prevent the activites of groups that undermine stability, and to discourage the arms race in the region. It undoubtedly involves feasible commitments that should be assumed by all parties concerned through honorable and secure agreements. The premise for such measures is the political will of the parties.

We are convinced that the Central American conflict is a result of the economic deficiencies, political backwardness, and social injustice that have afflicted the countries of the area. We therefore cannot accept its becoming part of the East-West confrontation, nor can we accept reforms and structural changes being viewed as a threat to the security of the other countries of the hemisphere.

Honorable Members of Congress, I wish to convey Mexico's recognition of the unanimous support given by the House of Representatives to the Contadora Group's actions. Your firm backing encourages us to persevere in the peace-seeking efforts and gives hope to the peoples of the region.

Mexico and the United States share a wide range of interests. In the past, our relations have, on many occasions, been difficult. On the basis of mutual respect and understanding, we have now formed firm ties of friendship. An exchange of opinions allows us to surmount differences and to take better advantage of points on which we agree.

Strong social interactions between the two nations enrich the life and culture of both countries. The contact between the people of both countries synthesizes different traditions, provides other experiences, and broadens the horizon of the future. We should therefore increase our scientific, technological, and educational exchanges, bearing in mind that the voice of each nation is a necessary point of reference for the conscience of the other.

Our geographic proximity inevitably gives rise to a number of mutually beneficial interests. Disparity of power and development cannot disguise the need for agreements satisfactory to both parties. In commerce and finance, in the definition of maritime limits, in fishing rights, and in border environmental protection, we should continue our efforts to reach solutions.

In particular, I would like to refer to the problem of undocumented workers. My country is convinced that temporary emigrants who work in the United States make a significant contribution to the development of border states and therefore to the prosperity of the overall American economy. Mexico has an ongoing interest in the full respect for their human and labor rights.

Honorable Members of Congress: The Congress of the United States is in a privileged position to uphold the permanent ideals of this great nation both at home and abroad. It should ensure that the future of your country is based on tolerance, understanding other interests, recognizing foreign identities, and respecting the wishes of others. We are confident that the American people will invariably prefer the limited exercise of power to the use of force, and reason to domination.

The cause of peace and development places responsibilities on all countries. Historically, essential changes have been brought about by the convergence of the sum total of peoples' determination and intelligence. Insofar as they are able, the countries of Latin America have long been fighting for detente and for a halt to the arms race; they have commited themselves to avoid regional conflicts, and they keep their actions within the law. Similarly, they are making efforts toward a fruitful North-South dialogue to establish the bases for a just and equitable international economic order.

Members of the United States Congress can recognize the legitimacy of the demands of Latin American countries and of developing countries in general. Their contribution will be decisive in achieving the well-being of our nations at a time when it is our lot to share crisis and prosperity.

We have said that Mexico is Latin America's border with the industrialized nations of the continent. Cooperation between our two countries shows that honorable and respectful coexistence between the developing South and the developed North is possible. I am certain that both countries will be able to find new formulas for collaboration, to broaden existing mechanisms for consulta-

tion and to strengthen the bonds of a fruitful and profitable friendship. Let us hope that this will be the hallmark of the new international community to which all the countries of the world aspire alike.

Thank you very much.

□ 1740

ORDER OF BUSINESS

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that the gentlewoman form Nevada (Mrs. VUCANOVICH) be allowed to proceed with her special order preceding mine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TOWNHALL MEETINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Mrs. VUCANOVICH) is recognized for 60 minutes.

Mrs. VUCANOVICH. Mr. Speaker, I have taken out this special order to talk a little bit to my colleagues about townhall meetings that I and many Members on my side of the aisle have been having in their districts. We had decided to have those with the idea that a lot of times we feel that the American people are not allowed an opportunity to speak on issues that are important, and we feel are important to us. So many of us have held townhall meetings in the last 4 or 5 months on the subjects of deficits, of course, that includes whether we are concerned about the constitutional amendment for a balanced budget and many of us have held them on the subject of crime.

Mr. MACK. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Florida.

Mr. MACK. I thank the gentlewoman for yielding.

Mr. Speaker, I would like to kind of expand I guess on the point of the town meetings. We have talked here the last several days about the question of openness, and fairness, and the fact that one of the discussions that has come up is that there has been a rhubarb about the panning of the floor. It seems like this discussion about the panning of the floor, embarrassing Members, this whole thing has gotten out of proportion.

We are not concerned about the panning with the cameras on the floor of this House. In fact, we will be making a statement, I think, fairly shortly about our position, which is, in fact, to totally open up this discussion and have a free rein of the cameras in here from gavel to gavel.

But I mention that in the sense that I think we carry this comment about openness even a step further. I know that at least in the town meetings I have held and specifically in the national town meetings that you have been directing that this real openness between members of the Republican Party and the constituents, or our citizens back home, in the dialog that we have been able to exchange back and forth has not only been helpful to them, but has been a tremendous value to me.

I want to kind of tie in those two points about the openness of the approach that the Republicans are taking in this concept of national town meetings.

Mrs. VUCANOVICH. I appreciate the gentleman's comments.

I just want to say, for some of us who are new in the process, it is sometimes difficult to think that we want to get out and have townhall meetings, and put ourselves out there, and ask people really what they think.

Mr. BLILEY. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Virginia.

Mr. BLILEY. I thank the gentlewoman for yielding.

I appreciate her taking out this special order and bringing the information to us concerning town meetings on crime, was it?

Mrs. VUCANOVICH. On crime and on deficits. We hope that we will maybe have some more on some of the other issues that are important to us.

Mr. BLILEY. I think that it is marvelous that the gentlewoman has done this, but I also think it is a shame that she has had to do this, that this House tonight is empty, that apparently the Democrats do not wish to discuss these issues in the people's forum, right here.

The President sent a crime proposal to the Senate a long time ago, early in 1983. The Senate held hearings, took action, and it has been over here and one of the staffers from the Democratic Party was said to have remarked at the time it came over that it would be DOA.

I further find that the subcommittee chairman is very interested in doping of racehorses and certainly we are all concerned about that, but I think we are all more concerned about the mugging of little old ladies and children and bail reform to keep dangerous criminals off the street and to have determinate sentencing so that these same people, who are convicted of these terrible personal crimes, are not allowed to do it to somebody else.

It is a shame that we have to discuss these sort of things at this time of day in a House that is empty because our colleagues are not interested in discussing it during prime time in the committees and on the floor where we ought to take action.

I commend the gentlewoman and I thank her.

Mrs. VUCANOVICH. I appreciate what the gentleman is saying.

I think particularly to hold townhall meetings and find that you might expect to see maybe 15 or 20 people show up. Again we are looking at an empty Chamber. Well, I can tell my colleagues in the townhall meetings that I have had on the subject of crime and on these discussions, there have not been any empty seats. People have been very, very concerned.

In my own district, we have had an instance where we had a Montessori school. The man who was supposed to be a great pillar of the community and runs the Montessori school is now being accused of doing some of the things that I can hardly even discuss on the floor, really just abusing youngsters in sexual ways. It has been one of the most embarrassing, most horrifying things, to think of youngsters 4 and 5 years old who have been used in this manner. People are terribly distressed about crime. I can tell my colleagues they are distressed in my district.

Mr. WALKER. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman fom Pennsylvania.

Mr. WALKER. I thank the gentlewoman for yielding.

I do want to point out that as we proceed with the gentlewoman's special order that it is about 5:45 in the afternoon. The special order that the gentlewoman is engaged in is something that is permitted for any Member of Congress to come to the floor and discuss.

The gentlewoman has run a program of national townhall meetings aimed at involving the American people in a dialog with the Congressman.

Now, to be perfectly honest, there are many Democratic Members of Congress who also hold town meetings and also hold that kind of dialog.

What I wanted to point out is that they are perfectly able to come to the floor at this time and engage in this discussion about what the American people are thinking on townhall meetings. It is open to them. It is not real late at night. They have not had to go home for supper yet. We are still in the working day. The House has not been in session a full 8 hours yet. Certainly if they wanted to come to this Chamber where there are so many empty seats, we could find a seat for them. There is lots of room. All they have to do is come over. There are even a couple of microphones standing open that they could use. They could come out here this evening and participate in this special order. No one is preventing them from doing so.

If in fact there are empty seats here, to some extent that means clearly that there are some Members who do not have a sense of openness and do not

feel as though they can come here and discuss what they are hearing at their town meetings.

I thank the gentlewoman for yielding.

Mr. WEBER. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I am happy to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentlewoman for yielding to me.

I would like to build a little bit on the point that our colleague from Pennsylvania made.

But first I would also like to commend the gentlewoman for taking the leadership role she has in organizing these townhall meetings. I hold townhall meetings in my district regularly. I held the townhall meetings in conjunction with the programs the gentlewoman has sponsored, particularly on the economy. They were very well attended. I have returned the results of those meetings to the gentlewoman's office. They were valuable.

I would like to build, though, on the point that our colleague from Pennsylvania made about the relative emptiness of the Chamber as we discuss this townhall meeting project, because I think there is something very significant about what we are discussing right now.

The discussion that we are having right now about the mood of the public, what the public is telling us on a broad range of issues is not a discussion that we would ever have during normal legislative business because during legislative business, normal hours, we are discussing a single bill, a single amendment, a single subject.

And yet is it not important really for the Congress some time to come together just to talk about the general mood of the country.

What is even more frustrating as I think about the townhall meetings I had is the number of specific subjects that are of concern to my constituents that also are never debated in this House during regular business. Now those are the same subjects that many of us have come here night after night to talk about during the special orders because the Democratic leadership of the House refuses to schedule them for debate during regular legislative business.

During my townhall meetings I find, and I am sure the gentlewoman finds the same thing, I am sure that it is true across the country, there is overwhelming consensus among the general population on how we ought to approach many of our economic problems, overwhelming consensus in my townhall meetings in support of a balanced budget constitutional amendment.

And yet the Democratic leadership of this House refuses to schedule debate on a constitutional amendment which would require a balanced budget.

That is particularly concerning to me because we are now just two States short of having the requisite number of States petition this Congress and force us to call a constitutional convention to deal with the balanced budget constitutional amendment.

My constituents want it, the gentlewoman's constituents want it, I venture to guess constituents all across this country want it. Yet, the Democratic leadership of the House refuses to schedule the debate on that amendment.

The line-item veto. I found over 90 percent of the people who attended my townhall meetings supported the concept of the line-item veto. That is not surprising; 43 States have the line-item veto. The President has requested it. It is a reasonable tool to begin to get under control Federal spending.

□ 1750

Again, we cannot bring that up in this House because the Democrats refuse to schedule it for debate. And there should be legitimate debate about that and other tools to expand the ability of the executive branch to get hold of Government spending. And on the whole range of other issues, the crime control project that our colleague, the gentleman from California (Mr. LUNGREN) has such a leadership role on, voluntary school prayer amendment, issue after issue, we find that the public overwhelmingly takes one position, a position of support of these issues, but the Democratic leadership of the House does not want to talk about them, refuses to debate them during regular business, and then when we bring those subjects up for debate during special orders, they are nowhere to be seen on the floor of this House, empty chairs on the Democratic side of the aisle on those issues which they do not want to discuss.

So I commend the gentlewoman for taking out this special order. I commend her for the leadership she has shown on the national townhall meeting project. I was very pleased to have participated in it.

I thank the gentlewoman for yielding.

Mrs. VUCANOVICH. I appreciate the gentleman's comments.

Mr. ROTH. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentlewoman for yielding, and I would also like to compliment her for taking out this special order and for helping me with my townhall meetings back in our home State of Wisconsin. They were actually very informative because I was surprised, quite frankly, at the statistics and all of the information that people had about crime. It was a real education. I think all of us in Congress who go back to our districts to have these townhall meetings are going to learn a lot about the issues we debate here, because I think there is a lot of knowledge about these issues with our constitutents today.

I would just like to give you a couple of statistics that I learned in our townhall meetings. The 1982 crime clock, one of the constituents was telling me that there was one murder in our country every 25 minutes, a forcible rape every 27 minutes, and I think if we talk about issues that women are concerned with, like the gentlewoman in the well, I think this is one issue that the women of this country are very much concerned about, and we should be addressing that issue. There is one robbery every 59 seconds that is reported, aggravated assault every 29 seconds, and at least one violent crime occurred every 25 seconds.

Now, when I first came to Congress in 1978 I introduced a bill on which we have had some hearings, but it has never been reported to the floor. What my bill said, one of the cornerstones of the recommendations, really, of the President's task force, in 1978 I had the legislation and have introduced it in two succeeding sessions, which would have a mandatory minimum sentence that would impose a sentence of 2 years without possibility of parole for a person convicted of using a dangerous weapon in the commission of a crime.

Now, certainly that is not asking too much. But the legislation to this date has gotten nowhere. And I think that one of the reasons we find that sometimes this institution is held in low esteem, when it should be held in the highest esteem, because no matter what we say, this is still the greatest form of government in the world, our representative democracy, is because I think we in this House many times do not react to public opinion, what the people are really concerned about. And I think this issue of crime is one that people are very much concerned about. After all, one out of every three families in America is at one time or another affected by crime.

We had a special hearing, and I believe the gentlewoman participated in that special hearing about a week ago.

Mrs. VUCANOVICH. Yes.

Mr. ROTH. I was stunned, really, quite frankly, to learn that $33 billion is made on street sales of cocaine every year in this country. That is unbelievable. Look at all the young people who are being infected, yes, infected, by this disease.

At one of our townhall meetings, one young person from the University of Wisconsin got up and said that drugs today are the plague that we had back in 1348. In 1348, everyone knows, we

had the black death, the bubonic plague. This is what we have today.

Mr. MACK. Mr. Speaker, will the gentlewoman yield so that I can ask a question of the gentleman?

Mrs. VUCANOVICH. I will be very happy to yield to the gentleman for a question.

Mr. MACK. I would ask the gentleman to state that again, about the amount of money that is involved in the cocaine sales.

Mr. ROTH. Cocaine street sales in this country last year were $33 billion.

Mr. MACK. If I could, let me just raise this point: At least one of the portions of the President's crime package deals with the funds that an individual uses for bail, as to where it comes from, and takes away that individual's right to use those funds if they were obtained illegally. I think there was a case in Miami where there were four individuals who posted $1 million each, and they fled the country, have not been back.

Mr. ROTH. But what is $1 million? I mean it is just the cost of doing business, is it not, when they make $33 billion a year?

Mrs. VUCANOVICH. I thank the gentleman for his comments.

Mr. ROTH. I thank the gentleman from Florida for raising this question because I think it is very important.

I want to also give you another statistics to give you an idea of how huge the cocaine sales are on the streets of America. The entire tobacco industry, whether it is the pipe industry or cigars or cigarettes, they make only $22 billion a year as compared to the cocaine sales in this country of $33 billion. So I think it is a problem that we in this House have got to become concerned about and we have got to come to grips with. That is why I appreciated the gentlewoman for taking the well on this special order. I intend to work with her again in the future and work with her until we get the job finished, because we have to be as tenacious as a bulldog when it comes to these issues. We have a responsibility to address them, and we are going to see to it that we live up to that responsibility.

I also want to compliment the gentleman from California (Mr. LUNGREN) who is also going to be taking the well this evening, for having the initiative to take the special hearings we have had, to bring these crime statistics to the American people, because I think there has to be an interchange between this Congress and the American people. After all, this is supposed to be the people's House, and we are to react to the issues that the people are very much concerned with.

So again I thank the gentlewoman for taking the floor and I thank her for yielding me this time.

Mrs. VUCANOVICH. I thank the gentleman very much for his comments.

Mr. Speaker, I think one of the things that we have got to realize is that one of the reasons we have had townhall meetings and have been trying to have national townhall meetings is because it does give us an opportunity as Representatives of the people to actually hear what the people are saying and then to have the opportunity to come back there. Perhaps we are speaking to an empty House, but we want people to know that these issues are important, and we are going to do our best to get them out on the floor of the House and see if we cannot get something done about them.

I think that is what we have been trying to do with our townhall meetings, and we will continue to try to do that.

Mr. LUNGREN. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentlewoman for yielding. I am not going to take much time on her special order since I will have one following her, but since the subject of this special order is the crime issue as it was affected by our townhall meetings, I thought I would report to the gentlewoman for the record as to the results of the townhall meeting we held in my district, and I chose an area that is a rather unique area, Leisure World, one of the first planned retirement communities, in Seal Beach, CA. They have a number of them around the country. We had in attendance 121 people who turned in their questionnaires. The first question we asked them was: "How would you describe your attitude toward crime? Unconcerned? Think about it occasionally? Worried? Or very fearful?"

And out of those 121 senior citizens, 46 of that 121 said they were worried about crime; 68 of them said they were very fearful about crime; and only five of them said they think about crime occasionally. None of them said they were unconcerned.

On the second question we asked them specific issues, the first of which was: "Do you feel that those who constitute a danger to the community should be released on bail?"

That is a simple way of describing the bail reform package that unfortunately languishes in the House Judiciary Committee at the present time.

And out of those 121 individuals, 112 said they thought that those who constitute a danger to the community should not be released on bail; two thought they should be; 2 out of 121 said the law should remain as it is; and only four were unsure.

The next question we asked was: "Do you feel that capital punishment is too controversial an issue to be considered by the House of Representatives?"

Of course, the reason we asked that question was that that had been the argument expressed by the chairman of my Judiciary Committee about that very issue. And we know that it is controversial.

On that question, 10 of the 121 said yes, capital punishment is too controversial for Representatives to deal with it in the House; 103 out of the 121 rejected that proposition; and only 4 were unsure."

□ 1800

The next question we asked was, "Do you feel that capital punishment is too controversial an issue to be considered by the House of Representatives?" Of course, the reason we asked that question was that that had been the argument expressed by the chairman of my Judiciary Committee about that very issue. We know that it is controversial. On that question, 10 of the 121 said yes, capital punishment it too controversial for our Representatives to deal with it in the House; 103 out of the 121 rejected that proposition, and only 4 were unsure.

The next question was, "Does concern about crime affect the way you go about doing the things you have to do in going about your everyday business?" In other words, does it affect you very much in your day-to-day life? Out of 121 senior citizens who should be enjoying the fruits of their labors and enjoying the quality of life in America, 121 who lived in a rather nice retirement community, but do go outside its guarded gates on a regular basis to visit other parts of southern California, 90 said that they are affected in their everyday business by crime. Only 25 said they are not, and 3 said they are unsure.

We then asked them the question, and this was after we had had some discussion at the townhall meeting about this subject, "Do you support or oppose the insanity defense?" We were referring to the present insanity defense; 5 out of the 121 said they were satisfied with the present law dealing with the insanity defense; 105 said that they did not support the present insanity defense. Eight were unsure.

We then asked them, "Which of the following factors do you consider to be a major factor of crime?" We asked them whether it was lenient judges, poverty, lenient laws, society, and something other; 82 out of the 121 felt that lenient judges played a role in the problem that we have with crime; 21 said poverty has a major role in the commissions of crime or the situation of crime in America; 58 felt that lenient laws are a major factor in crime. And 17 suggested that society itself is a factor in crime.

We then asked them, "Where would you rank crime in order of its priority as an issue needing Federal attention?" On a scale of one being most important, to five being least important; 48 of the 121 saying it is most important; 33 saying it is the second most important issue; 25 saying it is third most important. Only nine saying it is fourth in the category, and only two saying it is fifth.

Now, obviously this is not a cross section of America, but I bring this report to you today and to my colleagues to indicate that in an important segment of my district, a community of senior citizens where the average age, I believe today, in that community, is somewhere around 75 or above. Where every third person is 82, I believe, or above; who are rather independent people. Who are in most cases, if not all cases, ambulatory. Who have an independence that is not permitted unfortunately because of circumstance, physical, financial, or otherwise, an ability to be independent and to move around, that this is a major issue. After we had had a long period of time to discuss it, and to explain that law enforcement is primarily a local and State responsibility, they still felt overwhelmingly that it was an extremely important subject.

That is important to me because I have a feeling about crime, and I have a feeling about the Federal responsibility, but we all have those feelings here in Washington, and oftentimes we forget the feelings of the folks back home. I was reinforced with my feelings, but more importantly, far beyond my own imaginations, they were concerned about crime, and the depth of their concern I would hope to somehow be able to convey to my colleagues here in the House of Representatives. It ought not to be a partisan issue; it ought to be a bipartisan issue, because the victims of crimes are bipartisan. They are Democrat, Republican, liberal, conservative, young, old, and everything in between. I want to thank the gentlewoman for coming up with the idea of a coordinated series of townhalls across the Nation with common questions asked in our town halls so that we could get some idea of the depth and breadth of the feeling that our constituents have about this issue as it impacts the Federal Government.

Mrs. VUCANOVICH. I thank the gentleman.

I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentlewoman for yielding.

I missed the gentlewoman's opening remarks concerning the purpose of your special order, I wonder if the gentlewoman would be good enough to inform me of the purpose of your special order.

Mrs. VUCANOVICH. The purpose of my special order was to bring to the attention of my colleagues that I had held some, I and many of our Members on this side of the aisle have been holding national townhall meetings on subjects which we felt the American people were interested in.

I specifically talked about deficits and about crime and also traditional values. Many of us have been holding these types of townhall meetings in our districts. Of course, many of us always hold townhall meetings, as I am sure you do. The idea was that we would like to make it clear to our colleagues that there are concerns out there which are not being addressed in this House, and we found, and certainly I did, and many of my colleagues, have found that a lot of these issues have not been dealt with here and we are hoping that they will be a result of my special order.

I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. Is this described in your purpose of it as a national townhall meeting, through the use of television?

Mrs. VUCANOVICH. Not at all. I am just discussing the fact that we have held national townhall meetings; this is not a national townhall meeting. I have held them in my district and have announced them to people throughout my district and many of us have. Probably 50 or 60 Members have done that.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentlewoman for yielding.

I would like to say to my colleague from Montana, I made a point earlier, I think before the gentleman from Montana was on the floor, that I think one of the values of having this kind of a discussion is that during the regular business of the House we are, of course, forced to discuss only a single piece of legislation or an amendment thereto. That is as it should be, but it strikes me as valuable from time to time to have some form in which Members of Congress can have broader discussions, whether they be philosophical discussions, or in this case, a discussion of the general public mood.

In that context, I think it is a valuable thing for Members of Congress to do, and I think it is valuable as part of the RECORD. That, at least in my view, is one of the values of taking out this special order tonight to discuss the project that has been coordinated by the gentlewoman from Nevada which I believe about 50 of us on this side of the aisle have participated in to one degree or another.

Mrs. VUCANOVICH. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I appreciate your description and also my colleague's description of the purpose of these, I think it is a lauditory purpose.

If I may, I would like to comment on a couple of statements that I heard while I was in my office in a meeting, and with one ear listening to these proceedings. Some Members have referred to the empty seats as an indication of disinterest in the House about the value of the issues which all of you might discuss during the next hour or so.

I would just like to correct that. I do not know that there is a given group of 435 American citizens that are more committed to discussion of the issues, in-depth, than are the elected Members of the U.S. House of Representatives. I commend the gentlewoman for taking out this special order. I, too, have taken out special orders for purposes somewhat similar to this. But I have no right to expect, nor do I believe anybody has a right to expect that when a special order is taken out, the Members of Congress will drop everything they are doing in the evening and rush here to fill these seats. After all, I was in a meeting in my office on legislative business, when I saw this special order.

There are, as my colleagues on both sides of the aisle know, many, many such meetings going on. It is now 10 after 6 here in the Nation's Capital. There are dozens, if not a couple of hundred or more, Members of Congress still on the job. They are on the job in meetings, they are on the job visiting with their constituents, and many of them are, right now, at either National or Dulles Airport getting on planes to go home to their districts to hold townhall meetings in person with their constituents this weekend.

□ 1810

Hundreds of us do that, and we do it every weekend. So I think it is terribly unfair, and perhaps a misuse of innuendo, to point to these empty chairs and say, "Look at all these empty chairs. Look at these empty microphones. It means that the other Members of the House of Representatives, and certainly the leadership in this House, is simply not interested in these issues."

That is simply unfair and not so, and I appreciate the gentlewoman yielding to me so that I have the opportunity to make those thoughts known to you and to those who are watching this townhall meeting.

Mrs. VUCANOVICH. I appreciate the gentleman's comments very much, and thank him for coming and participating in my special order.

Mr. WEBER. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentlewoman for yielding to me.

Mr. Speaker, I would just like to respond to our colleague from Montana for a minute because he makes part of a good point, I think.

The part of a good point that he makes is that the special order time is not the ideal time for Members to engage in discussions of issues. I would agree with that. The better time for Members to engage in discussions of issues, I would say to my friend from Montana, is during the regular business of the House.

The point that we are making is that your side of the aisle refuses to schedule debate during the regular business of the House on a whole range of issues such as voluntary school prayer, balanced budget constitutional amendment, the line-item veto, the President's crime package, on and on and on, so we are forced to take out special order time to discuss those issues.

In that context, although we admit the imperfection of the special order as a vehicle, I think it is valid to criticize Democratic Members who refuse to come down here to talk about those issues, because what they are telling us is that there is no time in the House when they can bother to spend time talking about those issues.

I guess I find it a little bit ironic that the gentleman from Montana is voicing that criticism, because he is the one who does come down here and participate in these special orders, who does find time both to take care of his consituents back home, the regular business of the House, and to participate in these special orders.

I would just urge the gentleman to commend that practice to his colleagues on the Democratic side of the aisle.

Mr. WILLIAMS of Montana. If the gentlewoman would yield further so that I may respond to the gentleman from Minnesota, I will just take a moment because I know there are others Members who wish to talk.

Mrs. VUCANOVICH. I would be happy to yield to the gentleman, and I thank him, because I do have other Members who wish to speak.

Mr. WILLIAMS of Montana. If the House followed the wishes of the gentleman from Minnesota and the wishes of the others who day after day take the well during the 1-minute speeches, or take time on special orders, and railed at the House leadership for not bringing up these critical and important issues on the floor of the House, if we were to follow their wishes, we would have autocratic leadership. We would have a Speaker who bypasses the committee system. We would have a Speaker who says to the House judiciary system, "No, we are not going to wait under the traditional rules of this House until this committee decides. We are going to violate those rules and we are going to move these bills to the floor."

The House rules have been the great protection that America has against swift legislation. You know, this representative democracy of ours is not a speedboat; it is a raft. Sometimes it does not go fast enough for you or fast enough for me. It does not turn on a dime, as does a speedboat, but it is virtually unsinkable and it has kept this democracy afloat longer than any representative democracy in the long history of the United States.

My friends on the minority side sometimes have trouble with House Speaker "TIP" O'NEILL because they think he is autocratic, but those few Members, and it is only a few, those few Republican Members who take the well day after day criticizing the Speaker, if they had their way I believe they would put in an autocratic Speaker who brought to the floor of the House any bill he or she wanted, despite what the committee system called for.

Mr. LUNGREN. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I would be very happy to yield to the gentleman from California.

Mr. LUNGREN. I thank the gentlewoman for yielding.

Mr. Speaker, I would happily respond to the gentleman from Montana, and will on my own special order, but I understand the gentlewoman has to leave, so I hope the gentleman from Montana will not leave because there is a rather detailed response to what he has just said and I will deal with it on my special order.

Mrs. VUCANOVICH. I thank the gentleman, and I appreciate that.

Mr. MACK. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I would be very happy to yield to the gentleman from Florida.

Mr. MACK. I thank the gentlewoman for yielding.

Mr. Speaker, I just want to take a few minutes to participate in the gentlewoman's special order, which was called, as I understand it, for the purpose of allowing us who participated in national town meetings during the last several months to have an opportunity to come back and report, through this process, as to what we found out and what the attitudes of the American people were.

Mrs. VUCANOVICH. That is correct.

Mr. MACK. I have held a number of town meetings that have really provided me with a lot of additional information besides what we are going to talk about here this evening. I first of all want to talk just a moment about the town meeting that we held in Fort Myers having to do with the balanced budget and questions having to do with the economy. It was not as detailed in the questions that we asked in the crime townhall meeting, but basically we asked about three broad areas.

First: Did people understand what the concept of the line-item veto was; second, did they understand what a balanced budget amendment was supposed to do; and third, what kind of attitude did they have about trying to solve the problem of the budget and the budget deficit.

Basically the three areas that we asked them to respond to were those, and did they favor a budget freeze?

Ninety-six percent of those who responded, 96 percent of those supported the concept of the line-item veto. So to put this in perspective, it was not something where a question was raised at the beginning of a meeting and said, do the folks in this meeting favor a line-item veto? These votes were taken after a full hour and a half discussion in which the types of townhall meetings that I run, anyway, are done to allow people on both sides of the issue to discuss their feelings as opposed to one particular individual, or in this case the Congressman standing up there saying what he thinks should be done and trying to convince the people who have come to the town meetings that that is the answer.

We went through a good, long discussion on these three particular areas. Ninety-six percent of the people indicated that they supported the concept of the line-item veto. Ninety-two percent said that they supported the concept of a balanced budget amendment, which was kind of interesting, that there was a lesser percentage that supported the balanced budget amendment; not significant, but yet a smaller amount.

Ninety percent of them supported the concept of an across-the-board freeze.

The next townhall meeting in the national scope, so to speak, that I held was on the crime issue, and frankly, I approached that with a little bit of concern because my depth of knowledge in the area of the criminal justice system is not the same as it is in economic matters. As the gentlewoman knows, I have spent most of my business career, my background was in the finance and banking area, so I feel relatively comfortable in handling questions having to do with the economy. But I thought not only was it good for me personally to get involved in the question of how we deal with crime, but I then, because of that concern that I had on my part, I asked some experts to become involved in the discussion that we had.

We asked the chief of police in the city of Sarasota if he would come out and get involved in this dialog with the voters. In addition to that, we had an Assistant Deputy Attorney from the Justice Department, his name was

Marshall Cain, who came down and participated in these discussions.

Again, we went through, mind you, one hour and a half, an hour and a half where the only issue that was discussed was the crime package. I was really surprised that the people in Sarasota were willing to confine their remarks and questions strictly to the area of crime. We outlined some specific areas that we wanted to get a response to.

The first question that we asked was: Should the U.S. House of Representatives consider a comprehensive package of legislation designed to reform and strengthen our criminal justice system? Obviously, that was pretty well received, 96 percent. But then we started to get into some specifics.

Do you think the courts should be empowered to deny bail to those defendants shown by the prosecution, beyond a reasonable doubt, to be a threat to the community? The answer to that was, 98 percent believed that the courts should have the right to deny bail to dangerous criminals.

What we were referring to there was individuals who had, in essence, a record for saying, yes, you release them; they are going to go out and commit that crime all over again.

The next thing we asked was: Should the courts be empowered to inquire into the source of money or property posted as bond, and to reject such property when it was found to be derived from criminal activity? Ninety-two percent believed that the courts should reject bail money obtained from criminal activity.

Again, to put this in scope, there were 300 people who attended this meeting. For an hour and half we discussed various aspects of a crime package.

□ 1820

The chief of police from Sarasota and an Assistant Deputy Attorney General from the Justice Department was there. The questions were very enlightening to me.

The next question that we raised was: Under existing statute once a defendant declares himself innocent by reason of insanity, it is up to the prosecution to prove that a defendant was sane at the time the crime was committed? Should the defendant be required to prove beyond a reasonable doubt that they were insane at the time of the crime? Ninety-four percent believed that the defense should bear the burden of proving insanity.

The next question that we raised was: Should the fourth amendment exclusionary rule be amended to allow the admission of evidence when the officers conducting the search acted in a reasonable, good faith belief that their actions were lawful?

What was really interesting, this was one that the group of people that were there really got into a good discussion about. There were many moments there where the technicalities of that law really came to surface and there was a great concern about our individual protection of our individual rights about search and seizure; but here again, this particular question, 85 percent believe that the evidence gathered by police acting in reasonable good faith should be admissible in court.

I think the process that the gentlewoman has encouraged has been not only good for those who attended that meeting, the 300 who talked for an hour and a half about just the one issue, crime, it was not only good for them, but frankly, it was a very good experience for me.

I would encourage Democrats and Republicans alike, even in areas where you might be uncomfortable about the depth of your knowledge, to get out there and test what the American people are saying, what they believe and what they want their government to do.

So I appreciate the gentlewoman giving me the opportunity to report this.

Mrs. VUCANOVICH. I thank the gentleman from Florida. I think that is what the whole point of our national townhall meetings are about, the idea that it may make you a little nervous to get out there and open up the doors and ask people to tell you what they think about these issues, but I think that is what we have been doing and, of course, having this special order I am asking people who have had town meetings to tell us the results of those townhall meetings.

I yield to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Speaker, I thank the gentlewoman for yielding and I compliment her on having this forum. I did not know that this was the order we would be under tonight, but I am glad that the gentlewoman did this.

I personally agree very much with the tremendous amount of communication we get out of townhall meetings. Since I have been in Congress, I guess this is entering my sixth year, I have had literally hundreds of townhall meetings in my district. About every 2 months I have a series of townhall meetings all across my district.

Now, the format I run essentially does not go in on a given subject. I found it very interesting when some people were talking tonight, because I think that is a good idea. I might try that a couple times, so that we are zeroing in on crime or any given subject.

I do not happen to do that, but I think I will try that. I primarily have just gone in and said, "I'm here for 2 hours. One of the things we think in Congress is that it is our responsibility to hear from you. Let us talk about what you would like to talk about."

One thing I want to mention, I have found it extremely beneficial and many times things I have heard from people that I frankly feel I do not agree with on the issues, but what happens is a very interesting thought process. I will actually sit there and argue with them. Sometimes my demeanor and temper is not all that should be desired. I know it is hard for you gentlemen to believe that. I will actually get into a little bit more vociferous argument than I frankly wanted to and I am always kind of a little mad at myself afterward for doing that; but even where I have gotten into those quite strenuous arguments, I have learned that that thought process is very good, because you still hear what those people said and even though you may or may not have agreed with a particular point, it did make a point to you and you tend to kind of involve that into your entire way of thinking. I do think over time it helps us develop the positions that we take and why we take those positions.

So I think the townhall meeting is a very important tool for us to do our job and I compliment the gentlewoman for having this.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for his comments.

Mr. LOWRY of Washington. Mr. Speaker, if the gentlewoman will yield further, I want to read some results that I have taken over literally hundreds of meetings. I was surprised by some and some others I was not surprised. The district that I represent is a very progressive district, I am proud to say, so some of these results people might find, I do not know if it will or will not surprise them, but I would like to read the survey results.

Should the United States continue to support covert actions against the Government in Nicaragua? Seventy-three percent, no.

When I just go in and say, "What are the things you would like to talk about?" Essentially it usually breaks into about three categories. One recently has been the Central American question, for obvious reasons.

Another one has been for about 2 years the entire nuclear arms race question, basically the MX, the D-5 and other arms race type questions. The third one, of course, is the deficit. I mean, there is such a thing. I have not had a townhall meeting when people did not talk about the problem of the deficit and usually that is the dominant subject, although concern over peace and war issues are those that come up a lot; but let me just mention these and then I will call on

my colleague from the Budget Committee and other colleagues.

Seventy-three percent against support of covert aid against the government in Nicaragua.

Seventy-nine percent against the military aid to the Government of El Salvador.

On the issue that we had before us on the House floor yesterday, 62 percent against development of the MX missile.

The question that surprised me, but it may have been well the way I asked the question, which was after discussing the $200 billion deficit, saying where would you cut? Starting with the President's original budget and, you know, that is why I think it came in so strong, 76 percent said to cut military spending; 27 percent cut domestic spending, 34 percent increase taxes.

I believe that if we were starting with the budget, for instance, as that passed the House we would not find those percentages quite as overwhelming as they were. By the way, I asked the question, the two last issues I will mention, Federal tuition tax credit be given to parents who send their children to private schools; 63 percent, no.

Should the equal rights amendment be adopted, 67 percent, yes.

These types of things, I want to report those.

Mrs. VUCANOVICH. I appreciate that.

Mr. LOWRY of Washington. I think this is very important.

Mr. MACK. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I thank the gentleman very much for his input. I think that a lot of us really are a little bit nervous about holding townhall meetings, because you do get answers, whether you like them or not, and I think sometimes that is maybe good for us, but then a little humility does not hurt.

Mr. LOWRY of Washington. Another one I always get in trouble on is pay raises. Very few townhall meetings happen in which they do not ask about pay raises.

I say, "I want you to know if a reasonable pay raise comes along, I'm going to vote for it."

I get in a lot of trouble over that answer, but in essence set in a format like we are talking about, it is a very good thing because you really have a chance to discuss why. You really have the chance to discuss why I really believe that elected officials should be paid through the salary, not through honoraria in my opinion, and if they can have a chance to discuss it, it is the type of subject you get jumped on but you come out all right on it.

Mrs. VUCANOVICH. I thank the gentleman very much.

I would be very happy to yield to the gentleman from Florida.

Mr. MACK. I would just like to raise a couple questions.

The gentleman from Washington and I serve on the Budget Committee together. The gentleman gave a number of percentages about the questions the gentleman had asked, but did the gentleman get into a discussion about the balanced budget amendment? I realize that maybe we are poisoning the well, so to speak, when we discuss the budget and then the deficit and then come in with a question about the balanced budget amendment. Maybe it is a little fuzzy; but was that one the gentleman tested?

Mr. LOWRY of Washington. Yes.

Mr. MACK. What kind of response did the gentleman get?

Mr. LOWRY of Washington. Yes; if I may respond.

Mrs. VUCANOVICH. I would be very happy to have the gentleman respond.

Mr. LOWRY of Washington. Seventy percent were for a balanced budget, 65 percent against the constitutional amendment to require a balanced budget. Overwhelming support for a balanced budget, but against a constitutional amendment to require it.

Mr. LUNGREN. Mr. Speaker, would the gentlewoman yield on that point?

Mrs. VUCANOVICH. I would be very happy to yield.

Mr. LUNGREN. The national polls show the overwhelming majority of the American support a balanced budget Constitution amendment. I have been wondering where those people who do not support it reside, and I think I have found it. They are in the gentleman's district. That is the reflection of that gentleman's district. It does not appear to be the reflection of the entire country.

Mr. MACK. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Florida.

Mr. MACK. I just wanted to make the second point, which had to do with the pay raise question. I agree that that is an issue that if one wanted to, you could really demagog, and that has been done before, I take it, being a new Member, being here for some 16 or 17 months, I understand that that has happened in the past.

□ 1830

But the process that I took, and if you recall back to the comments that I made about the townhall meeting that we had about the economy, about a balanced budget amendment, about what approach should we take, we talked about the concept of a freeze and a freeze across the board. So one of the things that I suggested to the folks that live in my part of the country, which by the way I happen to represent the oldest district in the Nation so the discussion sometimes about what should happen with COLA's and those types of things can get, you know, kind of concerning, the suggestions that we concluded, the group of us, that really the concept ought to be an across-the-board approach in solving the problem, not just on defense or social problems, but any different involvement that the Federal Government has, which by the way happen to include Members of Congress, and the sizes of our staffs and what we pay them and so forth.

Mrs. VUCANOVICH. Reclaiming my time, I am at the point where I am 15 minutes late from where I am supposed to be.

I would like to thank all of my colleagues for participating in my special order on the national townhall meetings and just say I would like to take out another special order, and I would like to have more people discuss this. We can talk about more issues at another time.

I yield back the balance of my time.

CRIME LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LOWRY of Washington. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield.

Mr. LOWRY of Washington. What do you call those of us that came here at the same time, classmates? Just to continue the question on the constitutional amendment, I would say to the gentleman since he has the time, I believe one of the reasons that our survey has come back the way it has as opposed to the one for a constitutional amendment requiring a balanced budget, while still overwhelming percentages of the people in the Seventh District of the State of Washington favor a balanced budget for very good reasons, we have had a lot of discussion about how an amendment to the Constitution for a balanced budget works.

As we went through saying how does the Office of Management and Budget work, and our friend from Pennsylvania has many times given very interesting reports on this floor about how far we have missed the estimates of what the deficit was going to be over the years. I have seen our friend get up and give some very meaningful reports about how far we missed the estimates.

So I said OK, now since any Office of Management and Budget in this or previous Congresses, this or previous have missed by that significant an amount, now we are going to put the Supreme Court in the position of deciding whether the Congress has estimated revenues and expenditures cor-

rectly, and so now we make fiscal analysts out of the Supreme Court because they have to judge whether the constitutional amendment for the balanced budget and the action of the Congress has been within that.

So my constituents by and large started realizing or thinking of that as actually a way by which we get the onus off our back to take the actions within this Congress to truly cut this deficit, to truly cut this deficit because we set up the figleaf of saying, "Don't talk to me about how much I voted to spend. Don't talk to me about what I voted for for taxes, because I voted for a constitutional amendment to balance the budget," even though we missed it by $200 billion.

So I believe that is the reason that the Seventh Congressional District of the State of Washington, while the people are absolutely or strongly for a balanced budget, they realize that the constitutional amendment to require a balanced budget might very likely work exactly against that objective we are for.

Mr. LUNGREN. I thank the gentleman for his comment. I am just going to make one comment on that, and then move to another subject because the subject of my special order is on the crime situation and the lack of movement on the crime bill here.

But the only thing I would say in response to the gentleman is that 43 States of the Union do have constitutional amendments in their own States. My own home State of California, even though it has been interpreted that it may not absolutely require it, it is thought that it does. The Governor moves because of that.

He also has the line-item veto which gives him an ability to move with the legislature.

Forty-three States have seemed to operate without doing a worse job on balancing their budgets than we do here. Certainly it would have to be proven that giving us the way to get out from under the obligation we already have will make matters worse than they are now. I think it is pretty tough to prove that case.

Last, I would just say that I am convinced after 6 years in this institution that I have served with the gentleman from Washington that we do not have the intestinal fortitude, the guts, whatever you want to call it, as a collective body, either this House or the other body, to discipline ourselves so that we will balance income and outgo. I am just convinced of that. I think we need an outside discipline, because I think most Members would not intentionally violate the Constitution, and would believe that they had an obligation to uphold it.

We could go on and on on this subject and maybe we can have another special order on that. But I would like to just touch on the subject of crime tonight.

One of the reasons I have taken this special order is that we have not been able to discuss the crime issue in its total complexity on the floor for basically the 6 years I have been here. And many of us are then accorded the only opportunity during the 1-minute periods to talk generally on the question of crime and an overall response to it. That obviously does not give enough time to deal with it in some depth.

Apropos of what the gentleman from Washington suggested in terms of some of the major issues that he finds in his district, I would refer him to the December 27, 1983, edition of USA Today in which they had the following question posed to their readers:

"What worries you most about 1984?"

And under the subject of crime, 62 percent of the respondents described themselves as "very worried."

I just say this in respect to the gentleman's comments because it should be noted that the response concerning the threat of nuclear war was 52 percent describing themselves as "very worried." I must ask if this is truly the people's House, why is it that so little of our attention is given to this issue by the House leadership?

The gentleman will recall that we spent a total of 37 hours and 12 minutes debating the nuclear freeze issue, which he finds to be extremely important in his district. And if that is a symbol of the overall concern people have about the threat of nuclear war, then we can understand why we spent that particular time discussing the nuclear freeze issue.

But if the concerns of the American people have any correlation to what we do in this House, then it would seem appropriate that at a minimum the subject of crime would be given equal billing here.

In this regard, on March 16, 1983, the Reagan administration sent the Comprehensive Crime Control Act of 1983 to the Congress for consideration. This 42-point package would, among other things, allow judges to consider a defendant's danger to the community in determining release prior to trial and sentencing. In other words, the question of bail.

Second, insure that sentences would be determined consistently, what many of us would refer to as truth in sentencing.

Third, enhance the ability of prosecutors to confiscate the assets and profits of criminal enterprises. In other words, that is known as criminal forfeiture.

Fourth, allow the admission of improperly seized evidence where the officers acted in reasonably good faith. That is reform of the exclusionary rule.

Fifth, curtail or change substantially, or some would rather have us amend it to absolutely take out the insanity defense, but in some way deal with the insanity defense.

Last, provide for the death penalty in certain cases.

I just highlighted there a number of the 42 points that are contained in the President's package. Unfortunately, the House Democratic leadership displayed an apparent lack of concern for the comprehensive crime justice reform by the fact that it was not until March 7, 1984, that is a year later, that the comprehensive crime bill was even referred to its relevant subcommittees. It was 51 weeks, as a matter of fact, before the bill was given what many would consider to be routine referral.

□ 1840

Now, what was the corresponding response in the U.S. Senate? In the U.S. Senate the day after the President invited those of us involved down to the Oval Office to discuss the question of his package, the U.S. Senate Judiciary Committee, Democrat and Republican alike, met to discuss how they were going to process the President's bill.

Unfortunately, in the House Judiciary Committee, we did not even have it sent to the relevant subcommittees for 51 weeks.

There was a spirit of bipartisanship that seemed to prevail on the Senate side. And when you can get a Member from the State of South Carolina like STROM THURMOND and a Member from the State of Massachusetts like Senator KENNEDY and Members such as PAUL LAXALT from Nevada, and Mr. BIDEN from the State of Delaware to come together, bridging the ideological gap on this issue, it seems to me that it could also be done in the House of Representatives.

Unfortunately the dilatory tactic or delay that we see in the House is illustrative of the glacier-like speed with which we move in the Judiciary Committee when it comes to action on criminal justice issues.

Mr. WEBER. Will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Minnesota.

Mr. WEBER. I thank my colleague for yielding. I thank him for taking out this special order as well as for exhibiting such tremendous leadership on this whole crime issue. I am not on the Judiciary Committee with the gentleman, but in my district as in others, people are concerned about the issue of crime.

I want to interrupt the gentleman at this point because he points out that the Senate has acted on some of these issues but the House of Representatives seems to refuse to act.

I just want to bring to attention a remarkable article, about that Judiciary Committee that the gentleman serves on and to which the gentleman refers. That is this week's report of Congressional Quarterly which is maybe one of the most generally accepted nonpartisan authorities on what happens in the House of Representatives.

And the front page, the cover story of this week's Congressional Quarterly says, "Peter Rodino From Activist to Obstructionist." It is unfortunate they focus on one gentleman, because they focus on the activity of the entire Judiciary Committee.

I would like to read a couple of quotes from this week's Congressional Quarterly article that begins on page 1097.

I am not going to read the entire article. But the headline of the article remarks that the Judiciary Committee has been turned into "a legislative graveyard."

This is a nonpartisan source, Congressional Quarterly, referring to the Judiciary Committee as a "legislative graveyard." They go on to say:

> The skills that served Rodino so well during Watergate have been called into service in the last four years for a politically difficult but less monumental task. Where he once drove his committee to action, he now has his foot on the brake to keep the panel from approving bills he opposes.
>
> Still a symbol of Watergate, Rodino has a new reputation as premier legislative undertaker, turning his committee into a burial ground for conservative initiatives on such matters as abortion, school busing and school prayer.

Of course, that refers precisely to the crime issue that the gentleman from California has referred to. I guess one of the things, there is so much in this article that I really commend to the gentleman in the well as well as to the rest of the membership of the body and the general public.

I just want to make one additional quote from that Congressional Quarterly article, because I think it is sort of telling. The article goes on to quote one of our colleagues who has been on the floor this evening, it says:

> Newt Gingrich, R-Ga., one of about a dozen conservative Republicans who have been agitating for action on prayer, abortion and crime, accuses Rodino of old-time "boss" politics. He charges that Rodino has "strangled more popular legislation than any other member."
>
> Committee Republican Dan Lungren, Calif., who says he likes Rodino personally, nonethelesss charges that "the spirit of compromise, the spirit of bipartisanship is notably lacking."

Then this statement:

> Rodino tosses off such criticism. Most of the time he knows he has the votes to beat Gingrich and his colleagues, and he believes that a majority of House members privately are happy that Judiciary is keeping them from having to vote on controversial social matters.

I just say if that is the truth, that is really unfortunate, because these issues may be controversial, but they are truly important and if the Judiciary Committee is being used as a roadblock to prevent Members of the House having to cast difficult votes on tough issues, then indeed, that is an abuse of power at the committee chairman level and I think that as the gentleman conducts his crusade on the crime issue, it is worth pointing out to the rest of the membership and the country that there is such an abuse of power taking place in this House.

I thank the gentleman.

Mr. LUNGREN. I thank the gentleman for his remarks. Just to underscore what the gentleman has said, thrust of the gentleman's comments, I do serve on that Judiciary Committee; I am proud to serve on it. It is a committee that I think sent more pieces of legislation than any other committee in the House, but it is my observation that we have to borrow a phrase from our colleague, Mr. HYDE, the gentleman from Illinois, it became the "Bermuda Triangle" of any tough criminal legislation. It is sent to our committee and it disappears off the radar-scope. That is truly unfortunate.

To date we have had no legislative action, I mean zero legislative action out of our committee on sentencing reform, on bail reform, on the exclusionary rule, on capital punishment, on habeas corpus reform, on surplus property amendments, on murder for hire, on solicitation on felony murder, on use of firearm penalties and numerous other areas in need of reform that are contained in the President's package.

Now I will grant the sincerity of every Member that serves on that committee; I will certainly grant the sincerity of the chairman of my committee and the chairman of the relevant subcommittees. In many cases they sincerely disagree with the changes that I would bring forward.

They in many cases do not believe in the death penalty. That is a perfectly logical position to take. I disagree with it and I think the vast majority of the American people disagree with it. I think the vast majority of the Representatives of the American people disagree with it.

My point is, I do not think the system operates properly when it prohibits those issues, albeit controversial; for coming to the floor for discussion by the entire membership and then a vote. Those gentleman and gentlewomen who disagree with our position, have every right to express that, but we ought not to set the rules up and construct the membership of the relevant committees in such a way to prohibit them ever from being brought to the floor.

People rise to positions in here because of competence, but also because of seniority; let us face it. The fact that someone happened to serve in the Congress when I was in my 7th year of age ought not mean that my half million constituents who I represent in an attempt to represent as well as anybody else's, are denied the opportunity for me to reflect their views on the floor of this House. That is the point we are trying to make.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I wonder if the gentleman can help educate me a little bit more, because I participated in the Republican Study Committee hearings that the gentleman chaired on the issue of crime. I was not there for the entire hearing. But during the part of the hearing that I attended we heard testimony from Representatives, in fact, I think it was the top leadership of the Fraternal Order of Police, AFL–CIO affiliate that represents police officers, nonpartisan organizations representing labor.

Later on in the day we heard from victims rights organizations. In both cases these people expressed extreme frustration, downright anger on the part of the union officials that I heard representing police officers at the unwillingness and inability of the House Judiciary Committees to act on these crime proposals.

The question I have for the gentleman in the well who served on that committee is with respect to counterpressures, who is it that is opposing this action, what are the objections, what are the forces brought to bear on the Members of the majority on this committee that would keep them from acting on any of these measures?

Mr. LUNGREN. Let me answer the gentleman in this way: When dealing with the question of bail reform, exclusionary rule, bail reform and capital punishment, the chairman of our committee, Mr. RODINO, expressed his conviction that these were too controversial for us to deal with in the House. Those are his words.

I would just note in passing that the ACLU which has a legitimate point of view from their perspective is against all of these things. And the ACLU is very persuasive with our committee and with our committee leadership.

Again, I am not questioning their sincerity or patriotism or anything else like that, but I doubt their attitude on criminal justice legislation reflects the attitude of the American people on the majority of people that serve in this body and I certainly know that their attitude does not reflect that of the prosecutorial authorities of this country, the Justice Department of the United States, district attorneys of the United States, Attorneys General of the United States and certainly

not the police officers of the United States.

I posed that question to those gentlemen that appeared before us in our committee as you have suggested. Let me give you their response.

I said what would you say if I were to tell you that we cannot deal with those four issues because they are too controversial? Robert Kliesmet, the president of the Union of Police Associations, AFL-CIO, hardly noted as an organization that is basically Republican or Reagan supporters, offered the most appropriate response.

□ 1850

These are his words, "Hogwash. I think the police officers want to see it happen now."

Similarly, Richard Boyd, the president of the Fraternal Order of Police, again not identified as a Republican or a partisan group of any sort, stated that, "He could not use the words," to express his membership's reaction to the statement. That the mildest words that he could come up with were, "It is rubbish."

Now those are the attitudes of representatives of the law enforcement community. Some may say, as the television cameras pan this auditorium and note there are no Members here, why do we take this time to discuss this issue? Well, that same question can be raised as to why did the Republican Study Committee have a hearing, that is not an official legislative hearing, although it is a representative of the body of most of the Republicans in this House. We do because we cannot get our words out in the regular legislative process.

We had a tremendous debate here on another issue, that of school prayer. We went all night long here. Sixty-some Members took the time, Democrats and Republicans here, led by the gentleman from California (Mr. HUNTER) to try to focus attention on that issue.

One of the responses we got was from the chairman of the relevant subcommittee, Mr. EDWARDS, that they were going to hold hearings in the future. What happened? In the intervening time the Senate did not pass the constitutional amendment by the two-thirds requirement, got vastly more than a majority, but missed the two-thirds requirement.

Shortly thereafter, and little reported, was the fact that the hearings in the relevant subcommittee were canceled. Why? Because a poll had been taken of the Democratic members of that subcommittee and it was canceled for a lack of interest.

Now, I do not think the majority of Members on the Democratic side or the Republican side would say there is a lack of interest on the subject of school prayer. But that is what happened in the committee.

So we are forced to take this time. We recognize there are not many Members here, but many Members are in their offices watching, their staffs are watching, it is reported in the CONGRESSIONAL RECORD. It is our way of attempting to try and bring this to the attention of our colleagues and the American people. Because they ask everyone of us, "I think school prayer is important." How can you explain to them that it was canceled, hearings on it were canceled, for lack of interest.

And that is why it is important for us to have these special orders so we can say there are some who are interested. The fact that most Members are not here does not mean that most Members are not interested in it. We do this to show that there are Members interested and so that if the pressure is brought to bear by constituencies around the country we will have an opportunity to bring those to the floor.

Without that interest, it will never be brought to the floor.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, because I think that the one quote in the article, as quoted by the gentleman from Minnesota, is striking and needs to be referred to.

The gentleman from New Jersey, the chairman of the gentleman's committee, evidently said that he believed a majority of the Members of this House were grateful to him for holding back this legislation because they did not have to deal with these social issues, these controversial issues.

Mr. LUNGREN. If I may reclaim my time, I think that is an opinion obviously expressed and I am not sure that that is a correct opinion.

Mr. WALKER. Well, from my perspective I am not sure but what it is not a correct opinion. I think there are many Members in this House who prefer not to have to vote on some of those issues, that when all is said and done, they prefer not to have to vote.

The question I think though that clearly stems from that statement is what would the majority of the American people want. I think clearly the answer to that question is that a majority of the American people would like to have this House voting on those issues. Those American people telling their Representatives that they want to vote would certainly assure that a majority of the Members of this body want to vote on those things.

What is the problem here is that the majority interests of the American people are being basically thwarted by a small group of men, very powerful men, in this body, including the chairmen of some of these key committees.

That is an autocracy. That is an arrogance of power which in fact does prevent some of these things which are on the American agenda from getting to the floor. This is really a problem in the House of Representatives.

Mr. LUNGREN. Let me just reclaim my time for a moment to respond and to make a point here.

The gentleman from Montana (Mr. WILLIAMS) earlier said that he thought that what we wanted was autocratic rule here. I asked him to remain because I mentioned I would respond to him at this time.

What is the definition of autocratic? Is it a Speaker of the House who comes to this floor and tells us in heated terms that the ERA is on the floor because he and he alone has the right to schedule what he wishes, despite the fact that those of us who serve on the relevant committee passed it out of that committee just the week before and were told we could not have an additional couple of days to put our remarks into the report that would come out. And yet, to this very day, we do not have that report because the Speaker then brought it out within a couple of days, without a report, under a Suspension Calendar, with no amendments being allowed.

We were assured at the end of the week that we had finished passing that out of our committee that it would not be brought up the next week. We were assured that it would be brought up under an open rule. The chairman of the relevant subcommittee, Mr. EDWARDS, wrote a woman in California in response to a question, a letter, in which he told her that we would not bring up something as important as a constitutional amendment on anything less than an open rule. I have a copy of the letter. Mr. EDWARDS assured us that that would be the case.

And yet, it was brought up under a closed rule. It was brought up with very little or no notice to those of us on minority side. And it was given to us on a take-it-or-leave-it basis. No amendments allowed. Twenty minutes of debate on one side, 20 minutes of debate on the other side. Not one person who opposed the ERA was granted a minute of time on that side of the aisle. They had to come over on our side of the aisle to get it. In fact, we allowed some Members who opposed the overwhelming Republican position against the ERA to speak on our side. So we got less than the 20 minutes to even talk about what the problems were.

We had the problem of the question—and we still have this question before us—the bankruptcy courts. The Supreme Court 2 years ago declared the current bankruptcy court system unconstitutional and said we had to do something about it. They gave us a period of time to do it.

When the Judiciary Committee did not do it in time, so we gave ourselves another extension. We are now under the fourth extension.

We passed a bill out of our committee a year ago February. It sat for 13 months in this House without ever coming before the Rules Committee for action.

Then just before it came to the Rules Committee, the Supreme Court made a decision—called the Bildisco case—dealing with labor relations and labor relations agreements and how they are to be treated when a company goes into reorganization in the bankruptcy court.

Within 28 days the major labor unions of this country had a change in law overturning the Supreme Court decision in both parts, even the 90 part, which was joined in by Thurgood Marshall and by Justice Brennan.

And yet, we are accused of being autocratic because we want things to be brought to the floor that the American people are asking.

Would it be autocratic to have a vote on the balanced budget constitutional amendment on this floor?

Would it be autocratic to have a vote on the line-item veto on this floor?

Would it be autocratic to have a vote on school prayer on this floor?

Would it be autocratic to have a vote on the death penalty on this floor or exclusionary rule on this floor, or bail reform on this floor, or sentencing reform on this floor, or any other of the panoply of criminal justice issues that the President has put before us year after year after year? I do not think so.

I think it is autocratic to refuse to allow the American people's aspirations, hopes, and dreams to be considered on the floor of this House in that fashion.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Georgia.

Mr. GINGRICH. I want to follow up. The gentleman from California, as usual, is doing a very fine job of laying out the problems we face. And as the gentleman from Pennsylvania has said, the frustration we face in trying to bring the American people's agenda to the floor of the House.

I went home this week as part of the townhall meeting program that the gentlewoman from Nevada (Mrs. VUCANOVICH) had discussed. I had a tremendous turnout. And by a 60-to-1 margin the people in my townhall meeting said they wanted to see a comprehensive crime package passed by the House.

As we discussed the major issues that the gentleman from California has pioneered and has worked on in this House, we found that again and again the people from my district were very eager, thought it was only appropriate to make it harder for drug dealers to sell drugs to their children, to make it harder for drug dealers to get away from the courts on technicalities, to change the appeals process so we are not tied up year after year in the appeal system.

What I would like to ask the gentleman. I listened earlier this afternoon as the gentleman asked the very distinguished majority leader what would come up next week. I believe it was the gentleman from Pennsylvania who was saying, "And may we consider the equal access bill?"

At that point, all of a sudden, what the committees want to do became very important. In a very subdued voice, the distinguished majority leader said, well, the chairman of that committee has not indicated he will bring it up yet.

Now, I feel that we get two different messages. On the one hand when the Speaker wants to bring something up he says, "I am in charge. I arrange the schedule. I will do it my way."

On the other hand, when others decide not to do something, suddenly the structure gets in the way. I noticed that the gentleman from Montana, a little while ago, was saying, well, after all we have to be protected. We have to have a system where somehow we are protected from these things.

It seems to me that the American people's agenda or the American agenda, as one of our friends calls it, is in fact something that ought to be in a scheduled orderly way brought to the floor of the House. And that certainly the crime package, the effort to stop drug dealing and to make it easier to take care of hardened criminals and to protect innocent citizens, which the gentleman from California has pioneered, somehow that ought to be an item that this House, in an orderly way, deals with.

□ 2010

I just wanted to thank the gentleman for bringing this, and ask him: Can you explain this sort of two-track answer, depending on which one our liberal friends wish, whether it is because the Speaker controls the schedule, or whether it is because the committees do not want to, and how they sort of alternate, depending upon their whim?

Mr. LUNGREN. Well, I appreciate the gentleman's question, and let me answer it in this way:

As the gentleman knows, and as the gentleman from Montana I am sure knows, in posing his question, there are rules which allow the chairman of the relevant committees to circumvent both the Rules Committee and the Speaker of the House. That is the procedure that was put in the rules in response to what was considered to be autocratic rule by the Speaker at one time—not this Speaker; this was many decades ago—and the Rules Committee at that time. It is a procedure known as Calendar Wednesday. Every Wednesday that we are in session, the procedure is for every single committee to be called alphabetically. And at that time, any chairman of the committee that is being called can bring forward any piece of legislation that is on the relevant calendars, and that means pieces of legislation that have been passed out by his or her committee. And we have made a practice in this Congress, this session, of objecting to the dispensing of proceedings under Calendar Wednesday.

The reason we do this is to try and provide an opportunity for every chairman of every committee to bring forward legislation which they consider to be important which, because of the press of other business, has not found its way on the calendar.

Let me just illustrate my point for a moment. In the Judiciary Committee, we have passed out an insanity defense bill. We passed that out last November 1. Yet to date the Democratic House leadership has yet to schedule it for consideration on the House floor. It has not even been considered by the Rules Committee. Similarly, forfeiture reform legislation passed the full committee on February 28, and it has yet to see the light of day.

While both bills I would argue strenuously need to be strengthened and brought into closer conformity with the President's proposals, with amendments that a number of us introduced at the committee level, but were unsuccessful because of the makeup of that committee, there is absolutely no reason not to subject them to debate and for floor action. The fact of the matter is that under Calendar Wednesday, any Wednesday that that has been called the Judiciary Committee, through the chairman, could have brought those bills up. In fact, those of us participating in this special order this evening would implore the House leadership to bring both the insanity defense bill, as well as the forfeiture reform bill, before the full House, so that they may be considered.

There has been some suggestion that we might bring those up under the Suspension Calendar, and I would hope that that would not be done, because there is not ample time for consideration of amendments.

For instance, in the insanity defense, Mr. MCCOLLUM of Florida is offering a different approach than the insanity defense that we are bringing forward from the full committee, and that is abolishing the insanity defense as an individual defense, putting it into the mens rea, which means the state of mind part of the prosecution's burden, because when you have a prosecution in a criminal case, you have to prove that the person committed the action,

but also had the relevant substantial mens rea, the state of mind, that is required for the commission of that crime. If that person does not, they may have committed the action but they did not commit a crime.

A simple example of that would be someone driving down the street and turning his car to avoid something in the middle of the street and, as a result of making that turn, accidentally running over someone who had darted out from the side of the road. Now, their action did in fact result in the injury or death of that person, but there was no mens rea, there was no state of mind to commit a crime, whereas if a person is driving down the street and sees a person that they know on the side of the street, wanting and intending to harm, maim, or kill that person, turned his vehicle or her vehicle and actually made contact with that person, the state of mind would be there. And what Mr. McCOLLUM would like to do is have the insanity question involved in the state of mind: "Was the person able to create within his own mind the intent to commit the crime?"

What happens now is, the prosecution is required to first prove the mens rea and the action. After they prove that, the defense then raises the defense of insanity; and once they raise it, the burden then shifts to the prosecution to prove the person was sane not at the time of trial but at the time they committed the crime.

Now, if you talk to most psychiatrists, they say it is impossible for them to determine whether you are sane standing right there talking with them, under the legal definition of insanity, but they will tell you it is even more difficult if not more impossible, if there is such a term, to prove that that person was sane 6 months, 2 months, a year ago. And Mr. McCOLLUM said, "Let's take it out, we will deal with it on the mens rea side, we will deal with it in mitigating the severity of the sentence."

There might be some reason—the person's judgment was impaired by virtue of his mental condition. Take it into consideration there, but remove it as a separate defense.

Interestingly enough, since we had this before our committee, Mr. McCOLLUM's proposition is now supported by the House of Delegates of the American Medical Association.

Now, he believes and many of us believe that because of the substance of his approach, he ought to be given an opportunity to bring that amendment forward on the floor and, therefore, we ought not have this considered under the Suspension Calendar.

I would also argue that it is a controversial enough subject that Members should have more than 20 minutes on each side to deal with that subject. That I would argue is also the case with respect to the question of criminal forfeiture when some of us want to bring forward something known as substitutes assets test, which is supported by the prosecutors, supported by the Justice Department, supported by the administration, but unfortunatley not supported by the Democratic majority in the House Judiciary Committee.

The dismal performance of this body on crime legislation, unfortunately, is particularly discouraging when we compare it with the progress, as I mentioned before, in the other body. There we have had a bipartisan support, we have crossed the chasm, the gap of ideology, so that they work to bring about passage of a core package, which included all of the provisions, every single one of them in the President's bill, except those concerning the death penalty, exclusionary rule reform, habeas corpus reform and the Federal tort claims amendments.

What happened was they had an agreement to deal with the total package minus those four things, then they had an agreement to subsequently deal, and almost immediately, with the four other items as separate packages.

What is the net result? The core package, as it is called, passed by a vote of 91 to 1; 91 to 1. Obviously, you cannot get school prayer to pass by something like that. I am not sure you can get a resolution for motherhood, apple pie and America to pass in most bodies of this country, but 91 to 1 on a controversial crime package, and the other four pieces passed by lesser margins but by margins as large as 2 to 1 and 3 to 1.

That is what happened in the Senate when they were confronted with controversial items. They did not shy from them. They dealt with them.

Mr. HUNTER. Mr. Speaker, will the gentleman yield on that point?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

To set this matter in perspective, could the gentleman tell us when the package was sent down from the administration, when the Senate got it, and how long it took the Senate to deal with the package?

Mr. LUNGREN. I would be happy to answer that question. But before I do, let me just correct one thing that I mentioned. Out of those four separate items, the Senate dealt with three. One, the Federal tort claims amendments, has not been acted upon. But most people would consider that not to be controversial by the same standards as those others.

The President sent to us on March 16, 1983, both to the Senate and to the House, his Comprehensive Control Act of 1983. Shortly thereafter, it may have even been the same day, the President had all of us down to the Oval Office, with the Vice President, I believe, I think the Attorney General was there, and made a personal plea to the Democrats and the Republicans in the Senate and the House on the relative subcommittees, the chairman and the ranking minority member—I was down there as chairman of the Republican Task Force on Crime—to deal with this as soon as possible.

□ 1910

It was the very next day that the Senate Judiciary Committee met, as I understand it, to discuss the President's request and to decide among themselves how they would deal with it. They started dealing with it at that time, hearings and markups and so forth. They then dealt with it. I believe it was one of the first months of this year. The distinguished Senator from Tennessee, Mr. BAKER, set aside, it was either 1 week or 2 full weeks of Senate debate just to deal with the crime issue. So the Members knew on the Senate side they were going to have to deal with it; they could not shy away from it.

We did not have parts of that package and sent to the relevant subcommittee for 51 weeks after we had the meeting with the President.

Mr. HUNTER. For almost a year.

Mr. LUNGREN. A week short of a year, that is right.

Mr. HUNTER. So the Senate took the crime package and immediately began to work on it.

Mr. LUNGREN. That is right.

Mr. HUNTER. Have we had a single day of discussion, outside of the special orders that we enter into, such as the one we are taking part in right now, have we had a single day of discussion of that crime package in the full House during this session?

Mr. LUNGREN. No full day. We have had several very short periods of time in which we have dealt with a couple of bills that did come through. Not the major elements, I would suggest. We dealt with on a unanimous-consent basis the pharmacy robbery bill. We did pass Justice Assistance. Last year we passed the antitampering bill. Those are noncontroversial issues.

Mr. HUNTER. Are those points out of this 42-point package?

Mr. LUNGREN. Several of those are, yes.

Mr. HUNTER. So there were 42 points that were passed in the package that the Senate took care of, counting the initial core package?

Mr. LUNGREN. Forty-one out of the 42 were passed in the Senate.

Mr. HUNTER. The Senate passed 41 out of 42, and you are saying that House passed something that had to do with pharmacies being robbed and a couple of other things. But they did not pass anything that had to do with

a Federal judge being able to consider the dangerousness of a criminal when letting that individual back into the community from which he came pending his trial?

Mr. LUNGREN. No. The most serious ones we have dealt with, I would say to the gentleman from California are insanity defense, forfeiture; they have passed out of the full committee but we have not yet seen them here on the floor. We have done nothing on sentencing reform; nothing on bail reform; nothing on the exclusionary rule; nothing on capital punishment; nothing on habeas corpus; nothing on surplus property amendments; nothing on murder for hire; nothing on solicitation; nothing on felony murder; nothing on the use of firearm penalties; and there are others, and I could go on and on, but we have to have a 1- or 3-hour special order.

Mr. HUNTER. It appears to me that the failure to enact strong crime legislation can be attributed solely to what you might call congressional negligence; is that a fair statement?

Mr. LUNGREN. Well, some have called it congressional negligence, the gentleman from Pennsylvania (Mr. GEKAS), who is the ranking member of the Crime Subcommittee, the ranking Republican member, coined his own word, he called it "legiscide." He said it is the killing of good legislation and as far as he is concerned that is a crime in itself.

Mr. HUNTER. Let me ask the gentleman one more question. Is it true that the Republican leadership wants to pass this legislation as soon as possible and urges its passage?

Mr. LUNGREN. That is not only true, but the Republican leadership has granted permission to Members on the Republican side, to make unanimous-consent requests that the President's Comprehensive Crime Control Act of 1983 be brought to the floor within 10 legislative days under an open rule.

Now, as the gentleman knows, we have requested permission on the floor here for 50-some days for any number of subjects, and I think the last 3 to 5 days on the President's crime package.

Mr. HUNTER. Let me get something straight.

I think the Democratic leadership has made a point out of the fact that they say they are not here during these special orders, although we take the special orders regularly every day, and they know we are going to be here.

We stand up in the well of the House, during official session, when we are in session, and the Speaker has called the House to session, and we have done it for the other issues, some 55 days in a row, we stand up, we say that our leader, BOB MICHEL has given us permission to ask unanimous consent to bring the President's crime control package of 1983 to the House floor so we can pass it and do something to protect the American people, and we then yield to the leadership of the Democrat Party, and we say we now wait permission, their permission, because the Democrats control this House, to bring up, to ask unanimous consent to bring that package up.

What have we heard from them when we yield to them and say now will you give us permission to bring up this crime control package which will protect the American people? What is the answer?

Mr. LUNGREN. Silence.

Mr. HUNTER. Silence. Is it that silence that we have received for 50 days that promoted our leader, BOB MICHEL, to give his famous silent majority speech?

Mr. LUNGREN. Well, I recall that when I was in school and I am not sure what the context was, but one teacher once coined a phrase or repeated a phrase that he or she had read somewhere that speech is silver, but silence is golden. In this case, silence, obviously, is much more valuable than speaking or action, at least from the perspective of the leadership of the other side.

Let me just mention one other thing. It is brought up by the gentleman's comments about the 1 minutes. We have, for many months now on a regular basis basically issued a challenge on the crime issue, because we do consider it important. We have criticized the lack of action on it. We have pointed out that Congressman BILL HUGHES from New Jersey is the chairman of one of the subcommittees and he has attempted to move some legislation. Sometimes not quite in the form I would like, and he and I have discussed that on the floor many times, but that the real tough, real tough law enforcement elements of the President's package are never given to his committee. The chairman of the full committee sends them elsewhere where they rarely see the light of day.

Mr. HUNTER. Could the gentleman tell us where they go?

Mr. LUNGREN. They go to two subcommittees. They go to the Subcommittee on Criminal Justice, chaired by Congressman CONYERS of Detroit. Bail reform goes to a subcommittee chaired by Congressman KASTENMEIER of Wisconsin. But when we bring these things up in our 1 minutes, on a regular basis, the gentleman from Montana (Mr. WILLIAMS) who was here earlier, and who I invited to be here for this special order and who I reinvited during the previous special order, proclaims that we are unfair on our side because the President vetoed basically an identical bill just 2 years ago, and we should therefore be in no position to argue for this at this time or criticise the Democratic leadership.

As a matter of fact, he and I got into a little colloquy today, and I informed him that of the 42 points of the President's package, only 4 were contained in that, and he said that I was incorrect. Well, just as a distinguished former Member, a former Member of the Democratic Party, the late, great Al Smith said, "Let's look at the record."

The excuse for the unwillingness to do anything substantive with respect to the crime issue is often contained in this wimper, to the effect that the President vetoed a so-called minicrime bill at the close of the 97th Congress. I recall that very well. It was in the closing days of the Congress when lots of, as we like to refer to them, legislative dogs and cats get pulled up from behind closed doors, and are thrown out on the table with no one knowing what is in them, and by unanimous consent, a lot of bills are passed.

Someone suggested that is the most dangerous time in this democracy, because not sufficient attention is given. It was during that period of time that an agreement was attempted to be made by the Democrats and Republicans in the House and the Senate, with some consideration of the President's concerns.

A package was brought together. It contains 6 provisions, not 42, so it hardly could be identical. These are the six provisions that it had within it: Criminal forfeiture, I would argue a watered-down version. Still an improvement over what the current law was at that time and is now, but nonetheless not as strong as what the President asked for, nor would I have fought for in committee. Second, Justice Assistance Act. The administration has not originally supported that. It is what I would refer to as the grandson or granddaughter of LEAA. It says bascially if we are going to take care of the problem of crime, we have got to send more money out. I would admit the Justice Assistance Act that we passed this past Congress, or this last session was better than the current law, and preferable to what was contained in that so-called minicrime bill.

Third, there was an antitampering provision. That had to do with tampering of medicines and foodstuffs and so forth that arose after the tremendous scandal with Tylenol around this country.

Fourth, was the attempts to kill certain Federal employees. Fifth, was career criminals, something that was never in the President's original package, and sixth was the so-called drug czar provision, the most controversial from the President's point of view, and the basis upon which the President actually vetoed it.

□ 1920

So, in fact the bill included only 4 out of a total of 42 provisions. Two of them the President had major concerns about, and I am talking about two of those that were not within his original provisions. One of them was enough for him to actually veto it.

Most importantly, the bill did not include these things: It did not include bail reform; it did not include sentencing reform, it did not include exclusionary rule reform; it did not included insanity defense reform; it failed to include habeas corpus reform; failed to include surplus property amendments; failed to include capital punishment; failed to include labor racketeering amendments; failed to include foreign currency reporting amendments; failed to include murder-for-hire provisions; failed to include solicitation of violent crime provisions; failed to include felon murder rule provisions; failed to include armor-piercing bullet provisions; failed to include destruction of motor vehicles and energy facility provisions; failed to include escape from custody provisions; failed to include extradition reform; failed to include child pornography; failed to include provisions warning the subject of a search; failed to include program fraud and bribery; failed to include counterfeiting provisions; failed to include receipt of stolen bank property provisions; failed to include bank fraud; failed to include bank bribery; failed to include possession of contraband in prison; failed to include prosecution of juveniles as adults; failed to include wiretap amendments; failed to include expansion of venue for threat offenses; failed to included injunctions against fraud; failed to include Government appeal provisions; failed to include witness security program improvements; and failed to include clarification of change of venue for certain tax offenses.

Now, that is the minicrime package that the gentleman from Montana and others continue to say was identical to what the President sent. The reason I can never completely respond to it in 1 minute is because it failed to include so much of the President's package that I cannot articulate it all in a single minute.

In the President's veto message, he indicates, and these are the President's own words, that:

It would have given me great pleasure to be able to approve substantive criminal justice legislation. I completely support some of the features of H.R. 3963, such as the Federal Intelligence Personnel Protection Act.

That was greater protection for certain Federal employees.

However, others I agree with in principle, but the disadvantages of this bill greatly outweigh its benefits. I look forward to approving legislation that does not contain the serious detriments of the present bill and my administration will work closely with Chairman THURMOND and Chairman RODINO to secure passage of substantive criminal justice reform.

It was not long after that that the President invited us all down to the White House. We sat around the table, he looked us all in the eye and said, "I want to work with you. I want to do something about that." And it was a day later that the Senate began to work in earnest, and unfortunately, we still have not begun to work in earnest in the Judiciary Committee of the House of Representatives on the vast array of tough law enforcement elements of the President's crime package.

I repeat: I do not say that some have not worked with us. The chairman of the Subcommittee on Crime, Mr. HUGHES, has, but he does not have within his jurisdiction because of decisions made by others, the greatest number of substantive law enforcement improvement elements of the President's package.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. LUNGREN. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Is it not an interesting argument that we would say that because we passed a bill back in 1982 which the President vetoed, we no longer have any responsibility to pass a criminal justice bill in this Congress? I mean, that seems to be the argument that is being made; that we did our bit, we did it 2 years ago; do not expect us to do any more on crime.

That is not a valid argument, in my view, even if it does serve a debating point here on the House floor from time to time. It seems to me, not having passed a bill which could obtain the President's signature 2 years ago, it becomes incumbent on us, since crime is such a problem, to go ahead and pass another bill that might have a better chance of getting his signature so we can deal with the crime issue.

So the very premise of the argument being made by the gentleman from Montana and others is a phony.

Mr. LUNGREN. I think the gentleman has put it very well. It is incredible. It is as incredible as the statement that the chairman of our committee made, according to the February 10 issue of the Washington Post, that the death penalty, the exclusionary rule, habeas corpus, limits to bail law, we are not going to get to any of those because they are just too controversial.

I say it is incredible because if the leadership of this body is too timid to deal with controversy, then the American people should probably relieve them of their responsibility for doing so. I do not think we are overpaid. I may disagree with some people in this Chamber, but I do not think we are overpaid, but let me tell you this: If all we are coming here to deal with are noncontroversial issues, then I would submit, and I would submit it to anybody, that we are overpaid. I think we get paid to deal with controversial issues.

I think part of the essence of a democracy is to create a forum for debate on controversial issues that otherwise would be in some ways fought out on the streets. Particularly when you are talking about the crime issue, that is more real than allegorical.

So I would suggest that the gentleman is absolutely correct. It is an incredible statement that is being made, the series of statements that are being made, and I just think that if the House of Representatives is truly the world's leading deliberative body, as we like to say it is, and I think it has the capacity to be, then we should not shirk our responsibility to tackle those tough issues that affect our constituents in their daily lives.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from California.

Mr. HUNTER. I think the gentleman has touched on the reason that we are here. I have watched the gentleman from California, who has a wonderful family, and the gentleman from Pennsylvania and the gentleman from Georgia spend many hours on this floor talking about America's agenda, and particularly about the crime control package and the balanced budget and other things. In listening to some of our Democrat colleagues say we should not be up here talking about these things and asking why they have not brought this legislation up, I am reminded that I did a little calculating while we were standing here, and since the gentleman has taken out this special order, since he has taken out his 1 hour, and his 1 hour has practically expired, if statistical facts are consistent, since the time you have been speaking, in the United States 2 Americans have been murdered, 18 women have been raped, 134 prople have been robbed, 194 Americans have been assaulted, and 778 homes have been burglarized.

Even if this is not America's agenda, if this is not what the people want to vote on and want to have enacted into legislation, this crime control package that you are speaking of, then we should bring it to the House floor and we should vote on it. As one Member who has watched such issues as Frozen Food Week and other somewhat insubstantial measures passing this House in the last several months, I have to say that——

Mr. LUNGREN. Will the gentleman allow me to reclaim my time on that point?

Mr. HUNTER. I would be happy to.

Mr. LUNGREN. Did the gentleman support Frozen Food Week?

Mr. HUNTER. I hope my name is not on Frozen Food Week. Somebody will probably dig it out and find that HUNTER supported it, but I hope it is not.

Mr. LUNGREN. I must say that I believe I was one of those who did support it as part of the ceremony that we have around here, but the gentleman's point is well made. We should take the time to deal with substantive legislation when we certainly have the time to deal with other things that do not rise anywhere near to the level of concern that these things do in the lives of the American people.

I would just like to conclude by suggesting that we will be taking special orders on at least a weekly basis on the crime issue so that we can confront a number of different subjects.

Is it true to say that the passage of the President's Crime Control Act will have little or nothing to do with trying to stem murders, rapes, robberies, drug abuse, and violent crime in this country? I think we have a good response to that, but that will take another day.

Does it make sense to have the victims of crime and the representatives of victims of crime come to Congress and to virtually cry out for help and for us to turn our backs and say either we do not have time or it is too controversial for us to act?

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Finally, I would just say if we are not going to deal with this issue, then what are we doing here?

● Mr. CLINGER. Mr. Speaker, today I rise to focus the attention of my colleagues in Congress on one of the most important problems faced by our fellow countrymen throughout the Nation. I am referring to the continuing battle to keep our streets, our shops, and our homes safe from the criminal elements of our society. There should be no mistaking the severity of the problem. Although the overall crime rate in the Nation and in the Commonwealth of Pennsylvania declined slightly over the last 12 months, the problem of crime in the United States remains a very serious one. For the last 12-month period measured by the Justice Department, an estimated 21,012 persons were murdered. Nearly 700 of those persons were Pennsylvania residents. In fact, statistics show that one serious crime is committed every 2 seconds. Crimes such as murder, forcible rape, robbery, burglary, aggravated assault, and on and on. It should be abundantly clear that crimes against our citizens and our property continue to plague us.

There are many of us, Mr. Speaker, who recognize the magnitude of this situation and who are terribly concerned about the ability of our criminal justice system to deal with these problems. Toward that end, a number of measures have been introduced in the House to fight the battle against crime. Most notably, the Comprehensive Crime Control Act was introduced last year at the request of President Reagan. This sweeping legislation contains provisions on bail reform, sentencing, and the insanity defense which will move us boldly toward a tougher stance against the criminals among us who threaten our lives and homes.

On February 2, the other body overwhelmingly passed the Comprehensive Crime Control Act, one of the most encompassing anticrime packages to move in Congress in nearly 14 years. This landmark legislation received bipartisan support and its passage was due, in part, to the strong leadership of the Senator from Pennsylvania, Mr. ARLEN SPECTER. The act's passage was also praised by President Reagan, since it contained many administration proposals.

The crime control package included a number of provisions which those of us concerned about crime have supported here in the House. These reforms include provisions to permit pretrial detention of dangerous suspects, stiffer penalties for drug traffickers, restrictions on use of the insanity defense, and uniform sentencing. By proposing determinate sentencing with no parole and limited good behavior credits, the act assures more uniform, truthful sentencing.

Even though the Crime Control Act received such broad-based support in the other body, this worthwhile effort to fight crime may die here in the House of Representatives unless the leadership chooses to call it up for consideration. Some Members consider this important legislation too controversial. What can be so controversial about legislation which will clean up our streets and make our communities safer to live in?

I have joined with Members of both Houses of Congress to form the Congressional Crime Caucus. Together we will continue to fight to pass these important reforms. With the other body's recent action we are one step closer but much remains to be done. We call upon you, Mr. Speaker, to rise to the challenge of the fight against crime and to use the remaining days of the 98th Congress to debate and pass legislation like the Comprehensive Crime Control Act which our Nation so sorely needs.●

● Mr. GOODLING. Mr. Speaker, quite frequently my constituents contact me concerning crime in the United States. They are afraid, they are disgusted, and they are angry that the Congress is not actively doing anything to prevent criminal activities and punish the perpetrators of crime.

I share these sentiments. The Senate has acted on several crime-control measures this year while we in the House have done little more than hold hearings. To our credit, we have passed one bill dealing with the punishment of those involved with child pornography. This was a very important bill, one which I cosponsored and supported. But this is but a small part of a much larger problem.

Granted, I may not agree with all of the provisions of the Senate-passed crime control measures, but I do think that similar legislation deserves the opportunity to be considered by this body.

I do not know how much longer the public will accept the lenient sentences which are now being given to individuals who have committed violent crimes against innocent citizens—not to mention those individuals who are released from prison only to commit similar crimes with different victims.

Our Criminal Code is in dire need of reform. We have to be sure that our sentencing is fair, that those who have committed minor, "victimless" crimes are not incarcerated for periods of time longer than those criminals who raped, murdered, and otherwise committed violent crimes against their fellow citizens. We need to address the increasing abuse of the insanity of defense, placing the responsibility to prove that an act was committed while the defendant was not mentally sound in the hands of the accused and his counsel. We also have to tackle the constitutionally sensitive issue of the exclusionary rule and whether or not an individual who has been proven guilty beyond a reasonable doubt can be set free because of a minor mistake on the part of the arresting officer in seizing evidence.

These are difficult, sensitive issues, but this does not mean that we should avoid them. We must confront them and address them. No matter what position any of us may take on the various aspects of criminal code reform, there can be no doubt that changes must be made. The longer we wait, the longer we delay consideration, the more victims and angry constituents there will be to criticize Congress for its lack of action in this important area.●

GENERAL LEAVE

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to verify and extend their remarks and to include therein extraneous matter on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Chair would comment that the other gentleman from California in his reference to Frozen Food Week put a great strain upon the Chair, who was the principal author of that resolution.

Mr. HUNTER. May I answer the Speaker and simply tell the Speaker that I hope we can unfreeze some of the other legislation around here and move it on through.

The SPEAKER pro tempore. I understand the gentleman's point.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, when Frozen Food Week passed, was there any kind of a companion bill that was contemplated for health foods and other kinds of things, since the gentleman was the principal author? We want to make certain that everything was dealt with here in a full fashion.

The SPEAKER pro tempore. The Chair has that on his agenda.

OLYMPIC TORCH ARRIVES IN WASHINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, it was a pleasure to watch the Olympic torch pass through the city of Washington last Monday. As the runners embarked on their journey to Los Angeles, I was impressed by the enthusiasm generated by the summer games, and the spirit of participation shared by all. I was reminded of the terrific amount of effort being extended by the relay racers and Olympic athletes in anticipation of the summer Olympic games. It occurred to me that the American public might want to experience the exhilaration of contributing to the Olympic program through the direct purchase of an Olympic coin. Now that the Soviet Union has withdrawn from the XXIII Olympiad, it is especially important that we demonstrate our appreciation for our American athletes who have devoted long hours toward the summer games.

The Russian withdrawal from the Olympics should not discourage either the American public or athletes. The Olympic games will go on in the spirit of friendship and world peace. If the Russians want to publicly disavow these goals, let them stay home. But let us not allow the Soviet Union to steal the spotlight from the real newsmakers of the summer games—the athletes.

Our athletes have trained hard for the Los Angeles games. They deserve our support, and the purchase of an Olympic gold or silver coin provides a terrific way for the American people to demonstrate that support. I designed the Olympic coin program with "all profits to the athletes" in mind. Under the coin program, profits received from the sale of the coins are used to defray the costs of individual athletic training.

I am proud to announce that the U.S. Treasury has already turned over more than $38 million of profit from the coins to the United States and Los Angeles Olympic Committees. That is $8 million more than a private marketing firm guaranteed for the length of the entire program. As the XXIII Olympiad grows nearer, I expect the brisk sales of the Olympic coins to continue. The coins are now available in over 2,000 banks, and may be purchased over the counter as well as directly from the U.S. mint. Now that the Los Angeles Olympics is only approximately 2 months away, it is imperative that we demonstrate our support for our athletes in a manner that is clear and constant. An Olympic coin purchase suits this purpose very well.●

PROTECTING DOMESTIC AND FOREIGN WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes

● Mr. PANETTA. Mr. Speaker, in view of the likelihood that H.R. 1510, the Simpson-Mazzoli immigration reform bill, will be brought before us for consideration within the next few weeks, I would like to discuss an amendment to H.R. 1510 which was approved by the House Agriculture Committee last year and which I will be offering again during floor debate on this legislation.

Mr. Speaker, I think it is clear to most of us that our current immigration laws are not working. In the first 3 months of fiscal 1984 over 350,000 undocumented aliens were apprehended at our borders, and the Commissioner of the INS estimates that 500,000 illegal aliens successfully entered the United States during that same period. Estimates are that this country presently supports some 8 to 10 million undocumented aliens, victims of blatant exploitation from all sides who are bought and sold, have no rights or protections, deprive others of jobs, and live in constant fear of arrest and deportation. That is the situation that exists today, and I do not believe it is tolerable any longer. We must develop an immigration policy which will be workable and effective, and which will impose standards and controls that can be enforced.

In order to develop such a comprehensive policy, we must recognize certain realities. One of those realities is the importance of the perishable crop industry to our economy and to the American consumer. The domestic production of fruits and vegetables provides employment to roughly 650,000 people nationwide; 45 percent of the Nation's supply of fresh fruits and vegetables is produced in California, and that crop represents over $6 billion in value to farmers, workers, and consumers.

The perishable crop industry has traditionally relied on foreign labor, whether sanctioned by a Government program or—as now—sanctioned by no program at all. The fact is that we are dealing today with a massive, illegal bracero program, more extensive and more tragic in its consequences than anything we have encountered in the past. I do not believe it is realistic to condemn the old legal bracero program, yet reject any attempt to address today's illegal bracero program through properly controlled provisions for guestworkers. Only by extending the protections of the law to foreign workers and their families, and to the American workers who also suffer from illegal immigration, can we stop the abuses.

My amendment is not intended to create a new guestworker program, but rather to reform the existing guestworker program—known as the H-2 program—which is continued in H.R. 1510, in order to meet the unique and legitimate needs of the perishable crop industry. It maintains or strengthens all the protections H.R. 1510 provides for both domestic and foreign workers under the H-2 program, including requirements that employers actively recruit domestic workers; that guestworkers not be used as strikebreakers or union-busters; that the wages and working conditions of guestworkers be comparable to those of domestic workers; and that and adequate housing allowance and workers' compensation be provided, in addition to all the protections of existing labor laws. The fact is that under my amendment, it is clear that domestic workers would have first preference for available jobs; that domestic workers could not be undercut by cheap foreign labor; that foreign workers be entitled to adequate housing, insurance against injury, decent working conditions, and fair wages. None of those things is true today.

At the same time, American agriculture and consumers would be protected by two reforms which provide flexibility essential for perishable crops, by nature highly labor-intensive, extremely sensitive to weather conditions, and concentrated in certain re-

gions. My amendment allows perishable crop growers to apply directly to the Attorney General for guestworkers and have that petition acted on within 72 hours, if the employers have fulfilled all the conditions for participation in the program and if extraordinary and unusual circumstances cause a change in their labor needs. And, it allows the guest workers to work for any approved employer within a limited region established by the Attorney General.

Mr. Speaker, the choice is not whether or not there will be foreign workers in this country, but whether there will be legal protection or illegal exploitation of those workers. In fact, President Miguel de la Madrid of Mexico, in a recent address to the Joint Session of Congress, advocated the use of temporary guest workers under a program that will protect those workers' "human and labor rights." My amendment provides an alternative to the abuses of the current system by establishing a safety valve program with both the necessary flexibility and the necessary protections. For those of us who believe that the injustices of the present situation are unacceptable, it provides a reasonable and workable solution.

To briefly outline the provisions of my amendment:

The Panetta amendment would modify the existing H-2 program to provide the Attorney General with the authority to implement, in consultation with the Secretaries of Labor and Agriculture, a program for the admission of nonimmigrant workers to work for producers of perishable commodities, for a period not to exceed 11 months.

The Attorney General would establish limits, on a monthly and annual basis, on the number of foreign workers to be admitted. The availability of domestic workers would be the major factor in setting these quotas.

Participating employers would be required to recruit domestic workers in the intended area of employment, as well as hire willing and qualified domestic workers recruited by the Department of Labor.

If extraordinary and unusual circumstances result in a change in a participating grower's employment needs, the Panetta amendment includes a safety valve provision to allow the grower to petition the Attorney General for an increase in the quota. This petition would have to be acted on within 72 hours.

Foreign workers would not be limited to one employer, but could move among approved employers within a limited region established by the Attorney General, following the ripening and harvesting of the crops. Unlike the H-2 program, which ties foreign workers to one employer only, this would leave the guest worker free to reject any employer who offered abusive or substandard conditions.

Experience in the production of perishable commodities would be the major criterion for the participation of foreign workers in the program, and the workers would be limited to employment in the perishable crop industry as well as to specified regions.

Employers would have to provide foreign workers with wages and working conditions which would not adversely affect the wages and working conditions of similarly employed domestic workers. This would protect domestic workers against depressed wages, and foreign workers against exploitation.

Unlike H-2 employers, participating perishable crop growers would pay the equivalent of FICA and unemployment insurance taxes on their foreign workers. This would remove any financial incentive for preferring guest workers over domestic workers, and the employer contributions would completely fund the administration and enforcement costs of the program.

Employers would also be required to provide foreign workers with adequate housing or a housing allowance and workers compensation. These are the same benefits guaranteed by H.R. 1510 for H-2 workers.

Foreign workers could not be used to fill positions left open by a strike or lockout.

Foreign workers would be free to join labor unions and would be protected by existing labor standards for agricultural workers, including the minimum wage law, occupational health and safety regulations, and standards governing migrant and seasonal agricultural workers.

Incentives would be provided for the return of the foreign workers to their countries of origin by deducting the equivalent of FICA taxes from their wages and returning that sum to the worker upon his or her return to the native country. Foreign workers would not be eligible for Federal assistance.

Employers who violated the terms of the program could be excluded from participation for up to 3 years. Employers who illegally hired or recruited workers would be subject to civil penalties as high as $3,000 per violation.

I would also like to provide the test of my amendment for the convenience of my colleagues:

PANETTA-MORRISON AMENDMENT TO THE IMMIGRATION REFORM AND CONTROL ACT (H.R. 1510)

SEC. 214. (a) Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by sections 204(b) and 211(a)(2) of this Act, is further amended by striking out "or" at the end of subparagraph (N), by striking out the period at the end of subparagraph (O) and inserting in lieu thereof "; or", and by adding at the end the following new subparagraph:

"(P) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States for a period of not longer than 11 consecutive months to perform services or labor in seasonal agricultural employment (as defined in section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act) in the production of perishable commodities (as defined in regulations of the Secretary of Agriculture).".

(b) Section 214 (8 U.S.C. 1184), as amended by section 211(b) of this Act, is further amended—

(1) in subsection (a)—

(A) by striking out "or" at the end of paragraph (1),

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof ", or", and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) under section 101(a)(15)(P) during the five-year period beginning on the most recent date (if any) on which the alien violated (as determined by the attorney General) a term or condition of a previous admission as such a nonimmigrant or who enters the United States unlawfully after the date the program under subsection (f) first takes effect."; and

(2) by adding at the end the following new subsection:

"(f)(1)(A) The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall by regulation establish a program (hereinafter in this subsection referred to as 'the program') for the admission into the United States of nonimmigrants described in section 101(a)(15)(P). The program shall include the imposition of monthly and annual numerical limitations, established under paragraph (2)(B), on the issuance of nonimmigrant visas for such nonimmigrants by agricultural employment region. These visas shall be made available subject to such limitations to aliens described in section 101(a)(15)(P) in accordance with the preference system established under paragraph (2)(C).

"(B) Except as provided pursuant to paragraph (3)—

"(i) aliens shall not be required to obtain any petition from any prospective employer within the United States in order to obtain a nonimmigrant visa under the program, and

"(ii) such a nonimmigrant visa shall not limit the geographical area (other than by regions established under subparagraph (C)) within which an alien may be employed or limit the type of agricultural employment, within the production of perishable commodities, the alien may perform.

"(C) For purposes of administering the program, the Attorney General shall designate not more than ten agricultural employment regions within the United States.

"(2)(A) Each person who employs individuals to perform agricultural employment (including an association of such persons and a person who contracts for the performance of such employment) in the production of perishable commodities may submit to the Attorney General, at such time and in such manner as the Attorney General, at such time and in such manner as the Attorney General specifies, an application specifying, for each month concerned and for the agricultural employment region in which the person is located, (i) the total number and qualifications of agricultural workers required in the production of perishable commodities in each month and (ii) the type of agricultural work required to be performed by these workers. The person may

also include a statement indicating a preference as to country of nationality of aliens (or names of particular aliens) desired to perform labor in any such month.

"(B)(i) Based upon such petitions, taking into consideration on the historical employment needs of agricultural employers and the availability of domestic agricultural labor, and after consultation with the Secretary of Agriculture and the Secretary of Labor, the Attorney General shall establish a numerical limitation, by month and by agricultural employment region, on the issuance of nonimmigrant visas to aliens described in section 101(a)(15)(P).

"(ii) If an agricultural employer (or association or representative thereof) establishes that extraordinary and unusual circumstances have resulted in a significant change in the employer's need for seasonal agricultural workers specified in the application or in the availability of domestic workers who are able, willing, and qualified to perform seasonal agricultural employment, the employer may apply to the Attorney General (in such form and manner as the Attorney General shall provide) for an increase in the numerical limitations otherwise established under clause (i) to accommodate such emergency need. The Attorney General shall make a determination on such an application within 72 hours of the date the application is completed. To the extent the application is approved, the Attorney General shall provide for an appropriate increase in the appropriate numerical limitation.

"(C) Nonimmigrant aliens who are subject to the numerical limitations specified in this paragraph shall be allotted nonimmigrant visas as follows:

"(i) Visas shall first be made available to qualified nonimmigrants specifically identified in petitions submitted under paragraph (2)(A).

"(ii) Visas shall next be made available to qualified nonimmigrants who have previously been employed in seasonal agricultural employment in the United States, providing priority in consideration among such aliens in the order of the length of time in which they were so employed.

"(iii) The remaining visas shall be made available to other qualified nonimmigrants strictly in the chronological order in which they qualify. Waiting lists of applicants shall be maintained in accordance with regulations prescribed by the Secretary of State.

A spouse or child of such a nonimmigrant is not entitled to a visa or such status by virtue of such relationship, whether or not accompanying or following to join the nonimmigrant, but may be provided the same status as such a nonimmigrant if the spouse or child also is a qualified nonimmigrant to perform seasonal agricultural employment in production of a perishable commodity.

"(3)(A)(i) The Attorney General shall approve an application submitted under paragraph (2)(A) authorizing a person to employ a nonimmigrant described in section 101(a)(15)(P) if—

"(I) the person is a producer, and the nonimmigrant is to be employed in the production of perishable commodities (as defined by the Secretary of Agriculture under such section),

"(II) the application complies with the provisions of paragraph (2)(A) and sets forth the need for such nonimmigrants,

"(III) the person has not employed or petitioned for a nonimmigrant described in section 101(a)(15)(H)(ii)(a) in the production of perishable commodities at the time when an application on behalf of the person is pending or approved under this subsection, or during any previous period during which the employer had an application approved under this subsection, and

"(IV) the person is not disqualified under subparagraph (C).

"(ii) Except as provided under subparagraph (C), a person who is determined not to be eligible under clause (i) (other than because of subclause (IV) thereof) is entitled to an expedited review of the determination by the Attorney General.

"(B) Any person whose application to employ a nonimmigrant described in section 101(a)(15)(P) has been approved shall—

"(i) make a good faith effort to recruit in the area of intended employment willing and qualified domestic agricultural workers to perform agricultural employment in the production of perishable commodities until the date any nonimmigrants under section 101(a)(15)(P) admitted to the United States to perform such employment report to work,

"(ii) provide for such wages and working conditions (including conditions respecting the furnishing of housing) as do not adversely affect the wages and working conditions of workers in the United States similarly employed,

"(iii) provide (if the employment is not covered by State workers' compensation law), at no cost to the worker, insurance covering injury and disease arising out of and in the course of the workers employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment,

"(iv) not employ a nonimmigrant described in section 101(a)(15)(P) if there is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such employment,

"(v) not employ a nonimmigrant described in section 101(a)(15)(P) for services other than seasonal agricultural services in the production of perishable commodities, and

"(vi) be permitted in complying under clause (ii) with applicable conditions of employment respecting the furnishing of housing for such nonimmigrants and at the person's option, in lieu of arranging for suitable housing accommodations, to substitute payment of a reasonable housing allowance to the provider of such housing, but only if such housing is in the proximate area of employment.

"(C) If the Attorney General determines, after opportunity for a hearing, that an employer has participated under the program and has violated a provision of subparagraph (B) or any other provision of this Act, the employer shall be disqualified from future eligibility under the program for a period of not longer than three years.

"(D)(i) It is unlawful for a person or other entity to hire, or recruit, or refer, for employment in the United States a nonimmigrant alien described in section 101(a)(15)(P) unless the person or entity has an application approved under paragraph (3) with respect to the hiring of the alien.

"(ii) A person or entity that violates clause (i) shall be subject—

"(I) in the case of a person or entity which has not previously been determined (after opportunity for judicial review) to have violated such clause, to a civil penalty of up to $1,000 for each alien so hired,

"(II) in the case of a person or entity which has previously been determined (after opportunity for judicial review) to have violated such clause in only one occasion, to a civil penalty of up to $2,000 for each alien so hired, or

"(III) in the case of a person or entity which has previously been determined (after opportunity for judicial review) to have violated such clause on more than one occasion, to a civil penalty of up to $3,000 for each alien so hired.

"(4) An alien admitted as a nonimmigrant under the program is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of government.

"(5)(A) Funds appropriated under subsection (c)(5) shall be available for the purposes (i) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(P), and (ii) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States.

"(B) The Secretary of State is authorized to take such steps as may be necessary in order to expand and establish consulates in foreign countries in which aliens are likely to apply for nonimmigrant status under the program.

"(6) The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall report to Congress semiannually regarding the program. Each such report shall include a statement of the number of nonimmigrant visas issued under the program, an evaluation of the effectiveness of the program, a description of any problems related to the enforcement of the program, and any recommendations for legislation relating to the program.

"(7) The provisions of this subsection preempt any State or local law on the same subject.

"(8)(A) The Attorney General shall establish by regulation a trust fund the purpose of which is to provide funds for the administration and enforcement of the program and to provide a monetary incentive for nonimmigrants participating in the program to return to their country of origin upon expiration of their visas under the program. The Attorney General shall promulgate such other regulations as may be necessary to carry out this paragraph.

"(B) In the case of employment of a nonimmigrant described in section 101(a)(15)(P)—

"(i) the employer shall provide for payment into the trust fund established under this section of (I) an amount equivalent to the amount of excise taxes which the employer would pay under the Federal Insurance Contributions Act with respect to such employment if it were considered employment for the purpose of such Act, and (II) an amount equivalent to (and in lieu of) the amount of excise taxes which the employer would otherwise pay under the Federal Unemployment Tax Act with respect to such employment, and

"(ii) there shall be deducted from the wages of the nonimmigrant and paid into such trust fund an amount equivalent to the amount of excise taxes that the employee would pay under the Federal Insurance Contributions Act with respect to such employment if it were considered employment for the purposes of such Act.

"(C)(i) Amounts described in subparagraph (B)(i) paid into the trust fund shall be used for the purpose of administering and enforcing the program.

"(ii) Amounts described in subparagraph (B)(ii) paid into the trust fund with respect to a nonimmigrant shall, upon application by the nonimmigrant at the United States consulate nearest the nonimmigrant residence in the country of origin, be paid to the nonimmigrant if the nonimmigrant demonstrates his or her compliance with the terms and conditions of the program.".

(c) The Attorney General, in consultation with the Secretary of Agriculture, the Secretary of State, and the Secretary of Labor, shall promulgate all regulations implementing the amendments made by this section. Notwithstanding any other provision of law, final regulations implementing such amendments shall first be issued, on an interim or other basis, not later than the first day of the seventh month beginning after the date of the enactment of this Act.

(d) It is the sense of Congress that the President should negotiate with representatives of the governments of labor source countries to establish bilateral advisory commissions in order to consult with and advise the Attorney General regarding—

(1) the regulations to be promulgated,

(2) the monthly and annual numerical limitations to be established,

(3) the entry, and preference, and visa issuance systems to be established, and

(4) problems arising under the program established,

(5)under section 214(f) of the Immigration and Nationality Act.

(e)(1) The first sentence of section 204(a) (8 U.S.C. 1154(a)) is amended by inserting before the period the following: ", except that no petition for a preference immigrant under section 203(a)(3) or 203(a)(6) may be filed respecting an alien who is a nonimmigrant described in section 101(a)(15)(P)".

(2) Section 212(a) (8 U.S.C. 1182(a)) is amended by striking out the period at the end of paragraph (33) and inserting in lieu thereof a semicolon and by adding at the end the following new paragraph:

"(34) Aliens admitted as nonimmigrants under section 101(a)(15)(P) who fail to be continuously employed or actively seeking employment in agricultural labor or services in the production of perishable commodities (as defined for purposes of section 101(a)(15)(P)) in accordance with the usual and customary employment patterns and practices.".

(3) Section 244(b)(2)(A) (8 U.S.C. 1254(b)(2)(A)), as added by section 212(c)(2) of this Act, is amended by striking out "or (M)" and inserting in lieu thereof ", (M), or (P)".

(4) Section 245(c)(4) (8 U.S.C. 1255(c)(4)), as inserted by section 212(b) of this Act, is amended by striking out "or (O)" and inserting in lieu thereof ", (O), or (P)".

(5) Section 248(4) (8 U.S.C. 1258(4)), as added by section 213(d) of this Act, is amended by inserting "or (P)" after "101(a)(15)(O)".●

CALIFORNIA THINK TANK CALLS FOR A NATIONAL INDUSTRIAL STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, a study on industrial policy was issued Monday by the Institute for Contemporary Studies (ICS)—a conservative research group founded by supporters of President Reagan. The study, titled "The Industrial Policy Debate," advocates that industrial policy be taken more seriously in this country, particularly by the Republican Party.

The editor of the study, Dr. Chalmers Johnson, said when the study was released that the institute is "trying to get the question of an industrial policy for the United States to be taken seriously by people who do not really believe in it—above all Republicans."

This acknowledgment by conservatives of the need for more coordinated national economic policy, and for cooperation and consensus between Government, labor, management, and others, is a welcome relief from the extremist tendency of the current administration.

While the Reagan administration absurdly insists that it is unalterably opposed to the idea of industrial policy, the Congressional Budget Office estimated that the Federal Government currently provides $100 billion each year in aid to industries and sectors, and it regularly grants petitions for import relief from a wide range of industries. The ICS study shows that a less partisan and more sensible conservative analysis at least has the ability to recognize reality.

In the introduction to the ICS report it is stated that—

. . . serious observers understand that the Republicans' own policies—so-called Reaganomics, a version of supply side economics—are in fact a first step toward an American industrial policy . . .

In addition, the study helps demolish several rhetorical myths which surround the debate on industrial policy. In contrast to the standard administration claims that industrial policy is absolutely antagonistic to the market, the study observes that successful industrial policy "does not depend on the displacement of the market by bureaucratic fiat, but instead reflects cooperative efforts by the public and private sectors to understand the nature of technological change and to anticipate its likely economic effects."

I find the release of this study to be an important step forward in promoting a sensible dialog on the topic of industrial policy. My own views on the importance of this debate are summed up nicely by the quotation on the back cover of the ICS Report:

. . . Americans will find in this collection a gratifying, if belated, recognition that the government-business relationship in the United States has become a serious, costly drag on American economic competitiveness in the world, and they will welcome the beginnings of a broadly based, nonpartisan discussion of how to improve the situation.●

BAILOUTS FOR THE POWERFUL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, today's announcement by the Comptroller of the Currency of a new "bailout" for the $40 billion Continental Illinois National Bank again illustrates the paternalistic nature of our Federal financial regulatory system.

The Comptroller, the loudest and most consistent proponent of marketplace economics for financial institutions, comes forward with a plan for the Government to pick up the pieces now that one of his constituent banks has run aground in the great marketplace. This is deregulation, Mr. Conover?

Yes, we will hear the rationalizations, the old tired cliches—the domino theory, the need to maintain confidence in the financial community, the dependence of smaller banks on their correspondent institution, foreign accounts, and investments—and of course the impact on the insurance fund. When a $40 billion institution falls on bad times, there is no end to the hand wringing concerns about the tidal waves that a failure would create in the economy.

Some of these concerns have touches of reality; others are simply convenient excuses to extend the helping hand of a benevolent governmental regulatory system to the powerful.

The truth is, Mr. Speaker, large banking institutions, despite all the talk about free enterprise, marketplaces, and deregulation, do not fail under our system of Government protection.

The largest commercial bank to actually have its doors locked and its assets liquidated is our famous Penn Square Bank in Oklahoma City—with $500 million in deposits.

Some of the big ones have had their troubles papered over through friendly takeovers arranged by this same protective Federal regulatory system—invariably after the Federal Reserve System had thrown its discount windows wide to pour in the Federal dollars. In these friendly takeovers—arranged quickly and silently in the night—the regulators let some health institution skim the cream—the best assets—with the insurance fund left to hold and try to collect on the mistakes.

Smaller institutions which find themselves caught up in mismanagement, bad judgments, and other difficulties, usually, do not find this same benevolence. Twenty-eight institutions—all under $170 million in deposits—have had their doors padlocked this year. No Continental, Franklin National, U.S. National Bank (San

Diego) style bailouts for them. They were not big enough.

None of these smaller banks, Mr. Speaker, have had their regulators out on the street testifying to their strength. Yet, last Friday, the good Comptroller was issuing statements denying rumors that Continental was in serious financial trouble. The OCC statement included this flat statement:

The Comptroller's Office is not aware of any significant changes in the bank's operations, as reflected in its published financial statements, that would serve as a basis for these rumors.

All the while, we now learn, the Federal regulators were busy in the backroom discussing problems that OCC was telling the public did not exist. Is anyone going to believe the statement of OCC in the future?

It is not fair to single out the Comptroller for all the blame or praise for the current rescue effort in Chicago. The Federal Reserve has pumped in money through the discount window and, of course, it is the FDIC—drawing on its insurance fund—that will be providing an initial infusion of $1½ billion for Continental.

In the final analysis, Mr. Speaker, it could be there is not an alternative to Government assistance of this kind. It does indeed bring into question the theory of unregulated laissez faire banking. It does again raise questions about the bloated nature of Federal insurance—$100,000 per account. Let us not forget the tremendous contingent liability this places on the U.S. Treasury and the U.S. taxpayers. It also raises questions about the patent unfairness of the insurance premium system that provides no distinction between well run institutions and the high flyers.

It does bring into question what criteria the regulators—the OCC, the FDIC and the Federal Reserve—use in dispensing the largesse of the Federal Government—a godlike power to decide who gets the bailout and who is allowed to drown.

Mr. Speaker, we need to explore how the decision to save Continental was reached, and the role of the various regulators and the ultimate impact on the Federal Government and the banking system and its customers.

With this in mind, Mr. Speaker, I intend to call each of the Federal banking supervisors—Chairman Paul Volcker of the Federal Reserve, Chairman William Isaac of the FDIC, and the Comptroller of the Currency, C. T. Conover, before the committee to explain the Continental Illinois bailout. Dates will be announced as soon as arrangements can be made.

This incident, Mr. Speaker, does raise anew whether banking institutions are necessarily just as prudent as they are big. When we are asked to endorse the movement of banks into fields even riskier than conventional banking, this type of incident does strongly suggest the need for careful analysis and caution.●

COMMUNICATION FROM HON. ROBERT H. MICHEL

The SPEAKER pro tempore laid before the House the following communication from the Honorable ROBERT H. MICHEL:

HOUSE OF REPRESENTATIVES,
Washington DC, May 17, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L(50) of the Rules of the House of Representatives, that David Kehl of my office has been served with a deposition subpoena issued by the United States District Court for the Eastern District of Virginia.

I will, in consultation with the General Counsel to the Clerk, make the determinations required by the Rule and will inform you of those determinations.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

SPECIAL ORDERS GRANTED

Mr. ECKART. Mr. Speaker, I ask unanimous consent that following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Mr. OBEY, for 1 hour each day on May 21 through May 24, and on May 30, 31, and June 1.

Mr. PEPPER, on June 5, for 60 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WALKER. Reserving the right to object, Mr. Speaker, and I do not really intend to object, but I do have a bit of a problem with the fact that all of a sudden we have a Member coming to the floor reserving special order time for a 2-week period.

Earlier in this Congress when this gentleman attempted to reserve time over a long period of time, a gentleman from the majority side objected, indicating that we ought to only have a special order time reserved for short periods of time.

Now, I guess under my reservation I am propounding the inquiry to the Chair of whether or not we have got a situation here where we are getting lengthy times and just what the standard is we are going to operate under. We recently have been operating under a standard of taking special order time for 1 week in advance. Now we are extending this with this Member to about a 2-week period.

Do we have any kind of a standard that we are operating under?

The SPEAKER pro tempore (Mr. BROWN of California). It is the Chair's understanding there is no standard governing the request for special order time. I suspect the gentleman from Wisconsin is testing the magnanimity of the gentleman from Pennsylvania.

Mr. WALKER. I thank the Chair.

The gentleman from Pennsylvania intends to be magnanimous, but the gentleman also then is going to suggest that maybe this is a precedent we all can follow and we can now get special orders reserved 2 weeks in advance.

Mr. Speaker, I withdraw my reservation of objection.

Mr. ECKART. Mr. Speaker, I thank the gentleman from Pennsylvania for his kindness. I certainly will convey to the gentleman from Wisconsin the magnanimity of the gentleman from Pennsylvania in this regard.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio (Mr. ECKART)?

There was no objection.

OBSERVANCE OF THE 30TH ANNIVERSARY OF THE SUPREME COURT DECISION ON BROWN AGAINST TOPEKA BOARD OF EDUCATION

(Mr. SLATTERY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SLATTERY. Mr. Speaker, today, May 17, marks the 30th anniversary of the Supreme Court decision on the landmark school desegregation case, Brown against Topeka Board of Education. This evening many of my constituents in Topeka, KS, will come together to commemorate this historic occasion. They will be joined by Mrs. Coretta Scott King and by others who have traveled to Topeka to celebrate the past and to reaffirm their commitment to equal opportunity for all races. In lieu of being able to be in Topeka today, I rise to share with you some of my thoughts and my observations regarding that decision and its impact not only on my constituents, but also on all Americans.

The 1954 Brown decision was one of the most important events in our country's history. That Supreme Court decision laid the groundwork for the passage and the enforcement of many, if not all, of the civil rights statutes enacted in the last 30 years. The fact that several other school desegregation cases were consolidated with Brown during the appeal process, is indicative of the overwhelming desire in 1954 to eliminate racial segregation in public schools and subsequently in all public facilities.

Many of the plaintiffs in the 1954 Brown case still reside in Topeka, as do their children. As we reflect on the

impact of that decision and on the changes it catalyzed in our society, we also should take a few moments to commend those individuals who had the foresight and the fortitude to challenge the "separate but equal" doctrine. I have had the privilege of meeting and of talking with many of those Topekans who were plaintiffs in Brown. It goes without saying that they demonstrated an exceptional degree of individual courage in 1954. Their courage has been a source of inspiration to me, as it should be to all of us. Had they not been committed to obtaining the best possible education for their children and for future generations of children, regardless of color, it is difficult to speculate about what the status of public education would have been during the last 30 years, or would be today.

While we have made great strides since 1954 toward eliminating racial segregation, there is much work yet to be completed. The problem still exists. Even today as we commemorate the 30th anniversay of the 1954 Brown decision, we are faced with the fact that the Brown case was reopened in 1979.

If we are to achieve a society in which race or ethnic background ceases to be a factor in education, employment, housing, or in any of the other areas considered basic to an individual's ability to realize his or her full potential, each of us must assume part of the responsibility for creating that society. We cannot and we should not rest on past laurels. Instead we should use those past achievements as the foundation and the stepping stones for continuing the fight against racial segregation and racial discrimination. As Members of Congress, we must take very seriously our responsibility for seeing that existing civil rights statutes are enforced and that new statutes are developed as needed. Today is an appropriate day for each of us to rededicate ourselves to achieving those ends.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 492

Mr. WHITTEN submitted the following conference report and statement on the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture:

CONFERENCE REPORT (H. REPT. No. 98-792)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 9, 17, 18, 23, 24, 26, 28, 32, 33, 35, and 36.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same.

The committee of conference report in disagreement amendments numbered 1, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 25, 27, 29, 30, 31, and 34.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
CLARENCE D. LONG,
SIDNEY R. YATES,
EDWARD R. ROYBAL,
TOM BEVILL,
VIC FAZIO,
SILVIO O. CONTE,
JOSEPH M. McDADE,
JOHN T. MYERS,
J. KENNETH ROBINSON,
JACK F. KEMP,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
LOWELL P. WEICKER, JR.,
THAD COCHRAN,
ROBERT KASTEN,
JOHN C. STENNIS,
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Amendment No. 1: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts in the resolving clause the words "sums are", instead of "sum is" as proposed by the House.

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

Amendment No. 2: Deletes Senate language which added $175,000,000 for Titles I and III of Public Law 480. The Conferees have agreed that supplemental funding for Titles I and III of Public Law 480 can be deferred until the General Supplemental Bill.

EMERGENCY FOOD ASSISTANCE FOR AFRICA

Amendment Nos. 3 and 4: Appropriates $60,000,000 for Title II of Public Law 480 for emergency food assistance to Africa as proposed by the Senate instead of $150,000,000 as proposed by the House. The other $90,000,000 was appropriated in H.J. Res. 493 (P.L. 98-248).

Amendment No. 5: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken and inserted by said amendment, amended to read as follows:

through March 31, 1985; and in addition not to exceed $90,000,000, shall be available through September 30, 1985, from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergency food assistance, or any country for use in assisting in emergency food assistance to Africa. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency requirements.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Conference agreement provides that the $60,000,000 in Title II aid shall be available until March 31, 1985, instead of December 31, 1984, as proposed by the House and September 30, 1985, as proposed by the Senate. The conference agreement amends House language to provide that not more than $90,000,000 shall be available through September 30, 1985, from CCC inventory for sale on a competitive bid basis or barter to the African countries requiring emergency food assistance.

The conferees direct that if necessary the Agency for International Development (AID) reprogram sufficient funds to carry out the purposes of this legislation and to deal with problems caused by the current drought in Africa and that these reprogrammings be submitted to the Committees on Appropriations within 30 days of enactment of this legislation.

The House passed resolution included language providing $90,000,000 for the competitive sale and barter of CCC commodities, which was enacted into law in H.J. Res. 493 (P.L. 98-248). According to information provided to the conferees, the Department of Agriculture has agreed to implement the program.

In providing for a competitive sales program, the conferees wish to emphasize that such an approach is far less costly in the long run. Providing the farmer with a reasonable support price, coupled with allotments that reflect domestic needs and export requirements, has proven over the years to be far less costly than paying farmers not to farm. Such a system allows for the costs to be passed on to the user rather than from the United States Treasury, and does not allow our foreign competitors to expand their production while we limit ours.

EMERGENCY FOOD ASSISTANCE FOR THE PHILIPPINES

Amendment No. 6: Deletes Senate language appropriating $5 million for Title II of Public Law 480 for emergency food assistance to the Philippines. The conferees have agreed that an additional $5 million should be earmarked for the Philippines out of existing Title II appropriations.

FOOD AND NUTRITION SERVICE

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides and additional $545,544,000 for the Child Nutrition programs and an additional $300,000,000 for the Feeding Program for Women, Infants and Children (WIC).

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Amendment No. 8: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Notwithstanding section 502(d) of the Housing Act of 1949, from amounts previously made available from the Rural Housing Insurance Fund, in Public Law 98-151, for fiscal year 1984, $1,610,000,000 shall be made available for low-income borrowers and $690,000,000 shall be made available for very low-income borrowers: Provided, That up to $230,000,000 may be transferred from low income amounts to very low-income amounts if the Secretary certifies that qualified applicants are available.

The Managers on the part of the Senate bill will move to concur in the amendment of the House to the amendment of the Senate.

The Conference agreement provides that 70 percent of the rural housing funds made available for fiscal year 1984 shall be available for low-income borrowers and 30 percent shall be available for very low-income borrowers. In addition, the Conference agreement provides that up to $230,000,000 of the funds may be transferred from low-income amounts to very low-income amounts if the Secretary certifies that qualified applicants are available. The conferees will also expect the Secretary to allocate funds to the respective States based on their ability to use low-income and very low-income funds, and in no case should any State's ability to use very low-income funds be restricted.

FEDERAL CROP INSURANCE CORPORATION

FEDERAL CROP INSURANCE CORPORATION FUND

Amendment No. 9: Deletes language added by the Senate providing that the Federal Crop Insurance Corporation may borrow from the Secretary of the Treasury up to $50,000,000 to enable the Corporation to discharge its responsibilities. The conferees have agreed that funds for the Federal Crop Insurance Corporation will be considered in the General Supplemental Appropriation Bill for fiscal year 1984.

UNITED STATES INFORMATION AGENCY

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $850,000 for reimbursement for activities carried out during the 1984 International Games for the Disabled.

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, for the period August 1, 1984 through September 30, 1984: Provided, That any unobligated amounts already appropriated under Public Law 98-78 shall remain available until September 30, 1984.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Notwithstanding current administrative procedures, the Secretary of the Army, acting through the Chief of Engineers, is directed to implement immediately non-structural flood control measures such as relocation sites, flood proofing and flood plain acquisition and evacuation as described in the General Plan for Section 202 Program Implementation prepared by the Ohio River Division in April 1982 and as authorized by Section 202 of Public Law 96-367: Provided, That there is hereby appropriated $21,000,000 to remain available until expended for the purposes of this paragraph.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

These funds are made available for reimbursement to Nassau County, New York and other institutions for support provided to the 1984 International Games for the Disabled.

In addition, funds are provided to pay the Civil Aeronautics Board's salaries and expenses in August and September of 1984. This amount, along with the $18,400,000 provided in Public Law 98-78 for the ten-month period ending August 1, 1984, will provide total year funding $490,000 less than originally requested in the President's fiscal year 1984 request. The amendment also allows unobligated funds to be expended during August and September.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

ECONOMIC SUPPORT FUND

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment provides $500,000 to assist El Salvador in providing protection to jurors and others involved in the criminal proceedings against those charged with the murder of the four U.S. churchwomen.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Amendment No. 12: Reported in disagreement.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment provides $7,000,000 for assistance to displaced persons in El Salvador.

CENTRAL INTELLIGENCE AGENCY

Amendment No. 14: Reported in disagreement.

DEPARTMENT OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that, within available funds, $1,000,000 shall be made available to the State of Montana for a reclamation grant for reclamation of the Colorado Tailings site in Montana.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment, amended to read as follows:

In lieu of the matter inserted by said amendment, insert the following:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and employment services", $100,000,000, for the summer youth employment and training program: Provided, That the amount appropriated hereunder shall be allocated to States so that each service delivery area composed (in whole or in part) of a geographic area served by a prime sponsor under the Comprehensive Employment and Training Act receives, as nearly as possible, an amount equal to at least 90 per centum of the amount received for the comparable geographic area for the summer youth program under such Act for the summer of 1983.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides an additional $100 million for the summer youth employment program. Special language is included to ensure that these funds are allocated so that all local areas, to the extent possible, have their summer program allocations raised to at least 90 percent of their 1983 allocations.

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

Amendment No. 17: Deletes language proposed by the Senate which would have appropriated an additional $3,400,000 for construction and renovation of academic facilities.

This amendment, as well as Senate amendments numbered 18, 28, and 32 are deleted without prejudice. It is the intention of the conferees that the matters covered by these amendments will be considered as part of a subsequent bill.

CORPORATION FOR PUBLIC BROADCASTING

Amendment No. 18: Deletes supplemental appropriations for public broadcasting for fiscal years 1984 ($15 million), 1985 ($23 million), and 1986 ($32 million) proposed by the Senate. The House bill included no funds for this purpose. The Corporation for Public Broadcasting has already received its regular appropriations for fiscal years 1985 and 1986.

Amendment No. 19: Reported in technical disagreement. Inasmuch as this amendment relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment.

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For an additional amount for the acquisition (purchase of up to eight) of high-performance, interceptor/tracker aircraft and other related equipment for drug interdiction purposes, $25,000,000, to remain available until expended: Provided, That such aircraft be purchased through an open, competitive procurement.

SALARIES AND EXPENSES

Notwithstanding any other provision of law, the Customs district headquartered at Bridgeport, Connecticut, shall be maintained as a Customs district until October 1, 1984, covering the same territory as covered by such district on January 1, 1984.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees direct the U.S. Customs Service to purchase up to eight fully-equipped high performance drug interceptor aircraft or as many fully-equipped interceptor aircraft as can be purchased with the $25,000,000 appropriated by this Act. The conferees fully expect that the purchase and retrofitting of these aircraft be accomplished through a competitive procurement.

The conferees also direct that the Customs district headquartered at Bridgeport, Connecticut, shall be maintained as a Customs district for the remainder of fiscal year 1984.

GENERAL PROVISIONS

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate inserting the center heading "General Provisions".

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment provides that no foreign assistance funds may be made available for Panama if there is a disruption or cancellation by the Armed Forces of Panama of the general election held May 6, 1984.

Amendment No. 23: Deletes a general provision proposed by the Senate that would have provided for an adjustment in the rate of pay for United States Magistrates. This matter is addressed in Public Law 98-271.

Amendment No. 24: Deletes the language proposed by the Senate which would have prohibited the use of Department of Defense operation and maintenance funds from being used to construct, modify or improve permanent military facilities in Honduras unless specifically authorized and appropriated by Congress or unless the President determined that such construction, modification or improvement was needed because of an unforeseen emergency and he notified the appropriate Committees of Congress.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which disapproves Deferral No. D84-50. This will release funds for construction activity for the Cumberland Gap bypass tunnel which were provided in Public Law 98-146.

Amendment No. 26: Deletes sense of the Senate language which would have deferred the consideration of imposition of a moratorium on oil mergers until additional hearings are completed by certain Senate committees and a study of the impact of such mergers is completed and reported to the Senate.

COMMODITY CREDIT CORPORATION

EXPORT CREDIT GUARANTEES

Amendment No. 27: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

COMMODITY CREDIT CORPORATION EXPORT CREDIT GUARANTEES

SEC. 106. (a) The Secretary of Agriculture shall utilize the authorities provided in the Charter of the Commodity Credit Corporation to expand the export of United States agricultural commodities through competitive sales, including shipping costs and credit terms, and donations as authorized by law. In carrying out the authorities and responsibilities imposed by the Charter, the Secretary shall assist in the financing of export sales of United States agricultural products, either through direct or guaranteed loans. The Secretary shall use the Commodity Credit Corporation, a revolving fund capitalized at $25,000,000,000, to make available under the export credit program carried out by the Corporation short-term credit to finance export sales of United States agricultural commodities, and shall also use such other authorities as necessary to regain the rightful share of world markets for United States agricultural commodities.

(b) For the fiscal year ending September 30, 1985, the Secretary of Agriculture shall make available under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation credit guarantees for not less than $5,000,000,000 in short-term credit extended to finance export sales of United States agricultural commodities.

(c) The Secretary shall ensure that any guarantee authority made available, in the fiscal years ending September 30, 1984, and September 30, 1985, for credit guarantees under the Export Credit Guarantee Program (GSM-102) carried out by the Commodity Credit Corporation in excess of—

(1) the $4,000,000,000 of guarantee authority available for fiscal year ending September 30, 1984, and

(2) the level of guarantee authority contained in the President's budget for the fiscal year ending September 30, 1985.

is used to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products, including natural fiber textiles and yarns.

Priority in the allocation of such guarantee authority shall be given to credit guarantees that facilitate the financing of (i) export sales to countries that have demonstrated the greatest repayment capability under the export credit programs carried out by the Commodity Credit Corporation or (ii) export sales of commodities for which no blended credit (under which a combination of export credit guarantees under the GSM-102 program and direct export credits under the GSM-5 program is provided) will be made available.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement contains language specifying that the Commodity Credit Corporation shall exercise its authorities under its Charter to expand the export of United States agricultural commodities through competitive sales, which include shipping costs and credit terms, or donations as authorized by law. In addition, the conference agreement provides that the Commodity Credit Corporation shall guarantee not less than $5,000,000,000 in short term credit loans for the purposes of expanding the export sales of United States agricultural commodities.

WORK INCENTIVES PROGRAM

Amendment No. 28: Deletes language proposed by the Senate which would have amended the Social Security Act with respect to the Work Incentives (WIN) demonstration program. The House bill included no similar language.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment requires that the President transmit to the Congress a report on the location of military equipment transferred since 1980 from the United States to El Salvador and on the location of Salvadoran military personnel trained with United States funds.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment provides that funds appropriated for El Salvador may not be obligated or expended if the duly elected President of El Salvador is prevented from taking office or deposed from office by military force or decree, unless these funds are reappropriated.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment is a sense of the Senate provision that finds that the United States should immediately provide additional military equipment to El Salvador to provide protection for the runoff election and to suppress guerrilla terrorism. The managers on the part of the House are including this amendment as a courtesy to the Senate and a reaffirmation of the right of both bodies to express their own opinions through individually passed resolutions.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Amendment No. 32: Deletes language proposed by the Senate relating to the distribution of funds appropriated for fiscal year 1984 under the heading "School Assistance in Federally Affected Areas."

Amendment No. 33: Deletes, without prejudice, language proposed by the Senate relating to the Bonneville Lock and Dam, Oregon and Washington project and the Gallipolis Locks and Dam, Ohio and West Virginia project.

Once again, in an effort to work with the Public Works and Transportation Committee in the House, and the Environment and Public Works Committee in the Senate, the conferees have reluctantly agreed not to include language proposed by the Senate which would authorize the construction of critical improvements at Bonneville Lock and Dam in Oregon and Gallipolis Locks and Dam in West Virginia and Ohio.

The last water resources development bill was signed into law in 1976. The last true construction authorization bill was signed into law in December 1970. The 1974 and

1976 Acts consisted primarily of authorizations for advanced engineering and design of projects rather than construction. As a result, over this 14-year period, a very large backlog of proposed water resource projects has accumulated and the need has become more critical. In light of such an extended period with little or no opportunity to move critically important water resources projects into the construction phase, the pressure to include authorizations on appropriations measures has continued to increase. Given the need to address the critical infrastructure requirements of the Nation. The conferees believe that it is necessary to expedite the process so that the resultant benefits can be realized as soon as possible. If in September 1984 there is no omnibus authorization bill or there is no likelihood of enactment, the Committees on Appropriations expect to present for consideration these and other high priority projects.

The conferees direct the Corps of Engineers to use existing funds to prepare plans and specifications for the new lock at Bonneville and the replacement of locks and access canal at Gallipolis Locks and Dam.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 113. (a) Notwithstanding any other provision of law, organizations reporting to the Assistant Secretary of Interior for Fish and Wildlife and Parks shall enter into contracts which result in releasing or transferring any Federal employees or liquidating any equipment or materials as a result of complying with the Office of Management and Budget Circular A-76 for the 62 activities scheduled for review by the National Park Service by March 30, 1984, and the 94 activities scheduled for review by the United States Fish and Wildlife Service by September 30, 1984, only after the following conditions have been met:

(1) the study supporting each contract required by the Office of Management and Budget Circular A-76 is completed, including the bidding process and review of bids;

(2) the organizations have had 30 days to review the bid results and to transmit recommendations to the appropriate House and Senate Committees as to which activities should be contracted; and

(3) 30 days have elapsed since the transmittal required by paragraph (2).

(b) All recommendations to be submitted shall be submitted by October 30, 1984.

(c) The organizations shall not solicit bids related to other Circular A-76 reviews before January 30, 1985.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The A-76 review process imposed on the National Park Service and the United States Fish and Wildlife Service is cumbersome, time consuming and costly. There is no assurance that once the reviews are completed that the activity will be contracted out. This action will permit the reviews these organizations have agreed to make to be accomplished and evaluated on a schedule which will permit the work of operating parks and refuges to proceed this summer without the loss of needed personnel. It will also provide interested committees with more time to review the process and the consequences associated with compliance with A-76

The appropriate committees are those which authorize the Park Service and the Fish and Wildlife Service and the Appropriations Committees in the House of Representatives and the Senate. Solicitation of bids means the printing of notice in official newspapers or magazines used to provide official notice of legal government procurement actions.

Amendment No. 35: Deletes language proposed by the Senate which would have provided a sense of the Congress finding that the Seabee Team program for Africa be reactivated to assist in building infrastructure in rural areas and sets out certain conditions and terms for its operation. The managers are deferring this amendment without prejudice and request that the administration provide further information regarding the program in order that it can be considered at a future date.

EMERGENCY ASSISTANCE TO GUATEMALAN REFUGEES

Amendment No. 36: Deletes Senate language expressing the sense of the Congress that in cooperation with the Government of Mexico, surplus wheat and dairy products shall be used on an expedited basis to make commodities available to help feed Guatemalan refugees in Mexico. The conferees have agreed that such assistance should be provided to Guatemalan refugees and will expect that surplus agricultural commodities will be made available for such humanitarian efforts.

CONFERENCE TOTAL—WITH COMPARISON

The total new budget (obligational) authority for fiscal year 1984 recommended by the Committee of Conference, with comparison to the fiscal year 1984 budget estimates follow:

Budget estimates of new budget (obligational) authority considered by the conferees [1]	$779,591,000
Conference agreement [2]	1,061,955,000
Conference agreement compared with conference considered budget estimates	+282,364,000

[1] Does not reflect budget estimates in the amount of $113,750,000 for amendments in true disagreement.

[2] Reflects position of House conferees for amendments in true disagreement.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
CLARENCE D. LONG,
SIDNEY R. YATES,
EDWARD R. ROYBAL,
TOM BEVILL,
VIC FAZIO,
SILVIO O. CONTE,
JOSEPH M. MCDADE,
JOHN T. MYERS,
J. KENNETH ROBINSON,
JACK F. KEMP,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
LOWELL P. WEICKER, JR.,
THAD COCHRAN,
ROBERT KASTEN,
JOHN C. STENNIS,
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BATEMAN) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 60 minutes, today.

Mr. LUNGREN, for 60 minutes, on May 24.

(The following Members (at the request of Mr. RAY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. TAUZIN, for 60 minutes, on May 30.

Mr. ECKART, for 60 minutes, on May 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FORD of Michigan, immediately preceding the vote on the Bethune amendment to H.R. 5167 in the Committee of the Whole today.

Mr. BATEMAN, prior to the vote on the Bethune amendment to H.R. 5167 in the Committee of the Whole today.

Mr. LAFALCE, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,455.

Mr. LAFALCE, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,637.50.

Mr. SLATTERY, to revise and extend at this point in the RECORD.

(The following Members (at the request of Mr. BATEMAN) and to include extraneous matter:)

Mr. COATS in two instances.

Mr. BROOMFIELD in three instances

Mr. DAUB in two instances.

Mr. GRADISON.

Mr. DANNEMEYER.

Mr. PAUL in two instances.

Mr. GEKAS in two instances.

Mr. LENT.

Mr. HORTON.

Mr. WINN.

Mr. CONABLE.

Mr. GREEN.

Mr. YOUNG of Alaska in three instances.

Mr. GUNDERSON.

Mr. COURTER.

Mr. WOLF.

Mr. PHILIP M. CRANE.

Mr. BETHUNE.

Mr. DAVIS.

Mr. PORTER.

(The following Members (at the request of Mr. RAY) and to include extraneous matter:)

Mr. BARNES.
Mr. SOLARZ in two instances.
Mr. ANNUNZIO.
Mr. NICHOLS.
Mr. LAFALCE.
Mr. PEPPER in two instances.
Mr. OBEY.
Mrs. SCHROEDER.
Mr. WIRTH.
Mr. HAMILTON.
Mr. KOLTER.
Mr. FAUNTROY.
Mr. OTTINGER.
Mr. COELHO.
Mr. WYDEN.
Mr. BERMAN.
Mr. GARCIA.
Mrs. LLOYD.
Mr. WON PAT.
Mr. RANGEL.
Mr. LONG of Maryland.
Mr. HOYER in two instances.
Mr. WAXMAN.
Mr. ACKERMAN.
Mr. DINGELL in two instances.
Mr. FASCELL.
Ms. OAKAR.
Mr. MINETA.
Mr. EDGAR.
Ms. MIKULSKI.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 285. Joint resolution to designate June 13, 1984, as "Harmon Killebrew Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 165. Joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws; to the Committee on Post Office and Civil Service.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on May 16, 1984, present to the President, for his approval, bills of the House of the following titles:

H.R. 2211. An act to exempt electric and telephone facilities assisted under the Rural Electrification Act from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976; and

H.R. 5576. An act to designate certain land and improvements of the National Institutes of Health as the "Mary Woodard Lasker Center for Health and Education".

ADJOURNMENT

Mr. ECKART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, May 21, 1984, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4280. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes; with an amendment (Rept. No. 98-655 Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on preparing for the next energy crisis: DOE's management of the international oil sharing test (Rept. No. 98-786). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5048. A bill to authorize appropriations for the Department of Energy for civilian applications for fiscal years 1985 and 1986, and for other purposes, with an amendment (Rept. No. 98-787, Pt. I). Ordered to be printed.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 501. Resolution waiving certain points of order against H.R. 5653, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes. (Rept. No. 98-788).

Mr. MOAKLEY: Committee on Rules. House Resolution 502. Resolution providing for the consideration of H.R. 5504, a bill to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the relocation assistance program, and for other purposes (Rept. 98-789). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 503. Resolution providing for the consideration of H.R. 5665, a bill to provide for a temporary increase in the public debt limit, and for other purposes (Rept. 98-790). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 504. Resolution providing for the consideration of H.R. 4784, a bill to reform the remedies available to United States producers regarding unfair import competition, and for other purposes (Rept. 98-791). Referred to the House Calendar.

Mr. WHITTEN. Committee of Conference. Conference report on House Joint Resolution 492 (Rept. 98-792). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BETHUNE:

H.R. 5671. A bill to increase revenues to counties from receipts from the national forests, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. COELHO:

H.R. 5672. A bill to provide that the tax exemption for the Easter Seal Society of Central California shall be treated as taking effect on the date of its incorporation; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. GIBBONS, Mr. DUNCAN, Mr. FLIPPO, Mr. FRENZEL, Mr. MATSUI, and Mr. VANDER JAGT):

H.R. 5673. A bill to amend the Internal Revenue Code of 1954 to repeal capital gains tax on disposition of investments in U.S. real property by foreign citizens; to the Committee on Ways and Means.

By Mr. DAVIS (for himself, Mr. YOUNG of Alaska, Mr. SNYDER, Mr. BIAGGI, and Mr. FRANKLIN):

H.R. 5674. A bill to amend the Inland Navigational Rules Act of 1980; to the Committee on Merchant Marines and Fisheries.

By Mr. EVANS of Illinois:

H.R. 5675. A bill to require the Administrator of Veterans' Affairs to submit a report on alternatives for providing Federal assistance to certain civilians who served in Southeast Asia during the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. GOODLING:

H.R. 5676. A bill to eliminate cost-of-living adjustments under the civil service retirement system for former Members of Congress until 1987; to the Committee on Post Office and Civil Service.

By Mr. GREEN:

H.R. 5677. A bill to provide reimbursement to States and their political subdivisions for revenues lost by virtue of the exemption of foreign diplomatic and consular missions and international organizations from real property taxes; to the Committee on Government Operations.

By Mr. TAUZIN (for himself, Mr. ECKART, Mr. WRIGHT, Mr. STENHOLM, Mr. ROEMER, Mr. LOTT, Mr. ALEXANDER, Mr. MOORE, Mr. WYDEN, Mr. HUBBARD, Mrs. BOGGS, Mr. SLATTERY, Mr. LENT, Mr. GLICKMAN, Mrs. LLOYD, Mr. DANNEMEYER, Mr. BREAUX, Mr. DYSON, Mr. RAHALL, Mr. LONG of Louisiana, Mr. ALBOSTA, Mr. FIELDS, Mr. BIAGGI, Mr. HUCKABY, Mr. FLORIO, Mr. RALPH M. HALL, Mr. KRAMER, Mr. LIVINGSTON, Mr. MCKERNAN, Mrs. MARTIN of Illinois, Mr. NIELSON of Utah, Mr. ORTIZ, Mr. REID, Mr. SENSENBRENNER, Mr. SOLOMON, Mr. TALLON, Mr. VANDERGRIFF, Mr. DOWDY of Mississippi, Mr. TAUKE, Mr. YOUNG of Alaska, Mr. BOSCO, Mr. BLILEY, Mr. ANDREWS of Texas, Mrs. BYRON, Mr. DEWINE, Mr. DYMALLY, Mr. KINDNESS, Mr. LUKEN, Mr. NELSON of Florida, Mr. PAUL, Mr. RICHARDSON, Mr. SHELBY, Mr. STANGELAND, Mr. WEBER, Mr. HUTTO, Mr. CAMPBELL, Mr. PATMAN, Mr. BATES, Mr. SIKORSKI, Mr. EMERSON, Mr. MCCURDY, Mr. ENGLISH, and Mr. HIGHTOWER):

H.R. 5678. A bill to provide that interest earned on certain passbook savings accounts shall be excluded from gross income of the taxpayer as an incentive to taxpayers to increase savings in local banks and savings in-

stitutions; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself and Mr. BARNARD):

H.R. 5679. A bill to deregulate interest rate ceilings on business, agricultural, and consumer credit transactions; to the Committee on Banking, Finance and Urban Affairs.

By Ms. OAKAR (for herself, Mrs. SCHROEDER, and Mr. HOYER):

H.R. 5680. A bill to promote pay equity and to eliminate certain discriminatory wage-setting practices within the Federal civil service; to establish a performance management and recognition system; to improve the Senior Executive Service; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER:

H.R. 5681. A bill to limit the amount of short-term broker deposits which may be accepted by any insured depository institution; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SUNDQUIST (for himself, and Mr. GORE):

H.R. 5682. A bill to name the Veterans' Administration Medical Center in Murfreesboro, Tenn., the "Sergeant Alvin C. York Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. DE LA GARZA (for himself, Mr. FASCELL, Mr. BROOMFIELD, Mr. MADIGAN, Mr. FOLEY, Mr. AKAKA, Mr. BARNES, Mr. BATES, Mr. BEDELL, Mrs. BOXER, Mr. BROWN of California, Mr. CHAPPIE, Mr. COELHO, Mr. COLEMAN of Missouri, Mr. CONTE, Mr. CROCKETT, Mr. DASCHLE, Mr. DIXON, Mr. DORGAN, Mr. DURBIN, Mr. DYMALLY, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FAZIO, Mr. FRANKLIN, Mr. GARCIA, Mr. GEJDENSON, Mr. GILMAN, Mr. GUNDERSON, Mr. HANSEN of Idaho, Mr. HARKIN, Mr. HATCHER, Mr. HOPKINS, Mr. HUCKABY, Mr. HYDE, Mr. JEFFORDS, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KINDNESS, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LOWRY of Washington, Mr. MOODY, Mr. MORRISON of Washington, Mr. OBERSTAR, Mr. OLIN, Mr. OWENS, Mr. PANETTA, Mr. PASHAYAN, Mr. PATMAN, Mr. PRITCHARD, Mr. RANGEL, Mr. ROBERTS, Mr. ROE, Mr. ROSE, Mr. SIMON, Mr. SKEEN, Mr. ROBERT F. SMITH, Mr. SMITH of Florida, Mrs. SMITH of Nebraska, Mr. SOLARZ, Mr. STAGGERS, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. VENTO, Mr. VOLKMER, Mr. WATKINS, Mr. WEAVER, Mr. WEBER, Mr. WHEAT, Mr. WINN, Mr. WORTLEY, Mr. YATRON, and Mr. ZSCHAU):

H.J. Res. 572. Joint resolution to proclaim July 10, 1984, "Food for Peace Day"; to the Committee on Post Office and Civil Service.

By Mr. BARNES (for himself, Mr. LAGOMARSINO, and Mr. GEJDENSON):

H. Con. Res. 309. Concurrent resolution to condemn the closing of ABC Color, the only independent newspaper in Paraguay, and to urge the Government of Paraguay to permit the reopening of that newspaper and to guarantee freedom of the press; to the Committee on Foreign Affairs.

By Mr. DONNELLY (for himself and Mr. FOLEY):

H. Con. Res. 310. Concurrent resolution expressing the sense of the Congress that the participants in the New Ireland Forum are to be commended for their efforts to bring about genuine progress in the search for a just and peaceful solution to the problems of Northern Ireland; to the Committee on Foreign Affairs.

By Mr. MICHEL (for himself, Mr. LOTT, Mr. KEMP, Mr. CHENEY, and Mr. LEWIS of California):

H. Res. 500. Resolution to amend the Rules of the House of Representatives to provide for the periodic visual broadcast coverage of the entire House Chamber on a uniform basis throughout each day's proceedings; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HUBBARD introduced a bill (H.R. 5683) to direct the Administrator of General Services to convey certain real property in Virginia Beach, Va., to Harold L. Jackson and Anne A. Jackson, which was referred to the Committee on the Government Operations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 287: Mr. ROTH.

H.R. 1011: Mr. HEFTEL of Hawaii.

H.R. 1015: Ms. OAKAR.

H.R. 1315: Mr. MCDADE and Mr. WALGREN.

H.R. 2852: Mr. BERMAN and Mr. LEHMAN of Florida.

H.R. 3150: Mr. GRAMM and Mr. ANDREWS of Texas.

H.R. 3282: Mr. ROE.

H.R. 3487: Mr. BREAUX, Mr. D'AMOURS, Mr. DINGELL, Mr. HARKIN, Mr. LEACH of Iowa, Mrs. SMITH of Nebraska, Ms. SNOWE, Mr. THOMAS of California, Mrs. VUCANOVICH, and Mr. HANCE.

H.R. 3942: Mr. WHITEHURST, Mr. HEFTEL of Hawaii, Mr. HORTON, Mr. HYDE, Mr. JEFFORDS, Mr. WON PAT, Mr. SMITH of Florida, Mr. BEVILL, Mr. PHILIP M. CRANE, Mr. STOKES, Mr. SKEEN, Mr. NIELSON of Utah, Mr. STENHOLM, Mr. MATSUI, Mr. LANTOS, Mr. KRAMER, Ms. OAKAR, Mr. HANSEN of Idaho, Mr. LONG of Maryland, Ms. FIEDLER, Mr. FISH, Mr. CORRADA, Mr. TALLON, Mr. MURPHY, Mr. UDALL, Mr. KEMP, Mr. MORRISON of Washington, Mrs. BOXER, Mr. FLIPPO, Mr. LELAND, and Mr. GINGRICH.

H.R. 3979: Mr. SIKORSKI.

H.R. 4005: Mr. NEAL and Mr. BEREUTER.

H.R. 4093: Mr. HARKIN and Mr. KOLTER.

H.R. 4392: Mr. CLINGER.

H.R. 4427: Mr. BADHAM and Mr. SHUMWAY.

H.R. 4459: Mr. YATRON and Mr. BARNES.

H.R. 4475: Mr. SOLOMON.

H.R. 4571: Mr. LIPINSKI.

H.R. 4590: Mr. CAMPBELL.

H.R. 4594: Mr. MCNULTY.

H.R. 4673: Mr. HERTEL of Michigan, Mr. ECKART, Mr. HORTON, Ms. OAKAR, and Mr. ENGLISH.

H.R. 4681: Mr. EVANS of Illinois and Mr. MCHUGH.

H.R. 4772: Mr. HARKIN, Mr. DAVIS, and Mr. RANGEL.

H.R. 4851: Mr. CROCKETT, Mr. SHUMWAY, Mr. BROWN of California, Mr. MRAZEK, Mr. MINETA, Mr. BARNES, Mr. GUARINI, Mr. TOWNS, Mr. HUGHES, Ms. OAKAR, Mr. PRITCHARD, and Mr. AKAKA.

H.R. 4966: Mr. CONYERS and Mr. RINALDO.

H.R. 5081: Mr. AKAKA, Mr. ALBOSTA, Mr. BONIOR of Michigan, Mr. BRYANT, Mr. DEWINE, Mr. DIXON, Mr. DUNCAN, Mr. GOODLING, Mr. RALPH M. HALL, Mr. HAWKINS, Mrs. HOLT, Mr. HUNTER, Mr. LONG of Louisiana, Mr. LUJAN, Mr. MARTINEZ, Mr. NATCHER, Mr. ROGERS, Mr. SAWYER, Mr. ST GERMAIN, Mr. TRAXLER, Mr. VOLKMER, and Mr. WRIGHT.

H.R. 5166: Mr. WISE and Mr. TALLON.

H.R. 5173: Mr. BORSKI.

H.R. 5229: Mr. KOGOVSEK.

H.R. 5383: Mr. HUGHES, Mr. MILLER of California, Mr. MAZZOLI, Mr. WOLF, Mr. LEVIN of Michigan, Mr. BEILENSON, Mr. NELSON of Florida, Mr. LEHMAN of Florida, Mr. WHITEHURST, Mr. ZSCHAU, Mrs. BOXER, Mr. DEWINE, Mr. LIPINSKI, Mr. COURTER, and Mr. MCCLOSKEY.

H.R. 5341: Mr. MINISH, Mr. RANGEL, Mrs. BOXER, Mr. HAYES, and Mr. BROWN of California.

H.R. 5396: Mr. WILSON.

H.R. 5403: Mrs. BOXER.

H.R. 5457: Mr. ALBOSTA.

H.R. 5503: Mr. BEVILL, Mr. LUKEN, and Ms. OAKAR.

H.R. 5529: Mr. FISH, Mr. FUQUA, Mr. FRENZEL, Mr. ROBERTS, Mr. DURBIN, Mr. WEBER, Mr. TAUKE, Mr. VOLKMER, Mr. ROBERT F. SMITH, Mr. HYDE, Mr. STENHOLM, and Mr. HIGHTOWER.

H.R. 5545: Mr. DYMALLY, Mr. STOKES, Mr. CONYERS, Mr. MITCHELL, Mr. MINETA, Mr. RATCHFORD, Mr. HAWKINS, Mr. HAYES, Mrs. HALL of Indiana, Mr. LAFALCE, Mr. GARCIA, Mr. LUKEN, Ms. KAPTUR, and Mr. ECKART.

H.R. 5547: Mr. ALBOSTA.

H.R. 5548: Mr. ALBOSTA.

H.R. 5577: Mr. DOWNEY of New York, Mr. WEAVER, Mr. DELLUMS, Mr. CONYERS, Mr. OWENS, Mr. COELHO, Mr. LELAND, Mr. FORD of Michigan, Mr. BATES, Mr. RATCHFORD, Mr. RANGEL, Mr. EDWARDS of California, Mr. BEDELL, Mr. LUNDINE, Mr. LEVINE of California, Mr. FAZIO, Mr. VENTO, and Mr. LUKEN.

H.R. 5593: Mr. WALGREN, Mr. DANIEL B. CRANE, Mr. GORE, Mr. MOLLOHAN, Mr. APPLEGATE, and Mr. BATEMAN.

H.R. 5643: Mr. BARNARD, Mr. FRANK, and Mr. MITCHELL.

H.J. Res. 174: Mr. BARNARD, Mr. MORRISON of Connecticut, and Mr. NATCHER.

H.J. Res. 281: Mr. ACKERMAN, Mr. BETHUNE, Mr. MARTIN of New York, Mr. MURPHY, Mr. CONYERS, Mr. LEWIS of Florida, Mr. DREIER of California, and Mr. GEKAS.

H.J. Res. 332: Mr. ACKERMAN, Mr. ANDERSON, Mr. ANDREWS of North Carolina, Mr. ANTHONY, Mr. APPLEGATE, Mr. BARNES, Mr. BATES, Mr. BEDELL, Mr. BETHUNE, Mr. BLILEY, Mr. BONER of Tennessee, Mrs. BOXER, Mr. BROWN of California, Mr. BURTON of Indiana, Mr. CHANDLER, Mr. CONABLE, Mr. CONYERS, Mr. COOPER, Mr. COUGHLIN, Mr. COYNE, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAUB, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKINSON, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. DYSON, Mr. EDGAR, Mr. EDWARDS of Oklahoma, Mr. ERDREICH, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FORD of Michigan, Mr. FRENZEL, Mr. GEJDENSON, Mr. GEKAS, Mr. GOODLING, Mr. GUARINI, Mr. SAM B. HALL, JR., Mr. HANSEN of Idaho, Mr. HARKIN, Mr. HARRISON, Mr. HATCHER, Mr. HAYES, Mr. HEFNER, Mr. HUTTO, Mr. HYDE, Mr. JEFFORDS, Ms. KAPTUR, Mr. KASICH, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LATTA, Mr. LEACH of Iowa, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California,

Mrs. LLOYD, Mr. LONG of Maryland, Mr. LOWRY of Washington, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCEWEN, Mr. MADIGAN, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MOAKLEY, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. MURPHY, Mr. NEAL, Ms. OAKAR, Mr. O'BRIEN, Mr. ORTIZ, Mr. OXLEY. Mr. PASHAYAN, Mr. PATTERSON, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. REID, Mr. RINALDO, Mr. RITTER, Mr. ROBERTS, Mr. ROE, Mr. ROEMER, Mr. ROTH, Mr. ROWLAND, Mr. SAVAGE, Mr. SCHAEFER, Mr. SHUMWAY, Mr. SIKORSKI, Mr. SIMON, Mr. SISISKY, Mr. SMITH of Florida, Ms. SNOWE, Mr. STOKES, Mr. THOMAS of California, Mr. UDALL, Mr. VALENTINE, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WALKER, Mr. WHEAT, Mr. WILLIAMS of Ohio, Mr. WIRTH, Mr. WORTLEY, and Mr. WYLIE.

H.J. Res. 476: Mr. BEREUTER, Mr. SWIFT, and Mr. DWYER of New Jersey.

H.J. Res. 488: Ms. OAKAR.

H.J. Res. 497: Mr. SIKORSKI, Mr. SHUSTER, Mr. CROCKETT, Mr. KLECZKA, Mr. KAZEN, Mr. FIELDS, Mr. LATTA, Mr. YOUNG of Missouri, Mr. DERRICK, and Mr. KASICH.

H.J. Res. 504; Mr. WEAVER, Mr. THOMAS of Georgia, and Mrs. LLOYD.

H.J. Res. 525: Mr. MOORE, Mr. ROWLAND, Mr. HORTON, Mr. ALEXANDER, Mr. PORTER, Mr. EDWARDS of Alabama, Mr. HARKIN, Mr. BARNES, Mr. DUNCAN, Mr. HEFNER, Mr. CLARKE, Mr. BETHUNE, Mr. SUNIA, Mr. CROCKETT, Mr. SIKORSKI, Mr. EDWARDS of Oklahoma, Mr. TORRICELLI, Mr. SNYDER, Mr. HOYER, Mr. TOWNS, Mr. FRANK, Mr. RANGEL, and Mr. ANDREWS of North Carolina.

H.J. Res. 527: Mr. LANTOS.

H.J. Res. 528: Mr. HUTTO, Mr. HYDE, Mr. EDGAR, Mr. LONG of Louisiana, Mr. LIVINGSTON, Mr. CHANDLER, Mr. REID, Mr. HORTON, Mr. KLECZKA, Mr. ANDREWS of North Carolina, Ms. KAPTUR, Mr. DWYER of New Jersey, Mr. PORTER, Mr. CROCKETT, Mrs. JOHNSON, Mr. LONG of Maryland, Mr. ARCHER, and Mr. STRATTON.

H.J. Res. 532: Mr. ANDREWS of North Carolina, Mr. HOPKINS, Mr. ST GERMAIN, Mr. STAGGERS, Mr. FEIGHAN, Mr. RUSSO, and Mr. ORTIZ.

H.J. Res. 546: Mr. CAMPBELL, Mr. FROST, Mr. HORTON, Mr. GREEN, Mrs. BOXER, Mr. GOODLING, Mr. LAFALCE, and Mr. HYDE.

H.J. Res. 567: Mr. CONTE, Mr. WILSON, Mr. GUNDERSON, Mr. OWENS, Mr. SAVAGE, Mr. KLECZKA, and Mr. HAYES.

H. Con. Res. 226: Mr. FUQUA, Mrs. KENNELLY, and Mr. ORTIZ.

H. Con. Res. 293: Mr. PEASE, Mr. STOKES, Mr. KILDEE, Mr. DWYER of New Jersey, Mr. KOSTMAYER, Mr. APPLEGATE, Mr. OWENS, Mrs. HALL of Indiana, Mr. DOWNEY of New York, Mr. SEIBERLING, and Mr. HUGHES.

H. Con. Res. 301: Mr. WINN, Mr. WOLF, Mr. STENHOLM, and Mr. GREEN.

H. Res. 496: Ms. KAPTUR, Mr. EVANS of Illinois, Mr. GOODLING, and Mr. BEDELL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 473: Mr. BATES.

PETITIONS, ETC.

Under clause 1 of rule XXII:

366. The SPEAKER presented a petition of the Reverend William J. Richard, Jr., et al, Indiana, Pa., relative to Central America; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5167

By Mr. ROSE:

—At the end of the bill add the following new section:

PROHIBITION OF CONDUCTING WOUND-TREATMENT TRAINING ON ANIMALS

SEC. . (a) Chapter 101 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2006. Wound-treatment training using animals: prohibition

"No funds available to the Department of Defense may be used to carry out any training in the treatment of ballistics wounds that involves the use of live animals as subjects.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2006. Wound-treatment training using animals: prohibition.".

By Mr. SHUMWAY:

—At the end of the bill add the following new section:

SALE OF AMMUNITION FOR AVALANCHE-CONTROL PURPOSES

SEC. . (a)(1) Chapter 441 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 4657. Sale of ammunition for avalanche-control purposes

"Subject to the needs of the Army, the Secretary of the Army may sell ammunition for military weapons which are used for avalanche-control purposes to any State (or entity of a State) or to any other non-Federal entity that has been authorized by a State to use those weapons in that State for avalanche-control purposes. Sales of ammunition under this section shall be on a reimbursable basis and shall be subject to the condition that the ammunition be used only for avalanche-control purposes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"4657. Sale of ammunition for avalanche-control purposes.".

(b) Section 4657 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1984.

EXTENSIONS OF REMARKS

SCHOOL FACILITIES CHILD CARE ACT

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Ms. FERRARO. Mr. Speaker, earlier this week, the House unanimously adopted H.R. 4193, the School Facilities Child Care Act, which I introduced just 8 months ago with two of my colleagues.

Because I was in Los Angeles, chairing a regional hearing of the Democratic Platform Committee, I was unable to participate in the discussion at that time.

I did want, first of all, to commend the gentlewomen from California, SALA BURTON, and the gentlewomen from Colorado, PATRICIA SCHROEDER, for their leadership on this bill. The media has popularized the image of the lonely school kid, cowering in an empty locked house because there is nothing else to do and his or her parents are at work. It was up to us to change that picture, with the help of the parents, public schools and community agencies that quickly and effectively rallied to this cause.

One of the key functions of our Federal Government is to use this Nation's human and physical resources to solve problems that are not being addressed. That is exactly what our bill seeks to do. We have the facilities—underutilized school buildings and community centers—and we have the human resources—parents, teachers and community groups eager to meet the pressing needs of young children. What we needed, and what we have in this legislation, is a catalyst, an inexpensive catalyst which brings schools, community agencies, and children together in a partnership. By spending just $30 million a year, this legislation would encourage the creation of before and after-school activities, at low cost, for children in urban, rural, and suburban settings.

It is estimated that some 6 million children of school age are left unsupervised for part of the day because their parents are at work and their schools and neighborhood facilities have provided no alternative.

This legislation will not solve the entire problem but it shows the way to solutions. And it is a commitment to the welfare of children of all ages, at a time when the rapid growth of single parent households and the changing nature of our work force have made child care concern we all must share.

While in Los Angeles, I visited a child care center called Centro de Ninos, which serves the Hispanic community. The center has room for 120 children. There are 2,300 childern on its waiting list. What do the parents do who cannot get their children in? In one case, I was told, a mother was forced to leave her baby alone with her 4-year-old. The 4-year-old dropped the baby out a window to stop its crying. The baby was injured but lived.

We are not talking here about bad mothers or bad fathers. We are talking about a whole society ignoring its responsibility to our children. I hope this legislation will be the first step in a public-private partnership which will truly recognize that our children are out greatest national resource.●

I AM AN AMERICAN

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. DAUB. Mr. Speaker, recently, one of my constituents shared with me a thought-provoking piece entitled "I Am an American." Written by Charles Bongardt, a professor of law at Creighton University, in 1938, his thoughts bear reconsideration today. I am pleased to take this opportunity to share it with my colleagues:

I AM AN AMERICAN

Thou shalt not put strange gods before me. I will not adore them nor serve them. Thou shalt not compel my conscience, nor my mind, nor shalt thou compel my conduct so long as I respect the equal freedom of every other man.

1. I Am an American.—I hold that Americanism is more than creed; that Americanism is a pattern of life, designed upon these principles: Honor to God, love of neighbor, reliance upon self.

2. I Am an American.—I hold that the progress of a nation is rooted in the initiative and enterprise of the individual. I hold it contrary to the law of nature and of nature's God to withhold from me the just rewards of my labor.

3. I Am an American.—I hold that I owe of my means in a reasonable degree to the care of the underprivileged and unfortunate; that justice and charity will admit of no less; that society can rightfully demand no more; that society, in demanding more, destroys what it seeks to effect.

4. I Am an American.—I hold that the morals of a nation should equal or surpass the morals of the most upright citizen. I hold it contrary to morals to incur obligations that may not be honestly repaid.

5. I Am an American.—I hold that government derives its powers from the just and free consent of the governed. I hold that consent through inducement or constraint, through fear or favor, cannot be just nor free.

6. I Am an American.—I hold that freedom is my most precious possession; that it is the highest obligation of government to protect that freedom; and that, beyond this, government is best when it governs least.

7. I Am an American.—I hold that my freedom imposes obligations which it is my proud privilege to discharge. I hold it to be my highest obligation to fashion and work out my own destiny, and to provide for those who justly claim my support.

8. I Am an American.—I hold that I can look for the preservation of my heritage only to just laws, not to men. I hold that the law must ever be free. I hold it self-evident that the courts must be free.

9. I Am an American.—I hold that the American Constitution as interpreted by the courts is a correct expression of governmental principle. I hold that no right exists in government unreasonably to deprive me of life or of liberty or of property. I hold it self-evident that under a constitution the action of government is subject to judicial review.

10. I Am an American.—I hold it self-evident that truth is eternal, immutable and unchangable. I hold it heaven upon earth to be an American. I pray to the great God in whom I trust to spare me the errors, the mists and the tempests that fill this vale below; in His mercy and goodness to grant to me, in adversity as in prosperity, to stay what I am, an American.●

BILLIONS IN ARMS SPENDING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. OBEY. Mr. Speaker, if anyone still has a lot of faith left in the administration's dedication and capabilities in the field of arms control, I suggest they read Don Oberdorfer's article in today's Washington Post. It is an excellent summary of a dismal 3-year record in an area that is crucial to our national security.

I also recommend today's editorial in the New York Times about the MX missile and chemical weapons.

The articles follow:

[From the Washington Post, May 16, 1984]

BUILDUP HASN'T LED TO NEGOTIATING TABLE

(By Don Oberdorfer)

President Reagan came to office in January, 1981, saying that the way to make progress in arms-control negotiations with the Soviet Union was to build up American arms.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Nearly 3½ years later a massive arms buildup is well under way on both sides of the Iron Curtain, but arms-control negotiations have gotten nowhere.

The theory that U.S. arms increases are essential to obtain U.S.-Soviet arms reductions underlies the administration's case for the MX missile, which is scheduled be debated and voted on by the House today. Stopping the MX, Reagan said Monday, "would only encourage the Soviet Union to ignore our arms-control efforts."

Reagan began his military buildup almost as soon as he moved into the White House, but his first arms-control proposals—for limiting medium-range missiles in Europe—took 10 months to develop despite pressure from U.S. allies.

His first strategic arms negotiating position took about 16 months and the pressure of the domestic nuclear freeze movement.

The Soviets broke off the Euro-missile negotiations and the strategic arms talks late last year when the United States began deploying new medium-range nuclear missiles in Europe. Despite U.S. public appeals, the Soviets have shown no interest in resuming the negotiations.

Administration officials say that they consider it unlikely that the Soviets will resume bargaining before the November 6 presidential election, at the earliest.

Those two related sets of Geneva-based negotiations on nuclear weapons, though unsuccessful, provided a forum for bilateral discussion of important superpower issues. In other areas, such as nuclear testing, space weaponry, chemical weapons and sales of conventional arms to the Third World, the Reagan administration has been unable or unwilling to begin U.S.-Soviet negotiations, although extensive negotiations and some treaties and other agreements had been achieved in these fields by administrations of both parties.

Reagan and others in this administration have been critical of past arms-control agreements, referring to them as inadequate, "flawed" and lacking ironclad verification provisions. Reagan and other officials have placed their emphasis on hopes for "real" arms-reduction agreements of a more far-reaching sort which, so far, the Soviet Union has been unwilling to consider seriously.

Like previous administrations, the Reagan team was rent by internal dissension about the nature and details of arms proposals to the Soviet Union. But unlike past administrations, it refused to tailor its negotiating posture to an asessment of what Moscow had deployed, had agreed to in the past and might be willing to bargain about now.

The administration's first major arms-control proposal, in November, 1981, called for the Soviets to dismantle more than 1,000 nuclear warheads it had placed in Europe in return for U.S. agreement not to deploy missiles that had not then been produced and which European countries might not be willing to accept.

Reagan's secretary of state at the time, Alexander M. Haig, Jr., who lost an internal battle with the Pentagon over the terms of the U.S. position, wrote in his recent memoirs, "Caveat: Realism, Reagan and Foreign Policy," that this U.S. "zero option" plan was "absurd" and "not negotiable."

Moscow's position was little more forthcoming in effect insisting that no new U.S. missiles be deployed to balance the weapons the Soviets already had in Europe.

The U.S. negotiator in the Euro-missile talks, Paul Nitze, tried to make a breakthrough by working out an informal compromise in a secret "walk in the words" with his Soviet counterpart, Yuli Kvitsinsky. Nitze's effort was blocked in Washington at the behest of the Pentagon. About the same time his plan apparently was rejected in Moscow.

As the Soviet Union made one after another new position public for the European audience, Reagan in March and September of 1983 announced new U.S. proposals that edged closer to the Soviet posture. But the gap was still wide when the U.S. missiles began to be deployed and the Soviets walked out of the talks last November.

In the strategic arms area, Reagan rejected the SALT II treaty, which he had sharply criticized as a presidential candidate. But he agreed not to undercut the unratified pact so long as the Soviet Union did likewise.

On March 29 the State Department raised the possibility that the United States might abandon the negotiated SALT I and SALT II limitations at the end of 1985.

Reagan renamed the "strategic arms limitation talks" (SALT) of the Nixon, Ford and Carter administrations to take into account his more ambitious aims, calling his effort "strategic arms reduction talks" (START).

The initial START position in mid-1982, according to Haig's memoirs, called for "such drastic reductions in the Soviet [strategic weapons] inventory as to suggest that they were unnegotiable."

The main criticism by Haig and outside critics was of the U.S. insistence on massive reductions in Soviet heavy land-based missiles, which are the bulk of its nuclear arsenal, without requiring an equally big cut in the U.S. nuclear deterrent. The MX missile, for example, would be permitted under the U.S. proposal.

In October, 1983, Reagan reportedly told some members of Congress that he had not realized until recently that most of the Soviet nuclear force was in heavy, land-based missiles, adding that the proposal he had authorized and announced more than a year earlier thus might seem one-sided.

Late in 1983 Reagan approved more flexible U.S. strategic-arms proposals. But by then superpower tension had soared to high levels, and Moscow showed no interest in the proposals.

[From the New York Times, May 16, 1984]

MX, BINARIES AND BARGAINING CHIPS

The House can redress the excesses in the Administration's rearmament program this week by cancelling the MX missile and the new chemical weapons program. The best use of these worn "bargaining chips" is to trade them promptly for cash.

The MX missile's life has been one vicious circle. President Carter justified it because the silos housing Minuteman missiles seemed threatened by the increasing accuracy of Soviet missiles. But his plan to shuffle it among a slew of shelters was spurned by President Reagan, who thought it "just as vulnerable as the existing Minuteman silos." Where did Mr. Reagan finally decide to put the MX? In the existing Minuteman silos.

That's worse than standing logic on its head: it's dangerously destabilising. The MX, each of whose 10 warheads can destroy a Soviet missile in its silo, is indeed a menacing weapon. For that reason, it is also a highly tempting first-strike target.

In any case, the MX is a far cry from its original billing as a weapon to close America's "window of vulnerability." Like other dubious weapons, its function was reduced last year to a "bargaining chip" to be traded away at the negotiating table. Now that the Soviets have stalked away from the table, its mission is simply to tempt them back.

Negotiating from weakness is poor strategy but the Administration modernizing almost every part of the strategic forces. The MX is among the most expendable. Cancelling it would save $20 billion, $2.5 billion of it in fiscal 1985.

The uncertain value of bargaining chips was recently underscored also in the case of chemical weapons. Congress has repeatedly refused the Administration's request to start production of binary chemical weapons. Yet even without this chip, the Administration secured a Soviet offer of on-site inspectors to verify destruction of chemical stockpiles. Could restraint also have a place among effective negotiating tools?

The Army's arsenal of chemical weapons is ample and in good shape. Binary weapons would deliver the identical chemicals but are somewhat safer to handle. Though their military advantage is trival, production could give the Soviet Union an excuse to intensify the chemical arms race and thus the interest of third-world nations in these cheap and abhorrent weapons.

The Soviet build-up of offensive strategic weapons in the 1970's was so excessive that an American response became essential. It is firmly underway, but includes programs like the MX and binary weapons that have been carried forward by inertia. not merit. By pruning the military authorization bill of its excesses, the House can both reduce the deficit and increase security.●

THE SUPPRESSION OF RELIGION IN NICARAGUA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. BROOMFIELD. Mr. Speaker, I am deeply disturbed by yet another tragic incident involving a member of the clergy in Nicaragua. The recent torture and maiming of Prudencio de Jesus Baltodano Silva, a Nicaraguan preacher, is a clear violation of human rights and basic justice. It is absolute proof that the Government of Nicaragua is determined to crush all religious groups in that country.

The recent attack on the evangelical clergyman is one of the many sad violations of human rights in Nicaragua. I am sure that my colleagues know the details of how the Sandinistas took control after coming to power in 1979 and set up their police state. Commandante Ortega and company started a program of internal repression of democratic groups, trade unions, and civic groups. The right to dissent was quickly denied along with freedom of the press and the right of assembly.

When the Sandinistas first began to pressure the Catholic Church in Nicaragua in 1982, Catholic students in Masaya, Nicaragua, protested against the government's treatment of a young priest, Father Bismarck Car-

ballo. He had been forced to strip and was filmed by a Sandinista camera team. Some of the student protesters seized a military post and the local headquarters of the Sandinista Neighborhood Defense Committee, the civilian groups that police their neighborhood and denounce suspected counterrevolutionaries to the authorities. A number of students were killed during these demonstrations.

The Department of State advises that the Nicaraguan Government established and fostered the spread of the Popular Church to oppose the existing Catholic institutions in that country. During the Pope's recent visit to Managua, he was jeered and mocked by Sandinista supporters who pretended that they had come to attend the Pope's mass. The Catholic Church has also been denied access to Nicaraguan radio and television for traditional broadcasts of masses and other religious celebrations.

The Nicaraguan Bishop, Father Obando y Bravo, is a frequent critic of the Government there. He is often threatened and followed and has become the main target of Sandinista harassment. Father Obando y Bravo led a recent demonstration of 100,000 Nicaraguans at Managua's National Cathedral. The demonstrators expressed their solidarity with the Catholic Church and opposition to the Sandinista regime.

The most recent event, the torture of an evangelical preacher is the latest incident. The Sandinistas are admitted atheists who want to stamp out Catholicism and other religions in that traditionally Christian land. They plan to create a godless state in which young Nicaraguans worship the regime, not God.

With these concerns in mind, let me suggest that my colleagues read the following article.

The article follows:

[From the Washington Times, May 4, 1984]

EVANGELICAL DETAILS NICARAGUA TORTURE

(By William F. Willoughby)

Prudencio de Jesus Baltodano Silva is a quiet man, a man of simple but impassioned Christian faith.

But he is a humiliated man. He is one who hurts deeply.

Not for himself so much, although he does. Very much. But more for his people and what is happening to them.

This, above all else, was evident when the 40-year-old farmer from Nicaragua's sparsely settled Atlantic coastal area visited the editorial offices of The Washington Times to tell his story of stepped-up atrocities by the Sandinista army in Nicaragua and its Cuban cohorts against evangelical pastors.

Mr. Baltodano wore a pair of blue jeans and a visored, well-ventilated baseball cap. He also wore a white band under his baseball cap, extending down over his forehead and his ears.

Or what had been ears.

Nearly five years ago, he had moved to El Tendido because he had bought a sizable piece of land with a house of considerable size and dedicated himself to growing coffee, cacao, bananas, corn and beans. The internal military strife seemed a bit remote to him and he certainly had nothing politically to do with it, in any case.

But about the beginning of last December, hostilities broke out near his village, which contained 22 families, and nearby El Salto del Leon, with the same number of families. For fear of the safety of his family, he moved to the other side of the Punta Gorda River and they stayed with another family for two months.

In February, after the family had returned home, fighting erupted again and the following day the Sandinistas and Cubans occupied the two villages. The soldiers identified themselves as Los Sombreritos (small hats), a specialized army unit.

While in flight once more, about 40 villagers were stopped by the Sandinistas, who singled out Mr. Baltodano and another man, bound them, and told the women and children to return to the villages. When they returned, the villages had been burned to the ground.

The two men were taken to a familiar property and ordered to take their clothes off. They put a gray shirt on Mr. Baltodano and a green uniform on his companion. They were forced to get down on their knees and "one of the soldiers began to kick our bodies while questioning us," he said.

When asked finally for their names, Mr. Baltodano gave his and reaped an infamous onslaught of torture and terror.

"For many days I have been looking for you. You still don't know what we do to the evangelical pastors, one of the Sandinistas chortled.

Mr. Baltodano, besides being a farmer, also is a Pentecostal pastor under a group known as the Unified Pentecostal Mission. Pentecostals and other evangelical types, growing rapidly throughout Central America, now are considered prime targets for Sandinista terrorism, because, as Mr. Baltodano explained, they are fiercely anti-Communist.

"While we have been growing, there has been heavy oppression since December. They are trying to isolate us and they will not allow for our development," he said through an interpreter.

"They are trying to get rid of the leaders and pastors, making them into some kind of islands, especially in the less-populated areas."

Fortunate it was for Mr. Baltodano that one of his torturers had a particular disdain for him because of his Pentecostalist faith. The only thing that might otherwise have indicated the farmer was a minister was that he was carrying a Bible when the soldiers overtook the refugees.

"One of the soldiers told me that I should pray to God to see if he was going to save me," the clergyman said. "We don't believe in God," the soldiers taunted. "I could tell by their talk that some were Sandinistas and others were Cubans," he said.

The clergyman-farmer was taken off through the bushes away from the house and tied to a tree, cracked across the forehead fiercely with the back of a rifle, opening a large, gushing wound. The Sandinista brandished his bayonet at Mr. Baltodano, grabbed him by the hair and cut a big slash in his neck. And then he cut off Mr. Baltodano's ears.

Another Sandinista asked him, "Do I shoot him?"

The man with the bayonet retorted, "It's not worth spending bullets on this s.o.b. It's better if he dies suffering slowly. Look how he bleeds! I cut his jugular."

After the soldiers had left, Mr. Baltodano fainted. Several hours after coming to, with what little strength he had left, he worked his hands free. A couple of days later he made his way to friends, received help and assurance that his family was intact. His left ear had become infected with worms. He nearly despaired of his life.

An anti-Sandinista group going by the name of ARDE promised to protect him and his family. In turn, Mr. Baltodano said he would be willing to travel to the United States to tell his story to the Organization of American States, the United Nations Human Rights Commission, Congress, to newspapers, to whomever would listen.

The plain man, who saw the body of 80-year-old fellow Pentecostal preacher Miguel Flores who had been tortured (his ears and his nose were cut off, his eyes were pulled out, and the skin on his face had been taken off), and other friends, was, despite his simplicity, now politicized—in the name of his suffering people.

As he looked out the large windows overlooking the small hills of the National Arboretum and the burgeoning of spring, one could tell where his heart was. But it still had an important task to perform before returning home.●

ECONOMIC CONCERNS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. LIPINSKI. Mr. Speaker, on Monday, May 14, the distinguished gentleman from Colorado (Mr. WIRTH) included in the RECORD a very excellent speech given by Mr. Felix G. Rohatyn to the American Society of Newspaper Editors late last week. I would like to commend Mr. WIRTH for sharing Mr. Rohatyn's very provocative thoughts on a number of pressing economic concerns facing our country.

In his speech, Mr. Rohatyn decried the so-called mergers and acquisitions game that has proved to be so lucrative to many of this Nation's lawyers, investment banking firms, and market speculators. Some of these mergers, according to Mr. Rohatyn, "have often gone beyond the norms of rational economic behavior." The results of these mergers often do not achieve the improved level of productivity or more efficient operations that classical economic theory promises. What we are left with instead is a far larger company often struggling under the burden of a huge debt service incurred to finance its recent acquisition.

I share Mr. Rohatyn's concern about this increasingly popular trend among our country's largest corporate concerns. The questions Mr. Rohatyn and others have raised point to an environment where these mergers have almost become an end unto themselves with underlying economic consequences relegated to secondary levels of im-

portance. Mr. Rohatyn also notes that like most of other financial trends, this proclivity toward mergers will also burst.

I am pleased to call to my colleagues attention a bill designed to burst this mergers and acquisitions bubble. H.R. 3137, "The First Things First Credit Act," was introduced by Congressman BYRON DORGAN of North Dakota on May 25, 1983. The bill eliminates the Federal Government's lucrative incentive that serves to fuel this trend by denying the interest costs deduction to any credit used to finance mergers and acquisitions.

Congressman DORGAN estimates that this deduction will cost the U.S. Treasury over $750 million per year, at current interest rates, from the recent Socal-Gulf merger alone. As interest rates have recently started to climb in response to a strong private sector demand for credit in competition with the Federal Government's huge borrowing needs, I would be hard pressed to find a more appropriate source of revenue.

In light of this upward trend in interest rates, I urge my colleagues to cosponsor Mr. DORGAN's response to this increasingly costly corporate game. I also call upon the members of the Subcommittee on Select Revenue Measures of the Committee on Ways and Means to schedule hearings on Mr. DORGAN's legislation. Recent activity in the stock market points to another impending interest rate crisis in this country. The timing for an action that helps to balance the budget while at the same time inhibiting a trend of questionable economic value has never been better.●

A CHRISTIAN AFFIRMATION ON JERUSALEM—THE CAPITAL OF ISRAEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. LANTOS. Mr. Speaker, today at a special joint hearing before the Subcommittees on Europe and the Middle East and International Operations of the House Foreign Affairs Committee, the issue of moving the U.S. Embassy in Israel from Tel Aviv to Jerusalem was considered.

The Reverend Isaac C. Rottenberg, executive director of the National Christian Leadership Conference for Israel, delivered eloquent and well-reasoned testimony in favor of moving the Embassy to Jerusalem. During his testimony, Reverend Rottenberg presented A Christian Affirmation of Jerusalem—a strong statement adopted by the National Christian Leadership Conference on May 11.

Mr. Speaker, for the benefit of my colleagues in the House who were unable to participate in this important hearing today, I place that resolution in the RECORD.

A CHRISTIAN AFFIRMATION ON JERUSALEM

We speak as Christians who, although coming from very different confessional backgrounds, share a common faith about God's irrevocable convenant with the Jewish people (Romans 11.29) and a commitment to work for the welfare and security of the State of Israel. We affirm our belief in the promise of the land to the Jewish people. This promise, made to Abraham, Isaac and Jacob and their descendants, has never been withdrawn or transferred to any other people. We further hold that Israel's right to the land is firmly grounded in historical, moral and juridical principles. Jerusalem, the capital of the State of Israel, is the quintessence of the land.

THE UNIQUENESS OF JERUSALEM

Jerusalem is a very special city to millions of people. Located at the crossroads of continents and civilizations, it has become the meeting ground of spiritual and cultural traditions of East and West. For three major world religions—Judaism, Christianity and Islam—Jerusalem has sacred significance.

We recognize, as does the government of Israel, the legitimate concerns of the various religious communities in Jerusalem. Open and free access to the holy places of all faiths is now guaranteed and protected under Israeli jurisdiction.

THE CENTRALITY OF JERUSALEM FOR JEWS

While we recognize and cherish the universal character of Jerusalem, we also wish to state our conviction that Jerusalem is uniquely a Jewish city. It has been so from time immemorial. For almost three thousand years Jerusalem has been the apex of Jewish faith, hope and life.

We believe that the essentially Jewish character of Jerusalem must be accepted by Christians, not grudgingly but gratefully. We see here a sign of God's providential grace in history and eternal faithfulness, a source of hope to all.

We call upon Christians everywhere to search their hearts. Christian ignorance and arrogance have been the root of much anti-Semitism and the cause of untold bitter suffering for the Jewish people. Many church proclamations of recent decades have acknowledged this sad history and have called for radically new attitudes and approaches to God's covenant people. Where there is ignorance, Christians must inform themseleves; where there is arrogance, Christians need to repent and reform.

THE CAPITAL OF THE STATE OF ISRAEL

In its long history Jerusalem has known many masters. Conquerors have come and gone. Some of them have sought to expel all Jews from their land. But never has Eretz Yisrael been without its Jewish inhabitants, keeping alive the dream of eventual restoration. Of no other nation has Jerusalem ever been the capital except the people of Israel during their periods of independence.

Both justice and peace are best served by an unequivocal declaration from governments and from churches that a free and untied Jerusalem must continue as the capital of the soverign State of Israel. Any attempt to internationalize the city is wrong, futile and ignores biblical and historical reality. Why should Israel among all the nations of the world be denied the right to choose its own capital?

JERUSALEM: TODAY AND TOMORROW

Much has been accomplished, particularly since the reunification of the City of Jerusalem. Scrupulous care has been taken by the Israeli authorities to safeguard the holy places. Public services have been improved to the benefit of all the city's inhabitants. The ancient city has developed into an expanding modern metropolis. While these developments inevitably are accompanied by certain problems, objective observers must be impressed with the attention paid to social, aesthetic and ecological matters.

We rejoice in the degree of cooperation and creative interaction that is found among the residents of Jerusalem. At the same time, we realize that the City of Peace has not yet reached its full destiny of Shalom as envisioned by prophets and sages. Legitimate concerns and grievances deserve a sympathetic hearing. Any outstanding issues can best be resolved through dialogue and negotiations between the parties directly involved.

"For Zion's sake, I will not keep silent, and for Jerusalem's sake I will not rest" (Isaiah 62:1). For many believers Jerusalem today contains a promise for tomorrow, a hope and expectation of a world where righteousness and peace shall dwell. For that world we pray and toward that vision we commit ourselves to work.

Adopted May 11, 1983.●

THE CHIAN FEDERATION HONORS GEORGE P. LIVANOS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. ACKERMAN. Mr. Speaker, on May 19, the New York chapter of the Chian Federation, a Greek cultural society in Astoria, Queens County, NY, will celebrate its 10th anniversary at a gala celebration. On that day, the federation will honor its president, George P. Livanos, for his many years of service on behalf of the aspirations of the Greek-American community, in New York and throughout the Nation.

Mr. Livanos assumed the leadership of the local Chian Federation in 1976, 2 years after the chapter was founded in 1974 by Nikolaos Psaros. Under his direction, the organization has grown to 4,000 members, all first- and second-generation emigrants from the Greek island Chios, the land of the famous poet, Homer. This fine organization strives to enhance the intellectual awareness and cultural sensitivity of Greek Americans, through educational programs on Greek traditions, history and customs, as well as various facets of life in America.

The New York chapter of the Chian Federation conducts a host of charitable and civic activities. Each year, it provides health care, food, and clothing to 20 orphan children in Cyprus, and sends greatly needed food and clothing assistance to refugees in that embattled island nation.

As president of the organization, George Livanos oversees a major voter-registration drive annually to enroll Greek Americans. Other activities of the federation include a lecture series on American politics and government, and "Chios," a quarterly bilingual publication that reports on local activities and cultural events in Greece.

Mr. Livanos and the Chian Federation have also reached out to the youngsters in the Greek-American community. The organization has installed a recreation room and a computer learning center for elementary school children in its headquarters, and also helps support a Greek-American high school, Saint Dimitrios, in Astoria.

Mr. Speaker, George Livanos has been the proud recipient of the Holy Trinity Award of the Greek Orthodox Cathedral in New York City, the 1983 Dr. George C. Cotsias Award of the American Parkinson's Disease Foundation, and the 1983 Halerd C. Shepheard Award for his achievements in merchant marine safety. He has also earned the highest award that can be bestowed upon a civilian by the Government of Greece: the Golden Cross of King George II. In addition, Mr. Livanos has been given the Key to the City of Athens, and has captured the Greek Gold Medal of Pericles.

George Livanos serves on the board of trustees of many prominent organizations, including Lenox Hill Hospital, the American-Hellenic Institute in Washington, DC, and the Greek Orthodox Archdiocese of the Holy Trinity Cathedral in New York.

Mr. Livanos holds the prestigous post of president of Seres Shipping, Inc., and is consultant to Seres Atlantic Shipping Enterprises of New York. He is a member of the American Bureau of Shipping, where he serves on the management committee, the board of monitors, and the Greek technical committee in Athens. He is an active member of the board of directors of the Atlantic Bank of New York and the National Bank of Greece, president of the environmental committee of the Greek Shipowners Union, a member of the International Tanker Owners Pollution Federation and the Society of Naval Architects and Marine Engineers, and Director of the Hellenic War Risk Association.

Mr. Speaker, I ask all the Members of the Congress of the United States to join in paying tribute to George Livanos for his many accomplishments on behalf of Greek Americans, in New York City and throughout the Nation.●

INTRODUCTION OF HOUSE JOINT RESOLUTION TO PROCLAIM JULY 10, 1984, "FOOD FOR PEACE DAY"

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. DE LA GARZA. Mr. Speaker, I have introduced today, jointly with Mr. FASCELL, chairman of the Foreign Affairs Committee, a joint resolution that would proclaim July 10, 1984, the 30th anniversary of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) as "Food for Peace Day." The resolution requests that the President issue a proclamation calling upon the people of the United States and Federal and State governmental agencies to commemorate Food for Peace Day with appropriate ceremonies and activities. The resolution is also sponsored by 81 other Members of the House, and a similar resolution is being prepared for introduction in the Senate.

Public Law 480 was signed into law by President Eisenhower on July 10, 1954, and has received strong bipartisan support from every President and Congress during the past 30 years. Public Law 480 has been a versatile tool for making use of the abundant agricultural productivity of the United States to combat hunger and malnutrition abroad, expand markets for U.S. agricultural commodities, encourage economic development in developing countries, and promote in other ways the foreign policy of the United States.

Since enactment of Public Law 480, over 300 million tons of agricultural commodities and products thereof valued at about $34 billion have been distributed to more than 150 countries under the program, substantially reducing world hunger and improving nutritional standards. In addition, the Public Law 480 program has served as an example to other nations and encouraged them also to help meet food needs abroad by making available agricultural surpluses or cash donations for such purposes.

I ask Members to join me in cosponsoring this resolution so that it can be considered in the House at an early date.●

NEW YORK CITY COUNCIL OPPOSES IMMIGRATION BILL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. TOWNS. Mr. Speaker, H.R. 1510, the Simpson-Mazzoli bill, represents for the most part, a fair and responsible approach to immigration reform. The legalizations provision, in particular, are an important step forward in bringing undocumented aliens out of their shadowy, frightened existence. I am troubled, however, by the potential discriminatory impact of the employer sanctions provision in this bill. Without an appropriate civil rights remedy, discrimination in hiring will go unchecked for Hispanics, West Indians, and others who "appear" foreign.

Mr. Speaker, 40 percent of my congressional district is Hispanic and many Caribbean blacks also live in the area. The employer sanctions provision, of this bill, has severe limitations for persons of color in this society, like my constituents. Workers, who "look or sound" foreign, will be easy targets for employment discrimination. Undeniably, Hispanics and Caribbean blacks, who already constitute an almost permanent class of unemployed and underemployed persons, will face additional hiring discrimination.

On March 20, 1984, the council of the city of New York adopted by a vote of 27 to 3 the following resolutions introduced by Councilmen Michels and Ferrer, which support these concerns. I have inserted the resolutions for the benefit of my colleagues.

AMENDED RES. No. 62-A

Resolution Calling Upon the U.S. Congress To Defeat the Immigration Reform and Control Act To Allow For the Development of a Fair and Just Immigration Policy.

By Council Members Michels, Ferrer, Firedlander, Messinger and Williams—

Whereas, The U.S. Senate passed the Immigration Reform and Control Act of 1982 (the "Simpson-Mazzoli Bill"), and it is now again before the U.S. Congress; and

Whereas, The Simpson-Mazzoli Bill has enormous implications for millions of people living in New York and the rest of the United States, both citizens and noncitizens, and would drastically alter this country's historic mission of opening its doors to foreigners seeking to start a new life; and

Whereas, The Simpson-Mazzoli Bill would reduce or eliminate many of the present provisions of the law by which refugees fleeing from brutal persecution and oppression in their homelands can seek asylum in the United States, and would allow for the summary exclusion without a hearing of undocumented aliens who may have a valid claim to political asylum; and

Whereas, The Simpson-Mazzoli Bill would require all citizens and non-citizens to carry a nationally controlled identification work permit when applying for a job, and would penalize employers who hire undocumented workers, thereby causing discrimination against minorities whose appearance or accents would make employers avoid hiring them for fear of sanctions; and

Whereas, The Simpson-Mazzoli Bill drastically reduces the rights and avenues by which persons who are either U.S. citizens or permanent residents can unify their families by having immediate relatives, including the married children of permanent resi-

dents and the brothers and sisters of U.S. citizens, immigrate here; and

Whereas, The Simpson-Mazzoli Bill extends to local police and other authorities the power to detain and turn over to the Immigration and Naturalization Service all persons suspected of being here without documents and visas, and also severely limits court appeals and other constitutional rights of persons detained on the job, in the streets or in their homes; and

Whereas, The Simpson-Mazzoli Bill provides a very limited amnesty for undocumented immigrants, preserves the status quo for an estimated million or more people and establishes a three-tiered system for conferring resident status that is irrational, unfair and unworkable; and

Whereas, This legislation is arbitrary, capricious and discriminatory, undermining the American ideals of freedom, human rights and humanitarianism symbolized by the Statue of Liberty in New York Harbor, now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Congress to defeat the Simpson-Mazzoli Bill in its present form and urges the Congress to develop and enact legislation which would reform the United States Immigration Law while at the same time preserving the civil rights of all individuals.

Resolved, That the Clerk of the Council send copies of this resolution to the Speaker, Majority Leader and Minority Leader of the House of Representatives, the Congressional delegation from New York City, Senator Alan Simpson of Wyoming and Representative Ramano Mazzoli of Kentucky.

Adopted.

AMENDED RES. No. 587-A

Resolution opposing the Immigration Control and Reform Act of 1983—Simpson/Mazzoli bill and urging the Congress of the United States to defeat its passage.

By Council Members Ferrer, Williams and Michaels; also Council Members Alter, Foster, Friedlander, Maloney and Messinger—

Whereas, A bill is currently before Congress which intends to create civil and criminal penalties for employers who knowingly employ undocumented workers; and

Whereas, The bill seeks to stop the hiring of illegal aliens by establishing a national system that would verify the immigration status of all aliens; and

Whereas, There has been considerable opposition to the bill because it radically changes existing law and threatens the civil and legal rights of immigrants; and

Whereas, The proposed legislation would increase the number of temporary foreign workers brought into the U.S., severely restrict judicial review over immigration proceedings and legalize only a limited number of undocumented immigrants established in this country; and

Whereas, Enactment of this measure would also serve to increase and further legitimize discrimination against persons who look foreign and speak with accents; and

Whereas, A study conducted by the General Accounting Office of twenty countries which penalized employers of illegal aliens concluded that such laws were not an effective deterrent to stemming illegal employment because employers were able to evade responsibility for illegal employment and laws were not being enforced because of legal constraints on investigations; and

Whereas, The American Bar Association has taken the position that the "inclusion of the proposed employer sanctions in H.R. 1510 are unworkable, discriminatory, burdensome and ineffective"; and

Whereas, Passage of this bill could lead to the creation of a massive government data bank on American citizens which could be used to conduct wide-ranging searches and investigations and monitor the activities of law abiding citizens who are not illegal aliens; now, therefore, be it

Resolved, That the Council of the City of New York opposes the Immigration Control and Reform Act of 1983—Simpson/Mazzoli bill, and urges the Congress of the United States to defeat its passage in its present form and urges the Congress to develop and enact legislation which would reform the United States Immigration Law while at the same time preserving the civil rights of all individuals.

Adopted.

Some people want to ignore the employer sanctions issue because they feel it will only effect Hispanics. I believe that the negative effect of sanctions will be much broader. Sanctions will create a civil rights crisis in the employment area of an acceptable compromise amendment is not found that insists on civil rights protections for the potential victims of sanctions-generated discrimination.●

CELEBRATING THE FIRST ANNIVERSARY OF THE CHINESE-AMERICAN VOTERS ASSOCIATION IN QUEENS, NY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. ADDABBO. Mr. Speaker, this Saturday, May 19, the Chinese-American Voters Association in Queens, NY, will celebrate their first anniversary. The celebration has special significance this year because all Americans are faced with the important decisions of electing their Congressmen and the President of the United States.

Chinese-Americans have for a longtime been a great force in America. We have recognized them for their successes in business, in the arts, as educators, and in government. Their ancient and beautiful culture adds richness to our diverse country. I particularly have great respect for the closeknit family structure fostered by the Chinese culture.

As a Member of Congress, I feel it is very important to understand and be sensitized to the individual cultural needs of groups within my district. I find that groups such as the Chinese-American Voters Association provide an excellent means of improving communication. As a result, I am able to more effectively represent this constituency in Congress.

By exercising the right to vote, we strengthen our democracy. The Chinese-American Voters Association not only strengthens our democracy by encouraging Chinese-Americans to vote, but in the process of educating and publicizing the need to vote, they inform all Americans about this responsibility.

The United States has always been a melting pot, a country rich in ethnic and racial groups. The right to vote is the one sacred voice that recognizes diversity and protects these interests. I shall never forget President Lyndon Johnson's words after he signed the Voting Rights Act of 1965. "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men."

I suspect that if President Johnson were alive today, he too would commend the efforts of the Chinese-American Voters Association because what they seek to do is more than just exercise their right to vote, they seek to break down prejudices and strengthen our democracy by this process.●

U.S. POLICY TOWARD CENTRAL AMERICA: A HONDURAS PERSPECTIVE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. SKELTON. Mr. Speaker, recently, on my visit to Honduras, I met with U.S. Ambassador John D. Negroponte. In my meeting with him, I learned of a recent speech he gave to a southeastern International Trade Conference in Mobile, AL. I offer it here for the Members.

U.S. POLICY TOWARD CENTRAL AMERICA: A HONDURAS PERSPECTIVE

It is a pleasure to appear before you today. The fact that a group such as yourselves would take time to hear remarks by the United States Ambassador to Honduras is testimony of the growing recognition that Central America's problems directly affect the well-being and security of our own people. Equally encouraging is the widening awareness that, in spite of the political difficulties to be overcome, there are also opportunities for mutually beneficial investment in and trade with the Central American and Caribbean basin region and, in my view, those are looking brighter today than they have in some time.

I have served as your Ambassador to the Republic of Honduras since 1981. So what I would like to lay out for you today is my view of how U.S. policies toward Central America are faring from a Honduras perspective.

First of all, what is our policy toward Central America? President Reagan laid out our four basic goals before a joint session of Congress on April 27 of last year:

First, in response to decades of inequity and indifference, we support democracy, reform and human freedom;

Second, in response to the challenge of world recession and, in the case of El Salvador, to the unrelenting campaign of eco-

nomic sabotage by the guerrillas, we support economic development;

Next, in response to the military challenge from Cuba and Nicaragua, we support the security of the region's threatened nations;

And, lastly, we support dialogue and negotiations both among the countries of the region and within each country as a means of resolving regional tensions.

These four basic policy goals enumerated by President Reagan a year ago remain our basic goals today. How are these policies being implemented in so far as Honduras is concerned?

First of all, at its own instance but with United States encouragement, Honduras restored democracy after almost ten years of military rule with elections for a President and Congress in November 1981. The next such elections are scheduled for November 1985. There is full freedom of expression in Honduras, including four national newspapers and some 95 independently-owned radio stations, an impressive figure for a country of just over 4 million inhabitants. There is also an effective labor movement considered a model in the region; and land reform has been on the books for more than twenty years. Severe disparities in individual income do not occur in Honduras on the scale they might in other third-world countries, although rural poverty and ignorance remain serious problems to be dealt with. There is no "oligarchy" and, to cite but one example of the distribution of the country's productive capacity, there are 40,000 independent coffee growers in Honduras. So the picture emerges of a politically stable and peaceful social scene in a country whose political history has been characterized by chronic instability. I would submit that this is quite an accomplishment in the difficult circumstances which confront Central America today.

Turning now to our support for economic development, it is well to remember a few basic facts about Honduras' economy. Per capita income is about $600 per year. Although Honduras has a willing and very trainable urban labor force, the rate of illiteracy countrywide stands at 40 percent, and is especially high in rural areas. And Honduras' population growth rate stands at approximately 3.6 percent, one of the highest in the world.

The foregoing is not to say that Honduras is incapable of sustained economic growth. Indeed, the country experienced significant economic progress in the 1960s and 1970s averaging 4 percent real growth during those years, and culminating in a 7.5 percent real growth rate in the last four years of the 1970s. The Honduran economy entered into a sharp decline beginning in 1980, with the estimate for 1983 being a negative economic growth rate of 1.4 percent. The explanation for the decline is by now a familiar story to you and characteristic of many third world economies. The principal reasons have been: a marked deterioration in the terms of trade, highlighted by soft world markets for commodity exports and rising import costs, especially petroleum; a severe shortage of credit and high interest rates; and flagging investor confidence because of regional political conditions.

Confronted with such circumstances and in light of the increasingly higher priority accorded to assisting our friends in Central America, economic assistance programs to Honduras have steadily increased during the past three years. AID programs in the form of development assistance, financial and food support and guaranteed housing programs totalled $47 million in fiscal year 1981, $88 million in FY-82, and $101 million in FY-83. The approved FY-84 figure is $98 million; but, if the supplemental request for Honduras currently pending before the Congress is approved, then that figure will increase to $183 million.

I know it comes as no surprise to you that Honduras would in the long term prefer improved trade and investment conditions to increased AID. They would happily exchange today's situation of regional tensions and higher aid levels for a return to the conditions of sustained economic growth which prevailed in the 1960s and 1970s. But under the most realistic of conditions, and even with the dramatically increased aid levels proposed in the Jackson plan by the National Bi-Partisan Commission on Central America chaired by Dr. Henry Kissinger, the standard of living enjoyed in Central America in 1980 is not likely to be restored until 1990. This sobering fact alone highlights the urgency of Congress approving the Central America aid programs which have been submitted by the Administration.

In the meanwhile we should not overlook the significant opportunities which already exist for revitalizing trade and restoring investor confidence in Honduras. The United States is Honduras' principal trading partner. In 1982 Honduras imported $272.5 million worth of goods from the U.S. and exported $338.9 million to our country. The book value of U.S. direct investment in Honduras is estimated at $235 million and four "Fortune 500" companies have significant installations there. In all, there are approximately 125 American firms, subsidiaries and affiliates in Honduras. U.S. companies operating in Honduras have found satisfactory transport and communications facilities, including an excellent Caribbean port, and direct air service to Houston, New Orleans and Miami; a cooperative labor force; and a favorable government disposition to foreign investment.

From the foregoing facts you can see that the basis already exists for expanded opportunities under the Caribbean Basin legislation which provides for a one-way duty-free treatment of Honduran exports to the United States. Since that legislation came into force on January 1 of this year we have noted an increasing number of inquiries from American businessmen about opportunities in Honduras, especially in the area of agricultural products. Among the more promising prospects for significantly increased exports to the United States, I would mention various types of fruits, vegetables and citrus products, especially citrus concentrates. There are also important opportunities in the manufacturing and assembly area, including electronics, wood products and other labor intensive activities.

Let me now turn to the military challenge from Cuba and Nicaragua. I should stress at the outset that Honduras is not at war and, as mentioned earlier, there is political and social tranquility on the home front. But the regional situation does call for heightened vigilance on the part of the Honduran government and people. Neighboring Nicaragua has embarked on a policy of building a military establishment completely out of proportion to any defensive need. It has aligned itself with Cuba and the Soviet Union and it has adopted a policy of exporting its political system to neighboring countries. The priority target today of this Cuban-backed Nicaraguan effort is El Salvador. But most Hondurans are convinced—and I am inclined to agree—that if El Salvador were to fall into Communist hands, then Honduras would likely be targeted next. So it should come as no surprise to you that Honduras follows development in both El Salvador and Nicaragua with intense interest.

Faced with such a delicate and complicated regional situation, the Hondoran government has concluded that it has had no choice but to improve the quality of its armed forces. To assist them in this endeavor, in FY-83 the United States provided $37.5 million in military training and equipment to the Honduran armed forces. As I said, the focus of our military assistance has been on quality, especially training, and not on increasing the size of the Honduran Armed Forces or the sophistication of their weapons. In this connection, we have also conducted extensive joint military exercises with the Honduran Armed Forces which, in addition to increasing the proficiency of our own troops, have provided invaluable confidence-building experience to the Honduran military. U.S. participation in these exercises has also been warmly welcomed as evidence of our strong support for democracy in Central America. In addition to our military assistance and exercise activities in Honduras, we have agreed with the government and received funding from our Congress to improve two airfields in exchange for access to them for such contingency purposes as search and rescue, reconnaissance and disaster relief. We have established two temporary radar sites for air traffic cotrol purposes. And we have provided funds and trainers for a Honduran military training center on the Caribbean coast to train Salvadoran and Honduran forces. Many Hondurans have commented to me that our military programs have provided a vital shield for Hondoras' democratization and economic development and have strengthened Hondoras' hand at the bergaining table in the search for lasting solutions to Central America's political problems.

This brings me to the final aspect of our policies towards Central America, our support for dialogue and negotiations both among the countries of the region and within each country. It also brings us to the fundamental question as to whether a lasting political solution to the region's problems can be negotiated.

As you all well know, a forum exists for the negotiation of Central America's political differences. That forum consists of the Foreign Ministers of the five Central American countries themselves, plus the Foreign Ministers of Colombia, Mexico, Panama and Venezuela. Because this group held its first meeting in January of 1983 on the Panamanian resort island of Contadora, the forum is commonly referred to as the "Contadora Process". On September 9 of last year the Contadora group agreed on a document of 21 objectives whose comprehensive and simultaneous implementation could lead to lasting regional peace. Among the important features of this "Document of Objectives" was a call for the establishment of democratic systems of government throughout the region; reduction of current arms levels and numbers of military personnel; the withdrawal of foreign military advisors; an end to arms traffic and support for subversion; and adequate means of verification and enforcement of agreements arrrived at.

Honduras enthusiastically supports these Contadora principles and has been an active participant in the Contadora working groups which are seeking to translate these

general principles into a comprehensive regional agreement. Until now, however, progress has been slow because of Nicaragua's insistence on the selective implementation of the 21 points, picking those points of concern principally to them while disregarding points of vital interest to its neighbors. Moreover, while professing an interest in negotiated solutions and seeking to project an image of reasonableness, Nicaragua imported record levels of military supplies from Cuba and the Soviet Union in 1983 and allowed a significant increase in the presence of Cuban military and security personnel. We now estimate that the number of such Cuban personnel could number as high as 3,500. Simultaneously, the Salvadoran guerrillas, with Nicaraguan, Cuban and Soviet support, have adopted an especially tough negotiating stance calling for the virtually complete dismantlement of the existing Salvadoran power structure as a condition for stopping the fighting.

So if a negotiated solution has thus far been elusive, it has not been for lack of effort or sincerity on the part of Honduras, or for that matter, Nicaragua's other neighbors, El Salvador and Costa Rica. Quite the contrary. But before real negotiating progress is possible we believe there must be convincing evidence of a Nicaraguan willingness to accomplish the following measures:

The establishment of a genuinely democratic regime;

A definite end to Nicaragua's support for guerrilla insurgencies and terrorism;

Severance of Nicaragua's military and security ties to Cuba and the Soviet bloc; and

Reductions in Nicaragua's military strength to levels that would restore military balance between Nicaragua and its neighbors.

It is difficult to predict whether or when Nicaragua can be persuaded to see its interest in the adoption of such measures; but I am sure you would agree that in the meanwhile we must maintain the pressures and incentives on Nicaragua to negotiate. If Nicaragua were to conclude that by simply outwaiting us or by seeking to influence our domestic political processes, it could successfully remove all obstacles to the pursuit of its present policies in Central America, then our negotiating approach and that of friends such as Honduras would not succeed. For this reason it is especially important that the economic, military and other funding requests now pending before our Congress be approved. These requests are not only vital to the support of friends in Central America but also crucial to our negotiating strategy of convincing Nicaragua that our policies are consistent; that we are willing to devote resources to our long term interests in Central America; and that it is Nicaragua, not us, which must modify its behavior if there is to be lasting peace in the Central American isthmus.

Now perhaps I have ranged a bit far for a group more interested in specific business opportunities than in the generalities of our Central America policies. But lets reflect for a moment. Your government, with the support of citizens such as yourselves, is giving significantly higher priority to supporting our friends in Central America than it did several years ago. This in turn is starting to have a favorable impact on business and investor confidence down there. I don't even want to begin to suggest that you consider doing business with Honduras, or any other country for that matter, out of charity or as some sort of surrogate aid program. You have to focus on the bottom line. But I think that, just like our government, perhaps our private sector may also have neglected Central America, its challenges and opportunities for a bit too long. I think that many of you may find upon personal inspection that the business prospects are much more promising than you might have expected. I urge you to consider having a look for yourselves. I can assure you that, as your Ambassador, I and my staff stand ready to facilitate your doing business with Honduras in every way possible. We look forward to seeing you there.●

FUGITIVES FIND FUSILLADE IN McDOWELL COUNTY

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. MARTIN of North Carolina. Mr. Speaker, let me take this opportunity to share this news article describing a good testimonial against gun control. In Marion, NC, two escaped convicts encountered repeated resistance from families ready and willing to defend their own homes. In a time when we often hear arguments for penalizing law-abiding citizens who own guns, by registering them or banning pistols that are not high priced, we need to be reminded that such measures will not affect desperadoes who would get their guns for their criminal purposes. The only effect of such laws would be to eliminate self-defense for some families.

How many more homes would have been violated; how many more innocents would have been killed in Marion that night if guns had been removed from those law-abiding families who defended their property? Instead, we can salute this McDowell County community of brave people. Because they believe in their right of self-defense, the word has gone out to criminals: "Don't mess with the tough people of McDowell County!"

The article follows:

[From the Asheville (NC) Citizen, Mar. 9, 1984]

"TOUGH" MARION OFFERED FUGITIVES ONLY A FUSILLADE

MARION, NC—Two fugitives from a Tennessee prison made a mistake when they fled into "a tough community armed to the teeth," says a local district attorney.

Escapee Ronald Sotka, 41, better known as Ronald Freeman, died in this town of 3,680 during an early morning exchange of gunfire Wednesday. James Clegg, 30, was discovered in the basement garage of a private home 11 hours later and surrendered without resistance.

"In my opinion, maybe they made a mistake when they fled on foot into McDowell County," District Attorney Alan Leonard said. "They went into a pretty tough community, a tough community armed to the teeth."

Survival is "kind of a way of life around all small mountain towns," Mayor James Segars said Thursday. "People act out of fear for their lives, property and themselves."

Leonard said everywhere Freeman went early Wednesday—he broke into three east Marion homes—he was shot or shot at.

Leonard said Freeman was hit with shotgun buckshot and birdshot, three .30-caliber slugs and in a finger by a .22-calber bullet, apparently one of six fired by homeowner Eddie Duncan, 59.

"As he (Duncan) was shooting, Stoka said, 'Don't shoot, don't shoot me again,'" Leonard said Thursday.

Minutes later, Freeman was shot to death when he opened fire on several law enforcement officers who cornered him in an abandoned house.

As armed law enforcement officers swept through still neighborhoods later in the day looking for Clegg, the second escapee, people stayed inside—afraid but vigilant.

Some downtown storeowners, even though open, kept their doors locked and signs taped out front asking customers to knock and be recognized.

"The majority of the people say it's either kill or be killed," said Gene Nichols, 43, who had a loaded gun at his home entrances, the bedroom and basement. "They think that's just the way things are these days."

Added Phil Rice, 45, a Marion factory worker: "They'd shoot in a heartbeat."

By Thursday, the scene of Ronald Freeman's bloody death was already a busy shrine for the curious.

"The cars was coming through here till eight or nine o'clock last night," said Millie Hakala, 55, owner of the green, two-room shack where Freeman died in a hail of gunfire.

"They just want to see the bullet holes, want to see where he was lyin' dead."●

PERSONAL EXPLANATION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. GEKAS. Mr. Speaker, on Tuesday, May 15, 1984, the House of Representatives voted on H.R. 89 and H.R. 5505, passing both measures. The death of a close, personal friend, Tony Surace, required me to miss the votes on these two bills. Had I been able to be in the Chamber at the time of the vote I would have voted "aye" on both measures.●

COLOMBIA COCAINE CRACKDOWN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. LANTOS. Mr. Speaker, recent events have required this Congress and the Nation in general to give greater attention to developments in Latin America. As we confront the seemingly endless series of challenges in Latin America, we must not ignore the quiet determination of nations who confront internal threats and

effect dramatic results. It is easy for the people of this Nation, therefore, to miss the significant accomplishments of the Government of Colombia as it bravely moves forward in a dramatic new offensive against the illicit production of narcotics that all too often find their way to our shores.

Many of my colleagues are aware that the largest narcotics seizure in international law enforcement history was executed by the Colombia antinarcotics strike force in March of this year. At that time a well-trained attack team swept through the jungles in Caqueta province on the banks of the Yari River in Colombia to overrun the largest cocaine processing plant ever uncovered. In the raid agents seized almost 14 tons of cocaine valued at more than $1.2 billion.

Despite the awesome size of this bust, U.S. Drug Enforcement Agency officials conceded that the seizure amounted to only one-fourth of the 60 tons of pure cocaine exported from Colombia to the United States in a typical year. For the raid to take on lasting significance, the Colombian Government would have to display an unprecedented commitment to fighting the substantial narcotics processing organizations that had seized considerable influence in everyday life in the country.

One man rose to the occasion. Colombian Justice Minister Rodrigo Lara Bonilla dedicated himself to the war against narcotics in a nation that had established a reputation as being the haven of drug producers and traffickers. He fought tirelessly to locate and eradicate the jungle bases of cocaine smugglers and processors. Despite repeated threats on his life, he publicly named political candidates and business enterprises that were built on the corrupt contributions of the drug czars. He vowed to topple empires built on drug sales to the United States, and drag the profiteers to court and then to jail.

For 9 months Lara was one man against the storm. His enthusiasm was seldom matched by other public officials in Colombia, and the citizenry largely ignored the problems associated with the drug traffic. On April 30, little more than 1 month after his forces had completed the Yari River raid, Rodrigo Lara Bonilla's battle against narcotics came to an end at the hands of two assassins hired by drug traffickers.

It would have been easy for the narcotics crackdown initiated by Lara to grind to a halt in the face of the brutal and brazen murder of its architect. At Lara's funeral, President Belisario Betancur said his country was under a state of siege, and that it was time to rescue "the national dignity held hostage by traffickers." President Betancur vowed he would fight a "war without treaty" against the drug empires.

No sooner had the war been declared that Colombian antinarcotics forces struck a major blow in a new offensive. Nearly duplicating the sweeping success of the Yari River raid of March, Government forces seized a major cocaine processing center in the jungle near the Brazilian border early last week. The center was capable of producing more than 13,000 pounds of cocaine per month, with an estimated street value of up to $900 million in the United States.

The Colombian Government followed this dramatic success with hundreds of investigations of suspected drug dealers which produced more than 200 arrests in less than 7 days. Breaking with a traditional resistance to cooperate with U.S. prosecutors, the Colombian Government announced that it was ready to begin extraditing suspected drug smugglers facing charges in the United States. As a demonstration of commitment, two notorious fugitives from American justice were arrested by Colombian authorities and face quick extradition to stand trial in Florida.

Perhaps of greatest importance to our Nation is the new commitment of the Government of Colombia to eradicate its internal sources of raw drug substances, and to cut the smuggling routes that bring coca leaves from Peru and Bolivia to Colombian processing sites for transformation into cocaine. Almost 90 percent of the cocaine consumed in the United States is processed in Colombia. Substantial progress in slashing the flow of this dangerous narcotic will have positive benefits for our Nation. It is vitally important that we support the efforts of Colombia in their battle against narcotics.

Mr. Speaker, much remains to be done. The most optimistic enforcement officials admit the best we can hope is a substantial reduction in the production of cocaine and marihuana by Colombian sources. Even the best-funded effort could never guarantee an elimination of drug trafficking from the concealed processing sites deep in the labyrinthian jungles. The drug czars of Latin America are too wealthy, too ruthless, and too powerful to be stamped out overnight.

But the battle has been joined. Each day Colombia strikes a blow for its national pride as it fights a vicious war with those who prey on the chemical weaknesses of our society. At the heart of the Colombian offensive against narcotics is the spirit and integrity of Rodrigo Lara Bonnilla, a man who willingly stood alone against the morally corrupt forces of drug dealers to lead his nation to a new era of respect.

It may be difficult for many Americans to realize the importance of the Colombian struggle to the United States. With each success Colombia achieves, fewer narcotics are available on our streets and in our schools. The battle Colombia fights today in its jungles is an integral and important part of our Nation's war on drug abuse.●

PEACE OFFICERS' MEMORIAL DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. BIAGGI. Mr. Speaker, yesterday was Peace Officers' Memorial Day, a once-a-year opportunity to pay tribute to America's forgotten patriots, the men and women of law enforcement who have lost their lives in the line of duty.

As a 23-year police veteran, I believe we should have a permanent memorial to honor those who gave their lives in the fight against crime. That is why I have authored legislation, House Joint Resolution 482, to establish a National Law Enforcement Heroes Memorial in Washington, DC to be paid for by private contributions.

This memorial would pay an appropriate and long overdue tribute to those who have made the supreme sacrifice, while also serving as a constant reminder of the critical need to better protect those who continue to protect us.

Last year alone, 147 law enforcement officers were killed in the line of duty. More than 1,600 police officers have died while on duty during the last 10 years—nearly one police death every 2 days.

Simply put, law enforcement personnel deserve the respect from this country that a national memorial would provide.●

THE "SUPERGRASS" TRIALS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. McGRATH. Mr. Speaker, as a member of the Ad Hoc Congressional Committee for Irish Affairs, I have frequently spoken out against the denial of many legal, civil and human rights by the British Government in Northern Ireland.

In many respects I find the denial of basic legal protections to be the most tragic senseless of a series of tragic and senseless actions by the British Government. I say this because the British legal system is a model for our own, and virtually unique in the world for its protection of due process of law.

Recently, a great deal has been written about trials involving the use of supergrasses—informers who have turned in hundreds of alleged members of the Irish Republican Army. Trials involving the testimony of supergrasses have violated nearly every legal protection known to us. These violations would not be tolerated in any American court of law, let alone in England. According to a report by Peter King, Nassau County, NY, comptroller, who served as an international observer at the supergrass informer trials, legal rights are denied defendants in a number of ways, including:

Denial of jury trials;

Conviction on the uncorroborated testimony of informers;

Disallowal of the entrapment defense;

Lengthy interrogation without the presence of an attorney; and

Failure to disqualify judges on account of obvious prejudice.

Last month, my office was visited by the Margaret Power of Belfast, the mother of Thomas Power, who has been the victim of five supergrasses. At the time of her visit, Thomas had been held, without trial and without bail for a period of 28 months. There is a possibility he will not even go to trial for another 2 years. Mrs. Power did not address the issue for her son's innocence or guilt. She stated simply and eloquently that what she desired most was her son's right to a speedy trial under established legal principles by an independent judiciary.

As a nation which is quick to criticize, rightly, the human rights records of our enemies and even some of our friends, it is incredible that we can continue, year after year, to ignore the systematic human rights abuses in Northern Ireland by a nation which claims to be one of our oldest and best allies.

At this point in the RECORD I insert an affidavit sworn to by Margaret Power concerning her son's case.

AFFIDAVIT

Margaret Power, being over the age of 18 years and residing at 11 Friendly Street, Belfast, Northern Ireland, deposes and says:

1. On February 5, 1982 six armed members of the Royal Ulster Constabulary (Northern Ireland Police Force) arrived at my home at 5:45 a.m. All of my family were ordered out of bed, including myself, my husband, my five daughters, two grandchildren (aged 6 years and one year) and my son, Thomas. When they saw that we would not leave our bedrooms, they called for reinforcements. When more armed members of the R.U.C. came into my home (in total 26), they ran up my stairs and trailed my son Thomas out of his bedroom. At this point we were all verbally abused. They took my son, Thomas, down into our livingroom and four armed policemen held him there. After this they proceeded to search every room in our home. One hour later they handcuffed my son and told me not to expect him home again. They took him to Castlereagh Interrogation Center.

2. Seven days later I saw my son in Court. He looked tired, drained and amazed. My son was charged on the sole accusations of two men, Mr. McConkey and Mr. McAllister. He was then remanded in custody. He applied for bail within a couple of days after being charged but this was denied. Three weeks later both Mr. McConkey and Mr. McAllister withdrew their allegations and said they were all lies. The Magistrate in the Court on that day told my son he was free to go but the R.U.C. rearrested my son in the Court and took him once again to Castlereagh.

3. Four days later my son appeared in Court again, this time charged on the sole allegations of two more men (We now call these men informers.) Mr. Goodman and Mr. Grimley. My son was once again remanded in custody and once again refused bail. In September, 1982 Mr. Goodman withdrew his allegations, stating they were all lies. My son was still held in custody on the sole word of Mr. Grimley.

4. In August, 1983 my son was taken from Crumlin Road Jail to Castlereagh for one day. He was charged on the sole word of Harry Kirkpatrick.

5. In September, 1983 my son went for Trial under Mr. Grimley. The Trial went on into November, 1983. In November, 1983 Mr. Grimley admitted he did not even know my son. The charges against my son were dropped. He was told once again that he was free to go.

6. My son did not go free. He was put back into Crumlin Road Jail and is now held there under the word of Mr. Kirkpatrick. My son's solicitors have told him and me that Thomas will probably have his trial (under Mr. Kirkpatrick) in late 1985/early 1986.

7. I trust in God my son will be released, but even if he is he will have spent four years of his young life in prison without ever being found guilty of anything.

MARGARET POWER.

Sworn to before me this 14th day of April, 1984.

VICTORIA M. MCFADYEN. ●

LOCAL EMPLOYMENT IN HIGH UNEMPLOYMENT AREAS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, in Alaska, we have one of the highest unemployment rates in the United States. Although there have been Federal programs targeted at the nationwide unemployment rate, many of these are directed toward urban areas. As four-fifths of the State of Alaska is rural, many of these programs have helped little, and I still continue to receive large amounts of mail concerning the high unemployment rate in Alaska.

For example, on April 18 of this year, the Coast Guard and Navigation Subcommittee held hearings in Kodiak, AK, the location of one of the largest Coast Guard bases in the world. At that time, we heard testimony by local residents, many of whom expressed their concern about the lack of employment opportunities in the Kodiak area. Kodiak also has the distinction of being a primary source of Alaska king crab. We have, unfortunately, had poor crab and fishing harvests for the past 2 years. In an area whose residents depend on crab and fish harvesting for a living, there is now economic hardship.

At the same time, millions of dollars of contracts for construction and improvement on the Kodiak Coast Guard base are scheduled. Yet, most contractors hire workers outside of Kodiak and oftentimes outside Alaska. This increased demand drives up the cost of housing, food, utilities, and other necessities. Consequently, local residents have received only an increase in their cost of living. The people of Kodiak find it difficult to understand why they have not benefited through jobs.

The hearings held in April and the concern expressed by the citizens, once again brought to my attention the urgent need to encourage contractors to hire local residents. I have spent a lot more time carefully looking into the question of local hire. Although it is difficult to require local hire for all Federal projects, it can be done for specific projects. As a result I have introduced legislation that requires all Coast Guard construction or improvement projects to employ local residents unless they do not possess necessary special skills.

A local resident is someone who lives within a labor market area, an area within commuting distance from the project being worked on. Through this bill, I expect local residents who live in or near Coast Guard bases to be hired.

While it may be argued that some contractors hire local residents to the extent possible and to the extent skilled workers are available, it is also quite often the case that workers are brought in to do work that can be done by local residents with a minimum of training. What this bill promotes is hiring people who have no experience in construction who with a day or two training can perform a job. Further, if persons with special skills reside in the local area, they must be hired. For the purposes of this bill, special skills, craft, or trade require lengthy training and possibly apprenticeships. In sum, the bill requires contractors to hire local residents and to provide training to them for jobs that do not require specialized training.

Alaska is not the only area with these local hire situations, and I estimate this bill could apply to roughly 25 States, in urban and rural areas, that have unemployment rates above the national average. After the hearings in Kodiak, I felt an even stronger sense of need and responsibility to

urge contractors benefiting from Federal dollars to hire local residents.●

TO THE CHAMP, HARRY ARROYO

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. WILLIAMS of Ohio. Mr. Speaker, the city of Youngstown, OH, in my district, holds a distinct and unique honor for a town with a population of 100,000. I cannot think of another city of similar size in the United States that can boast of two boxing champions. In fact, it is probably the first time in boxing history that one city has produced two reigning world lightweight champions. Youngstown is very proud of Harry Arroyo, International Boxing Federation lightweight, and Ray "Boom Boom" Mancini, WBA lightweight—and so am I.

Harry Arroyo was born and raised on the south side of Youngstown; 1 of 16 children, he is a member of a hardworking, upstanding family. His parents strove to provide for a better life for their children and to instill in them a sense of dignity and a love of family, community, and God. Harry and his brothers and sisters have not failed in fulfilling these virtues.

Harry is the former sparring partner of his good friend, Ray Mancini. As teenagers, both Ray and Harry began training with Ed Sullivan of the Youngstown area. Even then, Sullivan could tell that both young men possessed the qualities necessary to become champions. On April 15, 1984, in Atlantic City, NJ, Harry Arroyo fulfilled that prophecy. In a 14-round bout, he defeated his opponent and won a second championship for Youngstown. With this win, he joined his former stablemate, Ray Mancini, as champion of the world.

To the Mahoning Valley, Ray and Harry are not only boxing champs. They are also heroes and sources of inspiration. In the difficult times that have hit my district, Harry and Ray have provided the residents with something of which they can be proud. Harry and Ray have proven that individuals can triumph over adversity; that no circumstances can win over the indomitability of the human spirit.

In winning his boxing title, Harry Arroyo has won not only for himself, but also for the Mahoning Valley. In recognition of Harry's outstanding achievement, a reception will be held in his honor today. I encourage my colleagues to join me in congratulating Harry Arroyo on his championship and for what he has given the Mahoning Valley—a sense of hope.●

DR. DAVID EISENBERG AWARDED GUGENHEIM FELLOWSHIP

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Dr. David Eisenberg, a dear friend of mine and of my family who was recently awarded a prestigious Guggenheim Fellowship for 1984.

Dr. Eisenberg, a professor of molecular biology at UCLA, was 1 of 283 scholars in the United States and Canada, who was chosen from among 3,500 applicants in the 60th annual Guggenheim competition. The fellows are selected in the fields of humanities, sciences, and creative arts, on the basis of past accomplishments and promise for the future in a given field.

The grants, averaging $19,500 are intended to provide 1 year's free time to engage in study, research, or creative activity.

Dr. Eisenberg will use his fellowship to study the three-dimensional structure of proteins.

It is with great pleasure that I share David Eisenberg's news with my colleagues and I wish him much success with his study.●

THE TESTIMONY OF CONGRESSMAN BYRON DORGAN BEFORE THE SUBCOMMITTEE OF THE HOUSE APPROPRIATIONS COMMITTEE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. PEASE. Mr. Speaker, in advance of offering my defense burden-sharing amendment to the fiscal year 1985 defense authorization bill, I would like to call to my colleagues attention the excellent testimony of Congressman BYRON DORGAN before the Defense Subcommittee of the House Appropriations Committee on the subject of defense burden sharing.

TESTIMONY OF HON. BYRON L. DORGAN, BEFORE THE SUBCOMMITTEE ON DEFENSE, COMMITTEE ON APPROPRIATIONS

Mr. Chairman, the current debate in Congress on defense spending occurs against the contradictory canvas of alarm about $200 billion per year deficits and concern about Soviet adventurism, both direct and by proxy, in Afghanistan, Africa, and Central America. The perplexing, but necessary challenge for us is how to invest limited tax dollars in a way that strengthens national security without busting the budget.

I know that the chairman and members of this subcommittee have wrestled hard in constructing defense budgets with greater payoffs and lower costs. I would like to make some recommendations about two issues that I have thought a lot about and that epitomize the wider defense debate: allied burden sharing and the MX-missile.

How then do we get serious about defense cuts? I have singled out burden sharing and the MX in order to focus on the two items which drive the defense budget: conventional and nuclear forces. Unless we address the missions of these respective forces, I doubt that we will reap sufficient national security and budgetary dividends.

ALLIED BURDEN SHARING NEEDED

Defense experts argue that when we include the costs of research, procurement, and support, the nuclear and conventional forces respectively account for about one-fourth and three-fourths of the total defense budget. For the President's original FY85 budget request, this amounts to about $70 billion for nuclear forces and $235 billion for conventional units. But when the latter amount is broken down by geographic region, we find that we spend about $129 billion for Europe, $47 billion for Asia, and only $59 billion for the U.S., reserves, and Rapid Deployment Forces.

A recent study by Congressman Les Aspin suggested that the current defense build-up not only threatens our long-term economic growth, but also raises serious questions about ". . . the consequence of this burden for our economic competition with countries like Japan, which bear a much lighter defense burden than we do. . . ." I share this concern about our economic future and remain puzzled why Congress has yet to expect that our allies shoulder a fairer share of defense costs.

I don't mean to minimize the fact that our NATO allies provide 90 percent of the ground forces or that Japan faces unique domestic political problems on nuclear and defense spending issues. But neither do I understand why our navy protects the sea lanes that bring Japanese imports to our shores. If they want to export toasters, TV's and Toyota's, shouldn't they also pay for carriers, cruisers, and captains?

The Japanese are no longer a war-ravaged nation without economic muscle left on the national skeleton. Japan ranks as the number three economic power in the world and the number one leader in many high technology fields. It seems reasonable to me that Japan, which spends less than 1 percent of its GNP on defense, can assume its stated goal of patrolling its own air and sea lanes up to 1,000 miles from shore.

Similarly, I am baffled that our NATO allies, with one and one-half times the population of the Soviet Union and twice its national economic output, cannot take over the major responsibility for ground defense by 1990. While I don't agree with all details of ex-Secretary of State Henry Kissinger's NATO reform program, the basic goals make sense. As you know, Kissinger argues that we need to restructure NATO by giving Europeans the major ground defense role by putting a European in command of NATO's military forces, and by increasing the European role in the Europe-focused arms talks. If the European allies do not assume control, then Kissinger argues that the U.S. should gradually withdraw up to 50 percent of its ground forces. I agree.

For several years the American taxpayer has watched with dismay as few of the NATO allies met their 1978 pledge to increase defense spending in real terms by at least 3 percent of their respective national output. The 1983 Pentagon report on Allied Commitments to Defense Spending shows that nine NATO members failed to meet

their commitments to a 3 percent real growth in defense spending.

Our allies performance is not only disappointing, but disturbing. Continuing unfair burden sharing not only overtaxes American citizens, it also weakens the self-determination of our friends to boost our collective security. While the U.S. and Luxembourg have consistently kept their promises, nine of our NATO allies—Belgium, Greece, Denmark, Germany, Italy, the Netherlands, Norway, Portugal, and Turkey—effectively deprived the common defense of some $1.6 billion in 1982.

The bottom line is that U.S. continues to shell out over $100 billion a year for the defense of Western Europe and about $50 billion a year to protect the Far East, while getting little in return. Ultimately, Congress has to expect more from them.

There is no line item for burden sharing in the defense budget. But if our allies shouldered only 10 percent more of our overseas burden, we might save $18 billion. Unless our allies start pulling in tandem with us for freedom, our national security will suffer and so will our efforts to trim defense spending. We should be helping to create a united, rearmed Western Europe. This would leave the Soviets facing two superpowers rather than one.

MX MISSILE: A THREAT TO SECURITY

The centerpiece of the FY85 defense debate is likely to be the MX missile—and not without good reason. The $30 billion price tag, the counter-silo capability, and the implications for Soviet pre-emptive strike suggest the importance of the MX debate.

This subcommittee has heard a sea of arguments about why we should or should not build the MX missile. I come to share my confirmed opposition to the proposal and to outline the reasons for my opposition.

The Administration tried an arms control ribbon around the MX and renamed it "Peacekeeper." But the President has not wedded arms control with defense, he has stood both on their heads. The Soviets are not at the bargaining table; they are on the radio cranking our propaganda about American militarism—albeit, hypocritically.

Building the MX missile allegedly demonstrates our serious resolve to strengthen our national security. But the MX does not build national security. As a former CIA Director Herbert Scoville, Jr., observed: "Spending billions on a weapon only useful in first strike demonstrates madness, not seriousness."

The MX also troubles me, because it undercuts our national commitment to deterrence in favor of a potential first-strike policy. The highly-accurate, multiple warhead missile carries the power to knock out enemy missiles in their silos. But this contravenes our clear intent never to strike first with nuclear weapons.

The Pentagon also defies logic by pretending that MX will not be vulnerable to attack after placed in existing Minuteman silos. It spent 1981 and 1982 trying to convince the taxpayers that such a scheme was foolhardy. Now, with a 180 degree turn and some razzle-dazzle jargon, the public is supposed to go for a $30 billion hip fake that disguises the fact that only 1 percent of the MX missiles could survive a Soviet surprise attack.

But the MX is more than a costly pig in a poke. It's a dangerous one at that. By starting to build a first-strike capability with the MX and Trident II missiles, the U.S. increases the chance that the Soviets might be tempted to launch a pre-emptive first strike in a crisis. Or just as foreboding, to launch on warning of an attack for fear that its own ICBM force would get wiped out.

(Parenthetically, I might observe that the Trident II may be even more ominous than the MX. It seems more attractive since it probably will be more invulnerable. On the other hand, the short warning time, high accuracy, and large number of planned Trident II missiles should send chills up the spines of Soviet military planners—and everyone else. With a warning time under 15 minutes, near-shore launch capacity, and several thousand warheads, the Trident II force could be the most lethal and destabilizing weapon ever devised by man. It warrants the same fate as the MX: a premature burial.)

BUILDING REAL SECURITY

I am not suggesting unilateral disarmament or trust in the Soviets' good intentions. But if we worry about Soviet perceptions, why build weapons which we cannot use and which the Soviets can readily destroy. A sober assessment of Soviet threats does not mean the launching of foolhardy missile schemes.

It makes more sense to invest our defense dollars in non-first-strike weapons like the air-launched cruise missile and the Trident I sea-launched missile. Both strengthen our defense without inviting Soviet attacks or undercutting arms control. One submarine armed with Trident I missiles can place a nuclear warhead in every city over 100,000 in population.

Representing a state like North Dakota, the MX and strategic debate are not ideal controversies. With two major SAC bases and two minuteman wings, North Dakota could qualify as the third largest nuclear power. A map of the state would show that missile silos dot areas around Minot and Grand Forks Air Force Bases equal to about one-third of the whole state. A nuclear confrontation would mean the annihilation of North Dakota as the breadbasket of the nation.

In conclusion, reining in defense costs and building security offers us our toughest challenge in Congress. Success will depend not only on a tough, lean defense program replete with improved spare parts management, procurement controls, mission awareness, and realistic planning. It will also entail a firm commitment to mutual, verifiable arms control and the constructive use of foreign aid to build lasting bridges with the nations which suffer hunger, illiteracy, and disease.

But I believe that we can trim defense costs without hurting security. I submit that increased burden sharing can reduce by billions over overseas spending for conventional forces, when carried out with creative, determined leadership. I suggest that a sound nuclear strategy, based on the ability to retaliate against the Soviet economy—not empty silos with MX missiles—can help build peace and save billions for investment in our own economy.

If fairer burden sharing and existing alternatives to the MX missile point to key budget savings, such studies as William Kaufmann's "Analysis of the Fiscal Year 1985 defense Budget and Associated Five Year Defense Program" can lead the way to savings for $143 to $266 billion in defense spending without endangering national security. But to do so, Congress must reject the advice that throwing $2 trillion at defense in the next five years will buy us the security we need.●

A TRIBUTE TO FRANK METZGER

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, I rise this evening to pay tribute to Frank Metzger, a dedicated public servant and a good friend. Mr. Speaker, Frank Metzger is greatly respected and admired by all who know him. He has served Hamilton Township with distinction and brought honor to himself and his family.

Mr. Speaker, Frank Metzger served his community for 8 years as a member of the Hamilton Township Council. During his term on the council he served both as president and vice president of the body.

His commitment to do what is right inspires and encourages. Clearly, he was a moderating force on the council. His contribution to good government will be missed.

Frank Metzger, Mr. Speaker, is to be honored in a testimonial on Sunday evening. I recently contacted Hamilton Mayor Jack Rafferty for some impressions of Frank. Mayor Rafferty called Frank Metzger "candid, frank * * * a stable influence on matters before the council and in all actions * * * very conscientious. He utilized commonsense in his decisions and opinions. He will be remembered for his firmness of purpose and in his effort to represent the best interest of the residents of Hamilton."

Councilman Don Tamutus said that "Frank Metzger dedicated himself to his community. He quietly listened to others but when the discussion wore thin, he moved the question. When the tension grew he was a moderator, and when no answer appeared in sight he was a resource."

Fellow councilman Elmer Kovacs put it this way, "Frank Metzger was more than just an outstanding government official. He is a man of principal and proven character."

Councilman Jack Bell said, "Frank Metzger is greatly respected by all who know him. As president of the council, his willingness to listen and his dedication to the position were always evident. He provided a wit and humor that was often needed."

Mr. Speaker, Councilman John R. Lacy, Jr. said of Frank, "He has been my political and civic associate, my running mate, my council vice president and my council president. But most of all he has been my friend."

Mr. Speaker, Frank Metzger was born and raised in Hamilton, New Jersey. He was graduated from Hamilton High School. He went on to Rider College where he was graduated in 1958. He served in the U.S. Marine Corps and later went to work for All-

state Insurance Co. He is currently a senior account agent with the company. He is married and he and his wife, Nancy, have five children and one grandchild.

Mr. Speaker, Frank Metzger has been a positive force on the Hamilton Council. It was this dedicated effort that Frank consistently put forth to represent the residents of Hamilton.

Councilman Mike Angarone said, "As a Hamiltonian, I thank Frank Metzger for his dedication and efforts on our behalf. As the one who must try to replace him, I can only hope that I am equal to the challenge that is his record."

Mr. Speaker, Frank Metzger is an example of a public servant with community spirit. He has paved the way for others to try and follow. He is a good and honest family man who has left his mark on Hamilton Township.●

A TRIBUTE TO FATHER MARTIN SILVER

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. TORRICELLI. Mr. Speaker, on Sunday, May 20, 1984, I have the privilege of attending the 30th anniversary celebration of ordination to the holy priesthood of Rev. Martin J. Silver, associate pastor of St. Michael's Church, Lyndhurst, NJ.

I would like to add my congratulations to the long list of parishioners and family of Father Martin, who will be joining him on Sunday.

Father Martin Joseph Silver, son of Anna Kawalski Silver and the late Martin J. Silver, was born January 18, 1929, in Jersey City, NJ. He was guided and nurtured in the Catholic faith by his parents and his grandmother, the late Mrs. Alexandria Kawalski.

On May 29, 1954, Father Silver was ordained to the priesthood by His Excellency the late Archbishop, Thomas A. Boland, at St. Patrick's Cathedral in Newark, NJ. Following his ordination, Father Silver's first assignment was as a curate at St. Casmir's in Newark, NJ. Seven years later, Father Silver was briefly assigned to St. Adalbert's Elizabeth, NJ., St. Patrick's Jersey City, NJ., and St. Paul's in Greenville, Jersey City, NJ. He was then assigned to St. Anne's, Garwood, NJ., where he spent 11 years before coming to St. Michael's in Lyndhurst, NJ.

Reverend Silver quickly became an integral part of St. Michael's Church and the entire Lyndhurst community. He is an active member of Kiwanis, Amvets, Ancient Order of Hibernians, Knights of Columbus, and the Pulski Parade Association in New York City.●

MISSILE WITHOUT A MISSION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. EDWARDS of California. Mr. Speaker, while the House is in the process of debating the Defense Department authorization bill, H.R. 5167, there will be quite a bit of controversy over whether or not to continue to fund the MX missile production program. I would like to submit for your information the following article from the San Jose Mercury News, on May 16, 1984, regarding this weapon system. I could not have put it better myself.

[From the San Jose Mercury News, May 16, 1984]

MISSILE WITHOUT A MISSION

The Reagan administration wants $3.1 billion to build 40 more MX missiles. The House Armed Services Committee has cut that request to $2.5 billion for 30 missiles. Faced with widespread sentiment that the entire amount ought to be deleted, compromisers are pushing a 15-missile package at $1.8 billion.

But on grounds of arms control, military security and economy, there really is no justifiable middle ground when the House votes today or Thursday on the MX portion of the military authorization bill.

Representatives with the courage to say no will do just that, and refuse to provide any further funding for a weapon that would make no one safer—but would make us all poorer in the process.

Since its conception in 1971, the MX has been a missile in search of a mission, a basing mode and a political/military justification. On its side was the fact that the Soviets had pulled ahead in heavy land-based nuclear missiles.

But weighed against that was the conviction of a great many American scientists and not a few military men, that U.S. superiority in bombers and submarine-launched missiles more than offset the Soviet land-based advantage—and that heavy land-based missiles had become the dinosaurs of nuclear weaponry.

Jimmy Carter tried to outrun that technological reality with the bizarre "race track" scheme that would have shuttled MXs among hundreds of shelters. Ronald Reagan rejected that, in 1981. And just last year a reluctant Congress (the margin was only 9 votes in the House) approved production money for the first 21 missiles.

The rationale was not military need, but Reagan's argument, backed by the non-partisan Scowcroft Commission, that the MX was leverage critical to arms control negotiations.

Since then the MX has proved a dud as a bargaining chip. Not only did the Soviets not agree to deep reductions in strategic missiles and warheads; they closed down the negotiations altogether after the Reagan administration began deploying new medium range missiles in Europe.

This week Reagan has tried to recycle the arms control argument in reverse, claiming that without the MX, the incentive for the Soviets to return to the table is reduced.

But House moderates, including some Republicans who voted with the president last year, may not buy that. Rep. Ed Zschau, R-Los Altos, announced Tuesday that he would oppose the MX this time around, after voting for it previously. Area Democrats—Norm Mineta and Don Edwards of San Jose and Leon Panetta of Carmel—have fought the MX from the beginning.

Apparently trying to establish credentials as mediators, some other House Democrats have tried to embrace the MX and arms control as a package deal. One of these, Les Aspin of Wisconsin, is now pushing the 15-missile compromise, conditioned by the caveat that the money would be held in reserve while we see whether the Soviets come back to the negotiations.

But while 15 MXs are better than 30, no MXs would be better than 15. The reasons are both strategic and economic.

From a military viewpoint, the MX—as a 10-warhead, very accurate weapon—threatens the Soviets with a potential first strike from our side. As a sitting duck target, it invites a first strike from their side. Despite Reagan's label, "Peacekeeper," it is precisely the kind of weapon that threatens peace and stability.

A recent study by the General Accounting Office may have undercut this argument somewhat, by suggesting that the Soviets may have hardened their missile silos to be able to withstand an MX attack. But if this is so, the missile's very utility is also in doubt.

If all of these problems do not dispel the MX's ability to charm Congress, the money factor should. Given present and projected federal deficits, everyone agrees defense spending will be cut well below the level the administration has proposed.

If enormously expensive new weapons like the MX are left in the budget, cuts will come elsewhere, very likely harming overall military readiness and deleting more valuable weapons such as submarines.

The last time Congress voted on the MX Reagan attracted more than a few wavering members with an implied threat. If they didn't give the president a nuclear weapon he defined as vital, it would be their fault if arms control faltered.

This time, history should speak for itself. Congress gave the president his first round of bargaining chips with the 21 MXs it approved last year—and not only was there no progress towards arms control, the very attempt to achieve an agreement dried up. The MX alone certainly did not cause the current and very dangerous de-control of the arms race, but it clearly did nothing to reverse it either. The true peacekeepers will be those who vote against it this week.●

FIVE STUDENTS WIN NOMINATIONS TO U.S. SERVICE ACADEMIES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to commend five young people from my

district who have received nominations to the Nation's service academies. Nominating students for these academies is an official task of which I am particularly proud. Only young people of outstanding potential are selected for admission to U.S. service academies, whose mission is to prepare America's future leaders. The well-balanced program of professional development provides the Academy graduates with the solid foundation for their careers of service to our country.

The students from Brooklyn's 10th Congressional District who have received appointments are: To West Point, Duncan Barry of 4817 Avenue K, who is graduating this year from Xavier High School, and George Reese of 2030 Fort Street, who will be graduating from Xaverian High School; to the Naval Academy, Domenick Micilla of 1514 Dahill Road, a graduate of James Madison High School, and Paul Pensabene of 636 E. 85th Street, a graduate of South Shore High School; and to the Air Force Academy, Bernard Schwartz of 1012 E. 84th Street, who is graduating from Stuyvesant High School.

I know the residents of my district and I share the pride of these students and their families on this outstanding achievement, and we wish them well as they set out on this admirable endeavor.●

VETS MUST NOT LOSE BENEFITS BECAUSE OF CBO STUDY

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. WORTLEY. Mr. Speaker, a number of people have contacted my office regarding the April 25, 1984, column by Jack Anderson titled, "Move Would Cut Off Veterans." I would like to take the opportunity to clarify a few mistaken points about this article.

The Congressional Budget Office (CBO) study was prepared at the request of both the House and Senate Budget Committees. Following the premise of CBO studies, Rudolph G. Penner, Director of the Congressional Budget Office, states in the preface of the report: "In keeping with the mandate of the Congressional Budget Office (CBO) to provide objective and impartial analysis, the study offers no recommendations."

Furthermore, Jack Anderson choose to report on a copy of the draft report and not the final version, which was released in April.

It is important to keep in mind that the sociological changes we face in the population as a whole—longer life spans due to medical and technological advances in science and medicine, and an older population as the baby-boom generation ages and young people choose to have less children—are reflected as well in our veteran population. Our veteran population is aging now that veterans of World Wars I and II have reached their senior years.

Congress must be prepared to address the problems of our aging population. The demand for health and nursing home care will grow as people age. We have just completed revamping the social security system to insure its financial integrity and guarantee its solvency for many more years. The medicare program is next. The present system must be revised to insure that it can take care of older Americans.

I welcome the CBO study as the beginning of an important and necessary dialog regarding the future of health care for veterans. I do not look at it as the definitive document that would "* * * cut $3.3 billion a year from the Veterans Administration's budget" or "* * * dump most of the vets who are now treated in the agency's 172 hospitals and 100 nursing homes on the already overburdened medicare and medicaid systems." Congress, and the Members who represent our Nation's vets, maintain a strong commitment to providing health care for veterans. We will read and study the issues addressed in the CBO report and other studies offering suggestions on trimming Federal programs and reducing the deficit.

Addressing the issue of health-care costs, not just for veterans, is an important priority. We must bring costs in line, but not by jeopardizing the health and well-being of older Americans.●

A TRIBUTE TO MR. DENNIS CARNEY

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. MURPHY. Mr. Speaker, this evening the Monongahela Valley Progress Council is honoring Mr. Dennis Carney, the chairman and chief executive officer of Wheeling-Pittsburgh Steel Corp., for his efforts to revitalize the industrial potential of southwestern Pennsylvania. Unfortunately, I cannot attend, but I would like to join in commending Mr. Carney for his contributions to the Monongahela Valley.

Dennis Carney was born and raised in Charleroi, Pa., in the heart of my congressional district, and in the shadow of the Allenport and Monessen mills of Wheeling-Pittsburgh. He has lived and worked in southwestern Pennsylvania all of his life and he has shown a commitment to improving conditions in this region, and in working effectively with the varied interests residing there to forge recognized improvements.

I have known Dennis Carney for many years, and got to know him much better, and to understand his convictions, when he and I worked together to attain Federal assistance in financing the Allenport Rail Mill. Mr. Carney is a man dedicated to the survival and strength of the American steel industry. He has been outspoken in his criticism of both the Federal Government and the steel industry for their responsibility for the huge imports of illegally subsidized steel, and the inefficiency of most of our facilities. He is an active supporter of Federal involvement in maintaining fair market conditions for the American steel industry, and has shown that he will do whatever it takes to keep his company alive in these uncertain times.

Mr. Speaker, Dennis Carney is a man who speaks his mind freely, and whose knowledge of the industry and accomplishments cause all who know him to stop and consider his words carefully, I congratulate him and I wish to thank him for his commitment to the progress of our community.●

BENNETT HIGH ELITES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. KEMP. Mr. Speaker, on June 5, 1984, a very special event will take place at Bennett High School in Buffalo, N.Y. A group of Bennett alumni known as the Bennett High Elites is hosting one of their very successful Honor Nights to pay tribute to Dr. Joseph Wincenc, a Bennett alumnus who has contributed a great deal to our community by sharing his musical talent so generously.

Dr. Joseph Wincenc has been a respected and popular figure in our community for many years. His interest in music began when he started taking violin lessons at the age of 5. With his first public appearance at age 6 he began sharing his musical gift with those around him. At Bennett High School he organized and led a school band, and eventually became the concertmaster of the Buffalo All-High School Orchestra. In 1937 he received a bachelor's degree in music from Oberlin Conservatory of Music in Ohio, and later received his master's degree from the State Conservatory of Music in Prague, Czechoslovakia. He also holds degrees from Columbia University Teacher's College and Conisius College.

Dr. Wincenc's contributions to music in western New York include serving as conductor and musical director of

the Amherst Symphony, the Orchard Park Symphony, and the Clarence Summer Pops Orchestra. The Amherst Symphony has 102 performers and is considered one of the largest community orchestras in the United States. Dr. Wincenc founded all three of these community organizations, which have been a great source of entertainment and opportunity for these communities, with members who play only because of their love of music and commitment to the community.

Dr. Wincenc has been honored many times for his promotion of American composers and his interest in helping young people. He has received awards from Daemen College, the Buffalo News, the Amherst Chamber of Commerce, the Buffalo Chamber of Commerce, the New York Federation of Music Clubs, and the University of Siena, Italy. He has been active on the executive board of the Erie County Music Educators Association as well.

Mr. Speaker, I rise today to join the Bennett High Elites, who include Morris Poummit, Anthony Baggs, Donald Battles, John Balke, Ronald Donaldson, Dr. Alan Gibbons, John Hagman, Menno Hartmans, Walter Merwin, Melvin Ockerman, Charles Pankow, William Rix, and Burt Storm, in commending Dr. Joseph Wincenc on his outstanding service to our community and his devotion to enriching our lives with music. I know that the "Honor Night" on June 5 will be a great success, and I wish all the best to Dr. Wincenc and his family.●

A TRIBUTE TO MR. LESTER LOHMAN

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. DURBIN. Mr. Speaker, I rise today to call attention of my colleagues to the distinguished career of Mr. Lester Lohman of Quincy, IL. Mr. Lohman has recently celebrated his 50th year as president of Lohman's Tax and Accounting Service, a business he began.

Like many of the small business men and women in America, Mr. Lohman built a successful enterprise upon the foundation of his own hard work. He began by keeping books and records for other small business people and doing income tax returns. In 1941, he moved to larger quarters.

Five years later, his son, Robert, joined him in the business. In 1967, Robert's wife, Mary Ellen joined the business.

Mr. Lohman's son will become the new State president of the Independent Accountants Association next month.

While Mr. Lohman is proud of his son's accomplishments, the community is proud of both father and son.

Mr. Lohman's life and business career represent all that is good and productive in our system and I consider it an honor to call the attention of the House to this gentleman's accomplishments.●

DEBT CEILING RULE

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means today reported H.R. 5665, to further extend the statutory limit on the public debt.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this bill and by the House of Representatives.●

THE RETIREMENT OF COL. GURNIE GUNTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. SKELTON. Mr. Speaker, on June 26, 1984, Col. Gurnie Gunter, district engineer of the Kansas City district, U.S. Army Corps of Engineers, will retire from the Army. This is being called to the attention of the Congress so that a noteworthy individual is publicly recognized and credited for his service.

Colonel Gunter undertook an intense series of studies in colleges in Missouri, Illinois, and Pennsylvania earning two bachelors degrees and two masters degrees. His military education includes programs at the U.S. Army Engineer School, the Army Command and General Staff College, and the U.S. Army War College.

His career in the Army has been one of outstanding service, with several overseas tours of duty including Vietnam, Germany, and the Middle East. He is a leader in his profession, serving as president of the Society of American Military Engineers. He also serves as campaign chairman of the Combined Federal Campaign; and serves on the executive board of the Federal Executive Board; and executive board, American Red Cross.

In his last assignment, in Kansas City, Colonel Gunter has earned my respect. He has handled a difficult job with deftness and demonstrated awareness of the way his decisions affect people. It is regrettable that the Army and the Government will lose his skills, but I am pleased to have had him serve in an area that included my district. I am using this means to wish him well as he finishes a career of service to his country.●

PROTECTION OF SALVADORAN REFUGES IN THE UNITED STATES

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. MOAKLEY. Mr. Speaker, 19 national religious leaders from Protestant, Catholic, and Jewish faiths have issued an appeal to the Congress to protect Salvadoran refugees in the United States.

The appeal was lead by Bishop Philip R. Cousin, President of the National Council of Churches and a Bishop in the African Methodist Episcopal Church. Bishop Cousin was joined by the heads of the Presbyterian Church, American Baptist Churches, the United Church of Christ, the Union of Hebrew Congregations, and other religious leaders, as well as Catholic Bishop Anthony J. Bevilacqua of Pittsburgh, Chairman of the U.S. Catholic conference's immigration committee.

Specifically, the 19 leaders endorsed legislation (H.R. 4447) which would temporarily halt the deportation of Salvadoran refugees in the United States. For the benefit of my colleagues, I would like to submit, in the RECORD, the text of the letter which was sent to the Congress by these religious leaders.

CHURCH WORLD SERVICE,
New York, NY, April 11, 1984.

DEAR REPRESENTATIVE: We, as religious leaders and concerned citizens, urge your support and cosponsorship of H.R. 4447 which addresses a tragic product of the current turmoil in El Salvador—the displacement and uprooting of the country's citizens.

The measure, sponsored by Rep. Joe Moakley, requires the President to examine security and humanitarian conditions as they pertain to displaced Salvadorans in their home country and elsewhere in the hemisphere. Importantly, pending the outcome of this White House study, the bill temporarily suspends the deportation of Salvadorans currently in the United States, an action which has been advocated by our churches for many months.

There are few aspects of the turmoil and violence in Central America which evoke more concern among churches than what is happening to the people of that region. An estimated twenty percent of the Salvadoran population alone has been displaced in the past few years, both inside and outside the country. Recent reports by churches, human rights groups, and the State Department have indicated that the conditions which the displaced face—both with respect

to their physical needs and their safety—are among the most compelling in the world. These conditions must be examined and appropriate responses devised.

It is in this light that our religious commitment to the care of the homeless and the protection of the needy leads us to ask for your support for H.R. 4447 as an imperative first step in dealing with the situation of Salvadorans here and elsewhere in the hemisphere.

Thank you for the consideration of our concerns.

Sincerely,

BISHOP PHILIP R. COUSIN,
Ninth Episcopal District, African Methodist Episcopal Church, President, National Council of Churches.

LIST OF SIGNATORIES

The Most Reverend John M. Allin, Presiding Bishop, The Episcopal Church, USA, Chairman, The Presiding Bishops Fund for World Relief.

Bishop Anthony Bevilacqua, Bishop, Diocese of Pittsburgh, Chairman, Ad Hoc Committee on Migration and Tourism, United States Catholic Conference.

Reverend Dr. Charles W. Butler, President, Progressive National Baptist Convention.

Reverend Dr. Robert C. Campbell, General Secretary, American Baptist Churches U.S.A.

Reverend Dr. James R. Crumley, Jr., Bishop, Lutheran Chuch in America.

Walter Farrell, S.J., President of the Jesuit Conference.

Reverend Dr. William H. Kohn President, The Association of Evangelical Lutheran Churches.

Reverend Dr. Edwin G. Mulder, General Secretary, Reformed Chuch in America.

Robert W. Neff, General Secretary, Church of the Brethren.

Father James P. Noonan, Superior General, Maryknoll Fathers and Brothers.

Reverend Dr. Randolph Nugent, General Secretary, United Methodist General Board of Global Ministries.

H. A. Penner, Director, U.S. Mennonite Central Committee.

Reverend Avery D. Post, President, United Church of Christ.

Dr. David W. Preus, Bishop, American Lutheran Church.

Albert Vorspan, Vice President, Director of Commission on Social Action, Rabbi David Saperstein, Director and Counsel, Religious Action Center, Union of American Hebrew Congregations.

Reverend J. Randolph Taylor, Moderator of the 195th General Assembly, Presbyterian Church (U.S.A.).

Kenneth L. Teegarden, General Minister and President, Christian Church (Disciples of Christ).

Reverend Dr. Paul Wee, General Secretary, Lutheran World Ministries.●

TRIBUTE TO JOHN A. SAVOY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. GEKAS. Mr. Speaker, I would like to pay tribute to a good friend and community leader, John A. Savoy, of Williamsport, PA. Over the years John Savoy has quietly distinguished himself as a doer, one unafraid to take risks, one always concerned with the welfare of others.

John's involvement with the Multiple Sclerosis Society is evidence of his unselfish devotion to the people of his community. He founded the Lycoming County MS chapter in 1968, chaired it for 10 years and now serves as its chairman emeritus.

I am proud to recognize John Savoy for his longstanding generosity and hard work on behalf of the people of Lycoming County. On May 23, 1984, he will be honored at a testimonial dinner given by the MS Society and his friends in Williamsport. I join them in saluting John. May his example motivate and inspire us to follow his lead in public service.●

A SALUTE TO 110 YEARS OF SERVICE OF THE FRIENDLY INN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. STOKES. Mr. Speaker, it is a great honor to join with Cleveland area dignitaries and people from all walks of life in saluting the board of governors and the staff of the Friendly Inn Settlement House on the occasion of their 110th anniversary. This auspicious occasion will be celebrated at a luncheon and ceremony at the Friendly Inn Settlement House on Saturday, May 19. I think that it would be appropriate, at this time, to share the history and the achievements of the Friendly Inn with my colleagues in the House of Representatives.

Mr. Speaker, the history of the Friendly Inn is more than a simple chronology of the organization's commitment to problem solving. It is a history of special events and achievements.

As Cleveland's first settlement house, the Friendly Inn's beginnings were grounded in the temperance movement which was dedicated to the pursuit of sobriety of the body and mind.

Back in the late 1800's, 2 quarts of beer could be bought for a quarter and women sat on the curbstone and drank fluid from beer barrels. The Friendly Inn was born to help promote the good and wholesome aspects of life and work with those individuals who needed help.

Mr. Speaker, not only was the Friendly Inn Cleveland's first settlement house but it was also one of the first in the Nation. Its first home was a building occupied previously by a saloon on lower Central Avenue in Cleveland, in the heart of the old "Haymarket" district.

In 1874, several Cleveland women rented a store on Central Avenue and over the store they hung a sign which read, "Temperance Coffee House and Lunch Room." The temperance movement was gaining strong momentum at that time through the Nation. Farmers and their wives who came to town to sell their hay were the first to take advantage of the lunchroom.

In March of that year, the Women's Temperance League of Cleveland organized an auxiliary of the Women's Christian Temperance Union of Ohio. Members of this group represented some of the most influential families in Cleveland.

After the group met, the decision was made to organize and operate three inns patterned after the Holly Tree Inn of Boston. Through the untiring efforts of the group members, Central Place, later renamed the Central Friendly Inn, was founded and quickly began to prosper.

Eventually, Mr. Speaker, the original purpose of the Central Friendly Inn at No. 67 Central Place, was expanded. The inn assumed more characteristics of a modern settlement house. Classes for dancing, cooking, and sewing were initiated. Soon, the inn catered primarily to the immigrants who had settled in the Cleveland area and who replaced the former denizens of the saloons which had decreased in number.

The inn enjoyed such popularity that it expanded that year to include the building at No. 69 Central Place.

With the increase in size and programs, the inn was incorporated in 1879. As the achievements and programs of the inn began to gain notoriety, many philanthropists began to contribute to the inn and its programs. John D. Rockefeller and Joseph Perkins made substantial contributions to the Friendly Inn. Through their financial support, the Friendly Inn staff acquired another building on Central Place.

In 1924, Mr. W.G. Marshall donated land on his property in Sagamore Hills and built dormitories for the camping program operated by the Friendly Inn.

Mr. Speaker, by the end of 1924, the inn's expanded settlement activities were bursting the seams of the Central Place building and a move was made to the old Excelsior Club on Woodland Avenue. The building was perfectly equipped for the expanding programs operated by the inn staff. It contained a large swimming pool, gymnasium, craft rooms, and a third floor well adapted for staff offices. There was also a large well-equipped playground which was a valuable asset to the crowded district.

The Friendly Inn continued to grow and the staff formed coalitions with other organizations in the Cleveland metropolitan area. By 1948, the Neighborhood Settlement Association was

formed and the Friendly Inn was one of the original agencies of that group.

The Friendly Inn moved its operation from the Woodland Avenue address in 1954. They relocated to their current site at the Community Center Building of the Carver Park housing project. This last move has allowed the Friendly Inn staff to expand its services to the Carver and Outwaite Estates.

In addition to the programs in dance, crafts, sports, and sewing at the previous locations, the Friendly Inn staff has developed special programs for the elderly, teenagers, and drug counseling projects in the community.

Mr. Speaker, the Friendly Inn has a rich history spanning 110 years. In that time, the inn has made a profound and lasting impact on the community and countless Clevelanders. The inn is a special source of pride for the entire community.

At this time, I ask my colleagues to join with me in saluting the work of the board of governors and the staff of the Friendly Inn of Cleveland, Ohio.●

ASAT'S—ANOTHER "BIG CHILL"

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1984

● Mr. BROOMFIELD. Mr. Speaker, space, "the new frontier," continues to assume increasing importance as an arms control and defense issue. In this regard, I believe it is necessary that the Congress examine and evaluate—with objectivity—the signficant arms control, foreign policy, and national security issues inherent in establishing an outer space arms policy for the United States.

As of May 1984, the Foreign Affairs Subcommittee on International Security and Scientific Affairs, of which I am the ranking minority member, completed three hearings on "Arms Control in Outer Space." During these hearings, testimony was heard from congressional and administrative witnesses, as well as from private experts in the scientific, arms control, legal, and defense communities. Throughout the hearings concerns were expressed about the costs and the technical feasibilities of both United States and Soviet military space programs, including antisatellite weapons (ASAT's).

If nothing else, I believe that these hearings revealed how complex and difficult the arguments can be—for and against—the deployment of ASAT weapon systems. Although some believe that the development of an American antisatellite weapon sets a dangerous course, others point out that our program is in response to a Soviet military space threat evolving over the last several decades.

In this regard, my colleagues should be fully aware that the Soviet Union has the world's only operational ASAT interceptor system. Moreover, this Soviet ASAT weapon has been operational for more than 10 years. The Soviet system uses a ground-based ICBM-type booster, which, incidentally, can be used for a variety of military and space missions, to place an ASAT vehicle in close proximity to a lower orbiting satellite.

After orbiting the Earth, the Soviet vehicle parks itself near the target and destroys the satellite with multipellet shot or shrapnel. Although some have described the Soviet system as dated and primitive, it nevertheless can be deadly. This system has been extensively tested and observed to be effective in 9 of 15 attempted intercepts in space.

On the other hand, the American ASAT system has never been tested in space and is certainly not operational. Moreover, contrary to arguments sometimes heard concerning the U.S. ASAT program, the program and the reasons for its existence are not new developments originating with the current administration. In fact, a review of arms control literature particularly the arms control impact statements which are submitted annually to my subcommittee, reveals that the U.S. program and the arms control policy associated with it has not changed since 1977.

Most importantly, it was in 1978–79 that Jimmy Carter conducted ASAT negotiations with the Soviet Union only to have those talks break down as a result of the Soviet invasion of Afghanistan. Following the invasion, and the inconclusiveness of the negotiations, the Carter administration shifted its position on the development and testing of a U.S. antisatellite weapon, this change being made largely because of the Soviet Union's continuing systematic testing of their ASAT weapon as well as a more realistic awareness of Soviet strategic intentions—be they on Earth or in space.

Many argue that the U.S. ASAT system, which is fired from an F-15 combat aircraft, has been developed for several purposes, among them being to deter threats to our own space systems by having an ability to respond in kind. Although some will argue that the U.S. ASAT is a destabilizing system which only exacerbates the arms race, others believe it would be an important stabilizing system, since the Soviets already have an operational ASAT capability and the United States does not. Besides, some arms control and defense experts believe that by having such a U.S. capability, the escalation threshold could remain at lower levels, since the United States would not have to resort to a response other than one in kind.

Second, our ASAT could be used to deter any conventional or nuclear conflict by placing at risk certain lower orbiting Soviet satellites which provide support for hostile military forces. With such a system, the United States could deny the Soviets important intelligence, just as the Soviets could deny the United States information, especially in regard to significant troop and naval maneuvers.

Equally important, the contribution of our ASAT program would provide the United States with a certain protection against advantages embodied in potential Soviet breakouts. At this time the Soviets are continuing to explore various antisatellite technologies which have ASAT capabilities and because the Soviets have already accumulated extensive ASAT data, they could more readily develop new ASAT systems.

Finally, the continuation of the U.S. ASAT program, including tests in space, may encourage good-faith ASAT negotiations. Although the questions of verification and the definition of what is to be verified combine to create numerous ASAT arms control programs in themselves, I believe that it is important that the United States have some kind of bargaining lever, in the form of a tested system, if and when we are a party at the negotiating table. Even Ambassador Robert Buccheim, who was in charge of ASAT negotiations under President Carter, recently testified that we should continue to test our ASAT in order to verify U.S. technology.

It should also be noted that although the Soviets have proposed a so-called moratorium on ASAT's, this proposal was made within the mutilateral structure of the United Nations and has been viewed by some as a propaganda ploy to forestall planned tests by which the United States can close the gap. My colleagues should also be aware that during the 1978–79 negotiations, the Soviet Union continued to insist upon the inclusion of the U.S. space transportation system, better known as the space shuttle, as an ASAT weapon, thus contributing to the breakdown of the talks.

During our hearings on the subject, I could not help but detect the bitterness which Ambassador Buccheim felt for the suspension of the ASAT talks following the invasion of Afghanistan. Arms control in space is a logical step toward the process of peaceful competition yet linkage is a fact of life these days even for those who feel strongly about the pursuit of arms control.

Given the Korean Airline incident, the Soviet walkouts in the intermediate nuclear force talks (INF) and the strategic arms reduction talks (START), the escalation of Soviet fighting in Afghanistan and the recent

Olympic boycott, not to mention Mr. Chernenko's continuing struggle to consolidate his political base with competing Soviet interest groups, including the military, it would be difficult indeed to imagine that any administration, be it Democrat or Republican, would deem the political climate ripe for the beginning of yet another set of bilateral arms control negotiations with the Soviet Union at this time.

Despite the fact that space is a new frontier for arms control and defense efforts, little has changed in the world of realpolitik. While the Soviet Union continues to misbehave on Mother Earth, it is exploiting space for military advantage. Like any superpower which believes it may have certain advantages or edges in the competition, the Soviet Union, in this case, has, along with certain Members of the U.S. Congress, been trying to prevent the United States from catching up in the important category of antisatellite weapons. With its unilateral ASAT advantage, and its propaganda "freezes" for the sake of arms control, it is the Soviet Union which has put the real "chill" in space.●

AMERICAN-JAPANESE TRADE RELATIONS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. WIRTH. Mr. Speaker, as our trade deficit continues to balloon to record proportions, there is an understandable concern about trade with Japan. There have been a series of unconnected announcements recently concerning various aspects of our trade deficit; the resolution—or attempted resolution—of areas of friction; and continued calls for increased access to the Japanese market.

I recently received a copy of remarks delivered by His Excellency Yoshio Okawara, Ambassador of Japan, which does a commendable job linking the developments of the last few months, and I would like to share it with my colleagues.

As Ambassador Okawara points out, what has been accomplished so far does not excuse Japan from doing more. I have been highly critical of Japanese trade barriers at many times in the past; and I will continue to attack the many remaining impediments to full American access to Japanese markets. However, we should all be cognizant of the strides that Japan has taken to increase access by the United States to Japanese markets, as we continue our efforts to remove those barriers which remain.

I urge my colleagues to read the following address, delivered by Ambassador Okawara on April 11, 1984, before the Harvard Business School Club's international dinner.

The speech follows:

JAPAN IN CHANGE—THE OTHER SIDE OF THE STORY

I feel very privileged to join this distinguished group of business statement, on the occasion of recognizing one of your members for his special accomplishments. All of you deserve recognition for leading this country through a difficult and costly crisis, and into one of the most promising recoveries in modern business history.

This evening, I should like to present you with the other side of the story of Japanese-American economic relations, the side that is seldom heard. The story we are used to hearing is that Japan is very slow to open its markets, and that American exporters are having great difficulty selling to Japan. Rarely do we hear about Japan's actual progress in opening its markets, and American successes in exporting to Japan.

The U.S. trade deficit looms large over our trade relations, overshadowing some very positive aspects of our relationship. For example, if we look at U.S. exports to Japan, the trend is very encouraging. During the two-year period 1981-83, global U.S. exports declined by 14 percent, but U.S. exports to Japan actually increased moderately. According to the most recent available statistics, during December, January and February U.S. exports to Japan increased 19 percent compared to a year earlier, while U.S. global exports grew by only 9 percent.

Our two-way investment, which is certainly a contributing factor in alleviating our trade frictions, is also expanding at a healthy rate. As of last September, U.S. direct investments in Japan reached an estimated $7.5 billion, a 12 percent increase over the previous year. In the same period, total U.S. overseas investments increased by less than 1 percent. Also during the same period, Japanese direct investments in the United States increased 17 percent, reaching $9.9 billion, while total foreign investment in this country grew only 11 percent.

The transfers of capital and technology that characterize these flows are creating new jobs, goods and services in both our economies. American investments in Japan are revolutionizing Japanese marketing and distributing systems, and Japanese investments and technologies are helping the steel, automotive and other industries in this country to retool and to regain their competitiveness in world markets. Hardly a day passes without a press report on new investment or some other form of industrial cooperation between our two countries.

Despite the negative stories they have been hearing, the American people seem to grasp this positive side of our relationship. A public opinion survey conducted by Gallup for the Yomiuri newspaper last September shows a considerable understanding of what Japan is doing. The question was asked: The U.S. wants Japan to open its market to world trade. How much progress do you think Japan has made toward opening its market to world trade—would you say a great deal of progress, some progress, little progress, or no progress art all?

In response, 27 percent of those interviewed reported that Japan has made a great deal of progress, while 37 percent felt that some progress has been made in this area. Only one in five Americans believed that Japan has made little or no progress in market-opening efforts. This is quite different from the attitudes we hear expressed in some Congressional and other government quarters. Which perception is more accurate?

Let's look at the record, at what Japan has actually accomplished in just the last year.

At the beginning of this month, a wide range of tariff cuts came into effect. Tariff reductions for more than 1,280 items were implemented one year in advance of the schedule set by the MTN Tokyo Round Agreement. In addition, tariffs were cut on 47 other items. Although the complaint was heard that few items of interest to the United States were affected, the fact is that several very sensitive items on the list are of great interest to U.S. exporters, including particle board and sack kraft paper.

I should also point out that this was the third consecutive round of unilateral tariff cuts we have implemented without receiving any concessions from our trading partners, including the United States. The one exception was our mutual agreement to eliminate our respective tariffs on semiconductors. We have already implemented our commitment in law, and we are waiting for Congress to do the same. You may be interested to know that Japanese imports of American ICs increased almost 30 percent last year. In the last three months of last year, the increase was more than 50 percent over a year before.

You have heard complaints, I am sure, that NTT procurement of foreign products is small, while Japanese exports of telecommunications equipment are large and rapidly growing. Yet NTT foreign purchases exceeded $140 million on a contract basis in FY 1983, triple the previous year. NTT is working hard to improve the access of U.S. products to its procurement market, under the three-year agreement with the United States, which was newly extended at the end of January.

Recently, NTT decided to procure large-size Private Branch Exchanges, or PBXs, from Rolm and Northern Telecom. In the past, when NTT purchased certain products from foreign companies, the contracts were customarily given to both Japanese and foreign companies. This time only U.S. firms were chosen. This departure from tradition is of more than symbolic importance.

Furthermore, the Japanese Government reached an important decision on April 6 regarding abolishment of NTT's telecommunications monopoly, and the opening up to the private sector of the telecommunications service market, including the VAN (Value-Added Network) service. Various American concerns were voiced on this issue—so much so that it sounded as if Japan were reversing its market-opening policy. The fact is that Japan is ahead of every other industrialized nation, except the United States, in the systematic opening up of its telecommunications service market to private interests.

The next complaint was that Japan was not opening this market as much as the United States. What the critics overlooked was that, after the FCC decided to deregulate its enhanced telecommunications service, the United States had ten years to experiment before deciding in 1980 on the present policy. The Japanese Government, without benefit of such a time allowance, wants to move a little cautiously as it gropes for the appropriate system. The proposed legislation contains a provision requiring a review in three years.

In the course of preparing the bill, there was an idea to limit the ratio of foreign capital in a certain category of telecommunica-

tions service, operating through a leased communications trunkline. The Government has since decided to eliminate any such discriminatory treatment. Notification or registration will be required to start up a business, depending on the size of the business, but the original idea of a licensing system was dropped. Hence the principle of nondiscrimination against foreign capital is being upheld, and the proposed legislation clarifies the requirements for notification and registration to ensure transparency of the procedure, and to avoid any suspicion of arbitrary intervention by the government. The door is going to be wide open to foreign companies interested in the Japanese telecommunications service market.

In the area of nontariff barriers, the Japanese standards and certification system was long the target of criticism from the U.S. Government. That system has been drastically reformed. Following extensive review of all the regulations concerned, the Japanese Government revised 16 laws and all relevant by-laws and other regulations, effective last August. We are now inviting foreign auto manufacturers to take advantage of the drastically simplified system of "type designation" to facilitate their exports to Japan.

Incidentally, the metal bat issue, much publicized as a symbol of Japanese nontariff barriers, has been settled. In a press conference last November, the President of a concerned U.S. sporting goods manufacturer expressed his satisfaction, saying, "There is no more complaint, since we could compete on equal conditions. From now on, it is up to the efforts of our companies."

On tobacco, another contentious issue, we reduced the tariff a year ago from 35 percent to about 20 percent, equivalent to the U.S. tariff. Then the complaint was raised that we were nullifying the effect of the tariff cut by increasing the domestic tax by one yen per cigarette. In fact, the tax applies equally to domestic and foreign tobacco. The price differential between domestic and American cigarettes has been narrowed to 80 yen per pack from the original 110 yen.

Moreover, all Japanese tobacco retailers, except in rural areas, may now sell foreign products if they wish. The number of retailers selling foreign tobacco has now increased to 70,000, compared with 20,000 in March of last year. An effort is being made for all retailers who want to sell imported products to be able to do so by the end of FY 1984. The progress to date is reflected in increased sales. During the first eleven months of FY 1983, foreign tobacco sales in Japan increased 19 percent, while sales of domestic products declined by 1.3 percent.

Progress is also being made in reform of the Japan Tobacco and Salt Monopoly. On April 3 the Government introduced a bill in the Diet which will allow the importation and distribution of foreign tobacco to be handled by private traders, without going through the reorganized JTS company.

Yet another problem that has received extraordinary attention is the linking of the U.S. trade imbalance to the exchange-rate situation. No doubt the overvalued U.S. dollar is disadvantaging American exports in all world markets. It makes foreign products more attractive in competition with U.S. products, and it encourages U.S. imports while discouraging U.S. exports.

It is not, however, a problem of an undervalued yen against the dollar; it is a much wider problem of an overvalued dollar against all major currencies, among which the yen has been holding strongest. There is absolutely no truth in the allegation that the Japanese Government has been manipulating the exchange rate to facilitate Japanese exports. The U.S. Treasury denies it, the Federal Reserve denies it, and the General Accounting Office denies it. Besides, it would be self-defeating if it were true. Oil constitutes 40 percent of Japan's imports, and all that oil is denominated in overvalued dollars.

Fortunately, yen-dollar exchange rates have recently been moving in the right direction. The yen-dollar gap is beginning to narrow. Even so, in line with the Reagan-Takeshita joint announcement last year, Japanese financial authorities have been working toward freer access to Japan's capital market and the internationalization of the yen, through such measures as the following:

Abolition of the real demand rule in foreign exchange, which will make exchange-risk hedges easier;

Introduction of smaller denominations of Certificates of Deposit (CDs), from 500 million yen down to 300 million yen, while raising the CD ceiling from 75 percent to 100 percent of the bank's capitalization—measures that will enhance the variety and availability of CDs;

Issuance of Japanese-Government-guaranteed bonds in the U.S. market, and a legislative proposal to open the way for dollar-denominated national bonds;

Abolition of the designated company system, which was regarded as restrictive of foreign investment in certain designated companies; and finally

A review leading to easier guidelines on the issuance of Euroyen bonds.

Both our governments have been working actively through ad hoc group meetings on the internationalization of the yen and further capital-market liberalization. A third round of meetings will be held early next week in Washington. We expect the group's report, which is envisaged to be completed in May, will lead to a better environment for currency adjustments, over the longer term.

Contrary to perceptions in some parts of Washington—and Detroit—Japan has played a cooperating and supportive role in the remarkable four-year turnaround of the U.S. auto industry. The problems of the industry began, as you know, with the coincidence of the second oil shock in 1979, and availability of well-designed, fuel-efficient and competitively priced Japanese cars. After a very difficult period, the U.S. Big Four accomplished their turnaround at great cost in retooling and in automating the assembly line, but also with the help of four years of export restraint on the part of Japanese automakers.

Finally I want to share with you my personal and professional satisfaction that negotiations were successfully concluded last weekend in Washington on the beef and citrus problem. This much-politicized issue, which became a towering symbol of our trade conflicts, had been inflated far beyond the dollar value of the trade involved. But over the weekend Ambassador Brock and Minister Yamamura reached agreement on a formula to increase Japan's high-quality beef imports by 27.6 thousand tons for the four-year period ending in fiscal year 1987, and orange imports by 44 thousand tons over the same period. This agreement will expand Japan's imports of high-quality beef and oranges for the coming four years at more than double the rate of the previous agreement. Moreover, we undertook to eliminate import quotas on grapefruit juice in two years time.

I am very glad this symbol of Japan's alledgedly closed market is now behind us, but I would add a footnote or two. For one thing, no country in the world, except Australia, maintains a truly free market for imported beef. Japan, however, imports 30 percent of all the beef it consumes, and 60 percent of American's total beef exports.

Japan's reliability as a customer for U.S. agricultural exports is unmatched by any other country. In recent years, U.S. farm exports have suffered various setbacks, including problems related to the European Community's Common Agricultural Policy. But Japan is the one market in the world where sales of U.S. agricultural products continue to grow. Nor is Japanese agriculture a competitive threat to America, anywhere in the world.

I promised you at the outset that I would give you the other side of the story. I have been unusually frank with you in expressing some of our feelings because I believe one of the valuable qualities of business statesmen is the ability to talk straight from the shoulder, and to listen to the other side.

On those terms, I should like to leave you with one question to turn over in your minds, after we part. In spite of all the criticisms of Japan that you see daily in the press, and taking account of the still sluggish conditions that afflict most of the world economy, can you name one other country that has moved further and faster than Japan, in the past few years, to open its markets to America and the world?

In enumerating for you what we have accomplished so far in opening up our markets, I do not excuse us from doing more. Japan has been moving in this direction, not simply in response to American pressure, but because we are aware of our impact on the world economy, and we recognize our responsibilities as the free world's second-ranking economic power, and America's most dynamic partner and competitor. We cannot escape the fact that Japan can seek its own prosperity only by contributing to the stability and sustained growth and prosperity of the world economy. We shall continue our efforts in this spirit, and you may count on it.

Although a general economic recovery has begun, led by the vigorous U.S. economy, we are still in a difficult time. This is exactly the time when close Japanese-American cooperation is needed to contain protectionist pressures, devise ways to alleviate the grave debt problems of the developing countries, and get the world economy back on the track of stable expansion. What is called for at this juncture is not mutual recrimination, but mutual support and cooperation. Japan must always be sensitive and responsive to criticism from abroad, but mere Japan-bashing will not serve our common purposes or the world's needs.

I believe it is also fair to say that the time has come for Japan to take initiatives on its own, rather than merely react to foreign criticism. I believe we have begun to show initiative, and I would point to our steady progress in expanding our official development assistance to the developing countries. I would point also to our joint initiative with the United States to launch a new round of multilateral trade negotiations to head off protectionist trends and to strengthen our open world trading system.

Yes, Japan and the United States are competitors as well as partners, and everyone in this room understands the dynamics and

mutual benefits of that kind of relationship. It is the essential characteristic of a market economy, domestic or international. It is the source of vitality for free enterprise. Let us accept the risks as well as the prizes of our complex partnership. Let us move forward together, with mutual respect, to solve the larger problems threatening the global economy.

That is what the rest of the world expects from us. We can provide it by working with rather than against each other.●

ROWNY TALKS ABOUT START

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. BROOMFIELD. Mr. Speaker, in spite of what the Soviets say about worsening relations, negotiations between our two countries are moving ahead on a wide range of issues. As General Rowny said the other day, we are engaged in multilateral and bilateral negotiations with the Soviet Union. We and our allies are now negotiating with the U.S.S.R., including the Stockholm Conference on disarmament in Europe. There we are talking about prenotification procedures for military exercises. We are also negotiating on chemical weapons and other issues in the U.N. Committee on Disarmament in Geneva. Vice President BUSH recently tabled a draft treaty there. The Mutual Balanced Force Reduction Talks are underway in Vienna. The United States side recently announced a new initiative to break the deadlock over existing force levels.

We have fairly regular discussions with the Soviets on the issue of nonproliferation. A meeting of the Conference on Nuclear Nonproliferation is set for next summer. On the bilateral side, we are talking with the Soviets about reopening consular offices in both countries. In addition, we are trying to upgrade the hotline between Washington and Moscow. Our three rounds of talks have been useful.

Although the Soviets walked out of the INF talks, and have yet to say that they will resume the START talks, I believe that headway will be made in the near future. Our Government is ready to negotiate immediately, without any preconditions. Our Nation's START proposals were flexible and fair. We proposed a reduction of missile warheads on each side by one-third to equal levels. We stressed the importance of verification.

I join Ambassador Rowny in hoping that the Soviets will return to the START negotiations. I am confident that they know that a reduction in nuclear arms is in the interests of both countries. We must work together to prevent a nuclear holocaust.●

WILDERNESS EXTREMISTS CONTROL PUBLIC LAND MANAGEMENT POLICY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, recently, a so-called compromise was reached on the wilderness issue. Members of Congress who have not yet had the opportunity to enter the well to defend jobs in their districts against the insatiable demands for wilderness by well-organized environmentalists only to have their colleagues turn their backs on the traditional respect given fellow Members on matters affecting individual districts might do well to read a recent article in the Wall Street Journal concerning the well-known cheapest vote in Congress.

Entitled Call of the Wild: More! More!, the article places the wilderness issue in perspective. Since over 10 percent of all Federal lands are now in wilderness, and many more acres are to be added soon, I ask that the article be placed in the RECORD. I hope that my colleagues find an examination of the group's real purpose—antiprivate property and anticapitalism—as compelling as I have.

[From the Wall Street Journal, May 15, 1984]

CALL OF THE WILD: MORE! MORE!

(By Vincent Carroll)

If this month's compromise on federal wilderness legislation proves anything, it is how thoroughly environmentalists control the debate over public-lands policy. They have parlayed the Wilderness Act, passed 20 years ago, into a vehicle for indefinite expansion of a system of ecological museums—and few in Congress seem to mind.

Washington usually designates wilderness on a state-by-state basis, so dozens of bills are up for consideration in various committees or awaiting passage by the House or Senate. No single statewide bill has been approved yet by the full Congress, but a three-year delay in creating large new wilderness areas almost certainly has ended. Action on a number of measures is even possible this week.

By the end of this session, 10 million or more acres of wilderness—an area twice the size of Massachusetts—could be created in the lower 48 states. For many states, the designated parcels will supplement already extensive systems. And future growth is inevitable, since disagreement simmers over some proposals and environmentalists eventually will be free to return with new wilderness shopping lists. Legislation for Idaho alone falls 2.4 million acres short of what some groups consider a bare-bones plan.

The reason such figures are important has to do with what happens to wilderness, namely nothing. The Wilderness Act prohibits, "subject to existing private rights," all commercial activity. The effects on resource development, therefore; could be substantial.

TIMETABLE IS AT STAKE

Yet what is striking is that virtually no one seeks to cap the expansion. At stake in Congress primarily has been the timetable under which roadless federal lands so far escaping wilderness status could be reconsidered. Environmentalists and their congressional allies wanted the review to occur in the Forest Service's next 10-year planning cycle. Sen. James McClure (R., Idaho) preferred a longer wait. Sen. McClure retreated after having obtained a few concessions of his own, and with the Energy and Natural Resources Committee chairman on board, wilderness proponents can expect to cruise.

So the expansion will go on, millions more acres to be added someday to this year's million, which in turn will join the 24 million acres of wilderness already existing outside Alaska. Moreover, that figure ignores the approximately 20 million acres of non-wilderness National Park Service land in the lower 48 states, as well as the many large fish and wildlife refuges, state preserves and other forests managed for their primitive characteristics.

Finally, even the Bureau of Land Management, whose often arid holdings include land both desolate and long subject to commercial use, has identified 24 million additional acres of potential wilderness. Grumbling over BLM review of that acreage suggests that it, too, will become an endless wilderness battleground.

According to environmentalists, all this activity represents nothing more than the protection of diminishing and endangered "wilderness values." In fact, something far more potent than an unadorned conservation ethic is at work, with more serious implications. That something is partly a romance, partly a morality play. The romance is with the notion that land is sacred to the degree it escapes human touch. The morality play involves the conviction that economic pursuits are vulgar.

Environmental literature teems with such attitudes. Last summer, for example, readers of Wilderness magazine learned that European settlers never understood "the language of the eastern forest." In an apparently less obtuse era, though, "ancient German law prescribed capital punishment for someone who wantonly peeled the bark of a living tree." Whether the author endorsed such decisive remedies wasn't clear; he certainly shared the ancient German reverence for bark.

Or consider the complaint from a 1981 Living Wilderness magazine of the Reagan administration's "psychological alliance with the grizzled corporate prospectors, rugged corporate cowboys, sturdy corporate homesteaders, horny-handed corporate lumberjacks, and oil-stained corporate energy wildcatters." The language is distinctive only for its concentrated use of "corporate" as an epithet; the practice itself is commonplace in environmental writings.

The importance of such attitudes is that they provide a good deal of the passion in the drive to roll back the reach of multiple-use land management. However, the broader appeal of the drive comes from the conviction expressed, with typical pungency, by the novelist Wallace Stegner:

"The West," he writes, "has always been subjected to the economics of liquidation."

There is enough truth in that statement to elicit wide sympathy. A history of overgrazing, overcutting, of streams into which mine tailings have leached or oil-drilling mud been dumped is at times powerfully moving. Moreover, truly noble species are today at risk: the grizzly, the bald eagle, the woodland caribou, all creatures with far

more to recommend them than the snail darter.

Thus environmentalists have been able to portray themselves as the only true advocates of balanced land use. That this is not so, however, is implicit in the logic of the movement's anti-business undercurrents. Almost reflexively these days, environmentalists work to oppose economic activity on federal lands. Consider:

The Wilderness Act promised to protect existing property rights. The promise has long since been breached, and Forest Service officials seem resigned to an uproar against any go-ahead they might grant for production from among the thousands of active mineral claims on wilderness lands. "No matter how we rule, lawsuits are inevitable," concedes the Forest Service's Lee Carr.

National Forest timber sales are regularly appealed, even when the purpose is the renewal of the forest itself. In Colorado, 80% of the aspen on Forest Service lands are estimated to be 60 to 160 years old, which is to say middle-aged to elderly. Many will die in the next few decades if left alone, and so not long ago a sale was authorized. It has been contested.

Oil and gas proposals are similarly harassed, as are individual forest-management plans. "Every major management decision we make these days is disputed," says Hank Deutsch, another Forest Service official.

The Wilderness Society would like to see the Mining Law of 1872 repealed and replaced with far more restrictive legislation.

Environmentalist literature is replete with derisive assessments of the economic value of public lands, according to which the U.S. strategic mineral shortage is a fallacy; the Overthrust Belt's energy potential played down; private forests deemed sufficient to supply timber demand well into the next century, and wilderness portrayed as scarce in major resources.

CONCERN FOR BALANCE NEEDED

Such a broad front of opposition hardly reflects concern for balance. Lands managed for true multiple use are a national treasure, providing recreation and water, energy and minerals, and grass for cattle and sheep. Wise policy shouldn't nurture the fantasy that all human encroachment is permanently scarifying, that rehabilitation is everywhere a myth.

Environmentalists are probably right that the wilderness value of most protected lands is greater than their resource value. And it's true, for example, that logging in parts of the West might be uneconomic but for public subsidy. At the margin, however, the resource values of small parcels of protected lands clearly exceed their worth as wilderness—particularly those holding oil, gas and strategic minerals, or those containing timber of the quality often found in the Northwest.

A sensible policy would find ways to exploit those parcels, compensating the system elsewhere for the limited—and often temporary—loss. At the very least, it would resist creating a legislative perpetual motion machine in which victory goes, not to the side with the better case, but to the side with the greater fervor.

(Mr. Carroll is assistant editor of the Rocky Mountain News's editorial page.)●

1984 CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mrs. SCHROEDER. Mr. Speaker, many of my colleagues and I have joined in the 1984 Congressional Call to Conscience for Soviet Jews. This vigil calls attention to our Jewish dissident friends in the Soviet Union. Today I am particularly concerned about Yelena Bonner and Andrei Sakharov. I am submitting a May 16, 1984, editorial by the Washington Post that sums it all up:

THE SAKHAROV PROBLEM

Today marks the start of the third week since Andrei Sakharov was reported to have undertaken a hunger strike at his place of enforced exile in the city of Gorki. His objective remains, as far as is known, the entirely modest and reasonable one of obtaining the requisite official permission for his wife to make a medical and family visit in the West. In almost any other country claiming the label of civilized, such a request, if any were needed at all, would have been granted routinely. Certainly it would not have pitched its makers into a confrontation with the Kremlin.

That the Soviet government can win, in the sense that it can hang on and resist foreign entreaties until one of the most distinguished people in the world dies, is not in doubt. A regime that in its six decades-plus in power has murdered millions of its own citizens is hardly going to flinch at the death, in a fast of love, of one more individual, notwithstanding his fame and the likely political consequences should he die. No doubt there are those in the Kremlin who counsel hanging tough so as to show that Soviet power cannot be faced down, least of all by an American administration headed by the villainous Ronald Reagan.

But are there not also those in the Kremlin who see the point of cutting their losses before the physicist or his ailing wife dies? It would not be out of sentiment that Yelena Bonner and Andrei Sakharov, for that matter, would be allowed to leave their homeland. It would be, as Soviets say, to "solve the Sakharov problem." To be sure, one solution would be to let one or the other of the Sakharovs die: if Yelena Bonner, who now may have joined her husband's hunger strike, were to go first, her husband would have lost, among other things, his principal link to the world outside Gorki. But another solution would be simply to do what was done with some other noted dissidents—to put the Sakharovs on a one-way flight out of Moscow.

At the moment, Soviet officials are dismissing that option, arguing in their inimitable humanitarian way that if you let one troublemaker out, someone else rises up and starts making more trouble. But—as difficult as it may be for the Soviet bureaucratic mind to grasp the concept—there is only one Andrei Sakharov, and one Yelena Bonner. Theirs are the lives that need to be saved, theirs the liberty to be gained. Perhaps for the Sakharovs' sake we should meet Soviet officials on their level of concern. Perhaps it will reassure them to consider that unfortunately the West can pay attention to only a limited number of persecuted Soviet citizens at any one time.●

PREEMPTION OF STATE USURY CEILINGS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. LAFALCE. Mr. Speaker, today I am introducing, along with my colleague Representative DOUG BARNARD, a bill to preempt State usury ceilings on business, agriculture and consumer loans. This is an issue I have raised in the past, and it is one I want to raise again as we face what is becoming a trend toward higher interest rates.

Mr. Speaker, the U.S. credit market is vastly different from the market of the recent past, and it no longer makes economic sense to impose arbitrary limits on the price or credit. There are a number of persuasive arguments for preempting the myriad of State usury limits, and it is my feeling that unless we act now we will be taking the chance that many consumers and small businesses will be denied credit at any price if interest rates continue to increase. Let me explain.

First, economic uncertainty has produced a volatile interest rate environment. In 1980, the prime rate moved 10 points during a 7-month period. Since mid-May 1981, the rate has varied 11 points, and some economists predict in the face of last week's increase that we will see the prime rate rise by several more points before next May.

Second, deregulation of the interest rates paid by banks for funds means that depository institutions no longer have access to a large and stable supply of low cost money. If rates move up and lenders are unable to invest in loans at a profitable return because of legislative interest ceilings, they will stop lending and begin investing in market-priced securities, or they will begin allocating lendable funds by denying credit to all but the most secure borrowers. Unfortunately, history has taught us that in periods of high rates when interest ceilings become restrictive, the borrower squeezed out of the market is invariably the small businessperson or individual consumer. The ultimate result, of course, of such credit stringency is loss of production, sales, and jobs.

Third, we are currently experiencing the development of a national marketplace where both deposit taking and lending goes on with little regard for the political boundaries of State lines. Lenders are going to lend where the return is profitable; large companies and sophisticated individuals are going to borrow where credit is available. Having a hodgepodge of laws and rate

restraints serves only to discourage the smaller, less-sophisticated investor from surveying the national market for the best deal. In a high-rate environment with restrictive usury limits the people hurt are the ones that do not have the clout, credit record, or sophistication to go outside the local market. Congress has already recognized this fact in the home mortgage market and has permanently preempted State usury laws on residential first mortgage loans. Before we face another interest-rate crisis we should take the same action for other borrowers.

There is ample precedent for a Federal override of State usury ceilings. In fact, there have been Federal overrides in effect during 6 of the last 10 years, reflecting, I think, the truth that when usury ceilings become restrictive in periods of high-market rates they become counterproductive. This time, let us take action before rates move above legislated ceilings and we find ourselves paying the cost of credit restrictions in lost jobs and output.

Mr. Speaker, my bill has been introduced in the prior session of Congress and is already known to many Members. It simply preempts the various State ceilings and, in a concession to those who argue States' rights, gives States 3 years to rewrite their local laws. Additionally, my bill provides specifically that an override of usury ceilings has no impact on laws and regulations regarding consumer protection.

I think we would all prefer that the States themselves undertake modernization of usury statutes, taking into account the recent changes in our national economy. In the absence of such action, however, Congress has been willing in the past to act to insure that all borrowers—large and small—have equal access to credit. It is my hope that we take such action now.

Following is the text of the bill introduced by Mr. Barnard and myself:

H.R. 5679

A bill to deregulate interest rate ceilings on business, agricultural, and consumer credit transactions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Interest Rate Deregulation Act of 1984".

TITLE I—BUSINESS AND AGRICULTURAL LOANS

BUSINESS AND AGRICULTURAL LOANS

SEC. 101. Section 511 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 86a) is amended to read as follows:

"SEC. 511. The provisions of the constitution or the laws of any State expressly limiting the rate or amount of interest, discount, points, finance charges, or other charges which may be charged, taken, received, or reserved shall not apply in the case of a business or agricultural loans.".

EFFECTIVE DATE

SEC. 102. Section 512 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 86a note) is amended to read as follows:

"SEC. 512. (a) Except as provided in subsection (b) of this section, the provisions of this part shall apply with respect to business and agricultural loans made on or after the date of the enactment of the Interest Rate Deregulation Act of 1984.

"(b) The provision of this part shall not apply to any business or agricultural loan made in any State after the date (on or after the date of the enactment of the Interest Rate Deregulation Act of 1984, and prior to a date three years after such effective date), on which such State adopts a law or certifies that the voters of such State have voted in favor of any provision, constitutional or otherwise, which states explicitly and by its terms that such State does not want the provisions of this part to apply with respect to loans made in such State, except that such provision shall apply to any loan made on or after such date pursuant to a commitment to make such loan which was entered into on or after the date of the enactment of the Interest Rate Deregulation Act of 1984 and before the date such law is adopted or such certification is made.

"(c) A loan shall be deemed to be made on or after the date of the enactment of the Interest Rate Deregulation Act of 1984 if such loan—

"(1)(A) is funded or made in whole or in part during such period, regardless of whether pursuant to a commitment or other agreement therefor made prior to such date of enactment;

"(B) was made prior to or on such date of enactment and bears or provides for interest during a period after such date of enactment on the outstanding amount thereof of a variable or fluctuating rate; or

"(C) is a renewal, extension, or other modification of a loan made prior to such date of enactment and such renewal or extension or other modification is made with the written consent of any person obligated to repay such loan; and

"(2)(A) is an original principal amount of $25,000 or more ($1,000 or more on or after the date of enactment of the Housing and Community Development Act of 1980 or any amount on or after the date of enactment of the Interest Rate Deregulation Act of 1984); or

"(B) is part of a series of advances if the aggregate of all sums advanced or agreed or contemplated to be advanced pursuant to a commitment or other agreement therefor is $25,000 or more ($1,000 or more on or after the date of enactment of the Housing and Community Development Act of 1980 or any amount on or after the date of the enactment of the Interest Rate Deregulation Act of 1984).".

TITLE II—CONSUMER LOANS

CONSUMER LOANS

SEC. 201. Title V of the Depository Institutions Deregulation and Monetary Control Act of 1980 (94 Stat. 161; Public Law 96-221) is amended by adding at the end thereof the following:

"PART D—CONSUMER LOANS

"CONSUMER LOANS

"SEC. 531. (a) The provisions of the constitution or the laws of any state expressly limiting the nature, rate, amount of, or manner in which interest, finance charges or other charges or fees, including the imposition by a creditor of transaction fees and access fees pursuant to an open end credit plan, which may be charged, taken, received, or reserved shall not apply to an extension of consumer credit.

"(b) Notwithstanding subsection (a), the consumer protection and regulatory provisions of the constitution or the laws of any State shall remain in full force and effect.

"DEFINITIONS

"SEC. 532. The term 'extension of consumer credit' means credit made available by a creditor to a natural person, primarily for personal, family, household, home-acquisition, or home improvement purposes, whether secured or unsecured and without regard to the nature of the property securing the indebtedness, including the refinancing of credit made available for such purposes, but excluding credit subject to the provisions of section 501 of this title.

"EFFECTIVE DATE

"SEC. 533. (a) Except as provided in subsection (b) of this section, the provisions of section 531 shall apply with respect to any extension of consumer credit made on or after the date of the enactment of the Interest Rate Deregulation Act of 1984.

"(b) The provisions of section 531 shall not apply to any extension of consumer credit in any State made on or after a date (on or after the date of the enactment of the Interest Rate Deregulation Act of 1984 and prior to a date three years after such effective date) on which such State adopts a law or certifies that the voters of such State have voted in favor of any provision, constitutional or otherwise, which states explicitly and by its terms that such State does not want the provisions of this part to apply with respect to loans made in such State, except that such provisions shall apply to any loan made on or after such date pursuant to a commitment to make such loan which was entered into on or after the date of the enactment of the Interest Rate Deregulation Act of 1984 and before the date such law is adopted or such certification is made.

"(c) Any law or certification adopted by a State or its voters pursuant to subsection (b) of this section may specify those portions of the extensions of consumer credit made in such State to which the provisions of section 531 shall not apply.

"REGULATIONS

"SEC. 534. The Board of Governors of the Federal Reserve System is authorized to issue rules and regulations and to publish interpretations governing the implementation of this part.".

EFFECT ON OTHER LAW

SEC. 202. Section 528 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 1735f-7 note) is amended by inserting "section 107(5)(A)(vi) of the Federal Credit Union Act," after "National Housing Act,".

TITLE III—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 301. This Act shall take effect on the date of the enactment of this Act.●

ANOTHER PROBLEM WITH OFF-BUDGET SPENDING

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. GRADISON. Mr. Speaker, I take this opportunity to call to the attention of my colleagues an article I wrote and which appeared in the May 15, 1984, issue of the Wall Street Journal.

The article deals with an important aspect of the off-budget problem—the improper incentives and mismanagement resulting from agencies being able to hide their programs in the off-budget accounts of the innocuous Federal Financing Bank, instead of on budget and in the accounts of the agencies actually operating Government programs.

The article follows:

ACCOUNTABILITY AND THE OFF-BUDGET DEFICIT

(By Bill Gradison)

Good management of government programs depends upon proper incentives. Without them, we can expect that tax dollars will be wasted. In the case of the Federal Financing Bank, the country's largest bank with $136 billion in assets, faulty incentives have cost taxpayers dearly.

The FFB was established in 1973 as part of the Treasury Department and operates with only 12 full-time employees. In 1983 it overtook industry giant Bank of America ($121.2 billion in assets) to become our largest bank. Since its inception it has enjoyed "off-budget" status, and has compiled a systematic record of mismanagement across a broad spectrum of government investments from energy to foreign aid. Losses from these investments total nearly as much as the nation's $12 billion annual food stamp budget. Consider the evidence:

Over the past two years, the Department of Energy sank $903 million into the Great Plains Coal Gasification project, which is designed to make oil from coal. The government should have given up after deregulation and the subsequent drop in real oil prices; instead, the project was folded into the scandal-plagued Synfuels program. The taxpayer is likely to lose all the government has invested.

In financing a conventional energy project in an unconventional place, the Interior Department provided $36 million to the Guam Power Authority to modernize the island's power plant. Interior would be repaid only if the Guam government raised utility rates. Despite its refusal to guarantee a sufficient rate boost, Guam got the money. Seven years later, Guam is in arrears and none of the principal has been repaid.

Railway subsidies are another example. On Oct. 1, 1983, Amtrak defaulted on $1.1 billion in government loans. Taxpayers had losses of $500 million on the plush Washington, D.C., Metro subway system when in 1979 the Department of Transportation forgave two-thirds of the system's loans outstanding because Metro could not repay them.

Social programs are not immune either. The Department of Health and Human Services had losses of $41 milion (out of $118 million) in seed captial for new health maintenance organizations as the result of 23 defaulted health plans between 1979 and 1982. Apparently "force-feeding" is not the best way to spread alternative health care.

The Farmers Home Administration has loans outstanding that are in arrears by $4.8 billion, representing 8.5% of its investments in a wide range of rural enterprises. The Small Business Administration has $135 milion in arrears, representing 16.8% of its investments in small businesses through its Small Business Investment Co.

The U.S. has had losses of about $525 million since 1975 to foreign governments through the Defense Department's Foreign Military Sales program. "Friendly" foreign nations used this taxpayer capital to buy U.S.-made military equipment and then decided not to pay back the U.S., a spohisiticated method of expropriating American property.

The FFB was designed to centralize government debt management, and it has provided efficient financing for various government loan programs.

Because the FFB is "off-budget," agencies administering programs financed through the FFB lack normal incentives for sound management. Off-budget status is the crux of the incentive problem because off-budget programs receive less legislative and executive branch overview than do programs whose activities are included in the official budget and deficit figures. The annual budget process, the main vehicle for making cost-conscious program changes, generally ignores off-budget programs.

Skirting budget scrutiny, congressional supporters of off-budget programs can push for and expand programs without being held politically accountable for the costs. Likewise, the president can run programs without having their costs add to the deficit. Consequently, program administrators are under little pressure to minimize costs or assess risks properly.

Not surprisingly, FFB-financed programs expanded from $600 million in the bank's first year (1974) to $106 billion in 1983, with billions of dollars wasted along the way. (The FFB accounts for 85% of all off-budget spending; the Strategic Petroleum Reserve, which has its own problems, accounts for most of the rest.)

From a political perspective, FFB money is heaven sent. It mysteriously appears each year; it is spent; but it is not in the federal budget, not under the usual taxpayers' scrutiny, and not under direct control of Congress or the president.

Complex, off-budget loopholes have cost taxpayers additional billions of dollars. For example, FFB-financed loans of $2 billion for low-income housing and $177 million for Community Development Block Grants are structured so that they only can be repaid in full with future congressional appropriations; that is, the government gets repaid only by repaying itself.

The off-budget status of the FFB has encouraged a plethora of examples of questionable management: the outright loss of almost 10% of its more than $100 billion portfolio, intricate gimmicks to funnel on-budget spending to the FFB and significant cost overruns.

From all indications, default rates for on-budget loan programs, though difficult to quantify, are much lower. There are no data on the average historical default rates for all on-budget loans combined, so on-budget programs can be examined only individually to shed light on the differential in loan rates.

Congress and the president can significantly reduce further mismanagement by putting the FFB in the unified budget and by requiring all FFB-financed spending to appear in the budgets of the agencies actually running the programs. The result would be to remove the cloak from FFB-financed spending. With the spending displayed in the unified budget, it would have to compete for annual outlays just like all other program expenditures; with the spending shown in the budgets of the originating agencies, the agencies would become fully accountable for the spending. The new competition and accountability would establish incentives for proper management now absent.

In a historic policy change, the administration's 1985 budget attributes FFB-financed outlays to the source agencies, though this spending is not added to the official deficit totals. The administration also supports legislation (H.R. 4629) that I have introduced in Congress that would put the FFB on budget. I only hope Congress will soon follow the president's lead.●

MARK PANGELINAN SPEAKS OUT FOR GUAM TO PRESIDENT REAGAN

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. WON PAT. Mr. Speaker, on April 24, 1984, President Ronald Reagan visited the U.S. territory of Guam on his way to mainland China. His visit to Guam comes at a time when the people of that island are pursuing the first major change in our relationship with the United States since 1950. They are seeking a change which we hope will result in Guam being America's next commonwealth.

One man who has strong, and in my mind, excellent views on what is needed to make this change a joint effort that will lay the groundwork for decades of effective and workable relations with Washington is Guam businessman Mark V. Pangelinan.

I have been privileged to know Mr. Pangelinan since he came to Guam in 1948 to open what would become a successful string of businesses. Starting off with only a $5,000 loan from the old Bank of Guam, Mark Pangelinan has created a most impressive business empire which numbers 14 business enterprises including the Guam Tribune newspaper and Ben Franklin Department Store. He succeeded in large part because of a tremendous personal drive for successes and one of the best business minds in the territory.

Although Mark Pangelinan originally came from the Philippines, he acquired American citizenship many years ago and today is widely recognized for his indepth knowledge of both business and government affairs. He has also made it his business to

carefully study the unique political needs of Guam over the years. It was this keen understanding of what Guam must do in the future to assure its political, economic, and social success which lead him to write a personal letter to President Reagan and publish it on the front page of the Guam Tribune on the day the President arrived on the island. In that memorable letter, Mr. Pangelinan reiterated what I have said here many times: "We (on Guam) are proud to be Americans." He proceeded to outline the problems Guam has had in developing because of the adverse impact of Federal laws and a lack of sound document spelling out how the island should be treated by the Federal Government under certain circumstances.

While I do not know if President Reagan had the occasion to read this letter, I hope he and his staff will read it at some time in the near future. Mark Pangelinan spells out in clear language that Guam and its people are doing their best to serve America. All they ask is that America work with them to create the framework for a better future that will be in the best interest for all concerned parties. i want to share Mr. Pangelinan's letter with my colleagues here today because I believe it echoes the sentiments of my people. I agree with Mr. Pangelinan when he writes that it is time for the United States to set forth a "clear-cut policy for Guam." This is long overdue and certainly reflects my own comments on many occasions.

Mark Pangelinan is a man who knows from personal experience the difficulties in living on Guam and trying to be an American businessman when the laws of his own nation often are designed to thwart that initiative. He urges President Reagan to take personal interest in the upcoming status discussions with Guam, and I concur.

It is often ironic that the best champions of democracy are men such as Mark Pangelinan who are not native Americans. But as surely as he has adopted this country as his own, so has he adopted our love for freedom, democracy and justice. Through his words and his actions, he teaches all a lesson that should never be forgotten: We cannot take our system of government for granted. He knows the value of involvement in government affairs as a private citizen and in this area he has labored long and hard. His list of civic participation is impressive by any standards and includes service as the chairman of the board of the University of Guam, chairman of the Board of Directors, Guam Power Authority, campaign chairman, American National Red Cross, former member of the Civil Advisory Council, Strategic Air Command, USAF, former president, Filipino Community of Guam, board member, chamber of commerce. He has additionally served the government of Guam on several commissions, and is twice recipient of the highest government award. In 1974, Mr. Pangelinan was awarded the Most Outstanding Filipino Overseas Award by the Philippine Government. And he is the recipient of the Pro-Ecclesia Pontificae Award from Pope Paul for his service to the Roman Catholic Church.

At this time I ask that Mr. Pangelinan's letter to President Reagan be inserted in the CONGRESSIONAL RECORD. I am also placing in the RECORD a short article about this fascinating man so my colleagues can better understand the genesis of his desire to be of service to his fellow Americans and be part of a program that will help the Federal Government and we here in Congress establish a new relationhip for Guam that will enable the island to prosper and grow in the future. Thank you.

MAKING HIS MARK IN BLACK INK

(By Barbara Jacala)

The picture window of Mark Pangilinan's plush fifth floor office of his Ben Franklin department store in Tamuning, Guam, is his eye on the surrounding stores of his retailing and publishing empire.

"I'm a one man corporation," says Mark Vega Pangilinan, President and chairman of the board of M.V. Pangilinan Enterprises.

"When it comes to business I answer only to myself," Pangilinan is fond of sayng. In starting a new business, it is he who lays all the ground-work—establishing guidelines, sales projections, even supplying the inventory—after which he goes out and hires a manager.

Pangilinan takes direct control of 14 business enterprises in the empire, which is among the top five on Guam in terms of sales and probably the most diversified group of companies on the island.

He meets with division heads daily on a scheduled route to check the pulse of his businesses. Pangilinan says he likes a direct daily rapport with his managers.

The remarkable energy of the man with the boyish good looks and a $5,000 loan from the Bank of Guam in 1948 have been transformed into a corporation whose assets are estimated today at $35 million.

His pride in what he's acomplished from his "humble" youth in Pampanga, Philippines, is evident. It's reflected in the names of most of his businesses. The storefronts are his testimony: Mark's Motors, Mark's Sporting Goods, Mark's LP Gas; even his corporate newsletter is called "Re-Marks."

Pangilinan first came to Guam in 1945 aboard a merchant marine vessel that traded between the Philippines and Okinawa with stops on Guam. The radioman enjoyed the fiestas and hospitality here. He made friends and began taking orders for them for items from the Philippines.

This kind of informal trade was the beginning of what eventually turned into a multimillion dollar merchandising business empire. It was the beginning of a series of business ventures which have made Pangilinan a business tycoon and civic leader of distinction.

At 56, Pangilinan is still the very heart of M.V. Pangilinan Enterprises, with no immediate thought of retirement. However, to help manage the growing empire. Pangilinan has recruited his family. All but one of his five children are now active in the business. The eldest, David, is the manager of Guam Furniture Mart, Mark's LP Gas and Mark's Laundromat. Mark Jr. is the general manager of Ben Franklin. Cerila is the assistant buyer at Mark's Shopping Center. Genadine is the operations manager at Mark's Sporting Goods. John, the youngest, is in school at the University of Southern California, taking a business/finance curriculum. Bert Pangilinan, Mark's youngest brother, is manager at Mark's Sporting Goods. "It is much easier for a person from within the family to grow in MVP than anyone else," says Mark Jr.

"My dad and I are very close. I would like to think that I am the closest to him, also. I would certainly be a fool if I were not to listen to a guy as successful and intelligent as my father."

Mark Jr. added that his goal is to see his father's dream continue. "And I want the same thing for my kids," said the son who many feel will eventually succeed his father as head of the family conglomerate.

The dream began coming true in 1948 when Pangilinan settled on Guam and opened up a tailoring shop and the Bataan Restaurant, then married Guam's Guadalupe Torres. That same year he used a $5,000 bank loan as the seed for the empire that followed. His first big success was the Guam Furniture Mart, opened in 1962. The dream sweetened as others followed.

Allied Construction Co., 1963;

Mark's Shopping Center, 1964;

Ben Franklin franchise, 1966;

Ace Hardware, 1968;

Mark's Insurance Underwriters and Mark's Motors (Honda dealership), 1969;

Mark's LP Gas, 1970;

Guam Amusement Park, 1974;

The Guam Tribune and the Yigo Shopping Center, 1979;

Mark's Sporting Goods, 1980;

Mark's Music Center, and Mark's Laundromat, 1983.

The construction of new buildings to house the string of merchandising outlets within the group has provided Guam with some of its finest and most attractive buildings, including the Ben Franklin store and its nearby sister, Mark's Sporting Goods. Ben Franklin was the first building in Micronesia to have escalators.

Pangilinan, says Mark Jr., has the instincts of a fighter and the patience of a farmer. "His philosophy is that there is a time for everything. A lot of it is intuition."

The growth of Pangilinan's businesses may be attributed to sound real estate and financial investments. In the early years, most of his earnings were immediately invested in real estate and today he is one of Guam's biggest real estate owners. He describes himself as cautious and conservative and he has never ventured into speculative undertakings.

The fastest growth at present is at Mark's Motors, which has brisk sales of about 2,000 automobiles in 1982, up more than 35 percent from volume the year before. 1983 is expected to be another record year for Honda sales. His other profit centers are Mark's Department Store, Ace Hardware, Mark's Sporting Goods, the Yigo Shopping Center and the gas and insurance companies.

Marginal companies are the furniture and music stores and the laundromat. The amusement park in Yigo is regarded as a public relations project.

The Guam Tribune, which Mark says was started as a public service project, was launched in 1979, closed six months later, but began publishing again in October 1982. The Tribune serves as the principal sales medium of the M.V. Pangilinan Enterprises and is reported to be nearing a break-even point.

Among Pangilinan's sound investments is the Bank of Guam. He was one of the initial stockholders when the bank was chartered in 1972 (under the same name of the pre-war Navy bank) and today Pangilinan remains one of the largest stockholders with 8.6 percent of the shares.

With his large interest in the bank, Pangilinan wanted this year to seat Mark Jr. on the board of directors, "to represent minority stockholders." His attempt, however, resulted in a legal battle with bank President Jesus S. Leon Guerrero, who as a young loan officer for the pre-war Bank of Guam had arranged Pangilinan's first $5,000 loan.

Generally private and media-shy, Pangilinan used his newspaper to publish an open letter to the bank officers questioning the board of directors selection process, which he claimed excluded minority representation. The ensuing court case thrust him for a moment into the public eye.

In doing so, Pangilinan unknowingly violated federal banking regulations relating to proxy solicitation. In a settlement before the U.S. District Court of Guam in April, Pangilinan made another newspaper statement retracting his earlier charges prejudicial to the bank.

Pangilinan said he never intended to injure the bank, and he issued an apology as a major stockholder to preserve the bank's integrity. He told his lawyers: "We must not do anything that may kill the only native bank on Guam."

Pangilinan once invested heavily in his homeland as his wealth grew from his Guam investments. One of his business investments in the Philippines was Rattan Arts, one of the first and once biggest rattan furniture manufacturer in the world. Pangilinan, in 1974 the Most Outstanding Filipino Overseas, an award made by the Marcos government, with a ceremony at the Malacanang Palace, was in partnership with the Ayala investment group, developers of the huge Makati, Metro-Manila, business and financial center and until recently one of the biggest stockholders of San Miguel Corp.

Over the last 10 years, however, Pangilinan slowly severed investments in the Philippines due to deteriorating business conditions caused by martial law. Rattan Arts was closed about 18 months ago.

On Guam, the stores and newspaper constitute a "healthy, thriving, profitable company," according to Mark Jr.

Mark Jr., claims that part of the success of the group of companies comprising M.V. Pangilinan Enterprises is the diversification. "What we try to do is recognize the winners early and make sure we get our share during that time. We are such a well-diversified company that if one business isn't doing well, you can rest assured that at least two or three are doing well."

Pangilinan is exercising patience with some of the marginal companies, which he anticipates might turn into winners in the near future. He has held onto Guam Furniture Mart, anticipating that today's housing shortage will result in new construction and a need for furnishings. He wants to be prepared.

His territory is well-defined, both geographically and on the very storefronts. When Dairy Farm Flight Services in 1981 decided to put up for sale 15,359 square meters of property in Tamuning along Marine Drive, Guam's main commercial artery, it went straight to see Pangilinan. It was a logical sale. He is one of the most active developers in the local business community, and besides, the Dairy Farm property was just below Pangilinan's office atop Ben Franklin. And he's a man who likes to keep a close eye on his affairs.

OPEN LETTER TO PRESIDENT REAGAN

DEAR MR. PRESIDENT: Welcome to Guam!

Although your brief stopover here is but an incident in your great and historical mission to China to establish closer relations between that nation and the United States, your decision to use Guam as the springboard of the trip dramatizes the strategic role and location of this tiny territory in the vast Pacific basin.

We will not dwell at length on this point, nor on the background and history of Guam. Undoubtedly you have all these in your briefing papers.

However, Mr. President, as a newspaper dedicated to championing the cause of the ethnic groups on this island—the native Chamorros, the Filipinos and other groups that have intermingled racially and culturally to form the local population—we feel we should give you also a candid report on the feelings of our people.

We are proud to be Americans. We are proud to be a territory of the United States. And as you know, our people have voted to become a Commonwealth under the United States. But there is a growing feeling of frustration and near-despair because of the failure of Washington to declare and spell out a clear-cut policy for Guam.

It is ironic that Guam is considered one of the largest beneficiary of Federal aid on a per capita basis—and yet we are the least developed economically and politically.

This failure to develop has made Guam dependent principally on Federal financial support. And when the Government of Guam fails to make both ends meet, our government leaders are told by the Department of the Interior to cut costs, to employ less people in government and to operate more efficiently.

Washington completely overlooks that most of our economic troubles arise from the fact that under the Organic Act and with all the constraints of certain Federal laws—intended for States fully integrated with the Union, but impractical for a non-incorporated territory—it has never been possible for Guam to develop economically and politically.

We are now engaged in a campaign to attain some kind of Commonwealth in the hope of relieving Federal constraints on our development and writing into law a definition of our political status that would enable Guam to operate more independently within the jurisdiction of the United States.

We feel that little or no progress can be achieved in this campaign unless Washington declares and spells out in unequivocal terms its intentions and objectives for Guam.

If Guam is to be kept in perpetuity by the United States principally as a military base, then Washington should make such a declaration and Congress must write into law such a policy.

If that is the policy, then the people here would understand, although there may not be total conformity. They would understand that as a military base, for national security purposes the military must keep most of the lands it now holds. But the people, who originally owned the lands, must be adequately compensated. Those lands must either be purchased at fair value, or leased on a long-term basis at fair value.

This is one of the most sensitive problems caused by the absence of a clear-cut policy. The people can not be left dangling forever with promises of some kind of settlement and with little hope of ever recovering their lands. An attempt to solve the land claims problem through negotiation and/or court action is proving unsatisfactory.

As we see it, Mr. President, of all Presidents since Guam was acquired by the U.S. under the Treaty of Paris, you are in the best position to establish a permanent and unequivocal policy for Guam.

You are the President in this era of the Pacific Basin when the entire world is turning to the East. Guam is part of the Pacific Basin and Guam is the United States' farthest outpost in the region—a logical springboard for regional influence and security. If poll predictions are correct and we have no reason to doubt them, you, Mr. President, will be re-elected for a term of another four years.

What role do you want Guam to play in the Pacific golden era under the United States?

If Guam is to play a useful and strategic role in America's policy of Pacific involvement, then it's high time Guam's status must be defined. The people here should not be kept in guessing frustration. The people here want to be counted as Americans and treated as Americans with full rights under the Constitution. All they demand now is full and fair attention.

Long has Guam been ignored, neglected and taken for granted. And your visit here, Mr. President, no matter how brief, can be the starting point of an enlightened and clear-cut policy for Guam.

If Guam is to be kept principally as a military establishment, everything else would logically follow. Guam must then be given adequate Federal aid to fulfill her position as a military base. Political status would then necessarily be limited within the framework of national security needs. But as part of political status, the people of Guam must be given full rights as American citizens and other special considerations. Permanent military occupancy entitles the people to such fair treatment.

If Guam is to remain a military establishment for a limited period of say, 20, 50, or 90 years—then such a policy should be clearly stated. Lands occupied by the military must be leased at a fair price. Political status then would be worked out accordingly within the framework of such a policy.

The current exercise to seek political status will be a charade unless a clear-cut policy is declared for Guam. It will at best turn out to be a movement to gain more Federal concessions under the guise of becoming a Commonwealth. And as long as Washington remains uncommitted on whether Guam is to be kept a military establishment forever or temporarily for a stated definite period, political status will remain a chimera—"a foolish fancy."

We wish you all success in your China mission, Mr. President. And when you return to Washington, please do not forget that Guam is a vital part of the Pacific

Basin and Guam, after all, is U.S.A.—"where America's day begins."

Respectfully,

MARK V. PANGILINAN,
Publisher.●

DEFEAT OF EQUAL ACCESS SHOWS REAL INEQUALITY

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. COATS. Mr. Speaker, on Tuesday, the House of Representatives had the opportunity to clarify and protect two of our most important freedoms—the freedom of speech and the freedom of religion. Unfortunately, we have once again failed to respond to the will of the majority of people by defeating the legislation known as the equal access bill.

The equal access bill would have provided that any public, secondary school receiving Federal funds, and which allowed student-initiated groups to meet in school during noninstructional hours, could not discriminate on the basis of the religious nature of the meetings. In other words, if a group of students wanted to voluntarily meet before, after or during free periods to discuss the Bible or religion, they would have the same rights as students who participate in other extracurricular activities.

This legislation did not require public schools to give any special rights to any religious group, nor would it even require any school to have any extracurricular activities. What it did say is that when a school does choose to permit extracurricular activities it must give a voluntary religious group, such as a Bible club, the same rights to meet in school facilities as other groups currently have. If a public school allows students to meet before or after school to discuss or engage in politics, social activism, or athletics, why should the rules change just because the students want to participate in a discussion in religion.

The equal access bill would have clarified the current law which has been inconsistently interpreted and applied since the Supreme Court case of Widmar against Vincent. In the 1981 Widmar case, the Supreme court by an 8-to-1 vote held that individual students may meet in publicly supported colleges and universities for prayer, Bible study, and religious discussions as long as those meetings are completely voluntary, student-initiated and do not create a reasonable implication that the state endorses the beliefs of the participants.

Since the Widmar case, however, several lower courts have refused to extend these same rights to students of secondary schools. A major result of this legal confusion is that school authorities, wishing to avoid legal controversy, have often dramatically restricted student rights. The resulting policies are often outrageous. For instance, in Philadelphia, several students were reprimanded because they discussed their faith and shared a booklet with Bible verses in it with other students. Also in the city of "Brotherly Love," a teacher was told to remove a wreath from his classroom door because it represented Christmas. In Minnesota, a fourth grade student was reprimanded by her supervisor for bowing her head and praying before her meal.

Examples which touch even closer to home for me can be found at my daughter's school. A Bible study before regular school hours was allowed until it began to grow and was banned when upwards of 150 students were taking part. School officials were afraid that these students' search for truth, on their own time and in their own way, might unduly influence other students. Additionally, students, were prohibited from distributing maps at school giving directions to a Young Life fellowship group which met on weekday evenings in students' homes. In the fourth District of Indiana, a local school district has restricted religious individuals from praying prior to athletic games, students from organizing a prayer group, as well as denied requests for religious-affiliated counselors to meet with students after school hours or during students' free time.

I agree with the comments made by Senator JEREMIAH DENTON that students do not shed their first amendment rights at the schoolhouse door. Indeed, students, if they are going to speak to other students, must do so at school, in the cafeteria, before school, after school, or in the hallway. Religious speech is no different from any other type of speech. It is wrong to prohibit the voluntary wishes of students to express themselves in a meeting with those of like mind on school grounds or on the school premises regarding their expression or belief in God, or any matter pertaining to religion.

The Government does not have the right to impose a particular religious view. However, I do believe that the Government does have a duty to preserve the constitutionally guaranteed rights of students to freely exercise their religious beliefs. Freedom of speech and freedom of assembly in all activities must not be denied to any citizen of this country. Students have the constitutional right to exercise their religious beliefs and the 14th amendment guarantees that States must protect this fundamental right.

The House had the opportunity May 15 to protect these constitutional rights. By a 270-to-151 vote—11 votes short of the two-thirds majority needed for passage—the opportunity was lost. The defeat of the equal access bill—despite gathering 64 percent of the Representatives' support—was a severe blow for students' religious freedom.

Unlike the school prayer amendment, a two-thirds vote was not constitutionally required for passage of the equal access bill. A simple majority would have been sufficient. However, as the Washington Post reported on May 16, 1984, House Speaker THOMAS P. (TIP) O'NEILL determined that the House calendar was "too crowded" to allow consideration of the equal access bill except under the extremely restricted procedures of suspension of the rules. Such a procedure limits debate to 20 minutes on each side, allows no amendments and requires a two-thirds vote for passage.

It was this severe procedural restriction which caused the defeat of the equal access bill, not a lack of support in the House of Representatives. Those citizens who fought so hard for passage of this carefully drafted legislation should be proud of their efforts. Nearly 1,000 residents of my district alone contacted my office in the 3 days prior to the vote to express their strong support for the equal access bill. They need to know that this legislation was not defeated by a majority of the House Members but rather by a procedural decision. As such, those of us who support the right of school students to exercise their freedom of speech and religious expression will not give up the fight and will press forward with our efforts to restore equality in our public schools.●

FALLACIES OF EMPLOYER SANCTIONS IN H.R. 1510

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. GARCIA. Mr. Speaker, as chairman of the Congressional Hispanic Caucus I commend to my colleagues' attention the excellent analysis prepared by the National Council of La Raza on the employer sanctions provisions of H.R. 1510, the Immigration Reform and Control Act of 1983. The analysis clearly exposes the fallacies which form the basis for this legislation.

SECOND THOUGHTS ON EMPLOYER SANCTIONS: A BRIEF ANALYSIS

I. OVERVIEW

The Immigration Reform and Control Act of 1983 (H.R. 1510), also known as the Simpson-Mazzoli bill, will soon be considered by the U.S. House of Representatives. One of the major provisions in the bill establishes a system of penalties against employers found to have "knowingly hired" undocumented workers, commonly referred to as employer

sanctions. It is widely suggested that employer sanctions are necessary in order to protect American workers from being displaced by undocumented persons. Some proponents of the bill have gone so far as to characterize Simpson-Mazzolli as a "jobs bill." These proponents claim that, once employer sanctions are enacted, jobs currently held by undocumented persons will be available for American workers. The purpose of this analysis is to provide interested persons with the research findings and empirical evidence necessary to judge the validity of these claims.

II. THE EXTENT OF JOB DISPLACEMENT

The Judiciary Committee Report accompanying H.R. 1510 asserts that sanctions are needed because the United States is "obligated to protect our own workers from adverse competition in the labor market. . . ." The Report goes on to note that the current high unemployment rate underscores the need for sanctions (House Report 98-115, pp. 32, 33). The Report provides no evidence of the existence of job displacement, and makes no attempt to quantify the impact of the alleged displacement. What the Report does is assume that displacement is a serious problem without offering any substantiation for that position.

This assumption is refuted by many economists. For example, Niles Hansen, Professor of Economics at the University of Texas, explains:

"[The] notion—known as the "lump-of-labor" fallacy—suggests that there is only a fixed, total amount of work that can be performed in our society. In fact, the size of the nation's economic pie depends on the way in which all productive factors—labor, capital, land, and entrepreneurship—interact. The undocumented may, in effect, create their own employment, or jobs may be created for them because they have special skills or because they are willing to perform tasks shunned by American workers. The fact that [the] undocumented . . . have little difficulty in finding jobs in the United States suggests that they do not displace U.S. citizens to a significant degree." (Hansen, "The Border Economy," University of Texas, 1981 p. 110.)

More important, empirical evidence contradicts the notion that large-scale job displacement occurs as a result of undocumented immigration. If that position were valid, one would expect that those cities and states with the largest numbers of undocumented workers would have correspondingly high rates of unemployment. In fact, the reverse is true. As the U.S. Chamber of Commerce has pointed out:

"In 20 cities with a high concentration of undocumented workers, the unemployment rate was 7.17% in 1981: while

"In 20 cities with little or no concentration of undocumented workers, the unemployment rate was 10.9%;

"In 10 states with a high concentration of undocumented workers, the unemployment rate was 6.8% in 1981: while

"In 10 states with little or no concentration of undocumented workers, the unemployment rate was 9.4%. (Thompson, House Hearings, Subcommittee on Immigration and Refugee Policy, September 1981, p. 99; emphasis in the original.)

A more detailed recent analysis by the Urban Institute confirms these findings. The Urban Institute study examined the effects of immigration on Southern California, which has the highest population of undocumented persons in the country. Using special tabulations of the 1980 Census and other empirical data, the Urban Institute researchers found that:

". . . the immigrant influx was not accompanied by job losses for other workers. . . . Although Hispanic workers filled a large proportion of jobs added during the decade [1970s], particularly in manufacturing, there is no indication that work opportunities for nonimmigrants lessened. Despite mass immigration to Southern California, unemployment rates rose less rapidly there than in the remainder of the nation." (Muller, "The Fourth Wave, A Summary," 1984, p. 13.)

Many of the jobs held by undocumented workers are in the "secondary labor market"; jobs that offer little security, opportunity for advancement, or prestige—jobs often shunned by native workers. Wayne Cornelius, noted immigration expert from the University of California's Center for U.S.-Mexican Studies, has pointed out that:

"Workers cannot be displaced if they are not there, and there is no evidence that disadvantaged native Americans have ever held, at least in recent decades, a significant proportion of the kinds of jobs for which illegals are usually hired . . . ." (Cornelius, "Research Findings," Congressional Record, July 13, 1977, p. H7063).

Cornelius' findings have been verified recently through follow-up studies carried out in the aftermath of "Project Jobs." Project Jobs was a national campaign conducted by the Immigration and Naturalization Service (INS) in April 1982 to remove undocumented workers from jobs paying above the minimum wage. INS reported 5,440 apprehensions of undocumented persons who made an average wage of $4.81 per hour. Studies showed that, within a few months, about 80% of those jobs were filled again by undocumented persons because American citizens either wouldn't take them or left because they were considered undesirable positions. (Larry Stammer and Victor Valle, "Most Aliens Regain Jobs After Raids: Survey Contradicts INS Findings That Sweeps Succeeded," Long Angeles Times, August 1, 1982).

It has also been suggested that undocumented workers depress wages for all workers. Empirical studies suggest that this may occur, but to a limited degree. Economists Barton Smith and Robert Newman compared wages paid in areas along the U.S.-Mexico border with wages paid in areas further from the border and found that the differential between the two areas was about eight percent. They concluded:

"If migration from Mexico is having a negative impact on wages along the border, it is not as severe as many have contended. In fact, this differential is of the order of magnitude that it could represent the implicit premium that individuals are willing to pay for nonpecuniary advantages such as remaining close to their cultural heritage (Smith and Newman, cited in the Staff Report of the Select Commission on Immigration and Refugee Policy, April 30, 1981, p. 509).

The Urban Institute study in California did find that wages in some industries were depressed by immigrant workers. Where this occurred, however, the net effect was to increase employment overall. Moreover, Urban Institute researchers determined that wages of all employees in the area increased, that the area's competitive capita income was positive (See National Council of La Raza, "Highlights and Implications of the Urban Institute's Study on the Impact of Immigration on California," March 1984, pp. 2-3).

In addition, researcher Michael Piore has pointed out that many undocumented persons hold jobs that tend to benefit American workers. As summarized by the staff of the Select Commission:

"Some of the secondary labor market jobs that undocumented/illegal aliens take are in industries that would [otherwise] close or relocate outside the United States. . . . Since these industries also have jobs desired by U.S. workers, undocumented/illegal aliens actually provide opportunities rather than displace citizens." (Piore, cited in Staff Report, p. 512.)

It is also interesting to review the studies upon which the claims of displacement are founded. Vernon Briggs, Ray Marshall and others have repeatedly asserted that employment displacement is a major problem, and that Mexican Americans are the chief losers from the employment of undocumented workers (See, for example, Briggs, "Illegal Aliens: The Need for a More Restrictive Border Policy," Social Science Quarterly, December 1975). As Gilberto Cardenas of the University of Texas has pointed out, however, these advocates of the displacement theory have yet to gather a single piece of data to support their claims (Cardenas, Remarks at the Center for Immigration Policy Studies, Georgetown University, May 24, 1983).

More recently, Senator Alan Simpson (R-WY) cited the work of Rice University Professor Donald Huddle in support of his claim that undocumented workers were displacing American workers in the construction industry in the Southwest (Congressional Record, April 28, 1983, p. S5571). The Huddle study, however, is of questionable value because of two severe methodological flaws. First, Huddle failed to use accepted sampling procedure. Second, Huddle's method of identifying undocumented workers was clearly unacceptable. As Huddle himself later admitted, he used the color of construction workers' helmets to distinguish between legal and illegal workers, a practice inconsistent with any accepted verification method. (See excerpt from Huddle's testimony in *Garcia et. al.* v. *INS et. al.*, Cited by Estevan Flores, "The Impact of Undocumented Workers on the U.S. Labor Market," UCLA: Institute of American Cultures, April 21, 1983.) Flores suggests that the Huddle study, which has not been published, would have been rejected by any professional journal because of the above-cited methodological flaws.

III. THE EFFECTIVENESS OF EMPLOYER SANCTIONS

Even if one were to assume that large-scale employment displacement is taking place, and that, therefore, there is a need for employer sanctions, need alone does not justify policy. The proposed policy must also provide an acceptable means of fulfilling that need. While sanctions are proposed as a way of reducing the employment of undocumented workers, and thereby the flow of undocumented persons, there is little evidence that they actually have this effect. A recent General Accounting Office (GAO) study of employer sanctions laws in 20 countries concluded that, for the most part, these laws were not "an effective deterrent to stemming illegal employment" (GAO, "Information on the Enforcement of Laws Regarding Employment of Aliens in Selected Countries," August 31, 1982).

Moreover, there has been considerable experience with employer sanctions laws in the United States. Eleven states have employer sanctions laws on the books. Dr. Carl E. Schwarz, Professor of Political Science and Public Law at Fullerton College studied how these laws have been implemented, and found that not a single conviction has been obtained under California's 12-year-old sanctions law; the situation in the other states is similar:

"The main pattern in all these states (speaking of Connecticut, Delaware, Florida, Kansas, Maine, Massachusetts, Montana, New Hampshire, Vermont, and Virginia) is an almost perfectly consistent failure to enforce employer sanctions statutes." (Schwarz, "Employer Sanctions Laws: The State Experience As Compared With Federal Proposals," "America's New Immigration Law: Origins, Rationales, and Potential Consequences," University of California at San Diego, 1983, p. 84.)

There is even a federal employer sanctions law, embodied in the Farm Labor Contractor Registration Act, as amended. Schwarz has noted, and testimony before the House Agriculture Committee verifies, that this law has not significantly reduced the employment of undocumented persons in agriculture (See Schwarz, p. 91; see also, for example, testimony of representatives from the Western Growers Association, the Farm Bureau Federation, the National Council of Agricultural Employers, and others who describe their reliance on, and need for, undocumented workers; House Hearings, Committee on Agriculture, June 15, 1983).

The reasons for the uniform ineffectiveness of employer sanctions in other countries, at the state level, and at the federal level are twofold. First, as noted by the GAO, "Employers either were able to evade responsibility for illegal employment, or once apprehended, were penalized too little to deter such acts." Second, the laws generally were not being effectively enforced because of strict legal constraints on investigations, noncommunication between government agencies, lack of enforcement resolve, and lack of personnel" (GAO Report, p. 2). This experience has been replicated in the United States as well. In his study of state employer sanctions laws, Schwarz found that:

"When interviewed about why employer sanctions laws were not enforced, state and local prosecutors * * * most often attributed nonenforcement to judicial rulings. * * * Such rulings parallel the experience of the 20 nations with employer sanctions laws studied by the U.S. General Accounting Office." (Schwarz, p. 91.)

As Wayne Cornelius has concluded:

"Clearly, judges did not consider the employment of undocumented workers a serious crime, and they are reluctant to impose penalties. And the more severe the penalty, the less likely it is to be applied, especially criminal fines and jail sentences (Wayne Cornelius, "Simpson-Mazzoli vs. the Realities of Mexican Immigration," ("America's New Immigration Law: Origins, Rationales. and Potential Consequences," p. 143.)

Given the historical underfunding of, and the documented inefficiencies within, the INS, there is little reason to believe that the enforcement of federal employer sanctions laws would be significantly more effective than the previous experiences of other countries and the states (for a review of INS' record of underfunding and poor management, see NCLR. "Hispanic Concerns with the Immigration and Naturalization Service," August 1982). Similarly, the kinds of judicial rulings to which state and local prosecutors and the GAO attribute the nonenforcement of sanctions are already embodied in U.S. law. Cornelius summarizes the existing research on sanctions by stating:

"[T]here is still not a single documented case of successfully using employer sanctions laws to reduce the population of illegal immigrants anywhere in the world." (Cornelius, p. 14.)

IV. NCLR POSITION

NCLR opposes employer sanctions for three reasons. First, they are likely to increase employment discrimination against Americans of Hispanic and Asian descent, and others who "appear foreign" to employers (See NCLR, "Employer Sanctions and Employment Discrimination on," August 1983). Second, given even the possibility of employment discrimination, there is no evidence to suggest that employment displacement is of sufficient magnitude to justify the risk of such discrimination. Finally, sanctions have not worked when tried before, either in the United States or in other countries.

Many persons reluctantly support the Simpson-Mazzoli bill because they believe in the need for immigration reform. Such persons should consider that viable, less onerous, and more effective alternatives to sanctions do exist. These alternatives include:

Strict enforcement of existing labor laws.—Wage and hour laws already prohibit many of the practices that some employers use to exploit undocumented workers. Once these laws are strictly enforced, there will be little incentive for these employers to hire undocumented persons.

Enhanced enforcement activities.—Too many of the INS' resources are expended in attempting to seek out undocumented persons already in the country. These persons are familiar with immigration law and INS procedures, and are, therefore, very difficult to apprehend. If more resources were redirected to the border and other points of entry, with special emphasis on smugglers, illegal immigration could be significantly reduced.

These and other positive approaches are embodied in the proposed Immigration Reform Act of 1984 (H.R. 4909), sponsored by Rep. Edward Roybal (D-CA). NCLR supports the Roybal bill because it avoids the use of employer sanctions, includes a legalization program that is likely to be more effective than that included in the Simpson/Mazzoli bill, and does not include expanded "guestworker" programs which are likely to increase exploitation of foreign workers.●

SUPPORT THE AMERICAN DEFENSE EDUCATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, last week, the Subcommittee on Elementary, Secondary, and Vocational Education, marked up H.R. 881, the American Defense Education Act. I am a cosponsor of this legislation and strongly encourage its passage.

The title, the American Defense Education Act, is indicative of the multibenefits of the bill. It addresses four areas of concern to all of us: quality of education, of teaching, of our defense, and maintaining our competitive edge in a growing technological and international society.

The bill, as intended, would give payments to local education agencies wishing to participate to aid in developing a program to: assess the specific educational problems in the school district of the agency in the areas of mathematics, sciences, communication skills, foreign languages, and technology; to develop a means to improve instruction in these areas; and to encourage active public participation by administrators, teachers, parents, business, and industry.

In my district, the State of Alaska, I see urgent need for the programs that could be established under this bill. For example, many times, when contractors enter the villages and small towns of Alaska, they find the local residents do not possess the needed technical skills to do a job, and find they must hire outside of the community. This bill would aid local education agencies in establishing quality education programs to help meet specific needs.

In this Congress, we have repeatedly heard reports of the declining quality of education and teaching in our public schools. This bill says to the American public that we want to start doing something now. While money is not the only remedy for our education ills, it is certainly a start and will provide the "seed" money for programs to improve the quality of education for all students. The bill also calls for research programs to strengthen teaching expertise in the areas designated by the bill.

We, the Congress, now have an opportunity before us to assist our local school districts, our defense, and our entire economy and I strongly urge my colleagues to take it.●

FREEDOM OF THE PRESS IN PARAGUAY

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. BARNES. Mr. Speaker, today I am introducing a sense-of-Congress concurrent resolution condemning the closing of ABC Color, the only independent daily in Paraguay. The ranking minority member of the Subcommittee on Western Hemisphere Affairs, Mr. LAGOMARSINO, and the gentleman from Connecticut, Mr. GEJDENSON, have joined me in sponsoring this resolution.

ABC Color was established in 1967 as a source of independent information for the people of Paraguay. Other

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newspapers are controlled by the Government. ABC Color thus provided a unique service to the Paraguayan people who live under the dictatorship of Alfredo Stroessner, one of the longest ruling dictators in Latin America.

Because of this role, ABC Color has been at the mercy of governmental censorship. Its offices have been attacked and its personnel have been harassed. On May 11, 1983, the offices of ABC Color were surrounded by military personnel and its editor, Aldo Zuccolillo, was subsequently arrested. One of the newspaper's leading editorialists, Alcibiades Gonzalez del Valle, was arrested on September 23, 1983. The Government has in several occasions denied ABC Color permits to import newsprint.

The most blatant attack against ABC Color occurred just 2 months ago when the paper was indefinitely closed by order of the Interior Minister. Prior to that, its editor, Mr. Zuccolillo, had been detained for a second time. He is now under house arrest. This action has been widely condemned by political parties, church groups, and labor organizations within Paraguay. The U.S. Embassy has also condemned this attack against freedom of the press.

Mr. Speaker, by condemning the closing of ABC Color this resolution also condemns all attacks against freedom of the press in Paraguay. I know that my colleagues agree with me that freedom of the press is one of the most important characteristics of a democratic society. The Stroessner regime has declared an interest in a political opening. Several opposition leaders have been allowed to return to the country. But this process will not succeed unless there is a free press in Paraguay. This resolution urges the Paraguayan Government to permit the reopening of ABC Color and to guarantee freedom of the press. I urge all my colleagues to support the resolution.

I include the text of the concurrent resolution at this point.

H. CON. RES. 309

Whereas ABC Color, the only independent newspaper in Paraguay, has been in publication for the past 17 years;

Whereas the Government of Paraguay has carried out a campaign against ABC Color, including the denial of permits to import newsprint and the frequent arrests of its staff;

Whereas on March 16, 1984, the owner-editor, Aldo Zuccolillo, was arrested and is now under house arrest;

Whereas on March 22, 1984, ABC Color was indefintely closed by order of the Interior Minister and its premises searched;

Whereas this action has been widely condemned in Paraguay;

Whereas the United States Embassy in Paraguay protested the Government's action against ABC Color;

Whereas with the closure of ABC Color, the people of Paraguay have no means of acquiring independent and reliable information; and

Whereas freedom of the press is the foundation of a free and healthy society, and an attack against this freedom is an attack against society: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress condemns the closing of ABC Color, the only independent newspaper in Paraguay, and urges the Government of Paraguay to permit the reopening of that newspaper and to guarantee freedom of the press.●

OLDER AMERICANS MONTH 1984

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. GREEN. Mr. Speaker, as May has been designated to honor this country's older Americans, I should like to join my colleagues in Congress in paying tribute to the 25.5 million Americans for the contributions they have made and continue to make to our great country.

To illustrate this point, I should like to bring to your attention a remarkable woman in my district who has celebrated her 84th birthday on May 2. She personifies a theme cherished by millions of our country men and women, including President and Mrs. Reagan, namely:

Where else but in America can a person triumph over adversity; reach for a dream and have it come true regardless of age.

The constituent I refer to is Mrs. Friedy Becker-Wegeli, who, as an octogenarian, is embarking on her third career. Her story begins in Switzerland where she was born in 1900. Her father was a legislator and bank director who traced his lineage to the 17th century. The family crest bears the maxim: "Tandem bona causa triumfat." Translated from Latin it means "Ultimately the good cause triumphs." Her life bears testimony to this principle.

The youngest of four sisters talented in music and literature, she evidenced a keen interest in becoming an artist in her teens. However, this pursuit was discouraged by her parents and, instead, she entered the Horticultural School, from which she graduated 2 years later. Her first position was on a private estate where she was responsible for landscape design, gardens, and floral arrangements.

Beckoning in the future lay the tantalizing stories about America brought back by Swiss who had made their fortunes in this land of unlimited opportunity. Therefore, when an older sister invited her to visit this country, she accepted. They landed in New York in fall, 1923. Although her sister eventually returned to Switzerland, Friedy Wegeli remained in New York where she met and married Frank Becker, a journalist. They had one daughter, La-Follette, who was born on the Fourth of July.

The family thrived until the crash of 1929. Along with millions of other Americans, the Beckers suffered severe hardships during the Great Depression of the thirties. There were periods of near starvation for the family—sacrificing food to meet the monthly rent. Somehow they managed to survive. And as the economy began to improve, her husband found a position in hotel management.

However, the trauma of that period left a deep impression on Friedy, and she vowed never to be placed in that vulnerable position again. Therefore, she began her second career and trained to become a hairdresser. After several years in that occupation, she bought her own business from which she retired at the age of 75.

In 1976, she suffered a heart attack following a trip to Switzerland to visit her last surviving sister. She was saved by the miracle of the pacemaker. Since it proved defective, it was replaced by a 10-year model in 1978. While recuperating she contemplated what to do with the rest of her life. Suddenly the dream of becoming an artist stirred in her memory. Therefore, at the age of 79 she took her first art lessons at the Lenox Hill Neighborhood Association Senior Center. Little did she realize that she was embarking on the third career in her eighties.

With the encouragement of an art teacher at the senior center, Friedy initially started with landscapes. She showed considerable talent and soon gravitated toward floral still lifes. This led to her discovery of the extraordinary Dutch masters of this genre in the 17th century. She had finally found her niche. Her two loves, art and flowers, would combine to open new horizons in the final chapter of her life.

In spring of 1982, the Netherlands celebrated its 200th anniversary of trade and friendly relations with the United States. As part of their extensive commemorative program, they ran a contest in the newspapers inviting readers to explain in 50 words why they would like to visit Holland. Friedy's entry explained that she would like to paint from the original works of the famous 17th century Dutch masters of floral still life. She won and left for Holland in October, bringing along a painting for Queen Beatrix and her case of artist's materials. While in Amsterdam, she had the unique honor of being the first artist permitted to paint in the 17th century galleries of the Ryksmuseum. But the highlight of the trip was her personal audience with the monarch. Queen Beatrix urged her to continue painting in the tradition of 17th century Dutch Masters so that the 20th century would have the opportunity to appre-

ciate the art and beauty of that period. The artist promised the Queen that this would be her mission for the remainder of her life.

Upon her return to the United States, she attended the premiere exhibition of her works at Cartier. It had also become part of the offical Netherlands-United States of America Bicentennial program. She had a successful showing where many viewers and art lovers marveled at the skill and artistry of her painting.

In January 1983, Friedy donated one of her paintings as a gesture of appreciation to the Lenox Hill Neighborhood Association annual auction at Sotheby. The floral still life was so beautiful that it was selected for the cover of the catalog. Following an introduction by Mrs. Felix Rohatyn, chairman of the event, this painting raised $1,600 for the association. She also donated a painting to the Burden Center for the Aging, since they had provided her with some support services necessary to complement her limited income from social security.

That same year the National Museum of Women's Art forming in Washington, DC, gave Friedy her first recognition in the art world. She is now included in their biographies of famous women artists dating from the 16th to the 20th centuries.

In fall of 1983, the artist celebrated her 60th anniversary of emigration to the United States. As a patriotic gesture of appreciation to her beloved country, she offered a painting to the White House. Through the kind intercession of Mrs. Barbara Bush, it was accepted and it is currently being framed by the House of Heydenryck in the style typical of the 17th century Dutch period. It will be presented at an appropriate occasion in the future.

Currently this enterprising octogenarian is preparing for a major one-woman exhibition at the Hurlbutt Gallery, sponsored by the Friends of the Greenwich Library in Connecticut next December. And there are other plans in the future for this talented woman; among them she hopes to find a patron or funding to make these possible.

I salute Friedy Becker-Wegeli as one of the millions of Americans who continue to contribute to the culture of our society. She is an inspiration and truly symbolizes her motto: "It's never too late to be what you might have been."●

HATS OFF TO MARGARET THATCHER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. BROOMFIELD. Mr. Speaker, let me call your attention to the following extract from Prime Minister Margaret Thatcher's recent speech in Perth, Australia. I salute her for her frank assessment of how Europe can work with America on the international scene to promote our democratic system and the interests of the free world.

I have always believed that America, as the child of Europe, shares many of the same values and traditions of our European allies. There are many factors which bind us together. We as free democracies must work together to promote our open and free societies through a process of cooperation and not confrontation.

We must learn to work together in pursuit of our common goals on this shrinking planet. Our mutual challenges are many. Our adversaries are determined and committed. Many of them are actively promoting totalitarian communism as the answer to mankind's problems.

Although we often here how some European leaders disagree with what America is doing in foreign policy and trade, our disagreements with our allies are few when compared with the many views which we have in common.

I commend the Prime Minister for her sound observations and insightful comments. I, too, believe that Europe and the United States should work in concert to promote the ideals and institutions of the free world.

For these reasons, I strongly recommend this brief excerpt from the Prime Minister's speech to my colleagues in the House.

EXTRACT FROM A SPEECH MADE BY MRS. MARGARET THATCHER TO THE CONSERVATIVE PARTY IN PERTH ON MAY 11, 1984

Once we settle Europe's internal problems, Europe can look more to its global responsibilities. We are part of the free world. We must act with the free world. And that means, first and foremost, that we should work with our great ally across the Atlantic, the United States. Where would Europe have been in that most difficult and dangerous period after the last war without America? Where would we have been since without America's massive contribution to freedom and security of Europe?

We cannot go on drawing endlessly on American goodwill and generosity without ourselves trying to understand their concerns and the burdens which fall to them. For they are the champions of all the beliefs and ideals which we cherish most deeply.

I believe profoundly that the alliance between Europe and the United States is vital to the defence of the free world. Conservatives will work for a Europe which is a strong partner of the United States and which uses its experience and an increasing part of its resources, to reduce the areas of tension and conflict, to improve the prospects for the poorer countries and to defend and spread beliefs and ideals which are shared by the Western democracies. That is our vision for Europe.●

THE AGING MIND PROVES CAPABLE OF LIFELONG GROWTH

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. PEPPER. Mr. Speaker, the New York Times recently published an article which offers new scientific evidence in support of my belief that mental abilities do not necessarily decline. In fact, researchers now say that a key mental faculty crystallized intelligence which is the ability to use accumulated knowledge to solve problems, actually continues to increase throughout life in healthy, active people. Intellectual growth continues well into the 1980's.

The declines in intellectual function which may occur is very small in general—the forgetting of names and telephone numbers, for example, which is more of an annoyance than a serious problem.

Scientists have found that the healthy aged brain is as active and efficient as the healthy young brain. Earlier research that reported differently may have been biased inadvertently against the elderly by comparing young adults and senior citizens who were ill and taking medications that interfered with their functioning.

I hope that all my colleagues will take a few minutes to read this article. It should spur the intellectual growth of quite a few people today:

THE AGING MIND PROVES CAPABLE OF LIFELONG GROWTH

(By Daniel Goleman)

Researchers can now demonstrate that certain crucial areas of human intelligence do not decline in old age among people who are generally healthy. Moreover, although some other aspects of intelligence do diminish, the decline is relatively inconsequential and has been exaggerated in the past, the experts assert.

The new research challenges beliefs long held by scientists and the public and suggests that, among people who remain physically and emotionally healthy, some of the most important forms of intellectual growth can continue well into the 80's. It also suggests that declines in intelligence can be reversed in some instances and that earlier notions about the loss of brain cells as a person ages were in error.

This more optimistic view of the mental capacities of the aged emerges from a broad range of current studies, from recent literature in the field and from interviews with gerontologists, psychologists and experts in related health sciences.

Some of these experts suggest the old ideas about aging and intelligence may have had tragic consequences: Countless intellectually vigorous lives may have atrophied on the mistaken assumption that old age brings an unavoidable mental deterioration.

"The expectation of a decline is a self-fulfilling prophecy," said Warner Schale, an eminent researcher on aging. "Those who don't accept the sterotype of a helpless old age, but instead feel they can do as well in

old age as they have at other times in their lives, don't become ineffective before their time."

In recent years, accumulating data have firmly shown that one key mental faculty, called crystallized intelligence, continues to rise over the life span in healthy, active people. Healthy in this context means an absence of diseases that affect the brain, such as a stroke.

Crystallized intelligence is a person's ability to use an accumulated body of general information to make judgments and solve problems. In practical terms, crystallized intelligence comes into play, for example, in understanding the arguments made in newspaper editorials, or dealing with problems for which there are no clear answers, but only better and worse options.

John Horn, a psychologist at the University of Denver who has done the main research, said crystallized intelligence continues to increase steadily throughout life, although in old age the increment become smaller.

As for the intelligence that may be lost, said Dr. Jerry Avorn of the Division on Aging at Harvard Medical School, "the deficits found in the healthy aged are in a minor range, not at all clinically impairing.

"At worst they're a nuisance," he said, "like not being able to remember names or phone numbers as well. They present no real problem for daily living."

History offers ample instances of brilliance in life's later years from Michelangelo to Martha Graham.

The new research provides a better understanding of what, apart from a lucky genetic endowment, might allow such people to maintain their mental capabilities through old age.

The key factors included these:

Staying socially involved. Among those who decline, deterioration is most rapid in old people who withdraw from life.

Being mentally active. Well-educated people who continue their intellectual interests actually tend to increase their verbal intelligence through old age.

Having a flexible personality. A longitudinal study found that those people most able to tolerate ambiguity and enjoy new experiences in middle age maintained their mental alertness best through old age.

"The ability to bring to mind and entertain many different facets of information improves in many people over their vital years," Dr. Horn said. "One way this shows up is in the ability of older people to wax eloquently. They have a rich, evocative frequency; they can say the same thing in five different ways. In our research, they're better in this sort of knowledge than the young people we see."

This increase occurs despite the simultaneous decline from early adulthood onward of "fluid intelligence," a set of abilities involved in seeing and using abstract relationships and patterns, such as in playing chess. Fluid intelligence, Dr. Horn believes, may be more vulnerable to changes in the nervous system as a person ages than is crystallized intelligence.

According to Martha Storandt, a psychologist at Washington University in St. Louis, "The fluid intelligence drop has some impact, but people learn to compensate, even in later life. You can still learn what you want to; it just takes a little longer."

Researchers also report finding mental abilities closely related to crystallized intelligence that improve throughout old age. Roy and Janet Lachman at the University of Houston measured age differences in world knowledge," the information people acquire in both their formal education and day-to-day experience. This knowledge ranges from facts like the name of Britain's Prime Minister to knowing signs of danger in the street. The total store of such information, they found, increased with age through the 70's. What's more, the oldest group tested was more efficient in recalling these facts than groups in middle age or in their 60's.

Memory loss that does occur in old age appears, in some measure, to be exaggerated because it is awaited with such dread. Marion Perlmutter, of "New Directions in Memory and Aging" (Lawrence Erlbaum Associates), observes a decline in some memory ability appears in early adulthood, too, but it is not so alarming then. It is possible, she writes, that "age merely increases sensitivity or awareness and disturbance about memory problems."

"When people say 'Old Granny's lost her memory,'" Dr. Horn added, "there's generally a little truth in it, but not as much as people make out."

In the forefront of the current research has been Dr. Schale, who for several years directed a study of aging in Seattle. That project was one of the first to show how various mental capacities changed as people aged. Begun in the mid-1950's, the study has had more than 3,000 participants, some retested every seven years for as long as 21 years, and has followed some into their late 80's.

Dr. Schale, writing in Longitudinal Studies of Psychological Development (Guilford Press), reports that, on average, the declines in such mental abilities as fluency and spatial relations, while clear from test results, have little practical significance until the mid-70's or early 80's.

"For some mental capacities," he said in an interview, "there begin to be slight declines in the 60's, and, for most people there are meaningful declines by the 80's. But some mental capacities decline very little, or can even improve in old age."

As people reach their 70's, the Seattle study shows, there is increasingly great variability in mental capacities, some people faring quite poorly, while others retain their abilities well.

"Some of our people have shown no declines that interfere with daily living into their 80's," he said.

One of the major factors in maintaining or improving mental capacities was social involvement. Elderly people who lived with their families and were actively engaged with life actually showed an increase in mental abilities over a 14-year-period, while those who lived on their own and were withdrawn from life had a decline. The greatest decline was among widowed housewives who had never had a career of their own and led restricted lives.

The study found, too, people who in midlife had more flexible personalities and were able to see life from differing points of view performed at higher intellectual levels in old age.

Dr. Schale's research has shown that declines in such abilities as spatial orientation can be reversed in the elderly with simple tutoring. "The use-it-or-lose-it principle applies not only to the maintenance of muscular flexibility, but to the maintenance of a high level of intellectual performance as well," Dr. Schale said.

Others agree the faculties people use most are likely to hold up best in old age. Nancy Denney, a psychologist consulting at the Institute on Aging at the University of Wisconsin, said, "What one does during one's life makes all the difference." The reason verbal abilities can increase over the lifetime is that people exercise that capacity all the time.

Gerontology texts in the past contained a litany of studies showing a relentless decline in mental abilities of the aged. It now appears much of that research may have been inadvertently biased against the elderly.

"Many tests that were used to assess the cognitive abilities of the elderly are biased in favor of younger people with whom they are compared," said Leonard Poon, a psychologist at Harvard Medical School. "One test involved remembering pairs of nonsense words. College students are motivated to try their best on such tests. But older people just don't care much about nonsense words. What looks like a diminished ability in the elderly may partly be lack of interest."

Writing in The Journal of the American Geriatrics Society, Dr. Avorn of Harvard criticized much of the scientific literature comparing mental abilities of aged and young groups. While nearly all college students are free of major illness, Dr. Avorn noted, the same assumption cannot be made about people in their 70's. Nonetheless, researchers have often asked the aged only if they were in good health, thus failing to weed out people whose conditions could impair mental performance. Such performance lags may be erroneously attributed to aging rather than to disease. Another hidden bias, Dr. Avorn said, is that many elderly people take medications that can diminish mental function.

Still another cause of distortion is the practice of comparing people in their 70's who have had little education with college students. The older group is thus at a disadvantage both by virtue of educational status and unfamiliarity with test-taking.

In studies in which researchers used such incentives as Green Stamps to motivate elderly subjects, there were significant gains in scores on abilities like reaction time, which are typically listed among the faculties that undergo inevitable decline with age. Such studies are among those suggesting that many cognitive deficits in the aged are largely a result of social or psychological factors rather than of aging itself.

The new view is accompanied by data attacking the notion that the brain degenerates precipitously with aging. The widespread belief that there is devastating cell loss in the elderly brain—and the related claim that each drink of liquor destroys a large amount of brain cells—seem now to be unfounded. Marian Diamond, a neuroanatomist at the University of California at Berkeley, tried to track down the source of the belief and could find no definitive study proving it.

Dr. Diamond's own research was one of the few studies ever done to directly assess cell loss rates as the brain ages. Her results indicate that, while there is some cell loss, the greatest decrease is early in life and subsequent losses are not significant, even into late life.

A recent study of brain chemistry at the National Institute of Aging, using a brain scan to study men whose ages ranged from 21 to 83, found that "the healthy aged brain is as active and efficient as the healthy young brain," based on the direct assessment of metaboic activity in various parts of the brain.

The researchers also propose that declines in vision or hearing may account for changes in the level of brain activity that some investigators have attributed to brain aging.

It might also mean, they suggest, that the developing human brain acquires more brain cells than it will ever need, and that whatever brain cell loss there might be, there are still more than enough surviving cells to support efficient functions.

"The belief that if you live long enough you will become senile is just wrong," said Robert Butler, a psychiatrist who was the founding director of the National Institute on Aging and is now head of the program in geriatric medicine at Mount Sinai Hospital. "Senility is a sign of disease, not part of the normal aging process."

The widespread belief in an inevitable mental decline in old age, though, has sometimes led people to mistake a reversible mental deterioration in an older person for the beginning of senility.

"What can happen," Dr. Avorn said, "is that an older person who is admitted to a hospital for something like a broken hip or heart attack can become confused as a side effect of drugs or simply from the strangeness of the hospital routine. The condition is reversible, but the family, or even the physician, doesn't recognize that fact. They assume this is the beginning of senile dementia, and pack the person off to a nursing home."

"No one knows what exact proportion of people in nursing homes needn't be there," he said, "but we have ample clinical evidence that the numbers are large."●

THE MX FOR ARMS CONTROL

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. GUNDERSON. Mr. Speaker, like many of my colleagues, I consider questions on proper strategic weapons policy some of the most important and difficult we face. The issues are extremely complex and controversial. Few today doubt that the power of the weapons we deal with could mark the end of modern civilization as we know it.

Throughout my legislative career I have tried to follow a course which combines the ideals of America with the reality of the world in which we live. Similarly, America must combine a goal of arms control with a recognition of Soviet actions. Such a policy sometimes requires a little prodding of the present administration as well.

In this regard, I have always supported a call for a mutual and verifiable freeze on the production of nuclear arms. I am disappointed that the administration does not push for such a proposal. If the Soviets would not agree to such an effort, as the administration suggests, then why allow us to appear as the bad guys in the world community?

Initially, I also opposed the production of the MX missile. We were asked to produce this weapon without a workable basing mode, an action which could have led to a situation of pure folly—a number of missiles resting useless on the grass behind a chainlink fence.

Last year, however, the terms of the MX debate changed. As a result of the Scowcroft Commission we were no longer dealing with the MX by itself. Rather, we were presented with a three part compromise calling for: One, flexibility by the Reagan administration in its arms control package; two, the development of a single warhead missile; and three, the production of a limited number of MX missiles. That compromise was adopted last year as the best hope for achieving nuclear stability. And, it was adopted with my support.

In so doing, we in Congress committed ourselves to this compromise. We made it clear to the administration that they, too, had to maintain their part of the commitment. The production authorized last year will not be completed until 1986. As such, Congress had 4 years to hold the administration to a good faith effort to complete their part of the compromise.

Today, we consider the MX in a different atmosphere than a year ago. The Reagan administration has kept its commitment in both offering flexibility at the arms talks and beginning development of the Midgetman missile. Yet, the Soviet Union has walked out of the arms control talks.

How, then, should we respond?

We have been offered several options. The Department of Defense proposed the production of 40 additional missiles. The House Armed Services Committee reduced this authorization to 30 missiles. The alternative suggested by the Bennett-Mavroules amendment would be to deploy no missiles, including those authorized last year.

In order to properly answer this question, we should ask why the MX missile is proposed? Some suggest we need it as part of our total strategic weapons inventory. But when both sides already have enough weapons to destroy the world many times over, more nuclear weapons simply for the sake of weapons is not only empty, but crazy as well.

Still others suggest we need to authorize the weapon so that we can give it up in the arms talks with the Soviets. But it is both impossible to give up a weapon when no talks are occurring and difficult to justify a $20 billion plus expenditure for a bargaining chip.

Recognizing another factor, however, is essential, for we must understand the Soviet mentality on this issue. In Moscow, there is only one accurate and dependable strategic weapon—the land-based missile. They simply have not developed the capability to deploy totally reliable sea- and air-based missiles. They have, however, produced the largest and most diversified arsenal of land-based missiles in the world.

In this context, the MX does become important. If we show the Soviet leadership that America does have the resolve to build and upgrade its own land-based system, it may serve as the incentive necessary to not only bring them back to the talks, but to cause them to negotiate responsibly as well.

Perhaps the most basic question we must ask today is how can we be most successful in bringing the Soviets back to the negotiating table? Will the deauthorization of the MX missile provide such an incentive? Will a reward for the earlier walkout by canceling the MX bring them back? Most significantly, will they return to the talks if they can achieve unilateral American reductions of this magnitude while staying away? The answers seems obvious.

The American options have been presented: Reward the Soviets by canceling the entire program or ignore our overall defense and economic priorities by building the entire 30 additional weapons? Neither extreme seems adequate.

It is for this reason that I support the Aspin compromise. This amendment authorizes only 15 missiles and, significantly, withholds that authorization until April 1985. If there is a change in administration following the November elections, the new President will have an opportunity to do as he desires.

Furthermore, the amendment provides that funding of these 15 MX can occur only if the Soviets do not return to the negotiating table in good faith. In other words, if Moscow comes back to the arms negotiations and bargains constructively, the MX will not be produced. The Soviets will be rewarded if they return to serious negotiations but not for staying away as under the Bennett-Mavroules alternative. They will recognize that America will continue to modernize its strategic weapons if no adequate response is forthcoming.

This policy will not escalate the arms race, unless the Soviets refuse to talk and continue their modernization of land-based missiles now in progress. This policy will not add significant costs to the budget—and therefore the deficit—unless the Kremlin shows no interest in arms control.

With these objectives in mind, regardless of party, there seems only one course for America to follow. This reasonable middle ground is it.●

EQUAL ACCESS: A MATTER OF FREE SPEECH

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, on Tuesday, the House of Representatives voted on the Equal Access Act. I received and appreciated numerous letters, telegrams, and phone calls in support of it from my constituents in Alaska. The bill was brought up for consideration under suspension of the rules which requires a two-thirds vote for passage and allows for no amendments. The measure failed by 14 votes. I voted for the bill and was sorry to see that it was not passed.

More and more we see our children denied the freedom to discuss their religious values in public which, for a student, is usually in our schools. For example, in Minnesota a fourth grade student was reprimanded by a supervisor for bowing her head and praying before her meal. In Philadelphia, a teacher was told to remove a wreath from his classroom door because it was said to represent Christmas. In another school, a student was prevented from saying the rosary on a school bus. And some schools are considering eliminating baccalaureate services from graduation ceremonies.

Even though our constitution guarantees free speech, in practice we see qualified free speech, particularly when involving issues of church and state. We see that in many schools nationwide, a group of two or more students may not sit peacefully together for the purpose of religious discussion, and yet, 2 years ago in Washington, DC, violence erupted during a Ku Klux Klan rally that was sanctioned in the name of first amendment free speech. We should be concerned about what we are telling our students through such use of selected protection of free speech. While we in Alaska have been fortunate that through the cooperation of our schools, parents, and students denial of religious liberty has not been a major problem, such incidents are common in the rest of the United States.

Constitutional scholars make it clear that under current law, nonreligious speech enjoys equal access in public secondary schools, but religious speech has been improperly denied such protection.

Equal access legislation makes it clear that secondary schools that generally allow student initiated groups to meet on school grounds during noninstructional periods must also allow student initiated religious groups equal access to school grounds during noninstructional periods. The bill does not give preferential treatment to religious groups, it does not allow outside religious groups to rent or use school facilities or in any way to initiate, organize, or control student initiated meetings. A student religious group will be allowed to use outside speakers and resource people to the same extent that nonreligious student initiated groups can.

The bill maintains a policy of local control. It is up to the schools and the school boards to determine their policy for student initiated groups including rules on student minimums, and so forth. Equal access merely states that student religious groups are to be added to the list of nonreligious groups and must follow the same guidelines and be allowed the same treatment.

The bill prohibits school and Government sponsorship and is therefore constitutionally sound. Although, due to insurance reasons, a school official must be present at student meetings, the bill states that he/she must be there in a nonparticipatory capacity.

My only reservation about the bill was the penalty for noncompliance, which was the withdrawal of Federal education money from the school. However, in an informal agreement between the sponsors of the House bill and the Senate bill, they agreed that if and when the bill made it to conference, they would adopt the less severe Senate language. The Senate version states that failure of the school to comply will result in judicial review.

Through education, we strive to teach tolerance and respect for the views of other people. Children learn that not everyone shares their beliefs and opinions, and that they have the right to come together and discuss their views. The Equal Access Act is basically a matter of the right, and the responsibility, of protecting free speech. It is unfortunate that this Congress did not choose to recognize the merits of this legislation.●

SPEECH BY JOHN YOUNG ON INDUSTRIAL COMPETITIVENESS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. LaFALCE. Mr. Speaker, I would like to bring to the attention of my colleagues a speech by John A. Young, Chairman of President Reagan's Commission on Industrial Competitiveness, and president and chief executive officer of the Hewlett-Packard Co., given recently at Stanford Business School. This excellent address illustrates, I think, the strong consensus that is emerging over the nature of the international competitiveness problem confronting our economy.

Mr. Young begins his speech by stating forcefully what others have denied: The United States has a competitiveness problem compared to our past performance, our competitors, and our own expectations of ourselves. Further, this problem will not go away unless we take action on five factors crucial to our competitiveness: The quality of the infrastructure which underlies our economy, the skill and productivity of our work force, underinvestment and the high cost of capital, the quality of our applied technology, and the strategic application of Federal policy toward industry.

Mr. Young's underlying belief is that a strong manufacturing sector is central to this country's ability to compete in world markets. As he points out, a service economy or an information economy has to have a foundation, and manufacturing is the base that creates services. These are the same conclusions reached by the House Banking Subcommittee on Economic Stabilization, which I chair, after months of hearings on the issue of industrial competitiveness. Perhaps if we can agree on the nature of the problem, we can move on to the more important question: What to do about it? While Mr. Young and I may differ as to measures that are needed to address our competitive problems, at least we recognize that a program to stay the course would leave American industry at a competitive disadvantage.

The speech follows:

INDUSTRIAL COMPETITIVENESS: A VIEW FROM THE PRESIDENT'S COMMISSION

Competitiveness: The word's difficult to pronounce, and the idea isn't easy to articulate, either. It's not the kind of slogan you see on bumper stickers—not politically sexy enough—nor are you likely to see it in the morning headlines.

Perhaps the reason for the relative obscurity of the competitiveness issue is that it's not simple. The ability of American industry to compete in global markets derives from a complex set of factors, all interrelated. Even our nation's most prominent scholars are having trouble getting their arms around the subject. But it's imperative that we try.

THE GLOBAL PERSPECTIVE

Thinking about our ability to compete is rather a new experience for us. Americans aren't used to that global view of things. We tend to wear mental blinders and limit our perspective to our national borders. But that's an attitude we can no longer afford—one more appropriate for the 1950s than the 1980s.

Today's world economy is highly interdependent, and the U.S. economy reflects that fact. Today we import *and* export twice as much of our GNP than we did just two decades ago. Twenty percent of our manufacturing output is exported, and every billion dollars' worth of exports creates 25,000 new jobs. And, of course, the phenomenon works in the opposite direction. Imports cost jobs.

MANUFACTURING AND SERVICES

Since this conference has been called to consider the prospects of American manufacturing, let me frame the competitive

issue from that perspective. A strong manufacturing sector is central to this country's ability to compete in world markets. Manufactured goods represent about two-thirds of our exports and more than half of imports. We shouldn't shrug off growing trade deficits in manufacturing, point to our surplus in services, and convince ourselves everything's all right.

A service economy or an information society—however described—has to have a foundation. Manufacturing is the base that creates services. Distributing, marketing, financing, insuring—all are what you'd call service activities. But they are services generally based on some manufactured product—and, I might add, the character is increasingly based on high-technology products.

We can't fully substitute trade in services for trade in manufactured goods. Who will buy our engineering consulting services if we can't build things? Our data-processing services if it's someone else's computer network?

MEASURING AMERICA'S COMPETITIVE DECLINE

My message today is that American industry has a competitive problem. Now it's important to note that the issue is one of relative performance, not absolute. A runner may practice every day and increase his speed, but he has no way of knowing how he stacks up until he runs the race against other runners. You can't know if you're competitive unless you compare. Let me suggest three different comparative yardsticks we can use to measure America's ability to compete.

First, a comparison to our past performance. Here the record shows increasing trade deficits, a declining share of world trade, and declining rates of return that make any investor question the wisdom of putting money into manufacturing assets. I don't think any American is pleased at the sight of so many of our mainstream industries sorely hurt by foreign competition and looking to government for protection. We don't relish the image of a cringing giant.

The second comparison—how we stack up against the other runners.

We could console ourselves by the fact that we're doing better than Europe—but that's like congratulating oneself for finishing a race second to last. The European community has large trade deficits, both with us and with Japan, and its job growth has been negative over the past ten years. So rather than congratulating ourselves, we should be trying to learn why their extensive government development efforts have failed.

THE NEW COMPETITORS

I suggest our new competitors come not from Europe, but from the Pacific Basin. Here's a significant but little known fact: In terms of total dollar volume, America does more trade with the Pacific rim countries than we do with Europe.

Who are the new competitors? They're Japan and all the new Japans—Korea, the Philippines, Malaysia, Taiwan, Singapore, and others on the horizon, including the People's Republic of China. As an aggregate, these countries represent our most significant trading partner. And they are highly competitive. Even in electronics—the high tech strength of the economy—the U.S. had a 1983 trade deficit with Japan that amounted to $9 billion dollars.

The interesting thing about Japan and the New Japans is their development programs contradict classical economics. Trade theory would have them specialize in areas where they have a comparative advantage; they should have remained in labor-intensive, low-technology manufacturing.

Well, they wrote their own economics texts. Instead of relying on existing comparative advantages, they've created their own opportunities by mobilizing people and technology—industry, government, everybody. They have focused on using technology to produce sophisticated, high value-added products that are more attractive—in both price and quality—than our own.

I've said there are three yardsticks by which we can measure our competitiveness and that the first two are our past performance and our competitors. The third is even more fundamental, for it is our own expectations. We have high ones.

We want social justice and opportunity for all Americans. We want a strong sense of national security and a role as the leader of the free world. Both of these expectations—social justice and national security—depend upon our continued ability to compete economically—this is, our ability to pay for them. If we are vulnerable there, then all other goals are at risk.

So this little-used word in our lexicon—industrial competitiveness—has acquired new meaning. But since we're feeling the symptoms of its decline, it's time to examine causes. The President's Commission is exploring what factors comprise a nation's competitive posture and how America stacks up in these critical areas.

COMPETITIVE FACTOR 1: "GIVENS"

"Givens" like natural resources and infrastructure are the first competitive factor. In this area, the United States has a good news-bad news kind of story to tell. We are rich in resources, with well-developed transportation and communication systems and other prerequisites to economic growth. But our abundance has made us somewhat wasteful and slow to respond to change.

The irony of our current competitive situation is that we now face strong challenges from nations that are *much* weaker than we are in these physical prerequisites—imagine an economy where almost *all* energy had to be imported. Their current economic strength leaves us no room for complacency.

COMPETITIVE FACTOR 2: HUMAN RESOURCES

Human resources represent a second national factor affecting competitiveness. Here there are two issues to consider—first, the cost of human resources and secondly, their quality.

For human resources, America's cost is a real competitive disadvantage. We get paid more than people elsewhere, no matter what job classification we may have. Hopefully, we're worth that much more. But our higher standard of living has to be earned; the marketplace doesn't bestow it upon us as our right.

For production workers, the cost issue is most troubling. The demographics are just irrefutable. The developing countries have huge numbers of young, relatively uneducated people—all of them flocking to the cities in hopes of a job. Even other industrialized nations have lower costs. For every dollar in wages and benefits paid to a U.S. production worker—a French worker gets 68 cents, a Japanese gets 49 cents, a Mexican gets 23 cents and a Korean gets 11 cents.

That's quite a comparison. Consider products that require equal labor. When you have U.S. wage costs that are five times higher, you define a productivity improvement task of challenging proportions. And it's not one that we've attacked aggressively, as witnessed by our low productivity growth in the past decade.

The goal for industry is low unit costs despite high wage costs. That means a lot more investment in manufacturing automation. We'll have to find ways to help our workforce respond to those changes, too.

Now you'll note that the wage rate differentials I've quoted were for production workers, not professionals or technicals. I suspect Americans in these categories also enjoy higher wages than their counterparts abroad. America hasn't paid much attention to white collar productivity, and as the demographics of our workforce change, we'll need to do much more in this area.

A second element of the human resource factor is the quality or skill level of the workforce. In general, it's strength, but we got evidence of a competitive problem, here, too. A mismatch exists between skills needed and skills available. The scope and seriousness of the problem are open to debate.

But few will question the proposition that we need to create institutions for lifelong learning, using our junior college systems, giving business training incentives, or creating individual training accounts somewhat like individual retirement accounts. The President's Commission will be grappling with this complex problem in the months ahead, and it will require the best efforts of all of us.

Production people are not the only segment of the workforce where skill level is a competitive problem. American management needs to rethink its assumptions and methods, too. First, it needs more of an international perspective in markets and competition.

To that I would add taking a longer view, as opposed thinking only of short-term gains, and creating real value, not just manipulating paper assets. I would also underscore an urgent need for America's business leaders to become better acquainted with manufacturing technology and the management of innovation.

As for human resources with technical skills, the issue is supply, not quality. We turn out superb scientists and engineers, but not enough of them. Our universities are operating at maximum capacity. Their equipment is obsolete, and today they can't fill one-tenth of their engineering faculty positions. Meanwhile, our Japanese competitors produce two-and-a-half times as many engineers per capita as we do.

The final area of human resource skill is one for which there is no curriculum. It's so simple that it isn't taught. But it's so difficult that it's rarely accomplished. It's called getting along together—consensus building between labor and management. Maybe—hopefully—the competitive challenge we face will force us to learn some new skills, like a wagon train coming together in a circle.

COMPETITIVE FACTOR 3: CAPITAL

O.K. The first two factors comprising our competitive posture were the natural resources-infrastructure "givens" and the human resource element. Both are areas with strength, but where we've either squandered or inadequately developed our resources. The same situation holds true for the third competitive factor, which is our capital resources. We're a very rich country, but the question is how we've been using that wealth.

There's a very strong correlation between a nation's investment level and its productivity growth. Take the top six industrialized countries and rank them according to investment rates for the past ten years. From top to bottom, that ranking will exactly mirror how they stack up in regards to productivity growth.

By the way, you'll find Japan at the top of that list of six—with about 20 percent of its GNP invested—and the U.S. at the bottom. And things aren't getting better, either. America's net investment in the '80s has been only three percent of GNP—half of what it was in the previous two decades.

Given our low investment rate, it appears rather miraculous that we've added 21 million jobs to the economy over the last two decades. Of course, our low productivity growth is a result. We've added people without giving them the tools to amplify their capabilities—without making them worth the higher compensation they receive.

The Commission on Industrial Competitiveness has been looking at the causes for this underinvestment and its competitive consequences. There are plenty of examples where underinvestment has affected our ability to compete—the Japanese incursion into the U.S. semiconductor industry and the plight of our steel industry come immediately to mind.

There's a logical reason for such underinvestment. Capital costs more here than it does abroad. We invited a great deal of testimony on this subject and, marvel of all marvels, we heard a wide spectrum of economists actually agree!

Using Japan as the yardstick, the experts put U.S. capital costs between one-and-a-half to four times higher—a real competitive disadvantage for American firms. As a result of greater capital costs, U.S. firms have to charge higher prices to make a comparable profit.

There are many causes for this cost discrepancy—hedges against inflation, debt/equity ratios, and whether capital is used for productive assets or inventories, among them. We've zeroed in on what we consider the two major issues.

The first is the non-neutrality of the tax code. Effective tax rates on different industries range from 48 to a negative 14 percent. Within each industrial sector, different activities have varying tax implications that affect business decisions in ways we may not want. It's a real mish-mash, and its competitive consequences are obvious but not yet fully defined.

The second cause for high U.S. capital costs is the simple function of supply and demand, and here the problem is quite well defined. Americans aren't great savers; our private and corporate savings levels have remained a fairly constant seven percent since World War Two.

But our government spending level hasn't remained constant, and the growth in revenues hasn't tracked growth in outlays. In 1982, Congress passed tax laws whose net effect will be to reduce revenues by $644 billion in the 1983-1987 time frame. Government spending hasn't been cut correspondingly, and we're now contemplating deficits that will represent somewhere between four and six percent of GNP. Deficits of that size will absorb more than half of the total private sector savings, deprive industry of capital, and drive up the costs of what can be obtained.

COMPETITIVE FACTOR 4: TECHNOLOGY

Technology is the fourth factor affecting competitiveness, and I want to remind you it can be used two ways. It may be incorporated into products, such as the technological innovations in integrated circuits that have served as building blocks for much of the computer revolution. I'll call this product technology. Or it can be used in making products, such as computers and robotics used to manufacture cars. Manufacturing people usually call this process technology.

Technology represents America's greatest competitive strength. We have a solid scientific foundation. We spend more on research and development than Japan and Europe combined, and we're the source of most of this century's significant innovations. But we face some problems in maintaining this lead.

First, there's the strapped capacity and obsolete equipment of our major research universities, as well as past years of stagnant federal support for basic research.

Secondly, our federal research spending, which represents almost half of R&D funding, is only lightly coupled with technologies that have commercial potential.

Thirdly, there's little direct transfer of federally funded research results to the private sector. Right now we're got a powerful engine—federal R&D—and a set of wheels—industry—but no transmission to put that power into motion.

Industrial R&D is a strong competitive advantage, and at the Commission's February meeting we issued a set of recommendations designed to encourage it. Included among them were making the incremental R&D tax credit permanent, removing anti-trust barriers to joint R&D, protecting intellectual property and proprietary information, and providing further incentives for industry support for and collaboration in university research.

Let's stop for a minute and consider the most glaring weakness in the American technological scene.

Anyone who has studied the Japanese success story knows that their greatest strength has been in applying technology—much of it imported—to the manufacture of products that are superior in both cost and quality.

We Americans don't systematically apply our technology to the manufacture of our products. Manufacturing management and process technology fields simply haven't been stylish, although the presence of all of you here on a Saturday morning should give us some hope that our attitudes are changing.

As well they should, for process technology offers some real competitive advantages. Besides contributing directly to better quality and lower costs, process technology is easier to protect. We export the product, not the equipment or expertise we used to make it. Who knows the recipe for Colonel Sanders chicken?

COMPETITIVE FACTOR 5: INSTITUTIONS

So far I've discussed four factors influencing a nation's ability to compete: natural resources and other "givens," human resources, capital resources, and technology. I've got just one more to go, and I applaud your tenacity if you've hung in this far. Now you know why competitiveness isn't a good material for bumper sticker slogans. No one has a big enough bumper. Perhaps you can discuss this problem with Lee Iaccoca later today.

I'll label this fifth and last competitive factor institutional conditions, which means how we organize and govern ourselves. Let me cut this broad category into two perspectives—international and domestic.

The international view involves U.S. trade policy. Our stated objective has been to create a single world market, free of barriers, discrimination and subsidies. But we tend to have a very legalistic view of the whole process—a focus on the rules of the game, but with very little strategic perspective.

Take import protection as an example. We sometimes stray from our free market stance, but we do it on a case-by-case basis. Individual companies or industries petition for relief, and government's response is to grant monetary damages. The process is painfully slow. The government has little investigative staff, so the burden of proof falls on the petitioner.

Rarely does the process involve any plan for how to remedy the situation. Industries are protected for a while, and then when those barriers are lifted, they may be no more competitive than when the original relief was granted.

Similarly, we have no strategy for export promotion. We have ineffective mechanisms by which we can press for the opening of foreign markets to our products. We make accommodations in the interests of free trade but exact little in return.

Our export credit policies are less than competitive; buyers can often get better terms from our foreign competitors. Foreign policy and national security consideration get turned on, get turned off, or get changed with great regularity.

Two recommendations from our last Commission meeting were aimed at these export problems. One asked that the government explore establishing a data bank, where medium and small companies could learn the ins and outs of export procedures.

The other was a statement of belief we think relevant to the whole issue of export controls: The national security of the United States is dependent upon the ability of its industry to compete in world markets. As we think about things to protect, certainly our economic well-being falls high on the list.

A STRATEGIC PERSPECTIVE

Our policies in general have too often failed to ask the competitive consequences of our actions. To the extent that America has a national strategy, it is one that favors the distribution of wealth and resources that already exist. It is a strategy that doesn't aggressively pursue the creation of new wealth and opportunities through savings and investment, the development of our people, the mobilization of technology, and an aggressive approach to world markets.

Fragmented policy is the mirror image of a fragmented society. Within government, we have conflicting information, conflicting goals, and conflicting results. Between government and industry, there is little collaboration. If by chance they sit down and work cooperatively, people's eyebrows go up. And still, decades after the historical events that cause it, there too often exists a paralyzing animosity between management and labor.

We can't afford it any more. We can't afford to be complacent and never look beyond our borders. We can't afford not to develop our people and make the value of their work worth the standard of living they already enjoy. We can't afford to keep reaping a financial harvest that we never replant. We can't afford to ignore our innovative capacity and fail to direct it toward our real competitive challenges. We can't afford the same old way of doing things.

SOME PERSONAL VIEWS ON POLICY DIRECTIONS

How do we approach the challenge? The Commission on Industrial Competitiveness is working toward comprehensive recommendations to the President in December of 1984, but let me share my personal views on the public and private sector policies we should be considering.

First, we need a national consensus that being competitive is important. We should start viewing the world from the perspective of the strong, mutual self-interest of all Americans. And we must recognize that we won't attain all our other national goals unless we are competitive in world markets.

Second, we should build on our strengths. Technology, skilled human resources, and a vast domestic market represent the strongest competitive factors I mentioned. They must be better developed and deployed.

Third, some competitive disadvantages we'll probably have to accept as "givens." With our high standard of living, the human resource cost is one of those. That means we'll have to find ways to make our labor worth what its paid. Again, technology is a strength that can be brought to bear, and we need to find creative ways of meshing it with people.

Fourth, let's work to improve the competitive factors where there is room for improvement, such as the cost of capital and our approach to international trade. Here, we may not be able to create a competitive advantage to U.S. industry, but at least we can provide a more level playing field on which to compete.

Finally, I believe that the methods we use to pursue this strategy must be consistent with our own social, economic and political heritage and the realities we face today.

The policies we select should be designed to make our market forces work better, not impede them. Denying the force of the free market is futile in the long run. As long as buyers are free to choose, the cost and quality of a product will determine its success. Competition is ultimately between individual firms, and some businesses and industries will be more successful than others. We can't legislate success.

Our policies should try to affect the environment in which industry operates and create a climate where creativity and entrepreneurship flourish. They should create incentives for economically desirable activities, rather than trying to judge and favor the potential of a specific industry. Policies that hinder U.S. competitiveness should be identified and eliminated.

And I don't think we should try to be competitive by building in some kind of unfair disadvantage to foreign firms. That just invites reprisal, and it often leads to higher costs for U.S. consumers. However, sometimes American firms are faced with unfair disadvantages, such as market access or government subsidies, and we should move aggressively to eliminate those.

Lastly, our remedies should involve direct government expenditures only as a last resort. We want to solve the problem, not compound it.

I believe we can define a uniquely American response to the competitive challenges we face, one that is consistent with the political, social, and economic heritage that has made us great. One that recognizes a pluralistic democracy, a free market economy, maximum individual freedom and initiative, and minimal government intervention into the lives of its citizens.

In order to improve our ability to compete, we must tackle a complex set of issues. Today I've discussed five broad categories that affect a nation's ability to compete—"givens" like infrastructure, human resources, capital resources, technology, and institutions. Each of these five areas could be explored in much greater detail. I've opted for this broad brush approach because I want to underscore the breadth of the issue.

The enormity of the challenge—put in the context of an election year—makes it tempting to resort to a single grand strategy or simple slogan to solve all our ills. Let's resist that temptation. Our continued success in world markets will require the best efforts of all of us—Republicans and Democrats, management and labor, smokestack and high-technology industry. We have more interests in common than we might have formerly realized, and it's time to recognize and build on those shared interests.

Thank you.●

A SALUTE TO FREDERIC D. STARRETT, JR.

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Ms. SNOWE. Mr. Speaker, in Maine small businesses are the backbone of our economy. The Maine Chamber of Commerce and Industry says of the State's 30,000 businesses, over 29,000 of them employ fewer than 100 people.

As we know, nearly half of the workers in this country are employed by small companies and during the 1983 economic recovery, these companies created new jobs at twice the rate of their larger counterparts.

Maine has seen a 15-percent increase in new business incorporations in the last year.

Last week here in Washington and throughout the Nation small businesses were in the spotlight as the 20th anniversary of Small Business Week was observed.

At the White House, an outstanding group of these business people were honored and I am proud that a Maine businessman, Frederic D. Starrett, Jr., of Belfast, was one of two runners-up in the Federal Government's National Small Business Person of the Year competition.

Starrett's Penobscot Frozen Foods Inc., is a remarkable success story. In the past 6 years, the work force has grown 500 percent and the annual sales of $9 million significantly help our State's chief agricultural crop—potatoes.

The story and success of his efforts are best told in this Associated Press news story, which I would like to share with you:

POTATO SKINS PROVE INSTANT SUCCESS

(By Jerry Harkavy)

BELFAST.—Production has turned topsy-turvy at Penobscot Frozen Foods, a potato processing plant that discovered the secret of converting garbage to gold.

Dump trucks used to pull up to the plant to collect potato skins, then haul them away to be used as swill for pigs. Meanwhile, the company processed the potato pulp into what was then its best-selling product—baked stuffed potatoes.

Nowadays the process is reversed. Penobscot is expanding rapidly to fill America's newly acquired appetite for potato skins. And the dump trucks now haul away potato pulp, not skins, for pig feed.

The skins, deep-fried and served with butter, cheese or sour cream, have become a popular hors d'oeuvre and side dish at some of the nation's best known restaurant chains, including Howard Johnson's, the Ground Round and the Magic Pan.

The new product line is good economic news for both Penobscot and this economically-depressed city of 6,000 along the Maine coast. In just two years, the company's sales have doubled to $12 million, and it has bought and renovated a huge plant building that was idle for three years after a chicken processor went bankrupt.

The fact that potato skins are good eating comes as no surprise to Ted Starrett, the company's founder and president. For years, he had been taking waste skins home with him from the plant, to be made into hors d'oeuvres.

"We'd just put them under the broiler with a little oleo and garlic salt, or sometimes some cheese or a jalapeno pepper. Everybody liked them," he recalled.

"But," he added, "I never thought we'd ever sell them."

The potato skin venture was an outgrowth of a sales call on a Massachusetts-based restaurant chain, The Ninety-Nine, five years ago. "We were trying to sell them the baked stuffed, and they asked us if we could provide them with some skins," said Starrett.

It took three months of experimentation for Penobscot to develop the product and modify the machinery to produce it. But when the skins hit the market, they became an instant success.

Scrap skins had been a problem for Penobscot ever since Starrett began making frozen baked stuffed potatoes in 1955. Five potatoes are needed to produce enough pulp for three of the baked stuffed variety—hence the wasted skins.

"We gave them to a pig farmer. He got them for the hauling," said Starrett. About 5,000 pounds of skins were trucked off daily, he recalled.

As production of skins began to increase, the plant's waste volume gradually diminished. When Howard Johnson's wanted to order skins to supply its nationwide chain, Starrett realized that skins were quickly becoming "the tail that wagged the dog."

"We told them we'd have to throw the pulp away, so it would be more expensive. They said they didn't mind. So we've been throwing the pulp away since a year ago last fall," he said.

With production booming and a new plant in operation, the daily waste haul now amounts to 60,000 pounds of pulp. But Starrett is hoping to put at least some of that waste to use by starting a production line for a new product—frozen potato puffs.

Penobscot uses 50 million pounds of potatoes a year, most of them from northern Maine's Aroostook County. Starrett claims to be the biggest buyer of chef specials, a variety that runs one to two inches larger than the usual table stock.

After the spuds are washed and baked, workers cut them in half and a machine scoops out the pulp. The skins are then

deep-fried in oil and chilled for half an hour in a freezer where subzero temperatures and fans combine to produce a wind-chill of 80 degrees below zero.

"The key to it is the baking," says Starrett's son Rick. "If you just fry it, you get a skin like a boiled potato."

At first, the potato skins were limited to institutional customers. The skins were packaged in various shapes and sizes for restaurants and airlines.

Last fall, Penobscot introduced its first retail skins, which are now being sold in supermarkets throughout the Northeast and parts of the South. Starrett expects to expand its retail sales to the Midwest later this month and hopes to go nationwide soon after.

Penobscot has come a long way since Starrett began the business as a community meat locker after World War II. He experimented with various vegetables and poultry before introducing baked stuffed potatoes in the mid 1950s. By 1960, potatoes were the plant's only product.

The phenomenal success of the potato skin venture—they now account for 60 to 65 percent of total production—has not gone unnoticed by some of the nation's largest food companies.

Hardly a month goes by in which Starrett doesn't receive a buy-out offer. Most of the inquiries are made through brokers, but Starrett occasionally will receive a direct offer.

"I just write back to say I'm not interested. I started the company, and it's my baby."

Penobscot is pretty much a family affair, with Starrett's two sons rounding out the top management. Rick is in charge of marketing, while Bruce oversees production.

Starrett, 62, was recently honored by the Small Business Administration as Maine's 1983 Small Businessman of the Year. He's the first person to win the award twice.

Although he's looking forward to retirement, he has no intention of stepping aside until the expansion to the former Maplewood Poultry plant is completed.●

MORE FACTS ABOUT ACID RAIN

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mrs. LLOYD. Mr. Speaker, I would like to take this opportunity to share with my colleagues an article which recently appeared in Forbes magazine by William M. Brown. The article, "Maybe Acid Rain Isn't the Villain," points out what I believe to be our most difficult problem in dealing with acid rain—our lack of scientific knowledge. I urge my colleagues to take a moment and read Mr. Brown's enlightening arguments against immediate control of sulfur dioxide emissions.

MAYBE ACID RAIN ISN'T THE VILLAIN

(By William M. Brown)

The controversy over acid rain has political, economic, and scientific dimensions, but in a presidential election year it was doubtless inevitable that national politics would drive the debate. So most of the disagreements we're reading about these days relate to federal policy. Why is President Reagan resisting an all-out attack on acid rain? (His latest budget proposes only modest amounts for further study of the problem.) Why is William Ruckelshaus, head of the Environmental Protection Agency, defending the President instead of pushing his own more aggressive program to control acid rain? Which of the numerous bills floating around Congress has a chance of passage? How should we deal with the maddening difficulty that the costs associated with many of the bills generally fall most heavily on Midwestern states (whose industry would have to spend huge sums to reduce emissions of sulfur dioxide) while the expected benefits generally accure to other states, mostly in the East (whose lakes and forests would be less exposed to the acidified rain)?

The emphasis on the politics of the issue is especially unfortunate because the big news may be scientific. The standard scientific view of acid rain's effects may simply be wrong. It is too soon to state categorically that it's wrong, but some recent evidence suggests that we have at least good reason to pause. In a study of acid rain done at the Hudson Institute, my colleagues and I calculated that it could eventually cost Americans about $100 billion in today's dollars to achieve a major reduction in sulfur dioxide emissions. Before committing to any program of this magnitude, we should want to be more certain that acid rain is in fact a major threat to the country's environment.

The standard scientific views is easy enough to understand, intuitively plausible, and manifestly true—up to a point. It tells us that the Midwestern factories are spewing tons of sulfur dioxide into the atmosphere and that some of these and other pollutants combine with water vapor, become oxidized and acidic, are borne east by the prevailing winds, and finally rain down on the lakes and forests of New England, the mid-Atlantic states, and Canada. This is the part that's clearly true. It is based on compelling scientific evidence, much of it marshaled in a 1981 study performed by the National Academy of Sciences.

Since that study, however, we have been learning more about how rainwater filters into lakes and streams. Recent research by soil scientists, especially Edward C. Krug and Charles R. Frink of the Connecticut Agricultural Experiment Station, suggests that the portrait drawn in the National Academy study is incomplete. This is also the conclusion of the Hudson Institute study, which was finished last November. (Its title: *A Perspective on Current Acid Rain Issues.*) In it we reached conclusions substantially different from those of other investigations.

It is not surprising that there should be sharp disagreements about acid rain. The rain has been studied only for about six years, and scientists working in the field have been raising questions about acidified lakes faster than researchers can provide answers. Thus the view propounded in this article—in most respects a minority view—claims only to be a provocative hypothesis, not a proven reality.

Nevertheless, we now have grounds for suspecting that the following propositions are true: First, the pollutants in the rain are only a minor contributor to the high-level acidity found in some Eastern lakes and streams. Second, this acidity, which is indeed hostile to the existence of game fish and other aquatic creatures, is mostly natural rather than industrial in origin. Third, the popular notion that acid rain is threatening forests in the Eastern U.S., and indeed all across the earth's Temperate Zone, is based less on substance than upon ill-informed conjecture and is probably wrong.

Obviously, the perspective afforded by these propositions has different policy implications from the National Academy study (which recommended a major reduction in sulfur dioxide emissions). The new-perspective would not deny that industrial emissions should continue to be controlled in a reasonable manner, as required by the Clean Air Act. But it also tells us to focus on the possibility that the threats from these emissions may turn out to be largely illusory.

The most important argument used to justify a heavy spending war on acid rain is that it is entering our aquatic systems and threatening their populations. It has been shown, for example, that over 200 lakes in New York's Adirondack Mountains, along with the streams that feed them, are now devoid of fish, or at least of trout and other desirable game fish. Since the decline of the fish populations clearly derives from acidified water, many scientists have naturally come to view the problem somewhat as follows: (a) acidified precipitation falls onto the watershed, (b) it then runs into the streams and lakes, and (c) it kills the fish—at least, it does so unless the lake waters contain enough alkalies to neutralize the acid.

It is also natural for many scientists to fear that this process could eventually spread far beyond Adirondack lakes and, ultimately, produce a worldwide ecological disaster. If any such threat seemed genuine, then a $100-billion program to forestall it would clearly not be excessive in my judgment. However, the underlying reality appears at once more complex and less threatening.

Rainfall, whether acidic or not, gets into our aquatic systems by circuitous processes. Except for the very small fraction of rain that falls directly onto lakes, the precipitation that ends up in them passes through a series of filters on the watershed. Each of these filters affects the water's acidity in its own way. At least one of these natural filters, the so-called mor humus, can put far more acid into the rainwater than could any anticipated amount of industrial pollution. Indeed this humus may contain as much as 1,000 times the acid that falls from the sky in a year. Regardless of its initial acidity or alkalinity, water percolating through mor humus emerges from it far more acidic than acid rain. In short, the forests of the Temperate Zones—especially coniferous forests—are *natural acid creators.*

These forests would long since have killed off the disirable game fish in most of the lakes and streams throughout the Temperate Zone but for another natural phenomenon. Other filters through which the rainwater passes are alkaline—that is, acid neutralizing. These deeper filters, mostly porous layers of mineral rock, are often several feet thick and generally contain substantial amounts of limestone and other alkaline substances. They not only neutralize the acid in water seeping into them but often generate natural buffers, such as alkaline bicarbonates, that neutralize any acids that might enter lakes from other sources—for example, from adjacent bogs or from the acid rain that falls directly onto the lakes.

However, these layers of acid neutralizing rock are not found everywhere. In some parts of the Adirondacks and in a few other areas of the U.S., the deeper soil layers lack enough limestone or other alkaline minerals

to neutralize the acidic water emerging from the humus above them. Might this lack explain all by itself why the fish of some Adirondack lakes have been in trouble? It might—except for one bothersome detail. The geology of the region hasn't changed lately, and yet the higher acidity levels of some lakes, and the related problems of their fish populations, are relatively recent events.

The possibility that our acidified lakes got that way naturally is hard for people to accept precisely because of this logical difficulty. If some of the fish are now in a more hostile environment than they were in earlier decades, then we must look to something new in the environment. Sulfur dioxide from heavy industry seems to be just the kind of suspect that makes sense. In fact, however, these emissions are not the only change in the forest environment. Another new feature is Smokey the Bear. Or, less metaphorically, the huge success of the United States in preventing forest fires during the past half-century or so.

Forest fires can have a tremendous impact on the acidity of adjacent lakes. The fires can totally destroy the acid-producing humus, replacing it with a layer of alkaline ash. When that happens, a naturally acidified lake within the burned area may become neutralized and temporarily—meaning for several decades—more hospitable to fish. Eventually, of course, the forest would be expected to regrow, the alkaline ash left by the fire would be used up, the acidic humus layer would be regenerated, and the fish would be in trouble again.

The possibility that fire prevention accounts for a major portion of the lakes' acidity still has to be viewed as just that—a possibility. It's another of the many fascinating hypotheses that are still too new to have been tested properly by field researchers undertaking controlled experiments. Meanwhile, all we know for sure is that the fires are far less prevalent than they once were.

Until early in this century they were normal all through the earth's temperate zone. Our ancestors in America, including the Pilgrims, set them deliberately and routinely because they were the simplest way to clear sizable tracts of land. Later, during the 18th and 19th centuries, rough-and-ready logging practices created large areas that were susceptible to forest fires in dry spells. There is essentially no virgin forest in the Eastern U.S. today—only regrown forest.

So it really is possible that one new element in the forest and lake environment of the East is the absence of forest fires. It is clear, in any case, that the forests of the Northeast have expanded remarkably during the past half-century. And, of course, their growth has been accompanied by sizable increases in the amount of humus and natural acidity in the soil.

If this is indeed the process by which the lakes have been acidified and the fish killed, it would appear to follow that the outlook for trout fishing is much less bleak. We can plausibly expect industrialization to keep spreading on the planet, so the acid rain hypothesis predicts that more and more lakes and streams will get in trouble. The forest fire hypothesis predicts that relatively few lakes—those lacking the natural acid neutralizers—will be troubled. It is worth recalling that the acidified lakes in what New York State calls the Adirondack Ecological Zone constitute only a minority (19%, to be exact) of the lakes in the area and represent even less of the lakes' total surface area (4 percent) and volume (2 percent).

What about the widespread belief that acid rain represents a threat to the future of the forests? The evidence for this view turns out to be elusive. It is true, to be sure, that we occasionally find damage to clumps of trees in forests and often have no ready explanation of the damage. But it is not established that such damage is new, or growing, or, indeed, that similar damage couldn't have been observed a million years ago. Acid rain is simply not a likely suspect. The acid in Eastern rainfall is usually diluted to about four parts per million or less. Why should we believe that this relativey weak dose is the *likely* cause of the signs of stress observed in a few forest areas? If it is the cause, how do we explain that vast areas of Temperate Zone forest subject to similar precipitation have *not* been damaged?

Finally, why are so few forest ecologists, either in the U.S. or Europe, supporting the concept that acid rain is the villain identified in the media? Some of these scientists have publicly scorned the concept. Here for example, is a summary statement on the subject by the respected British ecologist Kenneth Mellanby, writing last year in Nature: "Reports in the press and on television on the ill effects of acid rain have implied widespread damage to trees, directly caused by sulfur output from industry. But by the end of a recent international meeting . . . at which no less than 50 papers were delivered on the topic of acid precipitation, it was apparent that these simplistic views were neither accurate nor supported by scientific investigation."

All of which suggests that the Administration's much criticized current proposal on acid rain, which is to go slow and spend relatively little—the fiscal 1985 budget includes $55.5 million for study of the problem—makes a lot of sense. I certainly agree that less sulfur dioxide emissions are better than more. But less spending is also better than more, especially when there's a chance we're spending to solve the wrong problem. Before doing any spending, we need to start thinking of acid rain as a scientific rather than a political issue.●

THE ADMINISTRATION'S DRUG ENFORCEMENT NNBIS PROGRAM CALLED A LIABILITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. RANGEL. Mr. Speaker, I am inserting into the CONGRESSIONAL RECORD today two significant news stories reporting statements made by Drug Enforcement Administrator Francis M. Mullen, Jr., concerning the National Narcotics Border Interdiction System (NNBIS) that is headed by Vice President BUSH. NNBIS was established by the administration in March 1983, to combat drug smuggling into the United States. Since the establishment of the NNBIS program, the administration has made great claims about its effectiveness.

I was not surprised when I read articles in the New York Times on May 13, 1984, and in the Washington Post on May 15, 1984, which revealed the contents of a January 31, 1984, memo from Mr. Mullen to Attorney General Smith in which Mullen called NNBIS a "liability" and said that it could become the Achilles heel of the Reagan administration's drug enforcement effort. Mullen also claimed in this memo that the NNBIS program has made no material contribution to the administration's interdiction efforts. For over a year the Select Committee on Narcotics Abuse and Control has heard testimony from State and local narcotics enforcement officers around the country that NNBIS has confused their relationships and impeded their cooperation with Federal drug agencies. The select committee will examine the NNBIS program at a hearing on Tuesday, May 22, 1984, in B-318, Rayburn House Office Building.

I urge all Members to read the following articles:

[From the New York Times, May 13, 1984]

DIRECTOR OF FEDERAL DRUG AGENCY CALLS REAGAN PROGRAM LIABILITY

(By Joel Brinkley)

WASHINGTON, May 12.—An internal report by the director of the Federal Drug Enforcement Administration calls a new program in President Reagan's war on drugs a "liability." He says its "alleged grandiose accomplishments" will "become this Administration's Achilles' heel for drug enforcement."

The official, Francis M. Mullen Jr., has sent his six-page report to his immediate superviser, the Attorney General. It says the National Narcotic Border Interdiction System has accomplished little but has taken credit for other agencies' successes. The report quotes an unidentified former border system employee, a Coast Guard lieutenant commander, who calls the system "an intellectual fraud."

The report says the border system has complicated drug enforcement efforts and has at times made it more difficult for drug administration investigators to do their job.

Meredith Armstrong, spokesman for Vice President Bush, who heads the border system's executive board, said Mr. Bush's office had a copy of the report but would offer no comment on it.

In recent weeks the General Accounting Office and members of Congress have also criticized the border system.

Representative Claude Pepper, Democrat of Florida, said in recent Congressional testimony, "I can't see a single thing N.N.B.I.S. has accomplished. The lack of coordination and cooperation among the various agencies charged with waging the war on drugs is disgraceful."

Investigators for the General accounting Office assessed the border system's contributions to the fight against airborne drug smuggling by studying border system involvement in 11 drug seizures that occurred from last June to February.

Arnold Jones, a senior associate director of the Congressional investigative agency, said: "When you look at the 11 cases in the cold light of day, the border system's claims to involvement turned out to be quite limited."

However, he added, "In all fairness, N.N.B.I.S. is a young organization, and we did not attempt to evaluate its overall performance or effectiveness."

James Burow, a G.A.O. evaluator, said: "In at least 10 of the 11 cases, it seems to us that the interdiction probably would have occurred without the involvement by N.N.B.I.S."

ATTEMPT AT BETTER COORDINATION

When the White House established the border system in March 1983, it said a significant part of the system's mission would be to end the historically poor coordination between the various Government agencies involved in stopping the flow of illegal drugs into the United States.

For more than a decade a variety of Government agencies and officials have said that inter-agency disputes hampered the nation's drug enforcement efforts.

One attempt to solve that problem came in early 1982. Certain Federal resources and personnel committed to enforcing Federal drug laws were brought together in Miami as the Vice President's South Florida Task Force and directed from a central office. The program is generally believed to have reduced the flow of drugs into the state.

In late 1982 Congress called for appointment of a national "drug czar," to oversee the enforcement of Federal drug laws. In opposing the plan, Mr. Reagan said it would have created another large bureaucracy.

A few months later Edwin Meese 3d, the Presidential counselor, said Mr. Reagan and "key members of the Cabinet" had decided to establish six regional offices around the nation's borders, staffed and financed by the existing drug enforcement agencies.

The border system would "take the lessons learned in South Florida," Mr. Meese said, "and expand the interdiction concept to all borders of the country."

However, unlike the Florida task force, the border system staff members would not seize any drugs themselves. They would match the resources of various drug enforcement groups to specific operations. In addition, the regional offices would act as clearing houses for information on drug trafficking.

125 STAFF MEMBERS

The border system staff includes about 125 people, most on loan from a number of state, local and Federal drug enforcement agencies. Since a variety of agencies contribute to the system's budget, border system officials say it is difficult to determine how much the system spends.

In recent Congressional testimony, Capt. L. N. Schowengerdt Jr. of the Coast Guard, staff director of the border system, said, "I feel that N.N.B.I.S. has made significant contributions to the national effort against drug trafficking." Officials from several other agencies that work with the border system have also praised it.

But Mr. Mullen, in his report dated Jan. 31, said the Administration should "phase out" the system's regional offices because "N.N.B.I.S. has made no material contribution to the Administration's interdiction efforts."

SEIZURE CLAIMS ATTACKED

He added that the border system's drug seizure claims "go far beyond anything the Administration can support," and those claims "are beginning to discredit and devalue the efforts of the Administration's" other drug-control programs.

Mr. Mullen also suggested that the system had, in some instances, worsened the inter-agency coordination problem by "confusing foreign, state and local law-enforcement officials" who he said were no longer sure which agency is in charge.

The Vice President's office disagrees. Last week, a spokesman said, "The thing we are most proud of is the close working relationships that have been established among and between federal law-enforcement agencies."

BORDER SYSTEM DEFENDED

Adm. Daniel J. Murphy, chief of staff for Mr. Bush, is chairman of the system's coordinating board. In an interview, he said, "It's an uphill fight, but I think our efforts have been successful, when measured by improvements we have made in the system."

He added that "it's only D.E.A." that is unhappy about the border system.

Asked about the report by the General Accounting Office, Admiral Murphy said, "They never even came by to talk to me about it."

Mr. Mullen's report has not been made public, but The New York Times obtained a copy.

Asked on Monday to comment on the report, Mr. Mullen, who was surprised to learn that the report was no longer private, said: "I have held several meetings with Admiral Murphy, and I think the situation has improved. I think some of the confusion on the part of police agencies has been cleared up."

But senior officials at the Drug Enforcement Administration familiar with Mr. Mullen's private views on the border system say his opinions appear to have changed little, if at all, in the three months since the report was written.

Congressmen and others on Capitol Hill who are familiar with the report say it is still another example of interagency disputes that have hindered drug enforcement efforts for years.

Norman Bradley, who was acting director through April, of an agency that contributes to the border system, the Customs Service air interdiction program, said "I am a staunch supporter of N.N.B.I.S., and if the other agencies gave it all the support they could, it would work."

But asked how many recent air-smuggling seizures would not have occured without N.N.B.I.S. help, he said, "not that many."

One of Mr. Mullen's principal concerns, as detailed in his report, is that the border system has taken credit for drug seizures accomplished by field investigators from his agency and others.

He wrote that "false credit claimed by N.N.B.I.S. spokesmen demoralizes" drug enforcement field agents "whose bona fide accomplishments either go unrecognized or are relegated to second place by the unwise overemphasis on N.N.B.I.S. and the South Florida Task Force interdiction programs."

Admiral Murphy said in an interview in early May: "I am speaking for the President and the Vice President—they don't give a damn who actually seized it. The United States seized it."

"Bud Mullen sat right here," he added, pointing to his office sofa, "and I told him we are not going to take credit for seizures."

A few days earlier, however, the Vice President's press office had issued a release saying that the border system and the South Florida Task Force, which is now a part of the national system, "have seized 6.6 million pounds of marijuana, over 39,000 pounds of cocaine and nearly 247,000 grams of heroin" in "2,500 separate drug interdiction cases" since early 1982.

Admiral Murphy called that release "dumb as hell." He added: "Everyone has been told, over and over, not to say N.N.B.I.S. seizures. That's exactly what got Bud Mullen mad.

Senior D.E.A. officials who asked to be unidentified say that the seizure claims angered Mr. Mullen but that the claims were not the only reason he wrote the report.

Critics of the border system, including Mr. Mullen, do concede that it has helped coordinate military assistance to drug enforcement agencies. A 1982 law permitted the Defense Department to assist civilian law-enforcement agencies for the first time. But during the early months, contacts between the military and the civilian agencies were confused.

Admiral Frederick P. Schubert, coordinator of the border system's Pacific-region office, said in recent Congressional testimony, "Perhaps the most important contribution" by his office has been serving as "the single point of contract for matching available military resources to civil interdiction requirements."

Mr. Mullen concludes his report to the attorney general with this recommendation for the Reagan Administration:

"Acknowledge the success of N.N.B.I.S. in obtaining military assistance, announce that coordination mechanisms and lines of communication have been established, portray N.N.B.I.S. as an experimental operation that has sensitized the Federal community to the possibilities of extensive cooperation and phase out the six regional centers."

[From the Washington Post, May 15, 1984]

ADMINISTRATION'S ATTACK ON DRUGS CRITICIZED BY DEA DIRECTOR

(By Mary Thornton)

The director of the Drug Enforcement Administration has charged that a Reagan administration effort to wage a coordinated war on drugs has made "grandiose claims" for its accomplishments and damaged federal law enforcement efforts by publicizing inflated drug seizure figures.

DEA Administrator Francis M. Mullen Jr., in a memo submitted Jan. 31 to Attorney General William French Smith, asked that the group—the National Narcotics Border Interdiction System (NNBIS)—be abolished. He said its actions "are confusing foreign, state and local law enforcement officials" who are no longer sure whether to turn information over to the DEA. Mullen warned that the program could become "this administration's Achilles' heel for drug law enforcement."

Mullen said yesterday that the memo, which was released yesterday by Rep. Glenn English (D-Okla.), "is dated. . . . Since I wrote the document, . . . many of the problems have been resolved. Overall, we are getting tremendous support from the administration."

However, federal law enforcement sources said yesterday that although the situation has improved, most of Mullen's criticisms are still valid.

Those sources said Mullen prepared the memo at Smith's request in an effort to protect Vice President Bush from possible embarrassment. Bush heads the program, and its day-to-day operations are handled by Adm. Daniel Murphy, his chief of staff.

Meredith Armstrong, a spokesman for Bush and Murphy, said yesterday, "The memorandum is over four months old. . . . It is an unfortunate memo. Since that time, Adm. Murphy and Mr. Mullen have met sev-

eral times and ironed out several of the misunderstandings Mr. Mullen had at that time."

In the memo, Mullen said, "The grandiose claims of the NNBIS are beginning to discredit and devalue the efforts of the administration's numerous drug control programs. False credit claimed by NNBIS spokesmen demoralized the personnel . . . whose bona fide accomplishments either go unrecognized or are relegated to second place by the unwise overemphasis on NNBIS."

The program was created March 23, 1983, to coordinate drug enforcement activities and eliminate rivalries among federal agencies, including the DEA, the FBI, the U.S. Customs Service, the Coast Guard and military agencies.

NNBIS, which operates with personnel on loan from other agencies, was supposed to cost nothing. But Mullen's memo charges that its operations have been expensive.

English, who held hearings in March on the program, said he examined 11 cases in which the program took credit. "Upon close scrutiny, none of the claims were substantiated. Any involvement was very marginal."

Last January, Bush's office issued a press release saying the system and the South Florida Drug Task Force "have captured almost 5 million pounds of marijuana . . . and 28,000 pounds of cocaine." Mullen said that his figures show seizures of only 2 million pounds of marijuana and 8,000 pounds of cocaine.

Despite the problems, English said yesterday that Congress is unlikely to ask the administration to abolish the system, but it may urge the White House to move it to a less political office. "I think the concept is a good one. . . . You need someone to crack heads, get people moving . . .," he said. "But I don't think the vice president's office has put the effort into making it work."●

THE CASE FOR INDUSTRIAL POLICIES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. LaFALCE. Mr. Speaker, Prof. Lester Thurow of MIT has written an excellent article which persuasively makes the case for a more coordinated, effective set of industrial policies for the United States. I strongly recommend it to my colleagues.

In the article, Professor Thurow makes a number of critical points which should be matters of consensus, not debate. First, the United States already has an enormous number of industrial policies affecting virtually every sector of our economy. Second, these policies are totally lacking in coherence and strategy. Third, the Federal Government currently has no mechanism capable of charting a direction out of the chaos, or even an information base adequate to begin the task. Fourth, in part because of our inconsistent and ineffective industrial policies, American industry is being badly beaten in international markets critical to the economy and security of the United States. Fifth, if the United States does not soon begin to address some of its most critical competitiveness problems, such as the unavailability and high cost of capital and insufficient investment in applied research, we will fall further behind our competitors. Sixth, macroeconomic policy alone, although critical to addressing our competitiveness problems, will not do the job. A sound competitiveness strategy is an essential complement to improved fiscal and monetary policy. Seventh, in the absence of a coherent industrial strategy to improve competitiveness, political pressures for protectionism will mount as the only other response to our weakened position in international trade.

Professor Thurow recommends the creation of tripartite bodies of industry, labor and Government to forge a strategic consensus on addressing the competitiveness problems of industry, a national development bank to serve as a catalyst for private investment to modernize basic industry and get emerging industries off the ground, and an industrial research and development foundation to promote applied research and disseminate information on technological innovation. The House Banking Economic Stabilization Subcommittee, which I chair, has reported out legislation which would create a similar set of initiatives.

This article offers both a cogent analysis of our competitiveness problems, and a workable prescription for addressing them. I commend it to my colleagues' attention.

The article follows:

THE CASE FOR INDUSTRIAL POLICIES

(By Lester C. Thurow)

WHAT ARE INDUSTRIAL POLICIES?

Industrial policies are to a nation what strategic planning is to a firm. They outline the basic strategy the nation intends to follow in maximizing economic growth and meeting foreign competition. In both cases the aim is not a fixed unchanging strategy that firms within an economy or divisions within a firm must follow, but an elastic strategy which evolves in response to changes in the environment facing either the firm or the nation and which firms or division helped develop and want to follow.

Industrial policies are both an expression of and a vehicle for bringing about a strategic consensus between government, industry, and labor as to the basic directions in which the economy ought to move. To bring such a cooperative strategy into existence a wide variety of tripartite contacts would have to be developed. Such tripartite bodies would serve in an advisory role and coordinating role to the actual decision makers in government, industry, and labor.

If a consensus could be reached (and it must be recognized that perhaps it could not be), the ensuing consensus would allow each of the individual decision makers to undertake actions that would jointly increase the likelihood that each of the economy's economic actors would be successful in reaching their desired collective and individual objectives.

Thus for example business might promise new investment and labor changes in work rules if government were willing to help finance additional research and development expenditures in a particular industry. Or government might promise changes in the tax code which would make it easier to finance new start up ventures if labor and business would agree to restrain wage and price increases.

In addition to general tripartite consultation and bargaining, most industrial policies involve the use of three operating arms. Policies could be developed that would require any one or all three of these operating arms.

(1) An industrial research and development arm to partially finance cooperative medium-term industrial research or new products or new production processes. Thus, if a group of computer companies such as the present MCC group got together to finance cooperative research on the next generation of computers, they could submit projects to a government research agency that would be willing to partially, say up to 50%, finance projects that received approval from a peer review process.

(2) An investment banking arm that would be willing to partially, say up to 50%, finance start-up firms in new areas where capital costs are very high and beyond the reach of present-day venture capitalists or to partially finance, again up to 50%, the new investments needed to make old industries into world-class competitors. An example of the first might be loans or equity investments in the new industry of powdered metals or metal ceramics. An example of the second might be loans or equity investments in the construction of a "next generation" big integrated steel mill.

(3) A restructuring arm that would essentially engage in industrial triage. If a sick industry, such as steel or machine tools, came to the government asking for protection from foreign competition, government loans, or any other form of government aid, the industry would be referred to the restructuring agency. This agency would require that the industry—the firms, the unions, the industry's banks, its suppliers—go away and come up with an industry developed plan to remake the industry into a world-class competitive industry.

Once this plan had been developed by the industry—not by government—the government would examine the plan to see whether it was workable and if it were workable, that cooperative government actions would be needed to complement those promised by industry and labor.

If such a plan could not be developed or if the people in the industry were not willing to make the new investments, wage concessions, or whatever else was necessary to make the industry fully competitive, government would not be willing to extend any form of aid.

The goal of industrial policies is not detailed central planning, but a cooperative bubble-up relationship where government, labor, and industry can work together to create world-class competitive American industries.

Strategic plans become not documents that must be followed but plans that industry and labor helped develop, want to follow, and need help in implementing. Above all, industrial policies are an educational process—a sharing of information, a foil for industry, labor, and governments—so that each can learn about the problems of the others and how they can mutually interact to solve their joint problems.

WHAT INDUSTRIAL POLICIES ARE NOT

Industrial policies are not a form of central government planning. At most, they are a form of cooperative coordination. They are not designed to slow down the workings of the market but to speed up the workings of the market and remove some of the economic pain and suffering that would occur if the market alone were relied upon.

There is no government agency doing centralized detailed planning of the economy. In each case—research and development projects, investment projects, restructuring—the initiative must come from the private economy. No government agency has the ability to force any part of the private economy to do anything. If industries do not ask for help, no help can be forced upon them.

In no case can government do anything by itself. Since it can only pay for part of any research and development project or part of any investment project, and cannot force restructuring, those projects have to meet a market test. If private entrepreneurs won't put up at least 50% of the money or do not want to participate in restructuring, the projects do not get done—no matter how much any government agency may want to do them.

Conversely if aid is offered and taken—research and development funds, investments, tariffs, or restructuring assistance—the U.S. government and its taxpayers would always get some form of equity participation (stock, warrants, etc.) to compensate them to the risks undertaken or the costs incurred.

Thus, the goal is to set up a framework where government, labor, and management are encouraged to work together within a market framework to take actions to strengthen market outcomes. The state becomes not a centralized planner but a cooperative market player.

Above all industrial policies are not a magic answer to America's economic problems. They are not substitutes for a good education system, adequate savings and investment, low interest rates, a competitively priced dollar, or better macro-economic policies. They should not be over-sold as supply-side economics was over-sold a few years ago. For if America is to have a competitive world-class economy, it will have to bring each of the major inputs into the economy—labor, investment, technology, macro-economic policies—up to world-class standards.

The only claim for industrial policies is that industrial policies can be a useful addition to these other factors and that if carried out in conjunction with improvements in these other factors can help restore America's lost economic eminence.

THE STARTING POINT

Industrial policies start from the observation that American industry is being beaten up in international competition and that America's productivity growth has died. If it were not for the stench of economic failure, no one would be talking about industrial policies.

Much of the smell arises from the history of American productivity growth. Output per hour of work grew at 3.3% per year from 1947 to 1965, at 2.4% per year from 1965 to 1972, at 1.6% per year from 1972 to 1977, and at 0.2 percent per year from 1977 to 1982.[1] America now faces almost twenty years of declining productivity growth and five years of essentially no productivity growth.

As this pattern has existed through five cyclical recoveries (1965-69, 1970-74, 1975-79, 1979-80, 1980-81), there is no reason to believe that the problem will suddenly disappear in the sixth (1983-?) cyclical recovery.

America is now enjoying a cyclical recovery in productivity growth as it comes out of the 1981-82 recession (overhead labor—management, engineering and sales staffs—are spread across more units of output), but a cyclical recovery will not reverse our downward productivity trend or help close the productivity gap with our international competitors. For our foreign competitors will also gain a cyclical upturn in their productivity growth.

And unfortunately the gap between ourselves and the rest of the world is frighteningly large. Everyone's productivity growth rate fell after the first OPEC oil shock but the rest of the world staged a good recovery. From 1976 to 1981 productivity grew 7.1% per year in Japan, 3.9% per year in Germany, and 3.4% per year in France.[2] While foreign productivity growth seems to have experienced a normal cyclical slowdown in the recession year of 1982 only in North America has productivity growth stopped entirely and only in North America is there a 20 year history of declining productivity growth—a trend that began long before the first OPEC oil shock.

For many years Americans have comforted themselves with the thought that although foreign productivity growth rates far exceed American productivity growth rates, absolute levels of productivity were still higher in American productivity than abroad. When foreign productivity caught up with American productivity foreign productivity growth rates would automatically slow down. It is easier to be a follower than to be a leader—or so the argument went. Unfortunately the comfort has now gone out of this comforting hypothesis.

A recent Data Resources report on productivity finds that manufacturing productivity is now higher in Germany, France, and Italy than it is in the United States. Where American workers were producing $11.20 of output per hour of work (1975 prices), German workers were producing $12.39 of output per hour of work, French workers $11.96 of output per hour of work, and Italian workers $11.29 of output per hour of work. And given comparative productivity growth rates the Japanese with productivity of $10.63 per hour of work soon will also pass us.[3]

When it comes to the level of productivity America is now a follower and not a leader. If following is easier than leading it is we that now have the "easy" job. And unfortunately there is no evidence that would lead one to believe that we are succeeding in this "easy" task of reversing our 20 year downward trend in productivity growth. And there certainly is no evidence that it will reverse itself automatically.

In addition American firms seem to be failing to meet the new industrial competition from abroad. Until the 1980s one could argue that America was simply experiencing an accelerated product cycle. What used to be high tech products (steel, autos) had become low tech products and as low technology products were moving abroad to low wage foreign competitors.

In the 1980s this thesis becomes much harder to sustain, for the United States seemingly loses it competitive advantage in high tech products. While we are familiar with old industries such as steel and autos having to resort to protection from more efficient foreign competitors, the same phenomenon is now visable in the new high-technology industries that are supposed to be America's economic salvation.

The Japanese have captured 70% of the market for 64K RAM semiconductor chips and seem likely to do just as well with the new 256K RAM chips that are just now coming onto the market.[4] The leading new consumer electronics product—video recorders—is 100% imported, without a single American producer. In 1983 the Japanese will make approximately 15 million video recorders. That represents a lot of jobs lost to America. American machine tools have essentially lost all of their export markets and imports have risen from 25 percent of the domestic market in 1980 to 42 percent in 1982.[5] Given Japan's advantage in installed programmable robots, they seemed to have conquered the robot industry before it even got off the ground in the United States.

What is now happening is not a normal "product cycle" where high-tech/high-wage products are introduced in America but gradually become low-tech/low-wage products that can be best produced abroad. If this were true, America would be losing out to the low wage countries of the third world. But it isn't. It is losing out to its high tech, high wage rivals in the industrial world of Europe and Japan. America is being whipped on the tail end of the economy, but it is also being whipped own the front end of the economy.

Some observers see an America unable to manufacture (build computers) but able to survive as a service (do the programming) society. There is little reason to believe that this is a viable vision. In the long run, the people who build the hardware are going to dominate the software and in any case, America needs those hardware jobs if it is to have full employment. Many of our service firms also exist to service manufacturing. Without manfuacturing, what would become of communications, transportation, utilities, finance, insurance, legal, or accounting services?

One has only to look at Great Britain to see what happens when manufacturing collapses. While the City of London still exists as a financial hub, its decline is directly traceable to the decline of British industry. As American industry declines, one will also see a decline in the institutions that serve it. American banks, for example, will get some business from foreign manufacturing firms, but most of the foreign business will go to foreign banks. If anyone thinks otherwise, just remember the large equity positions which Japanese, German, and French banks hold in their industrial firms. Foreign banks are in a position to insure that American banks get only the crumbs from foreign companies—regardless of whether these companies are operating inside or outside the United States.

There is also no reason to believe that American service industries will fare any better vis-a-vis foreign service industries than American manufacturing. Japanese banks are very good, the world's largest advertising agency is Japanese. My son and many other American children already take Suzuki music lessons on Japanese musical instruments. For whatever the structural weaknesses of American manufacturing (short time horizons, poor labor-management relations, a lack of coordination,

[1] Footnotes appear at end of speech.

under-investment in research and development), those same weaknesses will plague service firms just as much as they do manufacturing firms.

Like it or not, if American manufacturing goes down the tubes, most of the rest of us will go down with it. For it is not possible to jump ship on an individual basis and swim to the safety of shore and economic success. We will all rebuild the American economy and survive together or we will all fail separately.

When failure appears, there are three options.

(1) Accept the failure and learn to live with it. This means falling standards of living vis-a-vis the world's economic leaders and a loss of general American leadership. For no country can be a political or military leader for long while being an economic failure.

(2) Hope that something magical will come along to reverse your failure or that you foreign competitors will suddenly start to stumble. Either might happen but neither is likely.

(3) Since the old ways have failed, try something different. In this area the something different is industrial policies. Industrial policies may fail, but that will be no worse than what we have now—failure. With five years of essentially zero productivity growth and almost every industry either having lost or in the process of losing its once-commanding lead, it is difficult to do much worse than we are now doing.

It is important to remember that a cyclical recovery from a recession is not a cure for long-run structure problems. We are now having a cyclical recovery but America's long-run structure problems will remain unless they are directly addressed.

WE DO IT NOW

The real problem is not, however, "Should America have industrial policies?" We already have industrial policies. There is no such thing as a democracy without industrial policies. For every tariff (motorcycles, cheese, textiles), every trigger price (steel), every corporate bailout (Chrysler, Lockheed), every quota (autos, textiles), and any government allocation of private credit ($244 billion in 1982) is an implicit industrial policy.[6]

The only real question is whether America has effective front-door industrial policies where we consciously attempt to design a strategy to give America a viable world-class economy, or whether we fail to recognize what we are doing and have back-door industrial policies where in a case-by-case ad-hoc way we adopt a prop-up-the-losers strategy. For by failing to admit what we are doing we unconsciously design a strategy for failure and lemon socialism.

The nature of the problem is clearly seen in the Reagan administration—an administration that argues that America does not need an industrial policy since all government has to do to guarantee economic success under capitalism is to keep out of the way. Yet despite these views, consider the spoke in the wheel of de facto industrial policies for propping up losers inserted by the Reagan administration in early 1983—an increase in tariffs on large motorcycles from 4.4% to 49.4%.

How is a tariff on large motorcycles supposed to regain America's competitive edge in motorcycle production? In a good year, the only American producer, Harley-Davidson makes 50,000 cycles. In a bad year, such as 1982, it sold 32,400. In contrast, the Japanese make 7.1 million motorcycles and export almost 900,000 of them to the United States. How will a tariff on large cycles help America regain the market for the 900,000 cycles that we ourselves now import—much less a larger share of the world market?[7] The Harley "hog" caters to a very small part of the market. Getting back to 50,000 cycles per year will not give America a world-class motorcycle industry. And if our goal is not a world-class motorcycle industry, we should not have any industrial policy (tariffs) for motorcycles.

Harley-Davidson argues that it needs time to become competitive, that the Japanese have copied the good features of its motorcycles. But given that Japanese motorcycle competition has been on the horizon for decades, why should anyone believe that another two or three years is going to make any difference? What is Harley-Davidson promising to do different? The American steel industry has been protected since the late 1960s and it is less competitive today than it was then.

The problem with protection unaccompanied by any explicit quid pro quo is that it is always easier to come back for more protection than it is to do all of the tough things that must be done to become competitive on world markets.

And if the Reagan administration comes to the rescue of a single firm with only 18,000 cycles at stake, it clearly isn't possible for the political process to resist the lure of bailing out the losers. The only protection from such a losing strategy is to recognize what we are now implicitly doing, to design effective front-door industrial policies, and to then insist that everyone seeking aid come in through the front door. For explicit industrial policies that set out to create world-class industries are our only effective protection against implicit policies that seek only to subsidize the inefficient.

One can argue that an explicit industrial policy will be no more successful in resisting a "bail-out-the-losers" strategy, but if true, nothing is lost. For that is what we have now. But an explicit policy is apt to have more powers to resist. Being explicitly charged with creating competitive industries, someone has to explain their failures to do so. With today's implicit policies, no one is so charged and no one has to explain the failures. While it is certainly possible to foul up anything, an explicit policy where you have to defend what you are doing is apt to be a lot more successful than an implicit policy where no one is willing to admit what they are doing.

If one wants to see what happens when one has implicit ad-hoc industrial policies over a long period of time, one only has to look at Great Britain. Britain has a long history of implicit industrial policies without ever explicitly admitting that they were engaged in formulating industrial policies for the nation, without ever trying to fit the pieces of their industrial policy into a coherent whole, and without ever trying to develop the tripartite consultation mechanisms without which no industrial policy can work.

The British experiment in "muddle through" has not worked in Great Britain and it will not be a recipe for success in the United States. If it were a recipe for success, America would now be successful since it already has a 15 year history of ad-hoc implicit 'muddle through' industrial policies beginning with protection for the steel industry in 1968.

A SUCCESS STORY

Agriculture is the industry where we now enjoy our greatest competitive advantage in world trade.[8] Three percent of the labor force accounts for almost one-fifth of our exports and would account for much more if foreign markets were completely open to American products. It is also the industry with America's highest rate of growth of productivity—a rate more than three times as high as that in the non-farm business sector of the economy since World War II.

What Americans tend to forget is that American agriculture was not always a success story. In the 19th century, Russia, not America, was the largest grain exporter in world markets. From 1900 to 1940 agricultural productivity grew at less than 1 percent per year—with essentially no growth in the first two decades after the turn of the century. In the 1930s, agricultural productivity was far below that in the rest of the economy. American agriculture was an industrial loser—a sunset industry.[9]

After 1940, agriculture productivity grew at more than 6 percent per year and the gap between agriculture and industry quickly narrowed.[10] The shift from failure to success depended not upon good soil, or good climate, or hard-working farmers—all three were there during the period of failure—but upon an elaborate industrial strategy that heavily depended upon government funds and cooperative arrangements.

The strategy began with research and development. The federal government put major amounts of money into basic agricultural research at our state agricultural colleges. The resulting research (new seeds, new procedures) was further developed at state experimental farms and then county agents roamed the countryside explaining the new developments, providing technical aid, and attempting to persuade individual farmers, many of whom had been educated at those same agricultural colleges, to use the new discoveries. While some of the necessary elements (the land grant colleges) were in place before the Great Depression, none of them had a big pay-off until they were coordinated and combined with the other necessary complimentary factors in the 1930s.

Farming did not become an American success story because of the virtues of the unfettered free market. Farming was deliberately shifted from being a low-tech industry to being a high-tech industry with deliberate industrial policies. America did not inherit its comparative advantage in farming—it created it.

Major investments were made in improving the physical infrastructure. Reclamation projects led to massive increases in irrigated farming. Time horizons were lengthened with federal incentives to encourage conservation products such as windbreaks, and contour plowing—projects that would pay off in long-run productivity gains.

The Rural Electrification Agency (REA) was set up to bring electricity to every farm in America. Enormous productivity gains accrue when farmers can use electrical machinery for the first time. Imagine what today's farms would be like without electricity. Electrification was subsidized with low interest rate loans and, although most of us are not farmers, each of us has benefited by the low-cost agricultural products those infrastructure investments made possible. Our real standard of living is up because the cost of farm products is lower than it would be

in the absence of programs such as the REA.

Given problems with farm finance, a plethora of new financial institutions—some public, some quasi-public, some private but with government loan guarantees—were developed. Federal crop insurance, export credit, the Farm Home Administration—the list goes on and on. Many of those started with public money, like the REA, and are now self-financing. If one wants to see what happens to farming without these public finance agencies, go to any underdeveloped country and study the impact of private agricultural credit arrangements.

Efforts were made to stabilize incomes and output with price supports and acreage controls. The programs were not perfectly run—allowing grain reserves to get too high in the early 1960s and too low in the early 1970s—but they had an important effect, not just on the welfare of farm families, but on farm productivity. With more certainty in their incomes, farmers were willing to make heavy investments in new equipment, banks were willing to lend to finance new equipment knowing that income to repay those loans was apt to be there, and farm machinery makers could gear up for massive production runs—reducing unit costs—and make large investments in developing new machinery for what was a stable market.

In agriculture what started out a desperate effort to prop up a very large, very sick industry in the 1930s ended up with an industry which is the world's most efficient. There is no reason why that feat cannot be duplicated elsewhere. There is an American success story.

And it is not alone. Similar stories could be told about the Erie Canal (backed by the State of New York), the western railroads (financed with federal government land grants), and the TVA or Bonneville Power Administrations. American history is full of examples where we have in the past made industrial policies work.

If you look at our failures such as aid to the maritime industry, they have occurred because we set out to subsidize an industry under the cover of a phony goal (having shipping capacity for wartime needs). The only legitimate goal is the creation of competitive world-class industries. With that as the explicit goal, many of our ad-hoc failures could have been prevented.

A RESEARCH AND DEVELOPMENT GAP

Total American research and development spending peaked at 2.9 percent of GNP in the mid-1960s. It fell substantially in the mid-1970s and then recovered to 2.6 percent of the GNP in 1982. But much of America's spending takes the form of military research and development with limited payoffs in the civilian economy.

If one looks at civilian research and development our competitors are now outspending us. During the 1970s America spent 1.5 percent of its GNP on civilian research and development while Germany was spending 2.0 percent and Japan 1.9 percent of their GNPs.[11] Early in the 1980s our R&D spending was also eclipsed by the French. Since we are not smarter than the rest of the world, this trend has to be reversed if we are to remain competitive in new products and processes.

With anything other than short-term development expenditures, government must be involved to get adequate aggregate spending. Since it is difficult for any one firm to capture all of the benefits of any breakthrough, there are very substantial externalities that call for government participation. Risks are large and there is great uncertainty as to whether expenditures will lead to processes or products that can be used by the firms that pay for the research.

Once a new product or process is known, it is also usually possible for others to invent around patents or simply use the device and litigate (as is now being done with the float glass patents). In addition, if something new is developed (hybrid corn), there is public interest in seeing that all of the potential users (farmers) get to use the new products or process as soon as possible. For that is what maximizes American production and our standard of living although it often does not maximize the profits of any one firm.

As a result, there is a strong case for using public money to finance research and development and to then rapidly spread the knowledge around the economy.

But the American problem is not just too little spending. If one looks at the mix of spending, American firms do an adequate job of financing research and development that will quickly lead to marketable products. The National Science Foundation and the Defense Department have kept us at the forefront in producing basic knowledge. Where we fall down is in intermediate-run research and development that would lead to new processes for making old products or new products which are five to ten years from marketability.

Externalities and short corporate time horizons have prevented our private firms from financing such research and the government has been reluctant to do so because it too easily becomes a subsidy for this or that particular company. Partial government financing would lengthen corporate time horizons and limiting government financial aid to cooperative efforts that were open to all firms who were willing to pay their share of the expenses eliminates the issue of subsidizing one firm and not another.

A lack of process research is in many ways America's most serious research and development failing. Process research often pays off for the economy much more than new products. New products are always small in relation to the total economy and take decades (think of the computer) to have a significant impact on national economic performance. In contrast, a new process for making old products can have a big impact since the markets for old products are already large. It is also usually easier to copy a competitor's new products (you simply buy one and tear it apart) than it is to copy his new production technology. You cannot buy it and he usually will not let you look at it.

American firms have ignored process research and development for a number of reasons. Prestige went to those who developed new products rather than to those who were the cheapest producers of old products. Profit margins were thought to be higher on new, unique products than on old, competitive products. All of this was probably true in the past, but is now clear that with equal technological competitors, those higher profit margins on new products do not last anywhere near as long as they used to. As the Japanese have shown, the long-term profits go to those with the lowest production costs and not to those who made the original discovery.

From a sociological standpoint, new process technology is also harder to manage. Managers have to confront those formal or informal workplace norms of performance. Established routines and old rights and privileges have to be disrupted. With a new product, there are no old norms to disturb. Companies or countries with a more flexible cooperative workforce are going to find that process research and development pays off more than those with inflexible workforce and unalterable work rules.

Government has been reluctant to finance process research and development. Process research and development, almost by its very nature, has to be done by some particular firm. The Defense Department has financed some process R&D research but the half-lives of military products are so short that the Defense Department legitimately has only a limited interest in long-run process research on how to make its products cheaper.

Historically our anti-trust laws have also discouraged cooperated process research and development efforts that would involve more than one company. This handicap has now been essentially removed but there still is a gap in the American research and development effort that needs to be filled with a civilian minister of industrial technology—a National Science Foundation for the business community.

Tax credits are often suggested to solve industrial research and development problems, but they are not an efficient vehicle for achieving the desired goal. The basic problem is that it is virtually impossible to draw a sharp line between industrial research and development and normal production expenses, especially when process research is involved. It is simply too easy for a company to take an engineer who is basically doing normal production engineering and re-classify that activity as research and development. Thus, tax credits will end up costing the federal government a lot of money without getting any additional research and development as far as the economy is concerned.

The advantage of partially government-funded cooperative projects is that there is a chance for outside peer review to make sure that the project is a wise expenditure of government money and with more than one firm cooperating, the firms will police each other to make sure that their money and the government's money do not become de facto operating subsidies for any one company.

A civilian ministry of technology or industrial research and development foundation also has the advantage that the new information can be spread more rapidly across the entire economy and six different companies do not spend money inventing the same wheel.

While the Japanese give a 25% tax credit for research and development, it is only a credit for expenditures over and above those done in the previous peak year of research and development spending. Such an incremental tax credit may make sense to raise the general level of private and research and development spending, but any ongoing tax credit just becomes an inefficient subsidy for activities that would have been undertaken anyway.

The American machine tool industry is a good example of both the need for such a ministry of industrial technology and what it might do. The industry has always been highly fragmented with little basic research and development. Germany has always been formidable competition in machine tools, but the Japanese are now threatening to drive both the Americans and the Germans out of the market with lower cost and superior quality products. Yet machine tools are

clearly a key linkage industry where no one wants the American industry to fall substantially behind. No country can be fully competitive in new manufacturing industries if they fall behind in building the tools needed to be low cost manufacturers. Japanese manufacturers are always going to get first call on the productive capacity of the Japanese machine tool industry.

A series of cooperative, partially government-financed, research and development projects are clearly part of the answer to the problems of the American machine tool industry.

THE INVESTMENT BANKING GAP

Private investment banking was made illegal in 1933 in the Glass Stiegel Act. Public investment banking came to an end in the early 1950s when the Reconstruction Finance Corporation (started by the Hoover administration) was wound up. America still has institutions that are called investment banks but they are really brokerage firms who bring investors and savers together and not the real investment banks which exist in every other industrial country in the world.

If the rest of the industrial world finds that they need investment banks, usually both public and private, one has to ask how it is that the United States can get along without them? The simple answer is that it could because it had a huge economic and technological lead in the 1950s and 1960s but that it can't given that the lead has now vanished.

To be competitive in world markets, America will have to re-invent real investment banking.

Parenthetically, it might be mentioned that the reasons for abolishing investment banking in the United States were both wrong and in any case now irrelevant. Private investment banking was abolished because the speculations of the investment banks, especially the House of Morgan, were blamed for the Great Depression. The causes of the Great Depression are irrelevant to the future of the United States, but we also now know that the speculative excesses of the investment banks played only a very small role in the onset of the Great Depression.

Public investment banking played an important and productive role in the American economy throughout the 1930s and the 1940s (it financed the establishment of the aluminum industry with the exception of Alcoa), but was abolished in the 1950s partly because there were questions as to favorites in its lending policies and partly because it was seen as socialism in the context of the then virulent cold war.[12] Given a useful institution that had functioned properly for almost two decades, the correct solution to questions of undue influence was to change the operating procedures or people that were responsible for them.

Investment banking has, to a limited extent, been re-invented in the United States under the name of "venture capitalism". Venture capital financings have risen from essentially nothing to $1.8 billion in 1982, but it cannot substitute for investment banks when it comes to major investments (such as the next generation of new integrated steel mills each one of which might cost $5 billion).[13]

In the period after World War II, the investment banking deficiency was not important since the industrial community could be essentially self-financing. Enough profits could be made on this generation of products to finance the next generation of production facilities. In 1980, businesses saved $333 billion in the form of undistributed profits and capital consumption allowances. This, in fact, exceeded the $290 billion in non-residential business investment.[14]

But the era of self-financing is essentially over. American firms had higher savings rates than their foreign competitors because they had higher profit rates. But those higher profit rates were produced by a technological lead that is disappearing and as it disappears, so does the higher profit rates and the savings which it permitted. In industry after industry, foreign competition is driving down profit rates and American firms find that they cannot accumulate the funds necessary to build the next generation of production facilities.

The problems can already be seen in the American semiconductor industry.[15] Semiconductor firms are in the process of shifting from technologies with relative low demands for capital to technologies with much higher demands for capital. The traditional American way to make this transition would be to borrow some of the necessary money (typically 20 to 30%) and finance the rest out of the earnings retained from the high profits earned on current products.

But the Japanese use investment banks. Their semiconductor industry will be infused with a massive amount of debt capital (up to 95 percent) to build the new factories before any profits are earned on old products. Prices are aggressively set to expand production rapidly so that Japanese firms can quickly go down the learning curve and drive the rest of the world out of the semiconductor business before it has even built the new factories. This is precisely what has been done in ship building, consumer electronics, and steel, and is now being done in autos. Why are the results going to be any different in semiconductor or other parts of the knowledge industries—the announced Japanese industrial targets of the 1980s?

In the steel industry, the few big companies that might be able to finance the next generation of integrated steel mills have essentially decided to abandon the industry (U.S. Steel into Marathon oil) and have become technologically backward, in any case. It may or may not be smart for them to attempt to get out of the steel business, but it is clear that America cannot afford to abandon the industry.

America needs the jobs but even more importantly, materials science is one of the three hot scientific areas (the other two are electronics and biogenetics) that are about to lead to new applied products such as powdered metals and metal ceramics.[16] There is a sunrise industry within the metals industry that America cannot afford to forego. Yet to grab it for America, large investments are going to have to be made that are beyond the capability of today's venture capitalists.

Analysts have estimated that the cost of capital is three times as high in the United States as it is in Japan. Because of this capital cost differential Japanese firms can profitably invest in new technologies that would not be profitable in the United States. There are many reasons for this difference in the cost of capital (lower savings rates, a government policy of low interest rates) but the higher debt equity ratios permitted by investment banking is one of them. The reinvention of real investment banking is not going to eliminate the capital cost handicapped faced by American industry, but it can help in reducing it.

The simple fact is that to preserve both our old industries and our new industries America is going to have to re-invent investment banking.

Public investment banking is needed along with the private investment banking for a number of reasons. First and foremost, government is now heavily involved in investment banking. That is what $244 billion in existing loans or loan guarantees means. Given the government credit allocation that is now being done, it would be far better to establish this function in an investment bank and bring government investment banking out of the closet. If this were done and investments had to be publically justified as part of an industrial strategy to create world-class American industries, the investment banking that we now do would be far more efficiently done.

But there are other reasons for public investment banks. At last count Japan had 14,000 programmable robots while American had 4,000.[17] Why?

What is the problem if you are a producer of robots? Initially, it is hard to sell enough to get the economies of scale that allow low per-unit costs. Potential buyers do not want to buy very many robots because they are unsure as to how well they will work and how easily they can be maintained. Firms want to order a few robots to experiment, but they do not want to make massive investments.

Enter the Japan Development Bank, a government investment bank, and MITI, the Ministry of Industry and Trade. They organized a government-financed leasing company that guaranteed the producers a rapidly growing market and leased the robots on short-term leases to firms that might use them.[18] Since the firms knew that they could return the robots if they did not work as expected and did not have to make major investments with their own money, they were willing to accelerate the initiation of robots into the production process.

If the robots had failed, the Japan Development Bank would have taken a loss. But what it did was to essentially socialize risk and speed up a market process. As robots did work, the net result was a new industry that has essentially been conquered by the Japanese before we in America ever knew that it got started and a big head-start for Japanese industry in adopting a new technology that will make major differences in the cost and quality of production.

Question: If the American capital system is so efficient and can get along without public investment banks, why didn't the same process happen in the United States?

The answer is easy. No private bank has an interest in socializing risk, yet this is precisely what a public investment bank is chartered to do.

Question: What is the American answer to the Japanese robot leasing company? If it is not a competitive public investment bank, what is it? If there is no answer, what is to stop the same thing as happened in robots from happening in every other new industry? (The same technique was basically used to prevent IBM Japan from dominating the Japanese computer market.) If there are no new successful industries, how does America succeed and grow in the future?

Public investment banking is also necessary to restructure sick industries. Any restructuring requires investment funds and they have to come from somewhere. Public investment banks can insist on conditions (lower wages, faster state and local decision

making, new managers, new private investments) that private investment banks cannot and will not insist upon. To get cooperation in restructuring, the government also has to have something positive to offer. Public investment banks can also bring linkages into the analysis that will properly be left out by private banks.

Ask yourself why it is, given the success of the Rural Electrification Administration, that the activity had to be organized by public financial agencies and was not started by private banks? The simple answer is that the private banks could only look at immediate direct returns while the public investment banks could look at the total returns—i.e., increases in agricultural productivity.

If you look at foreign experiences with public investment banking, the major problem is not that they become back-door social welfare agencies (the normal conservative objection) that make loans or equity investments that are not justifiable even when total returns are counted, but that they become banks that are indistinguishable from regular private investment banks. Sociologically, public investment bankers want to be respected among their private investment banking friends—to be offered job opportunities. As a result, public investment banks gradually move to a position where they are no more willing to take risks, no more willing to look at the long run, and no more willing to look at linkages than traditional bankers. Thus, the real problem is not to keep the public investment bank from being a social welfare agency but to keep it from forgetting that a public investment bank should not use exactly the same criteria as a private investment bank.

If public investment bank can only partially fund any project problems of favoritism and non-economic investments are almost entirely eliminated. For no project can be undertaken unless there are private investors willing to risk a substantial amount of their own money.

OTHERS DO IT—THEREFORE YOU MUST DO IT TO REMAIN COMPETITIVE

In the end the case for public investment banking is simple. In a competitive world you have to be competitive.[19] Competition forces you to do things that you may not want to do. And in this case most of our competitors use public investment banking as one of their competitive weapons. The United States has to have a competitive response.

The Japanese robot leasing firm cited above illustrates the problem. What is the American answer to the cooperative labor-management-government efforts that seems to be succeeding abroad? Suppose the Japanese target (as they have) and succeed in picking off the computer business (which they may well) with programs such as MITI's fifth-generation computer project and the Japan Development Bank's robot leasing company. Suppose the French target and succeed in picking off the mass transit equipment industry (as they have). They win the bids for New York subway cars. The Germans significantly increase government funding for industrial research (as they have) and attempt to pick off a couple of the newly emergent high-technology industries such as powdered metals or metal ceramics.

With the product cycle, old American products increasingly become low-wage/low-technology projects and move off to the newly industrialized nations such as Brazil, Korea, or Taiwan (as they are).

What is left for America?

The obvious answer:—not much.

There are a number of responses to the argument that in a competitive world the competition often forces you to do things you may not want to do to remain competitive. One is to argue that foreign industrial policies are not the sole cause of success, especially in Japan. The other is to argue that those in charge of foreign industrial policies have made mistakes.

Both of these are essentially reducto-absurdum type arguments. Of course, Japanese industrial policies are not the only cause of their success. No one can build a high-quality economy out of low-quality components and the Japanese success is due to many high-quality components—high investment, heavy research and development spending, a well-educated well-motivated cooperative labor force, good management, and good macroeconomic conditions.

But I know of no serious scholar of Japanese economic success that thinks that their industrial policies have had a negative effect. Quite the contrary. Everyone thinks they played a positive role. The only disagreements are in the precise amount of the success to ascribe to industrial policies.

Similarly, any set of industrial policies will make mistakes. If it didn't, it would not be taking enough risks. The only relevant question is whether the successes outweigh the mistakes. For example, take the Japanese attempt to consolidate the car manufacturing industry.[20] *Ex post*, the attempt was clearly a mistake. The industry achieved world domination without consolidation.

Yet that attempted mistake illustrates the heart of successful industrial policies. In well designed industrial policies, no Washington bureaucrat would have the ability to force a private industry to take actions that the members of the industry don't feel are in their best interests just as no Toyko bureaucrat now has the ability to force Japanese industries to take actions that they do not feel are in their best interest.

For the bottom line of the famous Japanese industrial policy 'mistake' is, of course, that the fact that the 'mistake' never happened. The firms saw the consolidation policy as a mistake and were unwilling to cooperate in a MITI-inspired consolidation. As a result the proposed consolidation did not occur.

But at the same time members of the Japanese auto industry will also tell you that they think that the 'mistake' is part of their current success.[21] Each company knew that if they were not quickly successful unconsolidated, MITI would be back with a new consolidation plan at some later date. As a result, they worked doubly hard to prove MITI wrong and themselves right.

What clearly isn't logically consistent is the attitude of many American firms toward industrial policies. At one and the same time, they complain about the inherent inefficiencies of government interventions in the American economy and the super-efficiency of foreign government interventions to help their foreign competitors. Witness the famous Motorola advertisements.

American industry simply cannot have it both ways. If government industrial policies are inherently inefficient, then American firms should rejoice to see other countries "helping" their industries. Because regardless of how well-intentioned it might be, such "help" really hurts foreign firms more than it helps them.

And if American industry is being beaten by those foreign firms hurt by "government helpfulness", then American industry is doubly incompetent. For it cannot compete even though the competition is handicapped by a lot of ultimately harmful government interventions.

If foreign helpfulness is simply a subsidy to the inefficient, we should not worry about it. It is a gift to us that we should accept with the realization that the universal subsidy simply isn't possible. The resources to pay for permanent subsidies have to be collected from someone. The only possible someone is a country's taxpayers. And if permanent subsidies are to be offered it can only result in a reduction in their real standard of living and an increase in our standard of living. Foreign taxpayers pay taxes to subsidize products going to Americans.

Conversely, if "helpfulness" helps, then Americans are going to have to learn how to organize helpful government and all of the interventions that "helpfulness" requires. For it is clear that countries with industrial policies are not breaking any of the rules of business. Everyone is supposed to sell their products at the lowest possible prices.

Those who invented the forward pass in football did not violate the rules of football. They simply improved upon what was done earlier and forced everyone else to learn how to make a forward pass.

Governments are supposed to take actions to help their economies become more efficient and more competitive.[22] And if industrial policies succeed abroad, we will simply have to learn how to make them work in America. Or quit complaining about their successes and the resulting "unfair" competition coming from abroad.

IT'S ALL A MACROECONOMIC FAILURE

Related to the view that good industrial (microeconomic) policies have not contributed to foreign success is the idea that American failures are simply due to macroeconomic mistakes. If America just got its macroeconomic parameters right—the value of the dollar, the level of interest rates, stability in expected growth rates—its microeconomic failures would disappear.

The evidence usually cited in favor of this argument is the fact that Americans added more manufacturing jobs than the Europeans or Japanese, during the 1970s.[23] While the facts are true, this argument turns logic on its head. American manufacturers added more jobs than European manufacturers in the 1970s because American manufacturing had a much lower rate of growth of productivity than European manufacturing. The additional jobs were in fact an indication of weakness—not strength. For if American manufacturing had had a competitive rate of growth of productivity, it would not have added more jobs than in European competition.

As has been cited in the Data Resources study earlier, European manufacturers now have higher productivity and lower unit labor costs than their American competitors. American manufacturing declined relative to European manufacturing precisely because it was inefficient and had to add a lot of new workers in order to serve expanding markets.

To see the absurdity of the 'more jobs added' argument, suppose that I were to tell you that Indian manufacturing would have to add 3 million new workers to its payrolls to produce an extra $10 billion in output while American manufacturing would have to add only 1 million new workers to produce the same $10 billion in extra

output. Would that lead you to the conclusion that Indian manufacturing was superior to American manufacturing? Obviously not.

It would be nice if America's only problems were macro-economic. Macro-economic problems are easier to solve than micro-economic problems. But unfortunately it is not true. The contrary evidence revolves around that 20-year decline in productivity growth. There is no evidence that trend is caused by bad macroeconomic parameters or reversible with good macroeconomic parameters. It has continued through periods with good and bad macroeconomic performances. Conversely, the rest of the world has suffered from macroeconomic parameters that are just as bad as those in the United States, yet our major industrial competitors still have very healthy productivity growth rates.

Here again, it is important to understand that no one is arguing for industrial policies on the grounds that they can completely "solve" America's economic problems. America needs better macroeconomic parameters. No industrial policy can succeed with a dollar as grossly over-valued as the present dollar. No industrial policy can succeed with real interest rates as high as they currently are. No industrial policy can succeed with a stop-go economic cycle. Changes in all of these macro-economic variables is necessary. But such changes do not obviate the need for industrial policies. The basic problem of a low productivity growth rate would still be there even if all of the macroeconomic problems were solved.

American failures and weaknesses in the sunrise industries are the other pieces of evidence that indicate that there is something wrong besides poor macroeconomic conditions. We are simply being beaten in too many of our potential sunrise industries—semiconductors, video recorders, robots. Something is going on besides a normal product cycle and a recession. In old, but still high-technology products such as aircraft, specialty steels, machine tools, construction machinery, we are losing market share rapidly.

An argument is sometimes made that up until 1979 the United States was running an increasing trade surplus in high technology products.[24] Such an argument is highly sensitive to exactly how high technology products are defined. What do you do for example with a low technology products (autos) that is now being produced with a high technology process (robots)? In any case, it is a peculiar argument since the high technology challenge to American industry (computer chips, video recorders, airplanes, robots, machine tools) is a phenomenon of the 1980s and not the 1970s. What was true in the 1970s simply is not true in the 1980s. The balance of trade is now running against us in high technology products. That is what is producing those $70 to $100 billion trade deficits.

If our comparative advantage does not lie in high-technology products, where does it lie? Certainly not in low-wage, labor-intensive industries. Certainly not in capital-intensive industries—the rest of the industrial world saves and invests more than we. Where is this area of comparative advantage where we should be doing well if we are just undergoing a normal market phenomenon? Unfortunately it does not seem to exist.

What does exist looks too much like permanent industrial decline. And that secular permanence lies at the heart of the need for industrial policies.

The view that market economics take care of themselves without government help springs from the postulates of competitive economic theory. As such, it is important to understand where those postulates fail. In the economist's standard model of free trade in a world of competitive supply and demand, there is no room for industrial policies or coordination and strategic vision. A country simply inherits its comparative advantage based on natural resource endowments and factor proportions. If a country has copper deposits, it will export copper. If it has a lot of labor relative to capital, it will export labor-intensive goods and given the reverse factor endowment, it will export capital-intensive goods. Given initial endowments and factor proportions, there is no way for government to intervene that will not incur more costs than it would produce benefits.

Having access to the same technology, competition is self-limiting since everyone is assumed to be operating on the same rising cost curves. To increase production, one must incur rising costs. That is why supply curves are always drawn with an upward slope. But this means that those firms who expand production on the margin must always have costs higher than those firms who are already in the industry. As a result, it is impossible for a country to deliberately conquer any industry using industrial policies.

While certainly the standard view within the economics profession and often elevated into a religious belief in Fourth of July speeches on the virtues of capitalism, it unfortunately isn't true. The standard view is based upon a static view of the world where the only source of efficiency is getting to a fixed production frontier. There is no such thing as dynamic efficiency and making the production frontier move more rapidly to the right with research and development expenditures. In reality, economies of scale and learning curves overwhelm rising costs. Those who expand production are, as a consequence, often the low-cost producers and not the high-cost producers. They race down the learning curves with new technologies and force old producers out of business.

Comparative advantage is not simply something that one inherits. It can be created as the Japanese have done as we ourselves have done in the past in industries such as farming. The essence of comparative advantage is not static factor endowments or natural resources, but a dynamic technological or efficiency edge. The United States used to have the edge. It no longer does. The only relevant question is how to regain it.

By coordinating research and development projects and then sharing information widely, it is possible to cut the costs of technological advancement and increase the speed with which new technology shows up in the economy. If such coordination is not efficient, one must ask why large American firms always worry about coordinating their various divisions. None lets the market do their coordination for them. Just as a firm can, within limits, pick the industries in which it would like to compete, so an economy can, within limits, pick the industries in which it wants to compete. One of the factors leading to the rise and fall of firms and countries is their skill in choosing where to compete.

In any case, the problem for a company or an economy is not 'the market' versus 'planning', but how planning can be used to improve one's market performance. For there is a world market and America's market performance leaves something to be desired. Whatever the "right" theoretical model, empirical feedback indicates that "success" is not occurring with the present modes of behavior.[25]

PICKING WINNERS

Industrial policies exist not to pick the sunrise industries of the year 2000. That is clearly impossible. No one knows what they will be and the industries that are going to be important employers in the next two decades are already here.

The aim is to strengthen the industries that are now sunrise industries, to restructure old industries so that the parts which remain can exist as world-class competitive entities, to manage decline where decline must occur, and to finance civilian research and development projects with long-to-medium-term payoffs.

In coordination with other policies industrial policies can play a positive role in achieving this result. They are not "the" solution, but they are part of "the" solution.

The aim is not to fight the market but to speed it up or to create new channels in which it can flow. Comparative advantage is a dynamic concept and its channels must be created. The goal is not to subsidize capital or operating costs, but to socially absorb risks so that the private economy can move faster to exploit new opportunities.

In most cases, the industrial policy problem is not a great mystery as to what to do to strengthen or restructure an industry, but how to put a politically viable package together to get the job done.

Consider the ingredients of an effective industrial policy for steel. It would start with the realization that some part (low technology, standardized products) of the steel industry is in the product cycle and both should and will move off to low-cost foreign producers in Korea or Brazil. Hence the industrial policy problem is to help workers move out of these areas of production and into other good jobs.

But part of the industry is viable in the United States as mini-mills. Problems may revolve around sites and environmental regulations. Here the industrial policy problem is to get such decisions made more rapidly and to get the mills into operation faster.

Part of the industry is a new high-tech sunrise industry of powdered metals, metal ceramics, etc. Here the industrial policy problem is to make sure that the necessary research and development gets done in the United States first.

Part of the industry may be viable if two or three next-generation big integrated steel mills were built at coastal locations. Here the industrial policy problem is partly one of research and development, partly one of financing, and partly one of relative wages and work rules.

In steel, we have now had an industrial policy of protection since 1968 but the industry is competitively weaker today than it was then. To trigger pricing, the Reagan administration has just added special tariffs and quotas for specialty steel producers. American buyers of steel are now at a substantial handicap vis-a-vis their foreign competitors that buy steel for hundreds of dollars less per ton. It is only a matter of time until the buyers of steel seek protection to offset their higher input costs.

No formal industrial policy could not be worse than the informal industrial policy that we have in fact had for the steel indus-

try. The same political pressures would exist with formal industrial policies but those operating the explicit industrial policies would have to explain why they had undertaken policies that led to an American industrial loser. No industrial policy board would have recommended protection without some quid pro quos on the part of the industry, its unions, its banks, and its suppliers. For with protection and nothing else, it is simply too easy to slip into a comfortable position as a protected second or third-class producer of steel.

The first step in an industrial policy for steel would be to remove all protection and tell the industry that it would not be reimposed until they had come up with a concrete plan to re-make their industry into a world-class competitive industry. I would be willing to bet that with such a spur the necessary planning could be done in less than a month. For the problem is not 'What should we do?', but 'Doing it is too painful!'

CORPORATIVISM

Technically, corporativism exists when public powers are delegated to private decision makers. Large private firms or unions exercise powers that rightfully belong to a democratically elected government.

In this sense, industrial policies are not corporativism. For all public decision-making powers will remain with the democratically elected officials who now make them and all private decision-making powers will rest with the private decision makers who now make them. Neither side can force the other to make decisions that they do not want to make. As a result, industrial policies are neither centralized government planning nor private corporativism.

With industrial policies, private and public decision makers get together to see if they can exchange information and coordinate actions so that each makes better decisions than if their decisions are made in isolation. Synergy is the aim.

While large national firms and unions will hopefully participate with national government in national industrial policies, there is no reason why their participation should lead to the exclusion of small non-union firms or why industrial policies cannot be run in a decentralized way with equivalent local industrial policies being developed at the level of individual states, regions, or cities.

In American history, there is a populist strain that maintains that the only good economic and political relationships are adversarial relationships. From this perspective if government, labor, and business get together to cooperatively work on any problem, they will end up screwing the common man. If an end to adversarial relationships is corporativism, then industrial policies are corporativism. For an end to such adversarial relationships is precisely what industrial policies are designed to do.

If industrial policies succeed in restoring productivity growth and in making the American economy competitive in international markets, they will end up helping, not hurting, the average citizen. No one has more of a stake in such a goal than the average citizen. For if America fails to meet this goal, it is his standard of living that is at stake.

Industrial policies can also be structured so that they are of more aid to small new businesses than the present systems of tax credits or deductions. Research and development tax credits are, for example, only of value to large firms that have other sources of earnings. They are of no value to the new start-up firm. In contrast, a Ministry of Civilian Technology could and would make some of its grants to groups of firms that included new firms. Small firms and unorganized workers would have to be represented in restructuring efforts. For in the end, their voluntary cooperation would be necessary to make the restructuring work.

Finally, there are a couple of provisions that can be built into industrial policies that makes "too cozy" relationships unlikely. First, as in the case of Chrysler, whenever the government (we the taxpayers) provides aid of any sort, the government (taxpayer) should get some equity participation back as compensation for the risks and costs that they incurred. This should also be the case when seemingly costless policies such as protection are used. For these policies raise prices for the consumer (the taxpayer) and he should be compensated with some equity participation in the industry if he is being asked to pay higher prices for protected products.

Second, as was also done in the case in Chrysler, the actions of current managers should be externally reviewed to determine whether these are part of the problem or part of the solution. Someone, presumably the current manager, has led that industry into disaster. People who lead other people into disaster should normally be removed from leadership positions. Existing managers should always be forced to prove that the causes of their problems were factors beyond anyone's reasonable foresight or control. Large executive salaries are justified on the basis of heavy responsibility and those salaries should usually be lost when executives fail to deliver.

PROTECTIONISM

While pressures for protection will not disappear with the introduction of industrial policies, the ability to resist those pressures should be strengthened. First, the government would not even be willing to talk about protection for an industry until the industry comes up with a plan for remaking itself into a world-class competitor. Second, protection would have to be justified in the context of that plan and would not be adopted unless the industry could prove that it needed relief and was doing its share to become really competitive in terms of new investments or wage and work rule concessions.

Since explicit industrial policies mean that government has remedies other than protection (such as R&D funding) that it can use to aid an industry, it is easier for government to make protection one of the last, as opposed to the first, options when requests for aid are being considered.

In fact, the dangers are quite the opposite. Without explicit industrial policies America is drifting very rapidly into protection. The public demands that something be done as American industries seemingly go off the cliff, one after another. Not having anything else to do, protection is adopted as the only remedy in one industry after another.

A REAL OBJECTION

To be successful, industrial policies require some ability to exercise discretion and judgment on the part of government participants. These participants have to have some freedom from the geographic constraints that so often are built into American legislation. Thus, it is possible to argue that although industrial policies have been made to work abroad and are needed in the United States, they cannot be made to work in America because American legislators would never allow the necessary discretion and would impose too many geographical restrictions. If Congress insisted that the research and development funds or investment banking funds be spent equally in each Congressional district, industrial policies could not possibly work.

The next generation of big integrated steel mills will, for example, have to be built at coastal locations to be economically viable. To be competitive these mills will have to be able to buy coal and iron ore whenever it is cheapest in the world and bring it to the mill at the lowest possible cost. Both require access to large ships. As a result new next-generation steel mills could not viably be built at the locations of our existing old steel mills. And if Congress insisted on them being so built, they would be instant white elephants.

All true. To make industrial policies work, Congress is going to have to exercise some self-restraint. America is not 435 Congressional districts, but one nation that is in collective competitive trouble. Solutions that benefit the nation as a whole will not benefit every congressional district equally.

At the same time, Congress has often acted with self-restraint in the past. It is defeatism of the rankest sort to argue that Congressmen are so irresponsible that they would rather watch America economically sink than do something that would aid someone else's district more than their own.

It should also be noted that no industrial policy mechanism can work without the active support and cooperation of the President of the United States. If he is opposed or indifferent, the idea is not viable in our political structure.

THE BOTTOM LINE

Industrial policies are not a magic answer to America's economic problems. If America is to have a competitive economy, it will have to bring each of the factors that go into the economy—labor, capital, management—up to world-class standards.

But industrial policies can contribute to such an effort. If the American economy were successfully operating without industrial policies, there would be no case for them. But America is not successfully operating without them.

Think of our industrial policy of propping up Harley-Davidson with high tariffs and contrast it with the Japanese policy of subsidizing research and development on the fifth-generation computer. Which economy do you think is more likely to succeed? To ask the question is to answer it.

Industrial policies can make a small positive difference. By themselves, they will do little, but in tandem with other world-class components, they can help lead to a world-class American economy.

FOOTNOTES

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[3] Roger Brinner and Nigel Gault, "U.S. Manufacturing Costs and International Competition," *Data Resources Review*, Oct. 1983, page 113.

[4] Charles Ferguson "The Microelectronics Industry in Distress," *Technology Review*, Aug/Sept 1983, page 38.

[5] Seymour Melman, "How the Yankees Lost Their Know-How," *Technology Review*, October 1983, page 56.

[6] *Special Analysis, Budget of the United States Government, Fiscal year 1984*, "Federal Credit Programs," U.S. Government Printing Office, page F-4.

[7] *Newsweek*, April 25, 1983, page 63.

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[10] *Economic Report of the President*, ibid, page 270.

[11] National Science Foundation, *National Pattern of Science and Technology Resources* 1982, page 33.

[12] *Federal Credit Programs: An Overview of Current Programs and Their Beginnings in the Reconstruction Finance Corporation.* The Office of Corporate Finance, U.S. Treasury, August 1980, written by Celestea Gentry.

[13] Data presented at July 1983 Goldman Sach conference on investment banking.

[14] *Economic Report of the President*, ibid, page 192.

[15] Glenn R. Fong, "Industrial Policy Innovation in the United States: Lessons From the Very high Speed Integrated Circuit Program," American Political Science Association Meetings, Sept. 1983.

[16] David Hecker and Mil Lieberthal, "Wage Cost and Price in Basic Steel Products," *Labor Studies Journal*, Winter 1982, page 259.

[17] Steve Lohr, "New in Japan: The Manless Factory," *New York Times*, Dec. 13, 1981, page F-1.

[18] *International Trade, Industrial Policies, and the Future of American Industry.* Labor-Industry Coalition for International Trade, page 40.

[19] For a description of foreign industrial policies, see John Zysman, *Government, Markets and Growth.* Cornell University Press, 1983.

[20] Charles Schultze, "Industrial Policy: A Dissent," *The Brookings Review*, Fall 1983, page 7.

[21] View of manager from Mitsubishi Corporation at MIT seminar on industrial policy, 1982.

[22] Toshimasa Tsuruta, "The Myth of Japan Inc." *Technology Review*, July 1983, page 42.

[23] Schultze, *Ibid*, page 5.

[24] *Ibid.*

[25] William K. Krist, "The U.S. Response to Foreign Industrial Policies," *High Technology*, page 92.

[26] Ira Magaziner, "New Policies for Wealth Creation in the United States," *Growth with Fairness*, Institute on Taxation and Economic Policy, page 29.●

SENATE—*Friday, May 18, 1984*

(Legislative day of Monday, May 14, 1984)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable GORDON J. HUMPHREY, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, as the end of this busy week nears we remember our families. Grant that these next 2 days, in spite of all the responsibility which Senators bear, may be a time of family unity, strengthening and maturing love. Senators are important people—important to constituents—important to the Nation and the world—but also very important to their families. Grant them grace not to take themselves so seriously in their work that they transmit senatorial importance into their homes. Help them to be loving, thoughtful, caring spouses and parents this weekend.

Help us all Lord, who are privileged to work in this place, never to be carried away by self-importance. May we remember that we are servants of the servants of the people. In the name of the Servant who washed His disciples' feet. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 18, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON J. HUMPHREY, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HUMPHREY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized for not to exceed 3 minutes.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I first thank the minority leader for agreeing that we could reduce the time for the two leaders under the standing order to 3 minutes each.

May I say that it is the hope of the leadership on this side that we can reach the first concurrent budget resolution early and that we can finish it before noon. There may be other matters that we can deal with after that time. However, the first concurrent budget resolution appears to be the first item of importance, and therefore I urge Senators to consider that there may be votes early today, as early perhaps as 9 a.m.

Mr. President, at 9 o'clock, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of one of two matters, either House Concurrent Resolution 304, which is a resolution of the Senate in respect to Dr. Sakharov on which the yeas and nays have been ordered, or to return to the first concurrent resolution. It is still the hope of the leadership on this side that we can obtain a unanimous-consent agreement on a limitation of time of perhaps 2 hours for the consideration of the first concurrent budget resolution.

Mr. President, what I am about to say is in no way meant to be a challenge and certainly not as a threat but simply a statement of fact.

Given the facts and circumstances, if we cannot obtain unanimous consent, it would be the intention of the leadership on this side to attempt by motion, as provided under the statute, to set a lesser time than that contemplated as the maximum time for the resolution. I will confer further with the minority leader on this point and, of course, the two managers. But I say this so Members will be aware of the fact that we must face this issue, that there will be votes today, and there may be several votes today.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. President, I ask unanimous consent that after the two leaders are recognized under the abbreviated standing order, there be a period for the transaction of routine morning business until 9 a.m. in which Senators may speak for not more than 3 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

OMNIBUS DEFICIT REDUCTION ACT OF 1984

Mr. BAKER. Mr. President, it is always with a sense of something akin to relief that I greet the conclusion of a legislative item of the magnitude of the deficit reduction measure passed by this body yesterday. Rarely do I remember, however, that feeling being of such a pronounced character as is the case in this instance. I venture that I share that sentiment with many of my colleagues on both sides of the aisle, and that is due to the tremendous investment of time and energy made by so many Members of the Senate. There were, as always, honest differences of opinion as to the most effective means of dealing with the budgetary circumstances which face our Nation, and those differences caused much gnashing of teeth among members of both parties, as well as some late night sessions along the way. Yet somehow the Senate always manages to resolve those competing points of view and press ahead with the business at hand. Although it has taken over 100 hours in this instance, we have again conformed to convention.

Yet Mr. President, I would be negligent were I to praise this body's work only in an institutional context for it is only through the considerable efforts of many individuals that we have passed these budgetary matters. I wish to thank and congratulate first and foremost the esteemed chairman of the Budget Committee, Senator DOMENICI. His hard work and direction never go unnoticed though they too often go unpraised. I must rush to point out, however, the important contributions of the chairmen of the other money committees, Senator HATFIELD of Appropriations, Senator DOLE of Finance, and Senator GARN of Banking. All have been instrumental in guiding the deficit reduction package through this body. Possibly of more note than their respective roles here on the floor, however, is their participation in the negotiations conducted with the administration back in March, which led ultimately to the formulation of the rose garden agreement without which we might still be debating. On that point I must also acknowledge the participation and good

counsel of Senators LAXALT and TOWER. Yet notwithstanding the efforts of all these aforementioned individuals, it might all have gone for naught but for the cooperation of the ranking members of the several involved committees and I sincerely accord warm praise to those gentlemen, Senator CHILES of Budget, Senator STENNIS of Appropriations, Senator LONG of Finance, and Senator PROXMIRE of Banking. I wish also to note separately the floor activity of Senator DURENBERGER. His assistance on health related issues was certainly helpful and is, I am sure, widely appreciated. Obviously, I have neglected to mention one individual without whose cooperation nothing would ever be accomplished, and that is, of course, my counterpart, the distinguished minority leader, Senator BYRD. My thanks to him knows no bounds.

Six weeks on a single legislative vehicle is an inordinate period for consideration. Yet all the collected efforts of the previous 5 weeks might have dissolved in the last week without the capable cooperation of several Senators. Senators MCCLURE, WEICKER, CHAFEE, and NICKLES were all extremely helpful in ironing out the details of several amendments which paved the way for final passage of the bill. I thank them as should we all.

One might think, Mr. President, that the effusive nature of my remarks in regard to the role of Senators on this bill would indicate that at this point I have thanked all the necessary parties. Nothing could be any further from the truth, for in point of fact, I have yet to mention those individuals who have truly made passage of this legislation possible. I am referring, of course, to the various staff involved. Recognition and thanks are due to a large number of individuals, most of whom will remain, as a matter of necessity, unnamed. I do wish to thank the staff director of the Budget Committee, Steve Bell, for his usual high degree of effective assistance and offer the same to his counterpart on the minority, Rick Brandon. Senators have also benefited again from the able guidance of Finance Committee staff director, Rod DeArment and minority director, Mike Stern in the drafting of the revenue provisions of the bill. And the professional staff of the Appropriations Committee, led by staff director Keith Kennedy, have also played an instrumental role in the Senate's consideration and passage of this bill. Finally, let me thank the many staff members of Senators and committees who have had a hand in the creation and passage of this bill, especially the floor staff who insure that Senate business proceeds in an orderly manner. It often seems to be the fashion of so-called objective observers to decry the usefulness and growth of Senate staff. On that point I wish only to voice an opinion which I believe is unanimously held among Senators, that I truly wonder what little we might accomplish in the Senate without the dedicated assistance of those individuals who choose to serve on the various staffs of the Senate.

Mr. President, I have gone on longer than I intended. It seems that that is often the case when I attempt to thank and congratulate the many individuals who contribute to a job well done. It is a burden which I joyfully bear though, and which I look forward to bearing again, hopefully in the near future.

Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. Thirty seconds.

Mr. BAKER. I yield it to the minority leader.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized for not to exceed 3 minutes.

Mr. BYRD. I thank the Chair.

COAL EXPORTS AND THE JAPAN-U.S. COAL MISSION

Mr. BYRD. Mr. President, on Monday of this week I met with the leaders of the Japan-U.S. Coal Mission to discuss coal trade issues. U.S.-Japan trade relations are approaching a crossroads. Last year, the United States' trade deficit with Japan exceeded $20 billion. This is the largest trade deficit between any two nations in history. In the first quarter of this year, our trade deficit with Japan was $7.3 billion. In April of this year our trade deficit was a record $3.03 billion. It is not surprising that there is growing concern among my colleagues with regard to the impact of such deficits on the American economy. Clearly, we cannot sustain that kind of imbalance indefinitely.

Last month Prime Minister Nakasone announced a series of measures designed to improve access for American products to Japanese markets. In conjunction with the recent announcement with regard to increased Japanese imports of beef and citrus products from the United States, I hope this is the beginning of a positive trend. I hope that these gestures represent the beginnings of a more realistic trade policy. I welcome such initiatives.

These rays of hope will not dispell the gathering storm clouds which darken the horizon of future trade relations with Japan. Indeed, legislation imposing steel quotas and domestic content legislation have been introduced in this Congress. These bills have growing support as a result of the tensions between our two nations on trade issues. If adopted, these measures would necessitate significant changes in the economic relationship between Japan and the United States. But without tangible signs of an improvement in U.S.-Japan trade relations, adoption of such legislation is not inconceivable.

I remain guardedly optimistic that the continuing talks between the United States and Japan will be productive, and that we can resolve the trade issues which have been the source of growing dissatisfaction. This is so important because Japan is one of our staunchest allies and most important trading partners, especially in such areas as coal trade. The Japan-U.S. Coal Mission represents an important effort to work together in a cooperative and positive fashion to alleviate the tensions arising from the almost 40-percent reduction of Japanese imports of U.S. metallurgical coal from 1982 to 1983. For many years the United States has provided at least one-third of Japan's metallurgical coal requirements. Today, however, the United States has become the "swing supplier" to Japanese coal markets.

This is a matter of grave concern to me, for the reductions of imports of U.S. coal to Japan have had a disproportionate effect on my State of West Virginia. This is due to the fact that West Virginia accounts for almost 50 percent of this Nation's coal exports.

Much of the coal West Virginia exports is high-grade metallurgical coal, and there had been some optimism about the potential for new markets for our high-quality steam coal. Unfortunately, West Virginia already had the dubious distinction of having a 16-percent unemployment rate, the highest in the Nation. The coal industry in West Virginia continues to suffer the ravages of unemployment. For example, West Virginia coal mining employment has declined about 40 percent since 1979. Thus, I am concerned about the state of U.S.-Japan coal trade because the coal export market is one of the keys to the economic future of West Virginia. A healthy export market for our coal means jobs for West Virginia miners and economic growth.

Today, the outlook for coal exports to Japan seems to be very dim. According to estimates by the National Coal Association, U.S. metallurgical coal exports to Japan are expected to decline about 25 percent in 1990 from 1982 levels. The current state of U.S.-Japanese coal trade is not acceptable. To allow the current state of affairs in the area of coal trade to continue only contributes to the sense of frustration felt by many of my colleagues in

Washington with respect to U.S.-Japan trade relations generally. I have been told that the longer term prospects in the next decade are better. However, the gloomy prospect for the period between now and the end of the decade is the basis for my concern. Therefore, I sincerely hope that the efforts of the Japan-U.S. Coal Mission will result in new agreements and arrangements which will help dispell the gathering storm clouds in the near future.

We want to maintain and increase, to at least historical levels, sales of U.S. metallurgical coal to Japan. We also see the prospect of a growing steam coal market in Japan which many States such as West Virginia, can supply with high quality steam coal.

Long-term contracts between producers in this country and Japanese buyers would promote even greater stability of supply at favorable prices. Such contracts would also help establish a degree of predictability and certainty in U.S.-Japan trade relations.

I feel certain that many of my colleagues from coal-producing States share my hope that the Japan-U.S. Coal Mission will identify innovative and constructive approaches to improve coal trade, and to insure flexibility and stability. The success of these efforts could go a long way to relieving some of the frustration felt by many of my colleagues in Washington with respect to trade relations with Japan.

THE SYNTHETIC FUELS CORPORATION AND THE WIDENING WAR IN THE PERSIAN GULF

Mr. BYRD. Mr. President, this administration seems determined to hasten the end of the Synthetic Fuels Corporation, at the very time when events in the Persian Gulf underscore, once again, the reasons that that agency was established by Congress.

It has been reported that the administration will ask Congress to cut $9.5 billion from the Synthetic Fuels Corporation. This would leave the SFC with about $4.6 billion. It is also reported that the administration will seek to require that any use of the remaining funds would be restricted to projects "whose products will not cost significantly more than the projected market price of competing fuels." This is not acceptable. It would mean that few, if any, projects could qualify for SFC financial assistance. Clearly, such a requirement would gut the Synthetic Fuels Corporation. It would make the Nation's synthetic fuels program meaningless.

The administration has also announced its intention to nominate three new members to the Board of the SFC. However, according to several press accounts, Energy Secretary Hodel is reported to have "insisted that it makes no sense to formally submit the names until there is congressional agreement on paring the agency's funding." In other words, until Congress accepts the administration's proposed $9.5 billion cut for the SFC, the names of the Board nominees will be withheld. Mr. President, I find such an approach to be totally unacceptable and preposterous.

I think it is time for the administration to send a full slate of nominees for the Board of Directors to the Senate without delay. New leadership is urgently needed at the Corporation.

The Senate recently passed an amendment offered by the distinguished majority leader which rescinded $2 billion from the Synthetic Fuels Corporation. I opposed that amendment, in part because I think we should be making every effort to strengthen the SFC, not weaken it. But the administration seems to want to condition its support for any such efforts on cuts in synthetic fuels funding. The Senate has agreed to take $2 billion from the SFC. This may not be the exact amount that the administration wanted, but I think it should be sufficient. I think it is now up to the administration to move quickly to get the SFC back on track.

The Synthetic Fuels Corporation has been battered by, if not scandals, certainly by highly questionable ethics and resignations from the Board of Directors. The resignation of Mr. John B. Carter is the most recent. The Board lost a quorum with the resignation of Mr. Victor Thompson on April 27, and Mr. Carter's resignation leaves the Board with only two members. I think it is clear that there is an urgent need for new leadership at the Synthetic Fuels Corporation, and I think the administration should act to address that need. However, I am concerned that the strategic importance of the SFC's mission is clouded by the allegations of misconduct on the part of SFC Board members. The importance of this mission—to provide an insurance policy against the effects of future oil supply disruptions—has been underscored by recent events in the Persian Gulf.

For the past few days there have been reports of a number of Iraqi attacks on oil supertankers in the Persian Gulf. It now appears that the Iranians are also launching such attacks. The effects of such attacks include an increase in insurance rates for oil tankers shipping oil through the Persian Gulf, and the prospect of a shortage of oil tankers. According to a Washington Post report:

> British experts on shipping, oil and maritime insurance said it should become apparent within the next day or two whether, for the first time, there will be a real shortage of tankers willing to enter the spreading war zone of the gulf.

The war is "clearly widening," and the "shipowners have got to decide who is prepared to let their ships go into the gulf at all."

Mr. President, we are faced with the prospect of another disruption in oil supplies from the Persian Gulf. Such a disruption could be devastating, for about 20 percent of the non-Communist world's oil moves through the Persian Gulf. The economic dislocations from a major disruption in Persian Gulf oil would be especially harsh on our allies in Western Europe and Japan, for they are far more dependent upon Arab-OPEC oil than the United States.

We must keep in mind, however, that we would not be insulated from the economic shocks of such an event. Oil price shocks would affect the United States as severely as any of our allies, perhaps. In addition, the United States is a signatory to the International Energy Agreement which obligates us to reduce domestic oil consumption, and to share our oil with 20 other nations in the event of a severe oil supply disruption.

What would happen in the event of a severe supply disruption? During a recent international test of emergency response procedures—which included the United States and other nations—the administration estimated that, under certain conditions, including a closing of the Persian Gulf, the price of oil in the United States could reach $98 per barrel. It is important to point out that this assumed that our allies effectively restrained their oil consumption. Without such restraints, the price was estimated to reach $130 per barrel.

The situation we see unfolding in the Persian Gulf should remind us of the reason the Congress established the Synthetic Fuels Corporation. Unfortunately, the recent moderation in world oil prices, and the recession-induced dampening of world oil demand, have contributed to a sanguine view, on the part of some, of our energy future. Even the Secretary of Energy recently argued that "conditions have changed dramatically since Congress acted by overwhelming margins to create and fund the SFC. We face a much different outlook for energy supply, demand, and prices." If we have learned anything from our past experiences in the energy area, we should have learned that oil supply, demand, and prices are highly volatile. To suggest that the volatility of energy markets has permanently disappeared since the SFC was established reminds me of the story of the man who was falling from a 100-story building. When he fell as far as the 50th floor, he said, "Well, nothing has happened so far."

Mr. President, I ask unanimous consent to have printed in the RECORD two

articles from yesterday's Washington Post, one entitled "Saudi Supertanker Is Attacked in Gulf; Iranians Are Accused," and one entitled "Shipping Insurers Raise Rates," and also an article from yesterday's Wall Street Journal entitled "Attack on Saudi Tanker Near Oil Fields Sparks Fears of a Broader War."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 17, 1984]

SAUDI SUPERTANKER IS ATTACKED IN GULF; IRANIANS ARE ACCUSED

(By Jonathan C. Randal)

CAIRO, May 16.—A Saudi Arabian supertanker was set afire in an air strike off the Saudi coast in the Persian Gulf today, and U.S. officials said the attack almost certainly was carried out by Iranian warplanes.

The 212,000-ton Yanbu Pride, which had loaded a cargo of oil at a Kuwaiti port, was hit about 50 miles off the Saudi port of Jubail as the war against gulf shipping—an outgrowth of the 3½-year-old war between Iran and Iraq—escalated.

Five oil tankers have been attacked in the gulf this week, two by Iraq and three apparently by Iran. The development has significantly broadened the hostilities and raised concerns among the world oil and shipping industries about continued operations in the Persian Gulf, where a large portion of the noncommunist world's oil is produced.

In Washington, the State Department expressed concern that the attacks will draw other nations into the war.

"The United States abhors this continued series of attacks on international shipping," State Department spokesman John Hughes said. "It reiterates its firm belief that attacks on international shipping in the Persian Gulf make a dangerous escalation of the Iran-Iraq war and a growing threat to freedom of navigation in international waters."

Major maritime insurers announced that higher "war-risk" premiums have been imposed for the northern third of the Persian Gulf as a result of the spreading attacks on oil tankers, and the Mobil Oil Corp. announced that it has ceased sending its tankers into that portion of the gulf.

No casualties were reported in the attack today on the Yanbu Pride. After the crew and other vessels extinguished the four-hour fire, set off by the rockets, the tanker limped toward Bahrain for repairs.

U.S. officials said American AWACS (Airborne Warning and Control System) aircraft monitored the attack on radar screens and detected only Iranian warplanes in the vicinity, Washington Post staff writer Fred Hiatt reported from Washington.

The U.S. planes alerted Saudi Arabia, which sent two U.S.-made F15 fighter jets to the tanker but apparently were too late to respond.

Two Iranian F4 fighters, part of the U.S.-supplied Air Force built up during the reign of the late shah, had approached the tanker and circled it before attacking, apparently making a positive identification, U.S. officials said.

The AWACS which cannot pick up ship traffic nor see weapons actually being fired, alerted the Saudi Air Force as the F4s approached. The Saudi F15s—part of the 62 bought from the United States—flew out to the tanker and circled it, but did not give chase to the F4s, which they can outperform, U.S. officials said. They said they did not know whether the Saudis deliberately avoided a confrontation with the Iranian jets or simply arrived too late.

The Saudi-led, six-nation Gulf Cooperation Council scheduled a foreign ministers' meeting Thursday to discuss emergency measures to protect shipping in the gulf. The Kuwaiti Cabinet, after a special meeting, openly blamed Iran for the first time for attacks on two Kuwaiti tankers earlier this week.

The Yanbu Pride was only partially loaded after picking up 128,000 tons of Kuwaiti crude oil at Mina Ahmadi port in Kuwait. It was scheduled to pick up some more bunker fuel at Ras Tanura, about 60 miles south of where it was attacked. The tanker is owned by Arab International Maritime Co. in Jiddah, with Mobil Oil Corp. a minority owner.

If its planes carried out the attack, Iran, according to Middle East analysts, appeared to be sending a clear signal to Iraq and its allies that Baghdad's efforts to choke off Iranian oil exports through air power would not go unchallenged.

Hojatoleslam Ali Akbar Hashemi Rafsanjani, speaker of the Iranian parliament, was quoted by Tehran radio as warning that "if the Kharg Island route is not safeguarded then no other routes in the Persian Gulf will be secure."

Shipping near Kharg Island, through which passes 90 percent of Iran's estimated 1.7 million barrels of oil exports daily, has come under heightened Iraqi air attack since early this month.

As Iraqi President Saddam Hussein has become more desperate in his efforts to blunt Iran's manpower advantage in the war, he has resorted to his acknowledged air superiority to bomb ships trading with Tehran.

By attacking Kuwaiti and Saudi tankers, especially near the Saudi coast, Iran could be warning Iraq's two biggest financial backers to use their influence to halt Baghdad's escalated air attacks on shipping

But the Iranian air operations do not represent the closing of the Strait of Hormuz—through which a sixth of the noncommunist world's oil passes. President Reagan, and before him president Jimmy Carter, have warned that any such Iranian action would prompt American reaction to keep that vital waterway open and operating.

U.S. military officials were said to be watching the situation with concern, but no immediate action seemed likely. The USS Lasalle, the flagship of the Navy's five-ship Middle East force, was reported headed from Bahrain to Karachi for a port call, although it was thought to still be in the gulf.

Four other U.S. combat ships remain in the gulf, and the carrier USS Kitty Hawk with its battle group and F14 fighter jets is on station nearby in the northern Arabian Sea.

The United States has four AWACS, three KC135 tanker planes to refuel the AWACS in midair and more than 500 personnel based in eastern Saudi Arabia. The AWACS' primary mission is to provide early warning of attacks on the vulnerable oil installations along the western side of the gulf, but they have also been monitoring air traffic at the northern end of the gulf where the shooting between Iraq and Iran has been heaviest.

The Saudis receive information by radio from the AWACS and then control their own F15s, U.S. officials in Washington said. Saudi Arabia is reluctant to be seen as cooperating closely with the United States on military matters and would not cede control of its jets to the AWACS operators.

U.S. officials also said today that Iran was flying cargo planes to an island in the Strait of Hormuz, where Iran is known to have artillery, and was unloading equipment there, Hiatt reported. The officials said they did not yet know the nature of the equipment or the significance of the sighting.

Despite Kuwait's condemnation of Iranian attacks, Saudi Arabia, the most important Arab power in the gulf, today adopted a neutral stance. A statement issued by the official Saudi press agency did not mention Iran but merely expressed Saudi Arabia' determination to "end such excess, in cooperation and consultation with its sisters in the Gulf Cooperation Council."

Since the outbreak of hostilities, the Arab gulf states have been torn between fears of the Iranian revolution spilling over and destroying their governments and the growing danger and cost of supporting an increasingly desperate Iraq.

Ironically, some of the shipping attacked by Iraqi aircraft in Iranian waters belonged to either nationals or government-owned companies of Arab states in the gulf. Thus Iraq's allies were being punished by Iraq for helping finance Iran's war effort through oil exports.

As recently as May 9, Saudi Oil Minister Ahmed Zaki Yamani sought to gloss over Iraq's attacks on two Saudi tankers near Kharg Island, saying that the attacks were not deliberate and "it is difficult for military aircraft to distinguish and identify such targets."

[From the Washington Post, May 17, 1984]

SHIPPING INSURERS RAISE RATES

HIGHER PREMIUMS IMPOSED AFTER ATTACKS IN PERSIAN GULF

(By Michael Getler)

LONDON, May 16.—Major maritime insurers announced today that higher "war-risk" premiums have been imposed for the entire northern third of the Persian Gulf as a result of the spreading attacks on oil tankers in the area.

The announcement, made by Lloyd's underwriters before a Saudi Arabian supertanker was rocketed off the Saudi coast today, came as the Mobil Oil Corp. announced that it has ceased sending its tankers into the northern portion of the gulf and other major petroleum companies said they are considering similar limitations.

The two moves, along with a nervous jump in the price of oil on the European spot market, reflected growing concern in the oil and shipping industry at the sudden escalation of attacks on tankers in the Persian Gulf, where until recently Iran and Iraq had kept their 3½-year-old war largely to themselves.

Some U.S. oil industry officials and analysts said the attacks on three Saudi tankers in the past four days marked the most significant disruption of oil trading since the war began. Until now, they said, the attacks had caused little effect on prices because shipping had not been seriously interrupted.

British experts on shipping, oil and maritime insurance said it should become apparent within the next day or two whether, for the first time, there will be a real shortage of tankers willing to enter the spreading war zone of the gulf.

"In the past," said a member of one of London's largest ship brokerage houses, "there have always been owners ready to take risks." But now, he said, the war be-

tween Iran and Iraq "is clearly widening" to other parts of the gulf and the latest air attacks, reported to have been carried out by Iranian planes, "do not seem to have been random."

"The shipowners have got to decide who is prepared to let their ships go into the gulf at all," another specialist said.

By most estimates, a shutdown of oil shipping from Persian Gulf would reduce the amount of crude oil available to the world market by 3 million to 4 million barrels a day, about one-tenth of the normal daily consumption by the noncommunist countries.

Because of surplus supplies and large strategic reserves built up by many countries, however, such a reduction would not cause a serious crisis for months, analysts said, although several said it could raise prices noticeably.

Lloyd's international insurance underwriters, which had announced major premium increases earlier in the week for tankers operating near Iranian ports, announced today that its War Risks Rating Committee had expanded the area in which the higher rates applied, to include the northern third of the Persian Gulf.

All of the ports of Kuwait, where the Saudi tanker hit today had taken on its cargo, are now inside the high-premium area, as is a portion of the Saudi coast.

Spokesmen for Lloyd's denied rumors that marine underwriters had ceased to insure vessels trading in the gulf. But they expressed "serious concern" about the spreading gulf war and scheduled a news conference for Thursday on the situation, among hints that premiums could rise higher.

On Monday, Lloyd's announced that war-risk insurance covering a ship's hull and machinery—but not cargo, which is insured separately and negotiated on an individual basis—was going up to 3 percent of the vessel's insured value.

The increase was the third this week. Before May 8, the rate for ships entering the war-risk zone had been 1 percent. Rates elsewhere in the gulf, away from the zone, also jumped, from 0.075 percent to 0.25 percent.

The widening attacks in the gulf pushed the spot oil market sharply higher, at least temporarily. The price for Britain's North Sea Brent, Europe's most widely traded crude, jumped briefly from $29.75 a barrel yesterday to $30.70 today, its highest levels since last September. Spot prices dropped from their peaks later today, but still remained above previous levels.

Oil specialists here said the increase was not a result of any shortage and that it appeared mostly to be a "nervous reaction" based on "anxiety over the increased tensions." Nevertheless, they said the implications for the supply of oil were not clear.

Here in London, members of the Merchant Navy Officers Association and the General Council of British Shipping met through the day "to consider under what circumstances they might sail into the gulf," one specialist said. "I think we will start seeing decisions in a day or two and that will tell us if there will be a shortage of ships."

The Japanese, he pointed out, for some time now have been reluctant to allow their vessels into gulf waters "and I think this is going to widen to other countries, and possibly to be major oil companies. At least they are thinking about it."

At least 22 supertankers reportedly are anchored just outside the Strait of Hormuz, unwilling to enter it, although several have been there for some time, waiting for prices on the world market to rise.

(Washington Post staff writer Dale Russakoff reported from Washington:)

Industry analysts cautioned that moves by major oil companies to cease sending their tankers into the northern part of the gulf would not prohibit movement of chartered vessels into the zone where oil tankers have come under increasing attack. But they said prolonged disruptions could have serious repercussions for world prices.

Mobil's ban covers ports north of the Saudi oil export terminal of Ras Tanurah, the largest in the gulf. Mobil officials said they imposed the travel restrictions on May 2, "based on our assessment of the situation," well before today's attack on the Saudi tanker, in which Mobil owned a minority share.

Standard Oil of California and Exxon Corp. said they are monitoring the situation closely. British Petroleum and Standard Oil are not scheduled to send fleets into the northern gulf until later this month. Exxon would not confirm a report that it had also cut shipments north of Ras Tanurah.

"For the time being, we are continuing to operate in the gulf," a spokesman said.

Mobil would not say how much of its oil would be affected by the decision to stay out of Kuwaiti ports.

[From the Wall Street Journal, May 17, 1984]

ATTACK ON SAUDI TANKER NEAR OIL FIELDS SPARKS FEARS OF A BROADER WAR

(By David Ignatius and Gerald F. Seib)

WASHINGTON.—The Iran-Iraq war is moving dangerously close to Saudi Arabia's oil fields—raising the risk of a wider war in the Persian Gulf that could trigger U.S. military involvement.

Fears that the war will escalate increased yesterday among U.S. officials and oil-industry executives after an Iranian fighter jet attacked a large Saudi oil tanker. The vessel, the Yanbu Pride, was just 35 miles off the Saudi cost and near the kingdom's major oil-loading port at Ras Tanura. Yesterday's attack followed Iranian raids earlier this week on two Kuwaiti tankers—and previous raids by Iraqi planes on tankers using Iranian oil facilities.

Though the Iranian attacks haven't yet halted oil shipping in the gulf, U.S. officials are sounding alarm bells. "The attacks on international shipping in the Persian Gulf represent a dangerous escalation of the Iran-Iraq war with a growing threat of freedom of navigation," says State Department spokesman John Hughes.

For U.S. officials, this week's Iranian raids are starting to look like a nightmare come true. One senior administration official says he believes the Iranians have adopted a "tit-for-tat strategy" in response to Iraqi raids on Iranian oil traffic. Another senior official warns: "The Iranians will continue to escalate their military actions (against the Saudis and Kuwaitis) . . . until they're stopped" by military force.

READY TO HELP

The latest Iranian attacks apparently have frightened Saudi Arabia as well. The Saudis, who have been implacably opposed to any U.S. intervention, now are understood to be leaning toward acceptance of U.S., British and French escorts in international waters, of tankers serving gulf oil ports. The three countries already have ships in and around the gulf. And, according to a senior U.S. official, if the Saudis request American military help, the U.S. is ready to send a squadron of interceptor aircraft and air-defense ships into the gulf to shoot down attacking Iranian planes.

The Saudis, who aren't noted for taking decisive action in crises, haven't yet asked for U.S. help. The oil kingdom is expected to decide its strategy for responding to the Iranian attacks at an emergency meeting today at the Gulf Cooperation Council, a Saudi-dominated alliance of Persian Gulf oil states.

President Reagan has pledged that the U.S. won't allow Iran to close the Strait of Hormuz, the narrow waterway at the entrance to the gulf. Administration officials say privately that the U.S. is also prepared to use its military power to maintain freedom of navigation in the gulf itself, but that it will do so only in coordination with European and gulf allies.

The Iranians don't show any sign of backing down. The speaker of Iran's Parliament, Ali Akbar Hashemi Rafsanjani, warned yesterday that Iran's attacks on gulf shipping will continue until Iraq stops attacking Iranian oil traffic. "Either the Persian Gulf will be safe for all or for no one," Mr. Rafsanjani said in a statement released by the official Iranian news agency.

Despite oil-market jitters, tanker traffic still is moving in the gulf. But at least one major oil company—Standard Oil Co. of California—was debating yesterday whether to send a tanker into the area next week. Mobil Oil Corp. already had instructed its tankers to stay clear of the trouble area in the gulf. Lawrence Goldstein, senior vice president of the Petroleum Industry Research Foundations, says there is reason to be "very, very nervous about what's going on in the gulf."

DANGEROUS NEW PHASE

After nearly four years of fighting, the Iraq-Iran war appears to have entered a dangerous new phase. For the first time, both exhausted combatants seem determined to raise the stakes in the gulf war so high that Western powers such as the U.S. will be forced to try to find some way to end the conflict.

What makes the latest attacks so ominous is that they come from Iran, not Iraq. Because Iraq is an Arab nation, Saudi Arabia and other Arab oil producers in the gulf have never feared that Iraq would escalate from attacking tankers to assaulting Arab oil facilities. But the Saudis and other oil sheikdoms in the gulf are frightened that Iran may now extend the war by striking at major Arab oil facilities.

Apparently Lloyd's, the big London insurance exchange, is fearful too. Underwriters at Lloyd's met yesterday and reportedly decided to again raise rates on tankers servicing Saudi Arabia. Although Lloyd's won't confirm these reports from sources close to the Saudis, Zaki Yamani, the Saudi oil minister, is flying to London today to discuss Lloyd's action. Premiums already have gone up 50 percent for vessels stopping at Kharg Island, Iran's major oil port, and premiums have tripled since Monday for vessels in other parts of the gulf.

Because of the continuing oil glut, the attacks on gulf shipping haven't produced any price explosion. Futures prices went up sharply yesterday morning after the first reports of the attack on the Saudi tanker, but the market calmed somewhat yesterday afternoon. In Europe, the spot market was

active, but less busy than the futures market.

The Persian Gulf, while less important as a source of oil than it was in the 1970s, still provides 20 percent of the noncommunist world's oil supplies. Europe and Japan depend far more on gulf shipments than the U.S., and they would face some difficult adjustments if gulf shipping lanes were closed.

William Brown, an oil analyst at Kidder Peabody & Co., says there always will be a shipper willing to go to the gulf, but it is getting a lot more expensive. He says the cost of shipping oil from the gulf to Europe has gone from about $1.08 a barrel on May 7 to about $2.90 now. This includes the shippers' higher insurance premiums and a "people premium," which is the extra money paid crews to risk their necks.

The wild card in Iran's deck is terrorism. A senior U.S. official says the Iranians "have been training people in seaborne terrorist operations," including the use of small boats to attack oil tankers. American officials also claim that the Iranians are training dissident Shiite Moslems from Bahrain, Saudi Arabia and other gulf states for subversion and sabotage missions.

The U.S. is confident that it can deal with any Iranian effort to close the Strait of Hormuz by mining or a naval blockade. The U.S. aircraft carrier Kitty Hawk and five support ships are currently just outside the strait, and mine sweepers could be moved to the area quickly. A senior U.S. official says he doubts that the Iranians will tangle with these forces.

Instead, Iran's strategy seems to be to attack the weak links in the gulf—Saudi Arabia and Kuwait, Iraq's main financial backers—in an effort to choke their oil exports. But this strategy risks provoking direct American intervention.

The Saudis would prefer to defend themselves without any more U.S. aid. They already have U.S. AWACS radar-surveillance planes, operated by American crews, that have carefully tracked this week's Iranian raids. The Saudis also have F-5 and F-15 fighters stationed near their gulf oil fields, and U.S. sources say the Saudis scrambled several fighters yesterday after an AWACS plane spotted the Iranian attacker.

But U.S. officials believe that if the Iranians escalate their attacks, the Saudis will need direct American assistance. The U.S. is prepared to intervene—with four combat ships in the Persian Gulf and more ships and planes ready to move to the gulf on short notice—but officials say the U.S. won't get involved unless it is asked to do so. "They (the Saudis) have to ask for our help," says one senior official.

American officials began making contingency plans months ago to deal with the sort of crisis that is developing now. The plans call for U.S. British and French warships to escort tankers through the gulf, and for the U.S. to move warplanes to Saudi Arabia or Bahrain. But when an American team headed by assistant Secretary of State Richard Murphy visited Saudi Arabia last month to negotiate details about U.S. access to Saudi bases in the event of a crisis, they didn't make any headway.

U.S. government officials seemed more concerned about the Iranian attacks yesterday than were oil executives. That's partly because the Reagan administration—smarting over recent reversals in the Middle East—is determined to take a strong stand against any Iranian threat to oil shipments.

Some U.S. officials are convinced that the Iranians can only be contained through military force. "Passive strategies aren't enough," says one administration official.

Perhaps the best hope for limiting disruption in the gulf lies in the weaknesses of Iran's military. Iran's arsenal of weapons, acquired largely from the U.S. before the Ayatollah Khomeini took power, has deteriorated during the course of its four-year war with Iraq.

U.S. officials estimate that Iran may have 30 to 50 combat aircraft still capable of flying. And some Pentagon analysts think Iran may lack truly effective air-to-sea missiles. The attacks on tankers so far appear to have been carried out by F-4s, generally equipped with Sidewinder or Sparrow missiles. Those weapons are designed mostly for air-to-air combat, rather than for taking out ships, defense officials said. U.S. officials noted that the tanker hit yesterday by two missiles remained afloat after the strike.

Mr. BYRD. Mr. President, I yield to the Senator from Wisconsin (Mr. PROXMIRE) whatever time I have remaining.

HOW TO REDUCE NUCLEAR AND CONVENTIONAL WEAPONS COSTS

Mr. PROXMIRE. Mr. President, why did the Congress some 40 years ago decide to combine all of our military departments in the Defense Department? Obviously the Congress wanted one coordinated military effort. It recognized that throughout our history the Navy, the Army and, more recently, the Air Force had competed wastefully for missions, for jurisdiction, for power, and especially for funds. The Congress handed the new Secretary of Defense one preeminent goal: to pull the different branches of our military establishment together for the single purpose of providing the military security we need at the most economical cost. No one expects a Secretary of Defense to smother all interservice rivalries. He cannot. If he could, he should not. Those rivalries are natural, predictable, and, within limit, they can be constructive. Unfortunately, however, interservice rivalries can also be immensely expensive. This is especially true if the Secretary of Defense views his prime obligations as representing the services. If the Secretary strives to keep the Army, the Navy, and the Air Force happy, the taxpayer suffers and so does the national defense.

Here is why the most obvious and most universally acclaimed wasteland in our wasteful Federal Government today is the Defense Department. In an editorial on May 15, the New York Times describes the Defense Department as groaning with duplicative weapons. Why? Because all three services insist on fighting for a share of every program. Everybody wants to get into the act. As the New York Times points out:

> The Air Force possesses an efficient antitank weapon, the A-10 close support plane. But the Army insists on trying to duplicate the A-10's role with its Apache helicopter.

The Apache cannot do the job. But the Air Force will not let the Army build fixed wing planes.

But duplication is not confined to each service having its own exclusive weapons system. The Air Force works on five different systems for a single purpose, to penetrate Soviet airspace: a new version of the B-52, two kinds of cruise missiles, the B-1B, and the Stealth bomber. The Times highlights these other duplications:

The Air Force's MX missile is designed and will be produced to destroy Soviet MX missile silos. The Navy's D-5 will have the accuracy and power to do precisely the same thing. The Army's Patriot missile comes on to shoot down Soviet bombers. And what does the Air Force's F-16 fighter do? Exactly the same thing.

Even experts in the administration itself recognize how wasteful the Defense Department has become. The Director of the Office of Management and Budget, David Stockman, has called the Defense Department a "swamp of waste." William Kauffman, a defense professional has estimated that we could reduce the Defense budget by $45 billion a year without any loss whatsoever in military security.

What Kauffman is talking about is not what the Congress had done for many years and appears on the verge of doing once again this year: the old stretchout. In that futile exercise we keep every last weapon system alive. We offend no one, no Senator or Congressman whose State is a big producer or supplier for the weapon system, no heavily contributing lobbyist representing a defense contractor. We just stretch the program out. Instead of killing the MX or the B-1B, we keep it alive. We "save" money by stretching out procurement over a longer time. We build 5 MX's instead of 21 in the coming year but we do not cut the President's overall requested long-term objective of 100. We stretch out by 3 or 4 years the B-1B acquisition. All this postponement and stretchout to make the 1985 budget look good has two counterproductive effects. First, we do not get the weapon system in a timely way. We do not get it when we need it. Second, by the time we do get the weapon system, because of inflation and other stretchout costs, we have to spend far more than was originally intended or we get far less than we need.

So what do we do to end these wasteful practices? How do we save money and provide the strong defense we require? The New York Times says: "Mock surgery won't defeat the private agendas that have so swollen the defense budget." But a real amputation will be needed sooner or later. Mr.

President, amputation is the right word. If we amputate the MX and the B-1B, and slap a tough and unyielding cap on the price we are willing to pay per copy for tanks and fighter planes, we can begin to make some real progress in bringing the cost of our national defense under control and increasing its efficiency.

But continued progress will require three things of a Secretary of Defense. First, he must bring the kind of tough discipline into his Department that will eliminate duplication. Second, he must ruthlessly cut off procurement programs that cost more than they are worth. Third, he must stand up to the sure and certain pressure he can expect from defense contractors, and from the Army, Navy, and Air Force's powerful bureaucracies buttressed by the Members of Congress who control the purse strings and will fight like tigers for procurement programs that provide big economic benefits to their States and districts.

Mr. President, I ask unanimous consent that the New York Times editorial of May 15, to which I have referred, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATIONAL DEFENSE, PRIVATE AGENDAS

Congress intends to cut the defense budget, and the Secretary of Defense could surely help by laying out a rational list of priorities. But he won't. Mr. Weinberger insists, cutely, that every item is equally essential. He intends that Congress seek savings by slowing the general pace of purchases, so that his program will be merely delayed, with nothing eliminated.

Defense depends a lot on perspective, and Mr. Weinberger wants the Pentagon's budget to be growing visibly. That's not a bad strategy, except that it's ruining the economy, the health of which is the true bedrock of security. To hold back on defense spending while preserving real strength requires reshaping the Administration's procurement program decisively.

That's easy, in theory, because the program groans with duplicative weapons. Mr. Weinberger has just stapled together the three services' wishlists without imposing any discipline or coherence on them.

Thus the Air Force is working on as many as five different systems to penetrate Soviet airspace—an upgrade B-52, two kinds of cruise missile, the B-1B and the Stealth bomber. That's excessive.

The Air Force possesses an efficient antitank weapon, the A-10 close support plane. But the Army insists on trying to duplicate the A-10's role with its Apache helicopter. Helicopters are fragile—9 percent of those used in the invasion of Grenada were lost in three days against minimal opposition. Why, then, does the Army rely on them so heavily? One reason is that the Air Force won't let the Army build fixed-wing planes. And you thought war was only for adults.

The Air Force's MX missile, capable of destroying Soviet missile silos, competes with the D5 missile the Navy plans to install on its Trident submarines. The Army's Patriot missile, for shooting down Soviet bombers, usurps the job of the Air Force's F-16 fighters. Each service prepares for its own war.

David Stockman, director of the Administration's budget office, has called the Defense Department a "swamp of waste." Why can no one drain it? Because unless there is rigor and vigor at the top, defense policy is largely set by private agendas. Each service and its favored contractors decide on what weapons they want and lobby for them vigorously within the Pentagon and in Congress.

William Kaufmann, the defense analyst, calculates that spending could be reduced from $305 billion to $260 billion without any loss of military capability. Last month, the House Armed Services Committee got out its rubber knife again and took $20 billion off the Pentagon's request—not by cutting weapons but by stretching out the rate of purchases. Mr. Weinberger then told the Senate he could support lesser stretchouts in the same programs, for a reduction of $14 billion.

This mock surgery won't defeat the private agendas that have so swollen the defense budget. But a real amputation will be needed sooner or later. If Congress buys all the new weapons now being rushed toward production, it will face crushing bills in future years. Come that sure crisis, defense will be cut back as harmfully and indiscriminately as the White House is now building it up.

SUFFOCATING THE HUMAN RIGHTS OF THE AHMADI MUSLIMS IN PAKISTAN

Mr. PROXMIRE. Mr. President, the Washington Post on May 17, 1984, ran a lengthy article concerning flagrant abuses of human rights of the Ahmadi Muslim community in Pakistan.

There are about ten million Ahmadi Muslims worldwide in more than 100 countries, with an estimated four million in Pakistan, home of the international center of their community.

The Ahmadi Muslim community in Pakistan has in the past been subject to persecution, but has always responded with strong self-discipline. However, a recent directive issued by the Government of Pakistan prohibits Ahmadi Muslims in Pakistan from: Calling themselves Muslims; designating their places of worship as "mosques"; calling "Azan," the Muslim traditional call to prayer; and using any "Islamic terminology" in their literature or other forms of expression.

Violation of any of these four points could result in a 3-year prison sentence and a fine.

The new decree, it is feared, would unleash a new wave of persecutions and atrocities against the Ahmadi Muslim community in Pakistan. In consequence of the persistent provocation and exhortation of the fanatics, seemingly unchecked by the Government, there have been numerous instances in which Ahmadi Muslims have been killed for no reasons.

This apparent governmental indifference to such terrible crimes obviously encourages lawlessness, killings, and trampling of human rights.

According to the Washington Post article:

The Ahmadis, who have a disproportionately hig literacy rate and traditionally have been influential in the civil service and armed forces, have refused to accept the new ordinance but have avoided confrontations.

They have stopped using the call to prayer, saying that as long as they can continue to pray inside the mosques, the Azan ritual is not necessary. Since the ordinance was adopted, they have also ended open evangelical activities in Pakistan and have found substitute words to denote their mosques.

It is most disconcerting that the peace and stability of Pakistan which is facing many economic and political problems, including the presence of thousands of foreign soldiers across the borders in Afghanistan, should be threatened at this juncture by the outbreak of religious frenzy against a patriotic and law-abiding section of its population.

In the hearts of people worldwide, the United States of America has a long and proud history of defending religious freedom and of upholding human rights. We, however, cannot always be proud of our actions in defending human rights because we continue to fail to make use of all the tools available to denounce these atrocities.

One of these very important and much-needed tools which we have failed to grasp is the Genocide Convention. This treaty would make the act of genocide an internationally condemned crime. Genocide, simply defined, is the attempt to deny the right to live through indiscriminate killings of a national, ethnic, racial, or religious group.

Ratification of the Genocide Convention would reiterate our historical commitment of preserving basic international human rights for the people of this world, and would strengthen our hand in showing the Government of Pakistan our strong concern for the oppressed lives of the Ahmadi Muslims.

Let us continue to be proud to be Americans and champions of human rights by backing our pledges with actions—by ratifying the Genocide Convention this year.

Mr. President, I yield the floor and once again thank the Democratic leader.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. BAKER. Mr. President, I meant to include this in my request previously but perhaps the Senate will forgive me because it is early in the morning.

Mr. President, I ask unanimous consent that the limitation on time for Senators to speak during morning business shall not apply against the two leaders.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FORTUNE MAGAZINE ACID RAIN ARTICLE

Mr. BYRD. Mr. President, the May 28 issue of Fortune magazine contains an article on acid rain by William M. Brown of the Hudson Institute. Mr. Brown questions some of the popular views regarding the environmental consequences of the phenomenon known as acid rain. As Mr. Brown puts it:

The standard scientific view of acid rain's effects may simply be wrong. It is too soon to state categorically that it's wrong, but some recent evidence suggests that we have at least good reason to pause.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAYBE ACID RAIN ISN'T THE VILLAIN

(By William M. Brown)

The controversy over acid rain has political, economic, and scientific dimensions, but in a presidential election year it was doubtless inevitable that national politics would drive the debate. So most of the disagreements we're reading about these days relate to federal policy. Why is President Reagan resisting an all-out attack on acid rain? (His latest budget proposes only modest amounts for further study of the problem.) Why is William Ruckelshaus, head of the Environmental Protection Agency, defending the President instead of pushing his own more aggressive program to control acid rain? Which of the numerous bills floating around Congress has a chance of passage? How should we deal with the maddening difficulty that the costs associated with many of the bills generally fall most heavily on Midwestern states (whose industry would have to spend huge sums to reduce emissions of sulfur dioxide) while the expected benefits generally accrue to other states, mostly in the East (whose lakes and forests would be less exposed to the acidified rain)?

The emphasis on the politics of the issue is especially unfortunate because the big news may be scientific. The standard scientific view of acid rain's effects may simply be wrong. It is too soon to state categorically that it's wrong, but some recent evidence suggests that we have at least good reason to pause. In a study of acid rain done at the Hudson Institute, my colleagues and I calculated that it could eventually cost Americans about $100 billion in today's dollars to achieve a major reduction in sulfur dioxide emissions. Before committing to any program of this magnitude, we should want to be more certain that acid rain is in fact a major threat to the country's environment.

The standard scientific view is easy enough to understand, intuitively plausible, and manifestly true—up to a point. It tells us that the Midwestern factories are spewing tons of sulfur dioxide into the atmosphere and that some of these and other pollutants combine with water vapor, become oxidized and acidic, are borne east by the prevailing winds, and finally rain down on the lakes and forests of New England, the mid-Atlantic states, and Canada. This is the part that's clearly true. It is based on compelling scientific evidence, much of it marshaled in a 1981 study performed by the National Academy of Sciences.

Since that study, however, we have been learning more about how rainwater filters into lakes and streams. Recent research by soil scientists, especially Edward C. Krug and Charles R. Frink of the Connecticut Agricultural Experiment Station, suggests that the portrait drawn in the National Academy study is incomplete. This is also the conclusion of the Hudson Institute study, which was finished last November. (Its title: *A Perspective on Current Acid Rain Issues.*) In it we reached conclusions substantially different from those of other investigations.

It is not surprising that there should be sharp disagreements about acid rain. The rain has been studied only for about six years, and scientists working in the field have been raising questions about acidified lakes faster than researchers can provide answers. Thus the view propounded in this article—in most respects a minority view—claims only to be a provocative hypothesis, not a proven reality.

Nevertheless, we now have grounds for suspecting that the following propositions are true: First, the pollutants in the rain are only a minor contributor to the high-level acidity found in some Eastern lakes and streams. Second, this acidity, which is indeed hostile to the existence of game fish and other aquatic creatures, is mostly natural rather than industrial in origin. Third, the popular notion that acid rain is threatening forests in the Eastern U.S., and indeed all across the earth's Temperate Zone, is based less on substance than upon ill-informed conjecture and is probably wrong.

Obviously, the perspective afforded by these propositions has different policy implications from the National Academy study (which recommended a major reduction in sulfur dioxide emissions). The new perspective would not deny that industrial emissions should continue to be controlled in a reasonable manner, as required by the Clean Air Act. But it also tells us to focus on the possibility that the threats from these emissions may turn out to be largely illusory.

The most important argument used to justify a heavy spending war on acid rain is that it is entering our aquatic systems and threatening their populations. It has been shown, for example, that over 200 lakes in New York's Adirondack Mountains, along with the streams that feed them, are now devoid of fish, or at least of trout and other desirable game fish. Since the decline of the fish populations clearly derives from acidified water, many scientists have naturally come to view the problem somewhat as follows: (a) acidified precipitation falls onto the watershed, (b) it then runs into the streams and lakes, and (c) it kills the fish—at least, it does so unless the lake waters contain enough alkalies to neutralize the acid.

It is also natural for many scientists to fear that this process could eventually spread far beyond Adirondack lakes and, ultimately, produce a world-wide ecological disaster. If any such threat seemed genuine, then a $100-billion program to forestall it would clearly not be excessive in my judgment. However, the underlying reality appears at once more complex and less threatening.

Rainfall, whether acidic or not, gets into our aquatic systems by circuitous processes. Except for the very small fraction of rain that falls directly onto lakes, the precipitation that ends up in them passes through a series of filters in the watershed. Each of these filters affects the water's acidity in its own way. At least one of these natural filters, the so-called mor humus, can put far more acid into the rainwater than could any anticipated amount of industrial pollution. Indeed this humus may contain as much as 1,000 times the acid that falls from the sky in a year. Regardless of its initial acidity or alkalinity, water percolating through mor humus emerges from it far more acidic than acid rain. In short, the forests of the Temperate Zones—especially coniferous forests—are natural acid creators.

These forests would long since have killed off the desirable games fish in most of the lakes and streams throughout the Temperate Zone but for another natural phenomenon. Other filters through which the rainwater passes are alkaline—that is, acid neutralizing. These deeper filters, mostly porous layers of mineral rock, are often several feet thick and generally contain substantial amounts of limestone and others alkaline substances. They not only neutralize the acid in water seeping into them but often generate natural buffers, such as alkaline bicarbonates, that neutralize any acids that might enter lakes from other sources—for example, from adajcent bogs or from the acid rain that falls directly onto the lakes.

However, these layers of acid-neutralizing rock are not found everywhere. In some parts of the Adirondacks and in a few other areas of the U.S., the deeper soil layers lack enough limestone or other alkaline minerals to neutralize the acidic water emerging from the humus above them. Might this lack explain all by itself why the fish of some Adirondack lakes have been in trouble? It might—except for one bothersome detail. The geology of the region hasn't changed lately, and yet the higher acidity levels of some lakes, and the related problems of their fish populations, are relatively recent events.

The possibility that our acidified lakes got that way naturally is hard for people to accept precisely because of this logical difficulty. If some of the fish are now in a more hostile environment than they were in earlier decades then we must look to something new in the environment. Sulfur dioxide from heavy industry seems to be just the kind of suspect that makes sense. In fact, however, these emissions are not the only change in the forest environment. Another new feature is Smokey the Bear. Or, less metaphorically, the huge success of the United States in preventing forest fires during the past half-century or so.

Forest fires can have a tremendous impact on the acidity of adjacent lakes. The fires can totally destroy the acid-producing humus, replacing it with a layer of alkaline ash. When that happens, a naturally acidified lake within the burned area may become neutralized and temporarily—meaning for several decades—more hospitable to fish. Eventually, of course, the forest would be expected to regrow, the alkaline ash left by the fire would be used up, the acidic humus layer would be regenerated, and the fish would be in trouble again.

The possibility that fire prevention accounts for a major portion of the lakes' acidity still have to be viewed as just that—a possibility. It's another of the many fascinating hypotheses that are still too new to have been tested properly by field researchers undertaking controlled experiments. Meanwhile, all we know for sure is that the fires are far less prevalent than they once were.

Until early in this century they were normal all through the earth's temperate zone. Our ancestors in America, including the Pilgrims, set them deliberately and routinely because they were the simplest way to clear sizable tracts of land. Later, during the 18th and 19th centuries, rough-and-ready logging practices created large areas that were susceptible to forest fires in dry spells. There is essentially no virgin forest in the Eastern U.S. today—only regrown forest.

So it really is possible that one new element in the forest and lake environment of the East is the absence of forest fires. It is clear, in any case, that the forests of the Northeast have expanded remarkably during the past half-century. And, of course, their growth has been accompanied by sizable increases in the amount of humus and natural acidity in the soil.

If this is indeed the process by which the lakes have been acidified and the fish killed, it would appear to follow that the outlook for trout fishing is much less bleak. We can plausibly expect industrialization to keep spreading on the planet, so the acid rain hypothesis predicts that more and more lakes and streams will get in trouble. The forest fire hypothesis predicts that relatively few lakes—those lacking the natural acid neutralizers—will be troubled. It is worth recalling that the acidified lakes in what New York State calls the Adirondack Ecological Zone constitute only a minority (19%, to be exact) of the lakes in the area and represent even less of the lakes' total surface area (4%) and volume (2%).

What about the widespread belief that acid rain represents a threat to the future of the forests? The evidence for this view turns out to be elusive. It is true, to be sure, that we occasionally find damage to clumps of trees in forests and often have no ready explanation of the damage. But it is not established that such damage is new, or growing, or, indeed, that similar damage couldn't have been observed a million years ago. Acid rain is simply not a likely suspect. The acid in Eastern rainfall is usually diluted to about four parts per million or less. Why should we believe that this relatively weak dose is the likely cause of the signs of stress observed in a few forest areas? If it is the cause, how do we explain that vast areas of Temperate Zone forest subject to similar precipitation have not been damaged?

Finally, why are so few forest ecologists, either in the U.S. or Europe, supporting the concept that acid rain is the villain identified in the media? Some of these scientists have publicly scorned the concept. Here, for example, is a summary statement on the subject by the respected British ecologist Kenneth Mellanby, writing last year in Nature: "Reports in the press and on television on the ill effects of acid rain have implied widespread damage to trees, directly caused by sulfur output from industry. But by the end of a recent international meeting . . . at which no less than 50 papers were delivered on the topic of acid precipitation, it was apparent that these simplistic views were neither accurate nor supported by scientific investigation."

All of which suggests that the Administration's much criticized current proposal on acid rain, which is to go slow and spend relatively little—the fiscal 1985 budget includes $55.5 million for study of the problem—makes a lot of sense. I certainly agree that less sulfur dioxide emissions are better than more. But less spending is also better than more, especially when there's a chance we're spending to solve the wrong problem. Before doing any spending, we need to start thinking of acid rain as a scientific rather than a political issue.

PANJSHIR VALLEY UPDATE

Mr. BYRD. Mr. President, I would like to take a moment to bring my colleagues up to date on events in the Panjshir Valley in Afghanistan. About April 20, the Soviets began a major offensive north of the capital of Kabul in their seventh attempt to defeat the resistance forces under the command of Ahman Shah Massoud. As I reported to the Senate on May 3, that offensive involved the use of Soviet heavy bombers in brutal attacks on civilian targets.

Despite initial reports that the Soviets had destroyed the Massoud forces, we now understand that the Soviets have been unable to engage the Afghan freedom fighters in a major battle. In fact, Afghan resistance forces were able to warn civilians in the area, and have managed to retreat to safety. The Afghan resistance forces themselves have melted into the inner valleys and mountains surrounding the Soviet troops. They wait and watch; picking the moment of attack.

Perhaps the best unclassified account of events in Afghanistan comes to us in a recent report from the Far Eastern Economic Review. That report includes mention of statements issued by every political leader of the various factions of the Afghan resistance in the wake of the Soviet offensive in the Panjshir. In response to the Soviet assault, these diverse groups have committed to fighting together to take a heavy toll on the Soviets elsewhere in the country while the main thrust of Soviet military power is concentrated in the area north of Kabul. As the article says, "The Soviet action in the Panjshir may well be doing more to unify the resistance in Afghanistan than any one Afghan could ever do."

Mr. President, I ask unanimous consent that the article from the May 10 issue of the Far Eastern Economic Review entitled "Panjshir Movement" be printed in the RECORD at this point, along with an article from the Christian Science Monitor of May 10, which reflects the desperation of Soviet leadership over the Afghan question.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Far Eastern Economic Review, May 10, 1984]

PANJSHIR MOVEMENT

(By Romey Fullerton in Islamabad)

On 20 April, according to United States officials in Washington, up to 200 Tu16 high-altitude bombers left airbases in Soviet Central Asia. Their target: the narrow Panjshir Valley, an inhospitable wasteland in north-central Afghanistan.

With that massive air attack, the Soviets launched their expected offensive against a strategic resistance stronghold which lies about 80 kms north of Kabul and which threatens the main highway to the Soviet border. The current campaign is Moscow's seventh heavy assault on the valley since its armed forces entered Afghanistan in December 1979.

Reliable details of fighting in Afghanistan are always slow to emerge. But a combination of reports from the Pentagon and State Department in Washington, other Western diplomatic reports and news from sources in the Afghan capital provides a clear picture of events in the first week of the offensive. After three days of continuous high-altitude bombing by the Tu16s, tanks, armoured vehicles and artillery started, armoured vehicles and artillery started moving up the valley.

A State Department release at the end of the first week described the force as "contingents of Soviet airborne, motorised rifle division and security forces, token Afghan army infantry and commando units, and Soviet and Afghan army artillery units. "The release said helicopter gunships and ground-attack jet fighters from bases inside Afghanistan were also being used in support. The progress of the units up the valley, according to the Pentagon, was remarkably slow—approximately 10 kms a day.

A number of sources in Kabul say the Panjshir resistance fighter, led by Ahmad Shah Massoud, are causing rock falls with explosives to slow the approach of Soviet vehicles. In earlier reports, Massoud had mentioned planting mines on the road in preparation for the attack. One high-ranking Pakistani official whose family originates from Afghanistan explained the problems the terrain poses for the Soviet. "There is a single, narrowed road leading up the valley, with a steep mountain on one side and a river on the other: it makes the Soviets slow and vulnerable."

US officials have said paratroopers were landed in the valley. But one Western military observer says he thought they were more likely to be helicopter-borne troops. "If you land paratroopers they become dispersed and it takes time for them to reassemble. Heli-borne troops are ready for action straight away. We believe the Soviets landed heli-borne troops halfway up the valley and that they probably headed back to meet the advancing tanks hoping to trap the resistance. But that does not allow for the fact that the resistance will simply disappear up the mountainside."

As in earlier attacks on the Panjshir, Massoud and his resistance fighters appear to be simply melting away into their hideouts. Massoud is not being trapped into meeting a conventional armoured force head on. Although totals differ, estimates put the total of Soviet and Afghan troops at 12-20,000 and the number of resistance fighters at 5-10,000. The State Department assessment says the guerrillas are following a strategy of allowing the Soviet and regime forces to

spread out, withdrawing to the high ground and to the many caves in the valley—thereby luring small units into mined areas and waiting to begin harassment of small garrisons.

Why then have the Soviets committed their forces to an attack on the Panjshir? One Western military analyst commented: "In conventional warfare an army's objective is to hold ground, but the Soviets must have had enough experience by now to realise this is not a conventional war. They will want to destroy the guerrilla forces, to bring them to battle." A Western diplomat added: "The Soviets could probably occupy the valley but what would they achieve? It is expensive. The Panjshir in itself is not that important and they would stretch their supply lines which would be very vulnerable to resistance attack."

In interviews in the past two years, Massoud has commented on the vulnerability of the Panjshir Valley to major attack. From March 1983 he entered into a highly controversial year-long negotiated ceasefire with the Soviets. He used that year not only to strengthen the defences in the valley but to expand his base of operations beyond the Panjshir. A spokesman and close associate of Massoud explained last year: "We now have safe valley retreats nearby strategic Soviet targets. We no longer need to rely on the Panjshir."

If the Soviet and Afghan forces seem to be committed to shadow-boxing in the Panjshir militarily, commentators agree that the Soviet-backed regime would gain a propaganda victory if the security forces succeeded in occupying the valley. The Panjshir has become a symbol for many of Afghan resistance to the Soviet occupation. Loss of the valley would be a psychological blow for the resistance.

It is probably for this reason rather than for military reasons that the Soviets have launched such a heavy attack. Certainly the government of President Babrak Karmal was quick to try to gain psychological advantage from the offensive. On the first day of the ground attack, when US officials say the ground forces were only 10 kms into the mouth of the valley, state-run Kabul Radio announced that the valley had fallen. As in the early days of almost every other offensive against the Panjshir, Massoud has been reported captured or killed.

But the benefits of the offensive are not all on the Soviet side. On hearing of the Soviets' massive offensive against the Panjshir, the political leader of every major resistance party independently issued a statement calling on guerrillas all over Afghanistan to rise up, to start actions in their own areas to distract the Soviets' attention from the Panjshir. The Soviet action in the Panjshir may well be doing more to unify the resistance in Afghanistan than any one Afghan could ever do.

[From the Christian Science Monitor, May 10, 1984]

BIG SOVIET DRIVE IN AFGHANISTAN REFLECTS TOUGHER CHERNENKO LINE

SCALE AND TACTICS IN PANJSHIR VALLEY ARE UNPRECEDENTED IN 4½ YEAR WAR

(By Mary Ann Weaver)

Soviet ground forces, assisted by airborne troops, have pushed well over halfway through Afghanistan's strategic Panjshir Valley, Western diplomatic sources confirmed this week.

They conceded, however, that they were receiving highly contradictory accounts on whether additional airborne reinforcements had arrived and secured the crucial Anjuman Pass. Reports from Afghan resistance sources in Peshawar, Pakistan, over the weekend claimed the Soviets had blocked the northern route into the valley by securing the northeastern pass.

According to the Western sources, the Soviets, in their largest offensive in the 4½-year-old war, appear intent on encircling the valley. It is the stronghold of one of Afghanistan's most renowned guerrilla fighters, Ahmed Shah Massoud—the only resistance leader with whom the Soviets ever negotiated. Last January, the two sides entered into a year-long truce.

The scope and intensity of the Soviets' Panjshir offensive and the Soviets' dogged effort to capture Mr. Massoud, add credence to reports of a decided hardening in the Kremlin's Afghanistan line since the accession of Konstantin Chernenko in February of this year.

Yuri Andropov had hinted he was interested in a negotiated solution to what some in the Kremlin have conceded was a vexing foreign war.

All indications from the Kremlin now, however, are that Mr. Chernenko is not.

"In short," said an Eastern diplomatic official, "Andropov gave high priority to the United Nations-sponsored talks. We've seen during the April visit of [the UN mediator, Diego] Cordovez, that Mr. Chernenko is not at all interested in a Soviet withdrawal . . . and he isn't because, despite the conventional wisdom that has coalesced the West, the new Soviet leadership does not believe that its Army is bogged down in Afghanistan. . . ."

"Time and resources are clearly on the Soviet side," he continued. "For a very limited investment, they have made significant geopolitical gains."

Mr. Massoud, a former engineering student—known to his followers as "the Panjshir lion," and to the Soviet Red Army as "the scarlet pimpernel,"—is now safely out of the valley, according to Western accounts. He left on April 18, three days before the beginning of the Soviets' newest drive.

Before he left, he instructed his 5,000 fighters not to engage the Soviets directly, but to break into pockets of resistance, sheltering in peripheral valleys and along the ridges of the precipitous Hindu Kush mountain range, which pose difficult physical obstacles for a Soviet pursuit.

According to one report, Mr. Massoud is meeting with other resistance leaders north of the valley and planning a series of attacks on the Salang Tunnel, a key supply and transport route between the Soviet Union and the Afghan capital, Kabul.

The new Kremlin thinking is said to center around the fact that the 110,000 to 120,000 Soviet troops shoring up the regime of Babrak Karmal can afford to sustain the 1,000 casualties that they have suffered each year. According to Soviet sources, only about 300 are actual combat deaths. The other deaths are attributed to hepatitis, local fevers, alcohol poisoning, and suicide.

Only a small percentage of the conscripts—as few as 15,000 to 20,000 according to one military attaché—are reportedly exposed to the full rigors of war. The others are said to be involved in "education and reorientation" programs, building new airstrips and roads, protecting vital Afghan Army installations and transport and communications sites.

The Soviet Air Force has taken over and expanded military air bases at Kandahar, Shindand, Farah, Kabul, Bagram, Jalalabad, and Herat. Their present air and ground deployment thus gives them the capability for an expeditious thrust into the Indian Ocean, Iran, and the Gulf.

But the lush Panjshir Valley has been a longtime irritant to the Soviet regime, and both the stronghold and symbol of the Afghan mujahideen.

Thus three separate Soviet armored columns are pushing through the valley—15,000 Soviet and 2,000 Afghan forces, along with 400 to 600 tanks. They are supported by unprecedented, high-altitude, saturation bombing raids. As many as 100 Soviet TU-16 Badger bombers and SU-24 Fencer fighters arrived in Afghanistan from the Soviet Union at the end of March. It is a scale and intensity of commitment never sanctioned by Mr. Andropov.

Casualties have been minimal, according to Western diplomatic reports, as virtually no civilians remain in the 70-mile-long valley. Contact between the advancing Soviet forces and the mujahideen has been limited to occasional hit-and-run raids by the resistance.

The Western officials quoted above have also discounted the veracity of Afghan resistance reports that the Soviets used chemical weapons as they have continued their advance, now into its third week.

"It's simply illogical," an official said, "when the valley's been evacuated, and there are virtually no inhabitants left."

According to an Eastern European source, the operation is taking longer than the Soviets had expected when they launched the offensive April 21. They are said, as during previous Panjshir campaigns, to be having difficulty in flushing the mujahideen out of their new deployments in side valleys and along the mountain ridge. Six earlier attempts to take the valley have failed.

The seeming Soviet reluctance to continue pursuing a carrot-and-stick approach in Afghanistan began to appear as early as the February funeral of Mr. Andropov.

Fearing that Pakistan's borders were increasingly vulnerable, and saddled with 3 million increasingly disruptive Afghan refugees. Pakistani President Muhammad Zia ul-Haq went to Moscow for the funeral. He was fully prepared to propose direct Pakistani-Soviet talks on Afghanistan to Mr. Chernenko, a move initiated earlier by the Islamabad government, but which the Kremlin had rebuffed.

There was no such opportunity. Despite two formal requests for an appointment, Mr. Chernenko pointedly ignored the Pakistani leader. Instead, Chernenko met with India's Indira Gandhi, Babrak Karmal, and a relatively unknown admiral from Bangladesh.

AWARD FOR AFGHANISTAN REPORTING

Mr. BYRD. Mr. President, last October I placed in the RECORD an excellent series of articles on the situation in Afghanistan. That series was the product of the daring behind-the-scenes reporting of William Branigin of the Washington Post. I have often called upon the press to do what can be done to shed light on the war in Afghanistan, but I appreciate that Soviet censorship and the refusal to allow reporters into the country represent for-

midable barriers to accurate news reporting.

Mr. Branigin traveled into occupied Afghanistan—right into the war zones—to bring us firsthand news that enriched our knowledge of events in that country. Had he been captured, he might have been taken for a spy and shot by the Soviets. He could have been killed at any time as he traveled with the courageous Afghan freedom fighters. Fortunately, he emerged safely with some excellent insights into the situation which he shared with all of us through his articles.

Mr. Branigin has received this year's award for distinguished service in foreign correspondence of the Society of Professional Journalists, Sigma Delta Chi, for his courage and the excellent reporting he has done. I want to add my congratulations to the many others he has received for this accomplishment. He may take great pride in this award. We all benefit from the risks he took.

Mr. President, I ask unanimous consent that a recent article from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO POST REPORTERS WIN AWARDS FOR FOREIGN CORRESPONDENCE

Dusko Doder, the Moscow bureau chief of the Washington Post, was named a winner of the Edward Weintal Prize for Diplomatic Reporting yesterday.

The award, of $5,000, was shared with Bernard Gwertzman, a Washington-based diplomatic correspondent of the New York Times. Weintal was a Newsweek reporter who died in 1973.

The awards, made annually to recognize and encourage distinguished journalism in the field of American foreign policy and diplomacy, were presented yesterday at Georgetown University's school of foreign service.

Doder, 46, has been the Post's correspondent in Moscow for more than three years. He has written extensively on United States-Soviet relations and on domestic Soviet politics, and he reported the first indication of the death of Soviet leader Yuri Andropov, the day before it was made public.

Earlier, William Branigin, the Southeast Asia correspondent of the Washington Post, was named as the winner of this year's award for Distinguished Service in Foreign Correspondence of the Society of Professional Journalists, Sigma Delta Chi.

Branigin, 31, was cited for a series based on a six-week trek in the Soviet war zone in Afghanistan, which judges said had "greatly illuminated our knowledge of that long-running conflict."

A $120 BILLION TRADE DEFICIT

Mr. EAGLETON. Mr. President, this year the United States will run an astronomical trade deficit of approximately $120 billion. The rule of thumb is that for every $1 billion of trade deficit, we lose 25,000 American jobs. Thus, this year's trade deficit will cost us 3 million jobs.

As far as free trade is concerned, the United States is just about the only open market left in the world.

Take automobiles as an example. This year we will let in 1,900,000 Japanese cars with nothing more than a miniscule 3-percent import duty. That is peanuts compared to what the rest of the world does.

The following countries impose import duties of more than 10 percent: Belgium, Canada, Great Britain, France, Italy, the Netherlands, the Philippines, Sweden, and West Germany.

The following have domestic content, rigid quotas, or restrictive agreements that assure the vast bulk of the cars sold in their countries are built in their countries: Argentina, Australia, Brazil, Chile, Colombia, India, Indonesia, Malaysia, Mexico, New Zealand, Portugal, South Africa, South Korea, Spain, and Venezuela.

How does Japan handle imports into its country? Some businessmen tell me it is like pushing a camel through the eye of a needle. If it is something the Japanese make or grow themselves, it is virtually no dice. The McDonalds hamburger people tried to bring in a carload of American beef for their chain: no dice. The orangegrowers of California want to ship in oranges: no dice.

Some farm groups in America are worried that Japan might retaliate against American soybeans, for example, if we were to enact a domestic content law. I think most of these threats of retaliation are 99.44 percent pure bluff. Japan has not retaliated against Brazil, Canada, Argentina, and Australia, all of whom ship vital agricultural commodities to Japan and all of whom are very restrictive on importing Japanese cars. The fact is, Japan is dependent on many of the products it imports and cannot afford to jeopardize its supply no matter what other disputes it may have.

A second factor weighing against retaliation is that Japan today enjoys a lopsided advantage in trade balance with the United States and most of the countries it deals with. It is Japan that has the most to lose from any trade battle and it is going to be the last country to risk it.

Japanese auto makers today enjoy an enormous cost advantage over U.S. manufacturers, estimated at about $2,000 per vehicle. In part this reflects lower labor cost in Japan, but even more significant is the tax subsidy provided by the Japanese Government for exported cars and the huge and growing dollar-yen imbalance.

Everyone in Congress likes to talk in terms of free trade. Perhaps historically, there was a day when such a concept had meaning. But no longer. We now live in the world of "free trade, but * * *."

With a $120 billion trade imbalance, with the loss of 3 million jobs, for the U.S. market to remain pristinely "open" while everyone else's market is closed up like a clam is a bit ridiculous. Free trade must also be fair trade. It must be a two-way street. Today, it is a one-way street leading into the United States. It is time we recognize international reality for what it is.

CONGRESSIONAL OVERSIGHT TO PROTECT THE RIGHTS OF WORKERS

Mr. HATCH. Mr. President, many of America's working men and women learned a long time ago that they could best protect their interests on their jobs if they joined together. The history of organized labor in this country is studded with accounts of hard times and poor working conditions made better through collective effort. Collective efforts worked well enough that Congress on many occasions enshrined in law the procedures used in collective bargaining, thereby enshrining many of the protections available to our working people.

These laws do not always work, however. The old saying is that eternal vigilance is the price of freedom, and that applies to many of the smaller parts of our free American system as well. The vigilance necessary to make sure America's laws work well is best practiced, I believe, by America's biggest official watchdog: Congress. For that reason the Labor and Human Resources Committee has conducted a series of watchdog hearings into a variety of topics. We have investigated several different situations involving the rights of working people and allegations that the rights of union members were unjustly abused. The committee's work has not always been well received, so the fact that the committee has stuck to the course is commendable. But looking back over 3 years of these watchdog hearings it becomes clear that our watchdogging, however received at the time, has produced benefits, particularly for the hardworking union members whose rights won vindication.

In 1982, the committee invited the Department of Labor up here to tell why the Department had been so slow in moving to seek reimbursement of $29 million plus interest of some $16 million that had been illegally loaned out of the pension funds of the Southern Nevada Culinary Workers Union. As we feared, there was not a good answer to that question. However, the Labor Department enforcers obtained a jury verdict requiring repayment of $35 million and almost $4 million in other repayments, subsequent to our committee hearings. The men and

women who belong to the Culinary Workers Union are the classic "little guys" in this story—they do not get big paychecks, they sometimes work just above the minimum wage, they do work that many others will not do, and they deserve to have a healthy pension fund. These people now have a court-certified right to get their millions back—a right I believe they would not have today but for the vigilance of the Labor and Human Resources Committee.

Members of the Boilermakers Union came to the committee over 2 years ago with stories of hiring hall abuses. The hiring hall is, to many unions, the home of the working person's rights. Any hint of abuse of those rights in the hiring hall, therefore, should raise the hackles of everyone concerned about working people.

Over several days of hearings the committee listened as these allegations were explained and documented. After that when these workers finally got their fair hearing from the National Labor Relations Board, their charges produced a back pay award of $5 million—the largest such award ever given to union workers in a grievance action against their union. The Labor and Human Resources Committee's efforts on behalf of these working men and women were beneficial in the vindication of their rights.

Recently, committee investigators found allegations of hiring hall abuses and other corrupt actions in Lake Charles, La., in a local of the International Union of Operating Engineers. The stories of these workers were incredible. During 2 days of hearings in February they told of coerced sexual relations in return for job referrals to which they should have been entitled; we heard stories of intimidation, construction sabotage and chicanery so outrageous that it had to be illegal. We also were scheduled to hear from the Justice Department on why their investigations had been closed.

But an interesting thing happened. After hearing the testimony the committee heard, the Justice Department found several instances where new light had been shed on old charges—and Justice promised to reopen its investigation with new vigor. That investigation is proceeding today.

In three watchdog hearings over the past 3 years the results have been gratifying—the ordering of the restoration of $35 million to a workers' pension fund, the award of $5 million in back pay to vindicate the rights of workers in the hiring halls, and a promise of a fair shake for workers who believe their union rights have been unjustly abused.

Next Tuesday, May 22, the committee will sit to hear testimony on new charges regarding the operating engineers in Lake Charles. Workers have told committee investigators of problems during the construction of the Roy S. Nelson Electrical Generating Station, units Nos. 5 and 6, in Westlake, La. Witnesses are scheduled to testify on charges of a widespread pattern of corruption, including the forced hiring of ghost employees, payroll padding, sabotage, theft of materials and equipment, and forced rental of construction equipment that was tantamount to extortion. Our initial investigation has uncovered allegations that this deliberate sabotage effort on an $11 million subcontract for a coal-handling facility more than tripled its ultimate price, with almost $32 million in cost overruns. Fortunately these overruns were not billed to the plant's owner; the problems were discovered.

It begs to be noted here that this coal-fired powerplant is similar to many in several other States—I dare say, in most of the States—and that construction of these plants affects many different parts of our economy. Obviously those benefiting include those who use the electricity generated; but the American coal industry also benefits, especially the miners who get the work. The American railroad and trucking industries which move the coal, reap substantial rewards from the construction of these powerplant. And the whole country benefits from having available a powerplant that operates on American coal instead of imported oil. A tripling of costs on components of a powerplant has the potential to cheat thousands of American union men and women out of their jobs in these industries. Electrical generation, coal mining and railroads are all major industries in my State, Utah—and they are all industries that benefit from efficiency, and could suffer from the type of cost overruns we will hear about Tuesday.

The prospect that these flagrant violations of the rights of union workers could happen almost anywhere is quite a sobering one. It behooves us, as the elected representatives of our States, to be sure U.S. law protects workers, as Congress intends that they should. I intend to continue these full committee hearings as part of the vigilance necessary for this body to exercise to protect the rights of working men and women everywhere. Looking back, through 3 years this type of hearing has produced great benefits for workers, and therefore, for all Americans.

QUORUM CALL

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mr. MURKOWSKI). The majority leader is recognized.

Mr. BAKER. Mr. President, as I indicated earlier, there may be a vote very soon. Since it is early, it might be appropriate to try to establish a quorum first. I am asking my cloakroom to put out a notice that the quorum which is about to be put will be a live quorum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2 Leg.]

Baker	Domenici	Trible
Byrd	Grassley	
Chiles	Murkowski	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

Andrews	Evans	Moynihan
Bingaman	Garn	Nunn
Boschwitz	Goldwater	Pressler
Burdick	Gorton	Proxmire
Chafee	Hatch	Randolph
Cohen	Hatfield	Rudman
Cranston	Hawkins	Sasser
D'Amato	Hecht	Specter
Danforth	Helms	Symms
DeConcini	Hollings	Tower
Denton	Huddleston	Wilson
Dixon	Melcher	Zorinsky
East	Metzenbaum	

Mr. BAKER. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Georgia (Mr. MATTINGLY), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. RIEGLE), and the Senator from Maryland (Mr. SARBANES), are necessarily absent.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I ask that the Sergeant at Arms be instructed to request the attendance of absent

Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER) to direct the Sergeant at Arms to request the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 73, nays 3, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—73

Abdnor	Exon	Mitchell
Andrews	Garn	Moynihan
Armstrong	Glenn	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Nunn
Bentsen	Hatch	Packwood
Biden	Hatfield	Pell
Bingaman	Hawkins	Pressler
Boschwitz	Hecht	Randolph
Burdick	Heinz	Roth
Byrd	Helms	Rudman
Chafee	Hollings	Sasser
Chiles	Huddleston	Specter
Cohen	Humphrey	Stafford
Cranston	Kassebaum	Stennis
D'Amato	Kasten	Symms
Danforth	Kennedy	Tower
DeConcini	Lautenberg	Trible
Denton	Leahy	Tsongas
Dixon	Levin	Wallop
Dole	Long	Warner
Domenici	Lugar	Wilson
Eagleton	McClure	Zorinsky
East	Melcher	
Evans	Metzenbaum	

NAYS—3

Goldwater	Proxmire	Quayle

NOT VOTING—24

Boren	Heflin	Percy
Bradley	Inouye	Pryor
Bumpers	Jepsen	Riegle
Cochran	Johnston	Sarbanes
Dodd	Laxalt	Simpson
Durenberger	Mathias	Stevens
Ford	Matsunaga	Thurmond
Hart	Mattingly	Weicker

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1985

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, it is 10 a.m. We are an hour past where I hoped we would be.

I am prepared now to ask the Senate to go to the first concurrent budget resolution.

Mr. President, I ask unanimous consent that the Senate now turn to consideration of Calendar Order No. 779 (S. Con. Res. 106).

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the United States Government for the fiscal years 1985, 1986, and 1987, and revising the congressional budget for the United States Government for the fiscal year 1984.

Mr. BAKER. Mr. President, could I inquire of the minority leader and the managers if it would be useful and productive now to try to establish a time less than the statutory time for a unanimous-consent request for consideration of this measure? What I had hoped to do is get us on the resolution by 9 a.m., and finish it by 11 a.m. But what I would like to do still is finish by 11 a.m., if we can.

I ask the distinguished managers, the minority leader, and, of course, all Senators whether or not it might be possible now to reduce the time to some time less than the statutory time, perhaps even as low as 1 hour.

Mr. CHILES. Mr. President, I have been trying to talk to the Senator from Montana to find out what kind of time he might need. Basically from what I know on our side, I believe there would not be any problem with what the majority leader is suggesting. But I would like to confer with the Senator.

Mr. BAKER. I thank the Senator.

Mr. President, I am prepared to yield to the Senator from Montana, if he wishes me to do so.

Mr. MELCHER. I thank the majority leader for yielding. Let me observe that as far as I am concerned I think we would do a lot better moving right into the bill so that I may ask some questions rather than talking about time agreements. I can cooperate very much with everybody's wishes to wind this up rapidly. But I do want to ask a series of questions. I think it would save time.

As far as I am concerned, if we just move right into that and ask the questions, hopefully I will get the answers very promptly.

Mr. BAKER. I am encouraged by what the Senator says. Do I infer from what the Senator said that there is a possibility that we might get a vote on final passage by 11 o'clock even without an order?

Mr. MELCHER. Absolutely.

Mr. BAKER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I designate the distinguished chairman of the Budget Committee as the Senator to control time on this side.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I make a similar designation on this side yielding the time to the control of Mr. CHILES.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Who yields time?

Mr. DOMENICI. Mr. President, I yield whatever time the Senator from Montana desires.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I seek recognition at this time to ask a series of questions on function 150, foreign aid.

It is my understanding that for fiscal year 1984, the concurrent budget year figure for new budget authority is $21 billion. It is made up of $13.6 billion for budget authority for the ordinary foreign aid programs, plus $8.5 billion for the International Monetary Fund which is a one-time budget authority figure.

I ask the distinguished chairman of the Senate budget Commitee if that is correct.

Mr. DOMENICI. The Senator is correct with regard to the fiscal year 1984 total and the amount for the IMF.

Mr. MELCHER. If that is correct, might the chairman inform me why $13.6 billion and $8.5 billion add up to $22.1 billion.

Mr. DOMENICI. The Senator is referring to function 150, the numbers on page 70, and page 71 of the first concurrent resolution report. Is that correct?

Mr. MELCHER. I am referring to function 150. It is fiscal year 1984, and it is in Senate Concurrent Resolution 106 on page 7.

Mr. DOMENICI. One reason for the increase in budget authority between fiscal 1984, adjusted for the IMF one-time $8.5 billion and fiscal 1985 is that more loan agreements are coming into the Export-Import Bank. Although the overall cap on Exim loans remains at $3.9 billion more loans are being made, and Eximbank is expected to come closer to its cap. That is for 1985. That is based upon what the CBO expects.

Mr. MELCHER. On page 7, for fiscal year 1984, it says new budget authority, $21 billion. The chairman has just answered that the budget authority for ordinary foreign aid programs in fiscal year 1984 was $13.6 billion, and that there was an $8.5 billion one-time budget authority.

Those two figures add up to $22.1 billion but the figure shown in this document as $21 billion. $13.6 billion and $8.5 billion, which the chairman has said were the key figures for fiscal

year 1984, add up to $22.1. I am asking why does $1.1 billion disappear in budget authority in this resolution.

Mr. DOMENICI. The Senator is saying $13.6 billion plus $8.5 billion equals more than $21 billion. Is that the question?

Mr. MELCHER. Yes, absolutely.

Mr. DOMENICI. Let me look for a minute, if the Senator will indulge me.

I think the answer is this: The fiscal year 1984 total for budget authority in function 150, international affairs, is $21.0 billion, as the Senator stated earlier. That figure included $8.5 billion for the IMF, and there is no request for more IMF funding in fiscal year 1985. The remaining $12.5 billion includes funds for the State Department, the Eximbank, and, as you mentioned, foreign aid. To assume that because in fiscal year 1984 the total without the IMF $8.5 billion is less than the $15.2 billion for fiscal year 1985, and, therefore, there is an increase in foreign aid, is to assume that everything is static in that account. But it is not. There are large areas not controlled by annual appropriations action. The repayment from old loans by the Export-Import Bank and the Departments of Agriculture and Defense are also estimated in this. The actual level of new loans made within the caps established in annual appropriations bills for Eximbank and military trust fund loans may vary.

The foreign military sales trust account is not static. It reflects advance payments by foreign nations and actual payment to U.S. contractors. It is in a state of flux and change, and increases by $0.8 billion between fiscal year 1984 and fiscal year 1985. Eximbank goes up by $1.7 billion, even though the appropriations cap is assumed to remain at $3.8 billion. That is the main reason why we have $15.2 billion in fiscal year 1985 budget authority, not the $12.5 billion in the adjusted fiscal year 1984 figure.

(Mr. DENTON assumed the chair.)

Mr. MELCHER. If I understand the chairman correctly, and I will ask if I do understand him correctly, it is because carried in budget authority part of the components are repayments on arms sales or something similar, and that accrues to lower the budget authority. Is that correct?

Mr. DOMENICI. That is correct. Maybe I can put it this way. This function has both repayments and loans in four or five major areas. That is occurring all the time. We estimate that the repayments and demand for new loans in those two major accounts I mentioned above would change the budget authority because of the activity occurring.

Mr. MELCHER. That $1.2 billion is a gratifying experience if those repayment accounts indeed account for that. I will not pursue that any further, except to note that if those accounts could be reduced that amount by repayment, like people from Missouri, I will have to be shown to really believe it. That is not to cast any aspersions on the chairman's comments. It seems to me to be slightly fantastic.

My next question is, where are the supplemental appropriations in this budget on function 150?

Mr. DOMENICI. The question the Senator from Montana asks is where are the supplemental appropriations for fiscal year 1984. There are no discretionary supplementals in this function, if that is the Senator's question. In function 150 there are no discretionary supplementals built into our baseline. If that is what the Senator is asking about, there are none.

Mr. MELCHER. That is exactly what I asked. I am asking if there are none, why are they not there, since we already passed a supplemental that contained a function 150 funds in it for Central America, which is now in conference, now nearing its end? Why is that not in this figure so we know what we are talking about?

Mr. DOMENICI. The Senator is correct. There are $67 million and $21 million for Central America that are in the conference on House Joint Resolution 492. The conference is deadlocked on that. That amount, if approved exactly as the Senate passed it, most of which the House has not agreed to, would be $88 million that is not assumed in this resolution. The Senator is correct but I would point out that many of these supplementals are assumed in the fiscal year 1984 totals in the House-passed budget resolution.

Mr. MELCHER. Of course, there are none of the contemplated supplementals that the President contemplates in addition to that for Central America figured in here either, is there?

Mr. DOMENICI. The Senator is correct.

Mr. MELCHER. Have we not figured in defense in other functions, the supplementals for defense?

Mr. DOMENICI. The one we expect in the national defense function is the pay supplemental, and it is in, although it may turn out to be less than we assumed. Nonetheless, we put in the full amount.

Mr. MELCHER. Might I further ask the chairman about the $67 million and the $21 million in the urgent supplemental now in conference for Central America. That is $88 million. I think there was an item of $90 million in Public Law 480 for Africa passed in a supplemental. Is that in here?

Mr. DOMENICI. Yes. The Senator is speaking of the African aid.

Mr. MELCHER. It is in the $21 million of budget authority and the $12 million in outlays. Is that correct?

Mr. DOMENICI. The Senator is correct. It would be included in the fiscal year 1984 aggregate totals.

Mr. MELCHER. Mr. President, I want to now go to the comparison of budget authority. After we subtract the one-time shot for the International Monetary Fund of $8.5 billion off the $21 billion, it would leave us with $12.5 billion, subtracting $8.5 billion from $21 billion. Now we find new budget authority for fiscal 1985 at $15.2 billion. Is that correct? Am I correct in subtracting $8.5 from the $21 to show that the budget authority, other than for the one-time International Monetary Fund, the budget authority for fiscal 1984 is at $12.5?

Mr. DOMENICI. That is mathematically correct.

Mr. MELCHER. Realistically, am I correct? Is that the way the committee figures?

Mr. DOMENICI. The Senator is correct. It is a one-time thing.

Mr. MELCHER. The $8.5 billion is one time. But what I am asking is, is it realistic for me to think that the new budget authority for fiscal 1984 is $12.5 billion?

Mr. DOMENICI. Without the IMF, which the Senator has taken out in his calculation, the answer is "Yes."

The Senator is correct, and I discussed the reasons for that a few minutes ago.

Mr. MELCHER. Now, might I ask, is the $1 billion that the President has asked for Central America contained in the budget authority?

Mr. DOMENICI. To the extent that it is in the 1984 baseline, the answer is "yes." To the extent that we added more to the fiscal year 1984 level to bring it up to the $1.2 billion, the answer is "No." I do not know exactly the difference between the two. There is some in the baseline but not a full $1.2 billion.

Mr. MELCHER. Is it approximately $1 billion?

Mr. DOMENICI. It is slightly less than $1 billion.

Mr. MELCHER. Approximately $800 million?

Mr. DOMENICI. That is correct.

Mr. MELCHER. Now, might I ask, since we have increased the budget authority rather dramatically, almost 20 percent, between fiscal 1984 and fiscal 1985, has the budget authority for Public Law 480, food for peace, been increased?

Mr. DOMENICI. It has not been increased specifically, except to account for difficult levels of repayments.

Mr. MELCHER. Is it contemplated by the committee that it is increased?

Mr. DOMENICI. The budget for this function does not contemplate any specific increases. I would call to the Senator's attention that with inflation taken into account the baseline of budget authority for 1985 is $15.9 billion, almost $16 billion. That was the amount of budget authority contemplated by CBO to accomplish the same

things, the same program level, as provided in fiscal year 1984. After you take out the IMF, $8.5 billion, the one-time authorization, it would require $15.9 billion to do in fiscal year 1985 what we did in fiscal year 1984. That is $0.7 billion more than the $15.2 billion for fiscal year 1985 in this resolution.

I am not going to say that this committee said there is so much for Public Law 480 or not.

Mr. MELCHER. Mr. President, may I further inquire, it is not true that in adding up these figures for budget authority and for outlay, in both instances, the committee is freezing Public Law 480 in their computations at the 1984 level, which is $1.2 billion?

Mr. DOMENICI. Yes, Mr. President; let me just read from page 70 of the first concurrent 1985 budget resolution, Senate Concurrent Resolution 106, the following sentence with reference to this matter:

> The committee recognizes that such an assumed freeze in this function is only for illustrative purposes and is in no way intended to interfere with the appropriations committees authority to allocate the aggregate totals as they so determine.

Mr. MELCHER. May I translate that, and I ask the chairman to follow my translation and to correct it if it is necessary, may I translate that to say that as far as the committee could figure on how they could stay within the $15.2 of $15.9 billion, whatever we want to call it, for new budget authority and outlays of $13 billion, the committee, in effect, said, "We will give these various component amounts to illustrate how it can be done, though we cannot, in the Budget Act, actually include item by item."

Mr. DOMENICI. The Senator is correct. However, I would add one further thing to it. I think we discussed it at length in the discussion of caps. There is a similarity: One is binding and one is a target. The caps would be binding; these are targets with some enforceability. But I think in addition to the use of the word "illustrative" within the function, the language also is trying to reiterate that all of the budget authority, not just in this function but in the entire budget, all of that budget authority, we do not intend in this document to interfere with the appropriations authority to allocate the aggregate totals—which means from other functions also. That is the only reason I clarify it.

In other words, if they save money somewhere else, they can move it wherever they want. That has been the history of the interpretation of the budget resolution.

Mr. MELCHER. Mr. President, under the authority that the Budget Committee has and under the practicality of their problem to arrive at the key figures, the new budget authority and outlays for fiscal 1985, I appreciate the candid answers that the chairman has given me. I have asked these questions to clarify in my own mind and also to wave a red flag in the minds of my colleagues in the Senate that indeed, the foreign aid figures in both instances are dramatically increased. We are freezing an awful lot of domestic programs in our actions in this budget resolution. We are doing that to meet the urgent need to restrict Federal spending and to decrease the Federal deficit. So it is a rather stark contrast to find ourselves dramatically increasing the amount of foreign aid while we are freezing or cutting back on domestic programs which are quite urgent for our people.

In addition to that, Mr. President, we are also contemplating freezing the best part of foreign aid and that is Public Law 480, food for peace. At a time when we can demonstrate to the world not only the fine humanitarian feelings of the people in this country on providing food for the hungry and malnourished people in friendly contries abroad and to those facing, in the case of Africa, the stark reality, the very damaging reality of repeated years of drought, we should not, for humanitarian reasons, increase the amount for foreign assistance in terms of armaments or economic development without meeting their most urgent needs. That would be food.

Second, for winning friends and building trust for the United States around the world food indeed does do that job for us better than armaments.

In a few days, we shall be celebrating a very auspicious anniversary, the 30th anniversary of the enactment of Public Law 480, food for peace. I find it very much to our detriment that we would contemplate freezing the amount of food aid while we increase the other spending in foreign aid for armaments.

The decision, however, on the amounts for foreign aid, including food for peace, will be made by the Committee on Appropriations at a later time, with recommendations to the whole Senate. Then by majority vote the whole Senate decided. For that reason, we shall have the opportunity for making adjustments within the budget framework. I hope and I trust that the Senate will make some adjustments with regard to food for peace.

(Mr. DOMENICI assumed the chair.)

Mr. DENTON. Mr. President, will the Senator from Montana yield for a question?

Mr. MELCHER. Yes, I am delighted to yield to my friend from Alabama for a question.

(Mr. KASTEN assumed the chair.)

Mr. DENTON. Mr. President, I do regard Mr. MELCHER as my dear friend. I ask him if he can see a relationship between the domestic economy and the degree of assistance this Nation can provide to its needy, if he can see the relationship between those two and the need to manage our foreign relations in such a manner as to avoid serious losses to the domestic economy as well as strategic and security disadvantages, which have indeed taking place? I appreciate deeply the thrust of the Senator's remarks, but in all brotherhood, from a lifetime of work in that particular field, I am so aware of how much it is costing the domestic economy because of failures in foreign policy, frequently resulting from the inability of the President to obtain from Congress the feeling that that aid to a certain nation is justified or such and such a commitment is justified.

I must ask if it is known, for example, that in Colombia one insurgent Communist group alone which used to receive arms from Castro is now getting $100 million a year that we can put our fingers on in protection money derived from cocaine dealers alone, international cocaine dealers. I daresay that the deleterious effect of what is happening in South Africa with respect to Communist disruption—and this is sincere, I say to the Senator—of the formerly valid African National Congress and SWAPO, now being treated as a valid organizations in the New York Times—is robbing us of access to resources and trade and costing us hundreds of millions, even hundreds of billions of dollars a year in total around the world. There is a relationship between foreign aid and the domestic welfare.

Mr. MELCHER. The Senator from Alabama is, of course, correct. There is a direct relationship and an indirect relationship, and I am not ignoring that. I want to emphasize that the direct relationship which does exist from the ability to supply food to a hungry people around the world is a very good; It shows the success of our agricultural producers and, indeed, has the humanitarian effect of supplying food to those who need it.

Mr. President, I conclude my statement by saying that within this framework that is laid out before us in the budget, I hope every Senator will take note of where we are in the increases in foreign aid, plus the contemplated necessity of either freezing Public Law 480 or even taking away from food-for-peace in order to meet needs for other facets of foreign aid in economic or arms assistance. I hope that that does not occur. I think it would be very bad policy. I want to serve notice that in the appropriations process I will be very vigilant in trying to make sure that does not happen.

I thank the chairman of the Budget Committee for his very candid answers.

Mr. DOMENICI. Let me say to my friend from Montana, we are most ap-

preciative of the Senator's cooperation today, and obviously his concern in the area he has addressed is well known in this body. We compliment him for his dedication to this issue.

AMENDMENT NO. 3078

Mr. DOMENICI. Mr. President, I send to the desk an amendment and ask that it be given immediate consideration.

The PRESIDING OFFICER (Mr. DENTON). The amendment will be stated.

The bill clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment numbered 3078.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1984 is revised, the first concurrent resolution on the budget for fiscal year 1985 is established, and the appropriate budgetary levels for fiscal years 1986 and 1987 are set forth.

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1984: $665,100,000,000.
Fiscal year 1985: $743,800,000,000.
Fiscal year 1986: $810,800,000,000.
Fiscal year 1987: $882,300,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1984: $2,100,000,000.
Fiscal year 1985: $10,800,000,000.
Fiscal year 1986: $15,900,000,000.
Fiscal year 1987: $18,800,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $39,900,000,000.
Fiscal year 1985: $45,600,000,000.
Fiscal year 1986: $52,600,000,000.
Fiscal year 1987: $57,900,000,000.

and the amounts for Federal Insurance Contributions Act revenues for old-age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $166,800,000,000.
Fiscal year 1985: $189,500,000,000.
Fiscal year 1986: $206,800,000,000.
Fiscal year 1987: $223,600,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1984: $914,300,000,000.
Fiscal year 1985: $1,012,700,000,000.
Fiscal year 1986: $1,106,300,000,000.
Fiscal year 1987: $1,209,800,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1984: $855,600,000,000.
Fiscal year 1985: $925,500,000,000.
Fiscal year 1986: $998,000,000,000.
Fiscal year 1987: $1,086,300,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1984: $190,500,000,000.
Fiscal year 1985: $181,700,000,000.
Fiscal year 1986: $187,200,000,000.
Fiscal year 1987: $204,000,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1984: $1,596,800,000,000.
Fiscal year 1985: $1,844,800,000,000.
Fiscal year 1986: $2,108,400,000,000.
Fiscal year 1987: $2,398,500,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1984: $106,800,000,000.
Fiscal year 1985: $248,000,000,000.
Fiscal year 1986: $263,600,000,000.
Fiscal year 1987: $290,100,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986, are as follows:

Fiscal year 1984:
(A) New direct loan obligations, $37,600,000,000.
(B) New primary loan guarantee commitments, $105,200,000,000.
(C) New secondary loan guarantee commitments, $68,300,000,000.

Fiscal year 1985:
(A) New direct loan obligations, $36,700,000,000.
(B) New primary loan guarantee commitments, $110,800,000,000.
(C) New secondary loan guarantee commitments, $68,300,000,000.

Fiscal year 1986:
(A) New direct loan obligations, $40,800,000,000.
(B) New primary loan guarantee commitments, $116,700,000,000.
(C) New secondary loan guarantee commitments, $71,600,000,000.

Fiscal year 1987:
(A) New direct loan obligations, $41,800,000,000.
(B) New primary loan guarantee commitments, $123,300,000,000.
(C) New secondary loan guarantee commitments, $75,100,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1984 through 1987 for each major functional category are:

(1) National Defense (050):

Fiscal year 1984:
(A) New budget authority, $265,300,000,000.
(B) Outlays, $237,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $299,000,000,000.
(B) Outlays, $266,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $333,700,000,000.
(B) Outlays, $294,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $372,000,000,000.
(B) Outlays, $330,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1984:
(A) New budget authority, $21,000,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $9,100,000,000.
(D) New primary loan guarantee commitments, $8,700,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $10,300,000,000.
(D) New primary loan guarantee commitments, $9,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $16,300,000,000.
(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $12,000,000,000.
(D) New primary loan guarantee commitments, $9,700,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $12,700,000,000.
(D) New primary loan guarantee commitments, $10,200,000,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1984:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $8,900,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1984:

(A) New budget authority, $3,000,000,000.

(B) Outlays, $3,000,000,000.

(C) New direct loan obligations, $4,700,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $4,100,000,000.

(B) Outlays, $3,800,000,000.

(C) New direct loan obligations, $4,700,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $4,000,000,000.

(B) Outlays, $3,900,000,000.

(C) New direct loan obligations, $4,800,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:

(A) New budget authority, $4,000,000,000.

(B) Outlays, $3,800,000,000.

(C) New direct loan obligations, $5,000,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1984:

(A) New budget authority, $11,600,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $12,000,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1984:

(A) New budget authority, $4,500,000,000.

(B) Outlays, $10,400,000,000.

(C) New direct loan obligations, $11,200,000,000.

(D) New primary loan guarantee commitments, $4,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,800,000,000.

(C) New direct loan obligations, $11,400,000,000.

(D) New primary loan guarantee commitments, $3,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $13,700,000,000.

(D) New primary loan guarantee commitments, $3,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $13,500,000,000.

(D) New primary loan guarantee commitments, $3,200,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1984:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,000,000,000.

(C) New direct loan obligations, $6,200,000,000.

(D) New primary loan guarantee commitments, $50,000,000,000.

(E) New secondary loan guarantee commitments, $68,300,000,000.

Fiscal year 1985:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $1,600,000,000.

(C) New direct loan obligations, $6,200,000,000.

(D) New primary loan guarantee commitments, $52,000,000,000.

(E) New secondary loan guarantee commitments, $68,300,000,000.

Fiscal year 1986:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $2,200,000,000.

(C) New direct loan obligations, $6,400,000,000.

(D) New primary loan guarantee commitments, $54,600,000,000.

(E) New secondary loan guarantee commitments, $71,600,000,000.

Fiscal year 1987:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $3,400,000,000.

(C) New direct loan obligations, $6,500,000,000.

(D) New primary loan guarantee commitments, $57,200,000,000.

(E) New secondary loan guarantee commitments, $75,100,000,000.

(8) Transportation (400):

Fiscal year 1984:

(A) New budget authority, $29,300,000,000.

(B) Outlays, $25,700,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $28,800,000,000.

(B) Outlays, $26,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $30,000,000,000.

(B) Outlays, $28,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:

(A) New budget authority, $31,100,000,000.

(B) Outlays, $29,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1984:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $7,700,000,000.

(C) New direct loan obligations, $1,600,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $6,900,000,000.

(B) Outlays, $8,200,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $8,000,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1984:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $28,100,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $30,300,000,000.

(B) Outlays, $29,300,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $30,300,000,000.

(B) Outlays, $30,200,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $8,000,000,000.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $31,600,000,000.
(B) Outlays, $30,600,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1984:
(A) New budget authority, $31,700,000,000.
(B) Outlays, $30,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $33,100,000,000.
(B) Outlays, $33,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $36,000,000,000.
(B) Outlays, $36,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $38,800,000,000.
(B) Outlays, $38,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1984:
(A) New budget authority, $62,500,000,000.
(B) Outlays, $60,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $71,500,000,000.
(B) Outlays, $67,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $84,100,000,000.
(B) Outlays, $74,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $99,700,000,000.
(B) Outlays, $83,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $118,500,000,000.
(B) Outlays, $97,100,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1985:
(A) New budget authority, $144,500,000,000.
(B) Outlays, $113,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $155,100,000,000.
(B) Outlays, $119,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $164,600,000,000.
(B) Outlays, $124,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1984:
(A) New budget authority, $175,000,000,000.
(B) Outlays, $179,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $199,800,000,000.
(B) Outlays, $190,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $215,800,000,000.
(B) Outlays, $202,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $229,100,000,000.
(B) Outlays, $217,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $26,100,000,000.
(B) Outlays, $25,800,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $18,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $26,200,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $22,900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $25,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $27,600,000,000.
(B) Outlays, $27,300,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $28,800,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $6,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1984:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $5,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $6,500,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $6,500,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1984:
(A) New budget authority, $109,700,000,000.
(B) Outlays, $109,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $124,900,000,000.
(B) Outlays, $124,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $141,600,000,000.
(B) Outlays, $141,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $160,700,000,000.
(B) Outlays, $160,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $700,000,000.
(B) Outlays, $700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $800,000,000.
(B) Outlays, $800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $1,900,000,000.
(B) Outlays, $2,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $3,100,000,000.
(B) Outlays, $3,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, −$15,200,000,000.
(B) Outlays, −$15,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$33,900,000,000.
(B) Outlays, −$33,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$37,100,000,000.
(B) Outlays, −$37,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, −$38,900,000,000.
(B) Outlays, −$38,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

MISCELLANEOUS PROVISIONS

SEC. 2. If the Congress has not completed action by October 1, 1984 on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for fiscal year 1985, then, for purposes of section 311 of such Act, this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act.

SEC. 3. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1985, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1985, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1984, whichever comes first.

SEC. 4. For the purposes of this resolution, budget authority shall be determined on the basis applicable for fiscal year 1984.

SEC. 5. It is the sense of Congress that FY 1985 appropriations be increased for several non-defense discretionary programs. Priority should be given to education programs, environmental protection and health research activities.

Mr. DOMENICI. Mr. President, this amendment has been cleared on both sides. It is basically a full substitute for the committee reported resolution. It incorporates everything the Senate has done in the last 4 or 5 weeks, and adopted last night as the Omnibus Deficit Reduction Act of 1984. The substitute includes new budget authority and outlay estimates for the new revenues estimates, the add-ons and other provisions. It does not include the mandatory cap language in the bill as passed last night. But the rest simply incorporate all those changes and their budget impact, including the $2 billion snythetic fuels amendment. The substitute budget resolution, therefore, generally conforms to the Senate's current actions to date.

Senator CHILES, the distinguished ranking minority member, has looked at it and he approves. I ask for its immediate consideration.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. DOMENICI. I yield back any time I have.

Mr. CHILES. All time is yielded back.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 3078) was agreed to.

Mr. DOMENICI. Mr. President, the distinguished Senator from California (Mr. CRANSTON) is going to offer an amendment on the veterans' function on behalf of the Senator from Wyoming and himself. Because of the way I have handled this amendment, this amendment would be out of order because it addresses the previous resolution, I ask unanimous consent that it be in order and that it be conformed to comply with the substitute which we have just adopted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CRANSTON. I thank the chairman of the committee.

AMENDMENT NO. 3079

(Purpose: To provide funding for a 10-percent cost-of-living increase in GI bill education benefits effective October 1, 1984)

Mr. CRANSTON. Mr. President, Senator SIMPSON could not be present today. On his behalf and on behalf of myself, Senators STAFFORD, MURKOWSKI, BOSCHWITZ, RANDOLPH, MATSUNAGA, DECONCINI, DOMENICI, HUDDLESTON, CHILES, and BYRD, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), on behalf of Mr. SIMPSON, for himself, Mr. STAFFORD, Mr. MURKOWSKI, Mr. BOSCHWITZ, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. DECONCINI, Mr. DOMENICI, Mr. HUDDLESTON, Mr. CHILES, and Mr. BYRD, proposes an amendment numbered 3079.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 27, lines 4 and 5, strike out "$26,800,000,000" and "$26,200,000,000" and insert in lieu thereof "27,000,000,000" and "$26,400,000,000", respectively.

On page 27, lines 13 and 14, strike out "$27,000,000,000" and "$26,700,000,000" and insert in lieu thereof "$27,200,000,000" and "$26,900,000,000", respectively.

On page 27, lines 22 and 23, strike out "$27,600,000,000" and "$27,300,000,000" and insert in lieu thereof "$27,800,000,000" and "$27,400,000,000", respectively.

Mr. CRANSTON. Mr. President, this is a simple amendment to the budget. Figures for function 700, veterans' benefits and services. It has one purpose—to provide for funding for a 10-percent cost-of-living increase, effective October 1, 1984, in GI bill benefits.

Mr. President, the need for a GI bill cost-of-living increase is undeniable. That need has already been recognized by the entire membership of the Veterans' Affairs Committee, which unanimously recommended, in our budget views and estimates report to the Budget Committee in March, that an increase be provided. Indeed, even the administration has seen the need and is supporting and seeking enactment of an increase. In addition, the veterans' organizations have long urged that a COLA be enacted.

It is important to understand that GI bill benefits are not automatically increased each year. They are not indexed to the Consumer Price Index—CPI—or any other measure of increases in the cost of living or the cost of education. They have, since the enactment, 17 years ago in 1966, of the current, so-called Vietnam-era GI bill been increased only seven times.

The last time that GI bill benefits were increased was the two-step, 10-percent increase made by Public Law 96-466. A 5-percent increase took effect on October 1, 1980, and the second 5-percent increase on January 1, 1981. Since that time, increases in the cost of education—like increases in the cost of living—have been significant.

I call to my colleagues' attention data supplied by the Veterans' Administration. They show that, from the time of the last GI bill increase in 1981 through the 1983-84 school year, the costs of higher education rose by more than 33.3 percent in public 4-year colleges and by 37.9 percent in private schools. And it should be stressed that the 1980-81 increases of 15 percent did not make nearly up for the effects of inflation from the time of the prior increase in October 1977; over that period of time—October 1977 to October 1980—the rise in the CPI was over 37 percent.

Mr. President, we cannot permit the value of the GI bill dollar to continue to be eroded so substantially by increases in the cost of living and the cost of education.

Veterans and other eligible persons—the dependents of veterans with service-connected disabilities rated totally and permanently disabled and the survivors of those who died from service-connected causes—who are struggling to complete schooling must be given some fair assurance that their benefits will not be so greatly deflated.

Those now enrolled in training and receiving assistance from the VA—during this fiscal year, 675,000 individuals are expected to be using GI bill benefits—are primarily veterans of the Vietnam era. The number of Vietnam-era veterans in training or education programs in this fiscal year is 564,300, or about 85 percent of the total number of individuals receiving GI bill assistance. More than 78,200 of the trainees are surviving or dependent children and spouses. Still others—32,500—are service-connected disabled veterans participating in Veterans' Administration programs of vocational rehabilitation.

Mr. President, it is imperative that we take the steps necessary to insure that those veterans of the Vietnam era, those children and spouses of veterans who made enormous sacrifices, and those veterans with disabilities incurred in service receive a fair measure of the assistance they are owed.

Thus, our amendment would provide, as I noted at the outset, sufficient room for a cost-of-living increase in GI bill benefits of 10 percent, effective October 1, 1984. I recognize, Mr. President, that this amount is slightly less than what I proposed in January 1983 when I introduced S. 9, which provided for a 15-percent increase, effective October 1, 1983, and what the President finally proposed over 1 year later to become effective on January 1, 1985. However, it would be effective 3 months earlier than the President's proposal and would, therefore, get the value of this important benefit into the hands of veterans attending schools sooner and at a more opportune time—the beginning of the school year. It would also get more GI bill dollars into the hands of the veteran-student during the upcoming 1984-85 school year than would the President's proposal.

The importance of the earlier effective date is illustrated by the fact that during the 1-year period from October 1, 1983, the effective date I first proposed for an increase, and October 1 of this year, over 500,000 Vietnam-era veterans lost their GI bill eligibility.

Finally, Mr. President, providing for a GI bill COLA of 10 percent, effective October 1, 1984, although slightly more costly—by $25 million—in fiscal year 1985 than the 15-percent increase proposed by the administration does result in a savings to the deficit over the following 4 fiscal years of almost $350 million as compared to the President's proposal.

In short, our amendment is both a fair and prudent approach to a most justified need.

This amendment would provide increases in function 700, veterans' benefits and services, of $160 million in budget authority and $157 in outlays in fiscal year 1985, $209 million in budget authority and $207 million in outlays in fiscal year 1986, and $167 million in budget authority and $169 million in outlays in fiscal year 1987 over the unrounded levels on which the levels in the resolution as reported are based. These unrounded levels are: $26.830 billon in budget authority and $26.227 billion in outlays in fiscal year 1985, $26.962 billion in budget authority and $26.660 billion in outlays in fiscal year 1986, and $27.648 billion in budget authority and $27.276 billion in outlays in fiscal year 1987. The unrounded and rounded figures in function 700, if our amendment is adopted, would be as displayed on a chart that I ask unanimous consent be printed in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

EFFECT OF GI BILL AMENDMENT TO FUNCTION 700

[In billions of dollars; function 700 totals]

	Fiscal year 1985		Fiscal year 1986		Fiscal year 1987	
	BA	Outlays	BA	Outlays	BA	Outlays
Unrounded	26.990	26.384	27.171	26.867	27.815	27.445
Rounded	27.0	26.4	27.2	26.9	27.8	27.4

Mr. CRANSTON. Mr. President, our amendment is for the GI bill COLA alone and does not include additional

amounts for the so-called discretionary accounts. As my colleagues are aware, the distinguished Senator from Kentucky (Mr. HUDDLESTON) and I, together with Senators RANDOLPH, MATSUNAGA, DECONCINI, and BAUCUS, had planned—during consideration of the so-called "boat safety" bill earlier today—to offer an amendment to the Baker amendment. That planned amendment of ours would have increased the caps on nondefense discretionary appropriations in order specifically to provide for funding for the so-called discretionary accounts of the Veterans' Administration, primarily medical care and construction, at the level proposed in the President's budget and unanimously recommended by the Veterans' Affairs Committee in its fiscal year 1985 budget views and estimates on veterans' programs. However, the Senator from Kentucky (Mr. HUDDLESTON), who is the ranking minority member of the Appropriations Subcommittee on HUD-Independent Agencies, which has jurisdiction over VA appropriations, and I discussed with the able chairman of that subcommittee (Mr. GARN), his plans for fiscal year 1985 appropriations for the VA.

As a result, we believe, based on assurances from the subcommittee chairman, that, within the overall levels proposed to be set by the appropriations caps and the budget resolution, there will be room for adequate funding for veterans' programs and that these programs will be very favorably considered in the appropriations bill reported from the HUD-Independent Agencies Appropriations Subcommittee. On this basis, Senator HUDDLESTON and I decided not to proceed with our amendment.

In this connection, I would also note the reference in the Senate Budget Committee's report accompanying the budget resolution—Senate Report No. 98-399—on page 97, that, to the extent that the function 700 totals reflect the assumed limitations on the discretionary accounts, they are "in no way . . . intended to interfere with the Appropriations Committee's authority to allocate the aggregate totals as they so determine."

However, the issue of a GI bill COLA is an entirely different matter. The GI bill is an entitlement program and thus would not be affected in any way by the discretionary appropriations caps. Thus, we are now pursuing this amendment as an essential step toward enabling our committee to consider and report legislation—that it has already approved in its budget recommendations—to grant a GI bill COLA in fiscal year 1985. If provision for this COLA is not made in the budget resolution—and it is not provided for in the resolution as reported—there obviously cannot be room for it in the crosswalk to the Veterans' Affairs Committee and our committee would, as a practical matter, be foreclosed from acting on legislation to provide this long overdue increase. Accordingly, it is essential, if we are going to have a realistic chance of enacting a GI bill COLA this year, that this amendment prevail.

Mr. President, for these reasons, I urge all of my colleagues to support this amendment. The question is, quite simply, whether we will do the right thing by the Vietnam-era veterans who are seeking to use their GI bill benefits to pursue education and training. I believe that we have a strong obligation to do so, and I hope that the Senate will reconfirm its commitment to our Nation's Vietnam-era veterans by adopting this amendment.

(By request of Mr. DOMENICI, the following statement was ordered to be printed in the RECORD:)

● Mr. SIMPSON. Mr. President, this amendment I am offering is cosponsored by my highly esteemed colleague from California, the ranking minority member of the Veterans' Affairs Committee, Senator CRANSTON and by my other very capable colleagues, Senators RANDOLPH, MATSUNAGA, DECONCINI, BOSCHWITZ, MURKOWSKI, STAFFORD, and DOMENICI. It would add to the fiscal year 1985, 1986, and 1987 function 700 budget levels sufficient money to provide for the enactment of a 10-percent GI bill rate increase to be effective October 1, 1984.

After long and difficult deliberations over the President's proposal to introduce legislation in fiscal year 1985 to enact a GI bill rate increase of 15 percent effective January 1, 1985, I was successful in reaching agreement with my highly regarded friend, ALAN CRANSTON, in offering a compromise acceptable to all 12 members of the Veterans' Affairs Committee. On March 15, the Veterans' Committee reported to the Budget Committee in its views and estimates on the fiscal year 1985 budget, explaining its recommendation as follows:

Although this recommended legislation represents an increase over the President's request for fiscal year 1985, it provides a balanced approach to two basic committee concerns. The first is the need to counter in a substantial way the effects of inflation on the purchasing power of VA rehabilitation and GI bill benefit dollars through the enactment of a COLA in fiscal year 1985. In proposing an earlier effective date for the COLA increase than does the administration, the Committee seeks to meet the needs of a large number of veterans who might not otherwise have enough time left before reaching their delimiting date to begin a program of education or rehabilitation. The second is that the Congress must be responsive to the great national need to control future deficits. The approach recommended by the Committee responds to both concerns.

Mr. President, this amendment would provide funds to allow the enactment of a 10 percent rate increase in GI bill benefits effective October 1, 1984 at a cost of $25 million above the President's request in his fiscal year 1985 budget; it would also save $348 million in budget authority from what the President requested for the years after fiscal year 1985.

The $25 million additional cost in the fiscal year 1985 budget is one that would be paid from the general revenues because this benefit is an entitlement. The $25 million it would add to the budget would not come from either of the two caps the Senate has so recently established for discretionary defense and nondefense appropriations.

Therefore, I am fully supportive of this amendment's acceptance by the Senate. It would provide funds for the enactment of a needed cost-of-living increase to veterans using their GI bill education and rehabilitation benefits. Such legislation at the same time, would produce an overall, long-term, future year reduction in the expenditure of Federal dollars, a goal I support in the strongest of terms. I think this approach achieves a good compromise between the two concerns of the committee I have described and is sensitive to both. I urge my colleagues to support this amendment.●

Mr. DOMENICI. Mr. President, I rise in support of this amendment, which would amend function 700 budget totals to accommodate a 10-percent increase in GI bill education benefits for Vietnam-era veterans.

Mr. President, I ask unanimous consent that a table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Fiscal Years—			
	1985	1986	1987	Total 1984–87
Budget authority	+160	+209	+167	+536
Outlays	+153	+207	+169	+529

Mr. DOMENICI. Mr. President, GI bill education benefits have been an important aid to wartime veterans in their readjustment to civilian life after military service.

The program is successful. It is reaching its goals. Over two-thirds of Vietnam-era veterans have already used their GI bill benefits.

The program is winding down as Vietnam-era veterans reach their educational goals or reach their ending date of eligibility.

This proposed rate increase, the first since 1980, might encourage veterans to finish their education before their eligibility expires.

The cost-of-living has increased by 20 percent since 1980, and the costs of tuition have increased even more.

The rate increase might also encourage eligible veterans to use their benefits. CBO estimates that as many as 15,000 new trainees may enroll by fiscal year 1985 to take advantage of these benefits.

The Senate Veterans' Affairs Committee unanimously requested this GI bill rate increase. The President's budget request included a similar initiative.

We must insure that our Vietnam veterans have every opportunity to complete their education.

I urge my colleagues to support this amendment and give our wartime Vietnam-era veterans a chance for a brighter future.

Mr. CHILES. Mr. President, I support the adoption of the amendment, and I am ready to yield back any time that we have.

Mr. DOMENICI. I yield back any time that we have on the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 3079) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I thank Senators DOMENICI and CHILES for their cooperation.

Mr. BOSCHWITZ. Mr. President, I should like to clarify an issue concerning appropriations levels under the budget resolution. As I understand it, the resolution does not eliminate the normal functions of the Appropriations Committee in determining where to set funding levels for individual programs, so long as total appropriations for all nondefense programs in the aggregate remain within the prescribed ceiling. Is this correct?

Mr. DOMENICI. The Senator is correct.

Mr. BOSCHWITZ. Pursuing this point further, while the resolution assumes a freeze on nondefense appropriations in the aggregate, it is my understanding that the resolution does not dictate to the Appropriations Committee that every individual program and account be frozen. The Appropriations Committees would remain free—as they traditionally have been—to fund individual programs at higher levels, so long as other discretionary programs had their appropriations reduced sufficiently so that total spending fit within the ceiling.

Mr. DOMENICI. That is the intention.

Mr. BOSCHWITZ. Now yesterday, the Senate Agriculture Committee reported a bill that reauthorizes the WIC program—the special supplemental food program for women, infants and children—for 2 years at current services levels. These levels are, of course, only authorization ceilings. They do not require any specific levels of spending—rather they simply allow the Appropriations Committee to appropriate enough funds to maintain WIC at current services if the Appropriations Committee can squeeze enough funds out of other accounts to remain within the overall ceiling. There is nothing unique in this approach. I understand that there are certain areas of nondefense spending in which the administration, itself, is seeking increases above the freeze level, and once again, these would not be precluded if the Appropriations Committee can find the funds elsewhere.

So it is my understanding that the Agriculture Committee's action to reauthorize WIC at current services levels—and let the Appropriations Committees determine the actual spending level for the program—is not a breach of this resolution.

Mr. DOMENICI. The Senator is correct. Ultimately, the Appropriations Committee would determine the final funding level for WIC and would have to live within the overall, aggregate spending ceilings we have established. But we are not dictating authorization or apropriations levels for individual program accounts or requiring that every program is to be funded at exactly the freeze level. We are setting the overall ceilings, and the Appropriations Committees will make the decisions on funding levels on a program-by-program basis.

REPLACEMENT OF BUDGET COMMITTEE CONFEREE

Mr. CHILES. Mr. President, I ask unanimous consent that Senator BIDEN be replaced by Senator SASSER as a Budget Committee conferee on H.R. 4170.

The PRESIDING OFFICER. Without objection, it is so ordered.

A WEAK FIRST STEP

Mr. PROXMIRE. Mr. President, I am going to hold my nose and vote for this resolution. It reduces projected deficits for the period fiscal years 1985–87 by about $86 billion when compared to the Congressional Budget Office baseline.

The sum is inadequate, puny even. But given the administration's adamant stand against cuts in the huge defense budget, it may be the best the Senate can do. We should have done more.

The financial markets are telling us we should have done more. Interest rates are going up and no wonder. Here we are in the middle of an economic recovery yet the Federal Government is borrowing over $200 billion a year. Private industry is now operating at over 80 percent of capacity. At this stage of the recovery, businesses should be investing in new plant and equipment. Such investment should set the stage for a sustained, noninflationary recovery.

What industry, what financial manager, is going to make those investments when risk-free Treasury bonds pay over 13 percent interest. The CBO estimates that deficits will actually increase even if this resolution is passed. Under those conditions, the chances are excellent that interest rates will go still higher—possibly much higher.

The Senate has had numerous opportunities to take tougher action to reduce those deficits. For one reason or another, none of the alternatives offered could attract the support of a majority of Senators.

After the election, the Senate may be willing to take a second look at these alternatives. We are going to have to cut spending much more than this resolution does. We are going to have to raise more revenue than this resolution raises. Here is one Senator who hopes the economy will give us the time we evidently need to take these difficult steps.

We are taking an awful risk by waiting. If that gamble fails, history will judge us harshly. And it should.

● Mr. GLENN. Mr. President, I am voting against the first concurrent budget resolution, just as I voted against the Rose Garden deficit reduction plan last evening.

I want to be clear about the reason for these votes. It is not because I oppose deficit reduction, but rather because the resolution and the deficit reduction package is inadequate overall. It is inadequate because, under its provisions, deficits over the next 3 years will total more than $569 billion. By fiscal year 1987 this budget scenario will give us a deficit above $200 billion. That is unacceptable.

Interest rates already are on the rise again, with the prime rate pegged at 12.5 percent. The deficits the Senate is going to condone by its votes on these measures can only exacerbate the situation because they do nothing to restrain the growth in interest rates and, indeed, the mushrooming size of our national debt and the excessive cost of servicing that debt.●

● Mr. LEVIN. Mr. President, I will vote against the first concurrent budget resolution for fiscal year 1985, which sets forth the overall spending and revenue plan affecting all agencies and departments of the Government. Its defense spending totals are too high, its priorities are skewed, and it projects an increasing deficit over the next 3 years instead of a decreasing one. The deficit would be $180 billion in fiscal year 1985 and $204 billion in fiscal year 1987. That is not the direction we should go in if we want interest rates and the unemployment rate to decline. That is not the direction we

should go in if States like my home State of Michigan which have suffered through the recession are to fully share in national prosperity.

Yesterday, I voted in favor of final passage of the Rose Garden plan deficit reduction package because it will reduce the deficit during the next 3 years below what it would be if we did nothing. Today's resolution, even though it assumes the Rose Garden plan, should not be passed because what it says, in effect, is that we are satisfied with that amount of deficit reduction and we are satisfied with the spending priorities. When it comes to the issue of how to sustain and broaden the current recovery, being satisfied with "better than nothing" is not good enough. We should not be satisfied with a $204 billion deficit in fiscal year 1987, but we should do what we can to make sure that we do not have a $245 billion deficit in that year. We faced a $245 billion deficit in fiscal year 1987 if we did noting. By voting for yesterday's deficit reduction plan, I voted to have a $204 billion deficit than a $245 billion deficit in that year. By voting against the budget resolution today, I am saying that we should not be satisfied with a $204 billion deficit either.

This budget resolution calls for a 7-percent increase in defense spending after taking into account inflation. I would prefer to see that figure reduced to 3-percent real growth and have the remainder used for deficit reduction and more adequately other programs of national need such as health. This 3-percent level of defense spending would be consistent with building our military strength at the same time we reduce the deficit so that the economic recovery can expand. In voting for final passage of the rose garden plan, I indicated that I preferred a 7-percent real increase in defense spending to the 13-percent real increase which the President first proposed. However, I cannot support this budget resolution which sets the level of defense spending at a 7-percent real increase, because I think that even that level is unnecessarily high to meet our military needs for a strong defense.

Likewise, I have difficulty supporting a budget resolution which does not make room in it for strengthening the minimum tax so that everyone in this country who has substantial amounts of income pay at least something in taxes. As a matter of equity and as a matter of reducing the deficit, we should not pass up the opportunity to increase revenues through strengthening the minimum tax and through closing additional tax loopholes, such as those which provide for unnecessary incentives to the oil industry.

For these reasons I cannot support this budget resolution. I hope that the product which emerges from the House-Senate conference committee is more in line with the priorities and goals which I have laid out.●

Mr. CHILES. Mr. President, I was amazed to read an article in this morning's Washington Post on the White House backing off from its criticism of the Federal Reserve.

What amazes me is that their change has nothing to do with economics, only with the politics of interest rates.

Last week I said that Dr. Feldstein had been saying that the emperor has no clothes, he has no economic policy. He has no plan to reduce the deficits.

I call the Senate's attention to two key paragraphs in the Post article.

First, that the criticism of the Fed was intended to be a "subtle repositioning of the President" in case interest rates continue to rise.

Second, that the President's statements on the desirable rate of money growth have been "deliberately vague."

Mr. President, is that leadership? Is that an economic policy?

Certainly this budget resolution displays neither leadership nor a responsible economic policy.

It lets the deficits rise by $22 billion from $182 billion in 1985 to $204 billion in 1987.

Mr. President, I think we are prepared to vote now on the budget resolution.

I just point out that in 1985 the deficits under this would be $182 billion; in 1986, $187 billion; and in 1987, $204 billion.

So they will increase $22 billion over the 3-years and add $573 million to the national debt.

Defense is a real 7 percent above inflation, so it means $35 billion over 1984. That is a 13-percent growth in the nominal.

In the same time the domestic discretionary is 12.4 percent nominal, minus 3.5 percent real, and only increase of $2 billion over 1984.

I do not think that is a very good balance—$35 billion to $2 billion.

I am going to vote against this resolution. I think it added to the deficit. I think it is the wrong trend. The deficits will be going up rather than going down, and I think that is the worst of all signals that we could send to the financial markets.

● Mr. LAUTENBERG. Mr. President, the distinguished ranking member, Senator CHILES, has hit the nail on the head and I want to associate myself with his remarks. This resolution is simply a reprise of the issues we have been grappling with for the last month. I voted against the substance of the Rose Garden plan yesterday. I will vote against this resolution which endorses that plan for increasing deficits and distorted priorities today.●

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of House Concurrent Resolution 280, Calendar Order No. 780.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 280) to revise the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent to strike all after the resolving clause and insert in lieu thereof the text of Senate Concurrent Resolution 106.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I will vote against the resolution for the same reasons that Mr. CHILES has stated.

Mr. President, however, I do want to emphasize one point to my colleagues, Mr. President, this is the first budget resolution ever reported by the Senate Budget Committee to propose increasing deficits. Since budget resolutions first started projecting the outyear effects in 1978, all budget resolutions brought before the Senate, and indeed passed by it, have contained a fiscal plan that would result in lower deficits in each succeeding year, and, occasionally, even a budget surplus.

If the Senate passes this budget resolution, it will be sending the wrong signal to the American people, to the financial community, and to our allies around the world. If the Senate passes this resolution, it will set the ignominious precedent of being the first budget resolution ever passed by this body that called for increasing "budget deficits.

Under the resolution the Senate will be throwing in the towel condoning deficits that continue to rise.

I do not believe we should be throwing in the towel.

I supported the amendment by the senior Senator from Florida (Mr. CHILES) to the previous bill. That amendment would have set us on a path toward a balanced budget. We must not continue to mortgage our children's future by continuing to pile up ever increasing amounts of Federal debt. Under this resolution, by fiscal year 1987, we will have a public debt of nearly $2.4 trillion, a debt equal to half of our gross national product.

This resolution, as did the so-called deficit reduction plan we passed yes-

terday, seems to say "That's OK." It seems to be saying that it all right to double the national debt in just 5 years.

Well, if we are going to raise the white flag on budget deficits, surrender to the rising tide of red ink, and capitulate to the mounting debt, then we deserve all the scorn that the citizens of this land may heap upon us.

The Democrats have tried to reverse this trend. The Chiles amendment would have given us lower deficits each year. That amendment was not perfect. But it was certainly a major step in the right direction, and certainly much more acceptable to me than then resolution now before us.

Therefore, Mr. President, I oppose this budget resolution, and urge all of my colleagues who are concerned about rising deficits to do likewise.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I think we are waiting for the majority leader now. I think the minority leader had a question he wanted to ask.

Mr. BYRD. Mr. President, is this not the first time that a budget resolution has been reported from the Senate Budget Committee which projects increasing deficits for each of the next 3 years?

Mr. CHILES. To my knowledge, that is correct. I have tried to check that since the minority leader asked me that this morning.

Mr. BYRD. This will be the first time that the Senate will have voted for such a budget resolution?

Mr. CHILES. Yes.

Mr. BYRD. I thank the Senator.

Mr. DOMENICI. Mr. President, that is probably correct. On the other hand, the Senate many times has reported budget resolutions that assumed the trend line was going down but as it turned out it was going up.

Mr. President, for all the Senators let me say that the Senator from New Mexico will vote for this resolution.

Basically, we took the last 5 weeks to vote on almost every basic issue that is incorporated in this budget resolution. That is why we are not taking a great deal of time today.

As I indicated, other than the mandatory caps which are replaced with the Budget Act processes for enforcement—since it is a resolution—the rest of it but for the amendment on veterans here this morning is just confirming in the form of a resolution what we adopted last night by a vote of 74 to 23.

I am sure that all 74 Senators will not vote in support of this resolution today, but basically it is almost an identical fiscal and tax policy for the year 1985 and military preparedness policy as we voted on last night.

Mr. BYRD. Mr. President, this is the first budget resolution ever reported by the Senate Budget Committee to propose increasing deficits. Since budget resolutions first started projecting the out-year effects in 1978, all budget resolutions brought before the Senate, and indeed passed by it, have contained a fiscal plan that would result in lower deficits in each succeeding year, and, occasionally, even a budget surplus.

If the Senate passes this budget resolution, it will be sending the wrong signal to the American people, to the financial community, and to our allies around the world. If the Senate passes this resolution, it will set the precedent of being the first budget resolution ever passed by this body that called for increasing budget deficits.

Under this resolution the Senate would be throwing in the towel, condoning deficits that continue to rise.

I do not believe we should be throwing in the towel.

I supported the amendment by the senior Senator from Florida, Mr. CHILES, to the bill passed yesterday. The Chiles amendment would have set us on a path toward a balanced budget. We must not continue to mortgage our children's future by continuing to pile up ever increasing amounts of Federal debt. Under this resolution, by fiscal year 1987, we will have a public debt of nearly $2.4 trillion, a debt equal to half of our gross national product.

This resolution, as did the so-called deficit reduction plan we passed yesterday, seems to say "That's OK." It seems to be saying that it is all right to double the national debt in just 5 years.

Well, if we are going to raise the white flag on budget deficits, surrender to the rising tide of red ink, and capitulate to the mounting public debt, then we deserve all the scorn that the citizens of this land may heap upon us.

The Democrats have tried to reverse this trend. The Chiles amendment would have given us lower deficits each year. That amendment was not perfect. But it was certainly a major step in the right direction, and certainly much more acceptable to me than the resolution now before us.

Therefore, Mr. President, I oppose this budget resolution, and urge all of my colleagues who are concerned about rising deficits to do likewise.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, have the yeas and nays been ordered on the resolution?

The PRESIDING OFFICER. They have.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for this rollcall be 10 minutes instead of 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that after this matter is disposed of a vote occur immediately, without further debate, on the Sakharov resolution on which the yeas and nays have been ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am prepared to yield back the time remaining on our side.

Mr. CHILES. Mr. President, I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, as amended.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Georgia (Mr. MATTINGLY), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Nebraska (Mr. EXON), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. PRYOR), the Sena-

tor from Michigan (Mr. RIEGLE), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. EXON) would vote "nay."

The PRESIDING OFFICER (Mr. ANDREWS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 41, nays 34, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—41

Abdnor	Gorton	Pressler
Andrews	Grassley	Proxmire
Baker	Hatch	Quayle
Boschwitz	Hatfield	Roth
Chafee	Hawkins	Rudman
D'Amato	Hecht	Specter
Danforth	Heinz	Stafford
Denton	Helms	Symms
Dole	Kassebaum	Tower
Domenici	Kasten	Trible
East	Lugar	Wallop
Evans	McClure	Warner
Garn	Murkowski	Wilson
Goldwater	Packwood	

NAYS—34

Armstrong	Eagleton	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Hollings	Nickles
Biden	Huddleston	Nunn
Bingaman	Humphrey	Pell
Burdick	Kennedy	Randolph
Byrd	Lautenberg	Sasser
Chiles	Leahy	Stennis
Cranston	Levin	Tsongas
DeConcini	Long	Zorinsky
Dixon	Melcher	
Dodd	Metzenbaum	

NOT VOTING—25

Boren	Heflin	Pryor
Bradley	Inouye	Riegle
Bumpers	Jepsen	Sarbanes
Cochran	Johnston	Simpson
Cohen	Laxalt	Stevens
Durenberger	Mathias	Thurmond
Exon	Matsunaga	Weicker
Ford	Mattingly	
Hart	Percy	

So the concurrent resolution (H. Con. Res. 280), as amended, was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. LEAHY. Mr. President, after 2 months of floor debate, the Senate today voted on final passage of the first congressional budget resolution for 1985 through 1987, which is better known as the President's Rose Garden plan. I wish that I could say the hours and hours we have spent on this legislation had improved it. Unfortunately the policies of the Rose Garden plan remain as inadequate as the day it was first announced.

First, and foremost, this plan is not a deficit reducer, but rather a deficit increaser. According to the nonpartisan Congressional Budget Office (CBO), the annual deficit will increase to $204 billion by 1987.

This deficit increase will just continue the trend of record deficits under this administration. Annual Federal deficits have increased threefold since President Reagan took office. In 1981, the Federal deficit stood at $58 billion. In 1982, it exceeded $100 billion for the first time in our history. In 1983, it almost doubled again to $195 billion. The total combined deficit of the first 3 years of the Reagan administration exceeds the total deficits of the previous 33 years of both Republican and Democratic administrations.

The CBO estimates continued deficits in the $190 billion range for 1984 and 1985. Federal spending is now equal to 23.9 percent of the gross national product (GNP). Never before, except when the Nation has been at war, has Federal spending equaled such a large percentage of our Nation's output.

Three years ago when the President's economic program was first presented to the Congress, I warned that his tax and budget policies would lead to record deficits that would present us with a painful choice. A choice between a new round of devastating budget cuts larger than the first or the acceptance of even greater budget deficits.

Well the choice fell upon us and the Senate has chosen even greater deficits. This budget plan will increase the deficit to over $200 billion in 1987. We are not making a downpayment on the deficit, but rather are falling farther behind on our payments.

I for one do not like the idea of my children and grandchildren paying off the debts we are running up today. More importantly, their economic future is being jeopardized by these record deficits. I agree with the vast majority of economists that continued high deficits will mean increased interest rates and the possibility of renewed inflation. Today the prime rate stands at 12.5 percent. I shudder to think what it might be in 2 years under present policies.

The crisis situation we are in today demands dramatic action. The alternative is to put off that painful choice to another year when even more drastic action will have to be taken or we will have to absorb even greater deficits. That is why I supported, for the second year in a row, the budget freeze proposal put forth by Senator HOLLINGS. This budget freeze proposal would have reduced the deficit by $735 billion over the next 5 years. It was the only budget proposal receiving serious consideration that would reduce the deficit below $100 billion in 1987.

Under this proposal, the only programs to be exempted from a freeze are defense spending, which would be limited to 3 percent real growth, and programs specifically targeted to the needy—supplemental security income, food stamps, medicare, and medicaid.

Hundreds of programs I have long supported would have been affected. But I felt that the deficit situation this administration has gotten us into is so serious that we need real and dramatic action now to bring the budget under control. And this was the fairest and most across-the-board way to impose restraint on the budget process.

I also voted for the budget plan proposed by Senator CHILES. This proposal would have provided for a real growth rate in defense of 4 percent, partial inflation adjustment for nondefense discretionary programs, and additional tax revenues by delaying tax indexing for 2 years, while protecting low and moderate income families. This proposal, while still not sufficient in its deficit impact, would have reduced the deficit by $35 billion more than the Rose Garden plan over the next 3 years.

And I voted for the plan proposed by Senators CHAFEE, MATHIAS, STAFFORD, WEICKER, and ANDREWS that would have put one cap on all spending, rather than the separate caps for defense and nondefense discretionary spending in the Rose Garden plan. This proposal would have reduced the deficit by $17 billion more than the rose garden plan over 3 years. It also would have left it up to Appropriations Committee to determine how much is spent for defense and how much is spent for nondefense discretionary. The presumption of the proposal's sponsors, which I endorsed, was that the committee would provide for 4-percent defense growth and modest increase for nondefense.

None of the budget plans I supported were perfect plans. All of them would have adversely affected programs I have long supported. But at least they would have made a real downpayment on the deficit.

I could not, in good conscience, vote for the Rose Garden plan that will increase the deficit to a record $204 billion in 1987. And I also could not support the 7-percent real increase in defense spending contained in the rose garden plan.

A 7-percent after inflation increase in the defense budget, which would come to about a 13-percent increase cannot be justified on military or economic terms. The Reagan administration continues to pour money into exotic and superfluous weapons systems, the full cost of which will no doubt mushroom in the coming years. Instead of a steady, consistent increase that emphasizes conventional force readiness and the need to continue to attract high quality men and women into the uniformed services, the President is looking for a quick and exorbitantly costly technological fix to our defense requirements.

I supported the budget freeze proposal of Senator HOLLINGS that would have allowed a 3-percent increase in

defense spending. I also supported a proposal by Senator CHILES and unitary cap proposal by Senator CHAFEE which assumed a 4-percent real growth in defense, or about a 10-percent increase including inflation.

We need some semblance of moderation and consistency in our defense budget process. Without it, I fear that when the Congress really gets serious about the deficit, defense cuts will once again be aimed—not at the headline grabbing big-ticket items now under production—but rather at the less glamorous, but critically important, area of keeping our General Purpose Forces combat ready.

The Rose Garden plan also assumes $48.3 billion in revenue increases in fiscal years 1984-87 from enactment of the Finance Committee's deficit reduction package contained in the Dole-Long amendment. Although I had problems with some aspect of this tax package and thought that more could be done to close loopholes and make the Tax Code more fair, I supported the increase in revenues as necessary to make some progress on the deficit.

I did not agree, however, with the medicare-medicaid cuts contained in the Dole-Long amendment.

In my State of Vermont these cuts will amount to over $16 million. This does not take into account those changes which can be computed—the delay in age eligibility and the freeze on physicians fees. Elderly people in Vermont will pay over $12 million in increased medicare premiums. They will pay another $2 million in increased deductible costs. And I fear for those who become ill in the 1-month period between their 65th birthday and the date of eligibility. Many will be without health insurance and may not have the resources to obtain necessary care. Others will use up savings.

A freeze on physician fees may reduce Federal spending, but it does nothing to bring down rising health care costs. These costs will be passed on to the elderly who have trusted us to protect them in their later years. I do not know about elderly people in other States, but many older Vermonters simply cannot come up with the money to help with this down payment on the deficit.

My State will lose over $2 million in medicaid Federal reimbursement payments, due to the extension of the reduction in Federal matching payments in medicaid. States will have a choice of replacing the Federal funds with State moneys or cutting back in services. I know that many States have already cut back services to low income, handicapped, families, and children and others. And I am told by State administrators that more and more people are being forced into poverty through cutbacks over the last few years. The demand for assistance is growing at the same as the States ability to respond is weakening.

That is why I supported amendments to repeal these cuts offered by Senators KENNEDY, BUMPERS, and BAUCUS. I voted for these amendments because I believe the elderly and the poor are paying too great a price for the fiscal mess the economic policies of this administration have placed us in.

In summary, Mr. President, I could not support the Rose Garden plan because it is a deficit increaser, it spends too much on defense, and it unfairly burdens the elderly and the poor. I look forward to the recommendations of the conference committee and hope that they will more effectively and fairly address the critical economic and social issues before us today.●

Mr. BAKER. Mr. President, there is an order for another vote to follow immediately. There will be no more record votes after this vote which is upcoming. I remind Senators that there is an order for the Senate to meet on Monday, and we will have votes on Monday.

Mr. President, I ask unanimous consent that the chairman of the Budget Committee may proceed for 30 seconds.

The PRESIDING OFFICER (Mr. ANDREWS). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I move that the Senate insist on its amendment to the concurrent resolution, request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. TOWER, Mr. CHILES, Mr. JOHNSTON, Mr. HOLLINGS, and Mr. SASSER, conferees on the part of the Senate.

ANDREI SAKHAROV AND YELENA BONNER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 304.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 304) expressing the sense of the Congress that Yelena Bonner should be allowed to emigrate from the Soviet Union for the purpose of seeking medical treatment, urging that the President protest the continued violation of human rights in the Soviet Union, including the rights of Andrei Sakharov and Elena Bonner, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

● Mr. GRASSLEY. Mr. President, half-a-world away, the Soviet city of Gorky, a brilliant scientist and his wife are prime players in a drama which graphically illustrates the choices for this generation.

The scientist is Andrei Sakharov, exiled to Gorky in 1980 because he dared to question his government—a "crime" which is a way of life for us in America.

Now the Soviet regime has gone after his wife as well. Yelena Bonner has been charged with "defaming the Soviet system" under a treason statute. The maximum penalty confronting Miss Bonner is death.

Yelena's real crime is her quest for health. Ill with a serious heart ailment as well as eye disease, she desperately seeks government approval for surgery in Italy. But life, limb, and personal security are not sacred in Soviet Russia. Her request has been denied and has led to charges of treason.

Hollywood could not possibly produce a more gripping tale of good versus evil, of noble, courageous souls standing firm against a state which seems to hate life itself.

But this is not fiction.

And we cannot stand silent in our own secure, free slice of the world as such horrors snuff life and dignity from our own contemporaries.

I have helped organize the International Parliamentary Group for Human Rights in the Soviet Union (IPG)—as a broadbased coalition to combat Soviet oppression.

The IPG now has over 300 members—we are from legislative bodies in more than a dozen Western countries. We are liberal and conservative. We are from diverse parties.

But we share a love for freedom, a love for our own generation, a love for the Russian people. In the name of all that is decent and humane, we lift our voices today on behalf of Andrei Sakharov and Yelena Bonner, along with millions of their countrymen.

We appeal to Soviet officials to let their people go. For a nation so desperate to stir positive world opinion, so desperate for a civilized image, this would be, in fact, a savvy move.

If for no other reason, we say to Soviet officials, liberate Sakharov and Bonner for your own image. Human dignity and preservation of life are the marks of a civilized society.

At this time I would like to submit on behalf of IPG a status report on the health of Drs. Bonner and Sakharov.

The report follows:

STATEMENT ON MEDICAL STATUS OF DRS. YELENA BONNER-SAKHAROV AND ANDREI SAKHAROV

The medical problems of Drs. Yelena Bonner-Sakharov and Andrei Sakharov are multiple, complex, and extremely grave. Dr. Bonner is critically ill. The fast begun by Dr. Sakharov on May 2 and by Dr. Bonner on May 12, puts both of them in jeopardy.

The medical facts brought to the West are troubling. Dr. Bonner is 61 years old. During World War II, she sustained some injury to her eyes, subsequently resulting in an increase in the pressure of the fluid within the eye (glaucoma). This was successfully treated by surgery three times. This surgical treatment (establishment of a path for the escape of fluid) must be repeated periodically. In 1982, Dr. Bonner developed symptoms indicating the need for additional eye surgery, but was denied permission to leave Russia for treatment in Italy, where she had been previously cared for. The high fluid pressure within her eyes has resulted in injury to vital eye structures, leading to considerable loss of sight. She has a large blind spot in her left eye (a central scotoma) and the field of vision of each eye is greatly reduced. Much of her vision has been irreversibly lost and her residual eyesight is progressively deteriorating.

In April 1983, Dr. Bonner suffered a heart attack (myocardial infarction). She subsequently experienced two additional myocardial infarcts (October 1983 and January 1984). While we are missing the full details of these important events, we do know something of the present condition of her heart. She has frequent episodes of substernal chest pain (angina). These episodes are brought on by trivial exertion and are relieved by nitroglycerine. She requires 20-30 nitroglycerine tables each day. In addition, she has shortness of breath. These symptoms suggest that the arteries bringing blood to her heart are blocked. It is also possible that her prior heart attacks have damaged the heart muscle so severely that it is not pumping blood properly. This possibility is made more likely by the recent news that Dr. Bonner has been noted to have dark blue lips and fingernails, probably since her first myocardial infarct.

These symptoms collectively constitute a medical emergency. In the West, Dr. Bonner might be given newly developed drugs that would protect her heart from the kind of injury it is now sustaining. She might be a candidate for coronary artery bypass surgery. The nature and extent of her heart disease and consequently, the optimum treatment cannot be precisely determined with the present paucity of information. We can say with some confidence, however, that given her symptoms and deteriorating state, her life is in immediate danger.

Because of the precarious state of his wife's health, Dr. Sakharov wishes her to seek medical treatment from a physician of her choice. In hopes of influencing the Soviet authorities to permit her to obtain medical treatment abroad, he began a hunger strike on May 2, taking water, but no nourishment. On May 12, Dr. Bonner joined him in this fast.

The hunger strike will exact a heavy toll. We can assume that Dr. Sakharov has already lost 10 to 14 pounds and is considerably weakened. Persons who starve lose a considerable amount of fluid. This results in a reduction of the blood volume. Consequently, when Dr. Sakharov stands up, his circulatory system cannot easily readjust, so his blood pressure falls (postural hypertension). The result is dizziness or fainting. Since Dr. Sakharov has heart disease, the severity of his postural hypertension is greater. In addition, an early consequence of his starvation is progressive weakness. His hands and feet will become cold, dry, and numb. If Dr. Sakharov prolongs his hunger strike, he will experience persistent muscle wasting and protein loss. Vitamin deficiency will then complicate his compromised health. With time, his body temperature, pulse rate, and blood pressure will fall.

If Drs. Bonner and Sakharov were initially in excellent health, they would probably not survive through June 1984. Given their underlying ill health and self-imposed starvation, they are in immediate danger. Furthermore, if one of them dies, and this could happen any day, the stress might well prove lethal to the other.●

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Georgia (Mr. MATTINGLY), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND,) and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from Nebraska (Mr. EXON), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Michigan (Mr. RIEGLE), and the Senator from Maryland (Mr. SARBANES), are necessarily absent.

I further announce that, if present and voting the Senator from Florida (Mr. CHILES), the Senator from Nebraska (Mr. EXON), and the Senator from Michigan (Mr. RIEGLE), would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 0, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—76

Abdnor	Goldwater	Murkowski
Andrews	Gorton	Nickles
Armstrong	Grassley	Nunn
Baker	Hatch	Packwood
Baucus	Hatfield	Pell
Bentsen	Hawkins	Pressler
Biden	Hecht	Proxmire
Bingaman	Heinz	Pryor
Boschwitz	Helms	Quayle
Burdick	Hollings	Randolph
Byrd	Huddleston	Roth
Chafee	Humphrey	Rudman
Cranston	Kassebaum	Sasser
D'Amato	Kasten	Specter
Danforth	Kennedy	Stafford
DeConcini	Lautenberg	Stennis
Denton	Leahy	Symms
Dixon	Levin	Tower
Dodd	Long	Trible
Dole	Lugar	Tsongas
Domenici	Matsunaga	Wallop
Eagleton	McClure	Warner
East	Melcher	Wilson
Evans	Metzenbaum	Zorinsky
Garn	Mitchell	
Glenn	Moynihan	

NOT VOTING—24

Boren	Ford	Mattingly
Bradley	Hart	Percy
Bumpers	Heflin	Riegle
Chiles	Inouye	Sarbanes
Cochran	Jepsen	Simpson
Cohen	Johnston	Stevens
Durenberger	Laxalt	Thurmond
Exon	Mathias	Weicker

So the concurrent resolution (H. Con. Res. 304) was agreed to.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. McCLURE. I move to lay that motion on the table. The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business until 12 noon, in which Senators may speak for not more than 5 minutes each, with the exception of the two leaders, against whom no time limitation will apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET ACT WAIVER

Mr. BAKER. Now, Mr. President, there is a bill that has been cleared, I believe, on both sides. The minority leader has indicated to me that he has no objection to proceeding under the terms which were previously discussed, which contemplate a colloquy before the disposition of this matter. I refer, Mr. President, to S. 1027, which must be accompanied by a budget waiver, which is S. 370, Calendar No. 854.

Mr. President, I now ask that the Senate proceed to the consideration of the budget waiver, which is Calendar No. 854.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 370) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1027.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the budget resolution waiver.

The resolution (S. Res. 370) was agreed to as follows:

S. RES. 370

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1027, a bill to amend Public Law 96-162. S. 1027, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984.

The waiver of section 402(a) of such Act is necessary to permit congressional consideration of S. 1027. Such bill was not reported on or before May 23, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

AMENDMENT TO PUBLIC LAW 96-162 RELATING TO YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT FEASIBILITY STUDY

Mr. BAKER. Mr. President, I now ask that the Senate proceed to the consideration of S. 1027, which is Calendar Order No. 774.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1027) to amend public law 96-162, reported with an amendment, relating to Yakima River Basin Water Enhancement Project Feasibility Study.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert:

That Public Law 96-162 (relating to the Yakima River Basin Water Enhancement project-feasibility study) (93 Stat. 1241) is amended by adding the following new sections at the end thereof:

"SEC. 2. The Secretary of the Interior, acting pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) and in accordance with the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) (hereafter, the Northwest Power Act) is authorized to accept funds from any entity, public or private, to design, construct, operate, and maintain fish facilities within the Yakima River Basin, and thereafter to design, construct, operate, and maintain such facilities.

"SEC. 3. The Secretary of Energy, acting by and through the Bonneville Power Administration (hereinafter, Bonneville) is authorized to transfer funds, not to exceed $13,500,000, in the manner and amount determined by Bonneville to the Secretary of the Interior to design and construct the fish facilities authorized under section 2 of this Act, in accordance with the Northwest Power Act. For the purposes of this Act, Bonneville's transfer of funds to the Secretary of the Interior shall be treated as an expenditure from the Bonneville fund and shall be included in the Bonneville budget in the same manner as other Bonneville expenditures submitted to Congress pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. 838): Provided, That expenditures for ordering screens and constructing fish ladders at Sunnyside and Wapato Diversion Dams are hereby approved.

"SEC. 4. There are hereby authorized to be appropriated beginning October 1, 1983, to the Secretary of the Interior for planning, design, and construction of fish facilities in the Yakima River Basin, $17,000,000, plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs indexes applicable to the type of construction involved herein. There are also authorized to be appropriated to the Secretary of the Interior such additional sums as may be required for the operation and maintenance of the fish facilities authorized by this Act: *Provided*, That operation and maintenance costs related to anadromous fish which are in excess of present obligations, as determined by the Secretary of the Interior, shall be nonreimbursable and nonreturnable.

"SEC. 5. The fish facilities authorized by this Act at Federal and non-Federal works shall become features of the Yakima River Basin Water Enhancement Project (hereinafter, Yakima Enhancement Project), if such project is authorized, and their operation and maintenance shall be integrated and coordinated with other features of the existing Yakima Project. The Secretary of the Interior, as he deems appropriate, shall enter into agreements to provide for the operation and maintenance of such fish facilities.

"SEC. 6. If the State of Washington, the Yakima Indian Nation, or any other entity, public or private, prior to an authorization or the providing of an appropriation of funds to the Secretary of the Interior to construct the Yakima Enhancement Project, shares in the costs of or constructs any physical element of that project, including fish facilities or any reregulating dam, and conveys the same to the United States, the costs incurred by the State, the Yakima Indian Nation, or other entity in the construction of such elements shall be credited to the total amount of any costs to be borne by the State, the Yakima Indian Nation, or any other entity as contributions toward payment of the cost of the Yakima Enhancement Project; except that no such credit shall be given to any element constructed by the State, the Yakima Indian Nation, or any other entity unless the element has been approved by the Secretary of the Interior prior to its construction. The Secretary shall grant such approval, when requested by the State of Washington, the Yakima Indian Nation, or other entity, if the Secretary determines that the element proposed for construction would be an integral part of the Yakima Enhancement Project. All approved elements constructed by the State, the Yakima Indian Nation, or other entity, as provided in this section, shall be operated and maintained by the Secretary of the Interior.

"SEC. 7. The Secretary of the Interior is authorized to accept title to any reregulating dam or fish passage facility constructed by the State of Washington, the Yakima Indian Nation, or any other entity, pursuant to section 6 of this Act, without giving compensation therefor, and thereafter to operate and maintain such facilities. Any such facility shall be operated by the Secretary in a manner consistent with the treaty rights of the Yakima Indian Nation, Federal reclamation law, and water rights established pursuant to State law, including the valid contract rights of irrigation users. The Secretary of the Interior shall negotiate and enter into agreements for the payment of operation and maintenance costs allocated to irrigation pursuant to Federal reclamation law. Operation and maintenance costs for any reregulating dam or fish passage facility allocated to fish shall be paid for in accordance with the Act of July 9, 1965 (79 Stat. 213).

"SEC. 8. Notwithstanding the authorization provided in this Act, the feasibility study authorized by Public Law 96-162 shall continue to include fish facilities as elements of that study.

"SEC. 9. (a) Nothing in this Act shall be construed to affect or modify any treaty or other right of an Indian tribe.

"(b) Nothing in this Act shall be construed as authorizing the appropriation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this Act (1) affect the rights or jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any groundwater resource, (2) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States, or (3) otherwise be construed to alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

"(c) Except as specifically provided in this Act, nothing in this Act shall alter, diminish, or abridge the rights and obligations of any Federal, State, or local agency, Indian tribe, or any other entity, public or private.".

Mr. BAKER. Mr. President, may I outline for my colleagues what the leadership on this side has discussed with the minority leader and with other Senators.

It is my understanding that there will be colloquies and remarks on this bill and the amendment. It is the intention of the leadership on this side then to ask that the Energy Committee be discharged from further consideration of the companion House measure, which is H.R. 653, and that the Senate proceed to its immediate consideration.

At that point, Mr. President, it will be the intention of the leadership on this side to strike all after the enacting clause in the House bill and substitute the text of the Senate bill, as amended. That is for the guidance of Senators so they will understand how we wish to proceed.

Mr. President, I now yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I think first I ought to yield to the Senator from Washington, who is the prime sponsor of the bill. I wish to address myself to the matter of a possible amendment in connection with this measure, but I yield first to the prime sponsor of this legislation.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. EVANS. Mr. President, I rise in support of S. 1027, a bill to help restore anadromous fish runs in the Yakima River basin in Washington State. The bill would aid cooperative efforts by the Bureau of Reclamation, the Bonneville Power Administration, the State of Washington, the Yakima Indian Nation, and others to restore the fish runs. S. 1027 would provide for construction of many of the fish passage facilities recommended for the Yakima River recommended in the Columbia River basin fish and wildlife program adopted by the Pacific Northwest Power Planning Council. I served as chairman of the Northwest Power Planning Council when the recommendations for the Yakima River basin were adopted and share the council's enthusiasm for the project.

Currently, there are 18 diversion dams in the Yakima River basin owned by the Bureau of Reclamation, the Bureau of Indian Affairs, the city of Yakima, and various irrigation districts. These projects are utilized to maximize the benefits of water in the Yakima River basin. The Yakima basin is one of the most productive agricultural areas in the United States. The Yakima River was once one of the most productive rivers in the country as well. Historically, the Yakima River supported an estimated 500,000 to 600,000 returning adult salmon annually. By 1920, the number of returning salmon had declined to about 11,000 each year as a result of a number of factors including the construction of water diversion dams and canals without fish ladders or protective screens, partial or total blockage of migratory routes, and dewatering of spawning and rearing habitats. By 1982, the runs declined to an estimated 2,000 fish.

S. 1027 would provide for installation of fish passage facilities at the various dams on the Yakima River. The bill would result in a tremendous benefit to the Pacific Northwest and to the Nation as a whole, and would go far in rectifying the damage to the region's anadromous fishery resource caused by the construction of hydroelectric and irrigation dams on the Columbia River system by the Federal Government. I strongly urge adoption of this legislation.

Mr. McCLURE. Mr. President, I wonder if the Senator from Ohio will yield for a moment for a statement?

Mr. METZENBAUM. I yield.

Mr. McCLURE. Mr. President, as reported by the Committee on Energy and Natural Resources, S. 1027 clearly demonstrates the commitment on the part of the committee for the continued prudent development of our water resources while at the same time providing for our fish and wildlife resources. S. 1027 authorizes a program of design, construction, operation, and maintenance of fish facilities in the Yakima River basin in the State of Washington. The bill also includes authority for Federal as well as non-Federal financing of the program.

Passage of S. 1132 will make a significant contribution toward fishery programs in the Yakima River basin and benefits will accrue to the Pacific Northwest and the Nation at large.

Mr. President, I ask unanimous consent that the "Background and Need" section of the committee report (98-394) which accompanied S. 1132 when reported by the committee be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

BACKGROUND AND NEED

The history of irrigated agriculture in the Yakima River Basin traces its origins back to the late 1860's when water was first diverted to irrigate crops. Federal involvement in the development of the water resources of the basin began in 1905 under the Reclamation Service, predecessor of the Bureau of Reclamation. The irrigable lands served by the Yakima Project consist of approximately 464,000 acres on both sides of a 175-mile reach of the Yakima River in south central Washington. In addition to irrigation water supplies, the project also provides hydroelectric power with an installed generation capacity of 23 megawatts, incidental flood control, and recreation and fish and wildlife benefits.

In 1977, drought conditions focused attention on the need for further efforts to both expand and assure existing water supplies in the basin. As a result of this heightened interest, the Secretary of the Interior was authorized, by Public Law 96-162 (Act of Dec. 28, 1979), to conduct a feasibility investigation of the Yakima River Basin Water Enhancement Project. The primary objectives of the proposed project are to provide supplemental water to presently irrigated land, provide water to newly irrigated lands of the Yakima Indian Reservation, provide water for increased instream flows for aquatic life, and develop a comprehensive plan for the basin to enable efficient management of existing water supplies. The completion date for the study is 1986.

Historically, the Yakima River supported an estimate 500,000 to 600,000 returning adult salmon annually. By 1920, the number of returning salmon had declined to about 11,000 each year as a result of a number of factors including the construction of water diversion dams and canals without fish ladders or protective screens, partial or total blockage of migratory routes and dewatering of spawning and rearing habitats. Beginning in 1920, efforts were taken to correct the most serious fish passage problems through construction of fish ladders and screens at some diversion dams. As a result, the runs slowly increased between 1920 and 1960, reaching a peak of 19,000 fish. Since then, they have declined to an estimated 2,000 fish.

The first phase of the Bureau of Reclamation's feasibility study has been completed and has identified possible elements of a final plan for the project. Among these is the construction of a reregulating reservoir and fish passage and protective facilities in the Yakima River Basin.

The State of Washington has appropriated $14 million to do advance design and construct the reregulating reservoir. However, this appropriation is contingent upon being able to secure a credit of such funding toward any future costs the State may be required to bear in the event Congress authorizes the Yakima Enhancement Project. Passage of S. 1027 would encourage construction of the reregulating reservoir and facilitate a cooperative Federal/non-Federal program to provide for fish passage facilities in the basin.

The Pacific Northwest Electric Power Planning and Conservation Act of 1980, commonly referred to as the "Northwest Power Act," Public Law 96-501 (Act of Dec. 5, 1980), provided in part for the preparation by the Northwest Power Planning Council of a program to protect, mitigate, and enhance the fish and wildlife resources affected by hydroelectric development in the Columbia River Basin. The "Columbia River Basin Fish and Wildlife Program" was adopted by the Northwest Power Planning Council on November 15, 1982. Noteworthy is the recognition in the program of the potential for at least partial restoration of fish runs in the Yakima River Basin. Passage of S. 1027 would provide for implementation of many of the fish facilities for the Yakima River Basin included in the program. Consideration of S. 1027 by the Committee on Energy and Natural Resources is the first action taken by Congress after passage of the Northwest Power Act which implements elements of the program proposed by the Council.

Mr. McCLURE. Mr. President, this is an important measure in that it is the first action taken by Congress after passage of the Northwest Power Act which implements elements of the Columbia River Basin fish and wildlife program prepared by the Northwest Power Planning Council as directed by the Northwest Act. I must also say that the measure has been carefully drafted so that nothing in the act shall be construed to authorize appropriation of water or affect the rights and jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or stream or ground water resource, or any interstate compact made by the States, or otherwise alter or establish the rights of the United States, the States, Indian tribes, or any person with respect to any water or water-related right.

I congratulate the junior Senator from Washington for his efforts in regard to this legislation and thank the subcommittee chairman, Mr. NICKLES, for his concern and assistance in bringing S. 1027 before the Senate. I know that a great deal of staff effort went into the successful

pursuit of this bill and I cite in particular the efforts of Mr. Joe Mentor of Senator EVANS' office for his great assistance to the committee staff.

Mr. GORTON. Mr. President, will the Senator from Ohio yield?

Mr. METZENBAUM. I yield.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I am pleased to support S. 1027, a bill that will go a long way toward helping to restore anadromous fish runs in the Yakima River Basin in Washington State.

Hydroelectric development in the Northwest and the construction of irrigation diversion dams and canals without fish ladders or protective screens reduced significantly the anadromous fishery resource in the Yakima River. At one time, the Yakima River supported an estimated 500,000 to 600,000 returning adult salmon annually. By 1920, the number of salmon had declined to approximately 11,000 each year. Over the years, the number of fish returning to the Yakima has continued to decline. This legislation will help to restore the fish runs and it is one important element of the overall Yakima River Basin Water Enhancement Project which is currently under study by the Bureau of Reclamation.

The bill helps to promote the cooperative efforts of the Bureau of Reclamation, the Bonneville Power Administration, the State of Washington, the Yakima Indian Nation and other groups to restore anadromous fish runs in the Yakima River. There are three significant elements to the legislation: First, it establishes a program for the design, construction, operation, and maintenance of fish facilities in the Yakima River Basin; second, it provides authority for Federal as well as non-Federal funding of the program; and third, it provides that costs incurred by non-Federal entities for features of the proposed Yakima River Basin Water Enhancement Project shall be credited toward the non-Federal share of the costs of such project.

The Northwest Power Act, Public Law 96-501, directed the Northwest Power Planning Council to prepare a program to protect, mitigate, and enhance the fish and wildlife resources affected by hydroelectric development in the Columbia River Basin. In 1982, the Council adopted a plan which included recommendations for restoring fish runs in the Yakima River Basin. S. 1027 will provide for the implementation of many of the Council's recommendations.

This legislation takes a major step in helping to accomplish the overall goal of restoring and protecting the important anadromous fishery resource in the Columbia River system. I urge my colleagues to support this bill.

I also compliment and congratulate Senator EVANS for all of his efforts on behalf of this legislation. It is an accomplishment of which he should be very proud.

I thank the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I have indicated some concern about this measure, not by reason of the substantive aspects of the measure itself but because when I find myself getting up in the Northwest, what immediately comes to mind is the whole issue of the Bonneville Power Authority and the fact that the Bonneville Power Authority owes $8 billion to the United States; that they are presently $1.2 billion in arrears; that only $40 million has been paid in the last 10 years. I think it is high time that this Government operate as any other business—if you lend somebody money, you ought to pay the money back.

As the matter has come up before in committee, I find there is general agreement that the point the Senator from Ohio has made is not at issue but not that much is being done about it.

Mr. President, I do have in my hand a letter addressed to the distinguished author of this legislation, the prime sponsor, in which the Administrator, Peter Johnson, writes to Senator EVANS on October 3, 1983, and talks about the fact that during the period of these new rates, November 1983 through June 1985, BPA intends to repay the estimated $236 million of interest deferrals and to pay amortization of $225 million to the U.S. Treasury.

It goes on to say that these acts should enable BPA to overcome the problems citied in recent critical reports by FERC, Department of the Treasury, the General Accounting Office, and the President's private sector survey on cost control. As a matter of fact, as of the writing of that letter, BPA had deferred interest payments to the U.S. Treasury in fiscal year 1979, 1980, 1982, 1983, and the BPA's deferrals presently total $236 million.

Now, it is my feeling that when the Congress of the United States legislates, it ought to have legislation strong enough and effective enough to cause its policies as enunciated by these congressional enactments to be realized. But in the case of BPA we have not.

So it has been my thought, and I know the thoughts of some others actually on both sides of the aisle, that we should go forward with the legislative approach to be certain that the amoritization of the $8 billion be handled in a more businesslike way than it has been handled in the past.

I had originally intended to offer an amendment to this particular legislation to achieve that objective. The Senator from Washington and the Senator from Idaho have been very persuasive and have indicated they prefer that I not do so, but I wish some assurance that we will move on the legislative front to see to it that the $8 billion that is owed to our Govenment be repaid in a fair and equitable manner and a timely fashion and that we not have that which I consider to be a collection problem with the BPA.

I very much appreciate hearing from the chairman of the Energy Committee as well as the prime sponsor as to their thoughts on this subject.

Mr. McCLURE. Mr. President, I appreciate the comments of the Senator from Ohio, and I do not disagree with the thrust of what he is suggesting.

I would not want the RECORD to indicate that we are unconcerned about that matter. We have been very concerned about that matter for a long while. As a matter of fact, in my own personal experience the system that was adopted many years ago of refinancing the debt every time there was an addition to the debt, what became known as rolling maturities, was something that was never legislated by Congress. It was adopted by the administrations in the past and approved in the appropriations acts over the years. That has been the traditional manner in which the oversight has been conducted in the Appropriations Committee and the subcommittee now chaired by the distinguished Senator from Oregon, Senator HATFIELD.

That issue of the rolling maturities is a matter which is embedded in their practice. Whether or not we might agree with it or not agree with it is something else.

I think it is well to note that at the time the letter was written, the letter to which the Senator from Ohio has referred, there was a pending rate case before FERC for increases in the rates by Bonneville and that rate case has since been concluded, and the rates have been increased and I am told by the Administrator of the Bonneville Power Administration that the rates now in effect in the Northwest will be sufficient by 1985 to catch up on the past due interest and get us current on the principal payments according to the schedule of repayments now in effect for Bonneville.

Whether that is a fact may well be subject to scrutiny. Whether or not the schedule of repayments is a proper schedule of repayments is also something we might well wish to look at further.

But I appreciate the fact that the Senator from Ohio recognizes that it is a legislative matter of some importance and therefore one which we should look at with some care in the committee rather than trying to legis-

late on the floor by way of an amendment.

I think that is perfectly appropriate, but I do not want to overstate what I might be able to accomplish because it is a very difficult, complex, sensitive issue in the Northwest.

But I will say to the Senator from Ohio I have no reluctance at all in saying that the committee will do what we can within reasonable bounds to look at that question.

Mr. METZENBAUM. Will the distinguished chairman of the Energy Committee be willing to give the Senator from Ohio some assurances without it being a commitment that on this whole question of rolling maturities, which is an absurdity on its face—I mean no one else in the whole world does business on the basis that you keep changing the date when it is to be paid off, except maybe in the international market when banks lend money to Argentina, Brazil, or Mexico, or someone of the kind, and then the U.S. Government comes along and bails them out—but other than that, normal people do business on the basis that you have a date in which your obligation is due and you make payments toward that date—sometimes you have a balloon at the end of the period—but at least you do not change in the maturities on a constant basis. I am wondering whether or not the Senator from Idaho would not agree with the Senator from Ohio that is really not the way the Government should do business and that Congress should at least enunciate some policy in connection with that subject.

Mr. McCLURE. If the Senator would permit me, certainly I do not disagree that that is a very unique way of carrying the accounts on the books. I have been critical of it for years. I was critical of it long before I came to Congress, and I remain critical of it today.

But I would also want to be very candid that rates in the Northwest on the power that is being marketed by Bonneville Power Administration have escalated very rapidly over the last 2 years, and there is a great deal of consumer reaction to the increased rates which they are paying. In order to change the system of accounting that is now in effect and has been in effect for many years would require legislative action, and in the face of that economic situation in the Northwest that legislative action might be difficult to achieve.

Mr. METZENBAUM. As the Senator from Idaho knows, it is a fact that rates have gone up in the Northwest, but I am advised that it is also a fact that those rates are still about half of what the national average is, and what we, therefore, have in effect is a subsidization of those rates. I have no fault to find with the people of the Northwest except that in these days when we are spending our time trying to balance budgets, I think it is all the more important that we try to collect the obligations that are due us and I am not sure if I understood exactly what the chairman is saying. Let me first ask can we be assured that there will be some legislative involvement, which means legislative hearings, which would possibly involve, although not necessarily, a markup; and second, can the chairman of the Energy Committee other than indicating his concern indicate his position with respect to putting a halt to the matter of rolling maturities?

Mr. McCLURE. I tried to say this is clearly as I could. Perhaps let me go back and try to answer that question this way: As I indicated earlier the oversight of Bonneville has customarily and traditionally in this body in their operating budgets been before the Energy and Power Subcommittee of the Appropriations Committee, now chaired by Senator HATFIELD. That is a circumstance that evolved over the years when Senator Magnuson and Senator Jackson presided over what is now the Energy Committee and the Appropriations Committee, and that was an arrangement which the State of Washington found suitable for their purposes and was embedded in the practice before this body.

I certainly would feel constrained to consult with the Senator from Oregon before I undertook to make drastic changes with respect to the legislative framework under which we do business here with relation to Bonneville, and I do not mean to overstate that because obviously we also have oversight responsibility and have exercised that in the Committee on Energy and Natural Resources.

The second point I want to make is that because it is a practice that has been followed for at least 20 years, and I am not exactly certain in my mind when it first started, but still in the late 1950's or early 1960's, if my memory serves me correctly, and has been followed consistently since that time, to change it will probably require affirmative legislative action. And affirmative legislative action may be difficult to achieve when you have the kind of economic problems and the kind of consumer reaction that we now have in the Pacific Northwest.

Within the constraints of those limits I am perfectly willing to look at this issue and, as a matter of fact, I think we should. We should also be very much aware of the fact that Bonneville, under its current administration, has done a great deal to correct some of what some people might call financial abuses that may have occurred, but let me rephrase that to say, has done much to make the management of Bonneville much more responsive to the concerns that the Senator from Ohio has expressed and I think the Senator from Ohio would want to look at not only where we have been over the last 20 years but where we are now.

With respect to the comparison in rates, the Pacific Northwest is blessed by many resources, one of which is hydropower. We have lots of mighty rivers and the Federal Government made major investments in power producing facilities on the Columbia River system starting back in the 1930's and so have other entities other than the Federal Government, and the result is that we have a hydro-based system both public and private for most of the Pacific Northwest. That power, because it is based upon falling water, upon investments that were made many years ago, is very, very attractive as compared to other rates throughout the United States.

I also point out that we do not have any natural gas and we import our natural gas from Canada or from some of the other States, and where we have low hydroelectricity rates, we have very high natural gas rates.

You have to look at the entire energy market not just at Bonneville. I would say to the Senator from Ohio what we now see is federally subsidized power; that is power that was produced from dams built by Federal agencies, is now almost on a par with other investors-owned utility power rates in the same region and that they are very much the same, very nearly the same, as the natural gas rates that compete in the same energy market. So there is some parity which exists in the markets today which certainly was not the case 2 or 3 or 4 years ago and for the 20 or 30 years before that time. But there has been a dramatic and drastic change in the last 2 years.

Mr. METZENBAUM. I see the Senator from Washington on his feet. Would the Senator from Washington be willing to adress himself to the subject of whether he would be willing to join the Senator from Ohio and, hopefully, the Senator from Idaho toward the development of a piece of legislation that would not do harm to the Northwest and to his constituents, but at the same time would recognize the business equities and the budgetary responsibilities of all of us as a total body and try to put Bonneville Power Authority on a fixed repayment schedule and also would eliminate the rollover maturities that have been the practice in the past?

Mr. EVANS. Mr. President, I would be pleased to respond to the distinguished Senator from Ohio.

Let me say first that perhaps the rolling maturity concept is virtually unique but not totally unique. I know that a good many of the public pension programs of the country, in an attempt to refinance or to reduce the unfunded liabilities, have embarked on precisely that kind of a rolling 40-year

or some other period of time attempt to bring those unfunded liabilities down. So perhaps a rolling maturity is not totally unique.

I am not suggesting that it is appropriate here.

Mr. METZENBAUM. Would the Senator from Washington recognize there is a distinction in connection with the pensions where there are not always fixed and definite contractual obligations, as in many instances they are not contractual at all but they are indications of what a plan proposes to do, whereas in this case we have fixed contractual borrowings under an original contract that has now been changed and the terms of which have been changed over a period of many times?

Mr. EVANS. Yes; I suppose we could get into a discussion of the validity even of some of the activities on the pension scene. Usually, the unfunded liabilities do represent already-accrued liabilities which must be paid at some future date so that they are relatively fixed and definable.

But let me just talk for a few minutes about some of the difficulties, while at the same time assuring the Senator from Ohio that I join with him and the chairman of the committee in my concern over past practices and in my devotion to try to find a better way. I am already in the process of trying to understand better, by accumulating the information on current liabilities, precisely what the result would be of alternative methods of repayment—a fixed schedule. A fixed schedule of varying time limits, of course, would have different consequences in terms of current payments. I think all of those things ought to be looked at, while keeping in mind some events of the last few years that radically changed the nature of electric power in the Pacific Northwest.

Power rates in the Northwest in the last 4 years have gone up 700 percent. They certainly are still lower than most areas of the country, but that very significant increase has had the effect of enhancing conservation, of causing people to use less electricity. And you simply must recognize the fact that people in the Northwest, because of the high cost of alternative fuels, as was pointed out by the Senator from Idaho, use more electricity and are dependent more on it and as a result are affected more by price increases than would be the case in other parts of the country.

The direct service industries, particularly the aluminum companies, make up 20 percent of the current load in the Pacific Northwest. If we were to change even modestly the average rates now paid by those aluminum companies, we would not only shift them from being marginal plants but would make them uneconomic plants. And it is of little value to the Government and certainly would be disastrous to the economy of the Northwest to drop that percentage of a total load. We would be totally incapable of producing any kind of reasonable payback scheme if there were to be a decline of 20 percent in the amount of electricity sold because we had driven the aluminum companies out of business through price.

In the next few years, we are going to have to face up to something we probably should have faced up to a long time ago; that is the fact that for every beneficial resource, in this case hydroelectric power, there are some environmental hazards. There has been a rapid and radical decline in the fisheries resources of the Pacific Northwest. And we now have a plan in effect which will, over the years, begin to restore those resources.

This bill is a first step in that effort. The ratepayers of the Northwest will assume that burden over the coming years and it will add to other burdens they have, including, as a primary burden, the repayment of their debt to the Federal Government.

Let me read from a statement I made just 1 week after coming to the Senate on September 19, 1983, two very brief passages because they reflected my feeling then and my feeling now. I said:

> Under no circumstances, as past chairman of the Power Council or as Senator, do I believe that the taxpayers of this Nation should bail out the ratepayers of the Pacific Northwest, nor is that intended in this proposal.

I went on to say:

> One of the enormous difficulties Bonneville has in each rate case, especially now when rates are rising so rapidly, is to predict with any accuracy the revenues to be achieved during the next 20 month period. They are hopeful and, I believe, the rates will be sufficient to bring in revenues to both pay back on schedule the payments to the Federal Government and also to begin to catch up on some past payments.

Now 6 months has gone on since that date. In a conversation with the administrator of the Bonneville Power Administration yesterday, I find that they are not only on target but somewhat ahead of target in repaying. And he is confident they will repay in fact all of those past interest charges and will be at rates sufficient so that we very likely can accumulate and utilize future revenues if we do not destroy the economic base of the Northwest through radical and further price increases, use current rates or rates that slowly escalate to embark on a well thoughtout and regularized repayment schedule to the Federal Government.

I can express to the Senator from Ohio that this will be and is now one of my highest priority interests, and I would be glad to work with him on the kind of legislation necessary if in fact legislation is required to get us to that common goal.

Mr. METZENBAUM. Mr. President, I appreciate the assurances given me by the distinguished chairman of the Energy Committee, as well as from a member of that committee, the Senator from Washington. I am hopeful that we can proceed forward together to achieve a mutually satisfactory solution that is fair to the constituencies that each of them represent, as well as to the people of this country and the Federal Treasury.

Having said that, Mr. President, I see no reason to debate in connection with this matter. I know the Senator from Washington plans to leave to meet the people of Yakima yet this afternoon and I wish him well on his trip. Bon voyage.

Mr. EVANS. I thank the Senator from Ohio. I fully appreciate his thoughts.

Mr. McCLURE. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 653, a bill to amend Public Law 96-162.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The bill clerk read as follows:

> A bill (H.R. 653) to amend Public Law 96-162 to provide a credit to the State of Washington or the Yakima Indian Nation for certain construction costs associated with the Yakima River Basin Water Enhancement Project.

The Senate proceeded to consider the bill.

Mr. McCLURE. Mr. President, I move to strike all after the enacting clause, and insert the text of S. 1027, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, as amended.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. EVANS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that Calendar No. 774, S. 1027, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have one item—maybe two—that has been cleared for action by unanimous consent. I first say to the minority leader that we are cleared on this side to take up S. 2418, if the minority leader is agreeable.

Mr. BYRD. Mr. President, we are cleared on this side.

Mr. BAKER. I thank the minority leader.

LIBRARY OF CONGRESS MASS BOOK DEACIDIFICATION FACILITY

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 845, S. 2418.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

The Senate proceed to consider the bill (S. 2418) to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Rules and Administration with an amendment, as follows:

On page 2, line 19, strike "1984" and insert "1983".

So as to make the bill read:

S. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress is authorized and directed, subject to the supervision and construction authority of a Federal, civilian, or military agency, to construct the Library of Congress Mass Deacidification Facility in accordance with the general design developed by the Library of Congress and reviewed by the Architect of the Capitol. Such facility shall be constructed on Federal property within seventy-five miles of Capitol Hill.

SEC. 2. The Library of Congress Mass Book Deacidification Facility shall be operated and maintained by the Librarian of Congress, whose authority under the first section of the Act entitled "An Act to abolish the office of Superintent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress", approved June 29, 1922 (42 Stat. 715; 2 U.S.C. 141), shall be exercised to equip, furnish, and maintain the facility.

SEC. 3. There are authorized to be appropriated for the fiscal year beginning after September 30, 1983, sums not to exceed $11,500,000 to carry out the provisions of this Act.

AMENDMENT NO. 3081

(Purpose: Technical amendment)

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from Maryland (Mr. MATHIAS), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. MATHIAS, proposes an amendment numbered 3081.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 18, strike out all of line 18 and insert in lieu thereof the following:

SEC. 3. There are authorized to be appropriated for a

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3081) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2418), as amended, was passed, as follows:

S. 2418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress is authorized and directed, subject to the supervision and construction authority of a Federal, civilian, or military agency, to construct the Library of Congress Mass Deacidification Facility in accordance with the general design developed by the Library of Congress and reviewed by the Architect of the Capitol. Such facility shall be constructed on Federal property within seventy-five miles of Capitol Hill.

SEC. 2. The Library of Congress Mass Book Deacidification Facility shall be operated and maintained by the Librarian of Congress, whose authority under the first section of the Act entitled "An Act to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress", approved June 29, 1922 (42 Stat. 715; 2 U.S.C. 141), shall be exercised to equip, furnish, and maintain the facility.

SEC. 3. There are authorized to be appropriated for a fiscal year beginning after September 30, 1983, sums not to exceed $11,500,000 to carry out the provisions of this Act.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF THE EXPORT ADMINISTRATION ACT

Mr. BAKER. Mr. President, may I say we are also cleared to consider calendar order No. 879, S. 2678, by unanimous consent, if the minority leader is agreeable.

Mr. BYRD. Mr. President, this same clearance has been obtained on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 879.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2678) to extend the authorities under the Export Administration Act of 1979 until June 28, 1984.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Export Administration Act of 1979 is amended by striking out "March 30, 1984" and inserting in lieu thereof "June 28, 1984."

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I would say to the minority leader that I perhaps do not have as much of my Executive Calendar cleared as he does. May I identify the items that are fully cleared on this side and ask the minority leader if he is prepared to consider all or any portion of them.

The items that I am prepared to proceed with at this time are beginning on page 3, the last item, Calendar No. 598, the nomination of James W. Fuller, and all those nominations on page 4. Those items have been cleared on this side, Mr. President, and I ask if the minority leader is prepared to consider all or any portion of them.

Mr. BYRD. Mr. President, this side is ready to proceed with the nominations beginning with Calendar No. 598 on page 3 and going through page 4 on the Executive Calendar.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering those nominations to which I have referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITIES INVESTOR PROTECTION CORPORATION

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of James W. Fuller, of California, to be a Director of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. The nomination is considered and confirmed.

NATIONAL COUNCIL ON THE HANDICAPPED

The legislative clerk read the nomination of H. Latham Breunig, of New York, to be a member of the National Council on the Handicapped.

The PRESIDING OFFICER. The nomination is considered and confirmed.

The legislative clerk read the nomination of Michael Marge, of New York, to be a member of the National Council on the Handicapped.

The PRESIDING OFFICER. The nomination is considered and confirmed.

The legislative clerk read the nomination of Sandra Swift Parrino, of New York, to be a member of the National Council on the Handicapped.

The PRESIDING OFFICER. The nomination is considered and confirmed.

The legislative clerk read the nomination of Alvis Kent Waldrep, Jr., of Texas, to be a member of the National Council on the Handicapped.

The PRESIDING OFFICER. The nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Carol E. Dinkins, of Texas, to be Deputy Attorney General.

The PRESIDING OFFICER. The nomination is considered and confirmed.

NATIONAL TRANSPORTATION SAFETY BOARD

The legislative clerk read the nomination of Patricia A. Goldman, of the District of Columbia, to be a member of the National Transportation Safety Board.

The PRESIDING OFFICER. The nomination is considered and confirmed.

The legislative clerk read the nomination of James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board.

Mr. PRYOR. Mr. President, I wish to express my support for the nomination of Jim Burnett as Chairman of the National Transportation Safety Board.

Two and one-half years ago, I had the pleasure of presenting Jim Burnett to the Senate.

Today, his name is before the Senate not only as the name of an experienced public official and a familiar witness before congressional hearings, but also as a respected leader in the field of transportation safety.

All of us from Arkansas are proud of Jim Burnett's record as a Federal official. We have watched with special pride his handling of crisis after crisis and listened to the praise he has earned for his agency's careful, objective analysis of transport accidents and dangers.

In 1981, I told the Senate Jim Burnett could handle this challenge. I am glad he has proven me correct, and I am proud to urge the Senate to give favorable consideration to his nomination today.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDREWS, from the Select Committee on Indian Affairs, with amendments:

S. 2614: A bill to amend the Indian Financing Act of 1974 (Rept. No. 98-459).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 416: A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic River System (Rept. No. 98-460).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 837: A bill to designate certain National Forest System lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes (Rept. No. 98-461).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 2125: A bill entitled the "Arkansas Wilderness Act of 1983" (Rept. No. 98-462).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2242: A bill to designate certain national forest lands in the State of Arizona as wilderness, and for other purposes (Rept. No. 98-463).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 2457: A bill to designate certain national forest systems lands in the State of Idaho for inclusion in the National Wilderness Preservation System and to release other forest lands for multiple use management, and for other purposes (Rept. No. 98-464).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1149: A bill to designate certain National Forest System and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes (Rept. No. 98-465).

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

S. 476: A bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes (Rept. No. 98-466).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2603: A bill to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965 (Rept. No. 98-467).

Mr. HATCH. Mr. President, today I am filing S. 2603 as amended, a bill which would reauthorize and improve the Older Americans Act. This legislation will assure the continuation of a program which has effectively provided essential social services for the elderly of our country. Since it was passed originally in 1965, this act has provided money for programs that provide senior citizens with nutritious meals, for information and referral systems that help our elderly find senior citizen centers that provide both services and companionship, and for programs that furnish transportation to help our aged senior citizens get from their homes to the services and opportunities mandated by this bill.

Three years ago, I actively participated in the passage of Public Law 97-115, the Older Americans Act Amendments of 1981. We made changes in the structure of the law then to give State agencies on aging more flexibility in the management of the grants that pay for supportive services, senior citizen centers, and nutrition programs. We found that many senior citizen centers were forced to leave money unspent in one account while other accounts had resources remaining. In Utah, for example, many centers had to close their doors—turning away older people who needed nutritional hot meals—because no money remained to pay for the bus or car that brought the people to centers to eat, although money remained to pay for the actual food.

Even though Public Law 97-115 largely corrected this inequity, the bill we propose today will expand this provision and allow for even greater transferability of funds by increasing the amounts allowed to be transferred between title III, parts B and C, from 20 to 35 percent. It also would allow a 9-percent increase in authorization levels. This increase is important since congregate meals provide an integral part of the services offered by our senior citizen centers. In 1982, 140.3 million meals were served nationally, with 694,944 of these provided in Utah. For those senior citizens not able to leave their residences, an additional 50.5 million meals were home delivered, such as the 489,967 meals delivered as part of Utah's Meals On Wheels program.

I am also keenly interested in the community services employment program—title V of the Older Americans Act. Designed to promote useful part-time opportunities for low-income persons aged 55 and older, title V provided 62,560 positions in 1983. For example, under the Green Thumb program of the U.S. Forest Service and the Utah State Division of Aging, 375 jobs were available in my State. Workers were placed in schools, libraries, congregate meal sites, park services, city halls, tourist information centers and other public service sites.

The proposed Older Americans Act also provides new help and new hope for the families of victims of Alzheimer's disease. Alzheimer's is a tragic disease which causes the victim to lose mental capacity and, eventually, physical capabilities. Up to a million people may be affected by Alzheimer's, with a cost to this Nation of $30 billion a year, according to the Alzheimer's Disease and Related Disorders Association (ADRDA). New and urgent emphasis will be given to demonstration projects and training of personnel needed to help the families of Alzheimer's disease sufferers. Money is provided for health and respite services for the families of Alzheimer's and other neurological disease victims.

Although it is estimated that one-fourth of all nursing home patients may have Alzheimer's, most Alzheimer's victims are being cared for by family members. Currently there are limited custodial care and respite services to help the Alzheimer's disease sufferers or their families. I have found in 5 years of study of home health programs that family care for an aged or ailing relative or friend often keeps the patient healthier and happier; so I am pleased that such a large share of Alzheimer's victims are in the care of their families. But families pay a steep price for this concern and love.

Often families find they must alter work schedules, that they must cancel or change much needed recreation, and that they must curtail other parts of everyday activity that most of us enjoy and take for granted. Too often there is no help available for the family, no custodial care to properly help the victim outside the home, and no respite care to help the family care for the victim. Our legislation proposes to address this problem and provide relief for the affected families.

I hope my colleagues in the Senate and our counterparts in the House will support this legislation and assist its rapid passing into law. America's 38 million aged citizens comprise one of the Nation's greatest resources. We cannot afford to postpone action on legislation which meets their needs. They deserve prompt action on this bill.

I would like to commend Senator GRASSLEY for his diligence and hard work in developing this legislation, hard work that has included extensive public hearings into each component of the law. I personally appreciate Senator GRASSLEY's strong leadership as chairman of the Aging Subcommittee. His oversight hearings on the various issues of the current law have been very informative and well conducted. His fine organizational abilities are a real asset to the Labor and Human Resources Committee and to the whole Congress.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Melcher:									
Mexico	Peso	25,600	450.00					25,600	450.00
United States	Dollar				458.00				458.00
David K. Voight:									
Mexico	Peso	25,600	450.00					25,600	450.00
United States	Dollar				458.00				458.00
Isabelita C. Sison:									
Mexico	Peso	25,600	450.00					25,600	450.00
United States	Dollar				458.00				458.00
Ira H. Goldman:									
Hong Kong	Dollar	2,074.60	267.00					2,074.60	267.00
Taiwan	Dollar				158.00				158.00
George S. Dunlop:									
United States	Dollar				1,600.00				1,600.00
Denmark	Dollar		102.00				13.88		115.88

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Germany	Dollar		378.00				55.55		433.55
Ireland	Dollar		194.00				27.80		221.80
United Kingdom	Dollar		194.00				27.77		221.77
Total			2,485.00		3,132.00		125.00		5,742.00

JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry,
May 14, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1983.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Melcher:									
Philippines	Peso	6,300	450.00					6,300	450.00
United States	Dollar				1,800.00				1,800.00
David K. Voight:									
Philippines	Peso	6,300	450.00					6,300	450.00
United States	Dollar				1,800.00				1,800.00
Isabelita C. Sison:									
Philippines	Peso	21,007.5	1,500.00					21,007.5	1,500.00
United States	Dollar				1,053.00				1,053.00
Total			2,400.00		4,653.00				7,053.00

JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry,
May 11, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Francis Sullivan:									
Belgium	Franc	9,121	158.00					9,121	158.00
Austria	Schilling	5472.3	273.00					5472.3	273.00
Jane McGhee:									
United States	Dollar				1,771.00				1,771.00
Senegal	Dollar		457.50						457.50
Senegal	CFA			348,766	840.40			348,766	840.40
Richard L. Spees:									
Greece	Drachma	14,949	150.00					14,949	150.00
Egypt	Pound	209.588	252.00					209.588	252.00
Israel	Shekel	47,084.45	415.28					47,084.45	415.28
Greece	Drachma					7,362.50	72.99	7,362.50	72.99
Jordan	Dinar	67.320	180.00					67,320	180.00
Saudi Arabia	Riyal	570.70	163.62					570.70	163.62
Kuwait	Dinar	66.530	226.87	320.700	1,099.45			387.23	1,326.32
England	Pound	69.85	99.00					69.85	99.00
	Dollar				4,583.00				4,583.00
Warren W. Kane:									
Greece	Drachma	14,949	150.00					14,949	150.00
Egypt	Pound	109.588	252.00					209.588	252.00
Israel	Shekel	47,084.45	415.28					47,084.45	415.28
Greece	Drachma					7,362.5	72.99	7,362.5	72.99
Jordan	Dinar	67.320	180.00					67.320	180.00
Saudi Arabia	Riyal	333.50	95.83					333.50	95.83
Kuwait	Dinar	68.530	233.69					68.530	233.69
England	Pound	69.85	99.00					69.85	99.00
	Dollar				4,583.00				4,583.00
Senator Robert W. Kasten:									
Honduras	Dollar		559.00						559.00
Germany	Mark	819	300.00					819	300.00
Switzerland	Franc	1143	150.00					1,143	150.00
Total			4,810.07		12,876.85		145.98		17,832.90

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Apr. 30, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James F. McGovern:									
Egypt	Pound	98.28	84.00					98.28	84.00
Israel	Shecel	43,268	400.00					43,268	400.00
Jordan	Dinar	33,615	90.00					33,615	90.00
Senator Sam Nunn:									
Austria	Schilling	5,472.3	273.00					5,472.3	273.00
Arnold Punaro:									
Austria	Schilling	5,472.3	273.00					5,472.3	273.00
Belgium	Franc	9,121.0	158.00					9,121.0	158.00
James F. McGovern:									
Federal Republic of Germany	Deutsche mark	409.50	150.00					409.50	150.00
Saudi Arabia	Riyal	563.76	486.00					563.76	486.00
Pakistan	Rupee	3,080.30	228.00					3,080.30	228.00
Syria	Pound	606.00	101.00					606.00	101.00
Patrick Tucker:									
Federal Republic of Germany	Deutsche mark	1,449	525.00					1,449	525.00
Richard Finn:									
Federal Republic of Germany	Deutsche mark	1,449	525.00					1,449	525.00
Total			3,293.00						3,293.00

JOHN TOWER,
Chairman, Committee on Armed Services, Apr. 24, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Carl Levin:									
Switzerland	Franc	357.60	164.00	690.00	312.43			1,047.60	476.43
Federal Republic of Germany	Deutsche mark	494.96	184.00					494.96	184.00
United States	Dollar		107.00						107.00
Drew Harker:									
Israel	Dollar		500.00						500.00
Robert Savitt:									
Switzerland	Franc	895.85	410.00	2,282.50	1,031.17			3,178.35	1,441.17
Senator Jeff Bingaman:									
El Salvador	Colone	28.25	7.28					28.25	7.28
Honduras	Lempira	400.00	200.00					400.00	200.00
Costa Rica	Colone	3,437.50	70.97					3,427.50	70.97
Jon Beard:									
El Salvador	Colone	888.75	225.00					888.75	225.00
Honduras	Lempira	400.00	200.00					400.00	200.00
Costa Rica	Colone	6,472.50	150.00					6,472.50	150.00
Senator Jeff Bingaman:									
United States	Dollar				512.00				512.00
Doug Graham:									
Federal Republic of Germany	Deutsche mark	1,031.26	375.00					1,031.25	375.00
Total			2,593.25		1,855.60				4,448.85

JOHN TOWER,
Chairman, Committee on Armed Services, Apr. 24, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John Campbell:									
Luxembourg	Franc	16,383	300.00					16,383	300.00
Federal Republic of Germany	Deutsche mark	1,537.29	586.75					1,537.29	586.75
United Kingdom	Pound	258.10	391.97					258.10	391.97
James Roche:									
Federal Republic of Germany	Deutsche mark	1,289.28	474.00					1,289.28	474.00
United Kingdom	Pound	192.09	294.00					192.09	294.00
Bruce Porter:									
Federal Republic of Germany	Deutsche mark	1,501.44	552.00					1,501.44	552.00
United States	Dollar				1,717.00				1,717.00
Beglium	Franc		166.00						166.00
Senator John Tower:									
United Kingdom	Pound	527.93	808.00	1,168.00	1,787.60			1,695.93	2,595.60
James Locker:									
United Kingdom	Pound	329.96	505.00					329.96	505.00
Delegation expenses:									
United Kingdom	Pound			780.13	1,194.31			780.13	1,194.31
Total			4,077.72		4,698.91				8,776.63

JOHN TOWER,
Chairman, Committee on Armed Services, Apr. 24, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Freedenberg:									
Uruguay	Peso	13,161	246.00					13,161	246.00
Brazil	Crucero	211,248	162.00					211,248	162.00
United States	Dollar				1,505.00				1,505.00
Total			408.00		1,505.00				1,913.00

JAKE GARN,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Apr. 17, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas W. Cohen:									
Canada	Dollar		12.05		302.00				314.05
Total			12.05		302.00				314.05

BOB PACKWOOD,
Chairman, Committee on Commerce, Science, and Transportation,
Apr. 23, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ira S. Shapiro:									
Japan	Yen	136,188	582.00					136,188	582.00
Senator William V. Roth, Jr.:									
South Africa	Rand	907.20	720.00	749.35	614.22			1,656.55	1,334.22
Dr. Ian Butterfield:									
South Africa	Rand	907.20	720.00	749.35	614,22			1,656,.55	1,334.22
Total			2,022.00		1,228.44				3,250.44

WILLIAM V. ROTH, JR.,
Chairman, Committee on Governmental Affairs, Apr. 12, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
England	Pound	216	309.00					216	309.00
Total			309.00						309.00

WILLIAM V. ROTH, JR.,
Chairman, Committee on Governmental Affairs, Apr. 12, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Murkowski:									
Korea	Won	77,328	97.00					77,328	97.00
Robert G. Bell:									
United Kingdom	Pound	138.40	99.00					138.40	99.00
Germany	Deutsche mark	839	276.00					839	276.00
United States	Dollar				1,586.00				1,586.00
Hans Binnendiji:									
Israel	Dollar		200.00						200.00
Egypt	Pound	292	252.00					292	252.00
Nertherland	Gulden	247	78.00					247	78.00
France	Franc	831	96.00					831	96.00
United States	Dollar				2,211.00				2,211.00
Gerald E. Connolly:									
Israel	Dollar		800.00						800.00
Egypt	Pound	920.85	793.84	14.85	12.80			935.70	806.64
United States	Dollar				1,468.76				1,468.76
Senator Joseph R. Biden:									
Russia	Dollar		300.00						300.00
United States	Dollar				1,631.00				1,631.00
Janice M. O'Connell:									
Pakistan	Rupee	5,439.15	405.00	1,450	107.96			6,889.15	512.96
India	Rupee	3,698	344.00					3,698	344.00
Nepal	Dollar		225.00						225.00
Saudi Arabia	Dollar		136.00						136.00
Egypt	Pound	499.8	420.00					499.8	420.00
United States	Dollar				3,239.00				3,239.00
John B. Ritch:									
Pakistan	Rupee	11,203.5	825.00					11,203.5	825.00
United States	Dollar				2,825.00				2,825.00
France	Franc	2,491	288.00					2,491	288.00
Belgium	Franc	9,151	158.00					9,151	158.00
West Germany	Deutsche mark	511	184.00					511	184.00
United States	Dollar				1,354.30				1,354.30
Alison Rosenberg:									
Senegal	CFA franc	116,085	272.50					116,085	272.50
Sudan	Dollar		140.00						140.00
Somalia	Shilling	3,584.60	206.25					3,584.60	206.25
Kenya	Shilling	1,041.90	75.00					1,041.90	75.00
Mozambique	Dollar		100.00						100.00
South Africa	Rand	108.36	86.00					108.36	86.00
United States	Dollar				1,647.13				1,647.13
Nancy H. Stetson:									
England	Pound	70.80	99.00					70.80	99.00
Sudan	Dollar		420.00						420.00
Kenya	Shilling	2,085	150.00					2,085	150.00
Zimbabwe	Dollar	180.80	160.00					180.80	160.00
South Africa	Rand	740.54	607.00	469.53	384.86			1,210.07	991.86
United States	Dollar				3,214.90				3,214.90
Casimir Yost:									
Pakistan	Rupee	5,439.15	405.00	1,450	107.96			6,889.15	512.96
India	Rupee	3,698	344.00					3,698	344.00
Nepal	Dollar		225.00						225.00
Saudi Arabia	Dollar		136.00						136.00
Egypt	Pound	499.8	420.00					499.8	420.00
United States	Dollar				3,239.00				3,239.00
Kevin B. Coyner:									
Korea	Won	154,656	194.00					154,656	194.00
Carl W. Ford, Jr.:									
Taiwan	NT	22,201.40	552.00	5,225.30	129.97			27,426.70	681.97
United States	Dollar				2,355.00				2,355.00
Michael Kraft:									
Egypt	Pound	634.52	588.00	29,250	25.22			682.08	613.22
Israel	Dollar		720.00						720.00
United States	Dollar				1,324.40				1,324.40
Kenneth A. Myers:									
United States	Dollar				2,035.00				2,035.00
Italy	Lira	487,584	288.00					487,584	288.00
France	Franc	2,491	288.00					2,491	288.00
Great Britain	Pound	212.44	297.00					212.44	297.00
West Germany	Deutsche mark	1,023	368.00					1,023	368.00
Amendment 1st quarter 1983:									
Senator Edward Zorinsky:									
Peru	Sale		75.00						75.00
Mexico	Peso		150.00		75.14				225.14
Brazil	Crayero		69.00						69.00
Amendments to 2nd quarter 1983:									
Senator Frank Murkowski:									
China	Yuan	969.69	487.50						487.50
Japan	Yen	114.240	476.00		135.05				611.05
United States	Dollar				3,343.16				3,343.16
Kevin B. Coyner:									
Hong Kong	Dollar	648.90	97.00						97.00
China	Yuan	969.69	487.50						487.50
Japan	Yen	225.616	944.00		135.05				1,079.05
United States	Dollar				2,230.00				2,230.00
Carl W. Ford, Jr.:									
Switzerland	Franc		86.00						86.00
Russia	Dollar		178.00		35.00				213.00
Russia	Dollar		89.00						89.00
Austria	Schilling		298.00						298.00
United States	Dollar				1,734.00				1,734.00
Amendments to 3d quarter 1983:									
Senator Edward Zorinsky:									
Egypt	Pound		84.00						84.00
Bahrain	Dollar		50.00						50.00
Jordan	Dinar		79.00						79.00
Korea	Won		97.00						97.00
Taiwan			368.00						368.00
Hong Kong	Dollar		42.50						42.50

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Chamberlin:									
Costa Rica	Colone	2,492	63.00						63.00
Nicaragua	Cordoba	1,640	164.00						164.00
United States	Dollar				851.00				851.00
Total			17,502.09		37,437.66				54,939.75

CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, Apr. 12, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard W. Day:									
United States	Dollar				469.00				469.00
Dominican Republic	Peso	285	285.00					285	285.00
Haiti	Gourde	1,500	300.00					1,500	300.00
Total			585.00		469.00				1,054.00

STROM THURMOND,
Chairman, Committee on the Judiciary, Mar. 31, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1983

Name and country	Name of currency	Per Diem		Transportation		Miscellaneouw		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Edward Zorinsky:									
England	Pound	64.64	98.00					64.64	98.00
France	Franc	792	100.00					792	100.00
Israel	Shekel		537.33						537.33
UAE	DHS	275.47	75.00					275.47	75.00
Jordan	Dinar		79.00						79.00
Bahrain	Dinar		50.00						50.00
Japan	Yen	28,899	117.00					28,899	117.00
China	Yuan	1,433.70	243.75					1,433.70	243.75
Taiwan	NT dollar	14,766	368.00					14,766	368.00
Korea	Won	76,533	97.00					76,533	97.00
Senator Orrin G. Hatch:									
England	Pound	64.64	98.00					64.64	98.00
France	Franc	792	100.00					792	100.00
Israel	Shekel		537.33						537.33
UAE	DHS	275.47	75.00					275.47	75.00
Jordan	Dinar		79.00						79.00
Bahrain	Dinar		50.00						50.00
Japan	Yen	28,899	117.00					28,899	117.00
China	Yuan	1,433.70	243.75					1,433.70	243.75
Taiwan	NT dollar	14,766	368.00					14,766	368.00
Korea	Won	76,533	97.00					76,533	97.00
	Dollar				4,028.90				4,028.90
Michael Pillsbury:									
England	Pound	64.64	98.00					64.64	98.00
France	Franc	792	100.00					792	100.00
Israel	Shekel		537.33						537.33
UAE	DHS	275.47	75.00					275.47	75.00
Jordan	Dinar		79.00						79.00
Bahrain	Dinar		50.00						50.00
Japan	Yen	28,899	117.00					28,899	117.00
China	Yuan	1,433.70	243.75					1,433.70	243.75
Taiwan	NT dollar	14,766	368.00					14,766	368.00
Korea	Won	76,533	97.00					76,533	97.00
Total			5,295.24		4,028.90				9,324.14

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, Apr. 6, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Patrick Moynihan			890.00		4,670.30				5,560.30
Thomas Blau			1,015.00		4,670.30				5,685.30
Total			1,905.00		9,340.60				11,245.60

BARRY GOLDWATER,
Chairman, Select Committee on Intelligence, Apr. 2, 1984.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MINORITY LEADER, FROM JULY 1 TO SEPT. 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lloyd Bentsen:									
South Africa	Rand	719.40	660.00	507.15	461.05			1,226.55	1,121.05
Italy	Lira	314,280	194.00					314,280	194.00
Total			854.00		461.05				1,315.05

ROBERT C. BYRD,
Minority Leader, May 1984.

AMENDED [1] CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Pillsbury:									
Lebanon	Pounds	1,001.30	190.00					1,001.30	190.00
Austria	Shilling	7,101.50	372.00					7,101.50	372.00
Turkey	Lira	54,840	206.00					54,840	206.00
Pakistan	Rupee	2,842.55	216.00					2,842.55	216.00
Thailand	Baht	9,664	422.00					9,664	422.00
Hong Kong	Dollar	1,900.80	244.00					1,900.80	244.00
United States	Dollar				1,511.00				1,511.00
Total			1,650.00		1,511.00				3,161.00

[1] Addition of Transportation (Codel Hawkins).

ORRIN G. HATCH,
Chairman, Committee on Labor and Human Resources, Mar. 20, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL BAKER FOR TRAVEL FROM JAN. 12 TO JAN. 19, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Howard Baker:									
Brazil	Cruzeiro	59,480.70	59.90					59,480.70	59.90
Argentina	Peso	4,828	170.00					4,828	170.00
Peru	Sol	532,125	225.00					532,125	225.00
Panama	Dollar		75.00						75.00
Senator Charles McC. Mathias:									
Brazil	Cruzeiro	42,977.04	43.28					42,977.04	43.28
Argentina	Peso	4,430.40	156.00					4,430.40	156.00
Peru	Sol	532,125	225.00					532,125	225.00
Panama	Dollar		75.00						75.00
William Hildenbrand:									
Brazil	Cruzeiro	74,475	75.00					74,475	75.00
Argentina	Peso	4,828	170.00					4,828	170.00
Peru	Sol	532,125	225.00					532,125	225.00
Panama	Dollar		75.00						75.00
Tom Griscom:									
Brazil	Cruzeiro	74,475	75.00					74,475	75.00
Argentina	Peso	4,828	170.00					4,828	170.00
Peru	Sol	532,125	225.00					532,125	225.00
Panama	Dollar		75.00						75.00
Cran Montgomery:									
Brazil	Cruzeiro	74,475	75.00					74,475	75.00
Argentina	Peso	4,828	170.00					4,828	170.00
Peru	Sol	532,125	110.00					532,125	110.00
Panama	Dollar		75.00						75.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL BAKER FOR TRAVEL FROM JAN. 12 TO JAN. 19, 1984—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sheldon Himelfarb:									
Brazil	Cruzeiro	74,475	75.00					74,475	75.00
Argentina	Peso	4,828	170.00					4,828	170.00
Peru	Sol	248,325	105.00					248,325	105.00
Panama	Dollar		75.00						75.00
George F. Murphy, Jr:									
Brazil	Cruzeiro	74,475	75.00					74,475	75.00
Argentina	Peso	4,828	170.00					4,828	170
Peru	Sol	260,150	110.00					260,150	110.00
Panama	Dollar		75.00						75.00
Lura Nell Triplett:									
Brazil	Cruzeiro	74,475	75.00					74,475	75.00
Argentina	Peso	4,828	170.00					4,828	170.00
Peru	Sol	532,125	225.00					532,125	225.00
Panama	Dollar		75.00						75.00
Yvonne Hopkins:									
Brazil	Cruzeiro	74,475	75.00					74,475	75.00
Argentina	Peso	4,828	170.00					4,828	170
Peru	Sol	532,125	225.00					532,125	225.00
Panama	Dollar		75.00						75.00
Lynne Grant:									
Brazil	Cruzeiro	74,475	75.00					74,475	75.00
Argentina	Peso	4,828	170.00					4,828	170
Peru	Sol	532,125	225.00					532,125	225.00
Panama	Dollar		75.00						75.00
Delegation expenses: [1]									
Brazil							621.46		621.46
Argentina							2,220.49		2,220.49
Peru							2,411.57		2,411.57
Panama							584.43		584.43
Total			5,039.18				5,837.95		10,877.13

[1] Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

HOWARD H. BAKER, JR.,
Majority Leader, May 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL GARN FOR TRAVEL AUTHORIZED BY THE MAJORITY AND MINORITY LEADERS FROM NOV. 26, 1983, TO DEC. 10, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jake Garn:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.20	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Senator Patrick Leahy:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Senator Chic Hecht:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
William F. Hildenbrand:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Danny Wall:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Wallace Berger:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Jeff Bingham:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
John Collins:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Martin Reiss:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Suzanne Bingham:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL GARN FOR TRAVEL AUTHORIZED BY THE MAJORITY AND MINORITY LEADERS FROM NOV. 26, 1983, TO DEC. 10, 1983—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Yvonne L. Hopkins:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178,00
Alvina Wall:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386,60	178.00
Patricia Smith:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Sharon Hale:									
New Zealand	Dollar	562.20	375.00					562.20	375.00
Australia	Dollar	386.10	351.00					386.10	351.00
Singapore	Dollar	249.92	118.00					249.92	118.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Delegation expenses: [1]									
New Zealand							2,734.14		2,734.14
Australia							2,730.70		2,730.70
Singapore							1,155.41		1,155.41
Hong Kong							1,756.77		1,756.77
Total			14,308.00				8,377.02		22,685.02

[1] Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

JAKE GARN,
Delegation Chairman, Mar. 28, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL GARN, FOR TRAVEL AUTHORIZED BY THE MAJORITY AND MINORITY LEADERS FROM AUG. 6 to AUG. 19, 1983

Name and country	Name of currency	Per Diem		Transportation		Miscellaneouw		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jake Garn:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	196.00
Senator Paula Hawkins:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00
Senator Frank Lautenberg:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00
William F. Hildenbrand:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	214,535	273.29					214,535	273.29
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00
Howard S. Liebengood:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00
M. Danny Wall:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00
Suzanne Bingham:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00
Jerry Bonham:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00
Yvonne L. Hopkins:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00
Vivian Dubreuil:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL GARN, FOR TRAVEL AUTHORIZED BY THE MAJORITY AND MINORITY LEADERS FROM AUG. 6 to AUG. 19, 1983—Continued

Name and country	Name of currency	Per Diem		Transportation		Miscellaneouw		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alvina Wall:									
Japan	Yen	113,925	465.00					113,925	465.00
Korea	Won	228,435	291.00					228,435	291.00
Singapore	Dollar	755.26	354.00					755.26	354.00
Hong Kong	Dollar	1,301.50	176.00					1,301.50	176.00
Delegation expenses:									
[1] Japan								4,439.61	4,439.61
Korea								927.97	927.97
Singapore								2,712.04	2,712.04
Hong Kong								1,782.40	1,782.40
Total		14,128.29						9,862.02	23,990.31

[1] Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384 and S. Res. 179, agreed to May 25, 1977.

JAKE GARN,
Delegation Chairman, May 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL HATFIELD FOR TRAVEL AUTHORIZED BY THE MAJORITY AND MINORITY LEADERS FROM JAN. 4 TO JAN. 20, 1984

Name and country	Name of currency	Per Diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mark Hatfield:									
Hong Kong	Dollar	2,847.5	366.00					2,847.5	366.00
Taiwan	Dollar	7,398.6	184.00					7,398.6	184.00
Indonesia	Rupiah	222,660	224.00					222,660	224.00
Singapore	Dollar	499.85	236.00					499.85	236.00
Thailand	Baht	5,083.75	222.00					5,083.75	222.00
Hungary	Forint	6,894.9	152.00					6,894.9	152.00
England	Pound	186.53	264.00					186.53	264.00
Senator Thomas Eagleton:									
Hong Kong	Dollar	2,847.5	366.00					2,847.5	366.00
Taiwan	Taiwan dollar	7,398.6	184.00					7,398.6	184.00
Indonesia	Rupiah	222,660	224.00					222,660	224.00
Singapore	Dollar	499.85	236.00					499.85	236.00
Thailand	Baht	5,083.75	222.00					5,083.75	222.00
Hungary	Forint	6,894.9	152.00					6,894.9	152.00
England	Pound	186.53	264.00					186.53	264.00
Gerald Frank:									
Hong Kong	Dollar	2,847.5	366.00					2,847.5	366.00
Taiwan	Dollar	7,398.6	184.00					7,398.6	184.00
Indonesia	Rupiah	222,660	224.00					222,660	224.00
Singapore	Dollar	499.85	236.00					499.85	236.00
Thailand	Baht	5,083.75	222.00					5,083.75	222.00
Hungary	Forint	6,894.9	152.00					6,894.9	152.00
England	Pound	186.53	264.00					186.53	264.00
Jan Novins:									
Hong Kong	Dollar	2,847.5	366.00					2,847.5	366.00
Taiwan	Dollar	7,398.6	184.00					7,398.6	184.00
Indonesia	Rupiah	222,660	224.00					222,660	224.00
Singapore	Dollar	499.85	236.00					499.85	236.00
Thailand	Baht	5,083.75	222.00					5,083.75	222.00
Hungary	Forint	6,894.9	152.00					6,894.9	152.00
England	Pound	186.53	264.00					186.53	264.00
Barbara Westhoven:									
Hong Kong	Dollar	2,847.5	366.00					2,847.5	366.00
Taiwan	Dollar	7,398.6	184.00					7,398.6	184.00
Indonesia	Rupiah	222,660	224.00					222,660	224.00
Singapore	Dollar	499.85	236.00					499.85	236.00
Thailand	Baht	5,083.75	222.00					5,083.75	222.00
Hungary	Forint	6,894.9	152.00					6,894.9	152.00
England	Pound	186.53	264.00					186.53	264.00
Janet Lamos:									
Hong Kong	Dollar	2,847.5	366.00					2,847.5	366.00
Taiwan	Dollar	7,398.6	184.00					7,398.6	184.00
Indonesia	Rupiah	222,660	224.00					222,660	224.00
Singapore	Dollar	499.85	236.00					499.85	236.00
Thailand	Baht	5,083.75	222.00					5,083.75	222.00
Hungary	Forint	6,894.9	152.00					6,894.9	152.00
England	Pound	186.53	264.00					186.53	264.00
Delegation expenses: [1]									
Hong Kong							2,395.07		2,395.07
Taiwan							3,233.63		3,233.63
Indonesia							1,354.61		1,354.61
Singapore							1,853.77		1,853.77
Thailand							2,115.36		2,115.36
Hungary							937.01		937.01
United Kingdom							1,980.48		1,980.48
Total			9,888.00				13,869.93		23,757.93

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P. L. 95–384, and S. Res. 179, agreed to May 25, 1977.

MARK O. HATFIELD,
Delegation Chairman, Feb. 18, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MINORITY LEADER FROM JAN. 1, TO MAR. 31, 1984

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dennis DeConcini:									
El Salvador	Colone	288.75	75.00					288.75	75.00
Guatemala	Quetzal	150	150.00	97.81	97.81	94.35	94.35	342.16	342.16
Panama	Dollar		75.00						75.00
Robert W. Maynes:									
El Salvador	Colone	288.75	75.00					288.75	75.00
Guatemala	Quetzal	150	150.00	97.81	97.81	94.35	94.35	342.16	342.16
Panama	Dollar		75.00						75.00
Bob Fiedler:									
El Salvador	Colone	288.75	75.00					288.75	75.00
Guatemala	Quetzal	150	150.00	97.81	97.81	94.35	94.35	342.16	342.16
Panama	Dollar		75.00						75.00
Total			900.00		293.43		283.05		1,476.48

ROBERT C. BYRD,
Minority Leader, May 1984.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Charles L. Marinaccio, of Maryland, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1985.

Aulana L. Peters, of California, for the remainder of the term expiring June 5, 1984; and

Aulana L. Peters of California, for the term expiring June 5, 1989 (reappointment).

The above nominations were reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Mr. GRASSLEY):

S. 2691. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for additions to reserves for refunds of beverage container deposits; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Mr. GRASSLEY):

S. 2691. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for additions to reserves for refunds of beverage container deposits; to the Committee on Finance.

RESERVES FOR REFUNDS OF BEVERAGE CONTAINER DEPOSITS

● Mr. LEVIN. Mr. President, today I am introducing legislation along with Senator GRASSLEY to change the current tax treatment of refundable deposits on beverage containers received by wholesale beverage distributors in States with mandatory beverage container deposit laws. The effect of this legislation would be to eliminate an unfair tax liability now imposed on wholesale distributors in those States.

At present, nine States have enacted laws requiring deposits on beverage containers in order to reduce the litter resulting from the discard of those containers. Oregon was the first State to enact such a law. Michigan, Iowa, Massachusetts, Vermont, Maine, Connecticut, Delaware, and New York also have mandatory deposit laws.

Because of the experience of these States and the success of the mandatory deposit laws in reducing litter, several additional States are now considering adoption of similar laws.

It is obvious that the success of these laws is derived from the financial incentive of consumers to return the beverage containers to obtain their deposits. The refundable deposits were never intended to be a source of taxable income to wholesale distributors. However, the Internal Revenue Service, in Revenue Ruling 78-273, is interpreting the Tax Code in a manner that treats deposits as taxable income and thereby increases the tax liability of the distributor.

Under the IRS interpretation, deposits are taxable income when received; that is, when the consumer purchases beverages in the returnable container. The deposits refunded are a deductible expense when those containers are returned by the consumer. During most of the year, there is "matching" of deposits collected on beverage containers with deposits refunded on the return of those same beverage containers. Consequently, there is no tax liability associated with the deposits—until the last 6 weeks of the year. Beverage containers sold during this period will generally not be returned until the following year. However, deposits collected on these beverage containers become fully taxable because the IRS requires that wholesale distributors record the deposits to be refunded on these containers as an expense only in the year the containers are returned. This requirement places wholesale distributors in the position of having to report a substantial amount of income even though the deposits are soon to be refunded in the following year.

The position of the IRS is unreasonable. Wholesale distributors are legally obligated to refund these deposits upon the return of the beverage containers. To tax deposits as income even though these same deposits must by law be refunded violates the matching concept and creates, in many cases, a significant income tax liability.

Moreover, the IRS position is inconsistent with existing provisions of IRS regulations that have made provision for other industries facing the same tax accounting problem as wholesale distributors. It is also inconsistent with past congressional efforts placing incentives in the Tax Code to help businesses comply with environmental laws.

The legislation we are introducing today would allow wholesale distributors a current tax deduction for the deposits which must be refunded, even though the refund occurs in the following year. This would serve to offset the fully taxable deposits. The legislation would also properly require that distributors pay taxes on that portion of the deposits collected during the year from beverage containers that will never be returned because of loss or destruction.

During consideration of the revenue portion of the Deficit Reduction Act,

Senator GRASSLEY and I brought the issue of the tax treatment of State-mandated beverage container deposits to the attention of the chairman of the Finance Committee, who agreed to hold hearings on this matter. It is my hope this legislation will provide the vehicle for expedited hearings by the committee.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESERVE FOR REFUNDS OF BEVERAGE CONTAINER DEPOSITS.

Section 162 (relating to trade or business expenses) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) RESERVE FOR REFUNDS OF BEVERAGE CONTAINER DEPOSITS.—

"(1) IN GENERAL.—If—

"(A) all deposits received by a wholesale distributor of beverages with respect to any type of beverage container are included in the gross income of such distributor for the taxable year in which such deposits are received by such distributor, and

"(B) such distributor elects the application of this subsection,

there shall be allowed as a deduction a reasonable addition to a reserve for refunds of such deposits. Such deduction shall be in lieu of any deduction allowable to such distributor under subsection (a) with respect to such refunds.

"(2) LIMITATION ON AMOUNT OF DEDUCTION ALLOWABLE FOR INITIAL TAXABLE YEAR.—The Secretary shall prescribe regulations which—

"(A) limit the amount of the deduction allowable to the taxpayer under paragraph (1) for the first taxable year for which the taxpayer elects the application of this subsection, and

"(B) allow the excesss of—

"(i) the amount of the deduction which would have been allowed the taxpayer under paragraph (1) for such taxable year if the limitation described in subparagraph (A) did not apply, over

"(ii) the amount allowed the taxpayer under paragraph (1) for such taxable year,

to be carried forward to each of the 9 taxable years succeeding such taxable year and, to the extent provided in such regulations, be allowed as a deduction under paragraph (1) for each of the taxable years to which such excess is carried.

"(3) ELECTION.—

"(A) IN GENERAL.—An election under this subsection shall be made at such time and in such manner as the Secretary shall prescribe by regulations. Once a distributor elects the application of this subsection for a taxable year, such election shall apply to all subsequent taxable years unless the Secretary consents to the revocation of such election.

"(B) METHOD OF ACCOUNTING.—Notwithstanding any other provision of this title, an election may be made under this subsection by any wholesale distributor of beverages without regard to the general method of accounting under which such distributor computes his taxable income.".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1984.●

● Mr. GRASSLEY. Mr. President, I would like to join Senator LEVIN in introducing this legislation. As you know, Senator LEVIN and I tried to raise this issue on the Deficit Reduction Tax Act recently considered by the full Senate. The chairman of the Finance Committee assured both of us he would be happy to hold a hearing on our measure. To facilitate the hearing process, my colleague from Michigan and I have decided to introduce this bill.

This provision permits accrual-basis taxpayers who are forced to collect State-mandated beverage deposits to deduct this accrued liability. In my view, this is the only fair tax treatment of these State-minded deposits. The accrual system requires a taxpayer to include an amount in income when the right to the liability is fixed and the amount of liability can be determined with reasonable accuracy. Here, the beverage wholesaler has no right to the State-mandated money, yet he or she is still forced to take the entire amount into income. The IRS permits them to deduct the amount of the deposits returned to retailer the following year. Meanwhile, the wholesaler has lost the use of the amount of money he paid in tax for an entire year.

It seems to Senator LEVIN and I that a more logical approach to this problem would permit a depositor to inciude in taxable income only those deposits which will not be refunded based on business experience. This deposit refund obligation for anticipated refunds would be treated as a liability under the accrual method.

I ask my colleagues from States with mandatory beverage deposits to join me in the sponsorship of this important measure.●

ADDITIONAL COSPONSORS

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. SYMMS), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2489

At the request of Mr. WEICKER, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Michigan (Mr. LEVIN), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of S. 2489, a bill to amend the Small Business Act to enhance competition in Government procurement.

S. 2568

At the request of Mr. PACKWOOD, the name of the Senator from Wyoming (Mr. SIMPSON), was added as a cosponsor of S. 2568, a bill to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

S. 2636

At the request of Mr. SASSER, the name of the Senator from Kentucky (Mr. HUDDLESTON), was added as a cosponsor of S. 2636, a bill to require the Administrator of General Services to notify State and local governments and agencies thereof prior to the disposal of surplus real property.

S.J. RES. 272

At the request of Mr. MURKOWSKI, the names of the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. BRADLEY), the Senator from Indiana (Mr. LUGAR), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S.J. Res. 272, a joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE JOINT RESOLUTION 289

At the request of Mrs. HAWKINS, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a consponsor of Senate Joint Resolution 289, a joint resolution to designate June 18, 1984, as "National Child Passenger Safety Awareness Day."

SENATE JOINT RESOLUTION 296

At the request of Mr. D'AMATO, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Joint Resolution 296, a joint resolution to designate June 14, 1984, as "Baltic Freedom Day."

SENATE CONCURRENT RESOLUTION 115

At the request of Mr. BRADLEY, the names of the Senator from Michigan (Mr. RIEGLE), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Missouri (Mr. DANFORTH), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Arkansas (Mr. BUMPERS), the Senator from Arkansas (Mr. PRYOR), the Senator from Nebraska (Mr. EXON), the Senator from New Mexico (Mr. DOMENICI), the Senator from Ohio (Mr. GLENN), the Senator from Delaware (Mr. BIDEN), the Senator from New Hampshire (Mr. RUDMAN), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of Senate Concurrent Resolution 115, a concurrent resolution expressing the sense of Congress that the International Olympic Committee should establish a permanent facility

for the Olympic games, to insulate the games from international politics.

AMENDMENT NO. 3053

At the request of Mr. GORTON, the names of the Senator from Louisiana (Mr. LONG), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of amendment No. 3053 intended to be proposed to S. 2537, a bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

AMENDMENTS SUBMITTED

FIRST CONCURRENT RESOLUTION ON THE BUDGET

DOMENICI AMENDMENT NO. 3078

Mr. DOMENICI proposed an amendment to the concurrent resolution (S. Con. Res. 106) setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987, and revising the congressional budget for the U.S. Government for fiscal year 1984; as follows:

Strike all after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1984 is revised, the first concurrent resolution on the budget for fiscal year 1985 is established, and the appropriate budgetary levels for fiscal years 1986 and 1987 are set forth.

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1984: $665,100,000,000.
Fiscal year 1985: $743,800,000,000.
Fiscal year 1986: $810,800,000,000.
Fiscal year 1987: $882,300,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1984: $2,100,000,000.
Fiscal year 1985: $10,800,000,000.
Fiscal year 1986: $15,900,000,000.
Fiscal year 1987: $18,800,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $39,900,000,000.
Fiscal year 1985: $45,600,000,000.
Fiscal year 1986: $52,600,000,000.
Fiscal year 1987: $57,900,000,000.

and the amounts for Federal Insurance Contributions Act revenues for old-age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1984: $166,800,000,000.
Fiscal year 1985: $189,500,000,000.
Fiscal year 1986: $206,800,000,000.
Fiscal year 1987: $223,600,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1984: $914,300,000,000.
Fiscal year 1985: $1,012,700,000,000.
Fiscal year 1986: $1,106,300,000,000.
Fiscal year 1987: $1,209,800,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1984: $855,600,000,000.
Fiscal year 1985: $925,500,000,000.
Fiscal year 1986: $998,000,000,000.
Fiscal year 1987: $1,086,300,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1984: $190,500,000,000.
Fiscal year 1985: $181,700,000,000.
Fiscal year 1986: $187,200,000,000.
Fiscal year 1987: $204,000,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1984: $1,596,800,000,000.
Fiscal year 1985: $1,844,800,000,000.
Fiscal year 1986: $2,108,400,000,000.
Fiscal year 1987: $2,398,500,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1984: $106,800,000,000.
Fiscal year 1985: $248,000,000,000.
Fiscal year 1986: $263,600,000,000.
Fiscal year 1987: $290,100,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1983, October 1, 1984, October 1, 1985, and October 1, 1986, are as follows:

Fiscal year 1984:
(A) New direct loan obligations, $37,600,000,000.
(B) New primary loan guarantee commitments, $105,200,000,000.
(C) New secondary loan guarantee commitments, $68,300,000,000.

Fiscal year 1985:
(A) New direct loan obligations, $36,700,000,000.
(B) New primary loan guarantee commitments, $110,800,000,000.
(C) New secondary loan guarantee commitments, $68,300,000,000.

Fiscal year 1986:
(A) New direct loan obligations, $40,800,000,000.
(B) New primary loan guarantee commitments, $116,700,000,000.
(C) New secondary loan guarantee commitments, $71,600,000,000.

Fiscal year 1987:
(A) New direct loan obligations, $41,800,000,000.
(B) New primary loan guarantee commitments, $123,300,000,000.
(C) New secondary loan guarantee commitments, $75,100,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1984 through 1987 for each major functional category are:

(1) National Defense (050):

Fiscal year 1984:
(A) New budget authority, $265,300,000,000.
(B) Outlays, $237,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $299,000,000,000.
(B) Outlays, $266,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $333,700,000,000.
(B) Outlays, $294,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $372,000,000,000.
(B) Outlays, $330,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1984:
(A) New budget authority, $21,000,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $9,100,000,000.
(D) New primary loan guarantee commitments, $8,700,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $10,300,000,000.
(D) New primary loan guarantee commitments, $9,300,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $16,300,000,000.
(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $12,000,000,000.
(D) New primary loan guarantee commitments, $9,700,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $12,700,000,000.
(D) New primary loan guarantee commitments, $10,200,000,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1984:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1987:
(A) New budget authority, $8,900,000,000.
(B) Outlays, $8,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1984:
(A) New budget authority, $3,000,000,000.
(B) Outlays, $3,000,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $4,100,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $4,700,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $3,900,000,000.
(C) New direct loan obligations, $4,800,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $3,800,000,000.
(C) New direct loan obligations, $5,000,000,000.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1984:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $12,300,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $12,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $11,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $11,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1984:
(A) New budget authority, $4,500,000,000.
(B) Outlays, $10,400,000,000.
(C) New direct loan obligations, $11,200,000,000.
(D) New primary loan guarantee commitments, $4,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $15,800,000,000.
(C) New direct loan obligations, $11,400,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $14,400,000,000.
(C) New direct loan obligations, $13,700,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $13,200,000,000.
(C) New direct loan obligations, $13,500,000,000.
(D) New primary loan guarantee commitments, $3,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1984:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $4,000,000,000.
(C) New direct loan obligations, $6,200,000,000.
(D) New primary loan guarantee commitments, $50,000,000,000.
(E) New secondary loan guarantee commitments, $68,300,000,000.
Fiscal year 1985:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $1,600,000,000.
(C) New direct loan obligations, $6,200,000,000.
(D) New primary loan guarantee commitments, $52,000,000,000.
(E) New secondary loan guarantee commitments, $68,300,000,000.
Fiscal year 1986:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $6,400,000,000.
(D) New primary loan guarantee commitments, $54,600,000,000.
(E) New secondary loan guarantee commitments, $71,600,000,000.
Fiscal year 1987:
(A) New budget authority, $7,700,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $6,500,000,000.
(D) New primary loan guarantee commitments, $57,200,000,000.
(E) New secondary loan guarantee commitments, $75,100,000,000.
(8) Transportation (400):
Fiscal year 1984:
(A) New budget authority, $29,300,000,000.
(B) Outlays, $25,700,000,000.
(C) New direct loan obligations, $1,100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $28,800,000,000.
(B) Outlays, $26,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $30,000,000,000.
(B) Outlays, $28,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $31,100,000,000.
(B) Outlays, $29,500,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1984:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $1,600,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,900,000,000.
(B) Outlays, $8,200,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,500,000,000.
(B) Outlays, $8,000,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $7,800,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $400,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1984:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $28,100,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $30,300,000,000.
(B) Outlays, $29,300,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $7,800,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:
(A) New budget authority, $30,300,000,000.
(B) Outlays, $30,200,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $31,600,000,000.
(B) Outlays, $30,600,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $8,200,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1984:
(A) New budget authority, $31,700,000,000.
(B) Outlays, $30,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $33,100,000,000.
(B) Outlays, $33,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $36,000,000,000.
(B) Outlays, $36,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $38,800,000,000.
(B) Outlays, $38,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1984:
(A) New budget authority, $62,500,000,000.
(B) Outlays, $60,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $71,500,000,000.
(B) Outlays, $67,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $84,100,000,000.
(B) Outlays, $74,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $99,700,000,000.
(B) Outlays, $83,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1984:
(A) New budget authority, $118,500,000,000.
(B) Outlays, $97,100,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1985:
(A) New budget authority, $144,500,000,000.
(B) Outlays, $113,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $155,100,000,000.
(B) Outlays, $119,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $164,600,000,000.
(B) Outlays, $124,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1984:
(A) New budget authority, $175,000,000,000.
(B) Outlays, $179,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $199,800,000,000.
(B) Outlays, $190,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $215,800,000,000.
(B) Outlays, $202,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $229,100,000,000.
(B) Outlays, $217,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1984:
(A) New budget authority, $26,100,000,000.
(B) Outlays, $25,800,000,000.
(C) New direct loan obligations, $1,300,000,000.
(D) New primary loan guarantee commitments, $18,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $26,200,000,000.
(C) New direct loan obligations, $1,200,000,000.
(D) New primary loan guarantee commitments, $22,900,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,700,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $25,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $27,600,000,000.
(B) Outlays, $27,300,000,000.
(C) New direct loan obligations, $900,000,000.
(D) New primary loan guarantee commitments, $28,800,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1984:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,100,000,000.
(B) Outlays, $6,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $6,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $6,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1984:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $5,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $5,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,800,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $5,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1984:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $6,500,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,500,000,000.
(B) Outlays, $6,500,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $6,800,000,000.
(B) Outlays, $6,800,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1984:
(A) New budget authority, $109,700,000,000.
(B) Outlays, $109,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $124,900,000,000.
(B) Outlays, $124,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $141,600,000,000.
(B) Outlays, $141,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $160,700,000,000.
(B) Outlays, $160,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1984:
(A) New budget authority, $700,000,000.
(B) Outlays, $700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $800,000,000.
(B) Outlays, $800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $1,900,000,000.
(B) Outlays, $2,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, $3,100,000,000.
(B) Outlays, $3,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1984:
(A) New budget authority, −$15,200,000,000.
(B) Outlays, −$15,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$33,900,000,000.
(B) Outlays, −$33,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$37,100,000,000.
(B) Outlays, −$37,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1987:
(A) New budget authority, −$38,900,000,000.
(B) Outlays, −$38,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

MISCELLANEOUS PROVISIONS

SEC. 2. If the Congress has not completed action by October 1, 1984 on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for fiscal year 1985, then, for purposes of section 311 of such Act, this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act.

SEC. 3. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1985, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1985, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1984, whichever comes first.

SEC. 4. For the purposes of this resolution, budget authority shall be determined on the basis applicable for fiscal year 1984.

SEC. 5. It is the sense of Congress that FY 1985 appropriations be increased for several non-defense discretionary programs. Priority should be given to education programs, environmental protection and health research activities.

SIMPSON (AND OTHERS) AMENDMENT NO. 3079

Mr. CRANSTON (for himself, Mr. SIMPSON, Mr. CRANSTON, Mr. STAFFORD, Mr. MURKOWSKI, Mr. BOSCHWITZ, Mr. RANDOLPH, Mr. MATSUNAGA, Mr. DECONCINI, Mr. DOMENICI, Mr. HUDDLESTON, Mr. CHILES, and Mr. BYRD) proposed an amendment to the concurrent resolution (S. Con. Res. 106), supra; follows:

On page 27, lines 4 and 5, strike out "$26,800,000,000" and "$26,200,000,000" and insert in lieu thereof "$27,000,000,000" and "$26,400,000,000", respectively.

On page 27, lines 13 and 14, strike out "$27,000,000,000" and "$26,700,000,000" and insert in lieu thereof "$27,200,000,000" and "$26,900,000,000", respectively.

On page 27, lines 22 and 23, strike out "$27,600,000,000" and "$27,300,000,000" and insert in lieu thereof "$27,800,000,000" and "$27,400,000,000", respectively.

SUSPENSION OF DUTY ON YTTRIUM ORES AND MATERIALS

GOLDWATER AMENDMENT NO. 3080

(Ordered referred to the Committee on Finance).

Mr. GOLDWATER submitted an amendment intended to be proposed by him to the bill (S. 2642) to suspend until July 1, 1989, the duty on yttrium bearing ores, materials, and compounds containing by weight more than 19 per centum but less than 85 per centum yttrium oxide equivalent; as follows:

Strike out all matter after the enacting clause and insert in lieu thereof the following:

That subpart B of part 1 of the Appendix to the Tariff Schedule of the United States (19

U.S.C. 1202) is amended by inserting in unmerical sequence the following new item:

"907.21	All yttrium bearing ores, materials, and compounds containing by weight more than 19% but less than 85% yttrium oxide equivalent (provided for in items 423.00 or 423.96, part 2C, schedule 4, or item 603.70, part 1, schedule 6)	Free	No change	On or before 6/30/89".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the fifteenth day after the date of the enactment of this Act.

MASS BOOK DEACIDIFICATION FACILITY

MATHIAS AMENDMENT NO. 3081

Mr. BAKER (for Mr. MATHIAS) proposed an amendment to the bill (S. 2418) to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal, civilian, or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes; as follows:

On page 2, line 18, strike out all of line 18 and insert in lieu thereof the following:

SEC. 3. There are authorized to be appropriated for a

COMPREHENSIVE SMOKING EDUCATION ACT

HATCH AMENDMENT NO. 3082

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill (S. 772) to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Comprehensive Smoking Education Act".

FINDING AND PURPOSE

SEC. 2. (a) The Surgeon General has found that—

(1) cigarette smoking is the largest preventable cause of illness and premature death in the United States and is associated with the unnecessary deaths of over three hundred thousand Americans annually;

(2) cigarette smoking in the United States is a major cause of cancer of the lung, larynx, oral cavity, and esophagus and is a contributory factor in cancer of the urinary bladder, kidney, and pancreas;

(3) cigarette smoking is a major cause of chronic bronchitis and emphysema in the United States;

(4) cardiovascular disease accounts for nearly one-half of the deaths in the United States and it is estimated that one-third of the deaths attributed to cardiovascular disease are associated with smoking;

(5) pregnant women who smoke have an elevated risk of miscarriages, stillbirths, and premature births, and giving birth to infants with low birth weight;

(6) quitting or never starting cigarette smoking will reduce an individual's risk of illness or premature death; and

(7) Federal, State and private initiatives should be encouraged to convey to the American people information on any adverse health effects of smoking.

(b) It is the purpose of this Act to provide a new strategy for making Americans more aware of any adverse health effects of smoking, to assure the timely and widespread dissemination of research findings, and to enable individuals to make informed decisions about smoking.

SMOKING RESEARCH, EDUCATION, AND INFORMATION

SEC. 3. (a) The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") shall establish and carry out a program to inform the public of any dangers to human health presented by cigarette smoking. In carrying out such program, the Secretary shall—

(1) conduct and support research on the effect of cigarette smoking on human health and develop materials for informing the public of such effect;

(2) coordinate all research and educational programs and other activities within the Department of Health and Human Services (hereinafter in this section referred to as the "Department") which relate to the effect of cigarette smoking on human health and coordinate, through the Interagency Committee on Smoking and Health (established under subsection (b)), such activities with similar activities of other Federal agencies and of private agencies;

(3) establish and maintain a liaison with appropriate private entities, other Federal agencies, and State and local public agencies respecting activities relating to the effect of cigarette smoking on human health;

(4) collect, analyze, and disseminate (through publications, bibliographies, and otherwise) information, studies, and other data relating to the effect of cigarette smoking on human health, and develop standards, criteria, and methodologies for improved information programs related to smoking and health;

(5) compile and make available information on State and local laws relating to the sale, distribution, use, and consumption of cigarettes; and

(6) undertake any other additional information and research activities which the Secretary determines necessary and appropriate to carry out this section.

(b)(1) To carry out the activities described in paragraphs (2) and (3) of subsection (a) there is established an Interagency Committee on Smoking and Health. The Committee shall be composed of—

(A) members appointed by the Secretary from appropriate institutes and agencies of the Department, which may include the National Cancer Institute, the National Heart, Lung, and Blood Institute, the National Institute of Child Health and Human Development, the National Institute on Drug Abuse, the Health Resources and Services Administration, and the Centers for Disease Control;

(B) at least one member appointed from the Federal Trade Commission, the Department of Education, the Department of Labor, and any other Federal agency designated by the Secretary, the appointment of whom shall be made by the head of the entity from which the member is appointed; and

(C) five members appointed by the Secretary from physicians and scientists who represent private entities involved in informing the public about the health effects of smoking.

The Secretary shall designate the chairman of the Committee.

(2) While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the manner provided by sections 5702 and 5703 of title 5 of the United States Code.

(3) The Secretary shall make available to the Committee such staff, information, and other assistance as it may require to carry out its activities effectively.

(c) The Secretary shall transmit a report to Congress not later than January 1, 1985, and biennially thereafter which shall contain—

(1) an overview and assessment of Federal activities undertaken to inform the public of the health consequences of smoking and the extent of public knowledge of such consequences,

(2) a description of the Secretary's and Committee's activities under subsection (a),

(3) information regarding the activities of the private sector taken in response to the effects of smoking on health, and

(4) such recommendations as the Secretary may consider appropriate.

LABELS FOR CIGARETTES AND CIGARETTE ADVERTISING

SEC. 4. (a) Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

"LABELING

"SEC. 4. (a)(1) It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any cigarettes the packages of which fails to bear, in accordance with the requirements of this section, one of the following labels:

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

SURGEON GENERAL'S WARNING: Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

"(2) It shall be unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised (other than through the use of outdoor billboards) within the United States any cigarette unless the advertising bears, in accordance with the requirements of this section, one of the following labels:

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Dis-

ease, Emphysema, And May Complicate Pregnancy.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

SURGEON GENERAL'S WARNING: Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

SURGEON GENERAL'S WARNING: Pregnant Women Who Smoke Risk Fetal Injury and Premature Birth.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

"(3) It shall be unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised within the United States through the use of outdoor billboards any cigarette unless the advertising bears, in accordance with the requirements of this section, one of the following labels:

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, and Emphysema.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Health Risks.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

SURGEON GENERAL'S WARNING: Pregnant Women Who Smoke Risk Fetal Injury and Premature Birth.

"(b)(1) Each label statement required by paragraph (1) of subsection (a) shall be located in the place label statements were placed on cigarette packages as of the date of the enactment of this subsection. The phrase 'Surgeon General's Warning' shall appear in capital letters and the size of all other letters in the label shall be the same as the size of such letters as of such date of enactment. All the letters in the label shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the package.

"(2) The format of each label statement required by paragraph (2) of subsection (a) shall be the format required under this section for label statements in cigarette advertising as of the date of the enactment of this subsection, except that the phrase 'Surgeon General's Warning' shall appear in capital letters, the area of the rectangle enclosing the label shall be 50 percent larger in size with a corresponding increase in the size of the type in the label, the width of the rule forming the border around the label shall be twice that in effect on such date, and the label may be placed at a distance from the outer edge of the advertisement which is one-half the distance permitted on such date. Each label statement shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material in the advertisement.

"(3) The format and type style of each label statement required by paragraph (3) of subsection (a) shall be the format and type style required in outdoor billboard advertising as of the date of the enactment of this subsection. Each such label statement shall be printed in capital letters of the height of the tallest letter in a label statement on outdoor advertising of the same dimension on such date of enactment. Each such label statement shall be enclosed by a black border which is located within the perimeter of the format required in outdoor billboard advertising of the same dimension on such date of enactment and the width of which is twice the width of the vertical element of any letter in the label statement within the border.

"(c) The label statements specified in paragraphs (1), (2), and (3) of subsection (a) shall be rotated by each manufacturer or importer of cigarettes quarterly in alternating sequence on packages of each brand of cigarettes manufactured by the manufacturer or importer and in the advertisements for each such brand of cigarettes in accordance with a plan submitted by the manufacturer or importer and approved by the Federal Trade Commission. The Federal Trade Commission shall approve a plan submitted by a manufacturer or importer of cigarettes which will provide the rotation required by this subsection and which assures that all of the labels required by paragraphs (1), (2), and (3) will be displayed by the manufacturer or importer at the same time.".

(b) The amendment made by subsection (a) shall take effect upon the expiration of a one-year period beginning on the date of the enactment of this Act.

CIGARETTE INGREDIENTS

SEC. 5. (a) The Federal Cigarette Labeling and Advertising Act is amended by redesignating sections 7 through 12 as sections 8 through 13, respectively, and by inserting after section 6 the following new section:

"CIGARETTE INGREDIENTS

"SEC. 7. (a) Each person who manufactures, packages, or imports cigarettes shall annually provide the Secretary with a list of the ingredients added to tobacco in the manufacture of cigarettes which does not identify the company which uses the ingredients or the brand of cigarettes which contain the ingredients. A person or group of persons required to provide a list by this subsection may designate an individual or entity to provide the list required by this subsection.

"(b)(1) At such times as the Secretary considers appropriate, the Secretary shall transmit to the Congress a report, based on the information provided under subsection (a), respecting—

"(A) a summary of research activities and proposed research activities on the health effects of ingredients added to tobacco in the manufacture of cigarettes and the findings of such research;

"(B) information pertaining to any such ingredient which in the judgement of the Secretary poses a health risk to cigarette smokers; and

"(C) any other information which the Secretary determines to be in the public interest.

"(2)(A) Any information provided to the Secretary under subsection (a) shall be treated as trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code and section 1905 of title 18, United States Code and shall not be revealed, except as provided in paragraph (1), to any person other than those authorized by the Secretary in carrying out their official duties under this section.

"(B) Subparagraph (A) does not authorize the withholding of a list provided under subsection (a) from any duly authorized subcommittee or committee of the Congress. If a subcommittee or committee of the Congress requests the Secretary to provide it such a list, the Secretary shall make the list available to the subcommittee or committee and shall, at the same time, notify in writing the person who provided the list of such request.

"(C) The Secretary shall establish written procedures to assure the confidentiality of information provided under subsection (a). Such procedures shall include the designation of a duly authorized agent to serve as custodian of such information. The agent—

"(i) shall take physical possession of the information and, when not in use by a person authorized to have access to such information, shall store it in a locked cabinet or file, and

"(ii) shall maintain a complete record of any person who inspects or uses the information.

Such procedures shall require that any person permitted access to the information shall be instructed in writing not to disclose the information to anyone who is not entitled to have access to the information.".

(b) Section 7 of the Federal Cigarette labeling and Advertising Act added by subsection (a) shall take effect upon the expiration of the one-year period beginning on the date of the enactment of this Act.

MISCELLANEOUS AMENDMENTS

SEC. 6. (a) Paragraph (1) of section 2 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331) is amended to read as follows:

"(1) the public may be adequately informed about any adverse health effects of cigarette smoking by inclusion of warning notices on each package of cigarettes and in each advertisement of cigarettes.".

(b) Section 3 of such Act (15 U.S.C. 1332) is amended by adding at the end the following:

"(8) The term 'Secretary' means the Secretary of Health and Human Services.".

(c) Section 8 of such Act (15 U.S.C. 1336) (as so redesignated) is amended to read as follows:

"FEDERAL TRADE COMMISSION

"SEC. 8. Nothing in this Act (other than the requirements of section 4(b)) shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes.".

(d) Section 9 of such Act (15 U.S.C. 1337) (as so redesignated) is amended—

(1) by striking out "of Health, Education, and Welfare" in subsection (a),

(2) by redesignating clauses (A) and (B) in such subsection as clauses (1) and (2), respectively,

(3) by striking out clause (A) in subsection (b) and by redesignating clauses (B) and (C) as clauses (1) and (2), respectively.

Mr. HATCH. Mr. President, today I am submitting an amendment in the form of a substitute for S. 772, the Smoking Prevention Health and Education Act, and urge that floor debate be scheduled as soon as possible to consider this important legislation. As amended, the bill is similar to S. 772 as reported out of the Labor and Human Resources Committee on July 13, 1983, and continues its important mission of educating our citizens about the hazards of smoking.

The bill, as amended, will require four rotating health warning labels on cigarette packages. The warning labels begin with "SURGEON GENERAL'S WARNING" and are followed by one of four phrases: "Smoking Causes Lung Cancer, Heart Disease, Emphysema And May Complicate Pregnancy";

"Quitting Smoking Now Greatly Reduces Serious Risks To Your Health"; "Smoking By Pregnant Women May Result In Fetal Injury, Premature Birth, And Low Birth Weight"; and "Cigarette Smoke Contains Carbon Monoxide."

The "Smoking Prevention Health and Education Act" represents a national public education effort designed to improve our citizens awareness about what the Surgeon has said is the No. 1 preventable cause of death—cigarette smoking. The issue at stake is not whether the Government should tell people how to live their lives. I am not in favor of Government regulations just for the sake of regulating. This does not prevent any citizen from using tobacco products. It will, however, allow them to make a more informed choice.

Mr. President, I want to extend my thanks to my distinguished colleagues in the House of Representatives, Congressman DINGELL, chairman of the Energy and Commerce Committee and Congressman WAXMAN, chairman of the Health and Environment Subcommittee for their valiant efforts in bringing about a compromise between the tobacco industry and many national health groups represented by the Coalition on Smoking or Health. Without their help, we would not be moving forward on this landmark legislation. It is my understanding that the House of Representatives is eager for quick passage of the Senate bill, and I strongly recommend we send this legislation to them as soon as possible.

Also, I understand that following intense negotiations, the tobacco industry has said they will not oppose this bill if it remains in its present form. This has taken great courage on their part and I want to extend my appreciation to the Tobacco Institute and its member companies for their cooperation and willingness to compromise.

This is a bill whose time has come. The American public is asking for more information so they can make a more informed decision on smoking. It is our responsibility to give the American people that information.

Mr. President, I ask unanimous consent that the text of my amendment to S. 772, and my remarks be printed in the RECORD and that consideration of this bill be scheduled as soon as possible.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy Conservation and Supply.

On Thursday, June 14, beginning at 10 a.m., the subcommittee will receive testimony on S. 2370, to provide for the distribution to the States of certain amounts resulting from enforcement of the Emergency Petroleum Allocation Act of 1973, and for other purposes; and to oversee existing weatherization programs.

On Tuesday, June 26, beginning at 10 a.m., the subcommittee will hold an oversight hearing to receive testimony on the Outer Continental Shelf leasing activities.

Both hearings will be held in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Conservation and Supply, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

Witnesses are requested to provide the subcommittee with 25 copies of their testimony 24 hours in advance of the hearing, as required by the rules of the committee, and 100 copies on the day of the hearing.

For further information regarding these hearings, please contact Mr. Allen Stayman of the subcommittee staff at 224-2366.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee and the House Small Business Committee will hold a joint conference on May 22, 1984, at 2 p.m. in room S. 146 of the Capitol, on the SBA authorization bills, S. 1323 and H.R. 3020. For further information, please contact Bob Dotchin, staff director, of the committee at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, May 18, to continue markup of the fiscal year 1985 intelligence budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MRS. EUNICE KENNEDY SHRIVER ON ADOLESCENT PREGNANCY

● Mr. DENTON. Mr. President, I should like to insert in the RECORD a very thoughtful and useful speech on adolescent pregnancy given by Mrs. Eunice Kennedy Shriver at the "Partnership for Action Conference" sponsored by the Office of Adolescent Pregnancy Programs of the Department of Health and Human Services. The conference was held in Tampa, Fla. on April 30. The participants included representatives from Adolescent Family Life Act projects, as well as other community groups and leaders from the southeastern part of the country who are concerned about problems of adolescent pregnancy. The keynnote speaker for the conference was Mrs. Shriver.

Mrs. Shriver is a friend and respected colleague of mine. We have worked together over the past 4 years in concert on many areas of common interest concerning the well-being and happiness of our Nation's young people and their families. Mrs. Shriver and the Joseph P. Kennedy, Jr. Foundation have been strong advocates for the Adolescent, Family Life Act. Not only has Mrs. Shriver testifed in support of the law, but through the efforts of the Kennedy Foundation, she has also worked to develop over 200 "community of caring" adolescent pregnancy programs throughout the United States.

These programs embrace many of the goals and purposes of the adolescent family life law while at the same time striving even further to assist adolescents and their families by challenging parents as well as the professionals involved in the programs to become "moral educators." Teens, parents and adult counselors are taught how to share their values and in the process the "community of caring" programs are finding that adolescents and adults agree on many values such as: "Having sex with love is better than sexual promiscuity. Raising a child in a family with a mother and father is better than raising a child alone."

I could not agree with Mrs. Shriver more than when she stated: "These (values) are not religious dogmas or the property of any one group or value system. They are truths within the everyday life experience of adults and adolescents alike—not only in our culture, but in every culture." I believe that truths such as these when imparted to our young people will help us all to develop a happier society and a more productive nation.

Finally, I want to take this opportunity to publicly congratulate Mrs. Shriver for her receipt of the Presidential Medal of Freedom, the highest civilian award of our Government, from President Reagan. This award was presented to Mrs. Shriver for the more than 20 years of her labors on behalf of the mentally retarded. As the founder of the Special Olympics and the supporter of research centers and excellent programs for the mentally retarded, Eunice Kennedy Shriver has touched the lives of many American families. For this work, as

well as for her work in the area of adolescent pregnancy, I want to thank Mrs. Shriver today.

I ask that Mrs. Shriver's speech be printed in the RECORD immediately following my remarks.

The speech follows:

ADOLESCENT PREGNANCY: PARTNERSHIPS FOR ACTION

Marjorie Mecklenburg, ladies and gentlemen.

Thank you for inviting me to speak to you at this partnerships for action conference. As we all work in adolescent pregnancy programs, I feel we are joined together in a great undertaking.

The idea that "all men and women are brothers and sisters is not a transient cultural notion," said Nobel prize winner Dr. Lewis Thomas, "not a slogan to make us feel warm and comfortable inside. It is a biological imperative."

Our biology then, is moral. And out of our biology has come the most moral of our human institutions—the family.

Today, I would like to talk to you briefly about the changing values and mores in our society regarding the family. I see that we are in the infancy stages of a great moral awakening by our young people, as well as by our adults.

Now more than ever before, it's being found that college-age students are postponing sex. According to a recent NBC report, one college found that the percentage of their new students who reported they had engaged in pre-marital sex, had dropped from a high of over eighty percent ten years ago to fifty-three percent today.

Recent studies by Professor Carol Gilligan of the Harvard School of Education reveal adolescence—certainly among girls—is the age at which values emerge on their own. You should not assess girls' values from the categories derived from studies of males, says Professor Gilligan. But, instead, see how you would describe identity, and moral development, and the adolescent transformation of relationships by beginning with the girl.

When Carol asked girls what "dependence" meant, the response was: "It means that someone will be there when you need them to talk to—to listen to—to try to help—and to understand."

In these girls minds, the implied opposite of dependence was not independence but undependability. Yet, all the sociological assessment scales place dependency on one end, to signify childhood, and independence or autonomy on the other end, to signify maturity. Here, in their definition of the dependent person, the girls were identifying a different dimension. The dependent person was being defined in the context of their ability to develop relationships—relationships of caring, of communication and of commitment—and to engage with others.

We need to encourage women to see and speak, in their own terms, about what they see and what they know. Looking at girls will provide us with a new way of looking at both girls and boys.

But all of us know that the powerful drive to care and be cared for sometimes leads young people to use their sexuality to bind themselves to others. All too often, an early pregnancy results.

And so our work goes on and on.

Over the past four years, more than two hundred adolescent pregnancy programs throughout the United States have adopted "a community of caring" in their curriculums to provide a new value-oriented approach to serving adolescents.

I was delighted to learn recently that Governor Mario Cuomo of New York had formed a task force on adolescent pregnancy. This task force has recommended the development, and funding, of a new five million dollar adolescent pregnancy program that, in addition to advice on nutrition, education and parenting, will also teach young people values.

This is also the goal of "a community of caring."

What is "a community of caring?" It is both a place and an attitude—a program and a philosophy. Within such communities, young mothers-to-be and the fathers of their babies explore their feelings, examine their expectations, and make their plans for the future in an environment of acceptance and trust.

Here they find caring without judgment and through this caring, they learn that their lives are rich in value and in possibility.

Central to "a community of caring" is a curriculum which has been developed with the help of doctors, nurses, social workers, parents, clergy, teachers, and young people themselves. This curriculum contains the essential facts which teachers must transmit to pregnant adolescents to help them develop in health, education, work, marriage, exercise, parenting, and recreation.

And what is unique about "a community of caring?" It demonstrates the very values that it teaches. It assumes that young people who feel cared for by others, will eventually care for themselves. It realizes that people who are able to respect and care for themselves, can care more fully and realistically for others.

The "community of caring" curriculum inspires in young people a vision of a strong and healthy family. It offers a way in which the family helps preserve the centrality of the individual as the moral decision-maker in a caring relationship with his or her family.

The approach of the "community of caring" challenges all parents and professionals to be not only teachers, but moral educators. It does not apologize for its faith in the value of moral behavior. It recognizes that adolescents are hungry for values, for certainties, and for guideposts to lead them in their quest for values.

The first requirement for parents to help their children, and to help all children, is to clarify in their own minds their own feelings in respect to morals and values.

My argument is straight-forward and quite simple. When parents and teachers raise questions concerning values in adolescent's minds, but they do not try to force their feelings on the adolescent, moral values are not being imposed but communicated. The moral component exists in every human activity, whether we raise it and discuss it openly or whether we try to hide it.

To ignore the moral component of an issue is to ignore a crucial dimension of your understanding. You will not understand the problem adequately if you ignore the moral component. So by raising the moral question that is inherent in every problem we are not imposing anything. We are simply pointing out—for critical examination—something that is already there in the situation.

For example, there is a moral dimension in issues regarding nuclear policy . . . there is a moral dimension to how you deal with South Africa or the Middle East . . .

There is a moral dimension in adolescent pregnancy, and the technical person involved in adolescent pregnancy is absolutely wrong for not pointing out—for critical discussion—the moral elements of adolescent pregnancy. If you do not deal with the moral dimension of this question in public policy, then you are simply making public policy with a blind spot—in the same way that a person who says, "we are going to look at our relationships with Germany but we are not going to deal with the economic elements of that relationship," would be examining that issue with a blind spot.

You cannot deal with the public policy programs of adolescent pregnancy unless you are willing to deal with all the moral components of adolescent pregnancy issues. And so, it is not imposing anything on anyone to raise the moral question in discussing adolescent pregnancy. It is simply to ask: Since the moral dimension is already there, are we going to make public policy without any reflective treatment of the moral issue? Or are we going to make public policy on the basis of a conscious, reflective analysis of the moral elements that relate to every other element—the human, the medical, and the economic?

The imposing argument, I think, can be dealt with head-on. We are not imposing anything. Those who say we should exclude the moral policy are exorcising something from the problem by refusing to look at it. Yet, the very people they are trying to help, enthusiastically accept discussion of the moral policy once the questions are raised.

A sixteen-year-old in an Oklahoma "community of caring" program recently said to me about caring: "What I have learned here is to love and respect myself, and to find out the meaning of life. I never realized I had to do that for myself before I could love my baby."

The "community of caring" curriculum does not ask teachers to pose as experts in ethics. It asks them to share with their students the values of "a community of caring" so that the young people in their care can begin to formulate values of their own. We have found that when this candid sharing of values takes place, adults and adolescents agree on many values. For example: Caring for yourself is better than neglecting yourself. Having sex with love is better than sexual promiscuity. Raising a child in a family with a mother and a father is better than raising a child alone.

These are not religious dogmas or the property of any one group or value system. They are truths within the everyday life experience of adults and adolescents alike—not only in our culture, but in every culture.

Every teacher feels qualified to guide adolescents in nutrition, money management, or educational choices. In "a community of caring," we ask them to go a step further—to be as clear about moral values as they are about the other subjects they teach.

Does the "community of caring" curriculum work?

Yes!

As we listen to the young men and women in "community of caring" programs, they joyfully tell us how simple acts of caring have transformed their lives.

"You guys are my family," said a sixteen-year-old in New York recently. "I don't have anyone at home who listens to me and respects me."

"It's only here that I feel no one will judge me," says a young mother-to-be in Houston, Texas.

I am here today to urge you to help build "communities of caring" across this land. We must encourage teenagers who get pregnant to come to a place where caring is not only talked about, but practiced.

We must let our teenagers know that they do not live alone or in a world without values. They are part of a community of teachers, parents, and friends all struggling together for answers about the meaning and value of their lives. As novelist Toni Morrision has said, "it takes a village to raise a child, not one parent, not two parents, but the whole village." The "community of caring" is a village of caring. It helps give our youth a sense of connectedness to all aspects of themselves and others. The birth of a baby is a miracle that affirms the meaning and value of life. In the "community of caring," all elements of this community join to protect, enhance, and nurture this new life—this new family.

Thank you very much.●

PRESERVATION WEEK

● Mr. HUDDLESTON. Mr. President, this week, May 13-19, is Preservation Week. Some 5,000 preservation and neighborhood groups will be participating in activities in celebration of the week.

The National Trust for Historic Preservation has announced a theme, "Preservation is Taking Care of America" for the period.

This is, therefore, a particularly appropriate time to reflect upon the contributions of State and local preservation organizations to reclaiming and revitalizing neighborhoods and downtown centers throughout our Nation.

Historic preservation efforts have enabled us to save for future generations buildings of significance to our heritage and culture. They have given new life to urban areas which had degenerated physically and spiritually. They have made declining neighborhoods not just viable but inviting, attractive places in which to live.

I could cite endless examples in my State of Kentucky of historic structures protected, center cities revived and older neighborhoods reestablished through historic preservation efforts. Suffice it to say that the benefits have been not only economic, but also cultural. We learn from the past and it helps provide a sense of stability, of continuity with appropriate change.

I hope we can all take a few minutes this week to celebrate the past contributions of preservation efforts and to recommit to further worthwhile efforts in this field.●

THE PHARMACY CRIME BILL—S. 422

● Mr. SASSER. Mr. President, I am pleased at the action of the Senate in taking final action on S. 422, the pharmacy crime bill.

The time is long overdue in providing protection to our Nation's pharmacists. Indeed, the National Association of Retail Druggists has advocated passage of legislation for over 12 years. During the debate on the Criminal Code Reform Act in the 95th Congress, the Senate unanimously adopted an amendment dealing with pharmacy crime. Similar provisions were contained in the reported version of the Criminal Code Reform Act in the 96th Congress. In 1982, the Senate passed pharmacy crime provisions as part of H.R. 3963. Unfortunately, these provisions were subsequently dropped in conference with the House.

More recently, pharmacy crime legislation was included in S. 1762, the crime bill passed by this body on February 2. So, I am pleased that we will finally see passage of this legislation. I do regret, however, that the House saw fit to impose restrictions on the jurisdiction of the bill.

I see no logic in treating the robbery of controlled substances any differently than obtaining them by fraud. Presently, the Federal Government controls who may prescribe drugs and under what circumstances those drugs may be prescribed. The Federal Government sets the penalties for illegal drug use and possession. And the Federal Government decides what drugs are enrolled in schedules I through IV of the Controlled Substances Act. Pharmacists are required to notify the Drug Enforcement Administration of thefts and are liable if they do not do so. There is no reason to treat robberies differently from other fraudulent thefts of controlled substances.

By the same token, I feel the $500 trigger is unwise. The interest of DEA is not in the replacement cost of the drugs but in their street value on the illegal market. Indeed, if the criminal walks down the street and attempts to sell the stolen drugs, the value DEA considers is not the wholesale value of the drugs but their street value.

In another area, the House attached a provision to the bill which triggers Federal jurisdiction where "significant bodily injury" results. Again, I see no need for this provision. The fear and intimidation engendered by the armed robbery of drugs is sufficient. Pharmacists and customers should not have to suffer injury or be killed to constitute a Federal crime.

While I regret that the House saw fit to add these provisions, I am pleased that we will finally have a pharmacy crime law. It has been a long struggle to see this law enacted.

It is imperative that we enact a comprehensive strategy for taking the profitability out of drug trafficking and provide an improved legislative framework for combating drug-related crime. The illicit drug trade is now estimated to be worth over $64 billion a year. That figure would make it the second largest corporation in America, behind Exxon and slightly ahead of Mobil.

And look at the result. The byproduct of this illegal industry is more violence, more crime, and an increasingly overworked criminal justice system.

So I am pleased to see us arrive at this point. Finally, I would again like to point to the hard work done by the National Association of Retail Druggists. It is their persistence and their concern that has resulted in a pharmacy crime law.●

ADVANCE NOTIFICATION—PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receivc advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-423.

I ask that the letter of notification be printed in the RECORD.

The letter follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 15, 1984.
In reply refer to: I-20028/84ct.
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian recipient tentatively estimated to cost in excess of $50 million.

Sincerely,

GLENN A. RUDD,
Acting Director.

Attachments.●

THE 2D POLISH CORPS VICTORY AT MONTE CASSINO, ITALY

● Mr. LEVIN. Mr. President, on May 18, 1944, the 2d Polish Corps attacked and secured the Nazi stronghold at Monte Cassino, Italy. This victory helped the Allies continue on the road to Rome. It is proper, today, that we remember and commemorate the brave and heroic acts of those soldiers.

In 1941, Germany overran Eastern Poland on its way to the Soviet Union. Shortly thereafter, the 2d Polish Corps was formed and marched through Persia to join the British 8th Army in Palestine. Thousands of Polish civilians who had fled to the Soviet Union accompanied the Polish Army to the Middle East and, during the march, were well looked after by the Polish soldiers.

After joining the British, these Poles fought side by side with the British in the campaign to liberate Italy. In March 1944, General Leese, commander of the British 8th Army, informed Gen. Wladyslaw Anders, the distinguished commander of the 2d Polish Corps, that he had received orders to break through the Gustav Line, where the Allied advance had stalled. The Polish Corps was assigned the task of taking Monte Cassino, one of the main strongholds of the Gustav Line. The historic battle of Monte Cassino began on May 11. The Poles fought with exemplary courage and characteristic determination for 7 bloody days. In his book entitled "An Army in Exile," General Anders remembered what General Leese said about the fighting prior to the taking of Monte Cassino:

(General Leese) considered that by its fighting . . . the II Polish Army Corps had kept the enemy forces in the Monte Cassino key position entirely tied up, had drawn the Germans' artillery fire from other sectors and had prevented them (from) using their reserves. The II Polish Army Corps had thus carried out the task assigned to it in so far as it had been of great assistance to the XIII British Army Corps. . . .

Finally, on May 18, 1944, the 2d Polish Corps successfully seized control of the fortress. General Anders described that day in his book:

On the morning of May 18, the forces on the sector of the 3d Carpathian Rifle Division renewed their attacks and met with prompt success, for, as I had foreseen, the enemy had withdrawn most of his forces during the night, leaving only covering detachments. The white and red flag of Poland was hoisted over the ruins of Monte Cassino monastery at 10:20 a.m. by a patrol of the 12th Lancers. The fortress that had so long blocked the road to Rome had fallen. Victory had been won by the gallantry of the Polish soldiers and the joint effort of the Allied armies.

Mr. President, we owe this corps a great debt. I am proud to say that in my home State of Michigan a 2d Polish Army Corps Center is being established in Orchard Lake. To maintain this memorial center, a foundation has been created. The goals of this foundation include remembering the heroism and sacrifices of those who gave their lives for the liberation of Europe, establishing and maintaining a library and archives of the artifacts and memorabilia of the corps, erecting a chapel to Our Lady of Kozielsk, and awarding scholarships to students of Polish descent. It is my hope that the foundation and memorial center at Orchard Lake will be a lasting tribute to the heroic accomplishments of this deserving unit.●

DR. AN WANG, A GOOD CORPORATE CITIZEN

● Mr. TSONGAS. Mr. President, it has been my privilege over the last 14 years to know Dr. Wang. As a resident of Lowell and as a public official representing the State of Massachusetts, I can state with a unique personal conviction that he and his company represent the best example I know of the "good corporate citizen."

Dr. Wang has been a leader in philanthropic support to a wide range of cultural and educational interests. His leadership has been an example and has inspired many other private contributions in this area. But more than this aspect of Dr. Wang's contribution should be recognized. Through his influence, the corporate decisions at Wang Laboratories take into consideration responsibilities to the total environment, including the physical, economic, and social surroundings. The entire Commonwealth of Massachusetts has been a principal benefactor of this policy and we take great pride in counting Dr. An Wang as one of our leading citizens.

Mr. President, I ask that an article from the New York Times, dated May 5, 1984, titled "Chinese Immigrant Emerges As Boston's Top Benefactor," about Dr. An Wang, chairman of Wang Laboratories, be printed in the RECORD.

The article follows:

CHINESE IMMIGRANT EMERGES AS BOSTON'S TOP BENEFACTOR

(By Fox Butterfield)

BOSTON, May 4.—The way Lorraine Wang recalls it, one day a friend approached her and her husband, An Wang, the chairman of Wang Laboratories, and mentioned that the roof was literally falling in at Boston's main performing arts center.

The Wangs were not particularly patrons of the arts, Mrs. Wang said, "but something had to be done." So when her Shanghai-born husband asked her if they should help, she replied, "Why not?" And without further discussion he pledged $4 million to save the theater from being closed.

This was but one of a series of recent philanthropic actions that have made the 63-year-old Chinese immigrant, who came to the United States in 1945, Boston's current leading benefactor.

Among his other major contributions are gifts totaling $4 million to Harvard University, a $1 million donation to Wellesley College that has not yet been announced, construction of a $15 million factory by Wang Laboratories in Boston's Chinatown to provide 300 jobs for inner city residents, and creation of the $6 million Wang Institute of Graduate Studies for software engineers and China scholars.

These actions do not include Mr. Wang's critical role in revitalizing the old industrial city of Lowell, 30 miles northwest of Boston, where his company set up its corporate headquarters in 1978. There Wang Laboratories, a leading maker of computer-based office automation systems, has established a free country club and day care center for all employees.

Mr. Wang's philanthropy is especially striking because, while Boston has a number of prominent cultural institutions, like the Boston Symphony Orchestra and its Museum of Fine Arts, business support for the arts here is much lower than in most other major cities.

Corporate contributions in Boston account for only 1.8 percent of the combined operating budgets of the city's arts groups, according to a study conducted by the Massachusetts Council for the Arts. In San Francisco the figure is 4 percent, in Houston 7 percent and in Minneapolis 14.6 percent.

Mr. Wang's role presents a nice historical irony. The fortunes of many of Boston's great families were made in the China trade of the early 19th century, when they often sold opium to Chinese.

These fortunes, however, were not comparable to the Rockefeller oil wealth or Carnegie steel wealth that made huge philanthropies possible elsewhere in the nation.

Mr. Wang is characteristically brief about the reasons for his charity. At a dinner in his honor Thursday night at Harvard's Faculty Club, he attributed his benefactions to an obligation he feels to repay the college community and country that helped him.

"I was fortunate that as soon as I got to the United States in 1945, I was admitted to Harvard," he told an audience of Harvard deans, professors and of other wealthy patrons. He rapidly earned his master's degree and then a Ph.D. in physics from Harvard in 1948.

AN INTRODUCTION TO COMPUTERS

It was in 1948 "that Harvard introduced me to computers and let me in on the very early stage of their development," he said, referring to his work in Harvard's pioneering Computation Laboratory. "I am honored that Harvard lets me show my appreciation."

Mr. Wang, a shy, very private man, conceded in an interview later that he hoped his gifts might "encourage" some of the executives of Boston's other successful new high-technology companies to make more contributions.

The dinner was arranged to celebrate his latest donation to the university, $1 million for the John K. Fairbank Center for East Asian Research, to be used for training young China scholars. In 1981, he donated $1 million to Harvard for four science fellowships to be named in honor of his physics professor at Harvard, and has made other gifts of $2 million.

In March the Wang family also gave $1 million to Wellesley, where his wife went to college, for a chair in English literature to be named after her.

CAREER COMES FULL CIRCLE

Construction of the $15 million plant in Chinatown, begun last winter, completes a cycle in Mr. Wang's career. In 1951 he set

up his tiny first factory over a garage in the nearby South End. Wang Laboratories' earnings that year were $15,000. They have grown by an average of 40 percent a year ever since and are expected to reach $2 billion for the fiscal year ending in June. That makes the company No. 227 on Fortune magazine's list of the 500 largest companies.

Dr. Wang and his family now own about 55 percent of the company's stock, which has led Forbes magazine to put his worth at $1.6 billion and rank him the fifth richest American.

Mr. Wang's help for Boston theater, originally the Metropolitan Center, built in 1925, and renamed the Wang Center after his gift last year, has not been limited to money. He also dispatched a vice president of Wang Laboratories to improve the theater's management. This week it was announced that the center would take over the Boston University Celebrity Series, New England's foremost presenter of classical music and dance. It will now be the Wang Celebrity Series.

A SPEECH THAT WASN'T NEEDED

Approaching the quick, decisive Mr. Wang is not like going to see other people, said Henry Rosovsky, the dean of Harvard's faculty. At the dinner Thursday night, he recalled that last year, when Harvard decided to increase its current fund-raising drive to $350 million from $250 million, he and Harvard's president Derek Bok, went to see Mr. Wang.

"We were all prepared with a half hour speech," Mr. Rosovsky said. "But when we went in his office, he just said, 'How do you do, I have decided to increase my gift,' and he named a seven-figure sum. Then he didn't want to hear our speech," we always felt it was somehow too easy."●

MONTANA'S TIMBER INDUSTRY

● Mr. BAUCUS. Mr. President, during the Senate's budget debate we have talked at length, about the situation in our Nation's overall economy. Today, I want to talk about the situation in one very important part of the my State's economy: The timber industry.

During the past 3 years, Montana's timber industry suffered from a severe recession. Now, because of increased housing starts, the industry is starting to recover.

But this welcome recovery should not delude us into thinking that the industry's problems have disappeared. Several important ones remain. Today, I would like to tell my Senate colleagues about three of these problems: The giant Federal budget deficit, the proposal to repeal the capital gains taxation of timber, and unfair foreign trading practices.

BACKGROUND

Beginning in the earliest days of frontier settlement, timbermen have made important contributions to Montana's development. and when mining activities boomed in the 1880's and rail lines were lain to serve the miners and their new towns like Butte and Anaconda, timber evolved into a major industry in its own right.

Since World War II, the Montana timber industry has grown to the point that it is now Montana's largest nonagricultural employer. In western Montana counties, it accounts for nearly 50 percent of nonagricultural labor income. In fact, it is no exaggeration to say that western Montana's steady growth in the 1970's was primarily the result of the remarkable expansion of forest products firms. By 1979, Montana's timber industry was generating almost 12,000 jobs and a $250 million payroll. At this point, Montana's forest product firms expected a bright future providing the raw materials needed to build new homes and businesses in America and abroad.

1980–83 RECESSION

Then the recession began, driving up interest rates and driving down housing starts and business construction.

This had an immediate impact on Montana's timber industry. By mid-1982, only the largest mills remained open. Four thousand jobs had been lost, and the timber industry payroll had falled by 40 percent. This decline, combined with the worst downturn ever experienced in Montana's mining sector, left western Montana in a deep economic depression.

A STRONG RECOVERY IN 1983

When the U.S. economy began to recover in 1983, Montana's timber industry recovered even faster. Mills reopened and employees went back to work. Profits remained low, however, because timber companies were eager to regain their market share even if it meant suppressing prices to levels lower than demand dictated.

By late 1983, sawmills were operating at normal levels and the industry was employing almost 10,000 people.

For 1984, the outlook was even brighter. Experts expect lumber production to reach nearly 1.5 billion board feet—compared to only 845 million board feet in 1982—and employment to reach almost 11,000. Since forest products jobs are among the highest paid in western Montana, this significantly improves the economic outlook for the entire western Montana region, although predatory foreign overproduction of copper continues to prevent the mining industry from recovering.

The recovery in Montana's timber industry is expected to continue for the next few years, but several problems could set us back.

THE FEDERAL BUDGET DEFICIT

The first problem is the giant Federal budget deficit.

The deficit is increasing by $22 million an hour. At this rate, our total national debt will double over the next 6 years, until it exceeds $3 trillion.

As a result of these giant deficits, the Federal Government has to borrow so much capital that there is little left for those who want to build homes or factories. This tightens our capital supply and drives up interest rates.

Recently, the prime rate climbed to 12.5 percent. It will climb higher and higher unless we act, quickly and forcefully, to reduce the deficit.

As a member of the Senate Finance Committee, I have worked hard on a deficit reduction package.

We started working on this package last November. At that time, most Washington observers thought we would fail, because Congress was too timid to significantly reduce the deficit in an election year.

But there were those who showed some political courage and were willing to speak out about the deficit problem. For example, Champion International was one of the first major corporations to publicly support the Finance Committee's efforts. I ask unanimous consent that a letter from Andrew Sigler, chief executive officer of Champion International, to President Reagan be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAMPION INTERNATIONAL CORP.,
Stamford, Conn., November 9, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am greatly concerned that record deficits and the resulting high interest rates will effectively prohibit a return to the robust economy which is essential to the health of this nation.

The tenuous state of the recovery requires that careful consideration be given to realistic deficit reduction measures. By "realistic," I mean proposals that balance real spending cuts and tax increases on at least a one-for-one basis.

The time to act decisively is now. I urge your support for comprehensive deficit reduction measures such as Senator Dole and the members of the Finance Committee are now advocating in general form. I seriously doubt that a commission or other designated group, working through 1984, would devise a proposal greatly different from those currently being considered.

I ask your consideration of these views out of my concern for the future well-being of my country and of Champion International Corporation.

Sincerely,

ANDREW C. SIGLER,
Chairman and Chief Executive Officer.

Mr. BAUCUS. Mr. President, we eventually succeeded, and drafted a "Downpayment" package that reduces the deficit by about $144 billion, over 3 years, by a combination of spending cuts and revenue increases. It is a solid, bipartisan package.

However, I do not think it goes far enough. That is why I joined Senators BIDEN, KASSEBAUM, and GRASSLEY in proposing the 1-year budget freeze. This proposal would have frozen all Federal spending for 1 year and thereby saved about $30 billion. It was fair, balanced, and bipartisan.

Those who supported the freeze showed great political courage. They realized that there are no easy solutions and that we need strong medicine. But I believe Americans want that kind of medicine and that is why I will keep working to convince others that our huge deficit creates an economic emergency. In the short term, a spending freeze is a fair and balanced solution. I remain confident that, ultimately, we will succeed.

TIMBER CAPITAL GAINS

The second problem is timber capital gains. In 1943, Congress determined that the application of the tax rules then in effect "discriminated against taxpayers who dispose of timber by cutting it as compared with those who sell timber outright." To reduce this discrimination, Congress enacted what is now section 631 of the code, which provides that, in certain cases, income from the sale of standing timber may be taxed at capital gains rates, whether sold outright, harvested by the owner, or sold under a cutting contract.

Recently, some people have proposed repealing section 631. For example, Senator METZENBAUM has introduced a repeal bill.

Mr. President, such legislation could have serious consequences for America's timber supply, America's timbermen, and the availability of housing and other timber products.

What's more, repeal would simply be wrong. Let me explain four reasons why.

First, timber is very different from most other products or crops. It takes many, many years—sometimes more than 100—to produce and harvest. Capital gains treatment compensates for this long growing cycle.

Second, to the extent section 631 provides a special incentive to timber growing, it is one that has worked well. Statistics show that, after timber capital gains treatment was enacted, reforestation of timber resources increased dramatically. If timber capital gains treatment is repealed, reforestation might decline dramatically.

Third, repeal would hurt an industry still smarting from the combined effects of high interest rates, worldwide recession, and unfair foreign imports. Indeed, it is hard to imagine any industry harder hit by recession than the timber industry. Today, the timber industry unemployment rate remains high.

Fourth, a recent joint tax committee report concluded that, in 1982, companies in the paper and wood products industry paid the second highest effective tax rate of any industry: 36 percent. Thus, repealing timber capital gains would penalize an industry that is already paying more than its fair share of tax.

Mr. President, David Jackson, an associate professor at the University of Montana, recently wrote a paper explaining why section 631 must be retained. I ask unanimous consent that the paper be inserted in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE CASE OF RETAINING CAPITAL GAINS TAX TREATMENT ON TIMBER

(By David H. Jackson)

I. BACKGROUND

In a time when leading economists such as Lester Thorow are criticizing businesses for myopic planning horizons, timber investments on private land stand out in sharp contrast. Currently, private landowners are committing scarce investment funds for reforestation projects that won't pay off for as many as 50 to 100 years. Like all investments, the longer the investment duration, the more sensitive the return will be to income taxation policies.

II. THE COMPETITIVE ENVIRONMENT FOR PRIVATE FORESTRY

If a private timber owner were to give a brief synopsis of his/her competitive environment, the first and perhaps most startling observation would be direct competition with government. In the U.S., about half of the standing timber is owned and managed by government (primarily the national forests). In recent years, about 20% to 25% of the total timber harvesting has occurred on the national forests. These lands are not managed on the economic principal of profits. In fact, the national forests have contributed over $1.0 billion annually to the nation's budgetary deficit in recent years.

Federal tax policy should consider the fact that the federal government has the power to influence overall timber prices and investment returns for private timber owners as a result of the management practices on the public lands. Preferential tax policies for private timber owners can help alleviate competitive disadvantages of private ownership.

III. TAX POLICIES AND CONSERVATION

Perhaps the largest and most successful land reclamation program in the history of the world has been carried out on private lands in the United States. Because of the abandonment of farmland in the old South after the Civil War, and the general westward population migration, originally forested lands were often left to the vagaries of nature. It has been said that the state of Georgia lost a foot of topsoil as a result of deforestation and ensuing agricultural practices.

During the 1930's, a combination of federal subsidies, capital gains treatment for timber and considerable labor led to massive reforestation work in the South. In recent years, the most substantial growth in forest products industry investments has occurred in this part of the nation. Industry has returned to the South as a result of earlier investments made in reforestation and timber stand improvement. It can be said rather unarguably, that the South is a better place to live because of the private investments in timber growing stock, and capital gains tax treatment deserves credit in part for the "third forests" of the South.

But the salutory effects of capital gains treatment is by no means limited to the old South. Checkerboard ownership patterns in the West mean that private forest lands often provide significant scenic value, wildlife habitat and recreational space (multiple use amenities). Additionally, private land management is also responsible for meeting air and water quality standards. While Congress directly budgets the national forests to produce multiple use outputs, the same is not the case on private lands. Often there is no direct compensation for multiple use on private forest lands.

Removal of capital gains treatment of timber would certainly lead to significantly different financial incentives for land use and attendant multiple uses. Given tax treatment of other land uses such as condominiums (accelerated depreciation), mining, (capital gains in lieu of depreciation) and farming (a list too numerous to mention), it should be abundantly clear that without capital gains treatment for timber, we would have far less private forest land and the many living things that forests support than we do at present.

IV. WHY CAPITAL GAINS IN THE FIRST PLACE

Capital is a factor of production, but economists often think of capital in terms of plants and equipment. the usual kind of capital normally lasts for several years, so its usefulness is not exhausted immediately. Accounting and taxation conventions suggest that an expense is incurred when using the ordinary kind of capital. That expense is known as depreciation. Equipment wears out, and the cost of the loss in usefulness is realistic and pragmatic. It is also a deductible business expense.

Timber represents capital in the most pure sense of the word. Trees are factories, and growth is the annual product. Unlike other kinds of capital, timber appreciates until harvest and then the standing capital is exhausted (depreciated). In order to remove the product from the forest, the factory itself must be destroyed. (We haven't learned how to remove an annual growth ring without killing the tree.) We have federal tax provisions for depreciation allowances for capital equipment (the ordinary capital); we also have special tax provisions for other kinds of capital. Capital gains for timber, oil, gas and minerals take the place of depreciation allowances and are called "depletion" allowances. To remove capital gains treatment from timber would result in rather severe investment dislocations, given that there is no equivalent form of timber depreciation allowance. Under recent revisions to the IRS code, it is now possible to depreciate a race horse (write it off) in 3 years. Ostensibly, the nation is better off for such a convention. One cannot depreciate reforestation investments. Instead, the current code allows a lower (not zero) tax rate.

V. ARE CAPITAL GAINS TAX RATES ON TIMBER REALLY VERY LOW?

At first glance, it appears that capital gains tax rates are very low (40% for corporations). The fact of the matter is that the use of the 40% rate can be extremely misleading because the effect of inflation is to increase the effective tax rate. Determination of the taxable gain itself does not allow the taxpayer to adjust gains for inflation. Since the overall price level has more than doubled in the last 12 years, it is possible for timber owners to pay a capital gains tax when in fact they have suffered a real net of inflation loss. Indeed, were it possible to include inflation accounting in the IRS code for capital gains taxes, the Congress would induce a substantial increase in private investments in the U.S., something the nation sorely needs. Also the investments would be more long term.

VI. CONCLUDING REMARKS

The proposals to remove capital gains treatment for timber is misdirected. Without making a massive overhaul of the IRS code, the removal of a capital gains treatment will accomplish many deleterious results.

1. It will punish long-term investment foresight in one of the few places it is currently found in the private economy;

2. It will lead to nonforest lands uses which are usually considered less desirable;

3. It won't raise nearly the amount of money most people would anticipate since less timber will be grown in the long run;

4. Without timber "depreciation" allowances, timber would be taxed at higher rates than other "ordinary" capital;

5. It would place the private "for profit" part of the timber sector at a competitive disadvantage with the public sector.

Each of these points by themselves suggests substantial reasoning not only for maintaining the capital gains provisions for timber but for improving them. It is in the nation's interests to do so.

Mr. BAUCUS. The third problem is trade. The timber industry faces threats regarding both imports and exports.

On the import side, the American timber industry has been undermined by imports that are being subsidized by foreign governments. Even though America has one of the best resource bases in the world, we imported more than $4.2 billion worth of wood products in 1983.

Canadian softwood lumber imports have led the invasion. The Canadians have now captured more than one-third of the total U.S. softwood lumber market, and their market share is increasing each year.

This is happening primarily because the Canadians have two important advantages.

The first advantage is the low value of the Canadian dollar, which provides an automatic price advantage to Canadian imports. To even things out, we must reduce U.S. interest rates; to do this, in turn, we must reduce the budget deficit. This brings me back to my earlier point: We must act quickly and decisively to bring the deficit under control.

The second advantage is the artificially low stumpage fees the Canadian Government charges for logging on Government land. Canadian fees are nominal and fixed. Our fees are determined by free-market bidding, and therefore depend on supply and demand. Because of this difference, Canadian loggers pay less than half what American loggers do for stumpage.

Last year, American timbermen petitioned the International Trade Administration for relief against Canada's unfairly subsidized imports. Unfortunately, the ITA concluded that Canada's stumpage practices did not constitute illegal export subsidies within the technical meaning of section 321 of the Trade Act, and refused to impose quotas or grant any other relief.

This year, Congress may review the current version of the Trade Act to see if we can tighten it up. As part of this review, we may consider revising the definition of illegal export subsidies. If we can revise the definition so that so-called upstream subsidies like artificially low Canadian stumpage fees are clearly illegal, it will give our softwood lumber producers a fighting chance against Canadian importers.

THE CASE AGAINST JAPAN

On the export side, our timber industry is hurt by unfair foreign barriers to exports of American finished and semifinished products.

The most damaging of these barriers are those maintained by Japan. Despite our massive trade deficit with the Japan, and the near free access we provide to their competitive products, they continue to block many of our most competitive products.

Timber is a good example. Each year, we sell Japan between 1 and 1.5 billion dollars' worth of logs, which are converted into semifinished and finished products in Japanese mills. But when we try to sell Japan our own semifinished and finished products, we run headfirst into a wall of tariff and nontariff barriers.

For example, Japan imposes a 15-percent Japanese tariff on softwood plywood, a 15-percent tariff on softwood and hardwood veneer, and a 12- to 13-percent tariff on particle board. By contrast, U.S. tariffs on these products range between zero and 8 percent.

And it is not just Japan's high tariffs that block us. If any United States company bold enough to try to sell his products in Japan despite the tariffs, he encounters a baffling array of regulations and other administrative obstacles that make it virtually impossible to do business.

This situation is intolerable. Free trade must be a two-way street. We give Japan broad access to our market for the products they produce competitively. In return, we expect Japan to do the same. That is why Japan's high forest products tariffs must be reduced.

Mr. President, I recently spent a lot of time trying to convince the Japanese to reduce their barriers to American beef. After months of hard negotiations, they finally did, agreeing to increase their beef quota by 6,900 tons a year for the next 4 years.

I hoped that this indicated that the Japanese were ready to generally reduce their barriers against other competitive American products. What is more, the Japanese had led us to believe that the wood products tariffs would be cut as soon as the beef issue was resolved. Because of this, our timber industry and our negotiators had refrained from publicly attacking the Japanese on the timber tariff issue.

But the Japanese let us down. When the Japanese Government recently announced a set of tariff cuts for the coming year, it contained no cuts in wood products tariffs.

Japan's refusal to lower their wood products tariffs shows that the Japanese are prepared to drag their feet again, until we force them to make concessions the same way we did on beef. It is unfortunate that two nations with so many mutual interests must do business this way. But if this is the only way we can extract satisfactory trade concessions from Japan, so be it. I am prepared to do whatever it takes to bring Japan's wood products tariffs down.

On the bright side, Japan's failure to make tariff cuts has galvanized the timber industry. At their spring legislative conference, the National Forest Products Association emphasized the high priority they place on eliminating Japanese tariffs. On May 9, NFPA adopted this resolution:

The board of governors of the National Forest Products Association calls upon the Government of Japan to eliminate its high tariff wall to American processed wood products.

The U.S. wood products industry is a strong friend of, and one of the most important suppliers to, Japan. This industry has worked diligently for a number of years to explain the benefits which would accrue for both countries through tariff reduction. The U.S. Government has placed wood products at the top of its tariff priority list for negotiations with Japan. And the President of the United States himself has publicly indicated interest.

Concurrently the Government of Japan has spoken repeatedly in world forums about the need for all countries to open their markets and to resist protectionism. Yet at the same time it has refused to act to open its own markets to these basic products so important to both its economy and that of its major trading partners.

The NFPA board of directors calls upon the Government of Japan—particularly its Honorable Prime Minister Yasuhiro Nakasone; its Honorable Minister of Trade and Industry, Hokosaburo Okonogi; and its Honorable Minister of Agriculture, Forestry and Fisheries, Shinjiro Yamamura to change this protective policy and to truly open its markets by sharply reducing the prohibitive tariffs on processed wood products.

In the past, NFPA has worked hard and in good faith to convince the Japanese to reduce their wood products tariffs. Repeatedly, the Japanese have refused. Now, the NFPA has increased its pressure. Given this situation, we in Congress must do all we can to help, by making it clear to the Japanese Government that we consider the timber tariff to be a very significant trade issue and a potential impediment to improving overall United States-Japanese trade relations.

THE LODGEPOLE PINE ISSUE

A specific Japanese nontariff barrier that hurts Montanan timbermen is Japan's recent ban on the use of lodgepole pine for structural purposes.

Montana is America's leading producer of lodgepole pine. For the past few years, American lodgepole producers had been selling increasing amounts of unfinished lodgepole to Japanese mills, displacing the Russian fir producers who were Japan's traditional suppliers. It appeared that this eventually would result in hundreds of millions of dollars of new U.S. exports.

But, once again, the Japanese slammed the door. They claimed that lodgepole does not meet their standards for use in post and beam construction, and they banned it for that use. As any American timberman knows, this claim is groundless; lodgepole is sturdy construction material, and is frequently used for post and beam construction in the United States, where construction standards are exacting.

When a Montana lodgepole exporter told me about the ban, I was concerned that Japan might be manipulating its construction standards to favor its traditional Russian suppliers, in clear violation of its obligation under the General Agreement on Tariffs and Trade standards code. I immediately wrote a letter to U.S. Trade Representative William Brock. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 5, 1984.

Ambassador BROCK,
Office of the U.S. Trade Representative, Washington, D.C.

DEAR BILL: I want to alert you to a new issue that threatens U.S.-Japan trade relations: Japan's barriers on imports of laminated lodgepole pine and ponderosa pine for use in veneer post and beam construction. The major traditional foreign supplier of the base material for Japanese veneer post and beam construction are Soviet log exporters. I am concerned that the Japanese may be unfairly manipulating their standards to favor these Soviet suppliers over American exporters of laminated lodgepole and ponderosa pine.

Let me briefly describe the issue. In the 1970's, U.S. exporters tried to crack the Japanese market for finished products made from wood, including lodgepole and ponderosa pine. Because Japan's tariffs on finished timber products were (and remain) high, it was difficult to sell U.S. finished products to Japan. So U.S. lodgepole and ponderosa pine producers tried another approach: they began selling laminated lodgepole and ponderosa pine to Japanese manufacturers, who would themselves put on a Japanese cyprus veneer before marketing the finished product—posts and beams—in Japan.

This approach worked. The Japanese manufacturers of veneered posts who began using U.S. lodgepole and ponderosa pine were manufacturing a highly competitive product; their sales grew rapidly. By 1983, U.S. lodgepole and ponderosa pine exports to Japan were projected to reach as much as $30 million.

But a problem arose. The increased sale of veneered posts made from U.S. lodgepole and ponderosa pine apparently disturbed the traditional Japanese manufacturers of veneered posts, who made their posts from domestic woods and logs imported primarily from the Soviet Union. From what I've been told, these manufacturers demanded that Japanese authorities ban the use of lodgepole and ponderosa pine for manufacturing veneered posts on the ground that Japanese standards officials had never formally approved the use of lodgepole and ponderosa pine for such manufacturing. Last August, Japanese officials acceded to this demand.

In response, Japanese manufacturers who use U.S. imported pines teamed up with the Western Wood Products Association (WWPA) to present their case to the Japanese standards officials. Discussions were held periodically during the past few months, culminating in a mid-December Tokyo meeting at which WWPA presented test results based on U.S. Forest Products Lab basic species data on laminated lodgepole pine. In addition, the Japanese manufacturers presented test results based on actual imported samples.

The Japanese standards officials reportedly determined that the test data indicated that laminated lodgepole pine and ponderosa pine is unsuitable for use in veneered posts and beams.

The Japanese manufacturers and U.S. exporters apparently believe that, while the Japanese standards officials' claims may be technically valid based on the limited data provided, they disguise the primarily political motivation for the decision to uphold the ban. This motivation is the pressure applied by Japanese manufacturers who use domestic wood or imported Russian logs to make veneered posts and beams. To support this allegation, the U.S. exporters charge that the Japanese officials never have clearly described the minimum standards for laminated lodgepole and ponderosa pine. In addition, Montana Mokko, a Montana laminated lodgepole exporting company, has informed me that it provided samples of its exports of laminated lodgepole pine to the officials of the Japanese agricultural standards organization, who tested the samples and concluded that they were acceptable.

Thus, it may be that Japanese officials are manipulating technical standards to favor not only domestic, but also Soviet suppliers over American exporters. If this is true, it is an outrage.

It is important that we investigate this issue quickly before our lodgepole exporters in Eastern Washington, Idaho, and Western Montana are seriously hurt. Some experts predict that veneered posts and beams will become standard features in Japanese construction by the end of this decade. If that happens, it could mean a potential market worth hundreds of millions of dollars a year. If we can resolve the technical standards issue quickly, our exporters will have a fair chance to supply that market. Otherwise, they will not.

Given the seriousness of the possibility that Japan's barriers protect Soviet producers at our expense, and the danger that U.S. lodgepole and ponderosa pine producers, once driven from the market, will have a hard time returning, I respectfully request that you immediately investigate this problem. I also would like to meet with you at your earliest convenience to discuss the issue.

Sincerely,

MAX BAUCUS.

Mr. BAUCUS. I ask unanimous consent that Ambassador Brock's reply be inserted in the RECORD.

There being no objection, the reply was ordered to be printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATIVE,
Washington, D.C., March 30, 1984.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR MAX: Thank you for your letter of January 5 concerning Japanese barriers on imports of laminated lodgepole and ponderosa pine for use in veneer post and beam construction. I apologize for the delay in responding.

We have raised this issue with the Japanese Government in a number of recent meetings. We protested the imposition of the ban on U.S. lodgepole and ponderosa pine for use in manufacturing veneered posts to the Japanese side in the January 21–22 meeting of the U.S.-Japan Trade Committee chaired by my Deputy, Michael B. Smith.

Following that meeting, members of my staff met with officials of the Japanese Ministry of Agriculture to reiterate our position and ascertain the full facts regarding the Japanese standards governing materials approved for use in veneered post construction. A copy of the standards was obtained and has been translated. Simultaneously, the U.S. Forest Service Forest Products Laboratory in Milwaukee has been conducting technical studies on the Japanese standards as applied to ponderosa and lodgepole pine.

My office has been working closely with the Department of Agriculture, the National Forest Products Association, and members of your staff to bring about an early resolution to this problem. Please be assured of my commitment, and the continuing efforts of my office, to ensure the removal of this barrier to the Japanese market for our competitive exports of lodgepole and ponderosa pine.

Very truly yours,

WILLIAM E. BROCK.

Mr. BAUCUS. Mr. President, in early April, the Japanese Government clarified their regulations to state that lodgepole pine would be acceptable for nonstructural purposes. This clarification alleviated the confusing impression that lodgepole was banned for both structural and nonstructural uses. As such, it is a step in the right direction, and has permitted some U.S. lodgepole sales to resume.

But our work is not done. Japanese standards still bar the use of lodgepole pine for structural uses. We must first determine if their standards are indeed legitimate. If they are, then we must look at ways to improve our product to meet the standards.

TRADE: AN IMPORTANT KEY TO TIMBER INDUSTRY GROWTH

There is a great deal at stake, for both Montana and overall U.S. forest products industries. In 1983, our trade deficit with Japan was nearly $20 billion, and with Canada was more than

$12 billion. By ending unfair Canadian and Japanese trade practices, we can significantly reduce these trade deficits.

Other markets are also ripe for U.S. wood products exports. China, South Korea, Taiwan, and the European Community require imported wood. But, once again, we must work to break down their barriers to semifinished and finished products. Once these barriers are removed, our timber industry will be able to demonstrate its competitive edge, and to claim its fair share of the timber market.

CONCLUSION

Montana's timber industry is in the midst of a healthy recovery. But we must continue to work hard on the problems that beset the industry, to assure that recovery continues for years to come. We must:

Cut the budget deficit;

Prevent the repeal of timber capital gains tax treatment;

Dismantle wood products import barriers our trading partners maintain; and

Make our loggers competitive with their Canadian counterparts.

A united industry effort in support of these goals can insure that today's recovery will be sustained and enhanced.●

TRIBUTE TO THE VERY REVEREND JOHN N. PEABODY

● Mr. SARBANES. Mr. President, in a world that is increasingly uncertain of its values and direction, it is with very great pleasure that I rise to salute the life and work of the Very Reverend John N. Peabody, dean and rector of the Episcopal Cathedral of the Incarnation in Baltimore, Md., since its establishment in 1955.

A wise and compassionate shepherd of his congregation through the years, Dean Peabody has been an inspiration to his parishioners and has brought a wholeness of vision, remarkable in any age, to his service to his fellow man.

Whether in ministering to his congregation, serving the needs of both the young and the old in the wider community, addressing racial and religious prejudice in our society, helping in missionary work, or fighting for sanity in international relations, John Peabody has seen life steadily and seen it whole.

A devoted father and husband, Dean Peabody and his wife, Ruth, have been especially concerned for the well-being of young people and of families throughout his ministry. The dean has worked closely with students on the Johns Hopkins campus and has served on many occasions as chaplain at Hopkins' graduations and Founder's Day observances.

Symbolic of his deep interest and concern for the wider community in which the cathedral is situated, he played a leading role in the formation of the Greater Homewood Corp., a community service organization sponsoring, among many other programs, an outreach program for senior citizens in the area.

Responding to the problems of refugee families, the cathedral, under Dean Peabody's leadership, helped both to sponsor Laotian families and to provide a support network for any church in the Baltimore area working on refugee resettlement and received community-wide recognition for this important work.

Throughout his ministry, Dean John Peabody has also been widely recognized for his work for interfaith and interracial understanding and for world peace. He served as president of the Maryland Council of Churches from 1963–67 and as president of Maryland Churches United from 1975–78. He shared deeply in the civil rights struggle, serving as a member of the Ministers' Interdenominational Alliance and the NAACP.

The dean has worked closely with leaders of the Jewish community, serving on the Jewish-Christian Roundtable, and visiting Israel and Jordan in 1966 and returning to Israel in 1980 as one of two Christian clergy invited to take part in a factfinding mission. His ties with leaders of the Roman Catholic Church in Maryland have been extremely close throughout the years, and in 1979 Dean Peabody and Cardinal Shehan were asked to represent the Christian church in an appeal to erect a memorial to the victims of the Holocaust.

Concerned throughout his life with the overriding problem of world peace, the dean has served as chairman of the Interfaith Coalition on the Nuclear Dilemma, which plans education programs on the nuclear threat for the general public. Under his leadership, the cathedral has been host to a number of interfaith conferences on the arms race and world peace.

For the last 29 years, John Peabody's wisdom and strength have been an invaluable resource, both for the Episcopal Diocese of Maryland and for the community as a whole. As he and Ruth enter a busy and challenging retirement, I am proud to join with their many friends in expressing our affection, respect, and best wishes for the years ahead.●

MRS. NELLY AYVASIAN

● Mr. PELL. Mr. President, on this coming Sunday, May 20, 1984, the International Institute of Rhode Island will honor Mrs. Nelly Ayvasian upon her retirement as the executive director of the institute.

Mrs. Ayvasian is a truly remarkable person. Born in the Soviet Union, she was in her youth caught up in the turmoil of World War II, severely wounded and spent time in a German concentration camp before being released through the efforts of the Armenian Refugee Committee.

After the war, she and her family found their way to the United States arriving in Providence, R.I., in 1950.

As a refugee, Mrs. Ayvasian worked initially in a jewelry factory and as a dressmaker while, at the same time, adding English to her skills in the Armenian, Russian, German, and Italian languages and working as a volunteer at the International Institute of Rhode Island.

Fifteen years ago, in 1969, she joined the staff of the institute as a social case aide, won promotions as a supervisor and immigration and naturalization counselor, and nearly 7 years ago became the executive director of the institute.

During her tenure as executive director, the institute has grown significantly, moved to new and larger quarters and broadened its services.

Under Mrs. Ayvasian's direction, the institute provided essential services to aid thousands of refugees from Indochina who settled in Rhode Island after the war in Southeast Asia.

Mrs. Ayvasian's work on behalf of refugees and immigrants of many nationalities in Rhode Island have won her widespread recognition and many honors. In 1977 she was presented the Jefferson Award for Outstanding Public Service Benefiting Local Communities, and in the same year the "Haig Garaged Sarafian" Award of the Armenian Student Association of America for outstanding contributions in the field of citizenship, and the Armenian of the Year Award from the Armenian Masonic Degree Team of Rhode Island.

And, just last fall, Mrs. Ayvasian was presented the Outstanding Citizenship Award by the International Institute of Rhode Island.

I join Mrs. Ayvasian's many friends and the thousands who have benefited from her work in commending and congratulating her on her truly outstanding service to all of the people of Rhode Island.●

THE FRIDAY FORMULA

Mr. BAKER. Mr. President, I may have found the formula for Fridays. We came in at 8:30 a.m., had a quorum call at 9 a.m., had three votes, and it is now 12:10 p.m., which delights the heart of this leader.

Mr. President, I wish to extend my congratulations and thanks to all Senators, especially my friend, the minority leader.

ORDER FOR RECORD TO REMAIN OPEN

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open today until the hour of 3 p.m. so that Senators may submit statements, and introduce bills and resolutions, and so that the committees may file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MAY 21, 1984

Mr. BAKER. Mr. President, the Senate granted an order for a 10 a.m. convening hour on Monday. The language of that request was after we "recess" or "adjourn." I should like to propound a unanimous-consent request now in respect to the conditions of adjournment, and then I would plan to change the convening hour, and to designate adjournment instead of recess. I believe that language has been cleared. I will state it now for the consideration of the minority leader, who is on the floor.

I ask unanimous consent that when the Senate convenes on Monday, May 21, 1984, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE), for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 1:30 p.m., with Senators permitted to speak therein for not more than 10 minutes each; and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, when the Senate completes its business today, it will stand in adjournment until the hour of 12 noon on Monday next. After the recognition of the two leaders under the standing order and the recognition of the Senator from Wisconsin on special order, there will be a period for the transaction of routine morning business until 1:30 p.m., in which Senators may speak for not more than 10 minutes each.

At the conclusion of the time for transaction of routine morning business, it is the intention of the leadership on this side to attempt to reach the bankruptcy bill and/or the Wilkinson nomination for the balance of the day. Arrangements have not been completed on those two measures, but that is the agenda as it is viewed at this time.

I remind Senators that the coming week is the final week of session before the Memorial Day recess. It is also necessary that a number of other matters be dealt with, including the debt limit. The House of Representatives has not yet sent us a debt limit bill. However, it is the intention of the leadership on this side, after consulting with the minority leader, and I assume he might not object at that time, to proceed to the consideration of the debt limit bill reported by the Senate Finance Committee, with the intention of merging or melding those measures, the House and the Senate measures, at the appropriate time.

The leadership on this side also expresses the hope that we might get a short time limitation on a debt limit bill, perhaps even a shortened debt limit bill, as contemplated, I understand, by the House of Representatives.

Mr. President, I also admonish Senators in good spirit to understand that there will be votes on Monday. I am sure Members will agree that there is a lot of work to be done between now and the 25th of May, when we shall go out for the Memorial Day break.

ADJOURNMENT UNTIL MONDAY, MAY 21, 1984

Mr. BAKER. Mr. President, the majority leader is not now on the floor, but he and I conversed earlier. I indicated that if there was any further business to transact, I would notify him. There is not. The distinguished chairman of the Energy Committee is now filing bills from his committee, which are authorized until 3 p.m. under the order previously entered.

Therefore, now, Mr. President, seeing no other Senator seeking recognition, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to, and at 12:18 p.m. the Senate adjourned until Monday, May 21, 1984, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 18, 1984:

NATIONAL COUNCIL ON THE HANDICAPPED

H. Latham Breuning, of New York, to be a member of the National Council of the Handicapped for a term expiring September 17, 1986.

Michael Marge, of New York, to be a member of the National Council on the Handicapped for a term expiring September 17, 1986.

Sandra Swift Parrino, of New York, to be a member of the National Council on the Handicapped for a term expiring September 17, 1986.

Alvis Kent Waldrep, Jr., of Texas, to be a member of the National Council on the Handicapped for a term expiring September 17, 1986.

SECURITIES INVESTOR PROTECTION CORPORATION

James W. Fuller, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1986.

NATIONAL TRANSPORTATION SAFETY BOARD

Patricia A. Goldman, of the District of Columbia, to be a member of the National Transportation Safety Board for the term expiring December 31, 1988.

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board for a term of 2 years.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Carol E. Dinkins, of Texas, to be Deputy Attorney General.

EXTENSIONS OF REMARKS

RABBI LEONARD CAHAN HONORED

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. BARNES. Mr. Speaker, for the past 10 years, Rabbi Leonard Cahan has led the Har Shalom Congregation in Potomac, Md. In honor of this occasion, Har Shalom recently sponsored a series of events celebrating Rabbi Cahan's outstanding service. The following article from the Tablet, the Har Shalom newsletter, describes this fine individual's distinguished career and his many contributions to the community.

The article follows:

WEEKEND CELEBRATION HONORS RABBI CAHAN'S 10TH ANNIVERSARY WITH CONGREGATION HAR SHALOM

Beginning Friday evening, May 11, and continuing through Saturday night, Har Shalom will sponsor a series of events honoring Rabbi Leonard Cahan on the occasion of his tenth anniversary as our spiritual leader. The schedule features Professor Neil Gillman of the Jewish Theological Seminary of America who will speak during services on Friday evening and Saturday morning on the topic, "The Emergence of Conservative Judaism." A gala dinner on Saturday will be followed by a musical program and a slide show retrospective of Rabbi Cahan's personal history and career, with special reflection on his Potomac years.

Although Rabbi Cahan has been at Har Shalom for 10 years, his life as a rabbi began in 1961 when he was ordained after completing studies at the Jewish Theological Seminary. A native of Philadelphia, he also is a graduate of the Akiba Hebrew Academy and the University of Pennsylvania.

Rabbi Cahan's first post-ordination position was a four-year stint as Assistant Force Chaplain to the U.S. Naval Forces at Yokosuka, Japan. In 1965 he joined Adas Shalom Synagogue, Detroit, Michigan, as Assistant Rabbi. Later he served as Rabbi of Temple Beth Abraham, Oakland, California, before coming to Har Shalom in 1974.

Throughout his professional career Rabbi Cahan has been active in community as well as religious organizations. While in Detroit, he was Board Chairman of Fair Access to Integrated Residences, Inc., Regional Chaplain for the Jewish War Veteran, and Chairman of the Nursing Home Volunteer Committee of the Jewish Family Service. In Oakland he was President of the East Bay Council of Rabbis and an officer of the Hillel Academy of the East Bay.

Locally, Rabbi Cahan has officiated as President of the Seven Locks Ministerial Association and Jewish Chaplain for Potomac District, Boy Scouts of America. He has been Membership Committee Chairman of the Rabbinical Assembly and is currently Vice President of the Washington Board of Rabbis. Continuing a long association with the Navy, Rabbi Cahan since 1980 has been Staff Chaplain of the Military Sealift Command, with rank of reserve Commander. And in 1982 the Navy awarded him the Meritorious Service Medal.

Service to G-d, man, and country not being enough, Rabbi Cahan, with his wife, Elizabeth, (nee Peilen), of Minneapolis, and children, Hillel, Benjamin, Joshua, and Sara, have created a family.

FEDERAL ENFORCEMENT OF OUR CIVIL RIGHTS LAW—HERE WE ARE 30 YEARS LATER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. EDWARDS of California. Mr. Speaker, today marks the 30th anniversary of the landmark Supreme Court decision, Brown against Board of Education. The Court unanimously declared this Nation's system of legally sanctioned apartheid to be unconstitutional.

Another decade passed before the promise of Brown began to be realized. In 1964, Congress enacted the Civil Rights Act which gave the President the tools to end segregation in public schools, public accommodations and employment. Since then Congress has enacted legislation to provide equal opportunity in voting and housing. Furthermore, the Congress has established laws to prohibit discrimination against minorities, women, the aged and the handicapped.

Mr. Speaker, a great deal of progress has been made in our efforts to keep the promise of Brown. Over this 30-year period we have learned that the progress has been greatest and most enduring when all three branches of Government have been committed to effective enforcement of Federal civil rights laws. In retrospect, those periods of collective commitment have been too few and of fleeting duration.

I am sad to say that on this 30th anniversary, we are in a period where great lip service is paid to effective enforcement of these laws but real performance is lacking. This criticism extends to each branch of government.

But perhaps no where is the rhetoric more empty then in the executive branch. I have attached to the end of my remarks the Committee on the Judiciary report on the enforcement record of the Civil Rights Division of the Department of Justice as it appears in the fiscal year 1985 authorization request.

Mr. Speaker, it is sad indeed that civil rights advocates now refer to it as the "Department of Injustice" and identify the Civil Rights Division as the locus of anti-civil rights activity.

Mr. Speaker, I hope this Nation stands ready to reaffirm its commitment to Brown. And I urge this Congress to recommit itself to the not yet completed task of ending discrimination.

The material follows:

CIVIL RIGHTS DIVISION

During consideration of the Department's FY 1984 Authorization Request, the Committee reported that for the first time since the creation of the Civil Rights Division in 1957, civil rights attorneys and advocates identified the Department of Justice as the locus of anti-civil rights activity. They made various recommendations to the Committee for corrective action including dismantling the Division.

Without exception, all of them asked that this Committee take steps to limit the Division's participation in civil rights cases because the positions advocated by the Assistant Attorney General for Civil Rights are harmful to the interest of those victimized by discriminatory practices.

Since then, the Committee has continued extensive review of the Division's enforcement record including joint subcommittee hearings on the Division's enforcement of the Civil Rights of Institutionalized Persons Act. The Committee has identified a persistent pattern of activities, fully documented in testimony before this committee and in documents within the public domain, which raise serious questions about the extent to which the Attorney General is frustrating Congressional intent in enforcing federal civil rights laws.

The Committee has identified several areas where the Department's record is particularly egregious:

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT (CRIPA)

In testimony before this Committee, the Assistant Attorney General for Civil Rights demonstrated a mistaken understanding or patent disregard for the purpose of this 1980 law. The legislation was enacted to assure the Attorney General's legal authority to *initiate or intervene in litigation* to redress violations of the rights of persons confined to public institutions. Although the statute encourages reasonable efforts to consult with state officials in an effort to achieve possible settlement and thus avoid litigation, the law is not intended to foster conciliation as the alternative to needed litigation nor does it empower the Attorney General to act as advocate for the institutions which are the subject of litigation. It is expected that the Attorney General will act in a timely fashion on such matters, setting reasonable timetables for state action before litigation is commenced. Thus far, the Civil Rights Division has been slow to

act to correct life-threatening conditions, and reluctant to file suit although warranted by Division investigations.

In stark contrast to its predecessors, this Department of Justice has a record which can best be described as a passive observer/overseer of violations against persons in institutions. The Department has initiated only 3 cases under the Act—none involves the rights of juveniles or mentally retarded persons. One of the cases, *U.S.* v. *Hawaii*, Civil No. 83-0248 (D. Hawaii), was dismissed on May 10, 1983 because the Department failed to give sufficient notice to the state. The only "enforceable" agreement negotiated by the Division was recently rejected as unenforceable by the U.S. District Court to which it was submitted for approval, *U.S.* v. *Michigan*, No. G84-63, E.D. Mich., March 23, 1984. The court ordered the parties to meet and to attempt to redraft the consent judgment. And in a case brought by pretrial detainees the Assistant Attorney General for Civil Rights is the sole author of an Amicus brief filed in the Supreme Court siding with the Los Angeles County Jail, No. 83-317, filed December 22, 1983.

TITLE VII OF THE 1964 CIVIL RIGHTS ACT (EMPLOYMENT DISCRIMINATION)

The Attorney General is authorized to initiate litigation against public employers, i.e., to prosecute violators. The Department's record shows that the Attorney General refuses to support race and gender-conscious relief despite the fact that such relief continues to be upheld by the courts. For example, the Justice Department filed a brief challenging the race-conscious affirmative action plan adopted by the City of New Orleans to increase the number of blacks on the city's police force. The EEOC was reportedly prevented by the White House from filing its brief which supported the plan. The Department's challenge was recently rejected by the 5th Circuit in an *en banc* ruling. *Williams v. City of New Orleans*, No. 82-3435, April 23, 1984.

In a recent news report, the Assistant Attorney General for Civil Rights announced plans to challenge a decision in which women state employees successfully sued the State of Washington for discriminatory practices in employee compensation. If the Department goes forward with this challenge the Attorney General would be advocating on the side of the defendants an act which is clearly inconsistent with the Title VII mandate.

TITLE IV OF THE 1964 CIVIL RIGHTS ACT (SCHOOL DESEGREGATION)

Title IV of the 1964 Act gave the Attorney General litigating authority to "materially further the orderly achievement of desegregation." The Attorney General's role is to *foster* desegregation. Congress has set forth a priority of remedies in school desegregation litigation; voluntary plans, however, are specifically exempted from this priority preference. (Educational Opportunity Act of 1974).

Yet, the Department opposed a well publicized voluntary plan in Seattle, Washington. The Department changed sides and opposed the plan which was subsequently upheld by the U.S. Supreme Court. *Seattle School District v. Washington*, U.S. ——, 72 L. Ed. 2d 896 (1982).

In the only school desegregation case initiated by the Department since 1981—Bakersfield, California—the Department has negotiated a voluntary magnet school plan which the Assistant Attorney General acknowledges would permit the school district to continue a segregated system so long as it provides "an even-handed opportunity to every child in the system." The Committee finds that not only is this in direct conflict with the Attorney General's Title IV mandate to further desegregation, it smacks of the repudiated doctrine of "separate but equal."

The Attorney General's statutory right to initiate school desegregation litigation is based upon a written complaint from parents who believe their children's rights have been denied, and a certification by the Attorney General that the parents are unable to maintain the action themselves. The Assistant Attorney General for Civil Rights has unequivocally stated his refusal to seek *all* of the remedies allowed in law to facilitate school desegregation. Concerned therefore that their children' rights would not be fully vindicated, parents in Charleston, S.C. sought intervention in a case first initiated by the Carter Administration. The Department first sought to oppose their intervention.

The Committee is deeply troubled by the civil rights enforcement record of this Administration. Our disagreement is not merely one of philosophical differences over which remedies are most appropriate. The less than exemplary record of this Department represents a dramatic change in both the quantity and quality of civil rights enforcement. When comparing the first three years of this Administration to the preceding one the record shows an 83% drop in the number of new civil complaints filed. The Committee notes there has been no decrease in Division staff. The Committee must wonder whether allegations that "enforcement" is being conducted from the Assistant Attorney's office and that line-attorneys have little to do are accurate.

The Department's record clearly establishes that there has been a qualitative change in the Division's advocacy role. The Committee finds growing evidence that some courts are so concerned with the Division's role that, as one judge observed in dismissing the Department from continued participation in a prisoners' rights case, the "interests of the United States . . . are no longer co-existent with or common to the interests of the plaintiff class." *Gates* v. *Collier*, No. GC 71-6-k (N.D. Miss. Greenville Division) Order, June 6, 1983, pp. 2-3.

The Committee hopes the Department appreciates the seriousness of these findings, and admonishes the Department to take steps to fully comply with the letter and spirit of its statutory mandate. Although an amendment was not offered at this time, the Committee wishes to make clear that the Division's continued disregard for its statutory mandate will most surely result in legislative action in the upcoming year.●

LOOPHOLE OF THE MONTH: HIGHWAY ROBBERY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Ms. KAPTUR. Mr. Speaker, the "Loophole of the Month" is a tax shelter involving the purchase of billboards. Millions of dollars in tax revenues are being lost because a group of investors has purchased millions of dollars' worth of billboards. The term "purchase," however, is used loosely here, since the investors merely lease the billboards back to the original owner and after 5 years actually sell them back.

Public Citizens describes how the Tax Code subsidizes this scheme in the following article from their monthly publication, People & Taxes. I commend it to my colleagues:

[From People & Taxes, June 1983]

LOOPHOLE OF THE MONTH: HIGHWAY ROBBERY

Late last fall, 534 wealthy Americans got together to make an unusual purchase. They bought 45,000 billboards, Metromedia, Inc.'s entire stock of outdoor signs.

The investors have no interest in roadside advertising. What they are interested in is avoiding taxes. And that they will do. Despite a seemingly inflated price of more than $10,000 per billboard, the 534 investors have been promised profits of as much as $200 million ($375,000 each) over the next five years.

Every nickel of these profits will come at the expense of Uncle Sam—and average taxpayers. In fact, the deal involves nothing but shuffling paper. Metromedia will continue to manage the business side of the project and after five years, is expected to buy the billboards back. Thereafter, it will garner huge tax breaks on its own.

Informed sources say that the $485 million transaction—which will generate exactly zero dollars in new investment—is almost certainly the largest syndicated tax shelter offering ever.

The poster panels that are producing this massive cash transfer out of the pockets of ordinary folks and into the bank accounts of wealthy investors and one of the country's fastest growing corporations are not exactly social policy winners—even as billboards go. Forty-one percent of them promote cigarettes and another 21 percent push alcohol. In fact, the prospectus for the deal cautions that part of the partnership expenses will go for lobbying to keep the government from beginning or restricting this kind of outdoor advertising.

How does a deal like the "Outdoor Advertising Associates, Limited Partnership" work? Well, one key is that only a small fraction of the cost of the billboards was actually provided by the doctors and executives who bought into the shelter. They anted up a mere $150,000 each, for a total of $80 million, only 16 percent of the overall purchase price. And, of their $80 million, about 20 percent was skimmed off immediately in expenses and fees to middlemen, including $9 million to Bear, Sterns & Co., the investment banking firm that engineered the deal. Another $3.4 million went to lawyers and accountants who helped out.

The bulk of the money to buy the highway signs was borrowed, including a $70 million loan back to the tax-shelter partnership by Metromedia itself and $350 million put up by a consortium of banks, led by Citibank. In addition to receiving 15.5 percent annual interest, by the way, the banks extracted $3 million in "arrangement" and "facility" fees for their trouble.

The individual participants in the billboard shelter probably don't care much about a little profit-taking on the part of the organizers of the deal. In fact, wealthy taxpayers lined up in droves to give Bear, Sterns their money. The program was so quickly filled that Bear, Sterns was able to set up "a waiting list of additional subscrib-

ers" in case any of the early birds should decide to drop out.

The investors enthusiasm was not surprising. Bear, Sterns projects almost a 43 percent after-tax annual return for participants—the equivalent for these 50 percent bracket individuals of an 85 percent pretax return (not even counting state and local tax savings). This is almost 10 times the going rate on tax-exempt municipal bonds and 16 times the after-tax return on federal government long-term issues.

Over the five years they will own the billboards, the investors expect to write off about a third of their investment as "depreciation," even though Bear, Sterns estimates that the actual value of the signs will go *up* by over a third. And, while the write-offs will be worth 50 cents on the dollar in tax savings, the gain when the billboards are sold back to Metromedia will be taxed at only 20 percent—due to the special treatment of capital gains.

Bear, Sterns' projections about the future value of the road-side attractions may be optimistic, but even if the pretax rate of return on the billboard shelter turns out to be zero (that is, after five years the investors simply get their money back), the after-tax annual return from writeoffs will average 28 percent—five times the after-tax return on Treasury bonds. Even if the investors get *none* for their money back, they will still earn more than 6 percent annually, which is also greater than the after-tax yield on government bonds.

They can't do worse, since they have no personal liability to pay back the loans. The tax code's "at risk" restrictions, which limit some kinds of shelters financed with borrowed money, don't apply to "real estate" like billboards (nor do provisions "recapturing" some excessive depreciation when property is sold).

The tax shelter prospectus doesn't concern itself with why Metromedia finds the temporary sale of its billboards advantageous, but one lucrative scenario is apparent. When Metromedia buys its displays back after five years, it will get a new "basis" for tax depreciation of about six times the $111 million "book" value of the billboards before the tax shelter deal was entered into. And, as "newly-acquired assets," the signs will be eligible for fast depreciation write-offs under the Accelerated Cost Recovery System (ACRS).

The net result is that Metromedia will be entitled to about 10 times the annual depreciation write-offs that it had before the sale and buyback of the billboards. The added deductions will be much greater than the short-term costs to Metromedia from the deal. Metromedia will thus have deftly circumvented restrictions on such asset "churning" included in the 1981 tax act.

Shelters involving billboards could be closed, but it would take more than mere tinkering. Unlike some currently popular tax avoidance schemes, the billboard shelter doesn't require any shady game-playing. Nor is it premised on not being audited. Instead, the highway placard deal is simply a very large, very unusual example of the standard real estate shelter as it now exists under the Reagan regime.

The relatively straightforward nature of the billboard shelter makes it much more frightening than deals that might be curbed by better enforcement or small technical changes in the law. Equally scarifying is the overall proliferation of tax shelter transactions that is now occurring.

Jim Glassman reports in *The New Republic* that even though 1982 was a weak year for oil and real estate shelters, overall syndicated offers increased 13 percent. And in the first quarter of 1983, they jumped another 53 percent. OMB Director David Stockman's 1981 prediction that the cut in the top tax rate from 70 to 50 percent would "effectively eliminate" the shelter industry has proven slightly hyperbolic. Contrary to his supposition, wealthy investors who were previously unwilling to pay 70 percent have failed to queue up at the IRS to pay 50 percent.

Glassman attributes the shelter surge in part to the Administration's glorification of self-interest and denigration of government. "In the process," he notes, "they have made avoiding taxes seem a noble pursuit." There's probably truth in this analysis (see "Of Consumers and Entrepreneurs—Why Supply-Side Fosters Moral Prostitution," *P&T* May 1983). But shelters, including billboards, were given an even more important boost by the huge new loopholes in the President's 1981 tax program, most notably the ACRS fast depreciation write-offs.

The Reagan administration's term in office has featured numerous record-setting accomplishments on the tax and economic fronts: Biggest deficits in history. Deepest recession and highest unemployment rate since the 1930s. Lowest national savings rate (in 1982) in the post-war era (breaking the 1949 record). Largest volume of mergers in a single year ($82.6 billion in 1981). Lowest corporate tax collections (fiscal 1983, in constant dollars) since Pearl Harbor.

The latest "supply-side" milestone—the biggest syndicated tax shelter deal in history—helps explain why all those other records have been shattered at the same time.●

THE PEOPLE'S REPUBLIC OF CHINA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, while many people have tried to justify recent efforts to improve relations with the People's Republic of China by citing the strategic and economic advantages of being on good terms with the world's most populous nation, I believe that there are a number of things which we should remember about that nation and its history. Ideologically, the People's Republic of China is and always has been very opposed to everything that the United States of America stands for. Theirs is a long history of ignoring the human rights of their citizens. Their official policy includes forced abortions, the execution or imprisonment of dissidents, and complete intolerance for the basic rights of free speech and association. It is essential that we bear these facts in mind as we go about opening up relations with a nation that, in spite of a very limited amount of free enterprise, is still staunchly Communist.

Because I believe that it is extremely important to remember these and other facts, I would like to include the following document in the RECORD today. It is a brief account of the recent history of mainland China. I hope that my colleagues will take the time to read this account and then compare it with the recent history of the Republic of China on Taiwan. The differences, of course, are startling. I can only hope that our relations with the People's Republic of China do not come at the expense of Taiwan.

THREE AND A HALF DECADES ON MAINLAND CHINA

(By Dr. Han Lih-wu)

Three and a half decades of the Communist rule on mainland China is a long enough time for an objective review and assessment. From a humanitarian point of view, we feel a great sorrow for people everywhere who suffer under the yoke of Communism so ruthlessly efficient in controlling people, but so hopelessly deficient in caring for man's basic needs. Much of the difficulty has been the internal political struggle and chaos experienced in these Communist countries, Communist China being the prime example. I shall attempt to review the political history of the China mainland since 1949, a history responsible for so much human waste and suffering.

1949

The Chinese Communist regime was established on October 1, 1949 after a protracted war. The next day the Soviet Union recognized the Communist Government. The ties to the USSR were from the start very close. Mao Tse-tung on June 30, 1949 wrote in an article entitled, "On People's Democratic Dictatorship," that "The Communist Party of the USSR is our very best teacher, and we must learn from it." In foriegn affairs, the Chinese Communist leaders supported Soviet policy by both words and deeds. In domestic economic, social and polictical policies, the Soviet experience was the model consciously applied. The Soviet's purges of the nineteen-twenties and thirties were repeated by the Communist Chinese as they exercised ruthless control over the people and liquidated "capitalists, landowners, imperialist-dogs, and Kuomintang agents."

1950

The Chinese Communists grew closer to Moscow with the coming of the Korean war. Mao Tse-tung visited Stalin in Moscow from December 1949 until March 1950 and signed a series of treaties and agreements which guaranteed the Soviets a strong voice in the affairs of Communist China. Mao most firmly won Stalin's "trust" when, on October 25, 1950, he sent the Chinese Peoples' Volunteers to aid the North Koreans in their attempt to wrest control of the Korean peninsula. The Chinese Communists simultaneously launched a "Hate America and Aid Korea" campaign.

1951-52

These years was the coming to all its destructive fruition the land reform campaign of 1950 which served as a prototype for all the following "campaigns." The land reform campaign launched ostensibly to suppress counter-revolutionaries soon showed its true purpose to dispossess the peasantry of its meager land holdings. As the program became despised in the countryside and in the cities, the Chinese Communist leaders sought to stifle any dissent with the start in 1951 of the drive for "ideological rectifi-

cation." The campaign aimed to eradicate and silence landlords, dissidents and intellectuals, broad categories which came to include anybody who spoke out.

1952 saw more of the same with the initiation of the Three Anti movement (anti-corruption, anti-wastefulness, and anti-bureaucratism). The obvious economic failure of Communist policies did not cause the Communist leaders to reappraise their policies, rather the leaders sought scapegoats among the people and tougher controls. The Communist leaders, furthermore, started in the same year the Five Antimovement directed more at urban areas with emphasis on bribery, tax evasion, theft of national property, cheating on government contracts, and catch-all category of the theft of economic information from government sources which included all aspects of the economy. 1953 saw new campaigns against bureaucratism, commandism and violations of law and state discipline.

1953

The Communists' fanaticism and disregard for human life evidence itself in the Korean War. Addicted to a human-sea strategy, the Communists threw away the lives of a million soldiers in that bloody war. It is worthy of note that when the armistice was signed in 1953, 14,000 of 23,000 Chinese prisioners-of-war chose to enjoy freedom by being repatriated to the Republic of China.

1954–55

These years saw the start of what was to become a standard feature of life in Communist China—internal division in the government followed by purge and executions. Kao Kang, member of the Political Bureau, and Yao Shu-shih, head of the Party Organization Department, were charged with plotting an anti-party alliance. In two years over a thousand followers of Kao and two hundred of Yao's were purged from the party and sent to uncertain fates.

At the same time, the Communist leaders attacked Hu Feng, a leading member of the literati, who was severely criticized for promoting anti-party and anti-socialist attitudes in his works. The Hu Feng incident grew into an overall purification movement against intellectuals. The number of intellectuals punished has been estimated at 1,400,000. The conclusion to be drawn is that the Communist leaders were from the start determined to suppress any independent thought and any artistic expression which did not conform to the state's doctrinaire pronouncements. Socialist art has little room for art itself.

1956–57

This was shown to the world with brutal clarity when in May 1956, Mao launched the so-called Hundred Flowers Bloom and Hundred Schools of Thought Contend campaign. Its ostensible purpose was to allow the free expression, but its true purpose was to give Mao a forum to press his ideology on the people. To Mao's surprise, but not to anyone else's, the Hundred Flowers' campaign unleashed a torrent of criticism of Communism and the regime. Mao quickly in 1957 put an end to the small freedoms allowed and netted all prominent dissidents. Indeed, to catch the dissidents by giving them an opportunity to show themselves was thought to be Mao's deeper purpose. Mao claimed that when he called for free expression, he did not mean poisonous weeds. But, in his eyes, all disagreement was poisonous.

1958–59

As the Chinese economy on the mainland continued to stagnate, Mao grew impatient. The result of his impatience was the promotion of mass movements to achieve increased production. These programs became collectively known as the "Great Leap Forward." In steel production, there was large increases in production, however, much of the steel was of poor quality and most importantly it was not needed, except to please the Communist leaders' desire to emulate the USSR.

Along with this frenzied drive for industrialization, the Communist leaders introduced the Commune system in the countryside. By November 1958, ninety-eight percent of the population on farms were in People's Communes. Planting, crop selection, and work assignments became dictated from above with disastrous results. A recent report indicates that perhaps up to fifteen million people starved to death due to the disruption of agriculture created by the commune system (Mainichi Shimbun, Tokyo, Dec. 19, 1983). The commune system now has been altered in most areas in line with Teng's new modernization policies. The commune administrative structure remains, but is now geared towards social, as opposed to economic control.

There was an inevitable reaction to the purification campaign and the economic chaos generated by the Great Leap Forward Movement. The results was increased infighting among the Communist leadership. In the party chaos, Mao took the opportunity to remove any future rivals. In particular, Mao purged the Defense Minister Peng Tehuai who had spoken out against Mao's economic policy and the growing tensions with the USSR.

1960–65

This period was dominated both internally and externally by the split between the USSR and the Chinese Communist leaders. Though during the nineteen-fifties relations had been close as the Soviet Union poured machinery and advisers into China, they began to sour when the Soviets refused to recognize Maoism as an improvement upon Marxist-Leninism designed for an Asian setting. As long as Joseph Stalin was alive, Moa remained subservient. However, Mao felt no such father-like feeling toward Nikita Khrushchev with whom he sparred for leadership in the world communist movement. Mao particularly disliked Khrushchev's denunciation of Stalin.

The clash between the two communist regimes came in the wake of the attempted invasion of the Quemoy and Matsu islands. The Soviet Union by refusing to aid the Chinese Communists garnered the latter's suspicion. In the aftermath, Khrushchev refused to aid in Communist China's development of nuclear warfare capacity. In 1960, the USSR withdrew its advisers from the mainland and cancelled hundreds of contracts. The supply of crucial materials to the Chinese Communists was cut abruptly.

The withering of party-to-party ties and economic cooperation brought to the fore the long-standing territorial conflicts along their mutual border. Outer Mongolia, Southern Siberia, and islands in the Ussuri river were areas of particular controversy as the Soviet Union refused to grant Peking's request that they acknowledge the territory as having been acquired by unequal treaties. Negotiations to improve relations including a trip to Moscow by Teng Hsiao-ping and Peng Chen failed. By 1969, a number of clashes broke out with heavy casualties on both sides. Despite the growing tensions with the Soviet Union, Mao did not let up in his destructive pursuit of uniformity in the thinking of his subjects as witnessed by the 1964 "Four Purifications" campaign and his 1965 warning against revisionism at a meeting of the Central Politburo. These, however, were only precursors of the Chinese Communist leaders' next project.

1966–76

This period is known as the Great Proletarian Cultural Revolution. It may be divided into four stages. The Cultural Revolution grew out of Mao's fanatical desire to "cleanse" the country of counter-revolutionary thought through internal revolution. Indirectly, he hoped that it would boost his own power by instilling fear into all who might consider challenging him.

In the first period, Mao set the stage by enlisting the support of the army under Lin Piao. This gave him leeway over the party. The actual direction of the Cultural Revolution was dictated by an ad hoc committee in the Politburo first headed by Peng Chen and then later by Chiang Ching; this constituted the nucleus of what later became the "Gang of Four." The Red Guard composed of youths, many of whom were students, was created in order to give Mao a shock troop with which to bypass Liu Shao-chi and the established party mechanisms.

In the second stage, the Red Guard staged demonstrations throughout China and attacked all whom it thought had deviated in the slightest way from Maoist thought. The Red Guard in attacking party leaders established itself as the power in control throughout the twenty-nine provinces. The balance shifted dramatically against Liu Shao-chi, first of all he was expelled from the party and stripped of all titles than he died in disgrace in late 1968. Liu's passing strengthened Mao's power and the power of Lin Piao whom Mao nominated as his successor. Lin Piao reciprocated by helping to increase Mao's positions by suggesting that the system of having a state chairman should be revived and filled by Mao who could thus exercise tighter control over the party bureaucrats.

Lin appeared on the surface as totally loyal to Mao, but covertly he was marshalling his supporters in order to stage a coup against Mao. Mao and Chou En-lai, however, were aware of Lin's designs and took emergency steps to purge him and his coconspirators. Lin, realizing that his plot had failed, attempted to flee. The Trident airplane which he and his companions were flying either crashed or was shot down in Outer Mongolia in September, 1971.

The third stage of the Cultural Revolution coincided with the Communists' approaches to the United States through the so-called "ping-pong" diplomacy of 1971. As the communists feared the Soviet Union in the wake of the border clashes and the Soviet invasion of Czechoslovakia, they sought to befriend the U.S. After months of secret diplomacy between Secretary of State Henry Kissinger, the U.S. President Richard Nixon visited the mainland on February 21, 1972. Relations between the two were "normalized" with the signing of the Shanghai Communique of February 28th.

At the same time, Mao tried to ease the Cultural Revolution out of the hands of the Red Guard, and the Gang of Four. Teng Hsiao-ping was rehabilitated as Deputy Prime Minister in March of 1973. At the tenth Party Congress in August of 1973, other leaders who had been purged by the

Red Guard were brought back including Wang Hung-wen who assumed the title of Vice-Chairman of the Central Committee.

The return of Teng and his alliance with Chou En-lai posed a strong threat to the Gang of Four. As tensions between the two groups grew, Mao came to fear for his own power—and at this stage of his life, control over his successor.

Against this confused and bitter background, the fourth stage began in January 1974 when the Gang of Four launched the Anti-Lin and Anti-Confucious campaigns. The Anti-Lin campaign was directed at purging any followers of Lin Piao who remained in the army. The Anti-Confucius campaign was aimed at Teng and Chou. Chou's prestige and skillful maneuvering, however, maintained Teng's position and on January 8, 1975, Teng was elevated to the vice-chairmanship of the Central Committee. When Chou died on January 8, 1976, the Teng group, riding on a wave of the popular memory of Chou, made a move against the Gang of Four. The Teng group encouraged millions of people to trek to Tienanmen square during the customary grave-visiting days to lay wreaths in Chou's memory. At the same time, there appeared slogans and posters denouncing the Gang of Four.

To ease the struggle between the two groups, Mao appointed the hard-liner Hua Kuo-feng as Acting Prime Minister in the place of the now-gone Chou. Hua, however, aided the Gang of Four in denouncing the attacks upon them as "counter-revolutionary." Subsequently, Hua was given the additional position of first vice-chairman of the party, while Teng was relieved a second time of all his positions in the party and the government. However, when Mao died on September 9, 1976, Hua went the other direction and cooperated with the Teng group. The Gang of Four were duly arrested. On the next day, the Politburo elected Hua as Chairman of the party as well as the military commission. Thus the Cultural Revolution came to its inglorious end.

1977

While Hua had officially succeeded Mao, real power gradually shifted to the Teng group. At the third session of the Tenth Central Committee of the Party meeting in July of 1977, Teng was restored to his previous positions in the party and in the government. The advent of the Teng group probably influenced Hua's announcement in August at the eleventh Party Congress that the Cultural Revolution had officially ended.

1978–81

It was not too long before Teng sought to consolidate his power and to settle his old scores. Initially the Teng-Hua alliance held. At the fifth National People's Congress, Yeh Chien-ying, who had arranged the coalition between Hua and Teng, was appointed Chairman of its standing Committee and Hua was confirmed as Prime Minister. In December of 1978 began the "rectification" of leftists active in the Cultural Revolution. The party decided to establish a committee in charge of discipline which was to lay the groundwork for a purge of leftists in the party. In 1979, Teng enunciated his "four insistences:" insistence on socialism, proletarian dictatorship, Communist leadership, and Marxist-Leninist-Maoist thought; through this Teng established himself as the source of future ideological developments. As Teng's influence grew so did his influence over appointments. In 1980, Teng's protege, Hu Yao-pang, was appointed secretary-general of the party and de facto took over control of party work. Another Teng associate, Chao Tzu-yang, was made a deputy prime minister and gradually took over the running of the cabinet. With Teng's men in place, bolder actions could be taken against the leftists. On January 25, 1981, the People's Supreme Court sentenced Lin Piao, Chiang Ching, and eight other Gang of Four leaders as anti-revolutionary criminals. The final step was taken in June of 1981 at the sixth session of the eleventh Central Committee when Hua tendered his resignation as chairman of the party and of the military commission; Hu Yao-pang and Teng respectively assumed these positions.

1982

Teng's victory was not complete. Although he himself controlled the military and his proteges held the highest offices in the party and government, there was, and still is, opposition. For instance, Hua, though shorn since September 1982 of all positions except his membership of the party Central Committee, has continued to refuse admission of error and continues to uphold Mao's teachings with vehemence. Teng's much publicized Four Modernizations begun in 1979 has met considerable resistance and has made only slow progress.

To overcome obstacles within the party and government bureaucracies, Teng took several steps. Beginning in 1981, he started to shift military commanders around to prevent them from becoming too entrenched. He furthered plans to purge the party of "leftists" who entered the party during the Cultural Revolution. To train the much needed next generation of experts and leaders, Teng sent thousands of students and teachers abroad to universities in the U.S., Japan, and Europe. These students, however, once exposed to free societies have often refused to return. Even on the mainland, increased contacts with visitors and travellers from abroad has made the people more conscious of their own lack of freedom.

It will be remembered that Teng's return to power was helped by the mushrooming of wall posters, underground magazines, and secret societies calling for human rights. The movement which began on November 10, 1974 with the appearance of the "Li-I-Che" big character wall posters grew more vociferous in the following years. But, after Teng consolidated his power, he wasted no time in denouncing the workers for freedom and human rights as counter-revolutionaries. In a key speech on January 16, 1980, Teng stated: it is absolutely impermissible to publicize any freedom of speech, publication, and assembly or to form associations which involve counter-revolutionaries. The "four big freedoms"—speaking out freely, airing views fully, holding debates and writing wall posters—allowed in the 1978 constitution were cancelled in the new constitution passed on September 10, 1980. A number of dissidents were arrested and imprisoned. One case was Wei Ching-shen, editor of *Tansuo*, who was sentenced to prison for fifteen years.

To give impetus for agricultural production, the Commune system was modified after 1978 to allow the farmers more control over their production. The Communes gradually become an administrative rather than a productive unit, and, instead, increased their power over the daily lives of the people. The Neighborhood Committees observe and report all aspects of the people's lives down to the menstrual cycles of women in order to enforce the strict birth control policy. The system, according to a Western reporter John Woodruff, compares to George Orwell's vision of the totalitarian state in his novel, 1984, which as "Big Brother" watches everybody anytime and anywhere.

In 1983, the most inhumanitarian part of the Communist regime's policies became known—forced abortions and female infanticide. An American researcher, Stephen Mosher, reported on the Neighborhood Committees forcing women to undergo abortions if it was thought they had too many children. The one child per household policy linked to the Chinese tradition of preferring boys to girls has led to many parents killing their female offspring. There are no exact figures of girl infants drowned or abandoned, but according to the Women's League of Anwhei Province, the ratio between the sexes are so unbalanced as to have become 5:1 by 1982.

In the field of foreign relations, the Communist regime after establishing diplomatic relations with the U.S. in 1979 undertook new diplomatic moves against the ROC. The Communists were very disturbed with the Taiwan Relations Act passed in 1979 by the Congress and signed by the President. They criticized the U.S. for promoting a policy of two Chinas, or one China and one Taiwan. That the U.S. continued to sell arms to the ROC after 1979 greatly irritated the Chinese Communists. To mollify them, the American government agreed to the "August 17, 1982 Communique" which said that the U.S. would keep its weapon sales to the ROC at or below current levels and would slowly decrease such sales ultimately ending them when the need for them ceased to exist. There was no timetable, however, agreed upon. Despite this agreement, Taiwan remains a contentious issue between Washington and Peking.

An interesting development in strategic relations has occurred as a result of America's approach to the Chinese Communists. The U.S. sought a relationship with the Chinese Communists in order to contain the Soviet Union. However, the Chinese Communists once they felt unsure of the U.S. policies over the Taiwan and other issues, began overtures to the Soviets themselves playing the American Card just as the U.S. had tried to play the China Card. The recent Sino-Soviet mild thaw has put aside the Chinese Communists' possible strategic relationship with the U.S.

The Sino-Soviet rapprochement has continued into 1984. Communist China's Vice Premier Wan Li visited Moscow on February 13, 1984 to attend the funeral of Yuri Andropov. The death of the Soviet leader received prominent and sympathetic attention in the mainland press. Wan's visit marks the highest-ranking official visit by the CCP in twenty years. Upon his return, Wan stated that he hoped normal relations could be reached with the USSR and that "substantive progress" should be made at the forthcoming talks on the subject in Moscow. In exchange for Wan's visit, the USSR will send its Deputy Premier, Ivan Arkhipov, to Peking in May 1984 to discuss trade. He would be the highest ranking Soviet delegate since the late nineteen-sixties.

As the new Soviet leader, Konstantin Chernenko, took office, mutual decrees were issued calling for improved Sino-Soviet relations. However, the Soviets have given no indication that they will compromise on the issues which divide them. The Chinese Communists have noted this. The prospect

for a more formal and lasting rapprochement is poor even though both sides will continue to have small, symbolic exchanges of friendship.

1983

This year saw the fruition of Teng's plans to further secure his power through a purge of the "leftists" in the Communist party, its so-called "rectification." In October 1983, at a plenary session of the twelfth Central Committee meeting, a three year purge plan was adopted. It was aimed at three kinds of people: those who followed the radical Gang of Four, those who engaged in serious factional fighting, and those who had engaged in political violence. There was naturally resistance to the planned purge. Po I-po, deputy head of the Central Steering Committee of Party Reform, warned that there were members admitted during the Cultural Revolution who had not changed their ways and were secretly plotting to return to power in ten or twenty years. For the Communists, political power comes from the barrel of the gun—Mao's dictum. To hold power the chief weapon is struggle, struggle against the opposition, struggle against those in and out of power, and struggle against each other for ascendancy.

The interminability of strife on the mainland can be seen that even before the rectification campaign against the leftists has been launched, two other campaigns are now underway. The first, a crackdown on what the Communists call serious economic, political, and legal criminals, began in July 1983. Since August, thousands have been executed. The first wave of executions involved major criminals. The second included lesser criminals, those serving hard labor sentences and who had refused to reform, and those who had appealed against their sentences. The third stage of executions dealth with political criminals including intelligence agents, supporters of the Gang of Four, and any other opponent of Teng. The Communist leaders ignored all pleas from humanitarian organizations such as Amnesty International.

The second campaign of late 1983 has been since October aimed at "Western Spiritual Pollution." It must be admitted that the Chinese Communists are witty in devising slogans and catchy terminology in dealing with people or ideas they consider undesirable or harmful. This so-called pollution includes four main categories: spreading things and ideas obscene, barbarous and reactionary; expressing vulgar taste in artistic performances disgusting to people; seeking personal gain at the public's or the party's expense; and writing articles or delivering speeches contrary to the social system. The main target of this campaign are the youth and intellectuals who want to see more liberal ways and policies. The specter of the Cultural Revolution soon settled over the Spiritual Pollution campaign, as a result, assurances have been given that the campaign will be conducted in a calm way and will not lead to repression akin to that earlier exercised. Such guarantees, however, ring hollow and it can be seen that there will be new limitations on contact with foreigners, stricter regulations on students going abroad, more severe censorship of films and publications, and a general restricting of lifestyles.

The three campaigns while each aimed at a different group, leftists, criminals, and rightists, have quickly become jumbled together. A leftist can be accused of being a rightist if he is thought to have been polluted with Western ideas. The distinctions made are largely a matter of convenience for the people in power. The authorities when they find it convenient will stress the ideas they have recently spent time and money persecuting. For instance, to forward the Four Modernizations, Teng will loosen up the strict application of Communist ideology. However, when he feels that a freer economy is threatening his political power, he will shift and insist on strict ideological adherence. Contradictions and confusions abound with the result of poor economic performance.

A prime example lies in Teng's handling of Mao's legacy. Teng has attempted to dismantle the personality cult surrounding Mao—to make Mao appear less the single exalted, irrefutable and central figure in Chinese Communism. Yet on the occasion of Mao's ninetieth birthday anniversary, Teng and his colleagues celebrated with the extensive publication of Mao's writing and speeches, symposiums on Mao thought, films depicting Mao's military exploits, and the whole paraphernalia of special stamps and other nick-nacks. All this demonstrates that Teng has to elevate Mao even when attempting to level his legacy because the deceased leader's followers still exert a strong influence over the state and must, therefore, be accommodated.

Furthermore, Teng must treat Mao's memory delicately in order to pose as his valid heir. Teng cannot appear to have broken with Communist ideology and tactics which after all he depends upon to control the country. Like Mao did, Teng needs to press Communism in order to secure his power. As a result, government policy swings back and forth stirring much uncertainty in the people. As a result, the Communist regime faces the basic problems of the people's lack of confidence in the Communist leaders, disillusionment with Communism, and loss of interest and hope in the future. The Communists' struggles have only brought untold suffering—a human cost only barely calculable.

Various people at various times have been held within a blind attraction for Communism in mainland China, particularly for its early period of ideological fanaticism. But, these intellectuals are now becoming more realistic. An outstanding example is Ross Terrill, a Harvard professor who for over a decade and a half was a vocal advocate of Communist China. After his most recent visit in 1983—perhaps his last—he summarized his changed views in a remarkable article in the June issue of the *Atlantic Monthly*. He confessed that "my own optimism about the Middle Kingdom has waned. I was already bracing myself for the official lies, depressing signs that China's goals may elude it, pleas by bright but downcast young people to help them come to the West—for study." He summarized his last impressions forthrightly: "In 1983, one sees on all sides boredom, cynicism and escapism. . . . Corruption spreads as relatives and friends help each other avoid playing by the rules, laughing at their success against a system that has made many people bitter and depressed."●

THE FEDERAL PAY EQUITY AND MANAGEMENT IMPROVEMENT ACT OF 1984

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Ms. OAKAR. Mr. Speaker, today I am introducing along with Congresswoman SCHROEDER and Congressman HOYER "The Federal Pay Equity and Management Improvement Act of 1984." The bill would promote pay equity by requiring a study of discriminatory wage-setting practices and wage differentials in the Federal Government and would reform the merit pay and Senior Executive Service programs.

Fair and equitable pay practices are of great importance to every employee. Federal workers are no exceptions. During 2 days of hearings, I chaired through my Subcommittee on Compensation and Employee Benefits on Sex-Based Wage Discrimination, we learned that, as in the private sector, the more an occupation is dominated by women, the less the Federal Government pays. The majority of women who work for the Federal Government are clustered in low paying positions, grades 1–7 and average $17,000 a year; while the majority of male workers are concentrated in the midlevel and upper grades, earning an average of $28,000 a year. Over 40 percent of the Federal work force are women, but only 12 percent of them are Federal managers and supervisors. The obvious question is "Why?"

One reason may be that the classification system in the Federal Government is tied to standards which were formulated in 1923. Not only has the work force changed dramatically since that time, but the work performed and the responsibilities of the various occupations are decidedly different from what they were 50 years ago. Yet, no analysis of the system has been done in half a century.

An objective and comprehensive study of the Federal classification and pay structures to determine compliance with pay equity principles, which is provided in this legislation, is long overdue. The largest employer in the Nation needs to examine its pay structure for sex bias and begin to take responsible actions to remedy any disparities inherent in the system.

Equally as important to the Federal work force is the issue of merit pay. One hundred and eighty thousand Federal managers and supervisors are under a compensation program that was established in 1978. Unfortunately, a program that was designed to provide incentives for high quality is creating disincentives for thousands of workers. My bill would restructure the

system to overcome the shortcomings identified by the GAO, the affected employees, and experts on compensation practices and performance appraisal systems.

Again, Mr. Speaker, I want to reiterate a point I made earlier. Federal employees count on the Government to provide equitable compensation practices. Women working for the Federal Government need to be reassured that they are not being placed in low paying occupations merely because of their gender. Managers and senior executives deserve fair treatment and the Federal Government needs to take a lead in abolishing discriminatory practices.

All workers should have equal access to all occupations. The Federal Pay Equity and Management Improvement Act of 1984 would achieve these essential goals.

I might add that my Subcommittee on Compensation and Employee Benefits approved titles I and II under separate legislation, on May 15, 1984. I personally believe that the timeliness and necessity of each title of my bill strengthens and enhances the other. The Federal Pay Equity and Management Improvement Act of 1984 deserves the support of all my colleagues. I have included a detailed summary of the legislation for each Member's information.

Mr. Speaker, I look forward to House consideration of this legislation. Thank you.

The material follows:

THE FEDERAL PAY EQUITY AND MANAGEMENT IMPROVEMENT ACT OF 1984

SOURCE

The Federal Pay Equity and Management Improvement Act of 1984 was introduced by Congresswoman Oakar on May 17, 1984.

PURPOSE

The bill promotes pay equity by requiring a study of discriminatory wage-setting practices and wage differentials in the Executive branch and substantially improves the merit pay system and the Senior Executive Service.

EXPLANATION

Title I mandates OPM to conduct a seven-month study on discriminatory wage-setting practices and wage differentials. OPM must consult with Congressional committees and a "Pay Equity Study Council", consisting of representatives of Federal employee unions and women's organizations. OPM's final report must include its findings and recommendations for eliminating discriminatory pay practices and the views of Council representatives. OPM is prohibited from reducing the pay for any position as a result of the study.

Title II abolishes the Merit Pay System which was established by the Civil Service Reform Act of 1978 and creates instead a Performance Management and Recognition System under which supervisors' and managers' pay increases are based on performance as follows: An unsuccessful employee receives no increase; minimally successful receives one-half comparability; fully successful—full comparability plus all or part of a merit increase (about 3% of pay); exceeds fully successful—full comparability plus all or part of a merit increase, and eligible for a performance award; outstanding—full comparability, full merit increase, and a performance award (2% to 10% of pay).

Title II also provides a minimum level (.75% of covered payroll) and a maximum limit (1.5% of covered payroll) for agency performance award programs. The minimum increases to 1.5% by the fifth year of the program. The maximum limit applies only in the first four years. Individual performance awards may not be less than 2% nor more than 10% of pay. Title II provides for performance appraisal systems for covered employees. The systems must provide five rating levels. Finally, title II requires each agency to establish a Performance Standards Review Board to assess the appropriateness of agency performance standards.

Title II places Congress on record in favor of continuation of the Senior Executive Service (SES) and makes certain adjustments in the laws governing the SES. The bill eliminates the 50% limit on the number of senior executives eligible for performance awards and establishes, in its place, a dollar limit. Agencies are permitted to give performance awards amounting to no less than 2% and no more than 4% of the total payroll of SES appointees. Current law limiting individual performance awards to 20% of base pay is retained, but a 5% minimum for such awards is established. The bill changes the limit on SES political appointees from 10% of all SES positions to 10% of the number of SES appointees. The bill also revises SES reduction-in-force provisions to guarantee a riffed executive placement in a GS-115 position and requires a 45-day placement effort by OPM. The notice period for career executives subject to geographic reassignment is increased to 60 days from 15, and agencies are required to consult with executives concerning such reassignments. The bill requires OPM to issue regulations providing senior executives comparable rights to competitive service employees in transfer of function situations.

BACKGROUND

The provisions of titles I and II were approved separately by the Subcommittee on Compensation and Employee Benefits, both by record votes of 4-2, on May 15. Title III addresses problems raised during the oversight hearings of the Subcommittee on Civil Service on the Senior Executive Service. The Subcommittee held four days of hearings and received testimony from 21 individuals and organizations. The hearings were held to comply with the provision of the Civil Service Reform Act of 1978 requiring a review of the SES after five years of operation.

ADMINISTRATION POSITION

The Administration generally supports title II although it is opposed to certain provisions. It is opposed to the provisions of title I. Its views on title III are not known.●

THE HARASSMENT OF JEWS IN THE U.S.S.R.

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. PORTER. Mr. Speaker, I call the attention of my colleagues to an official complaint filed by Mrs. R. L. Mintz, aunt of the well-known Soviet refusenik Leonid Volvovsky, with the Gorky Director of Public Prosecutions following a June 2, 1983, search of her apartment. It is clearly illustrative of the sort of harassment of Jews that is typical in the Soviet Union today.

In this complaint, Mrs. Mintz describes the KGB's breaking into her apartment, ransacking books, papers, personal items, pictures, and even food, displaying indifference to her severe health problems, and confiscating many materials having nothing to do with their instructions.

The following is a full transcript of Mrs. Mintz' complaint:

Background: A copy of this translated document was directed to Chicago Action for Soviet Jewry by Mrs. R. L. Mintz, aunt of well-known Refusenik activist Leonid Volvovsky. It is a complaint, sent originally to the Gorky Director of Public Prosecutions, following a June 2, 1983 search of Mrs. Mintz's apartment. Volvovsky's home was searched at the same time.

June 4, 1983. Procurator, R.S.F.S.R., Director of Public Prosecutions (for investigation and inquiry of the organs of the Ministry of the Interior). Copy: Procurator for Investigations in the Gorky Region. From: Mintz, R. L., Gorky Automobilnaya Street, Dom 20, Flat 102.

Complaint concerning the illegal actions of Senior Investigator of the Regional Procuracy of Gorky, V. Turin, and his accompanying assistants.

2nd June 1983. Physically straining, I did my exercises, got washed, put drops in my eyes, and went to take my sandals in for repair. They said I should come for them by one o'clock in the afternoon. Then I bought some sour cream, and put the bag with it on the table. There was a knock at the door. With the chain on, I asked: "Who is it?" He shoved forward a document: Senior Investigator Turin. "You must be mistaken," I said. "No," he answered. I opened the door, and six men burst in. I explained that I was not feeling well: for several days I had had high blood-pressure. Whatever they were looking for, we did not have and could not have had. Please go ahead, have a look, I said, but because I had not eaten breakfast and was so tired, I could not follow which books and whatever else they were confiscating. I was alone, my head was spinning, there was an unbearable pain in the back of my head. On that day, even before the search, I had scarcely been able to telephone the Polyclinic to ask for an appointment with a doctor. They told me that there were no vacancies left, neither with the physiotherapist nor with the therapeutist—they said that they had too few doctors!

So the search started. Wherever they found books—in the writing-desk, in the bookcase, where the folders were—they rummaged through them all. Private papers, which were in order in folders, and could not have had any bearing on whatever they were looking for—they examined. Then Turin's assistants began ransacking the bathroom, where there was nothing except household items—these they threw everywhere. Then, without me, they examined what was in a suitcase in the hall. I still haven't checked to see if everything is still in order in the case, because my head up till now has been painful, and my gener-

al state is terrible. On the evening of the 2nd of June I learned that, simultaneously with our search, there was one at Lenya's wife's flat (the Volvovsky's). They took all the literature: journals, books, etc.—in which there was nothing and could not have been anything such as investigator Vorob'ev assumed, namely, items and documents containing fabrications discrediting the Soviet state and social system. Everything they took from us, and from the flat of Lenya's wife, was simply: interesting books, journals, personal papers. They amassed from us almost a full sack, and I thought: "Is it really possible that encyclopedias (4 volumes), the Talmud, papers, rolls of film and pictures, colorful pictures with panoramic views, none connected in any way with the Soviet Union, can in some barbaric manner or another relate to valuable cultural items?

During the search I needed to take heart medicine and to lie down on the couch, on which the witnesses, who were reading "Israel Today," were sitting. They took this journal. Of course this journal is interesting to read, as we read translations from English, French, Spanish and so forth; but there was nothing anti-Soviet in it. The journal portrays life in Israel. Not knowing how to express this, I just longed that they would leave and give me a chance to lie down quietly.

When they gave me a copy of the inventory of what they had taken, I did not sign it, because it was impossible to make out what was written on the copy. I gave it to one of them, another helper of Turin, and asked him to read even a single line—the response was silence. Then they wrote another one, but I was already on the couch, had closed my eyelids, and was not in a state for anything, especially reading; I only wondered why there was so much in the sack. Without a doubt, they must have taken literary works, not only Lenya's books, but also mine and my sister's. It was completely immaterial in what language they were written, not even important if there was a single line in them against the Soviet Union. Why had they taken them?

In such a rude manner they had checked all the bags, photos, and even savings-books. They had shoved their filthy dirty hands into a box of Matzos—after all, it's only food! They even opened and checked a small gold watch in its little box, which my relatives had given me as a present on my 50th birthday. And now I am 74, and my head aches terribly, even when I write these few lines. They did everything they wanted, paying no attention to me. How it was that I didn't have a hemorrhage I myself am amazed! I said to them: "I feel so bad, if you want you can hit me on the head and carry everything away, because there are no witnesses—you yourselves are the masters here."

I'm sad for the books, which you can't buy anywhere, but the main thing is that I am certain that because there was nothing here, and could not be anything here which they would have liked to find, this fact probably saved my life. I have not written everything about this search. If I were to describe it in detail, you would receive an interesting booklet on how not to carry out a search.

An outrageous injustice! They promised to return things after checking. What could they possibly return?—when they so carelessly threw things from the table into the sack, like potatoes or forks with cabbage on them.

How offensive it all is! Perhaps this is what they aimed at—they achieved their goal. Up till now the insult has not passed. Everything aches, and I can't comprehend that all this is possible. For what purpose such injustice?

They went sometime after one o'clock. I had strength to get up from the couch and to go for the sandals. The master had already locked up his kiosk and left, but at my shout he returned, opened up the kiosk, and gave me the sandals. Thanks be to him. At 3 o'clock I came home, hungry and worn out, and at last could lie down.

On the next day, 3rd June 1983, I went away to a cousin's, where they looked after me the whole day. I was so unwell, they tried to persuade me to have an ambulance called, although I begged them not to. Having swallowed all types of tablets, I had an attack of high blood pressure. 4th June they called a doctor; then I asked them to change the call, as a doctor would only come at the end of the day, and I could not wait so long, not knowing whether I should take any more tablets. At 12 o'clock I had a pressure of 130/60—this is very low. If I had taken more tablets, I could have died. I stopped taking medicine and am now at 150/75. But I'm frightened of ambulances, of injections, since the death of Georgi Lykich, who received an injection given in an ambulance which lowered his pressure to 50, and they could no longer save him.

But why did I write all of this when I was going out of my mind and trying to forget? How many more details I could tell: the contented smirking face of Turin (although he had nothing to be happy about), the gloomy silent faces of the witnesses, the curious faces of the assistants from amongst whom only one of them, Denisov, gave his surname before leaving. The rest were incognito. What were they afraid of?

Therefore I request you to instruct investigator Turin and his assistants to return everything that they took from us.

R. L. MINTZ.●

THE REAL ISSUE: FAIR TRADE IN STEEL

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. KOLTER. Mr. Speaker, for the past several weeks, administration spokesmen have claimed that imports are not the problem facing the steel industry today. Instead, they point to the declining consumption of steel in relation to real gross national product (GNP), or steel intensity. They imply that steel intensity will continue its fall in the years ahead.

Although it is true that steel intensity declined sharply from 1970 to 1980, the decline has halted and should remain level throughout most of the 1980's. In a report prepared at my request by Dr. David Cantor of the Congressional Research Service, entitled "Trends in Steel Intensity: Will It Continue to Decline?", evidence has been assembled to show that steel intensity has in fact leveled off. The decline in steel intensity of the past decade has come to a halt. The report's findings are based on the results of two independent forecasts of steel consumption and growth of real GNP by Chase Econometrics and Data Resources, Inc.

The conclusions drawn in this report provide further evidence that we must take a hard look at the central problem facing the steel industry today—imports. It does not further the interest of anyone to divert attention away from the import problem. The fact is that while steel intensity has stabilized, the number of unfairly traded steel products has risen. According to the American Iron and Steel Institute, 6,468,000 tons of steel were imported into the United States during the first 3 months of this year. That translates into a 25-percent share of the market. Unless action is taken, imports will continue their precipitous climb while steel intensity remains stable.

I urge all of my colleagues to request Dr. Cantor's report on steel intensity because I believe it goes a long way to clear the air and focus attention on the real issue: Fair trade in steel. Thank you.●

THE BROKER DEPOSIT LIMITATION ACT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. SCHUMER. Mr. Speaker, today I am introducing legislation which would replace the drastic regulatory restrictions on brokered deposits imposed by the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board with more modest restrictions designed to permit prudent, legitimate uses of brokered funds while preventing abuses.

Although the practice of deposit brokering has been around for many years, regulatory and legislative concern with it is a relatively recent phenomenon. One reason is that the volume of funds placed through money brokers has increased dramatically in recent years, spurred by the deregulation of interest rates on certificates of deposit, technological advances, and increased sophistication of consumers. Deposit brokers have presented consumers with expanded opportunities to purchase the certificates of deposit of banks and thrifts throughout the Nation. These certificates generally have been issued by top quality institutions, carry competitive interest rates, and can be highly liquid, since many brokers also make a secondary market in the certificates they sell.

Brokered deposits have also served many useful purposes in the financial markets. They have given banks and thrifts a mechanism for matching their assets and liabilities. They have also provided a mechanism for chan-

neling funds to regions of the country where they are needed to satisfy the credit needs of homebuyers and small businesses.

A second reason why deposit brokering has attracted increased interest is that, beginning with the Penn Square Bank, brokered deposits have turned up conspicuously in a disquieting number of failed institutions. This does not mean that brokered deposits should be made the scapegoat for failed banks, however. The vast majority of failed banks since Penn Square had no brokered deposits in them at all; failure would be more properly attributed to bad management or other reasons. Nonetheless, the Federal regulators have produced enough evidence of actual and potential abuses of short-term brokered funds to make the case that the practice of deposit brokering should not remain unregulated.

Unfortunately, the regulation adopted by the FDIC and FSLIC would eliminate the benefits of deposit brokerage as well as any actual or potential abuses. It would limit deposit insurance on funds deposited for consumers by money brokers to $100,000 per broker per institution, thus denying consumers the passthrough of insurance that they previously enjoyed.

Another extreme way to regulate deposit brokerage is to have the regulators monitor all institutions, and deal with problem institutions on a case-by-case basis. Unfortunately, as the Penn Square failure demonstrated, regulators often do not foresee problems, or cannot do anything about them, until it is too late.

I believe that the bill I have introduced restricts deposit brokerage in a way which will help preserve benefits for consumers, promote the safety and soundness of depository institutions, and allow the regulators to spot potential problems early.

The bill prohibits "troubled" institutions—those with unimpaired capital and surplus below 3 percent—from accepting short-term brokered deposits. Institutions with unimpaired capital and surplus above 3 percent could accept insured short-term deposits in an amount equal to 200 percent of its unimpaired capital and surplus, up to a maximum of 15 percent of its total deposits.

The bill limits the percentage of insured deposits placed in an institution by any single broker according to the maturity of the deposits. No institution may maintain insured deposits from any single broker in an amount exceeding 5 percent of the total deposits of the institution which will mature in a 12-month period (computed on a rolling base).

Individual depositors could not be paid more than $100,000 in insurance benefits on all of their brokered deposits over any 4-year period.

Money brokers would be required to submit reports to the FDIC and FSLIC containing information on their activities, including the name of each institution they have deposited funds in, and the total amount, maturity, and interest rate of such deposit. The regulators could request other information, but could not request the names of a deposit broker's customers.

In sum, I believe that the provisions of this bill creates a framework which will insure that brokered funds will be deposited responsibly by brokers and used responsibly by financial institutions.

Mr. Speaker, I ask that at this point the text of the bill be printed in the RECORD:

H.R. 5681

A bill to limit the amount of short-term broker deposits which may be accepted by any insured depository institution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. This Act may be cited as the "Broker Deposit Limitation Act".

LIMITATIONS ON SHORT-TERM BROKER DEPOSITS

SEC. 2. (a) Section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815) is amended by adding at the end thereof the following:

"(d)(1)(A) In any case in which a deposit broker deposits funds for the benefit of any person in one or more insured banks, the total amount of deposit insurance benefits payable to such person by the Corporation with respect to such funds shall not exceed $100,000 in any four-year period.

"(B) Except for purposes of carrying out the provision of this subsection, in determining the total amount of insured deposits which may be made by any person, the Corporation shall not differentiate between deposits made with the assistance of a deposit broker and deposits made without such assistance.

"(2) If an insured bank's unimpaired capital and surplus—

"(A) is less than 3 percent of its total liabilities, such insured bank shall not accept any short-term broker deposits from a deposit broker; and

"(B) is equal to, or exceeds, 3 percent of its total liabilities, such insured bank may accept insured short-term broker deposits from a deposit broker in an amount which does not exceed the lesser of—

"(i) 200 percent of such insured bank's unimpaired capital and surplus; or

"(ii) 15 percent of the total deposits of such insured bank.

"(3) With respect to any insured bank whose total short-term broker deposits exceed the limitations imposed by this subsection, the Corporation shall work with such insured bank to develop a plan to provide for the orderly reduction, consistent with preserving the safety and soundness of the insured bank, in the amount of short-term broker deposits maintained by such insured bank to an amount which conforms with the provisions of this subsection.

"(4) Each deposit broker which places deposits with any insured bank shall transmit periodic reports to the corporation. Each such report shall specify—

"(A) the name of each insured bank in which such deposit broker has deposited funds;

"(B) the total amount of funds deposited in such insured bank and the maturities of such deposits;

"(C) the rate of interest received on such funds and the dates on which such funds were deposited; and

"(D) such other information as the Corporation deems appropriate to carry out the provisions of this subsection, except that the Corporation may not request the names of a deposit broker's customers.

"(5) With respect to any one deposit broker, no insured bank shall maintain insured deposits from such deposit broker in an amount which exceeds 5 percent of the total deposits of such insured bank which will mature in any twelve-month period.

"(6) Notwithstanding any other provision of law, no deposit insurance coverage shall apply to any deposit which is placed by a deposit broker on behalf of—

"(A) any department or agency of the United States; or

"(B) any depository institution.

"(7) The corporation shall prescribe regulations to carry out the provisions of this subsection. Such regulations may contain such provisions as the corporation determines are necessary or proper to effectuate the purposes of this subsection, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

"(8) For purposes of this section—

"(A) the term 'deposit broker' means any person (other than an insured bank or an affiliate thereof with respect to funds placed with such insured bank) which, for a fee, places funds or facilitates the placement of funds of third parties in accounts issued by an insured bank;

"(B) the term 'depository institution' shall have the same meaning given such term in section 19(b)(1)(A) of the Federal Reserve Act; and

"(C) the term 'short-term broker deposit' means any deposit which—

"(i) is made for a period of time—

"(I) which is not greater than 15 months; or

"(II) which is not specified; and

"(ii) is placed by deposit broker.

(b) Section 403 of the National Housing Act (12 U.S.C. 1726) is amended by adding at the end thereof the following:

"(e)(1)(A) In any case in which a deposit broker deposits funds for the benefit of any person in one or more insured institutions, the total amount of deposit insurance benefits payable to such person by the Corporation with respect to such funds shall not exceed $100,000 in any four year period.

"(B) Except for purposes of carrying out the provisions of this subsection, in determining the total amount of insured deposits which may be made by any person, the Corporation shall not differentiate between deposits made with the assistance of a deposit broker and deposits made without such assistance.

"(2) If an insured institution's unimpaired capital and surplus—

"(A) Is less than 3 percent of its total liabilities, such insured institution shall not accept any short-term broker deposits from a deposit broker; and

"(B) is equal to, or exceeds, 3 percent of its total liabilities, such insured institution may accept insured short-term broker deposits from a deposit broker in an amount which does not exceed the lesser of—

"(i) 200 percent of such insured institution's unimpaired capital and surplus; or

"(ii) 15 percent of the total deposits of such insured institution.

"(3) With respect to any insured institution whose total short-term broker deposits exceed the limitations imposed by this subsection, the Corporation shall work with such insured institution to develop a plan to provide for the orderly reduction, consistent with preserving the safety and soundness of the insured institution, in the amount of short-term broker deposits maintained by such institution to an amount which conforms with the provisions of this subsection.

"(4) Each deposit broker which places deposits with any insured institution shall transmit periodic reports to the Corporation. Each such report shall specify-

"(A) the name of each insured institution in which such deposit broker has deposited funds;

"(B) the total amount of funds deposited in such institution and the maturities of such deposits;

"(C) the rate of interest received on such funds and the dates on which such funds were deposited; and

"(D) such other information as the Corporation deems appropriate to carry out the provisions of this subsection, except that the Corporation may not request the names of a deposit broker's customers.

"(5) With respect to any one deposit broker, no insured institution shall maintain insured deposits from such deposit broker in an amount which exceeds 5 percent of the total deposits of such insured institution which will mature in any twelve-month period.

"(6) Notwithstanding any other provision of law, no deposit insurance coverage shall apply to any deposit which is placed by a deposit broker on behalf of—

"(A) any department or agency of the United States; or

"(B) any depository institution.

"(7) The Corporation shall prescribe regulations to carry out the provisions of this subsection. Such regulations may contain such provisions as the Corporation determines are necessary or proper to effectuate the purposes of this subsection, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

"(8) For purposes of this section—

"(A) the term 'deposit broker' means any person (other than an insured institution or an affiliate thereof with respect to funds placed with such insured institution) which, for a fee, places funds or facilitates the placement of funds of third parties in accounts issued by an insured institution;

"(B) the term 'depository institution' shall have the same meaning given such term in section 19(b)(1)(A) of the Federal Reserve Act; and

"(C) the term 'short-term broker deposit' means any deposit which—

"(i) is made for a period of time—

"(I) which is not greater than 15 months; or

"(II) which is not specified; and

"(ii) is placed by deposit broker."●

STATISTICIANS PETITION SOVIETS TO RELEASE INNA KISTROSSKAYA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. SOLARZ. Mr. Speaker, recently, at the annual Statistical Mechanics meeting held at Rutgers University, some 55 percent of the scientists attending endorsed petitions to Soviet scientific authorities on behalf of Inna Kistrosskaya, wife of Soviet mathematical physicists Naum Meiman. In their petitions, the scientists appealed for humanitarian intervention by Soviet officials to permit Mrs. Meiman, who is suffering from a life-threatening carcinoma, to go abroad for medical treatment.

Physicians who have studied Mrs. Meiman's medical records have concluded that radiation therapy and chemotherapy might prolong her life. Yet, although doctors in the United States, Israel, France, and Sweden have volunteered to treat her, Soviet authorities have not, as yet, granted Mrs. Meiman permission to leave the country.

The current plight of the Meimans is only the most recent manifestation of the years of suffering this family has experienced at the hands of the Soviet officials. Their problems began in 1975 when Professor Meiman first applied to emigrate to Israel. This attempt and all subsequent requests have been refused on the ground that Professor Meiman was involved in secret work during his 20-year employment at the Soviet Academy of Sciences. Counterarguments that his research was in abstract mathematics and had been published in public reports were ignored by Soviet authorities.

Because of their attempts to emigrate, the Meimans have been subjected to continuous harassment. They have had to cope with a range of reprisals including separation from their only child who now resides in the United States; interference with their telephone service; interception of mail; denial of access to the medical facilities open to employees of the Academy of Sciences; apartment searches and confiscation of Professor Meiman's personal and scientific papers; lengthy interrogations and threats of further retaliation for his human rights activities.

Now, as Inna Kistrosskaya's condition worsens, mounting concern is being translated into appeals to Soviet authorities from diverse quarters. Mr. Speaker, I would like to add my voice to the protests of these American scientists and others that the Soviet Union act quickly to allow Mrs. Meiman to go abroad for treatment to save her life. The Soviet Union must relax the repressive treatment of her husband and others who have asked to emigrate and live up to their commitments under the Helsinki accords to allow free emigration.●

SAFER NAVIGATION ON THE GREAT LAKES AND WESTERN RIVERS

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. DAVIS. Mr. Speaker, in 1980, we enacted the Inland Navigational Rules Act which unified the rules that mariners use on the Great Lakes, the inland waterways, and Western rivers. The purpose of this legislation was to make one set of rules that mariners throughout the United States could follow and which would closely resemble the international navigational rules. However, certain customary practices were retained in the inland rules that differ from the international rules, due to the nature of the waters concerned. I am introducing legislation today which will clarify the use of the customary practice when vessels meet on the inland waters.

Presently, the inland rules leave a strong presumption that starboard-to-starboard passage of vessels is prohibited in most instances. Specifically, these are rules 9 and 14 of the inland navigational rules. However, mariners on our inland waters must make starboard-to-starboard passages frequently. While port-to-port passage should be the general rule, safe practice often dictates that starboard-to-starboard passage be allowed when necessary. This would be done through agreement by the two vessels involved. Under the old Great Lakes and western rivers rules and their respective pilot rules, the right-of-way in a meeting situation was given to the downbound or descending vessel with a following current over an upbound or ascending vessel proceeding into the current. The two rules that I have cited above cover a head-on meeting situation, generally as well as specifically in a narrow channel.

However, the port-to-port passage presumption, embodied in the current rules, does not take into consideration certain maneuvering situations. For example, the "points and bends" custom was developed to handle a situation of two meeting vessels at a bend in the river. This custom called for the upbound vessel to hold as near to the bank as possible and below the point of the bend while the downbound vessel proceeded around the bend. Once the downbound vessel was passed, the upbound vessel could proceed. Applying this custom, about one-

half of all passing situations required a starboard-to-starboard passage, depending on whether the bend is to the right or the left. Further, on the Great Lakes, the custom was developed that the downbound vessel was given the right-of-way in several specified rivers and generally in any narrow channel with a current. For example, a situation like this could arise in the St. Marys River.

When the current inland rules were enacted, they did not fully incorporate these customary practices. In essence, Great Lakes and western rivers mariners have lost the legal use of a customary passing procedure developed over many years.

The bill I am introducing would propose changes to rule 14 which would allow the downbound vessel with the following current to have the right-of-way over an upbound vessel. In addition, the downbound vessel would be responsible for proposing the port or starboard passage and for initiating the manuevering signals required. Further, the bill would allow vessels that are meeting on a river to agree between themselves on which side they would pass each other. The agreement would be accomplished by signals of intent and agreement, required by the rules, and also through the use of bridge-to-bridge radio. Since the signal would be "a signal of intent" by the privileged vessel, the other vessel would have to send back a "signal of agreement" before any change of course would take place. Therefore, no safety hazard or confusion would be created by this change to the rules.

I understand that this rule change has been recommended by the Rules of the Road Advisory Council and has been supported by the towing vessel and barge industry, the pilots, and the Coast Guard. It is also consistent with a recommendation by the National Transportation Safety Board that interpretive rulings are necessary to clarify application of rules 9 and 14 as they currently exist. This bill would, in effect, promote safety on the Great Lakes and inland rivers at no additional cost. Thus, it preserves the long-standing downbound vessel privilege and the "points and bends" custom which mariners consider to be vital to the safety of navigation on the Great Lakes and western rivers.●

BROWN AGAINST BOARD OF EDUCATION—30 YEARS LATER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. EDWARDS of California. Mr. Speaker, today marks the 30th anniversary of Brown against Board of Education, the landmark Supreme Court case mandating desegregation of public schools. Since then, we have made great strides in race relations, but it was this decision which signaled to the country that major changes were in order.

Today the New York Times published an editorial noting this historic decision. Indeed, the Times states that "nothing less" than a celebration is in order. I wholeheartedly agree and hope my colleagues will join with me in honoring this historic decision.

The editorial follows:

[From the New York Times, May 17, 1984]

THE ENDURING PROMISE OF "BROWN"

Anniversaries of Supreme Court decisions don't usually inspire celebration. But nothing less is in order this week, the 30th anniversary of the decision by which the Court struck down its own colossally wrong acceptance of "separate but equal" treatment for blacks and whites in the preceding half century. To celebrate Brown v. Board of Education is to celebrate a continuing revolution in America's race relations.

The Brown decision was evoked by a carefully developed, 20-year legal assault on racial segregation in public education. But its logic, that separate is inherently unequal, reached far beyond the classroom and still reverberates throughout American society.

Until Brown, the painful-three-century struggle of blacks to move from slavery to full citizenship seemed to be obstructed by the Constitution itself. Despite great cultural advance, generations of blacks could see no end of segregation. But on May 17, 1954, all perspectives changed.

The Brown ruling mandated desegregation in public education—democracy's most promising ticket to equality. It also signalled the end of Jim Crow and the badge of inferiority that had been "legally" imposed on all black Americans.

And the decision has stood rock solid as a matter of law, despite the continuing resistance, not only in the South, to desegregation in schools and housing, and despite the lukewarm enforcement efforts of several Administrations. Brown has left no doubt about the right even where conditions are still woefully wrong.

Even the worst Jim Crow laws did not collapse without further struggle. Segregation in buses and restaurants and voting booths had to be challenged and resisted with boycotts, sit-ins, marches and other demonstrations, almost all nonviolent.

But since Brown, the blacks and whites who fought those battles have had a proud and legal banner to display. Within a decade and a half, Brown's principles were finally written into laws that prohibit discrimination in public accommodations, employment and housing.

The most important of those laws by far was the 1965 Voting Rights Act, whose fruits are only now ripening. With the vote secured, blacks have won a growing number of political offices and gained political awareness and strength, as can be seen from their rallying to the Presidential campaign of the Rev. Jesse Jackson.

Brown v. Board of Education stands as a national confession of error, a true landmark. It propelled the modern civil rights movement, a still-incomplete social revolution. It reaffirmed the American spirit of equality and rekindled hope of peaceful transformation. It is a living monument, a cause for celebration.●

THE 18TH ANNIVERSARY OF THE SKY KNIGHT HELICOPTER PATROL PROGRAM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. ANDERSON. Mr. Speaker, on June 2 the city of Lakewood, Calif., will host a special breakfast in honor of the 18th anniversary of the Sky Knight helicopter patrol program, the Nation's only multijurisdictional helicopter patrol. Sky Knight serves the communities of Artesia, Bellflower, Cerritos, Hawaiian Gardens, Lakewood, and Paramount.

Sky Knight is an aerial patrol completely integrated within the Lakewood Sheriff Department's tactical operations system. It has been very popular with local residents who recognize it as an effective law enforcement program. Sky Knight was originally begun in 1966 as an 18-month trial program under a Federal law enforcement assistance grant.

This program pioneered routine helicopter patrols, becoming the first such program in the Nation. At first, only Lakewood was served by Sky Knight, but at the end of the "trial run" period the other cities were added. Since 1966 the Sky Knight fleet has grown to three helicopters patroling an area of 35 square miles and a population of over 240,000.

It is important to note that within the six-city Sky Knight patrol area, a helicopter is always less than 3 minutes away from any law enforcement emergency. Sky Knight is in the air an average of 8 hours a day, and the three helicopters are piloted by city employees with sheriff's deputy observers. Lakewood's first woman pilot on the Sky Knight team is Monica McIntyre.

The helicopters used in this program are two Hughes Aircraft model 300 "C" and one model "B" unit. All are equipped as "silent C" helicopters for quieter operation. They have high intensity direct control searchlight and highpower public address systems for night patrol duties and crowd control. A Sky Knight copter cruises at an altitude of 500 feet during the day and 700 feet after dark at speeds between 50 and 60 miles per hour with a top speed of over 90 miles per hour.

The continuing success of the Sky Knight program, as evidenced by the 18th year anniversary of its inception, proves that innovative technology in law enforcement has made our communities safer and better places to live. I join with my wife, Lee, and the communities served by Sky Knight, in

wishing all involved continued success and progress in combating crime.●

REMARKS CONCERNING SELECTIVE DISCLOSURE OF NATIONAL SECURITY INFORMATION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. MINETA. Mr. Speaker, serving as a member of the Permanent Select Committee on Intelligence since that committee was established in 1977, I have seen all too many occasions during which national security information—information which our committee has scrupulously protected—has been selectively released by the executive branch in order to sell an administration policy.

Unfortunately, this week, we have again seen this type of dangerously selective release. The President's National Security Adviser, Mr. Robert McFarlane, appeared on "Meet the Press" last Sunday and referred to an intelligence report which argued that a Cuban-inspired Tet-like offensive by Salvadoran guerrillas is likely to take place this fall. What Mr. McFarlane did not discuss in his "Meet the Press" appearance was information appearing in the very same document—information which contradicts U.S. intelligence estimates that the administration has used to build its case against Nicaragua and the Salvadoran guerrillas. Unfortunately, this information—the other side of the story—remains classified.

Thus, the administration has again released information that supports its case while using security classification to discard or conceal the information which does not support its case.

Mr. Speaker, this issue has been addressed before. Over 1 year ago, some observations were made in the other body by the senior Member from the State of Kentucky about "the selective release of national security information to promote particular policies." It was explained, "sometimes this is done by unauthorized leaks, sometimes in public statements and reports designed to sell an administration's policy." The examples cited over 1 year ago ranged from the Defense Department's release of its report on "Soviet Military Power," to the early 1982 release of classified photography of the arms buildup in Nicaragua. As I have mentioned, Mr. McFarlane's reference to a Cuban-inspired "Tet-like" offensive is another such example.

Such selective dislosure puts the Congress at a great disadvantage. As stated over 1 year ago,

> Those who may see the evidence differently do not have the power to declassify the data that might support their point of view. The President, the Secretary of Defense, and the Director of Central Intelligence have the authority to declassify; the Congress does not, except in the most extraordinary cases.

The gentleman from Kentucky, whose 9 years of service on intelligence committees adds particular weight to his views, concluded that the attempt to politicize our foreign intelligence and national defense agencies in getting out of hand.

The "selling" of selected pieces of intelligence is of particular concern to the Subcommittee on Oversight and Evaluation. In September 1982, a report by the staff of that subcommittee warned of the politicization of intelligence performance on Central America. While emphasizing that much fine work is done by the intelligence agencies, the report expressed concern that "the environment in which analytic thought and production decisions occur is under pressure to reinforce policy—or perhaps to oppose it—rather to inform it." It concluded that "the influence of consumer desires for 'ammunition' rather than analysis can be subtle or forceful, but its effect upon the intelligence process can become costly."

Mr. Speaker, I believe that the pressure upon our intelligence agencies has not decreased since the release of that staff report in September 1982. Of all the loose talk about Central America, I am most concerned about the way information and numbers are bandied. Take, for example, the size of Nicaragua's armed forces. Two years ago, an administration press conference displayed photography of Nicaraguan bases and airfields and stated that Nicaragua's "regular army" was "headed for somewhere between 25,000 and 30,000," with a militia of 100,000 or 150,000. Last year, administration statements suggested that there were as many as 70,000 active-duty personnel, although, in early 1983, the President used a figure of 200,000 to describe the prospective Nicaraguan threat. Last week it was a 100,000-man Nicaraguan Army.

Concerned with these numbers, I have repeatedly asked the Defense Intelligence Agency to provide their most up-to-date figures for all the Nicaraguan military forces. The response distinguishes among the various components of the armed forces, police, militia, and reserves.

It is extremely frustrating to look at the classified answers over the last 2 years while the administration's resounding claims of vast hordes are ringing in my ears. Unfortunately, I cannot say publicly what the intelligence community really believes to be the size of the Sandinista army, border guards, militia, or reservists.

Likewise, to reveal the information in the document which Mr. McFarlane chooses not to reveal because it weakens the administration's position, would be to disclose classified information.

Mr. Speaker, the sad irony is that while the truth remains classified, the rhetoric is released.●

TRIBUTE TO REV. GEORGE A. MILES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. HOYER. Mr. Speaker, on May 19, 1984, Rev. George A. Miles will retire after having served as president of the Washington Bible College and Capital Bible Seminary for over 39 years. This impressive record gives him the distinction of being the longest incumbent president of any accredited institution of higher education in the United States today.

When President Miles was sworn in as president of the college in 1945, Washington Bible College was a little known school, enrolling 16 students. Today there are over 1,500 students, the school is fully accredited by the Maryland State Board for Higher Education, and is considered a leader among the members of the American Association of Bible Colleges.

In 1958, President Miles founded the Capital Bible Seminary, a graduate school offering three graduate level degrees. He later directed the relocation of the two colleges from the District of Columbia to a 63-acre campus in Prince Georges County. The campus development program entailed seven major building programs with an estimated value of some $10 million.

His outstanding contributions to the field of religious education have not gone unnoticed. He was awarded a certificate of commendation for the leadership he has given to the bible college movement during an annual meeting of the American Association of Bible Colleges.

President Miles has ministered to churches throughout the world beginning in 1951 when he visited American and Korean troops. Since that time, he has ministered to countries in Asia, Latin America, Africa, Europe, and the Middle East. He has been an important force in developing Bible schools in Third World nations and has an especially strong interest in the Bible and missionary theological college in Ikwa, Nigeria.

Mr. Speaker, President, Miles has had a long and distinguished career and his well deserved retirement from religious education will be a great loss to the students and faculty at the Washington Bible College and Capital Bible Seminary. I invite my colleagues to join with me in extending best

wishes to one of America's vital leaders in higher education.●

REBUTTING "STAR WARS" PROGRAM

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. WAXMAN. Mr. Speaker, I wish to bring to the attention of my colleagues two articles from the Los Angeles Times which masterfully rebut the administration's "Star Wars" program. These are important and timely articles on the President's defense policy as Members continue their discussion on the 1985 defense authorization bill.

[From the Los Angeles Times, Apr. 9, 1984]

"STAR WARS" HAS BEEN BADLY OVERSOLD

(By Ernest Conine)

President Reagan, though sometimes a clumsy diplomat, is a good politician. Otherwise he would not have been twice elected governor of California, then gone on to win the nation's highest office. Nor would he now be in such an excellent position to win reelection as President in November.

That being true, it is hard to understand his bungling of the "star wars" issue.

Both the President and Defense Secretary Caspar W. Weinberger have indulged in sometimes careless and exaggerated rhetoric about the purpose and prospects of a stepped-up research-and-development program on ballistic-missile defenses. By doing so they have puzzled and frightened America's allies abroad and handed the Soviet Union a propaganda windfall; they have also given additional fuel to critics at home—all unnecessarily, and all without contributing a thing to national security.

Keep in mind that a sizable research program on possible defense against nuclear-missile attack had been going on for years before Reagan ever took the oath of office. And properly so.

The 1972 ABM treaty drastically limited the actual deployment of anti-ballistic missile systems by the United States and the Soviet Union. But neither side has been willing to run the risk of being caught flat-footed if the other suddenly scrapped the treaty and began to deploy an ABM system in order to tip the nuclear balance.

So both great powers have continued to do research-and-development work on missile-defense systems. Such activities do not violate the 1972 treaty.

Considering that the Soviets have begun to do things that bend if they do not break the treaty, no one should have blamed Reagan if he had announced an acceleration of the R&D program on ballistic-missile defense and warned the Russians to abide by the ABM agreement. But he went further.

In his March, 1983, speech on the subject, the President conjured up the vision of an America—and ultimately of a world—free of the threat of nuclear destruction. In his words, a strategic defense program could 'give us the means of rendering . . . nuclear weapons impotent and obsolete."

If the English language means anything, the President was clearly holding out the prospect of a missile-defense system capable of protecting American cities from nuclear destruction in event of a large-scale missile attack.

Weinberger reinforced that impression when he described the Administration's goal as "a thoroughly reliable and total" defense against nuclear missiles.

Any President must feel cold chills at the thought that, as things stand, this country's only defense against a missile attack that would kill tens of millions of Americans is the threat to kill tens of millions of Russians in return. The idea of a missile-defense system that would hold a protective umbrella over our heads should be alluring to us all, not just to the President.

The problem is that in order to protect cities from attack an ABM system must be nearly perfect. If even a small proportion of the Soviet Union's 9,000 strategic nuclear warheads got through, millions of Americans would die. And almost nobody, even among the most enthusiastic proponents, believes that achievement of a leakproof system is likely.

Any serious effort to build such a system, rather than merely to conduct research and development as an insurance policy against a Soviet abrogation of the ABM treaty, will be enormously expensive.

The Pentagon estimates that it will require an expenditure of $26 billion over a five-year period to explore alternative technologies and to enable whoever is President in the early 1990s to decide whether an actual missile-defense system should be built.

If the answer is yes, the ultimate price tag is anybody's guess. Estimates run as high as half a trillion dollars—this for a program that, according to most knowledgeable defense scientists in and out of government, couldn't be relied on to save the American people from nuclear destruction, anyway.

Given a large enough development effort, there is a better chance of developing a system that would stop, say, 40% or 50% of incoming warheads aimed at this country's land-based strategic missiles. That wouldn't protect the populace, but it might introduce enough uncertainty into Soviet calculations to keep the Kremlin deterred from any thought of a surprise attack.

This more limited objective is in fact the most that most of Reagan's own advisers think is possible. But even here there is a downside.

To begin with, the Soviets might try to offset the effectiveness of such a missile-silo protection system by building more missiles which they could do more cheaply than we could improve the ABM system. They could also place more emphasis on submarines launched cruise missiles that could be countered only by an expensive U.S. air-defense network that does not now exist.

Obviously such a train of events would be inconsistent with the stated U.S. goal in the strategic-arms negotiations, which is to bring about a reduction in numbers of warheads on both sides.

Beyond that, as Weinberger was reminded by this country's allies again last week talk of a limited ABM system disturbs the Europeans on grounds that (1) it smacks of an American attempt to avoid the consequences of a nuclear war in Europe, and (2) by ensuring that the Soviets would build a comprehensive ABM system of their own, it could erode or destroy the deterrent value of the independent French and British nuclear forces.

Again, Reagan could simply have asked Congress for more money to pursue an expanded research-and-development program as a hedge against Soviet abrogation of the ABM treaty and let it go at that. After all, by the Administration's own optimistic timetable, we are talking about a weapon system that wouldn't be ready before the 21st Century.

By talking prematurely and unnecessarily in terms of changing this country's entire strategy in a way that could introduce new instabilities into the balance of terror, he has done a disservice to himself and to true national security.

[From the Los Angeles Times, Apr. 15, 1984]

"STAR WARS": MISGIVINGS IN BONN

The Reagan Administration's program aimed at eventual development of a space-based missile defense system has come under heavy attack in this country. The proposal also is stirring deep concern among America's European allies.

Defense Secretary Caspar W. Weinberger outlined the Administration's program for development of a strategic defense system—dubbed "star wars" by its critics—at a recent meeting of North Atlantic Treaty Organization defense ministers.

The idea was to build allied support and understanding for the concept, but the effort fell considerably short of success. The West Germans, especially, are openly uneasy about the U.S. strategic defense program.

Bonn's concerns, as expressed by Defense Minister Manfred Woerner, are in part identical to those expressed by American critics of the "star wars" program—that the United States, by initiating a space-based missile defense system, might introduce a dangerous new instability into the East-West balance of power.

However, the defense minister and other West German leaders also have some specifically European concerns.

One such worry is that if the United States succeeds in building an effective strategic defense system it might be less careful about avoiding situations that could trigger nuclear war in Europe.

A related concern is that such a defense system might be less effective against the short- and medium-range Soviet missiles that threaten Western Europe. Weinberger insisted that the system could be built to protect Western Europe as well as the United States. Even if technologically feasible, however, such a step would require building costly missile defense installations in Europe.

European leaders worry that the enormous resources that would be ultimately required for a "star wars" defense system would force a cutback in other areas of military spending of direct consequence to the defense of Europe.

Finally, there is a concern that the Soviets would be pushed into a more serious missile defense program of their own, thereby depriving the independent French and British nuclear forces of their deterrent value.

Weinberger insisted that European interests would be taken into account every step of the way, but uneasiness persists.

West German leaders have their hands full in dealing with public opposition to the deployment of medium-range missiles in keeping with a 1979 decision by the North Atlantic Treaty Organization. The last thing that they need is having to defend a new arms race in space.●

COUNTY REVENUE ENHANCEMENT ACT

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. BETHUNE. Mr. Speaker, today I am introducing the County Revenue Enhancement Act. This bill would significantly increase State and county revenues derived from national forest lands. My proposal would achieve this by increasing, from 25 to 35 percent, the percentage of revenues States receive from national forests and other lands by limiting road building by the forest service and by requiring that all oil and gas leases on Federal lands be bid on competitively.

As you know, many of our counties are highly dependent upon national forest receipts and other revenue returns. Those counties with a high proportion of Federal lands within their boundaries are unable to collect a sufficient amount of property taxes and, therefore, must rely on these revenues to finance schools and roads. By increasing the county revenue return, these countries will be more capable of meeting the needs of local communities.

My proposal would require a 20-percent reduction in the amount of funds expended in fiscal year 1985 for road construction in the national forests. I have felt for some time now that many of the timber roads constructed are of a quality and quantity that exceeds the needs of the Forest Service, timber purchasers, and recreationists. I understand the Forest Service has been looking into this matter and has revised its plans on paper, but I am not convinced that it has begun to implement any changes on a systemwide basis. Therefore, I am recommending a 20-percent reduction in expenditures on forest road programs. This will free up money for the counties which can be distributed and used for schools.

Additionally, our controversial oil and gas leasing system not only acts as a drain on the U.S. Treasury, but has a similar effect on potential county revenues, as well. As you may know, a State receives 50 percent of the proceeds from oil and gas leasing on Federal lands within its borders. The present, noncompetitive system clearly hurts the States and counties when Federal lands are leased for a mere $1 per acre. If a tract of Federal land does not overlie a proven geological structure—an area where oil or gas deposits are likely to exist—it is generally leased for $1 per acre. Often, these same areas later prove to have valuable oil and gas potential, and the leases may be resold for several thousands of dollars per acre. Thus, both the U.S. Treasury and the States are victimized by the system. In 1982, the Congressional Budget Office estimated that a competitive system could bring in an additional $700 million in revenues over a period of 5 years.

Mr. Speaker, I applaud the efforts of the Interior Committee, which has already considered a revenue enhancement proposal introduced by my colleague from Oregon (Mr. WEAVER). I would also encourage the Interior Committee and the Agriculture Committee, as well, to look into the merits of my bill. I think it is a sound proposal, which brings some sense to our system of oil and gas leasing, and one that recognizes the special needs of those areas dependent upon Federal revenue returns.●

FLEMING COMMUNITY CENTER, TURNERS STATION, MD.

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. LONG of Maryland. Mr. Speaker, today I want to draw the House's attention to the small community of Turners Station in my district, and to the dedication this Saturday of the new Fleming Community Center there. This project is an outstanding example of what can be accomplished when Federal, county, and local leaders unify their efforts. The Fleming Community Center will provide a much needed meeting place for my constituents in Turners Station. So far, those who plan to use the center include the Fleming Senior Citizens, the Baltimore County Day Care Center, the Baltimore County Recreation and Parks Programs, Headstart, and Baltimore County Health programs. The entire Turners Station Community will benefit from the opening of this center.

One group which will be particularly pleased about this new facility will be the Fleming Senior Citizens. This group has been meeting for social, educational, and public service activities since 1975. The new center will provide them with a pleasant atmosphere to come together for their many meetings and activities. It will also provide a location where they can hold their "lunch-plus" program, a program which offers low-cost meals to senior citizens.

I have long been aware of the need for seniors to have a centralized location where they can meet for organized activities. Currently, I am cosponsoring a resolution in the House to identify the second week of May as "Senior Center Week". More than 8,000 of these centers across the country truly "bring-it-together" for our Nation's elderly. They bring Federal assistance and community resources together, as the Fleming Community Center demonstrates so well. As the group of citizens who have certainly contributed the longest and the most to our society, older Americans surely deserve all the respect and assistance the community can offer.

A multiuse facility, like the Fleming Community Center, can only come into being with foresight and management in the public sector. Baltimore County Executive Don Hutchinson, was instrumental in securing the success of this project. I commend Don, the Baltimore County Department of Aging, and the Baltimore County Department of Recreation and Parks for their efforts on behalf of my constituents in Turners Station. I am extremely pleased and proud of the opening of this new center and hope that other communities in the 2d District will soon benefit from similar facilities.●

NATIONAL POLICE WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. BIAGGI. Mr. Speaker, this is "National Police Week," a time to remember that we need police and they need us. As a 23-year veteran of the New York City Police Department, I am distressed that this occasion has come and gone over the last 20 years with very little public notice. Simply put, our Nation's 528,000 law enforcement officers deserve better.

Consider, for example, that the total number of reported crimes in the United States dropped 7 percent in 1983. In fact, there was a drop in every major crime index category from 1982 to 1983. Murders were down 9 percent; forcible rapes were down 1 percent; robberies were down 9 percent; aggravated assaults were down 3 percent; burglaries were down 10 percent; larceny thefts were down 6 percent; motor vehicle thefts were down 6 percent; and arson was down 13 percent.

I am proud to report that in my home city of New York, crime dropped an even greater 9.8 percent in 1983, with murders down 2.8 percent; forcible rapes up 3.2 percent, only category that increased; robberies were down 12.4 percent; aggravated assaults were down 1 percent; burglaries were down 17 percent; larceny thefts were down 1.1 percent; and motor vehicle thefts were down 12.5 percent.

As the front line of defense against crime, our Nation's law enforcement officers deserve a great deal of the credit for these favorable statistics. In fact, looking at the New York City situation, we find that in 1983 there were 384 more police personnel on the city streets than in 1981, and 323 fewer crimes each day. Violent crimes in

New York City plunged from 430 per day in 1981 to 183 per day in 1983.

Due largely, then, to more and better trained police personnel, we appear to be making major strides in the war against crime, but not without a high toll. Just last year, 147 law enforcement officers died while performing their official duties, 5 of them in New York City. During the last 10 years, more than 1,600 law enforcement officers were killed in the line of duty—nearly 1 police death every 2 days.

The risks a police officer faces in the name of public safety are greater than any other profession. In 1982, there were an average of 153 bodily assaults against police officers each day—more than six police assaults every hour. The number of police officers injured as a result of gunshot wounds averaged 36 a month in 1982.

There are other costs involved, as well. Consider, for example, that approximately 90 percent of the police officers killed in the line of duty are married and, on the average, have two children. Using this data, it is estimated that during the time the public safety officers death benefits program has been paying out benefits for fiscal year 1977 through fiscal year 1983 some 2,926 persons have lost either a spouse or parent as a result of police deaths.

There is also a tremendous financial loss each time a police officer is killed. A 1977 study conducted by the Detroit Police Department concluded each police fatality costs an estimated $200,000, which includes death benefits to survivors, as well as the officer's training and replacement costs. Since the public safety officers death benefits program was established by the Congress a total of $52,800,000 has been paid out to 1,036 families of slain police officers.

Earlier this week, our Nation commemorated "Peace Officers Memorial Day," a once-a-year opportunity to pay tribute to America's forgotten patriots, the men and women of law enforcement who have lost their lives in the line of duty. For the third year in a row the Fraternal Order of Police Ladies Auxiliary brought together the families and comrades of the law enforcement personnel killed in the line of duty during the previous year. The event was held in Senate Park, here in Washington, D.C., and this year the Roll Call of Heroes was made up of the 147 brave men and women who died in the line of duty during 1983. The outstanding work performed by the Fraternal Order of Police Ladies Auxiliary in organizing this very moving and well deserved tribute to our Nation's fallen heroes should not go unnoticed. Each year the event has grown in size and prestige and I wish to salute the members of that fine organization and their President, Trudy Chapman, for their work.

At this time, Mr. Speaker, I wish to pay a special tribute to those 147 courageous men and women who lost their lives in the line of duty during 1983. The Roll Call of Heroes—1983 includes by State:

ROLL CALL OF HEROES—1983

Alabama: Nathaniel Conner, Rex W. Winchester.

Alaska: Gordon B. Bartel, John D. Stimson.

Arizona: Milton P. Antone, Ernest Calvillo, Russell L. Duncan, Thomas P. McNeff, Richard G. Stratman, James M. Young.

Arkansas: Harold G. Matthews.

California: Michael J. Bentley, James P. Clark, Robert J. Davey, Jack Evans, Michael A. Gray, Ramon Irizarry, Jr., Kirk L. Johnson, Lawrence M. Lavieri, David E. Miller, William L. Sikola, Larrell K. Smith, Arthur K. Soo Hoo, Paul L. Verna, William Wong, Kenneth S. Wrede.

Colorado: Larry F. McMasters.

Florida: Thomas A. Bartholomew, Eddie Benitez, Gary Bevel, Charles E. Bruce, Stephen O. Corbett, Ronald L. Fewell, Amedicus Q. Howell, III, Curtis M. Moore, Gary S. Pricher, Joseph F. Solano, Sr., Robert L. Zore.

Georgia: Mary A. Barker, Drew H. Brown, Frank M. Ellerbe, Edward Kitchens, Donward F. Langston, Euel T. Smith, Charles J. Wright.

Hawaii: Thad F. Sugai.

Illinois: Donald A. Bejcek, Kenneth L. Blunt, Anthony L. Creed, Denis Foley, Wayne J. Klacza, Steven W. Mayer, Raymond Lee Terry, Lawrence J. Vincent.

Indiana: Robert S. Grove, Paul A. Kortepeter, William D. Miner, Paul H. Prater.

Kansas: George P. LaBarge.

Kentucky: Jackie D. Claywell, Ricky A. LaFollette, Alexander Obersole, Charles D. Wentworth.

Louisiana: JoAnne Couzynes, William M. Kees.

Maryland: Richard J. Beavers, Carlton X. Fletcher, Samuel Snyder.

Massachusetts: Michael K. Aselton, George L. Hanna, Walter P. Langley.

Michigan: Michael J. Bossuyt, Tony L. Thames, Terry Lee Thompson.

Minnesota: Brian W. Heikkila.

Mississippi: George Daniel Nash, Jr., Earnest C. Null.

Missouri: Charles D. Hartman, Charles E. James, Phillip A. Miller.

New Jersey: Lester A. Pagano.

New Mexico: Gerald E. Cline.

New York: Paul Ashburn, Joseph P. McCormack, Donald W. Robinson, Brian N. Rovnak, James P. Rowley, Malcolm D. Strong, Charles J. Trojahn.

North Carolina: Donald Wade Allred.

North Dakota: Robert S. Cheshire, Kenneth B. Muir.

Ohio: Frederick J. Beard, Richard E. Becker, Benjamin Grair, William L. Johnson, Bruce E. Mettler, Joseph Z. Moore, Sharon E. Moore, Robert B. Rigoni, Michael L. Sweeney.

Oklahoma: Travis L. Bench, Steven Leroy Mahan, Richard Oliver, Donald W. Smiley.

Oregon: Joseph V. Omlin III, Donald E. Smith.

Pennsylvania: Charles E. Attig, Jr., David A. Barr, Frank J. Bowen, Edward M. Butko, Jr., John F. Duffy, William R. Evans, James R. Milcarek, Sr., Norman A. Stewart, David W. Witmer.

South Carolina: John R. Clinton, Daniel W. Cogburn, Harold N. Cousar.

Tennessee: Dennis R. Armes, Aaron D. Glenn, Robert S. Hester, Ronnal R. Stanley, Larry J. Tidwell.

Texas: Ernesto Alanis, Milton C. Alexander, Ronald D. Baker, Russell L. Boyd, R. F. Camfield, Ollie F. Childress, Jr., Charles R. Coates II, Daniel M. Higdon, Jr., Robert R. Jones, William Moss, Carl J. Norris, John R. Pasco, Gilbert E. Ramirez, Charles A. Renfro, Clark M. Rosenbalm, Billy G. Smeley, Lowell C. Tribble.

Vermont: Arthur L. Yeaw.

Virginia: John E. Rafter, Clifford W. Scott, Jr., Dennis M. Smedley.

Washington: Brian F. Orchard.

Wyoming: Jon R. Hardy, Craig L. Schulte.

District of Columbia: Raymond E. Mumford.

Guam: Abraham Sablan Quitugua, Raymond Salas Sanchez.

Puerto Rico: Jesus Diaz Batista, Raul Moldonado Coreano, Rafael Cumba Ortiz, Jose M. Ortiz Otero, William Santiago Pagan, David Perez Valentin.●

A TRIBUTE TO LUKE GRAY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. COURTER. Mr. Speaker, we have lost a fine American today, Mr. Lewis Gray of Somerset County, N.J. A man who commanded respect and admiration from both friends and adversaries.

I came to know Luke when I first ran for Congress; the words Somerset County and Luke Gray were synonymous. Luke had served as Republican county chairman since 1955. His knowledge, wisdom, and political savvy encouraged many, included myself, to pursue public office. Luke's unique "old boy" personality was sought out by many a Federal, State, and local official. His efforts have been recognized by many Presidents including Ronald Reagan.

Luke Gray was an exceptional human being whose energy was devoted to public service. Besides serving as county chairman for 29 years, Luke served as mayor of Watchung, sat on the board of governors of Somerset Trust Co., and the county tax board.

Luke's office, covered with signed photographs, letters of recognition, and other memorabilia of a political career which spanned many decades, is perhaps the best illustration of his influential position, and the degree of respect he gained over the years. I know there are many, many people who mourn today over the loss of what Luke was to them—mentor, confidant, troubleshooter, adviser. I know because he was all those things to me. Most importantly, Luke was my trusted friend. I, too, mourn this deep loss.●

THE MX VOTE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. OTTINGER. Mr. Speaker, yesterday the House capitulated once again to administration pressure and voted for production of the MX missile. This is a dangerous, destabilizing first-strike weapon that can only make the United States and the world more vulnerable. It is a crime to build it. Any pretense that it is defensive in nature was demolished when the Reagan administration decided to place it in vulnerable Minuteman silos. This weapon is useless to us as a deterrent, and its power as a bargaining chip is as illusory as all the other new weapons systems the administration has sought to justify on this basis.

Deterrence is the art of producing in the mind of the enemy the fear of counterattack. Right now the United States has deployed 11,000 strategic nuclear weapons. According to former Secretary of Defense Robert McNamara, the firepower from just one of our nuclear submarines is enough to destroy 160 Soviet cities. If this is not enough to deter a Soviet attack, then what is? One hundred MX missiles in highly vulnerable silos will not swing the balance, they will merely give the Soviet Union one more set of targets and a stronger incentive to move their defensive weapons onto a launch-on-warning system, not a scenario we should be encouraging.

As to enhancing our bargaining power with the Soviet Union, the MX has not done the job yet, and there is no indication that building more will change that situation. In fact, all historical evidence points to the likelihood that the Soviets will move ahead and match us missile for missile. When we built an intercontinental bomber in the 1950's, the Soviets followed suit. When we developed the multiple warhead missile, the Soviets did the same 2 years later. When we deployed our first MIRV's in 1970, the Soviets accelerated their program and had MIRV's by 1975. All these initiatives diminished the security of the United States and discouraged arms control rather than providing an effective incentive for negotiations.

In 3½ years, the Reagan administration has produced nothing of substance in the area of arms control. Rather, we have driven the Soviet Union away from strategic arms talks by deploying Pershing and cruise missiles in Europe; the Reagan administration has pursued weapons systems and testing which threaten to violate SALT II and the ABM treaties; it has refused to negotiate space weapons, and has pursued an end to our 16-year moratorium on chemical weapons production.

Last year the MX was funded by the Congress, in part due to President Reagan's promise that the administration would bring about a change in the Soviet's bargaining position. The administration has not delivered on that promise, and it has given us no reason to believe that building more missiles would make any difference.

The Scowcroft report admits that the MX in easily targetable silos is a sitting duck, so why should the administration so desperately want it built? What the MX gives us is a dramatic first-strike missile. With 10 warheads, each of which can take out a Soviet ICBM silo, 100 MX's would be a significant threat, but only if we use it first. The Soviets most likely response to our building the MX will not be to come back to the bargaining table, it will be to develop their own first strike weapon.

The MX missile program makes no sense defensively, economically, or as a bargaining tool. Since 1979, the cost of the program has increased 66 percent. We cannot continue to finance a disastrous weapon on the empty promises of an administration that has no real commitment to arms control. I fervently hope that when the House considers the MX again during the appropriations process we may reach a different conclusion.●

THE INTRODUCTION OF THE FIRPTA REPEAL BILL

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. CONABLE. Mr. Speaker, today I have introduced a bill to repeal the Foreign Investment in Real Property Tax Act (FIRPTA). I am pleased to announce that joining me in this effort are my colleagues from the Committee on Ways and Means Messrs. GIBBONS, DUNCAN, FLIPPO, FRENZEL, MATSUI, and VANDER JAGT.

FIRPTA was an amendment to our Internal Revenue Code which was enacted by the 96th Congress as part of the Omnibus Reconciliation Act of 1980. Under the provisions two new Internal Revenue Code sections were added. Section 897 imposes a capital gains tax on nonresident foreign investors who are not engaged in a U.S. trade or business and who are not otherwise subject to the capital gains tax generally applicable to transactions in U.S. real property. The other provision, section 6039C, provides for extensive reporting with respect to U.S. real property transactions in which foreign investors are engaged, whether or not these persons generally were subject to U.S. tax prior to the FIRPTA legislation.

Numerous problems developed subsequent to the enactment of this legislation. Specifically, the Treasury has had an enormous amount of difficulty providing regulatory guidance relative to the extent reporting is required. This difficulty exists primarily because of an inability to interpret precisely the extent to which this legislation requires reporting in a variety of complicated situations. As a result a tremendous amount of uncertainty has been created relative to the reporting required. In addition, the reporting requirements have created an enormous amount of concern on the part of foreign investors who have no objection to paying U.S. tax with respect to their real property transactions in the United States, but are most concerned about maintaining their anonymity with respect to these transactions for a variety of concerns unrelated to U.S. tax policy.

While I am not completely satisfied that an outright repeal of all the provisions of FIRPTA is absolutely necessary to address the concerns set forth above, I do believe that this is certainly one alternative for addressing these problems. My bill would eliminate all of the reporting confusion that has been created as a result of FIRPTA and would relieve some foreign taxpayers from tax liability with respect to their U.S. real property transactions. I should note that a number of foreign taxpayers will continue to be subject to tax with respect to their real property transactions in the United States as was the case under the law prior to FIRPTA. I certainly should indicate that I am more than willing to consider other alternatives for addressing the concerns which have prompted me to introduce this legislation. I should note that my colleague, Mr. GIBBONS, has introduced an alternate approach to these problems, H.R. 5326, the FIRPTA Withholding Tax Act of 1984. Under Mr. GIBBONS' bill the reporting requirements of FIRPTA are repealed and replaced with a withholding system. The Florida Bar Association has supported Mr. GIBBONS' approach as one that addresses many of the concerns raised by the current FIRPTA provisions. As a result I would certainly consider examining this approach as an additional alternative for addressing the problems created by the existing statute. In view of the amount of confusion and uncertainty that has been created by the existing statute, I urge the Congress to take action in the near future on either my bill or other alternatives, such as the one suggested by Mr. GIBBONS, for addressing this urgent need.●

GIFTED MUSICIAN AND EDUCATOR PASSED AWAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. HOYER. Mr. Speaker, this past winter, the State of Maryland lost a very special and gifted musician and educator. Dr. Eulah Viola Blue Peters, professor of music at Bowie State College, and a prolific voice in Maryland's music education system, passed away on February 12, 1984.

Dr. Peters was well known and greatly admired not only by her students, but by music aficionados around the State of Maryland. At Bowie State College, she served as chairperson of the department of fine and performing arts and was a frequent guest conductor, clinician, and adjudicator for junior and senior high school choruses throughout the State.

Her dedication to music and education is apparent as one reviews her impressive list of accomplishments. She trained the Bowie State College Choir for a special performance with the National Gallery Orchestra under the direction of Mr. Richard Bales, collaborated and assisted with the music program for special education students in the Prince Georges County public school system, and served on the board of trustees for the Prince Georges Art Council. In addition, she directed the choruses for the Christian Community Presbyterian Church in Bowie, Md., and the Sargent Memorial Presbyterian Church in Washington, D.C.

Her indefatigable spirit and determination to live life to the fullest, even as she suffered the final stages of cancer, never flagged; 2 months before her death, Dr. Peters brought a group of students from Bowie State College down to my Washington office to sing Christmas carols for me and my staff.

Mr. Speaker, her death has left a void in both the Prince Georges County and the State music education systems that will be felt for many years to come, and I join with Dr. Peters' long list of friends in extending my sympathies to her husband, Raymond, and her family.●

WARBASSE HOUSES AND TRUMP VILLAGE: A COOPERATIVE HOUSING DREAM COME TRUE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. SOLARZ. Mr. Speaker, I rise tonight to pay tribute to a unique community and institution in my congressional district, Amalgamated Warbasse Houses and Trump Village. These are two, adjacent, high rise cooperative apartment developments which will celebrate their 20th anniversary this Sunday, May 20, 1984.

Cooperative housing ventures have made it possible for thousands of American families to find decent, safe, affordable housing in our cities. New York State led the Nation two decades ago in the cooperative housing movement for moderate-income families when it designed the New York State Mitchell Lama cooperative housing program. This program made it possible for large, attractive, and modern housing to be built on West 5th Street in place of an old, decaying bungalow colony, which had outlived its usefulness and become an eyesore.

Today Amalgamated Warbasse Houses and Trump Village are home to 20,000 New Yorkers—which means that they actually contain more residents than many of our Nation's cities. This community within a community is a remarkable place not only because of its size and stability, but also because it has allowed New Yorkers' who otherwise would have been forced to flee the city because of soaring housing costs, a chance to remain in the city in attractive and safe surroundings.

These Mitchell Lama cooperative apartment buildings are now an anchor of stability and a source of community strength and pride. What was once a rundown and delapidated neighborhood is now a vibrant and vital community with 15 highrise buildings surrounded by landscaped grounds and pleasant sitting areas. Local businesses have benefited from this development, and two thriving shopping centers are located along Neptune Avenue. Three neighborhood public schools, as well as a number of synagogues, churches, and community organizations have also been positively effected by the development of these buildings, and by the contributions and active support of the residents of the high rises who have proven themselves to be most generous and civic-minded neighbors.

The planners and developers of this community within a community, as well as the citizen activists and elected officials who worked to bring about the construction of these apartments, were truly men and women with a vision. But they also had the foresight and determination to accomplish this dream. Thanks to them, and to the continued interest and support of the generations of cooperators who have lived there, Warbasse Houses and Trump Village have kept the dream of a cooperative affordable residential community alive and well.

The residents of these buildings are now a mainstay not only of the shorefront area, but of the entire borough of Brooklyn. The cooperators have wisely and generously invested their time, energy, ideas, and financial resources to benefit their neighborhood, the larger shorefront community. Such efforts have kept New York a city of neighborhoods, and a city with a heart.

In closing, I would like to pay a special tribute to Stella Burris, Mark Daitsman, Paul Deutsch, Jeff Friedman, Sidney Jonas, Sam Meltzer, Mindy Sherman, Ruth Tanenbaum, Mike Weber, and Florence Weissman, who planned this week's celebration and are members of the 20th Anniversary Committee. I also want to acknowledge once again the countless thousands of dedicated community leaders whose vision, foresight, and hard work helped to make the dream of Warbasse and Trump—a lovely, clean, attractive, and thriving middle-income family community—a reality.

May the success of Warbasse and Trump help convince the Congress, our States, and our Federal Government that programs to enable more Americans to achieve the dream of owning affordable, decent housing must again become one of our highest priorities as a nation.●

A TRIBUTE TO CATHERINE O'RESTO SCARSELLA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. LENT. Mr. Speaker, I rise today to bring to the attention of my colleagues a celebration which will serve as testament to the continued vibrance and strength of the American family. On Saturday, May 26, 1984, Catherine O'Resto Scarsella will be honored by her children, grandchildren, nieces, and nephews on the occasion of her 70th birthday. The outpouring of love and respect at this family gathering will be more than a simple commemoration of Mrs. Scarsella's birthdate, it will be a celebration of her life and the indomitable will and spirit with which God has blessed her.

Widowed at age 37, with four young daughters, Mrs. Scarsella assumed the roles of both father and mother, breadwinner and homemaker. Her success as a single parent is evidenced not only by the love her children feel for her, but by the happiness, joy and success they have enjoyed in their lives. Her eldest daughter Elizabeth is happily married and blessed with two sons; daughter Maryann is busy raising a family of three sons and a daughter; her daughter Catherine is married with two daughters and resides with her husband in West Germany; Joan, the youngest of the family, carries on the family tradition

by providing Mrs. Scarsella with four grandchildren, three boys and one girl.

Mrs. Scarsella's life experiences extend far beyond the realm of raising a family. For 15 years until her retirement in 1982, she was a valuable and respected employee of the New York City court system. She has traveled extensively, and she is an ardent patron of the arts.

I hope that all of my colleagues in the Congress will join me in recognizing the life of Catherine O'Resto Scarsella as one that vividly personifies the continued vitality of the American family and its importance to the well-being of this Republic.●

THE 40TH ANNIVERSARY OF THE BATTLE OF MONTE CASSINO

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the 40th anniversary of the World War II battle of Monte Cassino in Italy, where the heroic men of the Polish Army-in-exile fought courageously against the forces of nazism. It was on May 18, 1944, that Monte Cassino Monastery, a most important strategic point in the Nazi defense system was taken by the 2d Polish Corps under the able command of Lt. Gen. Wladyslaw Anders.

The city of Cassino was a major position in the German winter defense, the "Gustav Line," and because of the flooding of the Rapido River in the spring of 1944, it was impossible to use tanks and motorized equipment in this area. Instead, the allied attack of this position had to be made, unsupported by tanks, by infantry alone, and this action was extremely costly in casualties, being one of the bloodiest battles in World War II.

British, French, and American troops were engaged in this campaign, which reached a climax during the month of May. A massive air raid on February 15, 1944, was launched against the German command within the Benedictine abbey situated on top Monte Cassino, a hill which dominated the surrounding ground, and this stronghold was finally captured by the brave efforts of the 2d Polish Corps on May 18, 1944.

The 2d Polish Corps was part of the Fifth Army under the command of Gen. Mark W. Clark, and following the battle he praised his troops for this impressive military victory, by saying:

> The Polish 2d Corps fought so splendidly under Lieutenant General Anders that it accomplished the nearly impossible—it took Cassino . . . without the superb fighting of the Polish Corps the capture of Cassino would have been extremely difficult, prolonged, and perhaps long delayed . . .

I was privileged to visit the cemetery at Monte Cassino dedicated to the Polish war dead while I was in Europe attending a conference of NATO parliamentarians, and we must never forget the bravery of those who were willing to give their lives in dedication to the freedom of their respective countries. Close to 5,000 members of the Polish Army were killed in this battle, and they are buried in four separate cemeteries in Italy.

Mr. Speaker, on this occasion of the 40th anniversary of the battle of Monte Cassino, I am proud to join with the Polish Americans in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Polish descent all over this country, who are commemorating the heroism of those who died for our freedom at the battle of Monte Cassino. To Poles, the struggle for freedom and self-determination is universal, and they have fought bravely for the sanctity of these noble principles for all freedom loving countries throughout the world.●

A MODEL PREVENTIVE HEALTH CARE PROGRAM

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. WYDEN. Mr. Speaker, it gives me great pleasure to salute today the efforts of the Health and Medical Education Center at Portland Adventist Hospital in Portland, Oreg.

"The Good Health Pioneers," as they are called at Portland Adventist, have helped make Oregon a national leader in health maintenance efforts.

More than $300 billion was spent on health care in the United States in 1983, at the same time that the U.S. Surgeon General has found that the general quality of our health has diminished. Clearly, unless we start taking preventive health care more seriously, we will continue to pour more money into our health care while getting very little in return.

Although general awareness of the importance of preventive medicine in keeping our Nation fit and in keeping health care costs down is just beginning to grow, Portland Adventist has emphasized health, fitness, and preventive medicine for more than 90 years. The center offers a wide variety of hospital-sponsored programs in health education and fitness, in keeping with their belief that the best way to find health for life is through proper nutrition, adequate exercise, and a healthier lifestyle.

While the center is helping individuals live healthier, fuller lives, it is also helping employers develop cost-effective fitness and health programs for their employees. Programs such as these can increase productivity, reduce sick time, and help business, industry, and ultimately the Federal Government save thousands of dollars each year on medical and insurance costs.

More than 10,000 health-conscious Oregonians participated in Portland Adventist's health maintenance programs in 1983; 20,000 are expected to participate this year. Portland Adventist has been actively pursuing preventive health programs aimed at all Oregonians, including programs to educate the public on the dangers of smoking, alcoholism, and obesity, and on the importance of prenatal care, stress relief, and proper dental care.

I applaud Portland Adventist for its progressive health maintenance programs and all Oregonians for their active involvement in the center's good works. Portland Adventist has the jump on the Federal Government in terms of the benefits of preventive medicine. We should use them as an example as we try to catch up.●

NORTH AND SOUTH KOREAN PARTICIPATION IN THE 1984 OLYMPIC GAMES

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. DAUB. Mr. Speaker, recently I had the opportunity to learn that overseas Koreans, numbering approximately 750,000 in the United States, are campaigning for the establishment of a united athletic team, comprised of athletes from North and South Korea, to participate in the 1984 Olympic games and other international sports competitions.

The General Council for Unifying Olympic Teams from North and South Korea [GCUOTNSK], initiated on March 27, 1983, was formally established on May 3, 1984, as a self-sponsored, nonprofit organization.

The purpose and philosophy of the organization is to encourage the formation of a joint sports team for the 1984 Olympic games and a single team for international sports competitions. The proposals for joint single teams for the 1984 Olympic games in Los Angeles and for international sports competitions was first advanced by a Korean immigrant, Pak Bong Chul and others, to petition to both proper authorities of Korea.

The Minister of Sports of the Republic of Korea has expressed his willingness to meet North Korean officials to discuss measures necessary to bring about a united Korea Olympic team.

I am pleased to note the spirit of this courageous initiative for peace

and fellowship, which deserves support from all quarters, and I lend the initiative my support.

Conflict, it is feared, could arise out of misperceptions or miscalculations, as a result of the permanent tension between the parts of this country, divided by an accident of history. All attempts at reunification over the years have failed.

In the 1970's, there were some direct contacts, both on a governmental level and through Red Cross organizations, but these attempts ended in bitter wrangling and failure.

Confidence-building measures, such as bilateral sports exchanges, family reunification and mail exchange, would have to be realized before the expansion of the negotiating track between the two halves of the bitterly divided peninsula.

The official dedication of the single teams for the 1984 Olympics would constitute a major occasion for reaffirming the close ties between the people of North and South Korea and would present a unique opportunity for insuring that those ties are strengthened.

Also strengthened would be the hope for peaceful reunification and at the very least a relaxation of tensions in Northeast Asia.●

A TRIBUTE TO LAURA CUSHMAN

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. PEPPER. Mr. Speaker, on May 19 the Miami community is honoring an outstanding educator, Laura Cushman, the 97-year-old funder of the Cushman School. The Cushman School is the oldest independent elementary school in Dade County. This year it celebrates its 60th anniversary.

Miss Cushman is one of south Florida's pioneer residents, moving to Miami with a degree from Morningside College in Sioux City, Iowa. She taught kindergarten and home economics for about 6 years and, in the afternoons, she held education classes for teachers. In 1922 when Dade County officials decided to eliminate kindergartens, Miss Cushman resigned her job and set up a school on her front porch.

The first year she attracted 12 students. The next year there were enough students to move off the porch and in 1924 the school, now known as the Cushman School, moved into a two-story, stucco building not far from downtown Miami. It has been a landmark there ever since. A newer building houses kindergarteners and first graders.

For 10 years Miss Cushman was an associate professor at the Florida State College for Women which is now Florida State University at Tallahassee. Later she studied, furthering her own education, at the Columbia Teaching College in New York, Wheelock College in Boston, and the University of California at Berkeley.

A priority of the Cushman School is building good character. The Cushman School is justly proud of the fine citizens it has graduated. The Cushman School also produces youngsters who are trained to achieve. Its 175 students constantly strive to improve their own performance.

In addition to the traditional grade school subjects the Cushman School also teaches music, art, and computer science. All students, including the kindergarteners, study Spanish. The students produce monthly plays and two major productions a year.

The Cushman School makes a special effort to accommodate students whose parents are financially unable to send them. Out of the 175 student body 22 are on scholarship even though there is no endowment. Miss Cushman finds a way for them to attend even if it means waiting until the parents can afford to pay.

The Cushman School is very special and in this as well as other matters it reflects the guiding spirit of its founder, Laura Cushman. Miss Cushman worked actively at the school until she was 86 and remains chairman of the board of trustees.

On its 60th anniversary it is fitting that the school pay tribute to the remarkable and vital lady who has served it so long and well.●

WHERE'S THE INITIATIVE?

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. DANNEMEYER. Mr. Speaker, one might sum up the present state of the budget by paraphrasing both a well-known television commercial and a well-known Presidential candidate: "Where's the initiative?" It sure isn't here in Congress. We'll talk up a storm about deficits and the need to cut them. But then we will turn right around and pass every conceivable spending bill in sight; and quite a few that are out of sight.

The proper role of Congress, and especially the House of Representatives, is to keep a watchful eye on the Nation's Treasury and act responsibly to insure that we spend within our means. Well, we know what the chances of that are. If we had been doing our job, there would be no talk about a balanced budget amendment to the U.S. Constitution. It would not be necessary.

Sadly, congressional neglect of its fiscal duties has prompted the people of this Nation to take the steps necessary to bring about responsible budgetary practices without and despite Congress. In 32 States, weary taxpayers have passed resolutions calling for a balanced budget amendment, either through congressional action or mandated by a constitutional convention. Two more States and bingo! The matter will be out of Congress' hands.

Now quite a few folks, including several erstwhile budget-conscious colleagues, are fearful of calling such a convention. There has only been one in our Nation's history. Will another one jeopardize the very framework of the Constitution? Will a "runaway" convention consider and draft amendments other than a balanced budget? It is possible. But steps can and ought to be taken to insure that the deliberations of the convention delegates are limited to only a balanced budget amendment. And the biggest obstacle of them all, three-fourths of the States must ratify whatever the convention drafts. It is difficult to conceive of a runaway, irresponsible convention—junking our entire present Constitution, or materially changing various aspects of it—succeeding in obtaining popular acceptance. One need only consider the great difficulty which the ERA has encountered along the way.

The bottom line is, of course, that this route of action—which is in a sense radical—has been reserved for the people to take when their elected representatives fail or refuse to take requisite action. And, since Congress will not balance the budget, the American people are determined to do it themselves. The fact that we are 32 States—94 percent—toward that goal should provide ample cause for reflection on the seriousness of the matter.

On February 17, petitions bearing the signatures of over 600,000 Californians were filed in order to place the balanced budget initiative on the November ballot. Similar drives are underway in other States—Montana is a hopeful prospect at this date. Elsewhere, in both Kentucky and Michigan, the amendment has passed one legislative chamber. Washington and Vermont are two other States where there is potential for activity this year.

From among this group of six States, the chance that any two of them will put the amendment drive over the top is no worse than 50/50. The time is quickly approaching when the powers that be in Washington, from Congress to the Federal Reserve to the Treasury to the corporate and financial infrastructure, had better realize that they can no longer ignore or casually dismiss this initiative. They have allowed the situation to deteriorate to the point where the authority to control matters will be in someone else's hands—the people's. Perhaps

that ultimate solution is better than the alternative after all.●

D.C. STUDENTS PARTICIPATE IN MATH COUNTS COMPETITION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. FAUNTROY. Mr. Speaker, on Saturday, May 19, a team of five seventh and eighth grade students from the District of Columbia public schools will represent the District in Math Counts, a national mathematics competition. The competition will be held in the District of Columbia on the campus of George Washington University.

The competition which produced the statewide teams were held in two rounds in February and April of this year. The students who will represent the District of Columbia team in the national competition are Warren Tildon, Charles Jones, and Amani Harrison from Jefferson Junior High School, Todd Goren from Brent School and Michelle Smith from Taft Junior High School. Ms. Sue P. White, mathematics teacher from Jefferson and Mr. John Coleman, retired statistician are the coaches for the District team.

Math Counts is an accelerated coaching program combined with a series of competitions to produce high levels of math achievement in junior high school students across the Nation. Although successful Math Counts programs have existed for several years in Alabama, Florida, and Illinois, this year will mark the first national Math Counts competition with participation by teams representing all 50 States. The program is sponsored by the National Society of Professional Engineers, the National Council of Teachers of Mathematics, National Aeronautics and Space Administration, the National Science Foundation, and the CNA Insurance Co.

The students must compete in written and oral examinations which cover a wide range of mathematical topics including many concepts taught in college-level courses. The students compete on an individual and team basis.

Mr. Speaker, this program is an excellent example of the ability of the District of Columbia public schools to produce students with exceptional skills.●

FASCELL CALLS FOR A NEW SPACE ARMS CONTROL POLICY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. FASCELL. Mr. Speaker, last year the Subcommittee on International Security and Scientific Affairs, which I chair, initiated a series of hearings on "Arms Control in Outer Space." The hearings examined and evaluated the arms control, foreign policy and national security issues and implications of the administration's space arms control and defense policy.

Based on these hearings to date, I believe that the major elements of a national space arms control and defense policy should include:

First, suspension of the U.S. ASAT testing program provided that the Soviet Union does not resume its testing program.

Second, resumption of bilateral negotiations with the Soviet Union to ban antisatellite weapons.

Third, initiation of bilateral negotiations with the Soviet Union to ban all space weapons.

Fourth, upgrading U.S. satellite survivability through effective hardening measures. Hardening our satellites is something we can do unilaterally to protect our satellites against the present marginal Soviet ASAT capability.

Fifth, maintaining ballistic missile defense research consistent with existing arms control agreements. This would provide a hedge against possible Soviet breakout—a policy which we have maintained since the signing of the ABM Treaty.

During the subcommittee's hearings, I learned that the administration's space policy is expensive and serious doubts were raised as to its technical feasibility. Such a policy could lead to an irreversible arms race in space.

Based on these hearings, the subcommittee has issued an "Interim Report on the Administration Space Arms Control and Defense Policy," which follows my remarks. The report identifies five major problems of the current space policy. These are:

First, excessive costs.

The cost of the antisatellite (ASAT) weapons program will be in the "tens of billions of dollars."

The cost of the strategic defense initiative (SDI), the so-called "Star Wars" policy ranges from $500 billion—double the current DOD budget—to over a trillion dollars.

Second, technically unworkable.

The proposed strategic defense initiative (SDI) is presently technically unworkable. A recent OTA study made that very conclusion and recommended that such a program should not serve as the basis of public expectation or national policy.

Third, negative impact on arms control.

Deployment of the strategic defense initiative (SDI) will ultimately mean the abrogation of the ABM Treaty, one of the most successful arms control agreements to date.

Furthermore, engaging in an ASAT competition with the Soviet Union, jeopardizes satellites that are vital to our national security interests and our capability to assure Soviet compliance with current and prospective arms control agreements. As a matter of fact, the report indicates that the United States has more to lose than the Soviets in a space arms race.

Fourth, results in a dual arms race.

Active pursuit of the strategic defense initiative (SDI) will result in a dual arms race: Escalating the current arms race in offensive weapons as well as initiating a new arms race in defensive weapons. The result will be less not more stability.

Fifth, reignites the volatile issue of decoupling.

Pursuit of the strategic defense initiative (SDI) and antisatellite (ASAT) weapons will result in the potential alienation of our closest allies. NATO allies have already expressed concern that this administration's policy will leave them unprotected and decoupled from the U.S. nuclear umbrella. This understandable concern is premised on the very difficulty I have with the program: If the program is not technically capable of defending the United States, how can our allies be expected to believe that it will protect them as well?

Accordingly, I am calling for a more balanced U.S. space arms control and defense policy, one that enhances U.S. national security and arms control interests.

It is my sincere hope that this will help to preserve the use of space for peaceful purposes as opposed to creating yet another facet of the arms race: A dangerous arms race in space.

SUBCOMMITTEE HEARINGS

As of May 1984, the Subcommittee on International Security and Scientific Affairs, chaired by DANTE B. FASCELL, completed three hearings on "Arms Control in Outer Space." The subject of arms control in space was brought to the forefront of public attention primarily due to President Reagan's speech of March 23, 1983. In that speech the President challenged the scientific community to find ways to "render nuclear weapons impotent and obsolete." This sparked a number of responses among scientists and arms control experts, many of whom testified before the subcommittee.

Under the chairmanship of the late Clement J. Zablocki, the Subcommittee on International Security and Sci-

entific Affairs began a series of hearings to examine and evaluate the arms control, foreign policy, and national security issues and implications of the administration's space policy. In particular, the subcommittee examined the administration's antisatellite (ASAT) weapons policy and its strategic defense initiative (SDI), commonly referred to as "Star Wars."

On November 10, 1983, the subcommittee held its first hearing on "Arms Control in Outer Space. Witnesses testifying before the subcommittee included: Hon. JOHN JOSEPH MOAKLEY (Democrat, Massachusetts), Hon. JOHN F. SEIBERLING (Democrat, Ohio), Dr. John Steinbruner, director of the foreign policy studies program, at the Brookings Institution, and Dr. Richard L. Garwin, IBM fellow at the Thomas J. Watson Research Center.

INTERIM REPORT ON THE ADMINISTRATION'S SPACE ARMS CONTROL AND DEFENSE POLICY

Under the Chairmanship of Dante B. Fascell, the subcommittee held its second hearing on April 10, 1984. Witnesses testifying before the subcommittee included: The Honorable George E. Brown, Jr. (D-Calif.), the Honorable Norman D. Dicks (D-Wash.) and Mr. Kenneth L. Adelman, Director of the Arms Control and Disarmament Agency.

On May 2, 1984, the subcommittee held its third hearing on the issue. Witnesses testifying before the subcommittee included: the Honorable Mel Levine (D-Calif.), the Honorable Gerard Smith, former chief of the U.S. Delegation to the SALT I negotiations, who was accompanied by Mr. John Rhinelander, Legal Counsel to the SALT I negotiations, the Honorable Robert W. Buchheim, former head of the United States Delegation to the United States-Soviet negotiations on Antisatellite Systems and Dr. Kurt Gottfried, a physicist representing the Union of Concerned Scientists.

FINDINGS

During these hearings, testimony was heard from congressional and administrative witnesses as well as from private experts in the scientific, arms control, legal and defense communities. During these hearings considerable concern was expressed about the viability, practicality and desirability of the administration's space arms control and defense policy. These areas of concern include:

(1) The excessive costs of the United States and Soviet military space policy

The subcommittee learned that the Department of Defense's original estimate of $4 billion for the air-launched ASAT would more likely cost in the "tens of billions of dollars." At the same time, the subcommittee learned that the Soviet Union has dedicated important resources toward the development, testing and operation of an ASAT interceptor in the 1970's.

Furthermore the subcommittee learned that cost estimates for completion of SDI program would range from $500 billion to over one trillion dollars. Equally important, the subcommittee learned that the Soviet Union has provided substantial resources toward improvements in air defense capability, including a research effort on strategic defense against incoming warheads.

(2) The technical feasibility of the SDI program

To date, the subcommittee has not received conclusive evidence that a perfect or near perfect defense is technically feasible. This will be a matter of continued subcommittee attention as it pursues hearings on space policy. As has been the practice between the superpowers in the nuclear age, the practice of each side developing a countermeasure to the other side's systems could continue unabated under the United States and Soviet strategic defense programs. In its study, the Office of Technology Assessment (OTA) found that for every strategic defense technology proposed to date a countermeasure has been found.

(3) Its adverse impact on arms control

The subcommittee learned that the proposed U.S. Strategic Defense Initiative (SDI) as well as Soviet efforts in this area, including their construction of new radars, could very well undermine the ABM Treaty. The ABM Treaty was based on the common superpower recognition that ballistic missile defense could not only accelerate the offensive arms race, but also create another arms race in defensive systems, which could result in a destabilization of the existing strategic balance. An increase in both United States and Soviet ASAT capabilities, as well as a strategic defensive build-up may well prove unavoidable, if efforts to limit these weapons are not mutually made by both superpowers.

Verification of a ban on ASAT systems is already difficult and would be made even more difficult if the United States moved forward with its F-15 launched ASAT program. While the U.S. Air Force only plans to equip about 40 F-15's with ASATs, the fact that every F-15 is potentially a platform for an ASAT system makes adequate verification agreements more difficult to achieve. At the same time, the subcommittee learned that the Soviet interceptor is relatively small and is fitted to a Soviet space booster used for other launch missions.

Finally, deploying weapons specifically designed to destroy satellites, many of which are crucial to national technical means of verification, could jeopardize the verification of current and prospective arms control agreements.

In this regard, the subcommittee learned that current U.S. and Soviet ASAT systems could threaten only lower orbiting satellites which largely monitor tactical troop and naval maneuvers. The satellites that the U.S. and the Soviet Union depend upon for early warning, nuclear attack assessment, electronic intelligence, military communication, and verification of arms control agreements are generally in higher orbits. Both countries have much to lose in an uncontrolled ASAT race, particularly one which leads to attacks on higher orbiting satellites. Since the United States is more dependent on satellites for arms control verification than the Soviets, the United States has more to lose in this regard than the Soviets in an uncontrolled ASAT arms race.

(4) A dual arms race

United States and Soviet strategic defense programs could further stimulate an arms race in offensive weapons as well as defensive weapons. Both the United States and the Soviets could resond to the development of defensive systems by not only increasing their defensive capabilities but also by upgrading the ability of their offensive weapons to penetrate upgraded defensive systems.

(5) The potential alienation of our country's closest allies

Many of our allies have expressed grave concern over the President's space weapons program. They view this as a policy that will not only promote confrontation between the superpowers but will leave them unprotected and de-coupled from the U.S. strategic defensive umbrella.●

MINORITY VIEWS OF HON. HENRY J. HYDE ON THE INTERIM REPORT ON THE ADMINISTRATION'S SPACE ARMS CONTROL AND DEFENSE POLICY

I am compelled to register my strong dissent to the subcommittee's findings of the Interim Report on the Administration's Space Arms Control and Defense Policy.

First and foremost, I am distressed over the report's repeated use of the phrase "the subcommittee learned". The subcommittee didn't "learn"—it was "told"—by witnesses more often than not opposed to the Administration's proposals for the development, testing, and possible deployment of anti-satellite (ASAT) weapons as well as a strategic defense umbrella (SDI) to defend the American population from incoming nuclear warheads. Unfortunately, the findings not only ignore a discussion of United States and Soviet strategy doctrine, which was an important part of our hearings, but also failed to more fully recognize the advantages of moving towards a doctrine of Mutual Assured Survival and away from the increasingly unacceptable doctrine of Mutual Assured Destruction.

Furthermore, I am disappointed that the findings included a reference to a recent study by the Office of Technology Assessment (OTA) which has been criticized by one of the top engineers at Lawrence Livermore National Laboratory.

This publicly released document questions the technical feasibilities of the proposed U.S. Strategic Defense Initiative and contains what the Defense Department has defined as security information. Given OTA's alleged security breaches in regard to this matter, I will seek an inquiry into the question of OTA's possible public release of classified information while introducing legislation which would seek to make such semi-autonomous organizations as OTA more accountable in handling sensitive information.

I also believe that the findings did not fully reflect the definition and verification problems associated with ASAT programs, thus making any ASAT ban unsound. The Soviet ASAT interceptor, for example, is somewhat small and is launched by a type of space booster that the Soviets use for outer space launch missions. It would not be clear, through national technical means, as to how many interceptors or boosters have been manufactured. Moreover, the USSR could maintain a covert supply of interceptors which could be readied quickly for operational use, probably without risk of U.S. detection. Also, launch vehicles could be diverted from other missions to launch ASAT interceptors.

Finally, although some West European defense ministers, including German Defense Minister Manfred Worner, have expressed concerns over the proposed strategic defense initiative, Secretary of Defense Weinberger has sought to assure our NATO allies that the SDI system would protect Europe as well. Moreover, France has recently expressed interest in moving beyond nuclear weapons and is worried over the

possible deployment of a Soviet strategic defensive system.

In conclusion, I believe that this Interim Report reflects important shortcomings. It is, therefore, my hope that the subject of arms control in space will be more thoroughly and objectively reviewed by this subcommittee before specific conclusions are drawn in relation to this extremely complex matter.●

APPENDIX

1. COMPARISON OF SOVIET AND UNITED STATES ANTISATELLITE WEAPONS

The Soviet ASAT

The Soviet antisatellite weapon is a ground-based system. The interceptor is launched from the top of a large booster. When in range of its target, the interceptor explodes its non-nuclear warhead, and the shrapnel destroys the satellite. The Soviet ASAT has to go around the Earth at least once before it can intercept its target. These time requirements enable the United States sufficient time to detect, track and take possible evasive maneuvers against it.

The Soviets have tested their ASAT about 20 times in the past sixteen years. About half of those tests have been reported to be successful. Of the four tests in 1980-82, one was successful and the other three were failures. The Soviets have not tested their ASAT since 1982 and in 1983 they announced a unilateral moratorium on ASAT testing.

The U.S. ASAT

In the 1960's, the United States developed a ground-based antisatellite system. This system used nuclear warheads launched by Air Force Thor missiles and Army Nike-Zeus missiles. The Army system lasted from 1963-1964. The Air Force system lasted from 1964-1975. This operational system, based on nuclear warheads, was deactivated in 1975 because emphasis shifted to use of non-nuclear systems.

The United States is currently developing an ASAT interceptor called a miniature homing vehicle (MHV). It is a small cylinder (one foot in diameter) that locates its target through infrared telescopes, a laser gyroscope, and a set of small jets that can alter its trajectory. The interceptor destroys the satellite on direct impact at very high velocity.

The MHV interceptor is carried by an F-15 and is launched from a two-stage rocket: a short-range attack missile (SRAM) and an Altair stage which guides the interceptor to the target area in space.

There are about 500 F-15's, all of which could be modified to carry the ASAT/MHV interceptor. The Air Force, at this time, plans to equip about 40 of the F-15's with the interceptor.

Both the Soviet ASAT and the proposed U.S. ASAT can attack satellites only in low earth orbit (an altitude of 1,000 miles). The Soviet ASAT is generally viewed as a cumbersome system (launched from fixed sites known to the United States) that cannot readily be modified to attack satellites in higher orbits. The U.S. ASAT is a mobile F-15 launched system that could readily be equipped with a third rocket to propel it into higher orbits.

2. SOVIET AND UNITED STATES SPACE ARMS CONTROL INITIATIVES

United States-Soviet bilateral ASAT negotiations were conducted in 1978-79 but were never concluded because of the Soviet invasion of Afghanistan.

In 1981, the Soviets proposed a draft treaty in the United Nations to limit ASATs. A provision that included "reusable manned vehicles" (the shuttle) as weapons to be banned in space was particularly objectionable to the United States.

In 1983, however, the Soviets proposed another draft treaty in the United Nations which dropped this objectionable provision and called for the dismantlement of existing ASAT systems and for a ban on new ASAT systems.

The Soviets, in August 1983, proposed a unilateral moratorium on the deploying in space of any type of antisatellite weapon as long as other nations refrain from doing so.

The Soviets have also introduced this draft treaty as a working document at the Conference on Disarmament in Geneva.

The President, in his March 31, 1984 "Report to the Congress on ASAT Arms Control," concluded that a comprehensive antisatellite weapons agreement is not verifiable and therefore has refused to resume bilateral negotiations with the Soviets to ban ASAT systems. The administration's intention is to continue participation in discussions on space arms control issues at the U.N. Conference on Disarmament.●

A TRIBUTE TO BILL TURNER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. BERMAN. Mr. Speaker, I would like to commend Bill Turner, outgoing chairman for his accomplishments during the 53d Western Los Angeles Regional Chamber of Commerce.

During his unselfish commitment to the chamber, Bill organized an Olympic task force to provide Olympic information to member businesses. He also formed a West Los Angeles for Metrorail Committee to secure Federal funding for mass transit. In addition, Bill initiated the gold medal salute to Mayor Bradley installation dinner which was the chamber's largest event ever.

Under the leadership of chairman Bill Turner, several community service activities were instituted including a business watch program to aid the retail merchants in Westwood Village in averting crime; an internship program which places high school and college students in business settings, enabling both the business and the student to profit from the relationship; and a Westwood cleanup campaign.

I ask the Members to join the West Los Angeles Regional Chamber of Commerce and the community in honoring their retiring chairman for his many devoted contributions to the community.●

DONALD L. CUSTIS, M.D.

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. EDGAR. Mr. Speaker, on May 13, Dr. Donald L. Custis, M.D., Chief Medical Director of the Veterans' Administration retired from that position after a long and distinguished career in Federal medicine and in service to his country.

As chairman of the House Veterans' Affairs Subcommittee on Hospitals and Health Care I would like to take this opportunity to state, first, that it is not without a certain amount of regret that those of us who serve on our subcommittee will accept the loss of one of the ablest medical administrators in the history of the Veterans' Administration. However, we cannot begrudge Doctor Custis a happy and productive retirement after his nearly 40 years in public service and his significant contributions to the health and well-being of the American veteran.

Dr. Custis joined the U.S. Navy in 1944 and retired in 1976 at the rank of vice admiral. A World War II veteran, he served in many positions within the Navy Medical Corps, from the front lines as commanding officer of the NSA Hospital, Da Nang, during the Vietnam war, to commander of Bethesda Naval Hospital, to the Navy's top medical post as Surgeon General. He joined the Veterans' Administration's Department of Medicine and Surgery in 1976 and was appointed Chief Medical Director in 1980 becoming the only individual ever to head two major health agencies of the U.S. Government. His expertise and influence has spread far beyond the Federal Government, however, through his positions with the American Medical Association and as a trustee of the American Hospital Association. In fact, it has been his goal, not only to raise the quality and quantity of VA health care services but, through these associations, bring the VA into its rightful place in full partnership with the broad spectrum of American medicine. This has been no easy task at a time of rising demand on the VA and continuing restrictions on available resources. But his determined insistence on quality health care services and his support for the VA's vital research, training, and education programs based on its affiliations with major medical schools and universities across the country have made this goal a reality.

Dr. Custis brought to the Veterans' Administration a careful mix of compassion and craft in directing the activities of its 225,000 medical employees. As an admiral he was able to lead

and to earn the respect of those who worked under him by standing up for them and for what he believed. As a surgeon he was able to translate the same healing skills, compassion, and understanding he had practiced on the battlefield in truly "caring for those who have borne the battle and for their widows and their orphans." We are all in his debt.

Mr. Speaker, I believe that there could be no better way to demonstrate to my colleagues the depth of commitment Dr. Custis had proven in his career than to include for the record his own remarks in farewell to the thousands of dedicated VA employees who enjoyed his leadership over the past 4 years.

DONALD L. CUSTIS, M.D.—FAREWELL REMARKS TO THE DEPARTMENT OF MEDICINE AND SURGERY, APRIL 23, 1984

I trust by now word has reached most of you that I will soon retire. Please know that this was a rather sudden and difficult decision. Although a personal decision it was one not lightly made. I would, if I possibly could, have stayed with you awhile longer.

I labored over the weekend on what I might say to you. When the time has come for farewell, the compulsion for reflection becomes irresistible. Some start thinking about their memoirs—others are content with quiet soliloquies. Whichever the preference, the human mind will, mercifully, accentuate the positive. If you will indulge me, I am constrained to reference, briefly, what these past few years have meant to me.

My memories are made of this:

I'll remember Vietnam. The brave men who fought and so often died there remain indelible on my mind. Not that their sacrifice exceeded those in previous conflicts, but because there was so little unity of national purpose to sustain them. How sad. It was the poignancy of that recall which brought me into the VA as I left the Navy. How crass and cruel the accusation that we who care for him, who has borne the battle, do so without empathy!

But there were the good times.

I shall always recall with pardonable pride the quality and compassion of the medical care you render to our veterans and marvel at your dogged determination to do more and more, for increasing numbers of patients, with less and less resources.

There is about to be distributed an excellent documentary on the history and accomplishments of DM&S research. It tells another proud story that is well worth telling in its own right, but is also the beginning of a completion of the story that can never be completely told without it—of how research in DM&S is part and parcel of our total health care system; how it serves the veteran patient and how it serves the nation as a whole.

And because I came into the VA through its Academic Affairs Office, I suppose I will always hold a special affinity for our teachers who have created and continue to make DM&S a tremendous national resource for education in the health sciences. It reminds one of the Churchillian phrase that never have so few done so much for so many.

As I leave you now, I have every confidence in your future. We can all take satisfaction that, at a time when cynicism and disparagement had overtaken much of the country's health care industry, we in the VA closed ranks, took stock of ourselves, our environment and our future, and together designed the strategies and programs to handle the coming impact of the competitive medical market and the needs of the aging veteran. Those programs will carry you through the coming transition into a brighter tomorrow. The VA medical system is on the threshold of its greatest opportunity. You have the consensus and you have the momentum. Let nothing disuade nor divide you. I have an intimate knowledge of your tremendous talent, your creativity, your adaptability and resilience in the face of adversities. There will always be stress—we thrive on stress. Whether it be the Heritage Report of yesterday or today's Grace Commission, I know that your indomitable spirit will overcome the Alice-in-Wonderland illogic of our adversaries and that the saner judgment of our advocates will prevail.

Working with you has been an uncommon privilege. I appreciate all of your invaluable help and support without which I could have done nothing. In final reflection, and as an idealist, I wish I could have done more; as a realist it is enough to have had a part in our effort.

I have learned anew the elusiveness of goals and I'm grateful for such education. I have been reminded that really important tasks are never finished—interrupted perhaps—but never finished. The man who thinks he has achieved his goals has simply lost sight of them, or perhaps never saw them in the first place.

I take with me a new understanding of what Peter Drucker means by the complex interweaving of continuity and change. "For a nation," he said, "or an organization, buffeted by change, constantly faced with new threats to its safety, the only way to conserve is by innovating. The only stability is stability in motion."

"Civilization itself," said Toynbee, "is a movement—not a condition. Time is a voyage and not a harbor."

I close with gratitude to those, the many and the few, who have made these years for me most memorable. The language of the heart, which comes from the heart, is always simple, yet full of meaning. It requires no rhetoric—just one word: thanks.

Goodbye and fair sailing!●

A TRIBUTE TO ROBERT LAWRENCE APPLING

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. NICHOLS. Mr. Speaker, today I would like to pay tribute to an outstanding citizen of my home State of Alabama and the entire United States of America.

Throughout our history we have had many great leaders. Men and women who were willing to step out from the pack in times of peace and war to lead others in the right direction.

Robert Lawrence Appling of Irvington, Ala., is that type of person and one who I am proud to call a friend. Robert is combat veteran, who served his country admirably from 1943 to 1948 in World War II. During the important Battle of the Bulge he was severely wounded and required hospitalization for over 5 years, which resulted in the amputation of a leg. To many this accident would have served as a handicap but to Robert, it gave him inspiration for the many outstanding accomplishments that he would make after the war.

Since that time Robert Appling has served as a Mobile County Sheriff's Deputy and court bailiff and has been active in numerous civic activities. He has been the recipient of numerous awards and honors including the 1973 Mobile Jaycee Outstanding Law Enforcement Award, the 1981 American Legion Governor's Alabama Veteran of the Year Award, and has been an active member in the National Fraternal Order of Police, which presented Robert with the "Mr. Fraternal Order of Police for the United States." This is one of the highest honors presented to a member.

Mr. Speaker, I am proud of the accomplishments Robert Lawrence Appling has made in his career of public service to the people of this Nation and want to wish him continued success in the future.●

WHERE'S THE PRICE INCREASE?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. DINGELL. Mr. Speaker, much discussion and debate is being generated over the advisability of extending the current Voluntary Restraint Agreement (VRA) between the United States and Japan when the VRA expires on March 31, 1985. The VRA will limit exports of automobiles produced in Japan to the United States to 1.85 million vehicles between April 1, 1984, and March 31, 1985.

U.S. Trade Representative William Brock recently stated that the United States should not renew the VRA for a fifth year because the agreement has resulted in "substantial" increases in automobile prices. Contrary to Mr. Brock's assertion, car prices have not risen in the proportion which he claims, and, furthermore, those automobile price increases which have occurred have not been directly attributable to the VRA. The fact of the matter is that since the restraints were agreed to several years ago, automobile prices have gone up by a lower percentage than the Consumer Price Index. In the case of small cars, where competition with the Japanese is greater, prices went up only half as much as car prices in total.

This point is underscored in a May 11, 1984, Washington Post op-ed column written by Mr. David N. McCammon, vice president-controller of the Ford Motor Co. Mr. McCammon

points out that claims that automobile prices have increased 35 percent since the Japanese agreed to the VRA 3 years ago and that the VRA has cost the car-buying public $5 billion more than it would have had to pay without the import restraints are clearly erroneous. He states that the statistics referred to by critics of the VRA are derived from a single study funded by the Japan Automobile Manufacturers Association and prepared by the Wharton Econometric Forecasting Associates. Mr. McCammon states that:

Since the restraints took effect in April 1981, the new-car part of the Consumer Price Index has risen about 4 percent a year—which is half a point below the CPI increase of 4.5 percent for all items.

Mr. McCammon adds that:

In the 4 years before restraints (April 1977-March 1981), the average price increase for new cars was about 7 percent. After restraints (April 1981-March 1984), the average price increase for new cars was about 4 percent.

As the debate continues as to whether the VRA should be extended for an additional year, I believe it is essential that we look at the facts as they are, and not the way a particular interest group would want them to be construed. I commend my colleagues to read Mr. McCammon's comments.

[From the Washington Post, May 11, 1984]

AUTO PRICES HAVEN'T SOARED

(By David N. McCammon)

The debate on the impact of Japanese auto restraints has reached a crescendo in recent weeks. Unfortunately, more heat than light has been generated, and a lot of confusion has resulted—particularly regarding car prices.

The U.S. automobile industry has not "put one over" on the consumer. The American public has not been "had," as one prominent U.S. official has claimed.

Car prices have not risen 35 percent since the Japanese agreed to voluntary import restraints three years ago. Import restraints have not cost the car-buying public $5 billion more than it would have paid without restraints.

These are the claims being circulated widely, and they are just plain wrong. Much of the support for them is drawn from a single study, funded by the Japan Automobile Manufacturers Association and prepared by Wharton Econometric Forecasting Associates.

Here are the facts. Since the restraints took effect in April 1981, the new-car part of the consumer price index has risen about 4 percent a year—which is half a point below the CPI increase of 4.5 percent for all items. This is just the reverse of the conclusion reached by the Wharton Econometric study. I don't know where they got their figures. They haven't been able to explain them.

We got our figures from the Bureau of Labor Statistics, which is known for its scrupulous care in gathering and reporting such statistics. Still, major newspapers and television networks have reported the Wharton study and have therefore given credence to the wrong numbers.

Another claim, that the rate of car price increases has accelerated since restraints began, is just the reverse of the truth. In the four years before restraints (April 1977-March 1981) the average annual price increase for new cars was about 7 percent. After restraints (April 1981-March 1984), the average annual price increase for new cars was about 4 percent.

Furthermore, the prices of American small cars, such as the Escort, that compete directly with Japanese imports, have risen only about 2 percent per year, or a total of only $400 a car over the last three years. This increase recovered less than half the cost of inflation.

It is wrong on the face of it, then, to contend, as some have done, that restraints have driven up the price of cars by $500 a unit or by $5 billion in total.

The most detrimental implication of Wharton Econometrics' study, then—that restraints have added $5 billion to the price tag of cars bought by the American public—is sheer nonsense.

Yes, customers are paying more for cars today. But this has nothing to do with the restraints. Normal inflationary pressures have pushed up prices of cars, but not as much as for the total of all goods and services.

At the same time, there has been a major shift in demand by consumers from smaller, less expensive cars to larger, more luxurious cars—as their concerns about fuel shortages declined, the fuel economy of larger cars improved and the economy turned around.

It makes no sense to treat the customers' shift to larger cars as a price increase—just as it would be senseless to conclude that the price of meat goes up when customers shift from Big Macs to filet mignon. The confusion results when individual car prices are not distinguished from the average price paid for all cars. This is apparently what the Wharton study failed to do; unfortunately it has been accepted uncritically.

The debate on the continuation of voluntary restraints has raised serious questions. I can certainly understand the public concern about these complex issues. My only plea is that we base our positions on fact, not fiction or political rhetoric.

The consumer has benefited from the money auto companies have been able to invest in new products, higher quality and improved fuel economy. As a result, American cars and trucks provide better value today, and thousands of American cars and trucks provide better value today, and thousands of American jobs have been saved. Corporate red ink was turned to black after three depression years, and employees of U.S. auto companies have shared the profits, a concept that we initiated at Ford.

High pricing did not cause the turnaround. The turnaround occurred largely as a result of major cost reductions, volume increases, and our new spirit of labor-management cooperation. I'd say that should be cause for national pride—not the bum rap the U.S. automobile industry is getting.●

NATIONAL NEIGHBORHOOD HOUSING SERVICES WEEK

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. MINETA. Mr. Speaker, I urge my colleagues to join me in support of House Joint Resolution 566, which declares "National Neighborhood Housing Services Week" beginning on October 7, 1984. This resolution honors and strengthens a national network of neighborhood revitalization programs at work in 200 communities throughout the country.

Neighborhood Housing Services (NHS) is the largest neighborhood-based network of private-public partnerships at work in our country today. Their mission is to revitalize neighborhoods for the benefit of those currently living and doing business there. They have a 12-year track record of success generating over $2 billion in reinvestment into neighborhoods that were previously being abandoned. These neighborhoods are now being "turned around" by local Neighborhood Housing Services partnerships into vibrant, healthy places in which to live and do business.

At the heart of each NHS is a working partnership of residents, local business leaders, and local government representatives who contribute hundreds of volunteer hours each year. Since these programs are supported by voluntary contributions, broadened public awareness is critical for their expanded service. A "National Neighborhood Housing Services Week" would increase awareness of NHS work, while at the same time recognize and encourage the thousands of volunteers who contribute time, energy, and resources to improve the quality of life in communities throughout America.

I hope my colleagues will join me in designating the week of October 7, 1984, as "National Neighborhood Housing Services Week." Passage of House Joint Resolution 566 will significantly strengthen an effective neighborhood revitalization effort which is saving hundreds of neighborhoods—a priceless resource which billions of dollars could not replace.●

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1984

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Ms. MIKULSKI. Mr. Speaker, today our world is still tragically beset with military conflict, poverty, and hunger. As technology advances and trade increases, our world becomes ever smaller. In no time at all, a local military conflict can become a superpower confrontation. Like it or not, what happens out in the rest of the world does affect us. Unfortunately, conflict and suffering continue to play a major role in the world scene.

Congress, therefore, has a responsibility, through the foreign aid bill, to insure that our country's influence in world affairs remains strong and hon-

orable. It must protect allies and reward efforts for peace and human rights. It must also contain resources necessary to combat poverty and hunger.

I would like to comment on certain components of the bill:

CENTRAL AMERICA

I firmly believe we must place any military aid to El Salvador under conditions requiring passage of a congressional joint resolution. All military aid to El Salvador should be conditional on improvements in human rights and political developments in El Salvador. I supported the Studds amendment that would have done just that, and opposed amendments to circumvent our human rights objectives.

ISRAEL

I support continued strong and consistent aid to Israel. As a strong democracy and ally of the United States, Israel is a friend we must stand by. The fact that Israel is continually threatened by hostile nations in a volatile part of the world, makes our assistance all the more important.

I have, therefore, supported the foreign aid bill (H.R. 5119) which authorizes $2.5 billion in economic and military grants for Israel. These funds are essential if Israel is to maintain a viable economy and a strong national defense.

PLO

Because of my strong concern for Israel's security and my conviction that we must continue our fight against terrorism, I also strongly supported provisions of the foreign aid bill which deals with the Palestine Liberation Organization (PLO). These provisions prohibit U.S. funding for the PLO through international organizations or through the funding of programs that provide political benefits to the PLO.

I also supported this bill because it codifies existing U.S. policy prohibiting negotiations with the PLO so long as the PLO refuses to recognize Israel's right to exist, refuses to accept U.N. Security Council Resolutions 242 and 338, and refuses to renounce the use of terrorism.

JORDAN

The foreign aid bill requires that before Jordan can obtain U.S. advanced aircraft, new air defense weapons systems, or other new and advanced military weapons systems, the President must certify that Jordan is publicly committed to the recognition of Israel and is prepared to enter into direct negotiations with Israel. I strongly support these conditions.

CYPRUS/TURKEY

I believe we must send a clear signal to Turkey through reduced aid, to emphasize our opposition to Turkey's intransigence on the issue of Cyprus. Turkey must renounce its recognition of the self-declared Independent Turkish State of Cyprus, and remove the Turkish troops that currently occupy that part of Cyprus.

I supported the Feighan amendment to the foreign aid bill, which reduced military aid to Turkey, and set conditions on part of that aid dependent on progress toward a settlement of the Cyprus dispute.

GREECE

The foreign aid bill which I supported authorized $500 million in foreign military sales guaranteed loans to Greece. The bill also provides funds for international military and education training assistance to Greece.

PHILIPPINES

We must make every effort to support improvements concerning human rights in the Philippines. Our foreign aid bill should make any aid to the Philippines conditional on their human rights progress. That is why I supported the Hall amendment to eliminate the $25 million in grant military assistance to the Philippines.

AFRICA

The situation in Africa is critical. I support the provisions in the foreign aid bill that authorize the necessary funds to bring relief to the millions of people who are suffering from drought and famine. The health problems are enormous, and must be addressed.

CHILDREN

The foreign aid bill establishes the Child Survival Fund and authorizes $25 million for programs dealing directly with the special health needs of children and mothers. Each day, 40,000 children die in Third World countries of diseases that could be prevented if the right resources were available. The Child Survival Fund would provide the resources necessary to help the tragic situation. Most of the children in the Third World die of dehydration. Fortunately, a new process called oral rehydration therapy is now able to help these children, and this program would be funded by the Child Survival Fund.

The foreign aid bill also provides $53.5 million for the United Nations Children's Fund (UNICEF). UNICEF provides humanitarian and developmental aid to children and mothers in 115 countries. The main purpose of UNICEF is to insure that primary health care is available to afflicted children and mothers in the Third World. The children of the world deserve our attention and care. The foreign aid bill provides the funding so that we can act to help the needy children around the world.

The foreign aid bill represents America's role in the world, not only for today, but for the future as well. We must stand for what is right and just. The responsibility is great, but we welcome the challenge.●

NATION'S NURSING HOMES DESERVE OUR THANKS

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. DAUB. Mr. Speaker, National Nursing Home Week presents us with an appropriate opportunity to recognize the outstanding services performed by the dedicated individuals who staff and administrate our Nation's nursing homes.

The modern nursing home is both an active community and an important link in the health care chain. This dual role presents the nursing home's staff with a dual challenge—first, organizing activities that run the gamut from bingo games to religious services and outings, and second, providing care that ranges from a helping hand in the middle of the night to intensive physical therapy.

Their work is both physically taxing and emotionally draining, and it takes a special and caring individual to daily provide these vital services to the handicapped and elderly residents of the home.

Our nursing homes deserve the strong support of the residents' families; a home that has that support and participation from the families can give even better care to their residents. Like our schools, family involvement can make the difference.

It is a privilege to take this opportunity to recognize our Nation's nursing homes, to commend their staffs and administrative personnel, and to thank them for their selfless hard work in behalf of countless older Americans.

THE NEED FOR THE MX MISSILE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. COURTER. Mr. Speaker, yesterday the House of Representatives debated and voted on the MX missile, a subject that has been debated numerous times before in this body.

A number of amendments on the MX came up yesterday. The President had one proposal—40 MX missiles to be procured in fiscal 1985; the House Armed Services Committee another—30 MX missiles; Representative NICHOLAS MAVROULES wanted to delete funding completely; while Representative LES ASPIN offered a compromise in which 15 missiles would be procured, but only if the Soviets do not come back to the bargaining table. Considerable confusion arose as to whether or not a vote for the Aspin compromise

proposal was a vote for the MX missile or not.

I voted in favor of the amendment because it was the closest viable option to the recommendation of the House Armed Services Committee, of which I am a member. I believe that we need the MX missile—to give the Soviets the incentive to negotiate, and if they do not, to counter the Soviets' relentless modernization and expansion of its strategic nuclear arsenal.

The Soviets walked away from the negotiating table. What could possibly convince them to come back when they see the Congress on the verge of canceling all the MX missiles? What do they have to negotiate?

In intercontinental ballistic missiles, the Soviets have 520 SS-11's with one warhead each; they have 60 SS-13's, with one warhead each; they have 150 SS-17's with four warheads each; they have 308 SS-11's with 10 warheads each; and they have 360 SS-19's. The Soviets are also building two new generations of ICBM's—the SS-X-24 and the SS-X-25. And the SS-18, 19, 24, and 25 all have greater accuracy than our Minuteman III. Without any corresponding Soviet concessions, this is a main reason for the need to press forward with the MX.

As my colleague and friend Representative KEMP said yesterday: "If we cancel the MX and the Soviets continue to build, that is not arms control; that is appeasement."

Some of my colleagues argue that the MX is a vulnerable system and does not enhance our security. I believe that the MX contributes to stability between the United States and the Soviet Union. The debate on the MX must be viewed in the context of the other legs of our strategic triad. The triad consists of the land-based ICBM's, the submarine-launched missiles, and the penetrating manned bombers.

There is a synergistic effect between the three legs of our triad. Each leg has certain properties that are not the same, and that is very important. We cannot abandon the land-based leg of that triad while the Soviets continue to build, build, build. Once the Soviet Union is able to channel its resources on only one leg of the triad, the vulnerability of that leg increases. That is what increases the chances of a first strike, not modernizing the land-based leg of our triad.

The amendment that was passed offers the Soviets the carrot as well as the stick; we are putting them on notice that we want to negotiate, and are eminently reasonable and willing to make concessions if they negotiate in good faith. But those are our intentions. The Soviets were the ones that walked away from the bargaining table. They have devoted great resources modernizing the land-based leg of their strategic nuclear forces, while we have deployed no new land-based strategic missiles for the last 10 to 15 years.

We must give the Soviets the incentive to negotiate. In the face of the relentless Soviet buildup, we must modernize our forces to preserve deterrence, making certain that war will never occur. That is the great strategic paradox: To prevent war, we must convince our adversaries that they will not profit from conflict. This applies to the conventional as well as the nuclear arenas.

No aim is more important to me than securing a truly equitable and verifiable nuclear arms reduction treaty that does not jeopardize our own security. I will continue to support those initiatives and national policies which, I feel, seek to strengthen security and, at the same time, allow us to reduce in a meaningful and realistic manner the chances of a nuclear war. It gives us the best chance to negotiate real reductions with the Soviets, and get rid of as many of these weapons as possible—on both sides. This is why I voted for the carrot-and-stick approach on MX last night.●

MARGUERITE G. COURSON: CITY CLERK, CITY OF BUENA PARK

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. PATTERSON. Mr. Speaker, I am proud to call to the attention of my colleagues the outstanding service given by Marguerite G. Courson throughout her tenure as the city clerk for the city of Buena Park. As the congressional representative for the city, I have appreciated the many hard-working and capable people at city hall to whom I have turned for assistance. Mrs. Courson is one such person, and she is further distinguished by her long record of public service.

May 18, 1984, marks her 30-year anniversary of dedicated service to the city, and it is a fitting tribute that the city of Buena Park has chosen to honor her tonight before city leaders, city staff, and other guests. Mrs. Courson began her career as a secretary to the city manager. Early on, her abilities were recognized and she was promoted to the position of deputy city clerk. Just as quickly, she again was promoted to city clerk where she has served with honor since 1956. Her advancement came as a surprise to her because she had never set her sights on attaining this prestigious role.

During her 30 years of service, she has seen her city grow from a population of 10,221 to its present size of over 64,000. City hall has also grown to meet the demands of its citizens from its original staff of only a dozen employees to well over 500. Mayor Don R. Griffin also recalls this rapid change and pays tribute by noting:

> Marguerite has overseen 15 municipal elections and has worked with a total of 30 different council members and 11 city managers. She has literally kept this city together through many changes of administration.

He also cites that Marguerite is the first employee to reach this 30-year milestone.

Mrs. Courson notes one of the most challenging times of her career came during two recall elections, and it was her responsibility to insure the elections ran smoothly and without error. It is because of her professional integrity that citizens are better able to work together, despite their differences, in the spirit of community improvement.

Mrs. Courson has served with great distinction, loyalty, commitment, and competence. It has been my pleasure to represent her in Congress, and I offer her my warmest thanks and congratulations for the recognition she will be receiving on this, her 30th anniversary with the city of Buena Park.●

FRESNO: A PROUD CITY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. COELHO. Mr. Speaker, a recently conducted, and unfortunately well-publicized survey of the Nation's 277 largest cities by a State University of New York professor has ranked Fresno, Calif., as the worst city in the United States in which to live.

I would like an opportunity to rebut this study's findings, although my defense of Fresno should not be necessary—in fact, Fresno is an outstanding city, and the achievements of the community and the many proud Fresno residents are what should be publicized. The survey which unfairly labeled Fresno as the worst city in the Nation was based on statistical data, and the attitudes of 1,122 upstate New York residents. With all due respect to my colleagues from New York, one small group of people from that State is not, and should not be interpreted as representative of 220 million Americans.

The city of Fresno is the eighth most populous city in California, and has grown to the 65th largest in the United States. The county's growth rate of 20 percent certainly is not a result of a public perception as Fresno being a bad place to live. Located in the heart of the San Joaquin Valley,

Fresno also offers access to the beauty of the Yosemite, Sequoia and Kings Canyon National Parks, the Pacific Ocean, and the business and cultural centers of San Francisco and Los Angeles—all, just a few hours drive away.

Fresno, however, does not live in the shadows of its neighbors. The residents of the San Joaquin Valley recognize Fresno as their major center for business, education, transportation and cultural needs. The Metropolitan Museum of Art, Science and History was just recently opened in the downtown area. California State University, Fresno continues to grow, and receive recognition for its many contributions to academic progress. The growth in the city's population is expected to be accompanied by an ever-expanding employment demand for both manufacturing and service industries. And of course, Fresno continues to be the agribusiness capital of the world.

True to their spirit and community pride, Fresnans are not letting this label as the worst of the worst get the best of them. The citizens of Fresno, after having their hometown so unfairly characterized, are resolved to show the Nation just how great a community Fresno really is. That should not be too difficult, as Fresno offers much to be proud of.●

RECOGNITION OF THE CELEBRATION OF ITALIAN HERITAGE MONTH IN AUBURN, N.Y.

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. HORTON. Mr. Speaker, Members of the House, I would like to take this opportunity to commend to your attention the Italian Heritage Month celebration taking place in my congressional district. This celebration highlights the contributions which the Italian-American community has made to the growth and development of our Nation.

The month of May has been designated as Italian Heritage Month by the citizens of Auburn, N.Y. This celebration, which involves the entire community, includes a month-long exhibit in the Cayuga County Museum of History and Art, special lectures, films, entertainment, slide shows, and other events detailing the contributions of local Italian Americans.

Italian Americans comprise one of the largest ethnic groups in Auburn, N.Y. Their leadership, dedication, spirit, and sacrifice have, in no small way, played an important role in the strength of their community. It is with great pleasure that I join my constituents in recognizing the importance of the Italian American community and the significance of their contributions and achievements.●

THE SOVIET BOYCOTT OF THE OLYMPICS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. BROOMFIELD. Mr. Speaker, as one who believes that politics and the Olympics should never be mixed, I deeply regret the recent Soviet decision. Let us hope that they will reconsider and participate.

I have always felt that talented athletes should not be denied opportunities to participate in great international athletic events because of political concerns. For this reason, I opposed President Carter's decision not to participate in the 1980 Olympics. I fully understand that his decision was brought about by the tragic Soviet invasion and occupation of Afghanistan the previous year. I clearly advised the administration at that time that all nations should separate politics from athletics.

The recent Soviet decision appears to be a purely political one, however. Our country obviously did not engage in any international activities comparable to the illegal occupation of an independent country. The Soviets' requests regarding their Olympic programs were fully met.

Our Government permitted the Soviets to bring in a cruise ship for their athletes, and gave special landing rights to the Soviet Airline Aeroflot.

The Olympic planners were extremely sensitive to Soviet security concerns. Extensive discussions on this topic were held. The Soviets still claimed that the safety of their athletes could not be guaranteed. I understand that the Kremlin was concerned about the possibility of Soviet athletes defecting. They wanted our Government to guarantee that no defections would occur. I know for a fact that the question of security received much attention by the Olympic planners and by our Government. Countless hours of planning and millions of dollars have already been spent.

I personally believe that the Soviet accusation about inadequate security is absurd. I think that the Soviet decision to boycott the Olympics was purely a political one.

I hope that the Soviets reconsider their decision. The spirit of the Olympics must be preserved free from political manipulation.●

TRIP TO CHINA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. GEKAS. Mr. Speaker, recently our newspapers and airwaves were full of stories about President Reagan's trip to the People's Republic of China (PRC). By most accounts, the President's mission to China was successful, and improved the ties between our Nation and that of the PRC. Despite this increased attention and diplomatic activity our country has devoted to China, we must not forget our longtime friend and ally Taiwan, who has not yet resolved its differences with the PRC.

We have enjoyed fruitful relations with Taiwan for many years, relations that have proven mutually beneficial. Although the basic realities of today's world dictates an improving of our relations with the PRC, it should not be at the expense of a reliable and strong ally in the same region. We should always keep in mind that attempts to balance our foreign policy toward the two Chinas should not jeopardize the security of Taiwan in the process.

Soon, President Chiang Ching-kuo will be sworn in for a second term as President of the Republic of China. To congratulate the President for the conclusion of his first term, and to wish him good fortune in his next years in office, many Members of Congress have cosigned a letter to President Chiang Ching-kuo. We are fortunate in that a good personal friend, Dr. Nathan Mao of Shippensburg University in Pennsylvania, will be able to personally deliver the letter to the President on a journey to Taiwan this week.

In our world community we are often uncertain as who will support the United States in times of trouble and who will not. It is certainly reassuring to know that we can depend on the friendship of our strong ally Taiwan, and as we have stated in the letter to President Chiang Ching-kuo, we hope that "the bonds of respect and friendship between our two peoples will be strengthened as never before."●

UNITED STATES-BRITISH RELATIONS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. WINN. Mr. Speaker, in the past, some of us in Congress have expressed disappointment that Western European officials have not made a better

case for stronger ties with the United States, particularly during recent months when an anti-American mood seems to have swept across Europe. That is why I was pleased to hear that Britain's Prime Minister Margaret Thatcher, in a speech about relations between Europe and the United States, sent an extremely important message to her countrymen.

Prime Minister Thatcher recognizes that strong ties between our two nations are fundamental to good United States-European relations and, ultimately, the solidity of the North Atlantic Treaty Organization. She stressed her belief that Europeans cannot go on drawing on American good will and generosity without trying to understand American concerns and the burdens which fall to Americans. Despite doubts by some about the wisdom in maintaining strong ties with Great Britain, I was encouraged by Prime Minister Thatcher's remarks, for they demonstrated not only leadership but a willingness by Great Britain to improve its partnership with the United States. That message is good news for the United States, as well as all people throughout the world who share our dream for a prosperous, free world.

The following is an extract from the speech made by Prime Minister Thatcher to the Conservative Party in Perth on May 11, 1984.

EXTRACT FROM A SPEECH MADE BY MRS. MARGARET THATCHER TO THE CONSERVATIVE PARTY IN PERTH ON MAY 11, 1984

Once we settle Europe's internal problems, Europe can look more to its global responsibilities. We are part of the free world. We must act with the free world. And that means, first and foremost, that we should work with our great ally across the Atlantic, the United States. Where would Europe have been in that most difficult and dangerous period after the last war without America? Where would we have been since without America's massive contribution to freedom and security of Europe?

We cannot go on drawing endlessly on American goodwill and generosity without ourselves trying to understand their concerns and the burdens which fall to them. For they are the champions of all the beliefs and ideals which we cherish most deeply.

I believe profoundly that the alliance between Europe and the United States is vital to the defence of the free world. Conservatives will work for a Europe which is a strong partner of the United States and which uses its experience and an increasing part of its resources, to reduce the areas of tension and conflict, to improve the prospects for the poorer countries and to defend and spread beliefs and ideals which are shared by the Western democracies. That is our vision for Europe.●

U.S. TAX DOLLARS USED TO SUPPORT CANDIDATE IN CENTRAL AMERICA

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. PAUL. Mr. Speaker, it was reported last week that $2.1 million in U.S. tax dollars were used to influence an election in Central America, and not even used in support of the staunchest anti-Communist candidate.

This is an outrage. If an American politician accepted any foreign money for campaign purposes, it would be a criminal offense and he would find himself in jail.

No wonder our prestige and respect around the world suffer. By what right do we feel we can attempt to influence covertly elections in other nations? This was not even done with a consensus—it was carried out covertly and illegally.

It is morally wrong to be meddling at all, but even if meddling in other elections were proper, by whose authority do we pick the candidate? Why were the other candidates rejected outright? It borders on pure arrogance on our part to think we have the right and the obligation to interfere with the free elections of another nation.

This was all done in the name of human rights. But the other candidates also claimed to pursue policies designed to protect human rights. I would like to know when all the demagoguery will end, and the human rights of the American taxpayers and the security of this Nation will determine U.S. foreign policy.●

REMARKS OF JOHN O. MARSH, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 17, 1984

● Mr. WOLF. Mr. Speaker, I am pleased to present for the RECORD remarks by Hon. John O. Marsh, Jr., Secretary of the Army at the Virginia Chamber of Commerce's 36th Annual Virginia Congressional Dinner which was held on April 30, 1984. Secretary Marsh has a distinguished record of public service which includes the four terms he served as the Representative of the Seventh District in Virginia from 1963 to 1971. Secretary Marsh's remarks follow:

WHAT'S AT STAKE?

(By John O. Marsh, Jr.)

This coming June the 6th marks the 40th anniversary of the invasion of Normandy.

As Virginians, we should remember in the initial assault on Omaha Beach, there were only two National Guard units, both were from Virginia. The 116th Infantry, the Stonewall Brigade, from the Valley, Central and Southside Virginia, and the 111th Field Artillery from Richmond, Fredericksburg, and the Tidewater.

D-Day should teach us we have an interest in what happens in the rest of the world. Because what happens there can help or hurt us.

It is to our advantage this planet be a stable place, and that it be a place of peace, with freedom under law.

To that end, we must understand there is a direct relationship between defense. Your security, and your economic endeavors.

I was asked to speak to you this evening about National Defense.

It is my hope that I can give you some background that will enable you to better understand the reasons for the President's program.

The Commonwealth of Virginia has played a great role in the building of the Republic. We have a great responsibility for its preservation.

When compared to other national capitals, in the words of "America the Beautiful," Washington seems to be the city of the patriot's dream which "gleams undimmed by human tears."

But for much of the planet Earth, it is a world of tears, of turmoil, and conflict.

The stakes are high. America, with its material and human resources, finds its leadership challenged and its vital interests threatened.

This century has seen the birth of a new colossus. One driven by an alien ideology. It draws its strength from the force of arms. It has waged ruthless aggression on its neighbor States. From its Eurasian power base, the Soviet Union now leap-frogs its power to the four corners of the globe, and threatens the peace of an insecure world.

Virginians have a respect for history. We know lessons of the past cannot be ignored. Neither in dealing with the Soviet Union can we ignore:

That in 1939 they entered into a nonaggression pact with the Nazis to partition Poland. In that same year they invaded Finland.

In 1940 they seized Latvia, Lithuania, Estonia.

In 1948 they tried to blockade Berlin.

In 1950 they supported the North Korean invasion of South Korea.

In 1953 they put down the popular uprising in East Germany.

In 1956 they brutally crushed the Hungarian Revolution.

In 1961 they built the Berlin Wall.

In 1968 they occupied Czechoslovakia to suppress the freedom being manifested there.

In 1979 they invaded Afghanistan.

And, the most recent flagrant example of their disrespect for human life and rights occurred last September when they shot down an unarmed Korean airliner, taking 269 lives. For those who feel this was a mistake—who think they have remorse or regret—I point out earlier this month, a senior official of the Soviet Government, in a public statement in Moscow, hailed the downing of the Korean Airliner

The Soviets have made Cuba into a Caribbean arsenal. Their intelligence collection station at Lourdes, near Havana, is the second largest they operate in the world.

They are the primary source of arms going into Nicaragua.

Cuban combat troops are their proxies in Angola and Ethiopia.

Soviet military representatives numbering about 20,000 are in nearly 30 nations as a part of their foreign military sales program.

They have supported both Iran and Iraq in a war that could destabilize the Persian Gulf. In the Middle East, they are responsible for the enormous military force developed by Syria.

Approximately 90,000 students from the lesser developed nations of the world study in the Soviet Union, the Bloc countries, or Cuba. Included are 14,000 from Central and South America. They will return to their countries to spread Marxist/Leninist doctrine, and they will be anti-American.

Why do we need a strong defense. Because the world is not at peace. There are 20 to 22 conflicts and insurgencies being waged in the lesser developed countries of the world. There are at least 15 other countries that are politically unstable which might destabilize and become insurgencies.

Latin America, Africa, the Middle East, Southwest Asia and Southeast Asia—these are targets of Soviet intrusion. Adventurism, and trouble making. These are areas vital to U.S. and free world interests.

To support these aggressive aims the Soviets have built a gigantic war machine and industrial complex to fuel it. Their army consists of 194 divisions. Ours has 24 with 8 in the National Guard.

In the last 25 years they have built a blue water navy for the projection of power to every ocean of the world. This month they conducted the largest naval exercise in their history in the North Atlantic and Norwegian Sea.

They have the world's largest military air force.

They have 371 submarines of which 64 can launch ballistic missiles. Our total submarine force is 133.

We are not dealing with a country with an ox cart technology. There are areas in which they have a technological lead over the United States.

It is estimated they have a 10-year lead in the casting of titanium, enabling them to build a submarine with diving depths well below conventional operations.

They are pressing ahead in the development of nuclear weapons. For example, they have operational 1,398 silo launches. Their ICBM's are considered to be at least as accurate as our Minutemen III's. Many of these missile systems have multiple reentry vehicles, each of which is a separate atomic projectile. Their SS-18's can carry 10 MIRV's and their SS-19's can carry 6. Our modern Minuteman has three. The SS-18's can neutralize 80 percent of our land-based ICBM's using two strikes per silo. This imbalance is why the President's MX program for a modern missile is so important.

To those who advocate a nuclear freeze, it should be pointed out that our stockpile today is one-fourth less than what it was in 1967.

They have about 50,000 tanks. We have nearly 12,000. Each year they out produce us by 1,600.

For effective deterrence it is not necessary we match the Soviets man for man, or tank for tank. But there are steps we must take to strengthen our defenses.

Significant gains have been made in recent years in the readiness of all of our forces. I can tell you there has been a quantum jump in the readiness of your Army. More remains to be done. These things that remain to be done are at the heart of the President's defense request.

Additionally, to help meet this threat, the NATO Alliance is vital, as well as our participation in it. This alliance has preserved the peace in Western Europe longer than any time since the Roman Empire.

There is another important dimension to national security. Economic stability is essential for a secure world, and it is necessary for a prosperous America.

For example, the oil embargo of 1973 had a worldwide impact. It contributed to instabilities in the Third World. It helped spawn insurgencies. This has been true in Central America.

Central America comprises the countries of Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama. As President Reagan has observed, the objective of the insurgency there is the entire region, not just El Salvador. The insurgent leaders also have said as much.

Backed by Cuba and the Soviet Union, Nicaragua is building the largest military force in Central America. More than 2,300 Cuban military advisers are in Nicaragua. About 7,000 other Cuban advisers are there to help the Sandinistas impose control on Nicaragua—to aid the infiltration of arms and equipment to El Salvador and other areas in the region.

Central America is not half a world away. It is on our doorstep. It is a vital area where nearly one-half of all U.S. foreign trade transits the Panama Canal and the Caribbean Sea.

We are citizens of an interdependent world. Vessels moving to and from the Old Dominion with raw materials and manufactured products have ports of call on every continent of the Earth.

For evidence of the enormous contributions Virginia ports make, look at the "Virginia Port Authority Foreign Trade Annual Report for 1983." The report states the total activity of the Port of Hampton Roads generated revenues of $1.8 billion. All Commonwealth port activities created 155,000 jobs, $3 billion in wages, and $307.5 million in tax revenues.

We are inexorably linked to far away places because there are 40 minerals and metals on which a modern industrial society depends. Without them you cannot have assembly lines or manufacture products.

The United States is more than 50 percent dependent on foreign sources for 23 of 40 critical materials essential to the U.S. economic and national security. However, of the same 40, the Soviets are completely independent for 35.

Freedom to transit the oceans of the world—to fly the airways that link continents is essential for reasons not directly related to defense. It is American foreign policy, backed by a strong defense policy that assists a Virginia businessman to move about the face of the Earth, to negotiate for raw materials, to sell manufactured products, and to engage in financial transactions that yield vast economic dividends for the Commonwealth.

Part of that defense policy is reflected by the fact that through alliances more than 42 percent of your Army is stationed overseas in strategic areas.

What really is at stake is not just Soviet military power—a threat we cannot ignore. Rather, it is the ultimate resolution of key social and political issues.

The conflict we are in, but did not choose, is a challenge of ideas and contrasting values.

What is at stake is personal freedom and liberty, the same stakes that Patrick Henry addressed in St. John's Church in Richmond. Governance in the 20th century is a struggle between the free society and the police state. Do we choose our leaders or are they chosen for us?

Therefore, how do we become more active players in the arena of national security affairs?

How can we better compete in the challenge of ideas?

First, the most powerful force in a democratic society is an informed public opinion.

Second, America is strong. We have available to us an abundance of material wealth and resources.

Third, untapped in the private sector, we have a vast array of human skills and talents that when marshaled are more than equal to the task.

I would like for you to consider two programs which the Virginia Chamber could lead in implementing. They are interrelated.

First, I urge you to sponsor in cooperation with other civic and trade associations in the Old Dominion, the "Virginia Forum on National Security." Perhaps this might be done in several places across the Commonwealth.

This Forum would assemble a cross section of key leaders for a 1-day seminar on Defense issues including economic concerns as well as national values.

The Chamber sponsored such a forum in the sixties where the Governor was a keynote speaker to an audience of about 600 blue ribbon members.

Secondly, in just over 2 years, America will mark the beginning of the Bicentennial of the Adoption of the Constitution and the Founding of the Republic. These will be events of enormous consequence, nationally and internationally. This bicentennial will attract worldwide attention. I urge this organization to play a key role in its commemoration.

Through the study of national security issues, essential to our survival, and the reexamination of our value system as expressed in the Constitution and the Bill of Rights, perhaps, we can forge an American strategy for human freedom, with an enlightened policy of economic development as we move to the year 2000.

In slightly more than 15 years, we end a century and close an age.

The die for the image of society in the year 2000 could well be cast in these few intervening years. Shall it be in the image of the American Republic with individual liberty, economic opportunity, and the pursuit of happiness, or shall it mirror the police state with regulated economies and totalitarian control of people?

How shall we start the third millennium?

Virginia is the cradle of freedom. Of the year 2000 I believe some historian in another day, and another age, shall write that in a time of national peril, when freedom was again threatened, citizens of America's oldest Commonwealth accepted the leadership that was their heritage, and through courage, dedication, and sacrifice, insured their country and its blessings of liberty would be not just the legacy of their children and their children's children, but the birthright of all mankind.●